



City of Westminster

Committee Agenda

Title: **Planning Applications Sub-Committee (4)**

Meeting Date: **Tuesday 21st November, 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. 233 - 237 OLD MARYLEBONE ROAD, LONDON, NW1 5QT | (Pages 5 - 52) |
| 2. 1. STONE HOUSE, 9 WEYMOUTH STREET, LONDON W1W 6DB 2. 142-146 HARLEY STREET, LONDON, W1G 7LE | (Pages 53 - 102) |
| 3. PITCH 1701, NEW BOND STREET, LONDON, W1S 3SU | (Pages 103 - 110) |
| 4. WESTMINSTER PIER, VICTORIA EMBANKMENT, LONDON, SW1A 2JH | (Pages 111 - 124) |
| 5. 18 ILBERT STREET, LONDON, W10 4QJ | (Pages 125 - 138) |
| 6. 90 HAMILTON TERRACE, LONDON, NW8 9UL | (Pages 139 - 164) |
| 7. HARLEY STREET UNDERGROUND CAR, QUEEN | (Pages 165 - |

	ANNE MEWS, LONDON, W1G 9HF	178)
8.	28 BREWER STREET, LONDON, W1F 0SR	(Pages 179 - 192)
9.	16 ARCHERY CLOSE, LONDON, W2 2BE	(Pages 193 - 206)

**Charlie Parker
Chief Executive
13 November 2017**

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 21st November 2017
 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 17/07627/FULL Bryanston And Dorset Square	233 - 237 Old Marylebone Road, London NW1 5QT	Demolition of existing building and redevelopment to provide a new building comprising lower ground floor, mezzanine, upper ground floor and first to eight floor levels for use as hotel (Class C1) with ancillary bar/restaurant at lower ground floor, external landscaping and associated works.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 1. 17/05227/FULL 2. 17/05226/FULL Marylebone High Street	1. Stone House, 9 Weymouth Street, London W1W 6DB 2. 142-146 Harley Street, London, W1G 7LE	1. Erection of a new single storey roof extension to create four residential units (Class C3) and associated plant (Site includes 9-11A Weymouth Street and 60A Portland Place) (Part of a land use swap with 142-146 Harley Street). 2. Use of third and fourth floors as medical use (Class D1) (part of a land use swap with Stone House, 9-11 Weymouth Street).	
	Recommendation 1. Grant conditional permission. 2. Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 17/06592/FULL West End	Pitch 1701 New Bond Street London W1S 3SU	Installation of a free standing retail kiosk (Class A1).	
	Recommendation Grant conditional permission for a temporary period of five years.			
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 17/06102/FULL St James's	Westminster Pier, Victoria Embankment London SW1A 2JH	Location of temporary ticket office kiosk on Victoria Embankment adjacent to entrance of Westminster Pier.	
	Recommendation Grant conditional permission for temporary period of one year subject to no representations being received that raise new material issues in response to the applicants' revised notification to landowners which expires on 28 November.			
Item No	References	Site Address	Proposal	Resolution

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 21st November 2017
 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

5.	RN(s) : 17/08223/COFUL Queen's Park	18 Ilbert Street London W10 4QJ	Variation of Condition 3 of planning permission dated 31 January 2017 (RN: 16/09622/COFUL) for the installation of two covered bicycle stores on the public highway outside No.18 Ilbert Street. NAMELY, to allow the bike stores to remain on the highway until 31 January 2019.	
Recommendation Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992 for a temporary period until 31 January 2019.				
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 17/02250/FULL Abbey Road	90 Hamilton Terrace London NW8 9UL	Excavation of additional basement area to create a swimming pool, construction of extensions at ground floor to rear and first floor to the side elevation; alterations to windows; replacement of existing terrace balustrade and landscaping and garden alterations.	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
7.	RN(s) : 17/08870/FULL West End	Harley Street Underground Car, Queen Anne Mews London W1G 9HF	Removal of Condition 10 of planning permission dated 30 May 2017 (RN: 16/10759) for, 'Use of part of the public car park (part third basement level) as a self-storage facility (Class B8)'; to make the permission permanent rather than temporary for one year.	
Recommendation For Sub Committee's consideration: 1. Do Sub-Committee agree that in the light of additional representations submitted on behalf of the applicants and the particular circumstances of this case, the temporary permission for one year is unreasonable and can be relaxed? 2. Subject to agreement on point 1, grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
8.	RN(s) : 17/06144/FULL West End	28 Brewer Street London W1F 0SR	Installation of kitchen extractor duct at rear second floor level (retrospective application).	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
9.	RN(s) : 17/08737/FULL	16 Archery Close London W2 2BE	Erection of a roof extension at second floor level and the replacement of basement windows at front and rear elevations.	

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 21st November 2017
PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Hyde Park			
	Recommendation Refuse permission - design.			

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	233 - 237 Old Marylebone Road, London, NW1 5QT		
Proposal	Demolition of existing building and redevelopment to provide a new building comprising lower ground floor, mezzanine, upper ground floor and first to eight floor levels for use as hotel (Class C1) with ancillary bar/restaurant at lower ground floor, external landscaping and associated works.		
Agent	Mr George Smith		
On behalf of	.Dominvs Group		
Registered Number	17/07627/FULL	Date amended/ completed	25 August 2017
Date Application Received	24 August 2017		
Historic Building Grade	Unlisted		
Conservation Area	Molyneux Street		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is a mid-street building of six storeys, unlisted and outside of a conservation area, but located adjacent to the Molyneux Street Conservation Area to the south east and the Portman Estate Conservation Area to the north east. There are also a number of nearby grade II listed buildings in the terrace. The application site is also located within the Marylebone and Fitzrovia character area of the Central Activities Zone (CAZ).

The applicant proposes demolishing the existing office buildings (Use Class B1) and construction of a new hotel (Use Class C1). The proposed hotel would contain 93 bedrooms within a building comprised of nine storeys high. The scheme has been amended during the course of the application to reduce the extent of the basement excavation under the front forecourt. The ground floor would include a ground floor café/restaurant.

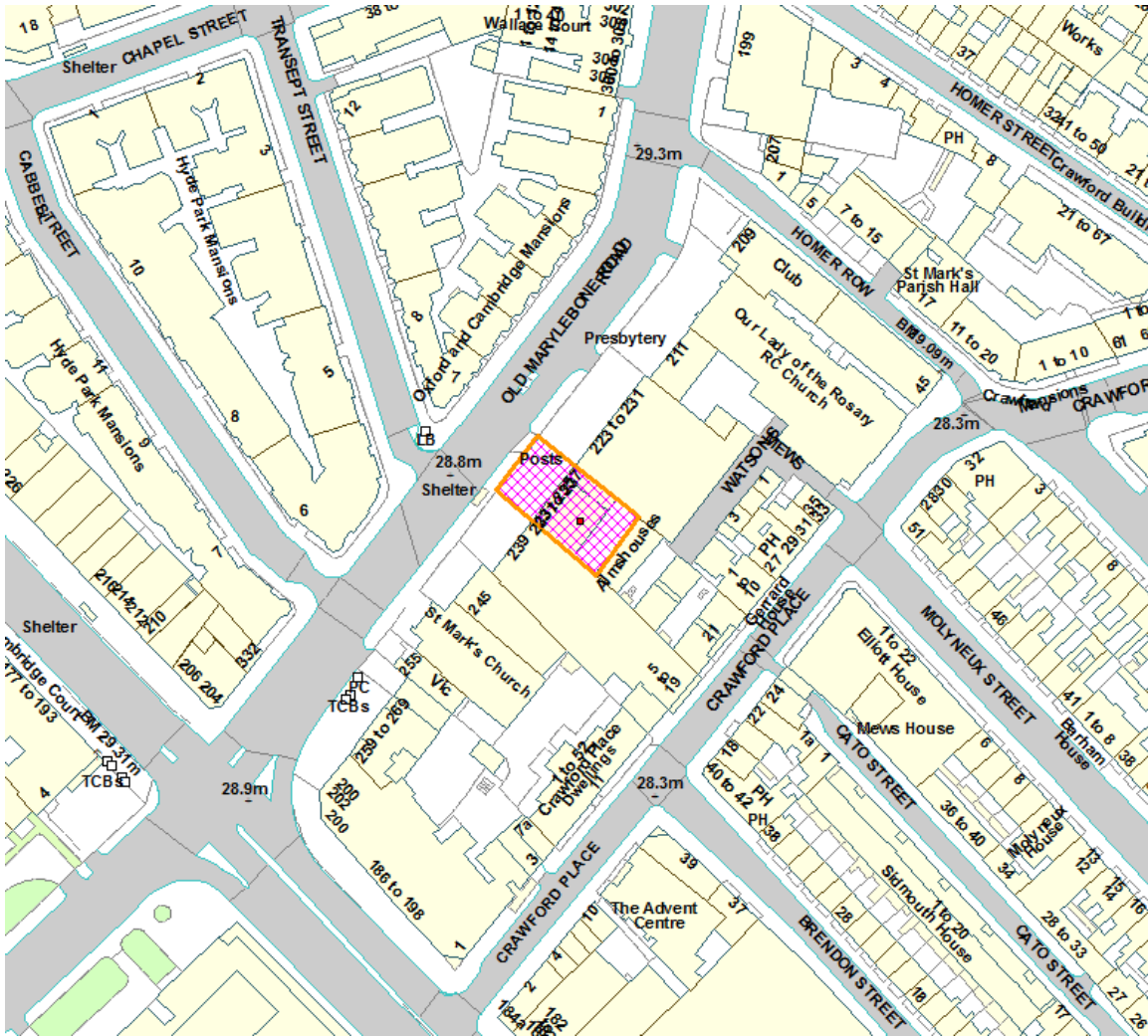
The key considerations are:

- Loss of office use and provision of hotel use;
- Impact on the character and appearance of the area;

- Impact on residential amenity;
- Impact on the highway;
- Harm to a street tree.

For the reasons set out in the report, the proposed development is considered to comply with the Unitary Development Plan (UDP) and City Plan (City Plan) and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front Elevation



5. CONSULTATIONS

WARD COUNCILLORS:

No responses received to date..

HISTORIC ENGLAND:

Not considered necessary to consult Historic England.

THE ST MARYLEBONE SOCIETY:

Objection raised on the grounds that this is not the location for a hotel with no possibility of rear servicing and therefore servicing having to take place from the Old Marylebone Road. Concern raised as to the design and architecture and that it is 'not good enough' and that exemplary design should be sought. Comment also made that there is little communal space for guests in new hotels, with no lounges etc.

THE MARYLEBONE ASSOCIATION:

Objection raised on the grounds that the development represents a 300% uplift in floor area on the site adding 1,800m², with no S106 contributions benefiting the local area or community with infrastructure, public realm or housing. Comment made that the design is lacklustre and misses an opportunity for an innovative architectural solution. Concern also raised that the servicing of this 93 bedroom hotel involves lorries (deliveries and refuse) reversing off the Old Marylebone Road as there is no rear access.

TRANSPORT FOR LONDON:

No objection subject to conditions.

ENVIRONMENTAL HEALTH:

No objection raised to the principle of the hotel or to the plant proposed. Objection raised regarding the air quality assessment, servicing, the CHP unit and the proposed kitchen/bar.

HIGHWAYS PLANNING:

No objections subject to conditions regarding the servicing management plan and coaches.

CLEANSING MANAGER:

No objection to revised storage arrangements and collection.

DISTRICT SURVEYORS:

No objection.

METROPOLITAN POLICE – DESIGNING OUT CRIME OFFICER

No objection subject to conditions and recommendations.

ARBORICULTURAL OFFICER:

Objection raised on the grounds that the proposed basement (including in its amended form) will encroach upon the root protection area of the London Plane street tree and is therefore likely to harm to this tree. Given the objection to this, no comment is made on the impact to the canopy

HEAD OF POLICY - CITY PLANNING:

No response received.

LONDON FIRE AND CIVIL DEFENCE AUTHORITY:

No responses received.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 518

Total No. of replies: 14

No. of objections: 14

Fourteen objections received on behalf of 13 properties (including one response containing 19 signatures) on the following grounds:

Design:

- Building too tall;
- Scale and bulk of the building at odds with neighbouring properties;
- The proposed front elevation sits forward of the main building line;
- The proposals have a negative impact of the adjacent conservation areas;
- The proposals harm the setting of the nearby listed buildings and the Alms Houses to the rear;
- Comment made on the green tiling;
- More consideration of the rear elevation design needs to be given as this is viewed from the conservation area.

Land Use:

- Proposals are contrary to S20 of the City Plan which seeks a growth in office space;
- The proposals do not comply with S8 of the City Plan;
- The site is not in an area designated for a hotel use;
- The proposals to create a hotel would turn this area into a commercial zone;
- There are already 122 hotels in the area with vacancies throughout the year;
- A change from a day time use (office) to a night time use (the hotel) impacts on existing day time uses (shops etc) in the area;
- The City needs more affordable homes rather than hotel accommodation.

Amenity:

- Old Marylebone road is primarily a residential street with some quiet commercial premises that are largely closed in the evening and weekends and a hotel will change this;
- The proposed bar/restaurant will allow non-residents and harm the quietness of the street;
- Noise from the comings and goings of guests;
- Loss of light to properties to the rear in Crawford Place and to the front in Oxford and Cambridge Mansions;
- Noise from plant to properties to the rear;
- Impact upon privacy of residents in Hyde Park Mansions and Crawford Place;

- Sense of enclosure to the properties in Crawford Place
- Light pollution from lit staircases;
- The building itself will harm the amenity of future occupiers of the hotels.

Highways:

- Impact upon the traffic of Old Marylebone Road as a result of increased visitors, coaches and servicing;
- Coaches are unacceptable;
- How are conditions relating to coaches enforceable?
- Only one access point to allow for servicing;
- Parking congestion.

Other:

- Increased in crime (including robbery, drugs and prostitution);
- Dust, Noise and disruption during the course of construction;
- Cumulative impact of construction works in the area;
- Fire concern as a result of extending the building close to the Alms Houses to the rear;
- Impact upon trees on Old Marylebone Road.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a mid-street building of six storeys, unlisted but located adjacent to the Molyneux Street Conservation Area to the south east and the Portman Estate Conservation Area to the north east. The building is also located within the immediate setting of four Grade II listed buildings including St Mark's Church and the Roman Catholic Church of Our Lady of the Rosary and the attached presbytery. The site lies within the Marylebone and Fitzrovia Area of the Central Activities Zone.

Whilst of a contemporary construction the existing building lies on an established footprint with the front building line of the site and the adjoining buildings maintain the historic built line, as shown by historic maps of the area. These buildings characteristically have large extended 'forecourts' which have been utilised in a number of ways in the past.

Old Marylebone Road is a TfL Red Route.

6.2 Recent Relevant History

04/01097/FULL

Permission granted for the 'Erection of front extension to reception area with new screen/door and associated slate covered wall for future toilet' in April 2004.

96/00302/FULL

Permission granted for roof extension and infill extensions at 3rd-5th floor in November 1996.

96/04819/CLEUD

A lawful development certificate granted for the use of the whole building as offices was granted in July 1996.

7. THE PROPOSAL

The applicant proposes demolishing the existing office buildings (Use Class B1) and construction of a hotel (Use Class C1). The proposed hotel would contain 93 bedrooms within a building comprised of nine storeys high. The ground floor would include an ancillary bar/restaurant at lower ground floor level. The applicant does not state in their submission whether this bar/restaurant is to be open to members of the public.

The following changes to floorspace on-site are proposed:

Use	Existing GIA (sqm)	Proposed GIA (sqm)	Change
Office	932	-	-932
Hotel	-	2743	+1811

8. DETAILED CONSIDERATIONS**8.1 Land Use**Loss of Existing Office

Whilst the London Plan (March 2016) (“the London Plan”) does not specifically protect office uses, policy 4.2 does support rejuvenation of the office stock within the CAZ in order to improve the quality and flexibility of office stock so that it can meet the distinct needs of the Central London market. Strategic policy also acknowledges the diverse range of uses that exist within the CAZ and that having a range of residential and visitor infrastructure uses within the CAZ helps to support its strategic function. Paragraph 2.3.5 of the CAZ SPG seeks to ensure that additional hotel provision does not constrain the availability of local employment and commercial floorspace, having regard to demand and viability.

The applicant states that the office is current vacant. At the time of the officers site visit this was not the case. The site is not located in a core office location and transport and public realm improvements (including Crossrail) along Oxford Street and around Paddington is likely to further marginalise the office market in Marylebone, making the redevelopment of existing stock less attractive. It is also noted that commercial space will be re-provided in the form of the hotel and retail use, which would help to support the strategic function of the CAZ. The loss of office space on this site would not undermine the primary business function of the CAZ or any locally defined office market, nor would it adversely impact on the wider strategic function of the CAZ. As such, the loss of office space on this site would be consistent with the London Plan.

The reasoned justification to policy S20 of Westminster’s City Plan (November 2016) (“the City Plan”) notes concern with office losses throughout the City, although does note that losses of office to other commercial uses are acceptable as they contribute to commercial

activity. Accordingly, the principle of losing this office space to another commercial use on this site would be consistent with policy S20 of the City Plan.

Proposed Uses

Policy 4.5 of the London Plan directs hotel provision to Opportunity Areas and CAZ fringe locations with good public transport. The proposal would be consistent with this strategic policy objective.

This site is not located within an Opportunity Area, the Core CAZ, Named Streets or NWEDA/NWSPA where new hotels are directed (see policy S23 of the City Plan and TACE 2 of the Unitary Development Plan (adopted 2007) ("the UDP"), nor is the site located within a CAZ frontage where commercial development is encouraged and directed toward. Policy S8 of the City Plan which looks specifically at Marylebone and Fitzrovia wider CAZ states that outside of the Named Streets, new commercial uses will not generally be appropriate. An objection has been received on the grounds that the proposals do not comply with this policy.

However, whilst the northern side of Old Marylebone Road is characterised by large mansion blocks, the southern side is characterised by large office buildings and therefore is very commercial in nature, despite objections received on this basis. The proposed hotel replaces an existing commercial use and it is therefore considered that in principle the proposed hotel is acceptable.

The proposed café/restaurant use at the lower ground floor is sufficiently small enough to be considered ancillary to the hotel and is therefore supported. A condition is recommended to ensure that it remains ancillary to the proposed hotel and only open to hotel guests is recommended.

8.2 Townscape and Design

Planning permission is sought for the demolition of the existing building and its replacement with a nine storey building, plus lower ground floor level of 340m². Above ground the building occupies the existing building footprint, maintaining the front elevation built line, whilst the lower ground floor level is to be extended partially underneath the front forecourt, resulting in one rooflight located to the front of the building. The ground floor level will have a partially glass, partially obscured elevation whilst first floor and above will be clad in Blue bateig sandstone with the projecting bay being clad in Portland Jordans Basebed stone. Around the roof, set back from the elevations will be an aluminium mesh cladding to conceal plant behind. The entire rear elevation will be White Engobe brick with a white mortar and all the windows will be aluminium framed.

Objections have been received to the proposals on the grounds that the scale and massing of the proposed building is not representative of the townscape; that the proposed building does not relate well to the surrounding area; the adjacent conservation areas and is harmful to the setting of the nearby listed buildings. Comments have also been made that the proposed design is unacceptable.

As the proposed development involves the insertion of a new building within a continuous street façade the development is considered, in design terms, in relation to UDP policies

DES 1 and DES 4. DES 1 establishes principles of urban design and conservation, ensuring the highest quality of new development, whilst DES 4 seeks to ensure the highest quality of new development in order to preserve or enhance the townscape. Additionally the scheme is considered in relation to DES 9 (F) and DES 10 (D) which seek to ensure that development, located within the setting of a listed building or conservation area, does not have adversely affect the setting of the heritage asset or have a visually adverse impact on the special character or appearance of the area and views into it.

Principle of demolition

The existing building is considered to be of limited architectural interest and therefore the principle of its demolition and replacement is considered to be acceptable subject to the quality of its replacement.

Scale, Bulk and Massing

At present the site sits in between two taller buildings, with the tallest buildings in the street being the Grade II listed St Marks Church whose tower is a prominent feature in the street scene and skyline. As the height of the building, at 26m (some 3.5m taller than the existing building) will be in keeping with the neighbouring building heights, it is not considered to be excessively tall with the increased bulk and mass being visually unobtrusive when viewed from the immediate and wider setting, as shown by the verified views. The development has had regard for the prevailing building heights of the area and is therefore considered to be in accordance with DES 4. Additionally the siting of the building so as to maintain the historic built line is welcomed, complying with DES 4 by conforming with established boundary lines.

The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced; the extent is not fixed and may change as the surroundings evolve. A Conservation Area will have its own setting and it is this setting which can contribute to the significance of the heritage asset. The character of the two neighbouring conservation areas derives from the evolution of the area, the street pattern and the largely intact building stock, most of which are three storeys high. The proposed 9 storey building will be directly set against the low level character and whilst the increased height and mass will be appreciated in views from the east, it will be seen in context with the established development along Old Marylebone Road and therefore is not considered to be so out of character as to be visually detracting or harmful to the setting of the conservation areas. Furthermore the setting of the heritage assets will be maintained, with the height of the building not compromising the prominence of St Marks Church tower within the street scene.

Architectural Approach

The detailed design of the proposed building is considered to be in keeping with the prevalent architectural style located on the south side of Old Marylebone Road. The material pallet, whilst not directly representative of the metal and glass office blocks does address the more solid mansion blocks on the northern side of the road and therefore is not considered to be so out of keeping as to be harmful to the character and appearance of the area. The ground floor level does have a large amount of glazing, demarking the entrance to the building, however the service areas are shown as being obscured. This area presents an opportunity to introduce screening of visual interest which is reflective of detailing found on other part of the building; these details are requested by condition. The use of two types of stone gives articulation to the elevation, whilst the introduction of

colour through powder coated aluminium panels to some of the window reveals adds visual interest. Officers are of the opinion that a colour more reflective of the mansion blocks on the north side of the road would be a more sympathetic approach than the green shown in the visuals; this can be conditioned. Keeping the rear elevation a light solid colour reduces its visual impact from the conservation areas and therefore is a welcomed approach. The introduction of plant on the roof is regrettable within a redevelopment scheme, however the plant area has been kept to a minimum and will be screened with aluminium panels, which due to their positioning on the plan will not be visually appreciated from the public realm. The development is considered to be of a high standard of design, with the use of materials being appropriate for the setting, in accordance with the aims of DES 1 and DES 4.

Basement Excavation

In considering the excavation at lower ground floor level in terms of design Part B(5) of City Plan Policy CM28.1 is of particular relevance. The policy states basement development should protect the character and appearance of the existing building and surrounding area, ensuring skylights are sensitively designed and discreetly located. The principle of excavating beneath part of the front forecourt is not contentious in design terms, subject to the external manifestations being appropriate for their setting. A single glass walk-on rooflight is proposed adjacent to the front elevation, projecting along the entrance footpath. It will be separated from the vehicle area by bollards and will relate to the paving demarking the pedestrian route. Whilst rooflights are not common along this section of Old Marylebone Road, as it forms part of a coherent hard landscaping scheme to the forecourt area and has been designed so as to be in keeping with the paving pattern, in this instance the single rooflight is considered to be acceptable in design terms and in accordance with part B(5) of CM28.1 as there is a limited impact on the character and appearance of the surrounding area.

The proposed replacement building is considered to be in accordance with City Plan policies S28 and CM28.1 as well as UDP policies DES 1, DES 4, DES 9 and DES 10. In accordance with the requirements of the NPPF, the proposal will have a limited impact on the setting of the identified heritage assets.

8.3 Residential Amenity

Policy S29 of the City Plan and ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Several objections have been received to the proposals on the grounds of loss of light, loss of privacy, sense of enclosure and noise and disturbance from guests of the hotel.

8.3.1 Loss of Daylight/ Sunlight

The supporting text to policy ENV 13 specifies that regard should be had to the BRE publication "Site Layout Planning for Daylight and Sunlight: A guide to good practice"

(2011) (“the BRE Guide”). The BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

The applicant has submitted a Daylight and Sunlight Report by GIA as part of the application to demonstrate compliance with the BRE Guide. The assessment considers the following adjacent or nearby residential properties that are eligible for testing in the BRE Guide:

- 11 Crawford Place
- 15 Crawford Place
- 18 Crawford Place
- 20 Crawford Place
- 21 Crawford Place
- 22 Crawford Place
- 24 Crawford Place
- 27-29 Crawford Place
- 31 Crawford Place
- 33-35 Crawford Place
- 1, 2 and 3 Watson Mews
- 6 & 7 Cabbell street
- Oxford and Cambridge Mansions
- 223-231 Old Marylebone Road
- Elliott House
- Gerrard House

Residential properties, notably Hyde Park Mansions, to the north west of the application site are considered too distant from the subject property to result in potentially unacceptable light loss.

Daylight

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 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 specifies that reductions of more than 20% are noticeable.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents’ amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6 square metres) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways.

The assessment demonstrates that of the 19 properties assessed, 18 of those will not experience any losses outside of the BRE tolerances.

21 Crawford Place, which is the Christian Union Alms Houses directly to the rear of the site is the one property that will be affected by the proposals. The Alms Houses consist of a two storey building with two central courtyards, with single bedroom small flats at ground and first floor levels. All the units are single aspect and face into the courtyards. There are 12 Alms Houses providing accommodation to the elderly. Of the 26 windows assessed in the Alms House, serving 25 separate rooms, 16 windows demonstrate compliance with the BRE guidance. 10 windows fall short of the BRE recommendations in relation to VSC and NSL and these all serve living areas and bedrooms. The reductions are up to 100%, however it should be noted that these rooms already have extremely low levels of VSC of between 0.6%-2.2% against a BRE target of 27%, primarily due to their location beneath walkways and overhangs. The absolute loss of VSC is equally small at between 0.6%-2.2% which does appear as a disproportionately large percentage change.

Whilst the losses appear large, this is unlikely to be noticeable by the existing occupants and therefore whilst regrettable that these losses occur to this vulnerable group, in accordance with paragraph 14 of the NPPF, it is therefore clear that any daylight/sunlight impacts and height of the development will not “significantly or demonstrably” outweigh the commercial and economic benefits of the development and the proposals are, on balance, considered to be acceptable and in accordance with policies ENV13 of the UDP and S29 of the UDP.

Sunlight

In terms of sunlight, the assessment measures the impact of overshadowing to all windows which face the application site within 90 degrees of due south. The BRE guidance advises that a room will appear reasonably sunlit if it received at least a quarter (25%) of annual probable sunlight hours including at least 5% of annual probable sunlight hours during the winter. 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.

All properties relevant for assessment comply with the BRE guidelines.

8.3.2 Sense of Enclosure

The existing building is not as high as its neighbours and has a significantly shallow footprint. The proposal seeks to create a nine storey building, with a depth to match its neighbouring property. The rear of the application site will be some 1-2m away from the rear blank elevation of the Alms Houses to the rear. Those occupiers of the Alms House with views north west to the rear of the application will ‘closer’ to them. This is considered to be no different a relationship that one experiences of the large neighbouring buildings on Old Marylebone Road and therefore in terms of sense of enclosure the proposals are considered acceptable. Other properties in Crawford Place will notice the new development but this is not considered to harm their outlook.

The proposals are not considered to result in any sense of enclosure to properties north, north/west of the application site in the mansion blocks opposite the site.

8.3.3 Privacy

Multiple windows are proposed to the front and rear elevations. The windows are set in reveal and in most instances are not full height, with decorative panels/ stone work proposed to the top. Whilst the building is increased in bulk and height, it must be remembered that there are already existing multiple windows to the front and rear serving the office building. There are no windows in the rear elevation of the Alms Houses and any views into the Alms Houses from upper levels of the proposed hotel, are over a distance of 14m and so oblique so as to not result in any overlooking. Objections from residents in 11 Crawford Place to the south have also been received on overlooking grounds. The distance to these properties is more than 40m and any views would be again so oblique so as to not result in any harmful overlooking. The proposed windows to the front elevation are not considered to allow detrimental overlooking to the mansions blocks opposite, primarily due to the distance involved.

8.3.4 Light Pollution

An objection has been received on the grounds that the internal staircase serving the hotel will be lit 24 hours and result in light pollution to properties in the mansion buildings opposite the application site. The drawings show the internal staircase within the core of the building.

Whilst part of the ground floor is likely to be lit 24 hours a day as this is the reception area, this is unlikely to have any harmful impact upon neighbouring residents, over and above what could exist with the existing office building, whereby often for security reasons, offices have a 24hr manned reception.

Whilst it is acknowledged that compared to the existing office building which is closed in the evenings and on weekends, the windows to the proposed bedrooms could be lit internally; given the size of the apertures; and that in most circumstances there will be windows fixtures and fitting to enhance the hotel guests experience, it is not envisaged that there would any substantial light pollution.

8.3.5 Noise

Noise from Plant

It is proposed to install building services plant within the development. The Environmental Health Officer has reviewed the proposal and has recommended conditions to ensure that noise from these sources does not cause unacceptable harm to residents surrounding the site.

Noise from Guests

Objections have been received from neighbouring properties on the grounds of noise from guests and those using the bar/restaurant.

At 93 rooms, this is not considered to be an excessively large hotel. However, hotels by their nature are not noisy and it is anticipated that it would result in unacceptable noise levels. Whilst there will be some comings and goings from visitors, on this busy road, mixed in character, and that generally they will be coming on foot, by public transport or by taxi as no coach parties are proposed, it is not envisaged that this would be harmful to residential amenity. The bar/restaurant is at lower ground floor level, despite the objections received and therefore this is likely to attract only hotel guests rather than any other visitors. Conditions are recommended to ensure that the restaurant/bar is ancillary to the hotel and only open to hotel guests to ensure that the proposals result in no harm to residential amenity.

Subject to these conditions, the proposal would be consistent with policies ENV6 and ENV7 of the UDP and policy S32 of the City Plan.

8.4 Transportation/Parking

Several objectors are concerned with parking, on-street servicing and the impact of vehicle movements on Old Marylebone Road. TfL have raised no objections to the proposals.

8.4.1 Trip Generation

The applicant has submitted a Transport Assessment providing information on the level of operation of the proposed development. The figures within the information submitted by the applicant appear broadly reasonable as a base to compare change that the proposed use may generate.

On balance, while the proposed hotel use will result in higher levels of activity, particularly with regards to taxis/private hire vehicles at different times to the existing use, the overall activity of guests arriving and departing the site on foot will not result in significant detrimental highway safety or operation.

8.4.2 Car Parking

No car parking is provided for the proposed hotel use with 3 existing office car parking spaces removed. The site is within a Controlled Parking Zone and has a good level of public transport accessibility. TRANS23 states "the permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances." The existing spaces are not linked to residential units and as such the loss is not contrary to TRANS23.

The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. Residential parking bays are restricted to permit holders 24 hours a day 7 days a week, the use of single yellow line and other bays is restricted from 0830 till 1830 Monday to Saturday. It is therefore considered that the proposal is unlikely to have an adverse impact on on-street car parking in the area.

8.4.3 Cycle Parking

The London Plan requires the provision of 1 cycle parking space for staff per each 20 bedrooms. 12 spaces are proposed in the mezzanine level access by a stair with cycle run and lift which is acceptable and compliant with the London Plan requirement. Cycle parking for staff will help reduce reliance on other less sustainable transport modes.

8.4.4 Servicing

A multipurpose taxi drop off and service bay is provided at the front of the site accessed from Old Marylebone Road. The applicant indicates that the site would generate approximately 10 daily service trips (which seems reasonable given the size of the proposal including the ancillary bar and restaurant). For larger service vehicles which cannot enter the site the surrounding area is a Controlled Parking Zone, the double red lines directly outside the site prevent unloading and loading from occurring however there is a loading bay on Old Marylebone Road Southwest of the site.

While there will be an increase in the level of servicing over that which is likely to be generated by the existing office use, given the service bay and the submitted Service Management Plan (SMP), it is considered that the majority of the servicing associated with the site can be accommodated within the site itself and the SMP will help minimise the adverse impact of servicing on the public highway. This is to be conditioned.

Coach activity is common for hotels and the drop off or collection of guests from coaches having a significant impact on the safety and operation of the highway network, including on pedestrians. No provision for coach party arrivals is provided. The applicant has indicated that they would not accept coaches and would accept a condition restricting this and group booking not exceeding more than 20 guest at any one time, therefore allowing for a small mini bus to utilise the proposed forecourt. A condition to secure this within a revised servicing management plan is recommended.

8.4.5 Waste

Off-street waste stores are provided for the proposed hotel. This reduces the likelihood of waste being placed on the highway for long periods of time. The servicing management plan states that waste will likely be collected from within the site using a small refuse vehicle truck, again to be conditioned.

8.5 Economic Considerations

Whilst the loss of the office floorspace is regretted, the hotel development would provide employment opportunities during construction and would create full time jobs once operational. The proposal can also accommodate a significant number of visitors annually whose spending during their stay will bolster the local economy and encourage further investment by shops and services in the area.

8.6 Access

The proposed development includes accessible passenger lifts, wide corridors and level thresholds into wheelchair accessible rooms. A total of 10% of the hotel rooms would also be Universally Accessible, in accordance with London Plan requirements and controlled by condition. Induction loops would also be installed in the reception area for those that

are hard of hearing and Universally Accessible toilets in proximity to the integral restaurant.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Sustainability and Climate Change

Policy 5.2 of the London Plan refers to minimising carbon dioxide emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be Lean-Use less energy.
2. Be Clean-Supply energy efficiently.
3. Be Green-Use renewable energy.

Policy 5.2 also states that where specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to secure delivery of carbon dioxide savings elsewhere.

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

Policies 5.6 of the London Plan and S39 of the City Plan require major development to be designed to link to and extend existing heat and energy networks in the vicinity, except where it is not practical or viable to do so.

Policies 5.7 of the London Plan and S40 of the City Plan require all major development to maximise on-site renewable energy generation carbon dioxide emissions, where feasible.

Policy 5.9 of the London Plan states that development should reduce potential overheating and reliance on air conditioning systems.

The proposed development achieves a carbon dioxide reduction of 35.88% over 2013 Building Regulations.

There are no existing energy networks in the vicinity and none are planned. Accordingly, it would not be practical to require this of the applicant. The applicant does not show any PV panels at roof level, however it is noted within the energy strategy that these are to be installed. A condition to secure this is recommended. The applicant also proposed a CHP system to heat the building and provide hot water.

The applicant has also provided a thermal comfort report that concludes that the proposal will be built to minimise potential overheating and the need for comfort cooling. A condition is recommended to secure this.

Overall, the proposed development satisfies policies 5.2, 5.6, 5.7 and 5.9 of the London Plan and policies S28, S39 and S40 of the City Plan.

8.7.3 Trees

There is a London plane on Old Marylebone Road located directly outside the curtilage of the property and this is owned and managed by Transport for London. No comments regarding the trees have been made by TfL. It is a prominent and attractive tree in early maturity, with a long life expectancy if allowed to remain. It is one of several London planes of similar age on this part of Old Marylebone Road.

A revised arboricultural method statement has been submitted, along with revisions to reduce the extent of the basement away from the front forecourt by 2m. This revised scheme suggests a 19% incursion into the root protection area (RPA) of the tree to accommodate the proposed basement.

The City Council's arboricultural officer states that on the basis of the submission this incursion is too great and is not the recommendation of the British Standard 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.

The officer goes on to state that entirety of the frontage of the new building also forms the RPA of the tree. Given that the site is entirely hard paved and that the proposed building line of the new hotel is not to come forward of the existing building it is considered unreasonable to refuse permission on this basis.

At the time of writing the City Council's arboricultural officer was in discussion with the applicants arboricultural officer and it has provisionally been agreed that trial excavations to ascertain root presence/ absence was required. A condition to secure trial excavations and tree protection methods is therefore recommended.

Given the arboricultural officers objection to the proposals, no further comments were made as to the likely impacts of the proposal on the canopy of the tree. Again, given that the building line does not project any further forward to the tree it is unlikely that the proposals will have a significant impact upon the canopy of the tree. Any maintenance of the tree at a later date will be the responsibility of TfL and will be assessed on its own merits.

8.8 London Plan

Whilst reference has been to the London Plan, this application raises no strategic issues and is not referable to the Mayor.

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 necessary in respect of the determination of this application.

The proposals are CIL liable and the total estimated sum is £397,183.55 of which £114,507.17 corresponds to Mayoral CIL and £282,676.38 corresponds to Westminster CIL.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

8.12.1 Basement Excavation

Policy CM28.1 relates to all basement development in the City.

The applicant has submitted a detailed structural methodology statement which has been assessed by the City Council's District Surveyors who consider this to be acceptable. The applicant has also submitted the required draft signed proforma Appendix A which demonstrates that the applicant will comply with the relevant parts of the council's Code of Construction Practice in order to minimise the impact of any development upon the amenity of neighbouring properties. The site lies outside of a flooding 'hotspot' and is therefore not considered to increase flood risk. The proposals are considered to comply with Part A of the policy.

The proposals as discussed above impact upon the London Plane Street, however for the reasons given, officers are content that the proposed basement excavation will not detrimentally harm the root of the tree. The site is not within a flooding/ surface water hot spot and therefore raises no flooding issues. Drainage information has been provided with the application and building control officer have raised no adverse comments to this. As discussed above, the proposed basement works incorporate a rooflight to the front forecourt. This is considered to be well designed and is considered to protect the character and appearance of the existing building. The proposals are therefore considered to comply with Part B of the policy.

Regarding Part C of the policy and as set out in the drawings, the proposed basement is of less than a single storey and will not extend beneath more than 50% of the garden land. There is a minimum depth of 1m soil depth and 200mm for drainage accommodated above the new basement in the front forecourt area. The proposals comply with Part C of the policy.

Part D of the policy is not relevant.

8.12.2 Construction Impact

Objections have been received from neighbouring properties regarding the impact of construction, including dust, noise and traffic and the cumulative impact of numerous construction works.

It is a long standing principle that planning permission cannot be refused due to the impact of construction. This is due to its temporary nature and the ability to control it by condition

and legal agreement. Accordingly, conditions are recommended that limit the hours of construction and require adherence to the City Council's Code of Construction Practice.

8.12.3 Objectors Comments

The issues raised by the objectors have been largely addressed above. The following is also noted:

Crime and Security

Objections have been received on the grounds that hotel users and users of the bar/restaurant at ground floor level will increase crime rates and harm security measures. The Metropolitan Police Designing Out Crime Officer has responded to the application and has no objection to the proposals. Matters of noise and disturbance have been addressed in the amenity section of this report.

Fire Safety

Concern is raised that as a result of extending the building closer to the Alms Houses to the rear this could result in the transference of fire to the properties to the rear.

The proposed hotel building is not attached to the Alms Houses, but it will be sited some 1-2m away from the rear elevation of the Alms Houses. Should permission be granted, the works would be subject to Building Regulations which would address fire safety concerns.

Number of Hotels in the Area

An objector considers there to already be too many hotels in the area. As addressed in the land use section of the report, there are policies which seek to ensure that there is not a proliferation of hotels in an area, which may impact upon the amenity of neighbouring properties.

9 BACKGROUND PAPERS

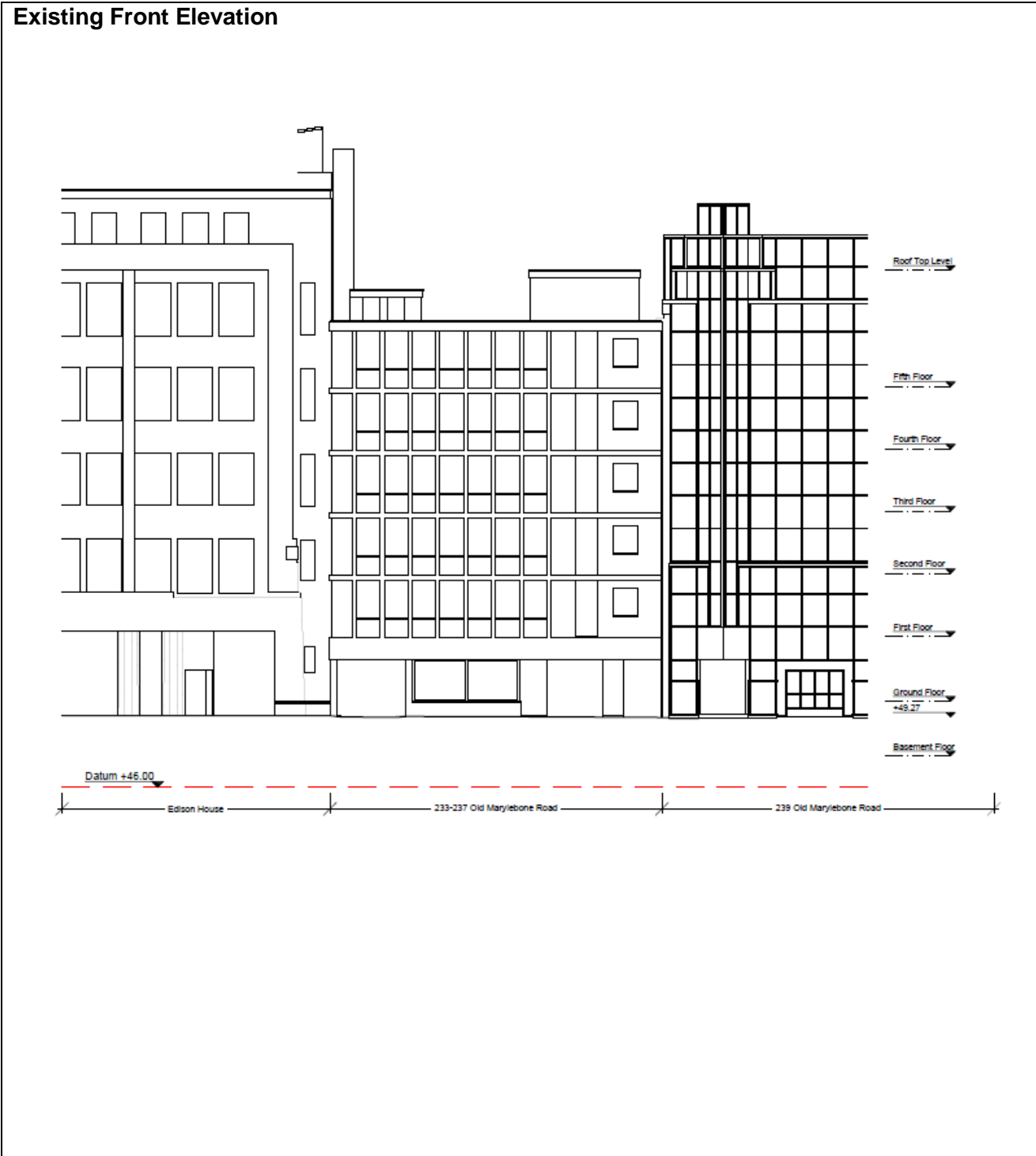
1. Application form
2. Response from Historic England dated 31 August 2017.
3. Response from St Marylebone Society dated 14 September 2017.
4. Response from Marylebone Association dated 25 September 2017
5. Response from TFL dated 14 September 2017.
6. Response from cleansing Manager dated 19 September 2017.
7. Response from Building Control- Development Planning dated 22 September 2017.
8. Response from Designing Out Crime Officer received 27 September 2017.
9. Response from Environmental Health dated 18 October 2017.
10. Response from Highways Planning Manager dated 31 October 2017.
11. Response from Arboricultural Officer dated 27 October and 6 November 2017.
12. Responses from occupiers of 5E Hyde Park Mansions dated 11 and 14 September 2017.
13. Response on behalf of multiple occupiers of 21 Crawford Place (Christian Alms Houses) received 11 September 2017.
14. Response from occupier of 12, 21 Crawford Place received 13 September 2017.
15. Response from occupier of 5L Hyde Park Mansions received 15 September 2017.

16. Response from occupier of 5F Hyde Park Mansions received 15 September 2017.
17. Response from Church of Our Lady of the Rosary received 19 September 2017.
18. Response from Marble Arch London received 20 September 2017.
19. Response from occupiers of 5th Floor, Eddison House, 223-231 Old Marylebone Road received 20 September 2017.
20. Response from occupier of 8F Hyde Park Mansions received 21 September 2017.
21. Response from 1 Homer Row received 27 September 2017.
22. Response from occupier of Flat G, 4 Oxford Cambridge Mansions received 5 October 2017.
23. Response from multiple occupiers of 11 Crawford Place received 5 October 2017.
24. Response from occupiers of 23 Crawford Place received 16 October 2017.

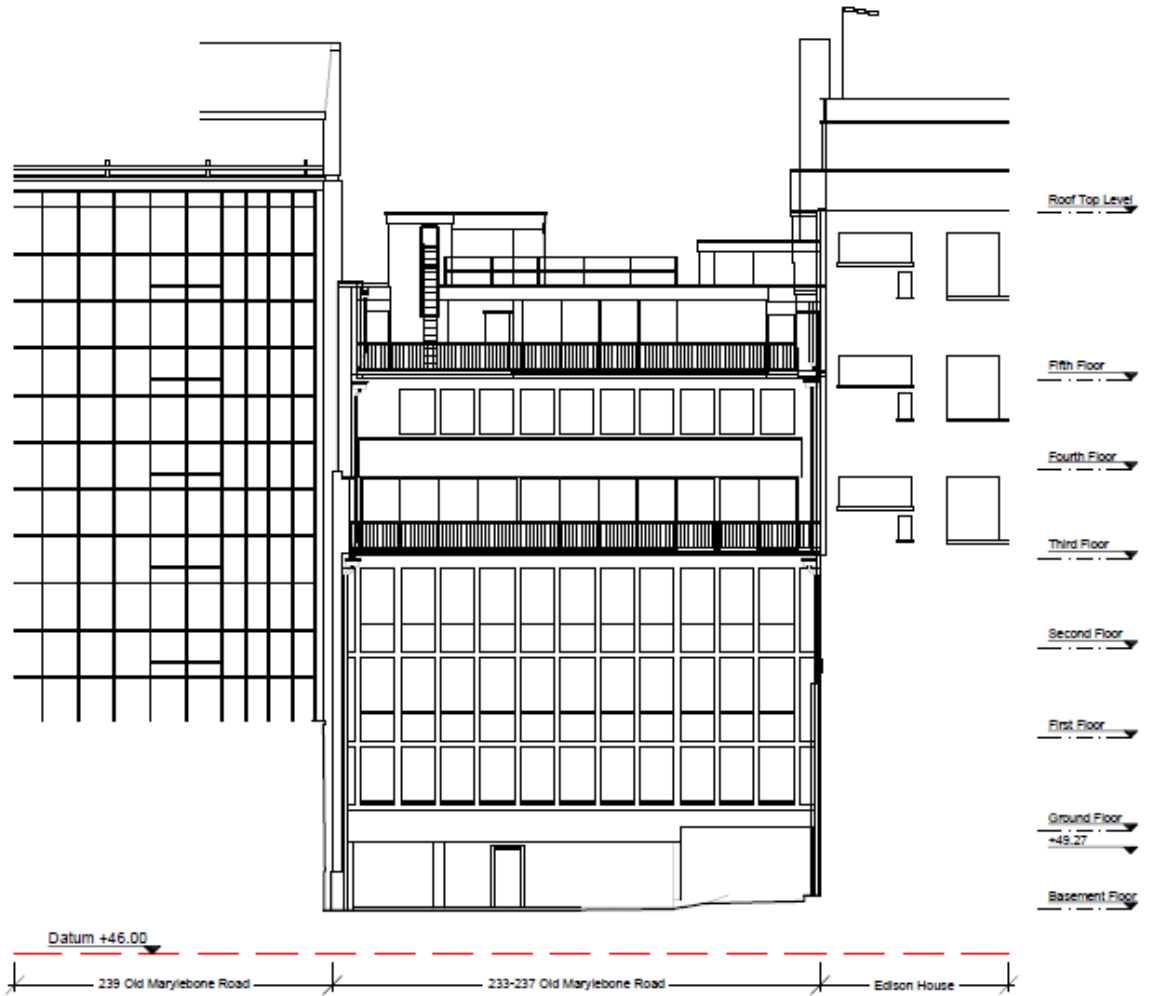
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

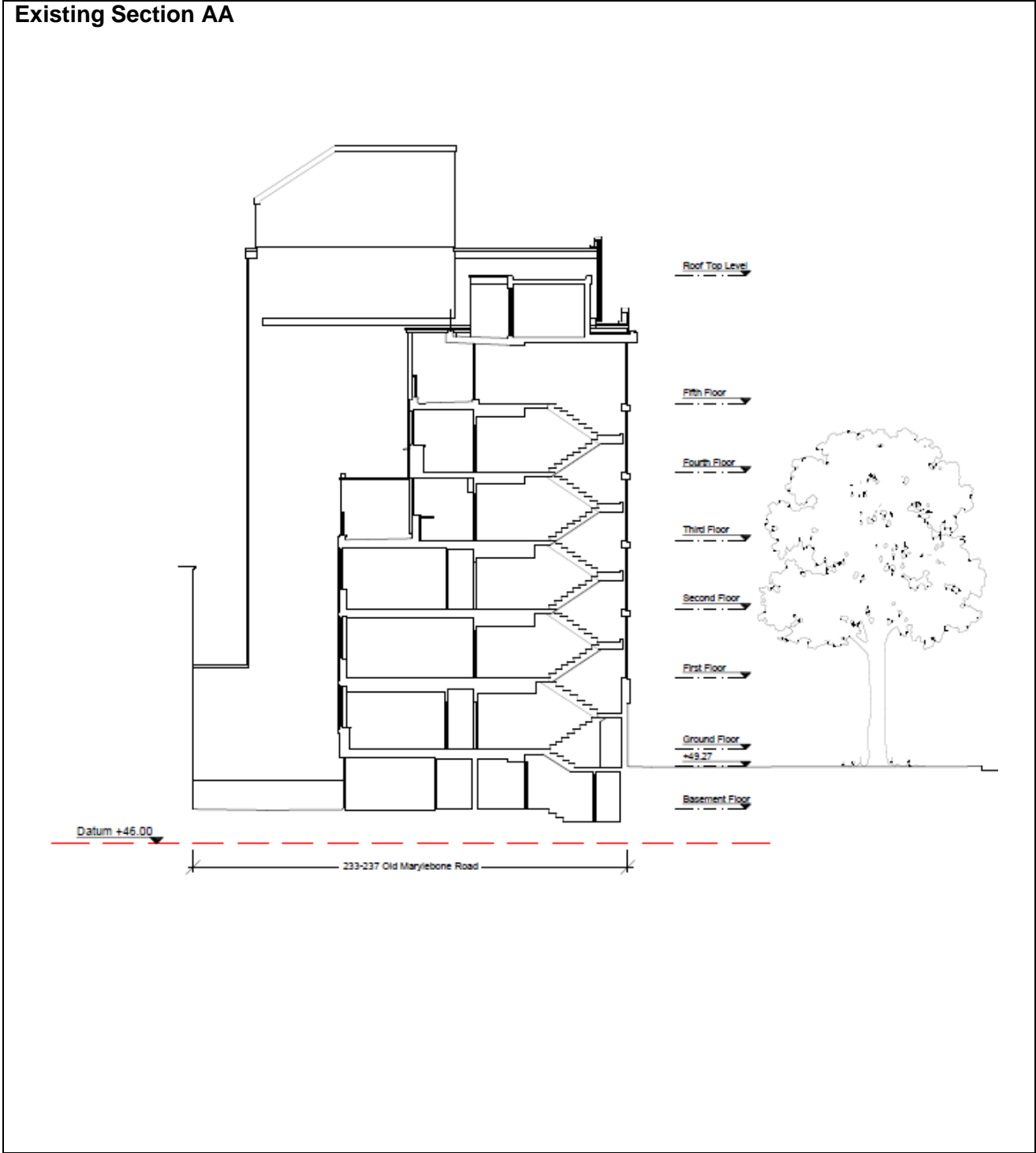
10 KEY DRAWINGS



Existing Rear Elevation



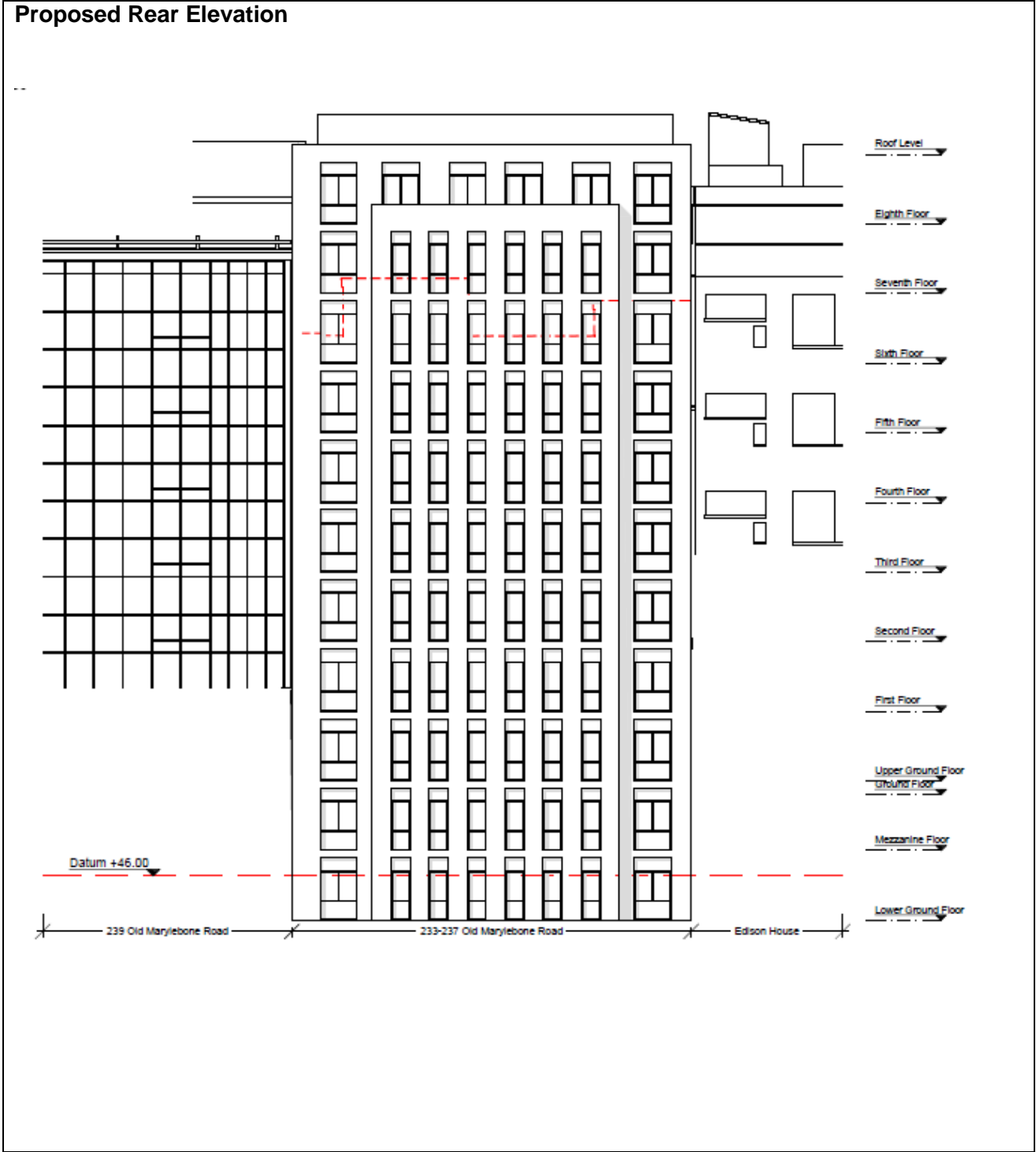
Existing Section AA



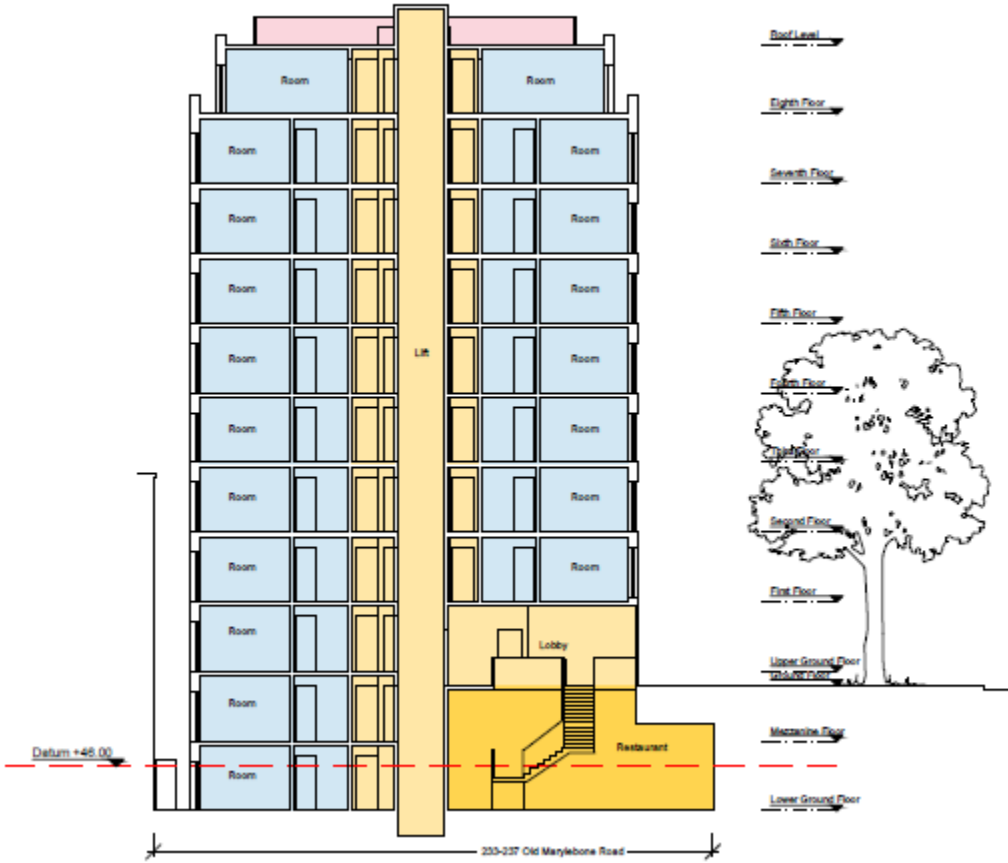
Proposed Front Elevation



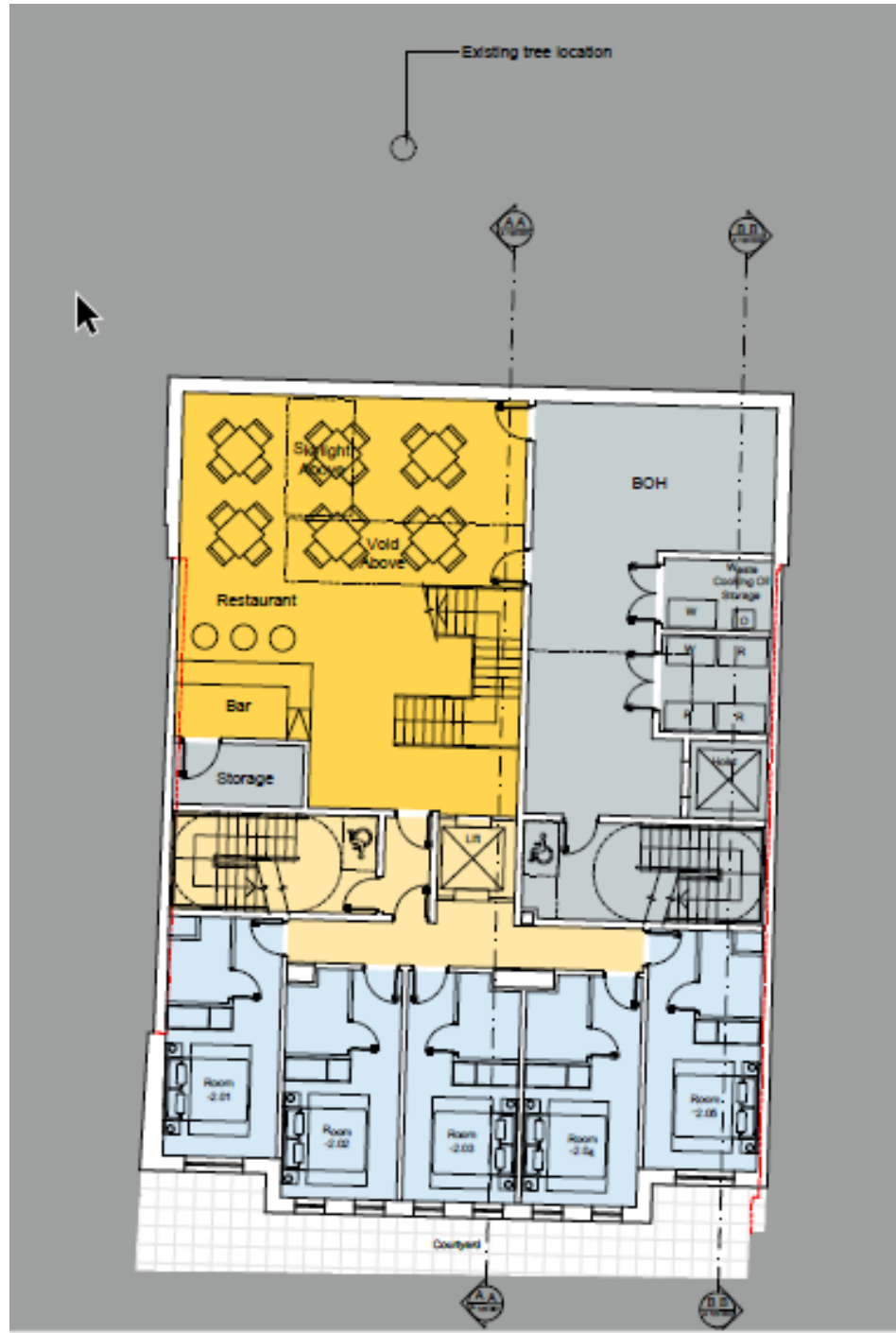
Proposed Rear Elevation



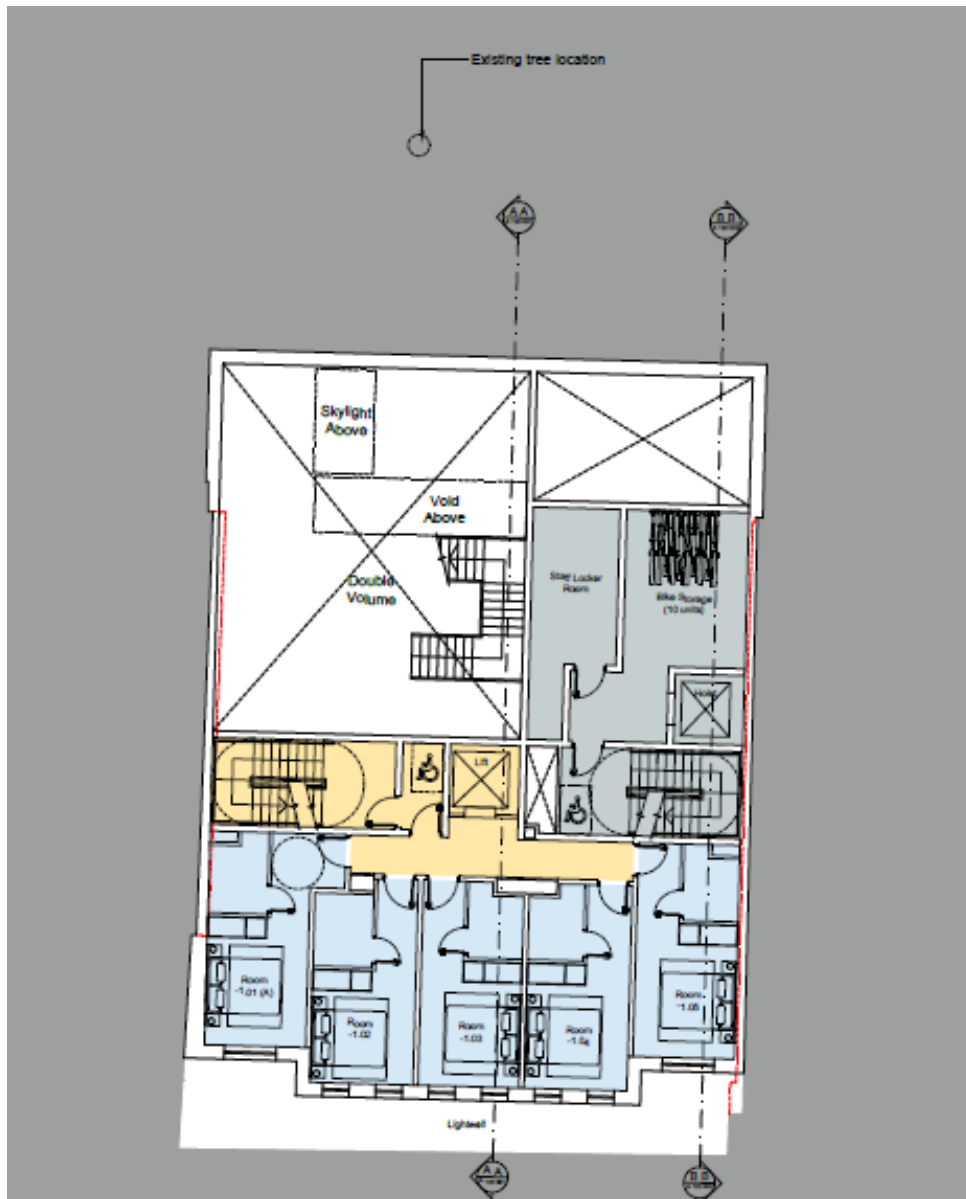
Proposed Section AA



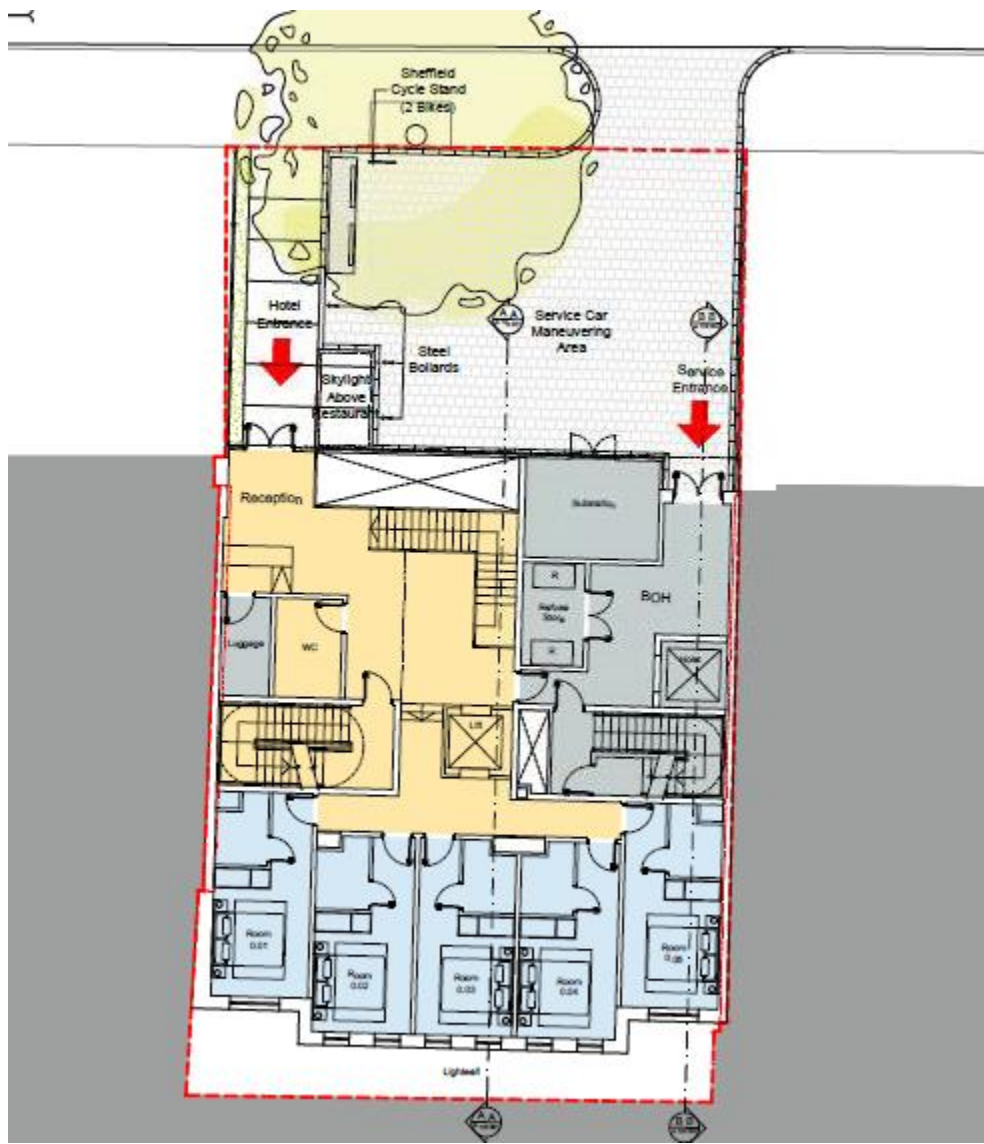
Proposed Lower Ground Floor Plan



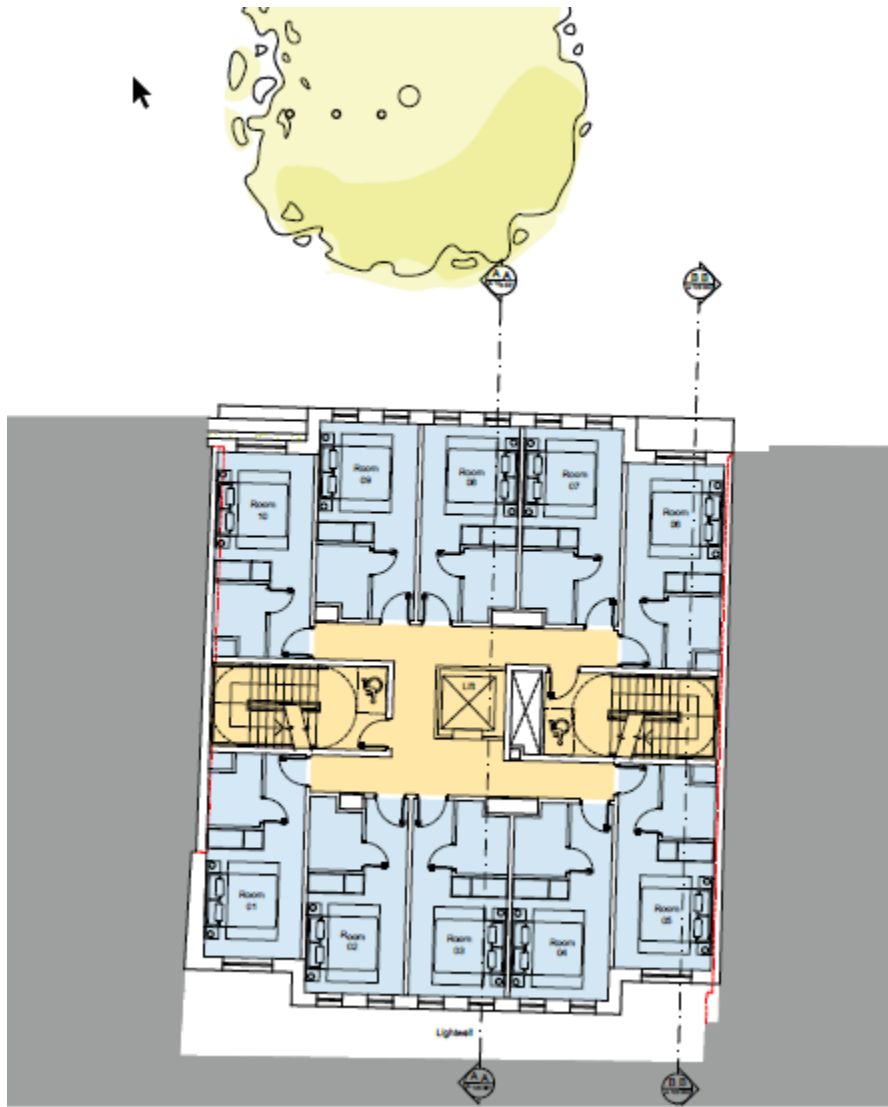
Proposed Mezzanine Level Floor Plan



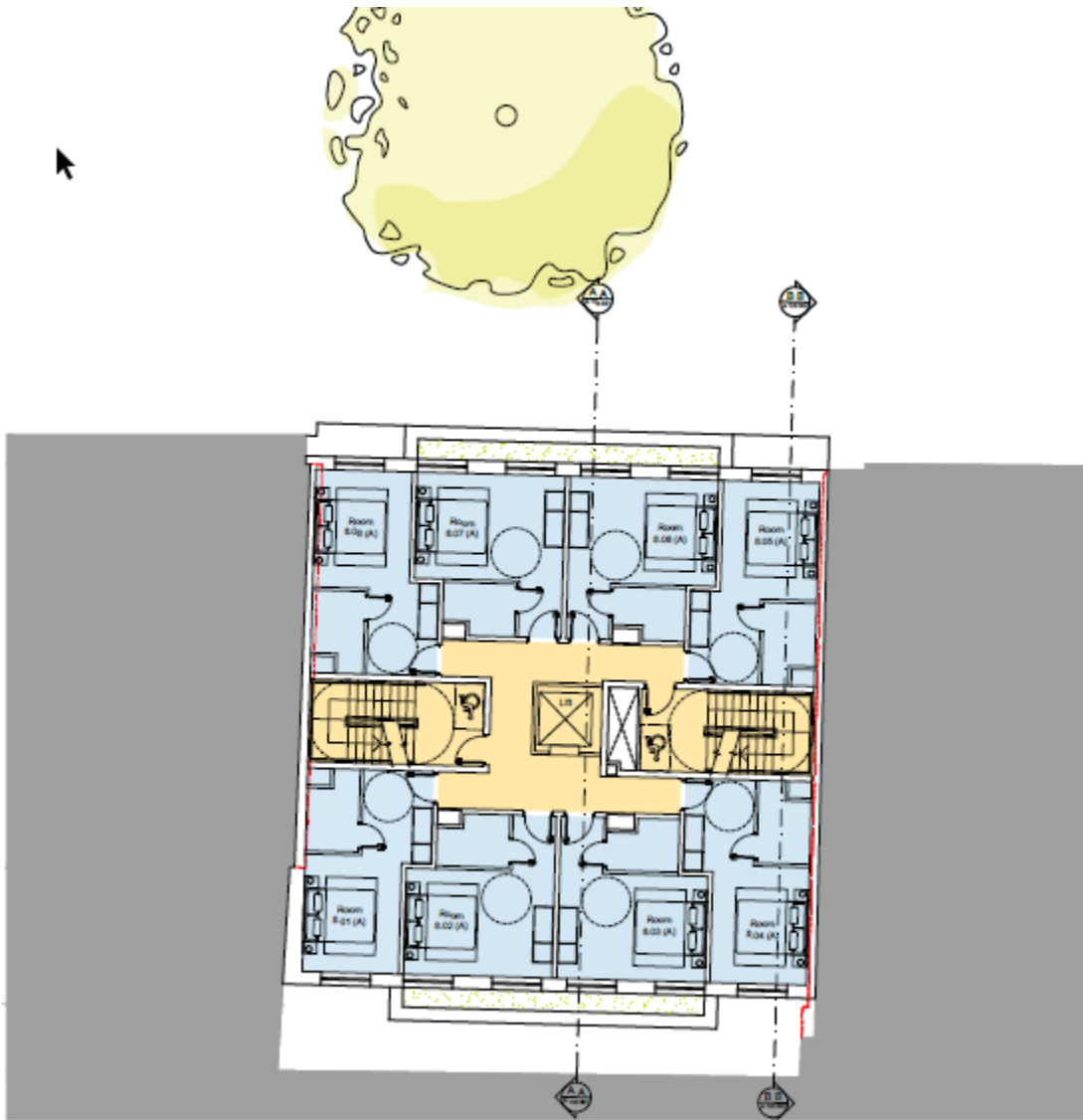
Proposed Upper Ground Floor Plan



Proposed First- Seventh Floor Plan



Proposed Eighth Floor Plan



Proposed Visual



Proposed Visual



DRAFT DECISION LETTER

Address: 233 - 237 Old Marylebone Road, London, NW1 5QT,

Proposal: Demolition of existing building and redevelopment to provide a new building comprising lower ground floor, mezzanine, upper ground floor and first to eight floor levels for use as hotel (Class C1) with ancillary Bar/Restaurant, external landscaping and associated works.

Plan Nos: A-000-001 P0; A-025: 001 P0; 002 P0; 003 P0; 004 P0; 005 P0; 006 P0; 007 P0; 008 P0; 010 P0; 011 P0; 020 P0; 021 P0; A-050: 001 P0; 002 P0; 003 P0; 004 P0; 005 P0; 006 P0; 007 P0; 008 P0; A-100: 000 P3; 001 P1; 002 P3; 003 P0; 004 P0; 005 P0; A-110: 001 P0; 002 P0; A-12-: 001 P1002 P1; Planning Statement; Design and Access Statement; Heritage Statement; Noise Impact Assessment; Ventilation/Extraction Statement (for ancillary F&B element); Energy Assessment & Sustainability Statement; Energy Assessment & Sustainability Statement; Draft Delivery and Service Management Plan (including Site Waste Management Plan); Arboricultural Impact Assessment; Tree Protection Method Statement.

For information only: Structural Method Statement (Basement Impact Assessment); Daylight/Sunlight Assessment; Archaeological Desk Based Assessment; Air Quality Assessment; Foul Sewerage and Utilities Assessment; Statement of Community Involvement; Demolition Management Plan; Construction Logistics Plan (CLP); BREEAM Pre-Assessment.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 5 You must apply to us for approval of samples of the following parts of the development - paving materials. 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 samples. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 6 You must apply to us for approval of detailed drawings; of the following parts of the development:

- a decorative design on the service/ access doors to the front elevation at ground level.

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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 8 You must not put planters, tubs, furniture or other obstructions on the forecourt. (C26QA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 9 You must not use the rear courtyards at lower ground, or the flat roofs at eighth floor or the roof of the building, shown on plans A-100-00 P3, A-100-004 P0; A-100-005 P0, for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. 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)

- 10 The hotel bar/restaurant shall be used only for guests of the hotel and not open to members of the public.

Reason:

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

- 11 You must abide the terms and agreement of the servicing and management plan dated 18 October 2017 at all times.

Reason:

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

- 12 All servicing must take place between 07:00 and 18:00 on Monday to Saturday and not at all on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

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. (R22CC)

- 13 The hotel shall not knowingly accept bookings from parties using a vehicle with a capacity of 20 persons or more to travel to and from the premises.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 14 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 15 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

Reason:

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

- 16 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

Reason:

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

- 17 Before anyone occupies the hotel room, you must provide the separate stores for waste and materials for recycling shown on drawing number . You must clearly mark them and make them available at all times to everyone using the hotel. (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)

- 18 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 19 (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.

- 20 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.

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

Reason:

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

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

Reason:

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

- 23 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.

- 24 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 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.

- 25 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

PV panels at roof level

You must not remove any of these features. (C44AA)

Reason:

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

(R44AC)

- 26 Pre-commencement Condition: You must apply to us with details of a survey and details of trial excavations trenches to establish the exact position of any roots of the adjacent street tree. 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 improve the appearance of the development and its contribution to biodiversity and the local environment, 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. (R30AC)

- 27 **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)

- 28 **Pre Commencement Condition.** You must apply to us for approval of details of a security scheme for the You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved details before anyone moves into the building. (C16AB)

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 29 The design and structure of the development shall be of such a standard that it will protect residents within it from structural borne noise from the underground lines (Edgware Road Underground Station and surrounding) so that they are not exposed to levels indoors of more than 35 dB LASmax within habitable rooms during day and night.

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.

- 30 You must apply to us for approval of details of the ventilation system to get rid of fumes, including details of how it will be built and how it will look. You must not begin the use allowed by

this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14BB)

Reason:

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

- 31 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

Informative(s):

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

- 2 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 5 Please contact our Tree Officer on 020 7641 6096 or 020 7641 2922 to arrange a site inspection before you start digging foundations near the tree referred to in condition 26 and 27. (I34AA)
- 6 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)
- 7 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street

London
SW1E 6QP

Phone: 020 7641 2000

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

- 8 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, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 9 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

- 10 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
- 11 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:

John Firrell MHCIMA
Secretary - Considerate Hoteliers Association
C/o Wheelwright's Cottage
Litton Cheney
Dorset DT2 9AR

E-mail: info@consideratehoteliers.com

Phone: 01308 482313

(I76AA)

- 12 Conditions 19, 20, 21, 22, 23, 24 _ 29 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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

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

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

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

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

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

- 14 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.
- 15 Condition 30 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health

section at the address given below.

Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Phone: 020 7641 3153
(I73AB)

- 16 You are advised that in regards to Condition 4 and 6, the colour of the window reveals should reflect colours found in the setting of the building, including those in the mansion blocks opposite. The service/access doors should incorporate the similar colourings.

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Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	Site 1: Stone House, 9 Weymouth Street, London, W1W 6DB Site 2: 142-146 Harley Street, London, W1G 7LE		
Proposal	1. Erection of a new single storey roof extension to create four residential units (Class C3) and associated plant (Site includes 9-11A Weymouth Street and 60A Portland Place) (Part of a land use swap with 142-146 Harley Street). 2. Use of third and fourth floors as medical use (Class D1) (part of a land use swap with Stone House, 9-11 Weymouth Street).		
Agent	Howard de Walden Management Ltd		
On behalf of	Howard de Walden Management Ltd		
Registered Number	Site 1: 17/05227/FULL Site 2: 17/05226/FULL	Date amended/ completed	12 June 2017
Date Application Received	12 June 2017		
Historic Building Grade	Site 1: Unlisted Site 2: Grade II		
Conservation Area	Harley Street		

1. RECOMMENDATION

- | |
|--|
| <ol style="list-style-type: none"> 1. Grant conditional permission 2. Grant conditional permission |
|--|

2. SUMMARY

<p>These proposals involve two different sites in a land use swap. Stone House, which includes 9-11A Weymouth Street and 60A Portland Place (Site 1), consists of basement, ground and five upper levels and lies on the west side of Weymouth Street with frontages also onto Hallam Street and Hallam Mews.</p>

<p>Permission is sought for the erection of a new single storey mansard roof extension to create four new residential flats.</p>
--

<p>The key issues are:</p>

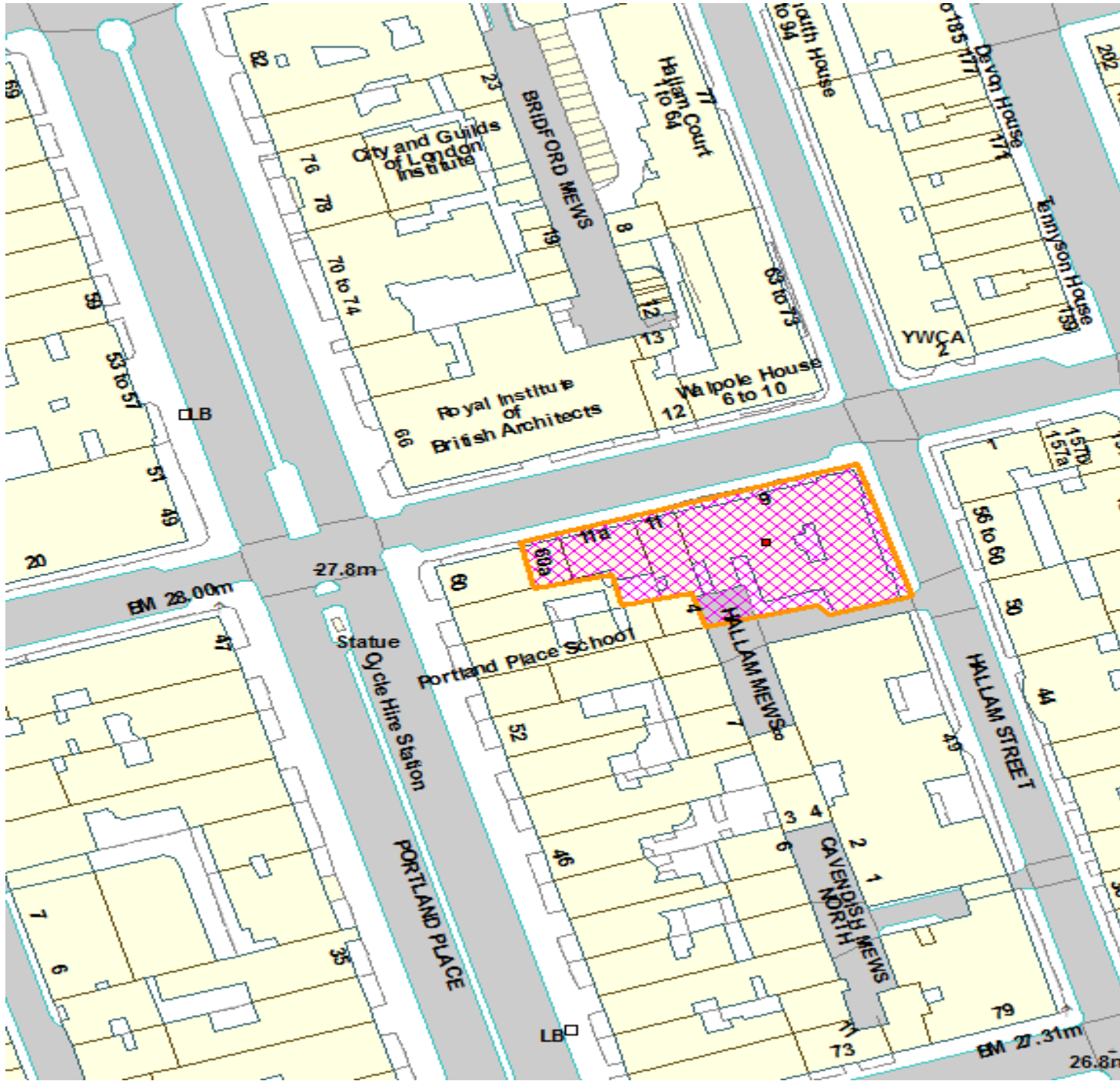
- * The amenity impact of the proposed extensions at Site 1 on surrounding sensitive properties;
- * The impact of the proposed alterations at Site 1 on the character and appearance of the conservation area.

Site 2 relates to the second and third floors of 142 - 146 Harley Street, which is located on the east side of Harley Street approximately 60m to the south of Marylebone Road. Permission is sought to use four existing residential units as medical accommodation. The deficit of residential floorspace as a result of this proposal will be re-provided at Site 1.

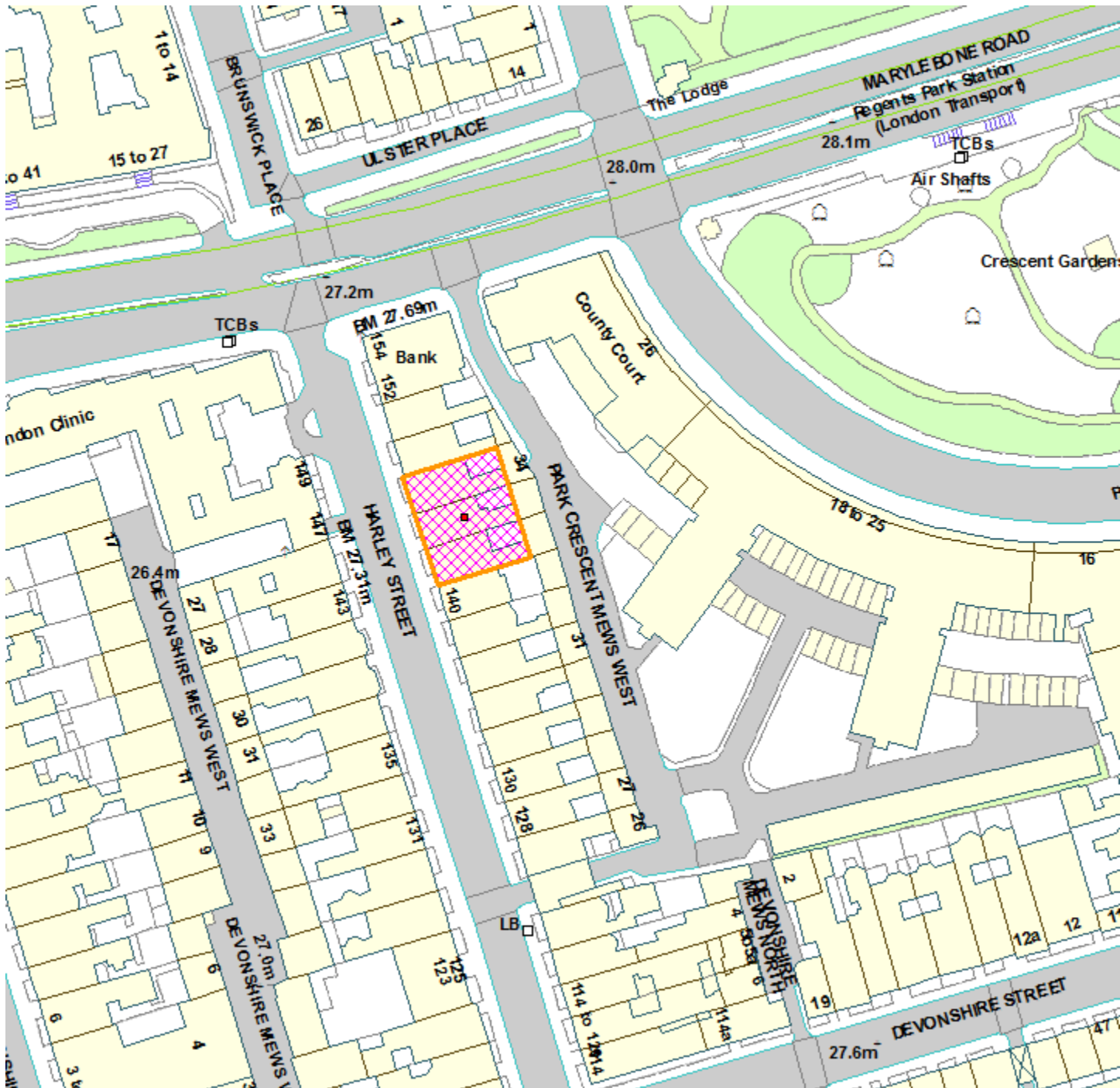
The proposal would result in, across both sites, an overall increase of 534 sqm of medical floor space and an increase of 21 sqm of residential floorspace (a total of 555 sqm). There would be no change in the number of residential units. There have been a number of objections to the proposals at Site 1, but following revisions to the design of the roof extension, both applications are now considered acceptable in land use, design, highways and amenity terms for the reasons set out in the main report and are recommended for conditional approval.

3. LOCATION PLAN

Site 1



Site 2



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4. PHOTOGRAPHS

Site 1: Stone House, 9 Weymouth Street

17 Jul 2017, 16:26:46



Site 2: 142-146 Harley Street



5. CONSULTATIONS

Site 1:

[NB Following the revisions, all external parties were re-consulted but of those who responded they largely reiterated their original objections.]

MARYLEBONE ASSOCIATION

Object on the following grounds:

Design

- Impact on private views
- Unacceptable bulk/height
- Detailed design
- Variation of roof line lost
- Impact on the character of the conservation area
- Harm to heritage asset not outweighed by public benefits (NPPF Para.134)

Amenity

- Concerns expressed regarding the impact on neighbours' privacy from terraces

Construction

- Concerns regarding residential access during construction

HIGHWAYS PLANNING

Object on the following grounds:

- Lack of off-street parking

ENVIRONMENTAL HEALTH

No objection subject to conditions.

CLEANSING

No objection to revised waste and recyclable storage arrangement, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 213; Total No. of replies: 53 Replies (from 32 Objectors)

Objection on the following grounds:

Land use:

- Potential for short term lets

Design:

- Extension alien to buildings
- Impact on architectural integrity of the buildings/building proportions
- Impact on conservation Area
- Impact on private views
- Unacceptable bulk/height
- Detailed design
- Impact on the character of the conservation area
- Harm to heritage asset not outweighed by public benefits (NPPF Para.134)

- Variation of roof line lost/Impact on skyline
- Windows too large
- Window frames and pane should be colour coded to the roof
- Impact of projecting bay
- Raised chimney stack overly visible
- Potential impact of visible structures within terraces
- Railings at new roof level are overly visible

Amenity:

- Loss of privacy resulting from the proposed terraces
- Loss of daylight and sunlight to existing residents in surrounding buildings
- Loss of skylights
- Noise impact from proposed terrace
- Noise impact due to future residents utilising area above existing residential accommodation
- Noise transfer between the new flats and the existing flats below
- Do not accept the proposed light tubes as replacements for the existing rooflights

Highways/Cleansing:

- Increase in congestion
- Increased stress on parking
- Increase of unsightly bins in mews to the rear unwelcome

Construction

- Impact on existing services (satellite dishes, aerials, plant etc.)
- General disturbance
- Security Risk
- Fire Risk
- Highways disruption resulting from the construction works (noise, congestion, reduction of available parking, dust, pollution)
- Impacts of scaffolding for prolonged period (light, enclosure, appearance)
- Reduced access/loss of lift/impact on communal areas
- Relocation of nearby businesses during the construction phase

Other

- Sets precedent for similar developments
- Fire potential
- Lack of formal notification of the application

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Site 2:

MARYLEBONE ASSOCIATION

No objection.

HIGHWAYS PLANNING

No objection subject to conditions.

CLEANSING

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 66; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION**6.1 The Application Site****Site 1**

The application site includes 9, 11 and 11A Weymouth Street and 60A Portland Place which are a group of unlisted buildings located on the south side of Weymouth Street at its junction with Hallam Street. The site lies within the Harley Street Conservation Area and the Central Activities Zone (but outside of the Core Central Activities Zone). The site is in the viewing corridor 4A.2 Primrose Hill to the Palace Of Westminster

9 Weymouth Street has its main entrance on Weymouth Street and is a mixed use building with Class D1 educational use at basement and ground and Class C3 residential units on all the upper four floors. This building is currently served by a single lift and two internal staircases.

11 Weymouth Street is accessed from Weymouth Street and comprises of basement and ground four upper floors which is all in Class B1 office use.

11A Weymouth Street is currently accessed through the entrance of 60A Portland Place on Weymouth Street and is also a five storey plus basement building is entirely within Class C3 residential use.

The area is characterised by a mixture of residential and commercial uses.

Site 2

The application site includes 142 - 146 Harley Street which are grade II listed buildings located in the Harley Street Conservation Area, the Harley Street Special Policy Area (HSSPA) and the Central Activities Zone (but outside of the Core Central Activities Zone)

142-146 Harley Street is in medical use (Class D1) at basement level (including basement of No. 32-34 Park Crescent Mews) and on ground to second floors. The third and fourth floors are in use as four residential units.

The immediate area is characterised by both residential and commercial uses.

6.2 Recent Relevant History

Site 1

None relevant.

Site 2

None relevant.

7. THE PROPOSAL**Site 1**

The proposed scheme involves the erection of a new single storey mansard roof extension to create 4 new residential flats (2x 3-bed, 1x 2-bed and 1x 1-bed flat) totalling 555.0 sqm.

The proposed mansard roof extension is partially sheer to the rear and is constructed of brick to match the existing façade in these locations. The sloping sections of the proposed new mansard roof is to be clad in natural slate, with inverted dormers set within the mansard roof and one traditional dormer window to the rear. All proposed windows on the sheer sections of the rear elevation of the building are timber painted double glazed sash windows to match existing.

The proposal includes the installation of roof lights and three light tubes at new roof level to allow light to three of the existing residential units at fourth floor level (three hallways/entrances). These replace existing rooflights to these spaces; however, existing rooflights that serve a bedroom and an open plan living-room/kitchen are not being replaced (as these rooms also have windows).

It is proposed to create three new terraces behind the existing turrets on the three corners of the front and side façade of the building utilising the existing flat roof. The parapet wall surrounding the proposed terraces is 1.85m in height above the level of the proposed terraces.

Additional air conditioning plant is proposed in two locations at roof level within acoustic enclosures with further plant located internally at new fifth floor level.

The existing main stairs and lift within the building will be raised to the new fifth floor level providing access to this part of the building, whilst one of the flats will be accessed by the existing stairs and a new lift within 60A Portland Place.

It is proposed to install a new green roof above part of this space which will only be accessible for maintenance purposes.

It should be noted that the single storey extension over 60A Portland Place is included within this application as it will provide the access via internal lift and stair to proposed flat 4, a new 3-bed flat within the proposed development at 11 and 11A Weymouth Street.

The proposed scheme retains the existing buildings from lower ground to fourth floor level and does not change the use or any external features of these parts of the buildings.

During the course of the application the proposal has been amended in an attempt to address amenity and design concerns. These alterations include:

- Reduced size of recessed dormers.
- The rear elevation and within the internal lightwell has been modified to create a partial mansard instead of sheer storey in places.
- Windows facing Hallam Mews have been omitted.
- Roof top access hatch and plant room has been replaced with flush access hatch and a smaller plant enclosure.
- Rear terrace facing Hallam Mews has been removed.

Site 2

At Site 2, permission is sought for the change of use of the third and fourth floors from residential accommodation to medical in connection with the existing medical unit on the lower floors. The net increase in medical floorspace is 534.1 sqm (GIA). No internal or external alterations are proposed and therefore the special character of this building is not affected.

Since the proposals involve a land use swap between the sites it is necessary to note there is a net increase of 534 sqm of medical floor space and 21 sqm of residential floorspace across the two sites and no loss of residential units.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Land use swap

City Plan Policy S14 states that all residential uses, floorspace and land will be protected. As a standalone scheme, the proposals for Site 2 would be unacceptable as it involves the loss of four residential flats, contrary to policy S14.

However, City Plan policy CM47.1 allows the swapping of uses between sites and for land use packages in order to maximise the potential of individual sites within the commercial areas of Westminster's Central Activities Zone. The policy outlines how a land use swap will be appropriate provided that:

- the sites are in the vicinity of each other;
- the mixed use character of the immediate area is secured;
- there is no net loss of floorspace across the site taken as a whole;
- the uses are appropriate and there is no loss of amenity;
- any residential accommodation is of a higher quality, and
- the applications are submitted at the same time and all elements are completed within a time frame agreed by the Council.

The land use swap is therefore an appropriate mechanism to secure the benefits of each proposal and to offset the losses in residential floorspace and residential units proposed at Site 2. Both sites are within the Harley Street Conservation Area and owned by Howard de Walden Management Ltd. Furthermore, there is a net increase in both residential and medical accommodation across the two sites in accordance with CM47.1 and the new residential accommodation at Site 1 is considered of superior quality to the existing residential units within Site 2 (see below).

It is considered that the land use option is acceptable in this regards and accords with Policy CM47.1. Conditions have been imposed to ensure that the residential properties within Site 1 are completed and ready for occupation prior to the commencement of the medical use at Site 2. This is to ensure there is no net loss of residential units or floor area in accordance with Policy S14.

Site 1

Standard of Residential Accommodation

The four residential units to be provided at Site 1 would provide 2 x 3-bed, 1 x 2-bed and 1 x 1-bed flat. The proposed units are considered to be acceptable in terms of their size and, as they are all triple aspect in layout, are likewise acceptable in terms of their standard of accommodation. All of the flats exceed the space requirements set out in the London Plan (2016) but are not excessively large (81, 90, 145 and 148 sqm GIA) and therefore optimise the potential of the site, in accordance with City Plan Policy S14.

Policy H5 of the UDP states that the City Council will ensure that an appropriate mix of unit sizes is achieved in all housing developments and that the City Council will normally require 33% of housing units in housing developments to be family sized. Policy S15 of the City Plan states that residential developments will provide an appropriate mix of units in terms of size, type and affordable housing provision to contribute towards meeting Westminster's housing needs and creating mixed communities.

In this instance the proposals would provide four residential units in total, half of which are family sized and therefore accords with Policy H5 and S15.

It is considered that the residential accommodation proposed to replace the existing residential accommodation at third and fourth floor level of 142-146 Harley Street (where the access is shared with the medical use) is acceptable and is superior in terms of quantum and quality.

Affordable housing

The increase in residential floorspace does not trigger the requirement to provide a proportion of affordable housing within this scheme.

Site 2

The site lies within the Harley Street Special Policy Area (HSSPA). The basement to second floor level is currently occupied by the London Medical Centre. The third and fourth floors, which are the subject of this application, are in use as four residential flats.

Proposed Medical Use

Policy CM2.1 of the City Plan encourages new medical use and complementary facilities and all development that supports and enhances the role of the HSSPA as an international centre of medical excellence. The proposed increased medical floorspace accords with policy CM2.1 and policies S34 of the City Plan and SOC 1 of the UDP, which encourage new social and community facilities throughout Westminster.

Loss of Residential Floor space

As detailed above, the residential floor space and units lost as a result of this proposal will be re-provided to a better standard within Site 1. This proposal is therefore in line with S14, as there is no net reduction in residential floorspace when the two proposals are taken as a whole.

8.2 Townscape and Design

Site 1

Stone House at 9 Weymouth Street is an unlisted building of merit in the Harley Street Conservation Area. The Harley Street Conservation Area Audit designates the building as one where a roof extension would not normally be acceptable.

The immediate vicinity is characterised by tall late Victorian and Edwardian apartment blocks, many of which are higher than Stone House.

The proposed extension is slight, in context; it extends the existing 70 degree mansard with a 30 degree pitch with minimum floor to ceiling heights. The presumption against an extension to this building can, in some cases, be more flexibly considered if the extension can be seen to 'complete' the roof form and is as visually minimised as possible. Whilst the site is in the viewing corridor 4A.2 Primrose Hill to the Palace Of Westminster, the top of the proposed roof extension is some 10 metres below the viewing plane and is therefore well below the critical viewing plane height. The proposal will therefore not harm this protected vista.

The City Council's Supplementary Planning Guidance on Roofs is a detailed guide on the design of mansard roof extensions. The proposed design complies with this guidance and with the design of many similar local mansion blocks, with a partially shear rear extension.

In summary the roof extension is considered to be acceptable in design terms conservation terms, preserving the character and appearance of the Harley Street Conservation Area and complying with the City Council's SPG on Roofs, DES 1, DES 5, DES 5 and DES 9 of the UDP and City Plan Policy S25 and S28.

A number of objections have been received to the proposal on design grounds. These are addressed in turn below:

Extension alien to building:

The extension complies with the SPG Guidance for Roofs in its detailed design and profile form; additionally it extends in the same materials as the host building, with the exception of the green roof- which adds visual interest in private views.

Architectural integrity of building/building proportions:

The proposals are not judged to undermine either the architectural integrity or proportions of the host building.

Variation of roof line lost/ top heavy/ loss of skyline:

Due the angle of 30 degrees to the front pitch, the visibility of the extension is difficult to discern, except in long views or near adjacent private views. The chimney stacks would be raised in line with the SPG Guidance for Roofs. The roof would still have a degree of visual interest and variation as the aerial views show; this includes the green roof, terraces, inset and expressed dormers.

Impact on private views:

The proposed extension will be visible within neighbouring properties surrounding the site; however, the affect is not considered to be adverse, especially as the existing roof-scape is utilitarian and not of high visual quality.

Impact on Conservation Area/ Harm to heritage asset not outweighed by public benefits

It is considered that the impact of the proposal is minimal and, where it its perceptible, not harmful to the Harley Street Conservation Area, which is a designated heritage asset. There is therefore no requirement to identify public benefits as there is no harm to the designated heritage asset.

Plant visible from terraces:

Due to amenity concerns, the plant room located at new roof level to the rear has been replaced with open top plant enclosure. The resultant reduction of height will also minimise visibility. The proposal also includes an additional area of plant between the existing, albeit raised, chimney stacks. In line will the Council's guidance, all the proposed external plant is visually screened. The installation of the proposed screens will be secured by condition.

Impact of projecting bay window:

The projecting bay window to the rear is no longer being proposed.

Size/design of windows:

The size of the windows has been reduced to comply with the design guidance and the proposed inverted dormer window frames will be required to match the adjoining slate, in line with the recommendation of neighbouring objectors. The frame of the one window on a sheer section to the rear and the four dormers (three to the front and one to the rear) will be required to be constructed in timber and painted white akin to that on the lower floors. These details will be secured be condition. Objectors have also indicated that the window pane should be colour coded to match the proposed roof. Whilst the rationale for this request is understood, it is considered unreasonable as it would impact on the quality of the new residential accommodation due to the reduction in internal light levels.

Potential impact of visible structures within terraces:

A condition have been imposed to ensure that there are no structures, such as canopies, fences, loggias, trellises or satellite or radio antennae, on any of the three terraces at fifth floor level, and thus a refusal on this basis is not justified.

Railings at new roof level are overly visible:

The council also consider that the 'key clamp' (safety) railings at new roof level would be harmful. As such, an amending condition has been imposed to omit 'key clamp' railing design with an informative stating that a safety rail of less industrial design, more traditional in appearance and in keeping with the era of building would be acceptable.

Site 2

There are no external or internal alteration proposed and therefore the special interest of this listed building and the character and appearance of the Harley Street Conservation Area will not be affected.

8.3 Residential Amenity

Site 1

Policy ENV13 seeks to protect and safeguard the amenities of existing residential properties from development proposals including in relation to the levels of daylight and sunlight received, overlooking and increased sense of enclosure.

Objections have been received from a number of existing residential occupants within the application buildings and in surrounding buildings on the grounds of loss of daylight and sunlight, loss of sky lights, overlooking and loss of privacy and noise nuisance from external residential terraces.

Sunlight and Daylight Overview

A daylight and sunlight report has been submitted with the application which assesses the impact of the development with regard to BRE guidelines for daylight and sunlight to existing sensitive properties.

The daylight and sunlight Assessment submitted to support the application assessed windows within 43, 50, 52, 54, 56, 58, 60a Portland Place, 4, 5, 6, 7, 8, 49, 50 Hallam Mews, 56 – 60 Hallam Street, 1, 2, 9-11, 12 Weymouth Street, Walpole House and the Royal Institute of British Architect. The following analysis is based on the revised scheme reducing the size of the roof extension.

Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% (i.e. a ratio of 0.8 of its former value) or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms.

With the exception of windows serving habitable rooms within 49 Hallam Street and 9-11 Weymouth Street, predicted reduction in VSC does not exceed the 20% threshold and therefore the occupants of these properties will notice any reduction in daylight.

The sections below discuss the impact on daylight in breach of the BRE Guidance within 49 Hallam Street and 11-12 Weymouth Street in turn below.

49 Hallam Street

This building comprises a health and fitness club at basement and part ground floor levels with residential flats from part ground to fourth floor levels above and is situated to the south of the application site. The table below details the losses to the VSC in excess of the BRE guidance:

Reference	Location	Room Type	Vertical Sky Component			
			Before	After	Absolute Loss	Ratio
Window 323	3 rd floor flat	Bedroom	34.2%	26.8%	7.4%	0.78
Window 330	4 th floor flat	Bedroom	33.4%	24.0%	9.4%	0.72

The results confirm that two bedroom windows are expected to see reductions in VSC of more than 20%.

The bedroom served by window 323 is also served by another window which is predicted to retain a VSC of 27.9% after the proposed development is completed. The bedroom served by window 330 is also served by a second window which has a VSC of 37.4% and does not experience any loss of daylight as a result of the proposed development. As both bedrooms have additional windows which receive 'good levels of light' as defined by the BRE guidance, and as the failing windows retain proposed levels of daylight which remain extremely high for a dense urban location, it is not considered that the residential occupants will be materially impacted by the proposal.

9 to 11 Weymouth Street (the application site)

The affected windows are on the rear elevation and within the internal lightwell of the property, with 10 windows predicted to experience losses in excess of the BRE Guidance as detailed in the table below:

Reference	Location	Room Type	Vertical Sky Component			
			Before	After	Absolute Loss	Ratio
Window 732	4 th floor flat	Kitchen	14.7%	10.6%	4.1%	0.72
Window 793	4 th floor flat	Bedroom	22.1%	13.4%	8.7%	0.61
Window 843	2 nd floor flat	Kitchen	0.2%	0.1%	0.1%	0.50
Window 846	3 rd floor flat	Bedroom	0.6%	0.4%	0.2%	0.67
Window 848	3 rd floor flat	Kitchen	2.1%	1.3%	0.8%	0.62
Window 849	3 rd floor flat	Kitchen	8.3%	6.4%	1.9%	0.77
Window 850	4 th floor flat	Study	20.4%	15.2%	5.2%	0.75
Window 854	3 rd floor flat	Bedroom	7.3%	5.7%	1.6%	0.78
Window 856	4 th floor flat	Kitchen	17.6%	12.6%	5.0%	0.72
Window 857	4 th floor flat	Kitchen	10.3%	7.5%	2.8%	0.73

Window 732 is a narrow secondary window on the side wall of a rear projection serving a kitchen within a fourth floor flat. The kitchen is served by another much larger window on the rear face of the rear projection which retains a VSC of 33.2% after the proposed development. Given the levels of daylight received to the kitchen as a whole, it is not considered the residential occupants will receive a material reduction in daylight.

Window 793, which experiences the highest absolute loss of daylight as a result of the proposal, is the inner side of an existing bay window serving a bedroom to a fourth floor flat. The others windows which form the bay windows retain a VSC level of 26.4% (central pane) and 22.1% (outer side pane) respectively. Whilst the proposal would in itself reduce the VSC received to the central panel to a level below 27%, the retained VSC is considered to relatively high given this central London location. As such, it is not considered the quality of the residential flat would be compromised as a result of the proposal.

Window 843 is located on the return face of the façade at third floor level. It is one of three windows serving a single kitchen. The VSC of this window reduces from 0.2% to 0.1%. In such circumstances, even imperceptible absolute changes in VSC result in a technical failure when expressed as a percentage. Furthermore, the kitchen which window 843 serves also benefits from another two windows which experience daylight reduction in line with the BRE guidance.

The bedrooms served by windows 846 and window 854 also benefit from second windows. Whilst the degree of reduction to both windows is greater than 20%, given that the actual reductions to these windows is only 0.2% and 1.6% respectively, and that both rooms are served by an additional window which the VSC does comply with, it is not considered that the proposal would be materially harmful.

Whilst the daylight assessment indicates that windows 848 and 849 do not comply with the BRE guidance, given that they serve a galley kitchen totalling 8 sqm and the absolute losses are very small, the impact is acceptable.

Window 850 serves a small study within a fourth floor flat approximately 7 sqm in area and retains a VSC of 15.2% in the proposed scenario. Whilst the BRE guidance does not specifically reference losses of light to residential studies, it is not considered to

warrant the same level of protection as essential residential rooms, such as living rooms. Given the central London location of the site, it is considered the retained VSC is adequate for a room of this size.

Window 857 serves a kitchen to a fourth floor flat. This kitchen is also served by another window which is not materially affected by the proposed development and therefore the quality of this residential accommodation will not be materially harmed.

In addition to the above points, it is important to note that all of the windows within 9-11 Weymouth Street where there is a material reduction to their VSC, the daylight to these rooms is already hampered by the projecting wings/enclosed lightwell of the existing building itself. In this situation the BRE guide acknowledges that it may not be practical to meet the standard VSC targets.

Sunlight

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that if the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, and there is a 4% loss in total annual sunlight hours, then the occupants of the existing building are likely to notice the loss of sunlight.

9-11 Weymouth Street

9 Weymouth Street has a number of windows which experience sunlight losses in excess of the BRE Guidance, as detailed in the table below:

Ref.	Location	Use	Sunlight to Windows							
			Total Sunlight Hours				Winter Sunlight Hours			
			Before	After	Loss	Ratio	Before	After	Loss	Ratio
W. 738	3 rd flr flat	Liv/Din	19%	14%	5%	0.74	8%	7%	1%	0.88
W. 819	4 th flr flat	Kitchen	8%	1%	7%	0.13	0%	0%	0%	1.00
W. 820	4 th flr flat	Kitchen	30%	25%	5%	0.83	3%	0%	3%	0.00
W. 849	3 rd flr flat	Kitchen	14%	8%	6%	0.57	0%	0%	0.0%	1.00
W. 850	4 th flr flat	Study	51%	33%	18%	0.65	6%	0%	6%	0.00
W. 856	4 th flr flat	Kitchen	47%	27%	20%	0.57	2%	0%	2%	0.01
W. 857	4 th flr flat	Kitchen	26%	17%	9%	0.65	1%	0%	1%	0.01

Window 850 serves a small study within a fourth floor flat. Although the total annual sunlight hours satisfy the BRE guidance, the entirety of winter sunlight hours would be lost as a result of the proposal. Given the very high levels of APSH that will be retained after the proposed development, this room will still receive very good levels of sunlight.

Five kitchen windows at third and fourth floor levels within the application site would experience material losses of sunlight in excess of the BRE Guidance. Whilst the losses to these windows are unfortunate, these windows serve large flats which in many cases are dual aspect or have other windows serving the same room and the BRE guidance states that 'kitchens and bedrooms are less important' than the main living room when assessing sunlight losses. The impact of the proposed development would therefore not be materially harmful in this respect.

There is however one living room which experience losses of 5% of the total sunlight hours, which is 1% in excess of the BRE guidance; however, this room benefits from two additional windows along the Weymouth Street elevation which are not affected by this proposal. As such, it is not considered the proposal would materially impact the living conditions of the existing residential occupants.

Loss of Skylights

A number of residents occupying the existing top floor flats have objected due to the loss of skylights. There are currently six obscured glazed skylights, all of which are located in separate flats. Four of the skylights serve entrance hallways, one serves a bedroom and one serves the main living accommodation of a residential flat to the west of the site.

The applicant is proposing to install three light tubes to offset the resultant loss of light to three of the four impacted hallways (it is understood that the occupier of the fourth flat does not want a replacement light tube). As hallway area is a non-habitable room, the council has no policy basis to protect the existing skylight.

The existing skylights serving a bedroom and the main living accommodation of separate residential flats at fourth floor are not proposed to be replaced. It is considered that these skylights are a secondary light source in addition to windows and that it would not be reasonable to refuse the application on this basis.

Conclusions on Sunlight and Daylight

The reductions in light that are in excess of the BRE guidance are primarily on the rear elevations or within the internal lightwells of 9-11 Weymouth street, or on the side façade of 49 Hallam Street, where the gap between the two buildings is relatively modest. Whilst there are a number of losses in excess of the BRE Guidance, most of the affected rooms benefit from an additional window and are located in areas of the building where the BRE guidance acknowledges that losses are unavoidable due to the existing building form.

Taking this into account, and given the site's location within this urban built up location, and the reasonable levels of daylight/sunlight that are retained, it is not considered the application could be reasonably refused on the grounds of losses of daylight / sunlight. As such, it is considered that objections due to losses of daylight/sunlight cannot be supported.

Sense of Enclosure

Policy ENV13 of the UDP states that the City Council will seek to ensure new developments do not result in a 'significant increase in the sense of enclosure'. The proposal has been significantly modified within the lightwell, along the Hallam Street elevation and in a number of locations to the rear of the building. Due to these amendments, the proposed extensions to the building are now not considered that the proposal will materially increase the sense of enclosure felt within neighbouring residential properties. No objections have been received to the application in relation to an increase in the sense of enclosure of neighbouring properties.

Privacy

Policies ENV13 of the UDP and S29 of the City Plan seek to protect residential amenity and ensure that new developments do not result in a 'significant increase in overlooking' to neighbouring residential or sensitive buildings.

The proposal would create three new terraces behind the existing turrets on the three corners of the front and side façade of the building utilising the existing flat roof. The parapet wall surrounding the proposed terraces is 1.85m in height above the level of the proposed terraces. As such, views from the terrace will be sufficiently shielded to ensure there is no loss of privacy experienced within neighbouring residential properties.

The proposal introduces new windows on all elevations. Given the presence of windows at all levels on the lower floors, it is not considered that adjacent properties would experience an increased reduction of privacy as a result of the proposed windows.

Objectors have also raised concern due to the potential overlooking from the proposed roof and green roof. The applicant has confirmed that the roof is proposed for maintenance purposes or in the case of an emergency. A condition has been imposed to ensure that this is the case.

With the safeguarding conditions detailed above it is not considered that the proposal would result in any loss of privacy and it is not considered that the application could be refused on these grounds.

Noise from terraces

A number of neighbouring residents have raised concern due to the potential noise from the proposed terrace. The terraces are located at three corners of the application site. The terraces are relatively small in scale therefore the noise generation potential from residential occupants is not considered to be substantial. Given that all of the terraces are surrounded by a parapet wall 1.85m in height, it is considered that any potential noise from terrace activity will be deflected upwards. The relationship between the proposed terraces and other residential properties compared to existing terraces at the application site which have not been the source of noise complaints, means that the objections on these grounds is not sustainable.

Site 2

The proposal will have no harmful impact on residential amenity.

8.4 Transportation/Parking**Site 1****Parking**

The Highways Planning Manager has objected to the application on the grounds that no off-street parking would be provided in association with the proposed flats. A number of residents have also objected to the proposal due to the potential of increased parking stress.

Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an

unacceptable level of deficiency. The evidence of the Council's most recent night time parking survey indicates that parking occupancy of residential parking bays within a 200 metre radius of the site is 74%. Where parking availability includes Single Yellow Lines, Metered Bays, Pay & Display, and Shared Use, the stress level reduces to 37%.

The daytime parking survey shows that the occupancy of residential parking bays within a 200 metre radius of the site is 81%. Whilst it is acknowledged that the site has a high level of public transport accessibility, the proportion of households with one or more cars in the Marylebone High Street Ward is 35% (2011 Census figures). Whilst this is lower than the borough average, the data indicates that residents in the area do own cars. Given the high level of occupancy of the residential parking bays the scheme is not considered to be consistent with policy TRANS 23.

The Highways Planning Manager has stated that although their objection will still stand, if other planning considerations take priority over the objection raised regarding on-street parking stress (TRANS23), lifetime car club membership is considered the strongest mechanism that is likely to reduce car ownership of the future residential occupiers

In line with the highways officers' advice, it is considered that securing lifetime car club membership would mitigate any potential displacement of on-street parking as a result of the proposal. As such, it is not considered an objection to the proposal as a result of additional parking stress can be supported.

Cycle Parking

The Highways Planning Manager has requested a condition require the provision of four cycle spaces in association with the new flat in accordance with the London Plan. Details of four spaces have been shown on the application drawings within the pavement vaults which is not sufficient. However, there is sufficient roof to accommodate eight spaces and this parking provision is proposed to be secured by condition.

Site 2

Trip generation & Car Parking

No car parking is provided for the proposed use. The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. As such, the highways officer has indicated that the impact of the change of use on residential bays parking levels is expected to be minimal due to the hours of restriction.

The applicant has not indicated how many patients are likely to attend the site on an average day or the length of appointments. The proposed use of D1 (medical) is likely to generate more trips spread out through the day than the existing approved use of the site. However, given that the quantity of public transport services and general accessibility of the area it is considered that the level of trips generated is unlikely to have a significant impact on the public highway.

Servicing

No off-street servicing is provided for the proposed development and no information regarding servicing of the proposed site has been submitted. The highways officer has indicated that the proposal is likely to generate approximately 7 trips a day (5-6 supply deliveries and 1-2 refuse collection). The largest regular service vehicle expected to be

associated with the proposed development is the refuse collection vehicle. A condition has been imposed requiring a Service Management Plan (SMP) to be agreed prior to occupation to secure an agreeable arrangement. An additional condition has also been imposed to ensure no goods are left on the highway during the servicing process.

Cycle Parking

Cycle parking provision is indicated on the submitted plan but no specific details are provided and no comments are made regarding the provision. The London Plan (2016) requires 1 space per 5 staff members. No staffing numbers have been provided. The Highways officer has indicated, based on the number of consultation rooms, three spaces are likely to be the minimum requirement. These spaces have been proposed to be secured by condition.

8.5 Economic Considerations

Any economic benefits generated by the proposed developments are welcome.

8.6 Access

Site 1

The existing main stairs and lift within the building will be raised to the new fifth floor level providing access to this part of the building, whilst one of the flats will be accessed by the existing stairs and a new lift within 60A Portland Place.

Whilst there is a lift access to the new residential accommodation, no step free access will be provided due to the existing steps to the front and rear entrances of the application site.

Objections have been received from residents residing in the building due to the reduced access during the construction period as a result of the installation of replacement lifts in both 9-11 Weymouth Street and 60 Portland Place and the security implications for replace access arrangements.

The applicant has confirmed that the planned maintenance report states that the lift is not fully compliant in its current state and therefore this work is required in the short term whether the this application is approved for the development or not. Therefore the lift is required to be replaced and will be decommissioned. Although the application documents stated that the lift will be decommissioned for the entire construction period (approx. 1 year), the applicant has subsequently stated that the construction programme has been modified due to residents' concerns and the lift will be now be decommissioned for a 22 week period towards the end of the construction period.

To ensure residents are not unduly impacted by the reduced access arrangement, a temporary lift and stair will be erected. The temporary lift will be fob activated for security reasons and will provide access to the half landing of every floor. Although, there are approximately five steps from the mews at the rear to access the temporary lift and residents would have to also negotiate a flight of stairs from the half landing between the desired floor and the floor below, it is considered to be best possible interim solution. It is

recommended that a condition be imposed that secures this temporary lift during the entirety of the construction period for the proposed development.

Contractors will utilise the external stairs for construction access to ensure the internal communal areas are not impacted.

Site 2

Access to the additional medical accommodation will remain unchanged.

8.7 Other UDP/Westminster Policy Considerations

Site 1

Internal Transfer Noise

Objections have been received from residential occupants at fourth floor level of the application site due to the potential of noise transfer from the proposed residential flats to the existing fourth floor flats. Whilst the transfer of noise between commercial and residential properties is a matter that falls within planning control, noise transfer between residential properties is dealt with through the application of the Building Regulation. As this issue to adequately dealt with under another regulatory regime, permission could not be reasonably refused on this ground.

Fire Potential

Objections have been received due to the potential of fire. The fire potential of the development is not controlled through the planning system but through Building Regulations. This includes means of escape, fire spread, structural fire protection and fire service access.

Plant

Mechanical plant is being relocated at roof level to two plant enclosures at new roof level. Objections have been received from the neighbouring residential occupants on the grounds that there will be an increase in noise from the plant. Environmental Health has no objection to the proposal and the plant is likely to comply with the City Council's standard noise conditions. The objections on these grounds are therefore not considered to be sustainable.

Refuse /Recycling

Objections have been received due to the proposed increase of refuse bins to the rear of the building. The application has been revised to include internal waste storage within each flat and the Eurobins located alongside the Hallam Mews entrance to the building have been removed in line with recommendations from the Cleansing Officer. The proposed waste arrangements will be secured by condition.

Biodiversity and Surface Water Runoff Attenuation

The introduction of the green roof area at main roof level is welcomed and a condition is imposed to ensure these are provided and retained.

Site 2Refuse /Recycling

No waste storage is shown on the submitted drawings. As the proposal is an extension to an existing medical use, it is likely that a waste storage facility is available in the building. Details of waste storage will be secured by condition.

8.8 London Plan

These applications raise no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations**Site 1**

The estimated CIL payment is £249,750 (£27,750 for Mayor CIL = £27,750 and £222,000 for Westminster CIL).

Site 2

The development does not trigger any planning obligations as no increase in floorspace is proposed.

8.11 Environmental Impact Assessment

These proposals are of insufficient scale as to trigger an environmental impact assessment.

8.12 Other Issues**Site 1**Construction Impact

The occupants of both the existing building and neighbouring properties have raised concerns in relation to the potential impacts of the proposal during construction such as impacting services at roof level (satellite dishes, aerials, etc.), noise nuisance, impact on light (from hoarding), and safety/security of the existing flats within the application site due to the proposed external lift and scaffolding required during the construction process, access to the common parts of the existing building, congestion from construction traffic, and general disruption.

The applicant has confirmed that all existing satellite dishes and aerials will be relocated to the outside of the proposed scaffolding so that they can remain in use while the works are being undertaken. Howard de Walden Estate will ensure that all dishes will remain in

a working condition and provide all the existing services to the tenants who are currently using these services.

Objections have been received due to the potential of fire. Developer carrying out work must notify the Health and Safety Executive (HSE). They will ensure that the method construction and access arrangement during the construction process complies with the Construction (Design and Management) Regulations 2015 (CDM 2015) thus nullifying fire potential.

Although not required for a proposal of this scale, the applicant has volunteered to sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. This will be secured by condition. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupants during the construction process to ensure that residents' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and ensure compliance. A further condition is recommended to control the hours of building works. Subject to these conditions, it is considered that the potential effects of the construction process will be ameliorated as far as possible.

The access arrangement during construction is discussed on section 8.6 above.

Precedent

Objectors are concerned that the scheme would set an unwelcome precedent for similar development in the area. The proposal is considered to be acceptable in the context of the adopted development plan policies. Any future applications in relation to other sites would be assessed on their individual merits and therefore refusal on the grounds of setting an unwelcome precedent cannot be justified.

Site 2

None.

9. BACKGROUND PAPERS

Site 1

1. Application form
2. Memorandum from Environmental Health dated 16 February 2017
3. Memorandums from Cleansing dated 03 July 2017 and 6 November 2017
4. Memorandum from Highway Planning dated 27 July 2017
5. Memorandum from Environmental Health dated 16 February 2017
6. Emails from the Weymouth Court Residents Association dated 13 July and 25 October 2017 (3 emails, from 1 occupant)
7. Letters from occupiers of Penthouse 1, 10 Weymouth Street dated 19 June 2017
8. Letter from occupier of Flat 6A, Stone House, 9 Weymouth Street, dated 3 July 2017
9. Email from occupier of Flat 15, Stone House, 9 Weymouth Street, dated 5 July 2017 and 9 November 2017
10. Letter from occupier of 34-35 Eastcastle Street, London, dated 6 July 2017
11. Email from occupier of Flat 19, Stone House, 9 Weymouth Street, London, dated 7 July 2017

12. Emails from occupiers of Flat 16, Stone House, 9 Weymouth Street, London, dated 9 and 10 July, 28 October and 02 November 2017 (3 email and 2 letter from 2 occupants)
13. Letters and an email from occupiers of Flat 10, Stone House, 9 Weymouth Street, London, dated 10 July and 01 November 2017 (2 letters and 1 email from 2 occupants)
14. Email from occupier of Flat 7A, Stone House, 9 Weymouth Street, London, dated 7 July 2017
15. Letters from occupiers of 7 Hallam Mews, London, dated 10 July 2017 and 23 October 2017 (4 letters from 2 occupants)
16. Email from occupier of 11 Weymouth Court,, 1, Weymouth Street dated 10 July 2017
17. Email from occupier of Flat 11A, Stone House, 9 Weymouth Street, dated 10 July 2017
18. Email from occupier of 70 Portland Place, dated 12 July 2017
19. Letters from occupiers of 55 Hallam Court, 77 Hallam Street, dated 12 July and 2 November 2017 (4 letter by 2 occupants)
20. Letter from occupier of Stone House, 9 Weymouth Street, dated 12 and 13 July 2017 (two letter by 2 occupants)
21. Emails and letters from occupier of 12 Weymouth Court, 1 Weymouth Street, dated 12 July 2017 and 17 and 22 and 28 October 2017 (2 email and 4 letters by 1 occupants)
22. Letter from occupier of Flat 89, 49 Hallam Street, dated 13 July 2017
23. Email from co-owner of second floor flat, dated 14 July 2017
24. Letter from occupier of Flat 89, 49 Hallam Street, dated 13 July 2017
25. Letters from occupier of Flat 9, Weymouth Court, 1 Weymouth Street, dated 12 July and 22 October 2017 (3 letters from 1 occupant)
26. Email dated 11 August 2017
27. Emails and a letter from occupier of Flat 4, 60A Portland Place, dated 30 June 2017 (two emails and 1 letter by 1 occupants)
28. Letter from occupier of Flat G, Stone House, 9 Weymouth Street, dated 16 October 2017
29. Letter and email from occupier of 1 Weymouth Street, London, dated 20 October 2017 (1 letter and 1 email from one occupant)
30. Letter and email from occupiers of 11 Stone House, 9 Weymouth Street, dated 22 October and 01 November 2017 (1 letter and 1 email by 2 occupants)
31. Letter and email from occupier of 11 Weymouth court, 1 Weymouth Street, dated 22 October and 01 November 2017 (1 letter and 1 email from 1 occupant)
32. Letter from occupier of 12 Weymouth Street, London, dated 08 July and 24 October 2017

Site 2

1. Application form
2. Response from Marylebone Association, dated 20 June 2017
3. Memorandum from Highways Planning, dated 27 July 2017
4. Memorandum from Cleansing, dated 20 June 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

10. KEY DRAWINGS

Site 1

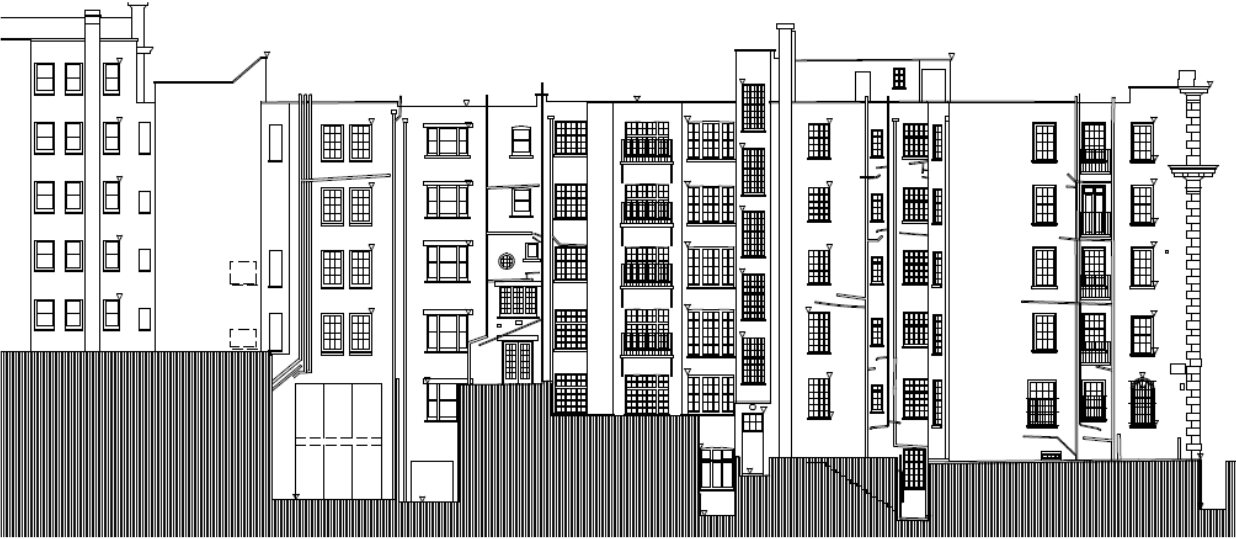
Existing Weymouth Street Elevation



Proposed Weymouth Street Elevation



Existing Rear Elevation



Proposed Rear Elevation

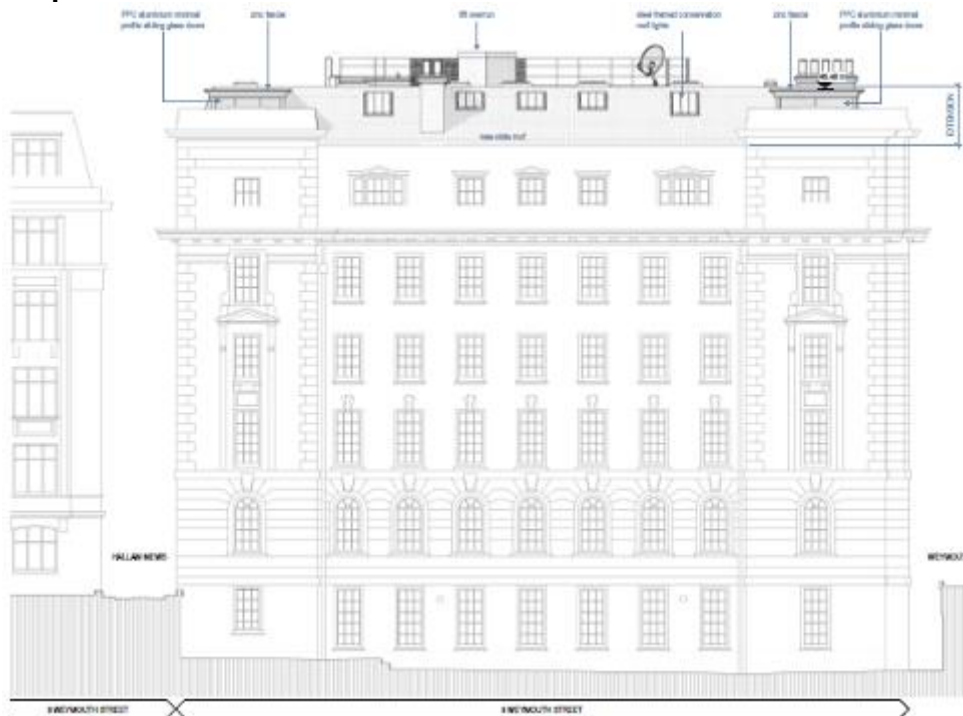


Existing Side Elevation

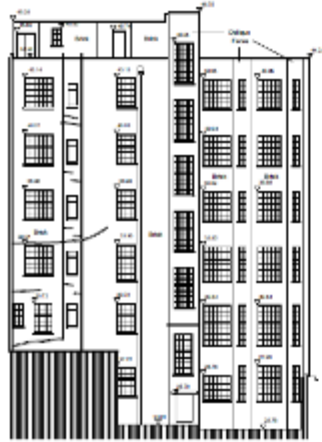


ELEVATION 2 - Hallam Street
1:100

Proposed Side Elevation



Existing Hallam Mews Elevations



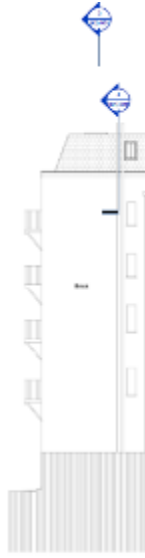
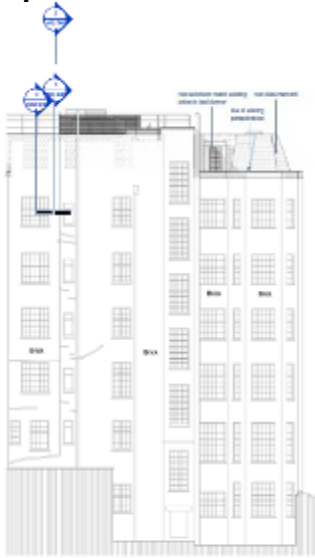
ELEVATION 4 - Hallam Mews
1/20

ELEVATION 5 - Hallam Mews
1/20

ELEVATION 6 - Hallam Mews
1/20

ELEVATION 7 - Hallam Mews
1/20

Proposed Hallam Mews Elevations



ELEVATION 4 - Hallam Mews
1/20

ELEVATION 5 - Hallam Mews
1/20

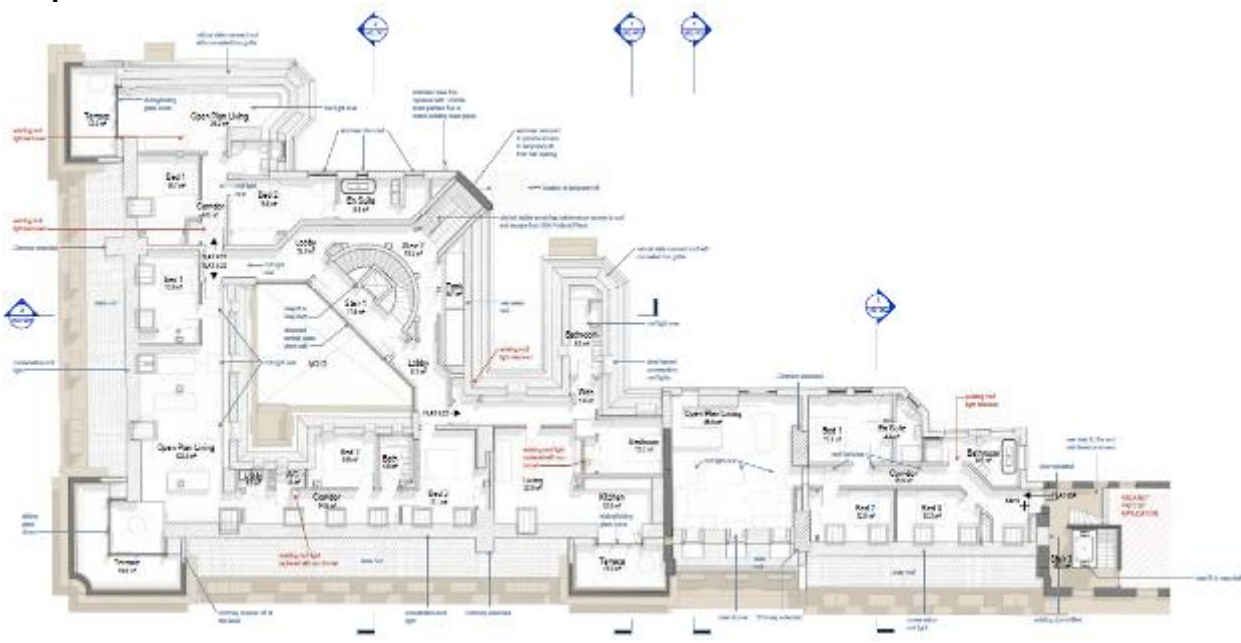
ELEVATION 6 - Hallam Mews
1/20

ELEVATION 7 - Hallam Mews
1/20

Proposed Sections



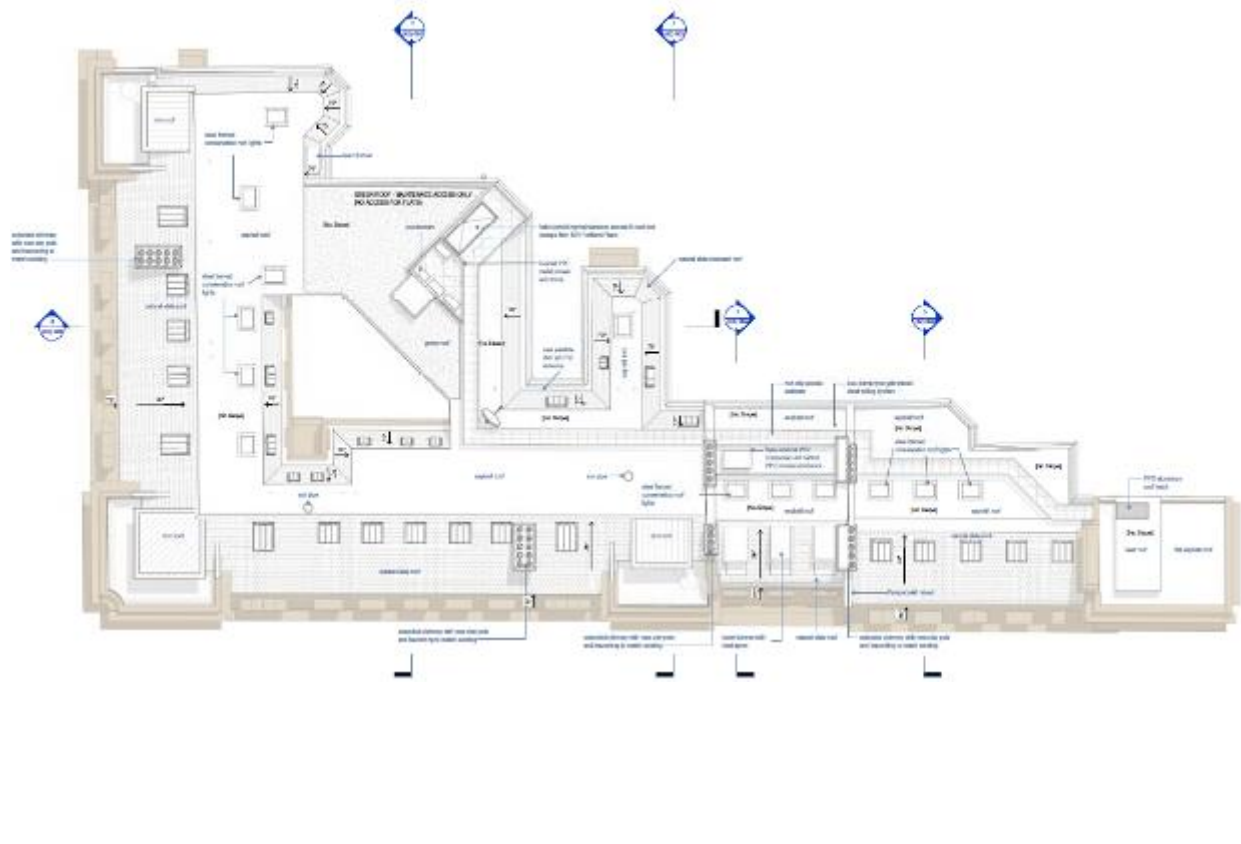
Proposed Fifth Floor Plan



Existing Roof Plan



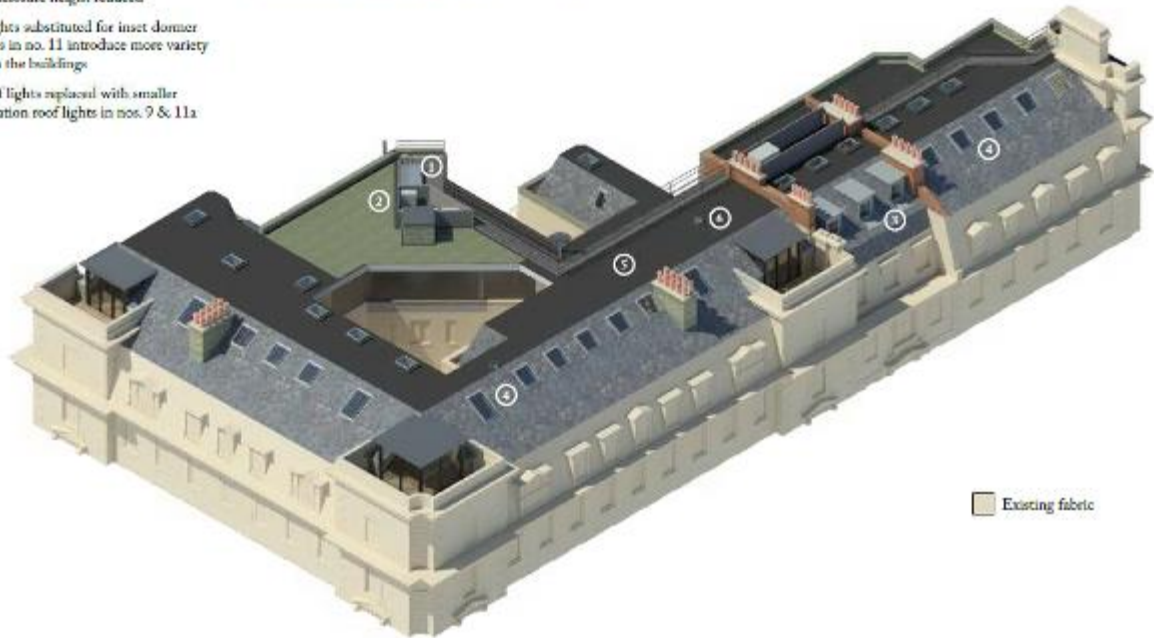
Proposed Roof Plan



Proposed Axonometric Views

KEY

1. Escape stair extension substituted for escape hatch
2. Plant enclosure height reduced
3. Roof lights substituted for inset dormer windows in no. 11 introduce more variety between the buildings
4. Inset roof lights replaced with smaller conservation roof lights in nos. 9 & 11a
5. Overall height of roof reduced
6. Sun pipes moved to upper (flat) section of roof



AXONOMETRIC VIEW OF THE FRONT FACADE AND ROOF

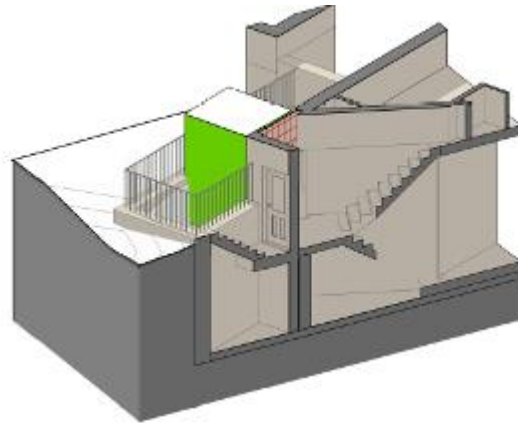
KEY CHANGES

1. Slender masonry wall replaced with mansard behind concealed gutter in areas affecting daylight to neighbouring properties
2. Slender wall replaced with mansard around light well to improve sense of enclosure
3. Slender wall replaced with mansard facing 49 Hallam Street
4. Windows facing 49 Hallam Street obscured or removed
5. Escape stair extension replaced with roof hatch
6. Height of plant enclosure reduced to 1100mm
7. Sun pipes moved to flat roof



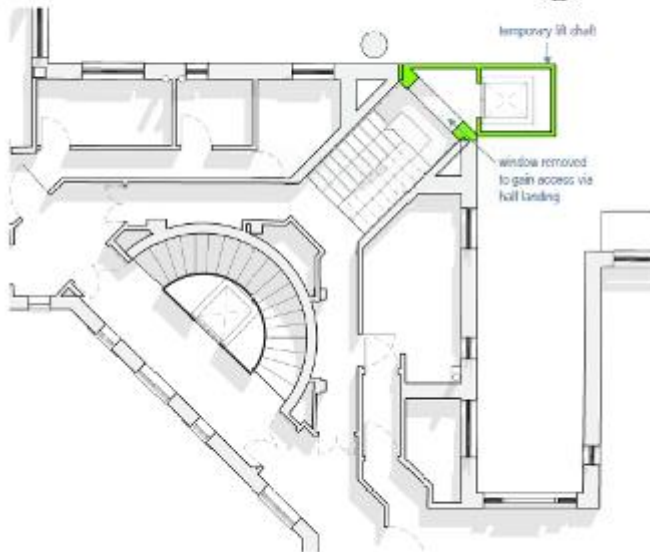
AXONOMETRIC VIEW OF THE REAR FACADE AND ROOF

Temporary Lift



1 Temporary Lift - Overview
032/

2 Temporary Lift - Ground Floor Entrance
01-002



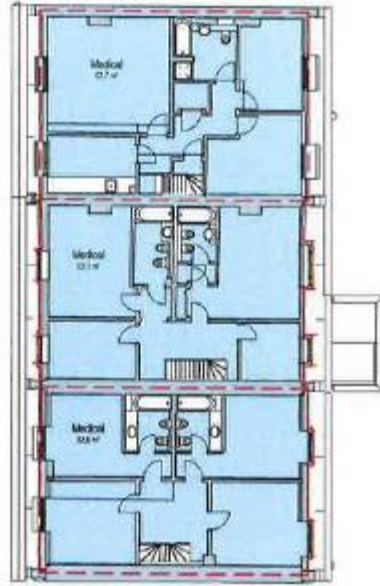
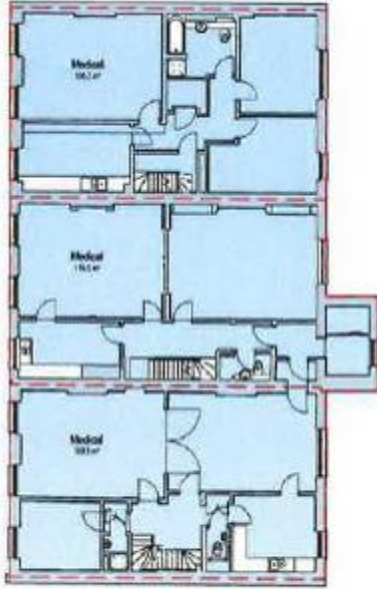
Existing steps down to rear escape stair entrance from Hallam Mews



Proposed temporary lift location within rear light well

3 Typical Landing
032/ 1 - 100

Site 2



Third Floor
1-102

Fourth Floor
1-110

DRAFT DECISION LETTER

- Address:** Stone House, 9 Weymouth Street, London, W1W 6DB,
- Proposal:** Erection of a new single storey roof extension to create four residential units (Class C3) and associated plant. Creation of three new terraces at new fifth floor level. (Site includes 9-11A Weymouth Street and 60A Portland Place) (Part of a land use swap with 142-146 Harley Street).
- Reference:** 17/05227/FULL
- Plan Nos:** Drawings 1503-HA-XX-DR-A-(31) 001 1, 1503-HA-XX-DR-A-(31) 002 1, 1503-HA-XX-DR-A-(31) 003 2, 1503-HA-XX-DR-A-(42) 001 6, 1503-HA-XX-DR-A(72) 002 2, 1503-HA-XX-DR-A(32) 003 4, 1503-HA-XX-DR-A (32) 001 5, 1503-HA-XX-DR-A (42) 002 5, 1503-HA-XX-DR-A (42) 003 1, 1503-HA-XX-DR-A(72) 101 3, 1503-HA-XX-DR-A(22) 005 8, 1503-HA-XX-DR-A(22) 006 7, 1503-HA-XX-DR-A(72) 001 1, 1503-HA-XX-DR-A- (22) 000 1, SK-032

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 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 (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.

- 4 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.

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

Reason:

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

- 6 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)

- 7 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.

- 8 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms. (C07DC)

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 9 You must provide the waste store shown on drawing 1503-HA-XX-DR-A- (22) 005 Rev. 8 before anyone moves into any of the flats hereby approved. You must clearly mark it and make it available at all times to everyone using the residential units. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

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)

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

- Arrangements to mitigate the impact of the development on on-street parking demand in the area

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

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 11 You must apply to us for approval of details of secure cycle storage with the capacity for eight bicycles for the new residential units. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation of any of the residential units hereby approved. You must not use the cycle storage for any other purpose.

Reason:

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

- 12 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you

have sent us. You must carry out this work according to the approved details prior to occupation of any of the residential units hereby approved and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 18 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae in any of the three terraces at fifth floor level. (C26NA)

Reason:

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

- 19 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
- The omission of the 'key clamp' railing design and its replacement with traditional railings.

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

- 20 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5); of the following parts of the development :
- i, railings;
 - ii, roof lights and sun pipes;
 - iii, doors and windows;
 - iv, plant enclosures and louvres;
 - v, dormers; and
 - vi, inset dormers.

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

sent us.

You must then carry out the work according to these approved documents. (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 Harley Street 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)

- 21 The sun pipes hereby approved shall be installed in their entirety and as shown on the approved drawings prior to the occupation of any of the residential units hereby approved. These sun pipes shall thereafter be retained in situ and in working order for the life of the development.

Reason:

To ensure that the quality of the existing residential accommodation at fourth floor level is maintained and the amenity of the occupants of these flat is maintained, in accordance with S29 of Westminster's City Plan (November 2016).

- 22 The temporary lift shown on the approved drawings shall be erected in full and operational for the full duration of the works to implement this permission.

Reason:

To ensure that existing residents within the buildings continue to have lift access to their flats, in accordance with S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 3 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 4 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
- * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.
- Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.
- It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 5 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission)., More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.
- Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 6 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that

every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
- * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
- * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
- * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
- * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 8 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 9 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:, , Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, www.westminster.gov.uk, Email: res@westminster.gov.uk, Tel: 020 7641 3003 Fax: 020 7641 8504.
- 10 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk.

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 11 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 12 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 13 With reference to condition 6, please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 14 Under condition 10 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure lifetime car club membership for future occupiers. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 15 With regards to condition 19, you are advised that a less industrial design, more traditional in appearance and in keeping with the era of building would be acceptable.

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

DRAFT DECISION LETTER

Address: 142-146 , Harley Street, London, W1G 7LE

Proposal: Use of third and fourth floors as medical use (Class D1) (part of a land use swap with Stone House, 9-11 Weymouth Street).

Reference: 17/05226/FULL

Plan Nos: 1654-ST-XX-B1-DR-A-2281 A3, 1654-ST-XX-GF-DR-A-2282 A3, 1654-ST-XX-01-DR-A-2283 A3,1654-ST-XX-02-DR-A-2284 A3,1654-ST-XX-03-DR-A-2285 A3,1654-ST-XX-04-DR-A-2286 A3, 1654-ST-XX-ZZ-DR-A-2232 A3, 1654-ST-XX-ZZ-DR-A-2237 A3

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 apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details prior to the occupation of the of third and fourth floors as medical use (Class D1, clearly mark the stores and make them available at all times to everyone using the clinic. (C14EC)

Reason:

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

- 3 The medical use hereby approved shall only be used in connection with the existing medical use (class D1) at 142 - 146 Harley Street.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets SOC 1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007 and S29 and S34 of the Westminster City Plan (November 2016). (R07AB)

- 4 The medical (Class D1) use hereby approved shall not be occupied until i) to iv) below have all taken place:

- i) The works to build four residential units at fifth floor of Stone House, 9 Weymouth Street has been completed in accordance with the planning permission (RN: 17/05227/FULL) and the dwellings are ready for occupation;
- ii) The City Council has been notified in writing that the dwellings are complete;
- iii) Access has been arranged to the dwellings for a planning officer from the City Council to inspect; and
- iv) The City Council has confirmed in writing that the works to build four residential units at fifth floor of Stone House, 9 Weymouth Street are complete to our satisfaction.

Reason:

To make sure that replacement residential accommodation on an alternative site and to make sure that the development meets S14 and CM47.1 of the Westminster City Plan (November 2016).

- 5 You must apply to us for approval of details of secure cycle storage for the medical use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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

- 6 Prior to the commencement of the third and fourth floor medical use hereby approved, you must apply to us for approval of a Servicing Management Plan for the medical use. You must not occupy the third and fourth floor for medical purposes until we have approved what you have sent us.

You must then service the premises in accordance with the approved Servicing Management Plan. (C26CB)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 7 No goods or waste to be left on the highway following delivery or prior to collection.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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.

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Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 November 2017	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Pitch 1701, New Bond Street, London, W1S 3SU		
Proposal	Installation of a free standing retail kiosk (Class A1).		
Agent	Turley		
On behalf of	New West End Company		
Registered Number	17/06592/FULL	Date amended/ completed	25 July 2017
Date Application Received	25 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission for a temporary period of five years

2. SUMMARY

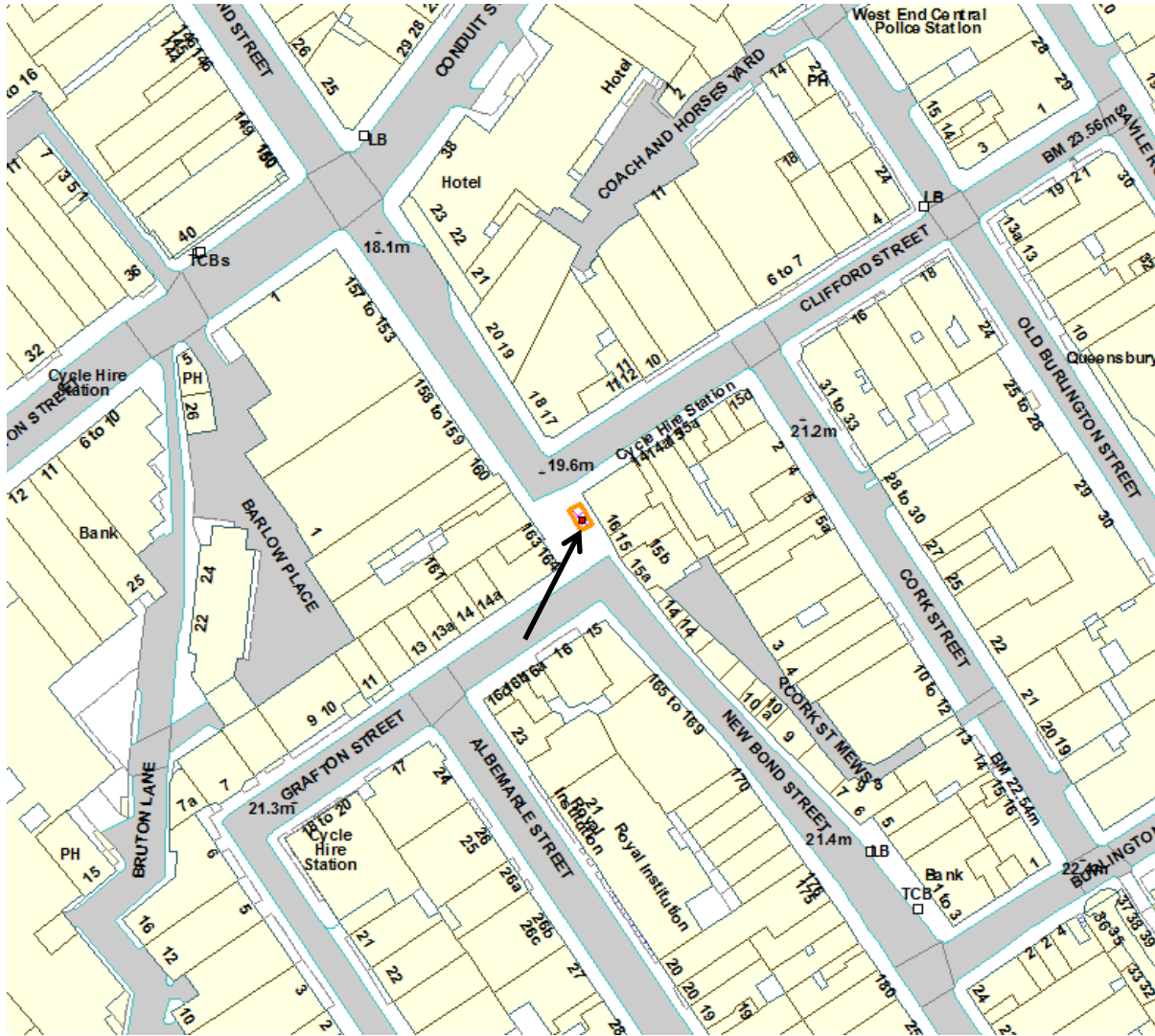
This application was considered at the Planning Applications Sub Committee on 17 October 2017. The Committee resolved to defer the application in order for the applicant to produce a more appropriate design which would contribute positively to the Bond Street improvements scheme and also enhance the character and appearance of the Mayfair Conservation Area.

The design of the kiosk has not been amended, however the applicant has provided additional views and images of the kiosk in to justify the design. They applicant advises that that kiosk has the support of adjacent boutiques who have been extensively consulted during the design process. They feel that the 'design of the kiosk positively reflects the classical ambiance of Bond Street, whilst being modern, practical, elegant and robust'.

No further consultations have been undertaken since the Sub- Committee meeting on 17 October 2017, however two letters of support have been received on behalf of the Bond Street Association and the Bond Street Management Group. The letters of support state that they are very keen for the existing old green heritage style kiosk to be replaced by the proposed new kiosk which will be an important piece of townscape architecture providing a fitting and positive enhancement to the area which compliments the Bond Street public realm improvements.

The application is reported back to Committee recommended for approval.

LOCATION PLAN



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4. PHOTOGRAPH



Fig 19. West elevation of existing kiosk



Fig 21. North Elevation of existing kiosk



5. CONSULTATIONS

NO FURTHER CONSULTATIONS UNDERTAKEN

2 x letters of support received, that the proposed kiosk would be a positive enhancement to the area.

6 BACKGROUND PAPERS

1. Planning Applications Sub Committee report and minutes dated 17 October 2017
2. Undated letter from New West End Company received 7 November 2017
3. Undated letter from Buccellati, 33 Albemarle Street received 7 November 2017
4. Undated letter from Doaks Ltd 10 Old Bond Street received 7 November 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: Pitch 1701, New Bond Street, London, W1S 3SU,
Proposal: Installation of a free standing retail kiosk (Class A1).
Reference: 17/06592/FULL
Plan Nos: 443-110,120,121revA,122,123,124.

Case Officer: Mike Walton

Direct Tel. No. 020 7641 2521

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 advise us in writing the date of installation of the kiosk, which can remain in situ one year from the date of installation. After that you must remove it and return the land to its previous condition.

Reason:
So that we can assess the effect of the kiosk in light of experience and the prevailing circumstances and make sure it meets DES 7 and SS 16 of our Unitary Development Plan and CS24 and CS27 of our Core Strategy that we adopted in January 2011.
- 3 All trading activity and storage of refuse shall be within the licensed trading area.

Reason:
To prevent obstruction of the footway and make sure that the appearance of the kiosk is suitable and that it contributes to the character and appearance of the area. This is as set out in DES 7 and SS 16 of our Unitary Development Plan that we adopted in January 2007 and S25 and S28 of our Strategic Policies that we adopted in January 2011.
- 4 No items of merchandise shall be displayed or installed on the outside of the kiosk. No items shall be hung from the projecting canopies.

Reason:
To make sure that the appearance of the kiosk is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

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

- 6 The windows shall remain clear of advertisements at all times. No advertisements shall be displayed on the outside or behind the windows of the kiosk, nor shall there be any advertisements on the folding doors.

Reason:

To make sure that the appearance of the kiosk is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 No advertisements shall be displayed on the kiosk hereby approved other than those comprising the name of the trader of the kiosk and the nature of his or her business. You must apply for details of any advertisement. You must then carry out work according to the approved details.

Reason:

To make sure that the appearance of the kiosk is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 November 2017	Classification For General Release	
Report of Director of Planning		Ward involved St James's	
Subject of Report	Westminster Pier , Victoria Embankment, London, SW1A 2JH		
Proposal	Location of temporary ticket office kiosk on Victoria Embankment adjacent to entrance of Westminster Pier.		
Agent	N/A		
On behalf of	Thames Clippers		
Registered Number	17/06102/FULL	Date amended/ completed	20 July 2017
Date Application Received	10 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Whitehall		

1. RECOMMENDATION

Grant conditional permission for temporary period of one year subject to no representations being received that raise new material issues in response to the applicants' revised notification to landowners which expires on 28 November 2017.

2. SUMMARY

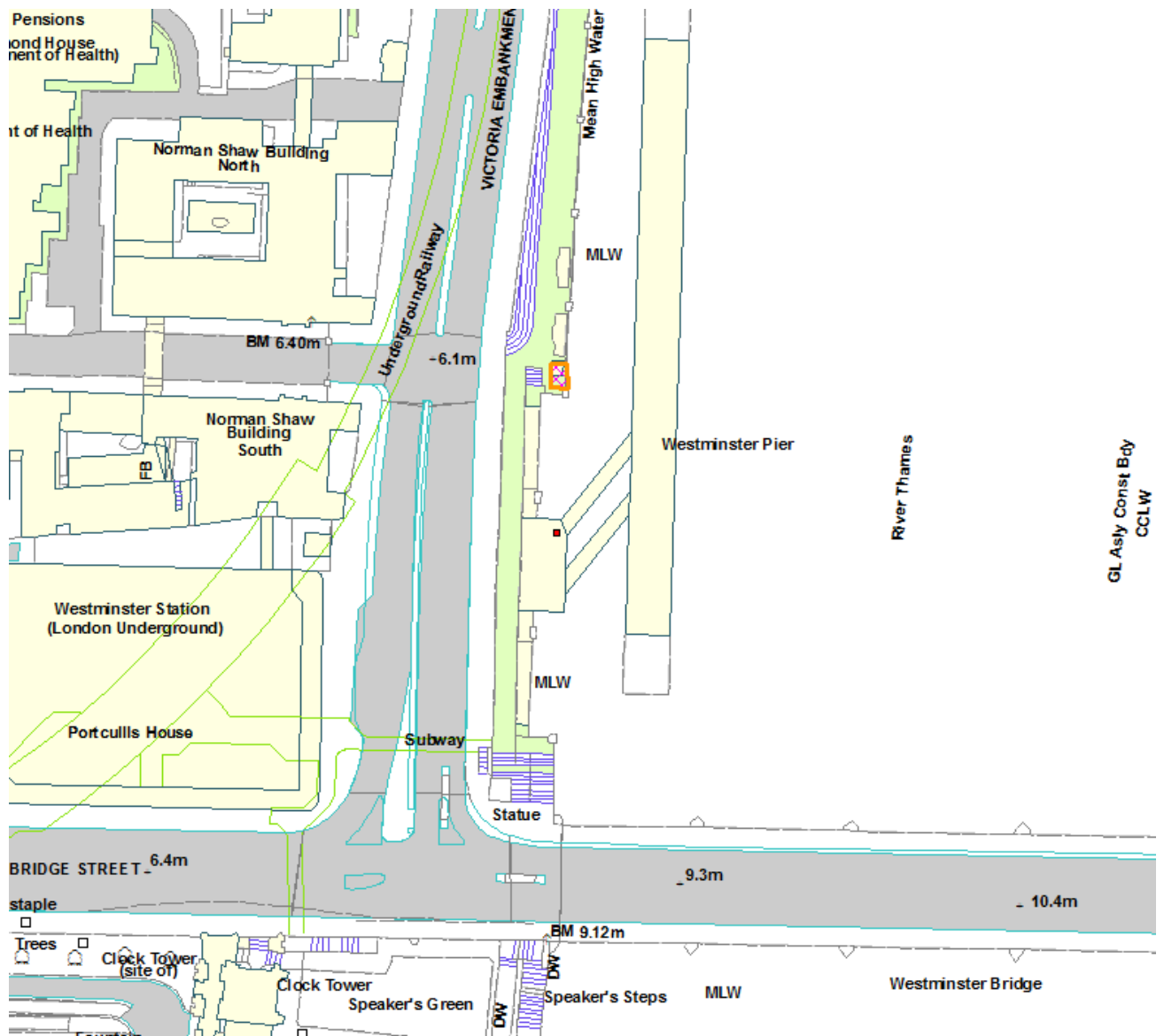
Westminster Pier is located on the west side of the river to the north of Westminster Bridge and is accessed via Victoria Embankment. Permission is sought to locate a ticket kiosk adjacent to the pier entrance for a temporary period of one year.

The key issues in this case are:

- * The impact of the proposals users of the highway;
- * The impact of the proposals upon the appearance of the Whitehall Conservation Area.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

HISTORIC ENGLAND

Raise no comments.

PORT OF LONDON AUTHORITY

No objection in principle.

TRANSPORT FOR LONDON

- Raise concern with impact on pedestrian movement through the site and suggest a Crowd Management Plan be secured.
- Requests data on trip generation for the ticket office. (informative added)
- Consider it would be more appropriate to establish a permanent ticketing area.

WESTMINSTER SOCIETY:

No objection.

THORNEY ISLAND SOCIETY:

No objection.

LONDON BOROUGH OF LAMBETH:

Any comments received to be reported verbally.

HIGHWAYS PLANNING:

No objection.

- Agree with TfL that a crowd management plan should be secured.
- Content to allow for a temporary period to allow for review.

DESIGNING OUT CRIME OFFICER:

Any comments received to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 12

Total No. of replies: 6

No. of objections: 6

- Impacts on clear and safe passage for wheelchair users.
- Area is already very congested at busy times with unregulated queues.
- prior to ticket office being installed there was a metal gate which prevented people from using the space as a toilet, if the ticket office is considered acceptable then a similar gate should be installed between the proposed and existing kiosks.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Westminster Pier is located downstream of Westminster Bridge on the River Thames. The pier is accessed from Victoria Embankment which also provides pedestrian access to Westminster underground station. The proposed site for the ticket kiosk is on Victoria Embankment adjacent to the entrance to Westminster Pier. This kiosk is currently in situ but in a different location to that proposed due to the existence of an unlawful fence.

The pier itself is not listed but the embankment wall is Grade II listed and the site is within the Whitehall Conservation Area. The application site is within close proximity to several notable sites including the Grade II listed Westminster Bridge, Grade II star County Hall on the opposite side of the river, Grade II star Norman Shaw Building South and the Grade I listed Norman Shaw Building North.

6.2 Recent Relevant History

Two relevant enforcement cases are currently open which related to the unauthorised fencing located adjacent to the site and breach of condition requiring the neighbouring kiosk to be in place for a temporary period (expired 31 August 2016).

A variety of applications for neighbouring kiosks include:

27 August 2013 – Permission granted for retention of ticket sales office for river boat cruises for a temporary period. (13/05702/FULL)

27 January 2010 – Permission granted for retention of ticket sales office for river boat cruises for a temporary period of three years. (09/08793/FULL)

30 August 2007 – Permission granted for retention of ticket sales office for river boat cruises for a temporary period until 30 September 2009. (07/06403/FULL)

03 November 2005 – Permission granted for retention of ticket sales kiosk in connection with river boat business, renewal of temporary permission dated 30 September 2003 (RN:03/06186/FULL). (05/06470/FULL)

27 May 2005 - Certificate of lawfulness granted for use of northern unit within the northern kiosk for Class A1 retail purposes comprising the sale of tickets for river boat services, sale of sandwiches, hot and cold beverages for consumption off the premises. (05/02004/CLOPUD)

30 September 2003 – Permission granted for retention of ticket sales kiosk in connection with river boat business, renewal of temporary permission dated 12.11.01 (RN:01/05945/FULL). (03/06186/FULL)

12 November 2001 – Permission granted for erection of a kiosk in connection with river boat trip business. (01/05945/FULL)

7. THE PROPOSAL

Planning permission is sought for the provision of a ticket kiosk on Victoria Embankment, adjacent to three existing ticket kiosks and the Grade II listed Victoria Embankment wall. The kiosk would serve Thames Clippers who run the river bus service. Thames Clippers operate under both licence and contract to TfL throughout its route network

In 2016 permission was granted for the extension of Westminster Pier and those works have now been completed. Prior to the 2016 permission a number of river services were already serving Westminster Pier. The extension of the pier primarily sought to facilitate Thames Clippers, the applicant for the temporary kiosk. The applicant had been using the temporary kiosk within the pier itself, but as this is not visible to readily visible to customers until they are within the pier itself. The proposal seeks to site the temporary kiosk on Victoria Embankment adjacent to the existing ticketing facilities in order to provide a passenger ticket sales and an information hub.

The Thames Clipper services operate from 06.50 until 23.30 weekdays and from 09.36 to 23.36 at weekends. The ticket kiosk would remain in situ when not in use.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy S37 of the City Plan and saved Policy RIV 7 of the UDP encourages the improvement to piers in order to encourage public access to the Thames for water dependent leisure, tourism or public transport. The provision of the temporary ticket kiosk is to enable the operator, Thames Clippers, to increased visual presence in order to encourage use of the additional river service serving Westminster Pier.

8.2 Townscape and Design

The proposed temporary ticket kiosk measures 2.4m (high) x 1.2m (deep) x 1.8m (wide). The ticket kiosk is formed from a steel frame and powder coated aluminium framework cladding and security glazed window.

This part of Victoria Embankment contains two existing ticket kiosks which have been in situ for approximately 29 years. A third ticket kiosk was approved in 2001 adjacent to the existing kiosks on a one year temporary basis, which has been renewed on an annual basis since 2001. The last temporary permission was renewed in 2015 and has since expired in August 2016. The City Council's Planning Enforcement Team is currently dealing with the expiration of the temporary permission.

The provision of structures such as kiosks along the Embankment is normally considered to be contentious in design terms. However, the existing structures have been in place for a number of years albeit under temporary permissions, and attempts are being made to review the existing structures along the pier in order to provide a more coherent and unified solution.

The proposed kiosk is smaller than the existing adjacent kiosks. Given its modest size and location it is considered that the addition of the kiosk would not have a sufficiently

detrimental impact on the character and appearance of this part of the Whitehall Conservation Area, localised views of the Thames or the embankment wall to justify withholding permission.

The ticket kiosk displays the name of the operator and details of the services that it provides. A condition is recommended to ensure no adverts requiring express under the Town and Country Planning (Control of Advertisements) Regulations are installed on the kiosk and that no part of the kiosk is to be physically attached to the listed embankment wall. A condition is recommended that the kiosk is only permitted for a temporary one year period to allow its installation to be reviewed during an intervening period.

8.3 Residential Amenity

No residential properties are close enough to the site to be negatively affected by the proposals.

8.4 Transportation/Parking

The siting of the ticket office is on the Victoria Embankment nearest to the entrance to Westminster Pier. The area where the ticket office is proposed is on land which is controlled by the Council as highway authority. The remainder of Victoria Embankment forms part of the Transport for London Road Network (TLRN). The site is also located adjacent to the Cycle Superhighway along Victoria Embankment.

Victoria Embankment provides a popular pedestrian route through to Westminster Bridge, Westminster underground station and the Houses of Parliament located to the south of the site and to Parliament Street to the west of the site, as well as pedestrians accessing and exiting from Westminster Pier itself. As such the area adjacent to Westminster Pier along Victoria Embankment is highly active pedestrian route.

Given the competing interests around the application site, objections have been raised from the existing ticket operators and members of the public on grounds that the location of the kiosk interferes with an access ramp leading onto the pier. The area around the existing ticket kiosks is prone to congestion as a result of people queuing for tickets but this is a pre-existing condition and there currently appears to be no mitigation measures in place.

The proposed siting of the kiosk would be positioned in the far corner of this section of Victoria Embankment. The applicant has confirmed that the ticket kiosk has been in place since 16 August 2017, although not in the currently proposed location. During this time the applicant has stated that they have not seen any congestion as described by the objectors and that the location has been agreed with the London River Services. The currently unauthorised location, at a right angle and closer to the access ramp, is considered to be more harmful to pedestrian movement when compared with the proposed location.

TfL have raised concerns given the busy nature of the site with people queuing at the existing ticket kiosks and coming on and off the pier. The applicant has stated that customers using Thames Clippers not only purchase tickets from the ticket office but can also purchase using Oyster/Contactless, pre-pay online, mobile app, self-serve machine

on the pier itself, so they are able to manage customer flow at the ticket office and have not experienced any crowding issues. The applicant has stated that the visibility of the ticket office at street level has improved the efficiency of the pedestrian flow as customers with Oyster or contactless payment are directed to proceed down onto the pier without dwelling on the embankment. In line with TfL's recommendation a condition attached requiring the applicant to submit a crowd management plan, which will seek to address pedestrian comfort and ensure the ramp is not obstructed.

8.5 Economic Considerations

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

8.6 Access

No changes to the access and egress of Victoria Embankment at street level and to Westminster Pier are proposed. Sufficient space would be retained to allow wheelchair users to access the adjacent ramp.

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Objectors have raised the issue of anti-social behaviour in an area adjacent to the existing kiosk on site. An unauthorised fence has been installed in an attempt to dissuade this behaviour. The fence is subject to a separate enforcement investigation. Should there be a need to install fencing or other mitigating measures to prevent anti-social behaviour; these can be considered on their own merits upon submission of a separate planning application.

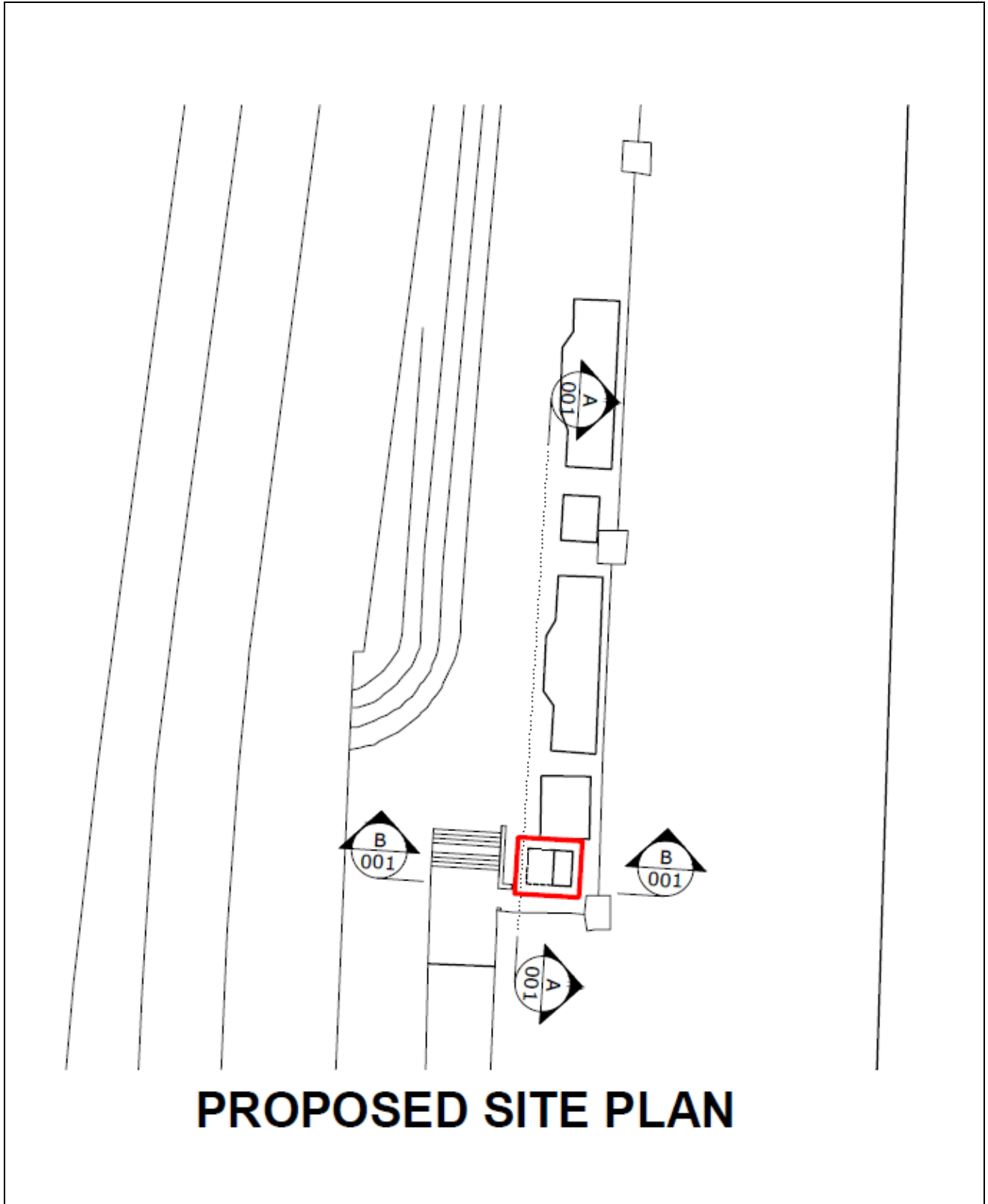
9. BACKGROUND PAPERS

1. Application form.
2. Letter from Historic England dated 31 July 2017.
3. Email from Port of London Authority dated 01 August 2017.
4. Email from Transport for London dated 11 August 2017.
5. Email from Westminster Society received 27 July 2017.
6. Email from Thorney Island Society received 02 August 2017.
7. Email from Highways Planning Manager dated 03 November 2011.
8. Email from Tower Pier, Lower Thames Street received 31 July 2017.
9. Email from occupier, 78 Park Crescent, Erith received 01 August 2017.
10. Email from occupier, Westminster Pier, Victoria Embankment received 02 August 2017.
11. Email from occupier, 2 Cyril Road, Bexleyheath received 02 August 2017.
12. Email from Crown River Cruises Ltd, Tower Millennium Pier received 09 August 2017.
13. Email from City Cruises Plc, Cherry Garden Pier received 14 August 2017.

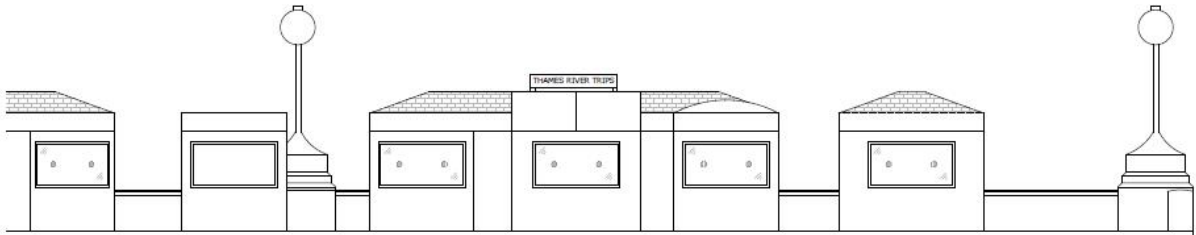
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT KDAVIES1@WESTMINSTER.GOV.UK

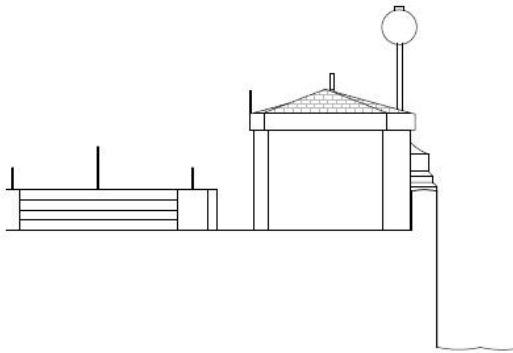
10. KEY DRAWINGS



PROPOSED SITE PLAN



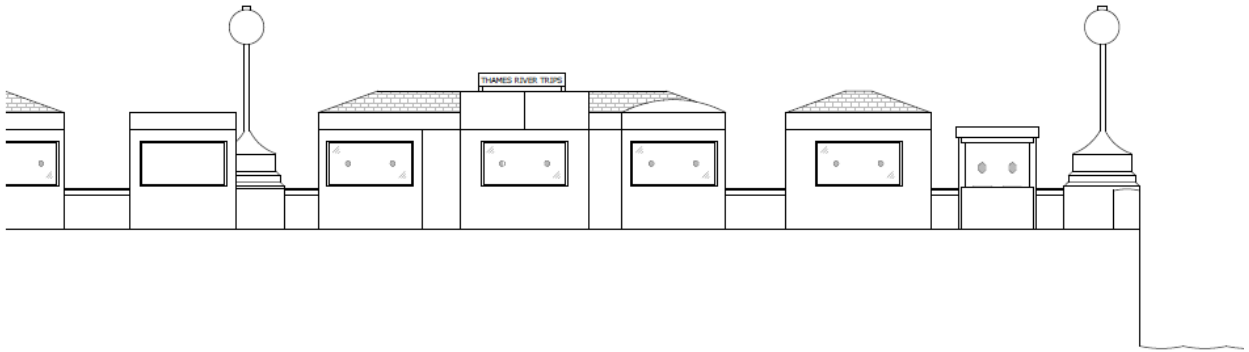
EXISTING ELEVATION A-A
SCALE 1:100



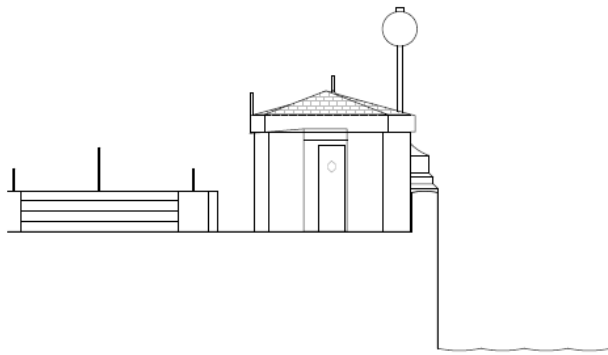
EXISTING ELEVATION B-B
SCALE 1:100



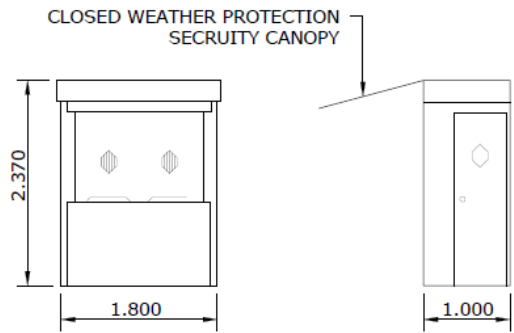
SITE PHOTO



PROPOSED ELEVATION A-A
SCALE 1:100



PROPOSED ELEVATION B-B
SCALE 1:100



SALES KIOSK DIMENSIONS
SCALE 1:50

DRAFT DECISION LETTER

Address: Westminster Pier , Victoria Embankment, London, SW1A 2JH

Proposal: Location of temporary ticket office kiosk on Victoria Embankment adjacent to entrance of Westminster Pier.

Reference: 17/06102/FULL

Plan Nos: 1739-01, 1739-02, 1739-03, A4 photomontage showing MBNA temporary ticket office facility, Westminster Pier - proposed location and Design and Access Statement.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 The ticket office hereby approved can remain for one year from the date of this decision notice. After the expiration of the one year period the ticket office must be removed and the land returned to its previous condition.

Reason:

The City Council considers it necessary to continuously assess the effect of the ticket office in terms of visual amenity, its impact on this part of the Whitehall Conservation Area and adjoining listed structures and highway safety, having regard to the prominent location of the ticket office and the improving quality of the riverside environment and its future popularity and use. This is in accordance with Policies S25, S28, S37 and S41 of Westminster's City Plan (November 2016) and DES 1, DES 5, DES 10 (A), paras 10.108 to 10.146, TRANS 3, TRANS 12 and RIV 5 of our Unitary Development Plan that we adopted in January 2007.

- 3 No part of the ticket office hereby approved shall be fixed to, or come into contact with the Grade II listed Embankment Wall adjacent, or any other listed features in the vicinity.

Reason:

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

- 4 No signs or other advertising shall be displayed on the ticket office hereby approved unless they have been the subject of Express Consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (see informative 2).

Reason:

To make sure that the appearance of the ticket kiosk is suitable and that it contributes to the character and appearance of this part of the Whitehall Conservation Area and setting of the adjoining listed Embankment wall, and adjacent listed structures. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 1, DES 5 DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 Within 3 months of this decision a Crowd Management Plan must be submitted in consultation with Transport for London to addresses pedestrian comfort (including pedestrians on wheelchairs and those with prams) to avoid overcrowding of Victoria Embankment within the vicinity of the ticket kiosk and demonstrate that there will be unobstructed access to the step free ramp onto the pier.

Reason:

To minimise the impact of the proposed siting of the ticket kiosk on pedestrian movement in and around Victoria Embankment and the surrounding area. This is 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.

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 Given the sensitive location of the ticket office any proposed signage must be kept to a minimum unless they have been the subject of Express Consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 or the City Council is satisfied that "Express Consent" is not required.
- 3 You are advised that in the event that you seek to renew this temporary permission we will expect to see data on trip generation for the ticket office which should include the total number of passengers using Thames Clippers services and well as the proportion of passengers that use the services through the contactless payment method. You are advised to provide this data to Transport for London prior to submission of any future planning application.

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 st November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Queen's Park	
Subject of Report	18 Ilbert Street, London, W10 4QJ		
Proposal	Variation of Condition 3 of planning permission dated 31 January 2017 (RN: 16/09622/COFUL) for the installation of two covered bicycle stores on the public highway outside No.18 Ilbert Street. NAMELY, to allow the bike stores to remain on the highway until 31 January 2019.		
Agent	Mr Anthony Sabato		
On behalf of	Mr Anthony Sabato		
Registered Number	17/08223/COFUL	Date amended/ completed	13 September 2017
Date Application Received	13 September 2017		
Historic Building Grade	Unlisted		
Conservation Area	Queens Park Estate		

1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992 for a temporary period until 31 January 2019.

2. SUMMARY

The application site is outside No. 18 Ilbert Street and forms part of the public highway. Ilbert Street lies within the Queen's Park Estate Conservation Area.

Permission is sought to vary Condition 3 of planning permission dated 31 January 2017 (RN: 16/09622/COFUL) for the installation of two covered bicycle stores on the public highway outside No.18 Ilbert Street. The amendments sought are to extend the temporary permission for a further year.

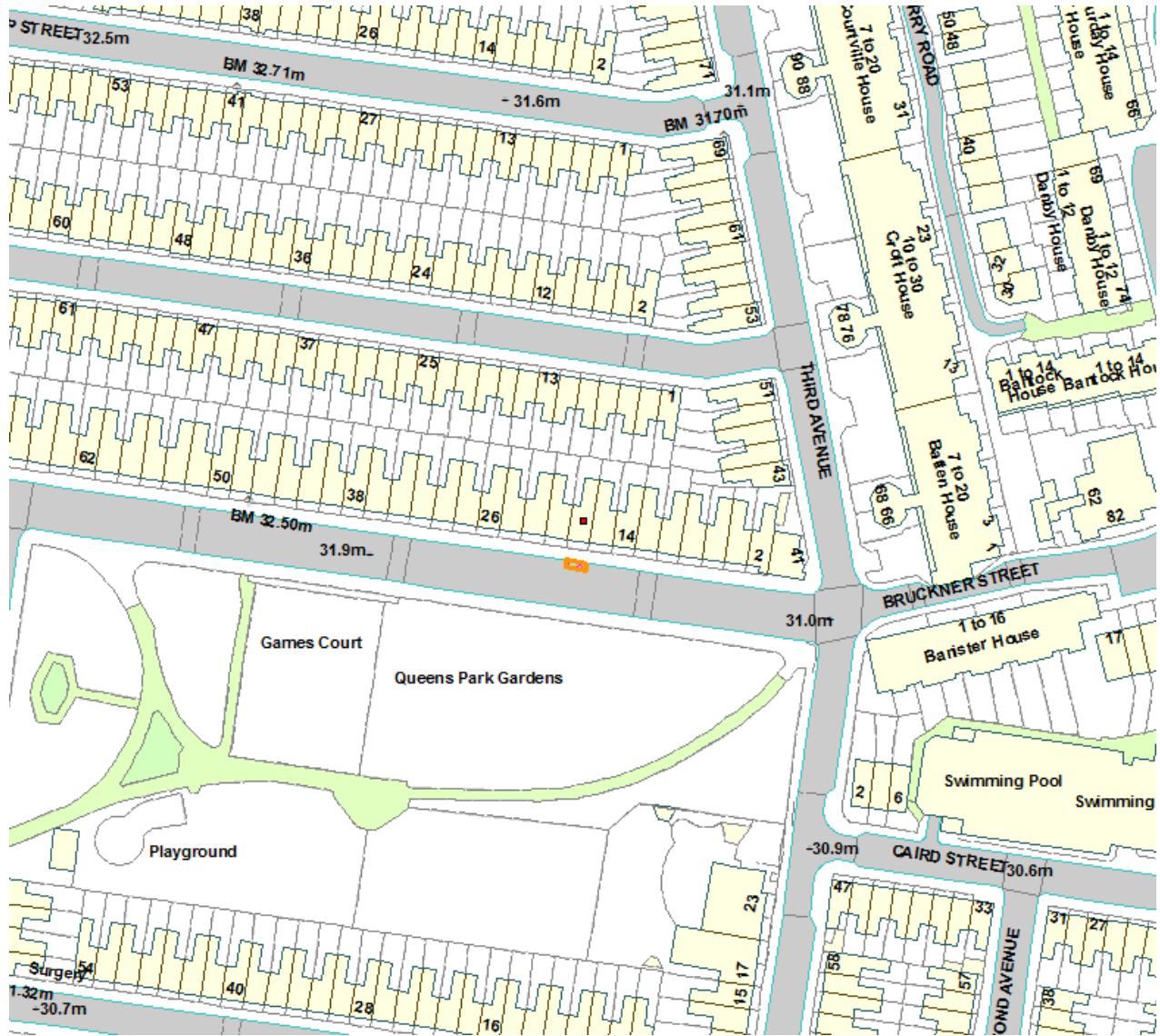
The applicant originally sought to remove the condition in its entirety thereby resulting in a permanent permission. This has been amended to the proposal cited above at officer's request.
--

The key issues are:

- | |
|--|
| <ul style="list-style-type: none"> • The impact of the structures on the character and appearance of the Queen's Park Estate Conservation Area. • The provision of cycle storage facilities for local residents. |
|--|

The proposed bicycle storage structures are considered to be acceptable in design and highways terms and is in accordance with policies in Westminster's City Plan (City Plan) adopted Nov 2016 and the Unitary Development Plan (UDP) adopted Jan 2007, subject to conditions set out in the draft decision letter appended to this report and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Bike hangars in place outside 18 Ilbert Street

5. CONSULTATIONS

COUNCILLOR DIMOLDENBERG

Support the application – hangars sit comfortably in the Conservation Area and are an asset to the local community.

QUEEN'S PARK COMMUNITY COUNCIL

No objection – noted the received objection about the stores being relocated to the other side of the road.

HIGHWAYS PLANNING MANAGER:

No objection.

CLEANSING MANAGER:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 12

Total No. of replies: 13

No. of objections: 2

No. in support: 12

Two objections received raising concern on all of the following grounds:

Design:

- Unacceptable in design terms.

Highways:

- Uses up two car parking spaces

Other:

- Requests the bike hangers to be moved to the opposite side of the road or to the end of the street.

Twelve letters of support received on one or all of the following grounds:

Other:

- Hoping to expand the scheme on the estate
- Great opportunity for safe and secure external parking
- Policies recognise that the absence of secure cycle parking is a barrier to people adopting cycling
- Ample car parking spaces in the area for residents so a good use of a space.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is outside No. 18 Ilbert Street and forms part of the public highway. Ilbert Street lies within the Queen's Park Estate Conservation Area. The vast majority of the buildings within the conservation area were constructed in the 1870's by The Artizans, Labourers and General Dwellings Company, which was the creation of the philanthropist William Austin, to provide an improved standard of working class housing. The estate was identified as being one of special architectural and historic interest by the Council and was designated as a conservation area in 1978.

6.2 Recent Relevant History

16/09622/COFUL

Installation of two covered bicycle stores on the public highway outside No.18 Ilbert Street.
Application Permitted 31 January 2017

7. THE PROPOSAL

Planning permission was granted for a temporary period of one year for the installation of the two bicycle stores in January 2017 by the Planning Applications Committee. This application seeks to extend this temporary permission by a 1 year period.

As installed, the two bike hangars can each store up to six bicycles and were installed by the City Council, but managed by Cyclehoop Ltd. The combined size of the storage structures (as they are positioned alongside one another) is 5.1m in length (along the kerb) by 2.0m wide and are 1.36m in height. The structures have a galvanised metal frame and partially sit on the kerb. The predominant colour of the structure is black.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application does not raise any land use issues as the land forming the application site would remain part of the public highway.

8.2 Townscape and Design

The design comments previously raised in the report presented to committee on 31 January 2017 still stand, however this proposal does not seek to make any design changes to what is lawfully stated and the proposal must be considered acceptable in design terms.

The current proposal does not involve any additional external physical works.

8.3 Residential Amenity

One objection has been received from the occupiers of 18 Ilbert Street on the positioning of the bike hangars directly opposite their property however it is considered that the bicycle storage structure is sufficiently small scale and sufficiently distant from neighbouring windows so as not to cause any concerns in amenity issues and the proposal would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/Parking

The Highways Planning Manager advises that the existing parking bay, which was formally used as a White Badge bay, is now surplus to requirements and therefore the loss of this bay to enable the continued provision of the bicycle storage structure is not objectionable in this case as there would not be a material increase in on-street residents parking demand, which would be contrary to Policy STRA25 in the UDP.

We have received an objection in regards to the bike storage taking up two car parking spaces however as noted above the space was formally one White Badge bay.

8.5 Economic Considerations

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

8.6 Access

The proposal does not have any adverse access implications.

8.7 Other UDP/Westminster Policy Considerations

None.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The proposed development does not generate a requirement for any planning obligations and is not CIL liable.

8.11 Environmental Impact Assessment

An Environmental Impact Assessment was not required for a development of this scale.

8.12 Other Issues

Not applicable.

9. BACKGROUND PAPERS

1. Application form
2. Response from Councillor Dimoldenberg dated 12 October 2017

3. Response from Queen's Park Community Council, dated 19 October 2017
4. Response from Highways Officer, dated 27 September 2017
5. Response from Cleansing Officer, dated 09 October 2017
6. Letter from occupier of 18, Ilbert Street, dated 26 September 2017
7. Letter from occupier of 14 Ilbert Street, Queens Park, dated 28 September 2017
8. Letter from occupier of 70 Lothrop Street, London, dated 10 October 2017
9. Letter from occupier of 161, London, dated 11 October 2017
10. Letter from occupier of Flat 229, Dibdin House, Maida Vale, dated 11 October 2017
11. Letter from occupier of 67 sixth Ave, London, dated 4 October 2017
12. Letter from occupier of 76 Sixth Avenue, London, dated 4 October 2017
13. Letter from occupier of 67 Sixth Avenue, London, dated 3 October 2017
14. Letter from occupier of 97 Oliphant St, London, dated 9 October 2017
15. Letter from occupier of 99 Eleanor Road, London, dated 10 October 2017
16. Letter from occupier of 41 Yerbury road, london, dated 10 October 2017
17. Letter from occupier of 1 Grace Jones Close, London, dated 10 October 2017
18. Letter from occupier of Carlow House, Carlow Street, dated 10 October 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: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk.

10. KEY DRAWINGS

cyclehoop

www.cyclehoop.com

✉ info@cyclehoop.com

☎ 0208 699 1338

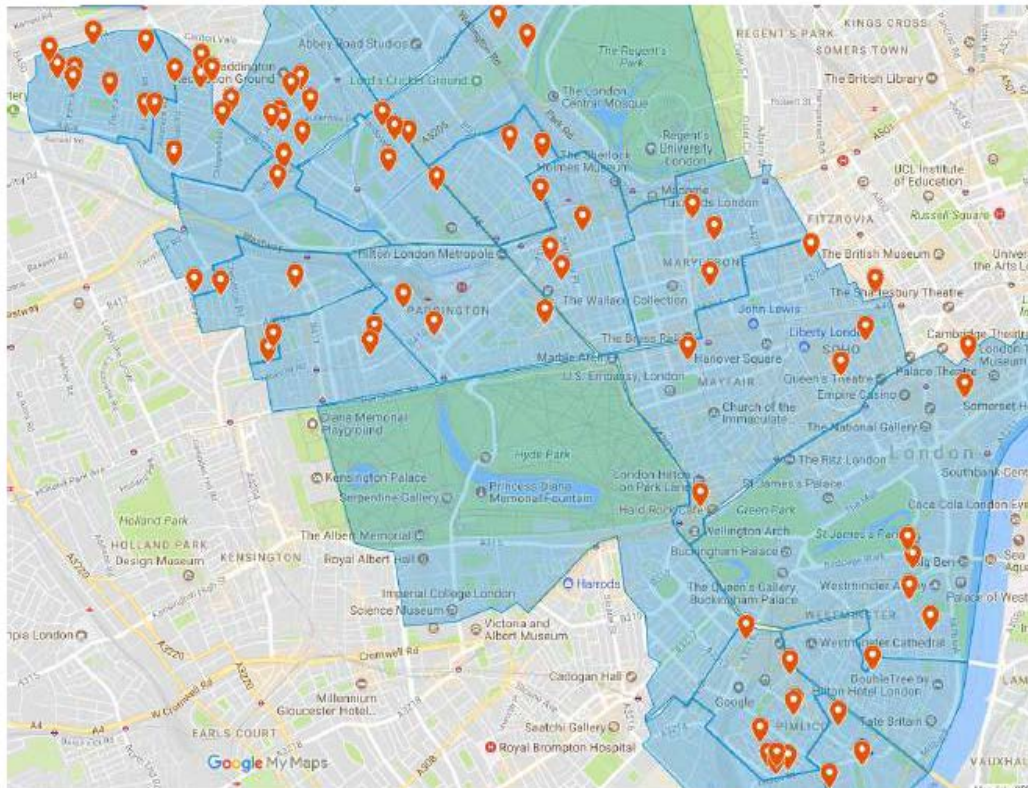
Bikehangar Demand in LB Westminster

- Total number of requests for Bikehangar cycle parking (2014-2017): 80 residents
- Number of Bikehangars which this demand equates to: 13 Bikehangars **
- Ward with the highest number of requests: Queens Park War (10 residents)
- Wards without any requests: Abby Road Ward, Churchill Ward, Knightsbridge & Belgravia Ward
- See table page 2 for the total breakdown of Bikehangar demand per ward.

Notes

**This calculation is made on basis of demand per ward (given a Bikehangar provides space for 6 bikes).

Typically, London Boroughs carry out consultations on streets for which we have evidence of demand from 3 or more residents within 100-200 meters walking distance.



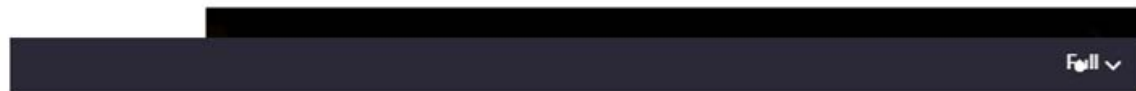
Bikehangars 929 & 930, Illbert Street, Westminster

£ 72 per year

Bikehangar in
18 Illbert Street, London, London, Westminster

Full - Apply for Waiting List

add to favorites



Property Address

Address: 18 Illbert Street, London
Zip: W10 4QJ

City: London
Country: United Kingdom

Area: Westminster

Property Details

Property Id : 40350
Total Spaces: 12

Price: £ 72 per year
Available Spaces: 0

Deposit: 25

Property Features

Full - Apply for Waiting List

DRAFT DECISION LETTER

Address: 18 Ilbert Street, London, W10 4QJ

Proposal: Variation of Condition 3 of planning permission dated 31 January 2017 (RN: 16/09622/COFUL) for the installation of two covered bicycle stores on the public highway outside No.18 Ilbert Street. NAMELY, to allow the bike stores to remain on the highway until 31 January 2019.

Reference: 17/08223/COFUL

Plan Nos: Application Form and Information from Cycle Hoop.

Case Officer: Frederica Cooney

Direct Tel. No. 020 7641 7802

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 The bicycle storage hangar can remain on the public highway until 31 January 2019. After that you must remove it and return the public highway land to its previous condition. (C03CA)

Reason:

The bicycle storage hangar should not remain for a longer period because it has not been demonstrated that the public benefit of providing cycle parking in this location outweighs harm that the structure causes to character and appearance of the Queens Park Estate Conservation Area. Further, we cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". The proposed structure would be contrary to Policy DES1, DES7 and DES9 in the Unitary Development Plan we adopted in January 2007 and Policies S25 and S28 in Westminster's City Plan that we adopted in November 2016. We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 4 The bicycle hangar structure shall be painted or otherwise finished in a black colour prior to its use and thereafter permanently maintained in that colour.

Reason:

To make sure that the appearance of the structure is suitable and to limit its impact on the character and appearance of this part of the Queens Park Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 7 and DES 9 in the 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.

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

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Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	90 Hamilton Terrace, London, NW8 9UL		
Proposal	Excavation of additional basement area to create a swimming pool, construction of extensions at ground floor to rear and first floor to the side elevation; alterations to windows; replacement of existing terrace balustrade and landscaping and garden alterations.		
Agent	Michael Miller Associates		
On behalf of	Mr Shilen Thakrar		
Registered Number	17/02250/FULL	Date amended/ completed	14 July 2017
Date Application Received	13 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is an unlisted building located on the north-east side of Hamilton Terrace, within the St John's Wood Conservation Area. Historically the building has been substantially altered and extended with a large full width extension to the rear and terrace above and basement beneath a section of the garden.

Planning permission is sought for the excavation of additional basement area to create a swimming pool, constructions of extensions at ground floor to rear and first floor to the side elevation; alterations to windows; replacement of existing terrace balustrade and landscaping and garden alterations. The proposals have been revised during the course of the application to refine the design and address the tree officers comments.

The St John's Wood Society and John Lyons charity raise objections on the grounds of the basement works and that the works do not comply with the City Council's basement policy.

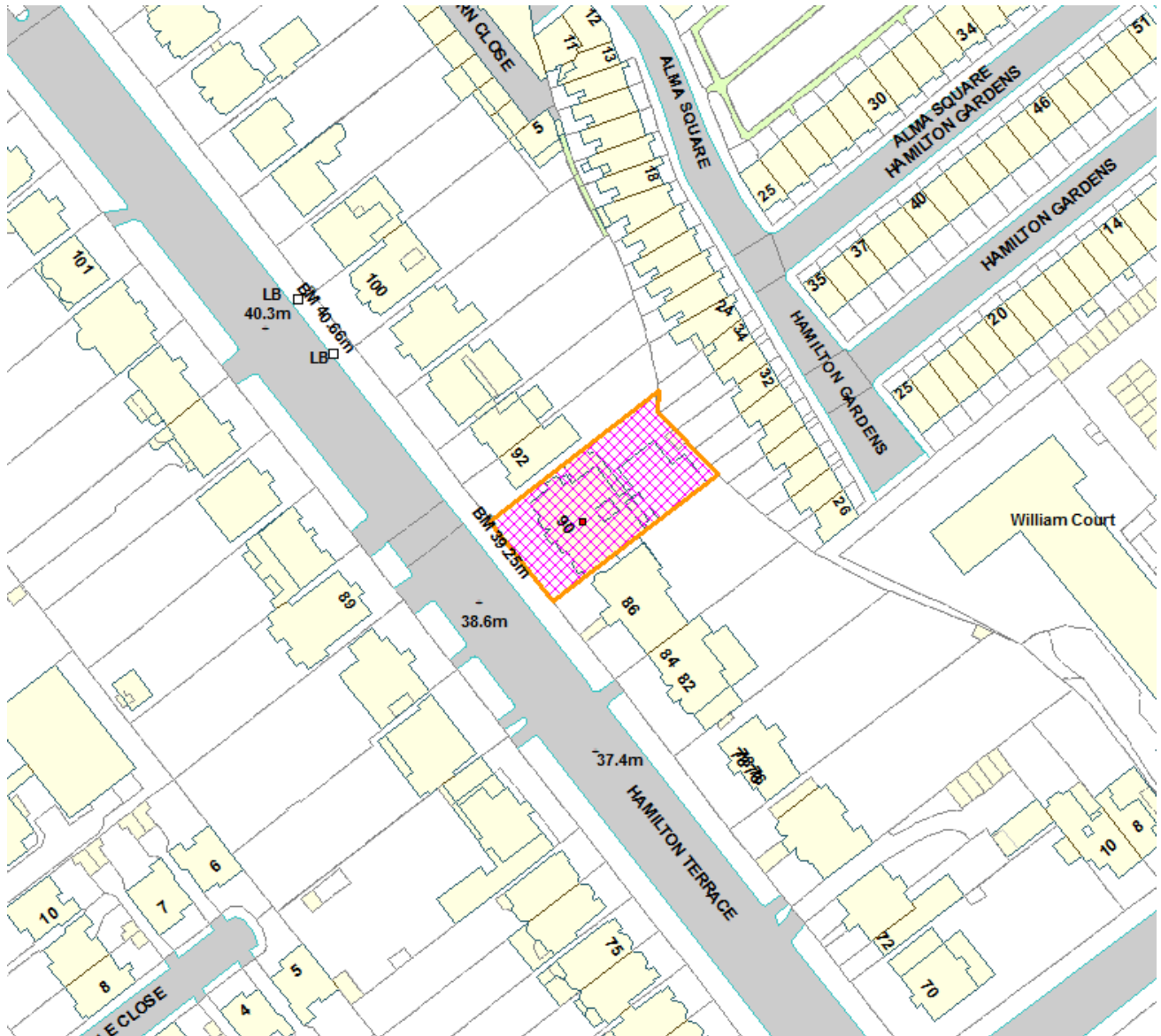
The key issues in the determination of this application are:

- The impact of the proposals upon the St John's Wood Conservation Area;

- The impact of the proposals upon the amenity of neighbouring properties;
- The impact of the proposals upon the existing trees in the application site garden.

The proposal is considered acceptable in conservation and design, amenity and tree terms and comply with policies as set out in the City Plan (adopted November 2016) and the Unitary Development Plan (adopted 2007) and accordingly is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Rear Elevation – photo taken at garden level to show upper levels



Rear Elevation – Photo to show existing ground floor extension



5. CONSULTATIONS

ST JOHN'S WOOD SOCIETY:

The Society objects to the proposed additional basement excavation as the completed basement would extend under well over 50% of the garden space when measured from the building's historic footprint. This is contrary to the council's basement policy. An objection is raised to the inadequate proposed soil depth which does not comply with policy. No objections to the elevations proposed in revision B. The society regrets that the opportunity has been missed to replace the windows on the ground floor beneath the proposed extension of the front elevation.

DISTRICT SURVEYORS:

No objection.

ENVIRONMENTAL HEALTH:

No objection subject to conditions.

ARBORICULTURAL OFFICER:

No objection to the loss of the hornbeam trees to the rear provide suitable replacement tree planting is secured by condition, which is also dependant on the removal of a proposed garden rooflight to allow for sufficient soil depth for replacement tree planting.

ADJOINING OWNERS/OCCUPIERS & OTHER REPRESENTATIONS:

Total No. Consulted; 22; Total No. Responses:1

One response from the John Lyons Charity stating the following:

"The scale of the basement development in conjunction with existing extended structures is excessive and does not give sufficient consideration to drainage and sustainable development. The design does not comply with minimum soil depth requirements on page 19 of Westminster's basement development guidelines".

ADVERTISEMENT AND SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building located on the north-east side of Hamilton Terrace. The site is located within the St John's Wood Conservation Area. Historically the building has been substantially altered and extended with a large full width extension to the rear and terrace above and basement beneath a section of the garden.

6.2 Recent Relevant History

21 December 1999 (99/11009/FULL and 99/11010/CAC) - Planning permission and conservation area consent granted for 'Alterations including extension to rear ground floor and terrace above, new windows and demolition of swimming pool and enclosure and reinstatement of garden, all to existing dwelling house'.

1 May 2000 (00/02990/FULL) - Planning permission granted for 'Alterations during the course of construction of approved scheme dated 21/12/1999 namely enlargement of basement with new balustrade to escape stair and new outlet for boiler flue in rear garden'.

7. THE PROPOSAL

Planning permission is sought for the enlargement of the basement, an extension at ground floor level on the rear elevation, a side extension at first floor level and alterations to the fenestration.

The proposals have been received during the course of the application to refine the proposals from a design and conservation perspective and to take into consideration comments from the arboricultural officer. The proposals were not considered to require any further neighbour consultation.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals to extend this single family dwelling house are considered acceptable in land use terms.

8.2 Townscape and Design

The existing rear elevation at lower ground floor level is formed of large panes of glass set within sliding doors. The existing fenestrations are to be replaced with white powder coated sliding units and the metal fascia's replaced with painted render. The proposed extension will sit centrally on the rear elevation at ground floor level; it will contain a staircase to the basement. The proposed extension is considered to be acceptable in design terms as, when considered in the context of the existing arrangement, is subservient to the host building, of a scale and design in keeping with this section of the building and is not visually detracting. The replacement of the fenestration is not contentious and the introduction of render is welcomed as it will soften the appearance of the contemporary addition and relate more comfortably with the upper levels.

The side extension on the south east elevation at first floor level will replicate the existing extension at this level on the north west elevation in terms of scale, footprint, detailed design and materials. The introduction will result in the building having a symmetrical appearance, which is considered to be in accordance with UDP policy DES 5. Nevertheless a condition requiring the render and roofing material to match the existing is recommended.

A number of fenestrations on the principal building are to be replaced; these primarily relate to unsympathetic alterations which have occurred and will result in more appropriately scaled and detailed fenestration. This approach is welcomed and is in accordance with the aims of DES 1 and DES 5. It is recommended the fenestration are constructed in timber. Additionally details of the railings to the windows on the front elevation are recommended by condition as the details are not shown on the plans.

In considering the basement extension in terms of design, Part B(5 and 6) of City Plan Policy CM28.1 is of particular relevance. The policy states basement development should protect heritage assets and protect the character and appearance of the existing building and gardens setting, ensuring skylights and means of escape are sensitively designed and discreetly located. The current basement is already served by an access staircase located within the garden and a rooflight set within the hard landscaping. It is proposed to replace these external manifestations with a new centrally located skylight, a skylight located against a wall to the staircase and a staircase against the side boundary wall. Whilst the scale of the new rooflight within the paving is overly large for the garden setting, as it will be appreciated against a heavily glazed rear elevation and will only be appreciated in very limited private views, in this context it is considered to be in accordance with CM28.1 and will have a limited impact on the character and appearance on the conservation area. The section drawings do show this rooflight to be raised and an amending condition is recommended requiring the skylight is flush with the paving level; this will reduce its visibility and allow it to integrate better into its setting. The access staircase is comparable to the existing arrangement and therefore is not contentious in design terms.

Within the garden it is also proposed to retain plant enclosures in the corner of the rear garden, adjacent to the rear boundary and beneath the established tree cover. Whilst plant should be located within the envelope of the building, given the concealed location to the rear of the site and hidden by replacement tree planting (discussed further within this report) and limited scale in the context of the garden, this location is not considered to be so harmful as to warrant an objection in design terms. Details of the appearance of the acoustic enclosure are recommended by condition as they do not appear to have been included as part of the application.

The works are considered to be in accordance with UDP and City Plan policies and will have a limited impact on the character and appearance of the conservation area.

8.3 Residential Amenity

Policy S29 of the City Plan and ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Extensions and Alterations:

The proposed single storey rear extension at ground floor level is substantially set in from either side of the existing rear extension and is therefore a sufficient distance away from the adjacent properties on either side of the application site to cause any amenity concerns.

The first floor side extension measures 4.4m in width, measures the depth of the existing first floor at 10m and is 3.1m in height to the eaves and 5.2m to the ridge of the hipped roof which is exactly the same as the first floor side projection to the northern elevation of the property. The extension will occupy an area currently used as a terrace and will be set in

from the parapet of the ground floor side wing by 1.5m and will be set away from the side elevation of 86 Hamilton Terrace by some 3.6m. The extension will replace a door and a large incongruous side elevation window that overlooks second floor side elevation windows in 86 Hamilton Terrace. It should be noted that there are two windows at first floor window, however these are obscured by the existing glazed screening/boundary treatment which is to be retained. 86 Hamilton Terrace is divided into six flats and this second floor window appears to serve a kitchen and a bathroom. Permission has recently been granted under application 16/01636/FULL to convert 86 Hamilton Terrace to a single family dwelling and this window would serve an ensuite and treated accordingly according to the approved plans. One new window is proposed in the first floor side extension, and this is to serve a bathroom. Given the set backs proposed from the existing parapet and the distance to 86 Hamilton Terrace, it is not considered that the proposed first floor extension would result in any unacceptable levels of sense of enclosure. There are no loss of daylight or sunlight issues given the retained distances between the application site and the side elevation of 86 Hamilton Terrace.

The proposed ground floor extension does not result in the extension of the existing first floor terrace and this is welcomed.

Changes are proposed to the existing fenestration to the front and rear elevations and this raises no amenity concerns.

The basement raises no amenity issues given that it is fully subterranean (save for the proposed rooflights, dealt with elsewhere in the report).

Noise from plant:

Plant is proposed in two areas, one in an area located at rear garden area consisting of a condenser unit and the second consisting of ducting terminations of fan units serving the basement accommodation (the fan being located internally) with atmosphere side ducting to a louvre below the external stairs on the west side of the site. Environmental Health officers have assessed the acoustic report submitted with the application (and amended at their request) and have no objections to the plant proposals subject to the standard noise conditions.

For the reasons set out above, the proposals are considered to comply with S29 of the City Plan and ENV 6, ENV 7 and ENV 13 of the UDP.

8.4 Transportation/Parking

The proposals raise no highways or transportation issues.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposals do not alter the access requirements to the residential dwelling.

8.7 Other UDP/Westminster Policy Considerations

Basement Excavation:

Policy CM28.1 relates to all basement development in the City. An objection from St John's Wood Society and on behalf of an adjacent land owner has been received on the grounds that the basement is excessive and doesn't comply with policy and that the basement raises structural and drainage concerns.

The applicant has submitted a detailed structural methodology statement which has been assessed by the City Council's District Surveyors who consider this to be acceptable. The applicant has also submitted the required draft signed proforma Appendix A which demonstrates that the applicant will comply with the relevant parts of the council's Code of Construction Practice in order to minimise the impact of any development upon the amenity of neighbouring properties. The site lies outside of a flooding 'hotspot' and is therefore not considered to increase flood risk. The proposals are considered to comply with Part A of the policy.

The proposals will result in the loss of or harm to the Hornbeam Trees in the rear garden, however for the reasons set out below there are no objection to this subject to replacement tree planting. The site is not within a flooding/ surface water hot spot and therefore raises no flooding issues. An objector has raised a comment that the drawings do not show any drainage information. It should be noted that on the structural drawings, this is annotated. These initial details have been reviewed by the City Council's District Surveyors who raise no objection to the proposals. In any event drainage matters are dealt with by Thames Water and an informative advising the applicant to contact Thames Water is attached. As discussed above, the proposed basement works incorporate lightwells/ rooflights to the rear elevations. These are considered to be well designed and discreet and are considered to protect the character and appearance of the existing building. The proposals are therefore considered to comply with Part B of the policy.

Regarding Part C of the policy and as set out in the drawings, and despite an objection received on these grounds, the proposed basement is of a single storey, will not extend beneath more than 50% of the garden land. The applicant has confirmed the total area of basement excavation, including the existing basement excavated in 2000 amounts to 312m². The total garden land area is 805m² (site area of 1046m² – original house (not including extensions) of 241m²). The total area to be occupied by any basement excavation is therefore less than 50% and therefore policy compliant.

As a result of revisions there is now a minimum depth of 1m soil depth and 200mm for drainage accommodated above the new basement. In response to the objectors concerns that there is not a soil depth of 1.2m above the existing basement, where the proposed rooflight is to be sited, this is not required by the policy. The proposals comply with Part C of the policy.

Part D of the policy is not relevant.

Trees:

There are a row of hornbeam trees to the rear of the application site, adjacent to the rear edge of the proposed basement excavation. These appear to have been in situ since the renovations works in 2000. As originally proposed, the applicant's arboricultural officer considered that these hornbeams could be retained, despite the excavation works

proposed in such close proximity to the trees. The proposals have been revised during the course of the application upon the advice of the City Council's arboricultural officer, who considered that the hornbeams wouldn't survive the works, but in any event, subject to replacement tree planting did not have an objection to the removal of the trees. Also originally proposed was a rooflight in the far end of the garden, to serve the basement below. This has been omitted from the scheme, as detailed above for design reasons and because it wouldn't allow for sufficient soil depth for replacement planting. The revised proposals have now addressed the comments raised and subject to conditions, the proposals are acceptable in terms of trees and landscaping.

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

Where relevant Environmental Impact issues have been addressed elsewhere in this report.

8.12 Other Issues

None.

9. BACKGROUND PAPERS

1. Application form
2. Response from St John's Wood Society, dated 7 August and 5 September 2017
3. Response from Building Control - Development Planning, dated 25 July 2017
4. Response from Arboricultural Officer dated 21 and 30 September 2017.
5. Response from Environmental Health dated 8 August 2017
6. Letter from John Lyons Charity dated 18 August 2017

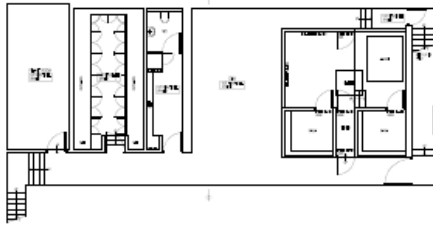
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

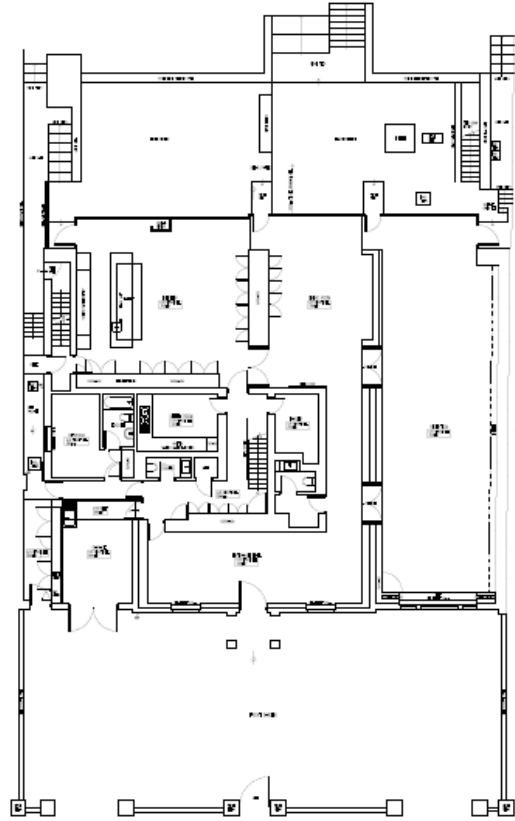
Item No.
6

10. KEY DRAWINGS

Existing Basement and Ground Floor Plans

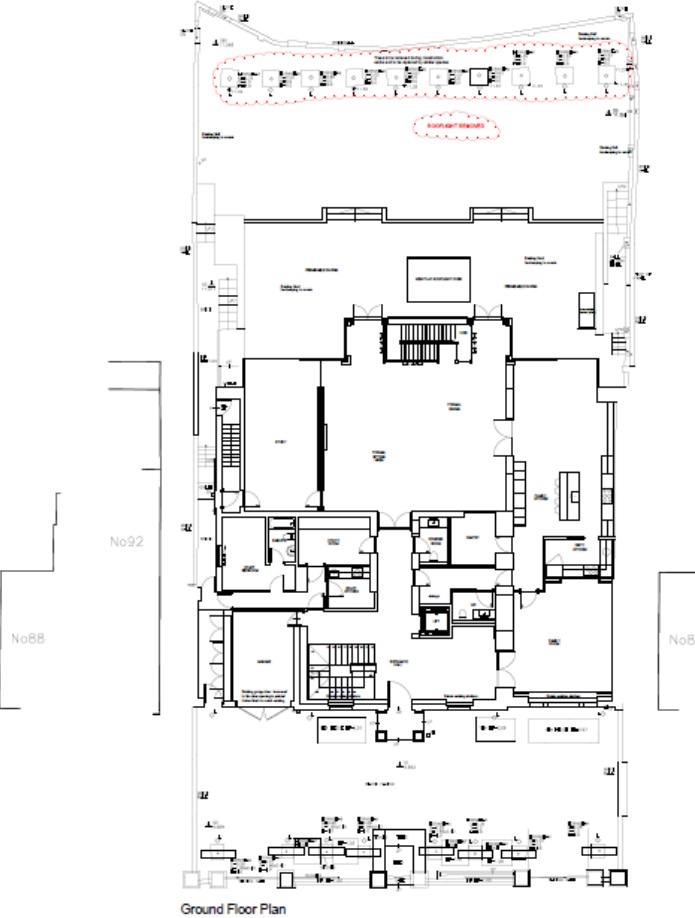
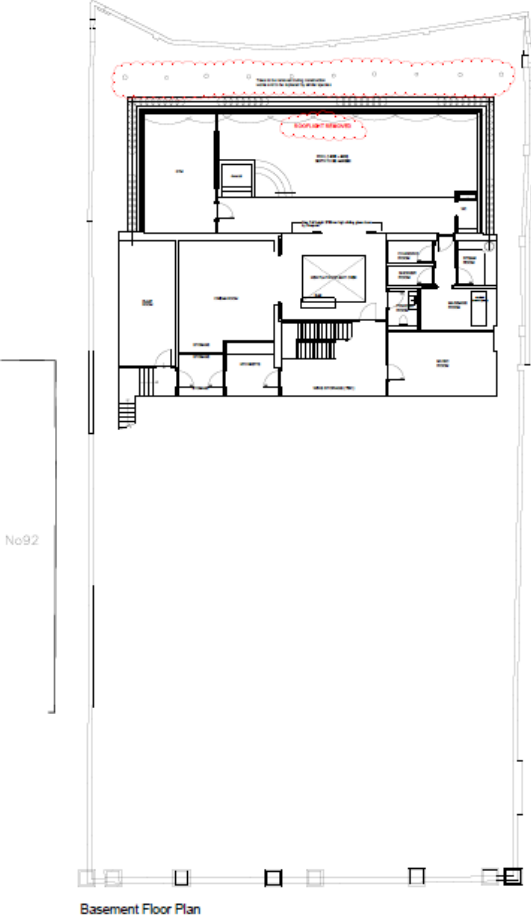


Basement Floor Plan

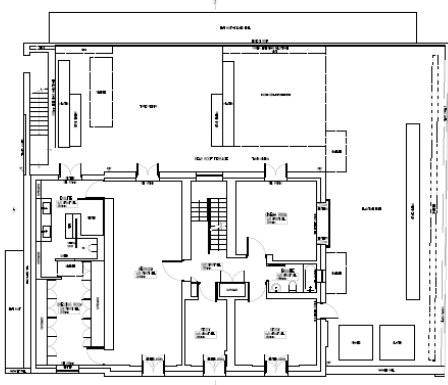


Ground Floor Plan

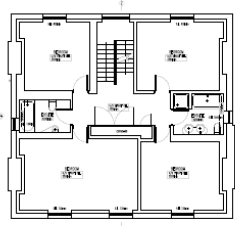
Proposed Basement and Ground Floor Plans



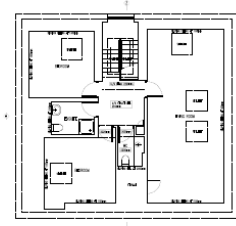
Existing Upper Floors



First Floor Plan

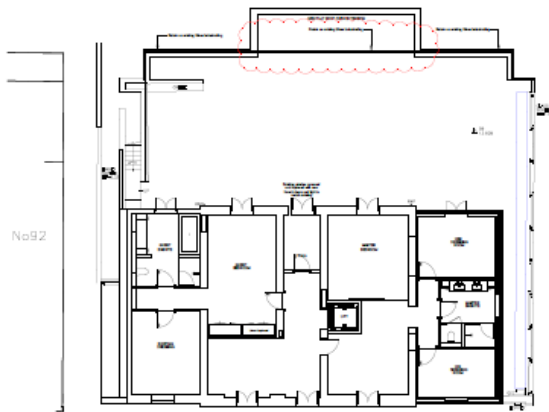


Second Floor Plan



Third Floor Plan

Proposed Upper Floors



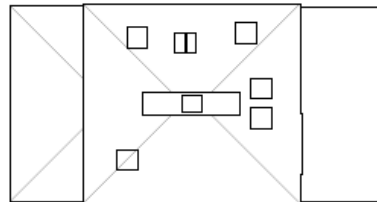
First Floor Plan



Second Floor Plan



Third Floor Plan

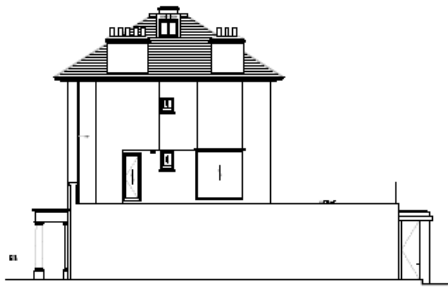


Roof Plan

Existing Elevations and Sections



South West Elevation



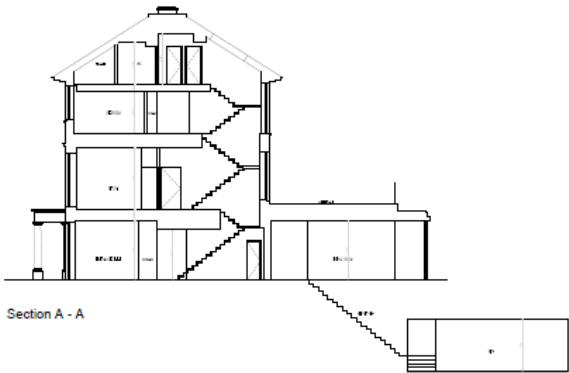
South East Elevation



North East Elevation



North West Elevation

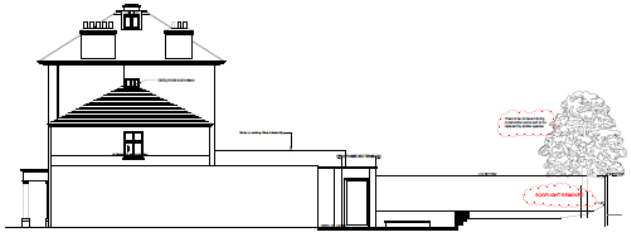


Section A - A

Proposed Elevations



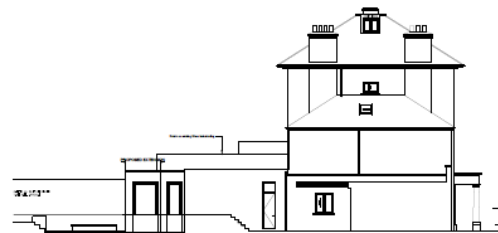
South West Elevation



South East Elevation



North East Elevation



North West Elevation



RIAS

 The Royal Institution

 of Architects in Ireland



MICHAEL MILLER ASSOCIATES

 CHARTERED ARCHITECTS & CONSULTANT ENGINEERS

 Suite 402A, 1 Berkeley Street,

 London, W1J 8EG

 Email: info@mmar.co.uk

 11 Bedford Square

 London

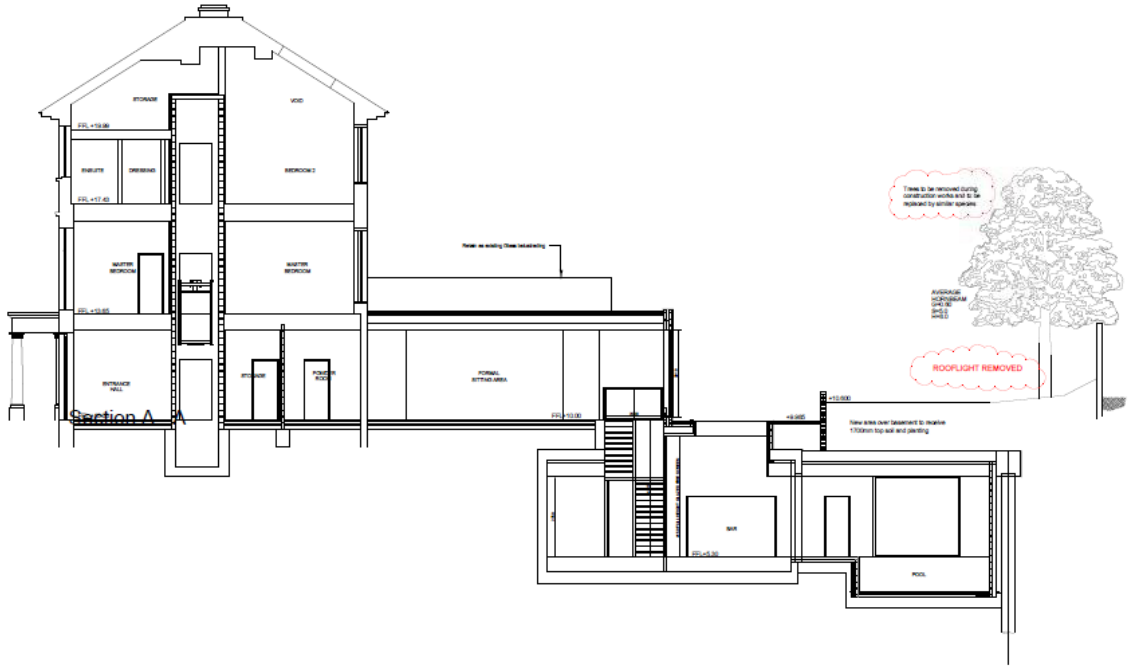
 W1G 6EJ

 Project Number

 1790 - 1303 - JD



Proposed Sections



DRAFT DECISION LETTER

Address: 90 Hamilton Terrace, London, NW8 9UL,

Proposal: Excavation of additional basement area to create a swimming pool, constructions of extensions at ground floor to rear and first floor to the side elevation; alterations to windows; replacement of existing terrace balustrade and landscaping and garden alterations.

Plan Nos: 110 A; 111 A; 112 A; 300 B; 301 D; 302 C; 303 D; 304 D; Design and Access Statement; Acoustic Report Rev A dated 20 July 2017.

For information only: Appendix A; Structural Methodology Statement dated June 2017; Ground Movement Assessment dated August 2017; Flood Risk Assessment dated May 2017.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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

- 5 You must apply to us for approval of samples of the render and roofing materials you will use for the first floor side extension. 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of detailed drawings of the following parts of the development:
1) acoustic enclosures;
2) details of railings to windows on front elevation.

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 detailed drawings. (C26DB)

Reason:

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

- 7 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
- 1) skylight (closest to proposed rear extension) to sit flush with paving.

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

Reason:

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

- 8 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping

equipment;

(c) Manufacturer specifications of sound emissions in octave or third octave detail;

(d) The location of most affected noise sensitive receptor location and the most affected window of it;

(e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

(f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 10 You must put install the acoustic enclosures as approved under Condition 5, before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

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

permission.

- 11 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 6 months of completing the development (or within any other time limit we agree to in writing).

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

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, 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. (R30AC)

- 12 You must plant new trees to replace those which are shown to be removed on drawing 301 D. The replacement trees must be planted in the first planting season after you complete the development. You must apply to us for our approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of the same size and species to the one originally planted.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, 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. (R30AC)

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 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.

- 3 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)
- 4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 5 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 6 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.

- 7 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
- * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.
- Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.
- It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 8 Conditions 8, 9 and 10 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)
- 9 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 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)

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.
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Agenda Item 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 21 November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Harley Street Underground Car Park, Queen Anne Mews, London, W1G 9HF		
Proposal	Removal of Condition 10 of planning permission dated 30 May 2017 (RN: 16/10759) for, 'Use of part of the public car park (part third basement level) as a self- storage facility (Class B8)'; to make the permission permanent rather than temporary for one year.		
Agent	Telford Planning Associates		
On behalf of	W1 Self Storage Ltd		
Registered Number	17/08870/FULL	Date amended/ completed	
Date Application Received	05 October 2017		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Sub Committee's views sought

1. Do Sub-Committee consider that in the light of additional representations submitted on behalf of the applicants and the particular circumstances of this case, the temporary permission for one year is unreasonable / unnecessary and Condition 10 can be removed?
2. Subject to agreement on point 1, grant conditional permission.

2. SUMMARY

Planning permission was originally granted on a permanent basis in August 2009 for the use of the whole of basement level - 3 to provide 369 lettable self-service storage units. This permission, however, was never implemented. In October 2013 permission was granted for the use of part of basement level -3 as a self-storage facility. This use has commenced and has permanent consent. Permission was subsequently granted on 30 May 2017 for the remainder of level -3 of the basement car park to be used as a self-storage facility (Class B8) to provide an overall facility with a total of 249 units. This is 120 units fewer than the 2009 consent.

This application seeks to remove condition 10 of the 2017 consent, which states:

'The use allowed by this permission can continue for one year from the date that the self-storage use commences. After that the part of the building we have approved for self-storage use must return to its previous use.

You must notify us, with a minimum period of notice of seven days, when the premises are due to open, so that the commencement of the one year permission can be recorded'.

The stated reason is:

'So that we can assess the operation of the use and the effectiveness of the Operating and Management Statement in mitigating the impact of the use upon the amenity of local residents'.

The applicant has appealed against the imposition of condition 10. The appeal has been accepted by the Planning Inspectorate and is underway. The applicant highlights that, should the appeal succeed, then the inspector would not necessarily include all of the other conditions which were attached to the 2017 committee decision.

The key issues in this case are:

- Whether condition 10 meets the six tests for a condition as set out in the National Planning Policy Framework (NPPF, 2012)
- Whether condition 10 is reasonable / necessary to protect the amenity of neighbouring residents.

The applicant puts forward the case that condition 10 fails four of the six tests for conditions (i.e. 1. Not Necessary, 2. Not enforceable, 3. Not precise, 4. Not reasonable in all other respects).

1. Necessary

The Applicant contends that condition 10 is not necessary because of the other conditions that have been imposed on the decision notice to safeguard the amenities of nearby residents.

In addition to condition 10, four other conditions have been imposed in order to protect neighbouring residential amenity:

- Condition 2 limits the opening hours (08.00 – 20.00 daily).
- Condition 5 limits the maximum number of storage units to 249.
- Condition 6 limits the delivery and collection of all goods to within level -3 of the car parking (and not outside the car park) and between 08.00 – 20.00 daily.
- Condition 8 requires the facility to operate in accordance with the OMS.

In principle, condition 10 could be necessary to preserve neighbours' amenity. However, cumulatively conditions 2, 5, 6, and 8 are considered to be adequate in preserving neighbours' amenity even if condition 10 was to be removed. Condition 10 is therefore not considered to be necessary to make the development acceptable.

If the application to remove condition 10 was refused, the Planning Inspector has the right to vary or remove any or all of these conditions. However, this is considered unlikely given the appellant's grounds of appeal that condition 10 is unnecessary as the other conditions adequately protect local amenity.

2. Enforceable

The applicant puts forward the case that condition 10 is unenforceable since it would not be possible for the City Council to distinguish between the impacts on amenity caused by the existing facility, and any impacts which may arise from the extended storage facility. This point is not accepted. Condition 10 could be enforced if the approved self-storage facility were to operate for more than one year from commencement, or the Council received no notification of commencement. Any breach of condition 10 would be very simple to detect and, if detected, enforcement action could be taken.

3. Precise

The applicant puts forward the case that condition 10 is not precise since it is not clear whether the entirety of level -3 must revert to its previous use following the one year temporary period or the entirety of level -3.

It is considered that the condition is precise since it sets out a timeframe for the permitted use to operate, the trigger point of the timeframe being commencement of use, and a timeframe for notification of commencement of use in order to clarify Council records. It clearly states that the condition applies only to the "use allowed by this permission" and so the second sentence of the condition should not be read in isolation. Further to this, the consent and its conditions apply only to the land shown bounded in red on the location plan. The existing self-storage facility is shown bounded in blue and is not bound by these conditions.

4. Reasonable in all other respects

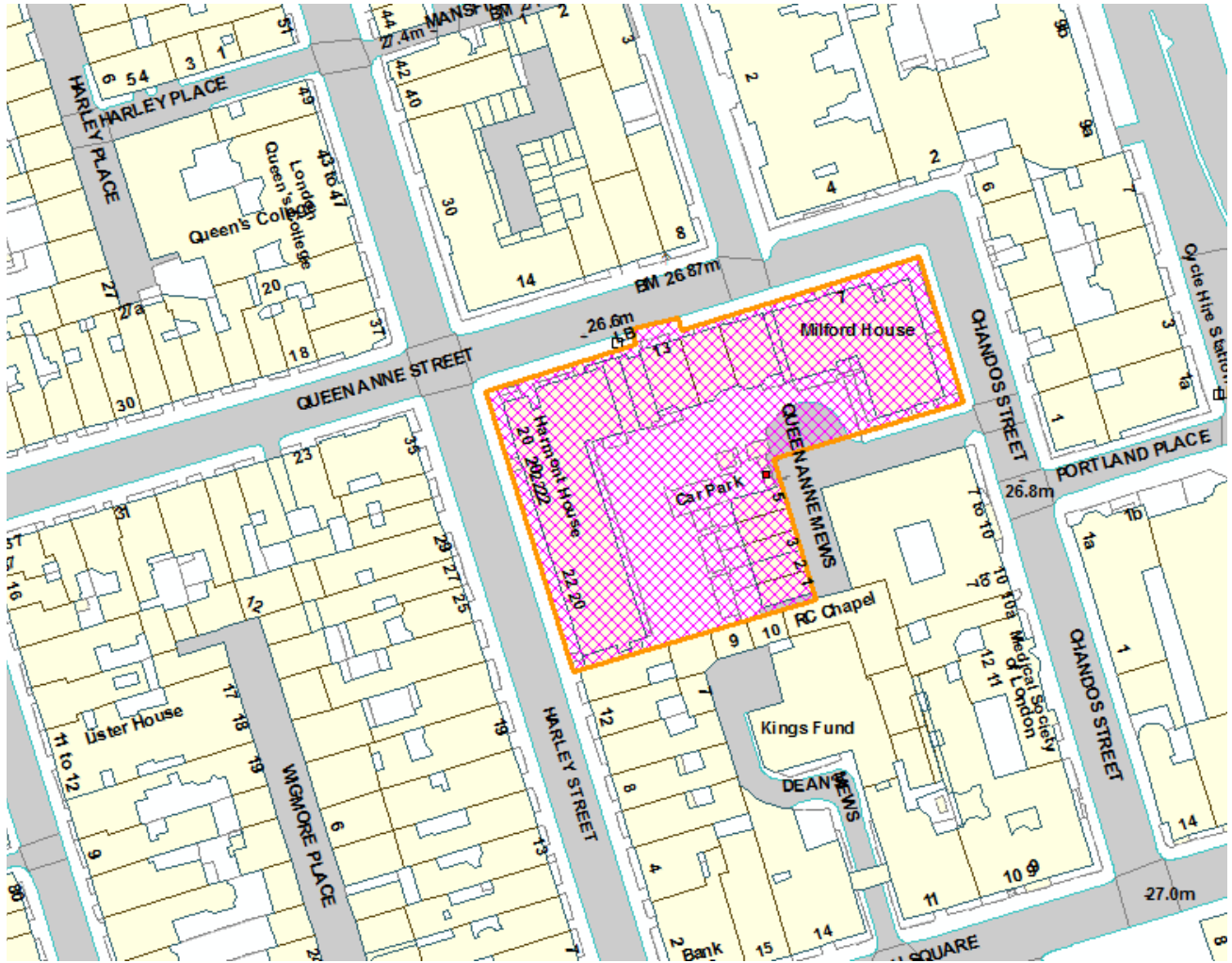
The applicant contends that condition 10 is not reasonable since it would impact on the deliverability of the development by placing unjustifiable and disproportionate financial burdens on the applicant, contrary to the Government's Planning Practice Guidance.

The applicant claims the development would have set-up costs in excess of £500,000 although no evidence of this has been submitted, nor is there any financial assessment made which gives consideration to projected profits from the operation of the development. Crucial also is the fact that if the applicant is correct in its contention that the implementation of the permission will not have an unacceptable adverse effect on the amenity of the location, then it need not be worried that the authorised use would not be extended indefinitely upon receipt of an application to delete condition 10 after the one year 'trial period'.

For these reasons, it is not considered the case that the condition is unreasonable has not been fully demonstrated. There is a risk, however, if the applicant were to demonstrate at appeal that condition 10 does place an unjustifiable and disproportionate financial burden on an applicant such that the operator is not financially able to risk the set-up costs and therefore complete the one year 'trial period', that the Planning Inspectorate may find that condition 10 unreasonably impacts on the deliverability of a development.

In light of the above, Committee are asked to consider whether, in light of additional representations submitted on behalf of the applicant and the particular circumstances of this case, the temporary permission for one year is unreasonable / unnecessary. If Committee consider that condition 10 is unreasonable / unnecessary then permission would be granted subject to all of the conditions originally imposed save for condition 10 which would be omitted.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

MARYLEBONE ASSOCIATION: Any response to be reported verbally

HIGHWAYS PLANNING MANAGER: Any response to be reported verbally

CLEANSING: Any response to be reported verbally

ADJOINING OWNERS / OCCUPIERS

No. of consultees: 168 (Objections: 0; Representations: 0; Supporting: 0).

SITE & PRESS NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

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

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

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

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

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

7. BACKGROUND PAPERS

1. Application form
2. Decision letter dated 30 May 2017 (Ref: 16/10759/FULL).
3. Planning Statement dated 5 July 2017.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

Item No.
7

8. KEY DRAWINGS



DRAFT DECISION LETTER

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

Proposal: Removal of Condition 10 of planning permission dated 30 May 2017 (RN: 16/10759) for Use of part of the public car park (part third basement level) as a self- storage facility (Class B8).

Reference: 16/10759/FULL

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

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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

*between 08.00 and 18.00 Monday to Friday;

*between 08.00 and 13.00 on Saturday;

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

You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

Reason:

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

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

Reason

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway

works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

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

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Agenda Item 8

Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	28 Brewer Street, London W1F 0SR		
Proposal	Installation of kitchen extractor duct at rear second floor level (retrospective application).		
Agent	Hunter Page Planning		
On behalf of	Mr Pawat Ruengathitskun		
Registered Number	17/06144/FULL	Date amended/ completed	17 July 2017
Date Application Received	11 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises an unlisted building located within the Soho Conservation Area and the West End Stress Area. The ground and basement floors are in lawful use as a restaurant (Class A3), whilst the first and second floors are in use as offices (Class B1).

Retrospective permission is sought to install a full-height kitchen extract unit to the rear of the building for use in association with the lawful restaurant. The flue is proposed to operate between 11.00 and 00.00 daily. The current flue replaces a lawful flue sited in a similar location.

The main issues for consideration are:

- Whether the flue safeguards the amenity of neighbouring residents in terms of noise and odour.
- Whether the flue would preserve or enhance the character and appearance of Soho Conservation Area.

The flue's location to the rear of the building and in an area where there are other items of plant means that it would not be visually intrusive and therefore preserve the character and appearance of the Soho

Conservation Area.

Whilst the concerns of local residents in terms of noise and vibration are understood given the long history of complaints from the operation of a flue in this location, the applicant has demonstrated that the replacement flue does not result in a noise nuisance through complying with the relevant criterion within UDP Policy ENV 7.

Despite the termination point of the flue being lower than some neighbouring residential properties, the flue is also considered to be acceptable from an odour dispersal perspective as: (i) It runs to the full height of the host building; (ii) It replaces a flue of similar height; and (iii) The affected neighbouring residential properties are a reasonable distance from the flue.

For these reasons the proposal is considered to comply with the policies contained within Westminster's City Plan (2016) and the Unitary Development Plan (UDP) (2007). It is accordingly recommended that permission be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation:



Rear elevation and extract flue:

2 Sep 2016, 08:49:16



5. CONSULTATIONS

SOHO SOCIETY:

- No objection provided the City Council's Environmental Health Officer is satisfied.

ENVIRONMENTAL HEALTH:

- No objection on environmental noise or nuisance grounds.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 38

Total No. of replies: 4

No. of objections: 4

No. in support: 0

Amenity:

- Noise.
- Particulates and odour from the flue.
- The submitted acoustic report relies on background noise data from 2015 rather than immediately before the application was submitted.
- Requests that conditions are imposed securing automatic timers to ensure that the duct is switched off at the correct time and that odour attenuation measures are conditioned.
- The duct should be far higher in order to avoid noise echoing around the buildings to the rear and harming the amenity of neighbouring properties.

Other:

- Welcomes that this duct, erected in 2015 to deal with the previous extract duct and equipment which was which was causing an environmental hazard due to noise and odours, is now the subject of the planning process.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises an unlisted building comprised of basement, ground and two upper floors. The site is located within the Soho Conservation Area, the Core Central Activities Zone and the West End Stress Area.

The building is lawfully in use as a restaurant (Class A3) at ground and basement levels, with separate access to the upper floors which are in use as offices (Class B1).

The rear of the application site backs onto a courtyard made of the eastern flank of the Soho car park, the southern elevation of Salvo House, 20 Peter Street and the buildings on the western side of Green's Court (Nos. 6-10). Records indicate that the nearest residential properties are:

- 8 flats within Salvo House, 20 Peter Street.

- 11 x flats within Power Mill House, 6 Green's Court.
- 8 x flats within 8, 9 and 10 Green's Court.
- 2 x flats within 22 Brewer Street.

6.2 Recent Relevant History

A review of the planning history of this site reveals that permission was granted on 14 August 1985 for the installation of a new shopfront (Ref: 85/00780/FULL). The only condition imposed required, '*All external parts of the flues if not stainless steel shall be painted gloss black*'. This condition was imposed for design and conservation reasons.

Despite the application being advertised as, 'New shopfront and new duct', correspondence on the file from the agent indicates that the works did not involve external alterations to the external ventilation duct (apparently *in situ* for approximately 20 years prior to the application) but solely related to new internal connections to this existing duct. It is not known why the City Council imposed a condition securing the finish of external flues when no flues were proposed.

The drawings approved in August 1985 supports the contention that there was a long-standing flue in this location, with an annotation on the approved basement plan stating, '*350 x 500mm extract duct to above shown dotted*' in the location of the current extract flue and the ground floor plan showing a '*riser duct*' in the correct location.

The City Council also has photographic records of part of a galvanised steel flue in this location taken on 28 July 2011. It is therefore concluded that an extract flue has been located to the rear of the site for many years before being replaced by the current flue. The previous flue is therefore the lawful 'fall back' position.

7. THE PROPOSAL

The application seeks retrospective permission for the installation of a replacement full-height extract flue rising up the rear of the host building. The applicant states that the unauthorised flue was installed in November 2015 but the City Council has photographs taken from 19 March 2014 showing the existing flue *in situ* (albeit without the black lagging that is currently wrapped around the flue).

The application follows complaints made to the City Council's Planning Enforcement Team on 2 May 2017 by one of the objectors to the current application.

A number of complaints from local residents were also made to the City Council between 3 June 2009 and 13 October 2015 in respect to noise and odours from the flue to the rear of this building, although no statutory nuisance was identified by the City Council. Since October 2015, there have been no complaints.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application raises no land use issues. The planning unit at ground and basement floors that the flue serves has long been a restaurant (Class A3) and is the lawful use of this part of the building.

8.2 Townscape and Design

The extract flue is not visible from the street and is in an area that already contains a large amount of plant. Furthermore, it is no more visually intrusive than the flue it replaced and therefore would preserve the character and appearance of the Soho Conservation Area, in accordance with City Plan Policies S25 and S28, and UDP Policies DES 1, DES 5 and DES 9.

8.3 Residential Amenity

The application has generated four objections from residents living within three of the flats within Salvo House, 20 Peter Street. The same residents have made complaints to the City Council in respect to noise and odour from the premises between 3 June 2009 and 13 October 2015 in respect to the current flue and the flue that it replaced. Objections centre on noise and odour from the flue and concerns that the submitted acoustic report relies on background noise data that is out-of-date. The rear of Salvo House is approximately 15m to the north of the flue.

It is correct that the background noise assessment was undertaken in 2015 rather than immediately prior to the submission of the application. However, Environmental Health has recently carried out its own background noise measurements in respect to an alleged breach of planning control in a neighbouring building. Environmental Health found that, with the flue at No. 28 Brewer Street turned off, its background readings were similar to those taken in 2015. Environmental Health therefore has no concern over the robustness of the background noise measurements.

Environmental Health has examined the acoustic report submitted by the applicant and the objections received and raises no objection to the retention of the unauthorised flue from a noise perspective. Environmental Health concludes that the noise from the flue is likely to meet the relevant criterion within UDP Policy ENV 7 over the period of the flue's operation (11.00 to 00.00 daily).

Given the history of noise from the former flue on this site, it is understandable that local residents are concerned about its replacement. It is understood that when the flue was initially installed no noise mitigation was included. Since then an in-line attenuator has been installed to mitigate the noise emitted from the flue. The technical analysis undertaken by Environmental Health that the flue would not cause a material loss of amenity to neighbouring residents was evident when officers visited the site and found that the flue was barely audible when switched on. This was at a distance of less than half of that to the rear of Salvo House.

In respect to odour dispersion, the host building is only three storeys above ground compared to the five storey building making up the Soho Car Park, the four storey terrace on the west side of Green's Court and the five storey buildings in the form of Salvo House and Power Mill House. There are therefore residential properties which are higher than the termination point of the extract flue. This raises concern that the flue may result in odour impacts. Environmental Health, however, raise no objection to the height of the proposed flue, noting that it rises above the eaves of the host building. Furthermore, Environmental Health considers that the distance between the flue and the objectors' flats will mean that the flue will operate without causing an unacceptable loss of residential amenity as a result of odours.

Finally, the installation of the replacement flue affords the City Council with an opportunity to impose conditions in respect to maximum noise emissions and hours of operation. The 'fall back' position of reinstating the previous flue would result in a flue that could operate without any control from a planning perspective. Whilst it is recognised that the previous flue resulted in a number of neighbour complaints, the applicant has demonstrated that the replacement flue includes measures to ensure that the amenity of neighbouring residents will not be harmed by its operation. This is reflected in the lack of complaints regarding the flue's operation in the last two years.

8.4 Transportation/Parking

The proposal raises no transportation or parking issues.

8.5 Economic Considerations

The flue will allow the continued operation of the restaurant which is economically beneficial.

8.6 Access

The proposal does not affect the access arrangements to the restaurant.

8.7 Other UDP/Westminster Policy Considerations

The submitted drawings show the reconfiguration of some of the condensing units on the first floor flat roof of No. 26a Brewer Street. These works are unconnected to the restaurant at the application site and are not assessed in the submitted acoustic report. A condition is proposed stating that, notwithstanding what is shown on the proposed drawings, this permission does not authorise new or replacement condensing units in this location.

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 proposal does not generate any requirement for planning obligations.

8.11 Environmental Impact Assessment

The proposal is of insufficient scale to be assessed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

8.12 Other Issues

None.

9. BACKGROUND PAPERS

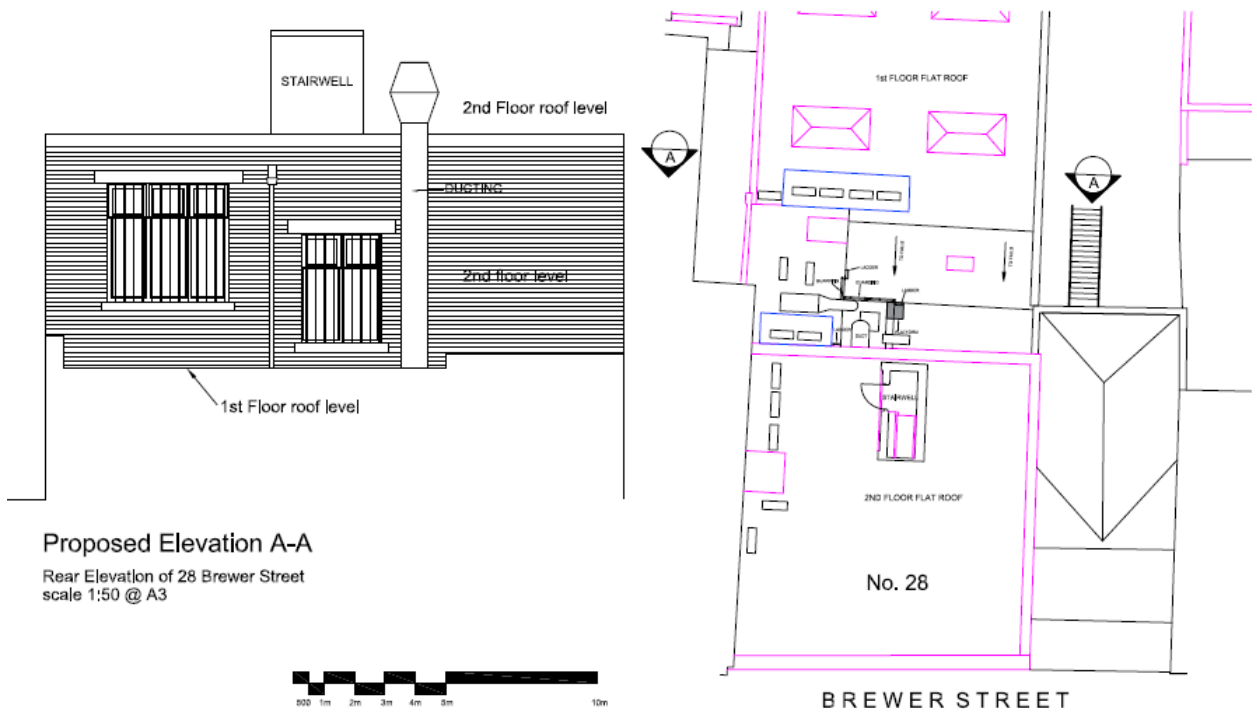
1. Application form
2. Letter from the Soho Society, dated 10 August 2017
3. Response from Environmental Health, dated 18 July 2017
4. Response from Environmental Health, dated 18 August 2017
5. Letter from occupier of Flat 8, 20 Peter street, dated 6 August 2017
6. Letter from occupier of 3 Salvo House, 20 Peter Street, dated 7 August 2017
7. Letter from occupier of 2 Salvo House, 20 Peter Street, dated 13 August 2017
8. Letter from occupier of Flat 2, Salvo House, 20 Peter Street, dated 13 August 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

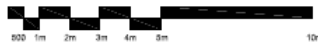
10. KEY DRAWINGS

Proposed rear elevation and roof plan:



Proposed Elevation A-A

Rear Elevation of 28 Brewer Street
scale 1:50 @ A3



DRAFT DECISION LETTER

Address: 28 Brewer Street, London, W1F 0SR

Proposal: Installation of kitchen extractor duct at rear second floor level (retrospective application).

Reference: 17/06144/FULL

Plan Nos: 4734/002.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

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 (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.

- 3 The plant/machinery hereby permitted shall not be operated except between 11.00 hours and 00.00 hours daily. Automatic timers shall be installed within two months of the date of this permission that ensure compliance with these hours and these shall be maintained for as long as the flue is in situ.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 4 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.

- 5 Notwithstanding what is shown on approved drawings 4734/002, this permission does not authorise the installation of new or replacement condensing units on top of the first floor flat roof of No. 26a Brewer Street to the rear of the site.

Reason:

These works have not been assessed in submitted acoustic report and therefore the City Council has been unable to assess whether the noise environment of people in noise sensitive properties is protected, in accordance with Policies ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007 and as set out in S32 of Westminster's City Plan (November 2016).

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 2 and 3 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.

Agenda Item 9

Item No.

9

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 st November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	16 Archery Close, London, W2 2BE		
Proposal	Erection of a roof extension at second floor level and the replacement of basement windows at front and rear elevations.		
Agent	Philip Dayer		
On behalf of	Philip Dayer		
Registered Number	17/08737/FULL	Date amended/ completed	30 September 2017
Date Application Received	30 September 2017		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Refuse permission on design grounds.

2. SUMMARY

Permission is sought for the erection of a roof extension at second floor level and the enlargement of the basement windows on the rear elevation. Previous applications for comparable schemes have been refused and dismissed on appeal. An objection has been received regarding the impact of the break in the roofline on the character of the mews. Councillor Cox supports the application and has requested be heard at Committee.

The key issues in this case are:

- The impact of the proposal on the appearance of this mews building and on the character and appearance of this part of the Bayswater Conservation Area.

The proposed development is considered to be contrary to the Council's policies in relation to design and it is recommended that permission is refused for the reasons set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation



Existing Ridge line, showing relationship with the rest of the mews

Photo taken from no.17 Archery Close showing the existing chimney stacks.



Roofscape of Archery Close to demonstrate the continual ridge line.



5. CONSULTATIONS

COUNCILLOR COX: Requested the application be heard at committee.

HYDE PARK ESTATE ASSOCIATION: Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 10

Total No. of replies: 2

No. of objections: 1

- The roofline is uniform at the end of the street and this will be broken by the development,
- The property already has 2no bedrooms so the need for the alteration is unclear as the number of rooms remains,
- The development should be carried out in a professional manner.

No. in support: 1

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building located on the west side of Archery Close, a street originally laid out as a mews in the early 19th century. The west side of the street has been rebuilt, likely in the early 20th century, and appears as a unified development of single dwelling houses. The property faces onto Archery Close and forms the end of the terrace abutting no 10 Frederick Close. To the rear, the site faces back onto the landscaped grounds surrounding the residential blocks of St Georges Fields. The building is located within the Bayswater Conservation Area.

6.2 Recent Relevant History

On 14 June 2017 planning permission was refused for the 'erection of roof extension with associated railings to the rear and rooflights' on the grounds that the location, scale, bulk and detailed design the roof level alterations and extension would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area and therefore would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 6, DES 9, DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007 (RN: 17/03867/FULL). This application is currently being appealed.

On 17 August 2016 planning permission was refused for the 'replacement of existing roof structure with a mansard roof extension incorporating railings to the rear and alterations to front and rear windows' (RN: 16/05908/FULL). This decision was upheld at appeal and the appeal decision has been included as a background paper.

In their decision the Inspector stated;

Given its very consistent fenestration, proportions and architectural detailing the western terrace presents a very uniform and cohesive appearance in the streetscene... the northern party wall upstand would be quite prominent in the streetscene looking along the terrace from that direction... the proposal would appear as a bulky roof level addition which would significantly disrupt the cohesion, rhythm and visual harmony of the terrace... the mews' established character would be significantly harmed, both when the scheme is considered individually and alongside the other broadly similar appeal schemes, the proposal would conflict with advice in those two documents (Mews: A Guide to Alterations SPG and Roofs: A Guide to Alterations and Extensions to Domestic Buildings SPG).

The Inspector went on to conclude that the scheme failed to accord with UDP policy DES 6 as well as DES 1 and S28 of the City Plan. They identified the harm to the designated heritage asset, the Bayswater Conservation Area, as being less than substantial and in accordance with paragraph 134 of the NPPF, determined that the provision of additional habitable space within a two bedroom family home is not a sufficient public benefit to outweigh the identified harm.

The application and appeal were considered alongside an additional three sites within Archery Close which all sought permission for the same form of development. All applications were refused and dismissed on appeal; no 21 (RN:16/05916/FULL), no 22 (RN: 16/05918/FULL) and no 25 (RN: 16/05913/FULL).

7. THE PROPOSAL

Planning permission is sought to erect a full width rear dormer extension and to re-pitch the front roof slope, making it steeper in order to enlarge the habitable space at second floor level. The front roof slope will be tiled and the rear elevation of the mansard will contain a 5-pane window serving the bedroom and a 2-pane window to serve the staircase, with a balustrade along the parapet. The party wall upstand will be raised and the rear chimney stack removed. Permission is also sought to enlarge the windows located on the rear elevation at basement level and to install double glazed timber sash windows at this level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy H3 of the UDP and S14 of the City Plan seek to encourage the provision of more residential floor space and this scheme seeks to extend this single dwelling house with further accommodation to second floor level. Accordingly the proposals are supported in land use terms.

Notwithstanding this, whilst the creation of further residential floorspace is welcomed in itself, it is not considered to overcome the harm caused to the building through the roof level alterations and the impact this has upon the character and appearance of the building and Bayswater Conservation Area, as discussed below.

8.2 Townscape and Design

The western side of Archery Close has a uniform character and appearance. The height of the front elevations and the line of the parapets are continuous, as are the ridge heights resulting in the pitch of the front roofslopes being coherent along the terrace.

Consequently the roof form cannot be seen when standing in Archery Close, in accordance with the original design intention, allowing the chimney stacks and pots being to be the dominant roof level feature. As these buildings were originally built to appear as a complete development, and still retain much of their originally intended uniformity, any proposal for raising the ridge line, raising parapet lines, or changing the angle of front roof slopes is contentious in design terms as these alterations would could break the uniformity and coherent appearance of the development.

The building is currently unoccupied and the Applicant has stated that the building has been vacant for over 30years, having owned it for the last 2 years. A neighbour letter has been received in support of the application on the grounds that the building has been a 'uninhabitable wreck' for a long time and should be restored. In accordance with paragraph 130 of the National Planning Policy Framework (NPPF) the neglect of a heritage asset and its deteriorated state should not be taken into account in any decision. As the building forms part of the Bayswater Conservation Area, a designated heritage asset, its current condition cannot be considered in relation to the need for the proposed works. Furthermore it has not been demonstrated as part of the application that the restoration of the dwelling cannot be undertaken without the roof level alterations and extensions.

The objection raised states that it would be a shame to alter the roofline of a homogenous row of mews terrace houses. This view was shared by the Inspector in the 2016 appeal decision.

When considering roof level alterations and extensions the relevant policy is DES 6, which states that "Permission may be refused for roof level alterations and extensions to existing buildings where any additional floors, installations or enclosures would adversely affect either the architectural character or unity of a building or group of buildings, where buildings are completed compositions, where the buildings form or profile makes a contribution to the local skyline or was originally intended to be seen in silhouette and where the extension would be visually intrusive or unsightly when seen in longer public or private views".

It is proposed to raise the ridge height, in the same line as existing, consequently increasing the pitch of the front roof slope in association with the erection of a full width dormer projecting from the ridge. The full length of the existing party wall to no.17 will be raised and the rear chimney stack will be removed.

With regards to raising the ridge and altering the pitch of the front roof slope, in comparing the existing section and proposed section the ridge is to be raised by 800mm resulting in the pitch of the front roof slope increasing by 10degrees. Consequently the front roofslope will be significantly steepened in order to achieve a desired internal head height.

Additionally the existing party wall upstand will be raised to form the side elevation of the

dormer to the rear and a greater upstand to the front pitch. No side elevations have been provided as part of the application and the sections do not show the upstands or the chimney breasts; nevertheless these features would result in a roof structure and upstand which will be visible from street level, departing from the original design intention and resulting in the erosion of the unified roof form along the terrace. This would fail to meet the aims of DES 5 as the appearance of the building and terrace it forms part of would be adversely affected and the buildings original profile will be compromised.

These alterations would be readily apparent in views of the terrace from upper floors of surrounding buildings and potentially from street level, despite the annotation on the proposed section drawing. The existing chimney stacks located in the middle of the building can be seen from street level and therefore it is considered that, due to this current appreciation any increase in height of the roof form will also be appreciated from street level. As proposed, the alterations to the front roof slope and the party walls would appear out of keeping and wholly uncharacteristic in terms of the character and appearance of the building and the unity of the terrace. This would fail to comply with UDP policy DES 1 and DES 6 and would fail to preserve or enhance the character and appearance of the Bayswater Conservation Area.

The principle of introducing a full width dormer to the rear elevation is considered to be unacceptable in design and conservation terms, with the proposed scheme failing to address the reasons for the dismissal of the previous appeal. The dormer will add high level bulk to the building, which is characterised by its scale, form and relationship with the terrace. It will also result in the loss of the rear chimney breast and the raising of the party wall upstands, as well as the introduction of high level clutter in the form of a balustrade. Therefore it will result in the erosion of the roof level uniformity and consequently would adversely affect the architectural character of the building and the group which it forms part of; contrary to DES 6. Whilst it is recognised that in rear views from St Georges Fields there is heavy tree cover and therefore views of the rear may be screened, particularly in the summer months, the proposals will nevertheless be appreciated in wider views including those from the upper levels within buildings fronting Connaught Square. The buildings are considered to be completed compositions with regards to their scale, form and proportions and as such the extension would appear as unsightly in public and private views, compromising the consciously designed profile of the building. Therefore the extension will fail to preserve or enhance the character and appearance of the Bayswater Conservation Area and fails to accord with the relevant design polices.

The works are considered to result in less than substantial harm to the significance of the Designated Heritage Asset, which in this instance is the Bayswater Conservation Area. In accordance with section 12 of the NPPF, noting in particular that under paragraph 134, any harm identified should be weighed against the public benefits of the proposal. The Planning Practice Guidance sets out at Reference: ID 18a-020-20140306 that public benefits should be of a nature or scale to benefit the public at large and not just a private benefit. The applicant has stated that the public benefit of the proposal would be the converting of a disused building back into a habitable dwelling. However as previously noted, it has not been demonstrated that the restoration of the property cannot be undertaken without the proposed extensions and alterations and as such there are not considered to be any public benefits that would outweigh the harm identified. The proposal would provide additional floorspace, however enhanced living conditions in a sustainable city centre location, is not considered to be a public benefit as the proposal would not

increase the number of residential units. Additionally the Planning Inspector previously concluded that the limited public benefit of providing additional habitable space in a small two bedroom family home in a sustainable location is not sufficient to justify allowing the appeal. Furthermore it has not been demonstrated that the roof alterations are required to secure the optimum viable use of the building and therefore would outweigh the identified harm. It is therefore concluded that the public benefits of the proposal would be limited and do not amount to the clear and convincing justification to outweigh the harm that would be caused.

The roof extension is contrary to City Plan policies S25 and S28 and UDP policies DES 1, DES 6 and DES 9 and would fail to preserve or enhance the character and appearance of the Bayswater Conservation Area

8.3 Residential Amenity

Policy S29 of the City Plan and ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

The angle of the front roof slope, the dormer extension and the raised height of the ridge, whilst harmful in design/conservation grounds, is not so significant as to adversely impact upon the amenity of the residential occupiers of Archery Close with regards to loss of light, overlooking or sense of enclosure. The properties facing Connaught Square are some considerable distance away to the east and would be unaffected by these proposals.

Therefore no objection to the application is raised on amenity grounds.

8.4 Transportation/Parking

This application raises no transport or parking issues.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

8.7 Other UDP/Westminster Policy Considerations

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

9. BACKGROUND PAPERS

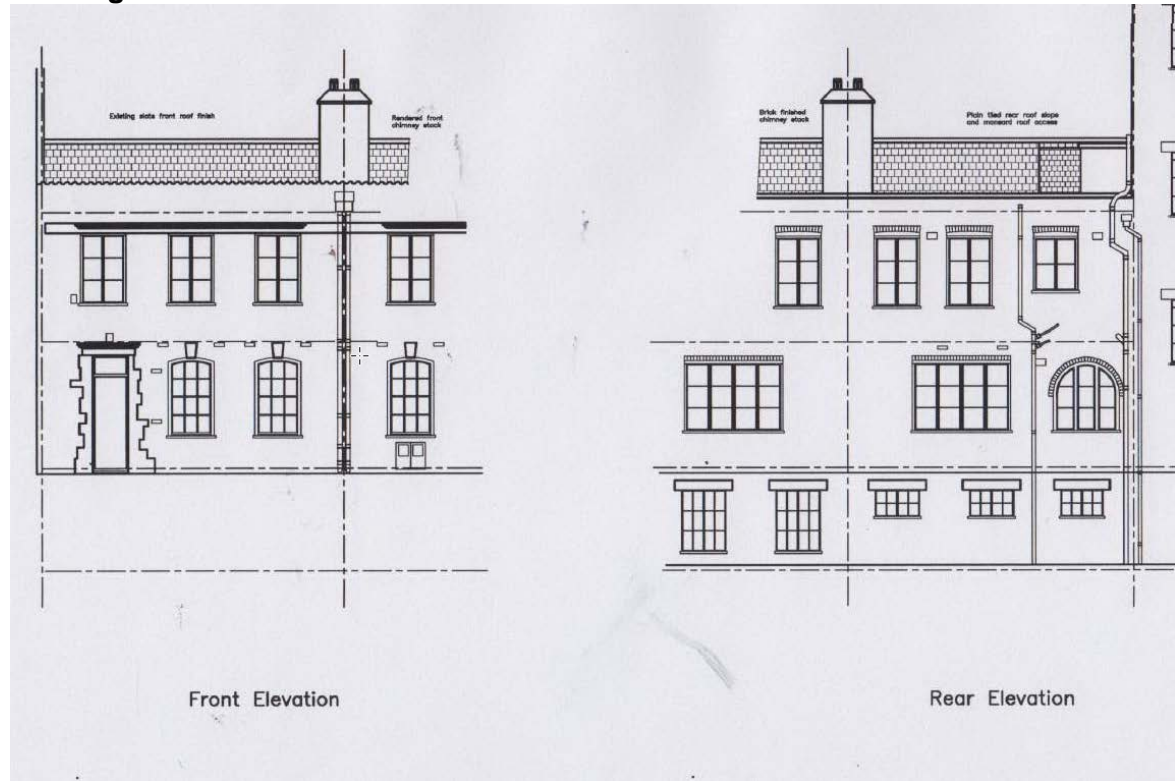
1. Application form
2. Letter from Councillor Cox dated 10 October 2017.
3. Letter received from the occupier of 11 Archery Close, London, dated 14 October 2017
4. Letter received from the occupier of 37 Connaught Square, London dated 31 October 2017
5. Appeal decision dated 15 December 2016 for application reference 16/05908/FULL.

(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: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk.

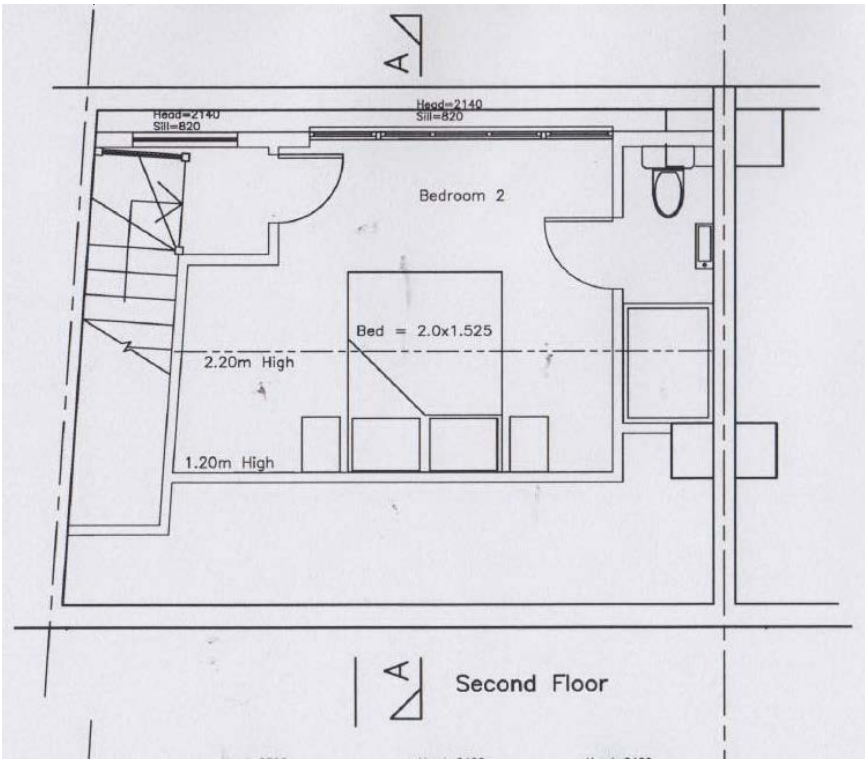
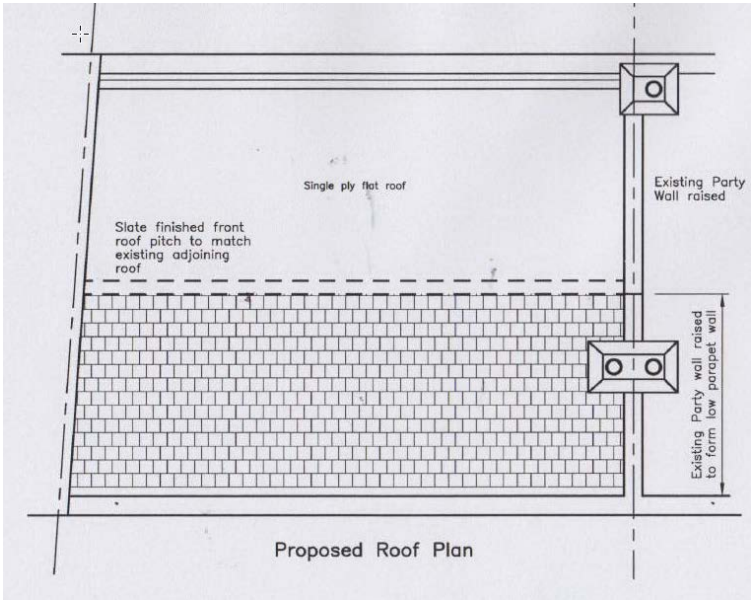
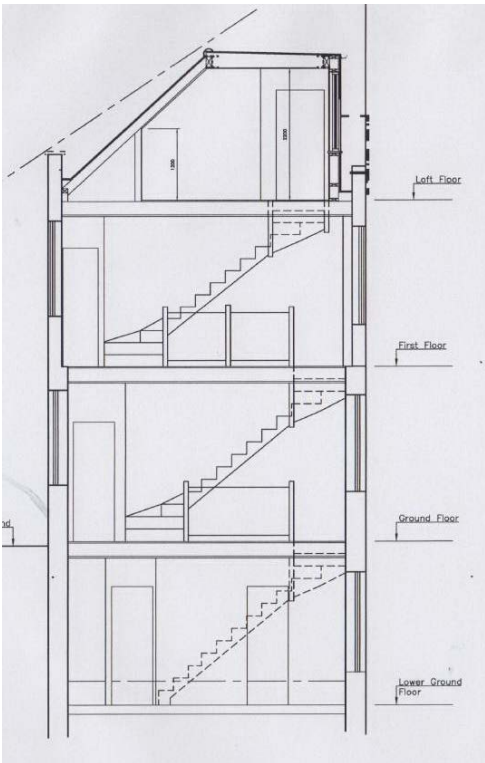
10. KEY DRAWINGS

Application Drawings
Existing



Proposed

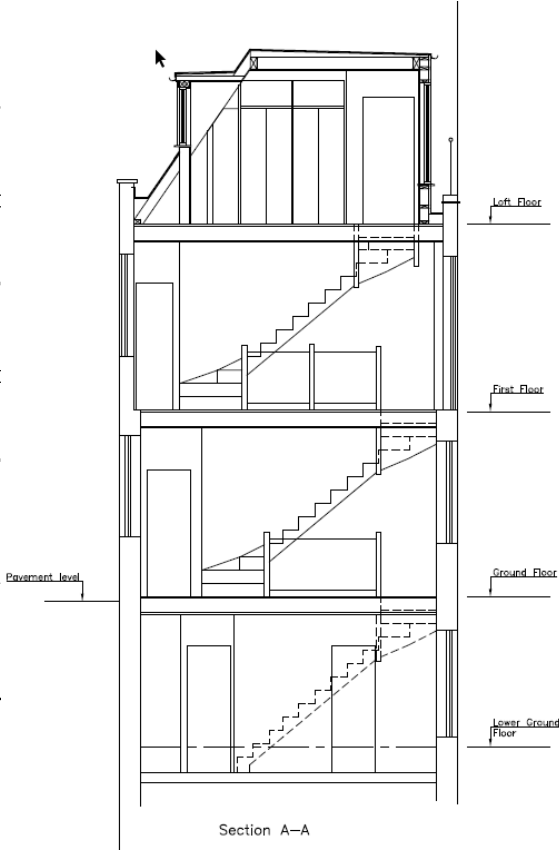




2016 application, dismissed on appeal



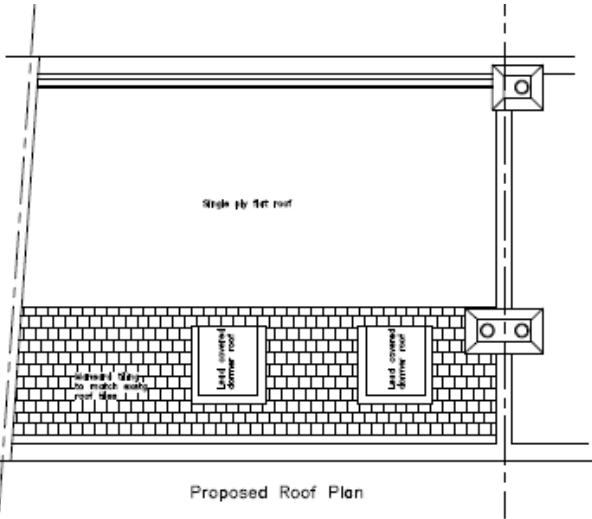
Rear Elevation



Section A-A



Second Floor



Proposed Roof Plan

DRAFT DECISION LETTER

Address: 16 Archery Close, London, W2 2BE

Proposal: Erection of a roof extension at second floor level and the replacement of basement windows at front and rear elevations.

Reference: 17/08737/FULL

Plan Nos: AT292/16/01; AT292/16/02; AT292/16/03; AT292/16/04 Rev A; AT292/16/05; AT292/16/06 Rev B; AT292/16/07 Rev B; AT292/16/08 Rev B; AT292/16/09 Rev A; AT292/16/10 Rev A.

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

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

Because of their location, scale, bulk and detailed design the roof level alterations and extension would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 6, DES 9, DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. It would also fail to accord with the City Council's Supplementary Guidance Documents 'Roofs: A Guide to Alterations and Extensions on Domestic Buildings' (1995) and 'Mews - A Guide to Alterations' (2004).(X16AC)

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.