



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (4)

Meeting Date:

Tuesday 30th January, 2018

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Angela Harvey (Chairman)
Iain Bott
Jonathan Glanz
Jason Williams



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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|------------------------------------------------------------------------------------|--------------------------|
| 1. 3 MANDEVILLE PLACE, LONDON, W1U 3AP | (Pages 3 - 34) |
| 2. 2 KILDARE TERRACE, LONDON, W2 5LX | (Pages 35 - 64) |
| 3. 14 FARM STREET, LONDON, W1J 5RF | (Pages 65 - 82) |
| 4. PENTHOUSE 41, 35 BUCKINGHAM GATE, LONDON, SW1E 6PA | (Pages 83 - 100) |
| 5. FIRST FLOOR AND SECOND FLOOR FLAT, 66 CAMBRIDGE STREET, LONDON, SW1V 4QQ | (Pages 101 - 112) |
| 6. 121 RANDOLPH AVENUE, LONDON, W9 1DN | (Pages 113 - 124) |

Stuart Love
Interim Chief Executive
22 January 2018

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 30th January 2018
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 17/10490/FULL Marylebone High Street	3 Mandeville Place London W1U 3AP	Demolition and redevelopment behind retained and refurbished Mandeville Place facade, including rebuilding of mansard roof, rear extension on basement, ground and first to fourth floors, installation of plant within new recessed roof level enclosure and provision of internal kitchen extract duct terminating above main roof level. Use of basement and ground floor levels as a restaurant (Class A3) and use of the first to fourth floors as offices (Class B1).	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 17/02810/FULL Bayswater	2 Kildare Terrace London W2 5LX	Demolition of existing two storey rear extension and erection of a new rear two storey extension at lower ground and ground floor level and excavation of a basement under the house (including under the rear extension) and part of the front garden incorporating front and rear lightwells. Alterations to rear facade.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 17/05825/FULL West End	14 Farm Street London W1J 5RF	Excavation of a single storey basement extension and erection of a rear extension at third floor level to provide additional accommodation to the existing dwellinghouse; installation of replacement windows and doors to the front and rear elevations and extension of the existing rear ground level rear balcony.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 17/07529/FULL St James's	Penthouse 41 35 Buckingham Gate London SW1E 6PA	External alterations to the form, glazing and cladding at fifth floor level; and erection of extension and formation of terrace at roof level to provide additional residential accommodation in connection with Flat 41.	
	Recommendation Grant conditional permission			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 30th January 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 17/07238/FULL Warwick	First Floor And Second Floor Flat 66 Cambridge Street London SW1V 4QQ	Erection of extensions to rear closet wing at first and second floor levels and addition of mansard roof extension to create new third floor level, in connection with the provision of a 1 bed flat at first floor level and a 2 bed maisonette over second and third floor levels.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 17/10013/FULL Maida Vale	121 Randolph Avenue London W9 1DN	Erection of single storey outbuilding at end of rear garden. (Retrospective)	
	Recommendation Grant conditional permission.			

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 January 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	3 Mandeville Place, London, W1U 3AP		
Proposal	Demolition and redevelopment behind retained and refurbished Mandeville Place facade, including rebuilding of mansard roof, rear extension on basement, ground and first to fourth floors, installation of plant within new recessed roof level enclosure and provision of internal kitchen extract duct terminating above main roof level. Use of basement and ground floor levels as a restaurant (Class A3) and use of the first to fourth floors as offices (Class B1).		
Agent	CBRE Ltd		
On behalf of	KF Properties		
Registered Number	17/10490/FULL	Date amended/ completed	29 November 2017
Date Application Received	24 November 2017		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application premises is a vacant office building, on basement, ground and four upper floors, located on the west side of Mandeville Place. The property is an unlisted building of merit within the Portman Estate conservation area. Permission is sought for the demolition of the existing building behind the retained, and altered, front facade, and for the erection of a new building on basement to fourth floors with full height extensions over the existing rear lightwell and the installation of new plant within a recessed area within the rebuilt mansard roof. The basement and ground floor levels would be used for restaurant (Class A3) purposes and the first to fourth floor levels as offices (Class B1).

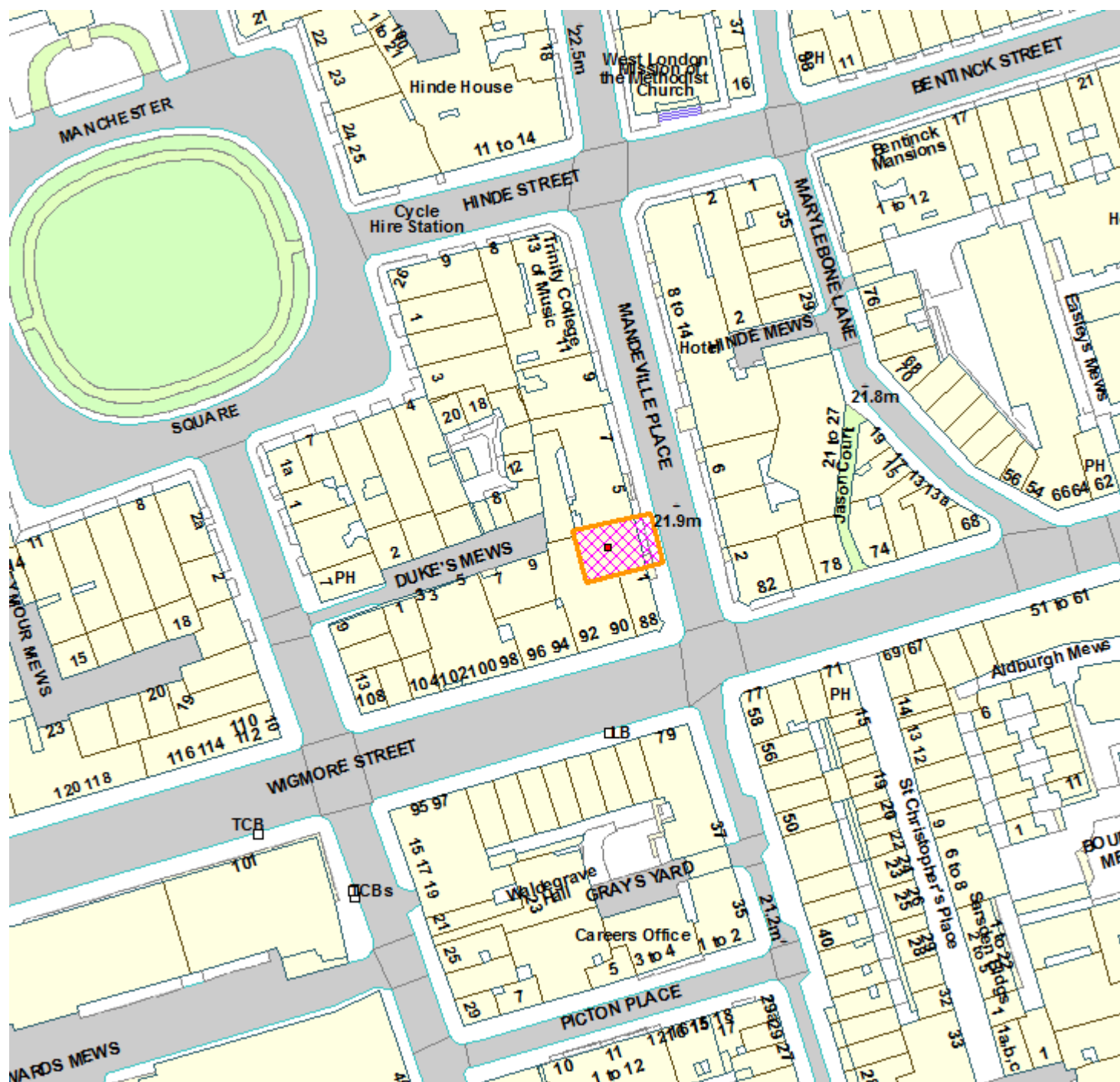
The key issues for consideration are:

- The impact of the development upon the character and appearance of the Portman Estate Conservation Area
- The acceptability of the restaurant in land use and amenity terms

- The impact of the completed development, including plant operation, on neighbours' amenity.

Objections have been received on land use, and amenity and design grounds. However, subject to appropriate conditions, the proposals are considered to accord with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan. The application is therefore recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

THAMES WATER

No objection, informatives recommended.

MARLEBONE ASSOCIATION

Objection: restaurant would adversely affect the character of the street. If the use is considered acceptable, recommend reducing opening hours with a 12-month trial period.

ENVIRONMENTAL HEALTH

No objection.

CLEANSING

No objection

HIGHWAYS

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 55

No. of objections: 8 (including one letter on behalf of the occupants of 8-20 Duke's Mews) No. in support: 0

Objections on the following grounds:

Land Use

*Support office development

*Impact of restaurant on character of the street, Approval of the use would be inconsistent with decisions relating to the adjoining site.

*Loss of office floorspace unacceptable given shortage of suitable offices and numbers of restaurants in the area

*No demand for a restaurant, proliferation of late night uses in the area

Design

*Unacceptable bulk and massing

*Uncharacteristic alteration to roof form

*Uncharacteristic development at rear which radically alters the character of the building, loss of rear windows

* large windows and Juliet balconies an uncharacteristic feature of the area and more suited to residential development

*Duct is unsightly

Amenity

*Loss of amenity to local residents and business occupiers due to late night noise nuisance and general disturbance from restaurant use; effective planning and licensing controls required

*Loss of light

*Loss of privacy

*Noise disturbance from extension of building to rear site boundary

*Plant noise

Highways

*Increased traffic generation from customers and deliveries

Other

*Disruption during construction works; nuisance from noise dust etc.; restricted access to properties in Duke's mews (route for construction traffic); draft CMP inadequate
Potential impact on party walls for excavation/demolition

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building of merit located in the Portman Estate Conservation Area and the Core Central Activity Zone. The building is on the west side of Mandeville Place, close to its junction with Wigmore Street.

The building, which comprises basement, ground and four upper storeys, has a lawful office use (Class B1). The property is currently vacant.

Mandeville Place is primarily commercial in character. The ground floor frontage on the west side comprises offices and the School of Environmental Sciences at no 11-13. The southernmost property, 1 Mandeville Place forms the return of a cafe at 88 Wigmore Street. The east side is dominated by the Mandeville Hotel no. 6-14. The lower floors of no 2-4 are in commercial use (office and retail) and the upper floors provide 17 flats. There are also flats at 1 Mandeville Place, at the rear of the site, in Duke's Mews, and on the upper floors of 90-92 Wigmore Street (Wigmore Mansions). Wigmore Street is characterised by various retail, office and entertainment uses on Wigmore Street

6.2 Recent Relevant History

None,

7 THE PROPOSAL

The proposal involves the demolition of existing building behind the retained Mandeville Place façade and the erection of a replacement building also on basement, ground and four upper floors. Part of the existing building extends to the rear site boundary, the remainder, at ground floor level and above, is set back from the boundary behind a small lightwell. The replacement building incorporates full height extensions over this lightwell area.

Plant for future tenants, and a lift overrun, would be sited within a sunken enclosure set within the rebuilt roof. A full height kitchen extract duct, routed internally, would terminate within this enclosure, 1metre above roof level.

The basement and ground floors would provide a new restaurant (Class A3), measuring 263 sqm (GIA). The upper floors would continue to be occupied as offices (Class B1).

Proposed restaurant opening hours are between 0730 and 2330 on Monday to Thursday, between 0730 to 2400 (midnight) on Friday and Saturday (and Sundays immediately prior to Bank Holidays) and between 0730 and 2230 on Sunday. The restaurant would accommodate a maximum of 120 customers.

The application has been amended to include details of refuse storage arrangements and to increase the level of cycle parking provision 9from 4 to 8 spaces)

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Offices (Class B1)

The development would result in an overall increase of 135 sqm (GIA) of floorspace on the site. However, due to the change of use of the basement and ground floor, would be a net reduction of 128 sqm of office floorspace.

Objections have been received to the loss of office floorspace on the basis that there is a shortage of suitable office accommodation, and particularly given the number of existing restaurant uses in this area of the City. City Plan policy S20 permits the loss of offices on sites within the core CAZ, where this floorspace is converted to an alternative commercial use. In these circumstances, the reduction in office floorspace is acceptable in land use terms and the objections cannot be supported.

Proposed restaurant use

City Plan Policy S6 acknowledges that, in principle, entertainment uses are appropriate for the Core Central Activities Zone.

Given the size of the proposed restaurant, UDP policy TACE8 of the UDP applies. This states that permission will generally be granted for proposals where the City Council is satisfied that the proposed development has no adverse effect upon residential amenity or local environmental quality as a result of noise; vibration; smells; increased late night activity; increased parking and traffic and no adverse effect on the character or function of the area, including any cumulative adverse impact. City Plan policy S24 requires proposals for new entertainment uses to demonstrate that the use is appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that the use does not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

Objections have been received from the Marylebone Association, local residents and local business occupiers on the grounds that the proposed would be detrimental to the character of Mandeville Place. Objectors consider that there is no demand for another restaurant given the proliferation of entertainment uses in the area and that the proposed use would adversely affect the amenities of neighbouring residential and office premises as a result of increased general disturbance and late night noise nuisance caused by restaurant customers and music from the restaurant.

Given the character of Mandeville Place and Wigmore Street, it is not considered that the replacement of ground floor office with a restaurant would have an adverse impact upon the character and function of the area. Although there are other restaurants/cafes including the site immediately to the south (88 Wigmore Street) it is not considered that the introduction of a new restaurant would have an adverse cumulative impact on the character of the area, given the dispersed nature of these premises. It could also be argued that the proposed use could have a positive impact upon the character of the street, replacing a blank office frontage and increasing street level interest. In this case, it is not considered that objections relating to the impact on the character of the area could be supported.

One respondent has referred to the planning history of a neighbouring site, believing that permission was refused for a restaurant use there, and that any decision to approve the current proposal would be inconsistent. From the description given, it appears that this is a reference to 88 Wigmore Street, although it has not been possible to verify this with the objector. Records indicate that a Certificate of proposed Use “for the use of the lower ground and ground floors of 88 Wigmore Street as sandwich bar for take-away sale of cold food, including the sale of hot drinks and heated food and including some seating for eating on the premises (at ground floor and lower ground floor’ (06/08266/CLOPUD) was refused on 5 Jan 2007. This CLOPUD was refused on the basis that the proposed use was not a Class A1 retail use and that permission for a change of use was required. However, on 10 April 2007, permission was granted for the retention of this sandwich bar/cafe (sui generis) on the basement and ground floors (07/01276/FULL). In both cases, the applicant at 88 Wigmore Street appears to be the current objector. Given the circumstances of the case, it is not considered that the refusal of the CLOPUD at 88 Wigmore Street has a bearing on the current proposals.

The restaurant proposals are speculative with no end-user identified, and therefore it is not possible to consider their likely impact by assessing the track record of the intended occupier. However, conditions could be used to control the opening times and activity to limit the impact. These conditions would ensure that the use would be a sit-down restaurant limited to a maximum capacity of 120 customers (based on approximate figures provided by the applicant). Any ancillary bar area could be limited to a small part of the premises, (a condition is recommended limiting the bar area to a maximum of 15% of the overall floorspace) and restricted to use by diners before and after their meals. Conditions are also recommended to preclude takeaway and delivery services in association with the use.

The Marylebone Association has requested that should a restaurant us be considered acceptable in principle, the operating hours should be reduced to hours more appropriate to a “secondary residential street to Wigmore Street” and limited to a 12-

month trial period to allow their impact to be monitored. The proposed restaurant opening hours (until 23.30 on Monday to Thursday, midnight on most Fridays and Saturdays and until 2230 on most Sundays. These hours accord with those set down within the UDP which are generally considered to be appropriate within primarily residential areas - generally until 24.00 (midnight) on Monday to Thursday and 00.30 hours on Friday and Saturday). In these circumstances, given the mixed character of Mandeville Place and the surrounding area, the significant costs associated with the fitting out of a new restaurant and the need for some certainty for prospective tenants, it is not considered that it would be reasonable to impose reduced operating hours or to permit these only on a temporary basis.

The proposal incorporates an external kitchen extract terminating at high level will ensure that cooking odours are adequately dispersed.

The application is supported by a draft Operational Management Plan. However, given the speculative nature of the proposals, a condition is recommended requiring the submission of a finalised Operational Management Plan (OMP) to be submitted, for the prospective tenant, and approved prior to the commencement of the restaurant use: This would include measures to ameliorate the potential impact of the use including:

- The prevention of customers queuing on the street
- Measures to encourage customers to wait inside the premises until taxis arrive,
- management of customers who wish to smoke;
- methods preventing customers from taking their drinks onto the street:
- means to ensure that goods are not stored on the highway and that deliveries are carried out in a sensitive manner, within agreed hours (06.45 to 18.00 hours daily), to ensure noise is minimised

A condition is also recommended to ensure that no live or recorded music which is audible externally or in neighbouring properties can be played.

With the imposition of appropriate operating conditions, it is considered that there will be no material loss of amenity arising from the introduction of a restaurant in this location. The proposed restaurant use is therefore considered acceptable on land use and amenity grounds. The acceptability of the proposals in highways terms is discussed in section 8.4 below.

8.2 Townscape and Design

The application property building forms part of a consistent terrace of grand Victorian town houses at 1 to 13 Mandeville Place (nos. 5-7 are rebuilt). The buildings date from 1876, by James Hendry and John Norton. There is a matching terrace on the opposite side of the street. The front facades are of orange-red brick and stone in a French Renaissance style. Because of their quality and consistency, they make a considerable contribution to the character and appearance of the Portman Estate Conservation Area (and the Harley Street Conservation Area, which boundary is on the east side of Mandeville Place).

Being part of this terrace, with an ornate front facade, the application building is considered to make a positive contribution to the character and appearance of the conservation area.

The rear elevation of the building is of considerably lesser quality than the front, and makes only a modest contribution to the Portman Estate Conservation Area. Nevertheless, it is a traditional building with stock brick and mansard roof that overhangs the rear elevation. There is a mixture of steel and timber sash windows, some in a poor state of repair.

The proposal involves the demolition and redevelopment of the building behind the retained, and altered, front façade. Its loss would not be resisted if the replacement building is of equal or greater design quality.

Alterations to the front façade are minor and include the replacement of existing windows with timber sashes and the replacement of the entrance door and fanlight. The replacement of the existing solid panelled door with a half glazed door is not considered to be acceptable. A number of buildings in Mandeville Place, and all those on the west of the street, retain historic solid doors. Where solid doors have been lost, on the east side, it is to the detriment of the appearance of the building and to the character of the conservation area. An amending condition is therefore proposed, requiring details to show a traditional solid timber door. The timber doors within the lightwell are not shown as replaced on the proposed plans. An additional condition will require retention as a precaution.

The key considerations are the acceptability of the following parts of the scheme:

Rebuilding the roof

Objections have been received on the grounds that the proposed alteration to the roof form would radically alter the character and fabric of the building and that the proposed extract duct is unsightly.

The roof would be rebuilt to incorporate a new concealed plant area. The building is very little overlooked, and the secondary pitch of the mansard roof will conceal the plant and the discharge point of the internal kitchen extract duct (which would terminate 1m above roof level), in all public, and most private, views. The (rebuilt) house at no.5 has a similar arrangement to conceal a roof terrace. Given that the proposals are similar to those approved on the neighbouring site, and as the duct would be largely internal to the building, these aspects of the scheme are considered acceptable in design terms and the objections cannot be supported.

The character of the rebuilt roof will be similar to that adjacent, and in line with the guidance in the Council's Supplementary Planning Guidance *"Roofs: a guide to alterations and extensions on domestic buildings"*.

The loss of roof fabric is not considered to be harmful to the character or appearance of the conservation area. A condition requires the use of natural slate on the new roof. The applicant intends to reuse the existing slate if feasible.

Demolition of rear elevation and interior

The interior of the building has no statutory protection. The existing building contains a fine cantilevered staircase with a cast iron balustrade and continuous handrail.

All floors would be rebuilt behind the retained face, and the staircase would be removed. With the exception of the staircase, and some decorative plaster in the ground floor entrance hall, the building's interior is not of particular interest. The rear elevation, while of traditional materials and incorporating some traditional windows, neither contributes to nor detracts from the character of the area.

The loss of the floorplates, internal walls and rear façade is considered acceptable in design terms. The applicant has agreed that the staircase will be carefully dismantled and offered for re-use elsewhere. This would be secured by condition.

Taken as a whole, including the re-use of the stair, the principle of demolition behind a retained facade is therefore considered acceptable.

Increased rear bulk and the treatment of the rear façade

Objections have been received on the grounds that the proposed increase in bulk and massing at the rear of the building constitutes an overdevelopment of the site and that the treatment of the rear façade, including the reduction in the number of windows and the incorporation of rear Juliet balconies and large windows radically alters the character of the building, being more in keeping with residential development, and is unsympathetic to the character of the area.

The existing building abuts the rear boundary wall on basement and part ground levels, adjacent to a two storey rear extension to the rear of 90-92 Wigmore Street. At first floor and above, the building façade is set back from the boundary by approximately 3.5m. The rear of the new building extends to the rear site boundary on all floors and is set behind the line of the rear of the stair tower to the, rebuilt, 5 Mandeville Place, which is an assertive modern building, and the flank wall to the property to the south. In this context, the additional bulk at the rear is considered acceptable.

The new rear facade is of a modern approach informed by the traditional architecture it replaces. The rear of the building is only partially visible in views from Duke's Mews and windows on the two lowest floors are screened by the rear boundary wall. There are no rear windows on the basement and ground floors of the replacement building. However, given that these are not currently visible from Duke's Mews, it is not considered that the omission of windows on these levels would have a material impact upon the character of the building.

The incorporation of larger sliding windows on the upper floors, set behind Juliet balconies, is considered to be acceptable. They replace steel casement windows, which are themselves broad openings. There is a mixture of window types within the mews. A full height opening behind a small balcony is not an uncharacteristic window type.

Consequently, subject to conditions, the proposal is considered acceptable in terms of its impact on the character and appearance of this part of the Portman Estate conservation area and accords with relevant development plan policies. In these circumstances, objections on the basis of unacceptable height and bulk, roof form and detailed design cannot be supported.

8.3 Residential Amenity

UDP Policy ENV13 seeks to protect and improve the residential environment and to resist proposals which would result in a material loss of daylight or sunlight, increased sense of enclosure to adjoining windows or loss of privacy to adjoining occupiers. Similarly, City Plan Policy S29 seeks to safeguard the amenity of surrounding residents.

Sunlight and Daylight

An objection has been received from one resident of Wigmore Mansions (90 Wigmore Street) on the grounds that the proposal will result in a loss of light to the flats within that building.

The proposed rear extensions sit between flank walls to neighbouring properties to the north (5-7 Wigmore Street) and south (Wigmore Mansions), and there is no overall increase in the height of the building. Consequently, it is not considered that the proposal will result in any material loss of daylight/sunlight to neighbouring residential properties.

Sense of Enclosure

There are no residential windows in the immediate vicinity of the proposed rear extensions which would be directly obstructed by the proposed rear extensions and it is not considered that the development would result in any increased sense of enclosure to neighbouring properties.

Overlooking

A resident of the first floor at 2 Mandeville Place, on the opposite side of the street, has objected to the proposals on the ground that the restaurant proposals would result in increased overlooking to that property. There is no change to the window arrangements on Mandeville Place and the new restaurant would be accessed from the shared office entrance. In these circumstances, and given the relationship between the application premises and properties opposite, it is not considered that the scheme would result in a material loss of privacy.

The proposed rear extensions infill the existing rear lightwell and abut the flank wall of 9 Duke's Mews, which is a commercial building. Windows on the upper floors overlook the mews rather than windows to individual properties within it. Whilst there would be some potential for oblique views to the rear flat roof at 5 Mandeville Place, which the drawings describe as a terrace, this building is in office use.

Due to the presence of a projecting extract duct on the neighbouring premises, which provides a degree of screening, and the relationship of the proposed rear windows and

those in neighbouring properties to the south, it is not considered the development would result in any material increase in the degree of overlooking to adjoining residential properties.

Noise disturbance from within the building

An objection has also been received on the grounds that the extension of the building to the rear site boundary would result in increased noise disturbance to neighbouring residential properties. to the rear site boundary. There are no rear windows serving the restaurant and it is not considered that the rearward projection of the upper floors, which would continue to be occupied as offices, would have a material impact on levels of noise generated from within the building, notwithstanding the fact that the new sliding windows would be larger than the existing. Consequently, it is not considered that this objection could be supported.

In these circumstances, the application is considered to comply with adopted development plan policies which seek to safeguard residents' amenities.

8.4 Highways

Parking/traffic generation

An objection has been received on the grounds that the development would result in an unacceptable increase in traffic generation caused by restaurant customers and delivery vehicles.

The proposal is considered unlikely to have a significant impact on car parking in the area. Anyone visiting the site by car would be subject to local parking restrictions. However, the site is centrally located and well served by public transport including principal bus routes and Bond Street and Oxford Circus underground stations. Any taxis visiting the site would not have a significant impact on the operation of the highway in this central location.

Servicing

UDP policy TRANS 20 and S42 of the City Plan require off street servicing to be provided as part of new developments. No off-street servicing is proposed as there is no rear access. The site is located within a Controlled Parking Zone, which means that single/double yellow lines in the vicinity permit loading and unloading to occur. The largest regular servicing vehicle expected to be associated with the development is the refuse collection vehicle.

It is not considered that the servicing of the development would have a significant impact upon the operation of the local highway network. The application is supported by a Servicing Statement but this provides no site specific information detailing how servicing operations will be managed on a day-to-day basis. Consequently, the Highways Planning Manager has requested that a condition be imposed requiring the submission of a Servicing Management Plan to demonstrate how servicing of the development

would be managed to minimise its impact on the local highway network and highway users. This would be secured by condition.

Recommended conditions to prevent the operation of takeaway and delivery services would safeguard parking availability for other highway users and would also address potential amenity and nuisance issues associated with such uses.

In these circumstances, it is not considered that objections on highways grounds could justifiably form the basis of a recommendation for refusal.

Cycle parking

There are currently no cycle parking facilities on the site. To comply with London Plan policy a minimum of nine spaces cycle spaces would be required to serve the development (2 for the restaurant use and the remainder for the offices). The application has been revised are required to increase the number of cycle space from 4 to 8, including two folding bike lockers. The applicant has explored various options to increase the cycle parking provision. However, given that this is façade retention scheme with no rear access to the site, and in view of the need to locate waste stores in the other pavement vaults and shared street access, the shortfall of one space is considered acceptable and is a substantial improvement on the existing situation. The cycle parking would be secured by condition.

8.5 Economic Considerations

Any economic benefits generated by the development are welcomed.

8.6 Access

Access to the building remains unaltered. The development would provide lift access to all floors.

8.7 Other UDP/Westminster Policy Considerations

Plant and ventilation equipment

Mechanical plant for the offices and restaurant would be set a sunken enclosure within the rebuilt roof. In addition, it is proposed that the kitchen extract duct to the restaurant would be routed through the building and would exit the building within this screened enclosure. Objections have been received on the grounds of potential disturbance from the plant operation to residents in Duke's Mews.

The application is supported by an acoustic report which has been assessed by the Council's Environmental Health Officer. They have raised no objection to the proposal, considering that the plant operation is likely to comply with the City Council's standard noise conditions. Subject to conditions, relating to plant noise and vibration, restrictions on the hours of plant operation and the submission of a supplementary noise report to demonstrate that these conditions can be met, the scheme is considered to comply with UDP policy ENV7 and S32 of the City Plan and objections relating to plant noise can be supported.

In addition, a condition is recommended requiring the submission of full details of the proposed kitchen extract system to ensure the adequate dispersal of cooking fumes

Refuse /Recycling

Office waste was previously collected using the Council's 'Bag on Street' service. The proposal includes an off-street refuse storage area at basement level. Refuse sacks will be transferred to the pavement collection point no more than 30 minutes prior to set collection time and refuse and recycling will be collected using Council services.

The Cleansing Manager has raised no objection to proposed refuse and recycling storage arrangements, which would be secured by condition.

8.8 London Plan

The 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 planning obligations.

The estimated Westminster CIL payment is £20,250.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Construction Impact

The occupants of neighbouring properties have raised concerns in relation to the potential impacts of the construction process including noise nuisance and disruption. A draft Construction Management Plan has been submitted as a contractor has not yet been appointed. Objectors are also concerned that Duke's Mews would be a delivery route for construction materials, that there is potential for obstruction to properties within the mews, which has limited space for manoeuvring and turning vehicles. However, the draft CMP specifically states that there will be no site access from Duke's Mews.

Objectors also consider that the submitted CMP is inadequate in dealing with the issue of dust and dirt and impact on residential windows, window boxes roofs and courtyards

to properties within the Mews. The documents include information regarding measures to contain dust from the site, cleaning of the highway etc. the applicants have confirmed that they will abide by the requirements of the Council's Code of Construction Practice and will sign up to the considerate constructor's scheme. At this stage, it is considered that the undertakings within the draft CMP are acceptable. It is anticipated that the finalised document, which would be secured by condition, would specifically address objectors' more detailed concerns.

A further condition is recommended to control the hours of excavation and building works. Subject to these conditions, it is considered that the potential effects of the construction process will be ameliorated as far as possible.

Structural Concerns

One objector has raised concerns regarding the ability of the development to be carried out without compromising the structural integrity of neighbouring party walls as a result of demolition and excavation works. However, the scheme does not involve any additional excavation on the site.

The Building Control Officer has reviewed the objections and the submitted Structural Report and has raised no objection to the proposals.

The City Council is not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course.

An informative is proposed to advise the applicant of the need to obtain a Technical Approval from the City Council's Highways Engineers before beginning excavation works. This will ensure that the structural integrity of the highway will be maintained.

9 BACKGROUND PAPERS

1. Application form
2. Response from Marylebone Association, dated 21 December 2017
3. Response from Thames Water dated 12 December 2017
4. Response from Environmental Health, dated 5 January 2018
5. Memoranda from Highway Planning dated 20 December 2017 and 10 January 2018
6. Memoranda from Cleansing dated 12 December 2017 and 12 January 2018
7. Responses from Building Control dated 18 and 19 December 2017
8. Letter from occupier of Flat 1, 2 Mandeville Place dated 11 December 2017
9. Letter from occupier of 43 Astons Road, Moor Park dated 22 December 2017
10. Letter from occupier of Flat 3, 90 Wigmore Street dated 28 December 2017
11. Letter on behalf of the residents 8-20 Duke's Mews dated 8 January 2018
12. Letter from occupier 10 Duke's Mews dated 9 January 2018
13. Letter from the occupier 12 Duke's Mews dated 10 January
14. Letter from the occupier 14 Duke's mews dated 12 January 2018
15. Letter from the occupier 18 Duke's mews dated 12 January 2018

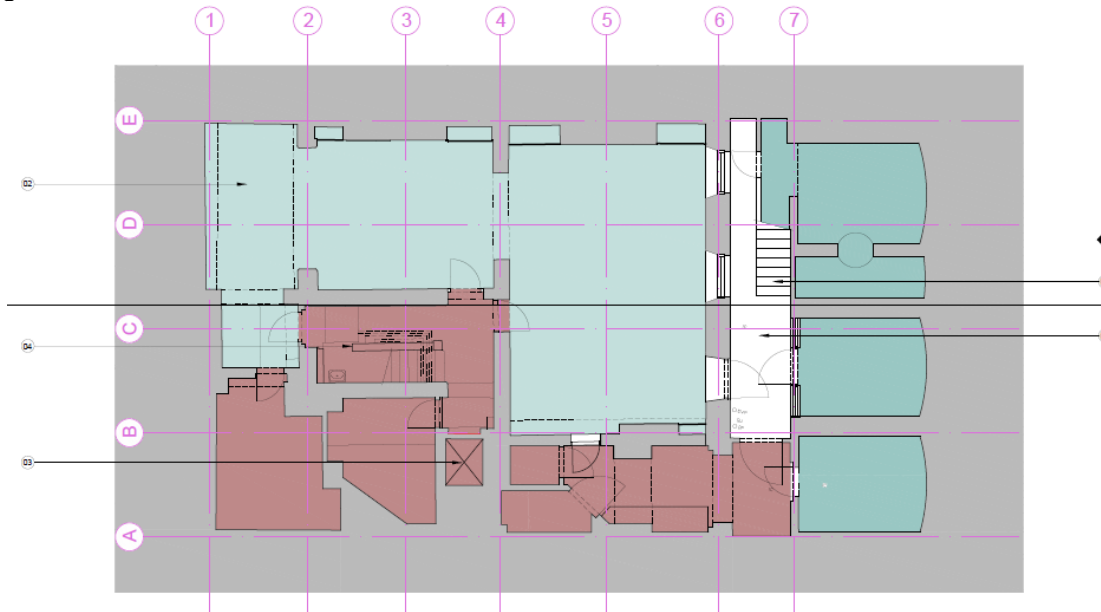
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

Item No.
1

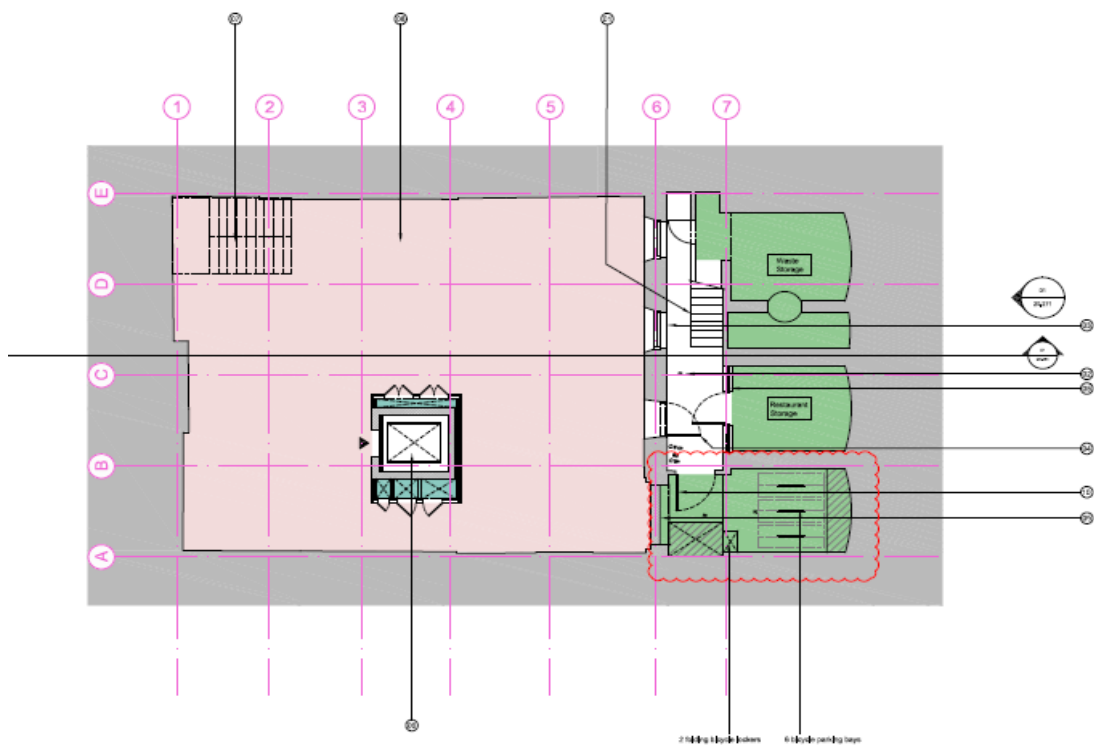
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT SSPURRIER@WESTMINSTER.GOV.UK.

10 KEY DRAWINGS

Existing Basement



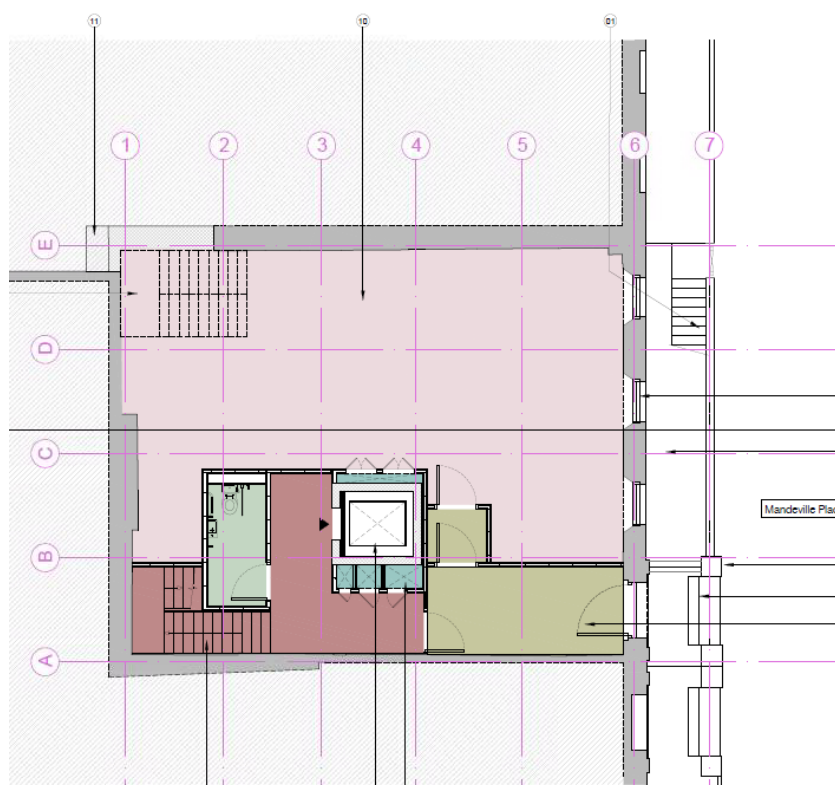
Proposed Basement



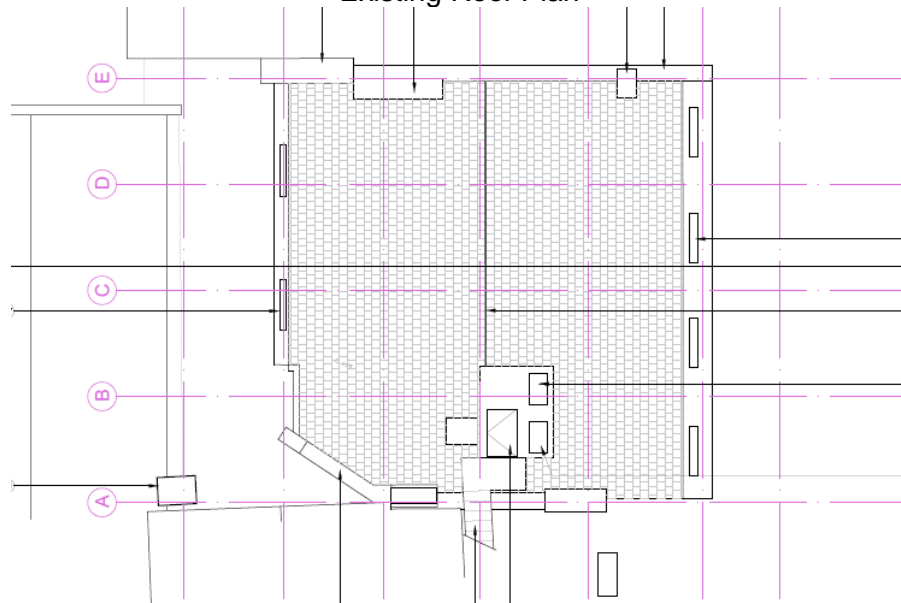
Existing Ground Floor



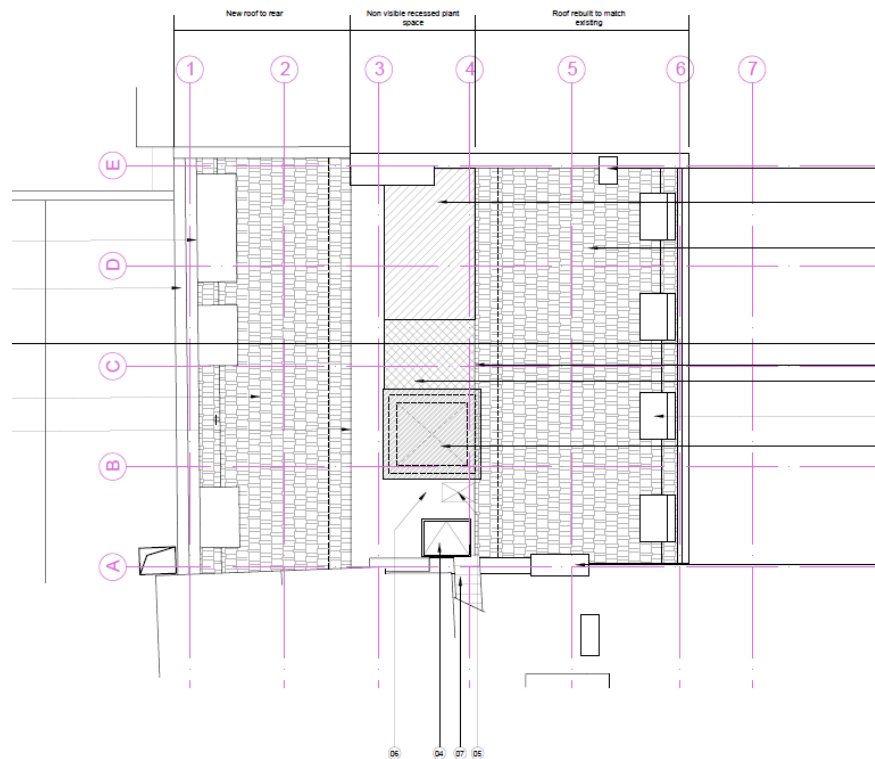
Proposed Ground Floor



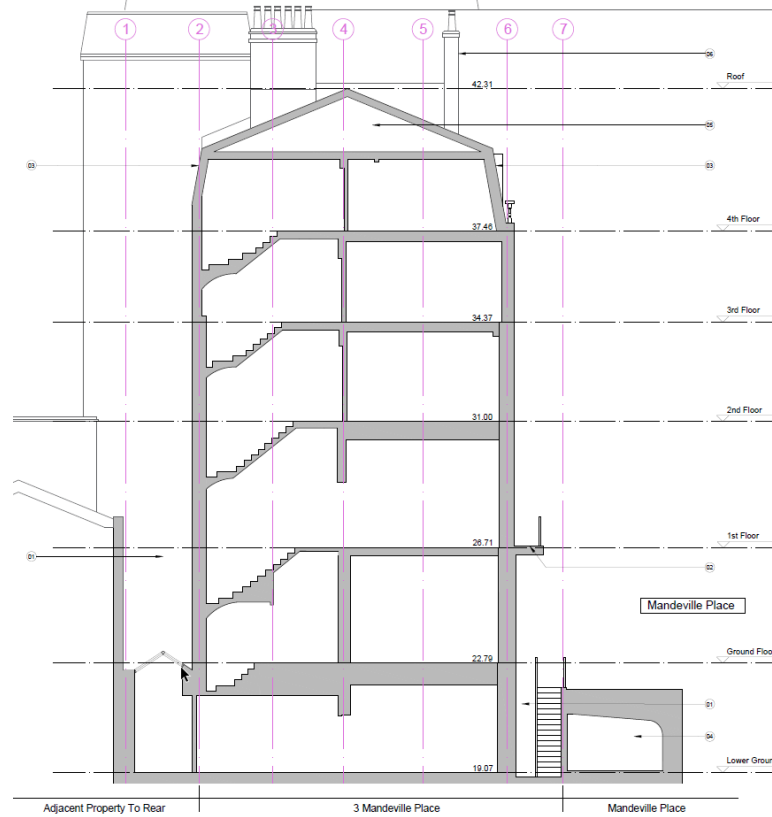
Existing Roof Plan



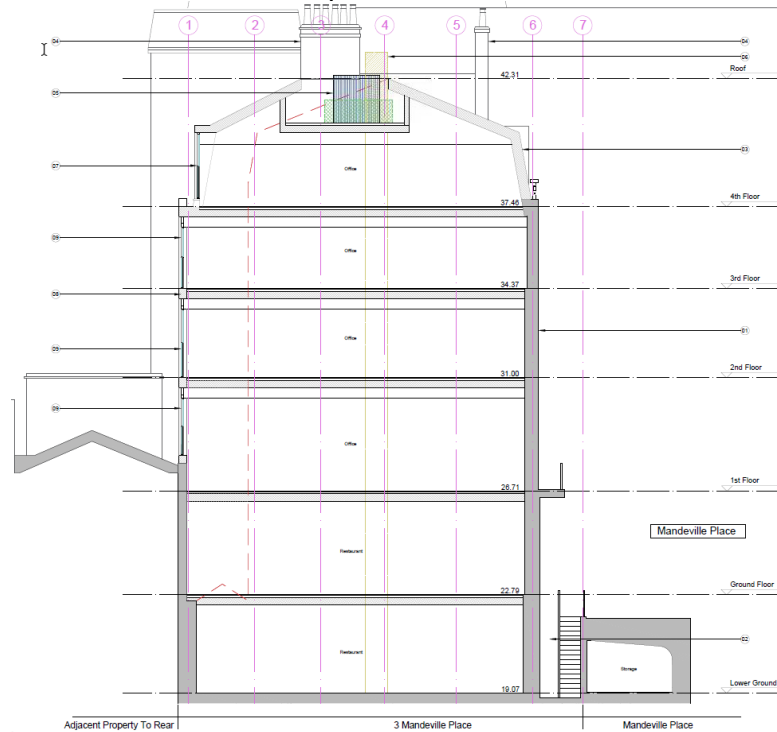
Proposed Roof Plan



Existing Section



Proposed Section



Existing front Elevation



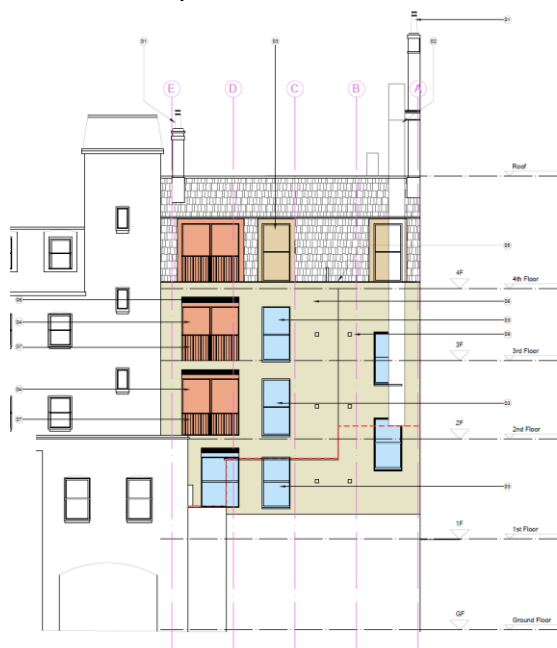
Proposed front Elevation



Existing Rear Elevation



Proposed Rear Elevation



DRAFT DECISION LETTER

Address: 3 Mandeville Place, London, W1U 3AP

Proposal: Demolition and redevelopment behind retained and refurbished Mandeville Place facade, including rebuilding of mansard roof, rear extension on basement, ground and first to fourth floors, installation of plant within new recessed roof level enclosure and provision of internal kitchen extract duct terminating above main roof level. Use of basement and ground floor levels as a restaurant (Class A3) and use of the first to fourth floors as offices (Class B1).

Reference: 17/10490/FULL

Plan Nos: 1704-BG-00-B1-DR-A-15.200 P1, 1704-BG-00-01-DR-A-15.201 P1, 1704-BG-00-02-DR-A-15.202 P1, 1704-BG-00-03-DR-A-15.203 P1, 1704-BG-00-04-DR-A-15.204 P1, 1704-BG-00-05-DR-A-15.205 P1, 1704-BG-00-06-DR-A-15.206 P1, 1704-BG-00-ZZ-DR-A-15.251 P1, 1704-BG-00-ZZ-DR-A-15.271 P1, 1704-BG-00-ZZ-DR-A-15.272 P1 (demolition drawings)

1704-BG-00-B1-DR-A-20.200 P2, 1704-BG-00-01-DR-A-20.201 P1, 1704-BG-00-01-DR-A-20.201 P1, 1704-BG-00-02-DR-A-20.202 P2, 1704-BG-00-03-DR-A-20.203 P2, 1704-BG-00-04-DR-A-20.204 P2, 1704-BG-00-05-DR-A-20.205 P2, 1704-BG-00-06-DR-A-20.206, 1704-BG-00-ZZ-DR-A-20.251 P1, 1704-BG-00-ZZ-DR-A-20.271P1, 1704-BG-00-ZZ-DR-A-20.272 P2; 00101 Rev P3,

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Noisy work must not take place outside these hours. (C11AA)

Reason:

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

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

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

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet Class TACE 8 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 4 The provision of a bar and bar seating must not take up more than 15% of the floor area of the restaurant premises. You must use the bar to serve restaurant customers only, before, during or after their meals.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Portman Estate Conservation Area. This is in line with S24 of Westminster's City Plan adopted November 2016 and TACE 8 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not allow more than 120 customers into the property at any one time (including any customers waiting at a bar).

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the East Marylebone Conservation Area. This is in line with S24 of Westminster's City Plan adopted November 2016 and TACE 8 of our Unitary Development Plan that we adopted in January 2007.

- 6 You must not play live or recorded music on your property that will be audible externally or in the adjacent properties.

Reason:

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

- 7 Customers shall not be permitted within the restaurant premises before 07:30 or after 23:30 Monday to Thursday, before 07:30 or after 24.00 (midnight) on Friday and Saturday (and Sundays immediately prior to a bank holiday) and before 07:30 or after 22:30 on Sundays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 You must apply to us for approval of a Servicing Management Plan to show how you will ensure deliveries are not stored on the highway and are carried out in a sensitive manner to ensure noise is minimised within agreed hours. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the approved Servicing Management Plan at all times that the restaurant 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 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

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

the planning condition;

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

Reason:

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

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

Reason:

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

- 11 You must provide the waste store shown on drawing 1704-BG-00-B1-DR-A-20.200 P2 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 12 You must provide each of the six cycle parking spaces and two bicycle lockers shown on the approved drawings prior to occupation. Thereafter the cycle spaces and lockers 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.

- 13 The plant/machinery hereby permitted shall not be operated before 07:00 or after 24.00 on Monday to Thursday, before 07:00 or after 00:30 on Friday and Saturday (and Sundays immediately prior to a bank holiday) and before 07:00 or after 23:00 on Sundays

Reason:

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

- 14 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment. 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. You must not change it without our permission. (C13BB)

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 The extract duct hereby approved shall be installed in full prior to the commencement of the restaurant (Class A3) use hereby approved and shall be retained in situ for the life of the development.

Reason:

To ensure that cooking odours are adequately dispersed, as required by S29 and S31 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 16 You must apply to us for approval of an Operational Management Plan to show how you will prevent customers who are leaving the restaurant from causing nuisance for people in the area, prevent customers queuing on the street, manage customers who wish to smoke, prevent customers from taking their drinks outside, and ensure deliveries and refuse are not stored on the highway and are carried out in a sensitive manner to ensure noise is minimised within agreed hours. You must then carry out the measures included in the approved Operational Management Plan at all times that the restaurant is in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 17 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

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

- 18 You must apply to us for approval of details (1:5 and 1:20) of the following parts of the development - windows. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

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

- 19 The roof covering must be of natural grey-blue slate

Reason:

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

- 20 The roof level plant and duct must be painted dark grey.

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

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

- 22
- i) The staircase must be fully recorded, carefully dismantled and offered for reuse elsewhere.
 - ii) Prior to the erection of the redeveloped building evidence of compliance with part i) of this condition must be submitted to the City Council

Reason:

To protect the character and appearance of the undesignated heritage asset. 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

- 23 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24-hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

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

- 24 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 9 and 10 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 25 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: traditional solid timber front door. 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.

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 Portman Estate 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)

- 26 You must not alter existing doors within the front lightwell; unless changes are shown on the approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate 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 As the new construction provides support to the highway an informative should be included to remind the applicant to obtain a Technical Approval from the City Council's highways engineers before beginning excavation
- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 January 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	2 Kildare Terrace, London, W2 5LX		
Proposal	Demolition of existing two storey rear extension and erection of a new rear two storey extension at lower ground and ground floor level and excavation of a basement under the house (including under the rear extension) and part of the front garden incorporating front and rear lightwells. Alterations to rear facade.		
Agent	Mr Joel Smith		
On behalf of	Lord James Bethell		
Registered Number	17/02810/FULL	Date amended/ completed	30 March 2017
Date Application Received	30 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Subject to no new issues being raised further to the additional consultation undertaken, grant conditional permission.

2. SUMMARY

The application relates to a four storey, with mansard roof, end of terrace property in use as a single dwelling house, located on the east side of Kildare Terrace. The property is not listed but is located within the Westbourne Conservation Area. Permission is sought for the removal of an existing two-storey rear extension at lower ground and ground level; the erection of a new two-storey extension at lower ground and ground floor level and part single storey infill extension at lower ground floor level; the excavation of a new basement level under the house and new rear extension and part of the front garden, incorporating front and rear lightwells and associated alterations to the rear façade.

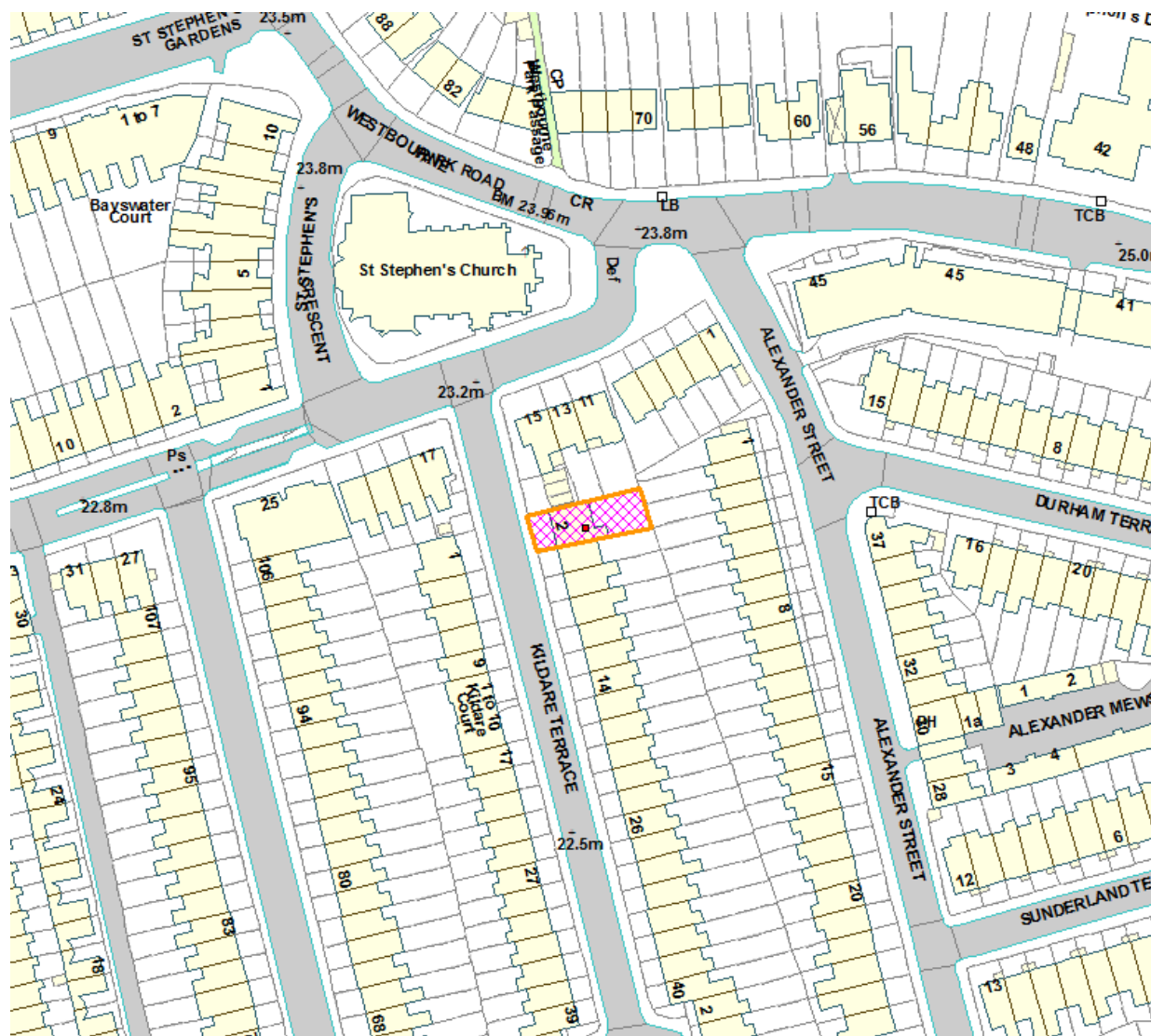
Objections have been received from neighbouring residents on the grounds of design, amenity and the impact of the development during construction.

The key issues for consideration in this case are:

- Whether the proposals preserve or enhance the character and appearance of the conservation area and building;
- Impact of the proposal on the amenity of the neighbouring residents;
- Impact of the proposals on trees; and
- Compliance with Westminster's basement policy

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation (top) and rear elevation (bottom)



Existing rear extension (top left); location of proposed basement extension (top right); view towards neighbouring garden of 4 Kildare Terrace (bottom)



View towards neighbouring boundary with gardens of 11 and 13 Talbot Road (top); View towards rear boundary with garden of 2 and 3 Alexander Street (bottom)

5. CONSULTATIONS

Consultation on Initially Submitted Scheme – April 2017

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No response to date

BUILDING CONTROL

No objection

HIGHWAYS PLANNING MANAGER

No objection

ARBORICULTURAL MANAGER

No objection subject to a condition requiring tree protection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 49

Total No. of replies: 12

No. of objections: 11- (including 3 who have written in twice)

No. in support: 1

In summary, the objectors raise the following grounds:

Design

- The proposed rear elevation is not sympathetic to the conservation area and adjacent buildings; this objection is sustained by one of the objectors following revisions;
- Overdevelopment of the site; the property already has a mansard roof extension, an extension above the side porch and a two-storey extension at the rear;

Amenity

- Impact on privacy of no. 4, due to overlooking from new access platform from ground floor level to the rear garden;
- Concern that the development which is adjacent to the shared boundary would adversely affect their privacy;
- There would be light pollution from a fully glazed roof;
- The neighbour's property would look directly onto the skylight of the extended basement and sub-basement;

Trees

- There is Wisteria growing on the house which would be lost if the development went ahead;

Other

- Disruption and negative impact as a result of construction work;

- No Construction Management Plan (CMP) has been submitted, as has been required for other basement developments in the past;
- The CMP should contain all the requirements already in the CMP agreed for other basement developments on Kildare Terrace;
- Reference to other developments on Kildare Terrace and difficulties with construction and CMP;
- The Traffic Management Plan should contain the same requirements as for other basement developments on Kildare Terrace;
- If the family needs a larger house, they can move elsewhere;
- Object that the proposal is called a basement when it is a subterranean basement; the house already has a basement;
- Children play in this cul-de sac;
- The street is narrow and accessed by dust carts, ambulance and delivery lorries and is often obstructed - traffic management is difficult;
- The existing basements on Kildare terrace are already damp due to underground river;
- It is questionable how when these houses already have basements that they are allowed to build another below;
- The Council have a policy against sub-basements; it is believed that the current basement has been mis-characterised as a lower ground floor to avoid this objection;
- The development is not suitable use of the site taking into account the well-known instability of the area, as well as the possible floor risk from ground water movements and already underground waterways;
- Concern that the vibrations and underground works will cause damage to the structure of their house and nearby properties;
- The properties in the street were built in Victorian times and were not designed to withstand such levels of vibration and excavation;
- The Westbourne Waterway runs under these houses and the builders will discover that they need permanent and noisy pumps installed;
- The adjoining neighbour at no. 4 states that they did not receive a consultation letter;
- Concern about the impact of the development on the party wall;
- Neighbouring basement already shows signs of damp. Concerned that digging down to create a sub-basement might impact adversely levels in their house;
- Existing basements are prone to flooding and therefore there is a concern that the construction work would exacerbate this; and
- Drawings contain inconsistencies

A letter of support has been received from one neighbour who says that the proposed development would help ensure that larger families will continue to have a home on our street.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Consultation on Revised Scheme – October 2017 (Amendments comprising additional information regarding tree protection, including a tree survey; a margin of un-developed land to the new basement level set in from boundary with no. 4 Kildare Terrace; revisions to design of basement at the rear, including depth and

extent of light well and lower level terrace to the closet wing; simplified design of new extension; front rooflight reduced in size; and to address inconsistencies in the drawings).

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 49
 Total No. of replies: 0 – At the time of writing

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises of a four storey, with mansard roof, end of terrace property in use as a single dwelling house, located on the east side of Kildare Terrace. The property has an existing two storey rear extension at lower ground and ground floor levels. The property is not listed but is located within the Westbourne Conservation Area.

6.2 Recent Relevant History

91/01087/FULL
 Construction of Roof Extension at Third Floor Level
 Application Permitted 28 May 1991

89/04527/FULL
 Conversion of Property into a Family Dwelling Unit and One Basement Flat and Minor Alterations to Rear Elevation
 Application Permitted 3 October 1989

7. THE PROPOSAL

Permission is sought for the removal of the existing two-storey rear extension at lower ground and ground floor level, and erection of a replacement two-storey rear extension. It is also proposed to excavate a new basement floor level below the lower ground level and part of the rear garden. At lower ground floor level there is to be an infill extension adjacent to the shared boundary with the neighbouring property at 4 Kildare Terrace, which would adjoin the proposed 2-storey replacement extension.

No change of use is proposed, with the property remaining as a single dwellinghouse.

During the course of the application, several revisions have been made to address design issues and concerns raised by objectors. Provision of further details to ensure tree protection as well as to ensure that the proposal complies with the City Council's basement policy has also been submitted. The neighbouring properties have been consulted on the revisions.

8. DETAILED CONSIDERATIONS

8.1 Land Use

No change of use is proposed. The proposal results in additional residential accommodation, which is considered acceptable in land use terms and in accordance with Policy H3 of the UDP.

8.2 Townscape and Design

Objections to the design of the basement and rear extension have been received. The only external manifestations of the basement level are the glazed roof light in the lower ground floor rear light well and a glazed roof light in the front light well. The rear roof light has been reduced in size and is now acceptable, while the front roof light now sits centrally in front of the lower ground floor window. The front light well is not visible from the street and the external works comply with advice in the 'Basement Development in Westminster' SPD (November 2014) ("Basement SPD"). Accordingly, it is acceptable.

The proposed rear extension at basement level and ground floor level are acceptable in design terms. The new extension replaces an existing two storey element, presently brickwork on the lower storey and glazed above. The new extension projects to a lesser degree than the existing modern canted timber framed example and while the design is contemporary, it reads as a high quality and simple addition, which does not compete aggressively with the original building for attention. While the design is modern, it remains subordinate to the main building, due to its size and simple form.

The lower ground floor infill is designed in the same idiom of a contemporary aluminium framed glazed box, sitting within the L plan of the original rear closet wing. The extension has a side brick pier which reflects an existing structural element. While the design would be simplified by the omission of this element, given it's already present, it is acceptable in this instance. However, the strip of roof above the pier should be formed of traditional materials, such as lead or copper, rather than the single ply membrane proposed. This can be secured by the recommended condition.

The new rear balcony will also be contemporary and have a glazed balustrade, which will help tie the extensions together visually, without dominating the rear elevation. Initially, there was concern about the size of the light well and the extent of hard landscaping, which runs the danger of divorcing the building from the garden, which is a key part of the character of these mid 19th century suburban houses. Following revisions, the light well is now smaller, the open light well to the basement has been omitted and the steps from lower ground level would link the terrace area to the garden with stepped landscaping. This would comply with advice in the Basement SPD and is acceptable.

Subsequent to the recommended conditions, amendments and conditions, the proposals would preserve the character and appearance of the Westbourne Conservation Area and are consistent with policies S 25 and S 28 of the City Plan, policies DES 1, DES 5 and DES 9 of the UDP, as well as the Basement SPD.

8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments

should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of Westminster's City Plan aims to protect the amenity of residents from the effects of development.

8.3.1 Daylight and Sunlight

It is not considered that the proposed works would result in a harmful impact on neighbouring amenity in terms of loss of daylight or sunlight. The most affected neighbour is the neighbour at 4 Kildare Terrace. This neighbour has an existing conservatory along the shared boundary with no. 2. The development proposed immediately adjacent to this boundary is to be an infill extension at lower ground floor level, similar in scale to the conservatory at no. 4, and a courtyard to the rear beyond the rear doors at the new basement level. The infill extension would have a mutual impact on the neighbour at no. 4 as the existing conservatory at no. 4 has on no. 2.

The proposed replacement two storey extension would be of a similar scale to the existing extension which it is to replace. It would therefore be no more harmful than the existing situation in terms of loss of light.

All other neighbouring properties are considered too far from the proposed extension to be affected by unacceptable loss of light.

8.3.2 Sense of Enclosure

It is not considered that the development would have a significant impact on adjacent properties on Kildare Terrace in terms of sense of enclosure. To the rear there is existing vegetation along the shared rear boundary, with 2 and 3 Alexander Street, and the 2-storey extension to the rear will be a replacement of an existing extension of a similar scale and set away from all site boundaries. The basement extension by virtue of its subterranean location would not in itself have a harmful impact on neighbouring properties in terms of sense of enclosure.

Above ground, the infill extension adjacent to the shared boundary with the neighbouring property at 4 Kildare Terrace, which is to be single storey above ground, would be similar in scale to the existing conservatory at this neighbouring property. As this existing extension at 4 Kildare Terrace is a conservatory, and therefore glazed, including the side facing the new infill extension at 2 Kildare Terrace, the view from the conservatory towards 2 Kildare Terrace will be the flank wall of the new extension. However, the existing conservatory at 4 Kildare Terrace is unneighbourly as it includes flank windows and be unreasonable to refuse permission on this basis.

The proposed replacement two-storey extension is to be of a similar scale as that which it is replacing, and therefore this element of the proposal would not be unduly harmful on the residential amenities of neighbouring properties in terms of sense of enclosure then the existing situation.

The proposed extensions would not result in a significant increase in sense of enclosure for the occupants of neighbouring sites. All other neighbouring properties are considered too far from the proposed extension to be affected by unacceptable increases in sense of enclosure.

8.3.3 Privacy

The existing two-storey extension has steps at the rear from upper ground floor level to garden level, adjacent to a rear bay feature. The proposed replacement extension no longer has a bay feature, and has a flush rear wall instead, half of which is glazed when viewed from the rear elevation. The new glazed element is to have doors opening out onto a platform, akin to a balcony, with steps leading down to garden level, similar to the existing situation. An objection has been received with regard to the use of this platform/balcony as a terrace, which may result in noise and disturbance. However, the depth of this platform/ balcony is approximately 1.0m and it is set over 3.0m away from the shared boundary with no. 4. Due to its small depth, it is unlikely to be an area which would provide the opportunity for people to stand out on for long, and is more a requirement for stepping out to level access to then go down the steps to garden level. The flank elevation of the extension, facing 4 Kildare Terrace would be entirely glazed and could provide access onto the roof of the infill extension. To safeguard the amenity of the residents at 4 Kildare Terrace, conditions are recommended requiring the flank elevation to be obscure glazed and preventing use of the roofs of the extensions as terraces.

Given the above, the proposed development would not result in unacceptable harm to the privacy for neighbouring properties.

8.3.3 Light spillage

There has been an objection with regard to light spillage from the fully glazed roof to the infill extension adjacent to the boundary with no. 4 Kildare Terrace. The extent of the glazing on the roof has since been reduced since this representation was received and the neighbour has been consulted on the revisions. In any case, as no. 4 has an existing fully glazed conservatory immediately adjacent to where this is site, it is considered that this would result in mutual impact between these two properties and therefore does not warrant alteration or refusal.

Overall, and subject to the recommended conditions, the proposals would not result in unacceptable light loss, loss of privacy or significantly increased sense of enclosure or loss of privacy. Accordingly, the proposal accords with policy ENV13 of the UDP and S29 of the City Plan.

8.4 Transportation/Parking

The proposed extensions, including basement extension would not protrude under the highway. The proposal also does not represent an increase in residential units or loss of parking and is therefore not contrary to UDP policy TRANS23. As there is no increase in the number of units, there is no requirement for cycle parking provision on site. The development is therefore acceptable in highways terms.

8.5 Economic Considerations

There are no economic considerations applicable for a development of this size

8.6 Access

The proposals would not alter the existing access to this private dwellinghouse.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Development

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

Part A. 1-4

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology proposed, as set out within a structural statement prepared by an appropriately qualified structural engineer. These documents have been reviewed by Building Control Officer who advises that the structural methodology proposed is appropriate for the ground conditions found on this site. The basement would be located within an impermeable clay layer and the site investigation showed no presence of water in the borehole. Accordingly, there would be no impact from the development on groundwater flow. An objection has been received suggesting that a geotechnical ground water survey should be carried out to assess the situation before the work is undertaken. Any such further requirements, and as appropriate would be required as part of a building regulations application. At this stage, the applicant has provided sufficient details of ground investigation to satisfy the requirements of the basement policy, and the building control officer is satisfied with the findings.

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

The information submitted within the Structural Engineer's Methodology Statement includes assessment on flood risk and also on ground movement. It demonstrates that flood risk would not be exacerbated in this location, which has a low risk, is not in an area susceptible to surface water flooding and is not identified within the Basement SPD as being within a surface floor risk hotspot.

Part A. 5 & 6

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

Concerns have also been raised in relation to another basement development within the street in the past and the impact at the time of construction. The City Council adopted its CoCP at the end of July 2016 and if permission is granted, the applicants will be required to comply with the CoCP. This is a fundamental shift in the way the construction impacts

of developments are dealt with relative to the position prior to July 2016. Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The new CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

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

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

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

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

Part B. 1&2

The application is accompanied by a tree report, and during the course of the application, a tree survey and further details have been submitted with regards to tree protection during construction works. There are several trees in close proximity which would be affected by construction works. However, the Arboricultural Manager is satisfied that the details submitted indicate that the proposal would not have an adverse impact on the Root Protection Area of trees, subject to a condition requiring full details of tree protection measures prior to commencement of works as standard.

One objector comments on the loss of Wisteria at the front of the property as a result of the development. As this is a vine, rather than a tree, it is not protected and an objection on this basis would not be sustainable.

Part B. 3

Natural ventilation to the basement level would be provided via the associated lightwell at the front of the property.

Part B. 4 & 7

The only external manifestations of the basement would be the rooflight to the rear and lightwell to the front, which are not considered to have a significant impact in terms of

sustainable urban drainage. The element of the basement which is not subterranean is set in from the boundaries, including a set in of 0.5m from the side boundary with no. 4 Kildare Terrace at the rear, to provide drainage.

Part B. 5&6

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

Part C. 1

The proposed basement does not extend under more than 50% of this garden area. A margin of undeveloped garden land is retained around the proposed basement where it is not located beneath the above ground buildings. This part of the policy is therefore considered to have been met. This margin is not expected at the front where it is an extension below the existing front lightwell.

Part C. 2

With the exception of the lightwell and rooflights proposed, the proposed basement is below above ground buildings. Accordingly, the 1.2 m soil depth is not required.

Part C. 3

This part of the policy states that the proposed basement extension should not involve the excavation of more than one storey below the lowest original floor level. In this case, there is an existing 'lower ground floor' which may also be considered to be a basement level. However, this is the 'lowest original floor level', and only a single basement is proposed below this 'lowest original floor level, which is considered acceptable and in accordance with this part of the policy.

Part D

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

8.8 London Plan

This application 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 development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on the applicant's floor space figures, the estimated CIL payment would be £48960.00 for Westminster's CIL (£50 per square metre; Residential Core Area), and £6120.00 for the Mayor's CIL (£50 per square metre in Zone 1). It should be noted though that this amount is provisional and may be subject to relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

8.11 Environmental Impact Assessment

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

8.12 Other Issues

The concerns raised by objectors are largely addressed above. However, the following is also noted.

The submission of a Construction Management Plan is no longer required for planning applications as this will form part of the Code of Construction Practice. These details are required to be submitted to the Environmental Sciences Team after planning permission has been granted. However, a signed draft version of the proforma Appendix A Checklist B (from the Code of Construction Practice) is required, and has been with this application. This has been discussed further in section 8.7.1 of this report.

As the existing basement level is the original lowest level of the property, the basement policy allows an additional storey below this, as explained in section 8.7.1 of this report.

Any Party Wall matters are a civil matter and are not a planning consideration. As the development is proposed to be along a party wall, the applicant will be required to ensure development is carried out with regard to Party Wall legislation.

Since the original plans have been submitted for this application, there have been several revisions, in particular to do with the design of the development. The neighbours have been consulted on these revisions. The final revisions are considered to be accurate.

9. BACKGROUND PAPERS

1. Application form
2. Response from Highways Planning - Development Planning, dated 10 April 2017
3. Response from Arboricultural Section - Development Planning, dated 29 April 2017, 27 June 2017 and 17 October 2017
4. Response from Building Control - Development Planning, dated 22 June 2017
5. Letter from occupier of 22 Kildare Terrace, London, dated 10 April 2017 and 7 December 2017
6. Letter from occupier of 18 Kildare Terrace, London, dated 24 April 2017 and 4 December 2017
7. Letter from occupier of 35 Kildare Terrace, London, dated 25 April 2017
8. Letter from occupier of 6 Kildare Terrace, London, dated 26 April 2017
9. Letter from occupier of 3 Alexander Street, London, dated 28 April 2017
10. Letter from occupier of 4 Kildare Terrace, London, dated 3 May 2017
11. Letter from occupier of 14 Kildare Terrace, London, dated 4 May 2017 and 13 December 2017
12. Letter from occupier of 2b Kildare Terrace, London, dated 21 June 2017
13. Letter from occupier of 34A Kildare Terrace, London, dated 2 December 2017

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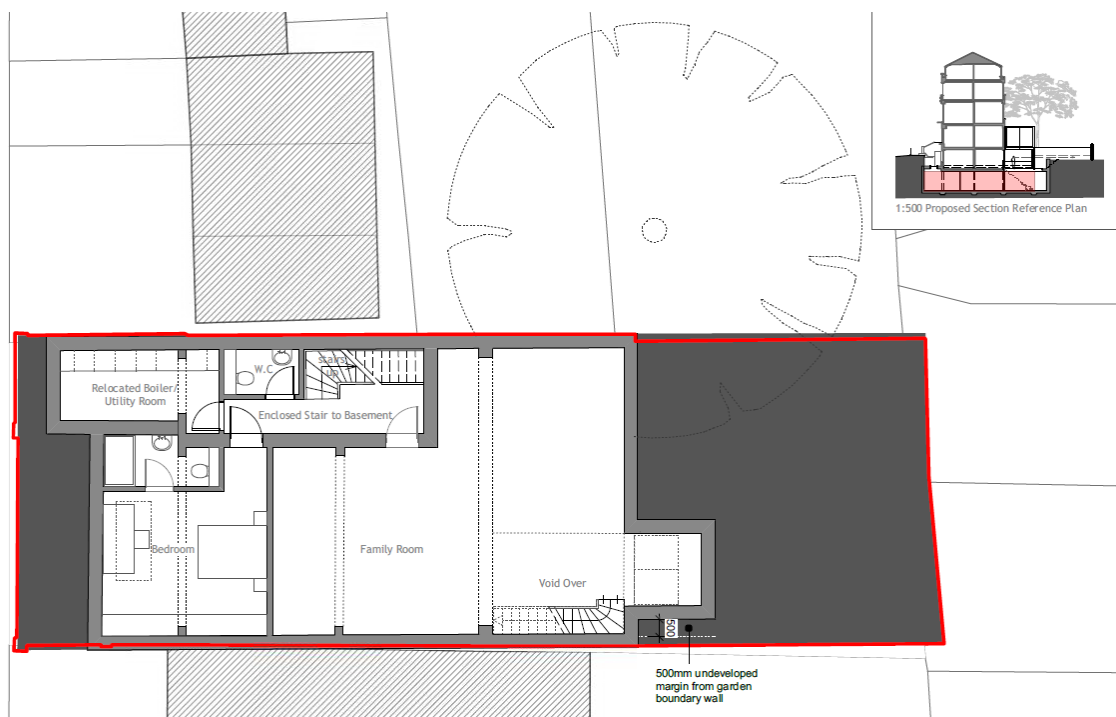
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

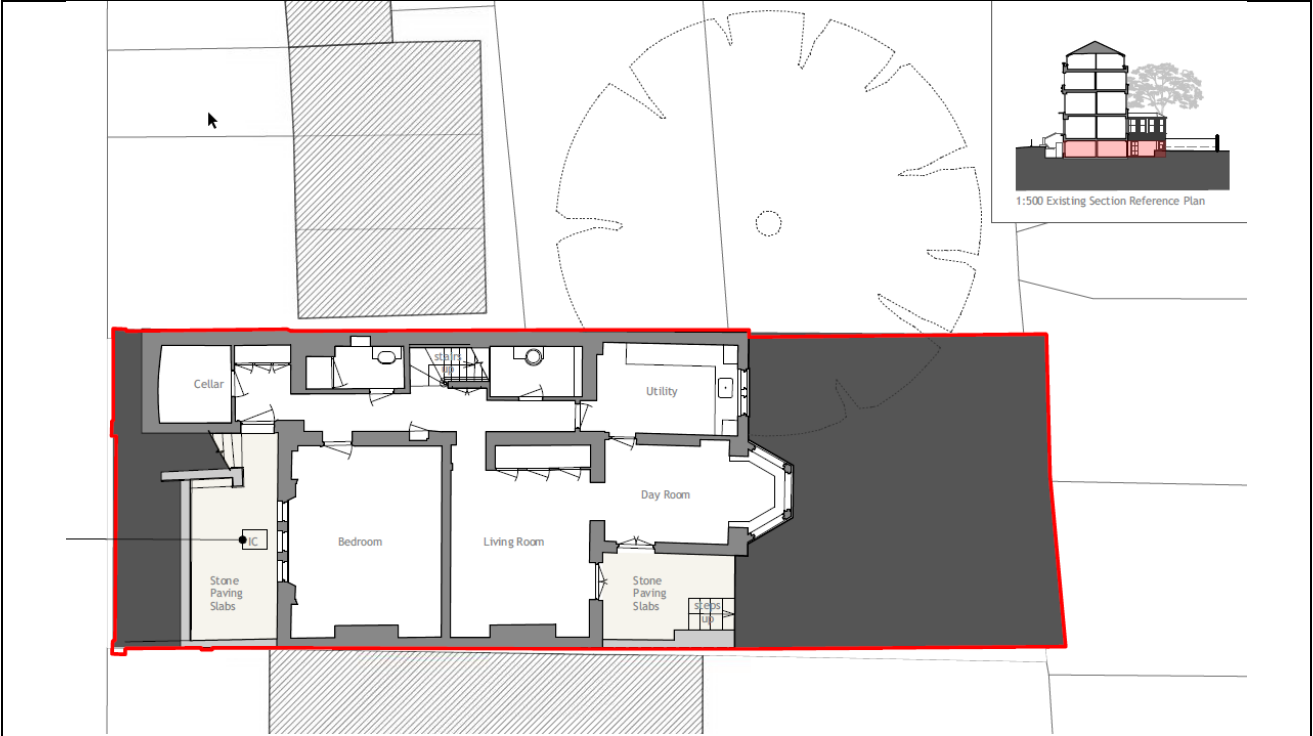
10. KEY DRAWINGS



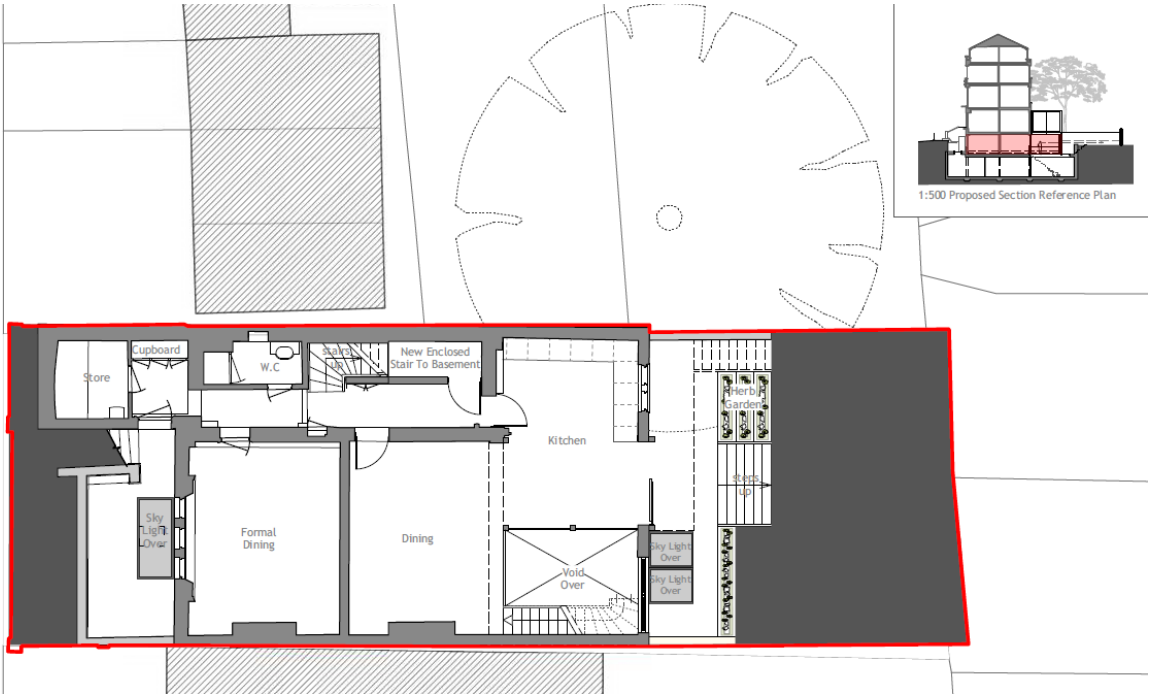
Proposed visualisation



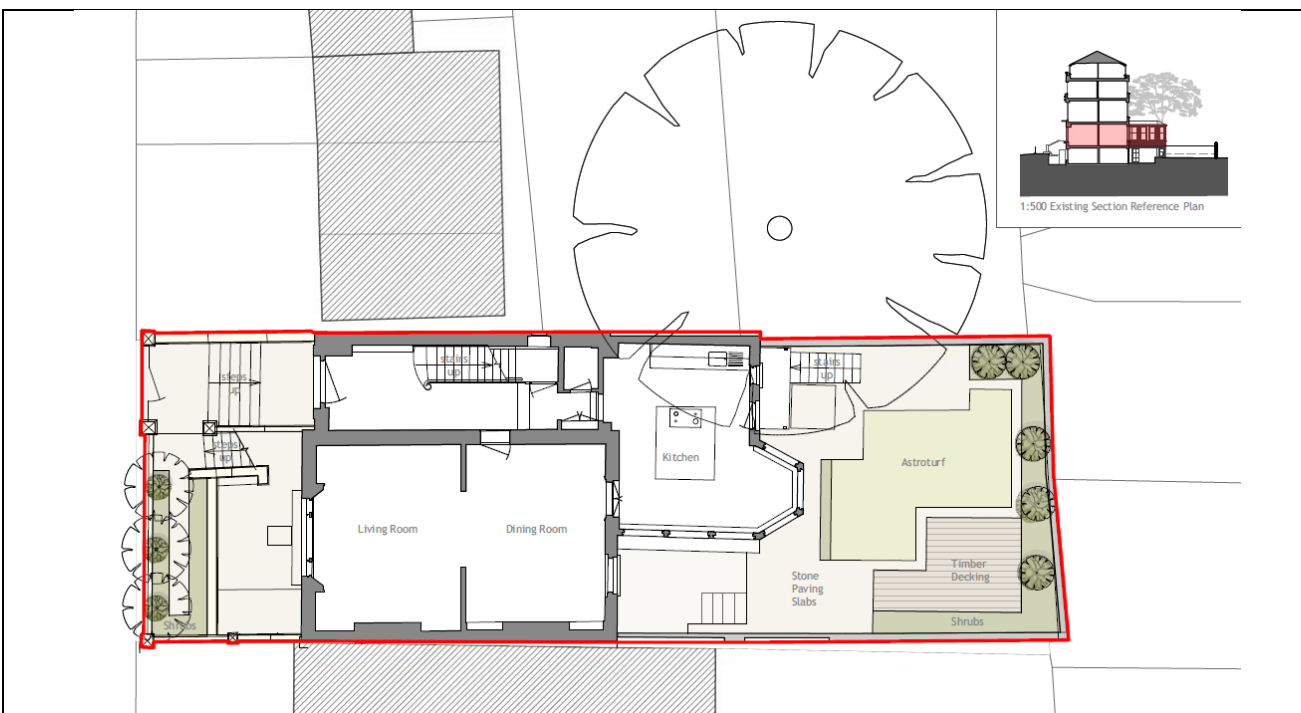
Proposed basement floor



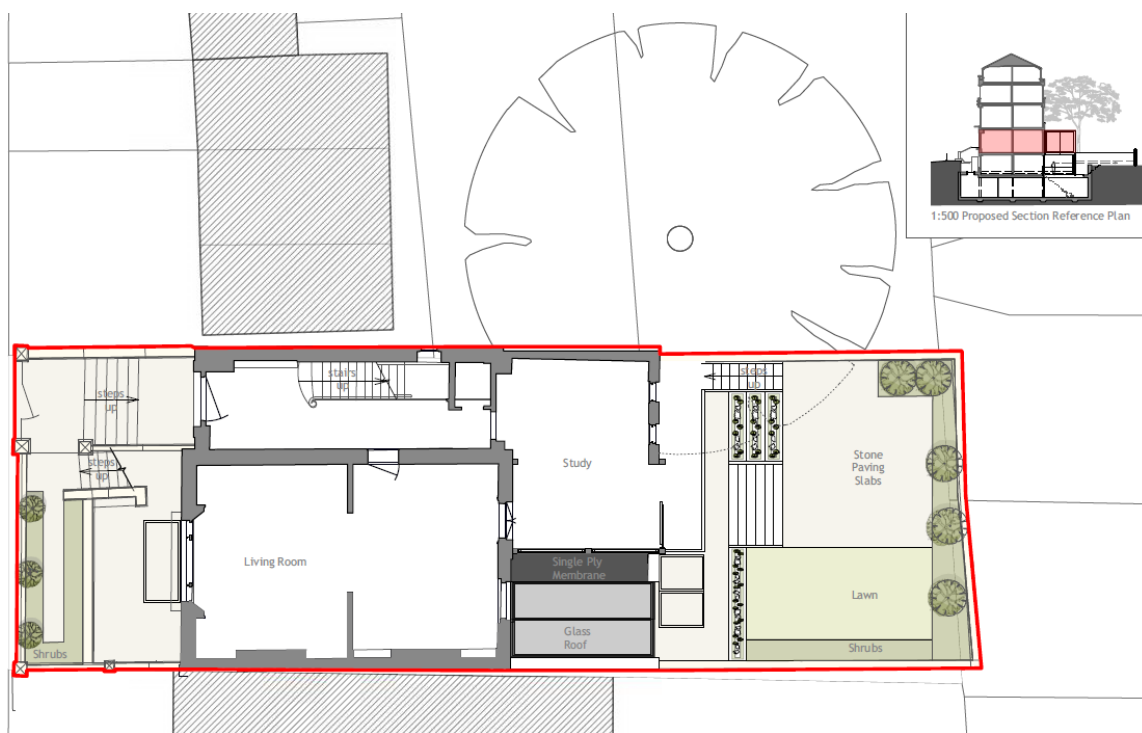
Existing lower ground floor plan



Proposed lower ground floor plan



Existing upper ground floor plan



Proposed upper ground floor plan



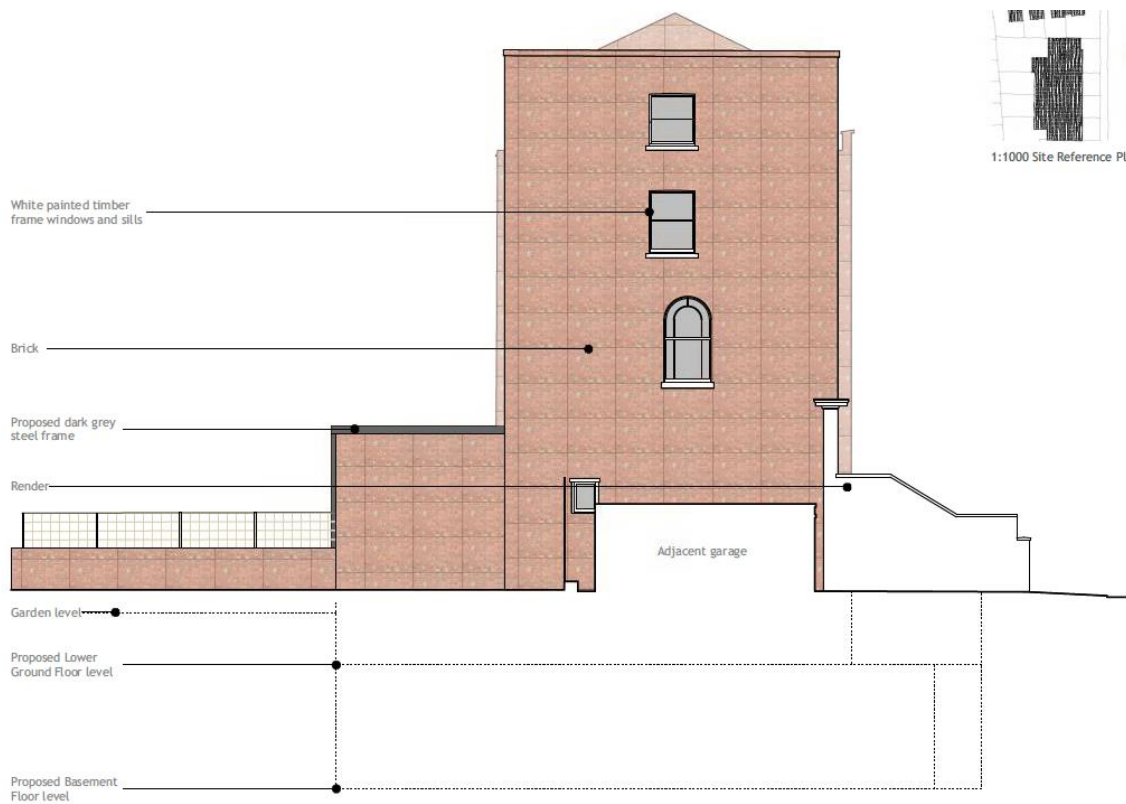
Existing front elevation



Proposed front elevation



Existing section (north elevation)



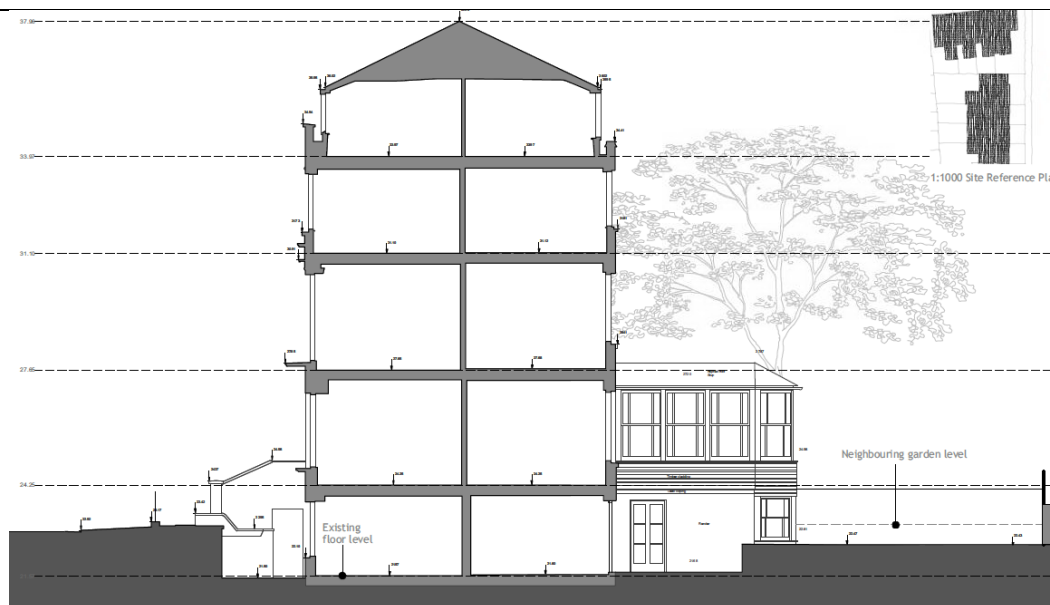
Proposed section (north elevation)



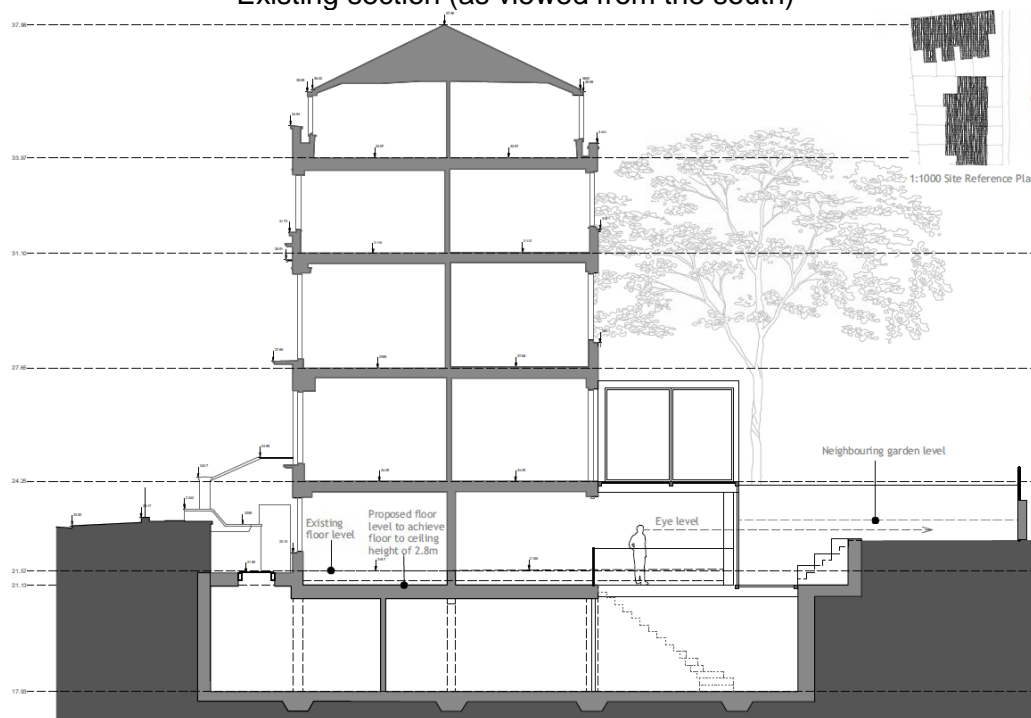
Existing rear elevation



Proposed rear elevation



Existing section (as viewed from the south)



Proposed section (as viewed from the south)

DRAFT DECISION LETTER

Address: 2 Kildare Terrace, London, W2 5LX

Proposal: Demolition of existing two storey rear extension and erection of a new rear two storey extension at lower ground and ground floor level and excavation of a basement under the house (including under the rear extension) and part of the front garden incorporating front and rear lightwells. Alterations to rear facade.

Reference: 17/02810/FULL

Plan Nos: 1703-A-SP-01; 1703-A-PL-01; 1703-A-PL-02; 1703-A-PL-03; 1703-A-PL-04; 1703-A-PL-05; 1703-A-PL-06; 1703-A-PL-07; 1703-A-PL-08; 1703-A-PL-09; 1703-A-PL-10 Rev C; 1703-A-PL-11 Rev D; 1703-A-PL-12 Rev C; 11703-A-PL-13 Rev C; 1703-A-PL-14 Rev C; 1703-A-PL-15 Rev A; 1703-A-PL-16 Rev A; 1703-A-PL-17 Rev A; 1703-A-PL-18; 11703-A-PL-19; 1703-A-PL-20 Rev A; 703-A-PL-30; Arboricultural Method Statement by Arbtech dated 21 March 2017; Arbtech AIA & TPP 01; Tree Survey by CMS Architects Ltd dated 10 June 2016 (with associated list of affected trees); Arbtech TCP01, , For Information Only: Arbtech signage for Tree Protection Area; Structural Engineer's Methodology Statement by Axiom Structures dated 28.03.2017; Axiom Structures Appendix A - Scheme Drawings Sequence Drawings; Axiom Structures Appendix B - Scheme Calculations; Axiom Structures Appendix C Extracts from Soils Report; Appendix A Checklists (Checklist B: Code of Construction Practice- Basement); Design & Access Statement,

Case Officer: Avani Raven

Direct Tel. No. 020 7641 2857

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet

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police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 3 You must apply to us for approval of detailed drawings, showing the following alteration(s) to the scheme: the roof materials to be formed of lead or copper instead of single ply membrane. These details shall be accompanied by a sample. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

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

Reason:

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

- 6 **Pre Commencement Condition.** You must apply to us for approval of a method statement

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

Reason:

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

- 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)

- 8 The glass that you put in the first floor in the side (south) elevation of the extension must not be clear glass, and you must fix it permanently shut. 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 must not change it without our permission. (C21DB)

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

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

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

Phone: 020 7641 2000

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

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information, please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 6 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

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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.

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 January 2018		Classification For General Release
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	14 Farm Street, London, W1J 5RF		
Proposal	Excavation of a single storey basement extension and erection of a rear extension at third floor level to provide additional accommodation to the existing dwellinghouse; installation of replacement windows and doors to the front and rear elevations and extension of the existing rear ground level rear balcony.		
Agent	CKW Architects Ltd.		
On behalf of	Mr & Mrs Gulhati		
Registered Number	17/05825/FULL	Date amended/ completed	23 August 2017
Date Application Received	3 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

14 Farm Street is an unlisted single family dwellinghouse located within the Mayfair Conservation Area. The building, on lower ground, ground and first to third floors, has access to a rear garden from lower ground floor level. There is extant permission for the redevelopment of the site to provide a new dwelling house, with new basement level accommodation, and a garden room at the rear.

Planning permission is sought for works to the retained building including the excavation of a single storey basement extension, and an extension to part of the existing rear third floor terrace. Similar extensions were permitted under the approved redevelopment scheme. Minor works are also proposed including the replacement of windows and doors to the front and rear and the extension of an existing rear ground floor balcony.

The key issues in this case are:

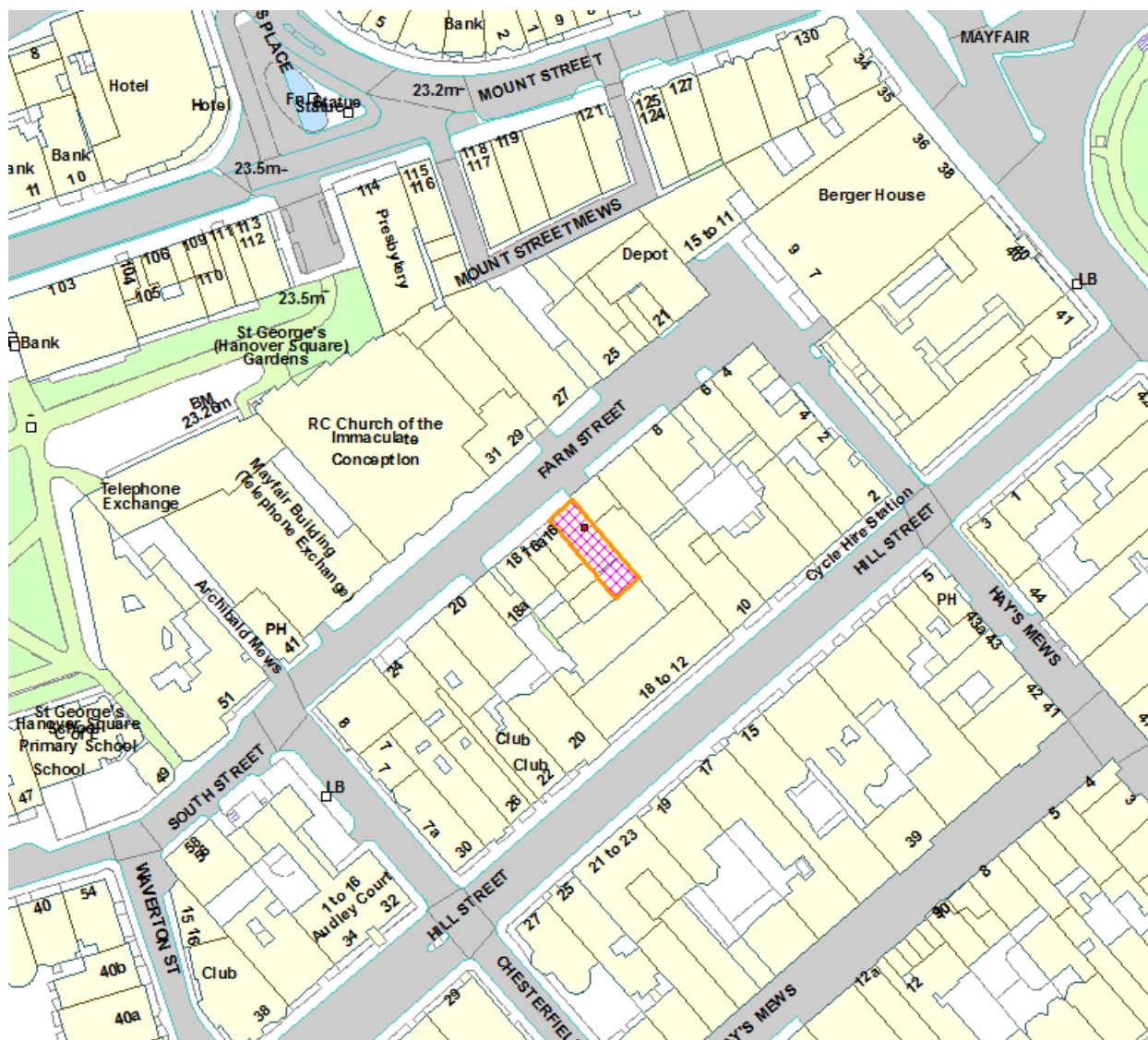
- The impact of the third floor extension on the amenity of nearby sensitive occupiers.

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3

- The impact of basement excavation works upon neighbours' amenity.

Subject to conditions, the proposal is considered acceptable on design, amenity and land use grounds and complies with relevant City Plan and Unitary Development Plan (UDP) policies. The application is therefore recommended for approval.

3. LOCATION PLAN



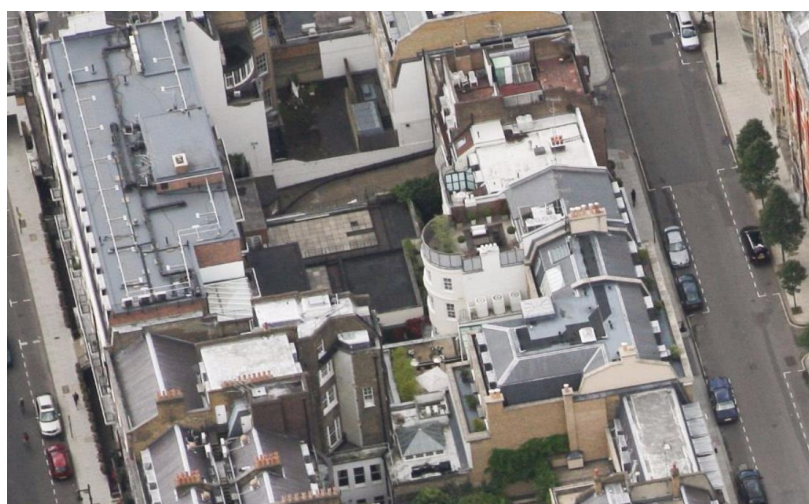
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4. PHOTOGRAPHS

Front Elevation:



Aerial Photograph (looking west):



CONSULTATIONS

THAMES WATER

Any response to be reported verbally.

LONDON UNDERGROUND

No objection subject to conditions.

HISTORIC ENGLAND (ARCHAEOLOGY)

No archaeological requirement.

RESIDENTS' SOCIETY OF MAYFAIR AND ST. JAMES'S

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection.

BUILDING CONTROL

No objection.

HIGHWAYS

No objection.

ADJOINING OWNERS AND OCCUPIERS

No Consulted: 90 No. of replies: 3 (including two letters from the Managing Agents of 12-18 Hill Street) No. in support: 0

Letters of objection on the following grounds:

Overlooking from third floor extension

Impact of building works (noise, dust and disruption; obstruction of access to neighbouring properties); highway to be kept clean during works

Structural implications of basement excavation for neighbouring properties.

Security implications for neighbouring buildings during construction.

Requirements for a party wall notice and scaffolding licenses.

SITE AND PRESS NOTICE

Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

14 Farm Street is a single family dwellinghouse (lower ground, ground and first to third floors) on the southern side of the street. There is a small garden at the rear, a balcony at rear ground floor level and a terrace area at rear third floor level which is enclosed by brick walls at high fences.

The property is unlisted and located within the Mayfair Conservation Area and the Core Central Activities Zone.

5.2 Recent Relevant History

13 March 2014: Permission granted for the erection of a garden room at rear lower ground level with terrace at roof level, extension of balcony at rear ground floor with wrought iron balustrade and erection of mansard roof extension at third floor level (all to existing dwellinghouse). 13/12915/FULL. Not implemented. Expired.

12 May 2015: Permission granted for demolition of building, excavation of site and erection of new dwellinghouse (Class C3) over basement, lower ground, ground and three upper floors with balcony at rear ground floor level and terrace at rear third floor level, and erection of garden room to rear garden (14/12282/FULL). Not implemented.

6. THE PROPOSAL

Permission is sought for alterations to the retained dwellinghouse including the excavation of a single storey basement extension (served by two new roof lights in the garden) and a single storey rear extension to part of the existing third floor terrace. Other minor works proposed involve the replacement of all windows and doors to the front and rear and the extension of the existing ground level rear balcony. The replacement of the windows and doors to a single dwelling house would benefit from permitted development rights, however as these works have been included within the scope of the application documents they are considered as part of the proposal.

7. DETAILED CONSIDERATIONS

7.1 Land Use

Residential use

The proposed extensions will increase the residential floorspace by 137 sqm (GIA). This accords with Policy H3 of the UDP and Policy S14 of the City Plan both of which encourage the increase in residential floorspace at suitable locations within Westminster. Given this modest increase, there is no policy requirement to provide affordable housing.

7.2 Townscape and Design

The building is a historically detailed modern structure. To the front is a ground floor of channelled stucco, two-storeys of English-bond brickwork above and a slated mansard roof with dormer windows. At the rear, there is a full height stuccoed bow window topped by a terrace and a recessed attic storey. There is a balcony at part rear ground floor level, overlooking the garden below.

The current scheme involves the retention of the existing building with new basement and third floor rear extensions. The proposed rear extension to part of the third floor terrace is the same size as that approved in 2014, and as part of the approved redevelopment. The basement extension is smaller, both in footprint and depth, than that previously approved under the redevelopment scheme.

The proposed roof/rear extension accords with current UDP policy DES 6 and is sympathetic to the appearance of the existing building and surrounding conservation area in accordance with UDP policy DES 9. The extension would be largely screened from views by the terrace screening, which is to be retained. The extended balcony at rear ground floor level is acceptable in design terms and accords with UDP policies DES 5 and DES 9. Similar works were approved as part of the 2013 scheme.

Since permission was granted for the redevelopment scheme in 2015, the Council has adopted new policies regarding basement extensions which seek to ensure that these works are acceptable in various respects, including in design and heritage asset terms.

Additionally, Historic England has revised the scope of its areas of archaeological priority within Westminster. This part of the borough is now designated as a tier-2 area of archaeological priority. Historic England (Archaeology) have confirmed, based on the conclusions of the submitted Archaeology Report, that no further archaeological observation or recording is required during basement excavations due to extensive WWII bomb damage and the subsequent site redevelopment.

The proposal accords with the council's current basement construction criteria and will not adversely affect the character or appearance of the surrounding conservation area or the archaeology of the site. The scheme is therefore considered acceptable in design and heritage asset (archaeological impact) terms and accords with UDP policies DES 9 and DES 11.

7.3 Residential Amenity

The proposed extension at rear third floor level takes the same form as that previously approved. Objections to previous applications concerned the impact of the extension on daylight to adjoining properties and an increased sense of enclosure to neighbouring windows. Objections to the current application concern potential overlooking from the extension to neighbouring properties. However, this extension would be built on part of the existing rear third floor terrace. The terrace is fully enclosed by either brick walls or wooden trellising, to a height of approximately 2m, which is to be retained. The extension would be set well back from the roof edge, and behind this screening. In these circumstances, it is not considered that this extension would result in any increased overlooking, loss of light or increased sense of enclosure to adjoining properties.

There is an existing metal balcony area at rear ground floor level which it is proposed to extend slightly further around the property. As previously, given the size and location of the existing balcony its extension is not considered to have any additional amenity impact.

In view of the above, the application is considered to comply with UDP policy ENV 13 and City Plan policy S29 which seek to safeguard neighbours' amenities.

7.4 Transportation/Parking

The application has no implications with regard parking or transportation issues.

7.5 Economic Considerations

Any economic benefits generated by the development are welcome.

7.6 Access

The proposal is for alterations to an existing single family dwelling and the current access arrangements will be retained.

7.7 London Plan

This application raises no strategic issues.

7.8 National Policy/Guidance Considerations

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

7.9 Planning Obligations

The estimated CIL payment is £9,614.57 for the Mayoral CIL and £87,027.86 for the Westminster CIL, resulting in a total requirement of £96,642.43.

7.10 Other Issues

Basement excavation

The proposal includes the excavation of a new basement level under the entirety of the property and 50% of the garden area. Consequently, the application must be considered against Policy CM28.1 of the City Plan, which has been adopted since the previous application for the basement extension was approved.

As the site is a residential building, Parts A, B and C of the policy are all applicable. The applicant is required to demonstrate account has been taken of the site specific conditions, drainage and water environment of the area. A structural methodology statement and flood risk assessment are required and the applicant is required to confirm (by submitting a signed 'proforma Appendix A') that they will comply with the City Council's Code of Construction Practice. Additionally, the basement excavation must not affect the structural stability of the existing or nearby buildings, or exacerbate flood risk, and must minimise the construction impact of the development and safeguard archaeological deposits.

To accord with Part B of the policy, appropriate landscaping should be provided (where necessary). The scheme should not result in the loss of trees, must employ energy efficient measures and sustainable drainage measures, must protect the character of the building and garden, safeguard heritage assets and be protected from sewer flooding. Part C of the policy also stipulates that the basement cannot extend beneath more than 50% of the garden and, where the distance from the building to the site boundary is less than 8m, the basement can only extend 4m in that direction. It also states that basement excavation should 'not involve the excavation of more than one storey below the lowest original floor level 'unless in exceptional circumstances '.

The submitted structural methodology statement has been reviewed by the Building Control Officer who has confirmed they are satisfied with the information provided. They also confirm that the likelihood of local flooding or adverse effects on the water tables are negligible. One objector is concerned about the structural implications of the proposal. However, the submitted information is considered to demonstrate that the proposed construction methodology is acceptable.

The applicants have also confirmed they will sign up to the City Council's Code of Construction Practice to mitigate construction impacts upon the highway and amenity within the vicinity. The Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on construction sites throughout Westminster. A condition is proposed to secure this commitment.

The City Council has adopted a Supplementary Planning Document which relates to basement extensions in Westminster. This identifies areas of the borough as being more susceptible to surface water flooding and where applications for basements will need to be accompanied by additional information relating to rainwater infiltration. As this site is located outside of the identified 'Surface Water Risk Hotspots' no further information is required with regard this issue.

The impact of the basement upon the heritage asset is addressed above in section 8.2 above and is considered acceptable. The proposed basement does not extend over 4m from the rear elevation of the property and would not extend over more than 50% of the length of the garden.

In view of the above, the proposed excavation of the new basement level in the proposal is therefore considered compliant with the relevant requirements of Policy CM28.1 of the City Plan.

London Underground have requested the addition of a condition relating to the submission of technical building drawings relating to the development due to the proximity to the Jubilee line tunnel which is below the site. A condition recommended, requested.

Construction impact

Concerns have been raised by neighbouring occupiers with regard potential noise, dust and highways disruption/cleansing during building works. As detailed above, the applicants have agreed to sign up to the Code of Construction Practice which will be monitored by the Environmental Inspectorate. This will ensure all appropriate measures

are included to deal with construction vehicle movements, dust, and cleaning of the highway. This will also ensure that no construction vehicles block access to any surrounding properties during the construction process. With these controls in place it is not considered the objections on these grounds could be supported. The standard building hours' condition is also recommended safeguard residents' amenity.

An objector has also noted the possible requirement for party wall agreements and oversailing licenses for any scaffolding that is required. This is acknowledged but is a private matter between the relevant parties.

Crime and security

A neighbouring occupier is concerned about the potential increased security risk for their property during construction works. Whilst these concerns are acknowledged, it is anticipated that the developer will incorporate security measures to protect the application site and equipment and neighbouring properties during construction works and the concerns raised could not justify the withholding of permission.

8. BACKGROUND PAPERS

1. Application form.
2. Letter from London Underground Limited, dated 24 November 2017.
3. Memorandum from the Highways Planning Manager dated 10 November 2017.
4. Memorandum from Environmental Sciences dated 19 October 2017.
5. Letter from Historic England (Archaeology), dated 19 September 2017.
6. Response from Building Control, dated 17 July 2017.
7. Letter from occupier of 16 Farm Street, London dated 26 July 2017.
8. Letters from the managing agents of 12-18 Hill Street, London dated 26 and 27 July 2017.

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

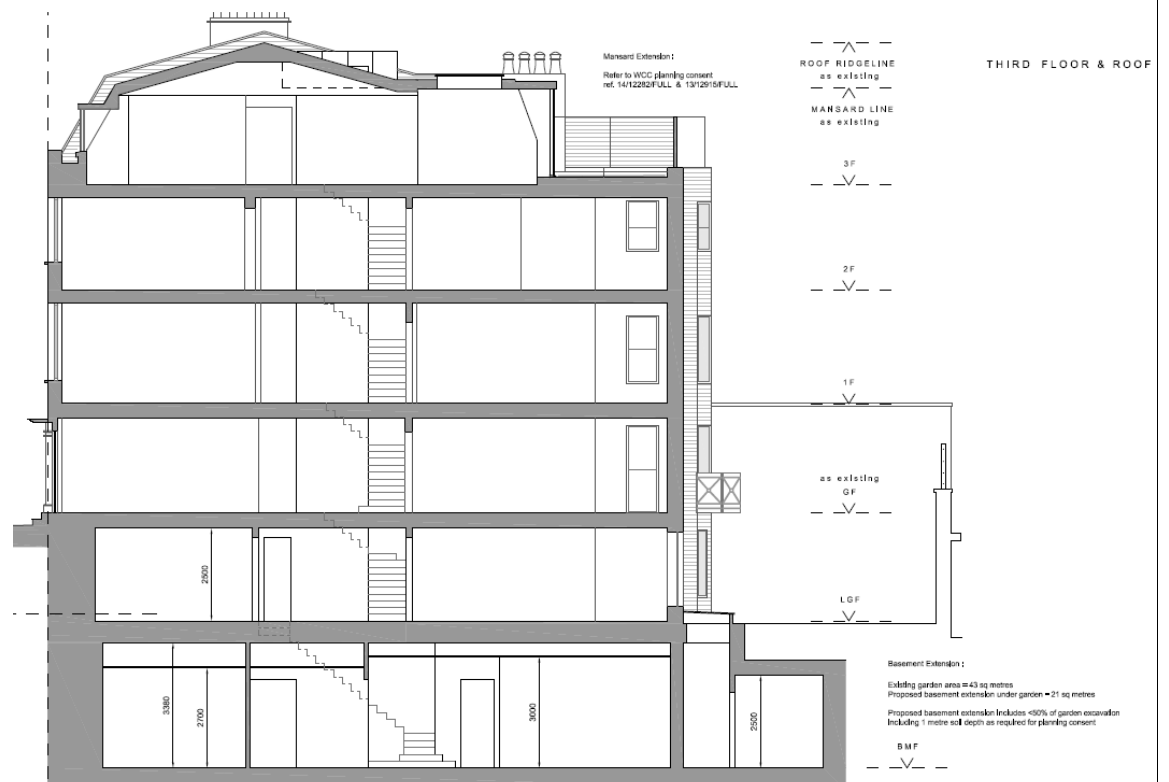
<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT sspurrier@westminster.gov.uk</p>

9. KEY DRAWINGS

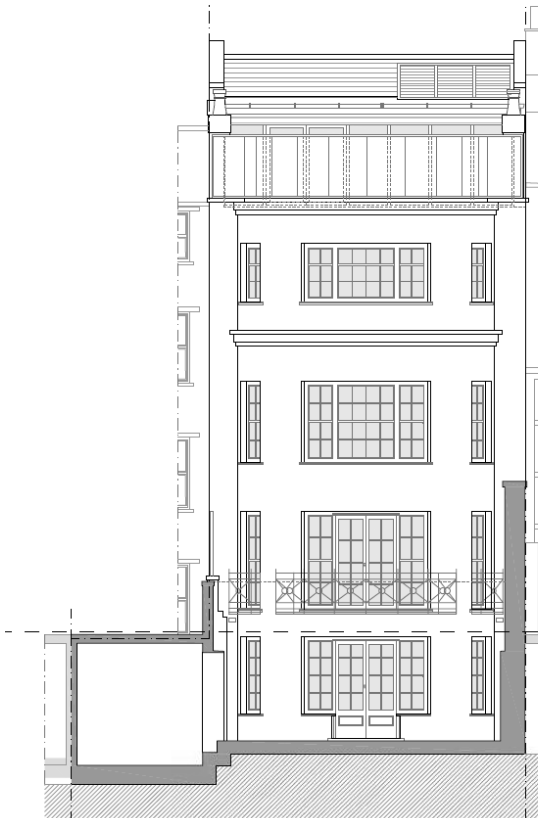
Existing Section:



Proposed Section:



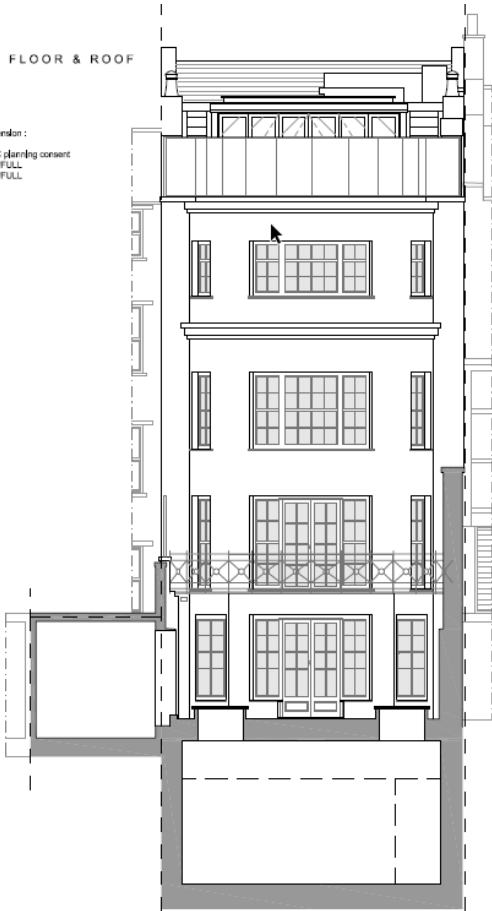
Existing Rear Elevation:



THIRD FLOOR & ROOF

Mansard Extension :
Refer to WCC planning consent
ref. 14/12282/FULL
ref. 13/12915/FULL

Proposed Rear Elevation:



REAR ELEVATION

-
- New natural slate mansard roof construction, lead flashings
-
- Stone parapet cornice moulding
-
- Existing painted render finishes
-
- Double glazed painted timber sash windows, stone external dils
-
- Existing rendered boundary wall
-
- Double glazed painted timber external doors, stone external dils, painted metal railings to match existing
- Existing balcony extended
-
- Double glazed painted timber external doors & windows, stone external dils
- Painted render finishes to match existing
-
- 2no. x opaque double glazed opening roof lights
-

DRAFT DECISION LETTER

Address: 14 Farm Street, London, W1J 5RF

Proposal: Excavation of a single storey basement extension and erection of a single storey rear extension at third floor level to provide additional accommodation to the dwelling house; installation of replacement windows and doors on the front and rear elevations and extension of the existing ground floor rear balcony area.

Reference: 17/05825/FULL

Plan Nos: 143-01, 143-02, 143-03, 143-05, 143-06, 143-SP02.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and, not at all on Sundays, bank holidays and public holidays. You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and, not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

Reason:

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

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

Reason:

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

- 5 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which: - provide details on all structures; - accommodate the location of the existing London Underground structures and tunnels; - accommodate ground movement arising from the construction thereof; - and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels. The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

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

Reason:

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

- 7 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the

development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The rooms in the basement are to be used in connection with the rest of premises as part of a single family dwelling and not for use as a separate dwelling, including for any staff accommodation, otherwise the premises may be subject to action by the Council's Residential Enforcement Team under the Housing Acts due to the lack of sufficient natural light and a reasonable view from these rooms.
- 3 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. If you find any unexpected contamination while developing the site, you must contact: Contaminated Land Officer, Environmental Health Consultation Team, Westminster City Council, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, , Phone: 020 7641 3153, (I73CA)
- 4 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months' advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 6 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 7 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following: * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible; * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc.) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 8 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; excavation and construction methods.
- 9 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing riskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 10 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
- 11 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the

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risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

- 12 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.**

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

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Penthouse 41, 35 Buckingham Gate, London, SW1E 6PA,		
Proposal	External alterations to the form, glazing and cladding at fifth floor level; and erection of extension and formation of terrace at roof level to provide additional residential accommodation in connection with Flat 41.		
Agent	Rob Hughes		
On behalf of	Mr Richard Fry		
Registered Number	17/07529/FULL	Date amended/ completed	22 August 2017
Date Application Received	22 August 2017		
Historic Building Grade	Unlisted		
Conservation Area	Birdcage Walk		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

35 Buckingham Gate is a post war building comprising ground and part five/part six upper floors. Permission is sought for external alterations to the form, glazing and cladding of the top floor flat at rear fifth floor level and the erection of an extension and terrace above at sixth floor roof level.

A similar application was refused in November 2015 on design and amenity grounds in relation to the sixth floor extension and terrace. A subsequent appeal was dismissed in June 2016 on design grounds only. Following this refusal, planning permission was granted for external works to the fifth floor glazing and cladding, which is similar to that now proposed at this level. The current application therefore seeks to respond to the refused scheme, by refining the design and reducing the height and bulk of the proposed sixth floor extension. The proposed terrace has been set back and a privacy screen provided.

The key issues in this case are:

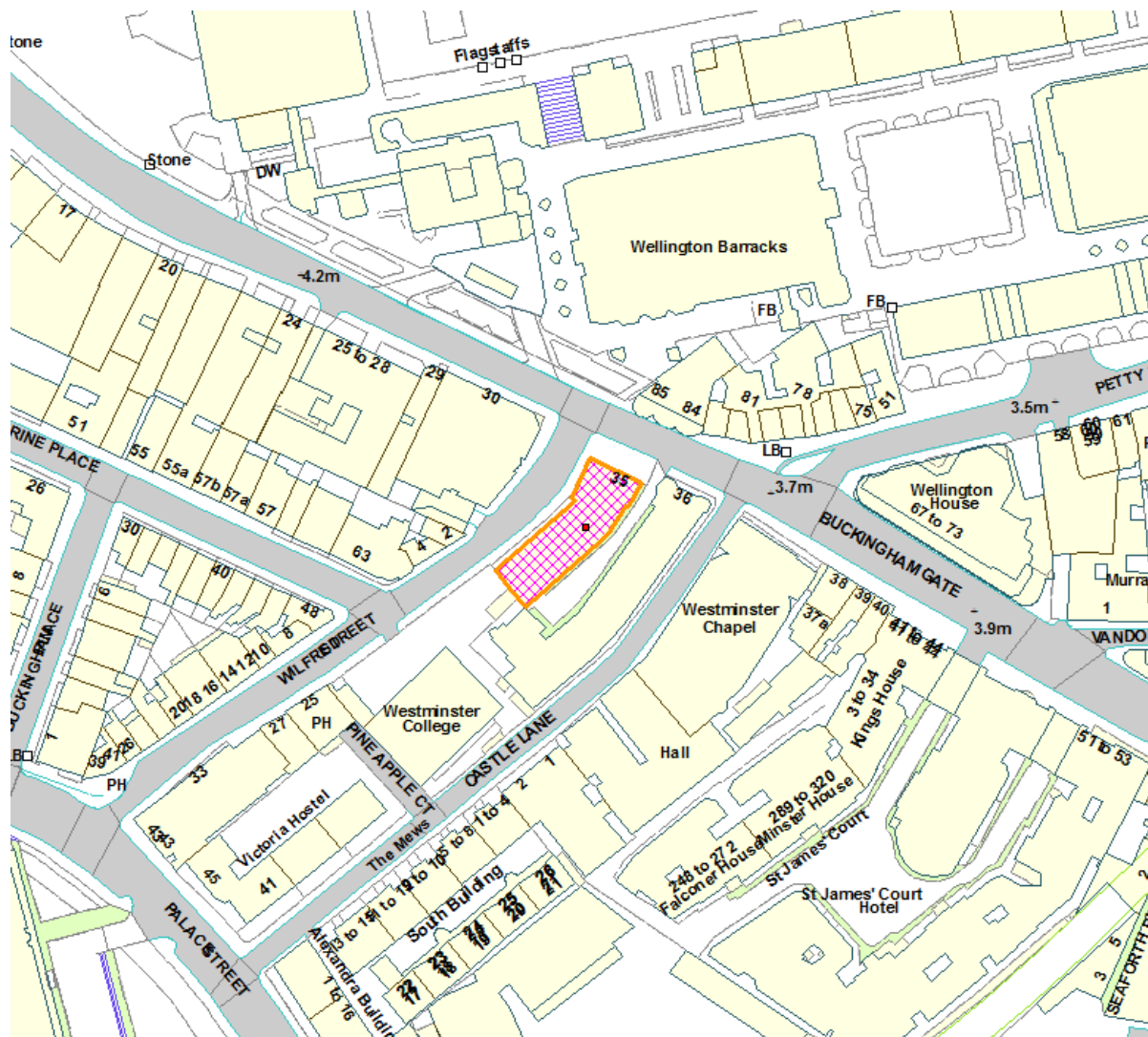
* The impact of the proposals upon the character and appearance of the building and the Birdcage Walk Conservation Area; and

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* The impact of the proposals on neighbouring residential amenity.

The proposals are considered acceptable and are in line with the policies set out in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP).

3. LOCATION PLAN



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4. PHOTOGRAPHS



35 Buckingham Gate

5. CONSULTATIONS

WESTMINSTER SOCIETY

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 96

Total No. of replies: 6

No. of objections: 6

No. in support: 0

Objections have been received on some or all of the following grounds:

Design:

- The proposed roofline and bulk would be detrimental to sightlines and the appearance of the building and conservation area.

Amenity:

- Sense of enclosure and overlooking to 36 Buckingham Gate
- Overlooking/loss of privacy to the new development at 6 Castle Lane.

Other:

- The drawings are ambiguous.
- Potential for loss of a right of way/ means of escape for those living at 36 Buckingham Gate, over and along the roof of no.35.
- The planning statement suggests that consultation with the management committee at 36 Buckingham Gate has taken place, which is inaccurate.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

35 Buckingham Gate is an unlisted building located within the Birdcage Walk Conservation Area and the Core Central Activities Zone. The site is a post war building comprising ground and part six/part five upper storeys and is divided into flats. The application relates to the rear fifth floor penthouse, which occupies the roof extension over the rear wing of the block which fronts Wilfred Street.

6.2 Recent Relevant History

Planning permission was refused in November 2015 for external alterations at fifth floor level including the formation of a balcony to the Wilfred Street frontage and the erection of a single storey extension at sixth floor level with roof terrace on the grounds that the height and design of the sixth floor extension would be harmful to the character and appearance of the conservation area; and that the new roof terrace would lead to an

unacceptable loss of privacy and potential for noise disturbance for people in neighbouring properties.

An appeal was subsequently dismissed in June 2016 on design grounds. The inspector concluded that the development could be amended so as not to harm the living conditions of neighbours, but that it would unacceptably harm the character and appearance of the conservation area.

In April 2016 permission was granted for external alterations to the form, glazing and cladding of the penthouse flat at fifth floor level with the formation of balcony to Wilfred Street frontage. An amending condition was attached for the projecting balcony to be omitted and the glass balustrade set back behind the line of the facade.

7. THE PROPOSAL

Planning permission is sought for external alterations to the form, glazing and cladding at fifth floor level and the erection of an extension and terrace above at sixth floor roof level.

The works to the fifth floor are similar to that granted permission in April 2016. This application seeks to respond to the June 2016 refused scheme by refining the design and reducing the height and bulk of the proposed sixth floor extension and terrace.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential (Class C3)	151.9	217.5	+65.6
Total	151.9	217.5	+65.6

8. DETAILED CONSIDERATIONS

8.1 Land Use

The extension would enlarge the existing fifth floor flat. In land use terms the creation of additional residential floorspace is considered acceptable in accordance with Policy H3 of the UDP and Policy S14 of the City Plan.

8.2 Townscape and Design

The existing fifth floor flat reflects a mansard form but with glass panelled elevations and a solid roof. It is proposed to replace the existing raked profile with a vertical wall placed close to the existing parapet with openable and fixed glazed panels and opaque and insulated panels. The proposed roof will be no taller than existing, but its form will be slightly more visible, however, this is unlikely to significantly impact upon the appearance of the building or conservation area. The proposed works are similar to that granted permission in April 2016, however, the balcony to Wilfred Street previously proposed has

been removed which is welcomed. These works are therefore considered acceptable in design and conservation terms.

The proposed extension and terrace at sixth floor level seek to respond to the June 2016 refused scheme. The height and bulk of the extension has been reduced and the design simplified to reflect the character of the building below.

Policy DES 6 of the UDP restricts the erection of further storeys where the host building is a completed composition and this in part lead to the Council's objection to the previous scheme. However, guidance contained within policy must be aligned with any potential harm that the works would cause. In determining the appeal scheme, the Inspector did not specifically rule out the erection of a sixth storey, but instead focussed on the design of the proposals.

The proposed extension is set in from the edges of the roof and is considered to be agreeable to the character of the floors below. The simple nature of the building has been respected and whilst the proposals are a further storey, in this instance the revised and simplified design is not considered harmful. The design provides a simple roof to the host building, especially in views from the south west down Wilfred Street, and would be mostly hidden in views from the north east. The massing mentioned by the Inspector has been reduced and is no longer considered to provide 'disproportionate bulk'. The proposed privacy screen to the terrace will be a simple opaque glass screen and is not considered objectionable.

The height, form and detailed design of the proposed roof extension and terrace is therefore considered acceptable in design and conservation terms, subject to conditions.

8.3 Residential Amenity

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

Objections have been received from residents within 36 Buckingham Gate on the grounds that the proposal will result in overlooking and an increased sense of enclosure.

There is existing mutual overlooking between the flats in the application property and 36 Buckingham Gate across a shared lightwell between the two blocks of flats. The proposed rebuilding of the fifth floor will be the same as that approved in June 2016, which sought to resolve existing privacy issues with opaque glazed cladding panels to the kitchen area at fifth floor level which is the nearest part of the penthouse structure to living room windows in 36 Buckingham Gate. It is recommended that this be secured by condition.

The refused scheme included a roof terrace which was refused on amenity grounds as it was considered that the proposals would lead to an unacceptable loss of privacy and potential for noise disturbance for people in neighbouring properties. However, the inspector disagreed with this refusal reason stating that "...a raised planter and a 1.7m high obscured glazed screen could be incorporated to the south-east side of the terrace

to prevent overlooking and help to mitigate any noise or disturbance. Secondly, the terrace could be reduced in width by 1.5m to move the living area further away from the nearest neighbours. In my view, these amendments would be sufficient to overcome the concerns regarding unacceptable harm to the living conditions of neighbours at No 36”.

In response, the applicant has reduced the width of the proposed terrace, setting it in approximately 2.1m from the boundary closest to 36 Buckingham Gate and incorporating a 1.75m high opaque glass screen to protect the privacy of residents in No.36. No windows are proposed in the sixth floor extension in the elevation facing 36 Buckingham Gate. Further, it is considered that the proposals are at a sufficient distance (approx. 9.6m) from the large windows in the development currently being built at 6 Castle Lane and would not cause a material loss of privacy to this development. Accordingly, it would not be sustainable to refuse the application for loss of privacy or potential for noise disturbance.

In terms of enclosure, given the bulk of the existing building and that the proposed extension would be set back from the façade nearest 36 Buckingham Gate by approx. 2.1m, it is considered that the proposals would not result in a significant increase in enclosure to residents within No.36. Indeed, the inspector agreed that the larger extension refused in the appeal scheme would be “...sufficiently set back from the edge of the south-east façade of No 35 to ensure that it would impinge little, if at all, on sightlines to the sky from the lower levels of No. 36”.

The applicant has re-submitted the daylight impact assessment relating to the refused scheme, which shows that any losses in daylight would have been within acceptable parameters. The scale and massing of the current proposals is less than previously proposed and accordingly it is considered that they would not result in any significant loss of light to surrounding residential properties.

Overall, it is considered that the proposals would meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. The proposals are therefore acceptable in terms of amenity.

8.4 Transportation/Parking

The proposals would not have a material impact on traffic generation or on-street parking pressure in this area.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The application does not propose any alteration to the existing means of access to this private residential dwelling.

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.

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

8.11 Environmental Impact Assessment

This application is not a sufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

Concern has been raised by residents within 36 Buckingham Gate that the proposal may result in the removal of a right of way/ means of escape over the roof of number 35 for those living at 36 Buckingham Gate. This is a private matter between the two buildings and it would not be reasonable to withhold planning permission on these grounds.

9. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society, dated 7 September 2017
3. Letter from developer of 6 Castle Lane, dated 5 September 2017
4. Letter from occupier of Flat 18, 36 Buckingham Gate, dated 5 September
5. Letter from HML Hawksworth, dated 6 September
6. Letter from occupier of Flat 19B, 36 Buckingham Gate, dated 7 September 2017
7. Letter from occupier of Flat 19B, 36 Buckingham Gate, dated 7 September 2017
8. Letter from occupier of Flat 20, 36 Buckingham Gate, dated 19 September 2017
9. Applicant Responses to Objections, dated 28 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: JULIA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk

KEY DRAWINGS

Existing Front Elevation



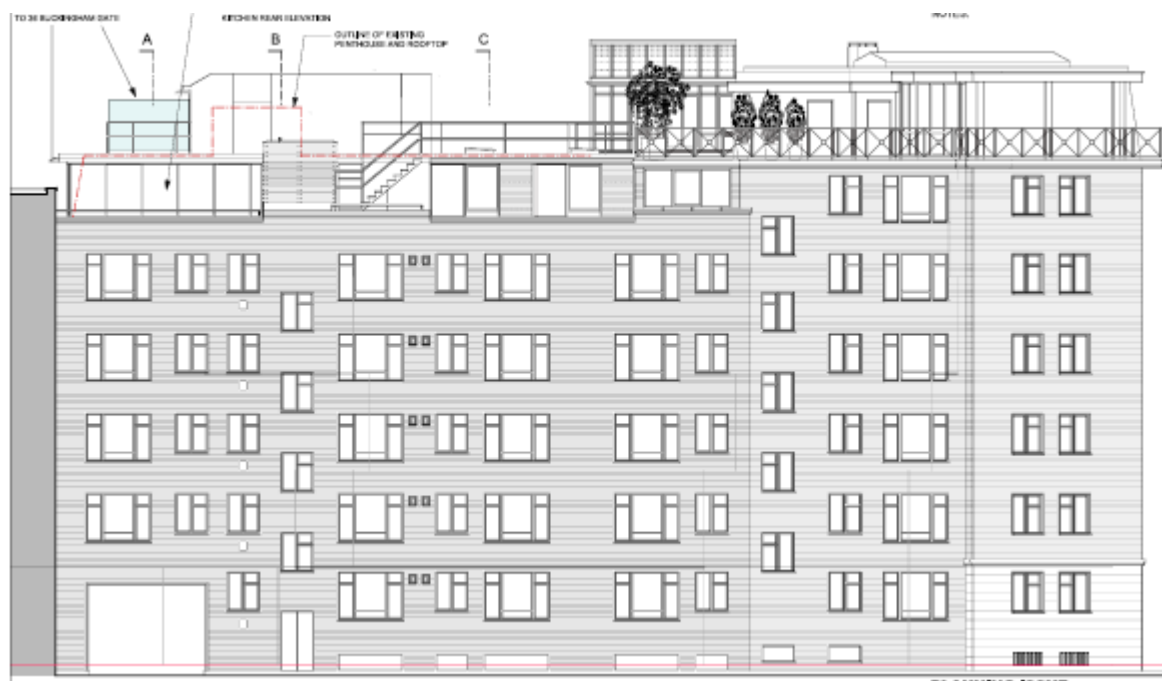
Proposed Front Elevation



Existing Rear Elevation

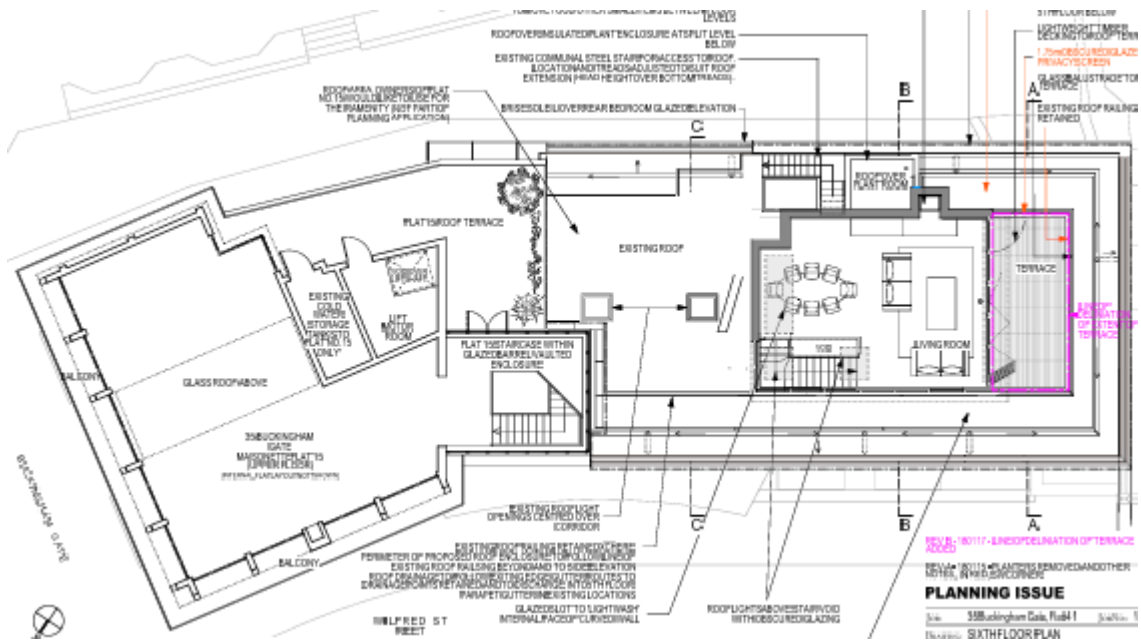


Proposed Rear Elevation

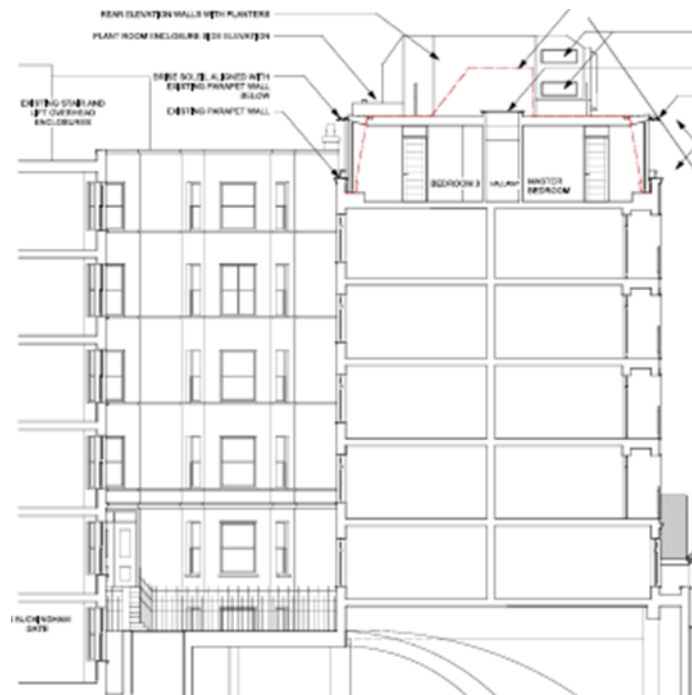


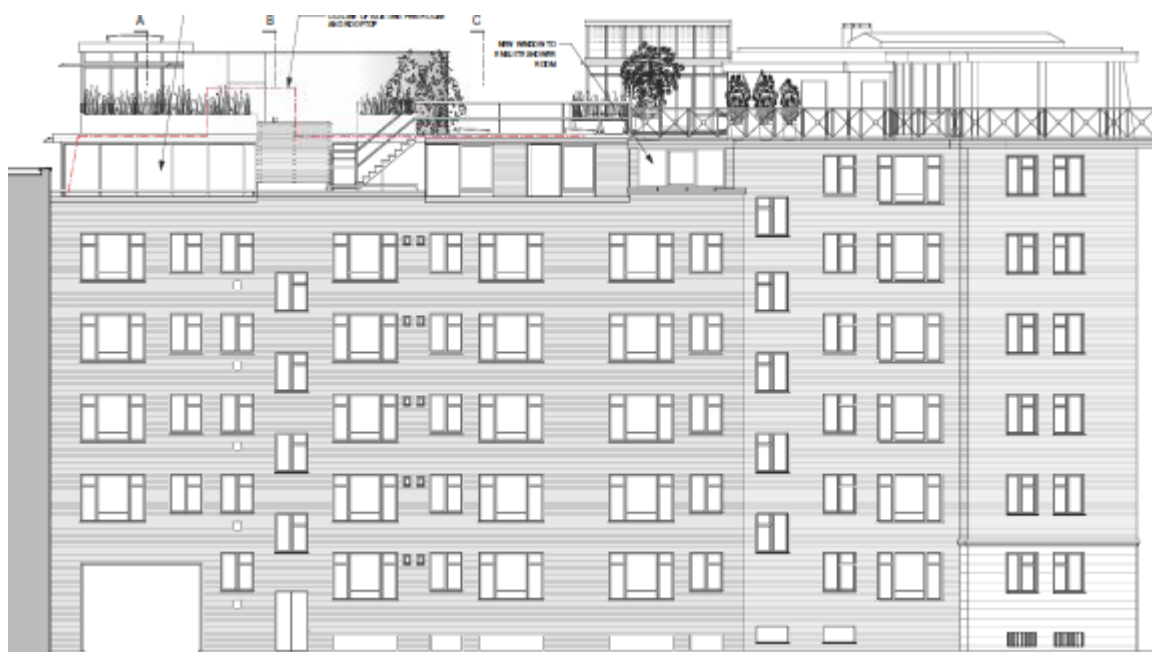
[illegible][illegible]

Proposed Sixth Floor Plan



Proposed Cross Section



Front Elevation – REFUSED SCHEME (15/08515/FULL)**Rear Elevation – REFUSED SCHEME (15/08515/FULL)**

Architectural floor plan of the Sixth Floor Plan, showing various rooms, corridors, and outdoor spaces. The plan includes labels for rooms such as 'RECEPTION', 'OFFICE', 'CONFERENCE', 'RESTROOM', 'KITCHEN', 'DINING', 'LIVING', 'BEDROOM', 'BATH', 'CLOSET', 'STAIRS', and 'ELEVATOR'. It also features a north arrow, a scale bar, and a title block with the text 'PLANNING ISSUE' and 'SIXTH FLOOR PLAN'.

DRAFT DECISION LETTER

Address: Penthouse 41, 35 Buckingham Gate, London, SW1E 6PA,

Proposal: External alterations to the form, glazing and cladding at fifth floor level; erection of extension and formation of terrace a roof level.

Reference: 17/07529/FULL

Plan Nos: Site Location Plan; D101 Rev. A; D102 Rev. B; D103 Rev. A; D104 Rev. A; D105 Rev. A; D106 Rev. A; D 107 Rev. A; D108 Rev. A; D109 Rev. A. , , For information purposes: Planning Statement dated August 2017; Appendix C - GIA Daylight Report dated August 2015; 3D1 Rev. A; 3D2 Rev. A; 3D3 Rev. A; 3D4 Rev. A; 3D5 Rev. A; 3D6 Rev. A; 3D7 Rev. A; 3D8 Rev. A; 3D9 Rev. A; 3D10 Rev. A; 3D11 Rev. A; 3D12 Rev. A; 3D13 Rev. A; ,

Case Officer: Ian Currie

Direct Tel. No. 020 7641 1448

Recommendation and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed in the 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; 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 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 the S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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 Birdcage Walk 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 submit a schedule of materials to be used on the extension, which are cross referenced to the approved elevations. The schedule should include photographs of each material. 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 works according to the approved details and they shall be permanently maintained thereafter.

Reason:

To protect the privacy and environment of people in neighbouring properties; and 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 Birdcage Walk Conservation Area. This is as set out in S29, S25 and S28 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 13, 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 submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development: , i) Roof construction, including the eaves detailing, ii) Windows and external doors, iii) Design and relationship/ connection of the terrace balustrade to the existing railing, , 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 works according to the approved details.

Reason:

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

- 6 You must apply to us for approval of a sample of the glass (at least 300mm square) for: , * the privacy screen to the terrace; and , * the opaque glass panels at fifth floor level in the south east elevation. , , 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 must not change it without our permission. (C21DB), , ,

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 With the exception of the terrace shown on drawing No. D103/A 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)

- 8 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (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 Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 3 This permission does not permit any plant or machinery.

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	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	First Floor And Second Floor Flat, 66 Cambridge Street, London, SW1V 4QQ,		
Proposal	Erection of extensions to rear closet wing at first and second floor levels and addition of mansard roof extension to create new third floor level, in connection with the provision of a 1 bed flat at first floor level and a 2 bed maisonette over second and third floor levels.		
Agent	Dream Investments Ltd. Alpa Consultants		
On behalf of	Dream Investments Ltd. Alpa Consultants		
Registered Number	17/07238/FULL	Date amended/ completed	30 August 2017
Date Application Received	13 August 2017		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

RECOMMENDATION

Grant conditional permission.

1. SUMMARY

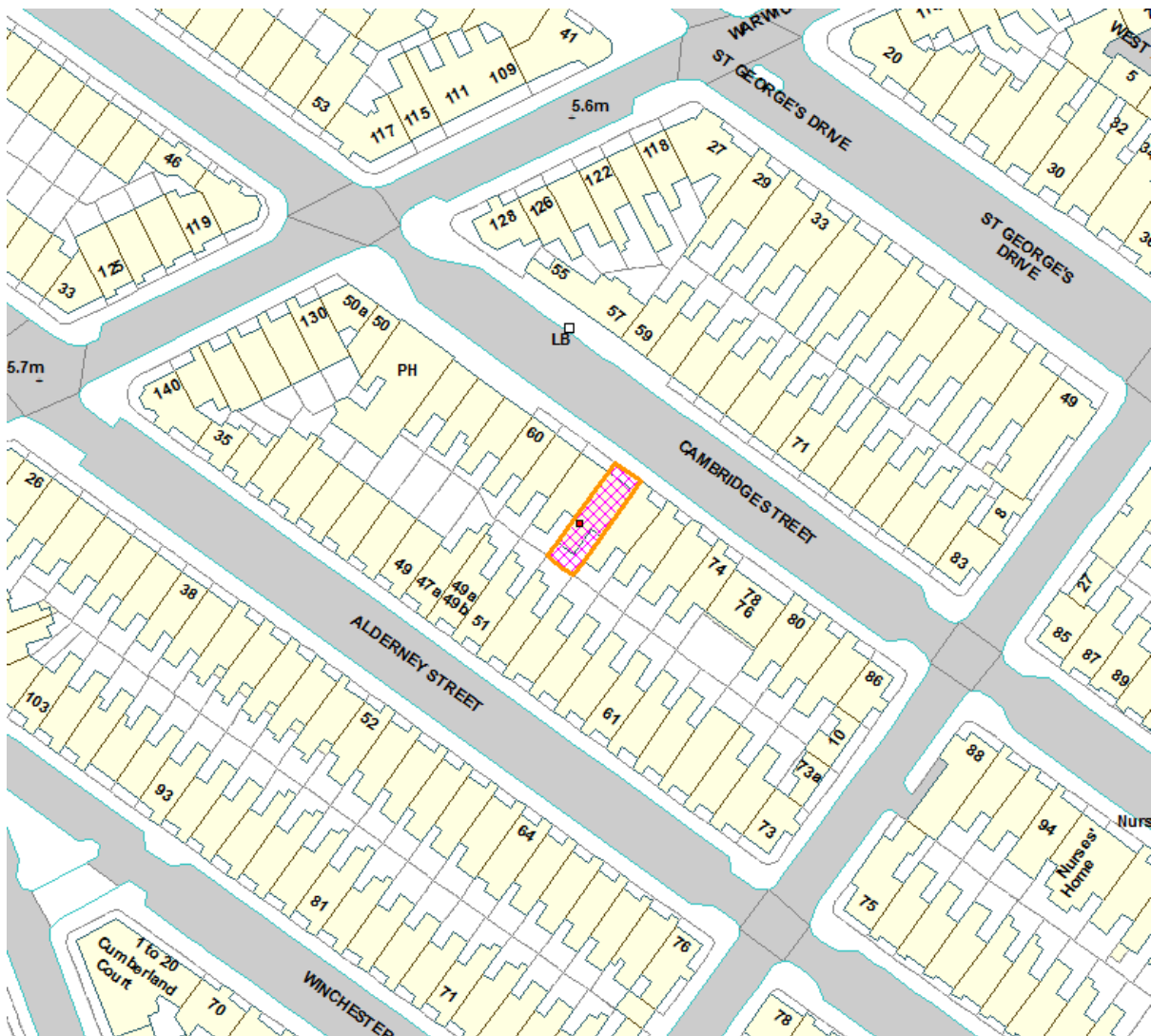
66 Cambridge is a four storey property currently divided into 2 flats. Planning permission is sought for extensions to the rear closet wing at first and second floor levels, and the addition of mansard roof extension to create a new third floor level, in connection with the provision of a 1-bed flat at first floor level and a 2-bed maisonette over second and third floor levels.

The key issues for consideration are:

- The impact of the proposals on the character and appearance of the building and Pimlico Conservation Area
- The impact on the amenity of neighbouring residential occupiers.

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

2. LOCATION PLAN



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100019597

3. PHOTOGRAPHS



66 Cambridge Street

4. CONSULTATIONS

WESTMINSTER SOCIETY

No objection

HIGHWAYS PLANNING MANAGER

Objection. No off street car parking provided for the new dwelling.

CLEANSING

Details of waste and recycling storage will need to be secured by condition.

ADJACENT OWNERS / OCCUPIERS

No Consulted:5

No Replies: 4

One letter of support from the applicant.

Three letters of objection have been received from neighbouring residents raising the following concerns:

Amenity

- The proposal will create a loss of daylight/sunlight to residents in No. 64 Cambridge Street
- Loss of privacy.

Other

- Structural implications of proposal.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

66 Cambridge Street is an unlisted building within the Pimlico Conservation Area. It comprises basement, ground and two upper floors and is divided into two residential flats, one over basement and ground floor and the other at first and second floor level.

6.2 Recent Relevant History

Planning permission was granted for the erection of a single storey rear extension at lower ground floor level (Flat 66A) in April 2016.

6. THE PROPOSAL

Planning permission is sought for the erection of extensions to the rear closet wing at first and second floor levels and the addition of a mansard roof extension to create a new third

floor level, in connection with the provision of a 1-bed flat at first floor level and a 2-bed maisonette over second and third floor levels.

7. DETAILED CONSIDERATIONS

7.1 Land Use

Policy S14 of Westminster's City Plan (November 2016) seeks to optimise housing delivery and states that all residential uses, floorspace and land will be protected. The introduction of an additional residential unit is therefore welcomed in land use terms. The proposed units meet the national space standards in terms of unit size.

7.2 Townscape and Design

This part of the Pimlico Conservation Area has a consistent albeit altered townscape. The overwhelming majority of properties on Cambridge Street and in surrounding streets have mansard roof extensions and altered closet wings.

The current proposals for a mansard roof extension and extensions to the existing closet wing are similar to that on neighbouring properties. In this context it is considered that the proposals will not cause harm to the character or appearance of the conservation area and are acceptable in design terms.

7.3 Residential Amenity

Three letters of objection have been received from neighbouring residents at No. 64 Cambridge Street on the grounds that the proposal will result in a loss of light and privacy to their properties. No.64 is divided into two units, one at lower ground floor level and the other at ground, first and second floor level

It is proposed to extend the existing closet wing by approximately 1.2m in depth at first floor level, which will match that at Nos. 64, 68 and 70 Cambridge Street. At second floor level the existing extension will be raised by approximately 1.2m in height.

The applicant has submitted a sunlight and daylight assessment using methodologies set out in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice" which concludes that the proposed development will have a low impact of light levels to neighbouring properties. There are windows in the side elevation of the closet wing to No. 64 looking towards the site. At ground floor level the window serves a utility room, which is not considered to be a main habitable room. At first floor level the window serves a kitchen, however, this room is also served by a further window to the rear elevation which will not be affected by the proposal. Given the limited depth of the proposed extensions, and the fact that they match other extensions along the terrace, the proposed extensions are considered acceptable in amenity terms.

There are other mansard roof extensions along the terrace and the proposed mansard is considered to have a satisfactory relationship with surrounding residential properties.

The application includes the provision of a terrace at rear second floor level. The terrace would allow direct views into the rear windows of neighbouring properties, and notwithstanding the fact that the properties at Nos 64 and 68 have a terrace in the same location as that proposed, an amending condition is recommended to remove this element from the scheme to protect the privacy of neighbouring occupiers.

7.4 Transportation/Parking

Policy TRANS 23 states that where the on-street parking threshold in an area is over 80% then this will result in an unacceptable level of deficiency and increase parking stress in the area. The evidence of the Council's most recent daytime parking survey in 2015 indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 200 metre radius of the site is 83.1%. Overnight the pressure on Residents' and Shared Use Bays increases still further, to 87.5%, although residents can also park free of charge on metered parking bays or single yellow line in the area during this time.

Parking pressures in the area is therefore already above the stress level. Whilst the introduction of an additional residential unit without off-street parking or on-street parking restraint may increase the stress level, given that the site is well-served by public transport, and the application is for one additional 1-bed unit only, it is not considered that a refusal on highway grounds could be sustained.

Conditions are recommended to secure cycle parking and adequate refuse and recycling storage.

7.5 Economic Considerations

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

7.6 Access

Not applicable.

7.7 Other UDP/Westminster Policy Considerations

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

7.8 London Plan

This application raises no strategic issues.

7.9 National Policy/Guidance Considerations

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

7.10 Planning Obligations

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

8. BACKGROUND PAPERS

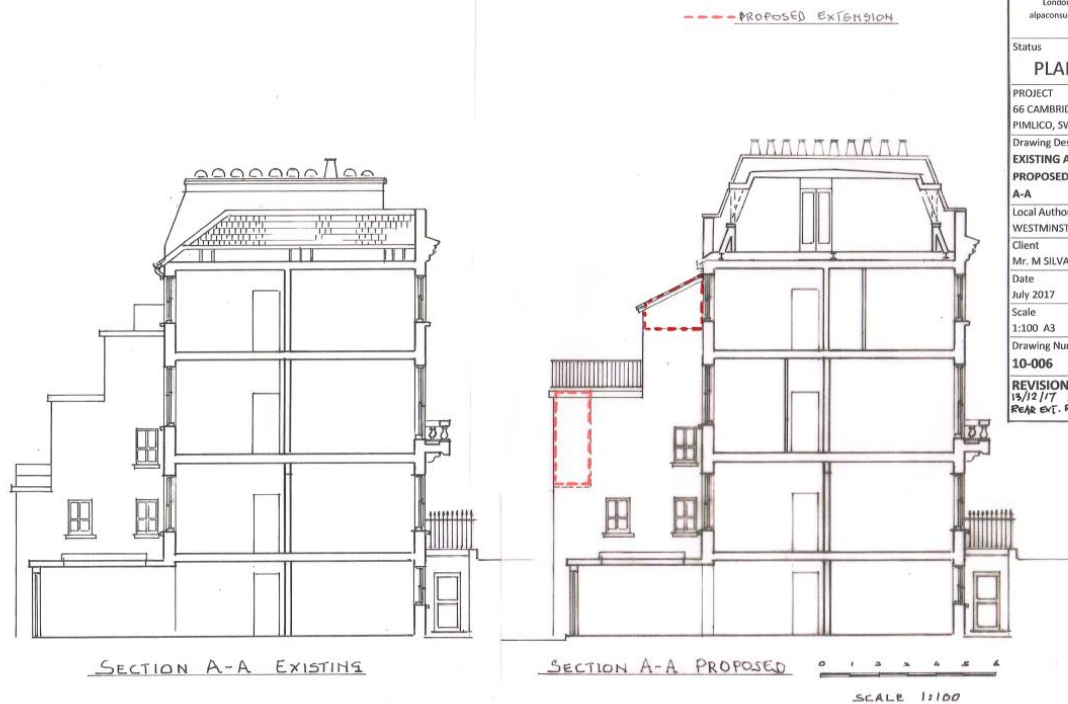
1. Application form
2. Response from Westminster Society, dated 14 September 2017
3. Letter from occupier of 64 Cambridge Street London, dated 11 September 2017
4. Letter from occupier of 64 Cambridge Street, London, dated 11 September 2017
5. Letter from occupier of 64a Cambridge Gardens, London, dated 21 September 2017
6. Letter from occupier of 66 Cambridge Street, London, dated 25 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: JULIA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk

9. KEY DRAWINGS





ALPA CONSULTANTS
49 St. Georges Drive
London SW1V 4DG
alpaconsultants@aol.com

Status

PLANNING

PROJECT

66 CAMBRIDGE STREET
PIMLICO, SW1V 4QQ

Drawing Description

EXISTING AND

PROPOSED SECTIONS

A-A

Local Authority
WESTMINSTER

Client

Mr. M SILVANO

Date

July 2017

Scale

1:100 A3

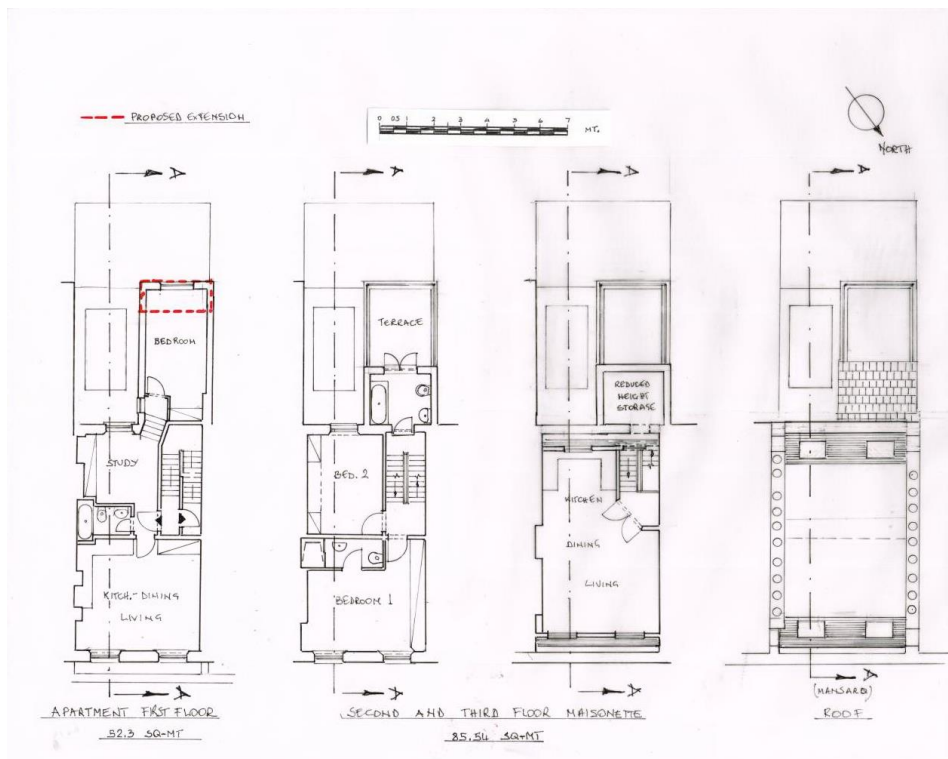
Drawing Number

10-006

REVISIONS:

19/12/17 REV. A
REAR EXT. ROOF ADJUSTED

Existing and proposed section



ALPA CONSULTANT
49 St. Georges Drive
London SW1V 4DG
alpaconsultants@aol.com

Status

PLANNING

PROJECT

66 CAMBRIDGE STREET
PIMLICO, SW1V 4QQ

Drawing Description

PROPOSED PLAN:

Local Authority

WESTMINSTER

Client

Mr. M SILVANO

Date

July 2017

Scale

1:100 A3

Drawing Number

10-004

REVISIONS:

Proposed floor plans

DRAFT DECISION LETTER

Address: First Floor And Second Floor Flat, 66 Cambridge Street, London, SW1V 4QQ,

Proposal: Erection of extensions to rear closet wing at first and second floor levels and addition of mansard roof extension to create new third floor level, in connection with the provision of a 1 bed flat at first floor level and a 2 bed maisonette over second and third floor levels.

Reference: 17/07238/FULL

Plan Nos: 10-001; 10-002; 10-003; 10-005; 10-003; 10-006; 10-004;

Case Officer: Seana McCaffrey

Direct Tel. No. 020 7641 1091

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 between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 18.00 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 consultation 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 set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV of our Urban 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 to all references are shown on the drawings we have approved or are required by conditions to this permission. (S26AA)

Reason:

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

- 4 You must apply to us for approval of details of 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 property. (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)

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

Reason:

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

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

The terrace at rear second floor level deleted including the removal of the railings and the proposed door changed to a window.

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 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

Item No.
5

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 January 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	121 Randolph Avenue, London, W9 1DN		
Proposal	Erection of single storey outbuilding at end of rear garden. (Retrospective)		
Agent	Mr Alex Cheung		
On behalf of	Mrs Xianqin Deng		
Registered Number	17/10013/FULL	Date amended/ completed	10 November 2017
Date Application Received	10 November 2017		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is an end of terrace property comprising lower ground and 3 upper floors and is located within the Maida Vale Conservation Area. The property has been subdivided into flats.

Permission is sought for the erection of a single storey outbuilding in the rear garden.

The application has received objection from three neighbouring residents. The Paddington Waterways and Maida Vale Society do not raise objection to the application, subject to conditions.

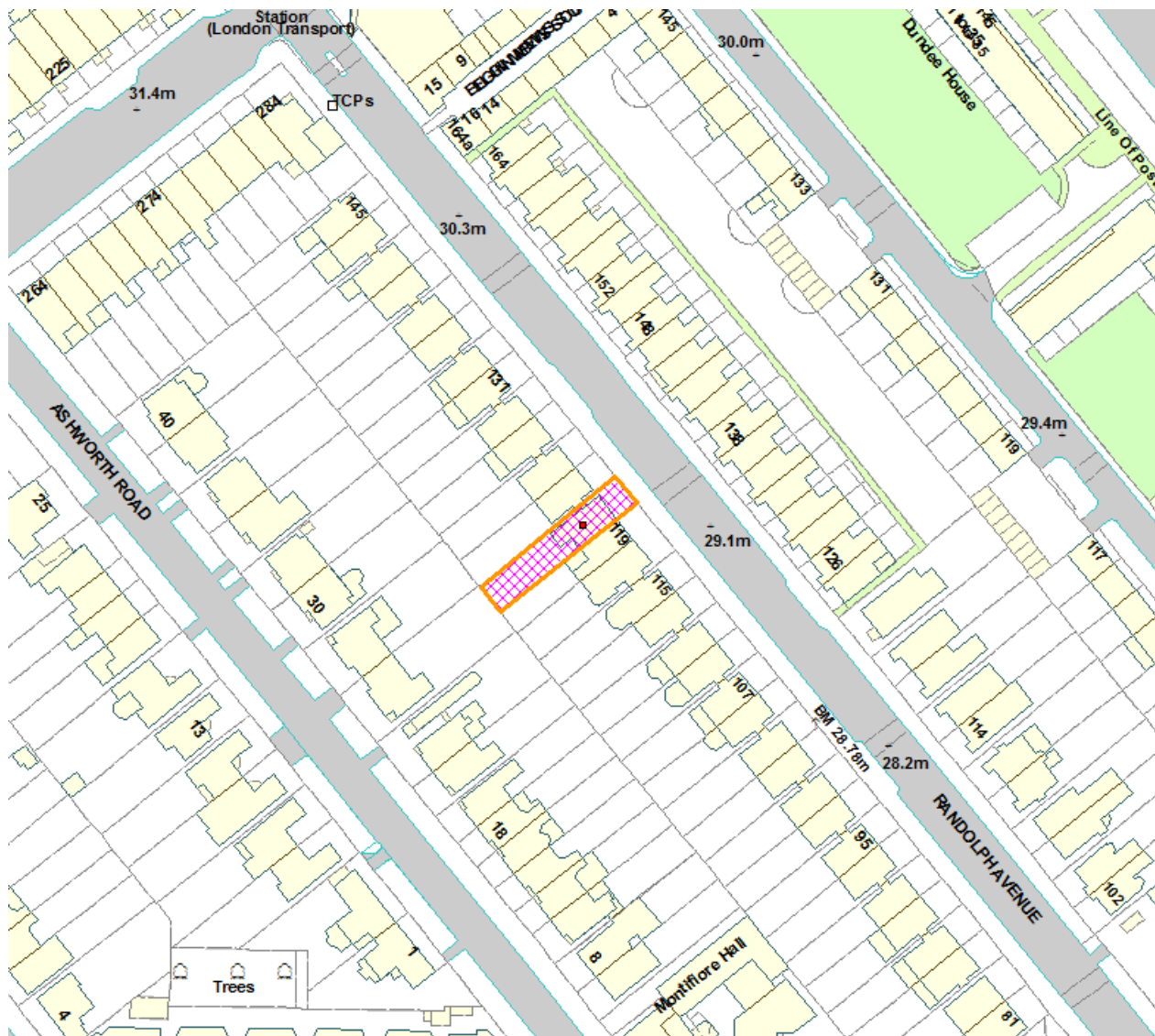
The key issues in this case are:

- The impact of the proposed development on the character and appearance of the St John's Wood Conservation Area.
- The impact of the proposal on the amenity of neighbouring residents.

For the detailed reasons set out in this report, the proposed development is considered to accord with the relevant land use, design, amenity and environment policies in the Unitary Development Plan adopted in January 2017 and Westminster's City Plan adopted in November 2016. Therefore,

subject to the recommended conditions set out in the draft decision letter appended to this report, it is recommended that permission is granted.

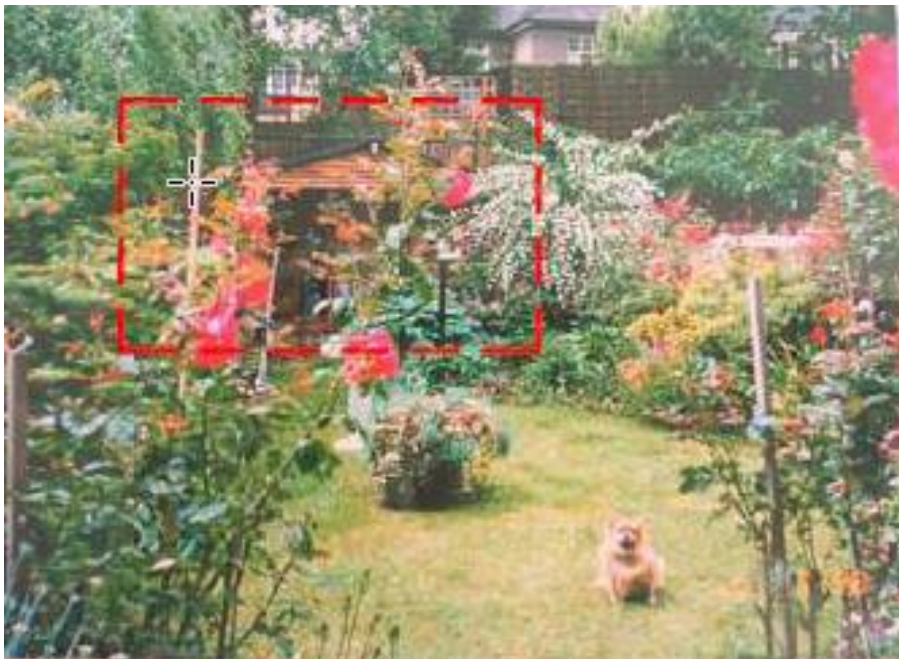
3. LOCATION PLAN



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4. PHOTOGRAPHS

PREVIOUS OUTBUILDING



REPLACEMENT OUTBUILDING



CONSULTATIONS

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

No objection; condition recommended to prevent use as overnight sleeping accommodation or self-contained unit. Take neighbours views into consideration.

ARBORICULTURAL MANAGER

Concerns raised that the arboricultural assessment and method statement (submitted during the course of the application at our request) has been submitted following completion of works. Conditions recommended to ensure that the outbuilding does not affect the tree roots of the Poplar tree in the rear garden.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14

Total No. of replies: 3

No. of objections: 3

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

Design

- Loss of garden space is harmful to the Conservation Area.
- Size of the outbuilding is harmful to the Conservation Area.

Other

- Potential for use as temporary accommodation which would result in disturbance to neighbouring occupiers.
- The works have already taken place without permission.
- Rubbish has been left to the front of the property.
- The works at the property have resulted in noise disturbance.
- The flat at ground floor level has been subdivided.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

The application site is an end of terrace property comprising lower ground and 3 upper floors and is located within the Maida Vale Conservation Area. The property has been subdivided into flats.

5.2 Recent Relevant History

14/09597/FULL

Single storey rear extension to garden flat and enlargement of front patio area at No.121A.

Application Permitted

27 November 2014

6. THE PROPOSAL

Planning permission is sought for the erection of an outbuilding in the rear garden of the site. This application is retrospective.

The design and access statement states that there was an existing outbuilding in the garden prior to August 2017. A photograph of this has been supplied.

7. DETAILED CONSIDERATIONS

7.1 Land Use

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

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

7.2 Townscape and Design

The relevant policies are DES 1 and DES 9 of Westminster's Unitary Development Plan and S28 of Westminster's City Plan.

The outbuilding has a footprint of 3.8m by 5.0m and a maximum height of 2.5. It is set in from the rear boundary by 0.8. The outbuilding is constructed of wood panels with a felt roof and timber framed windows and doors.

Objections have been received from adjoining occupiers on the grounds that the as a result of the size of the outbuilding, and the other landscaping works that have taken place, result in harm to the character of the surrounding conservation area.

The outbuilding has a pitched roof and limited to a single storey and is located at the end of the rear garden of the site. In this location, whilst visible in some private views, it is not visible in the street scene. Whilst it is visible from neighbouring properties, it is considered to be relatively discreet and not a visually dominant structure in the private views along the terrace.

Given the relatively generous dimensions of the rear garden it is considered that the footprint and height of the building are acceptable and it would be clearly subservient to the main property. In this context the objections to the size of the proposed outbuilding cannot be supported. Furthermore, from the photos provided of the previous outbuilding, it appears that the replacement is of a similar size and footprint of what was previously in place.

In terms of its detailed design, the use of timber is considered to be appropriate and would ensure the simply detailed outbuilding has the appearance of a typical domestic garden structure. A condition is recommended to require the timber to be stained a darker colour to ensure that the outbuilding sits within the garden more appropriately.

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

7.3 Residential Amenity

The relevant policies are ENV 13 of Westminster's Unitary Development Plan and S29 of Westminster's City Plan.

Given its location at the end of the rear garden, which is a minimum of 15m from the rear of the adjacent neighbouring properties, and the properties to the rear of the site in Ashworth Street, it is not considered that the proposal will result in any loss of light, overlooking or increase sense of enclosure to the neighbouring occupiers. Furthermore, the outbuilding is in the same location as a previous outbuilding, which appears to have been of the same footprint.

The proposal is considered to comply with the relevant policies and be acceptable in terms of residential amenity.

7.4 Transportation/Parking

The proposal does not represent an increase in residential units and no loss of parking is proposed. As such, the proposal complies with policy TRANS 23.

7.5 Economic Considerations

No economic considerations are applicable for a development of this size

7.6 Access

The access arrangements to this private dwelling will remain unchanged.

7.7 London Plan

This application raises no strategic issues.

7.8 National Policy/Guidance Considerations

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

7.9 Planning Obligations

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

7.10 Environmental Impact Assessment

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

7.11 Other Issues

TREES

The City Council's arboricultural officer initially raised concerns that the application had not been accompanied by a tree survey or an arboricultural assessment; that it appears that there has been a level change in the garden to allow for the siting of the outbuilding and that finally a building of this type would require a specific raised foundation to ensure that there was no harm to the neighbouring Poplar tree in the garden to the rear on Ashworth Road.

An assessment has now been submitted with the application which indicates that there have been no level changes to the land to which the outbuilding sits on (there has been some removal of the main part of the garden and landscaping) and the type of additional foundations which were laid, taking into consideration that the outbuilding sits in the same location as the existing outbuilding. Whilst it is regrettable that the works have already been completed, the arboricultural officer considers that subject to remedial conditions, the proposed outbuilding is unlikely to harm any neighbouring trees. At the time of writing appropriate conditions were being drafted.

Comments have been made that the site is messy as a result of the works to implement permission 14/09597/FULL. This has resulted in the removal of all the existing landscaping, and again whilst regrettable, it is not reasonable to condition the submission of a further landscaping control. The removal of the landscaping does not in itself require planning permission. It should be noted that permission 14/09597/FULL did not control any scope of landscaping.

OTHER

Objections have been received relating to other works that have been carried out without planning permission. This application has been submitted as a result of enforcement investigations. Planning permission cannot be withheld on these grounds and has to be assessed on its own merits.

Further objections have been revived on noise grounds and that the site has been messy whilst works to implement permission 14/09597/FULL have taken place. Again, these are not reasons to withhold permission and as the works have already been carried out a condition regarding the hours of work is unnecessary.

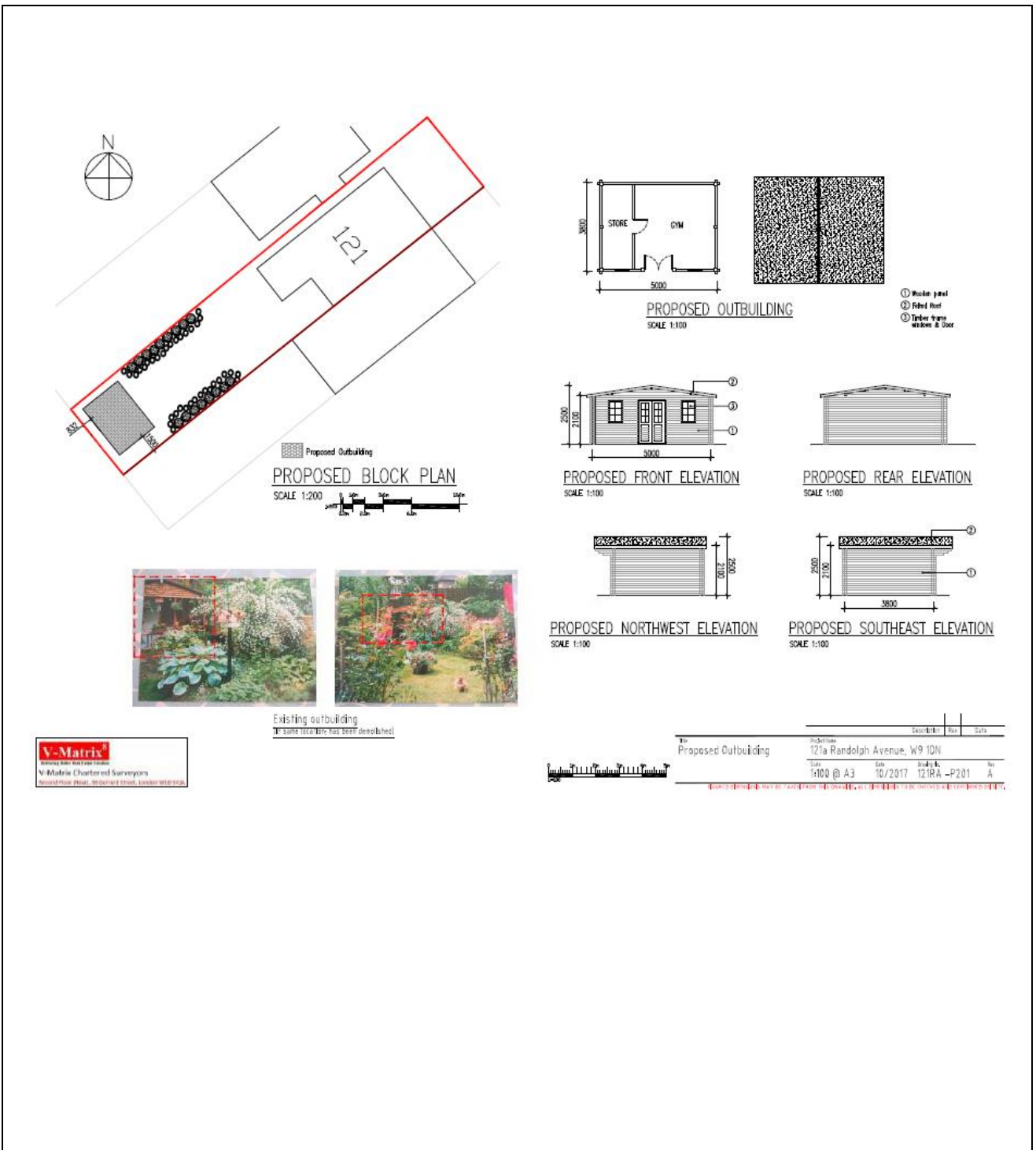
8. BACKGROUND PAPERS

1. Application form
2. Response from Paddington Waterways & Maida Vale Society, dated 23 November 2017
3. Letter from occupier of 119B Randolph Avenue, London, dated 30 November 2017
4. Letter from occupier of Flat 1 121 Randolph Avenue, Maida Vale, dated 6 December 2017
5. Letter from occupier of 78 Londonderry Drive, Killarney Heights, dated 8 December 2017
6. Response from City Council's arboricultural officer dated 10 January 2017.

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

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

9. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 121 Randolph Avenue, London, W9 1DN

Proposal: Erection of single storey outbuilding at end of rear garden (retrospective).

Reference: 17/10013/FULL

Plan Nos: 121RA-P201 rev A; 121RA-P00; V-Matrix Design and Access Statement; Arboricultural Report - ha/an1/121randolphave.

Case Officer: Victoria Coelho

Direct Tel. No. 020 7641 6204

Recommended Condition(s) and Reason(s)

- 1 The development 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 The garden/ gym room structure approved shall not be occupied at any time other than for purposes ancillary to the enjoyment of the basement flat as a self-contained residential dwelling.

Reason:

To ensure that the impacts of using this building as a separate unit of accommodation/ as a commercial premise can be properly assessed and managed by the City Council in terms of its impact on neighbouring residents' amenity, the building's sustainability, the provision of amenity space, and the impact on traffic and parking.

- 3 Within 3 months of this decision you must apply to the City Council for the approval of detailed drawings showing the following alterations to the scheme:

- Application of a darker stain to all elevations of the outbuilding,

You must permanently retain the darker stain on the building in accordance with the drawings we approve pursuant to this condition.

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 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.

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