



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 10th April, 2018

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Melvyn Caplan (Chairman)
Richard Beddoe
Ruth Bush
Gotz Mohindra



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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|---|--------------------------|
| 1. GARAGES TO THE REAR OF ORDNANCE MEWS, LONDON | (Pages 3 - 46) |
| 2. GROUND AND FIRST FLOORS, 32 GROSVENOR SQUARE, LONDON, W1K 2HJ | (Pages 47 - 68) |
| 3. FIRST AND SECOND FLOORS, 41 EDBROOKE ROAD, LONDON, W9 2DE | (Pages 69 - 84) |
| 4. 56 RUTLAND GATE, LONDON, SW7 1PL | (Pages 85 - 108) |
| 5. 30 SHEPHERD MARKET, LONDON, W1J 7QN | (Pages 109 - 120) |
| 6. GROUND FLOOR, 100 ST MARTIN'S LANE, LONDON, WC2N 4AZ | (Pages 121 - 128) |

Stuart Love
Chief Executive
29 March 2018

This page is intentionally left blank

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 10th April 2018
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolved
1.	RN(s) : 17/06573/COFUL Abbey Road	Garages To The Rear Of Ordnance Mews London	Demolition of 9 single storey garages and erection of a replacement building comprising two to three storeys for use as 3 dwellinghouses (Class C3). (Addendum report)	
	Recommendation Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, including a condition to secure highway works necessary to make the development accessible, including relocation and/ or replacement of the existing street lamp in Ordnance Mews.			
Item No	References	Site Address	Proposal	Resolved
2.	RN(s) : 17/10376/FULL West End	Ground and first floors 32 Grosvenor Square London W1K 2HJ	Use of the ground and the first floors as a gymnasium (Class D2), for a temporary period of 10 years. Installation of louvres within front light well on the Upper Grosvenor Street frontage and on the rear elevation at first floor level.	
	Recommendation Grant conditional permission			
Item No	References	Site Address	Proposal	Resolved
3.	RN(s) : 17/07723/FULL Harrow Road	First and second floors 41 Edbrooke Road London W9 2DE	Erection of a two storey extension to the rear closet wing at first and second floor half landing levels and installation of rooflights in main roof.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolved
4.	RN(s) : 17/09793/FULL 17/09794/LBC Knightsbridge And Belgravia	56 Rutland Gate London SW7 1PL	Erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.	
	Recommendation Grant conditional permission.			

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 10th April 2018
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolved
5.	RN(s) : 17/00029/TCH West End	30 Shepherd Market London W1J 7QN	Use of the public highway for the placing of four tables and eight chairs in an area measuring 3.8m x 1.5m in connection with the ground floor unit.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolved
6.	RN(s) : 18/00696/ADFULL St James's	Ground Floor 100 St Martin's Lane London WC2N 4AZ	Details of Operational Management Plan pursuant to condition 5 of planning permission dated 22 January 2018 (RN: 17/08138/FULL) for 'Dual use of part of the ground floor as either offices (Class B1) and/or showroom (Sui Generis) for display of clothing and accessories range'.	
	Recommendation Approve details			

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER				
PLANNING APPLICATIONS SUB COMMITTEE	Date 10 April 2018		Classification For General Release	
Addendum Report of Director of Planning			Ward(s) involved	
Subject of Report	Garages To The Rear Of, Ordnance Mews, London, NW8			
Proposal	Demolition of 9 single storey garages and erection of a replacement building comprising two to three storeys for use as 3 dwellinghouses (Class C3).			
Agent	Metropolitan Workshop			
On behalf of	Westminster City Council			
Registered Number	17/06573/COFUL	Date amended/ completed	28 July 2017	
Date Application Received	24 July 2017			
Historic Building Grade	Unlisted			
Conservation Area	St John's Wood			

1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, including a condition to secure highway works necessary to make the development accessible and to secure the relocation and/ or replacement of the existing street lamp in Ordnance Mews.

2. SUMMARY

The application was reported to the Planning Applications Sub-Committee on 5 December 2017. The Sub-Committee resolved to defer the application for the following reason:

'To enable the applicant to amend the proposal to replace the proposed integral garages with habitable floor space and for the applicant to provide further information on how vehicle access for all types of vehicles to Ordnance Mews and existing garage and parking areas will be maintained together with additional information with respect to emergency vehicle access to the Mews.'

The scheme has been amended to omit the garages from the ground floor of the three dwellinghouses and replace them with additional habitable accommodation in the form of an additional bedroom. The applicant has also amended the footprint and bulk of the development

and reconfigured the layout of the three dwellinghouses to improve the quality of the accommodation and address concerns expressed by the St. John's Wood Society.

In terms of the reconfigured residential accommodation, the two three storey houses have been increased from 2 bedroom 3 person dwellings, to 3 bedroom 6 person dwellings, with open plan kitchen, living and dining rooms on the third floor, a layout that is typical of modern mews houses and ensures the principal habitable rooms benefit from the best outlook, receive maximum natural light and have direct access to the proposed external amenity space. The two storey house remains a three bedroom dwelling, but the number of bed spaces has been increased from 4 to 6. Again the principal habitable rooms (kitchen, dining and living rooms) would be located on the upper floor with access to a roof terrace. The amendments to the proposed residential accommodation are considered to have addressed this aspect of the reason for deferral.

With regard to vehicular access to the adjacent garages and parking spaces on the south side of Ordnance Mews, the applicant has provided further information, including tracking diagrams, to demonstrate the accessibility of these garages and parking spaces (see tracking diagrams in the background papers). The additional tracking diagrams, which use the vehicle movements of a larger 4x4 vehicle, demonstrate that the parking spaces and garages on the south side of Ordnance Mews would remain accessible through the use of the forecourt area in front of the proposed dwellinghouses, without the need for the development to be set further back on the north side of the site at ground floor level. A condition is recommended to ensure the forecourt area is not used for parking, or otherwise obstructed, so that the existing off-street parking for neighbouring residents is maintained in accordance with Policy TRANS23 in the UDP. Objection has been raised on grounds that it is unclear whether neighbours with garages opposite will have a right of access over the forecourt area, but this is not a material planning consideration and is rather a private legal matter between the respective landowners.

In terms of emergency access, the applicant has provided additional details of the accessibility of the site for emergency vehicles and this demonstrates that the degree of access for such vehicles, in the event of an emergency, either within the development or neighbouring properties, will not be unduly obstructed relative to the existing situation. The London Fire Brigade have previously advised that they do not object to the layout of the proposed development for this site. Any responses to consultation on the revised scheme from the London Fire Brigade and Building Control will be reported verbally to the Sub-Committee.

In response to concerns expressed to the applicant directly by the St. John's Wood Society since the Sub-Committee meeting in December 2017, the applicants have chosen to amend the footprint and massing of the proposed buildings on the site. The scheme is now proposed to be set back 1.5m from the back edge of the public highway in Aquila Street to reduce the depth of the area to the front of Nos.1-14 Aquila Street that would be screened by the proposed buildings. As a result, the bulk of the building at first and second floor levels has been shifted to the west across the site by 1.2m at first floor level and 2.3m at second floor level. Consequently, there would be small additional losses of daylight and sunlight to the rear windows of 7 Aquila Street (the ground and first floor maisonette immediately to the north of the application site) above the material losses that were previously set out in the report to the Sub-Committee on 5 December 2017, which is appended to this report. However, despite these additional losses (as set out in the table below) the windows and doors affected would continue to receive a good level of daylight and additional sunlight losses would not be readily appreciable. The level of daylight received by the front windows of 7 Aquila Street would be marginally improved as a result of the proposed revisions.

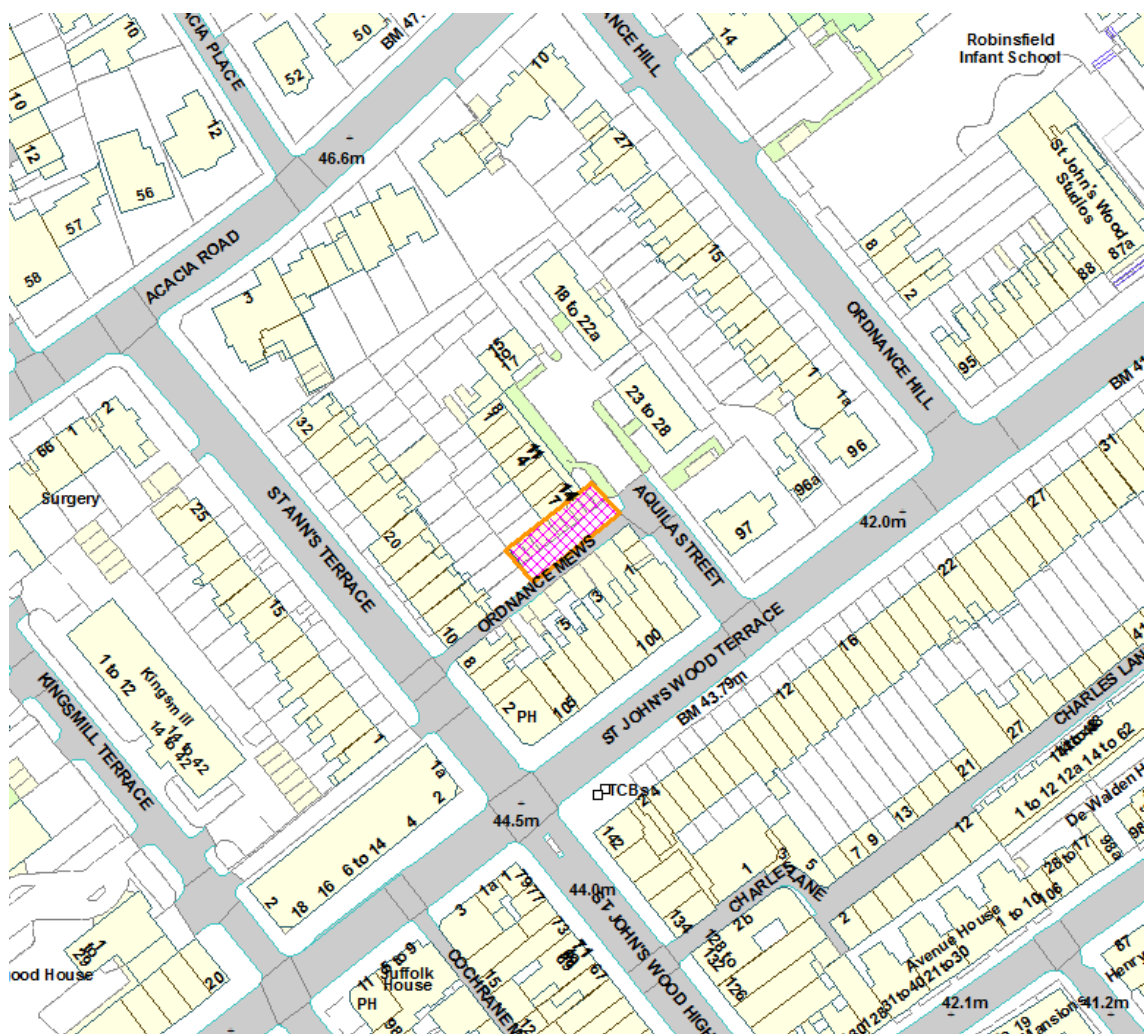
Changes in Material Losses of Daylight to Neighbouring Block at Nos.1-14 Aquila Street Following Amendments Since the Planning Applications Sub-Committee on 5 December 2018 (using Vertical Sky Component - VSC).

Window Location	Habitable Room	Existing VSC	5 Dec 2018 Scheme VSC	5 Dec 2018 Scheme % Loss	4 April 2018 Scheme VSC	4 April 2018 % Loss
Rear Ground Floor Window	Yes	29.9	22.2	26%	21.4	28%
Front Ground Floor Window	Yes	10.6	7.4	30%	7.6	28%
Front Ground Floor Door/ Sidelight Window	No	3.4	2.3	32%	2.6	24%
Front Ground Floor Door/ Sidelight Window	No	0.3	0.2	33%	0.3	0%
Front Ground Floor Door/ Sidelight Window	No	1.8	1.3	28%	1.4	22%
Front Second Floor Recessed Window	Yes	13.6	10.8	21%	13.6	0%

The rear garden of No.7 Aquila Street would suffer a slight increase in enclosure relative to the scheme reported to the Sub-Committee on 5 December 2017, but not to such a significant degree so as to warrant withholding permission. The revised scheme reduces the size of the first floor terrace serving the western mews house and this would reduce the potential for it to cause noise disturbance and would lessen the extent its impact in terms of overlooking. Condition 16 on the draft decision letter requires the provision of a higher means of enclosure around this terrace than shown on the submitted drawings to prevent overlooking to gardens to the west and north of the site.

In tandem with the amendments made to the footprint, bulk and massing, the detailed design of the proposed building has been refined since the Sub-Committee meeting on 5 December 2017. These minor amendments most notably include amendment of the form of the two storey mews house to omit the shallow set back to the front elevation to provide it with a simplified and more resolved form and the replacement of garage door openings at ground level with appropriately scaled fenestration. The amendments to the detailed design and form of the proposed building are acceptable in design terms and would not harm the character and appearance of the St. John's Wood Conservation Area or the setting of the neighbouring listed buildings in St. Ann's Terrace and St. John's Wood Terrace.

3. LOCATION PLAN



This production includes mapping data
 licensed from Ordnance Survey with the
 permission of the controller of Her Majesty's
 Stationary Office (C) Crown Copyright and/or
 database rights 2013.
 All rights reserved License Number LA
 100019597

4. PHOTOGRAPHS



View of existing garages from Aquila Street (top) and view of garages looking east within Ordnance Mews (bottom).

5. CONSULTATIONS

5.1 Additional and Late Representations Reported Verbally to the Planning Applications Sub-Committee on 5 December 2017

COUNCILLOR HALL

Object to inclusion of garages within the development. Support provision of new affordable housing in NW8, but consider the development should be 'car free' given the proximity of public transport and the opportunities for walking and cycling. Garages would be better used to provide additional habitable accommodation.

ST. JOHN'S WOOD SOCIETY

Disappointed that applicant did not engage with the Society until late in the application process. Consider that simple extension of the existing building out over the garages would be a more pragmatic and cost effective solution. No objection to principle of developing the garages to provide affordable housing, but object to design proposed which would cause a loss of light, overlooking, noise from terraces and a sense of enclosure to neighbours in Ordnance Mews, St. Ann's Terrace and Aquila Street. Question the need for garages with affordable housing given proximity to public transport. Consider it better to provide more affordable housing rather than garages.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

Three objections received raising objection on all or some of the following grounds:

- Increased sense of enclosure to neighbouring property in Aquila Street.
- Projection into Aquila Street would adversely impact safety and security of neighbouring property.
- Noise disturbance from proposed roof terrace at first floor level.
- Aquila Street grounds should not be used as a parking area or for placing equipment during construction.
- Question what the intended use of the homes is – affordable homes or council houses.
- It is unfair that proposals for alterations to neighbouring properties have been refused whilst similar works in the application scheme are recommended for approval.
- Proposal is incongruous and would harm the character and appearance of the conservation area.
- Scheme should be more traditionally detailed with stock brickwork and white timber sash windows.
- Concern that scheme will prevent access to existing parking spaces and garages on the south side of Ordnance Mews, particularly for larger vehicles
- Question how right of access to neighbouring garages will be established.
- Increased overlooking to properties on the opposite side of Ordnance Mews.

5.2 Responses to Re-consultation on Revised Scheme (Omission of garages from ground floor and additional information to demonstrate access to adjacent off-street parking and emergency vehicle access.)

ST JOHN'S WOOD SOCIETY

Remain concerned about the proposed development. Welcome removal of garages, but note there has not been a material change in the overall bulk following discussions with the applicant. Consider the revised scheme is still overdevelopment and question need for such substantial mews houses on this site. Immediate neighbours in Ordnance Mews, Aquila Street Estate and St. Ann's Terrace will suffer an unacceptable loss of amenity in terms of sense of enclosure, loss of light and overlooking. Would like to see the top floor omitted to address these design and amenity concerns. Note the tracking studies of vehicle movements but question how easy access to adjacent garages will be in practice.

BUILDING CONTROL

In principle the proposals accord with Building Regulations in terms of access and the facilities for the fire service. The design and specification of the access road/hardstanding should comply with Table 8 and Diagram 8 in Part B5, Schedule 1, Paragraph 11.5 of the Building Regulations.

HIGHWAYS PLANNING MANAGER

Objects to the loss of integral garages. Proposal would contribute to increased pressure on on-street residents parking.

LONDON FIRE BRIGADE

No objection to initially submitted scheme (as reported to the Planning Applications Sub-Committee on 5 December 2018) that has same footprint and form as revised scheme. Any response on revised scheme to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 50.

Total No. of replies: 3.

No. of objections: 3.

No. in support: 0.

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

Design

- Proposed buildings do not look much smaller and new layout is still too large for the Aquila Street side.
- Design of development should match the adjoining Aquila Street block.

Amenity

- Back wall of development will hide entrances and balcony walkway to adjacent block in Aquila Street increasing risk to neighbour's safety and security.
- Overlooking to neighbouring gardens.
- Loss of sunlight to neighbouring windows and gardens.
- Noise from use of terraces.

Other Matters

- Note that access to garages/ parking spaces on south side of Ordnance Mews is already difficult due to parking on the forecourt of the garages. Concern that development will make access to adjacent parking and garages more difficult.
- Concern raised as to whether all reconsultation letters were delivered (note that reconsultation letters were resent to neighbours on 19 March 2018).

6. BACKGROUND PAPERS

1. Application form.
2. Emails from the St. John's Wood Society dated 8 March 2018 and 26 March 2018.
3. Email from the London Fire Brigade dated 27 November 2017.
4. Email from Building Control Officer dated 27 February 2018
5. Memo from the Highways Planning Manager dated 5 March 2018.
6. Email from the occupier of 10 Aquila Street dated 9 March 2018.
7. Email from the occupier of 97 St. John's Wood Terrace dated 11 March 2018 and 27 March 2018.
8. Addendum Note from the applicant dated 6 March 2018.
9. Copy of 'Updated Planning Drawings' document dated February 2017.
10. Representations as reported to the Planning Applications Sub-Committee on 5 December 2017.

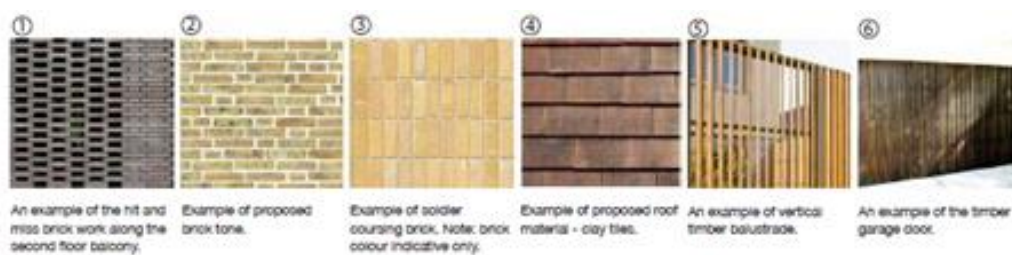
Additional and Late Representations Reported Verbally to the Sub-Committee on 5 December 2017

11. Email from the occupier of 9 Aquila Street dated 28 November 2017.
12. Email from Councillor Hall dated 5 December 2017.
13. Email from the St. John's Wood Society date 4 December 2017.
14. Email from the occupier of 3 Ordnance Mews dated 4 December 2017.

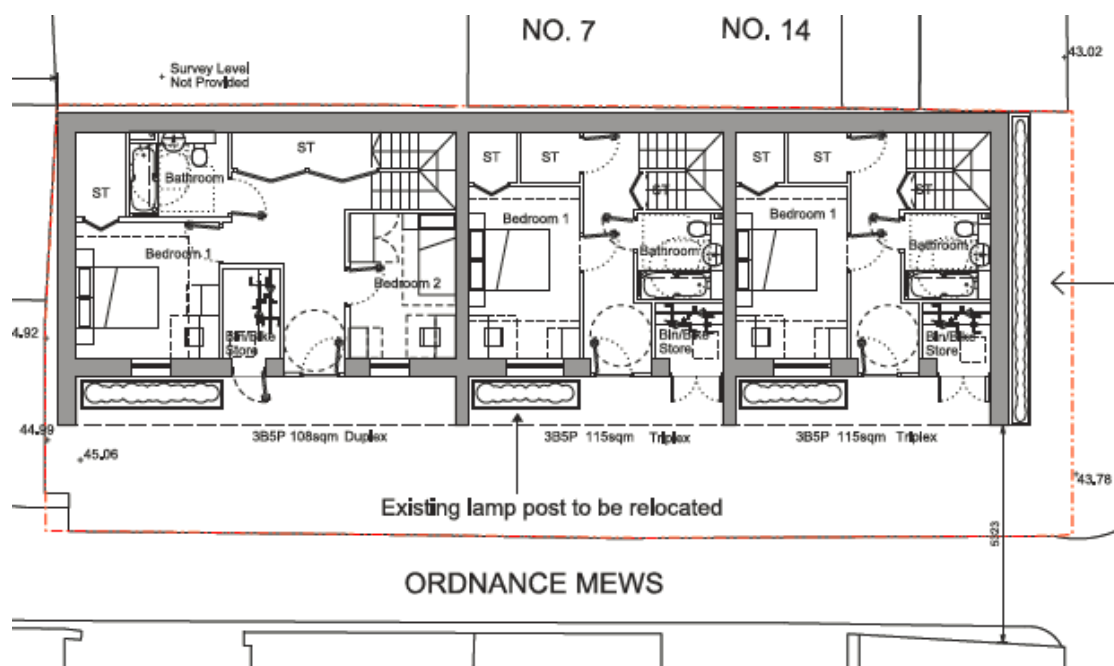
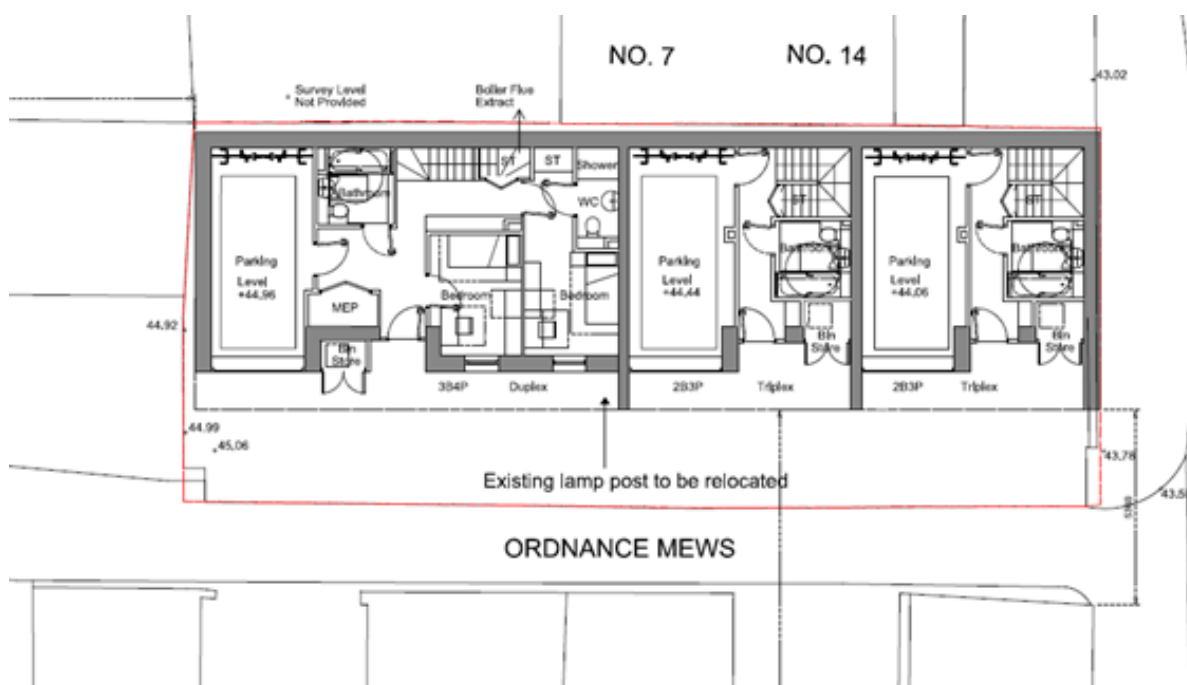
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

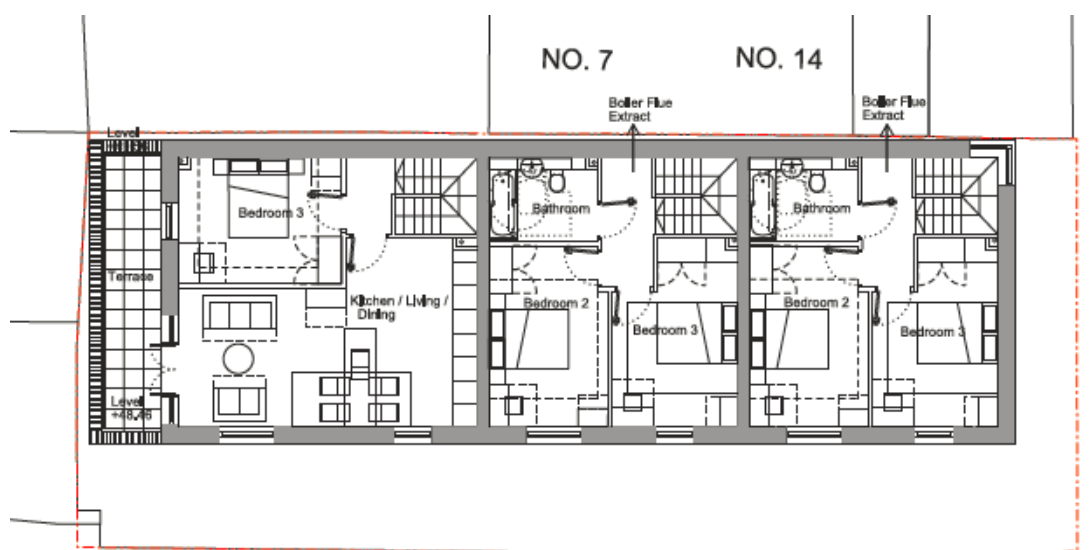
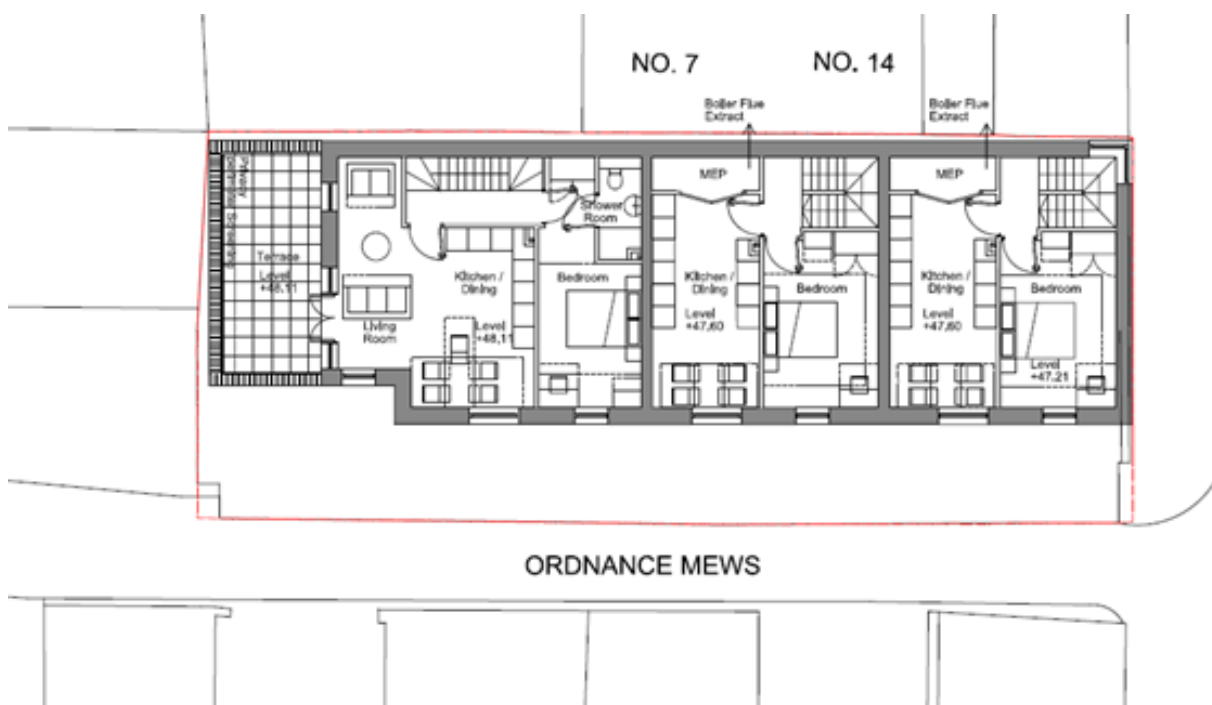
7. KEY DRAWINGS



Front elevation as reported to Sub-Committee on 5 December 2017 (top) and front elevation now proposed (bottom).



Ground floor as reported to Sub-Committee on 5 December 2017 (top) and ground floor now proposed (bottom).



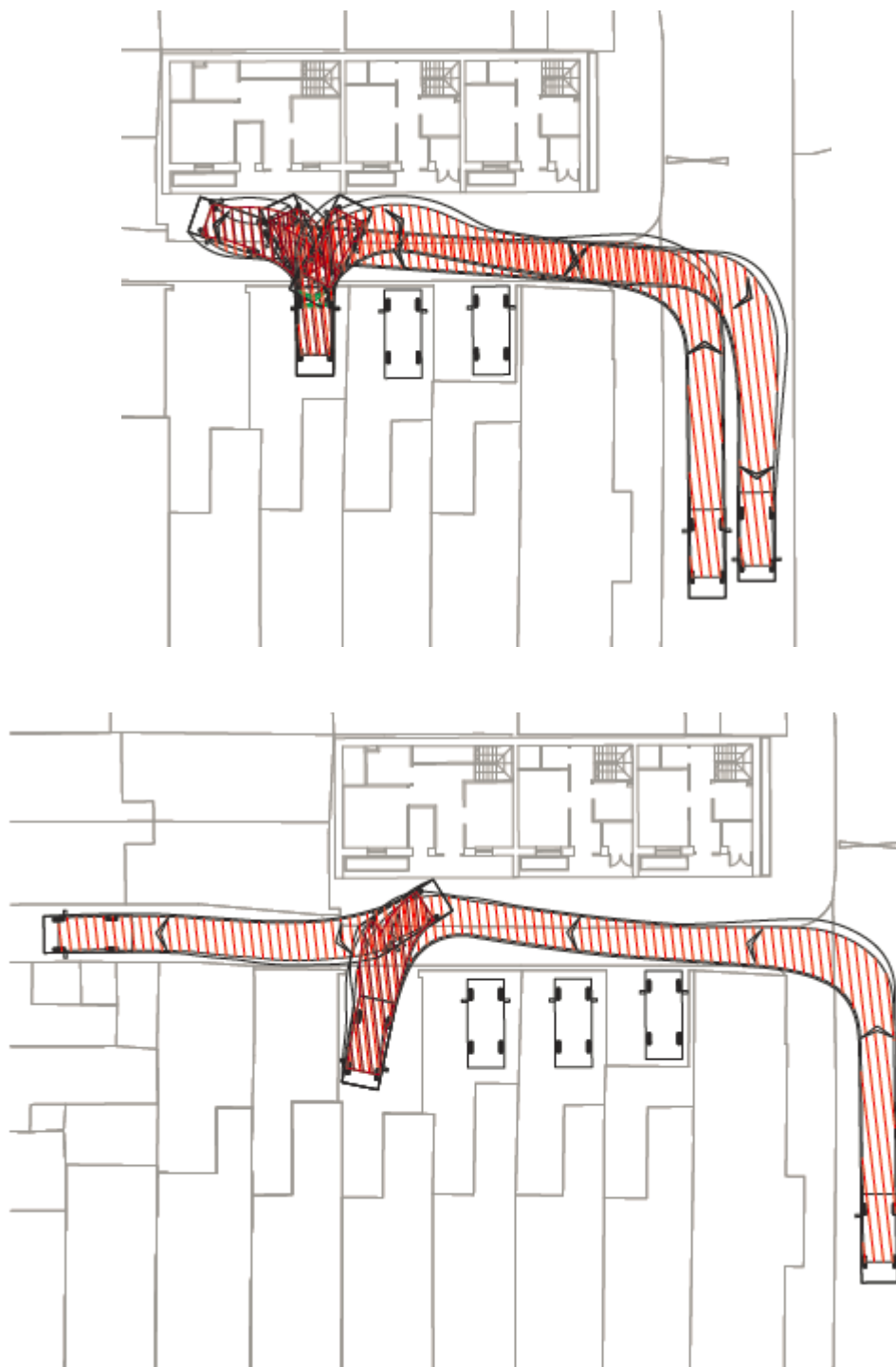
First floor as reported to Sub-Committee on 5 December 2017 (top) and first floor now proposed (bottom).



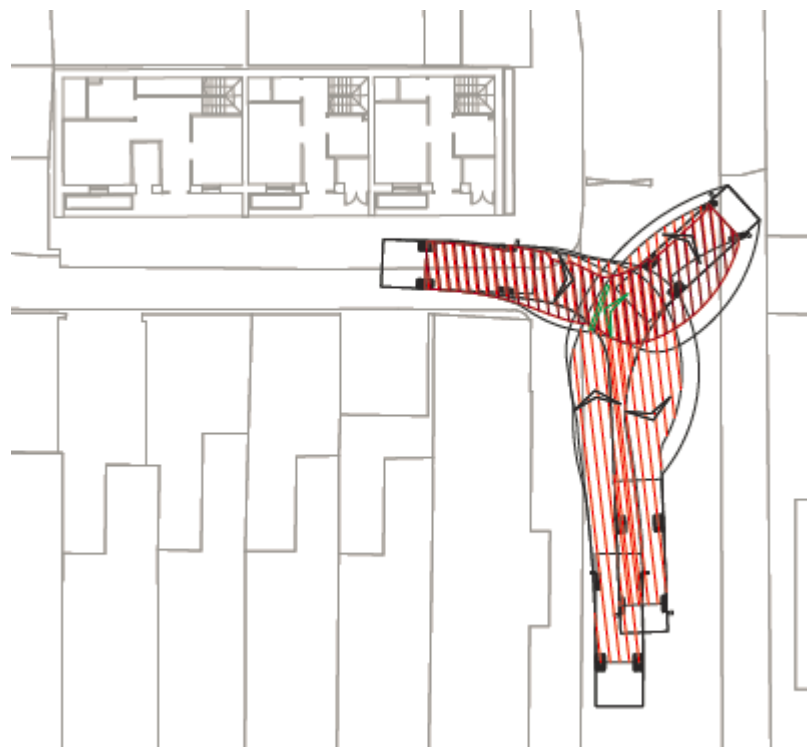
Second floor as reported to Sub-Committee on 5 December 2017 (top) and second floor now proposed (bottom).



Vehicle tracking for a 4x4 size vehicle measuring 4.84m for Nos.1 and 2 Ordnance Mews.



Vehicle tracking for a 4x4 size vehicle measuring 4.84m for Nos.3 and 4 Ordnance Mews.



Vehicle tracking diagram for a 11.33m fire appliance.

Item No.
1

MINUTES OF PROCEEDINGS

Planning Applications Sub-Committee (2) – 5 December 2017

1 GARAGES TO THE REAR OF ORDNANCE MEWS, LONDON, NW8 6PF

Demolition of 9 single storey garages and erection of a replacement building comprising two to three storeys for use as 3 dwellinghouses (Class C3).

An additional representation was received from Ms Sabina Assan (November 2017).

Late representations were received from Paul Rowbotham (04.12.2017), Christine Cowdray (04.12.2017) and Abbey Road Ward Councillors Lindsey Hall, Peter Freeman and Judith Warner (05.12.2017).

RESOLVED

That the application be deferred, to enable the applicant to amend the proposal to replace the proposed integral garages with habitable floor space and for the applicant to provide further information on how vehicle access for all types of vehicles to Ordnance Mews and existing garage and parking areas will be maintained together with additional information with respect to emergency vehicle access to the Mews.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 December 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved	
Subject of Report	Garages To The Rear Of, Ordnance Mews, London, NW8		
Proposal	Demolition of 9 single storey garages and erection of a replacement building comprising two to three storeys for use as 3 dwellinghouses (Class C3).		
Agent	Metropolitan Workshop		
On behalf of	City West Homes		
Registered Number	17/06573/COFUL	Date amended/ completed	28 July 2017
Date Application Received	24 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

8. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, including a condition to secure highway works necessary to make the development acceptable, including relocation and/ or replacement of the existing street lamp in Ordnance Mews.

9. SUMMARY

The application seeks permission for the demolition of nine garages and erection of a replacement building comprising between two and three storeys to provide 3 dwellinghouses (Class C3). The site does not contain any listed buildings, but is located within the St. John's Wood Conservation Area.

The key issues in this case are:

- The acceptability of the proposed residential units in terms of their size and mix.
- The acceptability of the design of the development and its impact on the character and appearance of the St. John's Wood Conservation Area.
- The impact on the amenity of neighbouring residents.
- The acceptability of loss of existing off-street parking.
- The impact on the availability of on-street residents' parking in the vicinity of the site.
- The impact on neighbouring trees.

Item No.
1

For the detailed reasons set out in this report the proposed development is considered to be acceptable in land use, design, amenity, transportation and environment terms and, given the public benefits of the scheme, would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and in Westminster's City Plan adopted in November 2016. Therefore the application is recommended for approval subject to the conditions set out in the draft decision letter appended to this report.

10. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013.
All rights reserved License Number LA 100019597

11. PHOTOGRAPHS



View of existing garages from Aquila Street (top) and view of garages looking east within Ordnance Mews (bottom).

12. CONSULTATIONS

5.1 Consultation on Initially Submitted Scheme – July 2017

ST. JOHN'S WOOD SOCIETY

Objection and comment on the following grounds/ issues:

- Delighted to see affordable housing provided locally but do not consider that the design of the mews houses makes best use of the site.
- The design of the mews houses is incongruous to the St. John's Wood Conservation Area.
- St. John's Wood Society was not consulted about proposals until very late in the process, contrary to comments made about community engagement in the application.
- Object to terraces at first and second floor levels due to overlooking it will cause to neighbours in St. Anne's Terrace, Aquila Street and Ordnance Mews.
- Proposed privacy screens will not prevent noise nuisance and could be removed.
- Object to the sense of enclosure created by the height and bulk of the proposed building, particularly at the Aquila Street end of the development.
- Query the inclusion of three garages in the scheme due to the difficult access and as there is excellent public transport facilities locally.
- As residents' parking is already in short supply in the area this affordable housing scheme should be 'car free' without garages in accordance with the Mayor's Transport Strategy, the Council's policy to promote cycling quiet ways and superhighways and the Council's walking strategy.

ARBORICULTURAL MANAGER

No objection to loss of tree in rear garden of No.7 Aquila Street, but replacement tree should be provided. Condition not necessary on soft landscaping given the limited amount proposed.

BUILDING CONTROL

No comment given no basement development is proposed.

CLEANSING MANAGER

No objection subject to a condition to secure additional details of the layout of the proposed bin stores to ensure they can accommodate waste and recycling.

HIGHWAYS PLANNING MANAGER

Objection to the loss of the existing garages if they are secured by condition to provide residents parking. Loss of garages would be likely to increase pressure on on-street residents parking in the vicinity. No objection to cycle storage and content that the garages within the proposed development and those existing garages/ parking spaces opposite in Ordnance Mews would be accessible; albeit it is recognised that the manoeuvre required to access the existing garages/ parking opposite would become more difficult. Conditions and informatives recommended.

LONDON FIRE BRIGADE

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 50; No. of Responses: 5.

Five emails received raising objection on all or some of the following grounds:

Land Use

- Overdevelopment of the site due to density of development.
- Not an appropriate development for social rented housing. Would prefer intermediate or key worker housing.

Design

- Development is too high on Aquila Street side.
- Building line of development should stop at existing block in Aquila Street to prevent crime and anti-social behaviour issues.
- Development would be overbearing, out of scale and out of character with existing properties surrounding the mews.
- Development would not preserve or enhance the St. John's Wood Conservation Area.
- Development bears no resemblance to the surrounding terrace houses or the blocks in Aquila Street.
- Materials used are not consistent with neighbouring buildings.
- The surrounding Victorian buildings have valley roofs and not gable roofs as proposed.
- Roofs should be flat as per the parapets of Victorian properties and the roofs of the Aquila Street blocks.
- Supporting documents refer to the wrong conservation area.
- Soldier brick work is not consistent with the appearance of the conservation area.
- Dark grey aluminium windows are not consistent with the white timber sash windows of neighbouring properties.
- Lamp post to be moved is a heritage lamp post and contributes to the conservation area.

Amenity

- Loss of daylight and sunlight.
- Increased sense of enclosure.
- Overlooking from windows and terraces in development.
- Development would be closer to neighbouring windows that appears the case in submitted images
- Neighbouring properties have previously been refused permission for terraces.
- Daylight distribution figures should be provided for daylight loss.
- Noise disturbance from proposed terraces.

Highways/ Parking

- Loss of existing off-street parking for local residents.
- Garages should not be provided in development to discourage car use.
- Development will reduce safety for pedestrians.
- Social rented units are unlikely to require parking.
- Mews is cobbled and no elements are tarmacked as suggested in the application.
- Not clear how blockwork would be laid given slope of the mews.

- Not clear how new garages will be accessed.
- Extent of private land shown to extend further on to the cobbled street than elsewhere in mews and concerned this will make the mews too narrow for vehicles to pass along.
- Not clear where pedestrians will walk. Mews is busy during the day as used by estate agencies with parking accessed from the mews.
- Cycle parking proposed is un-useable as garages not wide enough to accommodate two cycles as shown.
- Bins for neighbouring properties will have to be left in Aquila Street rather than on the garages hardstanding.
- Adverse impact on emergency vehicle access.
- Construction works are likely to damage the cobbles in the mews.
- Lamp post should not be removed from the mews as it will leave it poorly lit.
- Concern that the development will necessitate turning on private land to access adjacent garages if existing forecourt area is removed.
- Proposed building will extend 2.5m on to the forecourt area and make manouvering into neighbouring garages and parking more difficult/ impossible.
- Tracking drawings should be drawn for all neighbouring off-street parking and drawn on topographic drawings and not OS maps.

Other Matters

- Consider drainage shown to be wrong as drain runs under Ordnance Mews.
- Pigeons nest in neighbouring trees.
- Existing garages provide useful storage for nearby residents.
- Public consultation has been limited and not as set out in the statement of community involvement.
- Ordnance Mews was not heavily bombed and was not redeveloped with social housing, only garages.
- Supporting documents fail to fully recognise that there are residential properties in Ordnance Mews that are accessible from the mews.
- State of repair of the garages is as a result of lack of maintenance and should not be a justification for redevelopment.

ADVERTISEMENT/ SITE NOTICE

Yes.

5.2 Consultation on Revised Scheme (amendments to height of parapet and detailed design of two storey dwellinghouse) – November 2017

ST. JOHN'S WOOD SOCIETY

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 50; No. of Responses: 0.

13. BACKGROUND INFORMATION

13.1 The Application Site

This application site comprises 9 garages originally built to serve the mid 20th Century residential flats in the blocks arranged around the northern end of Aquila Street. However, whilst this appears to be the original purpose of the garages there are no planning conditions requiring their use by occupiers of the blocks in Aquila Street or specifically for the use as car parking and not for any other purpose. The applicant has submitted evidence demonstrating that only 5 garages are currently let to occupiers of the Aquila Street blocks.

The garages are not listed, but are located within the St. John's Wood Conservation Area. The nearest listed buildings are the grade II listed terrace of houses facing St. Ann's Terrace to the west of the application site.

13.2 Recent Relevant History

9 October 1956 – Planning permission granted for *'The erection of one block of 14 maisonettes, one block of three flats and one block of six flats together with a block of ten lock-up garages, on a site in the Aquila Street Extension'*. One condition was imposed requiring approval of the proposed facing materials.

14. THE PROPOSAL

The application, made by City West Homes, seeks permission for the demolition of the existing nine garages and the erection of a replacement building comprising between two and three storeys to provide 3 dwellinghouses (Class C3). The scheme would deliver 2x2 bedroom houses and 1x3 bedroom house. The two bedroom houses would be arranged over three storeys with garages at ground floor level and terraces at second floor level. The three bedroom house would be arranged over two storeys with a garage at ground floor level and a terrace to the western elevation at first floor level. The three storey houses would have pitched roofs, with a flat roof with a green roof to the two storey house. Replacement landscaping is proposed to the front forecourt of the site, adjacent to the cobbled road surface in Ordnance Mews.

15. DETAILED CONSIDERATIONS

15.1 Land Use

For the reasons set out in Section 8.4 of this report, it is not considered that the loss of the existing garages can reasonably be resisted in land use terms. In this context, the principle of providing new residential accommodation on this site is acceptable in land use terms and accords with Policies S13 and S14 in the City Plan and Policy H3 in the UDP. In terms of density, the development would have a density of 577hr/ha and this falls comfortably within the density range in Policy 3.4 of the London Plan, which is between 200 and 700 hr/ha for an urban location with a PTAL rating of between 4 and 6. As such, the objection raised on density grounds cannot be supported.

The proposed development would provide a mix of units (2x2 bed houses and 1x3 bed houses) which is consistent with the requirements of Policy H5 in the UDP and Policy S15 in the City Plan. The size and layout of the accommodation would be compliant with

the minimum standards set out in the Government's Technical Housing Standards and Policy 3.5 of the London Plan. As such, the residential accommodation proposed would be of a good standard.

The applicant has identified that the units are intended to be used to provide social rented housing. However, given only three residential units are proposed and the scheme delivers less than 1,000m² of new residential floorspace on the site, it does not trigger a requirement to provide affordable housing under Policy H4 in the UDP and Policy S16 in the City Plan. Therefore whilst the provision of the units as a form of affordable housing is welcomed, it is not necessary, nor would it be reasonable to require that the units are provided as affordable housing via a planning condition or legal agreement. In this context the objections raised regarding the type of affordable housing tenure to be provided on this site cannot be supported.

15.2 Townscape and Design

The site is currently functional in appearance reflecting its use as garage accommodation. The garage structures are of simple form and construction and have little, if any, architectural merit. Similarly the garages are alien in terms of their form and detailing to all of the neighbouring buildings, although they share a similar palette of materials to the neighbouring Aquila Street block. Therefore, the garages are considered to be harmful to the character and appearance of this part of the St. John's Wood Conservation Area and their demolition is not considered to be objectionable, subject to the replacement building on the site being one that preserves or enhances the character and appearance of the conservation area.

The proposed building is conceived as a contemporary mews style development with buildings of relatively limited scale such that they would be lower than the adjoining properties in Aquila Street, St. John's Wood Terrace and St. Ann's Terrace. The form and massing of the proposed buildings would be mews like with garage accommodation predominant at ground floor level, a sheer storey of accommodation at first floor level and, a recessive roof storey of additional accommodation at second floor level; albeit the form of the second storey would comprise a setback sheer storey with a pitched roof rather than a traditionally detailed mansard roof form. Given that there is not an existing mews vernacular along Ordnance Mews, it is considered that the contemporary mews approach taken to the design and massing of the proposed development is appropriate. In this context, the objections raised on bulk and massing grounds are not supported as a ground for withholding permission.

Concern has been expressed regarding the use of a pitched roof to the three storey houses, rather than a valley roof as found to surrounding Victorian terraces. However, the pitched roofs provide a varied roof line and in combination with the flat roof of the two storey house, the development would provide a blend of roof forms which reflect the relatively varied roof forms of neighbouring buildings, which include valley roofs, flat roofs and a pitched roof to one of the Aquila Street blocks.

In terms of footprint, the proposed development would extend 2.5m further forward on the site than the existing garages (reducing the forecourt area from 5.1m to 2.6m) and would extend to the full east/ west length of the site. At the western end this is coupled with a reduction in bulk which provides for a comfortable transition to the neighbouring

garden boundary walls. To the eastern end in Aquila Street the end mews house would extend beyond the front elevation of the block containing No.1-14 Aquila Street. However, it would replicate the building line formed by the side elevation of No.98 St. John's Wood Terrace to the south and therefore there is a sound design rationale for seeking to continue this building line along the eastern side of Aquila Street. This will result in a three storey return elevation adjacent to Nos.7 and 14 Aquila Street and concerns have been raised regarding the risk of crime and anti-social behaviour in the area to the north of the eastern end of the development. However, the garages already form a similar secluded landscaped corner at ground floor level and the proposed development would not materially worsen the existing situation as it would not enclose this area at ground floor level to a materially greater extent than existing.

The detailing and palette of materials proposed has attracted objection for being un-contextual. The scheme proposes the use of yellow/ brown brick as the predominant facing material and this is appropriate given the predominant use of brick in the construction of immediate neighbouring buildings.

The palette of materials is otherwise relatively restrained with dark grey aluminium windows and timber garage and front doors. The majority of the detailing to the houses would be generated by use of the brick in less traditional forms, such as laid in multiple soldier courses. This is not considered to be objectionable as this reflects that the development is conceived as a contemporary interpretation of a traditional mews house form. It also assists in breaking down the bulk and massing of the mews houses. The fenestration proposed, whilst modern in appearance, being a grey aluminium frame, would be dimensioned to echo the sash windows in neighbouring properties to the south and west, which predominantly contain sash windows with a strong vertical emphasis.

Sample panels of the brickwork and other facing materials and details of the key elevational treatments are to be secured by condition to ensure they are appropriate.

In conclusion in design terms, for the reasons set out, the proposed development would not harm the character and appearance of the St. John's Wood Conservation Area. The proposed development would be more prominent within the conservation area, but nevertheless, it is considered to enhance its character and appearance relative to the existing mid 20th Century garages. It would also not harm the setting of adjacent listed buildings. As such, the proposed development would accord with Policies DES1, DES4, DES9 and DES10 in the UDP and Policies S25 and S28 in the City Plan.

15.3 Residential Amenity

8.3.1 Daylight and Sunlight

The applicant has submitted a daylight and sunlight assessment of the proposed development, which assesses its impact on properties at Nos.4-14 St. Ann's Terrace, Nos.98-105 St. John's Wood Terrace (including properties to the rear in Ordnance Mews) and Nos.1-14 Aquila Street (the block directly to the north of the application site) and Nos.23-28 Aquila Street.

The proposed development would not result in a material loss of daylight to any neighbouring windows in neighbouring properties in St. John's Wood Terrace, Ordnance

Mews, St. Ann's Terrace or Nos.23-38 Aquila Street, with any losses of daylight that would occur to windows in properties in these streets limited to levels below the threshold at which the Building Research Establishment (BRE) Guidelines (2011) identify that the loss of daylight would be noticeable.

The only material losses of daylight that would occur using the VSC method of assessment, which the BRE Guidelines identify as the primary method of assessing daylight loss of new development on windows serving existing neighbouring light sensitive uses, would be to five windows serving the lower maisonette in Nos.7-14 Aquila Street, which is located immediately to the rear of the application site.

As a consequence of the additional bulk proposed, the ground floor window to the rear of No.7, adjacent to the boundary with the application site would suffer a material loss of daylight (a reduction of 26% of its existing VSC value). The windows and glazed front door to the front elevation would also suffer material losses of daylight (see Table 1 below). The glazed front door and side light windows are though likely to serve a non-habitable room and furthermore, when assessed without the oversailing first floor above, which the BRE Guidelines allows, the windows would fall within the tolerances of the BRE Guidelines for daylight loss.

Table 1 – Material Losses of Daylight to No.7 Aquila Street using Vertical Sky Component (VSC).

Window Location	Habitable Room	Existing VSC	Proposed VSC	VSC Loss	Ratio
Rear Ground Floor Window	Yes	29.9%	22.2%	4.9	0.74
Front Ground Floor Window	Yes	10.6%	7.4%	3.2	0.7
Front Ground Floor Door/ Sidelight Window	No	3.4%	2.3%	1.1	0.68
Front Ground Floor Door/ Sidelight Window	No	0.3%	0.2%	0.1	0.67
Front Ground Floor Door/ Sidelight Window	No	1.8%	1.3%	0.5	0.72

Consequently, the material losses of daylight would be limited to two windows; namely, the ground floor front and rear windows of the ground and first floor maisonette at No.7 Aquila Street. Given that the material loss to the rear ground floor level window would only be marginally above the 20% VSC loss threshold above which the losses would become noticeable and as the window would continue to receive a good level of daylight, the impact on this window is not so significant so as to justify withholding permission.

The window to the front elevation at ground floor level is over sailed by the upper floor of the maisonette at first floor level and this design feature of the block already reduces the extent of daylight it receives. Given this, and as the windows serving the upper floors of the maisonette would not suffer a material loss of daylight, the overall impact on the maisonette would not be so significant in daylight loss terms so as to warrant withholding permission.

In terms of sunlight loss, the proposed development would not cause any material losses to the windows or gardens of neighbouring properties, save for the neighbouring

maisonette immediately to the north of the site at No.7 Aquila Street. The rear windows would suffer a material loss of sunlight. The proposed development would also increase the overshadowing of the rear garden of this property to a noticeable degree with sunlight availability reduced to less than 0.8 times its former value. Cumulatively the impact on the rear of No.7 Aquila Street and its rear garden would be significant; however, it is considered that the public benefit of the scheme in terms of delivering three additional units would outweigh the harm that would be caused in this instance.

In light of the above considerations the proposed development is considered to be acceptable in terms of its impact on daylight and sunlight and would accord with Policy ENV13 in the UDP and S29 in the City Plan.

8.3.2 Sense of Enclosure

In sense of enclosure terms the occupiers of neighbouring properties on the south side of Ordnance Mews have raised concerns that the development would increase enclosure to their windows to a significant degree. However, the windows of neighbouring properties on the south side of the mews are well set back from the boundary and the proposed development would be set back 2.6m from the northern edge of the highway in Ordnance Mews, such that the cumulative distance between the properties opposite and the proposed development would not be dissimilar to many mews across the City. In this context, whilst there would be an increase in enclosure as a result of the introduction of a two to three storey building, it would not have such a significant impact on neighbouring occupiers to the south of the site so as to justify withholding permission.

The proposed development would be sufficiently distant from neighbouring properties to the east and west so as not to cause a material increase in enclosure to these neighbouring buildings.

The most significant impact would be to the adjoining residential accommodation to the north in Nos.7-14 Aquila Street, as noted by the St. John's Wood Society, who object on this basis. It is acknowledged that the maisonette at No.7 will suffer an increase in the degree of enclosure to its front and rear windows and its rear garden. However in the case of the windows, these are set at 90 degrees to the proposed development and they would therefore retain an otherwise unobstructed outlook. The rear garden would be enclosed by a two, rather than a single storey wall to its southern side. As identified in the preceding section of this report, this will undoubtedly diminish the quality of the amenity space the garden provides; however, the public benefits of the proposed development would outweigh the harm caused to this one existing residential unit. On this basis the proposal is considered to be capable of being supported, despite the material increase in enclosure that would occur, which would ordinarily be contrary to Policy ENV13 in the UDP and S29 in the City Plan.

8.3.3 Overlooking

No windows are proposed in the rear elevation of the development, save for two windows in the north eastern corner, and these are sufficiently distant from the block at Nos.1-14 Aquila Street so as not to cause any significant overlooking.

There are no windows in the side elevations of the development and therefore no significant overlooking would occur to neighbouring properties to either side, provided the degree of enclosure around the terrace at the western end of the development, which is immediately adjacent to neighbouring boundary walls, is improved. Currently only a 1.3m high enclosure is proposed around the terrace and this is insufficient to prevent overlooking to neighbouring windows and gardens. A raised enclosure of not less than 1.7m is to be secured by condition to overcome this concern.

Objection has been raised by neighbours in Ordnance Mews that the proposed development will cause significant overlooking to their properties on the south side of the mews. The closest distance between the front elevation of the proposed development and windows in properties on the south side of the mews will be at least 10m. At this distance, although the windows in the proposed development will be appreciable, they would be sufficiently distant so as not to result in a significant increase in overlooking. The majority of windows facing the application site on the south side of the mews are further back from the front elevation of the proposed development, with the windows in the main rear elevation of the terrace along St. John's Wood Road approximately 18m from the proposed development.

The scheme includes three roof terraces, but all would be small in size and as such they would not be likely to give rise to significant overlooking to neighbouring properties on the south side of the mews given the aforementioned distances to neighbouring windows, nor would their use cause significant noise disturbance to neighbouring occupiers.

8.3.4 Other Amenity Issues

Conditions are recommended to control the amenity impact of the development. The recommended conditions comprise a condition to prevent the future addition of new windows or extensions which may increase enclosure or overlooking to neighbours and to prevent the use of the roofs of the houses as roof terraces, except where terraces are proposed as part of the proposed development.

In conclusion in amenity terms, given the benefits of the scheme, the amenity impacts of the development are acceptable, subject to the recommended conditions.

8.4 Transportation/Parking

The Highways Planning Manager objects to the loss of the existing garages on the basis that their loss is likely to increase the pressure on on-street residents' parking in the vicinity of the site; however, he notes that this objection is on the basis that the existing garages are protected by condition. In this case the garages are not restricted by condition to use by occupiers of adjoining residential properties and they are already used for a number of different purposes and by persons residing or working a range of distances from the application site (see Table 2 below). In addition it is evident from the representations received that at least one of the garages is used solely as storage. In this context, and having regard to the public benefit of providing additional housing on this site, it is not considered that the loss of the garages would have such a demonstrable impact on on-street parking pressure in the immediate vicinity of the site

so as to warrant withholding permission pursuant to Policies STRA25 and TRANS23 in the UDP.

Table 2 – Location of Existing Garage Leasees and Letting Status of Garages.

ID	Occupier Address	Status
1	Aquila Street	Let
2	Aquila Street	Let
3	Ordnance Mews	Let
4	Aquila Street	Let
5	Scott Ellis Gardens	Let
6	Aquila Street	Let
7	Scott Ellis Gardens	Let
8	Cotman House	Let
9	Alma Square	Let

The proposed development would reduce the depth of the forecourt area in front of the new mews houses from 5.1m to 2.6m (measured outside No.3 Ordnance Mews). The applicant has provided vehicle tracking demonstrating that typical sized vehicles will be capable of accessing existing garages and parking areas opposite the site on the south side of the mews using the reduced private forecourt area. The Highways Planning Manager does not object to this aspect of the application, but does note that the manoeuvres required to access the adjacent garages and parking areas would become more difficult. However, this in itself is not a reasonable ground on which to withhold permission; rather a condition is recommended preventing the use of the forecourt area for parking or for any other purpose that would obstruct the forecourt area at any time. Subject to this recommended condition, the proposed development would maintain adequate access to the neighbouring off street residents parking and as such, the proposed development would accord with Policy TRANS23 in the UDP in this regard.

The provision of one car parking space for each of the three houses is considered acceptable and in accordance with Policy TRANS23 in the UDP and therefore objection raised on grounds by the St. John's Wood Society that less parking should be provided cannot be supported. The Highways Planning Manager is content that the garages would be accessible from Ordnance Mews. The parking spaces are to be secured by condition to provide parking for residents of the development.

The scheme includes cycle parking within the rear of the garages, which would be secure and weather proof. One objection notes that two bicycles would not fit next to each other at the end of the garages; however, they could be overlapped in this location or alternatively one cycle could be wall hung above the other. As such, the location for cycle parking is acceptable and in accordance with Policy 6.9 in the London Plan and the objection raised cannot be supported. A condition is recommended to secure the cycle parking.

The Cleansing Manager does not object to the general strategy of waste storage, with waste stores provided to the front of each house, but asks that the arrangement of the waste and recycling bins within the stores is clarified to ensure compliance with Policy ENV12 in the UDP. It is recommended that these additional details are secured by condition.

Objection has been raised with regard to the impact of the development on the safety and accessibility of Ordnance Mews. In terms of pedestrian safety, pedestrians will continue to be able to walk along the forecourt area, as is currently the case and this will not materially worsen pedestrian safety relative to the existing situation. Similarly the proposed development would not narrow the existing vehicular carriageway and therefore the proposed development would not materially worsen the accessibility of Ordnance Mews for vehicles, including emergency vehicles. Furthermore, the recommended condition preventing obstruction of the forecourt area on the application site will ensure the width of the mews will not be narrowed in future by items such as bollards.

Concerns have been raised that the development may harm the cobbled surface of the mews. However, there is no intention to alter or replace the cobbles and the cost of repairs for any damage caused by construction vehicles will be reclaimed from the developer by the Local Highway Authority.

One objector has concerns about how the fall in the level of the site from west to east will be incorporated into the development. The fall in levels is not though so great so as to preclude the provision of the proposed garages and as such, the precise levels across the forecourt area are to be reserved by condition (as part of the recommended hard and soft landscaping scheme condition).

The proposed development will necessitate occupiers of properties with entrances on the south side of Ordnance Mews to relocate where they leave their bins for collection as they currently place them on the forecourt of the existing garages. However, the existing arrangement relies on the bins being placed on private land outside the ownership of the occupiers of the affected properties and in this context, permission could not reasonable be withheld on the basis that the bins of these properties will need to be left in a less convenient location in Aquila Street.

Concerns have been expressed about the removal/ relocation of the existing heritage lamp post within the mews. Its removal cannot be resisted in design terms given it is not in itself a historic item of street furniture; rather it is a modern lamp in a traditional style. The impact on the lighting level within Ordnance Mews is though of concern given the applicant intends to relocate the existing lamp further to the west. It is unclear at this stage whether the relocation of this street lamp to the location proposed would be acceptable to the local highway authority and therefore a condition is recommended to reserve details of appropriate arrangements to deliver the relocation of the street lamp and/ or the provision of replacement street lighting within the mews. It is recommended that this condition also delivers any necessary highway works to the edge of the existing highway that are necessary to facilitate access to the forecourt of the proposed development.

8.5 Economic Considerations

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

8.6 Access

The forecourt of the proposed development would be level with the existing level of Ordnance Mews and the paving to the forecourt is to be agreed as part of the recommended hard and soft landscaping condition to ensure it is appropriate for persons with disabilities affecting their movement. Due to the limited size of the site, two of the houses, whilst provided with level access, would not have habitable accommodation at ground floor level. The two storey house to the western end of the site would though have two bedrooms and bathrooms at ground floor level that would provide accessible habitable accommodation at ground floor level. Given the constraints of the site this level of accessibility is considered to be acceptable.

8.7 Other UDP/ Westminster Policy Considerations

8.7.1 Tree Impact

It is intended to remove a Plum Cherry tree in the rear garden of No.7 Aquila Street owing to its proximity to the boundary of the site and the Arboricultural Manager does not object to this given its poor condition. The Arboricultural Manager would like to see a replacement tree provided. However, given the limited size and contribution to visual amenity within the conservation area of the existing tree, it is not considered that this is necessary in this instance. The loss of the Plum Cherry tree is therefore not considered to be objectionable and would be compliant with Policy ENV16 and DES9 in the UDP and Policy S38 in the City Plan. However, as the tree is outside of the red line boundary of the application site, a separate tree works application will need to be submitted to secure its removal. An informative advising the applicant of this is recommended.

8.7.2 Biodiversity

The applicant has assessed the impact of the development on wildlife and this includes assessment of the likelihood of bats roosting in the existing garage structures. The assessment concludes that given their condition, the garages are unlikely to provide for bat roosting and therefore their demolition is unlikely to disturb this protected species. An informative is recommended to advise the applicant of the measures to be taken in the unlikely event that roosting bats are discovered.

The submitted Ecological Appraisal and Surface Water Drainage Strategy suggest that a green roof will be provided over the roof of the two storey house at the western end of the site. This is not indicated on the drawings, but the applicant has verbally advised that a green roof is proposed in this location. The provision of a green roof is considered to be necessary on three grounds. Firstly the scheme does not include any substantive soft landscaping and a green roof would mitigate this lack of landscaping; secondly the roof of this lower house will be significantly overlooked and the provision of a green roof would substantially enhance the visual appearance of this large flat roof; and thirdly the green roof is necessary to provide attenuation of water run off as set out in the applicant's drainage strategy. A condition is therefore recommended requiring the

submission of revised drawings showing a green roof on the second floor level flat roof and requiring its provision prior to occupation and its retention thereafter.

8.7.3 Sustainability

As identified in the application documents, the site is in an area of low flood risk and is therefore an appropriate and sustainable location for residential development.

The energy strategy for the development targets compliance with 2013 Building Regulations, primarily through the energy efficiency of the building fabric. Given that this is a non-major development of limited scale this is acceptable and in accordance with Policy S28 in the City Plan. The introduction of photovoltaic panels at roof level has been considered to provide on-site renewable energy but has been discounted in this instance due to the conservation area setting of the development, which includes listed buildings immediately to the west of the site.

8.8 London Plan

The 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

With the exception of the appropriate arrangement to secure relocation and/ or replace the existing street lamp in Ordnance Mews and associated highway works necessary to form access to the development, which are to be obtained via a Grampian condition (see Section 8.4), no other planning obligations are relevant in the determination of this application.

The proposed development would be CIL liable; however, if built as social rented affordable housing it is likely to be eligible for CIL relief.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Concerns have been expressed that pigeons nest in neighbouring trees; however, pigeons are not a protected species and as such, the impact of the development on them is not a ground on which permission could reasonably be withheld.

One objector identifies that the existing garages provide useful storage for nearby residents. However, this is not the intended purpose of the garages and there are

alternative storage providers in the St. John's Wood area that provide storage facilities for residents.

Concerns have been raised by more than one objector and the St. John's Wood Society in relation to the level and timing of public consultation that was undertaken by the applicant prior to the submission of the application. The objectors consider that this consultation was not as extensive as is suggested by the applicant's Statement of Community Involvement. Whilst this is regrettable, it is not a ground on which to withhold planning permission. The City Council as Local Planning Authority has consulted widely during the course of the planning application and the consultation exercise undertaken accords with the City Council's 'Statement of Community Involvement for Planning'. The concerns expressed with regard to the applicant's pre-application consultation have been raised with the applicants so they can address these concerns should they consider bringing forward similar proposals elsewhere on their estate.

Objection has been raised on the basis that some of the supporting documents fail to fully recognise that there are residential properties in Ordnance Mews that are accessible from the mews. As set out earlier in this report, officers are fully aware of the location of residential properties on the south side of Ordnance Mews and the impact on these neighbouring properties has been fully considered in the assessment of the application.

Concern has been expressed that the drainage strategy submitted does not identify the existing drain that the objector states runs below Ordnance Mews, as the strategy suggests the development will be directly linked to the drain running below Aquila Street. However, this is not a ground to withhold permission; rather the detailed design of the drains from the development is a building control matter. The possible presence of a drain below Ordnance Mews has been reported to the applicant to assist them with the future detailed design of the drainage from the development.

One objector notes that the current state of repair of the garages is as a result of lack of maintenance by the applicant and should not be a justification for redevelopment. Officers concur that the state of repair should not be a material consideration in the determination of the application and the assessment of the proposed development in this report does not attribute any significant weight to the current condition of the existing garages.

9 BACKGROUND PAPERS

1. Application form.
2. Email from St. John's Wood Society, dated 14 August 2017.
3. Memo from the Cleansing Manager dated 14 August 2017.
4. Memo from the Highways Planning Manager dated 18 August 2017.
5. Email from Building Control dated 22 August 2017.
6. Memo from the Arboricultural Manager dated 23 November 2017.
7. Email from the occupier of 2 Ordnance Mews dated 15 August 2017.
8. Email and attachment from occupiers of 3 Ordnance Mews dated 23 August 2017.
9. Email from the occupier of 10 Cotman House, Charlbert Street dated 31 August 2017

Item No.
1

10. Email from the occupier of 10 Aquila Street dated 15 September 2017.

DRAFT DECISION LETTER

Address: Garages To The Rear Of, Ordnance Mews, London,

Proposal: Demolition of 9 single storey garages and erection of a replacement building comprising two to three storeys for use as 3 dwellinghouses (Class C3).

Plan Nos: 1638-1/A/106/004 (site location plan), 1638-1/A/101/001 (dated 13.02.18), 1638-1/A/101/002 (dated 13.02.18), 1638-1/A/101/003 (dated 13.02.18), 1638-1/A/101/004 (dated 13.02.18), 1638-1/A/102/000 (dated 13.02.18), 1638-1/A/102/001 (dated 13.02.18), 1638-1/A/103/000 Rev.01, 1638-1/A/106/001, 1638-1/A/106/002, Design and Access Statement dated July 2017 (as amended Updated Planning Drawings document dated 13.02.18 and February 2018), Daylight and Sunlight Study dated 20 April 2017, Heritage Statement dated July 2017, Ecological Appraisal dated June 2017, Air Quality Assessment dated April 2017, Statement of Community Involvement dated July 2017, Ground Investigation Report dated May 2017, Surface Water Drainage Strategy dated July 2017, Structural Notes to Accompany Planning Submission dated July 2017, Transport Statement dated 24 July 2017 (Version 4), Acoustic Planning Report dated March 2017, Energy Statement dated 14 June 2017 (Issue 01) and LD-SKE-003 Rev.A (for information only).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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

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

Reason:

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

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

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

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

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

Reason:

Item No.
1

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

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

Reason:

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

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

- (a) All windows in context with the window surrounds and window reveals.
- (b) All external doors.
- (b) Hit and miss brickwork to roof terraces/ balconies.

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

Reason:

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

- 6 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio

Item No.
1

antennae on the roof terraces. (C26NA)

Reason:

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

- 7 Except where the drawings here by approved are cross hatched and annotated 'Terrace', you must not use the roofs of the building for sitting out or for any other purpose. You can however use the roofs to escape in an emergency. (C21AA)

Reason:

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

- 8 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building or erect any extensions without our permission. This is despite the provisions of Classes A, B, C and D of Schedule 2, Part 1 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

Reason:

To protect the privacy and environment of people in neighbouring properties and protect the appearance of the development and the character and appearance of the St. John's Wood Conservation Area. This is as set out in S25, S28 and S29 of Westminster's City Plan (November 2016) and DES1, DES5, DES6, DES9 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 9 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Provision of a living green roof at second floor level on the flat roof at the western end of the development.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings and the living green roof must be installed prior to the occupation of the development. Thereafter the green roof must be permanently retained in the approved location. (C26UB)

Reason:

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

Item No.
1

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

Reason:

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

- 11 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.

- 12 Notwithstanding the bin stores shown on the drawings hereby approved, you must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately (bins for waste and recycling should be indicated with the letters 'w' and 'r' respectively). You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone occupying the dwellinghouses. (C14EC)

Reason:

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

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

Reason:

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

- 14 The ground floor forecourt area to the southern side of the site between the dwellinghouses and Ordnance Mews must not be used to park vehicles and must not be obstructed in any other way at any time.

Reason:

To ensure that the existing off-street residents parking on the south side of Ordnance Mews remains accessible in accordance with Policies STRA25 and TRANS23 in the Unitary Development Plan we adopted in January 2007.

Item No.
1

- 15 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following:

- Highway works necessary to facilitate access to the development, including relocation and/ or replacement of the existing street lamp column.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 and S41 of Westminster's City Plan (November 2016) and in TRANS2 and TRANS3 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 16 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Provision of a privacy screen/ means of enclosure to the side (western) and rear (northern) sides of the roof terrace at first floor level that is not less than 1.7 metres in height above the finished floor level of the terrace.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings and you must not use the terrace until the means of enclosure we approve has been installed. Thereafter the means of enclosure must be permanently retained in accordance with the approved drawings. (C26UB)

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)

- 17 Notwithstanding the landscaping shown in the application drawings and documents, 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,

Item No.
1

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)

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 site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 3 This permission does not permit the removal of the tree indicated on drawing LD-SKE-003 Rev.A as it is located outside the application site. You will need to make a separate tree works application should you wish to remove the tree.
- 4 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)
- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 6 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.

Item No.
1

- 7 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)

- 8 When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81DA)

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

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

CIL forms are available from the planning on the planning portal:
http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

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

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

- 10 Under condition 15 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure the relocation of the street lamp and/ or its replacement in Ordnance Mews and provision of necessary highway works to facilitate access to the development. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at *www.westminster.gov.uk*. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)

- 11 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are

Item No.
1

aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)

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

This page is intentionally left blank

Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 10 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	32 Grosvenor Square, London, W1K 2HJ		
Proposal	Use of the ground and the first floors as a gymnasium (Class D2), for a temporary period of 10 years. Installation of louvres within front lightwell on the Upper Grosvenor Street frontage and on the rear elevation at first floor level.		
Agent	Gerald Eve		
On behalf of	Grosvenor West End Properties		
Registered Number	17/10376/FULL	Date amended/ completed	22 November 2017
Date Application Received	22 November 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission for a temporary period of 10 years.

2. SUMMARY

The application relates to the use of vacant offices on the ground and first floors of a building situated on the southwest corner of Grosvenor Square, situated within the Mayfair Conservation Area. Part of the ground floor was formerly in use as an estate agent (Class A2) the remainder was offices falling within Class B1.

Permission is sought for works in connection with use of the premises as a gymnasium (Class D2).

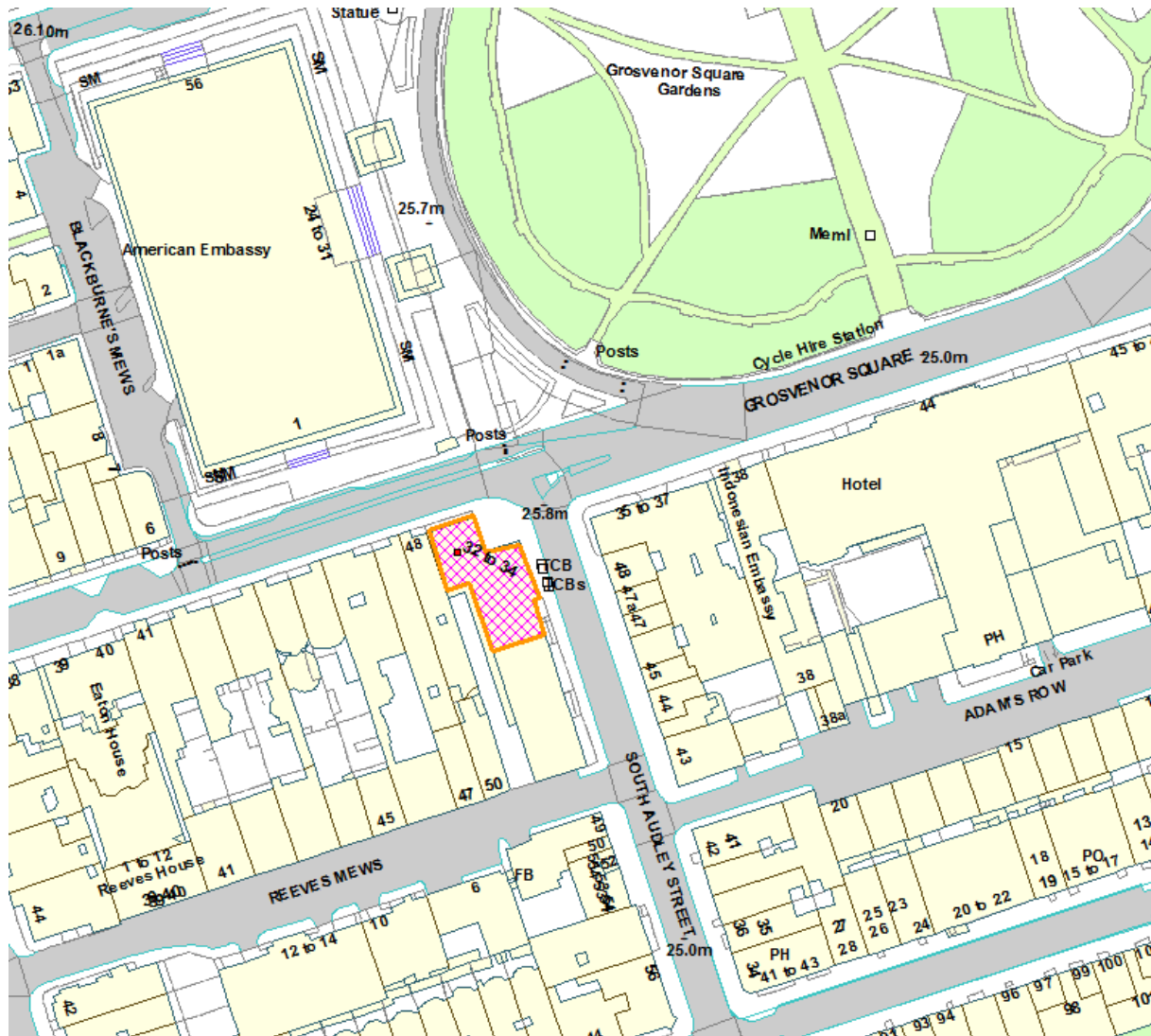
The key issues for consideration are:

- The acceptability of a gym in this location in land use terms,
- The impact on residential amenity,
- The impact of the introduction of louvres on the appearance of the building and the character and appearance of the Mayfair Conservation Area.

The site lies within the Core Central Activities zone in an area mixed use in character. Subject to appropriate conditions, the provision of a gym (Class D2) is considered acceptable in land use and

amenity terms. In design terms the proposed external louvres, are not considered to be unduly prominent due to their location. The scheme complies with policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan and is therefore recommended for approval.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS





5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

No objection subject to conditions

CLEANSING

No objection subject to conditions

ENVIRONMENTAL HEALTH

No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25

Total No. of replies: 3

No. in support: 0

3 letters of objection on behalf of 1 occupant on the following grounds:

Procedural

- Invalid application (layout not shown, no heritage statement, no acoustic report, no operational hours details, no construction management plan, no energy assessment)

Land Use

- Loss of offices/small scale offices
- Loss of Class A2 floorspace (which could change to Class A1 utilising PD rights)
- No active frontage
- No marketing information demonstrating long term vacancy
- Gymnasium is surplus to need
- No information provision of social facility

Amenity

- Impact on residential amenity (noise and vibration from plant and operation)
- No structural separation details

Design

- Impact on the heritage asset
- No details on materials or signage

Highways

- No waste/cycle storage

Environmental

- No identified water saving measures
- Unsustainable

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No 32 Grosvenor Square comprises basement, ground and seven upper floors located on the southwest corner of the square. The building has frontages onto Grosvenor Square and South Audley Street. The site lies within the Mayfair Conservation Area and the Central Activities Zone.

The application relates to ground and first floors which are currently vacant. Part of the ground floor was previously occupied as an estate agents (Class A2), the remainder of the ground floor and first floor were in office use (Class B1). The upper floors on the application premises (but not part of the site) are also in office use. The adjacent building to the south No 33 Grosvenor Square is a residential block. The upper floors to this building are directly above part of the application site on the South Audley Street frontage.

The area is mixed use in character comprising commercial offices, embassies, retail, restaurants and residential. In addition to the residential flats at No 33 Grosvenor Square directly above part of the site there are also residential flats at 34 Grosvenor Square, 45-48 Upper Grosvenor Street and in Reeves Mews to the west and 35-37 Grosvenor Square to the east.

6.2 Recent Relevant History

Permission was granted on 23 February 2010 for the use of part of the ground floor for financial and professional services (Class A2) (RN 10/00042/FULL).

Subsequently, permission was granted for the use of the ground and first floor as retail (Class A1) on 27 Oct 2016 (RN 16/08351/FULL). This permission remains unimplemented.

7. THE PROPOSAL

Permission is sought for the use of ground floor and first floor as a gymnasium. The application, submitted on behalf of Grosvenor West End properties is speculative with no operator identified. Permission is sought for a temporary period of 10 years.

The proposed operating hours are between 0600 and 2200 Monday to Friday and between 0800 and 1800 Saturday and Sunday.

The application also seeks to install louvres within front lightwell on the Upper Grosvenor Street frontage and to the rear of the building at first floor level in order to provide fresh air for new mechanical plant located internally.

8. DETAILED CONSIDERATIONS

Objections have been received from and on behalf of a resident of a flat at 2nd floor level of No 32 Grosvenor Square situated directly above part of the application site on South Audley Street. These objections are made on the grounds that there is insufficient information to enable the application to be determined and that the proposal is contrary

to the development plan and no material considerations have been provided to justify granting permission. The detailed points raised in objection are considered in the relevant sections of this report below.

8.1 Land Use

The floorspace figures are set out in the table below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Financial and Professional Services (Class A2)	58.3	0	-58.3
Office (Class B1)	534.1	0	-534.1
Gym (Class D1)	0	592.4	+592.4
Total	592.4	592.4	592.4

Loss of office use (Class B1) and financial and professional services (Class A2)

The scheme will result in the loss of an estate agents (financial and professional services Class A2) at ground floor level fronting onto Grosvenor Square and offices (Class B1) at ground and first floor levels. The objection received refers to the loss of both of these uses as being contrary to policies and being harmful to the character and function of the area.

With regards to the offices (Class B1) the objection refers to the fact that the offices could accommodate small to medium sized business that are encouraged in Westminster City Plan Policy S18 and London Plan policies 2.10, 2.11 and 4.2.

The site lies within the Core Central Activities Zone (CAZ) where offices are encouraged. However City Plan policy S6 recognises that the CAZ is an appropriate location for a range of commercial and cultural uses and complementary residential use. There are no specific policies which prevent existing offices from changing to other commercial uses. The loss of the offices is not therefore contrary to adopted land use policies.

The objection to the loss of the financial and professional services (Class A2) is made on the grounds that the existing lawful Class A2 floorspace could under permitted development rights change to retail (Class A1). The objection is made on the grounds that the loss of the unit is contrary to City Plan policy S21 as an active frontage would be lost.

Policy S21 states that existing non-A1 retail uses, and uses occupying shop-type premises within designated shopping centres will be protected from changing to uses that do not serve visiting members of the public and that do not have active shop fronts. In this case however the estate agents did not occupy a shop type premises within a designated shopping centre. Furthermore, the proposed gym would provide a recognised service use.

The objection also refers to the fact that the applicant has not provided marketing information regarding long-term vacancy, required to demonstrate that the existing uses are not viable. The applicant has not advanced an argument that the existing uses are not viable. Nor is this a requirement of policy. City Plan policy S21 seeks to protect retail

uses throughout Westminster except where the Council considers that the unit is not viable, as demonstrated by long terms vacancy despite reasonable attempts to let. The application will not result in the loss of a retail unit (Class A1). The application is not therefore contrary to City Plan policy S21. The loss of the existing uses are considered acceptable in land use terms.

Proposed gymnasium

The objection is made on the basis that the proposed gym would be surplus to requirements, that the scheme would not provide facilities for local community activities or social activities as required by UDP policy SOC 7. The objection is also made on the grounds that the operation of the gym would result in a material loss of residential amenity.

Westminster City Plan defines a gym as being a social and community facility. The proposed use accords with London Plan Policy 3.16, UDP policy SOC 1 and City Plan policy S34 which encourage the provision of community facilities in appropriate locations throughout Westminster. In this instance the provision of a gym is considered acceptable in land use terms the use would not be harmful to the character and function of the area.

The specific objection that the gym would be contrary to UDP policy SOC 7 is not sustainable. This policy relates to indoor leisure facilities and libraries and states that proposals for these uses will be required to include facilities for local community arts or social activities, where appropriate. The requirement to provide community or social activities such as space for performances, rehearsals, meeting and exhibitions is applicable to sports centres and pitches and not therefore appropriate in this case.

One of the main points raised in objection is that the operational activities in particular sound transfer through the structure of the building would result in noise nuisance. An acoustic report has been commissioned on behalf of the objector to support these concerns.

Environmental Health have assessed all the information and raise no objection. They recommend a condition limiting the maximum noise levels inside existing neighbouring properties. This will ensure that the operation does not result in noise nuisance. A condition which requires details of sound insulation in all the separating structures prior to occupation is also recommended. These conditions will ensure that there would be no nuisance from noise transfer.

The entrance to the gym is on Grosvenor Square on the opposite frontage to the residential flats on South Audley Street. As stated the proposed operation hours are 06.00 to 22.00 on Monday to Friday and between 08.00 and 18.00 on Saturday and Sunday. The proposal does not seek to introduce a late night entertainment use. Subject to conditions controlling the opening hours and requiring the use to be carried out in accordance with an Operational Management Plan (OMP), the use is considered an appropriate one for the site, as it would not result in a loss of amenity or be harmful to the character of the area.

8.2 Townscape and Design

The proposal includes the installation of a louvres within the front lightwell on Upper Grosvenor Street frontage. The louvres are largely concealed by the external stair and The proposal also includes additional louvres to the top of two windows at to the rear at first floor level. These works are considered acceptable in design terms.

The proposed louvres at first floor level are located towards the end of a cul-de-sac off Reeves Mews. Due to the location and orientation of surrounding windows and the presense of a flank wall, private views of the louvres will be limited. Given that the louvres are contained within an existing window opening it will not add a significant amount of clutter to the building. The louvres are not considered to have a detrimental impact upon the character and appearance of the building or the Mayfair Conservation Area and are considered acceptable in design terms.

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

Impact on the heritage asset

It is considered that the impact of the proposal is minimal and, where it its perceptible, not harmful to the Mayfair Conservation Area, which is a designated heritage asset.

No details on materials or signage

As detailed above, the only external alterations are the proposed louvres within the front lightwell on the Upper Grosvenor Street frontage. A condition has been recommended requiring materials to match existing to ensure there is no harm to the conservation area.

Additional signage would require advertisement consent. If the future occupier requires additional signage, an application would be assessed under Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

8.3 Residential Amenity (Daylight Sunlight and Sense of enclosure)

Not applicable, as the applications involves no extensions.

8.4 Transportation/Parking

Parking

The proposed site is well served by public transport and there is no significant change in pedestrian or vehicular traffic expected due to the proposal change to a gym. Although staff numbers are not provided, given the floor space is unchanged it is considered that numbers of people arriving and departing would not be substantially different from the existing position. The site is also within a Control Parking Zone which means anyone who does drive to the site will be subject to these controls.

Servicing

The change of use to gym in this location is unlikely to materially alter the servicing generated when compared to the existing uses

Cycle Parking

The objection received is also on the grounds that the proposal does not include cycle storage. The LP requires one cycle parking space per eight staff. Suitable cycle parking

will help encourage staff away from less sustainable modes of transport. Cycle parking is not shown on the application drawings. To ensure cycle parking is provided, a condition is recommended to secure details of cycle parking based on staffing numbers prior to occupation.

8.5 Economic Considerations

Any economic benefits generated by the proposed developments are welcome.

8.6 Access

No change to the access arrangement is proposed.

8.7 Other UDP/Westminster Policy Considerations

Plant

The proposal will be ventilated by plant located within the basement which will utilise new external louvres in the front lightwell. The objection received refers to potential noise nuisance from plant. Environmental Health raise no objection advising that the operation of plant is likely to comply with the City Council's standard noise conditions.

Refuse /Recycling

An objection has been raised on the grounds that the application does not include waste storage. No waste storage is shown on the submitted drawings. Details of waste storage is proposed to be secured by condition.

Sustainability

London Plan Policies 5.3 and 5.4 requires that developments incorporate sustainable design (including retrofitting), including the efficient use of natural resources. Specifically relating to water. Policy 5.15 indicates that developments should minimize the use of water through saving measures. An objection has been made on the grounds that the proposal does illustrate any water saving measures and that the proposed use is likely to result in a greater water consumption than the existing uses.

Whilst the basis behind this objection is understood the application is for the conversion of an existing building at ground and 1st floor levels. It is not therefore possible to include water saving measures that might be found in a new build or where there is access to the roof which could incorporate rainwater harvesting. It is not considered that permission could reasonably be withheld on the grounds that the development is not sustainable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The application does not trigger any CIL requirements or planning obligations.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Construction impact

The objection raises concerns with regards to the potential impacts during construction. A condition is recommended to control the hours of building works. Subject to this condition, it is considered that the potential effects of the construction process will be ameliorated as far as reasonably possible.

Procedural

The objector considers that there is insufficient information to properly assess the proposal for the following reasons:

- the layout of the gymnasium is not shown;
- the submission did not include a heritage statement, construction management plan, energy assessment, or an acoustic report;
- the operational hours were not provided, there is no and there is no energy assessment.

As the future tenant is not known at this stage, the layout of the gym has not been specified. This is not unusual at planning stage, provided that the future tenants comply with the recommended conditions, it is not considered that the specifics of the internal layout will material impact neighbouring residents.

Given the size/nature of the proposal and the unlisted status of the application building, a heritage statement, construction management plan and an energy assessment are not required to properly assess the application.

Whilst the proposed operational hours of the gym were not initially indicated, they were provided during the course of the application and neighbours were subsequently re-consulted.

When initially submitted the application did not include a ventilation strategy in line with Officers advice, this information was subsequently provided and as stated Environmental Health have commented advising that subject to conditions this aspect of the application is acceptable.

9. BACKGROUND PAPERS

1. Application form
2. Response from EH Consultation, dated 28 February 2018
3. Response from EH Consultation, dated 30 January 2018
4. Response from Highways dated 12 January 2018
5. Response from Cleansing dated 12 January 2018
6. Letters from/on behalf of occupier of Flat 20, 33 Grosvenor Square, dated 15 December

Item No.
2

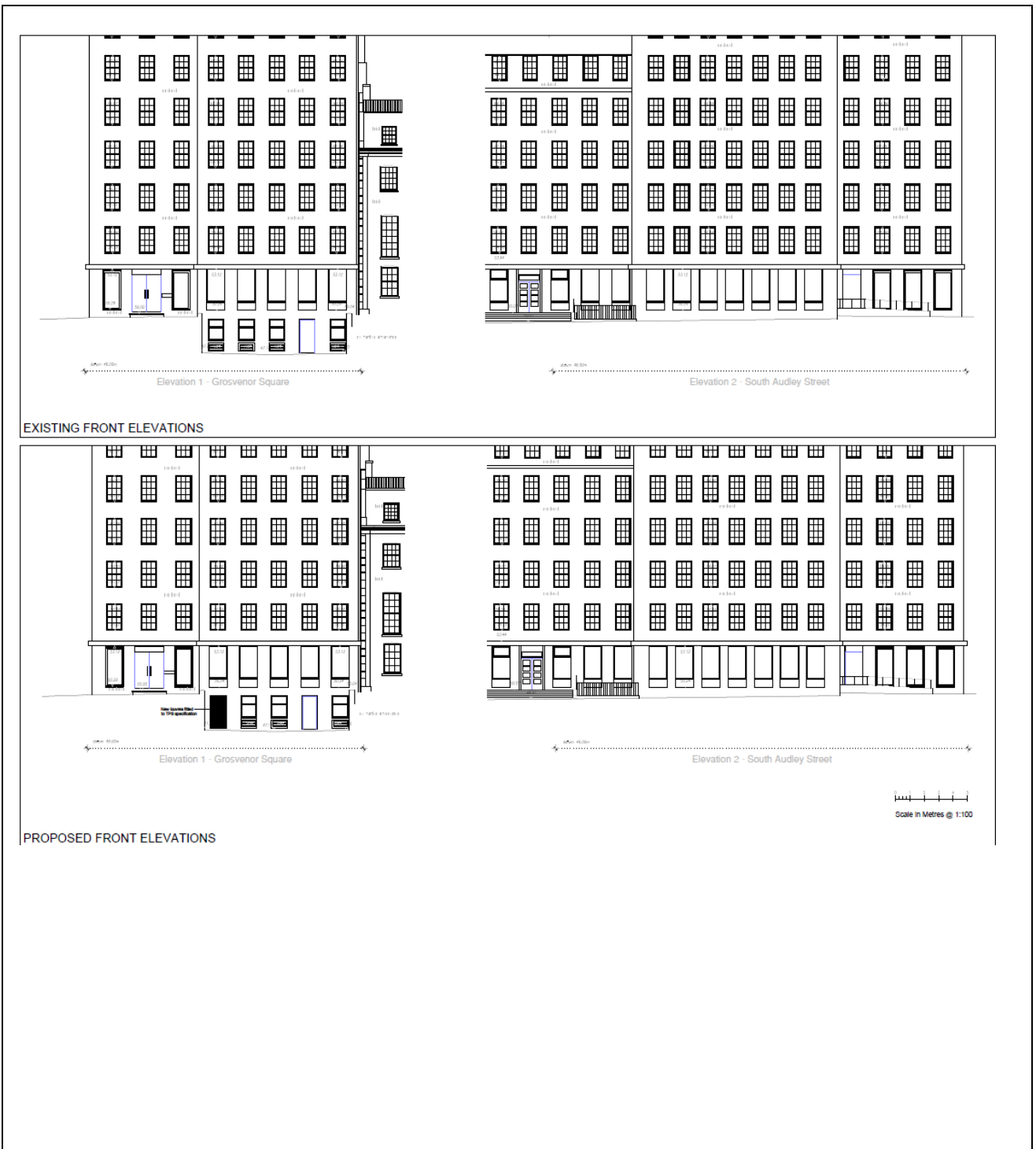
2017

7. Letters from RPS on behalf of occupier of Flat 20, 33 Grosvenor Square, dated 19 and 23 March 2018

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

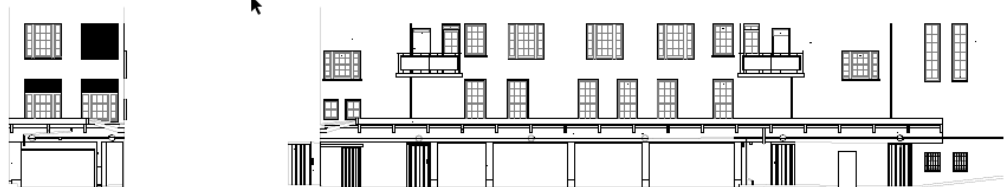
<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT MWALTON@WESTMINSTER.GOV.UK.</p>

10. KEY DRAWINGS





Indicative North



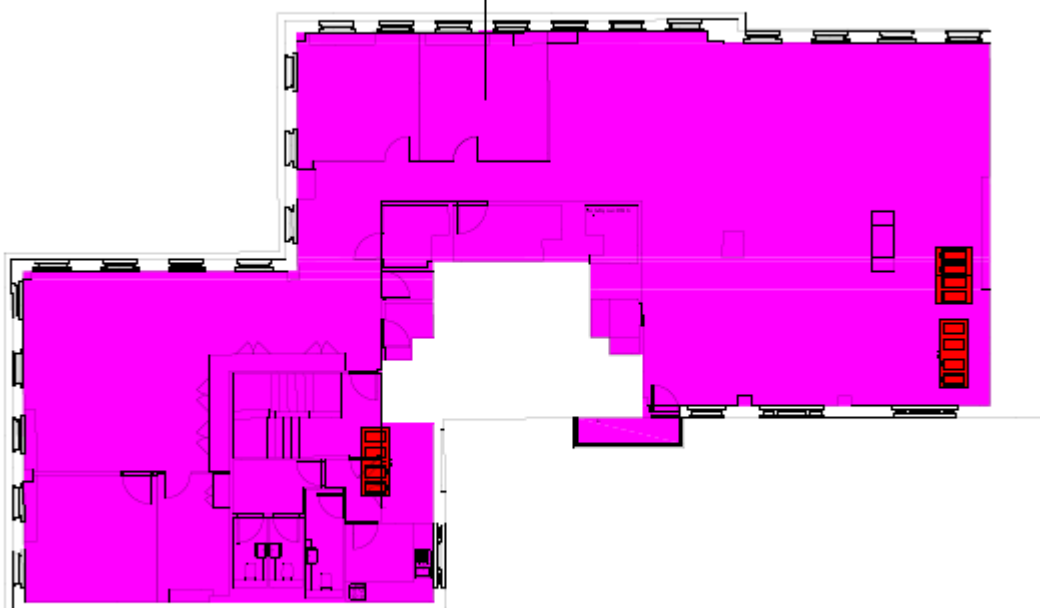
EXISTING REAR ELEVATIONS



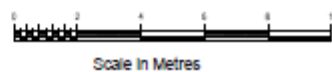
Scale in Metres @ 1:50

PROPOSED REAR ELEVATIONS





First Floor



DRAFT DECISION LETTER

Address: Ground Floor And First Floor , 32 Grosvenor Square, London, W1K 2HJ

Proposal: Use of the ground floor and all of the first floor to gym (Class D2) use. Installation of louvres within front lightwell on the Upper Grosvenor Street frontage and on the rear elevation at first floor level.

Reference: 17/10376/FULL

Plan Nos: SY/04, 6Y/06, 32 GS/ CoU04, 32 GS/ CoU03 Rev B, 32 GS/E04

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents 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 in the interests of proper planning.

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

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

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

- o between 08.00 and 18.00 Monday to Friday;
- 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.

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Article 632 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

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

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

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

- 5 The use of part of the ground floor and the first floor of the premises for gym (Class D2) shall remain for a period of up to 10 years from the date of this Planning Permission. Beyond this date, the land use of the property shall revert to its previously permitted office (Class B1) and retail (Class A2) use.

Reason:
At applicants request.

- 6 Customers shall not be permitted within the gym before 06.00 or after 22.00 on Monday to Friday before 08.00 or after 18.00 on Saturday and Sundays.

Reason:
To make sure that the use will not cause nuisance for people in the area. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 7 Prior to the occupation of the gym, you must apply to us for approval of a management plan to show how you will prevent customers who are arriving and leaving the premises from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy the gym until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the premises is in use.

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 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 8 In the event that you use the premises for D2 use, you must use the property only for gym, fitness or health club use. You must not use it for any other purpose, including any within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:
We cannot grant planning permission for unrestricted use in this case because it would not meet SOC1 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 9 With the exception of the entrance door, you must keep the doors and windows in the premises closed. You can use them in an emergency or for maintenance only.

Reason:
To make sure that the use will not cause nuisance for people in the area. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 10 (A) The maximum noise levels generated by the proposed new development in terms of LAFmax do not to exceed the NR 15 curve inside the existing neighbouring premises. This includes noise from all sources (including amplified sound, music, impact noise from gym activities and activities in ancillary retail areas).

(B) A Sound Limiter must be installed and set by a competent acoustic engineer so that it maintains compliance with the criteria detailed in (A) above. All amplification equipment within the development including music generating equipment and fitness instructor's announcement equipment must be routed and controlled through the sound limiter. The operational panel of the noise limiter must be secured by key or password so that only persons with management responsibility have access. No additional sound generating equipment can be used on the premises without being routed through the sound limiter device

Reason:
As set out in ENV13, ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007 and S32 of the City Plan we adopted in November 2016, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 11 You submit detail of all separating structures. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved detail.

Reason:

As set out in ENV13, ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007 and S32 of the City Plan we adopted in November 2016, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 12 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application;; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 13 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.

Item No.
2

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.

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

Reason:

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

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

Reason:

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

- 16 The new louvres on the rear elevation must be painted white.

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)

- 17 The new louvres in the front basement lightwell must be painted dark grey or black.

Reason:

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

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 That the design of the separating structures should be such that the received music noise level in the residential habitable spaces, with music playing, should be demonstrated to be 10 dB below the existing ambient and maximum noise levels in the residential habitable spaces when music is not playing, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq and LFmax in the octave bands 63 Hz and 125 Hz; The overall music noise level in terms of LAeq,5mins should be at least 10 dB below the existing background noise level in terms of dB LA90,5mins.

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 10 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Harrow Road	
Subject of Report	First To Second Floor, 41 Edbrooke Road, London, W9 2DE		
Proposal	Erection of a two storey extension to the rear closet wing at first and second floor half landing levels and installation of rooflights in main roof.		
Agent	Studio McLeod		
On behalf of	Mr John Battsek		
Registered Number	17/07723/FULL	Date amended/ completed	29 August 2017
Date Application Received	29 August 2017		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Planning permission is sought for the erection of a two storey extension to the rear closet wing at first and second floor half landing levels and three rooflights in the main butterfly roof. The rear extension is proposed to provide additional habitable space for the existing maisonette at first and second floor levels.

Objections have been received from neighbouring occupiers on a range of grounds including design, overshadowing/ loss of light, overlooking and disruption during construction, and structural concerns.

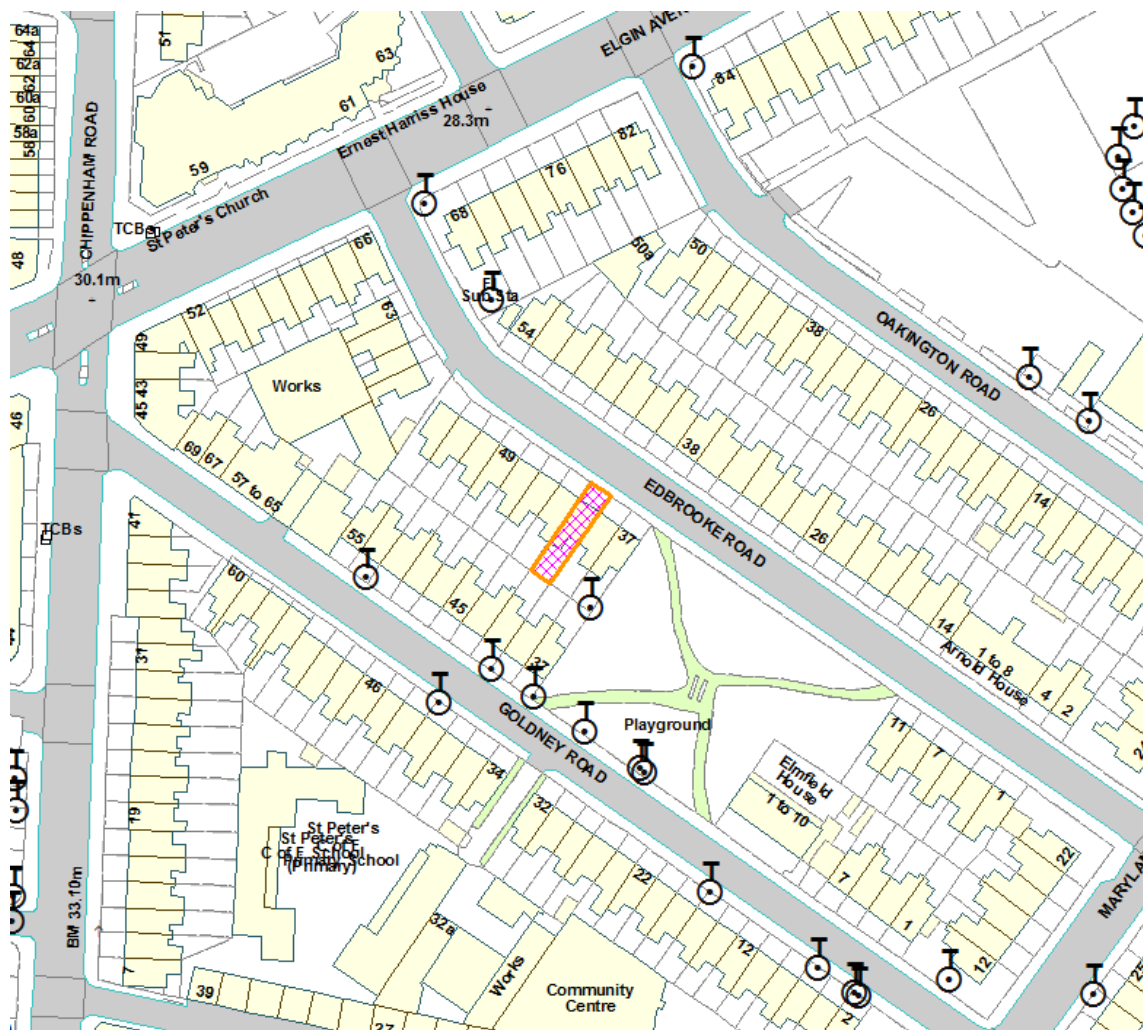
The key issues in this case are:

- The impact of the appearance of the building and this part of the City.
- The impact on the amenity of neighbouring occupiers.

The proposed development is considered to accord with the relevant Policies within Westminster's City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in

January 2007 (the UDP). Accordingly, 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



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.
All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Front Elevation (top) and rear elevation with No.41 indicated by arrow (bottom).



Rear elevation in context with neighbouring properties at No.39 (on right) and No.43 (on left).

5. CONSULTATIONS

NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14.

Total No. of replies: 3.

No. of objections: 3.

No. in support: 0.

Three letters/ emails received raising objection on all or some of the following grounds:

Design

- Out of character with other properties on Edbrooke Road.

Amenity

- Overshadowing/ loss of light.
- Loss of privacy/ overlooking.

Other

- Noise and disruption during construction.
- Increase in amount of mice in their property.
- Impact of the noise and disruption on their mental health.
- Dust from construction works affecting their condition (asthma).
- Concerns over whether the extensions can be built without impacting on the building structurally.
- Strongly object; do not trust that their views will be taken into account.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises an upper floor maisonette located at first and second floors of the building, which is a mid-terrace, unlisted property located outside a conservation area. The building is not listed.

There is an existing closet extension to the rear of the lower maisonette at lower ground and ground floor level. At first floor level a shallow existing closet wing exists, which provides access on to the flat roof of this extension and the flat roof is in use as a terrace serving the upper floor maisonette.

Planning permission was previously granted in October 2016 for extension of the closet wing at first floor half landing level over the existing flat roof to enlarge the upper floor maisonette (see Section 6.2).

6.2 Recent Relevant History

16/06752/FULL

Erection of first floor extension to rear closet wing to enlarge existing flat at first and second floor levels.

Application Permitted 12 October 2016

15/00608/FULL

Erection of part single, part 2 storey rear extension with Juliette Balcony, infill at front lower ground floor to create new entrance door, hard and soft landscaping and associated alterations.

Application Permitted 16 March 2015

7. THE PROPOSAL

Planning permission is sought for the erection a two storey extension to the rear closet wing at first and second floor half landing level and installation of three rooflights within the to the main butterfly roof. The extension is proposed to provide an additional habitable floorspace for the existing first and second floor maisonette in the form of an additional bedroom/ study at first floor level and an additional bathroom at second floor level.

At first floor level the proposed extension would project 3.0m beyond the main rear wall, whilst at second floor level it would project 1.6m beyond the rear wall. The flat roof to the proposed first floor extension is proposed to be planted (i.e. a green roof or similar). Rooflights are proposed in the roof of the rear extension at both first and second floor levels.

The proposed rear extension has been revised since the original submission of the application in order to address officer concerns regarding its detailed design. The amendments comprise revision of the facing materials with the extension now proposed to be entirely finished in brick, rather than render at first floor level as initially proposed, the windows have been amended to timber sashes and a Juliette balcony initially proposed at first floor level has been omitted.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The provision of additional floor space to enlarge the existing upper floor maisonette is in accordance Policy H3 in the UDP and Policy S14 in the City Plan.

8.2 Townscape and Design

The application building is an attractive classically detailed mid 19th Century terraced property. The rear elevation has a utilitarian charm, featuring brickwork with punched openings and timber sash windows. Whilst there is some variety to bulk, form and height of rear extensions along the terrace, the predominant style is of half width closet wings, which create the typical 'L' plan form to the rear. The rear elevation is readily visible from the adjoining public gardens, which afford views down the centre of the block and as such, it is important that new additions positively contribute to the townscape of the area.

The proposed extension to the rear closet wing has been amended from its original design, which featured modern metal windows and doors and the use of a render finish. This approach would not have been in line with Policies DES1 and DES5 in the UDP.

While the proposed closet wing would be higher than others in the terrace, it would still terminate below the penultimate storey level at second floor level, and so will not interfere with parapet roof detail of the building. The set back to the proposed closet between first and second floor half landing levels affords some relief in terms of the bulk and form of the addition and replicates the form of other closet wings in the same terrace, which are often shallower higher up the building.

The use of London stock brickwork, timber sash windows with segmental arches is a sympathetic approach, befitting the period of the building. This material and detail approach effectively counter balances the additional height and bulk in a manner that render and metal windows could not.

The roof lights are acceptable in principle, but should not project as shown, as these are annotated as low profile, a condition can ensure they are flush to the roof.

Subject to conditions relating to the bricks, brickwork bond and pointing and the roof lights, the works accord with S 28, DES 1 and DES 5 and are recommended for approval.

8.3 Residential Amenity

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

It should be highlighted that an application has been granted planning permission on 12 October 2016 for a single storey extension at first floor level under RN 16/06752/FULL. This permission has not been implemented as yet. However, the approved extension is of the same scale as that proposed at first floor level on the current application. The proposed first floor element of this application has therefore already been deemed acceptable in terms of impact on neighbouring amenity having been granted permission already. The current application, however, includes the additional extension at second

floor level. The proposed extension at second floor level would not project as far as that at second floor, having a depth of 1.6m beyond the main rear wall of the building, and adjacent to both side boundaries.

Sunlight and Daylight

The submitted drawings show that the closest affected neighbouring window is a second floor window at no. 43. The mid-point of this window is sited 1.0m away from the flank wall of the proposed second floor extension. The proposed second floor extension would be behind a 45 degree angled line from the mid-point of this window. This complies with the BRE 45 degree test on Daylight and Sunlight. Windows at the other neighbouring property at no. 39 are set further away, at least 3.0 metres, and therefore would also comply with this 45 degree test. It is therefore considered that the proposed extension would not have an unduly harmful impact on the residential amenities of neighbouring properties at 43 and 39 Edbrooke Road in terms of daylight and sunlight.

Sense of Enclosure

The proposed first floor extension has already been deemed acceptable, by virtue of the planning permission for a first floor extension granted under RN 16/06752/FULL. The proposed second floor extension will be project 1.6m beyond the main rear wall. The closest window at no. 39 is a second floor window which is set 0.6m away from the proposed flank wall. The closest windows at the other neighbouring property are set over 3.0m away from this the flank wall of the proposed extension. In both cases, with the depth of the proposed second floor extension being only 1.6m, it is considered that the additional bulk at this level would not unduly affect the outlook from these rear windows of neighbouring properties, so as to result in a sense of enclosure.

Privacy

Objections have been received from neighbours at upper floors of both no. 39 and 43 Edbrooke Road on grounds that the use of the flat roof of the first floor extension would impact on their privacy. As the proposed second floor is not to project as far the proposed first floor, the flat roof of the first floor extension could be used for sitting out. It should be noted that there is an existing terrace at first floor level, which would be lost as a result of the first floor extension. Furthermore, the second floor extension is to accommodate a bathroom and is to have a window to the flat roof. A condition will be attached to ensure that the roof the extension is not used as a terrace to prevent overlooking to neighbouring windows and gardens.

Subject to this recommended condition, it is considered that the proposal would not result in harming neighbouring privacy.

Amenity Conclusion

The proposal is considered acceptable in amenity terms and is in accordance with Policies ENV6 and ENV13 in the UDP and S29 and S32 in the City Plan

8.4 Transportation/Parking

The development does not raise any transportation or parking issues.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

No changes are proposed to the existing access arrangements to this private dwelling.

8.7 Other UDP/ Westminster Policy Considerations

Not applicable.

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 proposals are of insufficient scale to trigger a CIL payment.

8.11 Environmental Impact Assessment

Not applicable to a development of this scale.

8.12 Other Issues

Objections have been received from a neighbour raising concerns with regard to the disturbance during construction works. As with any building works, it is expected that during construction there would be an impact on neighbouring amenity and permission cannot be withheld for that reason. A condition restricting hours for building works will be attached, as is standard, and an appropriate informative will be attached advising the applicants to sign up to the Considerate Constructors Scheme.

Issues raised with regards to whether there may be structural issues when constructing the extension are matters for building control. Such matters when impacting on party walls, are not material planning considerations but are covered by the Party Wall Act.

Issues relating to health concerns due to dust arising from building works, such as asthma is not a planning matter. Nor is the impact of the development on the potential increase in mice in neighbouring properties.

One neighbour is concerned that their views would not be taken into account. Any material planning considerations have been addressed within other sections of this report, including section 8.2 on Design and Townscape and section 8.3 on Residential Amenity.

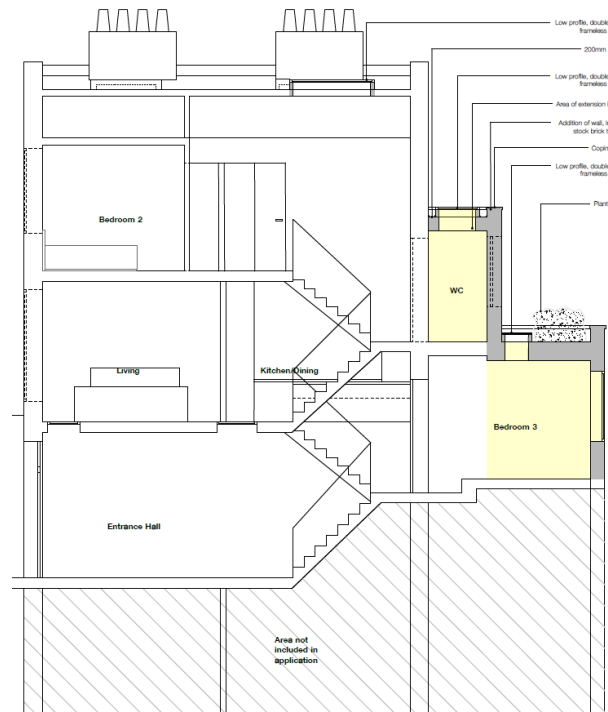
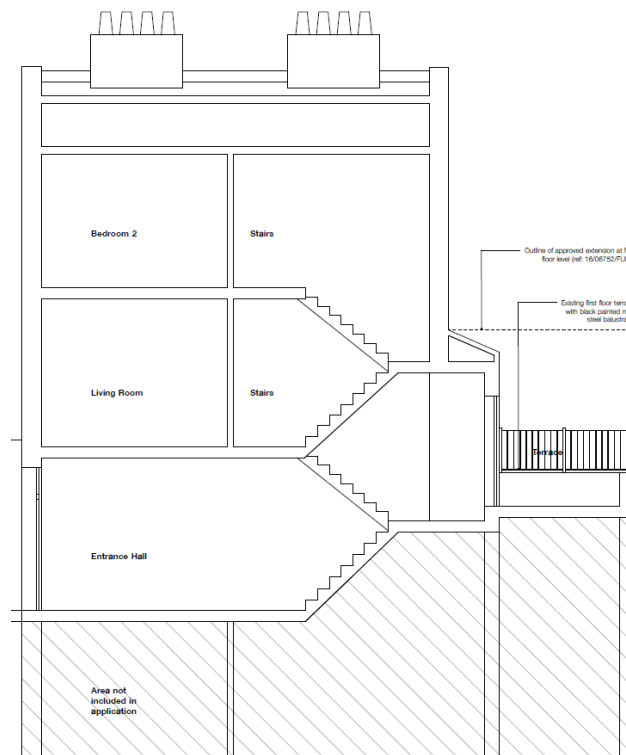
9. BACKGROUND PAPERS

1. Application form.
2. Email from occupier of 43a Edbrooke Road dated 20 September 2017.
3. Email from occupier of 39a Edbrooke Road dated 20 September 2017.
4. Letter from occupier of First and Second Floor, 39 Edbrooke Road dated 20 September 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 EMAIL AT ogibson@westminster.gov.uk.

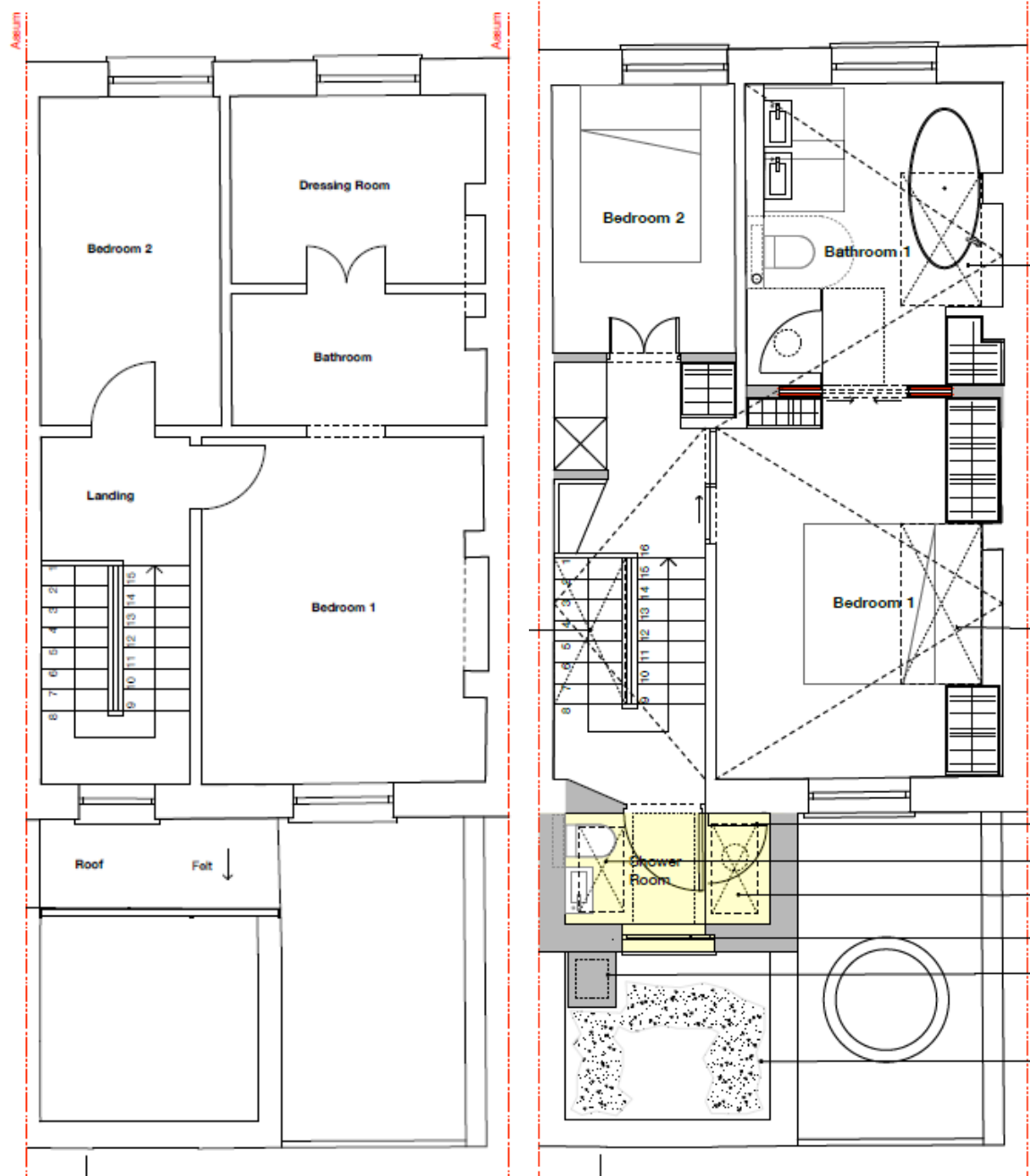
Existing (left) and proposed (right) rear elevations.



Existing (top) and proposed (bottom) sections.



Existing (left) and proposed (right) first floor plans.



Existing (left) and proposed (right) second floor plans.

DRAFT DECISION LETTER

Address: First Floor To Second Floor, 41 Edbrooke Road, London, W9 2DE

Proposal: Erection of a two storey extension to the rear closet wing at first and second floor half landing levels and installation of rooflights in main roof.

Plan Nos: 150-SU-L01; 150/SU/L02; 150/SU/P01; 150/SU/P02; 150/SU/P03; 150/SU/P04; 150/SU/P05; 150/SU/P06; 150/SU/P07; 150/SU/P08; 150/PL/01 (25 January 2018); 150/PL/02 (25 January 2018); 150/PL/03 (25 January 2018); 150/PL/04 (25 January 2018); 150/PL/05 (25 January 2018); 150/PL/06 (25 January 2018); 150/PL/07 (25 January 2018); Planning Statement.

Case Officer: Avani Raven

Direct Tel. No. 020 7641 2857

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Item No.
3

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

Reason:

To protect the privacy and environment of people in neighbouring properties. 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.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

Agenda Item 4

Item No.

4

CITY OF WESTMINSTER				
PLANNING APPLICATIONS SUB COMMITTEE	Date 10 April 2018		Classification For General Release	
Report of Director of Planning			Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	56 Rutland Gate, London, SW7 1PL			
Proposal	Erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.			
Agent	Mr Michael Maan			
On behalf of	Mr Al Marshal			
Registered Number	17/09793/FULL and 17/09794/LBC		Date amended/ completed	3 November 2017
Date Application Received	3 November 2017			
Historic Building Grade	Grade II			
Conservation Area	Knightsbridge			

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

56 Rutland Gate is a grade II listed building located within the Knightsbridge Conservation Area. Permission and listed building consent are sought for the erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.

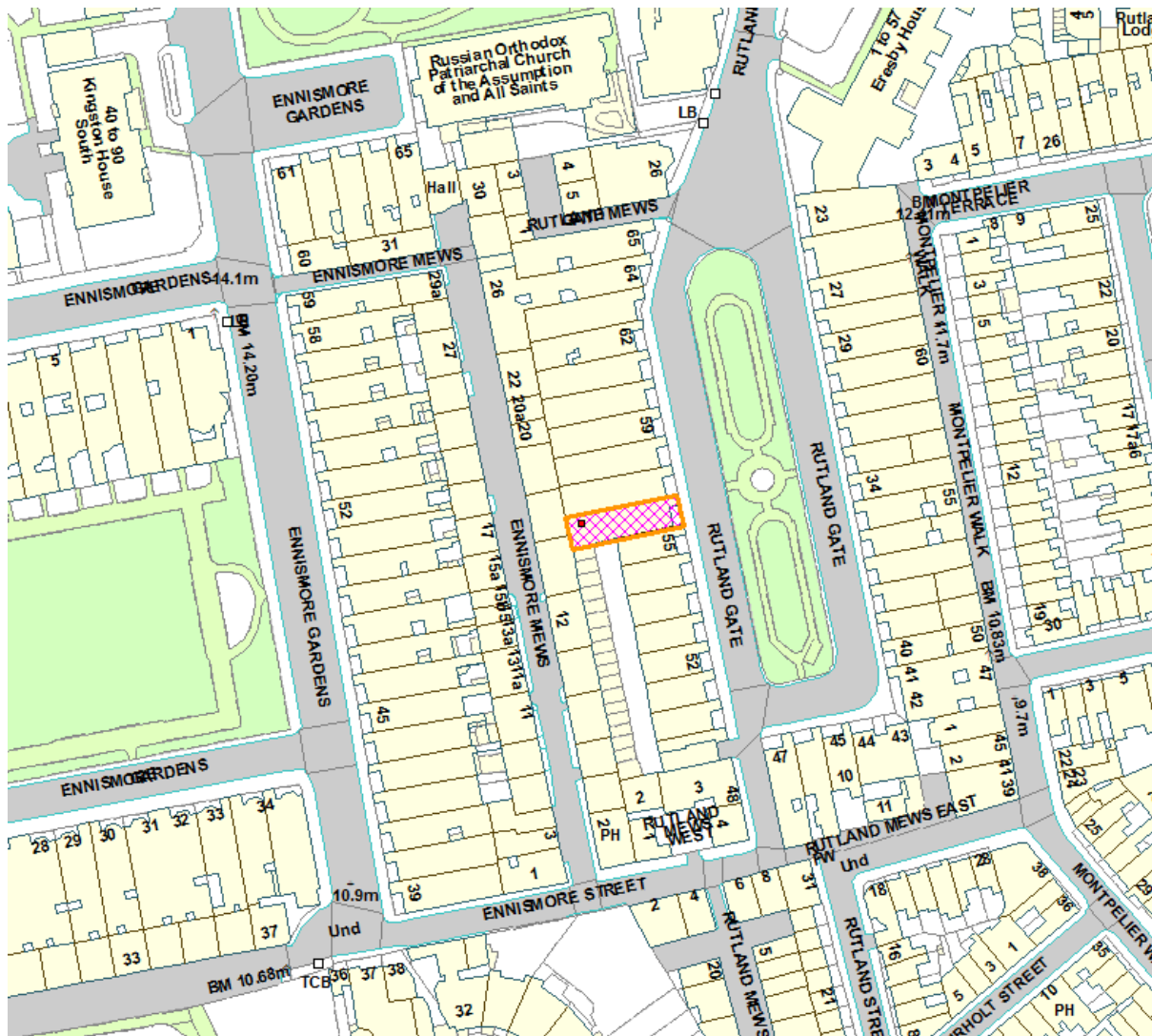
The key issues in this case are:

- the impact of the proposals on the character and appearance of the listed building and the Knightsbridge Conservation Area; and
- the impact of the proposals on adjoining properties.

As set out in this report, the proposed development is considered to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is therefore

acceptable in land use, design and amenity terms. As such, the applications are recommended for approval subject to the conditions as set out on the draft decision letters.

3. LOCATION PLAN

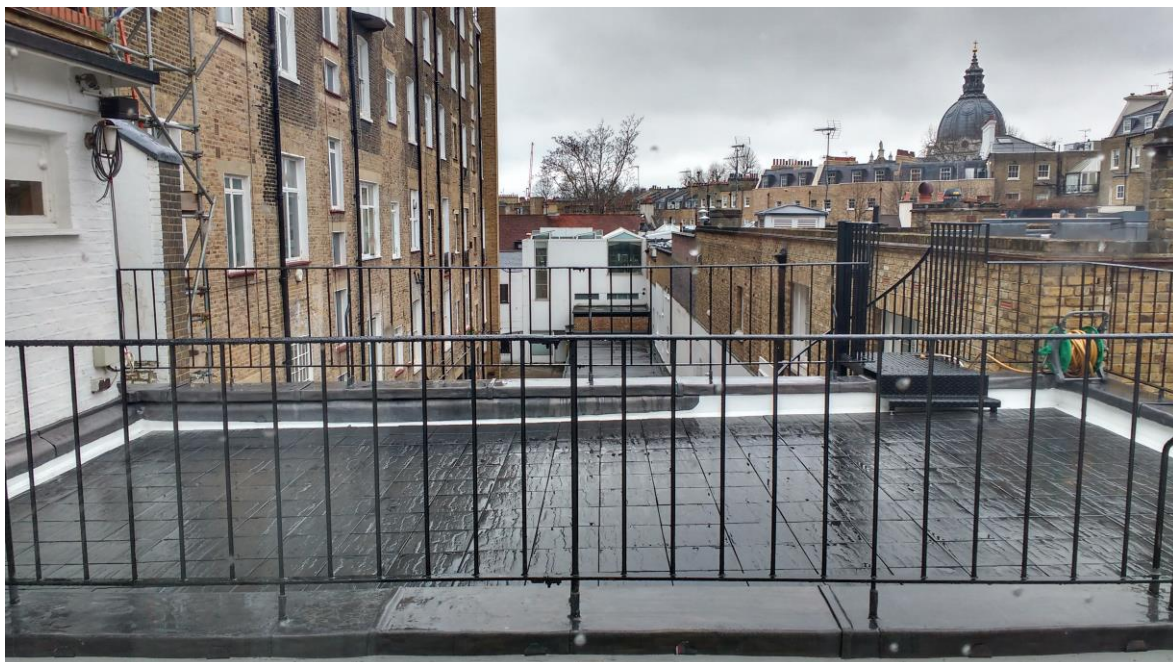


This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Rear Elevation



View from Flat 17, 58 Rutland Gate



View from Car Park

5. CONSULTATION

KNIGHTSBRIDGE ASSOCIATION:

Objection: loss of light and privacy for adjoining residential occupiers.

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 31

No. of objections: 4 (from 2 individuals)

Objections have been received from neighbouring residents in an adjacent building in Rutland Gate on the following grounds:

Amenity:

- loss of outlook and increased sense of enclosure;
- loss of daylight and sunlight; and
- loss of privacy.

Design:

- harm to character and appearance of the listed building and Knightsbridge Conservation Area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

56 Rutland Gate is a grade II listed building located within the Knightsbridge Conservation Area. The building is part of a terraced row of listed houses constructed in the mid nineteenth century. Immediately to the north is the ground floor flat at No. 57 Rutland Gate and No. 58 Rutland Gate which is converted into flats.

The rear of the terrace has been subject to a variety of alterations and extensions over time. Originally, to each house there were rear wings projecting from the main elevation with open areas between them. Works in the 1950s removed these wings from the properties to the south of 56 Rutland Gate to form a service road, with an underground car park beneath and beyond the application property. The loss of the basements has had the effect of dividing the rear of the terrace into two distinct sections. Approximately half of the terrace to the south of 56 Rutland Gate has no rear wings. These houses have flat rear elevations rising straight up from the service road. Including and beyond 56 Rutland Gate, the houses retain their wings above the car park beneath. Although, 56 Rutland Gate is a storey lower than those to the north.

6.2 Recent Relevant History

In January 2014 permission and listed building consent were sought for the erection of part single and part two storey rear extensions at ground and first floor levels with reconfigured first floor terrace. Had an appeal against non-determination not been lodged, permission and consent would have been refused on design and listed building grounds. The appeals were dismissed on 6 January 2015 due to the schemes harmful impact upon the significance of the listed building and the character and appearance of this part of the Knightsbridge Conservation Area.

In May 2015 permission and listed building consent were refused for the erection of replacement part single and part two storey rear extension at ground and first floor levels with a partially enclosed ground floor terrace and first floor terraces on listed building/conservation area grounds. The subsequent appeals were dismissed on 19 November 2015 due to the schemes harmful impact upon the significance of the listed building and the character and appearance of this part of the Knightsbridge Conservation Area.

In 2017, applications were withdrawn for the replacement of existing, part single part two storey, rear extension with terraces located over the existing basement car parking area with an enlarged part single part two storey extension plus replacement terrace on the south side involving the remodelling of an existing brick abutment and provision of a replacement balcony at ground floor level.

7. THE PROPOSAL

Permission and listed building consent are sought for the erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.

The floorspace figures are summarised in the below table:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
C3 (residential)	294	305	11

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application property is a single family dwelling house and the additional residential floorspace created would enlarge it. This would raise no land use implications.

8.2 Townscape and Design

Objections have been received on the grounds that the proposal would harm the character and appearance of the listed building and the Knightsbridge Conservation Area.

The previous schemes considered by the City Council, and by the Planning Inspectorate, were harmful to the listed building and Knightsbridge Conservation Area. The bulk of the proposed extension in the 2015 proposals would have unacceptably altered the historic

form of the building because it would not have been on top of the footprint of where the rear wing would have historically existed. It was proposed in 2015 to sit the extension back from the boundary with 57 Rutland Gate so it would be in part over the first roof terrace and then sail over the ground floor roof terrace to the south.

The current proposal results in an extension with a form appropriate in listed building terms as it is now restricted to above the historic footprint at ground floor and the set back has been omitted, thereby creating a layout more appropriate to this listed building. The resultant rear wing would be comparable to the general rear building pattern of the terrace and would not appear any taller than those which already exist. The removal of the ground floor infill conservatory extension to enlarge the existing terrace area, and the provision of a replacement balcony above, is not opposed on design grounds.

The detailed design of the proposal has also been amended from the previous applications, most notably the west elevation would now be viewed as a parapet wall, meaning that from the rear it would appear as a traditional solid closet wing. The proposed height has also been reduced, limiting the massing and bulk of the extension. Views of the property would be improved from the car park and from neighbouring buildings to the south, where the removal of the conservatory and improved design at first floor would create a pleasant book end.

For these reasons, the proposals are considered acceptable in design, townscape and listed building terms, and comply with policies DES1; DES5; DES9; and DES10; of the UDP, S25 and S28 of the City Plan as well as guidance contained within the City Council's SPG: Repairs and Alterations to Listed Buildings.

8.3 Residential Amenity

The proposed extended rear wing would be in close proximity to a number of residential properties, including 14 and 16 Ennismore Mews to the rear and 55 and 57/58 Rutland Gate adjacent (the building of 57 Rutland Gate includes flats addressed as 58 Rutland Gate).

Objections have been received from the occupiers/ owners of the ground and first floor flats at 57 and 58 Rutland Gate. Flat 17, 58 Rutland Gate is located at first floor level and 57 is located at ground floor level. These flats have windows which face the application site and windows that look down the side lightwell area. The grounds for objection primarily relate to an increased sense of enclosure, loss of light and loss of privacy. One objector has commissioned a daylight and sunlight with results that differ to the applicant's assessment. Reference is also made to their objections to the previous proposals which still stand.

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

Sunlight and Daylight

The applicant has carried out an assessment of adjoining properties based on the methodologies in the Building Research Establishment (BRE) guide “Site Layout Planning for Daylight and Sunlight: a guide to good practice”.

In assessing daylight levels, the Vertical Sky Component (VSC) measures the amount of light reaching the outside face of a window. If the VSC achieve 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. This assessment concludes that no window would suffer a loss greater than 20%.

An objector has commissioned their own daylight and sunlight assessment based on the same methodologies set out in the BRE guide. The conclusion of this assessment differs to the one conducted by the applicant. It finds that one window at 57 Rutland Gate at ground floor level which serves a bedroom would experience a loss of 24%, in excess of the 20% criteria. The objector’s report suggests that this is likely to be because the applicant’s assessment modelled the existing situation as having a higher degree of obstruction. They suggest this could be down to the applicant modelling the railings around the existing first floor roof terrace as solid, and consequently the applicant has underestimated the relative loss of daylight.

Whilst under the objector’s assessment there would be a breach of the 20% criteria, the room effected benefits from a second window to the rear. This means the room will continue to be served by a window that does not fail the VSC test. The window also serves a bedroom which the BRE states should be considered of less importance than principle living areas. On balance therefore, it is not considered sustainable to resist the proposal on the grounds of loss of daylight.

In assessing sunlight levels, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 7% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours. No window would suffer a loss greater than 20%, the objector’s assessment concurs, and therefore neighbours will not experience a noticeable loss of sunlight.

Sense of Enclosure

Both the 2014 and 2015 applications proposed building a first floor extension on the existing terrace. However the schemes were set back from the boundary with 57/58 Rutland Gate by either approximately 2.8m (the 2014 scheme) or 2.2m (the 2015 scheme). The council refused these applications on design grounds only (or in the case of the 2014 application would have been refused on design grounds only had the appeal against non-determination not been lodged). Both appeals were dismissed but the Inspector did not consider that the impact on the occupiers of the ground and lower ground floor flats at 57/58 Rutland Gate to be so harmful as to warrant refusal on amenity grounds.

In dismissing the 2014 application the Inspector concludes for Flat 17, 58 Rutland Gate:

‘The large window on the rear outrigger now has a relatively open southerly aspect across the existing first floor terraced area of the appeal site, and this would be blocked to some extent by the proposal. However, as the top of this window would be roughly level with the top of the extension, a reasonable sense of openness would remain. Moreover, the set back and height of the proposed first floor element, when coupled with the southerly aspect of the large window in the outrigger to Flat 17 and the other existing windows to the room it serves, mean there would not be an unacceptable reduction of light for those adjacent occupants.’

A copy of both appeal decisions is provided in the background papers.

The current application removes the set back that existed in the two previous schemes and positions the extension on the boundary with 57/58 Rutland Gate. However the height of the extension has been reduced compared to the two previous schemes and the extension now has a sloped roof profile. To reduce the bulk further the applicant has agreed to remove the dormer windows that would have faced Nos. 57/58 Rutland Gate. Officers note the strong objections from both Flat 17, 58 Rutland Gate and 57 Rutland Gate but consider the impact to be comparable to the appeal schemes. Given the planning history of this site, including the two appeal schemes, it is not considered that a refusal on grounds of increased sense of enclosure would be warranted. A further consideration is that the relationship created between the application site and the objector’s flats would be comparable to others on the terrace and elsewhere in this part of Westminster. An amending condition is recommended to ensure the removal of the two dormer windows. The removal of the dormer windows would also prevent any light spill from the extension to the objector’s properties.

To the rear, the affected openings are rooflights to 16 Ennismore Mews. One rooflight is to the slope of the mansard roof of that building and it does enjoy an outlook that would be restricted because of the rear wall of the extension at first floor. However, as this rooflight is to a hallway, it is not considered this would be a sustainable reason for refusal in this instance.

To the southern side, the windows at 55 Rutland Gate and 14 Ennismore Mews are sufficient distance from the enlarged rear wing to ensure they would not be adversely affected.

Privacy

The existing first floor roof terrace allows for overlooking of neighbours. The proposed first floor extension would remove the first floor terrace and would therefore improve the privacy for the occupants of Flat 17, 58 Rutland Gate and 57 Rutland Gate.

The south facing openings and enlarged roof terrace at ground floor and provision of a replacement balcony above would not allow for a harmful increase overlooking over the existing arrangement given its orientation.

8.4 Transportation/Parking

The proposal does not represent an increase in residential units. There is no requirement for the provision of cycle or car parking.

8.5 Economic Considerations

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

8.6 Access

Access arrangements will remain unchanged.

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

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

The development is not CIL liable, less than 100 square metres of floorspace would be created.

8.11 Environmental Impact Assessment

The application is of insufficient scale to trigger the requirement of an EIA.

9. BACKGROUND PAPERS

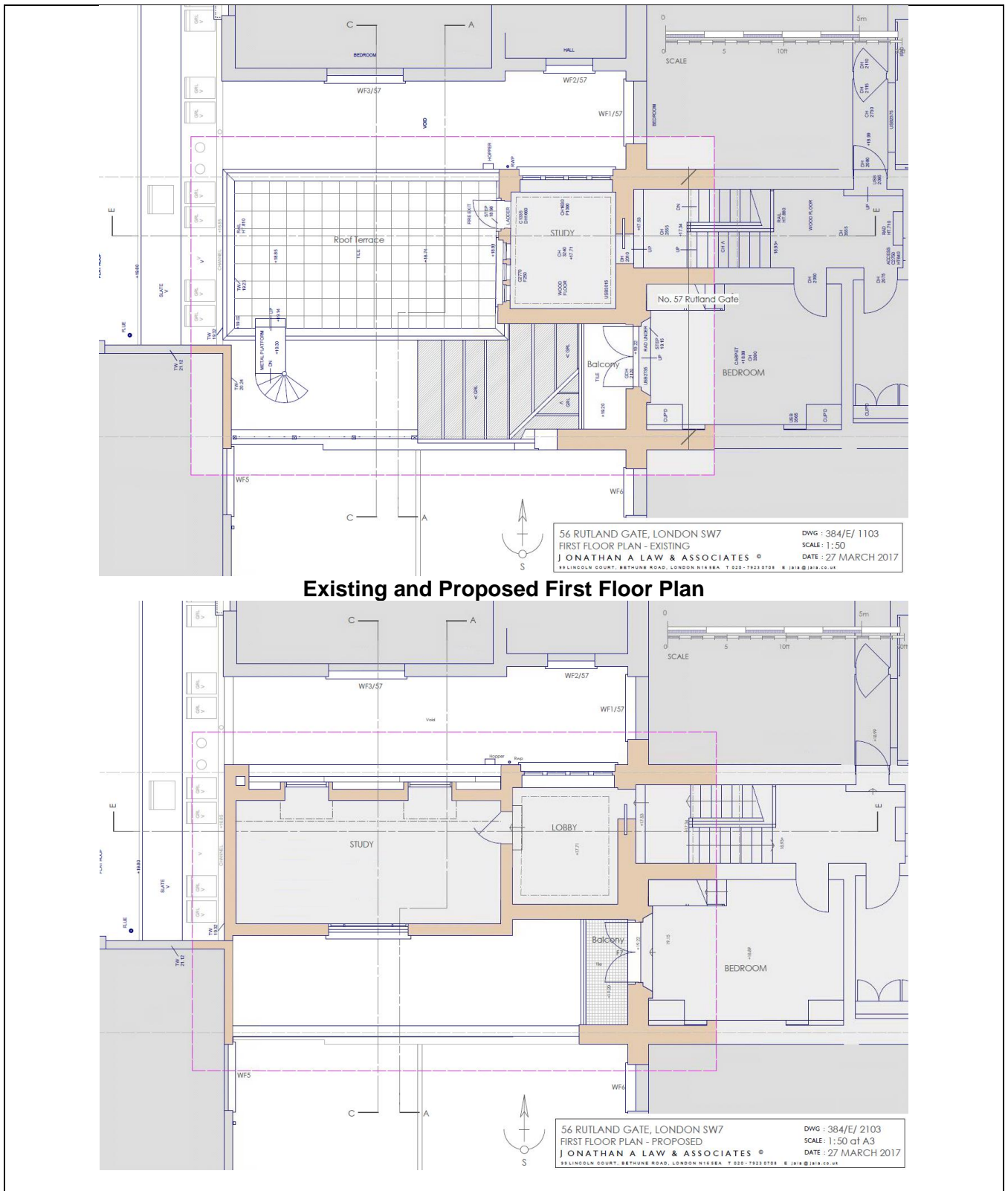
1. Application form
2. Response from Knightsbridge Association, dated 4 December 2017
3. Objections (x2) from occupier of Flat 17, 58 Rutland Gate dated 27 November 2017 and 12 March 2018
4. Objection (including light assessment) on behalf of Flat 17, 58 Rutland Gate dated 9 December 2017
5. Objections (x2) from occupier of 57 Rutland Gate dated 7 December 2017 and 15 March 2018
6. Copies of appeal decisions dated 6 January 2015 and 19 November 2015.

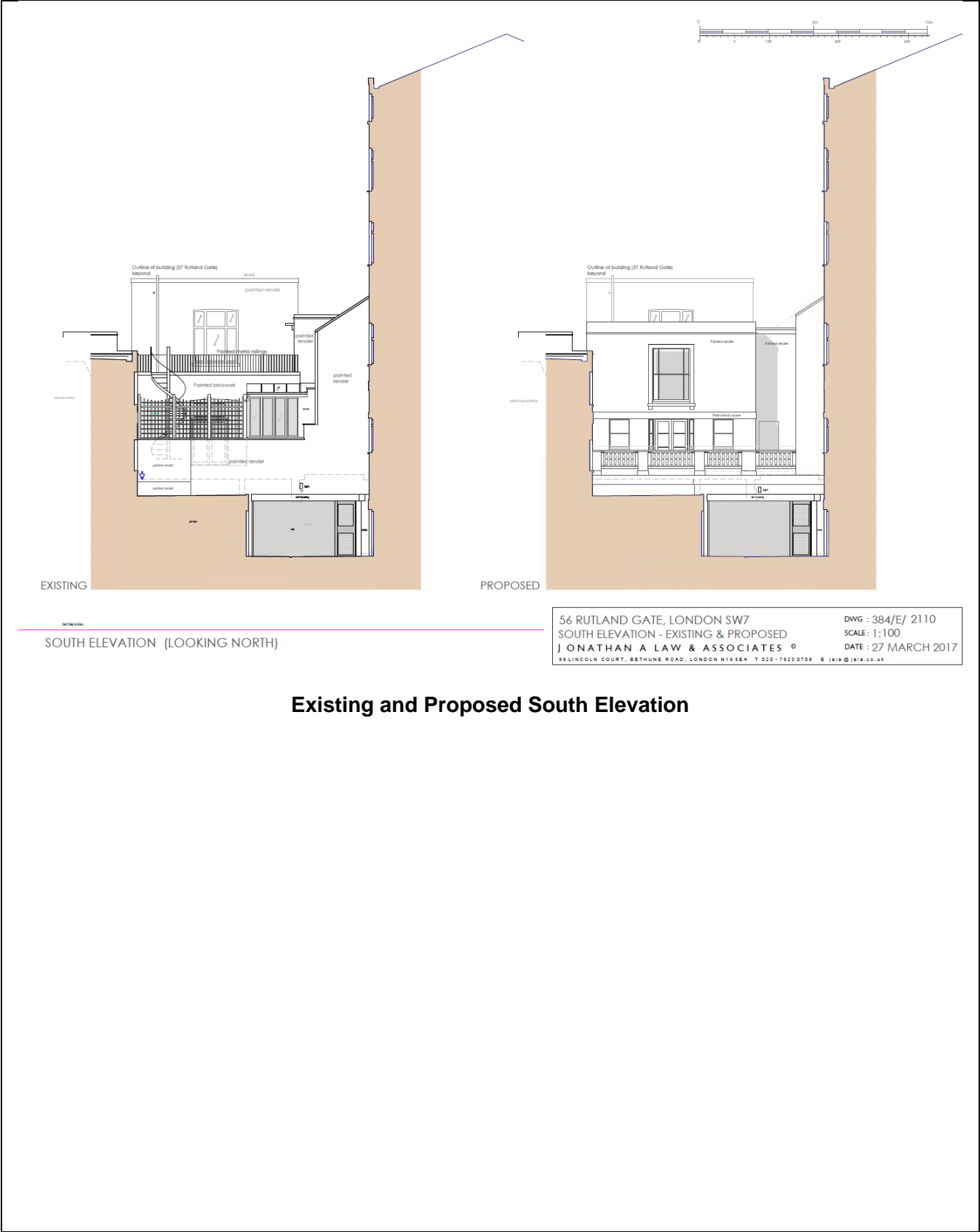
Item No.
4

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

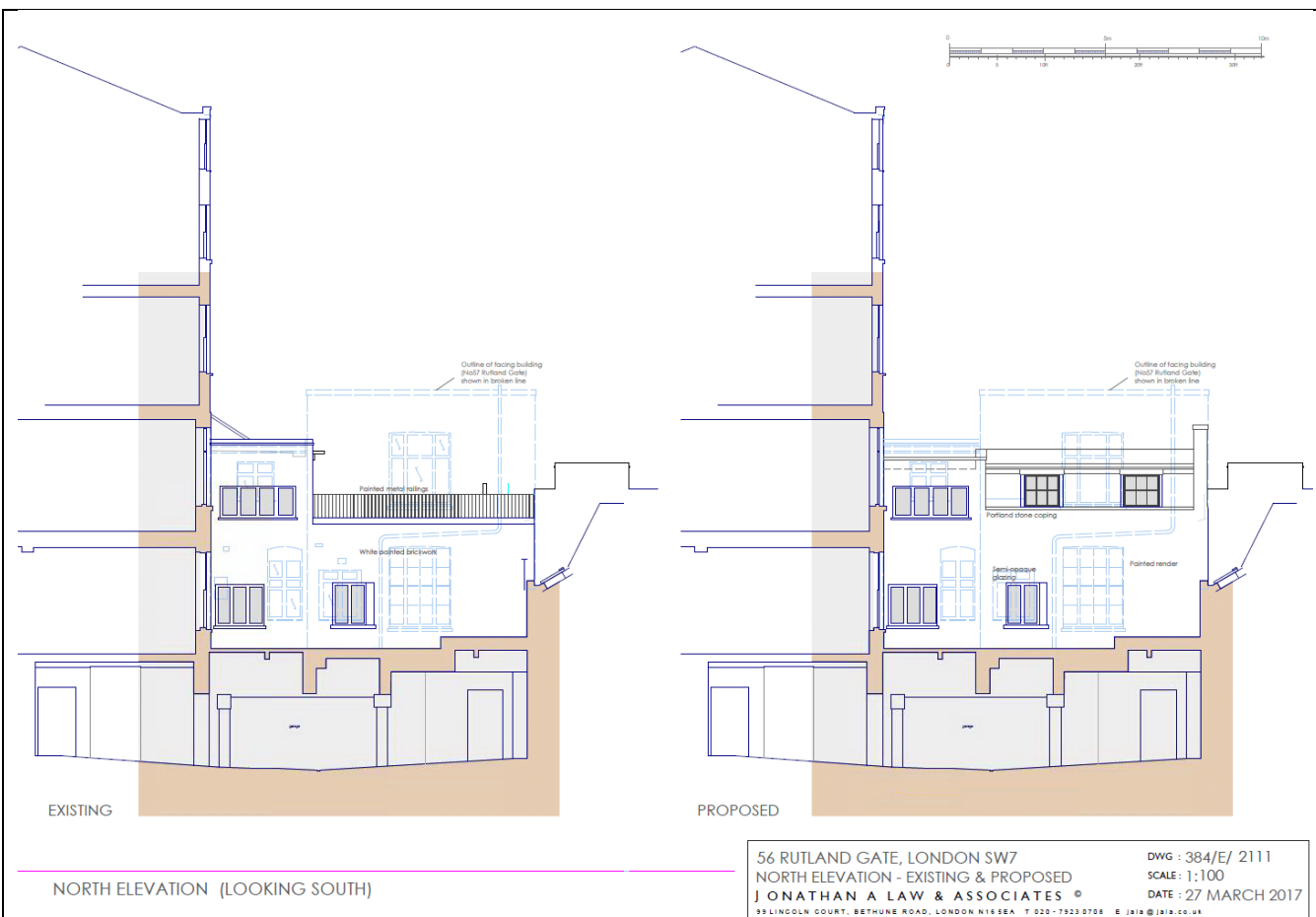
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

10. KEY DRAWINGS

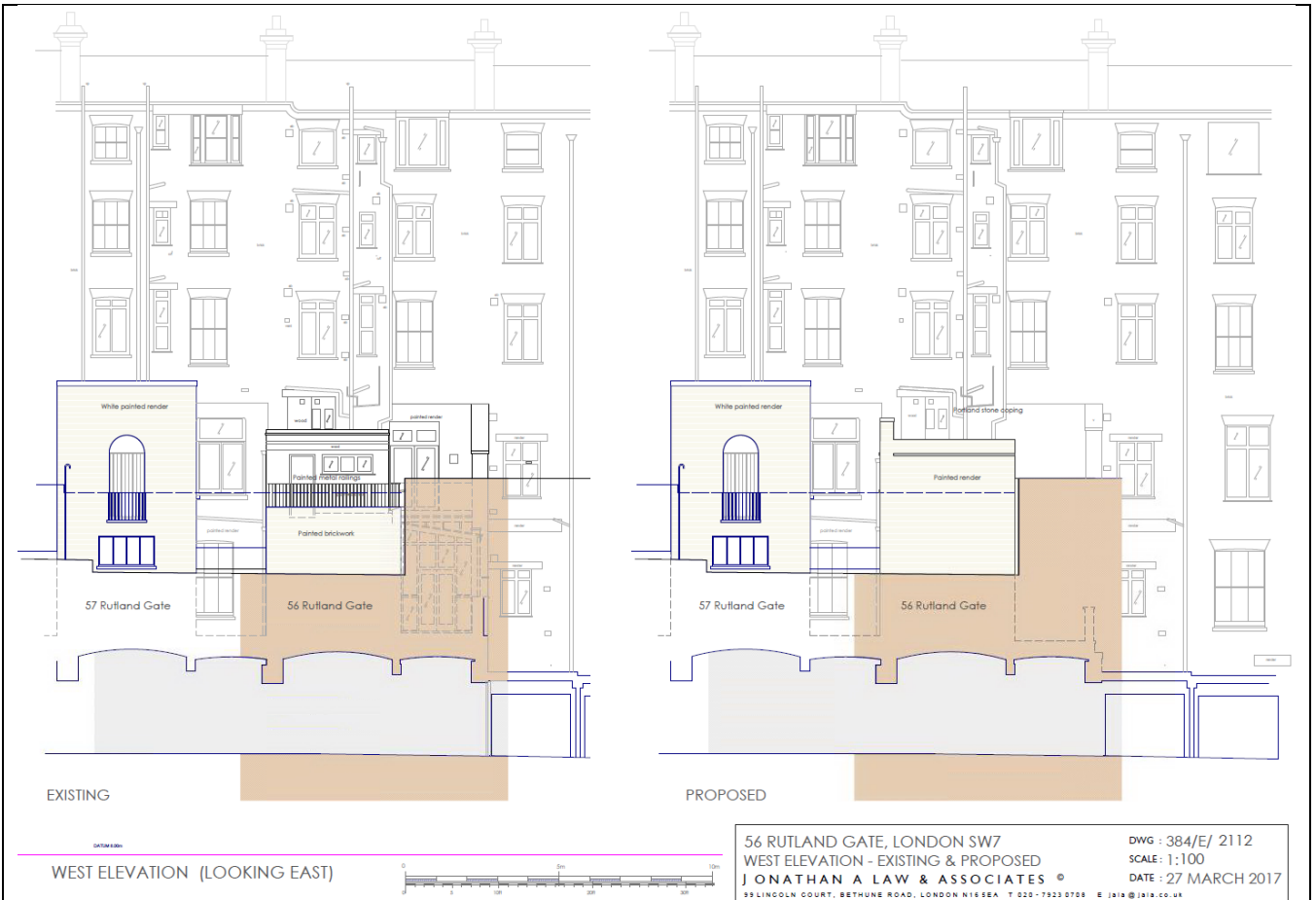




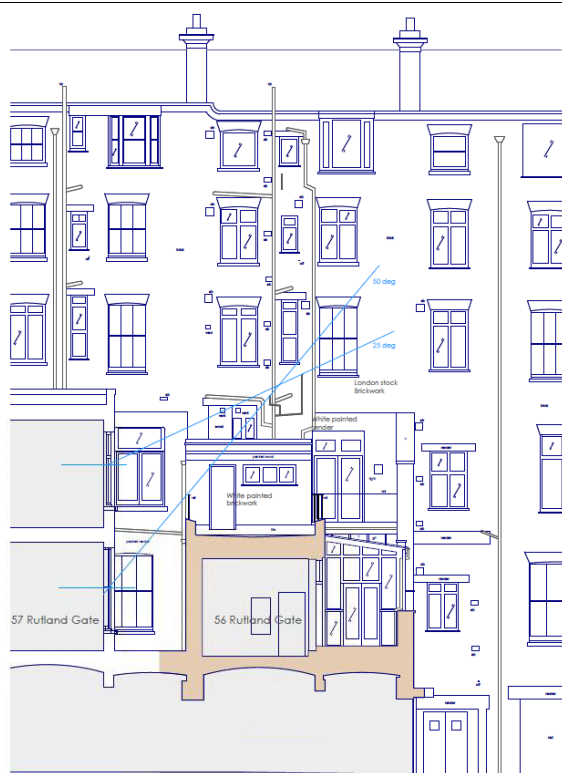
Existing and Proposed South Elevation



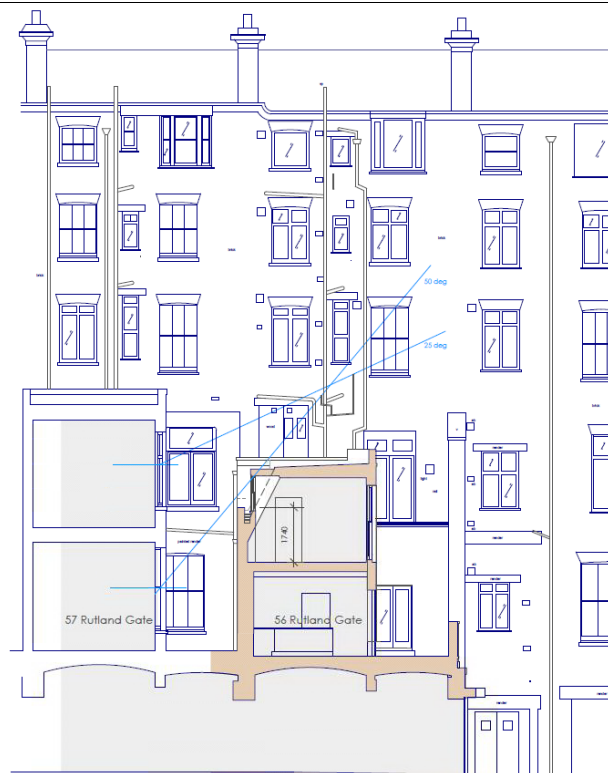
Existing and Proposed North Elevation



Existing and Proposed Rear Elevation



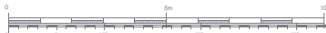
EXISTING



PROPOSED

SECTION A-A

SECTION A-A (LOOKING EAST)



56 RUTLAND GATE, LONDON SW7

SECTION AA - EXISTING & PROPOSED

JONATHAN A LAW & ASSOCIATES ©

93 LINGOLN COURT, BETHUNE ROAD, LONDON N16 5EA T 020 7723 0708 E JAL@JAL.CO.UK

DWG : 384/E/ 2113

SCALE : 1:100

DATE : 27 MARCH 2017

Existing and Proposed Section

DRAFT DECISION LETTER

Address: 56 Rutland Gate, London, SW7 1PL

Proposal: Erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.

Reference: 17/09793/FULL

Plan Nos: Site Location Plan; 384/E/1102; 384/E/2102; 384/E/1103; 384/E/2103; 384/E/1104; 384/E/2104; 384/E/2110; 284/E/2111; 384/E/2112; 384/E/2113; 384/E/2114; 384/E/2116; Cover Letter (Michael Maan); Combined Design and Access Statement and Planning Statement (Michael Maan); Heritage Statement (Jonathan A Law and Associates)., , For Info Only.; 384/E/3113; 384/E/3114; Daylight and Sunlight Report (Jessop Associates); 3D Model Images; Photosheets.

Case Officer: Jonathan Howitt

Direct Tel. No. 020 7641 2069

Recommendation and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents submitted with 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, 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;
- 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)

Item No.
4

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 submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

- i) Windows

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 works according to the approved details.

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)

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

- removal of the dormer windows

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

Reason:

Item No.
4

To protect the amenity of people in neighbouring properties by reducing the bulk of the extension. This is 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. (R26FD)

- 6 The glass that you put in the lower half of the dormer windows of the first floor extension must not be clear glass and these lower halves of the windows must not open. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and you must fix the windows shut and you must not change it without our permission.

Reason:

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

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

Reason:

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

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.

Item No.
4

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

DRAFT DECISION LETTER

Address: 56 Rutland Gate, London, SW7 1PL

Proposal: Erection of a rear extension at first floor level and associated alterations, including the removal of the existing conservatory at ground floor and replacement of the balcony above.

Reference: 17/09794/LBC

Plan Nos: Site Location Plan; 384/E/1102; 384/E/2102; 384/E/1103; 384/E/2103; 384/E/1104; 384/E/2104; 384/E/2110; 284/E/2111; 384/E/2112; 384/E/2113; 384/E/2114; 384/E/2116; Cover Letter (Michael Maan); Combined Design and Access Statement and Planning Statement (Michael Maan); Heritage Statement (Jonathan A Law and Associates).

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

- 1 The works hereby permitted shall be carried out in accordance with the drawings and other documents in 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 in the interests of proper planning.

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (R27AC)

Reason:

To protect the special architectural or historic interest of the 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 City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that was adopted in January 2007. (R27AC)

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present

Item No.
4

position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this 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 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

- i) Windows

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 works according to the approved details.

Reason:

To protect the special architectural or historic interest of this 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 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

- removal of the dormer windows.

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

Reason:

To protect the special architectural or historic interest of this listed building 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)

Informative(s):

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

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

In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 - 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.

This page is intentionally left blank

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 10 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	30 Shepherd Market, London, W1J 7QN,		
Proposal	Use of the public highway for the placing of four tables and eight chairs in an area measuring 3.8m x 1.5m in connection with the ground floor unit.		
Agent	Mr Alex Hardy		
On behalf of	Mr Pierre Peyrou		
Registered Number	17/00029/TCH	Date amended/ completed	28 December 2017
Date Application Received	28 December 2017		
Historic Building Grade	II		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission for a temporary one year period.

2. SUMMARY

The site has a history of table and chairs dating back to 2004. Permission was most recently granted on 6 November 2015, this permission expired at the end of November 2017. Permission is again sought for four tables and eight chairs in the same area as previously approved.

The key issues for consideration are :

- * The impact of the proposal on pedestrian movement and highways safety and
- * The impact of the use on residential amenity.

The site is in a pedestrianised area of Shepherd Market. The proposal will comply with the Westminster Way (adopted November 2011) and is acceptable in highway terms.

Two residents have objected to late night noise nuisance outside the restaurant from staff and customers beyond 23.00 until the early hours. One of the objectors requests that if permission is granted, the hours of use should be restricted to 22.30.

Item No.
5

Further to enforcement investigations, a response on behalf of the applicant advises that tables and chairs will be removed from the highway at 23.00 and stored internally.

Allowing permission for tables and chairs on the highway until 23.00 would be consistent with other permissions granted within Shepherd Market. The exception being a restaurant at 7 Shephrd Market which is retracted to 22.30 (at the request of the applicant). It is therefore considered reasonable to allow external tables and chairs to remain in place until 23.00. However, in the light of the objections received it is considered appropriate to recommend that permission is granted for 1 year only (rather than the normal practice of 2 years) to enable the position to be monitored.

3. LOCATION PLAN



This production includes mapping data
licensed from Ordnance Survey with the
permission of the controller of Her Majesty's
Stationary Office (C) Crown Copyright and /or
database rights 2013.
All rights reserved License Number LA
100019597

4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY Of MAYFAIR & St.JAMES'S :

Any response to be reported verbally

HIGHWAYS PLANNING MANAGER:

No objection

CLEANSING :

No objection

ADJOINING OWNERS / OCCUPIERS

No consulted 24

Total no of replies 4

4 objections have been received on behalf of 2 respondents on the following grounds:

Loss of Amenity

- Noise and disturbance from customers and staff outside the premises until the early hours
- Vehicles parking/collecting customers in the early hours
- Use of tables and chairs should cease at 22:30
- Shepherd Market is saturated with tables and chairs
-

SITE & PRESS NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to an area of public highway in a pedestrianised area, outside No. 30 Shepherd Market, which is a grade II listed building. The site lies within the Core Central Activities Zone.

6.2 Recent Relevant History

The site has a history of table and chairs dating back to 2004. Permission was most recently granted for tables and chairs on 6 November 2015. This permission expired on 30 November 2017 (RN 15/08764/TCH).

7. THE PROPOSAL

Permission is sought to renew the use of the public highway for the placing of four tables and eight chairs in an area measuring 3.8m x 1.5m in connection with the ground floor restaurant.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The use of the highway for tables and chairs in connection with eating and drinking establishments is considered under Unitary Development Plan (UDP) Policy TACE 11 and Policy S41 of the City Plan. These policies permit tables and chairs where there would be no adverse obstruction on the highway and no unreasonable harm to the local residential amenity. Each of these matters is discussed in the sections of this report below.

8.2 Residential Amenity

Shepherd Market is a distinctive area situated within the Mayfair Conservation Area, which comprises primarily retail and restaurant uses on the ground floor with residential flats and commercial offices above. The site is on the northern side of Shepherd Market in a pedestrianised area. A number of restaurants in the area on Shepherd Market, Trebeck Street, and Shepherd Street have external tables and chairs on the highway. This external dining forms part of the character of the area.

There are a number of flats in close proximity to the site, including on the upper floors of the application premises and directly opposite. As set out in the history section of this report there is a long history of tables and chairs outside the premises. Objections have been received from two residential flats on the upper floors of No 5 Shepherd Market directly opposite that staff and customers congregate outside the premises after 23.00 resulting in significant late night noise disturbance. The objections also refer to noise nuisance emanating from vehicles arriving and departing the restaurant in the early hours of the morning. They request that if permission is to be granted the use should be restricted to 22.30 in line with a restaurant (Misto) at 7 Shepherd Market.

Permission has previously been granted for tables and chairs outside the application premises until 23.00. This accords with the terminal hour of other tables and chairs permitted in the Shepherd Market area. The permission granted at No 7 Shepherd Market which restricts the use of the tables and chairs until 22.30 is an exception. A condition requiring the tables and chairs to be removed from the highway at 22.30 was imposed at the applicants request.

Further to complaints regarding late night noise nuisance at the application premises, (that the hours of use condition is being breached) there is an ongoing enforcement investigation. In response to Council warning letters regarding a breach of hours condition a letter from solicitors (16 October 2017) acting on behalf of the applicant advises that the tables and chairs will be removed at 23.00 and stored in basement vaults. There have been no subsequent complaints since October 2017.

The principle of permitting tables and chairs until 23.00 in the area is firmly established. The normal practice is that where tables and chairs are considered acceptable, permission is granted for 1 year initially and subsequently any renewal is granted for a further 2 years. In this case, in the light of the objections received it is considered appropriate to grant consent for 1 year only to allow the position to be further monitored.

8.3 Transportation/Parking

The Westminster Way, requires a minimum 2m width of public highway beyond the proposed seating area to be maintained, free of physical obstructions to allow for safe pedestrian movement. The plan shows an unobstructed highway width of 3.2m. The Highways Planning Manager has confirmed he has no objection to the application.

8.4 Economic Considerations

Any economic benefits generated by the proposal are welcomed

8.5 Other UDP/Westminster Policy Considerations

Not applicable

8.6 London Plan

This application raises no strategic issues.

8.7 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.

8.8 Planning Obligations

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

8.9 Environmental Impact Assessment

The scheme is of insufficient scale to require an Environmental Impact Assessment.

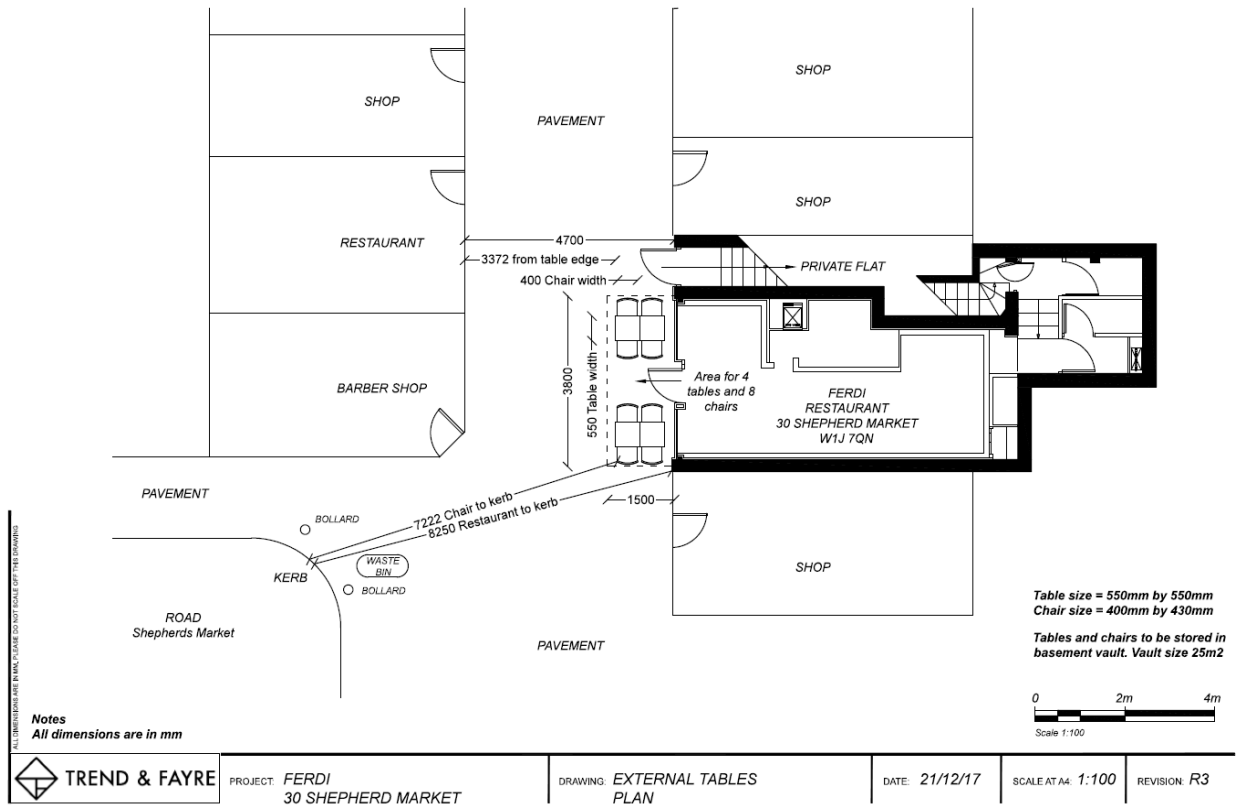
9. BACKGROUND PAPERS

1. Application form
2. Response from Cleansing - Development Planning, dated 17 January 2018
3. Response from Highways Planning - Development Planning, dated 17 January 2018
4. Letter from occupier of 4 Shepherd Market, London, dated 6 February 2018
5. Letter from occupier of 5a Shepherd Market, Mayfair, dated 13 January 2018
6. Letter from Stephen Thomas Law dated 16 October 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 30 Shepherd Market, London, W1J 7QN,

Proposal: Use of the public highway for the placing of four tables and eight chairs in an area measuring 3.8m x 1.5m in connection with the ground floor unit.

Reference: 17/00029/TCH

Plan Nos: External tables plan REV R3

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

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 to ensure the interests of proper planning.

- 2 You must not put the tables and chairs in any other position than that shown on drawing External tables plan REV R3. (C25AA)

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 TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables and chairs on the pavement between 08.00 and 23.00. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 4 The tables and chairs must only be used by customers of the ground floor unit at No. 30 Shepherd Market. (C25CA)

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 TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 5 This use of the pavement may continue until 30 April 2019. You must then remove the tables and chairs. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 6 You can only put out on the pavement the tables, chairs and other furniture/ equipment/ screening shown on drawing External tables plan REV R3.

Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You cannot put tables and chairs in the area unless you have a street trading licence., , If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this

Item No.
5

with the planning officer whose name appears at the top of this letter., , Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)

- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)
- 4 You are advised that if the use of the approved seating area is not carried out in accordance with the approved drawings and permitted hours, any future application to renew the permission for outside seating is unlikely to be considered favourably.

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.

This page is intentionally left blank

Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 10 April 2018		Classification For General Release
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Ground Floor , 100 St Martin's Lane, London, WC2N 4AZ		
Proposal	Details of Operational Management Plan pursuant to condition 5 of planning permission dated 22 January 2018 (RN: 17/08138/FULL) for 'Dual use of part of the ground floor as either offices (Class B1) and/or showroom (Sui Generis) for display of clothing and accessories range'.		
Agent	Daniel Watney Llp		
On behalf of	c/o Agent		
Registered Number	18/00696/ADFULL	Date amended/ completed	31 January 2018
Date Application Received	29 January 2018		
Historic Building Grade	Unlisted		
Conservation Area	Trafalgar Square		

1. RECOMMENDATION

Approve details

2. SUMMARY

Permission was granted on 16th January 2018 for dual use of part of the ground floor as either offices (Class B1) and/or showroom (Sui Generis) for display of clothing and accessories range.

Condition 5 of the permission states:

The showroom use shall not be implemented until you have submitted an Operational Management Plan relating to the showroom use to us for our approval. Thereafter the showroom use must be carried out in accordance with the approved Operational Management Plan.

The reason for the condition was to *protect the environment of neighbouring occupiers in accordance with policies S29 and S32 of our City Plan and ENV 6 of our Unitary Development Plan.*

The Sub-Committee requested that the Operational Management Plan come before the Sub-Committee for approval.

The Operational Management Plan (OMP) sets out a series of commitments concerning the showroom use. Whilst it is similar to the OMP that was originally provided with the planning application there is some additional information from the applicant.

The OMP reiterates that the showroom use will be an occupier whose business is the manufacture of clothes and fashion accessories. The OMP makes it clear that clothes and accessories will be manufactured outside of London and then delivered by courier via St Martin's Lane.

The OMP states that the showroom use will only occupy part of the ground floor demise and will not be open to members of the public. The remaining ground floor area is to be used for the approved B1 office purposes. Access to both the offices and showroom will be from St Martin's Lane only.

The OMP advises that the showroom use will have approximately 20 employees and that the main activity within this part of the building will be business meetings. The OMP makes it clear that there will be no fashion shows or similar events within the showroom use. In addition no recorded or live music would be played in the showroom that is audible from outside the premises (as required by condition 3 of the planning permission).

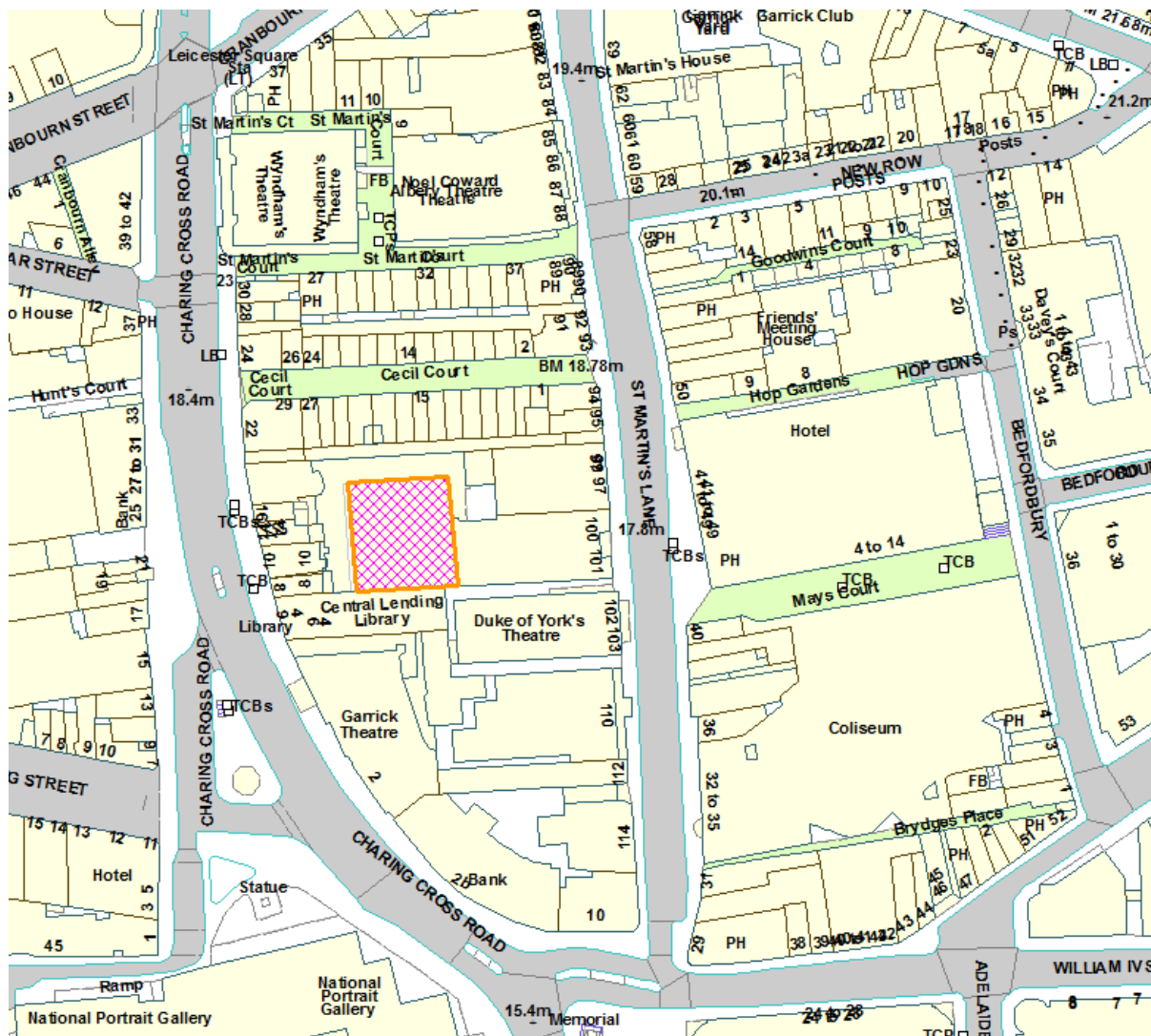
The OMP states that the operating hours of the showroom use will be similar to normal office hours and that lights within the showroom will be controlled by motion sensors and so will be switched off when nobody is present.

The council has sent 160 neighbour consultation letters and one letter has been received in response from a resident of Faraday House. Whilst the resident does not object to the OMP it raises a concern that the actual intensity of the showroom use is still not known and the light pollution issue may not be properly handled.

These concerns are noted. However, the OMP has attempted to set out the intensity of use by providing a floorplan of the showroom demise and setting out that the number of employees will be in the region of 20. It is considered unreasonable to expect the applicant to provide an exact layout for the showroom use or the precise number of staff and visitors. The provision of motion sensors should help reduce light pollution from the showroom use which is likely to be similar in operating hours to a B1 office use (which is the lawful use of the site). In addition the showroom use will be located away from the windows that could result in light pollution. The applicant has also set out in the OMP that the windows on the rear elevation that face residential properties, and which serve the office use rather than the showroom use, will be frosted.

In light of the above, the OMP for the showroom use is considered acceptable.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



5. CONSULTATIONS

Ward Councillors for St James's
Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 160
Total No. of replies: 1
No. of objections: 0
No. in support: 0

1 letter of representation has been received raising the following comments on the operational management plan:

- Local stakeholders were assured that the showroom Operational Management Plan over-rides the applicant's right to allow unrestricted access to the ground floor;
- The operational management plan states that there would be no impact on the resident's amenity to the rear but the actual intensity is not yet known and comparisons with a typical office use are not reliable;
- A risk that if the hours are extended beyond the typical office use and light pollution is inadequately managed by the planned use then it would have an adverse impact on amenities and;
- Sub-committee to consider the installation of window blinds as a condition to help mitigate the risk highlighted and such a condition would also permit periodic use of all parts of the ground floor beyond office hours without impacting local amenity adversely

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

17/08138/FULL

Dual use of part of the ground floor as either offices (Class B1) and/or showroom (Sui Generis) for display of clothing and accessories range. Granted conditional permission on 22 January 2018

7. BACKGROUND PAPERS

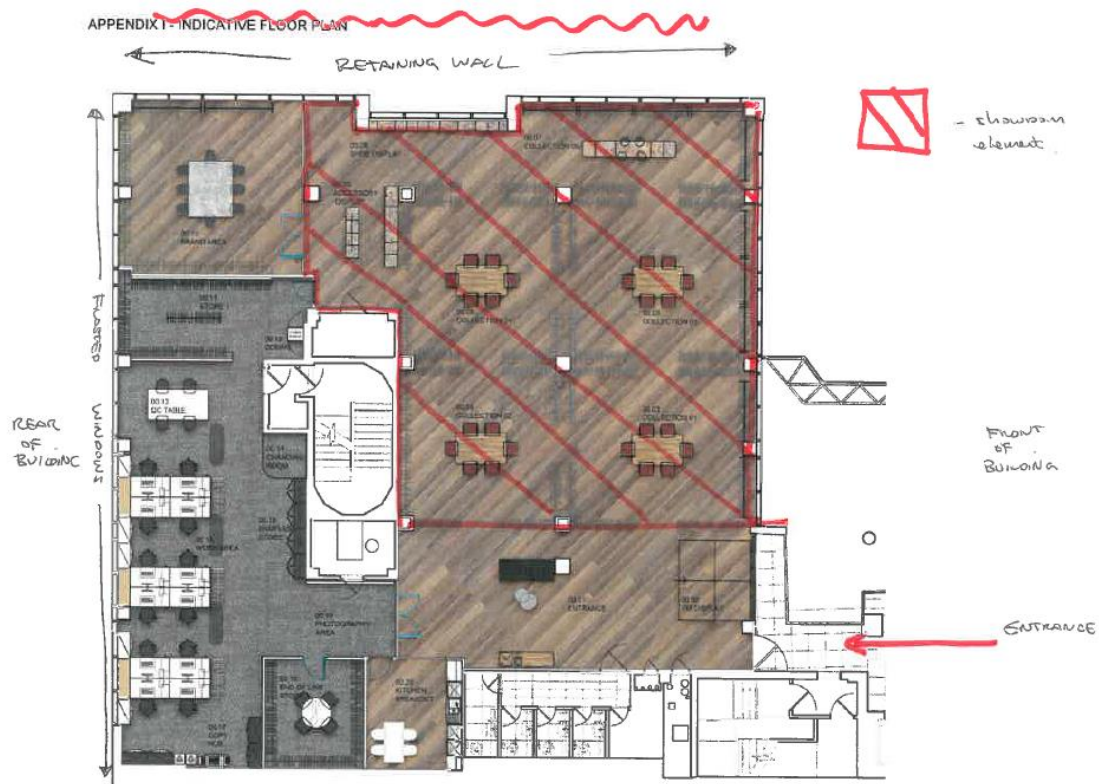
1. Application form
2. E-mail from occupier of 9 Faraday House, 18 Charing Cross Rd, dated 28 Feb 2018
3. Operational Management Plan (March 2018) and Floorplan showing showroom element

4. Email from Daniel Watney LLP (the agent) sent 28/03/2018 at 14.22.

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

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

8. KEY DRAWINGS



Floor Plan Showing Demise for Showroom Use

DRAFT DECISION LETTER

Address: Ground Floor , 100 St Martin's Lane, London, WC2N 4AZ

Proposal: Details of Operational Management Plan pursuant to condition 5 of planning permission dated 22 January 2018 (RN: 17/08138/FULL) for 'Dual use of part of the ground floor as either offices (Class B1) and/or showroom (Sui Generis) for display of clothing and accessories range'.

Reference: 18/00696/ADFULL

Plan Nos: Operational Management Plan (March 2018), Floorplan showing showroom element. Email from Daniel Watney LLP (the agent) sent 28/03/2018 at 14.22.

Case Officer: Nosheen Javed

Direct Tel. No. 020 7641 2858

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

1. This permission fully meets condition(s) 5 of the planning permission dated 22 January 2018 (RN: 17/08138/FULL). (I11AA)

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.