



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (4)

Meeting Date:

Tuesday 20th February, 2018

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Angela Harvey (Chairman)
Iain Bott
Ruth Bush
Jonathan Glanz



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. 7-12 HALF MOON STREET, LONDON, W1J 7BH | (Pages 5 - 36) |
| 2. 40 - 44 BARK PLACE, LONDON, W2 4AT | (Pages 37 - 54) |
| 3. 33 BROADWICK STREET, LONDON, W1F 0DQ | (Pages 55 - 84) |
| 4. 19 BERWICK STREET, LONDON, W1F 0PX | (Pages 85 - 106) |
| 5. 40 PORCHESTER ROAD, LONDON, W2 6ES | (Pages 107 - 130) |
| 6. 458 EDGWARE ROAD, LONDON, W2 1EJ | (Pages 131 - 146) |
| 7. 5 MAIDA AVENUE, LONDON, W2 1TF | (Pages 147 - 162) |
| 8. BARNES COURT, 6-8 WESTBOURNE TERRACE, LONDON, W2 3UW | (Pages 163 - 180) |

Stuart Love
Chief Executive
12 February 2018

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 20th February 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s): 17/09342/FULL 17/09343/LBC West End	7-12 Half Moon Street London W1J 7BH	Demolition of 4 th floor mansard and roof, and rebuilding of the 4 th floor mansard and new 5 th floor mansard; extension on 3 rd floor terrace at 8 Half Moon Street to new 5 th floor level; extension to existing lift shaft with overrun and creation of new lift shaft with an overrun at new roof level; creation of a new living roof; relocation of existing roof plant within enclosures in two locations at fourth and fifth floor levels. reinstatement of Juliet balconies at first floor level and the erection of a new portico at ground floor level along the Clarges Street frontage. Internal alterations at all levels throughout all in connection with the provision of an additional seven bedrooms to an existing hotel (Class C1).	
	Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in informative 1 of the draft decision letter.			
2.	RN(s): 1. 17/10600/FULL 2. 17/10959/ADV Lancaster Gate	40 - 44 Bark Place London W2 4AT	<u>Application 1</u> - Erection of glass lobby under existing ground floor canopy and erection of metal railings and reconfiguration of planters to the street frontages of the site. (RN: 17/10600/FULL). <u>Application 2</u> - Display of two non-illuminated signs measuring 2.80m x 1.5m and 1.20m x 0.90m to the eastern elevation of the building at first and second floor levels. (RN: 17/10959/ADV)	
	Recommendation 1. Grant conditional permission. 2. Grant conditional advertisement consent.			
3.	RN(s): 17/09623/FULL West End	33 Broadwick Street London W1F 0DQ	Alterations to the existing building including extensions to the rear elevation at third to seventh floor level, alterations to the roof, recladding and changes to fenestration, creation of a roof terrace at fourth floor level on Ingestre Place elevation and roof terrace at main roof level, installation of plant, shopfronts and new entrances, increasing the retail (Class A1) floorspace at ground floor level, and use of part of the basement and part ground as a restaurant (Class A3) with associated works.	
	Recommendation Grant conditional planning permission subject to a S106 legal agreement to secure: i) All highway works immediately surrounding the site required for the development to occur, including changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical) ii) Dedication of land as public highway prior to occupation where necessary iii) The costs of monitoring the S106 agreement.			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 20th February 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

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

(b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Item No	References	Site Address	Proposal	Resolution
4.	RN(s): 17/09736/FULL West End	19 Berwick Street London W1F 0PX	Use of the first floor as offices (Class B1); erection of roof extension and rear extension at first and second floor levels to provide additional office (Class B1) floor space, and repositioning and extension of extraction flue on rear elevation.	
Recommendation Grant conditional permission.				

Item No	References	Site Address	Proposal	Resolution
5.	RN(s): 17/04344/FULL Bayswater	40 Porchester Road London W2 6ES	Extension to front elevation at ground and first floor, re-cladding of building at ground and first floor and changes to the elevations in association with the change of use at first floor level from ancillary public house accommodation (Class A4) to a self-contained residential unit (Class C3).	
Recommendation Grant conditional permission.				

Item No	References	Site Address	Proposal	Resolution
6.	RN(s): 17/01027/FULL Church Street	458 Edgware Road London W2 1EJ	Retention of ground floor rear extension and shopfront alterations in connection with continued use as a restaurant (Class A3). (Retrospective Application).	
Recommendation Grant conditional permission.				

Item No	References	Site Address	Proposal	Resolution
7.	RN(s): 17/10058/FULL Little Venice	5 Maida Avenue London W2 1TF	Excavation of a basement to lower ground floor level, erection of a single storey extension at lower ground floor and insertion of new glazed sliding doors at ground floor.	
Recommendation Grant conditional permission.				

CONFIDENTIAL ITEM

Item No	References	Site Address	Proposal	Resolution
8.	RN(s): 17/06464/TPO	Barness Court	T2 London plane: remove	

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 20th February 2018
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Hyde Park	6-8 Westbourne Terrace London W2 3UW		
Recommendation Refuse consent: 1. Removal not justified. Adverse effect on amenity and on character and appearance of conservation area.				
This item is due to be published on the “confidential” part of the agenda as the report involves the likely disclosure of exempt information relating to financial or business affairs.				

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	7-12 Half Moon Street, London, W1J 7BH,		
Proposal	Demolition of 4 th floor mansard and roof, and rebuilding of the 4 th floor mansard and new 5 th floor mansard; extension on 3 rd floor terrace at 8 Half Moon Street to new 5 th floor level; extension to existing lift shaft with overrun and creation of new lift shaft with an overrun at new roof level; creation of a new living roof; relocation of existing roof plant within enclosures in two locations at fourth and fifth floor levels. reinstatement of Juliet balconies at first floor level and the erection of a new portico at ground floor level along the Clarges Street frontage. Internal alterations at all levels throughout all in connection with the provision of an additional seven bedrooms to an existing hotel (Class C1).		
Agent	Gerald Eve LLP		
On behalf of	Flemings Hotel Mayfair Ltd		
Registered Number	17/09342/FULL & 17/09343/LBC	Date amended/ completed	30 October 2017
Date Application Received	20 October 2017		
Historic Building Grade	Grade II		
Conservation Area	Mayfair		

1. RECOMMENDATION

- | |
|---|
| <ul style="list-style-type: none"> i. Grant conditional permission. ii. Grant conditional listed building consent. iii. Agree reasons for granting listed building consent as set out in informative 1 of the decision notice. |
|---|

2. SUMMARY

<p>The application premises is a hotel situated on the eastern side of Half Moon Street which links through to the western side of Clarges Street. Permission is sought for works to upgrade the hotel including removing a 4th floor mansard on the Half Moon Street frontage and rebuilding to create a double height mansard at 4th and new 5th floor levels. The proposal would result in the provision of an additional seven bedrooms, increasing the size of the hotel to 121 bedrooms.</p>

The buildings comprise a group of 18th Century Grade II listed buildings within the Mayfair Conservation Area.

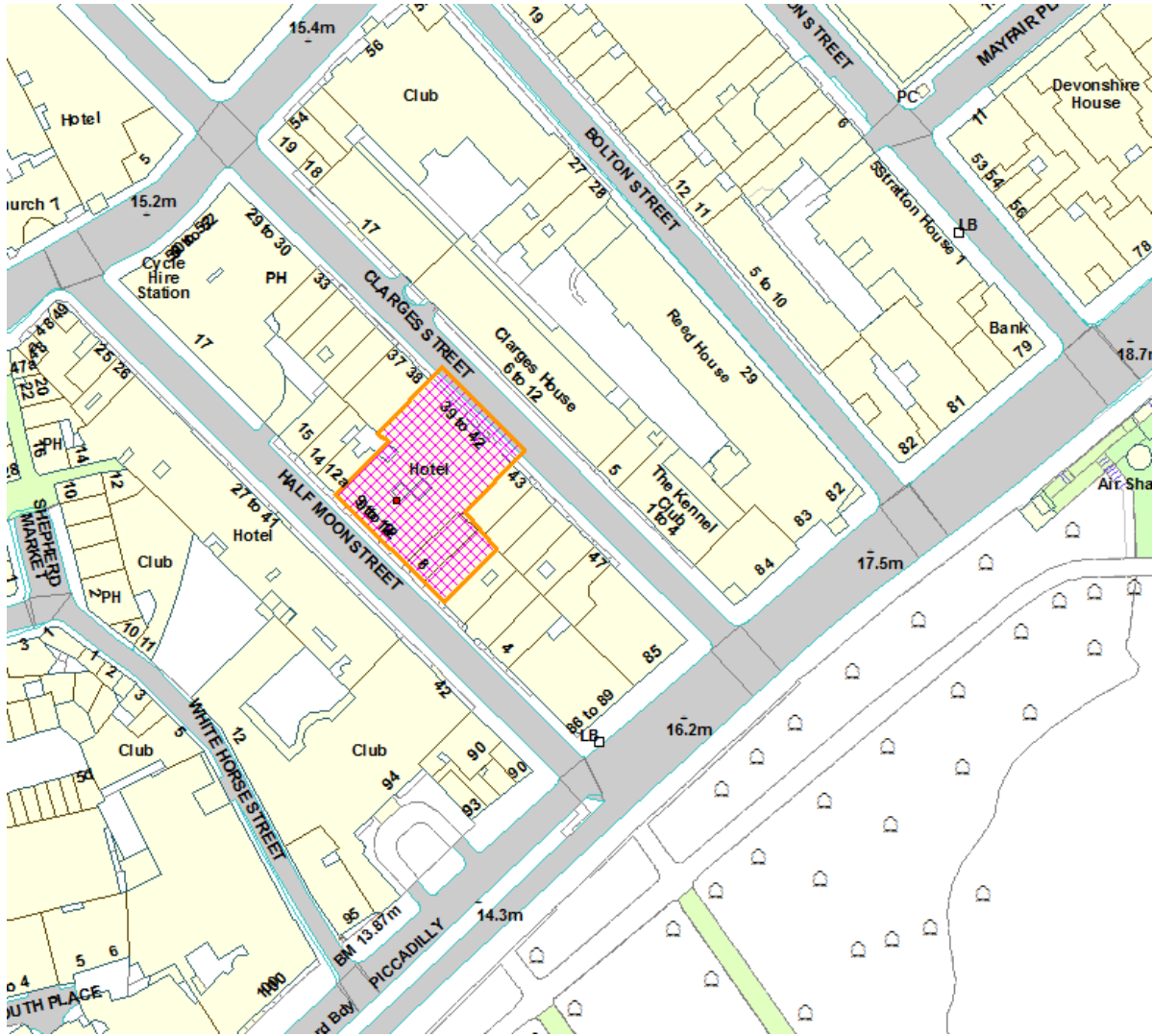
The scheme includes the installation of a portico on the Clarges Street frontage, internal alterations are proposed to both the Half Moon Street and Clarges Street properties.

The key issues for consideration are:

- * the impact of the increase in hotel floorspace in land use terms;
- * the impact of the works on the character and appearance of the building and the conservation area;
- * the impact of the proposal on residential amenity.

The proposals would not result in a significant intensification of the hotel use and the extensions would not result in a loss of amenity to surrounding residents. Although the erection of a double height mansard would normally be considered contrary to design policies, in this instance the roof addition would replace existing bulky and unsightly additions. Given the context the impact of the works are considered acceptable in listed building terms. The applications are compliant with relevant UDP and City Plan policies and are therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Half Moon Street Buildings



Clarges Street Buildings



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Consider the proposal will greatly improve the roof facade.

HIGHWAYS

No objection

CLEANSING

No objection

ENVIRONMENTAL HEALTH

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 234

Total No. of replies: 7

7 objections have been received (from 3 objectors) on some or all of the following grounds

Objections received on the following grounds:

- Loss of light/right to light
- Noise from plant equipment
- Disruption during construction (noise, dust, air quality, road blockages/congestion)
- Potential impact on parking stress
- Loss of income.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

7-12 Half Moon Street and 39- 42 Clarges Street comprises a group of 18th Century Grade II listed buildings fronting the eastern side of Half Moon Street and the western side of Clarges Street within the Mayfair Conservation Area. The site lies within the core Central Activities Zone (CAZ).

The buildings comprise basement, ground and four upper floors and are linked by smaller central sections. There is a large lift overrun, water tank and plant equipment at various locations at roof level. The site is currently occupied by the Flemings Mayfair as a 114 bedroom hotel (Class C1).

The surrounding area is mixed use in character comprising a variety of commercial uses and residential. The nearest residential to the site is located at 37-38 Clarges Street to the north and at No's 43 and 44 Clarges Street and 4-5 Half Moon Street to the south.

6.2 Recent Relevant History

On 17 December 2007 planning permission and listed building consent were granted for the “Erection of portico and installation of external lighting to the front elevation.”

On 24 November 2006 planning permission and listed building consent (refs: 06/05592/FULL and 06/05593/LBC) were granted for the “Installation of air conditioning plant and enclosure at roof level, alteration of hotel entrance and adjoining fenestration and the formation of a ramped access on the south side of the front entrance at 7-12 Half Moon Street.”

On 25 May 1989 planning permission and listed building consent (refs: 89/00680/FULL and 89/00696/LBC) were granted for “Alteration and addition to hotel including new fifth floor and improved staff facilities”. These permissions were not implemented.

7. THE PROPOSAL

Permission and listed building consent are sought for works to upgrade the existing hotel providing an additional 7 bedrooms.

The proposed works include rebuilding an existing 4th floor mansard on the Half Moon Street frontage with a double height 4th and 5th floor mansard with a living roof above. An infill extension at 3rd to new 5th floor levels. Infilling a lightwell to accommodate a lift from basement to new 5th floor level. The scheme includes the removal of existing adhoc roof structures and rationalising roof top plant.

Along the Clarges street frontage, the proposal also includes the reinstatement of Juliet balconies at first floor level and the erection of a new portico at groundfloor level and minor refurbishment and improvement works to the hotel.

Internally, modifications are proposed throughout to increase the number of executive kings and suites at all levels and improve the circulation space within the buildings.

The proposed works to the hotel will provide seven additional bedrooms and a net increase 562 m² of additional hotel (Class C1) floorspace.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Hotel Extension

The proposed extension to the existing hotel accords with the aims of City Plan Policy S23 and UDP Policy TACE 2. These policies recognise the importance of Westminster as one of the world’s premier visitor destinations and direct new hotels to the Core Central Activities Zone (CAZ), which do not have a predominantly residential character. The policies set out the criteria for assessing new hotels and extensions to existing hotels, in relation to their impact on residential areas, traffic and parking.

The existing hotel, which provides 114 guest rooms, is a longstanding use that has been operating without complaints. The addition of a further 7 hotel bedrooms is not considered to be a significant intensification of the use. No additional facilities are introduced that could be used by non-residents. The works to extend and upgrade the hotel accord with adopted policies and are acceptable in land use terms.

8.2 Townscape and Design

Flemings Hotel comprises a series of mid eighteenth century Grade II listed houses in the Mayfair Conservation Area. The buildings back on to each other between Clarges Street and Half Moon Street, they have been added to, altered and combined as Flemings Hotel since the mid nineteenth century. The hotel added a mansard roof extension in the early twentieth century and there have been a number of alterations to the roofscape since then which have not added positively to the special interest of the listed buildings.

The proposals are chiefly for a second mansard across all buildings and second portico to the Clarges Street elevation. The portico is acceptable, provided it is a facsimile of that already consented adjacent. The roof extensions would normally be unacceptable in principle as the existing listed buildings have already been extended with mansard roofs. Normally a second mansard would be contrary to DES 6 and DES 9 however the current roof scape is harmed by unsightly, unsympathetic and adhoc additions which this scheme offers to remove and replace it with a traditionally designed second mansard that is designed to be as set back and minimised as possible. The roof is hipped and set back to ameliorate the height and bulk when viewed from Green Park, the proposals are acceptable in design and listed building terms, subject to detail. In this case it is felt that the benefits of the scheme overcome the in principle objection and an exception can be made to normal policies. The proposals are considered to accord with DES 1, DES 5, DES 6, DES 9 and DES 10 of the City Councils 2007 UDP and are acceptable in listed building and design terms.

8.3 Residential Amenity

Daylight and Sunlight

City Plan Policy S29 and UDP Policy ENV13 both seek to ensure that new developments do not result in an unreasonable loss of amenity for existing local residents.

A daylight and sunlight report has been submitted which assesses the impact of the proposal on the following properties : No's 1-5, 12 and 37-38 Clarges Street, and No's 6 and 14 Half Moon Street. This assesses the impact on levels of daylight and sunlight using the Building Research Establishment's (BRE) methodology set out in the publication Daylight and Sunlight: A Guide for Good Practice.

For daylight matters, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels. If the VSC value is more than 27%, it is generally accepted that there is sufficient light striking the face of the building for normal habitable

purposes. If the VSC measured at the centre of an existing main window is less than 27% and the reduction in percentage terms is subsequently more than 20% of this value then the diffuse daylight of the existing building may be adversely affected and occupiers are likely to notice the change.

With regard to the impact on levels of sunlight, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 5% of annual winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values or by more than 4% of APSH over the whole year. Only windows that face within 90 degrees of due south need to be assessed in relation to the sunlight test. In this case, only 1-5 and 12 Clarges Street which face within 90 degrees of due south and these have been analysed as part of the submitted sunlight/daylight report. However, none of these windows are affected by the proposals.

Objections have been received from residents flats at 37-38 Clarges Street, which adjoins the application site, to a loss of light. The daylight and sunlight report submitted in support of the application demonstrates that where there are reductions in the vertical sky component (VSC) levels to windows at No 37-38 Clarges Street in all cases they would be less than 20%. The reductions are therefore within the BRE guidelines.

The report illustrates that of all the properties assessed the only breaches in excess of the BRE guidelines would be to two windows at No 14 Half Moon Street. Two first floors windows serving a dining room have existing VSC levels of 5.63% and 6.45% which would be reduced to 4.41 % and 5.07 % respectively. The percentage reduction to the room is 21.53% which is marginally in excess of a 20 % loss which the BRE guidelines state would be noticeable. However, in this instance the actual losses are relatively minor and the percentage reduction is magnified because existing VSC levels are low.

It is not therefore considered that the extensions would result in a material loss of daylight or sunlight to any of the nearby residential properties. Objections to loss of light cannot therefore be supported.

Sense of Enclosure

It is also not considered that the increase in bulk and mass at the application properties is great enough to result in a material increased sense of enclosure and loss of amenity to residents.

Privacy

Part (F) of Policy ENV13 seeks to resist development which would result in an unacceptable degree of overlooking.

The proposed new fifth floor extension introduces new windows that are immediately above windows on the lower floors. Given that they are at an oblique angle to the premises to the rear and the separation distance between the proposal and properties on the opposite side of the street, it is not considered that the proposal would result in any harmful increased overlooking.

8.4 Transportation/Parking

An objection has been raised due potential parking stress as a result of the proposal. As stated the scheme will not significantly intensify the existing hotel use. The Highways Planning Manager advises that the additional accommodation would not result in a significant increase in servicing requirements or traffic generation. As such, an objection on these grounds cannot be supported.

The Highways Planning Manager advises that the London Plan requires 1 cycle parking space per 20 bedrooms, and the provision of 1 cycle space would be welcomed. However, as the scheme would only provide 7 additional bedrooms and there are listed building constraints which will prevent cycle parking from being provided in this instance this cannot reasonably be required.

8.5 Economic Considerations

Any economic benefits as a result of the proposal are welcome.

8.6 Access

The proposed DDA compliant lifts to all floors would increase the inclusivity of the building which is compromised as existing.

8.7 Other UDP/Westminster Policy Considerations

Plant

A noise assessment has been submitted in support of the application. The plant equipment will be acoustically attenuated. Objections have been received from neighbours regarding noise from the proposed plant equipment. Environmental Health advise that plant is likely to comply with the normal noise criteria. The normal conditions regarding the operation of plant are recommended. Subject to these conditions this aspect of the application is considered acceptable.

Refuse /Recycling

Currently, the existing hotel utilises a single bin for mixed recyclables and five bins for food waste. Waste is collected twice daily. The increase in waste production is likely to be negligible. The Cleansing Officer has assessed the proposal and considers that the storage arrangements are in line with the requirements of the City Council.

Biodiversity

The proposals incorporate a green living roof. This is welcomed in line with City Plan Policy S38. It is recommended that this is secured by condition.

Sustainability

The applicant has stated that based on the BREEAM Pre-Assessment, the construction of the building is likely to achieve the 'Very Good' rating. Therefore, the reconstructed fourth floor and new fifth floor provide an opportunity for an improved thermal performance.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The application does not trigger any planning obligations.

The estimated CIL payment is £140,000 (£28,000 for Mayor CIL and £112,000 for Westminster CIL).

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Construction impact

Owners of residential properties with 37-38 Clarges Street objected due to the potential impacts during construction including noise nuisance, air quality, congestion/blockages from construction traffic, and general disruption.

Given the scale of the proposal, the applicant has sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. This will be secured by condition. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupants during the construction process to ensure that residents' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and ensure compliance. A further condition is recommended to control the hours of building works. Subject to these conditions, it is considered that the potential effects of the construction process will be ameliorated as far as possible.

Right to light

An objector has stated that the proposal diminishes their 'Right to Light'. This is a legal matter and not a planning consideration therefore this application cannot be refused on this basis. However, for the reasons explained elsewhere in this report, it is not considered that levels of light received to neighbouring properties will be diminished.

9. BACKGROUND PAPERS

1. Application form
2. Memorandum from Environmental Health, dated 27 November 2017
3. Memorandum from Highways Planning dated 01 November 2017
4. Memorandum for Cleansing dated 17 November 2017
5. Memorandum from the Residents' Society of Mayfair and St. James, dated 5 December 2017
6. Letter from person occupier of Flat 11, 37-8 Clarges Street, London, dated 17 November 2017
7. Letters from person with interest in 37-38 Clarges Street, London, dated 17 and 29 November 2017

8. Letter from person with interest in Flat 12, 37 Clarges Street, dated 15 November and 4 December 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT MWALTON@WESTMINSTER.GOV.UK.
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10. KEY DRAWINGS

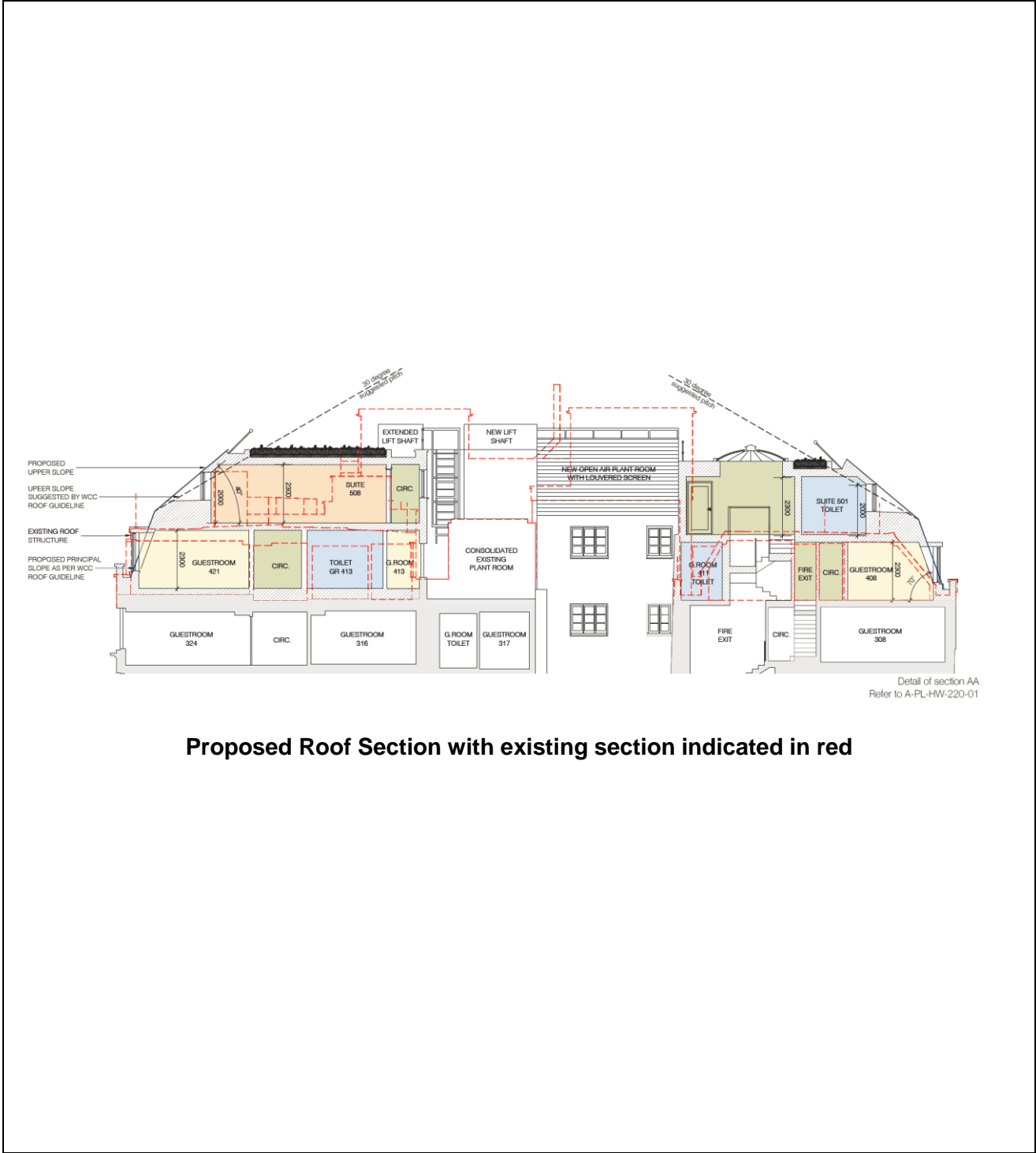




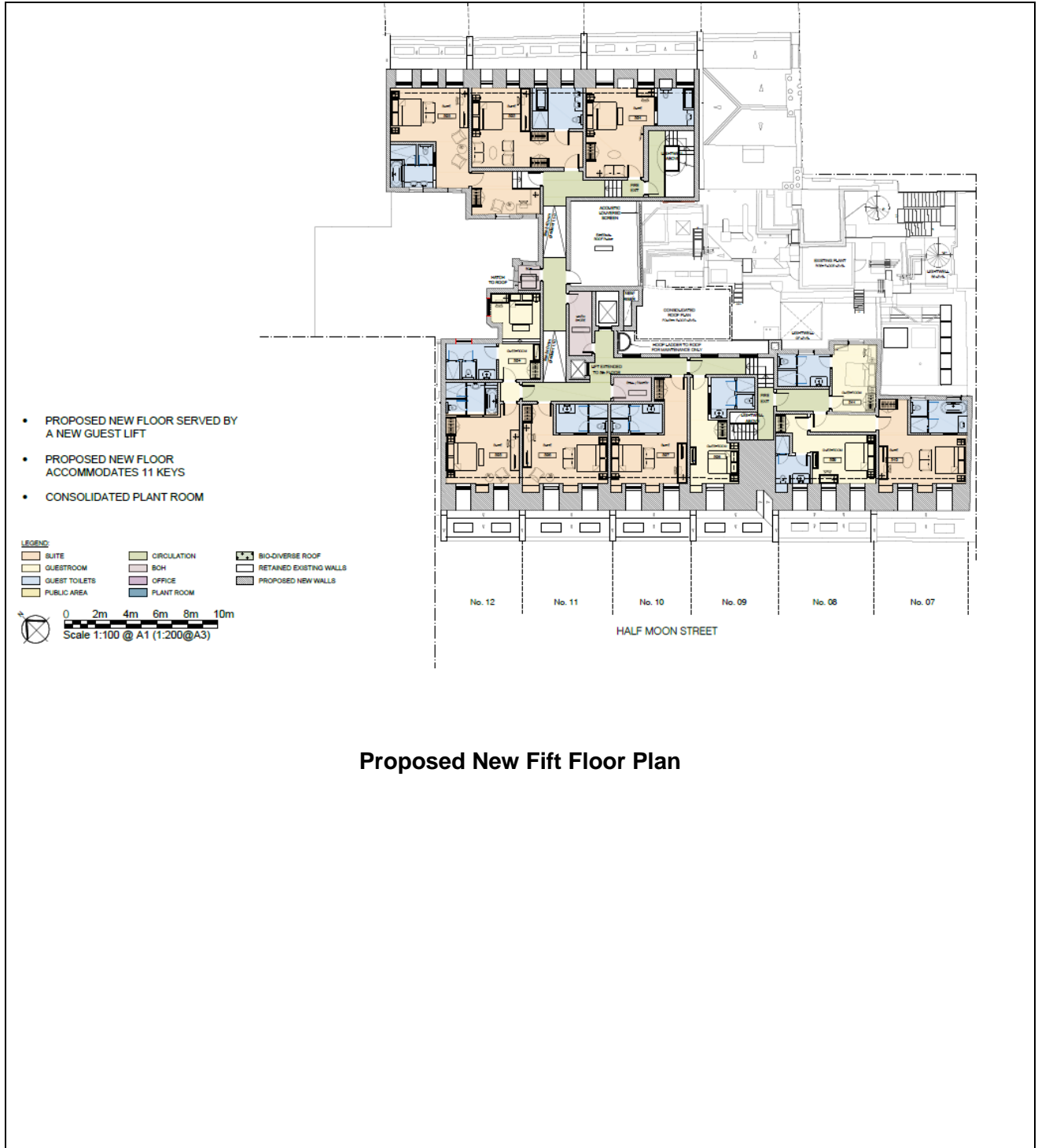
EXISTING ELEVATIONS



PROPOSED ROOF IMPROVEMENTS



Proposed Roof Section with existing section indicated in red



Proposed New Fifth Floor Plan

DRAFT DECISION LETTER

Address: 7-12 Half Moon Street, London, W1J 7BH,

Proposal: Demolition including the existing fourth floor and roof above. External alterations including the erection of an extension within the existing rear terrace at third floor level of 8 Half Moon Street to create a two-storey extension at third and fourth floor levels; erection of a replacement fourth floor with an additional single storey mansard storey at fifth floor level above to provide an additional seven bedrooms for use in connection with the existing hotel (Class C1); extension to existing lift shaft with overrun and creation of new lift shaft with an overrun at new roof level; creation of a new green roof; relocation of existing roof plant within enclosures in two locations at fourth and fifth floor levels. reinstatement of Juliet balconies at first floor level and the erection of a new portico at groundfloor level along the Clarges Street frontage. Internal alterations at all levels throughout. (Site includes 39-42 Clarges Street)

Reference: 17/09342/FULL

Plan Nos: A-PL-HW-1B1-01 Rev 11, A-PL-HW-100-01 Rev 13, A-PL-HW-101-01 Rev 14, A-PL-HW-102-01 Rev 14, A-PL-HW-103-01 Rev 14, A-PL-HW-104-01 Rev 17, A-PL-HW-105-01 Rev 19, A-PL-HW-106-01 Rev 19, A-PL-HW-220-01 rev 08, A-PL-HW-220-02 rev 8, A-PL-HW-220-03 Rev 06, A-PL-HW-270-01 Rev 08, A-PL-HW-270-02 Rev 08, A-PL-HW-270-03 Rev 08, A-PL-HW-270-04 Rev 08, A-PL-HW-5B1-01 Rev 02, A-PL-HW-500-01 Rev 02, A-PL-HW-501-01 Rev 02, A-PL-HW-502-01 Rev 02, A-PL-HW-503-01 Rev 02, A-PL-HW-504-01 Rev 02, A-PL-HW-505-01 Rev 02, A-PL-DT-861-01 Rev 03.

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

- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 5 You must put up the plant screen shown on the approved drawings before you operate the relocated plant. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)
- 5 To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)
- 6 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an

agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 7 You must provide the waste store shown on drawing A-PL-HW-1B1-01 Rev11 before using the additional hotel accommodation hereby approved. You must clearly mark them and make them available at all times to everyone using the premises.

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)

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

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details prior to occupation of any of the residential units hereby approved and thereafter retain and maintain in accordance with the approved management plan.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

- 15 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development:

- i, portico
- ii, dormers
- iii, latchways
- iv, railings, ladders and handrails
- v, doors
- vi, windows
- vii, roof lights

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information, please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 3 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 4 Under the Construction (Design and Management) Regulations 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 noncompliance with the CDM Regulations after the completion of a building project, particularly if such noncompliance has resulted in a death or major injury.

- 5 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm
- Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 6 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous.
- The markings must be fitted correctly and properly maintained;
- * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained.
- Additional handrails should be provided down the centre of particularly wide staircases where necessary;
- * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 7 Conditions 3 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 8 The sound insulation in each new unit of a residential conversion should meet the standards set

out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)

- 9 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team, 4th Floor East, Westminster City Hall, 64 Victoria Street, London SW1E 6QP, www.westminster.gov.uk, Email: res@westminster.gov.uk, Tel: 020 7641 3003 Fax: 020 7641 8504.

- 10 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

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

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

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

- 11 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 12 With reference to condition 6, please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.

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

DRAFT DECISION LETTER

Address: 7-12 Half Moon Street, London, W1J 7BH,

Proposal: Demolition including the existing fourth floor and roof above. External alterations including the erection of an extension within the existing rear terrace at third floor level at 8 Half Moon Street to create a two-storey extension at third and fourth floor levels; erection of a replacement fourth floor with an additional single storey mansard storey at fifth floor level above to provide an additional seven bedrooms for use in connection with the existing hotel (Class C1); extension to existing lift overrun and creation of new lift overrun at new roof level; creation of a new green roof; relocation of existing roof plant within enclosures in two locations at fourth and fifth floor levels. reinstatement of Juliet balconies at first floor level and the erection of a new portico at groundfloor level along the Clarges Street frontage. Internal alterations at all levels throughout. (Site includes 39-42 Clarges Street)

Reference: 17/09343/LBC

Plan Nos: A-PL-HW-1B1-01 Rev 11, A-PL-HW-100-01 Rev 13, A-PL-HW-101-01 Rev 14, A-PL-HW-102-01 Rev 14, A-PL-HW-103-01 Rev 14, A-PL-HW-104-01 Rev 17, A-PL-HW-105-01 Rev 19, A-PL-HW-106-01 Rev 19, A-PL-HW-220-01 rev 08, A-PL-HW-220-02 rev 8, A-PL-HW-220-03 Rev 06, A-PL-HW-270-01 Rev 08, A-PL-HW-270-02 Rev 08, A-PL-HW-270-03 Rev 08, A-PL-HW-270-04 Rev 08, A-PL-HW-5B1-01 Rev 02, A-PL-HW-500-01 Rev 02, A-PL-HW-501-01 Rev 02, A-PL-HW-502-01 Rev 02, A-PL-HW-503-01 Rev 02, A-PL-HW-504-01 Rev 02, A-PL-HW-505-01 Rev 02, A-PL-DT-861-01 Rev 03.

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development:

- i, portico
- ii, dormers
- iii, lathways
- iv, railings, ladders and handrails
- v, doors
- vi, windows
- vii, roof lights

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

Reason:

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

- 3 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area.

This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.
(R27AC)

- 5 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.
(R27AC)

- 6 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.

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 & 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

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Agenda Item 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	40 - 44 Bark Place, London, W2 4AT		
Proposal	<p><u>Application 1</u> - Erection of glass lobby under existing ground floor canopy and erection of metal railings and reconfiguration of planters to the street frontages of the site. (RN: 17/10600/FULL).</p> <p><u>Application 2</u> - Display of two non-illuminated signs measuring 2.80m x 1.5m and 1.20m x 0.90m to the eastern elevation of the building at first and second floor levels. (RN: 17/10959/ADV)</p>		
Agent	Barry Bowhill		
On behalf of	Astrium Education		
Registered Number	17/10600/FULL and 17/10959/ADV	Date amended/ completed	1 December 2017
Date Application Received	27 November 2017		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

<p>Application 1: Grant conditional permission. Application 2: Grant conditional advertisement consent.</p>

2. SUMMARY

<p>The application site is a mid-20th Century four storey building that is in educational use. The application building is not a listed building and the site is located within the Bayswater Conservation Area.</p> <p>Application 1 seeks planning permission for the erection of a glass lobby under the existing canopy on the Bark Place elevation and the erection of railings and reconfiguration of planters to the street frontages of the site in Bark Place and Orme Lane. In association with these proposed alterations to the building, Application 2 seeks advertisement consent for the display of two non-illuminated signs measuring 2.80m x 1.5m and 1.20m x 0.90m on the Bark Place elevation of the building. The</p>

proposed signs comprise a school crest and associated school name located in prominent locations at first and second floor level.

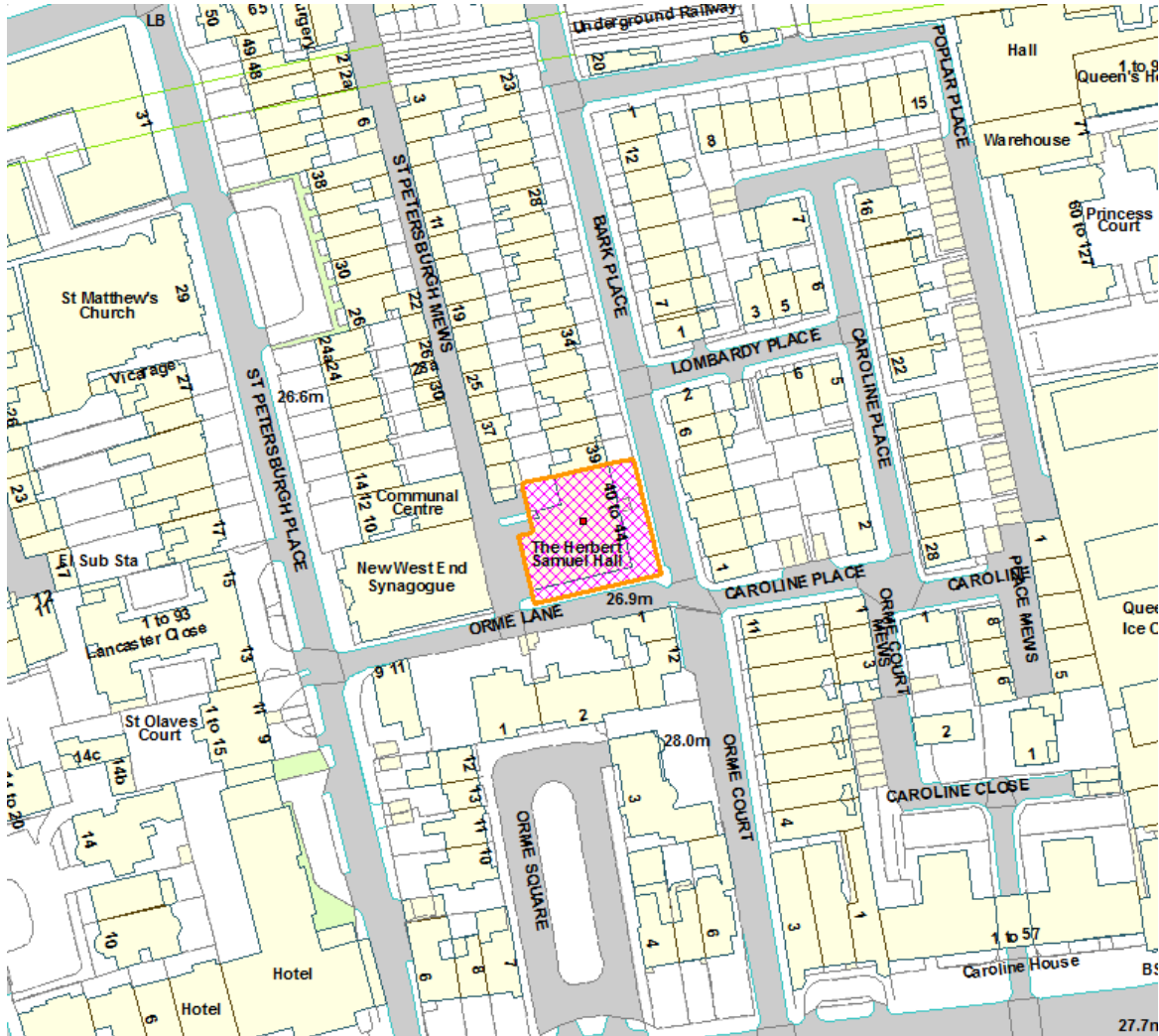
Objections has been received from Councillor Davis, the Bayswater Residents Association and three local residents. They have raised concerns on a range of design and highways grounds, which are summarised in Section 5 of this report.

The key issues in the consideration of these applications are:

- The impact of the proposed development on the appearance of the building and the character of the Bayswater Conservation Area.
- The impact of the proposed advertisements on the visual amenity of the area.

The proposals are considered to accord with City Council's adopted policies in the City Plan (November 2016) and the Unitary Development Plan (UDP) (January 2007) in land use, design, amenity and highways terms. The applications are therefore recommended for approval, subject to the conditions set out in the draft decision letter appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation facing Bark Place.

5. CONSULTATIONS

COUNCILLOR ROBERT DAVIS:

- Bark Place lies within a Conservation Area which is heavily residential in character, comprising of a number of terraced villas. 40-44 Bark Place is the only non-residential building on the street, and while distinct from the surrounding residential properties, should where possible complement the character of the area. Any extension to the front of the property would have a detrimental visual impact on the Conservation Area and affect the open aspect nature of the neighbourhood.
- It is requested that that a site visit is undertaken by the Committee in order that the full impact of such an enclosure on the surrounding area can be appreciated.

BAYSWATER RESIDENTS ASSOCIATION:

- The infilling of the space under the front canopy with a lobby extension will break the building line of the listed properties on the west side of Bark Place and therefore would be detrimental to the character of the conservation area.
- As the school will have younger children who will need to be picked up mostly by car the issue of intensified parking in the relatively narrow street needs to be addressed.

HIGHWAYS PLANNING MANAGER:

No objection. The building is set back from the footway and there is a hard landscape area existing. No part of the proposal occurs within the highway.

ARBORICULTURAL OFFICER:

No objection in principle, but it is considered that the proposed trees and hedges are not the most appropriate species for the application site. Due to their size and the fact that they are evergreen, the proposed species of trees and hedges would result in a dark outlook from the application site.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 61.

Total No. of replies: 8.

No. of objections: 8.

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

Design:

- Visuals are not clear.
- The infilling of the space under the front canopy with a lobby extension will break the building line of the western side Bark Place and would set a precedent to allow the neighbouring residential properties to be similarly extended.
- Due to its size and position, the proposed glass enclosure lobby would be clearly visible from both ends of the street and it would appear unsightly and incongruous.
- There are unsightly boxes and bookshelves placed up against the windows on the eastern elevation of the application site. The lower third of these windows should be opaque to hide these.
- The proposal includes the installation of aluminium windows, which would be an inappropriate material for the application site and the Bayswater Conservation Area.

- The proposed advertisements are too big and their detailed design makes them appear too conspicuous. The signs would appear incongruous on a residential street and it is unnecessary to have so many signs.
- The render is acceptable if to the front elevation.

Highways:

- A large number of people enter and exit the building from the eastern entrance of the application site and the pavement next to the eastern elevation of the building is narrow. There is a large amount of traffic on Bark Place and passing cars can be fast. The erection of a glass enclosure would reduce the amount of space available for people to use to observe the road when exiting the building. The amount of space available for people to wait outside of the building would be reduced.
- It has been queried whether a highways risk assessment has been conducted.
- The pavement next to the eastern elevation of the building is thin and the proposed railings will make the space available for students to wait outside the building even smaller. Therefore, a greater number of children will cross to the other side of the road and wait in front of the houses there.

ADVERTISEMENT/ SITE NOTICE:

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a mid-20th Century four storey building. The building has three street frontages in Bark Place, Orme Lane, and St. Petersburg Mews. The application site has a lawful use as an educational use (Class D1). The building on the application is not a listed building, but is located within the Bayswater Conservation Area.

The application site is currently used by Astrium Education to provide school level education. The application site was used by Astrium Education to provide education for 16-18 year olds under the name Lansdowne College. Astrium Education now intend to use the premises to provide education to pupils aged 11-16 under the name Kensington Park School. The change in the name of the school is for branding reasons because Astrium Education considers Kensington Park School to be an appropriate name for the level of education that they are providing.

6.2 Recent Relevant History

92/00174/FULL

Erection of metal railings on either side of a staircase leading from the main assembly hall.

Application Permitted 16 April 1992

93/02154/FULL

New openings in existing elevations, modifications to windows and existing screens, new planter and reinstatement of handrails and balustrades to 2nd floor terrace and new metal stair.

Application Permitted 18 June 1993

96/05805/FULL

Erection of glazed canopy to front entrance and elevational alterations.
Application Permitted 31 October 1996

13/04153/FULL

Alterations to front and side elevation to include additional/replacement windows, wood panels, and glazed entrance door. Installation of planters, signage, and balustrade to lightwells/steps.
Application Withdrawn 3 July 2013

7. THE PROPOSAL

Application 1 seeks planning permission for the erection of a glass lobby under the existing canopy on the Bark Place elevation and the erection of railings and reconfiguration of planters to the street frontages of the site in Bark Place and Orme Lane.

The application initially proposed the rendering of the building, but following discussions with officers, the applicant has omitted this element of the scheme and revised drawings have been received.

In association with the proposed alterations to the building, Application 2 seeks advertisement consent for the display of two non-illuminated signs measuring 2.80m x 1.5m and 1.20m x 0.90m on the Bark Place elevation of the building. The proposed signs comprise a school crest and associated school name located in prominent locations at first and second floor level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The alterations to the existing school are acceptable in principle in land use terms and are proposed in connection with the continued lawful use of the premises as a Class D1 educational establishment. As such, the development proposed by Application 1 would accord with Policy SOC 1 in the UDP and Policy S34 in the City Plan.

8.2 Townscape and Design

The relevant policies for consideration of this case are DES 1, DES 5, DES 8 and DES 9 in the UDP and S25 and S28 in the City Plan.

Policy DES 5 states that extensions should respect the scale of the existing building and that the architectural style, detailing and materials should be appropriate to their context. Policy DES 9 seeks to ensure that development within a conservation area preserves or enhances the character or appearance of the conservation area and its setting.

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In terms of Application 1, the glass enclosure to the top landing of the entrance staircase will be visually contained underneath the existing large projecting canopy above. Furthermore, the existing building is of more modern design so therefore the detailed design proposed, with aluminium window frames is considered to be appropriate and would not harm the appearance of the building.

Concerns have been expressed with regard to the fact that the glazed enclosure would project beyond the existing building line, which is shared with the 19th Century terrace to the north. However, the form and detailed design of the existing building is starkly different from the adjoining terrace, such that whilst the glazed enclosure would project beyond the building line, it would not have an adverse impact on the wider townscape views along Bark Place. Given this, the proposed glazed extension would not represent a precedent for similar alteration and extension of properties to the north on the same side of Bark Place. As such, despite the objections raised, the proposed glazed extension would not harm the character and appearance of the Bayswater Conservation Area.

The provision of railings to the back edge of the pavement to enclose the forecourt of the site is welcome in design terms as the existing forecourt area of the site is weakly defined and detracts from the appearance of the conservation area in Bark Place and Orme Lane where street boundaries are generally more clearly defined. The railings proposed appear to replicate the existing railings to the front lightwell, although this is not entirely clear from the drawings submitted. It is therefore recommended that the details of the proposed railings are be secured by condition.

With regard to the advertisements proposed by Application 2, the school crest and the wording 'Kensington Park School' would be located at a relatively high level on the main elevation of the building facing Bark Place. It is recognised that policy DES 8 in the UDP advises that high-level signage is normally unlikely to be acceptable. However, in this case it is considered that there are particular circumstances that justify the proposed signage. The proposed use of the building is as a school, which comprises a community building/ facility, which whilst it may not be publically accessible, is likely to attract visitors and is worthy of 'marking' within the street scene.

The building does not have a defined area for signage, in the way that a fascia panel to a shopfront defines a specific zone for such features. It is considered that the proposed signage, in the context of the overall scale of the building, is not excessively large, and as set out above, the school use of the building is considered to contribute to a justification for larger and higher signage than would be allowed typically to a commercial building. Given this, the non-illuminated signage proposed is considered to be in line with City Council policy and is considered acceptable in design terms and would not have an adverse impact on the visual amenity of the area or the character and appearance of the conservation area.

8.3 Residential Amenity

The proposed glass enclosure lobby is set back at a significant distance from the boundaries of neighbouring and adjoining properties. The overlooking of neighbouring and adjoining properties from the proposed enclosure lobby would be no worse than the overlooking from the existing windows on the western elevation of the building. The

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proposed railings have a height of only one metre when measured from ground level from the public highway and as a result would have no adverse impact in amenity terms.

The proposed signage would be non-illuminated and would have no adverse amenity impact

For the reasons stated above the proposals are considered to comply with Policy ENV 13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/Parking

The proposals are not considered to adversely affect the highway and the Highways Planning Manager does not object to the applications. The proposed entrance lobby is glazed and it is set back from the public highway and therefore the ability of people exiting the building to view the steps down to pavement level and the road beyond would be no worse than the existing situation. A landing area outside the proposed glazed lobby measuring 1.5 metres x 0.5 metres would remain and whilst this represents a reduction in the amount of external space that people can use to wait outside the building, the reduction in external space is not considered to be so significant that it would result in obstructions to the highway or cause traffic accidents.

Concerns have also been expressed that the introduction of railings to the back edge of the pavement will prevent pupils and parents waiting on the gravel forecourt area, thereby causing them to cross Bark Place and wait outside properties opposite the site. However, this existing area is not intended to be used for this purpose and it should also be noted that railings, or an alternative boundary treatment of up to 2 metres above ground level, could be installed without the need for planning permission by virtue of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In this context, the introduction of railings around the forecourt area could not reasonably be withheld on the basis that it may cause pupils and parents to wait in other locations, such as on the opposite footpath on the east side of Bark Place.

In terms of the signage proposed by Application 2, whilst they would be relatively large in scale, they would be non-illuminated and positioned such that they would not cause a significant distraction to drivers of vehicles in Bark Place.

In summary in highways terms, the proposals would accord with Policy TRANS3 in the UDP and S41 in the City Plan in terms of their impact on pedestrian movement and the safety of the public highway outside the site.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

As set out in Section 8.4, the accessibility of the building would remain unchanged by the proposals. The agent for the application has stated that there is existing step free access at the rear of the property.

8.7 Other UDP/ Westminster Policy Considerations

The Arboricultural Officer suggests that there are other species of trees and hedges that would be better suited to the application site. However, whilst this may be the case, as the proposed trees and hedges improve the appearance of the site relative to the existing situation, with landscaping confined to planters and as it would not cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity, it is not considered that permission could reasonably be withheld on the basis of the Arboricultural Managers concerns. A condition is recommended to ensure the new landscaping scheme is delivered.

8.8 London Plan

This application does not raise any strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

8.12 Other Issues

One objector has requested that the bottom third of the windows on the eastern elevation of the building on the application site should be obscure glazed to conceal the boxes and bookshelves currently placed against them. Alterations to the existing windows on the eastern elevation of the building are not part of the current application and therefore it would not be reasonable to seek obscure glazing to these windows as part of the current planning application.

9. BACKGROUND PAPERS

17/10600/FULL

1. Application form.
2. Letter from Councillor Robert Davis dated 10 January 2018.
3. Memorandum from the Arboricultural Manager dated 5 January 2018.
4. Email from Bayswater Residents Association dated 8 January 2018.
5. Memorandum from the Highways Planning Manager dated 8 January 2018.
6. Letter from the occupier of 12 Orme Court dated 18 December 2017.

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7. Letter from the occupiers of 2, 3, 4 and 5 Bark Place dated 30 December 2017.
8. Letter from the occupier of 39 Bark Place dated 1 January 2018.
9. Letters from the occupier of 38 Bark Place dated 6 and 7 February 2018.

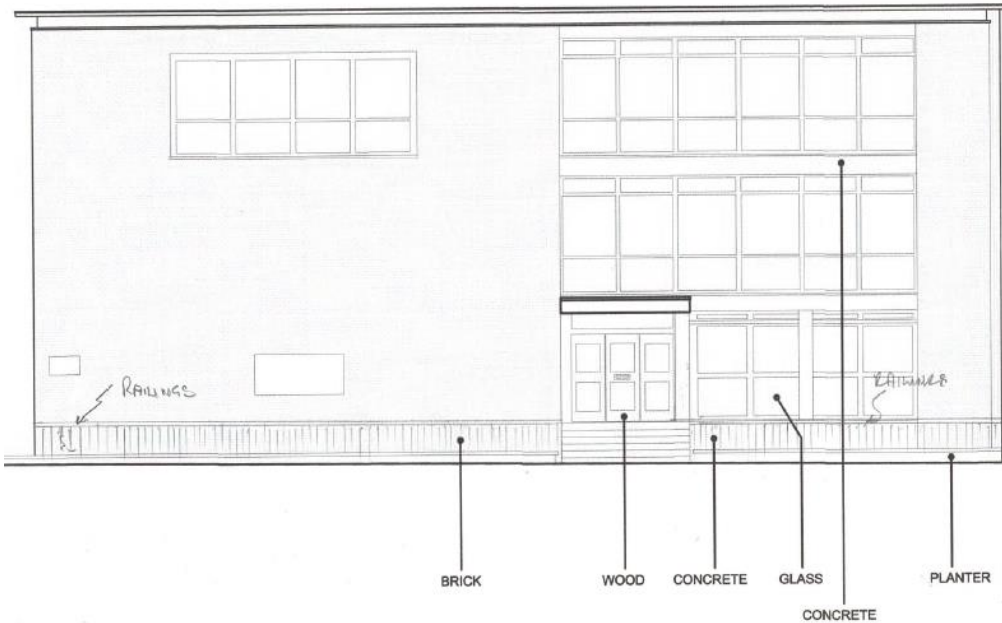
17/10959/ADV

1. Application form.
2. Letter from the occupier of 2 Bark Place dated 30 December 2017.
3. Letter from the occupier of 4 Bark Place dated 30 December 2017.
4. Letter from the occupier of 5 Bark Place dated 30 December 2017.
5. Letter from the occupier of 3 Bark Place dated 30 December 2017.

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

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

10. KEY DRAWINGS



Existing Front Elevation



Proposed Front Elevation



Existing Side Elevation



Proposed Side Elevation

DRAFT DECISION LETTER – 17/10600/FULL

Address: 40 - 44 Bark Place, London, W2 4AT,

Proposal: Erection of glass enclosure lobby under existing canopy, render brickwork to front and side elevations, Erection of metal guardrail and re-plant beds up to pavement edge.

Reference: 17/10600/FULL

Plan Nos: 814/04 rev. A, 814/05, 814/06, 814/07 rev. A, 814/08, 814/09 rev. A, 814/10, 814/11, Design and Access Statement dated November 2017

Case Officer: William Philps

Direct Tel. No. 020 7641 3993

Recommended Condition(s) and Reason(s)

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

Reason:

For the avoidance of doubt 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;
- 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 specific instances (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 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

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choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

- 4 You must apply to us for approval of detailed drawings of the new boundary railings, including confirmation of their colour finish. 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 drawings. (C26DB)

Reason:

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

- 5 You must carry out the planting shown on the drawings within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30EA)

Reason:

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

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

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

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

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DRAFT DECISION LETTER – 17/10959/ADV

Address: 40 - 44 Bark Place, London, W2 4AT,

Proposal: Display of two non-illuminated signs measuring 2.80m x 1.5m and 1.20m x 0.90m to the front elevation.

Reference: 17/10959/ADV

Plan Nos: 814/04 rev. A, 814/05, 814/06, 814/08, 814/09 rev. A, 814/10, 814/12

Case Officer: William Philips

Direct Tel. No. 020 7641 3993

Standard Conditions:

- (1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission
- (2) No advertisement shall be sited or displayed so as to –
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Additional Condition(s):

If you object to any conditions imposed by the City Council other than the Standard Conditions 1, 2, 3, 4 and 5, you may appeal to the Planning Inspectorate, at the Department of Communities and Local Government (DCLG), by notice in writing within two months from the receipt of this decision, or such longer period as the Secretary of State may allow.

Agenda Item 3

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	33 Broadwick Street, London, W1F 0DQ		
Proposal	Alterations to the existing building including extensions to the rear elevation at third to seventh floor levels, alterations to the roof, recladding and changes to fenestration, creation of a roof terrace at fourth floor level on Ingestre Place elevation and roof terrace at main roof level, installation of plant, shopfronts and new entrances, increasing the retail (Class A1) floorspace at ground floor level, and use of part of the basement and part ground as a restaurant (Class A3) with associated works.		
Agent	Gerald Eve LLP		
On behalf of	Broadwick Street Limited		
Registered Number	17/09623/FULL	Date amended/ completed	2 November 2017
Date Application Received	30 October 2017		
Historic Building Grade			
Conservation Area	Soho		

1. RECOMMENDATION

<p>Grant conditional planning permission subject to a S106 legal agreement to secure:</p> <ul style="list-style-type: none"> i) All highway works immediately surrounding the site required for the development to occur, including changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical) ii) Dedication of land as public highway prior to occupation where necessary iii) The costs of monitoring the S106 agreement. <p>2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <ul style="list-style-type: none"> (a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
--

(b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application premises comprises basement, ground and six upper floors on the southern side of Broadwick Street, with return frontages onto Ingestre Place to the east and Lexington Street to the west. The property is currently in use as two retail units (Class A1) at part ground floor level with offices (Class B1) in the remainder of the building. This is a large prominent building with distinctive cladding that fails to make a positive contribution to the Soho Conservation Area.

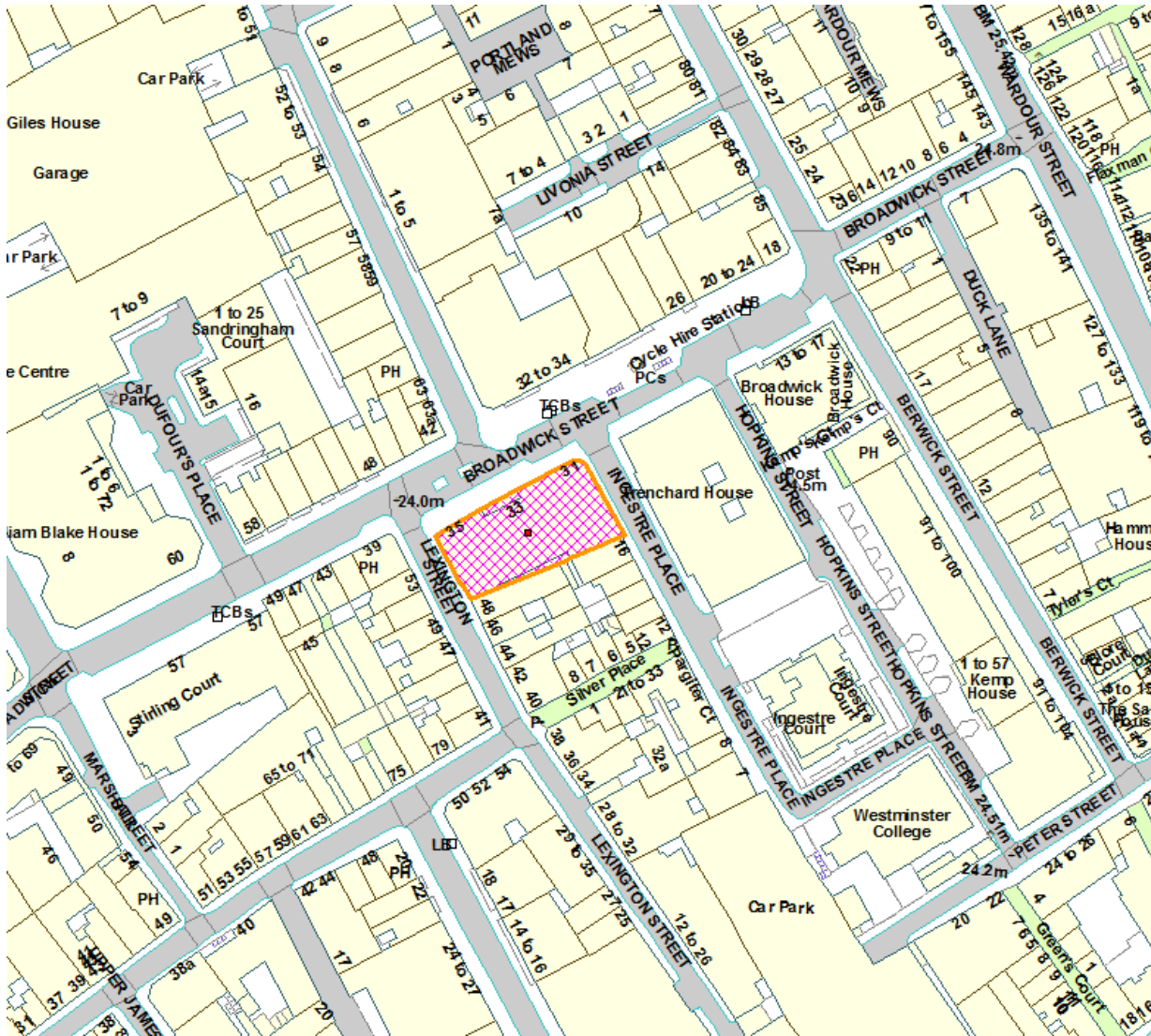
Permission is sought to extend and reclad the building in a glazed terracotta. The proposed cladding would have rhythmic large window openings. The proposal includes the provision of a new basement restaurant (Class A3), with a small central ground floor access. The scheme would result in slight increases in retail (Class A1) and office uses (Class B1)

The key issues are:

- The impact of the proposed recladding and extensions on the appearance of the building and its setting in the Soho Conservation Areas;
- The impact of the proposed restaurant in land use terms
- The impact of the proposed extensions and terraces on residential amenity.

Subject to conditions, the proposal is considered acceptable in design, landuse, highways and amenity grounds and it is therefore recommended that conditional planning permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front Elevation (looking along Poland Street):



Aerial Photograph looking north:



Front Elevation:



5. CONSULTATIONS

SOHO SOCIETY

Objection to the proposed restaurant use in the West End Stress Area.

GREATER LONDON AUTHORITY
No objection.

LONDON BOROUGH OF CAMDEN
Any response to be reported verbally.

LONDON BOROUGH OF LAMBETH
No objection.

LONDON BOROUGH OF BRENT
Any response to be reported verbally.

CLEANSING
Objection – further details required on the exact waste storage.

HIGHWAYS PLANNING
Acceptable subject to conditions.

ENVIRONMENTAL HEALTH
Acceptable subject to conditions.

UK POWER NETWORKS
Request an informative is attached to any consent in relation to personnel access routes to the electricity sub-station.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 236
Total No. of replies: 5
No. of objections: 5
No. in support: 0

Objections and comments on the following grounds:

Overlooking of neighbouring residential properties.
Disruption during the construction period resulting from noise and vehicular movements.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises 33 Broadwick Street which is a large building with frontages to Broadwick Street, Lexington Street and Ingestre Place. The building is located within the Core Central Activities Zone, Primrose Hill to Palace of Westminster viewing corridor, West End Stress Area and the Soho Conservation Area and comprises basement, ground and six upper floors with a plant room at main roof level. There are

two retail units (Class A!) at part ground floor level with office accommodation (Class B1) in the remainder of the building. There is a car lift on the Ingestre Place frontage providing access to a small number of car parking spaces in the basement.

6.2 Recent Relevant History

Planning permission was granted on the 21st December 1988 for the ‘redevelopment of site to include use classes A1, A2 retail & B1 office and associated parking’.
(87/05412/FULL)

Planning permission was granted on the 26th June 1989 for the ‘redevelopment to provide A1 and / or A2 use on ground floor, office on 1st -6th floors and ancillary parking and storage in basement (revised elevational treatment and ground floor uses)’.
(89/03504/FULL)

7. THE PROPOSAL

Permission is sought for the erection of a single storey extension at main roof level to replace the existing plant room, extensions are proposed at the rear of the building at third to new seventh floor levels. The entire property would be reclad with changes to the fenestration on all elevations. Other changes include the provision of a small terrace at 4th floor level on the Ingestre Place frontage, and a terrace at main roof level. Screened plant areas are also proposed at main roof level. There is an existing car lift from the ground floor level on Ingestre Place to the basement car parking which it is proposed to remove as part of the proposals.

With regards to the use a new restaurant unit is proposed at part ground and basement floor levels with the entrance on Broadwick Street. The scheme will result in a minor increase in retail and offices floorspace.

Floorspace Schedule:

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Offices (B1)	4,448	4,482	+34
Retail (A1)	374	391	+17
Restaurant (A3)	0	424	+424
Total	4,822	5,297	+475

Restaurant Use Table:

	Proposed restaurant incorporating basement and ground floor levels
Restaurant floor space (m2)	424
No of covers	175
Hours of Operation	07:30 to 00:00 (midnight) daily

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Ventilation arrangements	A high level extract duct is routed internally to terminate at main roof level.
Refuse Storage arrangements	Suitable conditions proposed to secure appropriate waste and recycling storage.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Office Use

The scheme will result in the provision of an additional 34m² of office floor space. The increase in office accommodation is welcomed at this site within the Core Central Activities Zone where offices are considered an appropriate use as stipulated in Policy S20 of the City Plan. The modest increase in offices does not trigger a mixed use requirement as set out in Policy S1 of the City Plan.

Retail Use

There are two existing retail units at ground floor level. Alterations to the layout and the changes to the building line at ground floor level result in the retail floor space increasing by 17m². This is welcomed at this site within the Core CAZ and the West End Special Retail Policy Area and accords with Policy S21 of the City Plan and SS4 of the UDP both of which encourage additional retail in appropriate locations.

Restaurant Use

The proposed restaurant over ground and basement levels of the building would measure 424m². An entertainment unit of this type and size located within the Core Central Activities Zone and the West End Stress Area would need to be considered against Policies TACE9 of the UDP and S24 of the City Plan.

Policy S24 of the City Plan requires that, *'New entertainment uses will need to demonstrate that they are 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 they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.'* Policy TACE9 of the UDP has similar stipulations and relates to new entertainment uses which 'may be permissible'. Where the City Council considers the proposal will not have an adverse impact (including cumulative effects) resulting from noise, vibration, odour, late night activity or traffic implications permission may be granted but conditions would be required to restrict opening hours, capacity, servicing, arrangements for waste and recycling, any take-away from the premises, deliveries, music, bar areas and suitable arrangements should be made to prevent noise nuisance and to adequately disperse cooking odours.

There are a number of other 'entertainment' type premises in the vicinity including:

- the new 'Ivy Cafe' premises within Amalco House opposite the application site has recently being granted a license to open between 08:00 and 00:00 Monday to Thursday, 08:00 to 00:30 Friday and Saturday and 08:00 till 23:00 on Sundays.
- The Yauatcha restaurant at 14-17 Broadwick Street, further to the east from the application site has a license to open between 08:00 and 01:00 daily and;
- the restaurant at 21 Berwick Street is licensed to open from 07:00 till 00:00 Thursday to Saturday, 07:00 till 23:30 Monday to Wednesday and 10:00 till 22:30 on Sundays.

The proposed restaurant will have 175 covers and opening hours of 07:30 till 00:00 daily. Paragraph 8.88 of the UDP states; *'as a general rule, the Council expects that, in entertainment uses in predominantly residential areas, it will impose planning conditions that no customers will be allowed to remain on the premises after midnight on Sundays to Thursdays, and after 00.30 on the following morning on Friday and Saturday nights'*. The proposed opening hours are therefore considered reasonable and accord with the policy requirements

The restaurant proposals are speculative with no end-user identified. However, conditions could be imposed to ensure that the use would essentially be a sit-down restaurant with any ancillary bar limited to a small part of the premises (15%) only to be used by diners before and after meals. The majority of the restaurant floorspace would be located at basement level with only a small entrance area at ground floor level. This will ensure that most of the noise generating activity will be limited to the basement of the premises. The entrance to the new restaurant is located in the centre of the Broadwick Street elevation between the two retail units and with the upper floors in office use it is not considered people entering or exiting the restaurant premises would have any discernible noise impact upon the amenity of nearby residential occupiers.

A condition is also recommended preventing music being played in the premises which is audible externally or within adjoining properties. This is to ensure there is no noise nuisance to residential occupiers within the area. The proposed restaurant would have a new high level extract duct routed internally through the building to terminate at main roof level which would provide suitable odour dispersal and a condition is recommended requiring the duct to be installed and retained whilst the restaurant use is operational.

A condition is also recommended proposed preventing deliveries from the restaurant as no information has been provided to show this could happen without detriment to highways movements and amenity.

The Soho Society have objected to the provision of a new restaurant unit within the West End Stress Area and have requested if approved the restaurants hours are no later than the standard core hours. With the relevant safeguarding conditions detailed above it is considered that the proposal would not have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality. The principle of the proposed restaurant premises is therefore considered to be in accordance with UDP Policy TACE9 and City Plan Policy S24.

Impact on character and function of the area

The area is mixed use in character comprising with a mixture of commercial offices and residential uses on Broadwick Street. The provision of a basement restaurant with a small ground floor entrance whilst extending the two retail units is considered acceptable and would not adversely impact on the character and function of the area.

8.2 Townscape and Design

The existing 1980s building is not identified as a building of merit in the Soho Conservation Area Audit (2005) and is not considered to make a positive contribution to the character and appearance of this part of the conservation area. The existing cladding is considered to be of limited design merit, cluttering the façade asymmetrically and lacking a coherent design approach. The principle of removing and replacing the existing cladding is supported. The recladding consists of glazed terracotta, textured brickwork with rhythmic window openings, retaining the existing internal structure. The overall composition is broadly symmetrical with greater vertical emphasis than the existing, which is considered favourable on a building of this scale. The proposed glazed terracotta brick is contemporary yet characteristic of the more traditional grain of the Soho Conservation Area; the proposed variation in texture will add visual interest and depth. The proposed visuals show a dark grey brick colour. The use of a brighter, more vibrant colour is considered more appropriate in the context of Soho and a condition is recommended to secure details of the proposed brick colour. Overall, the proposed recladding approach is welcomed in design terms.

The scale and character of buildings in this part of the conservation area is diverse. Whilst there are several examples of similarly large, bulky modern buildings to the south and west on Broadwick Street, the proposal site is located immediately adjacent to a group of four storey unlisted buildings of merit, which are considerably smaller and more domestic in scale, to the Ingestre Place elevation. Likewise, to the Lexington Street elevation, the building is viewed alongside much less bulky grade II listed Georgian townhouses at nos. 44 and 46 and unlisted buildings of merit nos. 40 and 42. The proposed scheme seeks permission to infill the existing sloped corners to the Lexington Street and Ingestre Place elevations, which are currently pitched away from the principal street frontages and adjacent buildings. Whilst this will result in some additional massing and bulk, in contrast to the scale of the domestic townhouses on both streets, the proposal will serve to resolve the awkward, uncomfortable roof angles of the existing building, which is considered a design improvement. The Ingestre Place infill is set back from fourth storey level upwards, 'stepping up' to the considerably higher principal building. The proposal to use a stock brick to the south elevation adds visual interest and relates to the character of the adjacent Georgian buildings. The proposed side infill extensions are therefore considered acceptable in principle in townscape and design terms.

Permission is also sought to infill the rear of the site. Given the bulk of the side extensions proposed, public views will be limited; visibility is mainly limited to rear private vantage points. It is therefore considered that the rear infill will have a limited impact on the character and appearance of the wider conservation area and no objection is raised.

Design concerns are raised regarding the infill of the existing sixth storey level to the front and sides, which is currently set back from the principal elevations. It is considered

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that infilling this recess results in a top heavy, bulkier appearance in long views which is undesirable in design terms. Officers have sought to negotiate on this aspect of the proposals but revised drawings omitting this element have not been forthcoming. On balance, the overall design improvements relating to the recladding of the existing building are noted. Given the overall design benefits offered, approval regarding this element of the proposals is recommended.

At roof level, the existing plant enclosure is to be rebuilt to provide single storey office accommodation. Existing plant is to be rationalised and repositioned to the rear of the roof, above the rear infill. The existing plant storey exceeds the height of the development plane of the protected viewing corridor by approximately 3.6m. The proposal removes the existing barrel roof structure, which is welcomed, replaced by a marginally lower lift overrun, which is smaller and set back further from the front and side elevations. The existing plant storey is also to be replaced with a flat roofed extension, which is marginally higher than the existing roof. However, given the benefits of removing the existing barrel structure it is considered that the benefits outweigh the harm and no objection is raised.

The proposed seventh storey office accommodation is to be entirely glazed externally, with solid sections of wall clad in back painted glazing. Externally, this will appear as an entirely glazed storey, highly visible from long views, particularly southwards from Poland Street. The imposition of an amending condition is therefore recommended, requiring the submission of a revised design to omit the back painted glass panels, for greater variation in material at this level. The replacement of the back painted glass with a metal cladding is likely to be considered more favourably.

Overall, subject to the imposition of amending conditions, the application is considered compliant with DES 1, DES 5, DES 6, DES 9 and DES 10 of the Council's UDP.

8.3 Residential Amenity

Sunlight and Daylight

A daylight and sunlight report has been submitted with the application which assesses the impact of the development with regard to BRE guidelines for daylight and sunlight to existing sensitive properties. Paragraph 2.2.2 of the BRE guidelines states that they 'may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices.'

Under the BRE guidelines the level of daylight received by a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

With regard to situations where the existing daylight levels are below the BRE recommendations, Policy ENV13 states that 'where principal habitable rooms such as bedsits, living rooms, studies or kitchens are affected, the City Council may find any loss

of light unacceptable.’ The BRE guidelines state that daylight to living rooms, kitchens, and bedrooms should be assessed but ‘windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed’.

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

The windows included in the assessment serve properties at 19-25, 39, 46, 48 and 50 Broadwick Street, 63 Poland Street, 44, 45, 46, 47, 48, 51 and 53 Lexington Street, 12, 13, 14, 15 and 16 Ingestre Place and 5, 6, 7 and 8 Silver Place. However, only some of these windows serve residential units, with the remaining windows being to commercial uses. The report identifies losses of daylight (in VSC terms) to 19-25 Broadwick Street and 46 Lexington Street which are in excess of the BRE guidelines and losses to the levels of sunlight in excess of the BRE guidance at 19-25 Broadwick Street.

Daylight

46 Lexington Street

The daylight and sunlight report incorrectly identifies a number of windows within 46 Lexington Street as serving a ‘home office’ associated with residential accommodation, however, the lawful use is as general B1 office accommodation to which levels of daylight and sunlight would not be protected. The changes to the daylight and sunlight at this building, located to the south of the application site are therefore compliant with the BRE Guidance.

19-25 Broadwick Street

This building is located to the east of the application site on the opposite side of Ingestre Place. There are 78 residential units at part lower ground, part ground floor and first to ninth floor levels;

The table below details the VSC losses to the relevant windows within 19-25 Broadwick Street. These losses are all to windows in the western elevation of the building and serving residential units between basement and fifth floor levels.

Window	%VSC		
	Existing	Proposed	Loss (%)
Lwr Grd (bedroom)	1.5	1.1	26.67%
First (bedroom)	2.3	1.4	39.13%
First (bedroom)	1.7	1.0	41.18%
First (LKD)	0.9	0.6	33.33%
Second (bedroom)	11.3	8.2	27.43%
Second (bedroom)	7.1	5.6	21.13%
Second (bedroom)	9.9	6.5	34.34%

Second (LKD)	11.1	7.7	30.63%
Second (LKD)	12.0	9.1	24.17%
Third (LKD)	4.7	3.7	21.28%
Third (bedroom)	14.5	11.0	24.14%
Third (bedroom)	13.6	9.9	27.21%
Third (bedroom)	8.9	7.1	20.22%
Third (bedroom)	12.8	8.4	34.38%
Third (LKD)	14.7	10.1	31.29%
Third (LKD)	16.5	12.5	24.24%
Fourth (bedroom)	16.9	12.8	24.26%
Fourth (bedroom)	16.0	10.7	27.43%
Fourth (LKD)	18.5	13.0	29.73%
Fourth (LKD)	21.2	16.2	23.58%
Fifth (bedroom)	19.2	13.8	28.13%
Fifth (LKD)	22.0	16.2	26.36%
Fifth (LKD)	24.6	19.4	21.14%

Some of the existing VSC levels to these windows are already really low and therefore the reductions appear as a larger percentage reduction, also a number of these windows serve rooms which are also served by other windows which do not experience losses in excess of the BRE guidance. Out of the 185 windows tested at the property only the 23 windows detailed above would experience losses in excess of the BRE guidance. The majority of these windows are also serving bedrooms where daylight is considered less important than living rooms.

Sunlight

Of the 97 windows assessed within 19-25 Broadwick Street with regard the impact upon the received levels of sunlight, four windows serving living accommodation do not accord with BRE guidance. Other windows also breach the stated guide levels but these serve bedrooms within the flats and the BRE Guidance states 'kitchens and bedrooms are less important, although care should be taken not to block too much sun'.

The living accommodation windows which are affected serve flats at second to fourth floor level and it is noted one of the windows serves living accommodation which is also served by additional unaffected windows fronting Broadwick Street to the north.

The losses in annual sunlight hours range from 25% to 37.93% but the existing levels of sunlight are relatively low and the losses are only just over the guide levels detailed in the BRE Guidance.

Conclusions on Daylight and Sunlight

The reductions to windows that are in excess of the BRE guidance are all on the west facing elevation of 19-25 Broadwick Street. Most of the windows which fail to accord with the BRE guidance already have low levels of light due and small reductions can appear as a larger percentage reduction. No objections have been received to a loss of light. For the reasons set out above the losses are considered acceptable and the proposed

extensions at the application premises would not materially adversely impact on daylight and sunlight levels to neighbouring residential properties.

Sense of Enclosure

Policy ENV13 of the UDP states that the City Council will seek to ensure new developments do not result in a 'significant increase in the sense of enclosure' experienced within existing residential properties. The proposed increase in bulk and mass at the application premises is considered acceptable and would not result in a significant enclosure to any of the surrounding properties.

Privacy

Policies ENV13 of the UDP and S29 of the City Plan seek to protect residential amenity and ensure that new developments do not result in a 'significant increase in overlooking' to neighbouring residential or sensitive buildings. The development includes the creation of a small terrace at fourth floor level on the Ingestre Place frontage of the building and another larger roof terrace over part of the main roof level. Objections have been received from a number of residential flats within 19-25 Broadwick Street (situated to the east of the site) to a potential increase in overlooking of their properties from these terraces.

In order to reduce the potential for overlooking from the main terrace at roof level, a green roof area is proposed on the area furthest east which will have no access and between the green roof and the main terrace an area of tall planting has also been indicated. The introduction of planting and the green roof area means the terrace is set back 4.3m from the edge of the building, which means the terrace is around 19m from the residential windows of the same height in the building to the east. A detailed drawing has been provided to show the planting as being approximately 2.2m in height. A condition is recommended to ensure the planting is provided as shown on the submitted drawing and retained in this form. The proposed terrace at fourth floor level measures 1m x 7m which is very small and clearly would not be able to accommodate many users. The residential building on the opposite side of Ingestre Place is approximately 9m east of the proposed terrace and it is not considered the use of a terrace of this size would result in a 'significant' increase in overlooking. A condition is recommended limiting the use of the terraces to between 08:30 and 21:30 to ensure that use of the terraces do not result noise nuisance.

8.4 Transportation/Parking

Off-Street Parking

There are a small number of existing off-street car parking spaces in the basement of the property with a car lift providing access to the basement from Ingestre Place. The applicant contends that the car lift has been broken for a number of years and the car parking area has most recently been used for bike and ancillary storage. The loss of off-street car parking associated with the office accommodation is welcomed and accords with policies TRANS21, TRANS22 and TRANS25 of the UDP.

It is not considered the proposal will result in a significant change in the number of people visiting the property and the site is within a Controlled Parking Zone so anyone

visiting the property in their own vehicles would be subject to the existing on-street parking controls.

Servicing

The Highways Planning Manager has requested a condition be applied to any approval requiring the submission of a Servicing Management Plan for the site to ensure that the servicing of the various uses does not have a detrimental impact upon the local highway.

Cycle Parking

The scheme provides 60 cycle parking spaces in the basement of the property with associated lockers, showers and changing rooms. This level of provision accords with the stipulations of the London Plan and a condition is recommended to ensure the cycle parking is provided and retained.

Building Line

The proposal seeks to amend the ground floor building line on all three facades of the property to infill the existing open area between the building columns. It is not considered that these alterations to the ground floor building line will result in any detriment to pedestrian movement as it will come no further forward than the existing building columns. The Highways Planning Manager raises no objection to this aspect of the scheme however, to accord with s247 of the Town and Country Planning Act 1990 the applicant would require a stopping up order for parts of the public highway to enable this development to take place. The stopping up process is a separate legal process with its own public consultation process and an informative is included advising the applicant on the requirements of this process.

8.5 Economic Considerations

The economic benefits generated by the scheme are welcomed.

8.6 Access

Level access is provided to the office accommodation with lifts serving all floors and DDA compliant toilets are shown at all levels of the offices. Level access is also provided to the ground floor restaurant entrance with a lift provided to the main basement restaurant accommodation to allow full disabled access.

The retail units are to be retained by the existing operators, currently the Pret unit has level access whilst the Iitsu unit has an internal ramp, these existing access arrangements are to be maintained in the redeveloped building.

8.7 Other UDP/Westminster Policy Considerations

Plant

New plant is proposed within screened enclosures at main roof level. The proposed plant installation has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

The area has been identified in the Acoustic Report as having background noise levels which are above WHO guideline levels during the daytime and nighttime. To accord with Policy ENV7 of the UDP, the noise levels emitted by the plant will have to be 10dB below background at the nearest noise sensitive windows.

The nearest noise sensitive windows have been identified as properties on Lexington Street and Ingestre Place. In order to ensure the plant noise is compliant with the City Council criteria, Environmental Health require that certain mitigation measures are installed as detailed within the submitted acoustic report. This includes acoustic screening for certain units and the installation of in-duct attenuators for the kitchen extract and the intake and exhaust of the air handling units. It is proposed for the majority of the plant to be able to operate over the 24 hour period except for the chiller unit which is only required to be operational between 07:00 and 23:00 daily. With the specified acoustic mitigation measures in place, Environmental Health has confirmed that the application will be compliant with the Council noise criteria and have raised no objection to the proposal. Conditions are recommended in relation to noise, vibration, hours of operation and the installation of the acoustic mitigation features as detailed in the acoustic report.

Refuse / Recycling

Conditions are attached requesting the submission of further detailed information with regard the waste and recycling storage facilities at the property. Sufficient waste and recycling storage has been shown for the office accommodation but further details are needed in relation to the restaurant and retail occupiers. It is recommended that these details are secured by condition.

Trees

There are a number of trees in front of the building along Broadwick Street. A draft construction management plan has been submitted which states the trees may need to be temporarily relocated whilst construction works take place. The applicant has confirmed that the removal of the trees does not form part of the current planning application and that all options will be explored with regard construction processes. Permission would be required for the removal of any trees as the site is within a conservation area, therefore the removal of trees is not considered as part of this application.

Biodiversity

Green roof areas are shown on parts of the main roof of the building. The inclusion of these green roof areas is welcomed in biodiversity terms and it is proposed that this is secured by condition.

8.8 London Plan

This application raises no strategic issues and the Great London Authority have confirmed they have no objection to the scheme.

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 draft 'Heads' of agreement are proposed to cover the following issues:

- All highway works immediately surrounding the site required for the development to occur, including changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical)
- Where the building line is being set back from the current building line, the new open area is to be dedicated as public highway.

The estimated CIL payment is £33,335.20 for the Mayoral CIL and £109,723.25 for the Westminster CIL, resulting in a total requirement of £143,058.45.

8.11 Other Issues

Construction impact

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. It applies to all major developments from September 2016.

The publication of the Code represents a fundamental shift in the way the City Council deals with the construction impacts of developments. Before September 2016, developments of this scale used legal agreements to fund the Environmental Inspectorate (EI) and required Site Environmental Management Plans to be submitted to and approved by the City Council.

In recognition 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 new approach is for a condition to be imposed requiring the applicant to provide evidence that any implementation of the scheme (by the applicant or any other party) will be bound by the Code. The applicant provided evidence that they will sign up to the Code of Construction Practice and a condition is proposed to ensure that this is the case.

Objections have been received to the application from adjoining residential occupiers concerned about noise and traffic disruption resulting from the construction process, especially in the context of a large number of other construction projects within the vicinity of Broadwick Street. As detailed above these issues will now be considered through the Code of Construction Practice and monitored by the Environmental Inspectorate to ensure compliance and that disruption during construction is minimised. The application could not be reasonably refused on these grounds.

The standard condition is proposed to restrict the hours of noisy construction work to ensure that noisy building works do not take place at the most sensitive times for nearby

residential occupiers. An objector has requested that the condition is made more stringent to omit construction noise for the entirety of Saturday, however, there is no justification to restrict the building hours on this site when compared to other construction sites around the Borough.

Windows

The proposal includes the installation of windows on the rear elevation of the property which in the redevelopment is flush with the site boundary. The introduction of these windows on the building line could prejudice the future redevelopment of the properties to the south of the application site. The applicant has been made aware of the issue and been informed that it is unlikely the City Council would protect these windows in the event of future development proposals affecting their outlook. The applicant has confirmed the windows will be ordinarily fixed shut and will only be openable (inward opening) for cleaning and maintenance purposes, a condition is recommended to ensure this is the case.

9. BACKGROUND PAPERS

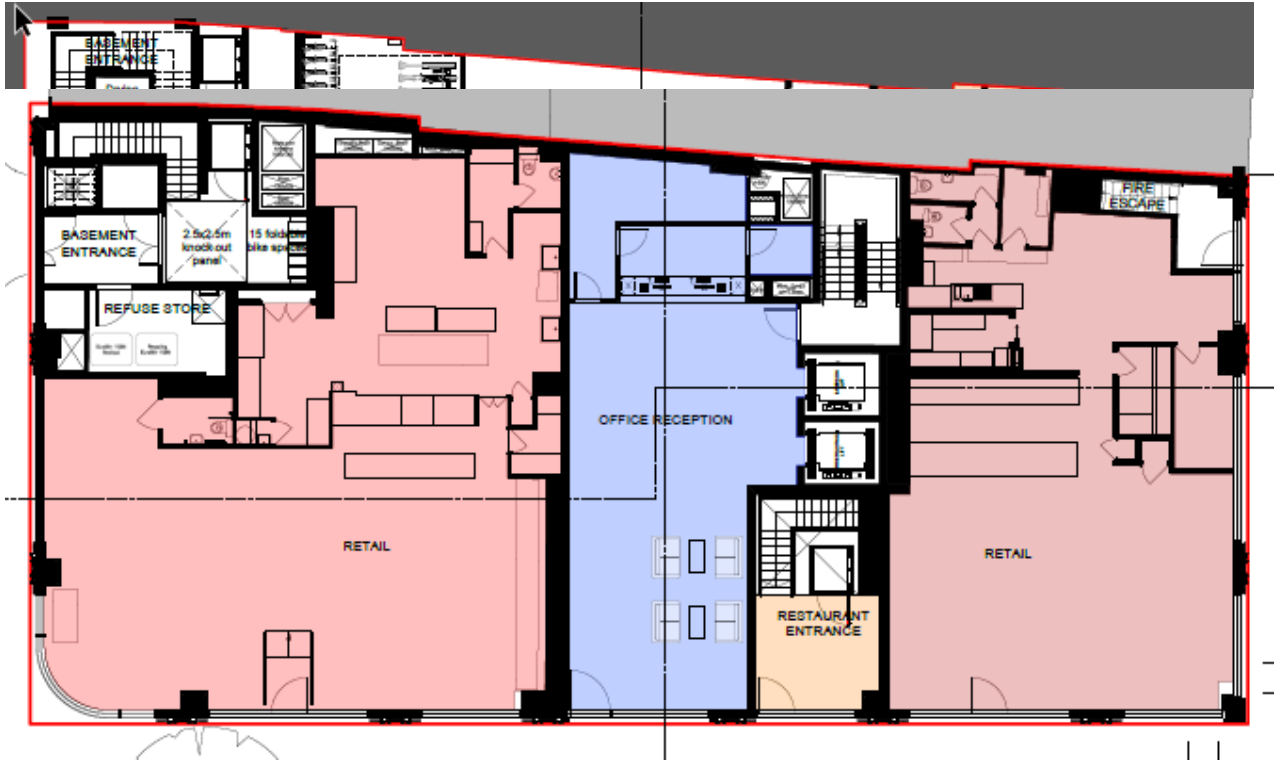
1. Application form
2. Memorandum from Environmental Health, dated 8 November 2017
3. Memorandum from the Cleansing Manager dated 21 November 2017 and 28 December 2017
4. Memorandum from the Highways Planning Manager dated 2 November 2017
5. Response from Lambeth Borough Council dated 28 November 2017
6. Response from the Greater London Authority dated 8 December 2017
7. Response from the Soho Society dated 4 December 2017
8. Letter from occupier of Flat 6, 48A Lexington Street, dated 20 November 2017
9. Letter from UK Power Networks, 2nd Floor Metropolitan House, Darkes Lane, dated 7 November 2017
10. Letter from occupier of Apartment 10, Soho 13 Apartments, 20 Ingestre Place, dated 8 November 2017
11. Letter from occupier of Flat 8, Soho 13 Apartments, 20 Ingestre Place, dated 22 November 2017
12. Letter from occupier of Flat 8 Soho 13, 20 Ingestre Place, dated 22 November 2017
13. Letter from occupier of Apartment 13, Soho 13 Apartments, 20 Ingestre Place, dated 11 December 2017
14. Letter from occupier of 48A Lexington Street, London, dated 21 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: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

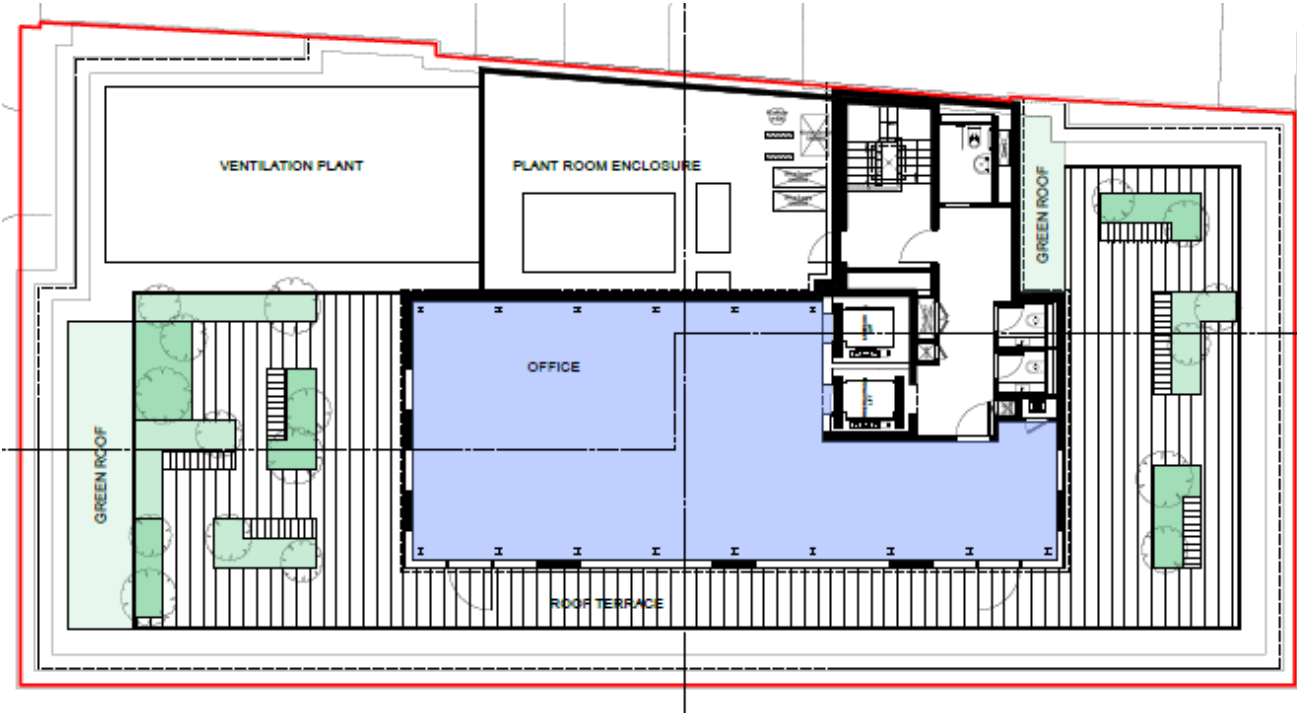
10. KEY DRAWINGS

Proposed Basement:

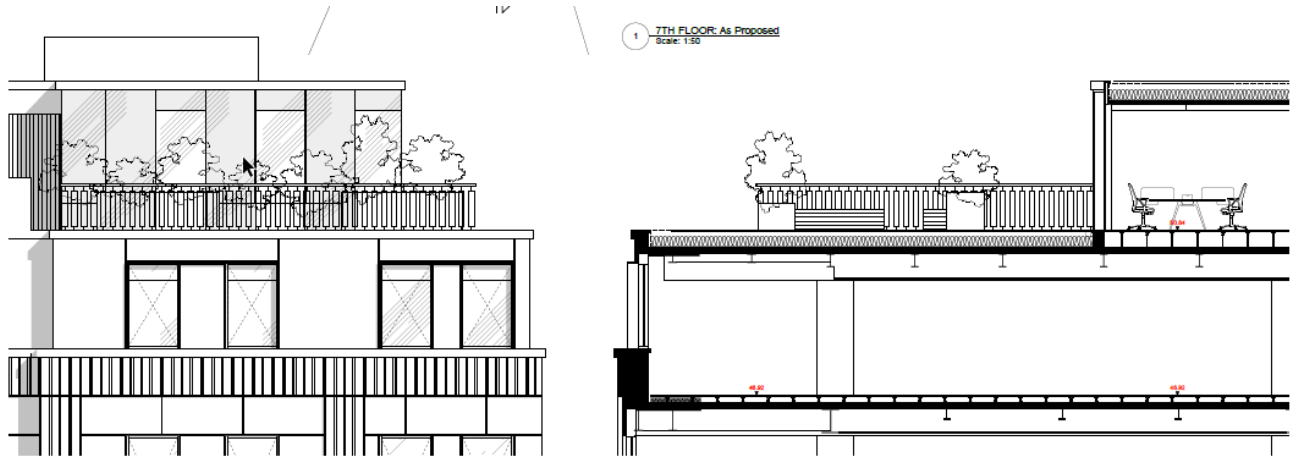


Proposed Ground:

Proposed Roof Level:



Section of Terrace:



DRAFT DECISION LETTER

Address: 33 Broadwick Street, London, W1F 0DQ

Proposal: Alterations to the existing building including extensions to the rear elevation at third to seventh floor level, alterations to the roof, recladding and changes to fenestration, creation of a roof terrace at fourth floor level on Ingestre Place elevation and roof terrace at main roof level, installation of plant, shopfronts and new entrances, increasing the retail (Class A1) floorspace at ground floor level, and use of part of the basement and part ground as a restaurant (Class A3) with associated works.

Reference: 17/09623/FULL

Plan Nos: Noise Impact Assessment - 4107 RevA, Sustainability and Energy Statement - 4107 RevA, Drawings: SK168 RevA, SK169 RevB, PA-G20-099 Rev 2A, PA-G20-100 Rev 2A, PA-G20-101 Rev 2A, PA-G20-102 Rev 2A, PA-G20-103 Rev 2A, PA-G20-104 Rev 2A, PA-G20-105 Rev 2A, PA-G20-106 Rev 2A, PA-G20-107 Rev 2A, PA-G20-108 Rev 2A, PA-G20-201 Rev 2A, PA-G20-202 Rev 2A, PA-G20-203 Rev 2A, PA-G20-301 Rev 2A, PA-G20-302 Rev 2A, PA-G25-401 Rev 2A.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommendation(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed in this decision letter, and any drawings approved subsequently by the City Council as the 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 between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturdays 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 permit 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 as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 (1) Where noise emitted from the proposed plant and machinery contains tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including

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

Reason:

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

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

Reason:

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

- 5 You must install the specified acoustic mitigation measures as shown on the approved drawings and as detailed in the approved acoustic report at the same time as the plant is installed and maintain them in this form for as long as the plant remains in place.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R41BB)

- 6 The chiller unit hereby permitted at main roof level shall not be operated except between 07:00 hours and 23:00 hours daily.

Reason:

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

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

Reason:

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

- 8 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof areas to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

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

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

Reason:

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

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

- 11 You must apply to us for approval of photographs 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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 12 Notwithstanding the approved drawings, the grey colour of the glazed brick shown in the proposed 3D visuals is not approved.

Reason:

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

- 13 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: Revised design of seventh storey element, to show metal cladding in place of back painted glass. 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 Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 14 You must apply to us for approval of detailed drawings of the following parts of the development,

1. External windows and doors (1:20 and 1:5),
2. New shopfronts (1:20),
3. Roof level acoustic enclosure (1:20),
4. Balustrades (1:20).

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

Item No.
3

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

- 18 You must install the high level duct as shown on the approved drawings before you can operate the restaurant hereby approved, the duct must thereafter be maintained in situ for as long as the restaurant remains in place.

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)

- 19 You must not allow more than 175 customers into the restaurant premises at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 20 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours: 07:30 till 00:00 daily.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 21 If you provide a bar and bar seating within the restaurant premises, it must not take up more than 15% of the floor area of the restaurant premises. You must use the bar (if provided) 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 Soho Conservation Area. This is in line with S24 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 22 You must not play live or recorded music within the restaurant premises 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.

- 23 You must not sell any hot-food take-away nor operate a delivery service from the approved restaurant, even as an ancillary part of the primary Class A3 use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 24 Before you use the approved terrace at main roof level for sitting out or for any other purpose, you must install the planters and hedging as identified on the approved drawings. You must thereafter maintain the hedging at a minimum height of 2.0m in perpetuity.

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)

- 25 The terrace areas hereby approved at fourth floor and main roof level level and associated with the office accommodation can only be used between the hours of 08.30 and 21.30, and cannot be used outside these hours other than in the case of an emergency.

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)

- 26 Prior to the occupation of the restaurant and office uses hereby approved you shall submit and have approved in writing by the local planning authority a detailed servicing management strategy (including hours of servicing) for the uses. All servicing shall thereafter be undertaken in accordance with the approved strategy.

Reason:

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

- 27 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 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)

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 may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 3 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 4 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public., Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm, , The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>., , BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances , BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)
- 5 You are advised that advertisement consent is likely to be required for the signage shown to the retail units at ground floor level.
- 6 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply. The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk. It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 7 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 8 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)
- 9 Any structure over the highway must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge; when within 1 metre of the kerb edge and over carriageway, 5.3 metres vertical clearance must be maintained by any structure. This includes building overhangs, public art, signage, awnings and canopies.
- 10 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point. If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 11 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 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

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3

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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	19 Berwick Street, London, W1F 0PX		
Proposal	Use of the first floor as offices (Class B1); erection of roof extension and rear extension at first and second floor levels to provide additional office (Class B1) floorspace, and repositioning and extension of extraction flue on rear elevation.		
Agent	CBRE		
On behalf of	Antipodean Soho Limited		
Registered Number	17/09736/FULL	Date amended/ completed	1 November 2017
Date Application Received	1 November 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

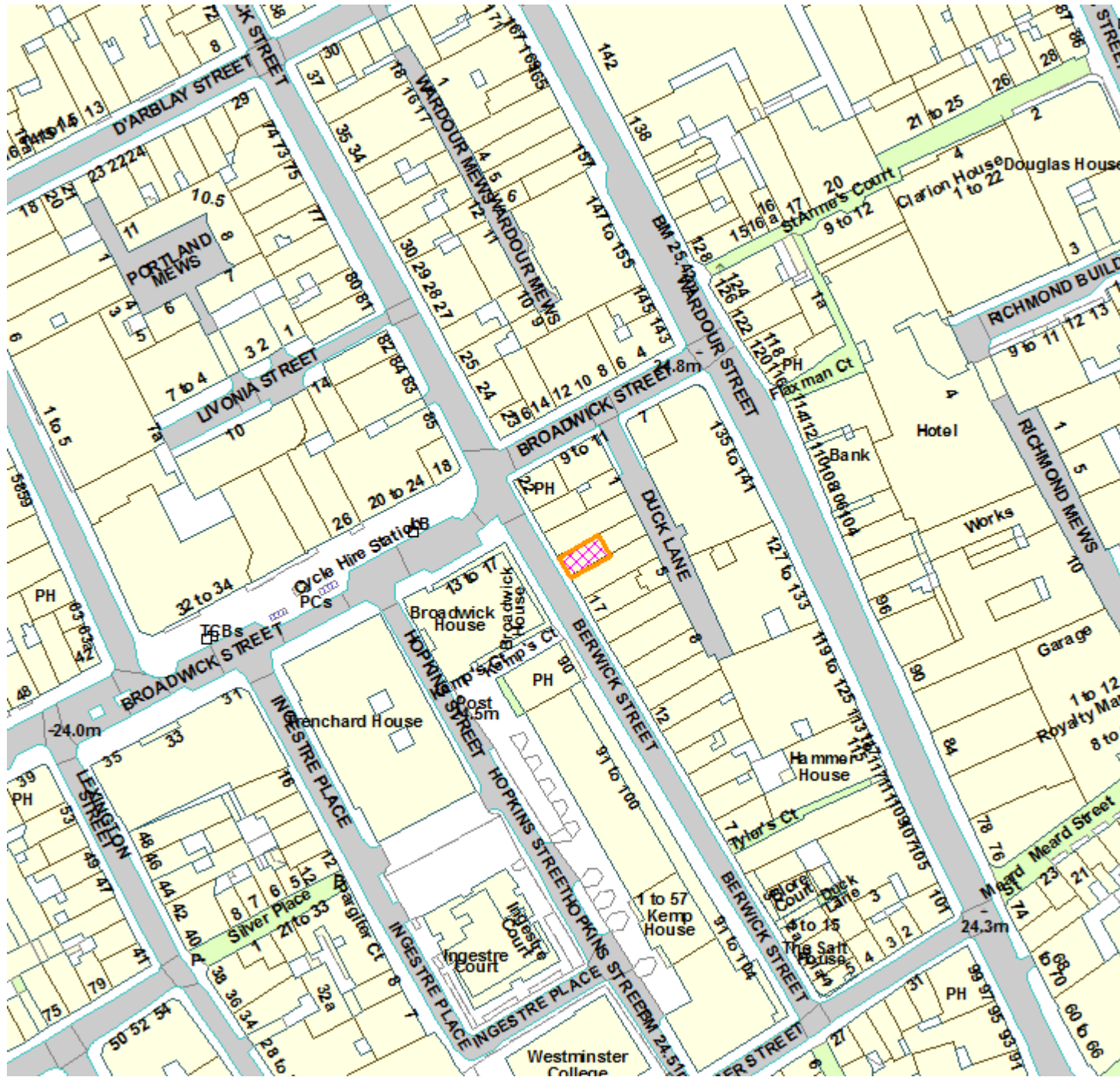
The application site is a mid-terrace property comprising three storeys plus basement. It is an unlisted building located on the east side of Berwick Street, backing on to residential properties located on Duck Row to the rear. Permission is sought for the use of the first floor for office purposes, a rear extension at first and second floor level, the erection of a mansard roof to provide additional office accommodation (Class B1) and the relocation of an existing full height extract duct to the rear. The basement and ground floor unit does not form part of this application.

The key issues for consideration are:

- The impact of the external alterations on the character and appearance of the Soho Conservation Area; and
- The impact of the extensions and relocated duct on residential amenity.

The proposal is considered acceptable in land use, amenity, design and conservation terms and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan and is therefore recommended for conditional approval.

LOCATION PLAN



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3. PHOTOGRAPHS

Front Elevation



Satellite view over Duck Lane towards Berwick Street



Satellite view over Berwick Street towards Duck Lane



Existing vacant first floor retail accommodation



View of existing extract to the rear looking towards No.3 Duck Lane



4. CONSULTATIONS

SOHO SOCIETY

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 26

Total No. of replies:16

16 letters objection on behalf of the owner/occupiers of 5 individual properties (including representations following re-consultation on the revised scheme) on some or all of the following grounds.

Amenity

- Loss of light
- Overlooking
- Sense of enclosure
- Increase in noise and odour from extract duct.

Design

- Height/Bulk
- Appearance

PRESS ADVERTISEMENT / SITE NOTICE:

Yes.

5. BACKGROUND INFORMATION

5.1 The Application Site

The application site is situated on the east side of Berwick Street backing on to residential properties along Duck Lane and comprises basement, ground plus two upper storeys.

The basement and ground floor currently operates as a restaurant/café (Class A3), and is occupied by 'Med Bar' a Mediterranean style café. The upper floors are currently vacant but it is understood that lawful use of the first floor is a barber shop (Class A1) and the second floor is lawfully office accommodation (Class B1).

The site is located within the Soho Conservation Area, the West End Stress Area and the core Central Active Zone (CAZ).

5.2 Recent Relevant History

Permission was granted for the use of the first floor as a gents' hairdressing salon in November 1960.

6. THE PROPOSAL

Permission is sought for the use of the existing first floor (29 m² GIA) as offices and to erect a mansard roof extension and a rear extension at first and second floor levels, which projects 1.2m from the existing rear façade, all to provide additional office floorspace.

The proposed extensions would result in an additional 38 m² GIA, so that the total additional office (Class B1) accommodation would be 67 m² GIA.

It is proposed that the existing extract duct which terminates above the height of the new roof will be moved approximately 2m south along the outside face of the existing rear elevation.

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

- Include the change of use of the existing retail accommodation at first floor level to offices;
- Reduce the massing of the proposed roof extension to the rear.
- Include obscured glazing on lower section of the rear windows to the new third floor.

7. DETAILED CONSIDERATIONS

7.1 Land Use

Loss of retail

City Plan Policy S21 seeks to protect retail floorspace throughout the City except where the City Council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let. Under UDP policy SS5, which applies to sites within the Core CAZ, outside of the primary shopping frontages, the introduction of non-A1 uses must not lead to, or add to, a concentration of three or more consecutive non-A1 uses use at basement, ground and first floor level and permission will only be granted where the proposal would not be detrimental to the character and function of an area or to the vitality or viability of the shopping frontage or locality.

Whilst not specified in the wording of Policy SS5, the inclusion of first floor within this wording relates to a more typical arrangement of a retail unit spread across ground basement and first floor levels rather than the situation at 19 Berwick Street which is a self-contained retail unit (Class A1) at first floor level, with no street presence.

The existing first floor of the building is vacant, the hairdressing salon ceased operating in October 2016. The unit has been vacant for approximately 16 months. In its current state is extremely run-down and dilapidated and has not had a clear street presence now or historically relying on access through a shared stairwell.

Whilst no marketing assessment has been provided to demonstrate long term vacancy, as the existing small retail unit (29 sqm GIA) is an isolated unit at first floor level and does not have an active frontage or any street presence, it is considered that the loss of retail use would not have a detrimental impact on the character of the area and therefore due to these unique circumstances the loss of Class A1 retail accommodation is considered acceptable.

Increase in office accommodation

Policy S20 of the City Plan sets out that new office development will be directed towards the Core CAZ therefore the proposed increase in office accommodation is acceptable. Policy S1 of the City Plan seeks to promote mixed use developments within the CAZ. The policy requires increases in office (Class B1) of over 400m² or 30 % of the existing building to provide residential to offset the increase in offices. In this case the scheme would provide a modest increase in offices of 67 m² and is not therefore mixed use liable 'under City Plan Policy S1.

7.2 Townscape and Design

No. 19 Berwick Street is part of a group of four similar buildings on the east side of the street, and it makes a positive contribution to the Soho Conservation Area. The roof is modern and not visible from street level. However, it is overlooked by buildings opposite and at the rear in Duck Lane.

Neighbouring residents consider that the height, bulk and massing of the proposed extension are excessive and would be detrimental to the appearance of the Soho Conservation Area.

The proposed roof extension comprises a pitched roof with roof lights at the front and a mansard with dormer windows at the rear. The changes to the front roof slope will not be readily visible from front street level views. The rear mansard will also not be seen from any public views but would be visible from properties on Duck Lane to the rear. However, in this context the proposed roof alterations are acceptable in principle and accord with UDP policy DES 6.

The closet wing extension is a relatively modest addition subordinate to the main building and accords with UDP policy DES 5.

It is considered that the alterations and extensions would maintain the character and appearance of the surrounding conservation area, and accord with UDP policy DES 9.

7.3 Residential Amenity

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

16 individual objections have been received on behalf of five residential properties to the rear of the site to a loss of daylight, sunlight, privacy and increased sense of enclosure.

Daylight and Sunlight

A daylight and sunlight report has been submitted with the application which assesses the impact of the development with regard to BRE guidelines. This report assesses the impact upon No's 18, 20 and 21 Berwick Street and 1-4 Duck Lane.

Daylight

Vertical Sky Component (VSC) is the method used to measure the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the window will have the potential to provide good levels of daylight. Reductions of more than 20% should be avoided as such losses are likely to be noticeable. The BRE guidance is clear that numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the site circumstances.

Sunlight

With regard to sunlight the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

The submitted report illustrates that there are no breaches in BRE guidelines with regards to both daylight and sunlight at numbers 1-4 Duck Lane, 18 Berwick Street and 21 Berwick Street. The one breach to these guidelines is to the daylight (VSC levels) to a 1st floor bedroom window at no 20 Berwick Street. 20 Berwick Street is located directly north of the site and has a shared boundary wall. The bedroom in question has an existing VSC level of 7.5% which will be reduced to 5.7%. This is a 24% reduction which is marginally above the 20% threshold which the guidance states would be noticeable. The percentage loss is magnified by the existing low levels of light received. However, given that this is a bedroom window, which are afforded a lesser protection than principal living rooms, and that the existing lighting level to this room is already relatively poor, it is not considered that any losses to daylight would have a significant impact on the amenity of its residential occupants.

Sense of Enclosure

Policy ENV13 of the UDP states that the City Council will seek to ensure new developments do not result in a 'significant increase in the sense of enclosure'.

The proposed half width rear extension projects approximately 1.2m from the existing rear façade on the northern boundary of the site. This would reduce the distance to the rear of 3 Duck Lane (which is in residential use) to approximately 2m. The nearest facing windows at No 3 Duck Lane are a 1st floor bathroom and a 2nd floor bedroom. Bathrooms are not afforded the same protection as habitable rooms. It is acknowledged that the rear extension would increase the sense of enclosure to the 2nd floor bedroom window, however the existing outlook from this room is enclosed and it is not considered that this would be materially worsened by the small extension at the application premises.

The proposed roof extension has been modified to ensure the rear 70 degree roofslope is set behind the parapet wall. As revised the proposed extensions are now considered acceptable and would not result in a significant increase in any sense of enclosure at flats at 3 Duck Lane or other neighbouring properties.

Privacy

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

The proposal includes two south facing windows on the return wall of the proposed rear extension serving two toilets. As these windows are obscured and fixed shut, it is not considered that there will be any reduction in privacy due to their presents. It is recommended that this is secured by condition.

The single storey roof extension is served by two windows to the front and an additional two dormer windows to the rear. A condition is recommended requiring the two rear windows serving the new third floor office accommodation to be fitted with obscured glazing and be fixed shut, thus omitting the potential of overlooking to residential properties to the rear.

The new windows to the front of the overlook commercial premises thus will have no impact on residential amenity.

7.4 Transportation/Parking

Given the modest uplift of office accommodation, it is not considered that the proposal would give rise to any transportation/parking issues.

7.5 Economic Considerations

Any economic benefits generated are welcomed.

7.6 Access

The access arrangement remains unaltered.

7.7 Other UDP/Westminster Policy Considerations

Plant

To accommodate the rear extension, it is proposed to relocate the existing extract flue approximately three metres to the south of its current position. Objections have received due to the potential of noise and odour from the relocated extract duct. An acoustic report has been submitted as part of the application. This has been reviewed by Environmental Health Officers who raise no objection to the proposals subject to standard conditions relating to plant noise and vibration. Given that the duct is extended higher than the existing duct, it is likely to better the existing situation with regards to odour dispersal.

The application is therefore considered to comply with the City Council's noise policies ENV7 and ENV13 of the UDP. The proposals will not therefore materially harm the amenity of neighbouring properties.

Refuse /Recycling

No specific waste store for waste and recyclable materials is illustrated on the plans. A condition has been imposed requiring details of waste storage prior to the commencement of the use.

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.

7.11 Environmental Impact Assessment

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

8. BACKGROUND PAPERS

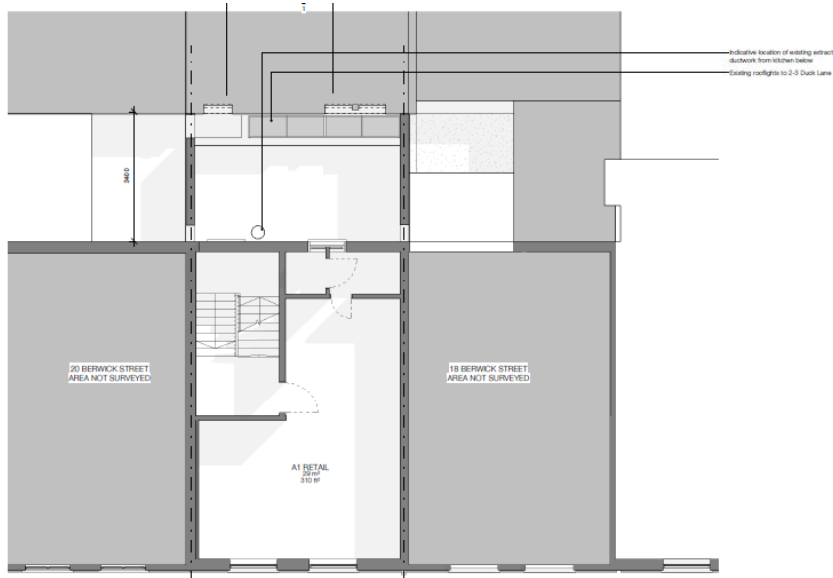
1. Application form
2. Memorandum from Environmental Health, dated 21 November 2017
3. Letters from occupiers of 3a Duck Lane, Soho, dated 23 November and 2 January 2018 (four letters from two occupants)
4. Letters from occupiers of Flat A, 1 Duck Lane, dated 23 November 2017 (two letters from two occupants)
5. Letters from occupiers of Flat B, 1 Duck Lane, dated 23 November 2017 (two letters from two occupants)
6. Letter from occupier of 3B Duck Lane, London, dated 22 November 2017 and 2 January 2018 (two letters from one occupant)
7. Letters from occupiers of 2A Duck Lane, London, dated 22 November 2017 (two letters from two occupants)
8. Letters from occupier of 3b Duck Lane, London, dated 22 November 2017 and 2 January 2018 (two letters from one occupant)

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

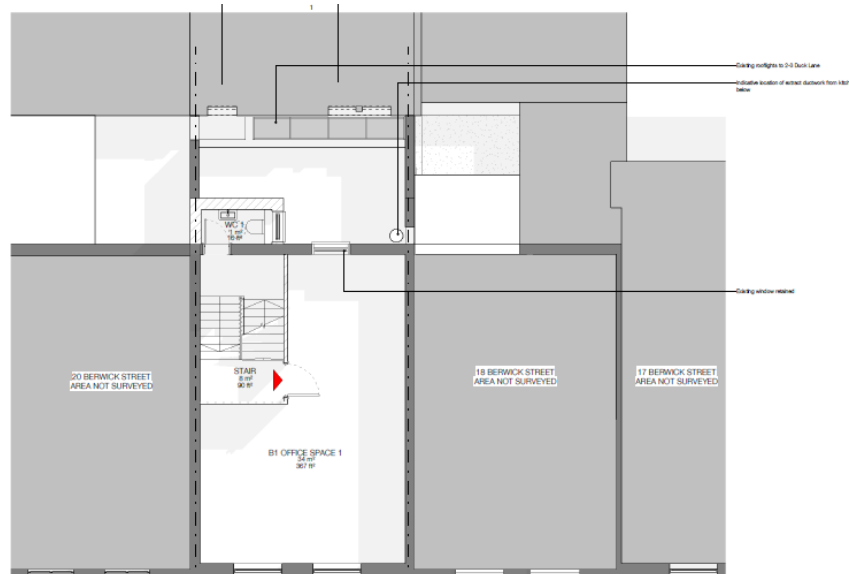
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

9. KEY DRAWINGS

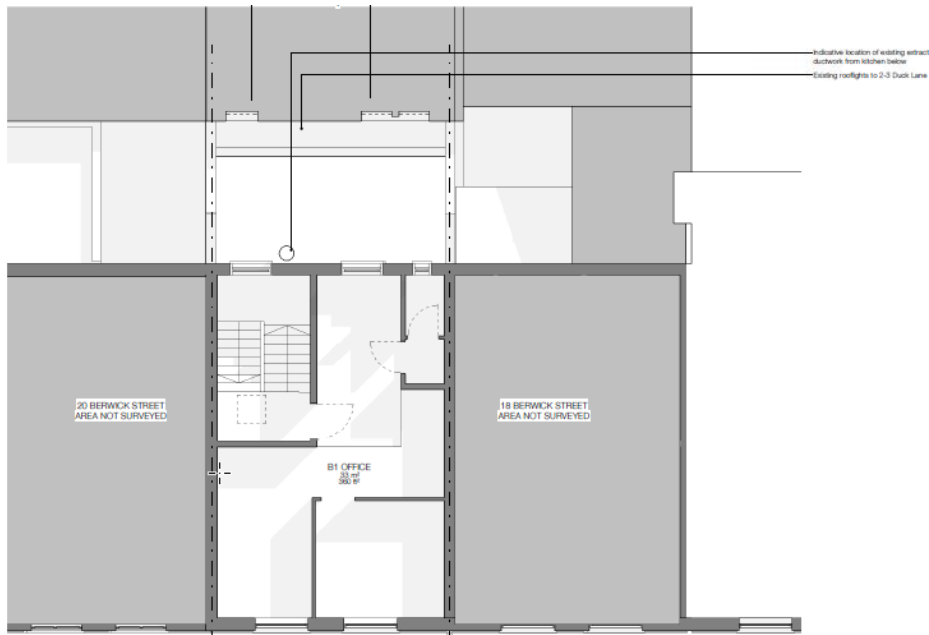
Existing First Floor Plan



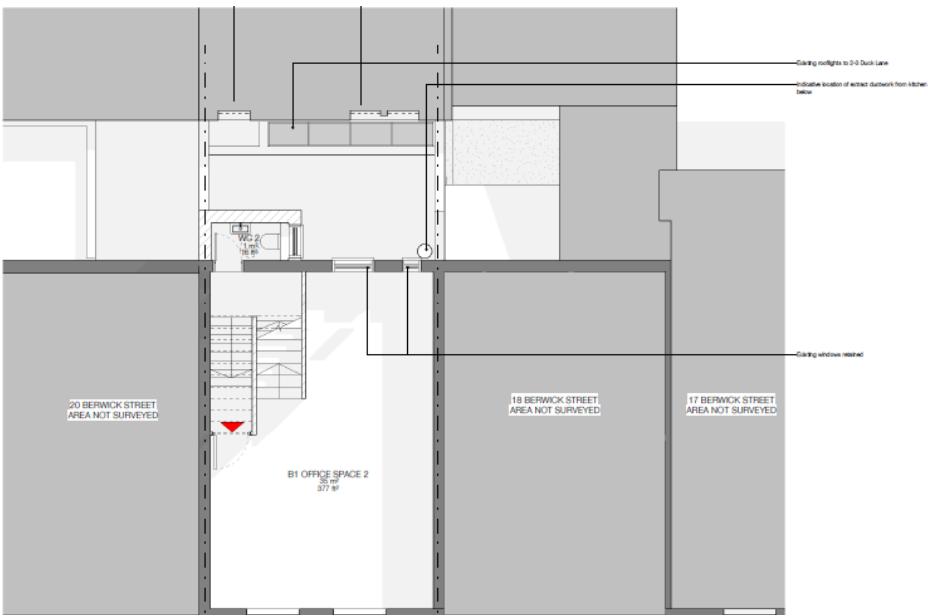
Proposed First Floor Plan



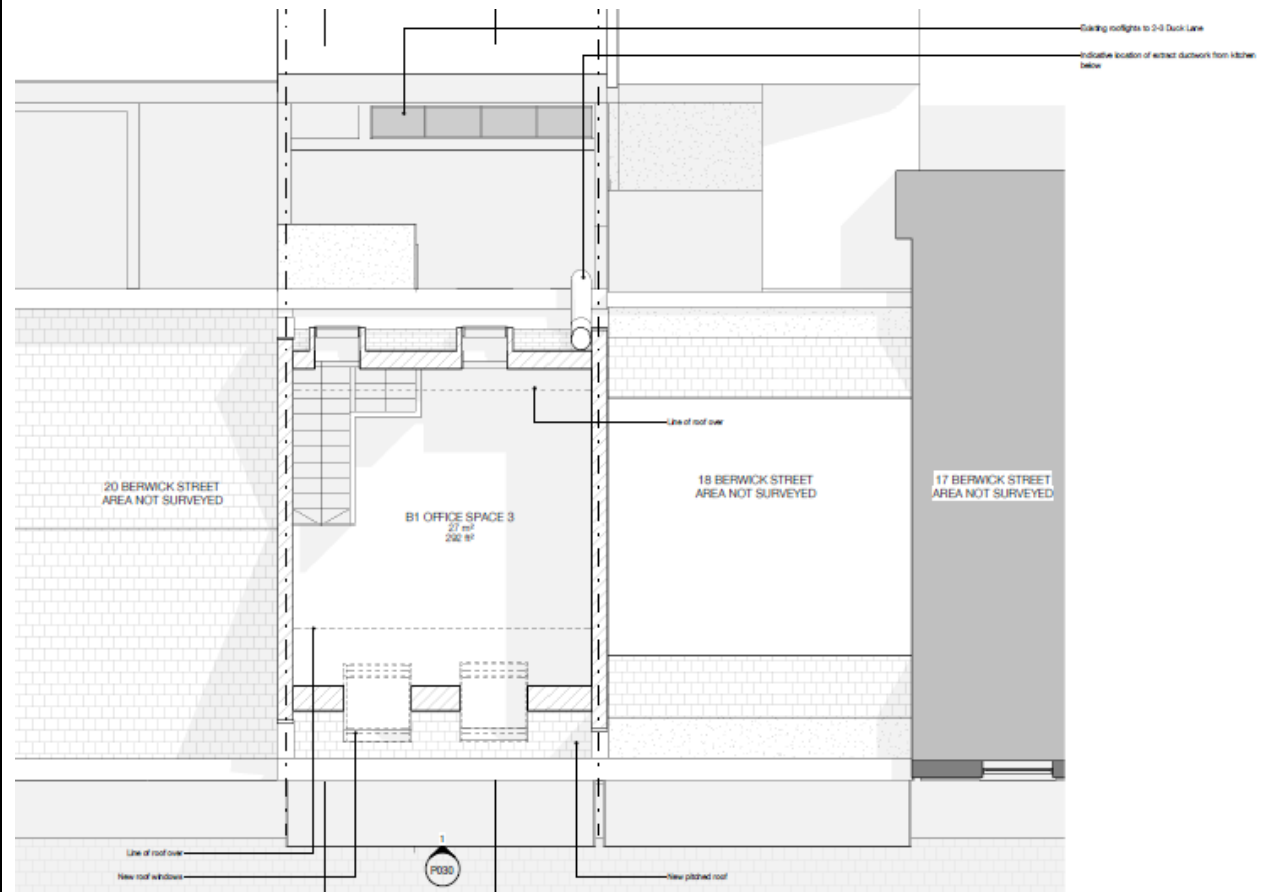
Existing Second Floor Plan



Proposed Second Floor Plan



Proposed Third Floor Plan



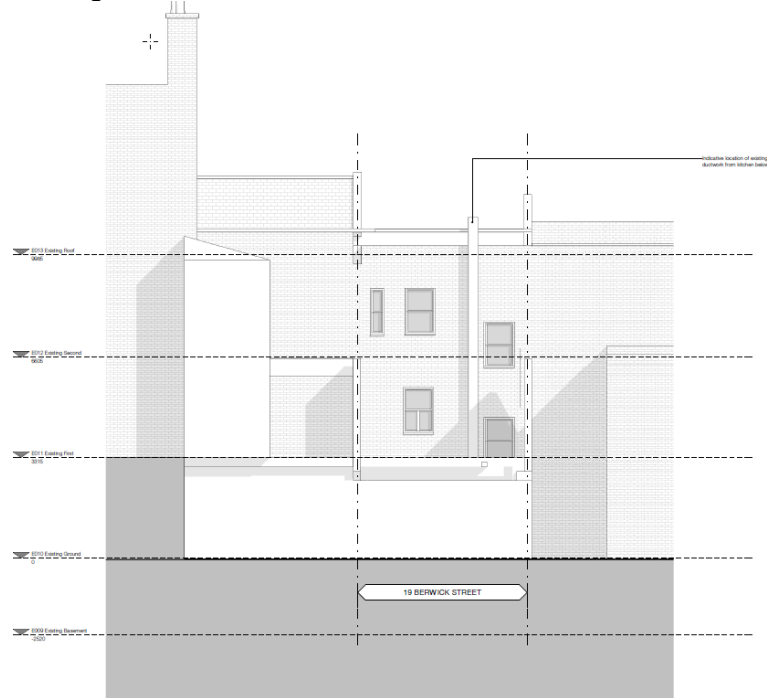
Existing front Elevation



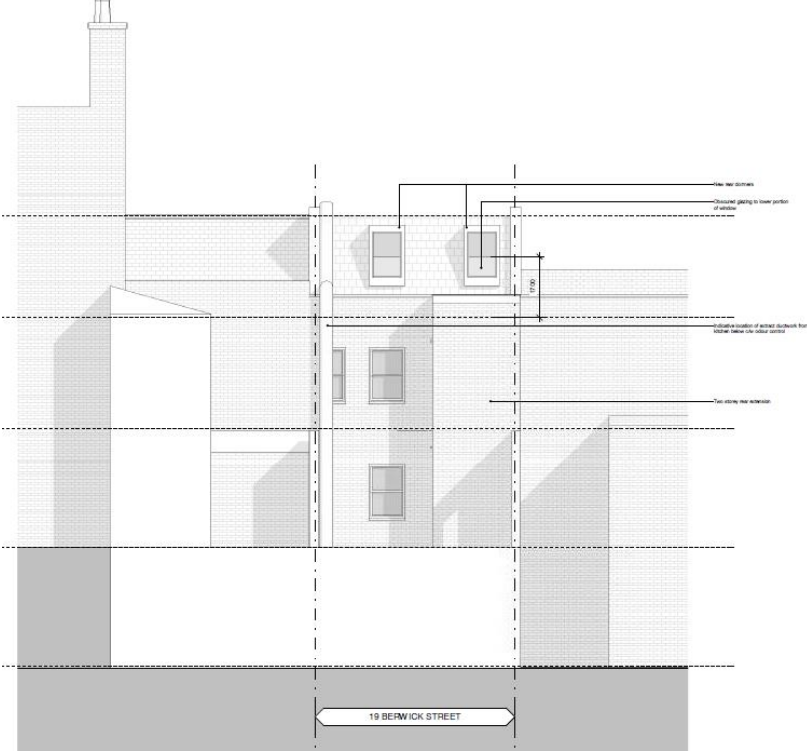
Proposed Front Elevation



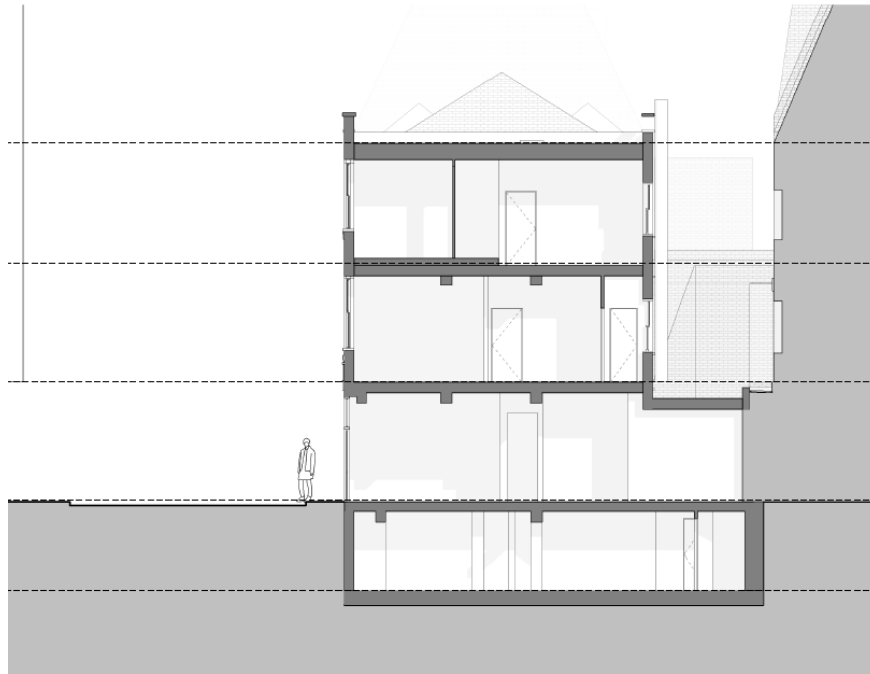
Existing Rear Elevation



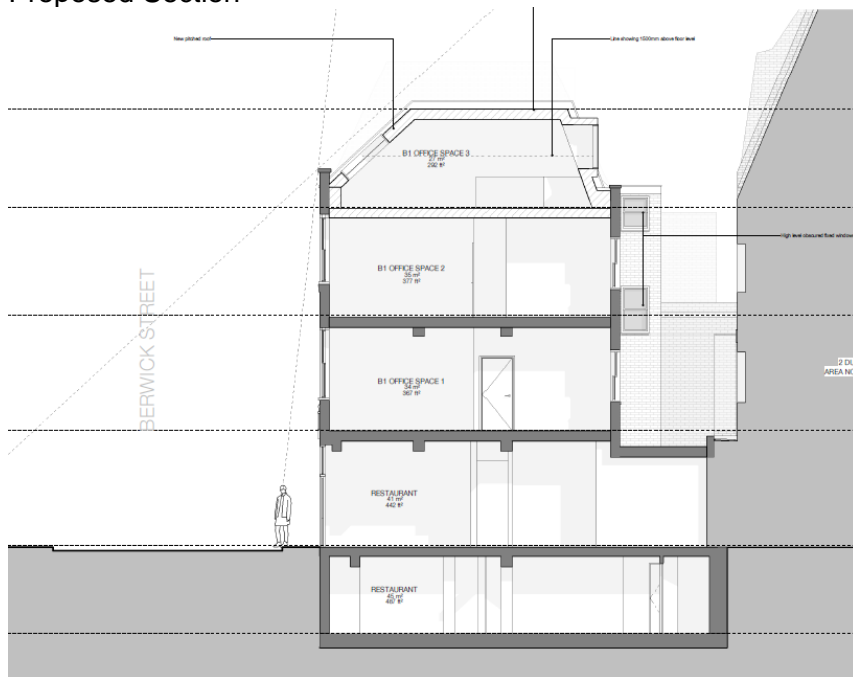
Proposed Rear Elevation



Existing Section



Proposed Section



DRAFT DECISION LETTER

Address: 19 Berwick Street, London, W1F 0PX

Proposal: Use the first floor as offices (Class B1). Erection of roof extension and rear extension at first and second to provide additional office floorspace (Class B1), and repositioning and extension of extraction flue on rear elevation.

Reference: 17/09736/FULL

Plan Nos: P009 A, P010 B, P011 F, P012 G, P013 G, P014 G, P030 B, P031 G, P040 G, P041 G.

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

You must carry out piling, excavation and demolition work only

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

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

Reason:

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

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be

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

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 5 You must 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 occupy the additional office (Class B1) floorspace 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 office accommodation. (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)

- 6 The glass that you put in the following windows must not be clear glass and must be fixed shut:
- the two south facing windows on the return wall of the approved rear extension serving two internal toilets; and
 - the two rear windows at third floor.

You must apply to us for approval of a sample of the glass (at least 300mm square).

You must then install the glass in these windows in accordance with the approved sample. You must not change the glass in these windows without our permission.

Reason:

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

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

Reason:

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

- 8 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

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

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

Reason:

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

- 10 The plant/machinery hereby permitted shall not be operated except between 0900 and 2345 Mondays to Saturday and between 0900 and 2230 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.

- 11 Prior to the erection of the rear extension or occupation of the office accommodation at first to third floor level you must erect the replacement duct as shown on the approved drawings

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)

Informative(s):

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

- 2 You are advised 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.

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20th February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	40 Porchester Road, London, W2 6ES,		
Proposal	Extension to front elevation at ground and first floor, re-cladding of building at ground and first floor and changes to the elevations in association with the change of use at first floor level from ancillary public house accommodation (Class A4) to a self contained residential unit (Class C3).		
Agent	Charlotte Orrell		
On behalf of	N/A		
Registered Number	17/04344/FULL	Date amended/ completed	5 June 2017
Date Application Received	17 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application site is the Daniel Gooch Public House at No. 40 Porchester Road which forms part of the Colonnades development. The site is not listed and lies within the Bayswater Conservation area, is a non-core frontage Porchester Road Local Centre and is within the Queensway/Bayswater Stress Area. The pub has been closed for approximately 18 months.

Permission is sought for a change of use at first floor level from ancillary pub accommodation to a residential unit, an extension to the front of the building, re-cladding and front elevation changes to the pub.

There have been no neighbour objections to the application and one letter of support on the grounds the works would visually improve the area. The South East Bayswater Residents Association have objected to the application on land use and design grounds

The key issues in this case are:

- The impact of the loss of ancillary accommodation on the viability of the public house;

- The impact of the proposals upon the character and appearance of the Bayswater Conservation Area.

The proposal is considered acceptable as it is not considered the loss of the ancillary accommodation at this site would result in harm long term viability of the premises. The proposed external alterations are considered to comply with City Council design and conservation policies as set out in the City Plan (adopted November 2016) and the Unitary Development Plan (UDP), adopted January 2007.

4. PHOTOGRAPHS

Front of the Daniel Gooch pub, side elevation of the Colonades and windows to the first floor accommodation



View of the Daniel Gooch pub from the south, standing on Porchester Road



5. CONSULTATIONS

WARD COUNCILLORS FOR BAYSWATER:

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Objection on design grounds to the cladding on the Porchester Road elevation, the loss of ancillary accommodation to the pub, detailed design of windows to ground floor, safety of pedestrians, opening hours of pub, use to be restricted to A4.

CLEANSING MANAGER:

No objection.

THE HIGHWAYS PLANNING MANAGER:

No objection.

DESIGNING OUT CRIME:

No response received.

ENVIRONMENTAL HEALTH:

The works could be acceptable subject to a condition to secure the recommended sound insulation and noise limiter.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 86

Total No. of replies: 1

No. in support: 1

One letter of support on the grounds that the building is currently unattractive and the proposed is an improvement and will modernise the facade.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application property is on the corner of Porchester Road and an access road providing service access to Waitrose. The site is not listed but is within the Bayswater Conservation area, is a non-core frontage in the Porchester Road Local Centre and is within the Queensway/Bayswater Stress Area

The site forms part of the Collonades development dating from the late 20th century and is therefore a modern contribution to the area. The existing public house has a recessed entrance from street to the ground floor, to the north of the main entrance there is a side

entrance for the ancillary accommodation which can also be accessed from the back of house areas of the ground floor.

The site has been vacant for approximately 2 years and during a site visit it was evident that both the ground and first floors were in a poor state of repair.

6.2 Recent Relevant History

There is no relevant planning history.

7. THE PROPOSAL

Planning permission is sought for the change of use at first floor level from ancillary pub accommodation to a one, three bedroom residential unit, extensions at ground and first floor levels to the Porchester Road elevation, new metal cladding on the Colonnades between the Daniel Gooch Pub and Porchester Square and alterations to the entrance and facade of the pub at ground floor level.

The proposed residential accommodation is 149 sqm GIA. The pub retains approximately 346 sqm GIA including space for plant and back of house operations. There is a minor reduction in overall floorspace of the pub (currently used as a plant room at first level) which is to be incorporated into a double height area in the centre of the building, designed to improve the quality/ accommodation of the pub.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
A4 Drinking establishment	532.5	346	-186
C3 Residential	0	149.5	+149.5
Total	532.5	495.5	- 36.5

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Pub Accommodation:

The existing sites lawful use is as an A4 drinking establishment at ground basement level with the first floor previously in use as ancillary residential accommodation, historically occupied by the manager/staff of the pub. The proposal seeks the change of use of the first floor to create a separate self-contained 3 bedroom flat with no access to the pub below, an extension to the front of the property facing the street, the reconfiguration of the existing ground floor and mezzanine levels which will maintain A4 use. The site has been vacant for in excess of 2 years.

Paragraph 69 of the National Planning Policy Framework ("NPPF") advises that planning decisions should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other. Paragraph 70 of the NPPF also advises that planning decisions should "guard against the unnecessary loss of valued facilities and services, particularly where

this would reduce the community's ability to meet its day-to-day needs". The NPPF expressly refers to public houses as community facilities.

Policy 4.8 of The London Plan states, inter alia, that policies should be developed "to prevent the loss of retail and related facilities that provide essential convenience and specialist shopping or valued local community assets, including public houses". This is based on the Mayor of London's "recognition of the important role that London's public houses can play in the social fabric of communities and recent research highlights the rapid rate of closures over the past decade and the factors behind these. To address these concerns, where there is sufficient evidence of need, community asset value and viability in pub use, boroughs are encouraged to bring forward policies to retain, manage and enhance public houses" (paragraph 4.48A).

Policy HC7 of the first draft of the new London Plan (consultation closes March 2018) ("the Draft London Plan") also guards against the loss of public houses and ancillary spaces. However, the draft London Plan has only recently been released and has not been subject to a complete consultation exercise at the time of writing. Accordingly, and having regard to paragraph 216 of the NPPF, the Draft London Plan is given little weight at this particular stage.

The Mayor of London's "Town Centres: Supplementary Planning Guidance" (adopted July 2014) advises that policies to protect public houses should include consideration of the viability of the public house, history of vacancy, the prospect for achieving reuse at prevailing market values and whether it has been marketed effectively for re-use.

Policy SS7 of the UDP states that at first floor level in locations outside of a core frontage in a local centre that permission for non-A1 uses may be permitted if the proposal would not harm the vitality or viability, or character or function of the parade frontage or centre, have a detrimental effect on the environment or residential amenity, unacceptably intensify an existing use or concentration of uses or jeopardise the long term A1 use of the ground floor. Further SS7 para 7.95 recognises that local pubs, provide valuable services which need to be located near to residential areas.

Previously at the site the ancillary accommodation to first floor has been used for the manager/staff of the pub. Under the current proposal the pub would be retained as a "lock up" pub that does not provide accommodation for staff/manager. The applicant has submitted details on "market conditions" to justify the loss of the ancillary accommodation and support the future viability of the ground floor pub. The evidence provided, is in the form of lease agreements completed for premises for "lock up" pubs within the London.

The applicant contends that this demonstrates that demand in the London area is healthy, the applicant has also stated that the accommodation at first floor level was not an income generator and offered no draw/attraction to customers and as such the site would be able to operate without ancillary living accommodation without a reduction in the services offered at the site.

Loss of these ancillary spaces has the potential to affect the long term viability of this public house by depriving it of revenue generating spaces, preventing publicans from living on-site and having to pay market rent elsewhere, and by restrictions placed on the

premises licence resulting from amenity complaints from residents in the student accommodation created. The potential impact on the long term viability of public houses through conversion of these spaces has also been recognised by Inspectors at appeal.

Given the central location of the pub and the proximity to housing and transport links which would either allow staff to live nearby or easily travel to and from the site, it is not considered the loss of ancillary accommodation at first floor level would harm the viability and vitality or function and character of the site, which would retain the use class as A4, or the Porchester Road Local Centre frontage.

As noted in the land use table above, a minor amount of internal floorspace is lost to create a 'feature' double height space to improve the quality of the pub accommodation. This loss is so minor not considered to harm the viability of the site.

Accordingly, and in the absence of any evidence to the contrary, the loss of internal pub floor space and this ancillary accommodation is unlikely to harm the long term wellbeing of this public house and would therefore be consistent with the above policies, subject to the conditions as listed in the draft decision and subject to any futures tenant's compliance with the signage strategy that has been submitted.

Proposed Residential Accommodation:

The provision of residential accommodation is supported by policies H3 of the UDP and S14 of the Westminster City Plan. The proposed flat would exceed the Nationally Described Space Standard for a three bedroom, six person flat. All habitable rooms also have windows to provide natural light and ventilation.

The Environmental Health Officer has assessed the application and the sound insulation report carried out by Holtz Acoustic dated the 18th September. The report details the expected noise levels from the ground floor pub and provides details of the recommended proposed insulation measures to limit the impact of noise for residents in the new flat above.

The Environmental Health Officer has stated that were the operators of the premises licence to agree to:

- Carry out works as recommended in the acoustic report by Holtz Acoustics, ref HA2017075; and
- All amplified music, including any permitted under the Live Music Act 2012 exemptions, to be provided only under the control of an electronic sound limiter with frequency control.

The applicant has stated that they do not yet have a tenant for the ground floor A4 unit and therefore are unable to get agreement from the licence operator. The applicant has therefore agreed to pre-occupation conditions to ensure that the advice provided in the acoustic report by Holtz Acoustics, ref HA2017075 and the sound limiter are installed prior to the occupation of the ground floor and basement site.

The Environmental Health Officer is satisfied that with the appropriate conditions to secure sound proofing as recommended in parts 7 and 8 of the acoustic report Ref: HA2017075 and a noise limiter the level of noise would be in accordance with WHO guidelines and the proposals are therefore acceptable.

The Environmental Health Officer has also raised concerns regarding the internal ventilation on the grounds that the windows of the property will likely be closed due to external noise. The Environmental Health Officer has stated that alternative ventilation to allow 4 air changes per hour should be provided. A condition has been added to the permission to secure further details of the ventilation strategy.

The works are considered to be in accordance with H3, SS7 and ENV 6 of the UDP and S14, S21 and S29 of the City Plan and therefore acceptable on land use grounds.

8.2 Townscape and Design

In considering the proposals in design terms the relevant policies are DES 1, DES 5 and DES 9 of the UDP as well as S25 and S28 of the City Plan. Also worthy of note is the Bayswater Conservation Area Audit.

The application property forms part of a development dating from the late 20th century and is therefore a modern contribution to the area. The existing public house has a recessed entrance from street with a small window on the part of the front elevation which fronts the street. The section of the building to which this application relates is faced in brown painted bricks in a soldier bond, between cream brick piers. It is proposed to clad the front and part of the side elevation with metal cladding, with the brickwork on the side elevation being painted a colour to match the cladding. A stall riser is to be introduced in stone and the windows at first floor will be rescaled to be full height and the width of a metal panel. The entrance to the public house at ground floor level will remain recessed underneath the first floor extension, which will make the front elevation at this level flush. Additionally, it will allow for the creation of a terrace at first floor level which will be concealed behind a perforated panel.

UDP policy DES 5 seeks to ensure alterations and extensions are of the highest standards of design. It specifically states that permission will generally be granted for alterations and extensions where they do not visually dominate, are in scale with the host building, are of a design that reflects the style of the host building and use materials consistent with the area.

With regards to the extension at first floor level, given that it will be within the built envelope of the host building, being flush with the front and side elevations and incorporated into the design of the property as a whole, it is considered to accord with the aims of DES 5. The extension will reflect the host building and therefore will have a limited impact on the character and appearance of the building and its wider setting within the conservation area.

In considering the external alterations proposed, the introduction of a cladding system which will replace the existing cladding is not considered to be contentious in design terms. The host building is a modern addition to the setting and therefore currently does not relate to the materiality of the wider area; consequently, whilst metal cladding is not characteristic in the wider setting it will be seen in relation to the modern building and therefore is considered to be acceptable.

The local amenity society have raised an objection to the application on the grounds that the windows do not match those on the building above and the new fenestration at ground floor level is too large. They also consider a gate should be present in front of the recessed entrance to the pub.

Whilst the scale and design of the fenestration does depart from the existing building, the application site is distinguished from the upper levels by its materiality and form. In this respect the alterations to the fenestration is not considered to be so out of keeping as to harm the appearance of the building as the lower levels will be interpreted separately from the upper levels when considered with the alterations as a whole. The colour of the window frames can be controlled by condition. Whilst the lack of a gate or balustrade is noted it is considered to recess is defensible space by the change in ground levels and the small number of steps down from the pavement level.

The entrance to the public house and residential floor are proposed to be redesigned to feature a fully glazed frontage to the pub and a shallow recess to the residential access. Part C of UDP policy DES 5 relates to alterations to shopfronts or premises open to the general public. It specifically states that permission will be granted where they satisfactorily relate to the design of the upper parts of the building. The entrance to the public house will have a fully glazed fixed pane and a set of glazed double doors. This design is considered to accord with the aesthetic for the building as a whole as well as the shopping area of the Colonnades development to the south of the site on Porchester Road. Therefore, the design is considered to be in accordance with the policy.

An area for signage in relation to the pub has been shown in the form of a sign to the recessed entrance wall; the glazed pub entrance and a small projecting sign at ground floor fascia level underneath the proposed external first floor courtyard. These areas are acceptable in principle and it is expected that when a new tenant occupies the pub, that they will adhere to these locations, although an advertisement consent application is likely to be required.

The proposal is considered to be acceptable in design terms, having a limited impact on the character and appearance of the conservation area.

8.3 Residential Amenity

ENV 13 of the UDP and S29 of the City Plan seek to protect residential amenity, ENV 13 specifically seeks to protect against an increased sense of enclosure, loss of daylight/sunlight or loss of privacy.

The scheme proposes a change of use from ancillary residential accommodation at first floor level to self-contained residential unit. As the proposed living space is largely already in place subject to a small extension at the front of the property and the creation of an internal courtyard, there are no considered to be any amenity implications of the use of a new residential unit.

The extension to the front elevation at ground and first floor will not result in unacceptable increases in overlooking, sense of enclosure or loss of daylight/sunlight for any of the neighbouring properties and it is not considered that the small courtyard at

first floor level will generate noise levels greater than the street noise that is existing in the area.

The proposals are acceptable in amenity terms and accord with policy.

8.4 Transportation/Parking

The proposed scheme does not represent an increase in the amount of residential units or a loss of parking and therefore is in accordance with TRANS 23. Cycle storage at ground floor level in an area that is both safe and accessible, therefor in accordance with the requirements of the London Plan. The works do not raise and transportation or parking issues.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

There is currently no level access to the site and the proposals, whilst modifying the entrance and access still provides stepped access. The applicant was asked during the course of the application to consider level access however given the level changes between the pavement and the internal pub accommodation, this is not possible. Whilst regrettable, it is not considered that the application can be refused on this basis.

8.7 Other UDP/Westminster Policy Considerations

The City Council's cleansing manager has no objection to the revised waste storage details submitted during the course of the application.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

The estimated CIL payment is: Westminster City Council CIL £59,800 and London Mayoral CIL £7,475

8.11 Environmental Impact Assessment

Not applicable in a scheme of this size.

8.12 Other Issues

The local resident's association has commented that restrictions on the hours of use of the pub are imposed and that no patrons of the pub should be allowed to smoke on the pavement outside the pub. It is also requested that the City Council restrict the use of the pub so that it cannot become a restaurant or retail unit. Given the proposals are for a new residential unit, extensions and a cladding scheme, it is not considered reasonable to impose any conditions on the existing authorised use of the pub.

9. BACKGROUND PAPERS

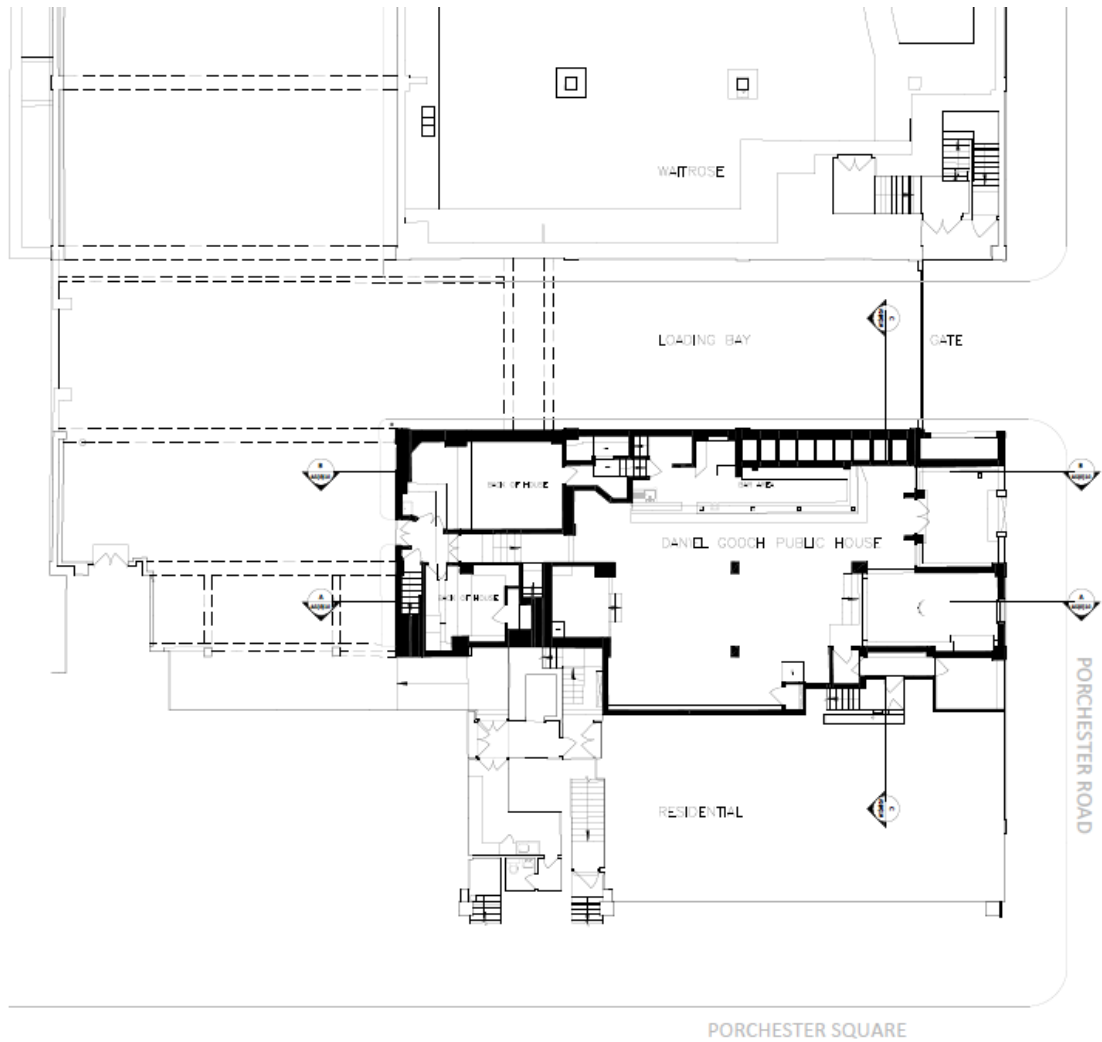
1. Application form
2. Letter from South East Bayswater Residents Association dated 25 June 2017.
3. Memorandum from Cleansing Manager dated 31 July 2017.
4. Memorandum from Highways Planning Manager dated 25 July 2017.
5. Memorandum from Environmental Health dated 3 November 2017.
6. Letter from occupier of 39 Reading House, Bayswater, dated 3 January 2018

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

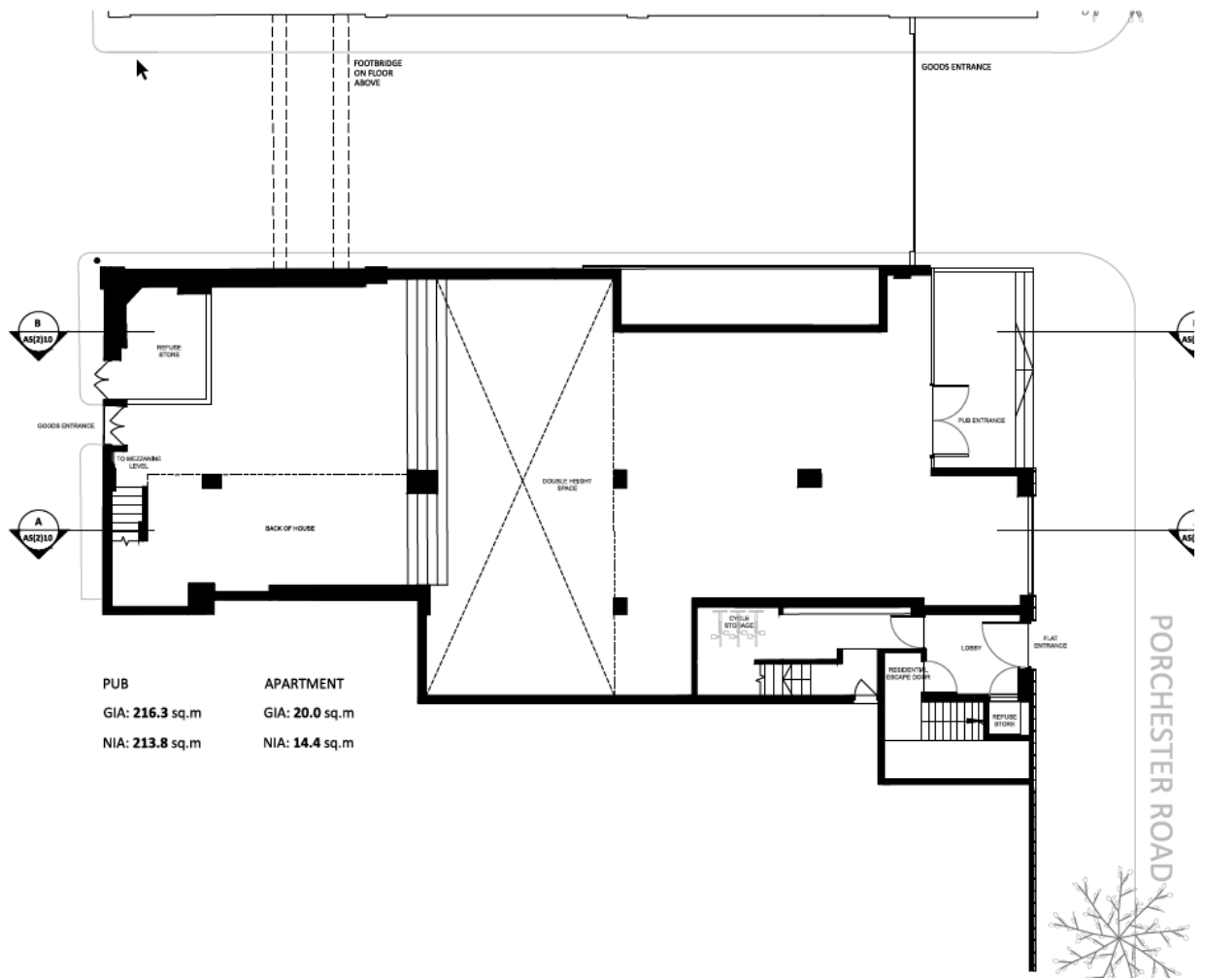
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk.

10. KEY DRAWINGS

Existing Ground Floor Plan

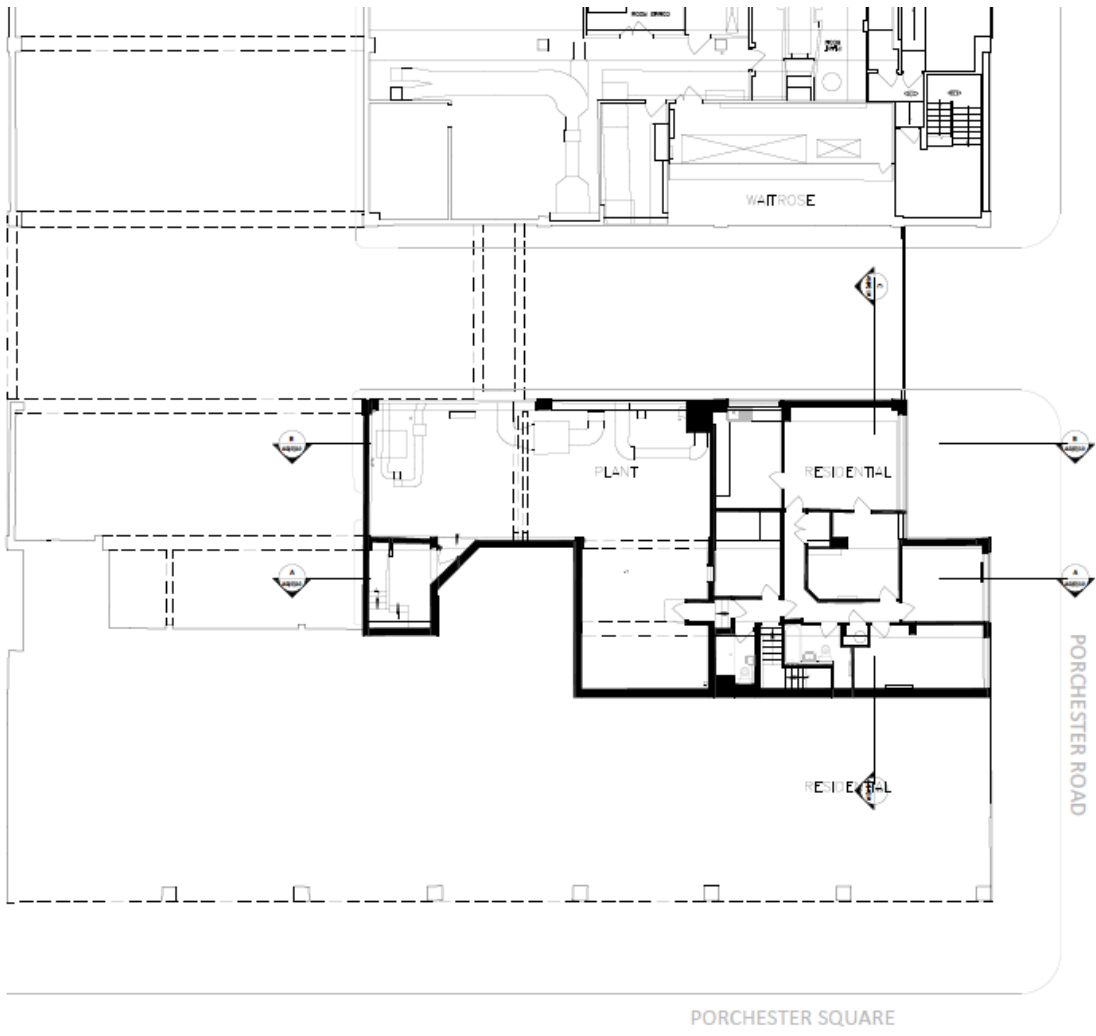


Proposed Ground Floor Plan

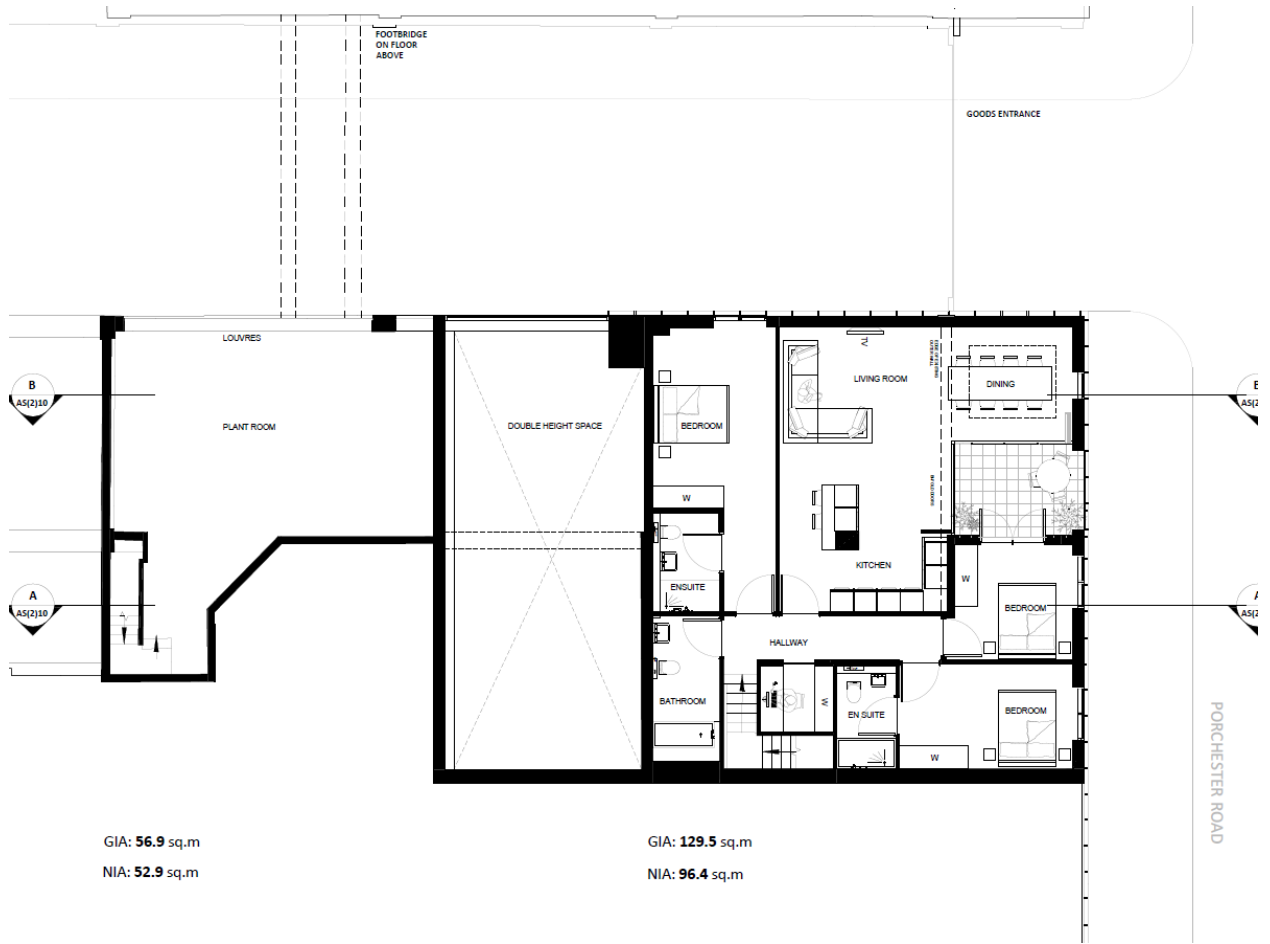


PUB	APARTMENT
GIA: 216.3 sq.m	GIA: 20.0 sq.m
NIA: 213.8 sq.m	NIA: 14.4 sq.m

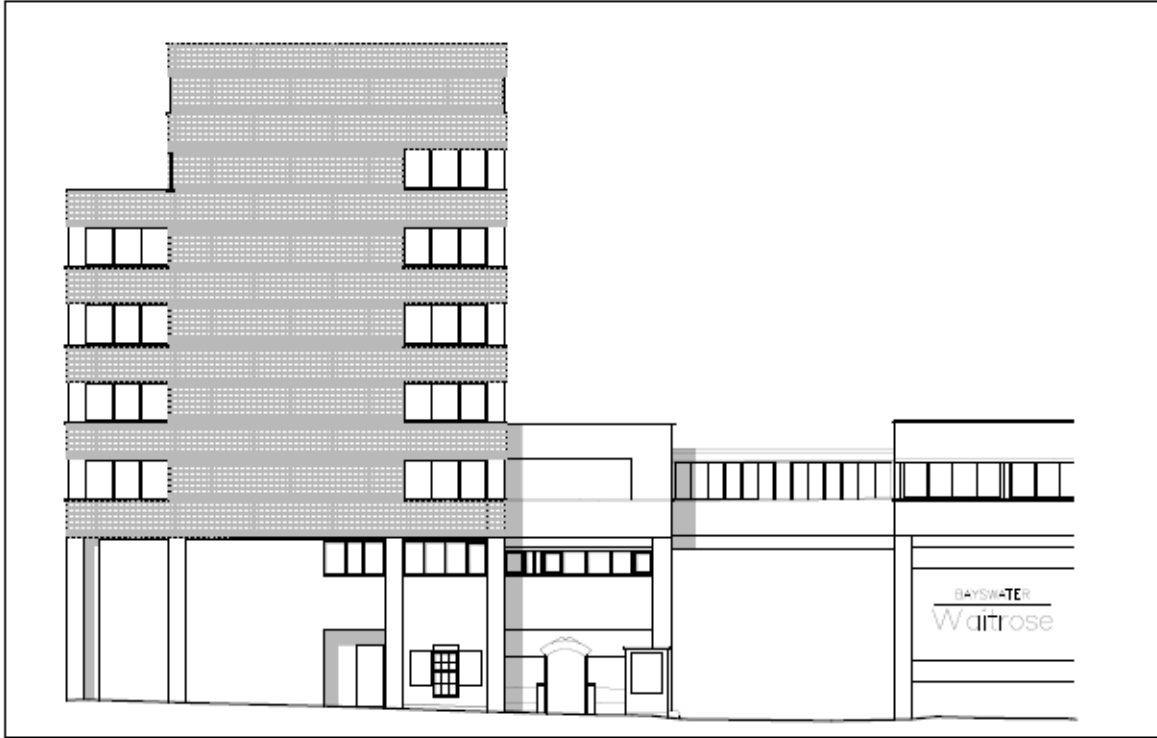
Existing First Floor Plan



Proposed First Floor Plan

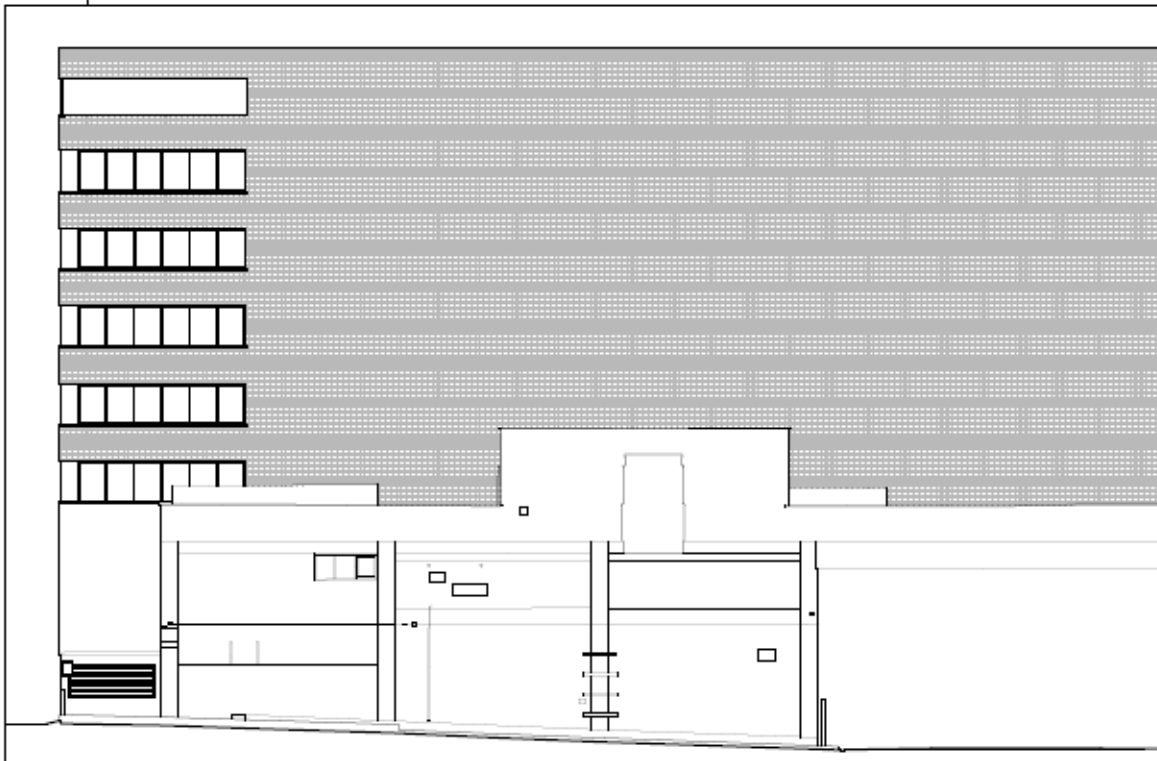


Existing Elevations



02 EXISTING ELEVATION A-A

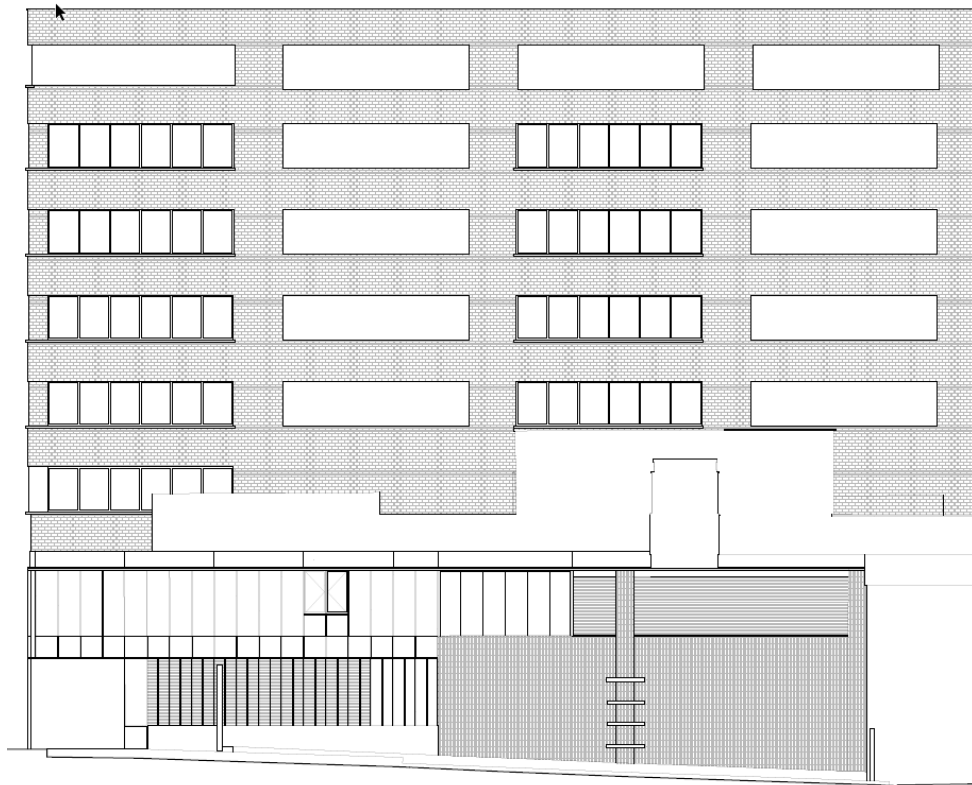
Scale: 1:100 PORTRAIT ROAD



03 EXISTING ELEVATION B-B

Scale: 1:100 THROUGH SERVICE YARD

Proposed Elevations



Proposed Visual (for information only)



DRAFT DECISION LETTER

Address: 40 Porchester Road, London, W2 6ES,

Proposal: Extension to front elevation at ground and first floor, re-cladding of building at ground and first floor and changes to the elevations in association with the change of use at first floor level from ancillary public house accommodation (Class A4) to a self contained residential unit (Class C3).

Reference: 17/04344/FULL

Plan Nos: AP(0)01, AE(0)10, AE(2)10, AE(2)11, AP(0)10, AE(0)11, AE(0)12, AP(0)13, AP(2)10 Rev A, AP(2)11, AP(2)12 Rev A, AP(2)13, AS(0)10, AS(0)11, AS(2)10, Sound Insulation Report dated 18th September, Noise levels deceleration dated 9th November; Signage Strategy drawing dated Jan'18.

Case Officer: Max Jones

Direct Tel. No. 020 7641 1861

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

- 3 You must apply to us for approval of details of the facing materials you will use, including the metal cladding colour, the colour of paint for the brickwork and elevations and roof plans annotated to show

where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 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 not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

Reason:

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

- 5 You must apply to us for approval of detailed drawings of the following parts of the development – wall mounted lights. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

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

- 6 Notwithstanding details shown on the approved drawings the frames to the windows hereby permitted shall be painted to match the colour of the metal cladding.

Reason:

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

- 7 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.

- 8 Prior to occupation of the residential accommodation you must provide details to demonstrate the works recommended within parts 7 and 8 of the acoustic report by Holts Acoustic Ref: HA2017075 between the residential accommodation and the A4 unit at ground floor and basement level have been carried out. Such details must include the installation of an appropriate sound limiter to any musical amplification system in the A4 unit at ground floor and basement level set at a level as specified in section 9 of the acoustic report by Holts Acoustic Ref: HA2017075.

Reason:

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

- 9 Prior to the occupation of the residential accommodation you must submit to the city council for approval details of a ventilation strategy with external windows closed that prevents overheating in the residential accommodation.

Reason:

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

- 10 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must

include:, (a) The location of most affected noise sensitive receptor location and the most affected window of it;, (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;,, (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted, in conformity to BS 7445 in respect of measurement methodology and procedures;,, (d) The lowest existing L A90, 15 mins measurement recorded under (c) above;,, (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;,, (f) The proposed maximum noise level to be emitted by the activity.

Reason:

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

- 11 You must provide the waste store shown on drawing AP(2)10 RevA, AP(2)12 RevA before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flat. 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 hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have

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

- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , 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 informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Church Street	
Subject of Report	458 Edgware Road, London, W2 1EJ,		
Proposal	Retention of ground floor rear extension and shopfront alterations in connection with continued use as a restaurant (Class A3). (Retrospective Application).		
Agent	Mr SINAN AY		
On behalf of	Mr ALI KOCAKOL		
Registered Number	17/01027/FULL	Date amended/ completed	20 February 2017
Date Application Received	9 February 2017		
Historic Building Grade	Unlisted		
Conservation Area	Outside		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application relates to an unlisted building located outside of a designated conservation area but within a secondary frontage of the Church Street / Edgware Road District centre. The premises are set over ground and basement levels and include part of the rear ground floor of 460 Edgware Road and its garden.

Permission is sought for the retention of works which have been undertaken without prior permission, namely the infilling of much of the garden area to the rear of 460 Edgware Road to provide additional restaurant floorspace and for alterations to the shopfront of 458 Edgware Road.

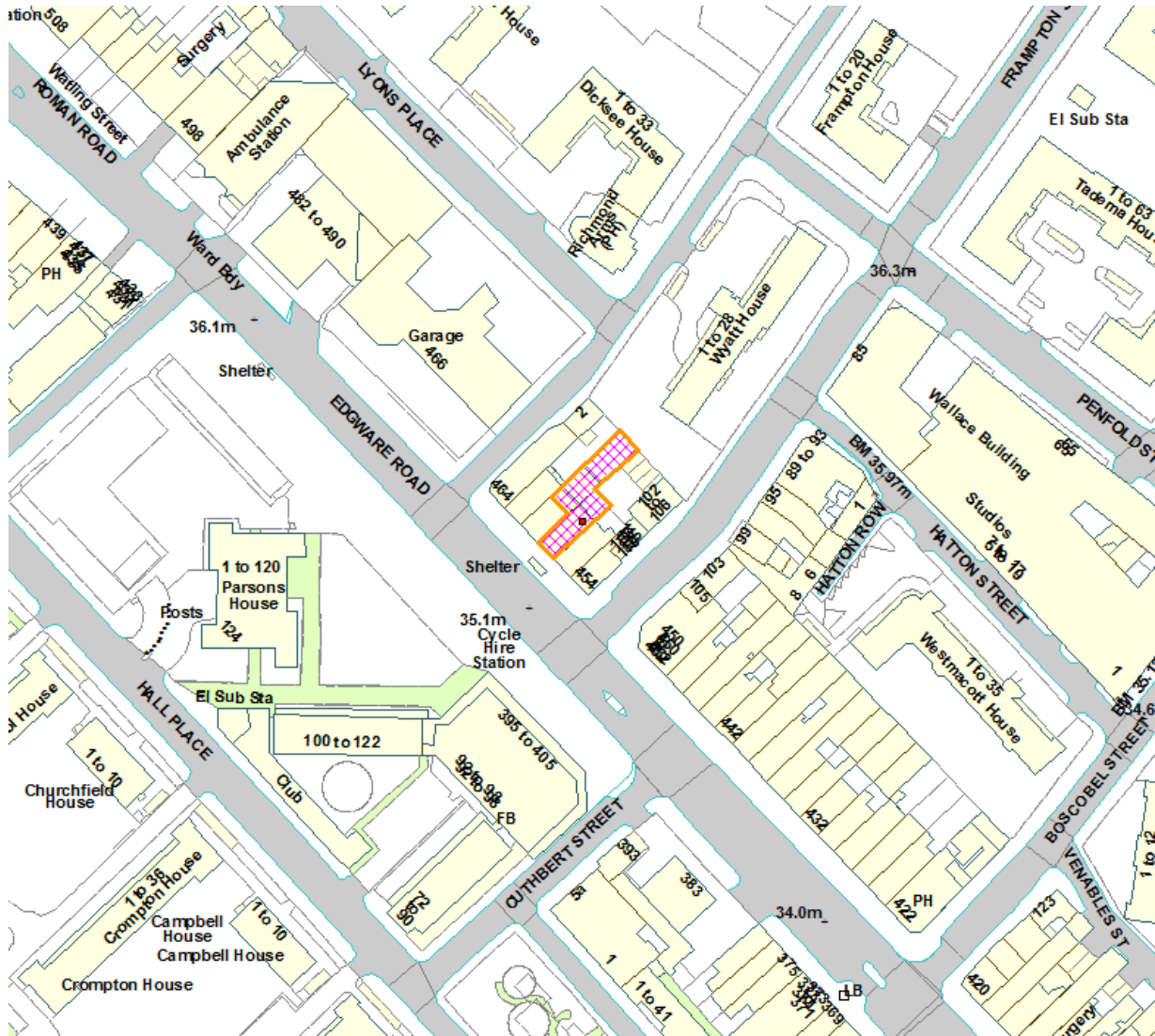
The key issues in the case are:

- The impact on the amenity of neighbouring residents.
- The acceptability of the additional restaurant floorspace in land use terms.
- The acceptability of the alterations and extensions in design and townscape terms.

On balance, it is considered that the works are acceptable and in accordance with policies in the Westminster City Plan (City Plan) and the Unitary Development Plan (UDP) and therefore the application is recommended for approval subject to the conditions as set out on the draft decision

letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Pre-existing photographs showing the rear yard (partially enclosed by a canopy)



Edgware Road frontage



Extended restaurant area



5. CONSULTATIONS

ST MARYLEBONE SOCIETY:

Object to the proposed roller shutter, which should be located behind the glass.

CRIME DESIGN PREVENTION OFFICER:

No response to date.

PLANNING ENFORCEMENT TEAM:

No response to date.

ARBORICULTURAL OFFICER:

Insufficient information has been submitted to judge the impact of the development on the trees within the rear and adjacent to the site.

BUILDING CONTROL:

Concerns in relation to means of escape and use of garden walls as internal building walls.

ENVIRONMENTAL HEALTH:

No objection.

ADJOINING OWNERS / OCCUPIERS:

No consulted: 293

No responses: 5 objections raising some or all of the following grounds:

Land Use:

- There are too many restaurants within the area with little diversity of choice.
- No overall scheme to bring variety to shop facilities in the area.

Amenity:

- Smells and smoke from restaurants often make opening a window offensive.
- Shisha is being smoked in rear garden which causes smell and noise disturbance to neighbours.

Other:

- Rubbish is left on the street.
- No fire exit or access from the extension area.
- Loss of green area.
- Reduction to property values.
- Extension built without consent, including unauthorised site access over adjacent owners land.
- Structural integrity of extension questioned.
- No party wall agreement.

SITE NOTICE / PRESS ADVERT:

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

458 Edgware Road is located outside of a conservation area has little architectural merit either at the front or the rear. The application relates to an existing restaurant located at ground and basement levels. The site doglegs to the rear so that it occupies the rear ground floor and garden of 460 Edgware Road. The rear of the site, was characterised by a long decked patio area, with tall boundary walls and what would appear to have been an unauthorised large retractable canopy structure. The general character of the rear of this terrace is utilitarian with general back of house areas for the street facing retail uses.

There are residential flats located on the upper floors of the host and surrounding buildings.

6.2 Recent Relevant History

05/06480/FULL – planning permission granted 9 November 2005 for the erection of a rear ground floor extension to existing restaurant.

99/10702/FULL - Planning permission granted 7 December 1999 for installation of ventilation duct to rear of building.

TP/12564 - Planning permission granted 9 October 1975 for the use of No. 458 Edgware Road as a cafeteria.

7. THE PROPOSAL

Permission is sought for the retention of a single storey extension to the restaurant at rear ground floor level which takes up a large proportion of the pre-existing yard. It is also proposed to retain an external roller shutter on the shopfront.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals include the extension to the existing restaurant by approximately 41sqm. Prior to the works, the ground floor was approximately 121sqm and the basement 62sqm (totalling 183sqm).

The existing restaurant, which is located outside the Edgware Road stress area benefits from a planning permission in 1975 for use as a cafeteria. There are no conditions restricting the operation of the restaurant. The extension would increase floorspace by 41 square metres and provide approximately 36 additional covers. Prior to the extension being built, the restaurant utilised the rear garden area for customers and there were no conditions restricting the hours of opening or use of the garden area. Given that the outside space has been significantly reduced in size, and as there were no conditions restricting its use, it is considered unreasonable to condition the proposal. Given the pre-

existing situation, the proposed extension is not considered to cause significant harm to the amenity of adjoining owners/occupiers, indeed it may well have improved the situation, as only a limited number can now sit outside and cause noise disturbance.

An objection has been received on the grounds that the proposals do not increase diversity in the restaurant offer in the area, and that some form of strategy should be comprised. The Council cannot control what type of restaurant occupies a premises, only the use itself. No change of use is proposed and therefore this objection cannot be sustained.

8.2 Townscape and Design

While this extension does not represent the highest standards of design as sought by UDP policy DES 1, it is located to the rear, in utilitarian surroundings and can only be seen in very minimal views from the surrounding area, notably Orchardson Street, and is therefore, on balance, considered acceptable. One area of concern is the rear parapet/soffit board which appears to accommodate the rear folding doors in that it has been painted red and this is visible from Orchardson Street. It is recommended that by way of an amending condition that this be painted black or to match adjacent brickwork.

One objection has been received on the grounds of loss of greening. Policy DES 5 resists the loss of garden space, however given the commercial use of the premises and as some outdoor space is retained, it is not considered that refusal on these grounds could be justified in this instance. It should also be noted that no planting has been lost, with the area which has been infilled previously fully decked over, retaining the two trees in planters.

In relation to the works to the shop frontage, which are acceptable in design terms, the roller shutter which has been installed is not considered acceptable and has received objections from the St Marylebone Society and is contrary to DES 5 and guidance in 'Shopfronts, Blinds and Signs'. It is considered to harm the streetscape adding clunky visual clutter to the most noticeable part of the building and creates an inactive frontage when closed. This does not meet S28 of the City Plan and DES 1 and DES 5 of the UDP and a condition securing its removal is recommended. An amending condition is also recommended showing revised plans of this.

8.3 Residential Amenity

Objections have been received from neighbouring residents on the grounds of smoke and fumes. The works do not propose any alterations to the ventilation equipment for the restaurant, which would appear to be full height up the main rear elevation of the building, which would meet Environmental Health requirements (whom raise no objection to the proposals). The objection would appear to be a more general complaint about odour within the vicinity rather than specifically in relation to this site, it is therefore not considered that refusal on these grounds could be sustained.

Objection has also been raised in relation to the use of the rear yard for Shisha smoking. It is not considered that refusal on these grounds could be sustained, given that no change of use is proposed and as the external area has been considerably reduced as a

result of the proposal, and therefore limits the possibility for shisha smoking when compared to the size of the yard previously.

8.4 Transportation/Parking

No change to existing arrangements.

8.5 Economic Considerations

Any economic benefits of the development are welcomed.

8.6 Access

The building control officer has raised concerns in relation to emergency escape routes. While these comments are noted, planning permission could not be withheld on these grounds. Should new emergency access arrangements be needed to meet building regulations, a separate application for planning permission will be required. An informative is recommended to advise the applicant of this.

8.7 Other UDP/Westminster Policy Considerations

An objection has been received from the arboricultural officer on the grounds of insufficient information to support the application as no tree report has been submitted.

There are two existing trees located at the rear end of the garden located in raised permanent planters. It is apparent from photographs taken before and after the works having been undertaken, that no alterations have been made to the trees or their planters.

As suggested by the building control comments, the works have been undertaken using the existing boundary walls, therefore no additional excavation has been undertaken, with existing structures used to support the roof. As the works do not include any excavation it is not considered that a tree report is required in this instance.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

This application is of insufficient scale to require the submission of an Environmental Impact Assessment.

8.12 Other Issues

Objections have been raised on grounds for which permission could not be withheld including reduction in property values and the structural integrity of the building. An informative is however recommended to advise the applicant that they are likely to require building regulations approval for the extension.

Concerns have also been raised in relation to rubbish being left on the street. As the works relate to an existing restaurant, it is not considered that conditions in relation to waste could be sustained, the restaurant will need to comply with existing waste collections.

It has been noted that there was no party wall agreement for the alterations. Such matters are private and dealt with under separate legislation.

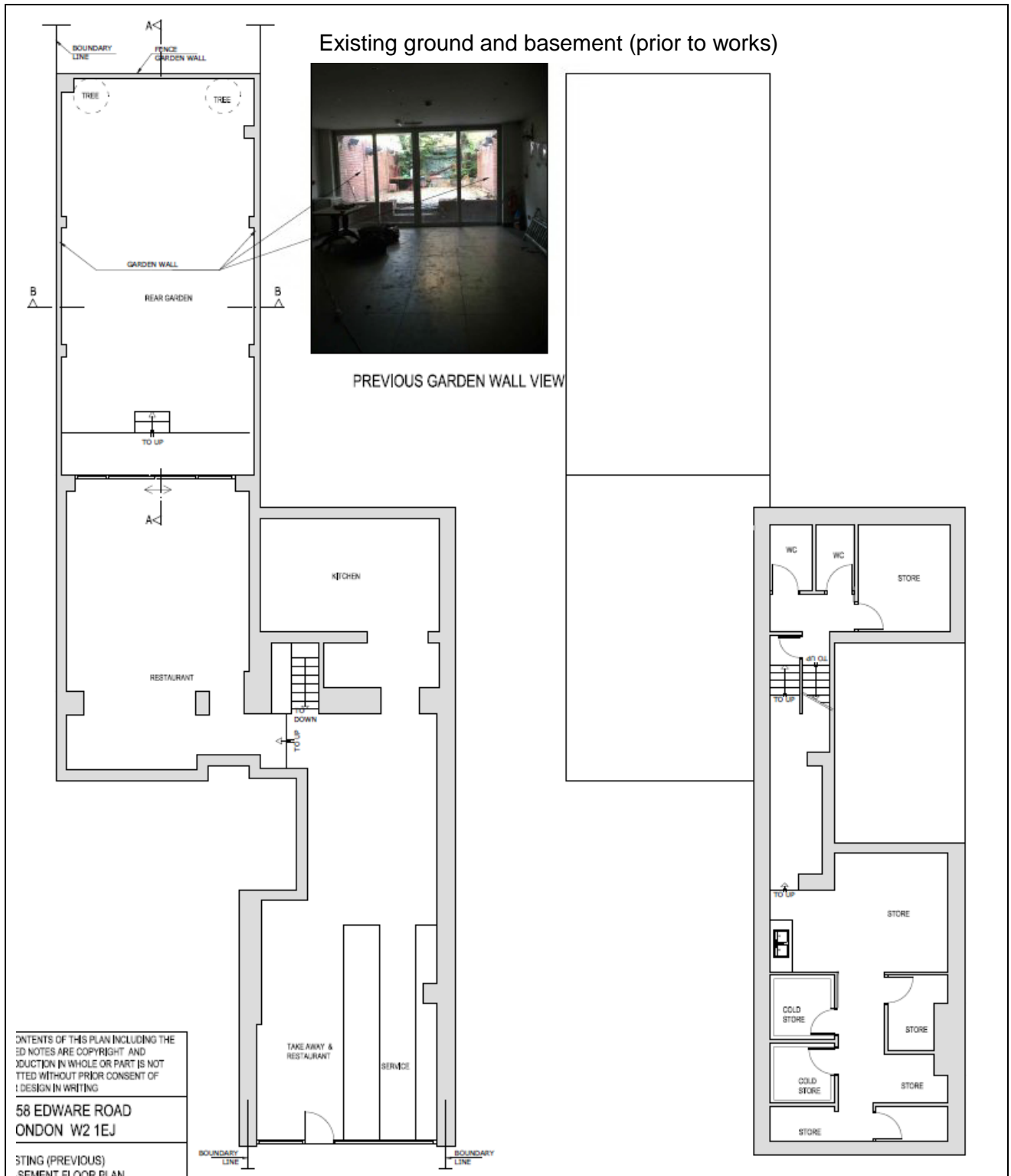
9. BACKGROUND PAPERS

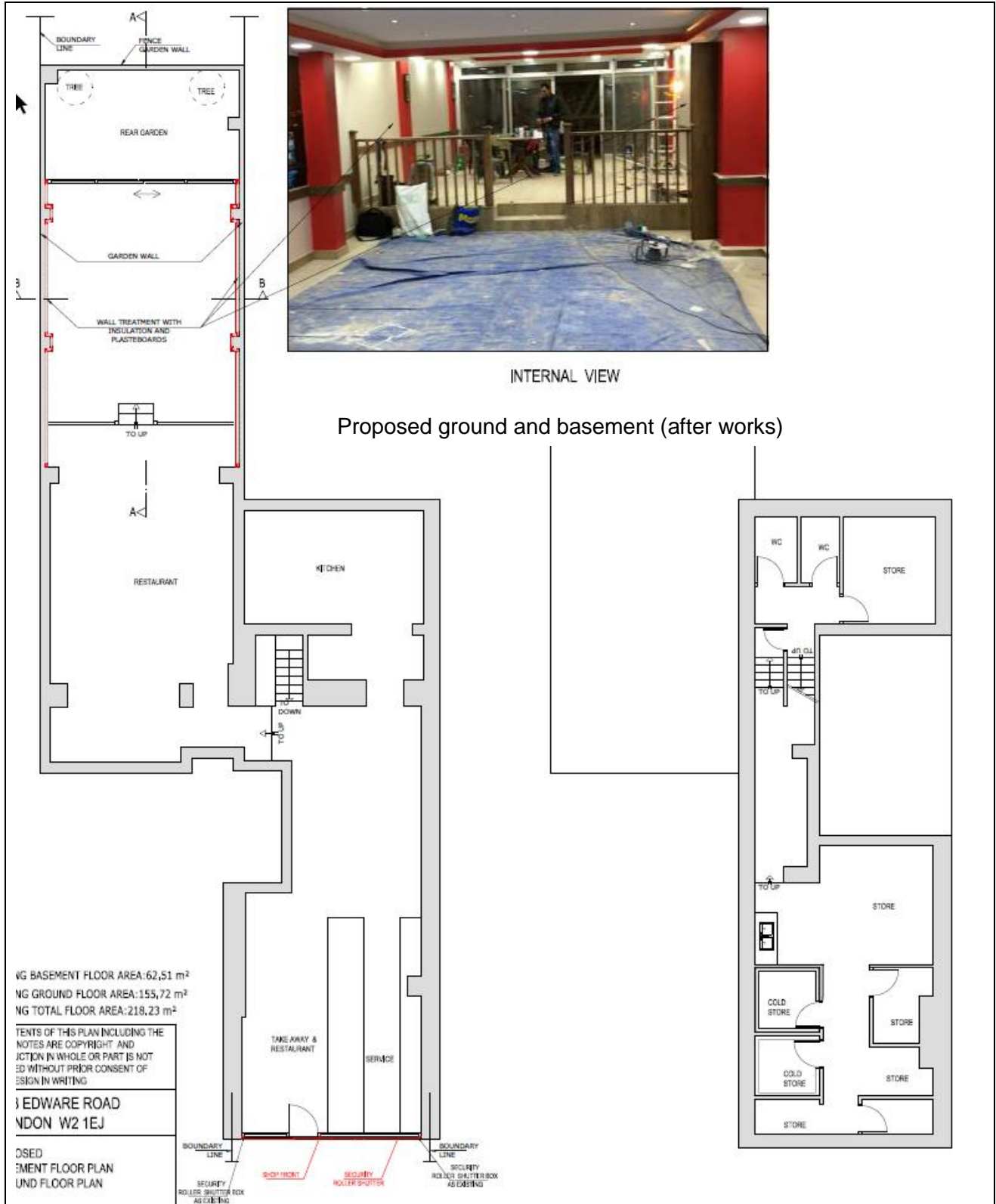
1. Application form
2. Response from The St Marylebone Society, dated 14 March 2017
3. Response from Building Control - Development Planning, dated 13 March 2017
4. Response from Environmental Health, dated 28 February 2017
5. Response from Building Control, dated 13 March 2017
6. Response from Arboricultural Officer, dated 10 April 2017
7. Letter from occupier of 6 Hatton Row, London, dated 4 March 2017
8. Letter from occupier of 333 Park West, Edgware Road, dated 14 March 2017
9. Letter from occupier of 458 Edgware Road, Flat 6, dated 14 March 2017
10. Letter from occupier of Lilestone Tenants Co-Operative, Wyatt House, Frampton Street, dated 15 March 2017
11. Letter from occupier of 72-74 Edgware Road, London W2 2EG, dated 16 March 2017

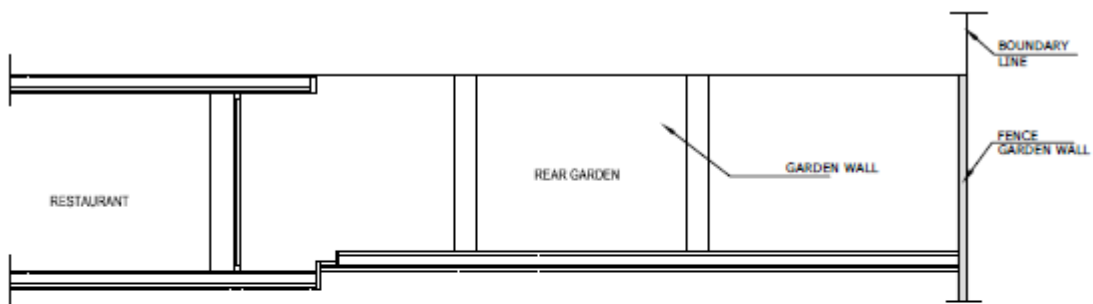
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

10. KEY DRAWINGS

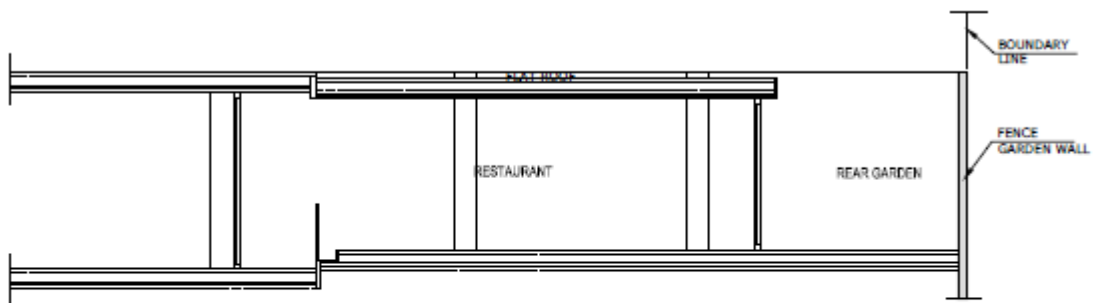






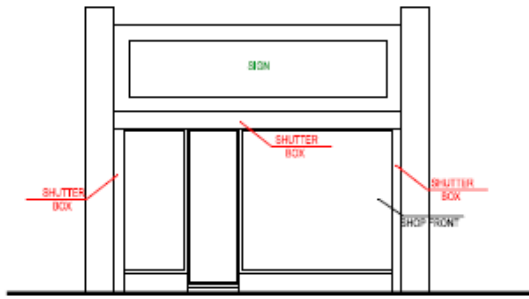
EXISTING SECTION A-A

SCALE: 1/100



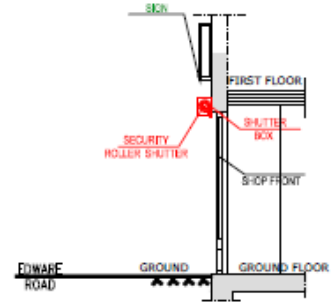
PROPOSED SECTION A-A
(AS CURRENT)

SCALE: 1/100



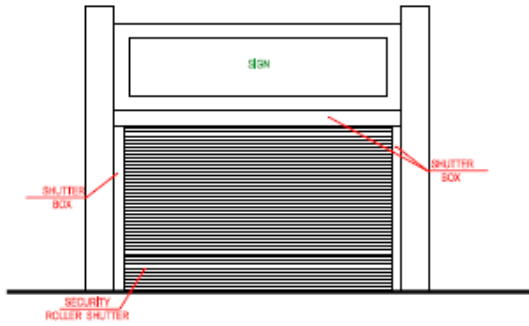
PROPOSED FRONT ELEVATION

(SHUTTER UP) SCALE: 1/100



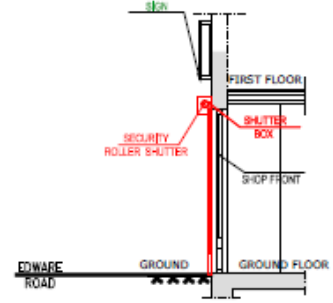
PROPOSED SECTION A-A

SCALE: 1/100



PROPOSED FRONT ELEVATION

(SHUTTER DOWN) SCALE: 1/100



PROPOSED SECTION A-A

SCALE: 1/100

DRAFT DECISION LETTER

Address: 458 Edgware Road, London, W2 1EJ,

Proposal: Retention of ground floor rear extension and shopfront alterations in connection with continued use as a restaurant (Class A3). (Retrospective Application).

Plan Nos: 002.17/01; 002.17/02; 002.17/03; 002.17/04; Site Location plan.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

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

Reason:

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

- 2 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme the removal of the roller shutter to the shopfront. 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 3 Within 3 months of the date of this permission, you must:
 - remove the roller shutter from the front elevation;
 - repaint the existing red parapet/ soffit board of the extension either black or painted to match the adjacent properties.

You must then retain the shop frontage and the rear extension in this condition thereafter.

Reason:

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

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 It is understood that you have been in discussions with Westminster Building Control Officers in relation to emergency means of escape. You are advised that should any additional external alterations be required, these are likely to require a new application for planning permission. You are also advised that you are likely to require Building Regulation approval for the extension.

- 3 You are advised that this permission does not grant approval of the roller shutter to the front elevation.

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Agenda Item 7

Item No.
7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	5 Maida Avenue, London, W2 1TF		
Proposal	Excavation of a basement to lower ground floor level, erection of a single storey extension at lower ground floor and insertion of new glazed sliding doors at ground floor.		
Agent	Barnaby Gunning		
On behalf of	Mr & Mrs S Walker		
Registered Number	17/10058/FULL	Date amended/ completed	22 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 a three storey mid terrace residential dwellinghouse located on the southern side of Maida Avenue. It is not listed or subject to any article 4 directions but is located within the Maida Vale Conservation Area.

Planning permission is sought for the excavation of part of the rear garden to extend the lower ground floor with an infill extension and the insertion of glazed sliding doors into the rear closet wing at ground floor level. The proposal also involves changes to the steps to the upper ground floor level closet wing.

A previous application for a two storey glazed stair enclosure extension projecting from the closet wing at lower and upper ground floor level and a 0.25m higher infill extension to the lower ground floor was refused by the Planning Applications Committee on 15 August 2017 (decision issued on 4 September 2017) on the grounds that the two storey staircase enclosure projecting from the closet wing would make the people living in Flat 3A Douglas House feel too shut in. This refusal is currently the subject of an appeal.

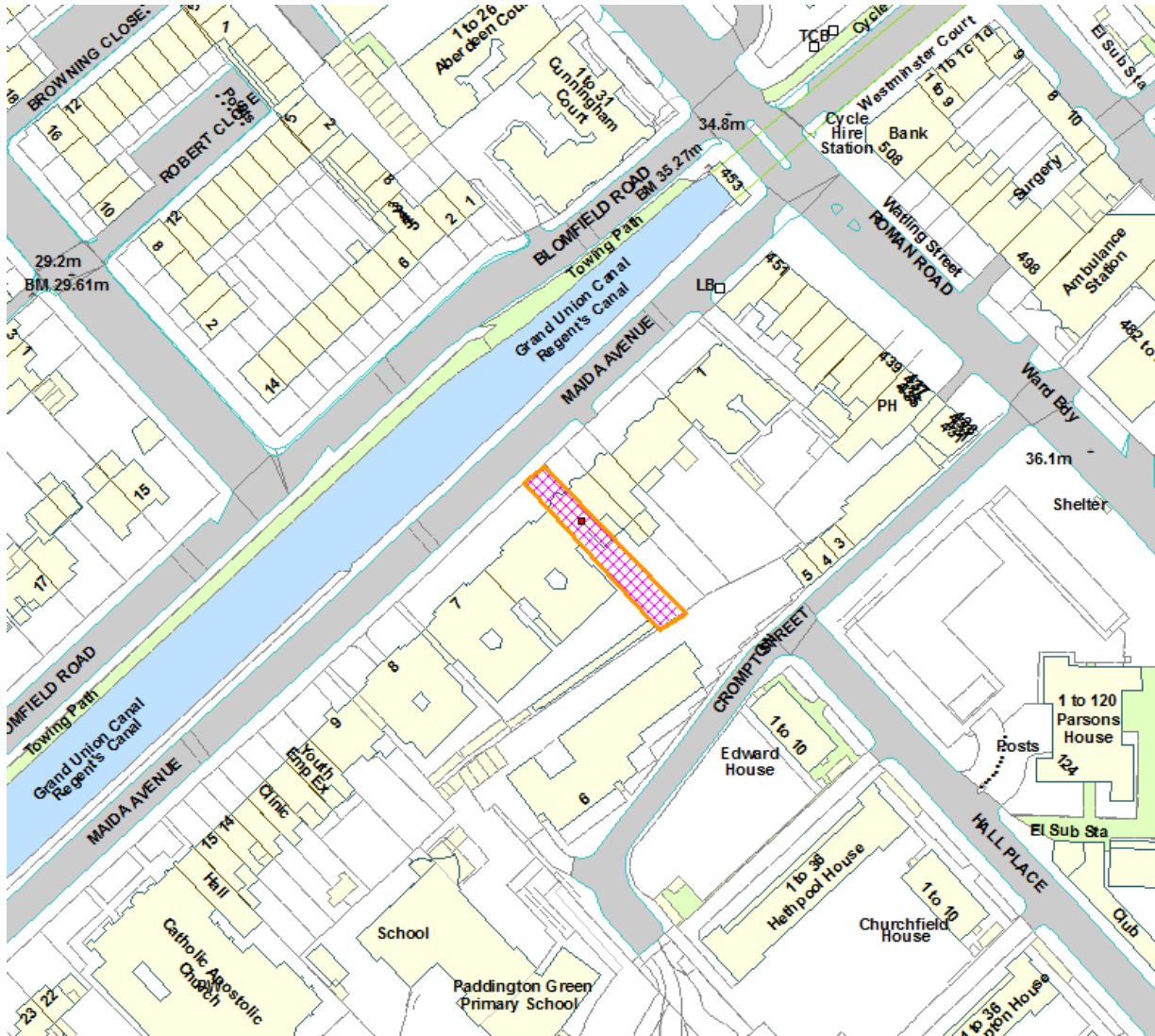
Objections have been received from 2 neighbours to the proposal on design amenity and structural/water table disturbance grounds.

The key issues in this case are:

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

For the reasons set out in this report, the proposed development is considered overcome the previous reason for refusal and accords with relevant policies within the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan: Strategic Policies adopted in November 2016 (the City Plan). As such, it is recommended that planning permission is granted, subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of Infill Extension Location



View of existing closet wing



View of rear of 5 Maida Avenue from window in flat 3A, Douglas House

5. CONSULTATIONS

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

No response received.

THAMES WATER

No objection to the planning application with regards to water infrastructure. Requests applicant incorporates protection to the property top avoid the risk of backflow of waste.

BUILDING CONTROL

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 53

Total No. of replies: 2

No. of objections: 2

2 objections received on the following grounds:

- Works may disturb underground water course and cause drainage issues potentially worsening flooding and damaging foundations within Douglas House and to the boundary wall with 5 Maida Avenue.
- Documents submitted with application in relation to ground water are inadequate and do not include investigation over an extended period or take into consideration seasonal variations.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a five storey mid terrace dwellinghouse located on the southern side of Maida Avenue. The building is not listed, but is located within the Maida Vale Conservation Area.

The property forms the south western end of a group of three similarly scaled and detailed Victorian building, which form part of a longer terrace of buildings of a variety of heights, forms and detailed design along the southern side of Maida Avenue, facing the Grand Union Canal. The neighbouring building to the south west of the application site is an Edwardian mansion block, Douglas House, which is taller and bulkier than the application property and its neighbours to the north east.

6.2 Recent Relevant History

17/03537/FULL

Excavate part of rear garden to extend lower ground floor and erect a single storey rear infill extension at lower ground floor level and erection of a two storey glazed staircase enclosure at lower ground and ground floor level.

Application Refused 4 September 2017

Appeal in Progress

16/09049/FULL

Erection of part single storey and part two storey rear extension at lower ground and ground floor levels.

Application Refused 31 January 2017

13/12887/FULL

Erection of two storey rear extension including excavation to garden to create additional habitable living space at lower ground floor level.

Application Refused 5 December 2014

7. THE PROPOSAL

Planning permission is sought for the excavation of part of the rear garden to extend the lower ground floor with the erection of a single storey rear infill extension at lower ground floor level, which incorporates a glass roof and the insertion of sliding glazed doors to the rear elevation of the closet wing at ground floor level. The proposal also involves alterations to the access from garden level to the ground floor of the closet wing. This involves the creation of a 1.25 metre landing area immediately to the rear of the closet wing at ground floor level and the stairs width extending for almost the full width of the closet wing.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The enlargement of the existing dwellinghouse would accord with Policy H3 in the UDP and Policy S14 in the City Plan. Accordingly the proposal is acceptable in land use terms.

8.2 Townscape and Design

A glazed infill extension at ground floor level was considered uncontentious in design terms when assessed as part of the September 2017 decision and did not form part of the reason for refusal. This proposal is identical to that considered except for its reduction in height by 0.25 meters so that does not project beyond the existing boundary wall with Douglas House. Its visibility will therefore be further decreased. This element of the scheme is considered appropriate in conservation and design terms.

The replacement of the existing French doors with wider sliding glazed door is not considered contentious in design terms. Such glazed elements at ground and lower ground floor are a common feature of this terrace and the wider conservation area.

For these reasons the proposal is considered to accord with DES5 and DES9 of the UDP and DES25 and DES28 of the City Plan.

8.3 Residential Amenity

An infill extension at ground floor level was considered uncontentious in amenity terms when assessed as part of the September 2017 decision and did not form part of the reason for refusal. This proposal is identical to that considered except for its reduction in height by 0.25 meters so that does not project beyond the existing boundary wall with Douglas House. The extension is to be glazed and the roof is to comprise obscure glazing (to be conditioned). The proposals are not considered to result in any overlooking to neighbouring properties and causes no harm with regards to sunlight/daylight, sense of enclosure or light pollution.

The replacement of the existing French doors with wider sliding glazed door is not considered contentious in amenity terms. It would not have a significant impact on overlooking due to its orientation into the garden of the subject premises and due to the large existing boundary. The same is true of the creation of an extended landing area leading between the closet wing doors and the steps top the garden. Because of its limited size (1.25 metres depth/projection) it would not be suitable for use as a terrace or for people to congregate and dwell. In any case any views from it to the neighbouring garden would be largely restricted by the mature vegetation and adjacent boundary fence which is 1.75m in height from the floor of the landing area.

8.4 Transportation/Parking

The proposal does not raise any transportation or parking concerns.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The application does not propose any significant changes to the existing means of access to this private dwellinghouse.

8.7 Other UDP/Westminster Policy Considerations

Structural/ground condition matters:

The proposal involves some excavation works, which have attracted objection on structural impact grounds and raised concerns about the impact on drainage, disturbance of watercourse and the impact on the foundations of the neighbouring mansion block. However, Building Control have confirmed that the structural method statement is satisfactory and have raised no concerns about the ground conditions or flood risk/drainage. There are therefore no grounds to withhold permission on the basis of the structural impact of the proposals on neighbouring properties.

Basement excavation:

In terms of the application of the basement policy, CM28.1 in the City Plan, the extension proposed at lower ground floor level would not be below the existing ground floor level of the building (in this case the lower ground floor) and would not be fully below garden level. Therefore the basement policy is not applicable in this case as the proposal comprises an extension to the lower ground floor, which would involve some modest excavation within part of the rear garden and is not a fully subterranean addition wholly below the existing ground floor and garden level.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application. The application is of insufficient scale to be CIL liable.

8.11 Environmental Impact Assessment

The application is of insufficient scale to require an environmental impact assessment.

9. BACKGROUND PAPERS

1. Application form.
2. Email from Thames Water dated 5 December 2017.
3. Email from Building Control dated 1 February 2018.
4. Letter from occupier of 3 Parklands Close, Barnet, dated 14 December 2017
5. Letter from occupier of 9A Douglas House, 6 Maida Avenue, dated 14 December 2017

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

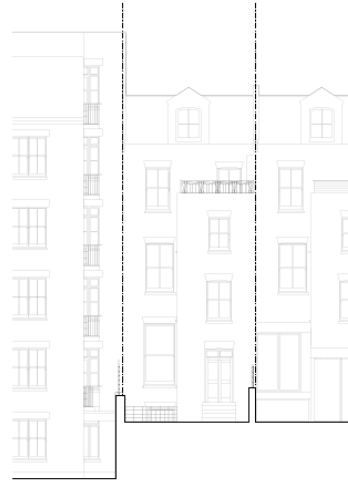
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk

10. KEY DRAWINGS

Existing and Proposed Elevations



Existing Northwest Elevation



Existing Southeast Elevation



Proposed Northwest Elevation



Proposed Southeast Elevation

4 The Project/Client/Company Name/Project
 1000 Main Street, New York, NY 10001
 (212) 123-4567
 www.project.com

ARCHITECT
 800 Broadway, New York, NY 10003
 (212) 555-1234
 www.architect.com

DATE/DATE/DATE

Scale: 1/8" = 1'-0"

Notes:
 - Existing conditions
 - Proposed conditions
 - Existing materials
 - Proposed materials

4 The Project/Client/Company Name/Project
 1000 Main Street, New York, NY 10001
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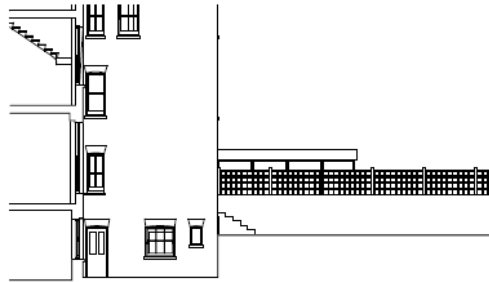
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Notes:
 - Existing conditions
 - Proposed conditions
 - Existing materials
 - Proposed materials

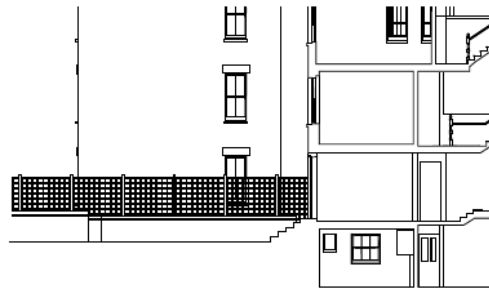
Existing and Proposed Sections (also showing outline of previously refused scheme)



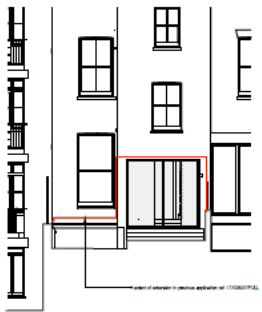
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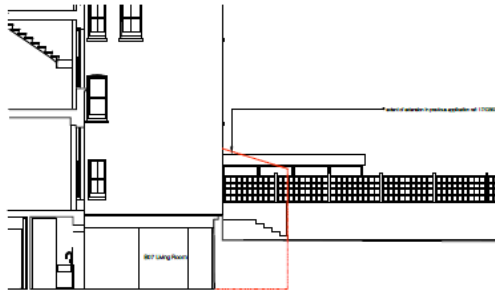
Existing Section CC



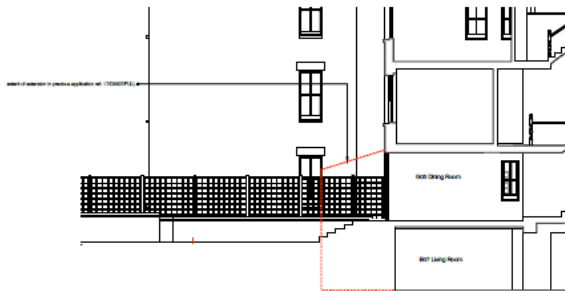
Existing Section DD



Proposed Section AA



Proposed Section CC



Proposed Section DD

Scale: 1/200

DATE: 10/10/2017

Scale: 1/200

DATE: 10/10/2017

Scale: 1/200

DATE: 10/10/2017

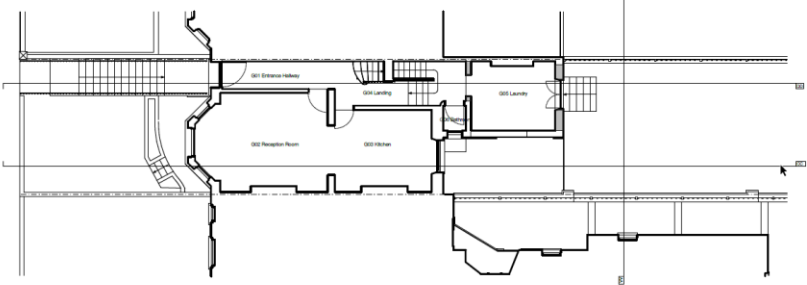
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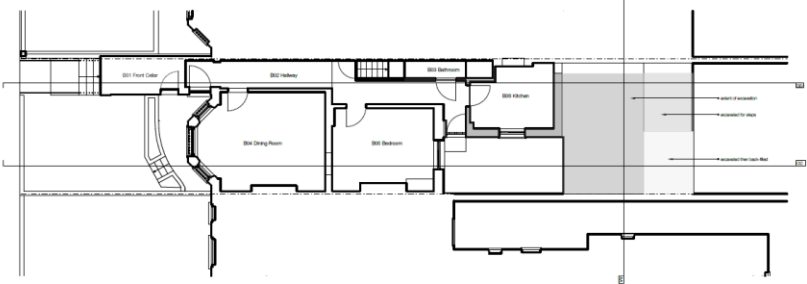
DATE: 10/10/2017

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Existing and Proposed Floor Plans



Existing Upper Ground Floor Plan



Existing Lower Ground Floor Plan

NOTES

- 1. To be used in conjunction with the existing floor plan.
- 2. To be used in conjunction with the existing floor plan.

KEY

- Existing
- Proposed
- Proposed for both

Scale

1:100

PROJECT INFORMATION

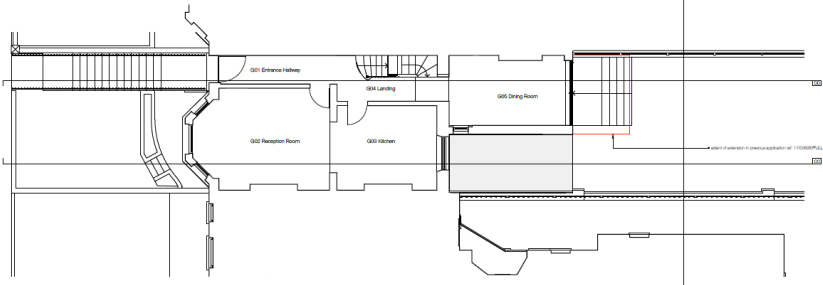
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 Project No: [Redacted]
 Date: [Redacted]

ARCHITECT

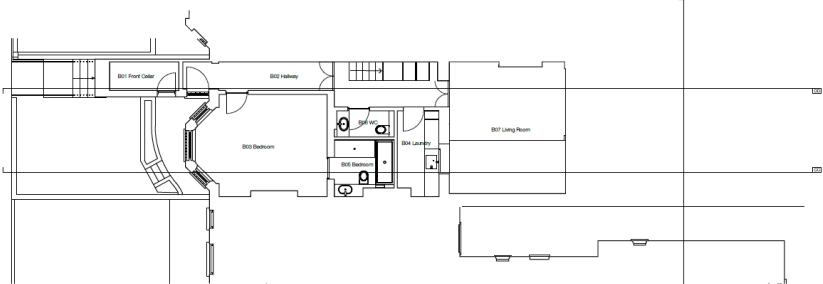
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STATUS

- Approved
- Not Approved
- Under Review
- Not Started
- On Hold
- Cancelled
- Withdrawn
- Completed



Proposed Upper Ground Floor Plan



Proposed Lower Ground Floor Plan

NOTES

- 1. To be used in conjunction with the existing floor plan.
- 2. To be used in conjunction with the existing floor plan.

KEY

- Existing
- Proposed
- Proposed for both

Scale

1:100

PROJECT INFORMATION

Project Name: [Redacted]
 Project No: [Redacted]
 Date: [Redacted]

ARCHITECT

[Redacted]
 [Redacted]
 [Redacted]

STATUS

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- Not Started
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- Completed

DRAFT DECISION LETTER

Address: 5 Maida Avenue, London, W2 1TF

Proposal: Excavation of a basement to lower ground floor level, erection of a single storey extension at lower ground floor and insertion of new glazed sliding doors at ground floor.

Reference: 17/10058/FULL

Plan Nos: Location Plan; 248_G_010RevD; 248_G_013RevC; 248_G_015RevA; 248_G_110RevF; 248_G_111RevF; 248_G_112RevF; 248_G_113RevF; Structural Methodology Statement(for information only); Design and Access Statement.

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents based 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 Saturdays 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 the 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 in accordance with S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of the City of Westminster Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

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

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

Reason:

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

- 5 You must apply to us for approval of the facing materials you will use annotated on elevations and roof plans to show where the materials are to be located including glazing and framing materials to be used. 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.

Reason:

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

- 6 The glass that you put in the roof of the lower ground extension must not be clear glass, and must be permanently fixed 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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 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):

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

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

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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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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