



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (1)

Meeting Date:

Tuesday 5th March, 2024

Time:

6.30 pm

Venue:

Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP

Members:

Councillors:

Jason Williams (Chair)
Md Shamsed Chowdhury
Laila Cunningham
Sara Hassan



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

Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams. Admission to the public gallery is by a pass, 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.



If you require any further information, please contact the Committee Officer, Katherine Stagg, Committee and Councillor Coordinator.

**Email: kstagg@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

The Sub-Committee noted that Councillor Laila Cunningham had replaced Councillor Ed Pitt-Ford.

To note any further changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest 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

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting. To register to speak and for guidance please visit:

<https://www.westminster.gov.uk/planning-committee>

Please note that you must register by 12 Noon on the Friday before the Committee meeting. In the event that you are successful in obtaining a speaking slot at the hybrid meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

(Pages 5 - 10)

All committee meetings open to the public are being broadcast live using Microsoft Teams. To access the recording after the meeting please revisit the Media link. Please note that the link is only available 90 days after the meeting.

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|--|--------------------------|
| 1. GROUND AND BASEMENT UNIT, 195-197 EDGWARE ROAD, LONDON, W2 1ES | (Pages 15 - 30) |
| 2. TEMPLAR COURT, 43 ST JOHN'S WOOD ROAD, LONDON, NW8 8QJ | (Pages 31 - 62) |
| 3. 19 SOUTH STREET, LONDON, W1K 2XB | (Pages 63 - 104) |
| 4. SECOND FLOOR FLAT, 27 WIMPOLE STREET, LONDON, W1G 8GN | (Pages 105 - 118) |
| 5. GLOBE HOUSE, 89 ECCLESTON SQUARE, LONDON, SW1V 1PN | (Pages 119 - 140) |

Stuart Love
Chief Executive
23 February 2024

Order of Business

At Planning Applications Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 19th December, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Jason Williams (Chair), Paul Fisher, Md Shamsed Chowdhury and Elizabeth Hitchcock

Also Present: Councillors Jessica Toale (Item 1), Councillor Jim Glen (Item 3)

1 MEMBERSHIP

1.1 It was noted that Councillor Fisher substituted for Councillor Hassan.

2 DECLARATIONS OF INTEREST

2.1 Councillor Jason Williams explained that a week before the meeting, all Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.

2.2 Councillor Paul Fisher declared a non-pecuniary interest in item 1 as the application site fell with the West End Ward. It was highlighted that he had publicly supported the listing of the building as an Asset of Community Value (ACV); however, he did not consider himself to have a conflict of interest and would determine the application based on its merits.

3 MINUTES

3.1 **RESOLVED:** That the minutes of the meeting held on 31 October 2023 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

- 4.1 The applications were taken in the following order: 1, 3, 2.
- 4.2 At the start of the meeting, the presiding officer explained that the Government had, on the day of the meeting, published the new National Planning Policy Framework (NPPF) and therefore all the committee reports referred to the previous version of the NPPF. Where changes in the new NPPF affected the consideration of the items on the agenda, this was covered in the officer presentations and discussions.

1 BASEMENT AND GROUND FLOOR, 38 CURZON STREET, LONDON, W1J 7TU

Amalgamation of the existing cinema and restaurant, retaining the 2 existing cinema screens, to create a cinema-led, mixed-use premises; replacement plant equipment; and other associated external works.

Additional representations were received from Cratus Group on behalf of 38 Curzon Lease Ltd (08.12.23) and one interested party (undated).

Late representations were received on behalf of 38 Curzon Lease Ltd and two interested parties (undated).

The Presenting Officer tabled the following additional condition.

Condition 16:

The applicant must provide:

- (i) The replacement shopfront;*
- (ii) The lift between the basement and first floors;*
- (iii) The access route between the ground floor restaurant area and the cinema foyer; and*
- (iv) The reinstated feature lighting in the cinema foyer*

Prior to the commencement of the cinema-led, mixed-use premises hereby approved.”

Reason:

To make sure that there was reasonable access for people with disabilities and to make sure that the public benefits required to outweigh the less than substantial harm to the special interest of this listed building were delivered, as set out in Policies 38 and 40 of the City Plan 2019 – 2040 (April 2021).”

Damian Drabble addressed the Sub-Committee in support of the application.

Edward Fletcher addressed the Sub-Committee in objection to the application.

Mike Washbourne addressed the Sub-Committee in objection to the application.

Belinda Harley representing the Resident's Society of Mayfair and St James's addressed the Sub-Committee in objection to the application.

Councillor Jessica Toale, in their capacity as Ward Councillor for the West End Ward, addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

1. That conditional permission, as amended, be granted subject to:
 - a) condition 10 on the planning permission being amended to ensure that the use of the cinema is also limited to the area shown in pink on the approved drawings.
 - b) the wording of condition 11 on the planning permission being amended to require the submission of a further Operational Management Plan for the City Council's approval, to include details regarding the Community Liaison Group; and,
 - c) That the additional condition 16, tabled by officers, be imposed on the planning permission.
2. That conditional Listed Building Consent be granted subject to:
 - a. condition 5 of the listed building consent be amended to require the acoustic screen to be installed prior to the operation of the air source heat pumps and retained so long as the plant is in situ.
3. That the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter be agreed.

2 11 STANHOPE GATE, LONDON, W1K 1AN

Excavation of new basement level; extension of the existing fourth floor rearwards and to create a mansard roof form; replacement of existing fifth floor with small extension to the rear (to match the fourth floor below); creation of new sixth floor and new roof level, to facilitate the provision of 6 residential units (use class C3), set back roof plant room and shroud to contain life safety kit, alterations and changes to rear fenestration at all levels, residential balcony at front fifth floor level and new terrace at ground floor rear with basement ventilation.

An additional representation was received from Savills (15.12.23).

Simon Wallis addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted subject to completion of a S106 legal agreement to secure the following:

- i). A late-stage viability review mechanism,
- ii). Car club membership for the occupiers of all residential units for a period of 25 years, and
- iii). Payment of S106 monitoring costs.

2. That if the legal agreement had not been completed within six weeks of the date of the Committee resolution, then:

a) The Director of Town Planning and Building Control should consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this was possible and appropriate, the Director of Town Planning and Building Control was authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Town Planning and Building Control should consider whether permission should be refused on the grounds that it had not proved possible to complete an agreement within the appropriate timescale, and that the proposals were unacceptable in the absence of the benefits that would have been secured; if so, the Director of Town Planning and Building Control was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Following the Committee's decision to grant planning permission, it was also agreed to accept the applicant's ex-gratia payment of £150,000 towards the Council's Affordable Housing Fund to be paid on completion of the legal agreement.

3 71-73 BELGRAVE ROAD, LONDON, SW1V 2BG

Erection of a single storey mansard extension to No. 73; extensions to the closet wings at rear second floor level of both Nos. 71 and 73; rebuilding of the existing rear lower ground floor extension to No. 73; alterations to the lower ground floor fenestration; landscaping of the rear courtyard and associated internal alterations.

The Presenting Officer tabled the following additional proposed condition.

Condition 14:

On implementation of this planning permission, the main entrance to the hostel shall be via No. 71 as shown on drawing number 2219 P100 S2 P4 and the entrance door to No. 73 shall cease to be used as the main entrance and shall only be used as a means of escape in case of emergency."

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 – 2040 (April 2021).

Officers also proposed the following amendment to condition 4(i).

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

Omit:

(i) New glass screen and doors at ground floor level (elevation and section details showing framing details (1:10))

Replace with:

(i) New double doors to ground floor main reception which shall be traditional timber panelled doors (elevation and section details at 1:10).

David Symonds addressed the Sub-Committee in support of the application.

Janet Clark addressed the Sub-Committee in objection to the application.

Councillor Jim Glen, in his capacity as Ward Councillor, addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

1. That conditional permission, as amended, be granted subject to:
 - a. the additional condition tabled by officers be added to ensure the main entrance to the hostel would be from No.71 Belgrave Road;
 - b. the tabled amendment to condition 4 (i) on the draft listed building consent be agreed to ensure traditional timber panelled double doors to the ground floor main reception;
 - c. the Operation Management Plan condition be strengthened to include details of staffing, a 24 hour a day point of contact for local residents and details of how the hostel would handle guests congregating outside of the premises;
 - d. condition 8 be amended to restrict the use of the rear courtyard between the hours of 7 pm to 8 am daily, and to ensure that the dining room doors are closed after 7pm to 8 am daily; and
 - e. an informative be added regarding the landscaping to the rear courtyard which is secured under condition 13 to be designed to ensure that the planters cannot be used for seating.
2. That conditional listed building consent be granted.
3. That the reasons for granting conditional listed building consent as set out in informative on the draft listed building consent decision letter be agreed.

The Meeting ended at 8.36 pm

CHAIR: _____

DATE _____

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 5th March 2024
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s) : 23/77683/O Hyde Park	Ground and Basement Unit, 195 - 197 Edgware Road London W2 1ES	<p>Proposed ‘under’ enforcement notice, as follows:</p> <p>That the Notice take effect 35 days after the date of service and requires within 2 months from the date it takes effect, the following:</p> <ol style="list-style-type: none"> 1) Cease use of the highway at the Edgware Road frontage of the Property for the placement of tables and chairs for customer use, except to the extent that: <ol style="list-style-type: none"> a) The 6 tables and 12 chairs must only be placed within the part of the highway shown outlined by green lines on Plan A, with the area to be enclosed by barrier banners only; b) The 6 tables and 12 chairs must only be placed on the highway, between the hours of 09:00 and 23:00 daily; c) The 6 tables and 12 chairs must only be used by customers of the Property; d) No additional tables, chairs, screens or any other furniture or equipment shall be placed on the highway; and e) The 6 tables and 12 chairs may only be placed on the highway until [one year after date of service]. <p>That authority for the issue of the Enforcement Notice also includes authority to withdraw any such notice and to issue further notices if it becomes necessary to do this in order to remedy the breach of planning control to which this notice relates.</p>	n/a
<p>Recommendation</p> <p><u>Serve an ‘under’ enforcement notice to prohibit unrestricted use of the highway at the Edgware Road frontage for the provision of tables and chairs for customer use.</u></p> <p>The result of such action would be to effectively grant planning permission for a limited time, subject to restrictions.</p> <p>This is in conjunction to action proposed in relation to the unauthorised customer seating at the Star Street frontage, for which an enforcement notice is to be served requiring the use of the pavement for external seating to cease, and the screen affixed to the Star Street elevation to be removed.</p>				
Item No	References	Site Address	Proposal	Applicant

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 5th March 2024
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

2.	RN(s): 23/08585/FULL Abbey Road	Templar Court, 43 St John's Wood Road, London, NW8 8QJ	Construction of a new three storey dwelling with external terrace and patio located in between 7 & 8 Squire Gardens.	WTB Development Co. Ltd
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
3.	RN(s) : 23/03029/FULL West End	19 South Street London W1K 2XB	Partial demolition to rear wing and roof; excavation of a new basement storey and extension at rear second floor level with erection of a new single story roof extension with rear terrace at third floor; installation of plant with screening on the second-floor terrace; installation of sedum roof at main roof level; and associated works all in association with the continued use as a single-family dwelling.	Mr Sam Farmar
Recommendation Grant conditional personal permission.				
Item No	References	Site Address	Proposal	Applicant
4.	RN(s) : 23/00945/FULL Marylebone	Second Floor Flat 27 Wimpole Street London W1G 8GN	Use of the second floor as a sui generis use comprising part residential and part medical accommodation for a temporary period of five years.	Prof S Lingam
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
5.	RN(s) : 23/01561/FULL Pimlico North	Globe House 89 Eccleston Square London SW1V 1PN	Use of building as hotel (Class C1) and part of ground floor as flexible commercial, business or service premises (Class E).	C/o Agent - Eccleston Square London Limited
Recommendation Refuse permission: insufficient information submitted to demonstrate no interest in continued use of building within CAZ as offices.				

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 5th March 2024
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

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Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 th March 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Hyde Park	
Subject of Report	Ground and Basement Unit 195 - 197 Edgware Road London W2 1ES		
Proposal	<p>Proposed ‘under’ enforcement notice, as follows:</p> <p>That the Notice take effect 35 days after the date of service and requires within 2 months from the date it takes effect, the following:</p> <ol style="list-style-type: none"> 1) Cease use of the highway at the Edgware Road frontage of the Property for the placement of tables and chairs for customer use, except to the extent that: <ol style="list-style-type: none"> a) The 6 tables and 12 chairs must only be placed within the part of the highway shown outlined by green lines on Plan A, with the area to be enclosed by barrier banners only; b) The 6 tables and 12 chairs must only be placed on the highway, between the hours of 09:00 and 23:00 daily; c) The 6 tables and 12 chairs must only be used by customers of the property; d) No additional tables, chairs, screens or any other furniture or equipment shall be placed on the highway; and e) The 6 tables and 12 chairs may only be placed on the highway until [one year after date of service]. <p>That authority for the issue of the Enforcement Notice also includes authority to withdraw any such notice and to issue further notices if it becomes necessary to do this in order to remedy the breach of planning control to which this notice relates.</p>		
On behalf of	Planning Enforcement Team		
Registered Number	23/77683/O		

Item No.
1

Date Breach Identified	06.02.2023	Date amended/ completed	N/A
Historic Building Grade	Unlisted		
Conservation Area	N/A		
Neighbourhood Plan	N/A		

1. RECOMMENDATION

Serve an 'under' enforcement notice to prohibit unrestricted use of the highway at the Edgware Road frontage for the provision of tables and chairs for customer use.

The result of such action would be to effectively grant planning permission for a limited time, subject to restrictions.

This is in conjunction to action proposed in relation to the unauthorised customer seating at the Star Street frontage, for which an enforcement notice is to be served requiring the use of the pavement for external seating to cease, and the screen affixed to the Star Street elevation to be removed.

2. SUMMARY & KEY CONSIDERATIONS

195 - 197 Edgware Road, London, W2 1ES is a five-storey (with basement) building at the corner of Star Street and Edgware Road. This report concerns a commercial unit at ground floor and basement level ("the Property") which is in use as a café with shisha use.

Part of the highway at each frontage forms part of the freehold and leasehold titles. However, prior to the provision of tables and chairs commencing, the pavement at each frontage had been used as pavement for the passing of pedestrians, as part of the public highway, since at least 1959. The City Council therefore regards the entire pavement at either frontage as publicly maintainable highway. Accordingly, the use of the highway at each frontage for the provision of tables and chairs in connection with the use of the ground floor café constitutes a material change of use.

The owner of the Property has been advised a number of times to seek planning permission for the use of the highway at the Edgware Road frontage for customer seating, or for a pavement licence under the Business and Premises Act 2020. However, an application has not been forthcoming.

With the above in mind, there are three potential options or courses of action with regard to the use of the pavement at the Edgware Road frontage, which are as follows:

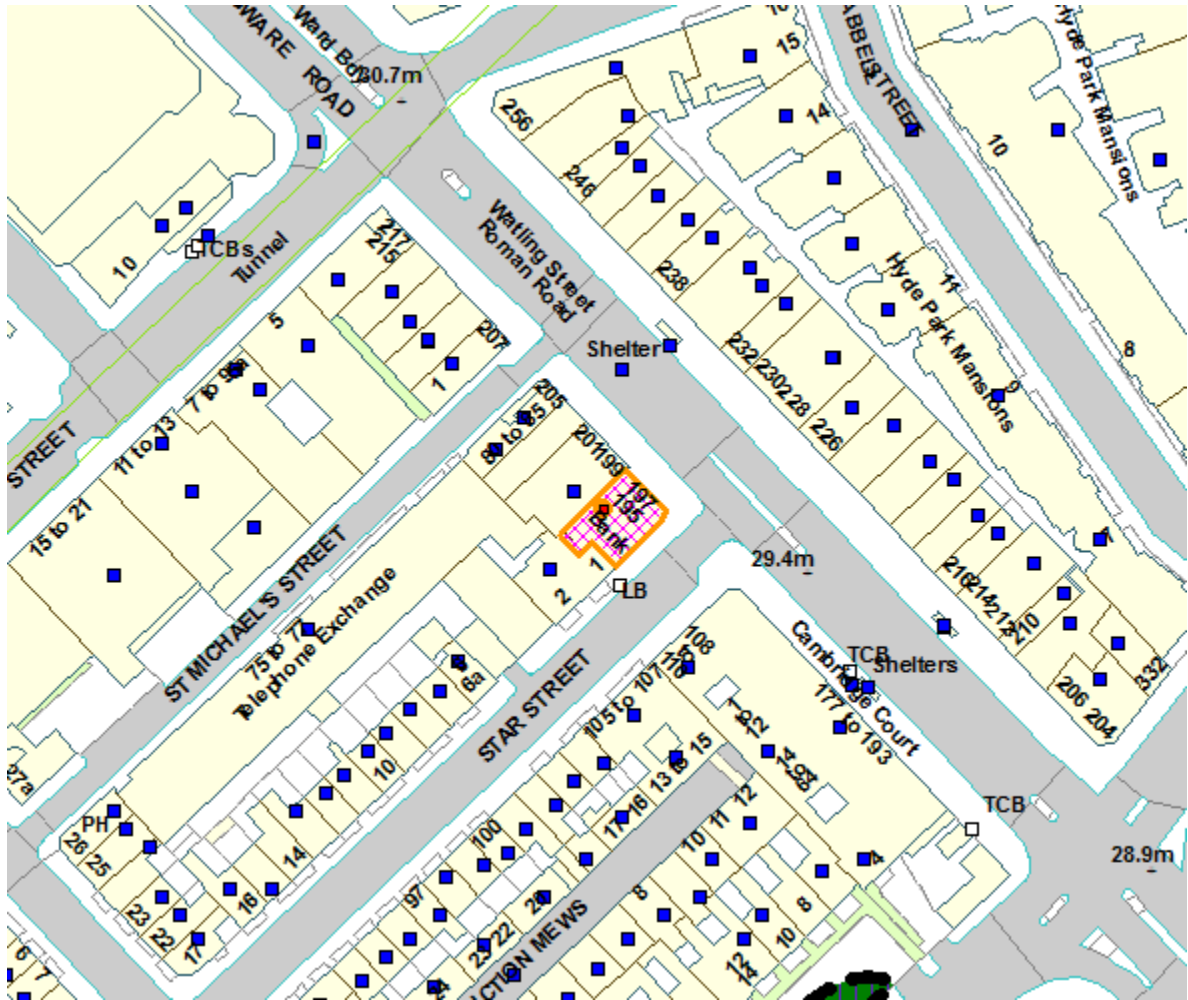
- (I) Not to pursue enforcement action regarding the placement of tables and chairs on the highway – if this option is exercised, any potential future amenity issues associated with the unrestricted use of the highway for the placement of tables and chairs could not be addressed;
- (II) Serve an enforcement notice requiring the removal of the tables and chairs from the highway – the City Council's records confirm that the use of the highway at the Edgware Road frontage for the provision of tables and chairs is acceptable if restricted by conditions. In light of these permissions, it would be unreasonable to pursue enforcement action seeking the removal of the tables and chairs at the Edgware Road frontage;
- (III) Serve an 'under' enforcement notice to prohibit unrestricted use of the highway at the Edgware Road frontage for the provision of tables and chairs for customer use – the result of such action would be to effectively grant planning permission for a limited time, subject to restrictions. This is considered the most reasonable and proportionate response to the breach of planning control.

The key considerations in this case are:

- The impact on pedestrian movement
- The impact on the amenity of neighbouring residential properties

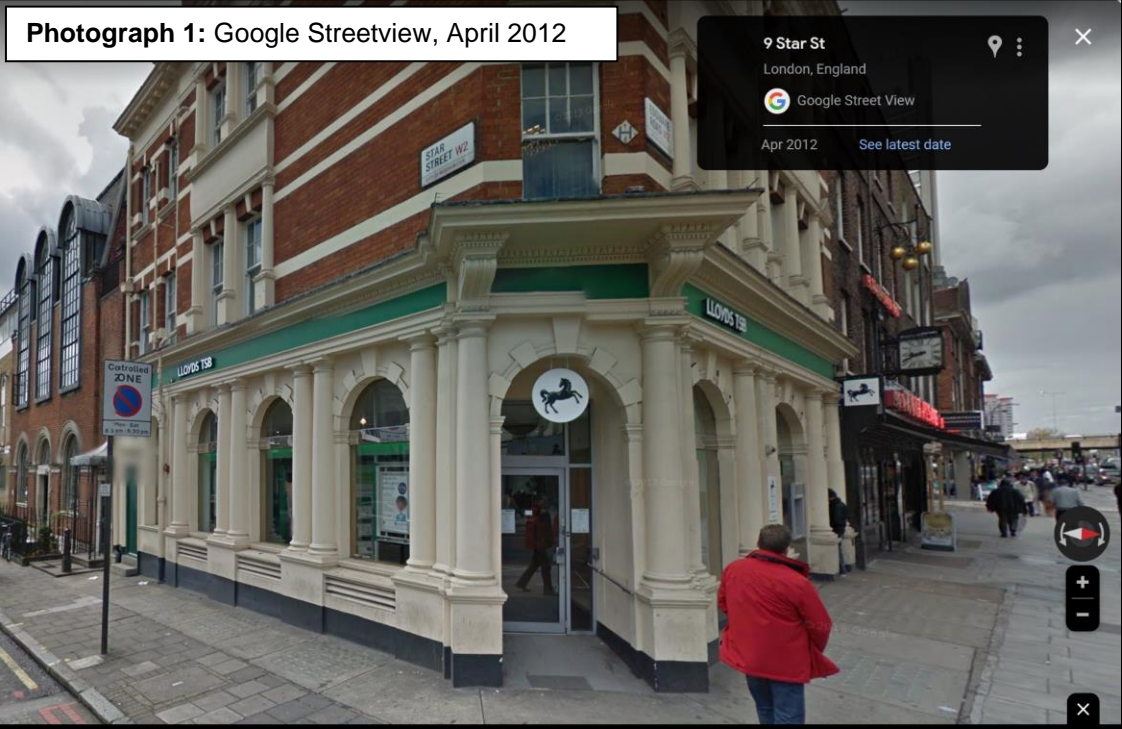
Having regard to the development plan policies and other material considerations, it is considered reasonable and proportionate to pursue formal enforcement action against the use of the highway at the Edgware Road frontage for the provision of tables and chairs, allowing the provision at the Edgware Road frontage to continue only for a limited time, subject to conditions. After one year, the owner will be required to seek a new planning permission or to seek a pavement licence.

3. LOCATION PLAN



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4. PHOTOGRAPHS





Photograph 3: Google Streetview, June 2021



Photograph 3: WCC inspection, September 2022

5. CONSULTATIONS

5.1 Application Consultations

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION
No response received

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 44, Total No. of replies: 0

PRESS NOTICE/ SITE NOTICE:
No

5.2 Applicant's Pre-Application Community Engagement

N/A

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (December 2023) and should be afforded full weight in accordance with paragraph 225 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (December 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The Property is a ground floor and basement level unit within a five-storey building at the corner of Star Street and Edgware Road. The Property is in use as a café with provision of shisha smoking. The Property forms part of the Edgware Road South CAZ Retail Cluster. The Property is not listed, and is not located within a conservation area.

The external seating provision on the highway at the Edgware Road frontage varies, with up to 8 small tables and 16 chairs provided, sometimes extending across the corner entrance to the premises. At the north-west end of the Edgware Road seating area is a further screen affixed by hinges, and the edge of the seating areas is marked by black canvas barriers.

7.2 Recent Relevant History

On 15th November 2016 planning permission was granted for 'Use of ground floor and part basement as a mixed A1/A3 coffee bar with seating (Sui Generis) and use of basement as offices (Class B1)' (RN. 16/07126/FULL).

On 16th June 2017 planning permission was granted for 'Use of an area of the public highway measuring 6.6m x 1.5m on the Edgware Road frontage for the placing of 2 barriers, 6 tables and 12 chairs in connection with the existing ground floor unit' (RN. 17/02443/TCH).

On 10th November 2017, planning permission was refused for 'Use of ground floor and part basement as a mixed A1/A3 coffee bar with seating (Sui Generis). Retention of a kitchen extract system, and louvres to Star Street elevation' (RN. 17/07984/FULL).

On 10th December 2018 planning permission was granted in relation to the Edgware Road elevation, for 'Use of an area of the public highway, measuring 6.6m x 1.6m for the placing of 2 barriers, 6 tables and 12 chairs in connection with the ground floor unit' (ref. 18/07907/TCH).

8. THE PROPOSAL

The external seating provision at the Edgware Road frontage varies, with up to 8 small tables and 16 chairs provided, sometimes extending across the corner entrance to the premises. At the north-west end of the Edgware Road seating area is a screen affixed by hinges, and the seating area is enclosed by black canvas barriers. The use of the highway for external seating requires planning permission or a pavement license, but the owner has declined to seek such permission, despite being requested a number of times.

It is proposed to serve an 'under' enforcement notice to prohibit unrestricted use of the highway at the Edgware Road frontage for the provision of tables and chairs for customer use. The result of such action would be to effectively grant planning permission for a limited time, subject to restrictions. The wording of the recommendation proposed is as follows:

'That the Notice take effect 35 days after the date of service and requires within **2 months** from the date it takes effect, the following:

- 1) Cease use of the highway at the Edgware Road frontage of the Property for the placement of tables and chairs for customer use, except to the extent that:
 - a) The 6 tables and 12 chairs must only be placed within the part of the highway shown outlined by green lines on Plan A, with the area to be enclosed by barrier banners only;
 - b) The 6 tables and 12 chairs must only be placed on the highway, between the hours of 09:00 and 23:00 daily;
 - c) The 6 tables and 12 chairs must only be used by customers of the Property;
 - d) No additional tables, chairs, screens or any other furniture or equipment shall be placed on the highway; and
 - e) The 6 tables and 12 chairs may only be placed on the highway until **[one year after date of service]**.

That authority for the issue of the Enforcement Notice also includes authority to withdraw any such notice and to issue further notices if it becomes necessary to do this in order to remedy the breach of planning control to which this notice relates.'

9. DETAILED CONSIDERATIONS

9.1 Land Use

City Plan 2019-2040 Policy 16 (Food, Drink and Entertainment) seeks to ensure that the use of outdoor areas for shisha smoking is only permitted within the town centre hierarchy, provided any unacceptable impacts on public health and amenity of the surrounding area are adequately mitigated.

The proposal in question is the use of the highway at the Edgware Road frontage for tables and chairs, used primarily for shisha smoking. The use of the premises as a mixed-use comprising a café with shisha smoking does not have planning approval.

A number of site inspections have been undertaken during the day and at night. The business is a large, popular, busy and vibrant café with shisha smoking provided at the external tables and chairs only. Internally there are tables, chairs and benches sufficient to accommodate 56 customers, and a full range of hot and cold drinks, and hot and cold food options. Externally, the provision of tables and chairs varies slightly between the day and the evening, with up to 6 tables and 12 chairs provided at the Star Street elevation, and up to 8 tables and 16 chairs provided at the Edgware Road frontage, including across the front entrance.

However, it is considered that if the number of tables and chairs were to be reduced as a result of the requirements of Notice A (relating to the seating area at the Star Street elevation) and Notice B (the subject of this report) there would be no tables and chairs for customer use at the Star Street frontage, and no more than 6 tables and 12 chairs provided at the Edgware Road frontage. It is considered that on the basis of this significantly reduced area of tables and chairs, the provision of shisha until 23:00 would constitute an ancillary part of the café use.

9.2 Environment & Sustainability

N/A

9.3 Biodiversity & Greening

N/A

9.4 Townscape, Design & Heritage Impact

N/A

9.5 Residential Amenity

City Plan 2019-2040 Policy 7 (Managing Development for Westminster's People) seeks to ensure proposals are 'neighbourly' by protecting, and where appropriate enhancing, local environmental quality. Policy 33 (Local Environmental Impacts) seeks to protect the local environment from adverse impacts from developments including from noise pollution.

Planning permission was granted for the use of the upper floors at the subject Property as residential flats in 2014, and there are a number of other residential flats at the upper levels of the surrounding properties. Whilst Edgware Road is a vibrant area, with a thriving night-time economy, it is reasonable to expect the use of the external area to cease at 23:00, when the majority of residents would want to be going to be sleep.

A large area of customer seating used late into the night would have the potential to cause noise and disturbance to residents in the local environment, which would be contrary to London Plan policy D14 and City Plan policies 7 and 33, which seek to prevent development causing adverse impacts on residential properties.

Therefore, having regard to the development plan policies and other material considerations, it is considered reasonable and proportionate to 'under-enforce' the unauthorised use of the highway at the Edgware Road frontage for customer seating, by serving an enforcement notice, which permits the use to continue only subject to the following conditions:

- a) The 6 tables and 12 chairs must only be placed within the part of the highway shown outlined by green lines on Plan A, with the area to be enclosed by barrier banners only;
- b) The 6 tables and 12 chairs must only be placed on the highway, between the hours of 09:00 and 23:00 daily;
- c) The 6 tables and 12 chairs must only be used by customers of the Property;
- d) No additional tables, chairs, screens or any other furniture or equipment shall be placed on the highway; and
- e) The 6 tables and 12 chairs may only be placed on the highway until [one year after date of service].

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9.6 Transportation, Accessibility & Servicing

Highway Impact

City Plan 2019-2040 Policy 25 (Walking and cycling) seeks to ensure proposals prioritise and improve the pedestrian environment. Policy 28 (Highway access and management) states that the council will resist the loss of highway land, particularly footways.

The lawful use of the highway is for the passing of pedestrians. Authorisation for the use of the highway for the provision of tables and chairs expired on 19th December 2019.

The primary function of the highway is the free and unobstructed movement of the highway users, i.e. pedestrians. Secondary functions can be considered those that relate to the primary function, such as the provision of cycle parking and bus stop facilities. Tertiary functions of the highway are those that need not occur on the highway, including the provision of external tables and chairs for customer seating. Therefore, the priority is given to pedestrian movements.

At the Edgware Road frontage, the pavement measures approximately 5.7m from the building line to the kerb edge. The area in use for the provision of tables and chairs at this elevation is 1.6m in width from the building line to the canvas freestanding barriers, and therefore a width of 4.1m is retained for the passing of pedestrians. Accordingly, the flow of pedestrians is not obstructed by the use of this area of highway for the provision of tables and chairs, as the minimum requirement of 2m is retained.

Whilst it is unlikely that the provision of tables and chairs at the Edgware Road frontage would be increased to the extent that it impeded the 2m minimum width of pavement required to be retained for safe passing of pedestrians, without conditions imposing a maximum seating area, such provision could be possible. Extending the seating area across the front of the adjacent property, across the junction with Star Street or across the full width of the pavement would impinge the safe flow of pedestrians, contrary to London Plan policy SD6, which encourages the delivery of a barrier-free and inclusive town centre for all Londoners, and City Plan policies 25, 28 and 43, which seek to protect and prioritise pedestrian movement on the highway, and require that proposals for the provision of tables and chairs must not compromise pedestrian movement.

Accordingly, it is considered appropriate to allow the use of the highway to continue, subject to restrictions controlling the amount of pavement to be used for this purpose, and the number of tables and chairs and other furniture to be provided.

9.7 Economy including Employment & Skills

N/A

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9.8 Other Considerations

None.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

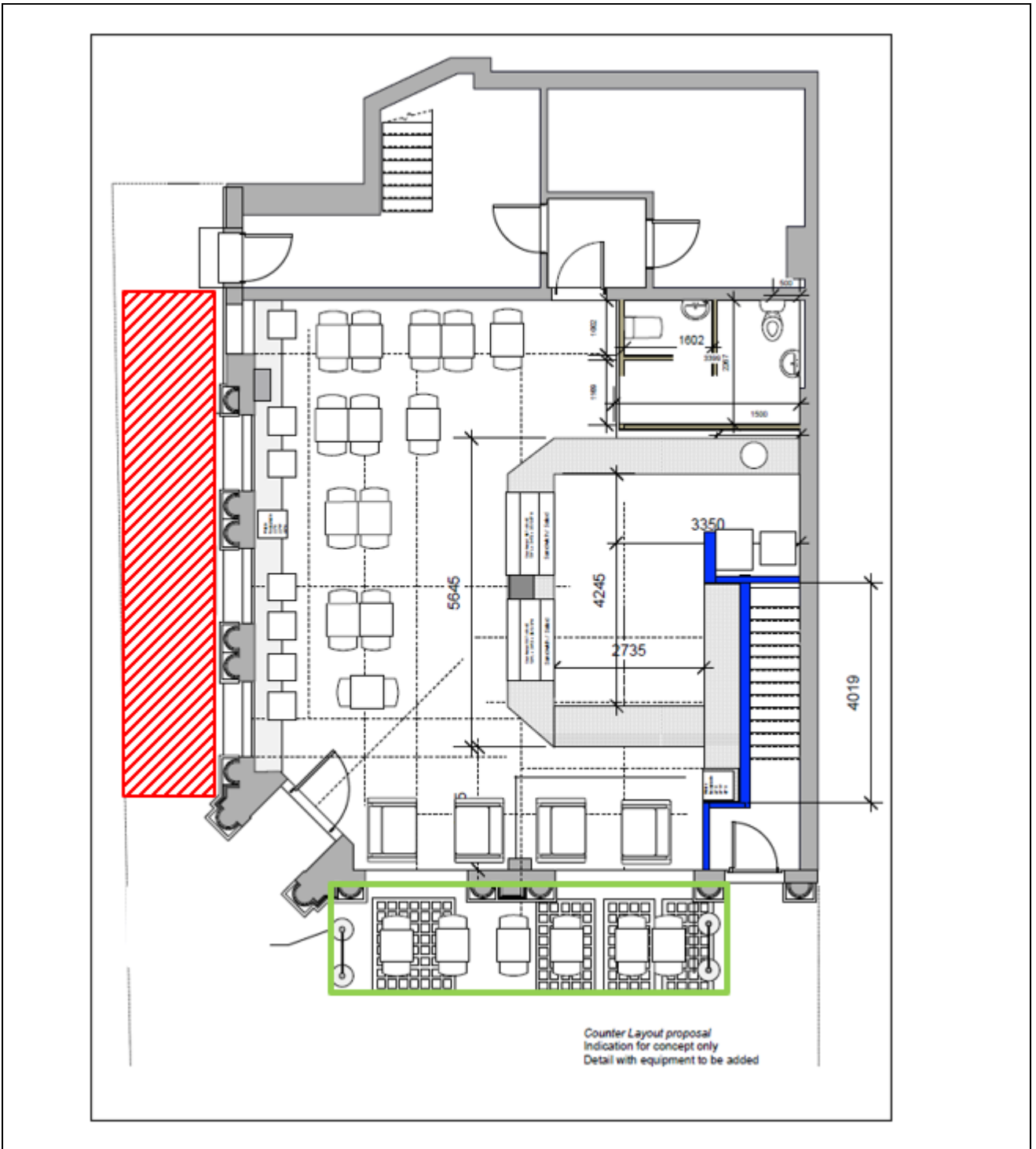
Planning obligations are not relevant in the determination of this application.

10. Conclusion

This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy. Having regard to this assessment, it is considered that the proposed 'under' enforcement notice is reasonable and proportionate.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **Karen Ball**. BY EMAIL AT: **kball@westminster.gov.uk**.

11. KEY DRAWINGS



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BACKGROUND PAPERS

1. Planning Enforcement Officer's Report
2. Decision notice and plans re planning permission granted on 15th November 2016 for 'Use of ground floor and part basement as a mixed A1/A3 coffee bar with seating (Sui Generis) and use of basement as offices (Class B1)' (RN. 16/07126/FULL).
3. Decision notice and plans re planning permission granted on 16th June 2017 for 'Use of an area of the public highway measuring 6.6m x 1.5m on the Edgware Road frontage for the placing of 2 barriers, 6 tables and 12 chairs in connection with the existing ground floor unit' (RN. 17/02443/TCH).
4. Decision notice and plans re planning permission refused on 10th November 2017 for 'Use of ground floor and part basement as a mixed A1/A3 coffee bar with seating (Sui Generis). Retention of a kitchen extract system, and louvres to Star Street elevation' (RN. 17/07984/FULL).
5. Decision notice and plans re planning permission granted on 10th December 2018 in relation to the Edgware Road elevation, for 'Use of an area of the public highway, measuring 6.6m x 1.6m for the placing of 2 barriers, 6 tables and 12 chairs in connection with the ground floor unit' (ref. 18/07907/TCH).

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Agenda Item 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 March 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Abbey Road	
Subject of Report	Templar Court, 43 St John's Wood Road, London, NW8 8QJ		
Proposal	Construction of a new three storey dwelling with external terrace and patio located in between 7 & 8 Squire Gardens.		
Agent	Daniel James		
On behalf of	WTB Development Co. Ltd		
Registered Number	23/08585/FULL	Date amended/ completed	22 December 2023
Date Application Received	12 December 2023		
Historic Building Grade	Unlisted		
Conservation Area	N/A		
Neighbourhood Plan	N/A		

1. RECOMMENDATION

Grant Conditional Permission.

2. SUMMARY & KEY CONSIDERATIONS

<p>This application relates to Squire Gardens, a complex of 2 storey houses around a communal courtyard to the rear of a block of flats, named Templar Court, on the north side of St John's Wood Road. The area in question is a gap between numbers 7 and 8 Squire Gardens currently used as a fire escape. The site is not located in a conservation area and is unlisted.</p> <p>Permission is sought for the construction of a new three storey dwelling with external terrace and patio located in between 7 & 8 Squire Gardens. Some minor revisions to the drawings were made during the course of the application. It was not deemed necessary to reconsult on these.</p> <p>Objections have been received from the St John's Wood Society and local residents on a number of grounds, including: land use, design, residential amenity, fire risk and structural impact.</p>
--

The key issues in the determination of this application are:

- The acceptability of the proposed residential accommodation in terms of its, size, mix and accessibility.
- The impact of the proposed building in design terms and upon the character and appearance of the building and wider townscape; and
- The impact of the proposals upon the amenity of neighbouring properties.
- The acceptability of the energy performance of the proposed building.

The application is considered to accord with policies in the City Plan 2019-2040 adopted April 2021 with respect to land use, design, amenity, highways and trees and the application is therefore recommended for approval subject to the conditions as set out within the draft decision letter appended to the report.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Templar Court – street view



Aerial View



Squire Gardens



Entrance to application site area



Photos to show application site area, from within application (top) and from 27 Storey Court (bottom)



5. CONSULTATIONS

5.1 Application Consultations

ST JOHN'S WOOD SOCIETY:

Objection raised on the grounds that the development is overdevelopment on an inaccessible site with a constrained access. A 3d visual would have been helpful. A request is made that the case officer carries out a site visit to assess the impact to neighbouring properties.

LOCAL FLOOD AUTHORITY:

Due to the site, size, location and type of development, this application does not meet the threshold requirements for the LLFA to respond, as there is no known local flood risk to this proposed development, and it is a minor application.

HIGHWAYS PLANNING MANAGER:

No objection

WASTE PROJECT OFFICER:

Objection raised, whilst the applicant has indicated a waste storage on the drawing submitted for the development, the drawings are not in line with the council waste storage requirements.

ENVIRONMENTAL SCIENCES:

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 290

Total No. of replies: 19

No. of objections: 19

No. in support: 0

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

Land Use:

- overdevelopment
- no more requirements for luxury residential developments
- if something was to be built here, it would have been built as part of the original development
- proposals do not meet the minimum space standards for new homes in terms of space and standard of accommodation
- the proposals go against the guidance of the St John's Wood Society which identifies the concerns of basement development
- the proposals go against the claim of the St John's Wood Society which says 'the society will object to applications for infill development where the scale and detailing and proportions will have a detrimental impact on the character of the building'

Design:

- The proposals do not comply with London Plan or City Council design policies
- Proposals would disrupt the harmonious character of the courtyard
- unbalancing of 'gaps' of the courtyard mews
- proposals would not match the detailed design of the existing courtyard houses
- poor architectural quality
- non-matching materials
- security risks from proposed design, making it easier for people to climb onto the roofs
- the green roof is out of keeping with the area

Amenity:

- overlooking because of the glass façade
- noise from the new house and terrace/courtyard
- loss of view

Other:

- loss of fire escape stair
- building over of ventilation space for lower ground carpark
- lack of sustainable design statement
- lack of structural method statement
- no consultation with neighbours by developer
- the application is factually incorrect/ misleading referring to the site as 'a vacant plot of land'
- title deeds show the land in front of 7 & 8 Squire Gardens is in the ownership of those properties not the freeholder
- lack of consultation on revised drawings
- why did the case officer meet the applicant on site, especially during the consultation procedure and why weren't neighbours afforded the same visit.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The applicants submission is silent on the issue of community engagement. Objectors note in their responses that the applicant has not carried out any consultation with local residents. Given the nature of the proposals, whilst regrettable, this is not a formal requirement for a scheme of this nature.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (December 2023) and should be afforded full weight in accordance with paragraph 225 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development

plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (December 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The application site comprises a 1990’s block of flats, named Templar Court and a series of two storey houses set around a communal courtyard called Squire Gardens. The site sits on the north side of St John’s Wood Road sited between Lisson Grove and Hamilton Terrace. The site lies outside of a conservation area, but adjacent to the St John’s Wood Conservation Area (the conservation area stops on the boundary with the rear of Squire Gardens/ Scott Ellis Gardens. The property is not listed.

To the rear of the application site, within the conservation area is Scott Ellis Gardens, a series of six flatted mansion blocks. To the west of the application site is Storey Court, a residential development for the over 55’s.

7.2 Recent Relevant History

23/05600/FULL
 Variation of condition 1 (and in turn condition 9) of the planning permission dated 21st December 2021 (RN:21/03579/FULL) for the Erection of a single storey roof extension above the existing circular parapet to provide one self-contained flat (Class C3) with associated roof terrace. Namely, extend the front terraces on both sides of the consented extension to the front of the building.
 Application permitted 2 January 2024

21/03579/FULL
 Erection of a single storey roof extension above the existing circular parapet to provide one self-contained flat (Class C3) with associated roof terrace.
 Application permitted 21 December 2021

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13/03561/FULL

Erection of single storey extension to existing side / rear terrace, installation of air conditioning condensers to rear terrace, and installation of replacement windows and doors all at sixth floor level (Flat 36).

Application permitted 24 September 2013

94/07391/FULL

Redevelopment to provide residential development of 34 flat and 9 houses (alterations to scheme granted 23/11/1992 - 92/01445/FULL)

Application permitted 26 January 1995

8. THE PROPOSAL

The proposals are for a new residential dwelling at the northwest corner of the site located in between 7 & 8 Squire Gardens, and between two rows of mews houses. The new house would comprise lower ground, ground floor, one upper storey and slated pitched roofs and incorporates an external terrace and patio. Changes are required to the existing fire escape arrangement adjacent No. 8 Squire Gardens.

During the course of the application the applicant revised the drawings as there was an error on the submitted plans. The original plans showed an area of roof being built up to the boundary with No. 8 Squire Gardens, which in fact was not proposed. The revised drawings removed this 'build up' with No. 8 Squire Gardens. The plans were accepted by the case officer and it was not considered that this rectification was so significant as to warrant further consultation, despite an objection received on this basis.

9. DETAILED CONSIDERATIONS

9.1 Land Use

A number of objections have been received to the proposals on land use grounds.

In land use policy terms, the provision of a new additional residential house is in accordance with Policy 8 (Housing Provision) of the City Plan and is therefore welcomed. The policy refers to optimising housing density and the scheme which seeks to utilise an area of vacant land, subject to other matters discussed below, is therefore acceptable in principle, an innovative approach (as discussed in part 8.4 of the policy) to housing supply and the objections received on the grounds of overdevelopment of this piece of land can not be sustained.

Policy 12 of the adopted City Plan seek to ensure new homes and residential extensions provide a well -designed, energy efficient and high quality living environment; that 90% of all new build housing is accessible and adaptable and that all new homes will meet or exceed the National Described Space Standard.

The unit is proposed as a 2 bedroom, 3 person unit over 3 storey's and measures 81.2m². At lower ground floor level a bedroom, a study and a bathroom are proposed. The study has not been designed as a bedroom given the constraints of the site and layout of the property, open to the staircase. There is a courtyard at this level. At ground

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floor level a living area and kitchen is proposed. There is also a balcony at this level. At first floor level a bedroom and a bathroom are proposed

At 81.2 m² the new house exceeds the minimum requirements outlined in the Nationally Described Space Standards for a 2 bed residential unit which is 70sqm. Objections have been received on the grounds that the site should be considered a dwelling over 3 storey's and therefore have a minimum space of 90m². Officers consider this a misinterpretation of the standards as 90m² would be for a 3bed, 4 person unit over 3 storey's. Not only can the study not be included as a bedroom for the reasons outlined above, but the lower ground bedroom is not considered large enough to accommodate 2 people. The proposed house will be well lit from glazed elevations at lower ground and ground floor levels and ample rooflights. The applicant has submitted a daylight and sunlight assessment which confirms that the proposed house will be subject to adequate levels of daylighting in accordance with the BRE Guidance, as amended in 2022.

Policy 12 D also requires that all new homes will provide at least 5 sqm of external amenity space. The proposals exceed this with a courtyard and a terrace.

In response to the objections concerning 'more new luxury homes', the City Council in this circumstance have no control over the rent or purchase price of this property should permission be granted and built out and this is not a reason to withhold permission.

A number of objectors comment that had a home been wanted in this location, it would have formed part of the original redevelopment approval from 1995. Whilst this may have been true then, this is not a reason to not accept or dutifully assess a planning application for a new house now.

Objectors also argue that the proposals go against the guidance of the St John's Wood Society which identifies the concerns of basement development. However, whilst the scheme does include a lower ground floor level, there is no basement excavation proposed.

The proposals are acceptable in land use terms and comply with City Council and London Plan policies.

9.2 Environment & Sustainability

Objections have been received that a sustainable design statement, as required by the City Council's validation checklist was not submitted with the application. An energy statement which included a section on energy and sustainability was submitted with the application and during the course of the application a sustainable design statement was also submitted.

Sustainable Design

The proposals are providing high quality additional residential floorspace to the existing development. The applicant advises that sustainable and sustainability sourced materials will be used wherever possible. The new house will have good insulation and the windows will have sound thermal energy performance.

The proposals are considered to comply with Policy 38D (Design Principles) of the City

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Plan and the guidance as set out in the 'Energy' and 'Retrofitting and Sustainable Design' sections of the ESPD.

Energy Performance

Policy 36 of the City Plan relates to energy and promotes zero carbon; developments to reduce on-site energy demand and to maximise low carbon energy sources. The applicant has provided an energy statement setting out their commitment to reducing energy demand and CO2 emissions, including: the use of sustainable materials, natural ventilation, energy efficient lighting and a combined heat and power system (CHP).

Whole Life Carbon

The proposed scheme is a minor development and therefore a Whole Life Carbon Assessment is not required.

Circular Economy

Whilst Policy 37C states that developers are required to demonstrate the recycling, re-use and responsible disposal of construction, demolition and excavation waste, there is no demolition proposed and as the scheme is not a major application, therefore the applicant is not obliged to comply with the Circular Economy policies.

Flood Risk & Sustainable Drainage

Due to the site, size, location and type of development, the City Council's local lead flood authority does not consider that there is a risk to local flood risk from the proposed development. Measures to reduce the risk of surface water flooding include the planting of a green sedum roof. The proposals are in accordance with policy 35 (Flood risk) and will help protect receiving waters from pollution and minimise the risk of flooding and other environmental damage.

Light Pollution

Whilst the proposals include largely glazed elevations to the rear elevation of the new house at lower ground and ground floor level, these face within the courtyard and toward the existing high boundary walls of the application site and result in little light pollution to the occupiers of Storey Court and Scott Ellis Gardens. At first floor level one window is proposed to the master bedroom and rooflights are proposed to the main roof. Whilst these would be visible from upper levels of adjacent properties, these are very domestic in nature and are not so large so as to result in harmful levels of light pollution. It is also not considered that these levels of light would be harmful to any wildlife. The proposals are considered to comply with Policy 33(B). Local environmental impacts

Environment & Sustainability Summary

For a development of this size and nature it is considered that the proposal meets the City Council's environmental and sustainability policies.

9.3 Biodiversity & Greening

A green roof is proposed at roof level. This is welcomed and in accordance with policy 34 (B) of the City Plan. A condition securing this is installed is recommended.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39 in the City Plan 2019-2040 states that features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should be clearly and convincingly justified and should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The relevant policies for the consideration of this application are 34, 36 38, 39 and 40 of the City Plan 2019-2040.

Proposals

The site currently accommodates a fire escape staircase, which allows escape from the underground car park. This is proposed to be remodelled to run along the southern side of the site with No. 8 Squire Gardens, with a three-storey pitched roofed dwelling covering much of the remaining space.

The boundary wall with the Storey Court site to the west will be raised for a length of 3.7m and a height of 1.5m. Above this a pitched roof is proposed and slopes up eastwards to match the height of the eaves of the Squire Gardens houses. To the north of the site the bulk of the upper floors/ roof springs off the tall boundary wall with Scott Ellis Gardens. The eaves of the proposed roof at this point slopes up southwards, again to match the height of the eaves of the Squire Gardens houses. Much of the building will be concealed by its pitched roof, which mimics the form of its neighbours to the east and south. At the northwestern corner of the site the proposals will feature a three storey lightwell, providing light to the development site. At lower ground floor level a courtyard is proposed accessed from the bedroom/ study area and at ground floor level behind the party walls will be a small balcony.

Assessment

Objections have been raised to the development of this 'townscape gap' and that if this was intended on being a house, it would have formed part of the 90's proposals. The 90's scheme included three gaps, to the far east, far south and one in the corner of the development (the application site) and provided ventilation for the car park. The gap in question is not felt significant or worthy of retention in light of a well-designed and considered scheme. Two gaps would remain offering some design symmetry and ventilation for the car park. In addition the reconfigured fire escape stair also still provides ventilation to the carpark.

From a design perspective, the development successfully responds to the form and geometry of the neighbouring mews houses. Whilst a modest amount of bulk will be created by the roof above the existing boundary wall, this is no more imposing than the existing development. It is intended to match the brick work and slates of the existing buildings, which enables the development to integrate successfully with its neighbours, despite the objections raised on this point. A green roof is proposed and this is welcomed in design terms, despite the objection received on the grounds that this is out of keeping with the area. Green roofs are much more common place given the biodiversity benefits they bring about and it should be noted that the roof extension to main Templar Court will also contain one.

In conclusion, from a townscape perspective the proposals will appear quiet and respectful of its context having a negligible impact on the setting of the adjacent conservation area. Subject to conditions ensuring that materials match the estate, the proposals are supported on design and townscape grounds.

9.5 Residential Amenity

Development that could result in a change to the amenity of neighbouring residents such as that of the proposals here must be found to be in accordance with policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policy 33 is also relevant which seeks to make sure that quality of life and health and wellbeing of existing and future occupiers.

A number of objections have been received to the proposals on the grounds of overlooking, noise from the new house and terrace/courtyard and loss of view.

Loss of light/ sense of enclosure

To facilitate the development, as noted above the boundary wall with Storey Court is to be raised in height by 1.5m for a length of 3.7m. This will be some 5m away from east facing windows of Storey Court, and is to replicate the relationship that properties 8, 9 and 10 Squire Gardens has with Storey Court. The sloping roofs and the remainder of the bulk and massing of the new home are to be no higher than the roofs of the adjacent 7 and 8 Squire Gardens. The applicant has submitted a daylight and sunlight assessment with the application and this demonstrates that there no significant losses to the properties in Storey Court and that the proposals comply with the BRE Guidance (2022).

In terms of enclosure, whilst the boundary wall with Storey Court is to be built upwards and the 'gap' is to be fully built over, replicating the roof heights of 7 and 8 Squire Gardens it is not considered that this relationship is harmful to the amenity of the occupiers of Storey Court in terms of sense of enclosure and the proposals will result in a similar relationship that the current occupiers of Storey Court experience with 8, 9 and 10 Squire Gardens.

Overlooking

Given the majority of the bulk and massing is contained behind the existing or adapted boundary walls (in the case of the wall with the Storey Court) it is not considered that there would be any harmful overlooking from the windows or balcony which face into the courtyard at lower ground and ground floor level. At first floor level, two full height windows are proposed to the master bedroom. One faces the side elevation of 8 Squire Gardens and therefore results in no overlooking to neighbouring properties. The other faces the courtyard of the new house and towards the rear elevations of Scott Ellis Gardens, over 10m away. It is not considered due to the distance from the proposed bedroom window that any overlooking would be so harmful to warrant refusal.

Rooflights are proposed both within the slopes of the pitched roofs and the flat green roof. Given their angle and siting these will not result in any overlooking to neighbouring properties.

Loss of View

There are no views from adjacent properties other than to the buildings of the application site itself. In any event, protection of views are not a material planning consideration.

Noise

The use of the lower ground floor courtyard and ground floor balcony in this residential property are not likely to be used so heavily so as to result in harmful noise levels to neighbouring properties.

9.6 Transportation, Accessibility & Servicing

Car Parking

No car parking is proposed for the development and this is supported by policy 27 of the City Plan which seeks to encourage car free redevelopments. As a point to note though there is a basement level car park which provides approximately 40 car parking spaces.

Cycle Parking

2 Sheffield stands for the proposed development are proposed in the basement carpark area, adjacent the reconfigured fire escape. This is welcomed and in accordance with City Council and London Plan policy.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending. The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

9.8 Other Considerations

Waste Storage

Additional refuse storage is shown on the basement car park floor plan in an existing waste storage area. The Council's Cleansing officer considers this not in accordance with the Council's waste guidelines and that further details should be conditioned.

However, it is not considered reasonable to require further details when one additional residential unit is proposed, within this large building which already has a site wide waste storage/ collection plan in place.

Fire Escape

A number of objections have been received on the grounds that the proposals result in the loss of the fire escape stair from the basement car park and adjacent No. 8 Squire Gardens.

The fire escape stair is not being removed, rather it is being reconfigured to run more fully adjacent No. 8 Squire Gardens and not to occupy so much of the space within the application site area, thereby allowing space for the development proposals.

Lack of Structural Method Statement

An objection has been received on the grounds that there is no structural method statement submitted with the application. A structural method statement is not required for a scheme of this nature and matters of structural methodology will be assessed through Building Regulations.

Enclosing of ventilation space for car park

Objections have been received on the grounds that the proposed development and removal of fire escape will result in the enclosing of the one of the ventilation spaces for the basement car park.

Whilst the proposals result in the building over of the plot, as noted above the fire escape stair remains albeit in a reconfigured form and this would still result in ventilation of the car park. This is in addition to three other areas of ventilation that are being retained.

Factual Inaccuracies

Objectors have referenced that the applicant uses misleading and factually incorrect terms when describing the site as a 'vacant plot' and that this implies it should be built over. Officer acknowledge that these areas were 'left open' as part of the 1990's redevelopment, as discussed in the design section of this report.

Ownership Matters

An objector states that the title deeds show the land in front of 7 & 8 Squire Gardens is in the ownership of those properties not the freeholder. Matters of ownership are not a material planning consideration and will be a civil matter should planning permission be granted.

Site Visit

It has been queried why the case officer carried out a site visit to the site with the applicant, during the course of the application and why affected neighbours were not afforded the same opportunity.

The case officer is required to carry out a site visit to understand and assess the proposals. From this visit, it was not considered necessary to visit the adjacent properties of 7 and 8 Squire Gardens given that the case officer had seen everything they needed to see. A visit to the underground car park and surrounding area was made and this too was considered sufficient. The case officer was also able to carry out a visit to a residents property in Storey Court which gave a good overview of the proposals.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

The estimated Westminster CIL payment is £62,787.00 whilst the estimated Mayoral CIL payment is £7,432.00 Note that these figures exclude any discretionary relief or other exemptions that may apply and are estimates based on the floorspace identified in the submitted drawings and documents. The actual CIL liability will be calculated by our CIL & S106 Team post determination of the application using the process set out in the Community Infrastructure Levy Regulations 2010 (as amended).

10. Conclusion

This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, Having regard to this assessment, it has found that the proposed development is acceptable in terms of land use, amenity, design, highways, energy and sustainability.

Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021. It is recommended that planning permission is granted, subject the conditions listed at the end of this report, which are necessary to make the development acceptable.

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

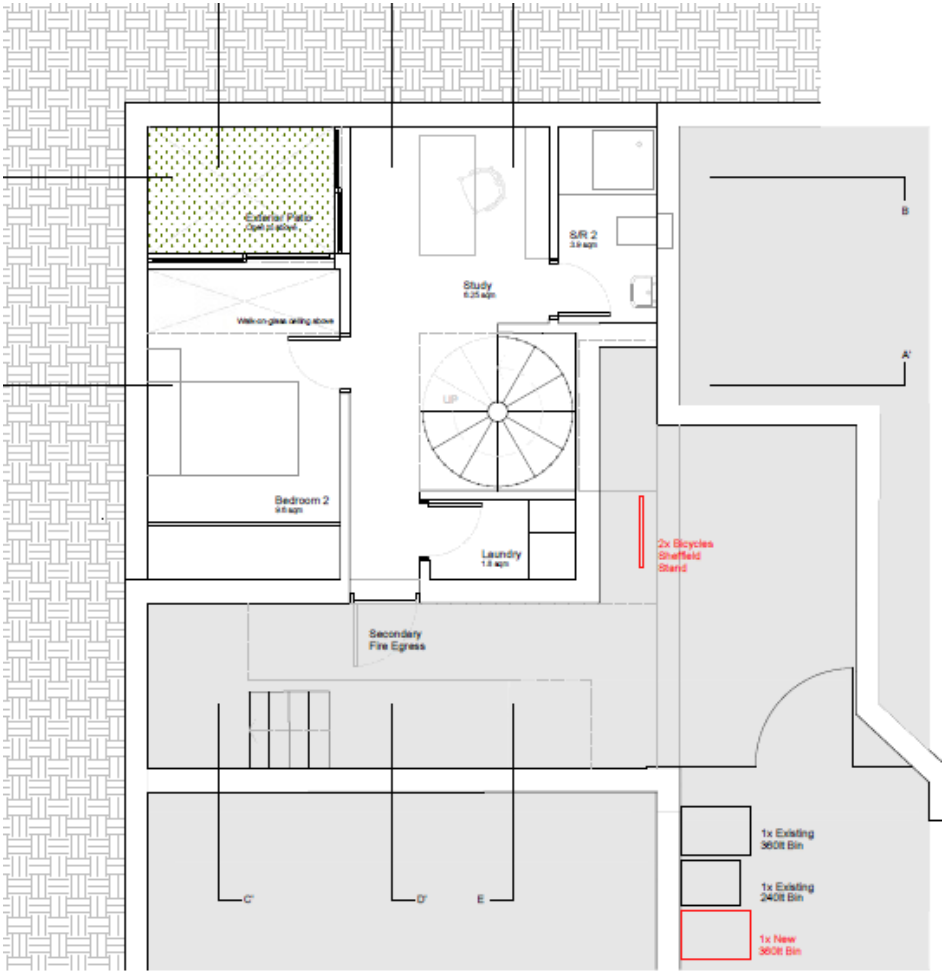
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: IAN CORRIE BY EMAIL AT icorrie@westminster.gov.uk
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11. KEY DRAWINGS

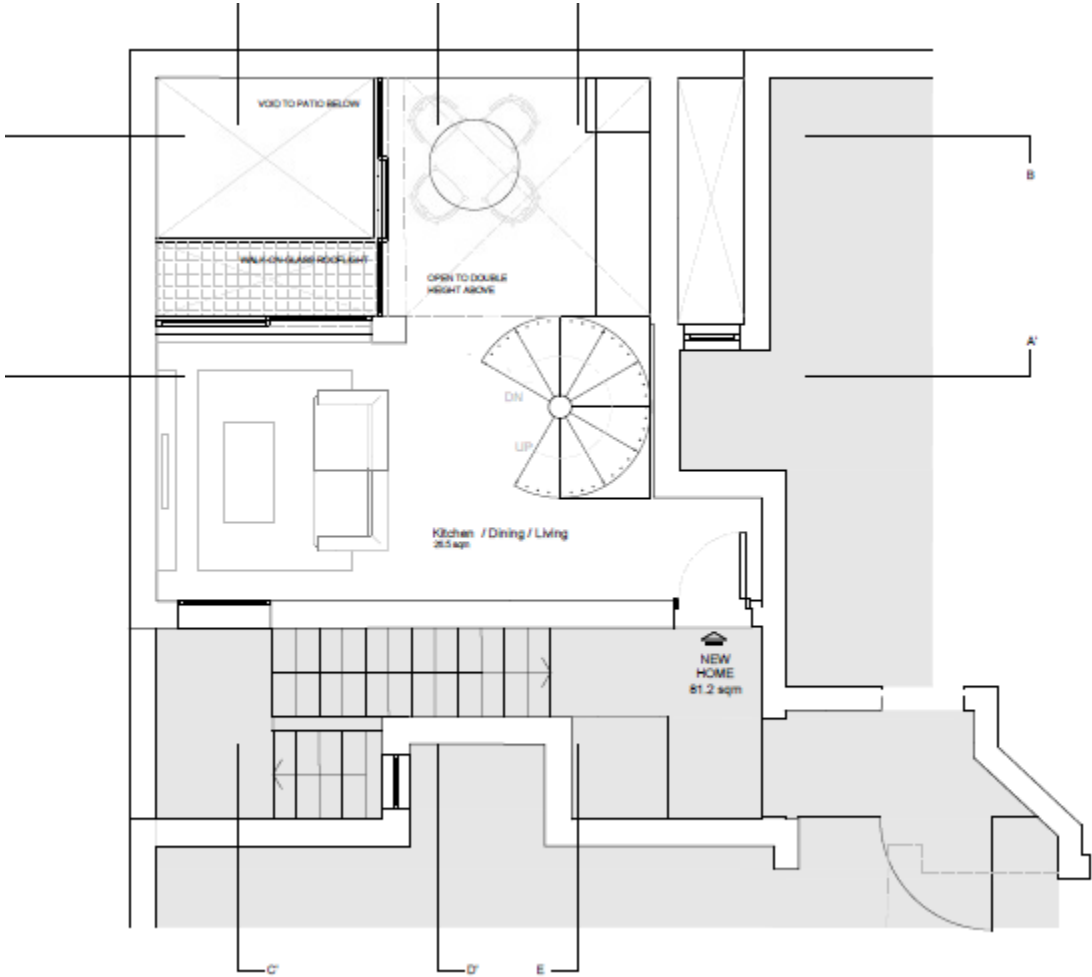
Reminder of application area:



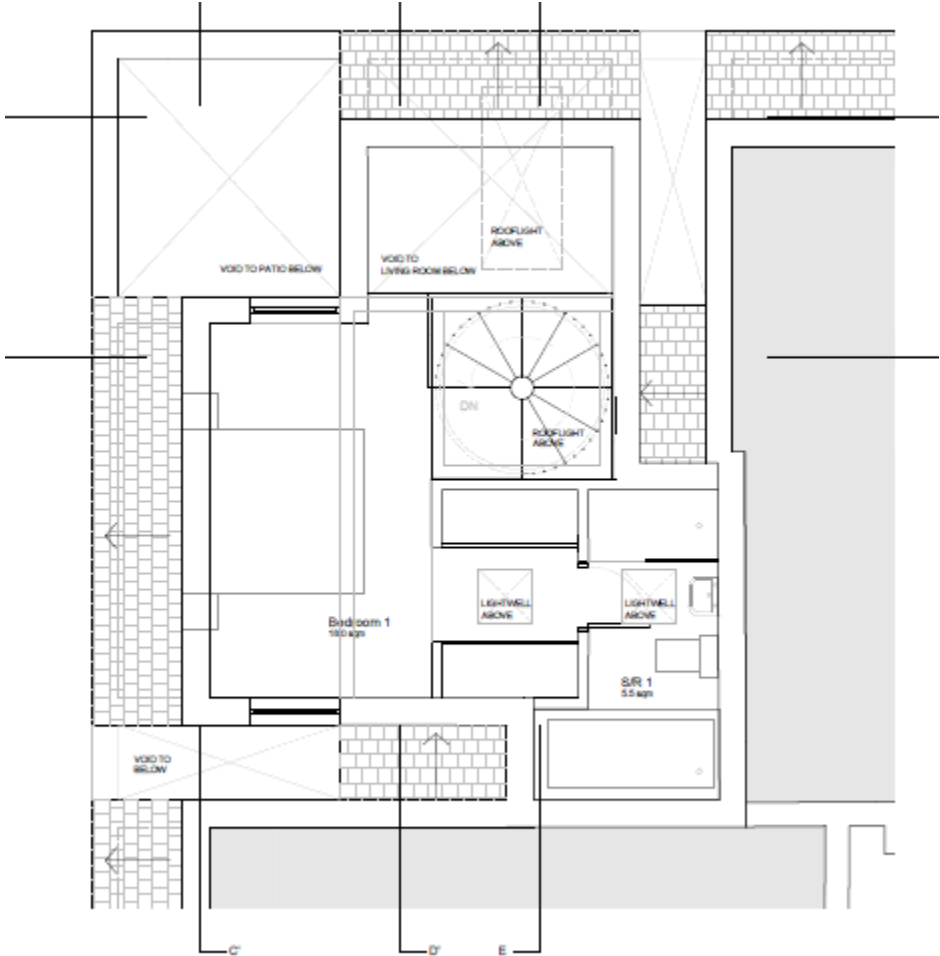
Proposed Lower Ground Floor Plan:



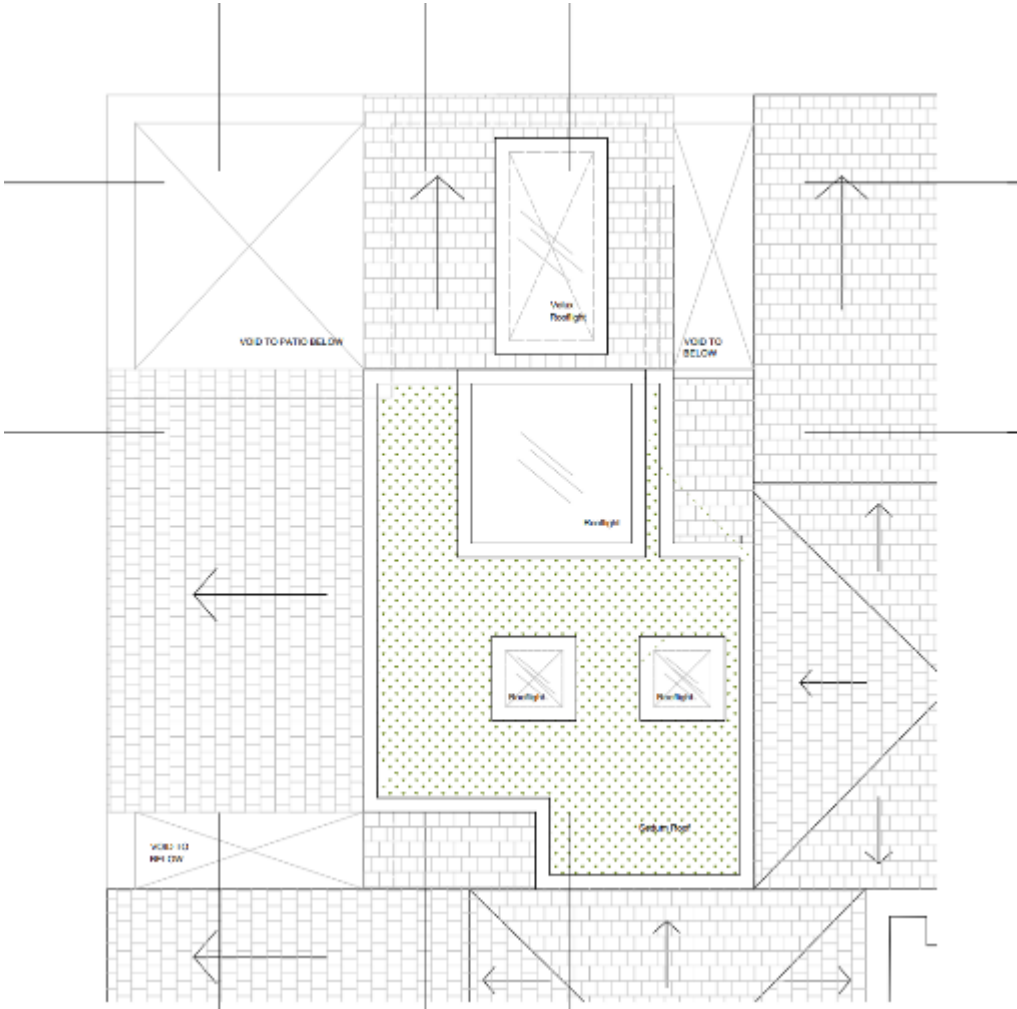
Proposed Ground Floor Plan:



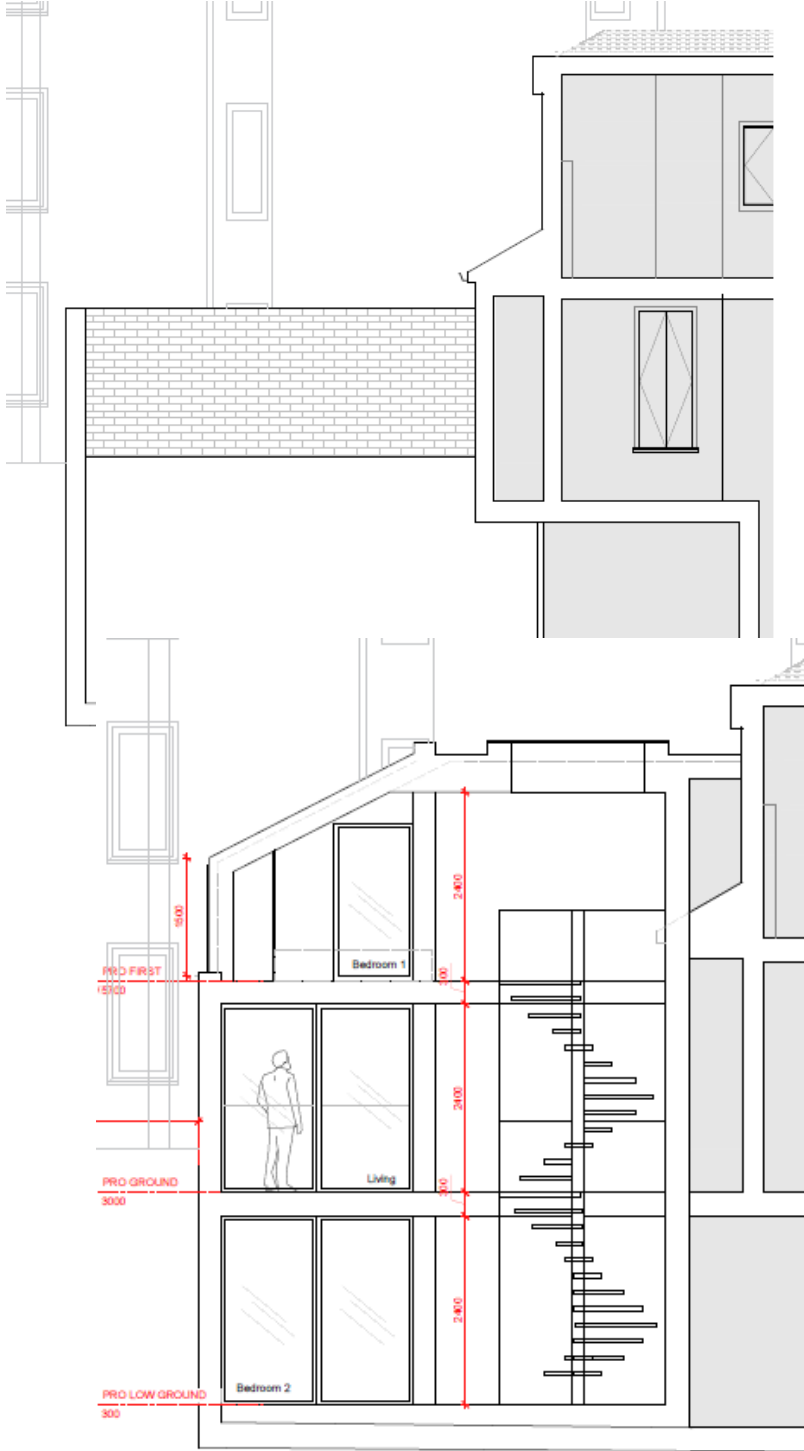
Proposed First Floor Plan:



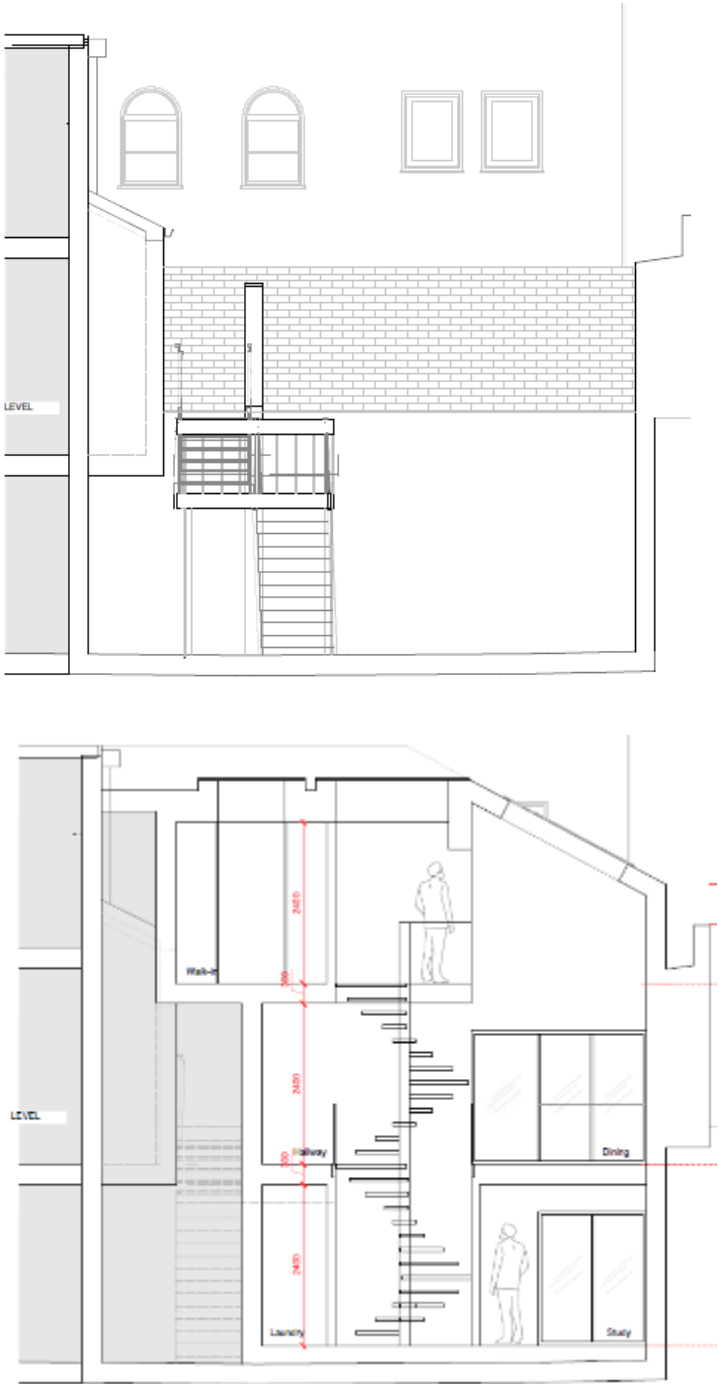
Proposed Roof Plan:



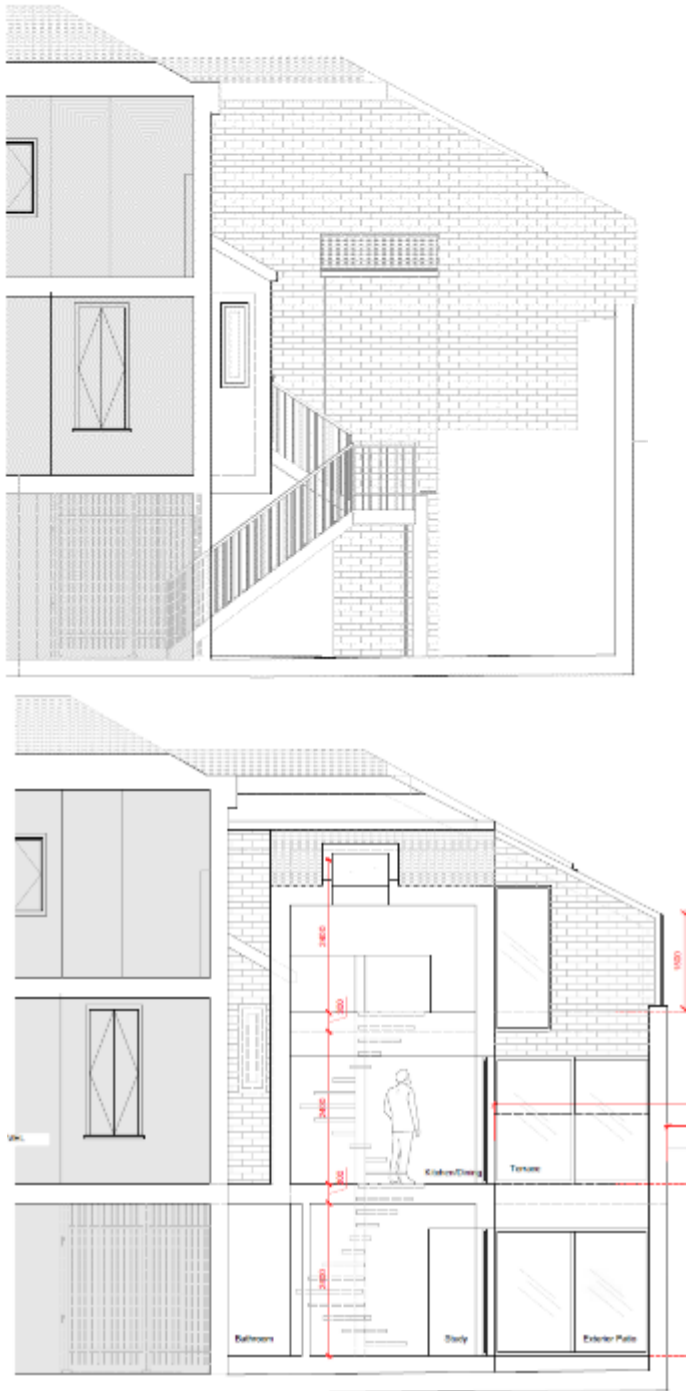
Existing (top) and Proposed (bottom) Section Drawings – Scott Ellis Gardens in rear:



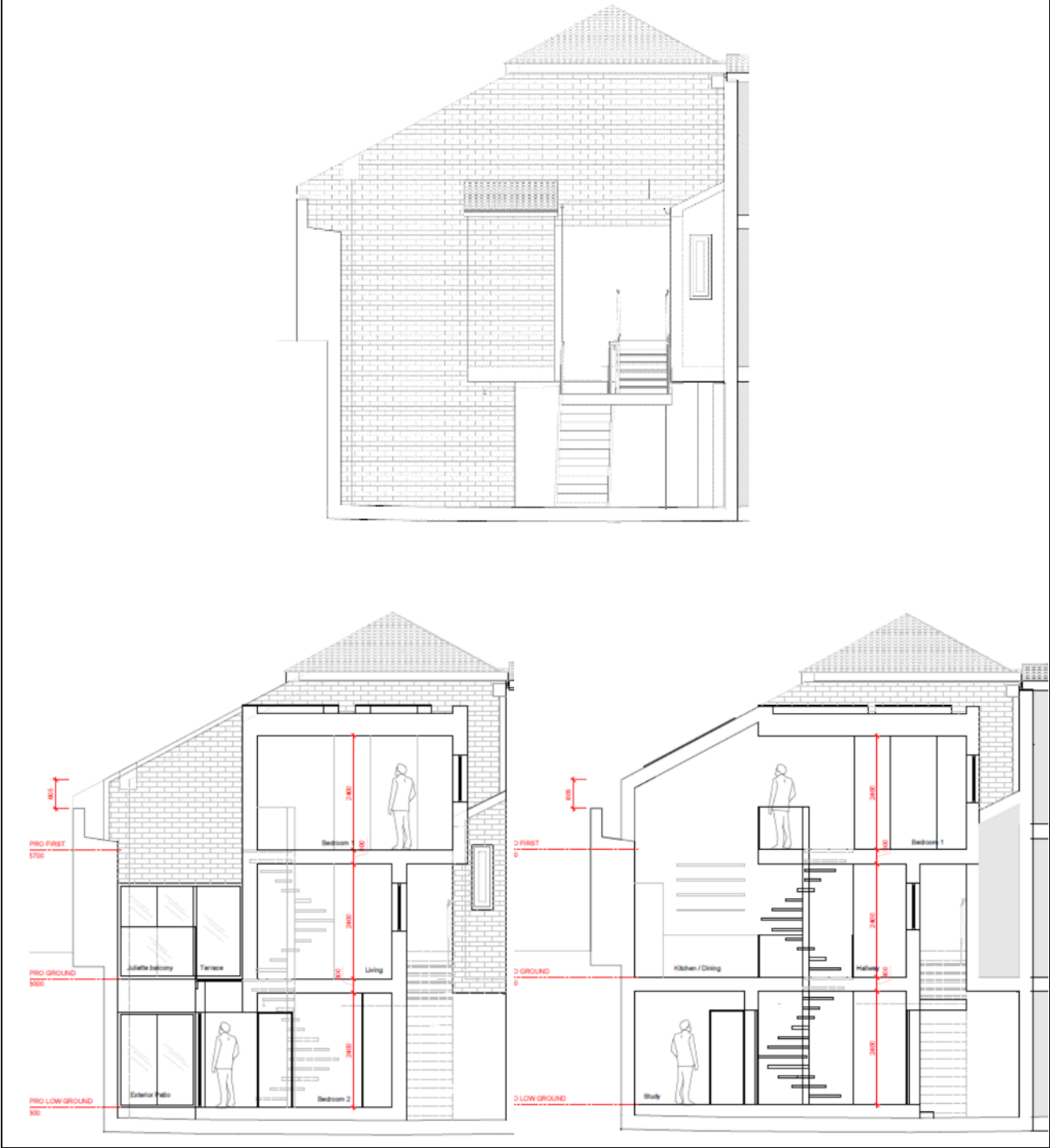
Existing (top) and Proposed (bottom) Section Drawings – Storey Court to rear



Existing (top) and Proposed (bottom) Section Drawings – 8 Squire Gardens to rear



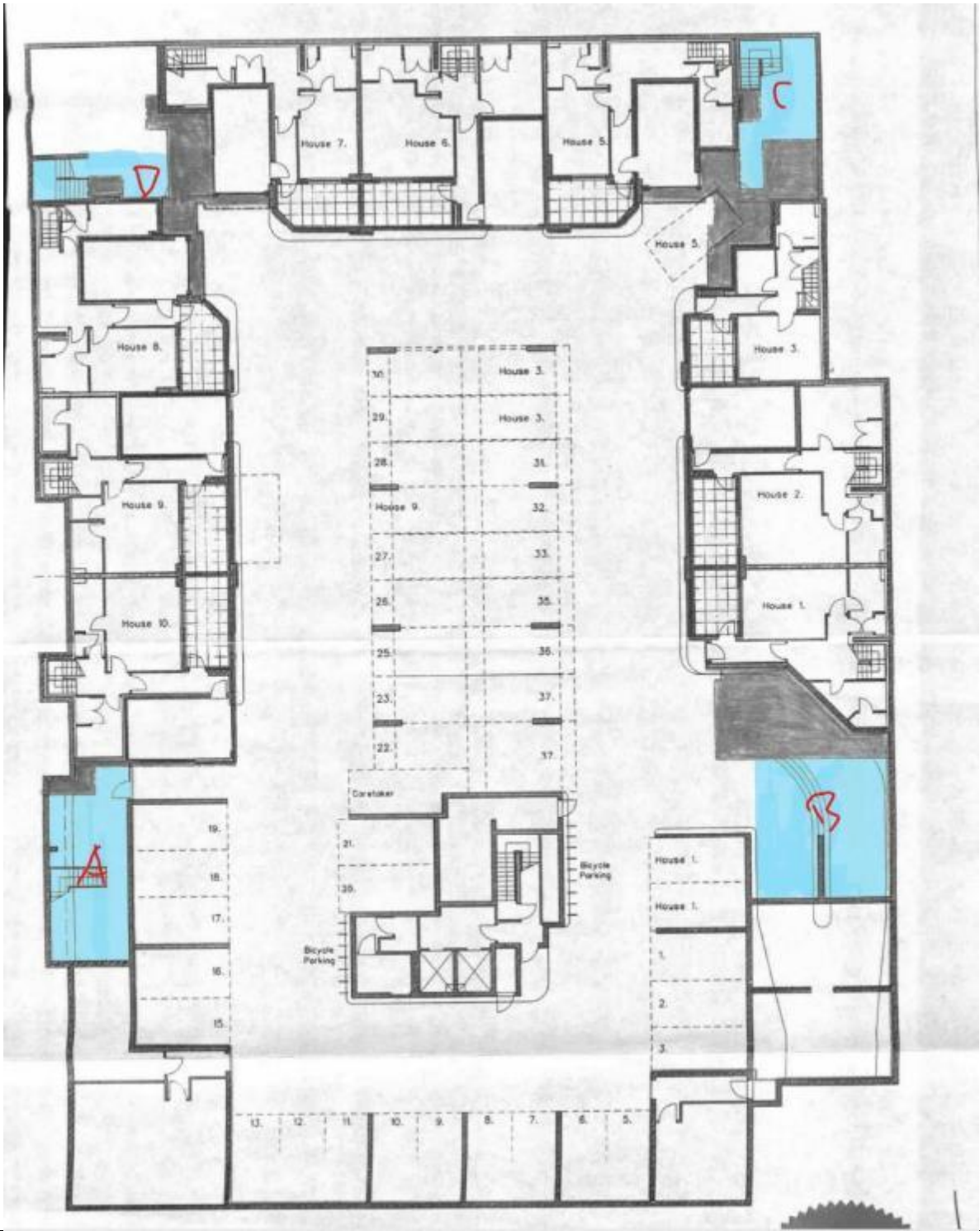
Existing (top) and Proposed (bottom) Section Drawings – 7 Squire Gardens to rear



Axonometrics – For Information



Mark up of basement parking area and ventilation areas:



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DRAFT DECISION LETTER

Address: Templar Court, 43 St John's Wood Road, London, NW8 8QJ

Proposal: Construction of a new three storey dwelling with external terrace and patio located in between 7 & 8 Squire Gardens.

Reference: 23/08585/FULL

Plan Nos: TCT3_SK: 100; 101; 102; 103; 104; 130, 131, 132, 133, 134, 140, 201; 202; 203; 204; 300; 301; 302, 303, 304, 400, Design and Access Statement; Daylight and Sunlight Report (Neighbouring Properties) dated 30 November 2023; Daylight and Sunlight Report (Within Development) dated 11 December 2023; Energy Statement dated 28 November 2023.

Case Officer: Kimberley Davies **Direct Tel. No.** 020 7641 07866036948

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 , onot 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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

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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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number TCT3_SK_201 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the new house. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 6 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 7 The design and structure of the building 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. (C49AA)

Reason:

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 as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

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- 8 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 Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 9 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building without our written permission. This is despite the provisions of Classes A and B of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (as amended) (or any order that may replace it). (C21EC)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 10 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application., , Green Roof, , 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 Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 HIGHWAYS LICENSING:, 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 visit our website at

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www.westminster.gov.uk/guide-temporary-structures., , **CONSIDERATE CONSTRUCTORS:**, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk., , **BUILDING REGULATIONS:**, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 3 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil , Forms can be submitted to CIL@Westminster.gov.uk , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 4 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, for example by issuing regular bulletins about site progress.

- 5 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)

- 6 In relation to the green roof condition, you should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature: www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening.

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

Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 March 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	19 South Street, London, W1K 2XB		
Proposal	Partial demolition to rear wing and roof; excavation of a new basement storey and extension at rear second floor level with erection of a new single story roof extension with rear terrace at third floor; installation of plant with screening on the second-floor terrace; installation of sedum roof at main roof level; and associated works all in association with the continued use as a single-family dwelling.		
Agent	Gerald Eve LLP		
On behalf of	Mr Sam Farmar		
Registered Number	23/03029/FULL	Date amended/ completed	5 May 2023
Date Application Received	5 May 2023		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair Neighbourhood Plan		

1. RECOMMENDATION

Grant conditional planning permission.
--

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the partial demolition of the existing building and the excavation of a new basement level, provision of a single storey mansard roof extension and extensions to the building at the rear all in connection with the continued use of the building as a single-family dwelling (Class C3). The existing terrace at second floor level is retained whilst a new terrace is proposed at rear third floor level with associated planting. An air source heat pump within an enclosure is proposed on the terrace at second floor level. A green roof would be provided at main roof level.

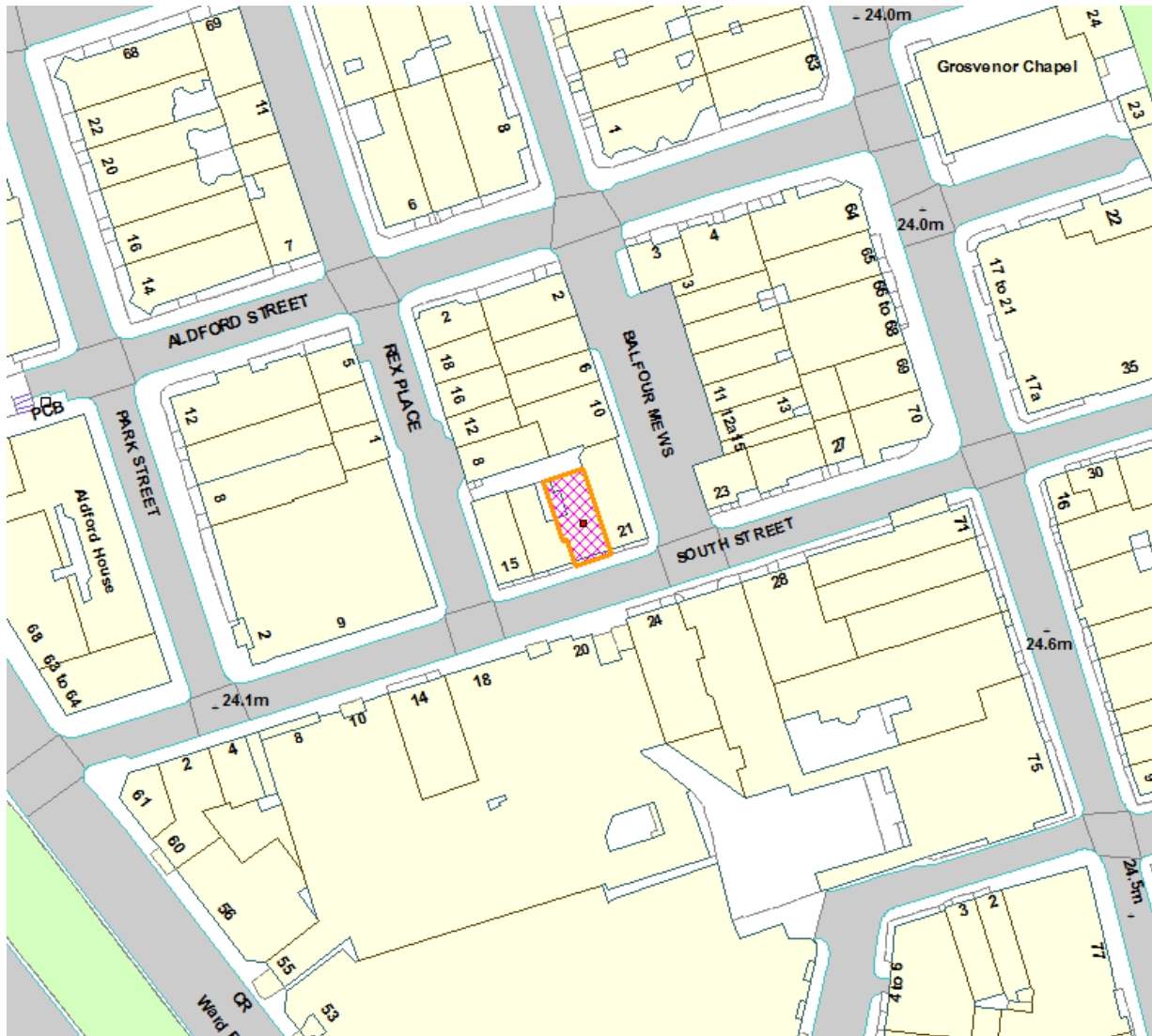
The key considerations in this case are:

- The acceptability of the energy performance of the proposed building.
- The acceptability of the proposed building in design terms.
- The impact of the proposed building on the character and appearance of the wider Mayfair Conservation Area.

- The impact of the development on the amenity of neighbouring residential properties, specifically with regard overlooking, sense of enclosure and impact on daylight and sunlight.
- Highways and amenity impacts during excavation and construction of the basement.

The application has been amended since it was originally submitted and the proposed alterations to the property are now considered acceptable in design and amenity terms. Subject to safeguarding conditions, the proposal complies with relevant policies from the adopted City Plan 2019-2040 and the Mayfair Neighbourhood Plan and the application is therefore recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation of the property:



North side of South Street:



Rear elevation of the property:



5. CONSULTATIONS

5.1 Application Consultations

MAYFAIR RESIDENTS GROUP

No response to date.

MAYFAIR NEIGHBOURHOOD FORUM

No response to date.

RESIDENTS' SOCIETY OF MAYFAIR & ST. JAMES'S

*More minimal works should be carried out the property in order to upgrade the property.

*Additional overlooking of neighbouring properties from the third-floor terrace.

*Noise disturbance from the vents in the courtyard wall.

*Concern over the ownership of the courtyard.

*Design concerns in relation to the additional storey of accommodation.

*Proposed works are detrimental to the appearance of the Mayfair Conservation Area.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to conditions.

BUILDING CONTROL

No objection.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 18; Total No. of replies: 18

No. of objections: 12 (Two respondents have submitted two letters of objection, and one respondent has submitted three letters of objection)

No. in support: 6

PRESS NOTICE/ SITE NOTICE:

Yes

Support on the following grounds:

*Proposed dwelling will provide better quality living space.

*Existing building requires extensive internal and external refurbishment and repair.

*Consider the development represents an improvement to the appearance of the building and the character and appearance of the wider Mayfair Conservation Area.

*Welcome improvements to the energy efficiency of the building.

Objections on the following grounds:

Amenity:

*Potential for disturbance during construction (dust, construction vehicles, noise etc)

- *Noise disturbance in the courtyard resulting from the 'plant room' in the basement of the property.
- *Encroachment of the basement development into areas owned by 17 South Street.
- *Loss of privacy resulting from the windows at the rear and from the terrace.
- *Increased sense of enclosure
- *Potential for light pollution to neighbouring properties.
- *Loss of sunlight, daylight and overshadowing
- *Potential for the door to the ground floor courtyard to result in noise nuisance to neighbouring properties.
- *Noise from plant
- *Noise transference through the building structure to neighbouring properties.

Design and Heritage:

- *Failure to Positively Contribute to Westminster's Townscape.
- *Roof extension has a detrimental impact on the appearance of the building.
- *Works are detrimental to the character and appearance of the Mayfair Conservation Area.

Other:

- *Impact on the water table in the area.
- *Non-compliance with basement policy
- *Overdevelopment
- *Access not having been provided to the applicant's property.

5.2 Applicant's Pre-Application Community Engagement

Following a number of withdrawn applications the applicant has had in-person meetings both with the owner of the adjoining property at 17 South Street and with the owner of a number of neighbouring properties (21 South Street / 15 South Street / 10 Balfour Mews / 12 Rex Place). Meetings have also been held with representatives of the Mayfair Neighbourhood Forum and the Residents Society of Mayfair and St James's'.

The applicant contends that various design concessions have been made to the scheme to address the objections of neighbouring residents and the amenity societies, however the neighbouring residents continue to object to the current proposal.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (September 2023) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (September 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

19 South Street is an unlisted building located within the Mayfair Conservation Area and the Central Activities Zone. The property comprises of ground, first and second floor levels and is in use as a single-family dwelling (Class C3). There is a large existing terrace at second floor level.

The property is accessible from the rear along a gated passage and steps down from Rex Place, leading to an archway, beyond which is a small, shared, courtyard.

7.2 Recent Relevant History

22/04228/FULL - Demolition behind partially retained front facade to provide a replacement single family dwelling (Class C3) with excavation of a new basement storey and ground to third floor levels; creation of terraces at rear second and third floor levels; installation of green roof at main roof level; installation of plant at basement level served by a ventilation grille on the western ground floor elevation.

Application considered unacceptable on multiple grounds and withdrawn prior to determination.

21/02083/FULL - Demolition of existing three storey dwelling house, excavation of new basement floor and erection of a replacement building of four storeys plus basement for use as a single family dwelling house (Class C3) with associated air conditioning units at basement and rear ground floor lightwell. Creation of terraces at the rear of the property and at main roof level.

Application considered unacceptable on multiple grounds and withdrawn prior to determination.

8. THE PROPOSAL

The existing residential dwelling measures 233sqm and comprises ground, first and second floor levels. There is a shared courtyard with 17 South Street at the rear and to the side of the building. The proposal sees some demolition of the existing dwelling, but this is limited to the rear wing and roof, and the creation of a new dwelling measuring 404sqm comprising basement, ground and first to third floors.

A small extension at second floor is proposed which as a result reduces the size of the existing terrace at this level, and a mansard and new terrace is proposed at rear third floor level. An air source heat pump within an enclosure is proposed on the rear second floor terrace. A new lightwell is proposed at the front of the building which is currently covered over by paving behind existing railings (which are retained). At main roof level a green roof is proposed.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The existing house measures 233m² and the proposed house would measure 404m². Policy 8 of the City Plan 2019 – 2040 requires that new residential units do not exceed 200m² however, paragraph 8.11 states that; 'the limit will not apply to the replacement of a single dwelling.' The principle of extending the existing single-family dwelling is therefore acceptable in land use terms. Objections have been received to the application stating that the proposal would be 'overdevelopment' of the site given that the unit would be over the 200m² threshold in this policy, but as detailed above given that this application is not creating a new unit, the unit size created here is not seen to be in breach of the policy.

9.2 Environment & Sustainability

Sustainable Design

Part D of Policy 38 of the City Plan requires the following:

Development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design, including:

- 1. use of high-quality durable materials and detail;*
- 2. providing flexible, high quality floorspace;*

3. *optimising resource and water efficiency;*
4. *enabling the incorporation of, or connection to, future services or facilities; and*
5. *minimising the need for plant and machinery.*

Paragraph 38.11 of the City Plan requires that; 'as new developments are large consumers of resources and materials, the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition and proposals for substantial demolition and reconstruction should be fully justified on the basis of whole-life carbon impact, resource and energy use, when compared to the existing building.'

The previously withdrawn planning applications proposed either full or substantial demolition of the building. The current proposal retains the majority of the facades of the building including the entire front elevation, the majority of the rear elevation, the rear lift shaft and most of the upper floor slabs. The rear archway over the courtyard between the application site and 17 South Street is also to be retained and repaired. The applicant has confirmed that all timbers removed from the floors will be inspected and repaired for re-use on site if possible. It is also acknowledged that the property does require extensive intervention to bring the building up to modern requirements.

Energy Performance

Part A of Policy 36 of the City Plan states that; '*The council will promote zero carbon development and expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change.*' The use of an all-electric heating system at the property through the air source heat pump and the mechanical ventilation with heat recovery system results in the operational carbon output of the proposed dwelling being around 1 ton of CO₂ per annum compared to the existing dwelling which is 12 tonnes of CO₂ per annum, meaning a reduction of 91%.

Air Quality

Environmental Health have reviewed the submitted documentation and consider the proposed alterations to the building including the new air source heat pump, double glazing and improvements to the thermal performance of the building will optimise the building's energy efficiency and reduce heat loss and on-site CO₂ & NO_x emissions, therefore meeting the building emission air quality neutral benchmark. They consider the provision of the green roof will also make a positive contribution to air quality.

Flood Risk & Sustainable Drainage

A green roof is proposed to help intercept and retain precipitation, reduce the volume of runoff and attenuating peak flows. It is also proposed to install a sump and a pump in the basement to ensure water discharge into the gravity sewer system and the high-level gravity connection will minimise flood risk to the basement in the event of extreme storm event. The outlined measures will reduce the risk of surface water flooding in the area and the site's surroundings.

Light Pollution

An objector has commented on the potential for light pollution resulting from the windows at the rear of the property, however there are existing windows on the rear elevation and side (west) facing elevation. It is not considered the proposal would result in any greater level of light pollution compared to the existing situation, especially given the presence of windows on other buildings in the immediate vicinity and it is not considered that the application could be refused for these reasons.

Land Contamination

The Environmental Health Officer has identified the risk of asbestos in the building and its method of disposal is dealt with by informative. In addition, although the potential of radon is low in the whole of Westminster, as the development includes the excavation of a new basement there is the potential for Radon contamination. Environmental Health have requested a condition be included requiring the applicant carry out a radon assessment in accordance with the UK National Action Plan.

Environment & Sustainability Summary

Given the improvements to the environmental performance of the building the proposal is compliant with the requirements of Policy 36 of the City Plan which requires development to reduce on-site energy demands and maximise the use of low carbon energy sources. A condition is included to ensure that prior to the development being occupied all the energy efficiency measures as detailed in the approved Energy and Sustainability Statement are provided and thereafter retained.

9.3 Biodiversity & Greening

Policy 34 of the City Plan deals with green infrastructure and requires developments to, wherever possible, contribute to the greening of Westminster by incorporating trees, green roofs, rain gardens and other green features and spaces into the design of the scheme.

A green roof is proposed at main roof area (16sqm), it is shown this will reduce surface water run off by 80% in Summer and 25% in Winter. A condition is included to require the submission of further details of the green roof including species to be planted and a maintenance scheme, the condition is worded to ensure the green roof is provided and retained due to the benefits this will provide in terms of biodiversity.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to

the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 66 of the LBCA Act requires that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 72 of the LBCA Act requires that “In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should be clearly and convincingly justified and should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Detailed Design and Impact on Heritage Assets including Archaeology

No. 19 South Street is an unlisted building in the Mayfair Conservation Area and the site lies within the Great Estates Area of Special Archaeological Priority. The nearest listed buildings (Grade II) are at 24, 26 and 28 South Street, 23 South Street, and at 12A, 15 and 15 Balfour Mews. A little further to the east is 71 South Street (listed Grade II-Star).

South Street has a mixed architectural character and the site is part of a densely developed urban block of relatively small-scale buildings many of which are typical Mayfair mews houses.

A building superficially similar to No.19, but better preserved, can be found at 39 Bruton Place.

No. 19 stands on the north side of the street and is historically part of a pair with No.17. The two buildings were used in the past for a variety of purposes including by a riding school and vet. Both uses have long since ceased, but there are some remaining architectural elements of both buildings that are evidence of these uses. It is clear from the consultation responses received that these buildings and their evidence of historic uses are highly valued by local residents.

Seen from South Street, No.19 now appears markedly different to No.17, has an altered façade which has been unsympathetically modernised with poor quality replacement windows, and there is an isolated pilaster at the eastern end of the facade which stops abruptly and awkwardly below a second floor window. While both buildings have some features in common, such as a shared parapet height and flat roofs, they do not appear as a matching pair when seen from South Street.

Both buildings are accessible from the rear along a gated passage and steps down from Rex Place, leading to an archway, beyond which is a small, shared, courtyard. At the rear, the facades of the two are a mix of rendered, painted, and unpainted brickwork. The Archaeological Desk Based Assessment submitted with the application provides helpful, historic, plans of the building, although the plan dated 1880 has been inadvertently substituted by an irrelevant drawing.

The proposed alterations envisage excavation of a basement with a front area lightwell, a roof extension, and alterations at the rear. Several objections from neighbours and from the Residents' Society of Mayfair & St James's have been received which, in essence, object to the loss of historic features and harm to the appearance of the building as part of a pair with No 17.

Since the initial submission the proposals have been amended to take into account, as far as the applicant considers possible and reasonable, the objections received. Consequently, the detailed design of the mansard roof has been changed, and the detailed design of the alterations which included an incongruous vertical slot window and installation of glass balustrades have all been satisfactorily amended.

The proposed basement occupies the full extent of the site which is mostly under the existing building except at the rear where it is also beneath the courtyard adjacent to No. 17. This has no adverse impact in terms of the building's external appearance or relative size in relation to similar properties within the surrounding conservation area. It is acceptable in heritage asset terms and the front lightwell is open to the basement instead of being glazed over as previously proposed. Therefore, the basement accords with City Plan policy 45 (parts 3 and 4). Historic England (Archaeology) confirm that the impact of the basement can be adequately addressed by condition, and it therefore is also in accordance with City Plan policy 39. The relevant condition as requested by Historic England is included.

At roof level, the proposed mansard is set back an appropriate distance behind a parapet gutter and the hipped end (on the east side) means it now has a suitable architectural relationship with No.21.

Notwithstanding the objections received, in design and heritage asset terms, the South Street façade of No.19 is more than sufficiently different to that of No.17 so as to not read as a pair. The proposed mansard follows established principles in terms of its size and detailed design, the neighbours' objections to it cannot be sustained in design and heritage asset terms.

The building's footprint is a key part of its historic interest and the contribution it makes to the character and appearance of the surrounding conservation area. While this is largely invisible from the public realm, it is readily apparent from the tight-knit group of buildings around the rear yard accessed from Rex Place. The revised design at rear ground floor level is now of the same groundline as the existing building. The enlarged window openings have been omitted in favour of design which better suits the character and appearance of the building and surrounding conservation area. Likewise, glass balustrades have been omitted in favour of painted-metal ones.

Conclusion on heritage matters

Overall, there is no harm in design or heritage asset terms and proposals accord with City Plan policies 38, 39, and 40, and with policy MD of the Mayfair Neighbourhood Plan.

9.5 Residential Amenity

Daylight & Sunlight

Policy 7 of the City Plan requires that development is neighbourly and '*protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.*' Para 7.3 elaborates and states that '*negative effects on amenity should be minimised as they can impact on quality of life. Provision of good indoor daylight and sunlight levels is important for health and well-being and to decrease energy consumption through reduced need for artificial heating and lighting.*'

A Daylight and Sunlight Assessment has been submitted in support of the application which assesses the impact of the development on a number of nearby residential properties including 17 South Street, 10 Balfour Mews, 8 Rex Place and 55 Park Lane.

Under the BRE guidelines the level of daylight received by a property is assessed by the Vertical Sky Component (VSC) which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. An assessment has also been made of the 'No Sky Line' (NSL) in rooms. The NSL is a measure of the daylight within rooms measured mapping the region of the room where light can reach directly from the sky. The BRE Guidance states that; '*if, following construction of a new development, the no sky line moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.80 times its former value this will be noticeable to the occupants, and more of the room will appear poorly lit.*'

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

The applicant's daylight and sunlight assessment concludes that of the 75 windows tested one has a loss of VSC in excess of the BRE Guidance and of the 57 windows assessed for NSL one has a loss in excess of the guidance. Of the 21 windows tested for sunlight losses one window fails to meet the guidelines. An objection was received which raised the issue of a window being missed from the analysis but subsequent to this objection and amendments to the scheme as a whole a new daylight and sunlight assessment has been submitted which includes the window.

Daylight

With regard to the one window which fails to comply with the VSC test, this is a rear ground floor window serving the kitchen of 17 South Street. The existing VSC level is 2.29 which falls to 1.82 as a result of the development which is a reduction of 21%. Whilst the BRE guidance states that reductions in excess of 20% are likely to be noticeable, the existing level is also very low so even a small change would result in a significant percentage change. With regard the NSL for this kitchen the results show that this would retain 96% of the former value and well above the 0.8 value in the guidance.

In the analysis of all other windows there is one room shown as having a loss of NSL in excess of the 20% in the guidance which is a window to a kitchen at lower ground floor level in 10 Balfour Mews. An objection has been received with regard to the losses of light to the lower ground floor. It is understood that this is a secondary kitchen at lower ground floor, and this would experience a relative change of 25%. This effect is only slightly beyond BRE Guidelines recommendations and is largely a result of the very low existing levels of light in these rooms. In absolute terms, the loss of sky view to this room caused by the development is 0.97m², which equates to less than 5% of the total room area.

Sunlight

The lower ground floor kitchen at 10 Balfour Mews also experiences the loss of annual sunlight in excess of the guidance. There are two windows serving this room. One window serving this rooms meets the BRE recommendations for APSH, however one window will result in an absolute reduction to the annual Sunlight potential of 6 APSH (from 12% to 6%). This is slightly above the suggested absolute margin of loss in the BRE of 4 APSH. The BRE Guidelines advise that when considering sunlight effects to surrounding properties, the primary focus is on living rooms and conservatories, whereas kitchens and bedrooms are less important. It is understood that this is a secondary kitchen and given that the primary one is unaffected, the sunlight effect to this room is considered to be minor and it is not considered that the application is refusable on these grounds.

Overshadowing

Further analysis has been carried out with regard to three outside gardens / terraces of neighbouring properties, these being the first-floor terrace at 21 South Street, second-floor terrace to 17 South Street and the rear ground floor garden of 10 Balfour Mews. With regard to gardens and useable outside spaces the BRE Guidance states: *It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area that can receive two hours of sun on 21 March is less than 0.80 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.*

It should be noted that 55 Park Lane to the south of the application site is 10 storeys and has a significant impact on the levels of sunlight to the building and its neighbours. The BRE recommends that ideally 50% of any open space should receive at least two hours of Sunlight availability on 21st March. None of the three areas assessed are close to this

threshold, with the highest result recorded being 31.48% (at 10 Balfour Mews) and the other two areas receiving less than 1%.

With regard to the terrace at 21 South Street, the changes comply with the guidelines.

For the second-floor terrace at 17 South Street the following changes would result from the proposal:

Sunlight Availability (mins)	21st March		21st June	
	Existing (%)	Proposed (%)	Existing (%)	Proposed (%)
More than 2 hours	0.72	0	68.71	65.93
Between 1 and 2 hours	6.53	4.74	7.84	8.07
Less than 1 hour	92.75	95.26	23.45	26

The BRE guidance is that 50% of the open space should receive two hours of sunlight on March 21st. As the above table demonstrates only 0.7% of the terrace space would have over two hours of sunlight on the 21st March and with the development this reduces to 0%. This is technically contrary to the BRE guidance as the loss is greater than 20% but given only 0.7% of the area would have over 2 hours of sunlight this is such a small volume as to be inconsequential. The analysis of the 21 June shows that during the summer months the proposal has only a minimal impact on the sunlight to this terrace.

For the rear garden at 10 Balfour Mews the following losses result from the proposal:

Sunlight Availability (mins)	21st March		21st June	
	Existing (%)	Proposed (%)	Existing (%)	Proposed (%)
More than 2 hours	31.48	4.45	79.48	79.48
Between 1 and 2 hours	11.67	37.96	6.13	6.13
Less than 1 hour	56.84	57.59	14.37	14.37

The area of the garden receiving over 2 hours sunlight will reduce by 86% from the existing 31.48% to 4.45% contrary to BRE guidance. This is a significant reduction and strong objections to this loss have been received from the neighbouring resident.

The detailed submitted shadow analysis shows that the shadow of the development would impact the neighbouring garden between 09:00 and 11:00, however, by 10:45 the shadow of the proposed development is already subsumed by the shadow of the larger building behind at 55 Park Lane. The applicant argues that this identifies that the material effect of the proposed development on this garden is limited to a 90-minute window on 21st March, occurring between 9:00 and 10:30. During this time, the majority of the garden is already in shadow. The applicant considers that given the limited availability of sunlight on the 21st March that this means that even a relatively modest effect can be enough to reflect a seemingly large relative change when referenced only against the binary two-hour sunlight threshold that is typically recommended by the BRE.

The BRE suggests that it can also be practical to consider the effect of proposed developments on sunlight availability in the summer period as an additional point of reference. During the summer period, there is no effect from the proposed development and the garden will continue to enjoy sunlight availability for approximately 80% of the garden area for more than two hours on 21st June. However, it should be borne in mind that 21st June represents the best case of minimum shadow, and that shadows for the rest of the year will be longer.

Whilst the proposed development will result in overshadowing, the losses are relatively early in the morning, and after 10.30 the area of garden receiving sunlight is unaffected by the proposals. Given this, and that there would be no impact in the summer months when the garden is most likely to be in regular use, the impact on the amenity of this space is considered acceptable.

Sense of Enclosure

Policy 7 of the City Plan states that; 'development will be neighbourly by; protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.' A number of objections have been received to the application from residential occupiers in the immediate vicinity concerned that the increased height and bulk of the building will result in an increased sense of enclosure to their properties.

The extended second floor level would be set 3.4m further back than the existing rear wall at this level. The neighbouring property at 17 South Street has no windows facing the extension at this level which would be impacted. There is a terrace at rear second floor level to 17 South Street and a courtyard garden at 10 Balfour Mews but the proposed extension at rear second floor level would have minimal impact upon the resident's enjoyment of their external amenity spaces. The adjoining property to the east at 21 South Street has a blank wall at this level so would not be impacted.

Privacy

Policy 7 of the City Plan states that; 'development will be neighbourly by; protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.' A number of objections have been received to the application concerned about overlooking from the windows looking into the shared courtyard to the rear of the property, and as a result the full height 3-storey window on the rear courtyard elevation has been deleted from the proposal.

There is an existing window on the rear ground floor level and on the west facing elevation at ground and first floor levels. Windows are proposed at ground and first floor level on both the rear and west facing elevations which overlook the courtyard. In order to mitigate the potential for overlooking of the courtyard from the property a condition is proposed to require the rear ground floor window and the windows on the west facing elevation to be obscure glazed with samples to be provided to the City Council before being installed. With this condition for the provision of obscure glazing and taking into account there are existing windows overlooking this shared courtyard the objection on these grounds can not be sustained.

Objections have also been received with regard to the potential for overlooking from the new third floor terrace. There is a terrace at second floor level on the existing building which would be reduced in size by approximately 50%. The proposed second floor terrace would measure 13.4sqm whilst the terrace proposed at third floor level would measure 12.2sqm, both terraces have metal balustrading and planting around their edges. The adjoining property at 17 South Street has a terrace at rear second floor level. Permission has also recently been granted for a terrace at second floor level at the rear of 15 South Street with steps out the rear of the building at third floor level in association with a residential property, screening was provided to that terrace in the form of a wooden trellis to a height of 1.8m and conditioned to be installed and retained. There is considered to be a high degree of mutual overlooking at the rear of the buildings with the presence of high level terraces on a number of neighbouring buildings, given the site context the terrace proposed at third floor level is considered acceptable. A condition is included to require the installation of planting as shown on the drawings and to ensure that it is maintained to a height of 1.8m on the third floor terrace.

An objection was also received to the application on overlooking grounds from the occupier of 2-4 Balfour Mews however this property is 20m away and appears to have no windows which would be overlooked by the development.

Noise & Vibration

Plant

In relation to noise from the proposed plant the application has been considered in the context of Policy 33 of the City Plan 2019-2040. This policy seeks to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance resulting from plant operation.

An acoustic report has been submitted in relation to the installation of the plant equipment. A single air source heat pump is proposed on the second floor terrace within an acoustic enclosure. Background noise measurements at the property have been measured with the lowest background noise level being recorded as 40dB. As this figure is above the WHO guideline levels the design criteria is 10dB below being 30dB at the nearest noise sensitive property.

The nearest noise sensitive windows were identified as being the windows of the adjoining residential house at 17 South Street at a distance of 4m from the plant. It is proposed that the plant can operate at any time over a 24 hour period. The air source heat pump would be installed within an acoustic enclosure for noise mitigation purposes.

The acoustic report concludes that with the acoustic mitigation measures installed that the noise levels at the nearest sensitive property will be compliant with the City Council criteria. An objection has been received to the application from an acoustic consultant representing a nearby occupier, they comment that no detailed design has been provided to demonstrate what this may look like, its size and indeed whether it is technically possible. The proposed drawings have the detail of the acoustic enclosure and the acoustic report includes the details of various manufacturers who can supply the enclosure which will provide the required acoustic mitigation. Environmental Health have

reviewed the application and have determined that the acoustic mitigation required by the enclosure is achievable. The objector has also queried whether the plant would be intermittent or tonal which would require a further reduction of 5dB in the noise levels but given the nature of heat pumps this would not be the case. Environmental Health have assessed the documentation and confirmed that the plant operation will be acceptable. Conditions are included to control noise and vibration levels from the plant and the installation of the acoustic enclosure.

The objector has commented on the potential for structural borne vibration from the operation of the unit. The standard condition has been included on the application stipulating acceptable vibration levels from the plant operation. Additionally, to avoid the potential for vibration from the equipment the vibration isolators will be installed within the enclosure between the unit and the enclosure itself with no rigid connection between the enclosure and the plant.

Objections have been received to the application concerned with the potential for noise disturbance from the operation of plant in the basement of the property as the proposed plans show a small plant room at this level. The applicant has confirmed that this plant room would house the water tank with integral booster pumps, hot water cylinder, air source heat pump hydronic module (pump and valves), mechanical ventilation heat recovery (MVHR) system (which provides extract to the bathroom) with associated electrical and lighting equipment. The acoustic consultant for the applicant has confirmed that the only item which may generate noise is the MVHR system and comment that; *'The only item above which may generate some noise that is at risk of being audible from the grilles in the light well is the MVHR (background ventilation) system. However, these are well known and essential items on new, low energy homes and designed to prevent noise transfer externally or internally and operate virtually silently.'* Small air vents are shown on the west facing courtyard elevation of the property to serve the new basement plant room. Whilst the majority of the plant in the basement plant room will not generate noise given the comments of the acoustic consultant on the MVHR system a condition is included to require the submission of a supplementary acoustic report to demonstrate compliance with the City Council standard noise condition.

Building Structure

An objector has commented on the potential for noise transference through the building structure to impact them once the building is occupied. Whilst it is considered the extensive works proposed to the property will likely result in improved acoustic insulation between the properties the standard noise condition is included to ensure the building structure is of sufficient quality in order to protect occupiers of neighbouring buildings from noise and vibration generated within the building. The inclusion of this condition is considered to address the concerns of the neighbouring occupier. A further standard condition is included to ensure the structure of the building is such that occupiers are protected from external noise sources.

Environmental Health have reviewed the submitted documentation and concluded that with the existing mid-18th century brickwork, the proposed new roof, new double-glazed windows and the proposed alterations to the building this will ensure adequate noise insulation for occupants with regard external noise sources.

9.6 Transportation, Accessibility & Servicing

Cycling & Cycle Storage

It is not considered the proposal would result in any additional highways demands considering the existing building is a single family dwelling. Two cycle parking spaces are shown to be provided within the rear courtyard for the use of occupiers / visitors and this accords with Policy 25 of the City Plan. A condition is included to ensure this area is retained as cycle parking spaces.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

9.8 Other Considerations

Courtyard Door

An objection has been received to the door leading onto the rear courtyard from the property due to the potential to 'permit considerable noise and disturbance to impact the residents of no. 17'. There is an existing door in this location providing access from No. 19 to the shared courtyard and the proposed door is in the same location.

Basement

The proposal includes the excavation of a new basement level under the main property to provide additional residential floorspace for the house. As the proposal includes the excavation of a new basement area the application must be considered against Policy 45 of the City Plan.

Part A Policy 45

These parts of the policy relate to structural stability; surface water and sewerage flooding; minimising the impact at construction and occupation stages; protecting heritage assets and conserving the appearance of the existing building, garden setting and surrounding area.

The policy also requires that the applicant provide a signed pro forma Appendix A of the Code of Construction Practice. This has been completed and submitted by the applicant as part of the application.

The submitted structural methodology statement has been reviewed by the Building Control Officer who has confirmed they are satisfied with the information provided and consider that sufficient safeguards have been shown to ensure the structural stability of neighbouring properties during construction works. A site investigation of existing structures and geology has been carried out and demonstrated the basement excavation to be acceptable. The existence of groundwater, including underground rivers, has been

researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using traditional reinforced concrete underpinning to provide permanent basement wall which is considered to be appropriate for this site.

The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

The City Council has adopted a Supplementary Planning Document which relates to basement extensions in Westminster. This identifies areas of the borough as being more susceptible to surface water flooding and where applications for basements will need to be accompanied by additional information relating to rainwater infiltration. As this site is located outside of the identified 'Surface Water Risk Hotspots' no further information is required with regard this issue. Objections have been received to the potential for the construction of the basement to adversely impact the local water table and underground rivers but given the information submitted the analysis shows this not to be the case and the proposal is acceptable with regard the impact on the local water hydrology.

Objections have been received concerned about the structural implications of the proposal for the building and neighbouring properties. However as detailed above the submitted information demonstrates that the proposed construction methodology is acceptable.

The impact of the basement upon the heritage asset is addressed above in section 9.4 above and has been considered acceptable. Historic England have assessed the application and raised no objection subject to a relevant condition to require the submission and approval of a written scheme of investigation for a programme of archaeological work.

Part B of Policy 45

These parts of the policy relate to the extent and depth of basements. Objectors have raised concern that the proposed basement would extend under the entirety of the courtyard area contrary to Policy 45.

Part B. (1) states that basement developments will be supported where they do not extend beneath more than 50% of the garden land – on small sites where the garden is 8m or less at its longest point, basements may extend up to 4m from the original building in that direction. The policy also restricts basement depths to one storey beneath the lowest original floor level.

The proposed basement comprises one storey beneath the lowest original floor level and would extend beneath the courtyard by a depth of 7.2m in excess of the policy stipulation for a small site such as this. However, this is still a modest area and an unconventional layout with the footprint of the existing building running up to the rear boundary. The policy is intended to strike a balance between allowing development, while ensuring a substantial area remains undeveloped without any impermeable surfacing installed. Although strictly not compliant with the word of the policy, in this instance, as the courtyard is already fully paved and no additional impermeable surface is created, on balance the extent of basement excavation is considered acceptable.

An objector considers that the basement 'encroaches under the neighbour's side of the courtyard' (17 South Street). This does not appear to be the case from the drawings as the basement excavation falls along the centre of the courtyard and no further evidence has been provided to substantiate this claim. Nonetheless, notice has been served on 17 South Street and any underpinning of neighbouring walls would require the relevant party wall agreements. The applicant has also provided their property 'title' to the property which shows they own half of the courtyard to the rear of the building.

Construction impact

Concerns have been raised by neighbouring occupiers with regard potential disruption and disturbance during building works. The applicants have also confirmed they will sign up to the City Council's Code of Construction Practice to mitigate construction impacts upon the highway and amenity within the vicinity. The Code of Construction Practice is designed to monitor, control and manage construction impacts on construction sites throughout Westminster. A condition is proposed to secure this commitment. Whilst objections have been received to the impacts of the construction the Code of Construction Practice will ensure all appropriate measures are included to deal with construction vehicle movements, dust, and cleaning of the highway. With these controls in place it is not considered the objections on these grounds could be supported. The standard building hours' condition is also recommended to safeguard residents' amenity.

Access

An objection has been received from an agent acting on behalf of a neighbouring property who tried to arrange access to the application building and it seems access was denied. The objection on these grounds is noted but the applicant is under no obligation to provide access to their property to consultants of neighbouring occupiers and planning permission could not be denied on these grounds.

Consultation process

Objections were initially raised regarding the accuracy of the description of development which initially omitted reference to the proposed third floor terrace. Neighbours have been re-notified following the revised description of development.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development and for the submission of a written scheme of investigation for a programme of archaeological work. The applicant has agreed to the imposition of these pre-commencement conditions.

10. Conclusion

This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, Having regard to this assessment, it has found that the proposed development is acceptable. Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021. It is recommended that planning permission is granted, subject the conditions listed at the end of this report, which are necessary to make the development acceptable.

(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

11. KEY DRAWINGS

Existing Front Elevation:



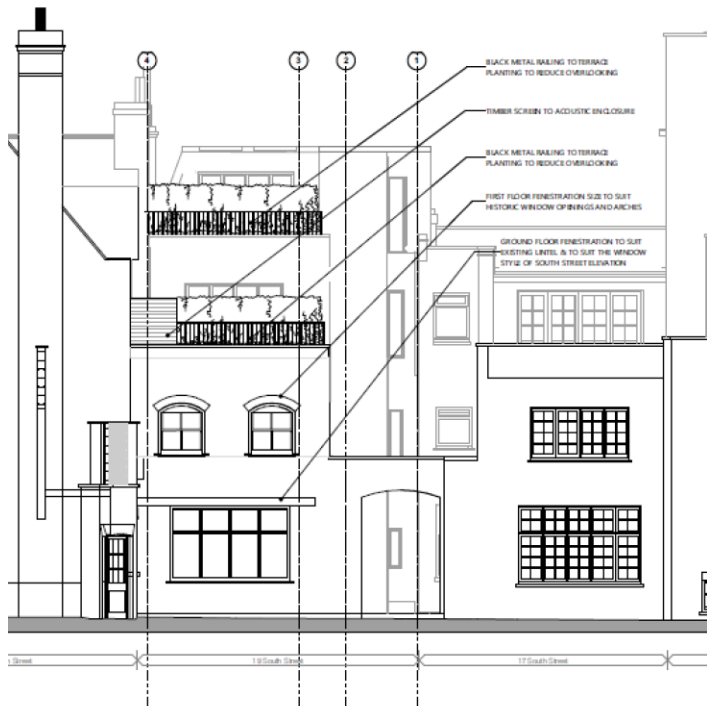
Proposed Front Elevation:



Existing Rear Elevation:



Proposed Rear Elevation:

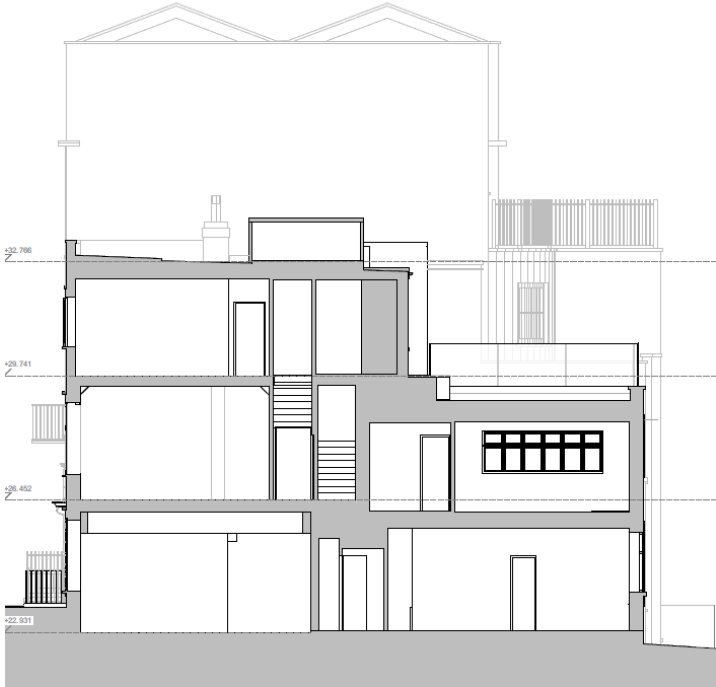


Proposed visuals:

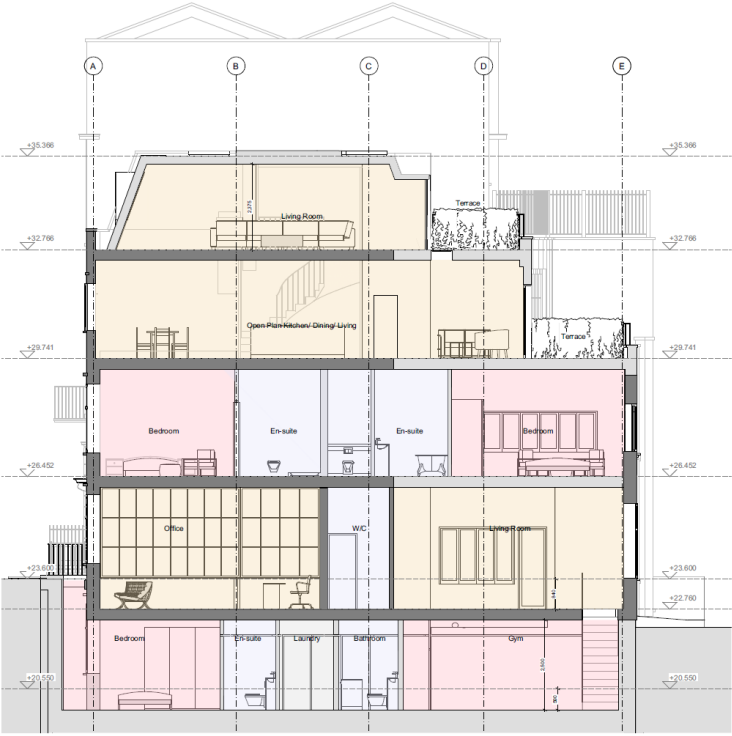




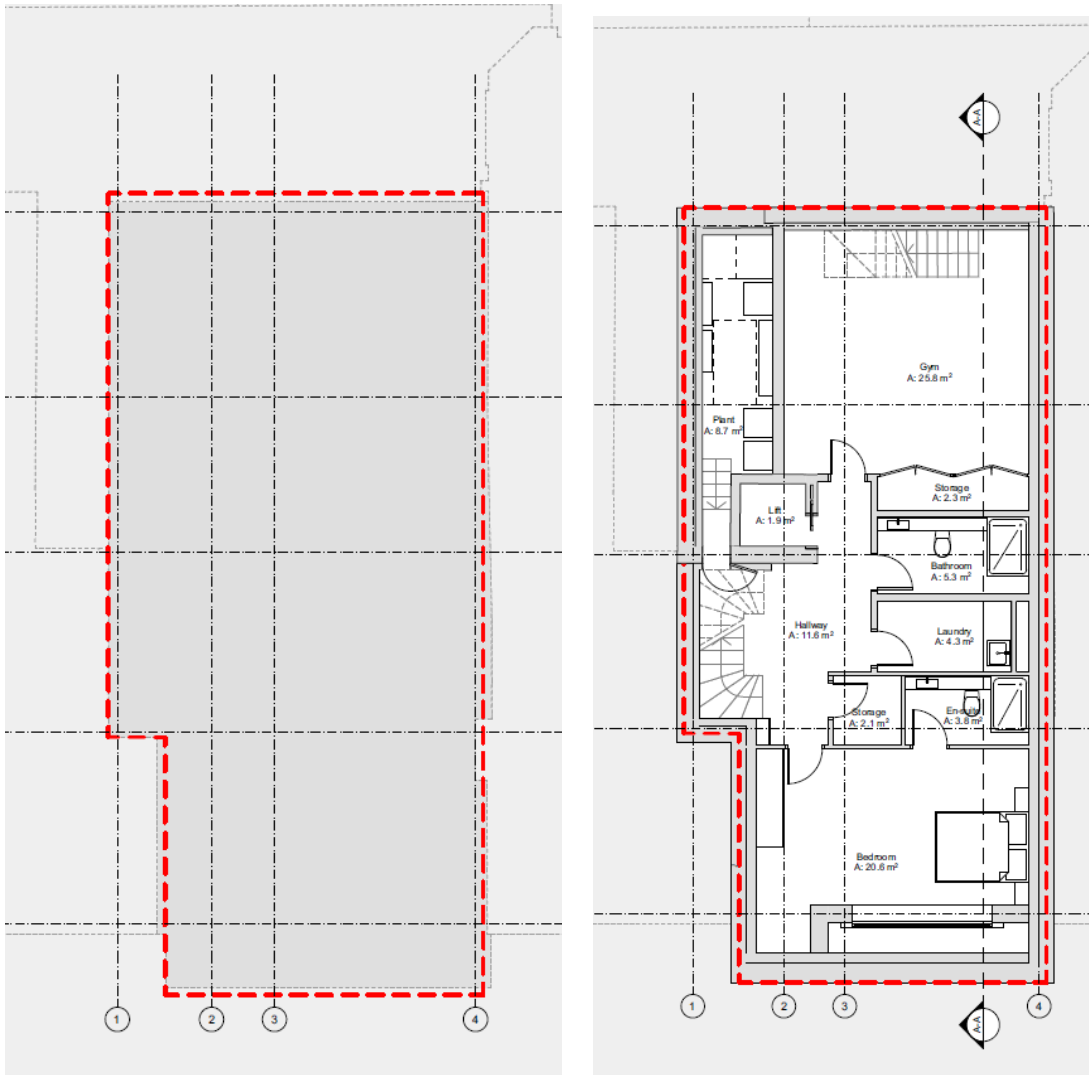
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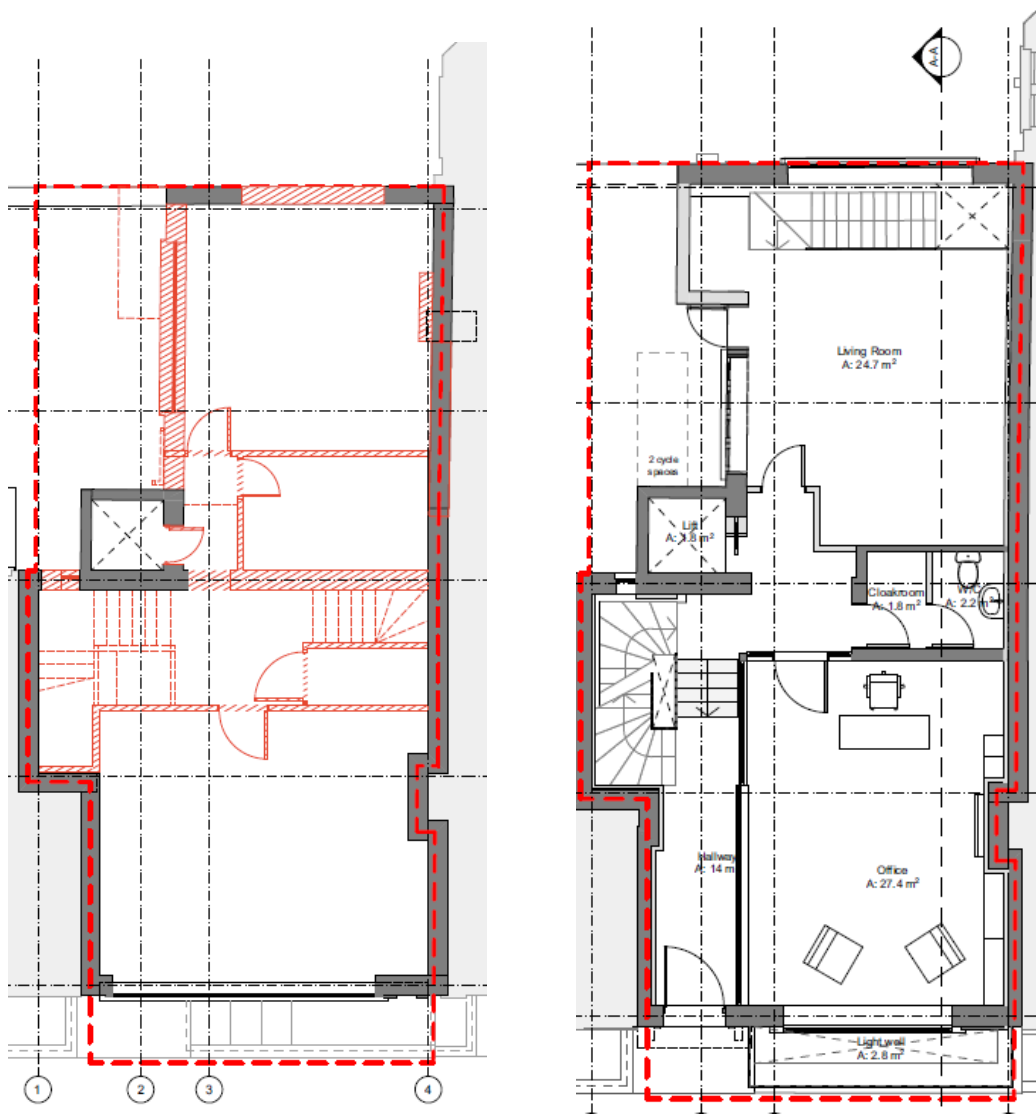
Proposed Section:



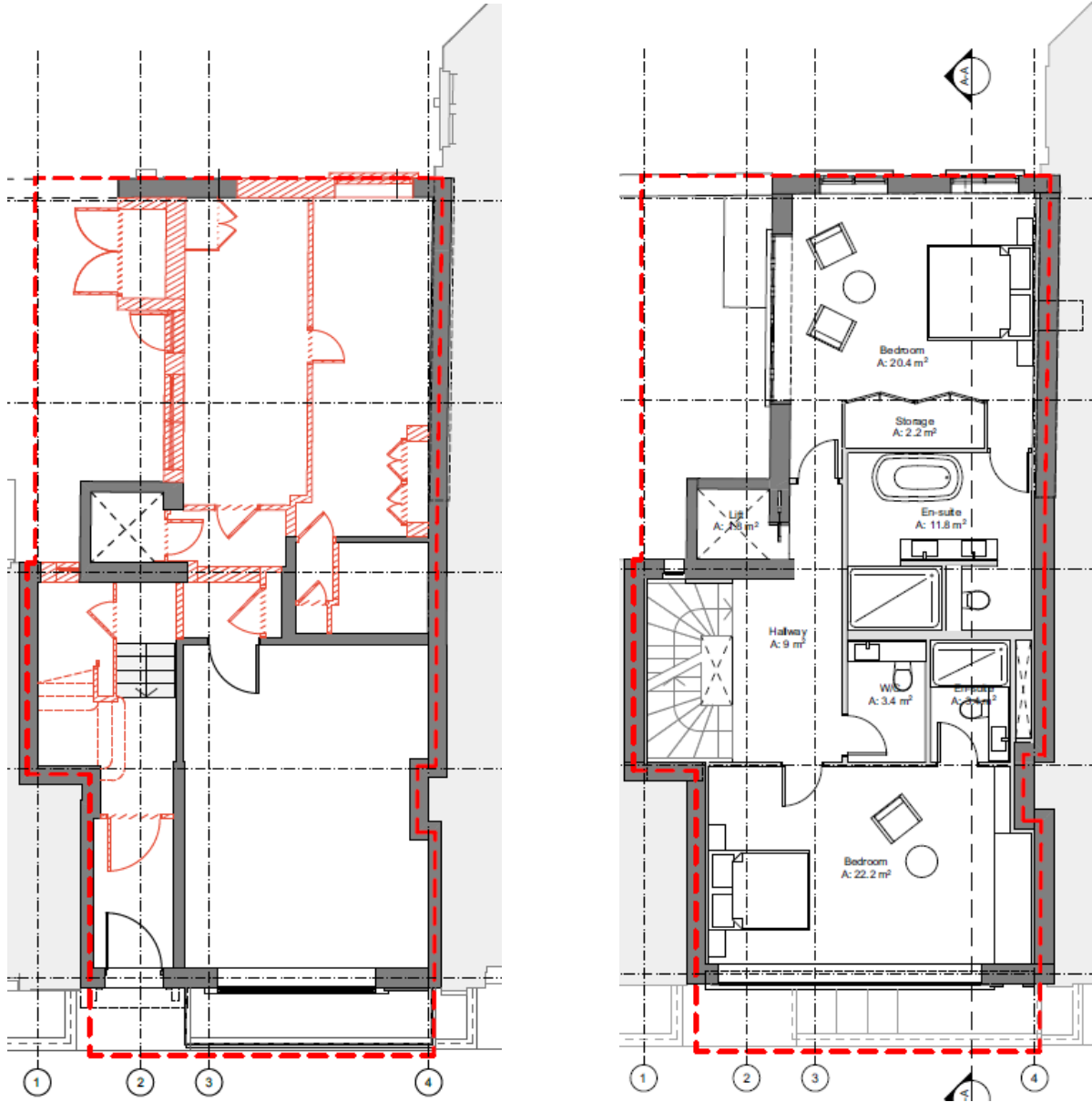
Existing and Proposed basement floor plan:



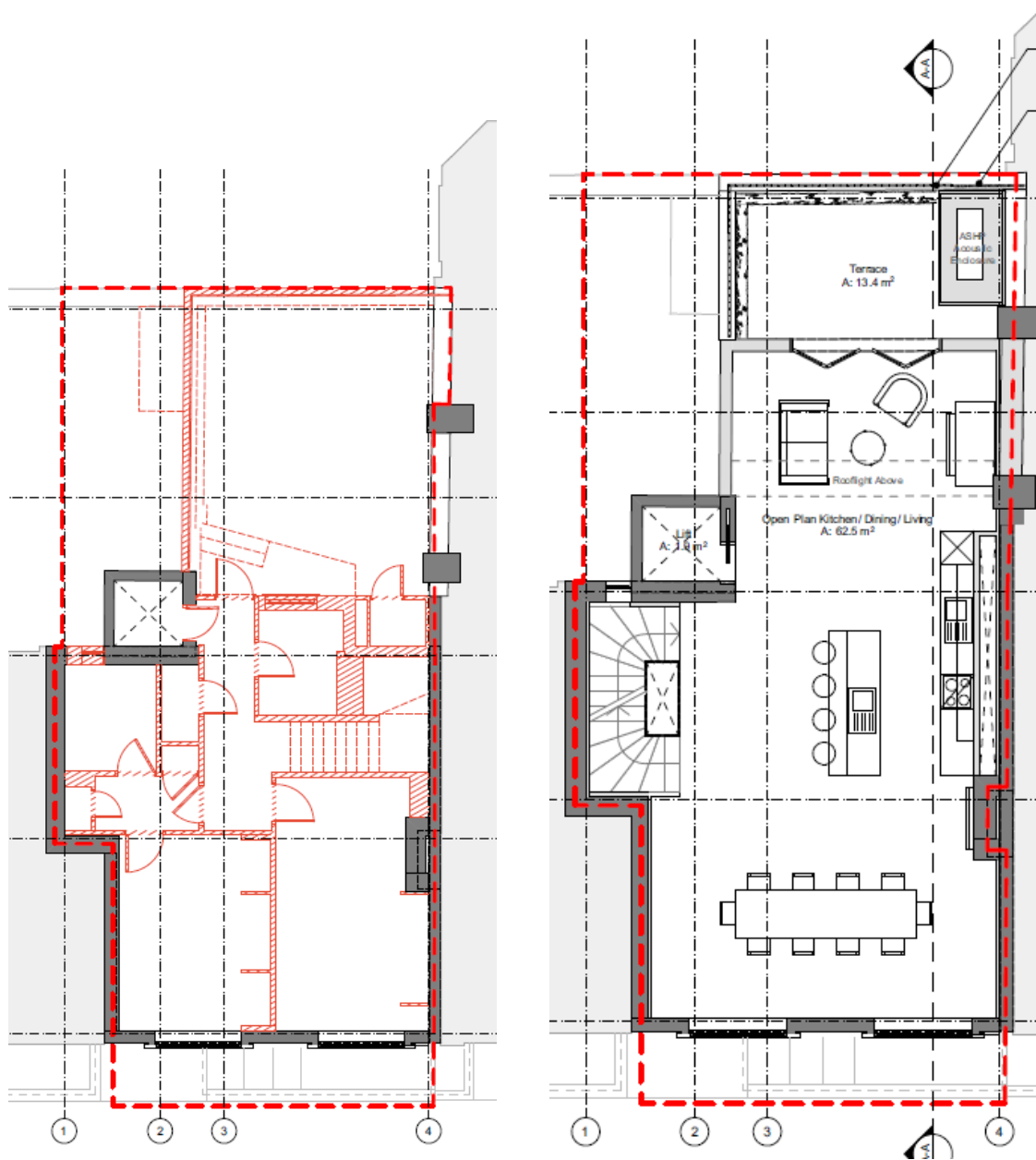
Existing and Proposed ground floor plan:



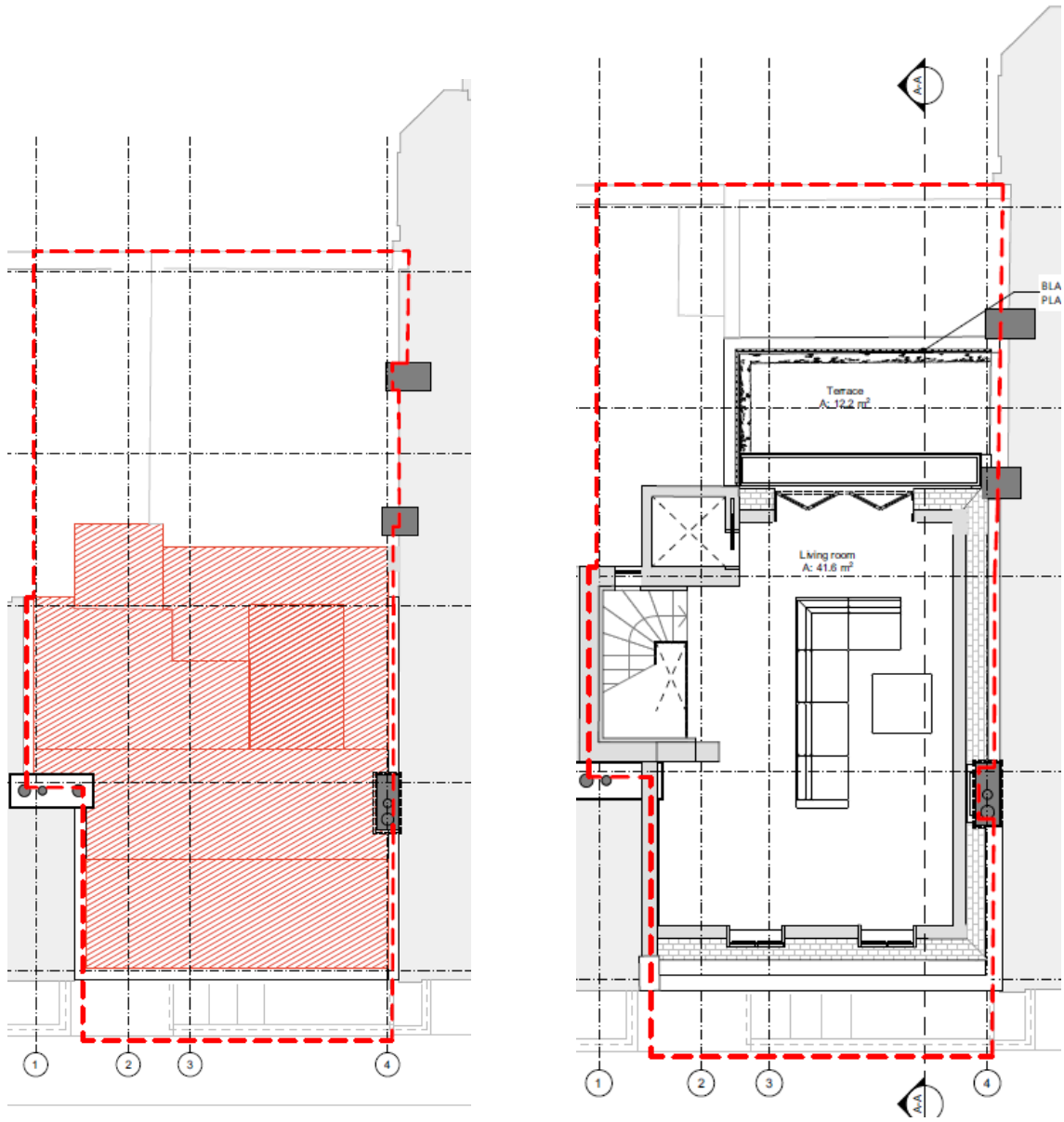
Existing and proposed first floor plan:



Existing and proposed second floor plan:



Existing and proposed third floor:



DRAFT DECISION LETTER

- Address:** 19 South Street, London, W1K 2XB
- Proposal:** Partial demolition to rear wing and roof; excavation of a new basement storey and extension at rear second floor level with erection of a new single story roof extension with rear terrace at third floor; installation of plant with screening on the second-floor terrace; installation of sedum roof at main roof level; and associated works all in association with the continued use as a single-family dwelling.
- Reference:** 23/03029/FULL
- Plan Nos:** Drawings: 2101 RevP04, 3100 RevP04, 3101 RevP04, 2102 Rev P04, 2103 RevP04, 2104 RevP04, 2100 RevP03, 2200 RevP13, 2201 RevP14, 2202 RevP13, 2203 RevP14, 2204 RevP14, 2205 RevP13, 3200 RevP13, 3201 RevP17, 3202 RevP14, 4100 RevP02, 4200 RevP14, 4201 RevP04. , , Documents: Acoustic Report Ref: 1294.NIA.07, Structural Method Statement May 2023, Archaeological Desk Based Assessment Ref: 06747E, Appendix A Checklist B: Code of Construction Practice, Desk Study and Basement Impact Assessment Report Ref: J20230.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641
07866040155

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 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

- 1) all new windows and external doors drawn at a scale of 1:10 with full size sections through mouldings and glazing bars,
- 2) the new front area lightwell railings drawn at a scale of 1:10 with full size details.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work

until we have approved in writing what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

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

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 9 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the

minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing 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 in writing 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 written 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 LA90, 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 10 You must install the acoustic enclosure associated with the air source heat pump on the rear second floor terrace at the same time as the plant is installed and to the specification detailed in the acoustic report. Thereafter the enclosure must be retained for as long as the unit remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 11 With regard the plant in the new basement plant room: 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(s) 9 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 12 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or,
- (b) earthworks/piling and/or,
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 13 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 14 The design and structure of the building 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. (C49AA)

Reason:

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 as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 15 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 16 The glass that you put in the rear facing ground floor window and in the ground and first floor windows / doors of the western / courtyard elevation must not be clear glass. 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 given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 17 You must install the hedging to the third floor terrace as shown on the approved drawings before the terrace at this floor level can be used. You must thereafter maintain the hedging to a height of 1.8m.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 18 Prior to use of the basement you must carry out a detailed site investigation to find out if the building or land are contaminated with Radon, 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 Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1 and 2 before any excavation work starts, and for phase 3 when the development has been completed but before it is occupied. Phase 1: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property. Phase 2: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution. Phase 3: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

Reason:

To make sure that any contamination 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 Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 19 You must provide, maintain and retain all energy efficiency measures to the minimum specification outlined in the approved Energy and Sustainability Statement dated 3rd May 2023 before you start to use any part of the development. You must not remove any of these features.

You must provide, maintain and retain all energy efficiency measures to the minimum specification outlined in the approved Energy and Sustainability Statement dated 3rd May 2023 before you start to use any part of the development. You must not remove any of these features.

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.

- 3 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: www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-enforcement/short-term-lets. 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).
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 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, for example by issuing regular bulletins about site progress.
- 6 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 7 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 8 Conditions 9 and 10 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)

- 9 In relation to the green roof condition, you should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature: www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening.

- 10 With reference to condition 12 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement. Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase. Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 11 With regard Condition 6 the written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

Agenda Item 4

Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 March 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Marylebone	
Subject of Report	Second Floor Flat, 27 Wimpole Street, London, W1G 8GN		
Proposal	Use of the second floor as a sui generis use comprising part residential and part medical accommodation for a temporary period of five years.		
Agent	ArchiTech		
On behalf of	Prof S Lingam		
Registered Number	23/00945/FULL	Date amended/ completed	28 February 2023
Date Application Received	14 February 2023		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		
Neighbourhood Plan	Not applicable.		

1. RECOMMENDATION

Grant conditional personal planning permission.

2. SUMMARY & KEY CONSIDERATIONS

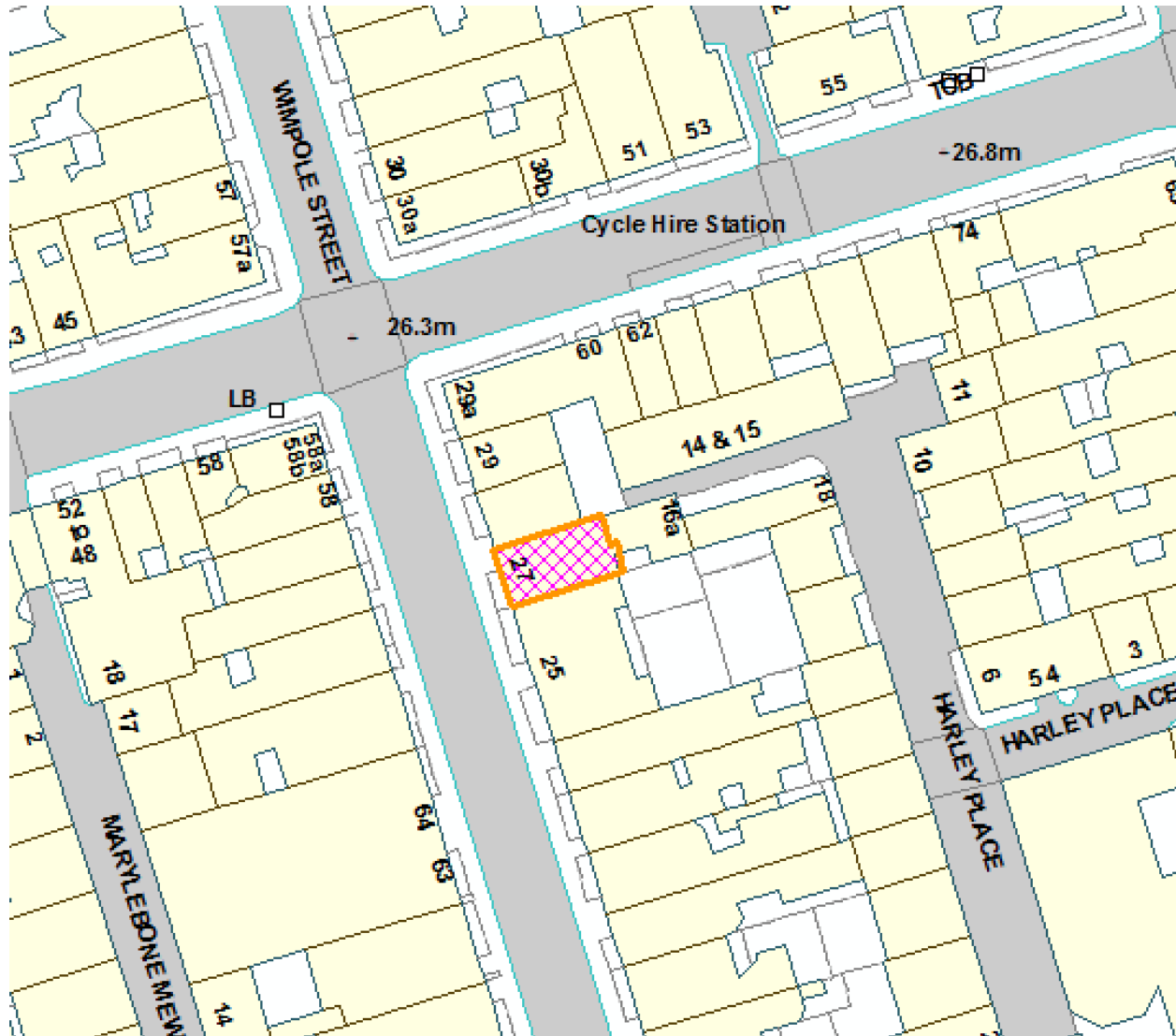
27 Wimpole Street is an unlisted building in the Harley Street Conservation Area. The building comprises lower ground, ground and first to fourth floor levels. The ground and first floor levels are used as medical accommodation, with self-contained residential units at lower ground and second floor and a maisonette at third and fourth floor levels.

Whilst the second floor has lawful use as a residential unit, the current application is for the retrospective use of this floor as a mixed medical and residential use (a sui generis use). The second-floor flat is currently used by a paediatric neurologist as their home but also from where they practice. The applicant has agreed to any consent being for a temporary period of five years.

The key consideration in this case is the acceptability of the partial loss of residential floorspace.

Whilst the permanent loss of residential floorspace would ordinarily be unacceptable in principle, in this instance approval is recommended given the location of the property within the Harley Street Special Policy Area, the temporary nature of the proposal and the fact that the occupant will continue to occupy the property as their primary residence.

3. LOCATION PLAN

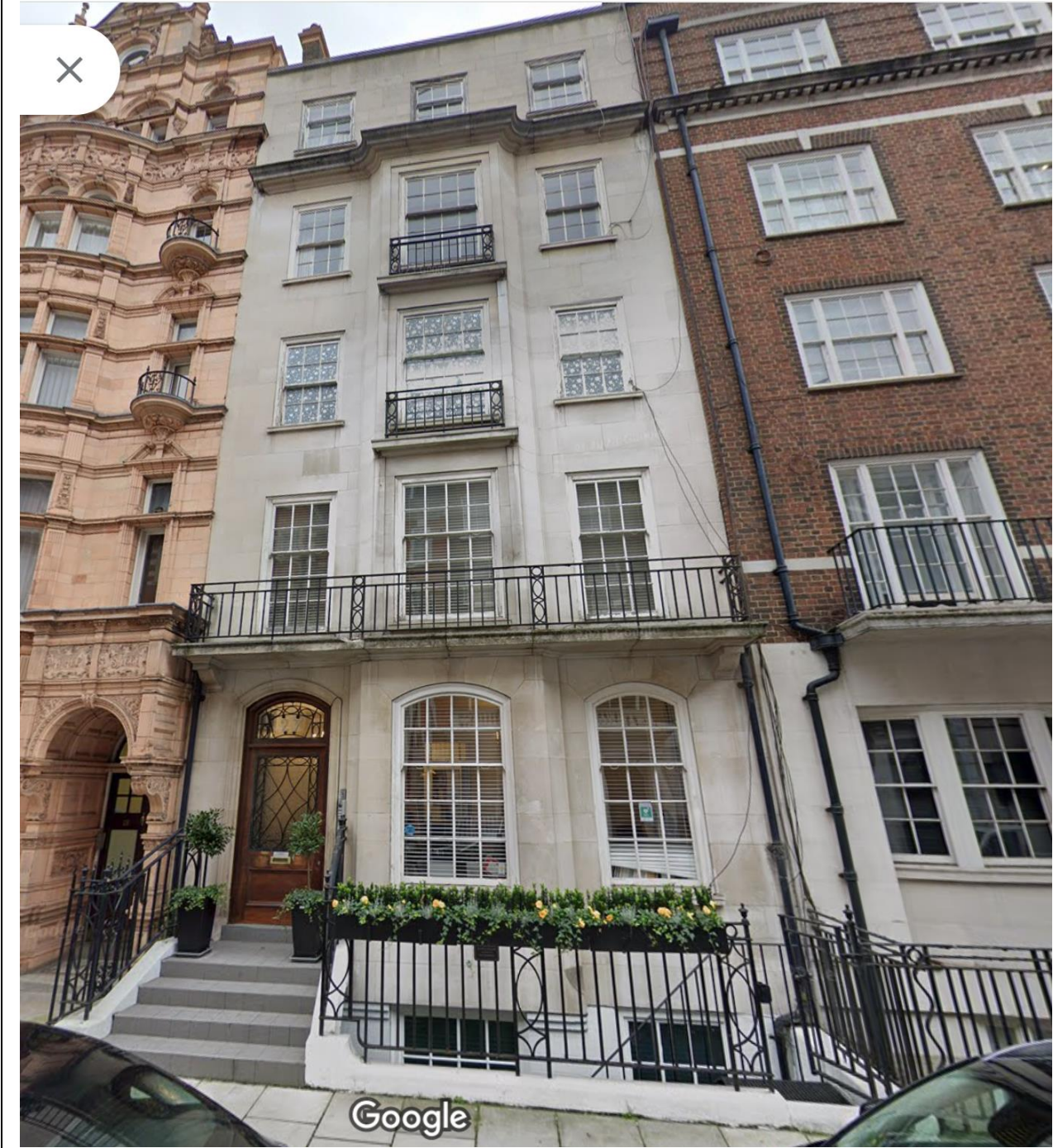


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Item No.
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4. PHOTOGRAPHS

Front elevation of the building:



5. CONSULTATIONS

5.1 Application Consultations

MARYLEBONE ASSOCIATION
Any response to be reported verbally.

WASTE PROJECTS OFFICER
Further information required.

HIGHWAYS PLANNING
Acceptable subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 24
Total No. of replies: 2
No. of objections: 1
No. in support: 1

One letter of objection on the following grounds:

- *Internal works within the second floor and use as a clinic during the Covid pandemic.
- *Loss of a residential unit.
- *Increased disturbance from noise and number of patients on the communal staircase.

PRESS NOTICE/ SITE NOTICE:
Yes

5.2 Applicant's Pre-Application Community Engagement

No pre-application discussions have been carried out by the applicant with neighbours.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

27 Wimpole Street is an unlisted building comprising lower ground, ground and first to fourth floor levels. The lower ground is used as a self-contained residential unit, medical floorspace is on the ground and first floors, the second floor is in residential use with a further residential maisonette on the third and fourth floor levels.

The building is sited within the Harley Street Conservation Area and the Harley Street Special Policy Area. The application relates to the change of use of the second floor of the building.

7.2 Recent Relevant History

Planning permission was refused on the 19th March 1991 (RN: 90/06651/FULL) for the use of the second floor to offices. The reason for refusal was:

The proposal would result in the loss of medical consulting rooms which would be contrary to City Council as expressed in paragraph 6.51 of Chapter 6 of the City of Westminster District Plan 1982 and paragraph 5.51(i) of Chapter 5 of the City of Westminster District Plan as Agreed for Deposit August 1988, which seeks to resist the change of medical consulting rooms to other non-residential uses within the Harley Street Special Policy Area.

Planning permission was granted on the 15th May 1998 (RN:98/02103/FULL) for the use of the second floor as a two-bedroom flat; insertion of louvres to fanlights in bathroom window at rear.

8. THE PROPOSAL

The application relates to the second floor of the building which has lawful use as a two-bedroom residential flat measuring 66.5sqm. The property is currently used unlawfully as a mix of medical and residential functions (a sui generis use) as it is occupied as a residence by a live-in medical practitioner. Consent is sought for a temporary five-year period whereupon the premises would revert back to use as a residential flat (Class C3).

9. DETAILED CONSIDERATIONS

9.1 Land Use

Loss of Residential Use

City Plan Policy 8, parts C and D state:

“C. All existing residential units, uses, floorspace and land will be protected, except where:

1. the reconfiguration or redevelopment of supported or affordable housing would better meet need; or
2. non-family sized housing is being reconfigured to create family sized housing.

D. The change of use of any type of housing to temporary sleeping accommodation on a permanent basis will not be permitted.’

Para 8.1 of the Plan confirms that ‘achieving Westminster’s housing targets to help meet growing and diversifying housing need is a key priority of this plan.’

The lawful use of the second floor was established after the implementation of the planning permission for that use granted in May 1998. Prior to this the floorspace was in use as medical accommodation and there is also existing medical floorspace at ground and first floor levels of the building. Access to the residential flat at second floor level is through the reception of the medical floorspace of the floors below.

The lawful second floor residential unit measures 65sqm and approximately 30sqm is currently being used as medical floorspace, although it is noted this is in the context of the entire unit being used by one medical practitioner who also has use of the medical floorspace outside of the prescribed times for patients to visit the premises.

Given the policy context detailed above the loss of any residential floorspace is ordinarily considered unacceptable in principle. The objection that has been received to the application is from a former occupier of the maisonette at third and fourth floors within the building. They have objected to the loss of a residential unit given the policy context to protect residential units and the need for more residential accommodation within London. In this instance, whilst the proposal would result in the loss of residential floorspace, it would still retain the residential unit as the applicant still resides at the property.

Provision of Medical Use

The applicant has provided details of the medical use they are seeking to deliver from the property and their medical background. The applicant has the current present posts; Consultant in Paediatrics and Adolescent Medicine (with special interest in neurodevelopment and paediatric neurology); Consultant Paediatric Neurologist; First Contact Physician; Expert Medical Witness; and Director/Dean-London International Medical School and Clinics. The applicant has also held a number of posts with various NHS trusts and internationally delivering paediatric medicine, most recently from 2004 until 2019 working within the immediate vicinity from 117a Harley Street.

In the context of the City Plan, 'health and medical facilities' are deemed to be Social and Community uses. Paragraph 17.1 states that 'community infrastructure and facilities are integral to supporting people's everyday lives, being used by residents, workers and visitors, and are a vital resource to support successful places and communities.' Policy 22 'Harley Street Special Policy Area' requires:

A. Development in the Harley Street Special Policy Area will support and enhance its continued role as an international centre of medical excellence, complemented primarily by residential use.

B. Proposals for additional floorspace to upgrade or provide new medical facilities, patient care and patient accommodation, will be supported subject to impact on townscape and heritage.

C. Medical facilities that do not fall within Class E (commercial, business and service uses) as a result of being attached to the residence of the consultant or practitioner, will be protected, unless:

1. There is no reasonable prospect of its continued use for medical use or complementary facilities, as evidenced by vacancy and appropriate marketing for a period of at least 12 months; and
2. The proposal is for high quality residential development.'

Paragraph 22.3 states, 'We will seek to protect existing and support new medical floorspace and complementary facilities in the area to ensure continuation and extension of the benefits of the clustering of these uses.'

Conclusion

Whilst the protection of residential floorspace is a priority within the City Plan, the plan also seeks to protect Social and Community uses (including medical) and to support and enhance the role of the Harley Street Special Policy Area as an international centre of excellence for medicine. Given the medical background of the applicant and their long-standing association with the area, having been working from Harley Street since 2004, the proposal will enable the applicant to consolidate living and working in a single premises and retain their medical experience within the area providing a service to the local community.

The applicant has also agreed to a condition being included on any consent to require the premises to revert back to residential use five years after the date of any planning permission. Although the proposal would be contrary to the aim of increasing residential floorspace within the City, it would also conversely enable the retention of an established community use. In these circumstances the loss of residential floorspace for a temporary period of five years is acceptable but given this is only the case due to the special circumstances of the applicant a condition is proposed stating that only Professor Sundara (Sam) Lingham can carry out the approved use and that should Professor Lingham vacate the premises the second floor must revert back to residential use as a two bedroom flat (Use Class C3).

9.2 Environment & Sustainability

Not relevant to the proposal.

9.3 Biodiversity & Greening

Not relevant to the proposal.

9.4 Townscape, Design & Heritage Impact

Not relevant to the proposal.

9.5 Residential Amenity

It is proposed patients would only be permitted within the second-floor premises between 09:00 and 18:30 Monday to Friday; 10:00 and 16:00 on Saturdays and not at all on Sundays. The current arrangements are that access to the second floor is through the ground floor reception of the medical occupier of the lower floors which would remain the case. The objection from the previous occupier of the residential flat on the upper floors raises concerns about disturbance and 'footfall' from patients using the communal stair to access the second floor. The communal stair is accessed through the medical floorspace at ground so the increased disturbance would only be on the shared staircase. The applicant has advised they would only see around 10 patients a week and they have one healthcare / reception assistant. The applicant has also agreed to the imposition of a condition restricting the number of patients to a maximum of 15 per week.

Given the small floorspace of the medical proposed, the hours patients can be at the premises, and as the ground and first floors of the property currently have lawful unrestricted use as medical accommodation it is not considered the proposal would have a noticeable detrimental impact upon existing residential occupiers within the building and the objection on these grounds cannot be sustained. A condition is proposed to restrict the hours and numbers of patients that can be on the premises to those stated above.

9.6 Transportation, Accessibility & Servicing

The application has been reviewed by the Highways Planning Manager who raises no concerns. The site is well served by public transport and no notable change to pedestrian or vehicular movements would result from the proposal given the small level of floorspace involved. The site is also within a Controlled Parking Zone which will mean anyone driving to the site will be regulated by on-street parking controls.

The Highways Planning Manager has requested cycle parking provision but given this is the second floor and the ground floor space falls outside the demise of the application it is not considered practical in this instance.

The Waste Projects Officer has requested a condition be attached to require the submission of drawings to show appropriate waste and recycling storage within the demise of the unit and the condition has been attached as requested.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy through the provision of employment for the one live-in medical practitioner and one healthcare assistant for clerical and reception support.

9.8 Other Considerations

The objector has commented on the applicant having internally remodelled their property without the consent of the freeholder but the building is not listed and any internal remodelling would either be within the constraints of the lease or would be a private matter between the freeholder and the applicant. The objector has also commented on the first floor previously having been used as a 'covid clinic' and that this demonstrates a risk for further breaches of planning control. The current consent is for a sui generis use, is personal to the applicant and is restricted by condition in terms of how the use can operate. Any use of the premises without compliance with this precise use or non-compliance with the conditions, would be subject to enforcement control.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

The small loss of residential floorspace in this instance is deemed acceptable given that the property is maintained as the applicant's primary residence, they have a vast medical experience which it would be beneficial to retain within the Harley Street Special Policy Area and the temporary nature of the use.

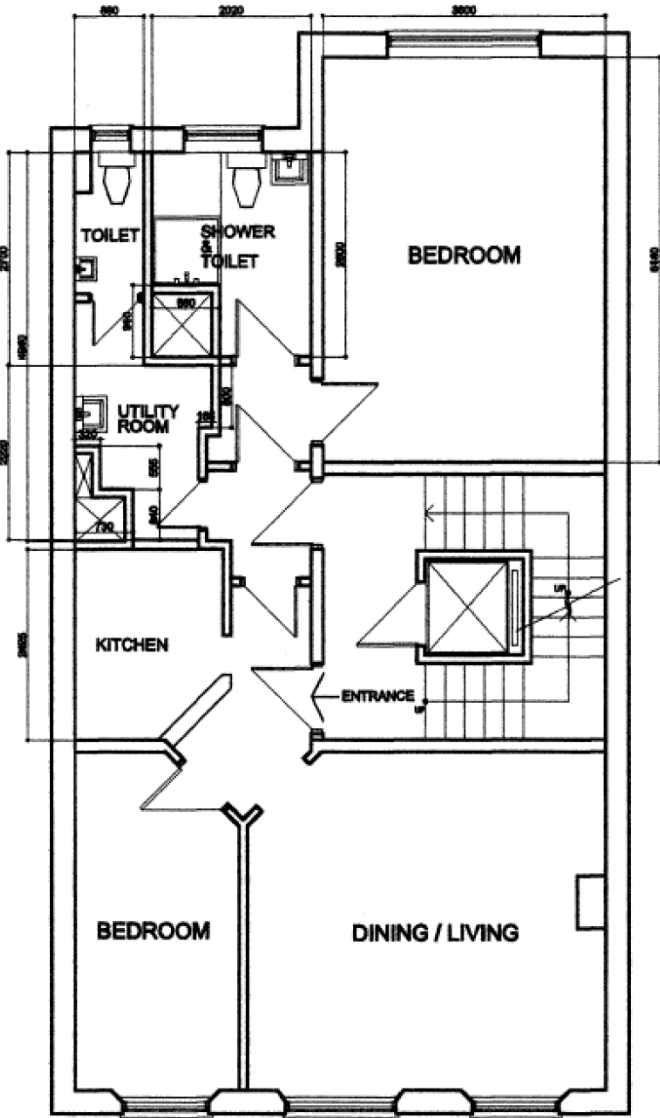
Accordingly, the proposal is considered acceptable and it is recommended that planning permission is granted, subject the conditions listed at the end of this report, which are necessary to make the development acceptable.

(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

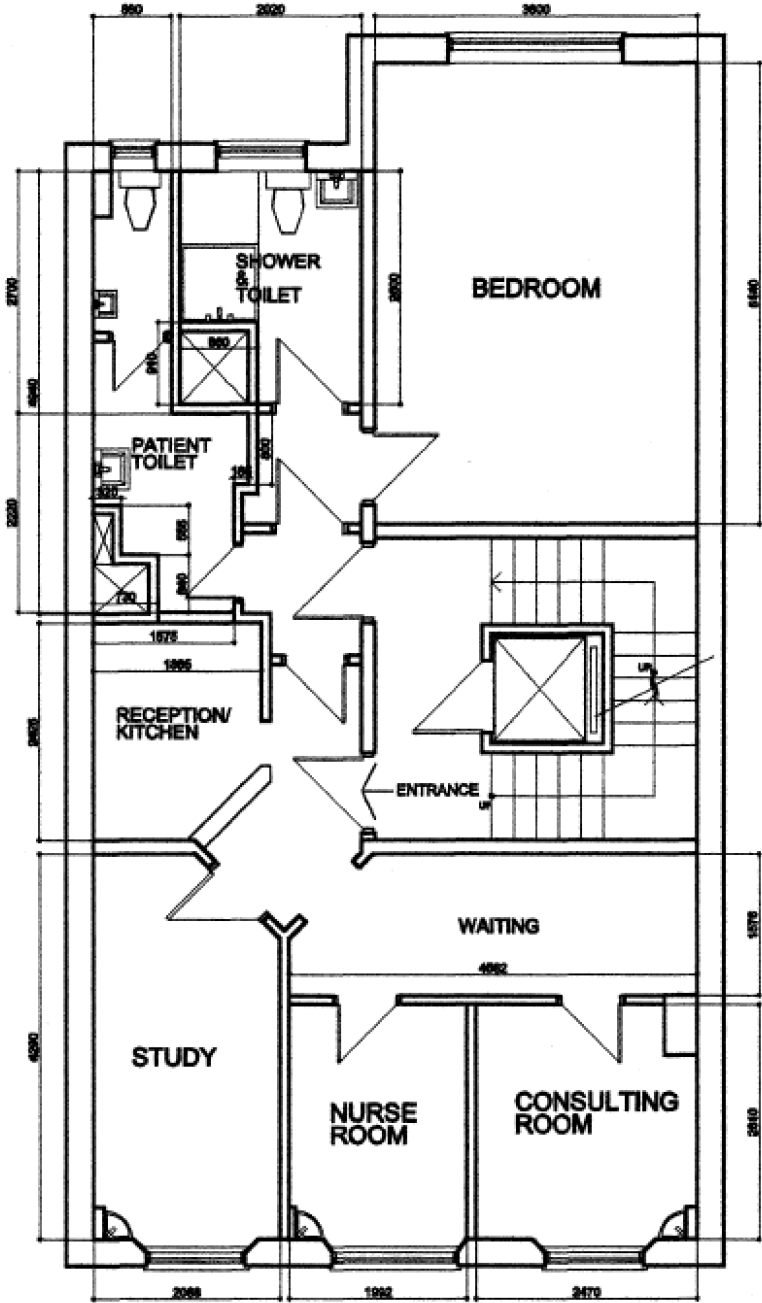
11. KEY DRAWINGS

Existing Floorplan:



2nd FLOOR PLAN (PRE-EXISTING)

Proposed Floorplan:



2nd FLOOR PLAN (EXISTING)

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DRAFT DECISION LETTER

Address: Second Floor Flat, 27 Wimpole Street, London, W1G 8GN

Proposal: Use of the second floor as a sui generis use comprising part residential and part medical accommodation for a temporary period of five years.

Reference: 23/00945/FULL

Plan Nos: Drawing: WS-201.

Case Officer: Matthew Giles

Direct Tel. No. 07866040155

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 Within 2 months of this decision notice, you must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must then provide the waste and recycling storage within one month of us approving the details you have sent us, and thereafter permanently retain the stores according to these details. You must clearly mark them and make them available at all times to everyone using the premises. You must not use the waste and recycling store for any other purpose. (C14GB)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 3 Patients are only to be permitted within the second floor premises between 09:00 and 18:30 Monday to Friday; 10:00 and 16:00 on Saturdays and not at all on Sundays.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 4 Only Professor Sundara (Sam) Lingham can carry out the sui generis use comprising of medical and residential functions as shown on the approved drawings. Should

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Professor Sundara (Sam) Lingham vacate the premises the second floor must revert back to residential use as a two bedroom flat (Use Class C3).

Reason:

Because of the special circumstances of this case we need to control future use of the premises if Professor Sundara (Sam) Lingham vacates the property. This is as set out in Policy 8 of the City Plan 2019 - 2040 (April 2021).

- 5 The use of the second floor as a sui generis use comprising part residential and part medical accommodation allowed by this permission can continue until five years after the date of this planning permission. After that date (or before should the applicant wish) the second floor premises must return to its previous use as a residential flat (Class C3).

Reason:

The use is not as set out in Policy 8 of the City Plan 2019 - 2040 (April 2021). Use for more than a limited period would be harmful to the objectives of the Plan. (R03AC)

- 6 A maximum of 15 patients a week can visit the premises.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022).

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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.

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

Agenda Item 5

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5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 March 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Pimlico North	
Subject of Report	Globe House, 89 Eccleston Square, London, SW1V 1PN		
Proposal	Use of building as hotel (Class C1) and part of ground floor as flexible commercial, business or service premises (Class E).		
Agent	Centro Planning Consultancy		
On behalf of	Eccleston Square London Limited (Criterion Capital)		
Registered Number	23/01561/FULL	Date amended/ completed	9 March 2023
Date Application Received	9 March 2023		
Historic Building Grade	Unlisted		
Conservation Area	No		
Neighbourhood Plan	No		

1. RECOMMENDATION

Refuse permission: insufficient information submitted to demonstrate no interest in continued use of building within CAZ as offices.

2. SUMMARY & KEY CONSIDERATIONS

The building is currently vacant but has previously been occupied by various government departments, most recently by HM Passport Office for which ground, first and second floor levels of the building were open to visiting members of the public submitting and collecting passport applications.

Permission is sought for a change of use to hotel with 357 guest bedrooms and a flexible Class E commercial unit (90.2sqm) at ground floor level on Bridge Place. Objections have been received to the loss of the existing offices and to the hotel on the grounds that it will have a harmful impact on residential amenity and the quality of environment in this part of Pimlico.

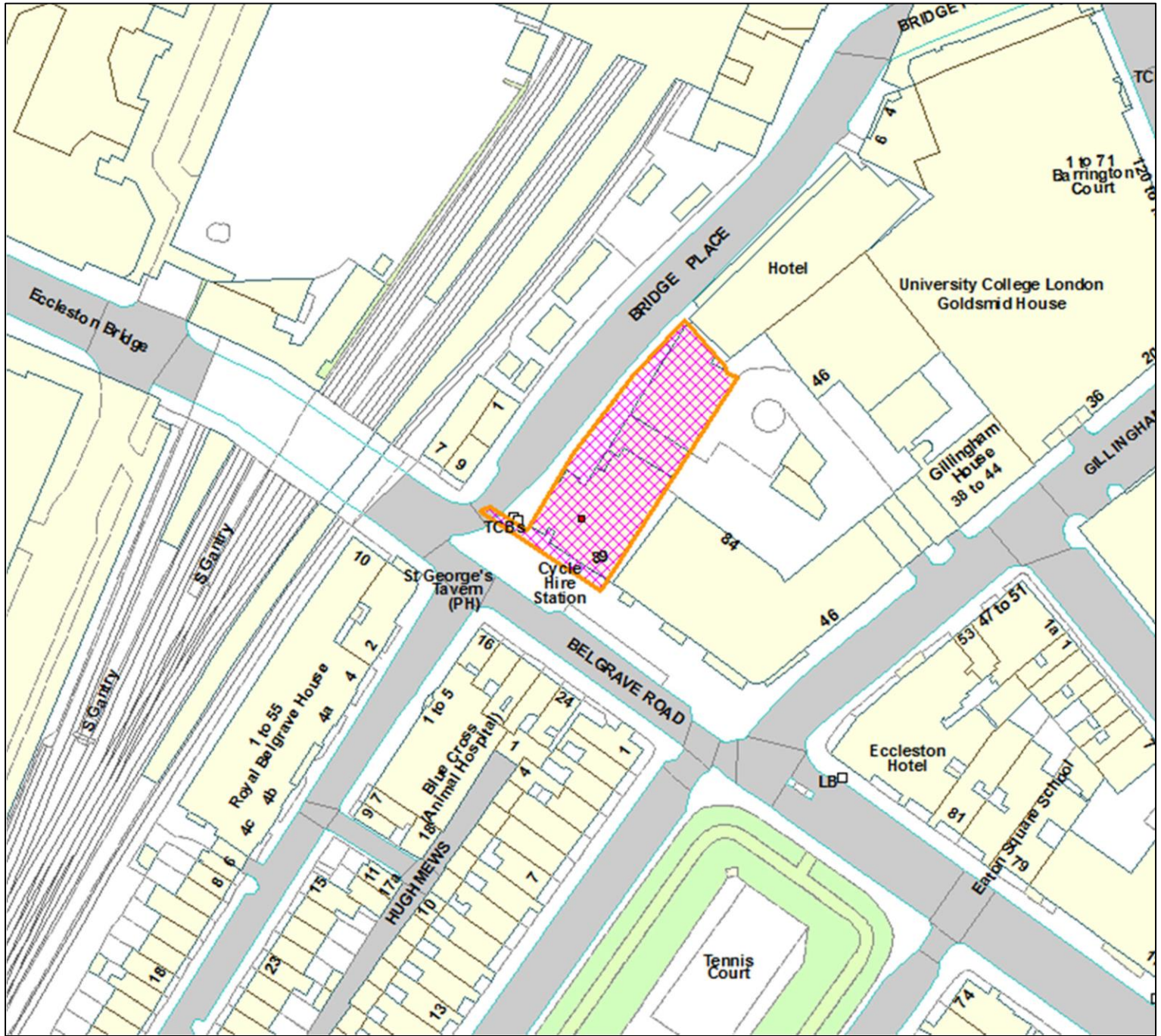
The key considerations in this case are:

- Loss of office floor space in the Central Activities Zone
- Impact of hotel on residential amenity and local environmental quality

This report assesses the proposal against the London Plan 2021, the City Plan 2019-2040 (April 2021) and any relevant material considerations. It concludes that the application fails to justify the proposed loss of office floor space in the Central Activities Zone, contrary to Policy E1 of the London Plan and Policy 13 of the City Plan and would adversely affect the objectives of the City Plan and London Plan which support office-based job growth in the Victoria Opportunity Area, as set out in Policies SD1, SD4 and SD5 of the London Plan and Policies 1 and 4 of the City Plan.

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3. LOCATION PLAN



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4. PHOTOGRAPHS



View of 89 Eccleston Square from Belgrave Road

5. CONSULTATIONS

5.1 Application Consultations

DR JAQUI WILKINSON WARD COUNCILLOR PIMLICO NORTH:

Strongly oppose. Large budget hotel would be out of character with townscape and heritage of Pimlico and would not be consistent with City Plan policies which require new development to protect and enhance amenity and local environmental quality. Pimlico suffers increasing anti-social behaviour and a large budget hotel may draw more anti-social behaviour into the area.

HISTORIC ENGLAND (ARCHAEOLOGY):

Do not consider it necessary to be notified of the application.

ENVIRONMENT AGENCY:

No objection.

TRANSPORT FOR LONDON (TfL):

Bridge Place forms of the Transport for London Road Network (TFLN). TfL is the highway authority for the TFLN. Request that as part of this development the Council secures improvements to the lighting and feeling of pedestrian safety on Bridge Place; conditions should be attached requiring a car park management strategy, cycle parking details, a more detailed Delivery and Servicing Plan and that a Construction Logistics Plan be submitted for TfL review prior to determination.

WESTMINSTER SOCIETY:

Object on the grounds of loss of employment opportunities; building could be upgraded to meet future office demands; inadequate office market assessment and inadequate assessment of impact on other hotels in area; quality of proposed hotel accommodation; proposal should include improvements to the external appearance of the building, create active frontages and landscaped areas

PIMLICO FREDA:

Object. Do not agree that the existing office accommodation could not be brought up to 21st century standards; there is no need for a large low grade hotel in this primarily residential area; concerned about double occupancy of small sized guest bedrooms and the resulting high occupancy levels; the traffic and servicing associated with such a use will be detrimental to local amenity for residents and other users.

VICTORIA NEIGHBOURHOOD FORUM:

Any response received to be reported to committee verbally by officers.

HIGHWAYS PLANNING:

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Conditions should be attached to secure details of cycle parking which must include two long stay spaces for the Class E commercial unit; electric vehicle charging points and an Operational Management Plan which must include details of the process for dealing with coach arrivals and departures. As servicing would occur off-street an update to the submitted framework Servicing Management Plan will not be required but a condition must be attached to ensure that all servicing areas are permanently retained for this purpose. The Class E commercial unit should be restricted by condition to retail or office use only.

PROJECTS OFFICER (WASTE):

No objection subject to condition to secure storage for waste and recyclable materials.

ENVIRONMENTAL HEALTH:

The submitted air quality assessment demonstrates that the development will achieve 'air quality neutral'. There are no details provided of any new mechanical plant or kitchen extract ventilation (if required) for the Class E unit.

TREE SECTION:

No objection subject to a condition requiring the submission and approval of measures to protect the street tree during the course of works.

TRANSPORT FOR LONDON INFRASTRUCTURE PROTECTION:

No objection subject to a pre-commencement condition requiring the submission and approval of a detailed method statement which accommodates existing London Underground structures and the London Underground ventilation shaft located within the site.

THAMES WATER:

Advice provided for the applicant regarding waste (foul and surface) water and water supply to the proposed development. Request condition and informative attached should permission be granted.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. consulted: 130 No. of replies: 42
No. of objections: 42 No. in support: 0

Objections received on the following grounds:

Land Use

- Loss of office space and employment opportunities
- Existing offices could be upgraded
- Too many hotels in area already
- Poor quality of proposed hotel accommodation
- Building should remain as offices or be used as affordable housing for key

workers/local people

Amenity

- Additional traffic, activity, noise and disturbance will have harmful impact on residents quality of life
- Budget type hotel will attract crime and anti-social behaviour

Design and Townscape

- Harmful impact on character of this part of North Pimlico/Victoria and Eccleston Square
- Offers no improvement to appearance of building

Highways

- Traffic generation – servicing and moped food deliveries to hotel guests
- Hotel guests will park in Respark spaces

SITE NOTICE AND PRESS NOTICE:
Yes

5.2 Applicant’s Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

Engagement Method/Event/Activity	Date	Reach
Website	Launched 16 January 2023 (now inactive)	318 website views
Flyers	Unknown	920 addresses in consultation area
Emails to Ward Councillors and Amenity Societies	Unknown	Ward Councillors Pimlico Neighbourhood Forum Westminster Society Pimlico FREDA

Responses received, across the range of engagement undertaken by the applicant, raised the following issues:

- The addition of another large hotel in the area and the quality of hotel accommodation proposed
- Preference for development as residential flats
- Raised height of the building (not proposed)
- Existing external appearance of building is out of keeping with area
- Main entrance should be on Bridge Place and not Belgrave Road

- Insufficient detail provided

The applicant submitted the planning application without amendment.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (December 2023) and should be afforded full weight in accordance with paragraph 225 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (December 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

Globe House, 89 Eccleston Square is located at the corner of Bridge Place and Belgrave Road and consists of basement, ground, mezzanine and eight upper floor levels. The building has been occupied by various government departments, most recently by HM Passport Office for which ground, first and second floor levels of the building were open to visiting members of the public submitting and collecting passport applications.

The site is located within the Central Activities Zone and the Victoria Opportunity Area. The building is not listed nor is it located in a conservation area. The site is within Flood Zone 3 and the Pimlico Tier 3 Archaeological Priority Area.

7.2 Recent Relevant History

The building was, until December 2022, occupied by a succession of various HM government departments.

Prior to 7 June 2006 and the implementation of new planning legislation, the Crown (which includes government departments) was immune from planning law. Development on Crown Land was regulated under a parallel version of the planning system under Circular 18/84 'Crown Land and Crown Development'. This involved consultation with local planning authorities 'Notices of Proposed Development' which were submitted to the local planning authority and treated as though they were planning applications.

99/04840/1884

External alterations including new canopy on Bridge Place and Belgrave Road elevations; new roof level plant and screen; and use as offices to include the making, submission and collection of passport applications by visiting members of the public.
 No objections raised 14 September 1999

01/02114/1884

Erection of a three storey extension on Bridge Place frontage and a canopy on the Belgrave Road frontage in association with the use of the building as the UK passport office.
 No objections raised 12 June 2001

8. THE PROPOSAL

Planning permission is sought to change the use of the building to a hotel (Class C1) comprising 357 rooms (8478.53 sqm) plus a commercial unit (Class E) (90.2 sqm) at ground floor level on Bridge Place.

Planning permission is not sought for any external alterations, however the submitted proposed Bridge Place elevation does show minor alterations to the entrance door, a new fire exit and a hotel sign which would require planning permission and advertisement consent respectively.

The application was originally submitted on the basis that the applicant believed the lawful use of the building to be Class E(c)(iii) public services offices with ancillary Class E(g)(i) office use.

Table: Existing and proposed floorspace figures provided by the applicant.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Commercial, Business and Service (Class E)	8,568.73	90.2	-8,478.53
Hotel (Class C1)	0	8478.53	+8478.53
Total	8,568.73	8568.73	0

The applicant has subsequently sought to demonstrate that the existing lawful use of the entire building is sui generis and that City Plan and London Plan policies which seek to protect office use do not therefore apply to the site.

The existing lawful use of the building is discussed in Section 9.1 of this report.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Existing Lawful Use

Identifying the existing lawful use of an application site is a matter of fact and degree for the decision-maker. Officers agree with the applicant that Globe House should be considered as one planning unit. The floors within the building are not physically separate and distinct, so the entire building is considered to be a single planning unit.

The applicant has sought to demonstrate that the lawful use of Globe House is not as offices and that the protection of office floor space as set out in the development plan does not apply. In their planning statement, the applicants initially considered the entire building to have a public service use falling within the former Class A2 (now Class E(c)(iii)) of the Use Classes Order 1987 due to the upper floors being ancillary to the areas that were open to visiting members of the public. Subsequently, they sought legal opinions in which their counsel suggests that it is most likely that the building is a single planning unit with a sui generis "passport office" use. However, it is considered that these conclusions can only be reached by ignoring the planning history of the site or through unfounded speculation about the actual use of the building while HMPO occupied parts of it. Given the facts of the site, officers consider that the existing lawful use of the building is a mixed use of Class E(c)(iii) (services provided principally to visiting members of the public which it is appropriate to provide in a commercial locality) and Class E(g)(i) (offices to carry out any operational or administrative functions).

When the primary occupier of the building changed from the Department of Trade and Industry to the HMPO in the early 2000s, the associated extensions and opening up of the ground to second floor levels of the building to members of the public did not require planning permission because the Crown operated under a parallel system of development control at that time (Circular 18/84) wherein the Crown only needed to notify the relevant local planning authority of its development proposals.

In 1999 the Crown notified the City Council of a proposed part change of use that would result from HMPO moving into the building, to which the City Council raised no objection (99/04840/1884 dated 14 September 1999). The City Councils' 'no objections raised' response letter to the Crown referred to operational development and to "...use as offices to include the making, submission and collection of passport applications by visiting members of the public."

This clearly indicates the areas of the building that would be open to visiting members of the public were not intended to be the principal use of the building. This is consistent with the description of the building in documents submitted by the applicant: Savills Social Infrastructure and Office Market Assessment dated February 2023 describes the building as an "existing office building"; Criterion Capital in their Summary Paper dated 11 May 2023 describe the building as "office space" and CBRE in their 30 January 2023 summary of their involvement in the disposal of the building describe it as an "office building".

Additionally, government agencies unrelated to HMPO and with no public facing

elements had offices in the building, e.g. HM Inspectorate of Constabulary. The submitted 'as existing' drawings - which are the proposed drawings for the Crown's notification (01/02114/1884) for the three storey extension on Bridge Place - do not show any proposed uses for levels 7 & 8 of the building, indicating the intent was never for HMPO to occupy the entire building and that other occupiers could use those levels of the building as offices independently of the activities of HMPO.

When HMPO moved their HQ and London Area Local Office functions from Globe House to the London Borough of Newham in 2022 and 2023, LB Newham refused their application for a certificate of lawfulness (application ref: 21/02015/CLP) for use of a building with a Class E lawful use on the grounds that the HMPO were "a mix of Use Class E(g)(i) [offices] and sui generis use." This suggests that there is consensus that an HMPO location containing HQ functions does consist of office space that falls within Class E(g)(i) and is not ancillary or incidental to the public facing part of the facility.

The legal opinions submitted by the applicant suggest that the level of interaction between the office and public parts of the building would have been so extensive that the overall planning unit would be sui generis. This does not stand up to the evidence indicating that multiple levels in the building were never intended to be occupied by HMPO, the fact that parts of the building were occupied as offices wholly unrelated to HMPO and the lack of evidence to suggest that the HQ functions of the HMPO carried out in the building had an extensive interaction with the passport office functions of the building that were open to the public.

The applicant's counsel is of the opinion that the most likely lawful use of the building is sui generis. However, they also consider the merits of other interpretations of the existing lawful use of the site based on the available facts which includes the view held by officers that the existing lawful use of the site is a mixed Class E(g)(i) (office) and Class E(c)(iii) (public services) use. The applicant's counsel considers that this view is supported by the description of development on the City Council's response to the Crown notification 99/04840/1884 (as discussed above) and a letter submitted by the Crown in support of that application which refers to a proposed "change of use of *part* of the premises [emphasis added]" and the historical use of part of the site by government agencies other than HMPO (e.g. HM Inspectorate of Constabulary).

The legal opinions also rely on the judgment of Slade LJ in *London Residuary Body v Secretary of State for the Environment* (1989) 58 P&CR 350 which sets out the special features that an Inspector attached particular importance to in deciding that County Hall in London had a sui generis rather than office use. In officers' view none of these special features apply to Globe House:

- (a) The presence of a debating chamber with voting lobbies, press gallery, committee rooms etc - none of which are present at Globe House
- (b) The significant degree of public involvement in and public access to the buildings - public access to Globe House was limited to three storeys and the public were not involved in decision making in the building
- (c) Parts of the buildings were used for public meetings of voluntary and local organisations - no such activities are known to have taken place at Globe House
- (d) Characteristics of public debate and decision making, administering services, responding to queries from the public, together with a range of other public and

ceremonial activities - aside from administering services and responding to queries from the public (which are activities carried out at least occasionally in most offices), none of these activities appear to have taken place at Globe House.

It should also be noted that in *LRB* case, Lloyd LJ considered that the planning unit should properly be regarded as having a mixed use. Lloyd LJ's judgment is consistent with officers' views and supports our assessment of the lawful use of Globe House.

The legal opinions also mention other examples to support the applicant's interpretation of the existing lawful use of the building. However, officers' assessment of the site has focused on the facts of the application site itself and as the applicant's counsel acknowledges the factual circumstances of these other sites are not relevant to the application site.

It is therefore concluded that, as a matter of fact and degree, the use of Globe House was as offices, with significant parts of the building being used for the carrying out of certain activities that were not incidental to the office use but were open to visiting member of the public. This is a mixed or composite use containing large areas of office floor space falling within Class E(g)(i) (offices). These areas of office floor space are protected by the development plan policies and should only be permitted to change use to a hotel after 12 months of vacancy and appropriate marketing.

Loss of Offices

Policy Context

The London Plan (2021) supports and encourages the growth potential of Opportunity Areas and office functions of the CAZ and requires that development proposals should not lead to a net loss of office floorspace in any part of the CAZ unless there is no reasonable and demonstrable prospect of the site being used for offices (Policies SD1, SD4 and SD5).

London Plan Policy E1 parts (G) and (H) require development proposals relating to new or existing offices to take into account the need for a range of suitable workspace including lower cost and affordable workspace and for the re-use of otherwise surplus large office spaces for smaller office units to be explored. Surplus office space is defined at paragraph 6.1.7 of the London Plan as 'sites and/or premises where there is no reasonable prospect of these being used for business purposes. Evidence to demonstrate surplus office space should include strategic and local assessments of demand and supply, and evidence of vacancy and marketing (at market rates suitable for the type, use and size for at least 12 months'.

The City Plan 2019-2040 (2021) supports the growth, modernisation and adaptation of a variety of business space to provide at least 63,000 new office-based jobs alongside other forms of commercial growth (Policy 1) and within the Victoria Opportunity Area seeks to achieve 4,000 additional jobs (Policy 4(A)).

Within the CAZ the net loss of office floor space to hotel use will only be permitted where there is no interest in its continued use for office or any other Class E (commercial, business and service), education or community uses, as demonstrated by vacancy and

appropriate marketing for a period of at least 12 months (Policy 13(D)). This is because, as paragraph 13.12 of the City Plan explains, the loss of office floorspace from the CAZ risks undermining its key strategic employment functions as defined in the London Plan, and as a result, the global competitiveness of the London economy.

City Plan Policy 13(A) supports new and improved office floor space in Opportunity Areas. In Westminster, the Opportunity Areas which include Victoria, provide the main opportunities for significant office growth in Westminster (para. 13.5) and office growth in these locations will be secured through a combination of means including the refurbishment and expansion of existing stock (para. 13.6).

The City Plan (para. 13.14) acknowledges that there may be instances where existing office stock within the CAZ has reached the end of its economic life, and there is no interest in its continued use for such purposes, or for other uses that fall within Class E of the Use Classes Order or education or community uses. However, past levels of permissions to convert or redevelop office floorspace from the CAZ to hotel use in Westminster justify only continuing to support such proposals after all other reasonable options have been exhausted.

Assessment of proposal

Without prejudice to their position that the existing lawful use of the building is sui generis and therefore not protected by London Plan and City Plan office policies, the applicant submitted marketing information which sought to demonstrate that appropriate marketing had taken place since January 2020 and that the poor quality of the office space rendered it unlettable.

The marketing information has been independently reviewed on behalf of the City Council, by surveyors with experience of the Victoria office market. The independent review concluded that 1) although there are a significant number of large Grade A office developments in the pipeline over the next five years, the demand for smaller office floor plates will remain strong in central Victoria; 2) although the building has a number of compromises (e.g. low floor to ceiling heights) these are not so severe that the building is no longer fit for purpose as offices if there was sufficient capital investment in the building; and 3) the marketing of the building has been very limited and did not amount to an 'appropriate' marketing campaign. The overall conclusion of the independent review was that the building is in a good location, could be refurbished to a sufficient quality and there is sufficient demand in the market for the building to continue to be used as offices into the future. And for these reasons, the independent review also concluded that London Plan Policy E1 was not relevant in this case.

The applicant has failed to demonstrate that the building is surplus office space with no reasonable prospect of being used for office purposes. The application is therefore contrary to London Plan and City Plan policies which seek to resist the loss of offices within the CAZ and to promote office based growth and job opportunities within CAZ and Opportunity Areas (London Plan policies SD1, SD4, SD5, E1 and City Plan policies 1, 4(A) and 13(D)).

Proposed Hotel Use

Policy Context

Policy E10 of the London Plan supports new hotels in Opportunity Areas subject to their impact on office space but advises that the intensification of hotel provision should be resisted where this compromises local amenity or the balance of local land uses.

The City Plan (2021) supports growth and intensification of development within the CAZ, but it also recognises the need to balance the competing functions of the CAZ which includes residential neighbourhoods (Policy 1A(4)).

Policy 15 of the City Plan seeks to maintain and enhance the attractiveness of Westminster as a visitor destination while balancing the needs of visitors, businesses and local communities. Part G of Policy 15 directs new hotels to commercial areas of the CAZ.

City Plan Policy 7 requires development to be neighbourly by protecting and, where appropriate, enhancing amenity and local environmental quality and not to overburden the capacity of local infrastructure

Assessment of proposal

Objections have been received from local residents, amenity societies and resident's groups on the grounds that the proposed hotel would have a harmful impact on residential amenity and local environmental quality.

The building is located within the Victoria Opportunity Area and within a commercial part of the CAZ - not immediately adjoining any residential properties and severed from the predominantly residential areas of Pimlico by the busy Belgrave Road. Had the applicant been able to demonstrate that appropriate marketing of the office building had been undertaken and that the building is surplus office space with no reasonable prospect of the building being used for office purposes, a change of use to a hotel would be acceptable in this location subject to conditions to secure an Operational Management Plan and Servicing and Deliveries Management Plan to mitigate any harmful impact on the amenity of local residents and the quality of the local environment. However, there are no policy or strategic benefits associated with the proposed hotel use which would outweigh the loss of office floorspace within CAZ contrary to Policy 13 of the City Plan.

9.2 Environment & Sustainability

Sustainable Design

The applicant has submitted a BREEAM pre-assessment report to demonstrate how the proposal could meet BREEAM "Excellent" standard. Had the application been considered acceptable in principle, a condition would have been recommended to ensure that the completed development achieves BREEAM "Excellent" standard.

Energy Performance

The submitted Energy & Sustainability Statement demonstrates how the proposed hotel development would minimise carbon emissions by following the principles of the Mayor

of London's energy hierarchy in accordance with Policy 36 of the City Plan. The energy strategy for the development includes passive design measures (i.e. use of the existing double glazing, low energy LED lighting and exposing areas of the existing concrete frame to assist in regulating the heat of internal areas) as well as heat recovery ventilation systems and renewable energy options such as PV panels on the roof. There are no external alterations proposed as part of the current application, so had the change of use to a hotel been acceptable in principle, details of all new mechanical plant and PV panels would be required to be submitted under a separate application for planning permission.

Air Quality

The Councils' Environmental Sciences Team have confirmed that the submitted Air Quality Assessment demonstrates that the proposed development would achieve 'air quality neutral'.

Flood Risk & Sustainable Drainage

The site is located within Flood Zone 3 and within the Pimlico North & Victoria Surface Water Flood Risk Hotspot.

The proposal involves a change of use from a 'Less Vulnerable' office use to a 'More Vulnerable' hotel use. In accordance with Part D of Policy 35 of the City Plan, this triggers the requirement for the proposal to pass the 'Exception Test' set out in the NPPF. The 'Exception Test' has two parts: first, that the development would provide wider sustainability benefits to the community that outweigh the flood risk and, second, the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. As the proposal is limited to the change of use of an existing building, without any exterior works proposed, it is not considered possible for the proposal to meaningfully pass the first part of the 'Exception Test'.

A site-specific flood risk assessment (FRA) has been submitted with the application. The Environment Agency has raised no objection and is satisfied that the development would be safe in the event of a flood as there are no bedrooms proposed at basement and ground levels and there would be safe refuge on the higher floors of the building. The FRA explains that the basement of the building will be allowed to flood so as to not increase the amount or risk of flooding elsewhere any greater than the existing arrangement. Given no external alterations or extensions are proposed, the proposal would not reduce flood risk overall, but nor would it increase flood risk elsewhere. The proposal therefore passes the second part of the Exception Test.

Policy 35(E) of the City Plan advises that More Vulnerable uses should, as far as possible, be directed away from Surface Water Flood Risk Hotspots. The application involves a change of use to an existing building and the proposed hotel has been designed so that all bedrooms are above those levels of the building most susceptible to flooding.

9.3 Townscape, Design & Heritage Impact

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The building is not located in a conservation area, nor is it listed, and the proposal includes no external alterations. Hence, the proposed development raises no issues in relation to design or conservation matters.

It is acknowledged that some objectors have expressed dissatisfaction with the lack of any exterior or public realm enhancements associated with the proposal. However, as this application relates solely to the use of the building, the failure to improve its exterior or the public realm on Bridge Place is not a material consideration in the determination of this application.

9.4 Residential Amenity

There are no extensions proposed which might have a harmful impact on the daylight, sunlight or outlook enjoyed at any nearby properties. No new window openings, balconies or terraces are proposed that could reduce the privacy of any nearby occupiers.

No plant or equipment is proposed which may have a harmful impact on nearby occupiers. Had the application for a change of use been considered acceptable in principle, an informative would have been recommended to remind the applicant to apply for planning permission for any new plant equipment.

9.5 Transportation, Accessibility & Servicing

Guests would arrive at hotel reception via the existing ground floor entrance on Bridge Place. 357 guest bedrooms are proposed on mezzanine to eight floor levels. There would be no food and drink provision within the hotel. There is an existing vehicle access from Bridge Place into a rear courtyard area where there are currently six car parking spaces. These would be removed and replaced with one pre-bookable disabled parking space, the rest of this area would be used for small vehicle servicing and waste collection. Larger vehicle servicing (e.g linen delivery/collection) would take place from the existing delivery bay on Bridge Place. Cycle parking (20 long stay spaces) is proposed at basement level.

Had the application been considered acceptable in principle, conditions (as requested by TfL and the Council's Highways Planning Manager) would have been recommended to secure the Servicing Management Plan and an Operational Management Plan, servicing areas, cycle parking, storage for waste and recyclables, electric vehicle charging points and at TfL's request a Construction Logistics Plan.

Subject to these conditions, had the application been considered acceptable in principle, it is considered that the proposed development would not have an unacceptable impact on the public highways and would adequately promote sustainable modes of travel, in accordance with Policies 7, 24, 25, 27, 29, 30 and 33 of the City Plan.

9.6 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it would contribute positively to the local economy through the generation of increased opportunities for local employment, procurement and spending. Based on figures

provided by the applicant there would however be a reduction in jobs during the operational phase of the development as the hotel is expected to employ 80 full time equivalent staff, compared to the 500 full time equivalent staff employed by the HMPO.

9.7 Other Considerations

With regard to the proposed ground floor Class E unit on Bridge Place, had the application been considered acceptable in principle, a condition restricting the use of this unit to office, retail or restaurant would have been recommended because (as advised by the Council's Highways Planning Manager) other uses within Class E (e.g. education, nursery, medical) would require further assessment and a travel plan; as well as a condition requiring that, in the event this unit was used as a restaurant/cafe with primary cooking, details of the kitchen extract ventilation system be submitted for approval prior to commencement of that use.

The Council's Tree Officer has advised that the street tree on the corner of Bridge Place with Belgrave Road would require protection from potential damage during the course of building works. TfL (Infrastructure Protection) have requested a condition to ensure that London Underground structures and a ventilation shaft are adequately protected. Had the application been considered acceptable in principle appropriate conditions and/or informatives would have been recommended.

The site is within the Pimlico Tier 3 Archaeological Priority Area. Historic England (GLAAS) have offered no comment on the minor excavation within the building to create an additional service lift.

9.8 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.9 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy.

The proposed development is unacceptable as it would fail to accord with Policies 1, 4 and 13 of the City Plan 2019 - 2040 (April 2021) and Policies SD1, SD4, SD5 and E1 of the London Plan (March 2021). Therefore, it is recommended that planning permission should be refused on grounds that insufficient information has been provided to demonstrate that there is no interest in the continued use of the building as offices or any other Class E (commercial, business and service) uses, education or community use.

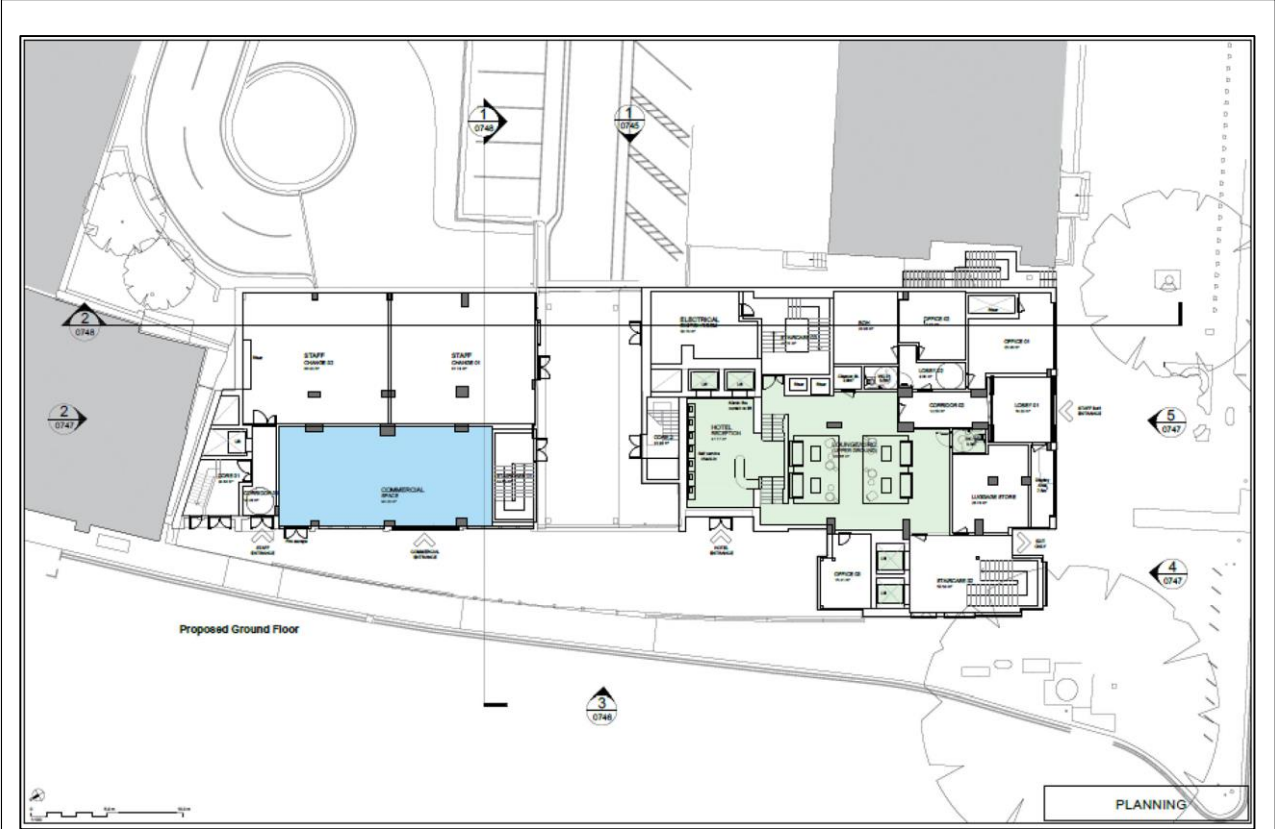
(Please note: All the application drawings and other relevant documents and Background

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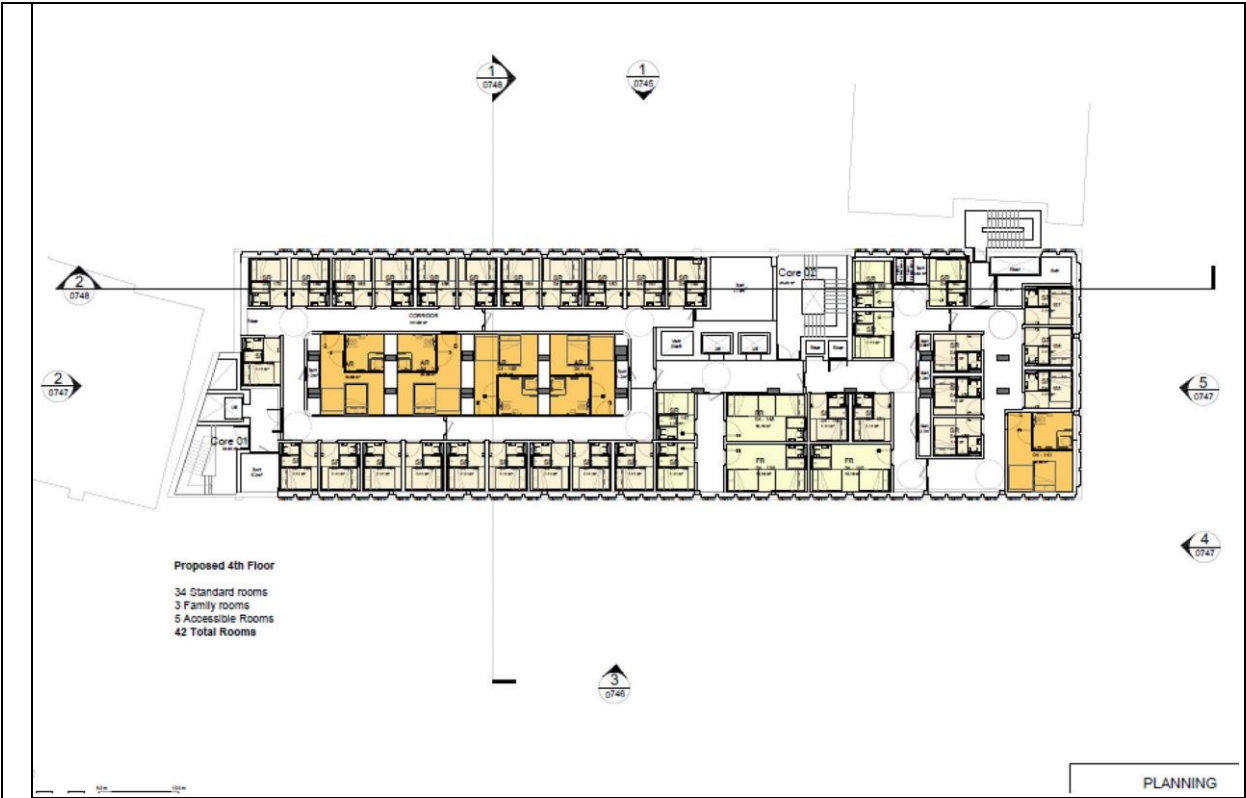
Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AMANDA JACKSON ADD PRESENTING OFFICERS NAME BY EMAIL AT ajackson@westminster.gov.uk

11. KEY DRAWINGS



Proposed Ground Floor



Proposed Fourth Floor (Typical)



Visualisation of Standard Room

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DRAFT DECISION LETTER

Address: Globe House, 89 Eccleston Square, London, SW1V 1PN

Proposal: Use of building as hotel (Class C1) and part of ground floor as flexible commercial, business or service premises (Class E).

Reference: 23/01561/FULL

Plan Nos: 0026-CCL-XX-XX-DR-A-0700; 0026-CCL-XX-XX-DR-A-0701; 0026-CCL-XX-XX-DR-A-0702; 0026-CCL-XX-XX-DR-A-0710; 0026-CCL-XX-XX-DR-A-0711; 0026-CCL-XX-XX-DR-A-0712; 0026-CCL-XX-XX-DR-A-0713; 0026-CCL-XX-XX-DR-A-0714; 0026-CCL-XX-XX-DR-A-0715; 0026-CCL-XX-XX-DR-A-0716; 0026-CCL-XX-XX-DR-A-0717; 0026-CCL-XX-XX-DR-A-0718; 0026-CCL-XX-XX-DR-A-0719; 0026-CCL-XX-XX-DR-A-0720; 0026-CCL-XX-XX-DR-A-0721; 0025-CCL-XX-XX-DR-A-0725 (Existing Front Elevation); 0025-CCL-XX-XX-DR-A-0726; 0025-CCL-XX-XX-DR-A-0727; 0025-CCL-XX-XX-DR-A-0725 (Existing Sections); 0026-CCL-XX-B0-DR-A-0730; 0026-CCL-XX-00-DR-A-0731; 0026-CCL-XX-M0-DR-A-0732; 0026-CCL-XX-01-DR-A-0732; 0026-CCL-XX-XX-DR-A-0734; 0026-CCL-XX-XX-DR-A-0735; 0026-CCL-XX-XX-DR-A-0736; 0026-CCL-XX-05-DR-A-0737; 0026-CCL-XX-06-DR-A-0738; 0026-CCL-XX-07-DR-A-0739; 0026-CCL-XX-08-DR-A-0740; 0026-CCL-XX-X9-DR-A-0741; 0025-CCL-XX-XX-DR-A-0746; 0025-CCL-XX-XX-DR-A-0747; 0025-CCL-XX-XX-DR-A-0748.

Case Officer: Max Leonardo **Direct Tel. No.** 07817095744

Recommended Reason(s) for Refusal:

Reason:

Insufficient information has been provided to demonstrate that there is no interest in the continued use of the building as offices or any other Class E (commercial, business and service) uses, education or community use and therefore the proposed hotel use would be contrary to Policies 1, 4 (A) and 13 (D) of the City Plan 2019 - 2040 (April 2021) and Policies SD1, SD4, SD5 and E1 of the London Plan (March 2021).

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 so far as practicable. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our

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statutory policies and negotiation could not overcome the reasons for refusal.

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.