



City of Westminster

# Committee Agenda

Title: **Planning Applications Sub-Committee (1)**

Meeting Date: **Tuesday 13th June, 2017**

Time: **6.30 pm**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Richard Beddoe (Chairman)  
Susie Burbridge  
Tim Mitchell  
Tim Roca

**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](mailto:tfieldsend@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

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

## **AGENDA**

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

#### **1. MEMBERSHIP**

To note any changes to the membership.

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

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

#### **3. MINUTES**

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

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

Applications for decision

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

- |  |                          |
|--|--------------------------|
| <b>1. 44 LINCOLN'S INN FIELDS, LONDON, WC2A 3PF</b>  | <b>(Pages 7 - 24)</b>    |
| <b>2. DEVELOPMENT SITE AT 1 1/2 QUEENS GROVE AND 12-22 FINCHLEY ROAD, LONDON, NW8 6EB</b>                                | <b>(Pages 25 - 58)</b>   |
| <b>3. PAYPHONE SITE OUTSIDE 18-20 EDGWARE ROAD, LONDON, W2 2JG AND 44 OTHER SITES THROUGHOUT THE CITY OF WESTMINSTER</b> | <b>(Pages 59 - 82)</b>   |
| <b>4. 39 WESTMORELAND TERRACE, LONDON, SW1V 4AQ</b>  | <b>(Pages 83 - 92)</b>   |
| <b>5. 15-18 PICTON PLACE AND 27-29A JAMES STREET, MARYLEBONE, LONDON, W1</b>   | <b>(Pages 93 - 118)</b>  |
| <b>6. 57-59 BEAK STREET, LONDON, W1F 9SJ</b>   | <b>(Pages 119 - 136)</b> |
| <b>7. THE PAVILION HYDE PARK, 1 SERPENTINE ROAD, LONDON, W2 2UH</b>  | <b>(Pages 137 - 156)</b> |

8. 34 WORONZOW ROAD, LONDON, NW8 6AT

(Pages 157 -  
186)

9. 12 MELINA PLACE, LONDON, NW8 9SA

(Pages 187 -  
208)

**Charlie Parker**  
**Chief Executive**  
**5 June 2017**

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# Agenda Annex

CITY OF WESTMINSTER  
PLANNING APPLICATIONS SUB COMMITTEE – 13th June 2017  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	<b>RN(s) :</b> 17/01479/FULL  St James's	44 Lincoln's Inn Fields London WC2A 3PF	Demolition of the existing building and construction of a ten storey building with two basement levels for education (Class D1) use	
<p><b>Recommendation</b> Grant conditional permission subject to the views of the Mayor of London.</p>				
Item No	References	Site Address	Proposal	Resolution
2.	<b>RN(s) :</b> 17/00938/FULL  Abbey Road	Development Site At 1 1/2 Queens Grove And 12-22 Finchley Road London NW8 6EB	Variation of Condition 2 of planning permission dated 2 November 2003 (RN: 02/06302/FULL) for the demolition of existing buildings and erection of residential building of 6-8 storeys comprising 66 apartments including 17 affordable units and provision of 64 parking spaces in two basements from RN 02/06302/FULL. NAMELY, to vary the hours of construction works that can be heard at the boundary of the site to allow works around the railway cutting to take place between 01.00 and 05.00 hours for a non-consecutive period of approximately 67 nights during the overall construction programme.	
<p><b>Recommendation</b></p> <p>1. Grant conditional permission, subject to completion of a deed of variation to the original legal agreement dated 6 November 2003 to secure the following additional planning obligations:</p> <p>i. Agreement to fund the provision of secondary glazing to rear windows of neighbouring properties in Pembroke Terrace, Bartonway and Balmoral Court and the front windows of properties in Queens Grove Court and Aspley House, for those flats that request it, so as to reduce noise disturbance during the course of the night time works. The night time works shall not commence until all secondary glazing to the flats where it is requested has been installed.</p> <p>ii. Agreement to fund the provision of temporary air conditioning during the period of the night time works (if any of the night time working occurs between 1 April and 31 September) for those properties in Pembroke Terrace, Bartonway and Balmoral Court with rear facing windows and those properties in Queens Grove Court and Aspley House with front facing windows, where the occupiers of those flats request it. The temporary air conditioning shall be provided within 3 working days of a written request from a neighbouring resident.</p> <p>iii. Cost of monitoring the additional heads of terms (£500).</p> <p>2. If the deed of variation has not been completed by 25 July 2017 then:</p> <p>a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;</p> <p>b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>				
Item No	References	Site Address	Proposal	Resolution

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3.	<b>RN(s):</b> 17/03735/TELCOM ,16/10277/ADV; 17/03736/TELCOM ,16/10282/ADV;17/03740/TELCOM,16/10265/ADV;17/0371/TELCOM,16/10253/ADV;17/03742/TELCOM,16/10267/ADV;17/03743/TELCOM,16/10281/ADV;17/03750/TELCOM,16/10271/ADV;17/03753/TELCOM,16/10276/ADV;17/03756/TELCOM,16/10266/ADV;17/03757/TELCOM,16/10378/ADV;17/03758/TELCOM,16/10283/ADV;17/03820/TELCOM,16/10288/ADV;17/03825/TELCOM,16/10285/ADV;17/03760/TELCOM ,16/11395/ADV;17/03803/TELCOM,16/10270/ADV;17/03815/TELCOM,16/10287/ADV;17/03816/TELCOM,16/10252/ADV;17/03804/TELCOM,16/11409/ADV;17/03805/TELCOM,16/11410/ADV;17/03807/TELCOM ,16/10212/ADV;17/03812/TELCOM,16/10234/ADV;17/03813/TELCOM,16/10231/ADV;17/03817/TELCOM,16/10227/ADV;17/03818/TELCOM,16/10237/ADV;17/03819/TELCOM,17/00742/ADV;17/03824/TELCOM ,16/10211/ADV;17/03827/TELCOM,16/11404/ADV;17/03832/TELCOM,17/03420/ADV;17/03738/TELCOM,16/10241/ADV;17/03749/TELCOM,16/10250/ADV;17/03751/TELCOM,16/10251/ADV;17/03830/TELCOM ,16/11396/ADV;17/03828/TELCOM,16/10245/ADV;17/03829/TELCOM,16/10	41 Payphone Sites outside :  Nos.18, 27, 54, 51-55, 97, 86-88, 143, 349, 438, 194-196, 308, 258 Edgware Road W2, W1H & NW1; 375 Harrow Road W9 3ND, 286 Harrow Road W2 5ES, 1-3 Craven Road W2 3BP, 1 London Street W2 1HR, 209 Baker Street NW1 6WZ, 6 - 10 Great Portland Street W1W 8QL, 10 Great Marlborough Street W1F 7LP; Nos. 4, 120, 315-319, 240, 233, 334-348, 451 508 - 520 Oxford Street W1; 93 – 107 Shaftesbury Avenue W1D 5DY, 102 Brompton Road SW3 1JJ, Atlas House, Victoria Street SW1E 5LA, 324 Vauxhall Bridge Road, SW1V 1AA , 77 Victoria Street SW1H 0HW, 153 Buckingham Palace Road SW1W 9UD, 22 Victoria Street SW1H 0NJ, 50-52 Buckingham Palace Road SW1W 0RN, 13 Great Newport Street WC2H 0BS, 105 Charing Cross Road	The installation of new telephone kiosks with integral LED advertisement panels and the removal of existing kiosks in various locations across the city.	Page 2
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247/ADV;17/03754/ TELCOM,16/11390 /ADV;17/03808/TE LCOM,16/10242/A DV;17/03810/TELC OM,16/10244/ADV; 17/03811/TELCOM ,16/10248/ADV;17/ 03759/TELCOM,16 /11408/ADV;17/038 26/TELCOM,16/11 389/ADV;17/03764/ TELCOM;16/11392 /ADV  Hyde Park Knightsbridge Vincent Square Bryanston and Dorset Sq St James's Marylebone High St Tachbrook West End Little Venice Westbourne Warwick	WC2H 0DT, National Audit Office 157- 197 Buckingham Palace Road SW1W 9SP; Noel Coward House Adj To Fairchild House Charlwood Street SW1V 2SW 39-40 Wilton Road SW1V 1LJ; 62 Knightsbridge, SW1X 7JF		
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**Recommendation**

For Sub-Committee's Views:

1. Does the Sub-Committee consider that the proposed package, for removing 193 existing kiosks and installing 45 new kiosks with LED advertisement screens, is acceptable?
2. Subject to (1) above, i) agree that prior approval is not required and ii) agree to grant conditional advertisement consent subject to the satisfactory completion of a Unilateral Undertaking to require the removal of all the existing 193 kiosks, a maintenance agreement for the new kiosks and retained K6 telephone kiosks, and fund the planting of 45 new street trees.

Item No	References	Site Address	Proposal	Resolution
4.	<b>RN(s) :</b> 16/12043/FULL  Churchill	39 Westmorelan d Terrace London SW1V 4AQ	Two storey infill extension at rear lower ground and ground floors with roof terrace at first floor level; extensions to closet wing at first and second floor levels; infill extension to front lightwell and lowering of basement vault. (Addendum report)	
<b>Recommendation</b> Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
5.	<b>RN(s) :</b> 16/00577/FULL  Marylebone High Street	15-18 Picton Place And 27-29A James Street Marylebone London W1	Demolition of existing mansard roof, erection of a new sheer storey extension at fourth floor level and a new two storey mansard roof in association with the creation of 5 flats, reconfiguration of all fourth floor flats within 29 James Street, 27 James Street, 17-18 Picton Place and 14-16 Picton Place.	

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			External alterations including the restoration of the front facades along James Street and Picton Place and restoration of shop fronts.	
<b>Recommendation</b> Grant conditional permission				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
6.	<b>RN(s) :</b> 17/02418/FULL  West End	57-59 Beak Street London W1F 9SJ	Dual/ alternative use of the basement and ground floor for either retail (Class A1) or restaurant (Class A3) purposes with associated shopfront alterations, relocation of existing plant and the installation of extract duct and screening at roof level and an air handling unit at rear first floor level.	
<b>Recommendation</b> Grant conditional permission				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
7.	<b>RN(s) :</b> 16/11998/FULL  Knightsbridge And Belgravia	The Pavilion Hyde Park 1 Serpentine Road London W2 2UH	Construction of a side extension to the sports pavilion and associated alterations including new doors, serving hatch, and ramped access to front and rear elevations.	
<b>Recommendation</b> Grant conditional permission.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
8.	<b>RN(s) :</b> 16/07787/FULL  Abbey Road	34 Woronzow Road London NW8 6AT	Variation of Condition 18 of planning permission dated 25.04.2005 (05/00580/FULL) for Demolition of existing house and erection of new house comprising basement, lower ground, ground and two upper storeys with plant room at basement level, raised terrace to rear and alterations to front boundary wall; Namely to amend elevational detailing to building, including to incorporate the single storey orangery extension to the south side of the building, amendments to the single storey wing on the south side, amendments to skylights/lantern lights and amendments to detailing of rear balustrading to terrace and rear garden steps.	
<b>Recommendation</b> Grant conditional permission.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
9.	<b>RN(s) :</b> 17/02119/FULL  Regent's Park	12 Melina Place London NW8 9SA	Variation of Conditions 2 and 3 of planning permission dated 16 August 2016 (RN: 16/01380/FULL) for erection of new part one, part two storey plus basement dwellinghouse (Class C3), alterations to front boundary, alterations to side boundaries with Nos. 15 and 17 Grove End Road and Melina Court and landscaping, including	



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			replacement tree planting. NAMELY, to amend the permitted hours of construction works to allow construction works between 08.00 and 13.00 on Saturdays and to amend the Construction Management Plan to allow deliveries to occur between 08.00 and 18.00 hours Monday to Friday (excluding bank holidays) and between 08.00 and 13.00 on Saturdays.	
<b>Recommendation</b> Refuse permission - on amenity grounds.				

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# Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 13 June 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>44 Lincoln's Inn Fields, London, WC2A 3PF</b>		
<b>Proposal</b>	Demolition of the existing building and construction of a ten storey building with two basement levels for education (Class D1) use		
<b>Agent</b>	Turley		
<b>On behalf of</b>	London School of Economics and Political Science		
<b>Registered Number</b>	17/01479/FULL	<b>Date amended/ completed</b>	8 May 2017
<b>Date Application Received</b>	21 February 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Strand		

## 1. RECOMMENDATION

Grant conditional permission subject to the views of the Mayor of London

## 2. SUMMARY

44 Lincoln's Inn Fields was purpose built as medical research laboratories (Class B1(b) in the 1960's and consists of ground and eight upper floors and three basement levels. The building is unlisted but adjoins the Grade II\* listed Royal College of Surgeons building at 43 Lincoln's Inn Fields to the east, the Grade II\* listed Old Curiosity Shop to the west and fronts on to Lincoln's Inn Fields (a Registered Park and Garden).

The LSE acquired the freehold of 44 Lincoln's Inn Fields in 2013 and the existing building now has planning permission for Class D1 education use (granted in October 2015). In 2016 the LSE launched an international design competition to find an architect to design a new building. The selected architects are Grafton Architects.

The proposed new ten storey building will provide additional education facilities for the LSE including a teaching and learning hub, accommodation for various academic departments and research centres, the Paul Marshall Institute for Philanthropy & Social Entrepreneurship and a sports hall, associated sports facilities and arts rehearsal spaces in the basement.

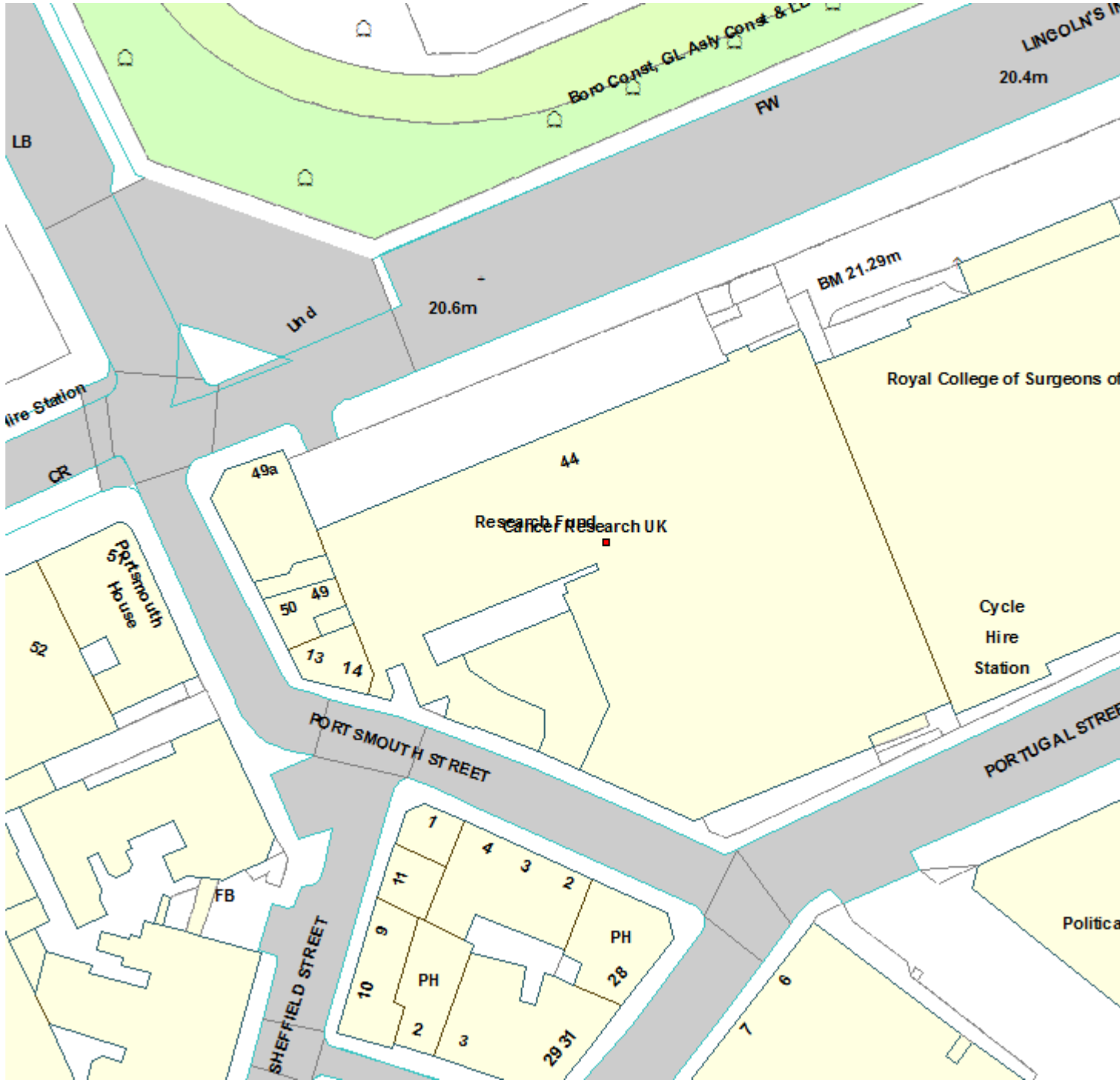
The key issues to consider are:

- The impact of the height, form and design of the new building on the character and

- appearance of the conservation area and on the setting of adjacent listed buildings
- Highways issues, particularly servicing and deliveries and the potential impact on other road users in the vicinity of the site

For the reasons set out in the report, the proposals are considered to be acceptable and in accordance with relevant development policies, subject to appropriate conditions.

### 3. LOCATION PLAN



4. PHOTOGRAPHS



View south-eastwards from Lincoln's Inn Fields



View south-westwards from Lincoln's Inn Fields



View of rear from John Watkin's Plaza

## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY (GLA)

The application is strongly supported in strategic planning terms subject to further discussions with the applicants to determine whether a financial contribution is required towards expanded cycle hire docking stations and Legible London signs; clarification is required regarding the modelling of emissions from the proposed biofuel CHP and gas boilers; a travel plan, delivery and servicing plan and construction management should be secured by conditions.

### TRANSPORT FOR LONDON (TfL)

Request that a travel plan which includes measures to i) discourage car based travel and ii) monitor the use of cycle parking spaces so that more short stay spaces can be created if needed, a delivery and servicing plan and a construction management plan are all secured by condition and that the applicant makes a financial contribution to increase cycle docking station provision in the area.

### HISTORIC ENGLAND

No objection to the demolition of the existing building. Whilst the design of the replacement building appears to be of a high quality, there are concerns about the impact of the building on the surrounding conservation areas and on neighbouring listed buildings particularly on the setting of the grade II\* listed Royal College of Surgeons. Recommend that a reduction in height is negotiated and also that the front boundary treatment to Lincoln's Inn Fields reflects the general treatment of front boundaries within the square i.e. high quality railings.

N.B. The scheme has been revised to reduce the height of the building and to incorporate railings to the front

### HISTORIC ENGLAND (ARCHAEOLOGY)

The site is located within the Lundenwic Archaeological Priority Area. There is the potential for survival of post-medieval and also Saxon remains, therefore a condition is recommended requiring archaeological evaluation and investigation.

### ENVIRONMENT AGENCY

Any response received to be reported verbally.

### CITY OF LONDON CORPORATION

Do not wish to make any observations on the proposal.

### LONDON BOROUGH OF CAMDEN

Any response received to be reported verbally.

### METROPOLITAN POLICE

No objection

### WESTMINSTER SOCIETY

The proposals are welcomed.

**HIGHWAYS PLANNING**

Object to the loss of the existing off-street service area and the proposal to service the development from the public highway on Portugal Street but recognise that the previous B1(b) research and development use generated more servicing trips than the proposed D1 use therefore request that a servicing and delivery plan is secured by condition and that this includes details of how and where deliveries are received for the LSE campus as a whole.

Also request conditions to secure i) additional cycle parking (to meet London Plan standard), ii) a travel plan and an informative re: the requirement for redundant drop kerbs to be raised as part of the development.

**CLEANSING**

The proposed ground floor waste store is large enough to accommodate the waste expected from the development but the replacement building should be redesigned so that waste can be loaded off-street into the waste collection vehicle.

**ENVIRONMENTAL HEALTH**

No objection subject to conditions

**ARBORICULTURAL MANAGER**

Any response received to be reported verbally

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 64

Total No. of replies: 2;

One letter of comment from the Royal College of Surgeons – the demolition and construction of this development and their own redevelopment next door at 35-43 Lincoln's Inn Fields should be carefully assessed and mitigated

One letter of support from 61 Lincoln's Inn Fields – the new building will be a pleasant architectural addition compared to the existing building.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**6. BACKGROUND INFORMATION****6.1 The Application Site**

44 Lincoln's Inn Fields is a 1960's building consisting of ground and eight upper floors and three basement levels. The building was purpose built as medical research laboratories (Class B1(b)) for the Imperial Cancer Research Fund (ICRF) and was opened by the Queen in 1963. A new extension was built next door, doubling the size of the laboratories, and opened in 1973. A further infill extension was added on Portsmouth Street in 1975.

The LSE acquired the freehold of 44 Lincoln's Inn Fields in 2013 but the building continued to be occupied by Cancer Research UK until last year (2016) when CRUK



moved into the new Francis Crick Institute building behind the British Library near St Pancras.

The building is unlisted but adjoins the Grade II\* listed Royal College of Surgeons at 43 Lincoln's Inn Fields to the east and the Grade II\* listed Old Curiosity Shop at 13-14 Portsmouth Street to the west.

The building is located on the south-west side of Lincoln's Inn Fields (a Registered Park and Garden). The building has an open courtyard in the centre of the site and rear, street elevations on to Portsmouth Street and Portugal Street within the LSE campus.

The site is located within the Strand Conservation Area and Lincoln's Inn Fields forms part of the Bloomsbury Conservation Area (LB of Camden to the North). The site is also within the Core Central Activities Zone within an area characterised by academic (the LSE campus) and legal uses.

## 6.2 Recent Relevant History

Planning permission was granted on 7 October 2015 for use of the existing building for educational purposes (Class D1) (15/05958/FULL).

## 7. THE PROPOSAL

The current planning application seeks permission for demolition of the existing building and construction of a new ten storey building with two basement levels for Class D1 education use by the LSE.

The main entrance and public floor is located at ground floor level. Referred to by the architects as the Grand Hall, the ground floor is intended as a flexible civic space for informal and formal uses such as student fairs, performances and receptions. The teaching and learning hub is located on first and second floor levels and can accommodate up to 800 students at any one time with additional space for informal study. Academic departments and research centres (Departments of Management, Accounting and Finance) are located on levels three to eight and the Paul Marshall Institute for Philanthropy and Social Entrepreneurship is located on level nine. A multi-use sports hall and multi-purpose arts rehearsal space and music practice rooms are located at basement level.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Class B1(b) research & development	17,837	0	-17,837
Class D1 education	0	18,124	+18,124
TOTAL	17,837	18,124	+287

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The London Plan recognises that higher and further education establishments make an important contribution to the London economy. Policies 3.18 and 4.10 give strong

support to meeting the needs of London's higher and further education institutions and recognising the special status of parts of London where they are located, particularly the Strand university precincts.

The UDP similarly recognises the special character and educational function (London School of Economics and King's College London) of the eastern end of the Strand. Other policies within the City Plan i.e. S27 seek to protect uses of international and national importance which includes centres of Higher Education and Research. UDP policy CENT1 also protects and supports uses including Higher Education which make a significant contribution to the special role of Central London.

The proposed development will deliver much needed education facilities for the LSE and will further enhance the academic character and function of this part of the Core CAZ. The principle of Class D1 education use is therefore supported in policy terms.

It should also be noted that the existing building already has planning permission for Class D1 education use, granted 7 October 2015 (15/05958/FULL).

## 8.2 Townscape and Design

The site falls within the Strand Conservation Area and is adjacent to two listed buildings, the Grade II\* Old Curiosity Shop and the Grade II\* Royal College of Surgeons. The north side of the site fronts onto Lincoln's Inn Fields, one of the most important London Squares and which lies within the Borough of Camden. The site is currently occupied by a large, monolithic mid C20 building with little architectural quality. It is identified in the Strand Conservation Area Audit as a negative feature in the conservation area and its demolition and replacement is welcome, subject to the replacement building preserving or enhancing the character and appearance of the conservation area.

The proposed building is for the LSE and will provide a significant increase in teaching, social and cultural provision for their students. The campus has had a number of recent major developments by internationally recognized architectural firms. This site was subject to an international competition and the winning firm was Grafton Architects who have an international reputation, winning World Building of the Year 2008 for their building for the Università Luigi Bocconi in Milan and the RIBA International prize (2016) for the Universidad de Ingeniería y Tecnología in Lima, Peru.

The building will accommodate a variety of uses with sport and social facilities at basement level, a major semi-public space at ground floor and teaching, academic and research facilities on the upper floors.

### Building Form and Height

In form, the building responds to the shape of the site with a long straight frontage to Lincoln's Inn Fields reflected in a more composed built form and then the radiating site boundary to the rest of the site allowing for a more, broken down massing, expressing the building above the base as separate elements. This helps to reduce the overall scale of the building and provides architectural interest and modelling to the massing. The form also allows natural light to penetrate deep within the building block which will benefit the quality of accommodation provided.

The building is higher to the rear (south) part of the site and then steps down towards the Lincoln's Inn Fields frontage where a consistent parapet height is maintained to the more formal, but by no means consistent, arrangement of buildings around the Square. This parapet height is slightly higher than the existing building on the site, though it is not considered that it is over-scaled or dominating in its context. The building presents a considerable mass to the Square, as does the existing, but this south side of Lincoln's Inn Fields is characterised by large institutional type buildings of which this is one.

The other building elements to the south and west are higher than the existing building, but benefit considerably in terms of their modelling, materiality and architecture compared to the existing. The townscape in these areas is less sensitive and formal than the north façade and the proposed massing and height are considered an improvement over the existing building's monolithic mass.

These higher elements to the rear are visible above the parapet of the Lincoln's Inn Fields façade in certain viewpoints, particularly in winter views from across the landscaped Square. In summer months these views are largely screened by tree foliage. The applicants have submitted view montages to show the impact on the setting of the Square. While there is visibility of these elements of the building above the tree line in certain views, it is not considered that these are necessarily harmful. The viewpoints from which they are visible are limited and the chamfered, angled, set-back forms do help to provide a more animated roof form which provides interest without being over-dominating in townscape terms. Officers have had considerable discussions with the architectural team and these have led to further set back, height reduction and modelling resulting in the current proposal. Officers are of the view that this height and form is now acceptable in terms of its impact on views from Lincoln's Inn Fields.

### Building Design

One of the key elements of the building that has informed the building design is the proposed "Great Hall" which takes up most of the ground floor and allows for greatly improved pedestrian permeability between the Square and the rest of the LSE campus. This huge space is likely to be one of the most significant within the LSE campus. It is intended that the route will be open to all during opening hours and will allow for members of the public to use the route and enjoy the space, as well as LSE students and staff.

The Lincoln's Inn Fields façade is the more ordered composition. The ground to second floor is more solid and visually robust and provides a strong base for the mass of the building above. This is to be built in a natural stone. The main part of the façade is expressed as a series of fins, which will be in a high quality reconstituted stone. These fins vary in scale and depth with the building height and the main façade is set back behind the stone fins which act as a screen or foil to the main façade. This will allow natural light to penetrate the façade creating further depth and shadowing which will change throughout the day.

The other facades to the south and west are expressed as three separate forms with a more vertical emphasis and large cut-out areas between. The ground to second floors form the base of the building, as on the north façade, and the three building elements

project above. The depth of the reveal to the windows makes reference to the stone fins of the north façade and help to give a coherent form and modelling to the glazed academic and office areas. This part of the building is to be rendered solely in reconstituted stone and this is considered acceptable given the more secondary importance of these areas in townscape terms and the design of these facades which lend themselves more to the use of a consistent material throughout.

#### Impact on Adjacent Listed Buildings

The Old Curiosity Shop, immediately to the west of the site, is listed Grade II\*. The building is of diminutive scale compared to its surrounding context and is overwhelmed by the scale of the existing building which abuts it and rises sheer to its full height. The proposed building massing pulls most of the height slightly away from it and has a lower 3 storey element next to the listed building itself. The overall mass of the new building is still apparent in views and the listed building still looks tiny in comparison, but this is an inevitable consequence of its scale in this central urban location. The new building, however, does give the listed building a bit more breathing space and improves its setting.

The existing building also abuts the Grade II\* Royal College of Surgeons. The proposed building is intended to disengage the two and leave a clear space between the two buildings. This will improve the immediate relationship between the two buildings. There is some visual impact on the setting of the Grade II\* building due to the slightly increased height of the front façade and the “belvedere” above. This is most apparent in views from the east end of the Square and the applicants have provided a visual montage to show the impact. It is not considered that the impact is harmful in any significant sense. On balance, it is considered that the new building’s relationship with the Grade II\* Royal College is an improvement over the existing.

In summary, it is considered that the new building is a positive enhancement to the character and appearance of the Strand Conservation Area. There is no harm to the setting of adjacent listed buildings, in fact on the whole it is considered that their settings are enhanced. If it was considered that there was some less than substantial harm to the increased height next to the Royal College of Surgeons, then it is considered that this modest harm would be substantially outweighed by the public benefits of the scheme, including the improved building mass, form and design and the provision of enhanced social and academic facilities for one of the major educational institutions in the country. Given the reputation and track record of the architects and clients, it is considered that the new building has the potential to be one of the most significant buildings in the City and a landmark for many years to come.

### **8.3 Transportation/Parking**

#### Education use and trip generation

The Transport Assessment submitted in support of the application notes that the site benefits from the highest possible Public Transport Accessibility Level (PTAL) of 6b reflecting the excellent public transport provision within the vicinity of the site (tube stations and bus routes). Accordingly, although the proposal is likely to generate more trips per day than the previous Class B1(b) use of the site, the Highways Planning

Manager is satisfied that given the age of the students, the transport facilities in the area and provided a robust travel plan is secured, the proposed development is unlikely to have a significant impact on the public highway.

### Car Parking

There are 16 existing car parking spaces within a forecourt at the front of the existing building which will be removed as part of the proposed development. The loss of this commercial car parking is acceptable and compliant with UDP policy TRANS21 which seeks to control and coordinate the overall level of on-street and off-street parking.

### Cycle Parking

For Class D1 (University Education) use the London Plan requires 1 long stay space per 4 staff, 1 long stay space per 20 students and 1 short stay space per 7 FTE students. With this in mind a total of 318 cycle spaces are required however only 244 spaces (68 long stay and 176 short stay) are included in the proposed development. Although there is public cycle parking available in the vicinity and cycle parking spaces within the campus as a whole, the proposal when considered on its own, does not meet the London Plan standards. The Highways Planning Manager has therefore requested that a condition be imposed requiring the applicant to secure additional cycle parking within the confines of the development, for example through the use of double tier parking at ground level similar to that proposed in the basement. Transport for London (TfL) has requested that the use of the cycle parking spaces is monitored and that more short stay spaces are created if necessary; and the GLA are hoping to secure funding for additional cycle hire docking stations in the area. All these issues have been discussed with the LSE but it is recognised that there is limited capacity within the campus to meet all these cycle parking demands.

### Servicing

Policies TRANS20 of the UDP and S42 of the City Plan require provision and retention of convenient access to all premises for servicing vehicles with this facility accommodated on-site and off-street.

The proposed development will remove the existing off-street service area and the associated vehicular accesses from Portsmouth Street and Portugal Street. The servicing for the proposed development will instead take place on-street from the public highway on Portugal Street and the redundant drop kerbs are to be raised. The applicant has submitted a Delivery and Servicing Plan (DSP) that indicates that the number of trips associated with servicing of the site is likely to decrease from 14 to 2 as the site will become part of the campus and deliveries are consolidated elsewhere and then moved to the site.

The Highways Planning Manager has recommended that a revised DSP is secured by condition which should include full details of the existing waste and service operations for the campus to clarify where and how the deliveries are received (on-street/off-street) by the LSE post room. TfL and the GLA have also requested that a DSP is secured by condition.

### Waste Storage

The Cleansing Manager is satisfied that the proposed waste store on the ground floor of the new building is large enough to accommodate the waste expected from the development, but for new build schemes it would normally be expected that waste could be loaded into the collection vehicle on-site and off-street. It is also recommended that the layout of the waste store should be amended to reduce the number of recycling bins and include a cardboard baler. A condition is therefore recommended requiring an amended waste store layout and full details of the waste management strategy.

## **8.4 Amenity**

### Plant Noise and Air Quality

Mechanical plant will be housed at basement level and on the roof of the new building. The application is accompanied by an Acoustic Assessment but there are no details of any mechanical plant equipment at this stage. Environmental Health are therefore recommending conditions are attached requiring a supplementary acoustic report once the plant specifications are known and conditions requiring details of the kitchen extract system, CHP ventilation flues and controlling noise emission levels from all plant including the emergency generator.

The Air Quality assessment submitted with the application considers the impact of potential dust generation during the construction period, the suitability of the site for the proposed use and the potential impact of traffic and energy-related emissions associated with the proposed development once operational. The Air Quality assessment concludes that the development is air quality neutral in terms of its on-going operational impact. The mitigation of dust etc during demolition and construction will be managed as part of the Site Environmental Management Plan (SEMP) submitted in compliance with the City Council's Code of Construction Practice.

### Daylight and Sunlight

City Plan Policy S29 seeks to safeguard the amenity of existing residents. Policy ENV13 of the UDP seeks to protect and improve the residential environment and resist proposals which would result in a material loss of daylight and sunlight and/or a significant increase in sense of enclosure or overlooking.

Recommended standards for daylight and sunlight in residential accommodation are set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (2011). The applicant has undertaken a daylight and sunlight assessment in accordance with the BRE guidelines.

Most of the neighbouring properties adjacent to the site are owned by the LSE and are in educational use. The daylight analysis carried out to six neighbouring buildings demonstrates that generally these buildings will still continue to have a good standard of daylight with the development in place. There will be losses in excess of recommended BRE standards to some windows in Lincoln Chambers, 2-4 Portsmouth Street but these serve student bedrooms which are mainly occupied at night. None of the windows tested

for daylight face within 90 degrees of due south so there is no requirement to consider these rooms for sunlight assessment.

## **8.5 Economic Considerations**

The economic benefits associated with both the construction phase and the operational phase of the proposed development and the contribution this will make to the London economy are welcomed.

## **8.6 Accessibility**

The building has been designed to be accessible and usable by all and meets the requirements of London Plan Policy 7.2 Inclusive Environments and City Plan Policy S28 Design.

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

### Sustainability

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture. Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints. The NPPF establishes a presumption in favour of sustainable development. London Plan Policy 5.3 also requires developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy.

The proposed development incorporates a range of energy efficiency measures including low energy lighting and high performance glazing. The Energy Strategy for the proposed new building is still being developed and as part of this the applicant has investigated the feasibility of a range of renewable energy technologies. The installation of photovoltaic (PV) panels is proposed but full details of where on the building needs to be reserved by condition. The applicant has also investigated whether there are any existing or planned heat networks in the area. There are none at the moment so the energy centre has been designed to be capable of linking to a District Heat Network should this become available in the future.

An on-site reduction of 106 tonnes of carbon dioxide per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected. This is equivalent to an overall saving of 38%. The carbon dioxide savings exceed the London Plan Policy 5.2 (Minimising Carbon Dioxide Emissions) target which has been noted and welcomed by the GLA in their Stage 1 report.

### Biodiversity

Policy S38 of the City Plan states that biodiversity and green infrastructure will be protected and enhanced throughout Westminster and opportunities to extend and create new wildlife habitat as part of development will be maximised.

The new building incorporates approximately 300sqm of landscaped terraces which will be planted with a variety of mainly indigenous trees, ground cover and climbing plants. Full details of these and the provision of bird and bat boxes are to be secured by condition.

#### Archaeology

The site is located within the Lundenwic Archaeological Priority Area and is thought to lie just outside the eastern edge of the main Saxon settlement. There is potential for survival of post-medieval structural remains and possibly Saxon pits or ditches in the north-eastern strip and south-west corner of the site where there is no basement. The existing basement is three levels deep; the new basement is to be 3.6m deeper than the current deepest basement. There have been other recent significant finds nearby at 32 Lincoln's Inn Fields in January 2013 and a Saxon ditch was recorded 60m southwest of the site in 2011 which may indicate the eastern boundary of Lundenwic. Historic England are therefore recommending a condition requiring a two stage process of archaeological investigation and evaluation followed by full investigation.

#### Crime Prevention

The design of the new building has been informed by meetings with London Metropolitan Police Design Out Crime and Counter Terrorism officers.

The Grand Hall is open and public during opening hours for students, staff and the public to ground level public areas and to the teaching and learning hub on first and second floor levels. All floors above the teaching hub have secured access control as do the basement levels 1 and 2 and the cycle storage. The service lane adjacent to the boundary with the RCS is gated with controlled access and CCTV. Glazing is laminated and there will be gated railings around the forecourt on Lincoln's Inn Fields which will be closed after hours.

### **8.8 London Plan**

The application has been referred to the Mayor of London because the development involves the erection of a building more than 30 metres high outside the City of London. This means that once the City Council has resolved to determine the application, that decision must be referred to the Mayor for his decision as to whether to direct refusal, take it over for his determination or allow the Council to determine the application itself.

The Greater London Authority (GLA) Stage 1 letter expresses their strong support for the proposed new building subject to further discussions with the applicants regarding a financial contribution towards expanded cycle hire docking stations and Legible London signs; clarification regarding the modelling of emissions from the proposed biofuel CHP and gas boilers; and conditions requiring a travel plan, delivery and servicing plan and construction management plan.



### **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**

There is no requirement for any planning obligations in the determination of this application.

The proposed development (because it is for education use) is not liable for Mayoral CIL or Westminster CIL payments.

### **8.11 Environmental Impact Assessment**

The City Council issued a screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 on 24 March 2017 confirming that a development of this nature would not require an Environmental Impact Assessment (EIA) (17/00321/EIASCR)

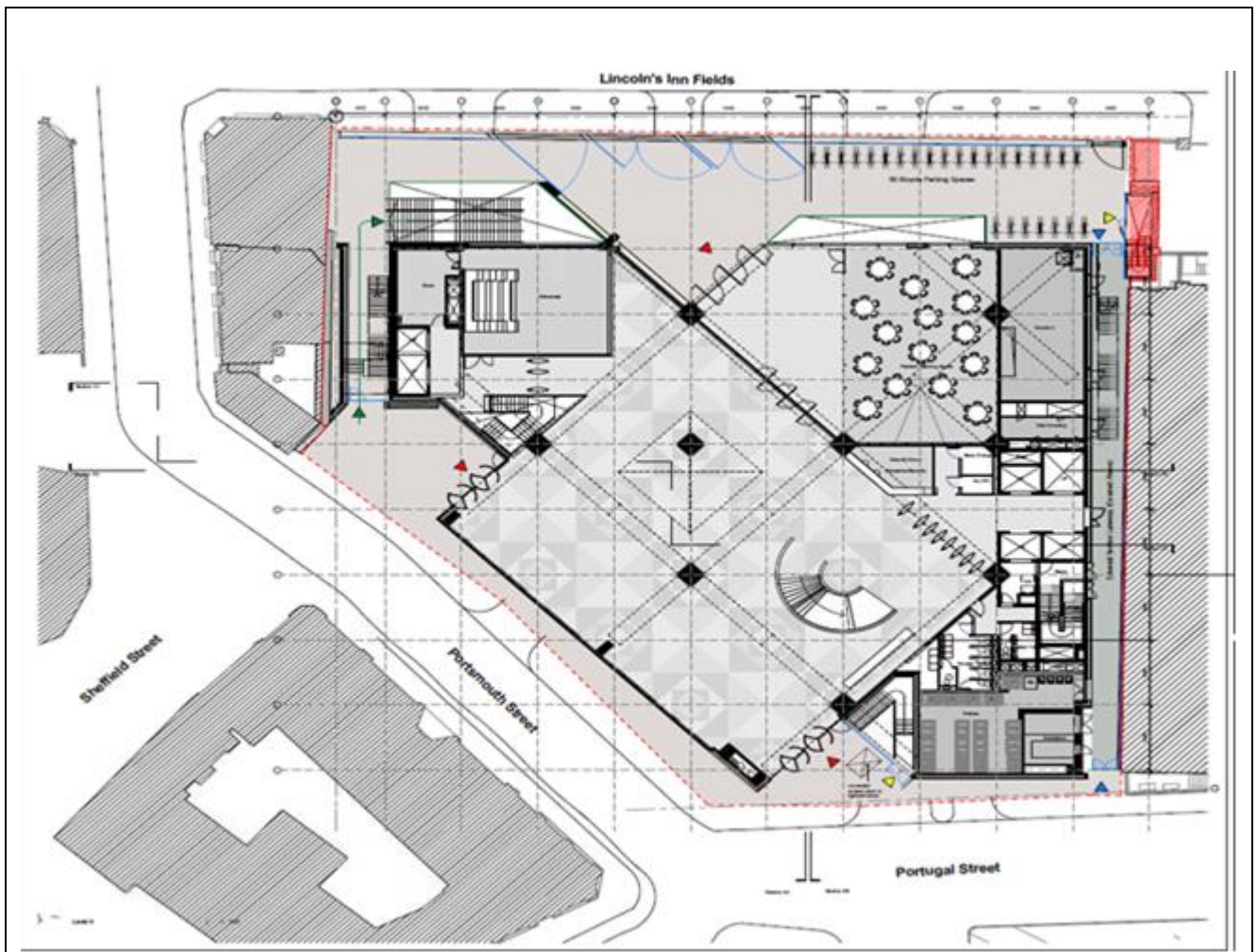
## **9. BACKGROUND PAPERS**

1. Application form
2. Greater London Authority (GLA) letter and Stage 1 report dated 24 April 2017
3. Transport for London (TfL) letter dated 5 April 2017
4. Historic England letter dated 20 April 2017
5. Historic England (Archaeology) letter dated 6 April 2017
6. City of London Corporation letter dated 29 March 2017
7. Metropolitan Police email dated 8 March 2017
8. Westminster Society on-line comments dated 14 March and 23 May 2017
9. Highways Planning Manager memorandum dated 22 March 2017
10. Cleansing memorandum dated 21 March 2017
11. Environmental Health memorandum dated 31 March 2017
12. Royal College of Surgeons, 35-43 Lincoln's Inn Fields letter dated 28 March 2017
13. Club Quarters, 61 Lincoln's Inn Fields on-line comments dated 4 April 2017

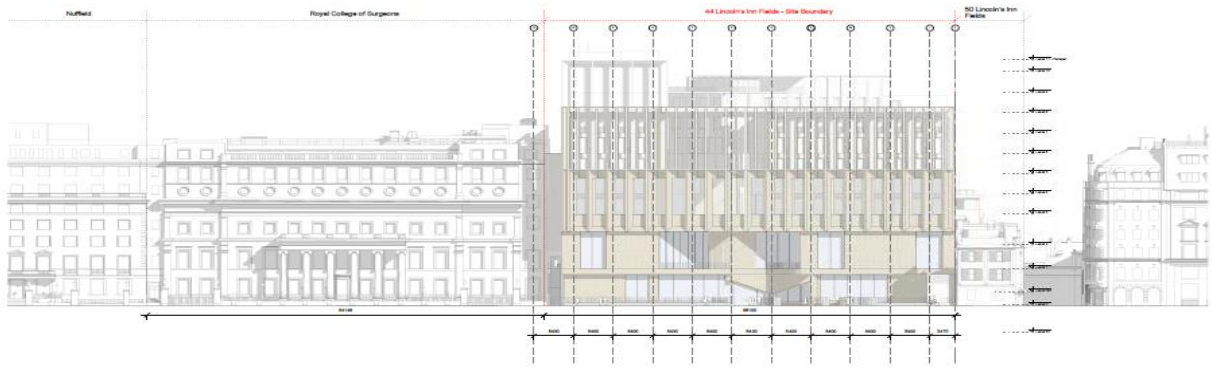
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

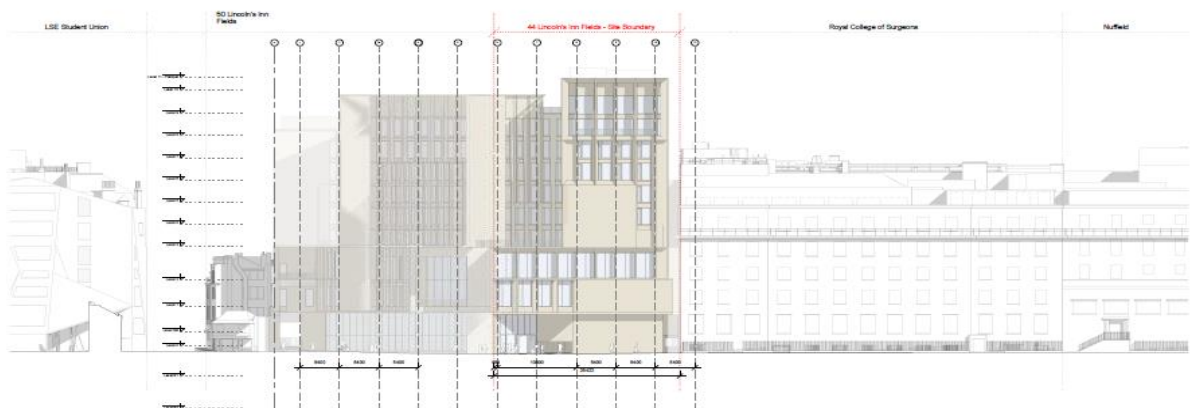
**10. KEY DRAWINGS**



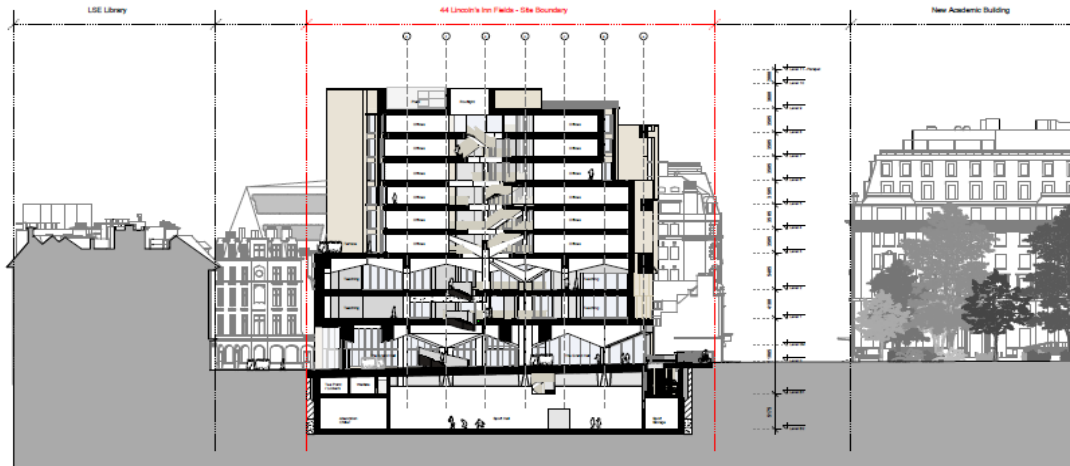
Proposed ground floor



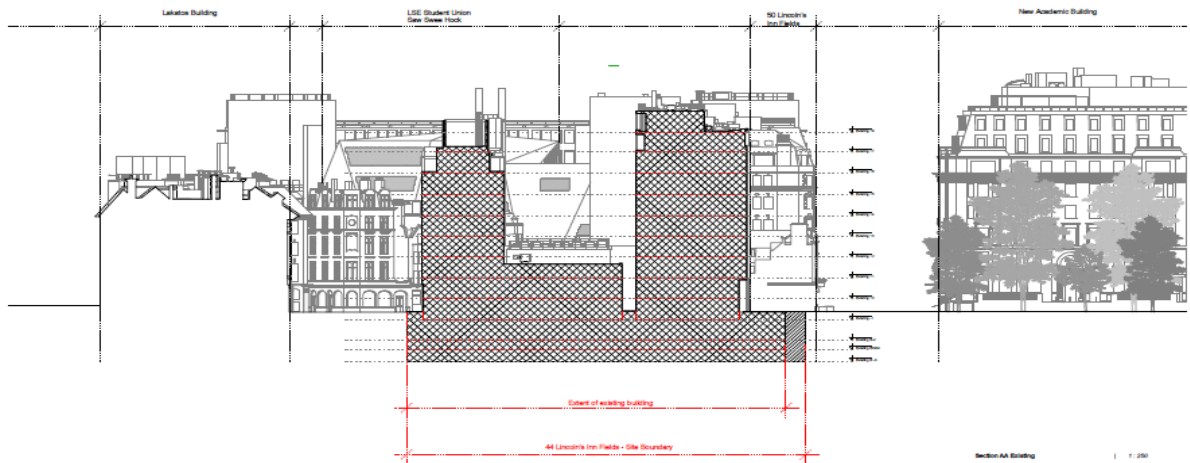
Proposed North elevation



Proposed South elevation



Proposed north-south section



Existing north-south section

# Agenda Item 2

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB-COMMITTEE</b>	<b>Date</b> 13 June 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	<b>Development Site At 1 1/2 Queens Grove And, 12-22 Finchley Road, London, NW8 6EB</b>		
<b>Proposal</b>	Variation of Condition 2 of planning permission dated 2 November 2003 (RN: 02/06302/FULL) for the demolition of existing buildings and erection of residential building of 6-8 storeys comprising 66 apartments including 17 affordable units and provision of 64 parking spaces in two basements from RN 02/06302/FULL. NAMELY, to vary the hours of construction works that can be heard at the boundary of the site to allow works around the railway cutting to take place between 01.00 and 05.00 hours for a non-consecutive period of approximately 67 nights during the overall construction programme.		
<b>Agent</b>	Mr Kevin Henson		
<b>On behalf of</b>	Gerald Eve LLP		
<b>Registered Number</b>	17/00938/FULL	<b>Date amended/ completed</b>	6 February 2017
<b>Date Application Received</b>	6 February 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	N/A		

## 1. RECOMMENDATION

1. Grant conditional permission, subject to completion of a deed of variation to the original legal agreement dated 6 November 2003 to secure the following additional planning obligations:
  - i. Agreement to fund the provision of secondary glazing to rear windows of neighbouring properties in Pembroke Terrace, Bartonway and Balmoral Court and the front windows of properties in Queens Grove Court and Aspley House, for those flats that request it, so as to reduce noise disturbance during the course of the night time works. The night time works shall not commence until all secondary glazing to the flats where it is requested has been installed.
  - ii. Agreement to fund the provision of temporary air conditioning during the period of the night time works (if any of the night time working occurs between 1 April and 31 September) for those properties in Pembroke Terrace, Bartonway and Balmoral Court with rear facing windows and those properties in Queens Grove Court and Aspley House with front facing windows, where the occupiers of those flats request it. The temporary air conditioning shall

- be provided within 3 working days of a written request from a neighbouring resident.
- iii. Cost of monitoring the additional heads of terms (£500).

2. If the deed of variation has not been completed by 25 July 2017 then:

- a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
- b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

The application site is located on the north east side of Finchley Road at the corner with Queens Grove. Residential blocks neighbour the site to the north east and south east (Pembroke Terrace, Bartonway and Balmoral Court). Queens Grove Court is located on the opposite side of Queens Grove to the north of the site and Aspley House is located on the opposite side of Finchley Road to the west of the site. The site does not contain any listed buildings and is not in a conservation area, but is visible in views from within the neighbouring St. John's Wood Conservation Area, which is adjacent to the site to the east and west.

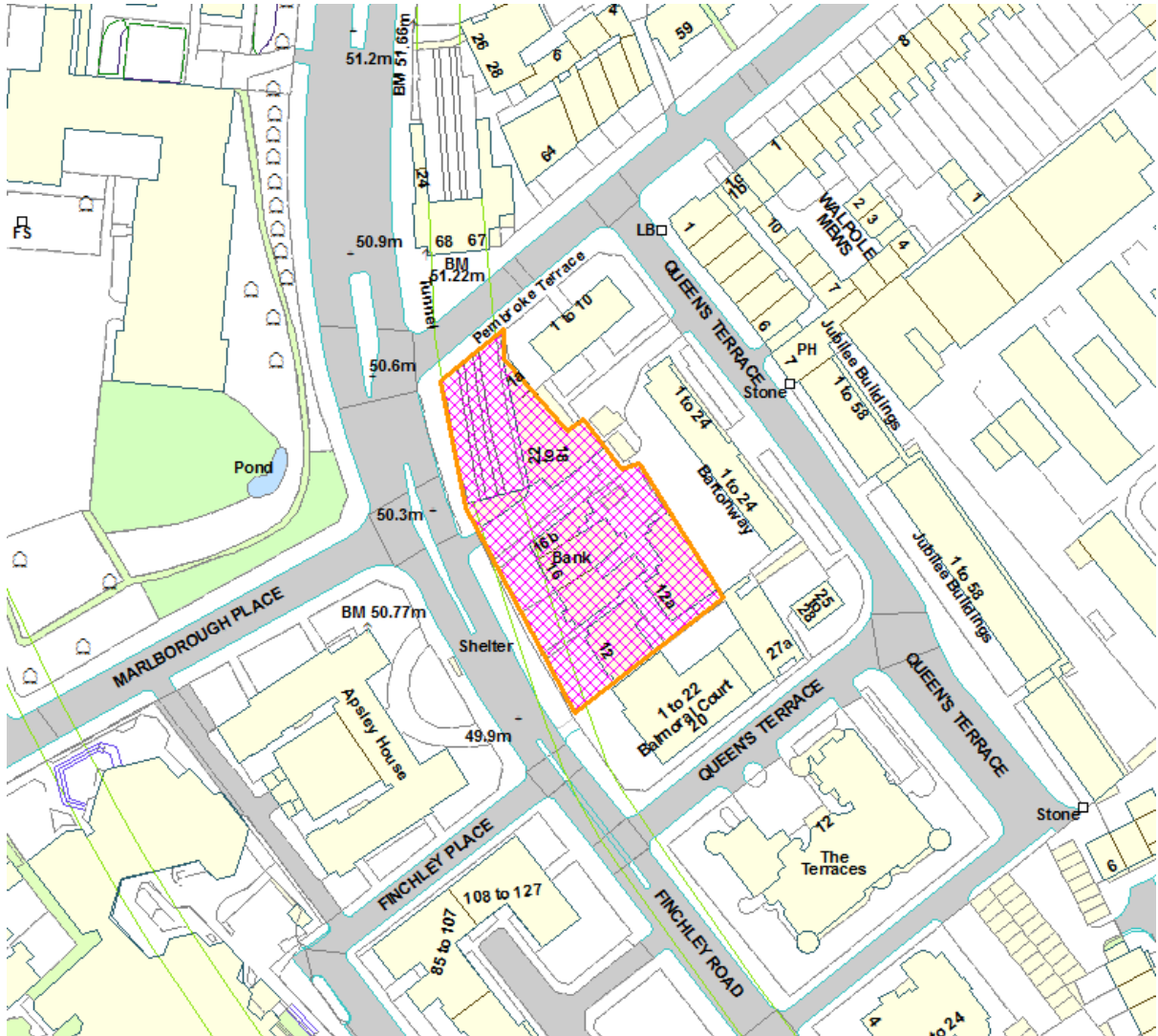
Planning permission for the redevelopment of this site by demolition of the existing buildings and erection of a residential building of 6-8 storeys comprising 66 apartments, including 17 affordable units and provision of 64 parking spaces in two basement levels was granted on 6 November 2003 (RN: 02/06302/FULL). This permission was implemented prior to expiry in November 2008 and this was confirmed by the Certificate of Lawfulness issued on 22 January 2014 (RN: 13/09910/CLOPUD). The 2003 permission therefore remains extant and can continue to be implemented at any time.

The current application seek permission to vary Condition 2 of planning permission dated 2 November 2003 (RN: 02/06302/FULL); namely to amend the hours during which construction works that can be heard at the boundary of the site can take place. In this case the proposed development includes the enclosure of the existing shallow Metropolitan Line cutting that crosses the north western corner of the site. Works to form the enclosure over the cutting can only take place outside the operational hours of the railway. The application therefore seeks to vary Condition 2 to allow night time working between 01.00 and 05.00 hours for a non-consecutive period of approximately 67 nights during the overall construction programme.

On balance, subject to the recommended conditions, including the new condition to ensure compliance with Code of Construction Practice adopted in July 2016, and the recommended planning obligations to secure secondary glazing and air conditioning for those closest neighbouring occupiers who wish to receive these additional mitigation measures, the proposed amendments to the hours of construction works are considered to be acceptable given the site specific exceptional circumstances in this case. It is also a relevant material consideration that by facilitating the implementation of the 2003 permission, the scheme will deliver significant public benefit in the form of provision of a significant number of new

residential units, provision of 17 on-site affordable housing units and long term improvements in the local noise environment by eliminating existing noise from the Metropolitan Line by enclosing the existing open cutting. As such, the proposed amendment of Condition 2 accords with Policies TRANS2, TRANS3 and ENV6 in the Unitary Development Plan adopted in January 2007 (the UDP) and Policies S29, S32, S41 and CM28.1 in the City Plan adopted in November 2016 (the City Plan).

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



View of the site looking north along Finchley Road (top) and view of site from the junction of Finchley Road and Queen's Grove (bottom).



VIEW ONE



View of railway cutting (top) and aerial view of site looking south (bottom left) and aerial view of site looking north (bottom right).

## 5. CONSULTATIONS

### WARD COUNCILLORS (ABBEEY ROAD)

Any response to be reported verbally.

### ST. JOHN'S WOOD SOCIETY

No objection to the proposed working hours overnight on the condition that there are adequate measures in place for noise control and a contact telephone number for residents who may be disturbed. Request that the local community and the Society are consulted on a traffic management scheme before any work commences.

### ENVIRONMENTAL HEALTH

No objection. Applicant has undertaken to accord with the Code of Construction Practice (CoCP) adopted in 2016 (can be secured by condition). Compliance with the CoCP means the applicant will have to submit a Site Environmental Management Plan and also submit a Section 61 application under the Control of Pollution Act 1974. This will ensure the methodology for all works is agreed, including the proposed night time works. CoCP compliance will ensure real time noise and vibration monitoring along with a requirement to demonstrate that Best Practical Means are employed during construction.

Noted that secondary glazing and air conditioning (during warmer months) are to be offered to residents that are materially impacted by construction noise from night-time works. Note also that original permission does not include any conditions with regard to potential impacts of noise and/or vibration from the train line on residents in the new development and recommend that an informative is added to provide guidance to the applicant on this issue.

### HIGHWAYS PLANNING MANAGER

No comments from a highways perspective. Note that principle issues are amenity related.

### LONDON UNDERGROUND LIMITED

Confirm that the applicant is in communication with London Underground engineers regarding the development. Therefore have no comment to make on the application, but advise that the applicant should continue to work with London Underground engineers.

### TRANSPORT FOR LONDON

No objection. Note that Finchley Road is part of the Transport for London Road Network (TLRN) and proposal should not affect its performance and safety. Note that London Underground do not object, but comment that the developer should continue to work with London Underground engineers. TfL Property add that the raft over the cutting must be built outside of operational hours of the Metropolitan line. Note the benefits of delivering the approved scheme in terms of housing delivery and state that they understand that the construction techniques and methodology proposed have been designed to minimise disturbance to local residents.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 370.

Total No. of replies: 1.

No. of objections: 1.

No. in support: 0.

Objection raised on the following grounds:

#### Construction Impact

- Anti-social hours of works will cause noise and disturbance at night with further noise and disturbance from St. John's Wood Barracks site during the day.
- Serious risk to neighbouring residents in terms of dust, fumes and sleepless nights.

#### Other Issues

- Loss of daylight and sunlight as a result of the previously approved development.
- Development will block view from properties to the rear of the site.
- Development is for the benefit of the developer.
- Question affordability of affordable housing units.

#### PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is located on the north east side of Finchley Road at the corner with Queens Grove. Residential blocks neighbour the site to the north east and south east (Pembroke Terrace, Bartonway and Balmoral Court). Queens Grove Court is located on the opposite side of Queens Grove to the north of the site and Aspley House is located on the opposite side of Finchley Road to the west of the site.

The site does not contain any listed buildings and is not in a conservation area, but is visible in views from within the neighbouring St. John's Wood Conservation Area, which is adjacent to the site to the east and west.

Planning permission for the redevelopment of this site by demolition of the existing buildings and erection of a residential building of 6-8 storeys comprising 66 apartments, including 17 affordable units and provision of 64 parking spaces in two basement levels was granted on 6 November 2003 (RN: 02/06302/FULL). This permission was implemented prior to expiry in November 2008 and this was confirmed by the Certificate of Lawfulness issued on 22 January 2014 (RN: 13/09910/CLOPUD). The 2003 permission therefore remains extant and can continue to be implemented at any time. See section 6.2 of the report for the full planning history.

### 6.2 Recent Relevant History

#### (02/06302/FULL)

Planning permission was granted for demolition of existing buildings and erection of residential building of 6-8 storeys comprising 66 apartments including 17 affordable units and provision of 64 parking spaces in two basements  
Granted - 2 November 2003

#### 06/07473/ADFULL

Details of hard and soft landscaping scheme pursuant to Condition 10 of planning permission dated 02 November 2003 (RN: 02/06302).  
Granted - 10 October 2006

07/03915/ADFULL

Samples of facing materials and details of typical elevations, boundary treatment, replacement of terracotta rain screen with cast masonry on east elevation and privacy screens pursuant to Conditions 6, 12, 13, 14 and 15 of planning permission dated 6 November 2003 (RN: 02/06302).  
Granted - 13 August 2007

07/07332/ADFULL

Details of tree protection measures pursuant to Condition 11 of planning permission dated 6 November 2003 (RN: 02/06302)  
Granted - 12 October 2007

13/09910/CLOPUD

Certificate of Lawful Proposed Use or Development was issued confirming that the planning permission dated 6 November 2003 (RN: 02/06302/FULL) for demolition of existing buildings and erection of residential building of 6-8 storeys comprising 66 apartments including 17 affordable units and provision of 64 parking spaces in two basements was implemented by the carrying out of material operations and that the continued development of the site in accordance with the planning permission at any time is lawful  
Granted - 22 January 2014

## 7. THE PROPOSAL

The current application seek permission to vary Condition 2 of planning permission dated 2 November 2003 (RN: 02/06302/FULL); namely to amend the hours during which construction works that can be heard at the boundary of the site can take place. In this case the proposed development includes the enclosure of the existing shallow Metropolitan Line cutting that crosses the north western corner of the site. Works to form the enclosure/ raft over the cutting and adjacent tunnel can only take place outside the operational hours of the railway. The application therefore seeks to vary Condition 2 to allow night time working between 01.00 and 05.00 hours for a non-consecutive period of approximately 67 nights during the overall construction programme.

The applicant has worked with London Underground to seek to address their requirements for construction works to be carried out during Engineering Hours (between 01.00 and 05.00 hours) and have also engaged Ramboll to provide a noise assessment that seeks to identify how noise from the night-time working can be minimised so as to limit the impact on the amenity of neighbouring residents (see this document in full in the Background Papers).

By reviewing and rationalising the construction programme, the applicant has been able to limit the number of nights during which construction work is required to 67, although it is noted that this an estimate and is not a definitive maximum number. A total of 399 days of construction will be required to complete the raft/ enclose the existing railway cutting.

The night- time construction working would be spread though out the build programme and would not be carried out in a single block (see Table 5 and Figure 6 of the Ramboll noise assessment in the Background Papers). No more than 10 nights of working will be carried out over any 15 day period, so as to provide neighbouring occupiers with respite from the construction works.

The applicant's Noise Assessment by Ramboll recommends that mitigation measures are put in place during night-time working. These include the following measures:

- Fixed plant to be located away from noise receptors and surrounded by noise barriers.
- Site hoarding constructed to a significant height with all gaps closed to provide a 5-10dB acoustic screen.
- Temporary sound barriers placed around hand held equipment (to provide 10dB attenuation).
- Works to be undertaken in a specially constructed sound shield comprising an 'A' frame structure delivering an approximate 16dB noise attenuation.
- Community liaison to provide advanced warning of forthcoming works.
- Only modern, quiet and well maintained plant to be used by contractors on site (expected to meet 'Noise Emission in the Environment by Equipment for Use Outdoors Regulations 2001' implementing the EU Directives 2001/14/EC).
- Equipment to be shut down when not in use.
- Engine compartments closed when in use.
- Semi-static equipment sited as far as practicable from occupied buildings and screened.
- Mains electricity to be used where possible rather than on-site generators.
- All site personnel to be briefed on noise reduction measures to be adhered to.
- Minimise vehicle movements at night.
- Regular noise monitoring and monitoring of integrity of noise attenuation measures.
- Robust complaints procedure with complaints to be responded to in 24 hours.
- Provision of noise hotline direct to the site controller for local residents if they feel noise levels are excessive. Site controller to have power to stop any or all works which complaint is investigated.
- Site operatives to meet off site and to be transported to the site in minibuses and held within waiting rooms on the site prior to the night-time working hours to avoid noise disturbance to neighbours prior to the 01.00 hours start of works.
- Vehicle movements at night to be minimised (estimated to be 3-4 per night of working) with plant, machinery and materials deliveries to be undertaken during normal construction hours.

In addition to these site wide measures, the applicant proposes a number of further measures to further mitigate the impact of night-time working:

1. The provision of a four storey acoustic screen adjacent to the side elevation of the closest noise receptor, Pembroke House (see Figure 15 of the Ramboll noise assessment in the background papers).

2. Provision of an undertaking to provide secondary glazing and temporary air conditioning (in summer months when windows cannot be opened without additional noise disturbance being caused) to the nearest noise sensitive properties.
3. Use of self-compacting concrete for some of the construction works (phases W6 and E5 in Ramboll noise assessment in the background papers) to avoid need for compacting.
4. Undertaking to seek to carry out as much of the night-time working in the winter when neighbouring occupiers are less reliant on opening windows for ventilation.
5. The applicant has agreed to the imposition of an additional condition requiring compliance with the Code of Construction Practice adopted in July 2016.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The application does not raise any land use issues as the scope of the application is limited to the hours of construction works.

### **8.2 Townscape and Design**

The application does not raise any townscape or design issues as the scope of the application is limited to the hours of construction works.

### **8.3 Residential Amenity/ Construction Impact**

The key consideration in this case is the impact on the amenity of neighbouring residents during the course of the proposed night-time construction works between 01.00 and 05.00 hours Monday to Friday.

To construct the raft over the cutting/ enclose the underground cutting it is projected that a total of 399 days of construction work will be required. Of these it is estimated that 67 of these days will also involve night-time working. The applicant's Noise Assessment, prepared by Ramboll, sets out the degree of noise impact the night-time construction works would have by assessing the noise impact using the methodology set out in BS 5228: Part 1: 2009.

The applicant has assessed the potential noise levels caused by night-time working as an average over the four hours of proposed night-time working (LAeq,T) and as a maximum noise level (LAm<sub>ax</sub>), which could occur at any time during the night-time working hours, but may occur only once on a given night or not at all on some nights.

In terms of average noise levels over night-time working hours, the applicant's assessment identifies that the adjusted level of significance (set by the British Standard) would only be breached at one receptor, Pembroke Terrace, and would be breached on 17 nights out of the total 67 nights of night-working. It should be noted though that whilst the noise levels as an average over four hours would be below the level of adjusted significance for other for properties in other neighbouring buildings and for Pembroke Terrace on 50 of the 67 nights, this does not mean that construction works would not be

audible. Rather the level of adjusted significance indicates, where it is breached, that the level of noise disturbance would be significant and would be likely to be readily appreciable to occupiers of properties in the affected buildings. The applicant notes that the breach of the adjusted significance criteria at Pembroke Terrace would be limited to be limited to 2dB above the level of adjusted significance.

In terms of maximum noise levels, the night-time construction works would exceed the highest measured maximum noise level from existing sources at Bartonway, Queens Grove Court and Pembroke Terrace. At Queens Grove Court the existing highest maximum noise level would be breached by 2dB on 18 of the 67 nights of night-time working. At Bartonway the maximum noise level from night-time construction works would be 5dB higher than existing maximum noise levels (from traffic noise) for 57 of the 67 nights. At Pembroke Terrace the highest maximum noise levels would exceed the existing highest maximum noise level between 01.00 and 05.00 by approximately 16dB. The applicant notes that the maximum noise level would exceed the existing maximum train noise level by only 6dB; although trains on the Metropolitan Line currently cease running by approximately 01.00 hours.

It is clear from this noise impact data, which includes predicted noise attenuation from standard construction noise attenuation screening, that night-time working will have a material impact on neighbouring residents during the proposed night-time construction period, particularly those in Pembroke Terrace. However, it is evident from the submitted documents that the applicant has achieved significant efficiencies in the construction programme though working with its own project managers and London Underground and that this means the night-time working proposed (approximately 67 nights) is the shortest period possible to enable delivery of the development. Coupled with this, the applicant proposes a wide range of measures to ensure that the impact on neighbouring residents from night-time working is minimised as far as can reasonably be achieved (see Section 7 of this report). These measures include a number of site specific proposals, which go beyond best practice construction methods, which are set out below:

- the provision of a four storey 'non-standard' acoustic screen to the south west of Pembroke Terrace (note that the noise reduction achieved by this screen is not included in the applicant's construction noise impact calculations and this would therefore deliver additional noise attenuation);
- the provision of secondary glazing to windows of flats facing the application site in Pembroke Terrace, Queens Grove Court, Bartonway, Balmoral Court and Aspley House (note the applicant's construction noise impact calculations assume that secondary glazing has not been installed and this would therefore deliver additional noise attenuation) and;
- the provision of temporary air conditioning during summer months (1 April to 31 September) to flats in Pembroke Terrace, Queens Grove Court, Bartonway, Balmoral Court and Aspley House, which have windows facing the application site.

It is recommended that these measures are secured by condition and, in the case of the secondary glazing and air conditioning, via a deed of variation to the S106 agreement dated 6 November 2003. In addition to these measures, by breaking down of the night-time working into shorter periods (i.e. so the 67 days do not run on consecutive weekday nights), it is considered that the applicant has gone as far as reasonably



practicable to minimise the disruptive impact of night-time working. It is therefore recommended that Condition 2 is varied to require the night-time working to be limited to between 01.00 and 05.00 and to require the night-time working to be carried out in accordance with the mitigation measures set out in the Ramboll Noise Assessment.

In addition, the applicant has undertaken to comply with the requirements of the CoCP adopted in July 2017, which they are not obliged to comply with under the conditions and S106 agreement attached to the original 2003 permission. Given the 2003 permission has been lawfully implemented and can continued to be carried out at any time, full compliance with the recently adopted basement development policy (CM28.1 in the City Plan), in terms of the design and extent of the basement, cannot reasonably be required as part of the current application. However, the applicant's undertaking to comply with the CoCP in respect of this major development, which includes a double basement, is welcome and it is recommended that compliance with the CoCP is secured by condition.

Compliance with the CoCP will allow the City Council to have significantly greater control over the construction impact of the development, both during the proposed night-time working hours and during standard daytime working hours than would otherwise be the case. Compliance with the CoCP will require the applicant to agree a Site Environmental Management Plan (SEMP) with the Environmental Inspectorate, as well as ensuring compliance with S61 of the Control of Pollution Act 1974. This approach, which is supported by Environmental Health, would ensure that the developer agrees a detailed methodology for all works (a more detailed methodology than submitted in support of this application), especially in respect of the proposed night-time works. The methodology in the SEMP would include real time noise and vibration monitoring along with demonstrating that a 'Best Practical Means' approach is employed. The CoCP will also ensure that this monitoring by the Environmental Inspectorate throughout the construction period is carried out at the applicant's expense.

In light of the material impact on amenity that the construction works will have in terms of night-time noise from construction, the applicant has drawn attention to the wider public benefits of the scheme; most significantly the provision of a significant quantum of new residential accommodation, including the provision of 17 on-site affordable housing units and, by enclosing the existing open Metropolitan line cutting, the delivery of long term improvements in the local noise environment by eliminating existing noise from this source. The applicant also notes that London Underground are likely to extend the 'night tube' to the Metropolitan Line over the next 5-10 years and this would therefore increase the night-time amenity benefit of enclosing the existing open cutting.

Environmental Health have suggested informatives to draw the applicant's attention to the need to ensure the design of the structure of the building is sufficient to prevent vibration borne noise disturbance to future occupiers of the development and the occupiers of neighbouring buildings. These informatives are included on the draft decision letter appended to this report.

Having regard to the long term public benefit of delivery of the previous approved scheme, which cannot be delivered without night-time working adjacent to and over the Metropolitan Line cutting (see Section 8.4 of this report), as well as the construction noise mitigation measures proposed, it is considered that on balance the variation of the hours of construction works are acceptable in amenity terms given the exceptional site specific

circumstances of that have arisen in this case. As such subject to the recommended mitigation measures, which are to be secured by condition and by legal agreement, the proposal accords in amenity terms with Policy ENV6 in the Unitary Development Plan adopted in January 2007 (the UDP) and Policies S29, S32 and CM28.1 in the City Plan adopted in November 2016 (the City Plan).

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

Policy 6.3(A) of the London Plan (March 2016) requires that '*Development should not adversely affect safety on the transport network*'. In this case the safety of the transport network (in this case the Metropolitan Line) would be adversely affected if works to raft over/ enclose the existing open cutting were not carried out overnight during Engineering Hours when the railway line is not in operation. This is therefore a significant material consideration when considering the reasonableness of the applicant's request to carry out limited construction works adjacent to and over the cutting overnight between 01.00 and 05.00 hours.

In terms of the construction site at ground level, the proposed construction site would not encroach on Finchley Road (A41) or any other surrounding streets and would utilise an existing crossover at No.12 Finchley Road to form a site entrance. Accordingly, subject to the construction vehicle movements being agreed pursuant to requirements of the Code of Construction Practice (CoCP), the construction works would not cause an obstruction to the Transport for London Road Network (TLRN) or any other local road.

When agreeing construction vehicle/ lorry routes pursuant to the CoCP the applicant will be required to demonstrate that the vehicle movements generated by the construction works on this site would not have a significant adverse cumulative impact on the amenity of neighbouring residents or the local highway network when considered in conjunction with construction vehicle/ lorry movements generated by neighbouring sites. In this case the applicant will need to demonstrate that lorry movements would be coordinated with those generated by the redevelopment of the nearby St. John's Wood Barracks site, should the redevelopment of that site overlap with construction works on the applications site.

The construction phase of the development is therefore not objectionable in transportation terms and would accord with Policies TRANS2 and TRANS3 in the UDP, Policy S41 in the City Plan and Policy 6.3 in the London Plan (March 2016).

#### **8.5 Economic Considerations**

No economic considerations are applicable given the scope of the current S73 application.

#### **8.6 Access**

No alterations to the approved scheme in terms of access are proposed.

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

The objector raises objection in relation to the previously approved development in terms of its daylight and sunlight impact, its impact on private views and the benefits the scheme

will deliver (the affordability of the affordable housing units). Given the previously approved development is extant and can continue to be implemented at any time permission cannot reasonably be withheld on these grounds. In addition the impact of development on private views is not a valid ground for withholding planning permission.

The affordability of the affordable housing units within the development is secured by the S106 agreement accompanying the 2003 permission, which requires the transfer 15 of the 17 affordable units to a Registered Provider prior to the occupation of the market housing units. The recommended deed of variation to this agreement would ensure the continued delivery of the affordable housing units in relation to the S73 permission.

### **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**

The planning permission dated 6 November 2003 was granted subject to a S106 agreement to secure the provision of 17 on-site affordable housing units, with 14 car parking spaces for use by the affordable housing units. A deed of variation is proposed to ensure the continued provision of this planning obligation, which is required to address the requirements of Policy H4 in the UDP and Policy S16 in the City Plan.

### **8.11 Environmental Impact Assessment**

The proposal does not necessitate the submission of an Environmental Impact Assessment. Where relevant environmental issues are covered in other sections of this report.

### **8.12 Other Issues**

It is of note that the application has only attracted objection from one neighbouring resident in response to public consultation with 370 neighbouring residents during the course of the current planning application (this includes consultation letters to all residential buildings adjoining or adjacent to the application site).

The applicants have submitted a Statement of Community Involvement with the application and this identifies that the applicants have undertaken significant pre-application consultation with local stakeholders and neighbouring residents in order that they understand the need for night time working and the mitigation measures that the applicants intent to offer. The pre-application consultation exercise included meetings with Councillors, the St. John's Wood Society, City West Homes (who manage neighbouring residential blocks to the rear of the site, a letter drop to 208 local residents and businesses and a public consultation exhibition held on two days in December 2016. The applicants SCI concludes that there was general understanding among residents and stakeholders

that night time working is required in this case to allow works to the London Underground cutting.

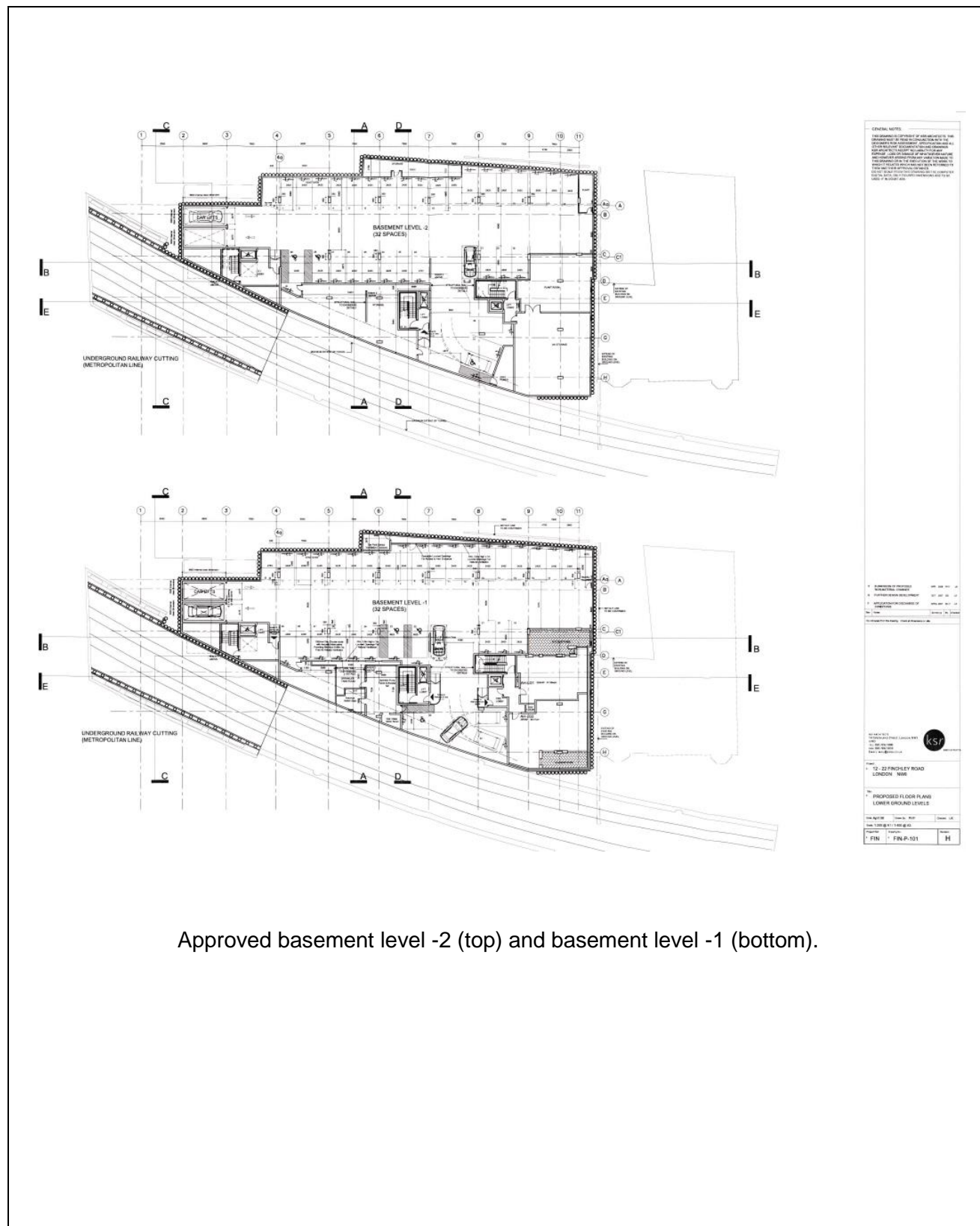
## 9. BACKGROUND PAPERS

1. Application form.
2. Email from St. John's Wood Society dated 10 April 2017.
3. Response from Environmental Health dated 28 March 2017.
4. Email from London Underground dated 3 April 2017.
5. Emails from Transport for London dated 5 April 2017 and 12 April 2017.
6. Memo from the Highways Planning Manager dated 9 May 2017.
7. Letter from occupier of 13 Bartonway, 27-32 Queens Terrace dated 29 March 2017.
8. Copy of Ramboll Night-time Construction Noise Assessment dated 2 February 2017.
9. Copy of planning permission decision letter dated 6 November 2003.

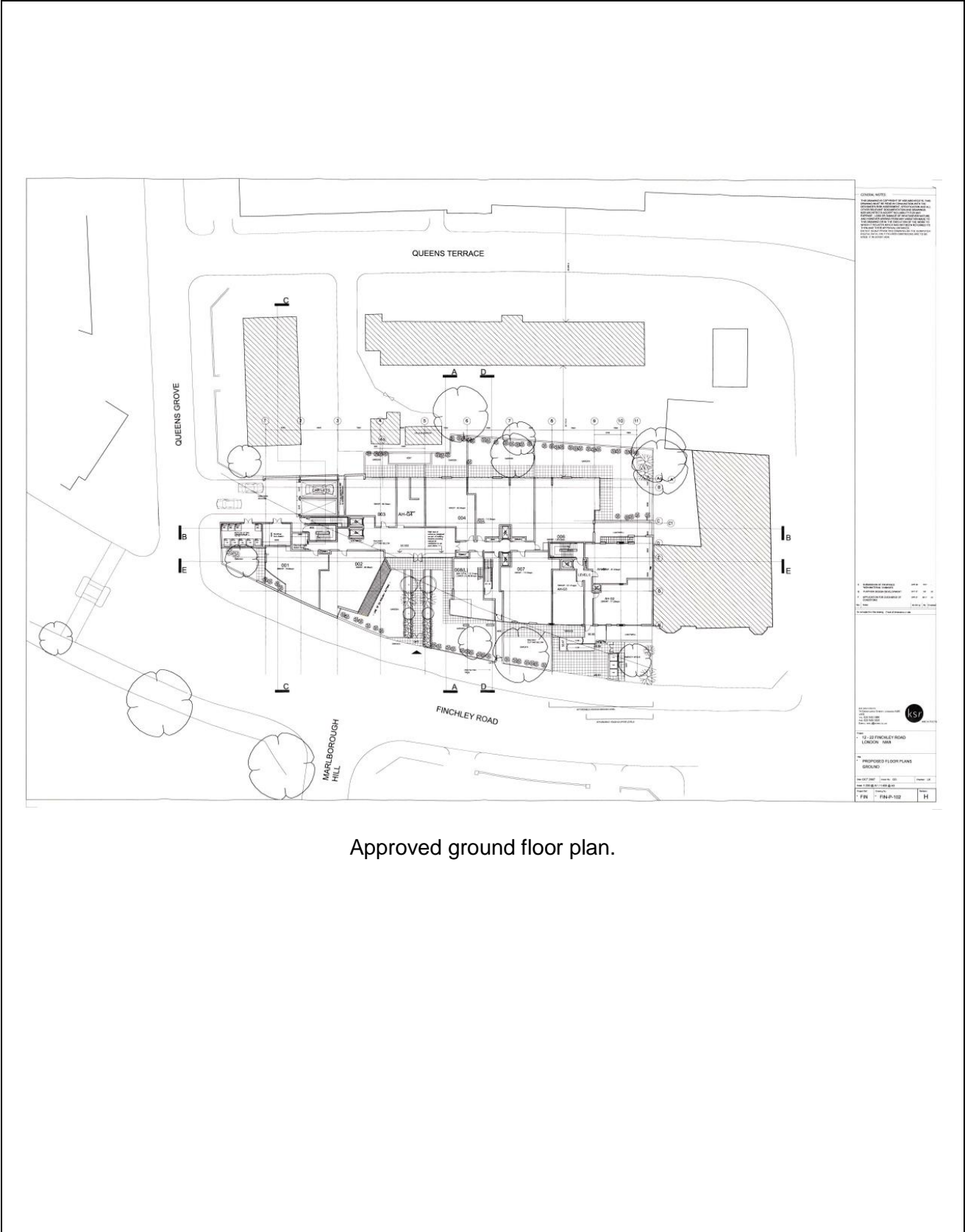
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

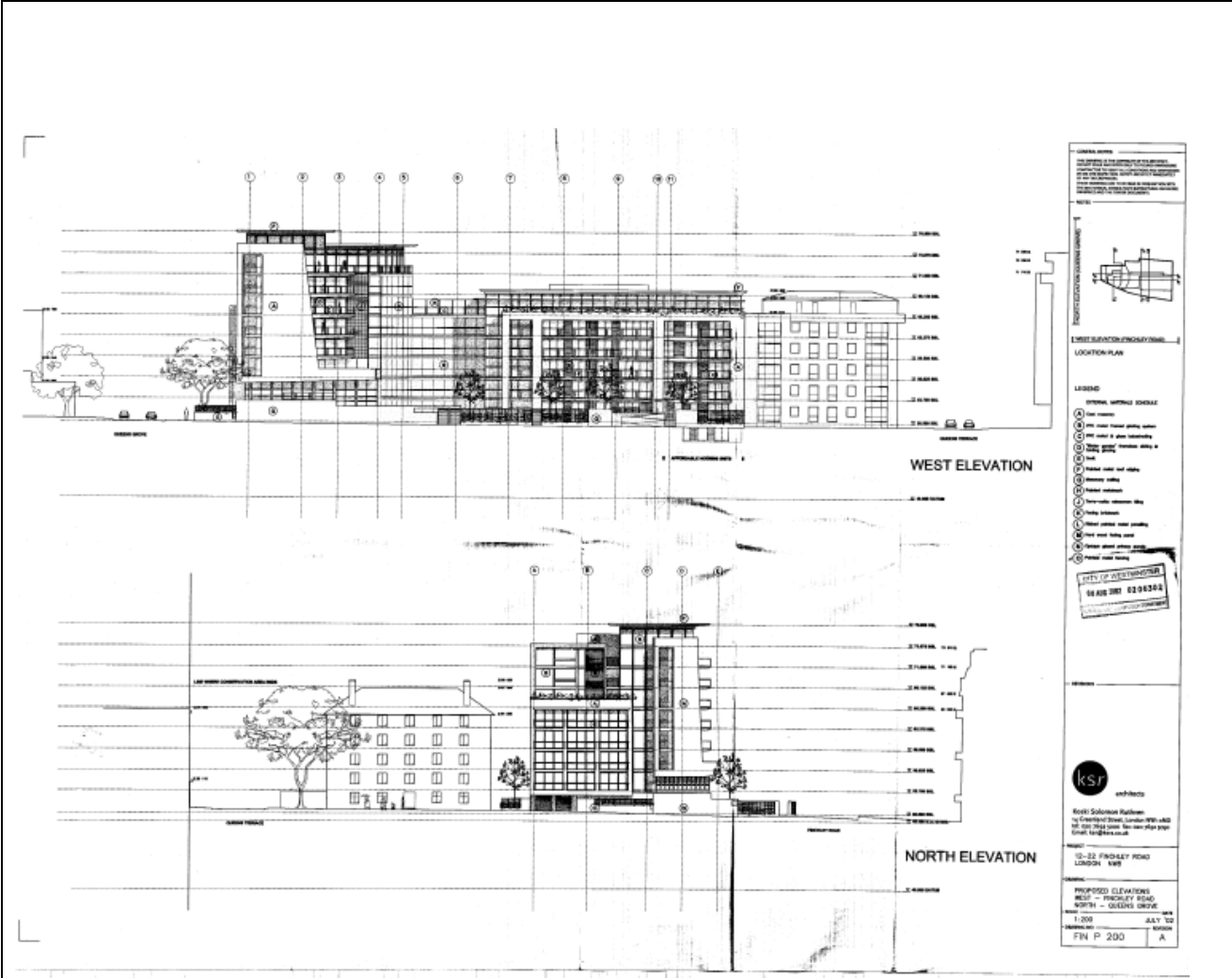
10. KEY DRAWINGS



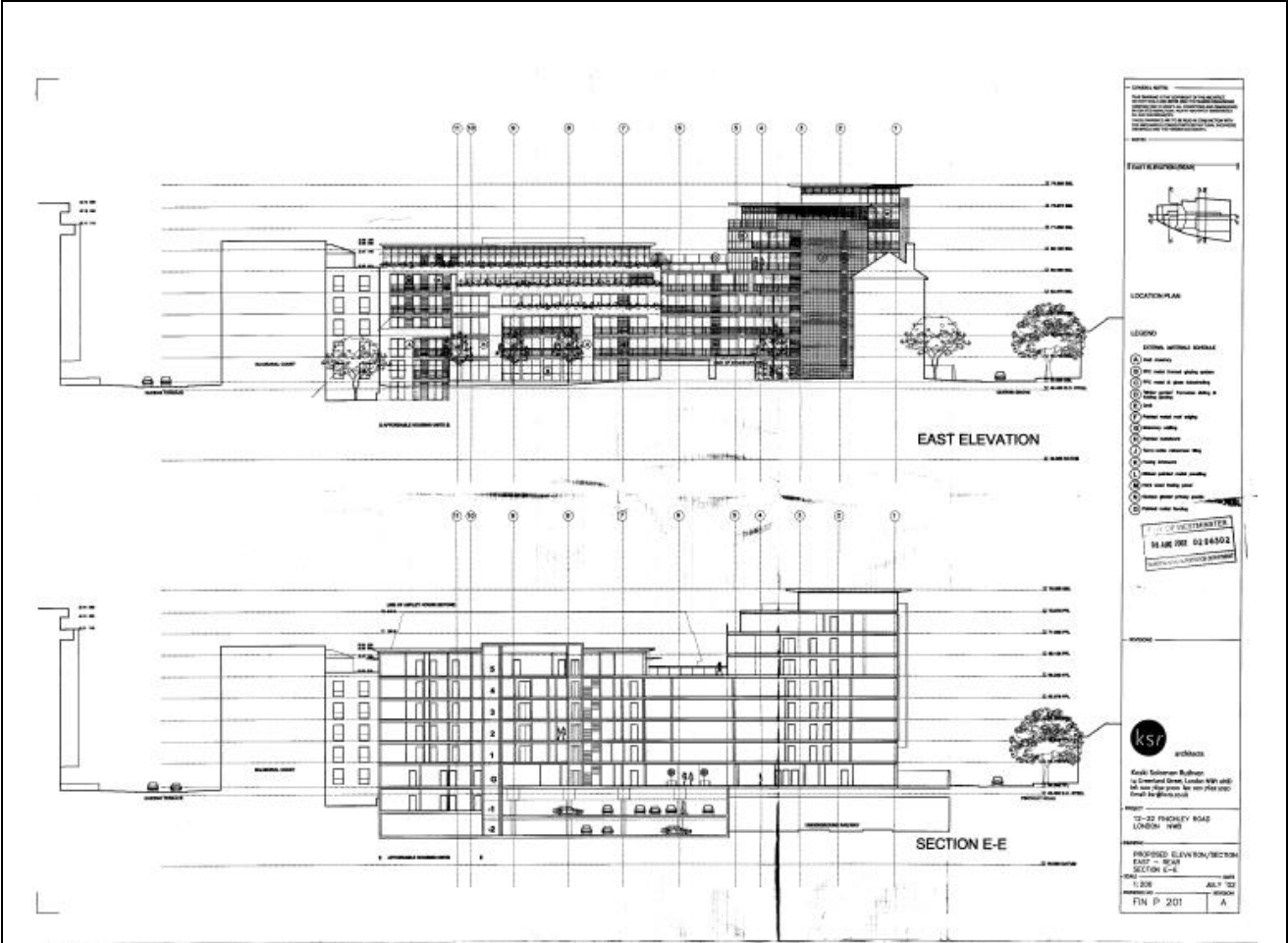
Approved basement level -2 (top) and basement level -1 (bottom).



Approved ground floor plan.



Approved Finchley Road (top) and Queen's Grove (bottom) elevations.



Approved rear elevation (top) and north/ south section through site (bottom).



**STAGE 1**

- HOARDING ERECTION
- SITE DEMO / ACCESS
- DEMOLITION

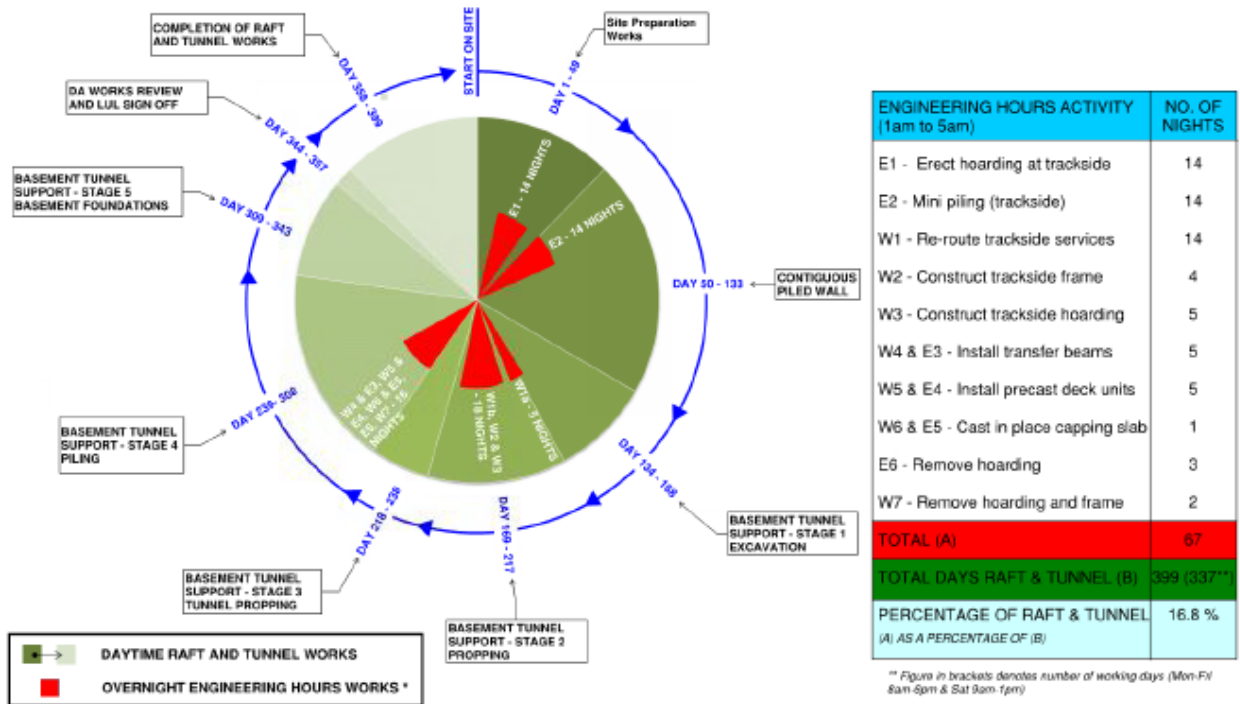


**STAGE 2**

- INSTALLATION OF PILED WALL
- TEMPORARY PROPPING OF TUNNEL WALL
- EXCAVATION
- BASEMENT CONSTRUCTION



*Figure 3 – Demolition and Construction Sequence Stages 1 & 2*



*\* no more than 10 nights of works will be carried out over any 15 night period*

*Figure 5 - Construction programme pie chart, night works compared to daytime works.*

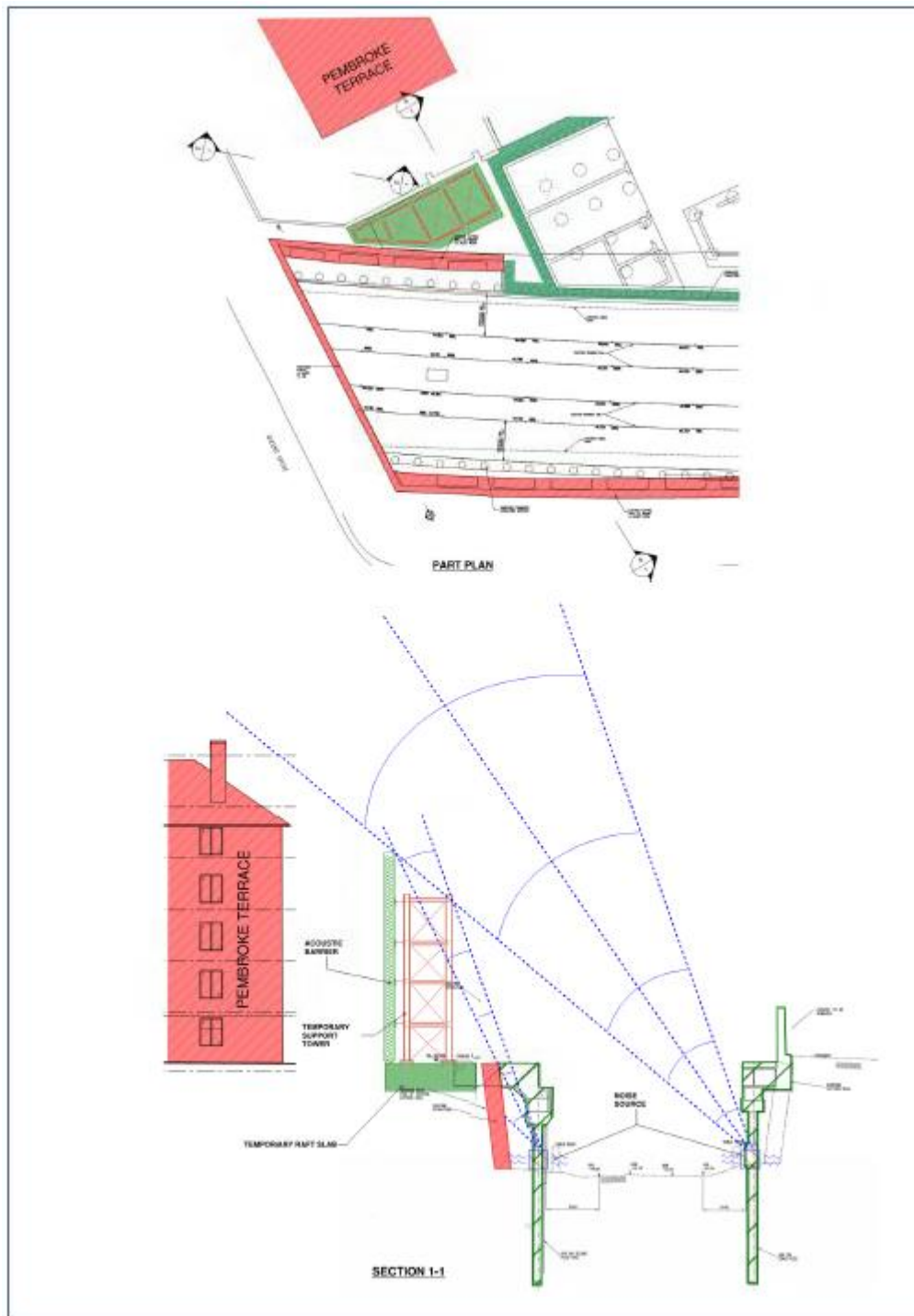


Figure 15 - Temporary Acoustic Screen to Pembroke Terrace

Current Baseline with train events

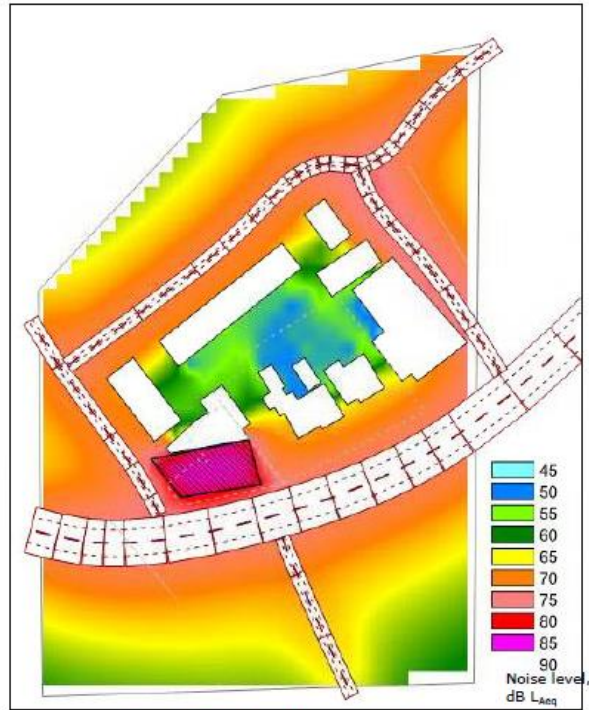


Figure 19 - Noise model, current baseline with train passby.

Proposed completed development

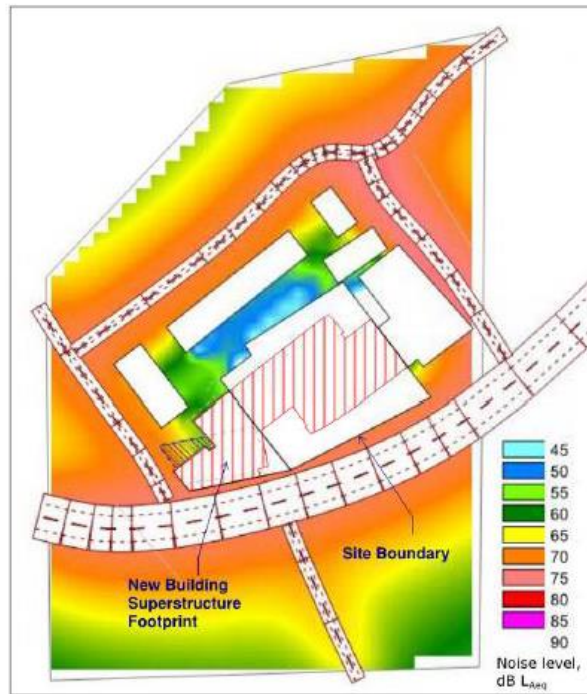


Figure 23 - Proposed development in place.

**DRAFT DECISION LETTER**

**Address:** Development Site At 1 1/2 Queens Grove And, 12-22 Finchley Road, London, NW8 6EB

**Proposal:** Variation of Condition 2 of planning permission dated 2 November 2003 (RN: 02/06302/FULL) for the demolition of existing buildings and erection of residential building of 6-8 storeys comprising 66 apartments including 17 affordable units and provision of 64 parking spaces in two basements from RN 02/06302/FULL. NAMELY, to vary the hours of construction works that can be heard at the boundary of the site to allow works around the railway cutting to take place between 01.00 and 05.00 hours for a non-consecutive period of approximately 67 nights during the overall construction programme.

**Reference:** 17/00938/FULL

**Plan Nos:** **DRAWINGS ORIGINALLY APPROVED UNDER RN: 02/06302/FULL:** FIN-P-1001A, 002A, 003A, 100A, 102B, 103A, 104A, 105A, 106A, 200A, 201A, 300A, 301A. , , **AS AMENDED/ SUPPLEMENTED BY DRAWINGS AND DOCUMENTS HEREBY APPROVED:** Night-time Construction Noise Assessment by Ramboll dated 3 February 2017, Statement of Community Involvement dated January 2017 and letter from Gerald Eve dated 6 February 2017.

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

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

1 You must not use the premises as:

(a) temporary sleeping accommodation as defined in Section 25 of the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015; or

(b) holiday accommodation under either a tenancy agreement or any other form of accommodation contract. (C08AA)

**Reason:**

To make sure the property provides permanent domestic accommodation as set out in Policy H 2 of the Unitary Development Plan we adopted in January 2007. (R08AA)

2 (A) 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 (except where night working is permitted by part (B));

\* between 08.00 and 13.00 on Saturday; and

\* not at all on Sundays, bank holidays and public holidays.

(B) Building work that endangers the safe operation of the London Underground railway line

around the open cutting or alongside the tunnel, that must take place during the Engineering Hours, may occur between 01.00 and 05.00 Monday to Friday, and may only be undertaken following the implementation of the relevant mitigation measures, as set out in the Ramboll Night Time Noise Assessment dated 3 February 2017, to ensure the noise levels experienced during the Engineering Hours construction period do not exceed the levels as set out in the same report. If alternative mitigation measures are proposed these shall be submitted in writing to us in the form of a Construction Design and Noise Mitigation Assessment and you must not implement the alternative mitigation measures until we approve what you send us.

(C) Any other works must not take place outside the hours set out in (A) and (B) unless we have agreed that there are very special circumstances (for example to meet police traffic restrictions, in an emergency or in the interests of public safety).

Reason:

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

- 3 You must provide the waste store shown on drawing FIN P102B before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is to be collected. (C14DA)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling 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. (R14CC)

- 4 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

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

- 5 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 6 You must apply to us for approval of samples of the facing materials you will use, including

glazing, before you begin any work, unless you carry out the development in accordance with the facing materials that were previously approved on 13 August 2007 (RN: 07/03915/ADFULL). You must then carry out the work according to the details we previously approved or the details we approve pursuant to this condition subsequent to the date of this permission. (C26BA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in DES 5 or DES 6 or both, of our Unitary Development Plan, DES 5 or DES 6 or both, of our Replacement Unitary Development Plan (Second Deposit version), and DES 5 or DES 6 or both, of our Pre-Inquiry Unitary Development Plan. (R26AA)

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 10 Unless you apply to us and we approve an alternative hard and soft landscaping scheme, you must carry out the hard and soft landscaping in accordance with the details we approved on 10 October 2006 (RN: 06/07473/ADFULL). You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within one year of planting them, you must replace them with trees of a similar size and species. (C30CA)

**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)

- 11 Unless you apply to us and we approve alternative tree protection measures, you protect the trees to remain on site as shown on drawing FIN P102B in accordance with the tree protection measures we previously approved on 12 October 2007 (RN: 07/07332/ADFULL). You must implement the approved tree protection measures before any work begins and you must protect the trees throughout all building work, including demolition and site clearance, by using fences or other suitable enclosures. No building activities must take place within the enclosures. (C31AA)

**Reason:**

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 12 Unless you carry out the development in accordance with the typical elevations of the development we approved on 13 August 2007 (RN: 07/03915/ADFULL) you must apply to us for approval of detailed drawings of typical elevations of the development at a scale of 1:50 prior to any work on these parts of the development. You must then carry out the work according to the approved detailed drawings

**Reason:**

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

- 13 Unless you carry out the development in accordance with the details of boundary treatments including gates and doors that we approved on 13 August 2007 (RN: 07/03915/ADFULL), you must apply to us for approval of detail drawings of boundary treatments including gates and doors at a scale of 1:50 prior to any work being carried out on these parts of the development. You must then carry out the work according to the approved detailed drawings. (C26DA)

**Reason:**

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

- 14 Unless you carry out the development in accordance with the amended east elevation approved on 13 August 2007 (RN: 07/03915/ADFULL), you must apply to us for approval of alternative



detailed drawings showing the terracotta rainscreen shown on the east elevation on drawing FIN P201A replaced by cast masonry to match the remaining elevations. If you apply to us for approval of alternative detailed drawings, you must apply to us and we must approve the alternative detailed drawings prior to any works commencing on site above ground floor slab level. You must then complete this part of the development in accordance with the amended east elevation that we approve.

Reason:

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring residential properties. This is in accordance with H10 and ENV13 of the Unitary Development Plan that we adopted in January 2007 and S29 of Westminster's City Plan that we adopted in November 2017.

- 15 Unless you carry out the development in accordance with the details of screening to and between balconies we approved on 13 August 2007 (RN: 07/03915/ADFULL), you must apply to us for approval of alternative detailed drawings showing screening to and between balconies prior to any work being carried out on these parts of the development. You must then carry out the work according to the approved drawings. (C26DA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in H 10, SC 13, and SC 19 of our Unitary Development Plan, ENV 6 and ENV 12 of our Replacement Unitary Development Plan (Second Deposit version) and ENV 6a and ENV 12 of our Pre-Inquiry Unitary Development Plan. (R21BA)

- 16 (a) Unless and until the 'maximum noise level' and 'measurement location' are fixed under (b), the plant/machinery hereby permitted shall be operated so as to ensure that any noise generated does not exceed the external background noise level (without the plant/machinery hereby permitted operating) at any time outside any residential property (to be referred to as the 'receptor location/s ').

(b) If the 'maximum noise level' and 'measurement location' have been fixed under this condition, the plant hereby permitted shall be operated so as to ensure that any noise generated does not exceed the 'maximum noise level' when measured at the 'measurement location'.

For the purposes of fixing the 'maximum noise level' and the 'measurement location' details of the following noise scheme shall be submitted to and approved in writing by the City Council, namely a scheme including:

- i. A suitable location accessible to the applicant and City Council, close to the plant/machinery hereby permitted, for measuring noise emitted by it (to be referred to as the 'measurement location'); and
- ii. Results of monitoring at the 'measurement location' and 'receptor location/s ' when external background noise levels are at their quietest. The results of the monitoring shall determine the highest noise level (to be referred to as the 'maximum noise level') emitted by the plant/machinery hereby permitted when measured at the 'measurement location' which does not exceed the

external background noise level at any time (without the plant/machinery hereby permitted operating) at the 'receptor location/s '. The results shall be provided as the maximum sound levels over a 5-minute period expressed as L<sub>Amax</sub> L<sub>Aeq</sub> and un-weighted octave band frequency spectra. (C39A)

Reason:

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

- 17 The development hereby permitted shall be fully implemented in accordance with the approved drawings and shall maintain a minimum distance of 19.6 metres between the new building line to the eastern boundary and the rear building line of 1-24 Bartonway, Queens Terrace, when scaled from the ground floor plan numbered FIN P102 B.

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)

- 18 The development hereby approved shall be fully implemented in accordance with the approved plans, including the threshold levels shown on the scaled elevations and sections on approved drawings numbered FIN P300 A, FIN P200A, FIN P201A, FINP 301A.

Reason:

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

- 19 Prior to further work in addition to those identified in RN: 13/09910/CLOPUD being carried out on site, including any demolition or construction works, 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)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The development shall be of such a standard that internal structural borne noise levels above 35 dB LASmax (day and night) from the Metropolitan Line shall be avoided where practicable. In this context a desirable design shall be 35 dB LASmax and below. A noise level up to 40 dB LASmax is acceptable in this development given the location and land use, but the applicant must demonstrate appropriate steps have been taken to ensure the desirable standard is met until all possible mitigation has been employed and no further reduction is possible. If the design and mitigation of any residential dwellings cannot meet the minimum standard of 40 dB LASmax from underground train noise then such dwellings would be unsuitable for the intended residential use.
- 3 No vibration from the Underground Trains shall be transmitted to adjoining dwellings 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 nighttime as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.
- 4 With reference to condition 19 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 5 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)
- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

- 7 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)
- 8 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)
- 9 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)
- 10 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).
- 11 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for

demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

- 12 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 13 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. (154AA)
- 14 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (169AA)

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

Item No.
<b>2</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 13 <sup>th</sup> June 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Bryanston and Dorset Square, Church Street, Harrow Road, Hyde Park, Knightsbridge and Belgravia, Little Venice, Marylebone High Street, St James's, Tachbrook, Warwick, Westbourne, West End, Vincent Square	
<b>Subject of Report</b>	<b>New World Payphone locations throughout the city</b>		
<b>Proposal</b>	The installation of new telephone kiosks with integral LED advertisement panels and the removal of existing kiosks in various locations across the city		
<b>Agent</b>	New World Payphones		
<b>On behalf of</b>	New World Payphones		
<b>Registered Numbers</b>	See list in report	<b>Date amended/ completed</b>	3.5.17
<b>Date Application Received</b>	ADV applications 25.10.16, 26.10.16, 1.12.16, 31.1.17, 20.4.17 TELCOM applications 2.5.17 and 3.5.17		
<b>Conservation Areas</b>	Various		

## 1. RECOMMENDATION

For Sub-Committee's Views:

1. Does the Sub-Committee consider that the proposed package, for removing 193 existing kiosks and installing 41 new kiosks with LED advertisement screens, is acceptable?
2. Subject to 1. above, either:
  - i. agree that prior approval is not required, and,
  - ii. agree to grant conditional advertisement consent subject to the satisfactory completion of a Unilateral Undertaking to require the removal of all the existing 193 kiosks, a maintenance agreement for the new kiosks and retained K6 telephone kiosks, and fund the planting of 45 new street trees; or,
3. Refuse on design and amenity grounds -
  - i. agree that prior approval is required and is refused, and,
  - ii. agree to refuse advertisement consent.

## 2. SUMMARY

New World Payphones has 193 modern telephone kiosks in 138 locations across the city (some sites have two kiosks), mostly outside conservation areas. It also has 31 historic K6 type which are in conservation areas. All were installed about 15-20 years ago. All are painted black.

Like most telephone kiosks in the street, they are not often used by the public and attract anti-social behaviour. It is highly desirable that these are removed to reduce street clutter and improve the appearance of streets.

The benefit of the proposed package, which needs to be considered as a whole, is the reduction in street clutter through the removal of all the existing outdated kiosks. This has to be weighed against the harm to amenity caused by the advertising panels of the new kiosks. The existing K6 style kiosks will be retained and maintained.

Most of the proposed locations for the new kiosks are in more commercial locations where the harm caused by the advertisement is relatively small. In some cases there is an impact on conservation areas and/or the settings of listed buildings which causes harm to these heritage assets. However, that harm is to be considered in the light of the whole package. The committee is asked to consider whether or not the benefits of removing the kiosks outweigh the harm caused by the new kiosks with their advertising screens.

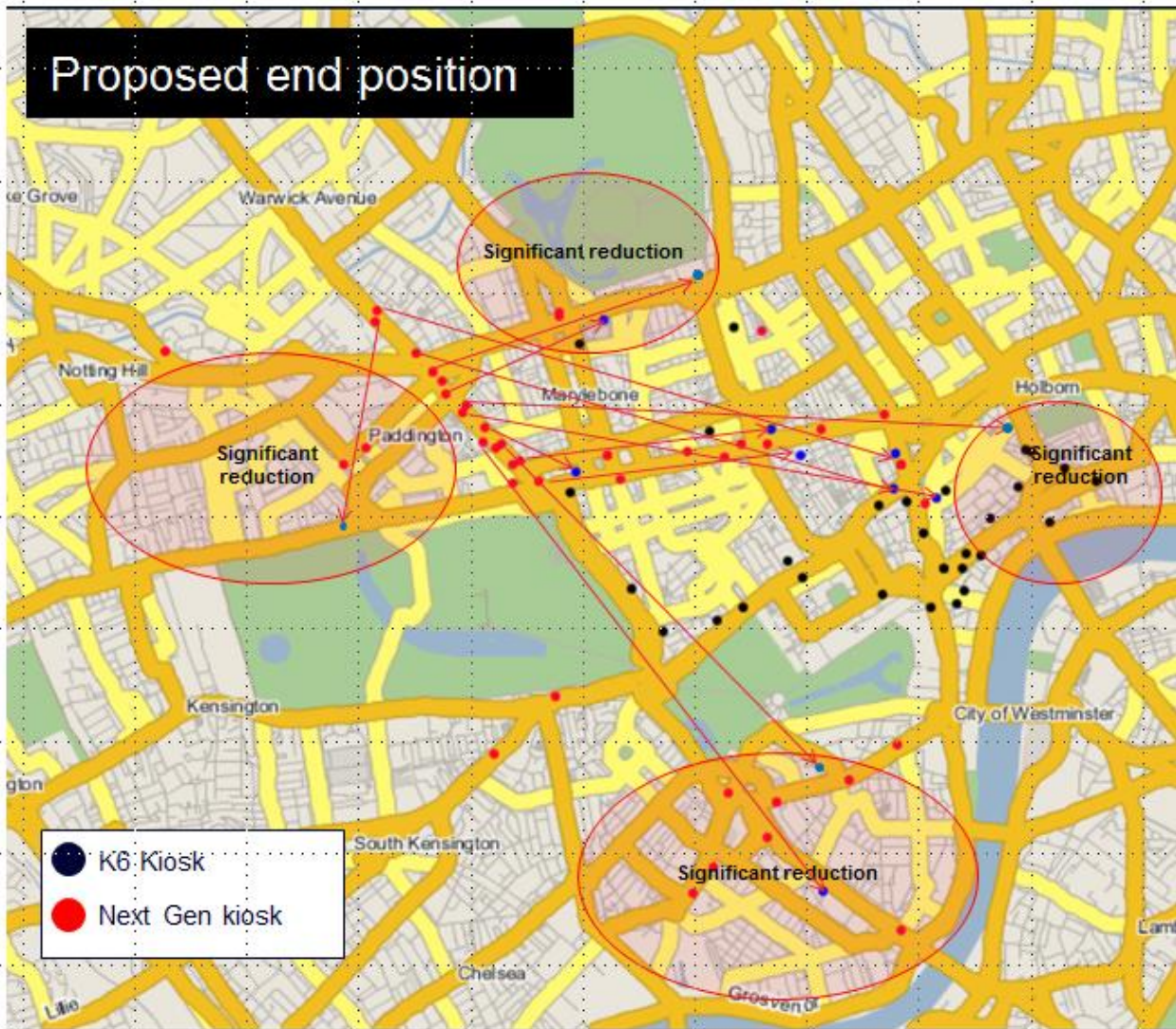
If advertisement consent is to be granted it should be subject to a Unilateral Undertaking that requires the removal of all the existing 193 kiosks, a maintenance agreement for the new kiosks and retained K6 telephone kiosks, and funding of the planting of 41 new street trees (which has been offered by the applicant). A condition will also be required to control the type of display, preventing the display of moving images.

If the package is considered harmful overall then the applications should be refused on design grounds, including the impact on amenity. This would include the impact on heritage assets.



3. LOCATION PLAN





4. PHOTOGRAPHS – Examples of locations

James Street, W1



Vauxhall Bridge Road, SW1



Knightsbridge, SW1



Tottenham Court Road, W1



## 5. CONSULTATIONS

### TRANSPORT FOR LONDON (TFL)

Have objected to some locations and are negotiating amendments with the applicant.

### HIGHWAYS PLANNING

No objection subject to conditions controlling the advertisement display

### CROSSRAIL

No comments

### MARYLEBONE ASSOCIATION

Objects:

1. The proposed structures on which these displays are proposed to sit are not at all well designed. They are crude, cheaply constructed and finished, and bear no relation to the context in which they sit.
2. In all cases, these proposed displays are on busy stretches of footway. The ease with which people can walk here would be severely compromised if these new displays were permitted.
3. We have been trying for years to remove street clutter in Westminster – these proposals add to it in a particularly undesirable way.

### SOHO SOCIETY

Objects:

Will cause loss of residential amenity and is an obstruction of the public highway. The proposed screen is distracting for partially sighted people. The obstruction this new combined telephone kiosk/advertising display will cause is at odds with the draft Westminster Walking Strategy and public realm strategy. [Westminster Way- Public realm strategy Design principles and practice]

### THORNEY ISLAND SOCIETY

Objects:

Will result in more 'visual clutter'. Realise that the size of the display will not alter, but the fact that the images will be changing and will be illuminated will make them much more prominent. Constantly changing images will add to street clutter, even if the number of actual kiosks is reduced. Such a display is using energy, when it should be council policy to reduce energy consumption

### COVENT GARDEN COMMUNITY ASSOCIATION

Would prefer to see the telephone kiosk removed, they do not object to the replacement kiosk, provided it is regularly maintained, including cleaned.

### PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Objection:

Will lead to increased street clutter, no justification for the phone box with an advert.

### ST MARYLEBONE SOCIETY

Objects strongly:

Harm to the visual environment, profit via advertising space, would add street clutter and there is no evidence demonstrating demand.

**SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION**

Objects strongly:

Against adverts on telephone boxes, illuminated adverts would spoil street scene, poorly located at busy junction with high pedestrian congestion, due to lack of information it is not clear where the advert is located

**VICTORIA BID**

Generally support efforts to reduce the number of phone boxes in Victoria, but in the absence of a comprehensive cleaning or maintenance agreement being available for view the planning applications are a concern. It is not clear how the proposals will bring forward a step change in the condition of kiosks that is sorely needed in Victoria. Similarly, the advertising offer to businesses and charities is vague as is the proposed Wi-Fi provision. We also have reservations concerning how the proposed kiosks may impact on footway widths and thus pedestrian safety.

**KNIGHTSBRIDGE ASSOCIATION**

Object:

Dislikes the increased use of digital advertising on street furniture providing a further distraction for road users.

**KNIGHTSBRIDGE NEIGHBOURHOOD FORUM**

Object strongly:

All non-heritage phone boxes should be removed to reduce street clutter otherwise they remain largely (un)used for and are a focal point for litter, graffiti and sex cards. Please reject this application and use the Council's powers to request that the phone box is removed and not replaced.

**WESTMINSTER SOCIETY**

No comment

**NEW WEST END COMPANY**

No objection

**HYDE PARK RESIDENTS ASSOCIATION**

No response received

**NORTH PADDINGTON SOCIETY**

No response received

**WESTBOURNE NEIGHBOURHOOD FORUM**

No response received

Resident, 26 Wendover Court, Chiltern Street, London

The kiosks are useless as most people have mobile phones and the kiosks are an invitation to prostitutes who advertise, get in the way of pedestrians and are redundant as far as any benefit to the public is concerned.

## 6. BACKGROUND INFORMATION

There are a large number of telephone kiosks in the City of Westminster, estimated at about 1,800. Many of the original historic telephone boxes (K2 and K6 types) are now grade 2 listed structures (approximately 110). Between 1994 and 1999 the City Council dealt with nearly 2,000 applications for prior approval for the installation of new telephone kiosks, including traditional K6 types, mainly in conservation areas. Not all of these were implemented but many hundreds were installed. With the rise of the mobile phone most of these telephone kiosks are now largely unused. Many are in very poor condition and attract anti-social activity.

Planning permission is not required for the installation of a new telephone kiosk. They are permitted development but prior approval is required from the local planning authority. If the proposal is acceptable then the decision is Prior Approval Not Required. If it is unacceptable then Prior Approval is refused. The only issues that can be considered are design and siting of the kiosk.

The Town and Country Planning (General Permitted Development) Order 2010 says that when the kiosk is no longer required it should be removed. However, telecommunications companies argue that the kiosks are not redundant and refuse to remove them.

Advertisement consent is not required for the display of adverts on kiosks outside conservation areas; they have deemed consent. Inside conservation areas advertisement consent is required.

### **Relevant policies**

The City Council's longstanding policies, set out in the Unitary Development Plan, City Plan and 'Westminster Way', are to minimise street clutter and to resist advertising on street furniture. There are however increasing pressures for on-street advertising, which can be harmful to the visual amenity of the city.

### **Recent applications**

The City Council has recently approved a large number of bus shelters with LED advertising screens, replacing the more traditional poster adverts. Not all applications were approved. In more sensitive areas consent was refused and almost all of these refusals were upheld at appeal.

There is growing pressure for advert screens on telephone kiosks. The other telephone companies (apart from the current applicant) may also have plans to replace their kiosks with new ones incorporating large LED advertisements. Many of the telephone companies are now owned by outdoor advertising companies. New World Payphones is now owned by Clear Channel, and Infolines is now owned by a similar firm, JC Decaux. BT has joined forces with Primesight.

There are other new companies submitting applications for new telephone kiosks on the streets. The City Council has recently refused prior approval for the installation of 80 new, additional, telephone kiosks across the city by Maximus Networks Limited, some of which are in similar locations to those proposed by NWP. Their applications did not include advertisements although their kiosks included a large wall, capable of advert displays. In

locations outside conservation areas they could display adverts without needing express consent.

In the last few weeks more applications have been received from a company called EuroPayphones. Potentially, these applications will be recommended for refusal of 'prior approval', for the same reasons as the Maximus applications.

## 7. THE CURRENT PROPOSAL

NWP/Clear Channel have come forward with a proposal to remove all 193 modern design kiosks and install 45 new kiosks with integral LED advertising screens in locations currently occupied by NWP kiosks. These new kiosks are slightly wider than the existing ones, but slightly less deep. The orientation of the advertisement screen varies from site to site. In some cases it is at right angles to the street, facing along the pavement. In other cases it is parallel to the kerb. The existing K6 boxes will be retained and refurbished.

The new kiosk is a two-sided, metal-framed structure, finished in black. Its design takes some inspiration from the tradition K6 kiosk. It is considered that this is not an outstandingly well designed piece of street furniture but it is an acceptable replacement for the existing modern kiosks.

Officers have negotiated the current package, seeking to reduce the total number of new kiosks and to locate them in the more commercial parts of the city. The difference between the Maximus proposals and the current applications is that the latter proposals see a significant net reduction (148) in the number of kiosks across the city.

The package also involves a Unilateral Undertaking to ensure implementation. It states that if consent is granted for installation of the new kiosks, NWP covenants with the Council that NWP shall:

1. Within 12 months of the date of receipt of the Kiosk Consent for the NWP Kiosks remove 193 existing Kiosks and replace them with 45 upgraded NWP Kiosks at locations identified at the planning committee and in respect of all Kiosk Sites shall obtain necessary permits in order to progress the works and will reinstate the ground subsequent to all works being completed;
2. Within 12 months of the Kiosk Consent Date refurbish 31 existing K6 design kiosks in accordance with a refurbishment schedule;
3. Maintain the upgraded NWP Kiosks to a reasonable standard in accordance with a maintenance schedule, including the cleaning of each kiosk at a minimum frequency of once a week;
4. Fund the planting of 45 roadside trees, subject to the remainder of this clause, namely that the Council will identify 45 suitable sites for the street trees, and shall in advance of planting a street tree at each suitable site invoice NWP for the costs associated with the planting up to a maximum of £1,500 (exclusive of VAT), any which invoice NWP shall pay within 45 days of receipt;

It is considered that the use of the LED screens to display moving images would make them unacceptable in terms of amenity and highways safety. Therefore, it is recommended that, if consent is to be granted, a condition is used to limit the display to static images.



Such as condition was used recently to control similar screens on bus shelters. The condition would read:

The advertisements displayed shall be a series of static images, which individually feature no moving elements, dynamic displays or motion pictures. The speed of change between one static image and the next shall be no quicker than 12 seconds.

## 8. DETAILED CONSIDERATIONS

There are currently 41 application sites, although the legal agreement refers to 45 locations. This is due to some applications being withdrawn primarily due to objections from TfL to some of the applications. A number of locations are still subject to negotiations between the applicant and TfL. The proposed locations are concentrated in the following parts of the city:

Oxford Street = 8  
 Edgware Road = 12  
 Victoria Street = 4  
 Vauxhall Bridge Road = 3  
 Buckingham Palace Road = 3

The remaining are more spread out. The following is a complete list of the proposed kiosks:

	Telephone kiosk site outside:	Application RN	Application RN
	<b>North Area</b>		
1.	18-20 Edgware Road W2 2JG	17/03735/TELCOM	16/10277/ADV
2.	27 Edgware Road W2 2JE	17/03736/TELCOM	16/10282/ADV
3.	54 Edgware Road W2 2EH	17/03760/TELCOM	16/11395/ADV
4.	57 Edgware Road W2 2HZ	17/03743/TELCOM	16/10281/ADV
5.	86-88 Edgware Road W1H 5AS	17/03753/TELCOM	16/10276/ADV
6.	97 Edgware Road W2 2HX	17/03758/TELCOM	16/10283/ADV
7.	143 - 143 Edgware Road W2 2HR	17/03740/TELCOM	16/10265/ADV
8.	194-196 Edgware Road W2 2DW	17/03750/TELCOM	16/10271/ADV
9.	258 Edgware Road NW1 5DS	17/03757/TELCOM	16/10378/ADV
10.	306-308 Edgware Road W2 1DY	17/03756/TELCOM	16/10266/ADV
11.	349 Edgware Road W2 1BS	17/03741/TELCOM	16/10253/ADV
12.	438 Edgware Road W2 1EG	17/03742/TELCOM	16/10267/ADV

13.	1-3 Craven Road W2 3BP	17/03825/TELCOM	16/10285/ADV
14.	1 London Street W2 1HR	17/03803/TELCOM	16/10270/ADV
15.	286 Harrow Road W2 5ES	17/03815/TELCOM	16/10287/ADV
16.	375 Harrow Road W9 3ND	17/03820/TELCOM	16/10288/ADV
17.	209 Baker Street NW1 6WZ	17/03816/TELCOM	16/10252/ADV

<b>Central Area</b>			
1.	4 Oxford Street W1D 1AN	17/03824/TELCOM	16/10211/ADV
2.	120 Oxford Street W1T 3QN	17/03807/TELCOM	16/10212/ADV
3.	240 Oxford Street W1C 1DH	17/03813/TELCOM	16/10231/ADV
4.	315-319 Oxford Street W1C 2HS	17/03812/TELCOM	16/10234/ADV
5.	334-348 Oxford Street W1C 1JG	17/03832/TELCOM	17/03420/ADV
6.	376-384 Oxford Street W1D 2LP	17/03817/TELCOM	16/10227/ADV
7.	451 Oxford Street W1	17/03818/TELCOM	16/10237/ADV
8.	508 - 520 Oxford Street W1C 1NB	17/03819/TELCOM	17/00742/ADV
9.	6 - 10 Great Portland Street W1W 8QL	17/03804/TELCOM	16/11409/ADV
10.	10 Great Marlborough Street W1F 7LP	17/03805/TELCOM	16/11410/ADV
11.	93 – 107 Shaftesbury Avenue W1D 5DY	17/03827/TELCOM	16/11404/ADV

<b>South Area</b>			
1.	Atlas House, Victoria Street SW1E 5LA	17/03749/TELCOM	16/10250/ADV
2.	Atlas House, Vauxhall Bridge Road SW1E 5LA	17/03751/TELCOM	16/10251/ADV
3.	22 Victoria Street SW1H 0NJ	17/03829/TELCOM	16/10247/ADV
4.	77 Victoria Street SW1H 0HW	17/03830/TELCOM	16/11396/ADV
5.	50-52 Buckingham Palace Road, SW1W 0RN	17/03754/TELCOM	16/11390/ADV
6.	153 Buckingham Palace Road SW1W 9UD	17/03828/TELCOM	16/10245/ADV

7.	National Audit Office 157 To 197 Buckingham Palace Road, SW1W 9SP	17/03811/TELCOM	16/10248/ADV
8.	Noel Coward House, 65 Vauxhall Bridge Road SW1V 2SW	17/03759/TELCOM	16/11408/ADV
9.	39-40 Wilton Road SW1V 1LJ	17/03826/TELCOM	16/11389/ADV
10.	13 Great Newport Street WC2H 0BS	17/03808/TELCOM	16/10242/ADV
11.	105 Charing Cross Road WC2H 0DT	17/03810/TELCOM	16/10244/ADV
12.	102 Brompton Road SW3 1JJ	17/03738/TELCOM	16/10241/ADV
13.	62 Knightsbridge, SW1X 7JF	17/03764/TELCOM	16/11392/ADV

## SITE BY SITE ASSESSMENT BY AREA (North to South)

### NORTH AREA

#### Sites on Edgware Road – General comment

Edgware Road is a busy road highly commercial in character with a number of internally illuminated adverts on the adjoining buildings and bus shelters. Parts of the road are in a conservation area but the majority lies outside. There are two K2 telephone kiosks grade II listed located outside Nos. 64 and 138 - both are some distance away from the proposed sites. It is part of the strategic road network and Transport for London are responsible for highways matters.

#### 18-20 Edgware Road

This is inside the Portman Estate Conservation Area, located between junction with Bryanston Street and Marble Arch. On the opposing side there is a grade II listed terrace of stucco buildings with principal facades facing Bayswater Road. Given the commercial context and significant distance from the listed buildings there is a relatively low level of harm to the visual amenity of the area or setting of the listed buildings.

Transport for London require minor change in position;  
Marylebone Association object.

#### 27 Edgware Road

This is not in a conservation area and is located between junctions with Connaught Street and Seymour Street. Given the commercial context there is a relatively low level of harm to the visual amenity of the area.

TFL: No objection;  
Hyde Park Estate Association: No response to date.

**54 Edgware Road**

This is not in a conservation area and is located between Upper Berkeley Street and Seymour Street. Given the commercial context there is a relatively low level of harm to the visual amenity of the area.

TfL are in negotiation with the applicant;  
Marylebone Association has objected.

**57 Edgware Road**

This is not in a conservation area and is located between junctions with Connaught Street and Kendal Street. Given the commercial context there is a relatively low level of harm to the visual amenity of the area.

TfL are in negotiation with the applicant;  
Hyde Park Estate Association: No response to date.

**86-88 Edgware Road**

This is not in a conservation area and is located between junctions with George Street and Stourcliffe Street. Given the commercial context there is a relatively low level of harm to the visual amenity of the area.

TfL are in negotiation with the applicant;  
Marylebone Association have objected.

**97 Edgware Road**

This is not in a conservation area and is located between junctions with Kendal Street and Burwood Place. Given the commercial context there is a relatively low level of harm to the visual amenity of the area.

TfL are in negotiation with the applicant.

**143 Edgware Road**

This is not in a conservation area and is located between the junctions with Sussex Gardens and Burwood Place. Given the commercial context there is a relatively low level of harm to the visual amenity of the area.

TFL: No objection.

**194 Edgware Road**

This is not in a conservation area and is located between junctions with Crawford Place and Old Marylebone Road. Given the commercial context there is a relatively low level of harm to the visual amenity of the area.

Transport for London do not object.

**258 Edgware Road**

This is not in a conservation area and is located between junctions with Marylebone Road and Chapel Street. Given the commercial context and adjacent to the Marylebone flyover there is a relatively low level of harm to the visual amenity of the area.

TfL are in negotiation with the applicant to relocate slightly;  
St Marylebone Society objects very strongly.

### **306 Edgware Road**

This is not in a conservation area and is located outside Edgware Road Tube Station between junctions with Bell Street and Marylebone Road. The phone is adjacent to a totem advertisement structure against the flyover (planning permission and advertisement consent 09/07862/FULL & 09/07863/ADV were granted at appeal on 27 July 2010; the additional consent on 24.07.2012 12/01880/ADV). Given the commercial context there is a relatively low level of harm to the visual amenity of the area.

Transport for London object and are in negotiation with NWP;  
St Marylebone Society objects very strongly.

### **349 Edgware Road**

This is not in a conservation area and is located between junctions with Cuthbert Street and Church Street. Given the commercial context there is a relatively low level of harm to the visual amenity of the area.

TfL are in negotiation with the applicant;  
Paddington Waterways Maida Vale Society: Objection.

### **438 Edgware Road**

This is not in a conservation area and is located between junctions with Frampton Street and Boscobel Street. Given the commercial context there is a relatively low level of harm to the visual amenity of the area.

TfL are in negotiation with the applicant;  
St Marylebone Society: Very strong objection.

### **1-3 Craven Road**

The site is in a busy and commercial part of the Bayswater Conservation Area; the kiosk is located on a prominent corner junction with Spring Street. There are immediately adjacent listed buildings. The proposed advertisement does cause some harm to the character and appearance of the conservation area and setting of the listed buildings.

South East Bayswater Residents Association: strongly object.

### **1 London Street**

The site is in a busy and commercial part of the Bayswater Conservation Area. There are nearby listed buildings but the properties immediately behind the kiosk on London Street are not listed. The proposed advertisement does cause some harm to the character and appearance of the conservation area, but limited impact on the setting of the listed buildings.

South East Bayswater Residents Association: strongly object

**286 Harrow Road**

This is not in a conservation area and is located between junctions with Cirencester Street and Bourne Terrace. This part of the road is commercial in character and there would be a relatively low level of harm to the visual amenity of the area.

North Paddington Society: No response to date;  
Westbourne Neighbourhood Forum: No response to date.

**375 Harrow Road**

This is not in a conservation area and is located between junctions with Great Western Road and Fermoy Road. This is a highly commercial street and there would be a relatively low level of harm to the visual amenity of the area.

**209 Baker Street**

The site is located in the Dorset Square Conservation Area between the junction with Melcombe Street and Marylebone Road. On the opposing side of the street consent was granted for digital adverts as part of a bus shelter. Baker Street is a busy one way street with a commercial character and therefore there is a relatively low level of harm to the visual amenity of the area.

Transport for London are in negotiation with the applicant;  
St Marylebone Society: Very strong objection.

**CENTRAL AREA****Sites in Oxford Street – General comment**

This is a highly commercial location, with existing advertisements on existing telephone kiosks and bus shelters. However, the kiosks are not in Oxford Street itself, but close to the junctions with streets leading off. The Mayor of London and the GLA, in conjunction with the City Council and other parties, is currently reviewing the future of Oxford Street, including pedestrian and traffic movement and the potential for significant environmental improvements. If consent is granted for the current proposal it is possible that the kiosks will need to be reviewed in the light of the conclusions of this review.

**4 Oxford Street - West side of Tottenham Court Road**

This location is in the Hanway Street Conservation Area and is adjacent to the Tottenham Court Road façade of the listed building at 14-16 Oxford Street. There is a street trading kiosk immediately to the north. The proposed advertisement does cause some harm to the character and appearance of the conservation area and the settings of the listed building.

**120 Oxford Street - West side of Berners Street**

This is in the East Marylebone Conservation Area but not adjacent to listed buildings. It causes some harm to the character and appearance of the conservation area but this is not considered to be a highly sensitive location in urban design and conservation terms. There would be a relatively low level of harm to the visual amenity of the area.

**240 Oxford Street – West side of John Princes Street**

This is outside a conservation area but to the west of the Regent Street Conservation Area and listed buildings in Regent Street to the east. There are BT telephone boxes to the

north. This is not considered to be a highly sensitive location in urban design and conservation terms. There would be a relatively low level of harm to the visual amenity of the area.

The Marylebone Association have objected.

**315-319 Oxford Street - Dering Street**

This is inside the Mayfair Conservation Area but not adjacent to listed buildings. There is a street trading kiosk immediately to the north, closer to Oxford Street. Some harm would be caused to the character and appearance of the conservation area.

**334-348 Oxford Street - Marylebone Lane**

This is outside a conservation area. There is a street trading kiosk immediately to the south, closer to Oxford Street. This is not considered to be a highly sensitive location in urban design and conservation terms. There would be a relatively low level of harm to the visual amenity of the area.

**376-384 Oxford Street - West side of James Street**

This is outside but adjacent to the Stratford Place Conservation Area and not adjacent to listed buildings. This is not considered to be a highly sensitive location in urban design and conservation terms. There would be a relatively low level of harm to the visual amenity of the area.

The Marylebone Association have objected.

**451 Oxford Street - North Audley Street**

This is inside the Mayfair Conservation Area but not adjacent to listed buildings, although Selfridges (grade 2) is to the north. There is a BT telephone box immediately to the south. Some harm would be caused to the character and appearance of the conservation area.

**508-520, Oxford Street - Portman Street**

This is inside the Portman Estate Conservation Area but not adjacent to listed buildings. There are two BT telephone boxes immediately to the north. There would be a relatively low level of harm to the visual amenity of the area.

The Marylebone Association have objected.

**6-10 Great Portland Street**

This is in the East Marylebone Conservation Area. The return facade of the grade 2 listed 204 Oxford Street lies on the opposite side of the street. It is a commercial area and there would be a relatively low level of harm to the visual amenity of the area.

The Marylebone Association have objected.

**10 Great Marlborough Street**

This is outside but adjacent to the Soho Conservation Area. To the south is the grade 2 listed 48 Great Marlborough Street. There would be a relatively low level of harm to the visual amenity of the area.

The Soho Society has objected.

**Wingate House, 93 - 107 Shaftesbury Avenue**

This is outside but adjacent to the Soho Conservation Area. The grade 2 star listed Palace Theatre is to the east. There would be a relatively low level of harm to the visual amenity of the area.

The Soho Society has objected.

**SOUTH AREA****Atlas House 173 Victoria Street**

This site is outside an unlisted building within the Westminster Cathedral Conservation Area. The area is commercial in character and there are a number of internally illuminated adverts on the adjoining buildings. There would be a relatively low level of harm to the visual amenity of the area.

Victoria BID objects.

Westminster Society does not object.

Transport for London does not object.

**Atlas House 173 Victoria Street (on Vauxhall Bridge Road)**

This site is outside an unlisted building within the Westminster Cathedral Conservation Area. The area is commercial in character and there are a number of internally illuminated adverts on the adjoining buildings. There would be a relatively low level of harm to the visual amenity of the area.

Victoria BID objects.

Westminster Society does not object.

Transport for London negotiating location with NWP.

**22 Victoria Street**

This site is not within the setting of a listed building and is not within a conservation area. It is located near bus shelters where the City Council approved internally illuminated adverts. There would be a relatively low level of harm to the visual amenity of the area.

Westminster Society does not object.

**77 Victoria Street**

This site is within the Broadway and Christchurch Gardens Conservation Area. However, this is a commercial area. There would be a relatively low level of harm to the visual amenity of the area.

Victoria BID objects.

The Thorney Island Society objects.

**50-52 Buckingham Palace Road**

This site is within the setting of a Grade II listed terrace and within the Grosvenor Gardens Conservation Area. However, it is across the road from the Nova development, and in the context of a number of internally illuminated advertisements for commercial premises



within that development and internally illuminated advertisements in bus shelters. There would be a relatively low level of harm to the visual amenity of the area.

Victoria BID objects.

#### **123-151 Buckingham Palace Road**

This site is across from a Grade II listed terrace and is just outside the Belgravia Conservation Area. (The boundary runs down the centreline of Buckingham Palace Road). It is near the bus shelter outside 123-151 Buckingham Palace Road, which has two illuminated poster panels (00/05771/ADV). There would be a relatively low level of harm to the visual amenity of the area.

Victoria BID objects.

Westminster Society does not object.

#### **National Audit Office, 157 - 197 Buckingham Palace Road**

This site is outside a Grade II listed building; however, the City Council approved internally illuminated bus shelter adverts here due to the character of Buckingham Palace Road. In this context there would be a relatively low level of harm to the visual amenity of the area.

Victoria BID objects.

Westminster Society does not object.

#### **Noel Coward House, 65 Vauxhall Bridge Road**

This site is within the Lillington and Longmore Gardens Conservation Area in an area not characterised by commercial activity. Some harm is caused to the amenity of this residential area.

Westminster Society does not object.

#### **39-40 Wilton Road**

This site is not within the setting of any listed buildings, not within a conservation area and the properties adjacent have internally illuminated advertisements. There would be a relatively low level of harm to the visual amenity of the area.

Victoria BID objects. Westminster Society does not object.

#### **13 Great Newport Street**

There is an existing payphone site in this location within the Covent Garden Conservation Area (96/00944/TELCOM) just outside the Chinatown Conservation Area (which runs down the centreline of Charing Cross Road). The site is not adjacent any listed buildings. The area is characterised by commercial properties. The adverts are considered to detract from views within the Covent Garden Conservation Area and cause harm to its visual amenity, character and appearance.

Covent Garden Community Association (CGCA) would prefer to see the telephone kiosk removed, they do not object to the replacement kiosk, provided it is regularly maintained, including cleaned.

**103 Charing Cross Road**

There is an existing payphone site in this location within Soho Conservation Area (98/02724/TELCOM). There are no existing third party advertisements on the existing phone boxes. Illuminated advertisements were recently approved in the bus shelter near to this location (RN: 16/01118/ADV), as they were considered acceptable in this commercial context. There would be a relatively low level of harm to the visual amenity of the area.

The Soho Society objects.

**102 Brompton Road**

This site is outside an unlisted building and is outside the Knightsbridge Conservation Area. This section of Brompton Road is highly commercial and has a number of internally illuminated adverts. There would be a relatively low level of harm to the visual amenity of the area.

The Knightsbridge Association and Knightsbridge Neighbourhood Forum object. Transport for London are negotiating with NWP to see if a better location is possible.

**62-64 Knightsbridge**

This site is adjacent to Hyde Park Corner and within the Albert Gate Conservation Area. The phone box would be located on a highly commercial street and the proposed advertisements are similar in size and method of illumination to advertisements previously approved in adjacent bus shelters. There would be a relatively low level of harm to the visual amenity of the area.

Knightsbridge Neighbourhood Forum object. The Knightsbridge Association do not object.

**9. CONCLUSIONS**

The benefit of the proposed package is the reduction in street clutter through the removal of all the modern kiosks. This has to be weighed against the harm to amenity caused by the advertising panels of the new kiosks.

Most of the proposed locations for these kiosks are in commercial areas. In many cases there would be a relatively low level of harm to the visual amenity of the area. However, in some cases there is a harmful impact on conservation areas and/or the settings of listed buildings which causes some harm to these heritage assets.

Given these conflicts, the Sub-Committee is asked to consider whether the proposals are acceptable.

**10. BACKGROUND PAPERS**

1. Application forms
2. Draft legal agreement (unilateral undertaking)
3. Emails from Crossrail dated 3 April 2017 and 3 May 2017
4. Emails from Highways Planning dated 8, 9, 10, 11, 15, 16, 23, and 31 May 2017 and 1 June 2017
5. Email from Marylebone Association dated 29 March 2017
6. Emails from New West End Company dated 24 April 2017
7. Emails from Paddington Waterways and Maida Vale Society dated 10 April 2017 and 15 May 2017
8. Emails from Resident, 26 Wendover Court, Chiltern Street, London dated
9. Emails from Soho Society dated 14 April 2017
10. Emails from South East Bayswater Residents Association dated 31 March 2017
11. Emails from St Marylebone Society dated 11 April 2017 and 30 May 2017
12. Email from Transport for London dated 1 June 2017
13. Emails from Thorney Island Society dated 12 April 2017 and 15 May 2017
14. Letter from Victoria BID dated 31 May 2017
15. Emails from Knightsbridge Association dated 13 April 2017 and 9 May 2017
16. Emails from Knightsbridge Neighbourhood Forum dated 1 April 2017
17. Emails from Westminster Society dated 4 April 2017 and 9 May 2017
18. Emails from Covent Garden Community Association dated 24 May 2017
19. Email from NWP / Clear Channel dated 1 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: PAUL QUAYLE BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

11. KEY DRAWINGS

Existing

Proposed

Before



After



Before



After



NEW WORLD PAYPHONES

Front View

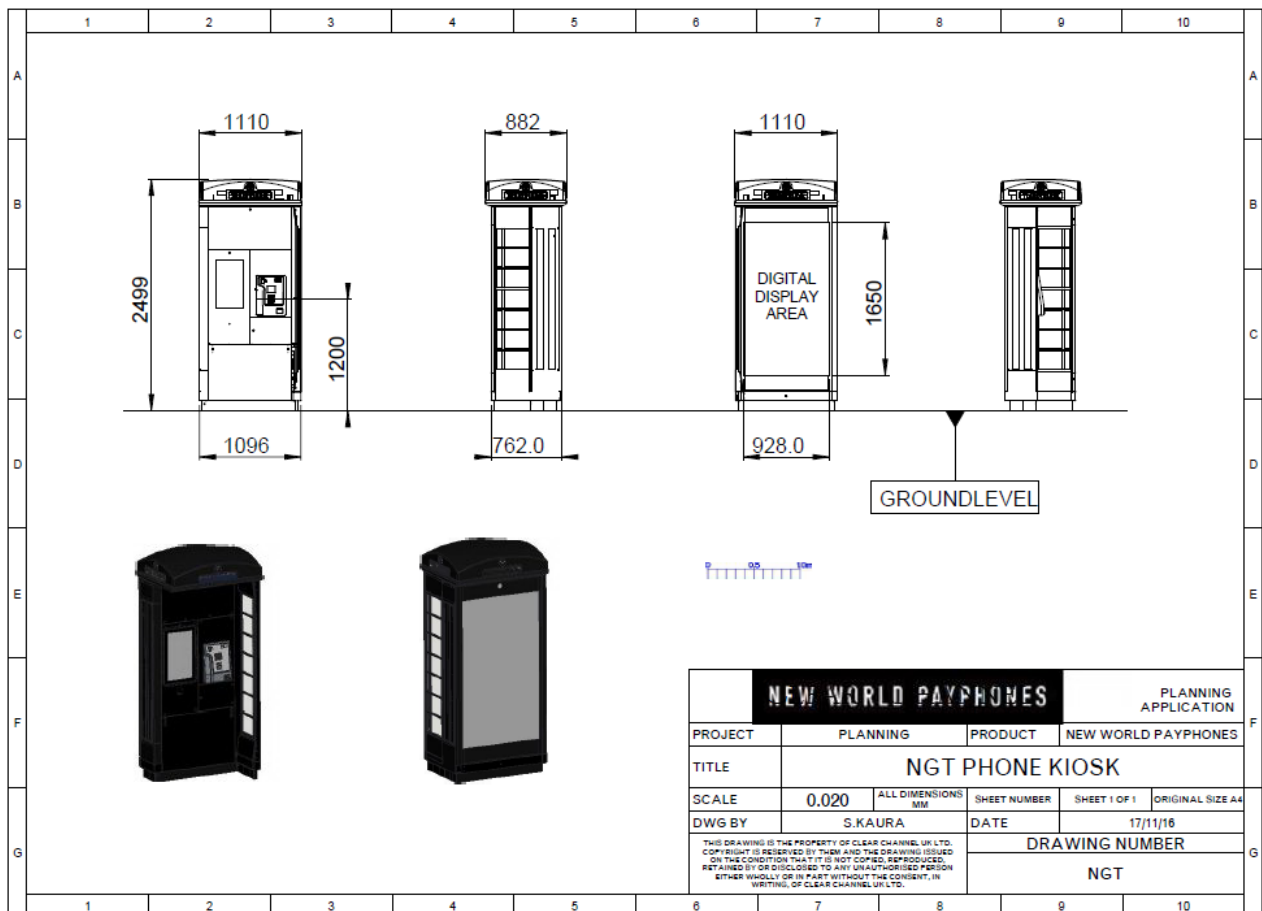
Rear View

Courtesy Light

Wayfinder - up to 24"

Telephone Equipment

Advertising Display



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# Agenda Item 4

Item No.

4

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB-COMMITTEE</b>	<b>Date</b> 13 June 2017	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Director of Planning		<b>Ward involved</b> Churchill	
<b>Subject of Report</b>	<b>39 Westmoreland Terrace, London, SW1V 4AQ</b>		
<b>Proposal</b>	Two storey infill extension at rear lower ground and ground floors with roof terrace at first floor level; extensions to closet wing at first and second floor levels; infill extension to front lightwell and lowering of basement vault.		
<b>Agent</b>	Yard Architects		
<b>On behalf of</b>	Mrs Canham		
<b>Registered Number</b>	16/12043/FULL	<b>Date amended/ completed</b>	20 December 2016
<b>Date Application Received</b>	20 December 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Pimlico		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

This application was reported to the Planning Applications Sub-Committee on 16 May 2017 where the Sub-Committee resolved to grant conditional permission. Following Sub-Committee it transpires additional objections were received but not tabled on the night.

Additional objections have been received from residential occupiers at Nos. 16, 41, 43 and 71 Westmoreland Terrace. The additional representations raise similar points which have previously been addressed; however some additional concerns are raised which include damage to property through construction, loss of view and overdevelopment.

Loss of view is not a material planning consideration. In terms of damage to property, whilst this is not controlled through the planning system but through Building Regulations and the Party Wall Act, the applicant has provided a structural engineer's statement which demonstrates that this matter has been adequately considered at this early stage. It would be unreasonable to withhold permission on these grounds.

With regard to overdevelopment, the scale of the proposal is similar to extensions found along the terrace, wider Pimlico area and wider city. Given other considerations including detailed design and impact on amenity are acceptable, the proposals are not considered to constitute overdevelopment.

Objectors have also raised the point that, in future, the use of rooms may change or rooms may be further subdivided and that this should be considered when assessing loss of light. Loss of light has been assessed with consideration given to the current use and layout of surrounding rooms. To withhold permission on the basis that room uses could change in future would not be reasonable.

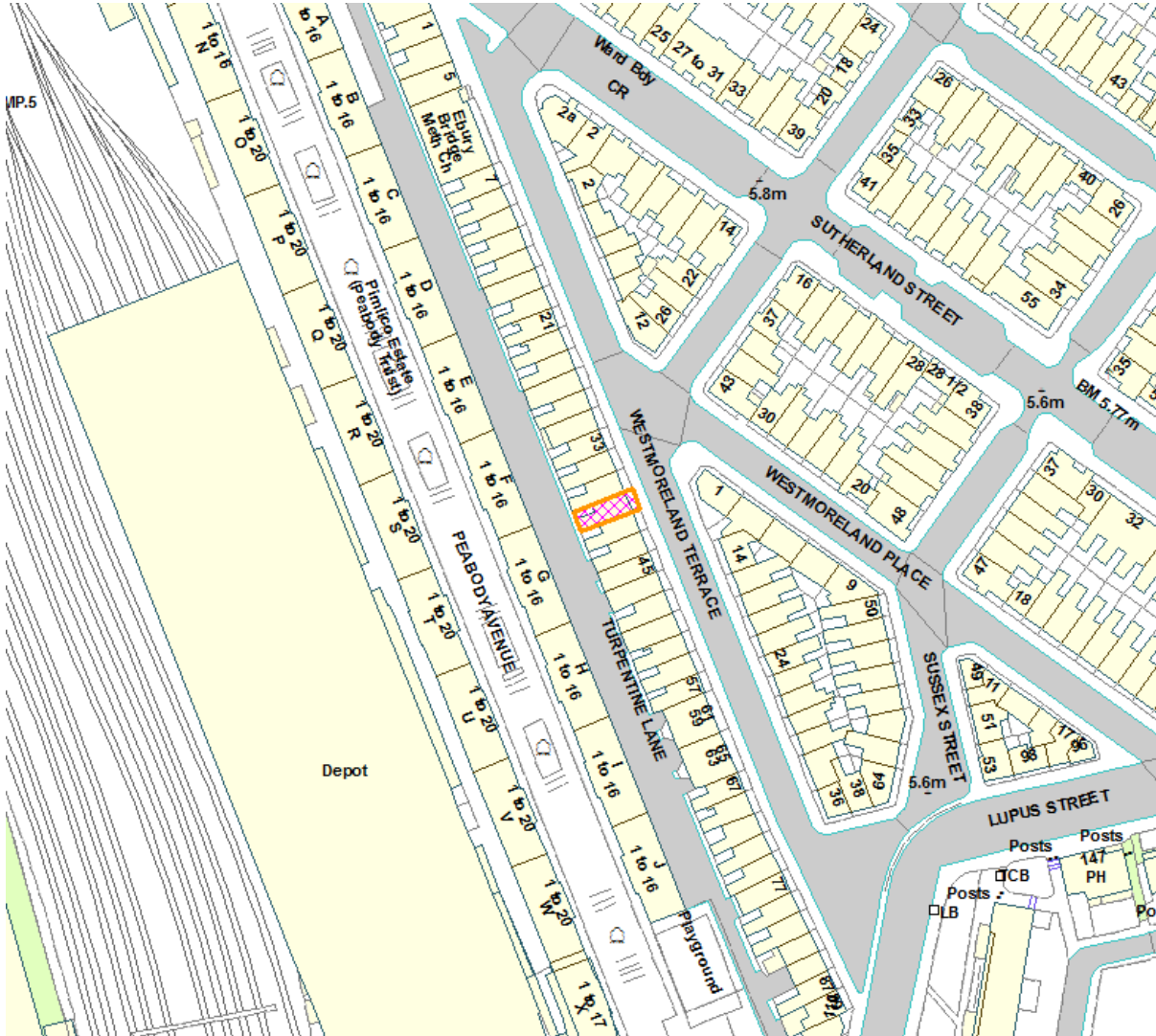
A resident within No.41 states that the room within the closet wing at rear ground floor level is not dual aspect and that the small window located in the flank of the closet wing serves to light a hall and main staircase. The room in question is in use as a library/ utility space and has been partitioned, which includes a bookcase. The small window in the flank of the closet wing serves a narrow library area. The room does not include a door between the library area and the utility space. It would not be reasonable to refuse permission on the grounds of loss of light to this small window and light to uninhabitable rooms or spaces such as a staircase or hall cannot be protected

A resident within No.41 also considers that there have been procedural irregularities in dealing with this application. Officers do not consider this to be the case.

Having regard to the additional representations, the application remains acceptable in design, amenity and land use terms and conditional permission is recommended.



### 3. LOCATION PLAN



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#### 4. CONSULTATIONS

No additional consultations undertaken.

Four further representations received which were not reported to Sub-Committee on 16 May 2017 from neighbouring residents raising objection on some or all of the following grounds:

##### DESIGN

- The proposals do not follow the pattern of existing rear extensions in terms of depth, width, height and detailed design;
- Overdevelopment of site;

##### AMENITY

- Extensions would result in a loss of light;
- Increased sense of enclosure;
- Loss of privacy
- Increased noise.

##### OTHER

- Loss of light will affect green wall and plants within basement garden;
- Impact of construction noise;
- The proposals could damage adjoining properties;
- The proposals would encroach on views.

#### 5. BACKGROUND PAPERS

1. Committee report dated 16 May 2016.  
**Representations received.**
2. Response from Westminster Society dated 10 January 2017.
3. Response from Building Control dated 14 March 2017.
4. Response from Tree Section dated 20 April 2017.
5. Letter from occupier of 41A Westmoreland Terrace dated 3 January 2017.
6. Letters from occupiers of 41 Westmoreland Terrace dated 17 January, 23 January, 2 February and 15 May 2017.
7. Letter from Right of Light Consulting dated 11 April 2017.
8. Letter from Daylight and Sunlight Ltd dated 20 April 2017.  
**Additional and late representations received.**
9. Letters from occupiers of 41 Westmoreland Terrace dated 8 May, 9 May, 10 May, 15 May and 16 May 2017.  
**Additional representations not reported to Committee on 16 May 2017.**
10. Letter from occupier of 75 Westmoreland Terrace dated 14 May 2017.
11. Letter from occupier of 41 Westmoreland Terrace dated 15 May 2017.
12. Letter from occupier of 43 Westmoreland Terrace dated 15 May 2017.
13. Letter from occupier of 16 Westmoreland Terrace dated 26 May 2017.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: IAN CORRIE BY EMAIL AT <a href="mailto:icorrie@westminster.gov.uk">icorrie@westminster.gov.uk</a>
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**DRAFT DECISION LETTER**

- Address:** 39 Westmoreland Terrace, London, SW1V 4AQ
- Proposal:** Two storey infill extension at rear lower ground and ground floors with roof terrace at first floor level; extensions to closet wing at first and second floor levels; infill extension to front lightwell and lowering of basement vault.
- Reference:** 16/12043/FULL
- Plan Nos:** PP-01; PP-02 Rev. A; PP-03 Rev. A; PP-04; PP-05; PP-06; PP-07; PP-08; PP-09 Rev. B; PP-10 Rev. A; PP-11; PP-12 Rev. A; PP-13;

For information:

Structural Engineer's Statement for Planning Approval dated 8 March 2017; Design & Access Statement dated December 2016; Flood Risk Assessment dated December 2016; Daylight and Sunlight Report dated 3 March 2017; Letter from Daylight & Sunlight (UK) Ltd dated 20 April 2017; Updated DD Table received 20 April 2017; Updated VSC Table received 20 April 2017.

**Case Officer:** Ian Corrie

**Direct Tel. No.** 020 7641 1448

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

- 4 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on 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 Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.  
(R26BE)

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

Reason:

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

- 6 All new external windows and doors must be made out of timber painted white and maintained in that colour.

Reason:

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

(R26BE)

- 7 You must apply to us for approval of detailed drawings of the following parts of the development - all new external windows and doors, including plans and elevations at 1:20 or 1:10 and sections at 1:10 or 1:5. 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.

Reason:

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

- 8 You must not use the roof of the first floor extension for sitting out or for any other purpose. You can however use the roof to escape in 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 be advised that the Council would encourage the use of integral or true glazing bars for any new double hung sliding sash windows (where the units are double-glazed and have glazing bars), however, simulated or applied glazing bars would be acceptable with white spacers given that the sash rails and glazing bars are of a matching profile to those on the existing windows. Where any of the proposed window units include external drip bars or weatherbars and associated trickle vents, these should be concealed.
- 3 You will need technical approval for the works to the highway (supporting structure) prior to commencement of development. You should contact Andy Foster (afoster1@westminster.gov.uk) in Westminster Highways Infrastructure and Public Realm to progress the application for works to the highway.

- 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

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

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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB-COMMITTEE</b>	<b>Date</b> 13 <sup>th</sup> June 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>15-18 Picton Place And 27-29A James Street, Marylebone, London, W1U 1DX</b>		
<b>Proposal</b>	Demolition of existing mansard roof, erection of a new sheer storey extension at fourth floor level and a new two storey mansard roof in association with the creation of 5 flats, reconfiguration of all fourth floor flats within 29 James Street, 27 James Street, 17-18 Picton Place and 14-16 Picton Place. External alterations including the restoration of the front facades along James Street and Picton Place and restoration of shop fronts.		
<b>Agent</b>	Afterhourstudio Architects		
<b>On behalf of</b>	Mr Torki AlHumaidan		
<b>Registered Number</b>	16/00577/FULL	<b>Date amended/ completed</b>	29 July 2016
<b>Date Application Received</b>	22 January 2016		
<b>Historic Building Grade</b>	All Buildings Unlisted		
<b>Conservation Area</b>	Stratford Place		

## 1. RECOMMENDATION

Grant conditional permission including a condition to secure arrangements to mitigate the impact of the development on on-street parking demand in the area.

## 2. SUMMARY

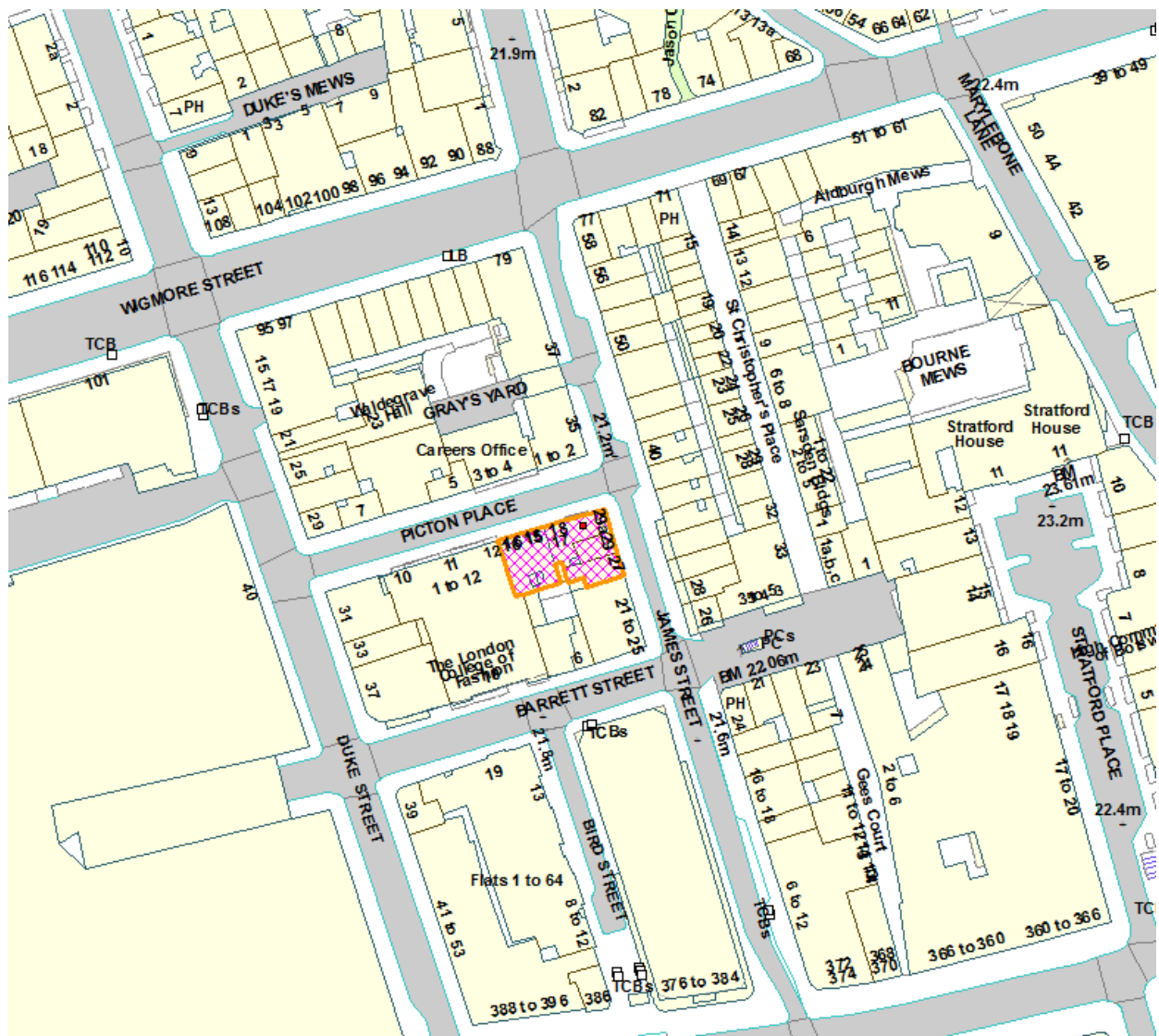
The application site is a group of unlisted buildings located within the Stratford Place Conservation Area. The buildings are situated on the corner of James Street and Picton Place. Permission is sought to allow the demolition of the existing mansard roof (at fourth floor), erection of a new sheer storey extension at fourth floor level and a new two storey mansard roof in association with the creation of 5 flats, as well as external alterations including the restoration of the front facades and shop fronts. The proposals have been revised, including the omission of a proposed lift at the rear of 29 James's Street and redesign of the mansard roof.

The key issues for consideration are:

- The impact of the proposed additional residential units on parking demand;
- The impact of the proposed extension on amenity; and
- The impact of the extension on the conservation area.

The proposed alterations and extensions are not considered to be harmful to the character and appearance of the Mayfair Conservation Area. The proposal will also not result in any material harm to the amenity of adjoining and surrounding residents. The proposal is considered acceptable in land use, design, conservation and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and the Westminster City Plan. For these reasons it is recommended that conditional planning permission be granted.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

Objects on the grounds of over-development, loss of daylight/sunlight and views.

### ST CHRISTOPHER'S PLACE

Any response to be reported verbally

### HIGHWAYS PLANNING

Objects on the grounds of no cycle storage provided, no waste storage indicated and no off street car parking provision

### CLEANSING

Initial objection on the grounds of no waste storage provision indicated subsequently overcome by revision.

### ENVIRONMENTAL HEALTH

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 117

No. of objections: 5

No. of support comments: 2

Objections were received on some or all of the following grounds:

#### Amenity:

- Loss of daylight and sunlight
- Loss of outlook
- Increased overlooking/loss of privacy
- Accuracy of the Daylight and Sunlight report
- Noise from lift motor

#### Design:

- Overdevelopment of the site
- Precedent
- Impact on conservation area
- Layout and density of the building

#### Highways:

- Increase in parking demand
- Traffic generation

#### Other:

- Construction impact
- Structural concerns
- Notification process
- Layout and density of the building

Two letters of support were received from residents within the application site on some or all of the following grounds:

- General improvements to the buildings
- Impact of existing larger buildings on neighbouring properties

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Re-consultation was undertaken following the site address being corrected.

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site is a group of unlisted buildings located in the Stratford Place Conservation Area. They are situated on the corner of James Street and Picton Place which is within the Core Central Activities Zone (Core CAZ)

The existing properties all consist of basement, ground and first to fourth floors with a mix of retail (Class A1) and restaurants (Class A3) at basement and ground floors. The upper floors are in use as 14 residential flats (Class C3).

### **6.2 Recent Relevant History**

None

## **7. THE PROPOSAL**

Permission is sought to allow the demolition of the existing mansard roof (at fourth floor), erection of a new sheer storey extension at fourth floor level and a new two storey mansard roof in association with the creation of 5 flats. The proposal also includes a range of external alterations including the restoration of the front facades along James Street and Picton Place and the restoration of the shop fronts of all the units. The scheme has been revised to amend the internal layouts of the proposed new flats, the design of the mansard roof and to omit a lift that was proposed on the rear façade.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Provision of New Residential Units and Floorspace**

The proposal will result in the creation of an additional five residential units. These units will lead to an increase of 373 sqm (GIA) to the group of properties. The increase in residential units and floorspace is acceptable in principle and in accordance with UDP Policy H3 and City Plan Policy S14 which both seek to encourage the provision of additional housing.

City Plan Policy S15 states: *“Residential developments will provide an appropriate mix of units in terms of size, type, and affordable housing provision to contribute towards meeting*

*Westminster's housing needs, and creating mixed communities.* " There are no family sized units (3 or more bedrooms) provided as part of this proposal; however, considering the limited size of the floorplates, and the absence of any amenity space on the site, it is considered that the mix proposed (shown in Table 1) is acceptable.

The proposed new residential units will be of the sizes outlined below in Table 1. The size of all these proposed new flats meet the minimum space standards set out in The London Plan and are therefore considered to be acceptable in terms of their size. The flats A – D have been re-designed to be duplex in nature, with the living areas located at fifth floor and the bedrooms at sixth floor to address officer concerns regarding the quality of the initially proposed accommodation. These flats, and the studio flat, now all offer dual aspect accommodation.

*Table 1: Size of proposed new residential (Class C3) units*

Flat	Type	Total Size (sqm GIA)	Bedroom size (sqm GIA)
A	1 Bedroom 2 Person	60.2	15
B	2 Bedroom 3 Person	70	12.5, 9.6
C	1 Bedroom 2 Person	59	15.4
D	1 Bedroom 2 Person	58	19.7
E	Studio 1 Person	38	n/a [studio]

The proposal will result in the existing flats at fourth floor increasing in size. These increases are set out in Table 2, below. These increases in size of the existing flats are considered acceptable in principle and in accordance with City Plan Policy S14.

*Table 2: Existing and proposed sizes of existing residential (Class C3) units*

Flat	Existing Size (sqm GIA)	Proposed Size (sqm GIA)	Increase (sqm GIA)
Flat 3, 29 James Street,	54.9	60.5	5.6
Flat 3, 27 James Street	65.2	74	8.8
Flat 4, 17-18 Picton Place	54	68	14
Flat 4, 15-16 Picton Place	66.3	80.5	14.2

The proposal does not fall within the criteria as set out in the Council's Policies which would require the provision of affordable housing.

In light of the above, the application is considered acceptable in land use terms.

## 8.2 Townscape and Design

The existing building forms a substantial corner plot with higher buildings on either side. It is a building identified as being unsuitable for a roof extension in the Stratford Place Conservation Area Audit. Part of the reason for this designation relates to the fact that the building already has a mansard roof, and a further extension of the roof form would not be

acceptable as full double mansards are normally resisted by the City Council. However, the proposal is to replace the existing mansard with a sheer storey at floor at fourth floor in near facsimile to the levels below, with a new enlarged mansard above. The design of the mansard is such that a full double mansard effect has been avoided, by incorporating the bedrooms into the shallower secondary roof pitch.

Many of the buildings in the immediate vicinity of the site are five stories and above and given this context the additional floor is not considered, on balance, to harm the appearance of the façade or the wider conservation area. The proposed mansard accords with the Council's Supplementary Planning Guidance (SPG) on Roofs and has been the subject of much negotiation. There are still some modifications required to the design of the larger dormers to the rear elevation, to ensure that they match the smaller size of those to the front elevation, which will be addressed by an amending condition. The proposals for the renovation and restoration of the shopfronts are acceptable in design terms subject to acceptable detailed design.

Objections have been received on design grounds citing *'proposed sheer storey and two-storey mansard extension of this completed composition would over-develop the buildings, stretching their domestic scale out of proportion. Whilst the extensions are successfully contained between the two adjoining buildings - these are of a differing scale and character'*. Other objections state that the layout and density of the proposed building is excessive and that the design is of a poor quality and would lead to a loss of visual amenity/aesthetics. It should be noted however that the double dormer effect has been minimised by the removal of the roof lights to the front. On balance, the proposed scheme is not considered to harm the domestic scale of the buildings or harm the wider Conservation Area and therefore the design objections are not considered to be sustainable.

The proposals are considered, on balance, to be acceptable in design terms and to accord with the City Councils SPG *'Roofs: A guide to alterations and extensions on domestic buildings'* and *'development and demolition in conservation areas'* 2007 policies DES 1, DES5, DES6 and DES 9 of the Westminster Unitary Development Plan and S28 of the Westminster City Plan.

### **8.3 Residential Amenity**

Policy S29 of the City Plan relates to health, safety and wellbeing and states that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP aims to safeguard residents' amenities, and states that the City Council will resist proposals which result in a material loss of daylight/sunlight, increase in the sense of enclosure to windows or loss of privacy or cause unacceptable overshadowing to neighbouring buildings or open spaces.

#### **Sunlight and Daylight**

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used.

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1,486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. If the level of sunlight received is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

Five objections have been received in relation to a loss of daylight and/or sunlight from a number of neighbouring properties. One objection has come from within the application site itself (Flat 1, 27 James Street), while the others have come from residents of 2-4 Picton Place, opposite the site. One letter has been received from Edwards Planning Consultancy on behalf of the leaseholders of flats 1 – 11 within 2-4 Picton Place, along with individual objections from residents of Flat 10 and Apartment 2 within 3 Picton Place. The Marylebone Association has also objected on these grounds, asking that the Council assess the impact of the proposal on any affected windows.

A daylight and sunlight report, and two addendums assessing a number of windows not initially included in the main report, has been submitted as part of the application. This assesses the impact of the development on residential properties at Nos. 28 to 42 James Street, Nos. 1 to 4 Picton Place, Nos. 10 to 12 Picton Place, Nos. 6 to 10 Barrett Street, the rear windows at Nos. 15-18 Picton Place and the rear windows at Flat 1, 27 James Street. This is a comprehensive assessment of the windows for properties surrounding the application site. While the reports assess all the windows facing the application site, some of these have been identified as being in commercial use. The Council does not seek to protect amenity for commercial uses except in specific circumstances.

The reports demonstrate that a number of windows at the surrounding properties will experience small losses in daylight. The maximum loss in VSC is 20% (the threshold above which losses in daylight may be noticeable), to one window in Picton Place (overhung by a balcony to the flat above) and five windows in properties in the rear of Barrett Street properties at the rear of the site. However, these windows already experience low baseline levels of VSC and as a result, any change in massing to the application site will create a disproportionate percentage change with only small absolute changes. Losses in APSH during summer and winter months are shown to be small and within BRE guidelines. The report demonstrates that all windows and rooms in the surrounding tested properties will be compliant with BRE guidelines for daylight and sunlight with the proposal in place.

All of the objectors' properties have been assessed as part of the daylight and sunlight assessments submitted by the applicant and found to be within the BRE guidelines. As a result, these aspects of the objections cannot be upheld.



The letter from Edwards Planning Consultancy on behalf of the leaseholders of flats 1 – 11 within 2-4 Picton Place identified omission in the report (subsequently assessed and outlined above) and raises questions over the guidance documents used to create the daylight and sunlight report. The objection states that the 1991 version of the BRE guidelines have been used and that these have since been outdated by the 2011 guidelines. The applicant draws attention to the City Council UDP Policy ENV13 which also refers to the 1991 guidance and, also, that the methodology used from the guidance document in 1991 is unchanged in that of 2011. Therefore they feel their assessment is still valid. The Council would agree that the assessment provided is sufficient. Subsequently, this aspect of the objection cannot be upheld.

### **Sense of Enclosure and Loss of Outlook**

The application will result in an increase in height and bulk of the application site. However, only one of the proposed three stories is sheer; the predominantly mansarded nature of the proposal and the overall increase in height of the building is equivalent to just over one additional storey, and it is not considered to create such a significant increase in sense of enclosure for surrounding properties that would justify a refusal.

The objection from Edwards Planning Consultancy covers the grounds of loss of outlook to the flats at 2-4 Picton Place as a result of the additional storeys and the close proximity of the buildings. While it is recognised that there will be an increase in height and bulk as a result of the proposal it is not considered that this would cause a significant loss of outlook and it would therefore be unreasonable for the Council to withhold permission on these grounds. Accordingly the objections are not considered to be sustainable.

### **Overlooking**

Two objections have been received on the grounds of an increase in overlooking as a result of the proposed sheer storey extension and mansard windows from the residents of 3-4 Picton place, opposite the application site. The objections outlines that the application building is located approximately 12 metres away from the objectors' property. It should be noted that this property is a four storey building with a stepped back fifth floor.

There is already mutual overlooking between the properties. There will be a small increase in this mutual overlooking as a result of the sheer extension at fourth floor level which replaces the existing mansard. There will also be an increase in overlooking as a result of the additional fifth floor mansard. However, as these windows are set back behind the main building façade, the increase in overlooking would be minimal. Furthermore, the distance between the properties is considered to be around that of an average street in this area. As a result, these aspects of the objections cannot be upheld.

### **Amenity of Proposed Units**

The layout of the proposed new residential (Class C3) units at fifth and sixth floor have been revised to address concerns about their reduced outlook and are now considered to be acceptable in amenity terms. All of the proposed units now provide dual aspect accommodation and all, aside from the studio flat, are duplex with the bedrooms on the sixth floor within the mansard roof, lit by rooflights.

## 8.4 Transportation/Parking

The Highways Planning Manager has assessed the application and raised comment on the following aspects of the application.

### Car Parking

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

No off street parking has been provided as part of the application. The lack of car parking provision is not consistent with TRANS23 of the UDP. This policy requires, where appropriate and practical, adequate parking spaces to be available to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. Stress levels are considered to have occurred when occupancy of on-street parking bays has exceeded 80%.

The Highways Planning Manager advises that, on the basis of the most recent parking surveys, the on-street parking occupancy of ResPark bays within a 200m radius of the site is 81% during the daytime and 64% during the night time. However, TRANS23 includes all legal parking spaces (e.g. Single Yellow Lines, Metered Bays, P&D, and Shared Use) and so with the addition of Single Yellow Line availability at night, the stress level reduces to 29%. As the day time parking levels are above stress levels the highways planning manager has objected to the application.

Two objections have also been received from neighbouring residents in relation to the increase in demand for car parking spaces.

However, the potential increased pressure on parking needs to be balanced against the policy presumption to provide additional housing. The proposal creates 5 additional residential units which are welcomed by the Council. Therefore it is considered that permission could not reasonably be withheld for parking reasons. In light of this, the Highways Planning Manager has advised that lifetime car club membership is considered the strongest mechanism that is likely to reduce car ownership of the future residential occupiers and subsequent demand on parking. The applicant has agreed to enter into a legal agreement to secure this provision which will be secured through Grampian condition. As a result, the objection on the grounds of increase in parking demand is not considered to be sustainable.

### Cycle Storage

The London Plan requires 1 cycle parking space per 1 bedroom residential unit and 2 cycle parking spaces per 2+ bedroom units. The proposal would therefore require 8 cycle parking spaces. The proposals do not include any provision for cycle storage and the Highways Planning Manager objects to this. However, considering the constraints of the site, there is not considered to be any scope for this to be provided.

### **Traffic Generation**

One objection has been raised with regards to the proposed development leading to an increase in traffic generation. As the proposal only provides five additional residential (Class C3) dwellings, it is considered the only impact with regard to the highway and traffic generation will be on car parking (discussed above). While the objector gives the example of supermarket delivery vans, this is not comparable with what is being proposed and as such not relevant. It would be unreasonable to withhold permission on this basis and therefore this aspect of the objection cannot be upheld.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

There is currently no lift access within the site and the constraints mean that a lift is not considered to be a feasible option. Existing residents have to use the existing stairs and the new residents would need to do the same .

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

#### **Plant Noise**

There is no mechanical plant proposed as part of this development. There has however been an objection in regards to noise form the initially proposed new lift and associated mechanics. The lift has subsequently been removed from the proposal entirely so this aspect of the objection cannot be upheld.

#### **Refuse /Recycling**

The Highways Planning Waste Manager initially raised objection to the application on the basis that no waste storage was shown for the proposed residential units however, following revisions to the proposals, adequate waste storage is now shown. This storage will be secured through condition.

### **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 National Planning Policy Framework (NPPF) unless stated otherwise.

## 8.10 Planning Obligations

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

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

The total estimated CIL payment is: £204,190.82

- o £26,927.35 of this is Mayoral CIL
- o £177,263.47 of this is Westminster CIL.

## 8.11 Environmental Impact Assessment

Not applicable

## 8.12 Other Issues

### Construction impact

The Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all major developments from September 2016. The publication of the Code represents a fundamental shift in the way the City Council deals with the construction impacts of developments. Before September 2016, developments of this scale used legal agreements to fund the Environmental Inspectorate (EI) and required Site Environmental Management Plans to be submitted to and approved by the City Council.

In recognition that there is a range of regulatory measures available to deal with construction impacts and that planning is the least effective and most cumbersome of these, the new approach is for a condition to be imposed requiring the applicant to provide evidence that any implementation of the scheme (by the applicant or any other party) will be bound by the Code. A scheme of this scale would not usually be required to comply with the Code through condition (it is a level 3 application) however, in light of a number of objections received regarding the impact on amenity during construction (as a result of noise, dust, hours of work etc.), such a condition is recommended. The applicant has volunteered to undertake the development within the code and the Environmental Inspectorate has agreed to oversee the development accordingly. The hours that noisy construction are permitted to occur on site will also be restricted through condition as is the normal practice of the Council.

An objection has also been raised on the grounds that the scaffolding around the site during construction will make the properties vulnerable to burglaries etc. This aspect is considered to be covered under the Code of Construction Practice and it would be considered unreasonable for permission to be withheld on these grounds. Therefore, all objections in relation to impacts during construction cannot be upheld.

## Structural Issues

An objection has been received citing concern regarding structural issues to the existing building arising as a result of the proposed works. Such concerns are not dealt with under the remit of the planning system and are dealt with under Building Control regulations. It would therefore be unreasonable to withhold permission on these grounds and this part of the objection cannot be upheld.

## Process of Notification by the Applicant

One objection has been received on the grounds that, as a long leaseholder of one of the flats within the site on the day 21 days prior to the date of the application, the objector was not served notice of the development by the applicant under Article 11 of the Town and Country Planning Act (Development Management procedure) (England) Order 2015.

While the incorrect certificate (certificate A) was initially submitted by the applicant, the correct one (certificate B) was submitted shortly after. Certificate B lists the objector's flat as one of the properties notified by the applicant on 08 April 2016. The applicant has also subsequently confirmed in writing that they have undertaken the notification process as required and in line with the details shown on the correct certificate. Despite this, the objector still states that they were not notified by the applicant. The Council considers that it would be unreasonable to withhold permission on such grounds as the applicant has both amended the administrative error (the wrong certificate being submitted) and confirmed to the Council that the objector in question was notified of the development in accordance with the necessary procedures. Therefore, the Council considers the applicant has taken all reasonable steps to notify the necessary people and this aspect of the objection cannot be upheld. Furthermore, the tenant is clearly aware of the application, having objected to it, and it is not considered that he has been prejudiced during the processing of the planning process.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Marylebone Association, dated 22 August 2016
3. Letter from occupier of (Ref:- SZP/TGS/091860/00003), 5 Fleet Place, dated 22 September 2016
4. Letter from occupier of Apartment 2, 3 Picton Place, Marylebone, dated 28 August 2016
5. Letter from occupier of 3 Picton Place, Flat 10, London, dated 1 September 2016
6. Letter from occupier of Edwards Planning Consultancy, 83 Clock House Road, dated 30 September 2016
7. Letter from occupier of First Floor Flat, 27 James Street, dated 21 August 2016
8. Letter from occupier of 27 James Street, London, dated 5 January 2017
9. Letter from occupier of 27 James Street, London, dated 15 March 2017

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

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

**10. KEY DRAWINGS**

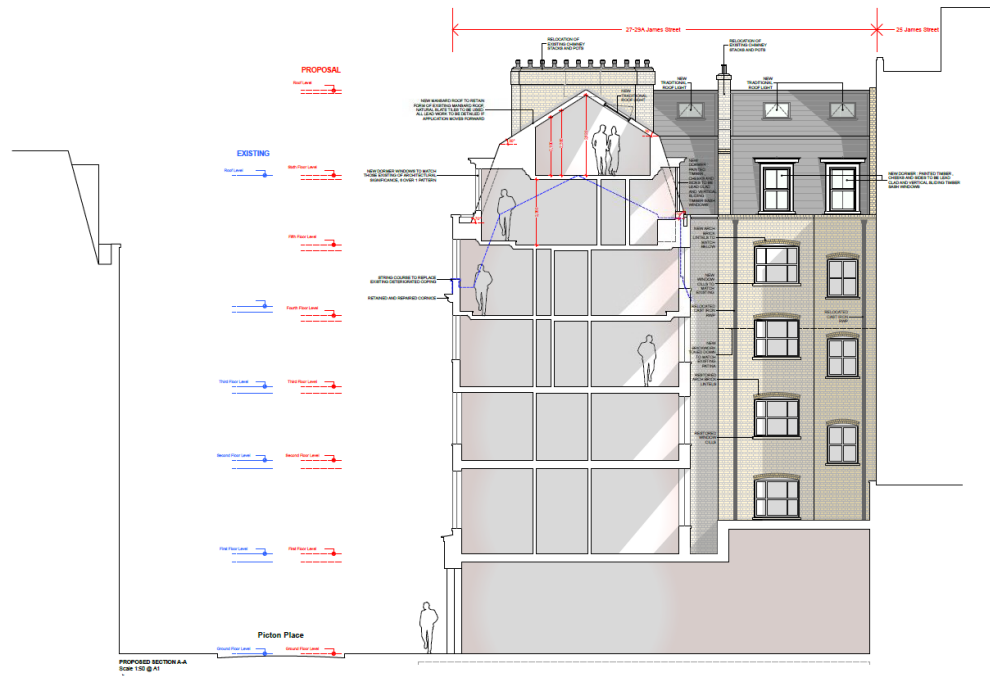
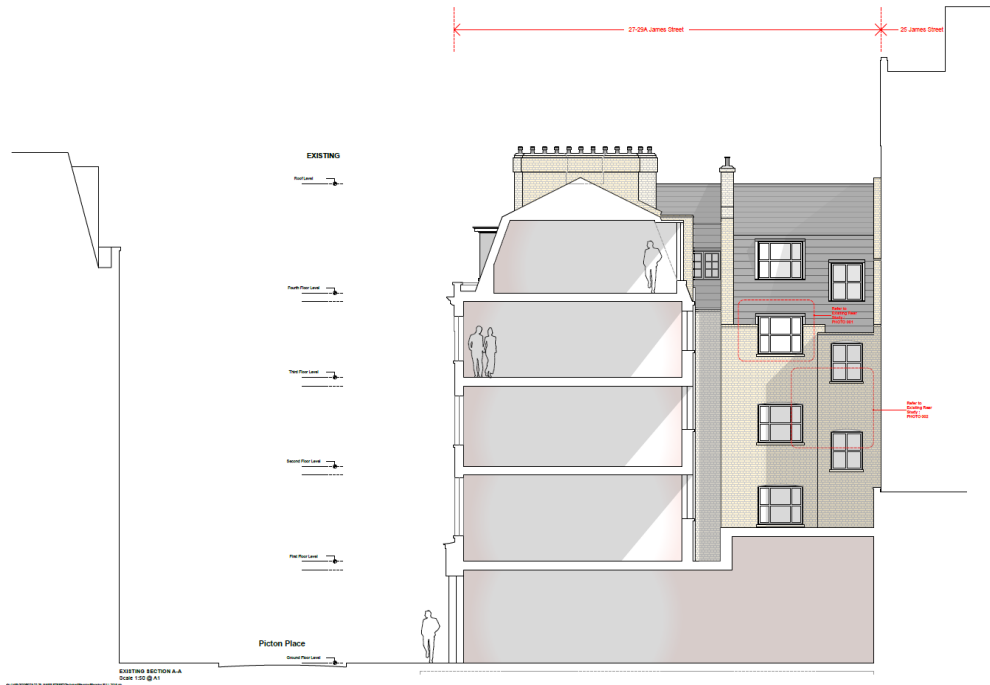
**Existing (top) and proposed (bottom) James Street Elevation**



Existing (top) and proposed (bottom) Picton Place Elevation

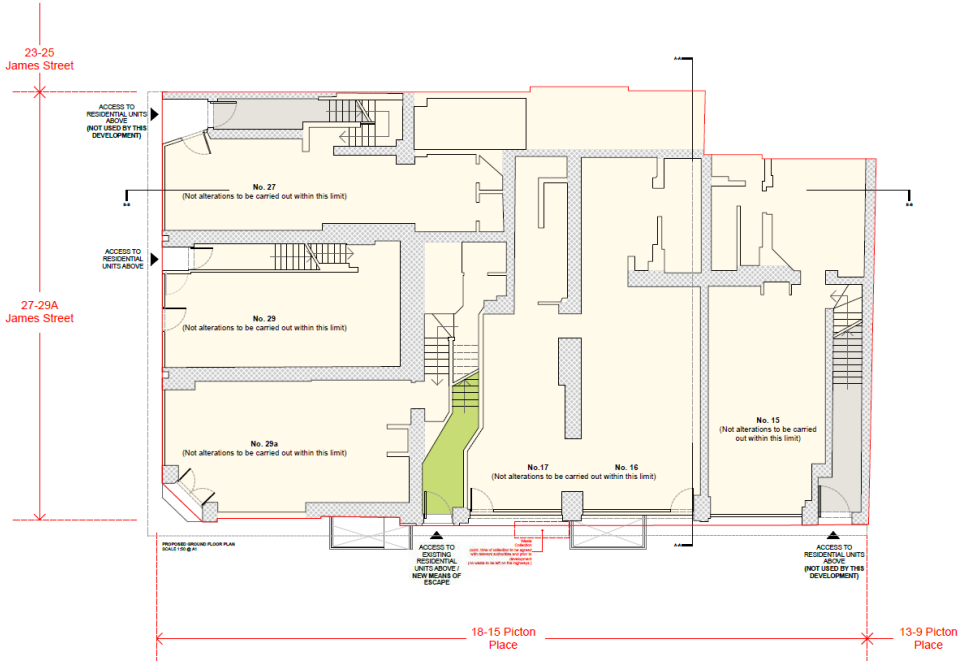
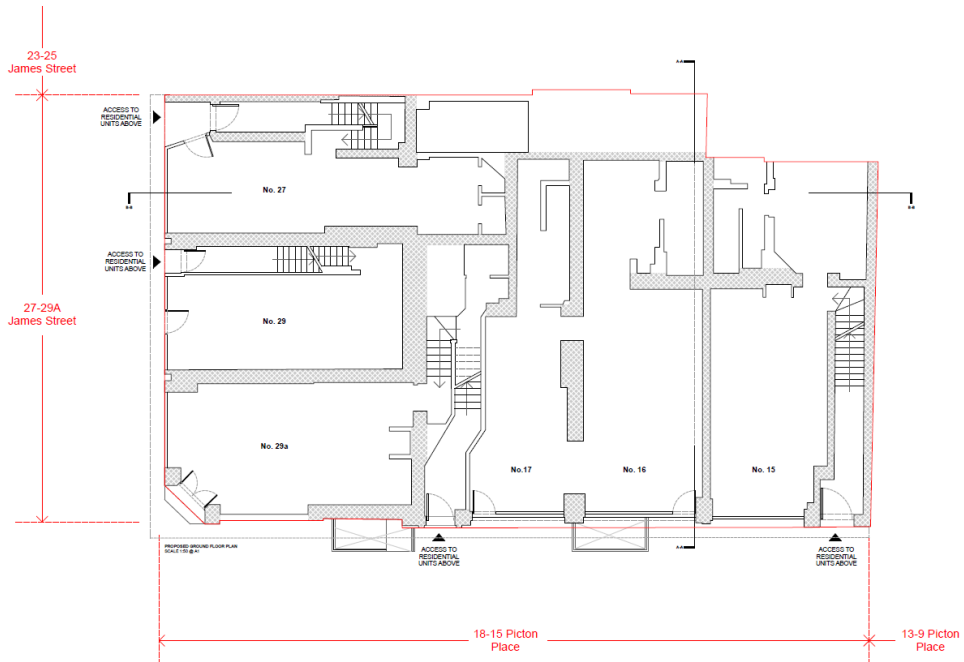


Existing (top) and proposed (bottom) Section A-A

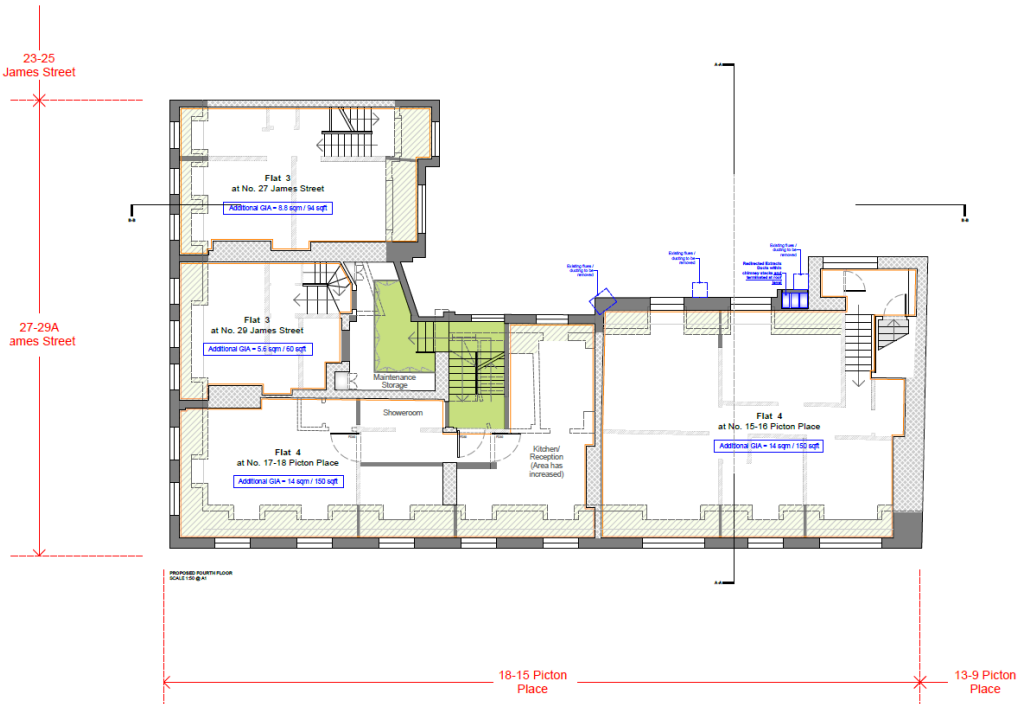
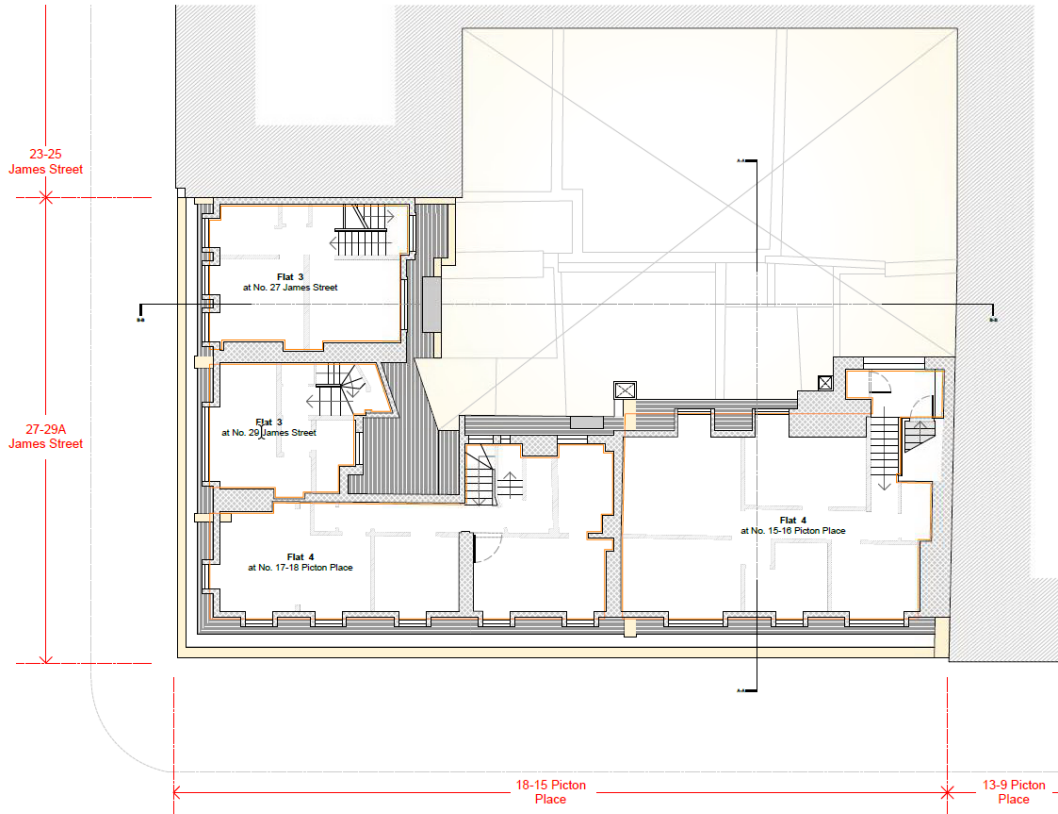




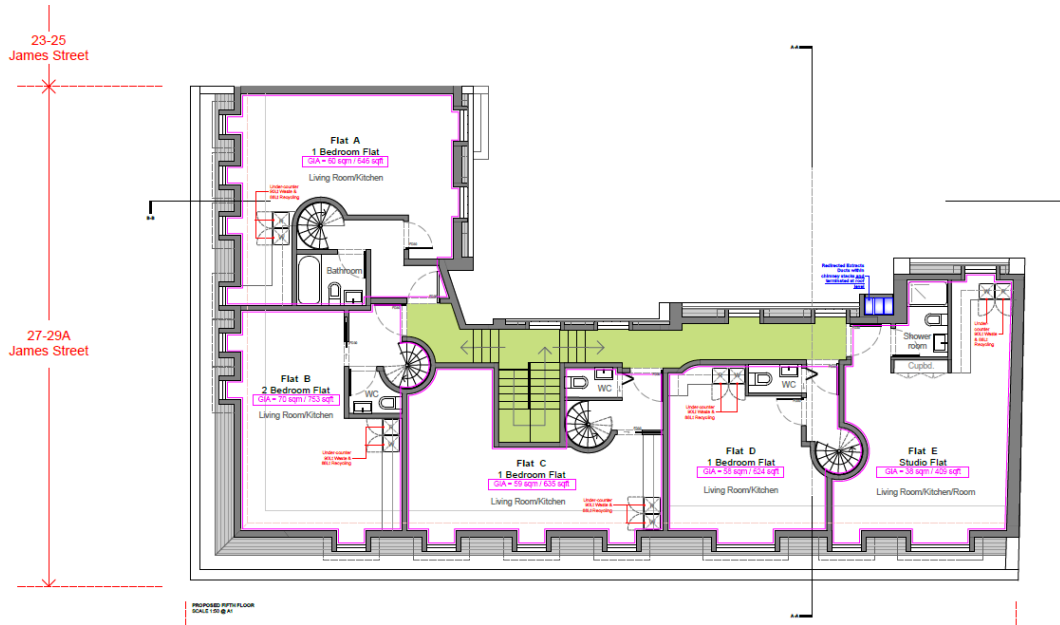
**Existing (top) and proposed (bottom) Ground Floor Plan**



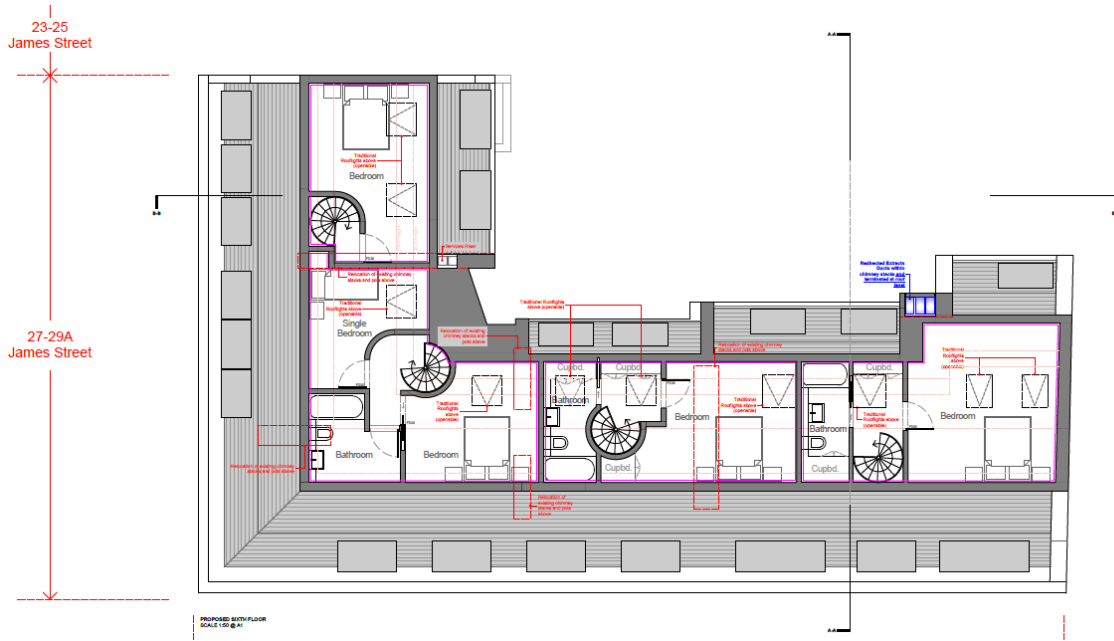
Existing (top) and proposed (bottom) Fourth Floor Plan



### Proposed Fifth Floor



### Proposed Sixth Floor



**DRAFT DECISION LETTER**

**Address:** 15-18 Picton Place And 27-29A James Street, Marylebone, London, W1

**Proposal:** Demolition of existing mansard roof, erection of a new sheer storey extension at fourth floor level and a new two storey mansard roof in association with the creation of 5 flats, reconfiguration of all fourth floor flats within 29 James Street, 27 James Street, 17-18 Picton Place and 14-16 Picton Place. External alterations including the restoration of the front facades along James Street and Picton Place and restoration of shop fronts.

**Reference:** 16/00577/FULL

**Plan Nos:** P.15 Rev G ; P.16 Rev. G ; P.17 Rev. G ; P.18 Rev. G ; P.19 Rev. G ; P.20 Rev. G ; P.21 Rev. G ; P.22 Rev. G ; P.24 Rev D ; P.26 Rev. D ; P.28 Rev. G ; P.30 Rev. G ; P.31 Rev. C ; P.32 Rev. C

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

**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 Stratford Place 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 provide the waste store shown on drawing P.20 Rev. G before anyone moves into the new residential (Class C3) units. You must clearly mark it and make it available at all times to everyone using the residential (Class C3) units. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.

Reason:

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

- 5 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)

- 6 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.

- 7 You must not occupy any of the new residential (Class C3) units until we have approved appropriate arrangements to secure the following.

- measures to mitigate the impact of the five new residential (Class C3) flats upon on street parking demand in the area

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

Reason:

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

- 8 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme - reduction of rear dormers to accord with Roof SPG. 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 Stratford Place 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 apply to us for approval of detailed drawings (scale 1:20 and 1:5); of the following parts of the development -
- i, new shopfronts;
  - ii, new windows and dormers;
  - iii, new doors.

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 documents.

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

- 10 You must paint all new outside rainwater and soil pipes black and keep them that colour.

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

- 11 You must not 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.

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

- 12 You must 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 Stratford Place 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 3 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

- 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 The term 'clearly mark' in condition 4 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 6 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

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

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

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

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

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

- 7 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)
- 8 With reference to condition 5 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 9 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:



Residential Environmental Health Team  
4th Floor East, Westminster City Hall  
64 Victoria Street  
London SW1E 6QP  
www.westminster.gov.uk  
Email: res@westminster.gov.uk  
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 10 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/asbestos/regulations.htm](http://www.hse.gov.uk/asbestos/regulations.htm)
- 11 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London, SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

- 12 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
- \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
  - \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc.) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design

stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 13 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
  - \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
  - \* Lighting - ensure luminaires can be safely accessed for replacement.
  - \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 14 Under condition 7, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure Lifetime Car Club Membership, as set out in the letter dated 17 November 2016 from Mr Kenny Orellana at Afterhourstudio Architects. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 15 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)

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

# Agenda Item 6

Item No.

6

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 13 <sup>th</sup> June 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>57-59 Beak Street, London, W1F 9SJ</b>		
<b>Proposal</b>	Dual/ alternative use of the basement and ground floor for either retail (Class A1) or restaurant (Class A3) purposes with associated shopfront alterations, relocation of existing plant and the installation of extract duct and screening at roof level and an air handling unit at rear first floor level.		
<b>Agent</b>	Five Development Consultancy LLP		
<b>On behalf of</b>	Smoke and Mirrors Group Limited		
<b>Registered Number</b>	17/02418/FULL	<b>Date amended/ completed</b>	17 March 2017
<b>Date Application Received</b>	17 March 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

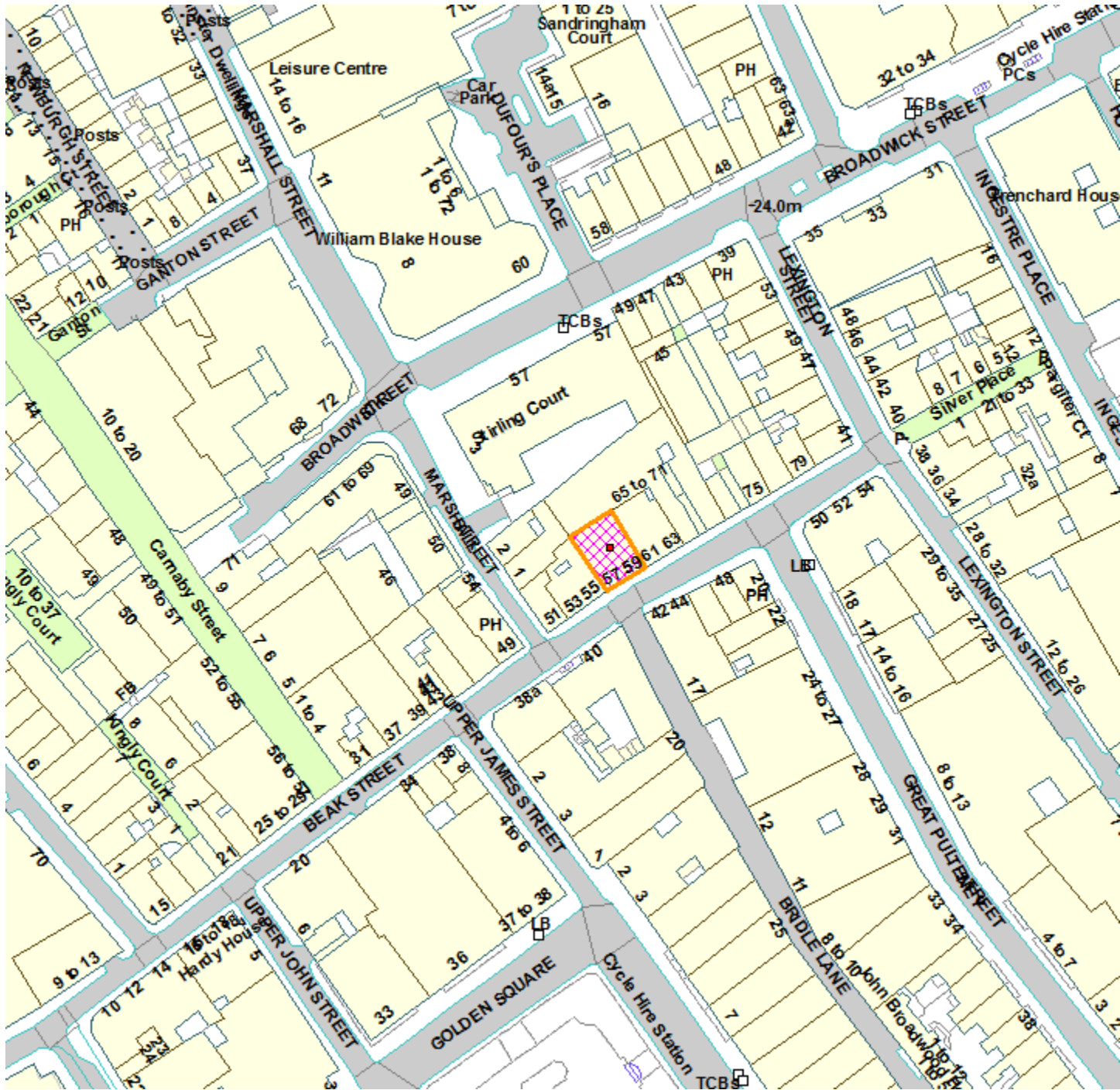
The application site is part of a vacant office building. It comprises five storeys plus basement and is an unlisted building of merit located on the north side of Beak Street adjacent to Bridle Lane. Permission is sought for the use of the basement and ground floors to be used for either retail (Class A1) or restaurant purposes (Class A3). A full height extract duct is proposed and this will be routed internally through the building terminating at roof level. Two existing air conditioning units are being relocated and the proposal has been amended to include a visual screen across the rear of the roof; an air handling unit is proposed to be located at rear first floor level. Alterations to the shopfront are also proposed. The rest of the building will continue to be used for office purposes.

The key issues for consideration are:

- The impact of the external alterations on the character and appearance of the Soho Conservation Area;
- The impact of the proposed plant on residential amenity;
- The increase of restaurant floorspace in the West End Stress Area.

The proposal is considered acceptable in land use, amenity, design and conservation terms and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan and is therefore recommended for approval.

### 3. LOCATION PLAN



4. PHOTOGRAPHS



## 5. CONSULTATIONS

### SOHO SOCIETY

Object on the following grounds:

- New restaurant unacceptably intensifies the West End Stress Area;
- Loss of residential amenity (noise).

No objection to the proposed retail (Class A1) use.

### HIGHWAYS

No objections

### ENVIRONMENTAL HEALTH

Initial objection overcome by redirecting extract flue and inclusion of screening

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14 - Total No. of replies: 7

No. of objections: 7

Objections on the following grounds:

#### Land Use

- Restaurant floorspace in West End Stress Area is unwelcome.
- Loss of offices.

#### Amenity

- Increased noise, odour and disturbance from music, customers and extract/plant.
- Increase in odour from extract duct.

#### Highways

- Vehicular conflict.
- Pavement will become congested from customers and impassable for pedestrians.

No. in support: 0

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is situated on the north side of Beak Street adjacent to Bridle Lane and comprises basement, ground and four upper storeys. The building as a whole represents a later Victorian office building of brick and white stucco detailing. It has been extensively sub-divided with different office tenants occupying each floor.

The basement and ground floor to which the application relates equates to 221 m<sup>2</sup> GIA. This was formerly in office use but has been vacant since June 2014.

The immediate surrounding properties are largely in commercial use at ground floor level with a mix of residential and commercial on the upper floors. The nearest residential is located to the east of the site at third and fourth floor level of 61-63 Beak Street.

The site is located within the Soho Conservation Area, the West End Stress Area and the core Central Active Zone (CAZ).

## 6.2 Recent Relevant History

There was an enforcement investigation in July 2008, concerning 19 air conditioning units. Subsequently, an application for retention of the units was refused in 2009. However, it was subsequently determined that the majority of the units had been there for more than four years and were thus immune from enforcement action.

Planning permission for an identical shopfront to that now currently proposed was granted in 2008 but was unimplemented.

## 7. THE PROPOSAL

Permission is sought for the use of the basement and ground floors for either retail (Class A1) or restaurant (Class A3) purposes totalling 221 m<sup>2</sup> GIA. It is proposed that an extract duct will be routed internally and vent at roof level and two air conditioning units will be relocated to accommodate the access and an air handling unit is to be located at rear first floor level. A new glazed double entrance door will be provided in lieu of the existing middle window on the current shopfront: this will ensure separate access is maintained for the proposed A1/A3 use and the existing office uses on the upper levels.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### **Loss of Offices (Class B1)**

Objections have been received in relation to the loss of office accommodation. There is no policy to protect the loss of B1 offices to another commercial use in the CAZ and therefore a refusal on this basis cannot be justified.

#### **Potential Increase of Restaurant floorspace (Class A3)**

City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core Central Activities Zone. However, as the site is located within the West End Stress Area the introduction of new entertainment uses is considered more sensitive.

The proposed restaurant use comprises 221m<sup>2</sup> GIA and Policy TACE9 of the UDP applies. This relates to entertainment uses which may be permissible in principle, subject to certain criteria. TACE9(B) states that permission will only be granted for proposals where the City Council is satisfied that the proposed development has no adverse effect upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity, increased parking and traffic and no adverse effect on the character or function of its area.

The Soho Society has objected to the new restaurant floorspace commenting that it will result in an intensification of entertainment uses within the West End Stress Area and

have referenced a recent consent at 40 Beak Street which permitted a restaurant at part ground and basement level. (This scheme was approved by the Planning Applications Sub-Committee in 2015, notwithstanding objections.) A number of objections have also been received from residential occupiers to the current proposals, relating to the increase in noise disturbance from customers and music, deliveries, saturation of restaurant uses and the cumulative impact in the immediate area.

The restaurant proposals are speculative with no end-user identified, and therefore it is not possible at this time to consider the likely impact by assessing the track record of the intended occupier. However, conditions could be used to control the opening times and activity to limit the impact. These conditions would ensure that the use would essentially be a sit-down restaurant, limited to 88 covers (based on approximate figures provided by the applicant). Any ancillary bar could be limited to a small part of the premises, to be used only by diners before and after meals: a condition has been recommended to ensure that the bar area shall not exceed 15% of the proposed restaurant. The hours of opening would be restricted to the terminal hour of 23:00 with breakfast opening at 07.00hrs - despite the objection on the hours proposed, this is within the generally acceptable hours set out in the UDP. The proposal incorporates an internal kitchen extract terminating at high level.

The nearest residential properties are located opposite the application site at 61-63 Beak Street, with other residential properties being located towards the junction with Lexington Street. The ground floor units along Beak Street are characterised by restaurant and retail uses. In the immediate vicinity of the site along Beak Street (from No.38/47 to the west to No.50/75 to the east) there are four restaurants, four retail units, four office units/receptions, one residential dwelling and two public houses. In view of the mix of other uses in the area, the proposal is considered to be acceptable in principle. Although there are other restaurants in the vicinity, it's not considered that the proposal will create an adverse cumulative impact, given the dispersed nature of these premises. Furthermore, the proposal will enhance the street level activity in place of the existing blank office frontage.

It is recommended that there is a condition requiring an Operational Management Plan (OMP) and Servicing Management Plan (SMP) to:

- prevent customers queuing on the street,
- management of customers who wish to smoke;
- methods preventing customers from taking their drinks with them:
- methods ensuring deliveries and refuse are not stored on the highway and are carried out in a sensitive manner to ensure noise is minimised within agreed hours.

A condition is also recommended to ensure that no live or recorded music which is audible externally or in neighbouring properties can be played. With the imposition of the above conditions including a restriction on the capacity of 88, it is considered that there will be no material increase in noise disturbance or other amenity issues as a result of the restaurant use, thereby overcoming the objections.

#### **Potential Increase of Retail floorspace (Class A1)**

Policy SS4 of the Unitary Development Plan (2007) and policies S6 and S21 of the City Plan promote the introduction of new retail floorspace within the CAZ. Therefore the use of the premises for retail purposes is considered acceptable in land use terms.



## 8.2 Townscape and Design

57-59 Beak Street is an unlisted building in the Soho Conservation Area Audit. It is identified in the audit as an unlisted building of merit – that is, one which makes a positive contribution to the character or appearance of the conservation area.

### Shopfront

The proposed shopfront is acceptable in design terms. Planning permission for an identical shopfront was granted in 2008.

### Plant

The existing rooftop plant is lawful as it is in situ for greater than four years. Further plant on the roof might contribute to the harm caused by the existing plant. However the additional harm is limited because the new equipment does not rise above the height of the existing equipment. Views from the front would be unchanged, and the new plant would appear in the foreground of existing plant in private view from the rear. Plant screening is proposed across the rear of the roof which will mitigate sufficiently the harm caused by the additional plant when viewed for the upper floors of buildings at the rear.

## 8.3 Residential Amenity

Mechanical plant is being relocated at roof level and an air handling unit installed to the rear at first floor level. A full height extract duct is also proposed but this will be routed internally (from basement level) and extract at roof level. The scheme has been amended so that the duct extracts vertically one metre above the height of the application building (a requirement of Environmental Health) and to include a screen running the full length of the rear of the building to further deflect noise and odour from residential properties. The point of extraction is above the height of residential openings (windows/doors) within 20m of the duct. Objections have been received from the neighbouring residential occupants on the grounds that there will be an increase in noise from the plant and odours from the extract duct. Environmental Health has no objection to the proposal and the plant is likely to comply with the City Council's standard noise conditions. The objections on these grounds are therefore not considered to be sustainable.

## 8.4 Transportation/Parking

The Highways Planning Manager raises no objections to the proposal and considers that the proposal is unlikely to have a significant impact on car parking in the area. The site is also well served by public transport, and despite the objections raised on the grounds of vehicular conflict, it is not considered that the application could be refused on these grounds. As detailed above, a condition is recommended requiring an OMP. Anticipated measures include procedures to ensure customers remain in the premises until taxis arrive, measures to prevent queues and management of customers wishing to smoke, which will help to address objector's concerns relating to pavement congestion.

### Servicing

UDP TRANS20 requires off street servicing. No off-street servicing is proposed. The site is located within a Controlled Parking Zone, which means that single/double yellow lines

in the vicinity can allow loading and unloading to occur. The largest regular servicing vehicle expected to be associated with the development is the refuse collection vehicle.

Due to the potential impact of delivery and servicing, it is recommended that a condition is attached to ensure that the retail (Class A1) is not used as a food retail unit without prior approval from the Council.

The imposition of a condition has also been recommended to ensure no delivery service operates from the application site to ensure highway congestion is minimised.

The Highways Planning Manager is satisfied that given the floor area concerned, the servicing requirements are not expected to have an adverse impact on the public highway; however, a condition has been recommended requiring a Servicing Management Plan (SMP) to ensure servicing is conducted in a sensitive manner and residential amenity is not unduly impacted by the proposal. Given these safeguards, it is considered that objections on the grounds of increased servicing activity and associated noise are not sustainable.

#### **Cycle parking**

No cycle parking has been shown on the submitted drawings. To comply with the London Plan (as amended) a minimum of two cycle spaces are required, which will be secured by condition.

### **8.5 Economic Considerations**

Any economic benefits generated are welcomed.

### **8.6 Access**

A new glazed double entrance door with level access will be provided in lieu of the existing middle window on the current shopfront.

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

#### **Refuse /Recycling**

No specific waste store for waste and recyclable materials is illustrated on the plans. This will be secured by a planning condition prior to the commencement of the use.

### **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 National Planning Policy Framework (NPPF) unless stated otherwise.

### **8.10 Planning Obligations**

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

### **8.11 Environmental Impact Assessment**

The proposal is of insufficient scale as to trigger an environmental assessment.

## **9. BACKGROUND PAPERS**

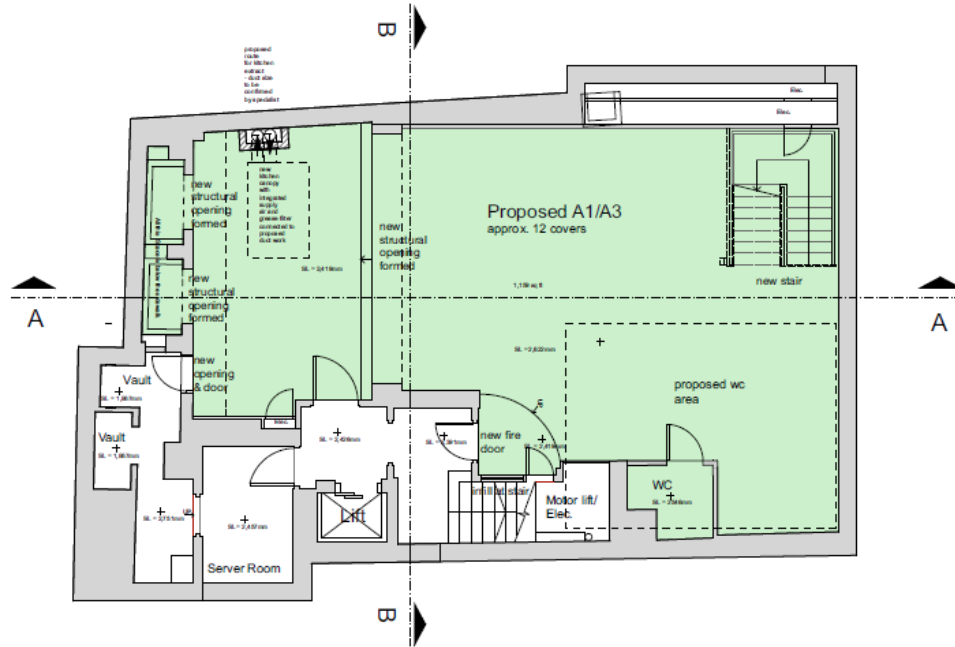
1. Application form
2. Response from Soho Society, dated 11 April 2017
3. Response from EH Consultation, dated 28 March 2017
4. Response from EH Consultation, dated 19 May 2017
5. Response from Highways Planning dated 25 May 2017
6. Letter from occupier of Flat 2, 61-63 Beak Street., London, dated 11 April 2017
7. Letter from occupier of Flat 1, 41 Lexington Street, dated 19 April 2017
8. Letter from occupier of Stirling Court, Marshall Street, dated 12 April 2017
9. Letter from occupier of 65c Beak Street, London, dated 13 April 2017
10. Letter from occupier of First Floor Flat, 61-63 Beak Street, dated 11 April 2017
11. Letter from occupier of Marshall Street, London, dated 12 April 2017
12. Letter from occupier of Flat 3, 61-63 Beak Street, London, dated 11 April 2017

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

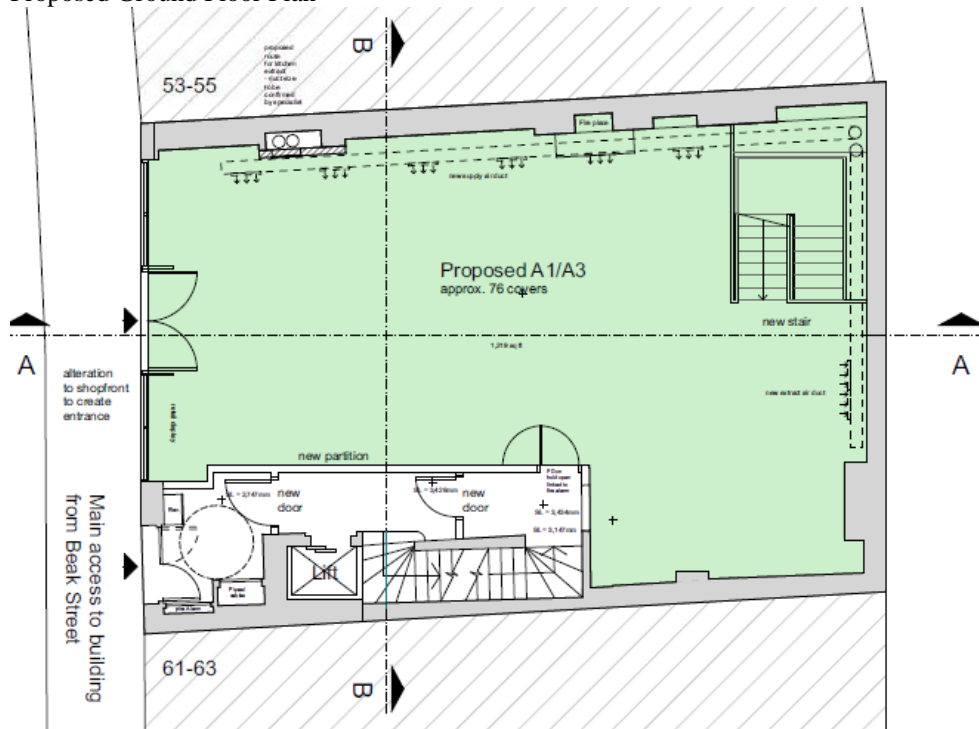
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT [PQUAYLE@WESTMINSTER.GOV.UK](mailto:PQUAYLE@WESTMINSTER.GOV.UK).

### 10. KEY DRAWINGS

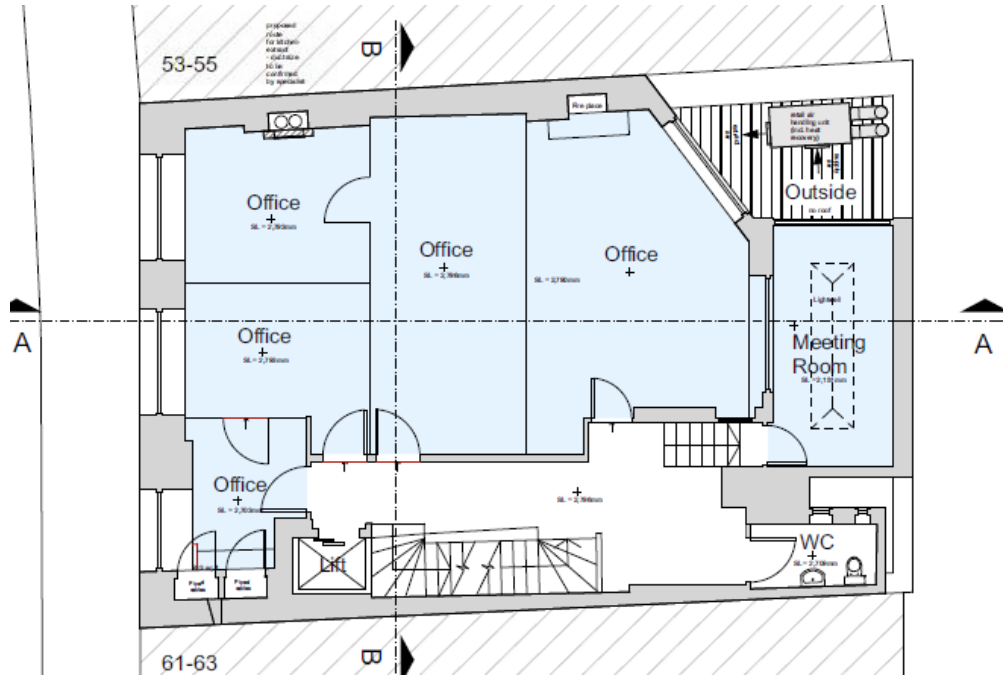
Proposed Basement Floor Plan



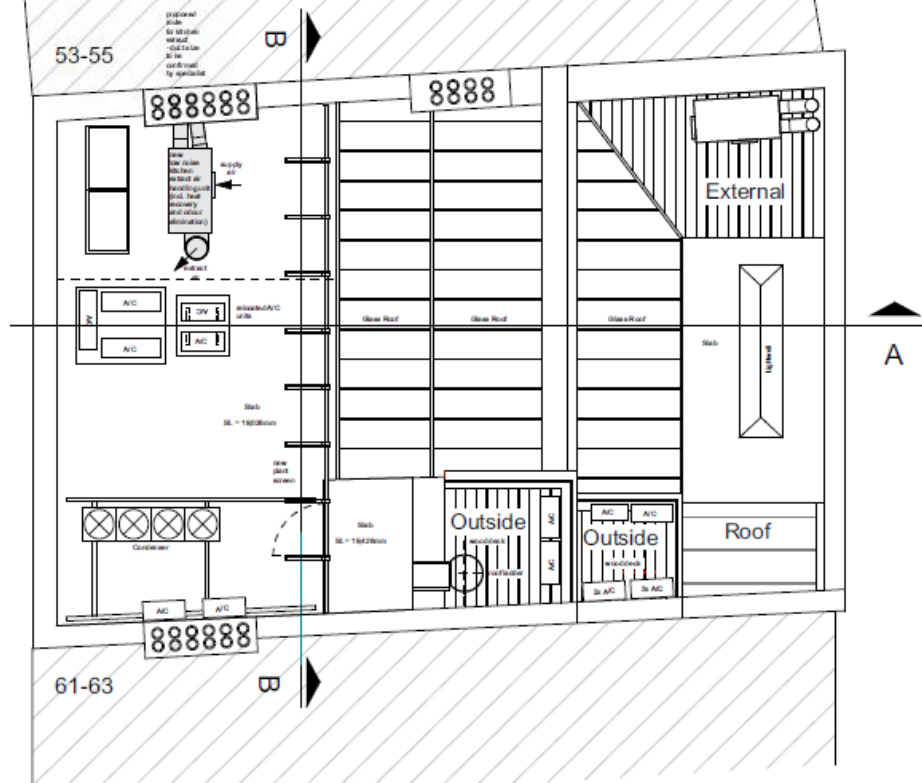
Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Roof Plan



Proposed Shopfront

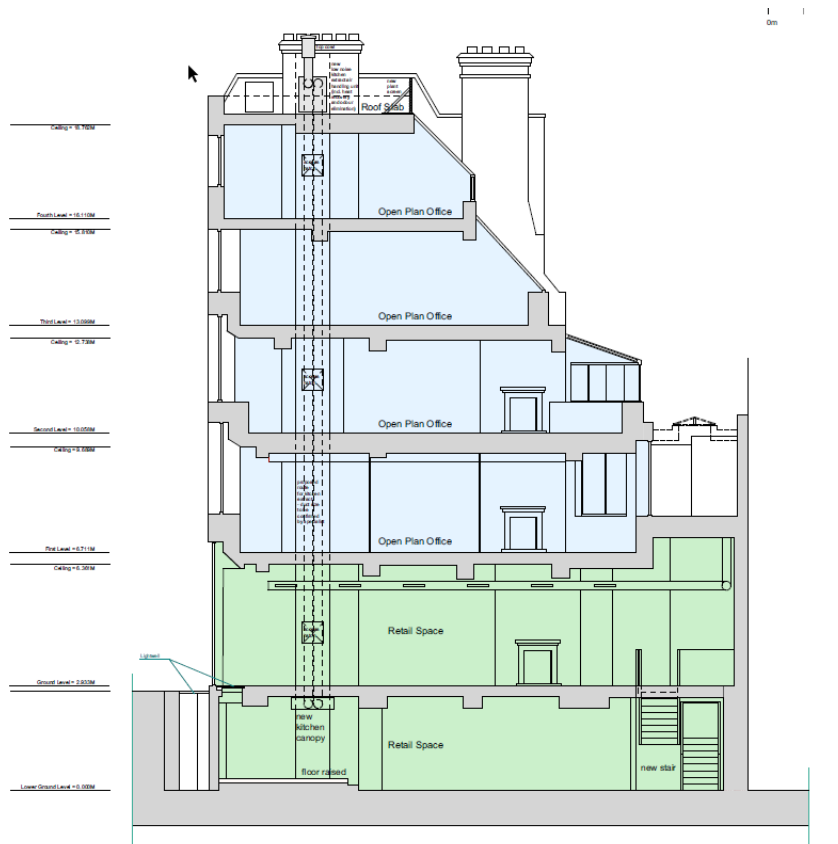


57-59 Beak St

Proposed South Elevation

120

Proposed Section



57-59 Beak St

Proposed AA Section

150

**DRAFT DECISION LETTER**

**Address:** 57-59 Beak Street, London, W1F 9SJ,

**Proposal:** Dual alternative use of the basement and ground floor for either retail (Class A1) or restaurant (Class A3) purposes with associated shopfront alterations and installation of extract duct at roof level and installation of an air handling unit at rear first floor level.

**Reference:** 17/02418/FULL

**Plan Nos:** 1871 - PL13, 1871 - PL14, 1871 - PL15, 1871 - PL19, 1871 - PL20, 1871 - PL21, 1871 - PL22, 1871 - PL23.

**Case Officer:** Damian Lavelle

**Direct Tel. No.** 020 7641 5974

**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 You must not sell any hot-food take-away or drink on the premises, nor operate a delivery service, even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet Class TACE 9 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 4 The provision of a bar and bar seating must not take up more than 15% of the floor area of the restaurant premises. You must use the bar 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 adopted November 2016 and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not allow more than 88 customers into the property at any one time (including any customers waiting at a bar).

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 adopted November 2016 and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 6 You must not play live or recorded music on your property 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)

- 7 Customers shall not be permitted within the restaurant premises before 07.00 or after 23.00 hours daily.

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)

- 8 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the premises is in use. (C05JB)

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)

- 9 The plant/machinery hereby permitted shall not be operated except between 07:00 hours and 23:00 hours daily.



## 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.

- 10 (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.

- 11 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.

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

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 13 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the premises. You must not use the waste store for any other purpose. (C14CD)

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)

- 14 You must apply to us for approval of details of secure cycle storage for the basement and ground floor retail/restaurant use. You must not start any work on this part of the development 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.

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

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and

TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 17 You must apply to us for approval of a Servicing Management Plan. You must not commence the A1 or A3 use until we have approved what you have sent us. You must then carry out the servicing of all the units according to the Servicing Management Plan.

**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)

- 18 Notwithstanding the provision of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in statutory instrument revoking or re-enacting that order) the retail accommodation hereby approved shall not be used for food/supermarket purposes

**Reason:**

We cannot grant planning permission for unrestricted use in this case because it would not meet TRANS 20 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

**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 Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the floor can change between the retail (Class A1) and restaurant (Class A3) uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

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

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Item No.
<b>7</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB-COMMITTEE</b>	<b>Date</b> 13 June 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>The Pavilion Hyde Park , 1 Serpentine Road, London, W2 2UH</b>		
<b>Proposal</b>	Construction of a side extension to the sports pavilion and associated alterations including new doors, serving hatch, and ramped access to front and rear elevations.		
<b>Agent</b>	Mig Architecture & Interiors		
<b>On behalf of</b>	Will To Win Ltd		
<b>Registered Number</b>	16/11998/FULL	<b>Date amended/ completed</b>	26 January 2017
<b>Date Application Received</b>	19 December 2016		
<b>Historic Building Grade</b>	Hyde Park is a grade I Registered Park and Garden		
<b>Conservation Area</b>	Royal Parks		

**1. RECOMMENDATION**

Grant conditional permission.

**2. SUMMARY**

Hyde Park Pavilion is located at the southern end of the park near the junction of South Carriage Drive and West Carriage Drive.

Planning permission is sought for the construction of a side extension to the west side of the sports pavilion and associated alterations including new doors, serving hatch, and ramped access to front and rear elevations.

The key issues are:

- \* The impact of the proposals on Hyde Park as a Grade I Registered Park and Garden, a Site of Metropolitan Importance for Nature Conservation and Metropolitan Open Land.
- \* The impact on the visual amenity of Hyde Park and the Royal Parks Conservation Area.

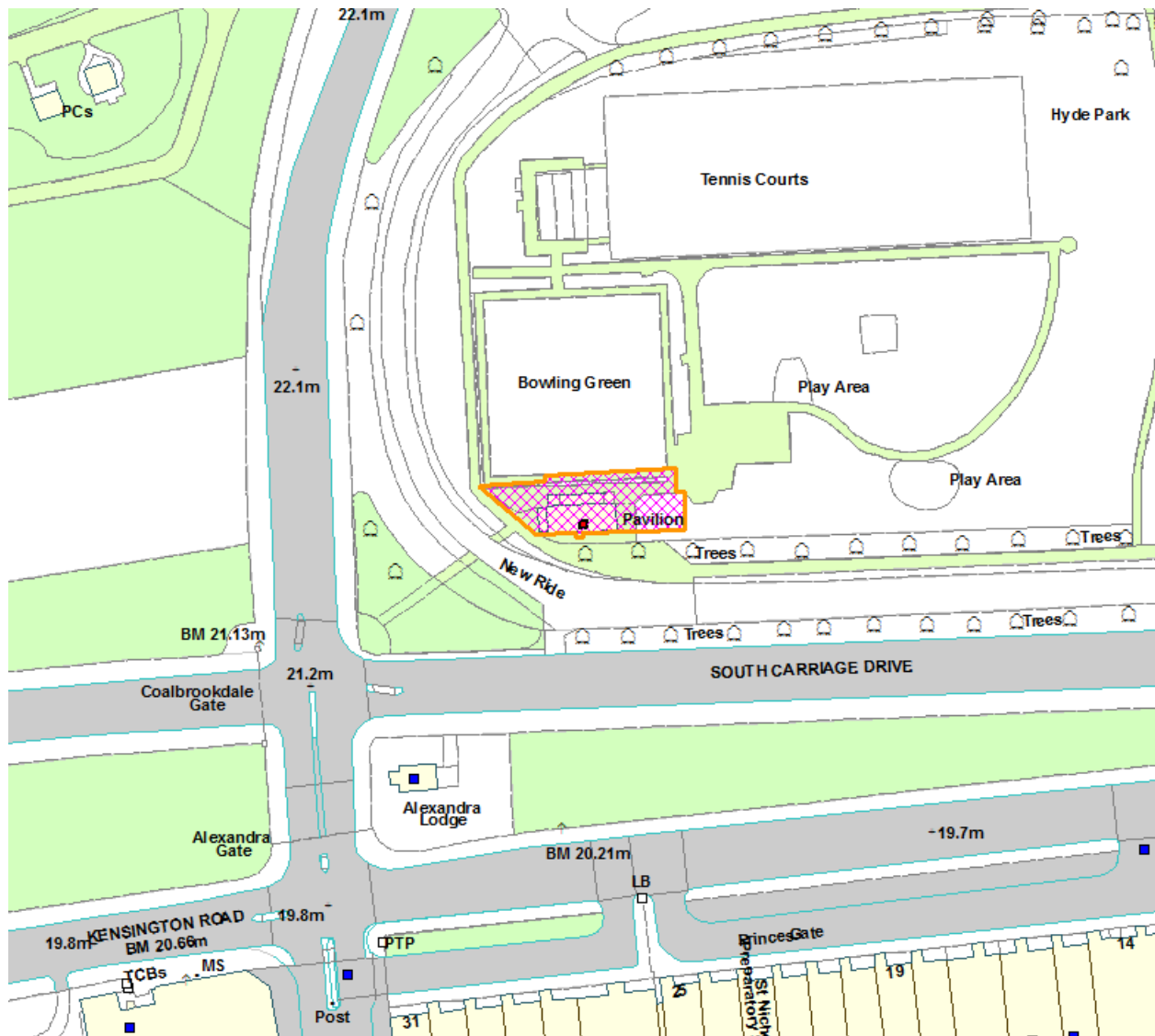
The current building functions as a sports pavilion and supports the tennis courts, bowls and other sporting activities in the park. It contains a small cafe; a reception and office space for the sports facility management company (Will To Win); and shower and toilet facilities.

The purpose of the extension and alterations is to provide improved cafe and catering facilities,

improved access, and generally providing more space within the pavilion to cater for the growing number of users.

The improvement and upgrading of the sports pavilion will provide a better environment for its users, and will continue to support the linked outdoor recreational and sporting activities, which contribute to improving the health and wellbeing of Westminster residents and other visitors who use the facilities. For the reasons set out in the report, the proposals are considered acceptable and in accordance with the relevant UDP, City Plan and London Plan policies, subject to appropriate conditions.

## 3. LOCATION PLAN



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4. PHOTOGRAPHS



The Pavilion Hyde Park





Internal view of Cafe/ Seating Area inside Pavilion



Tennis Courts

## 5. CONSULTATIONS

THE ROYAL PARKS:  
Support the proposal.

HISTORIC ENGLAND:  
No comment.

KNIGHTSBRIDGE ASSOCIATION:  
Concerned that the Pavilion might become a major food and beverage outlet; the Pavilion should remain ancillary to the sports club and operate with conditions controlling opening hours; there should be no evening events.

FRIENDS OF HYDE PARK & KENSINGTON GARDENS:  
Support the proposal.

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:  
Any response received to be reported verbally.

THE GARDENS TRUST:  
Any response received to be reported verbally.

LONDON BAT SOCIETY:  
Any response received to be reported verbally.

ARBORICULTURAL MANAGER:  
No objection subject to a tree protection condition.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1  
Total No. of replies: 11  
No. of objections: 4  
No. in support: 7

Objections received on some or all of the following grounds:

- Food and beverage offering should remain low key and ancillary to the tennis/sports club
- Improved café facilities will have a detrimental impact on the park as a result of increased activity and litter
- Improvements will degrade facilities available to tennis players because they will have to share facilities with other consumers/ non-tennis players;

Support for the proposals on some or all of the following grounds:

- The improved facilities will provide a more welcoming, comfortable and enjoyable space for the increasing number of people who use the sports facilities and nearby playgrounds.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Hyde Park is a Grade I Registered Park and Garden, a Site of Metropolitan Importance for Nature Conservation and designated Metropolitan Open Land. The site also falls within the Royal Parks Conservation Area.

Hyde Park Pavilion is located at the southern end of the park near the junction of South Carriage Drive and West Carriage Drive. The sports pavilion supports the following sports activities within the wider site:

- i. 6 tennis courts
- ii. 1 bowling green
- iii. 2 mini tennis courts
- iv. Infants play area
- v. Junior playground
- vi. Senior playground
- vii. 9 hole putting green

### 6.2 Recent Relevant History

Works are currently taking place on site to improve and upgrade the existing sports facilities following the granting of planning permission on 11 April 2017 for the conversion of two mini tennis courts and one tennis court into one paddle tennis court and one multi use games area; extension of the tennis courts area to provide one additional tennis court adjacent to tennis Court 6; installation of 10m high floodlights; and renewal of the courts surface and fencing (16/11997/FULL). The new floodlights will enable the sports facilities to be used all year round until 9.30pm weekdays and 9.00pm on weekends.

Permission was granted on 28 March 2012 for the construction of a side extension to the sports pavilion; enclosing of the existing terrace to the rear and creation of a new external terrace area to the rear (12/00532/FULL). This permission has been implemented.

## 7. THE PROPOSAL

Planning permission is sought for the construction of a side extension (48 sqm) to the west side of the sports pavilion and associated alterations including new doors, serving hatch, and ramped access to front and rear elevations.

The sports pavilion and facilities are managed by the applicant, Will to Win Ltd, who aims to improve and upgrade the existing sports pavilion to cater for an increasing number of users. The extensions and alterations would provide improved cafe and catering facilities, improved access, and generally providing more space within the pavilion.

*Table 1. Existing and proposed floorspace*

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Sports Pavilion	181	229	+48

The opening hours of the sports pavilion will remain as existing: 7am – 10pm.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The site is located on Metropolitan Open Land (MOL) and within Hyde Park. Any new buildings on MOL need to be carefully assessed against UDP Policy ENV 14 and Policy 7.17 of the London Plan. In addition Policy S11 of the City Plan seeks to protect the Royal Parks from inappropriate development and activity.

Policy ENV 14 indicates that development will be granted if it is essential and ancillary to maintaining or enhancing the land as valuable open space and where there is no adverse impact. The London Plan indicates that essential ancillary features for appropriate uses will only be acceptable where they maintain the openness of MOL. The supporting text goes on that appropriate development should be limited to small scale structures to support outdoor open spaces uses and minimise any adverse impact on openness.

Policy S11 states that development will only be allowed where it's essential and ancillary to maintaining and enhancing the value of the park as open space and does not harm its character or tranquillity.

Given that this area of Hyde Park is characterised by sports facilities, playgrounds and adjacent roads rather than open parkland, and given that the application is for a modest extension to an existing building which supports the use of outdoor recreational activity, the proposal is considered to be acceptable in land use terms.

The existing building has been used as a sports pavilion with cafe, office, and changing facilities, serving not only users of the sports facilities, but also and tourists for the past 20 years. The proposal would provide improved cafe and catering facilities to cater for an increasing demand by users. It is not considered that the small increase in floorspace (48sqm) will result in an undesirable intensification of the use of the sports pavilion. The existing kitchen which currently consists of an oven, 2 x griddle machines, 2 x fridges, microwave, sink, and dish washer will be re-arranged. There is no requirement for additional plant.

Objections have been received on grounds that the proposals will effectively change the use of the sports pavilion and into a pub. The applicant confirms that the sports pavilion will continue to operate as existing. Furthermore, the applicant confirms that they do not intend to operate as a pub and this is reflected in their alcohol licence, which only allows alcohol to be served with a meal. Any other use of the building aside from a sports pavilion with cafe, office, and changing facilities would require planning permission.

### **8.2 Townscape and Design**

The key considerations are the impact upon the appearance of the existing building, the character and appearance of the Conservation Area and Hyde Park, a grade I listed Registered Park and Garden.

The existing pavilion building is a timber clad, single storey structure with a tiled pitched roof. An extension to the east side was recently constructed following permission granted in 2012. The current proposal seeks to construct a similar extension to the west side of the sports pavilion. In design terms, the latest extension and alterations to the pavilion are considered to be appropriate both in scale and form and would not detract from the character and appearance of the conservation area and registered park.

### **8.3 Residential Amenity**

The nearest residential properties, are located approximately 150m away on the opposite side of Kensington Road. It is not anticipated that the proposals would give rise to any adverse impact on residential amenity.

### **8.4 Transportation/Parking**

It is expected that most users of the sports pavilion and its facilities are local to the area and likely walk to the site.

### **8.5 Economic Considerations**

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

### **8.6 Access**

The proposals would improve access to the pavilion and its toilets with new ramps providing level access from the front and rear.

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

#### **Trees**

The applicants have submitted an arboricultural report which demonstrates that construction work can be carried out without causing any harm to the adjacent Plane trees. The Arboricultural Manager has raised no objection but recommends a condition is attached requiring full details of tree protection measures.

### **8.8 London Plan**

The site is located on Metropolitan Open Land (MOL) and therefore Policy 7.17 of the London Plan which seeks to protect the openness of MOL is relevant.

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

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

### **8.10 Planning Obligations**

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

### 8.11 Environmental Impact Assessment

An environmental impact assessment is not applicable for a development of this size.

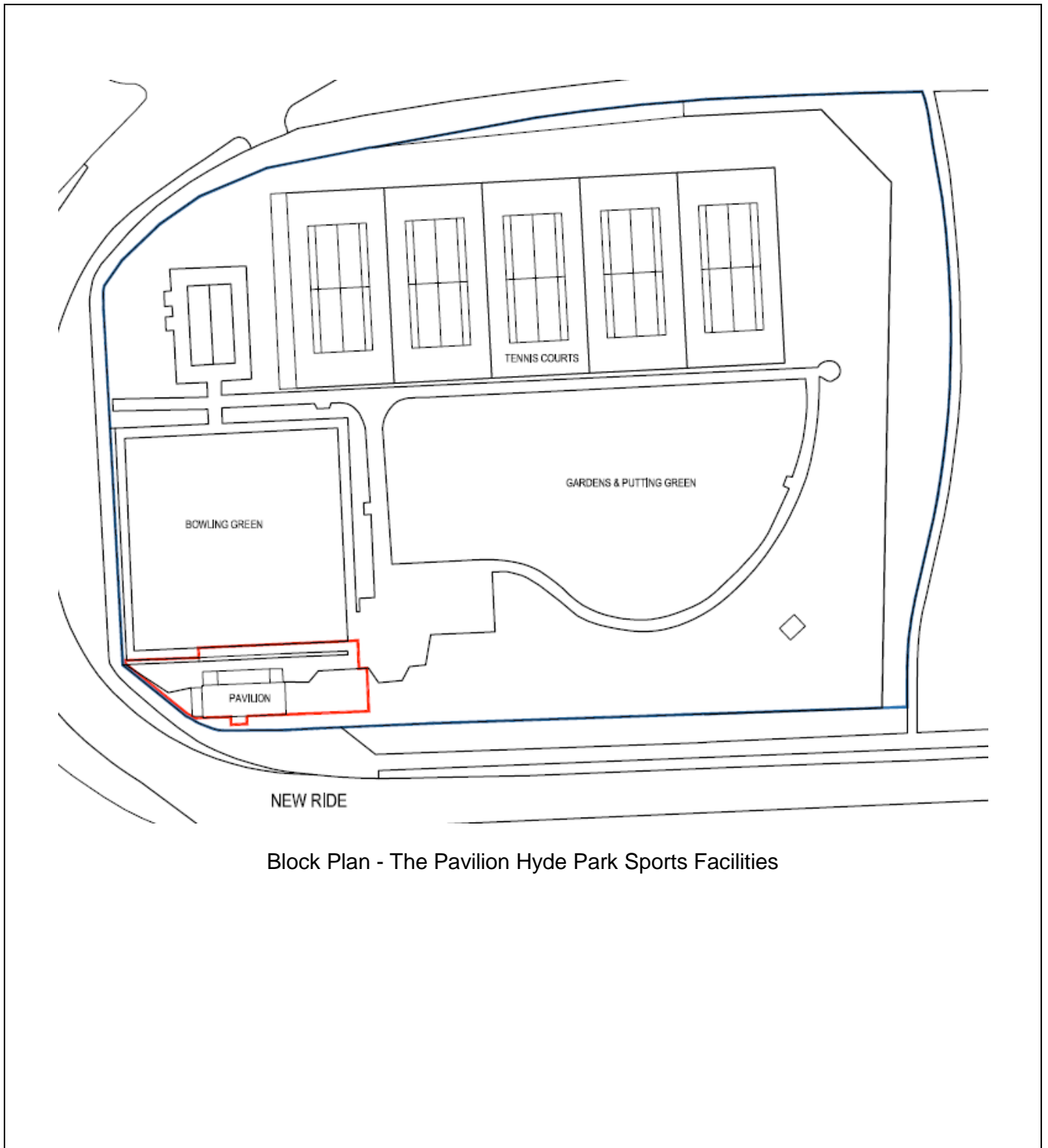
### 9. BACKGROUND PAPERS

1. Application form
2. Response from Knightsbridge Association dated 13 February 2017
3. Response from Arboricultural Manger dated 6 March 2017
4. Response from Historic England (Listed Builds/Con Areas), dated 31 January 2017
5. Letter from Royal Parks dated 15 December 2016
6. Letter from Friends of Hyde Park and Kensington Gardens dated 30 November 2016
7. Letter from occupier of Albert Court, Kensington Gore, London dated 30 January 2017
8. Letter from occupier of 199 Knightsbridge, London dated 3 February 2017
9. Letter from occupier of 190 Ladbrooke Grove, London dated 18 February 2017
10. Letter from occupier of 23 Porchester Gra, London dated 18 February 2017
11. Letter from occupier of 19 Oak Tree Gardens, Grove Park, dated 22 February 2017
12. Letter from occupier of 42a Byegrove Road, London, dated 22 February 2017
13. Letter from occupier of 1 Keble Street, London, dated 22 February 2017
14. Letters from occupiers of 40 Mornington Road, London, dated 22 & 24 February 2017
15. Letter from occupier of 15 Suffolk Road, London, dated 22 February 2017
16. Letter from occupier of 81 Princes Plain, Bromley, dated 23 February 2017

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

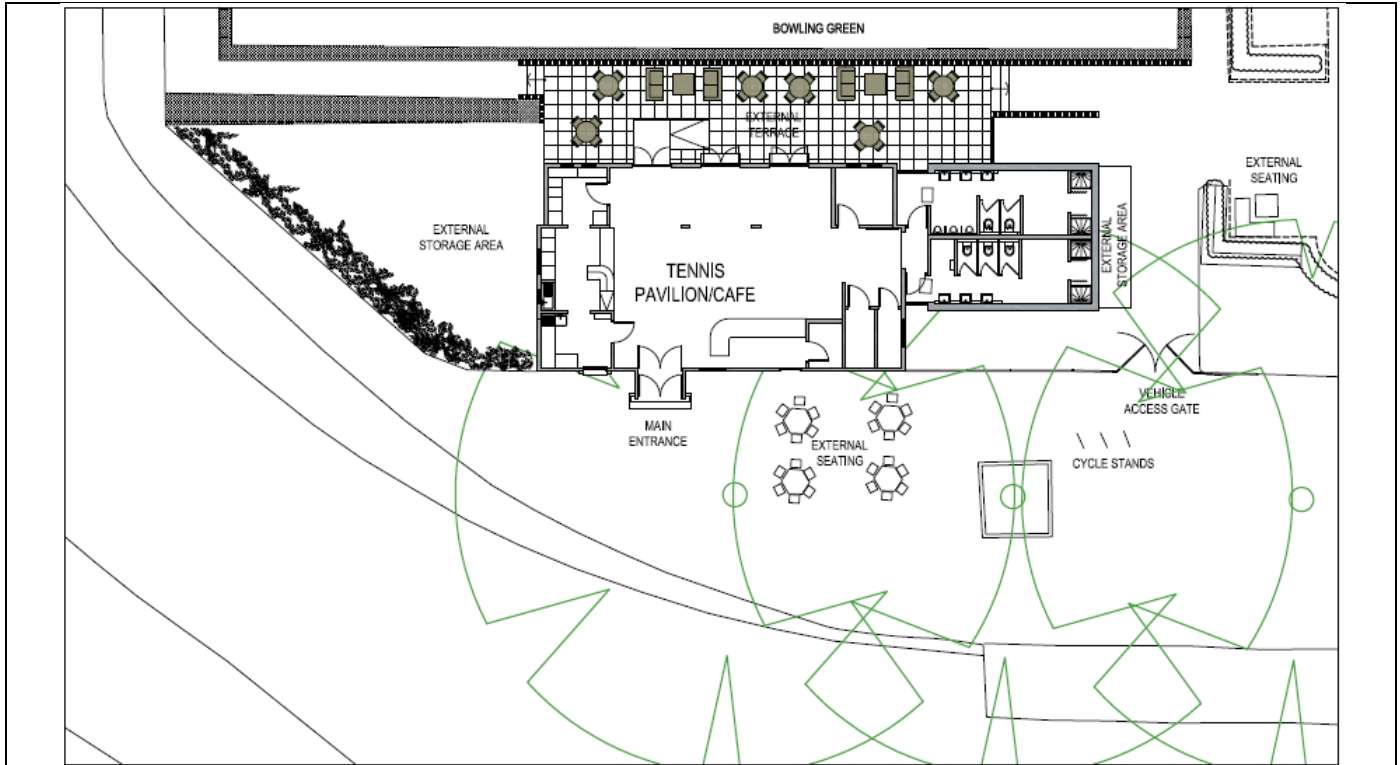
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AMANDA JACKSON BY EMAIL AT [ajackson@westminster.gov.uk](mailto:ajackson@westminster.gov.uk)

**10. KEY DRAWINGS**

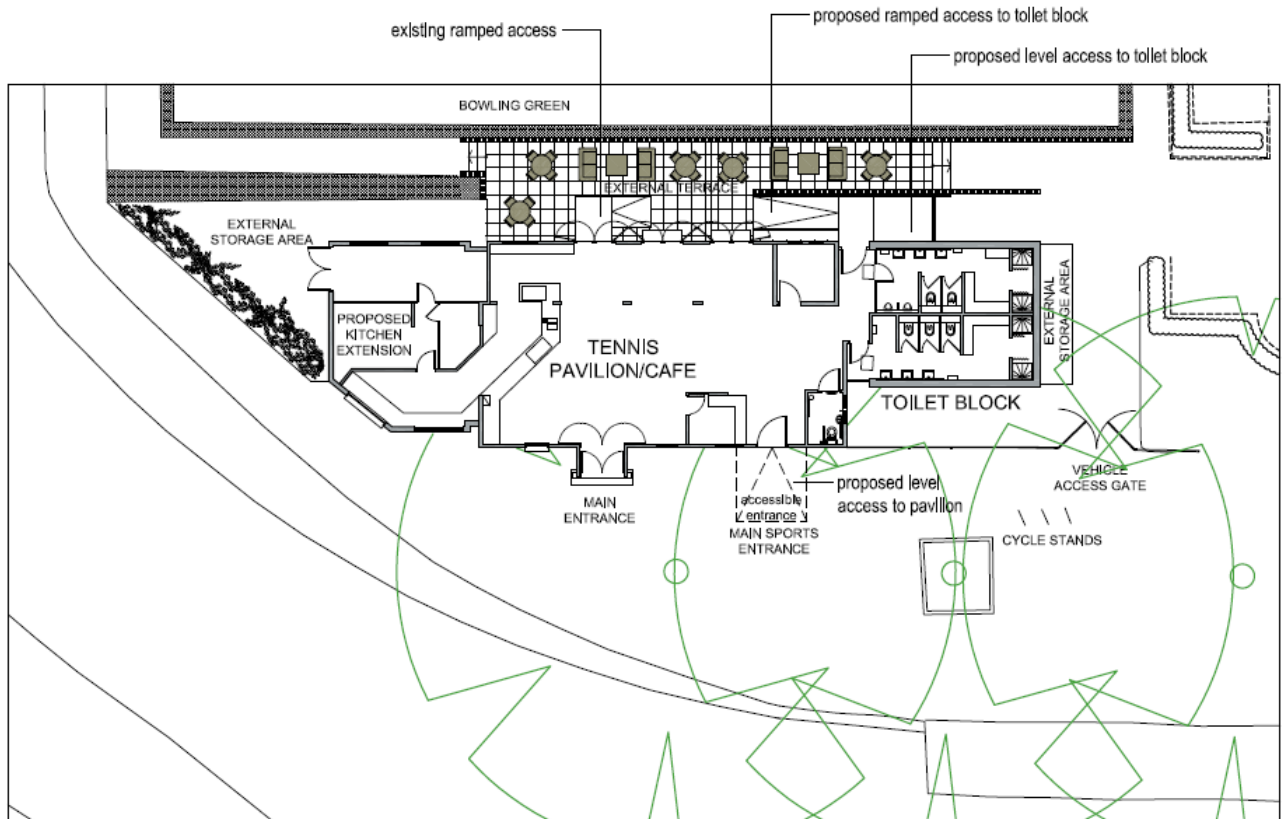


Block Plan - The Pavilion Hyde Park Sports Facilities

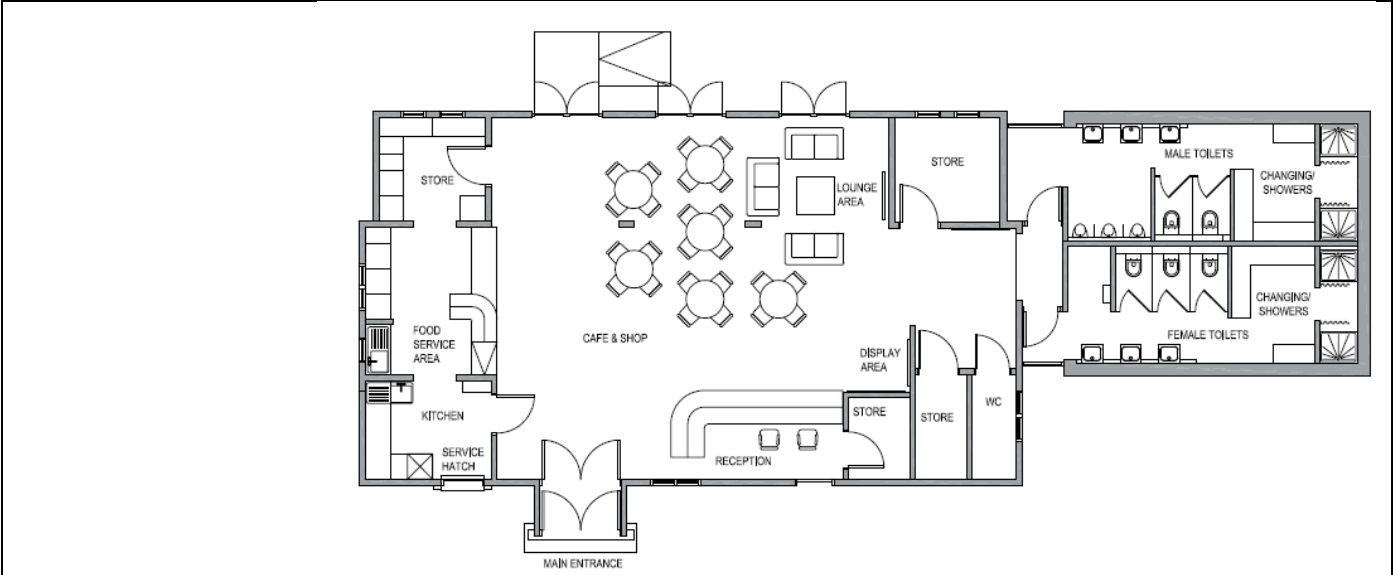




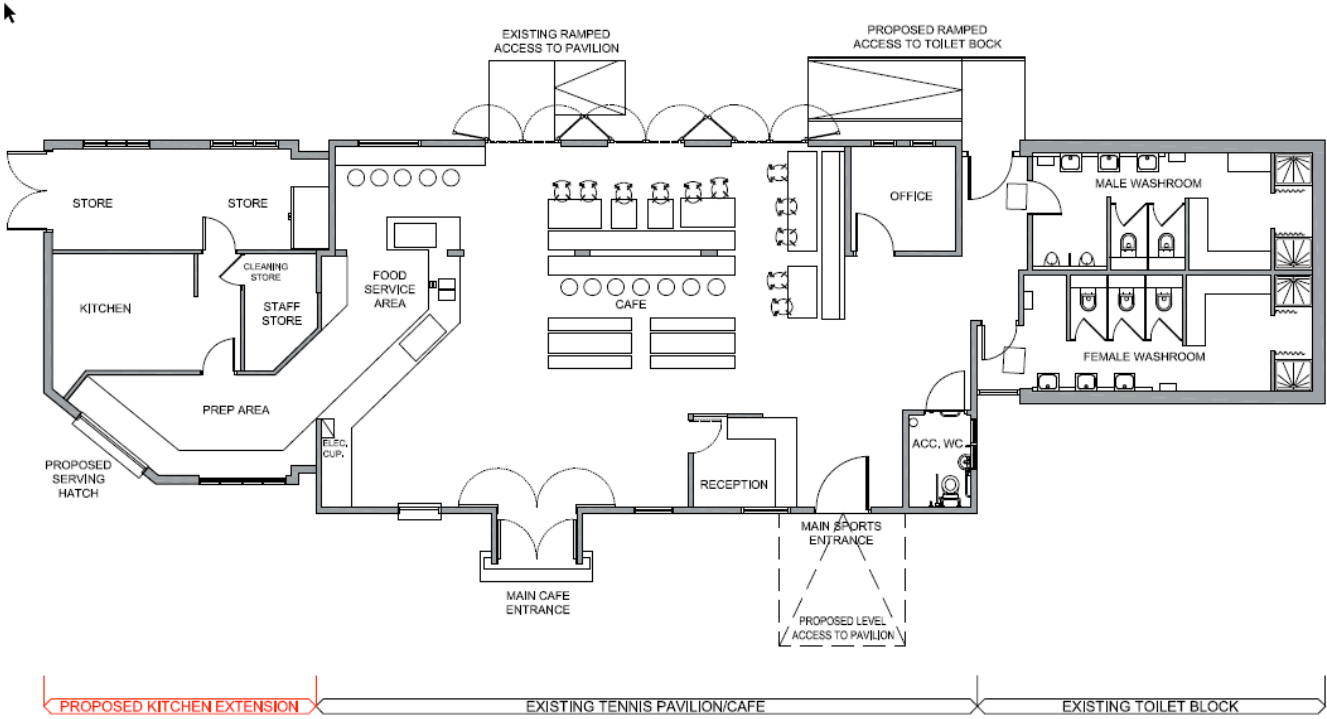
Existing Site Plan



Proposed Site Plan



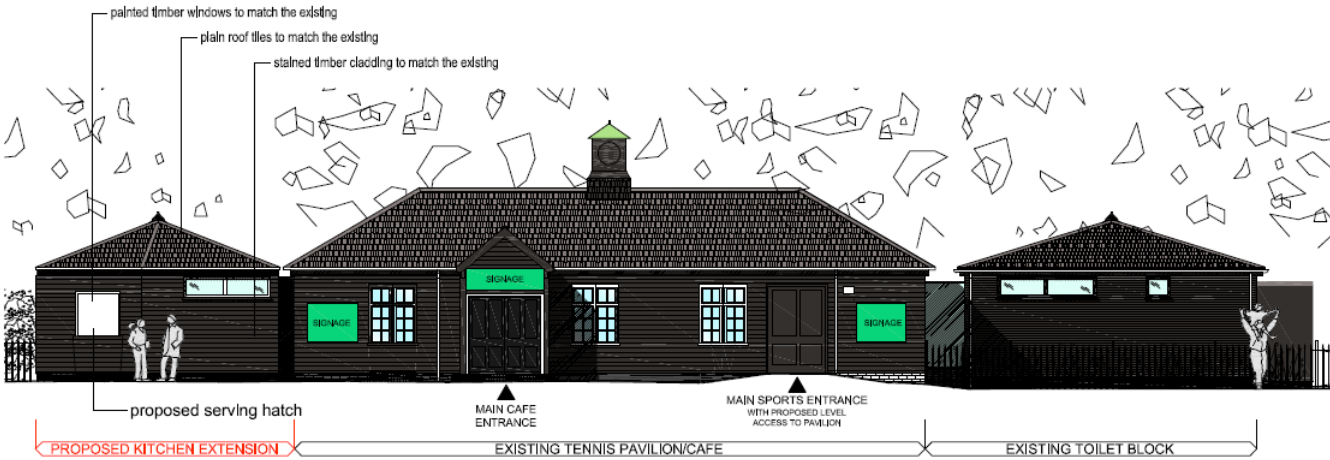
Existing Floor Plan



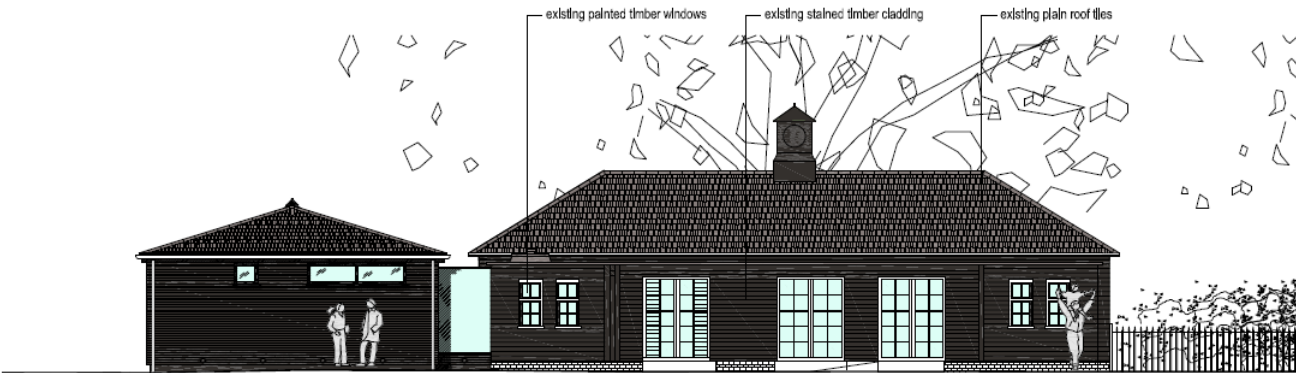
Proposed Floor Plan



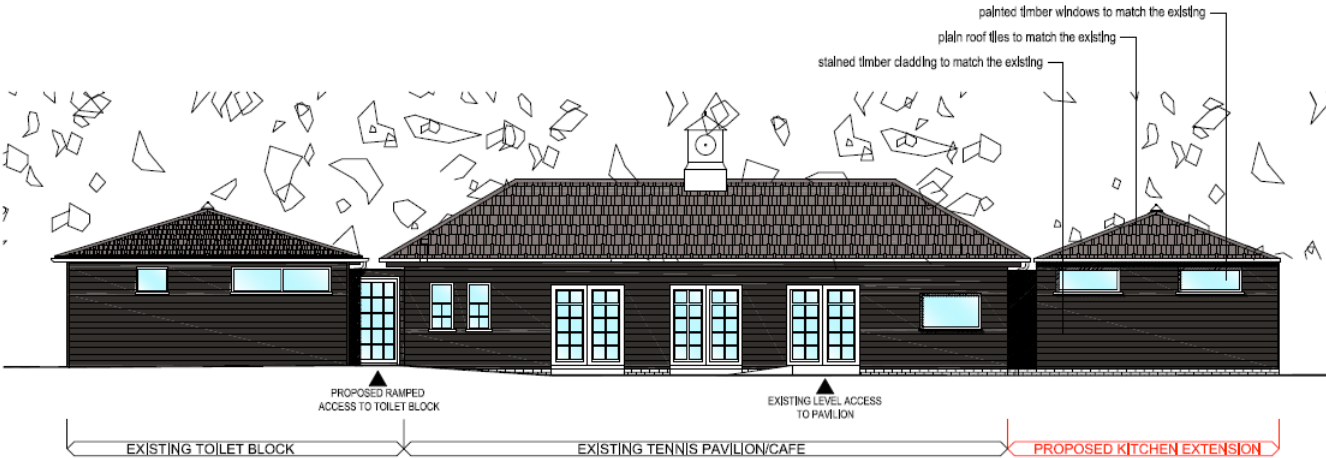
Existing Front Elevation A



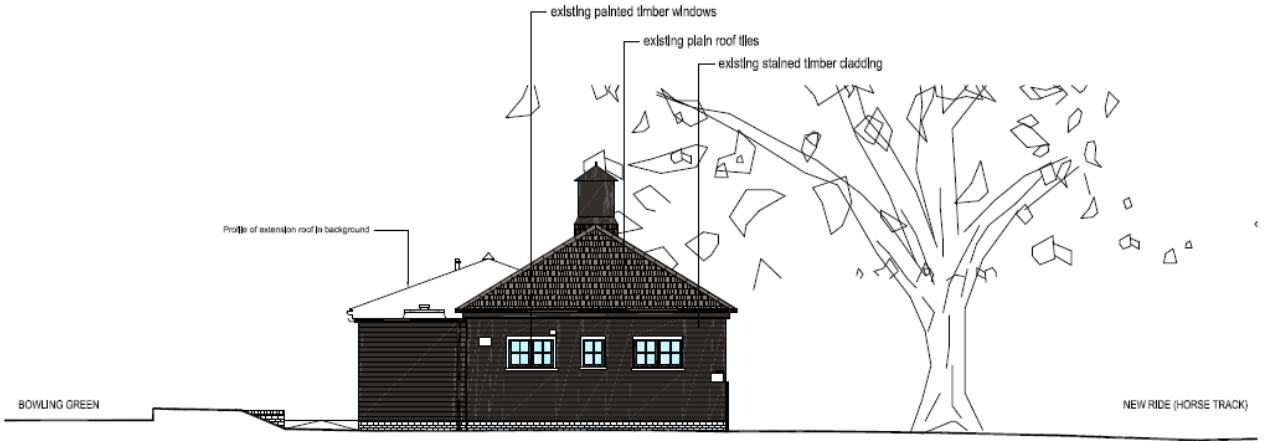
Proposed Front Elevation A



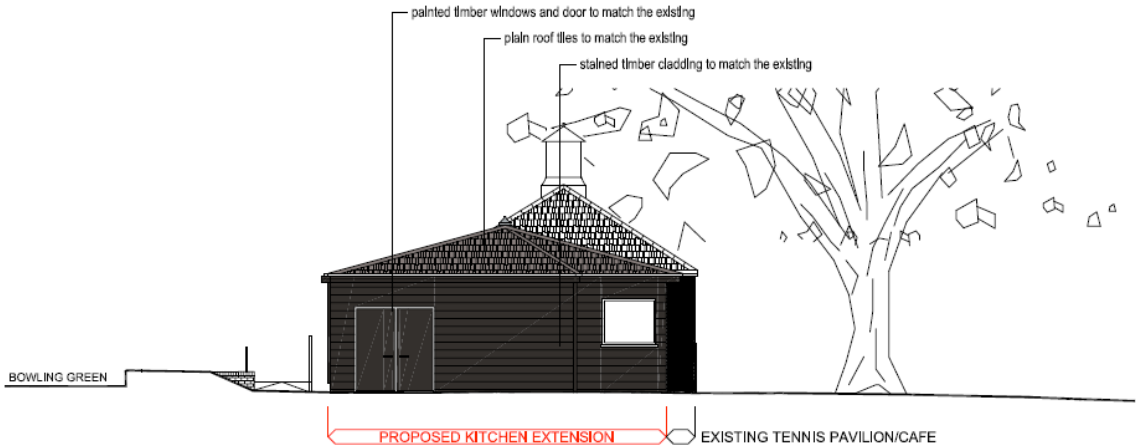
Existing Rear Elevation C



Proposed Rear Elevation C



Existing Side Elevation B



Proposed Side Elevation B

**DRAFT DECISION LETTER**

- Address:** The Pavilion Hyde Park , 1 Serpentine Road, London, W2 2UH
- Proposal:** Construction of a side extension to the sports pavilion and associated alterations including new doors, serving hatch, and ramped access to front and rear elevations.
- Reference:** 16/11998/FULL
- Plan Nos:** Site Location Plan; HYD12-010-001A, HYD12-010-011C, HYD12-010-101C, HYD12-010-102C, HYD12-037-001, HYD12-037-011E, HYD12-037-101D, HYD12-037-102D; Planning Statement dated December 2016; Design and Access Statement dated December 2016; Arboricultural Report dated November 2016.

**Case Officer:** David Dorward

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

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

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

**Reason:**

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

- 2 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 Royal Parks 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 Pre Commencement Condition.**

(a) Notwithstanding the detail provided in the tree report you must provide for our approval an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The site monitoring system should involve arboricultural supervision at critical periods and also periodic inspections to ensure that tree protection systems are installed, maintained and any procedures followed. You must not start work until we have approved what you have sent us.

(b) You must then carry out the arboricultural site supervision and development according to this approved scheme. You must produce written site supervision reports as detailed in part a) after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. You must send copies of each written site supervision record to us within five days of the site visit. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included.

**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)

- 5** You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the Pavilion. You must not use the waste store for any other purpose. (C14CD)

**Reason**

To protect the environment and provide suitable storage for waste and materials for recycling 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. (R14CC)

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

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



# Agenda Item 8

Item No.
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<b>8</b>
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB-COMMITTEE</b>	<b>Date</b> 13 June 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	<b>34 Woronzow Road, London, NW8 6AT</b>		
<b>Proposal</b>	Variation of Condition 18 of planning permission dated 25.04.2005 (05/00580/FULL) for Demolition of existing house and erection of new house comprising basement, lower ground, ground and two upper storeys with plant room at basement level, raised terrace to rear and alterations to front boundary wall; Namely to amend elevational detailing to building, including to incorporate the single storey orangery extension to the south side of the building, amendments to the single storey wing on the south side, amendments to skylights/lantern lights and amendments to detailing of rear balustrading to terrace and rear garden steps.		
<b>Agent</b>	SHH		
<b>On behalf of</b>	Emerald Hill Properties Limited		
<b>Registered Number</b>	16/07787/FULL	<b>Date amended/ completed</b>	23 May 2017
<b>Date Application Received</b>	13 August 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

Grant conditional permission
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## 2. SUMMARY

The application proposals relate to a single dwelling house on the east side of Woronzow Road. The redevelopment of the site was approved on 24th May 2005, and the building is nearing completion though is not yet occupied. It is an unlisted building located within the St John's Wood Conservation Area. Permission is sought for the retention of a series of changes to the approved design of the building which were carried out during the course of its construction thus far, and other amendments to be incorporated into the design.

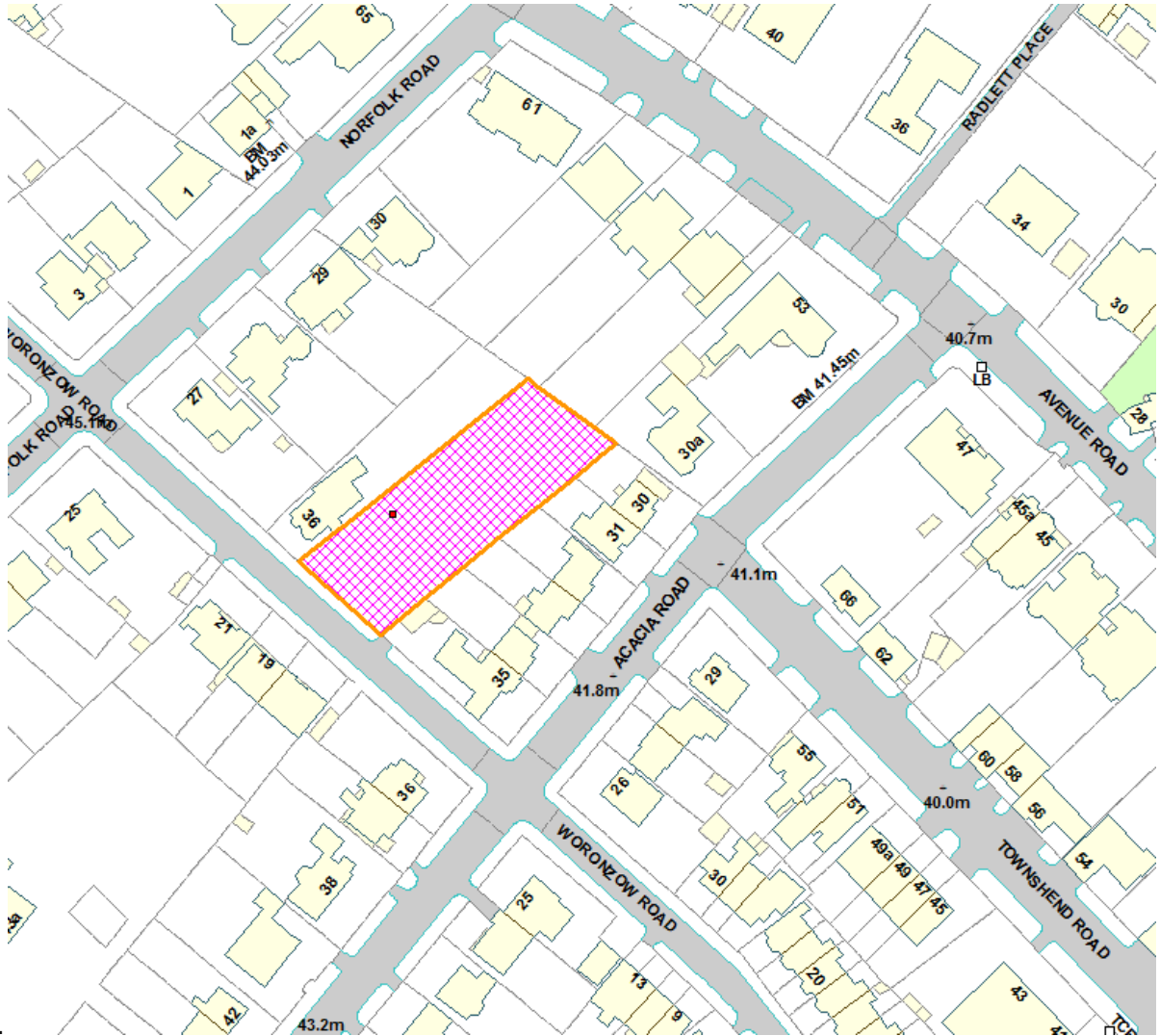
The key issues in this case are:

- The impact on the character and appearance of the building and surrounding conservation area.
- The impact on the amenity of neighbouring residents.

- The impact upon surrounding trees.

Subject to appropriate conditions, the proposal is considered acceptable in design, amenity and trees terms. The application is therefore recommended for approval being in compliance with the relevant Unitary Development Plan (UDP) and City Plan policies.

**LOCATION PLAN**



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3. PHOTOGRAPHS



**Aerial View of Site Showing Development As-built**



**Subject building as seen from Woronzow Road**



Rear of subject building.

#### 4. CONSULTATIONS

##### ST JOHN'S WOOD SOCIETY

Initially expressed concern that they could not comment on the application in detail as the submitted drawings could not be read clearly. Express concern that the scale of the building has an adverse impact on neighbours and the character of Woronzow Road. State that any amendments must respect this. State that the proposed changes have an adverse impact on neighbours in terms of overlooking, privacy and light pollution. Ask the case officer to carefully assess the true height of the building and note the comments of neighbours. Strongly object to further variations to the original planning approval as the variations are all retrospective.

##### ARBORICULTURAL MANAGER

Raise no objections, subject to conditions relating to tree protection.

##### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 17

Total No. of replies: 5

No. of objections: 5

No. in support: 0

In summary, the objection letters received raise concerns on the following grounds:-

##### Design Issues

- Concern expressed about the height of the house and its proximity to the boundary of the site.
- Concern expressed about the design of the 'bubble' roof above the ground floor side extension to the south side of the house, and that it should match the other skylight to this side extension.

##### Amenity Issues

- Concern expressed regarding any French doors on the south east elevation at first floor level, and state that any doors or windows at that level must continue to be fitted with opaque glass.
- Concern expressed about the appearance of the house being too obtrusive with a statement that the applicants have raised the ground to a level which when the building is added allows them to look over the fence into our private garden.

##### Other Issues

- Comment received stating that if all the changes are at ground floor level then they would have no objection.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

#### 5. BACKGROUND INFORMATION

## 5.1 The Application Site

The application site is a single dwellinghouse which covers lower ground, ground floor, first floor and with a second floor level set within the pitched roof structure to the building. It has render facing to its sheer elevations and slate cladding to its roof structure, and is designed in a notably grand, Italianate style with prominent use of classical detailing. The building is not listed and it is located within the St John's Wood Conservation Area. The building was first approved in 2005 and after a lengthy construction process is nearing completion on site.

## 5.2 Recent Relevant History

### 05/00580/FULL

Approval granted for Demolition of existing house and erection of new house comprising basement, lower ground, ground and two upper storeys with plant room at basement level, raised terrace to rear and alterations to front boundary wall.

Application Permitted 24<sup>th</sup> May 2005

### 06/02880/ADFULL

Details including samples of the facing materials and details of all windows and external doors, the front entrance porch and pediment, the window pediments, all sky- and rooflights, and typical stone window surrounds and reveals, pursuant to Condition 1 and parts i) - v) of Condition 7 of planning permission dated 25 April 2005 (RN: 05/00580).

Application Permitted 7<sup>th</sup> June 2006

### 13/04441/FULL

Planning permission granted on appeal for alterations to the roof structure including dormers, and for a single storey rear side extension (Appeal was split - roof extension also included in this application was dismissed).

Appeal decision 17<sup>th</sup> October 2013

### 14/01012/FULL

Alterations to front boundary wall including new gates with associated landscaping to front garden

Application Permitted 22<sup>nd</sup> July 2014

### 14/09103/ADFULL

Details of landscaping pursuant to Condition 16 of planning permission dated 25 April 2005 (RN: 05/00580).

Application Permitted 14<sup>th</sup> October 2014

### 16/10729/NMA

Non material amendments to planning permission dated 25 April 2005 (RN: 05/00580/FULL) granted for: Demolition of existing house and erection of new house comprising basement, lower ground, ground and two upper storeys with plant room at basement level, raised terrace to rear and alterations to front boundary wall (Option B). Namely, to add a condition listing the plan numbers - condition 18.

Decision date 19<sup>th</sup> December 2016



## 6. THE PROPOSAL

The application seeks permission for variations to the 2005 approved design of the building in order to regularise amendments to the approved design which have been carried out on site during the construction of the building, and several other changes not yet built. These changes comprise design alterations such as amendments to windows, doors, rooflights / lantern lights, a rear balcony structure, stucco detailing and some works to the landscaping surrounding the building such as the arrangement of steps leading into the rear garden from lower ground floor level. Permission is also sought for regularisation of a side/rear extension, which differs in design from one previously allowed by an appeal on 17<sup>th</sup> October 2013, and the regularisation of the second floor plan.

## 7. DETAILED CONSIDERATIONS

### 7.1 Land Use

The application seeks to regularise the addition to the southern side wing at ground floor level which has been constructed on site. An extension of this footprint has previously been allowed in an appeal decision on 17<sup>th</sup> October 2013. As a modest addition to this single dwelling house, the extension is considered acceptable in land use terms, in accordance with policy H3 of the Unitary Development Plan (UDP).

### 7.2 Townscape and Design

There are a series of alterations sought with regards to the design of the building as it was approved in 2005, as considered below.

#### Height of Southern Side Extension

As constructed on site, the southern side extension at ground floor level is designed in two distinct elements in this current scheme. It incorporates a main section which is sited directly adjacent to the main building, and an additional section which projects beyond the line of the rear elevation and which is set lower in height than the main section. The additional section projecting beyond the main rear elevation is considered in detail in the next section below.

In this scheme, the main section of the side extension is shown to be approximately 0.5m higher than in the 2005 approval. This increase in height is considered relatively minor in the context of this large new house, and the increase will be seen directly against the larger bulk of the main building which would lessen any impression of the increase. This amendment to the scheme as approved in 2005 is considered acceptable.

A concern has been raised by both the St John's Wood Society and by an objector regarding the height of the house, with the objector also expressing concern about its proximity to the boundary of the site. Though recognising the concerns about the height and perceived bulk of the property, this current application seeks minor amendments to this aspect of the building, with the slight increase in height of the side extension proposed. As such, it is not considered that the height and bulk of the main body of the

house could be considered under this current application and the concerns expressed on these grounds are therefore not considered sustainable.

#### Conservation Extension to Rear South-East Corner

The scheme approved in 2005 incorporated a single storey wing at ground floor level on the southern side of the building, which was set back 2.3m from the main rear elevation of the building. An appeal against a subsequent refusal of planning permission for an extension from the point of the 2.3m set back line to a point 8.2m beyond the main rear elevation was allowed on 17<sup>th</sup> October 2013. The extension allowed under this appeal projected out to the south from the side elevation by 4m. Conditions listed on the decision letter for the appeal relating to tree protection works and to a requirement for a sample of the roofing material however were not discharged. Notwithstanding this, an extension projecting 8m from the main rear elevation line and which projects out 3.85m from the side elevation has been commenced though it has not yet been fully completed. The extension constructed on site also steps 0.3m across the line of the rear elevation, whereas the appeal scheme did not step across the line of the rear elevation. This extension is similar in height to the one included in the previous appeal scheme.

The extension sought permission in this application therefore is similar to that previously allowed on appeal in terms of its footprint, and seen in context with this relatively large house it does not appear over-scaled. Though two doors are accommodated to the rear elevation of the extension instead of the one door shown to the appeal scheme, and though some minor aspects of the detailing differ from the appeal scheme, the design of the extension is largely similar to that previously allowed on appeal. The extension accommodates a similarly scaled and traditionally designed skylight above as was included in the appeal scheme. The slight step across the line of the rear elevation does not unduly compromise the character and appearance of the main building. Overall therefore, the extension proposed is considered acceptable in design terms.

#### Skylights on Main Section of Southern Side Extension

In the scheme approved in 2005, there were two rooflights approved above the main section of the southern side extension. One of these which was centrally located along the length of the southern side extension and had a footprint with a curved end to its southern side and a curved domed form to its roof. The other was located towards the eastern (i.e. towards the rear) of the roof, and which had sheer ends but again with a curved form to its southern end. Each of these two rooflights were approximately 1m high, of which approximately 0.5m rose above the height of the parapet to this side extension.

Two rooflights have been constructed on site which have a larger footprint than those included in the 2005 approval. The skylight towards the front of this ground floor side wing is more traditional in design and will remain unchanged in appearance.

However, the skylight to the rear has attracted strong objections from local residents, and is considered harmful to the design of the building. In order to remedy its existing unattractive appearance, this skylight is to be enclosed within the body of a new skylight of traditional form with white timber framing, and which will follow the traditional design of the other two conservatories. Its external appearance therefore will be in a traditional form closely following the other two skylights to this elevation. Whilst its height is 0.2m higher

than the skylight approved to this location in 2005 (and 0.1m higher above the parapet to this extension than the 2005 approval) the minor increase is not considered to harm the appearance of the building. An amending condition is recommended to require all three skylights to this ground floor side wing to accommodate traditional finials to their ridge which will help harmonise the appearance of these three skylights.

#### Alterations to South Side Ground Floor Doors

To ground floor level on the southern side elevation three large arched openings each with a pair of timber doors are proposed in place of three small square windows which were shown to this location in the 2005 approved application. The design of the doors now proposed to this location follow the design of those doors approved to ground floor level on the main rear elevation (and also those constructed to rear lower ground floor level and to the southern side extension at ground floor level which are discussed elsewhere in this report). Though relatively large openings, they sit comfortably in context with the existing prominent square headed doors which were approved in 2005 to this elevation, and are considered to integrate successfully with the building.

#### Alterations to Windows

The heads to the rear first floor level windows to the front and rear elevations are generally slightly grander than were approved in 2005. However, their design is considered sympathetic to the building as a whole.

To first floor level on the south side of the building, the four blind window panels shown to the scheme approved in 2005 are proposed to be omitted, and the two sash windows to first floor level are set slightly closer together. These changes do not adversely affect the character and appearance of the building.

There are several minor alterations to the positioning of rooflights set to the north and south facing roofslopes. These changes are not considered contentious.

#### Balcony Structure to Rear First Floor Level

A balcony structure to the central bay at first floor level of the rear elevation was agreed as part of the original 2005 approval, with the elevations showing an arrangement of vertical balusters with an angled/crossed baluster motif to the centre. It was relatively simply detailed though not considered of high design quality. The current application seeks permission for a more elaborate structure to this location. However, the new design is considered in sympathy with the character of this grand classically inspired building and is considered acceptable.

#### Rustication and Quoins to Elevations

The building as approved in 2005 had generally plain stucco elevations (aside from the decorative window/door surrounds) though with a suggestion of slightly advanced stucco detail to define corners of elevations, and with a stucco band defining the area between ground and first floor levels.

This application seeks approval for the retention of grander stucco decorations to the building. The ground floor is to have rustication incorporated into the stucco to each of the four elevations, with the exception of the sides and rear of the rear projection to the south-east corner of the building which will be faced in plain render to denote its distinction and recessive appearance as compared to the main building. The rear lower ground floor level will also incorporate rustication, as will the slightly advanced corner features to each elevation. The use of rustication in this manner is considered in sympathy with the relatively grand classical styling of the building, and this amendment to the approved design is considered acceptable.

#### Doors to Rear Elevation at Lower Ground Floor

The scheme approved in 2005 incorporated three very large and heavily subdivided sets of doors to the rear elevation at lower ground floor level. These doors and door openings were not considered to fully integrate with the overall character of the building. This application seeks the retention of a differing arrangement installed to this location, with three door openings of the same overall width of those previously approved, but with those openings now incorporating a series of curved doors which follow the design of those to the floor above. As such they are considered to more successfully integrate with the design of the building as a whole, and they are considered an improvement in design terms over the 2005 approved scheme.

#### French Doors in Lightwell

A slightly differing design of door is shown to the front lightwell. The principal change is that they now incorporate fanlights above, which allows for more normally proportioned doors than the very high doors shown to the 2005 approved scheme. The change is modest, and to this discreet location set within the front lightwells it is not likely to be apparent from outside the application site.

#### Front Boundary Gates

The application includes a drawing showing a new front vehicular gate towards the southern end of the frontage, and a pedestrian gate to the centre. These details are as previously approved on 22<sup>nd</sup> July 2014 under application 14/01012/FULL and they remain acceptable in this application. Vehicular and pedestrian gates were also shown in this location in the original scheme approved in 2005 (albeit to a slightly differing design).

#### Rear Garden Terraced Staircase and Rear Terrace Balustrading

A change is proposed to the arrangement of the staircase which rises from the rear elevation at lower ground floor level to the rear garden, albeit they remain similarly scaled. In the scheme approved in 2005 a more orthogonal arrangement was shown, whereas the scheme now proposed incorporates a more sweeping staircase arrangement. The new arrangement is considered appropriate in design and of no lesser quality than the staircase arrangement approved in 2005.

A modest change to both the layout and the design of the stone balustrading proposed to flank the rear terrace area at ground floor level is proposed. The layout is similar to that previously approved, although it now projects slightly further out to the south onto an area

of hard landscaping as allowed under the landscaping details application 14/09103/ADFULL approved on 14<sup>th</sup> October 2014. This minor change in layout has little impact on the appearance of the building. The design of the balustrading follows that previously approved under application 06/02880/ADFULL and is shown as a more classically inspired bottle balustrade design which is considered appropriate for this building.

### Architectural Detailing

Drawings have been submitted showing the architectural detailing for doors, door surrounds, window surrounds, cornices and other features. These reflect both the detailing previously approved, and the applicants have confirmed that these details match what has been constructed on site. As such, the details shown are considered acceptable.

### Conclusion on Design Issues

Given the above, it is considered that the proposed scheme is acceptable in design terms and would accord with Policies S25 and S28 in the City Plan and Policies DES 1, DES 5 and DES 9 in the UDP.

## **7.3 Residential Amenity**

With regards to the impact of the works on residential amenity, it is noted that the St John's Wood Society express concern that the scale of the building has an adverse impact on neighbours, and more specifically that the changes proposed will adversely impact on neighbours in terms of overlooking, privacy and light pollution. In addition, concerns have also been expressed from neighbours in general terms regarding the house being too obtrusive, and more specifically that the applicants have raised the ground to a level which when the building is added allows them to look over the fence into their private garden. Further comments have been made that any windows and doors at first floor level must be fitted with opaque glass.

With regards to the concerns about privacy and light pollution, these concerns appear to relate principally to the works on the south-eastern (i.e. the south side) elevation. On this elevation, the changes in terms of privacy and light pollution relate to windows and rooflights. The changes are that the rooflights above the southern side extension at ground floor level are both larger and more numerous than were approved in 2005, the two windows to first floor level are set closer to each other, three new arched door openings are proposed to ground floor level in the place of the square windows approved to this location, and the two skylights to the pitched roof are to be slightly re-positioned. This elevation however remains some considerable distance away from the next nearest residential property on Acacia Road, and it is not considered that these works would give rise to an unacceptable impact on the amenity of neighbouring properties. The comments related to overlooking from the first floor windows are noted. However, they were neither shown to the approved plans as having opaque glazing nor was there a condition securing this, and their repositioning is a minor change to an approved scheme which would not adversely affect the amenity of neighbours in terms of overlooking. The three new doors to this elevation at ground floor level face onto a relatively high brick boundary wall to the site and as such would not give rise to any unacceptable overlooking of neighbouring properties.

The comments received expressing concern about the scale of the building in general terms are noted, however the application is considered on the basis of the changes proposed as set out in the current application submission. It is not therefore considered that the scale of the main body of the building, except in so far as it is being amended in this application, can be considered as a reason for refusal of these application proposals. As such, the concerns expressed on this ground are not considered sustainable.

A further comment has been received stating that if all the changes are at ground floor level, they would have no objection. As set out above however, though there are changes to both ground and first floor levels, these are not considered to adversely affect the amenity of surrounding neighbours.

Given the above comments, it is considered that the proposed scheme is acceptable in amenity terms and would accord with Policy S29 in the City Plan and Policy ENV 13 in the UDP.

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

The application proposals do not seek to alter the parking arrangements at the building.

#### **7.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **7.6 Access**

The application proposals do not seek to alter the access arrangements to the building.

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

##### Trees

There are two new elements of works proposed in this scheme in proximity to trees. The north end of the hard landscaped terrace area to the rear of the building at ground floor level now extends across adjacent to the north side boundary wall whereas in the scheme approved in 2005 the terrace stopped approximately 2.3m from the boundary wall, though this was reduced to 0.7m in the approval of details of hard and soft landscaping approved under application ref: 14/09103/ADFULL. The remaining space was to be left for planting. In relatively close proximity and located within the rear garden of no. 36 Woronzow Road are 3 Pyracantha trees. Although the hard landscaped terrace will step closer to these trees the works have been considered in terms of its potential impact and it appears a low risk. As such, this change is not considered unacceptable.

At the south side of this rear ground floor terrace area, the stone balustrading which will flank the terrace will extend further to the south and therefore closer to the line of lime trees on the southern boundary of the site. It will remain sited however on an area of hard landscaped ground approved in the application on 14.10.2014 and as such will not impact on the adjacent lime trees.

As such, the application proposals would not adversely impact on tree cover to this or adjoining sites, and would therefore accord with policy S38 in the City Plan and policy ENV 16 in the UDP.

#### **7.8 London Plan**

This application raises no strategic issues.

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

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

#### **7.10 Planning Obligations**

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

#### **7.11 Environmental Impact Assessment**

The development proposed is not of a scale to raise issues requiring a consideration in terms of an EIA.

#### **7.12 Other Issues**

##### Second Floor Plan

The original permission erroneously omitted the second floor plan within the set of drawings approved. The applicants have submitted a second floor plan with this application showing the arrangement, which shows the internal arrangement to this floor level with three bedrooms and three bathrooms as the principal rooms. This is in line with the 2005 approval for the dwellinghouse to the site, and is considered acceptable and to resolve this anomaly from the 2005 decision letter.

### **8. BACKGROUND PAPERS**

1. Application form.
2. Responses from St John's Wood Society, dated 19<sup>th</sup> September 2016, 16<sup>th</sup> January 2017 and 24<sup>th</sup> April 2017.
3. Response from occupier of 35 Acacia Road dated 5<sup>th</sup> September 2016.
4. Response from the occupier of 33 Acacia Road dated 12<sup>th</sup> September 2016 and 21 May 2017.
5. Response from occupier of 32 Acacia Road dated 11<sup>th</sup> January 2017.
6. Response from occupier of 34 Acacia Road dated 21 May 2017.

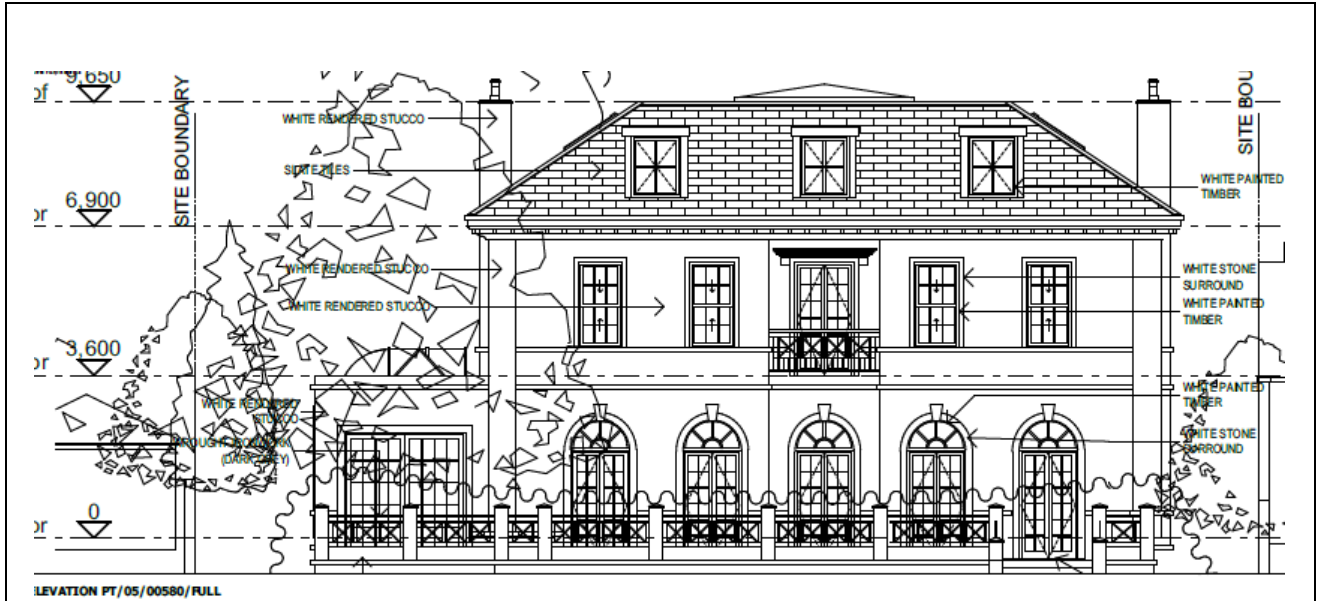
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

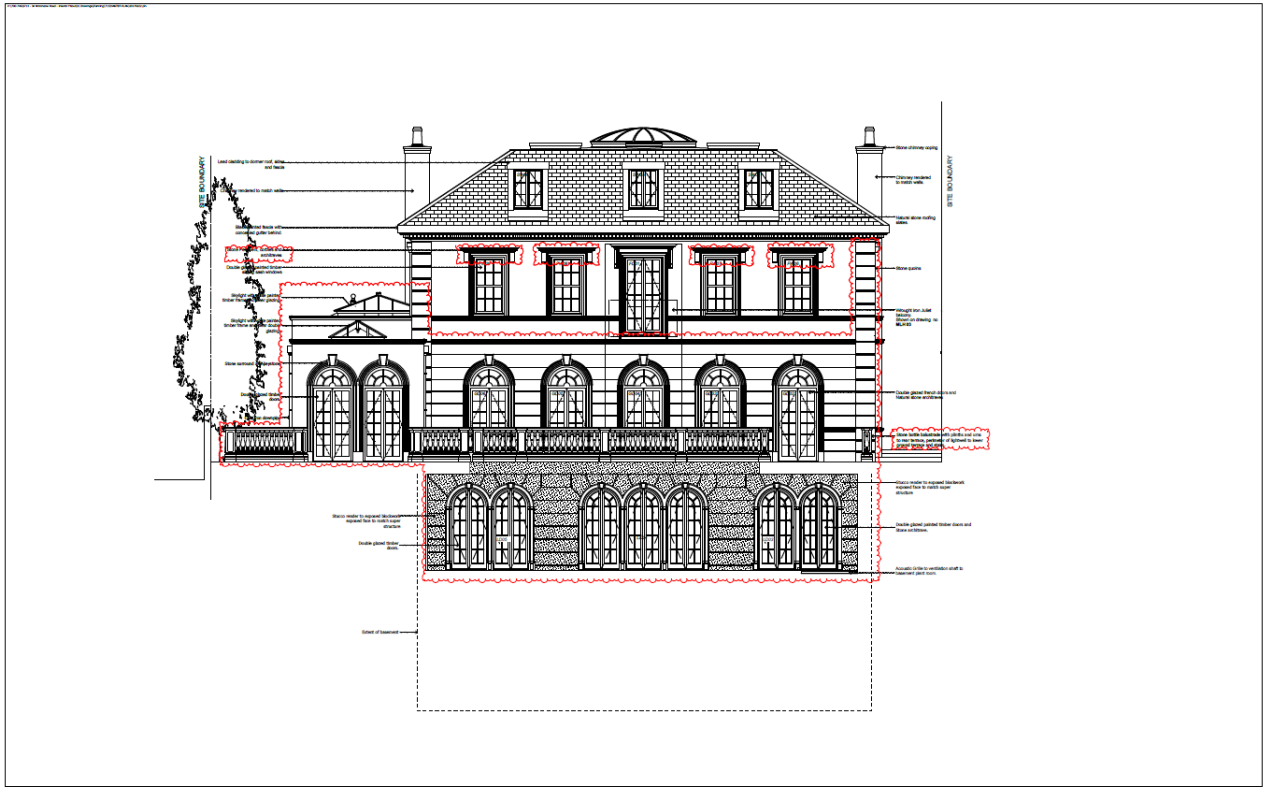
Item No.
<b>8</b>



**9. KEY DRAWINGS**



**Approved Rear Elevation**



**1 NORTH EAST ELEVATION (REAR)**

DO NOT SCALE FROM THIS DRAWING.  
Figured dimensions only are to be taken from this drawing. All dimensions are to be indicated on site before any work is put in hand.  
If in doubt, ask.

NO.	DATE	DESCRIPTION	BY	CHECKED
1	12/01/2017	ISSUED FOR PERMITS	...	...
2	12/01/2017	ISSUED FOR PERMITS	...	...
3	12/01/2017	ISSUED FOR PERMITS	...	...

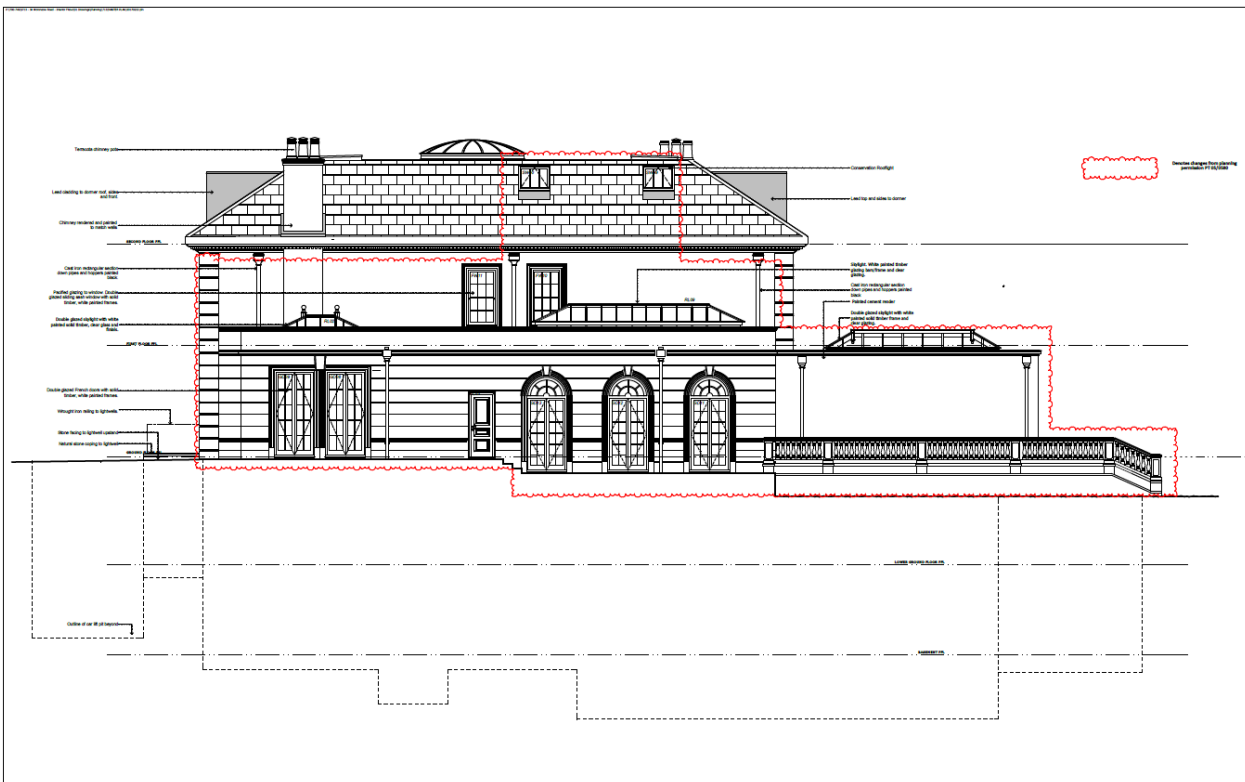


RIBA Registered Architect	shh SHAW HILL HOMES	Project: <b>34 WORONZOW ROAD</b> NE Elevation Date: 02/01/2018	Drawing No: <b>713(P3) 21_C</b>
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**Proposed Rear Elevation**



Approved South West Elevation



1 SOUTH EAST ELEVATION

DO NOT SCALE FROM THIS DRAWING  
Figured dimensions only are to be taken from this drawing. All dimensions are to be finished, unless stated otherwise.

NO.	DATE	DESCRIPTION	BY
1	27.08.2022	ISSUED FOR PERMIT	AK
2	27.08.2022	ISSUED FOR PERMIT	AK
3	28.08.2022	ISSUED FOR PERMIT	AK

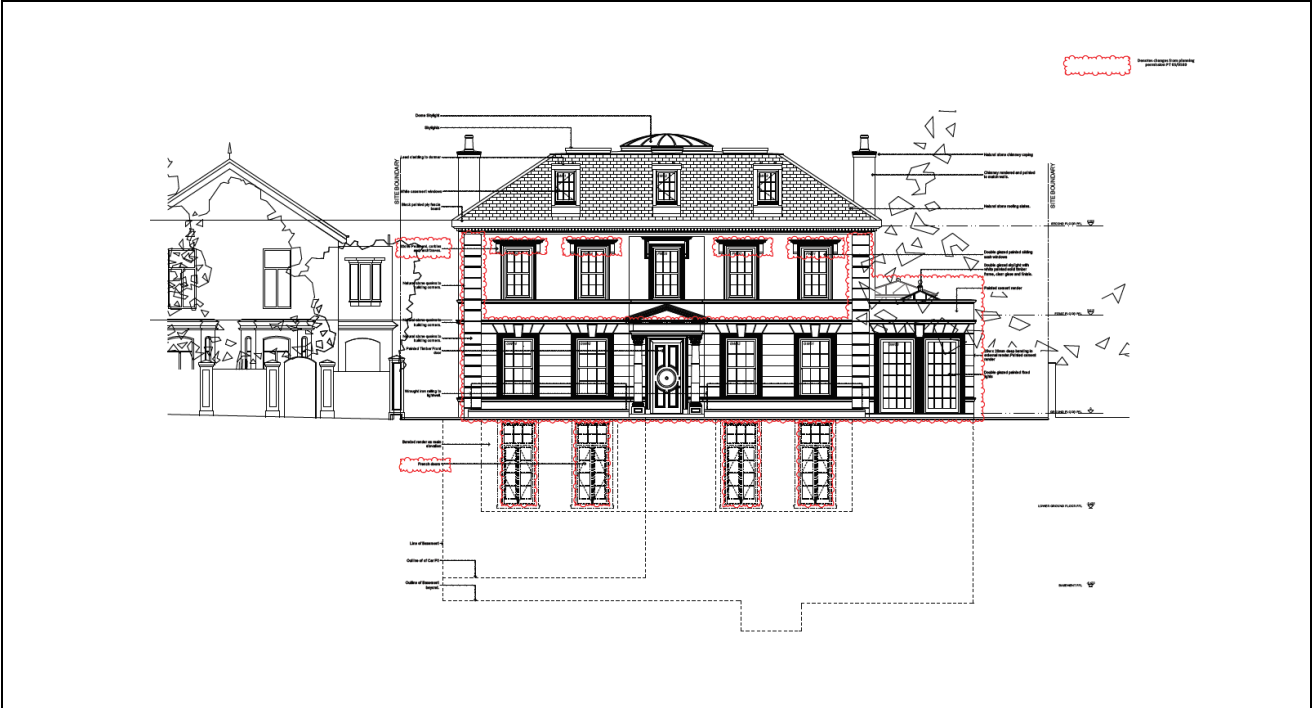


RIBA  
Chartered Practice



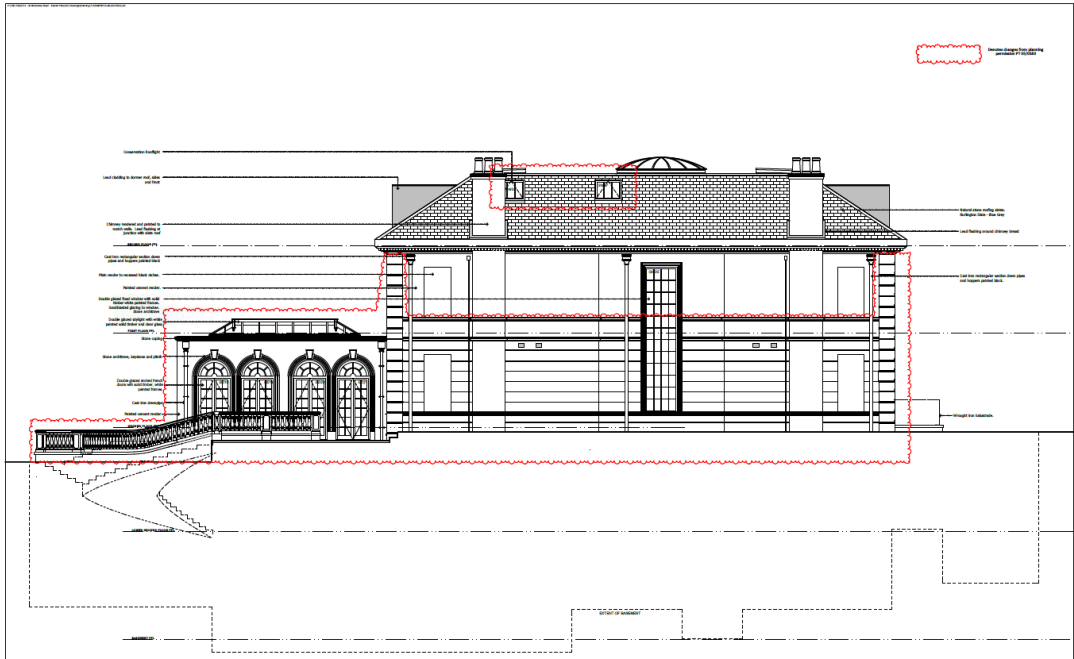
34 WORONZOW ROAD  
SE Elevations  
713(P3) 23\_C

Proposed South West Elevation



<p><b>1 SOUTH WEST ELEVATION (FRONT)</b></p> <p>DO NOT SCALE FROM THIS DRAWING          Revised drawings shall only be taken from the drawing. All dimensions are to be finished unless otherwise noted on the drawing.          If any dimensions are noted as typical, they shall be typical unless otherwise noted.</p>		<p>Scale: 1/8" = 1'-0"</p>	<p>34 WORMSLOW ROAD          1st Floor          1st Floor          1st Floor</p>	<p>713(P3) 20_C</p>
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Proposed front elevation



<p><b>1 NORTH WEST ELEVATION</b></p> <p>DO NOT SCALE FROM THIS DRAWING          Revised drawings shall only be taken from the drawing. All dimensions are to be finished unless otherwise noted on the drawing.          If any dimensions are noted as typical, they shall be typical unless otherwise noted.</p>		<p>Scale: 1/8" = 1'-0"</p>	<p>34 WORMSLOW ROAD          1st Floor          1st Floor          1st Floor</p>	<p>713(P3) 22_C</p>
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Proposed side elevation

**DRAFT DECISION LETTER**

**Address:** 34 Woronzow Road, London, NW8 6AT

**Proposal:** Variation of Condition 18 of planning permission dated 25.04.2005 (05/00580/FULL) for Demolition of existing house and erection of new house comprising basement, lower ground, ground and two upper storeys with plant room at basement level, raised terrace to rear and alterations to front boundary wall; Namely to incorporate the single storey extension to the south-east side of ground floor level, elevational detailing amendments to the building including alterations to windows, doors and stucco detailing, amendments to rear ground floor balustrading and rear first floor balcony, amendments to rear garden steps, and amendments to skylights/lantern lights.

**Reference:** 16/07787/FULL

**Plan Nos:** 713(P3) 01\_C (location plan), 713(P3) 02\_C (site plan), 713(P3) 09\_C, 713(P3) 10\_C, 713(P3) 11\_C, 713(P3) 12\_C, 713(P3) 20\_C, 713(P3) 21\_C, 713(P3) 22\_C, 713(P3) 23\_C, 713(P3) 24\_C, 713(P3) 31\_C, 713(P3) 32\_C, 713(P3) 40\_C, 713(P3) 41\_C, 713(P3) 42\_C, 427/WD/406B, 427/WD/414B, 427/WD/415A, 427/WD/423A, 427/WD/503A, 427/WD/508A, MLH-03, Drawing titled 'Extract from Drawing no. 427/WD/405 Rev B (under 06/02880/ADFULL) as part of discharge of conditions 7iv of original planning permission' with image of skylight dated 10.10.2015, Letter from SHH dated 24th February 2017, Site photos of landscaping, Site Photos showing view from French Doors GD11, 12 and 13 and showing view of curved skylight dated 10.10.2015, email from SHH dated 23rd May 2017

Drawings Titled 'Originally Approved Drawing' Submitted for Information:  
427(P2)001A, 427(P2)003A, 427(P2)005A, 427(P2)006A, 427(P2)007A,  
427(P2)008A, 427(P2)020A, 427(P2)022A, 427(P2)024A, 427(P2)025A,  
427(P2)026A, 427(P2)031A, 427(P2)032A, 427/WD/405B

Drawings Submitted with 05/00580/FULL:  
P427(P2)001A, 002A, 003A, 004A, 005A, 006A, 007A, 008A, 020A, 021A, 022A,  
023A, 024A, 025A, 030A, 031A, 032A, Design Statement revised January 2005,  
Randle Siddley Associates drawing nos. 634.01F and 02A and unnumbered tree  
protection drawing, Environmental Noise Report by Hoare Lee Acoustics dated 11  
March 2004 and Stage 2 Report dated January 2005, Tree Survey and Tree  
Protection Method Statement by ACS Consulting dated 27 September 2004

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

- 4 You must construct the approved works in accordance with the samples of facing materials and plans annotated to show where the materials are to be located as approved by the City Council as Local Planning Authority on 7 June 2006 under reference 06/02880/ADFULL and as approved by the City Council as Local Planning Authority on 18 January 2008 under reference 08/00430/ADFULL, or in accordance with other samples and annotated plans as submitted to and approved by the City Council

Reason:

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

- 5 You must construct the front boundary wall in accordance with the samples of facing materials as approved by the City Council as Local Planning Authority on 2 August 2006 under reference 06/05306/ADFULL, or in accordance with other samples and annotated plans as submitted to and approved by the City Council

Reason:

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

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

Reason:

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

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

- 8 You must construct the front dormer windows in accordance with the plans as approved by the City Council as Local Planning Authority on 2 August 2006 under reference 06/05306/ADFULL

Reason:

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

- 9 All new outside rainwater and soil pipes must be made out of metal and painted black.

Reason:

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

- 10 You must construct the details of:
- i) all windows and external doors (elevations and typical sections at an appropriate large scale, annotated to show materials and finishes);
  - ii) the front entrance porch and pediment (elevations and typical sections at an appropriate large scale);
  - iii) the window pediments (elevations and typical sections at an appropriate large scale);
  - iv) all sky- and rooflights (at an appropriate large scale) (with the exception of the skylight to the south side of the building above the single storey rear extension);
  - v) typical stone window surround and reveal (elevations and typical sections at an appropriate large scale);
  - vi) all new or altered boundary walls, and vehicle and pedestrian entrance gates, annotated to show materials and finishes.

in accordance with drawings 713/(P3)40C, 713(P3)41C and 713(P3)42C, and otherwise as approved by the City Council as Local Planning Authority on 7 June 2006 under reference 06/02880/ADFULL and as approved by the City Council as Local Planning Authority on 20 June 2018 under reference 16/04877/ADFULL, or in accordance with other plans included in this application or as submitted to and approved by the City Council

Reason:

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

- 11 You must not put up a porch or extension on the building, or erect dormer windows or form any windows or other openings (other than those shown on the plans and as amended by conditions) in the outside walls of the building without our permission. This is despite the provisions of Classes A, B, C and D of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015 (or any order that may replace it). (C21HB)

Reason:

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

- 12 The car lifts hereby permitted shall be kept in the closed position except when in use.

**Reason:**

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

- 13 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
  - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
  - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
  - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
  - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
  - (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
  - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
  - (i) The proposed maximum noise level to be emitted by the plant and equipment.



## Reason:

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

- 14 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.

- 15 You must provide the waste store shown on drawing 713(P3) 02\_C before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the house. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

## Reason:

To protect the environment and provide suitable storage for waste and materials for recycling 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. (R14CC)

- 16 You must implement the landscaping scheme as approved by the City Council as Local Planning Authority on 14 October 2014 under reference 14/09103/ADFULL, or in accordance with other landscaping schemes as submitted to and approved by the City Council (which would need to include detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs)

You must then carry out the landscaping and planting within 12 months of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species.

## 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)

- 17 You must construct the plant according to the detailed drawings and in compliance with the acoustic report as approved by the City Council as Local Planning Authority on 8 October 2015 under reference 15/08402/ADFULL, or in accordance with other drawings and acoustic report as submitted to and approved by the City Council

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 18 You must apply to us for approval of detailed elevation drawings of the ground floor front lightwell balustrades. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

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

- 19 The new rooflight proposed to enclose the existing domed rooflight in the location above the roof of the ground floor southern side extension and adjacent to 'Her Bathroom 107' (as defined on drawing 713(P3)11C) shall be installed to the position and design shown on the approved drawings (though incorporating the amendments as secured under condition 28 of this permission) within 3 months of the date of this permission, and shall be retained in that position 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

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

- 21 The new front gates shall be formed in black coloured metal, and shall be maintained 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 22 You must apply to us for approval of either a sample, or confirmation in writing stating the material, colour and finish, of the material to face the roof of the 'Conservatory - room 015' (as defined on drawing 713(P3)10-C), or. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to the sample or confirmation. (C26DB)

Reason:

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

- 23 You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing 713(P3)02C. You must also submit details to demonstrate how you have protected the trees to date. You must not carry out any further demolition, site clearance or building work until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect the trees and the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 24 You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:
- identification of individual responsibilities and key personnel.
  - induction and personnel awareness of arboricultural matters.
  - supervision schedule, indicating frequency and methods of site visiting and record keeping
  - procedures for dealing with variations and incidents.

You must not carry out any further demolition, site clearance or building work until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

**Reason:**

To protect the trees and the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

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

Finials included of matching design to the ridge of each of the three rooflights above the ground floor side wing to the south side of the building

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are reminded that the position at which you are planning a vehicle entrance is restricted by residents parking bays. The bays will need to be moved before you can build your entrance. The legal procedure for doing this could take up to six months and there is no guarantee that you will be successful. We will start the procedure once we have received your deposit covering the cost of building the entrance. If you have any questions, please contact our On-Street Parking Manager, Paul Greaney 0207 641 2062.

- 3 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)
  
- 4 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)

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# Agenda Item 9

Item No.

9

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 13 June 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Regent's Park	
<b>Subject of Report</b>	<b>12 Melina Place, London, NW8 9SA</b>		
<b>Proposal</b>	Variation of Conditions 2 and 3 of planning permission dated 16 August 2016 (RN: 16/01380/FULL) for erection of new part one, part two storey plus basement dwellinghouse (Class C3), alterations to front boundary, alterations to side boundaries with Nos. 15 and 17 Grove End Road and Melina Court and landscaping, including replacement tree planting. NAMELY, to amend the permitted hours of construction works to allow construction works between 08.00 and 13.00 on Saturdays and to amend the Construction Management Plan to allow deliveries to occur between 08.00 and 18.00 hours Monday to Friday (excluding bank holidays) and between 08.00 and 13.00 on Saturdays.		
<b>Agent</b>	Pegasus Group		
<b>On behalf of</b>	Mr & Mrs Lewis		
<b>Registered Number</b>	17/02119/FULL	<b>Date amended/ completed</b>	9 March 2017
<b>Date Application Received</b>	8 March 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

Refuse permission – on residential amenity grounds.

## 2. SUMMARY

The application seeks approval for variation of Conditions 2 and 3 of planning permission dated 16 August 2016 (RN: 16/01380/FULL), which permitted the erection of new part one, part two storey plus basement dwellinghouse (Class C3) on this site with associated alterations to boundary walls.

In granting permission on 16 August 2016, the Planning Applications Committee resolved that because of the particular circumstances of this site, any weekend working would have a material impact on the amenity of neighbouring residents. Accordingly the hours of construction works, which can be heard at the boundary of the site, were limited to between 08.00 and 18.00 Monday to Friday (excluding bank

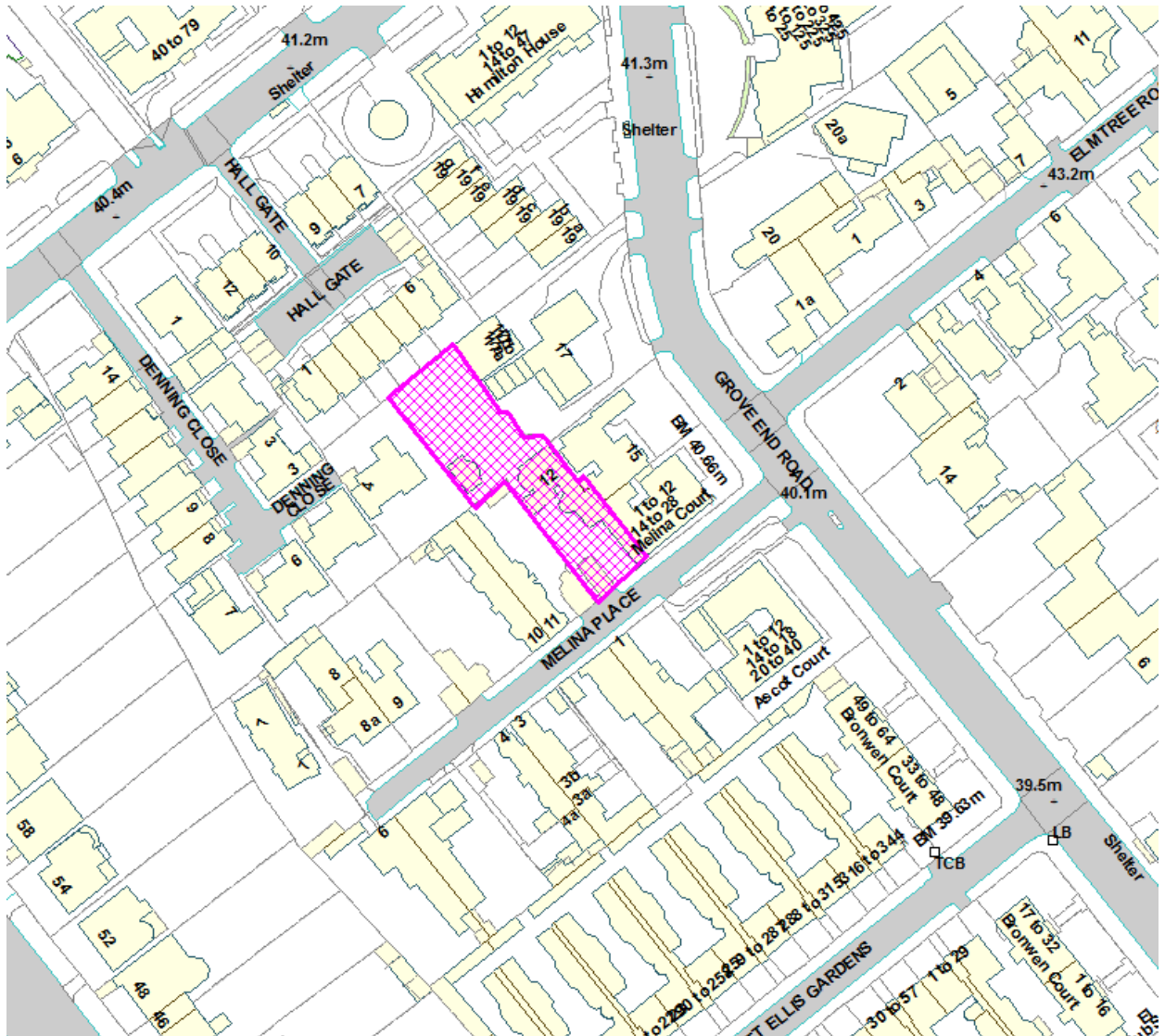
holidays). The current application seeks to amend Condition 2 to allow extension of the permitted hours of construction works, to allow construction works that can be heard at the boundary of the site between 08.00 and 13.00 on Saturdays in addition to the hours previously permitted.

In terms of Condition 3, the current application seeks to amend the approved Construction Management Plan (CMP) to allow hours during which deliveries/ collections can be made to and from the site. It is proposed to extend the hours from between 09.00 and 16.30 Monday to Friday, as was included in the approved CMP following negotiations between the applicant, officers and neighbours in 2015/ 2016, to between 08.00 and 18.00 hours Monday to Friday (excluding bank holidays) and between 08.00 and 13.00 on Saturdays. The currently approved hours are designed to allow residents in Melina Place, which is a cul-de-sac, to have unobstructed vehicular access to Grove End Road during peak hours (i.e. between 08.00 to 09.00 hours and 16.30 to 18.00 hours).

Because of the particular circumstances of this site, including the restricted access arrangements due to Melina Place being a cul-de-sac and the close proximity of the site to a significant number of neighbouring properties, the extension of construction hours to between 08.00 and 13.00 on Saturdays and the extension of deliveries/ collection hours to between 08.00 and 18.00 hours Monday to Friday and between 08.00 and 13.00 hours on Saturdays would cause unacceptable harm to the amenity of local residents through prolonged noise disturbance during hours when residents are more likely to be at home and increased vehicular disruption during peak travel hours. This would be contrary to policies CM28.1, S29 and S32 of Westminster's City Plan adopted in November 2016 and policies ENV 6 and ENV 13 of the Unitary Development Plan adopted in January 2007.



### 3. LOCATION PLAN



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4. PHOTOGRAPHS



View down Melina Place (top) and front of application site (bottom).

## 5. CONSULTATIONS

### COUNCILLOR RIGBY

Notes strong opposition from the local community to amending these conditions especially the condition relating to Saturday working. Highlights that the conditions imposed restrict hours of work to prevent work on Saturdays and to restrict hours during which deliveries may be made to the site. The aim of these conditions is to limit impact of large construction site on the amenity of neighbouring residents. Identifies that residents are being flexible and do not object to extending the hours for deliveries to 5.00pm.

### ST. JOHN'S WOOD SOCIETY

Strongly object to any variation of previously approved working hours as the restrictions to Saturday working were imposed after very careful consideration. Society opposes Saturday working in residential areas, particularly where access is so difficult as in Melina Place.

### HIGHWAYS PLANNING MANAGER

No objection. Notes that the applicant will need to work with the City Council as Local Highway Authority to ensure temporary measures during construction are acceptable in highways terms.

### ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 97.

Total No. of Replies: 13.

No. of Objections: 13.

No. in support: 0.

13 emails received from 12 respondents raising objection on all or some of the following grounds:

- Long history of noise and disturbance from consecutive construction projects in Melina Place.
- Construction work causes horrific noise, dust and inconvenience to neighbours
- Neighbouring residents should be allowed peace and quiet at weekends.
- Noise and disturbance has been particularly bad from construction involving basement excavation.
- Developments in Melina Place should not have been allowed in the first place.
- There should be a total ban on basement development.
- Noise from construction works in Melina Place is more due to proximity to neighbours rather than as a result of cumulative effect of multiple developments being implemented at the same time.
- Saturday working should not be permitted to overcome delay caused by unauthorised demolition.
- Melina Place is a quiet cul-de-sac and works in the road cause significant noise and dirt and structural damage to neighbouring properties.
- Weekend working should be prevented to provide neighbours with time to recover from impact of works during the week.
- Query what penalty has been imposed for demolition of the original building.

- Lorry ran into garage at No.11 Melina Place when making a delivery on 22 March causing considerable damage.
- Consideration should be given to neighbours given Melina Place is such a restricted road.
- Have had to install double glazing to reduce noise impact.
- Works prevent quiet enjoyment of gardens at weekends.
- Current delivery hours are designed to allow residents to get to and from work at peak times.
- 50 working hours a week should be sufficient to carry out the development.
- Works to No.15 Grove End Road were completed prior to work commencing on No.12 Melina Place and therefore the applicants justification in this regard is flawed.
- Whilst the end date of construction works may be brought forward by two months, the overall hours during which disruption will be caused will not be reduced. Application omits that the 80 Saturday mornings would be detrimentally impacted to reduce the overall build programme.
- Object to extension of delivery hours to 18.00 as site should be 'packed up' by then, but would not object to an extension to 17.00 hours.
- Despite the undertaking in the CMP not to lay up vehicles in the vicinity and to consult neighbours, vehicles have been laid up in Grove End Road and no correspondence has been sent to neighbours through out the construction works.
- Have not received a consultation letter.

#### PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site is located at the north eastern end of Melina Place, to the rear of Melina Court. The site does not contain a listed building, but is located within the St. John's Wood Conservation Area.

The application site formally contained a two storey mid-19th Century single dwellinghouse, which was identified by the St. John's Wood Conservation Area Audit (2008) as an unlisted building of merit. The original building comprised a small two storey 'cottage', which had been extended to the front of the site along the boundary with Melina Court and to the rear in the form of a large flat roof two storey block. There was a double garage behind the front boundary wall and a conservatory to the rear of the site at the boundary with No.11 Melina Place and No.4 Denning Close, which was accessed by a link corridor from the main house. To the rear of the site was a large garden bounded by the rear of properties in Hall Gate, Denning Close and Grove End Road.

The house that formally stood on the site was completely demolished in March/ April 2016, during the course of works being carried out by the applicant to seek to implement the planning permission and conservation area consent granted in December 2012 (see section 6.2 of this report). However, the extent of demolition that occurred exceed that permitted by the 2012 permission and consent (as amended by the non-material

amendment applications approved in 2015) as the 2012 scheme retained the principal facades of the original cottage as part of the redevelopment of the site.

Permission was granted on 31 August 2016 after the Planning Applications Committee resolved on 16 August 2016 to grant permission for the erection of a replacement two storey dwellinghouse with basement floor (see Section 6.2). The 31 August 2016 permission does not permit the unauthorised demolition of the facades that should have been retained pursuant to the 2012 permission and consent and enforcement investigations into the unauthorised demolition are on-going.

The construction works that are currently being carried out are to implement the planning permission dated 31 August 2016 (copy of permission in the background papers for information)..

## 6.2 Recent Relevant History

31 August 2016 – Permission was granted for the erection of new part one, part two storey plus basement dwellinghouse (Class C3), alterations to front boundary, alterations to side boundaries with Nos. 15 and 17 Grove End Road and Melina Court and landscaping, including replacement tree planting (16/01380/FULL).

In resolving to grant permission on 31 August 2016, the Planning Applications Committee (1) resolved to place additional restrictions on the hours of construction works so that no construction works could be carried out on Saturdays, Sundays or Bank Holidays, so as to protect the amenity of neighbouring residents.

12 December 2012 – Permission and conservation area consent were granted for demolition of existing front and rear extensions and garage and erection of new part one, part two storey extensions, alterations to front boundary, excavation of basement floor with lightwells, alterations to side boundaries with Nos. 15 and 17 Grove End Road and Melina Court and associated external alterations and landscaping. Removal of four trees and replacement tree planting (12/03803/FULL and 12/03804/CAC).

## 7. THE PROPOSAL

The application seeks approval for variation of Conditions 2 and 3 of planning permission dated 16 August 2016 (RN: 16/01380/FULL), which permitted the erection of new part one, part two storey plus basement dwellinghouse (Class C3) on this site with associated alterations to boundary walls. As previously approved, Conditions 2 and 3 are worded as follows:

### Condition 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;*
- *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)*'.

### Condition 3

*'You must carry out the development in accordance with the Construction Management Plan dated 3 August 2016 (Rev.D)'*.

In granting permission on 16 August 2016, the Planning Applications Committee resolved that because of the particular circumstances of this site, any weekend working would have a material impact on the amenity of neighbouring residents. Accordingly the hours of construction works, which can be heard at the boundary of the site, were limited to between 08.00 and 18.00 Monday to Friday (excluding bank holidays). The current application seeks to amend Condition 2 to allow extension of the permitted hours of construction works, to allow construction works that can be heard at the boundary of the site between 08.00 and 13.00 on Saturdays in addition to the hours previously permitted.

In terms of Condition 3, the current application seeks to amend the approved CMP to allow the hours during which deliveries/ collections can be made to and from the site to be extended. It is proposed to extend the hours from between 09.00 and 16.30 Monday to Friday, as was included in the approved CMP following negotiations between the applicant, officers and neighbours in 2015, to between 08.00 and 18.00 hours Monday to Friday (excluding bank holidays) and between 08.00 and 13.00 on Saturdays. The currently approved hours are designed to allow residents in Melina Place, which is a cul-de-sac, to have unobstructed vehicular access to Grove End Road from their properties during peak travel hours (i.e. between 08.00 to 09.00 hours and 16.30 to 18.00 hours).

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The current application does not seek any amendments to the previously approved redevelopment of this site to provide a replacement single dwellinghouse.

### **8.2 Townscape and Design**

The current application does not seek any amendments to the physical appearance of the previously approved scheme and therefore does not raise any townscape or design considerations.

### **8.3 Residential Amenity**

The key issue in this case is the impact of extending the hours of construction works and the hours for deliveries/ collections to and from the construction site on the amenity of neighbouring residents. In granting permission for the provision of a replacement dwellinghouse with a basement floor on this site in August 2016, the Planning Applications Committee considered that the circumstances of this site were sufficiently unique so as to justify restricting the hours of construction works to between 08.00 and 18.00 hours Monday to Friday, with construction works entirely precluded at weekends and bank

holidays. Melina Place is a relatively narrow cul-de-sac, meaning traffic cannot access properties within the street via the junction with Grove End Road at its eastern end. The properties within Melina Place, although relatively large in scale, are close together due to their narrow plots and the application site is also in close proximity to the densely populated mansion blocks at the head of Melina Place (Melina Court and Ascot Court). As a result, the impact of construction works, particularly more noisy demolition, excavation, structural and external envelope works, and construction traffic can have a significant impact on the amenity of neighbouring residents and this is borne out in the responses to consultation on the current application.

The proposed development includes basement excavation and therefore must be considered with regard to Policy CM28.1 in the City Plan. Part (A)(5) of that policy requires the construction impact of development on residential amenity to be minimised. Furthermore, Policy S29 sets out that *'The Council will resist proposals that result in an unacceptable material loss of residential amenity and development should aim to improve the residential environment'*.

In most locations within the City given that construction works are a temporary phase necessary to deliver development, the undertaking of construction works on a Saturday morning between 08.00 and 13.00 would normally be considered acceptable, as the adverse impact on amenity caused is outweighed by a reduction in the overall construction programme. However in this location, for the reasons previously outlined, the undertaking of construction works on a Saturday morning would exacerbate the impact of construction works such that the reduction in the overall build programme of two months would be outweighed by the significant increase in noise and disturbance to neighbouring residents at a time when they are more likely to be residing in their homes. Thus, whilst the build programme would be reduced, the actual impact on neighbours would in fact be more severe than under the hours previously approved

The applicant argues that since the Committee's previous decision in August 2016 construction works on neighbouring sites at No.15 Grove End Road and No.5 Melina Place have been completed (see letter dated 8 March 2017 from Pegasus Group in the background papers). Whilst this is accurate in terms of the site at No.5 Melina Place, the construction works to erect a new mansion block at No.15 Grove End Road were completed prior to the determination of the previously approved scheme in August 2016. As such, whilst there has been some reduction in cumulative impact, the reduction is not as significant as suggested by the applicant. Furthermore, the position of the application site, closer to the junction with Grove End Road than other dwellinghouses in the street and immediately neighbouring mansion blocks, amplifies the construction impact on neighbouring residents in terms of noise and disruption.

It should be noted that the hours of construction work controlled by Condition 2 are for noisy works that are audible at the boundary of the application site. It is likely that many internal fit out works would not be audible at the boundary of the site and these could be carried out under the current Condition 2 at weekends and on bank holidays without harm occurring to the amenity of neighbouring residents. It is not clear if the applicants have considered this when quantifying the improvement in the build programme that would be achieved by amending Condition 2 to allow all forms of construction works on Saturday mornings.

In summary, because of the exceptional site specific circumstances in this case, the extension of the hours of construction works to allow noisy works to be carried out on Saturday mornings and extension of the hours of delivery/ collection to and from the site each day and are unacceptable in amenity terms and would cause a loss of amenity in terms of noise and disturbance, contrary to Policy ENV6 and ENV13 in the UDP and Policies CM28.1, S29 and S32 in the City Plan.

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

The Highways Planning Manager has considered the amendments proposed to the hours of construction works and the hours of deliveries/ collections to and from the site and is satisfied that in terms of the traffic and highways function of the wider highway network, the proposed amendments are acceptable.

However, whilst the impact on the wider highway network would not be so significant so as to warrant withholding permission, the extension of the hours for deliveries and collections to and from the site would have a significant adverse impact on the amenity of neighbouring residents in terms of the vehicular accessibility of their properties during peak hours (for example for travel to and from work, to deliver children to and from school, etc.). The impact on the vehicular accessibility of neighbouring properties in Melina Place would be such, given the fact that the street is a cul-de-sac, that the proposed hours would detract significantly from the amenity of neighbouring residents in this regard. This would be contrary to Policies CM28.1(A)(5) and S29 in the City Plan, which seek to protect the amenity of neighbouring residents, particularly where users of the public highway are significantly inconvenienced. Policy CM28.1 considers specifically the construction impact of development including basement construction and states that it will be '*...designed and constructed so as to minimise the impact at construction and occupation stages on neighbouring uses; the amenity of those living or working in the area; on the users of the highway; and the traffic and highways function...*'.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

No amendments are proposed to the previously approved access arrangements.

#### **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**

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

### **8.11 Environmental Impact Assessment**

Not applicable given the scope of the application.

### **8.12 Other Issues**

Concerns have been expressed regarding the extent of consultation carried out. 97 neighbour consultation letters were sent to immediate neighbouring properties in Melina Place, Grove End Road, Hall Gate and Denning Close. In addition to this a site notice was erected outside the application site and a press notice displayed in the local paper (The Gazette). The consultation exercise undertaken during the course of the application accords with the requirements of the City Council's Statement of Community Involvement in Planning (June 2014).

One objector has queried what action has been taken regarding the unauthorised demolition of the facades that were intended to be retained from the original building on this site. An enforcement investigation into the unauthorised demolition is continuing at the current time. The permission granted in August 2016 did not grant permission retrospectively for the unauthorised demolition, but rather only granted permission for the erection of a replacement dwellinghouse on this site.

## **9. BACKGROUND PAPERS**

1. Application form.
2. Resolution of the Planning Applications Committee No.1 on 16 August 2016.
3. Copy of planning permission decision letter dated 31 August 2016.
4. Letter from Pegasus Group on behalf of the applicant dated 8 March 2017.
5. Letter and email from Councillor Rigby dated 29 March 2017 and 17 May 2017.
6. Email from the St. John's Wood Society dated 10 April 2017.
7. Memo from the Highways Planning Manager dated 27 March 2017.
8. Email from the occupier of 7 Melina Place dated 20 March 2017
9. Emails from the occupier of Flat 14, Ascot Court, Grove End Road dated 21 March 2017 and 30 March 2017.
10. Letter from the occupier of 2 Melina Place dated 21 March 2017.
11. Letter from the occupier of 4 Melina Place dated 22 March 2017.
12. Letter from the occupier of 1 Melina Court, Grove End Road dated 24 March 2017.
13. Letter from the occupier of 8 Melina Place dated 24 March 2017.
14. Letter from the occupier of Flat 5 Melina Court, Grove End Road dated 25 March 2017.
15. Letter from the occupier of 4a Melina Place dated 29 March 2017.
16. Letter from the occupier of 11 Melina Place dated 30 March 2017.
17. Letter from the occupier of 6 Melina Place dated 30 March 2017.
18. Letter from the occupier of 4 Denning Close, Hall Road dated 31 March 2017.
19. Letter from the occupier of 17 Grove End Rd dated 5 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: NATHAN BARRETT BY EMAIL AT <a href="mailto:nbarrett@westminster.gov.uk">nbarrett@westminster.gov.uk</a> .
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10. KEY DRAWINGS



Proposed



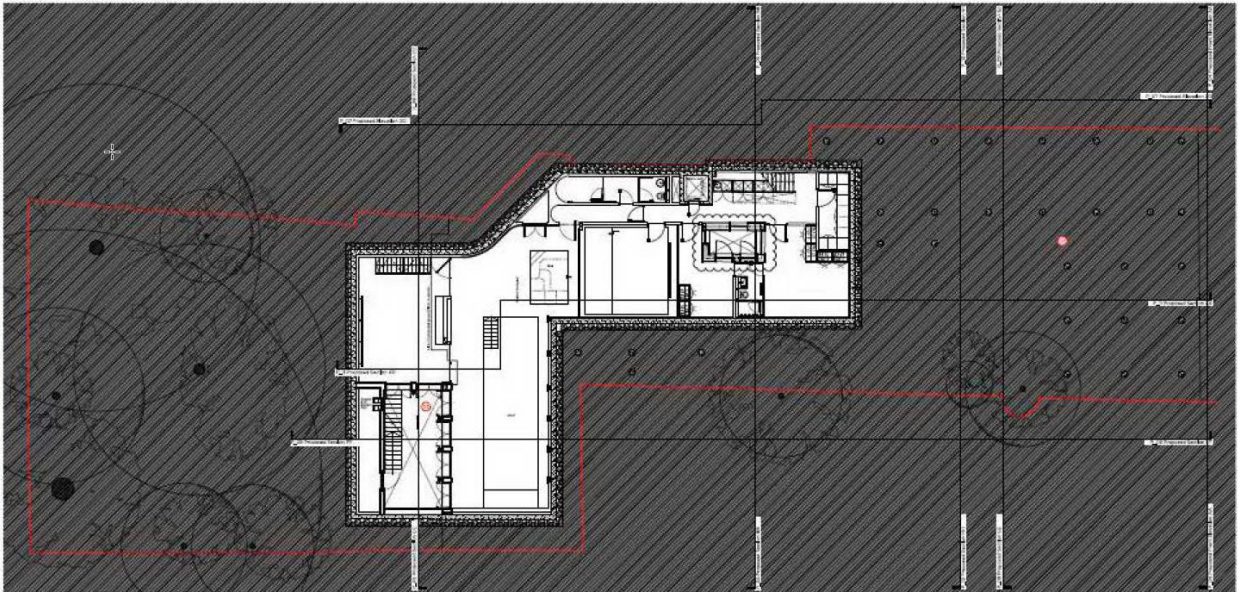
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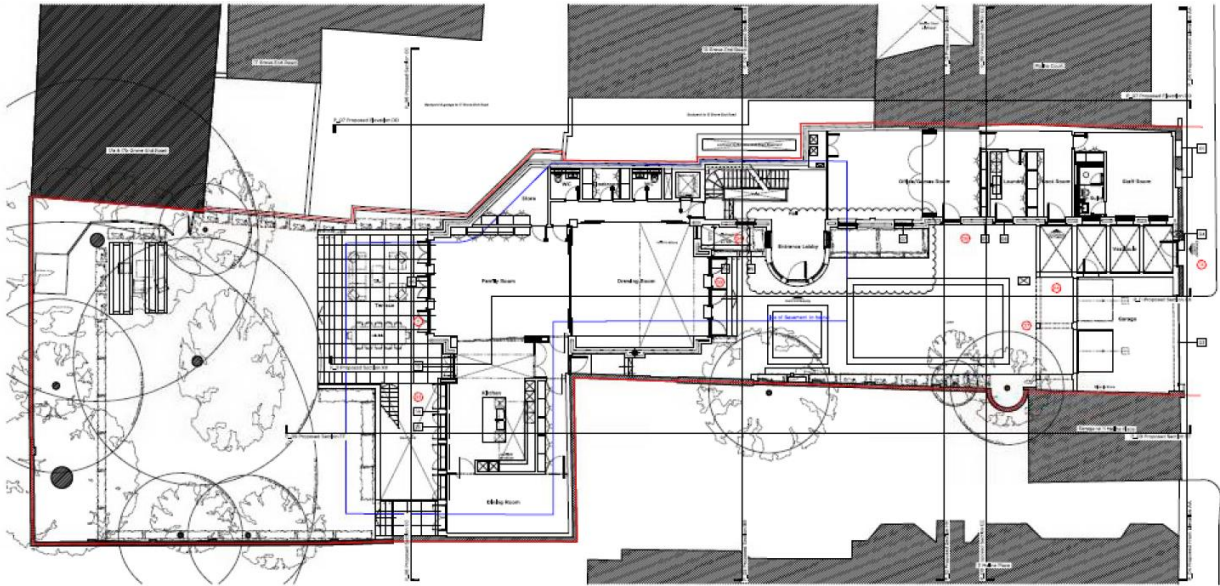
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Proposed

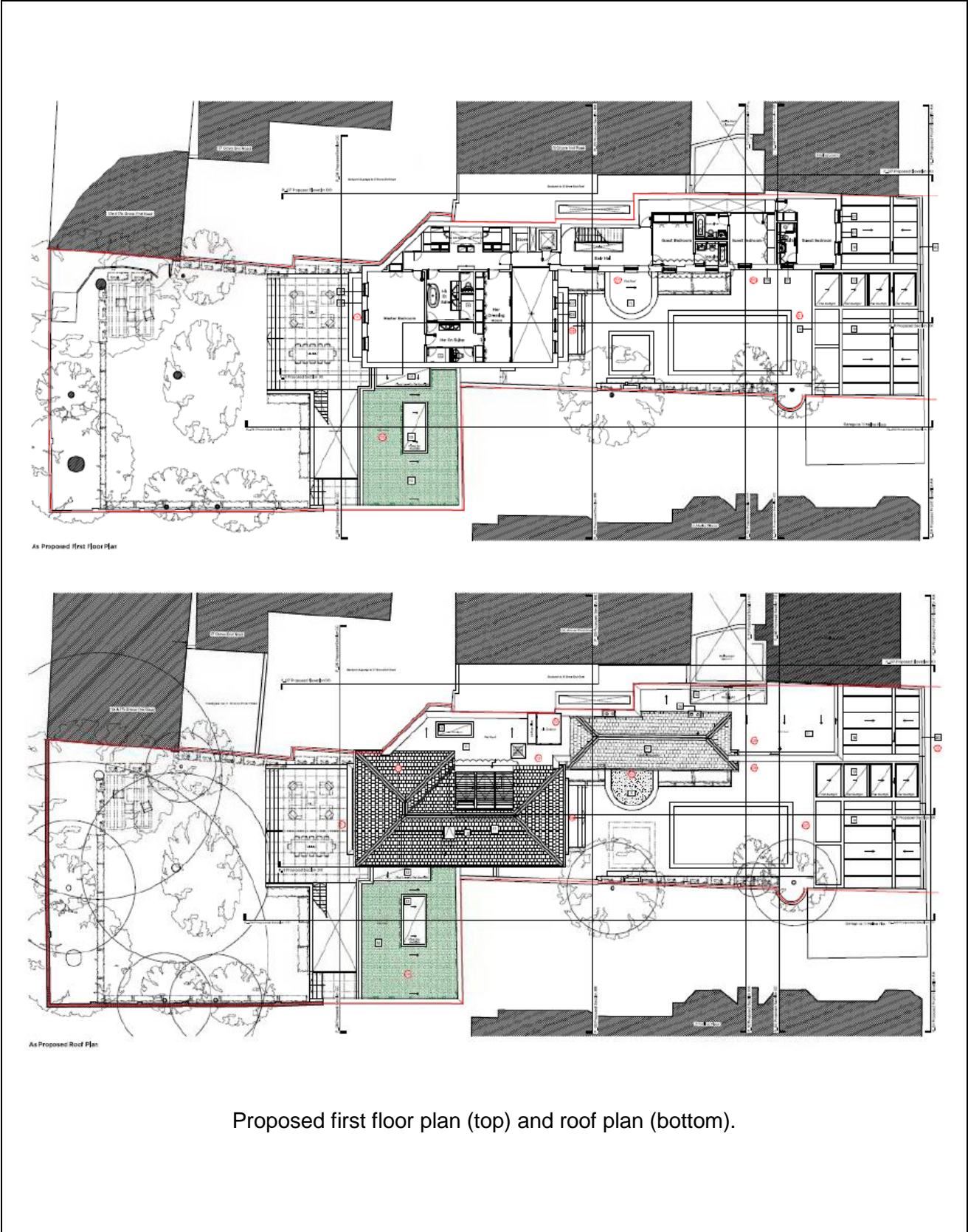


As Proposed Basement Plan

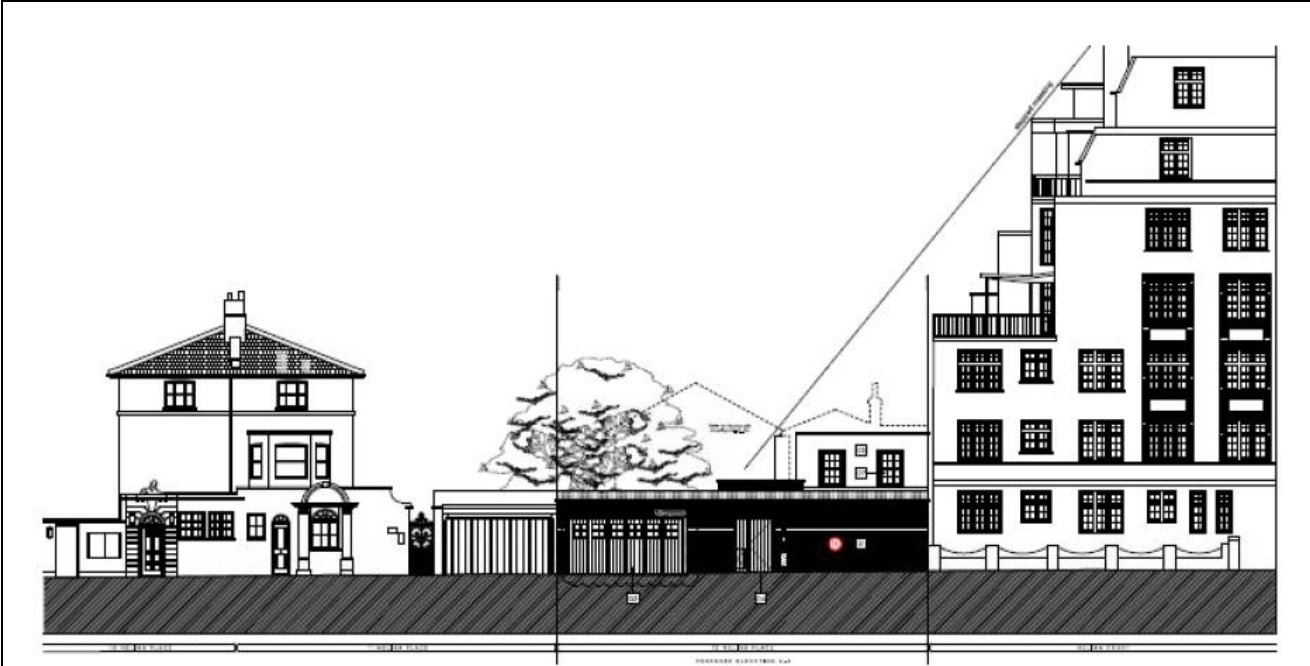


As Proposed Ground Floor Plan

Proposed basement plan (top) and ground floor plan (bottom).



Proposed first floor plan (top) and roof plan (bottom).



As Proposed Elevation A-A



As Proposed Elevation B-B

Proposed front elevation (top) and sectional elevation (bottom).



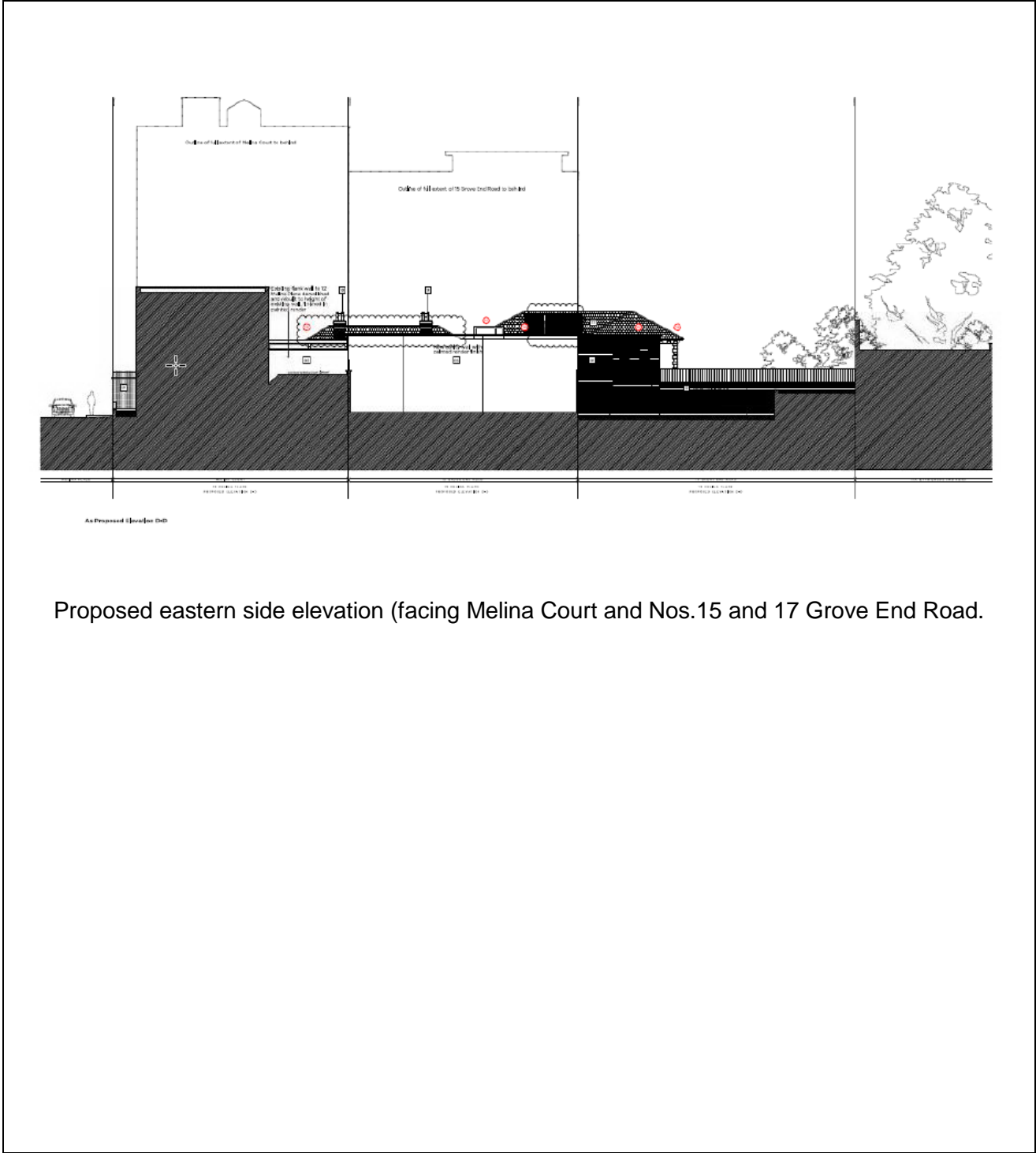
As Proposed Elevation X-X



As Proposed Elevation C-C

Proposed sectional western side elevation (top) and rear elevation (bottom).





Proposed eastern side elevation (facing Melina Court and Nos.15 and 17 Grove End Road.

**DRAFT DECISION LETTER**

**Address:** 12 Melina Place, London, NW8 9SA

**Proposal:** Variation of Conditions 2 and 3 of planning permission dated 16 August 2016 (RN: 16/01380/FULL) for erection of new part one, part two storey plus basement dwellinghouse (Class C3), alterations to front boundary, alterations to side boundaries with Nos. 15 and 17 Grove End Road and Melina Court and landscaping, including replacement tree planting. NAMELY, to amend the permitted hours of construction works to allow construction works between 08.00 and 13.00 on Saturdays and to amend the Construction Management Plan to allow deliveries to occur between 08.00 and 18.00 hours Monday to Friday (excluding bank holidays) and between 08.00 and 13.00 on Saturdays.

**Reference:** 17/02119/FULL

**Plan Nos:** Letter from Pegasus Group dated 8 March 2017 and Construction Management Plan dated 2 March 2017 (Rev.E).

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

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

Reason:

- 1 Because of the particular circumstances of this site, including the restricted access arrangements due to Melina Place being a cul-de-sac and the proximity of the site to a significant number of neighbouring properties, the extension of construction hours to between 08.00 and 13.00 on Saturdays and the extension of deliveries/ collection hours to between 08.00 and 18.00 hours Monday to Friday and between 08.00 and 13.00 hours on Saturdays would cause unacceptable harm to the amenity of local residents through prolonged noise disturbance during hours when they are more likely to be at home and increased vehicular disruption during peak hours. This would be contrary to policies CM28.1 S29 and S32 of Westminster's City Plan adopted in November 2016 and policies ENV 6 and ENV 13 of the Unitary Development Plan adopted in January 2007.

**Informative(s):**

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

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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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