



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (4)

Meeting Date:

Tuesday 20th June, 2017

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Angela Harvey (Chairman)
Iain Bott
Jonathan Glanz
Jason Williams



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

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



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

**Tel: 020 7641 2341; Email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|---|--------------------------|
| 1. 23 CRAVEN HILL, LONDON, W2 3EN | (Pages 3 - 34) |
| 2. 23 CRAVEN HILL, LONDON, W2 3EN | |
| 3. 20 GROVE END ROAD, LONDON, NW8 9LA | (Pages 35 - 50) |
| 4. 77 WESTMORELAND TERRACE, LONDON, SW1V 4AH | (Pages 51 - 96) |
| 5. ST JAMES'S SQUARE, LONDON | (Pages 97 - 114) |
| 6. 5 PRINCES STREET, LONDON, W1B 2LB | (Pages 115 - 122) |
| 7. 53 GREAT TITCHFIELD STREET, LONDON, W1W 7PT | (Pages 123 - 140) |

Charlie Parker
Chief Executive
12 June 2017

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 20th June 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 17/01707/FULL 17/01708/LBC Lancaster Gate	23 Craven Hill London W2 3EN	Alterations and extensions to existing vaults at lower ground floor level including their projection under the adjacent footway, and alterations to front lightwell including removal of grill and installation of railings, all in association with use of front vaults as staff accommodation in association with the main house. Alterations to rear lower ground floor including infilling of existing sub-garden accommodation to rear of main house, installation of new staircase from rear courtyard to rear garden and new rear door to lower ground floor level.	
	Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.			
2.	RN(s) : 17/00852/FULL 17/00853/LBC Lancaster Gate	23 Craven Hill London W2 3EN	Alterations and extensions to existing vaults at lower ground floor level including their projection under the adjacent footway, and alterations to front lightwell including removal of grill and installation of railings, all in association with use of front vaults as staff accommodation in association with the main house.	
	Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.			
3.	RN(s) : 17/01687/FULL Regent's Park	20 Grove End Road London NW8 9LA	Erection of roof extension at second floor level including addition of dormer window and door.	
	Recommendation Grant conditional permission.			
4.	RN(s) : 16/12041/FULL Churchill	77 Westmoreland Terrace London SW1V 4AH	Erection of a mansard roof extension and rear extensions at ground, first and second floor levels; to provide additional residential floorspace including an additional residential flat (Use Class C3).	
	Recommendation Grant conditional permission.			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 20th June 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 15/11071/FULL St James's	St James's Square London	Installation on the footway on the south-west side of St James Square, opposite the junction with King Street, of a Cycle Hire docking station, containing a maximum of 24 docking points, a payment terminal and 6 cycle stands.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 17/03337/FULL West End	5 Princes Street London W1B 2LB	Use of Flat 1 at first floor level as 'temporary sleeping accommodation' for a temporary period of 36 months from 01 May 2017 to 01 May 2020.	
	Recommendation Refuse permission - loss of permanent residential accommodation and residential amenity			
Item No	References	Site Address	Proposal	Resolution
7.	RN(s) : 17/02844/FULL West End	53 Great Titchfield Street London W1W 7PT	Use of ground floor and basement as a restaurant (Class A3), installation of full height extract duct and a wall mounted condenser unit at basement level, installation of kitchen supply inlet, toilet extract and general extract at ground and first floor levels on the rear facade together with associated external alterations.	
	Recommendation Grant conditional permission			

Agenda Item 1

Item No.

1 & 2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20.06.2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	23 Craven Hill, London, W2 3EN		
Proposal	<p>17/01707/FULL and 17/01708/LBC (Scheme A) Alterations and extensions to existing vaults at lower ground floor level including their projection under the adjacent footway, and alterations to front lightwell including removal of grill and installation of railings, all in association with use of front vaults as staff accommodation in association with the main house. Alterations to rear lower ground floor including infilling of existing sub-garden accommodation to rear of main house and installation of new staircase from rear courtyard to rear garden.</p> <p>17/00852/FULL and 17/00853/LBC (Scheme B) Alterations and extensions to existing vaults at lower ground floor level including their projection under the adjacent footway, and alterations to front lightwell including removal of grill and installation of railings, all in association with use of front vaults as staff accommodation in association with the main house.</p>		
Agent	Mr Gavin Hegarty		
On behalf of	Mr Damian Chunilal		
Registered Number	17/01707/FULL and 17/01708/LBC (Scheme A), 17/00852/FULL and 17/00853/LBC (Scheme B)	Date amended/ completed	9 March 2017
Date Application Received	24 February 2017		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

1. Scheme A – (17/01707/FULL and 17/01708/LBC) Grant conditional permission and conditional listed building consent.
2. Scheme B- (17/00852/FULL and 17/00853/LBC) - Grant conditional permission and conditional listed building consent.

For both schemes - Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

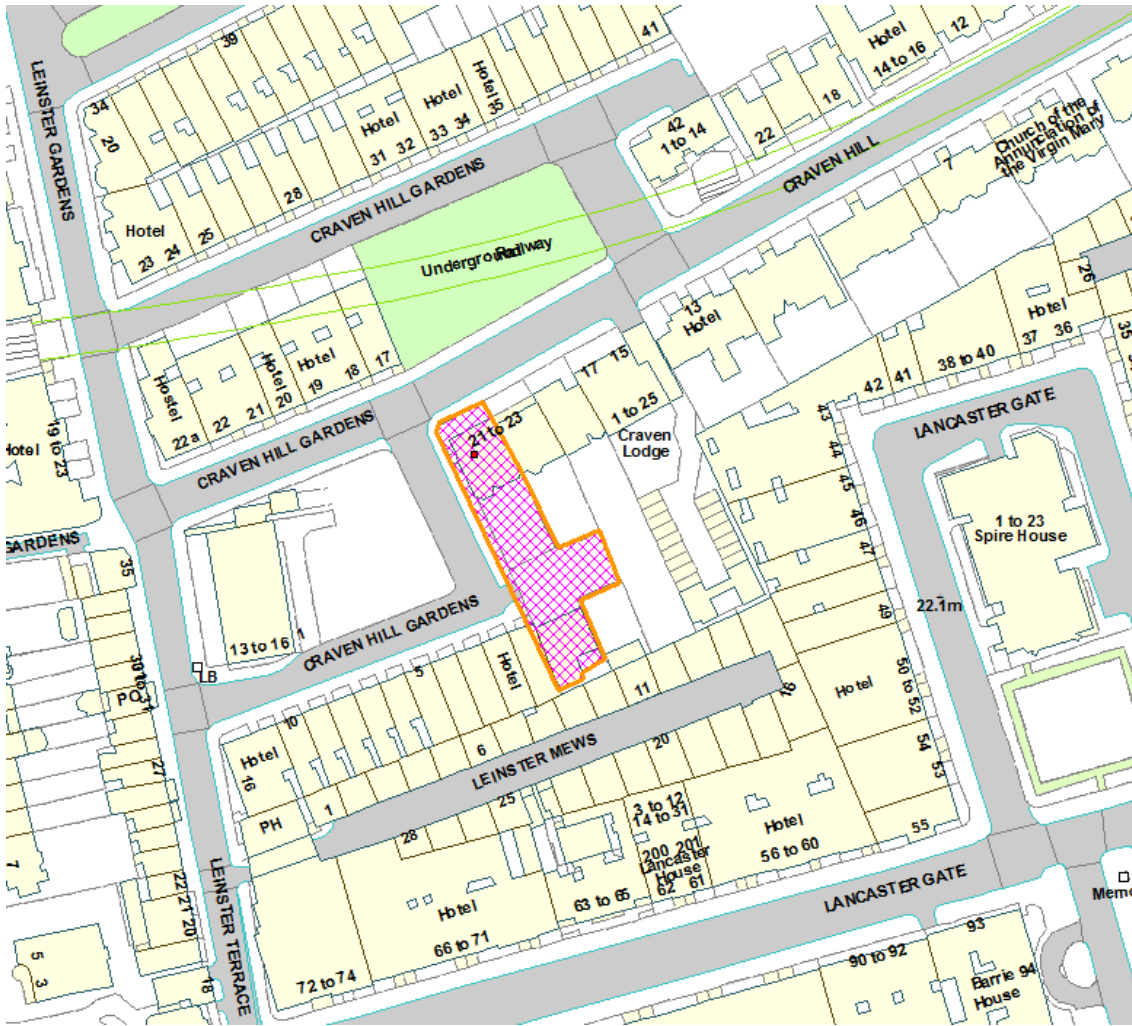
Permission and consent are sought for two separate schemes. Both schemes propose works to the front vaults including to enlarge them out underneath the adjoining pavement and with an additional extent of excavation within the front garden, and associated works to the front lightwell including the removal of the existing grill covering and installation of railings, all in order to utilise the front vaults as a staff flat to be used in association with the house. In addition, scheme A also proposes to infill the existing subterranean accommodation under the rear garden, with associated alterations to the steps within the rear courtyard leading up to the rear garden.

The key considerations are:

- The impact of the works on the character and appearance of the Bayswater Conservation Area.
- The compliance of the works with the relevant basement policy.
- The implications for trees within the site (relevant to scheme A only).

The proposed development would be consistent with relevant design and residential amenity policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and as such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

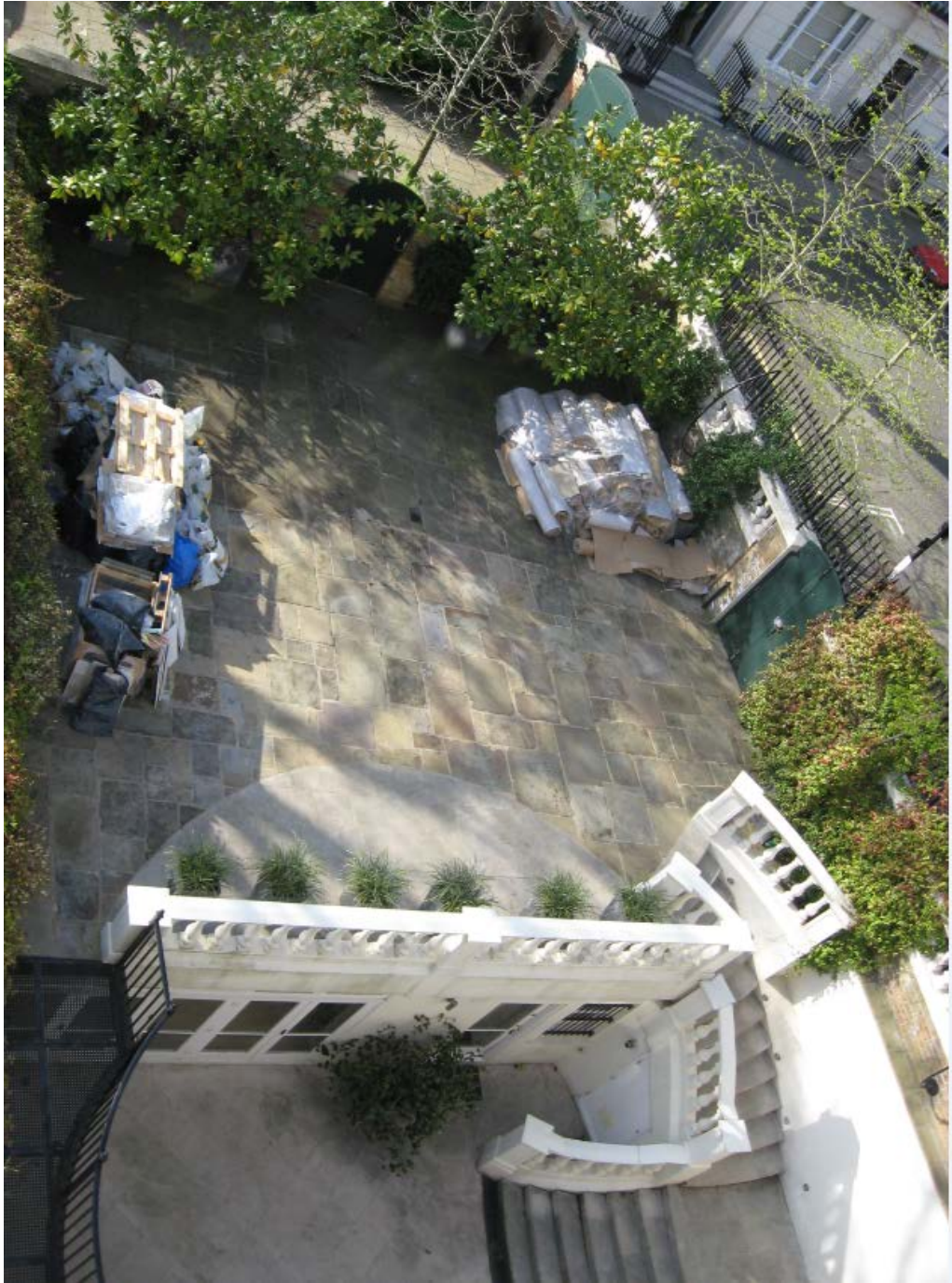
3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

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

South East Bayswater Residents Association

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

Highways Planning

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

Building Control

Comment that while they do not strictly agree with the conclusions of the flood risk assessment, no objection is raised. The submitted details in relation to structural works are considered acceptable.

Cleansing

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

Environmental Health

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

Arboricultural Officer

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

No. Consulted: 53

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Scheme B- (17/00852/FULL and 17/00853/LBC)

South East Bayswater Residents Association

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

London Underground

Any response to be reported verbally.

Highways Planning

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

Building Control

Comment that while they do not strictly agree with the conclusions of the flood risk assessment, no objection is raised. The submitted details in relation to structural works are considered acceptable.

Environmental Health

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

No. Consulted: 22

Total No. of replies: 1

No. of objections: 1

No. in support: 0

Objection on the following grounds:

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

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to a 5 storey property sited on the south side of Craven Hill, and with two street frontages (to Craven Hill and Craven Hill Gardens). The property is Grade 2 listed and is located within the Bayswater Conservation Area. It is in use as a single dwelling house. There is existing subterranean accommodation underneath the rear garden, and existing vaults to lower ground floor level underneath the front garden.

6.2 Recent Relevant History

14/06960/LBC & 14/05224/FULL (approved 16/09/14)

Excavation underneath main building and part front and rear gardens to provide a new single storey of basement accommodation and associated replacement of rear garden staircase and garden room, replacement of storage shed to rear garden with louvred structure for air conditioning equipment.

14/01815/LBC & 14/01814/FULL (approved 16/09/14)

Excavation underneath main building and part front and rear gardens to provide a new two storey basement extension to the house and associated replacement of rear garden staircase and garden room, replacement of storage shed to rear garden with louvred structure for air conditioning equipment.

14/11057/LBC & 14/11056/FULL (approved 19/05/15)

Excavation of extended two storey basement beneath building and front and rear gardens and associated internal alterations following updated tree survey information

These previous approvals do not appear to have been implemented on site.

7. THE PROPOSAL

Two separate schemes have been submitted. Both of the schemes seek the approval of the reconstruction of the existing front vaults (which currently stop at the property boundary of the site) and their extension by an additional 1.8m sited underneath the adjacent public highway and extend them further under the front garden. The existing front lightwell is also to have its existing grill covering removed, with new railings proposed to be installed flanking the lightwell. The new accommodation proposed to be created within the front vaults is intended for staff accommodation which is ancillary to the main dwelling house.

During the course of the application the originally proposed staircase within the front lightwell was omitted from the proposal on officers advice.

In addition, scheme A also proposes to infill the existing subterranean accommodation underneath the rear garden, and to replace the staircase rising from the rear lower ground floor level courtyard to the main rear garden.

8. DETAILED CONSIDERATIONS

8.1 Land Use

In land use terms, the enlargement of the existing dwelling house accords with Policy H3 of the UDP and policy S14 of the City Plan.

8.2 Townscape and Design

The removal of the grill covering the existing front lightwell and installation of a simply detailed run of railings with flat handrail above simple uprights will give the lightwell a more traditional appearance which is considered in sympathy with this mid 19th century building. The new windows in the lightwell elevation lighting the accommodation within the vaults comprise three windows of traditional appearance which are considered in character with the building. The vaults themselves are a more modern rebuild of what could be anticipated to have been the original arched vault structures to the front of the building and their conversion and deepening in height will not therefore adversely affect the character of the listed building. The other internal alterations shown to lower ground floor level are not considered contentious.

The works included in Scheme A to the rear garden will provide for a neater staircase arrangement between the lower ground floor level courtyard and the raised main rear garden area. New doors are proposed to be installed to lower ground floor level on a rear bay which are not well integrated into the character of the building, particularly in view of being notably wider than the windows in this bay above, however this issue will be addressed by an amending condition to secure a more appropriate pair of doors.

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

8.3 Residential Amenity

The proposed external works are of limited scope to the front garden, with the most prominent alterations consisting of the installation of the railings. To the rear the principal external change relates to the removal of the existing large staircase structure and its replacement with a smaller structure. As such, there would be no adverse impact on the amenity of surrounding residents, and the works are in line with policy ENV 13 in the UDP and S29 in the City Plan.

8.4 Transportation/Parking

Highways Planning state that they consider the proposals to be undesirable on transportation grounds on the basis that the accommodation within the vaults appears to be capable of becoming a self-contained residential unit, and they request that a condition is imposed to ensure that the accommodation remains ancillary to the main residential unit. This condition is included with the draft decision letter. The application formerly included a proposal for a staircase access directly from the front garden which in itself could be accessed from a gate to the front boundary wall, however this was removed from the scheme on grounds of a concern that it may facilitate the use of the accommodation in a more self-contained manner. The revised arrangement allows for access of the staff flat only through the main house.

In light of the revised access arrangements, and subject to the condition requiring the accommodation to remain ancillary to the house, the concerns expressed by Highways Planning are considered to be addressed.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The staff accommodation will be accessed through the house, an arrangement which is considered acceptable from access terms.

8.7 Other UDP/Westminster Policy Considerations

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which was applied from the date of publication of the Code of Construction Practice document, July 2016.

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

Residential Use

The basement area would provide ancillary living space in the form of a staff flat to be used in association with the main dwelling house. Natural light and ventilation are to be provided from the lightwell to the front of the main building, which as part of the application works is to have the existing grill covering the lightwell removed to allow for a greater access to light.

The South East Bayswater Residents Association express concerns about the staff flat, stating that Westminster should not permit new sub-standard accommodation for domestic staff. It is noted that the accommodation would be subterranean, however it would contain three windows facing onto a reasonably generously proportioned front lightwell. In addition, the accommodation is ancillary to the house, and the house taken as a whole is a particularly generously proportioned triple aspect building. Though noting the concerns of SEBRA, it is not considered that permission could be withheld on this basis.

The applicant states clearly in the submission that the new accommodation being created is to be used as staff accommodation ancillary with the main house at 23 Craven Hill. In addition, and as set out above, revised drawings have been submitted which show the staff flat accessible only from the main house, and in addition a condition is recommended to ensure that the unit is not used as separate accommodation and remains ancillary to the main house.

Plant

The applicants make reference to the installation of a heat recovery ventilation system which they advise will be installed within the staff flat and that no part will be installed externally, and they also advise that there are no proposals for air conditioning equipment but that the flat would be serviced by the existing plant structure of the house. As such, there would be no anticipated impact from equipment wholly internal to the flat, and an informative is attached advising that further permissions and consents would be required for any external equipment.

Refuse /Recycling

Cleansing comment that the drawings submitted did not include provision for storage of waste, and recommend a condition to secure details. Notwithstanding this, given that the accommodation is to be used in association with the main house which already has waste storage provision the condition is not considered necessary and the application is considered acceptable on these grounds.

Trees

Scheme A proposes works to the rear garden, for the infilling of the existing subterranean accommodation under the rear garden. Whilst no objections were received from neighbours in relation to Scheme A, it is noted that an objection was received from a neighbour with regards to Scheme B which refers to a loss of trees. The arboricultural manager has been consulted on Scheme B and advises that they do not believe the proposal to remove the rear basement and staff accommodation and enlarge and construct a new basement in the front garden has any direct implications for the trees surrounding the site, although they note that there could be a risk of indirect damage from construction logistics. They note that a tree report has not been submitted, though one is available in association with previous applications. They state that tree protection can be conditioned and that they also seek a condition with regards to landscaping. These conditions are attached to the draft decision letter.

The works included in Scheme B are related solely to the front of the house, and there are no trees in sufficient proximity to be affected by the works proposed.

Compliance with Basement Policy CM28.1

Notwithstanding the comments of the South East Bayswater Residents Association and the comments of the Arboricultural Manager, both schemes A and B are not considered unacceptable as compared to this basement policy. The basement excavation proposed is principally underneath the pavement. The relevant section of the policy for an excavation underneath a pavement are as set out under CM28.1(D). As compared to this section, the works retain a minimum vertical depth below the footway of 900mm in compliance with section D1, and they do not encroach more than 1.8m under any part of the adjacent highway in compliance with section D2. In addition, it does not involve the loss of cover above a vault as the depth between footway and vault is being maintained.

There is an approximately additional 8sqm of new subterranean accommodation being created within the site boundary as the most westerly vault structure is being extended out further to the west into a section of existing garden. Underneath the rear garden is a large and apparently longstanding subterranean accommodation used as a gym and ancillary guest flat which may have been in place through the use of the building as a toy museum. It is recognised that this additional 8sqm of new subterranean accommodation underneath the front garden would add to the subterranean accommodation on site generally and this is a point noted by the trees officer, however given the very small size of this area it is not considered as a reason for refusal. In addition, this area has a 1.05m depth of soil above rather than the 1.2m required under the policy and this more limited soil depth than required under policy is also noted by the trees officer who nonetheless considers it acceptable in this case. This 1.05m depth matches that found to the remainder of the vault structures and having this very small area with steps down into it from the remainder of the vault accommodation to achieve 1.2m is not considered expedient and as such is not considered as a reason for refusal.

As such, the proposals are considered acceptable when considered against City Plan policy CM28.1.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

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

8.11 Environmental Impact Assessment

Not relevant to these application proposals.

8.12 Other Issues

Basement

The submission includes a structural method statement pursuant to the requirements of the basement policy. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The report has been prepared by a suitably qualified Structural Engineer. Building Control officers have reviewed the submitted details and have raised no concerns. Whilst this satisfies the policy for the purposes of determining this planning application, detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations. To go further would be to act beyond the bounds of planning control. Accordingly should permission be granted, the Construction Methodology will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

As such it is considered that the construction methodology has provided sufficient consideration of structural issues at this stage and this is as far as this matter can reasonably be taken as part of the consideration of the planning application.

The site is sited just within a Surface Water Flood Risk Hotspot. The applicants have submitted a Flood Risk Assessment report, which has also been assessed by the Building Control team. Building Control state that they do not agree with the report in respect of the fact that it has considered only no. 23 Craven Hill and that adjoining property/gardens have not been considered. They also state that the development will reduce permeable areas under the footway and hence there will be a small reduction in sandy soil to absorb water from an intense rainfall, leaky drain or water supply pipes but that the area is so small that its affect would be negligible on overall surface water flooding and that therefore they consider that the proposed development is considered appropriate development and that therefore they have no adverse comments.

While London Underground have not responded to a consultation request, with regards to previous applications for basement works on site they requested a condition for further information to be submitted in relation to the excavation works. This condition is therefore recommended to be added to these current applications.

Construction Impact

Policy CM28.1 of the City Plan requires the applicant to supply a signed pro-forma to sign up to the terms of the City Council's Councils Code of Construction Practice and provide a financial contribution to enable greater monitoring powers for the construction period with the aim of reducing construction related impacts on the locality. A condition will be attached to this planning permission requiring that; prior to the commencement of development, the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the Council's Code of Construction Practice.

Other Issues

It is noted that SEBRA state that the applications should be considered under the new basement policy, however for the reasons set out above the proposals are considered acceptable when tested against that policy. They and the neighbouring objector also express concern about the approach they see being taken by the owner and agents in submitting multiple applications progressively increasing the size of the scheme is unsatisfactory and state that they should be required to resubmit the complete scheme. Applicants however are free to submit any application as they wish however, and to have that application considered under the policy position at that time judged solely on the merits of that application.

The other applications are noted though they have not apparently been implemented, and the decision is based upon the current application proposals at this time. The comments from the neighbour objector about the other approvals are noted however this is a standalone application and it would not render other approvals invalid.

Environmental Health have commented on the application and state that they object to the application on grounds of the vaults being used as habitable space whereas they state that this is not recommended because of the low headroom and potential dampness problems. Though recognising these concerns, such accommodation within vault structures is relatively common and it is considered that in principle the damp issues can be addressed through suitable lining of the internal face of the vault structures. The low headroom is being addressed through a lowering of the floor level allowing for an internal head height of 2.5m. As such, though noting these concerns (albeit submitted with respect to a separate application) a refusal of the application on the basis of these concerns would not be sustainable.

BACKGROUND PAPERS

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

1. Application form
2. Response from South East Bayswater Residents Association, dated 18 March 2017
3. Memorandum from Highways Planning, dated 30 March 2017
4. Response from Building Control, dated 5 May 2017
5. Memorandum from Arboricultural Manager, dated 13 April 2017
6. Memorandum from Environmental Health, dated 24 April 2017
7. Memorandum from Cleansing, dated 21 March 2017

BACKGROUND PAPERS

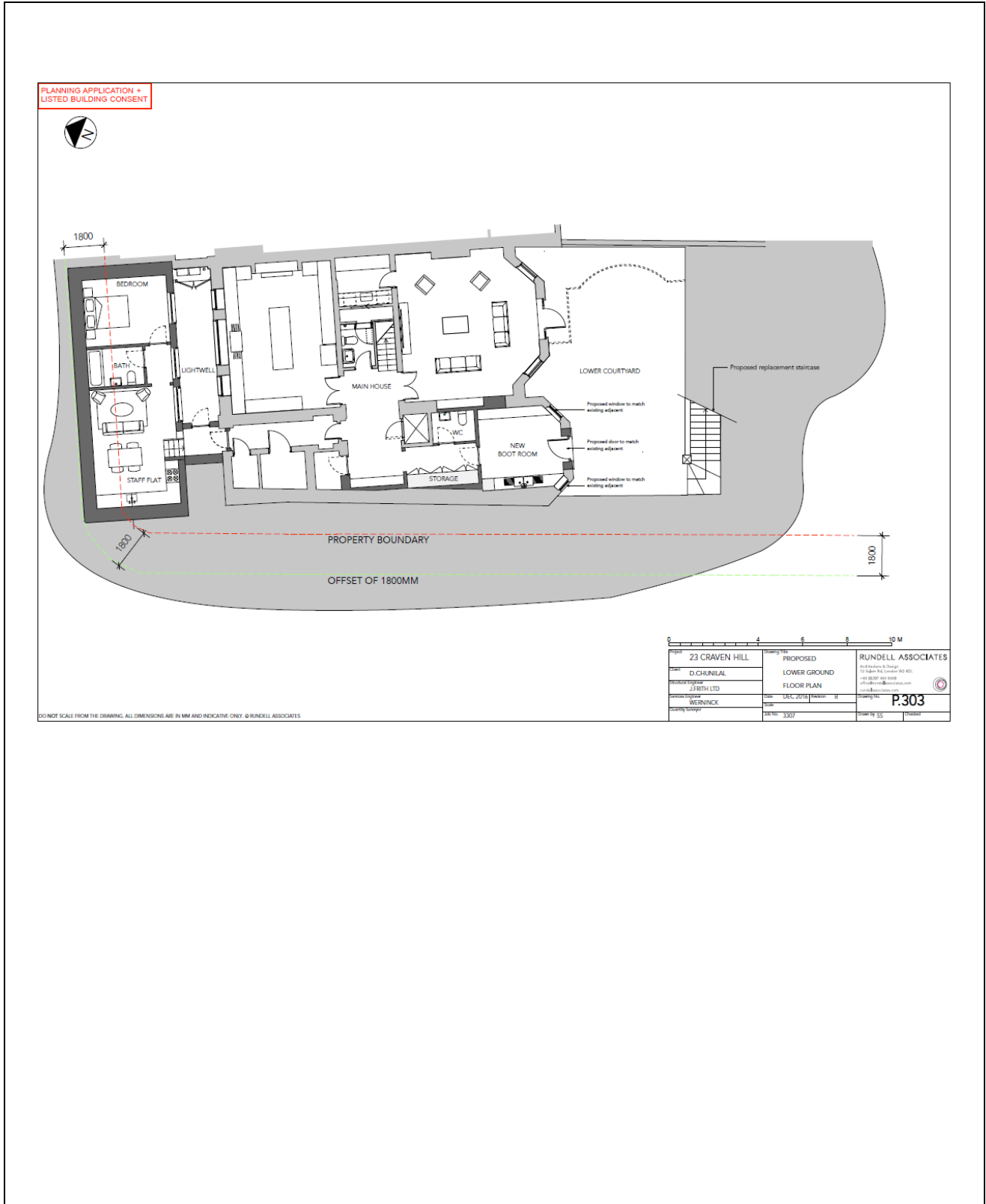
17/00852/FULL and 17/00853/LBC (Scheme B)

1. Application form
2. Response from South East Bayswater Residents Association, dated 24 February 2017
3. Memorandum from Highways Planning, dated 10 March 2017
4. Response from Building Control, dated 10 April 2017
5. Response from occupier of 21 Craven Hill, dated 24 February 2017

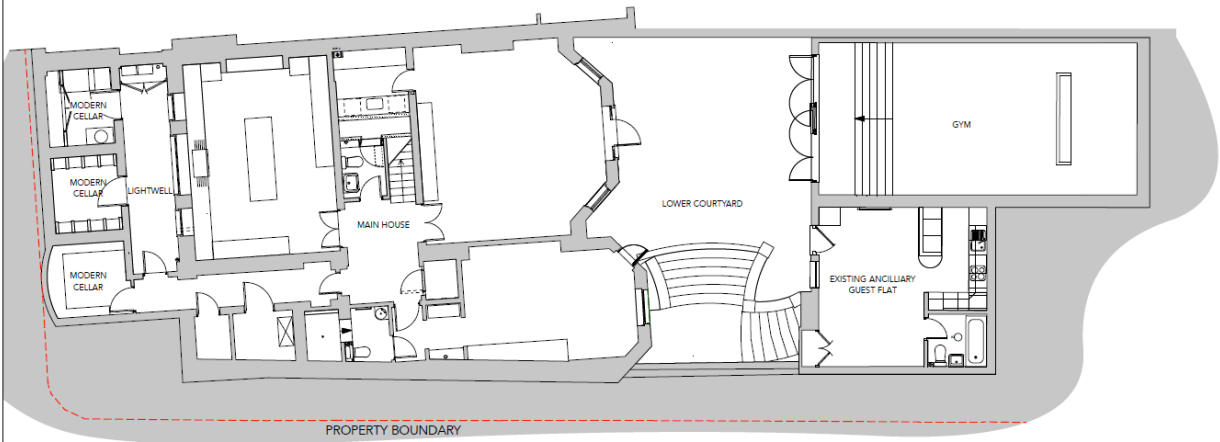
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

9. KEY DRAWINGS



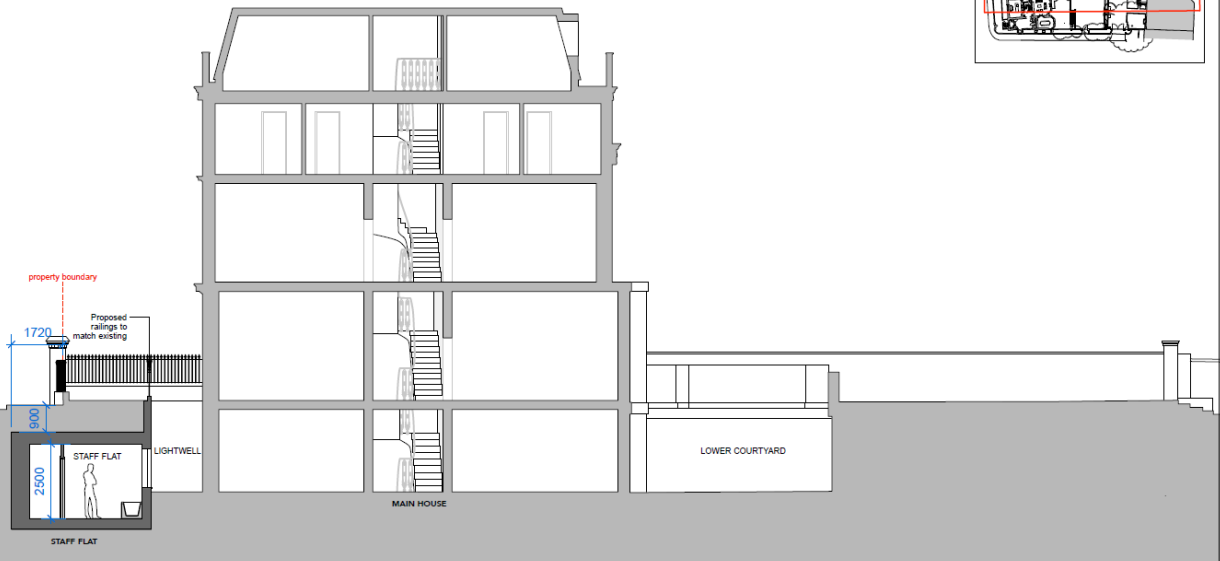
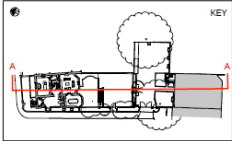
PLANNING APPLICATION + LISTED BUILDING CONSENT




23 CRAVEN HILL		Existing Use	EXISTING	RUNDELL ASSOCIATES 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000
Client	D CHUNILAL	Project Name	LOWER GROUND	
Structural Engineer	J.FRITH LTD	Drawing Title	FLOOR PLAN	
Services Engineer	WERNINCK	Date	JAN 2017	
Scale	1:100	Drawn By	JXX	
Check No.	3307	Checked		

DO NOT SCALE FROM THE DRAWING. ALL DIMENSIONS ARE IN MM AND INDICATIVE ONLY. © RUNDELL ASSOCIATES

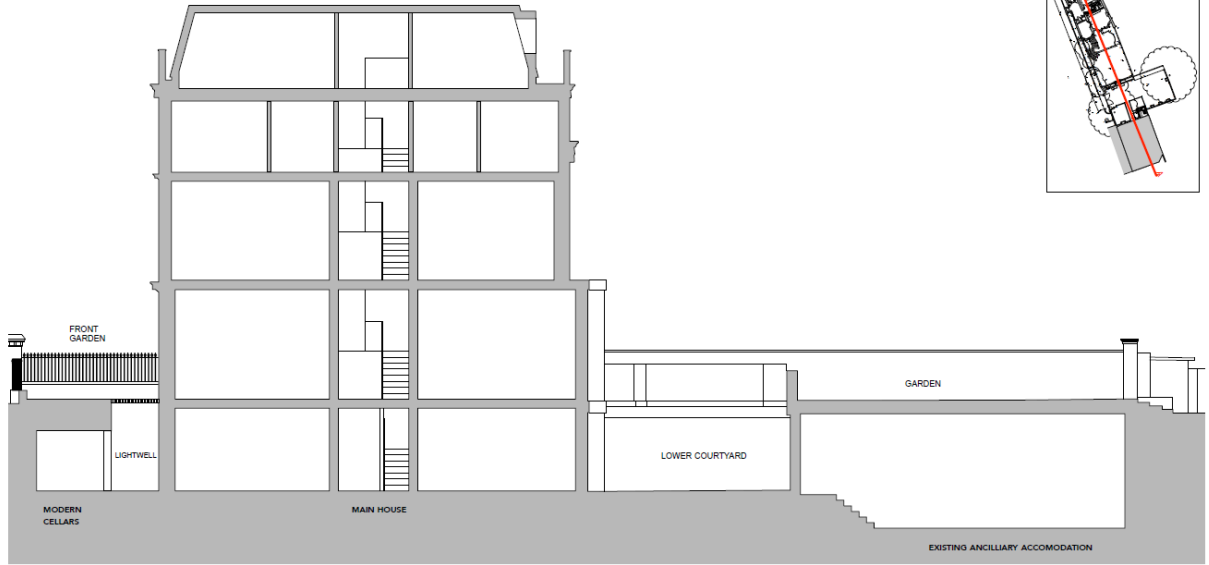
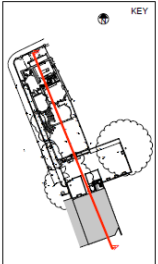
PLANNING APPLICATION + LISTED BUILDING CONSENT



Project: 23 CRAVEN HILL		Drawing Title: PROPOSED SECTION A-A		RUNDELL ASSOCIATES	
Client: D.CHUNILAL		Date: JAN 2017		<small>Architectural & Design 23 Craven Hill, Coventry CV4 9DL www.runnellassociates.com info@runnellassociates.com</small>	
Structural Engineer: J.FRITH LTD		Scale: 1:100			
Structural Engineer: WERNINCK		Sheet No: 3307		Drawing No: P.310	
Quantity Surveyor:				Quantity: 1	

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PLANNING APPLICATION + LISTED BUILDING CONSENT



0 4 8 10 M			
Project	23 CRAVEN HILL	Drawing Title	EXISTING SECTION A-A
Client	D CHUNILAL	Architect	RUNDELL ASSOCIATES
Structural Engineer	J F FETH LTD	Date	JAN 2017
Structural Engineer	J F FETH LTD	Scale	1:100
Quantity Surveyor	WERNINCK	Plot No.	3307
		Drawing No.	P.110
		Drawn by	Checked

DO NOT SCALE FROM THE DRAWING. ALL DIMENSIONS ARE IN MM AND INDICATIVE ONLY. © RUNDELL ASSOCIATES

DRAFT DECISION LETTER - 17/01707/FULL

Address: 23 Craven Hill, London, W2 3EN,

Proposal: Alterations and extensions to existing vaults at lower ground floor level including their projection under the adjacent footway, and alterations to front lightwell including removal of grill and installation of railings, all in association with use of front vaults as staff accommodation in association with the main house. Alterations to rear lower ground floor including infilling of existing sub-garden accommodation to rear of main house and installation of new staircase from rear courtyard to rear garden.

Plan Nos: 001, 002, P102, P103, P110, P121, P122, P123, P124, P202, P203, P210, P302A, P303B, P310, P321B, P322, P323B, P324, P100A, P300B, Flood Risk Assessment report dated April 2017, Email from Gavin Hegarty dated 2nd March 2017, Appendix A, Checklist B, Design and Access Statement dated January 2017, email from Gavin Hegarty dated 10th May 2017

Considered for Information Only:
Construction Method Statement dated January 2017

Case Officer: Alistair Taylor **Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

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

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

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

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

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

Reason:

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

3 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

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

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

Reason:

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

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

Reason:

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

10 The accommodation within the lower ground floor level front vaults shall remain as ancillary to the main house, and shall not be occupied as a separate residential unit.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets H3 of our Unitary Development Plan that we adopted in January 2007.

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

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

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

Reason:

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

Informative(s):

1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an 17/01707/FULL

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

2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

3 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)

4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

5 This permission is based on the drawings and reports submitted by you including the structural

methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

6 You are strongly advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regards to demolition, excavation and construction methods

7 For the avoidance of doubt, the installation of mechanical plant within the front lightwell or vaults with an external manifestation (such as vents, grilles etc) is not approved by this permission. Such installation will require the benefit of a separate application for planning permission and listed building consent, to be supported by an acoustic report.

8 With reference to condition IN please refer to the Council's Code of Construction Practice at (http://transact.westminster.gov.uk/docstores/publications_store/planning/code_of_construction_practice.pdf). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.

9 Some of the trees on the site are protected by a Tree Preservation Order. You must get our 17/01707/FULL permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)

10 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

11 Condition 9 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:

- * the order of work on the site, including demolition, site clearance and building work;
- * who will be responsible for protecting the trees on the site;
- * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
- * how you will deal with accidents and emergencies involving trees;
- * planned tree surgery;
- * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
- * how you will remove existing surfacing, and how any soil stripping will be carried out;
- * how any temporary surfaces will be laid and removed;
- * the surfacing of any temporary access for construction traffic;

- * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
- * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
- * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
- * the place for any bonfires (if necessary);
- * any planned raising or lowering of existing ground levels; and
- * how any roots cut during the work will be treated.

12 You are reminded that the accommodation being created/adapted within the front vault structures is ancillary accommodation in association with the main single dwelling house at no. 23 Craven Hill, and that a further application for planning permission would be required for the use it as self contained accommodation.

DRAFT DECISION LETTER - 17/01708/LBC

Address: 23 Craven Hill, London, W2 3EN,

Proposal: Alterations and extensions to existing vaults at lower ground floor level including their projection under the adjacent footway, and alterations to front lightwell including removal of grill and installation of railings, all in association with use of front vaults as staff accommodation in association with the main house. Alterations to rear lower ground floor including infilling of existing sub-garden accommodation to rear of main house and installation of new staircase from rear courtyard to rear garden. Internal alterations.

Plan Nos: 001, 002, P102, P103, P110, P121, P122, P123, P124, P202, P203, P210, P302A, P303B, P310, P321B, P322, P323B, P324, P100A, P300B, Flood Risk Assessment report dated April 2017, Email from Gavin Hegarty dated 2nd March 2017, Appendix A, Checklist B, Design and Access Statement dated January 2017, email from Gavin Hegarty dated 10th May 2017

Considered for Information Only:
Construction Method Statement dated January 2017

Case Officer: Alistair Taylor **Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished

appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -

In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

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

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

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

DRAFT DECISION LETTER - 17/00852/FULL

Address: 23 Craven Hill, London, W2 3EN,

Proposal: Alterations and extensions to existing vaults at lower ground floor level including their projection under the adjacent footway, and alterations to front lightwell including removal of grill and installation of railings, all in association with use of front vaults as staff accommodation in association with the main house.

Plan Nos: 001, 002, P100, P102, P103, P110, P121, P122, P123, P202, P203, P210, P300A, P302A, P303A, P310, P321B, P322A, P323B, Design and Access Statement dated January 2017, Flood Risk Assessment report dated April 2017, Appendix A - Checklist B, Email from Gavin Hegarty dated 11.04.2017, email from Gavin Hegarty dated 10th May 2017

Included for Information Only:

Construction Method Statement dated January 2017

Case Officer: Alistair Taylor **Direct Tel. No.** 020 7641 2979

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

1 The development hereby permitted shall be carried out in accordance with the drawings and

other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

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

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

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

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

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

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

Reason:

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

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

Reason:

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

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

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

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the

matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

8 The accommodation within the lower ground floor level front vaults shall remain as ancillary to the main house, and shall not be occupied as a separate residential unit.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets H3 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

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

2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

3 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)

4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

5 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

6 You are strongly advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regards to demolition, excavation and construction methods

7 For the avoidance of doubt, the installation of mechanical plant within the front lightwell or vaults with an external manifestation (such as vents, grilles etc) is not approved by this permission. Such installation will require the benefit of a separate application for planning permission and listed building consent, to be supported by an acoustic report.

8 With reference to condition 3 please refer to the Council's Code of Construction Practice at (http://transact.westminster.gov.uk/docstores/publications_store/planning/code_of_construction_practice.pdf). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the

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

9 You are reminded that the accommodation being created/adapted within the front vault structures is ancillary accommodation in association with the main single dwelling house at no. 23 Craven Hill, and that a further application for planning permission would be required for the use it as self contained accommodation.

DRAFT DECISION LETTER - 17/00853/LBC

Address: 23 Craven Hill, London, W2 3EN,

Proposal: Alterations and extensions to existing vaults at lower ground floor level including their projection under the adjacent footway, and alterations to front lightwell including removal of grill and installation of railings, all in association with use of front vaults as staff accommodation in association with the main house. Internal alterations

Plan Nos: 001, 002, P100, P102, P103, P110, P121, P122, P123, P202, P203, P210, P300A, P302A, P303A, P310, P321B, P322A, P323B, Design and Access Statement dated January 2017, Flood Risk Assessment report dated April 2017, Appendix A - Checklist B, Email from Gavin Hegarty dated 11.04.2017, email from Gavin Hegarty dated 10th May 2017

Included for Information Only:
Construction Method Statement dated January 2017

Case Officer: Alistair Taylor **Direct Tel. No.** 020 7641 2979

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

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

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

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

Reason:
To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

17/00853/LBC

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

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

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

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

Item No.
1 & 2

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.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 June 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	20 Grove End Road, London, NW8 9LA		
Proposal	Erection of roof extension at second floor level including addition of dormer window and door.		
Agent	Mr Andrew Paps		
On behalf of	Mr R Kishinani		
Registered Number	17/01687/FULL	Date amended/ completed	24 February 2017
Date Application Received	24 February 2017		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application relates to an unlisted building located within the St John's Wood Conservation Area. The building is in use as a single family dwelling house, set over ground, first and second floor levels. The second floor comprises of a mansard roof extension which extends across three quarters of the roof and provides access out onto a terrace. The proposal is to extend the second floor mansard so that it extends across the whole breadth of the building. This development was previously granted permission in 2011, but was never implemented and has now expired.

Objections have been received from adjacent neighbours raising concern in relation to both design and amenity impact.

The key issues in this case are:

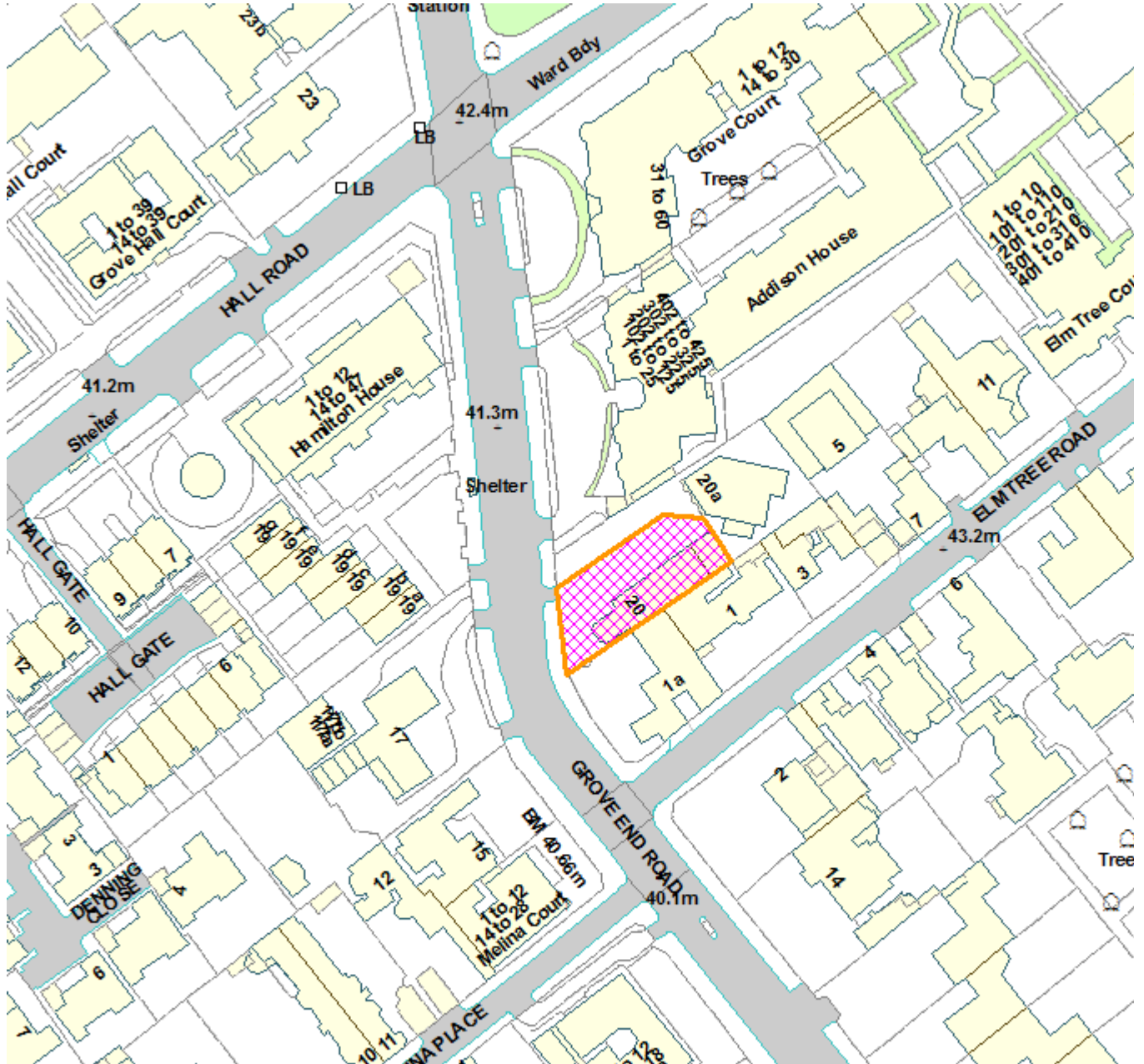
- * The impact of the development on the character and appearance of the building and conservation area.
- * The impact of the development on the amenity of neighbouring properties.

Notwithstanding the objections received, the proposed development is considered to be acceptable

Item No.
3

and would accord with the relevant policies in Westminster's City Plan (the City plan) adopted in November 2016 and the Unitary Development Plan adopted in January 2007 (the UDP).

3. LOCATION PLAN



4. PHOTOGRAPHS



Front elevation from road (above). View towards 1 Elm Tree Road (below)



5. CONSULTATIONS

ST JOHN'S WOOD SOCIETY

Requests that the neighbours at 1 and 1A Elmtree Road have been consulted as concerns are raised that the proposals would have a negative impact on their natural light.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 6

Total No. of replies: 2 objections from adjacent occupiers raising some or all of the following points:

Amenity

- Loss of privacy and overlooking of courtyard.
- Loss of light
- Council or objector should undertake their own study of light to review submitted light report and make the assessment in accordance with BRE guidance.

Design:

- Negative impact on the conservation area

Other:

- The NPPF has been published since permission was previously granted for the works and is a material consideration.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to an unlisted building located within the St John's Wood Conservation Area. The building is in use as a single family dwelling house, set over ground, first and second floor levels. The second floor comprises of a mansard roof extension which extends across three quarters of the roof and provides access out onto a terrace at the same level. The property shares an access off Grove End Road with 20A Grove End Road, which is set back from the road to the rear of the site.

6.2 Recent Relevant History

11/07663/FULL - Extension of existing mansard roof, including addition of one new dormer window, to enlarge existing dwellinghouse.
Application Permitted 5 October 2011

11/02488/FULL- _Erection of extension of existing mansard roof storey at second floor level to enlarge existing dwellinghouse.

Application Withdrawn 10 June 2011

11/01365/CLOPUD - Remove garage door and replace with brickwork to match existing house and insertion of two UPVC windows.

Application Permitted 7 April 2011

11/01043/FULL - Remove garage door and replace with white rendered wall to match existing house and insert two windows.

Application Withdrawn 17 February 2011

7. THE PROPOSAL

Permission is sought to extend the second floor mansard roof extension across the breadth of the building. The extension has a sheer rear elevation which is set back from the boundary shared with 1 Elm Tree Road. The proposals will result in an additional 9sqm of residential accommodation.

This is a resubmission of an application approved on 5 October 2011 (RN: 11/07663/FULL), but was never implemented and which has now expired.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed small amount of additional residential floorspace is considered acceptable.

8.2 Townscape and Design

An objection has been received on the grounds that the proposed extension would have a negative impact on the conservation area.

Officers consider that the proposed extension would provide the building with a more balanced appearance at roof level with a symmetrical roof extension, rather than the present situation where the roof is set in approximately 3 metres from the eastern end of the main building. The extension is set back 1 metre from the lightwell to No. 1 Elm Tree Road by an upstand, this is located to the rear of the building and would only be visible in restricted private views from the application site and 20A Grove End Road. It is unclear what the rear upstand will be constructed of. A condition is therefore recommended for this to be 'like for like' with the existing party wall upstands.

Subject to conditions in relation to materials to match existing, the proposal is considered to preserve the character and appearance of the host building and this part of the St John's Wood Conservation Area, and complies with policies DES1, DES6 and DES9 of the adopted UDP and S25 and S29 of the City Plan.

8.3 Residential Amenity

Objections have been received from residents located to the east at 20a Grove End Road and to the south of the site at 1 Elm Tree Road on the grounds of loss of light, loss of privacy and increased overlooking. An objector also requests that either the council undertakes its own daylight / sunlight report and if not then the neighbour should be allowed to undertake one.

Policies ENV 13 of the UDP and S 29 of the City Plan seek to protect residential amenity and environmental quality. ENV 13 specifically seeks to ensure residential properties do not suffer an increase in harm from sense of enclosure, loss of sunlight/daylight or loss of privacy.

The most affected windows by the development proposals are located in 1 Elm Tree Road to the south, which has windows which look out onto their private courtyard which faces the party wall shared with the application site. 20A Grove End Road will also be affected, but to a lesser extent given its separation and the location and form of the extension which has a pitched roof located behind the existing parapet.

Sunlight and Daylight

The same daylight report has been submitted as the one in 2011. The report assesses the impact of the extension on the vertical sky component (VSC) of neighbouring ground and first floor windows, facing the lightwell between the application site and 1 Elm Tree Road. It should be noted that the report was undertaken on a previously proposed scheme (subsequently withdrawn) whereby the roof extension was to build up directly on the party wall between the two properties (and would therefore have had a greater impact). This is not proposed as part of this application whereby the extension is set back from the roof edge by 1m.

The report notes that the most affected window is located at ground floor level facing west. Despite the report assessing a more harmful scenario than proposed, where the bulk was not set back and located directly on the boundary, it concludes that the proposals are BRE compliant as the percentage daylight loss (VSC) to the neighbouring windows would not be greater than 20% (i.e. less than 0.8 times its former value). While a sunlight analysis has not been undertaken, it is not considered that one is required in this instance given the location of the site to the north of the affected property and any losses would not be so significant as to justify refusal. On this basis, it is considered that the proposal would not result in a material loss of daylight to the windows of No. 1 Elm Tree Road to justify a refusal.

In relation to the objectors comment that either the council or the objector should undertake their own assessment, it was explained to the objector on site that the council would not be undertaking their own assessment as the onus is on the applicant to demonstrate the impact of the proposal in accordance with relevant BRE guidance. No further report has been submitted by the objector following this discussion.

Sense of Enclosure

The most affected windows are located in the side/rear elevation of 1 Elm Tree Road which face towards the development site. The windows at first floor level nearest the development site serve the stairs landing and a bedroom.

The outlook from these windows is currently screened by a large shrub which grows all the way up the boundary. Should this shrub be removed there would be greater breathing space between the two properties, but it may allow greater overlooking from the existing terrace. It is however considered that even if this shrub was to be removed, the proposed extension would not result in a considerable increased sense of enclosure due to the setting back of the roof, the existing parapet and the oblique angle of views.

Privacy

The roof around the existing mansard is used as a terrace, accessed from an existing door in the end of the mansard. It is not considered that the proposed extension would give rise to a material loss of privacy above the existing situation given the location of the extension in place of some of the existing terrace and given the new window and door are in the same frontages as the existing fenestration and are set back from the roof edge behind the existing parapet. Given this, the objection raised by the occupier of 3 Elm Tree Road in privacy grounds is not supported by officers.

Conclusion

It is not considered that the proposed extension would give rise to a significant loss of amenity to adjacent occupiers and is therefore considered to be in accordance with policies ENV13 of the UDP and S 29 of the City Plan.

8.4 Transportation/Parking

No change to existing arrangements for the single family dwelling.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

No change to existing access arrangements

8.7 Other UDP/Westminster Policy Considerations

None relevant.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

An objection has been received noting that the development proposals should be considered against the NPPF which is a new material consideration since the permission was granted for the same works in 2011. The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

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

As only a small amount of additional floorspace is proposed (9sqm), a CIL payment will not be required.

8.11 Environmental Impact Assessment (EIA)

The proposals are of insufficient scale to require the submission of an EIA.

8.12 Other Issues

None.

9. BACKGROUND PAPERS

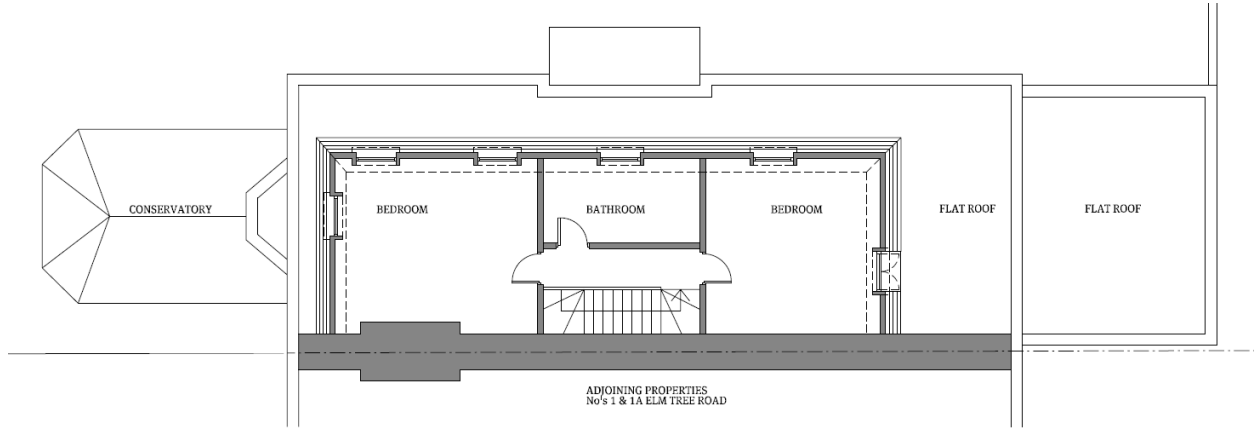
1. Application form
2. Response from St John's Wood Society, dated 20 March 2017
3. Letter from occupier of 3 Elm Tree Road, London, dated 22 March 2017
4. Letter on behalf of the occupier of 1 Elm Tree Road, dated 11 April 2017

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

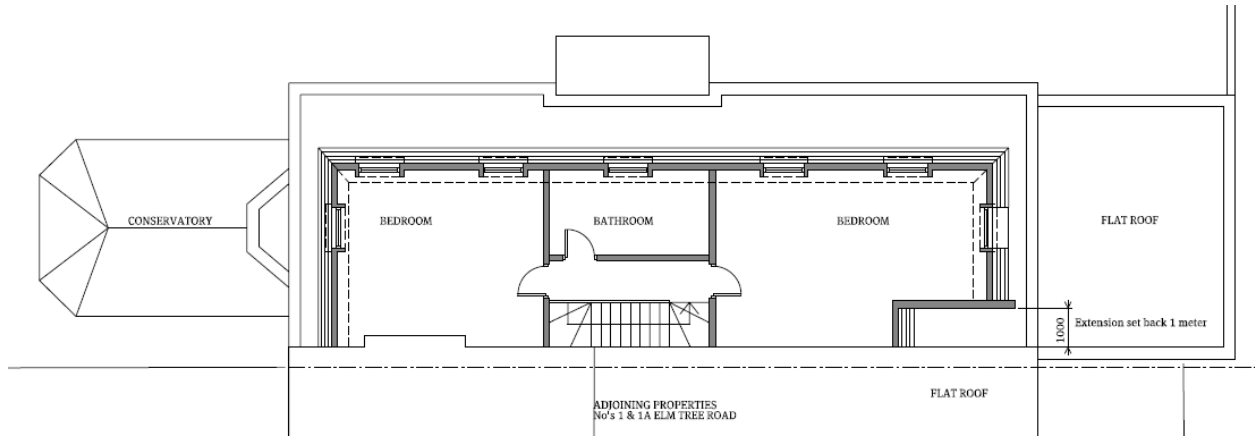
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **SARAH WHITNALL** BY EMAIL AT swhitnall@westminster.gov.uk.

10. KEY DRAWINGS

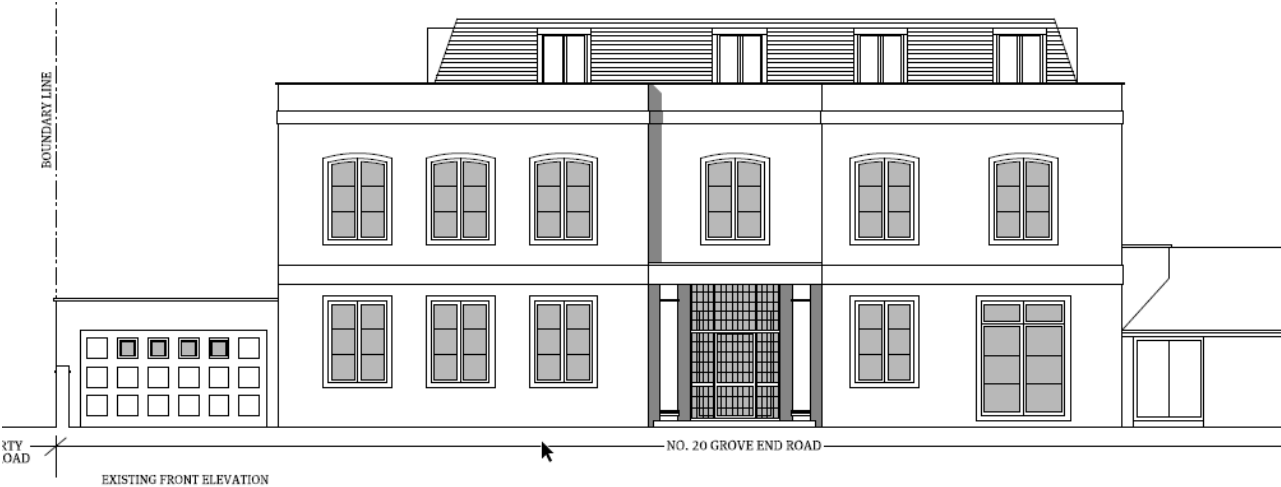
Existing second floor plan



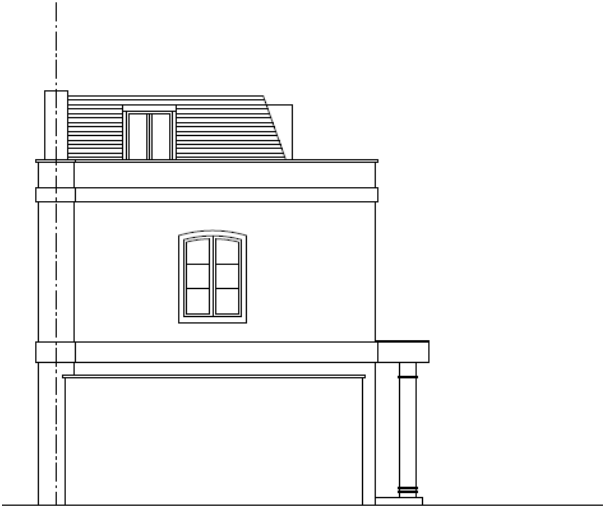
Proposed second floor plan



Existing elevations



EXISTING FRONT ELEVATION



EXISTING SIDE 1 ELEVATION



EXISTING SIDE 2 ELEVATION

Proposed elevations



PROPOSED FRONT ELEVATION



PROPOSED SIDE 1 ELEVATION



PROPOSED SIDE 2 ELEVATION

DRAFT DECISION LETTER

Address: 20 Grove End Road, London, NW8 9LA,

Proposal: Erection of roof extension at second floor level including addition of dormer window and door.

Plan Nos: 1005 90 001; 1005A 90 101; 1005A 90 201; 1005A 90 202; 1005A 90 203; 1005A 90 210; 1005A 00 202A; 1005A 00 203A; 1005A 00 210A; Design and Access Statement dated February 2017.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- 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 St Johns Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 The roof covering shall be a natural slate.

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 Johns 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 The new dormer window and door shall match the existing/adjacent in terms of materials, cladding and 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 St Johns 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 The materials and colour of the new upstand shall match the existing party wall/parapet upstand.

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 Johns 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 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

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Agenda Item 4

Item No.

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

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application was reported to the Planning Applications Committee on 14 March 2017 and to the Planning Applications Sub-Committee on 30 May 2017.

The application was first deferred to permit the objector and adjoining owner to study the daylight and sunlight data and have an opportunity to make further representations on it. The applicant subsequently provided an updated daylight and sunlight report which confirmed there would be no significant loss of light or overshadowing, and neighbours had the opportunity to make further representations on it. As such, the application was reported back to the Sub-Committee.

Late representations were received before the Sub-Committee meeting held on 30 May 2017. These included a letter of support from the Federation of Pimlico Resident Associations and two objections from and on behalf of an adjoining owner. The objector requested the application be deferred to allow for a site visit. The objector also considered that the officer report inadequately represented their views, was published too late and gave a misleading description of the proposal. They considered Committee's discussions on 14 March as limited. They reiterated their other concerns as previously

reported.

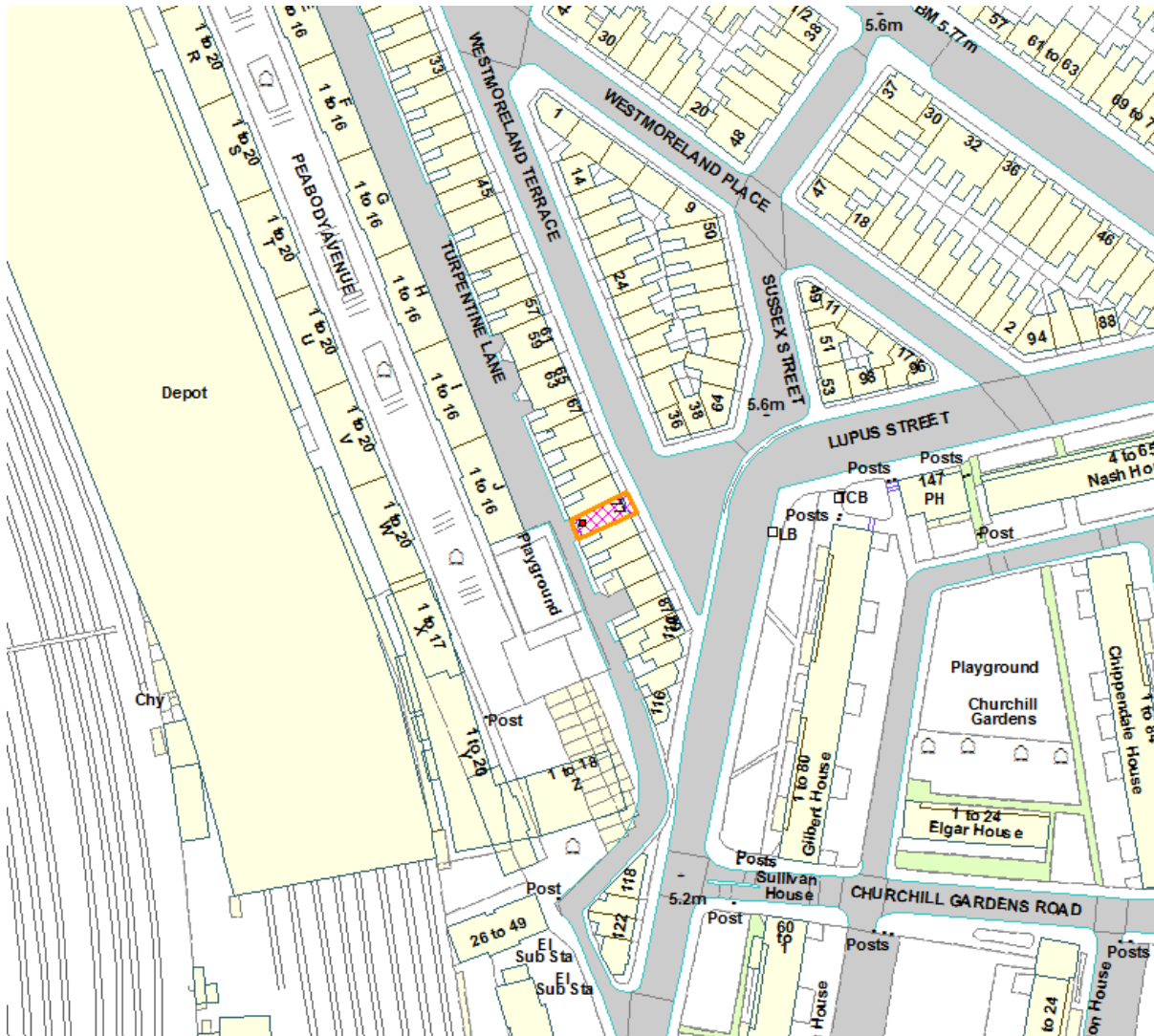
The Sub-Committee resolved to defer the application for a second time to allow for a site visit, and allow the applicant to provide further comparative information regarding the bulk of the rear extensions relative to adjoining properties and to provide alternative treatments to the rear elevation.

The site visit has been arranged to take place in advance of the Sub-Committee meeting. The applicant has submitted further drawings and images. These include 3D images and sections showing the progression of the proposals, demonstrating how the massing and design approach has evolved. The 3D images and flank elevations also show the relationship with adjoining properties. An alternative rear elevation including sash windows with arched heads, flemish bond and London stock brickwork has also been provided.

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

Officers have reported all objections received, and copies of all responses are included in the background papers to this report. The reports have been published on time.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation



Rear Elevation

Item No.

5. CONSULTATIONS

LATE REPRESENTATIONS RECEIVED FOR SUB-COMMITTEE ON 30 MAY 2017

TURLEY (On behalf of applicant):

Summary of proposals provided, and reiteration that the applicant has addressed the reasons for deferral.

FEDERATION OF PIMLICO RESIDENTS ASSOCIATIONS LIMITED:

Support in maintained. In view of the large numbers of objections, it is suggested that the developer might seek to organise a meeting with principle objector.

Two further representations have been received from, and on behalf of, an adjoining owner objecting on the following grounds:

- The application should be deferred to allow for a site visit;
- The views of the objector were not adequately reported in the addendum report;
- The addendum report was published too late for consideration by objectors;
- The original and addendum report gave a misleading description of the proposal;
- Committee's discussion at the 14 March meeting was limited; and
- Concerns relating to the decision made by the planning inspectorate; the condition relating to car parking; and the bulk of the development and consequent impact on neighbours are reiterated.

6. BACKGROUND PAPERS

1. Application form.
2. Email from Turley dated 7 June 2017.

Late representations reported to Planning Applications Sub-Committee 30 May 2017

3. Response from owner/ occupier of 75 Westmoreland Terrace dated 28 May 2017.
4. Response on behalf of owner/ occupier of 75 Westmoreland Terrace dated 30 May 2017.
5. Response from Federation of Pimlico Residents Associations Limited (Pimlico FREDA) dated 18 May 2017.
6. Letter from Turley dated 25 May 2017.

Additional representations received after Planning Applications Committee 14 March 2017

7. Letter from Turley dated 28 April 2017.
8. Letter from Point Surveyors and Daylight and Sunlight Report dated March 2017
9. Responses (x2) from Councillor Gassanly dated 7 April 2017 and 17 April 2017.
10. Response from owner/ occupier of 32 Westmoreland Terrace dated 31 March 2017.
11. Response from owner/ occupier of 15 Westmoreland Terrace dated 1 April 2017.
12. Response from owner/ occupier of 26 Clarendon Street dated 1 April 2017.
13. Response from owner/ occupier of 10 Westmoreland Terrace dated 1 April 2017.
14. Responses (x2) from owner/ occupier of 41 Westmoreland Terrace both dated 3 April 2017.
15. Response from owner/ occupier of 19 London dated 3 April 2017.
16. Response from owner/ occupier of 14 Westmoreland Terrace dated 3 April 2017.

17. Response from owner/ occupier of 8 Westmoreland Terrace dated 5 April 2017.
18. Response from owner/ occupier of 22 Westmoreland Place dated 5 April 2017.
19. Response from owner/ occupier of 16 Westmoreland Terrace dated 5 April 2017.
20. Response from owner/ occupier of 71 Westmoreland Terrace dated 10 April 2017.
21. Response on behalf of owner/ occupier of 75 Westmoreland Terrace dated 13 April 2017.
22. Response from owner/ occupier of 48 Malcomson House dated 16 April 2017.
23. Response from owner/ occupier of 81 Westmoreland Terrace dated 16 April 2017.
24. Responses (x2) from owner/ occupier of 79 Westmoreland Terrace dated 16 April 2017 and 17 April 2017.
25. Response from owner/ occupier of 1 Westmoreland Place dated 18 April 2017.
26. Responses (x3) from owner/ occupier of 53 Westmoreland Terrace dated 18 April 2017, 19 April 2017 and 20 April 2017.
27. Response from owner/ occupier of 71 Westmoreland Terrace dated 20 April 2017.

Original representations reported to Planning Applications Committee 14 March 2017

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

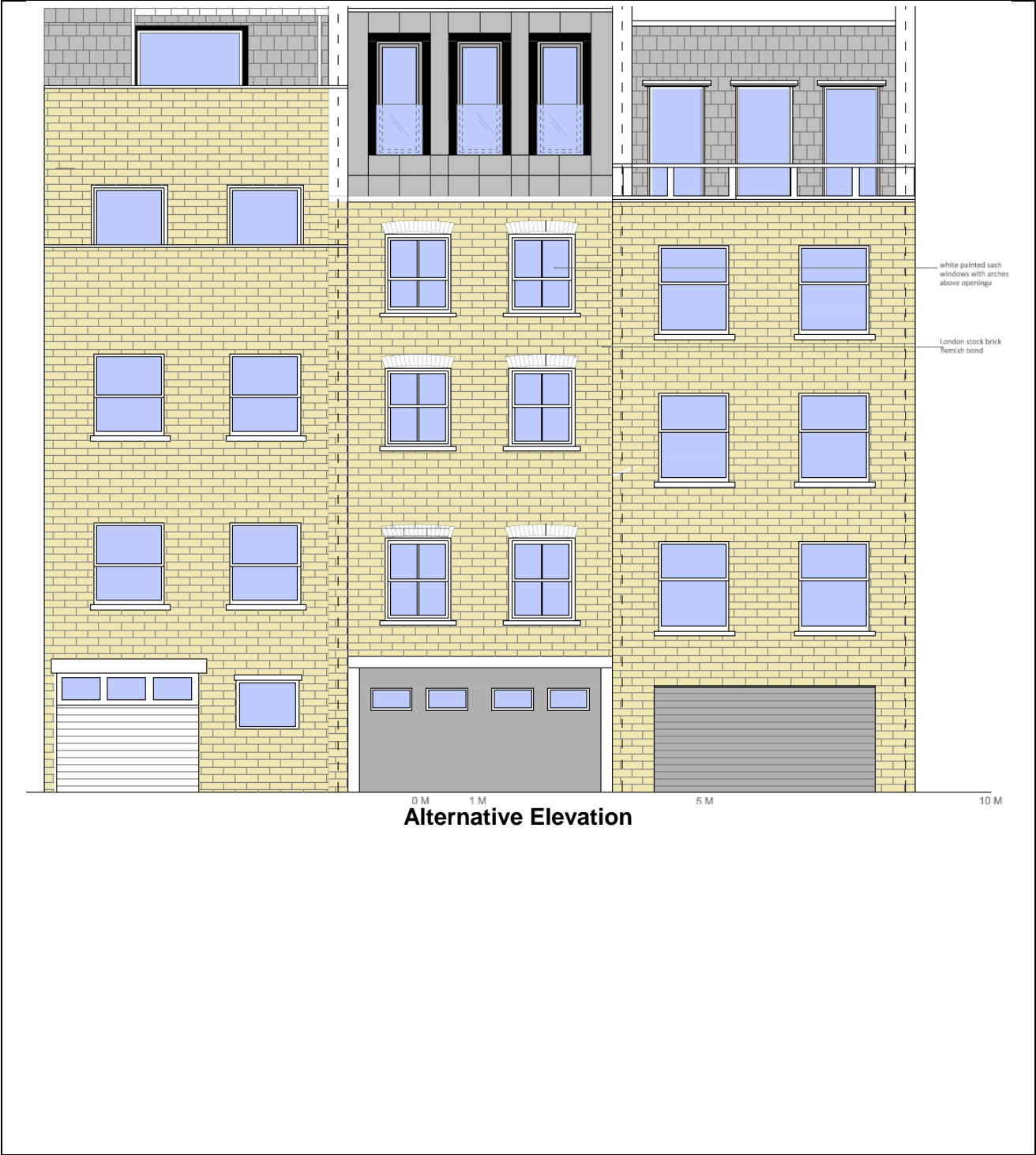
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

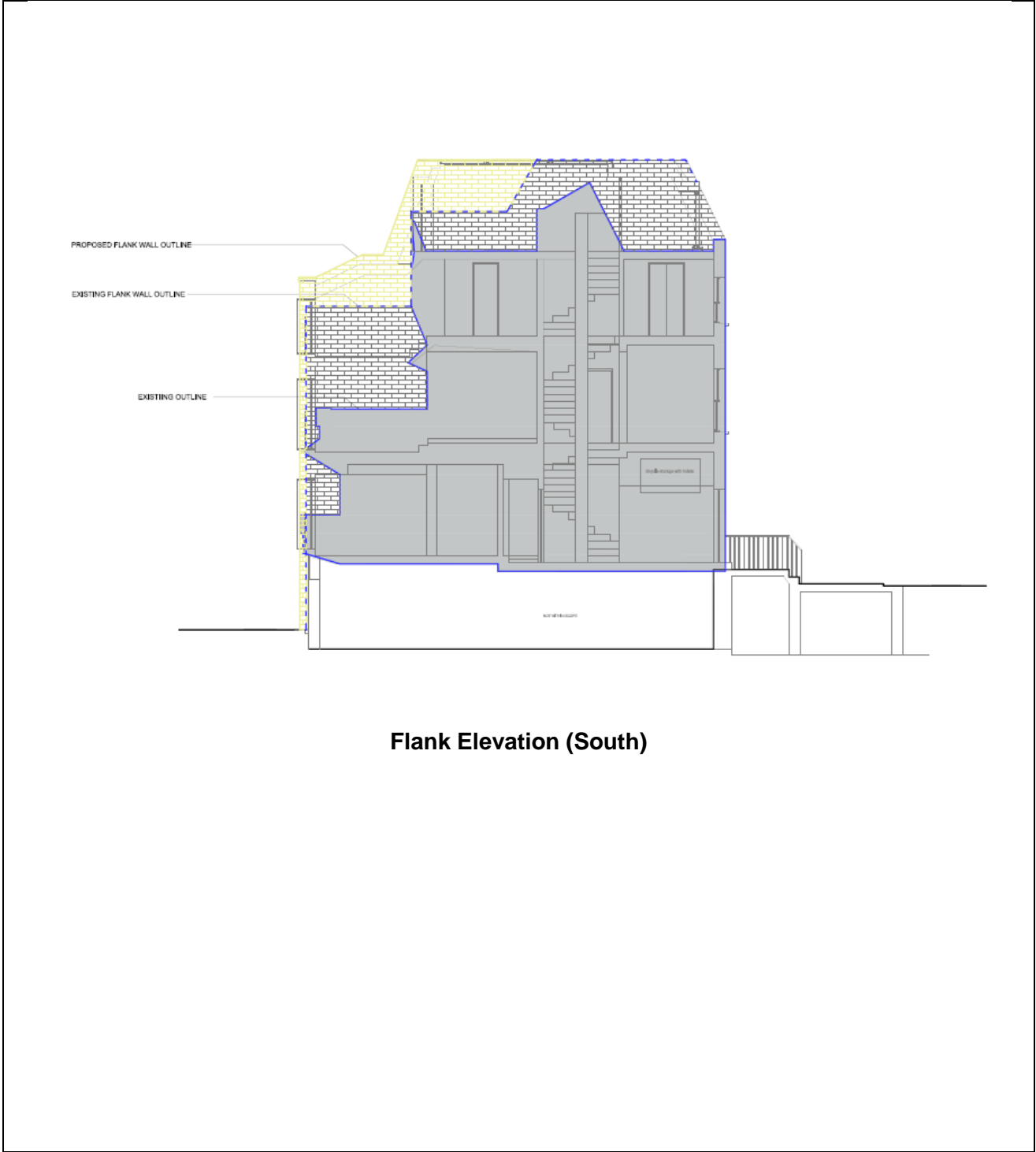
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk

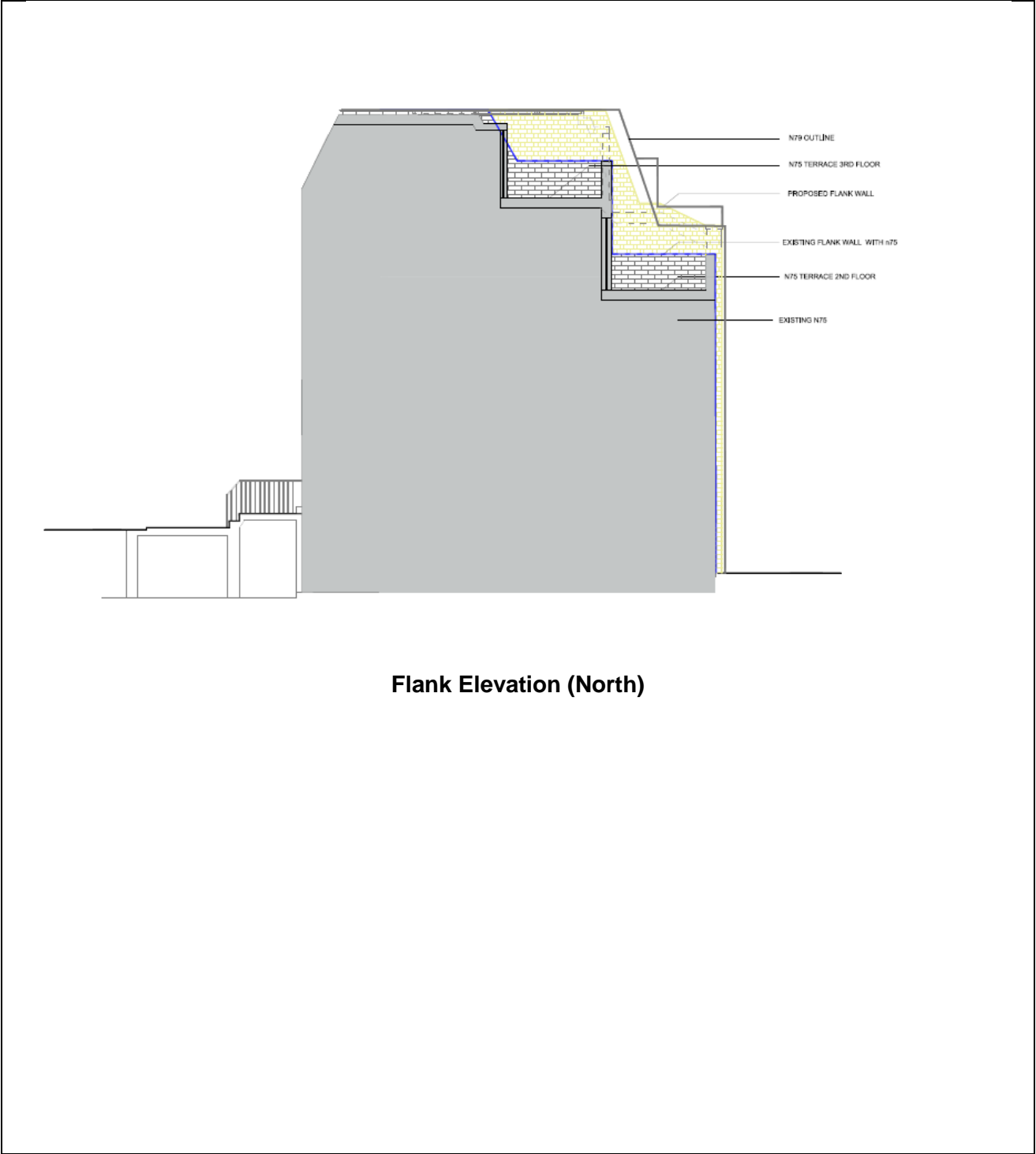
7. KEY DRAWINGS



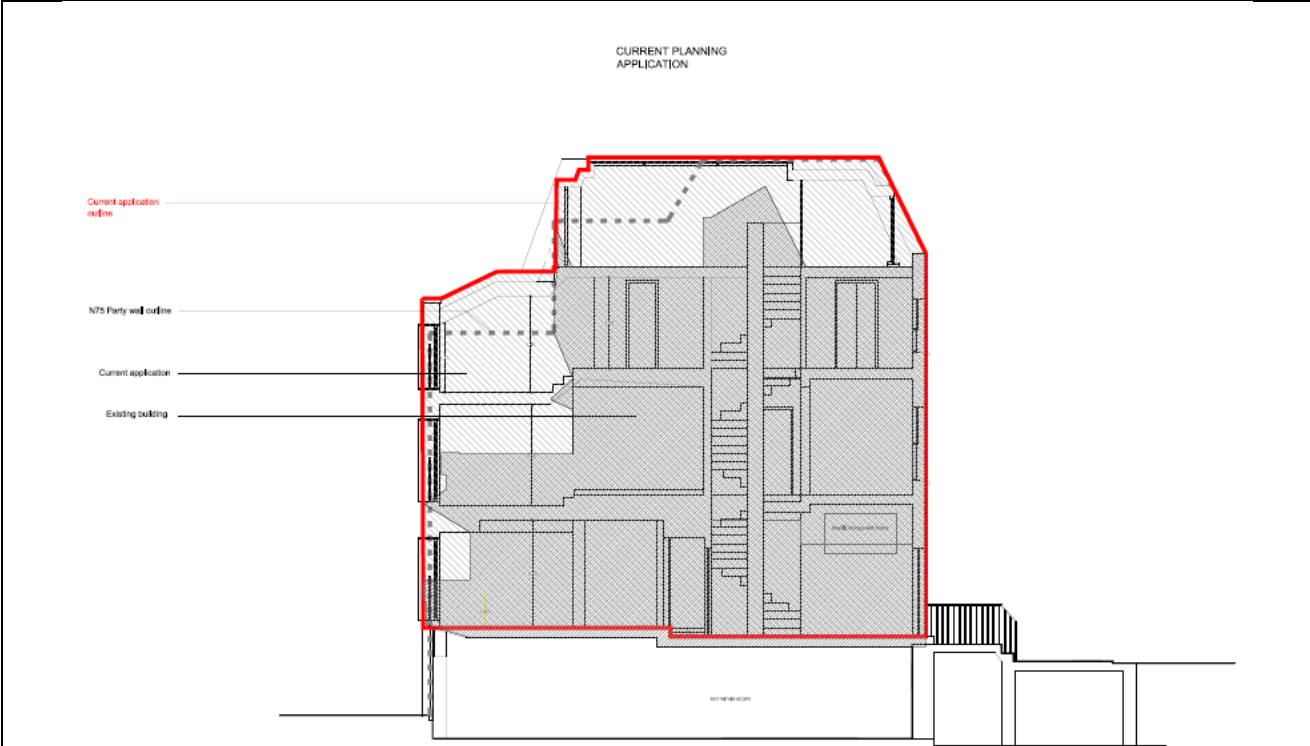
Proposed Elevation





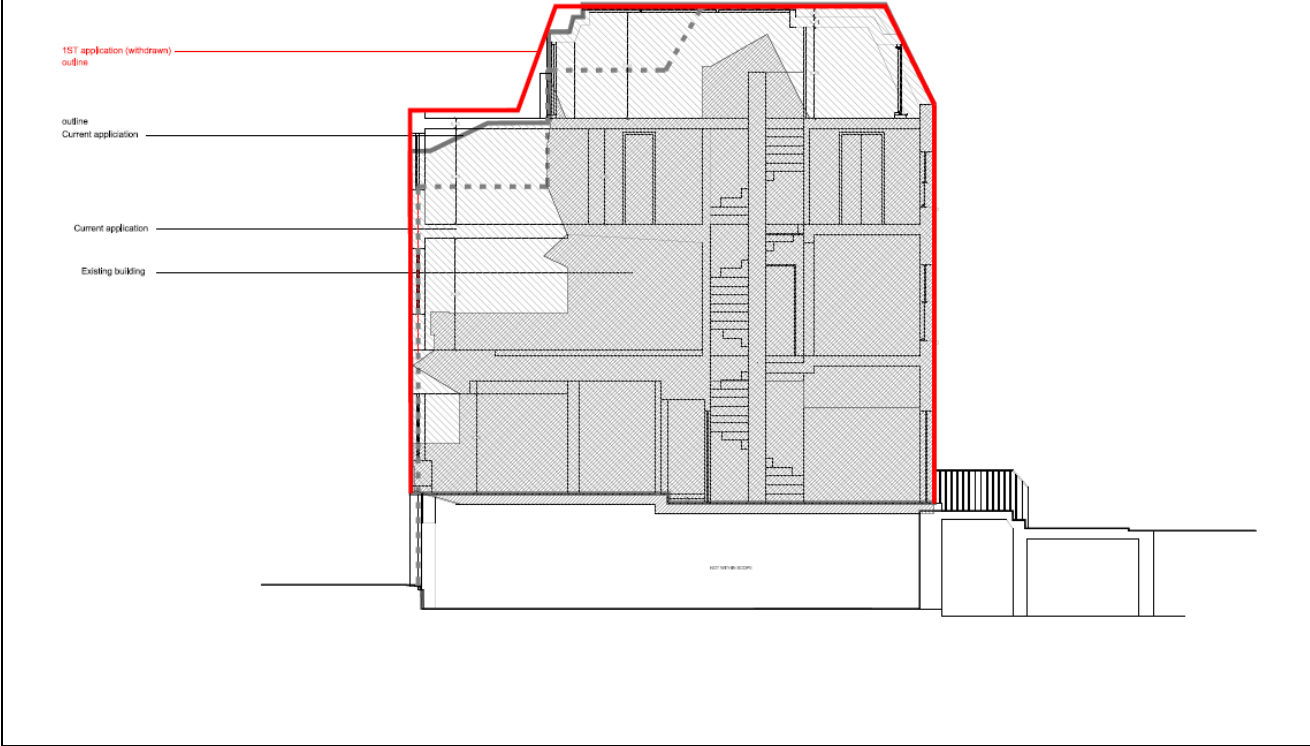


Flank Elevation (North)

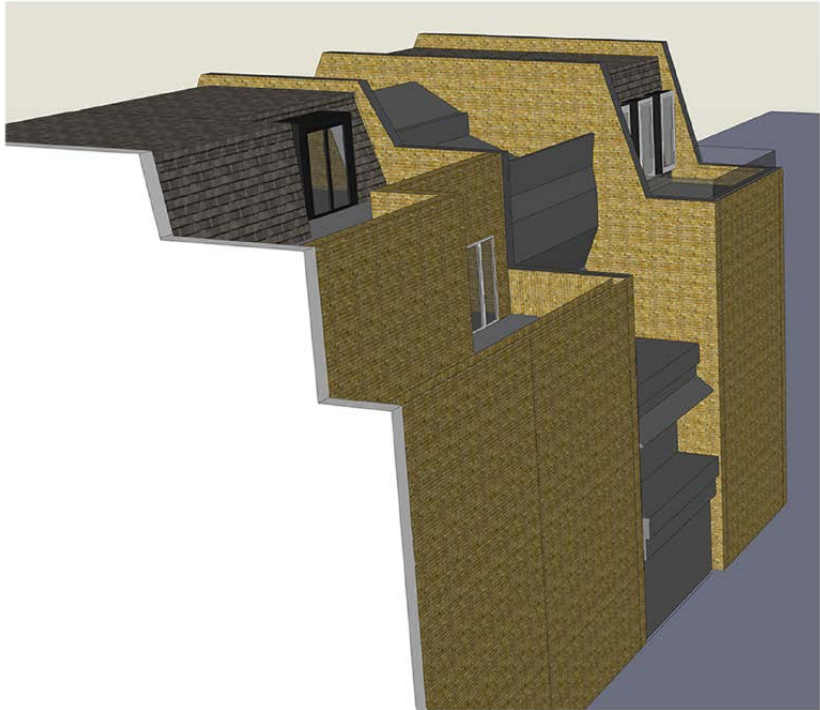


Section: Current Application above Refused Application Below

2ND APPLICATION REFUSED
16/01081/FUL

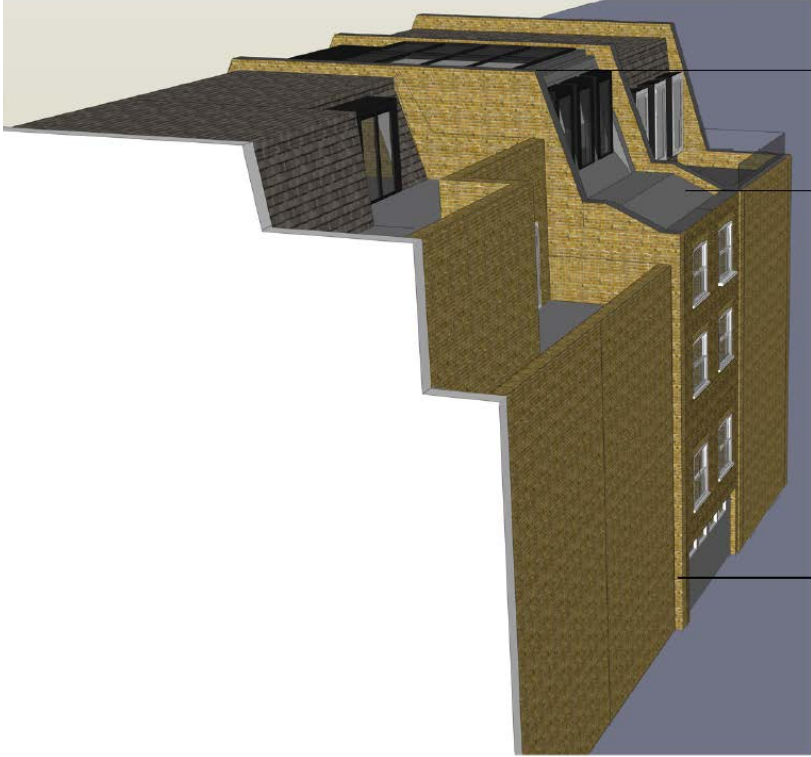


Existing



3D Massing Model Existing and Proposed

Proposed



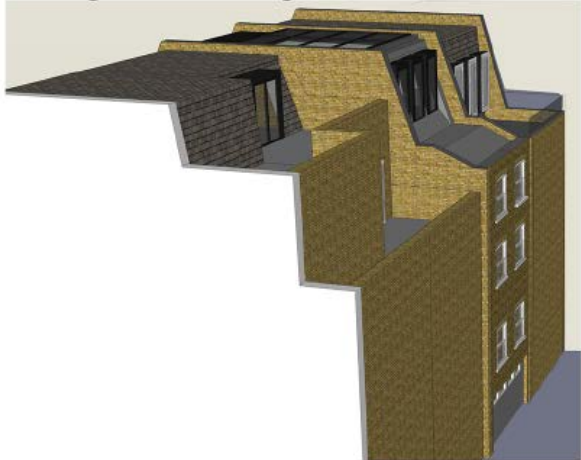
Mansard extension in line with n75

Proposed parapet height is in line with parapet at N77

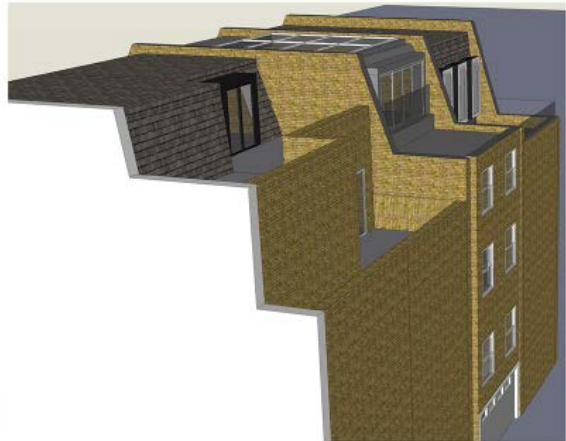
Boundary of building following existing projection

Evolution of Scheme

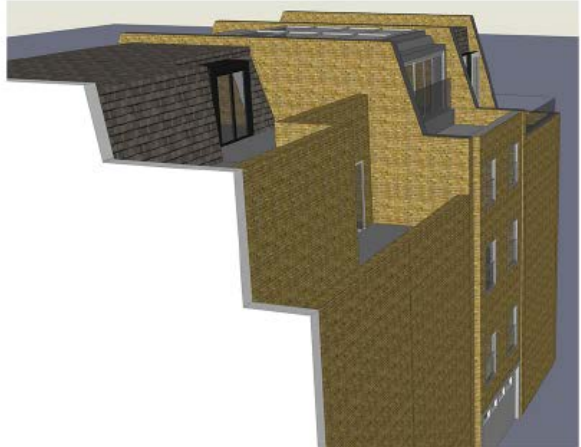
Current planning application proposed variation following WCC meeting



2nd planning application - refused



1st planning application - withdrawn



Item No.

DRAFT DECISION LETTER

- Address:** 77 Westmoreland Terrace, London, SW1V 4AH
- Proposal:** Erection of a mansard roof extension and rear extensions at ground, first and second floor levels; to provide additional residential floorspace including an additional residential flat (Use Class C3).
- Reference:** 16/12041/FULL
- Plan Nos:** Location Plan; Existing Site Plan; Proposed Site Plan; AP1100 rev R00; AP1101 rev R00; AP1102 rev R00; AP1104 rev R00; AP1110 rev R00; AP1111 rev R00; AP1120 rev R00; AP1121 rev R00; AP1200 rev R06; AP1201 rev R04; AP1202 rev R04; AP1203 rev R04; AP1204 rev R04; AP1210 rev R00; AP1211 rev R4; AP1220 rev R4; AP1221 rev R04; Design and Access Statement; Daylight and Sunlight Report and Overshadowing Addendum dated March 2017; Cover Letter dated 20 December 2016; Letters dated 28 April 2017 and 25 May 2017.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

Informative(s):

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

other period, each year). (I38AB)

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

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



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (4)** held on **Tuesday 30th May, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Angela Harvey (Chairman), Iain Bott, Jonathan Glanz and Jason Williams

Also Present: Councillors Murad Gassanly (for item 5 only).

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 Councillor Angela Harvey explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.

2.2 Councillor Harvey declared that she knew other Councillors and various amenity societies who may have made representations; she was Chairman of the Licensing Committee and was also married to Councillor David Harvey who was the Cabinet Member for Environment, Sports and Community.

2.3 Councillor Angela Harvey also declared that she had undertaken a site visit with Councillor Jonathan Glanz in relation to item 6 on the agenda.

2.4 Councillor Iain Bott made the following declarations as they related to the specific applications on the agenda:

Reason:

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

RESOLVED:

That conditional permission be granted, subject to amendments to condition 5 and additional conditions 9 and 10 as set out above.

5 77 WESTMORELAND TERRACE, LONDON, SW1V 4AH

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

Additional representations were received by E. Reeve, Chairman of Pimlico Residents Associations Limited (Pimlico FREDAs) (18.05.2017) and Turley (25.05.2017).

Late representations were received from Jeremy and Katy Pocklington (28.05.2017) and Roderick Morton (30.05.2017).

Councillor Jason Williams, who had earlier declared an interest in respect of this application, withdrew from the Committee during this item in order to address the Committee in his capacity as a Ward Councillor to express some concerns about the application. Councillor Williams then left the room and took no further part in the discussion or decision.

Councillor Murad Gassanly addressed the Committee in his capacity as a Ward Councillor to represent the views of residents and to express concerns about the application in requesting that it be deferred.

RESOLVED:

That the application be deferred for a site visit and for the Committee to have sight of further comparative information illustrating the proposed bulk of 77 Westmoreland Terrace relative to 75 and 79 Westmoreland Terrace and for the applicant to consider potential alternative treatments to detailed design of the rear elevation, including traditional brickwork and windows in keeping with the character of the wider Pimlico Conservation Area.

6 1 EATON TERRACE, LONDON, SW1W 8EX

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

The presenting officer tabled the following amendments to conditions 5 and 6:

PREVIOUS REPORT

Agenda Item 5

Item No.
5

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

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

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

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

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

Item No.
5

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

DAYLIGHT:

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

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

SUNLIGHT:

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

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

OVERSHADOWING:

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

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

CONCLUSION:

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

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

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

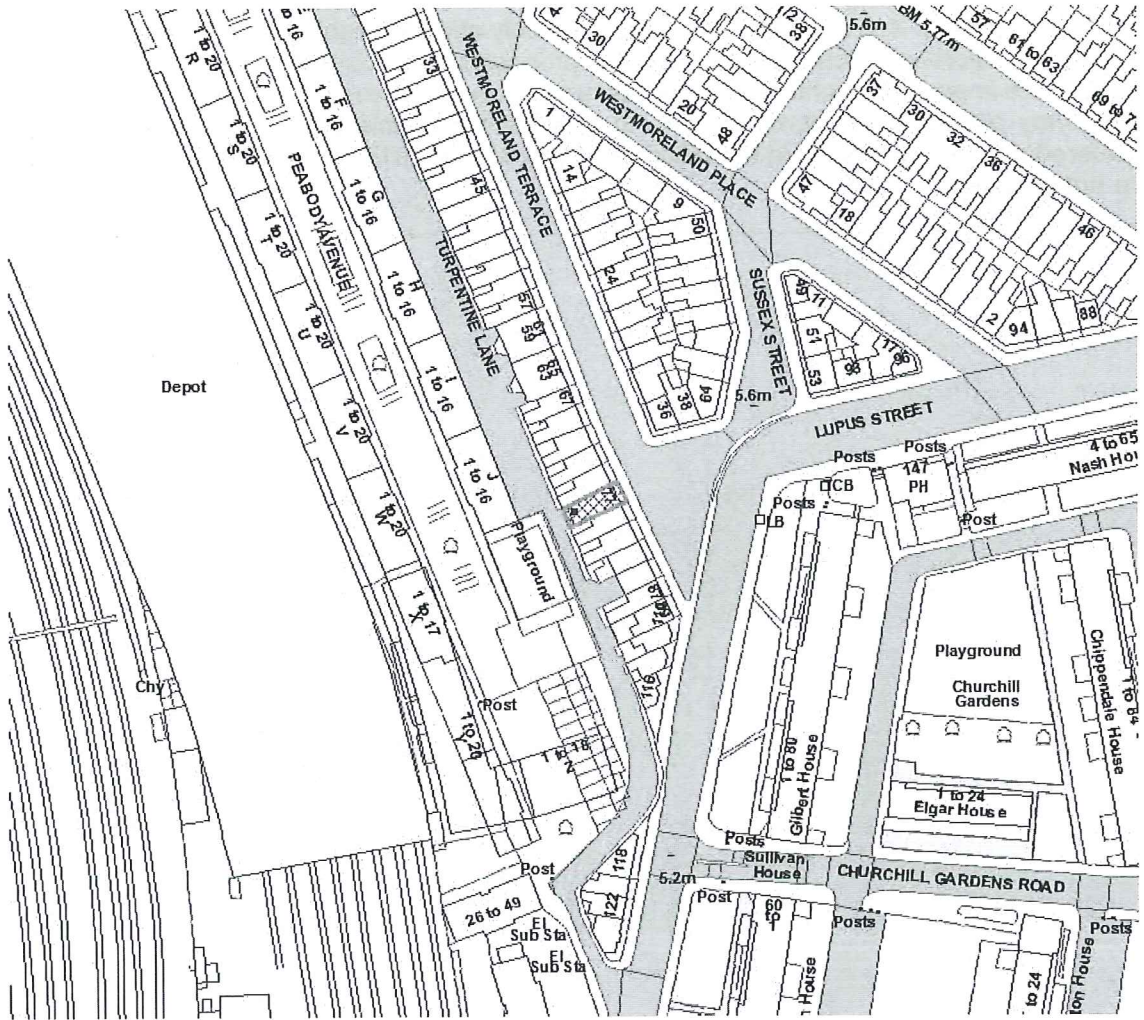
Item No.
5

2017 committee is included in the background papers.

ADDITIONAL COMMENT:

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

3. LOCATION PLAN



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Item No.
5

5. CONSULTATIONS

ADDITIONAL RESPONSES FOLLOWING COMMITTEE'S RESOLUTION TO DEFER:

TURLEY (On behalf of the applicant):

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

WARD COUNCILLOR (Councillor Gassanly):

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

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 61

Total No. of replies: 22

No. of objections: 22

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

Amenity:

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

Design:

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

Land use:

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

Highway:

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

Item No.
5

Cleansing:

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

Other:

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

6. BACKGROUND PAPERS

1. Application Form.

Additional representations received after Planning Applications Committee 14 March 2017

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

Item No.
5

Original representations reported to Planning Applications Committee 14 March 2017

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

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

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

PREVIOUS REPORT

Item No.
7

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

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

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

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

The main issues are:

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

Item No.
7

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

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

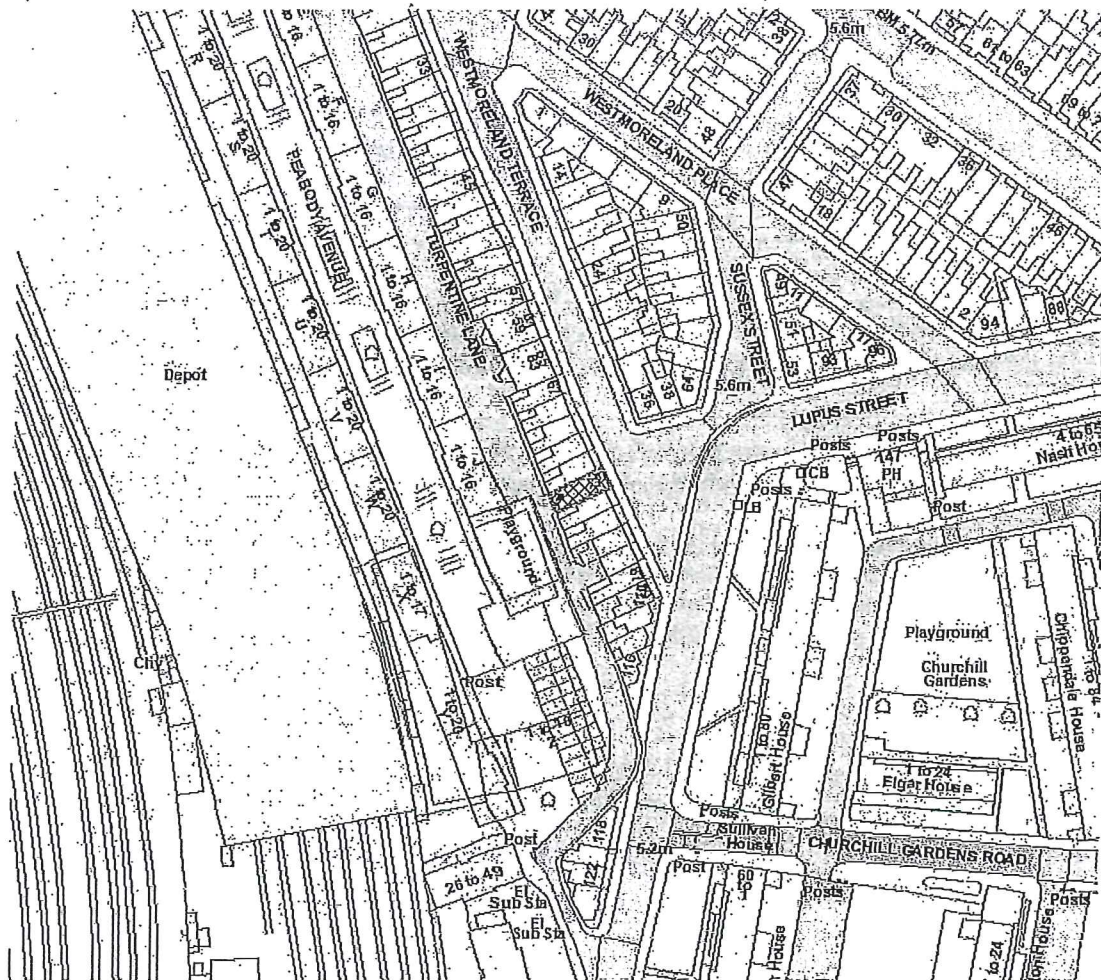
In comparison to the previously refused scheme, the rear extension at second floor level has been reduced in height and bulk and the detailed design has been reconsidered. The applicant has also offered to provide Lifetime Car Club Membership for the occupiers of the additional residential flat.

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

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

Item No.
~~7~~

3. LOCATION PLAN



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~~Page 167~~

~~Page 83~~

Item No.
7

4. PHOTOGRAPHS



Front Elevation

~~Page 168~~

~~Page 101~~
~~Page 84~~

~~Item No.~~
~~7~~



Rear Elevation

~~Page 169~~

~~Page 102~~
~~Page 85~~

Item No.
7

5. CONSULTATIONS

COUNCILLOR WILLIAMS:

Agrees with officer's recommendation to approve.

WESTMINSTER SOCIETY:

No objection.

HIGHWAY PLANNING MANAGER:

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

CLEANSING MANAGER:

No objection.

BUILDING CONTROL:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 36
Total No. of replies: 8
No. of objections: 6
No. in support: 2

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

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

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

Amenity:

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

~~Page 170~~

~~Page 103~~
~~Page 86~~

Item No.
7

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

Design:

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

Land use:

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

Highways:

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

Cleansing:

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

Other:

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

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

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

~~Page 171~~

~~Page 104~~
~~Page 87~~

6.2 Recent Relevant History

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

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

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

7. THE PROPOSAL

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

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

8. DETAILED CONSIDERATIONS

8.1 Land Use

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

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

Item No.
7

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

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

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

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

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

Standard of accommodation

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

8.2 Townscape and Design

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

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

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

Item No.
7

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

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

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

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

8.3 Residential Amenity

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

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

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

Sense of Enclosure

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

Item No.
7

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

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

Sunlight and Daylight

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

Privacy

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

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

8.4 Transportation/Parking

Car Parking

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

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

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

~~Page 175~~

~~Page 108~~
~~Page 91~~

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

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

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

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

Cycle Parking

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

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

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

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

There are no access issues arising from this proposal.

Item No.
X

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

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

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

Noise and Disturbance/ Increase in Number of Residents

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

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Crime and Security

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

Building Regulations and Party Walls

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

~~Page 177~~

~~Page 110~~
~~Page 93~~

Item No.
7

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

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

Over-Development and Existing Basement Flat

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

9. BACKGROUND PAPERS

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

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

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

~~Page 178~~

~~Page 111~~
~~Page 94~~

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Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 18 April 2017	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	St James's Square, London, SW1		
Proposal	Installation on the footway on the south-west side of St James Square, opposite the junction with King Street, of a cycle hire docking station, containing a maximum of 24 docking points, a payment terminal and 6 cycle stands.		
Agent	Transport for London (TfL)		
On behalf of	TfL		
Registered Number	15/11071/FULL	Date amended/ completed	30 November 2015
Date Application Received	27 November 2015		
Historic Building Grade	Unlisted		
Conservation Area	St James's		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application was reported to the Planning Applications Committee on the 18 April 2017 where the committee deferred the application, as it was considered that the proposals would impair the public benefit of an open view of St James's Square from King Street, and to allow Transport for London to consider alternative proposals, including consideration to reducing the size of the cycle hire docking station, consideration to enlarging the existing station on the east side of the square and to demonstrate that there is additional demand for cycle hire at this location.

The applicant has amended the layout of the cycle docking station, reducing the number of docking points from 28 to 24 and widening the access corridor to St James's Square to approximately 4m.

The applicant has confirmed that the existing docking station on the east side of the square is in the top 5% most used stations in London. They acknowledge that some expansion of the existing docking station could take place, however this would involve the relocation of 2 electric vehicular charging points.

No additional representations have been received since the application was last reported to the

Item No.
5

committee.

3. LOCATION PLAN



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4. PHOTOGRAPHS



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

Aerial View of St James's Square



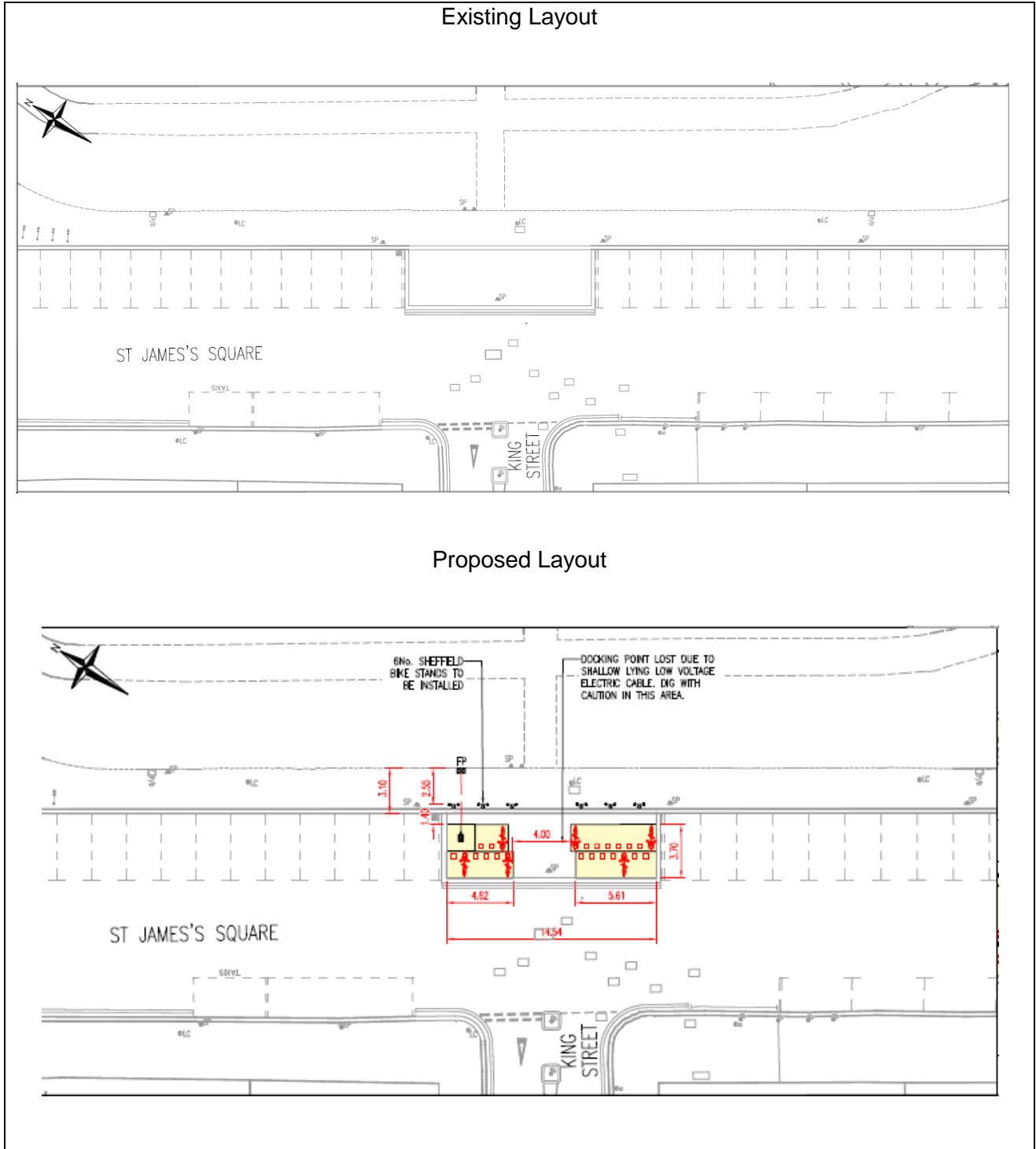
5. BACKGROUND PAPERS

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

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGAR BY EMAIL AT jasgar@westminster.gov.uk

6. KEY DRAWINGS



DRAFT DECISION LETTER

Address: St James's Square, London,

Proposal: Installation on the footway on the south-west side of St James Square, opposite the junction with King Street, of a Cycle Hire docking station, containing a maximum of 24 docking points, a payment terminal and 6 cycle stands.

Reference: 15/11071/FULL

Plan Nos: 01-610184-LOC; 01-610184-CON Rev. A; CHS_2_T Rev.5; TDE-FW-01-PL Rev. A; TDE-FW-T-PL Rev. A; CHS_DP-03 Rev.3

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

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

Reason:

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

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

Reason:

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

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

- i. Fixed cycle stands

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

Reason:

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

Informative(s):

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

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



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (4)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (4)** held on **Tuesday 18th April, 2017**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Angela Harvey (Chairman), Jonathan Glanz, Gotz Mohindra and Tim Roca.

1 MEMBERSHIP

- 1.1 It was noted that Councillor Tim Roca was replacing Councillor Jason Williams.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Angela Harvey explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Harvey declared that she knew other Councillors and various amenity societies who may have made representations; she was Chairman of the Licensing Committee and was also married to Councillor David Harvey who was the Cabinet Member for Environment, Sports and Community.
- 2.3 Councillor Harvey then made the following further declarations as they related to the specific applications on the agenda:

Item 4: That she had sat on the Committee that had considered a previous application at the site on 31 January 2017.

5 ST JAMES'S SQUARE, LONDON

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

RESOLVED:

That the application be deferred, as the application in its present form would impair the public benefit of an open view of St James's Square from King Street, and to allow Transport for London to consider alternative proposals, including consideration to reducing the size of the cycle hire docking station, consideration to enlarging the existing station on the east side of the Square and to demonstrate that there is additional demand for cycle hire at this location.

6 1 EATON TERRACE, LONDON, SW1W 8EX

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

Late representations were received from Helen Marshall (undated) and Vanessa Neill (undated).

RESOLVED:

That the applications be deferred for a site visit.

7 1 QUEENSBOROUGH MEWS, LONDON, W2 3SG

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

RESOLVED:

That conditional permission be granted.

The Meeting ended at 7.55 pm.

CHAIRMAN: _____

DATE _____

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

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

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

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

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

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

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

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

Aerial View of St James's Square



~~Page 87~~

Item No.
5

5. CONSULTATIONS

WESTMINSTER SOCIETY:
No objection.

ST JAMES'S CONSERVATION TRUST:
Objection on grounds:

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

HIGHWAYS PLANNING MANAGER:
Acceptable on transportation grounds.

CLEANSING MANAGER:
No objection

ARBORICULTURAL MANAGER:
No objection.

ADJOINING OWNERS/ OCCUPIERS
No. consulted: 76
No. of replies: 1

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

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

PRESS ADVERTISEMENT/ SITE NOTICE:
Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

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

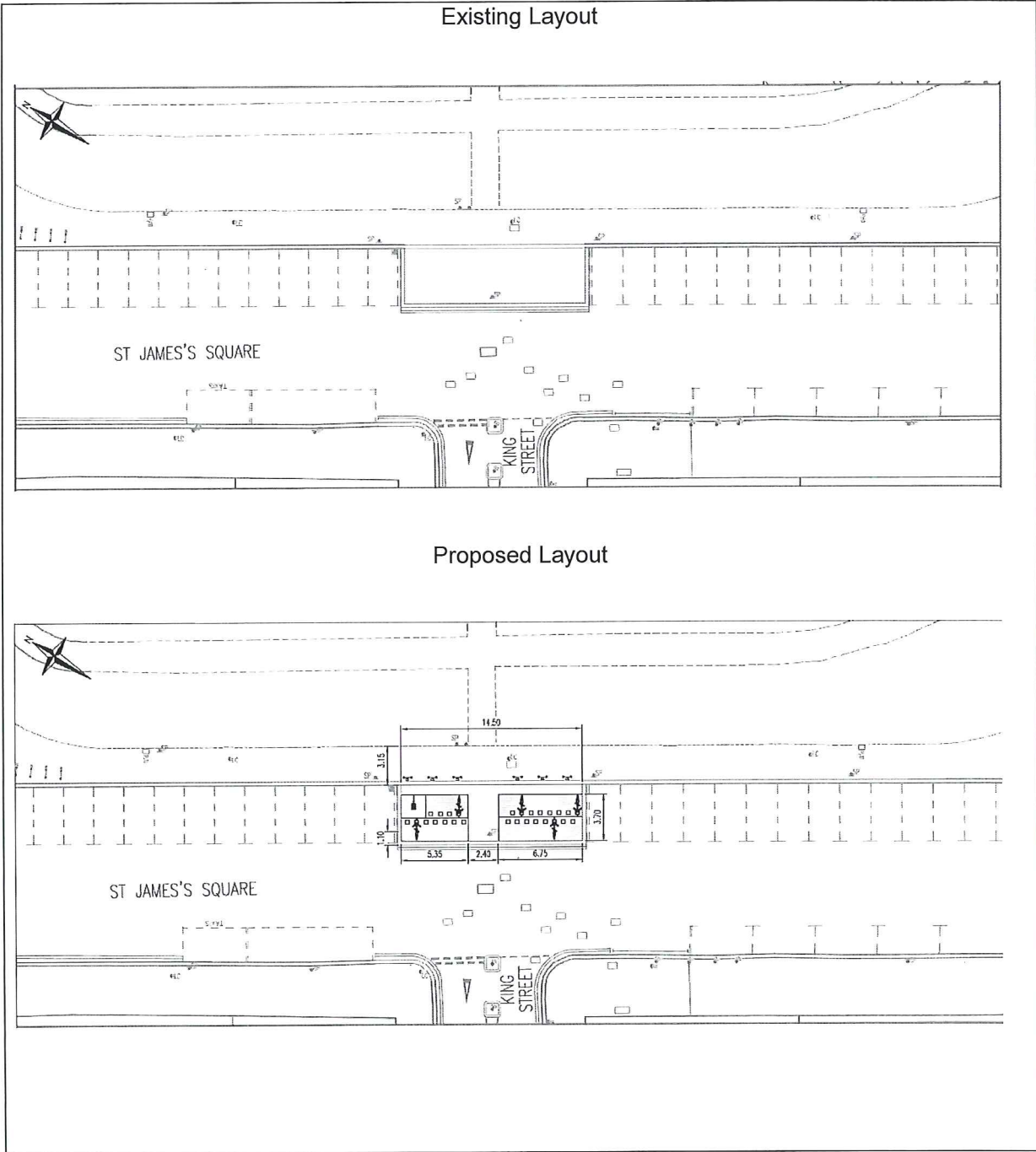
7. BACKGROUND PAPERS

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

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

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

8. KEY DRAWINGS



~~Page 90~~

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Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 June 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	5 Princes Street, London, W1B 2LB		
Proposal	Use of a Flat 1 at first floor level as 'temporary sleeping accommodation' for a temporary period of 36 months from 01 May 2017 to 01 May 2020.		
Agent	The Cox Clifford Partnership		
On behalf of	Mr Andrew Wells		
Registered Number	17/03337/FULL	Date amended/ completed	21 April 2017
Date Application Received	18 April 2017		
Historic Building Grade	Grade II		
Conservation Area	Mayfair		

1. RECOMMENDATION

Refuse permission - loss of permanent residential accommodation and harm to residential amenity.
--

2. SUMMARY

The site comprises a six storey plus basement Grade II listed building located on the north side of Princes Street. The site lies within the Mayfair Conservation Area and the Core Central Activities Zone (Core CAZ). The site is occupied by a restaurant at basement and ground floor levels with residential flats on the upper floors.

This application relates solely to Flat 1 which is 2-bed unit located on the first floor of the property. The flat measure approximately 76 sq.m (GIA) which exceeds the minimum space standard for a two-bed, three-person flat of 61 sq.m (GIA), as set out within Table 3.3 of the London Plan (2016).

Permission is sought for a change of use to allow the existing flat to be used as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) for a temporary period of 36 months from 01 May 2017 to 01 May 2020. No physical alterations are proposed and therefore the special interest of the listed building would not be affected.

Under Section 25 the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, planning permission is required to use residential premises as 'temporary

sleeping accommodation' unless the number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90. The applicant wishes to let Flat 1 as 'temporary sleeping accommodation' on a continuous basis for three years and therefore planning permission is required.

There continues to be a shortage of dwellings for households both within the City of Westminster and in Greater London as a whole. For this reason, Policy 3.14 of the London Plan (2016) states that *'The loss of housing to short-term provision (lettings less than 90 days) should be resisted'*. Policy H2 of the Unitary Development Plan (adopted 2007) ("the UDP") seeks to prevent housing being used by non-permanent residents. It states: *'Planning permission will not be granted for the use of housing as temporary sleeping accommodation. The Council will attach a condition to grants of planning permission for new or converted housing to prevent the use of housing for this purpose. It will use its powers to take enforcement action against such unauthorised uses.'*

The applicant has stated that the owner is seeking permission to let the flat on a short-term basis due to the continual redevelopment and Crossrail projects in the area, together with the refurbishment of the restaurant at ground floor, which it is claimed are having an adverse affect upon prospective tenants wishing to take on a long-term let.

London is constantly being developed, and although the City Council sympathises with the temporary impacts this may cause, it is not considered that this provides justification to depart from the strong policy objection to the loss of permanent residential accommodation, whether it be permanent or for a temporary period of 36 month as applied for in this case.

In addition to exacerbating the housing shortage, the City Council considers that use of residential premises as short-term let is also likely to adversely affect the quality of life of nearby residents who occupy their accommodation on a permanent basis, by reason of tangible factors such as noise and disturbance at unsocial hours, and by reason of less tangible but nevertheless valid factors, such as a perception or fear of crime and anti-social behaviour. The flat is within a building containing four flats with a single entrance. As such, there is the potential for the above amenity implications of this change in land use to be relatively high, unacceptably degrading the amenity of the other occupants of these other flats. This would not meet policies S29 and S32 of Westminster's City Plan (November 2016) and policies ENV6 and ENV7 of our Unitary Development Plan that we adopted in January 2007.

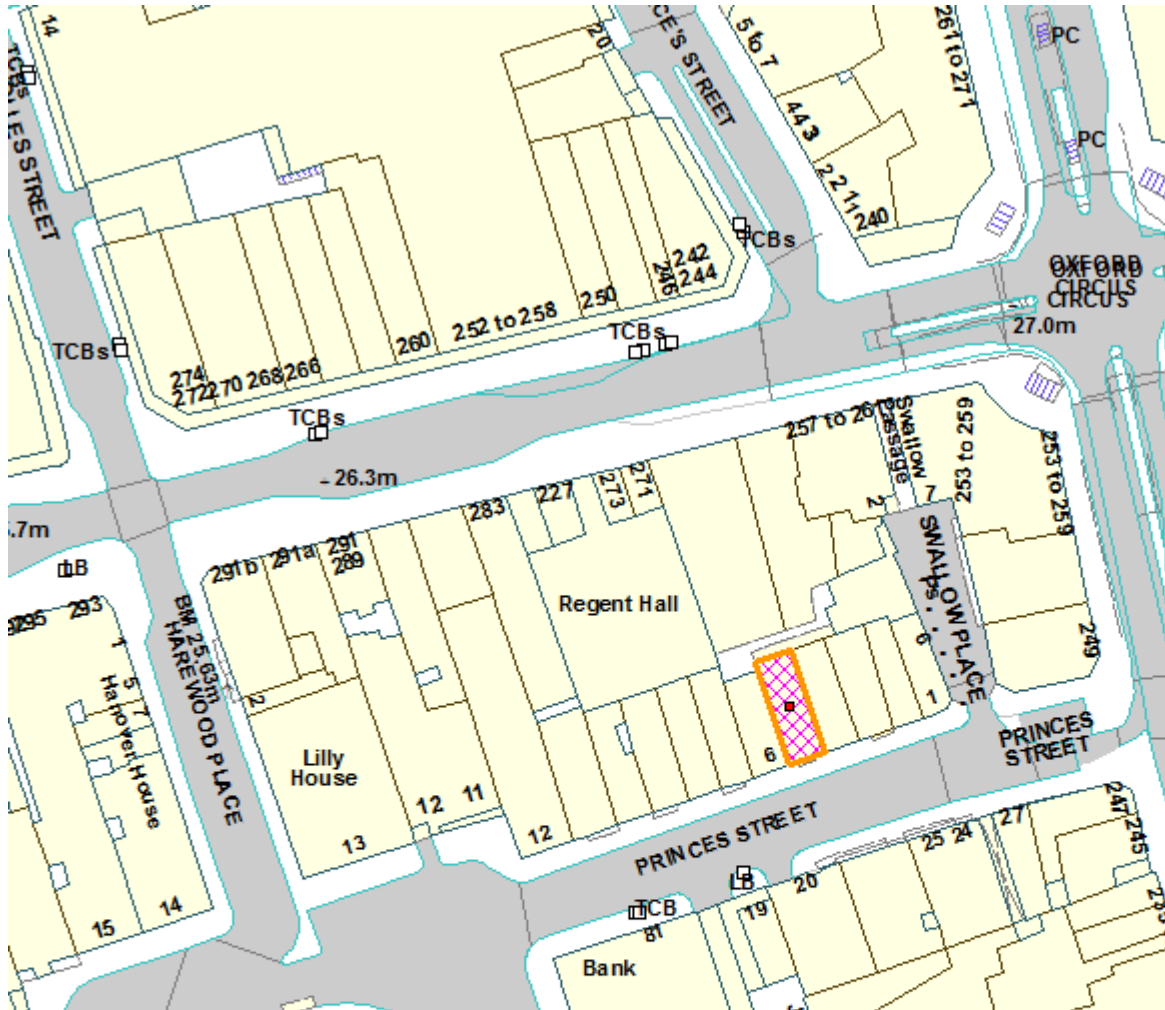
The Residents Society of Mayfair & St. James's has objected to this proposal as it considers that all short term let accommodation should be resisted. Whilst the City Council accepts that there are insitences where short term let units may be appropriate, London Plan Policy 3.14 and UDP Policy H2 make it clear that this should not be at the expense of permanent residential accommodation. Furthermore, proposals should not materially harm residential amenity.

No specific waste store for waste and recyclable materials is illustrated on the plans. If the proposal had been considered acceptable in land use and amenity terms, these details would have been secured by a planning condition.

The proposal is not CIL-liable as no additional floorspace or residential units are proposed.

The proposal is considered unacceptable for the above reasons and it is recommended that permission be refused.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S
Object to the principle of short term lets.

CLEANSING - DEVELOPMENT PLANNING
No objection

HIGHWAYS PLANNING - DEVELOPMENT PLANNING
No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 71
Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:
Yes.

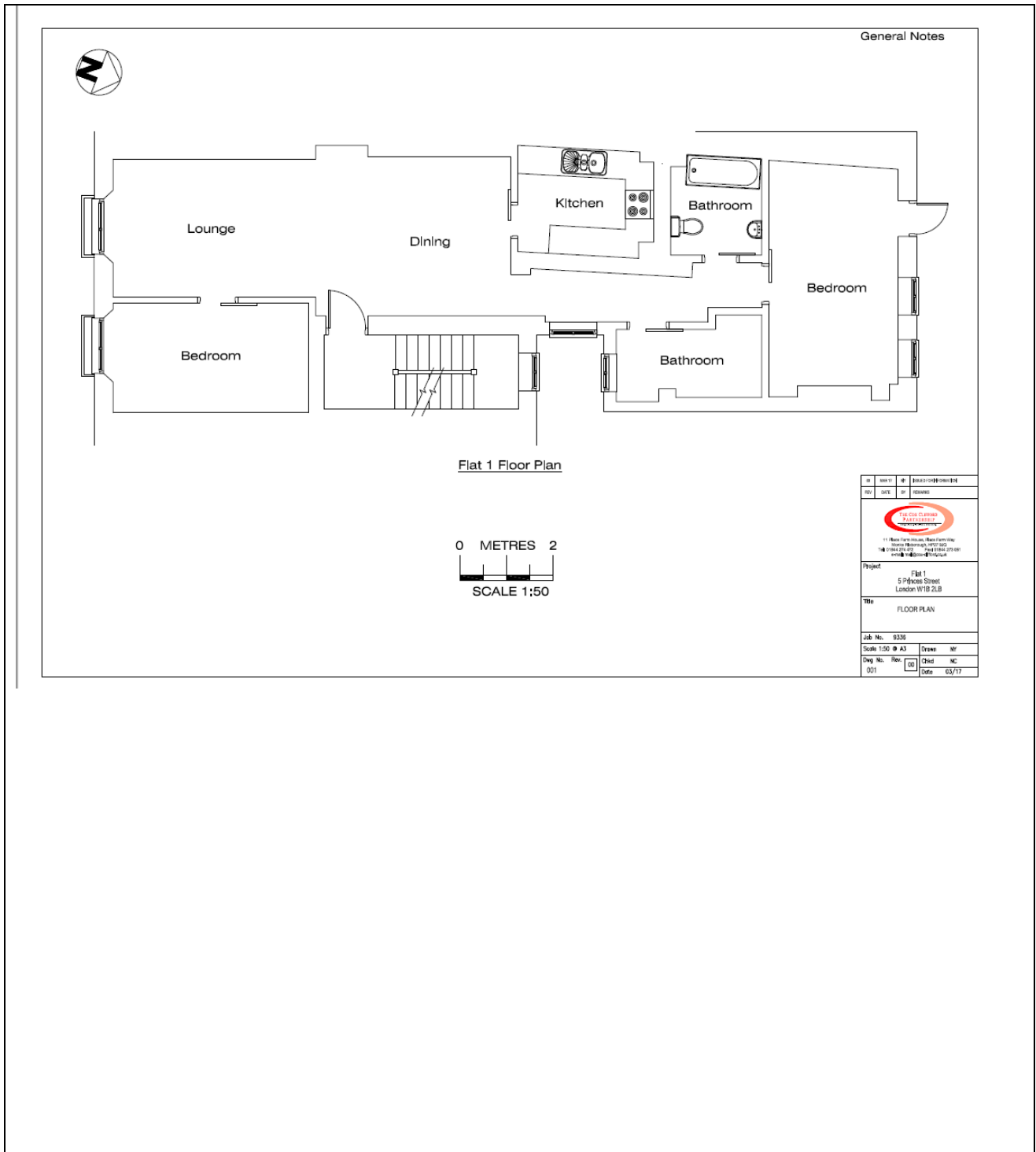
6. BACKGROUND PAPERS

1. Application form
2. Response from Residents Society Of Mayfair & St. James's, dated 24 May 2017
3. Response from Cleansing, dated 24 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: MARK HOLLINGTON BY EMAIL AT MHOLLINGTON2@WESTMINSTER.GOV.UK.

7. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 5 Princes Street, London, W1B 2LB,

Proposal: Use of Flat 1 at first floor level as 'temporary sleeping accommodation' for a temporary period of 36 months from 01 May 2017 to 01 May 2020.

Reference: 17/03337/FULL

Plan Nos: 001 00

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s)

Reason:

- 1 The use of this property as short term let accommodation would lead to a loss of permanent residential accommodation within the City of Westminster and also result in unacceptable loss of residential amenity by reason of noise and disturbance for people in neighbouring properties. This would not meet policies Policy 3.14 of The London Plan (2016), Policies S29 and S32 of Westminster's City Plan that we adopted in November 2016 and Policies H2 and ENV6 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

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

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 June 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	53 Great Titchfield Street, London, W1W 7PT		
Proposal	Use of ground floor and basement as a restaurant (Class A3), installation of full height extract duct and a wall mounted condenser unit at rear basement level, installation of kitchen supply inlet, toilet extract and general extract at ground and first floor levels on the rear facade together with associated external alterations.		
Agent	Caulmert Ltd		
On behalf of	Mr Peter Meadows		
Registered Number	17/02844/FULL	Date amended/ completed	31 March 2017
Date Application Received	31 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

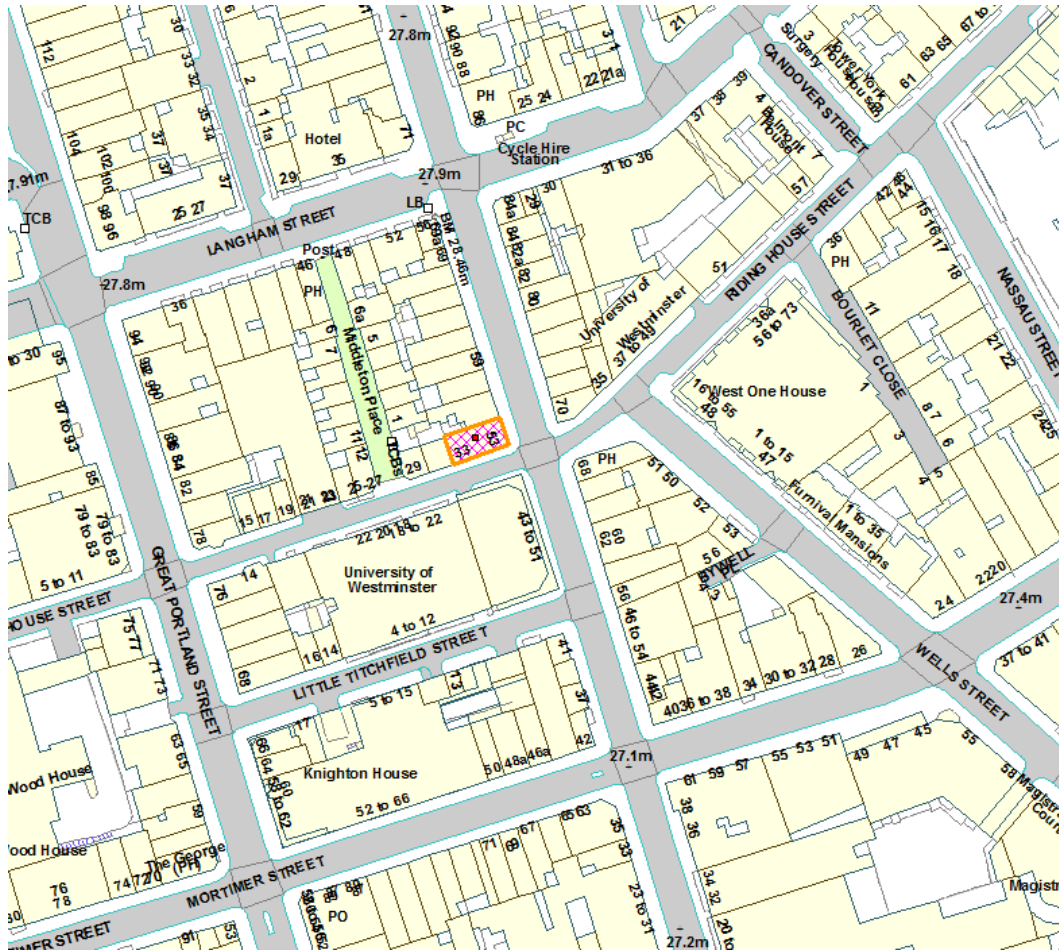
<p>The application site a four storey plus basement unlisted building within the East Marylebone Conservation Area and the Great Titchfield Street Local Shopping Centre. The basement and ground floors' lawful use is as a wholesale showroom (Sui Generis) and the upper floors are in medical (Class D1) use.</p> <p>Permission is sought for the use of the basement and ground floors to be used for restaurant purposes (Class A3). A full height extract duct is proposed and this will be in a lightwell to the rear of the property and terminates at roof level. A single wall mounted cooling condenser will also be located within the rear lightwell at basement level and inlet and extract vents will be located on the rear facade at ground and first floor levels. The rest of the building will remain in medical use. The key issues for consideration are:</p> <ul style="list-style-type: none"> - The impact of the external alterations on the character and appearance of the East Marylebone Area; - The impact of the proposed plant on residential amenity; and
--

- The acceptability of the proposed restaurant in this location from a land use and amenity perspective

The proposal is considered acceptable in land use, amenity, design and conservation grounds 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

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4. PHOTOGRAPHS

Street view of 53 Great Titchfield Street



Rear courtyard where extract duct is proposed to be located



5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Object of the following ground:

- Noise.
- Odour.
- Visual impact of extract vent.
- Cumulative impact of entertainment uses.

HIGHWAYS

No objection subject to conditions.

CLEANSING

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection subject to condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 58

Total No. of replies: 2

No. of objections: 2

Objections on the following grounds:

- Potential of additional waste blocking fire access.
- Noise from plant, internal activity and from customers on the street.
- Odour.
- Unsuitable as a night time use.

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is situated on the northwest corner of the Great Titchfield Street/ Ridding House Street junction and comprises basement, ground and three upper storeys.

The application site is an unlisted building located within the East Marylebone Conservation Area and the Great Titchfield Street Local Centre.

The site is located outside of the Core Central Activities Zone (Core CAZ) (but inside the wider CAZ) and is located outside of a stress area.

Great Titchfield Street is characterised by a range and mix of commercial uses, including retail, restaurants, showrooms and public houses at ground floor level with residential and office uses on the upper floors.

The basement and ground floor which the application relates equate to a 140 m² GIA, the lawful use of this floorspace is as a wholesale showroom (*Sui Generis*).

6.2 Recent Relevant History

99/02196/FULL

Use of the ground floor for (Class A1) retail purposes.

Refused – 7 May 1999 on the ground that the proposal would have resulted in the loss of wholesale showroom accommodation.

Appeal dismissed 14 March 2000.

07/09942/FULL

Continued use of the first floor as dental surgery (Class D1).

Permitted – 13 May 2008.

7. THE PROPOSAL

Permission is sought for the use of the basement and ground floors for a restaurant (Class A3) purposes totalling 140 m² GIA.

The restaurant will be able to accommodate 66 covers at full capacity. The proposed operating hours are 08:30 - 23:30 Monday to Friday and 09:00 to 23:00 Saturday and Sunday.

It is proposed that an extract duct clad in a brick GRP will be routed externally along the outside face of the existing rear projection and will terminate one metre above roof level. It is also proposed to install a single wall mounted cooling condenser within the lightwell at rear basement level and as well as a kitchen supply inlet, toilet extract and general extract at rear ground and first floor level.

The application has been amended during the course of its consideration to:

- Omit the air conditioning condensing units located with the rear light well (a coldroom condensing unit remains);
- Reduce the size of the extract duct;
- Clad the duct in brick effect GRP; and
- Relocate the extract duct motor within the building.

The owners / occupiers of neighbouring properties have been notified of these amendments to the proposal.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Showroom (Sui Generis)

Following the deletion of the Harley Street Special Policy Area following the adoption of the revised City Plan in November 2016, there is no policy objection to the loss of the wholesale showroom (Sui Generis) to another use serving visiting members of the public and retaining an active shopfront in the Great Titchfield Local Centre.

Therefore the acceptability of the proposed restaurant use centres on whether it would harm the character and function of the Great Titchfield Street Local Centre and whether it would cause unacceptable amenity impacts.

Impact of new restaurant upon character and function of the Great Titchfield Street Local Centre

City Plan Policy S8 directs retail and other appropriate town centre uses within Marylebone and Fitzrovia to Marylebone High Street and the Local Shopping Centres. UDP Policy SS7(D) states that the change of use from a non-A1 use to A3 use in a local centre will not be permitted if the proposal would have a detrimental effect on residential amenity, or harm the viability, character or environment of the centre. The introduction of a new restaurant in this location provides a valued service to those in the surrounding area and beyond. Restaurant customers would increase footfall locally which could possibly lead to greater footfall within nearby retail store, thus increasing their vitality and introduces an active frontage thus enhancing the character of the Local Shopping Centre. As such, it is considered that this proposal accords with the aim City Plan Policy S8 and UDP Policy SS7.

Potential Increase of Restaurant floorspace (Class A3)

The proposed restaurant use comprises 140m² GIA and Policy TACE8 of the UDP applies. This relates to entertainment uses which may be permissible. TACE8(B) states that permission will generally 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 Fitzrovia Neighbourhood Association and a neighbouring resident located in No. 55 to the north have objected to the new restaurant floorspace commenting that it will result in an intensification of entertainment uses in the vicinity of the site, and an increase in noise disturbance. They argue that the site is inappropriate for a late night use, and the cumulative impact of new entertainment uses in the immediate area will be harmful to residential amenity.

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 66 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 20% of the proposed restaurant. The hours of opening would be restricted to the terminal hour of 23:30 with breakfast opening at 08.30 during the week and 09:00 at the weekends. Despite the objection on the hours proposed, the hours proposed are within the generally acceptable hours set out in the UDP. The proposal incorporates an external kitchen extract terminating at high level will ensure that cooking odours are adequately dispersed.

The nearest residential properties are located immediately to the north of the application site at 55 Great Titchfield Street, with other residential properties being located on the upper floors toward Langham Street and within 33 Riding House Street. The ground floor units along Great Titchfield Street are characterised by showrooms and retail uses with some entertainments uses present. In the immediate vicinity of the site along Great Titchfield Street (from No.65/80 to the north to No.51/62 to the south) there are nine retail units, six showrooms and three restaurants and one public house. In view of the other establishments in the area, the proposal is considered to be acceptable in principle. Although there are other restaurants in the vicinity, it is not considered that the proposal will create an adverse cumulative impact, given the dispersed nature of these premises.

The addition of a further restaurant use in this street is acceptable. The proposal will introduce and enhance the street level activity in place of the existing blank frontage. It is recommended that there is a condition requiring an Operational Management Plan (OMP) to be submitted for the City Council's approval dealing with the following matters:

- 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 to 66 diners, it is considered that there will be no material increase in noise disturbance or other amenity issues as a result of the restaurant use.

8.2 Townscape and Design

53 Great Titchfield Street is an unlisted building located on a corner site in the East Marylebone Conservation Area. The building consists of a ground floor and three upper storeys, including a mansard level and a high level projecting wing to the rear. The building is identified as an unlisted building of merit in the East Marylebone Conservation Area Audit, which was adopted by the City Council in 2006. It is therefore considered that the building makes a positive contribution to the character and appearance of this part of the conservation area. The main design consideration of this proposal are the installation of a high level extract duct to the rear elevation, supply and extract louvres and an external air condenser, to accommodate the proposed restaurant use.

An external extract duct is proposed to the rear of the building, adjacent to the high level height projecting wing. The rear elevations to this terrace, namely 67- 53 Great Titchfield Street, form an attractive and consistent group which are largely uncluttered and free of high level plant, ducts and machinery. These rear elevations are visible from private views from the rear of properties on Middleton Place. Given that high level ducts are not characteristic of this part of the conservation, it is considered that an exposed duct in this location would be visually prominent, unsightly and unacceptable in design terms.

Following negotiations, revised drawings have been submitted which show GRP cladding to screen the proposed duct, designed to match the appearance of the existing brickwork. On balance, the revised proposals will have a minimal visual impact on the appearance of this group of buildings and are considered acceptable in design terms, subject to the imposition of a condition requiring the submission of details of the GRP cladding and to ensure the screen will match the appearance of the brickwork satisfactorily. A condition requiring the screen to be installed for as long as the duct remains in place is also recommended.

The Fitzrovia Neighbourhood Association has objected to the application on design grounds, commenting on the visual impact of the proposed duct. Following the submission of a revised design incorporating GRP cladding to screen the proposed duct, it is considered that this objection has been addressed. The imposition of the conditions set out above will secure details of this proposed screening, to ensure it blends with the colour and appearance of the brickwork, to minimise the visual impact.

Planning permission is also sought for two extract louvres to the rear elevation and a condenser unit and ground floor level. The condenser is modestly sized and located in a discreet position at low level. Similarly, the visual impact of the proposed extract and supply louvres is considered minimal and will preserve the character and appearance of this part of the conservation area. These elements of the proposals are therefore considered acceptable in design terms.

The revised application is considered compliant with DES 5 and DES 9 of the City Council's Unitary Development Plan and will preserve the character and appearance of the East Marylebone Conservation Area.

8.3 Residential Amenity

A cooling condenser is proposed to be installed at basement level within the rear lightwell. A full height extract duct is also proposed running up the rear of the building and has been amended to house the extract motor internally to further reduce noise levels and extract at roof level to ensure there are no neighbouring residents impacted by odour. The duct extracts one metre above the height of the application building to further deflect noise and odour from residential properties. The point of extraction is above the height of surrounding residential buildings.

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.

However, Environmental Health has no objection to the proposal now that it has been revised to omit the air condensing units at rear basement floor level and now that the fan and motor unit for the extract duct are now located within the building. Environmental Health has advised that the plant is likely to comply with the City Council's standard noise conditions and the amendments ensure that odour will not materially impact residential amenity. The objections on these grounds are therefore not considered 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. 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 will help to address objector's concerns relating to noise from customers outside of the premises.

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.

The Highways Planning Manager is satisfied that, given the modest floor area concerned, the servicing requirements are not expected to have an adverse impact on the public highway.

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. These have been secured by condition.

8.5 Economic Considerations

Any economic benefits generated are welcomed.

8.6 Access

The access arrangement remains unaltered.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

Objections have been raised to the potential increase of waste and the potential of additional waste blocking fire access. No specific waste store for waste and recyclable

materials is illustrated on the plans. To ensure that waste is not stored on the highway and is stored in an appropriate location, it is recommended that these details are secured by a planning condition prior to the commencement of the use. With the imposition of this condition it is not considered a refusal on this basis is justified.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The 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 Fitzrovia Neighbourhood Association, dated 3 May 2017
3. Response from Environmental Health, dated 19 May 2017
4. Response from Highway Planning, dated 11 April 2017
5. Response from Cleansing, dated 18 April 2017
6. Letter from occupier of Flat 1, 55 Great Titchfield St, dated 11 April 2017
7. Letter from occupier of 43-51 Great Titchfield St, London, dated 25 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: MARK HOLLINGTON BY EMAIL AT MHOLLINGTON2@WESTMINSTER.GOV.UK.

10. KEY DRAWINGS

Basement

Office, Stairwell, Kitchen, Restaurant Covers 16, Cold Store, Under pavement space, Store (Area not surveyed).

Ground floor

adjacent building, Stairwell, Restaurant Covers 38, Bar Covers 14, TOTAL COVERS 68, entrance, adjacent building.

Elevation A-A

1500 WC duct, 500 x 250 extract duct, 700 x 275 extract duct, 700 x 375 extract duct, 1500 WC duct, 500 x 250 extract duct, 700 x 275 extract duct, 700 x 375 extract duct, 1500 WC duct, 500 x 250 extract duct, 700 x 275 extract duct, 700 x 375 extract duct.

Elevation B-B

1500 WC duct, 500 x 250 extract duct, 700 x 275 extract duct, 700 x 375 extract duct, 1500 WC duct, 500 x 250 extract duct, 700 x 275 extract duct, 700 x 375 extract duct.

LEGEND

- Supply Air Duct
- Extract Air Duct
- AC Cassette
- Wall Mounted AC Unit
- AC Condenser
- Extract Air Duct
- Supply Air Duct
- WC/Foiled Extract Vent
- WC/Foiled Extract Duct
- Volume Control Damper
- Fire Damper
- Non Return Damper
- Over Door Heater
- LVD Obster Control Unit
- Kitchen Exhaust Fan
- Kitchen Supply Fan
- General Supply Fan
- Block Of House Extract Fan
- Towel/MC Extract Fan

Manua Equipment Schedule

Ref	Manufacturer	Model Number	Description	Duty	Dimensions in mm (HxWxD)	Weight	DBA	Power Supply	FLC
KEF	Systemair	MUR 062 560 D4 - A2 IE2	Kitchen Extract Fan	2.25m ³ /sec	800x800x800	90kg	56@3m/s	415v	8.8amps per phase
KSF	Systemair	K500 IS	Kitchen Supply Fan	1.64m ³ /sec	700x700x50	65kg	56@3m/s	415v	4.5amps per phase
TEF	Systemair	KE200	Toilet Extract Fan	0.2m ³ /sec	200 diameter	8kg	30@3m/s	240v	0.8amps
GEF	Systemair	KE315	General extract fan	0.38m ³ /sec	315 diameter	14kg	42@3m/s	240v	1.2amps
CU3	J&E Halls	JH 0130-M-3	Coldroom Condenser	2.2kw	690x1100x478	85kg	53@3m/s	415v	6.amps per phase

FWP UK Ltd

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PROJECT HST/FWP/001
CLIENT External elevations revised
DESIGNER Approved
CHECKER Drawing issued
DATE 10/03/17

FWP UK LTD
REFRIGERATION & AIR CONDITIONING VENTILATION
 17 Colchester Business Park
 Haverhill
 Cambridgeshire SG14 6DL
 Tel: 01753 600340
 Web: www.fwp.co.uk

PROJECT HST/FWP/001
DATE 10/03/17
SCALE As Built
APPROVED Approved
DATE 10/03/17

PROPOSED HVAC LAYOUT

Drawing Number HST/FWP/001 | **Rev** D | **Page No** A1 | **Scale** 1:50

DRAFT DECISION LETTER

Address: 53 Great Titchfield Street, London, W1W 7PT.

Proposal: Use of ground floor and basement as a restaurant (Class A3), installation of full height extract duct and a wall mounted condenser unit at rear basement level, installation of kitchen supply inlet, toilet extract and general extract at ground and first floor levels on the rear facade together with associated external alterations.

Reference: 17/02844/FULL

Plan Nos: HGT/FWP/001 D, 09-02.2 A

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 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 8 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 20% 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 East Marylebone Conservation Area. This is in line with S24 of Westminster's City Plan adopted November 2016 and TACE 8 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not allow more than 66 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 East Marylebone Conservation Area. This is in line with S24 of Westminster's City Plan adopted November 2016 and TACE 8 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 08:30 or after 23:30 Monday to Friday and before 09:00 or after 23:30 on Saturday and Sunday.

Reason:

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

Development Plan that we adopted in January 2007. (R12AC)

- 8 You must apply to us for approval of an Operational Management Plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, prevent customers queuing on the street, manage customers who wish to smoke, prevent customers from taking their drinks outside, and ensure 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. 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 approved Operational Management Plan at all times that the restaurant 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 (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.

- 10 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.

- 11 You must apply to us for approval of details of how waste is going to be stored on the site. You must not commence the use hereby approved 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)

- 12 You must apply to us for approval of details of secure cycle storage for the basement and ground floor retail unit use. You must not commence the use hereby approved 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.

- 13 You must screen the ductwork in a GRP screen so that it matches the colour and appearance of the existing brickwork. You must then keep it in that condition for as long as the duct remains in place. (C26HA)

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

- 14 You must apply to us for approval of photographs of the GRP cladding you will use to screen the duct. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone 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)

- 15 The plant/machinery hereby permitted shall not be operated except between 0700 and 0030 Monday - Friday; 0800 and 0030 on Saturday and Sunday.

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.

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 Conditions 9 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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.