



City of Westminster

# Committee Agenda

Title:

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

Meeting Date:

**Tuesday 5th June, 2018**

Time:

**6.30 pm**

Venue:

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

Members:

**Councillors:**

Iain Bott  
Geoff Barraclough  
Selina Short  
TBC



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

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



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

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

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

## **AGENDA**

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

#### **1. ELECTION OF CHAIRMAN**

To elect a Chairman of Planning Applications Sub-Committee (3).

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

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

#### **3. MINUTES**

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

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

Applications for decision

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

- |   |                          |
|---|--------------------------|
| <b>1. UNITS 4 AND 5, TROCADERO, 13 COVENTRY STREET, LONDON, W1D 7AB</b> | <b>(Pages 3 - 24)</b>    |
| <b>2. AXTELL HOUSE, 23-24 WARWICK STREET, LONDON, W1B 5NQ</b>           | <b>(Pages 25 - 42)</b>   |
| <b>3. 20A GROVE END ROAD, LONDON, NW8 9LA</b>                           | <b>(Pages 43 - 72)</b>   |
| <b>4. 4 HILL ROAD, LONDON, NW8 9QG</b>                                  | <b>(Pages 73 - 92)</b>   |
| <b>5. COLONIES, 25 WILFRED STREET, LONDON, SW1E 6PR</b>                 | <b>(Pages 93 - 106)</b>  |
| <b>6. 52 OAKINGTON ROAD, LONDON, W9 2DH</b>                             | <b>(Pages 107 - 120)</b> |
| <b>7. 28 WESTBOURNE PARK ROAD, LONDON, W2 5PH</b>                       | <b>(Pages 121 - 132)</b> |

8. 72 HAMILTON TERRACE, LONDON, NW8 9UL

(Pages 133 -  
154)

9. 34 FINCHLEY ROAD, LONDON, NW8 6ES

(Pages 155 -  
184)

Stuart Love  
Chief Executive  
25 May 2018

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CITY OF WESTMINSTER  
PLANNING APPLICATIONS SUB COMMITTEE – 5th June 2018  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	<b>RN(s) :</b> 18/02708/FULL 18/02709/LBC  St James's	Units 4 And 5 Trocadero 13 Coventry Street London W1D 7AB	Use of part ground floor and part basement for mixed retail and restaurant use (Sui Generis), installation of a new shop front, roof level plant and full height extract duct.	
	<b>Recommendation</b> 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.			
Item No	References	Site Address	Proposal	Resolution
2.	<b>RN(s) :</b> 18/02336/FULL  West End	Axtell House 23-24 Warwick Street London W1B 5NQ	Variation of condition 1 of planning permission dated 10 January 2017 (RN:16/08729/FULL) for the demolition of existing 4th to 6th floors and erection of new 4th to 6th floors, including provision of a roof top garden and terrace at 6th floor level; all for office (Class B1) purpose. Relocation of plant to a 1st floor lightwell, replacement of windows to front elevation, alterations to rear elevation and new ground floor entrance. NAMELY, changes to the rear elevation, to the Warwick St entrance and the double-height corner bay at roof level (partially retrospective application).	
	<b>Recommendation</b> Grant conditional permission			
Item No	References	Site Address	Proposal	Resolution
3.	<b>RN(s) :</b> 18/02169/FULL  Regent's Park	20A Grove End Road London NW8 9LA	Demolition of existing house and erection of replacement building comprising basement, ground, first and second floors to provide three residential flats with parking at basement level.	
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
4.	<b>RN(s) :</b> 18/01681/FULL  Abbey Road	4 Hill Road London NW8 9QG	Demolition of existing rear extension, erection of a single storey rear infill extension at lower ground floor level and use of the roof as a raised garden. alterations to the front boundary. Use of the lower ground, ground, first and second as a single dwellinghouse.	
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution

CITY OF WESTMINSTER  
PLANNING APPLICATIONS SUB COMMITTEE – 5th June 2018  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

5.	<b>RN(s) :</b> 17/08474/TCH  St James's	The Colonies 25 Wilfred Street London SW1E 6PR	Use of an area of public highway on Pine Apple Court measuring 18.5m x 5m for the placing of four picnic benches, eight tables and 24 chairs in connection with the use of The Colonies public house.	
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
6.	<b>RN(s) :</b> 17/08399/FULL  Harrow Road	52 Oakington Road London W9 2DH	Erection of mansard roof extension at second floor level.	
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
7.	<b>RN(s) :</b> 18/01950/FULL  Bayswater	28 Westbourne Park Road London W2 5PH	Variation of Condition 7 or planning permission dated 13 December 2017 (RN: 17/09058/FULL) for the erection of garden building at end of rear garden. NAMELY, to reword the condition to allow residents of the main dwelling and family members to, on occasions, use the garden room as sleeping accommodation.	
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
8.	<b>RN(s) :</b> 18/01183/FULL  Abbey Road	72 Hamilton Terrace London NW8 9UL	Demolition of two-storey coach house (no.72) and building behind retained front facade 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.	
	<b>Recommendation</b> Grant conditional permission,			
Item No	References	Site Address	Proposal	Resolution
9.	<b>RN(s) :</b> 15/03036/FULL  Abbey Road	34 Finchley Road London NW8 6ES	Excavation of basement level under building and rear garden with front and rear lightwells to create one self-contained flat (Class C3) and demolition and replacement of rear garden boundary wall with Lyndhurst Court.	
	<b>Recommendation</b> Grant conditional permission.			

# Agenda Item 1

Item No.

**1**

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 <sup>th</sup> June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Units 4 and 5, Trocadero, 13 Coventry Street, London, W1D 7AB,		
Proposal	Use of part ground floor and part basement for mixed retail and restaurant use (Sui Generis), installation of a new shop front, roof level plant and full height extract duct.		
Agent	Savills		
On behalf of	Hai Di Lao		
Registered Number	18/02708/FULL 18/02709/LBC	Date amended/ completed	4 April 2018
Date Application Received	4 April 2018		
Historic Building Grade	Grade II		
Conservation Area	Soho		

## 1. RECOMMENDATION

1. Grant conditional permission, subject to no new substantive issues being raised following the expiry of the consultation period on 8<sup>th</sup> June 2018.
2. Grant conditional listed building consent.
3. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.

## 2. SUMMARY

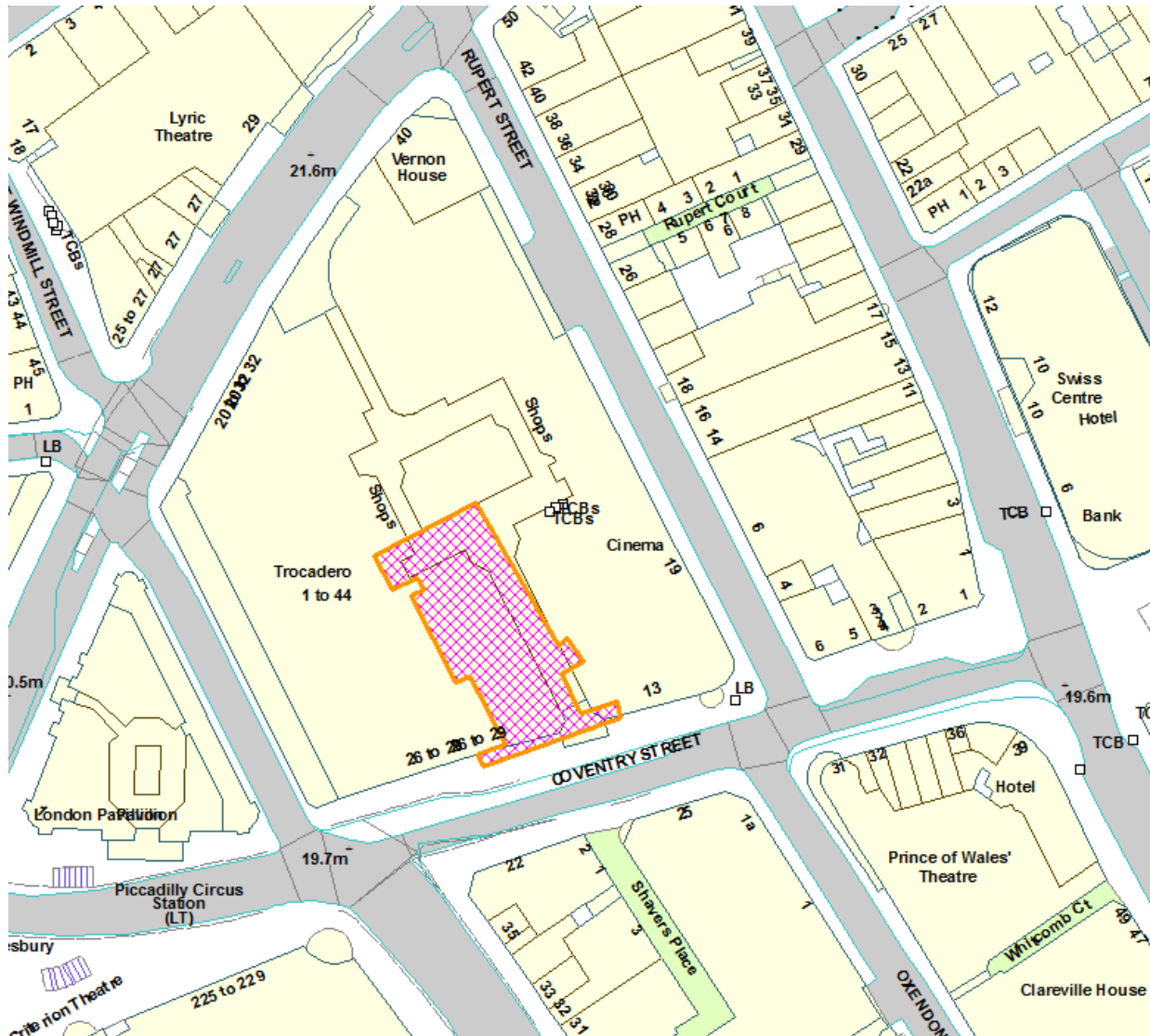
The application relates to part of the ground and basement floors at the Trocadero. The ground floor, which fronts onto Coventry Street is currently in use as a souvenir shop (Class A1). The basement floor is currently vacant but was last in use as 'Pasaje del Terror', a horror themed amusement use that closed in 2011. Planning permission is sought for the use of these floors for restaurant and retail purposes (a sui generis use) with a new shop front and roof level plant.

The key issues for consideration are:

- The impact of the proposals upon the character and function of the area;
- The impact of the proposals upon residential amenity; and
- The acceptability of the proposed works in design and heritage terms

The proposed works comprising the new shopfront and roof level plant are acceptable in design terms and are not considered harmful to the listed building. The proposed use would retain a retail element at ground floor in accordance with the retail policies and the basement restaurant would be in keeping with the character and function of the area. Consequently the application is recommended for approval.

### 3. LOCATION PLAN



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## 4. PHOTOGRAPHS



UNITS 4 &amp; 5

## 5. CONSULTATIONS

### SOHO SOCIETY

No response to date

### METROPOLITAN POLICE

No response to date

### HIGHWAYS PLANNING

No objection

### CLEANSING

No objection

### ENVIRONMENTAL HEALTH

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 101

No. of objections: 0

No. in support: 2

Two letters of support/comment have been received on the following grounds:

- \* the proposal represents a considerable improvement on the current occupiers,
- \* to ensure there is no scope for noise implications, no loudspeakers should be located near doors or windows.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The Trocadero comprises a large street block made up of a number of buildings bounded by Shaftesbury Avenue, Rupert Street, Coventry Street and Great Windmill Street. Three of the buildings within the Trocadero - including the application site - are Grade II listed (Nos. 18-20 Coventry Street, Nos. 7-14 Coventry Street and Nos. 20-24 Shaftesbury Avenue).

The site is located within the Core CAZ, the West End Stress Area, the West End Special Retail Policy Area (WESRPA), the West End Strategic Cultural Area and the Soho Conservation Area. The site is not on a designated Primary Shopping Frontage.

At ground floor level the Trocadero has recently been reconfigured, the original shopping arcade has now been infilled, and its frontage onto Coventry Street now comprises a number of individual commercial units.

The nearest residential properties are 18 flats located over the upper floors of Coventry House, 22 Coventry Street situated opposite the application site on the south side of Coventry Street.

## 6.2 Relevant History

### The Trocadero

The Trocadero was created in the early 1980s under a Greater London Authority permission issued on 22 January 1980.

Following this, a major scheme of refurbishment works was approved by the City Council on 24 November 1989 which permitted, inter alia, alterations and extensions to allow for an expanded mixed use complex incorporating retail, restaurant, entertainment, cinema and office uses. The scheme was substantially completed by the end of 1992.

### Recent Relevant History

In August 2017 permission was refused for the installation of a new shopfront and plant at 6<sup>th</sup> floor roof level in connection with use of the ground floor (unit 4) as restaurant (Class A3). The decision has not been appealed.

In February 2017 permission was granted for the use of retail units 1 and 2 at the corner of Coventry Street and Gt Windmill Street as a restaurant (Class A3). The permission has been implemented and the units are operating as Five Guys.

In November 2015 permission was granted for the use of the lower ground, ground and mezzanine levels of 7-14 Coventry Street as a museum (Class D1) with ancillary retail and cafe floor space at ground floor level, installation of replacement shopfront to Coventry Street elevation and alterations to entrances on Rupert Street elevation, and associated external alterations. This permission has not been implemented.

Planning permission and listed building consent were granted on 8 November 2012 for the erection of a two storey roof extension and use of part basement, subbasement, part ground to ninth floor levels as a hotel (Class C1) comprising of 527 bedrooms and 56 aparthotel rooms with a rooftop bar and associated terraces at eighth and ninth floor levels; use of part ground, first and first floor mezzanine levels (Rupert Street frontage) as eight flats (Class C3); use of part ground and first floor levels as a retail unit (Class A1); reconfiguration of the loading bay on Rupert Street and alterations to the shopfronts on Shaftesbury Avenue. The enabling works for this development are currently taking place and it is expected that the hotel will be open in 2018. (A more recent application for hotel use (740 bedrooms) is subject to a resolution to grant but the decision has not yet been issued).

In June 2012 permission was granted for the use of first floor (mezzanine) as a restaurant (Class A3) with retail (Class A1) accommodation at ground floor level at 7-14 Coventry Street (corner with Rupert Street). Associated external alterations including the installation of plant at roof level. This application has been implemented. Consent was granted in November 2016 to vary this permission for a temporary period of two years to enable the ancillary retail accommodation to be relocated to first floor level.

In March 2011 permission was refused for the use of Units 5, 6 and 7 at ground floor level as a restaurant (Class A3) and installation of a duct to terminate at sixth floor level. The application was refused on the grounds of loss of retail accommodation.

In December 2008 was granted to the basement level (now known as unit 5) to allow a D2 use which was operated by Pasaje del Terror as a horror-themed multi-media experience.

## **7. THE PROPOSAL**

The site comprises a total of 988 sqm located partly at ground floor (Unit 4) and basement level (Unit 5). The applicant, Hai Di Lao is a large hot pot business with 264 restaurants and 20,000 employees worldwide and it is intended that the unit would become their European flagship site. The proposed use is considered to be a sui generis use comprising a mix of retail and restaurant functions.

The ground floor of the unit is 145 sqm of which 120 sqm would be dedicated purely to a retail function. There would be shop window displays, a number of internal retail displays, a store room and lift and stair access to basement level. Retail products that would be sold include cooking sets, tea sets, food products, clothing, aprons and 'Hai Di Lao' branded toys and accessories.

The basement comprises 843 sqm of which 590 sqm would be restaurant floorspace and 253 sqm would provide back of house functions. There would be a large open plan restaurant, with two private dining rooms, a prep-kitchen and customer WC's. The extraction equipment proposed to serve the new restaurant would be internal and would discharge at roof level. Additional plant is proposed at roof level.

The unit would be accessed at ground floor level from Coventry Street and at basement floor level from an internal mall via Piccadilly Circus underground station.

The unit would have a capacity of 280 covers, 28 of these would be within private dining rooms. It is expected that the site would employ a total of 120 people. There would be 80 staff per shift and 2 shifts per day (10.00- 16.00 and 16.00 – 01.00). The proposed opening hours are 10:00 to 01:00 daily.

Alterations to the shop front include the installation of double doors to the east side, installation of bronze panelling and framing with recessed up-lighting.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The ground floor is currently in use as a souvenir shop (Class A1), trading as 'Glorious London- Gift & Souvenirs' / 'Souvenir Superstore'. Prior to the current tourist gift shop use, a series of smaller A1 units formed the internal mall for the Trocadero. The unit has therefore been in long term use for retail (Class A1) purposes. The basement has been long term vacant since 2011 when Pasaje del Terror' (Class D2) ceased operation.

#### **i. Retail Use**

The City Council places a high priority on retaining A1 uses and City Plan Policy S7 seeks to maintain and enhance the unique status and offer of the WESRPA. It sets out that improved retail space is a priority for the area. Policy S21 of the City Plan states that



existing A1 uses will be protected throughout Westminster. Exceptions to the policies can be made if it is considered that retail use is not viable, as demonstrated by long term vacancy despite reasonable attempts to let.

Policy SS5 of the Unitary Development Plan (2007) also aims to protect retail uses within the CAZ, particularly at ground floor level. The policy does allow for some flexibility for the introduction of a non-A1 use where it would not be detrimental to the character or function of the area. The reasoned justification sets out that this is to ensure that the needs of customers and retailers are met through retention of the number of shops and overall amount of retail floorspace. It identifies that concentrations of non-A1 floorspace can harm the character and retail function of an area by breaking up its frontage.

The ground floor of the Trocadero fronting onto Coventry Street comprises seven units comprising four retail units (Class A1), one vacant hot food takeaway (Class A5), one restaurant (Class A3) and one sandwich bar/café (Sui Generis). The applicant proposes to offer a wide range of retail products at ground floor level including a wide range of food, Hai Di Lao branded gifts, souvenirs and clothing, such that the ground floor element would have a distinctive retail function in itself. As such, the proposed retail element is considered to be more than just an ancillary element to the restaurant at basement level. The proposal would therefore retain retail use to this frontage, and would maintain a sufficiently vibrant retail function to the parade and Coventry Street in accordance with the retail policies.

ii. Loss of basement Class D2 use

The basement has been long-term vacant, but was last in use as a horror themed amusement use. Policy S24 of the City Plan, and the TACE policies within the UDP do not expressly protect the loss of entertainment uses and it follows that the loss of the former D2 use at basement level would be acceptable in land use terms.

iii. Introduction of new restaurant use

Policy S24 of Westminster's City Plan states that 'new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact residential amenity, health and safety, local environmental quality and the character and function of the area'. The policy also states that new large scale late night entertainment uses measuring in excess of 500m<sup>2</sup> (GEA), will not generally be appropriate within Westminster.

UDP Policies TACE8-10 are applicable to entertainment uses and aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, whilst acknowledging that they provide services to people living in, working in and visiting the City and contribute to its role as an entertainment centre of national and international importance. Due to the size of the restaurant proposed (being 988 m<sup>2</sup>, the application must be determined against the requirements of Policy TACE10 of the UDP. Policy TACE10 considers entertainment uses 'which will only be permissible in exceptional circumstances'.

The site is located within the Core CAZ which is identified within Policy S6 of the City Plan as being an appropriate location for a range of commercial uses. There are two large restaurants (TGI Fridays and Aberdeen Steakhouse) within the vicinity of the site that are open until 01.00. Nearby there is also Bubba Gump Shrimp Co, the Rainforest Café, Five Guys, and Café de Paris. The applicant contends that had Unit 5 continued as D2 use, it would have the propensity to attract far higher numbers of visitors than the sui generis use proposed. Given that the proposed use replaces a former entertainment use, it is considered that the proposal is not out of character with the surrounding area.

The operational management plan sets out that guests will access the unit either from the Coventry Street entrance, or the underground entrance to Piccadilly Circus Underground Station. Booking systems will be managed to ensure a steady flow of customers throughout opening hours, and there will be a dedicated team of 8-10 hosts on site during peak hours, to manage queues internally. There will be customer waiting areas at ground floor and at basement level, and when departing, customers will be able to use either the basement exit or the Coventry Street exit which will dilute customer flows.

The opening hours of the premises are proposed as 10:00 till 01:00 daily with 280 covers. Given that the surrounding area currently experiences a high level of activity during the day and at night, these hours are considered reasonable. The nearest residential properties, at 22 Coventry Street, are located above a restaurant which also closes at 01.00. It is considered that this location is acceptable for an A3 use and it is not considered that the creation of a new restaurant in this location would have a detrimental impact on local environmental quality and residential amenity.

## **8.2 Townscape and Design**

The design implications of the proposals relate to the replacement of the existing shopfront and internal alterations at basement and ground floor level.

The proposed internal alterations are in an area of the building which is of limited special interest and appears to have been substantially altered. There is little historic character remaining following years of successive retail fit outs. The proposed scheme seeks consent to remove all of the modern shop fixtures and install a new staircase and lift shaft. Whilst the installation of a staircase and lift will result in the loss of a small section of the floor structure, it is unclear whether this is original to the building and notwithstanding this, it makes a limited contribution to the special interest of the listed building. The internal proposals will therefore preserve the special interest of the listed building and are considered compliant with DES 10 of the UDP.

The existing shopfront, canopy and signage are to be removed and replaced with a new bronze shopfront. The existing shopfront and signage is unattractive and is openable from floor to ceiling with a large projecting canopy sign, creating an unsympathetic void in the streetscape which detracts from the appearance of the building. The removal of the existing shopfront and associated signage is therefore supported in design and listed building terms. The proposed replacement shopfront consists of a bronze frame in a tripartite arrangement with fixed glazing, a stallriser and bronze columns with decorative fluting above. Original stonework is to be retained. The proposed shopfront represents a

significant improvement over the existing situation and is considered acceptable in design terms.

The proposals are therefore considered compliant with DES 5, DES 9 and DES 10 of the UDP and will preserve the character and appearance of this part of the conservation area and the special interest of the listed building. The application is therefore recommended for approval in design terms.

### **8.3 Residential Amenity**

#### **Mechanical Plant**

The extraction equipment proposed to serve the new restaurant would be internal and would discharge at roof level. Full details of extract equipment will be secured by condition along with a supplementary acoustic report. This is considered acceptable in amenity terms. Environmental Health advise that it is unlikely that the operation of the equipment will have any adverse impact in terms of noise or odours.

#### **Noise Disturbance**

As stated above, the nearest existing residential properties are the 18 flats at Coventry House opposite the site at 22 Coventry Street. Additional letters of notification have been sent to these properties and any responses received prior to committee will be reported verbally at the meeting. One letter of support for the scheme did however raise concern over the potential for noise disturbance. To address this a condition is proposed requiring music not to be audible outside the premises. The ground floor of the premises has the only external access point and would be used for retail purposes aside from a set of double doors, no other element of the shop front would be openable. Given the nature of the use at ground floor level, and that customers will be able to enter and exit the premises from basement level through Piccadilly Circus Station, it is not considered that there would be any unacceptable noise disturbance.

### **8.4 Transportation/Parking**

Service vehicles will use the existing Trocadero service bay located in Rupert Street. The proposed retail / restaurant use is expected to generate two vehicles per day to the site. It is not considered that the proposed use of the site as a restaurant (Class A3) will have any adverse impact on the public highway subject to a condition to secure operation in accordance with the Servicing Management Plan (SMP).

Four additional cycle parking spaces are required at basement level within the existing communal cycle storage facility which is accessible from Coventry Street or Great Windmill Street. These are secured by condition.

### **8.5 Economic Considerations**

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

### **8.6 Access**

Level access to the unit would be provided at ground floor level from Coventry Street and at basement floor level from an internal mall via Piccadilly Circus underground

station. A lift would provide internal access between the two floors, and an accessible WC would be located at basement level. This is considered to be acceptable.

### **8.7 Waste & Recycling**

The restaurant would have access to its own basement level waste storage area which would provide temporary storage until waste can be transported internally to the designated Trocadero storage at the rear. It would be collected on a daily basis by a private waste provider via Rupert Street. A condition is recommended to secure the provision of the waste storage for the lifetime of the development.

### **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**

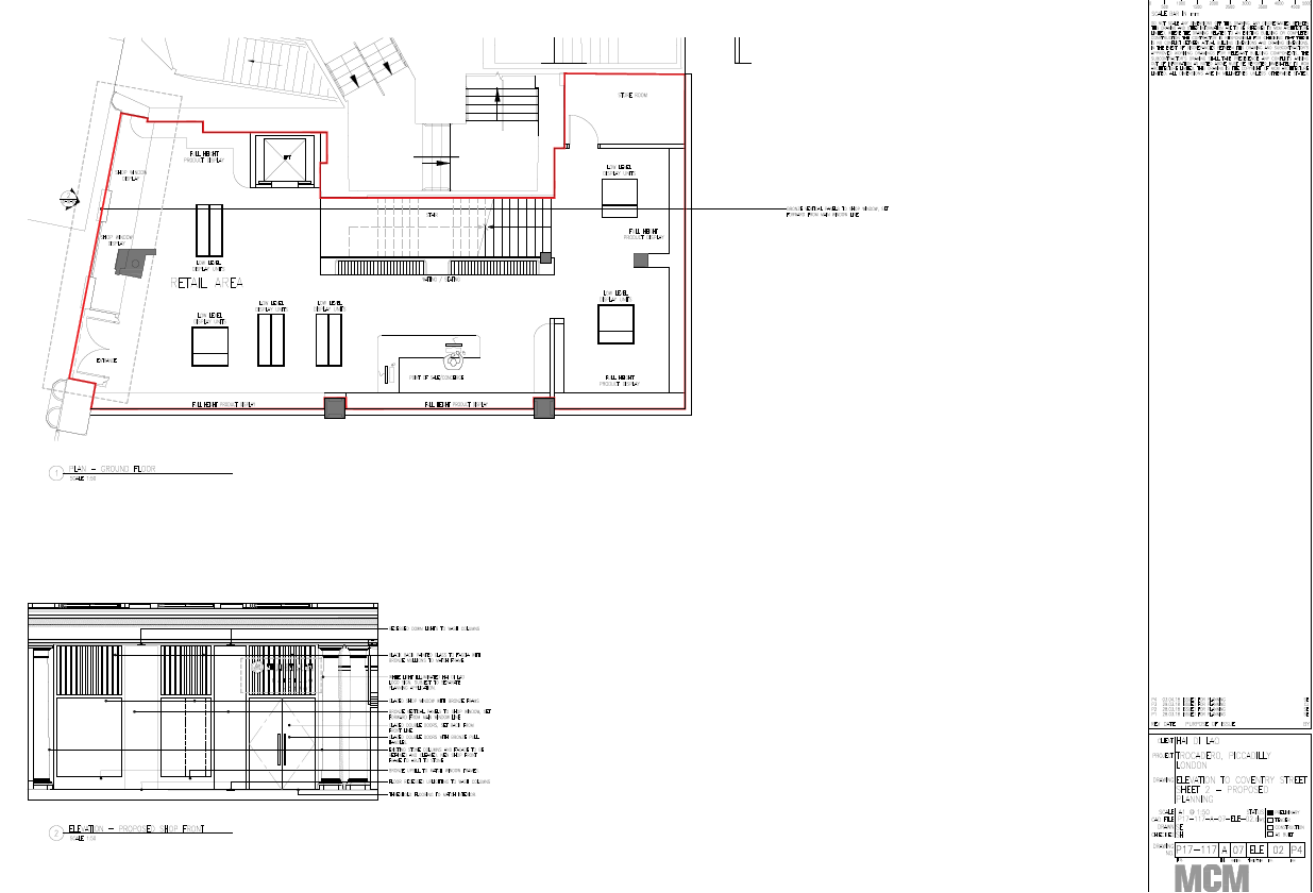
The application does not prompt a requirement for an environmental statement.

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

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

9. KEY DRAWINGS

Proposed Ground floor plan:



[illegible]

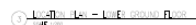
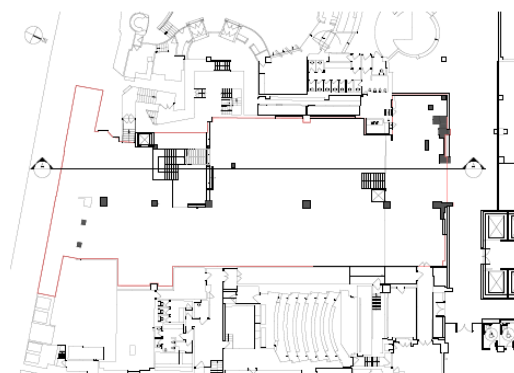
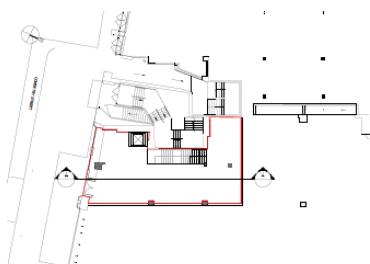
DATE: 10/10/80 PAGE: 1

LOWER GROUND LAYOUT PROPOSED

POWER SUPPLY GROUND SIGNAL TEST POINTS

MCM

This architectural section drawing illustrates the internal structure of the building. It shows a multi-level design with a prominent staircase connecting different floors. The drawing highlights the spatial organization, including rooms, corridors, and the overall layout of the building's interior.



944E 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000

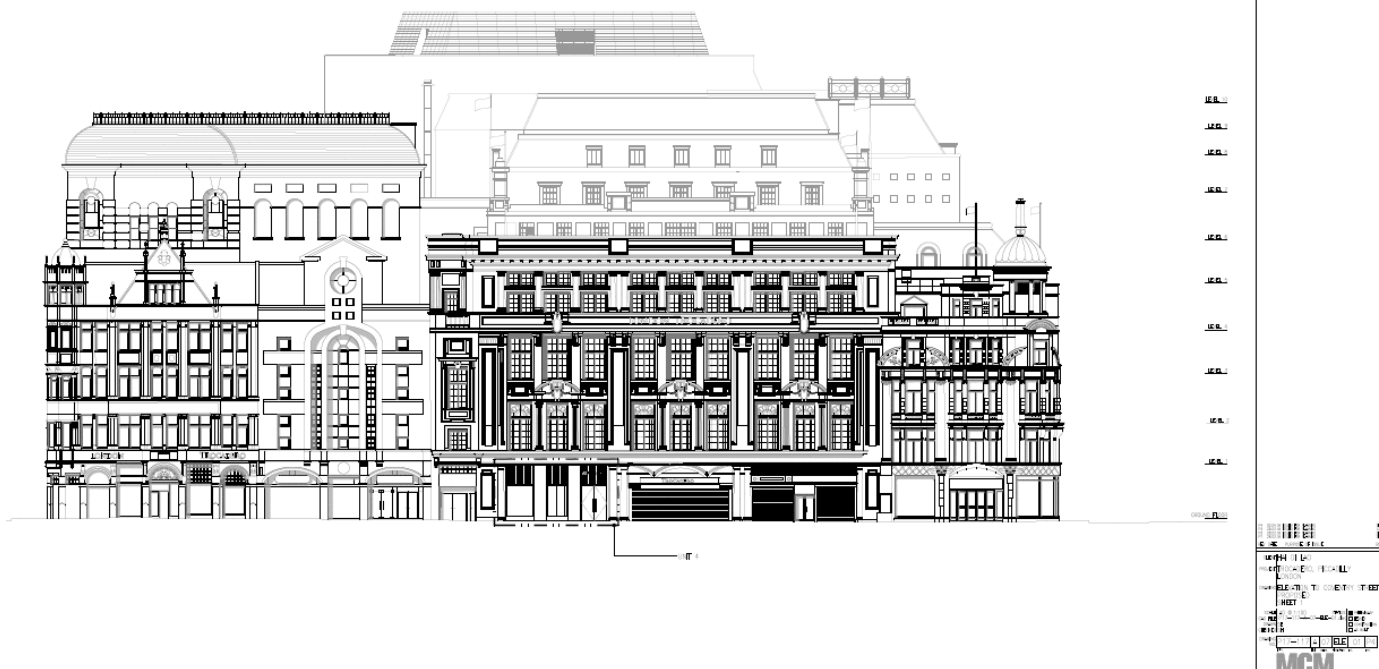
FILE	DATE	PURPOSE OF FILE
104	01-06-18	100% FIVE YEAR
102	24-02-18	100% FIVE YEAR
100	28-02-18	100% FIVE YEAR
97	28-02-18	100% FIVE YEAR

UNIT	H-1	DI	L-40
PROJECT	TROCADERO, PICCADILLY LONDON		
DRAWING	PROPOSED SECTION PLANNING		

SCALE: A1 @ 1:100  
 (A1) P17-117-A-07-SEC-01  
 DRAWN: E  
 CHECKED: H  
 DRAWING NO: P17-117-A-07-SEC-01

**MCM**

Proposed shop front:





**DRAFT DECISION LETTER**

**Address:** Units 4 And 5, Trocadero, 13 Coventry Street, London, W1D 7AB,

**Proposal:** Use of part ground floor and part basement for mixed retail and restaurant use (Sui Generis), installation of a new shop front, roof level plant and full height extract duct.

**Reference:** 18/02708/FULL

**Plan Nos:** P17-117 A 07 ELE 01 Rev P4, P17-117 A 07 ELE 02 Rev P4, P17-117 A 07 00 01 Rev P4, P17-117 A 07 B1 01 Rev P4, P17-117 A 07 SEC 01 Rev P4  
 Framework waste management plan rev B by Odyssey dated April 2018  
 Lower ground floor plan18-035 Rev B  
 Ground floor plan18-035 Rev B  
 Operational management plan dated 20 March 2018  
 Servicing Management Plan dated 24/5/18 by Odyssey

**Case Officer:** Gemma Bassett

**Direct Tel. No.** 020 7641 2814

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

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

**Reason:**

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

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

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

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

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

**Reason:**

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

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

Reason:

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

- 4 You must provide the waste store shown on drawings, Lower ground floor plan18-035 Rev B, Ground floor plan18-035 Rev B, before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the sui generis retail/restaurant. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose

Reason:

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

- 5 You must carry out the measures included in your management plan dated 20 March 2018 at all times that the sui generis retail/ restaurant is in use. (C05KA)

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 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 6 Customers shall not be permitted within the sui generis premises before 10.00 or after 01.00 the following morning, each day. (C12AD)

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)

- 7 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BB)

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**Reason:**

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

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

**Reason:**

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

- 9 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the loading bay on Rupert Street. (C23BA)

**Reason:**

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

- 10 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)

- 11 (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.

- 12 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.

- 13 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 11 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

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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.

- 14 All servicing must be carried out in accordance with the submitted Servicing Management Plan dated 25/05/2018 by Odyssey; Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

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

- 15 No music or amplified sound played within the premises shall be audible outside the premises at any time.

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 retail display areas at ground floor level shown on the approved drawings must be retained in the manner shown on the drawings and used only for retail purposes.

Reason: To ensure the retention of a retail character and function to the unit and to support the retail vitality and character and function of the area in accordance with Policies S and S21 of Westminster's City Plan (November 2016 Policy SS5 of our Unitary Development Plan that we adopted in January 2007.

### **Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You must get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the following advertisements: fascia signage. (I04AA)
- 3

Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto: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](http://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](http://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](http://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.

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 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)
- 6 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)

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

**DRAFT DECISION LETTER**

**Address:** Units 4 And 5, Trocadero, 13 Coventry Street, London, W1D 7AB,

**Proposal:** Installation of a new shop front and internal alterations.

**Reference:** 18/02709/LBC

**Plan Nos:** P17-117 A 07 ELE 01 Rev P4, P17-117 A 07 ELE 02 Rev P4, P17-117 A 07 00 01 Rev P4, P17-117 A 07 B1 01 Rev P4, P17-117 A 07 SEC 01 Rev P4, Lower ground floor plan18-035 Rev B, Ground floor plan18-035 Rev B,

**Case Officer:** Gemma Bassett

**Direct Tel. No.** 020 7641 2814

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

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

## Reason:

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

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

## Reason:

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

- 3 You must not disturb existing original external stonework unless changes are shown on the approved drawings. (C27MA)

## 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 Soho 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)

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

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -  
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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



CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 <sup>th</sup> June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Axtell House, 23-24 Warwick Street, London, W1B 5NQ,		
Proposal	Variation of condition 1 of planning permission dated 10 January 2017 (RN:16/08729/FULL) for the demolition of existing 4th to 6th floors and erection of new 4th to 6th floors, including provision of a roof top garden and terrace at 6th floor level; all for office (Class B1) purpose. Relocation of plant to a 1st floor lightwell, replacement of windows to front elevation, alterations to rear elevation and new ground floor entrance. NAMELY, changes to the rear elevation, to the Warwick St entrance and the double-height corner bay at roof level (partially retrospective application).		
Agent	Rolfe Judd Planning Ltd		
On behalf of	Estates & Agency Property Investment Company Ltd		
Registered Number	18/02336/FULL	Date amended/ completed	22 March 2018
Date Application Received	22 March 2018		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

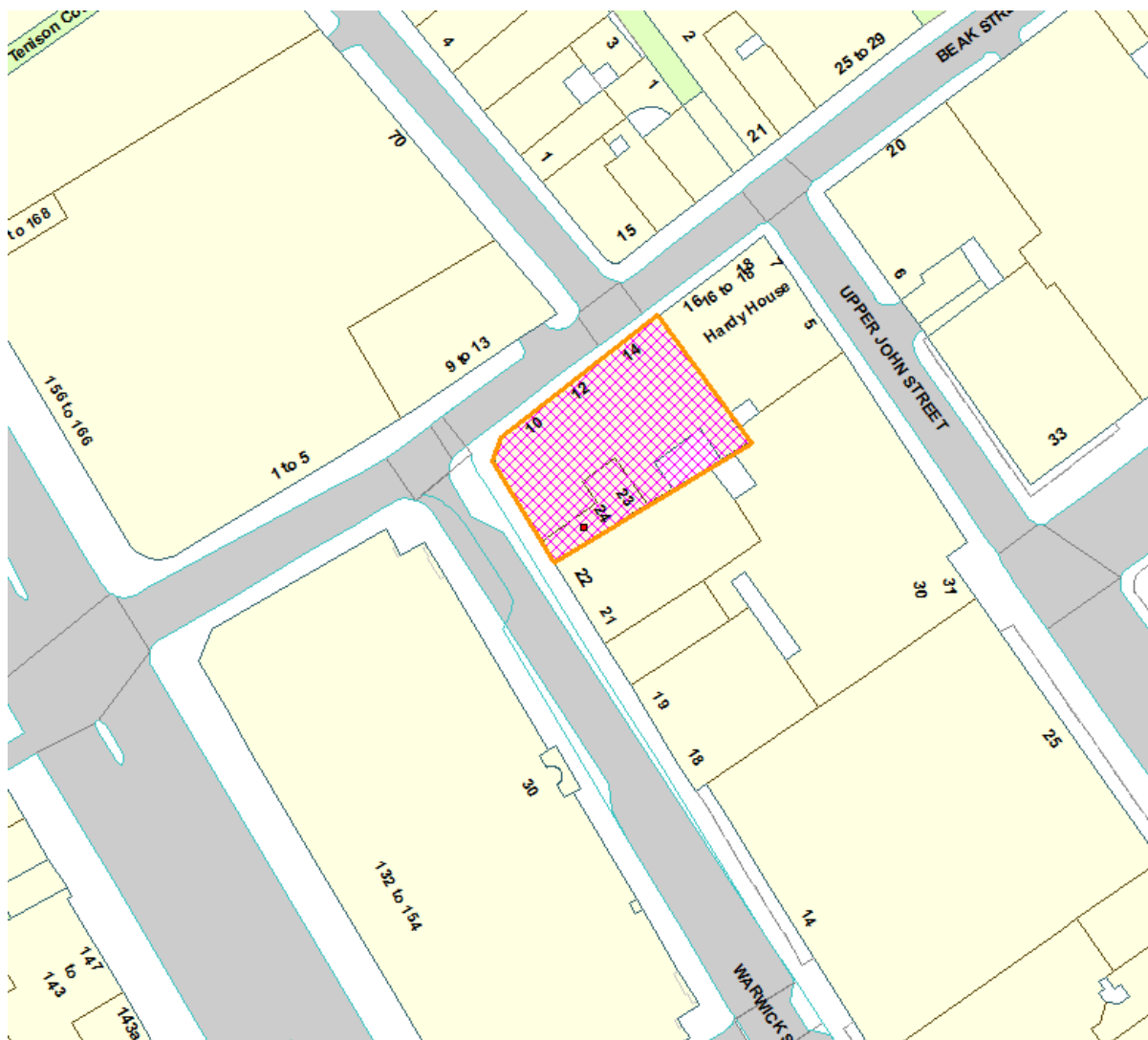
The proposals involve a 7-storey building on the south side of Beak Street at its junction with Warwick Street. In 2017 permission was granted for replacement roof extensions, new windows, relocated plant and a roof terrace for office purposes. This application seeks design changes to that consent including alterations to the rear façade, the roof extension and the main office entrance on Warwick Street.

The key issues for consideration are:

- The impact of the alterations on the character and appearance of the Conservation Area.
- The impact on surrounding amenity

An objection has been received on the grounds that neighbours did not receive notification letters for the 2017 permission, that an east elevational drawing had not previously been submitted and therefore the impact of the proposals on the amenity of nearby neighbours had not properly been considered. However, these issues were addressed in the original report to committee and the proposals are once again considered acceptable and are in line with the policies set out in Westminster's City Plan and the Unitary Development Plan (UDP).

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



## 5. CONSULTATIONS

SOHO SOCIETY

No response to date.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 20; Total No. of objections: 3

Three letters of objection (on behalf of one objector) on the following grounds:

- \* Overlooking and loss of privacy
- \* Windows/doors to the terrace at sixth floor level should be fixed shut and opaque glazed/fritted to mitigate any overlooking
- \* The glass balustrade at sixth floor should be formed of opaque glazing
- \* Office lights to be turned off outside of 08:00 and 22:00
- \* Access to the sixth floor terrace adjoining 6 Upper John Street should be for maintenance staff only
- \* An eastern elevation drawing had not previously been submitted and works to this part of the building are therefore unlawful and retrospective
- \* The changes to the eastern elevation do not constitute a minor change to the approved scheme
- \* Lack of notification to previous application

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Axtell House, 23-24 Warwick Street, is located on the south side of Beak Street at its junction with Warwick Street. The building occupies a prominent position closing the vista south down Kingly Street and is visible in views east along Beak Street from Regent Street. The building is ground and basement plus six upper storeys and is located in the Soho Conservation Area. Axtell House is noted as being an unlisted building of merit in the conservation area audit and it makes a positive contribution to its surrounding area.

The building is in use as bar at basement and ground floors and in lawful office use on the upper floors. Access to the upper office floors is via a separate access on Warwick Street.

### 6.2 Recent Relevant History

Planning permission granted 10 January 2017 for demolition of existing 4th to 6th floors and erection of new 4th to 6th floors, including provision of a roof top garden and terrace at 6th floor level; all for office (Class B1) purpose. Relocation of plant to a 1st floor

lightwell, replacement of windows to front elevation, alterations to rear elevation and new ground floor entrance.

Detailed drawings in relation to the proposed roof landscaping planting layout and species, pursuant to condition 12 planning permission dated 10 January 2017 (RN: 16/08729/FULL) approved 8 September 2017.

This application has now been implemented and works are well advanced on site.

## **7. THE PROPOSAL**

This application seeks detailed design amendments to the permission granted on 10 January 2017 including additional brickwork and revisions to the design of the windows on the rear elevation, a stone finish to the office entrance on Warwick Street, minor changes to the roof extension and a Portland stone finish to two columns on the Warwick Street elevation.

During the course of the application, an adjacent neighbour argued that as an east elevational drawing had not been submitted as part of the 2017 permission that any operational development on this part of the building has not been approved. An east elevation has now been submitted and the adjacent neighbour has been re-consulted.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The proposal does not raise any new land use issues. The uplift of office floorspace is in accordance with Policy S20 and, as the increase in floorspace is less than 400sqm (203sqm), there is no requirement for the equivalent amount of residential floorspace.

### **8.2 Townscape and Design**

The design alterations at the front and rear are relatively minor and uncontentious and would not harm the character of appearance of the Soho Conservation Area.

### **8.3 Residential Amenity**

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

The application involves rebuilding the upper floors, but the re-built floors will be both taller and bulkier than the existing with the rebuilt sixth floor being 1.55m higher than the existing plant room and 4.3m higher than the existing fifth floor. In granting the previous scheme it was considered that given the relatively small increase in bulk and mass and its positioning away from residential windows, that there would be a material loss of daylight or sunlight.

The proposal also involves the provision of a terrace at sixth floor level and a roof terrace which replaces an existing roof terrace. Council records indicate that the nearest residential properties are located at 6 Upper John Street on the opposite side of Upper John Street. An objection has been received from the penthouse flat in this property on the grounds of overlooking and loss of privacy. The objector also argues that as an east elevational drawing had not been submitted as part of the previous application that the impact of the proposals on the amenity of nearby neighbours had not been properly scrutinised. This issue was considered as part of the original application. The approved sixth floor plan clearly shows the windows and door onto a terraced area at sixth floor level and it is considered that it was clear from the previous submissions that access to this terrace was to be gained from doors facing the objector's property. The visuals submitted with the Design and Access Statement also clearly show the balustrade onto the sixth floor terrace, the windows on that elevation and the balustrade encompassing the terrace at roof level. The previous report also sets out that the terrace at roof level is set back from the facades of the building and includes planting to limit any future overlooking. 6 Upper John Street is also some 23m from the application site on the opposite side of Upper John Street. Given this distance, and the fact that the proposed roof terrace replaces an existing roof terrace, it is considered that a terrace in this location is once again acceptable, subject to a condition, as in the consented scheme, limiting the hours when the terrace can be used.

The objector also considers that the windows/doors to the terrace at sixth floor level should be fixed shut and formed of opaque glass/fritted, that access to the sixth floor terrace adjoining 6 Upper John Street is limited to maintenance staff only, that the glass balustrade is formed of opaque glazing and that office lights are turned off outside of 08:00 to 22:00 to mitigate any overlooking. There are windows within 16-18 Beak Street and 30-32 Golden Square that are directly opposite the objector's property that are clear glazed and only some 8.5m from the objector's property. Given that the proposed windows and the sixth floor terrace are substantially further away than these existing windows and over 23m from the objector's property, the conditions the objector requests are not considered reasonable.

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

Not applicable to the consideration of these proposals.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

The main office entrance is constrained by an existing step and therefore a managed mobile ramp system is proposed at the reception.

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

None.

## **8.8 London Plan**

This application raises no strategic issues.

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

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

## **8.10 Planning Obligations**

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

## **8.11 Environmental Impact Assessment**

Not applicable.

## **8.12 Other Issues**

The objector claims that neither he nor his neighbours received letters or observed other notifications to the previous application. However, a total of 14 letters were sent to residents of 6 Upper John Street on 11th November 2016 including the Penthouse Flat, at fourth floor and fifth floor. A site notice was also displayed on the site, and the application was advertised in the local newspaper and in this regard, the Council fully complied with the statutory requirement regarding the publicity of the previous planning application.

The objector is also of the view that the works to the eastern elevation cannot constitute a minor material amendment to the approved scheme. The NPPG advises that “there is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.” Whilst an eastern elevation had not previously been submitted, the approved plans clearly show windows and a door onto a terraced area at sixth floor level and as such the submission now of an eastern elevation is not considered to result in a materially different scheme to that approved.

The objector also requests that he is notified of applications to discharge details of samples under Condition 3 (to ensure that any glazing materials on the eastern elevation are screened or opaque) and details of landscaping under Condition 12. As set out above, obscure glazing is not considered reasonable and Condition 12 has already been discharged. The reason that this condition was imposed was to “improve and contribute to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment.” As this condition was not imposed to mitigate amenity concerns, in approving these details it was not necessary for the City Council to carry out any public consultation.

Finally, the objector also argues that the application is part retrospective as works have commenced on the east elevation for which detailed drawings have not previously been submitted. The description of development has been amended accordingly.

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

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



## 9. KEY DRAWINGS

Proposed front entrance

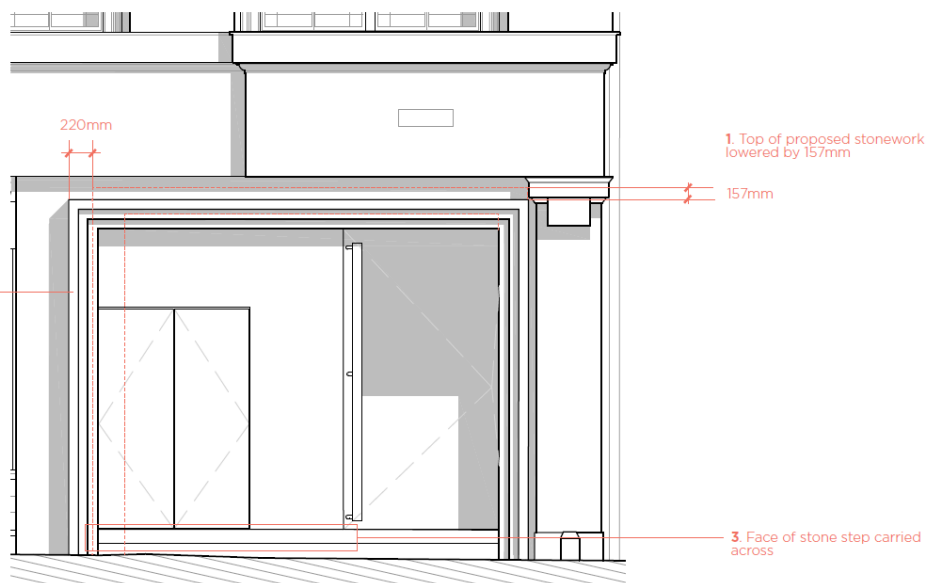
1. The amended proposal has a lower stone surround to ensure continuity of the soffit level of the entrance. The stone finish fascia area above the projecting stone element increases in depth by 157mm.

3. Stone portal widened by 220mm to ensure escape door is compliant with fire strategy following the discovery of an existing structural column that created a clash with the door.

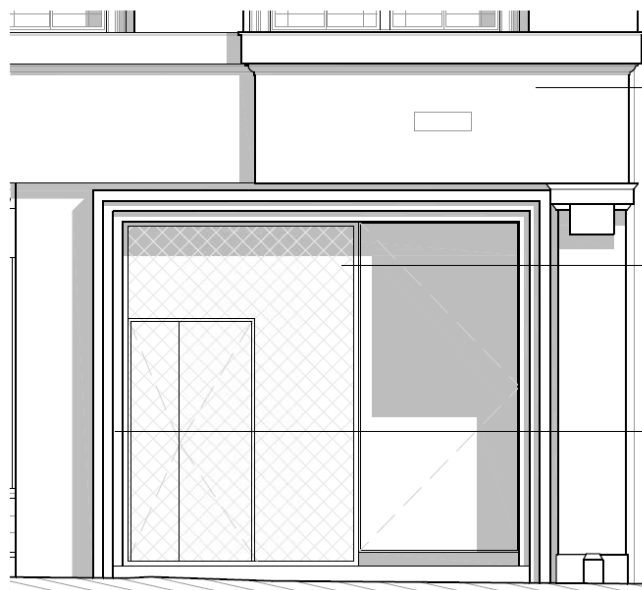
3. The existing door threshold level has been found to be higher, requiring the new stone face of the second step to be continued across below the metalwork.

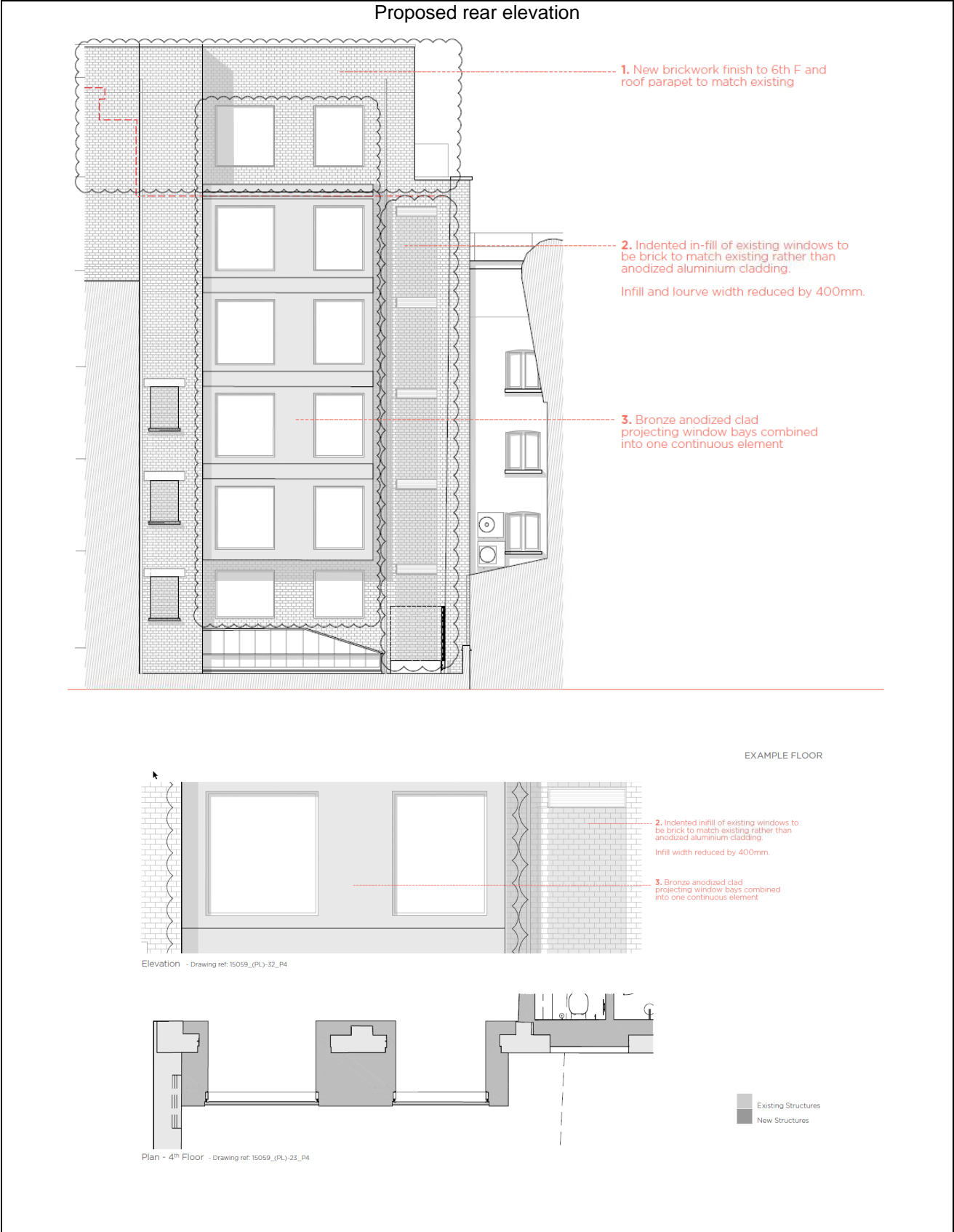
----- Outline of previous proposal

2.Width of proposed stone work increased by 220mm

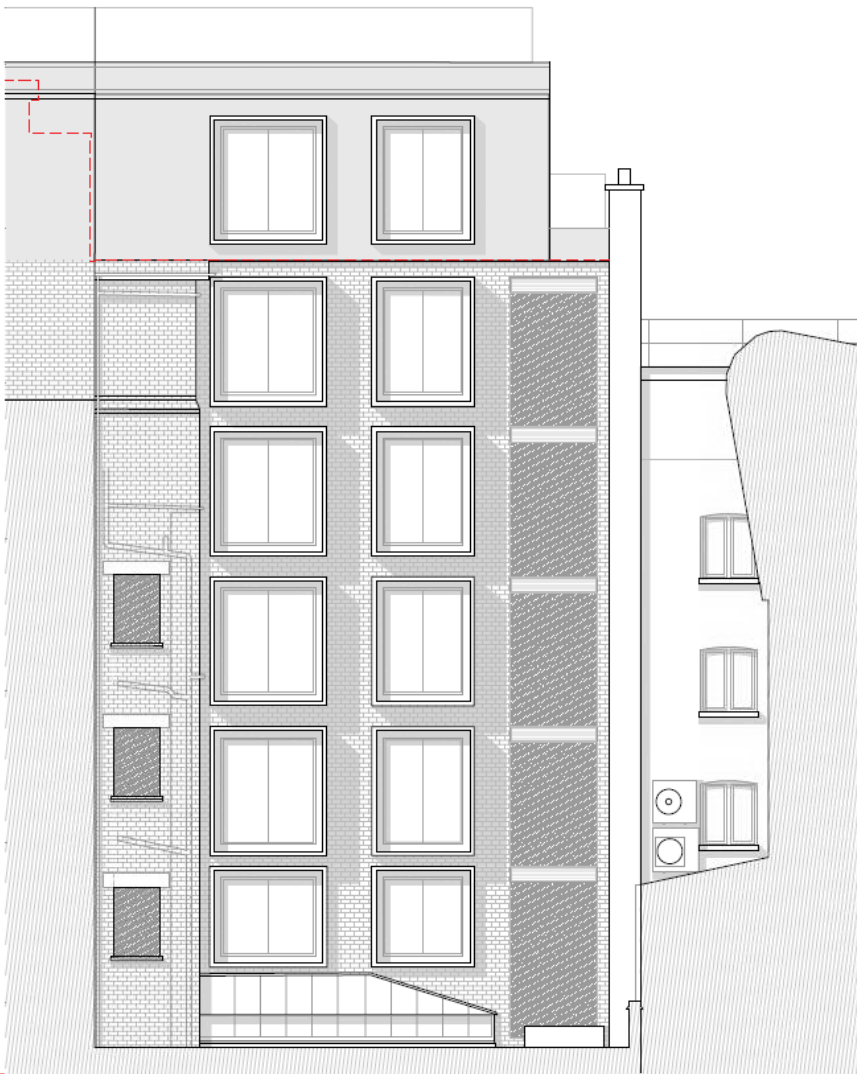


Previously consented front entrance





Previously consented rear elevation



**DRAFT DECISION LETTER**

**Address:** Axtell House, 23-24 Warwick Street, London, W1B 5NQ,

**Proposal:** Variation of condition 1 of planning permission dated 10 January 2017 (RN:16/08729/FULL) for the demolition of existing 4th to 6th floors and erection of new 4th to 6th floors, including provision of a roof top garden and terrace at 6th floor level; all for office (Class B1) purpose. Relocation of plant to a 1st floor lightwell, replacement of windows to front elevation, alterations to rear elevation and new ground floor entrance. NAMELY, changes to the rear elevation, to the Warwick St entrance and the double-height corner bay at roof level (partially retrospective application).

**Reference:** 18/02336/FULL

**Plan Nos:** 15059\_(PL)-20\_P5. , (PL)-21\_P4 , (PL)-22\_P4 , (PL)-23\_P4 , (PL)-24\_P4 , (PL)-25\_P4 , (PL)-26\_P4 , (PL)-27\_P4 , (PL)-28\_P4 , (PL)-29\_P4 , (PL)-30\_P4 , (PL)-31\_P4 , (PL)-32\_P4 , , (PL)-33\_P1,

**Case Officer:** Jo Palmer

**Direct Tel. No.** 020 7641 2723

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

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

Reason:

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

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

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

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

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

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

Reason:

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

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 4 The glass balustrade at roof level must be set back in accordance with the permission approved on 27 March 2017 (17/02048/ADFULL) and as shown on the approved drawings, or in accordance with an alternative scheme to be approved by the City Council showing the balustrade set back to reduce its visual impact from street level.

Reason:

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

- 5 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace or sixth floor balcony.

Reason:

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

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 7 (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.

- 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 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.

- 10 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 15059\_(PL)-19(1). You must clearly mark them and make them available at all times to everyone using the building. (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)

- 11 You can only use the approved terrace and balcony areas between the hours of 08:00 to 21:30 Monday to Friday and 09:00 to 21:00 on the weekends, Bank Holidays and public holidays. You cannot use the terrace areas outside of these hours other than in the case of an emergency.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 You must carry out the roof landscaping work according to the scheme approved on 8 September 2017 (17/05852/ADFULL) or in accordance with an alternative detailed roof planting scheme to be approved by the City Council. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved details.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

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

Reason:

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

- 14 You must install the new windows in the original (existing) facades in accordance with the details approved by the City Council on 13 December 2017 (17/10822/ADFULL) or in accordance with alternative detailed drawings for the new windows in the original (existing facades).

Reason:

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

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

- 15 This permission must be commenced no later than 9 January 2020.

**Reason:**

This permission authorises amendments to the original planning permission granted on 10 January 2017 (RN 16/08729/FULL) which must be commenced no later than the above date.

**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 Conditions 7&8 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)
- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 4 With respect to condition 14 the City Council expects the replacement windows to be a close match to the original windows in terms of their external appearance.
- 5 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

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



CIL forms are available from the planning on the planning portal: {\i  
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>}

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

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

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

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CITY OF WESTMINSTER				
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 June 2018		Classification For General Release	
Report of Director of Planning			Ward(s) involved Regent's Park	
Subject of Report	20A Grove End Road, London, NW8 9LA			
Proposal	Demolition of existing house and erection of replacement building comprising basement, ground, first and second floors to provide three residential flats with parking at basement level.			
Agent	Mr A BROWNE			
On behalf of	Waterleaf Ltd			
Registered Number	18/02169/FULL	Date amended/ completed	15 March 2018	
Date Application Received	15 March 2018			
Historic Building Grade	Unlisted			
Conservation Area	St John's Wood			

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

This application relates to a single family dwellinghouse on the eastern side of Grove End Road. The property is not listed but lies within the St John's Wood Conservation Area. Planning permission is sought for the demolition of existing house and erection of replacement building comprising basement, ground, first and second floors to provide three residential flats with parking at basement level.

Objections have been received to the application on the grounds of conservation and design and amenity.

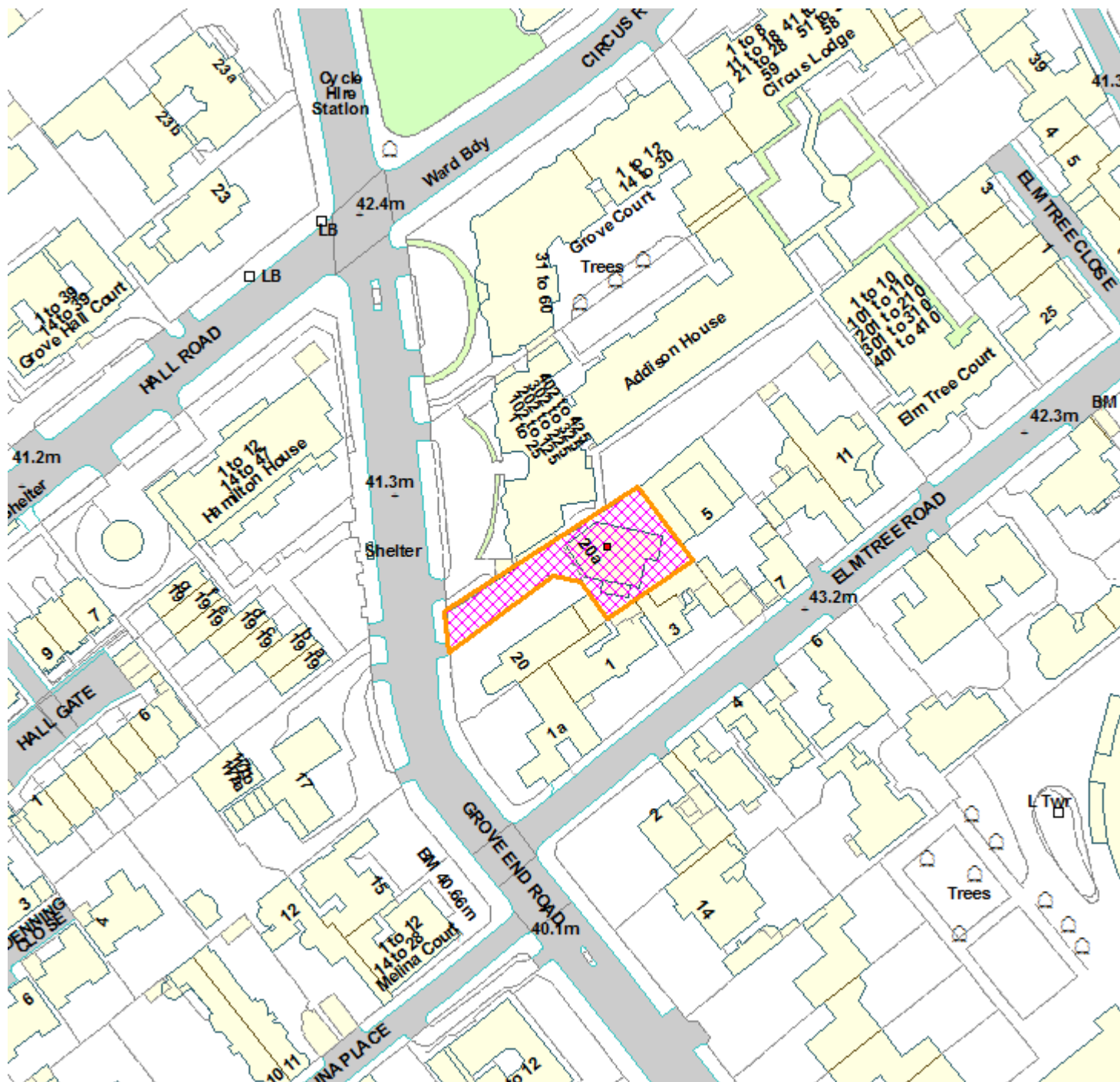
The key issues for consideration in this application are:

- The acceptability of the proposals in land use terms;
- The impact of the proposals upon the character and appearance of the St John's Wood Conservation Area;
- The impact of the proposals in amenity terms.

The proposals are considered to be acceptable in land use, design and amenity terms and are considered to comply with City Council policies and are therefore recommended for approval, subject

to the conditions as set out on the draft decision letter.

## 3. LOCATION PLAN



#### 4. PHOTOGRAPHS



Photo of application site taken from communal driveway



Photo of application site from roof of 20 Grove End Road

## 5. CONSULTATIONS

### WARD COUNCILLORS FOR REGENT'S PARK:

Any response to be reported verbally.

### HISTORIC ENGLAND:

Do not consider it necessary to be consulted.

### ST JOHN'S WOOD SOCIETY:

No objection, however consider an opportunity for a more interesting building has been missed. Query the ventilation to basement car park.

### HIGHWAYS PLANNING:

No objection subject to condition for the retention of the car parking and for the provision of cycle parking.

### CLEANSING:

No objection, subject to condition for the submission of details of waste storage.

### ARBORICULTURAL OFFICER:

No objection subject to conditions in relation to tree protection.

### BUILDING CONTROL:

No objection subject to an informative regarding the requirement for technical approval by Highways engineers.

### THAMES WATER:

No objection subject to informatives regarding back flow/ sewerage discharge.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 111

Total No. of replies: 9

No. of objections: 9

Nine objections received on some or all of the following grounds:

#### Land use:

- Loss of a single family dwelling to provide flats;
- The density of the development is too significant in this area;

#### Design:

- The building is a period building of heritage in the conservation area;
- No consideration has been given to the design of the building sited in a conservation area;
- The proposals are harmful to the character and appearance of the conservation area;
- The proposed building is considered a carbuncle;

**Amenity:**

- Increase in height of new building would overshadow gardens of Addison House;
- Loss of light to properties in Elm Tree Road

**Highways:**

- Increase in demand of parking in the area;
- Increase in highways traffic on Grove End Road.

**Other:**

- Impact of basement upon foundations of the neighbouring properties on Grove End Road, Elm Tree Road and Addison House
- Given the basement excavation proposed there will be increase on water pressure;
- The existing building should be demolished to allow a view of Addison House;
- Noise and disruption during the course of works;
- Loss of property value.

**PRESS ADVERTISEMENT / SITE NOTICE:**

Yes

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

This application relates to a single family dwellinghouse on the eastern side of Grove End Road. The property is not listed but lies within the St John's Wood Conservation Area. The application site has a right of way over the shared driveway with 20 Grove End Road.

**6.2 Recent Relevant History**17/03703/FULL

Demolition of existing house and erection of replacement building comprising basement, ground, first and second floors to provide three residential flats with parking at basement level.

Application Withdrawn

11 October 2017

15/05755/FULL

Demolition of existing 2 storey house and erection of new building comprising of basement, lower ground, upper ground, first floor, second floor and third floor for use as 4 flats ( 2x2, 1x3 and 1x4 bed) with basement car parking accessed via car lift.

Application Withdrawn

31 July 2015

14/09161/FULL

Construction of an additional storey onto existing property (mansard) to create three storey, five bedroom domestic dwelling.

Application Permitted

3 March 2015



11/03591/FULL

Erection of roof extension to provide additional residential accommodation to this single family dwellinghouse.

Application Permitted

4 August 2011

## **7. THE PROPOSAL**

Planning permission is sought for the demolition of existing house and erection of replacement building comprising basement, ground, first and second floors to provide three residential flats with parking at basement level. The general footprint of the building does not alter significantly from the existing building. The main changes are proposed at roof level where a mansard roof is proposed rather than a pitched roof, as existing. The three flats comprise 1 x 2bedroom and 2 x 3bedrooms and each flat has access to a designated outside space at ground floor level. Four car parking spaces are proposed within the new basement level.

This application has been submitted to overcome officers design and conservation concerns that arose from application 17/03703/FULL. This application was subsequently withdrawn.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The principle of redevelopment of this site to provide additional residential units is considered acceptable. While the site is located within an area of the City where existing single family dwellings are protected from conversion, the proposals comprises the comprehensive redevelopment of the site to provide a new building, which would include the provision of replacement family size units of accommodation. Accordingly, the requirements of Policy H5(C) of the UDP does not apply in this case.

The mix of units proposed comprises 1 x 2 bed and 2 x 3bed measuring 128m<sup>2</sup>, 147m<sup>2</sup> and 118m<sup>2</sup>. This mix of units would be compliant with Policy H5 of the UDP. The size of the units in terms of the floorspace would exceed the minimum requirements of the Technical Housing Standards. Equally the units proposed are not considered to be excessively large, having regards to the prevailing size of residential units within the St John's Wood and therefore the scheme would accord with S14 of the City Plan.

The standard of internal accommodation proposed is considered acceptable. Each flat is to be portioned an area of external amenity space at garden level of between 49m<sup>2</sup> and 105m<sup>2</sup> and this is acceptable.

The proposals are therefore considered acceptable in land use terms.

### **8.2 Townscape and Design**

Site and Surroundings:

The building is located within the St John's Wood Conservation Area, and the building likely dates from the 1970's or early 1980's. The existing building is identified in the Conservation Area Audit for the St. John's Wood Conservation Area as having a neutral contribution to the character and appearance of the conservation area. Though adjacent to a larger mansion block to the north (Addison House), the site nonetheless lies in a distinct and defined area of buildings flanking each side of Elm Tree Road which are principally arranged as two or three storey detached buildings.

Notwithstanding its recent date of construction, the building has been designed in a traditional manner intended to reflect the original 19th century classically inspired villa buildings of St John's Wood, most notably through its render faced elevations, low pitched roof structure with overhanging eaves, timber sliding sash windows, and an impression of a solid composition with vertically orientated window openings punched into it. Despite this appropriate architectural approach, the existing building is not in itself considered of good design quality, and given this and the designation in the Conservation Area Audit, its demolition could be considered acceptable, subject to the replacement building being of sufficient design and architectural merit and meeting the tests of Policy DES 1(A)(1) of our Unitary Development Plan which states that 'Development should be of the highest standards of sustainable and inclusive urban design and architectural quality.'

#### Footprint:

The proposed building steps out slightly further at the rear than existing by some 3.5m, and incorporates a slightly projecting garage/entrance porch structure at ground floor level only, not found on the existing building, however the footprint remains similar to the existing, and as such the footprint/positioning of the proposed building on the site is considered un-contentious.

#### Architectural Approach:

The surrounding buildings around Elm Tree Road principally incorporate two sheer floors of accommodation at ground and first floors, some with a further second floor level of accommodation typically contained within a mansard form of extension. This approach of sheer accommodation at ground and first floors, with mansard above to second floor is adopted by the building proposed in this application, and as a basic principle the approach is considered acceptable. The building is only marginally higher in terms of overall height than the existing (existing building measures 8.5m to the ridge and the proposed building measures 9m). The roof of the new building has been slightly amended during the course of the application so that it has a 70 degree pitch and set behind a short parapet, which is considered to be in character with the area.

The building is faced in grey brick, with tile clay tile cladding to the roof, and the dormers, windows and doors give a distinct classical character to the building which is considered appropriate for the building and its integration with the surrounding area. It is recognised that the St John's Wood Society and others do not consider that the building is of high design quality, however its use of brick facing and tile to the roof, the classically inspired proportioning of its elevations, the detailed design found in the balustrading, window arches, cornices and the entrance porch, and the general design approach with a classically inspired composition will all help give the new building an appropriate character for the area, and it is considered an improvement on the existing building on site.

For the reasons set out above, the new building is considered to comply with the requirements of City Plan policies S25 and S28, and UDP policies DES 1 and DES 9, and a consideration of the building being of appropriate design quality is considered to be in line with the statutory duty at s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. As such, the works are considered acceptable in design terms.

Basement Excavation:

Policy CM28.1 relates to all basement development in the City.

The applicant has submitted a detailed structural methodology statement which has been assessed by the City Council's District Surveyors who consider this to be acceptable. The applicant has also submitted the required draft signed proforma Appendix A which demonstrates that the applicant will comply with the relevant parts of the council's Code of Construction Practice in order to minimise the impact of any development upon the amenity of neighbouring properties. Therefore the objections raised by neighbouring properties on the grounds of impact to foundations and noise and disruption during the course of construction cannot be sustained. The site lies outside of a flooding 'hotspot' and is therefore not considered to increase flood risk. The proposals are considered to comply with Part A of the policy.

The proposals result in the loss of landscaping and some minor trees in the rear garden. Indicative landscaping is proposed to the front/ rear and side gardens and this incorporates sustainable urban drainage methods. In response to the objection received regarding water pressure from a resident in Addison House, as Thames Water will have to be notified of any works it is not considered reasonable via the planning process to request any sewer/ pressure related conditions as these will be required by Thames Water. An informative is recommended for the applicant to contact Thames Water in relation to the proposals. As discussed above, the proposed basement works incorporate lightwells to the side and rear elevations. These are considered to be well designed and discreet and are considered to protect the character and appearance of the existing building. The proposals are considered to comply with Part B of the policy.

Regarding Part C of the policy and as set out in the drawings, the proposed basement is of a single storey, and primarily sits below the footprint of the existing/ proposed building save for a very small area underneath the rear courtyard adjacent the master bedroom of the ground floor flat. A section drawing has not been provided through the small area of basement which projects beyond the rear building line and therefore it is unclear whether a depth of 1m soil depth and 200mm for drainage will be accommodated above the basement. However, even if the soil depth/ drainage is not 1.2m, given the such small area that this relates to and that it is unlikely that so close to the window of the master bedroom any meaningful landscaping is likely to be proposed, in this instance it is considered that an exception to the part C of the policy can be made. The proposals comply in all other respects.

Part D of the policy is not relevant.

### **8.3 Residential Amenity**

Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use. Objections to the proposals have been received on amenity grounds, notably to those residents living south of the application site in Elm Tree Road on the grounds of loss of light. One resident in Addison House also argues that the increase in height of the roof would overshadow the leafy garden area.

The basement, ground and first floor raise no amenity concerns; given the basements subterranean nature and as the existing boundary walls of the site obscure the majority of the building.

The proposed building will occupy the same footprint as the existing building, however the building is proposed to be of a greater bulk and massing than the existing by virtue of a full second floor mansard roof, compared to the existing pitch roof. The existing ridge height of the building is 8.5m, whereas the flat roof of the proposed mansard roof measures 9m. It is not considered that a mansard roof form of 2.5m in height instead of a pitch roof form would be so harmful to the neighbours of Addison House, 20 Grove End Road or properties to the rear in Elm Tree Road to create any sense of enclosure.

With regards to the objection from 1 Elm Tree Road to loss of sunlight or daylight, this property has three windows in its rear elevation, facing the application site, however these are all contained within a lightwell that shares a rear elevation with 20 Grove End Road. From a previous officers site visit these windows appear to serve a secondary door to a living room at ground floor, a landing window and a dressing room window. It is not considered given their location, distance from the application site and the nature of the proposed extension, that they will experience any significant loss of daylight or sunlight.

The change in bulk from the existing pitch roof to a mansard roof and the overall increase in height by 0.5m is not considered to overshadow the gardens of Addison House. There is a substantial boundary wall of some 7m between these properties that encloses the garden areas of Addison House.

In respect of the relationship to 5 Elm Tree Road, the property to the east, whilst the relationship is fairly close, windows at first floor level facing the application site serve bathrooms and are therefore likely to be treated with obscure glazing accordingly. There is a terrace at this level facing the application site, very close to the boundary wall, however this is accessed via a dressing room and the bathroom and is therefore not considered to be typical terrace, used intensively. At second floor level there is a set of full height windows on the south western corner and whilst these windows will be visible from the windows of the new mansard roof, the new mansard roof appears to be set lower than that of the neighbouring second floor and will therefore have very oblique views. It is not considered that this degree of mutual overlooking would be unacceptable.

The mansard roof will be occupied by one flat and there will be a number of windows in all the elevations serving a bedroom and living area. The windows proposed are on such an axis in relation to the neighbouring properties that any views to these properties would be so oblique as to not result in any significant overlooking.

No plant is shown on the plans so there are no noise concerns. The internal passenger lift is a hydraulic lift and therefore emits no noise. The St John's Wood Society have queried the requirement for ventilation to the basement car park. The applicant has confirmed that there is a fresh air ventilation terminal at roof level. This sits flush with the roof and as it is for fresh air to serve the basement carpark raises no noise concern

The proposals are acceptable in amenity terms.

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

A car lift is proposed at ground floor level to access four parking spaces at basement level (amended from four during the course of the application), accessed by an car lift from the driveway. The Highways Planning Manager has no objections to this element of the scheme and is content with the level of parking proposed. .

Cycle parking or waste and refuse storage is shown on the plans within the front forecourt of the application site, in secure and weatherproof stores and whilst the refuse store areas have raised concern with the Cleansing officer, and there are no exact details of the amount of cycle storage the provision of this storage is considered acceptable, subject to condition.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

The flats and basement car parking are fully accessible and served by an internal lift.

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

Trees:

The arboricultural officer has no objections to the proposals subject to conditions regarding tree protection works and replacement landscaping.

#### **8.8 London Plan**

This application raises no strategic issues.

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

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

#### **8.10 Planning Obligations**

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

The estimated CIL payment is £26,793.73.

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

Not applicable.

#### **8.12 Other Issues**

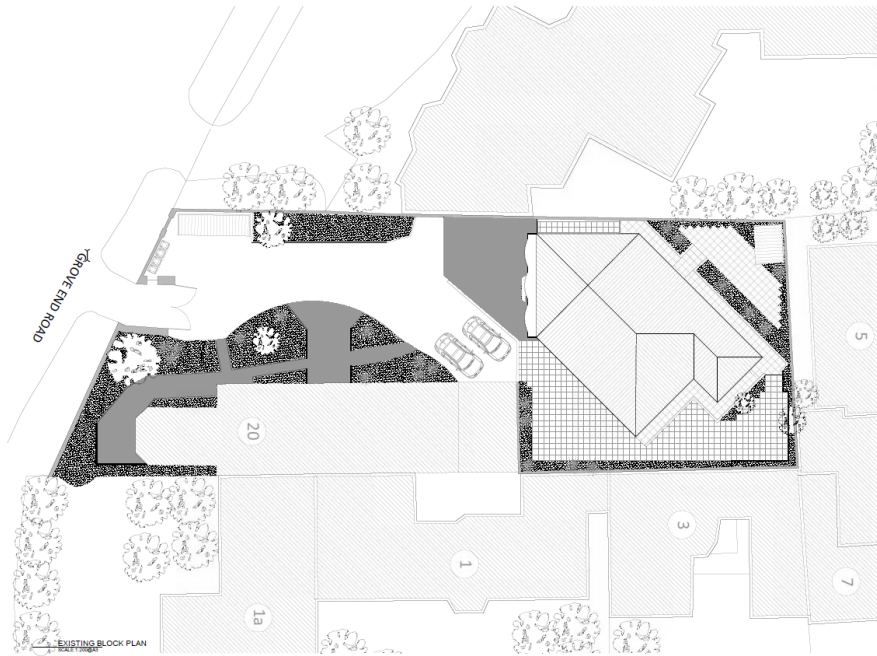
As noted in the basement section of this report, objections have been received on the grounds of noise and disruption during the course of the application. The applicant has submitted a draft proforma Appendix A indicating that they will sign up to the City Council's Code of Construction Practice. This seeks to ensure that development will as far as possible minimally impact neighbours. It is not reasonable to withhold permission on this basis. The standard hours of working condition is attached to the draft decision notice.

An objection has been received on the grounds of the impact of the development upon the water pressure in the area. This is a matter for Thames Water and Building regulations rather than the planning regime.

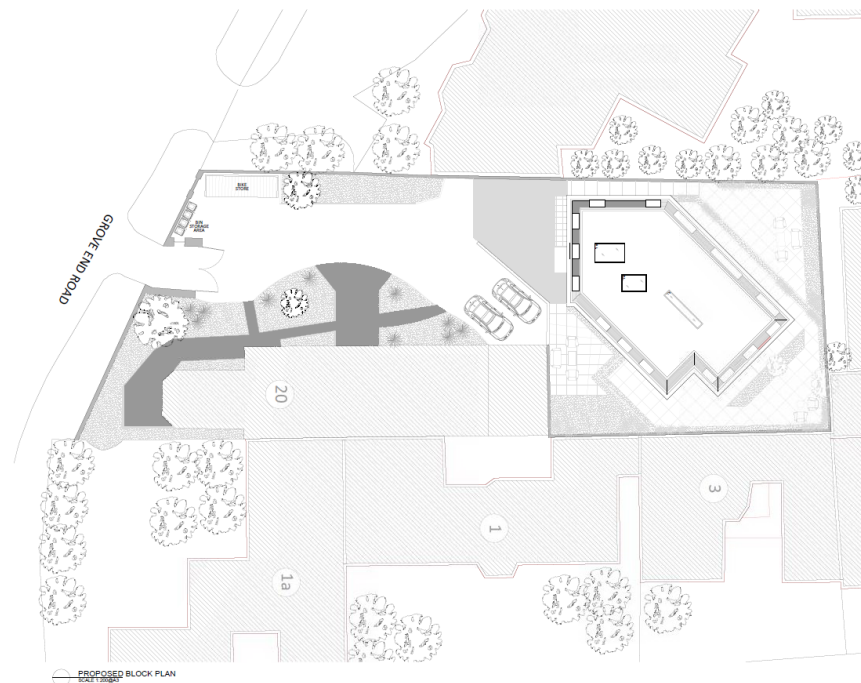
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

## 9. KEY DRAWINGS

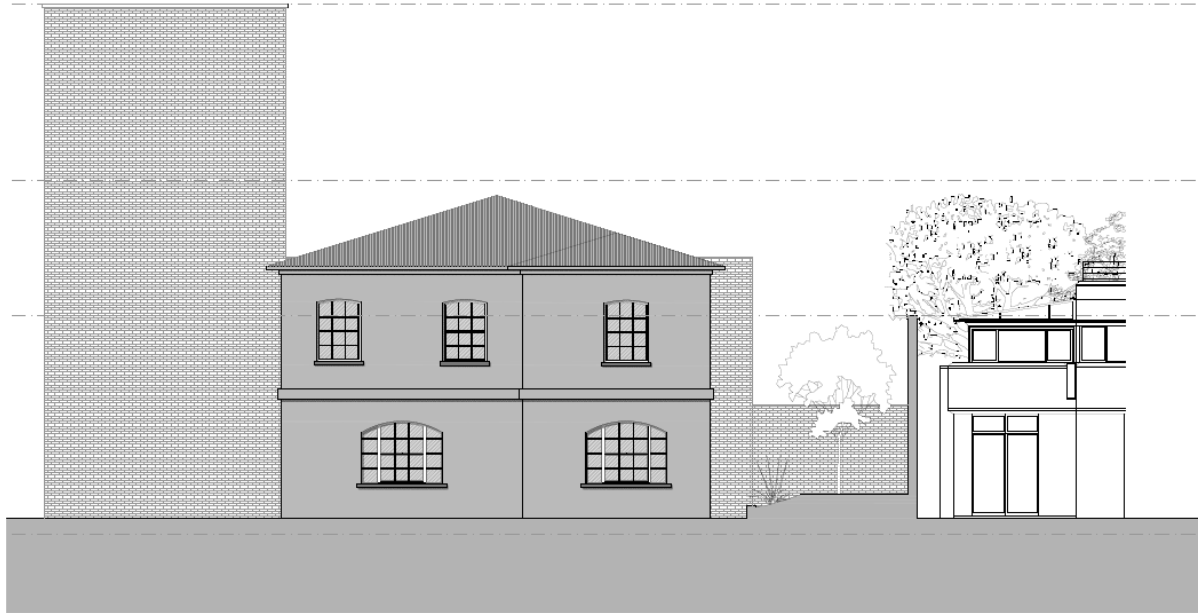


**Existing (above) and Proposed (below) Block Plan**

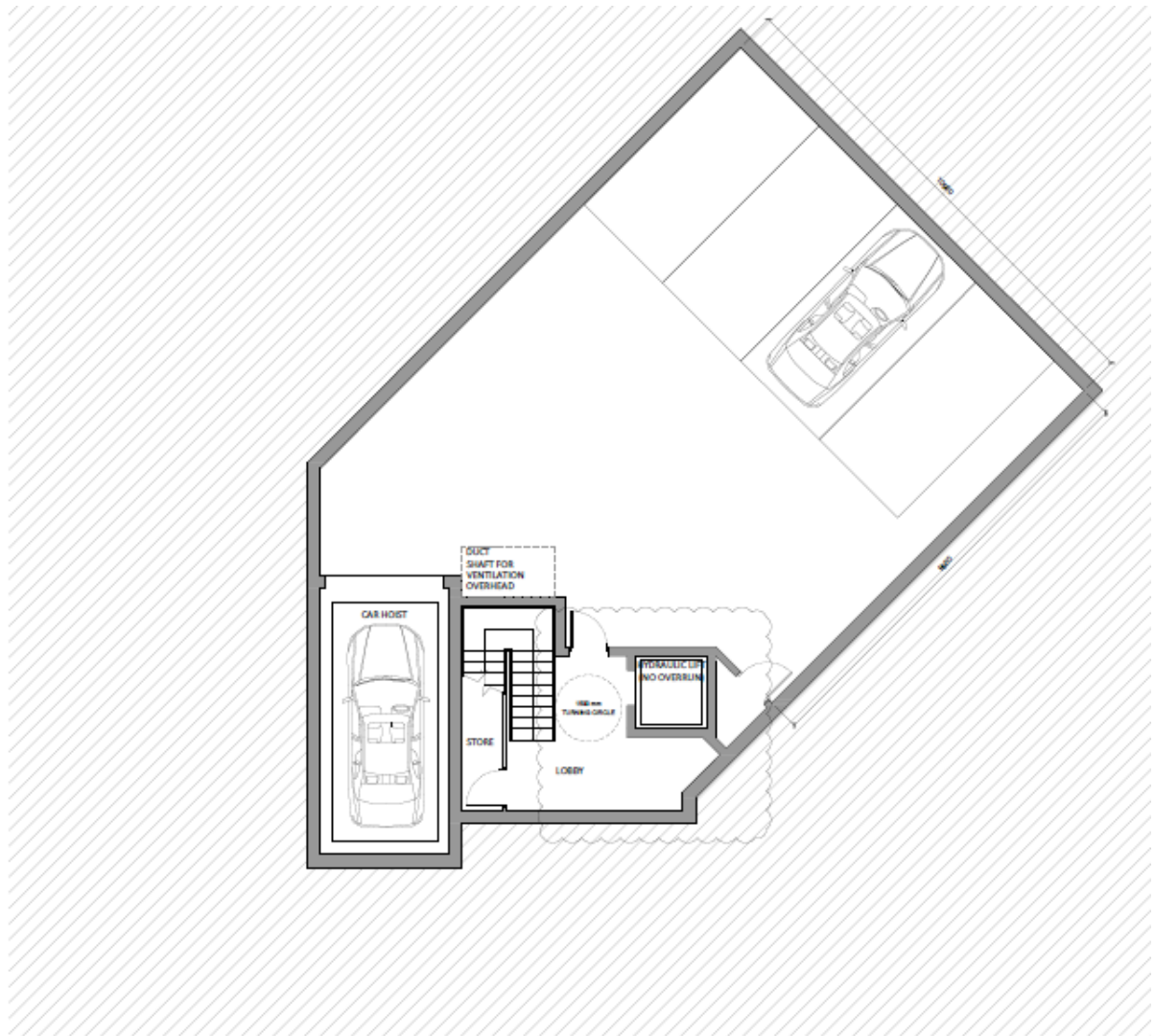


**Existing Elevations****Existing Front elevation (above), Existing Rear Elevation (below)**



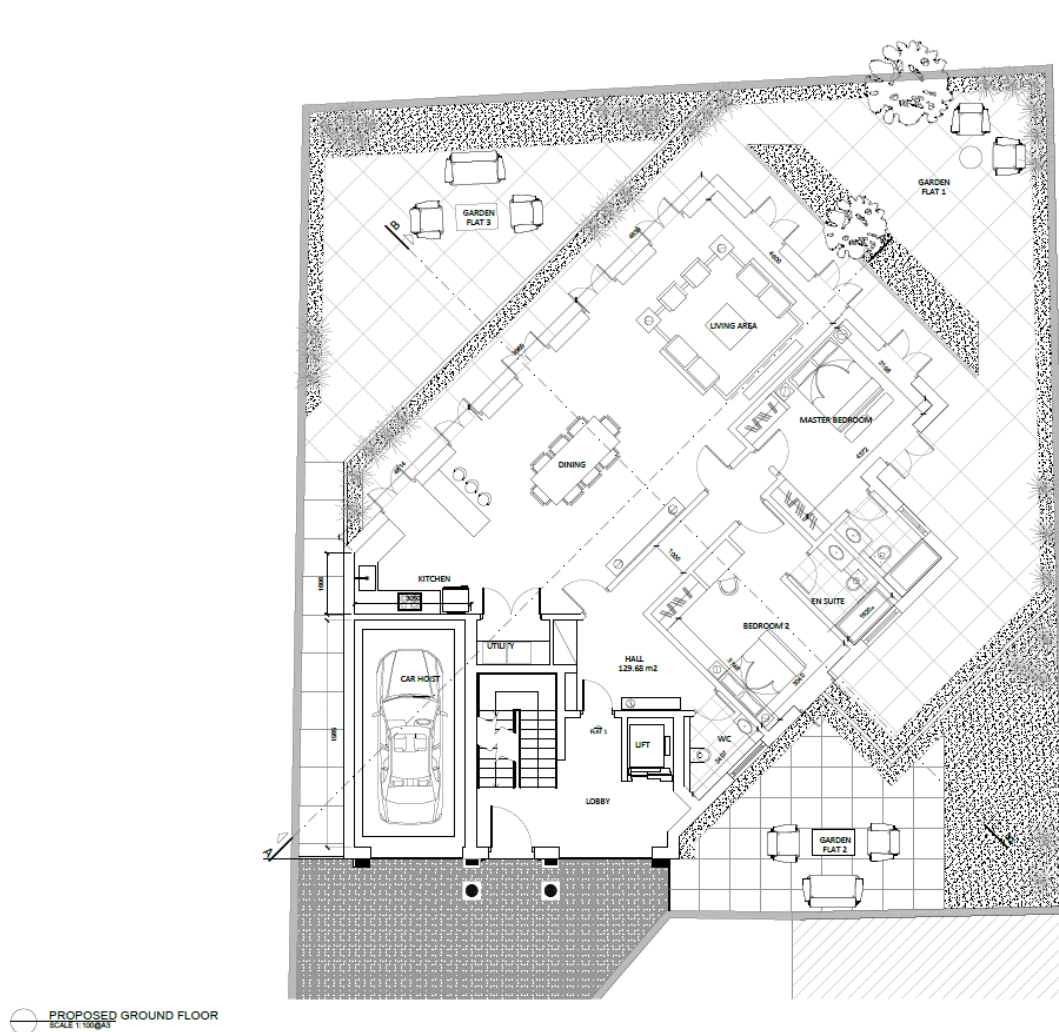
**Existing East Elevation**

EXISTING EAST SIDE ELEVATION  
SCALE 1/8"=1'-0"

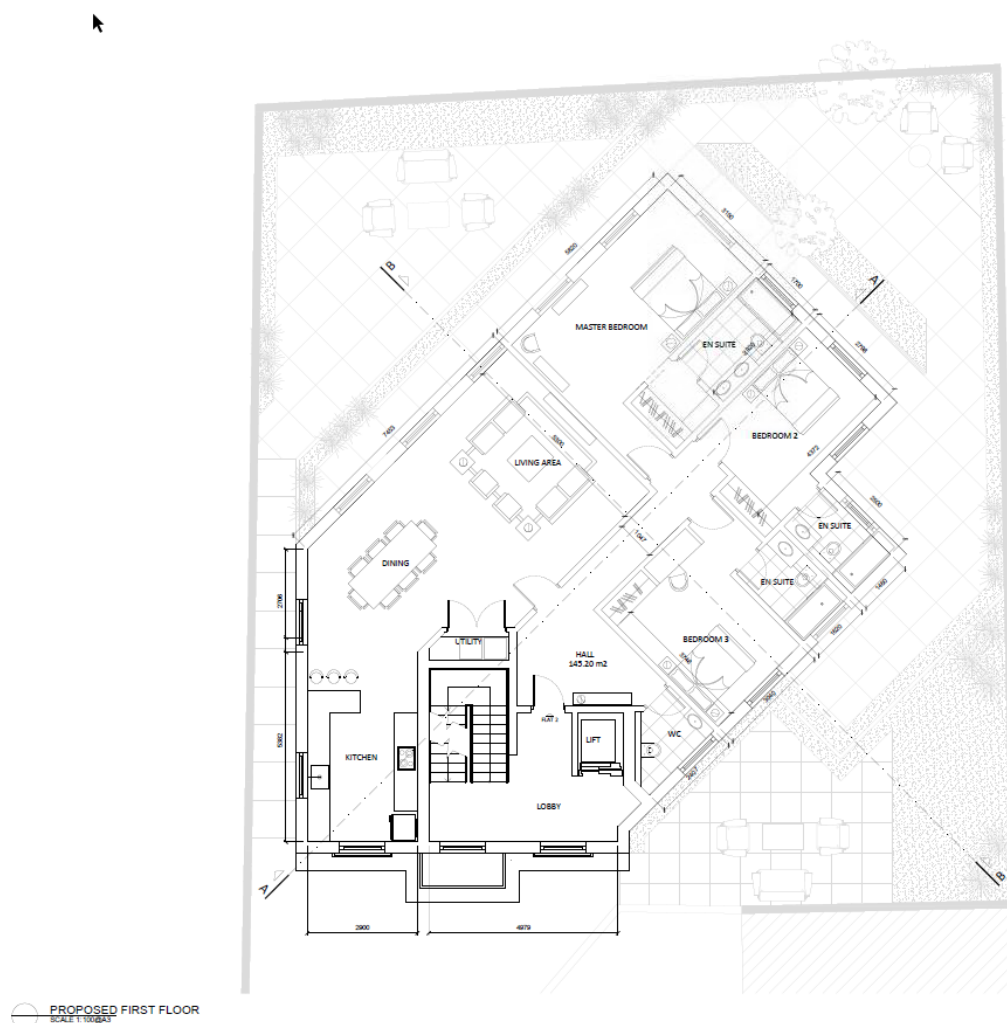
**Proposed Basement Floor Plan**

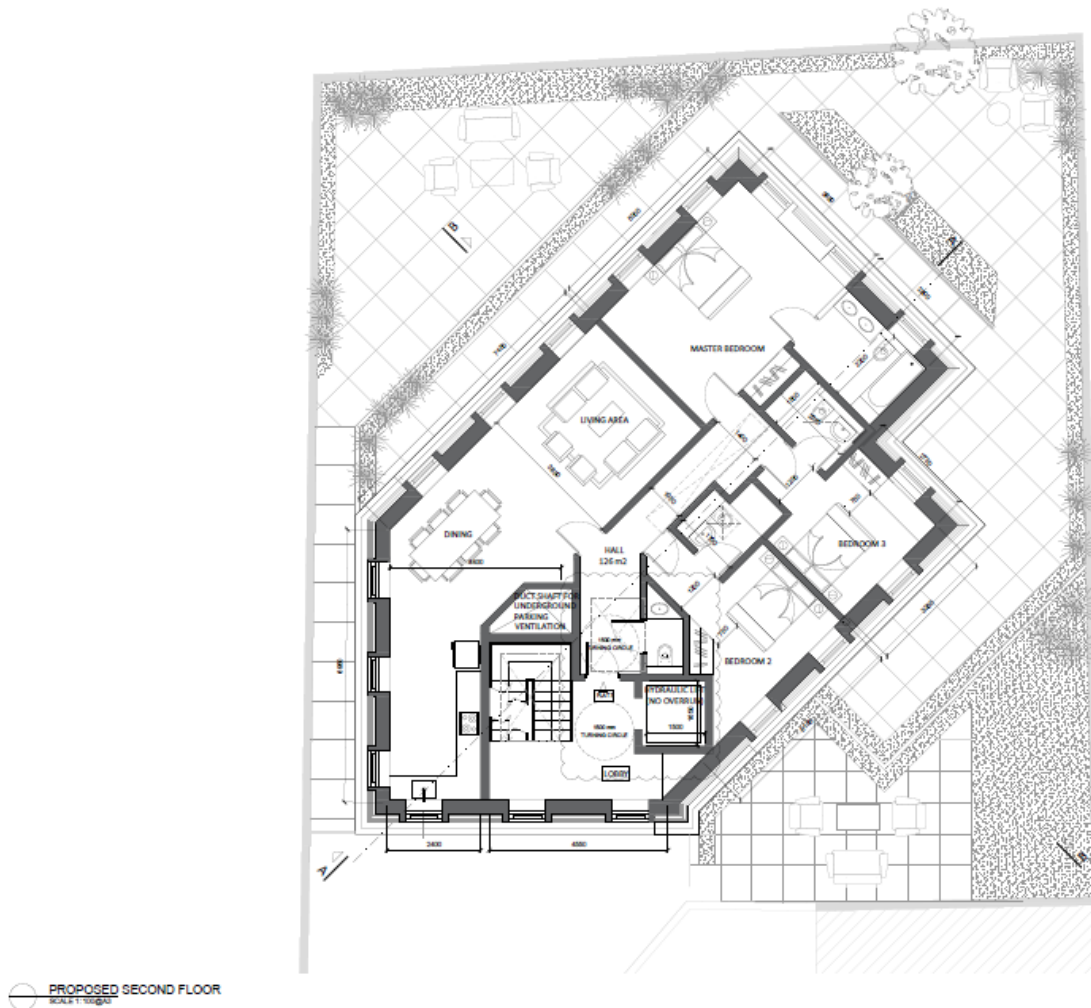
PROPOSED BASEMENT  
SCALE: 1/8" = 1'-0"

## Proposed Ground Floor Plan




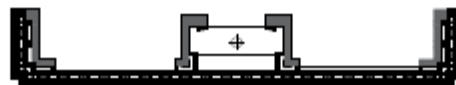
## Proposed First Floor Plan



**Proposed Second Floor Plan**

[illegible]

ED FRONT ELEVATION

 **PROPOSED FRONT ELEVATION**  
SCALE: 1"=10'-0"





## Proposed Rear Elevation



PROPOSED REAR ELEVATION  
SCALE 1:100

## Proposed Section





**DRAFT DECISION LETTER**

**Address:** 20A Grove End Road, London, NW8 9LA,

**Proposal:** Demolition of existing house and erection of replacement building comprising basement, ground, first and second floors to provide three residential flats with parking at basement level.

**Plan Nos:** 5011:SK001 A; SK002 A; SK100 A; SK101 A; SK200 A; SK201 A; SK202 A; SK300 A; SK301 A; P001 C; P002 B; P100 F; P101 F; P102 F; P103 F; P200 D; P201 D; P203 D; P300 D; P301 D; P500 B; Appendix A; Design and Access Statement dated 21 April 2017; Arboricultural Assessment by Waterleaf Ltd dated December 2016; For Information Only: Basement Structural Methodology Statement dated November 2016.

**Case Officer:** Kimberley Davies

**Direct Tel. No.** 020 7641 5939

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

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

Reason:

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

- 2 Except for 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 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)

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

Reason:

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

- 5 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 6 The new windows and external doors shall be formed in glazing (with the exception of the front entrance door to ground floor level which shall be formed of painted timber) and white painted timber framing, and the sash windows shall operate in a vertically sliding manner only

## Reason:

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

- 7 The new external balconette structures shall be formed in black coloured metal, and maintained in that colour thereafter

## 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 apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. This (or other clear confirmation) shall demonstrate that the facades of the building will be faced in complete bricks and not brick slips or other panelised brick facing systems. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

## Reason:

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

- 9 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the west facing front elevation or south-west facing side elevation 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)

- 10 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balconettes or to the main roof of the building

## 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 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the balconettes or the main roof of the building, except those shown on the approved drawings. (C26PA)

Reason:

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

- 12 The dormers shall be faced in lead to sides, cheeks and roofs

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)

- 13 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

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)

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

Reason:

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

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

**Reason:**

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

- 16 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

**Reason:**

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

- 17 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 6 months of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

**Reason:**

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 18 You must provide the waste store shown on drawing P001 B before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

**Reason:**

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

**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 will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 3 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)
- 4 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)
- 5 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
  1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
  2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

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

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

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

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

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

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

Phone: 020 7641 2000

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

- 8 The sound insulation in each new unit of a residential development should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 9 The term 'clearly mark' in condition 18 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 10 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:

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

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

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

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

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

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

- 12 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please also discuss devices to avoid backflow to the property, on the assumption that the sewerage network may discharge at ground floor level during storm conditions. Please contact:

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

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



CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 <sup>th</sup> June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	4 Hill Road, London, NW8 9QG		
Proposal	Demolition of existing rear extension, erection of a single storey rear infill extension at lower ground floor level and use of the roof as a raised garden. alterations to the front boundary. Use of the lower ground, ground, first and second as a single dwellinghouse.		
Agent	Mr Alastair Mellon		
On behalf of	Mr Alastair Mellon		
Registered Number	18/01681/FULL	Date amended/ completed	27 February 2018
Date Application Received	27 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

Planning permission is sought to demolish the existing rear extension at lower ground and floor level and erect a new single storey full width extension over the majority of the existing rear garden creating a new terrace at ground floor level on the roof of the extension and works to the front boundary treatment all in association with combining the existing 3 self-contained flats to a single family dwelling house.

Comments have been received from the St John's Wood Society and twelve representations have been made; four in objection and eight in support. The objections are on the grounds of land use, disturbance during construction and amenity.

The Key issues are:

- The impact of the proposals on the amenity of neighbouring properties;
- The impact of the proposals on the character and appearance of the conservation area;
- The acceptability of the amalgamation of the 3 flats in land use terms.

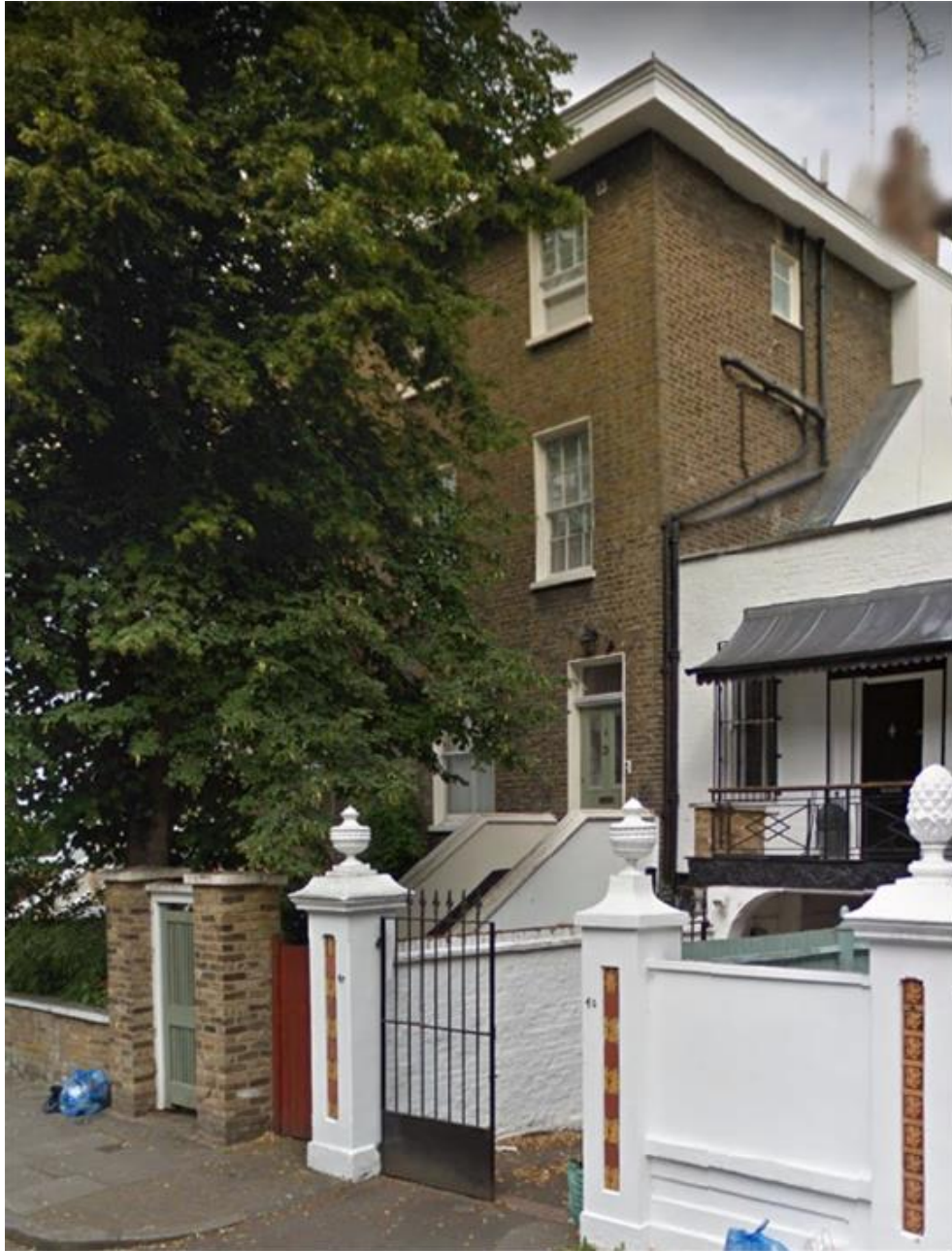
The proposals are considered to be acceptable in land use, design and amenity terms and are considered to comply with City Council policies and are therefore recommended for approval, subject to the conditions as set out on the draft decision letter.

### 3. LOCATION PLAN



#### 4. PHOTOGRAPHS

Front of 4 Hill Road



Existing rear garden area



## 5. CONSULTATIONS

### ST JOHN'S WOOD SOCIETY:

Officers should conduct a site visit and consider the amenity of neighbouring properties.

### CLEANSING MANAGER:

The drawings submitted are not in line with the council recycling and waste storage requirements. Applicant will need to confirm the bin capacities for the storage of residual waste and recyclable materials for the unit. This can be secured by condition.

### HIGHWAYS PLANNING MANAGER:

The works do not include car parking however as there is a reduction in the number of dwellings the works are in accordance with TRANS 23. The drawings do not include waste storage, however this can be secured by condition.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 17

Total No. of replies: 12

No. of objections: 4

No. in support: 8

The four objections raised some or all of the following comments:

#### Land Use

- Loss of residential units.

#### Design

- Over development of garden area.

#### Amenity

- Increased overlooking.
- Increased noise from the proposed garden area at upper ground floor level.

#### Other

- Increased surface water runoff due to loss of garden.
- Concerns in relation to noise and disturbance during the works and to the length of time they would take.
- Discrepancy in between plans and site location plan.
- Plans indicate borrowed light from neighbouring land.
- No details of how the basement will be ventilated.
- Structural concerns.
- It was understood that Tesla Power would not be acceptable in this location.
- Concerns in relation to land ownership.
- Lack of consultation.
- Comments in relation to another development on the road by the same developer causing disturbance.
- Queries in relation to the tenancy of the existing occupier of the lower ground floor flat.



Eight letters of support on the grounds:

- Previous works by the applicant have been carried out to a high standard,
- The return to a single family dwelling is welcomed,
- The works to the front boundary are an improvement,

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

This application site is a four-storey villa located on the north side of Hill Road. As originally built, the villa would have been semidetached but it is now adjoined to the development at 4a Hill Road. The property is not listed but lies within the St John's Wood Conservation Area. Currently the building is subdivided into 3 self-contained flats. The property is set back from the highway behind a low front boundary wall and front garden. To the rear there is a small courtyard garden space at lower ground floor with a 5 meter high rear garden wall.

### **6.2 Recent Relevant History**

None.

## **7. THE PROPOSAL**

Permission is sought for the demolition of the existing two-storey rear extension and the erection of a single storey full width extension at lower ground floor level, creation of a terrace above at ground floor level on the roof of the extension and minor alterations the front boundary wall. All of the works are in association with the amalgamation of the existing three self-contained flats to form one single family dwelling.

The plans have been amended during the course of the application to remove rooflights in the rear extension and a window to the side elevation on the north east boundary and to reduce the depth of the lower ground floor extension to allow a one meter lightwell between the extension and existing rear boundary wall. The alterations address officers concerns regarding the appearance of the new garden area and some of the objections in relation to ventilation and borrowed light.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

Policies H3 of the UDP and S14 of the City Plan seek to secure additional housing throughout the borough and protect existing residential floor space. The proposals result in 9.31sqm of additional floorspace (195.54sqm as existing, 204.85sqm as proposed).

Policy S14 within the City Plan states that “All residential uses, floorspace and land will be protected. Proposals that would result in a reduction in the number of residential units will not be acceptable, except where:

- The council considers that reconfiguration or redevelopment of affordable housing would better meet affordable housing need;
- A converted house is being returned to a family sized dwelling or dwellings; or
- Two flats are being joined to create a family sized dwelling.”

The proposed works would result in the loss of two residential units. However, as a previously converted house is being returned to a family sized dwelling the loss is considered acceptable and in accordance with Policy S14. In addition, the property is located within an area which is characterised by single family dwellings and therefore the proposed change of use to a single family house will support this character and provide a family house.

The works are considered in accordance with H3 of the UDP and S14 of the City Plan and are therefore acceptable on land use grounds.

## 8.2 Townscape and Design

In design terms, the most significant works are for the infilling of the rear garden at lower ground floor level with an extension, and the creation of a new garden at upper ground floor level. In terms of proposals for extensions into garden areas, it is recognised that UDP policy DES 5 (B) (1) and (2) state that permission may be refused where an extension occupies an excessive part of the garden ground or other enclosure, and as such this represents a contentious proposal. For the reasons set out below however, given the unique circumstances of this case, the works are considered acceptable as part of this application.

The rear garden area of this property has been greatly transformed over the years. Though there is no specific documentary evidence available to demonstrate the condition of the rear garden at the construction of the building, it is relatively common for properties in St John's Wood to have had rear garden grounds higher than the floor level to lower ground floor, and this is suggested by the 1930's and 1950's O/S plans which appear to show an enlarged lightwell to the rear of the building cut back into a presumed higher garden grounds. The original closet wing (as shown on historic plans) appears to have been rebuilt with significantly larger projection out into the rear garden. Then, in the later 20th century, a large section of the rear garden was developed for the existing white rendered houses now located behind no. 4 Hill Road. It is also recognised that the garden is surrounded by very high garden walls which screen much of the views into this area from surrounding buildings. Though it is recognised that infilling garden areas is a contentious proposal, given that the garden has been so transformed in this case, that views are limited, and that a new garden area is being created at upper ground floor level, there is considered sufficient justification in this case for this proposal to be supported, notwithstanding the normal policy objection to such works.

The initial plans included large rooflight to the new garden area at upper ground floor level, following officers concerns, the roof lights have been removed and a lightwell between the extension and rear boundary wall has been included to allow light and



ventilation to the lower ground floor. The revised design allows the area to be read as a garden space and is therefore acceptable.

As set out above, the rear closet wing appears to have undergone significant, or perhaps total, rebuilding since the original construction of the building. Though the full removal of the closet wing is an unorthodox proposal, the elevation revealed is to incorporate brickwork to match and appropriately detailed windows and doors, which is considered acceptable.

The works to the front boundary to remove a gate and install railings are considered acceptable in principle, as many surrounding walls have railings above the solid element below. The details of the railings are not assured however, as they incorporate one (or possibly two) subsidiary horizontal bars which does not appear appropriate, and it is not clear how they integrate with the brick wall below, however the principle of the railings is considered acceptable and more appropriate details will be secured by condition. The slight step forward of the existing recessed doorway to the right hand side of the front elevation at lower ground floor level is not considered contentious in itself.

The works are in accordance with DES1, DES5 and DES9 of the UDP and S28 of the City Plan, therefore acceptable on design grounds.

### **8.3 Residential Amenity**

#### **Sense of enclosure and Daylight/Sunlight**

The size and mass of the building is being reduced by the removal of the two storey closet wing extension at the rear of the property, the extension to the building is at lower ground floor level set below and behind an existing boundary wall. Accordingly, there will be no increased sense of enclosure or loss of daylight/sunlight for the neighbouring residential properties.

#### **Overlooking**

Currently the property has a garden at lower ground floor level and a balcony at ground floor level measuring approximately 8sqm set between the flank wall of 6 Hill Road and the closet wing of the application property. The proposals retain a small lightwell along the rear boundary and a new terrace is proposed at ground floor level which covers the remainder of the rear above the new lower ground floor infill. Due to the removal of the existing closet wing this terrace extends up to the boundaries on either side up to No's 6 and 4a.

An objection has been received from the neighbouring property at 6 Hill Road regarding overlooking from the new terrace/garden area at ground floor level towards a first floor window.

The garden has existing high boundary walls, which measure 4.1m in height up from lower ground floor level and will rise 1.9m above the level of the new terrace. The boundary shared with No 6 is set a storey above the height of the new terrace and windows are set away by an existing full length extension. The neighbouring window will overlook the new terrace and it is not considered that the occupiers would be so significantly affected as to justify a refusal on these grounds.

In relation to the neighbouring windows to the rear (4c Hill Road) and adjacent (4a Hill Road), given the height of the existing boundary walls, the distance between the terrace and the windows of neighbouring properties, and the difference in levels, it is not considered that the works would result in overlooking towards the neighbouring residential properties so as to justify refusal.

### **Noise**

An objection has also been raised on the grounds that the increased use of the garden would increase noise pollution for neighbouring properties. The existing garden at lower ground floor level and the upper ground floor balcony could be used in a similar manner to the proposed garden and therefore it is not considered that permission could not be withheld on grounds of increased noise.

The works are considered to be in accordance with ENV13 of the UDP and S29 of the City Plan, therefore acceptable on amenity grounds

## **8.4 Transportation/Cleansing**

The Highways Manager has not objected to the works as there is a reduction in the number of dwellings and there will therefore be no increase on the parking pressures of the area. Cycle parking is provided.

The Waste Manager has requested a condition requiring the applicant to submit amended plans showing adequate waste and recycling storage. A condition has been added to the draft decision notice.

## **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

## **8.6 Access**

The main access to the site will remain through the upper ground floor front door. The entrance to the existing flat at lower ground floor level will become an entrance to a bike store.

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

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

## **8.8 London Plan**

This application raises no strategic issues.

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

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

### 8.10 Planning Obligations

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

The proposals are not considered to trigger the requirement for a CIL contribution.

### 8.11 Other Issues

Neighbour objections have been raised on the grounds that, due to the significant works the quiet nature of the area will be indefinitely disturbed by noisy/loud building works and the directly adjacent properties will be subjected to vibrations through the boundary walls. One objector has stated that this will cause a tenant to vacate the property at significant cost to the owner.

The hours of works are controlled through condition and an informative encouraging the applicant to sign up to the considerate constructors scheme has been added to the permission. Previous developments carried out by the applicant have been raised to highlight the disturbance that will be caused. It should be noted that letters of support have however also been submitted acknowledging the well managed nature of previous projects have also been received. The noise and disturbance from the building works are not considered as a reason for refusal of the application.

An objection has been raised on the grounds that the loss of soft landscaping from the existing garden will result in additional run off which will harm the foundations of the adjoining properties. While this is not a planning consideration, some soft landscaping has been included in the proposed plans and the garden which is the roof of the ground floor extension will have to comply with building regulations regarding drainage. The revised proposals also now include a lightwell to the rear, which will provide an area for drainage.

During the course of the application, the council has been made aware that the tenant of the lower ground floor flat is long standing and concerns have been raised regarding their rights. The works include the amalgamation of all the existing flats to one family dwelling requiring existing tenants to vacate the property. How the tenants are re-housed is a private matter and is not a matter of consideration of a planning application.

An objection has been raised regarding a discrepancy between the site plan and the lower ground floor plan which shows the existing entrance to the lower ground floor flat as an entrance to a bike store for number 4 Hill Road. The objector states that this entrance is in fact belonging to 4a. The red line on the site location plan has been amended to include the entrance to the property at lower ground floor level to be used as a cycle store. Notwithstanding this the applicant does not have to own the land to make an application.

Objectors have stated that the works are over development of the site and garden area. The works to the garden have been covered in the design section of this report. Given a new garden space is being created the loss is acceptable. The overall increase of habitable floor space is 9sqm and not considered over development.

An objection has been raised to the addition of a Tesla Power bank which the objector believes would be unacceptable. A Tesla Power Bank has not been included in the proposed drawings or the description of development. The acceptability of a Tesla Power bank has therefore not been assessed.

An objection has been raised on the grounds of the structural integrity of the proposed works. The structural integrity of the works and the impact on neighbouring properties is a matter for building control and is not subject to assessment as part of this application for planning permission.

An objection has been raised on the ground that the plans indicate borrowed light from a neighbouring land. The whole of the site will be a single family dwelling and the light to the lower ground floor is therefore not reliant on borrowed light from neighbouring land.

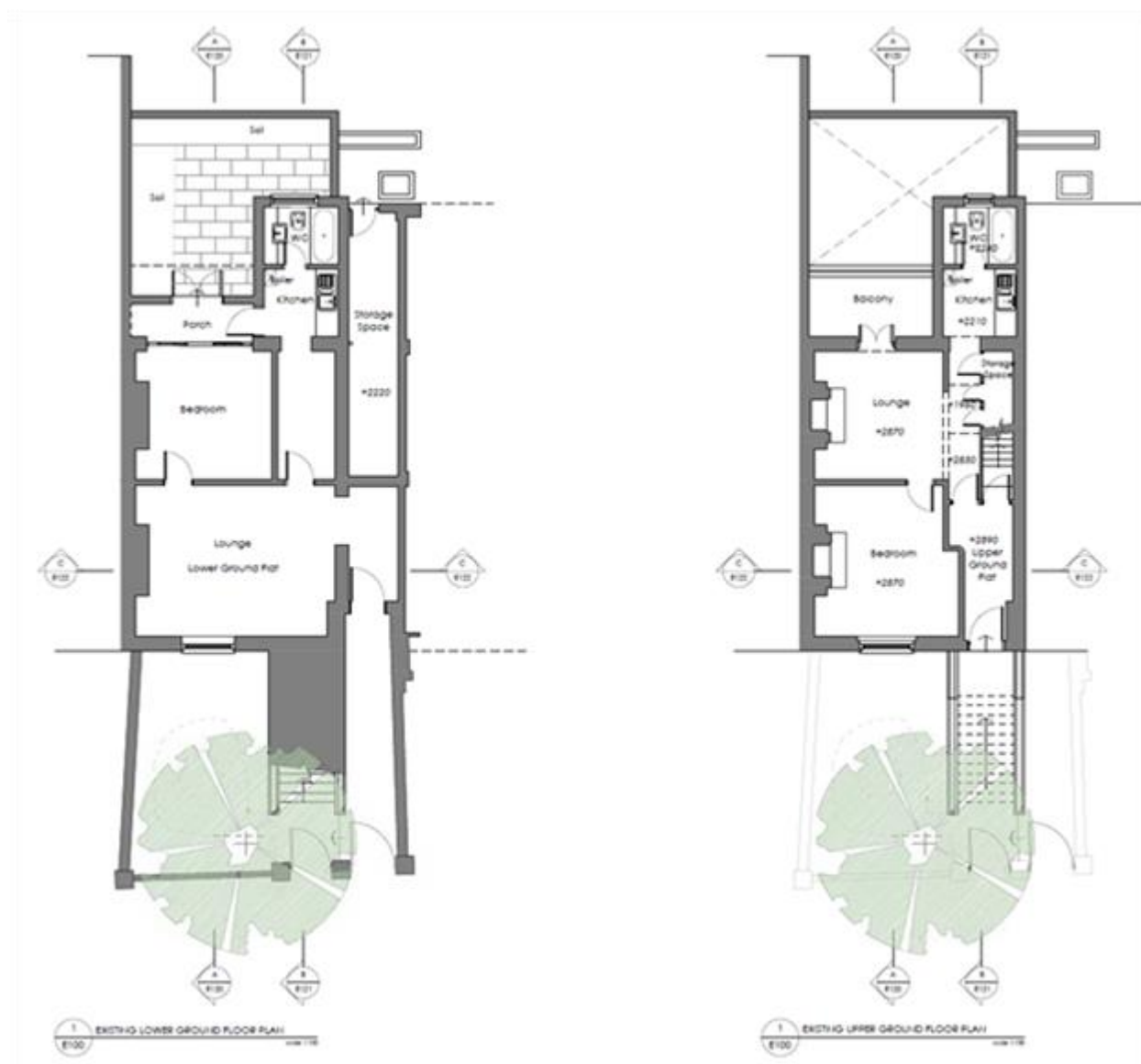
Eight letters of support for the works have been received on the grounds that family homes are desired in the area, the works to the front boundary are an improvement to Hill Road, the applicant has a good track record of well managed projects in the area, the garden space will be greatly improved from the existing at lower ground floor level and views towards neighbouring properties will be no greater than from the existing balcony.

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

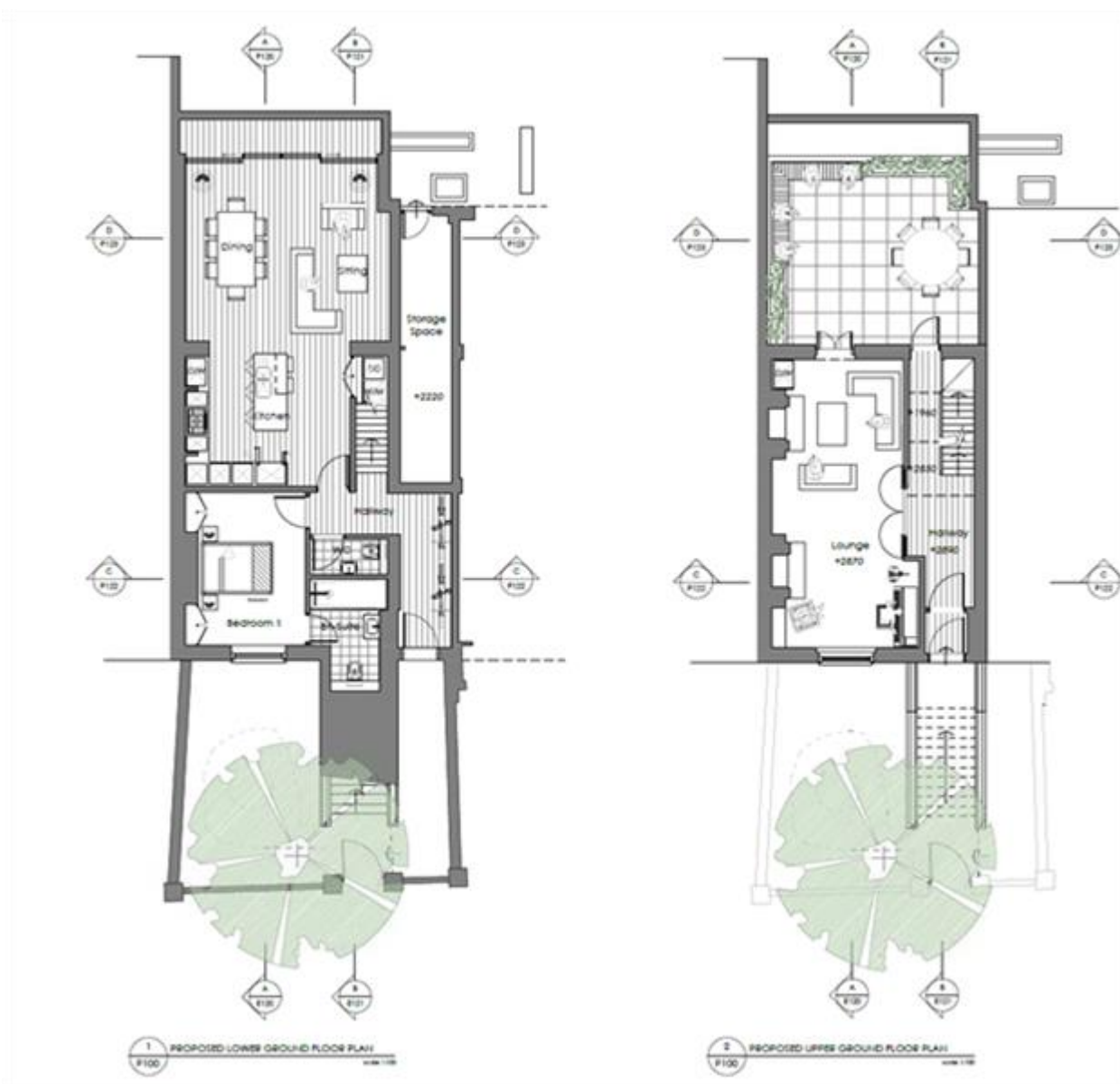
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT [rhandley@westminster.gov.uk](mailto:rhandley@westminster.gov.uk).

## 9. KEY DRAWINGS

## Existing ground and lower ground floor



## Proposed lower and ground floor plans



**Existing section**

**Proposed section**



**DRAFT DECISION LETTER**

**Address:** 4 Hill Road, London, NW8 9QG

**Proposal:** Demolition of existing rear extension, erection of a single storey rear infill extension at lower ground floor level and use of the roof as a raised garden. alterations to the front boundary. Use of the lower ground, ground, first and second as a single dwellinghouse.

**Reference:** 18/01681/FULL

**Plan Nos:** 17 / 655 / E002 Rev B, 17 / 655 / D100 Rev D, 17 / 655 D101, 17 / 655 / E001 Rev A, 17 / 655 / E100 Rev C, 17 / 655 / E101 Rev B, 17 / 655 / E102 Rev B, 17 / 655 / E110 Rev E, 17 / 655 / E111 Rev C, 17 / 655 / E120 Rev F, 17 / 655 / E121 Rev F, 17 / 655 / E122 Rev C, 17 / 655 / P002 Rev A, 17 / 655 / P101 Rev B, 17 / 655 / P102 Rev A, 17 / 655 / P110 Rev D, , 17 / 655 / P100 Rev F, 17 / 655 / P111 Rev F, 17 / 655 / P120 Ref E, 17 / 655 / P121 Rev D, 17 / 655 / P123 Rev C

**Case Officer:** Max Jones

**Direct Tel. No.** 020 7641 1861

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

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

**Reason:**

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

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

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

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

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

**Reason:**

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

adopted in January 2007. (R11AC)

- 3 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 The railings to the front boundary wall shall be formed in black painted metal and maintained as such.

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 Notwithstanding the details shown on the submitted drawings, you must apply to us for approval of a detailed elevation and a detailed section drawing showing the design of the new railings to the front boundary wall, and their relationship with the wall below. 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 drawing. (C26DB)

Reason:

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

- 6 The new doors to the rear elevation shall be formed in glazing and white painted timber and maintained as such.

Reason:

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

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

**Reason:**

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

**Reason:**

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

- 9 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.

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

**Reason:**

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice

service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	The Colonies, 25 Wilfred Street, London, SW1E 6PR		
Proposal	Use of an area of public highway on Pine Apple Court measuring 18.5m x 5m for the placing of four picnic benches, eight tables and 24 chairs in connection with the use of The Colonies public house.		
Agent	Naomi Minto		
On behalf of	TLT LLP		
Registered Number	17/08474/TCH	Date amended/ completed	14 May 2018
Date Application Received	21 September 2017		
Historic Building Grade	Unlisted		
Conservation Area	Birdcage Walk		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

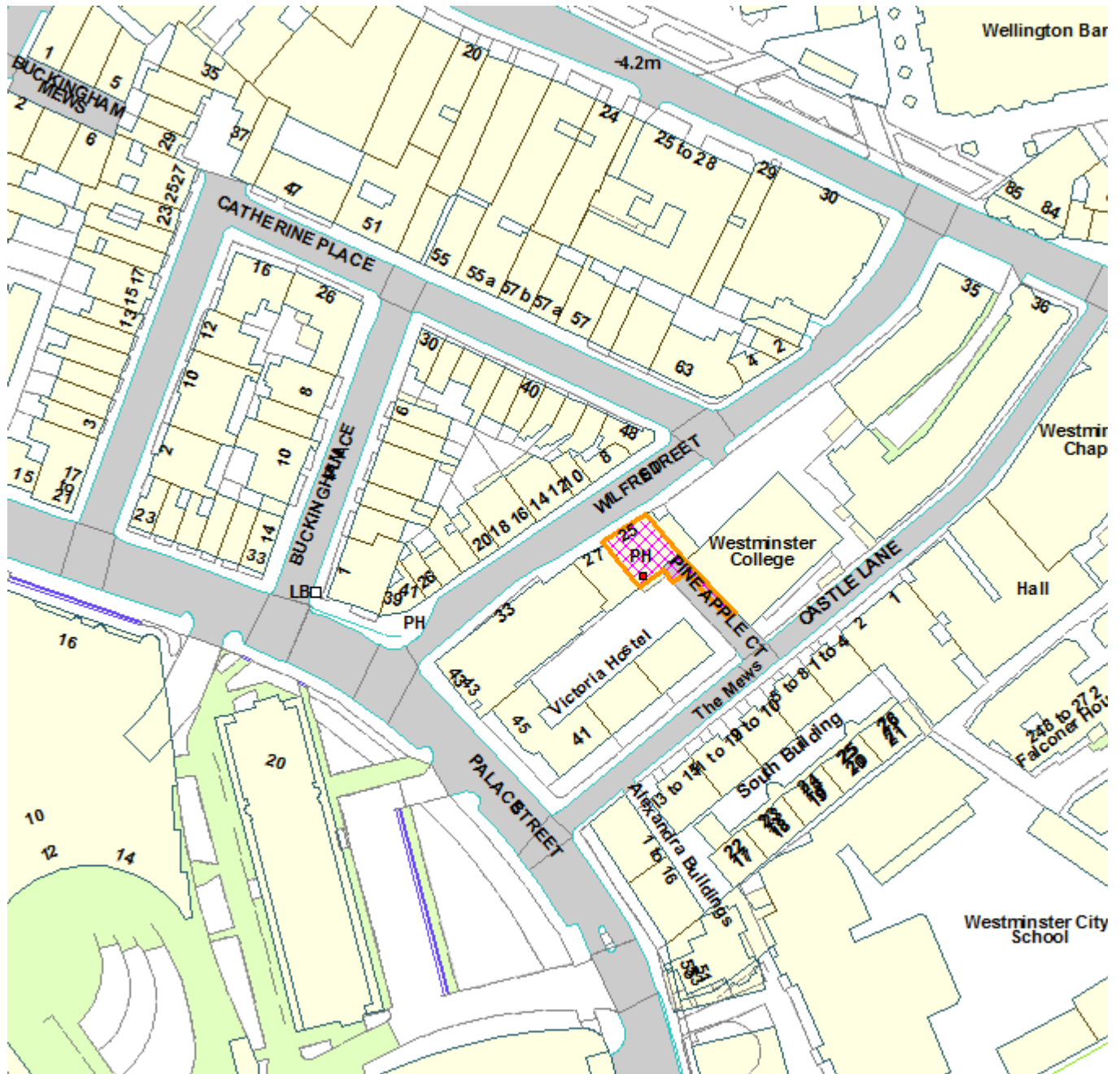
The Colonies is a public house on Wilfred Street. The rear entrance is located on Pine Apple Court, which is a cul-de-sac off Castle Lane. Planning permission is sought for the use of an area of public highway on Pine Apple Court for the placing of four benches, eight tables and 24 chairs. The site has a history of temporary planning permissions for benches, tables and chairs on Pine Apple Court dating back to 2000. Permission was most recently granted in 2016.

The key issues in this case are:

- the impact of the proposals on residential amenity; and
- the impact of the proposals on pedestrian movement and cleansing operations.

As set out in this report, the proposed development is considered to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is therefore acceptable in land use, design and amenity terms. As such, the application is recommended for approval subject to the conditions as set out in the draft decision letter.

## 3. LOCATION PLAN





**4. PHOTOGRAPHS**

**View from Castle Lane**

## 5. CONSULTATIONS

### WESTMINSTER SOCIETY:

Objection to additional seating on the grounds of potential noise disturbance to local residents.

### HIGHWAY PLANNING MANAGER:

No objection, subject to condition to ensure permission is temporary. The proposal leaves a 2m wide pedestrian clearway in between the tables and chairs.

### CLEANSING MANAGER:

The benches are left out and will obstruct street cleaning.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8

Total No. of replies: 10

No. of objections: 10 (from 6 individuals/ interested parties)

No. in support: 0

Objections received from neighbouring residents and developers on the following grounds:

#### Design

- the use of Pine Apple Court for sitting out in connection with the public house harms the peaceful character of the conservation area;

#### Amenity

- Noise and disturbance to local residents from patrons of the public house drinking and eating outside. The increased number of tables and chairs will worsen this situation.
- Impact on residents in Wilfred Street and new residential units which have recently been built at Aviary House, and planned at 2-4 Castle Lane.
- Outside activity at the pub should be stopped after 8pm.

#### Other

- The furniture blocks the fire escape from Aviary House into Pine Apple Court.
- Conditions of previous permissions have been breached, and this is likely to continue to occur.
- The management of the public house, in the same manner as other public houses in the same chain, is unsuitable for this residential location.
- Items from the public house have been illegally dumped on adjacent land.
- The pub should be accountable for clearing the street of litter and loitering at closing time.
- Access over Pine Apple Court is likely to be required during construction work to bring the affordable housing scheme forward at 2-4 Castle Lane.



PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The Colonies is a public house on Wilfred Street. The rear entrance is located on Pine Apple Court, which is a cul-de-sac off Castle Lane. The building is unlisted and located within the Birdcage Walk Conservation Area. The site is within the Core Central Activities Zone (Core CAZ).

There are a number of residential buildings in close proximity to the application site, notably adjacent buildings 27 Wilfred Street and Aviary House, 23 Wilfred Street (the former Westminster College site) which comprises 31 residential units. The former Victoria Hostel (Alexandra Buildings, Palace Street) to the south-west is currently unoccupied, but has planning permission for alterations and extensions in connection with its use as 63 affordable housing units. A new scheme has recently been submitted for 86 affordable housing units and is pending consideration. The area more widely is characterised by a mix of commercial and residential uses.

### **6.2 Recent Relevant History**

On 15 November 2016, and in 2015, 2014, 2013, 2011, 2010, 2009, 2008, 2007, 2006, 2005, 2004, 2003, 2002, 2001 and 2000, the City Council granted temporary planning permission for the use of two areas of the public highway in Pine Apple Court measuring 18.5m x 1.8m and 1.6m x 3m for the placing of five picnic benches, four tables and 16 chairs in connection with the Colonies Public House.

## **7. THE PROPOSAL**

Planning permission is sought for the use of an area of public highway on Pine Apple Court measuring 18.5 metres by 5 metres for the placing of four benches, eight tables and 24 chairs in connection with the use of The Colonies public house.

The applicant has revised the layout of the tables and chairs twice during the course of the application. The application was originally for five picnic benches, four tables and 16 chairs, matching the previously approved layouts. This would have allowed approximately 46 patrons to sit outside.

The first revision would have increased the number of seats to approximately 56 and was considered unacceptable on the basis that it did not leave a 2m clearance and blocked the fire escape to Aviary House. The final revision, and the current proposal, would increase the number of seats to approximately 48. This represents an increase in two seats over the previously approved arrangements. This revision leaves the fire escape from Aviary House free from tables and chairs and also indicates an area where the benches would be stacked on the highway overnight.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The use of the highway for tables and chairs in connection with eating and drinking establishments is considered under Policy TACE 11 of the UDP and Policy S41 of the City Plan. These policies permit tables and chairs where they are safe, where a convenient pedestrian environment is maintained and where no unreasonable harm to local residential amenity occurs.

Policy TACE 11 recognises that al fresco eating and drinking is popular and can provide opportunities for visitors, residents and workers to experience and contribute to the vibrancy and character of an area. This area is mixed in terms of uses, including large office uses as well as residential buildings, and a number of public houses. The Mayor's 'culture and the night time economy' SPG states boroughs should manage, improve and retain public houses, and that individual public houses can be at the heart of a local community's social life. It can provide a local meeting place, venue for entertainment and a focus for social gatherings. Whether alone or as part of a mix, public houses are often an integral part of an area's evening and night time culture and economy.

It is also important to note that the importance of pubs is recognised in the National Planning Policy Framework (NPPF). The NPPF states that planning policies and decisions should plan positively for the provision and use of community uses including public houses. It requires Councils to guard against the loss of such valued facilities especially where this would reduce the community's ability to meet its day to day needs. The draft NPPF is explicit in stating that planning decisions should promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other.

The external seating area proposed would support the continued vitality and vibrancy of this public house and the area more widely, and is therefore considered acceptable in land use terms.

## **8.2 Townscape and Design**

Objections have been received on the grounds that the proposal would harm the peaceful character of the conservation area.

The tables, chairs and benches are removable and of a standard design and are therefore considered acceptable in design and conservation terms.

## **8.3 Residential Amenity**

Objections have been received from neighbouring residents and developers on Wilfred Street, Castle Lane, Palace Street and Catherine Place on the grounds that the proposal would harm residential amenity in terms of noise disturbance.

The Colonies public house is long established. Tables, chairs and benches have been approved on the public highway on Pine Apple Court since 2000 and were probably present well before. The public house and outdoor seating area have therefore been in place prior to the new residential uses immediately adjacent.

27 Wilfred Street was formerly in office use. The City Council granted permission in 2006 for use as a residential dwelling. At that time approval for tables, chairs and benches on Pine Apple Court were well established and a degree of disturbance from patrons of the pub during the evening would have been anticipated in granted planning permission for the conversion to residential use. Whilst the strength of objection from this resident is acknowledged, it is not considered that the current application would represent a significant worsening of a long established situation.

With regards to the impact on the new residential units within Aviary House, the City Council considered the relationship between The Colonies Public House and this new residential development at the time of the application. It was considered that the new residential use should not jeopardise the existing public house use, and measures were taken to ensure this. The decision notice for that development included the following informative:

“Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation. E.g. windows kept closed.”

This development, as approved, is designed with features to ensure that noise from The Colonies does not harm the residents within it. The sound insulation measures included a 4.5m high acoustic screen along Pine Apple Court. The owner of Aviary House has recently submitted a non-material amendment application to make changes to the boundary wall reducing its height to 3m, whilst also objecting to potential noise disturbance emanating from the public house on the other side of this approved wall. This application is currently pending consideration.

The other residential occupiers who object to this application in Catherine Place are some distance from Pine Apple Court, and it is not considered that these residents would be unduly impacted by the proposals in terms of noise disturbance. A condition on the 2013 permission for the Alexandra Buildings requires these new residential units to be designed to protect residents within it from existing external noise.

It is important to note that drinkers standing on the public highway is not an activity that requires planning permission, and so could occur irrespective of whether there is external seating. It is considered that the seating has the effect of abating the potential intensity and numbers of drinkers compared to a situation where the area is for vertical drinkers only.

Subject to the continued imposition of conditions restricting the hours of use and that the benches are stacked and the tables and chairs are taken inside overnight, it is not considered that the continued operations of the external seating area with two additional seats would give rise to a discernible difference in terms of noise disturbance. A condition

is also recommended to ensure that permission continues to be temporary, and this will allow a future review in the usual way.

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

Pine Apple Court is publically maintained highway. It is a cul-de-sac and the main users of the highway are the patrons of The Colonies. The side entrance the Alexandra Buildings, off Pine Apple Court, is not currently in use and the entrance to the side of Aviary House is for escape in the event of fire.

Policies TACE 11 and TRANS 3 of the UDP and S41 of the City Plan, seek to ensure improved conditions for pedestrians and make walking a safer, quicker, more direct and more attractive form of travel, which is supported by the guidance in the City Council's 'Westminster Way' document.

The Highway Planning Manager considers that tables and chairs would not harm pedestrian movement because the designated external seating area includes a 2 metre clear way through it. The application has been revised to ensure that the tables and chairs will not block the fire escape exit from Aviary House.

The owner of 2-4 Castle Lane have objected on the grounds that they would likely require access over Pine Apple Court to implement the redevelopment scheme for the Alexandra Buildings. This would be a matter for the Council's Highway Licensing Team, and permission could not be refused on this basis.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

As stated above, access is considered acceptable.

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

##### **Refuse /Recycling**

Publically maintained highways, such as Pine Apple Court, are cleaned and maintained by the City Council.

The layout of the external seating has been revised, reducing the number of benches to four and proposes a location for the benches to be stacked overnight. It is not possible to store the benches inside the public house given their size. Items are not normally permitted to be left out on the highway overnight. However, given the nature of this cul-de-sac, and that it is mainly used for patrons of the public house, it is not considered that it would be unduly harmful in this instance. A condition is recommended to ensure that the tables and chairs are taken inside overnight, and that the benches are staked only in the area shown on the approved plan. This would prevent their use when the public

house is closed and would keep the majority of the area clear overnight for street cleaning. An informative is also recommended to remind the applicant that they will need to keep the area clean and tidy.

#### **8.8 London Plan**

This application raises no strategic issues.

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

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

#### **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application. The development is not liable for CIL.

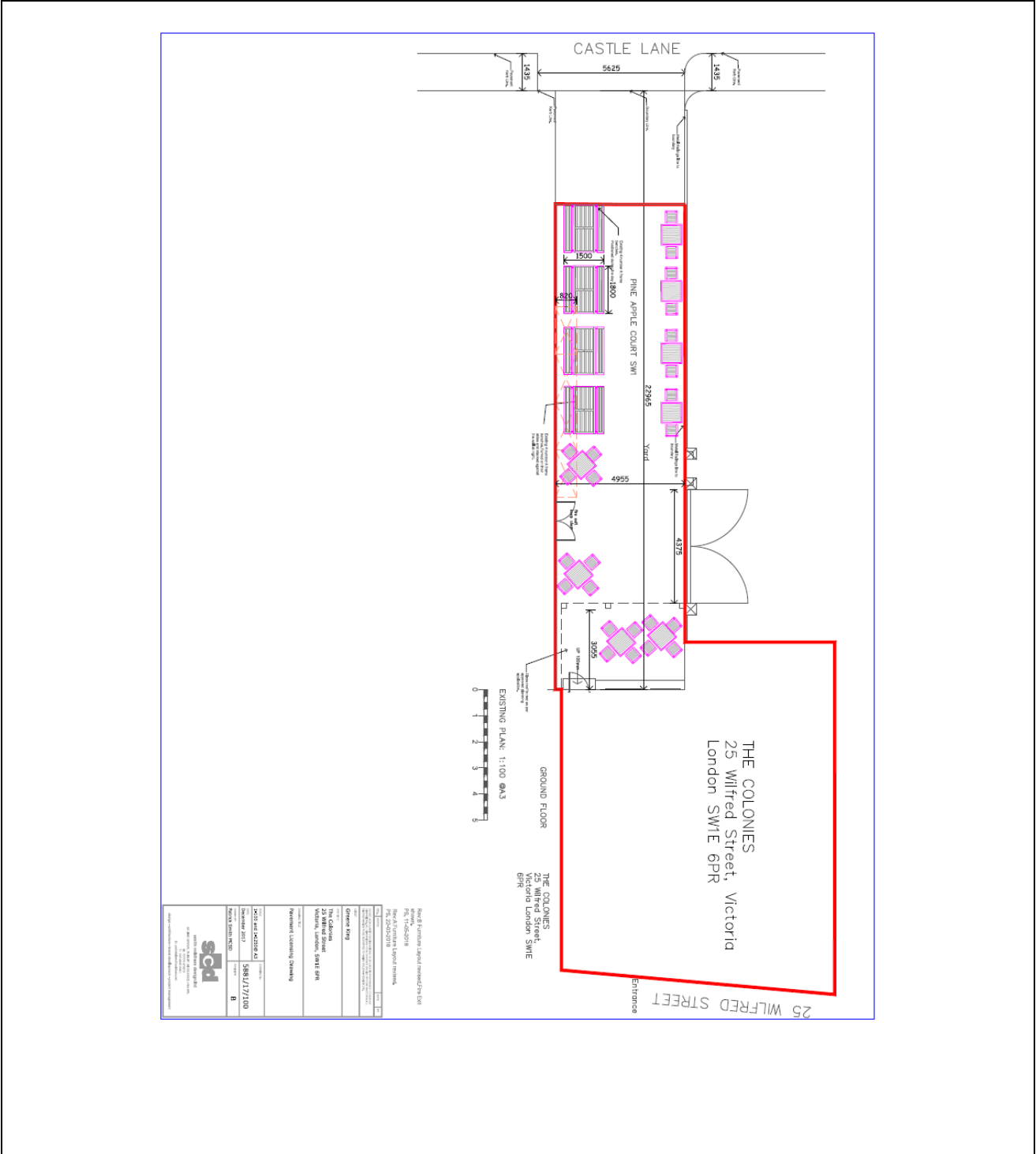
#### **8.11 Environmental Impact Assessment**

Not relevant to this application.

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

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

9. KEY DRAWINGS



**DRAFT DECISION LETTER**

**Address:** The Colonies, 25 Wilfred Street, London, SW1E 6PR

**Proposal:** Use of an area of public highway on Pine Apple Court measuring 18.5m x 5m for the placing of four picnic benches, nine tables and 32 chairs in connection with the use of The Colonies public house.

**Reference:** 17/08474/TCH

**Plan Nos:** Site Location Plan; 5881/17/100 rev B; Supporting Statement; Table, Chair and Bench Specs.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

**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 not put the benches, tables and chairs in any other positions than that shown on drawing 5881/17/100 rev B.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the benches, tables and chairs out for use on the highway between 11:00 and 23:00. Outside of these times, you must put the tables and chairs inside and you must stack the benches in the hatched area shown on drawing 5881/17/100 rev B.

Reason:

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

- 4 The tables and chairs must only be used by customers of The Colonies public house at 25 Wilfred Street. (C25CA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 5 This use of the highway may continue until 30 June 2019. You must then remove the benches, tables and chairs. (C25DA)

Reason:

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

- 6 You can only put out on the highway the tables and chairs shown on drawing 5881/17/100 rev B. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

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

**Informative(s):**

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



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

- 2 You cannot put benches, tables and chairs in the area unless you have a street trading licence.

If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter., , Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)

- 3 You must keep the benches, tables and chairs within the area shown at all times and you must keep the area clean and tidy. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Harrow Road	
Subject of Report	52 Oakington Road, London, W9 2DH		
Proposal	Erection of mansard roof extension at second floor level.		
Agent	Hugo Tugman		
On behalf of	Mr S Daniel		
Registered Number	17/08399/FULL	Date amended/ completed	19 September 2017
Date Application Received	19 September 2017		
Historic Building Grade	Unlisted		
Conservation Area	Outside		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

Permission is sought for the erection of a mansard roof extension to form a new second floor to the single family dwelling house. The building is set back from the main building line, but is not a listed building or located within a conservation area.

The key considerations are:

- The impact of the proposed extension on the character and appearance of the property and surrounding area
- The impact on the amenity of neighbouring residents

The proposed development would be consistent with relevant design and amenity policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and as such the application is recommended for approval subject to conditions set out in the draft decision letter.



## 4. PHOTOGRAPHS



Front elevations (top); View from the existing roof towards Oakington Road (bottom left);  
View from existing roof to rear gardens of 76-82 (evens) Elgin Avenue (bottom right)





**View from the existing roof towards the rear gardens of 50-54 (evens) Edbrooke Road (top left); View from the existing roof towards rear gardens of Oakington Road (top right); Views from the garden of no. 74 Elgin Avenue towards 52 Oakington Road (bottom left and bottom right)**

## 5. CONSULTATIONS

### NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 38

Total No. of replies: 2

No. of objections: 2 objections from the same address in relation to loss of light

No. in support: 0

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application relates to a 2-storey detached single dwelling house located on the southwest side of Oakington Road. The property is unlisted and not located within a conservation area. The property is of an unusual distinct design, in plan form appearing 'triangular' in shape, and different from surrounding properties as it occupies an infill site at the end of Oakington Road. Due to the property being an infill development, it is in close proximity to the rear of the properties on Edbrooke Road, Elgin Avenue and adjacent to 50 Oakington Road.

### 6.2 Recent Relevant History

#### 17/08396/FULL

Erection of two single storey side extensions at ground floor level and associated alterations.

Application Permitted 14 November 2017

#### 03/01118/FULL

Installation of timber clad gate from the pavement with internal access door.

Permitted Development 20 February 2003

#### PT/TP/18714

Redevelopment to provide 2-storey mews house with part mansard roof extension.

Granted 26 October 1989

## 7. THE PROPOSAL

Planning permission is sought for the erection of a mansard roof to the house to create a second floor. The original plans submitted for this application also included a proposed terrace area with an associated privacy screen. However, due to officer concerns with the terrace and in relation to the design impact of the privacy screen, this element of the proposal has now been omitted from the application.

The proposed mansard roof is to be set back from the front of the house, and sited adjacent to neighbouring rear gardens on 76-82 Elgin Avenue; 50-54 Edbrooke and those adjacent at Oakington Road.

The proposed mansard roof includes dormer windows to the front (northeast elevation) and also to the side (southeast elevation), facing the rear gardens of neighbouring properties on Oakington Road and obliquely to Edbrooke Road. Two of the proposed front elevation dormers are to have doors which are proposed to have glazed Juliet balconies, and the glass to be installed in the side facing dormer windows is to be obscure glazed and fixed shut. The proposed roof is to be clad with natural slate; the windows and doors to the dormers are to be weathered zinc-clad; and the Juliette balconies to the front are to be steel framed glass.

The planning history for the site reveals that the original planning permission for the house, granted on 26 October 1989 included a mansard roof (reference no PT/TP/18714) of a similar siting and scale to that proposed in the current scheme, but has not been implemented.

The applicant has submitted some section drawings to demonstrate the impact of the proposed mansard roof on adjoining gardens.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The provision of additional floor space to the existing family dwelling house is in line with the City Councils policies H3 of the UDP (January 2007) and S14 of the City Plan (November 2016).

### **8.2 Townscape and Design**

52 Oakington Road is a 2-storey detached single family dwelling house, of a distinct character and design, built after being granted planning permission in October 1989. The original planning permission included a mansard roof extension, however this element was never built. The current application proposes a mansard roof extension of a similar siting and scale to that approved by the October 1989 permission.

The property is of an unusual distinct design, in plan form appearing 'triangular' in shape, and different from surrounding properties as it occupies an infill site at the end of Oakington Road.

UDP policy DES6 states that planning permission may be refused for roof level alterations to existing buildings where they would affect either the architectural character of unity of a building or group of buildings or where they would be visually intrusive or unsightly when seen in longer public or private views from ground or upper levels.

It is considered that the proposed mansard roof in this case is acceptable in design terms as it is set back from the street, and will therefore not be visually intrusive within



the street scene, and respects the host property. It respects the style and details of the existing building and does not dominate the building. The proposed materials, dormer design and fenestration details are appropriate and are in keeping with the host property.

Given the above, the works are considered in accordance with Policies DES 1, DES5 and DES 6, in the UDP and policy and in the City Plan.

### **8.3 Residential Amenity**

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

It should be highlighted that the original application for the house at 52 Oakington Road included a mansard roof extension of a similar scale to that proposed in this current application. However, the mansard roof was never built. The surrounding properties are older than the application property, and would have been in situ at the time of the previous application in 1989.

The original plans for the application included a terrace and screen, which have been omitted from the revised scheme now under consideration, due to concerns in relation to design, privacy and overlooking.

#### **Sunlight and Daylight**

Two objections (from the same address) have been received from a neighbour located to the north of the application site, on grounds of loss of light to their garden, kitchen and lounge. The applicant has provided sections through the closest neighbouring properties on Elgin Avenue and Edbrooke Road which show the relationship of the proposed mansard roof extension and these properties.

50 Oakington Road is the nearest property to the development site, however this has no windows in the elevation which face onto the proposed extension. As the site is located to the north of this property and as there are no windows, it is not considered that they will be considerably negatively affected by the proposals.

There is an existing screen and significant planting which runs along the northern boundary where the mansard is proposed. Due to the nature of the mansard, with a pitched roof, set in from the roof edge behind a short parapet, it is not considered that it will have a significant impact in terms of loss of light to the properties to the north, particularly given the presence of this existing terrace and planting.

In relation to the properties to the south west the aforementioned screen runs down and around the northern most part of the roof, however the rest of the roof does not have the screen. While these properties may see a small loss of light, due to their orientation with the site, existing greenery and the nature of the proposed pitched roof, it is not

considered that any loss would be so significant as to justify refusal. No objection has been received from these occupiers.

### **Sense of Enclosure**

As noted above, there is existing vegetation that surrounds the property along the boundaries with adjoining gardens at 76-78 Elgin Avenue and at 52-54 Edbrooke Road and a screen around part of the roof. Similarly to above, given the existing vegetation, roof structures, nature of the roof extension with a pitched roof and the separation of the application site from neighbouring windows it is not considered that the proposals will have such a negative impact in terms of loss of light as to justify refusal.

### **Privacy**

The revised proposal no longer includes the proposed use of the roof as a terrace, and the glazing to the proposed side facing dormer extensions are to be obscure glazed. Instead of a terrace, Juliette balconies are proposed to two of the front dormers facing onto the flat roof.

The proposed mansard roof extension is to be sited away from a second floor side elevation habitable room window on the adjoining property at no. 50 Oakington Avenue. Due to the oblique angle and a distance of over 8.0 metres, it is considered that there would not be an adverse impact on this property in terms of privacy. The other two side elevations of the mansard extension, facing the gardens of Elgin Avenue and Edbrooke Road are not proposed to have any dormers or fenestration.

Subject to conditions not permitting the use of the roof as a terrace and the glazing to the side facing dormers to be obscured, the proposed mansard roof extension would not have an adverse impact on neighbouring properties in terms of privacy.

### **Amenity Conclusion**

In order to ensure that the impact of the mansard is minimised a further condition is recommended to ensure that the existing screen which runs around part of the roof is removed prior to commencement of works. Subject to the aforementioned conditions the proposal is considered acceptable in amenity terms and is in accordance with Policies ENV6 and ENV13 in the UDP and S29 and S32 in the City Plan

## **8.4 Transportation/Parking**

No change to existing arrangements.

## **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

## **8.6 Access**

No change to existing arrangements.

## **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. The proposals are of insufficient scale to trigger a Community Infrastructure Payment.

**8.11 Environmental Impact Assessment**

Not applicable to a development of this scale.

**8.12 Other Issues**

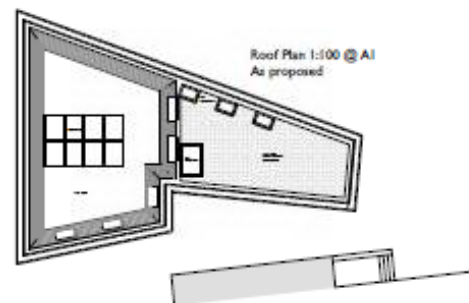
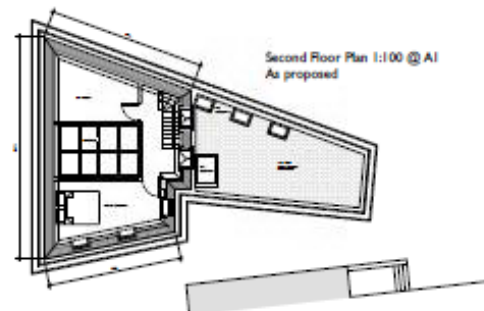
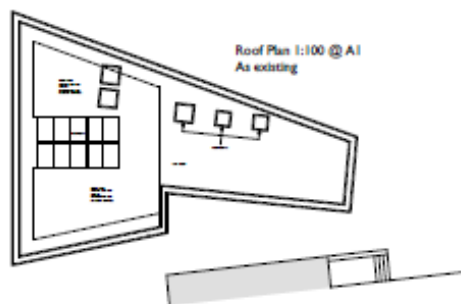
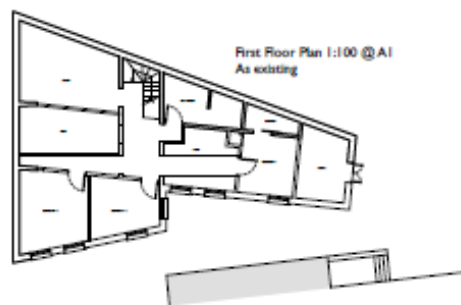
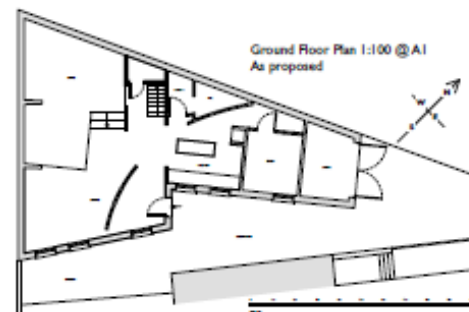
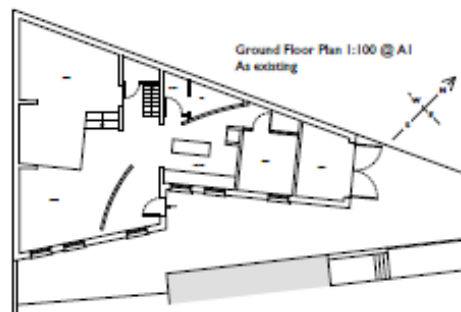
None

(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: **RUPERT HANDLEY** BY EMAIL AT [rhandley@westminster.gov.uk](mailto:rhandley@westminster.gov.uk).

## 9. KEY DRAWINGS





Existing and proposed floor plans

**DRAFT DECISION LETTER**

**Address:** 52 Oakington Road, London, W9 2DH,

**Proposal:** Erection of mansard roof extension at second floor level.

**Plan Nos:** Site Location Plan; PA0917SFE Revision A; PA0917SFP Revision A;  
PA0218SPSS Revision B; For Information: Design and Access Statement;

**Case Officer:** Avani Raven

**Direct Tel. No.** 020 7641 2857

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

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

- 4 Notwithstanding details shown on the approved drawings the new windows and doors hereby permitted shall have white painted timber frames and maintained as such.

**Reason:**

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

- 5 You must not use the roof of the building or the mansard roof extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

**Reason:**

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

- 6 The glass that you put in the dormer windows in the southeast elevation of the mansard roof must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

**Reason:**

To protect the privacy and environment of people in neighbouring properties, 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 Prior to the commencement of development, you must remove the timber screen around the roof.

**Reason:**

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

**Informative(s):**

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

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

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

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



CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	28 Westbourne Park Road, London, W2 5PH		
Proposal	Variation of Condition 7 or planning permission dated 13 December 2017 (RN: 17/09058/FULL) for the erection of garden building at end of rear garden. NAMELY, to reword the condition to allow residents of the main dwelling and family members to, on occasions, use the garden room as sleeping accommodation.		
Agent	Mr Marlon Deam		
On behalf of	Vahid and Carole Farzad and Marina Elissa Corm		
Registered Number	18/01950/FULL	Date amended/ completed	8 March 2018
Date Application Received	8 March 2018		
Historic Building Grade	Grade II		
Conservation Area	Westbourne		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

No.28 Westbourne Park Road is a Grade II listed semi-detached property within the Westbourne Conservation Area.

Permission and listed building consent were granted in December 2017 for the erection of a single storey garden building at the rear of the garden, set directly within the rear and side garden boundary walls. The structure measures 6m x 5.3m and will be 2.9m high; in the form of a garden pavilion and it will be rendered with a lead roof and lantern with 3no pairs of timber part glazed French doors on the garden elevation.

Condition 7 of this permission stated:

"The single storey outbuilding shall not be used as habitable accommodation including overnight sleeping and shall only be used for other purposes incidental to the enjoyment of the single family dwelling house at 28 Westbourne Park Road".

The applicant requests that this condition be varied to allow the family to use the outbuilding as

sleeping accommodation if needed, a use that is ancillary to the enjoyment of the main dwelling house.

Two objections from neighbours to the rear of the site in Westbourne Park Villas (one of whom objected to the original application) have been received, and these are supported by the South East Bayswater Residents Association on the grounds that if reference to 'overnight sleeping' is removed from the condition then the garden room could be sublet and rented out and used by AirBnB for example. This would therefore result in harm to neighbouring properties in terms of noise and nuisance.

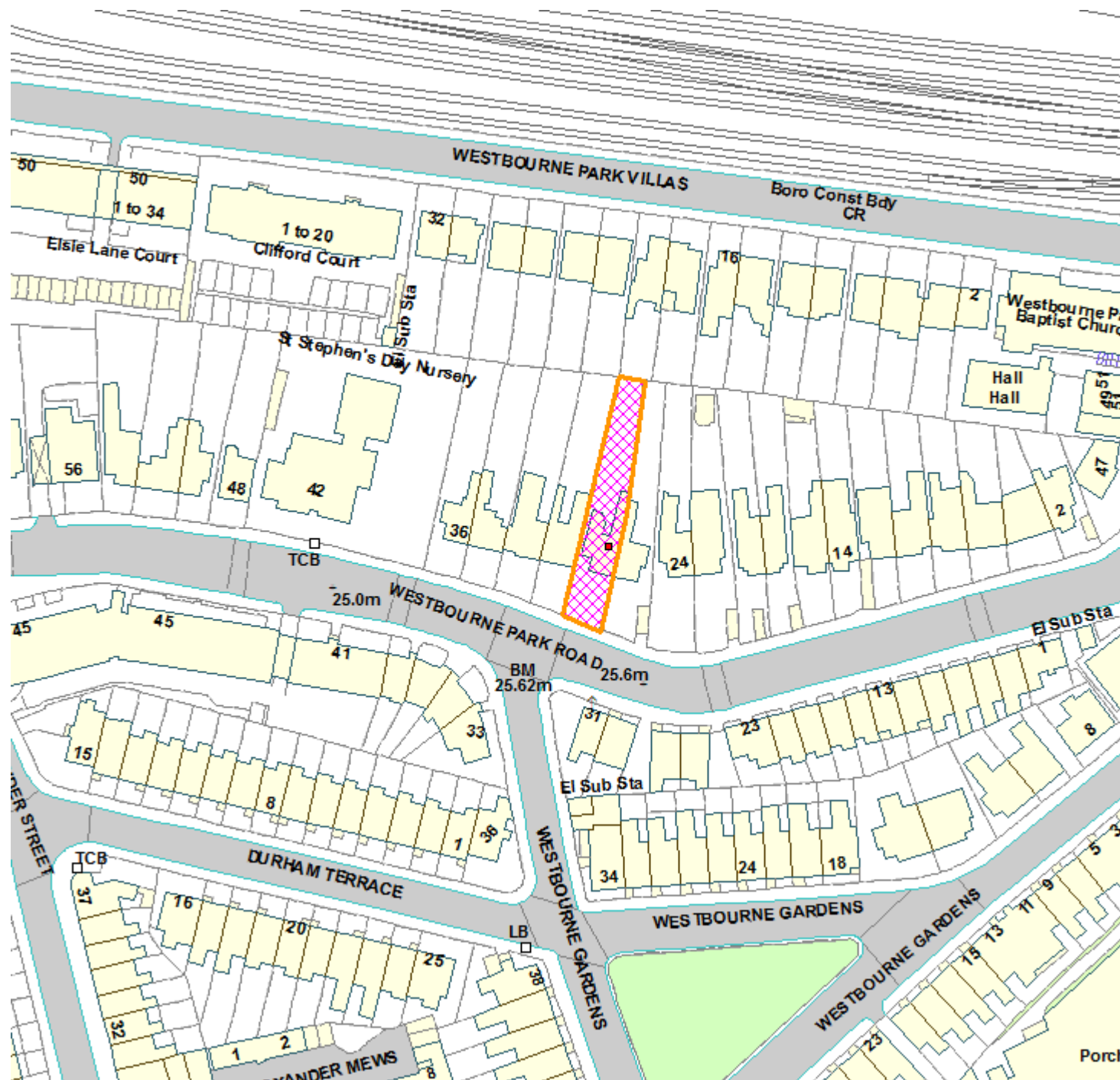
Any use of a garden room as sublet accommodation or as short term let accommodation by users such as AirBnB, or similar websites/ companies, would not be considered as ancillary to the enjoyment of the main dwelling house and would therefore not be covered by the appropriately worded condition. Should the outbuilding be used as such a change of use would have occurred requiring planning permission and would be controllable through planning enforcement action. In this instance it is therefore not considered that the objection could be sustained.

With regards to objections to additional noise and light pollution from the potential of overnight usage, the outbuilding is to be built of brick with no rear elevation windows and doors and therefore poses no harm to the residential properties to the rear in terms of escaping noise or light. Whilst the front (garden) elevation comprises windows and doors it is not considered that should the outbuilding be used by family members and friends of the occupiers of the main dwelling as sleeping accommodation, that this would result in significant noise levels, over and above what the outbuilding could be used for as currently approved. Whilst there is a small approved roof light within the centre of the roof, whilst this could in theory be lit overnight, given the substantial garden depths of the properties in Westbourne Park Road and Westbourne Park Villas, this minor illumination would cause no harm to the amenity of the occupiers of these properties indeed it would be no worse than a rooflight in a rear extension.

It is therefore considered that the rewording of the condition which would allow overnight sleeping for visiting members of the family and friends is acceptable and the objections received could not be sustained. The wording of Condition 7 is now to read:

"The single storey outbuilding hereby approved shall not be occupied at any time other than for purposes ancillary to the enjoyment of the main dwelling at 28 Westbourne Park Road".

## 3. LOCATION PLAN



#### 4. PHOTOGRAPHS



Photo to show where rear garden extension is to be located

## 5. CONSULTATIONS

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Support objection from neighbours, on the grounds that if the wording of the condition is changed to allow overnight sleeping then this could result in usage by AirBnB customers and may result in additional noise and light pollution.

### BAYSWATER RESIDENTS ASSOCIATION:

No response to date.

### ADJOINING OWNERS/OCCUPIERS:

Total No. Consulted: 9; Total No. Responses: 2.

Two objections received on the grounds of additional noise and harm to amenity as a result of overnight sleeping, and that the outbuilding could be let on a short terms basis by AirBnB for example and this is uncontrollable.

### SITE AND PRESS:

Yes.

## 6. RELEVANT PLANNING HISTORY

### 17/09058/FULL

Erection of garden building at end of rear garden.

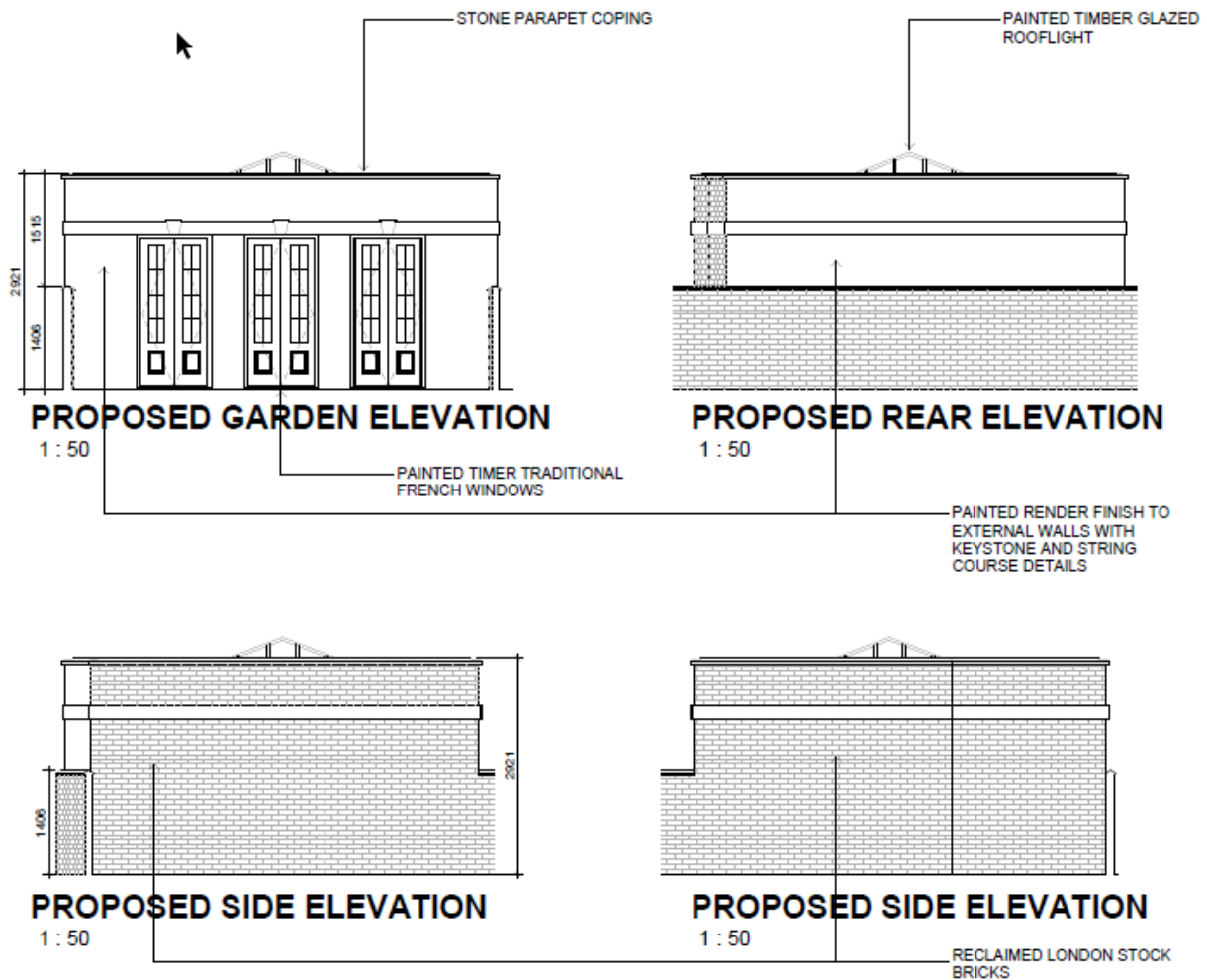
Application Permitted 13 December 2017

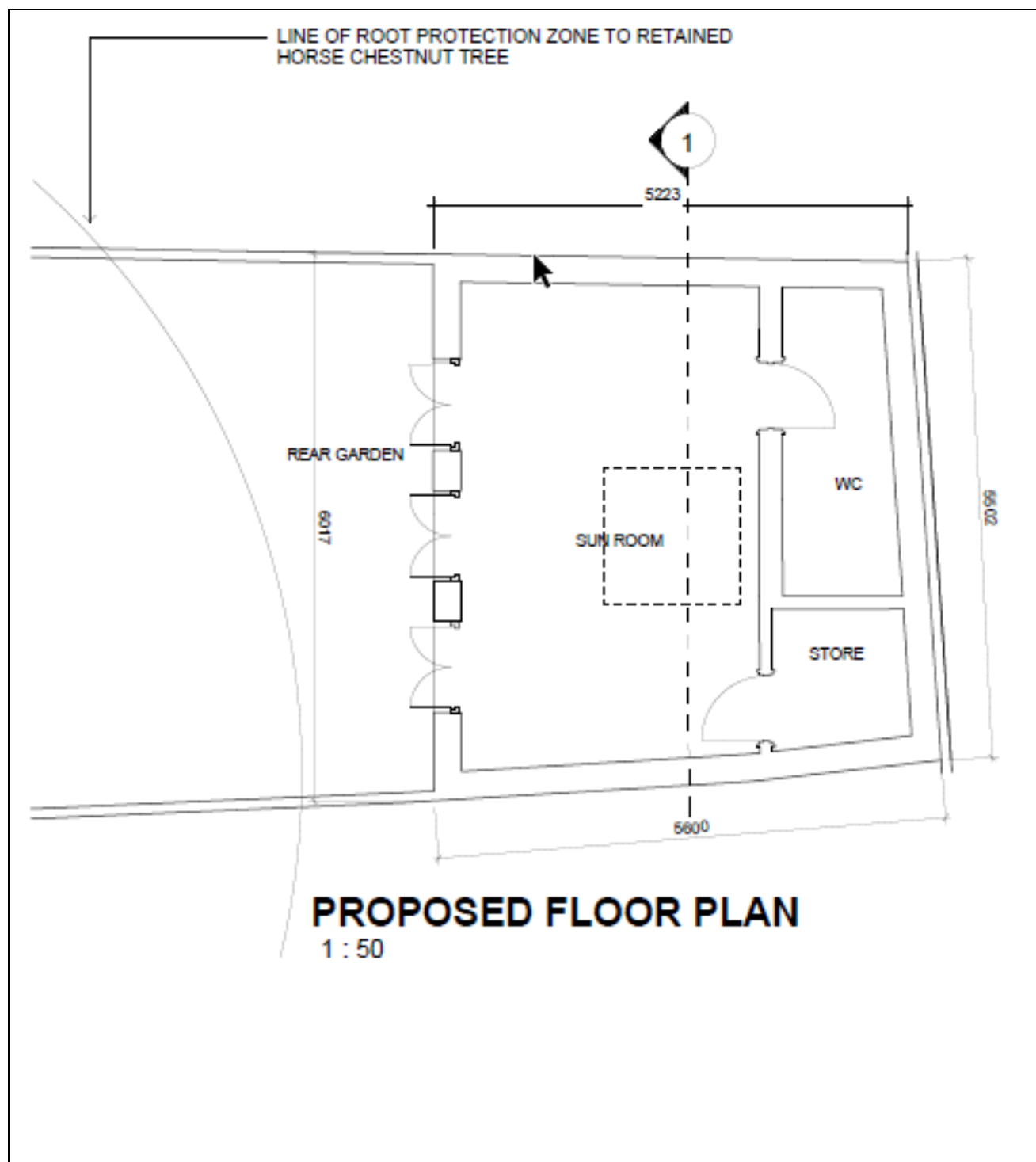
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

## 7. KEY DRAWINGS

Drawings of approved rear extension.







**DRAFT DECISION LETTER**

**Address:** 28 Westbourne Park Road, London, W2 5PH,

**Proposal:** Variation of Condition 7 or planning permission dated 13 December 2017 (RN: 17/09058/FULL) for the erection of garden building at end of rear garden. NAMELY, to reword the condition to allow residents of the main dwelling and family members to, on occasions, use the garden room as sleeping accommodation.

**Plan Nos:** **Drawings and Documents Approved Under RN: 17/09058/FULL:** A107 02; Design and Access Statement dated 2 October 2017; Tree Survey, Arboricultural Impact Assessment and Method Statement.

**As Amended by the Documents Hereby Approved:** Covering Letter dated 8 March 2018, Site location plan.

**Case Officer:** Kimberley Davies

**Direct Tel. No.** 020 7641 5939

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

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the



development contributes to the character and appearance of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

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

- 5 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect 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)

- 6 You must plant one replacement trees in the first planting season after you complete the development. You must apply to us for our approval of the position, size and species of the replacement trees. 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 similar size and species to the one originally planted. (C31KA)

Reason:

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

- 7 The single storey outbuilding hereby approved shall not be occupied at any time other than for purposes ancillary to the enjoyment of the main dwelling at 28 Westbourne Park Road.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary

Development Plan that we adopted in January 2007.

- 8 This permission must be commenced no later than 13 December 2020.

Reason:

This permission authorises amendments to the original planning permission granted on 13 December 2017 (RN 17/09058/FULL) which must be commenced no later than the above date.

**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 approval is based on the retention of the Horse Chestnut to the rear garden.
- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 4 To meet condition 5 the minimum protection we normally expect is plywood boarding at least 1.2 metres high. The boarding should go around the tree at a distance from the trunk which will keep machinery away from the branches. If this is not possible there should be at least two metres between the trunk of the tree and the boarding. (I33AA)

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 8

Item No.

**8**

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	72 Hamilton Terrace, London, NW8 9UL,		
Proposal	Demolition of two-storey coach house (no.72) and building behind retained front facade 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.		
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		
Conservation Area	St John's Wood		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

This proposal for planning permission was previously reported to the Planning Applications Committee on 17<sup>th</sup> April 2018. At that meeting the application was deferred to allow the applicant to resolve outstanding issues relating to the potential impact on the three trees within the neighbouring gardens and to remove the rear turning circle to provide additional amenity space.

The applicant has now resolved the outstanding tree issues and our Tree Officer raises no objections subject to suitable conditions. The key issues raised by the Arboricultural Manager was that it had not been demonstrated that the proposals would not have a detrimental impact on the neighbouring trees. The applicant has provided trial pit excavation details and the Arboricultural Manager considers there to be a low likelihood of tree roots from the adjoining occupiers having penetrated below the foundations of the boundary wall.

The turning circle to the rear has also been removed and therefore the vehicular access under the main building is no longer required and this space is now proposed as cycle parking, an additional car parking space has been provided in the basement where the cycle parking was previously

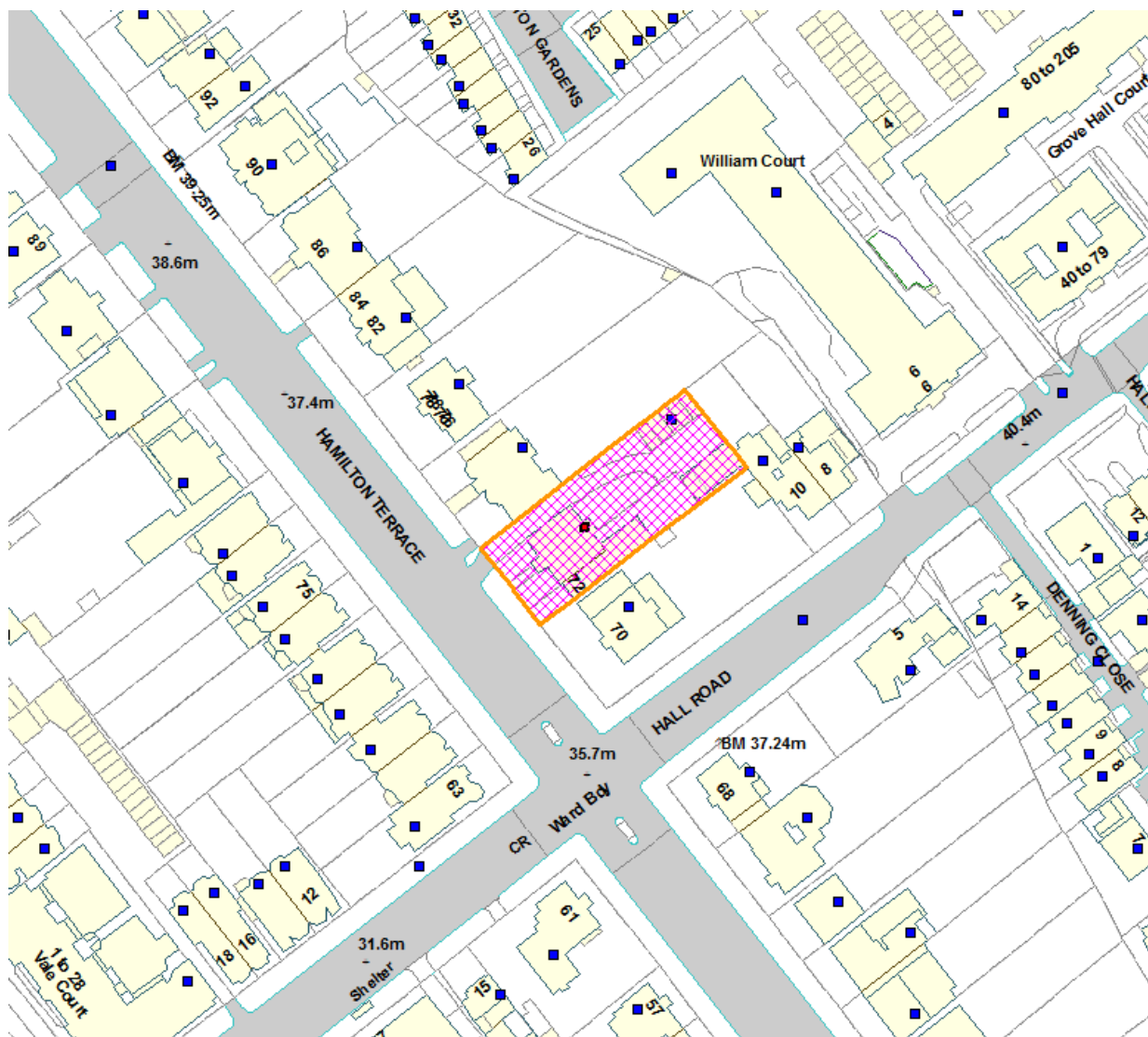
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proposed. The changes are supported by the Highways Planning Officer. The application is being reported back to the committee for its consideration and determination.

A new draft decision notice is recommended which includes three additional conditions relating to tree protection and hard and soft landscaping. Two of the proposed conditions require, prior to commencement, the approval of a method statement explaining how the trees on the site will be protected during works and of a system of arboricultural site supervision. A further condition requires the approval of a hard and soft landscaping scheme.

Condition 20 which requires the submission of a strategy for the car lift and turning circle has been amended to reflect the removal of the turning circle.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS







## 5. CONSULTATIONS

### ORIGINAL REPRESENTATIONS AS DETAILED IN REPORT TO COMMITTEE OF 17<sup>TH</sup> APRIL 2018 (GREENS)

The full consultation responses received prior to the report being published for committee meeting 17<sup>th</sup> April 2018 are within the previous committee report (see background papers).

### ADDITIONAL REPRESENTATIONS RECEIVED AFTER REPORT OF 17<sup>TH</sup> APRIL WAS PUBLISHED AND CIRCULATED TO MEMBERS PRIOR TO COMMITTEE (BLUES)

Prior to the application being reported to committee, the basement plan was amended to remove the piles and pile caps from the footprint of the basement and the applicant provided a letter from David Brown Landscape Design with regards to the trial pit excavations. The email correspondence between the City Council and Savills (on behalf of the applicant) and letter from David Brown is within the Blue representations pack.

### LATE REPRESENTATIONS RECEIVED AFTER REPORT FOR 17<sup>TH</sup> APRIL 2018 MEETING WAS PUBLISHED AND CIRCULATED TO MEMBERS AT THE COMMITTEE MEETING (REDS)

Correspondence between the Arboricultural Manager and Savills (on behalf of the agent).

The applicant provided additional letters from David Brown Landscape Design outlining the points raised by the Arboricultural Manager with regards to the impact of the development on root systems of trees in the neighbouring property.

The Arboricultural Manager concluded that further trial pit details were required to confirm that the proposals would not result in harm to the trees.

### REPRESENTATIONS RECEIVED FOLLOWING PLANNING COMMITTEE ON 17<sup>TH</sup> APRIL 2018

Following planning committee dated 17<sup>th</sup> April 2018 the Arboricultural Manager reviewed a revised ground floor plan, basement plan and trial pits. The Arboricultural Manager commented on these revisions and requested clarification as to why further excavations were not carried out at the boundary with 74/76 Hamilton Terrace to demonstrate the boundary wall footing depth and to clarify the structures shown on the revised plan.

In response to the comments of the Arboricultural Manager, the applicant resubmitted a letter from a structural engineer, trial pit information and advised that the structure indicated landscaping, further details of which are to be secured via a condition.

The Arboricultural Manager considers of the additional information that now that the result of the rear boundary wall foundation has been provided, it is accepted that it is more likely than not that the foundation depth of the boundary wall with No. 76 is similar to or the same as the other walls and there is a low likelihood of tree roots having penetrated below the foundations into No. 74.

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The Arboricultural Manager suggest three conditions relating to the provision of tree protection details and hard and soft landscaping details. It is also recommended that the tree protection report and letters are not approved documents as some of the matters in them will need to be reserved by tree protection condition.

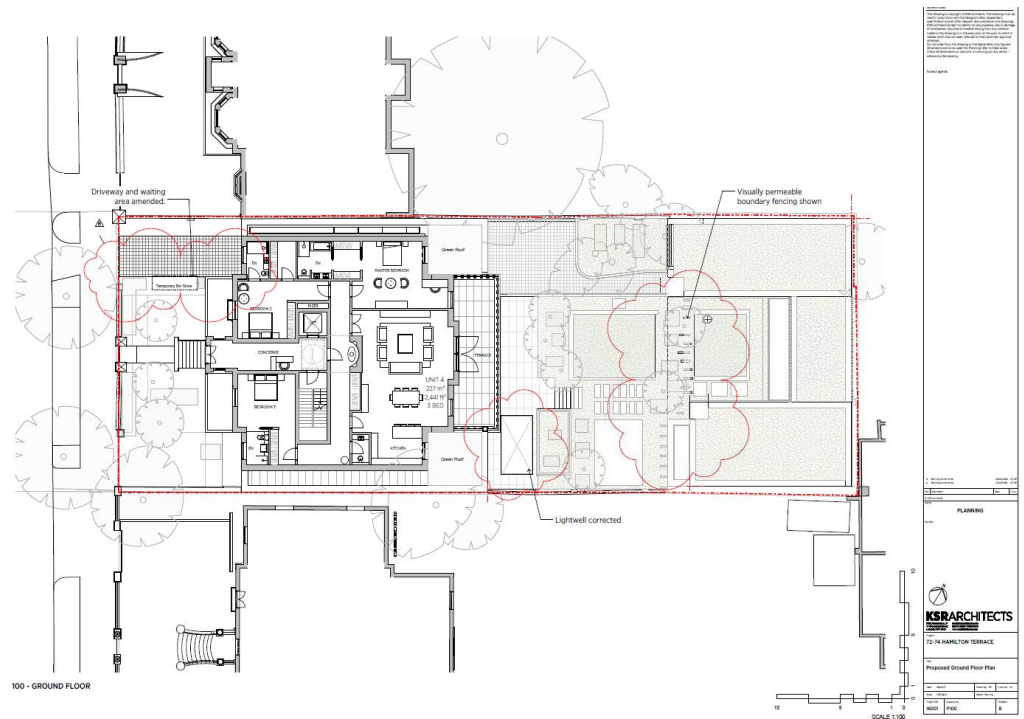
The Highways Planning Manager considers that the relocation of the cycle parking is a positive change as the same number of parking spaces are maintained and the cycle parking is more accessible, which more amenity space provided.

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

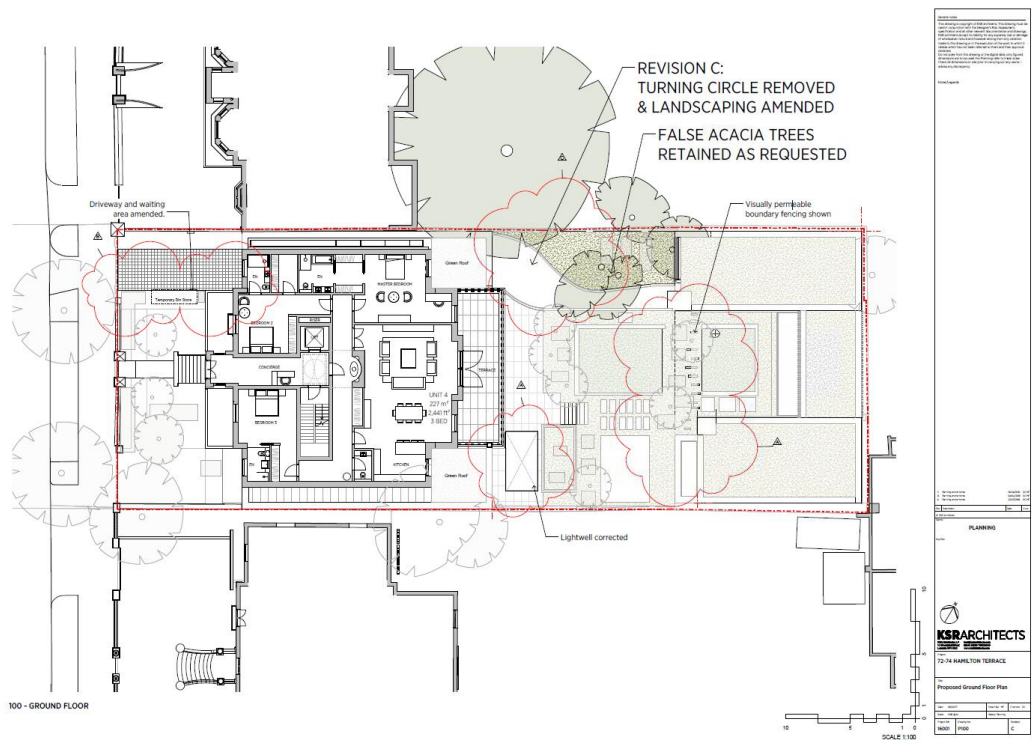
<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT <a href="mailto:rhandley@westminster.gov.uk">rhandley@westminster.gov.uk</a>.</p>
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6. KEY DRAWINGS

PREVIOUSLY PROPOSED GROUND FLOOR PLAN

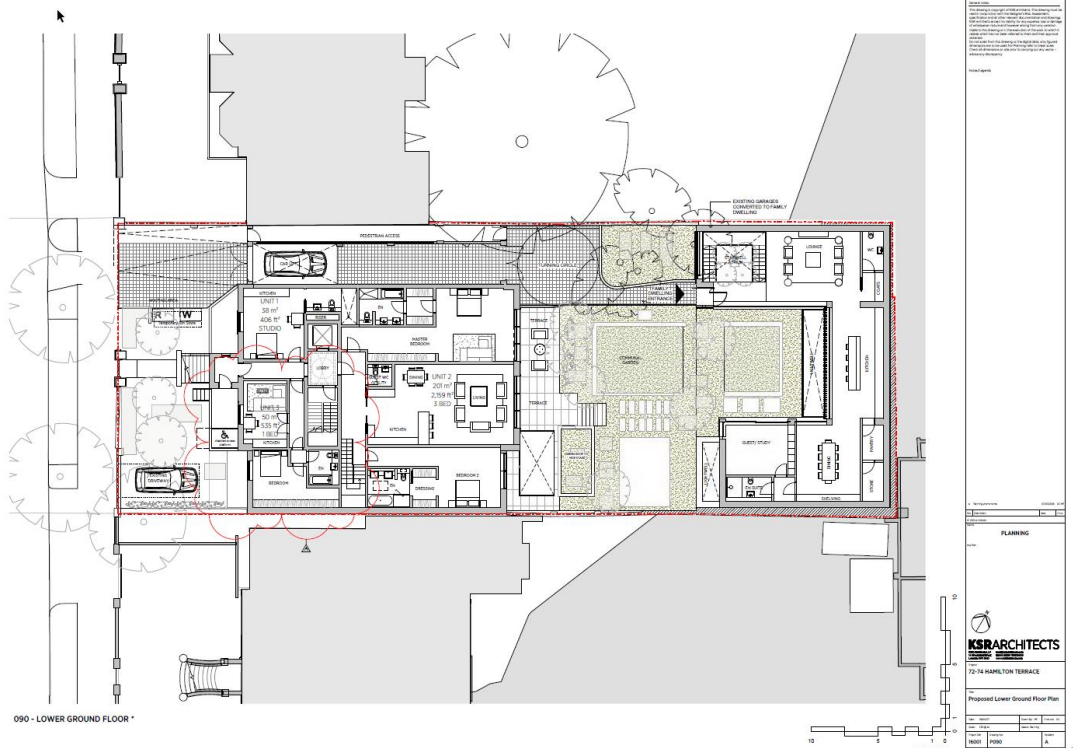


REVISED PROPOSED GROUND FLOOR PLAN

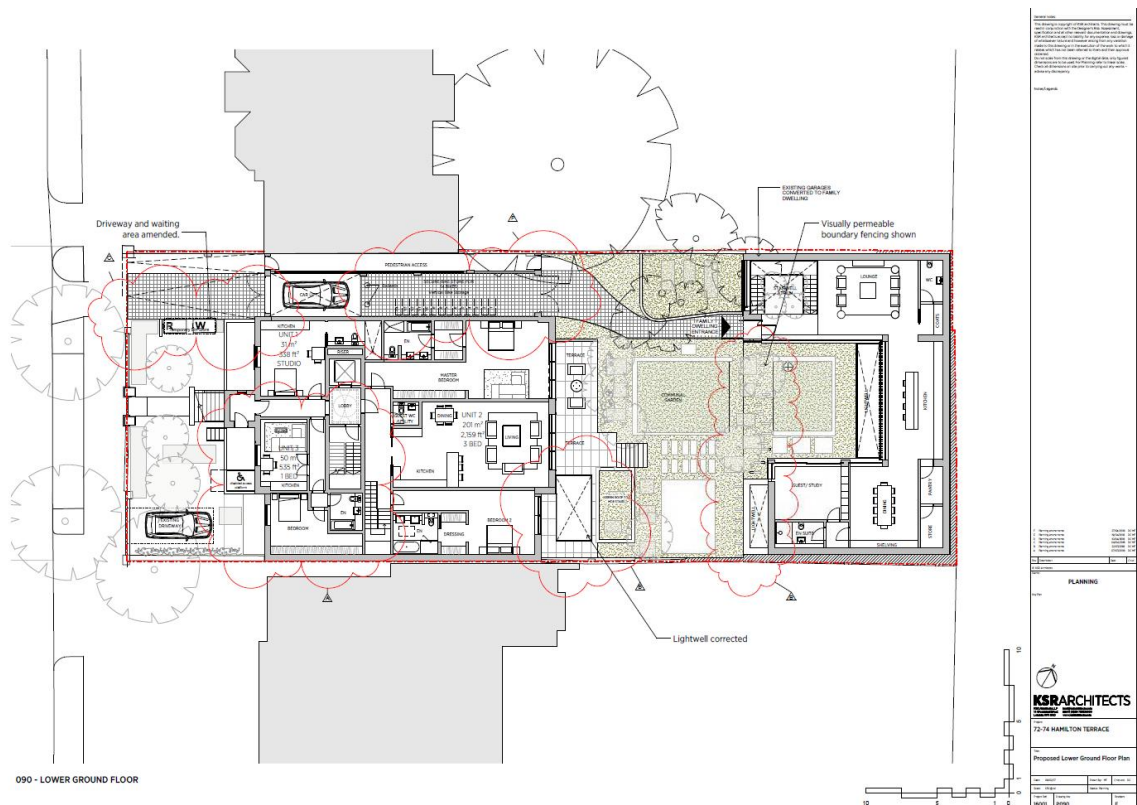




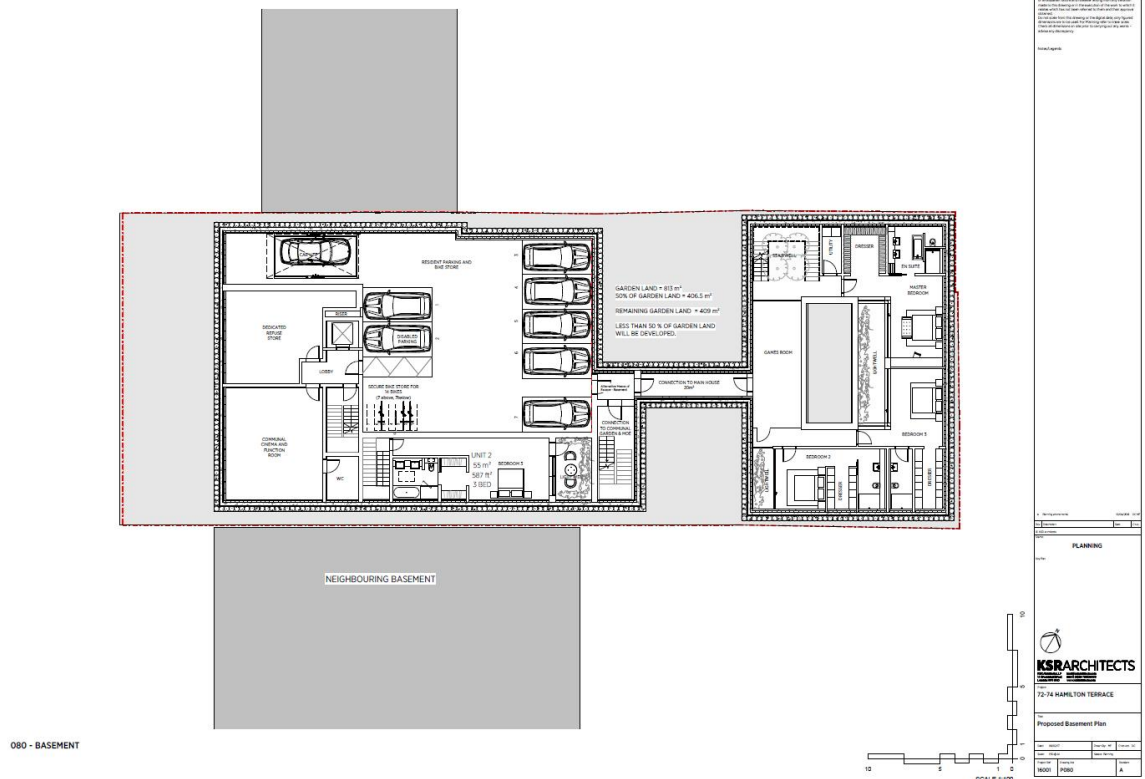
## PREVIOUSLY PROPOSED LOWER GROUND FLOOR PLAN



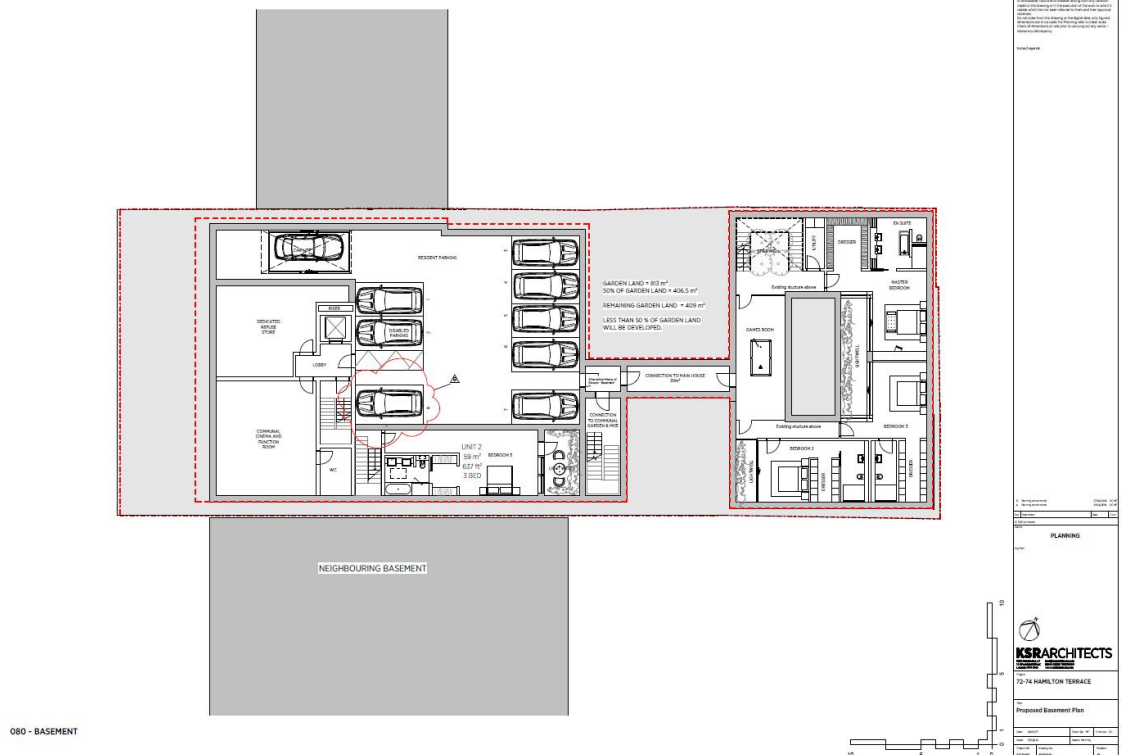
## REVISED PROPOSED LOWER GROUND FLOOR PLAN (turntable removed)



## PREVIOUSLY PROPOSED BASEMENT PLAN



## REVISED PROPOSED BASEMENT PLAN



**DRAFT DECISION LETTER**

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

**Proposal:** Demolition of two-storey coach house (no.72) and building behind retained front facade 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.

**Plan Nos:** Demolition  
X330; X331; X332; X333; X334; X335.

Existing  
X090; X100; X110; X120; X130; X211; X212; X313; X314.

Proposed  
P001; P010; P080 revB; P090 rev F; P100 rev C; 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; Transport Statement; Heritage Statement; Planning Statement; Acoustic Report.

For information only: Arboricultural Impact Assessment Report; Landscape Proposals.

**Case Officer:** Victoria Coelho

**Direct Tel. No.** 020 7641 6204

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

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

Reason:

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

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

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

- o between 08.00 and 18.00 Monday to Friday; and

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

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

Reason:

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

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

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)

- 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.

**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 for sitting out or any other purpose, unless otherwise indicated on the approved plans, except to escape in case of an emergency.

Reason:

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

- 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. 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. 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)

- 25 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect 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)

- 26 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 planting season of completing

the development (or within any other time limit we agree to in writing).

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

Reason:

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

- 27 You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:
- o identification of individual responsibilities and key personnel.
  - o induction and personnel awareness of arboricultural matters.
  - o supervision schedule, indicating frequency and methods of site visiting and record keeping
  - o procedures for dealing with variations and incidents.

You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

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)

#### **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](mailto: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 as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

- 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](http://www.westminster.gov.uk/cil)

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

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

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

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

- 9 In respect of condition 20, the strategy should give further details of how the car lift 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.
- 10 Condition 25 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
- \* the order of work on the site, including demolition, site clearance and building work;
  - \* who will be responsible for protecting the trees on the site;
  - \* plans for inspecting and supervising the tree protection, and how you will report and solve problems;
  - \* how you will deal with accidents and emergencies involving trees;
  - \* planned tree surgery;
  - \* how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;

- \* how you will remove existing surfacing, and how any soil stripping will be carried out;
- \* how any temporary surfaces will be laid and removed;
- \* the surfacing of any temporary access for construction traffic;
- \* the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
- \* site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
- \* how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
- \* the place for any bonfires (if necessary);
- \* any planned raising or lowering of existing ground levels; and
- \* how any roots cut during the work will be treated.

- 11 This site and adjacent properties are 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 2922.
  
- 12 Some of the trees adjacent to the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922.
  
- 13 You must ensure that the details you submit to satisfy the construction management and tree protection conditions are prepared in conjunction with each other, as adequate protection of trees on/ adjacent to the site will rely heavily on an appropriate means of construction.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	34 Finchley Road, London, NW8 6ES,		
Proposal	Excavation of basement level under building and rear garden with front and rear lightwells to create one self-contained flat (Class C3) and demolition and replacement of rear garden boundary wall with Lyndhurst Court.		
Agent	Obsidian London Limited		
On behalf of	Mr Sadiq Ayoub Bey		
Registered Number	15/03036/FULL	Date amended/ completed	13 November 2015
Date Application Received	8 April 2015		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site comprises a 4 storey end of terrace building on the north east side of Finchley Road that is in use as 3 flats, with a dentist surgery at ground floor level. The building is not listed but is located within the St. John's Wood Conservation Area.

The application proposes the excavation of a basement floor level under the existing building and rear garden with front and rear lightwells for use as a new self-contained flat (Class C3) and demolition and replacement of the rear garden boundary wall with Lyndhurst Court.

The key issues in this case are:

- The impact on the appearance of the building and the character and appearance of the St. John's Wood Conservation Area.
- The extent of compliance of the proposed basement with the Basement Development policy in the City Plan (CM28.1).

- The impact on the adjacent London Underground tunnel.
- The impact on neighbouring trees on or close to the application site.
- The impact on the amenity of neighbouring residents.
- The acceptability of the standard of accommodation provided by the proposed flat.

Subject to the recommended conditions, it is considered that the impacts of the proposed development can be adequately controlled, such that it would be acceptable in design, amenity, environment and transportation terms and compliant with the relevant policies in the Unitary Development Plan (UDP) adopted in January 2007 and the City Plan adopted in November 2016. Whilst the extent of the basement would not be fully compliant with the Basement Development policy (CM28.1), given it was submitted prior to the adoption of this policy and having regard to the existing circumstances of the site, not considered that permission could reasonably be withheld on this ground.



#### 4. PHOTOGRAPHS



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

## 5. CONSULTATIONS

### 5.1.1 Responses to Consultation on Initially Submitted Scheme (July 2015)

#### ST JOHN'S WOOD SOCIETY

Objection. Proposals represent overdevelopment of the site and are not sustainable. No soil depth has been provided under the 'disused' rear garden. The full concrete front lightwell is inappropriate. A storage pit below the basement is not acceptable.

#### ARBORICULTURAL MANAGER

Objection. Tree report and tree protection plan are the same as submitted for previously refused application and need to be updated.

#### BUILDING CONTROL

Objection. The structural statement is a feasibility study only and does not detail the method by which the basement will be excavated and the existing structures supported during the process.

#### CLEANSING MANAGER

Any response to be reported verbally.

#### ENVIRONMENTAL HEALTH

No objection. Advice provided on natural and mechanical ventilation. Condition and informative recommended.

#### HIGHWAYS PLANNING MANAGER

No cycle parking or waste storage is proposed to be provided for the new flat. Recommend that these are secured by condition. Whilst no car parking is proposed, on-street parking occupancy in the vicinity is below the level of serious deficiency and therefore one additional car generated by the development can be absorbed on street. Conditions and informatives recommended.

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

No. Consulted: 72.

Total No. of Replies: 1.

No. of Objections: 1.

No. in Support: 0.

- Scale of the proposal appears disproportionate to the size of the existing building.
- Rear portion of habitable space would appear to lack sufficient natural daylight.
- Drawings suggest that the foundations would extend below neighbouring mews property to the rear and applicant has no consent to build in this location.
- No detail of neighbouring mews property including levels have been provided and do not believe that the structural calculations and methodology are accurate.

#### ADVERTISEMENT/ SITE NOTICE

Yes.

### 5.1.2 Responses to Re-consultation on 1<sup>st</sup> Revised Scheme (November/ December 2015)

## ST JOHN'S WOOD SOCIETY

Any response to be reported verbally.

## ARBORICUTURAL MANAGER

Objection. Applicant needs to demonstrate that the London Underground tunnel is acting as a root barrier for the two trees of heaven to the front of the site, as is asserted.

Adequate tree protection measures may be possible to the front of the site, but it depends upon the degree to which the underground tunnel forms a root barrier.

Notwithstanding this a properly considered construction management/ site set up plan should be provided. The TPO birch tree in the grounds of Lyndhurst Court is a sufficient distance from the proposed basement so as not to be adversely affected. Note that 1.2m of soil depth is now proposed to the rear but concerned that the lightwell proposed is still large and there is some basement areas with no soil depth over them.

## BUILDING CONTROL

Although the structural method statement does describe the way in which the basement may be excavated, there is little detailing of the sequencing of the underpinning or when and where temporary supports will be provided. Phasing details and sections should be provided.

## HIGHWAYS PLANNING MANAGER

No cycle parking or waste storage is proposed to be provided for the proposed flat.

Recommend that these are secured by condition. Whilst no car parking is proposed, on-street parking occupancy in the vicinity is below the level of serious deficiency and therefore one additional car generated by the development can be absorbed on street. Conditions and informatives recommended.

## LONDON UNDERGROUND LIMITED

No objection in principle, but note constraints on site as a result of the proximity of the underground tunnels and infrastructure. Condition recommended to reserve full details of the foundations, basement and ground floor structures and other below ground structures, including piling.

## ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 72.

Total No. of Replies: 4.

No. of Objections: 4.

No. in Support: 0.

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

## Design

- Scale of the proposal appears disproportionate to the size of the existing building.

## Amenity

- Rear portion of habitable space would appear to lack sufficient natural daylight.

## Highways/ Parking

- Additional parking should be provided for the new flat.



- Applicant has continuously breached his lease by using other occupiers parking spaces.
- Applicant has not sought permission from other leaseholders in the block to provide a parking space for the new flat. Permission has not been given by the leaseholders to enable the applicant to offer a parking space on the front forecourt.

#### Other Matters

- Drawings suggest that the foundations would extend below neighbouring mews property to the rear and applicant has no consent to build in this location.
- No detail of neighbouring mews property including levels have been provided and do not believe that the structural calculations and methodology are accurate. Despite revision, the revised drawings fail to accurately show the neighbouring mews house.
- Construction materials should not be stored on the front forecourt during construction works.
- Concern that development will cause structural damage or water damage to the host building and neighbouring properties.
- Concern at proximity to the London Underground tunnel and potential for damage to it.
- Noise and disturbance from construction works.

### 5.1.3 Responses to Re-consultation on 2<sup>nd</sup> Revised Scheme (February 2018)

#### ST JOHN'S WOOD SOCIETY

Any response to be reported verbally.

#### ARBORICULTURAL MANAGER

Not convinced that an accurate section has been provided to demonstrate whether the London Underground tunnel is acting as a root barrier for the two Trees of Heaven that are to be retained to the front of the site. Cannot see that the tree protection measures during construction have been revised in light of earlier comments and restate earlier comments in terms of the practicality of the proposed tree protection measures. Remains content that the TPO Birch tree in Lydhurst Court is sufficiently distant from the proposed development so as not to be adversely affected. Restate concerns over depth of soil over basement below rear garden and the size of the proposed rear lightwell.

#### BUILDING CONTROL

No objection. Comments that as the development provides support for the highway, technical approval from the Local Highway Authority will be required.

#### ENVIRONMENTAL HEALTH

No objection in principle. To prevent noise and vibration disturbance to occupiers of the extended building, the development must be carried out in accordance with the mitigation measures set out in the submitted assessment. Conditions should be imposed to secure this. Advice provided on natural and mechanical ventilation. Condition and informatives recommended.

#### HIGHWAYS PLANNING MANAGER

No cycle parking or waste storage is proposed to be provided for the proposed flat. Recommend that these are secured by condition. Whilst no car parking is proposed, on-

street parking occupancy in the vicinity is below the level of serious deficiency and therefore one additional car generated by the development can be absorbed on street. Conditions and informatives recommended.

#### LONDON UNDERGROUND LIMITED

No objection in principle, but note constraints on site as a result of the proximity of the underground tunnels and infrastructure. Condition recommended to reserve full details of the foundations, basement and ground floor structures and other below ground structures, including piling.

#### TRANSPORT FOR LONDON

No comments. Note though that the development would be close to London Underground assets and advise that they have notified London Underground of the application.

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

No. Consulted: 72.

Total No. of Replies: 9.

No. of Objections: 9.

No. in Support: 0.

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

#### Design

- Proposal would cause immense disruption to this small block within the conservation area.

#### Highways/ Parking

- Other owners/ occupiers of the application site have not agreed to the use of parking space(s) on the front forecourt by occupiers of the proposed basement flat. Applicant therefore does not have the ability to provide parking on site.
- Adverse impact on London Underground tunnel.

#### Other Matters

- Disruption to water table may cause flooding of the basement of Lyndhurst Court.
- Adverse structural impact on the host building, possibly resulting in its collapse.
- Development could cause subsidence risk, possibly causing collapse of the neighbouring underground tunnel.
- Applicant, his architect, and structural advisor should be required to provide indemnity to neighbouring owners/ occupiers for structural damage that is not covered by insurance.
- Vibration assessment does not consider impact on lower floors of Lyndhurst Court.
- Adverse impact on air quality along Finchley Road.
- Restate previous objections.

#### ADVERTISEMENT/ SITE NOTICE

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises a 4 storey end of terrace building on the north east side of Finchley Road that is in use as 3 flats, with a dentist surgery at ground floor level. The building is not listed but is located within the St. John's Wood Conservation Area.

The existing building, which originally would have been a Victorian end of terrace townhouse, appears to have been rebuilt in the post war period and features metal fenestration, with expressed concrete window surrounds to the front elevation and concrete lintels to the rear elevation and a concrete floor structure. The two neighbouring Victorian buildings in the same terrace facing Finchley Road are also much altered in terms of their original form and detailing, with No.32 featuring metal windows of varying sizes and dimensions and No.30 again featuring non-original fenestration and render to its facades.

The northern boundary of the site forms the northern boundary of the St. John's Wood Conservation Area and the 11 storey neighbouring residential block facing Finchley Road, Lyndhurst Court, is located outside the conservation area.

The application site has a front forecourt, which is used for car parking by the current leaseholders of the building. Within the front forecourt, adjacent to the northern side boundary wall, is a Tree of Heaven, which is not subject of a Tree Preservation Order (TPO), but is protected by virtue of being within the conservation area. There is a further Tree of Heaven within the front forecourt of Lyndhurst Court, which is protected by a TPO. To the rear of Lyndhurst Court there is a TPO Birch tree, adjacent to the rear garden of the application site. There are no trees within the rear garden of the application site, nor are there any trees in the neighbouring rear garden of No.32 to the south of the application site.

### 6.2 Recent Relevant History

5 September 2014 – Application refused for excavation of basement floor below existing building to form a 2 bedroom flat, excavation of rear garden to form 2 bedroom maisonette in new outbuilding comprising basement and ground floor levels and formation of front and rear lightwells (RN: 13/07122/FULL). Permission was refused on design, sub-standard residential accommodation, adverse tree impact and the adverse the development could have on the adjacent London Underground tunnel (see decision letter and associated drawings in the background papers).

11 February 2016 – Permission granted for use of the ground floor as a two bedroom flat (Class C3) (RN: 15/10316/FULL).

## 7. THE PROPOSAL

The application proposes the excavation of a basement floor level under the existing building and rear garden with front and rear lightwells for use as a new self-contained flat

(Class C3) and the demolition and replacement of the rear garden boundary wall with Lyndhurst Court.

The proposed front lightwell would project 1.5 metres from the existing front elevation, whilst the proposed rear lightwell would project 3 metres from the existing ground floor rear extension and would be 5.0 metres wide. Part, but not all, of the proposed basement where it extends below the rear garden would be covered by 1.2m of top soil and a drainage layer.

During the course of the application the scheme has been amended on two occasions and reconsultation subsequently carried on the amended versions of the scheme.

In November 2015 the scheme was amended to introduce a 1.2 metre soil depth over the majority of the basement below the rear garden; include the rebuilding of side boundary wall with Lyndhurst Court and to provide a structural method statement, internal daylight assessment, and revised arboricultural assessment.

Between August 2017 and February 2018 the scheme was amended again to set in the basement, where it would be below rear garden, from the majority of the side and rear boundary walls; omit a storage area below proposed basement floor (i.e. an area of two storey depth basement); and to provide additional supporting structural, noise transference and daylighting information.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The provision of a new residential unit is acceptable in land use terms and would accord with Policy H3 in the UDP and Policy S14 in the City Plan. The proposed unit would be a 3 bedroom 'family sized' unit and would have a floor area of approximately 130m<sup>2</sup> (GIA), which is in excess of the minimum standards set out in the Government's Technical Housing Standards (2014) and Policy 3.5 in the London Plan (March 2015).

A daylight assessment has been submitted with the application and this demonstrates that the level of natural light within the proposed flat would exceed the Building Research Establishment's (BREs) minimum standards for new residential accommodation.

The proposed flat would be capable of being naturally ventilated with windows within flats to the front and rear of the site. On this basis Environmental Health do not object to the

### **8.2 Townscape and Design**

To the front elevation only a narrow lightwell would be visible in views from Finchley Road. The proposed lightwell would project 1.5 metres from the front elevation and would be enclosed by simple black painted metal railings. Lightwells are typical features within the St. John's Wood Conservation Area and in this case the lightwell proposed would be discreet as a result of its small size and the simple form of the railings proposed.

To the rear, the proposed basement extension would have a single lightwell measuring 3.0m (projection from building) x 5.0m (width), which would be held against the rear elevation of the existing building. Consequently, whilst the proposed lightwell would be generously proportioned, given its location, it would not be readily visible in the limited private views of the rear of the application site from neighbouring properties to the south east in the same terrace and from the upper floors of Lyndhurst Court to the north west. The lightwell would not be visible in any public views within the conservation area.

The scheme would deliver 1.2 metres of top soil over much of the basement, with a hard paved area closer to the existing building. The rear garden would therefore retain the appearance of a predominantly soft landscaped space and would be capable of supporting mature planting in future.

In conjunction with the proposed basement, it is proposed to replace the existing bowed and leaning brick wall between the rear garden and Lyndhurst Court with a like for like replacement wall. This is not objectionable in design terms provided the proposed brickwork matches that of the existing wall.

In conclusion in design terms, subject to the draft recommended conditions, the scheme is acceptable and the external manifestations of the proposed basement would maintain the appearance of the host building and the character and appearance of the St. John's Wood Conservation Area. The scheme therefore accords with Policies DES1, DES5 and DES9 in the UDP and Policies S25 and S28 in the City Plan.

### **8.3 Residential Amenity**

In amenity terms, given the subterranean location of the proposed development, the scheme would not cause a material loss of light or increased sense of enclosure to neighbouring properties. There would be a degree to which the use of the proposed rear lightwell would cause overlooking to the rear garden, but this impact would not be so significant so as to warrant withholding permission.

The proposed rear lightwell would provide a small area of amenity space for the occupiers of the proposed flat, but the 15m<sup>2</sup> space within the lightwell would not be of such significant size that its use would give rise to a material increase in noise disturbance to neighbouring occupiers. Furthermore, the combined area of the proposed lightwell and ground floor garden, would be no greater than the existing rear garden area.

The proposed lightwells would introduce new glazing and this would introduce some additional light spill, but given the location of these windows relative to the existing windows in the building serving flats on the upper floors, it is not considered that the light spill that would be caused would amount to significant nuisance for neighbouring occupiers.

The proposals therefore accord with Policies ENV6 and ENV13 in the UDP and Policies S29 and S32 in the City Plan.

### **8.4 Transportation/ Parking**

The applicant has offered to provide parking on the front forecourt of the property for the occupiers of the new flat. However, it is evident from the representations received from other occupiers in the application building, that the applicant is unlikely to be able to provide this space as the parking spaces are apparently already allocated to the leaseholders in the building. Given this, and as the Highways Planning Manager advises that in this location the level of serious deficiency for on-street parking occupancy has yet to be reached (occupancy has reached 63% during daytime hours and 32% overnight), the provision of one additional residential unit without any off-street parking is acceptable and would be in accordance with Policy TRANS23 in the UDP. In this context, objections on grounds of lack of parking cannot be supported as a ground on which to reasonably withhold permission.

Conditions are recommended to secure details of cycle parking and waste and recycling storage for the proposed flat to ensure compliance with Policy ENV12 in the UDP and Policy 6.9 in the London Plan (March 2015).

## **8.5 Economic Considerations**

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

## **8.6 Access**

The proposed residential unit would only be accessible via stairs within the existing building. Given the development relates to a single flat and as it would be a private residential dwelling and not a public building, this form of access is not a ground on which to reasonably withhold permission.

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

### **8.7.1 Tree Impact**

The Arboricultural Manager does not object to the basement below the rear garden as she is content that this part of the development would be sufficiently distant from the TPO Birch tree in the grounds of Lyndhurst Court so as not to cause it any harm.

The Arboricultural Manager does have concerns regarding the size of the rear lightwell and the extent of soil depth over the basement. However, as set out in Section 6.2, the size of the rear lightwell is considered to be acceptable in this discreet location within the conservation area and as per Section 8.7.2, the depth of soil over the proposed rear basement would be compliant with the requirements of Policy CM28.1 in the City Plan.

Despite the provision of some additional information by the applicant with regard to the position of the London Underground tunnel and associated structures below the front forecourt, which the applicant contends is acting as a root protection barrier for roots of the two Trees of Heaven, the Arboricultural Manager remains concerned that the scheme could harm these trees. However, on balance, given the limited size of the proposed lightwell, which would be sloped to further reduce the excavation required to construct it, it is not considered that the impact on these trees would be so significant so as to warrant withholding permission.

The tree protection measures proposed for the Trees of Heaven during the course of construction appear to be unresolved and there is at present and the Arboricultural Manager is concerned that the measures proposed would not adequately protect these trees during construction. Accordingly, a condition is recommended to secure full details of revised tree protection measures. A further condition is recommended to secure a landscaping plan to ensure the new landscaping maintains the character and appearance of this part of the conservation area. Subject to this recommended conditions, the proposal would accord with Policies ENV16 and ENV17 in the UDP and S38 in the City Plan.

### **8.7.2 Basement Development and Construction Impact**

This application was initially submitted in April 2015, after the adoption of the 'Basement Development in Westminster' Supplementary Planning Document (SPD) in October 2014, but prior to the adoption of the 'Basement Development Policy' (CM28.1) as part of the amendments to the City Plan adopted in July 2016. The Cabinet Member for the Built Environment issued a Cabinet Member Statement on 23 October 2015 advising that the then emerging policy would be given some weight in the determination from 1 November 2015 onwards. Since the adoption of the policy in July 2016, it can now be afforded full weight. Nevertheless, this application is one of a small number of 'legacy' applications, where the proposed basement development was originally designed and conceived prior to both the publication of the draft policy in 2015 and prior to the adoption of the finalised policy in 2016. During the course of the application, officers have sought amendments to the scheme to ensure it is more compliant with the now adopted Basement Development Policy than when it was first submitted. Where the scheme deviates from the normal requirements of the Basement Development Policy, this is identified and considered in the following paragraphs in this section of the report.

The applicant has submitted a structural methodology and indicative structural drawings to indicate the method of construction and measures to be taken to ensure the existing building and neighbouring buildings and ground levels would be protected during construction. Building Control have reviewed these documents and do not object in principle to the structural methodology proposed. However, the submitted details do not though provide an investigation of the existing ground conditions or a separate flood risk assessment. It is recommended that these documents are secured by condition and that the condition requires the submission of a revised structural method statement should these documents demonstrate that the structural methodology currently proposed is not suitable on account of the ground conditions that are identified. Subject to the recommended condition, the proposed development would accord with Parts A.1, A.2(a), A.4 and B.7 of the Basement Development Policy. The condition would also address the concerns raised by neighbouring residents on structural and flood risk grounds.

In respect of Part A.2(b) of the Basement Development Policy, it is recommended that the impact of the construction works required to excavate and form the proposed basement are controlled by a condition requiring compliance with the Code of Construction Practice (CoCP), including monitoring of the construction works by the Environmental Inspectorate at the applicant's expense. A further condition is recommended to restrict the hours of works, including preventing any works of excavation on Saturdays. The recommended conditions would control the impact of the

development as far as is reasonably possible and would ensure that whilst disturbance to neighbours would not be prevented, it would be mitigated to the maximum extent that is reasonably possible. Accordingly, the recommended conditions would address the requirements of Parts A.2(b) and A.5 of the policy and the objections raised on construction impact grounds.

In this case the London Underground Metropolitan Line tunnels run below part of the front forecourt of the application site. London Underground have reviewed the structural information submitted with the application and are content that, subject to a condition requiring full details of piling and other sub-ground level structures (to be approved following consultation with them), the proposed basement would not cause harm to their transport infrastructure assets. As such, the application is in accordance with Part A.3 of the Basement Development Policy.

In respect of Part A.6, the site is not within an Archaeological Priority Area and therefore it would not have a significant impact on archaeological deposits.

In terms of Part B of the Basement Development Policy, having regard to the existing condition of the application site, the scheme would deliver an acceptable landscaping scheme to the front and rear of the site and would not result in the loss of existing trees on or close to the site (see full assessment of this issue in Section 8.7.1). The development would be required to meet building regulations and would be highly sustainable relative to the existing building on this site. The proposed basement flat would have lightwells to the front and rear providing natural ventilation to all of the habitable rooms in the flat such that it is not necessary for the flat to be provided with mechanical ventilation.

As the scheme is a 'legacy' application, submitted prior to consultation on and adoption of the Basement Development Plan, a drainage strategy has not been submitted with the application as it was not a validation requirement the time the application was initially submitted. Nevertheless, whilst the site is not within a 'Surface Water Flood Risk Hotspot', as identified in the 'Basement Development in Westminster' SPG (2014), the impact of the development on water runoff is still a material consideration in the assessment of basement development under the Basement Development Policy. A condition is therefore recommended requiring the submission of and compliance with a drainage strategy for the development, which has regard to the Sustainable Urban Drainage Strategy 'cascade' in Policy 5.13 in the London Plan (March 2016). Subject to the recommended condition, Part B.4 of the Basement Development Policy would be met.

In terms of Parts B.5 and B.6 of the policy, the proposed basement would have limited external manifestations, which would be discreet in terms of their location and scale, with only the small front lightwell being visible in public views within and into the conservation area (see full assessment in Section 6.2). Therefore, the proposed basement would have no adverse impact on the appearance of the building and the character and appearance of the St. John's Wood Conservation Area.

Part C of the Basement Development Policy seeks to control the size and extent of new basement development. Part C.1(a) requires basement development to not extend under more than 50% of the garden land ('garden land' is defined as the area of land not



covered by the 'original building', which is the building as it existed in 1948 unless the building was constructed after this date). In this case, whilst the proposed basement extends below much of the rear garden, the larger front garden would remain undeveloped, save for the shallow front lightwell that is proposed. Consequently, the proposed basement would not extend under more than 50% of the existing garden land and is therefore compliant with Part C.1(a).

Part C.1(c) requires basement development to leave a margin of undeveloped garden land proportionate to the scale of the development and the size of the garden around the entire site boundary except beneath the existing building. The policy defines 'undeveloped garden land' as land which does not have any impermeable surfacing installed. In this case, following amendment during the course of the application, the majority of the basement below the rear garden has been set in from the boundary of the site by between 0.78 and 0.23 metres. The extent of margin of undeveloped land is considered to be acceptable in the context of the size of this site and the setting in of the proposed basement from the rear boundary of the site with No. 1 Queens Grove Studios, has addressed the initial objections from the occupier of that mews house on structural grounds. A margin of undeveloped land would not be provided where the basement below the rear garden is proposed to be linked by a corridor to the basement below the existing building. However, given this area of the proposed garden is to be hard paved to provide access to the rest of the garden and will not have any soil depth (see following paragraph for consideration of these issues), it is considered that a set back from the boundary with No.32 Finchley Road is not necessary in this small corner of the site to ensure adequate drainage of the overall garden area. As such, in this instance, it is considered that site specific circumstances warrant allowing a basement that is in partial compliance with Part C.1(c) of the Basement Development Policy.

Part C.2 requires the provision of 1 metre of soil depth, plus at least a 200mm drainage layer over new basement development. The scheme has been amended during the course of the application to introduce this depth of soil depth and drainage layer over the majority of the proposed basement where it would extend below the rear garden, with the exception of the area immediately adjacent to the rear of the existing building. However, as the ground level immediately outside the rear of the building is lower than the rest of the garden, retention of a similar arrangement in the proposed scheme, with steps up to the reinstated higher garden level is considered acceptable in this case. As such, given the site specific reasons identified, partial compliance with Part C.2 of the Basement Development Policy is considered to be acceptable in this instance.

The proposed basement would be limited to a single storey in accordance with the requirements of Part C.3 of the policy.

Part D of the Basement Development policy is not relevant in this case as the proposed basement does not extend under the public highway.

### **8.7.3 Vibration Transference**

Given the proximity of the proposed basement to the existing London Underground tunnel to the front of the site, during the course of the application the applicant was asked to provide a detailed assessment of the measures necessary to prevent vibration transference from the tunnel structure to the new basement and the existing building.

The applicant has submitted an assessment of this issue, which has been assessed by Environmental Health. Environmental Health are content that, subject to implementation of isolation measures to prevent vibration transference to the extended building, the proposed development and the existing building would not suffer significant vibration disturbance from the adjacent London Underground tunnel. A condition is recommended requiring full details of the indicative isolation measures shown in the submitted Noise and Vibration Assessment. Subject to this condition, the proposal would be compliant with Policy ENV6 in the UDP and Policy S32 in the City Plan.

## **8.8 London Plan**

This application does not raise any strategic issues.

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

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

## **8.10 Planning Obligations**

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

## **8.11 Environmental Impact Assessment**

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Relevant environmental impact considerations have been considered, where relevant, in other sections of this report.

## **8.12 Other Issues**

Objection has been raised on grounds that the applicant, his architect, and structural advisor should be required to provide indemnity to owners and occupiers of neighbouring properties for structural damage that is not covered by insurance. However, this is not a valid planning ground for objection. Such issues are private matters for resolution between respective land owners and via party wall agreement.

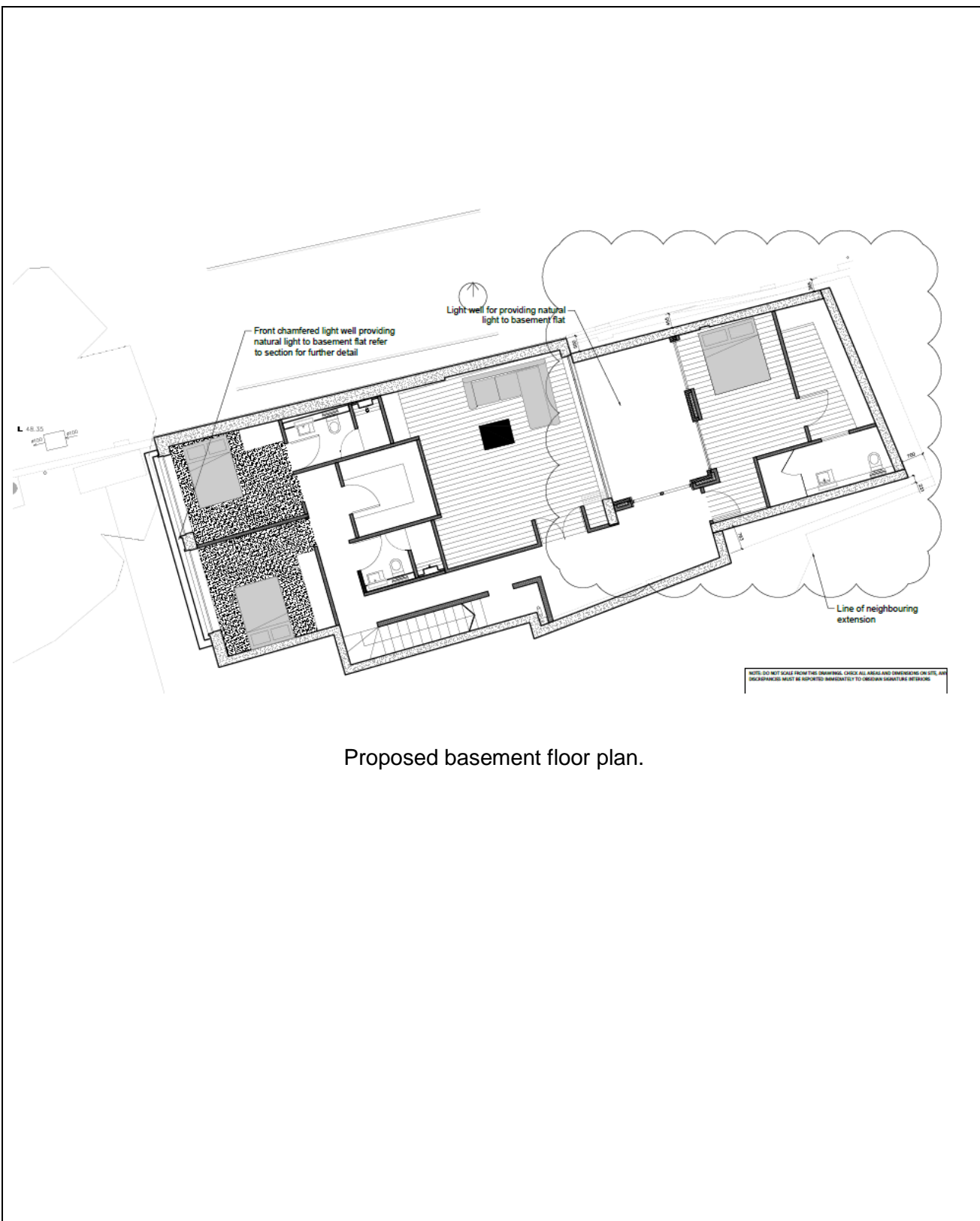
Concerns have been expressed with regard to the impact on air quality along Finchley Road of construction works. Whilst construction works may have some localised impacts on air quality, the impacts would not be so significant so as to warrant withholding permission. Once complete, the proposed development would have a negligible ongoing impact on air quality.

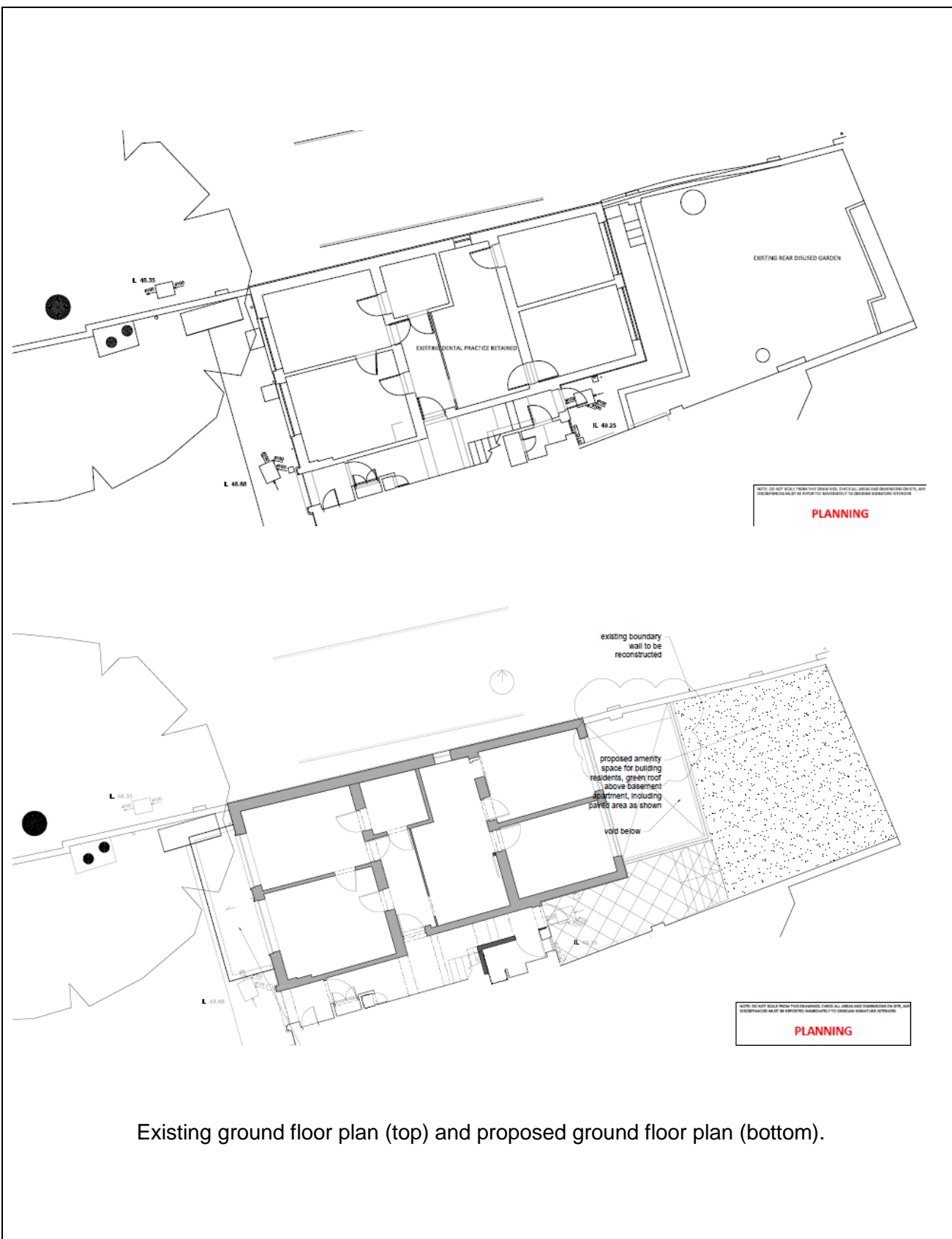
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

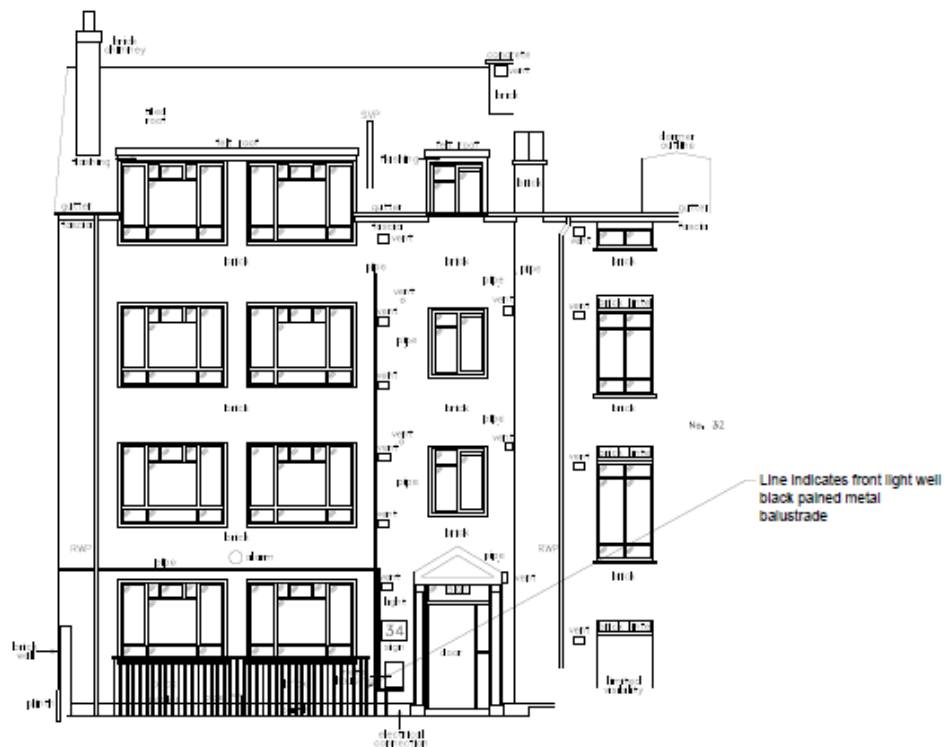
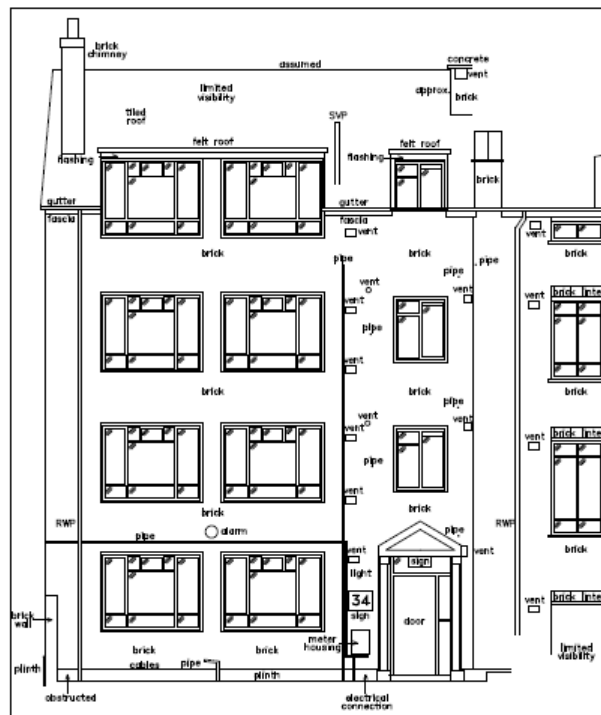
Item No.
<b>9</b>

## 9. KEY DRAWINGS

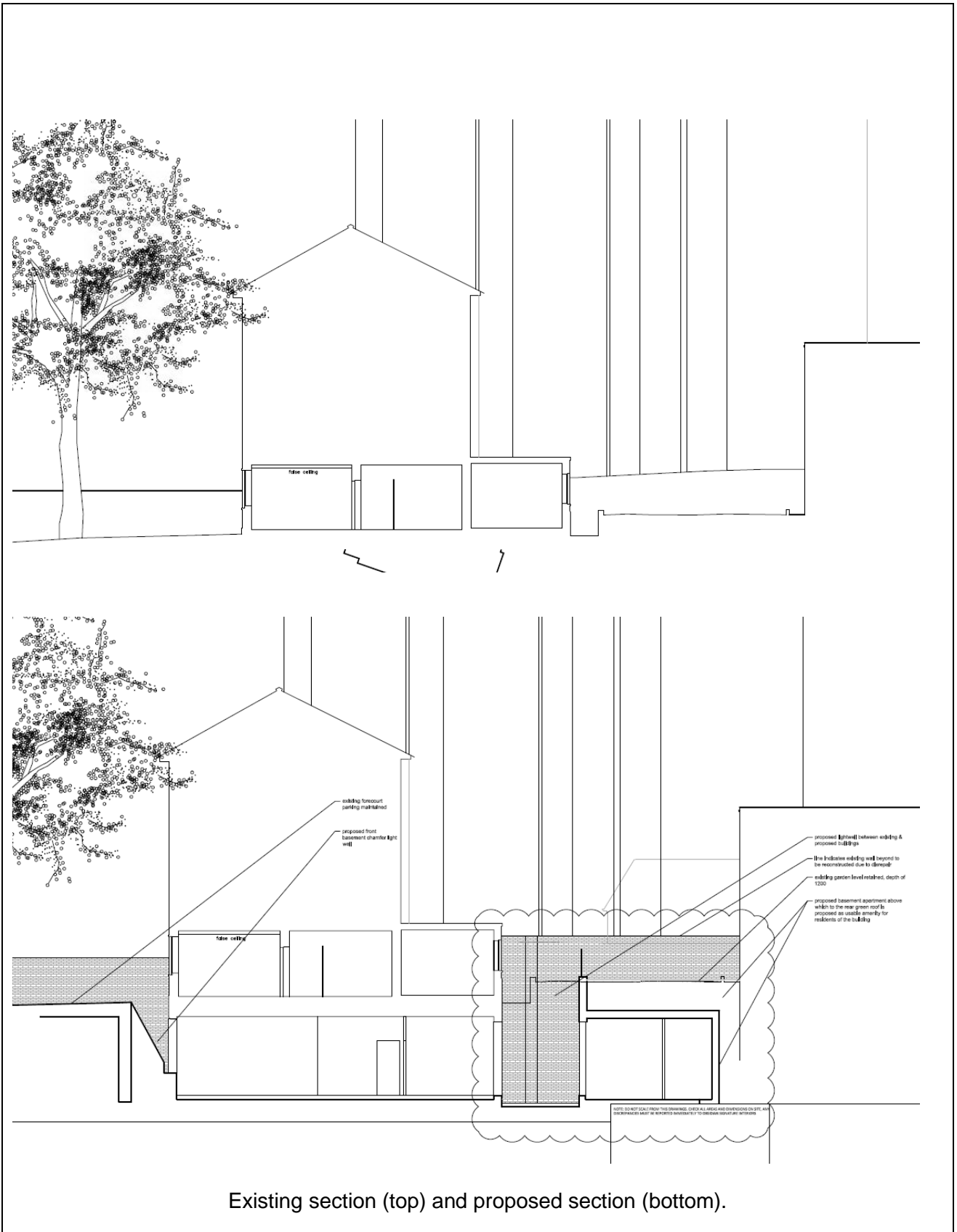


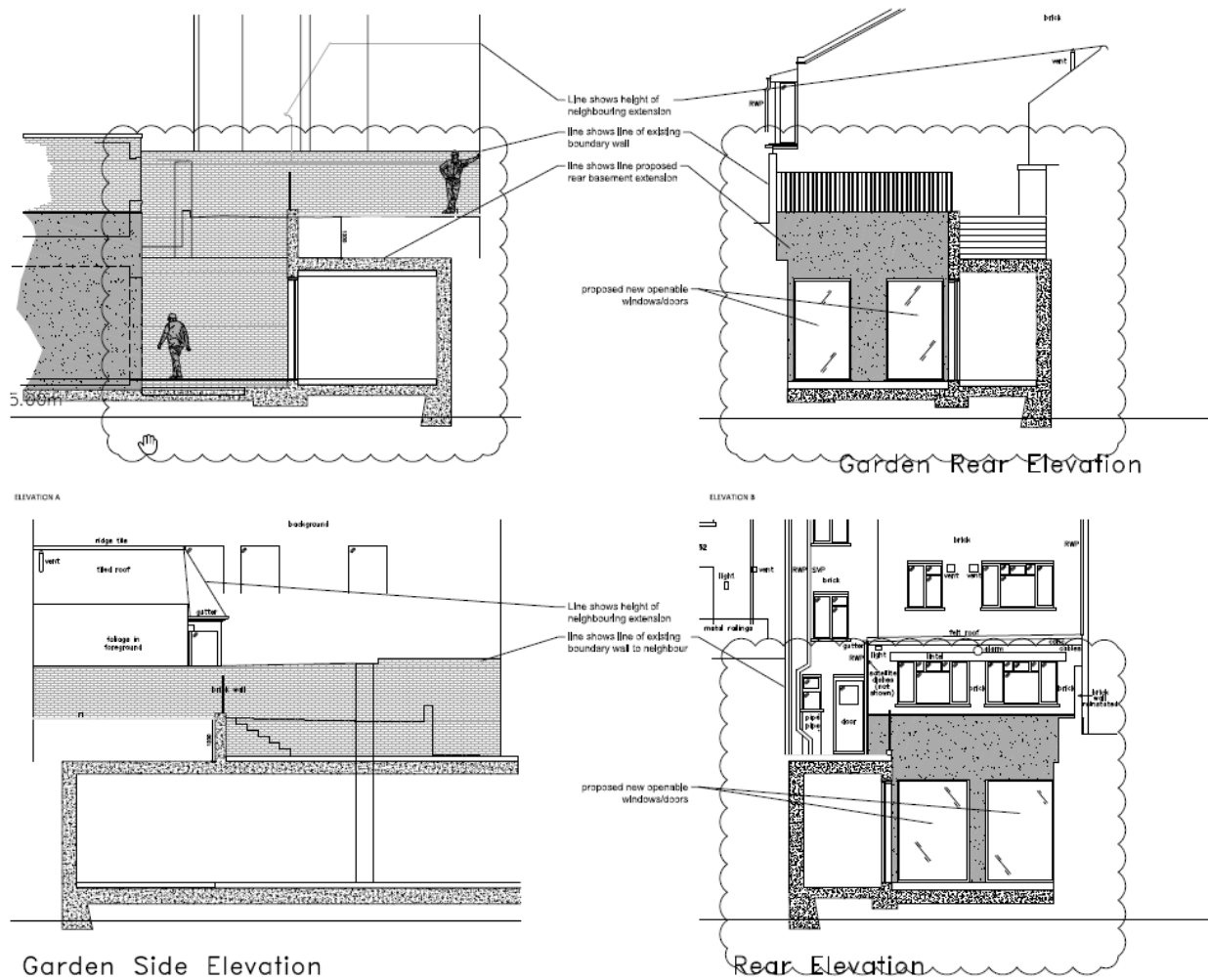


Existing ground floor plan (top) and proposed ground floor plan (bottom).



Existing front elevation (top) and proposed front elevation (bottom).





Proposed sections through rear lightwell and basement below rear garden.



**DRAFT DECISION LETTER**

**Address:** 34 Finchley Road, London, NW8 6ES,

**Proposal:** Excavation of basement level under building and rear garden with front and rear lightwells to create one self-contained flat (Class C3) and demolition and replacement of rear garden boundary wall with Lyndhurst Court.

**Plan Nos:** (EX)00, (EX)01, (EX)02, (EX)03, (EX)04 (PL)01 Rev.D, (PL)02 Rev.D, (PL)03, (PL)04 Rev.C, (PL)05 Rev.C, (PL)06, (PL)07, LUL tunnel alignment plan (un-numbered), Design and Access Statement dated April 2015 (as amended by revised drawings hereby listed), 'Assessment of Daylight Provision' report dated April 2017 (Rev.2), Noise and Vibration Assessment dated 5 July 2017 (Version 1.0), Arboricultural Assessment Report dated 25 September 2015 (Ref: 13350-AIA2-AS) and 13350-BT2 (for information - see Condition 9). Construction Method Statement and Sequence of Works dated 8 September 2015 (Ref: 13.069/rev A), Structural Design Sheets and Structural Drafting Package by Martin Redston Associates (both as amended by revised drawings hereby listed) (for information only - see Informative 2 and Condition 5).

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

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

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

**Reason:**

To avoid any doubt and in the interests of proper planning.

- 2 All new work on 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.

**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 the Westminster City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.18 to 10.19 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 The railings around the front and rear lightwells shall be painted black and maintained in that colour.

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

Reason:

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

- 5 **Pre-Commencement Condition.** Prior to commencement of development, you must apply to us for approval of:

- (a) a site specific ground condition assessment,
- (b) a flood risk assessment, and;
- (c) a drainage strategy.

In the event that the findings of any of these reports identify the need to adopt a revised structural methodology for the construction of the proposed basement, you must also submit a revised structural methodology statement. You must not commence the development until we have approved the details that you send us. You must then carry out the development in accordance with the details that we approve.

Reason:

To ensure the basement development does not have an adverse impact on the environment in terms of flooding and water run off and to protect the character and appearance of the St. John's Wood Conservation Area. This is in accordance with Policies DES1 and DES9 in the Unitary Development Plan we adopted in January 2007, Policy CM28.1 in Westminster's City Plan adopted in November 2016, Policy 5.13 in the London Plan (March 2016) and the guidance in the 'Basement Development in Westminster' Supplementary Planning Document (October 2014).

- 6 **Pre-commencement Condition:** The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved

in writing by us which:

- a) provide details on all structures including basement construction;
- b) accommodate the location of the existing London Underground structures and tunnels;
- c) accommodate ground movement arising from the construction thereof;
- d) and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

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

Reason:

To ensure that the development does not have an adverse impact on existing London Underground transport infrastructure, in accordance with Policy 6.2 in the London Plan (March 2016) and the Mayor's Supplementary Planning Guidance 2012 'Land for Industry and Transport'.

- 7 **Pre-Commencement Condition.** Prior to commencement of development, you must apply to us for approval of full details of the vibration isolation methods to be incorporated into the basement design to demonstrate that the new residential unit and the existing units in the building will be protected against underground train vibration so as to reduce sound pressure and vibration unit values to those set out in the submitted Noise and Vibration Assessment dated 5 July 2017 (Version 1.0). You must not start work on the development until we have approved what you have sent us. You must then instal the vibration isolation methods we approve before the new residential unit is occupied and thereafter retain and maintain them for the lifetime of the development.

Reason:

As set out in ENV6 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.

- 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 **Pre Commencement Condition.** Notwithstanding the tree protection measures set out in the

Arboricultural Assessment Report dated 25 September 2015 (Ref: 13350-AIA2-AS) and 13350-BT2, you must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

**Reason:**

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

- 10 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

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

**Reason:**

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

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

**Reason:**

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38, CM28.1 of Westminster's City Plan (November 2016), and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

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

**Reason:**

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

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

**Reason:**

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

- 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.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

In respect of Condition 6, you are advised to contact London Underground Infrastructure Protection (020 7918 0016 or [locationenquiries@tube.tfl.gov.uk](mailto:locationenquiries@tube.tfl.gov.uk)) in advance of preparation of final design and associated method statements, in particular with regard to: demolition; excavation; construction methods.

- 4 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)
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

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

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

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

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

- 7 With reference to condition 4 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](mailto: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

- 8 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.
- 9 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 10 The Tree of Heaven and Birch tree adjacent to the site in the grounds of Lyndhurst Court are protected by Tree Preservation Orders. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I31AA)
- 11 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)
- 12 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)

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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