



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 17th April, 2018**

Time: **6.30 pm**

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

Members: **Councillors:**
Angela Harvey (Chairman)
Jonathan Glanz
Iain Bott
Ruth Bush

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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note that Councillor Ruth Bush has replaced Councillor Jason Williams.

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. 72 & 74 HAMILTON TERRACE, NW8 9UL | (Pages 3 - 32) |
| 2. 18-22 WEIGHHOUSE STREET, WC1K 5LU | (Pages 33 - 44) |
| 3. REGIS HOUSE, 47 BEAUMONT STREET, W1G 6DL | (Pages 45 - 70) |
| 4. SUMMIT HOUSE, 27 SALE PLACE, W2 1PP | (Pages 71 - 84) |
| 5. 43 WARWICK WAY, SW1V 1QS | (Pages 85 - 106) |
| 6. 12 LAUDERDALE PARADE, LAUDERDALE ROAD, W9 1LU | (Pages 107 - 124) |

7. 6 ACACIA GARDENS, NW8 6AH

**(Pages 125 -
140)**

**Stuart Love
Chief Executive
9 April 2018**

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 17th April 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1..	RN(s) : 18/01183/FULL	72 & 74 Hamilton Terrace London NW8 9UL	Demolition of two-storey coach house (no.72) and building behind retained front façade and side returns (no.74) and construction of new five storey plus basement building to provide 7 residential units, with associated alterations. Demolition of two garage blocks to rear and construction of new 'U' shaped building of ground and basement to provide a single dwelling house.	
	Abbey Road			
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 18/01359/FULL	18-22 Weighhouse Street London W1K 5LU	Application to remove the one year restriction on capacity and extended opening hours of the Class A3 restaurant at No. 21-22 and to enable the restaurant to continue to operate with the existing capacity (40 at any one time) and within the existing operating hours of 07:00 to 23:00 on Thursdays to Saturdays and 07:00 to 22:00 on Sundays to Wednesdays [being an application to remove condition 14 of planning permission dated 31 January 2017 (RN 16/10936/FULL) which was a variation of planning permission dated 17 September 2014 (RN: 14/06746/FULL) for 'Use of the first floor of 18-22 Weighhouse Street as residential accommodation (Class C3) comprising 1x1-bed and 1x2 bedroom flats; amalgamation of existing Class A1 retail units to be located at basement and ground floor of Nos. 18, 19 & 20, as a single retail unit; relocation of existing Class A3 cafe/restaurant to be located to Nos. 21 & 22 (at ground and basement levels); alterations to the shopfronts and to the fenestration of the property at ground and first floor levels'].	
	West End			
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 17/07261/FULL	Regis House 47 Beaumont Street London W1G 6DL	Use of lower ground floor level as a gymnasium (Class D2) and installation of a new ground floor front facade and entrance on Beaumont Mews, new roof over rear lightwell and access ramp, frosted glass screen and fire escape doors to Beaumont Street and installation of plant.	
	Marylebone High Street			
Recommendation Grant conditional permission.				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 17th April 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 18/00036/FULL Hyde Park	Summit House 27 Sale Place London W2 1PP	Sub-division and use of existing ground floor for Class A2 (financial services) and B1 (office) space, including external alterations to the ground floor front and rear elevations and the installation of an Automatic Teller Machine (ATM) to Praed Street. (Site includes 27 Sale Place & 15-29 Praed Street)..	
	Recommendation Refuse permission – loss of retail (Class A1)			
Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 17/08682/FULL Warwick	43 Warwick Way London SW1V 1QS	Erection of a two-storey rear extension at lower-ground and ground floor levels and replacement shopfront.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 18/00805/FULL Maida Vale	12 Lauderdale Parade Lauderdale Road London W9 1LU	Erection of a two storey side extension to create a residential unit (Class C3).	
	Recommendation Refuse permission- design and amenity.			
Item No	References	Site Address	Proposal	Resolution
7.	RN(s) : 17/11244/FULL Abbey Road	6 Acacia Gardens London NW8 6AH	Erection of a single storey extension to existing garage.	
	Recommendation Grant conditional permission.			

Agenda Item 1

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	72 and 74 Hamilton Terrace, London, NW8 9UL,		
Proposal	Demolition of two-storey coach house (no.72) and building behind retained front façade and side returns (no.74) and construction of new five storey plus basement building to provide 7 residential units, with associated alterations. Demolition of two garage blocks to rear and construction of new 'U' shaped building of ground and basement to provide a single dwelling house.		
Agent	Mr Emilios Tsavellas		
On behalf of	Mr Benjamin Goldkorn		
Registered Number	18/01183/FULL	Date amended/ completed	9 February 2018
Date Application Received	9 February 2018		
Historic Building Grade	Unlisted. No.74 unlisted building of merit.		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Permission is sought for works of demolition and construction of new buildings including excavation to provide a basement to provide a 5-storey plus basement building to accommodate seven flats and basement car parking together with a single storey plus basement building within the rear curtilage to provide a single dwelling house.

Two objections from neighbouring occupiers have been received on the grounds of the design of the rear dwelling house and on the grounds of the impact of the development on the amenity of adjoining occupiers.

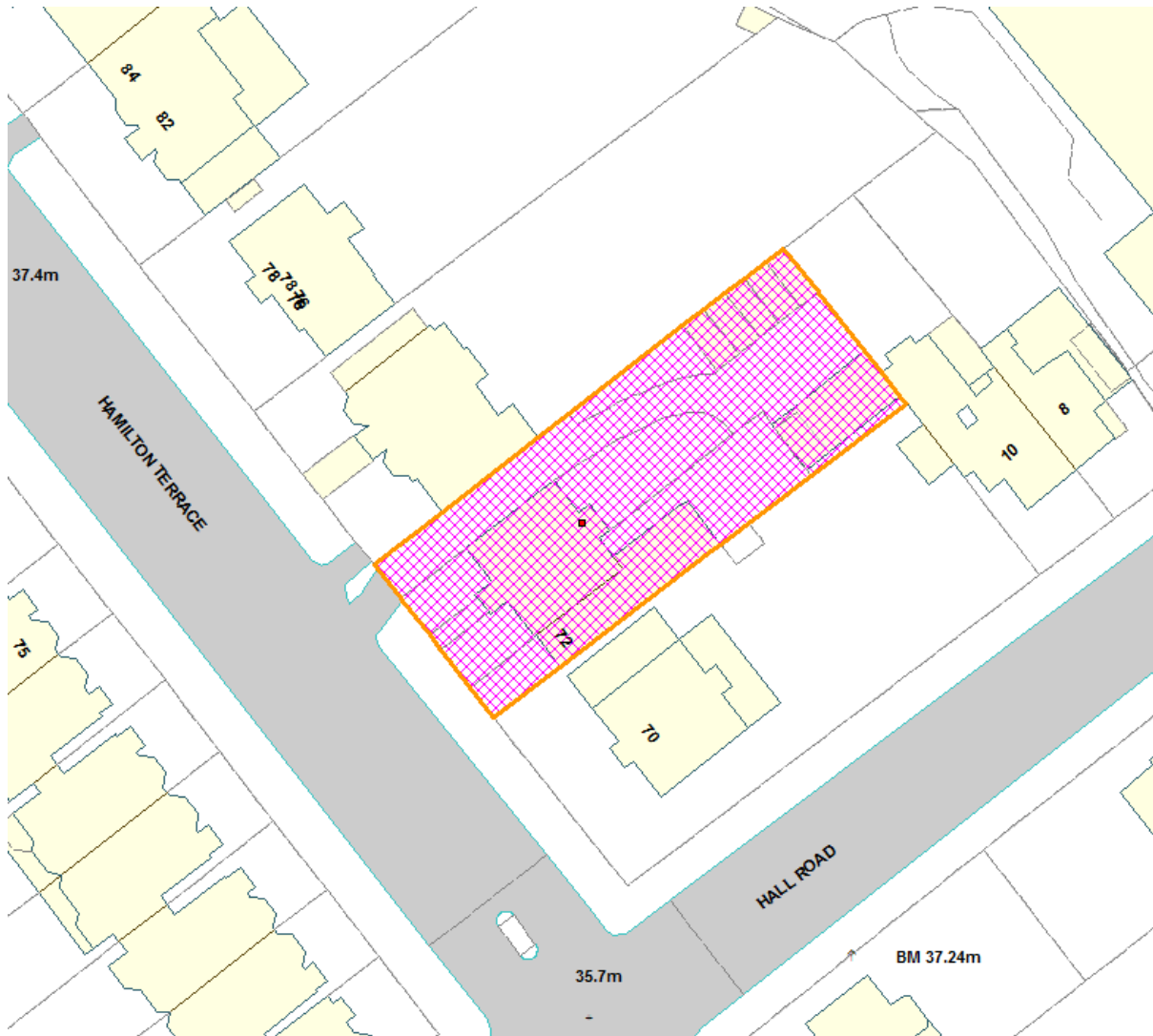
The key issues in this case are:

- The principle of backland development at the site.
- The impact of the proposed demolition and development on the character and appearance of the building and St John's Wood Conservation Area.
- The impact of the proposal of the amenity of the neighbouring occupiers.

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For the detailed reasons set out in this report, the proposed development is considered to accord with the relevant land use, design, amenity and environment policies in the Unitary Development Plan adopted in January 2007 and Westminster's City Plan adopted in November 2016. Therefore, subject to the recommended conditions set out in the draft decision letter appended to this report, it is recommended that permission be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS

REAR OF NO. 72/74 HAMILTON TERRACE



VIEW TO THE EXISTING GARAGES TO THE REAR



5. CONSULTATIONS

THAMES WATER

No objection.

ST JOHN'S WOOD SOCIETY

Any response to be reported verbally.

HIGHWAYS PLANNING

No objection, but would prefer the existing vehicular access widths to be maintained.
Request car lift and turntable strategy

CLEANSING

Objection; the current proposals for waste management are not in line with the council's waste storage requirements.

ENVIRONMENTAL HEALTH

Further information requested with respect to site investigation for contamination, remote rooms, plant.

ARBORICULTURAL SECTION

Any response to be reported verbally.

BUILDING CONTROL

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 160

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Two emails/letters received raising comments on all or some of the following grounds.

Land Use

- The use of the site will be intensified.

Design

- Poorly design outbuilding that does not connect with the surrounding area or wider context.

Residential Amenity

- The terrace at first floor and balcony at second floor will result in overlooking and loss of privacy as the building line will be set back further into the garden.
- The balconies will result in additional noise disturbance and will impact upon the enjoyment of the neighbouring gardens.
- There is concern on the size of the green roofs proposed and whether these will be used as additional amenity space.

- No information is provided in relation to the lighting of the communal garden/landscaped areas and therefore cannot determine if there will be an impact in term of lightspill to neighbouring properties.
- The daylight/sunlight report is not visible online, and therefore cannot determined if there will be overshadowing to neighbouring gardens.

Other

- The comments from Building Control are noted and the lack of research into the existence of groundwater should be addressed with further information for consideration. In the absence of sufficient information objection is raised to the potential impact of the basement on adjoining properties.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located within the St John's Wood Conservation Area and comprises of No. 74 Hamilton Terrace, a five storey detached property that is currently sub-divided into flats and No. 72 Hamilton Terrace which is a two-storey coach house constructed as a later extension to No. 74. The application site also includes two single storey outbuildings to the rear that are currently sets of garages.

The buildings on site are not listed, however No. 74 Hamilton Terrace is identified as an unlisted building of merit.

Recent Relevant History

There is no relevant planning history recorded in relation to No. 74 Hamilton Terrace, however prior to 2006, No. 72 Hamilton Terrace existed as a single storey addition to No. 74. Planning permission was granted in 2006 (RN: 06/03105/FULL) for the erection of a single storey extension at first floor level, this permission allowed for the creation of the two storey coach house as currently present on site.

7. THE PROPOSAL

The application proposes the complete demolition of the two storey coach house (No. 72 Hamilton Terrace), partial demolition of No. 74 Hamilton Terrace with the exception of the façade and side returns and the demolition of the detached garage blocks to the rear.

No. 72-74 Hamilton Terrace will be rebuilt over basement and 5 uppers storeys to provide 7 residential units and a single storey dwelling will be constructed in place of the demolished garages to provide a single family dwelling. The table below demonstrates the existing and proposed gross internal floor area (GIA) and the net uplift in area.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/- (sqm)
Use C3 Residential	984	1,943	995

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.2 Loss of garages

The applicant advises that the existing garages to the rear do not at present serve the existing flats and are in use as storage and a car repair workshop. There is no record of planning permission or a lawful development certificate in place for the car repair workshop. Policy COM1 of the UDP seeks to retain small scale industrial uses outside the special policy areas, where the use meets local service and employment needs of the residential community and has no adverse impact on residential amenity. In this instance, given the lack of planning permission or support for the retention of the use, and the priority given to residential use, the loss of the car repair garage is considered acceptable.

8.3 Residential

The proposed increase in residential floor space by 955m² and increased provision of family sized units (2 additional, increased percentage from 25% to 50%) is welcomed in accordance with policies H3 and H5 of the Unitary Development Plan and S14 and S15 of our City Plan.

Residential Unit Mix

Unit Size	Existing No.	Proposed No.
1 Bedroom	3	3
2 Bedroom	3	1
3+ Bedroom	2	4

Standard of Accommodation

The table below outlines and internal floor areas of the proposed residential units in ascending order.

Unit	Internal Floor Area (m ²)
1 (Studio)	38
2 (3 bed)	260
3 (1 bed)	50
4 (3 bed)	227
5 (3 bed)	206
6 (2 bed)	136
7 (1 bed)	84
8 (3 bed)	325

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In terms of the quality of the accommodation provided, the proposed units within the development are well within the required floor standards set out by the Department of Communities and Local Government Technical Standards (2016).

Furthermore, the level of aspect is considered to be sufficient and all of the provided flats will have access to amenity space in the form of a communal garden. Overall the quality of accommodation is considered to be acceptable and would provide for a good quality living environment for future occupiers in accordance with policy ENV13 of our UDP and S29 of our City Plan.

This application does not meet the thresholds for the requirement to provide affordable housing, given that the increase in residential floor area is below 1000m² and there is no net increase in the number of residential units.

8.4 Townscape and Design

The application site is located on the east side of Hamilton Terrace, located near the junction with Hall Road. The site is currently occupied by a ground plus 2 storey building with lower ground floor and roof level and has been subdivided into flats (no74 Hamilton Terrace). To the east of the principle building is a 2 storey brick addition which extends beyond the rear elevation of the main building and is currently in use as a single unit (no.72 Hamilton Terrace). To the west of the building lies a driveway leading to the rear of the site which is occupied by 2no garage blocks located against the party wall boundaries. The building is located within the St John's Wood Conservation Area and has been identified as an Unlisted Building of Merit.

The application site formed part of the first phase of development of St John's Wood in the early-mid Victorian period, with buildings of this architectural style being prominent, and is considered to positively contribute to the conservation area. The contribution that this phase of development has had on the character and appearance of the St. John's Wood is recognised in the conservation area audit. The main building's detailed design, form, use, materials and setting all reflect this phase of the area's development, although it is recognised the building has undergone historic alterations. Nevertheless, the current building remains proportionate to it setting and is in keeping with the character and appearance of the area. As identified within the Applicant's supporting statement, the adjoining brick building has been identified as having a limited contribution to the character and appearance of the area, with the principle of demolition having previously been accepted.

All the buildings located within the immediate vicinity of the site are identified in the St John's Wood Conservation Area Audit as being unlisted buildings of merit. Thus in terms of heritage issues which arise from the current proposal, these include the impact on the character or appearance of the St John's Wood Conservation Area; and the impact on the unlisted buildings of merit identified.

Legislation and Policy

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that "In the exercise, with respect to any buildings or other land in a conservation area...

special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

In terms of the NPPF the key considerations are addressed in Chapter 12 with paragraphs 133 and 134 specifically addressing the issues of harm to designated heritage assets, which in the case of this application, the designated heritage assets would comprise of the St John’s Wood Conservation Area Conservation Area. UDP Policy DES 1 establishes principles of urban design and conservation, ensuring the highest quality of new development. With regards to architectural quality it states that development should be of the highest standards, use high quality materials appropriate to its setting and maintain the character, scale and hierarchy of existing buildings. UDP Policy DES 4 seeks to ensure the highest quality of new development in order to preserve or enhance Westminster’s townscape. The policy sets out considerations whereby new infill development must have regard to the prevailing character and quality of the surrounding townscape.

UDP policy DES 5 seeks to ensure the highest standards of design in alterations and extensions to existing buildings. It specifically notes that permission will be granted for development where it is confined to the rear of the building, does not visually dominate the existing building, is in scale and of a design which reflects the host building and the materials reflect the host building and its setting.

Furthermore, with regards to Conservation Areas, UDP policy DES 9(B) states that development proposal involving the demolition of an unlisted building may be permitted if the design quality of the proposed development is considered to result in an enhancement of the Conservation Area’s overall character or appearance.

St John’s Wood Conservation Area and the significance of the affected heritage assets
A detailed heritage appraisal has been submitted with the application and this has assisted with the assessment of the contribution that the application site makes to the conservation Area. The St John’s Wood Conservation Area represents the first example of ‘suburban’ residential development in Inner London, having been built up in the 1820s and 1830s. Hamilton Terrace forms part of the original pattern with large detached and semidetached villas, in a regular composition and architectural styles, combined to create an informal and picturesque townscape. Most are set within generous gardens, with open gaps providing glimpses between buildings to trees and greenery beyond.

The application site is an Italianate-style villa, typical of those along Hamilton Terrace. The accompanying heritage statement details the developments of the building, showing the original plan form in 1880 and lightweight additions to the side elevation and the erection of a glass canopy (which still exists on the neighbouring building) in 1894. Of particular relevance is the erection of the side extension, which is now no72, in the 1950s and the insertion of the access road and garages first shown on the 1966 OS map. Further alterations and extensions have taken place, most notably to the rear at lower levels and at roof level including side dormers. The building has also been converted into flats and therefore a degree of alteration internally has also occurred.

Proposed Development

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The application proposes the demolition of no.72 Hamilton Terrace and the partial demolition of no74 Hamilton Terrace with the front and side elevations being retained. The replacement building will be centrally located within the plot, be of a comparable height with the existing building and have side and rear extensions at lower ground, ground and first floor levels. It is proposed to excavate a basement level beneath the building and part of the rear garden. The building will be rendered on all elevations and have a slate covered roof. On the front elevation, it is proposed to reinstate the canopy covering the walkway.

The garages to the rear are to be demolished and replaced with a dwelling occupying an excavated basement level and one level above ground. The building has a U-plan with the rear boundary of the site forming the rear elevation of the building, consequently the building faces in on itself as there is only glazing on the internal side elevations. The building is to be clad in timber with hand laid bricks to the rear elevations and have a green roof. A lightwell is located adjacent to the central section and a second lightwell is located against the front elevation.

Assessment

In accordance with DES 9(B)(2) the partial demolition of no74 Hamilton Terrace is considered to be acceptable in this instance as the design quality of the replacement areas of the building is considered to enhance the conservation area's character and appearance. The proposed form and scale of the building is reflective of the buildings original footprint, with the demolition of no.72 restoring the appearance of the front elevation. The proposed side and rear extensions are considered to be of an appropriate scale and form and are in keeping with the architectural style of the building and those in the immediate setting. The roof form is to be reinstatement in a comparable form and mass with the existing, save for the fenestration detailing particularly on the rear elevation. Consequently the scale, form and mass of the proposed building are considered to be acceptable, preserving the character and appearance of the conservation area.

The detailed design of the building is in keeping with the architectural style of the principle building with the architectural detailing, hierarchy and fenestration style being reflective of the buildings in the immediate setting. During the course of the application the hierarchy on the rear elevation has been reinforced by the reduction in scale of the fenestration on the upper levels; proportionally the relationship is now considered to be appropriate. The application does not contain details of the materiality of the fenestration and therefore these are requested by condition. Additionally details of the materials are requested by condition to ensure they are appropriate to maintain the character and appearance of the conservation area. The introduction of sedum roofs on the flat roof section, which is a welcomed feature; this should be secured by condition.

One neighbour comment has been received regarding the single dwelling located to the rear of the application site. The comment raises concerns that the building is poorly designed and has no connection with its surroundings or wider context. UDP policy DES 4 relates to infill developments and states that the insertion of a dwelling should have regard to the prevailing character and quality of the townscape. Hamilton Terrace and the wider area of St John's Wood is generally characterised by larger buildings set within generous plots. Typically there is little or no development within the rear gardens and if

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so they are of a small scale and subordinate to the principle building and garden setting. The existing arrangement at the application site is notably different from the typical character of the area; the rear garden is largely hard landscaped with 2no garage blocks to the rear therefore making the rear of the site already developed. In this unique context the principle of erecting a building on the existing developed footprint is considered to be acceptable.

The building has been designed so as to have a limited impact on the perceived garden setting. The building will be appreciated as a single storey structure due to the subterranean level and therefore will be no higher than the existing garage blocks and the existing boundary walls. The building does not encroach further into the garden than the existing garages and whilst the built form will extend along the rear boundary, this too will not rise higher than the rear boundary wall. The material palette includes timber cladding and stock brickwork therefore reflecting the existing boundary treatments and materials typically found on garden buildings. The layout of the building has been designed as such so that the fenestration faces inwards and design details have been proposed to obscure the glazing from any private views, therefore the appreciation of the building as a dwelling will be limited from any buildings in the immediate area.

Furthermore the building will have a green roof and therefore when overlooked is considered to be an enhancement on the existing hard landscaped area. Consequently the proposed building is considered to be acceptable in design and heritage terms, being an enhancement on the existing situation and having a limited impact on the character and appearance of the conservation area.

In considering the basement excavation in terms of design, Part B(5) of City Plan Policy CM28.1 is of particular relevance. The policy states basement development should protect the character and appearance of the existing building and garden setting, ensuring lightwells and means of escape are sensitively designed and discreetly located. Furthermore, the City Council's SPG 'Basement Development in Westminster' provides advice and guidance on the siting and detailed design of the necessary manifestations.

The principle of excavating a basement beneath the footprint of the building is not contentious in design terms. The external manifestations include a lightwell to the rear of the principle building, 2no lightwells in association with the single dwelling and an access staircase from the basement level which will be covered. The number, scale and positioning of the lightwells are considered to be in accordance with policy and guidance; they are principally located against elevations and have been designed as part of the landscaping scheme, therefore they are considered to have a limited impact on the garden setting and the character and appearance of the wider conservation area.

In conclusion, having had regard to the duties imposed by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the proposals are considered to be acceptable in design and heritage terms and would have no adverse impact on the character and appearance of the St John's Wood Conservation Area or on the setting of the undesignated heritage assets. The proposal is considered to comply with UDP policies DES 1, DES 4, DES 5 and DES 9 as well as S25 and S28 of the City Plan and Chapter 12 of the NPPF.

8.5 Residential Amenity

Sunlight and Daylight

The application is supported by a daylight and sunlight report that demonstrates that the proposal will not result in a detrimental reduction in levels of daylight/sunlight to surrounding properties in line with the BRE Guidance.

The report identifies the neighbouring residential properties that will potentially be affected, and therefore analysed, as being No. 76 and No. 70 Hamilton Terrace. The assessment concludes that all windows in No. 76 Hamilton Terrace will retain a Vertical Sky Component (VSC) of above 27%, which is BRE compliant. In terms of No. 70 Hamilton Terrace, none of the windows will see a reduction in daylight of more than 20% VSC.

Sense of Enclosure

The proposed rear dwelling is no higher than the existing rear garage blocks, it is not considered that it will result in an increased sense of enclosure to the residential block to the rear, or either of the adjoining properties.

In terms of the rebuilt rear of the host building, the rear building line will project further than existing and the side elements will sit closer to the boundary with the neighbouring properties. However, the rear projection of the building is set in from the boundaries and therefore is a sufficient distance away to prevent any increased sense of enclosure to the windows in the rear of the adjoining properties.

Privacy

There are currently windows on the flank elevations between the application site and the adjoining properties. The proposal includes the removal of these, which is considered to be an improvement on the existing situation.

The proposed rebuilt property in place of No.72/74 Hamilton Terrace includes the introduction of terraces at ground and first floor levels. An objection has been received from an adjoining occupier that these terraces will result in additional loss of privacy to the adjoining garden. However it is not considered that this will result in a loss of privacy to the adjoining occupiers of No. 70 and No. 76 Hamilton Terrace given the distance and relationship between the application site and these properties. Furthermore, the terrace are set in from the boundaries with both adjoining occupiers. The applicant advises that they will introduce planting and screening to the proposed terraces, a condition is recommended to secure the details of these privacy measures.

An objection is raised on the grounds that the green roofs should not be used as additional amenity space. A condition is recommended to control this. In relation to the dwelling to the rear of the site, the property will wholly face inwards onto a courtyard, and therefore there will be no windows on the external elevations which prevents any potential overlooking or loss of privacy to both the flats in the host building and the adjoining occupiers. It is also proposed to restrict this property's permitted development rights in the interest of protecting amenities and character and appearance of the conservation area in the future.

Noise

The application has been supported by an acoustic report outlining the required design level criteria for the proposed plant. The acoustic report does not provide the manufactures specification of the plant so conditions are therefore recommended to secure a supplementary acoustic report to demonstrate that the plant complies with the City Council's design noise level criteria in accordance with policy ENV6 of our UDP and S32 of our City Plan.

8.6 Transportation/Parking

The proposal makes provision for off-street car parking in the form of a basement car park. The carpark is proposed to be access from Hamilton Terrace utilising an existing vehicular access, which is proposed to be widened. An internal car lift would provide access from street level down to the basement car park. The Highways Planning Manager is satisfied with the use of a car lift and waiting on street in the unlikely event that the lift is already in operation, however he is not supportive of the widening of the existing vehicular access in this location. The applicant has therefore removed the widening of the access from the proposals. As such, conditions are proposed to secure the submission of a detailed strategy (for operation and maintenance) for the car lift.

In addition, two additional car parking spaces are proposed at site level. One to the rear of the site for the dwelling house, would be provided with a turntable to enable access and egress to the site in a forward direction. A detailed strategy (for operation and maintenance) or the car turntable is to be required by condition. The second space is retained in its existing location within the front curtilage of the site.

The car parking provision of 9 spaces for 8 dwellings is considered to be acceptable and meets policy TRANS23 of our UDP.

Provision for cycle parking for 14 cycles is also proposed within the basement. in accordance with the London Plan requirements.

In relation to the storage of waste and recyclable materials, the current proposals for waste management are not in line with the council's waste storage requirements. The proposals do not include storage provisions for bulky waste, the bin storage capacities, the entrance to the waste store within the basement is too narrow and under counter waste storage compartments are required within each flat. A condition is recommended to require the submission of a waste management strategy to overcome the issues raised.

8.7 Economic Considerations

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

8.8 Access

8.9 Other UDP/Westminster Policy Considerations

Basement:

The proposed basement development appears from the information available to be compliant with the City Plan policy on basement development (Policy CM28.1).

Single Storey

The policy requires that basements must not be more than a single storey below the original floor level and the policy’s supporting text states that this is a floor to ceiling height of 2.7m. In this instance, the proposed basement level excavation is to a depth of 3.9m with a floor to ceiling height of 3m. The applicant advises that the additional depth is required to allow for vehicular access to the basement to allow for its use as car parking. Given that the basement allows for the development to meet the required car parking standards, and that whilst deeper than usually allowed, will only result in a single additional storey and the level of excavation is considered to be acceptable in this instance.

Undeveloped Garden Land

The policy requires the basement developments to residential buildings not to extend beneath more than 50% of the garden land of the original. The proposals will not result in the development of more than 50% of the existing garden land. This is demonstrated within the table below.

Area of Existing Garden Land	Area of Basement Development	Retained Garden Land	% of Developed Garden Land
813m ²	397m ²	416m ²	48.8%

Margin of undeveloped land

The policy requires that a margin of undeveloped land proportionate to the scape of the development and affected garden is maintained around the entire site boundary. The proposals include a margin around the entire basement which is considered consistent with the basement policy. Furthermore, the site will include soft landscaping to the rear and a permeable surface area of 232m² which will allow for sufficient drainage and will reduce the risk of surface water flooding. The provision of a green roof to the rear dwelling provides further drainage.

Building Control have assessed the proposed basement, the accompanying structural method statement, the method of construction, underpinning and safeguarding of the neighbouring site and confirmed that these are acceptable. They have confirmed that the proposal to safeguard adjacent properties during construction is considered acceptable and that the proposal would not increase the likelihood of flooding in the local area and it should not have significant effects on the structural stability of neighbouring building.

The applicants have submitted the required Appendix A to indicate their compliance with the Code of Construction Practice which is to be secured by condition. The proposed basement is compliant with all other relevant elements of the policy and considered acceptable.

Sustainability:

The applicant has provided a detailed report exploring the energy and sustainability of the proposals which include the aspirations to have a 35.9% improvement in carbon dioxide emissions over the Target Emission Rate and a renewable energy deployment

meeting 23% of the CO2 emissions associated with the development's regulated energy demand.

The measures that are included in the Sustainability statement to maximise energy efficiency of the development are welcomed and would ensure that the development accords with Policy ENV 17 of the UDP and S40 of the City Plan.

The lime tree, yew tree and false acacia trees within the site are protected by a Tree Preservation Order (TPO). Other trees are protected by virtue of being located within a conservation area. The applicant has submitted a tree report in support of this application. This indicates that four trees are proposed for removal to facilitate the proposed development; three false acacia trees and one apple tree. All other trees are shown to be retained and protected. The views of the City Council's tree officer are awaited and will be reported verbally.

8.10 London Plan

The application does not raise any strategic issues.

8.11 National Policy/Guidance Considerations

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

8.12 Planning Obligations

Planning obligations are not relevant in the determination of this application. The development is CIL liable due to more than 100m² of additional residential floor space being created. Based on the applicant's floor space figures the CIL liability is expected to be £49,750 in respect of the Mayor's CIL and £547,250 in respect of Westminster's CIL; albeit it should be noted that this is before consideration of any exemptions that may apply.

8.13 Environmental Impact Assessment

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

9. BACKGROUND PAPERS

1. Application form
2. Response from Thames Water, dated 20th February 2018
3. Response from Highways Planning dated 3 April 2018
4. Response from Environmental Health, dated 26 February 2018
5. Response from Building Control, dated 9 April 2018
6. Response from Projects Officer (Waste), dated 2nd March 2018
7. Letter from occupier of 6 Hall Road, London, dated 22 February 2018
8. Letter from occupier of 70 Hamilton Terrace, dated 24th March 2018
9. Email from Savills (on behalf of applicant) dated 27th March 2018.

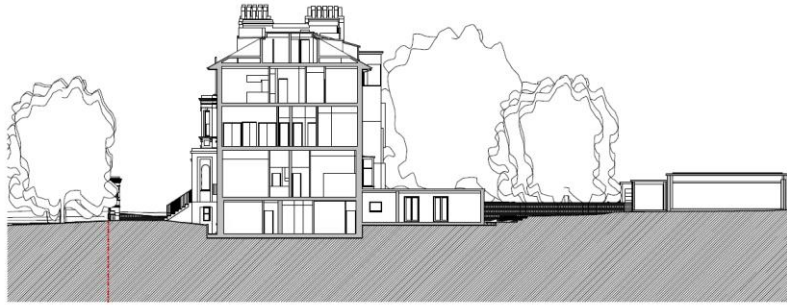
Item No.
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(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

10. KEY DRAWINGS

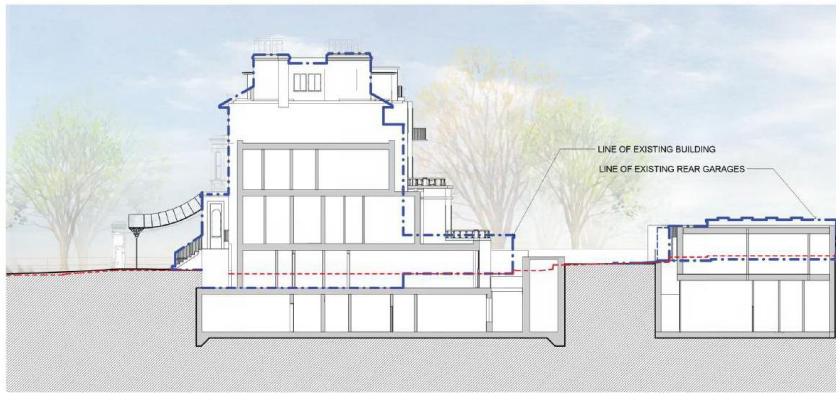
EXISTING SECTION



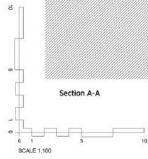
Existing Section A-A

<p>KSRARCHITECTS 77-74 HAMILTON TERRACE Existing Section A-A</p>	
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PROPOSED SECTION



Section A-A



<p>KSRARCHITECTS 77-74 HAMILTON TERRACE Proposed Section A-A</p>	
DATE	NO.
10/11/2011	101
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EXISTING REAR ELEVATION



1 EXISTING REAR ELEVATION

PROJECT: 72-74 HAMILTON TERRACE
 SHEET: 1000 - P01
 DATE: 12/13
 SCALE: 1/8" = 1'-0"

PLANNING

KSRARCHITECTS

 72-74 HAMILTON TERRACE
 BUILDING EAST (REAR) ELEVATION

NO.	DATE	DESCRIPTION
1000	P01	

PROPOSED REAR ELEVATION



PROJECT: 72-74 HAMILTON TERRACE
 SHEET: 1000 - P01
 DATE: 12/13
 SCALE: 1/8" = 1'-0"

PLANNING

KSRARCHITECTS

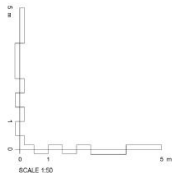
 72-74 HAMILTON TERRACE
 PROPOSED REAR (EAST) ELEVATION

NO.	DATE	DESCRIPTION
1000	P01	

PROPOSED REAR DWELLING

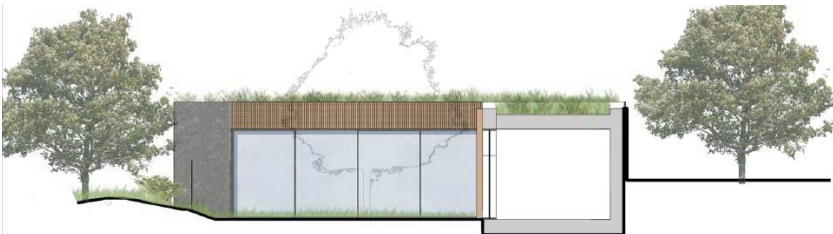


South West Elevation_Rear House

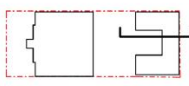


KSRARCHITECTS
 12-74 HAMILTON TERRACE
 Proposed Courtyard Elevations - Rear Building

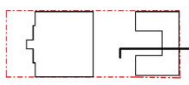
DATE	NO.	BY	CHKD.
08/01/2023	0001	PSD	



Internal Courtyard North-West Elevation_Rear House



Internal Courtyard South-East Elevation_Rear House



Internal Courtyard North-East Elevation_Rear House



KSRARCHITECTS
 12-74 HAMILTON TERRACE
 Proposed Courtyard Elevations - Rear Building

DATE	NO.	BY	CHKD.
08/01/2023	0001	PSD	

DRAFT DECISION LETTER

Address: 72 Hamilton Terrace, London, NW8 9UL,

Proposal: Demolition of No. 72 Hamilton Terrace and partial demolition of No. 74 Hamilton Terrace in association with construction of replacement five storey building including basement level to provide seven residential units. Demolition of garages to the rear and construction of single storey building with the excavation of basement level to provide one residential unit. Associated alterations.

Reference: 18/01183/FULL

Plan Nos: Demolition: X330; X331; X332; X333; X334; X335.
 Existing: X090; X100; X110; X120; X130; X211; X212; X313; X314.
 Proposed: P001; P010; P080; P090 rev C; P100 rev B; P110; P211; P212; P213; P214; P310; P311; P312; P328; P329; P330.
 Desk Study & Basement Impact Assessment (Scoping & Screening); Ground Investigation & Basement Impact Assessment Report; Energy and Sustainability Statement; Design and Access Statement; Daylight Sunlight Report; Flood Risk Assessment; Structural Methodology Statement; Arboricultural Impact Assessment Report; Transport Statement; Heritage Statement; Landscape Proposals; Planning Statement; Acoustic Report.

Case Officer: Victoria Croft

Direct Tel. No. 020 7641 6204

Recommended Conditions and Reason(s)

- 1 The development hereby permitted will 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 not 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 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:

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

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

Reason:

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

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

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. 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)

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

- 8 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application., , Green roofs, , You must not remove any of these features. (C43FA)

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. 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 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed., , Phase 1: Desktop study - full site history and environmental information from the public records., , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

To make sure that any contamination in the building or of the ground under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18BA)

- 12 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application;; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

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Reason:

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

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

Reason:

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

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

Reason:

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

- 15 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 12 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 16 You must not use any of the roofs of the extensions or the rear dwelling as a terrace unless otherwise indicated on the approved plans.

Reason:

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

- 17 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)

- 18 You must apply to us for approval of detailed drawings of the proposed planting and screens to the rear terraces. You must not start work until we have approved what you have sent us. You must then carry out the work according to these details , , You must not use the terraces until the screening/planters have been installed and they must be thereafter maintained.

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)

- 19 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application., , - photovoltaics, , You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 20 You must apply for approval of a strategy for the car lift and turntable. You must not start work until we have approved what you have sent us. You must then carry out the work according to these details.

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)

- 21 You must not use the sedum roofs for sitting out or for any other purpose.

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)

- 22 You must not carry out any enlargement, improvement or alteration to the single dwelling hereby permitted without out permission. This is despite the provisions of Classes A, B and C of Schedule 2 of the Town and Country Planning General Permitted Development Order (England) 2015 (or any other order that may replace it).

Reason:

To protect the appearance of the property and the character of the area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R21DC)

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

Reason:

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

- 24 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme :- removal of car waiting area and retention of existing vehicular access width. 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:

In the interests of public safety 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. (R24BC)

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 With reference to condition 17 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk. , , Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. , , You are urged to give this your early attention
- 3 You are advise to review the internal arrangement of the bedroom in unit 3., , The Housing Health and Safety Rating System Operating Guidance (Housing Act 2004) states the following: , Over 65% of fires start in the kitchen., The design and construction [of a dwelling] should help contain and limit the spread of fire., There should be adequate, appropriate and safe means of escape in case of fire from all parts of the dwelling
- 4 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 5 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)
- 6 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 7 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

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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.

- 8 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.**
- 9 In respect of condition 20, the strategy should give further details of how the car lift and turntable will operate and be maintained, including a light system to indicate to approaching drivers when the lift is free to enter and when it is not.

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 17 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	18 - 22 Weighhouse Street, London, W1K 5LU,		
Proposal	Application to remove the one year restriction on capacity and extended opening hours of the Class A3 restaurant at No. 21-22 and to enable the restaurant to continue to operate with the existing capacity (40 at any one time) and within the existing operating hours of 07:00 to 23:00 on Thursdays to Saturdays and 07:00 to 22:00 on Sundays to Wednesdays [being an application to remove condition 14 of planning permission dated 31 January 2017 (RN 16/10936/FULL) which was a variation of planning permission dated 17 September 2014 (RN: 14/06746/FULL) for 'Use of the first floor of 18-22 Weighhouse Street as residential accommodation (Class C3) comprising 1x1-bed and 1x2 bedroom flats; amalgamation of existing Class A1 retail units to be located at basement and ground floor of Nos. 18, 19 & 20, as a single retail unit; relocation of existing Class A3 cafe/restaurant to be located to Nos. 21 & 22 (at ground and basement levels); alterations to the shopfronts and to the fenestration of the property at ground and first floor levels'].		
Agent	Gerald Eve LLP		
On behalf of	Grosvenor West End Properties		
Registered Number	18/01359/FULL	Date amended/ completed	15 February 2018
Date Application Received	15 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to a café/restaurant on the south side of Weighhouse Street, just south of Oxford Street in the Core Central Activities Zone and Mayfair Conservation Area. Permission was granted in September 2014 to convert the former three small shops and one café along this frontage into one larger retail unit and a restaurant. Restrictions on the restaurant use included a maximum number of customers of 20, opening hours of 07.00 to 22.00 hours each day and no primary cooking
--

(as there was no provision for kitchen extractor equipment). At that time there was no specific operator. The unit's size is 160sqm.

Permission was subsequently granted in January 2017 to amend two of the original conditions to increase the capacity from 20 to 40 customers and to extend the closing time on Thursdays to Saturdays by one hour, to a closing time of 23.00 hours, with Sundays to Wednesdays closing at 22.00 hours. (Permission had been sought for a 23.00 closing time on Monday to Saturday.) However, this permission was granted for only one year (Condition 14) from when the premises opened, so that the affect could be assessed. Since April 2017 the unit has been operated by Café Comptoir, which offers 'high quality' all day dining and artisan coffee, seasonal food and a small ancillary retail element.

Permission is now sought to remove Condition 14 of the 2017 permission to enable the restaurant to operate with a capacity of 40 and with a closing time of 23.00 on Thursdays to Saturdays. Policy TACE 8 of the Unitary Development Plan states that proposals for this type and size of entertainment use will generally be permissible, subject to a number of criteria, including no adverse effect upon residential amenity or local environmental quality as a result of noise and increased late night activity and no adverse effect on the character or function of the area.

Five objections have been received from residents living in flats on the upper floors of the building and one resident living further away in Brown Hart Gardens, primarily on the grounds of adverse impact of the proposals on residential amenity from noise disturbance. It is claimed that patrons stand outside the premises using their mobile phones or smoke, forcing residents to close their windows; objections to air pollution presumably relate to cigarette smoke, as the premises are restricted from carrying out any primary cooking as they have no kitchen extraction system. One objection refers to the application setting a dangerous precedent and that there are now too many people in the area because of the café.

However, there are also two letters of qualified support which indicate that after initial teething problems there are rarely problems, but that when there are, the staff of the premises are approachable and will deal with issues such as customers wandering outside or beggars at the tables and chairs. It is also noted that there have been no objections to the Noise Team since the premises opened.

In their earlier application, the applicants sought a closing time of 23.00 for Monday to Saturday; the Sub-Committee did not accept this but did allow extended opening for Thursdays to Saturdays; one local residents notes that more people pass along the street on these days, which is not surprising given the location within the West End. There are other entertainment uses in the vicinity, such as the Barlow Mow public house round the corner in Duke Street, and the relatively new Beaumont Hotel (which has a public bar and restaurant) at the western end of Brown Hart Gardens, and some patrons from these premises are very likely to walk along Weighouse Street on their way to Bond Street Station. The level of activity is likely to increase significantly when the Crossrail station (virtually next door to the application site) opens.

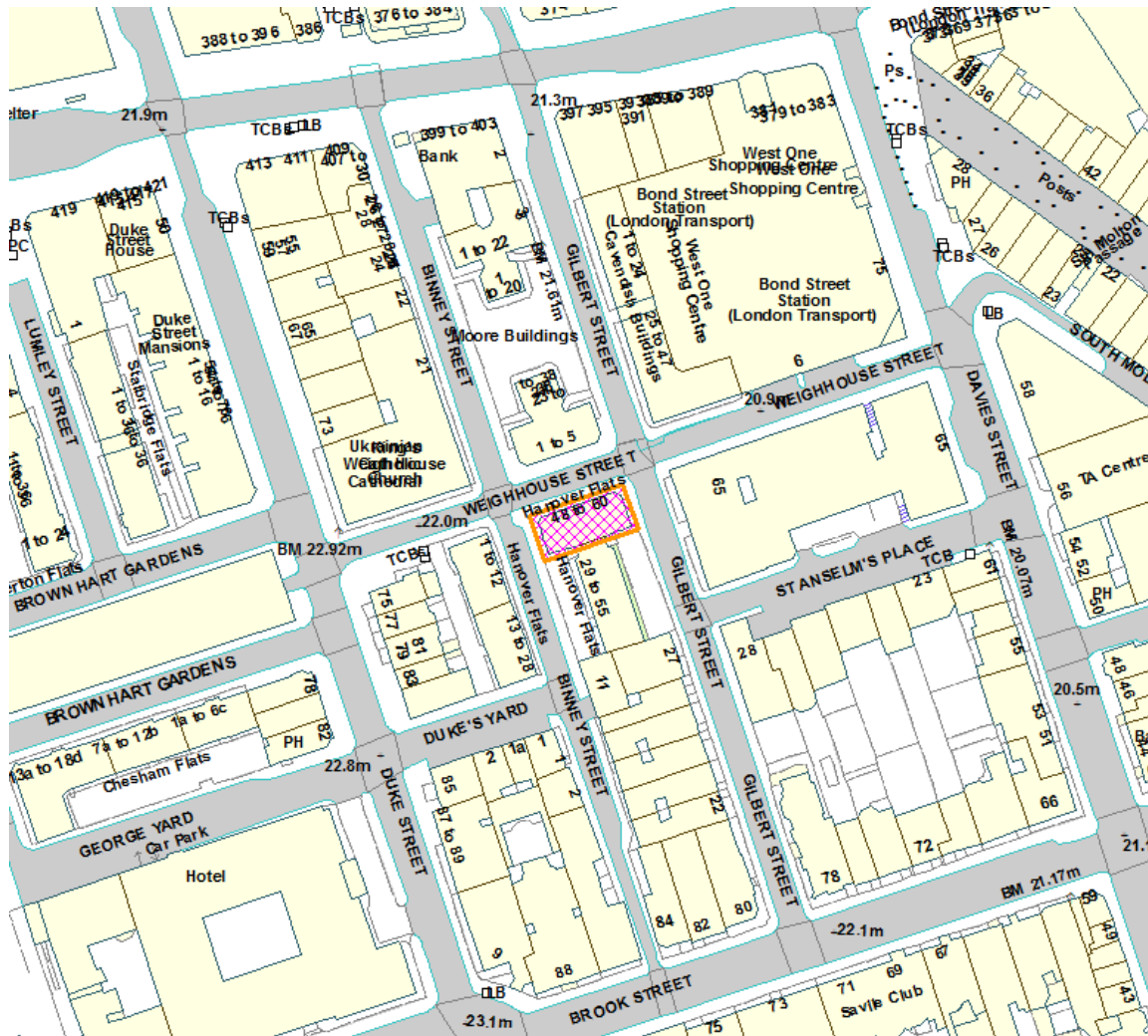
The key issue is whether the retained increase in opening hours of one hour and increased capacity of 20 are likely to result in a material loss of amenity to local residents. It is important to remember that the approved restaurant replaced a former café on the site that had no planning controls over opening times nor capacity, though it is noted that one of the objectors says that in practice it only opened until early evening. At 40 covers the requested capacity is still considered to be modest. Similarly it is not considered that opening until 23.00 hours on Thursdays to Saturdays has a genuine

adverse impact on the amenity of local residents. The applicants have submitted a letter seeking to address the objections received, and have offered to accept an additional condition which would require the three windows on Gilbert Street and both entrance doors on Weighhouse Street to be closed at 9.30pm. This offer is noted.

It is noted that there have been objections related to the outside seating but this is subject to a separate planning permission which needs to be renewed.

The application does not trigger any CIL requirements nor planning obligations.

3. LOCATION PLAN



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PHOTOGRAPHS**4. CONSULTATIONS**

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 68; No. of replies: 8;

No. of objections: 6; No. in support [qualified]: 2;

Objections on some or all of the following grounds:

- the existing/extended opening hours are causing noise nuisance for residents living in the flats above, forcing residents to keep their windows closed - including patrons standing outside to smoke/use their mobile phones;
- it sets a “dangerous precedent”;
- too many people in the area now because of the café;
- claims that people have been inside the café and standing outside after 11.00pm/up to 11.30pm;
- increase in peddled bikes looking for business;
- air pollution;
- objection to Sunday opening;
- the outside tables and chairs [which are subject to a separate temporary planning permission] attract vagrants/homeless people and increased begging and “foraging”;

Qualified comments in support:

- two local residents note that there have been problems when the café first opened but the management/staff are approachable and will deal with issues (e.g a customer standing outside on their mobile phone with a glass of wine, some begging at the outside tables and chairs);
- reference to a recent meeting held by the management about the extended opening times and a claim that residents were told that the premises would not stay open after 10pm except for an organised function;
- happy to accept the application following assurances about the [outside?] table situation and closing times will continue as at present;
- comment that there are a lot of people passing along Weighhouse Street on Thursday to Saturday usually from a local public house.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 Recent Relevant History

September 2014 – conditional permission granted for ‘Use of the first floor of 18-22 Weighhouse Street as residential accommodation (Class C3) comprising 1x1-bed and 1x2 bedroom flats; amalgamation of existing Class A1 retail units, to be located at basement and ground floor of Nos. 18, 19 & 20, as a single retail unit; relocation of existing Class A3 cafe/restaurant to be located to Nos. 21 &22 (at ground and basement levels); alterations to the shopfronts and to the fenestration of the property at ground and first floor levels.’

January 2017 – permission granted for Variation of Conditions 4 and 5 of planning permission dated 17 September 2014 (RN: 14/06746/FULL) for DEVELOPMENT SITE INCL 18-22 WEIGHHOUSE STREET: Use of the first floor of 18-22 Weighhouse Street as residential accommodation (Class C3) comprising 1x1-bed and 1x2 bedroom flats; amalgamation of existing Class A1 retail units, to be located at basement and ground floor of Nos. 18, 19 & 20, as a single retail unit; relocation of existing Class A3 cafe/restaurant to be located to Nos. 21 & 22 (at ground and basement levels); alterations to the shopfronts and to the fenestration of the property at ground and first floor levels. NAMELY, to vary the wording of conditions 4 and 5 to enable a maximum capacity of 40 people in the A3 restaurant and to enable the A3 restaurant to remain

open until 23:00 Mondays to Saturdays – however, the Sub-Committee resolved to allow the extended opening hours on Thursdays to Saturdays only.

The above permission was subject to a condition that the extended opening hours and increased capacity of the A3 restaurant use allowed by this permission can continue for one year from the date that the A3 restaurant use commences. After that the capacity must be restricted to 20 and the closing time must not exceed 22.00 hours. The applicant subsequently confirmed that the premises opened on 21st April 2017.

April 2017 – temporary planning permission granted [until 30th April 2018] for use of an area of the public highway for the placing of 8 chairs and 4 tables on Weighhouse Street measuring 6025mm x 1150mm in association with the adjacent restaurant at 21-22 Weighhouse Street. [Restricted to 10.00 and 20.00 hours each day; there is a current application to renew this permission.]

6. BACKGROUND PAPERS

1. Application form dated 16 November 2016 and letter from applicant dated 9 April 2018
2. Representation from the occupier, 19 Stalbridge Flats, Lumley Street, dated 25 February 2018
3. Letter from the occupier, 26 Moore Buildings, Gilbert Street, dated 14 March 2018
4. Representation from the occupier of 48 Hanover Flats, Gilbert Street, received 21 February 2018
5. Representation from the occupier of 53 Hanover Flats, Gilbert Street, dated 21 February 2018
6. Representation from occupier of 41 Hanover Flats, Gilbert Street, dated 10 March 2018
7. Representation from the occupier 50 Hanover Flats, Gilbert Street, dated 21 February 2018
8. Representation from the occupier, 45 Hanover Flats, Gilbert Street, dated 4 March 2018
9. Representation form the occupier, 19 Balderton Flats, Brown Hart Gardens, dated 5 March 2018

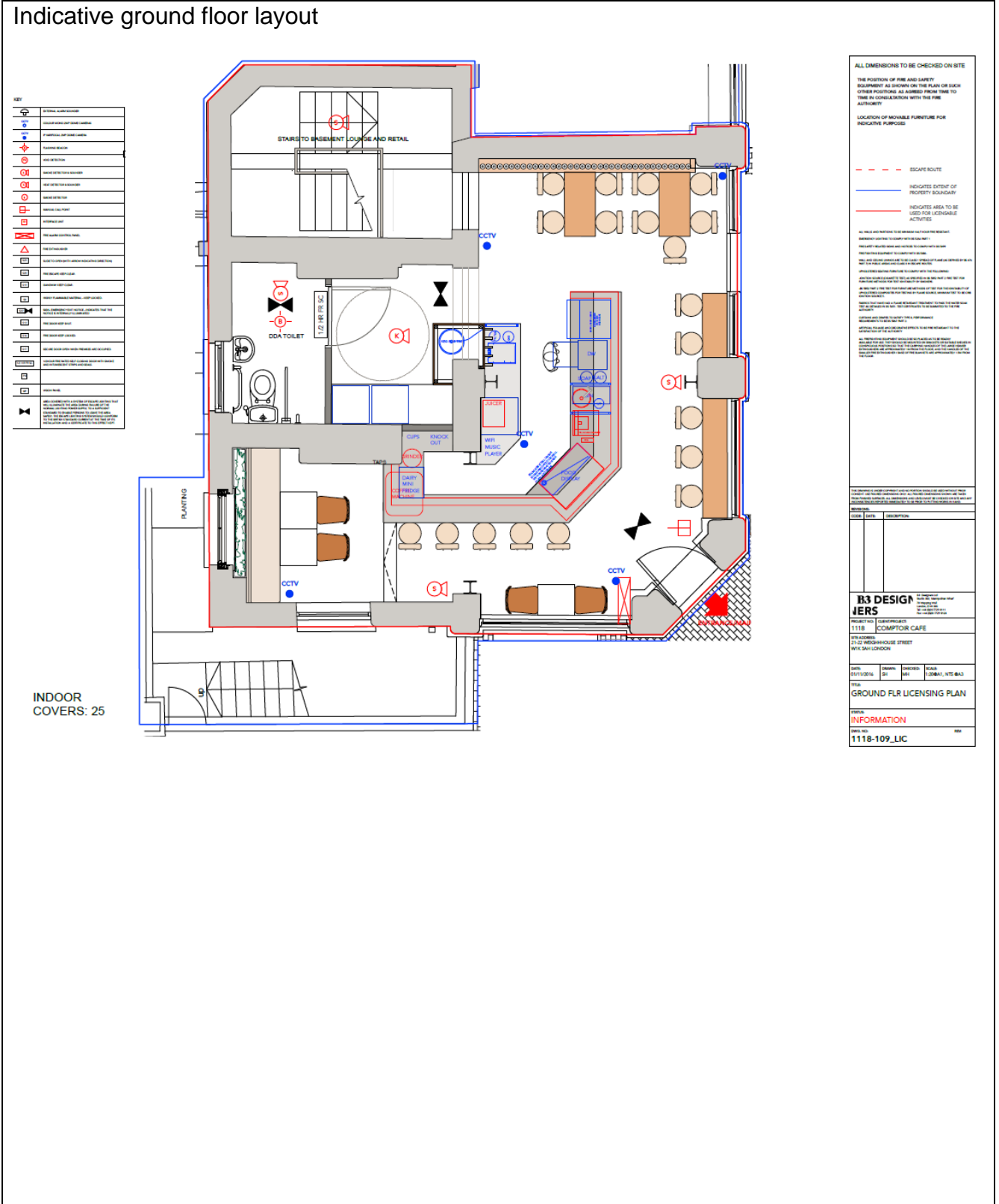
Selected relevant drawings

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

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

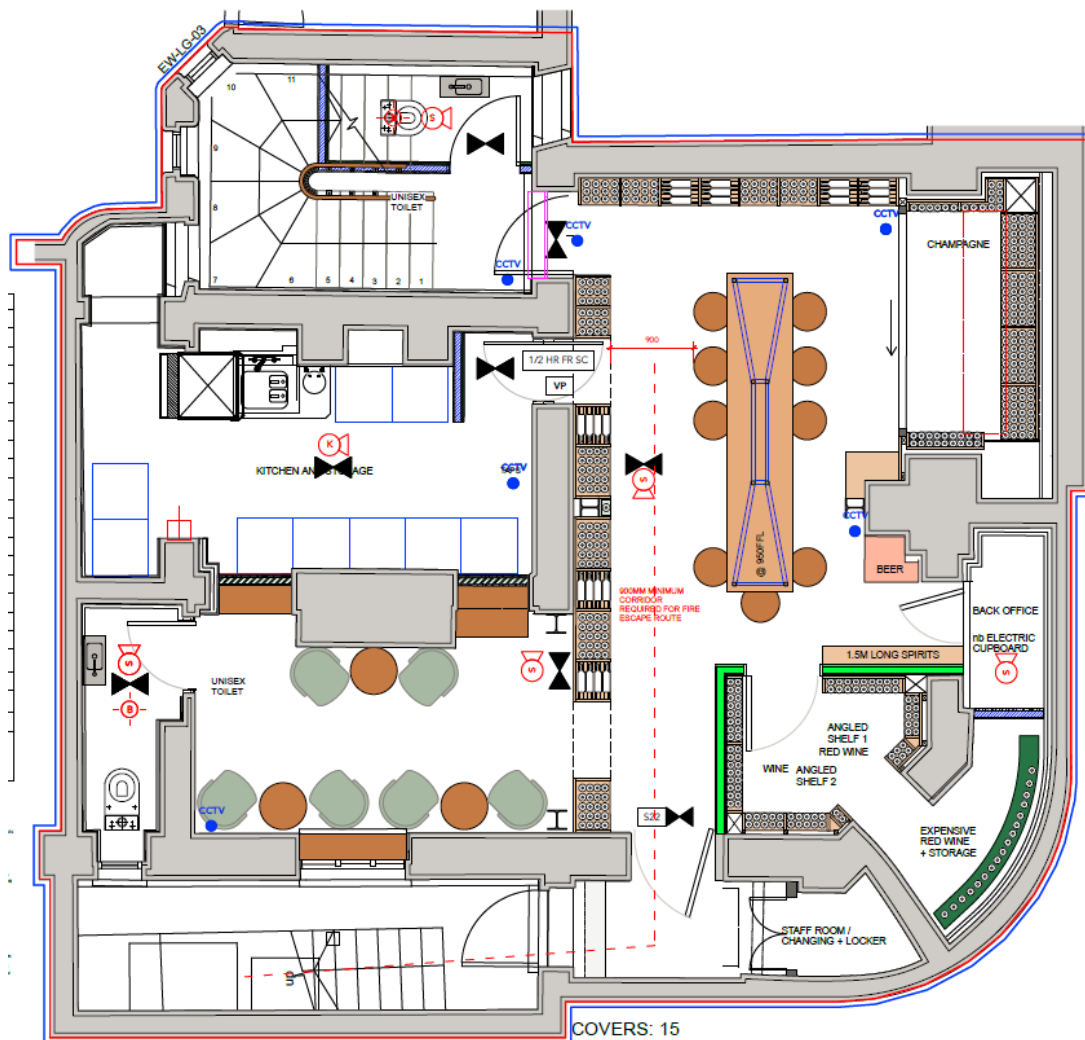
7. KEY DRAWINGS [SUBMITTED WITH THE EARLIER APPLICATION]

Indicative ground floor layout



INDOOR
COVERS: 25

Indicative basement layout



ALL DIMENSIONS TO BE CHECKED ON SITE

THE POSITION OF FIRE AND SAFETY EQUIPMENT AS SHOWN ON THE PLAN OR SUCH OTHER POSITIONING AS AGREED FROM TIME TO TIME IN CONSULTATION WITH THE FIRE AUTHORITY

LOCATION OF MOVABLE FURNITURE FOR INDICATIVE PURPOSES

- - - - - ESCAPE ROUTE
- — — — — INDICATES EXTENT OF PROPERTY BOUNDARY
- — — — — INDICATES AREA TO BE USED FOR LICENSABLE ACTIVITIES

REVISIONS

NO.	DATE	DESCRIPTION
A	13.01.2017	LATEST BASEMENT DA

B3 DESIGN JERS

PROJECT NO: 1118 - COMPICOR CAFE
 SITE ADDRESS: 21-27 MENCH HOUSE STREET WICK SAN LONDON

DATE	DRAWN	CHECKED	SCALE
01/12/2016	DA	MH	1:250(A1), 1:50(A0)

TITLE

BASEMENT LICENSING PLAN

FOR TENDER

DWG NO.	REV
1118-129_LIC	A

DRAFT DECISION LETTER

Address: 21 Weighhouse Street, London, W1K 5LY,

Proposal: DEVELOPMENT SITE AT 18-22 WEIGHHOUSE STREET: Application to remove the one year restriction on capacity and extended opening hours of the Class A3 restaurant at No. 21-22 [Comptoir] and to enable the restaurant to continue to operate with the existing capacity (40 at any one time) and within the existing operating hours of 07:00 to 23:00 on Thursdays to Saturdays and 07:00 to 22:00 on Sundays to Wednesdays [being an application to remove condition 14 of planning permission dated 31 January 2017 (RN 16/10936/FULL) which was a variation of planning permission dated 17 September 2014 (RN: 14/06746/FULL) for 'Use of the first floor of 18-22 Weighhouse Street as residential accommodation (Class C3) comprising 1x1-bed and 1x2 bedroom flats; amalgamation of existing Class A1 retail units to be located at basement and ground floor of Nos. 18, 19 & 20, as a single retail unit; relocation of existing Class A3 cafe/restaurant to be located to Nos. 21 & 22 (at ground and basement levels); alterations to the shopfronts and to the fenestration of the property at ground and first floor levels'].

Reference: 18/01359/FULL

Plan Nos: 618-34.3-1.000 (Location Plan)

17/02549/ADFULL - Operational Management Statement dated March 2017.

16/10936/FULL - 1118-109_LIC and 1118-129_LIC Rev A

14/06746/FULL

618-34.3-1.000 (Site Location Plan); 618-34.3-1.001A, 618-34.3-1.002C, 618-34.3-1.003H, 618-34.3-1.004E, 618-34.3-1.005C, 618-34.3-1.006C; Design and Access Statement dated August 2014 (ref. 618-34-3-D&A Rev D).

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

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.

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

Reason:

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

- 3 You must not cook raw or fresh food on the premises. (C05DA)

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 4 You must not allow more than 40 customers into the Class A3 property at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 5 Customers shall not be permitted within the Class A3 premises before 07.00 hours or after 23.00 hours on Thursdays to Saturdays and not before 07.00 hours or after 22.00 hours on Sundays to Wednesdays.

Reason:

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

- 6 No tables and chairs shall be placed outside any of the premises (unless granted separate planning permission).

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007, and to protect neighbouring residents from noise and disturbance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 7 Notwithstanding the provisions of Class 3(1) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and (or any equivalent class in any order that may replace it) no part of the ground or basement floors shall be used as a food supermarket unless full servicing arrangements are submitted to and approved by the City Council. Servicing shall then be carried out in accordance with the approved servicing arrangements.

Reason:

To avoid the servicing of a food supermarket blocking the surrounding streets as set out in TRANS 20 of our Unitary Development Plan that we adopted in January 2007 and Policy S41 of Westminster's City Plan: Strategic Policies that we adopted in November 2013.

- 8 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)

- 9 You must provide the stores for waste and materials for recycling according to the details shown on drawing 618-34.3-1.003H. You must clearly mark the stores and make them available at all times to everyone using the A1 and A3 units. You must store waste inside the units and only put it outside just before it is going to be collected. You must not use the waste stores for any other purpose.

Reason:

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

- 10 You must 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.

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

Reason:

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

- 12 You must carry out the development in accordance with the details approved by the City Council as local planning authority on 26 June 2015 under reference 15/05044/ADFULL (or in accordance with any other details subsequently approved) with regard to all new timber and glazing details to the shopfronts and the new windows in the south elevation.

Reason:

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

- 13 You must carry out the development in accordance with the updated operational management statement approved by the City Council as Local Planning Authority on 24 May 2017 under application reference 17/02549/ADFULL or in accordance with any other operational management statement submitted to and approved by the City Council. (C05JB)

Reason:

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

- 14 All bottles must be stored internally and may only be placed outside the building between 08:00 and 20:00 hours only.

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)

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 A3 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 are advised that the described level and function of wine sampling and sales at the property is considered to be ancillary to the main function of the premises as a restaurant (Class A3). However, if this described operation were to fluctuate in the future to place greater emphasis on wine sampling and/or sales then it may be considered that a change of use of the premises has occurred for which planning permission would be required. The City Council will take appropriate enforcement action to prevent any unauthorised change of use of the premises.

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 3

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	Regis House, 47 Beaumont Street, London, W1G 6DL,		
Proposal	Use of lower ground floor level as a gymnasium (Class D2) and installation of a new ground floor front facade and entrance on Beaumont Mews, new roof over rear lightwell and access ramp, frosted glass screen and fire escape doors to Beaumont Street and installation of plant.		
Agent	Howard de Walden Management Ltd.		
On behalf of	Freedom2Train		
Registered Number	17/07261/FULL	Date amended/ completed	16 August 2017
Date Application Received	14 August 2017		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional planning permission.
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2. SUMMARY

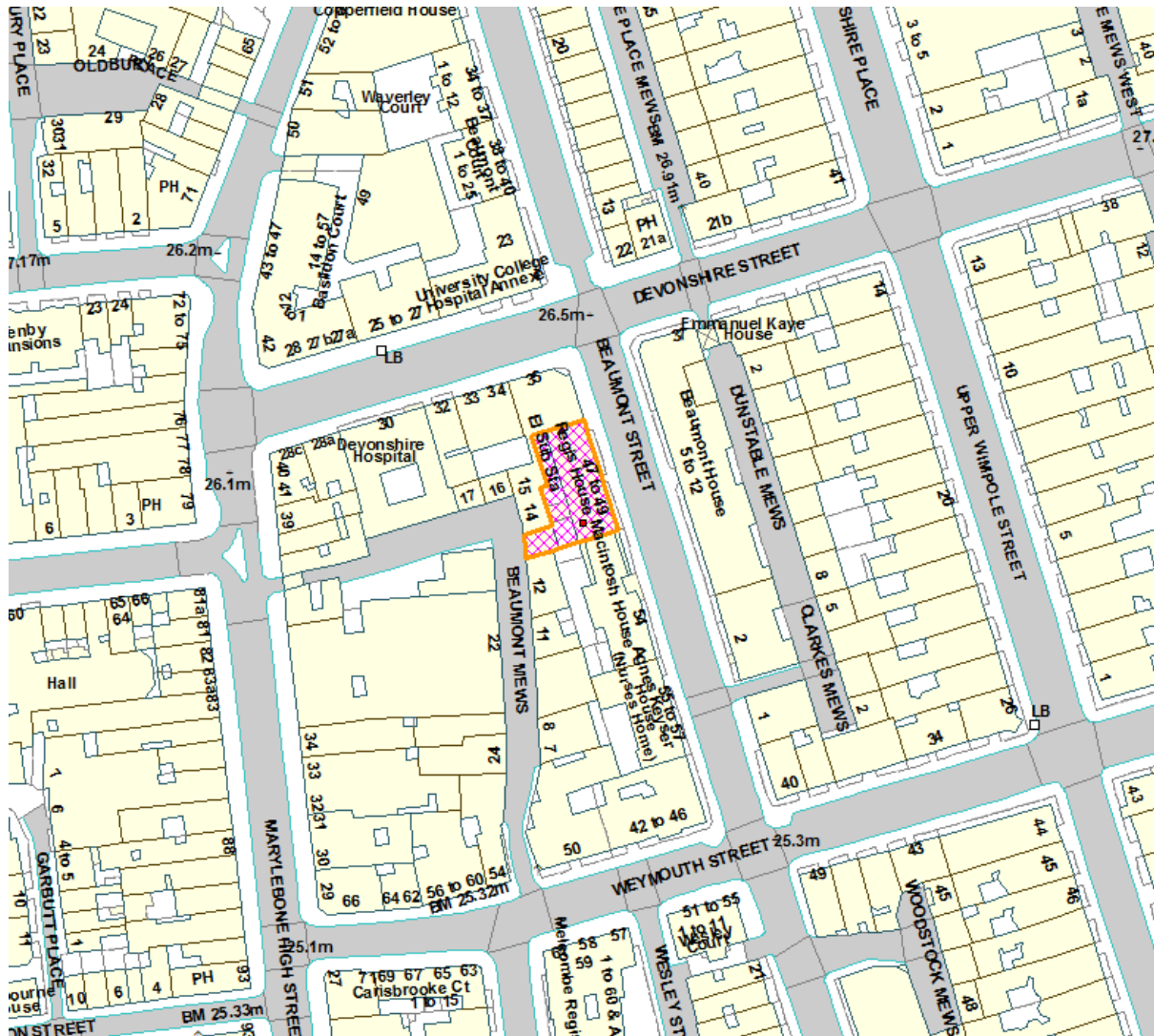
<p>Regis House is an unlisted building located within the Harley Street Conservation Area, outside of the Core Central Activities Zone but within the Marylebone and Fitzrovia defined area. The building is mainly in residential use with an area of car parking at lower ground floor level, which is accessed from Beaumont Mews to the rear of Regis House. The ground to fifth floors of the main building fronting Beaumont Street are used as residential flats with a retail unit on the northern side of the block fronting Devonshire Street. At the rear there is a smaller office building at ground and first floor levels adjacent to and over the access ramp to the lower ground floor car-parking.</p> <p>Planning permission is sought for the use of the lower ground floor car park as a gym and for the installation of a new frontage onto Beaumont Mews and a new roof to an existing lightwell and over the entrance ramp to the lower ground floor. The proposal also includes the installation of an obscure glazed screen within the front lightwell along Beaumont Street and the reconfiguration of existing plant and installation of new plant.</p>

The key issues are:

- The loss of the off-street car parking.
- The impact on residential amenity including the impact of internal noise transmission through the building
- The impact of the servicing arrangement for the gym with regard to noise and highways obstruction.

City Plan policy S34 encourages new social and community uses, including health and leisure facilities throughout Westminster. Given this policy context, the provision of a new gym is considered acceptable in land use terms. The loss of the off-street parking is considered acceptable in this instance as these spaces appear to historically have been used for commercial purposes. Subject to safeguarding conditions, it is also considered that the proposed gym will be acceptable in terms of its impact upon residential amenity in the vicinity. The applicant has also successfully demonstrated that with appropriate acoustic mitigation measures installed the proposed gym would not result in any adverse impacts with regard to internal noise transmission through the building structure. The application is therefore recommended for conditional planning approval.

3. LOCATION PLAN



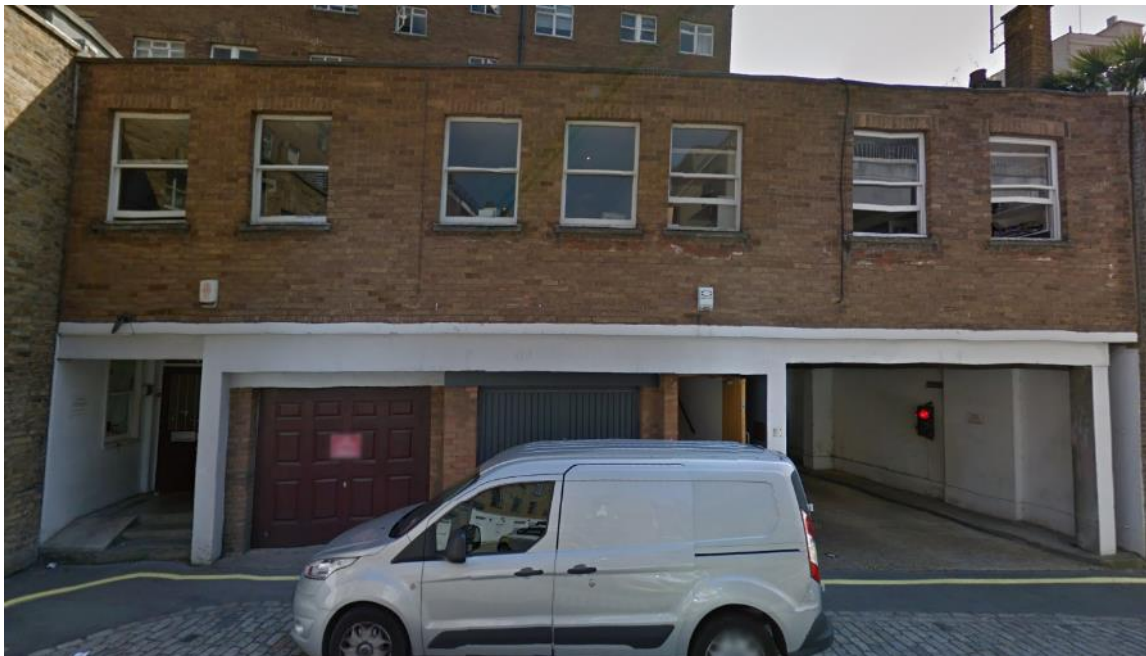
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4. PHOTOGRAPHS

Beaumont Street Elevation:



Beaumont Mews Elevation:



Internal car park:



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

No objection – hours of operation should be 'subject to review in order to ensure no detriment to the local amenity'.

HIGHWAYS PLANNING

Objection to the loss of the off-street parking facility.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

CLEANSING

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

Original application

No. Consulted: 51; total No. of replies: 18

9 letters of support and 9 letters of objection on the following grounds:

- *Impact upon on-street car parking availability in the area.
- *Insufficient information with regard deliveries and servicing of the unit.
- *Noise transmission through the building structure from the gym use to residential properties.
- *Noise and disturbance to residential occupiers in the mews resulting from the gym entrance being in the mews.
- *No requirement for an additional gym in the area.
- *Concern over the access to the residential bin store for the residents of Regis House.
- *Disturbance to the residents of Regis House from having servicing access for the gym from Beaumont Street.
- *Noise and vibration from the plant affecting residential amenity.
- *Inaccuracies in the Statement of Community Involvement provided by the applicant.

Support on the following grounds:

- *The gym will improve the health and wellbeing of local residents and provide important physical rehabilitation facilities.
- *Reduction in anti-social behaviour with the removal of the car park.
- *Improved appearance of the site.
- *Reduction in rats and other pests in the area.

Re-consultation following submission of revised acoustic report

No. Consulted: 51; total No. of replies: 5

2 letters of support and 3 letters maintaining objections previously raised and raising additional concerns regarding:

- *Insufficient parking on Beaumont Street
- *Inadequate guarantees to ensure noise levels will be kept within acceptable levels
- *Insufficient and unsatisfactory explanation to deliveries and collections for the gym use

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Regis House, 47 Beaumont Street, is a 20th century unlisted building, identified as a neutral building in the Harley Street Conservation Area Audit (2008). The site fronts on to Beaumont Street to the east and access to the lower ground floor level is from Beaumont Mews to the west. Regis House itself is used as residential flats with a retail unit occupying part of the ground floor fronting Devonshire Street to the north. The rear access to the car park is under a building on Beaumont Mews comprising ground and first floors used as office accommodation.

In addition to car parking within the lower ground floor, there are some items of plant, an electricity substation and some metal bins which are utilised by the residential occupiers of Regis House.

6.2 Recent Relevant History

Planning permission was granted on the 14th September 1962 for the 'erection of a five-storey building plus basement on the sites of Nos. 45-47 Beaumont Street and 35-36 Devonshire Street, and a two-storey building plus basement on the sites of Nos. 14-15 Beaumont Mews, St. Marylebone, comprising residential flats together with a showroom next to Devonshire Street, offices on the first floor onto Beaumont Mews and a caretaker's flat on the roof.'

A Certificate of Lawful Existing Use or Development was refused on the 28th June 2002 for the 'use of the basement for car parking other than by occupiers and users of the remainder of the building'.

A Certificate of Lawful Existing Use or Development was refused on the 19th December 2003 for the 'Use of car parking spaces 1, 2, 3, 7, 13 and 15 other than by occupiers and users of the remainder of the building'.

An appeal decision was issued on the 29th June 2005 relating to four enforcement notices issued by the Council with regard the unauthorised use of four car parking spaces in the basement. The appeal was upheld and four spaces (1, 2, 3 and 15) can now be used to accommodate vehicles other than those of users and occupiers of the building.

7. THE PROPOSAL

Permission is sought for the change of use of the lower ground floor car park to a gym. Externally it is proposed to install a new frontage onto the existing entrance ramp on Beaumont Mews and at lower ground floor level to the lightwell fronting Beaumont

Street. A new link structure is proposed between the office building on Beaumont Mews and Regis House and to roof over an external area at lower ground floor level to the west of Regis House. Existing plant would be reconfigured and new plant is proposed to be installed. A new enclosed bin store is also proposed within the front basement lightwell for the use of residents in Regis House.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Proposed gym

The proposed gym use would measure 510m² (GIA) and the proposed operator would be Freedom2Train. Freedom2Train currently operates from the gym at Claridges and offers personal training and classes. The gym will also work with local medical practitioners in the Harley Street area to provide private rehabilitation services. The proposed floorplans include the reception, changing and shower facilities, a running track area and a gym area all within the lower ground floor and access ramp areas.

Gyms and fitness clubs, and other leisure clubs, where the services are provided on a commercial basis, for residents, workers, non-residents and visitors' are all defined as 'social and community facilities (private)' within the City Plan. Policy S34 of the City Plan states that 'new social and community uses will be encouraged throughout Westminster and will be provided on large scale development sites'. Policy SOC4 of the UDP states that, 'the retention, improvement and redevelopment of facilities for health service uses that meet local needs will be supported.' A number of letters of support for the proposal have been received stating that the gym will provide a benefit to local residents and support their health and wellbeing and these are noted. Conversely a number of objections have queried the need for another gym in the area as they consider there is already a sufficient number of gyms for residents. The operator (Freedom2Train) currently operates from Claridge's Hotel and is seeking a larger space due to increased demand for their services, this clearly shows there is an existing demand requirement for gym facilities in the area and the provision of this space will support the health and wellbeing of users.

Music would be played within the gym and to ensure this does not cause a nuisance to neighbouring sensitive uses a condition is proposed to ensure that the rear skylight and the glazed screen to the front basement lightwell are fixed shut as shown on the submitted drawings. This condition also requires that the doors to the basement lightwell are only used in the event of an emergency or to allow staff / servicing access and are to be kept closed at all other times.

Objections were received to the application from neighbouring residents concerned about noise transference through the building structure resulting from the gym operation. A number of acoustic reports have been submitted by the applicant with regard to noise transference through the building structure from the proposed gym use to the neighbouring residential flats.

Subsequent to the submission of the application, the acoustic consultant for the applicant has also conducted noise testing within the reception halls at ground floor level

of 47 and 49 Beaumont Street. In order to ensure compliance with the City Council's policy relating to internal noise levels in residential properties, it is proposed to install rubber tile floors and floating concrete slabs in the free weights area; insulate the floating floor system where it meets structural columns; all sound equipment to be installed independent of the supporting columns with a noise limiter and acoustic wall linings are to be installed.

The Environmental Health Officer has reviewed all the submitted information and has determined that, with the identified acoustic mitigation measures installed, the proposal will be compliant with the relevant adopted policies. Conditions will be imposed to ensure that any noise transmission resulting from the proposal to the neighbouring sensitive uses accords with the relevant city council policies, thereby preserving the residential amenity of the neighbouring residents. Conditions are proposed to ensure that all the acoustic mitigation measures are installed as described above before the unit operates and are maintained in situ for as long as the premises is in operation. Whilst the objections from residents on these grounds are noted and were initially shared by the City Council's Environmental Health Officer, sufficient information has been provided during the course of the application to show that noise from the proposed use can be adequately contained within the premises and these objections are considered to have now been addressed.

The proposed opening hours of the gym are 06:00 till 21:00 Monday to Friday and 08:00 till 20:00 on Saturday, Sunday and Bank Holidays. The access to the gym will be from the existing entrance to the car park from Beaumont Mews. Whilst the first floor above the entrance is in use as office accommodation it is noted there are residential properties in very close proximity along the mews and that the mews itself is likely to be quiet early in the morning. Customers will either access the mews from Marylebone High Street which is 55m to the west or Weymouth Street being 80m to the south. It is understood that the gym will be a mixture of one to one personal trainer sessions, sports injury rehabilitation sessions and group classes based on a semi private group training basis with 8 members per class. On this basis, it is considered that most people will arrive and leave the premises separately and it is highly unlikely anyone will visit in large groups. Most people will also probably access the Mews from Marylebone High Street which is more commercial in nature and would have a greater volume of activity at these times. Taking this into account, it is unlikely the proposal would result in a detrimental impact upon neighbouring sensitive occupiers due to the movements of customers within the mews.

The provision of a new social and community use is welcomed and accords with the principles of the relevant policies of the UDP and City Plan. Subject to the conditions detailed above it is not considered the proposal would result in any detrimental impact upon residential amenity in the vicinity.

8.2 Townscape and Design

The main design implications of the proposal involve infilling an existing gap at ground floor level between Nos. 12 and 14 Beaumont Mews, the enclosure of parts of the existing basement and the enclosure of the front elevation, which is currently open to the front Beaumont Street lightwell, with a glazed screen.

The existing gap at ground floor level in the modern building between Nos. 12 and 14 Beaumont Mews currently provides vehicular access to the site. The design merit of this gap is limited and its infill is considered uncontentious in design terms. Following negotiations, revised drawings have been submitted which show a set of double doors flanked by two window openings and a separate door allowing access to the existing substation with vertical timber panelling beneath, which is in keeping with the character of the mews and is considered acceptable in design terms.

To the rear of the site, parts of the existing basement are to be enclosed at ground floor level with a lead roof and rooflights. Given that these parts of the site are entirely enclosed on all sides, the proposal will have a minimal impact on the character and appearance of the conservation area and the infills are considered uncontentious. Plant is contained internally with intake and extract vents positioned on the proposed flat roof, which is considered an appropriate and discreet position.

To the front elevation, permission is sought to enclose the existing open lightwell frontage with a glazed screen. Although the installation of a glazed screen would often not usually be supported, particularly on a street facing frontage in a conservation area, it is noted that the frontage at basement level is currently entirely open. Further, the glazing is set back from the face of the columns which are to be retained, ensuring a sense of rhythmic solidity is maintained. The proposal to install glazing is therefore considered no more harmful than the existing situation. On balance therefore, it is considered that this aspect of the proposals will preserve the character and appearance of the conservation area and is acceptable in design terms.

The proposals are considered compliant with DES 5 and DES 9 of the Council's Unitary Development Plan and are recommended for conditional approval. Comments from been received in support of the application as they consider the proposal will result in improvements to the appearance of the building, these comments of support are noted.

8.3 Transportation/Parking

Loss of off-street car parking

The car parking area at lower ground floor level currently provides 15 off-street car parking spaces. The permission granted on the 14th September 1962 for residential, showroom and office purposes limits the use of the car park by condition (Condition 'e') for *'the accommodation of vehicles of the occupiers and users of the remainder of the building.'* Subsequently planning consent was granted on the 10th November 1969 for the use of two of the car parking spaces (spaces 10 and 11) in the car park for the parking of vehicles other than the occupiers and users of the building.

Planning enforcement action was then taken in 2004 with regard to the use of another four car parking spaces within the car park (spaces 1, 2, 3 and 15). An appeal against the enforcement notice was however, allowed as the Inspector considered that there was insufficient evidence to demonstrate that these spaces were not being used by occupiers of Regis House. Therefore there are a total of 6 car parking spaces within the car park which are no longer covered by the 1962 condition and can be used by occupiers/users not associated with the development. The remaining 9 spaces within the car park are still controlled by the condition on the 1962 consent.

The Highways Planning Manager has objected to the loss of any residential off-street parking spaces. Policy TRANS23 of the UDP seeks to protect existing residential car parking spaces and states that; 'the permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances.' The loss of off-street residential car parking can lead to an increase in parking stress for on-street parking in the vicinity. The Highways Planning Manager has requested that if the spaces are lost then the same number of parking spaces should be secured for residential use in the vicinity.

The applicant has submitted a Statutory Declaration with the application from the director of the company that owns the head lease of the building and is involved in managing the property. The Statutory Declaration provides minimal detail or evidence relating to the use of the remaining car parking spaces but states; 'the car park has not been tenanted for over ten years by any of the residents of Regis House'. A schedule of occupancy details the last users of some of the spaces with some being commercial and some being residents within Regis House, but according to the schedule the two residential spaces were last occupied in September 2007. No leases have been provided to show exactly how these the car park has been utilised and the lack of detail in the Statutory Declaration does not demonstrate that the spaces have not been used in accordance with condition 'e' of the 1962 consent. However, it is noted that none of the consultation responses received from residents have commented on the loss of parking facilities. Indeed, the wording of the 1962 condition allows the use of the spaces by both commercial and residential occupiers within the building, the condition therefore is not solely protecting residential off-street car parking. It is possible that these spaces could theoretically have never been used for residential car parking.

A number of responses from neighbouring residents and from the Howard de Walden Estate have commented on the existing anti-social behaviour associated with the car park. The received comments refer to, loud music, alcohol consumption and drug use. The Howard de Walden Estate have also referred to drug use in the car park and fires being lit in the basement as well as rubbish being left, and have provided details of a contact at the Metropolitan Police to corroborate their statement.

The applicant argues that this proposal will solve the problem of anti-social behaviour, which is clearly an issue, but this could also be resolved through better gates and fences around the site. The proposal would however include the provision of a new social and community facility which the Council seeks to encourage. Taking into account all of these factors, especially the wording of the original condition and the lack of evidence to show any residents have recently used the car parking facility it is considered that the loss of the off-street parking facility is acceptable in this instance.

Servicing and Parking

The gym is to be cleaned twice a week with the contracted cleaners turning up before the gym opens on Wednesday and Sundays. The cleaning staff will park on Beaumont Street and access the site from the existing stair leading from street level to lower ground floor level. Beaumont Street would have a greater level of activity at this time of the morning than the mews and therefore the activity is less likely to have a detrimental impact on the amenity of residents with regard noise and disturbance. Other deliveries necessary for the gym will also take place during daytime hours from Beaumont Street

where there are pay and display bays. The applicant estimates that the gym will require seven scheduled deliveries each week between the hours of 10:00 and 16:00.

Objections have been received from residents within Regis House to the proposal for servicing access to the gym from Beaumont Street due to the potential for noise disturbance especially from the cleaning personnel. However, there is activity in Beaumont Street throughout the night with the King Edward V11 hospital directly opposite the site. An informative is proposed to advise the applicant to remind the cleaning staff that they must be respectful of neighbours and keep noise to a minimum when arriving or leaving the site. It is not considered that the application could be recommended for refusal on these grounds.

The Highways Planning Manager considers the proposed servicing requirements to be acceptable with regard to the expected impact on traffic movements. A number of objectors have commented on the lack of parking within the area and have raised concerns with regard to the parking of delivery vehicles and staff and customers parking in the vicinity. However, the site is located within a Controlled Parking Zone, therefore any delivery driver would have to adhere to these controls as well as anyone driving to use the gym. There is excellent public transport provision in the area and it is likely that most visitors to the use would either walk or use public transport. Anyone driving would be subject to the on-street restrictions. The Highways Planning Manager does not consider the proposal would result in a material increase in car trips or parking issues in the vicinity as customers and staff would be unable to park in the on-street residential restricted bays. It is not considered that a refusal on these grounds could be sustained.

Cycle Parking

Three cycle parking spaces are shown within the demise of the unit which accords with the London Plan requirements and will be secured by condition.

Beaumont Street Door

The plans show the door to Beaumont Mews opening outwards over the public highway contrary to the relevant City Council policies. A condition is proposed requiring the door to open inwards.

8.4 Economic Considerations

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

8.5 Access

Level access is proposed to the new premises with the car access ramp being retained as access to the lower ground floor. A DDA compliant toilet will also be provided.

8.6 Other UDP/Westminster Policy Considerations

Plant

The proposal includes the installation of new plant and the relocation of existing plant, including the installation of acoustic screening, all within the area between Regis House and 14-15 Beaumont Mews to the east.

The application 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 resulting from plant.

An acoustic report has been submitted in relation to the installation of the plant with regard to the potential noise and vibration impacts of the operation. The nearest residential windows affected by the plant are located at ground floor level on the west façade of Regis House at a distance of 3m from the closest plant. Background noise levels have been measured as being 41dB resulting in a design level criteria for the plant of 31dB. It has been demonstrated that noise from the plant equipment is likely to be compliant with the City Council requirements at these windows and this has been considered acceptable by Environmental Health. Conditions are proposed in relation to the noise and vibration levels from the plant and the installation of the specified associated acoustic mitigation measures.

Comments have been received from neighbouring residents concerned that construction activity in the area has artificially elevated the measured background noise levels, however, the noise levels used to set the design criteria are taken from night-time noise levels when no construction activity would have been taking place. Objections were received to the application with regard to the potential for vibration and noise from the plant operation to adversely affect residential amenity, but as detailed above, information has been provided to show the operation of the plant accords with the relevant City Council criteria. Safeguarding conditions are also in place to ensure the plant has no adverse impact upon nearby residents.

Refuse /Recycling

There are two existing waste bins for residents of Regis House located adjacent to the car parking access ramp from Beaumont Mews. These bins are accessed by residents from the external steps in the lightwell from Beaumont Street and then through the car parking area. Objections were received from a number of residents that the creation of the gym would block access to the existing bin stores. However, the existing bins are to be relocated to the front basement lightwell where a new dedicated bin store is proposed to be constructed for the residents of Regis House. This will result in a shorter route for residents to dispose of their waste and the new bin store should also help to alleviate the pest problem which has been mentioned in a number of consultation responses.

A new refuse and recycling storage area is to be created within the demise of the gym and the Cleansing Manager has confirmed the new waste provisions for the gym and residential are acceptable. A condition is proposed to ensure the waste storage is provided and retained as shown on the drawings.

Other

Comments in support of the application consider the proposal will result in a reduction in the number of rats and other pests in the area. These comments are noted but do not form part of the justification of the applicant and no evidence has been submitted to substantiate these claims.

One of the objectors has commented on the Statement of Community Involvement that was submitted with the application as they do not consider adequate consultation was

carried out with local residents by the applicant. However, there is no requirement for consultation by the applicant and the City Council has displayed a site and press notice to advertise the application as well as sending letters to all local residents who could be affected by the proposals. This is considered adequate and meets all requirements.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

Planning obligations are not relevant in the determination of this application and as the application is for a change of use without additional floor area, the proposal will not require a CIL payment.

9. BACKGROUND PAPERS

1. Application form and letter from agent dated 18 September 2017
2. Response from Marylebone Association, dated 22 August 2017
3. Response from Environmental Health dated 11 January 2018
4. Response from the Highways Planning Manager dated 7 February 2018
5. Response from the Cleansing Manager dated 26 March 2018
6. Letter from the Regis House Residents' Association, 47 Regis House, Beaumont Street, dated 24 August 2017
7. Letter from occupier of Flat J, Regis House, 49 Beaumont street, dated 28 August 2017
8. Letter from occupier of Flat F, Regis House, dated 30 August 2017
9. Letter from occupier of Flat 4, 33-34 Devonshire Street, London, dated 31 August 2017
10. Letter from occupier of Flat G, Regis House, 49 Beaumont Street, dated 4 September 2017
11. Letter from occupier of Flat E, Regis House, 49 Beaumont Street, dated 5 September 2017
12. Letter from occupier of Flat 6, 54 Weymouth Street, dated 8 September 2017
13. Letter from occupier of Flat 5, 54 Weymouth Street, dated 9 September 2017
14. Letter from occupier of Flat 3, 54 Weymouth Street, dated 9 September 2017
15. Letter from occupier of Flat 7, 54 Weymouth Street, dated 10 September 2017
16. Letter from occupier of 11 Harley Street, London, dated 12 September 2017
17. Letter from occupier of 11 Harley Street, London, dated 12 September 2017
18. Letter from occupier of 4 Acacia Gardens, London, dated 12 September 2017
19. Letter from occupier of 11 Harley Street, London, dated 12 September 2017
20. Letter from occupier of Flat H, Regis House, 49 Beaumont Street dated 15 September 2017
21. Letter from occupier of 12 Beaumont Mews, London, dated 17 September 2017
22. Letter from occupier of 17 Marylebone Mews, London, dated 17 September 2017
23. Letter from occupier of 12 Beaumont Mews, Marylebone, dated 18 September 2017

24. Letter from occupier of Flat 4, 33-34 Devonshire Street, London, dated 12 October 2017
25. Letter from occupier of Flat 4, 33-34 Devonshire Street, dated 28 January 2018
26. Letter from the occupier of 43-45 Portman Square, dated 13 February 2018
27. Letter from the occupier of Flat D, Regis House, 49 Beaumont Street, dated 20 March 2018
28. Letter from occupier of 5 Devonshire Place, London dated 3 April 2018

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

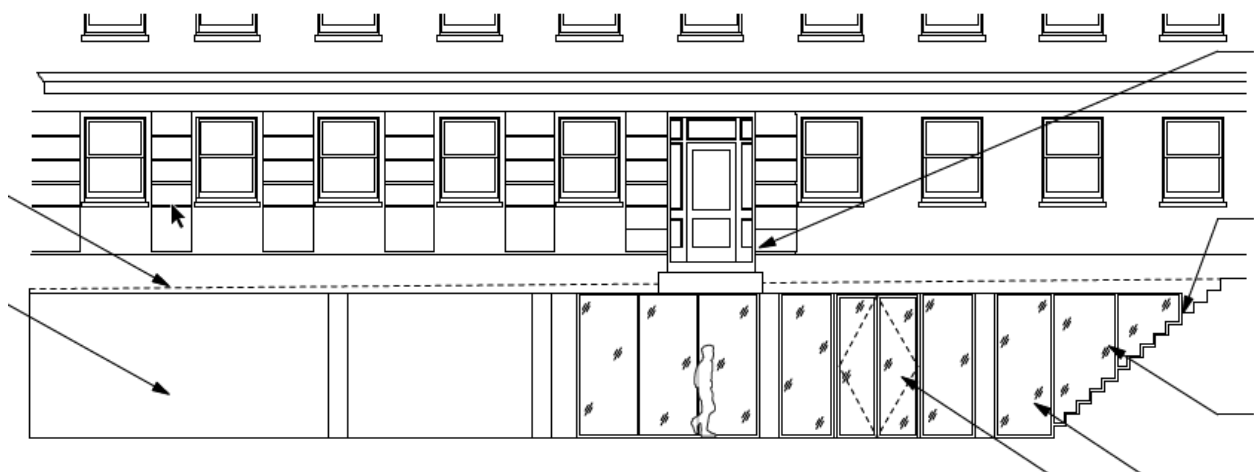
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

10. KEY DRAWINGS

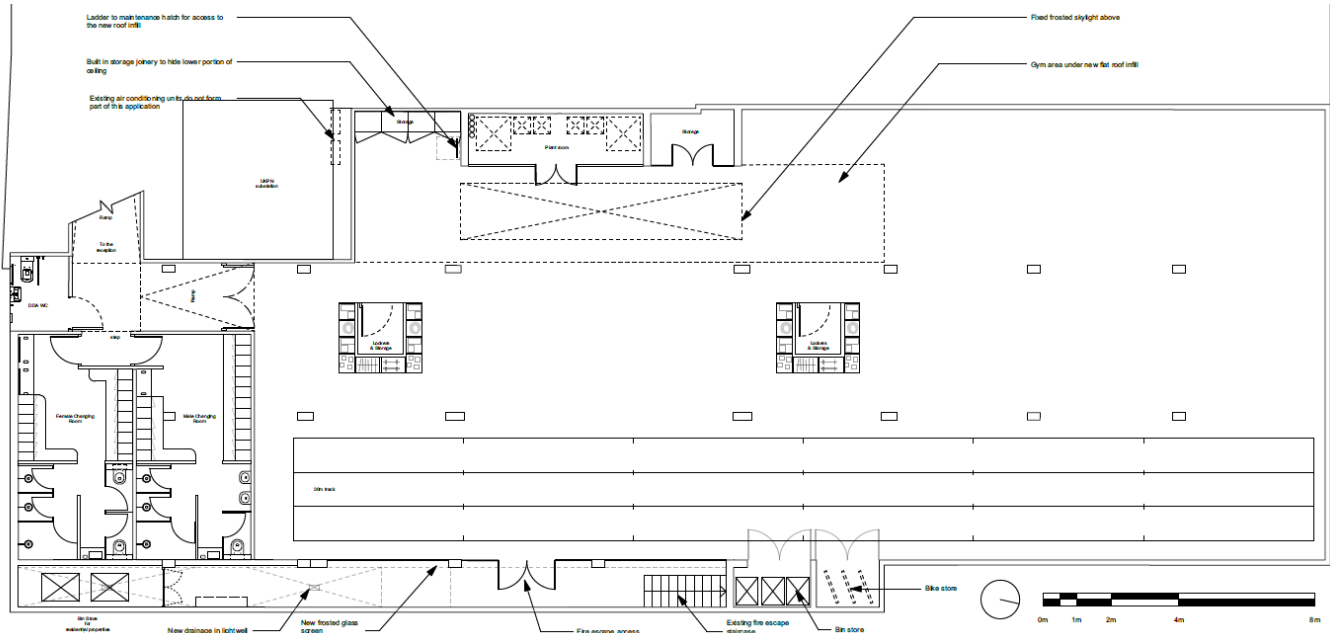
Proposed Beaumont Mews Entrance:



Proposed lower ground floor frontage to Beaumont Street



Proposed Floor Plan:



DRAFT DECISION LETTER

- Address:** Regis House, 47 Beaumont Street, London, W1G 6DL,
- Proposal:** Use of car parking area at lower ground floor level as a gymnasium (Class D2) in connection with the erection of a new ground floor front facade and entrance on Beaumont Mews and installation of plant.
- Reference:** 17/07261/FULL
- Plan Nos:** 'Tenant Acoustic Requirements', Planning Noise Assessment dated 11th May 2017, Acoustic Consultant Note dated 28th September 2017, Acoustic Addendum dated 20th December 2017, Planning Design and Access Statement July 2017, Drawings: A2000 RevP2, A2001 RevP2, A2002 RevP1, A2050 P1, A2100 RevP1, A2101 RevP1, A2101 RevP1, A2103 RevP1, A2200 RevP2, A2201 RevP2.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

*between 08.00 and 18.00 Monday to Friday;

*between 08.00 and 13.00 on Saturday;

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

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

*between 08.00 and 18.00 Monday to Friday;

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

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

Reason:

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

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

Reason:

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

- 4 You must apply to us for approval of detailed (1:20 and 1:5) of the following parts of the development - External windows and doors. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these 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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number property. You must clearly mark them and make them available at all times to everyone using the property. (C14FB)

Reason:

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

- 6 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.

- 7 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)

- 8 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.

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in

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

- 10 You must remove all redundant plant and associated fixtures and fittings before the plant hereby approved is installed.

Reason:

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

- 11 You must install the acoustic enclosure as shown on the drawings and to the specification detailed in the acoustic report at the same time as the plant is installed. The enclosure must thereafter be maintained in situ for as long as the plant remains in place.

Reason:

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

- 12 Noise generated by the proposed new development (including noise from general operations, gym equipment, new plant and equipment, amplified sound, music etc.) in terms of LAeq,5mins must be 10 dB below the existing background noise level measured in terms of LA90,5mins inside the existing residential dwellings. The background noise level used in the assessment should be representative of the most sensitive times (quietest) at which the new development is in operation (and generating noise).

Reason:

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

- 13 Maximum noise levels generated by the proposed new development in terms of LAeq / LAFmax must not exceed the NR 15 / NR 20 curve respectively inside the existing residential dwellings. This includes noise from all sources (including amplified sound, music and impact noise from gym activities). This is based on the assumption that existing background noise levels in the properties during the most sensitive periods are approximately NR 25 (approximately equivalent to 30 dB LAeq).

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic

insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 14 You must install all the acoustic mitigation measures relating to internal noise transmission through the building structure as detailed in the submitted acoustic reports dated 11th May 2017, 28th September 2017 and 20th December 2017, and maintain them in the form detailed for as long as the gym is in operation.

Reason:

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

- 15 For music noise:

- 1) The design of the separating structures should be such that the received music noise level in the residential habitable spaces, with music playing, should be demonstrated to be 10 dB below the existing ambient and maximum noise levels in the residential habitable spaces when music is not playing, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq and LFmax in the octave bands 63 Hz and 125 Hz; The overall music noise level in terms of LAeq,5mins should be at least 10 dB below the existing background noise level in terms of dB LA90,5mins.
- 2) A Sound Limiter shall be installed and set by a competent acoustic engineer so that it maintains compliance with Part 1) of this condition. All amplification equipment within the development including music generating equipment and fitness instructor's announcement equipment shall be routed and controlled through the sound limiter. The operational panel of the noise limiter shall be secured by key or password so that only persons with management responsibility have access. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

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)

- 16 The gymnasium use allowed by this permission must not begin until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that noise complies with the noise criteria set out in conditions 12, 13 and 16 of this permission.

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)

- 17 The doors to the front basement lightwell on Beaumont Street are only to be used for staff access and deliveries. This access is not to be used by customers except in the case of an emergency and should not be kept open for any other purpose than providing access.

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)

- 18 The gymnasium use allowed by this permission must not begin until you have fitted self-closing doors to the main entrance on Beaumont Mews. You must not leave these doors open except in an emergency or to carry out maintenance.

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)

- 19 The proposed skylights at rear ground floor level must be kept shut at all times.

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)

- 20 You must not open the premises to customers, and you must not allow customers on the premises, outside the hours: 06:00 till 21:00 Monday to Friday, and 08:00 till 20:00 on Saturday, Sunday and Bank Holidays.

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)

- 21 You must use the property as a gymnasium as shown on the approved drawings. You must not use it for any other purpose, including any within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet ENV13 of our Unitary Development Plan that we adopted in January 2007 and S29, S32 and S34 of the City Plan adopted November 2016.

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our 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.
- 3 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)
- 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)

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- 5 Conditions 8 and 9 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)
- 6 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.
- 7 It is possible that existing background, ambient and maximum levels within the residential dwellings could be very low for measurement and assessment purposes. It is expected that the accuracy of results should be taken into consideration when dealing with the measurement of low noise levels. Standard Deviation of measurement is a recognised measure of accuracy of results and reasonable consideration should be given to Standard Deviation as well as the capabilities of the instrumentation used for the assessment. It is acknowledged that it is impossible to physically measure noise which is 10 dB below existing noise levels or measure NR criteria which is below existing NR levels. Therefore, it is anticipated that the assessment of Condition 16 will include a comparison of 'on/off' conditions and seek to investigate the 'increase' in measured levels with the above points taken into consideration. For example; a level 10 dB below existing levels would increase existing levels by 0.4 dB. The assessment of Condition 16 might also include a calculation approach where measurement is impracticable or a combination of measurement and calculation. Measurement assessment of Condition 16 requires that residents allow the applicant access to carry out Acoustic testing to demonstrate compliance with Condition 16 through measurement. If access is not made available, the applicant may deploy a calculation approach and base the criteria on reasonable assumptions of the existing acoustic conditions within the residential properties.
- 8 Please ensure that the cleaning staff keep noise to a minimum when arriving at or leaving the site.

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 4

Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	Summit House, 27 Sale Place, London, W2 1PP,		
Proposal	Sub-division and use of existing ground floor for Class A2 (financial services) and B1 (office) space, including external alterations to the ground floor front and rear elevations and the installation of an Automatic Teller Machine (ATM) to Praed Street. (Site includes 27 Sale Place & 15-29 Praed Street).		
Agent	DP9		
On behalf of	DF Real Estate SA		
Registered Number	18/00036/FULL	Date amended/ completed	3 January 2018
Date Application Received	3 January 2018		
Historic Building Grade	Unlisted		
Conservation Area	Located outside of but adjacent to the Bayswater Conservation Area		

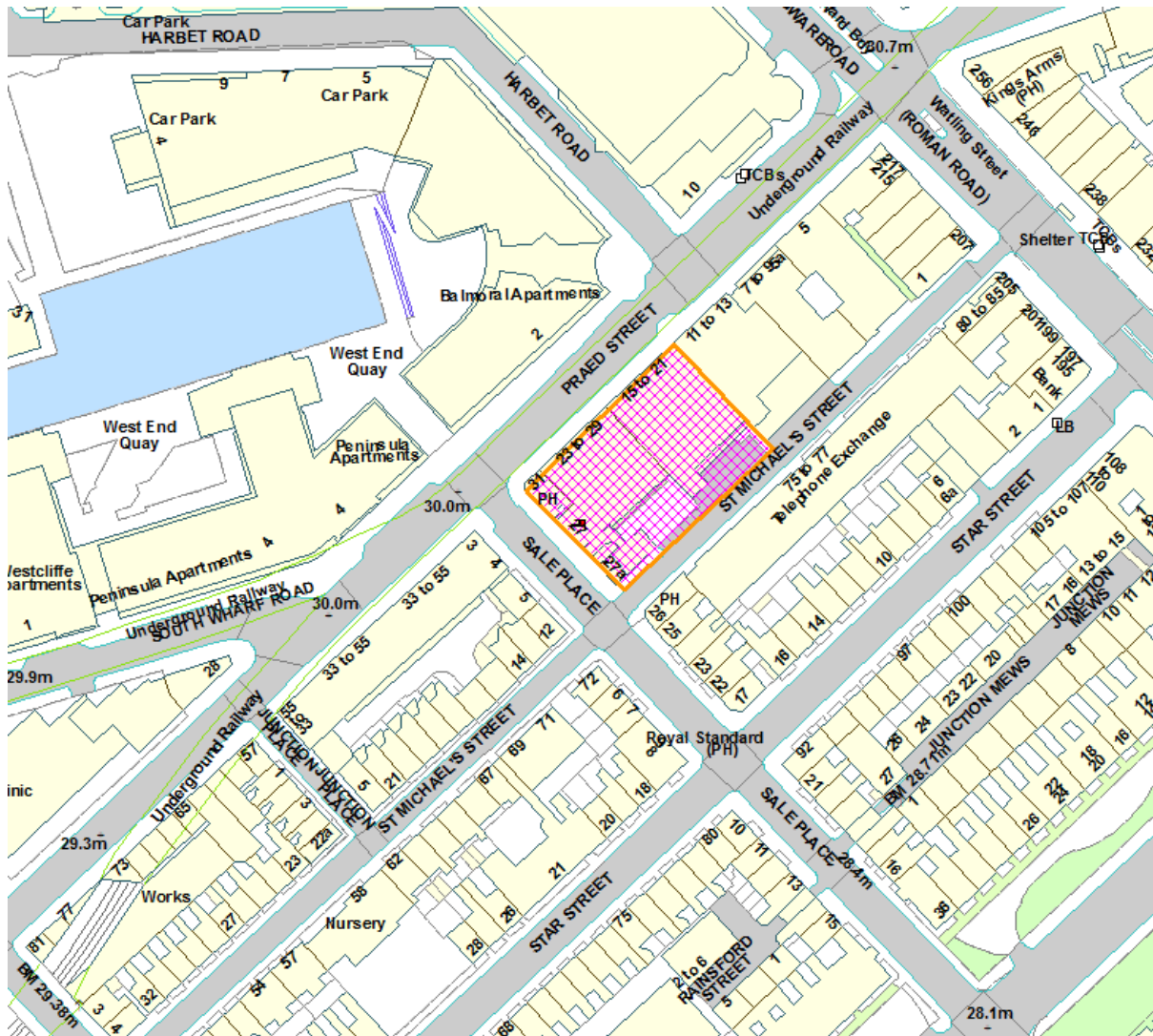
1. RECOMMENDATION

Refuse permission – loss of retail (Class A1)

2. SUMMARY

<p>Permission is sought to use the vacant retail (Class A1) floor space as a Bank and Office floor space, together with associated external alterations to the ground floor elevations including the installation of an ATM. The proposal has the support of the Hyde Park Estate Association, South East Bayswater Residents Association, the Paddington BID and two local residents/businesses. A petition of 145 signatures in support of the proposal has also been received. Whilst the proposed uses are suitable for this location and would accommodate the relocation of HSBC from nearby, the proposal would result in the loss of viable retail floor space, of detriment to the viability and vitality and character and appearance of the Praed Street Shopping Centre. Whilst the local support for the proposal is acknowledged, it is not considered that it outweighs the policy conflict. As such, the proposal is recommended for refusal.</p>

3. LOCATION PLAN



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4. PHOTOGRAPHS



Above: Pre implementation of 2011 planning permission.



Above: Post implementation of 2011 planning permission.

5. CONSULTATIONS

HYDE PARK ESTATE ASSOCIATION (HPEA)

Support. The proposals revitalise Praed Street at this end and it is good to retain the HSBC. The security issues that were raised regarding the ATM have been addressed. The art is an added bonus that fits in well with the existing space that is rather lacklustre. It is also excellent to see a local business invest so thoughtfully and sympathetically into the community.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION (SEBRA)

Support. It enables the continuing presence in the local community of a branch of a major bank that, in its present location (which will be lost due to development), is needed and is much used both by residents and local businesses. Our initial concerns on detailed aspects such as space for delivery vehicles and access to ATMs are being addressed.

PADDINGTON BUSINESS IMPROVEMENT DISTRICT (Paddington BID)

Support. The proposals seek to bring this vital stretch of Praed Street to life, and improve levels of natural surveillance at St Michael's Street. Retaining the HSBC bank branch in Paddington is a top priority for businesses, who have seen the loss of several branches locally and are concerned about the loss of another at 50 Eastbourne Terrace. The neighbouring branch on Edgware Road does not offer business banking facilities. Whilst the original consent was for A1 here, we recognise the challenges in letting the space as retail in Praed Street, which is not a dynamic retail destination. We raised questions about the security of the ATM proposed location, and are pleased that these have been addressed in the application. The public art is welcomed, and is striking, lifting this corner currently lacking in character. JCDecaux has invested heavily in their Paddington assets, plays a vital role in the community and is committed to playing their part in place-making at Paddington.

HIGHWAYS PLANNING MANAGER

Objection, unacceptable transportation issues, ATM (impact on pedestrian flow), Alterations to on-street parking layout and introduction of on-street loading bay (conflict with bus stop and junction), servicing should be provided off street from the rear of the site.

CLEANSING MANAGER

Comment. Further details of the provision of waste and recycling required.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 21

Total No. of replies: 3

No. of objections: 0

No. in support: 3 (2 individual representations and one from HSBC)

Two individual representations in support on all or some of the following grounds:-

- Wonderful addition to east part of Praed Street closer to Edgware Road and is more helpful to local shops
- HSBC serves the local community
- Must preserve these essential services
- Would be dismayed to lose a local HSBC branch
- HSBC are keen to maintain a high street presence in the Paddington Area.

Petition of 145 signatures in support of HSBC relocating from Eastbourne Terrace to this site.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Summit House is a 6-storey unlisted building on the corner of Praed Street and Sale Place which extends to St Michaels Street at the rear, comprising of nos.15-29 Praed Street, and Nos.27 Sale Place, London W2. It is occupied by JC Decaux as their London Head Quarters.

The site is occupied for mixed-use purposes comprising three vacant retail (Class A1) shops fronting Praed Street, offices on the upper floors and residential uses to Sale Place. The rear curtilage of the site accommodates off street car parking and waste storage. The site falls within the designated North Westminster Economic Development Area (NWEDA) and the Mayors Central Activities Zone. Praed Street is designated as District Shopping Centre, which is all secondary shopping frontage.

The building has recently undergone works associated with planning permission which was granted in 2012 for extensions, alterations and refurbishment in connection with the continued use of building for retail use (Class A1) at ground floor level, with office (Class B1) on part ground floor and upper floors and residential on the corner of Sale Place and St Michael's Street. (11/08416/FULL).

Prior to the 2012 permission being implemented there were three retail shop units existing at ground floor level fronting Praed Street Food City Supermarket and two charity shops (Age Concern and Sue Ryder). The 2012 permission sought replacement retail (Class A1) floor space and it is this floor space, which is currently vacant and the subject of this application.

6.2 Recent Relevant History

Conditional planning permission was granted by the Planning Applications Sub-Committee on 30 March 2012 for the Refurbishment of 15-29 Praed Street and 27 Sale Place by the erection of extension to office (Class B1) on vacant plot at corner of Sale Place and Praed Street; reconstruction of sixth floor level with plant enclosure, green roof and photovoltaic panels at roof level; re-cladding / re-facing of elevations and associated external alterations. Continued use of refurbished building for retail use (Class A1) at ground floor level, with office (Class B1) on part ground floor and upper floors and residential on the corner of Sale Place and St Michael's Street. (11/08416/FULL).

This permission is governed by a legal agreement under Section 106 of the Town and Country Planning, Act 1990. The agreement relates to:-

- i) A financial contribution of £33,000 towards public realm improvements.,

- ii) ii) Cost of highways works immediately around the site necessary for the development to occur, including, any necessary re paving, reinstatement of redundant crossovers and alterations to on-street restrictions.,
- iii) iii) The provision of public art.

Permission was granted on 01.10.2014 for a Variation to Condition 16 of planning permission dated 30 March 2012 (RN:11/08416/FULL) for refurbishment of 15-29 Praed Street and 27 Sale Place by the erection of extension to office (Class B1) on vacant plot at corner of Sale Place and Praed Street; reconstruction of sixth floor level with plant enclosure, green roof and photovoltaic panels at roof level; re-cladding / re-facing of elevations and associated external alterations. Continued use of refurbished building for retail use (Class A1) at ground floor level, with office (Class B1) on part ground floor and upper floors and residential on the corner of Sale Place and St Michael's Street.; namely, to amend the wording of Condition 16 to allow the occupation of the office floorspace to take place prior to the installation of the public art. (14/06897/FULL).

Various Non Material Amendments and approval of details applications have also been approved (12/09318/NMA, 13/03900/NMA, 13/03902/ADFULL, 13/03907/ADFULL, 14/03268/ADFULL),

Other Non Material Amendments and approval of details applications have been refused or withdrawn 14/00061/ADFULL, 14/00598/ADFULL, 14/03264/NMA & 15/03496/FULL, 16/02906/FULL.

7. THE PROPOSAL

Planning permission is sought to change the use of the ground floor vacant retail (Class A1) floor space to allow the front portion of the ground floor (251m²) of the site to be used as a bank by HSBC (Class A2) and the rear area (420m²) to be used as offices, providing additional floor space to the existing use of the building by JC Decaux's as their London Head Quarters.

Associated external alterations are proposed to the ground floor shop front including the installation of an Automatic Teller Machine (ATM) and to the ground floor rear elevation involving fixed glazed panels and curtain walling.

During the course of the application revised drawings have been provided to remove the following from the application; proposed changes to the highway parking arrangements outside of the site and a proposed street lighting column and also to clarify the location of the ATM.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of retail use (Class A1)

Impact on shopping centre

The proposal would result in the loss of 671m² of lawful vacant retail ground floor floorspace (Class A1) from the Praed Street District Shopping Centre (Secondary Frontage). Policy SS6 of our Unitary Development Plan (UDP) states that proposals for

uses within A2, A3 or other non-A1 town centre uses will be permitted, where the following are met.

1. the proposal would not harm the vitality or viability, or character of function of the parade, frontage or centre
2. the total length of secondary frontage in non-A1 use at street level would not exceed 45%
3. the proposal must not lead to, or add to, a concentration of non-A1 units in any individual frontage or parade.
4. The proposal would not result in more than three non-A1 units located consecutively in a frontage
5. The proposal would not involve the loss of an A1 unit last used as a local convenience shop, or reduce the range of local convenience shops in the centre.

In this case, the proposal would fail to meet all of the above statements. The loss of such a significant amount of retail floor space within a central location would inevitably harm the vitality and viability and character and function of the centre. It would add to the concentration of non-A1 uses, resulting in more than three consecutive non-A1 uses in the secondary frontage, which already exceeds 45% and would result in the loss of a unit last used as a convenience shop (Food City). As such the proposal is contrary to policy SS6.

Viability of retail use

Notwithstanding the above, policy S21 of our City Plan states that existing retail (Class A1) uses will be protected throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let.

In this case, the units have been vacant since 2012. The applicant has submitted a marketing report by KLM in support of their proposed change of use from Retail to bank and offices. The report has been independently assessed on behalf of the City Council by GVA. It is acknowledged that the premises have been marketed for the required 18-month period. However, the independent assessment concludes that the premises could be attractive to a retail operator if offered on reasonable terms and that this may be a local trader or national brand, rather than a global brand. This is on the basis that the rents sought to date were high and that it was clear that a global brand rather than a local business was being sought. It is also understood that offers were made by EAT, itsu and HSBC and interest made by cycle surgery, although the latter were left with the impression that their brand was not good enough. Given this conclusion, it is considered that the applicant has not provided sufficient evidence to indicate that the premises would not be viable for retail (Class A1) use. Consequently, the proposal is contrary to policy S21 as insufficient justification has been provided to allow the loss on viability grounds.

Proposed Financial and Professional Use (Class A2)

Notwithstanding the unacceptable loss of retail (Class A1). Were its loss have been considered acceptable, then a bank (Class A2) (251m²) would be an appropriate town centre use within the Praed Street District Shopping centre. It is understood that HSBC would occupy the unit under a 10 year lease and that they would relocate from 50 Eastbourne Terrace, which is due to undergo redevelopment. As such the proposal

would see HSBC relocated in the vicinity of their current premises and maintain a presence in the local area.

Proposed Office use (Class B1)

Notwithstanding the unacceptable loss of retail (Class A1). Were its loss have been considered acceptable, then offices to the rear of the street frontage would be appropriate in this location within the NWEDA. The proposal would result in an increase in office (Class B1) floorspace of 420m2 within the North Westminster Economic Development Area (NWEDA) and the applicant estimates that the overall number of employees at the site would as a result rise by 50 as part of JC Decaux Head Quarters. Class B1 uses are acceptable throughout the NWEDA and contribute to the increasing economic activity within the area in accordance with policy COM1 of our UDP and policies S12, S20 and S21 of our City Plan.

Land use conclusion

Given all of the above and taking into consideration the local support for the proposal, the applicant was asked to consider a more mixed use of the ground floor comprising offices, a smaller bank and a retail use. However, it is regrettable that such a proposal was not acceptable to the applicant.

It is evident from the local support for the proposal from SEBRA, HPEA and Paddington BID, two local representatives and a petition of 145 signatures, that the local community would like to see HSBC maintain a presence in the locality and that they support the proposal on this basis. However, the application must be assessed in land use terms and specifically the impact on the shopping provision within the Praed Street District Centre. It would also be unreasonable to restrict the use to a HSBC bank only.

As such, the proposed loss of retail (Class A1) floor space within the Praed Street District Centre is considered to be detrimental to the vitality and viability and character and function of the Praed Street District Shopping Centre contrary to policy SS6 of our UDP and S21 of our City Plan.

8.2 Townscape and Design

Minor external alterations are proposed to the ground floor shop front and ground floor rear elevation involving fixed glazed panels and curtain walling. These alterations to this unlisted building outside of the conservation area, would increase visibility into and out of the building and create a more active and interesting elevation to the rear, which would also improve natural surveillance. Furthermore, the installation of an ATM is commonplace with banks within the shopping centres. As such, policies DES1 and DES5 of our UDP are satisfied as is policy S28 of our City Plan.

It is acknowledged that the implementation of the 2011 permission has had a positive impact and has resulted in significant townscape improvements (public realm and local environment) to the site and that this will be furthered when the public art is installed in due course.

8.3 Residential Amenity

Due to the nature of the proposal, it does not raise amenity issues and satisfies ENV13 of our UDP and S29 of our City Plan are satisfied.

8.4 Transportation/Parking

The proposed use as a bank and offices does not raise transportation issues in themselves.

However, the application proposes the installation of an Automatic Teller Machine (ATM) within the Praed Street shopfront associated with the proposed use of part of the ground floor as a bank by HSBC. Notwithstanding that, the pedestrian footway is in excess of 2m wide outside of the site, the Highways Planning Manager has raised concern with respect to the potential impact of the use of the ATM and any associated queuing, on pedestrian flows along Praed Street, given its busy location and high volume of pedestrians, contrary to TRANS3 of our UDP. In order to seek to address these highways concerns, the applicant is seeking to provide further information on this aspect of their proposal and Committee will updated verbally.

Whilst the originally submitted drawing indicated what appeared to be the ATM sitting proud of the existing shopfront and overhanging the pedestrian highway, the applicant has advised that this indicates floor privacy markings. For the avoidance of doubt, the applicant has submitted a revised drawing making this clear.

The submitted drawings also showed proposed changes to the highway parking arrangements outside of the application site (and outside its red line boundary plan) on Praed Street, including the relocation of two car parking bays and the introduction of a loading bay. Following concerns regarding highway conflict with the junction and a bus stop, this element of the proposal has been withdrawn from the application.

Also indicated on the originally submitted drawings was the installation of a lighting column on the pedestrian highway. This forms part of the applicant's public art package and is the subject of a separate planning application. As such, it too has been removed from the drawings.

Insufficient information has been provide with respect to the provision of waste and recycling for the new office floorspace. Had the application been considered acceptable, then details would have been sought by condition.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

No changes are proposed

8.7 Other UDP/Westminster Policy Considerations

Not applicable

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Environmental Impact Assessment is not relevant in the determination of this application.

8.12 Other Issues

Not applicable.

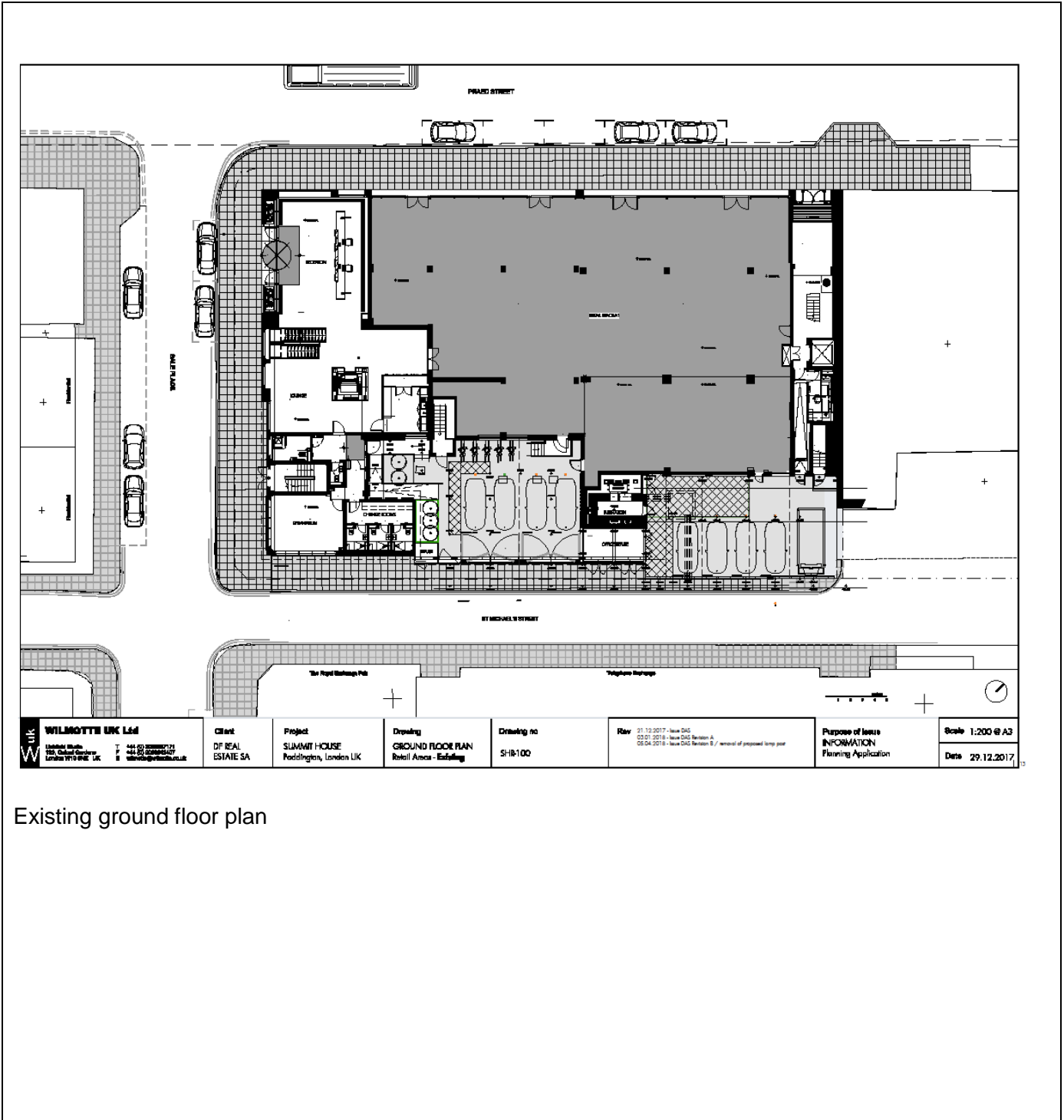
9. BACKGROUND PAPERS

1. Application form
2. Response from Hyde Park Estate Association, dated 7 February 2018
3. Response from South East Bayswater Residents Association dated 16 February 2018
4. Response from Paddington Business Improvement District (BID) dated 19 January 2018
5. Memo from Highways Planning dated 7 February 2018
6. Memo from Cleansing Manager dated 18 January 2018
7. Representation from HSBC dated 12 February 2018
8. Letter from occupier of 25 Radnor Place, London, dated 7 February 2018
9. Letter from occupier of 34 Norfolk Square, London, dated 29 January 2018
10. Petition with 145 signatures

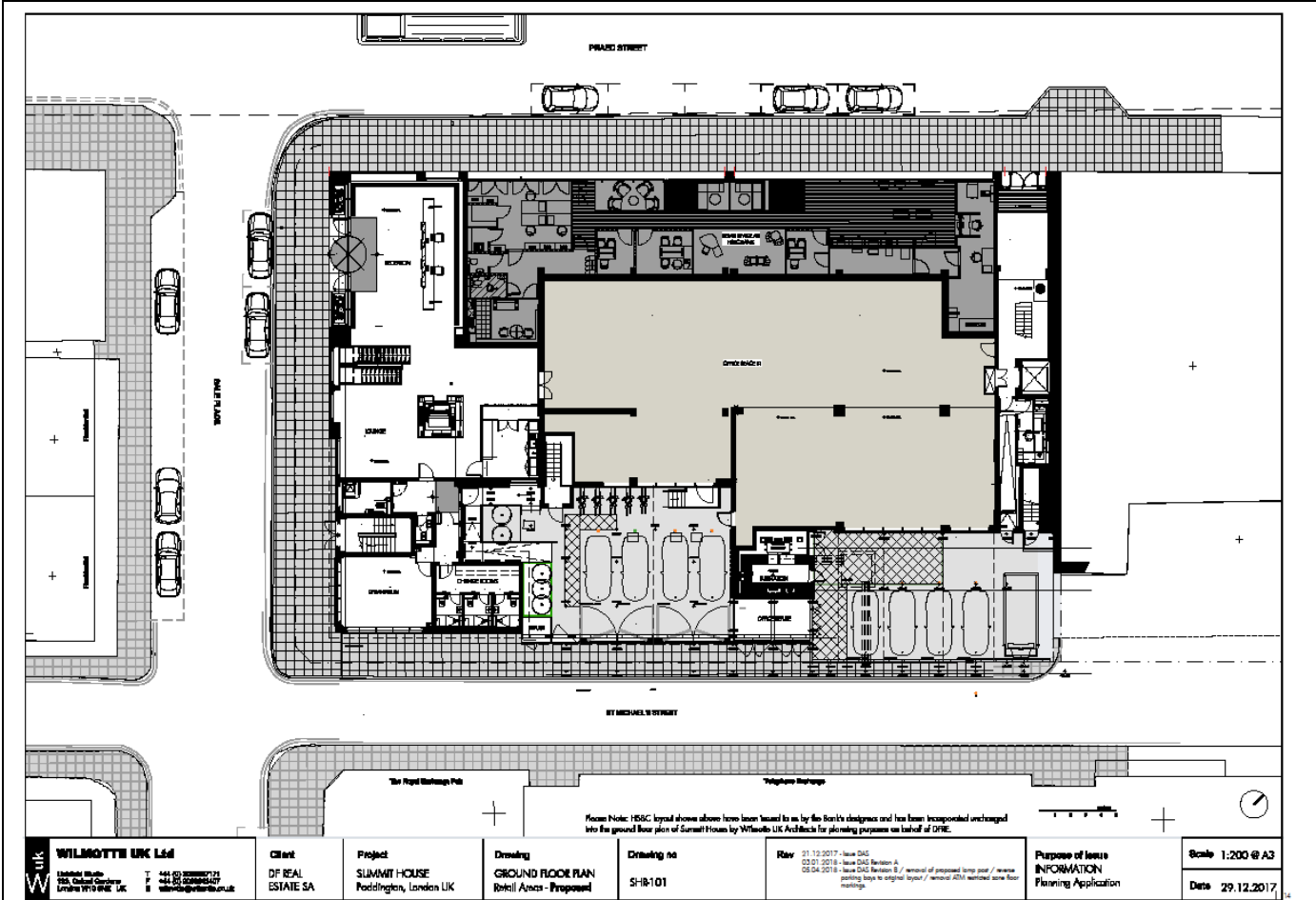
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk

10. KEY DRAWINGS



Existing ground floor plan



Proposed ground floor plan

DRAFT DECISION LETTER

Address: Summit House, 27 Sale Place, London, W2 1PP,

Proposal: Sub-division and use of existing ground floor as a Class A2 (financial services) and B1 (office) space, including external alterations to the ground floor front and rear elevations including the installation of an Automatic Teller Machine (ATM) to Praed Street. (Site includes 27 Sale Place & 15-29 Praed Street).

Reference: 18/00036/FULL

Plan Nos: Site Location Plan, SHR-100B; 101B;210;300; Wilmotte UK Design and Access Statement,& revised page 8, Marketing Report, by KLM Retail; Parking Bay Re-location Technical Note, by Pell Frischmann; Planning Statement, by DP9; Statement of Community Involvement by Four Communications.

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641 2929

Recommended Conclusion(s) and Reason(s)

- Reasons:
- 1 The proposal would result in the loss of viable Retail (Class A1) floorspace within the Praed Street Shopping Centre (Second Frontage) and the North Westminster Economic Development Area. This is detrimental to the vitality and character and appearance of the Praed Street Shopping Centre, contrary to the aims of our Unitary Development Plan adopted January 2007 and S21 of our City Plan: Strategic Framework adopted November 2016.

Please note: the full text for informative can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Council Chamber 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 17 April 2018	Classification For General Release	
Report of Director of Planning		Ward involved Warwick	
Subject of Report	43 Warwick Way, London, SW1V 1QS.		
Proposal	Erection of a two storey rear extension at lower-ground and ground floor levels and replacement shopfront.		
Agent	UAO Architects		
On behalf of	Underwood London Limited		
Registered Number	17/08682/FULL	Date amended/ completed	4 October 2017
Date Application Received	28 September 2017		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

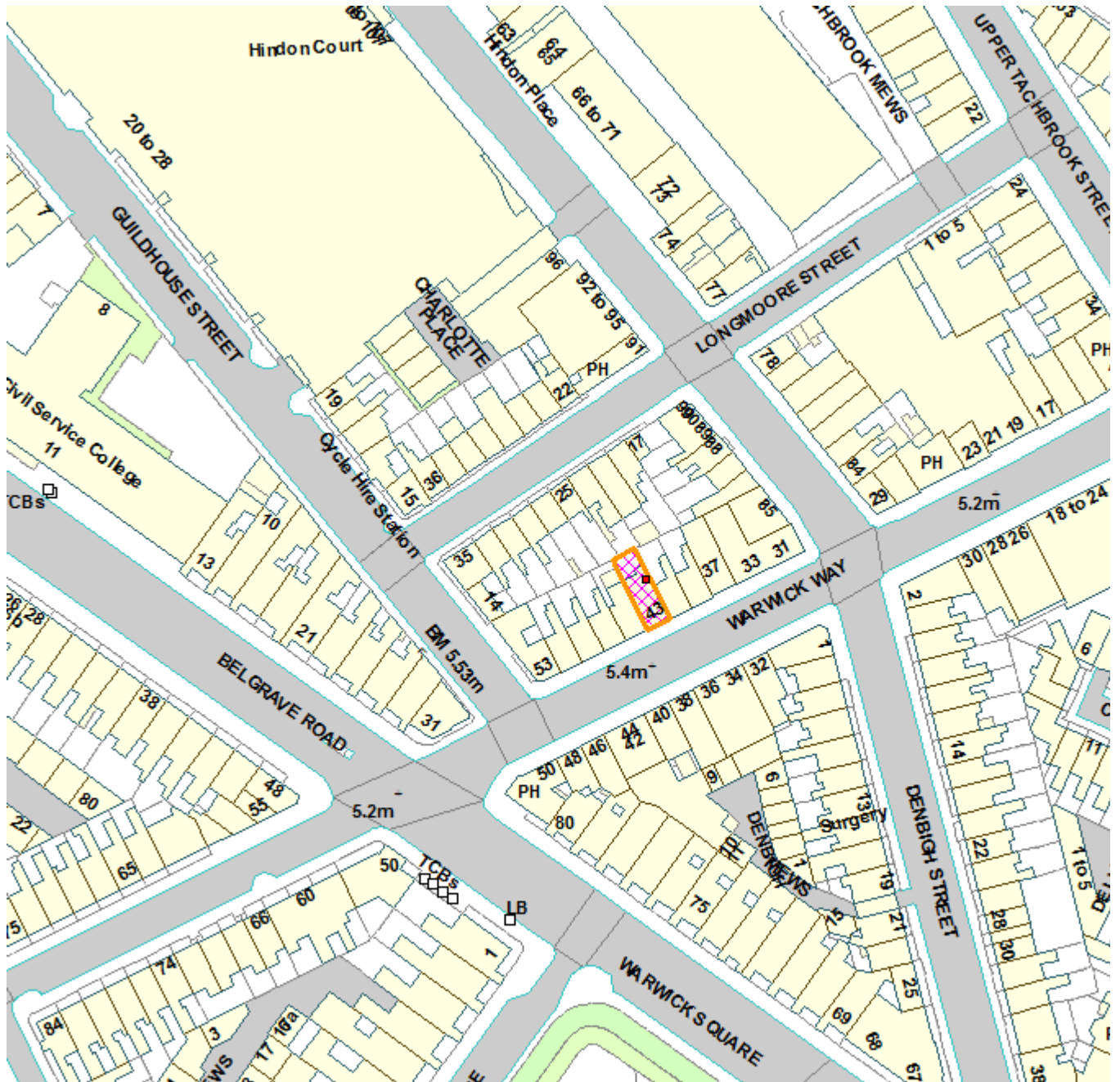
43 Warwick Way is an unlisted property located within the Pimlico Conservation Area. The lower ground and ground floor levels are currently in use as a delicatessen (Class A1), with residential (Class C3) on the upper floors. Permission is sought for a two storey rear extension at lower-ground and ground floor levels and replacement shopfront in connection with the retail use.

The key issues are:

- *Impact upon the appearance of the building;
- *Impact upon the character and appearance of the Pimlico Conservation Area;
- *Impact on neighbouring amenity.

The proposed development is considered to be acceptable in land use, design and amenity terms and would accord with policies within the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan). As such, it is recommended that conditional planning permission is granted.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

CLLR NICKIE AIKEN

- The proposal will have a detrimental impact on the amenity of the residents living behind the application site at 25, 23, 21 and 19 Longmoore Street.
- Proposed extension too large and not of an appropriate design and use for the area.
- Inappropriate to have a window at rear ground floor level, directly in front of existing bedroom windows. Even if the windows are frosted, they may be opened during warm weather.
- Permitting the opening up of the lower-ground floor into a public space is likely to cause noise nuisance to neighbouring properties.

CLLR JACQUI WILKINSON

- The proposals involve reducing the garden/back area of 43 Warwick Road, bringing development closer to the residential properties on Longmoore Street. Given that the property is in use as a shop/cafe, which is busy throughout the day, this will have serious implications on amenity.
- If granted the proposals would set a disturbing precedence for similar applications in Pimlico.

WESTMINSTER SOCIETY

No objection.

TREE SECTION

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8

Total No. of replies: 2

No. of objections: 2

Objections have been received from the residents of 23 and 25 Longmoore Street on the following grounds:

DESIGN

The design of the extensions is inappropriate and would take up too much garden land.

AMENITY

- The proposed extension would dominate the back of 23 Longmoore Street, reducing privacy and the peaceful enjoyment of the garden.
- The proposed windows, whilst frosted, could be opened for ventilation resulting in a direct line of sight into the bedrooms of 23 Longmoore Street. A skylight would be a better alternative.
- The lower-ground floor is not currently a public space, opening it up would result in increased noise affecting adjacent properties.
- The proposals may harm the trees in adjacent gardens that provide a pleasing environment and privacy.

OTHER

- There is currently a cooling unit attached to the rear elevation of the application building. No information is included about its relocation; anything bigger or closer would create both noise and air pollution affecting adjacent properties.

- Concern that any associated excavation would damage the roots of the tree in the garden at 25 Longmoore Street.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

43 Warwick Way is an unlisted building located within the Pimlico Conservation Area. The building comprises lower ground floor, ground floor and two upper floors. The building backs onto Longmoore Street to the north. The lower ground and ground floor levels are currently in use as a delicatessen (Class A1), with two residential flats (Class C3) on the upper floors

6.2 Recent Relevant History

43 Warwick Way

14 December 2001 – Planning permission refused on design grounds for the erection of single storey rear extension at first floor level in connection with use as a single flat. (01/07498/FULL)

2 September 2005 – Planning permission granted for the conversion of the first floor and second floor into a one self-contained two-bedroom residential flat. (05/04732/FULL)

47 Warwick Way

29 June 2006 – Planning permission granted for the extension at rear ground and lower ground floors and alterations to extract duct in connection with use as a bakery (Class A1). (06/02336/FULL)

7. THE PROPOSAL

Planning permission is sought for a replacement shopfront and erection of a full width two storey extension at rear lower ground and ground floor levels in association with the existing retail unit (Class A1).

8. DETAILED CONSIDERATIONS

8.1 Land Use

The unit is currently occupied by a Portuguese delicatessen “Delicias de Portugal”. The lawful use of the unit is considered to be retail (Class A1).

City Plan Policy S21 states that existing Class A1 retail will be protected throughout Westminster. This approach will ensure that the needs of customers and retailers across the city are met through retention of shops and overall amount of retail floorspace.

City Plan Policy S10 recognises the predominantly residential nature of Pimlico, and "Village" character with associated local uses and the sense of small-scale shops and services. Stating that the area will be primarily for residential use with supporting retail, social and community and local arts and cultural provision.

The proposals would increase the amount of Class A1 floorspace from approx. 104.7sqm to 131.8sqm. The retail unit would remain small in scale comparable to similar uses along Warwick Way. The increase in retail floorspace would support the surrounding residential accommodation. Accordingly, the proposals are considered to be in line with City Plan Policies S21 and S10.

8.2 Townscape and Design

Objections to the design of the proposed rear extension have been received in relation to the size and massing and the amount of garden ground it would take up.

The footprint of the extension has been kept in line with the neighbouring property and in terms of scale and height is very similar to a number of other rear extensions in the immediate vicinity, including those at nos. 45 and 47 Warwick Way. Indeed, the extension at No. 47 was granted in June 2006 (06/02336/FULL) and the City Council's policies regarding rear extensions have not changed since that time.

The City Councils design policies concerning rear extensions are clear and it is considered that the current proposals accord with the required conditions under UDP policy DES 5, Section A:

(A) Permission will generally be granted for development involving the extension or alteration of buildings in the following circumstances:

- 1) where it is confined to the rear of the existing building
- 2) where it does not visually dominate the existing building
- 3) if it is in scale with the existing building and its immediate surroundings
- 4) if its design reflects the style and details of the existing building
- 5) if the use of external materials is consistent with that of the existing building
- 6) where any necessary equipment, plant, pipework, ducting or other apparatus is enclosed within the external building envelope, if reasonably practicable.

The proposals would occupy a greater part of the rear yard area to this property and DES 5 (B) does identify this as a possible reason for refusing permission. However, the property is in commercial use and this space is not used as private amenity space. Furthermore, the pattern of development of adjoining properties has been to substantially infill these rear spaces. Accordingly, it is not considered sustainable to refuse the proposals for this reason.

The proposals are in accordance with UDP policies DES 1, DES 5 and DES 9 and City Plan policies S25 and S28.

8.3 Residential Amenity

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

Objections have been received from two local ward Councillors and the residential occupiers of 23 and 25 Longmoore Street directly behind the site. Objections have been raised on grounds that the proposed extension is too large, that it would increase noise disturbance and reduce the privacy of the surrounding residential properties

The proposed rear extension would project further into the rear yard area by approx. 3.2m at lower-ground and ground floor levels. The footprint of the extension has been kept in line with the existing extension on the adjoining No.45 Warwick Way. The scale and massing of the proposal is comparable to a number of extensions in the immediate vicinity. The resulting relationship between the application site and surrounding properties is similar to those found throughout the city. It is considered that the proposals would not lead to an increase in enclosure or loss of light sufficient to justify refusing permission.

Following officer advice, the applicant has removed obscure glazed windows originally proposed at rear ground floor level and replaced with roof lights above. The applicant has also substituted the concertina windows at rear lower ground floor level for a single window and door, to minimise disturbance from internal noise.

Conditions are also recommended to ensure that the roof of the extension is not used for sitting out and that the rear yard area is not to be used by customers. These amendments and conditions will ensure there will not be an unacceptable loss of privacy or increase in noise to neighbouring occupiers.

The proposals are considered to accord with policies S29 and ENV13.

8.4 Transportation/Parking

The modest enlargement to the existing retail use would not have a material impact on traffic generation or on-street parking pressure in the area.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The replacement shopfront and entrance will allow for level access into the premises. Accessible WC facilities are introduced at ground floor level.

8.7 Other UDP/Westminster Policy Considerations

Trees

A neighbouring residential occupier objects on the grounds that excavation associated with the proposed extension would damage the roots of the tree in their garden.

The applicant has submitted a tree survey, which records one cherry laurel (T1) and one rowan (T2) in adjacent gardens. The circular root protection area of the rowan overlaps the boundary with 43 Warwick Avenue by a very small amount and it is unlikely that any significant roots from this tree will be affected. The circular root protection area of the laurel overlaps a greater area of the rear yard of 43 Warwick Avenue. Taking into consideration the size and type of species, the Councils Tree Officer considers that works would not have a detrimental effect on the laurel.

The extension will occupy most of the rear yard area. The yard is currently concreted over and as such the proposals will have a negligible impact on biodiversity.

Refuse /Recycling

No information has been supplied in relation to refuse and recycling storage. A condition is recommended to ensure that details of how waste is going to be stored on site is provided prior to occupation of the use.

Plant

No plant machinery is proposed under this application. If the applicant requires plant in connection with the use, this will need to be the subject of a further planning 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.

8.11 Environmental Impact Assessment

Environmental Impact Assessment is not required for a scheme of this size.

8.12 Other Issues

None.

9. BACKGROUND PAPERS

1. Application form
2. Letter from Cllr Nickie Aiken, dated 30 October 2017
3. Letter from Cllr Jacqui Wilkinson, dated 2 November 2017
4. Response from Westminster Society, dated 12 October 2017
5. Response from Tree Section, dated 27 March 2018
6. Letter from occupier of 25 Longmoore Street, dated 20 October 2017
7. Letter from occupier of 23 Longmoore Street, dated 21 October 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk

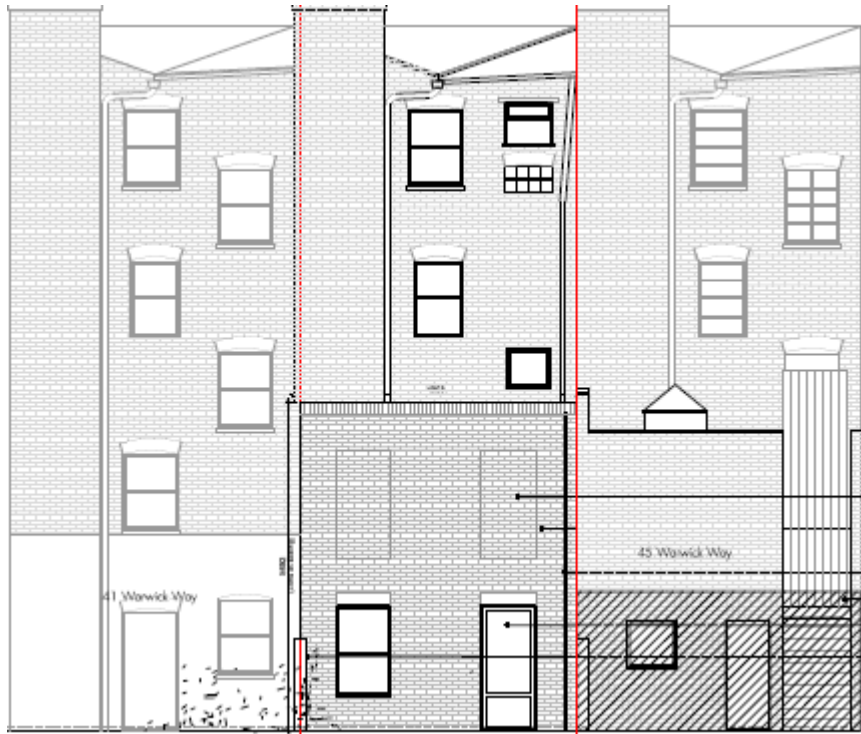
10. KEY DRAWINGS



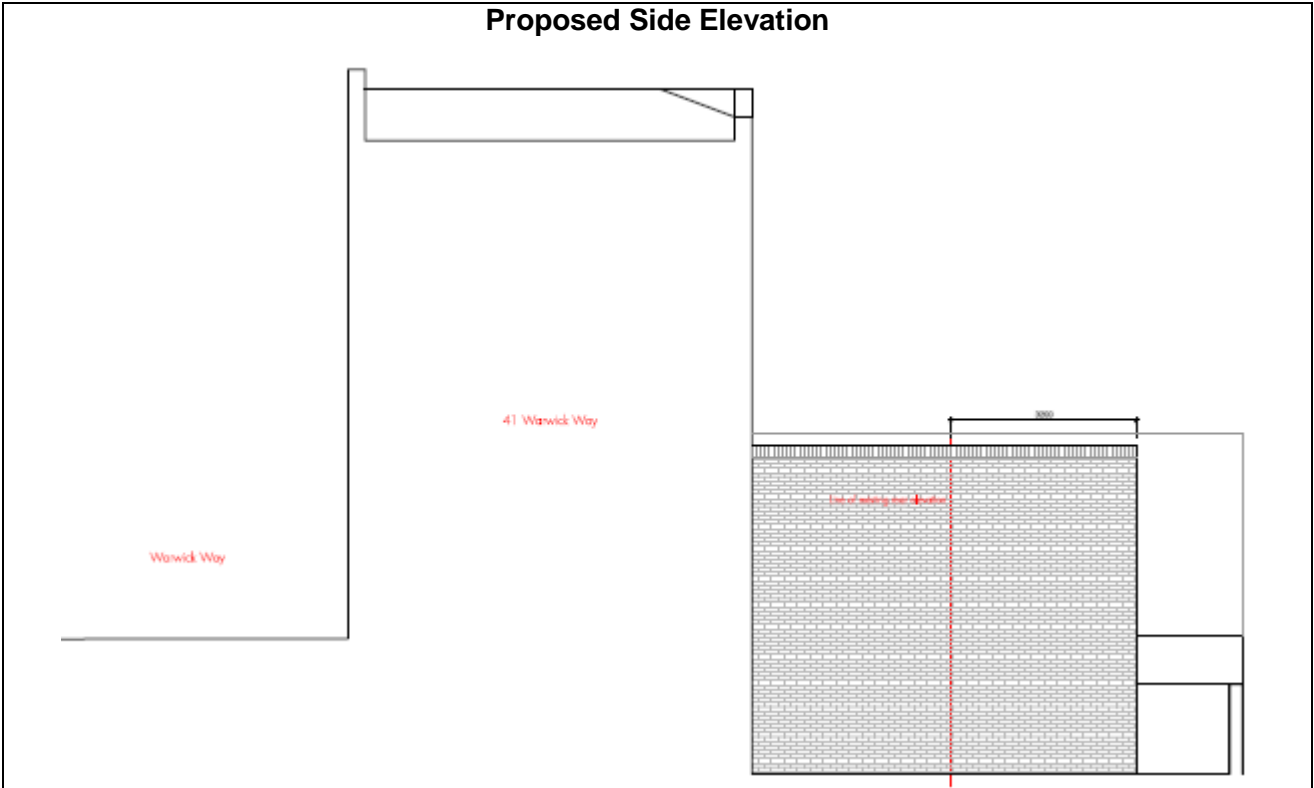
Existing Rear Elevation



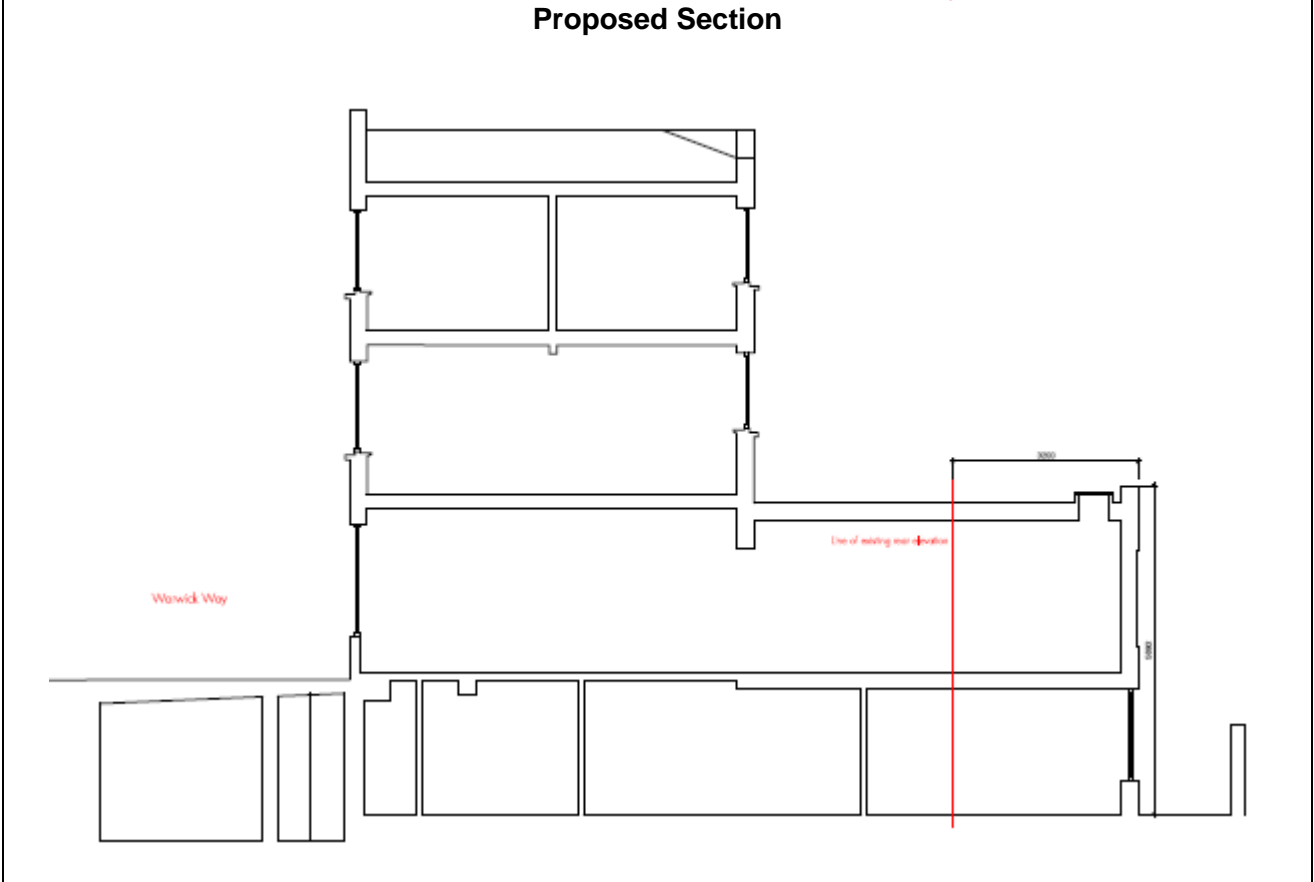
Proposed Rear Elevation



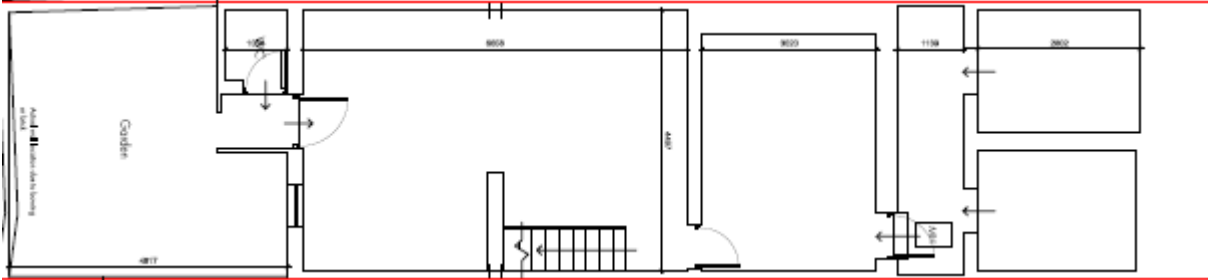
Proposed Side Elevation



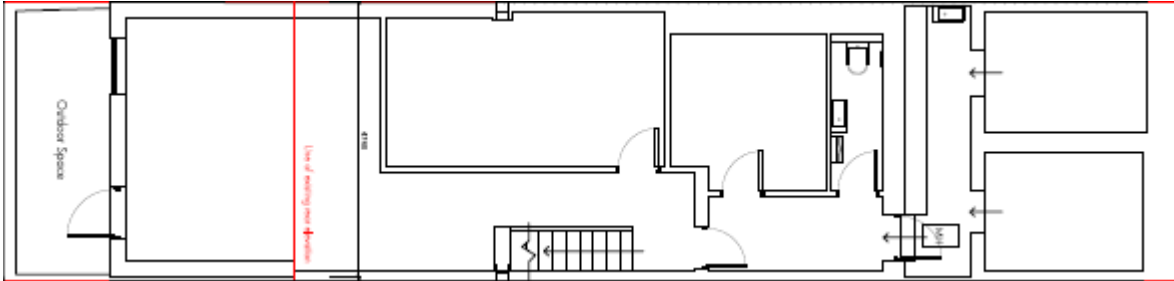
Proposed Section



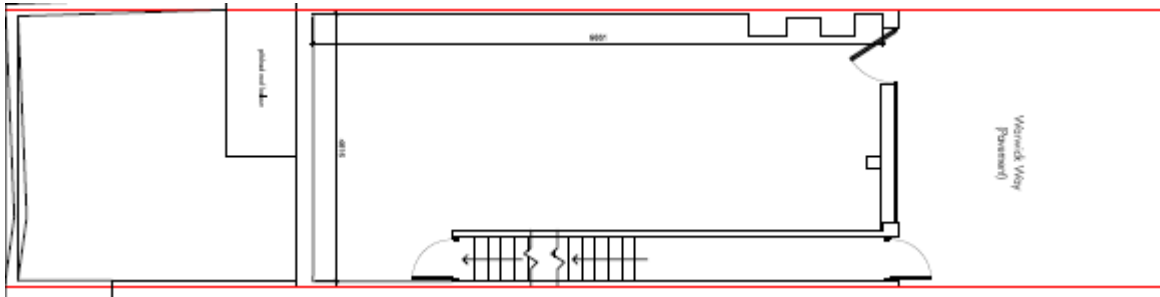
Existing Lower Ground Plan



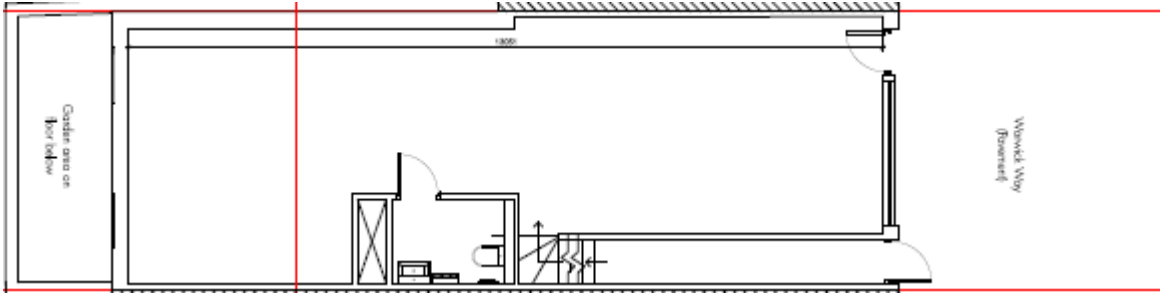
Proposed Lower Ground Plan



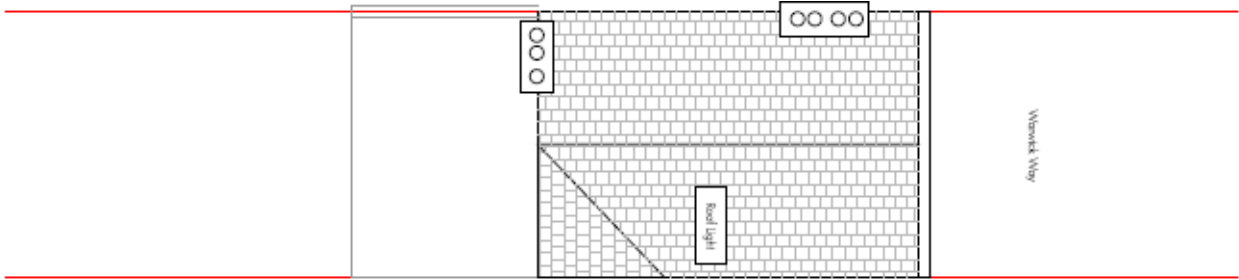
Existing Ground Plan



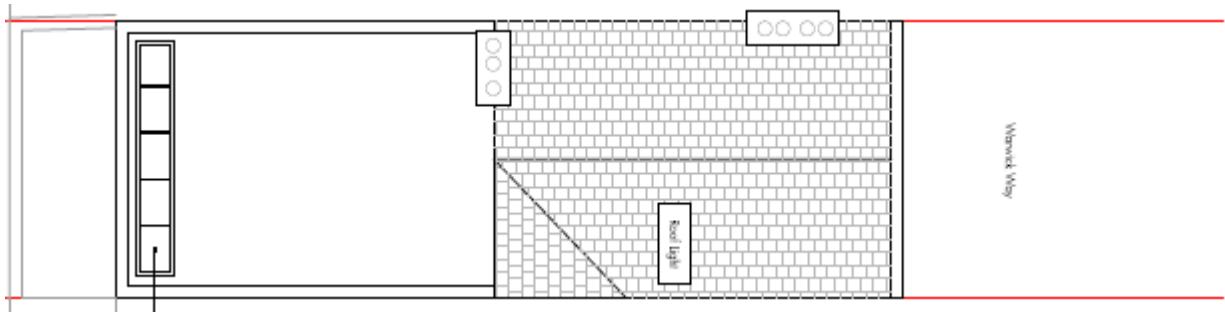
Proposed Ground Plan



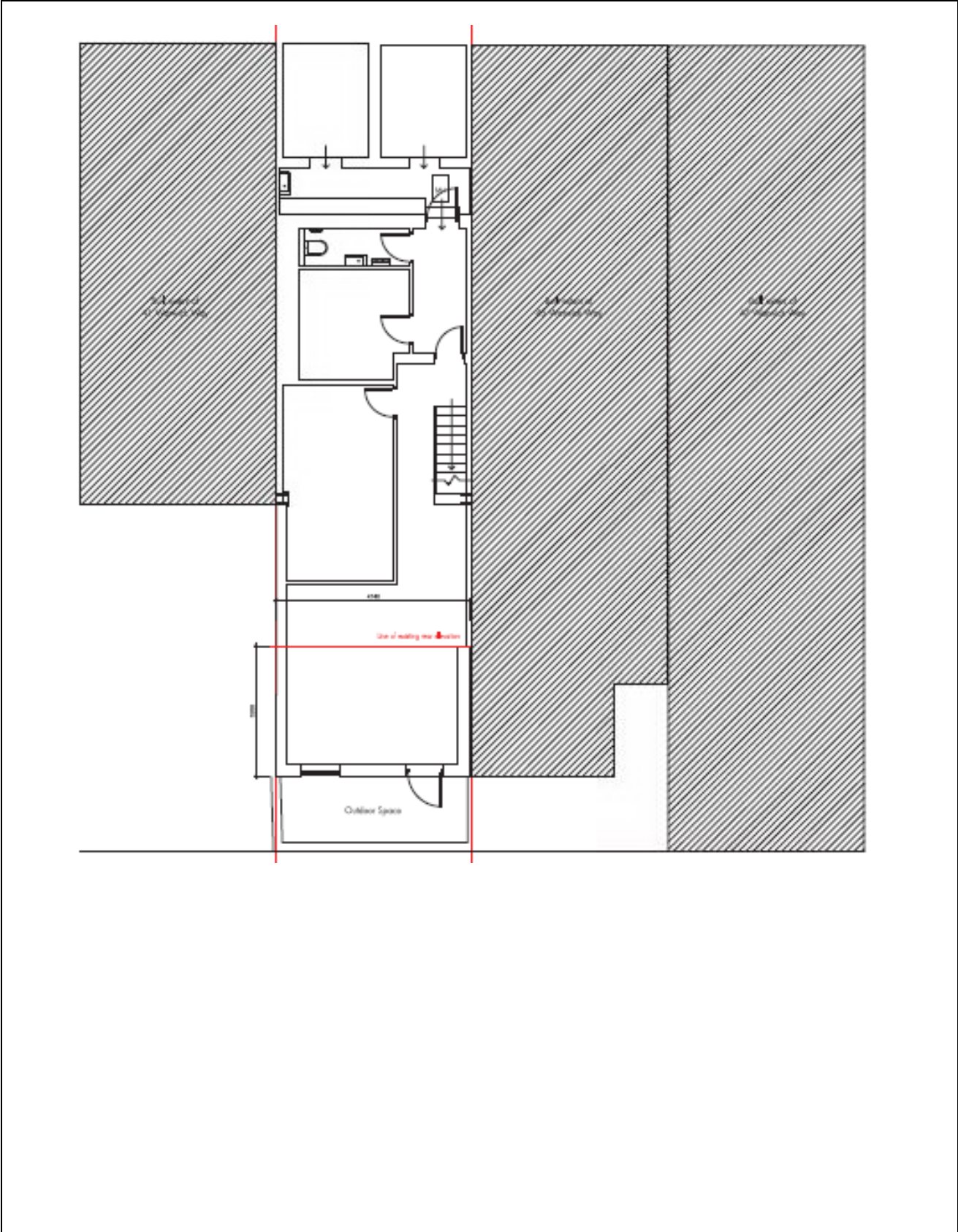
Existing Roof Plan



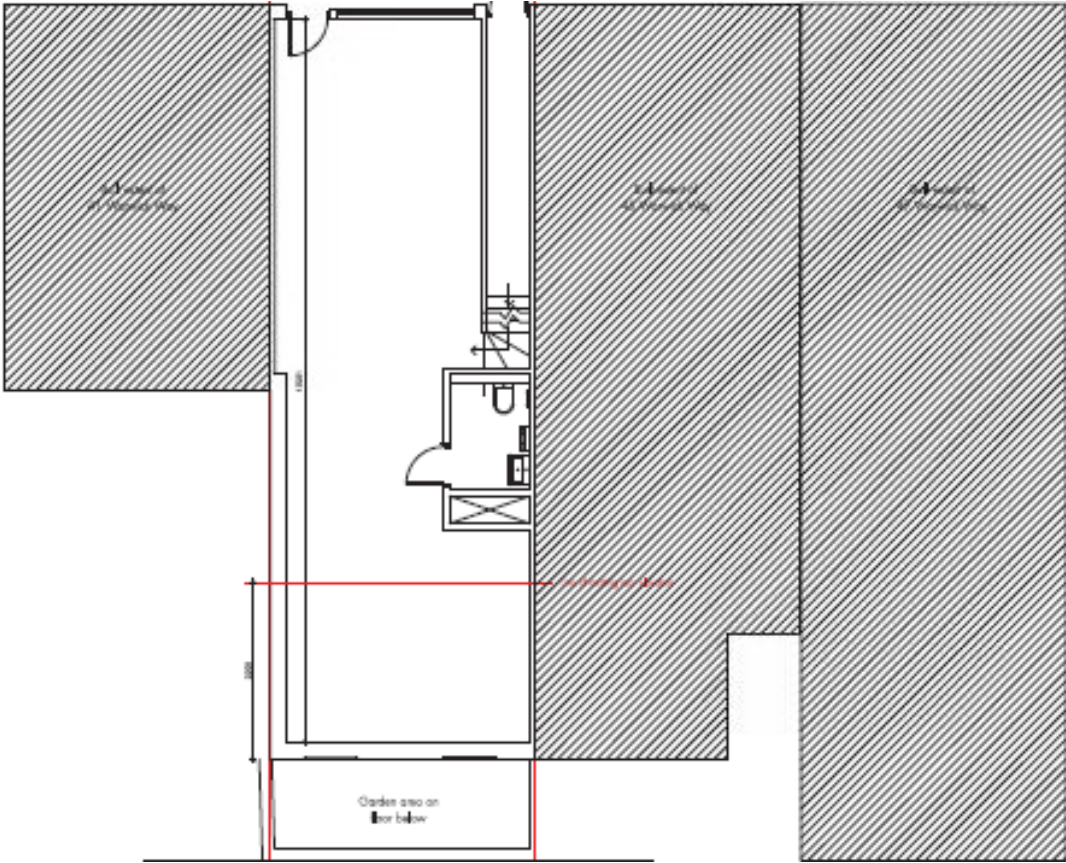
Proposed Roof Plan



Proposed Lower Ground Plan in Context



Proposed Ground Floor Plan in Context



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DRAFT DECISION LETTER

Address: 43 Warwick Way, London, SW1V 1QS

Proposal: Erection of a two storey rear extension at lower-ground and ground floor levels and replacement shopfront.

Reference: 17/08682/FULL

Plan Nos: 1-001; 1-002; P1-100 Rev. E; P1-101 Rev. E; P1-102 Rev. C; P1-200 Rev. B; P1-201 Rev. E; P1-202; P1-300 Rev. A.

For information:

Tree Survey dated 17 January 2018; Design and Access Statement dated 27 September 2017.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Conditions and Reasons

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

- 4 You must apply to us for approval of a brickwork sample of the following parts of the development - new brickwork to the rear. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

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

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

Reason:

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

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

Reason:

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

- 7 You must not allow customers to use the outdoor space at rear lower ground floor level.

Reason:

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

Informative(s):

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

- 2 You are advised to construct your brickwork sample panel to allow a straight forward comparison with the existing rear elevation brickwork. The bond, facing and jointing should match the existing.

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

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Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 April 2018	Classification For General Release	
Report of Director of Planning	Ward(s) involved Maida Vale		
Subject of Report	12 Lauderdale Parade , Lauderdale Road, London, W9 1LU		
Proposal	Erection of a first and second floor extension to create a residential unit (Class C3).		
Agent	MZA Planning		
On behalf of	Planmanor Limited		
Registered Number	18/00805/FULL	Date amended/ completed	1 February 2018
Date Application Received	1 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Refuse permission- design and amenity

2. SUMMARY

Permission is sought to extend the height of the building by two storeys to create a one bedroom flat. This application follows two previous refused applications and subsequent dismissed appeals on design and amenity grounds.

The Paddington Waterways and Maida vale Society and Twelve representations of objections have been made from neighbours of Lauderdale Mansions South, Castellain Mansions and Castellain Road on land use, design, amenity and parking.

The key issues are:

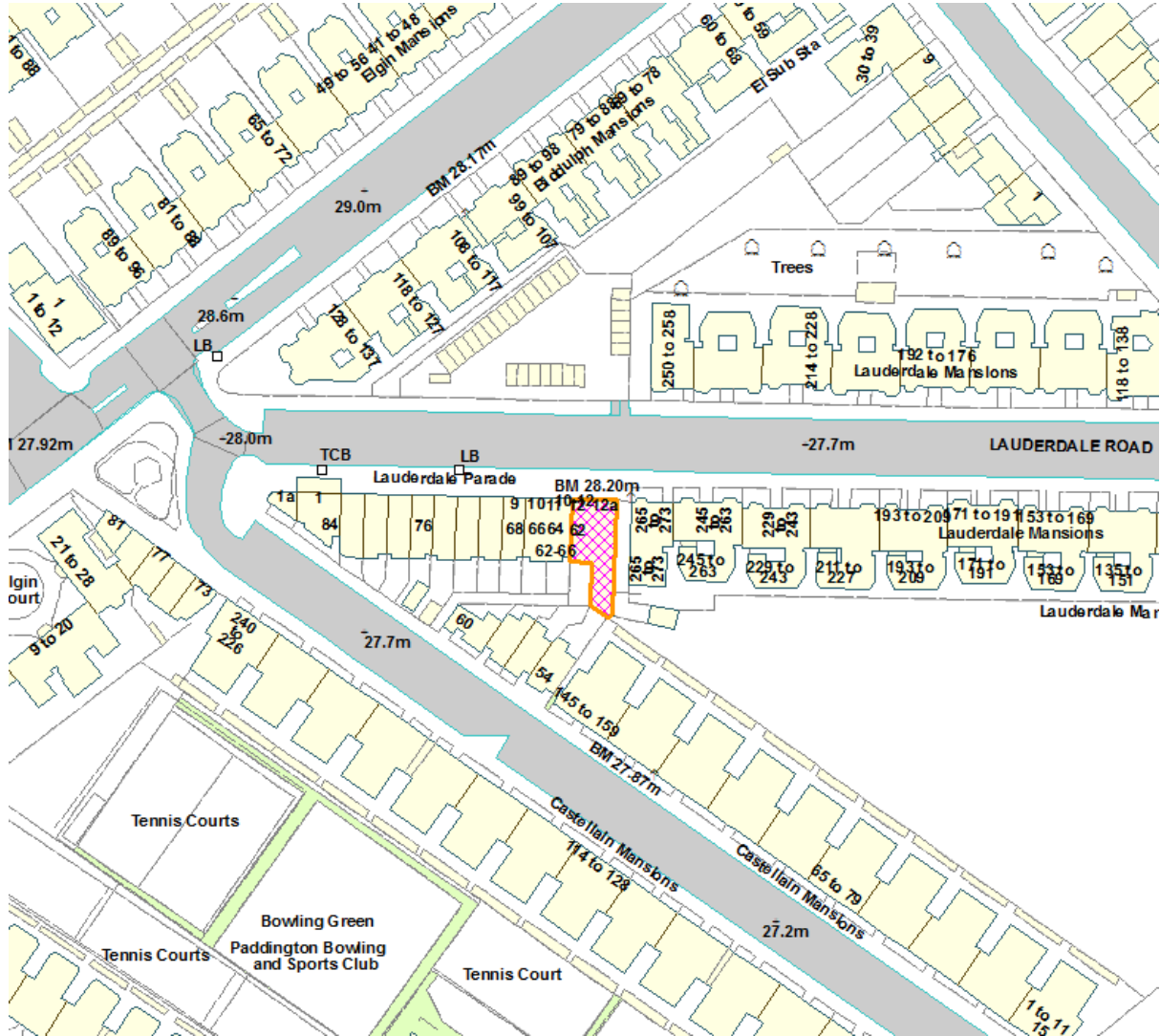
- The impact of the extension on the character and appearance of the building and Maida Vale Conservation Area.
- The impact of the extension on the amenities of surrounding neighbours in terms of sense of enclosure and loss of light.

The proposal is considered to harm the appearance of the building and the character and appearance of the Maida Vale Conservation Area and results in an unacceptable increase in sense

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of enclosure to neighbouring residents occupying the ground floor flat of Lauderdale Mansions South. This is contrary to our Unitary Development Plan and City Plan policies and is therefore recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Area above 12 Lauderdale Parade where new two storey dwelling is to be located



Gap Between Lauderdale Mansions South and Lauderdale Parade



5. CONSULTATIONS

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Objection on the grounds of harm to the Maida Vale Conservation Area, increased sense of enclosure to the properties at the rear, impact on daylight/sunlight, architecture out of keeping with the terrace, cupola roof out of context.

CLEANSING MANAGER

Objection on the grounds of no waste storage provided on site.

HIGHWAYS PLANNING MANAGER

Objection on the grounds of no parking, cycle parking or waste storage.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 26

Total No. of replies: 12

No. of objections: 12

No. in support: 0

Land use

- Unacceptable increase in density of the area
- Garden grabbing

Design

- Proposed works out of character with the Maida Vale Conservation Area
- Harm to the character/appearance of the Maida Vale Conservation Area
- Bulk and height
- Detailed design of the roof and bay design

Amenity

- Loss of daylight/sunlight for the neighbouring residential properties.
- Noise from future occupants
- Loss of privacy to gardens of Lauderdale mansions
- Overlooking
- Loss of view between
- Sense of enclosure for ground floor flat of Lauderdale Mansions South

Other

- Increase in speeding, traffic and pressure on parking and access
- No notification of the works from WCC
- Existing ground floor restaurant roof is not of sufficient structural strength to support a two storey house.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 12 Lauderdale Parade is a single storey retail unit located at the eastern end of the parade. The building is not listed, but is located within the Maida Vale Conservation Area. It is in use as a restaurant (Class A3) and is located at the end of a parade which comprises commercial uses to ground floor with residential to the first and second floors above. The parade is separated from the neighbouring Lauderdale Mansions by a 3.1 meter wide private access providing access to the gardens at the rear of Lauderdale Mansions.

6.2 Recent Relevant History

03/03872/FULL

Erection of three storey side extension at first to third floors to provide one residential flat on top of the existing cafe at 12a Lauderdale Parade.
 Application Refused 12th June 2003
 Appeal Dismissed 5th August 2004

15/06918/FULL

Two storey extension at first and second floor level to accommodate a self-contained residential unit and ventilation extract duct to accommodate primary cooking at the ground floor restaurant.
 Application Refused 2nd December 2015
 Appeal Dismissed 27th July 2016

7. THE PROPOSAL

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Use (residential)	0	43	43
Total	0	43	43

8. DETAILED CONSIDERATIONS

8.1 Land Use

The creation of additional floorspace to create a new one bedroom dwelling of 43 sqm meets the objectives of policies H3 of the Unitary Development Plan and S14 of the City Plan. The proposal is therefore acceptable on land use grounds.

Quality of accommodation

The proposed dual aspect dwelling would comprise a one bedroom maisonette with a gross internal floor area of approximately 43sqm which meets the space standard set out in the Technical Housing Standards (March 2015, Department for Communities and Local Government). There is no dedicated space for storage nor the provision of bicycle parking or refuse storage.

Whilst the proposed flat would be small with limited storage or circulation space, it is comparable with other flat conversions in the locality and the overall quality of the accommodation is not such, that would justify withholding permission on this ground.

8.2 Townscape and Design

Lauderdale Parade is a range of buildings on the south side of the street, which comprise a parade of ground floor shops which face onto Lauderdale Road and three upper floors in residential use and accessed for the most part from Castellain Road to the rear. The parade dates from c.1900 and is contemporary with many of the adjacent mansion blocks, such as those in Lauderdale Road and Castellain Road. Lauderdale Parade is unlisted but lies within the Maida Vale Conservation Area.

Lauderdale Parade has an Edwardian Arts and Crafts character to it and exhibits quite a high degree of symmetry and uniformity. The greatest level of discordance is at ground floor level, where there is a variety of shopfronts, including an enclosed conservatory structure to the front of 1-2 Lauderdale Parade, although even at this level original pilasters and corbel brackets survive. The first floor of the front façade is faced in red brick and there is a regular pattern of triple sash windows or shallow canted bays at this level. The second floor of the front façade has a harled/rendered finish and again there is a regular pattern of fenestration in the form of four-light windows or bays, with pediment embellishments, again in a rhythmic pattern. The third floor features a regular pattern and size of gables, although the roof spaces between the gables have been modified in a variety of dormer structures, which has diminished the uniformity of the group at roof level.

At the western end of the parade, the western gable of the block is treated as a formal façade and includes a projecting single storey shop unit and a symmetrical gable above, which is embellished with a plaster relief roundel at second floor level below a pedimented gable. This formal and embellished gable end reflects the townscape prominence of this part of the building set back from Elgin Avenue and marking a corner element at the junction of Lauderdale Road and Castellain Road.

The rear of the group are visible from within Castellain Road and while less embellished maintain a degree of rhythm and symmetry that is characteristic of the block as a whole. At the eastern end of the parade and matching the massing of the western end is a single storey retail unit which projects beyond the end gable wall above. However, unlike the western gable, the eastern gable is a plain red brick wall with no articulation. This plain treatment reflects the less prominent townscape presence of this gable end. To the east of the site, on the other side of a narrow passageway, Lauderdale Mansions, is an imposing 5 storey residential block again characterised by alternating recessed and protruding bays, predominantly in red brick.

The Maida Vale Conservation Area is primarily a Victorian and Edwardian residential suburb. Prior to the nineteenth century it was open farmland, but with the construction of the Grand Union Canal and the Regents Canal in the first quarter of the nineteenth century, the suburban expansion commenced. The southern part of the area nearer to Little Venice is where the earlier residential properties are located, dating from the mid-nineteenth century, these tend to be classically detailed stucco houses, villas and terraces. During the course of the second half of the nineteenth century and during the early years of the twentieth century, the residential development progressed further north and west, but the housing differed with a greater number of red-brick mansion blocks appearing, in an eclectic range of styles, but often utilising Queen Anne Revival

and Arts and Crafts features. The mansion blocks of Lauderdale Road, Castellain Road, Delaware Road, parts of Elgin Avenue, Widley Road, Wymering Road, Morshead Road and Essendine Road are all examples of this later phase of residential development. Indeed some of the mansion blocks of Widley Road, Delaware Road and Wymering Road display the similar use of red brick, harled or rendered upper storey, gables and bays, which are to be found in Lauderdale Parade.

In this context, Lauderdale Parade forms part of this second phase of residential development, and is regarded as a block which makes a positive contribution to the character and appearance of the Maida Vale Conservation Area, typifying its residential character and a good example of the late Victorian / early Edwardian development of the area.

The current proposal seeks to add a two-storey extension above the single storey retail unit at the eastern end of the block in order to create a 1 bedroom flat. The design adopted has sought to address the refusal of two previous schemes (refs. 03/03872/FULL & 15/06918/FULL), both of which were also dismissed at appeal. The proposed extension would be in the form of a truncated hexagonal turret, complete with conical roof to the front part of the extension and a lower hipped roof section to the rear. The turret would sit forward of the main building line and would be faced in red brick, with horizontal string courses. The new flat would be accessed from Castellain Road and would link with an existing internal stair.

The proposal is considered to be harmful to the existing building and to the conservation area. As already mentioned, Lauderdale Parade is characterised by a high degree of symmetry and uniformity, which is considered to be a very positive feature, and the current proposal would add a prominent and very discordant extension to one end. The hexagonal form and conical roof are entirely alien features to the rest of the parade and to its architectural style and thus erode its qualities of symmetry and uniformity.

It is certainly the case that turrets and corner features with domed, pyramidal and conical roofs do exist within this part of the conservation area and in close proximity to Lauderdale Parade, however, these are typically an integral part of the original design and act as an architectural highlight which might emphasise the end or corner of a building. Often where these features occur they dominate the architecture often being the most prominent element of a building's roof form. In the case of the current scheme the proposed extension does not appear as an integral part of the design but instead takes its reference from other buildings and in so doing looks out of place. Furthermore, its diminutive scale and truncated form mean that it doesn't perform the forthright architectural flourish of the turrets and corner features found in other buildings, but instead sits incongruously adrift from the host building.

The design concerns with the current scheme chime with the scheme that was refused in December 2015 and dismissed at appeal on 27 July 2016. It is noted in the appeal decision that the Inspector made the following observation:

"The proposed extension would add two storeys to the existing ground floor unit. In my view it would appear incongruous and out of place because it would be noticeably lower than the remainder of the terrace and would have a significantly different pattern of fenestration at 2nd floor level. In assessing this incongruity against the conservation

area tests of preservation and enhancement it has to be recognised that the existing single storey building on the appeal site itself appears unbalanced (although in a wider context there is a matching single storey element at the western end of the Lauderdale Parade). In any event, the difference in the height of the single storey building and the main terrace is so great that the single storey element appears almost of an afterthought which does not compete with the remainder of the terrace. By being closer in scale and appearance to the other buildings, but still noticeably failing to match them, the proposed extension would appear more obviously out of place. As such I am satisfied that it would fail to preserve the appearance of the terrace and the conservation area.”

Albeit a different design from the 2015 scheme, the impacts are similar in that the proposed extension reads as an incongruous addition, which would fail to preserve the appearance of the terrace and the conservation area.

The key design policies of relevance are DES 1, DES 4, DES 5 and DES 9 of the UDP. Of particular relevance DES 1 indicates that development should respect and where necessary maintain “the character, urban grain, scale and hierarchy of existing buildings”; DES 4 states that where relevant the following urban design characteristics are worthy of preservation or consolidation: “established building and boundary lines and local scale of development; prevailing overall heights, storey heights and massing of adjacent buildings;...roof profiles and silhouettes of adjoining buildings;...existence of set piece or otherwise unified architectural compositions or significant building groups.”; and DES 5 indicates that extensions be “in scale with the existing building and its immediate surroundings” and its “design reflects the style and details of the existing building”. Policies S25 and S28 of the City Plan are also applicable.

In the terms of the NPPF the degree of harm caused by the proposal is considered to be in the category of ‘less than substantial’, however, this is still a significant impact bearing in mind the statutory duty imposed by s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As with the July 2016 appeal decision, it is considered that the public benefits of a single flat do not outweigh the harm caused.

8.3 Residential Amenity

Sense of enclosure

The proposed extension would result in a three-storey building directly in front of a ground floor window to Lauderdale Mansions South, at a distance of 3.1m at ground floor (as existing) and 3.9 meters to first and second floors. This is particularly unneighbourly and would result in a significant increase in sense of enclosure and a consequential significantly detrimental impact on the amenities currently enjoyed by the occupiers of that flat contrary to policy ENV13 of our UDP and S29 of our City Plan.

Both of the previously refused applications and subsequent appeals concluded that an extension to the existing building would have an unacceptable impact on neighbours; specifically the ground floor flat within Lauderdale Mansions with the upper floors to a lesser degree. In part 10. Of the inspectors report dated 27th July 2016 (RN: 16/00128/TPREF) states: “*The Council’s concern is that, leaving aside its effect on daylight, the appeal proposal would worsen what is described as already being a highly*

enclosed environment for the ground floor flat. I have some sympathy with this view because, although there might be no noticeable change in the level of daylight within the flat, anyone standing close to the windows would see a high vertical wall significantly closer than the existing main bulk of Lauderdale Parade. I consider that this change would increase the perception of enclosure. I am not convinced that the harm would be sufficient in itself to justify a refusal of permission but it reinforces my view that the proposal is unacceptable, which is based primarily on its failure to preserve the appearance of Lauderdale Parade and the Maida Vale Conservation Area.”

The inspector established that there would be an increased sense of enclosure for the occupants of the ground floor flat that reinforced his view that the proposal was unacceptable. The City Council’s position has not changed from the previous refusal.

The proposed extension is considered unacceptable in amenity terms as due to its height and bulk, it would provide a significant increase in the sense of enclosure to the ground floor flat of Lauderdale Mansions South, given its proximity. This is contrary to adopted council policy ENV13 of the UDP (adopted 2007) and S29 of the City Plan (2016).

Overlooking/privacy

Objections have been received from neighbours regarding overlooking from the proposed development towards their properties in Lauderdale Mansions South and the communal gardens, as well as the properties to the rear on Castellain Road and Castellain Mansions. To the side and rear elevations of the new dwelling the windows are to be obscure glazed to 1.7 meters from floor level overcoming any concerns regarding overlooking. The windows to the turret and front elevation are not afforded views towards gardens or neighbouring windows and are therefore not proposed to be obscure glazed. For these reasons no significant overlooking will occur.

Daylight/Sunlight

Objections have been raised by neighbouring residential properties regarding the loss of daylight/sunlight to habitable rooms at ground and first floor of properties with windows in the flank elevation of Lauderdale Mansions facing the development site and the properties to the rear on Castellain Road.

To the rear, the properties in Castellain Mansions and on Castilian Road (No. 54 – 60) are approximately 23 meters away from the new dwelling. Given the distance between these properties and the development and the height of surrounding buildings the proposed development is not considered to result in any material loss of daylight or sunlight.

The new dwelling does not extend beyond the existing rear building line of the neighbouring property at No.10 Laduredale Parade or 62-66 Castellain Road. Accordingly, the development does not raise amenity issues for these neighbouring properties.

In the previous appeal dated 27th July 2016 (RN: 16/00128/TPREF) case the Inspector accepted that the reduction in daylight for the ground floor flats at Lauderdale Mansions was acceptable on the grounds that the reduction was not material. The Inspector further

stated that had the scheme been acceptable on design ground further views would have been sought regarding the harm to the windows on the upper floors.

As part of the current application the applicant a daylight/sunlight analysis (Appendix 1 of the Planning Statement) on the impact of the proposed extension on the first floor windows to Lauderdale Mansions South. This demonstrates that these windows would not suffer from any material loss of light in accordance with the tolerances within the BRE guidelines.

For the above reasons, the proposal is not considered to result in any significant loss of daylight or sunlight to neighbouring properties.

8.4 Transportation/Parking and Waste

The Highways Planning Manager has objected to the scheme on the grounds that no parking, cycle parking or waste provision has been provided. The proposed development would result in a one bedroom flat. While the pressures on on-street parking in the area are recognised, it is not considered that one additional dwelling would be so harmful in transport terms to warrant withholding permission.

The Highways Planning Manager has also stated that the scheme does not deliver the required cycle or storage requirements for an additional dwelling. However, were the scheme acceptable these details could have been secured by condition.

Objections have been received on the grounds that the development would increase parking and traffic in the area. However, given the proposal is for one additional unit only it is not considered that the increase would be significant.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to the site would be through a lane accessed from Castellain Road. Objections have been received stating that there are already too many properties using the lane for access and that additional properties would increase the use to an unacceptable level. The proposed scheme for an additional one-bedroom dwelling would marginally increase the use of the lane. As such, the additional use would not increase the use to an unacceptable level, which would unreasonably disturb neighbouring properties.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

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

The estimated CIL payment is £17,200

8.10 Other Issues

View

An objection has been received on the grounds that properties to the rear on Castellain Road will lose their view between Lauderdale Mansions South and Lauderdale Parade. While the space between the existing blocks provides some views of the buildings in the distance and the street trees from some windows, the established views in the area are of the mansion blocks and parade.

9. BACKGROUND PAPERS

1. Application form
2. Appeal decision dated 30.06.2016- Ref: 15/06918/FULL
3. Memo from Highways Planning Manager dated 6th March 2018
4. Memo from Cleansing Manager dated 1st March 2018
5. Response from Paddington Waterways & Maida Vale Society, dated 8 March 2018
6. Letter from occupier of 265 Lauderdale Mansions, London, dated 8 March 2018
7. Letter from occupier of 267 Lauderdale Mansions, Lauderdale Road, dated 13 March 2018
8. Letter from occupier of 269 Lauderdale Mansions, Maida Vale, dated 12 March 2018
9. Letter from occupier of 271 Lauderdale Mansions, Lauderdale Road, dated 6 March 2018
10. Letter from occupier of 273 Lauderdale Mansions, London, dated 8 March 2018
11. Letter from occupier of 54 Castellain Road, London, dated 6 March 2018
12. Letter from occupiers (x2) of 62B Castellain Road, London, dated 5 and 8 March 2018
13. Letter from occupier of 66 Castellain Road, London, dated 19 February 2018
14. Letter from occupier of 145 Castellain Mansions, Castellain Road, London, dated 4 March 2018
15. Letter from occupier of 147 Castellain Mansions, Castellain Road, dated 3 March 2018
16. Letter from occupier of 159 Castellain Mansions, London, dated 7 March 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: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

10. KEY DRAWINGS



Proposed front elevation



DRAFT DECISION LETTER

Address: 12 Lauderdale Parade , Lauderdale Road, London, W9 1LU

Proposal: Erection of a two-storey side extension to create a residential unit (Class C3).

Reference: 18/00805/FULL

Plan Nos: 1068 P01, 1068 P02, 1068 P03, 1068 P04, 1068 P05, 1068 P06, 1068 P07, 1068 P08, 1068 P10, 1068 P11, 1068 P12, 1068 P13, 1068 P14, 1068 P15, 1068 P16, Design and Access Statement (including Appendix 1, daylight/sunlight report)

Case Officer: Max Jones **Direct Tel. No.** 020 7641 1861

Recommended Condition(s) and Reason(s)

Reason:
Because of its location, location and detailed design the two storey extension would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Maida Vale Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and Policies DES 4, DES 5 and DES 9 of our Unitary Development Plan that we adopted in January 2007.

Reason:
The proposed development, because of its height and proximity to habitable room windows, would result in the unacceptable sense of overlooking for the ground floor flat within 265 - 273 Lauderdale Mansions. This would not meet S29 of Westminster's City Plan: Strategic Policies adopted November 2016 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a consultative and proactive way so far as practicable. We have made available detailed advice on our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to see how the applicant's proposals to problems as the principle of the proposal is clearly contrary to our statutory policies and no mitigation could not overcome the reasons for refusal.

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

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Agenda Item 7

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 April 2018	Classification For General Release	
Report of Director of Planning	Ward(s) involved Abbey Road		
Subject of Report	6 Acacia Gardens, London, NW8 6AH		
Proposal	Erection of a single storey extension to existing garage.		
Agent	2PM Architects		
On behalf of	Farhana Haq		
Registered Number	17/11244/FULL	Date amended/ completed	20 December 2017
Date Application Received	20 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Permission is sought to extend the end of block garage associated with a three storey semi-detached dwellinghouse located with the St John's Wood Conservation Area.

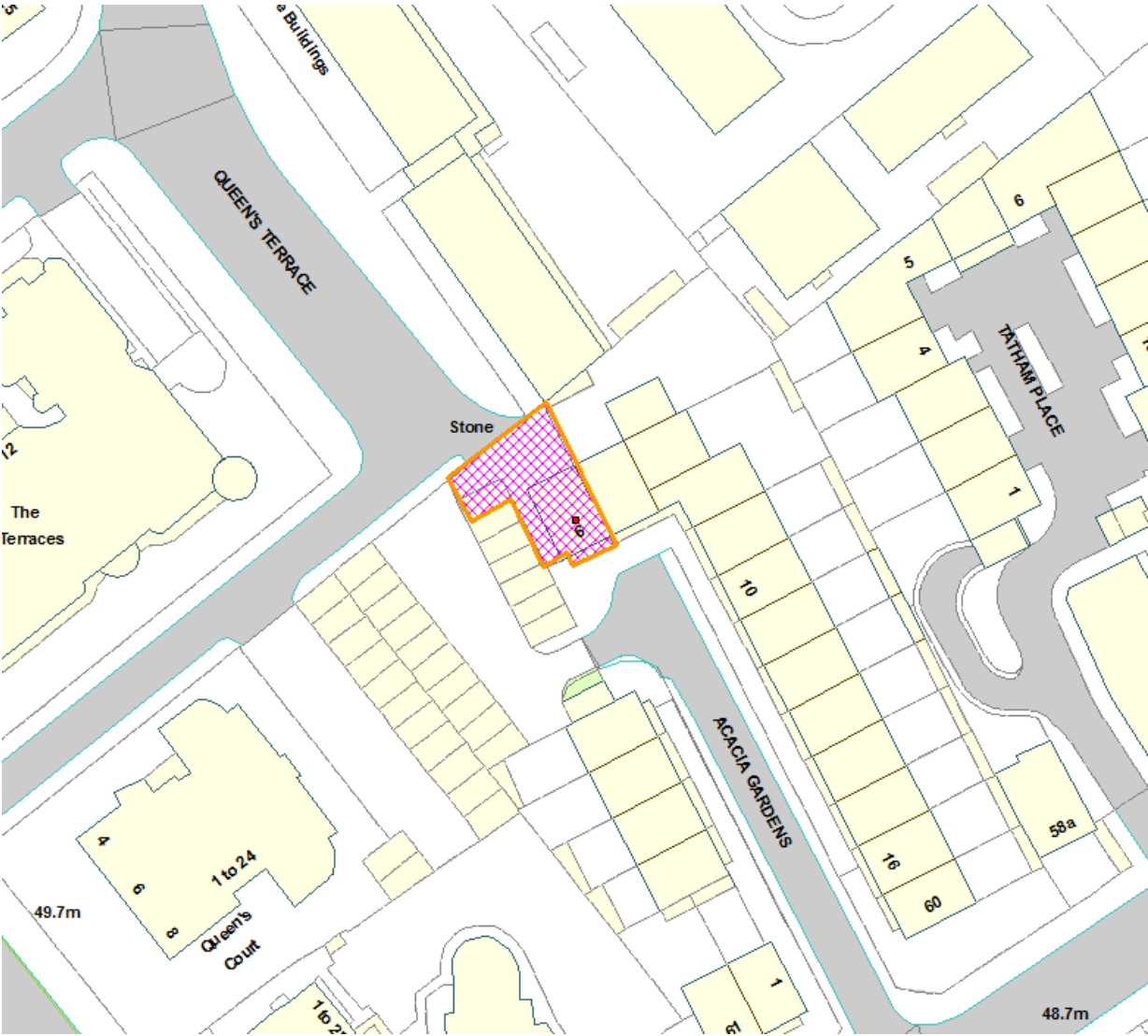
Objections have been received from the St. John's Wood Society, and five local residents. They have raised concerns related to design, highways and parking impact, impact on trees, land ownership, the potential of the proposal to cause subsidence to neighbouring garages, and the neighbour consultation process.

The key issues in the consideration of this application is:

- The impact of the proposed development on the appearance of the building and the character of the St. John's Wood Conservation Area.
- The impact of the proposal on parking in the local area.
- The impact on the trees on the application site.

The proposal is 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, biodiversity and highways terms. The application is therefore recommended for approval, subject to the conditions set out in the draft decision letter appended to this report.

LOCATION PLAN



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3. PHOTOGRAPHS



View from Queen's Terrace



View of Western Elevation

4. CONSULTATIONS

LONDON UNDERGROUND LIMITED:

No in principle objection, subject to condition and informatives to protect London Underground tunnels and infrastructure which are in close proximity.

ST JOHN'S WOOD SOCIETY:

Comments made. The extension would have an unfortunate relationship with the existing street wall to Queen's Terrace and creates maintenance issues. Case officer should ensure that any trees of amenity value are protected.

ARBORICULTURAL OFFICER:

No objection to removal of two trees subject to a condition to secure replacement trees

HIGHWAYS PLANNING MANAGER:

No objection, subject to a condition to secure use of the garage by the occupiers of the application site.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 82

Total No. of replies: 6 from 4 properties

No. of objections: 6

No. in support: 0

Six representations from four properties have been received raising objections on all or some of the following grounds:

Highways:

- Loss of external parking space next to the existing garage of No. 6 Acacia Gardens, which is used by local residents and visitors for parking. This space belongs to the residents of Acacia Gardens for the use of all residents.
- It is unclear what the impact of the proposal is to be on the gates that provide access to the garages from Queen's Terrace.

Trees:

- Any trees of amenity value should be protected.

Land Ownership:

- The proposal is to be built on the boundary/party wall of the length of the garages and also on shared/communal land at the end of the garages. It is believed that this is property that is not owned by the applicant.

Information Submitted by Applicant:

- The proposed drawings are incorrect as the space to the left of the garage of No. 6 Acacia Gardens is depicted as larger than it is in reality.

Building Regulations:

- The proposed extension to the garage could cause subsidence to the other garages within Acacia Gardens. An inadequate number of neighbours were consulted to warn them about potential subsidence.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

The application site contains a three storey semi-detached dwellinghouse with a separate garage located to the west of the dwellinghouse. The garage on the application site is at the end of a block of garages.

The dwellinghouse is one of a group of post-war houses that form Acacia Gardens. The houses in Acacia Gardens are three storey brick buildings with hipped roofs and are either in short terraces or semi-detached properties.

The application site is not listed, but it is located within the St. John's Wood Conservation Area.

5.2 Recent Relevant History

17/11249/FULL

Erection of ground and first floor side and rear extension.
Pending Consideration

13/01754/CLOPUD

Ground floor single storey rear extension.
Application Permitted 9 May 2013

13/01755/FULL

Ground floor single storey rear extension.
Application Permitted 9 May 2013

6. THE PROPOSAL

Planning permission is sought for the erection of a single storey extension to the existing end of block garage associated with and located west of 6 Acacia Gardens. The extension would increase the width of the garage by 2.2m and would match the height and depth of the existing garage. The garage as extended is proposed to be used for the parking of a car and as a utility space, both associated with the enjoyment of 6 Acacia Gardens as a single family dwelling house and would be accessed from the house via the rear garden of the property.

7. DETAILED CONSIDERATIONS

7.1 Land Use

The enlargement of the existing garage to provide additional garage and utility space ancillary to the enjoyment of the existing single family dwellinghouse is acceptable in principle in land use terms and would accord with Policy S14 of the City Plan (November 2016) and Policy H3 in the UDP (2007).

7.2 Townscape and Design

The proposed extension to the garage to increase its width by 2.2m, at a height and depth to match that existing, is considered acceptable in principle in design and townscape terms. The extension would replicate the existing hipped roof, and is proposed to be constructed in materials to match the existing garage. The replacement garage door would increase in width by 70cm. Although this would result in this garage door being wider than all of the other garage doors within the block, given the location and views of the garage block, it is not considered that this would be significantly harmful to the appearance of the garage block. Details of the materials used for the proposed garage door are to be secured by condition to ensure that they do not appear incongruous.

Whilst the proximity of the extension to the boundary wall of with Queen's Terrace has been raised as a concern, it is not considered that the relationship would be harmful in views from Queen's Terrace or the character or appearance of this part of the Conservation Area.

For the reasons stated above and subject to conditions for materials to match existing, the proposal is considered to satisfy policies DES 1, DES 5, DES 9 of the UDP and S25, S28 of the City Plan.

7.3 Residential Amenity

The proposed garage extension is the same height as the existing terraced garages and it is set back at a significant distance from neighbouring dwellings. Due to its size, height, and position, it is considered that the proposed extension would not have a significant impact on the amenity of the occupiers of neighbouring and adjoining properties as a result of a loss of outlook, a loss daylight/sunlight, or a loss of privacy. Nor would it have an overbearing impact on these properties. For these reasons the proposal is considered to be in accordance with policies ENV 13 of the UDP and S29 of the City Plan.

7.4 Transportation/Parking

The proposal would increase the size of the garage and its associated door, but would not result in an increase in off street car parking, due to the restricted door opening. Subject to a condition to ensure that the garage remains in use for the parking of a single car associated with house, it is considered acceptable in highways terms.

Whilst concern has been raised by neighbours that the area of the proposed extension currently used for adhoc parking by residents and visitors of Acacia Gardens would be lost. This is an informal arrangement and the land is privately owned by the applicant as part of their single family dwellinghouse and therefore the objection is not considered to justify withholding permission.

7.5 Economic Considerations

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

7.6 Access

The accessibility of the building would remain unchanged by the proposals.

7.7 Other UDP/Westminster Policy Considerations

Trees and biodiversity

The proposed extension would result in the loss of a Eucalyptus and Cherry Tree from the site, together with a Contoneaster shrub. The trees are protected by virtue of being within St John's Wood Conservation Area and are partially visible from Acacia Gardens and Queen's Terrace, providing some screening and softening, and contributing to the character of the conservation area. However both trees are in poor form and the Eucalyptus tree is likely to outgrow its location given its proximity to the boundary wall. As such, the City Council's tree officer has not raised objection to their removal, on the basis that replacement trees are planted in mitigation. The proposed species and size of replacement trees require further refinement and a condition is recommended to secure appropriate details. Subject to this condition, policies S38 in the City Plan and policies ENV 16, ENV 17 and DES 1 (A) of the UDP are satisfied.

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

7.12 Other Issues

Impact on the London Underground

London Underground Limited (LUL) tunnels and infrastructure are located in close proximity to the proposed location of the extension. LUL do not raise objection to the proposal in principle. However due to the proximity of their tunnels and infrastructure, they request that a condition is imposed to secure detailed design, method statements and load calculations to be approved in liaison with them, in order to ensure the protection of their tunnels and infrastructure.

Boundary Gates

The existing gates that provide access to the garages from Queen's Terrace are located at a significant distance from the garage on the application site and so therefore the proposal extension would not have any impact on these gates.

Land Ownership

Concern has been expressed that the proposed garage extension would be built on land that is not owned by the applicant. The agent confirmed in writing that the applicant is the owner of all of the land to which the application relates.

Building Regulations

The potential for the proposal to cause subsidence to other properties is a building control matter.

Accuracy of Application Documents

Concern has been expressed that the proposed drawings incorrectly depict the area of the proposed extension as larger than it is in reality. The drawings submitted by the applicant have been compared to maps available to the City Council and no discrepancy concerning the measurements of the area to the west of the application site can be found. It is considered that the plans submitted by the applicant achieve an appropriate level of accuracy to allow the City Council to determine the application.

Maintenance

Maintenance issues related to the proposed extension are a private matter and not a material planning consideration.

Neighbour Consultation

Following the concern expressed by an objector about a perceived lack of neighbour consultation, additional properties on Acacia Gardens were consulted.

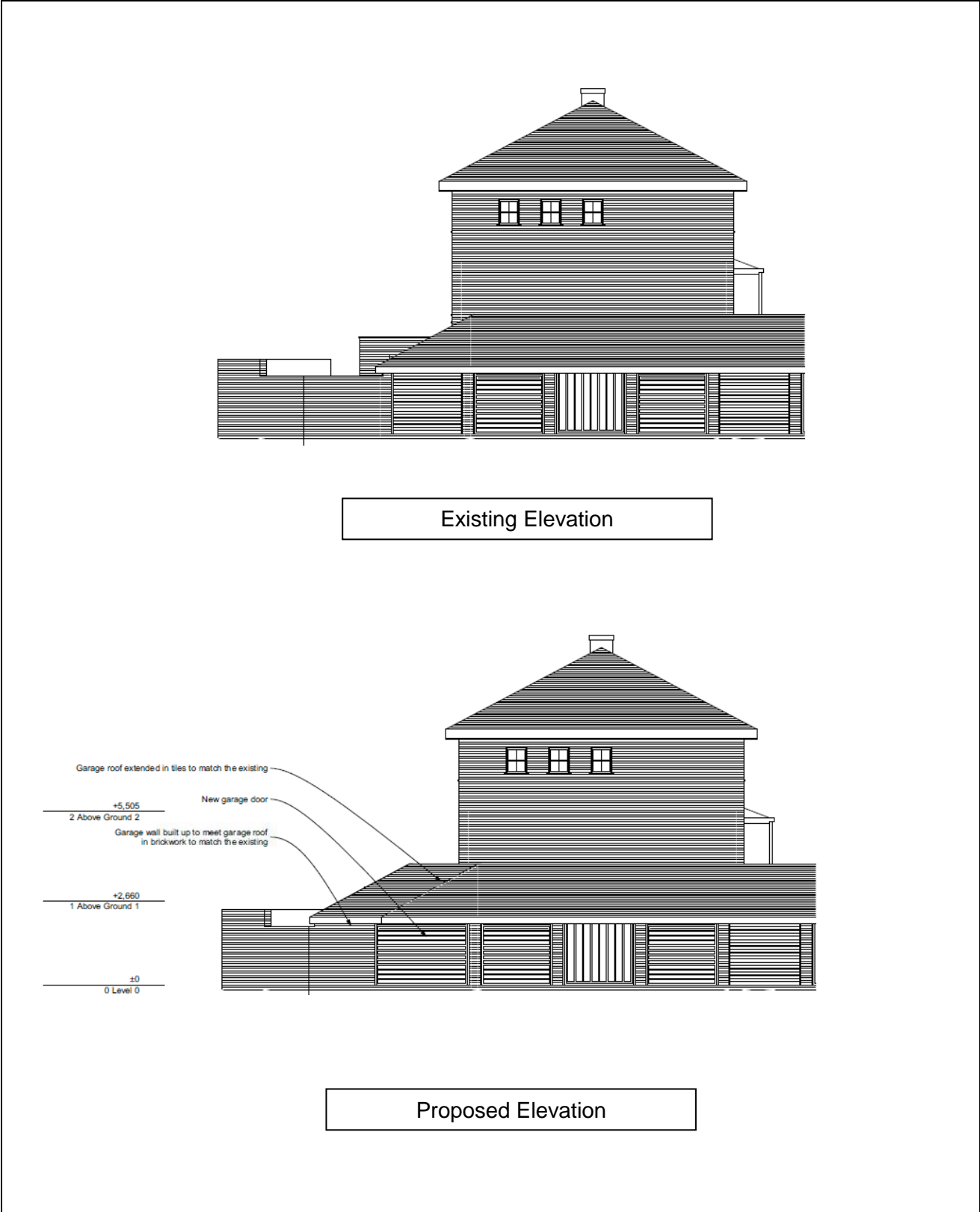
8. BACKGROUND PAPERS

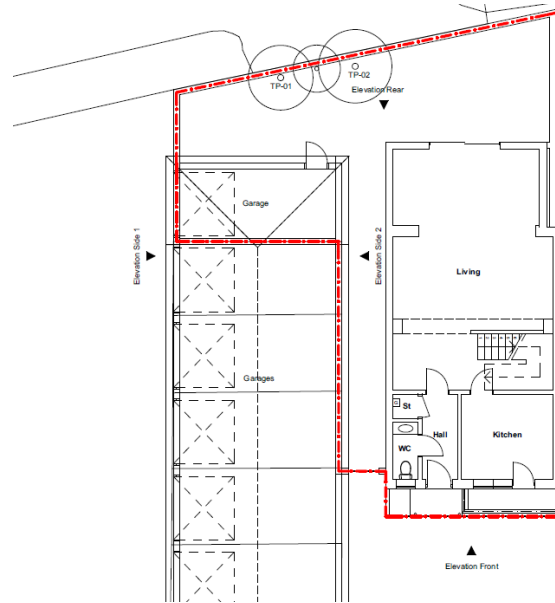
1. Application form
2. Response from London Underground Limited, dated 2 March 2018
3. Response from St John's Wood Society dated 8 January 2018
4. Response from Arboricultural Officer dated 12 February 2018
5. Response from Highways Planning Manager dated 22 January 2018
6. Representations from the owner (x1) and occupier (x1) of 7 Acacia Gardens dated 8 January 2018 and 10.01.2018
7. Representations (x2) from the occupier of 8 Acacia Gardens, London, dated 6 January 2018 and dated 10 January 2018
8. Representation from the occupier of 13 Acacia Gardens, London, dated 8 January 2018
9. Representation from occupier of 61 Acacia Road, London, dated 14 January 2018

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

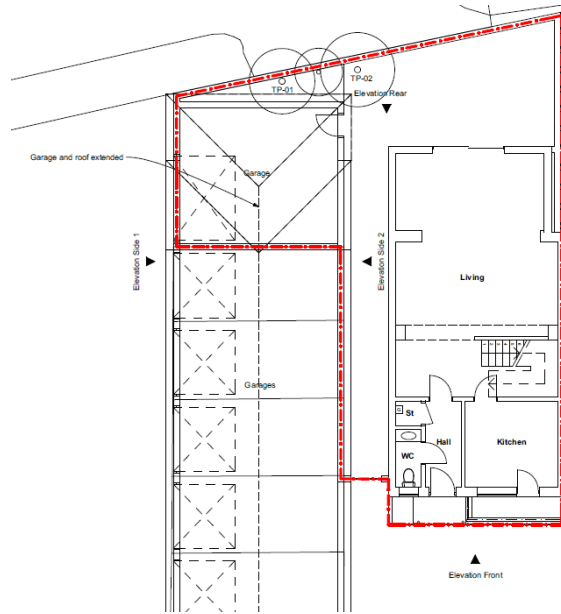
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **SARAH WHITNALL** BY EMAIL AT swhitnall@westminster.gov.uk

9. KEY DRAWINGS





Existing Floor Plans



Proposed Floor Plans

DRAFT DECISION LETTER

Address: 6 Acacia Gardens, London, NW8 6AH

Proposal: Erection of a single storey extension to existing garage.

Reference: 17/11244/FULL

Plan Nos: 2-EX-1-01, 2-EX-2-01, 2-EX-2-02, 2-EX-2-03, 2-EX-2-05, 2-EX-4-01, 2-EX-4-02, 2-PP-1-02, 2-PP-2-01, 2-PP-2-02, 2-PP-2-03, 2-PP-2-05, 2-PP-4-01, 2-PP-4-02, Design & Access and Heritage Statement dated: 19 December 2017, Report on the impact on trees of proposals for development at 6 Acacia Gardens London NW8 6AH ref: 1-38-4504/A dated: 9 February 2018

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 issued on this decision letter, and any drawings approved subsequently by the City Council as local planning authority in accordance with any conditions on this decision letter.

Reason:
For the avoidance of doubt in the interests of proper planning.

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

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

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

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

Reason:

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

- 4 Notwithstanding the replacement tree details provided for in your report reference 1-38-4504/A dated 09 February 2018, you must apply to us for our approval of the position, size and species of two replacement trees. You must not start work until these details have been approved. The replacement trees must be planted in the first planting season after you complete the development. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of the same size and species to the one originally planted.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 5 Only people living in this property shall park their motor vehicles in the enlarged garage hereby approved. The garage may be used for purposes that are incidental to the enjoyment of the dwellinghouse at No.6 Acacia Gardens, provided that these uses do not prevent the garage from providing space for the parking of at least one car.

Reason:

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

- 6 The development hereby permitted shall not be commenced until detailed design, method statements and load calculations (in consultation with London Underground), have been submitted to and approved in writing by the local planning authority which:

- o provide details on all structures,
- o accommodate the location of the existing London Underground structures and tunnels,
- o accommodate ground movement arising from the construction thereof,
- o and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in

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paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

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

- 7 You must apply to us for approval of details of the following part of the development – the garage door. You must not start any work on this part of the development until we have approved what you have sent us.

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 3 When you apply to us for our approval of details pursuant to condition 4, you are advised to alter the proposed species of tree 'B' as Amelanchier spp in order to avoid overplanting of this species in Westminster, and to increase the initial planting size of the proposed tree 'A' Malus trilobata, in order to limit the initial loss of amenity as a result of the removal of the existing trees.

- 4 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 6 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; and construction methods.

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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