

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> <b>18 April 2017</b>	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>1 Queensborough Mews, London, W2 3SG,</b>		
<b>Proposal</b>	Removal of Condition 4 of planning permission dated 28 September 2015 (RN: 15/06025) which varied Condition 1 of planning permission dated 01 May 2015 (RN: 15/01872) for erection of single storey building to garden (fronting Queensborough Terrace) to house electricity substation; namely to remove the requirement for the new doors facing Queensborough Terrace to be clad with timber and to retain the metal louvred doors installed.		
<b>Agent</b>	Mr Ben Radford		
<b>On behalf of</b>	Mrs Judith Wells		
<b>Registered Number</b>	17/00195/FULL	<b>Date amended/ completed</b>	16 January 2017
<b>Date Application Received</b>	10 January 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

1. Grant conditional permission.

## 2. SUMMARY

Planning permission was granted in September 2015 for the construction of a new electricity substation (operated by UK Power Network (UKPN)) fronting Queensborough Terrace (this in itself was a variation on an earlier permission). Permission is now sought to remove condition 4 of that planning permission dated which required the new doors facing Queensborough Terrace to be clad with timber and to retain the metal louvred doors already installed.

Objections have been received regarding reducing the design quality of the scheme and there is insufficient justification within the application to substantiate the argument for the design alteration.

The key issues in this case is:

- The impact on the proposal on the character and appearance of the Bayswater Conservation Area.

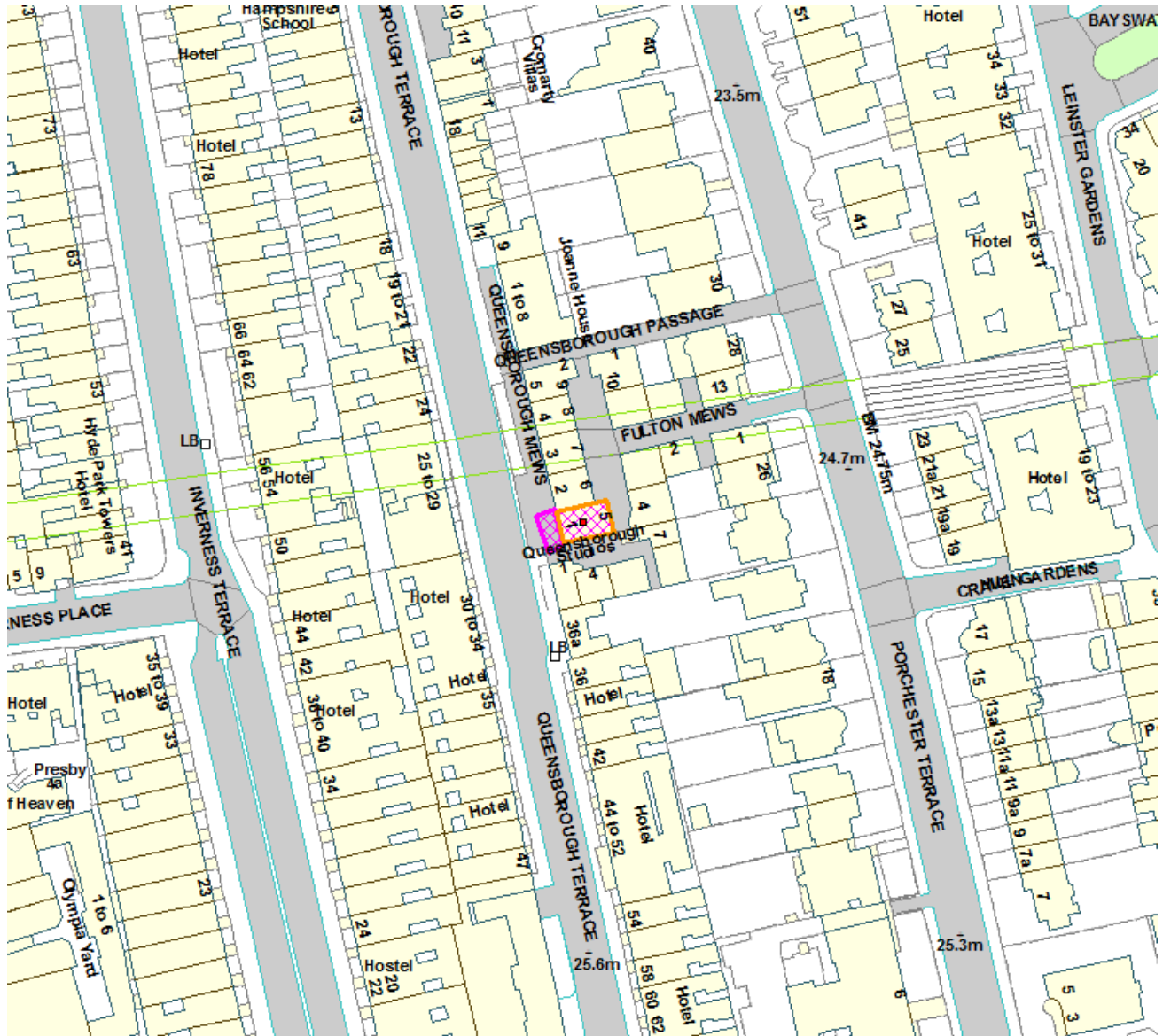
The proposed development is considered to comply with relevant policies in relation to design in the

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Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). It is therefore recommended that conditional planning permission be granted.
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### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Electricity Sub-station



Photo to shows doors



## 5. CONSULTATIONS

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Prefer to keep the hardwood timber around the grills but if there is a 'health and safety' reason from UKPN then they accept the proposal. Due to its location visibility of the doors would be limited to passers-by.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 7

Total No. of replies: 2

No. of objections: 2

Objection has been raised on all or some of the following grounds:

#### History

- There is considerable planning history relating to this site and it has been a concern to the neighbours for many years.

#### Design

- The proposal is a further reduction in the design quality of the new substation which is located within a residential setting and within a Conservation Area.
- The substation will not look like a garden shed, which was the original intention.
- There is insufficient justification to substantiate the argument to amend the design.
- The proposals are contrary to the City Council's planning, design and conservation policies.

#### Other

- This is a cost saving exercise

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site (the substation) is located to the rear of 1 Queensborough Mews, adjacent to the boundary wall with Queensborough Terrace, within the Bayswater Conservation Area.

The Applicant has advised that the construction of the substation has been completed.

### 6.2 Recent Relevant History

#### 10/10566/FULL

Erection of single storey building to garden (fronting Queensborough Terrace) to house electricity substation.

Application Permitted

26 April 2012

14/12823/FULL

Variation of Condition 1 of planning permission dated 26 April 2012 (RN: 10/10566) Erection of single storey building to garden (fronting Queensborough Terrace) to house electricity substation; namely to re-position sub-station, retain wall on boundary with Queensborough Studios and alter the doors facing Queensborough Terrace.

Application Permitted 16 February 2015

15/01872/FULL

Erection of single storey building to garden (fronting Queensborough Terrace) to house electricity substation.

Application Permitted 1 May 2015

15/06025/FULL

Variation of Condition 1 of planning permission dated 01 May 2015 (RN: 15/01872) for the erection of a single storey building to garden (fronting Queensborough Terrace) to house electricity substation; namely to increase the footprint of the substation, make alterations to the elevations and remove the Sycamore tree. Removal of conditions 8, 9 and 10 which relate to tree protection measures.

Application Permitted 28 September 2015

15/10543/FULL

Variation of condition 1 and removal of condition 4 of planning permission dated 28 September 2015 (RN: 15/06025) for the erection of a single storey building to garden (fronting Queensborough Terrace) to house electricity substation; namely, alterations to footprint and elevations including the removal of requirement for doors facing Queensborough Terrace to be clad with timber to match existing gate.

Application Permitted 25 January 2016

During the course of the above application the proposals were amended and permission was granted for the variation of condition 4 also which resulted in the door facing Queensborough Terrace being oak faced doors with inset metal louvres and these were to be painted black.

## 7. THE PROPOSAL

Permission is sought to remove condition 4 of permission dated 28 September 2015 which required the new door facing Queensborough Terrace shall be clad with timber. It is then sought to retain the black metal louvred doors as installed.

Under the application permitted in 25 January 2016, condition 4 of permission dated 28 September 2015 was varied with the door facing Queensborough Terrace being oak faced doors with inset metal louvres. This arrangement was not secured by condition and therefore in order to remove the requirement to have any timber on the doors the applicant has had to apply to remove condition 4 from the previous application.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

This application raises no land use issues.

## 8.2 Townscape and Design

When permission was originally granted in April 2012, the building was to be constructed from reclaimed stock bricks, with a pitched, standing seam zinc roof, at a total height of 2.8 metres and have solid timber clad doors. The permission has been amended historically and of relevance is the January 2016 permission which allowed the doors to be clad in timber with the central louvers being metal. As a point of clarification, the metal louvred doors have been installed.

Objections to the current application have been received from local residents on the grounds that the current proposals seek to further reduce the design quality of the substation and that there is insufficient justification within the application to substantiate the argument for the design alteration. The objectors note the requirement for timber doors was imposed on the original permissions to ensure appropriate materials were introduced within the Conservation Area and to prevent an 'industrial aesthetic' which was considered to be inappropriate in this location and why therefore should the City Council's view alter.

The applicant has clarified that due to UKPN regulations the requirement to have fully timber doors could not be achieved (as required under an earlier permission) and therefore under the January 2016 permission a compromise was reached which allowed for inset metal louvres within timber doors. As installed, the doors are fully metal. Further clarification was requested from the applicant with regards to why the timber doors with inset metal louvres couldn't be achieved. UKPN state that any timber on the building presents a fire risk and any potential risks should be designed out. If a fire was to break out inside the substation the timber on the external elevation could catch and present greater danger.

Whilst the introduction of cladding was not disputed at the time of the previous application by UKPN, it has since been established that the metal doors cannot be compromised with fixings and therefore the only way of securing the timber to the doors would be with glue. Notwithstanding the need to 'design out' fire risks, the methodology and resultant appearance of gluing the cladding on could be achieved, however the longevity of this approach is questioned and it is considered that once the cladding is in place for a while, it could become tatty and unsightly. The long term maintenance of the cladding could not be secured. This would result in a feature which detracts from the overall appearance of the area.

It is noted that having metal doors facing Queensborough Terrace was not the intended design and that alterations and amendments have historically been made which dilutes the consciously designed substation. However the resultant appearance of the substation, if constructed with metal doors and cladding stuck on in accordance with UKPN regulations, would not have achieved the highest standard of design required to ensure this structure complimented its setting. In this instance given the justification given by UKPN, having black painted metal louvred doors, which are easy to maintain is considered to be the most pragmatic approach to preserve the character and appearance of the conservation area in the long term.

The substation is a functional building and the harm to the character and appearance of the conservation area caused by the substation has sought to be mitigated by its design, use of materials and location, inset from the boundary wall.

The proposals are considered to preserve the character and appearance of the Bayswater Conservation Area and are in accordance with UDP policy DES 1, DES 5 and DES 9 in addition to City Plan policies S25 and S28.

### **8.3 Residential Amenity**

This application raises no amenity issues.

### **8.4 Transportation/Parking**

This application raises no transport issues.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

This application raises no access issues.

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

Not applicable.

### **8.8 London Plan**

This application raises no strategic issues.

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

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

### **8.10 Planning Obligations**

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

### **8.11 Environmental Impact Assessment**

Not relevant.

### **8.12 Other Issues**

On respondent has commented that not having timber doors or not cladding the metal doors with timber is a cost saving exercise and for this reason permission should be refused. The financial implications of the proposal are not a material planning



consideration for an application of this scale and therefore permission cannot be withheld on this basis.

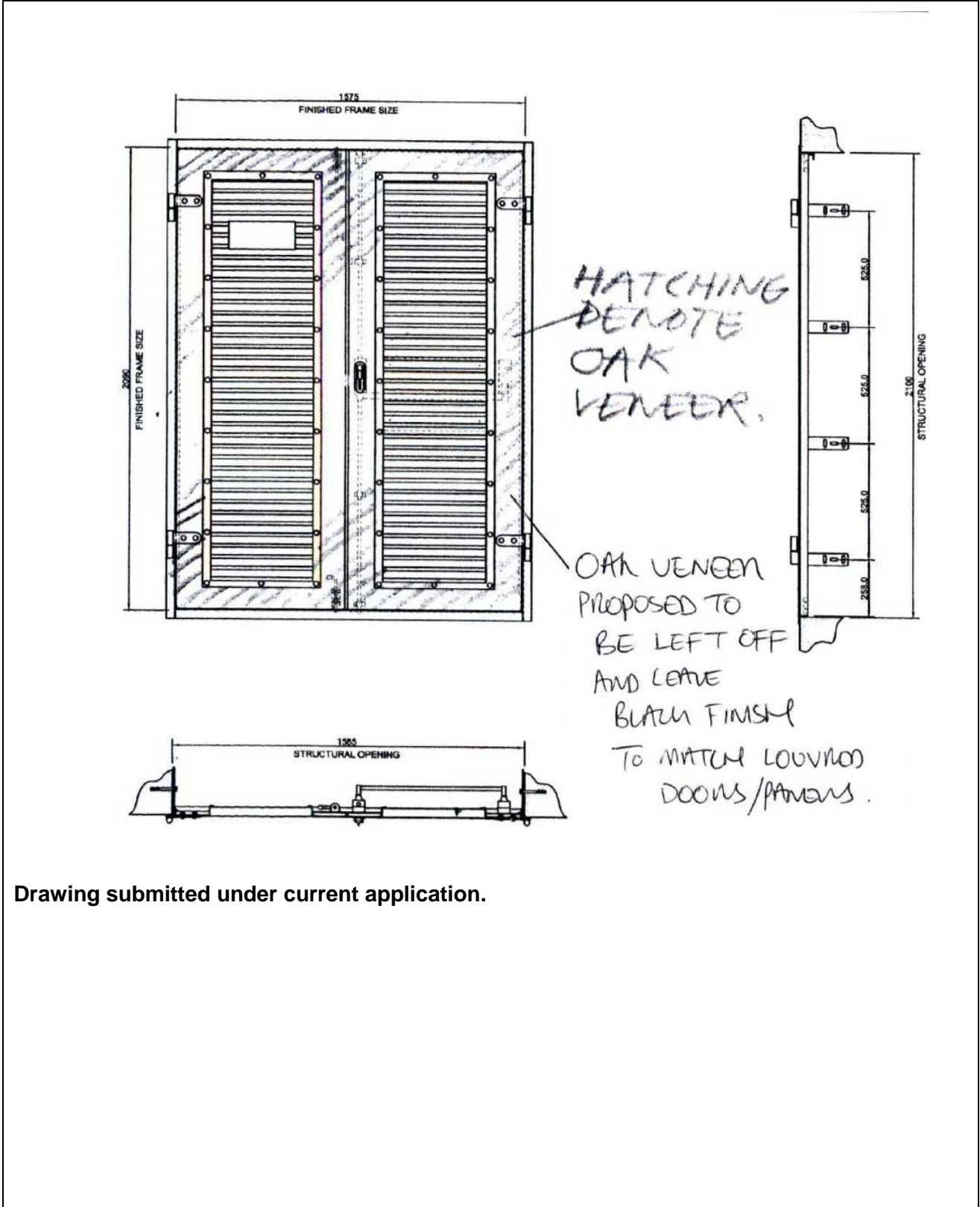
## 9. BACKGROUND PAPERS

1. Application form
2. Letter from occupier of 1 Queensborough Studios dated 26 January 2017
3. Letter from occupier of 2 Claremont Court, Queensway (SEBRA) dated 12 March 2017
4. Letter from occupier of 4, Queensborough dated 21 March 2017
5. Email from applicant dated 26 March 2017

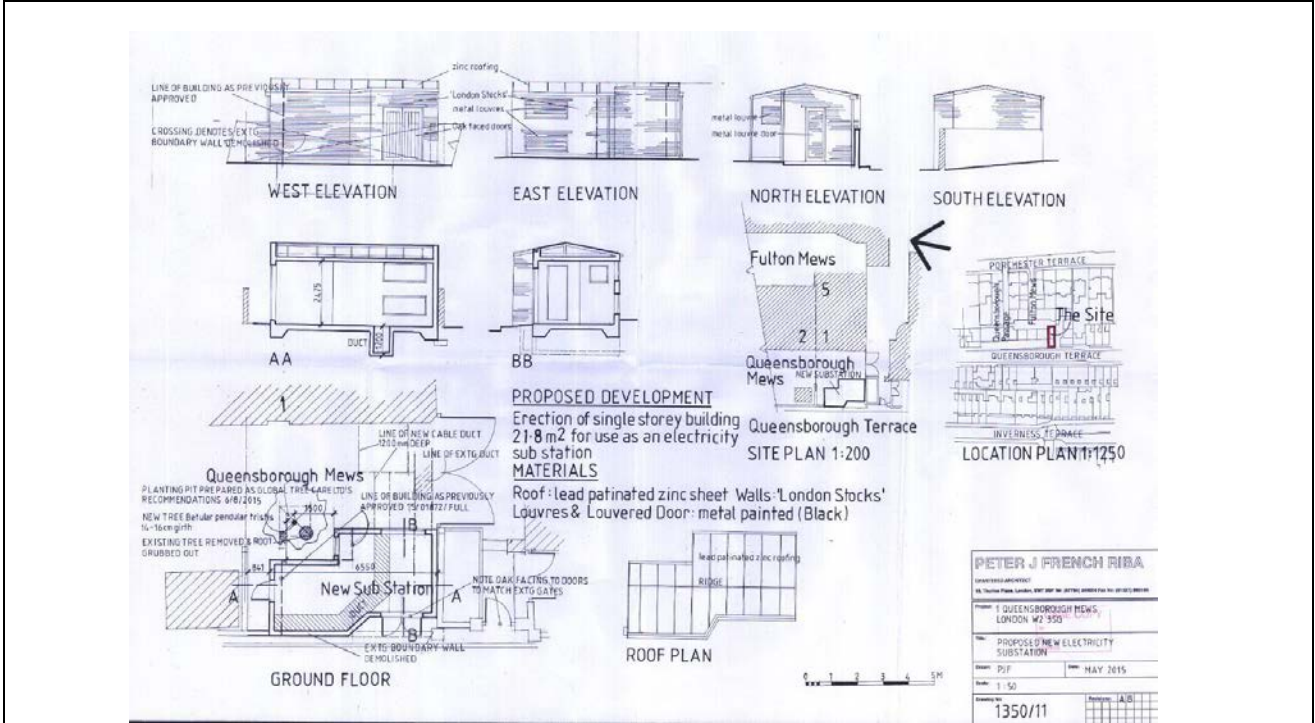
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT [DDORWARD@WESTMINSTER.GOV.UK](mailto:DDORWARD@WESTMINSTER.GOV.UK)

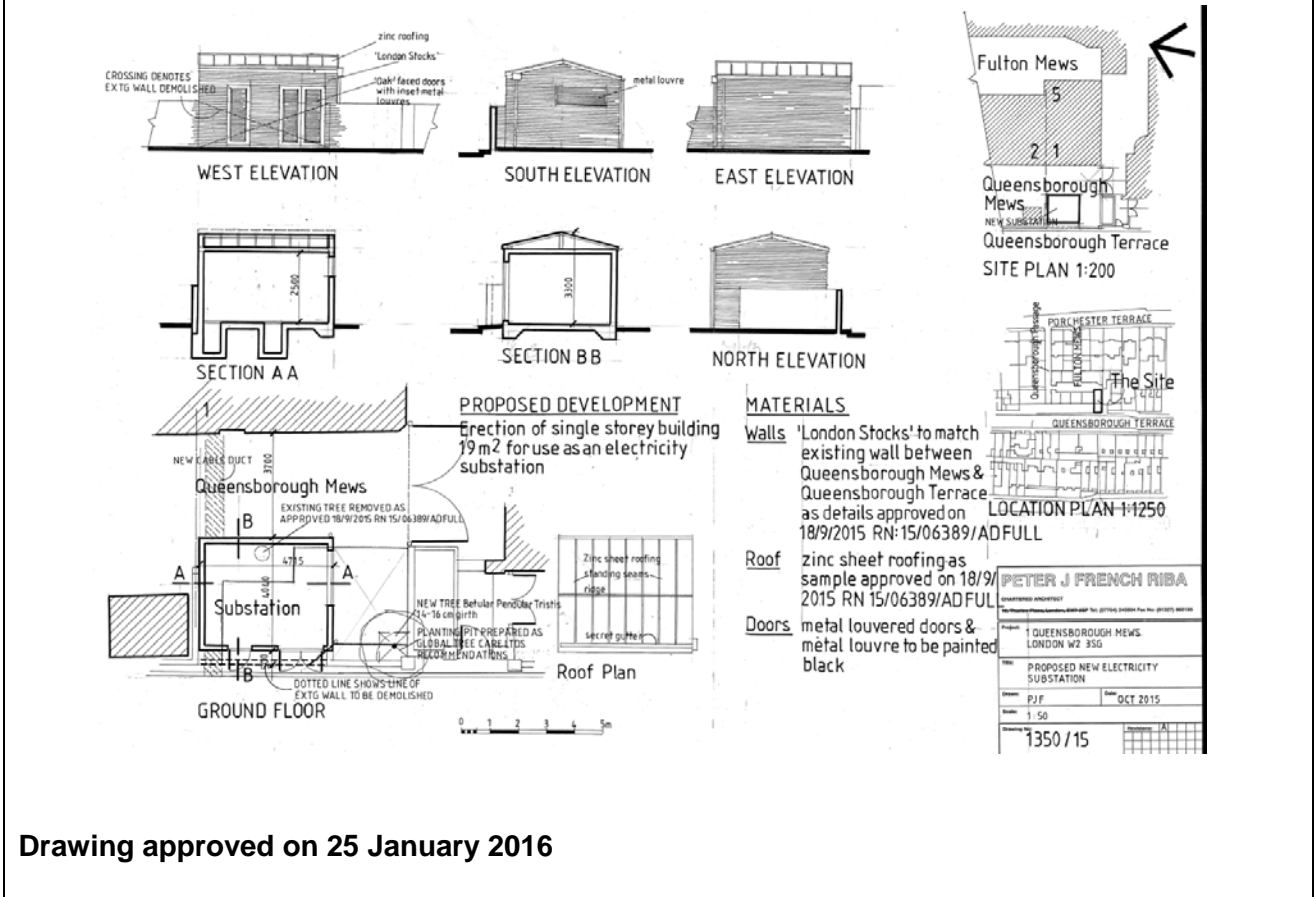
10. KEY DRAWINGS



Drawing submitted under current application.



Drawing Approved on 28 September 2015



Drawing approved on 25 January 2016

**DRAFT DECISION LETTER**

**Address:** 1 Queensborough Mews, London, W2 3SG,

**Proposal:** Removal of Condition 4 of planning permission dated 28 September 2015 (RN: 15/06025) which varied Condition 1 of planning permission dated 01 May 2015 (RN: 15/01872) for erection of single storey building to garden (fronting Queensborough Terrace) to house electricity substation; namely to remove the requirement for the new doors facing Queensborough Terrace to be clad with timber and to retain the metal louvre doors installed.

**Reference:** 17/00195/FULL

**Plan Nos:** V/D5/PBR Issue 5; Email from Judy Wells dated 20 February 2016; Email from Judy Wells dated 15 March 2016.

**Case Officer:** Rebecca Mason

**Direct Tel. No.** 020 7641 7540

**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:

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

2 You must carry out any building work which can be heard at the boundary of the site only; , \* between 08.00 and 18.00 Monday to Friday; , \* between 08.00 and 13.00 on Saturday; and, \* not at all on Sundays, bank holidays and public holidays., , Noisy work must not take place outside these hours. (C11AA)

Reason:

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

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

Reason:

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

4 The louvered doors and louvered panels shall be painted black and maintained that colour.

Reason:

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

5 The roof of the substation shall be finished with zinc in accordance with the sample approved on 18/09/2015 (RN: 15/06389/ADFULL).

Reason:

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

6 You must hang the doors fronting Queensborough Terrace so that they do not open over or across the road.

Reason:

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

7 The brickwork, including bond and pointing shall be in accordance with the details approved on 18/09/2015 (RN: 15/06389/ADFULL).

Reason:

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

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

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

Reason:

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

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

Reason:

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

- 10 Within 90 days of the completion of the development hereby permitted, you must submit to the Council for

approval a report by a suitably qualified engineer to confirm that the EMF levels associated with the substation are in accordance with current legal requirements and appropriate guidance.

Reason:

- 10 To protect the environment of neighbouring residents in accordance with ENV 6, ENV 7 and ENV 13 of our Unitary Development Plan that we adopted in January 2007 and S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 11 The plant must comply with the Council's noise criteria as set out in Condition 10 of this permission and the supplementary acoustic report approved on 18/09/2015 (RN: 15/06389/ADFULL).

Reason:

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

- 12 You must apply to us for approval of detailed drawings of a landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 year of completing the development (or within any other time limit we agree to in writing)., If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species.

Reason:

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

- 13 You must apply to us for our approval of details of the depth and specifications of the of the new soil which you propose to use to create an adequate rooting environment for new tree planting and landscaping, including details of the drainage layer and other components, and the way that the proposed areas of soil will be protected from compaction during and following construction. You must not start any work until we have approved what you have sent to us. You must then carry out the work according to the approved details.

Reason:

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

- 14 This permission must be commenced no later than 01 May 2018.

Reason:

- 14 The permission authorises amendments to the original planning permission granted on 1 May 2015 (RN: 15/01872) which must be commenced no later than the above date.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 In respect of conditions 12 and 13 you are advised that a weeping silver birch, *Betula pendula* Tristis, to be planted at a size of 14-16cm girth is recommended with a soil crating system and top soil beneath the substation.

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.