



City of Westminster

Committee Agenda

Title: **Planning Applications Committee (5)**

Meeting Date: **Tuesday 5th July, 2016**

Time: **6.30 pm**

Venue: **Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Richard Beddoe (Chairman)
Iain Bott
Gotz Mohindra
Tim Roca

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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTERESTS

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision.

Schedule of Applications

- | | |
|--|-------------------------|
| 1. 3 ALBION CLOSE, LONDON, W2 2AT | (Pages 3 - 26) |
| 2. 14 ST EDMUND'S CLOSE, LONDON, NW8 7QS | (Pages 27 - 48) |
| 3. BROADCASTING HOUSE, 2 - 22 PORTLAND PLACE, LONDON, W1A 1AA | (Pages 49 - 58) |
| 4. 23 NEW QUEBEC STREET, LONDON, W1H 7SD | (Pages 59 - 80) |
| 5. BOLEBEC HOUSE, LOWNDES STREET, LONDON, SW1X 9EU | (Pages 81 - 98) |
| 6. 25 VILLIERS STREET, LONDON, WC2N 6ND | (Pages 99 - 108) |

Charlie Parker
Chief Executive
27 June 2016

Agenda Item

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 5th July 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	
1.	RN NO(s) : 16/00356/FULL Hyde Park	3 Albion Close London W2 2AT	Demolition of mews dwelling between retained party walls and construction of replacement mews dwelling with mansard roof and excavation of single storey basement.	
				Recommendation Grant conditional permission.
Item No	References	Site Address	Proposal	
2.	RN NO(s) : 16/01970/FULL Regent's Park	14 St Edmund's Close London NW8 7QS	Demolition of existing 2 storey house and detached double garage and boundary wall to St Edmund's Close and construction of a new 3 storey plus basement single family dwellinghouse plus new boundary.	
				Recommendation Grant conditional permission.
Item No	References	Site Address	Proposal	
3.	RN NO(s) : 16/02562/FULL West End	Broadcasting House 2 - 22 Portland Place London W1A 1AA	Installation of bronze statue on stone plinth and inscription carved into adjoining stone wall.	
				Recommendation Grant conditional permission.
Item No	References	Site Address	Proposal	
4.	RN NO(s) : 15/06775/FULL 15/06776/LBC Bryanston And Dorset Square	23 New Quebec Street London W1H 7SD	Application 1 (Ref: 15/06775/FULL) Use of ground and lower ground floors for a composite use involving retail, restaurant and butchery classes (sui generis). Installation of replacement shopfront and full height kitchen extraction duct to the rear elevation. Application 2 (Ref: 15/06776/LBC) Installation of replacement shopfront and full height kitchen extraction duct to the rear elevation. Internal alterations.	
				Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.
Item No	References	Site Address	Proposal	
5.	RN NO(s) : 16/03997/FULL Knightsbridge	Bolebec House Lowndes Street London	Erection of single storey extension at main roof level with roof terrace, alterations to fenestration, mechanical plant to rear elevation, all in connection with the enlargement of Flat 25.	

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 5th July 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	And Belgravia	SW1X 9EU		
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	
6.	RN NO(s) : 16/03929/TCH St James's	25 Villiers Street London WC2N 6ND	Use of an area of the public highway measuring 0.7m x 3.2m for the placing of two tables and four chairs in connection with the existing sandwich shop.	
Recommendation Grant conditional permission.				

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 5 July 2016	Classification For General Release	
Report of Director of Planning	Ward(s) involved Hyde Park		
Subject of Report	3 Albion Close, London, W2 2AT,		
Proposal	Demolition of mews dwelling between retained party walls and construction of replacement mews dwelling with mansard roof and excavation of single storey basement.		
Agent	Mr Dominic Goldfinger		
On behalf of	Mr E.H. Borno		
Registered Number	16/00356/FULL	Date amended/ completed	17 March 2016
Date Application Received	15 January 2016		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

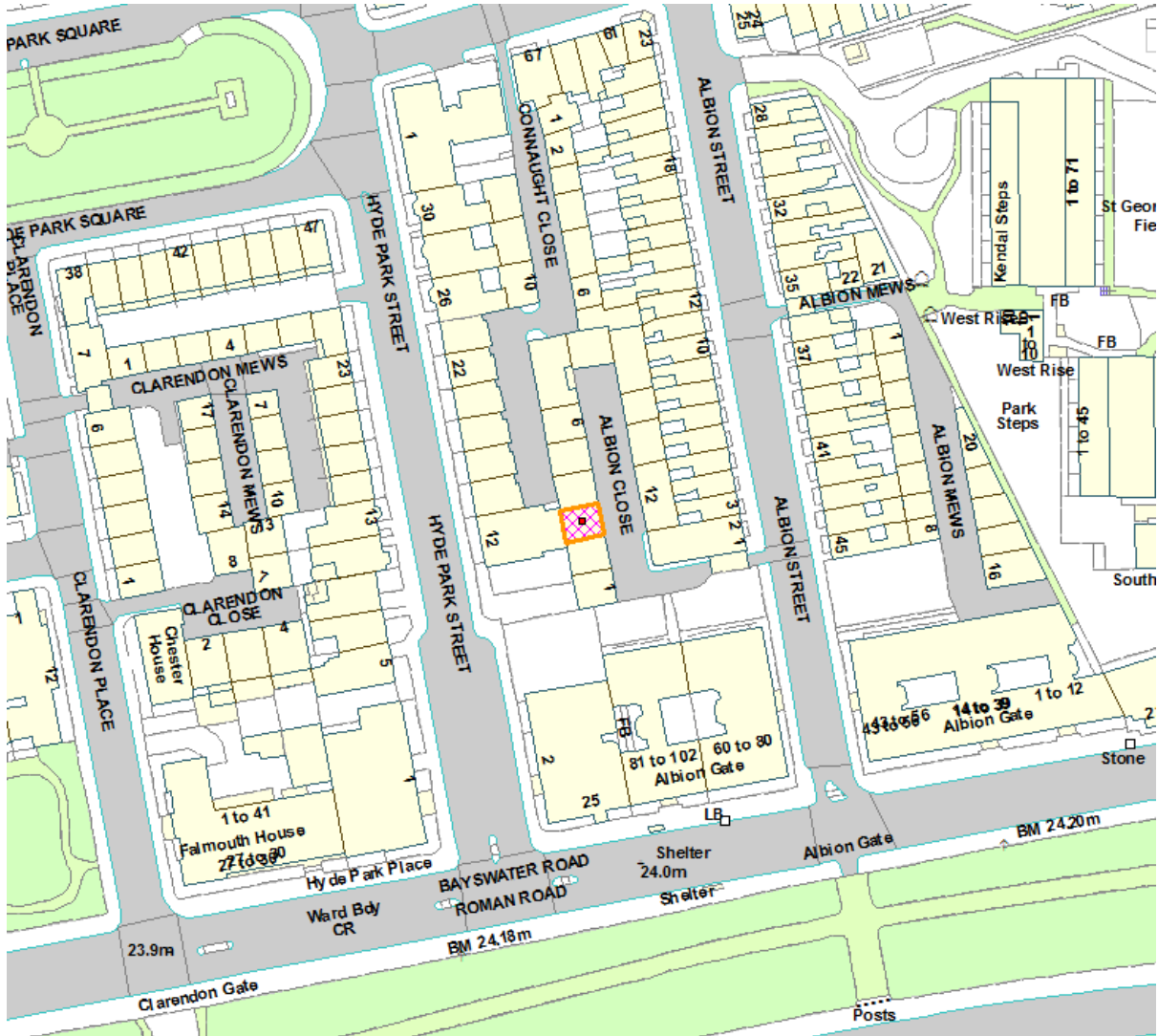
2. SUMMARY

The application seeks approval to demolish this 1930s three-storey mews house and build a new mews house with a basement, ground and first floor with a mansard roof above. There is a new staircase enclosure and a lift over run projecting above the mansard. This latest proposal for a traditional mews house seeks to overcome an earlier appeal decision in 2011 for a new house of modern contemporary design which was dismissed on design grounds. It also seeks to address concerns raised by officers in respect of the application withdrawn last year, by removing the roof terrace and associated railings.

Several objections have been received by neighbouring occupiers as well as the Hyde Park Estate Association on the grounds of land use, design and townscape, amenity, structural issues and the impact of construction works.

Notwithstanding the objections received, the proposals are considered to be acceptable and would accord with the relevant policies in Westminster's City Plan: Strategic Policies adopted in November 2013 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP).

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation



5. CONSULTATIONS

THAMES WATER

Any comments to be reported verbally.

ENVIRONMENT AGENCY

Any comments to be reported verbally.

WARD COUNCILLORS FOR HYDE PARK

Councillor Cox has concerns relating to the development of a construction plan without restricting resident' access to a mews which is a no-through road, and where it is understood that parking spaces are allocated by deed and cannot be transferred to anyone other than friends and family.

HYDE PARK ESTATE ASSOCIATION

The proposals constitute overdevelopment which will damage the important heritage of the Hyde Park Estate and are too big to implement without a huge and unacceptable effect on the quiet enjoyment of this important residential area. These revised proposals do not deal with the objections raised in the earlier proposals. The rebuilding of the mews property is completely unnecessary and will cause an absurd level of disruption to the whole neighbouring area.

The extensive basement works will threaten the structural integrity of the terrace and potentially interfere with the underground watercourses.

Albion Close is one of Westminster's most beautiful mews and still retains many of the fine Georgian and Victorian features that are important to the Hyde Park Estate Association. It is also behind one of the best listed terraces in London. This development will seriously damage the wonderful heritage of this area.

The works are unnecessary. The mews houses were not built to provide such extensive basement areas and there should be no expectations of a new build on site. This is not a green field situation, but a monstrous demolition of a truly historic important building.

Previous applications have rightly been refused by the City Council and dismissed at appeal.

HIGHWAYS PLANNING

Objections are raised on the grounds of the loss of the integral garage. The site was the subject of a previous application (07/01844/FULL) that proposed to convert the garage to additional living space which was approved. However the 2007 application at the property indicated a dedicated, demarcated on-street parking space directly in front of the property within Albion Close. The current application does not include this space on the submitted plans. Without the external space the application site has no off-street car parking and as such the proposed loss of the existing garage is contrary to TRANS23.

ENVIRONMENTAL HEALTH

No objections subject to suitable conditions.

BUILDING CONTROL

Floor plans by Polyhedron Architecture Ltd – Are in compliance with the Approved Document Part B (fire safety).

Structural method statement by Price and Myers- The basement is to be constructed using RC underpinning in 1m wide sections which is considered to be appropriate for this site, the pins will provide support to excavated face safeguarding adjacent properties during construction, in addition to this, horizontal Wale beams and struts spanning across the excavated area will be added to support deeper excavation.

Desk study and site investigation- Ground condition has been investigated and it has been established that the basement will be constructed in 'sandy gravelly soil', the water table is below the proposed formation level hence, the proposed basement will not be affected by water. However, if at any point water is encountered during the excavations the contractor must stop work immediately and inform the design engineer. The property it is not in a flood zone.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25

Total No. of replies: 13

No. of objections: 13

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Objections were received on the following grounds;

Land Use:

- Overdevelopment of a modest property by adding a basement;

Design:

- The application ignores the Bayswater Conservation Area;
- The roof change will all but make invisible this beautiful structure;
- Eradicating the very essence of these types of homes in unfathomable.

Amenity:

- The rear dormer will overlook the garden and balcony of 12A Hyde Park Street and a condition should be imposed to ensure that this dormer, together with the first floor window below are obscure glazed and fixed shut.

Structural Issues:

- Insufficient consideration has been given to site-specific conditions;
- Impact on structural integrity of foundations of neighbouring buildings.

Construction Impact:

- Because of the physical constraints of the site, the works will have a substantial and prolonged impact on the neighbours in an area wider than just Albion Close;
- The delivery and removal of materials will create a huge inconvenience and a dangerous environment for neighbours;

- Obstruction to emergency vehicles during works as well as access to properties at the end of the mews;
- From experience, builders, suppliers, sub-contractors and specialist contractors are often not informed of, or do not conform to, the rules governing parking;
- Details regarding access, the pavement, car parking and rights of access in the Structural Methodology Statement are inaccurate and affect its credibility. Such matters could have been resolved through consultation with the management company of Albion Close and have been pointed out during previous applications. This report should be independently assessed at the applicant's expense;
- The CMP is comprised of vague promises;
- Limited consideration is given to prolonged noise, dust and general disturbance and no expected timeline for the completion of works is provided;
- The applicant resides in the property for just a few weeks a year and would not have to contend the noise and disturbance caused by the works;
- Previous applications have been refused on the grounds of inadequate information in CMP;
- Permission should not be granted until a revised CMP is submitted.

Other Matters:

- The new house does not comply with Lifetime Homes as there is no wheelchair accessible toilet at entrance level;
- The approval of this application would set an unwelcome precedent;
- The proposals are not to suit the applicant's circumstances but to enhance their property portfolio;
- The applicant should be required to set up sufficient funds in escrow to cover costs of licences, damage, compensation etc.

6. BACKGROUND INFORMATION

6.1 The Application Site

Albion Close is a small mews cul-de-sac off Albion Street. It is a gated community and a private road. This application relates to no.2, a 1930s house on the west side of the mews on ground, first and second floors. This house is out of character with the rest of the mews which are the more traditional brick mews houses with mansard roof extensions. The application site lies within the Bayswater Conservation Area. The house currently has an integral garage. The house backs onto the Grade II listed 12 Hyde Park Street.

6.2 Recent Relevant History

A planning application was withdrawn last year (RN 15/05392/FULL) for proposals comprising the demolition of a single family dwelling and replacement with a new family dwelling incorporating the excavation of a new basement and roof terrace. This was as a result of concerns raised by Officers in respect of overlooking caused by the roof terrace and the visual clutter caused by the railings, lift overrun and stair enclosure at roof level.

Planning permission was refused on 16 October 2012 (RN 11/11747/FULL) for alterations including the excavation of a basement on design grounds. The application was refused on grounds of the detailed design of the front elevation.

Planning permission and conservation area consent were refused on 10 March 2011 and an appeal subsequently dismissed by the Planning Inspectorate at appeal on 13 November 2011 (RN 10/00350/FULL & 10/00351/CAC) for the demolition of the existing building and the erection of a new house with a basement. The Inspector concluded that the modern design of the replacement house would perpetuate the incongruity of the property with its neighbours, the mews and the character and appearance of the Conservation Area as a whole and fail to comply with policies DES1, DES4 and DES9. A copy of this appeal decision is set out in the background papers.

Planning permission was granted on 19 June 2007 (RN 07/01844/FULL) for the conversion of the garage to additional living space with associated alterations to the front elevation at ground and first floor level, the erection of a rear extension at first and second floors levels and the installation of three rooflights. This permission was valid for three years and has now lapsed.

An appeal was made against an enforcement notice served in respect of the installation of railings to the rear of the roof and access ladder from the first floor rear roof to the main flat roof. The appeal was allowed on 2 March 1993 in respect of the retention of the ladder and granted planning permission subject to a condition that the ladder shall be used as a means of emergency access to the third floor for the purposes of maintenance of the roof and water tanks. The enforcement notice was upheld in respect of the rear railings.

7. THE PROPOSAL

This application seeks approval to demolish the 1930s three-storey mews house leaving the side and rear party walls and rebuild a new mews house with a basement, ground and first floors, with a mansard roof. A staircase enclosure and lift over run are also proposed at roof level. The proposed house is of a traditional mews design and seeks to overcome the appeal decision dated 8 November 2011. It also seeks to address concerns raised by officers in respect of the application withdrawn last year, by removing the roof terrace and associated railings.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Despite the objections raised on over-development grounds, the proposal to redevelop the existing house and provide a basement is acceptable in land use terms and would comply with policy H3 of the UDP and S14 of the City Plan which seek to maximise the amount of land in residential use.

8.2 Townscape and Design

The existing 1930s building is an anomaly in this established mews and is considered to have a neutral impact on the character and appearance of this part of the Bayswater Conservation Area and as such there are no objections to the principle of its demolition subject to a high quality replacement building. The proposed new house follows the

established mews vernacular and will be in keeping with the rest of the mews. It is a suitable replacement building, meeting the policy tests set out in DES4 in the UDP which requires infill buildings in areas of unified and significant townscape quality to replicate their surroundings.

There is an increase in the massing of the new house at the rear as the existing lightwells and lower roof terrace are shown to be infilled, and additional floorspace being created by the excavation of a basement, but it is not considered the proposal will affect the setting of the Grade II listed properties in Hyde Park Street at the rear.

In design terms, the lift over run and the staircase enclosure do represent additional clutter and such features are normally discouraged. However, given their limited visibility in public views, it is considered that a refusal on these grounds would not be reasonable. The development as a whole is considered to be a significant improvement compared to the existing house and would preserve and enhance the character and appearance of the Bayswater Conservation Area in accordance with policies DES 1, DES4 and DES9 of the UDP and policies S25 and S28 of the City Plan.

8.3 Residential Amenity

The terrace above the mansard roof has been omitted since the previous application, which prevents undue overlooking into neighbouring properties in Albion Close and Hyde Park Street.

An objection has been received on the grounds that the proposed rear dormer and first floor window below would overlook the garden and balcony at 12A Hyde Park Street. Given the proximity to these windows it is recommended that a condition is imposed to ensure these windows are obscure glazed.

There is currently a lightwell at the rear of the property which is enclosed on all sides by existing boundary walls. Only the proposed mansard roof will project above the level of this boundary wall. Due to the design of mansards, with a roof which pitches away from the boundary, it is not considered that the proposals would result in a material loss of light or sense of enclosure to the detriment of the amenities of neighbouring occupiers. At subterranean level, the proposed basement would not affect the amenities of neighbouring occupiers.

It is therefore considered the proposals would comply with policy ENV13 of the UDP and S29 of the City Plan.

8.4 Transportation/Parking

The Highways Planning Manager advises that permission should be refused as the proposals will result in the loss of the existing garage. To make the application acceptable, the Highways Planning Manager requires the dedicated demarcated on-street space directly in front of the property within Albion Close to be conditioned for use by any future occupier of this property.

It is regrettable that no integral garage is being proposed for the new house. Albion Close is a private road, but given there is currently an on street space for this house in this

private mews, a refusal would be difficult to defend at appeal. It is not considered reasonable to impose a condition on the use of this space, as it is located outside the red line of the application site.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

An objection has been raised on the grounds that the new house does not comply with Lifetime Homes as there is no wheelchair accessible toilet at entrance level. This is mainly a matter for Building Control and does not constitute grounds for refusing planning permission.

8.7 Other UDP/Westminster Policy Considerations

Plant and Noise

A plant room would be located in the basement. No objections have been raised by the Environmental Health Officer in respect of noise and vibration associated with any of the plant. Subject to the imposition of the City Council's standard conditions on noise and vibration, the proposals would comply with policy ENV6 of the UDP and policy S32 of the City Plan.

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.

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment (EIA)

The application is of insufficient scale to trigger the required for the submission of an EIA.

8.12 Other Issues

Basement

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June. Any further updates will be reported verbally.

The proposed basement would be located entirely underneath the footprint of the existing building, would be limited to a single storey and would have no external manifestations. It would therefore comply with the objectives of the new basement policy. It would also comply with the Supplementary Planning Document 'Basement Development in Westminster' which was adopted by the City Council on 24 October 2014.

The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. The Hyde Park Estate Association and residents, including those at several of the neighbouring properties in this instance, are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause

damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, 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.

A construction methodology statement has been provided as part of the application and whilst concerns have been raised by neighbours in respect of its accuracy, the City Council's Building Control Surveyors have raised no concerns regarding this statement. Should permission be granted, this statement will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it. The purpose of the report is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, cited above. To go further would be to act beyond the bounds of planning control.

Construction Impact

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement, the timescale for the proposed construction phase and general disturbance associated with construction activity.

A Construction Management Plan (CMP) has been submitted with this application, which is considered appropriate and reasonable at application stage. Neighbours have also raised concerns in respect of the accuracy of this information and whilst planning permission cannot be withheld on the basis of these objections, a condition is recommended to secure a more fully detailed CMP prior to the commencement of works. Neighbours would be consulted again once this CMP is received. A further condition is recommended to control the hours of construction works, particularly noisy works of excavation. This should go some way towards mitigating the concerns raised by neighbours.

Neighbours have indicated that the deeds of Albion Close would prevent the construction works being carried out in the manner described in the CMP. However, this would be a civil matter to be enforced by the Management Company for Albion Close and planning permission could not be withheld on these grounds. With regard to the suggested escrow fund, this is not within planning control.

Neighbours note that previous applications have been refused on the grounds of insufficient information relating to construction works however, a review of the planning history for the site demonstrates that this is not the case.

Other Objections

Neighbours have expressed concerns about the precedent that allowing this development would set. However all future applications would be assessed on their merits and with regard to adopted policy at the time. The applicant's reasons for developing the property are not a matter for planning.

8.13 Conclusion

Notwithstanding the objections received, the proposed development, subject to appropriate conditions, is considered to be acceptable in land use, design, amenity and environmental terms and would therefore accord with the relevant policies in Westminster's City Plan: Strategic Policies adopted in November 2013 and the Unitary Development Plan adopted in January 2007.

9. BACKGROUND PAPERS

1. Application form
2. Appeal decision, dated 13 November 2011
3. Response from Councillor Cox, dated 14 April 2016
4. Response from Highways Planning, dated 4 April 2016
5. Response from EH Consultation, dated 28 April 2016
6. Response from Building Control, dated 15 June 2016
7. Response from Hyde Park Estate Association, dated 15 April 2016
8. Letter from occupier of 11 Albion Close, London, dated 30 March 2016
9. Letter from occupier of 2 Albion Close, London, dated 3 April 2016
10. Letter from occupier of 8 Albion Close, London, dated 5 April 2016
11. Letter from occupier of Albion Close Management Limited, c/o 6 Albion Close, dated 11 April 2016
12. Letter from occupier of 7 Albion Close, London, dated 13 April 2016
13. Letter from occupier of 9 Albion Close, London, dated 14 April 2016
14. Letter from occupier of 6 Albion Close, London, dated 14 April 2016
15. Letter from occupier of 4 Albion Close, London, dated 14 April 2016
16. Letter from occupier of 6 Albion Close, London, dated 14 April 2016
17. Letter from occupier of 9 Albion Close, London, dated 14 April 2016
18. Letter from occupier of 4, Albion Street, London, dated 17 April 2016
19. Letter from occupier of 12 Albion Close, London, dated 21 April 2016

(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 RUPERT HANDLEY ON 02076412497 OR BY EMAIL AT rhandley@westminster.gov.uk

10. KEY DRAWINGS

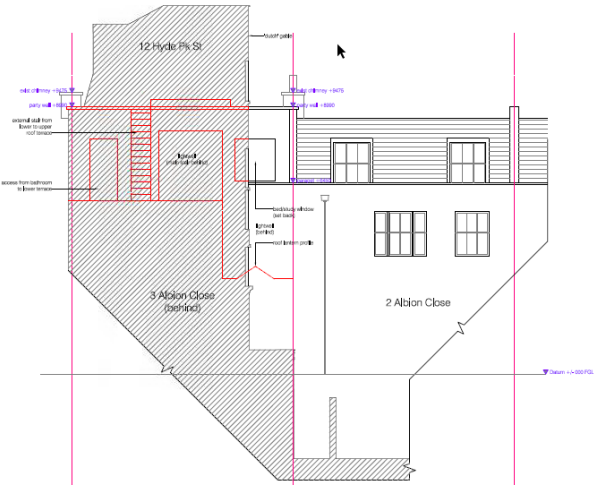
Existing Front Elevation



Proposed Front Elevation

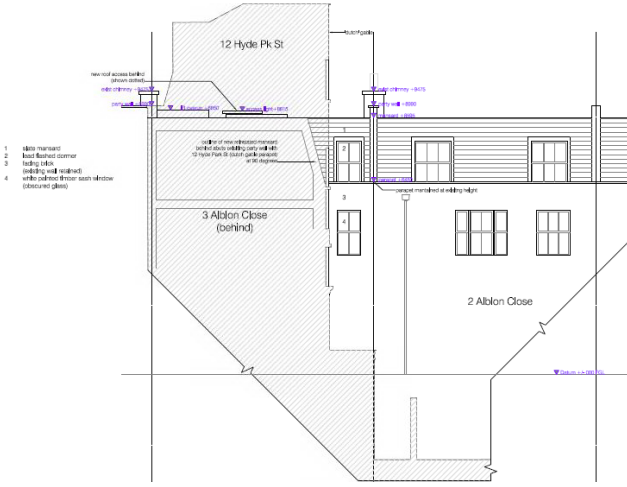


Existing Rear Elevation



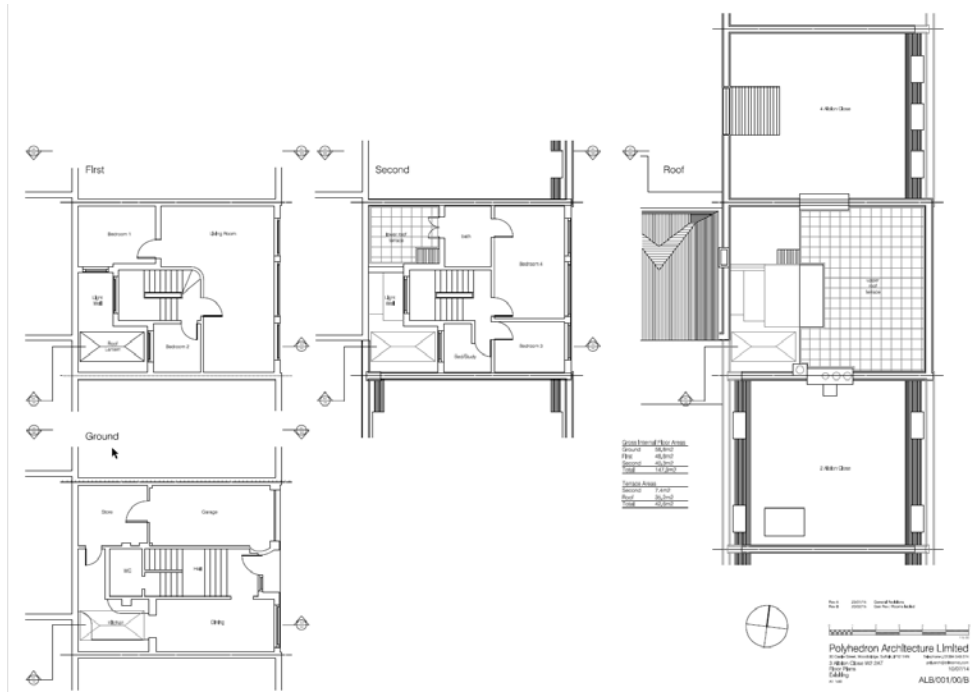
Rev A 2007/14 Final design of 12 Hyde Park street and driveway
 3 Albion Close 102 2A7
 Polyhedron Architecture Limited
 100/714
 ALB/101/00/A

Proposed Rear Elevation

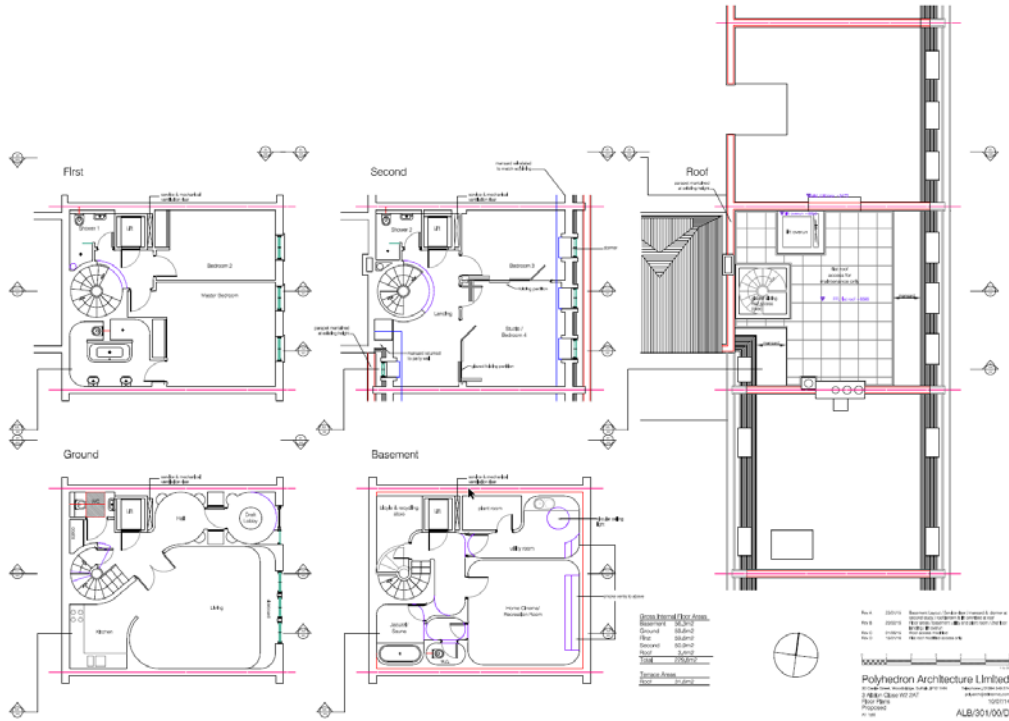


Rev A 2007/14 Final design of 12 Hyde Park street and driveway
 3 Albion Close 102 2A7
 Polyhedron Architecture Limited
 100/714
 ALB/401/00/C

Existing Floor Plans



Proposed Floor Plans



Existing Section



Proposed Section



DRAFT DECISION LETTER

Address: 3 Albion Close, London, W2 2AT,

Proposal: Demolition of unlisted mews dwelling and construction of replacement mews dwelling reinstating mansard roof and excavation of basement. Flank and rear party walls to be retained. Front mews facade demolished and rebuilt.

Plan Nos: ABC 001, ALB/001/00/B, ALB/001/01, ALB/100/00/B, ALB/100/01, ALB/101/00/A, ALB/101/01, ALB/200/00/B, ALB/200/01/A, ALB/201/00/B, ALB/301/00/D, ALB/400/00/D, ALB/401/00/C, ALB/500/00/D, ALB/501/00/D, ALB/502/00/B, Noise Impact Assessment (3 August 2015), Noise and Vibration Management Plan (3 August 2015) and Preliminary Planning Compliance Report (3 August 2015).

Case Officer: Claire Berry

Direct Tel. No. 020 7641 4203

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

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

Reason:

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

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

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 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. This is as set out

in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 The new railings to the front elevation shall be formed in black painted metal.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);

- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 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:

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: Strategic Policies adopted November 2013, 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 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the residential use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the residential use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;

- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

Reason:

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 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

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

Reason:

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

- 12 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 8 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

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: Strategic Policies adopted November 2013, Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

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

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

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

- 3 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

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

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

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

Phone: 020 7641 2000

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

- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 6 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 7 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

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Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 5 July 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	14 St Edmund's Close, London, NW8 7QS,		
Proposal	Demolition of existing 2 storey house and detached double garage and boundary wall to St Edmund's Close and construction of a new 3 storey plus basement single family dwellinghouse plus new boundary.		
Agent	Mr Jon Evans		
On behalf of	Mr Ian Green		
Registered Number	16/01970/FULL	Date amended/ completed	29 March 2016
Date Application Received	4 March 2016		
Historic Building Grade	Unlisted		
Conservation Area	Outside		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application seeks permission for the demolition of the existing single family dwelling and associated double garage in connection with the construction of a new three storey single family dwelling with basement excavation. The buildings are not listed or located within a conservation area.

The latest application seeks to overcome an earlier refusal dated 7 March 2016 for a new dwelling which was refused on design grounds, and an appeal decision dated 17 September 2014, which was dismissed because of the proximity of the new house to No 3 Ormonde Court and its resultant sense of enclosure.

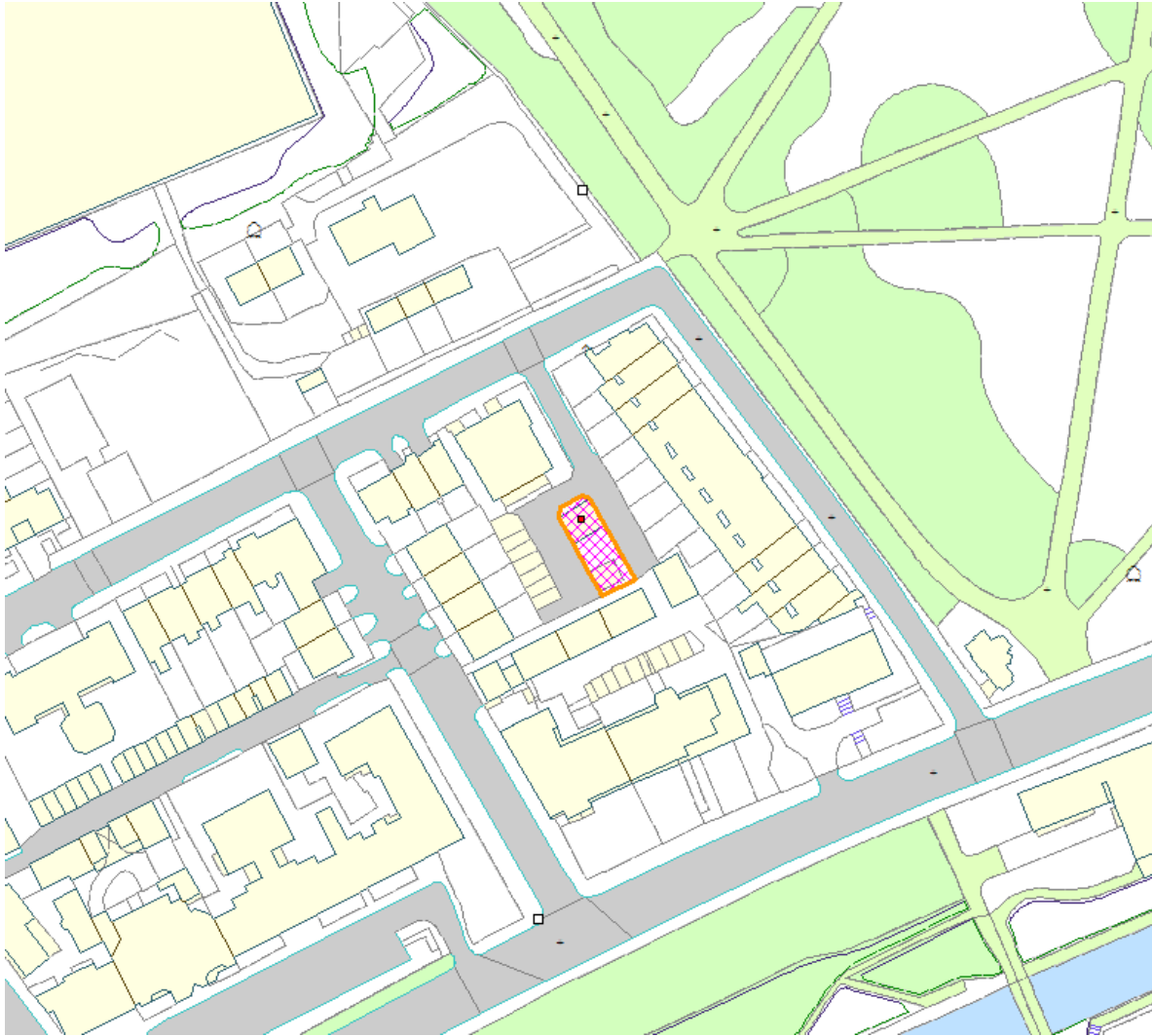
The key issues in this case are:

- * The impact of the development on the character and appearance of this part of the City.
- * The impact of the development on the amenity of neighbouring residents.
- * The impact of the construction works on neighbouring amenity.

Objections have been received to the proposals on the grounds of loss of amenity, design of the new house, the size of the basement and the likely impact of the building works. The application is recommended for approval as it is considered that, subject to conditions, the proposed new dwelling

complies with policies in our Unitary Development Plan (UDP) and City Plan: Strategic Policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Views of the existing building from the south looking north / north west.



5. CONSULTATIONS

WARD COUNCILLORS:

No response to date.

ST JOHN'S WOOD SOCIETY

Raise objection on the following grounds: The proposed materials are alien to St Johns Wood; excessive basement covering entire site which will not allow the possibility to grow trees; basement under more than 50% of the garden is contrary to policy; light pollution created by excessive glazing; Sedum roof will be unsightly if not maintained; query where plant room exhaust will be vented and resultant noise impact.

ENVIRONMENT AGENCY

No comments.

CLEANSING

No objection subject to securing waste/recycling provision.

BUILDING CONTROL

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. 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 RC underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

HIGHWAYS PLANNING MANAGER

Subject to conditions securing the retention of car parking and cycle parking, no objection raised.

THAMES WATER

No response.

ENVIRONMENTAL HEALTH

Any comments to be reported verbally.

ARBORICULTURAL SECTION

No objection subject to conditions requiring larger planters to courtyard and details of sedum roof.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 106

Total No. of replies: 6 Letters from 5 neighbouring residents (2 letters from one neighbour), raising objections on all or some of the following grounds:

Design:

*The loss of existing building and its replacement with a taller building will have a negative impact on the setting of the area.

Amenity:

* Loss of privacy to Ormonde Terrace

* Loss of daylight/sunlight to Ormonde Terrace (including gardens) and Danes Court

Transport

* Replacement garage cannot fit two cars.

* Safety concerns in relation to egress from the new garage.

Other Issues:

* Impact on trees.

* Impact on structure of Ormonde Terrace.

* Over development of site.

* Disruption of building work in area where lots of building work has taken place in recent years.

* Suggestions of how internal layout could be altered to avoid need to have third floor.

* Bin area should be accessible from road.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a detached two storey single family dwelling with separate garage building and courtyard in between. The buildings are unlisted and not located within a conservation area.

The site is directly bounded by roads on the north, east and west sides. To the south are the properties on Ormonde Court, which are separated from the site by a small alleyway. Beyond this, Danes Court, a large residential block is located to the north, a row of single storey garages to the rear of the properties on Wells Rise are to the west and the gardens of Ormonde Terrace are to the east.

6.2 Recent Relevant History

Application refused on 15 April 2014 for the '*demolition of existing property and associated double garage in connection with the construction of a new three storey single family dwelling with basement excavation, incorporating green roof and living green wall*' on the ground of the impact on the amenity of 3 Ormonde Court due to its bulk, height and proximity to windows in that property. An appeal against the refusal was dismissed on 17 September 2014. (RN 13/07471/FULL)

Application refused on 7 March 2016 for '*demolition of existing 2 storey house and detached double garage and boundary wall to St Edmund's Terrace and construction of a new 3 storey plus basement single family dwellinghouse plus new boundary*' on the grounds that the architectural form, detailed design and use of materials, the proposed new building would harm the appearance of this part of the City. (RN 15/04538/FULL)

A copy of the appeal decision and the 2016 refusal are included in the Background Papers

7. THE PROPOSAL

The proposal is for the demolition of the existing two storey single family dwellinghouse and detached double garage and boundary wall to St Edmund's Close and the construction of a new three storey plus basement single family dwellinghouse and new boundary. The proposals include a new courtyard at ground floor level, lightwells to the new basement level, sedum roofs and the installation of solar panels.

This latest application seeks to overcome the 7 March 2016 reason for refusal, and the 2014 appeal decision.

8. DETAILED CONSIDERATIONS

8.1 Land Use

In land use terms the provision of an enlarged replacement house on this site is acceptable and would accord with Policy H3 in the UDP and S14 in the City Plan. The proposed replacement house would provide a good standard of residential accommodation. In terms of daylight and sunlight, a lightwell courtyard delivers light to the basement level with windows and roof lights delivering light to the upper levels. Despite the objections received, it is not considered that the proposal represents overdevelopment of the site.

8.2 Townscape and Design

The existing house is a utilitarian brick built building dating from the 1930s. It is of no particular architectural value, and subject to a suitable replacement building its demolition is considered uncontentious.

The proposed replacement building is larger than the existing one, and occupies more of the site, however it is smaller than the scheme previously refused on 15th April 2014, principally by being cut away further from the adjoining building to the south on Ormonde Court.

The replacement building is three stories high, alike the majority of the surrounding buildings to the west on Wells Rise and south on Ormonde Court, with a larger residential block to the north and terraced housing to the east. Seen in this context the building is considered of an appropriate scale for the site.

Notwithstanding its contemporary styling, the use of brick to ground floor level with render to upper floors as principal facing materials, with reconstituted stone window surrounds and timber doors and windows will help integrate it into the wider surrounding St John's Wood townscape, and especially into the more immediate context where the surrounding buildings are in brick and/or render. Some subtle detailing is shown to the render which will add some interest, and further details of which are to be sought by condition. The contemporary styling is considered appropriate for this site surrounded by either relatively modern or heavily modernised (in the case of the terrace of buildings to Ormonde Terrace) buildings.

The three street facing elevations are designed with a well composed arrangement of windows with a visual impression of being punched into a building of solid massing. The south elevation has a more heavily glazed arrangement of windows, though this elevation is enlivened by the

large step in plan with the eastern half of the first and second floors being set back behind the front lightwell/courtyard, and with the stone clad projecting feature adding a further layer of interest and splitting the top floor window.

Though objectors including the St John's Wood Society have expressed concern about the projecting stone feature or 'stone monolith', it is considered to give a vertical accent to this south elevation adding further detail to an otherwise brick and render building, is integral to the design of the building as it forms the staircase wall projected through the south elevation and roof of the building, and has precedent for its use in earlier 20th century architecture. It also formed part of the scheme previously refused solely on amenity grounds on 15th April 2014.

It is considered that the sedum roof will add interest in views down onto this building from the number of surrounding higher properties. Though noting the concerns about its maintenance, given its benefits in terms of views and in terms of increased biodiversity a condition will require its retention.

Overall, the new building is considered of elegant contemporary design and is considered to be in accordance with Policy DES1 in the UDP and Policy S28 in the City Plan and has satisfactorily addressed the March 2016 design reason for refusal.

8.3 Residential Amenity

8.3.1 Sunlight and Daylight

Objections have been received on the grounds of loss of sunlight and daylight to properties and gardens on Ormonde Terrace, Ormonde Court and to flats within Danes Court.

A Sunlight and Daylight Report has been submitted with the application which assesses the impact of the proposal on Ormonde Court to the south of the site and Danes Court to the north. This report demonstrates that the BRE criteria regarding daylight, sunlight and overshadowing will be met by the proposal. Under these circumstances it is considered that refusing the application on these grounds would be unsustainable.

8.3.2 Sense of Enclosure

It is considered that the current proposal successfully addresses the amenity issues of the scheme refused in 2014, with the first floor building set back by 8.2m from northern elevation of No. 3 Ormonde Court compared with approximately 4.5 metres in the refused scheme. Given the staggered layout of the building, with the nearest element located 8.2m away it is not considered that the proposed building would have such a significant impact as to justify a refusal on the grounds of sense of enclosure. As such the proposal is considered to be in accordance with S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our UDP that we adopted in January 2007.

8.3.3 Privacy

Objections have been received on the grounds the proposal would cause a loss of privacy to adjacent properties.

In order to reduce overlooking, the proposed replacement dwelling is to have obscure glazing in the main eastern and northern elevations and the south facing windows closest to Ormonde Court. The main south facing windows are in a similar location to the existing windows and therefore it is not considered that these windows will give rise to any significant increase in

overlooking. The west facing windows overlook the garages, with the nearest residential windows being located beyond this, as such, it is not considered that these windows need to be obscured.

A condition is recommended requiring all the relevant windows to be installed with obscure glazing, subject to which the proposals are considered acceptable..

8.4 Transportation/Parking

The Highways Planning Manager does not object to the application. Although the loss of an off street car parking space is undesirable on transportation grounds, one parking space will be retained and is considered sufficient. Conditions have been recommended to ensure that the proposed garage is retained to provide car parking for the occupiers of the house as well as conditions to secure cycle storage and waste and recycling storage and to prevent garage doors opening over the highway.

An objection has been received from a neighbour on the grounds of safety access/egress from the garage and that two cars could not be accommodated. The Highway Manager has confirmed that access would be feasible to the garage. The house would only be required to provide one off street car parking space to be policy compliant.

The scheme is considered acceptable in highways terms and complies with Policies TRANS2, TRANS3, TRANS10 and TRANS23 in the UDP and Policy S41 in the City Plan

8.5 Economic Considerations

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

8.6 Access

Level access is being provided for the new house and the applicant has submitted a Lifetime Homes Statement, which is considered sufficient.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Excavation

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

An objection has been raised by the St Johns Wood Society that the proposed basement is contrary to policy. The proposals are however considered to be acceptable as set out below:

Part A:

With the exception of the Code of Construction Practice (any further update on this will be reported verbally), the proposal has met part A of the policy. The City Council's Building Control Officer has confirmed that the structural methodology and the study of the site specific grounds conditions are acceptable.

Part B:

The proposals include soft landscaping to the internal courtyard, planters and living roofs which are considered acceptable in this case subject to a suitable living roof specification, because the existing site has very limited existing soft landscaping with no trees, almost entirely made up of hardstanding. A condition is recommended in relation to noise to ensure that the basement plant room does not give rise to any noise issues.

Part C:

The site is an "island" site with no immediately adjoining buildings bounded by an access road to garages and a car parking area to the North and West, by St Edmunds Close to the east and by a pedestrian access way to Ormonde Court to the South. This to some extent limits the potential impact of the basement construction on the surrounding properties.

Apart from the existing house, the vast majority of the site is occupied by hardstanding which provides access to the two garages. According to historical records it appears that the garages were constructed sometime between 1950 and 1970 and therefore the access hardstanding is likely to have been in place for some time. Because of its function it is unlikely that this hardstanding would ever be bought into use as soft landscaping or for the planting of trees in its existing state.

Because of these unique circumstances which apply in the case of this particular site it is considered unreasonable for the proposal to meet parts C1 and C2 which state that the basement should not extend beyond more than 50% of the garden land, have a margin of underdeveloped land and provide a minimum of 1.2m of soil depth above the top of the basement. The basement is only 1 storey and therefore complies with part C3.

Basement Structure

The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents, including those at several of the neighbouring properties in this instance, are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, 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.

A construction methodology statement has been provided as part of the application and whilst concerns have been raised by neighbours in respect of its accuracy, the City Council's Building Control Surveyors have raised no concerns regarding this statement. Should permission be granted, this statement will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it. The purpose of the report is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, cited above. To go further would be to act beyond the bounds of planning control.

Basement Construction Impact:

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement, the timescale for the proposed construction phase and general disturbance associated with construction activity.

A Construction Management Statement has been submitted however it does not meet all the requirements of the standard condition, specifically in terms of providing adequate details of the

locations for loading and unloading and the storage of plant and materials therefore it is recommended that the standard condition is added to any planning permission granted

A further condition is recommended to control the hours of construction works, particularly noisy works of excavation. This should go some way towards mitigating the concerns raised by neighbours.

8.7.2 Biodiversity

The main roofs of the property will contain green living roofs which together with the retention of a large planter to the north of the site and the addition of a courtyard area would have a beneficial impact on biodiversity subject to a suitable green roof. As recommended by the arboricultural officer, the details of the green roof will be required by condition. The arboricultural officer has also requested that the two planters in the courtyard area be increased in size to facilitate the planting of trees. It is not considered to be reasonable to add such a condition considering the practicalities of planting trees in such an enclosed courtyard location and considering the lack of trees on the site as existing.

8.7.3 Sustainability

An Environmental Performance Statement has been submitted with the application which demonstrates that the project has been designed to achieve the minimum equivalent of Code 4 level of sustainability. This will be achieved through the use of sustainable materials, and boiler, installation of Photovoltaic panels on the roof, the reduction of hardstanding on the site compared with the existing situation and the use of a water harvesting system. The Photovoltaic panels and rainwater harvesting are to be secured by condition.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application. The applicant is being advised by way of an informative that the proposed new house is liable for CIL, unless the applicant is wishing to claim a self-build exemption for the new home.

8.11 Environmental Impact Assessment

The development does not require an Environmental Impact Assessment.

8.12 Conclusion

It is considered that this latest planning application has satisfactorily addressed the previous reason for refusal in terms of its detailed design, and the house has been adequately pulled back

away from the sensitive boundary with No 3 Ormonde Court, to overcome the appeal decision. It is acceptable that the proposed new basement covers the whole of this site, but as set out in the report, there are considered special circumstances why it is acceptable in this case.

9. BACKGROUND PAPERS

1. Application form
2. Appeal Decision dated 17 September 2014 and visual
3. Refusal dated 7 March 2016 and visual
4. Response from St Johns Wood Society dated 29 April 2016
5. Response from Highways Planning dated 13 April 2016
6. Response from Building Control, dated 13 April 2016
7. Response from Environment Agency, dated 5 April 2016
8. Response from Cleansing Manager dated 15 April 2016
9. Response from Arboricultural Officer dated 19 April 2016
10. Letter from occupier of 54 Ormonde Terrace, London, dated 23 April 2016
11. Two letters from occupier of 2 Ormonde court, St Johns Wood, dated 11 April 2016
12. Letter from occupier of 15 Danes Court, 1-3 St. Edmund's Terrace, dated 13 April 2016
13. Letter from occupier of 33 Ormonde Terrace, London, dated 14 April 2016
14. Letter from occupier of 2 Ormonde Court, St Edmund's Close, dated 11 April 2016
15. Letter from occupier of 39 Ormonde Terrace, London, dated 14 April 2016

Selected relevant drawings

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

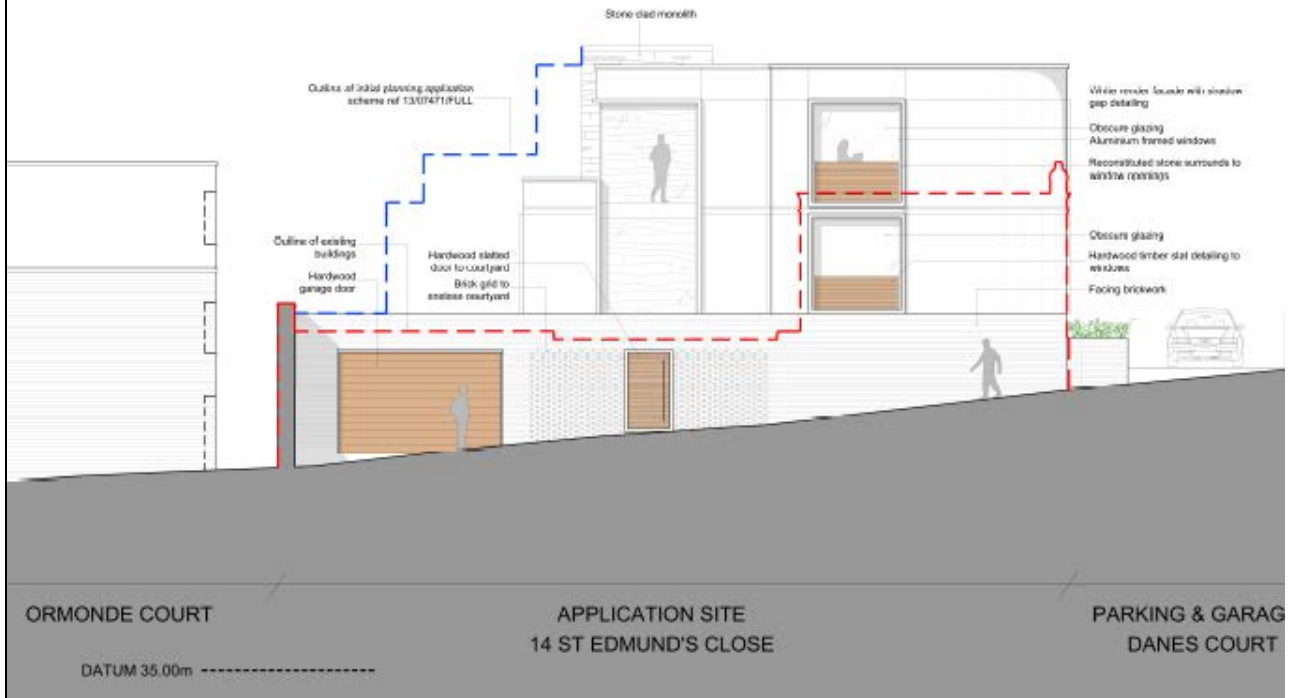
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk.

10. KEY DRAWINGS



VISUAL IMAGE 01

14 St Edmunds Close London NW8 7DS	Proposed 3D visual image 01	MDC
7670 / 60		



DRAFT DECISION LETTER

- Address:** 14 St Edmund's Close, London, NW8 7QS,
- Proposal:** Demolition of existing 2 storey house and detached double garage and boundary wall to St Edmund's Close and construction of a new 3 storey plus basement single family dwellinghouse plus new boundary.
- Plan Nos:** Site Location Plan; 7670/01; 7670/02; 7670/03; 7670/04; 7670/05; 7670/06; 7670/22; 7670/50A; 7670/51A; 7670/52; 7670/53A; 7670/54A; 7670/55; 7670/56; 5670/57; 5670/58; 5670/60; 7670/61; 5670/62; 5670/63; PS01A; PS02A; Arboricultural Report; Environmental Performance Statement; Architectural Design Statement; Design and Access Statement; Lifetime Homes Statement; Construction Management Statement; Energy Statement.
- Case Officer:** Richard Langston **Direct Tel. No.** 020 7641 7923

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

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

Reason:

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

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

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, stone, reconstituted stone, brick and render, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the

development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

Sedum roof

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 5 The timber slat details shown to the windows on the elevation drawings shall be fixed in place prior to the occupation of the building and retained in-situ thereafter

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 You must apply to us for approval of elevation and detailed section drawings showing the detailing of the joints in the render as shown to the elevation drawings. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 Aside from detailing secured under condition 6 of this decision letter, the render shall be smooth render

Reason:

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

character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 The glass that you put in the windows in the north elevation at first and second floor level, the east elevation at first and second floor level serving bedrooms and the windows serving the stairwell/landing on the southern elevation at first and second floor must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 9 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. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 10 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building or carry out any other alterations without our permission. This is despite the provisions of Classes A, B, and C of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 11 **Pre Commencement Condition.** Notwithstanding the submitted Construction Management Statement, development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and

facilities for public viewing, where appropriate);

(v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and

(vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

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

Reason:

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

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 15 The provision for the storage of waste and recyclable material, as shown on drawing numbered 7670/50A, is to be made permanently available and used for no other purpose.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 16 You must apply to us for approval of details of the living /green roof. This should include a detailed cross section through the roof, a pieces list and maintenance plan. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

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

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

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

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

procedures;

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

- 18 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- a) Photovoltaic panels
- b) rainwater harvesting

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

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: Strategic Policies adopted November 2013, 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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

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

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

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

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

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

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

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

- 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 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding

on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 6 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

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Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 5 July 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Broadcasting House, 2 - 22 Portland Place, London, W1A 1AA		
Proposal	Installation of bronze statue on stone plinth and inscription carved into adjoining stone wall.		
Agent	BBC Workplace		
On behalf of	BBC and George Orwell Foundation Trust		
Registered Number	16/02562/FULL	Date amended/ completed	23 March 2016
Date Application Received	22 March 2016		
Historic Building Grade	The original portion of Broadcasting House is Grade II* listed.		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This proposal is for the erection of a statue of George Orwell at Broadcasting House in Portland Place. Portland Place is in the Harley Street Conservation Area. The original portion of Broadcasting House is listed at grade II*, the application site falls within its setting.

Broadcasting House

Broadcasting House is a Portland Stone building of two parts, the oldest dating from 1932. The 1932 portion of the building with distinctive prow facing Langham Place by Col G. Val Myer and Watson Hart and was listed in 1981 at grade II*. It has sculptural decoration of international renown by Eric Gill and Gilbert Bayes, in particular Gill's Prospero and Ariel above the main entrance.

Broadcasting House was extended with a new wing by MacCormac Jamieson and Pritchard, completed in 2005. This section mirrors the form of the original building and forms a second prow, enclosing a piazza between them.

Other public art

The construction of this extension included various public art elements. The paving of the piazza is a piece by Mark Pimlott entitled 'World'. The surface of the piazza curves and is engraved with place names and lines of longitude and latitude. On the roof of the extension is a glass sculpture by Jaume Plensa called 'Breathing'. The lighting of the building was also designed by and artist, Martin Richman.

Location

The Orwell sculpture is proposed for the undercroft of this new extension, visible from the piazza and from Langham Street. This is the new vehicular drop off for Broadcasting House.

Sculpture

The proposed statue is by the sculptor, Martin Jennings, who has an international reputation and whose public commissions include the sculpture of John Betjeman in St Pancras station, HM the Queen Mother in St Paul's cathedral and Charles Dickens in Portsmouth.

The sculpture and pose is based on a number of different images of Orwell. Full length photographs of Orwell are comparatively rare, and the pose does not represent one particular point in history.

The finished bronze will be of similar scale to the majority of statuary in Westminster at life size and a half (2.5m). He will stand on a 1.5m Portland stone plinth to match the existing wall. The plinth will bear the inscription "George Orwell".

A further inscription will be carved into the adjacent Portland stone wall of Broadcasting House, quoting from Orwell's proposed preface to Animal Farm, "If Liberty means anything at all it means the right to tell people what they do not want to hear".

Policy

Policy DES 7 of the UDP generally welcomes public art and statuary within the City. However, the unprecedented demand for statues and monuments in recent years has led to an over-concentration of memorials in parts of the City and suitable locations are becoming increasingly difficult to find. The Council's Supplementary Planning Document "Statues and Monuments in Westminster" provides guidance for the erection of new monuments.

It identifies a Monument Saturation Zone, requires that new sculptures have a contextual relationship with their proposed location, and that the subject should have been dead for at least ten years.

The Broadcasting House location is outside the saturation zone (which covers much of SW1), is considered to be a suitable location for a sculpture of Orwell due to the work that he carried out for the BBC during the second world war.

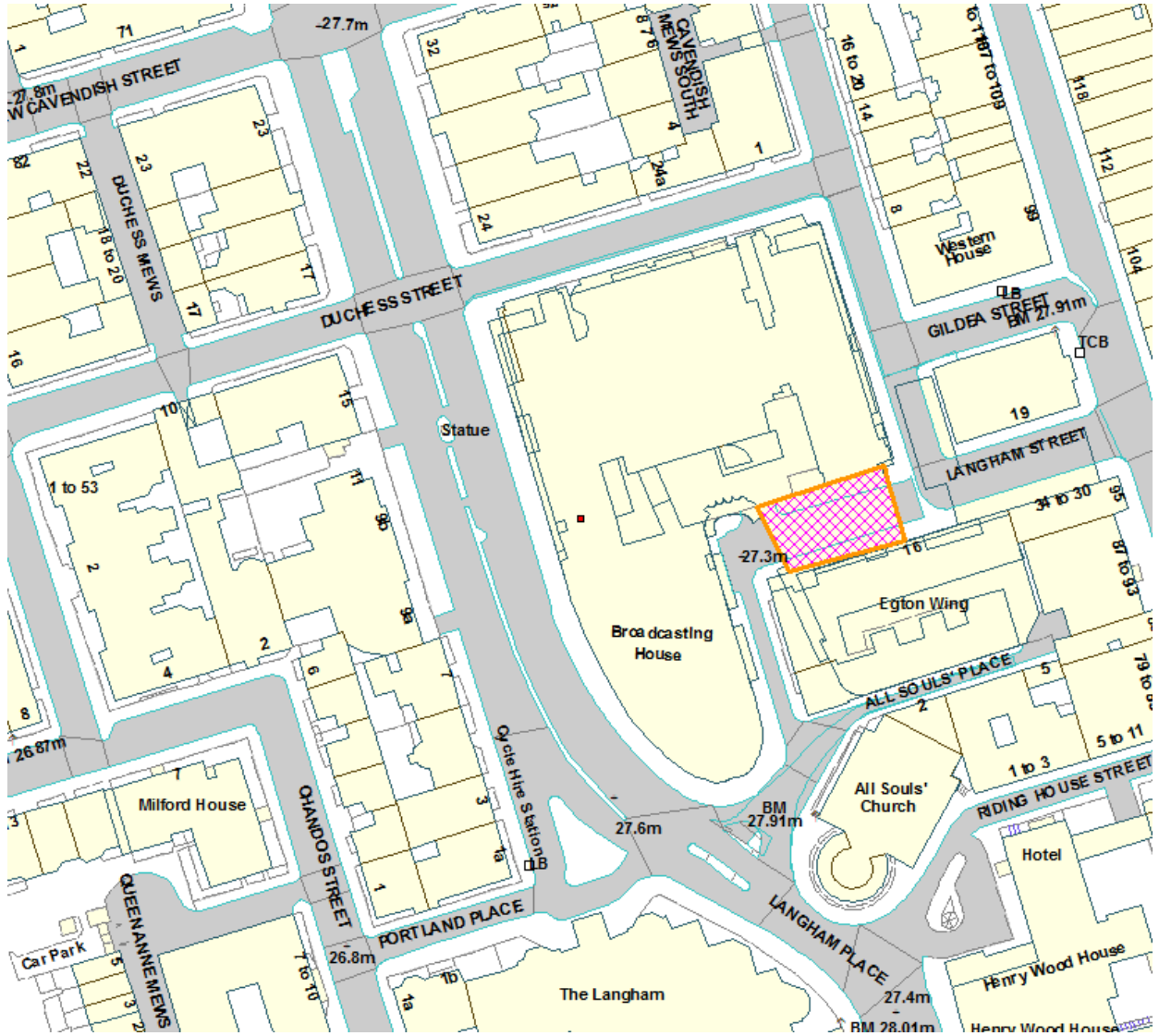
The proposal has received no objections. Any further comments will be reported verbally to the Committee.

Maintenance

The George Orwell Memorial Trust was founded in 2011 to educate the public about the life, works and legacy of George Orwell and in particular to raise the necessary funds to establish and maintain a memorial to him in London. This the Trust has now done.

The statue would be maintained by the BBC on behalf of the Trust and a suitable maintenance regime has been agreed. There is no financial implication for the City Council.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Marylebone Association
Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 9
Total No. of replies: 0
No. of objections: 0
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

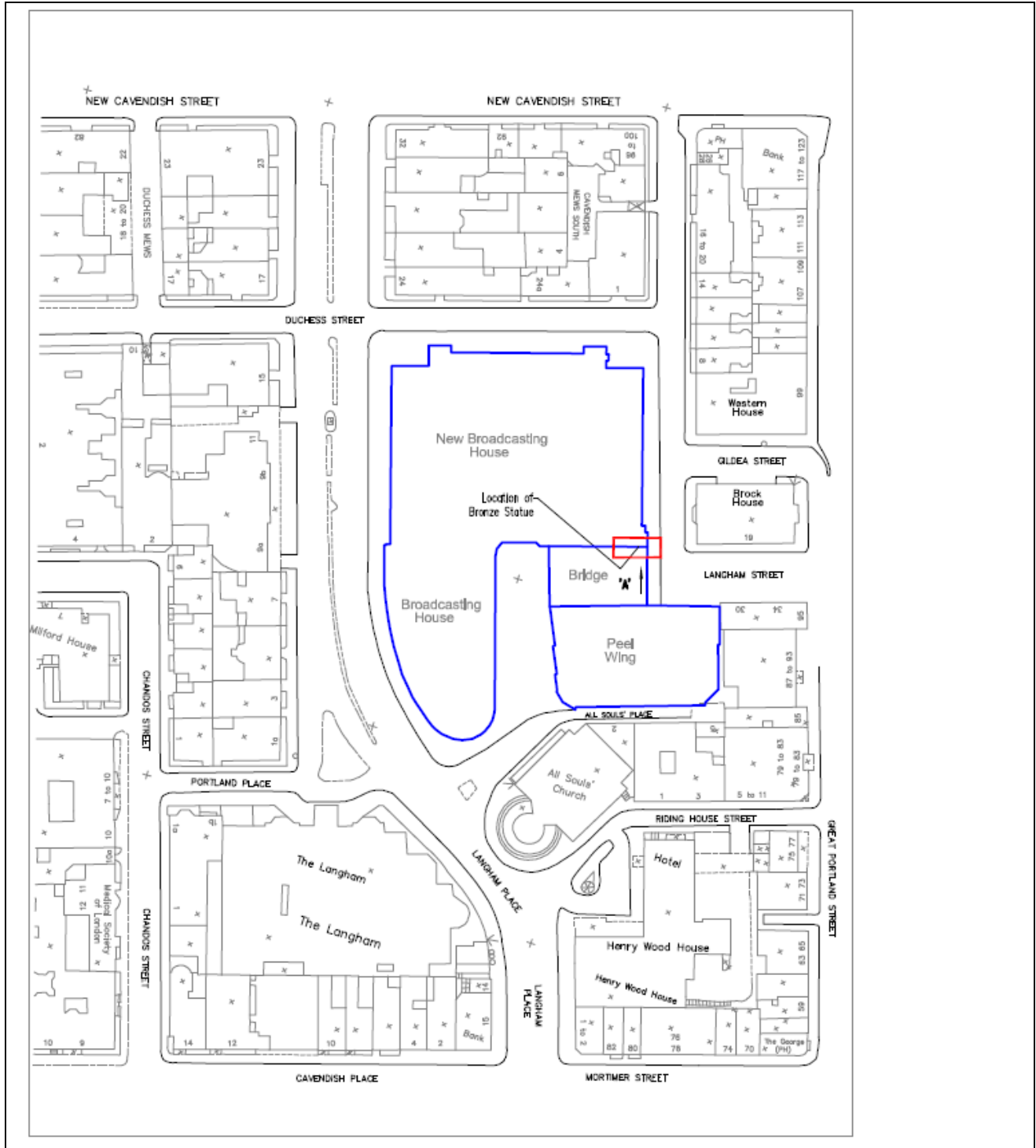
1. Application form

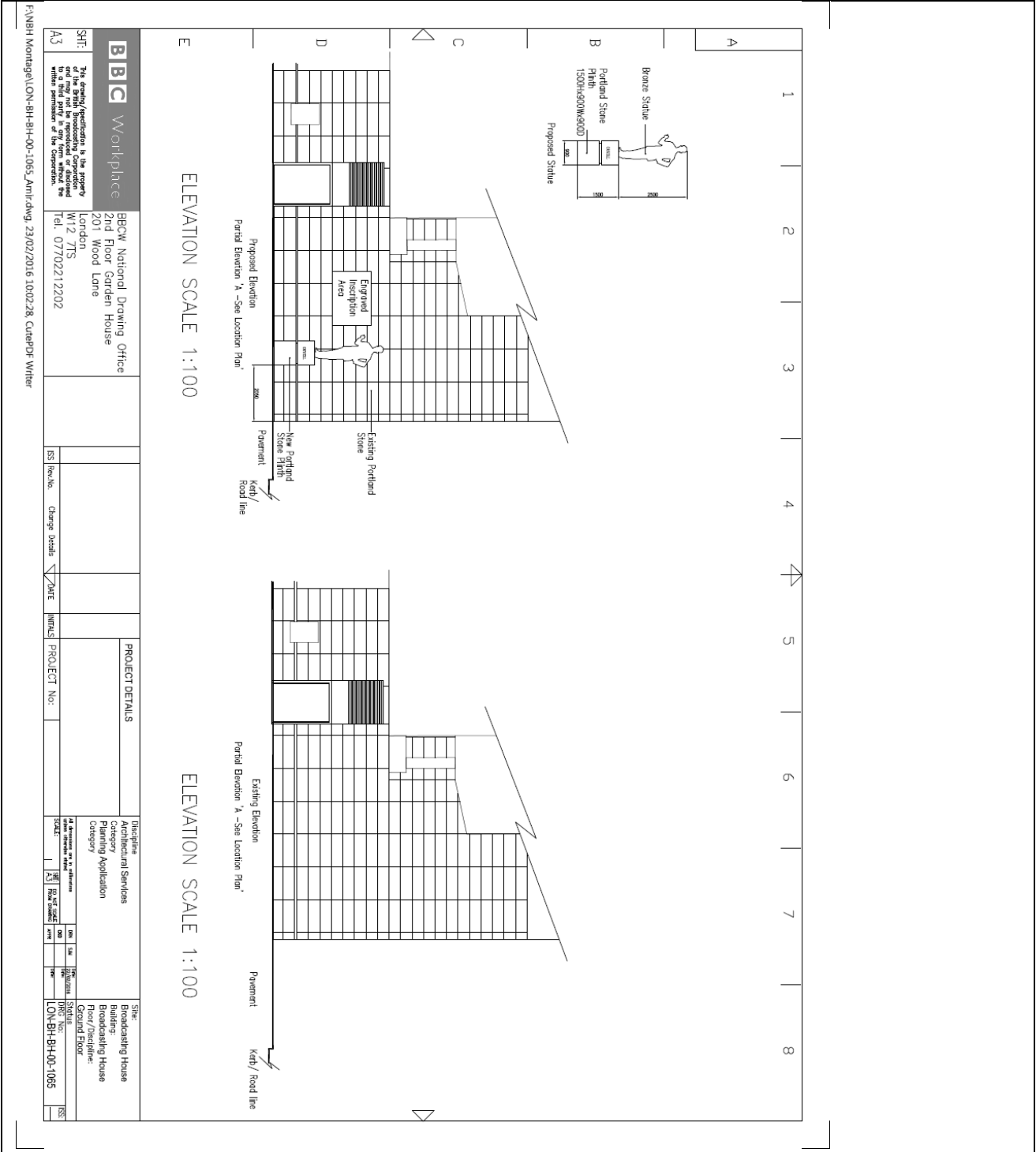
Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

7. KEY DRAWINGS





BBC Workplace
BBC National Drawing Office
2nd Floor Garden House
London
W12 7TS
Tel: 07702212202

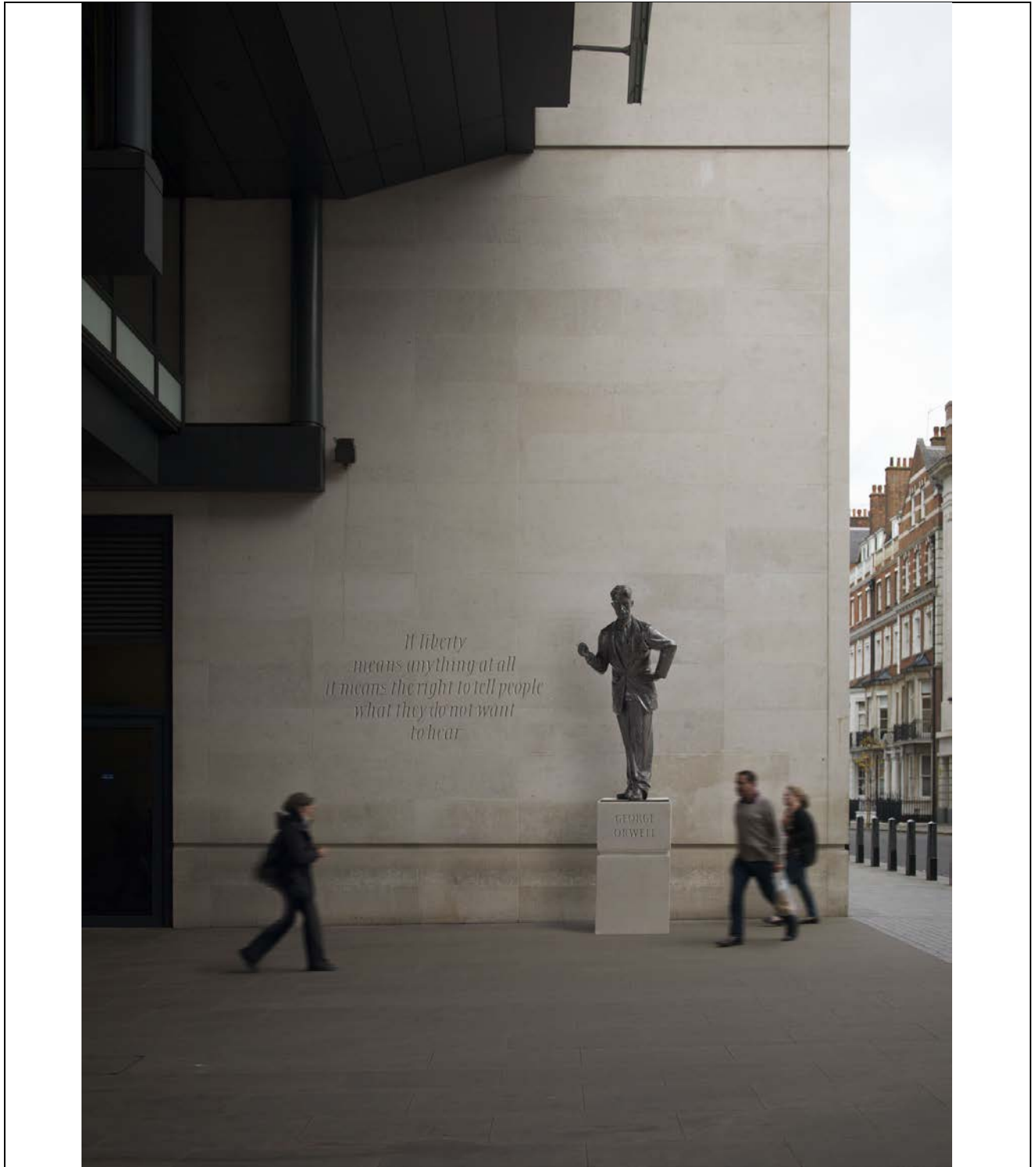
SH1: This drawing/identification is the property of the client and is to be used only for the project and any other work that may be required to a third party in any form without the written permission of the copyright owner.

ES1 Rev.No	Change Details	DATE	APPROVED	PROJECT No.	DISCIPLINE	PROJECT No.	SCALE	NO. OF SHEETS	TOTAL NO. OF SHEETS	DATE	NO.	SCALE	NO. OF SHEETS	TOTAL NO. OF SHEETS	DATE
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PROJECT DETAILS	DISCIPLINE	PROJECT No.	SCALE	NO. OF SHEETS	TOTAL NO. OF SHEETS	DATE
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DISCIPLINE	PROJECT No.	SCALE	NO. OF SHEETS	TOTAL NO. OF SHEETS	DATE
Architectural Services Project Application Category					
SITE	PROJECT No.	SCALE	NO. OF SHEETS	TOTAL NO. OF SHEETS	DATE
Broadcasting House Relaxers Broadcasting House Plot 2/3/4 Ground Floor					

EMNH Morningal\ON-BH-BH-00-1065_Amrdwg_23/02/2016_100x228_CasPDF-Writer



DRAFT DECISION LETTER

Address: Broadcasting House, 2 - 22 Portland Place, London, W1A 1AA,

Proposal: Erection of bronze statue on stone plinth and inscription carved into adjoining stone wall.

Reference: 16/02562/FULL

Plan Nos: LON-BH-BH-00-1065.

Case Officer: Toby Cuthbertson

Direct Tel. No. 020 7641 8705

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.

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: Strategic Policies adopted November 2013, 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.

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 COMMITTEE	Date 5 July 2016	Classification For General Release	
Report of Director of Planning		Ward involved Bryanston And Dorset Square	
Subject of Report	23 New Quebec Street, London, W1H 7SD		
Proposal	<p>Application 1 (Ref: 15/06775/FULL) Use of ground and lower ground floors for a composite use involving retail, restaurant and butchery classes (sui generis). Installation of replacement shopfront and full height kitchen extraction duct to the rear elevation.</p> <p>Application 2 (Ref: 15/06776/LBC) Installation of replacement shopfront and full height kitchen extraction duct to the rear elevation. Internal alterations.</p>		
Agent	BHD Architects		
On behalf of	Mr Gabriel Bernardi		
Registered Numbers	15/06775/FULL 15/06776/LBC	Date amended/ completed	10 November 2015
Date Application Received	24 July 2015		
Historic Building Grade	Grade II		
Conservation Area	Portman Estate		

1. RECOMMENDATION

1. Grant conditional permission.
2. Grant conditional listed building consent.
3. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.

2. SUMMARY

The application site comprises the basement and ground floors of this Grade II listed building located within the Portman Estate Conservation Area and the New Quebec Street Local Centre. The lawful use of this unit is within Class A1 (Shops) and it was last in use as a woman's clothing store. The upper floors are in use as three flats (Class C3).

Permission is sought to use the unit as a butcher / delicatessen / café during the day and a restaurant after 18.00. Butchery classes are also proposed to take place at basement level (the frequency of which will be subject to demand). Permission and listed building consent are also sought for the installation of replacement shopfront and full height kitchen extraction duct to the rear elevation and for internal alterations.

The key issues for consideration are:

- * The impact of the proposed change of use on the character, function, vitality and viability of the New Quebec Street Local Centre.
- * The impact of the proposed entertainment use on the amenity of local residents (including directly above the unit) and on the character and function of the area.
- * The impact of the proposed replacement shopfront, full height extract flue and internal alterations on the special interest of this listed building and upon the character and appearance of the Portman Estate Conservation Area.

By virtue of the proposed operations' significant retail element it will continue to contribute to the retail character, function, vitality and viability of the New Quebec Street Place Local Centre. Subject to conditions, the proposal will also preserve the amenity of local residents. For these reasons, the proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). Furthermore, the proposal will not harm the special interest of this listed building and will preserve the character and appearance of the Portman Estate Conservation Area. For these reasons it is recommended that conditional planning permission and conditional listed building consent be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION:

Any response to be reported verbally.

ENVIRONMENTAL HEALTH:

No objection on environmental noise or nuisance grounds, subject to conditions.

HIGHWAYS PLANNING –

No objection but requests that provision for the storage of one bicycle on site for use by staff.

CLEANSING:

No objection subject to details of storage for waste and recyclable materials being submitted for the City Council's approval.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 37

Total No. of replies: 1

No. of objections: 0

No. in support: 0

No. neutral comments: 1. Requests that the City Council makes sure that none of the extraction ducts make noise as this can be annoying at any time of the day.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises the basement and ground floors of this Grade II listed building located within the Central Activities Zone (CAZ) (but outside the Core CAZ), the Portman Estate Conservation Area and the New Quebec Street Local Centre (all of which is designated as 'non-core frontage'). The site is not located within a 'stress area'. The floorspace of the unit is 137 sq.m (GIA).

The property forms part of a terrace of five houses dating from the late 18th century that form part of the Portman Estate. The ground floors were converted into shops in the nineteenth century.

Council tax records and the planning history set out below indicates that the upper floors of Nos. 22 and 23 New Quebec Street are in use as 3 x two-bedroom flats over first, second and third floor levels.

The property is vacant but was last in use as a women's clothing shop and therefore its lawful use is within Class A1 (Shops).

6.2 Recent Relevant History

Ref: 01/05847/FULL

23/10/01 - Permission granted on 23 October 2001 for the use of basement and ground floors of Nos. 22 and 23 New Quebec Street as shops (Class A1) and the upper floors as 3 x two-bedroom flats (Class C3).

7. THE PROPOSAL

It is proposed to use the basement and ground floors as a composite use comprising: (i) A butcher / delicatessen / café at ground floor level during the day (i.e. until 18.00) with up to 20 covers (in the shopfront window and at the rear) and, after 12.00, capacity for an additional 24 diners at basement floor level; (ii) A kitchen, butchery preparation area (until 12.00), WCs, storage and space to host butchery classes (the frequency of which will be driven by demand) at basement floor level; and (iii) After 18.00, a restaurant over ground and basement level with capacity for 60 covers. During the evenings the ground floor butcher counter will offer pre-packed produce only.

The proposed operating hours are 08.00 until 23.00 (Monday to Saturday) and 09.00 until 22.30 (Sundays and Bank Holidays).

The following table summarises the proposal:

	Period	08.00 – 12.00 (09.00 – 12.00 on Sundays and Bank Holidays)	12.00 – 18.00	18.00 – 22.00 (18.00 - 22.30 on Sundays and Bank Holidays)
	Covers	20	44	60
Useable area floorspace (GIA)	Butcher / delicatessen	40 sq.m	40 sq.m	0 sq.m
	Customer seating	20 sq.m	20 sq.m (GF) + 28 sq.m (B) 48 sq.m (total)*	60 sq.m (GF) + 28 sq.m (B) 88 sq.m (total)*

*28 sq.m of this floorspace will be used for butchery classes at basement level (when taking place).

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

- Replace the previously proposed bi-folding opening windows within the shopfront with sash windows.
- The proposed full-height flue to the rear elevation is now proposed to be clad in brick slips to match the brickwork on the host building.
- The chimney breasts are now proposed to be retained at ground and basement floor levels.

8. DETAILED CONSIDERATIONS

8.1 Land Use and Amenity

Loss of Retail Floorspace

City Plan Policy S21 provides general protection for retail floorspace within the City, stating that existing A1 retail will be protected throughout Westminster except where the City Council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let. The aim of this policy is to ensure that the concentration of shop uses within designated Shopping Centres be maintained so that the needs of customers and retailers are met, shopping centres remain attractive and concentrations of non-A1 uses such as cafés and fast food takeaways do not harm the appearance, character and retail function of a shopping centre by breaking up its frontage.

As set out above, the site is located within the New Quebec Street Local Centre which is located on either side of New Quebec Street from its junction with Seymour Street and Upper Berkeley Street. The entirety of the New Quebec Street Local Centre is designated as 'non-core frontage'. The specific policy that protects the service provided by local centres to residents, visitors and workers is UDP Policy SS7, which protects retail floorspace unless the loss:

1. Would not be detrimental to the character or function of the centre, nor have a harmful effect on the vitality or viability of the centre.
2. Would not reduce the range of local convenience shops, or have a detrimental effect on local shopping facilities.
3. Would not result in more than three non-A1 units located consecutively in a frontage.
4. Would not undermine the balance of Class A1 to non-A1 uses within the frontage or centre as a whole.

At basement level non-A1 uses will be permitted if the proposal would not:

1. Harm the vitality or viability, or character or function of the parade, frontage or centre.
2. Have a detrimental effect on the environment or residential amenity.
3. Unacceptably intensify an existing use or existing concentration of uses.
4. Jeopardise the long-term Class A1 use of the ground floor.

UDP Policy SS7 also states that planning permission will not be given for proposals, such as cafés and restaurants (Class A3) that would harm residential amenity or local environmental quality as a result of smells, noise, increased late night activity and disturbance, or increased parking and traffic.

New Quebec Street is a very small linear local centre located just to the north of Oxford Street (part of the Primary Shopping Frontage of the West End International Shopping Centre) and to the east of the shopping facilities on Edgware Road (a CAZ Frontage). The most recent health check undertaken in 2014 reveals that the number of retail units increased markedly between 2002 and 2014 (increasing from six to 12). This was mainly through the reduction in vacant units from eight to three. This dropped slightly in 2012 to 11. It is currently 14. The number of food and drink establishments has remained fairly constant since 2002 at between five and six. The centre's main strength was found to be its good provision of restaurants and specialist shops. However, the pedestrian vibrancy was found to be low which is unsurprising given the small size of this local centre. Overall,

it was found that the vitality, viability and general economic health of this local centre was 'healthy'.

The New Quebec Street Local Centre has a reasonable number of retail units, especially on the west side where there is an unbroken run of ten shops (including the application site). The proposed use would result in three consecutive units (Nos. 23, 24 and 25) being occupied by non-retail uses which is in accordance with UDP Policy SS7 that seeks to prevent the retail offer within local centres being broken up by **more** than three non-retail units being located consecutively.

Furthermore, it is considered that the particular characteristics of the proposed use mean that it is acceptable in this instance. Whilst the proposed operation undoubtedly has characteristics of a café or restaurant during the day, it also has a significant retail element in the form of the butcher counter and delicatessen. Operating as a restaurant will enable the unit to still have some retail element into the evening. For this reason, the proposed use will continue to contribute to the retail character and function of the local centre and provide a local convenience shop to the local population. In addition, through attracting shoppers to the local centre, the proposed use will assist in ensuring that the local centre remains vital and viable. For these reasons and subject to conditions ensuring that this retail offer is retained, despite the policy objection to the loss of retail floorspace there are considered to be exceptional circumstances that means that the proposed use is acceptable in this instance.

Impact of Proposed Entertainment Use

UDP Policies TACE 8-10 control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the city (whilst acknowledging that they provide services to people living in, working in and visiting Westminster and contribute to its role as an entertainment centre of national and international importance). Further, City Plan Policy S24 states, '*New entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. New large-scale late-night entertainment uses of over 500 m² floorspace will not generally be appropriate within Westminster*'.

As the site is located outside of a stress area and has a floorspace below 150 sq.m, the relevant policy for its assessment is UDP Policy TACE 8 where there is a presumption that such uses are generally acceptable provided that they do not have a harmful effect on local residential amenity or an adverse effect on the character or function of the area.

The applicant has demonstrated through the submission of an acoustic report that the proposed full height extract flue will not only result in the adequate dispersal of cooking odours but will comply with the relevant criterion within UDP Policy ENV 7 in terms of noise to the flats above. Further, subject to conditions prohibiting music being played within the unit and appropriate mitigation being installed in the form of acoustic mitigation being installed between the ground and first floors, the applicant has also demonstrated that the

impact of noise from the restaurant being transferred to the flat at first floor level through the fabric of the building will be acceptable. As such, Environmental Health has no objection to the proposed

The proposed opening hours (08.00 - 23.00 (Monday to Saturday) and 09.00 - 22.30 (Sundays and Bank Holidays) are considered to be reasonable in the site's context and will not be considered to result in disturbance for local residents (including directly above) in terms of noise from comings and goings. Subject to a condition requiring the sash windows within the shopfront to be kept closed after 21.00, the proposed use is considered to be acceptable in amenity terms.

In order to prevent the uncontrolled use of the forecourt for al fresco dining, it is recommended that a condition is imposed limiting the hours to between 08.00 – 21.00 (Monday to Saturday) and 09.00 – 20.00 (Sundays and Bank Holidays).

8.2 Townscape and Design

23 New Quebec Street is listed Grade II and located within the Portman Estate Conservation Area. It is an attractive example of a late 18th century terraced townhouse and forms part of a group of townhouses from 21-25, which make a positive contribution to the character of the conservation area. Although altered, it has a traditional timber shopfront at ground floor level, which is specifically referred to in the list description and also contributes to the character of the street and conservation area.

The works relate to the ground and basement floor shop unit. Internally, as this has been completely stripped out, little of historic interest appears to remain, with the exception of the chimney breasts at ground and basement floors which are the only remaining historic features of interest at this level. The scheme has been revised so that these chimney breasts are now to be retained. Whilst the proposed location of the new internal staircase immediately adjacent to these chimney breasts is regrettable, given that these chimney breasts were only exposed during stripping out works, it is considered that in this instance this alteration is not harmful to the building's special interest.

Consideration has been given to whether the proposed external flue could be routed internally within the existing chimney. Unfortunately, this would result in a flue that would be too small in diameter to successfully extract cooking odours and therefore routing its externally is considered to be acceptable in listed building and conservation area terms subject to it being fully enclosed within brick slips to match the brickwork on the host building.

The original proposal included the installation of bi-folding windows to part of the shopfront which would have created a void at ground floor level that would have related poorly to the upper parts of the building. The revised scheme where sash windows are not proposed is acceptable.

8.3 Transportation/Parking

The proposed use is unlikely to generate a material increase in trips and, as such, is unlikely to result in any impact on the function of the local highway network.

As the site is located within a Controlled Parking Zone, there are single and double (where restrictions allow) yellow lines in the vicinity that allow loading and unloading to occur. The level of servicing given the size of the unit is not expected to be significant. The largest regular service vehicle expected to be associated with the proposed development is the refuse collection vehicle. This will service the site in a similar fashion to the existing use.

Whilst Highways Planning has requested on site cycle parking for staff, it is not considered that the demand for such parking would be any greater than existing and therefore it is not considered that imposing a condition requiring details to be submitted for the City Council's approval is necessary.

8.4 Economic Considerations

The economic benefits of a more intensive use of this site are noted and are welcome.

8.5 Access

There is not level access to the retail unit current due to the raised forecourt and the small step to the front door. Whilst it is regrettable that steps have not been taken to improving this situation, the proposal is no worse than existing and is therefore acceptable.

8.6 Other UDP/Westminster Policy Considerations

Refuse /Recycling

On the advice of the City Council's Cleansing Manager, a condition is recommended to be imposed requiring the submission of details showing how waste and recyclable material will be stored on site. There appears to be no impediment to such storage taking place at basement level or within one of the pavement vaults.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

The proposal does not generate Planning obligations are not relevant in the determination of this application.

8.10 Environmental Impact Assessment

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

8.11 Other Issues

None.

9. BACKGROUND PAPERS

1. Application form.
2. Response from Highways Planning - Development Planning, dated 29 September 2015.
3. Response from Environmental Health, 8 November 2015.
4. Response from Environmental Health, 8 June 2016.
5. Response from Cleansing, dated 22 June 2016.
6. Letter from occupier of 24b New Quebec Street, London, dated 6 October 2015.

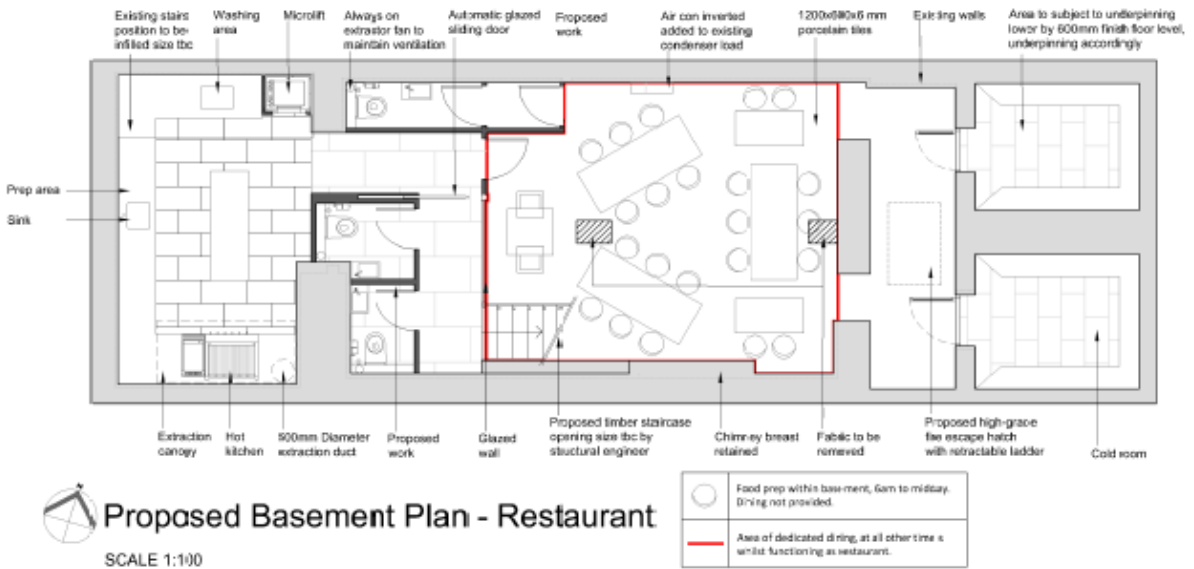
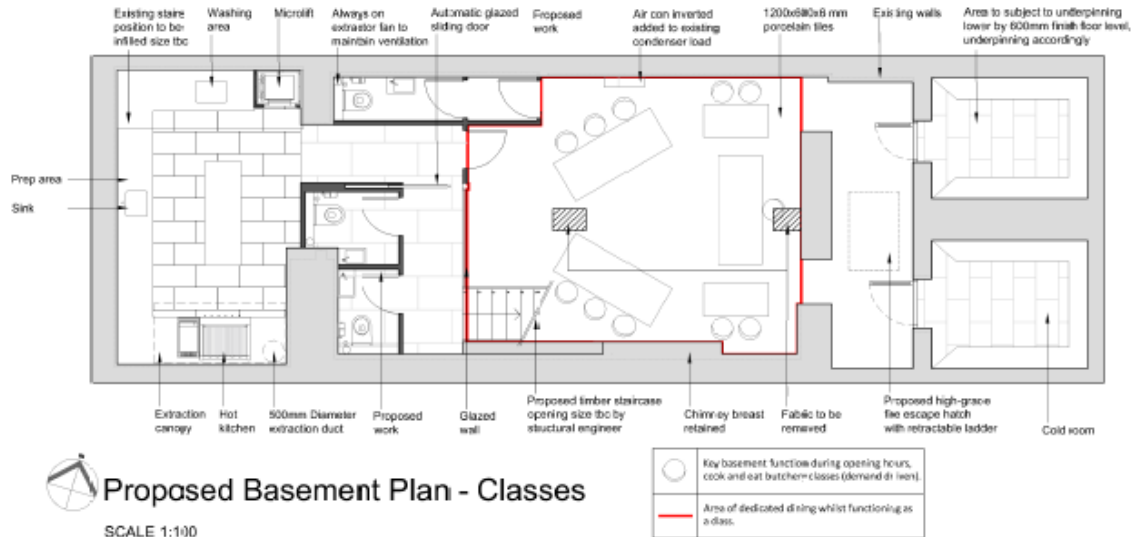
Selected relevant drawings

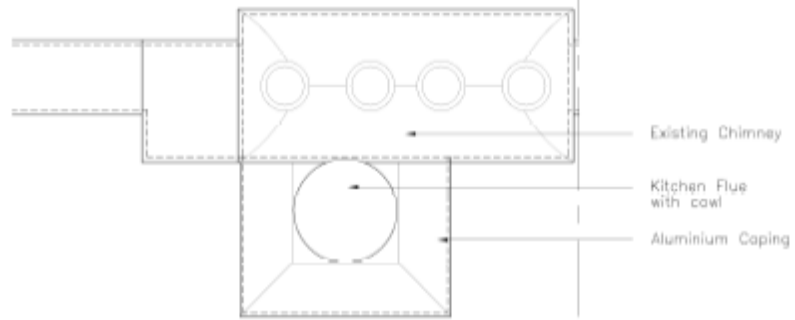
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICE: MARK HOLLINGTON BY EMAIL AT MHOLLINGTON2@WESTMINSTER.GOV.UK

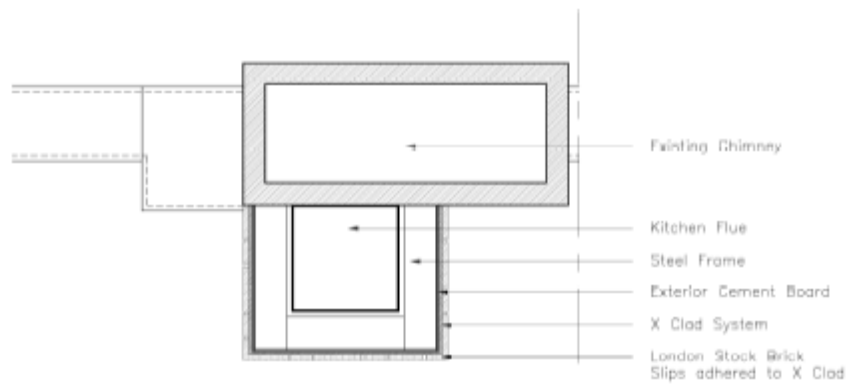
10. KEY DRAWINGS







Roof Plan



Plan

DRAFT DECISION LETTER

Address: 23 New Quebec Street, London, W1H 7SD,

Proposal: Use of ground and lower ground floors for a composite use involving retail, restaurant and butchery classes (sui generis)., Installation of replacement shopfront and full height kitchen extraction duct to the rear elevation.

Reference: 15/06775/FULL

Plan Nos: 4158-PD-, 4158-PD-03 Rev. C, 4158-PD-04 Rev. B and 4158-PD-05.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 3 Customers shall not be permitted within the ground floor and basement premises before 08.00 or after 23.00 on Monday to Saturday (not including bank holidays and public holidays) and before 09.00 or after 22.30 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 4 Between the hours of 08.00 (09.00 on Sundays and Bank Holidays) and 18.00, the area outside the two areas outlined in red on approved drawing number 4158-PD-03 Rev. C at ground floor level shall be only used for the sale and display of goods and shall not be used to seat customers.

Reason:

To ensure that the use retains a significant retail character and function so that it contributes to the character, function, vitality and viability of the New Quebec Street Local Centre, as required by S21 of our City Plan that we adopted in November 2013 and SS7 of our Unitary Development Plan that we adopted in January 2007.

- 5 The use hereby approved shall provide seating for:

- A maximum of 20 seated customers between 08.00 (09.00 on Sunday and Bank Holidays) and 12.00;
- A maximum of 20 seated customers at ground floor level and a maximum of 24 seated customers at basement floor level between 12.00 and 18.00; and
- A maximum of 60 seated customers after 18.00

Reason:

To ensure that the use retains a significant retail character and function so that it contributes to the character, function, vitality and viability of the New Quebec Street Local Centre and to ensure that the use does not have a harmful effect on local residential amenity or an adverse effect on the character or function of the area, as required by S21 and S24 of our City Plan that we adopted in November 2013 and SS7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007.

- 6 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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not commence the use hereby approved until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to employees working within the mixed bakery / cafe. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of

Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 8 The acoustic insulation between the ground and the first floors of the building as detailed within approved drawing 4158-PD- shall be carried out in full prior to the commencement of the use hereby approved so 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. The acoustic insulation shall thereafter be retained in situ.

Reason:

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

- 9 No music shall be played within the use hereby approved at any time.

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 13 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 10 The sash windows within the replacement shopfront hereby approved shall be closed and retained closed between 21.00 and 08.00.

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 13 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 11 The forecourt of the premises shall not be used in connection with the approved use outside of the following hours:

- 08.00 and 21.00 (Mondays to Fridays); and
- 09.00 and 20.00 (Sundays and Bank Holidays).

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 13, TACE 8 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 12 The extract flue hereby approved must be fully clad in brick slips as shown on the approved drawings prior to the commencement of the use hereby approved. These brick slips must match the existing original brickwork on the host building in terms of colour, texture, face bond and pointing.

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

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

- may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

- 15 The plant/machinery hereby permitted shall not be operated except between 08.00 hours and 23.00 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

- 17 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in conditions 14 of this permission.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 18 Butchery classes shall only take place at basement level.

Reason:

To ensure that the use retains a significant retail character and function so that it contributes to the character, function, vitality and viability of the New Quebec Street Local Centre, as required by S21 of our City Plan that we adopted in November 2013 and SS7 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions 14, 15 and 17 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)

DRAFT DECISION LETTER

Address: 23 New Quebec Street, London, W1H 7SD,

Proposal: Installation of replacement shopfront and full height kitchen extraction duct to the rear elevation. Internal alterations.

Plan Nos: 4158-PD-, 4158-PD-03 Rev. C, 4158-PD-04 Rev. B and 4158-PD-05.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 The extract flue hereby approved must be fully clad in brick slips as shown on the approved drawings prior to the commencement of the use hereby approved. These brick slips must match the existing original brickwork on the host building in terms of colour, texture, face bond and pointing.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted

November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:
S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 5 July 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	Bolebec House, Lowndes Street, London, SW1X 9EU,		
Proposal	Erection of single storey extension at main roof level with roof terrace, alterations to fenestration, mechanical plant to rear elevation, all in connection with the enlargement of Flat 25.		
Agent	Miss Charlotte Handscomb		
On behalf of	Halkin Holdings Limited		
Registered Number	16/03997/FULL	Date amended/ completed	29 April 2016
Date Application Received	29 April 2016		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Bolebec House is an unlisted building located in the Belgravia Conservation Area. The building is predominantly six stories high. The building dates from the mid-20th century. It has been partially extended at roof level creating a penthouse to the northern corner on the building at the junction with West Halkin Street. The building is in residential use as flats with a commercial unit at ground floor level.

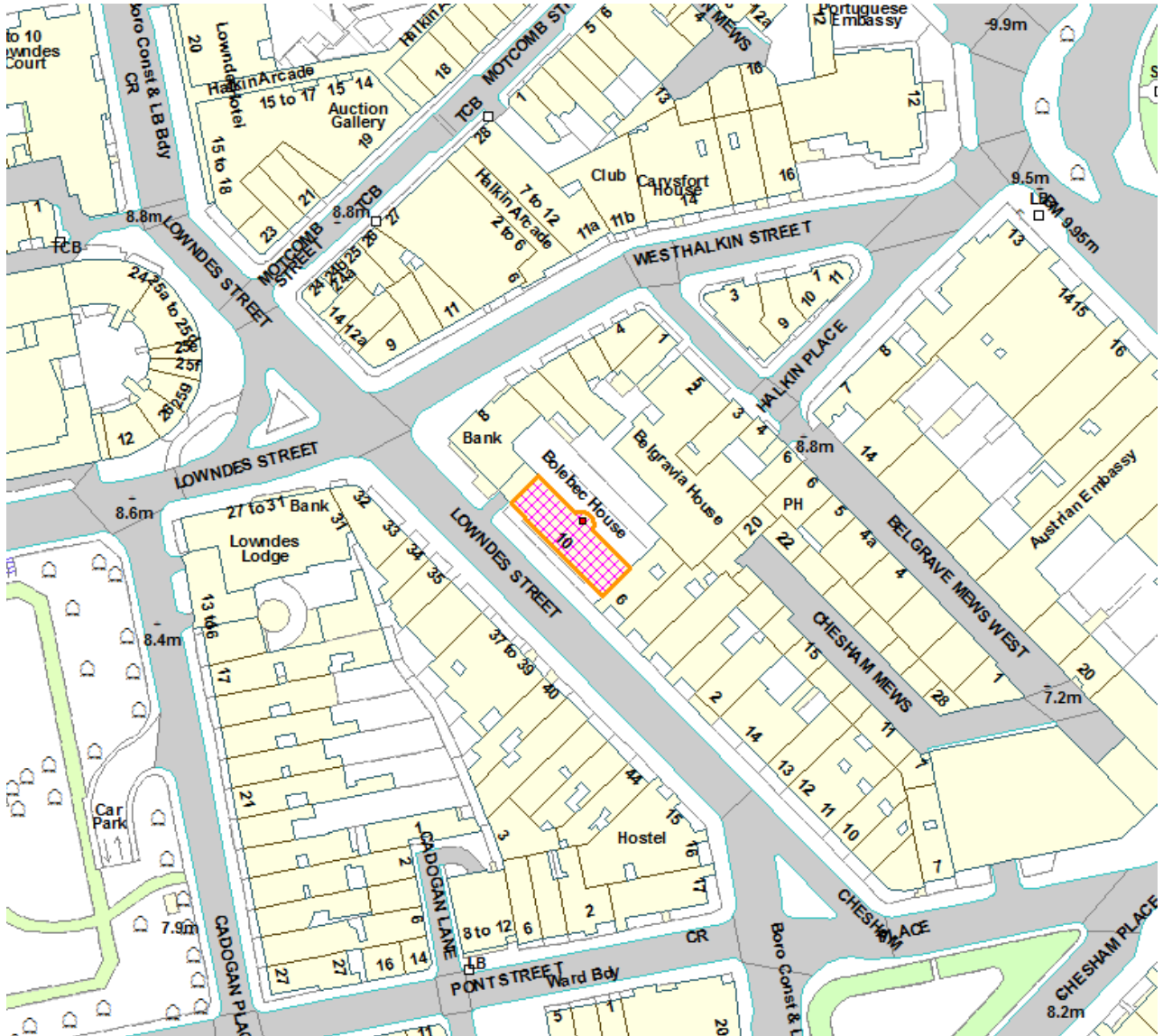
Planning permission is sought for a single storey extension at main roof level, the formation of a roof terrace to flat 25 and alterations to the fenestration to the existing flat to both the front and rear. The extension would be of a similar design to that existing to the northern corner of Bolebec House.

The main issues for consideration are:

- The impact of the proposed roof extension on the character and appearance of the building and the conservation area; and
- The impact of the proposed extension on the amenity of neighbouring residents.

The proposal is considered to comply with the Council's policies in relation to design, conservation and amenity as set out in Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP) and the application for planning permission is recommended for approval subject to the conditions set out in the draft decision letter appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of Bolebec House from junction of Lowndes Street and West Halkin Street



View of Flat 25 from Lowndes Street

5. CONSULTATIONS

AMENITY SOCIETY (Belgravia Residents Association):
No comment.

AMENITY SOCIETY (Belgravia Neighbourhood Forum):
No comment.

ENVIRONMENTAL HEALTH
No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED
No. Consulted: 174
Total No. of replies: 3
No. of objections: 3

Objections from neighbouring residents on some or all of the following grounds:

Design

- The proposed extension would be visually unacceptable because it would worsen the appearance of a building which is already incongruous.

Amenity

- The proposed extension would result in a loss of daylight and / or loss of sunlight for the occupants of the flats opposite and adjacent on Lowndes Street.
- The proposed extension and roof terrace would result in loss of privacy through overlooking of the flats opposite on Lowndes Street.

Parking

- The proposed extension would result in additional on-street parking stress in the area.

Construction

- The construction of the development would result in harmful noise, disturbance and construction traffic.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Bolebec House is an unlisted building located in the Belgravia Conservation Area. The building is predominantly six stories high. The building dates from the mid-20th century. It has been partially extended at roof level creating a penthouse to the northern corner on the building, at the junction with West Halkin Street. The building is in residential use as flats with a commercial unit at ground floor level.

6.2 Recent Relevant History

On 23 March 2006 permission was granted for the erection of single-storey extension and installation of railings at roof level in connection with the creation of 1x1-bedroom self-contained flat (Class C3).

On 30 July 2003 permission was refused for the erection of roof level extension to provide an additional 2-bedroom flat at 6th floor.

On 7 March 2002 permission was refused for the erection of extension at 6th floor roof level to create 2x 1 bedroom flats.

On 19 July 2001 permission was refused for the erection of 6th floor roof extension and installation of railings to create a terrace at roof level to provide 2 x 1 bed flats.

7. THE PROPOSAL

Planning permission is sought for a single storey roof extension and formation of a roof terrace to flat 25, including alterations to the fenestration of the existing flat to both the front and rear. The extension would be of a similar design to that existing to the northern corner of Bolebec House.

In the early 2000s a number of applications for an extension were refused, primarily on the grounds of an increased sense of enclosure for residents to the rear of the site (Belgravia House and Halkin Place). In 2006 planning permission was granted for an extension which addressed this concern - the extension was set back from both the front and rear and included a significant slope to the rear. This permission has now expired.

This application proposes a similar extension to that previously approved, but differs in following summarised ways:

- The proposed extension would be in connection with the enlargement of the existing flat (no. 25), rather than the creation of a new residential unit.
- The communal staircase is not proposed to be extended, thereby reducing the scale of the development compared to that previously approved.
- An air conditioning unit is proposed within the void space between the central communal stair and the extension.
- Additional alterations to existing fenestration.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application property is a single residential unit; the additional residential floorspace that would be provided would enlarge this existing unit. In these circumstances the application does not raise any land use issues.

8.2 Townscape and Design

Concern has been raised regarding the visual acceptability of the proposal. Policy DES 6 considers, amongst other issues, the appropriateness of new roof extensions, including their height and design. The roof extension would be set back from both the front and rear building lines and the development would be similar to the existing extension and roof terrace on the northern part of the building. The height of the proposed extension would match the existing and would not be highly visible from public vantage points which is similar to the existing extension and terrace. The significant setbacks ensure that the extension would not dominate the existing building. In this form, the extension would successfully integrate into the host property, improving the roofscape and contributing positively to the townscape and setting of the conservation area and nearby listed buildings.

There are other minor alterations proposed including the replacement of windows with sliding doors, and the removal of existing satellite dishes. These changes would not harm the character or appearance of the building.

Subject to the recommended conditions to ensure the materials used match those of the existing extension, the proposal would be consistent with Policies S25 and S28 of the City Plan and Policies DES 1, DES 5, DES 6, DES 9 and DES 10 of the UDP.

8.3 Residential Amenity

Sunlight and Daylight

Objections have been received in relation to the potential loss of light from the proposed extension. UDP Policy ENV 13 seeks to protect existing premises, particularly residential, from a loss of daylight and sunlight as a result of new development. Permission would not normally be granted where developments result in a material loss of daylight or sunlight.

Regard is to be had to BRE's "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" (2011) ("the BRE Guide"). The BRE Guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

The applicant has submitted a Daylight and Sunlight Report to demonstrate compliance with the BRE Guide. This study has assessed neighbouring windows most likely to be affected by the new extension located to the front and rear of the application property. Following an objection, further analysis has been conducted on the impact on the proposal on the terrace / courtyard area to the rear of 6 Lowndes Street

Properties to the front and rear

The figures within the Daylight and Sunlight Report demonstrate that in terms of daylight and sunlight the extension would not result in any material loss for neighbouring residents to the front and rear of the property.

6 Lowndes Street

The daylight and sunlight report notes that the terrace / courtyard area at 6 Lowndes Street is substantially orientated into the northeast sky quadrant, and the development proposal respectively lies in the south west sky quadrant. This orientation combined with the scale of the existing buildings means the proposed extension would not add any shadow to present shadow experienced by those residents. In these circumstances, the proposal is not considered harmful to the amenity of the occupiers of 6 Lowndes Street.

Sense of Enclosure

The proposed extension would increase the height of the building and would increase its bulk. The increase would be relatively modest, would be set back significantly from the front and rear building lines and would match the height of existing extension at roof level. Further, the extension would be sloped to the rear elevation.

The properties opposite on Lowndes Street are approximately 22 horizontal metres away from the front elevation of the application building. This distance in combination with the proposed setback would result in the extension having no noticeable impact in terms of an increased sense of enclosure for the occupants of the residential properties on the opposite side of Lowndes Road.

Located to the rear is Belgravia House and other properties on Halkin Place whose elevations vary in distance from the application building, the shortest being approximately 16 horizontal metres away from the application building. Given the relatively modest height increase, the setback, significant rear slope and the separation distance between the proposed extension and the residential properties to the rear, the proposal would not result in a significant increased sense of enclosure for the occupants of the residential properties to the rear within Belgravia House and Halkin Place.

Privacy

Objections have been raised with regard to loss of privacy to neighbouring properties to those opposite on Lowndes Street. The proposed extension would be located above existing flats which already have an outlook toward other flats both to the front and rear of the application building. Furthermore, there is a relatively large distance within the proposed roof terrace and the properties opposite (22 horizontal metres) and the adjacent extension also has a similar roof terrace. In this context the proposed extension, and roof extension, would not result in a significant increase in overlooking in comparison to the existing situation and is therefore consistent with Policy ENV13 of the UDP and Policy S29 of the City Plan.

8.4 Transportation/Parking

Concerns have been raised with regard to increases in on-street car parking demand. The extension is for additional residential accommodation to an existing residential unit and therefore there would be no increase in the number of households. Further, the site benefits from an off-street car park. In these circumstances, it is not considered that the proposal would result in an increase in on-street parking demand.

8.5 Economic Considerations

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

8.6 Access

There are no access issues arising from this proposal.

8.7 Other UDP/Westminster Policy Considerations

In terms of the impact of noise from the proposed plant at the rear, an acoustic report has been submitted as part of the application and this has been assessed by Environmental Health officers, who conclude that the proposed mechanical plant is capable of according with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan. As such, subject to the recommended conditions set out in the draft decision letter appended to this report, the proposed plant would not be considered to result in any adverse impact upon the amenity of neighbouring residents.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The proposals are of insufficient scale to require an environmental assessment and any environmental impact issues have been covered in section 8.7 of this report.

8.12 Other Issues

Construction impact

Concerns have been raised by neighbouring residents regarding noise and disturbance that could be generated by construction work.

Noise and disturbance during construction is an unwelcome and well understood consequence of allowing new development. In a densely developed urban environment, it must be accepted that such disturbance will inevitably occur as a result of building works. The City Council cannot refuse permission to develop on the grounds that building work will be noisy and disruptive. As a local planning authority, we can impose a restriction on the working hours and encourage contractors to be a member of the Considerate Constructors Scheme. To this extent it is recommended that the standard condition and

informative be added.

9. BACKGROUND PAPERS

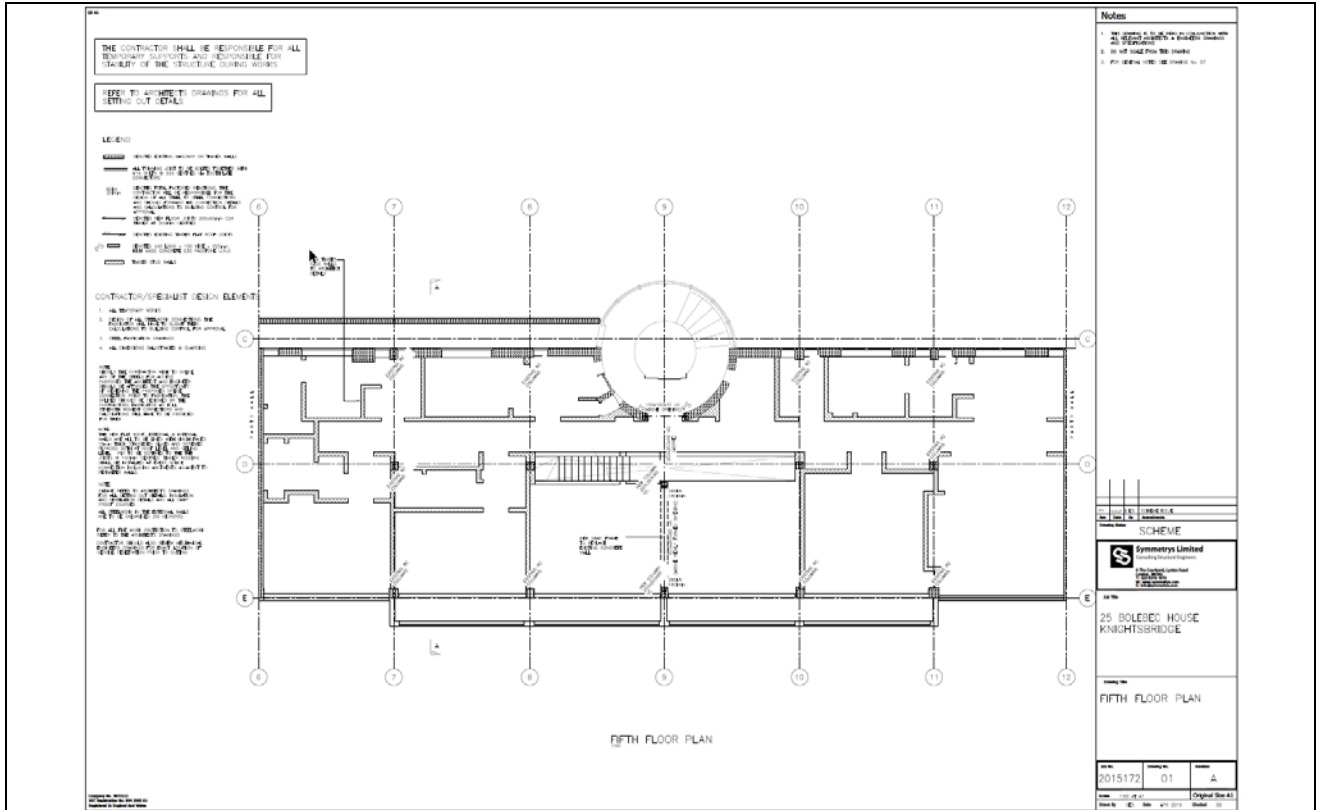
1. Application form
2. Response from Environmental Health (Plant and Equipment), dated 25 May 2016
3. Letter from occupier of Flat 2, Carlton Lodge, dated 9 June 2016
4. Letter from occupier of Flat 1, 6 Lowndes Street, dated 26 May 2016
5. Letter from occupier of Flat 3, 37/39 Lowndes Street, dated 8 June 2016

Selected relevant drawings

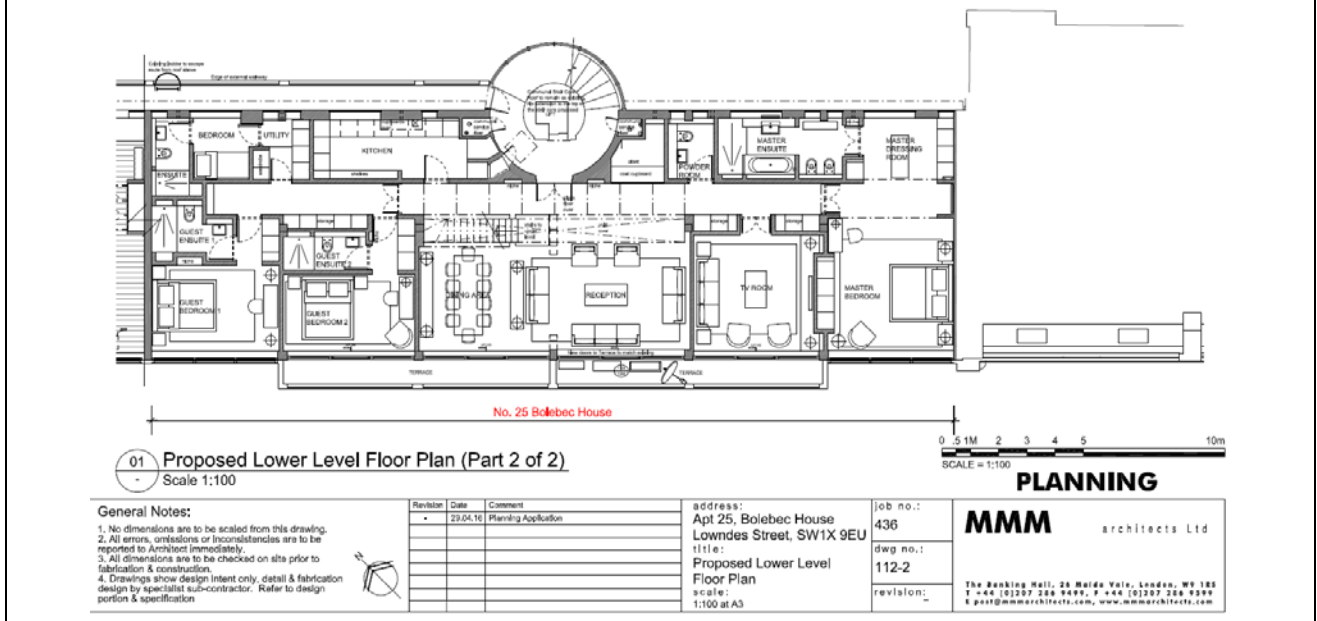
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

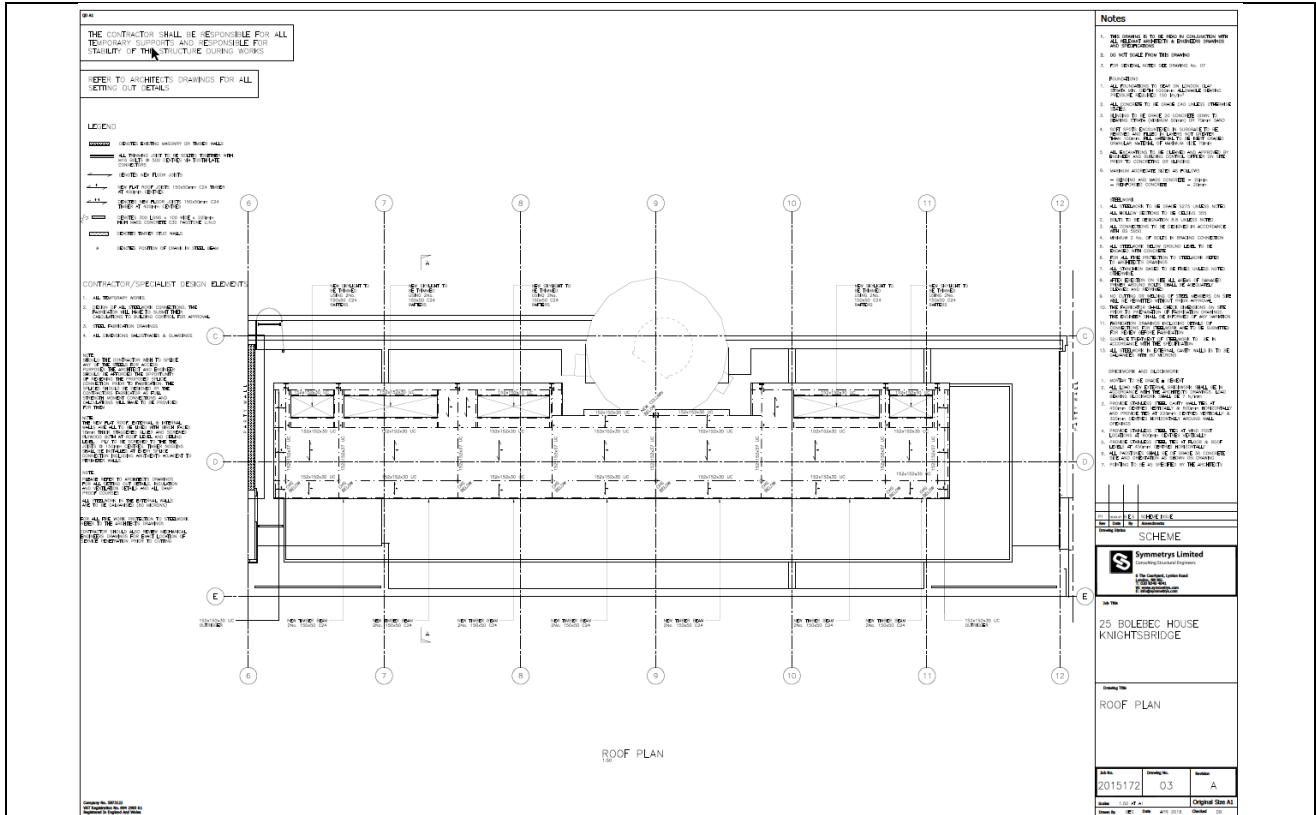
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

10. KEY DRAWINGS

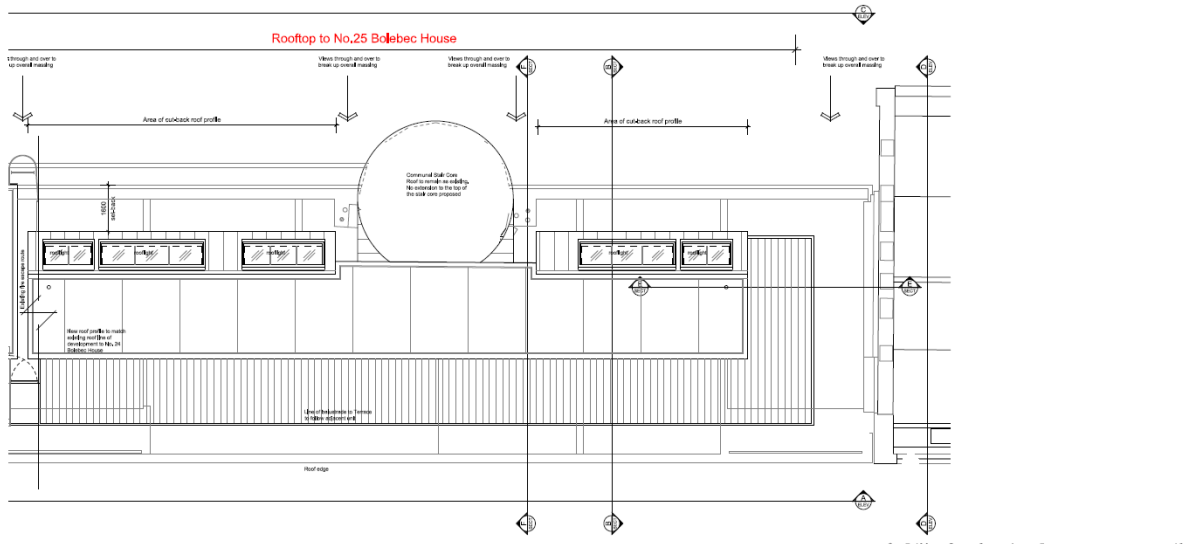


Existing and Proposed Fifth Floor Plan





Existing and Proposed Roof Plan



03 Proposed Roof Plan (Part 2 of 2)
Scale 1:100

General Notes:

- No dimensions are to be scaled from this drawing.
- All errors, omissions or inconsistencies are to be reported to Architect immediately.
- All dimensions are to be checked on site prior to fabrication & construction.
- Drawings show design intent only, detail & fabrication design by specialist sub-contractor. Refer to design portion & specification.

Revision	Date	Comment
1	29.04.16	Planning Application

address:
Apt 25, Bolebec House
Lowndes Street, SW1X 9EU
title:
Proposed Roof Plan
to Apartment 25
scale:
1:100 at A3

job no.: 436
dwg no.: 111-4
revision: -

MMM architects Ltd

The Banking Hall, 26 Maude Vale, London, W9 1BS
T +44 (0)207 286 9499, F +44 (0)207 286 9299
E post@mmmarchitects.com, www.mmmarchitects.com

DRAFT DECISION LETTER

Address: Bolebec House, Lowndes Street, London, SW1X 9EU,

Proposal: Erection of single storey roof extension to provide two bedrooms, addition of skylights and terrace, alterations to fenestration and addition of AC unit in connection with enlargement of Flat 25.

Reference: 16/03997/FULL

Plan Nos: EX100, EX100-1, EX100-2, 01 rev:A, 02 rev:A, 03 rev:A, 04 rev:A, 110, 110-1, 110-2, 110-3, 110-4, 110-5, 110-6, 110-7, 110-8, 111, 111-1, 111-2, 111-3, 111-4, 111-5, 111-6, 111-7, 111-8, 112, 112-1, 112-3, 112-4, 112-5 112 ME001, Mechanical Electrical and Public Health Services Report (Optima BES Ltd), Noise Impact Assessment (Optima BES Ltd), Daylight and Sunlight Report including additional information (Jessop Associates), Planning Statement (Savills), Design and Access Statement (MMM Architects).

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

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

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All facing and roofing materials, doors and windows of the extension shall match those of the existing penthouse floor at Bolebec House.

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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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 new balustrade shall match the existing balustrade to the penthouse floor at Bolebec House. For the avoidance of doubt this shall include the use of obscure glazing.

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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

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

Reason:

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

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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423,

Item No.
5

siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

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Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 5 July 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	25 Villiers Street, London, WC2N 6ND,		
Proposal	Use of an area of the public highway measuring 0.7m x 3.2m for the placing of two tables and four chairs in connection with the existing sandwich shop.		
Agent	Planning Potential		
On behalf of	Pret A Manger		
Registered Number	16/03929/TCH	Date amended/ completed	3 May 2016
Date Application Received	28 April 2016		
Historic Building Grade	Unlisted		
Conservation Area	Adelphi		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

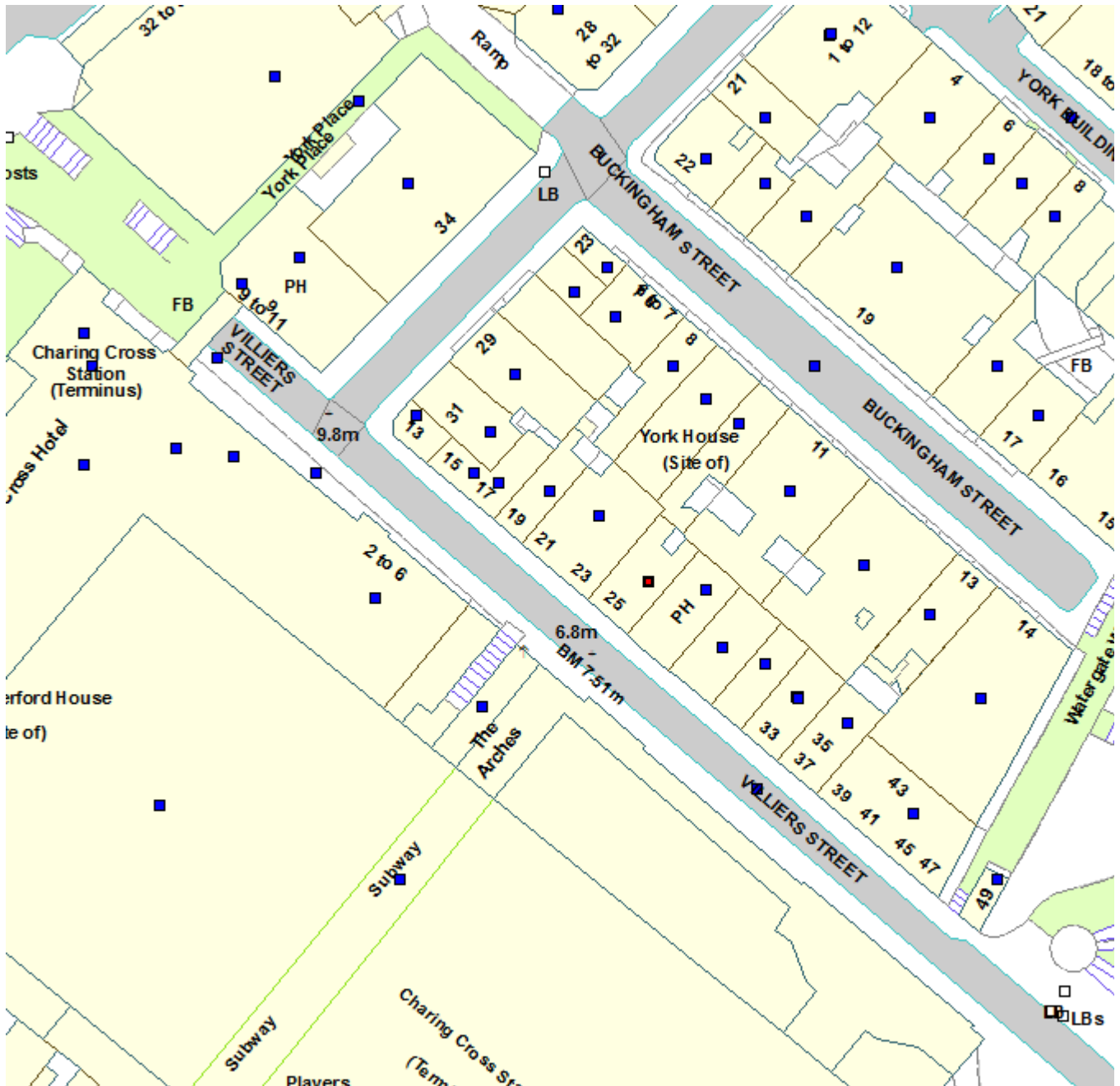
25 Villiers Street comprises of basement, ground and four upper floors. The basement and ground floor are occupied by Pret A Manger as a sandwich shop. The upper floors are in residential use with the entrance to the flats at 23A Villiers Street.

Permission is sought to use an area of the public highway measuring 0.7m x 3.2m for the placing of two tables and four chairs in connection with the sandwich shop. Permission has previously been granted for these tables and chairs in 2010, 2011, 2012, 2013 and 2014.

The key issue in this case is the impact on neighbouring residential amenity.

The proposals are considered acceptable and are in line with the policies set out in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP).

3. LOCATION PLAN



4. PHOTOGRAPHS



25 Villiers Street

5. CONSULTATIONS

WESTMINSTER SOCIETY
No objection

HIGHWAYS PLANNING
No Objection

CLEANSING
No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS
RECEIVED

No. Consulted: 24
Total No. of replies: 1
No. of objections: 1
No. in support: 0

One letter of objection received from a neighbouring resident in 23a Villiers Street on the grounds that the proposal will add to the congestion on the street, will obstruct the entrance to 23a (residential property) and will set a precedent for other outdoor seating on Villiers Street which is already extremely busy.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application property comprises basement, ground and four floors. The basement and ground floor are occupied by the sandwich shop Pret A Manger. The upper floors are in residential use with the entrance to the flats at 23A Villiers Street. Villiers Street is a busy thoroughfare linking Strand and Embankment and is characterised by a mix of commercial uses at ground floor level.

6.2 Recent Relevant History

14/03619/TCH

Use of an area of the public highway measuring 0.7m x 3.2m for the placing of two tables and four chairs in connection with the existing sandwich shop.
Application Permitted 11 June 2014

13/03492/TCH

Use of an area of the public highway measuring 0.7m x 3.2m for the placing of two tables and four chairs in connection with the existing sandwich shop.
Application Permitted 12 June 2013

12/02114/TCH

Use of an area of the public highway measuring 0.7m x 3.2m for the placing of two tables and four chairs in connection with the existing sandwich shop.

Application Permitted 16 May 2012

7. THE PROPOSAL

Permission is sought to renew previous identical permissions for the use of an area of the public highway measuring 0.7m x 3.2m for the placing of two tables and four chairs in connection with sandwich shop. Permission has previously been granted for these tables and chairs in 2010, 2011, 2012, 2013 and 2014.

8. DETAILED CONSIDERATIONS

8.1 Residential Amenity

The upper floors of the application site are in residential use. The entrance to these flats is located at 23A Villiers Street which is located adjacent to the shop entrance for Pret a Manager. A letter of objection has been received from an occupier of one of the flats at 23A Villiers Street principally on the grounds that the retention of the external seating obstructs the residential entrance doorway. The concerns of the neighbour are noted however the plans show that there is sufficient room for the tables and chairs in this location. Given the small number of tables and chairs in this location it is considered unreasonable to refuse the application on amenity grounds. However it is recommended that an informative is added to the decision notice reminding the applicant to keep the tables and chairs within the defined area to avoid conflict with the residential entrance.

The hours of opening of the premises are between 07.00 to 19.00 Monday to Friday, 09.00 to 18.00 Saturday and 09.00 to 18.00 Sunday. It is proposed to place the tables and chairs on the highway during these times. Given the busy nature of this section of Villiers Street it is not considered that the proposed tables and chairs would have neither an adverse effect on residential amenity nor the surrounding properties, given the commercial nature of the properties at ground floor level and the close proximity to Charing Cross Station. It is recommended that the hours are secured by condition and that permission is granted for a further one year period to monitor the situation.

8.2 Highways planning

The proposed tables and chairs will occupy an area with a depth of 0.7m. The area of footway from the building line to the bollards is 2.5m. This area accommodating the tables and chairs would therefore leave a clear passage of 1.9m. Despite the adoption of the SPG entitled 'The Westminster Way', which normally requires 2 metres of clearance, it is considered that given the previous permission granted in this location and the semi pedestrian character of Villiers Street the proposal is acceptable in highway terms. The objection that the proposal will add to congestion in Villiers Street is therefore not supported.

The objector is concerned that allowing a tables and chairs in this location will set a precedent. However as each future application for tables and chairs on Villiers Street would be assessed on its own merits it is not considered that an objection on these grounds could be supported.

8.3 Economic Considerations

The external seating is likely to generate additional trade for the shop unit.

8.4 Access

Not applicable

8.5 Other UDP/Westminster Policy Considerations

Not applicable

8.6 London Plan

This application raises no strategic issues.

8.7 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.

8.8 Planning Obligations

Planning obligations are not relevant in the determination of this application

9. BACKGROUND PAPERS

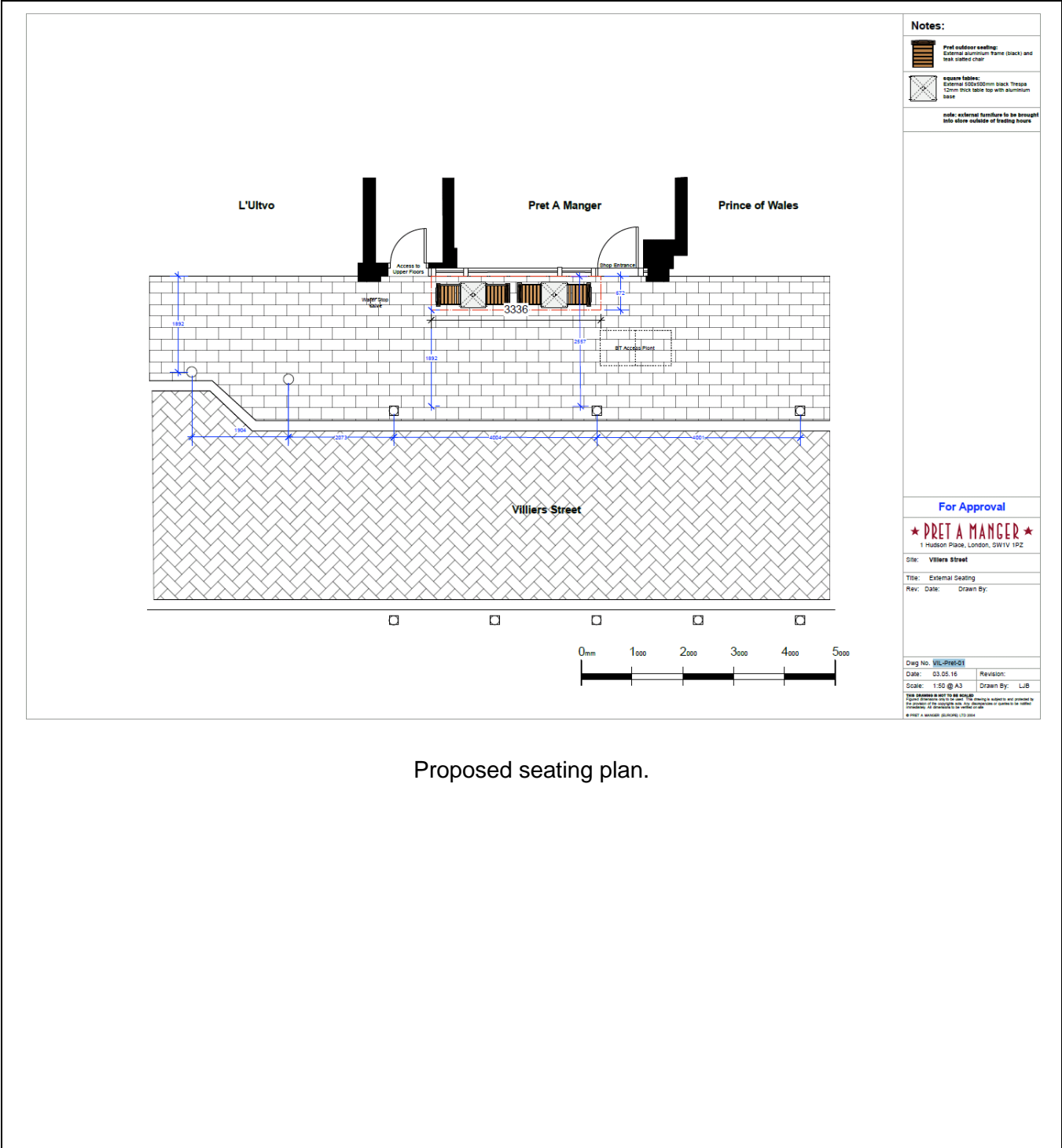
1. Application form
2. Letter from Westminster Society, dated 24 May 2016
3. Memorandum from Cleansing dated 15 June 2016
4. Memorandum from Highways Planning Manager dated 15 June 2016
5. Letter from occupier of Villiers Street Flat 8, 23A, dated 15 May 2016

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk.

KEY DRAWINGS



Proposed seating plan.

DRAFT DECISION LETTER

Address: 25 Villiers Street, London, WC2N 6ND,

Proposal: Use of an area of the public highway measuring 0.7m x 3.2m for the placing of two tables and four chairs in connection with the existing sandwich shop.

Plan Nos: Site location plan, PAM-11-03-01; VIL-PRET-01 - , Furniture schedule, Design and Access Statement, Management plan for outdoor seating areas, Impact statement.

Case Officer: Seana McCaffrey

Direct Tel. No. 020 7641 1091

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

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

Reason:

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

- 2 You must not put the tables and chairs in any other position than that shown on drawing PAM-11-03-01. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables and chairs on the pavement between 07.00 to 19.00 Monday to Friday, 09.00 to 18.00 Saturday and 09.00 to 18.00 Sunday.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 4 The tables and chairs must only be used by customers of the sandwich shop at 25 Villiers Street. (C25CA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 5 This use of the pavement may continue until 31 July 2017. You must then remove the tables and chairs. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 6 You can only put out on the pavement the tables and chairs shown on drawing PAM-11-03-01. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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

If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter.

Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)

- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this

closely and may withdraw your street trading licence if you put them outside this area. (I48AA)

- 4 You are reminded that the tables and chairs hereby approved must not encroach in front of the residential entrance at 23A Villiers Street. You must manage the tables and chairs to ensure that the tables and chairs are used responsibly and do not cause a pedestrian obstruction.