



City of Westminster

# Committee Agenda

Title:

**Planning Applications Sub-Committee (3)**

Meeting Date:

**Tuesday 27th June, 2017**

Time:

**6.30 pm**

Venue:

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

Members:

**Councillors:**

Andrew Smith (Chairman)  
Barbara Grahame  
Louise Hyams  
Robert Rigby



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

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



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

**Tel: 020 7641 2341; Email: [tfieldsend@westminster.gov.uk](mailto:tfieldsend@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

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

## **AGENDA**

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

#### **1. MEMBERSHIP**

To note any changes to the membership.

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

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

#### **3. MINUTES**

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

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

Applications for decision

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

- |  |                          |
|--|--------------------------|
| <b>1. ST JOHNS WOOD BARRACKS, ORDNANCE HILL, LONDON, NW8 6PT</b> | <b>(Pages 5 - 72)</b>    |
| <b>2. 21 CHAPEL SIDE, LONDON, W2 4LG</b>                         | <b>(Pages 73 - 98)</b>   |
| <b>3. 11 CHAPTER STREET, LONDON, SW1P 4NY</b>                    | <b>(Pages 99 - 114)</b>  |
| <b>4. 21 BERWICK STREET, LONDON, W1F 0PZ</b>                     | <b>(Pages 115 - 126)</b> |
| <b>5. BASEMENT, 179 RANDOLPH AVENUE, LONDON, W9 1DJ</b>          | <b>(Pages 127 - 140)</b> |
| <b>6. 36 MONTPELIER SQUARE, LONDON, SW7 1JY</b>                  | <b>(Pages 141 - 164)</b> |
| <b>7. 114 WESTBOURNE TERRACE MEWS, LONDON, W2 6QG</b>            | <b>(Pages 165 - 178)</b> |

**Charlie Parker**  
**Chief Executive**  
**19 June 2017**

# Agenda Annex

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 27th June 2017  
 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	<p><b>RN(s) :</b>            16/12291/FULL            16/12269/LBC</p> <p>Abbey Road</p>	<p>St Johns            Wood            Barracks            Ordnance            Hill            London            NW8 6PT</p>	<p><b>16/12291/FULL:</b>            Variation of Condition 1 of planning permission dated 2 April 2015 (RN: 14/08070/FULL) for Demolition of existing Barracks buildings (except for the listed Riding School) and redevelopment for residential use (Class C3) to provide a total of 163 units including 59 affordable units . Use of the listed Riding School as private ancillary leisure facility with internal and external alterations. Provision of Class A1/A3 retail units and Class D1 at ground level at 1 - 7 Queen's Terrace, redevelopment behind the retained front facade and the erection of a mansard roof extension ,creation of landscaped areas and reconfigured vehicular and pedestrian access together with associated works including the provision of parking, circulation space, servicing and plant area and use of the listed Riding School as a private ancillary leisure facility, associated internal and external alterations, new side extension and the excavation of a lower ground floor beneath the Riding School. <b>Namely</b> to allow changes to list of approved plans to allow increase in residential units from 163 units to 171 units (increase in market housing) with associated change in unit mix, realignment of Block 4 to allow changes to The Avenue; amend Block 4 from houses to apartment building (retention of three villas on Avenue), reduction in extent and depth of basement excavation; reconfiguration of and increase in parking spaces by 14; alterations to facades and roofs of blocks 7 and 8 and alterations to landscaping plan (Application is accompanied by an Environmental Impact Assessment (EIA)).</p> <p><b>16/12269/LBC:</b>            Variation of Condition 1 of listed building consent dated 2 April 2015 (RN: 14/08099/LBC) for Use of the listed Riding School as a private ancillary leisure facility and associated internal and external alterations. Namely, to vary the approved drawing to allow adjustments to the configuration of the accommodation stairs and lifts at mezzanine, ground and lower ground floor levels, adjustment to the configuration of the lower ground floor adjustment to the design of the western pavilion, rearrangement of the internal configuration along with a repositioning of the connection point and retention and repair of the existing external brickwork.</p>	<p>St. John's Wood            Square Ltd</p>
<p><b>Recommendation</b>            1. Grant conditional permission, subject to a deed of variation to the original S106 legal agreement dated 2 April</p>				

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2015 to secure the following:

- a) Provision of 59 intermediate units at the main Barracks site and 41 affordable rented units at Sentinel House as per the agreed mix; the affordable housing to be retained for the lifetime of the development; the 59 affordable housing units to be transferred to an approved Registered Social Landlord (RSL) on a long lease (at least 99 years);
- b) Off site affordable housing (41 units) to be provided at Sentinel House prior to the occupation of any market housing at the Barracks site;
- c) The 20 car parking spaces for the 59 intermediate flats shall be provided on an unallocated basis prior to occupation without charge and with nominal maintenance costs to the RSL;
- d) Provision of car club membership for each affordable unit for 25 years;
- e) Provision of the cycle spaces for the 59 intermediate affordable units without charge and at nil cost to the RSL;
- f) A financial contribution to cover the Council's costs of amending the existing Controlled Parking Zone (CPZ) arrangements to provide the development with its own Controlled Parking Zone (CPZ) and prevent future residents of the development being eligible to apply for or hold a residents parking permit for Zone C;
- g) Provision of a Management Plan for the private and visitor parking;
- h) Provision of a Management Plan in respect of the use of the private leisure facility, the garden square and the sanctuary garden;
- i) Educational contribution of £423,000 towards primary school provision and £106,000 towards secondary school provision (index linked and payable on commencement of development);
- j) Early Years Project contribution of £250,000 (index linked and payable on commencement of development);
- k) Health contribution of £250,000 (index linked and payable on commencement of development);
- l) Local Play Space contribution of £100,000 to the St John's Wood Adventure Playground (index linked and payable on commencement of development);
- m) Provision of Public Art to a value of not less than £350,000 (index linked) and the art to be installed within six months of practical completion, to be retained and maintained throughout the life of the development;
- n) Provision of a Travel Plan;
- o) Provision of a community use of the private leisure facility -3xtwo hour blocks per week with one block to be made available to local schools and the remaining two blocks to be made available to local residents in the geographical area to be amended to include those on both sides of the streets;
- p) Financial contribution to cover the cost of highway works associated with the creation of the new accesses on Ordnance Hill and Queen's Terrace, provision of a car club space on Queen's Terrace and the improvements along Ordnance Hill and Queen's Terrace including new street tree planting;
- q) Provision and maintenance of pedestrian routes through the development, which are to be open 24 hours a day;
- r) Provision of a lighting scheme;
- s) The development not to be a gated community;
- t) Compliance with the Construction Code of Practice and contributions towards funding Environmental Sciences involvement in the demolition and construction to be £10,020 and costs associated with the Environmental Inspectorate to be £19,000 per annum;
- u) Offering local employment opportunities during construction;
- v) S106 monitoring costs.
- w) A financial contribution of £100,000( index linked and payable on first occupation of the residential) to Transport for London of which £40,000 towards mitigating the impact of the proposal on cycle parking and £60,000 towards the cost of an average sized cycle docking station in the vicinity of the site.
- x) A replacement tree at 49 Ordnance Hill

2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is



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	authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.			
	3. Grant conditional listed building consent.			
	4. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.			
Item No	References	Site Address	Proposal	Applicant
2.	RN(s) : 17/03375/FULL  Lancaster Gate	21 Chapel Side London W2 4LG	Demolition and redevelopment of the existing two storey mews building to provide a new building over basement, ground, first and second floor levels for use ancillary to the principal dwellinghouse at No.21 St. Petersburg Place.	Mr Mark Tavener  Attol Ltd
<b>Recommendation</b> Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
3.	RN(s) : 17/02130/FULL  Vincent Square	11 Chapter Street London SW1P 4NY	Use of ground floor for Class A2 (financial and professional services) purposes and use of upper floors as 2 residential flats. Erection of rear extensions at ground, second and roof levels; alterations to the shopfront.	Mr Shahram Sabbaghi  Ocarina Management Ltd
<b>Recommendation</b> Agree that, had an appeal against non determination not been lodged, permission would have been refused on design grounds.				
Item No	References	Site Address	Proposal	Applicant
4.	RN(s) : 17/02862/FULL  West End	21 Berwick Street London W1F 0PZ	Installation of two openable sash windows within the existing shopfront.	Mr Samir Maqedonci
<b>Recommendation</b> Grant conditional permission				
Item No	References	Site Address	Proposal	Applicant
5.	RN(s) : 17/02847/FULL  Maida Vale	Basement 179 Randolph Avenue London W9 1DJ	Erection of a single storey timber framed structure within the rear of garden for use as a garden/gym room in connection with the existing basement flat (Class C3)	Kojo Appiah-Endresen
<b>Recommendation</b> Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
6.	RN(s) : 16/06558/FULL 16/06559/LBC	36 Montpelier Square London	Replacement of unauthorised rooflight at rear first floor terrace.	Sadru Valimahomed

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	Knightsbridge And Belgravia	SW7 1JY		
<b>Recommendation</b> Grant conditional permission.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Applicant</b>
7.	<b>RN(s) :</b> 17/04031/FULL  Lancaster Gate	114 Westbourne Terrace Mews London W2 6QG	Infilling of rear courtyards at ground floor level to rear of 114 and 116 Westbourne Terrace Mews to enlarge existing dwellinghouses.	Mr Sandcroft-Baker
<b>Recommendation</b> Grant conditional permission.				

# Agenda Item 1

Item No.

**1**

<b>CITY OF WESTMINSTER</b>		
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 27 June 2017	<b>Classification</b> For General Release
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road
<b>Subject of Report</b>	<b>St Johns Wood Barracks, Ordnance Hill, London, NW8 6PT,</b>	
<b>Proposal</b>	<p><b>16/12291/FULL:</b> Variation of Condition 1 of planning permission dated 2 April 2015 (RN: 14/08070/FULL) for Demolition of existing Barracks buildings (except for the listed Riding School) and redevelopment for residential use (Class C3) to provide a total of 163 units including 59 affordable units . Use of the listed Riding School as private ancillary leisure facility with internal and external alterations. Provision of Class A1/A3 retail units and Class D1 at ground level at 1 - 7 Queen's Terrace, redevelopment behind the retained front facade and the erection of a mansard roof extension ,creation of landscaped areas and reconfigured vehicular and pedestrian access together with associated works including the provision of parking, circulation space, servicing and plant area and use of the listed Riding School as a private ancillary leisure facility, associated internal and external alterations, new side extension and the excavation of a lower ground floor beneath the Riding School. <b>Namely</b> to allow changes to list of approved plans to allow increase in residential units from 163 units to 171 units (increase in market housing) with associated change in unit mix, realignment of Block 4 to allow changes to The Avenue; amend Block 4 from houses to apartment building (retention of three villas on Avenue), reduction in extent and depth of basement excavation; reconfiguration of and increase in parking spaces by 14; alterations to facades and roofs of blocks 7 and 8 and alterations to landscaping plan (Application is accompanied by an Environmental Impact Assessment (EIA)).</p> <p><b>16/12269/LBC:</b> Variation of Condition 1 of listed building consent dated 2 April 2015 (RN: 14/08099/LBC) for Use of the listed Riding School as a private ancillary leisure facility and associated internal and external alterations. Namely, to vary the approved drawing to allow adjustments to the configuration of the accommodation stairs and lifts at mezzanine, ground and lower ground floor levels, adjustment to the configuration of the lower ground floor adjustment to the design of the western pavilion, rearrangement of the internal configuration along with a repositioning of the connection point and retention and repair of the existing external brickwork.</p>	
<b>Agent</b>	Mr Simon Zargar	
<b>On behalf of</b>	St. John's Wood Square Ltd	

<b>Registered Number</b>	16/12291/FULL & 16/12269/LBC	<b>Date amended/ completed</b>	23 December 2016
<b>Date Application Received</b>	23 December 2016		
<b>Historic Building Grade</b>	II – The Riding School		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

1. Grant conditional permission, subject to a deed of variation to the original S106 legal agreement dated 2 April 2015 to secure the following:
- a) Provision of 59 intermediate units at the main Barracks site and 41 affordable rented units at Sentinel House as per the agreed mix; the affordable housing to be retained for the lifetime of the development; the 59 affordable housing units to be transferred to an approved Registered Social Landlord (RSL) on a long lease (at least 99 years);
  - b) Off site affordable housing (41 units) to be provided at Sentinel House prior to the occupation of any market housing at the Barracks site;
  - c) The 20 car parking spaces for the 59 intermediate flats shall be provided on an unallocated basis prior to occupation without charge and with nominal maintenance costs to the RSL;
  - d) Provision of car club membership for each affordable unit for 25 years;
  - e) Provision of the cycle spaces for the 59 intermediate affordable units without charge and at nil cost to the RSL;
  - f) A financial contribution to cover the Council's costs of amending the existing Controlled Parking Zone (CPZ) arrangements to provide the development with its own Controlled Parking Zone (CPZ) and prevent future residents of the development being eligible to apply for or hold a residents parking permit for Zone C;
  - g) Provision of a Management Plan for the private and visitor parking;
  - h) Provision of a Management Plan in respect of the use of the private leisure facility, the garden square and the sanctuary garden;
  - i) Educational contribution of £423,000 towards primary school provision and £106,000 towards secondary school provision (index linked and payable on commencement of development);
  - j) Early Years Project contribution of £250,000 (index linked and payable on commencement of development);
  - k) Health contribution of £250,000 (index linked and payable on commencement of development);
  - l) Local Play Space contribution of £100,000 to the St John's Wood Adventure Playground (index linked and payable on commencement of development);
  - m) Provision of Public Art to a value of not less than £350,000 (index linked) and the art to be installed within six months of practical completion, to be retained and maintained throughout the life of the development;
  - n) Provision of a Travel Plan;
  - o) Provision of a community use of the private leisure facility -3xtwo hour blocks per week with one block to be made available to local schools and the remaining two blocks to be made available to local residents in the geographical area to be amended to include those on both sides of the streets;
  - p) Financial contribution to cover the cost of highway works associated with the creation of the new accesses on Ordnance Hill and Queen's Terrace, provision of a car club space on

Queen's Terrace and the improvements along Ordnance Hill and Queen's Terrace including new street tree planting;

- q) Provision and maintenance of pedestrian routes through the development, which are to be open 24 hours a day;
- r) Provision of a lighting scheme;
- s) The development not to be a gated community;
- t) Compliance with the Construction Code of Practice and contributions towards funding Environmental Sciences involvement in the demolition and construction to be £10,020 and costs associated with the Environmental Inspectorate to be £19,000 per annum;
- u) Offering local employment opportunities during construction;
- v) S106 monitoring costs.
- w) A financial contribution of £100,000( index linked and payable on first occupation of the residential ) to Transport for London of which £40,000 towards mitigating the impact of the proposal on cycle parking and £60,000 towards the cost of an average sized cycle docking station in the vicinity of the site.
- x) A replacement tree at 49 Ordnance Hill

2. If the Deed of Variation has not been completed within six weeks of the date of this resolution then:

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

3. Grant conditional listed building consent.

4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

Permission and listed building consent were granted on 2 April 2015 (subject to a legal agreement) for the demolition of existing Barracks buildings (except for the listed Riding School) and redevelopment for residential use (Class C3) to provide a total of 163 units including 59 affordable units, use of the listed Riding School as private ancillary leisure facility with internal and external alterations, provision of Class A1/A3 retail units and Class D1 at ground level at 1 - 7 Queen's Terrace, redevelopment behind the retained front facade and the erection of a mansard roof extension, creation of landscaped areas and reconfigured vehicular and pedestrian access together with associated works including the provision of parking, circulation space, servicing and plant area and use of the listed Riding School as a private ancillary leisure facility, associated internal and external alterations, new side extension and the excavation of a lower ground floor beneath the Riding School.

Permission and listed building consent are now sought to vary 2015 consented scheme namely to allow changes to list of approved plans to allow increase in residential units from 163 units to 171 units (increase in market housing) with associated change in unit mix, realignment of Block 4 to allow changes to The Avenue; amend Block 4 from houses to apartment building (retention of three villas on Avenue), reduction in extent and depth of basement excavation, reconfiguration of and increase in

parking spaces by 14, alterations to facades and roofs of blocks 7 and 8 and alterations to landscaping plan. The listed building consent proposals seek to vary the approved drawings in relation to the Riding School to allow adjustments to the configuration of the accommodation stairs and lifts at mezzanine, ground and lower ground floor levels, adjustment to the configuration of the lower ground floor adjustment to the design of the western pavilion, rearrangement of the internal configuration along with a repositioning of the connection point and retention and repair of the existing external brickwork.

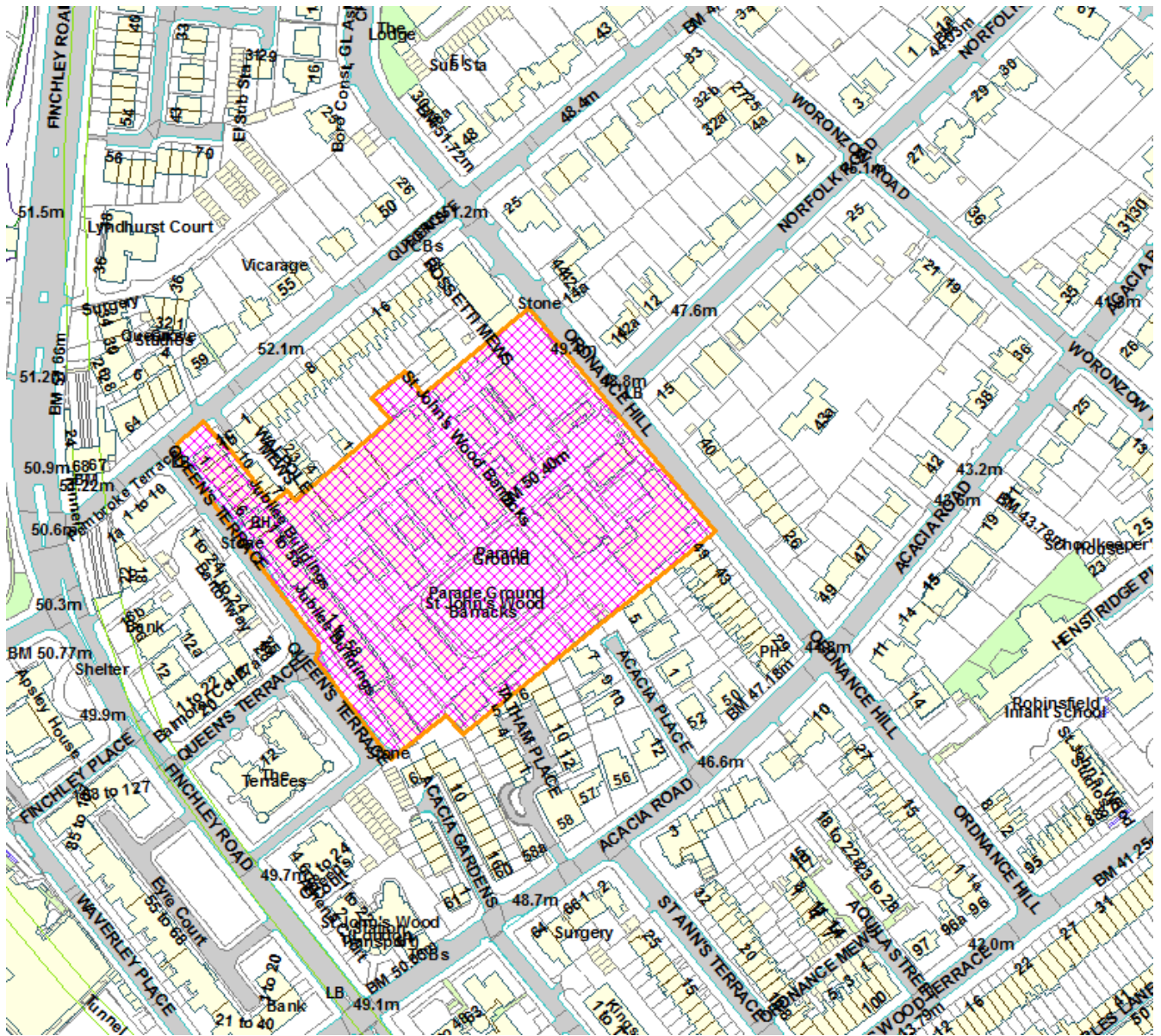
The key issues of this case are:

- Whether the proposals to increase in number of residential units by 8 units is acceptable in land use and affordable housing terms;
- Whether the proposals are acceptable in conservation, design and listed building terms;
- Whether the realignment of Block 4 to the south of the site (as a result of the realignment of The Avenue is acceptable in amenity terms;
- Whether the minor increase in the number of parking spaces is acceptable; and
- Whether the proposals are acceptable in terms of impact upon street trees.

The proposals are considered to comply with City Council's policies within the City Plan (adopted November 2016) and the Unitary Development Plan (UDP – adopted January 2007).

The proposals are subject to a deed of variation to the original legal agreement.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the



**4. PHOTOGRAPHS**



Aerial view of site – from the applicants submission (prior to any demolition on site)



## 5. CONSULTATIONS

### WARD COUNCILLORS:

Any response to be reported verbally.

### GREATER LONDON AUTHORITY:

The proposals raise no new strategic issues.

### TRANSPORT FOR LONDON:

In general TfL are supportive of the proposals. Comments were made to the excessive level of carparking provided; that the visitor car parking should be removed and more 'general' cycle parking should be provided. Also notes that discussions were in place with London Underground regarding the Jubilee Line which runs underneath the site and that details of travel planning and construction management are all being discussed at length with the various interested parties.

### LONDON UNDERGROUND:

No objection. Comment made that the applicant is in communication with London Underground.

### HISTORIC ENGLAND:

Not considered to be required to be consulted on this application.

### HISTORIC ENGLAND ARCHAEOLOGY:

The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. An archaeological evaluation was undertaken in accordance with an agreed WSI and a draft report submitted. Due to the low significance of the remains present during the evaluation, it has been advised that no further archaeological work would be required to mitigate impact. A copy of the report will need to be submitted to discharge the appropriate condition.

### NATURAL ENGLAND:

No comment. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

### ENVIRONMENT AGENCY:

No objection, providing that the proposed amendments to the scheme do not impact upon the developer's ability to meet the requirements of the surface water drainage condition.

### LONDON BOROUGH OF CAMDEN:

No objection.

### ST JOHN'S WOOD SOCIETY:

No response received.

### BUILDING CONTROL:

No objection.

**ENVIRONMENTAL HEALTH:**

No objection to the proposed amendments. No objection to the variation of Condition 45 – which sought details of the Construction Environmental Management Plan as this plan has now been agreed in detailed consultation with officers.

**HIGHWAYS PLANNING MANAGER:**

No objection.

**ARBORICULTURAL OFFICER:**

Objection raised on the loss of additional trees, compared to the 2015; inadequate soil depths and lack of landscaping detailing.

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

Total No consulted: 999; total No response:1

One objection received on the grounds of parking with 170 new properties, air pollution and on the grounds of noise and disruption during the course of works.

**SITE AND PRESS NOTICES (Multiple):**

Yes.

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

The application site is approximately 2.2 hectares in area and includes the former St John's Wood Royal Horse Artillery Barracks, as well as the terraced properties at Nos. 1-7 Queen's Terrace; and an area of garden to the north of the Grade II listed Riding School and land at the rear of Nos. 11, 12, 13 and 14 Queen's Grove.

The application site is bounded by the gardens serving the houses in Queen's Grove, Rossetti Mews and Walpole Mews to the north and north east, Ordnance Hill to the east, the houses and gardens of Acacia Place, Acacia Gardens and Tatham Place to the south and Queen's Terrace to the west. The majority of the site with the exception of the Jubilee Buildings in Queen's Terrace lies within the St John's Wood Conservation Area.

The main Barracks site is vacant and now demolished. Inside the Barracks, there is the Grade II listed Riding School which lies adjacent to the northern boundary of the site. The buildings now demolished ranged from the Officer's Mess, stables, 1970s office buildings, a parade square, an exercise ring and the ancillary residential accommodation in the 1930s Jubilee Buildings.

The site also includes the unlisted terrace properties at Nos. 1-7 Queen's Terrace which comprise of retail units and a dentist on the ground and lower ground floor with 16 flats in the upper floors.

The London Underground Jubilee Line tunnel runs underneath the site in the north western corner, and the Thames Water Kings Pond Sewer.

The application site lies outside the Central Activities Zone (CAZ). The surrounding area is residential in character, with a mixture of villas, semi-detached and terraced houses. To the west of the site in Queen's Terrace are four/five storey blocks of flats such as Pembroke Terrace and Barton Way, and further down Queen's Terrace are the more modern and taller blocks of flats such as The Terraces.

## 6.2 Recent Relevant History

### 14/08070/FULL & 14/08099/LBC

Planning permission and listed building consent were granted on 2 April 2015 for the demolition of existing Barracks buildings (except for the listed Riding School) and redevelopment for residential use (Class C3) to provide a total of 163 units including 59 affordable units, use of the listed Riding School as private ancillary leisure facility with internal and external alterations, provision of Class A1/A3 retail units and Class D1 at ground level at 1 - 7 Queen's Terrace, redevelopment behind the retained front facade and the erection of a mansard roof extension, creation of landscaped areas and reconfigured vehicular and pedestrian access together with associated works including the provision of parking, circulation space, servicing and plant. Use of the listed Riding School as a private ancillary leisure facility, associated internal and external alterations, new side extension and the excavation of a lower ground floor beneath the Riding School.

Permission was granted subject to a legal agreement to secure the following:

- a) Provision of 59 intermediate units at the main Barracks site and 41 affordable rented units at Sentinel House as per the agreed mix; the affordable housing to be retained for the lifetime of the development; the 59 affordable housing units to be transferred to an approved Registered Social Landlord (RSL) on a long lease (at least 99 years);
- b) Off site affordable housing (41 units) to be provided at Sentinel House prior to the occupation of any market housing at the Barracks site;
- c) The 20 car parking spaces for the 59 intermediate flats shall be provided on an unallocated basis prior to occupation without charge and with nominal maintenance costs to the RSL;
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- f) A financial contribution to cover the Council's costs of amending the existing Controlled Parking Zone (CPZ) arrangements to provide the development with its own Controlled Parking Zone (CPZ) and prevent future residents of the development being eligible to apply for or hold a residents parking permit for Zone C;
- g) Provision of a Management Plan for the private and visitor parking;
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- i) Educational contribution of £423,000 towards primary school provision and £106,000 towards secondary school provision (index linked and payable on commencement of development);
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- q) Provision and maintenance of pedestrian routes through the development, which are to be open 24 hours a day;
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- t) Compliance with the Construction Code of Practice and contributions towards funding Environmental Sciences involvement in the demolition and construction to be £10,020 and costs associated with the Environmental Inspectorate to be £19,000 per annum;
- u) Offering local employment opportunities during construction;
- v) S106 monitoring costs.
- w) A financial contribution of £100,000( index linked and payable on first occupation of the residential ) to Transport for London of which £40,000 towards mitigating the impact of the proposal on cycle parking and £60,000 towards the cost of an average sized cycle docking station in the vicinity of the site .

A number of conditions attached to the 2015 consent have been discharged (and the draft decision notices have listed these approvals and the documents approved).

## 7. THE PROPOSAL

Planning permission is sought to vary the original permissions to allow changes to list of approved plans to allow an increase in residential units from 163 units to 171 units (increase in market housing) with associated change in unit mix, realignment of Block 4 to allow changes to The Avenue; amend Block 4 from houses to an apartment building (retention of three villas on Avenue), reduction in extent and depth of basement excavation, reconfiguration of and increase in parking spaces by 14, alterations to facades and roofs of blocks 7 and 8 and alterations to landscaping plan.

Below is a land use table comparing the as consented scheme with the as proposed scheme.

Table 1:

Use	Existing Areas (GEA m2)	As Consented -Proposed Areas (GEA m2)	As Consented-Difference (GEAm2)	As Proposed (GEAm2)	Change from consented (GEAm2)
Army Barracks (sui generis use)	23 000	0	-23 000	-23 000	0
Residential above ground	6 000	37 900	+ 31 000	39 500	+1600
Residential below ground	-	17 900	+17 900	13 800	-4100
Residential facilities below ground		1 800	+1 800	1 700	-100
Residential facilities below ground		2 700	+2 700	1 900	-800
Ancillary Space Below Ground		7 000	+7 000	8 800	+1 800
On site Affordable Housing		4 500	+4 500	4 600	+100
Retail Units					
Dentist (D1)	100		-100	-100	-100
Shops (A1)	300		-300	-300	-300
Retail A3	100	400	+400	+400	+400
LGF	300	100	-200	-200	-200
Storage/Ancillary					
Total	29 800	72 300			
Off Site Affordable Housing at Sentinel House		5 100			
Total ( including off site )		77 400		75 900	-1 500

\*GEA figures as reported to committee in 2015

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The principle of a residential redevelopment of this site has been previously accepted by the Council and will accord with Policy S14 in the City Plan. This proposal is for 8 additional market housing units, a total of 171 units compared to the consented scheme of 163. The number of on-site affordable units remains the same as the 2015 consented scheme (59 units). There is no change to the off-site affordable housing 41 social rented units at Sentinel House, Old Marylebone Road.

Although the 2015 consented scheme for 163 units is a material consideration in the determination of this latest planning application, this current proposal needs to be assessed in the light of the adopted City Plan, the London Plan and the central government advice in the NPPF.

### 8.1.1 Density

The consented 2015 scheme was in the region of 343 habitable rooms per hectare (hrh) and considered acceptable. This proposal for 8 extra units results in a density of 357 hrh which is in accordance with the policy range and in relation to the GLA guidance and the sites PTAL rating.. The development is therefore considered acceptable and not considered to result in an overdevelopment.

### 8.1.2 Mix of Uses

The proposed unit mix is set out below:

**Table 2:**

Tenure	Accommodation Type	Bedrooms	Consented	% - Consented	Proposed	Change from Consented	Overall Mix
Market Housing	Flats	1 bed (1 p)	6	6%	5	-1	3%
		1 bed (2 p)	9	9%	2	-7	1%
		2 bed (4 p)	10	10%	22	12	13%
		3 bed (6 p)	37	36%	27	-10	16%
		4 bed	15	15%	37	22	22%
		5 bed	11	11%	4	-7	2%
		6 bed	0	0	1	1	1%
	Houses	4 bed	6	6%	6	0	4%
		5 bed	4	4%	5	1	3%
		6 bed	0	0	3	+3	2%
		7 bed	6	6%	0	-6	0%
		<b>Total 104</b>		<b>Total 112</b>	<b>+8</b>		
Affordable Housing	Flats	1 bed (1 p)	20	12%	20	0	12%

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		1 bed (2 p)	23	13%	23	0	13%
		2 bed	16	9%	16	0	9%
			<b>Total 59</b>	100%	<b>Total 59</b>		

With regards to the proposed mix of units, City Plan Policy S15 encourages an appropriate mix of units in terms of size, type and affordable housing provision within new developments. Reflecting the applicant's ambition for a family orientated development, a high proportion of larger family units, with 83 of the 112 market housing units containing three or more bedrooms and this is welcomed. There are no longer any 7 bedroom houses proposed and this too is welcomed and the scheme is considered to optimise the land more efficiently in accordance with policy S14 of the City Plan.

#### **8.1.4 Affordable Housing**

The 2015 consented scheme included 59 affordable units on site (a total of 4500m<sup>2</sup>) and 41 units at Sentinel House as secured under permission 14/08069/FULL (a total of 5100m<sup>2</sup>). The tenure split between the two sites was 41% social rented flats and 59% intermediate flats. The applicant also agreed to make a financial contribution of £2million towards the City Council's affordable housing fund.

It is not proposed to alter this provision or arrangement, however in light of the 8 additional market units being proposed, the applicant submitted a viability assessment with the application. This argues that the original offer is still considered to be the maximum amount of affordable housing which can reasonably be provided. The City Council's own viability consultants (Carter Jonas – the same consultants used for the consented 2015 scheme) have assessed the viability assessment and concur with the applicant in that the original offer is the maximum amount of affordable housing which can reasonably be provided.

The proposals are therefore considered to comply with current Policy S16 in the City Plan (adopted 2016).

#### **8.1.5 Standard of Accommodation**

All apartments/houses have been designed to the GLA Housing Design Guide. All the units will be Lifetime Homes compliant (with the exception of a number of units within the Queen's Terrace building in relation to heights of windows due to the constraints of the existing façade), with 10% of the residential units being wheelchair accessible or easily adaptable.

As reported for the 2015 scheme, in terms of the quality of accommodation provided, the majority of flats and houses meet the BRE criteria in relation to good day lighting and sunlight but there are a small number of windows located at ground and lower ground floor levels which fall short of the guidelines, these are either on the side and rear facades and are affected because of the proximity and height of the proposed new blocks. The south (side) elevation of Block 10 (the affordable housing block) will receive low levels of sunlight, but a number of the affected windows are secondary windows or serve

bedrooms. There are studio flats being proposed which have three windows facing the side elevation and therefore will receive fairly low levels of light and have a restricted outlook, but it is not considered that these flats will be so substandard as to warrant refusal of permission. The current application is not considered to worsen the levels of daylight and sunlight over what was previously allowed.

The proposed amenity areas within the proposal will receive good levels of sunlight and daylight.

The residential units were originally designed to be built to achieve Code for Sustainable Homes (CSH) Level 4. It is still proposed to build the development in accordance with the equivalent of Code for Sustainable Homes (CSH) Level 4. (as CSH is no longer in existence) with 8 affordable units developed to achieve the equivalent of CSH Level 5 (compared with 5 in the Consented Scheme).

#### **8.1.6 Retail/ Leisure Uses**

The proposed amendments do not affect any of the previously approved retail and leisure uses. The proposals are consistent with current policy and supported as part of the overall development.

There are a number of provisions made for play space; health; education and social and community facilities within the legal agreement and no changes to these are proposed.

### **8.2 Townscape and Design**

This current application seeks permission for a variety of amendments to the April 2015 approved scheme. This report will therefore focus on the amendments proposed rather than the scheme previously approved. The alterations and the design implications of these are as follows:

#### **Basement Extent**

The revised proposal includes a substantial reduction in the extent of the Lower Ground Floor Level 2 (which lies beneath Blocks 04 and 08 of the approved scheme) and alterations to the depth of Lower Ground Floor Level 1. None of these changes would alter the external appearance of the development and raise no new design issues.

#### **Ordnance Hill**

It is proposed to re-position the entrance on Ordnance Hill to the east-west route, referred to as 'The Avenue', so that the entrance is slightly further to the south. As a consequence the street façade to Ordnance Hill is proposed to be slightly re-ordered. The result is that the southern block of houses, facing onto Ordnance Hill (Block 8) is reduced in length by one house; and Block 7, which lies to the northern of the entrance is proposed to be changed from apartments to houses and has been extended by one house. Block 7 is also to be stepped, matching the approved arrangement for Block 8 to take account of the slope in the road. The height of the blocks remains broadly the same as approved, with a slight reduction in height caused by the proposed stepping.



In terms of the facades which face onto Ordnance Hill, there are proposed changes to all three blocks (Blocks 5, 7 and 8). The changes are relatively subtle, with the general approach of recreating the appearance of terraced blocks, with a primary facing-material of brick still maintained. The changes relate to changes in stonework details, and in the case of Block 7 a more clearly expressed hierarchy to the windows has been developed. The façade to Block 5 arguably sees the greatest level of change with the grouping of the first and second floor windows and introduction of bay windows.

Overall these changes are regarded as entirely acceptable in design and townscape terms and very much in the spirit of the approved scheme. The changes reflect some slight layout modifications and represent a design refinement of the approved scheme.

### **Riding School Square**

This is the landscaped area of the development which lies immediately in front and to the east of the retained listed Riding School building. It is surrounded on its other sides by Blocks 6 (to the south) and 5 (to the east). In this revised proposal the facades of Blocks 5 and 6 where they face onto the square have been revised. The façade of Block 5 has changed from one which is brick-facing to instead have a stone, 3 bay, grid with each bay divided by a double column detail. This change has inspired a change to the central part of the façade to Block 6, as it faces the square and which now contains a three bay stone element above ground floor level. These changes remain very much within the spirit of the original design and forge a cohesive quality to this space, which represents a refinement of the approved scheme.

### **The Avenue**

As previously mentioned this represents the east-west linear space towards the southern half of the site. The changes include landscaping modifications to the road layout and planting areas; a change to the east-facing façade of Block 1, which terminates the western side of the linear space, which involves introducing a 3-bay element, similar to that for Blocks 5 and 6 where they face onto Riding House Square.

The main changes in this area relate to Block 4 (which runs along the south side of the linear space), which as approved included 4 terraced houses at the eastern end and 6 detached villas at the western end. The proposals here include uniting the 6 detached villas into a single apartment building and changing the terrace of 4 into 3 detached villas. The main façade of the apartment block will be subdivided into six parts thus having a similar character and appearance to the approved scheme and all of the buildings will continue to be clad in stone as previously approved and there will be no proposed change in height. There will be some changes to the bulk of the building, caused by the amalgamation of the 6 detached villas into one block and also an increase of approximately 1.7m to the depth of this block, brought about by internal layout requirements. Garden rooms against the southern boundary wall and associated with the 6 villas are removed from this apartment block revision and this space is re-provided on the rear of the blocks at lower ground floor level.

The changes to the linear space layout and to the rear of Block 1 are relatively minor and can be regarded as refinements to the scheme which are acceptable in design terms. The changes to Block 4 are of a greater magnitude and arguably represent the most

substantial changes introduced by this application. In design terms the overall height of the block remains the same and the additional bulk on the back is not considered to result in an appreciably different massing in townscape views. The architectural approach remains consistent with the approved scheme, in terms of a classical idiom and similar bay subdivision. As such, while the changes are of a greater magnitude they maintain the character, scale and quality of the approved scheme and as such are considered acceptable as minor material amendments.

### **The Garden Square**

This is the central and largest space within the development. It lies immediately to the south of the listed Riding School building and is surrounded on its other three sides by Block 6 (on the east side), 3 (on the south side) and 2 (on the west side). The proposals include façade changes, which redistribute and order some of the fenestration and bay layouts and also change facing materials from stone to brick and vice-versa in places. The 3-bay stone element referred to elsewhere in relation to Blocks 1, 5 and 6, is also incorporated into the facades of these Garden Square blocks. Again the changes retain the character and quality of the approved scheme and are considered acceptable in design terms.

### **Queen's Terrace**

The changes here are similar to elsewhere with refinements to bay divisions and window layouts, with a modification of the window hierarchy, notably to Blocks 2 and 10. Again the changes are considered acceptable.

### **Apartment Block Mansard Roofs**

The roofs of the apartment blocks originally approved comprised a series of veiled roof coverings over a set back top storey. The current proposal modifies the size and location of the openings within the mansard veil. Some amendments to the east-ward facing roof pitch of Block 6 have been made during the course of the application, to take into consideration officers concerns with regards to the visibility of the openings from Ordnance Hill. Given the context and visible aspect of these openings and roof form, the changes are not considered to diminish the overall character and quality of the design.

### **Blocks 9 and 10**

The rear elevation of block 9 has been amended to introduce a more regular and ordered distribution of doors and windows, although regrettably the access decks are maintained. The changes are nevertheless an improvement upon the approved scheme and are considered acceptable. The mansard roof to Block 9 has also had to be raised in height by 200mm to accommodate additional insulation. This aspect of the scheme was an issue with the previous permission, where the impact of a mansard was considered contentious in terms of its impact on Queen's Grove, nevertheless given the minimal change in height and the need for the insulation to meet the equivalent of CSH Level 5, it is considered that the change is sufficiently modest to be acceptable. With respect to Block 10 this has been increased in height by 650mm, to accommodate additional insulation, a green roof, pv panels and safe access to the rooftop plant. To mitigate this height a secondary slope has

been introduced to the mansard, which gives a recessive quality. The perceptible change is very modest and considered acceptable.

### **The Grade II Listed Riding School**

Some minor adjustments to the works to the Riding School are also proposed. These include a change in location of openings that connect with the new western pavilion extension; design changes to the new western pavilion itself; alterations to the layout of the new lower ground floor plan; and changes to the new ground floor and mezzanine structure, which will sit within the volume of the listed building. These changes are minor refinements to the design and will maintain the original design approach and will not have an adverse impact on the listed building. Of greatest significance is the effective confirmation that the scheme will go forward with the planned removal of the external modern render to the facades. The preliminary work that has been undertaken to assess the impact of this has been immensely successful and the result will restore the building to its original facing material, which will result in a significant enhancement of its appearance.

### **Conclusion**

The proposals considered acceptable in design terms and would be in accordance with design policies S25 and S28 of our City Plan; and DES 1, DES 4, DES 7, DES 9 and DES 10 of our UDP. The revised proposals are considered to be wholly in accordance with the aims of the NPPF.

The conditions imposed on the original permission would adequately address and cover the changes proposed and no additional conditions are considered necessary. Condition 8 originally secured details of the rear facades of 1-7 Queen's Terrace, however these details have now been submitted as part of the proposals and therefore this condition is amended to reflect the details. Condition 20, requiring details of the façade treatment to Block & has also been met and the condition amended to reflect these details.

### **8.3 Residential Amenity**

Policy 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. There has been no significant change in City Council amenity policies since the consented scheme was approved, save for the adoption of the Basement Policy discussed in section 8.11 below.

The proposed amendments have very little impact upon the amenity of surrounding residents when compared to the extant 2015 scheme. Where there has been some change to bulk and massing of roof forms etc these are generally all contained within the site and there would be no perceivable difference to surrounding residents when compared to the consented scheme. The application is accompanied by an Environmental Impact Assessment (to be discussed in more detail) below and this indicates that in terms of

daylight, sunlight and overshadowing there is little change between the current amendments and the approved scheme of 2015.

Of note however is the minor increase in bulk to the rear of the Block 4 in the southern part of the site, north of the existing residential properties in Acacia Place and Tatham Place, as a result of the change from six large villas and four junior villas to one apartment block and three houses. The main rear elevation is increased in depth by approximately 1.7m. The single storey outbuildings/ garden rooms originally approved within the rear gardens of this block are now proposed to be re-provided on the rear of blocks at lower ground floor level and, as a result of the increase depth project into the rear gardens by some 2m. The bulk of the rear elevation of Block 4 are set a sufficient distance away from the northern elevations of the properties in Acacia Place and Tatham Place and separated by the existing 9m high Barracks boundary wall. It is not considered that these alterations would result in any noticeable harm to residential amenity in terms of daylight, sunlight, overshadowing and sense of enclosure.

Whilst Block 4 is proposed to be reconfigured as an apartment block rather than six houses, some 1.7m closer to those properties within Acacia Place and Tatham Place, window positioning in the rear elevation has not been altered significantly so as to result in any additional or harmful overlooking. It must also be remembered that the outlook from any rooms at lower ground, ground and first floor will primarily overlook the existing boundary wall.

The proposals are considered acceptable in amenity terms and comply with City Council policies ENV13 of the UDP and S29 of the City Plan.

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

One objection has been received on the grounds of car parking and that the area is already difficult to park in and a scheme of this size would significantly increase this demand.

In general, the proposed scheme raises very little 'transportation/ highways' concerns and the main principles of the whole development remain as per the consented 2015 scheme. The Transport Assessment Addendum demonstrates that the proposed development remains fully compliant with relevant transport policy (City Council and London Plan). The uplift in residential units proposed is expected to have a negligible impact in terms of overall site generated trips compared to the consented scheme. Furthermore, the amendments to the site including the installation of an automated vehicle stacking system for the affordable units is unlikely to result in any delays or queuing on the public highway.

There are however four differences proposed and these are addressed below:

##### **Realignment of The Avenue**

The Avenue which is the east- west linear road/ landscaped space towards the southern half of the site is to be shifted southwards on Orndance Hill and Queen's Terrace. This shift in location is minor and has been proposed to take into consideration design evolution of Blocks 7 & 8 on Orndance Hill. The movement southwards poses little risk to highway safety.

## **Car Parking**

The 2015 scheme allowed a total of 189 car parking spaces of which 144 spaces were for the private units and 20 spaces for the affordable units. In addition, 16 spaces were proposed for visitors to the site and a further 9 spaces for management and security. It was also agreed that the site will have its own new Controlled Parking Zone (CPZ).

There are proposed to be 14 extra car parking spaces, 12 associated with the 8 extra market housing units, which is 1.5 spaces per unit and 2 additional visitor spaces. This is in line with UDP standards in policy TRANS 23. TfL has commented that the level of parking is excessive, however it should be noted that this objection was raised as part of the original application.

The Highways Planning Manager raises no objection to the small increase in parking and this will not materially affect the overall trip generation.

## **Cycle Parking**

The 2015 scheme allowed a total of 366 cycle parking spaces, of which 279 spaces were for the private residential in a secure storage room at lower ground floor 1. A total of 75 cycle spaces for the affordable units were approved and four additional cycle spaces at ground level for visitors. Also approved were six cycle spaces for the retail units on the corner of Queen's Grove and Queen's Terrace and an additional stand was agreed to be installed.

The applicant confirms that 16 extra cycle spaces are proposed in addition to those previously approved. Given the number of spaces shown on the plans, it is difficult to assess where these are to be actually located and TfL has raised this point also. However, the Highways Planning Manager considers this level of cycle storage acceptable as this exceeds the standards required. The proposals are considered to comply with TRANS11 of the UDP.

Cycle parking for the affordable housing is not proposed to change and is already to London Plan standards so is also acceptable.

As per TfL's original comments, the need for visitor car parking at the level proposed is not required and should be removed from the scheme and then the space allocated to additional cycle parking. This would then provide more spaces which would hopefully be utilised when the forthcoming Cycle Superhighway 11 comes into action. The City Council's Highways Planning Manager has no objections to the level of overall parking and therefore TfL comments cannot be supported.

## **Car Stacker**

The previously approved 20 spaces for the affordable units accessed via Queen's Terrace are now to be accessed via an automated vehicle stacking system and the Highways Planning Managers concurs with the conclusions of the assessment provided in the Transport Strategy which says that there should not be any queueing on the street as a result of this arrangement.

The details of this car stacker and its maintenance are, as per the previous consent to be secured via the legal agreement.

## 8.5 Economic Considerations

The Royal Horse Artillery vacated the Barracks in 2012. As per the approval of 2015, the applicant indicates that the proposal will generate full time equivalent construction jobs. This was originally estimated at 480 (as part of the 2015 scheme), however this has now increased to 560 and welcomed. This is alongside an estimated 54 jobs on site. The future residential population of the development will also bring local economic benefits to the area.

As per the original heads of terms, it is still recommended that local employment opportunities during the construction be secured through a legal agreement, and the applicant is being recommended to contact Westminster Works.

## 8.6 Other UDP/Westminster Policy Considerations

### 8.6.1 Trees

Planning permission 14/08070/FULL allowed the removal of almost all of the trees on and around the site. The current proposal includes additional tree removal:

- Two Indian chestnuts (T54 and T55), street trees Queen's Terrace within application site boundary.
- One cherry (T70) at 49 Ordnance Hill outside the application site boundary.
- Illustratively, two larches (T65 and 66), street trees Queen's Terrace outside the application site boundary.

The chestnuts are proposed to be removed to accommodate a revised construction traffic route. The addendum to Arboricultural Method Statement (TMA131207 Rev.1) December 2016 ref 131207-CD-53 say the trees are individually of low merit and because of the propensity of the trees to shed branches it would not be suitable to retain these trees to maturity. The City Council's Arboricultural Officer considers the trees to be of high amenity value, and does not think that their removal to accommodate a revised construction access is justified, given the apparent ample space to locate the construction access elsewhere on this frontage.

The revised construction traffic route has been discussed at length between the developers, officers in Environmental Health and TfL. The applicant argues that whilst the site boundary is large, the location of the construction access is limited by a number of controlling factors as set out within the supporting technical information. In particular this includes the preferred inbound construction route, the construction logistics (both on site and the ability to manoeuvre vehicles to access into the site) and a desire to minimise construction disturbance to neighbouring properties. The chosen location aligns with the future location of The Avenue which runs through the site. Whilst initially an alternate location could be used, once the blocks are under construction, this entrance would need to move back to this location. Retaining the trees would require significant pruning in order to accommodate site traffic, to allow high sided construction vehicles to pass between the crown of the trees and this would impact their visual amenity.

Whilst the loss of the chestnuts trees is regrettable, given the benefit of the proposed redevelopment scheme and that the trees are only to be removed so to allow as minimal impact as possible to neighbouring properties in terms of construction, noise and disruption, in this instance is not considered reasonable to insist the applicant to retain these trees.

The applicant argues that replacement planting (to be secured by condition) would go some way to overcome the loss of these trees. The Queen's Terrace public realm enhancements (including the replacement street tree planting) form an important part of the wider improvement the redevelopment of the Barracks will secure, and the applicant is committed to progressing these works in close liaison with the City Council.

In response to the loss of the cherry tree at 49 Ordnance Hill, this is within a property outside of the application site and would require a S.211 notice and therefore could not be determined as part of this application. The Arboricultural Officer does however consider that whilst regrettable, its loss is considered acceptable subject to appropriate tree replacement and as this is not within the application site, the applicant would have to confirm their agreement to this provision within the deed of variation.

In regard to the two larch trees on Queen's Terrace, whilst approval is not currently sought for the proposed changes to the public realm on Queen's Terrace as it is outside the application site, the Arboricultural officer has noted that the loss of the larch trees would not be supported given these trees are the only larch trees planted as street trees in Westminster and as such they have considerable rarity value.

### **8.6.2 Landscaping**

As a result of the design amendments there will be changes proposed to the landscaping. The concept of the landscaping proposals are considered to be similar to the 2015 permission and again it is recommended that details of this are secured by permission (Condition 30).

### **8.6.3 Soil Depths**

The landscape statement (Section 73 Application) December 2016 SJWS\_ASD\_RPT\_161202\_V2 says further detail on soil depths and specifications will be submitted separately as part of the discharge of planning condition 49. Whilst this is noted, the Arboricultural Officer considers that the proposed soil depths (for all the associated landscaping and tree planting) identified in the key on plan 463-010-502\_Soil Depth\_Rev B indicate 'potential future flexibility' of soil depth in two categories is too vague.

Since the 2015 scheme was granted, in July 2016 the City Council has adopted its Basement Policy (CM28.1 of the City Plan) which states that there must be 1.2m depth of soil and substrate above basement development. There are some areas where the proposed soil depth will be below this standard or non-existent in some parts of the site and that landscaping will be in raised planters. Whilst the current scheme would not comply with City Council policy, given the proposed redevelopment of this site replaces a largely hard landscaped plot and to insist on 1.2m soil depth above the basement which

extends under the whole site, would be unreasonable as the development would require a fundamental redesign. It is considered that the proposed landscaping within the development will be to a high quality.

#### **8.6.4 Basement**

As noted above, the City Council adopted its Basement policy (CM28.1 of the City Plan) in July 2016. The proposed development would fail to comply with some aspects of the basement policy. The original 2015 permission is a material consideration in the assessment of the revisions proposed and given that a request to comply with the new policy would at this stage in the process significantly harm the bringing forward of this development, which is a Strategic Housing Site, and would require a substantial redesign, the proposals are considered acceptable. In addition, this development is a large accessible site and is subject to a Construction Environment Management Plan (CEMP) which has been compiled with the close input of Environmental Health officers (see section 8.11 of this report) and therefore any development will be well managed reducing its impact on surrounding residential occupiers, and the wider area.

#### **8.6.5 Other matters**

Given this application is accompanied by an Environmental Assessment, matters relating to archaeology, land contamination, air quality, plant noise are dealt with in Section 8.10 of this report.

### **8.7 London Plan**

The GLA have assessed the details of the amended proposals and, given the scale and nature of the proposals, conclude that the amendments do not give rise to any new strategic planning issues.

### **8.8 National Policy/Guidance Considerations**

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

### **8.9 Planning Obligations**

A deed of variation to the original legal agreement is required. The original agreement secured the following:

- a) Provision of 59 intermediate units at the main Barracks site and 41 affordable rented units at Sentinel House as per the agreed mix; the affordable housing to be retained for the lifetime of the development; the 59 affordable housing units to be transferred to an approved Registered Social Landlord (RSL) on a long lease (at least 99 years);
- b) Off site affordable housing (41 units) to be provided at Sentinel House prior to the occupation of any market housing at the Barracks site;
- c) The 20 car parking spaces for the 59 intermediate flats shall be provided on an unallocated basis prior to occupation without charge and with nominal maintenance costs to the RSL;



- d) Provision of car club membership for each affordable unit for 25 years;
- e) Provision of the cycle spaces for the 59 intermediate affordable units without charge and at nil cost to the RSL;
- f) A financial contribution to cover the Council's costs of amending the existing Controlled Parking Zone (CPZ) arrangements to provide the development with its own Controlled Parking Zone (CPZ) and prevent future residents of the development being eligible to apply for or hold a residents parking permit for Zone C;
- g) Provision of a Management Plan for the private and visitor parking;
- h) Provision of a Management Plan in respect of the use of the private leisure facility, the garden square and the sanctuary garden;
- i) Educational contribution of £423,000 towards primary school provision and £106,000 towards secondary school provision (index linked and payable on commencement of development);
- j) Early Years Project contribution of £250,000 (index linked and payable on commencement of development);
- k) Health contribution of £250,000 (index linked and payable on commencement of development);
- l) Local Play Space contribution of £100,000 to the St John's Wood Adventure Playground (index linked and payable on commencement of development);
- m) Provision of Public Art to a value of not less than £350,000 (index linked) and the art to be installed within six months of practical completion, to be retained and maintained throughout the life of the development;
- n) Provision of a Travel Plan;
- o) Provision of a community use of the private leisure facility -3xtwo hour blocks per week with one block to be made available to local schools and the remaining two blocks to be made available to local residents in the geographical area to be amended to include those on both sides of the streets;
- p) Financial contribution to cover the cost of highway works associated with the creation of the new accesses on Ordnance Hill and Queen's Terrace, provision of a car club space on Queen's Terrace and the improvements along Ordnance Hill and Queen's Terrace including new street tree planting;
- q) Provision and maintenance of pedestrian routes through the development, which are to be open 24 hours a day;
- r) Provision of a lighting scheme;
- s) The development not to be a gated community;
- t) Compliance with the Construction Code of Practice and contributions towards funding Environmental Sciences involvement in the demolition and construction to be £10,020 and costs associated with the Environmental Inspectorate to be £19,000 per annum;
- u) Offering local employment opportunities during construction;
- v) S106 monitoring costs.
- w) A financial contribution of £100,000( index linked and payable on first occupation of the residential ) to Transport for London of which £40,000 towards mitigating the impact of the proposal on cycle parking and £60,000 towards the cost of an average sized cycle docking station in the vicinity of the site.

Additional undertakings as a result of the variations proposed include:

x) A replacement tree at 49 Ordnance Hill;

The undertakings agreed are considered to comply with S33 of the City Plan: Delivering Infrastructure and Planning Obligations.

The total estimated CIL is £8,355,955.05 of which £2,707,694.09 corresponds to Mayoral CIL and £5,648,260.96 corresponds to Westminster CIL.

## 8.10 Environmental Impact Assessment

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 were laid before Parliament on 19 April and came into force on 16 May 2017. The publication of the new regulations reflects the Government's legal obligations with respect to EU Directive 2014/52/EU.

As assessed under the 2015 scheme, this proposal falls within Schedule 2 Category 10b of the EIA Regulations as an 'urban development' project owing to its nature, scale and location and has the potential to give rise to significant effects on the environment. The category of development has not altered as a result of the newly adopted regulations 2017. It is important to note that projects which are the subject of a (duly made) Screening Opinion request prior to 16 May 2017, shall be 'screened' under the existing 2011 EIA Regulations.

In respect of this Application, the Planning Practice Guidance states that a "S73 application is considered to be a new application for planning permission under the Town and Country Planning (EIA) Regulations 2011". The guidance goes further to address where an Environmental Statement (ES) accompanied the initial application (i.e. the 2014 ES), and states that "Where an Environmental Impact Assessment was carried out on the original application, the planning authority will need to consider if further information needs to be added to the original Environmental Statement to satisfy the requirements of the Regulations". It is concluded that whether changes to the initial ES are required or not, an ES must be submitted to accompany this application.

The purpose of the EIA is to predict how environmental conditions may change as a result of the proposed development and to specify any investigative measures.

The results of the EIA process are presented within an ES Addendum, which describes the potential impacts and likely effects of the amended proposed development during the demolition and construction stage and on completion and occupation of the amended proposed development. As a point to note, the affordable housing site at Sentinel House has not been considered in this ES Addendum. Accordingly, the Non Technical Summary (NTS) which accompanies this application only focusses on the amended proposed development for the Main Site.

The aim of the NTS is to summarise the content and main findings of the ES in a clear and concise manner to assist in understanding what the environmental impacts and significant effects of the amended proposed development may be.

The ES has considered the potential direct, indirect and cumulative impact of the proposal and these are identified as:

- Adverse –detrimental or negative impact to an environmental resource or receptor
- Neutral –an effect that is neither beneficial nor adverse
- Beneficial.
  
- Where adverse or beneficial effects have been identified, these are classified as:
  - Negligible – imperceptible effect
  - Minor-slight, very short or highly localised effect
  - Moderate –limited effect (by magnitude, duration, reversibility, vale and sensitivity of receptor) which may be considered significant
  - Major - considerable effect (by magnitude, duration, reversibility, vale and sensitivity of receptor) which may be more than a local significance or lead to a breach of a recognised environmental threshold, policy, legislation or standard)

### **Alternatives**

The EIA regulations require the ES to report on the main alternatives studied by the applicant and to indicate the main reasons for their choice, taking into account the environmental impacts. The site already benefits from extant permission for its redevelopment and establishes the acceptability of a residential use of land, and this has influenced the design of this latest proposal. The applicant has the option to implement the 2015 scheme for 163 units, but has decided to produce a revised design which although it has increased the number of residential units, it is considered in general to be a better and high quality residential development, with substantially less basement excavation

### **Demolition and Construction Management**

The ES recognises that the impacts arising from demolition and construction can be sources of potentially significant effects on environmental resources and residential amenity, albeit the effects are temporary. The ES sets out the main impacts, to establish a framework for the management of these impacts and this forms the basis of a Construction Environmental Management Plan (CEMP) approved under this application (see condition 45). The Amended Proposed Development's indicative development programme is based on the assumption that development works would commence during Q2 of 2017 For the purpose of the EIA, the development works are anticipated to be undertaken over a 65 month period, with completion targeted for 2022.. Two access points are proposed during construction, one from Ordnance Hill and the other from Queen's Terrace (which will become available following the demolition of the existing buildings). This access will afford a quicker route for construction vehicles onto the A41 and reduce traffic flows on Ordnance Hill. The applicant has shown its commitment to setting up regular Residents and Community Liaison Groups and carry out public consultation with the local community and stakeholders regarding the demolition and construction process.

Transport for London is the highway authority responsible for Finchley Road and any changes to the traffic lights will need their approval.

## **Socio Economics**

Although set out in Section 8.5 of this report, the demolition and construction will offer new employment opportunities, but in terms of the overall number of jobs within the borough, this will be negligible. There is expected to be a moderate beneficial outcome from the new housing and additional spending in the area. It is considered that the additional demands of healthcare/ education can be mitigated by the additional financial contributions (secured by legal agreement). In terms of open space, play space and leisure facilities, the proposal will have a moderate beneficial impact at the local level.

## **Heritage, Design and Townscape**

As addressed in part 8.2 of this report, the proposed design amendments are considered wholly acceptable and minor in light of the previously consented scheme. The conclusions of the current in so far as the likely significant heritage, townscape and visual effects of the amended proposed development, remain unchanged from that previously concluded in the ES for the 2015 consented development.

## **Archaeology**

As reported to committee in 2015 whilst the site is not in an area identified by the Council as an area of archaeological priority, given the site long military history, it was considered that there may be potential to uncover structural and artefact remains of archaeological. Conditions to secure a watching brief amongst other building recordings etc, were required, and this view was supported by English Heritage (Archaeology) at the time, now known as Historic England. These were listed as Conditions 12, 13 and 14) in the 2015 approval. These conditions have been discharged since permission was granted, in consultation with Historic England and the conditions as set out within the draft decision notices have been amended to reflect this.

## **Transport and Access**

It is accepted that during demolition and construction there will be high volumes of construction traffic. The applicant has sought to split arrivals and departures and have two access points, but is accepted that the proposal will have a moderate adverse effect on a number of residents and businesses. This is to be partly mitigated by the CEMP and the applicant making financial contributions towards the Council's Environmental Inspectorate. Once completed, the proposal will have negligible impact on the local road network, on street parking, public transport and walking and cycling.

## **Air Quality**

One objection has been received on the grounds of air pollution, although it is not clear as to whether the objector refers to pollution during the course of construction or once the development is complete.

It is considered that the demolition and construction has the potential for significant effects on air quality and measures will need to be in place to control dust emissions. The effects on air quality during this stage are considered to be at worse Slight Adverse. Again the

CEMP addresses measures to control dust emissions during construction and these have been agreed by Environmental Health officers.

The proposal includes an energy centre and associated plant but it is not considered that these will affect the air quality of adjoining and future residents of the development. In terms of air pollution given the distances of the units from the surrounding roads it is not considered that any further mitigation measures are required.

### **Noise and Vibration**

Again the greatest impacts arise from the demolition and construction of the development and from construction traffic. One objection has been received on the grounds of noise and disruption during the course of the application. The NTS has assessed the implications of noise and vibration and are considered to be Moderate Adverse to nearby residents and businesses.

These can be partly mitigated by the terms and agreement of the CEMP and hours of building work condition and to ensure no excavation/construction works in association with the basement take place on Saturday, Sunday or Bank Holidays.

Once completed the impact will be negligible. The new buildings have been designed to address ground borne noise and vibration from the Jubilee Line.

### **Ground Conditions and Contamination**

The applicant's desk top study, submitted with the original application, found that there may be some small areas of minor contamination due to its military use and there is one 'hot spot' of contamination at the eastern part of the site. The original ES identified that a piling risk assessment would need to be developed by structural engineers to determine the most appropriate method of piling and to minimise the risk of potential contamination to groundwater from piling. This and the land contamination condition were considered to satisfactorily address the likely slight adverse effects during demolition and construction. This detailed site investigation and finding, as reserved by the land contamination condition (Condition 11) have been agreed in consultation with Environmental Health and condition 11 has been amended to reflect the details approved.

The applicant's ES has identified that there may be asbestos present and this will need to be appropriately managed and disposed by licensed contractors in accordance with the Regulations and under a licence from the Health and Safety Executive.

### **Water Resources and Flood Risk**

The greatest risk is associated with the demolition and construction with the possibility of pollution, however it is considered to be a minor adverse effect. The CEMP has included a water efficiency strategy (Condition 45).

Once completed, the future occupants of the development will increase water demands and foul drainage requirements, and this additional demand will be offset by a variety of water saving measures in order to meet Level 4 of the Code of Sustainable Homes. The impact is considered to be negligible.

### **Wind**

As originally reported, it is not considered that the proposed new development will have adverse effects on local wind conditions given the height and bulk of the proposed development. The open spaces within the site are sheltered from the wind. Overall the proposal is considered to have a negligible impact.

### **Cumulative Effects**

When reported to committee in 2015, there were a number of major developments in the St John's Wood area taking place or likely to take place during the construction programme for the redevelopment, and these included the American School, Quintin Kynaston School, the new Warner Stand at Lords Cricket Ground, 38-44 Lodge Road, 12-22 Finchley Road. The majority of these have now been completed. The current NTS has identified an additional four schemes which are or could take place during the course of construction and these include The Compton (St John's Wood Delivery Office), 30 Lodge Road; Dora House, 60 St. John's Wood; Wellington Building, 28-32 Wellington Road; and Tavern Stand & Allen Stand, Lords Cricket Ground St John's Wood Road. Again the CEMP approved as part of this application takes into consideration these developments and other major redevelopments in the area which may have an impact on construction traffic and will be monitored carefully by Environmental Health officers.

## **8.11 Other Issues**

### **Statement of Community Involvement**

The original scheme and the amendments have been the subject of extensive pre-application consultation with local residents and stakeholders. This has included meetings, public drop in exhibitions and public presentations. The main focus of the community consultation process was a public exhibition held in 7 Queen's Terrace over two days: Thursday 24th November 2016, 4pm-8pm; Saturday 26th Saturday 2016, 10am to 2pm. The information given at the exhibition was mailed out to all those who had stated that they were unable to attend but had requested further information about the proposals. In addition, all material displayed was uploaded onto the project website [www.stjohnswoodsquareproject.com](http://www.stjohnswoodsquareproject.com) on Monday 28th November 2016. Over the course of the two days 50 visitors attended the exhibition: 22 on the Thursday and 28 on the Saturday. It has been reported that in general all comments received in relation to the amendments were supportive.

### **Conditions**

A number of conditions attached to the 2015 permission have been discharged prior to the submission of this current application. The draft decision notice is therefore to be amended to reflect these approvals. A number of other conditions, have, through the submission of this application now been met and the conditions again will be amended to reflect this.

One condition worthy to note is Condition 45. This condition required a Construction Environmental Management Plan (CEMP) be submitted which would seek to control and ultimately minimise as far as possible the impact of the demolition and construction works upon immediate neighbours and the surrounding area. During the course of this

application the CEMP has been agreed with Environmental Health Officers and therefore the condition is to be amended to reflect this.

## **9. CONCLUSION**

The proposed amendments as detailed are considered to be entirely acceptable in terms of land use, design and townscape, amenity, highways and trees; are very much in the spirit of the approved scheme and considered to be minor in nature, when assessed having regard to the 2015 consented scheme.

## **10. BACKGROUND PAPERS**

1. Application form.
2. A copy of the officers committee report, presented in 2015.
3. Decision notices of the 2015 scheme.
4. Letter from Historic England dated 17 January 2017.
5. Memorandum from Building Control dated 17 January 2017.
6. Letter from Natural England dated 19 January 2017.
7. Letter from London Underground dated 26 January 2017.
8. Letter from Environment Agency dated 30 January 2017.
9. Letter from Historic England Archaeology dated 1 February 2017.
10. Letter from London Borough of Camden dated 7 February 2017
11. Letter from GLA dated 7 February 2017.
12. Memorandum from Waste Officer dated 21 February 2017.
13. Letter from TfL dated 14 March 2017.
14. Memorandum from Highways Planning Manager dated 23 May 2017.
15. Memorandums from Arboricultural Officer dated 24 March and 5 June 2017.
16. Memorandum from Environmental Health (including Major Redevelopments And Infrastructure) dated 16 June 2017.
17. Letter from occupier of Flat E, 64 Queens Grove, dated 20 January 2017

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

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

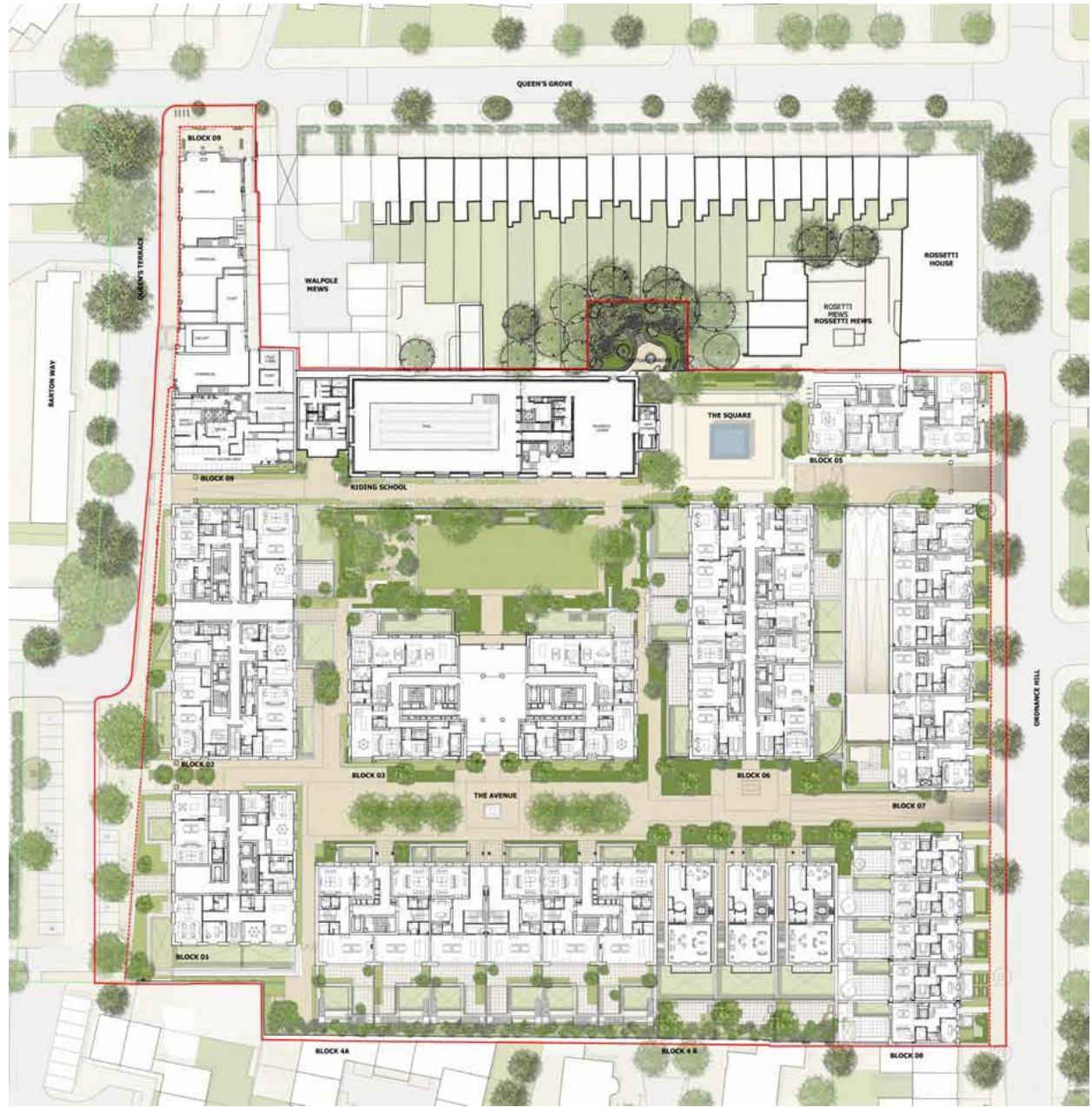
11. KEY DRAWINGS

As Consented Site Plan.





As Proposed Site Plan.



Ordnance Hill Elevations (Blocks 5,7,8) As Consented & As Proposed.



Fig 4.2.1 Ordnance Hill The Consented Development



Fig 4.2.2 Ordnance Hill The Amended Proposed Development  
Profile of The Consented Development shown in red outline

Elevation treatment As Consented & As Proposed – Block 5 & 8



4.4.1 Block 8 The Consented Development



4.4.2 Block 8 The Amended Proposed Development



4.5.1 Block 5 The Consented Development



4.5.2 Block 5 The Amended Proposed Development



The Avenue South Elevation ( Block 1,4 & 8) As Consented & As Proposed



Fig 4.8.1 The Avenue: The Consented Development



Fig 4.8.2 The Avenue : The Amended Proposed Development

The Avenue North Elevation (Block 2, 3, 6 & 7) As Consented & As Proposed



Fig 4.10.1 The Avenue: The Consented Development



Fig 4.10.2 The Avenue : The Amended Proposed Development

Queens Terrace Elevation (Block 1, 2, 9 & 10) As Consented & As Proposed



Fig 4.12.3 Consented Queen's Terrace Elevation



Fig 4.12.4 Proposed Queen's Terrace Elevation

Elevations of Block 5, 6 & 4 As Consented & As Proposed



Fig 4.12.5 Consented Blocks 5, 6, 4



Fig 4.12.6 Proposed Blocks 5,6,4

Elevations of Block 2, 3, 6 & 7 As Consented & As Proposed



Fig 4.12.9 Consented Blocks 2, 3, 6, 7



Fig 4.12.10 Proposed Blocks 2, 3, 6, 7



Sections (As Consented & As Proposed) of whole site and Block 4



Fig 3.1.3 Section AA The Consented Development

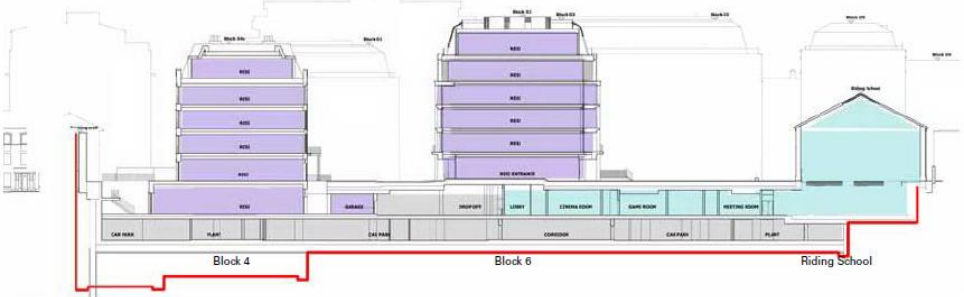


Fig 3.1.4 Section AA The Amended Proposed Development with the Consented Development profile shown in red

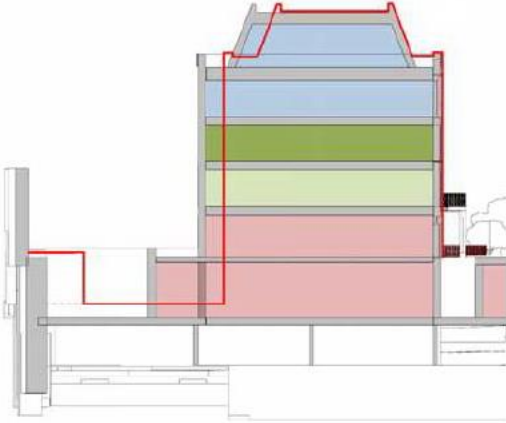


Fig 4.9.5 Proposed section, showing the lower ground floor extension to Block 4. The red line shows the Consented Development profile of Block 4.

**DRAFT DECISION LETTER– 16/12291/FULL**

**Address:** St Johns Wood Barracks, Ordnance Hill, London, NW8 6PT

**Proposal:** Variation of Condition 1 of planning permission dated 2 April 2015 (RN: 14/08070/FULL) for Demolition of existing Barracks buildings (except for the listed Riding School) and redevelopment for residential use (Class C3) to provide a total of 163 units including 59 affordable units . Use of the listed Riding School as private ancillary leisure facility with internal and external alterations. Provision of Class A1/A3 retail units and Class D1 at ground level at 1 - 7 Queen's Terrace, redevelopment behind the retained front facade and the erection of a mansard roof extension ,creation of landscaped areas and reconfigured vehicular and pedestrian access together with associated works including the provision of parking, circulation space, servicing and plant area and use of the listed Riding School as a private ancillary leisure facility, associated internal and external alterations, new side extension and the excavation of a lower ground floor beneath the Riding School. Namely namely to allow changes to list of approved plans to allow increase in residential units from 163 units to 171 units (increase in market housing) with associated change in unit mix, realignment of Block 4 to allow changes to The Avenue; amend Block 4 from houses to apartment building (retention of three villas on Avenue), reduction in extent and depth of basement excavation, reconfiguration of and increase in parking spaces by 14, alterations to facades and roofs of blocks 7 and 8 and alterations to landscaping plan (Application is accompanied by an Environmental Impact Assessment (EIA)).

**Plan Nos:** SJWS\_S+P\_C645: P\_00\_001; P\_01\_001; P\_02\_001; P\_03\_001; P\_04\_001; P\_05\_001 A; P\_06\_001; P\_RF\_001; LG0\_001; LG1\_001; LG2\_001; E\_01\_001; E\_02\_001; E\_03\_001; E\_04\_001; E\_07\_001; E\_08\_001; E\_09\_001; E\_11\_001; E\_12\_001; E\_13\_001; E\_14\_001; P\_051-001; P\_054-001; P\_054\_002; P\_056\_003; P\_057\_001; P\_057\_002; P\_057\_003; P\_058\_001; P\_058\_002; P\_059\_001; P\_151\_001; P\_152\_001; P\_156\_002; P\_156\_003; P\_156-004; P\_160\_001; P161\_001; P\_161\_002; P\_163\_001; S\_AA\_001; S\_BB\_001 A; S\_CC\_001; SJWS\_S+P\_B1\_C645\_BS\_TY\_001; SJWS\_S+P\_B2\_C645\_BS\_TY\_001; SJWS\_S+P\_B3\_C645\_BS\_TY\_001; SJWS\_S+P\_B4A\_C645\_BS\_TY\_001; SJWS\_S+P\_B4B\_C645\_BS\_TY\_001; SJWS\_S+P\_B5\_C645\_BS\_TY\_001; SJWS\_S+P\_B6\_C645\_BS\_TY\_001; SJWS\_S+P\_B7\_C645\_BS\_TY\_001; SJWS\_S+P\_B8\_C645\_BS\_TY\_001; SJWS\_S+P\_B9\_C645\_BS\_TY\_001; SJWS\_S+P\_B9\_C645\_BS\_TY\_002; SJWS\_S+P\_B9\_C645\_BS\_TY\_003; Covering Letter dated 23 December 2016; Design Statement Addendum (including Landscaping Addendum and plans 463-010-100 C; 463-010-200 C; 463-010-201 C; 463-010-202 C); Townscape Commentary dated May 2017; Planning Statement Addendum dated December 2016; Construction Environmental Management Plan (revised May 2017); Statement of Community Involvement; Volume 1 : Non Technical Summary December 2016 ;Volume2: ES Main report dated December 2016 ; Volume 3 :Addendum Heritage, Townscape and Visual Assessment Impact; Volume 4 Technical Appendix 4aTransport Assessment Addednum; Volume 4: Technical Appendices 4 c Addendum; Volume 5 - 2014 Environmental Statement (for information only); Addendum to Arboricultural Method Statement; Report on Archaeological Excavation dated 14 October 2016.

For information only: Basement Impact Assessment Addendum dated December

2016.

Approved Plans: 14/08070/FULL:

Covering letter dated 14.8.2014, Basement Impact Assessment; Planning Statement ; Design, Landscape and Access Statement ,Overview Affordable Housing Report , Statement of Community Involvement ,Sustainability and Energy Statement P\_00\_001 Rev B; C645\_P\_AL-002 Rev A ; C645\_P\_LG\_001 Rev A ;LG1\_001 Rev A; LG2\_001 Rev A; P\_001 Rev B P\_01\_001 Rev B ;P\_02\_001 Rev B ;P\_03\_001 Rev B ;P\_04\_001 Rev B ;P\_05\_001 Rev B ;P\_06\_001 Rev A; P\_RF\_001 Rev B ;E\_01\_001 Rev A ;E\_02\_001 Rev B ;E\_03\_001 Rev A; E\_04\_001 Rev A;E\_05\_001 Rev A; E\_06\_001 Rev A; E\_07\_001 Rev A; E\_08\_001 Rev A; E\_09\_001 Rev A; E\_10\_001 Rev A; E\_011\_001 Rev A;E\_012\_001 Rev A; E\_013\_001 Rev B E\_014\_001 Rev A ;S\_AA\_001\_1 Rev A; S\_BB\_001\_1 Rev A; S\_CC\_001\_1 Rev A; B1\_BS\_TY\_001Rev A ;B2\_BS\_TY\_001Rev A ;B3\_BS\_TY\_001Rev A ;B4\_BS\_TY1\_001Rev A ;B4\_BS\_TY2\_001Rev A ; G251\_B5\_BS\_TY\_001 Rev A ;B7\_BS\_TY\_001 Rev A; C645-B8\_BS\_TY\_001 Rev A ;B9\_BS\_TY\_001 Rev A ;B10\_BS\_TY\_001 Rev A ;P\_051\_001 Rev A ;P\_052\_001 Rev A ;P\_053\_001 Rev A ;P\_054\_001 Rev A ;P\_055\_001 Rev A ;P\_056\_001 Rev A ;P\_056\_002 Rev A ;P\_056\_003 Rev A ;P\_057\_001 Rev A ;P\_057\_002 Rev A ;P\_057\_003 Rev A ;P\_058\_001 Rev A ;P\_058\_002 Rev A ;P\_058\_003 Rev A ;P\_058\_004 Rev A ;P\_101\_001 Rev A ; JA12 E 04 001 Rev A; P\_102\_001 Rev A ;P\_111\_001 Rev A ;P\_112\_001 Rev A ;P\_151\_001 Rev A ;P\_152\_001 Rev A ;P\_153\_001 Rev A ;P\_154\_001 Rev A ;P\_155\_001 Rev A ; JA12\_P\_RF\_001 Rev A; E\_01\_001 Rev A; E\_02\_001 Rev A; E\_03\_001 Rev A; E\_04\_001 Rev A ,E\_05\_001 Rev A; E\_06\_001 Rev A; S\_AA\_001 RevA; S\_CC-001 RevA, JC20\_P\_00-001 Rev A;Volume 1 : Non Technical Summary ;Volume2: ES Main report; Volume 3 :Heritage, Townscape and Visual Assessment Impact Volume 4 Technical Appendix 4aTransport Assessment and Travel Plan Volume 4 Technical Appendix 4b Additional Affordable Housing Site Volume 4: Technical Appendices 4 c. Letter from ENVIRON dated 3.11. 2014 regarding the amendments.Planning Design Addendum dated October 2014 , Landscape Statement Addendum October 2014 and drawing 463-030-100 Rev A; 010-100 Rev A; 200 Rev A;201 Rev A ;202 Rev A; 202 Rev A; Car Parking Management Review dated 20.10 2014 .Email dated 4.12.2014 and letter from DP9 in response to the GLA Stage 1 comments, report on Wheelchair Housing Clarification dated 3 .11.2014 and GLA Stage 1 Response on Energy .

Riding School : Design and Access Statement, Heritage and Alteration Assessment; 987-900 A; 901 A;902 A; 903A, 904A, 905A, 906A, 907A, 908A. 1000 A, 1001 A,1002 A, 1003 A, 1004 A, 2000 A, 2002, 2003A, 2007A, 3003A, 4000A,4001A,4002A, 4003A, 4004A, 4005A, 4006A, 4100A, 4101A, 4102 A, 4103A, 4104A, 4200 A, 5000A, 5001, 5002 A, 5003A.G251\_B10\_BS\_TY\_004; G645\_B9\_P\_01\_001; G645\_B9\_P\_02\_001: G645\_B9\_P\_03\_001: G645\_B9\_P\_04\_001: G645\_B9\_P\_05\_001: G645\_B9\_P\_06\_001

Approval of Details Application:

15/04469/ADFULL

Covering letter dated 19th May 2015, Copy of licence from Natural England (Ref

2015-9230-EPS-MIT) and letter from Natural England dated 30th April 2015.

15/04482/ADFULL:

Covering letter dated 19 May 2015 , Remediation Strategy by Environ dated May 2015 UK-11-21230 , email dated 29th June 2015 and letter from Rambol Environ dated 25 June 2015 .Email dated 9 July 2015 .

15/04471/ADFULL:

Written scheme of investigation for an archaeological excavation and standing building recording dated 29.4.2015 .St John's Wood Square Project : Planning Condition 14 : Public Engagement and covering letter dated 19 May 2015.

16/05057/ADFULL:

Covering letter dated 31 May 2016 and Addendum to Written Scheme of Investigation for Archaeological Excavation 2016.

15/09713/ADFULL:

Report on a standing building recording.

15/10365/ADFULL:

Covering letter dated 6 November 2015 and Energy Strategy Review Summary.

15/04470/ADFULL:

Covering letter dated 19th May 2015 ,Arboricultural Report : Method Statement for Demolition and Construction July 2015.

**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 basement excavation 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 basement excavation 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. (C11BA)

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 development hereby permitted shall not be commenced (except for demolition and excavation of basement) until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) 'Volume 2: Environmental Statement Main Report Chapter 12: Water Resources, Hydrology and Flood Risk' and 'St John's Wood Square, EIA Drainage Strategy, 3505-S1-000-DN-009 Rev 01' has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

- 4 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:
- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission; or
  - b) an alternative means of ensuring that we are satisfied that demolition on the site will only occur immediately prior to development of the new buildings.

You must only carry out the demolition and development according to the proposed arrangements. (C29AC)

Reason:

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

- 5 The demolition of the Officer's Mess building shall take place according to the licence from Natural England approved by the City Council as Local Planning Authority under reference 15/04469/ADFULL or in accordance with another license granted by Natural England as submitted to and approved by the City Council.

Reason:

The bats are protected species, and a licence must be obtained from Natural England in accordance with the Wildlife and Countryside Act 1981 and the Conservation of Habitat and Species Regulations 2010 and in accordance with policy S38 of Westminster's City Plan adopted November 2016 and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 6 Full details of bat boxes (including both summer and winter hibernation boxes) including the number and location including a report from a suitably qualified ecologist shall be submitted to and approved by the City Council as local planning authority prior to the commencement of the relevant part of the development.  
The development shall be carried out in accordance with this approved report, and these bat boxes shall not be removed unless agreed by the City Council as local planning authority.

Reason:

To ensure adequate mitigation for the loss of the existing bat roost in the Officers Mess building and to provide improved roosting opportunities and improve biodiversity as set out in S38 of Westminster's City Plan adopted November 2016 and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 7 The development hereby permitted shall not commence(excluding any site investigations, archaeological works ,and demolition works required pursuant to this planning permission ) until detailed design and method statements ( in consultation with London Underground) for all the foundations, basement and ground floor structures , or any other structures below ground level, including piling ( temporary and permanent) have been submitted to and approved in writing by the City Council as local planning authority which:

Provide details on all structures

Accommodate the location of the existing London Underground structures and tunnels

Accommodate ground movement arising from the construction thereof;and

Mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

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

Reason:

To ensure that the development does not impact on the existing London Underground transport infrastructure, in accordance with London Plan policy 3C.4 and Land for Transport Supplementary Planning Guidance .

- 8 The rear elevation of No's 1-7 Queen's Terrace shall be carried out in accordance with the approved drawings or in accordance with other façade details (at a scale of 1:50) as submitted to and approved by the City Council.

Reason:

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

- 9 Pre-Commencement Condition. Before any development (including demolition) takes place on site, you will need to submit a Construction Logistics Plan (CLP) for approval by the City Council in consultation with Transport for London (TfL) .The development shall be carried out in accordance with the agreed Plan.

Reason:

In order to safeguard the impact on Transport for London's Road network .

- 10 You must apply to us for approval of samples of materials including glazing, and elevations and roof plans annotated to show where the materials , you will use for each block are to be located within the development. You must not start work above ground floor level on each block until we have approved what you have sent us .You must then carry out the work using the approved samples of materials .

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 11 Any demolition or excavation works must be carried out having regard to the approved desktop study; site investigation and remediation strategy as approved by the City Council as Local Planning Authority on 13 July 2015 under reference 15/04482/ADFULL or in accordance with another desktop study; site investigation and remediation strategy submitted to and approved by the City Council/

You must apply to us for approval of the following investigation reports when the development has been completed.

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)

- 12 You must abide by the written scheme of investigation for a programme of archaeological work as approved by the City Council as Local Planning Authority on 5 June 2015 (then superseded on 22 June 2016) under reference 15/04471/ADFULL and 16/05057/ADFULL and the written report of the investigation and findings as approved by the City Council as Local Planning Authority on 4 December under reference 15/09713/ADFULL or in accordance with other written schemes of investigation and written reports of investigations and findings as submitted to and approved by the City Council.

You must not use any part of the new building until we have confirmed that you have carried out

the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

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

- 13 All demolition shall take place in accordance with the programme of building recording and reporting in accordance with the Written Scheme of Investigation approved by the City Council on 5 June 2015 under reference 15/04471/ADFULL or in accordance with another programme submitted to and approved by the City Council.

Reason:

Built heritage assets on this site will be affected by the development, and to secure building recording in line with the advice set out in Section 12 of the National Planning Policy Framework.

- 14 The programme of archaeological work shall take place according to the details identified in the programme of public engagement approved by the City Council as Local Planning Authority on 5 June 2015 under reference 15/04471/ADFULL or in accordance with another programme submitted and approved by the City Council.

Reason:

To ensure there is a programme of public engagement in relation to the site's archaeology.

- 15 The private ancillary leisure facility in the listed Riding School shall only open between the hours of 07.00 to 2300 hours Monday to Saturday and from 08.00 to 22.00 hours on Sundays and Bank Holidays.

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 SOC1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 16 The Sanctuary Garden shall only be used by occupiers of the development and their visitors and shall only be open from dawn to dusk .This garden must not be used for entertaining purposes.

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)

- 17 One of the ground floor retail units at No's 1-7 Queen's Terrace shall be for Class D1 use (a medical use only within Class D1) .Details of the location and size of this unit, including hours of opening shall be submitted to and approved by the City Council prior to the occupation of the ground floor retail units.



## Reason:

To ensure that Class D1 medical unit is reinstated in the completed development in accordance with policy S34 of Westminster's City Plan adopted November 2016 and SOC1 of our Unitary Development Plan that we adopted in January 2007.

- 18 The development shall be constructed using the energy efficiency measures and renewable energy technology(s) approved by the City Council as Local Planning Authority on 23 November 2015 under reference 15/10365/ADFULL or in accordance with another strategy as submitted to and approved by the City Council.

## 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)

- 19 The residential element of the development hereby approved shall achieve a Code for Sustainable Homes rating of Level 4, (or any such national measure of sustainability that replaces that scheme of the same standard) and at least eight affordable units shall meet Level 5 . A post construction certificate confirming this standard has been achieved must be issued by the Building Research Establishment, and be submitted for approval by the City Council as local planning authority within three months of the completion of development.

## 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)

- 20 Block 7 shall be carried out in accordance with the approved drawings or in accordance with other façade details (at a scale of 1:100) as submitted to and approved by the City Council.

## Reason:

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

- 21 Before the development is occupied, a Service and Delivery Plan shall be submitted to and approved by the City Council in consultation with Transport for London .The development shall be carried out in accordance with this approved plan.

## Reason:

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

- 22 You must apply to us for approval of details of how waste is going to be stored for the Class A1/A3 and D1 units . You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using these units . You must not use the waste store for any other purpose. (C14CD)

Reason:

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

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

Reason:

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

- 24 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.

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

Reason:

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

- 26 Twenty car parking spaces( 20) must be provided for the 59 affordable housing flats within the development , and these spaces shall only be used for the parking of vehicles of people living in these flats .

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 27 At least eighteen (18) visitor car parking spaces shall be provided within the development hereby approved, and these spaces must be retained for visitors and to be used for no other purpose.

Reason:

To provide parking spaces for visitors at the development as set out in STRA 25 of our Unitary Development Plan that we adopted in January 2007.

- 28 One Hundred and Fifty Six (156) car parking spaces shall be provided for the market housing within the development and these spaces shall only be used for the parking of vehicles of people living in these flats and houses .

Reason:

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

- 29 Before any works start on the Affordable Block 10, full particulars of the automated car stacker including a Lift Management Strategy (to ensure that the lift is programmed to return to the ground floor as its normal position and details of its maintenance.) shall be submitted to and approved by the City Council as local planning authority .The car lift and the management strategy shall be in place prior to the occupation of this block.

The development shall be carried out in accordance with the approved details and Lift Management Strategy.

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)

- 30 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 one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St John's Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 31 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the proposed buildings 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 and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To reduce the effect the development has on 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. (R43AB)

- 32 You must apply to us for approval of detailed drawings at a scale of 1:50 including a detailed acoustic report of the following parts of the development -  
Kitchen extract system to serve the Class A3 unit. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved details (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area and to safeguard the amenities of future residential occupiers in the floors above and those adjoining. This is as set out in S25, S28, S29 and S32 of Westminster's City Plan adopted November 2016 and DES 1, DES 5, ENV6 and ENV13 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 33 You must apply to us for approval of detailed drawings scale 1:20 of the following parts of the development - mansard roof treatment to Blocks 01, 02, 03, 06, 10. 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 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, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 34 You must apply to us for approval of detailed drawings at a scale of 1:10 of the following parts of the development -
- i) new boundary wall treatments to each block
  - ii) the railings around the Garden Square
  - iii) the boundary treatment to the Sanctuary Garden
  - iv) the southern boundary wall treatment with Acacia Gardens, Tatham Place, Acacia Place

and Ordnance Hill, specifying whether existing walls are to be retained or rebuilt.

v) Boundary treatments to the north with Rossetti Mews, Rossetti House, Queen's Grove and Walpole Mews

You must then carry out the work according to these approved details.

Reason:

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

- 35 You must not put up any extensions to the houses or alter their roofs without our permission. This is despite the provisions of Classes A, B and C of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 1995 (or any order that may replace it). (C21HA)

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)

- 36 You must apply to us for approval of detailed drawings at a scale of 1:20 of the following parts of the development - windows, doors, balustrades and railings to each block. 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 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, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 37 You must apply to us for approval of detailed drawings at a scale of 1:20 of the following parts of the development - entrance gates to the car lift to Block 10. 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 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, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

38 (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 5 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 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.

(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:

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

implementation of the planning permission.

- 39 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.

- 40 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant associated with the private leisure facility in the Riding School will comply with the Council's noise criteria as set out in Condition 38 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 41 You must apply to us for approval of a scheme of public art as described in the Planning Statement.

You must carry out the scheme according to the approved details within six months of practical completion of the final phase of development.

You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 42 The mansard roof extension to No's 1-7 Queen's Terrace shall be clad in natural grey slates to the Queen's Grove and Queen's Terrace elevations.

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)

- 43 You must apply to us for approval of detailed drawings at a scale of 1:20 of the following parts of the development - windows, external doors, rooflights to listed Riding School. 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 drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 44 Details of the visitor cycle stands outside the listed Riding School and the corner of Queen's Terrace and Queen's Grove shall be submitted to and approved by the City Council as local planning authority. The approved cycle stands shall be provided prior to the occupation of the private ancillary leisure facility and the retail shops.

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.

- 45 All development shall take place, including any works of demolition, in accordance with the Construction Environmental Management Plan (CEMP) dated May 2017 (revised 16 May) by Arcadis.

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.

- 46 You must put a copy of this planning permission and all its conditions at street level outside the site on Ordnance Hill and Queen's Terrace for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 47 You must protect the trees on and close to the site in accordance with the details approved by the City Council as Local Planning Authority on 13 July 2016 under reference 15/04470/ADFULL or in accordance with a more detailed and up to date method statement as submitted to and approved by the City Council.



## Reason:

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

- 48 The development shall be monitored by an arboricultural consultant as approved by the City Council as Local Planning Authority on 13 July 2015 under reference 15/04470/ADFULI or in accordance with details of another consultant, details of which must be submitted to and approved by the City Council.

## Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St John's Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 49 You must apply to us for approval of details of the depth and specifications of the new soil which you propose to use to create an adequate rooting environment for new tree planting and landscaping, including details of the drainage layer and other components, and the way the proposed areas of soil will be connected before the landscaping is installed. You must then carry out the work according to the approved details. .

## Reason:

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

- 50 Details of the location of the Class A3 unit on the basement and ground floors of the Queen's Terrace buildings including details of the number of covers, and hours of use shall be submitted to and approved by the City Council as local planning authority before works start on fitting out these units. The development shall be carried out in accordance with the approved details.

## 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 ENV13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 51 The Class A1 units hereby approved shall only open between the hours of 08.00 to 23.00.

## Reason:

To protect the environment of people in neighbouring properties and those living in the flats above the shops as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

52 This permission must be commenced no later than 2 April 2018

Reason:

As required by s91 of the Town and Country Planning Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004.

**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 governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to
  - a) Provision of 59 intermediate units at the main barracks site and 41 affordable rented units at Sentinel House as per the agreed mix; the affordable housing to be retained for the lifetime of the development; The 59 affordable housing units to be transferred to an approved Registered Social Landlord (RSL) on a long lease (at least 99 years);
  - b) Off site affordable housing (41 units) to be provided at Sentinel House prior to the occupation of any market housing at the Barracks site;
  - c) The 20 car parking spaces for the 59 intermediate flats shall be provided on unallocated basis prior to occupation without charge and at with nominal maintenance costs to the RSL;
  - d) Provision of the car club membership for each affordable unit for 25 years;
  - e) Provision of the cycle spaces for the 59 intermediate affordable without charge and at nil cost to the RSL.
  - f) A financial contribution to cover the Council's costs of amending the existing Controlled Parking Zone (CPZ) arrangements to provide the development with its own Controlled Parking Zone (CPZ) and prevent future residents of the development being eligible to apply for or and hold a residents parking permit for Zone C;
  - g) Provision of a Management Plan for the private and visitor parking;
  - h) Provision of a Management Plan in respect of the use of the private leisure facility, the garden square and the sanctuary garden
  - i) Educational contribution of £423,000 towards primary school provision and £106,000 towards secondary school provision;
  - j) Early Years Project contribution of £250,000(index linked and payable on commencement of development);
  - k) Health Contribution of £ 250,000 (index linked and payable on commencement of development);
  - l) Local Play Space contribution of £100,000 to the St John's Wood Adventure Playground (index linked and payable on commencement of development);
  - m) Provision of Public Art to a value of not less value of than £350,000 (index linked) and the art to be installed within six months of practical completion, to be retained and maintained throughout the life of the development

- n) Provision of a Travel Plan
  - o) Provision of a community use of the private leisure facility -1x2 hour for local schools and 2x3 hour blocks for local residents .
  - p) Financial contribution to cover the cost of highway works associated with the creation of the new accesses on Ordnance Hill and Queen's Terrace, provision of a car club space on Queen's Terrace and the improvements along Ordnance Hill and Queen's Terrace including new street tree planting.
  - q) Provision and maintenance of pedestrian routes through the development, which are to be open 24 hours a day;
  - r) Provision of a lighting scheme
  - s) The development not to be a gated community
  - t) Compliance with the Construction Code of Practice and contributions towards funding Environmental Sciences involvement in the demolition and construction to be £10,020 and costs associated with the Environmental Inspectorate to be £19,000 per annum`
  - u) Offering the provision of local employment opportunities during construction.
  - v) Section 106 monitoring costs.
  - w) A financial contribution of £100,000( index linked and payable on first occupation of the residential ) to Transport for London of which £40,000 towards mitigating the impact of the proposal on cycle parking and £60,000 towards the cost of an average sized cycle docking station in the vicinity of the site .
  - x) A replacement tree at 49 Ordnance Hill
- 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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

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

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

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

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

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

- 5 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 6 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)
- 7 To meet condition 47 the minimum protection we normally expect is plywood boarding at least 1.2 metres high. The boarding should go around the tree at a distance from the trunk which will keep machinery away from the branches. If this is not possible there should be at least two metres between the trunk of the tree and the boarding. (I33AA)
- 8 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)
- 9 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
  1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
  2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all

or part of a flat or house for a specified week, or other period, each year).

- 10 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)

- 11 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk).
- 12 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 13 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 14 The development will result in changes to road access points. Any new threshold levels in the

building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 15 Condition 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 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:

Thames Water Utilities Ltd  
Development Planning  
Maple Lodge STW  
Denham Way  
Rickmansworth  
Hertfordshire  
WD3 9SQ  
Tel: 01923 898072  
Email: Devcon.Team@thameswater.co.uk

- 17 Because building contracts are complicated, we must see the contract needed under condition 4a at least six weeks before you need our decision. (I75AA)
- 18 In respect of Construction Logistics Plan (CLP) this needs to be drafted in accordance with TfL's new guidance which can be downloaded from <http://www.tfl.gov.uk/info-for/freight/planning/construction-logistic-plans?intcmp=7830>.

Any proposed changes to the road layout on the A41 Finchley Road and the possible removal of a traffic island will require a traffic order through a section 278 agreement .TfL advise that the proposed road layout will need to be assessed to understand the impact it would have to the rest of the network

- 19 In respect of the Delivery and Servicing Plan ( DSP ) , this needs to address the arrangements for all users within the development .Further information is available at <http://www.tfl.gov.uk/info-for/freight/planning/delivery-and-servicing-plans?intcmp=7833>.
- 20 In respect of Condition 3, you are advised that the following information must be provided based on the agreed drainage strategy
- a) A clearly labelled drainage layout plan showing pipe networks and any attenuation areas or storage locations. This plan should show any pipe node numbers that have been referred to in network calculations and it should show invert and cover levels of manholes
  - b) Confirmation of the critical storm duration.
  - c) Where infiltration forms part of the proposed storm water system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
  - d) Where on site attenuation is achieved through ponds, swales, geocellular storage or other similar methods, calculations showing the volume of these are required.
  - e) Where an outfall discharge control device is to be used such as hydro brake or twin orifice, this should be shown on the plan with the rate of discharge stated.
  - f) Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event; including an allowance for climate change in line with the Planning Practice Guidance: Flood Risk and Coastal Change. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.
- Further advice can be obtained from the Environment Agency .The approval of Thames Water is also required on the drainage scheme for the proposed development.
- 21 You need to speak to our Trees Section about any proposal to remove trees in the public footways surrounding the site .You will have to pay for the removal and replacement of trees including all administration , design , supervision costs and the costs of establishing the trees in the first three years of planting . We will not remove street trees until such time you have satisfied all the pre-commencement conditions and you are in the position to commence the development .We will not remove the trees on Ordnance Hill unless we have approved the location of services proposed below the footway and the services must be located to allow space for the provision of large specimen trees to replace the existing trees.
- 22 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)
- 23 Condition 47 may require you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered

with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:

- \* the order of work on the site, including demolition, site clearance and building work;
- \* who will be responsible for protecting the trees on the site;
- \* plans for inspecting and supervising the tree protection, and how you will report and solve problems;
- \* how you will deal with accidents and emergencies involving trees;
- \* planned tree surgery;
- \* how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
- \* how you will remove existing surfacing, and how any soil stripping will be carried out;
- \* how any temporary surfaces will be laid and removed;
- \* the surfacing of any temporary access for construction traffic;
- \* the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
- \* site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
- \* how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
- \* the place for any bonfires (if necessary);
- \* any planned raising or lowering of existing ground levels; and
- \* how any roots cut during the work will be treated.



**DRAFT DECISION LETTER - 16/12269/LBC**

**Address:** St Johns Wood Barracks, Ordnance Hill, London, NW8 6PT

**Proposal:** Variation of Condition 1 of listed building consent dated 2 April 2015 (RN: 14/08099/LBC) for Use of the listed Riding School as a private ancillary leisure facility and associated internal and external alterations. Namely, to vary the approved drawing to allow adjustments to the configuration of the accommodation stairs and lifts at mezzanine, ground and lower ground floor levels, adjustment to the configuration of the lower ground floor adjustment to the design of the western pavilion, rearrangement of the internal configuration along with a repositioning of the connection point and retention and repair of the existing external brickwork.

**Plan Nos:** 987-900 A; 901 A;902 A; 903A, 904A, 905A, 906A, 907A, 908A. 1000 B, 1001 B,1003 B, 1004 A, 2000 A, 2002 A, 2003A, 2007B, 3003A, 4000A,4001A,4002A, 4003A, 4004A, 4005A, 4006A, 4100A, 4101A, 4102 A, 4103A, 4104A, 4200 A, 5000A, 5001A, 5002 A, 5003A, Design and Access Statement Addendum.

14/08099/LBC:

Design and Access Statement,Heritage and Alteration Assessment ,  
987-900 A; 901 A;902 A; 903A, 904A, 905A, 906A, 907A, 908A. 1000 A, 1001 A,1002 A, 1003 A, 1004 A, 2000 A, 2002, 2003A, 2007A, 3003A, 4000A,4001A,4002A, 4003A, 4004A, 4005A, 4006A, 4100A, 4101A, 4102 A, 4103A, 4104A, 4200 A, 5000A, 5001A, 5002 A, 5003A,

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 You must apply to us for approval of detailed drawings at a scale of 1:20 of the following parts of the development  
new rooflights . You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved details . (C26CB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 Before any works start on site on the exterior of the Riding School building, large sample panels are to be prepared on site showing the brick skin for the Riding School facade for approval by the City Council in consultation with Historic England. The development shall be carried out in accordance with the agreed Option.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 Detailed drawings to show the type of brick to the window arches must be submitted to and approved by the City Council as local planning authority .The works shall be carried out in accordance with the approved drawings.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 6 You must apply to us for approval of detailed drawings scale 1:20 of the following parts of the development - new windows and doors. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 7 You must apply to us for approval of details of the following parts of the development before

works start on this part of the development ;  
the application of the breathable treatment to the roof timbers of the Riding School . You must then carry out the work according to these approved details .

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 8 You must apply to us for approval of details of the following parts of the development:  
cleaning of the internal brickwork and the application of a lime wash . You must not start work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved details. (C26CB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 9 You must apply to us for approval of details of the following parts of the development  
the replacement of all the existing metal fixtures, fittings and fixings in the swimming pool space with new using the correct grade of stainless steel or treated with specialist products to ensure they do not corrode . You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved details. (C26CB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 10 You must apply to us for approval of detailed drawings at a scale of 1:20 of the following parts of the development - two new clock faces to the clock tower. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved details (C26CB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 11 You must apply to us for approval of samples of the facing materials to be used in the western pavilion addition to the Riding School 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 protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 12 You must apply to us for approval of detailed drawings at a scale of 1:20 of the following parts of the development - reinstatement of the arched openings in the west facade. 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 drawings. (C26DB)

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

**Informative(s):**

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

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

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

- \* any extra work which is necessary after further assessments of the building's condition;
- \* stripping out or structural investigations; and

\* any work needed to meet the building regulations or other forms of statutory control.

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

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

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

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Item No.
<b>2</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 27 June 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>21 Chapel Side, London, W2 4LG</b>		
<b>Proposal</b>	Demolition and redevelopment of the existing two storey mews building to provide a new building over basement, ground, first and second floor levels for use ancillary to the principal dwellinghouse at No.21 St. Petersburg Place.		
<b>Agent</b>	Attol Limited		
<b>On behalf of</b>	Attol Limited		
<b>Registered Number</b>	17/03375/FULL	<b>Date amended/ completed</b>	25 April 2017
<b>Date Application Received</b>	19 April 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application relates to a two storey mews building located on the east side of Chapel Side. The building is linked with the principle dwelling house at 21 St Petersburg Place, with access to the site being from the mews and over the garden between the two buildings. The building is not listed, but is located within the Bayswater Conservation Area. Permission is sought for the demolition of the existing building and for its redevelopment with a new three storey building plus the excavation of a basement.

Objections have been received from neighbouring residents on the grounds of design, amenity and the impact of the development during construction.

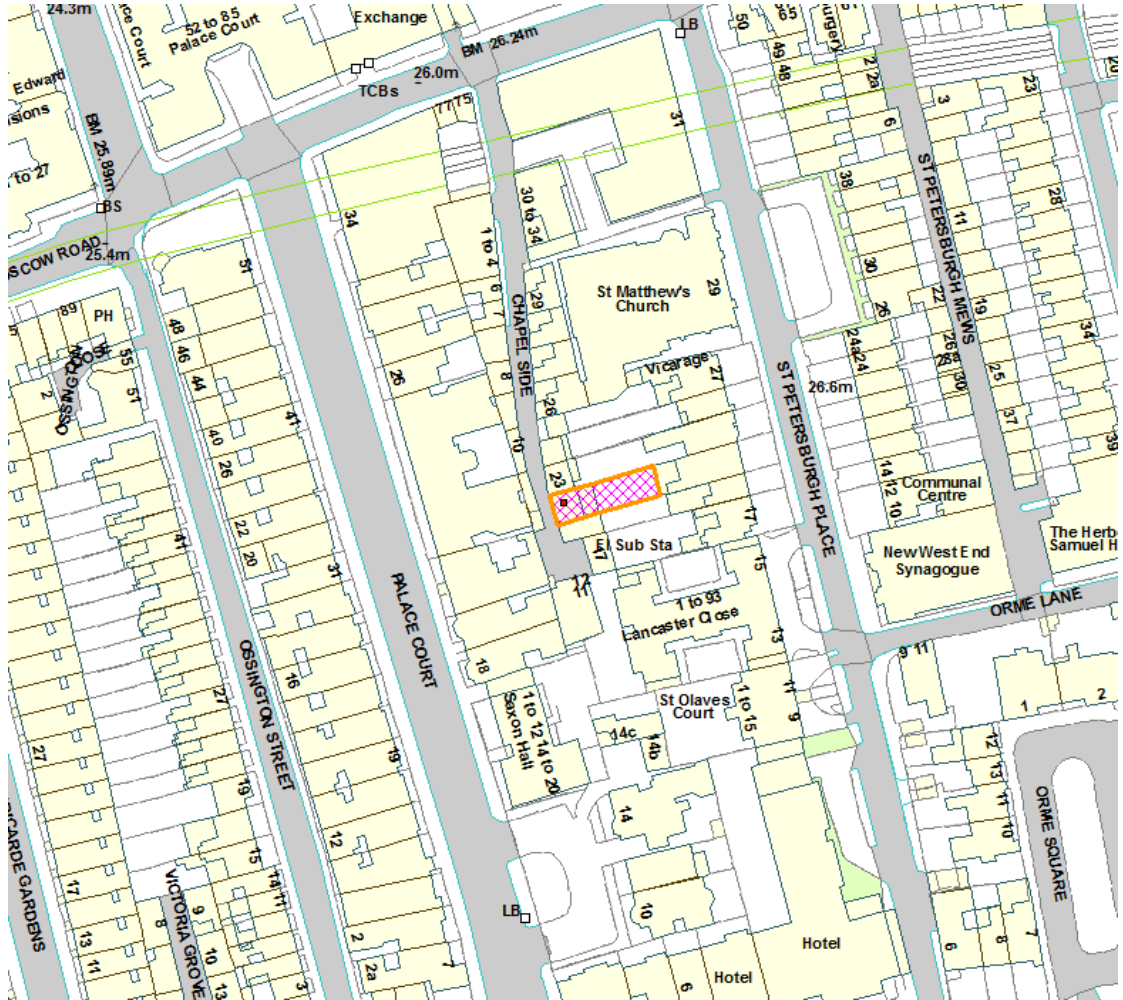
The key issues for consideration in this case are:

- Whether the proposals are acceptable in design and conservation terms.
- Whether the impact of the proposal on the amenity of the neighbouring residents is acceptable.
- The impact of the proposals in highways and parking terms.

Despite the objections raised, and subject to appropriate conditions as set out in the draft decision letter appended to this report, the redevelopment proposals are considered to comply with the relevant design, conservation, amenity and transportation policies in Westminster's City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (UDP). As such, the application is recommended for approval.



### 3. LOCATION PLAN



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4. PHOTOGRAPHS



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

## 5. CONSULTATIONS

### BAYSWATER RESIDENTS ASSOCIATION

Object on the following grounds:

- Bulk, height and design out of context with a mews and neighbouring properties.
- Similar proposals refused in 2008.
- Due to narrow street, and other approved schemes, the development will cause unacceptable disturbance to neighbours.
- Support objection from neighbour at No. 28.

### BUILDING CONTROL

No objection. Comment that the basement does not have direct access to the outside which is contrary to building regulations.

### HIGHWAYS PLANNING MANAGER

Notes that the existing garage is well under the usual standard size and that this is not proposed to change and as no new dwelling is proposed it would be difficult to insist on its enlargement. Considers that it would also be really difficult, if not impossible, to get a car of any size into a garage in this location given that Chapel Side is only just over 3m wide at this point. No cycle parking is shown.

### ARBORICULTURAL MANAGER

No objection subject to conditions in relation to tree protection and a landscaping scheme.

### ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 80; Total No. of replies: 5.

Five objections raised on all or some of the following grounds:

Design:

- Reference to a 2008 scheme which was unacceptable for various design grounds.

Amenity:

- Loss of privacy.
- Setting of precedence for other windows, which have a negative impact.

Other

- Disruption and negative impact as a result of construction work.
- Request for party wall surveyor to be used.
- Refurbishment would be preferable to redevelopment.
- Reference to other developments on Chapel Side and difficulties with approvals and construction.

PRESS ADVERTISEMENT/ SITE NOTICE:

Yes.

## 6. BACKGROUND INFORMATION

## 6.1 The Application Site

The application site comprises a two storey mews building located on the east side of Chapel Side. The building has a large single storey conservatory extension at rear ground floor level which extends into the garden. The mews maintains its historical relationship with the principle dwelling house at 21 St Petersburg Place, with access to the site being from the garden between the two buildings. The building is not listed, but is located within the Bayswater Conservation Area.

## 6.2 Recent Relevant History

9 November 2009 – Certificate of Lawful Proposed Use or Development issued for widening of garage doors and general internal re-arrangement (09/06129/CLOPUD).

29 January 2009 – Application withdrawn for widening of garage doors to allow vehicular access and general internal re-arrangement (08/08971/FULL).

3 July 2008 – Application withdrawn for demolition of existing two storey mews house and erection of new two storey mews house with integral garage and additional two storey flat roof rear extension (08/02992/FULL).

## 7. THE PROPOSAL

Permission is sought for the demolition of the existing two storey mews building and redevelopment to provide a replacement four storey building arranged over basement, ground, first and second floor levels. The scheme includes the excavation of a new basement floor level under the replacement building and part of the rear garden.

No change of use is proposed with the new building to remain ancillary to the main house at No.21 St. Petersburg Place. The proposed mews building would provide additional habitable accommodation for the main dwellinghouse, including accommodation for a 'live in' carer.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

No change of use is proposed, however the plans indicate that the second floor of the new building is to be used as accommodation for a carer which includes a kitchenette. This floor can only be accessed by going through the mews house and is therefore not self-contained and provides for the specific needs of the household and this accommodation is therefore considered to be ancillary to the principal dwellinghouse use of the combined site at No.21 St. Petersburg Place and No.21 Chapel Side.

The redevelopment results in an additional 89m<sup>2</sup> of residential accommodation, which is considered acceptable in land use terms and in accordance with Policy H3 in the UDP.

### 8.2 Townscape and Design

Objections have been received on design grounds from both the Bayswater Residents Association and neighbouring residents. Reference is made to an application withdrawn in 2008 (RN: 08/02992/FULL) as this was considered unacceptable in design terms and therefore this application should similarly be refused. The 2008 scheme was materially different in terms of both its design and bulk and was withdrawn prior to formal determination and is not therefore a material consideration in the determination of the current application. Applications must be assessed on their merits, having regard to currently adopted policies in the development plan and the current proposals are considered in this context in this report.

### 8.2.1 Existing Building and Proposed Demolition

The Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of that area (section 72). In accordance with paragraph 129 of the National Planning Policy Framework (NPPF) the Local Planning Authority should identify and assess the significance of any heritage assets that may be affected by a proposal and this assessment should be taken into account when considering the impact of a proposal on a heritage asset. Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal in accordance with paragraph 134 of the NPPF.

In this instance the heritage asset is the Bayswater Conservation Area and therefore any harm identified with the demolition of the existing building and the proposed replacement building should be assessed in relation to preserving or enhancing the character and appearance of the conservation area and any public benefits the proposal creates.

Chapel side is a tertiary road, providing access to the mews style buildings which line the street. The mews buildings themselves vary in terms of their scale, form and detailed design; however, most have garages at ground floor level within a brick elevation, rendered at first floor level with two windows. They contribute to the character and appearance of the area through their scale and form as well as their relationship with the principle dwellings that they historically used to serve. In the Bayswater Conservation Area Audit the application site is identified as a neutral building, neither being an unlisted building of merit or a building which detracts.

In accordance with UDP policy DES 6, there is a presumption in favour of retaining buildings that contribute to the character and appearance of conservation areas. UDP Policy DES 9(B) specifically states that buildings identified in adopted conservation area audits as being of local architectural, historical or topographical interest will enjoy a general presumption against demolition. Policy DES 9(B)(2) goes on to state that, in such cases, the demolition of such building may be permitted, *"If the design quality of the proposed development is considered to result in an enhancement of the conservation area's overall character or appearance, having regard to issues of economic viability, including the viability of retaining and repairing the existing building"*.

The proposed development involves the insertion of a new building within a continuous street façade and therefore, in design terms, is considered in relation to UDP policy DES

4. The policy seeks to ensure the highest quality of new development in order to preserve or enhance the townscape. Particularly the policy states infill development will be permitted if its design has regard to the prevailing character and quality of the surrounding townscape and conforms to established urban design characteristics, such as the massing of buildings, roof profiles and architectural detailing.

The existing building appears to have been extensively rebuilt, with the exception of some original brick work at ground floor level to the front elevation. To the rear (garden) elevation the building has been previously altered to a significant degree with the addition of a large conservatory at ground floor level with two further half dormers at first floor level. In this context it is considered that the existing building makes a limited contribution to the character and appearance of the conservation area and as such, subject to replacement structure being of equal or better contribution to the conservation area setting, the demolition of the existing building is considered acceptable, in accordance with DES 9.

### 8.2.2 Proposed Development

The proposed mews building would comprise of basement, ground and two upper levels, with the second floor in the form of a mansard. The footprint of the proposed building would be smaller than the existing building if the existing conservatory is included. Due to the internal configuration and the proposed floor levels, the height of the proposed building marginally exceeds the existing and is no higher than the neighbouring building (No.19). Therefore the difference in terms of mass between the existing and proposed building results from the sheer rear elevation enlarging the proposed first floor level and the mansard roof addition.

In accordance with DES 4 the proposed mews building responds to prevailing buildings heights, the distinctive form of architectural detailing in the local area and the materiality of the area. In terms of reflecting local scale, the proposed mews building will be larger than those to the north, but smaller than No.19 which is recognised as being an exception to the characteristic pattern due to its location on a corner plot. As this mass is principally to the rear the impact on the character and appearance of the conservation area will primarily be appreciated from private views from the buildings in St. Petersburg Place. In this context the scale of the replacement dwelling is considered to have a limited impact on the character and appearance of the conservation area.

On the front elevation the replacement building maintains a garage door at ground floor level and has three windows at first floor level and three dormer windows within the mansard roof. The elevation will be brick and brick lintels will sit above the fenestration at ground and first floor levels. The three dormer windows are set within a slate roof, positioned above the windows at first floor level and are clad in lead. The garden elevation contains three doors at ground floor level and a comparable arrangement with the front elevation at first and second floor levels. The design of the building responds to the architectural character of the surrounding area, with the materials and detailing respecting those found in the immediate setting. Furthermore the building is considered to be in accordance with the City Council's Supplementary Guidance Documents '*Mews: a Guide to Alterations*' and '*Roofs: A Guide to Alterations and Extensions on Domestic Buildings*'. The detailed design is therefore considered to enhance the character and appearance of the conservation area and is in accordance with DES 4.

Nevertheless in order to ensure the materials and details of the development is in keeping with its setting it is recommended that conditions requiring the submission of details of the facing materials, including the brickwork and slate roof covering, are submitted as well as detailed elevations and sections of the new fenestration are provided.

Part A(9) of Policy CM28.1 of the City Plan seeks to protect the character and appearance of the existing building, garden setting and the surrounding area by ensuring the external manifestations of basements are sensitively designed and discreetly located. Additionally the City Council's SPD *Basement Development in Westminster* states that if new lightwells or skylights are introduced they should be located immediately adjacent to the rear elevation. The only external manifestation of the basement is a shallow lightwell located against the rear elevation of the building, which is to be covered over intermittently by a metal grille or rooflight. Whilst a lightwell which spans the full width of the rear elevation would generally be resisted, given its shallow projection, the division of its length by the change in materials and the limited visibility of it from both public and private views, in this instance the lightwell is considered to be acceptable in design terms and in accordance with Part A(9) of Policy CM28.1.

The replacement building is considered to result in an enhancement of the character and appearance of the conservation area as the building is of a standard of design and architectural quality appropriate for its immediate and wider setting. The building remains identifiable as subservient to the principle dwelling at No.21 St Petersburg Place, whilst responding to the form, scale and massing of the buildings on Chapel Side. The quality of the replacement building is considered to be such as to satisfy the requirements of Policy DES 9(B)(2) with regards to the acceptability of demolishing the existing building. Additionally given the scale of the Bayswater Conservation Area, the limited harm to the designated heritage asset as a result of demolishing a neutral building is considered to be outweighed by the public benefits of an accessible dwelling and the quality of the replacement building, in accordance with the NPPF.

The proposals are considered to be in accordance with UDP policies DES 1, DES 4 and DES 9 as well as City Plan policies S25, S28 and CM8.1.

### **8.3 Residential Amenity**

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of Westminster's City Plan aims to protect the amenity of residents from the effects of development.

Objections have been received from neighbouring residents, largely in relation to loss of privacy and light to residents within properties in Palace Court, which is on the western side of Chapel Side.

#### **8.3.1 Daylight and Sunlight**

The applicant has carried out a daylight and sunlight assessment in line with Building Research Establishment (BRE) guidelines, analysing the windows of the adjacent residential properties. The assessment notes that of the windows tested, two will

experience a negative impact as a result of the development in relation to Vertical Sky Component criteria (VSC) and sunlight. The two windows are located within the side of a conservatory style rear extension in the south facing elevation of the adjacent property at No.23 Chapel Side.

Given that these windows are secondary to the main windows of the conservatory which look out over the garden, which are not affected in terms of loss of daylight or sunlight, it is not considered that refusal on these grounds could be sustained in relation to the impact on these windows.

### **8.3.2 Sense of Enclosure**

It is not considered that the development would have a significant impact on adjacent properties on the Chapel Side frontage of the building given that the ridge height of the roof is only to be increased marginally by approximately 0.3m. To the rear, the most affected property will be No.23 Chapel Side to the north.

At ground floor level, following the removal of the conservatory, the building line will be pulled back by 2.2m. At first floor level the rear building line is to be built out by 2.5m from the existing building line and therefore the neighbouring windows at first floor level will be most affected.

The nearest window at first floor level within No.23 is a small window, which appears to have opaque glass and is likely to serve a bathroom, adjacent to this is a large window, which is likely to serve a bedroom. It is not considered that the proposed extension will have such a negative impact on either of these windows so as to justify refusal, given the level of projection proposed and given that the main aspect of the windows is out onto the gardens to the rear of St. Petersburg Place.

### **8.3.3 Overlooking/ Privacy**

There are existing windows at first floor level in the existing mews building. The proposals include windows to the front and rear at ground, first and second floor levels. On the other side of Chapel Side is a narrow mews property, which has a garage door at ground floor level and dormer windows at first floor level. Behind this property are the objectors properties in Palace Court. The nearest rear wall of the properties opposite in Palace Court is a blank flank wall of No.24 Palace Court, which does not include any windows. North of this blank wall is a slightly set back section of the rear façade of No.24 Palace Court which does include windows. There are also windows in the south facing elevation of No.24 Palace Court; however, these do not look towards the development site and are therefore not considered to be material affected by the proposals. Other windows serving No.22 Palace Court are sufficiently distant from the application property so as not to suffer an significant overlooking from the proposed development.

The new second floor dormer windows serve a bathroom and bedroom and will only have oblique views towards the nearest windows, which are set back from the main rear elevation of No.24 Palace Court (as explained in the preceding paragraph). Due to the proposed roof form, with dormers set within a steep pitch to the front and a mansard to the rear, the main aspect of this bedroom is likely to be out over the applicant's garden. As there are existing windows at first floor level, it is not considered that any additional



overlooking to the windows on the other side of Chapel Side will be so significant as to justify refusal given the distance and oblique angle.

In terms of overlooking towards the rear of properties in St. Petersburg Place, given existing windows, it is not considered that neighbouring gardens or windows will be significantly negatively affected as a result of the development proposals.

In summary in amenity terms, the proposals are acceptable and would not cause a material loss of daylight or sunlight or materially increased sense of enclosure or overlooking. Accordingly the proposal accords with Policy ENV13 in the UDP and S29 in the City Plan.

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

The existing mews building has a small garage, which is to be retained. A condition to secure the retention of the small garage is not recommended as the space is below the space standard for use by almost all conventionally dimensioned cars and the access to the garage is difficult for a conventionally dimensioned vehicle due to the narrow width of Chapel Side at this point outside the application site. Furthermore, there is not a planning condition requiring the retention of the existing small garage.

The Highways Planning Manager notes that no cycle parking is proposed. However, this scheme is the redevelopment of a mews building that is ancillary to an existing dwellinghouse and does not comprise the provision of a new dwellinghouse. Therefore it would not be reasonable to impose a condition to secure the provision of cycle parking for the existing dwellinghouse.

#### **8.5 Economic Considerations**

Any economic benefits resulting from the development are welcomed.

#### **8.6 Access**

No change is proposed to existing arrangements in terms of the point of access is proposed, with access from either the mews or St. Petersburg Place. Accessibility within the mews building would be improved relative to the existing situation as a result of a more open ground floor layout.

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

##### **8.7.1 Basement Development**

The amended proposals are considered to be in accordance with policy CM28.1 of the City Plan (July 2016) for the reasons set out as follows:

##### *Part A. 1-4*

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology proposed, which has also been submitted with the application within a structural statement prepared by an appropriately qualified structural engineer. These documents have been reviewed by Building Control who advise that the

structural methodology proposed is appropriate for the ground conditions found on this site.

In terms of construction impact, the applicant has provided a signed proforma Appendix A confirming that they agree to comply with the City Council's Code of Construction Practice (CoCP). A condition is recommended to ensure that the applicant complies with the COCP and that the construction works are monitored for compliance by the Environmental Inspectorate at the applicant's expense.

A flood risk assessment has been provided as part of the structural statement and this demonstrates that flood risk would not be exacerbated in this location, which has a low flood risk and is not in an area identified as being susceptible to surface water flooding.

*Part A. 5 & 6*

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement and general disturbance associated with construction activity. The proposed hours of working condition states that no piling, excavation and demolition work is undertaken on Saturdays. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours outside of the prescribed hours.

Concerns have also been raised in relation to other developments within the street and the cumulative impact. The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016 and if permission is granted, the applicants will be required to comply with the CoCP. This is a fundamental shift in the way the construction impacts of developments are dealt with relative to the position prior to July 2016. Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The new CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that this should be carried out after planning permission is granted and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help soothe the development process.

The concerns of the neighbouring residents are at the heart of why the City Council has adopted its new Policy in relation to basements (CM28.1) and created the new CoCP. While the comments from the neighbours are noted, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible.

A condition is recommended requiring evidence to be submitted of compliance with the CoCP. This must be submitted before work starts on site, subject to which the proposals are considered acceptable.

The site is not in an archaeological priority area and therefore part 6 does of the policy does not apply.

*Part B. 1&2*

The proposals involve the loss of trees within the rear garden. The arboricultural officer has not raised objection to the loss of the trees, subject to conditions to secure a landscaping scheme to show the replacement of the trees. This approach to mitigating the harm caused by the loss of the trees is considered acceptable and a condition is recommended.

*Part B. 3*

The proposals do not include any details in relation to ventilation. However, grilles are provided along the rear elevation to provide natural ventilation. An informative is recommended to advise the applicant that should they require mechanical ventilation, a separate application for planning permission will be required.

*Part B. 4 & 7*

The only external manifestations of the basement would be the rooflights and grilles to the rear, which are not considered to have a significant impact in terms of sustainable urban drainage. The basement has been set in from the boundaries within the garden to provide drainage around the subterranean structure.

*Part B. 5&6*

The proposals are considered to be discreet and will not negatively impact on the conservation area (see also Section 8.2 of this report).

*Part C. 1*

The proposals extend under part of the garden which separates No.21 St Petersburg Place and the ancillary mews building that is the subject of the application. It does not extend under more than 50% of this garden area. A margin of undeveloped garden land is retained around the proposed basement. This part of the policy is therefore considered to have been met.

*Part C. 2*

One metre of soil depth and 200mm drainage layer is provided over the proposed basement which is compliant with this part of the policy.

*Part C. 3*

Only a single basement is proposed which is considered acceptable and in accordance with this part of the policy.

*Part D*

The basement does not extend under the highway, therefore this part of the policy does not apply in this case.

## **8.8 London Plan**

This application does not raise any strategic issues.

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

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

### **8.10 Planning Obligations**

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

The existing mews property has a floorspace of 97m<sup>2</sup>. The proposed scheme provides a gross internal area of 186m<sup>2</sup>, which is an uplift of 89m<sup>2</sup>. This is below the 100m<sup>2</sup> of new floorspace above which the requirement to pay CIL is triggered.

### **8.11 Environmental Impact Assessment (EIA)**

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

### **8.12 Other Issues**

An objection has been received requesting that a party wall surveyor is used. Party wall agreements are not a planning consideration and are considered under separate legislation.

The Building Control Officer has commented that the basement does not have direct access to the outside which is contrary to Building Regulations. While these comments are noted, planning permission could not be withheld on this ground. An informative is recommended to advise the applicant that this issue will need to be addressed in any future application for building regulations approval.

## **9. BACKGROUND PAPERS**

1. Application form.
2. Response from Bayswater Residents Association dated 1 June 2017.
3. Response from Arboricultural Manager dated 30 May 2017.
4. Response from Building Control dated 14 June 2017.
5. Response from the Highways Planning Manager dated 15 June 2017.
6. Letter from occupier of Flat 2A, 24 Palace Court dated 16 May 2017.
7. Letter from occupier of Flat 4a, 24 Palace Court dated 16 May 2017.
8. Letter from occupier of 19 Chapel Side dated 20 May 2017.
9. Letter from occupier of Flat A, 24 Palace Court dated 26 May 2017.
10. Letter from occupier of 28 Chapel Side dated 27 May 2017.

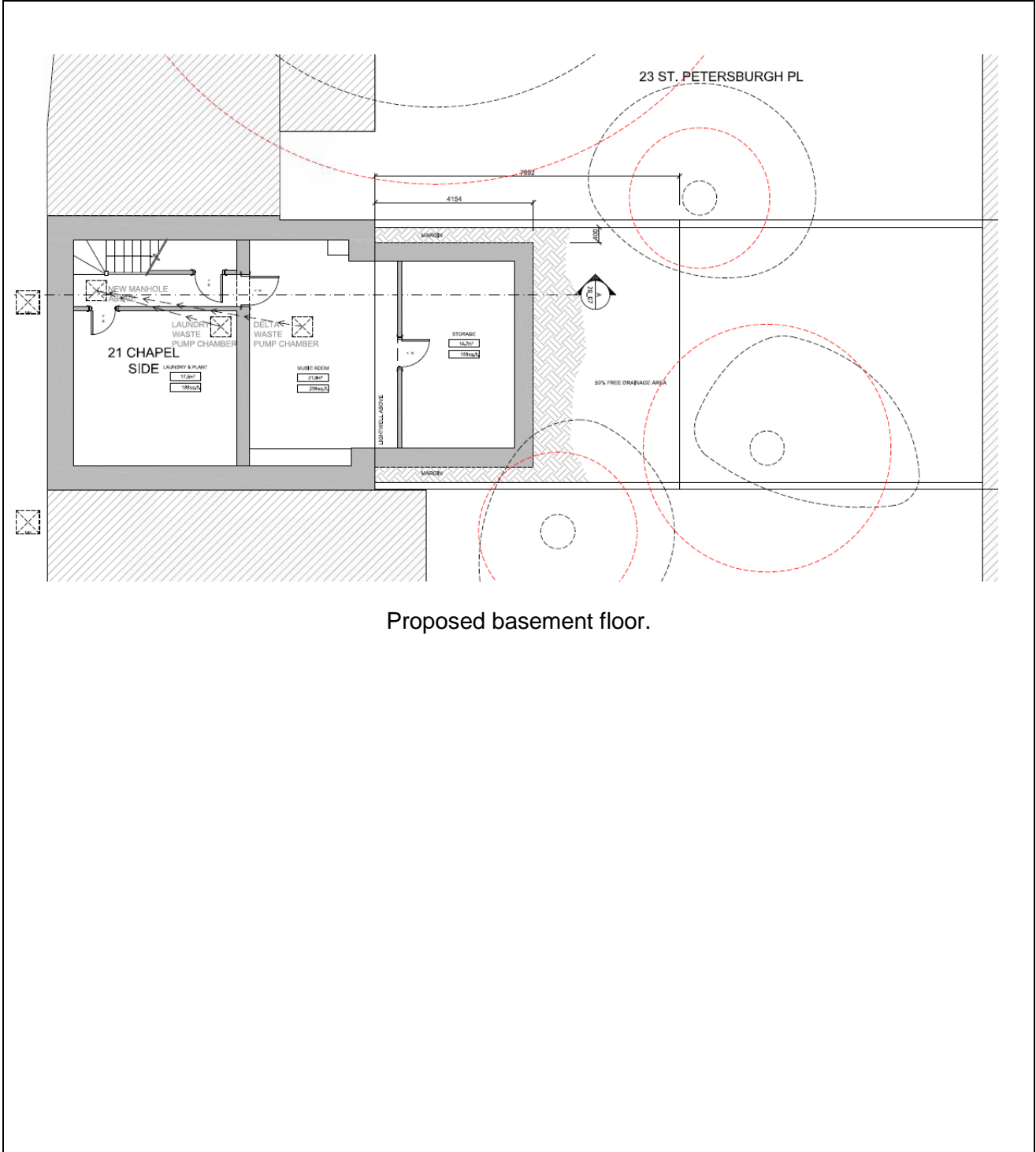
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVE GIBSON BY EMAIL AT <a href="mailto:ogibson@westminster.gov.uk">ogibson@westminster.gov.uk</a> .
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10. KEY DRAWINGS



Proposed basement floor.





Existing front elevation.



Proposed front elevation







**DRAFT DECISION LETTER**

**Address:** 21 Chapel Side, London, W2 4LG

**Proposal:** Demolition and redevelopment of the existing two storey mews building to provide a new building over basement, ground, first and second floor levels for use ancillary to the principal dwellinghouse at No.21 St. Petersburg Place.

**Reference:** 17/03375/FULL

**Plan Nos:** 2327 OS 01 B; 2327 10 01 C; 2327 10 02 C; 2327 10 03 C; 2327 10 04 C; 2327 10 05 C; 2327 10 06 C; 2327 10 07 C; 2327 11 01 B; 2327 11 02 B; 2327 11 03 B; 2327 11 04 B; 2327 11 05 B; 2327 11 06 B; 2327 11 07 B; 2327 20 00 B; 2327 20 01 D; 2327 20 02 C; 2327 20 03 C; 2327 20 04 C; 2327 20 05 C; 2327 20 06 C; 2327 20 07 C; 2327 20 08 B; Arboricultural Impact Assessment by Landmark Trees dated 29 March 2017; Design & Access Statement dated April 2017.

For information only:, Daylight and Sunlight Study by Right of Light Consulting dated 19 August 2016; Subterranean Structural Statement dated 24 March 2017.

**Case Officer:** Rupert Handley

**Direct Tel. No.** 020 7641 2497

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

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

Reason:

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

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

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

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

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

## Reason:

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

- 3 You must apply to us for approval of 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 this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 4 You must apply to us for approval of detailed elevations and section of the following parts of the development - The new windows. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

## Reason:

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

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

## Reason:

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

- 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 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.

- 7 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 one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

**Reason:**

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Bayswater Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

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

- 9 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved.

**Reason:**

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38, CM28.1 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.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

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

- 5 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 6 You are advised that should mechanical ventilation be required, a separate application for planning permission will be required to include an acoustic report and details of where the equipment will be ventilated.
- 7 You are advised that the Building Control Officers have commented that the basement does not have direct access to the outside which is likely to be contrary to Building Regulations. You are advised to address this issue in any future application for building regulations approval. Any external alterations to the scheme hereby approved is likely to also require further planning permission.

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 3

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 27 June 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Vincent Square	
<b>Subject of Report</b>	11 Chapter Street, London, SW1P 4NY		
<b>Proposal</b>	Use of ground floor for Class A2 (financial and professional services) purposes and use of upper floors as 2 residential flats. Erection of rear extensions at ground, second and roof levels; alterations to the shopfront.		
<b>Agent</b>	Alan Power Architects Ltd		
<b>On behalf of</b>	Mr Shahram Sabbaghi		
<b>Registered Number</b>	17/02130/FULL	<b>Date amended/ completed</b>	9 March 2017
<b>Date Application Received</b>	9 March 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Regency Street		

## 1. RECOMMENDATION

Agree that, had an appeal against non determination not been lodged, permission would have been refused on design grounds.
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## 2. SUMMARY

This report relates to an application for planning permission, which is now the subject of an appeal against the failure of the City Council to give notice of its decision within the eight week period.

11 Chapter Street is an unlisted building of merit located within the Regency Street Conservation Area. The building is the centre piece of a terrace of three neo-Georgian style buildings (Nos.9 – 13). No.11 comprises of three storeys, plus attic level. The building is now vacant but was formerly in use as a Café (Class A3) on the ground floor, and a residential maisonette (Class C3) on the upper floors.

The application seeks permission for the use of the ground floor for Class A2 (financial and professional services) purposes and the use of the upper floors as 2 residential flats, together with the erection of rear extensions at ground, second and roof levels; and alterations to the shopfront.

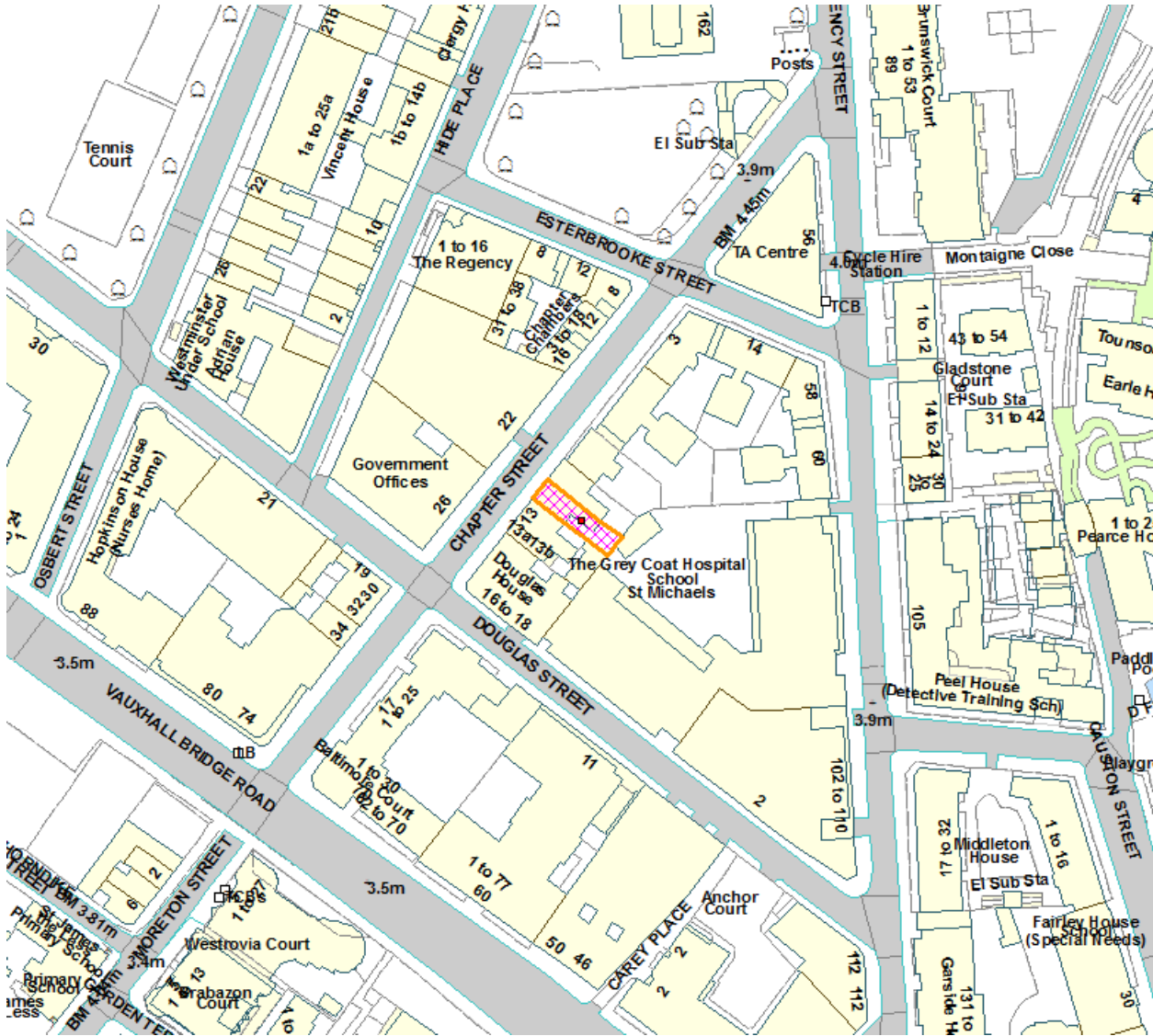
The key issues with this application are:

\* The acceptability of the proposals in land use terms;

- \* The impact upon the appearance of the building and its contribution to the character and appearance of the Regency Street Conservation Area; and
- \* The impact of the proposals upon the amenity of neighbouring residents.

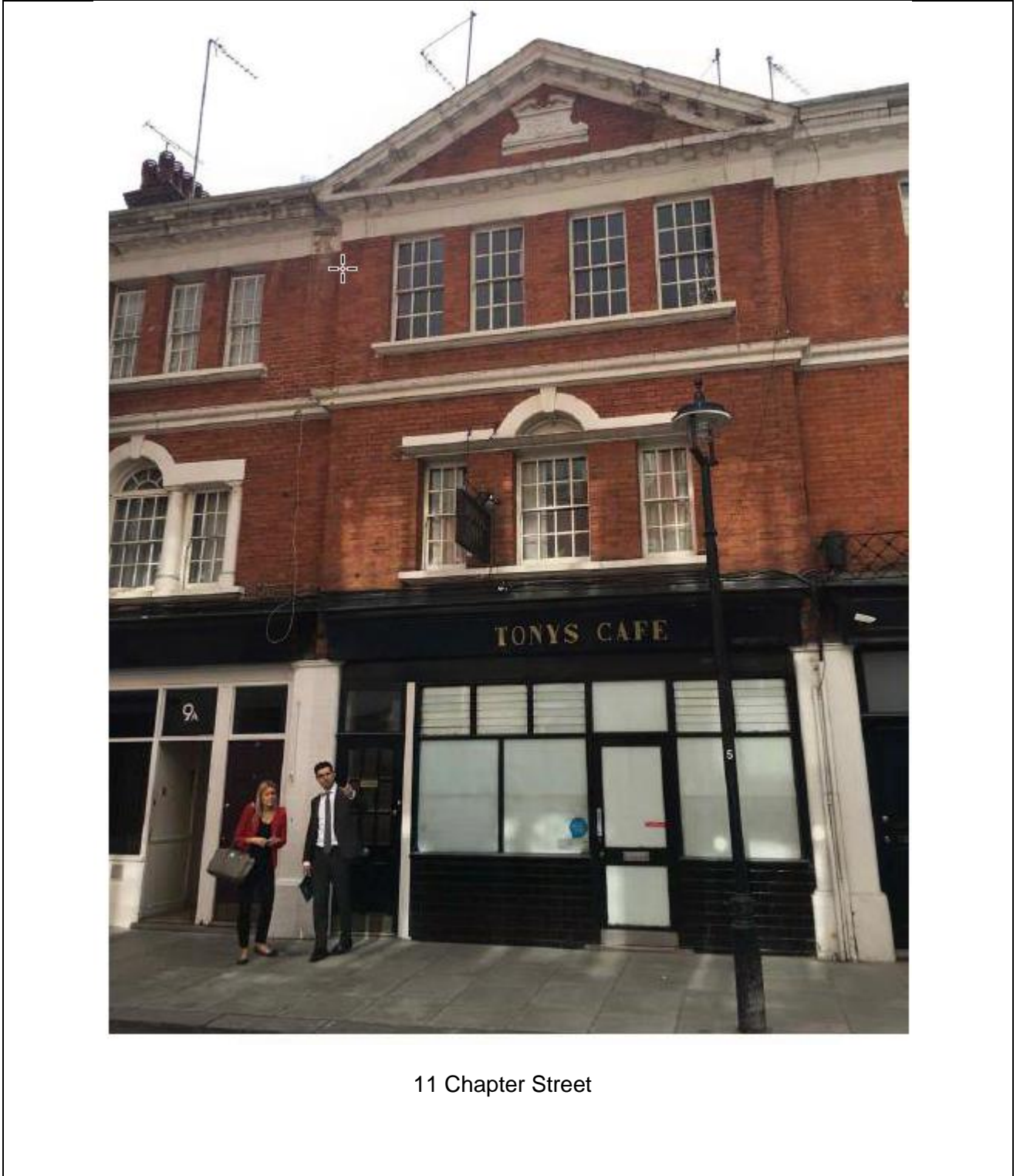
The rear extensions and alterations at second and roof floor levels are unacceptable in design and conservation terms, and would fail to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, had appeals not been lodged, planning permission would have been refused for the reasons set out in the draft decision letter.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



11 Chapter Street

## 5. CONSULTATIONS

### WESTMINSTER SOCIETY:

No objection.

### HIGHWAYS PLANNING MANAGER:

Recommends condition to secure cycle parking.

### CLEANSING MANAGER:

Recommends condition to secure details of waste and recyclable storage.

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

No. Consulted: 5

Total No. of replies: 0

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

11 Chapter Street is an unlisted building of merit located within the Regency Street Conservation Area. The building is the centre piece of a terrace of three neo-Georgian style buildings (Nos.9 – 13), which comprise of commercial units on the ground floor and residential above. No.11 comprises of three storeys, plus attic level.

The building is now vacant but was formerly in use as a Café (Class A3) on the ground floor, and a residential maisonette (Class C3) on the upper floors. The site lies outside of the designated District and Local Centres, and outside of the Central Activities Zone.

### 6.2 Recent Relevant History

None relevant.

## 7. THE PROPOSAL

The application seeks permission for the use of the ground floor for Class A2 (financial and professional services) purposes and the use of the upper floors as 2 residential flats, together with the erection of rear extensions and alterations at ground, second and roof levels; and alterations to the shopfront.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

11 Chapter Street is now vacant but was formerly in use as a Café (Class A3) on the ground floor, and a residential maisonette (Class C3) on the upper floors.

The existing and proposed land uses can be summarised as follows:

Use	Existing (sqm)	GIA	Proposed (sqm)	GIA	+/-
<b>Class A2 (Financial and Professional Services)</b>		0		99	+99
<b>Class A3 (Cafe)</b>		56		0	-56
<b>Residential (Class C3)</b>		134		150	+16
<b>Total</b>		<b>190</b>		<b>249</b>	<b>+59</b>

### **Class A2 (Financial and Professional Services)**

The change of use of the ground floor from Class A3 (Café) to Class A2 (Financial and Professional Services) is permitted by virtue of The Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposals seek to infill the entire ground floor rear courtyard with a single storey flat roofed extension to provide an additional 43 sqm of Class A2 floorspace. Policy SS8 relates to shops and services outside of the designated District and Local Centres, and states that planning permission will not be given for proposals that would significantly harm residential amenity or local environmental quality as a result of smell, noise, increased late night activity and disturbance, or increased parking and traffic.

The creation of additional Class A2 commercial floorspace in this location is not considered to have an unacceptable impact on the amenity of neighbouring residents or the environment.

### **Residential use**

The proposal involves the conversion of the existing 4 bed maisonette on the upper floors into 2 residential flats together with residential extensions at second and roof floor levels.

The proposed flats are laid out as follows:

- 1 x bed flat at first floor: 56 sqm
- 2 x bed flat at second floor: 82.5 sqm

In land use terms, the provision of an additional residential unit and residential floorspace (16 sqm GIA) accords with Policy H3 of the UDP and S14 of Westminster's City Plan. The size and layout of the flats is generally considered to be acceptable, and both flats meet the minimum size standards set out in The London Plan.

## **8.2 Townscape and Design**

11 Chapter Street is an unlisted building of merit located within the Regency Street Conservation Area and the centre piece of this three-storey (plus attic), three bayed neo-Georgian style building (Nos. 9 – 13). At ground floor level nos. 9 and 11 exhibit shop fronts of varying quality, whilst no. 13 displays solid traditional carriage doors with a fixed glazed fan light above.

### **Infill development at ground floor level**

The proposals seek to infill the entire rear courtyard with a single storey flat roofed extension. Extensions which seek to gain additional accommodation from developing external amenity space would generally be unfavourable and cumulatively the extensions proposed would serve to engulf the building, amounting to overdevelopment of the site. It is however apparent that comparable forms of development have occurred along the terrace, also due to the commercial nature of the premises, the area affected has limited amenity value. On balance the proposals are considered difficult to resist on design grounds.

### **Second floor extension to rear wing**

The rear of the building includes a half width, two-storey wing with mono pitched roof, which mirrors the extension at no. 9. The proposals include a vertical extension at second floor level, which would be set back from the storey below to allow for a terrace area.

Policy DES5 of the UDP resists the erection of rear extensions which exceed the penultimate storey of the building, also extensions should seek to respond to the established rear building pattern and form. In this instance the proposals would exceed the penultimate storey, and due to its height and bulk would greatly diminish what is currently a balanced and subservient arrangement the wing exhibits with its neighbour no.9. The extension is therefore contrary to policy and unacceptable on design grounds.

### **Alterations to the rear dormer**

The property retains an overly large front and rear dormer, which is in terms of scale and appearance out of keeping with the building. The proposals seek to alter the rear of the dormer by dropping its cill, incorporating fully glazed sliding doors, and cutting into the roof to allow for a modest terrace with structural glass balustrade.

It is acknowledged that approval was granted in 2010 for similar proposals at no. 13, which saw its rear dormer being enlarged to accommodate doors and a terrace bound by a glass balustrade (ref: 10/10806/FULL).

However the dormer at no. 11 is at least twice as wide as the dormer at no. 13. Improvements to the existing dormer at no. 13 would be welcome, even breaking up the dormers mass into two dormers may lessen its bulk; however the proposals only serve to increase the dormers prominence making it more conspicuous and visually harmful. There are also concerns with regards to the creation of a large terrace with glass balustrading at roof level.

The roof level alterations are contrary to policies DES1, DES6, and DES9 of the UDP, and would be visually harmful to the roofscape of the building, as such the alterations are recommended for refusal on design grounds.

### **Front elevation alterations**

Alterations sought to the front of the building are isolated to replacement of the shop front. Built of hard wood and retaining existing traditional components such as the fascia board and pilasters, and stall riser, the shop front raises no design concerns.

### **8.3 Residential Amenity**

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

The proposed extensions including terrace areas are not considered to give rise to any adverse amenity impacts in terms of daylight, sense of enclosure or overlooking. A privacy screen is proposed on the new second floor terrace to screen the occupants from no.13.

### **8.4 Transportation/Parking**

#### **Car parking**

The development creates an extra residential unit without car parking. UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. The site is well served by public transport and given that only one flat would be created, it is not considered that a refusal on parking grounds could be justified.

#### **Cycle parking**

No cycle parking provision is shown. The Highways Planning Manager advises that three cycle parking spaces should be provided for the residential flats (1 space per residential unit of 1 bedroom or fewer and 2 spaces per unit of 2 bedrooms or more). Had the proposals been considered acceptable, a condition would have been recommended to secure adequate cycle parking provision.

### **8.5 Economic Considerations**

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

### **8.6 Access**

The shopfront alterations would enable the creation of level deck access into the property from the street. A level floor would be created throughout the whole of the ground floor area, making the enlarged commercial premises suitable for wheelchair users.



## 8.7 Other UDP/Westminster Policy Considerations

### Waste

Had the proposals been considered acceptable, a condition would have been recommended to secure details of adequate waste and recycling provision.

### Plant

There is an existing duct running up the rear elevation which would have been removed as part of the proposals.

## 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

Had the proposals been considered acceptable, the scheme would have been required to make payments to both the Westminster CIL and the Mayoral CIL payment.

## 8.11 Environmental Impact Assessment

Not applicable.

## 8.12 Other Issues

None.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society dated 21 March 2017
3. Response from Cleansing Manager dated 21 March 2017
4. Response from Highways Planning Manager dated 08 May 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT DAVIDDORWARD@WESTMINSTER.GOV.UK

**10. KEY DRAWINGS**



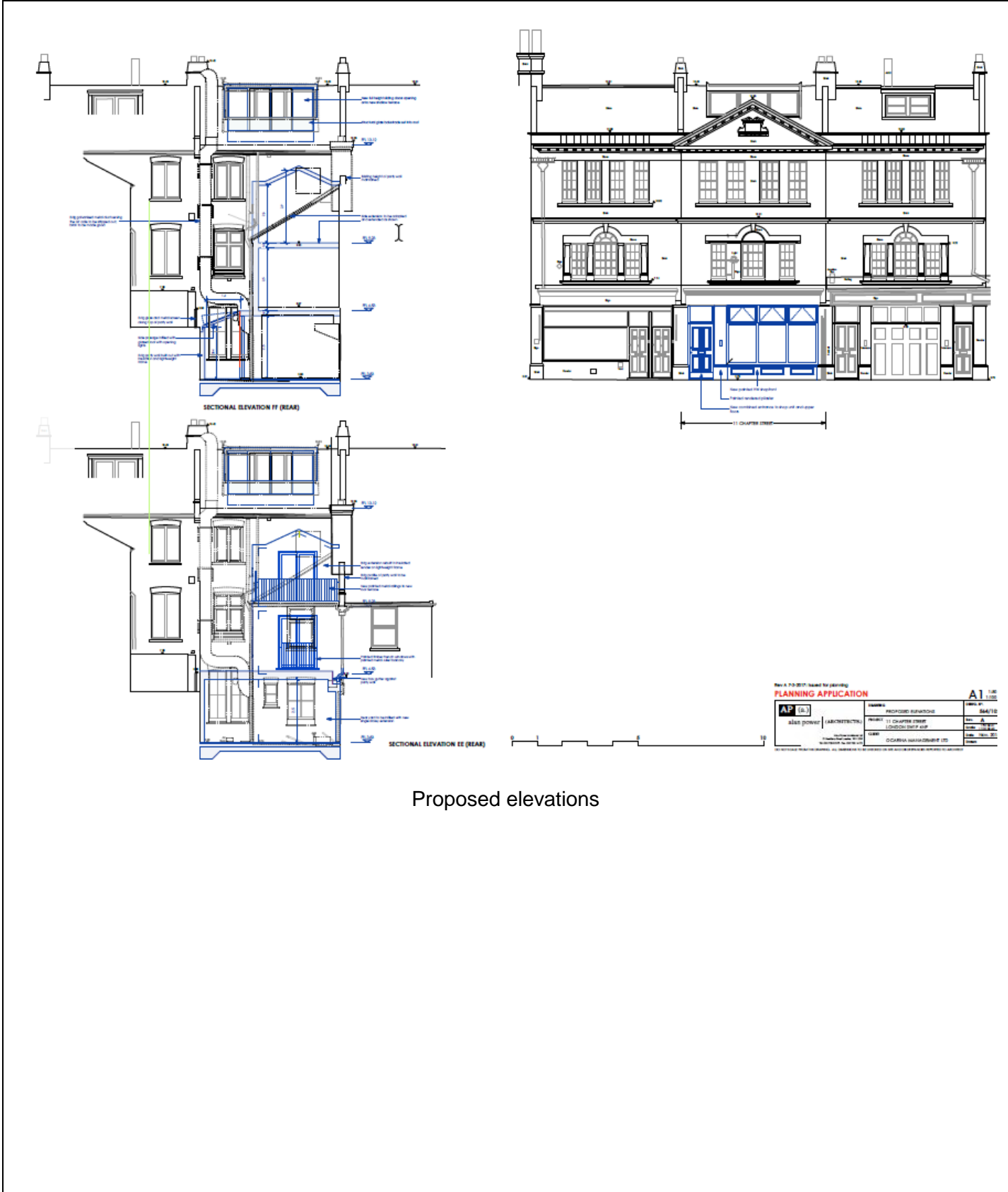
Existing floor plans



Proposed floor plans



Existing elevations



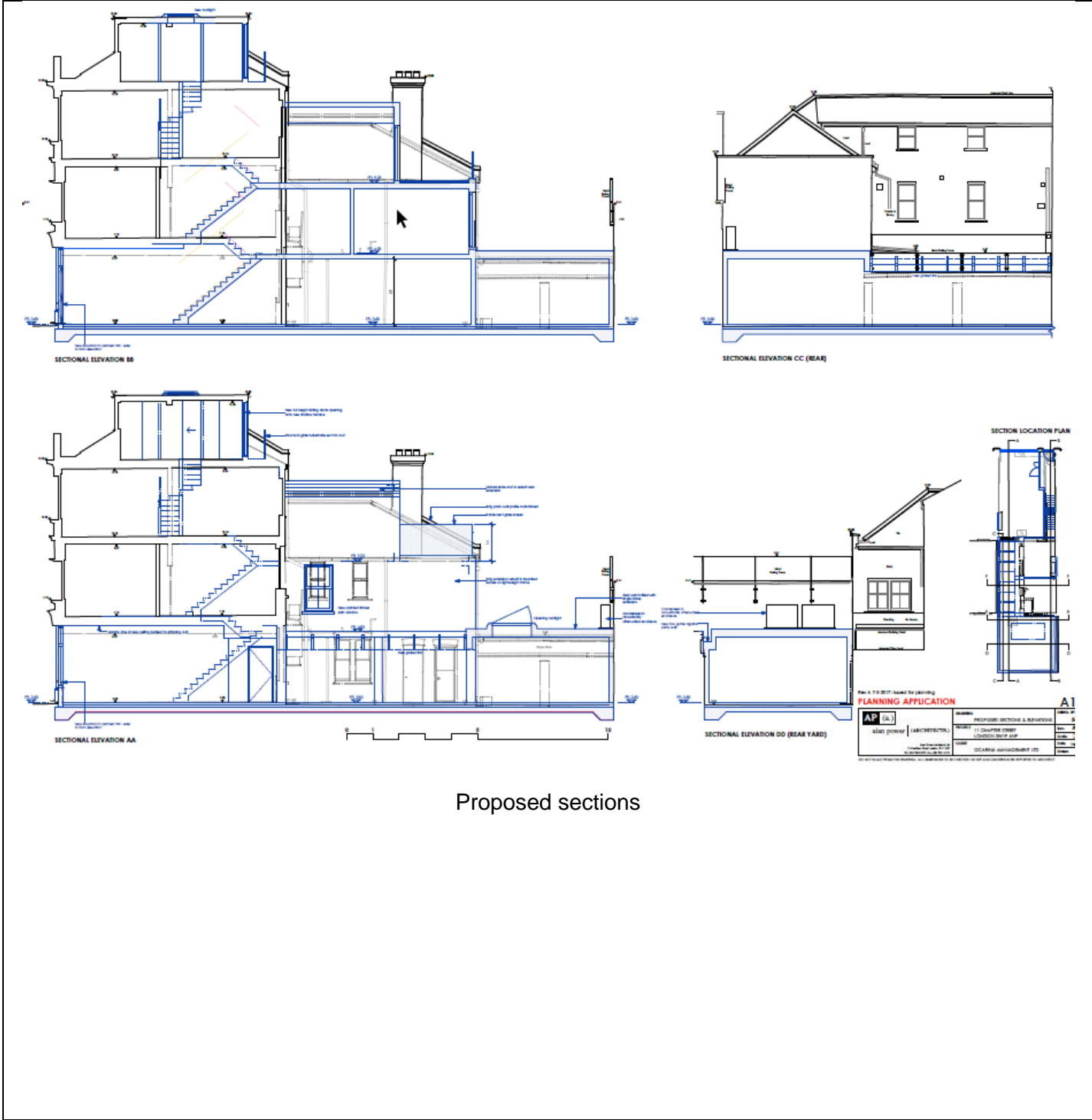
Rev. 0 15/05/2017 issued for planning

**PLANNING APPLICATION**

<b>AP</b> (s.7) alan power (ARCHITECTS)	PREPARED BY: 11 CHAFFER STREET LONDON, SE17 6BP	DRAWN BY: S&M/12
	PROJECT NO: 11 CHAFFER STREET LONDON, SE17 6BP	SCALE: 1:500
PROJECT NO: 11 CHAFFER STREET LONDON, SE17 6BP		DATE: 15/05/2017

11 CHAFFER STREET, LONDON, SE17 6BP  
 11 CHAFFER STREET, LONDON, SE17 6BP  
 11 CHAFFER STREET, LONDON, SE17 6BP

Proposed elevations



Proposed sections

**DRAFT DECISION LETTER**

**Address:** 11 Chapter Street, London, SW1P 4NY,

**Proposal:** Use of ground floor for Class A2 (financial and professional services) purposes and use of upper floors as 2 residential flats. Erection of rear extensions at ground, second and roof levels; alterations to the shopfront.

**Reference:** 17/02130/FULL

**Plan Nos:** 567/01, 564/03, 564/04, 564/100A, 564/101, 564/102A, Design & Access Statement dated March 2017.

**Case Officer:** David Dorward

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

**Recommended Reason(s)****Reason:**

Because of its height, bulk and detailed design the second floor rear extension would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Regency Street Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES1, DES5, DES9 of our Unitary Development Plan that we adopted in January 2007.

**Reason:**

Because of its bulk and detailed design the enlarged dormer and terrace would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Regency Street Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES1, DES6, DES9 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

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

**Required amendments:**

- Removal of second floor rear extension;

- Improvement to the rear dormer would be welcome, e.g. even breaking up the dormers mass into two dormers may lessen its bulk.

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 4

Item No.
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4
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 27 June 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	21 Berwick Street, London, W1F 0PZ		
<b>Proposal</b>	Installation of two openable sash windows within the existing shopfront.		
<b>Agent</b>	4M Group		
<b>On behalf of</b>	Mr Samir Maqedonci		
<b>Registered Number</b>	17/02862/FULL	<b>Date amended/ completed</b>	11 April 2017
<b>Date Application Received</b>	31 March 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

Grant conditional permission
------------------------------

## 2. SUMMARY

This application site is an unlisted building within the Soho Conservation Area, the Core Central Activities Zone (Core CAZ) and the West End Stress Area. The property comprises a basement and ground floor shop unit, which is currently trading as a café, with flats on the first and second floors. The café use is the subject of current enforcement investigations.

Planning permission is sought for the replacement of the shopfront glazing, which is set above a fixed stallriser, with two, openable, timber sash windows.

The key issues for consideration are:

- The impact of the proposals upon the amenity of neighbouring residential properties,
- The acceptability of the proposals upon the appearance of the building and the character and appearance of the conservation area.

Subject to conditions, the alterations are considered to comply with relevant Unitary Development Plan and City Plan policies and are therefore recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### SOHO SOCIETY

No objection subject to conditions to restrict the permitted hours of window opening and to prevent the playing of amplified music when the windows are open.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 11

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site is an unlisted building within the Soho Conservation Area, the Core Central Activities Zone (Core CAZ) and the West End Stress Area. The property comprises a basement and ground floor shop unit, with flats on the upper floors.

The basement and ground floors are currently trading as a café (Class A3) although Council records indicate that the lawful use of the premises is for (Class A1) retail purposes. The use of the premises is the subject of current enforcement investigations.

The applicant has advised that the current café opening hours are between 08:00-22:30 on Monday to Wednesday, 08:00-00:00 (midnight) on Thursday-Saturday and 08:00-22:30 on Sunday.

The premises benefits from a premises licence which permits licensable activities (the sale of alcohol/late night refreshment) to take place between 10.00 and 23.30 hours on Monday to Wednesday, from 10.00 until midnight on Thursday to Saturday, from 11.00 until midnight on Sundays (from 10.00 until midnight on Sundays before Bank Holidays). A condition of the premises licence requires all external windows and doors to be closed at 21.00 hours.

### 6.2 Recent Relevant History

September 2014 for alterations and extensions on first and second floors in connection with the use of these floors as two flats. (RN: 14/05816/FULL)

23 January 2014: Application for a Temporary Flexible Use of the basement and ground floors as a cafe / restaurant (Class A3) for a 2 year period from 17th December 2013 (RN13/12735/TFU) - refused.

4 June 2014: Application for a Temporary Flexible Use of the basement and ground floors as a cafe / restaurant (Class A3) for a 2 year period from 10 March 2014 (14/02395/TFU) - refused.

Both applications were refused on the grounds that the intended café use had already commenced. The relevant legislation requires the applicant to notify the local planning



authority of the date when the proposed use will commence, prior to the commencement of the use.

Planning Enforcement investigations are currently taking place regarding an unauthorised change of use of the basement and ground floors from retail (Class A1) to restaurant/café use (Class A3). Records indicate that the premises were formerly occupied as a shop for the sale of wine (Class A1).

It is noted that there are tables and chairs on the highway outside of the premises. There is no record of planning permission having been granted for external seating. This matter is also the subject of a separate Enforcement Investigation.

## **7. THE PROPOSAL**

Planning permission is sought to for alterations to the shopfront comprising the replacement of existing shopfront glazing, on either side of the main entrance door, with two openable sash windows, above the fixed stallriser. The windows would be formed in timber.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The application does not raise any land use issues. The premises are currently in café/restaurant use but Council records suggest that the lawful use is for Class A1 (retail) purposes and this change of use is the subject of current enforcement investigations. However, it is considered that the application can be determined on the basis of the lawful retail use. Should permission ultimately be granted for an alternative use, it may be considered appropriate to impose additional controls on shopfront opening. This issue is set out in detail below.

### **8.2 Townscape and Design**

Fully openable doors or windows are not generally acceptable in traditional shopfronts. This is because they can create an uncharacteristic void when open, which detracts from the character of an area. Policy DES 5 of the City Council's Unitary Development Plan states that permission will generally be granted for new shopfronts *'where they relate satisfactorily to the design of the upper parts of the building' and 'where the new shopfront is not designed to be entirely or largely openable, in the absence of local circumstances or established patterns of trading activity.'*

Furthermore, the City Council's Supplementary Planning Guidance 'Food and Drink Premises', (1999) also states that *'an opening shopfront often has folding or sliding doors, which, when open, create an opening in the shop frontage which may extend almost the full width of the ground floor. In most cases these shopfronts do not relate architecturally to the building in which they are installed, or to the street. Creating these openings within a terrace of more solid and traditional shopfronts can be harmful to the appearance of the street and the character and appearance of a conservation area...'*

However, the aforementioned SPG suggests that one solution may be for the installation of sliding sash windows within shopfronts. These do occur historically, often being associated with butchers and fishmongers shops. Although it is unlikely new sash windows would be permitted in a shopfront of historic or architectural significance, in this case, the shopfront, is not considered worthy of retention in its own right and would retain its traditional proportions and components.

The shopfronts in this part of Berwick Street do not have a single prevailing character. Many are modern in design. In this context, it is not considered that the proposals would be harmful to the character of the conservation area.

It is therefore considered that the proposed sliding sash windows are acceptable in design terms. The proposal is considered to comply with DES 5 and DES 9 of the City Council's Unitary Development Plan and is considered to preserve the character and appearance of this part of the Conservation Area.

### **8.3 Residential Amenity**

Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development. Similarly, Policies ENV 6 and ENV 7 of the UDP seek to control noise disturbance from development. Of particular relevance, is paragraph 9.108 of Policy ENV 7 which states that 'The City Council will discourage provision of openable shop fronts that would enable noise from inside the premises to be heard outside'.

The nearest residential properties are located on the upper floors of the application building. Records indicate that there are further residential properties on the upper floors of 20 Berwick Street, next door to the site. No objections have been received to this application. The Soho Society has raised no objection subject to conditions to restrict the permitted hours of window opening and to prevent the playing of amplified music when the windows are open.

Openable shopfronts will generally be resisted where there is the potential for internal noise to escape and cause disturbance to neighbouring residents. Given the proximity of flats on the upper floors of the building, the applicants initially requested for the shopfront windows to be opened between 08:00-22:00 Monday – Wednesday, 08:00-23:00 Thursday – Saturday, and between 08:00-22:30 on Sundays and Public Holidays. However, it is noted that the premises licence requires all external windows and doors to be closed at 21.00 hours. In these circumstances, it is considered appropriate to require the windows to be closed at this time.

Given the need to safeguard residents' amenity it is also recommended that a condition is imposed to restrict noise levels from within the premises when the shopfront windows are open. As the windows would be closed at 21.00 hours, and subject to this general noise condition, it is not considered necessary to impose a specific condition relating to the playing of amplified music. Subject to these controls, in this busy central location, it is not considered that the proposals would have a material impact upon the amenities of neighbouring residents.

It would ordinarily be unusual for a condition to be imposed restricting hours when shopfront windows may remain open for a premises within retail use, however, the

imposition of such a condition here is not considered to sanction any future application for A3 use.

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

Not Applicable

#### **8.5 Economic Considerations**

Any economic benefits of the scheme are welcomed.

#### **8.6 Access**

Access arrangements to the premises are un-changed by this proposal

#### **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**

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

#### **8.11 Environmental Impact Assessment**

Not Applicable

#### **8.12 Other Issues**

None

### **9. BACKGROUND PAPERS**

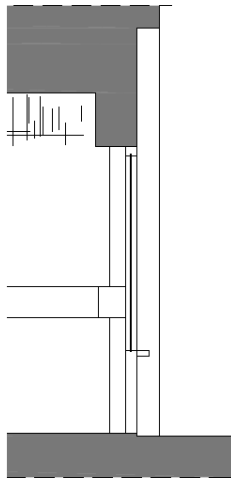
1. Application form
2. Response from Soho Society, dated 9 May 2017

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

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

### 10. KEY DRAWINGS

#### Existing Elevation



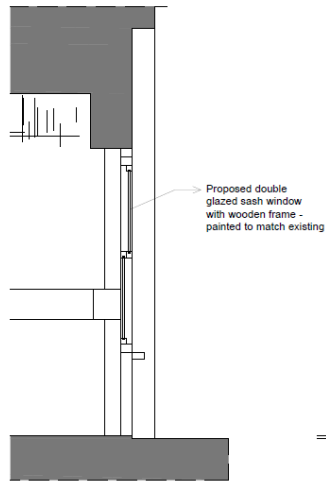
1 Existing Section



2 Existing Elevation



#### Proposed Elevation



1 Proposed Section



2 Proposed Elevation



**Manufactures Specification:**  
Window type: Sliding Sash box  
Frame: Painted timber frame to match existing  
Glass type: Double glazed unit  
Glass make up consists of: 4mm toughened X 16mm air gap X 4mm toughened  
U- value: 1.5 W/mK.



**DRAFT DECISION LETTER**

**Address:** 21 Berwick Street, London, W1F 0PZ

**Proposal:** Installation of two openable sash windows within the existing shopfront.

**Reference:** 17/02862/FULL

**Plan Nos:** 2100 Rev. A

**Case Officer:** Adam Jones

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

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

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

Reason:

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

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

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

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

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

Reason:

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

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

**Reason:**

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

- 4 You may only open the shopfront windows hereby approved between the following 08.00 and 21.00 hours each day.

**Reason:**

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

- 5 At times when the shopfront windows hereby permitted are open
- (1) Where noise emitted from the internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant, 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 when the windows within the shopfront are open, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within restaurant, 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 when the windows within the shopfront are open, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved when the windows within the shopfront are open. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in

- conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

**Reason:**

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

**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 advised that there are two on-going Enforcement Investigation regarding these premises. The first, (RN: 14/55425/I) relates to an unauthorised change of use of the basement and ground floors from retail (Class A1) to café use (Class A3). The second, (RN: 14/56266/N) relates to the placing of tables and chairs placed on the public highway outside the premises.

We may take legal action to stop the unauthorised activities. You are strongly advised to contact the Planning Enforcement Team in relation to the ongoing Enforcement Investigations as soon as possible. The Planning Enforcement Team can be contacted by:

Phone: 020 7641 8956

Email: [planningenforcementteam@westminster.gov.uk](mailto:planningenforcementteam@westminster.gov.uk)

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

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# Agenda Item 5

Item No.

5

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 27 June 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Maida Vale	
<b>Subject of Report</b>	<b>Basement, 179 Randolph Avenue, London, W9 1DJ</b>		
<b>Proposal</b>	Erection of a single storey timber clad outbuilding at the end of the rear garden for use as a garden/ gym room ancillary to the existing lower ground floor level flat (Flat A).		
<b>Agent</b>	Scott Associates LLP		
<b>On behalf of</b>	Kojo Appiah-Endresen		
<b>Registered Number</b>	17/02847/FULL	<b>Date amended/ completed</b>	31 March 2017
<b>Date Application Received</b>	31 March 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Maida Vale		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

Permission is sought for the erection of a single storey timber clad outbuilding at the end of the rear garden for use as a garden/ gym room. The proposed outbuilding is to provide ancillary habitable accommodation for the existing lower ground floor level flat.

Four neighbouring residents have raised objections on a range of grounds. The principal ground for objection relate to the impact of the proposal on residential amenity and the impact of the outbuilding on the character and appearance of the Maida Vale Conservation Area.

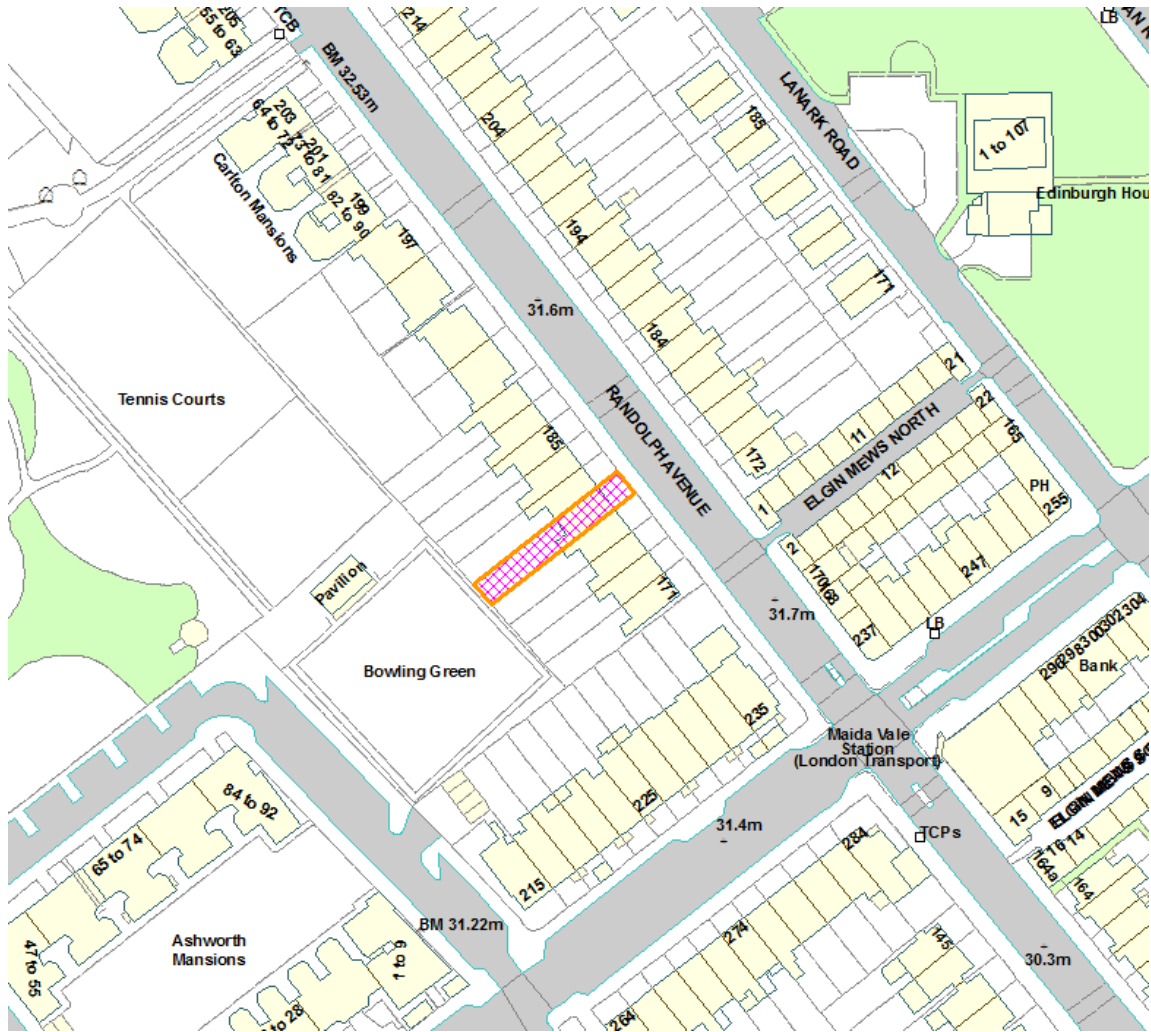
The key issues in this case are:

- The impact on the appearance of the application site and the character and appearance of the Maida Vale Conservation Area.
- The impact on the amenity of the neighbouring residents.

It is considered that the proposed development accords with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is therefore acceptable in

design and amenity terms. As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



View of front elevation (top) and view of rear elevation (bottom). No proposed alterations are proposed to the main property.



9 May 2017, 16:20:18



View of garden with existing shed at end of garden.

## 5. CONSULTATIONS

### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

No objection in principle. Note error in Design and Access Statement in respect of the height and consider the rear elevation window should be omitted. Use of the room should be limited by condition to prevent it being used as sleeping accommodation.

### ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 10.

Total No. of replies: 4.

No. of objections: 4.

No. in support: 0.

Four responses received raising objection on all or some of the following grounds:

#### Design

- Out of character with the Maida Vale Conservation Area and surrounding properties.
- Proposal is approximately one metre higher than the boundary walls.

#### Amenity

- Overlooking and loss of privacy due to the structure facing the backs of the row of houses.
- Light pollution.
- Noise pollution.
- Loss of light and overshadowing into residents gardens and the Paddington Recreational Ground Bowling Green.

#### Other Matters

- Error in Design and Access Statement referring to the height being 5m high.
- Proposal will set a precedent.
- The proposal has services and enclosed therefore likely to be inhabited as an en-suite bedroom or used as a fitness studio for paying customers which is out of keeping with the undeveloped existing gardens in the area.

### PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is an unlisted mid-terrace property located within the Maida Vale Conservation Area. The application site comprises Flat A, which is at lower ground floor level.

### 6.2 Recent Relevant History

27 June 2016 – Permission granted to for the erection of a single storey rear extension to enlarge the basement flat (12/03945/FULL). This extension has subsequently been constructed on site.

## **7. THE PROPOSAL**

Planning permission is sought for the erection of a single storey timber clad outbuilding at the end of the rear garden for use as a garden/ gym room ancillary to the existing lower ground floor flat. No alterations are proposed to the main building.

The proposed outbuilding would be 5.1m wide, 4.5m deep and 2.5m high. The structure would be clad in Western Red Cedar timber cladding with a grey EPDM (ethylene propylene diene monomer) flat roof. It is proposed to install double glazed aluminium framed French doors to the front elevation and two high level windows on the (western) rear and (northern) side elevations.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

In land use terms, the proposed outbuilding will be used ancillary to the existing lower ground floor flat (Flat A). The outbuilding therefore comprises an extension to the existing residential unit and the provision of additional residential floorspace is supported by Policy H3 in the UDP. The application is therefore acceptable in land use terms.

Concerns have been expressed that the outbuilding could be used as sleeping accommodation for the occupiers of the lower ground floor flat or as a fitness studio for paying customers. As the outbuilding would provide ancillary residential accommodation for the existing lower ground floor flat it could be used by the occupiers of that flat in any way that is incidental to the enjoyment of their flat as a single unit of residential accommodation. This could include occasional use as overnight sleeping accommodation, perhaps to accommodate an overnight guest. However, practically it is unlikely to be used regularly for this purpose given its significant separation from the main property. Should it be more intensively as a self-contained unit of residential accommodation this would amount to a material change of use requiring planning permission, which would be unlikely to be forthcoming.

Similarly, the use of the outbuilding as a fitness studio for fee paying customers would constitute a material change of use which would require planning permission. Again, permission or such a commercial use would highly unlikely to be supported in land use and amenity terms in this location.

### **8.2 Townscape and Design**

The proposed outbuilding would be limited to a single storey, would have a flat roof and would be located at the end of the rear garden of the property. In this location, whilst it would be visible from neighbouring properties, it would be relatively discreet and would not be a visually dominant structure within the private views along the rear of this terrace. The out building would not be readily visible in any public views, although there would be

glimpsed views from Grantully Road across the bowling green. However, these views are distant and the outbuilding would not be prominent and would not detract from the predominantly landscaped appearance of the rear of the terrace.

Given the relatively generous dimensions of the rear garden (approximately 20m in length and 6m wide) it is considered that the footprint and height of the building are acceptable and it would be clearly subservient to the main property. In this context the objections to the size of the proposed outbuilding cannot be supported.

Whilst the outbuilding would be appreciable above the boundary walls with neighbouring gardens, these are relatively low level walls and as such, the height of the structure relative to the boundary walls is not considered to be a ground in itself to withhold permission.

In terms of its detailed design, the use of timber cladding is considered to be appropriate and would ensure the simply detailed outbuilding has the appearance of a typical domestic garden structure. The use of timber cladding will ensure the appearance of the building weathers over time, further integrating its appearance into the soft landscaping of the gardens along the rear of this terrace.

For the reasons set out in this section, the proposed outbuilding is considered to be acceptable in design terms and would not harm the character and appearance of this part of the Maida Vale Conservation Area. Accordingly the proposal would accord with Policies DES 1 and DES9 in the UDP and Policies S25 and S28 of the City Plan.

### **8.3 Residential Amenity**

The proposed outbuilding would be located at the rear of the garden adjacent to the rear boundary and would be 2.5m in height. The boundaries to the rear and sides of the proposed outbuilding are lower, although a trellis sits above the rear boundary wall that separates the site from the bowling green at Paddington Recreation Ground.

Objection has been received on amenity grounds on overlooking and light spill grounds from all four objectors.

In terms of loss of daylight and sunlight and sense of enclosure, given the location of the outbuilding at the end of the rear garden it would be sufficiently distant from neighbouring windows so as not to have a material impact. Whilst there would be some shadowing of part of neighbouring gardens, given the limited height of the outbuilding and the size of neighbouring gardens, it is not considered that the shadowing caused would be so significant so as to warrant withholding permission.

In terms of overlooking, the French doors to the front elevation would afford views back towards the rear elevation of the terrace. However, the extent of overlooking that would be no greater than that caused by the occupiers of the lower ground flat using their existing garden and the French doors would be approximately 15 metres from the rear windows of neighbouring flats. Furthermore, as the outbuilding is to provide ancillary accommodation to the existing flat, it is unlikely to be as intensively used as would be the case if it were a self-contained residential unit. In this context, it is not considered that the degree of

overlooking that would be caused would be so significant so as to justify withholding permission. As such, the objections on this ground cannot be supported. The side and rear windows would be located at a high level and would not result in overlooking to neighbouring gardens or the bowls club to the rear of the site.

With regard to light spill the proposed outbuilding would be approximately 15m from windows in the rear elevation of Randolph Avenue properties and the glazing to the front elevation facing the rear of the terrace would be limited to a single set of French doors. As a result, whilst light from within the outbuilding would be appreciable at night when looking out of neighbouring windows, it would not cause a significant light nuisance and would not contribute to the sense of being overlooked or interfere with sleep. Accordingly the concerns expressed by neighbours on this ground cannot be supported and the proposal would accord with Policy ENV10 in the UDP.

The proposed outbuilding would not cause a material increase in noise disturbance above the existing level of noise caused by use of the garden of the application property. The outbuilding would be insulated to prevent significant noise breakout from within the building.

The proposal is considered acceptable in terms of residential amenity as it complies with Policies ENV6, ENV10 and ENV 13 in the UDP and Policies S29 and S32 in the City Plan.

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

Not applicable.

#### **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 relevant.

#### **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**

Not applicable.

**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 Paddington Waterways & Maida Vale Society dated 18 April 2017.
3. Letter from occupier of 3a Nugent Terrace dated 27 April 2017.
4. Letter from occupier of 177c, Randolph Avenue dated 12 April 2017.
5. Letter from occupier of 177b Randolph Avenue dated 13 April 2017.
6. Letter from occupier of 3 Octavia Mews dated 19 April 2017.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT FREDERICA COONEY BY EMAIL AT [northplanningteam@westminster.gov.uk](mailto:northplanningteam@westminster.gov.uk)



**DRAFT DECISION LETTER**

**Address:** Basement , 179 Randolph Avenue, London, W9 1DJ

**Proposal:** Erection of a single storey timber framed structure within the rear of garden for use as a garden/gym room in connection with the existing basement flat (Class C3)

**Reference:** 17/02847/FULL

**Plan Nos:** 01, 21709-10, 21709-11 and 21709-12.

**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 You must apply to us for approval of a sample of the timber cladding you will use. 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 material. (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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

**Informative(s):**

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

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

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Item No.
<b>6</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 27 June 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>36 Montpelier Square, London, SW7 1JY</b>		
<b>Proposal</b>	Replacement of unauthorised rooflight at rear first floor terrace.		
<b>Agent</b>	Planning Potential Ltd		
<b>On behalf of</b>	Sadru Valimahomed		
<b>Registered Number</b>	16/06558/FULL 16/06559/LBC	<b>Date amended/ completed</b>	12 July 2016
<b>Date Application Received</b>	12 July 2016		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Knightsbridge		

## 1. RECOMMENDATION

<ol style="list-style-type: none"> <li>1. Grant conditional permission.</li> <li>2. Grant conditional listed building consent.</li> <li>3. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.</li> </ol>
--

## 2. SUMMARY

<p>36 Montpelier Square is a Grade II listed single family dwelling within the Knightsbridge Conservation Area.</p> <p>In 2008, planning permission and listed building consent was granted for works including the replacement of an existing low level rooflight with a new low level bi-parting, flat glazed sliding roof light, to the rear first floor terrace area adjacent to the boundary with 5 Rutland Gardens.</p> <p>A large rooflight has been constructed which is not in accordance with the approved plans. In 2015, an application to retain the unauthorised rooflight was refused for amenity and design reasons.</p> <p>This latest application for planning permission and listed building consent seeks to replace the unauthorised rooflight at rear first floor terrace level.</p>
--

The key issues in this case are:

- \* The impact of the proposals upon the amenity of neighbouring residents; and
- \* The impact of the proposals upon the special architectural or historic interest (significance) of the listed building and the character and appearance of the Knightsbridge Conservation Area.

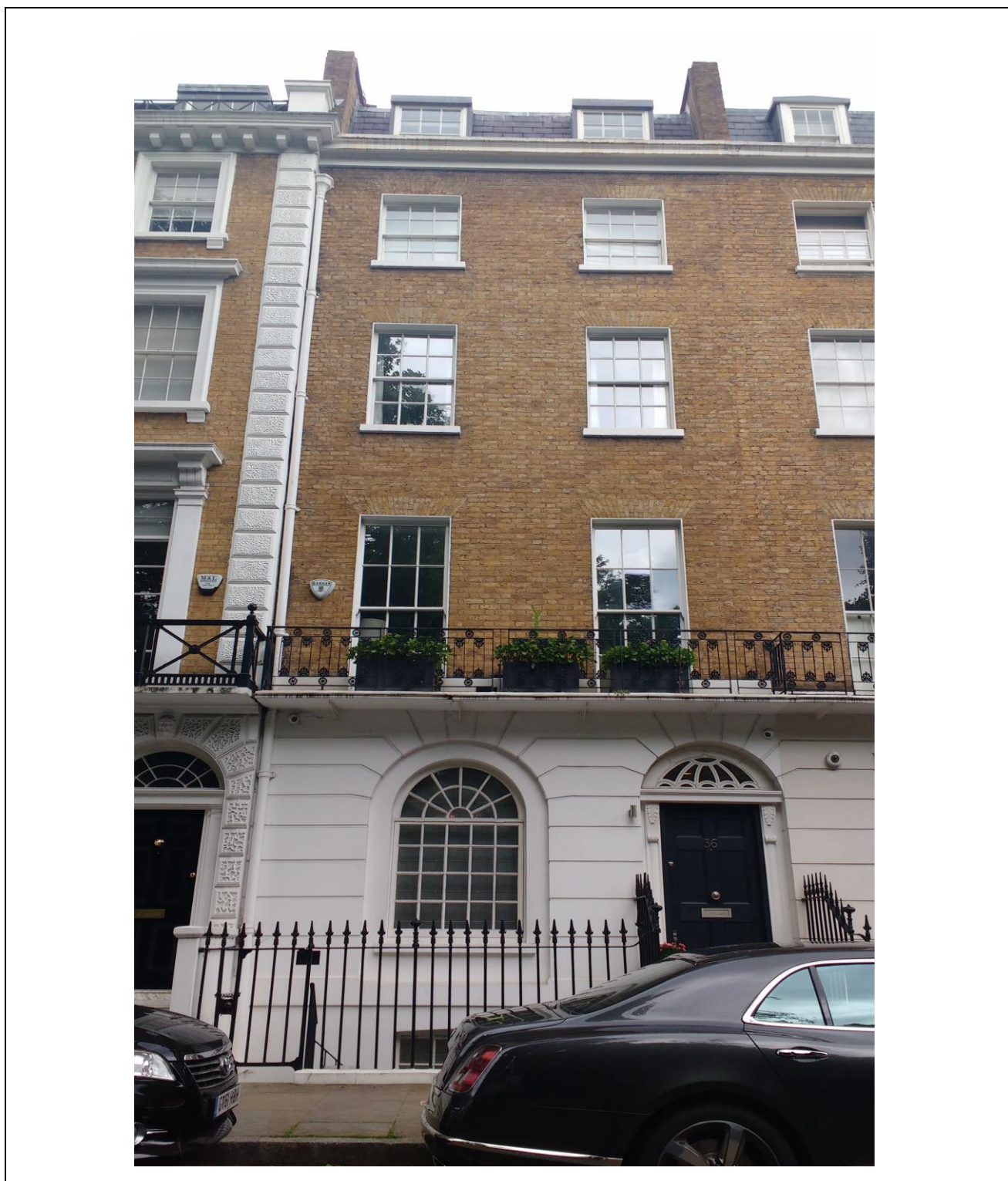
The proposals are considered to comply with the Council's policies in relation to amenity, design and conservation as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). The applications are recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### KNIGHTSBRIDGE ASSOCIATION:

No objection provided the proposed roof light does not impinge on the adjoining neighbour's window.

### KNIGHTSBRIDGE AREA FORUM:

Any response to be reported verbally.

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

No. Consulted: 4

Total No. of replies: 2 (both replies from one neighbour)

No. of objections: 2

No. in support: 0

Objection on the following grounds:

- The proposed rooflight does impinge on the neighbour's window;
- Harm to the setting and appearance of the listed building (5 Rutland Gardens);
- Fails to preserve or enhance the character and appearance of the conservation area;
- Fails to protect the amenity of occupiers of the neighbouring property;
- The proposed design detracts from the character of the adjacent listed building and adversely affects the outlook from that property;
- The applicant has failed to have special regard to the important heritage asset;
- No public benefits outweigh the harm.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

36 Montpelier Square is a six storey single-family dwelling comprising of basement, ground and four upper floors and is located on the north side of Montpelier Square. To the rear of the site is an existing terrace which extends to the boundary with 5 Rutland Gardens. The usable part of the terrace at rear first floor level is enclosed by a timber screen, and an unauthorised roof light is located beyond this screen adjacent to the boundary wall of 5 Rutland Gardens.

### 6.2 Recent Relevant History

08/06321/FULL and 08/06322/LBC

Alterations including: extension to rear four storey closet wing; extension of rear mansard roof; erection of replacement rear conservatory at first floor level, installation of roof light at rear first floor level and alterations to fenestration; internal alterations including the demolition and erection of partitions and floors.

Application Permitted 16 October 2008

15/07881/FULL and 15/07882/LBC

Retention of alterations to rear first floor terrace and roof light and associated fenestration.

Application Refused 17 December 2015

Reasons for refusal:

1. The retained rooflight would make the people living in 5 Rutland Gardens feel too shut in. This is because of its bulk and height and how close it is to windows in that property. This would not meet S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.
2. Because of the height, bulk and location the rear roof light would harm the character of this grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Knightsbridge Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 5, DES 9, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. The roof light is also considered contrary to paragraph 134 of the NPPF, Westminster's 'Repair and Alterations to Listed Buildings' SPG and Westminster's Basement's guidance.

## **7. THE PROPOSAL**

Planning permission and listed building consent are sought for the replacement of an unauthorised rooflight at rear first floor terrace level.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The proposals relate to a single family dwelling and no changes are proposed to the use of the building.

### **8.2 Townscape and Design**

As part of the 2008 approved scheme, the proposals sought to replace a low level rooflight to the rear first floor area close to the boundary with 5 Rutland Gardens with a low level bi-parting, flat glazed sliding rooflight.

The rooflight which has been constructed is not in accordance with the approved plans. The unauthorised rooflight is a large raised rooflight which is approximately 1.14m high at its highest point, is set back from the rear of 5 Rutland Gardens by approximately



0.65m, and is capable of sliding open. It is unclear precisely when the works to construct the unauthorised rooflight were completed, but planning records indicate that works in the location of the rooflight were underway in November 2010, and by November 2011 the unauthorised rooflight was in situ.

In 2015 the proposed retention of this rooflight was refused because its height, bulk and location would harm the character of this grade II listed building, and fail to maintain or improve (preserve or enhance) the character and appearance of the Knightsbridge Conservation Area.

The proposed replacement rooflight would comprise of two fixed glazed panels with the middle section comprising of a bi-parting, openable roof light. Concern has been raised by the residential occupier of 5 Rutland Gardens that the rooflight harms the setting of the adjacent listed building (5 Rutland Gardens), and fails to preserve or enhance the character and appearance of the conservation area, and that there are no public benefits which outweigh the harm caused.

The principle of an openable roof light in this location has already been established under the 2008 scheme. There is also a similar arrangement, albeit a flush walk on rooflight, to the rear of 37 Montpelier Square, and a glazed conservatory to the rear of 35 Montpelier Square. The proposed replacement rooflight is only marginally above the height of the rooflight approved in 2008, and not to the extent of the unauthorised rooflight. On this basis, it is not considered that the proposed replacement rooflight would cause demonstrable harm to the special character of the listed building, to both the application site and 5 Rutland Gardens. Given that views of the rooflight are limited and confined to private views, the proposal is not considered to cause harm to the wider conservation area.

### **8.3 Residential Amenity**

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

The application site backs onto the rear of 5 Rutland Gardens, which is a single family dwelling. There is no boundary separation between the application site and 5 Rutland Gardens; this is a characteristic comparable with other properties along this section of the terrace. There are two windows within the rear of 5 Rutland Gardens which serve a living room and a bathroom. The unauthorised rooflight is clearly visible from both these windows and has an unacceptable impact in terms of sense of enclosure because of its bulk and height and how close it is to these windows in 5 Rutland Gardens.

The proposals seek to replace the unauthorised rooflight in order to minimise its impact on the windows serving 5 Rutland Gardens. The replacement rooflight would comprise of two fixed glazed panels with the middle section comprising of a bi-parting, openable roof light. The replacement rooflight would still extend above the window sill of 5 Rutland Gardens by approximately 0.16m when in the closed position, and by approximately 0.3m when in the open position. The residential occupier of 5 Rutland Gardens objects to the proposals on grounds it will adversely affect the outlook from their windows.

There already exists an unneighbourly arrangement between the application site and 5 Rutland Gardens. Whilst the proposed rooflight does extend above the window sill of 5 Rutland Gardens, it is only marginally above the height of the rooflight approved in 2008, and not to the extent of the unauthorised rooflight. On balance, it is not considered that the proposed rooflight would have a significant adverse impact on the amenity of 5 Rutland Gardens to justify refusal.

The 2008 approved scheme already established the principle of an openable rooflight in this location. The rooflight serves a double height amenity space which leads off a living room. It is not considered that the openable nature of the rooflight would cause harm to the residential amenity of 5 Rutland Gardens in terms of noise and disturbance.

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

The proposals do not raise any highways or parking issues.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

Not applicable.

#### **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**

This development does not generate a Mayor CIL or WCC CIL payment.

#### **8.11 Environmental Impact Assessment**

Not applicable.

#### **8.12 Other Issues**

None.

## 9. BACKGROUND PAPERS

1. Application form.
2. E-mail from the Knightsbridge Association received 3 August 2016.
3. E-mail from the residential occupier of 5 Rutland Gardens received 10 August 2016.
4. Letter from Bell Cornwall on behalf of 5 Rutland Gardens dated 8 August 2016.

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

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

10. KEY DRAWINGS

**4 SECTION C - C**  
ROOF LIGHT

**2 SECTION B - B**  
ROOF LIGHT

**1 FIRST FLOOR PLAN**  
ROOF LIGHT

**3 SECTION A - A**  
ROOF LIGHT

**5 DETAIL AT MEETING**  
ROOF LIGHT

**6 DETAIL OF SLIDER**  
ROOF LIGHT

**7 DETAIL AT ABUTMENT**  
ROOF LIGHT

**8 PROPOSED SECTION D-D (ROOF LIGHT OPENING)**  
ROOF LIGHT

**Legend:**

- 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE NATIONAL BUILDING REGULATIONS.
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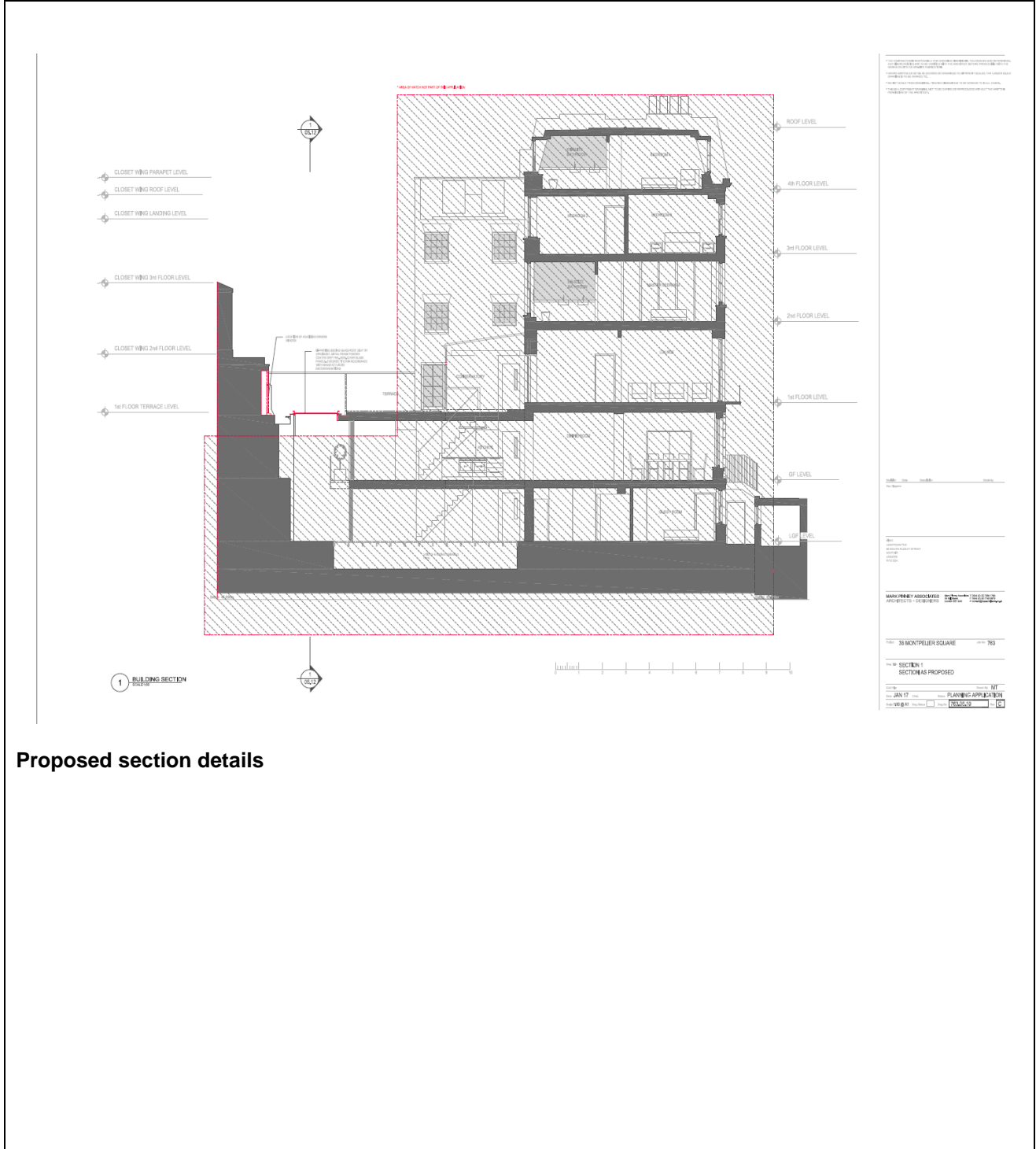
**MONFREY ASSOCIATES**  
ARCHITECTS - ENGINEERS

33 MONTEPELLIER SQUARE, 11th FLOOR, 76100  
ROOF LIGHT DETAILS

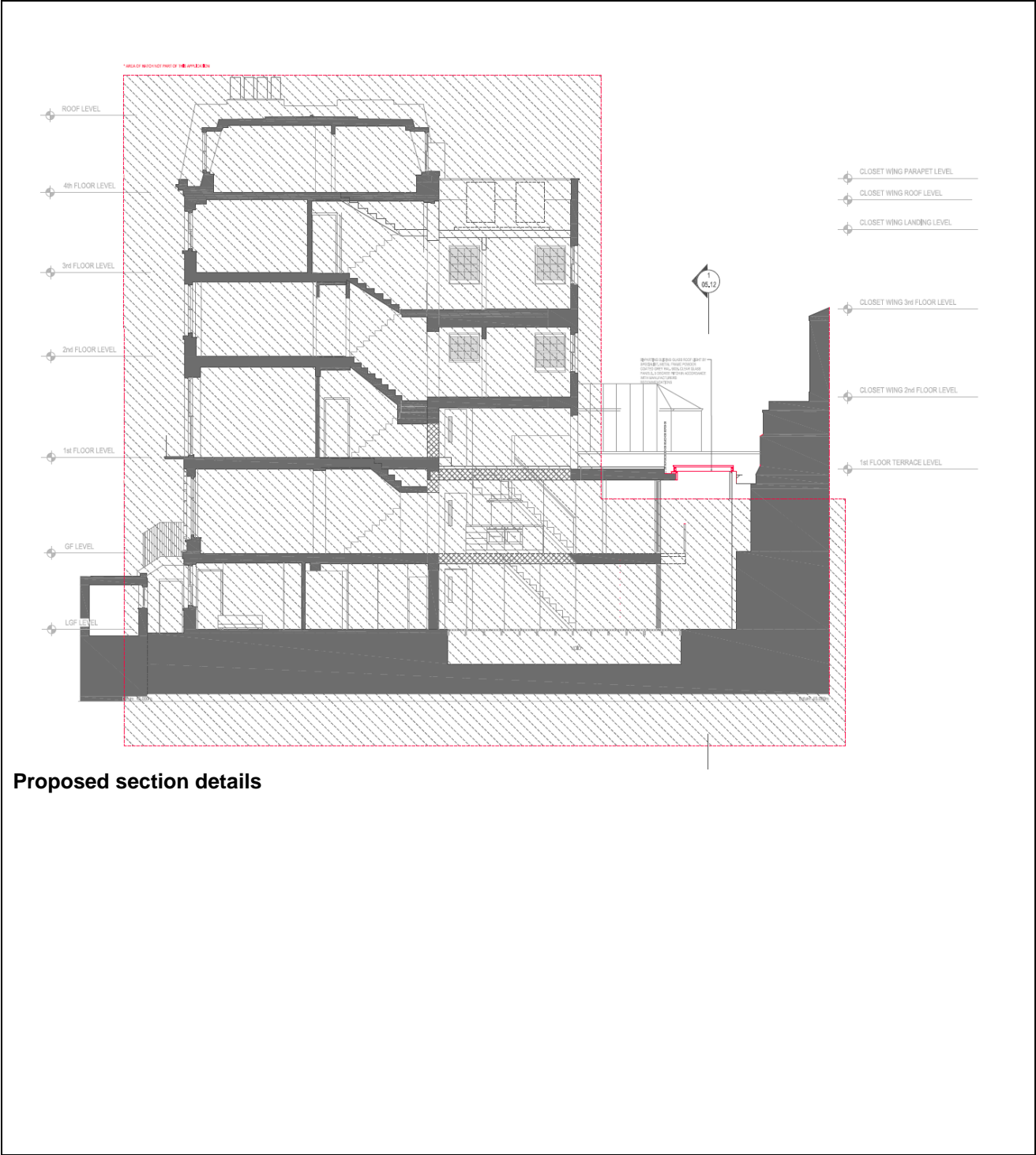
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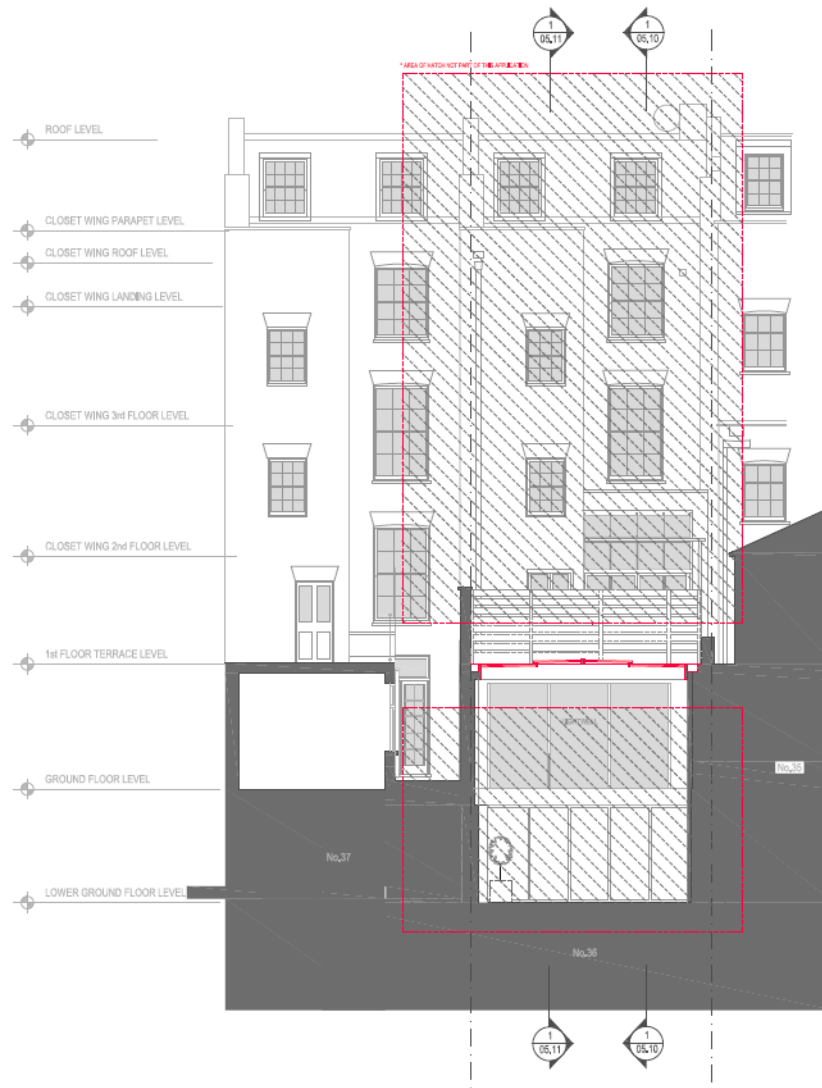
Proposed Rooflight details



Proposed section details



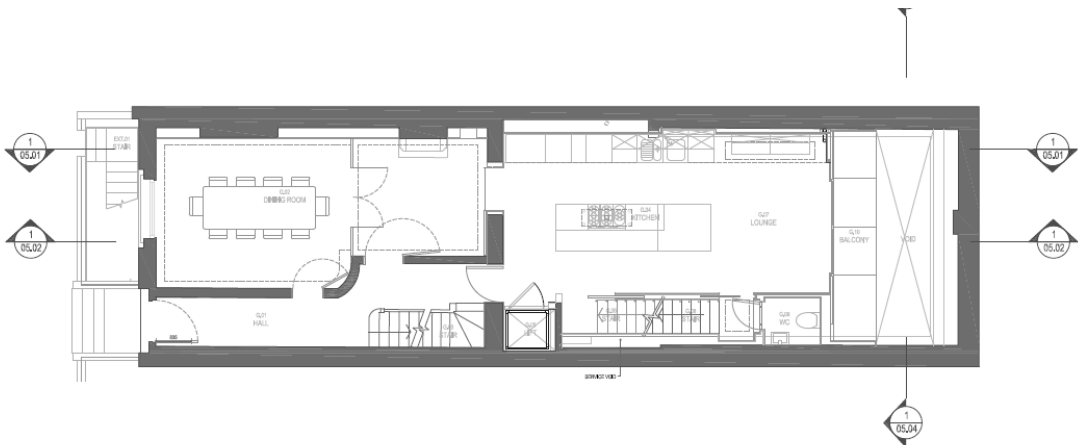
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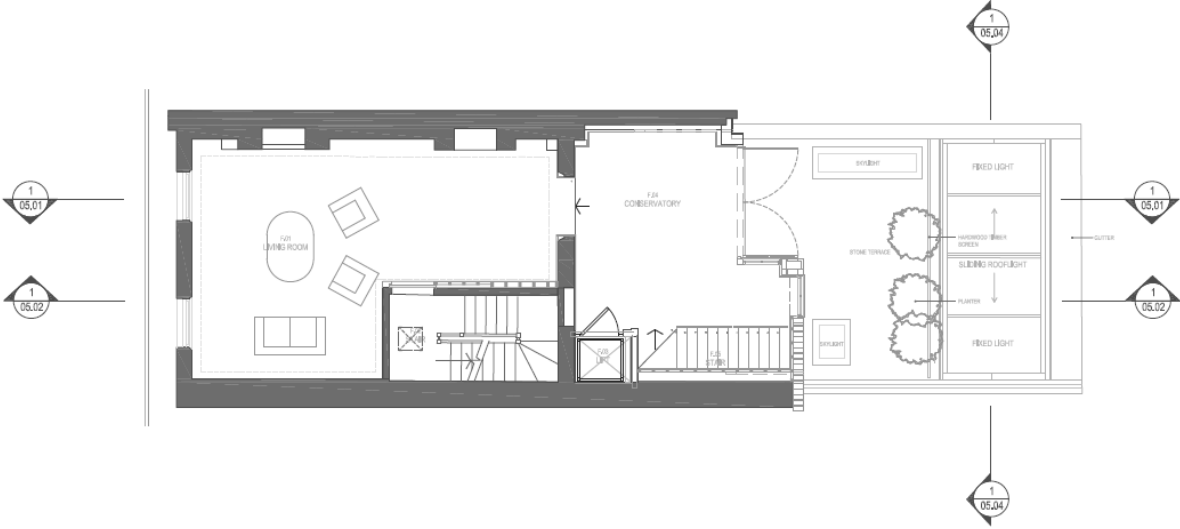
1 BUILDING SECTION  
SSC2-101



Proposed section details

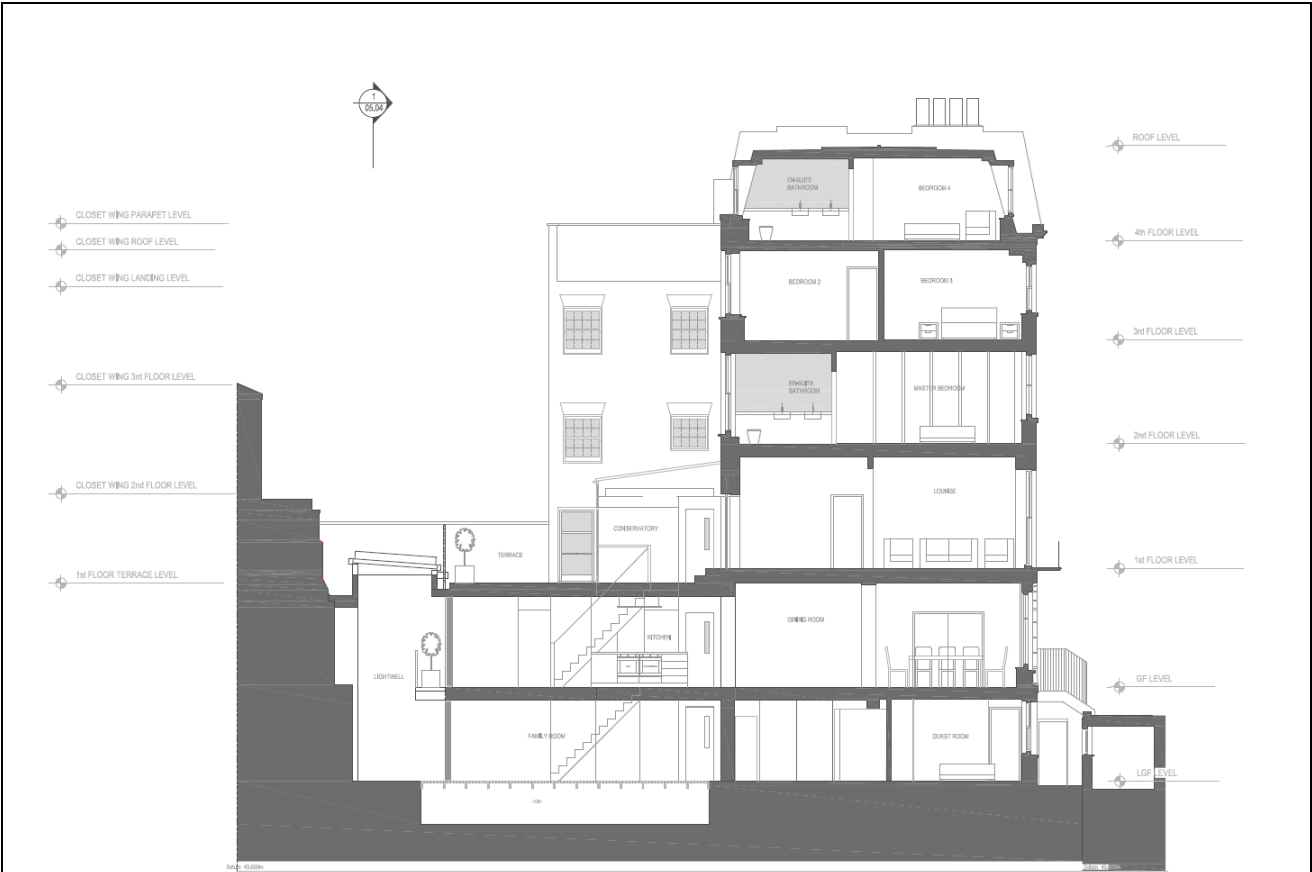


**Ground floor 'As built/ Unauthorised rooflight'**

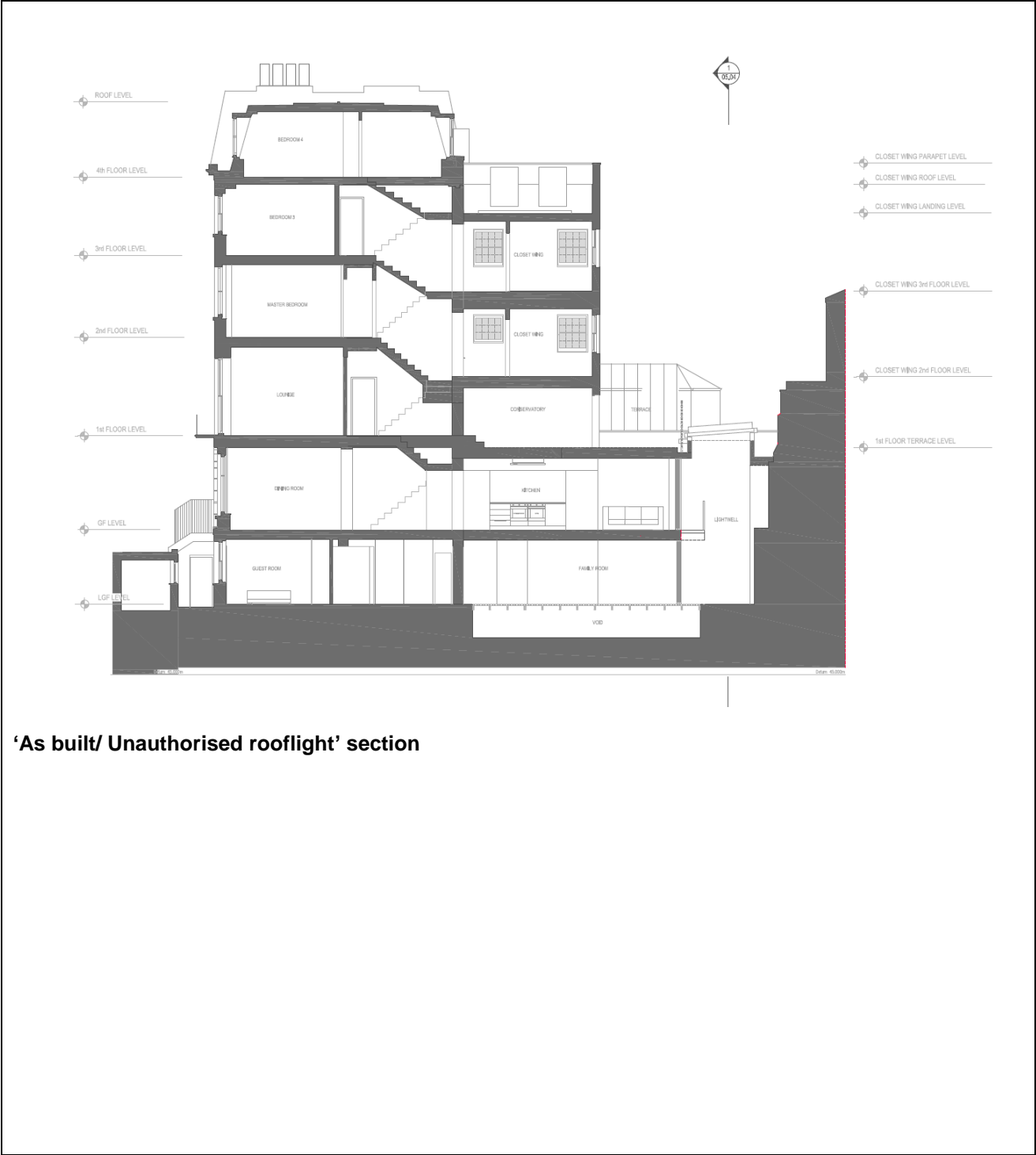


**First floor 'As built/ Unauthorised rooflight'**

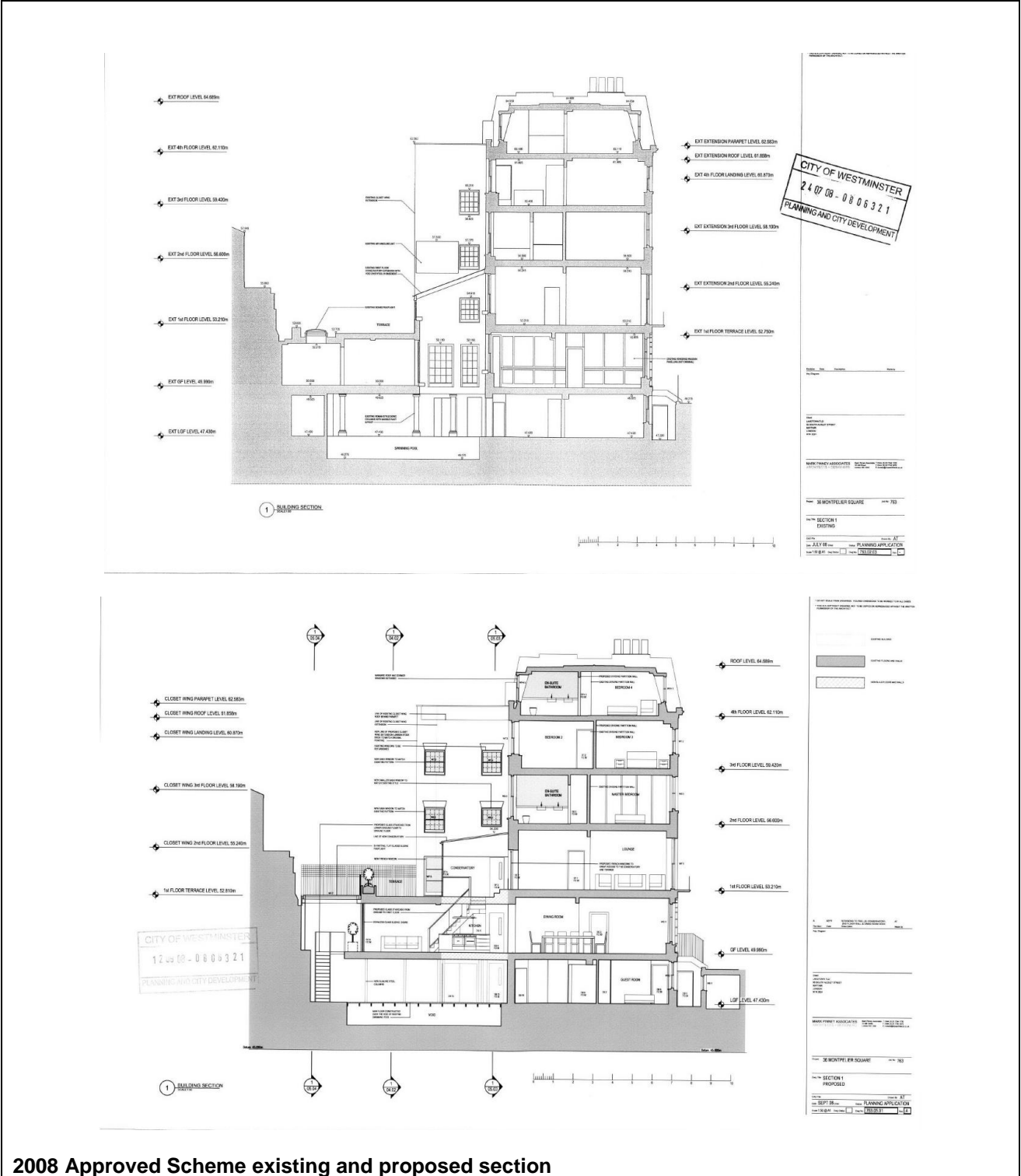


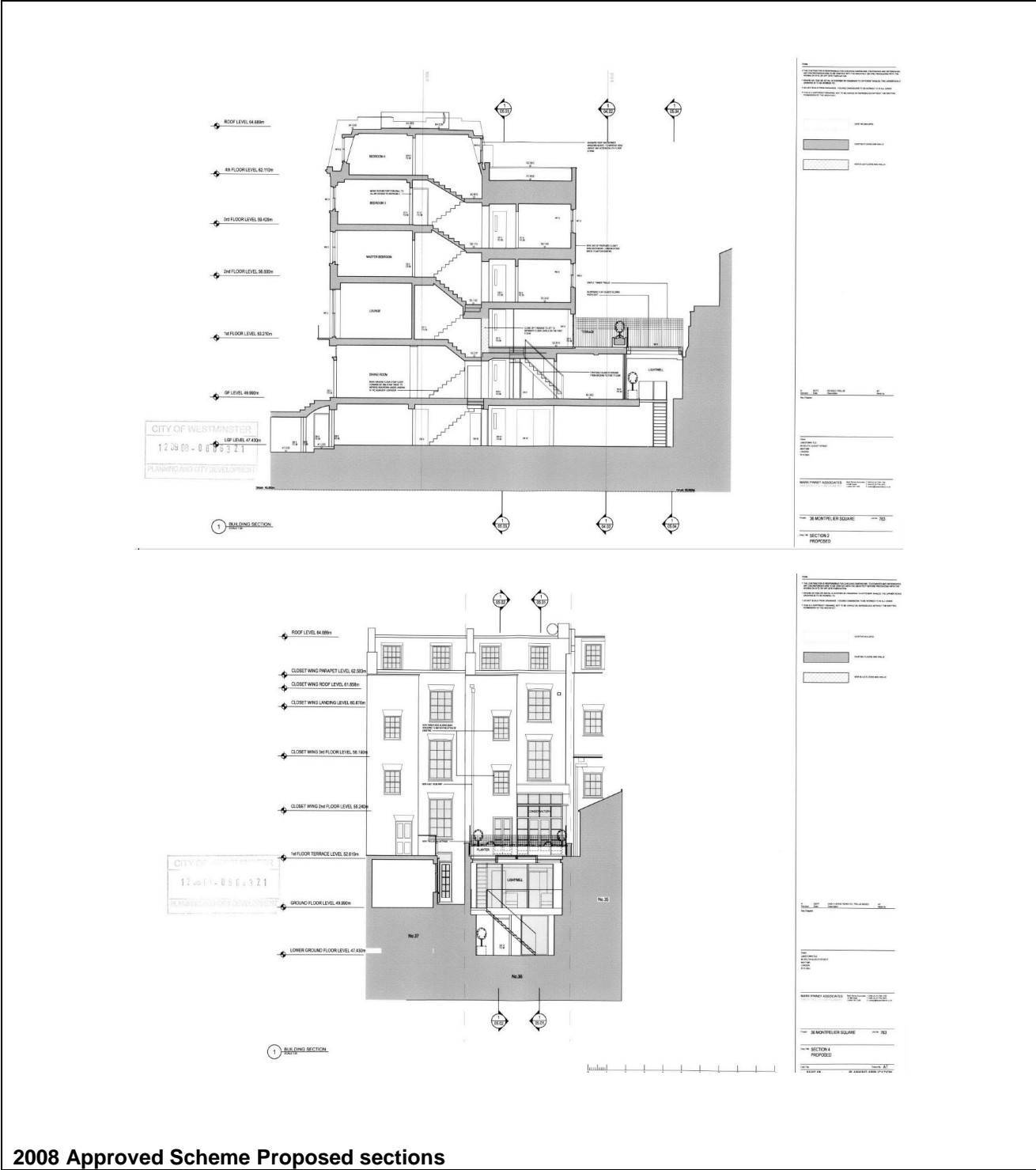


**'As built/ Unauthorised rooflight' section**

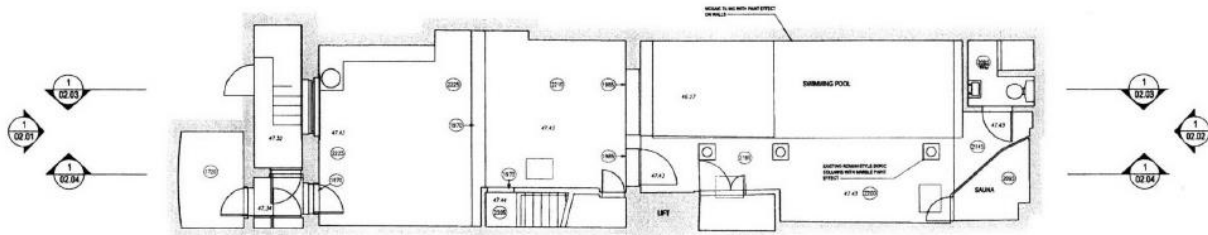


**'As built/ Unauthorised rooflight' section**

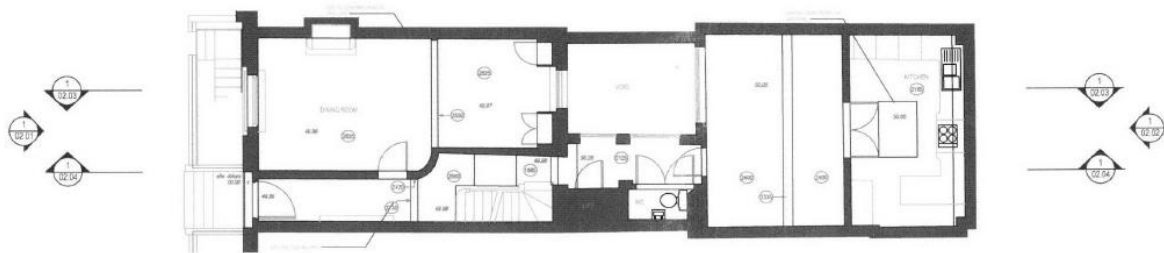




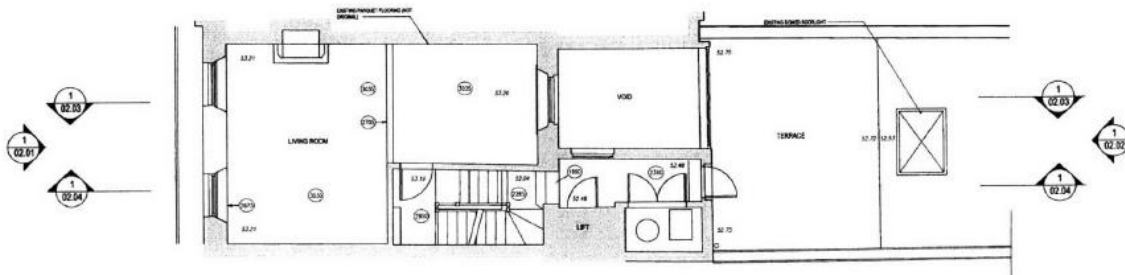
2008 Approved Scheme Proposed sections



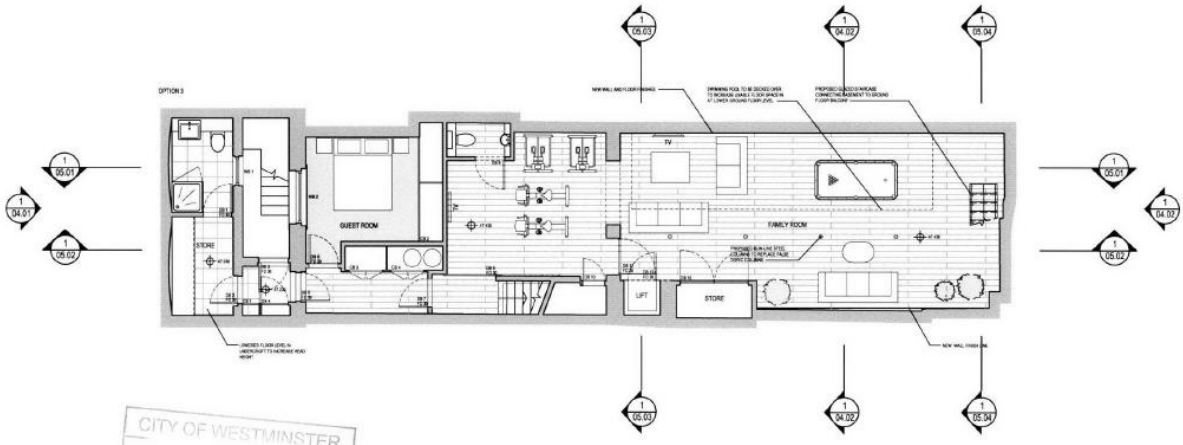
2008 Approved scheme - Existing lower ground floor plan



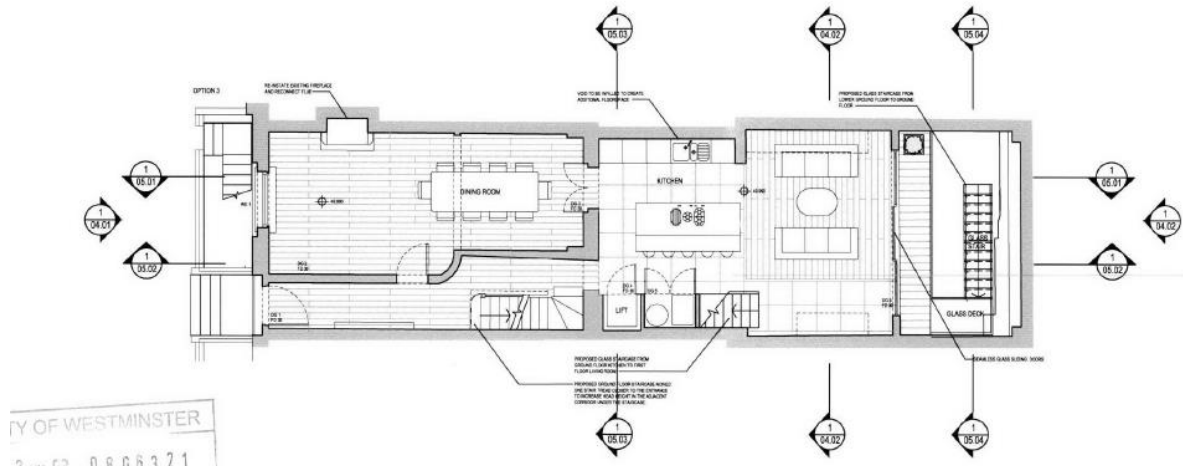
2008 Approved scheme - Existing ground floor plan



2008 Approved scheme - Existing first floor plan



2008 Approved scheme - Proposed lower ground floor plan



2008 Approved scheme - Proposed ground floor plan



**DRAFT DECISION LETTER**

**Address:** 36 Montpelier Square, London, SW7 1JY

**Proposal:** Replacement of unauthorised rooflight at rear first floor terrace.

**Reference:** 16/06558/FULL

**Plan Nos:** 763.09.60 Rev. A, 763.03.10 Rev. B, 763.03.11 Rev. B, 763.03.12 Rev. C, -01-D-01, -01-D-02, 763.05.10 Rev. C, 763.05.11 Rev. C and 763.05.12 Rev. C.

For information purposes only: 763.05.01 Rev. B, 763.05.02 Rev. B, 763.05.04 Rev. B, 763.03.02 Rev. B, 763.03.03 Rev. B and drawing showing pre-existing overlay.

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of



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

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

Reason:

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

- 4 You must not use the area accommodating the roof light for sitting out or for any other purpose. You can however use the roof area to escape in an emergency or for maintenance purposes.

Reason:

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

**Informative(s):**

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

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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<b>6</b>
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Item No.
<b>7</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 27 June 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>114 and 116 Westbourne Terrace Mews, London, W2 6QG,</b>		
<b>Proposal</b>	Erection of infill extensions to rear courtyards at ground floor level to 114 and 116 Westbourne Terrace Mews to enlarge existing dwellinghouses.		
<b>Agent</b>	Fraher Architects Ltd		
<b>On behalf of</b>	Mr Sandcroft-Baker		
<b>Registered Number</b>	17/04031/FULL	<b>Date amended/ completed</b>	9 May 2017
<b>Date Application Received</b>	9 May 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

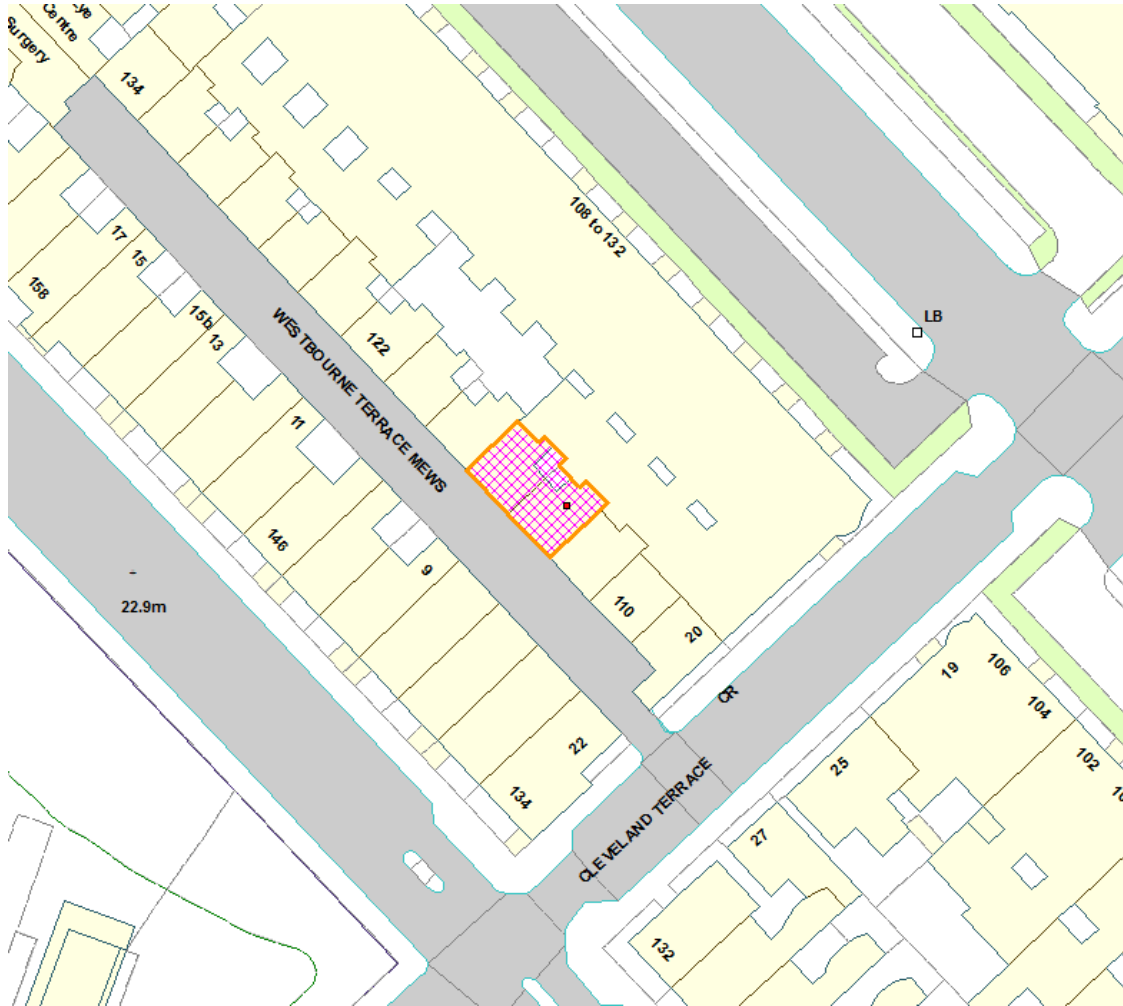
The proposed development involves the erection of infill extensions to the rear courtyards of Nos.114 and 116 Westbourne Terrace Mews to enlarge these existing dwellinghouses. Objections have been received from adjoining occupiers in Westbourne Terrace, primarily on grounds relating to the impact of the works upon the party wall between the application site and Nos.108-132 Westbourne Terrace.

The key issues in this case are:

- The impact on the appearance of the host building.
- The impact on the character and appearance of the Bayswater Conservation Area and the setting of the neighbouring listed buildings in Westbourne Terrace.
- The impact on the amenity of neighbouring residents.

Notwithstanding the objections raised, the proposed extensions comply with the relevant land use, design and amenity policies in the City Plan and UDP and therefore it is recommended that permission is granted subject to the conditions set out in the draft decision letter appended to this report.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Existing rear courtyards of Nos.114 & 116 Westbourne Terrace Mews.



Patio to rear of 116 Westbourne Terrace Mews



Patio to rear of 114 Westbourne Terrace Mews

## 5. CONSULTATIONS

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

### ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 112.

Total No. of replies: 5.

No. of objections: 5.

No. in support: 0.

Five objections raised on all or some of the following grounds:

- No justification for further enlargement.
- Concerns the proposals will raise rear boundary wall.
- Concerns that rainwater drainage will cause damage to boundary wall.
- Plans not clear if extension utilises boundary wall for support purposes.
- Any additional windows proposed in upper levels would cause loss of amenity.

### PRESS ADVERTISEMENT/ SITE NOTICE:

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application is a joint application relating to Nos. 114 and 116 Westbourne Terrace Mews. The properties are a pair of two storey unlisted mews properties located within the Bayswater Conservation Area, which back onto the high rear boundary wall of Westbourne Terrace which are statutory Grade II listed buildings.

### 6.2 Recent Relevant History

14 July 2015 – Permission granted for the erection of an extension at roof level to Nos.110 to 126 Westbourne Terrace Mews to form continuous second floor mansard roof extension to provide additional living accommodation for nine mews dwellinghouses (RN: 15/01694/FULL). This permission is currently being implemented on site across all nine mews houses.

## 7. THE PROPOSAL

The proposed development involves the erection of infill extensions over the open rear courtyards to both properties at Nos.114 and 116 at ground floor level.

The current application is a joint application following the withdrawal of the previous application at No.114 only following advice from officers that the infill extension would likely result in an increased sense of enclosure and loss of natural light to the rear ground floor living room window of No.114, due to the increased height of the boundary wall.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The principle of enlarging the existing dwellinghouses at Nos.114 and 116 is acceptable in land use terms and would accord with Policy H3 in the UDP, which supports the creation of additional residential floorspace.

Objections have been raised on grounds that as the application properties already benefit from permission in 2015 to be enlarged at roof level, further extension at rear ground floor level is unnecessary. However, the current application must be considered on its own merits and there is no land use policy basis on which to withhold permission as Policy H3 does not preclude the enlargement of residential properties that have previously been extended or are currently in the process of being extended. As such, objection raised on this ground cannot be supported.

### **8.2 Townscape and Design**

The proposed extensions would be constructed over the whole of the courtyards, utilising a new party wall between the two properties and a secondary wall set in front of the boundary with Westbourne Terrace to the rear for structural support. Accordingly the concerns expressed regarding the structural impact on the existing rear wall of properties in Westbourne Terrace have been addressed as there would be no structural impact on the existing wall. The proposed roof would be glazed.

Given the discreet location of the extensions, where they would not be seen in any views in public or private views except from the rear windows of Nos.114 and 116 Westbourne Terrace Mews themselves, due to the height of surrounding walls, the proposed extensions are acceptable in design terms and would not harm the appearance of the buildings, the character or appearance of the conservation area or the setting of the neighbouring listed buildings in Westbourne Terrace. The proposed extensions therefore accord with Policies DES1, DES5, DES9 and DES10 in the UDP and S25 and S28 in the City Plan.

### **8.3 Residential Amenity**

Neighbours in Westbourne Terrace have sought assurances that the works will not raise the height of the existing rear boundary wall of Westbourne Terrace, nor result in the insertion of any windows at upper levels to the rear. In this regard the proposed extensions are limited to a single storey with an independent supporting wall within the site curtilage, with the existing rear wall of properties in Westbourne Terrace remaining undisturbed. The height of the rear wall of properties in Westbourne Terrace is substantially higher than the height of the proposed extensions and it will not be raised in height.

No additional windows are proposed in the rear elevation of the application properties. Given the height of the surrounding walls the proposed glazed roofs would not cause any overlooking or significant light spill to neighbouring properties.



In this context, the proposed extensions would not cause any significant impact on the amenity of neighbouring occupiers and would therefore accord with Policy ENV13 in the UDP and S29 in the City Plan.

A condition is recommended to ensure both extensions are constructed simultaneously, in order to avoid the extensions unduly impacting the amenity of the respective neighbours at Nos.114 and 116 Westbourne Terrace Mews. This is because should only one extension be constructed, the height of the extension and its proximity to ground floor habitable room windows to the rear of the other property would cause a loss of light and increase in enclosure.

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

No highways considerations are relevant for this development.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

Existing access to these two private dwellinghouses would not be altered by the proposed development.

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

Whilst the total loss of existing external amenity space would not normally be supported and would normally be contrary to Policy ENV15 in the UDP, in this case the amenity value of the courtyards to be built over are of very limited value, both as amenity spaces and as spaces that support wildlife. This is due to their small size, limited access to daylight and sunlight, predominantly hard landscaped condition and as a result of the height of adjoining walls. In this context the loss of the external amenity spaces are acceptable given the particular circumstances in this case.

#### **8.8 London Plan**

This application does not raise any strategic issues.

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

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

#### **8.10 Planning Obligations**

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

The development would create less than 100m<sup>2</sup> of new floorspace and therefore it is not liable to pay either the Westminster or the Mayor's Community Infrastructure Levy (CIL).

### 8.11 Environmental Impact Assessment (EIA)

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

### 8.12 Other Issues

Concern has been expressed by neighbours in Westbourne Terrace regarding how rainwater will be drained and whether the extensions will utilise the existing rear wall of the buildings in Westbourne Terrace for structural purposes.

The proposed section shows a rainwater drainage gully within the curtilage of the site and the applicant's planning agent has confirmed that rainwater will be disposed of within the curtilage of the site. As such, the extensions would not cause damage to the neighbouring rear walls of properties in Westbourne Terrace and therefore objections on rainwater drainage grounds cannot be supported.

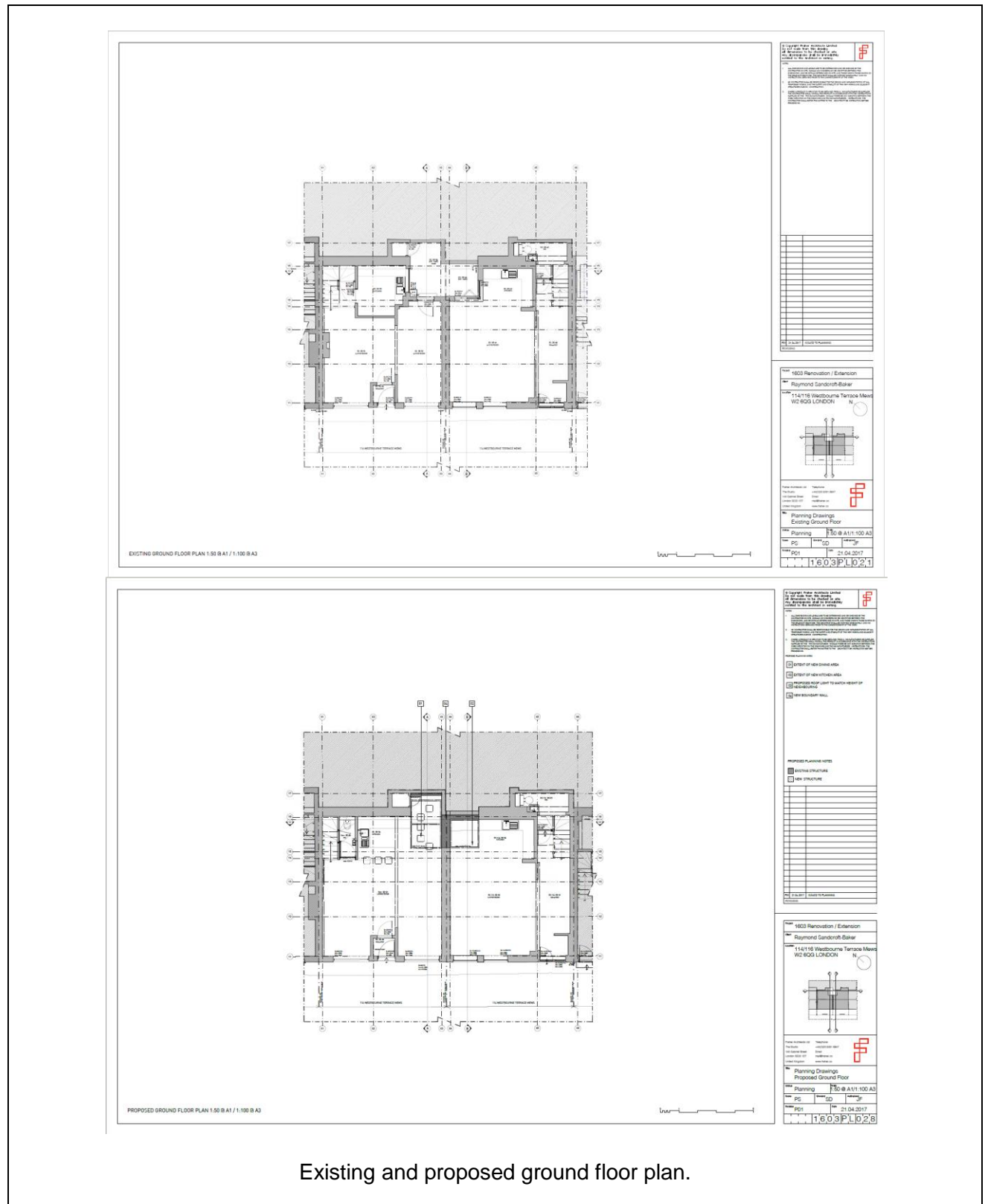
## 9. BACKGROUND PAPERS

1. Application form.
2. Letter from the occupier of 118A Westbourne Terrace dated 4 June 2017.
3. Letter from the occupier of 120A Westbourne Terrace dated 4 June 2017.
4. Letter from the occupier of 108A Westbourne Terrace dated 5 June 2017.
5. Letter from the occupier of 114A Westbourne Terrace dated 6 June 2017.
6. Letter from the occupier of 116A Westbourne Terrace dated 6 June 2017.

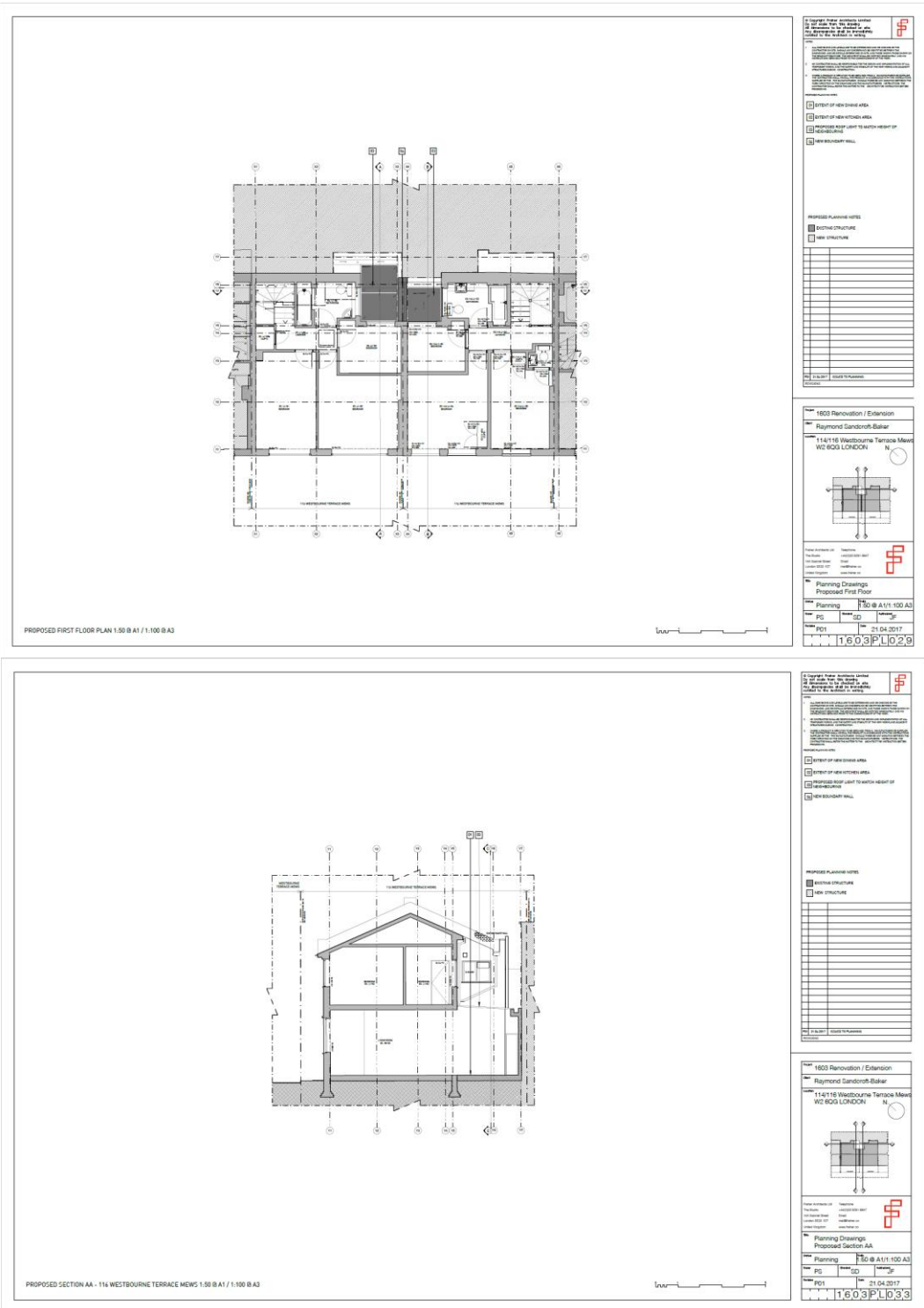
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

10. KEY DRAWINGS



Existing and proposed ground floor plan.



Proposed first floor plan and proposed section through No.116 Westbourne Terrace Mews.



**DRAFT DECISION LETTER**

**Address:** 114 and 116 Westbourne Terrace Mews, London, W2 6QG,

**Proposal:** Erection of infill extensions to rear courtyards at ground floor level to 114 and 116 Westbourne Terrace Mews to enlarge existing dwellinghouses.

**Reference:** 17/04031/FULL

**Plan Nos:** 1603 PL 020/P01, 1603 PL 021/P01, 1603 PL 022/P01, 1603 PL 023/P01, 1603 PL 024/P01, 1603 PL 025/P01, 1603 PL 026/P01, 1603 PL 027/P01, 1603 PL 028/P01, 1603 PL 029/P01, 1603 PL 030/P01, 1603 PL 031/P01, 1603 PL 032/P01, 1603 PL 033/P01, 1603 PL 034/P01, Design and Access Statement May 2017.

**Case Officer:** Samuel Gerstein

**Direct Tel. No.** 020 7641 4273

**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 ;
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- o not at all on Saturdays, Sundays, bank holidays and public holidays.

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**Reason:**

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

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

Reason:

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

- 4 The single storey extensions hereby approved at Nos.114 and 116 Westbourne Terrace Mews must be completed in their entirety in a single phase of building work. Neither extension shall be occupied until the external envelope of both extensions has been completed in accordance with the drawings hereby approved.

Reason:

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

**Informative(s):**

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

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