



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 8th November, 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. THE POINT, 37 NORTH WHARF ROAD, LONDON, W2 1AF | (Pages 5 - 32) |
| 2. 5-9 WEST WARWICK PLACE, LONDON, SW1V 2DL | (Pages 33 - 50) |
| 3. 6 CHURTON PLACE, LONDON, SW1V 2LN | (Pages 51 - 68) |
| 4. 46 BERKELEY SQUARE AND 46 HAY'S MEWS, LONDON, W1J 5AT | (Pages 69 - 94) |
| 5. ROSE GARDEN IN HYDE PARK OFF ROTTEN ROW, LONDON | (Pages 95 - 104) |
| 6. APPLICATION 1: BERWICK HOUSE, 139-143 OXFORD STREET, LONDON, W1D 2JA APPLICATION 2: ILFORD HOUSE, 133-135 OXFORD STREET, LONDON, W1D 2HY | (Pages 105 - 124) |
| 7. 95 RANDOLPH AVENUE, LONDON, W9 1DL | (Pages 125 - 140) |
| 8. 97 RANDOLPH AVENUE, LONDON, W9 1DL | (Pages 141 - 154) |

**Charlie Parker
Chief Executive
31 October 2016**

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SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN NO(s) : 16/07651/FULL Hyde Park	The Point 37 North Wharf Road London W2 1AF	Erection of a roof extension to provide an additional storey of Class B1 office accommodation at 10th floor level with extension at 11th floor level to accommodate mechanical plant and a partially covered roof terrace and associated external alterations including provision of architectural frame and louvres to north, south and west elevations at 7th floor level.	
Recommendation 1. Grant conditional permission, subject to completion of a legal agreement to secure the following planning obligations: i. Provision of trainee/ apprenticeship placements during the period of construction works and notification of the City Council and affiliated work placement bodies of construction workforce vacancies to promote local employment. ii. Provision of a financial contribution of £TBC to the Carbon Off-setting Fund. iii. Provision of the costs of monitoring the legal agreement (£500 per head of term). 2. If the S106 planning obligation has not been completed by 20 December 2016 then: a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not; b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.				
Item No	References	Site Address	Proposal	Resolution
2.	RN NO(s) : 16/05527/FULL Warwick	5-9 West Warwick Place London SW1V 2DL	Erection of mansard extension at roof level across 5 properties	
Recommendation Refuse permission - design, insufficient information to demonstrate that there would be no material adverse impact on daylight and sunlight to neighbouring residential properties.				
Item No	References	Site Address	Proposal	Resolution
3.	RN NO(s) : 16/06412/FULL Warwick	6 Churton Place London SW1V 2LN	Installation of security gate.	
Recommendation Grant conditional permission.				

CITY OF WESTMINSTER

PLANNING APPLICATIONS COMMITTEE – 8th November 2016

SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
4.	RN NO(s) : 16/07773/FULL 16/07774/LBC West End	46 Berkeley Square and 46 Hay's Mews London W1J 5AT	Use of 46 Berkeley Square as a private members' club (sui generis), with internal and external alterations including mechanical plant, and erection of Annabel's canopy to front; use of 46 Hay's Mews as a private members' club, and a health and wellbeing club (sui generis), alterations to the mews building including the erection of a pitched roof extension with mechanical plant; and erection of a full length retractable glazed canopy from the mews building to the main building enclosing the external dining terrace/courtyard; associated mechanical plant and landscaping.	
Item No	References	Site Address	Proposal	Resolution
5.	RN NO(s) : 15/09753/FULL	Rose Garden In Hyde Park Off Rotten Row London	Creation, in the western section of Hyde Park's Rose Garden, of a new memorial garden to honour enslaved Africans and their Descendants, with new planting and a new bronze sculpture.	
Item No	References	Site Address	Proposal	Resolution
6.	RN NO(s) : Application 1: 16/05656/FULL Application 2: 16/05658/FULL West End	Application 1: Berwick House 139-143 Oxford Street London W1D 2JA	Application 1: Dual/alternative use of part ground and first to fourth floors for office (Class B1) and / or educational (Class D1) purposes. Application 2: Dual/alternative use of part ground and first to sixth floors for office (Class B1) and / or educational (Class D1) purposes.	
		Application 2: Ilford House 133-135 Oxford Street London W1D 2HY		
Recommendation Application 1: Grant conditional permission. Application 2: Grant conditional permission.				

CITY OF WESTMINSTER

PLANNING APPLICATIONS COMMITTEE – 8th November 2016

SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
7.	RN NO(s) : 16/08162/FULL	95 Randolph Avenue London W9 1DL	Excavation of a basement extension beneath the house as proposed to be extended by way of a lower ground floor rear and side extension with front lightwell, rear rooflight and alterations to rear elevation.	
	Maida Vale			
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
8.	RN NO(s) : 16/07619/FULL	97 Randolph Avenue London W9 1DL	Installation of one external air conditioning unit, shed and enclosure at ground floor level at rear of site.	
	Maida Vale			
Recommendation Grant conditional permission.				

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	The Point, 37 North Wharf Road, London, W2 1AF,		
Proposal	Erection of a roof extension to provide an additional storey of Class B1 office accommodation at 10th floor level with extension at 11th floor level to accommodate mechanical plant and a partially covered roof terrace and associated external alterations including provision of architectural frame and louvres to north, south and west elevations at 7th floor level.		
Agent	DP9		
On behalf of	Point Partners Special Limited Partnership		
Registered Number	16/07651/FULL	Date amended/ completed	10 August 2016
Date Application Received	10 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

<p>1. Grant conditional permission, subject to completion of a legal agreement to secure the following planning obligations:</p> <ul style="list-style-type: none"> i. Provision of trainee/ apprenticeship placements during the period of construction works and notification of the City Council and affiliated work placement bodies of construction workforce vacancies to promote local employment. ii. Provision of a financial contribution of £TBC to the Carbon Off-setting Fund prior to the commencement of development. iii. Provision of the costs of monitoring the legal agreement (£500 per head of term). <p>2. If the S106 planning obligation has not been completed by 20 December 2016 then:</p> <ul style="list-style-type: none"> a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not; b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application
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and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application site comprises an existing 11 storey Class B1 office building located at the western end of Paddington Basin within the Paddington Opportunity Area. The building, which was granted permission in 2001, is not listed and is not located within a conservation area.

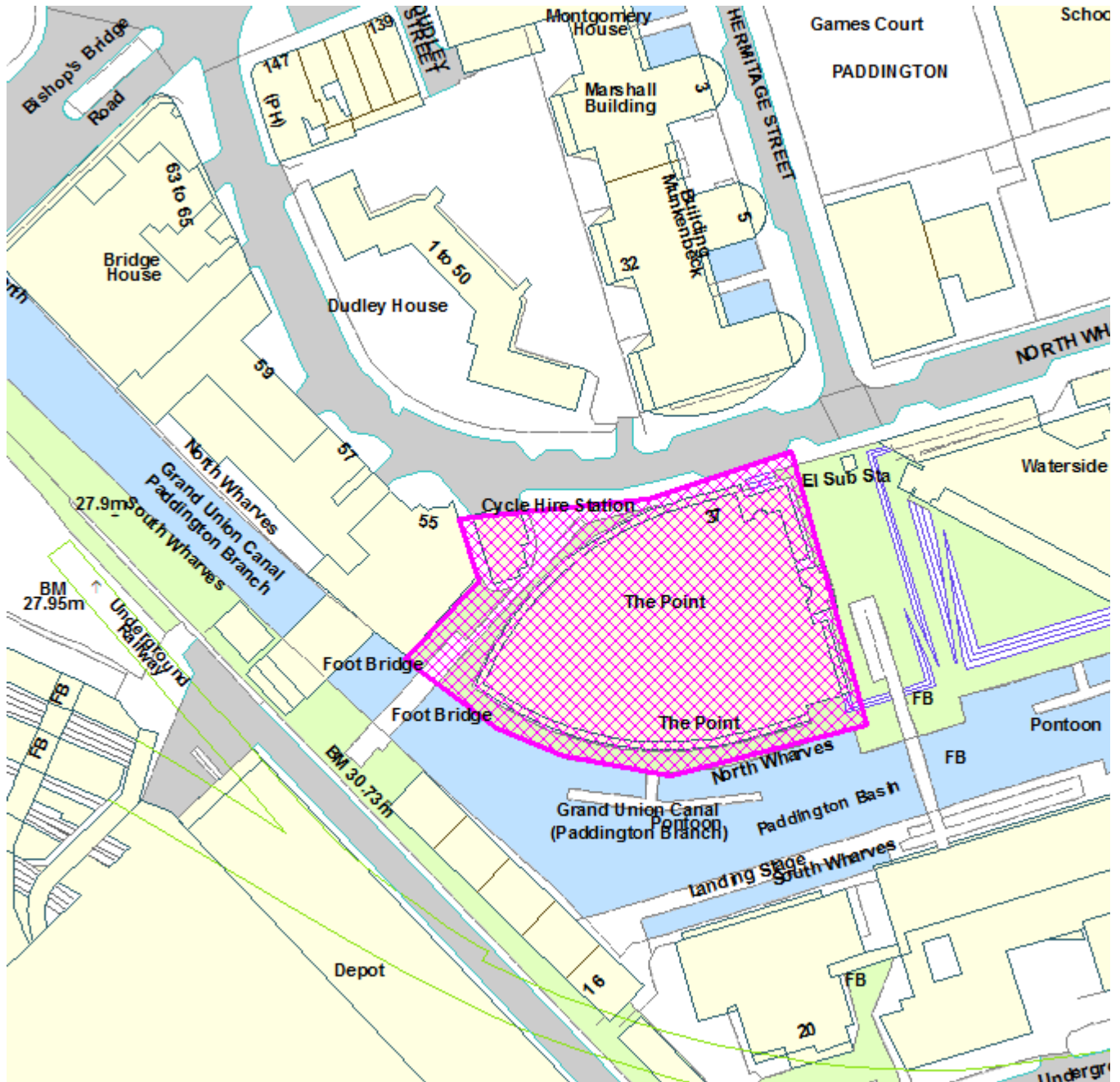
The application seeks permission for the erection of a roof extension to provide an additional storey of Class B1 office accommodation at 10th floor level with extension at 11th floor level to accommodate mechanical plant and a partially covered roof terrace. Associated external alterations are proposed at 7th floor level to extend upward the existing architectural frame and louvres on the lower floors of the building to the north, south and west elevations.

The key issues in this case are:

- The acceptability of providing additional Class B1 office accommodation in this location within the Paddington Opportunity Area.
- The impact of the proposed development on the appearance of the building and this part of the City.
- The impact on the amenity of neighbouring residents.

The proposed development is considered to be acceptable and, subject to the recommended conditions and planning obligations, it would accord with the relevant policies in Westminster's City Plan (the City Plan) and the Unitary Development Plan (UDP).

3. LOCATION PLAN



4. PHOTOGRAPHS



North elevation from North Wharf Road.

5. CONSULTATIONS

HYDE PARK ESTATE ASSOCIATION

No objection.

PADDINGTON RESIDENTS ACTIVE CONCERN ON TRANSPORT

Any response to be reported verbally.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No objection. Note that buildings of 14 storeys and more have already been granted in the Paddington Basin area. Design seems acceptable.

CLEANSING MANAGER

No objection, subject to condition recommended to secure details of waste and recycling storage.

CANAL AND RIVER TRUST

No comment.

ENVIRONMENTAL HEALTH

Objection. Existing background noise level has not been established and therefore the compliance of the proposed mechanical plant with adopted plant noise policies cannot be demonstrated. Discussions ongoing with applicant on this issue to seek to resolve concerns.

HIGHWAYS PLANNING MANAGER

Undesirable but could be considered acceptable. Conditions and informatives recommended.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Of Consults: 360.

Total No. of Replies: 3.

No. of Objections: 3.

No. in Support: 0.

3 emails raising objection on all or some of the following grounds:

Amenity

- Building would be overbearing.
- Loss of light to neighbouring residential building.

Other Matters

- Precedent for similar upward extension of neighbouring buildings.
- Noise and disturbance from construction works.
- Disruption of roads as a result of construction works.
- Cumulative effect of noise and disruption from current building works in Hermitage Street and proposed development.

- Need to keep a balance between commercial buildings and residential community.

PRESS ADVERTISEMENT/ SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises an existing 11 storey Class B1 office building located at the western end of Paddington Basin within the Paddington Opportunity Area. The building, which was granted permission in 2001, is not listed and is not located within a conservation area.

The existing building is 31.5 metres in height and although a large building it has subsequently been surrounded on the north side of Paddington Basin by buildings of appreciably greater height (this includes buildings that have been built and are approved and are under construction). The existing building provides 25,977m² (GIA) of Class B1 office floorspace.

6.2 Recent Relevant History

17 May 2001 – Permission granted for erection of an office building and provision of associated landscaping, highway works and ancillary facilities, including vehicle and pedestrian access (99/11995/FULL).

7. THE PROPOSAL

The application seeks permission for the erection of an extension at roof level to extend the building upward by an additional full storey at 10th floor level to provide a new floor of Class B1 office accommodation, with a further additional partial storey at 11th floor level to accommodate mechanical plant and partially covered roof terrace. The new 10th and 11th floors would be constructed to match the existing appearance of the upper floors of the building. The extension proposed would provide an addition 2,076m² (GIA) of Class B1 office floorspace. The height of the building would be increased from 31.5 metres to just under 35 metres.

Associated external alterations are proposed to the elevations, including the provision of an architectural frame and louvres to north, south and west elevations at 7th floor level, which match the framing and louvres to the lower floors. The intention of this alteration is to seek to ensure the existing proportions of the building, in terms of the split between the framed base of the building and the predominantly glazed top, are maintained and the addition of an additional storey and a half does not adversely affect the architectural composition of the building.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy S3 in the City Plan encourages the provision of office accommodation within the Paddington Opportunity Area (POA) along with forms of workspace, housing, retention of

St. Mary's Hospital and other uses that support the economic and social regeneration of the area. In this context the provision of additional Class B1 office accommodation is considered to be acceptable in land use terms.

Policy S3 envisages large scale redevelopment within the POA and on such sites the policy seeks the provision of residential floorspace in addition to new commercial development. However, in this case, the proposed development comprises an extension to an existing building, which is currently wholly in use as Class B1 offices, and as such it is not considered that it would be reasonable to require residential floorspace on-site.

Policy S1 in the City Plan builds on Policy S3 and sets out that within the Central Activities Zone, of which the POA is a part, which development will be required to provide a financial contribution towards the Affordable Housing Fund in lieu of on-site provision of residential floorspace. However, in this case, the increase in office floorspace proposed (2,076m² GIA) would be an 8% increase in office floorspace and this falls well below the threshold of 30%, below which no financial contribution in lieu of on-site residential floorspace provision is required under Policy S1.

8.2 Townscape and Design

The existing building is considered to be a well-executed architectural composition on a prominent site adjacent to Paddington Basin. The existing building consists of a lower seven storey element between ground and sixth floor levels, which has a prominent black coloured architectural frame within which the glazed façade of the office accommodation on the lower floors is set, with louvres set in front of the glazing and attached to the frame. The upper floors and the majority of the western elevation consist of a simple curtain wall glazing system, which clearly expresses the pointed form of the building, from which the building derives its name.

The currently proposed extensions to form a full 10th floor level and a partial 11th floor would be a sympathetic addition to the roof of the building, which would extend the building upward using the glazing system to the main facades that would match the existing building, such that the extension would be an imperceptible addition to the original building following its completion.

To maintain the originally conceived proportions of the north, south and west facades it is proposed to extend the architectural frame and louvres up to 7th floor level; albeit with an existing terrace, rather than office floorspace immediately behind the extended frame. It is considered that this addition at 7th floor level would successfully raise the shoulder height of the building, such that the extension to the top of the building would not appear out of scale with its black framed base. A condition is recommended to ensure that the additional architectural framing and louvres at 7th floor level are installed prior to the occupation of the new office floorspace at 10th and 11th floor levels. Subject to this condition, the bulk, height and form of the extensions at 10th and 11th floor levels are considered to be acceptable in design terms.

At proposed 11th floor level the extended building would include a roof terrace for use by office occupiers, with an extended glazed atrium over the existing central atrium space. The terrace would be predominantly open, but with a canopy over part of the terrace area. However, the canopy proposed would be set back from the roof edge and would be seen

against the enlarged atrium to the centre of the building and as such, this structure would not detract from the appearance of the building.

In summary in design terms, the proposed extensions and alterations are considered to be acceptable and would accord with Policies DES1 and DES6 in the UDP and S28 in the City Plan.

8.3 Residential Amenity

8.3.1 Daylight and Sunlight

The submitted daylight and sunlight report assesses the impact of the proposed development on the neighbouring light sensitive properties; namely, the Munkenbeck Building (residential) to the north in Hermitage Street, Dudley House to the north in North Wharf Road, which is currently being redeveloped to provide a school and residential accommodation (with the school closest to the application site), and 55-65 North Wharf Road, to the north west in North Wharf Road, which is currently being redeveloped to provide offices and residential accommodation (with the residential accommodation closest to the application site).

The submitted daylight and sunlight assessment demonstrates that in the case of the Munkenbeck Building, whilst there would be losses of daylight, these would be relatively minor losses and the proposed development would not result in material losses of daylight when assessed using the Vertical Sky Component (VSC) method of assessment.

In terms of sunlight losses, there would be a technical breach of the Building Research Establishment (BRE) Guidelines in terms of sunlight loss for one window at first floor level. However, the window in question is located below an oversailing element of the Munkenbeck Building and as a result of this design feature of the neighbouring building, this window, along with others at first floor level in the south elevation of the Munkenbeck Building, receives very low levels of sunlight already. As a result any further losses as a result of neighbouring development are amplified.

One further window at second floor level would suffer a 25% loss of existing annual sunlight hours (a reduction from 6 sunlight hours to 4); however, it would not suffer a loss of any winter sunlight hours and the annual loss is again amplified due to the low number of hours the window currently receives. As such, it is not considered that the impact in terms of loss of sunlight to windows in Munkenbeck Building is so significant as to warrant withholding permission.

The applicant's daylight and sunlight assessment assesses a since superseded scheme for residential redevelopment of the Dudley House site. The impact on this superseded scheme demonstrates that the losses of daylight that would be caused would be unlikely to be material. However, the applicant has been asked to update this aspect of their assessment to demonstrate that the proposed development would not have a significant adverse effect on the levels of daylight or sunlight reaching the approved and under construction school on the southern half of the Dudley House site.

The proposed development would not result in a material loss of daylight or sunlight to the residential accommodation on the southern half of the 55-65 North Wharf Road site, which is currently under construction.

In summary, for the reasons set out, the proposed development would not cause such a significant material loss of daylight or sunlight so as to warrant withholding permission and the proposal therefore accords with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.3.2 Sense of Enclosure

Whilst the building would become more appreciable from the windows in the upper floor flats of the Munkenbeck Building immediately to the north on the opposite side of North Wharf Road, it is not considered that the degree of enclosure that would be caused would be so significant as to warrant withholding permission. More angled views past the building and along North Wharf Road would remain and furthermore, within the POA there is a consistent close relationship of larger buildings that is not dissimilar to that which would be created by the proposed roof level extension to The Point.

The as yet unbuilt schemes at Dudley House and 55-65 North Wharf Road would be slightly further from the application site than the Munkenbeck Building and they too would not suffer a materially increased sense of enclosure.

In summary, the proposed development would not cause a materially increased sense of enclosure and therefore it would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.3.3 Privacy

The proposed extension would be above the height of the upper most windows in the Munkenbeck Building opposite to the north and therefore the additional office accommodation and office terrace, which would be set back from the northern edge of the roof behind a green roof, would not cause a significant increase in overlooking to the occupiers of this neighbouring residential building.

Other as yet unbuilt buildings on the Dudley House and 55-65 North Wharf Road sites would be sufficiently distant so as not to suffer a material increase in overlooking relative to the existing situation.

In summary, subject to a condition requiring the provision of the green roofs to set the proposed roof terrace in from the north and south sides of the roof of the building, the proposed development would not cause a material loss of privacy and therefore it would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/Parking

The Highways Planning Manager does not object to the proposed development and is satisfied that the proposals are acceptable in transportation terms. No additional car parking is proposed and this is acceptable for an office extension in such an accessible location.

The application proposes the creation of an addition 30 cycle parking spaces at basement level and this accords with the London Plan in terms of the number required in conjunction with the additional floorspace proposed. As a result 57 cycle parking spaces would be provided at basement level, including existing cycle parking. A condition is recommended to secure the cycle parking proposed.

No alterations are proposed to the existing servicing arrangements for the existing office accommodation on this site. The additional waste storage capacity required in relation to the increased office floorspace has been assessed and the applicant predicts that an additional 1100 litre bin for waste and a further 1100 litre bin for recyclables will be sufficient to accommodate increases in waste and recycling generated on the site. The Cleansing Manager does not object on this basis, but requests that details of this additional storage are provided by condition.

8.5 Economic Considerations

The economic benefits of providing additional office accommodation in accordance with Policy S3 in the City Plan are welcomed, subject to the other material considerations set out in this report.

8.6 Access

The existing building benefits from step free access with level access provided to all floors. This would be maintained within the enlarged building with lift access extended to the new floors at 10th and 11th floor levels. As such, the proposed development accords with Policy DES1 in the UDP.

8.7 Other UDP/ Westminster Policy Considerations

8.7.1 Mechanical Plant

The proposed development includes relocation of plant rooms currently at 10th floor level to the new 11th floor level. An acoustic report has been submitted and assessed by Environmental Health officers, who have raised concerns on the basis that it is an insufficiently detailed assessment to demonstrate that the proposed mechanical plant, within the new plant room at 11th floor level, would accord with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan. These policies require new plant to operate at a noise level 10-15dB below the representative background noise level outside the nearest noise sensitive window.

The applicant has provided additional information and discussions are on-going with Environmental Health officers in respect of the noise impact of the mechanical plant. However, should it not be the case that this issue can be resolved prior to the committee meeting, conditions are recommended to require a full acoustic report demonstrating compliance with the aforementioned conditions and to reserve full details of the mechanical plant proposed and any noise attenuation measures that would be required to ensure that it operates sufficiently below the existing background noise level. The recommended conditions are set out in the draft decision letter appended to this report.

8.7.2 Biodiversity

The proposed extension would provide new green roofs at roof level around the periphery of the proposed office terrace area and this biodiversity improvement is welcomed as the roof of the building is currently entirely hard landscaped, as is the public realm around the base of the building. A condition is recommended to secure the provision of the green roof areas and subject to this condition the proposals would accord with Policies S37 and S38 in the City Plan.

8.7.3 Sustainability

The applicant has submitted an Energy Strategy that sets out the energy performance and sustainability of the proposed development. The submitted report sets out that the extension to the existing building would achieve a BREEAM 'Very Good' rating and would achieve a carbon dioxide saving of 21% relative to 2013 Building Regulations. This energy performance is to be achieved through achieving reductions in energy demand, primarily through the use of energy and thermally efficient in the built fabric of the extensions and through the provision of 35m² of photovoltaic (PV) panels at roof level. A condition is recommended to ensure the provision of the PV panels.

Given that the proposed development comprises an extension to an existing building, this carbon dioxide saving relative to 2013 Building Regulations is considered to be acceptable. However, it falls below the level of 35% savings set out in Policy 5.2 of the London Plan (2015) (as amended) and the Mayor's Energy Planning guidance document (March 2016). Accordingly, in accordance with the Mayor's guidance, this shortfall in the energy performance of the development is to be mitigated by the provision of a financial contribution of £TBC to the Carbon Off-setting Fund, which will be used to fund carbon emission reduction measures elsewhere in the City.

Subject to the recommended condition and the financial contribution to the Carbon Off-setting Fund, the proposed development accords with Policies S28, S39 and S40 in the City Plan and Policies 5.2, 5.3, 5.6 and 5.7 in the London Plan (2015) (as amended).

8.7.4 Local Economy and Employment

On appropriate larger scale developments, Policy S19 in the City Plan seeks to encourage contributions towards initiatives that provide employment, training and skills development for local residents and ensure that local people and communities benefit from opportunities which are generated from development. In accordance with Policy S19, the applicant has offered to provide trainee/ apprenticeship placements during the course of construction works and notification of the City Council and affiliated work placement bodies of construction workforce vacancies so that local employment can be promoted. This provision is welcomed and is to be secured via the S106 agreement.

8.8 London Plan

The application does not raise any significant strategic issues and is not referable to the Mayor due to the limited additional height proposed. Where relevant, considerations involving London Plan (2015) policies are dealt with in other sections of this report.

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

As set out in Section 8.1 of this report, given the size of the uplift in office floorspace, which falls below 30% of the existing floor area of the building, the scheme does not generate a requirement to provide affordable housing. The scheme is of a scale though that the following planning obligations are required to mitigate the impacts of the development:

- i. Provision of trainee/ apprenticeship placements during the period of construction works and notification of the City Council and affiliated work placement bodies of construction workforce vacancies to promote local employment. This provision is required to address the requirements of Policy S19 in the City Plan.
- ii. Provision of a financial contribution of £TBC to the Carbon Off-setting Fund to off-set carbon emissions from the development by funding carbon emission reduction measures elsewhere in the City.
- iii. Provision of the costs of monitoring the legal agreement (£500 per head of term).

The adopted Planning Obligations SPG (2008) and draft Planning Obligations and Other Planning Mechanisms SPD (August 2015) both identify that commercial development of the scale proposed may be required to provide open space and public realm improvements. However, in this case the development comprises an extension to an existing building that previously delivered substantial public realm and open space improvements between the northern edge of the canal basin and North Wharf Road as part of the construction of the building in the mid 2000's. Accordingly, it is not considered that such obligations are necessary in this case to make the current application for extension of the building acceptable.

The estimated CIL payment in respect of the Mayor's CIL, excluding any potential exemptions, would be £103,800. The estimated CIL payment in respect of Westminster's CIL, excluding any potential exemptions, would be £311,400 as the site is located within the 'Commercial Core' area, as defined by the adopted CIL Charging Schedule.

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

8.12 Other Issues

Concerns have been expressed by neighbours in the Munkenbeck Building in Hermitage Street regarding the impact of construction works in terms of noise and general disturbance, including obstruction to traffic. These concerns are amplified by recent building works opposite in Hermitage Street, to construct the first phase of redevelopment on the former North Westminster Community School site, and the building works that have only recently commenced on the Dudley House and 55-65 North Wharf Road sites to implement the respective extant redevelopment schemes for these sites.

To seek to minimise disruption to occupiers of the Munkenbeck Building and other neighbouring residential buildings it is recommended that a condition is imposed to restrict the hours of building works and to require the construction works to be carried out in accordance with the Code of Construction Practice adopted in July 2016. Compliance with the Code of Construction Practice would include monitoring of the impact of the construction works throughout the construction period by the Environmental Inspectorate at the applicant's expense.

The site is located within the POA and it is reasonable to expect that development within the Opportunity Area will be more prevalent over the short to medium term to develop out the area in accordance with long adopted planning policies. Accordingly, planning permission cannot reasonably be withheld on grounds of construction impact and the conditions recommended in the preceding paragraph would adequately mitigate the impact of the proposed development on the amenity of neighbouring residents in terms of noise and disruption from construction works.

9 BACKGROUND PAPERS

1. Application form.
2. Letter from the Paddington Waterways and Maida Vale Society dated 30 September 2016.
3. Email from the South East Bayswater Residents Association dated 7 October 2016.
4. Memo from the Highways Planning Manager dated 15 September 2016.
5. Memo from the Cleansing Manager dated 20 September 2016.
6. Emails from Environmental Health dated 28 September 2016 and 20 October 2016.
7. Letter from the Canal and River Trust dated 29 September 2016.
8. Letter from the occupier of Flat 404, Marshall Building, 3 Hermitage Street dated 16 September 2016
9. Letter from the occupier of Flat 503, Marshall Building, 3 Hermitage Street dated 16 October 2016.
10. Letter from the occupier of Apartment 3, Munkenbeck Building, 5 Hermitage Street dated 18 October 2016.

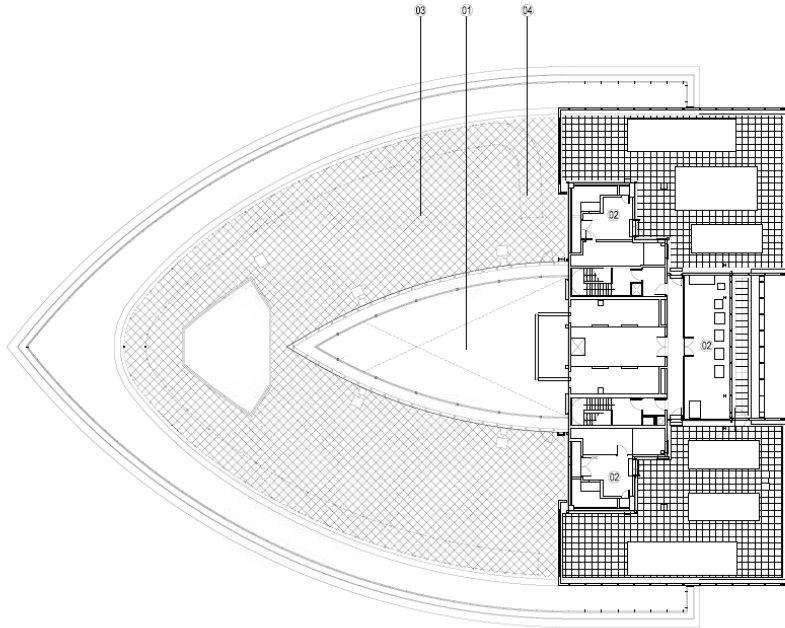
Selected relevant drawings

Existing and proposed plans, elevations and sections.

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

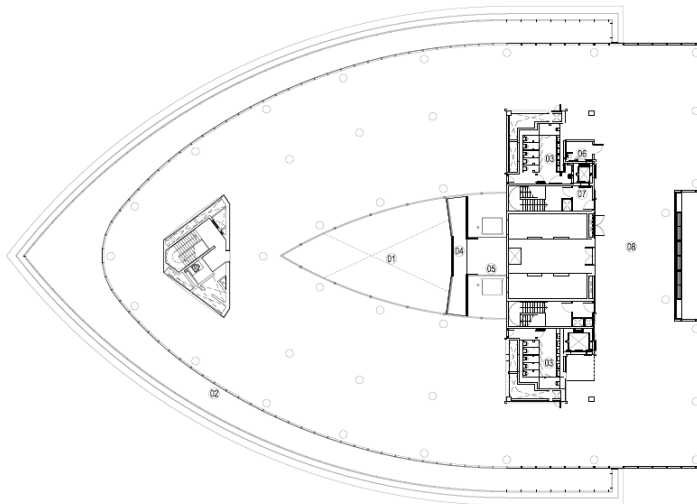
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

10 KEY DRAWINGS



- 01 ATRIUM
- 02 PLANT
- 03 ROOF
- 04 BUILDING MAINTENANCE UNIT

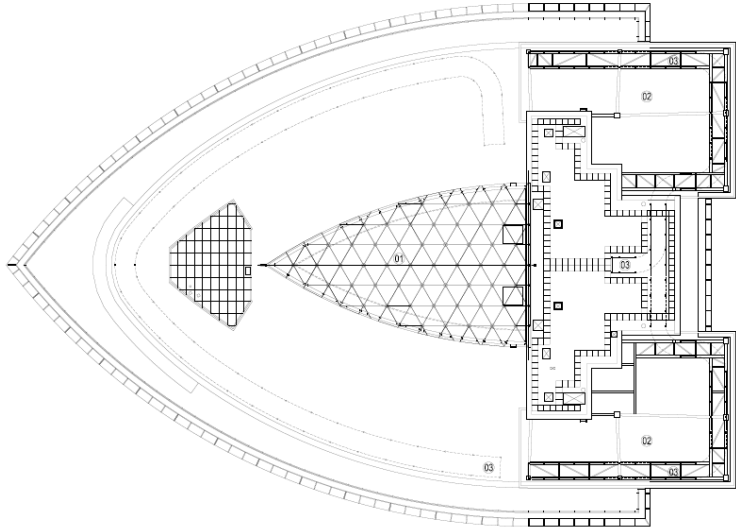
Existing 10th Floor Level.



- 01 ATRIUM
- 02 CLADDING
- 03 TOILETS
- 04 NEW BRIDGE
- 05 SCENIC LIFT
- 06 DISABLED TOILET
- 07 FIREMANS LIFT
- 08 OFFICE FLOOR PLATE

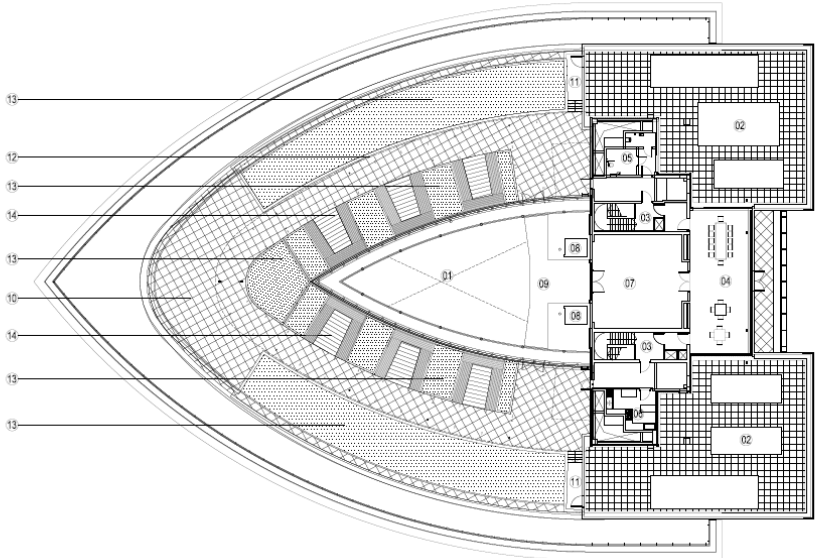
Proposed 10th Floor Level.

01 ATRIUM
 02 PLANT
 03 BUILDING MAINTENANCE UNIT



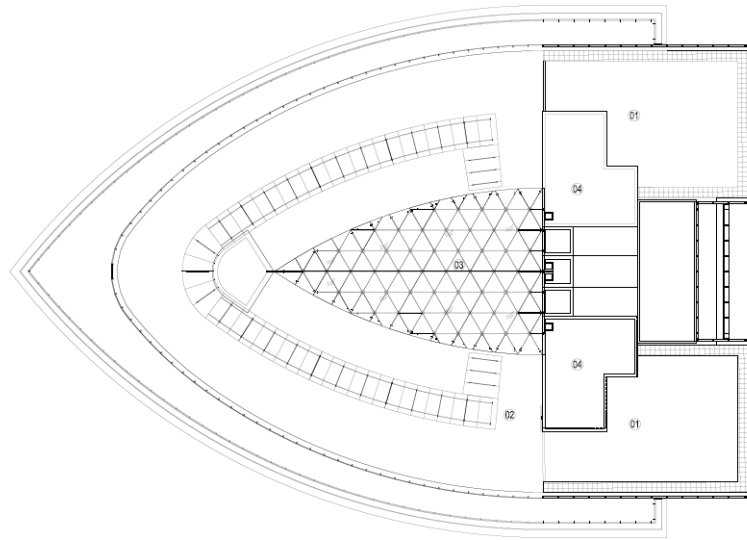
Existing 11th Floor Level.

01 ATRIUM
 02 PLANT
 03 STAIR
 04 MEETING ROOM
 05 TOILET
 06 KITCHENETTE
 07 FLEXIBLE SPACE
 08 SCENIC LIFT
 09 BRIDGE
 10 TERRACE
 11 STEPPED ACCESS TO PLANT
 12 CANOPY (SHOWN DOTTED)
 13 PARTIAL GREEN ROOF AREAS
 14 EXTERNAL SEATING AREAS

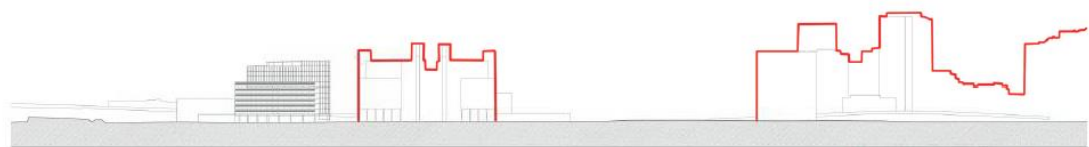


Proposed 11th Floor Level.

01 PLANT ENCLOSURE
02 CANOPY
03 ATRIUM ROOF
04 INDICATIVE PV PANELS



Proposed Roof Plan.



Building at original permission in 2000/2001

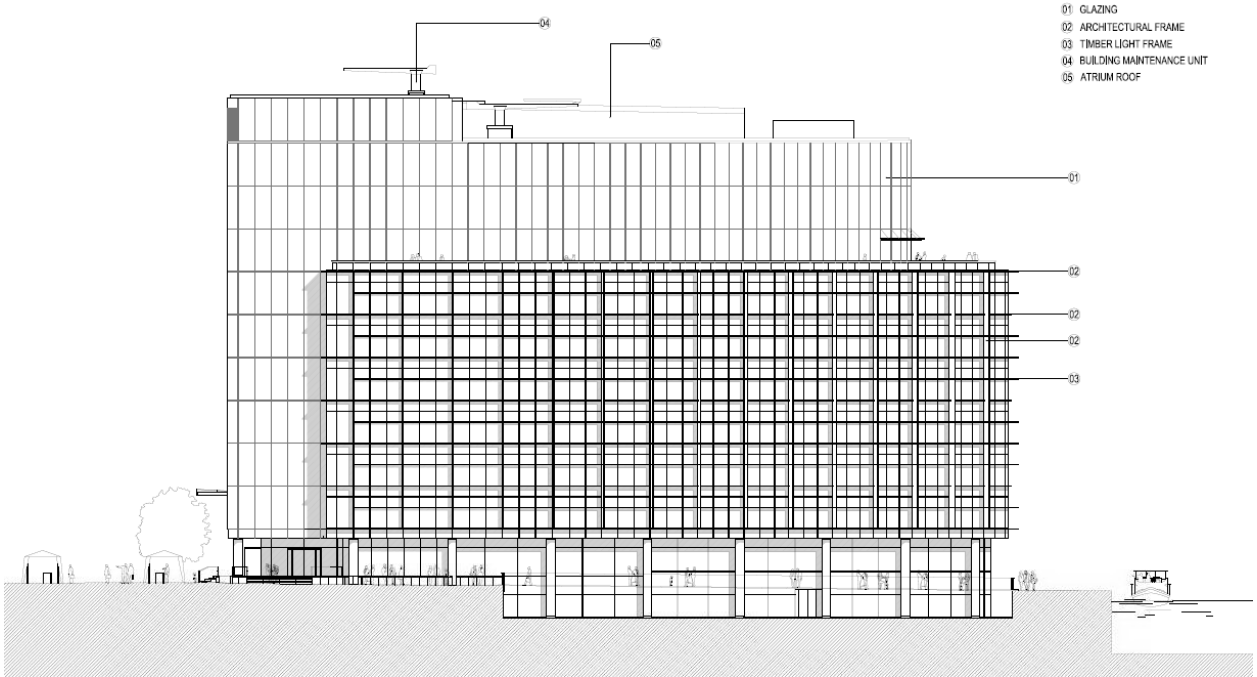


THE TRIANGLE SS NORTH WHARF ROAD THE POINT / PADDINGTON WALK BUILDING / DUDLEY HOUSE WATERSIDE / PADDINGTON EXCHANGE CARMINE BUILDING / NORTH WHARF GARDENS MERCHANT SQUARE WEST END GREEN / POLICE STATION (HILTON HOTEL / PADDINGTON BASIN BUILDING 4) HARLEYBONE / CUSTOM FLY OVER

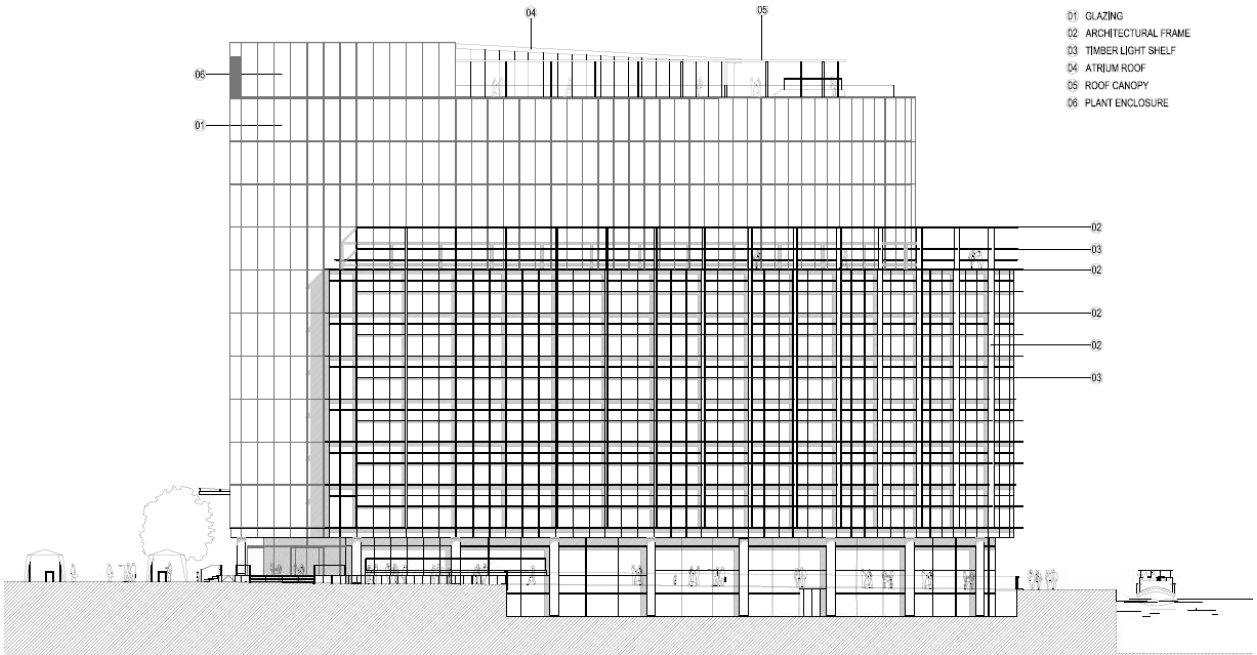
Proposed building in context in 2016 together with consented and under construction schemes as of 2016

- Existing building
 - Under construction
 - Planning Approval received
- Proposed buildings in context

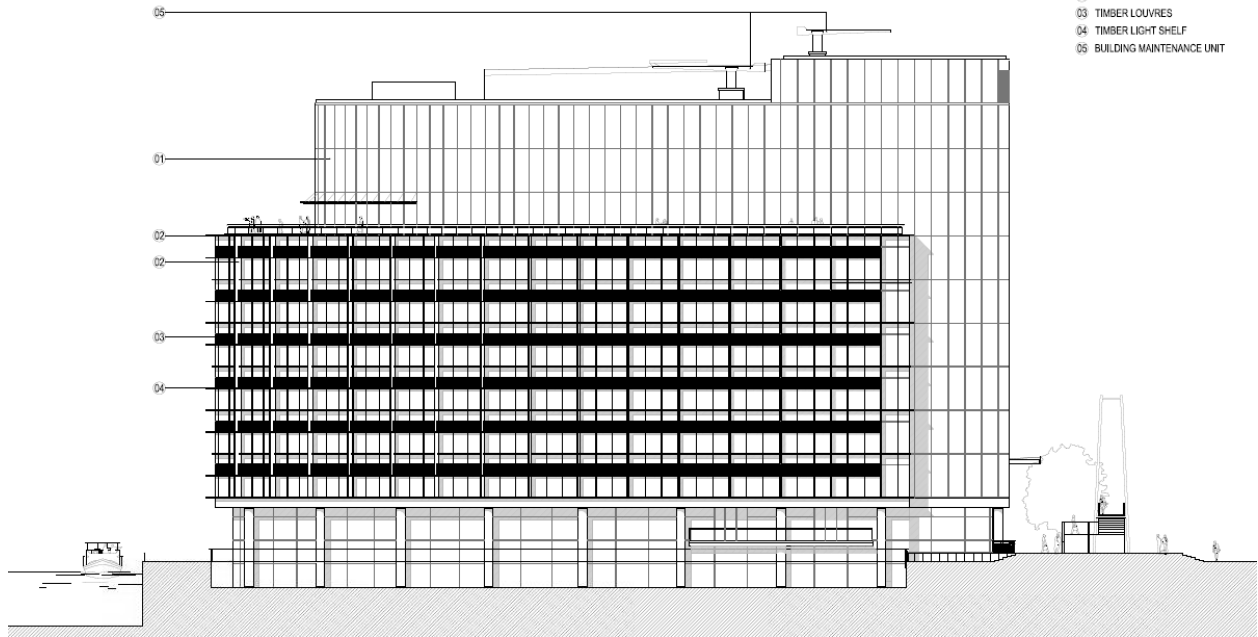
Context Elevations – in 2001 (top) and in 2016 (bottom).



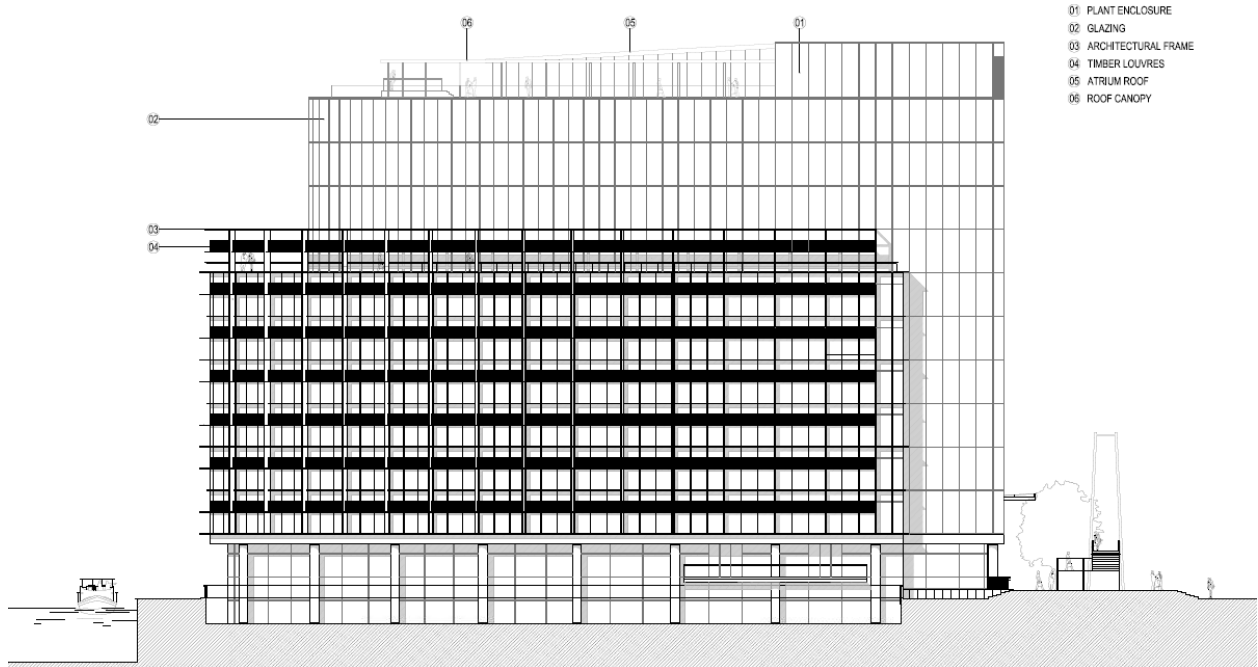
Existing North Elevation.



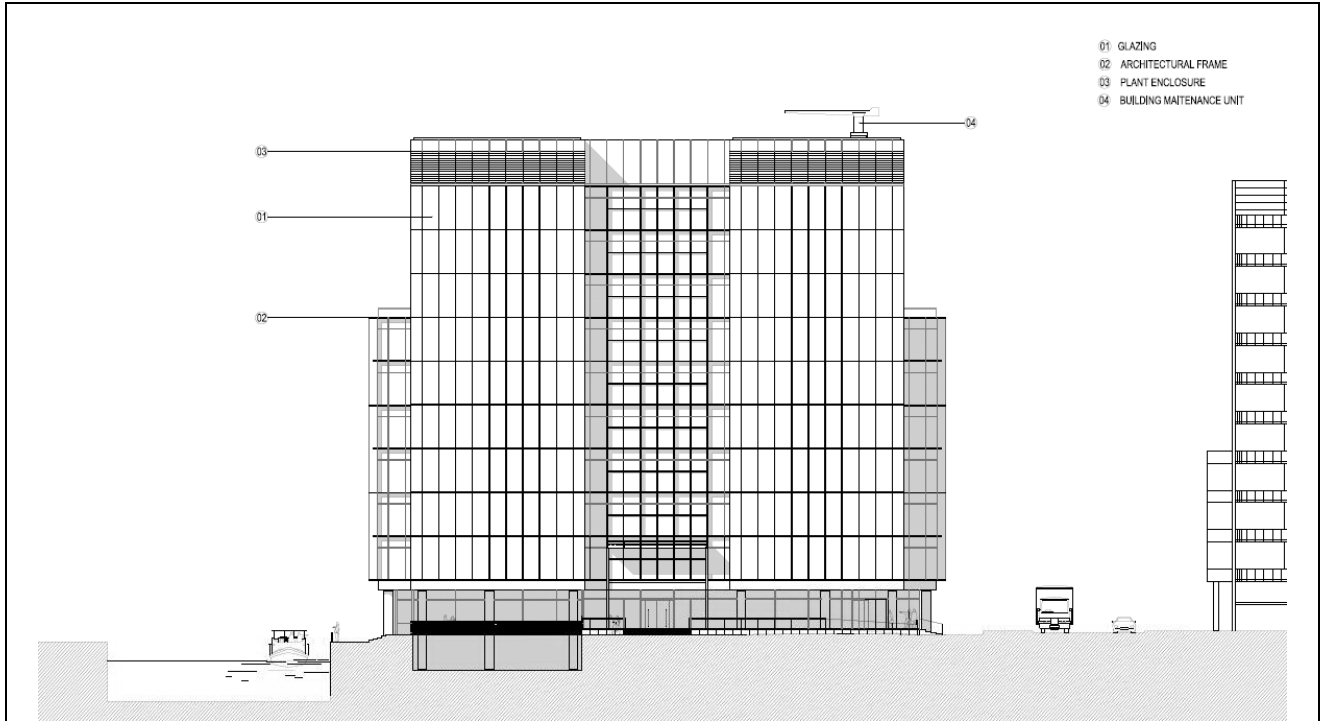
Proposed North Elevation.



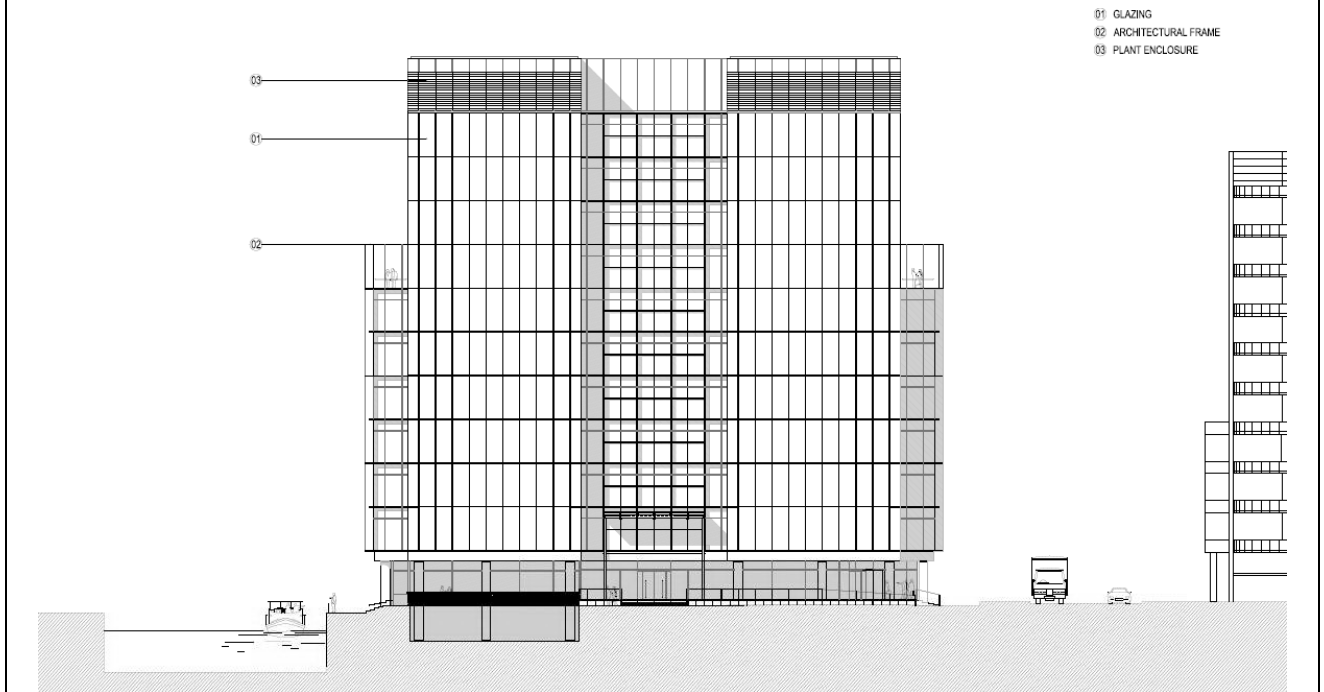
Existing South Elevation.



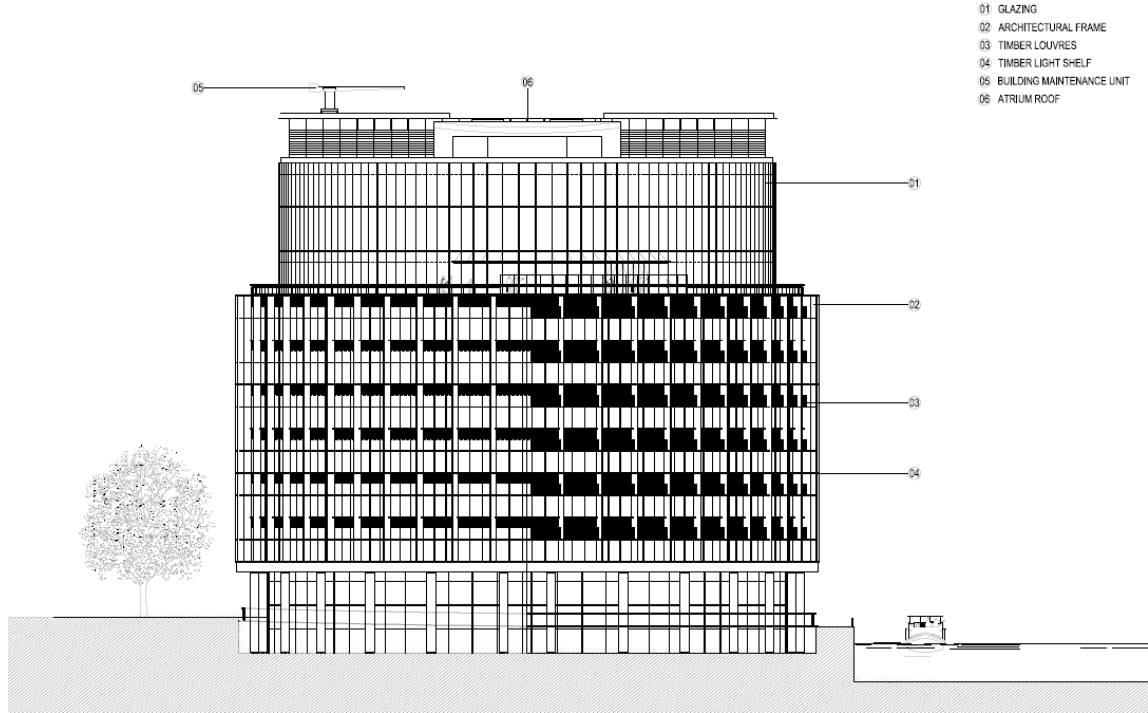
Proposed South Elevation.



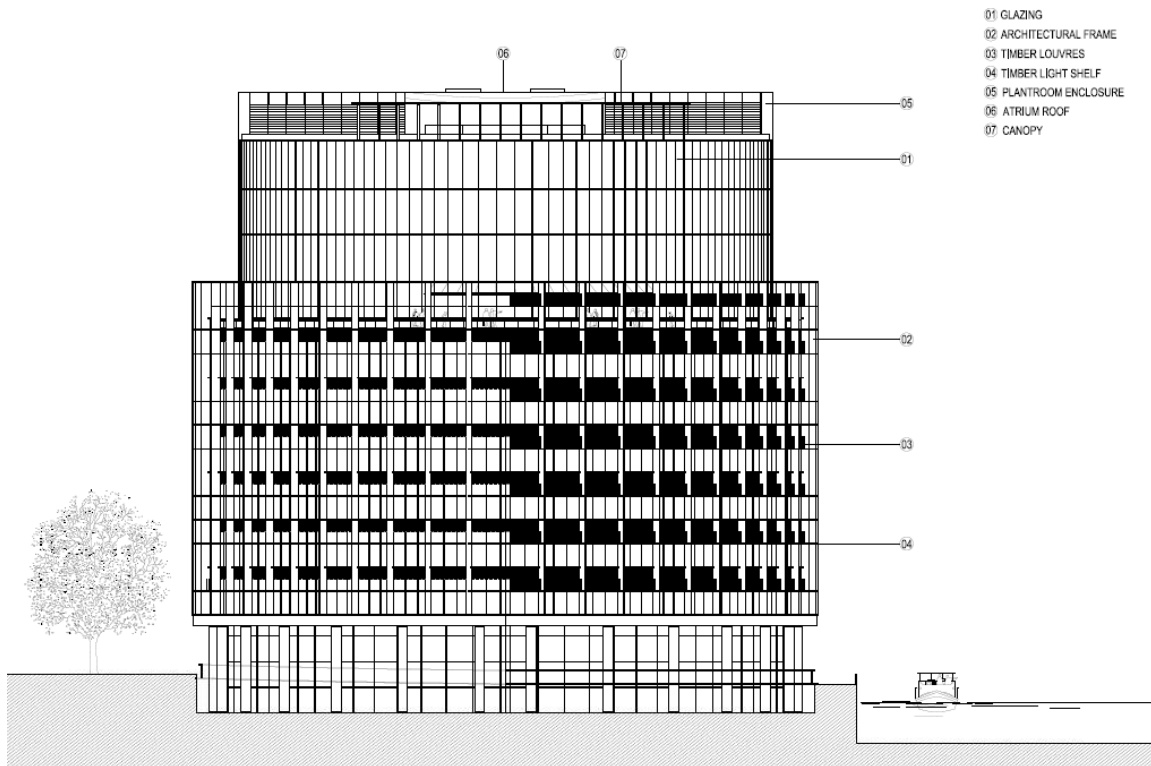
Existing East Elevation.



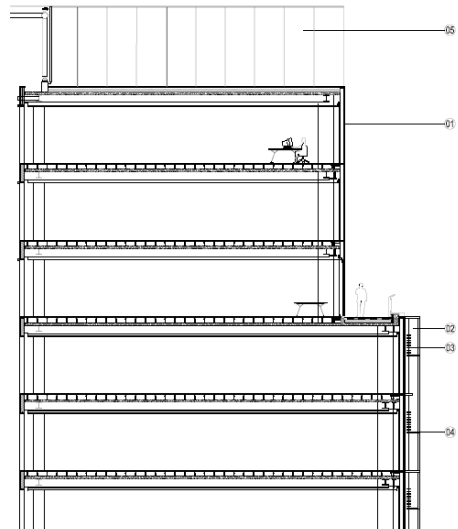
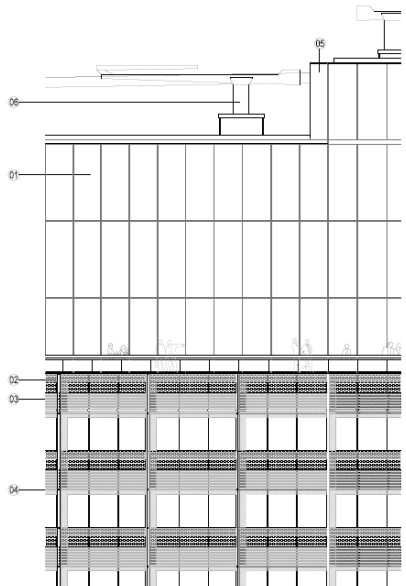
Proposed East Elevation.



Existing West Elevation.

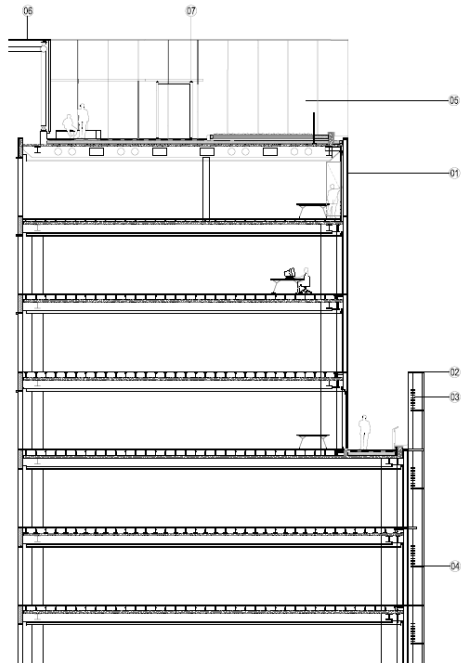
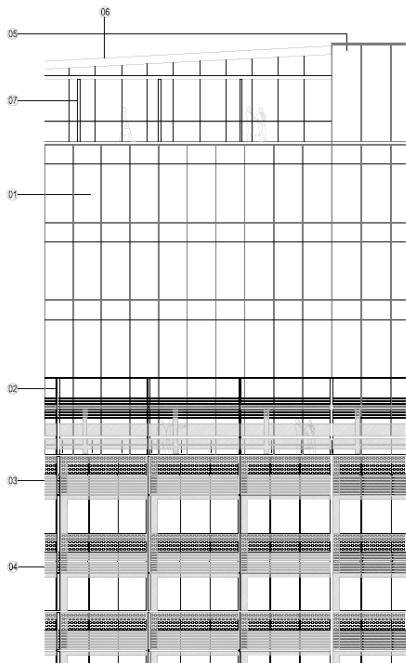


Proposed West Elevation.



- 01 GLAZING
- 02 ARCHITECTURAL FRAME
- 03 TIMBER LOUVRES
- 04 TIMBER LIGHT SHELF
- 05 PLANT ENCLOSURE
- 06 BUILDING MAINTENANCE UNIT

Existing Section.



- 01 GLAZING
- 02 ARCHITECTURAL FRAME
- 03 TIMBER LOUVRES
- 04 TIMBER LIGHT SHELF
- 05 PLANT ENCLOSURE
- 06 ATRIUM ROOF
- 07 CANOPY

Proposed Section.

DRAFT DECISION LETTER

Address: The Point, 37 North Wharf Road, London, W2 1AF

Proposal: Erection of a roof extension to provide an additional storey of Class B1 office accommodation at 10th floor level with extension at 11th floor level to accommodate mechanical plant and a partially covered roof terrace and associated external alterations including provision of architectural frame and louvres to north, south and west elevations at 7th floor level.

Plan Nos: PBA2-E-03-001 REV A, PBA2-E-03-111 REV A, PBA2-E-05-097 REV A, PBA2-E-05-100 REV A, PBA2-E-05-107 REV A, PBA2-E-05-110 REV A, PBA2-E-05-111 REV A, PBA2-E-05-200 REV A, PBA2-E-05-210 REV A, PBA2-E-05-300 REV A, PBA2-E-05-305 REV A, PBA2-E-05-310 REV A, PBA2-E-05-315 REV A, PBA2-E-05-500, PBA2-P-03-111 REV A, PBA2-P-05-097 REV A, PBA2-P-05-100 REV A, PBA2-P-05-107 REV A, PBA2-P-05-110 REV A, PBA2-P-05-111 REV-A, PBA2-P-05-112 REV A, PBA2-P-05-200 REV A, PBA2-P-05-210 REV A, PBA2-P-05-300 REV A, PBA2-P-05-305 REV A, PBA2-P-05-310 REV A, PBA2-P-05-315 REV A, PBA2-P-05-500, Design and Access Statement dated August 2016, Planning Statement dated August 2016, Daylight and Sunlight BRE Report dated July 2016, Energy and Sustainability Statement dated July 2016, Flood Risk Assessment dated July 2016, Site Waste Management and Construction Logistics Plan dated July 2016, Operational Waste and Recycling Management Audit dated July 2016 and Noise Impact Assessment dated July 2016 (as amended by email from Yuyou Liu dated 10 October 2016).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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

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

Reason:

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

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

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

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of

Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

Reason:

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

- 4 The architectural frame and louvres at 7th floor level to the north, south and west elevations shall be installed on the building prior to occupation of the new office accommodation at 10th and 11th floor levels and thereafter they shall not be removed from the building.

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 (July 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 You must not use the areas of the roof at 11th floor level to the northern and southern edges of the roof, annotated as 'green roof' on the drawings hereby approved, as a roof terrace. You can however use these parts of the roof to escape in an emergency. (C21CA)

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 (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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

Reason:

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

- 7 You must apply to us for approval detailed drawings showing how the additional waste and materials for recycling identified in the Operational Waste and Recycling Management Audit (July 2016) are going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details prior to occupation of the additional office floorspace, clearly mark the stores and make them available at all times to everyone using the office floorspace. (C14EC)

Reason:

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

- 8 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application: sedum/ planted green roofs at 11th floor roof level. You must not remove these features. (C43FA)

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 9 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: the roof level photovoltaic panels. 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 (July 2016). (R44AC)

- 10 You must carry out the development in accordance with the Energy and Sustainability Statement dated July 2016.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28, S39 and S40 of Westminster's City Plan (July 2016) and Policies 5.2, 5.3, 5.6 and 5.7 in the London Plan (2015) (as amended).

- 11 You must apply to us for approval full details (including plant layouts and manufacturer's specifications, as necessary) of the mechanical plant to be installed within the new plant enclosures at 11th floor level, including an acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 12 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in

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

12 (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 (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

- 14 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

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

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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With reference to condition 14 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into

the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.

- 3 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)
- 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 Conditions 11, 12 and 13 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 6 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.

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Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	5-9 West Warwick Place, London, SW1V 2DL,		
Proposal	Erection of mansard extension at roof level across 5 properties.		
Agent	Ms Muireann Murphy		
On behalf of	Warwick Place Symposium		
Registered Number	16/05527/FULL	Date amended/ completed	8 August 2016
Date Application Received	14 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Refuse permission – design and insufficient information to demonstrate that there would be no material adverse impact on daylight and sunlight to neighbouring residential properties.

2. SUMMARY

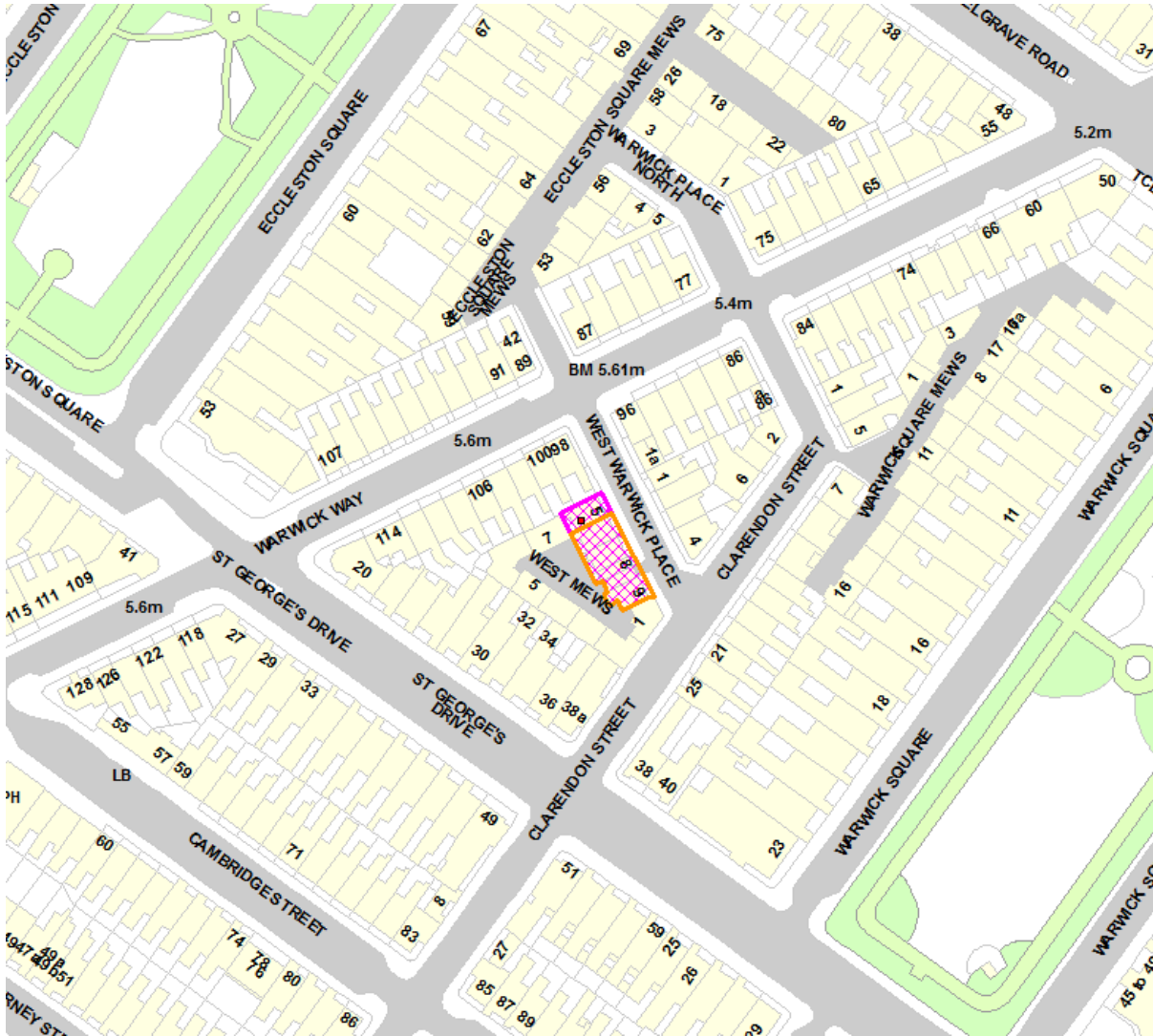
5-9 West Warwick Place is a group of unlisted Victorian terraced townhouses located in the Pimlico Conservation Area. The buildings are located on the west side of West Warwick Place, bounded by Warwick Way to the North and West Mews to the west. The properties comprise basement, ground and two upper storeys, numbers 6 to 9 are in use as single family dwellinghouses and number 5 has been sub-divided into two maisonettes.

The key issues are:

- *Impact upon the appearance of the buildings
- *Impact upon the character and appearance of the Pimlico Conservation Area
- *Impact on neighbouring amenity

The proposals are considered to be unacceptable in design terms. In addition, insufficient information has been provided to demonstrate that there will be no material adverse impact on daylight and sunlight to neighbouring properties, which would not accord with policies within the Unitary Development Plan (UDP) and Westminster’s City Plan: Strategic Policies (City Plan) and guidance within the Pimlico Conservation Area SPG. As such, it is recommended that planning permission is refused.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COUNCILLOR AIKEN

My two fellow ward colleagues are supporting the objectors to this application. I have been contacted by the applicants for advice. As a gesture of fairness I am offering my support for this application. I believe that in order to keep families in Pimlico that it is important to allow sensible mansard developments that are in keeping of the area. I note that there are a number of mansards on neighbouring properties to these ones. I would ask that the decision be taken to a planning committee.

COUNCILLOR WILKINSON

This application will have a detrimental effect on both West Mews and West Warwick Way.

West Mews:

- 1) The mews is a compact area. The height of the proposed mansards will have an excessive impact on the other properties in the mews.
- 2) Connected to this impact, there is the associated loss of light.
- 3) The nature of the mews is that the properties are in close proximity. The new mansard windows will cause an appreciable loss of privacy.

West Warwick Place

- 1) This planning proposal is contrary to WCC's policy for the Pimlico Conservation Area. The stated aim of the conservation area is to keep the 'historic butterfly roof design' especially when there is an unbroken run of original roofs covering the whole terrace as there is here.
- 2) The proposed design is very large visually as it has a pitched central element rather than the flat central element on the other side of West Warwick Place.
- 3) The design of the proposed mansards is not as required by the Pimlico design guide. They should not have vertical brick end walls at either end.
- 4) Light would also be a problem for West Warwick Place as the mansards would increase the height of the properties out of proportion to their original design.

I would like to speak at the planning committee.

WESTMINSTER SOCIETY

No objection.

ARBORICULTURAL OFFICER

No objection in relation to the fig tree, but recommends conditions regarding it's protection during construction.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 56; Total No. of replies:53; No. of objections: 52; No. in support: 1

Objections received from neighbouring residential occupiers and interested parties on some or all of the following grounds;

Design:

- Excessive Height and bulk. The application will increase the height by 40% from the existing parapet height.
- The vertical alignment of applicant windows will be upset by the mansard windows lack of symmetry
- The extension is too big, out of proportion, out of step with neighbouring architecture and not conforming to the requirements of the Conservation Area.
- Loss of historic butterfly roof design
- Inappropriate brick walls at either end of the mansard
- Spoil views of butterfly roof design

Amenity:

- Loss of daylight and sunlight
- Loss of privacy from additional windows
- Create a sense of claustrophobia, as West Mews is at a lower level than West Warwick Place
- Additional noise emanating from larger properties

Other

- Architects drawings and design and access statement are inadequate.
- Fig tree in middle of the mews and worried about the effect during building work.
- Number 9 West Warwick place is not in a position to apply for this work as they are not the freeholder
- Construction impact
- No tree survey for ancient fig tree, lack of daylight could affect tree and planting on West Mews
- Increase pressure on parking
- Increase the existing echo in the mews
- Errors in supporting documents
- Frustration at the Pimlico society not objecting.
- Proposal does not state how building regulations can be met
- No details of bin storage areas

One letter of support from a neighbouring residential occupier on the following grounds:

- Mansard roofs are common in the area and proposals will produce an even roof line.
- Proposals would not have a detrimental impact on daylight
- Increased height not a problem

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

5-9 West Warwick Place is a group of unlisted Victorian terraced townhouses located in the Pimlico Conservation Area. The buildings are located on the west side of West Warwick Place, bounded by Warwick Way to the North and West Mews to the west. The properties comprise basement, ground and two upper storeys, numbers 6 to 9 are in use as single family dwellinghouses and number 5 has been sub-divided into two maisonettes.

6.2 Recent Relevant History

No recent relevant history.

7. THE PROPOSAL

Permission is sought for the erection of a mansard extension at roof level across the 5 properties comprising 5, 6, 7, 8 and 9 West Warwick Place. This will provide additional residential accommodation.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal seeks to extend the existing residential accommodation which is acceptable in principle in land use terms and in accordance with H3 of the UDP and S14 of Westminster's City Plan.

8.2 Townscape and Design

5-9 West Warwick Place is an attractive group of Victorian terraced townhouses of three storeys over basement in brick and stucco. They make a positive contribution to the character and appearance of the conservation area and are recognised as 'unlisted buildings of merit' in the Pimlico Conservation Area Audit. This also identified them as buildings unsuitable for roof extensions. This application seeks permission for mansard extensions across the entire terrace group.

Policy on roofs set out in the UDP DES6 (Roof Level Alterations and Extensions) which seeks to avoid roof extensions which would adversely affect the architectural character or unity of a building or group of buildings and supporting text at paragraph 10.69 notes: *There are some buildings where roof extensions are not appropriate. These include terraces or groups of buildings that have original unbroken or unaltered rooflines, buildings that are as high, or higher, than their neighbours, and buildings where the existing roof or skyline contributes to the character of the area.*

This terrace group is characterised by consistent architectural detail. They are unusual in Pimlico as they are a largely unaltered group which retains its simple unaltered roofline with roofs hidden behind a straight stucco parapet with projecting dentil cornice to the front and it appears that all properties except no 9 retain 'V' shaped roof forms. There are views towards this group from a number of surrounding streets and the terrace gaps to either side of the group provide views toward side elevations.

As such, the unaltered terrace and unbroken roofline provides an important reminder of the original form and detail of terraces which would have been found throughout Pimlico and make an important and positive contribution to the character of the conservation area. The chimneys and original roof forms would be lost as a result of proposals. This proposal is therefore unacceptable in principle in design terms.

In terms of detail, the end property of the group (number 9) would have a different, lower mansard meaning the roofscape would no longer be consistent across the entire group. Corner mansards are not proposed and the end walls would also be raised in brick, which would have a harmful impact in views from surrounding streets.

The application is therefore contrary to our adopted design policies set out in DES1, DES6 and DES9 of the UDP and S25 and S28 of the City Plan. The application is also contrary to the guidance set out in the Pimlico Conservation Area Audit (supplementary planning guidance).

8.3 Residential Amenity

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

Sunlight and Daylight

A number of objections have been received objecting to potential loss of daylight and sunlight. The applicant has provided a daylight and sunlight assessment, which concludes that the proposals fall within BRE guidelines. The report, however, does not contain the level of detail required in terms of impact on individual windows. It is not considered that the report contains sufficient detail in respect of the daylight or sunlight analysis to fully demonstrate that there will be no material adverse impact to neighbouring properties. As such, as the applicant has failed to demonstrate the daylight/sunlight impact to the satisfaction of the City Council, then as it stands it is contrary to ENV13 and S29.

Sense of Enclosure

A number of objections have been received, from the residents of West Mews, on the grounds that increasing the height of the application properties would cause a sense of enclosure within the mews. The proposed mansards would increase the height of the building by approx. 2.6m above the existing parapet and would be readily visible from the properties on West Mews, although given that the area in question is already significantly enclosed, it is not considered that the additional recessed roof storey would not result in a significant increase in enclosure sufficient to justify refusal on this ground.

Privacy

Objections have been received from the residents of West Mews and West Warwick Place, on the grounds of overlooking and a reduction in privacy. However, it is considered that the proposed windows would not cause a material loss of privacy over the existing situation given that the proposed windows are no closer to other residential properties than other windows in the application site. It is not considered that permission could be withheld on these grounds.

8.4 Transportation/Parking

Objectors have raised concerns that the increase in residential accommodation would result in additional parking demand. However, as no new units are being provided as part of the proposal it is not considered that the enlargement of the dwellings would not have a material impact on traffic generation or on-street parking pressure in this area.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The application does not propose any alteration to the existing means of access to the private residential dwellings.

8.7 Other UDP/Westminster Policy Considerations

Trees

A number of objections have raised concerns about the potential effect of the proposals on the fig tree located in West Mews due to a reduction in light and construction impact. The arboricultural officer has commented that it is unlikely that raising the roof height would have a harmful impact on the tree as a result of loss of light. If permission were to be granted, a pre-commencement condition would be attached requiring the applicant to apply to the City Council for approval of the ways in which they will protect the tree.

Refuse Storage

Had the application been acceptable in other respects, refuse and recycling storage requirements could be dealt with 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.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Construction Impact

Several objectors are very concerned about the noise and disruption associated with building work. It is a requirement of the Town and Country Planning Act 1990 (as amended) and the NPPF that applications are determined in accordance with the development plan. 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. Had this application been acceptable in other respects, the standard hours of work condition restricting noisy work to between 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturdays would have been imposed.

Ownership

Objections have been received relating to the ownership of the site and the ability of the applicants to implement the permission, in the event that planning permission is granted. However, this is a civil matter and not a material planning consideration, it would not be sustainable to refuse the application for this reason. The applicants have revised their application form to reflect the ownership of the site.

Building Regulations

An objection was received objecting that the proposals do not state how building regulations can be met, however this matter is subject to separate legislation and is not a matter for consideration at this stage.

9. BACKGROUND PAPERS

1. Application form
2. 2 Letters from Councillor Jacqui Wilkinson, dated 02 August and 10 August 2016
3. Letter from Councillor Nickie Aiken, dated 27 September 2016
4. Response from Westminster Society, dated 28 June 2016
5. E-mail from the Arboricultural officer dated 11 October 2016.
6. 2 letters from occupier of 4 West Mews, London, dated 6 July and 23 August 2016
7. Letter from occupier of 3 West Mews, London, dated 11 July 2016
8. 2 letters from occupier of 5 West Mews, London, dated 11 July and 17 August 2016
9. Letter from occupier of 1 West Mews, London, dated 13 July 2016
10. 3 Letters from office premises at 6 West Mews, London, dated 15 July, 12 August and 17 August 2016
11. 2 Letters from occupier of 4 West Warwick Place, London, dated 17 July and 24 August 2016
12. Letter from occupier of 28 St Georges Drive, London, dated 15 August 2016
13. Letter from occupier of 30-32 St Georges Drive, London, dated 15 August 2016
14. Letter from occupier of 2 West Mews, London, dated 15 August 2016
15. Letter from occupier of 110 Warwick Way, London, dated 15 August 2016
16. Letter from occupier of 4 West Warwick Place, dated 15 August 2016

17. Letter from occupier of 3 West Mews, London, dated 15 August 2016
18. Letter from occupier of 3 West Mews, London, dated 15 August 2016
19. Letter from occupier of 19 Wortley Road, Highcliffe on Sea, dated 16 August 2016
20. Letter from occupier of Flat 3 Canterbury House, Queen Alexandras Way, Epsom, Surrey, dated 16 August 2016
21. Letter from occupier of 7 West Mews, London, dated 16 August 2016
22. Letter from occupier of 7 Cranmer Court, Richmond Road, Kingston-upon-Thames, dated 16 August 2016
23. Letter from occupier of 7 West Mews, London, dated 17 August 2016
24. Letter from occupier of First Floor Flat, 1 West Warwick Place, London, dated 18 August 2016
25. Letter from occupier of Via Cittadella, 38 Piacenza, Italy, dated 23 August 2016
26. Letter from occupier of 19 Clarendon Street, Pimlico, dated 23 August 2016
27. Letter from occupier of The Leys Glasllwch Lane, Newport, Wales, dated 23 August 2016
28. Letter from occupier of Castillo de Correo No 1 El Carril Provincia de Salta, Argentina, dated 23 August 2016
29. Letter from occupier of Castillo de Correo No 1 El Carril Provincia de Salta, Argentina, dated 23 August 2016
30. Letter from occupier of 7 Hillfield Close, Redhill, dated 24 August 2016
31. Letter from occupier of Flat 1 West Warwick Place, London, dated 24 August 2016
32. Letter from occupier of via Cittadella, 38 Piacenza, Italy, dated 25 August 2016
33. Letter from occupier of via Cittadella, 38 Piacenza, Italy, dated 25 August 2016
34. Letter from occupier of 3506 Landmark, London, dated 25 August 2016
35. Letter from occupier of 433 Chemin de la Martourette Le Tignet, France, dated 25 August 2016
36. Letter from occupier of 433 Chemin de la Martourette Le Tignet, France, dated 25 August 2016
37. Letter from occupier of 41 Hormead Road, London, dated 26 August 2016
38. Letter from occupier of 5 West Mews, London, dated 26 August 2016
39. Letter from occupier of Muckleridge Matfren, Newcastle Upon Tyne, dated 26 August 2016
40. Letter from occupier of 7 Cranmer Court, Richmond Road, Kingston-upon-Thames, dated 26 August 2016
41. Letter from occupier of 107 Southover Burton Bradstock Bridport, dated 26 August 2016
42. Letter from occupier of Flat 14 Norfolk Mansions, Prince of Wales Drive, London, dated 26 August 2016
43. Letter from occupier of 298/629 Gardeners Road Mascot, Sydney, Australia , 26 August 2016
44. Letter from occupier of 7 Hillfield Close, Redhill, dated 27 August 2016
45. Letter from occupier of 90d Higher Drive, Purley, dated 27 August 2016
46. Letter from occupier of 5 Greenlaw Gardens, New Malden, London, dated 27 August 2016
47. Letter from occupier of 6 Iddesleigh Road, Bristol, 27 August 2016
48. Letter from occupier of Garden Floor Flat 17 Hampton Road, Bristol, dated 27 August 2016
49. Letter from occupier of 19 South View, Letchworth, dated 28 August 2016
50. 28 Boundary Road, Leicester, dated 28 August 2016
51. Letter from occupier of 3 West Warwick Place, London, dated 29 August 2016
52. Letter from occupier of Noordsingel 161a Rotterdam, The Netherlands, dated 29 August 2016
53. Letter from occupier of 21 Clarendon Street, London, dated 1 September 2016

54. Letter from occupier of 17 Clarendon Street, London, dated 28 September 2016
55. Letter on behalf of the applicants dated 27 September 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: LOUISE FRANCIS BY EMAIL AT southplanningteam@westminster.gov.uk

10. KEY DRAWINGS

Existing Front Elevation



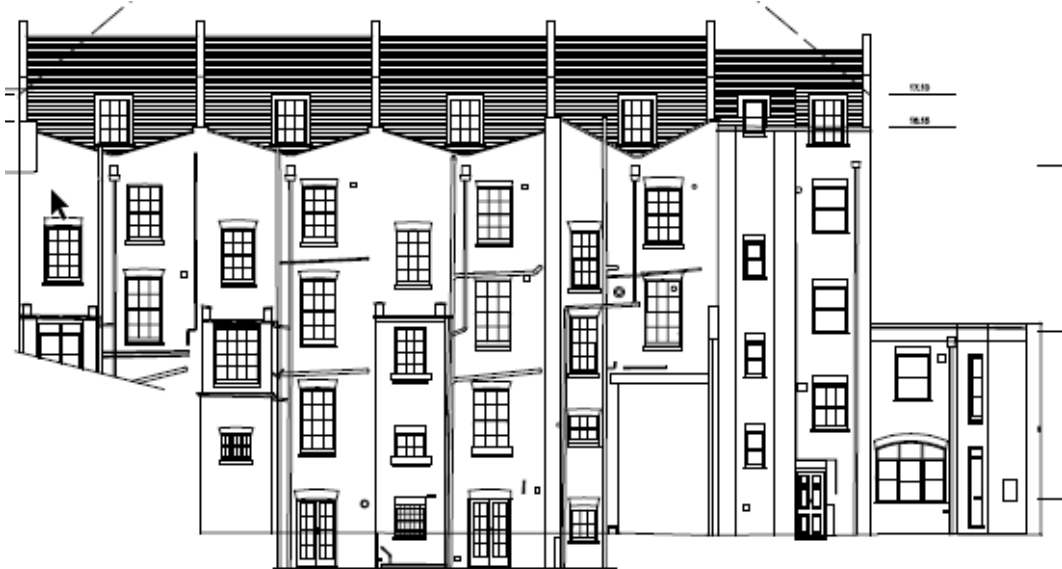
Proposed Front Elevation



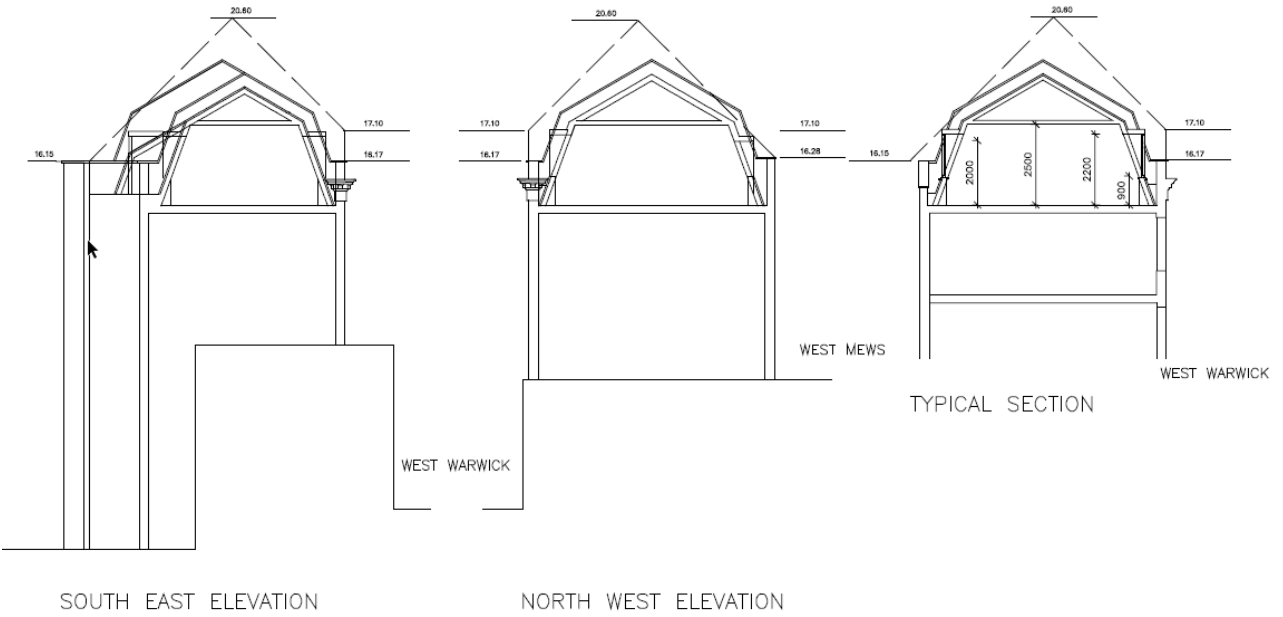
Existing Rear Elevation



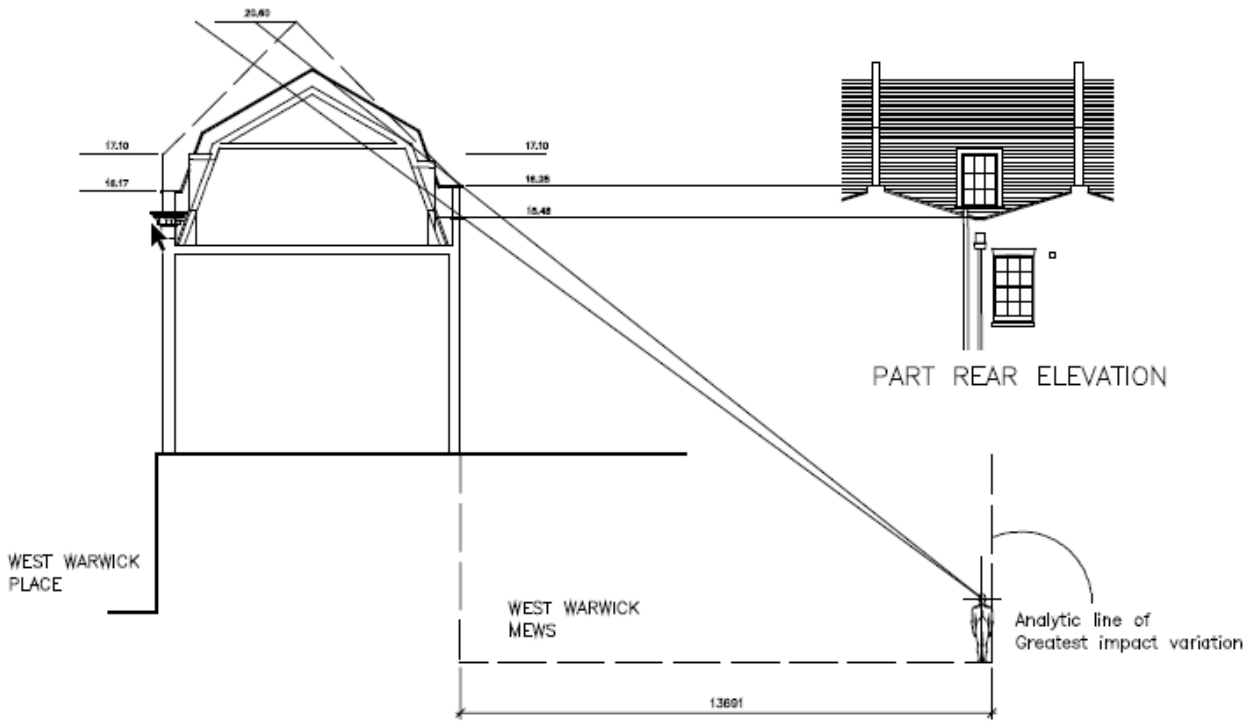
Proposed Rear Elevation



Proposed Sections



Visual Impact Diagram



Proposed Front Elevation



Proposed Rear Elevation



DRAFT DECISION LETTER

Address: 5-9 West Warwick Place, London, SW1V 2DL,
Proposal: Erection of mansard extension at roof level across 5 properties.
Reference: 16/05527/FULL
Plan Nos: Site Location Plan; C01; C200 A; C04 B; C02; C05 B, C07

For information purposes:

Planning, Design & Access Statement dated June 2016; Daylight and Sunlight Assessment dated 8 August 2016

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Condition(s) and Reason(s):

Reason:

Because of their design, height, location and loss of the original roofscape, the proposed mansard extensions would be visually intrusive and harm the appearance and architectural unity of this group of buildings and would fail to maintain or improve (preserve or enhance) the character and appearance of the Pimlico Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES6, DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. It would also fail to comply with the guidance set out in the Pimlico Conservation Area Audit SPG.

Reason:

The application contains insufficient information to demonstrate that there would be no material adverse impact on daylight and sunlight to neighbouring residential properties, contrary to ENV13 of our Unitary Development Plan (January 2007) and S29 of Westminster's City Plan (July 2016).

Informative(s):

1. In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

2. In relation to the second reason for refusal (daylight/sunlight), you are advised that you would need to submit a full report in line with BRE guidance, detailing the impact of the development on each of the potentially affected windows, in terms of impact on Vertical Sky Component, daylight distribution and year-round and winter sunlight. The report will need to contain window

maps so we can see the location of the windows that have been tested.

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

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Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	6 Churton Place, London, SW1V 2LN,		
Proposal	Installation of security gate.		
Agent	Mr Derrick Allan Pears		
On behalf of	The Churton and East Pimlico Residents Association		
Registered Number	16/06412/FULL	Date amended/ completed	3 August 2016
Date Application Received	7 July 2016		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

1. Grant conditional permission

2. SUMMARY

6 Churton Place is an unlisted building located in the Pimlico Conservation Area. The application relates to an access way on Churton Place, leading to a communal yard that is used by properties on Warwick Way, Denbigh Street, Churton Place and Tachbrook Street.

Planning permission is sought for the erection of a full height, freestanding, manually operated gate within the entrance way to the yard in the same position as a security roller shutter that was removed in February 2016.

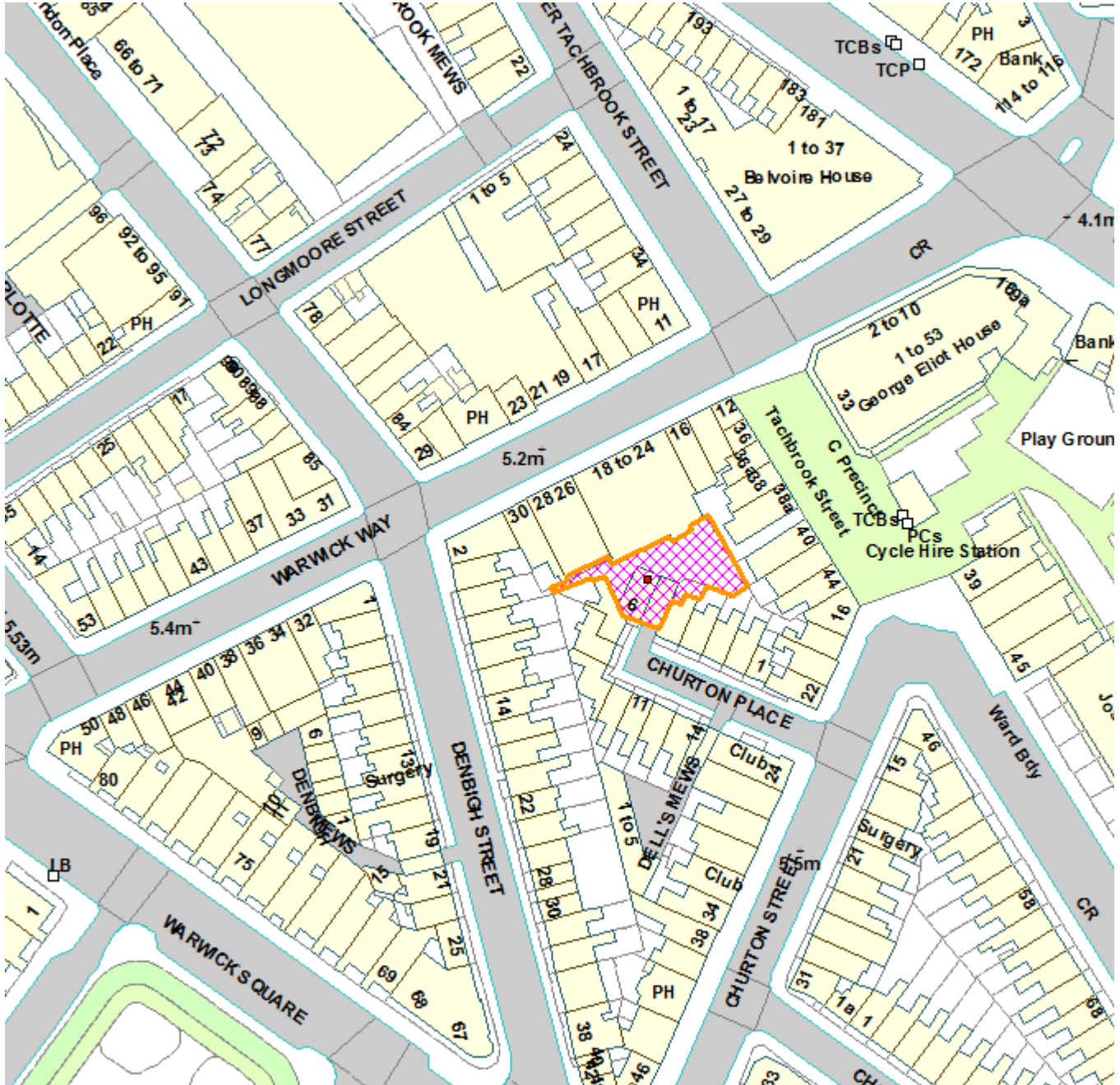
The main issues for consideration are:

- * The impact of the proposal in design and conservation terms, particularly the size, bulk and finish of the proposed gate;
- * The impact of the proposals upon the amenity of neighbouring residents;
- * The potential of the proposal to result in improved health and safety for local residents by reducing crime in the rear yard area.

The proposals have received widespread support from the residents of Churton Place and ward Councillors. Objections have been received by and on behalf of residential occupiers of 6 Churton Place (flats located immediately above the proposed gate).

The proposals are considered to comply with Council's policies in regard to amenity, design, conservation and health and safety as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Proposed Gate Location: Front Elevation



Proposed Gate Location: Rear Alley

5. CONSULTATIONS

COUNCILLOR AIKEN
Supports the application.

COUNCILLOR WILKINSON
Supports the application.

WESTMINSTER SOCIETY

- No comment.

ENVIRONMENTAL HEALTH

- No objection; however, acoustic assessment to be carried out prior to commencement.

CLEANSING

- Could be made acceptable by providing a lock mechanism that allows waste operatives into the yard.

HIGHWAYS PLANNING MANAGER

- No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 57
Total No. of replies: 42
No. of objections: 9
No. in support: 33 plus one petition.

Objections received raising the following issues:

Amenity

The gate will cause noise and vibration to residents above.
The comparison to the gate to Dell's Mews is misleading as that is only used by a single office occupier – this would be used by many needing access to the rear yard so will be more disturbing.

Design

The design is not sympathetic to the host building.

Transport

Vehicles requiring access to the yard will potentially back up along Churton Place.

Other

There are other solutions to the issue of antisocial behaviour such as CCTV and lighting. No reports of crime/antisocial behaviour since the CCTV was installed by the owners of 6 Churton Place.

The land to which this application relates is demised to 6 Churton Place, not 18-24 Warwick Way as it appears from the application.

The owners/occupiers of 6 Churton Place were not consulted or notified before the application was submitted.
The applicants have submitted an application on land over which they have no rights.
The gate is a disproportionate response to the issue.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site, 6 Churton Place, is an unlisted building located in the Pimlico Conservation Area. The building straddles a vehicular passage that provides access to a yard behind – located at the far end of Churton Place (which is a cul de sac). The proposed gate is at the entrance to the passage. The yard itself is to the rear of the Tesco supermarket on Warwick Way and used to be a service yard for the shop. Now servicing is carried out from Warwick Way, there are some parking spaces and residential refuse storage within the yard.

6 Churton Place contains 3 flats at first to third floors, immediately above the passageway.

6.2 Recent Relevant History

None directly relevant.

7. THE PROPOSAL

Planning permission is sought for the installation of a security gate in a vehicular passage leading to a rear yard backed onto by properties on Warwick Way, Churton Place and Upper Tachbrook Street. This gate is to replace a security roller shutter that was removed in February 2016. The roller shutter was unsightly and not functioning. The building owners removed it at the request of the District Surveyor.

The proposed gate is to be fitted in a freestanding frame and not bolted or fixed to the walls or soffit of the passage. It is to be located in the same position as the previously installed roller shutter and will consist of a pair of full height matching doors. The gate will be manually operated so as to avoid excessive noise from mechanical opening.

The application has been submitted on behalf of the Churton and East Pimlico Residents Association, and the gate is intended to prohibit access to the yard for non-residents/unauthorised people following multiple instances of anti social behaviour and crime in the yard and passageway.

8. DETAILED CONSIDERATIONS

8.1 Land Use

No land use issues are raised as a result of the proposals.

8.2 Townscape and Design

Size/Bulk/Location of Gate

Policy S25 of the Westminster City Plan: Strategic Policies (City Plan) recognises the importance of Westminster's Heritage, including preserving the character and appearance of its conservation areas. Policy S28 recognises the importance of good design. Unitary Development Plan policy DES 5 discusses that design should reflect the style and details of the host building. DES 7 reiterates this with regard to impact on the townscape – stating that railings or gates at boundaries – should be of a design and employ materials appropriate to the existing building, and DES 9 seeks to protect the character and appearance (visual amenity) of conservation areas.

The security gate will fit the width and height of the passage, approx. 3450mm wide x 4500mm high. It is to be hung off a freestanding frame made up of two individual gate posts joined at the head by a cross-piece that will be supported on foundations sunk 450 - 900mm into the ground. The frame will support two equally sized leaves, with hold open drop bolts. There will be cross-bracing fitted across each of the leaves approximately 1/3 up the full height of the gate from the finished ground level. The posts, frames for the panels and the cross-braces will be of box section (flat in appearance). The rails fitted within the leaves will be round in section.

Objectors comment that the gate is not a suitable design for a conservation area, and that the design does not really relate to the host building.

Whilst the application site is within the Pimlico Conservation Area, it is a mid-20th century building that is not identified in the Pimlico Conservation Area Audit as being a 'building of merit'. A gate of a traditional detailed design would not be appropriate in this instance. Therefore, the utilitarian design of the proposed gate is appropriate in this context. The gate represents a design improvement over the previously installed security shutter. It is not considered on this occasion that the objections in design terms can be supported.

8.3 Residential Amenity

Policies S29 of the Westminster City Plan: Strategic Policies (City Plan) and ENV 13 of the Unitary Development Plan seek to protect residential amenity and encourage development that enhances the residential environment of surrounding properties. Policy S29 also outlines that development should address the need to secure a healthy and safe environment including by minimising opportunities for crime, and also address any specific risks to health and safety.

It is apparent from evidence provided by the applicant, and comments in support of the application, that there are a number of issues with the currently unimpeded access of the rear yard afforded to the general public. The lack of security at this location has resulted in a number of reported incidences of crime and anti-social behaviour that impact on the amenity and health and safety of nearby residents.

It is considered that the proposed gate is likely to provide a significant planning benefit by restricting access to the rear yard area, which is likely to reduce or eliminate the crime and

anti-social behaviour that has been reported in the rear yard. This would protect and enhance the amenity of adjoining occupiers while also ensuring that opportunities from crime and its' implication on health and safety are reduced.

A number of concerns have been raised by nearby residents with regard to the noise and vibration likely to be made by the new gate. However, in considering the application, with input from Council's Environmental Health team, it is considered unlikely that the proposed gate will generate a large amount of noise that would cause nuisance and impact upon the amenity of adjoining residential occupiers. However, in order to ensure that this is the case, it is recommended that a pre-commencement condition is attached to the permission requiring submission of an acoustic report that demonstrates compliance with relevant noise limits as well as requiring details of appropriate noise mitigation measures.

In summary, it is considered that the proposal supports the intent of both Policy ENV 13 and S29 and is supported on amenity, and health and safety grounds.

8.4 Transportation/Parking

The Highways Planning Manager has not raised any objections. The land that the gate allows access to is not public highway, and the gates are not considered to present any obstruction to the highway. It is not considered that the use of the gate by vehicles would be sufficiently frequent to cause the backing up of traffic along Churton Place to any unacceptable degree which would justify refusing the application on highways grounds.

8.5 Economic considerations

The application does not raise any issues in this respect.

8.6 Access

Objectors have raised concerns about rights of way and access to the rear yard area. This rear yard area is used as a car parking area by some residents on Churton Place and for the storage and collection of waste. The applicant has indicated that residents with the right and need to access the rear yard will have continued access through the gate via a code which will be distributed to residents. A condition is recommended that requires the submission of an access management plan, which clearly details how residents and others will be afforded access to the yard.

8.7 Other UDP/Westminster Policy Considerations

Waste

The cleansing manager has noted that at present the Council collects waste from the flats at 18-24 Warwick Way within the rear yard and that the proposed gate would impede this access, resulting in the proposal being contrary to UDP Policy ENV 12 and City Plan Policy S44. To maintain this access, the proposed gate should be fitted with either an FB1 or FB2 type lock in order to allow Council's waste operatives to access the rear yard for waste collection and for the proposal to be compliant with the policies outlined above. It is considered that this issue can be covered as part of the access management plan condition.

8.8 London Plan

London Plan Policy 7.3 'Designing out crime' outlines how boroughs should 'seek to create safe, secure and appropriately accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion'. In particular, the policy specifies that:

*Development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. In particular:
(e) places, buildings and structures should incorporate appropriately designed security features*

The current proposal results from a desire to eliminate antisocial behaviour within the rear yard area that is impacting on the amenity and health and safety of local residents. Evidence submitted by the applicant and the representations received have indicated the lack of security at the site and the implications that this has for residents and the amenity of the wider area. It is considered that the proposed gate results in a level of security that is likely to design out crime and antisocial behaviour without appearing overly intimidating within the streetscape. In summary, the proposed gate is supported by the intent of London Plan Policy 7.3.

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. Of particular relevance in consider the application is NPPF Chapter 8, Section 69 which specifically identifies that planning decisions should aim to achieve places which promote 'safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion'. It is considered that the gate is likely to result in safer environment for residents within the area, improving local residential amenity and health and safety while still maintaining rights of way and access for those that are entitled to it.

In summary, it is considered that the proposal is supported by the intent of NPPF Chapter 8, Section 69.

8.10 Planning Obligations

Planning obligations are not relevant in determining this application.

8.11 Other Issues

The owners and occupiers of 6 Churton Place have raised objection to the application on the basis that there was no consultation with them prior to submission, and that the application refers to the location as being to the rear of 18-14 Warwick Way rather than the building at 6 Churton Place. There is also objection over the description of development on the application forms.

In addition, whilst the applicant may not be seeking to attach anything physically to the building at 6 Churton Place, land over which they claim ownership will be blocked. They are concerned that there is a risk that they may not be able to gain access over their land.

As discussed in section 8.6, access though the passageway will need to be maintained for all those with an interest in the land or need for access.

Matters of property ownership are not considered to be a sustainable reason on which to object to this application. Given the publicity given to the proposal by the City Council (site/press notice and notification of neighbouring properties) and subsequent opportunity to comment, it is not considered that any party has been unduly compromised in terms of their ability to comment on the proposals. The documents submitted with the application and description of development are considered to be sufficiently clear. The description of development has been amended by officers during consideration of the application.

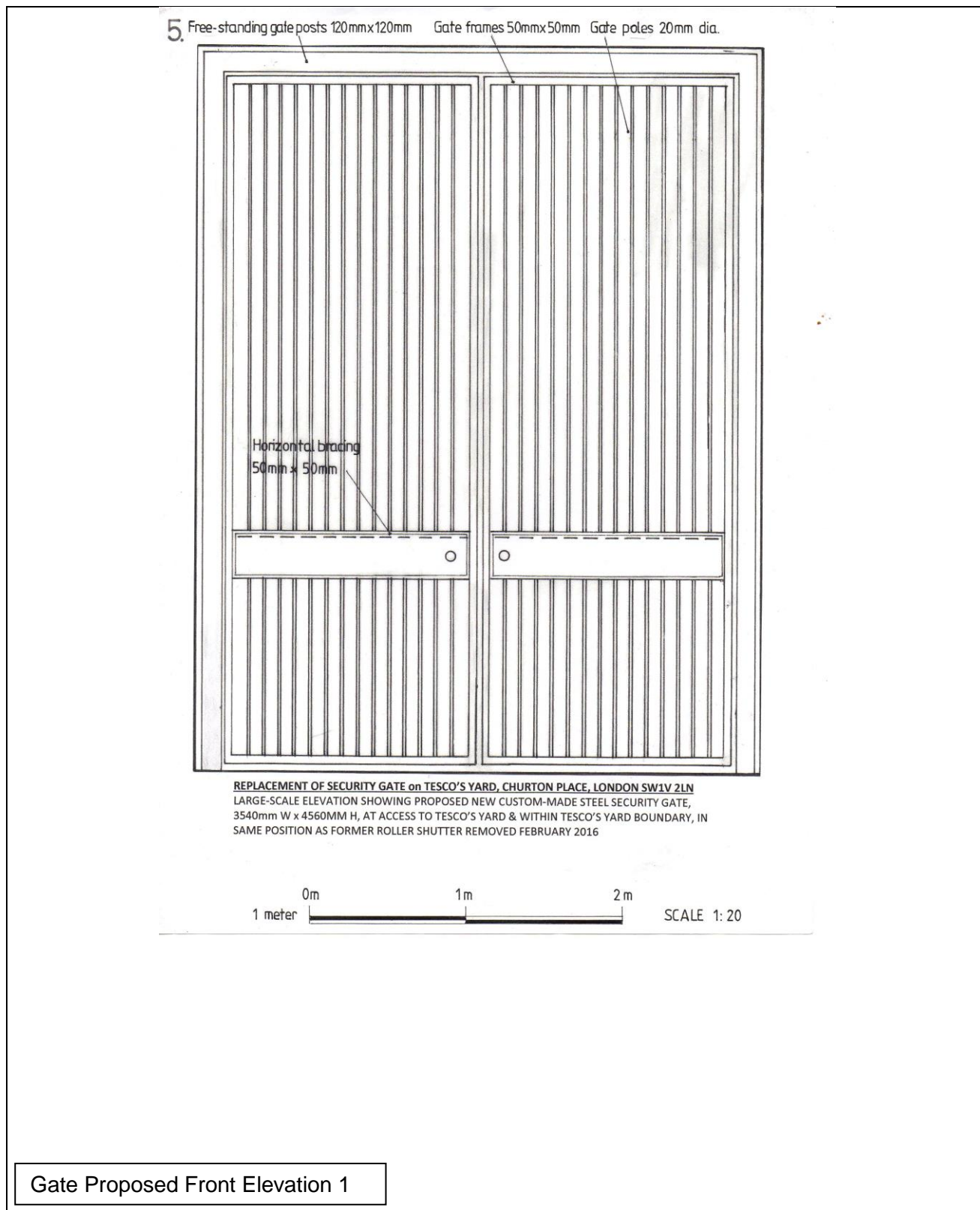
9. BACKGROUND PAPERS

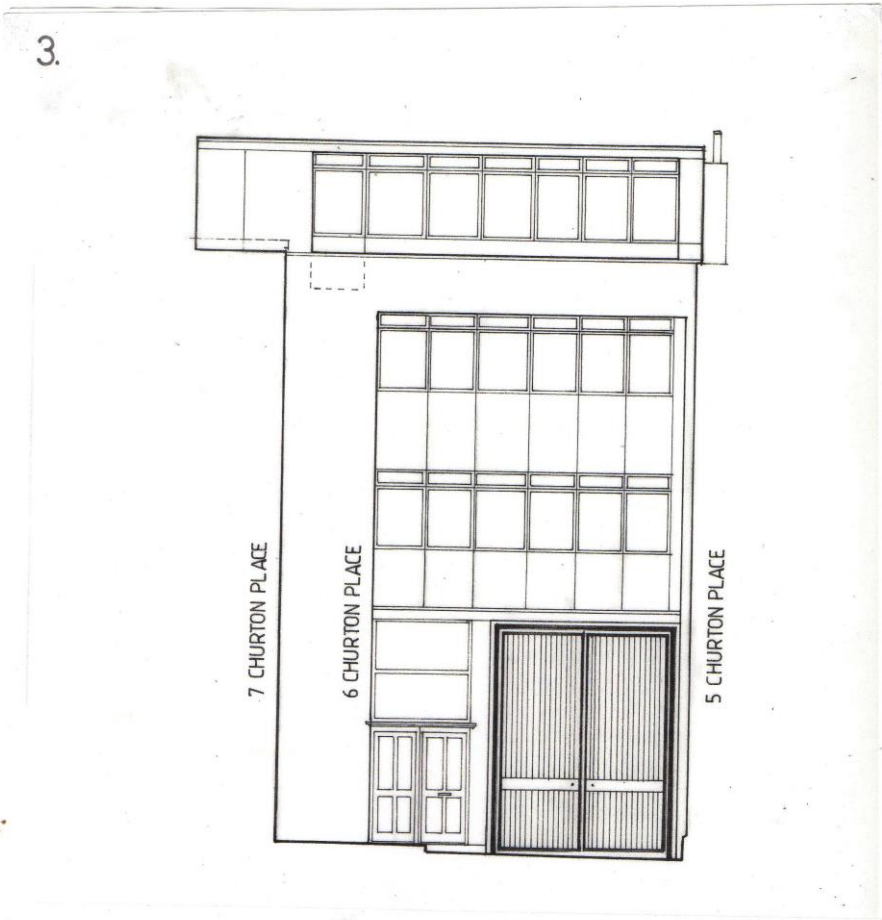
1. Application form
2. Comment from Cllr. Jacqui Wilkinson (Warwick Ward, Pimlico), dated 05 Aug 2016
3. Comment from Cllr. Nickie Aiken (Warwick Ward, Pimlico), dated 07 Aug 2016
4. Response from Westminster Society, dated 9 August 2016
5. Response from EH Consultation, dated 19 August 2016
6. Response from Cleansing - Development Planning, dated 30 August 2016
7. Response from Highways Planning - Development Planning, dated 31 August 2016
8. Written representations from and on behalf of the owners/occupiers at 6/6a Churton Place, dated: 21 July 2016, 08 Aug 2016, 09 Aug 2016, 09 Aug 2016, 14 Aug 2016, 16 Aug 2016, 18 Aug 2016, 24 Aug 2016, 25 Aug 2016
9. Petition submitted as part of the application package, submitted 25 July 2016
10. Applicant's response to objections, dated 25 Aug 2016
11. Comment from the Aldwick Court Residents Association, 18-24 Warwick Way, dated 19 Aug 2016
12. Comment from the Churton and Charlwood Residents' Association (CCRA), dated 07 Aug 2016
13. Comment on behalf of Mark Field MP, in e-mail dated 26 Aug 2016
14. E-mail from 1 Churton Place, dated 24 Aug 2016
15. Comments (x2) from 3 Churton Place, dated 06 Aug and 07 Aug 2016
16. Comment from 4 Churton Place, dated 08 Aug 2016
17. Comments (x2) from 5 Churton Place, dated 07 and 26 Aug 2016
18. Comment from 7 Churton Place, dated 05 Aug 2016
19. Comments (x2) and e-mail message from 8 Churton Place, dated 05 Aug, 08 Aug and 25 Aug 2016
20. Comment and e-mail message from 9 Churton Place, dated 07 Aug and 25 Aug 2016
21. Comments (x2) from 10 Churton Place, dated 06 Aug 2016
22. Comments (x2) from 11 Churton Place, dated 07 and 26 Aug 2016
23. Comment and e-mail message from 12 Churton Place, dated 14 and 25 Aug 2016
24. Comment from 13 Churton Place, dated 07 Aug 2016
25. E-mail messages (x3) from 14 Churton Place, dated 21 Aug, 22 Aug and 25 Aug 2016
26. Comment from 23 Charlwood Street, dated 08 Aug 2016
27. Comment from resident of Churton Street, dated 24 Aug 2016
28. Comment from resident (no address given), dated 24 Aug 2016
29. Comment from neighbour, dated 11 Aug 2016
30. Comment from neighbour, dated 24 Aug 2016

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

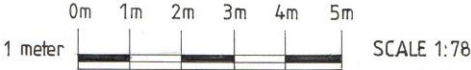
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT southplanningteam@westminster.gov.uk
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10. KEY DRAWINGS





REPLACEMENT OF SECURITY GATE on TESCO'S YARD, CHURTON PLACE, LONDON SW1V 2LN
ELEVATION SHOWING PROPOSED NEW CUSTOM-MADE STEEL SECURITY GATE, 3540mm W x
4560mm H, AT ENTRANCE TO TESCO'S YARD AND WITHIN TESCO'S YARD BOUNDARY, IN SAME
POSITION AS FORMER ROLLER SHUTTER REMOVED FEBRUARY 2016



Gate Proposed Front Elevation 2

DRAFT DECISION LETTER

Address: 6 Churton Place, London, SW1V 2LN,

Proposal: Replacement security gate.

Reference: 16/06412/FULL

Plan Nos: 1-Block Plan, 2-Site Plan, 3-Proposed Elevation, 4-Proposed Elevation Photo, 5-Large Scale Elevation, Planning Statement submitted 25 July 2016, Photos submitted 25 July 2016.

Case Officer: Allison Borden

Direct Tel. No. 020 7641 5668

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

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

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

Reason:

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

- 3 The gate and supporting frame shall be in metal painted black and be maintained in that colour.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in S25

and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

- i) plans at 1:20 and sections at 1:5 of the proposed gate and supporting frame; and
- ii) footing and fixing details for the gate and supporting frame at 1:5

You must not start work until we have approved what you have sent us.

You must then carry out the work according to these approved details. (C26CB)

Reason:

To protect the environment of the people in the residential premises above the development. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must apply to us for approval of detailed drawings of the design and construction (including any noise attenuation measures) of the gate, together with an acoustic report with acoustic specifications for the gate with full supporting calculations of predicted noise levels at the nearest noise-sensitive windows. You must not start work on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 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.

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

Reason:

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

- 8 You must apply to us for approval of details of an Access Management Plan that clearly outlines how access will be afforded through the gate, including how the gate will be operated and how access will be ensured for users of the rear yard area. The gate must then be operated in accordance with this scheme unless otherwise agreed to by Council.

Reason:

To ensure appropriate access is maintained for all users of the rear yard area.

- 9 All work to the accessway surface within the passage must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 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 construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
3. The Access Management Plan as required by Condition 8 must include, as a minimum, the following information:
 - How access will be provided through the gate, including method and hours of opening; and
 - How access will be maintained for residents who are currently afforded access to the rear yard including how unlocking will be afforded to residents, and methods to be employed to ensure locks are not altered that may impede future access.
 - The gate must be fitted with either an FB1 or FB2 type lock to enable access for refuse collection and maintained for as long as the gate remains in place.

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

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	46 Berkeley Square and 46 Hay's Mews, London, W1J 5AT		
Proposal	Use of 46 Berkeley Square as a private members' club (sui generis), with internal and external alterations including mechanical plant, and erection of Annabel's canopy to front; use of 46 Hay's Mews as a private members' club, and a health and wellbeing club (sui generis), alterations to the mews building including the erection of a pitched roof extension with mechanical plant; and erection of a full length retractable glazed canopy from the mews building to the main building enclosing the external dining terrace/courtyard; associated mechanical plant and landscaping.		
Agent	Bidwells		
On behalf of	The Birley Group		
Registered Number	16/07773/FULL and 16/07774/LBC	Date amended/ completed	23 August 2016
Date Application Received	12 August 2016		
Historic Building Grade	Grade I (46 Berkeley Square only)		
Conservation Area	Mayfair		

1. RECOMMENDATION

Refuse planning permission and listed building consent – design and historic building grounds.
--

2. SUMMARY

No. 46 Berkeley Square is a, vacant, Grade I listed office building on the western side of Berkeley Square which is linked, at basement level, to offices at 46 Hay's Mews at the rear. The mews building is not listed, but is within the curtilage of the listed building. There is an open terrace between the buildings at ground level.

Permission and listed building consent were granted in October 2016 for alterations to the main building, the redevelopment of the mews building and excavation beneath the mews building and terrace (although not beneath the main building) to create a second basement level, and for a retractable single storey glazed extension within the central courtyard and the use of the basement of

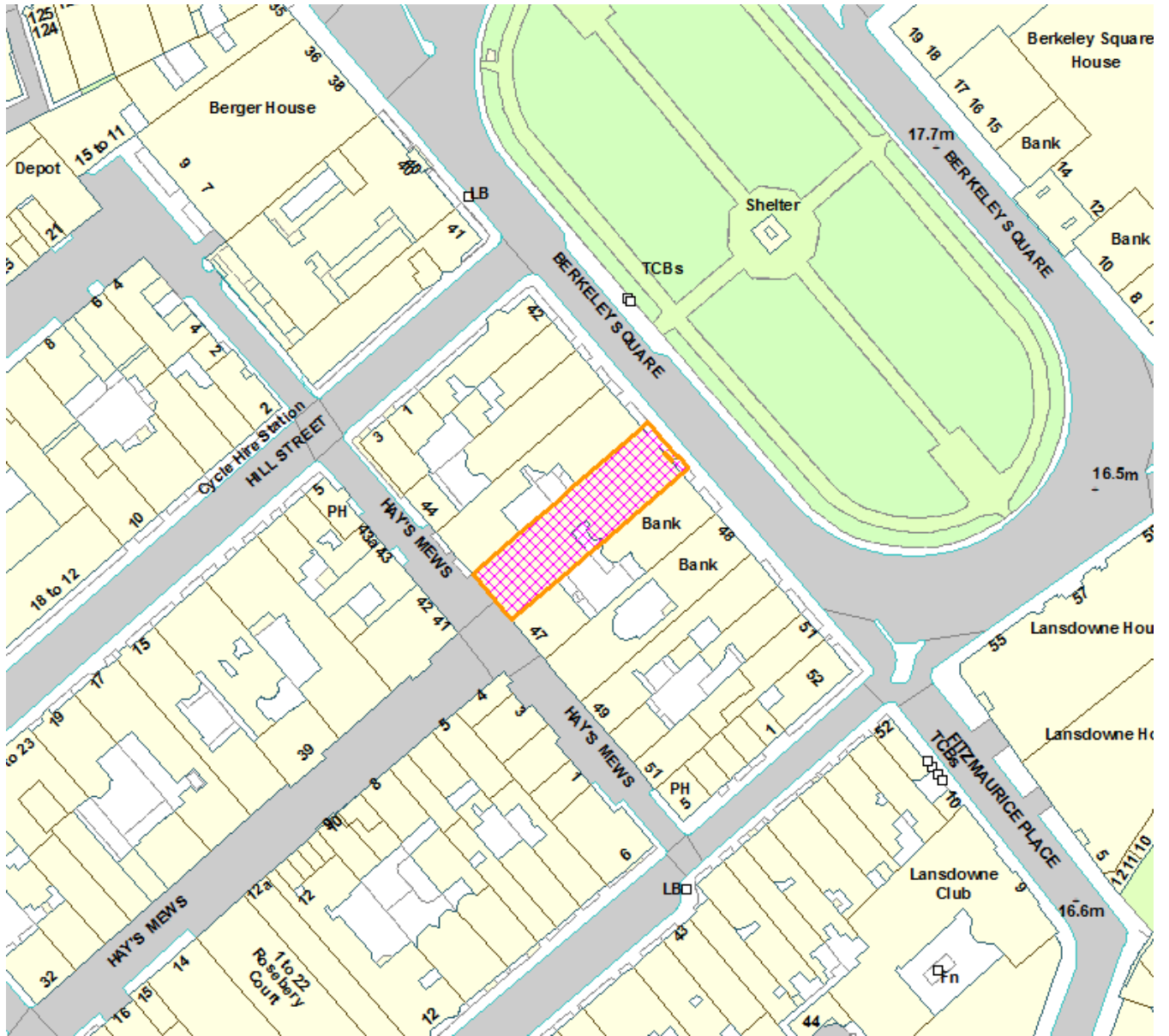
the main building as a private members' night club (a new venue for Annabel's club, currently located at 44 Berkeley Square) and a 'day club' for Annabel's on the upper floors of the main building. The redeveloped mews building was to be used a health club/spa, with separate membership arrangements. However, the whole site was to remain interlinked and there was expected to be crossover in membership between the uses.

This revised application excludes the additional basement and retains the mews building (with alterations and extensions) for use as a health and well-being club, but now also to include ancillary facilities for the private members' club. Proposals for the retractable glazed extension are revised so that so that it covers the whole of the central courtyard, taking it up to the rear of the Grade I building, where there is now also a section of fixed canopy on part of that building. A small lightwell at the rear of the main building is covered over to provide additional floorspace.

Given that the key principles of the scheme have already been approved, the main issues for consideration are the impact of the works in the rear courtyard, including the glazed roof structure and infilling of the basement lightwell, on the listed building and the conservation area.

It is considered that the proposed retractable glass canopy will have a detrimental impact on the special interest of the Grade I building and on the character and appearance of the conservation area. Discussions with the applicant's agents have sought to reach a compromise but the applicant is unwilling to consider alternatives and therefore the proposals are recommended for refusal on design and historic building grounds.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WARD COUNCILLORS

Any response to be reported verbally.

HISTORIC ENGLAND

- Consider that the in-filling of a small rear lightwell and the introduction of the glazed canopy (including a permanently fixed canopy to the rear of the Grade I listed building) would result in some harm being caused to the significance of the listed building -
- In particular the introduction of the curvilinear flashing detail would contrast unfavourably with the existing geometry and restrained classical composition of the rear elevation;
- Generally welcome the omission of the previously proposed secondary basement extension [in the approved scheme] and note that the internal alterations to the main building are largely as approved;
- However, consider that the harm is less than substantial and advise that the Council must determine whether the wider public benefits of the scheme clearly and convincingly outweigh the harm to its significance and have issued Authorisation for the Council to determine the listed building application;

GEORGIAN GROUP

Any response to be reported verbally.

VICTORIAN SOCIETY

Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY

[Response from the London and Middlesex Archaeological Society] Object to the disturbance caused to the internal features.

SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

RESIDENTS' SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

MAYFAIR RESIDENTS' GROUP

Any response to be reported verbally.

DESIGN OUT CRIME OFFICER

No objection.

ENVIRONMENTAL HEALTH

Initial holding objection with regard to potential noise outbreak from the use of the terrace for dining subsequently overcome following clarification about acoustic information – recommend approval subject to conditions.

HIGHWAYS PLANNING

Consider the proposals to be acceptable on transportation grounds, subject to conditions controlling taxi usage through the Operational Management Plan and servicing through an updated Servicing Management Plan.

PROJECTS OFFICER (WASTE)

Initial objection about inadequate waste refuse overcome by revisions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 170; Total No. of replies: 5

No. in support: 4 (one saying subject to no noise issues);

One response stating that whilst the current scheme is an improvement on the approved one, they have the following concerns that need to be addressed:

- Noise and disturbance from the proposed first floor kitchen in 46 Hay's Mews;
- Smells and fumes from the proposed first floor kitchen in 46 Hay's Mews;
- Noise and disturbance from refuse disposal and collection;
- Queries about the draft Operational Management Plan (OMP) and areas for improvement.

No. of objections: 0.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

46 Berkeley Square is a Grade I listed building that dates from the mid-eighteenth century. It is currently vacant but the lawful use is for office purposes. It comprises basement, ground and three upper floors. It is linked at basement level to 46 Hay's Mews, which formed part of the office accommodation. There is a shared courtyard between the building. The mews building is not listed but is within the curtilage of the listed building. The site is within the Mayfair Conservation Area and the Core Central Activities Zone but it is not in a Stress Area.

The area is characterised by a variety of uses, including residential, commercial and entertainment-type activities. Although Berkeley Square itself is predominantly (though not exclusively) commercial in nature, Hay's Mews has a greater concentration of residential accommodation. The buildings on either side of the application site are in commercial use. The nearest residential accommodation is located within 48 Berkeley Square and 48 Hay's Mews.

6.2 Recent Relevant History

4th October 2016 – planning permission and listed building consent granted [following the completion of a legal agreement] for the use of 46 Berkeley Square as a private members' club (sui generis), with internal and external alterations, including erection of Annabel's canopy to front, together with the demolition of existing mews 46 Hay's Mews and erection of a replacement four storey building including a two storey basement for the provision of a health club use (sui generis) and associated mechanical plant and landscaping.

This was subject to a legal agreement that secured the following:

- a) Provision of £1,068,000 towards the City Council's affordable housing fund (index linked and payable upon the commencement of development);
- b) A minimum of 4 days per year (1 per quarter) for members of the public to look round the building between 09.00 and 16.00 (including one of the Open House London weekend days);
- c) 10% discounted membership for local residents of Berkeley Square and Hay's Mews (subject to them meeting the membership criteria in the same way any other member would be required to do);
- d) Scholars able to make appointments to view the building and obtain copies of the heritage report electronically free of charge;
- e) The applicant to apply for listed building consent for the removal of the existing canopy to the basement of Annabel's at 44 Berkeley Square and, subject to consent being granted, removal of that canopy before the erection of the approved canopy to the front of 46 Berkeley Square [as the applicant wishes to relocate the canopy from No. 44 to No. 46, and officers would not wish to see canopies on both properties] ;
- f) Monitoring costs of the S106 legal agreement.

It is also noted that permission was granted on 7th March 2016 for the use of the adjacent property (45 Berkeley Square) as a private members' club (2,276 sqm), with alterations including the erection of a single storey glazed extension within the central courtyard, creation of external terraces at first and third floors, and associated internal alterations. This was a speculative application and this permission has not yet been implemented.

7. THE PROPOSAL

As previously, the proposals involve the establishment of a private members' club (comprising the relocated Annabel's nightclub and a new Annabel's Day Club) and a new Health Club and Wellbeing Centre (both sui generis uses). Annabel's is a fashionable club for exclusive clientele, established in 1963, currently located two doors to the north (44 Berkeley Square).

Planning permission and listed building consent are sought for a variation to the approved scheme, although the proposals are broadly the same in land use terms: change of use from offices (Class B1) to private members' club (sui generis) at 46 Berkeley Square and the alteration and extension (rather than demolition) of 46 Hay's Mews for use as a Health Club and Wellbeing Centre (sui generis) and to provide back of house (kitchen) facilities for the main club. Listed building consent is sought for the internal and external alterations to 46 Berkeley Square.

The relocated club will be contained within the existing basement of 46 Berkeley Square, with a similar layout to the existing Club at No. 44. The basement can be accessed separately from Berkeley Square via the stairs within the front lightwell. The basement will comprise lounge areas, dining and a dance floor, along with cloakrooms and back of house areas. This portion of the Annabel's Club will be for evening dining and dancing. It is now also proposed to open the basement club on Sundays [there was no Sunday opening for the nightclub in the approved scheme].

It is proposed to create Annabel's Day Club in the remainder of the building (ground to third floors), which will comprise lounge areas, bar and dining rooms and private rooms for meetings and dining, along with associated supporting facilities.

The table below sets out full details of the proposed uses including floorspace, opening times and covers:

	APPROVED	CURRENT
Proposed Gross Floorspace (GEA) (including courtyard dining area) [existing = 2,588 sqm]	3,047 sqm (+459 sqm/17.7%)	2,790 sqm (+202 sqm/7.8%)
Capacity of Annabel's (basement)	165 covers + 35 bar patrons	175 covers + 73 bar patrons
Capacity of Annabel's (ground and upper floors)	282 covers	302 covers
Capacity of health club	68 covers	8 consultation and treatment rooms by private appointment for members
Total Capacity of Annabel's – seated - including standing at the bar	550	550
Annabel's basement club proposed hours	Monday to Saturday, 0700 - 0400	Monday to <u>Sunday</u> , 0700 – 0400
Annabel's Day Club proposed hours	Monday – Sunday 0700 - 0400	Monday – Sunday 0700 – 0400
Health club proposed hours	Monday – Sunday 0600 - 2200	Monday – Sunday 0600 – 2200

The key physical alterations proposed for the main house are as previously approved:

- Façade cleaning and repair where required, and general refurbishment of the interiors;
- Replacement of CCTV cameras with smaller scale cameras;
- Exterior façade lighting to subtly light the building;
- Opening up an existing bricked up doorway at the rear ground floor of the house;
- Replacing a window with a doorway at basement level at the rear of the house and replacing an existing 20th century skylight;
- An infill extension at rear ground floor level to house a service hoist, installation of two dumbwaiters to rear extension to closet wing at first to third floor, and a single dumbwaiter to ground and basement level;
- Enlarging the existing ground floor opening between the front and rear principal rooms,

- Removal of pine panelling in rear room on second floor and introduction of a new doorway to allow separate access from the hall to the rear two rooms, and opening up of existing opening to create larger front room at second floor level and the introduction of partitioning to create men's toilets and create a room to the front with better proportions;
- The introduction of partitioning to the rear room at second floor to create ladies WCs and kitchen server;
- The insertion of kitchen extract and duct supply at third floor level;
- Replacement of the existing lift and lift shaft and installation of a new service stair;
- Relocating the front canopy to Annabel's from no. 44 to no. 46.

A key difference is that a retractable glazed canopy (to enclose the outdoor dining area on the courtyard/terrace between the two buildings) would now extend from the mews building right up to the rear of the listed building. This also requires a curvilinear flashing detail to be permanently attached to the rear elevation of the Grade I building to enable an interface with the expanded glazed canopy. In the recess area of the main building it is also necessary to fix glazed elements where the retractable portion could not reach. The retractable glass canopy would protect diners from inclement weather but, whatever the weather, the intention is that this would be extended to enclose the dining terrace at 22.30 hours (or earlier, depending on noise levels).

A small lightwell at the rear of the listed building will also be roofed over to provide additional floorspace to the basement club.

The new proposals now include the refurbishment and extension of the existing mews building for use as a private health and wellbeing centre (previously it was described as being part spa) and for the provision of ancillary kitchen facilities for the main club at first floor level. The 68 covers from the approved health club bar (first floor level) would be accommodated elsewhere on the site. The service door to the substation and main entrance door on Hay's Mews would be replaced. On the rear elevation the ground floor wall will be removed to create the terrace restaurant and the first and second floor will be reconstructed to facilitate the erection of the glazed retractable canopy. At first and second floor level of the rear mews elevation a sustainable living/green wall is to be created. The roof profile would be altered to accommodate new plant.

The approved second basement beneath the courtyard and mews building is omitted from the current scheme. The current application originally included additional plant and a large enclosure on the roof of the Grade 1 listed building but this has been removed from the proposal. This would have been recommended for refusal because of its impact on the appearance of the listed building. The plant at this level now matches what was approved, namely any roof plant at this level (apart from the new lift overrun) is no higher than the parapet.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The land use aspects of the proposal are largely as approved, though there have been some policy changes since the previous scheme was considered and these do have some consequences for the current proposals.

8.1.1 Loss of office use

Since the previous scheme was considered by the Planning Application Committee in April 2016, the Council has adopted the 'Westminster's City Plan: Strategic Policies' (July 2016). The new policy approach seeks to redefine what is considered to be sustainable development in the context of the loss of offices. A key aspect of the new policy approach is to stem the loss of office accommodation to residential use and to increase flexibility with regard to mixed use requirements arising from office developments, within the Core CAZ and on the Named Streets. The loss of offices will be acceptable where they are to other commercial uses, which is the case here, and therefore this aspect of the proposal is considered to remain acceptable.

8.1.2 Proposed Private Members' Club and Health Club (sui generis)

The applicant seeks to change the use of the main building to a private members' club with a separate health club/wellbeing in the mews building, both sui generis uses. The proposal has a specific operator identified (Annabel's). The applicant's intention is to provide a club that will offer a very high quality range of facilities befitting of the Grade I listed status of the building, the aim being to embrace the building's heritage status and to use the principal rooms for entertaining, as would have been their original purpose. Section 7 sets out the details of the proposal.

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses. The TACE policies are on a sliding scale in which developments where TACE 8 is applicable would be generally permissible and where TACE10 is applied (where the gross floorspace exceeds 500m²) only in exceptional circumstances. Given the size of the development, it needs to be assessed against UDP Policy TACE 10.

City Plan Policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of 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. The policy states that new large-scale late-night entertainment uses of over 500 sqm will not generally be appropriate within Westminster.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

This proposed uses are similar to those previously approved, The Planning Applications Committee accepted that members' clubs form part of the longstanding character of Mayfair, and that their unique nature makes them distinct from other large scale entertainment activities open to the general public. Implementation of the proposal would bring the building back into active use, and help restore this important listed building to its optimum condition. The club use remains acceptable in principle, and would not be harmful to the character and function of the area. Similarly, the proposed health club/wellbeing centre is considered to be an appropriate activity amongst the diversity of

uses in the area, which includes a public house nearby on the corner of Hay's Mews and Hill Street.

Had the current proposal been acceptable in historic building terms, appropriate conditions (including adherence to a robust management plan) identical to those in the approved scheme would have been recommended. Any permission would also have been subject to a legal agreement to secure:

- the limited public access to the building being offered by the applicant. This includes four days per year (1 per quarter) for members of the public to look round the building between 09.00 and 16.00 (including one of the Open House London weekend days)
- arrangements for architectural scholars to make appointments to view the building and obtain copies of the heritage report electronically free of charge
- a 10% discounted membership for local residents of Berkeley Square and Hay's Mews (subject to normal membership criteria).

The impact of the proposed use in amenity and highways terms is discussed in sections 8.3. and 8.4 below

8.1.3 Mixed Use Policies

The previous application was considered in the context of UDP Policy CENT3 and Westminster's City Plan Strategic Policy S1: these aimed to encourage mixed use developments within Central Westminster, requiring any increase in commercial development to be matched by residential provision provided this is appropriate and practical. The approved scheme involved an increase in commercial floorspace of 459 sqm, without an equivalent increase in residential floorspace. However, the policies allowed a cascade approach and subject to circumstances gave the option of making a commuted payment towards the Council's affordable housing fund. The applicant had offered a policy compliant payment £1,008,000, which was secured as part of the legal agreement.

The current scheme has a smaller increase in commercial floorspace, of 202 sqm (7.8%). However, since the earlier approval, the revised City Plan (July 2016) has been adopted and policy CENT 3 has been withdrawn. Under revised policy S1 there is now longer a requirement for non-office commercial increases to be matched with an increase in an equivalent amount of residential floorspace. As the site is located within the Core CAZ, the increase in commercial floorspace is still considered to be acceptable in principle.

8.2 Townscape and Design

The site comprises a mid-eighteenth century house, Grade I listed, facing onto Berkeley Square, and a twentieth century neo-Georgian mews building on Hay's Mews at the rear, The mews building is not listed but is within the curtilage of the listed building. The main building makes a very positive contribution to the character and appearance of the Mayfair Conservation Area. The unlisted mews building also makes a positive contribution to the conservation area. The adjacent two buildings to the north on Berkeley Square (44 and

45) are also listed Grade I and the building to the south is listed Grade II*. The mews building to the north (45) is listed Grade 2.

8.2.1 The listed building and alterations to the mews building

The main building was listed in 1958. It was built as a town house circa 1744-50, together with no. 45 Berkeley Square, and is attributed to Henry Flitcroft. The list description states:

Both houses have fine interiors with contemporary plasterwork and chimneypieces. Very good ironwork to stone staircase of No 46. Part of best surviving terrace sequence in square and with exceptional interest.

8.2.1.1. Proposed glazed roof

The area at the rear of the main house, between it and the mews, is developed at basement level but not above. The recent planning permission and listed building consent approved a glazed extension at the rear of the mews building. However, this was set well away from the rear of the main building, to safeguard the existing, historic plan form of the main house and to maintain its historic relationship to the rear space. The approved arrangement was the result of lengthy negotiations, also involving officers from Historic England.

The current proposal involves the addition of high-tech sliding glass roof over the space between main house and mews building, with fixings to the rear of the Grade I listed building. Most of the roof would be capable of being retracted against the rear of the mews building, but part of the roof would be fixed to the rear wall of the main house, and would not be retractable. A track would be fixed to the closet wing of the main house to accommodate the sliding roof. When closed, the whole of the rear area would be covered by the curved glass roof. When fully open much of the space would be open to the sky, except for the fixed parts on the rear walls of the main house and the mews building.

This is considered to be a very radical, modern, intervention at the rear of one of the most important listed Georgian town houses in the City of Westminster and, indeed in the whole of London and would have a major impact on the appearance, plan form and function of the Grade I listed building. It is considered that the rear wall of the listed building should be respected, by remaining free of any glazing or fixings. A clear space, open to the sky, should also be maintained at the rear of the building - as was achieved in the approved scheme.

Officers have suggested that a revised proposal, with a similar curved, retractable, glass roof, which did not cover the whole of the rear area and maintained a rear space of similar dimensions to that previously approved, would be acceptable. However, the applicant does not wish to pursue alternative solutions.

It is therefore considered that because of its design, location and architectural relationship to the main building, the proposed glazed roof would harm the special architectural and historic interest of this grade 1 listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies

adopted November 2013 and DES 1, DES 5, DES 9, DES 10 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

8.2.1.2 Infilling of basement lightwell

The proposal also involves infilling the existing historic lightwell at the rear of the closet wing, thereby internalising the existing windows at basement level. The external space around the closet wing is important to the significance of the listed building because this is the historic Georgian plan form, where the windows open onto an open area, open to the sky, and original eighteenth century fabric survives at basement level. This aspect of the courtyard works is also considered harmful to the special interest of the grade 1 listed building and unacceptable in terms of its impact on its appearance and historic plan form. This is contrary to the City Council's urban design and conservation policies, Unitary Development Plan policies DES 5 and DES 10 in particular.

8.2.1.3 Alterations to the mews building

The current scheme also proposes the retention of the existing mews building, with minor alterations to doors and modifications to the roof form to house new plant. The approved basement excavation would be omitted from the scheme. These changes are uncontentious and are acceptable in townscape terms.

8.2.1.4 Conclusion on historic building issues

The approved scheme was considered to cause some harm to the Grade I listed building, because of the nature of some internal alterations. However, it was considered that, overall, the permitted scheme delivered benefits, in terms of the future beneficial use of the building and the restoration of other parts of its interior, which outweighed the harm caused.

This current proposal causes additional harm to the listed building over and above that already caused by the permitted scheme. There are no additional public benefits which outweigh that additional harm. It is therefore considered unacceptable in terms of the City Council's urban design and conservation policies (including DES 1, DES 5, DES 9 and DES 10 of the Unitary Development Plan) and also the NPPF tests.

8.3.2 Archaeology

The current proposal does not include any additional basement excavation. This matter was previously assessed by Historic England who advised that there are no archaeological requirements.

8.3 Residential Amenity

UDP Policies ENV6 and ENV7 deal with the subject of noise pollution and vibration both from new uses, internal activity and the operation of plant, and seek to protect occupants of adjoining noise sensitive properties. The policies require the potential for any disturbance to be ameliorated through operational controls and/or attenuation measures. Policy S32 of the City Plan requires disturbance from noise and vibration to be contained.

8.3.1 Club and Health/Wellbeing Centre

The previous application gave rise to strong objections centred predominantly (though not exclusively) on the potential impact of the proposals on local amenity. However, the Planning Applications Committee agreed that with appropriate conditions (including requirements for robust operational and servicing management plans) that the proposals would not have a material impact on the local environment. It is noted that there have been a number of representations in support of the proposals.

The current scheme has been revised to omit the additional basement that has been approved, which is welcomed in reducing the potential impact of building works. However, this amendment does not affect the capacity of the premises, the current scheme effectively reducing the amount of ancillary/back of house accommodation.

The main members' entrance to the premises will be from Berkeley Square, and the entrance for the health club/wellbeing centre will remain in the mews (also to be used for the staff entrance, deliveries and servicing). A Draft Operational Management Plan (OMP) has been submitted which seeks to demonstrate the applicant's commitment to minimising the noise impact of the proposal. The OMP covers measures to prevent noise breakout, the management of customers arriving and departing, car parking, access control, use of staff entrance in Hay's Mews and management of waste and recyclable material for disposal and collection.

The main building would be open between 07.00 and 04.00 hours, now including Sundays. The health club/wellbeing centre would open from 06.00 until 22.00 hours. These operating hours would have been conditioned (as would the premises capacity, outlined above). The applicants have now requested that the basement nightclub is allowed to open on Sundays, until 04.00 (in the approved scheme the applicant did not want Sunday opening for the basement club). The existing Annabel's club is controlled by its licence to open 09:00 to 04:00, Monday to Saturday and 12:00 to 23:00 on Sundays. Given that the day club has approval to open until 04.00 hours seven days a week, there is not considered to be any justifiable reason for resisting the basement club to open for the same hours.

It is noted that a separate permission has been granted for speculative proposals for the use of 45 Berkeley Square as a private members' club (though this will not necessarily be implemented), potentially resulting in two new club uses adjacent to each other. This would be in addition to the vacated Annabel's club in the basement of No. 44, the upper floors of which are occupied by the Clermont Club, a private gaming club. The cumulative impact of the new entertainment use has previously been considered by Members and found to be acceptable in the context of Berkeley Square and, provided that the club uses are well run.

A representation has been submitted on behalf of the residents in 48 Berkeley Square and 48 Hay's Mews. Although they welcome the revised proposals, they do raise issues of mitigation and control concerning the operation of the proposed club kitchen, on the first floor of the mews building, and refuse disposal and collection. It is considered that, had the scheme been acceptable, these matters could be adequately dealt with by condition, including a requirement for a finalised Operational Management Plan (OMP) to be submitted before the use commences.

8.3.1.1 Use of dining terrace and the retractable canopy

As with the approved scheme, a key consideration remains the potential for noise and disturbance from the, all year round, use of the rear courtyard for outdoor dining. As part of the approved scheme, the terrace area was to be lowered by 1.4m, thereby reducing the risk of noise nuisance as the noise source would be significantly beneath the existing courtyard wall level. In the current scheme, the terrace remains at its existing level. However, this is also considered acceptable given that the courtyard is fully enclosed by high boundary walls and subject to appropriate operational controls.

The scheme retains proposals for the construction of a retractable glass roof, which would enclose the dining area during inclement weather, and at night, which would minimise potential noise nuisance later in the evening. However, under the scheme, the retractable canopy would cover the whole of the terrace, whereas the approved canopy stopped well short of the rear of the Grade I listed building. This amendment would increase the capacity of the terrace dining terrace from 80 to 92 customers. However, it is not considered that this increase would have a significant impact on neighbours' amenities. As with the approved scheme, there could be a condition to permit alfresco dining until 22.30, after which time the retractable glass roof will be extended to enclose the dining area (until 08.00 hours each day). As previously, conditions would also be required to secure a management plan to control noise outbreak and ensure that the staff take appropriate measures to control noise, aided with a noise monitoring regime and a limit on noise levels (to be agreed). With this in place, once an agreed maximum noise level had been reached, the retractable glass roof will be closed to contain sound (even if before 22.30 hours). This would ensure that the management regime reacts to the precise noise conditions on the terrace at any time beyond that when the terrace is to be enclosed.

It is considered that these measures would be sufficient to address potential concerns about the proposals giving rise to intrusive noise and disturbance adversely affecting the current ambiance, character and quiet environment. Whilst the Environmental Health Officer initially objected to the proposals over concerns about potential noise nuisance, they have now withdrawn their objection. It is noted that some representations prefer the courtyard to be fully enclosed, though in general it would still be open during the day. The scheme incorporates plant within the building at basement level, on the roof of the mews building and on the roof of the listed building. All plant could be conditioned to minimise noise levels and vibration. The new roof to the mews building (to contain mechanical plant) is slightly lower than in the approved scheme. The new retractable glazed canopy is higher than the approved one, but is curved in profile, rising up from the existing garden walls, so that the highest point is above the terrace of the application site.

8.3.2 Daylight and Sunlight

UDP Policy ENV13 seeks to ensure that new developments do not result in an unreasonable loss of natural light for existing local residents; City Plan Policy S29 states that the Council will resist proposals that result in an unacceptable material loss of residential amenity.

The applicant has undertaken a daylight and sunlight assessment in accordance with the recommended standards for daylight and sunlight in residential accommodation set out in

the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (2011).

The daylight and sunlight study demonstrates that there will only be small losses of light to the nearest residential properties (in Hay's Mews, opposite the new mews building), well within the recommended guidelines and therefore this aspect of the proposal is acceptable

8.4 Transportation/Parking

8.4.1 Car Parking

No car parking can be provided given the constraints of the site, and the Highways Planning Manager does not consider that there will be an increase in the demand for on-street parking given the parking constraints in the area and the site's high level of public transport accessibility. He notes that there is likely to be demand for taxi traffic but that there is a fairly extensive section of double yellow line outside the premises which should prevent other vehicles from parking there, and this should mean that taxis should be able to access the kerbside without blocking the carriageway.

8.4.2 Servicing

All servicing will take place at the rear of the site on Hay's Mews. The Transport Statement advises that the proposed servicing of the premises would generate 6 – 9 vehicles a day. Although the existing office use would have had some servicing associated with it, the Transport Statement does clarify how much.

The Highways Planning Manager notes that a new club competing with the existing premises at No 44, which may continue to operate as a private members' club once vacated by Annabel's, could give rise to issues with the number of servicing vehicles in the Mews. However, he considers that it should be possible to avoid such problems by co-ordinating and controlling servicing through a Servicing Management Plan, which could be secured by condition.

To help ensure that servicing will not materially worsen the amenity of residents within Hay's Mews it was previously proposed to control its hours to between 07.00 and 21.00 hours Monday to Saturday, and not at all on Sundays and Bank Holidays.

8.4.3 Cycle Parking

The application refers to the provision of 38 cycle parking spaces, most likely for staff. The applicant states that these would be provided in the basement of 3a Hay's Mews (which is owned by the applicant). Although this is outside of the application site it could be secured as a planning obligation as part of a legal agreement. The provision of 38 spaces is considered to be excessive given the nature of the use and a smaller number of spaces might be considered acceptable.

8.4.4. Waste

Refuse will be stored internally within a designated store within the Hay's Mews building. Separate storage will be provided for general refuse and recyclables. Refuse would then be collected at street level in Hay's Mews. Initial concerns from the Projects Officer (Waste) about the inadequate capacity of the refuse storage have been overcome by revisions to increase the capacity. There have been separate complaints from a resident in Hay's Mews about refuse problems created by the existing Annabel's club – it is considered that with conditions, including a section in a revised Operational Management Plan conforming how waste would be managed so that it is not left on the public highway in Hay's Mews, this matter could be adequately addressed.

8.4.4 Highway Safety

Whilst the doors to the proposed sub-station within the mews building will open out over the public highway (which is a requirement of UKPN), they will be opened infrequently and under close supervision. In the context of a very quiet mews, this is acceptable in highway safety terms. The doors to the reception area in the mews building are also shown as opening outwards - a condition could require this to be amended.

8.5 Economic Considerations

Any economic benefits generated are welcomed, in particular providing a viable use for this listed building.

8.6 Access

Level access will be provided into the new mews building, where the new lift meets Part M minimum size requirements, and where there will be level access through to the terrace. However, there are steps into the main building from Berkeley Square and the difference in levels and the listed building constraints mean that this situation cannot be changed. The intention is that management will assist disabled members into the building, where there will be lift access to all other areas

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Biodiversity and Sustainability

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture. Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints. Policy S39 seeks to ensure that all new development links to an existing district heating network or where this is not possible provides a site wide decentralised energy generation network. The National Planning Policy Framework establishes a presumption in favour of sustainable development. London Plan Policy 5.3 also requires developments to achieve the highest standards of sustainable design, with

Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy.

The listed building constraints mean that there are no sustainability provisions for 46 Berkeley Square. The intention for the mews building would be to target 35% CO2 emission reductions beyond the Building Regulation Part L compliance standard by incorporating a high quality thermal envelope, use of high efficiency plant and control systems and incorporating a combined heat and power (CHP) plant to supply hot water throughout the building. This is considered to be acceptable.

Policy S38 of the City Plan and UDP Policy ENV 17 encourage biodiversity but the site has no opportunity to make any provisions for this. Although a green/living wall is proposed on the rear of the mews building, this is primarily for visual amenity reasons and is not considered to have any real biodiversity benefit.

8.8 London Plan

The proposal does not raise any strategic issues and is not referable to the Mayor of London

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

Policy S33 of the City Plan details the Council's aim to secure planning obligations and related benefits to mitigate the impact of all types of development. Formulas for the calculation of contributions towards related public realm improvements etc. are detailed in the Council's Supplementary Planning Guidance on Planning Obligations. On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which makes it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, if the obligation does not meet all of the following three tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing

with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

As stated above, given the changes to the Council's mixed use policies, the scheme is no longer required to deliver new residential floorspace. However, had the application been acceptable, a legal agreement would still have been required to secure the limited public access that is offered, to ensure the applicant to remove the existing club canopy at the entrance at 44 Berkeley Square to be removed and relocated to No. 46, and to secure the off-site cycle parking.

The estimated CIL payment is £38,800.

8.11 Other Issues

8.11.1 Construction impact

Given the relatively small scale nature of the proposed works, it is not considered necessary to require any restrictions on the building programme apart from the standard condition controlling hours of work (had the scheme been recommended for approval).

8.11.2 Crime and Security

The latest proposals have been considered by the Metropolitan Police Service's Crime Prevention officer, who has confirmed that he has no concerns with regard to the security or safety of the site.

8.12 Conclusion

Whilst the proposal is in many respects similar to the approved scheme, it is considered that the proposed works to the rear courtyard, involving the retractable glass canopy and infilling of the rear lightwell, will have a detrimental impact on the special architectural and historic interest of this Grade I listed building. Discussions with the applicant's agents have sought to reach a compromise but the applicant is unwilling to consider alternatives and therefore the proposals are recommended for refusal on design and historic building grounds.

9. BACKGROUND PAPERS

1. Application form
2. Letter from Historic England dated 14 September 2016
3. Email from the London and Middlesex Archaeological Society (LAMAS) dated 4 October 2016
4. Memoranda from the Environmental Health Consultation Team dated 9 September and 25 October 2016
5. Memoranda from the Projects Officer (Waste) dated 6 August and 24 October 2016
6. Memorandum from the Highways Planning Manager dated 21 October 2016
7. Letter from occupier of 48 Berkeley Square, dated 10 October 2016
8. Letter from Lewis Silkin LLP, Clifford's Inn, dated 16 September 2016
9. Letter from occupier of 15 Hay's Mews, London, dated 12 September 2016
10. Email from the Metropolitan Police Service Crime Prevention officer dated 14 September

2016

11. Letter from occupier of 1, Hay's Mews, dated 12 October 2016

12. Letter from occupier of 6 Chesterfield Hill, London, dated 19 October 2016

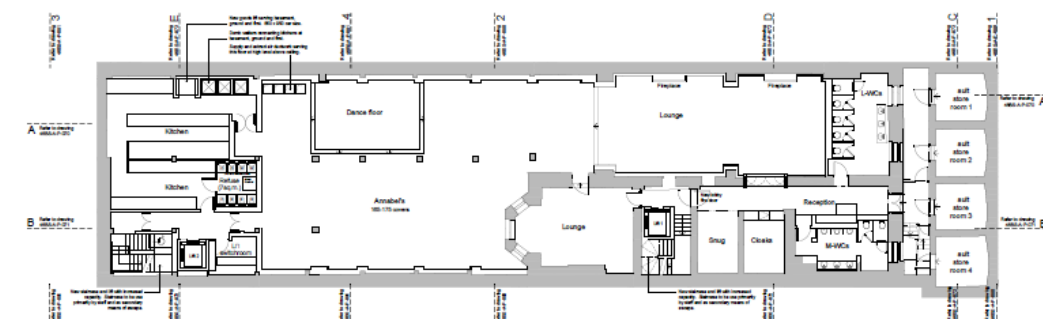
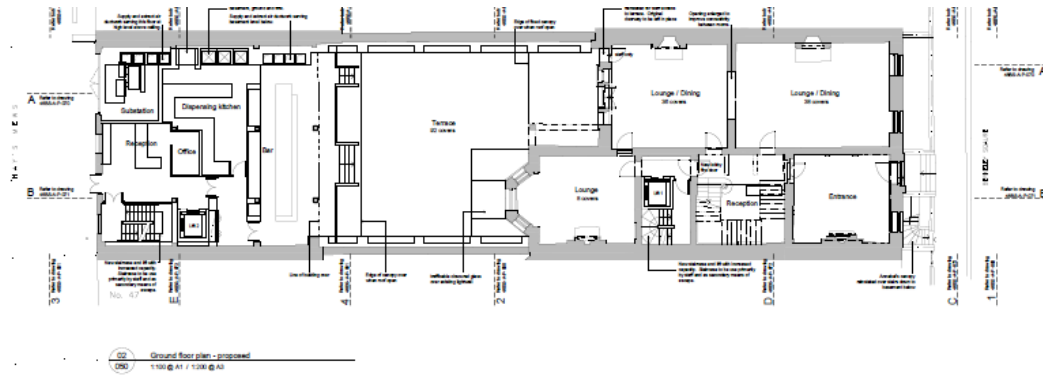
Selected relevant drawings below

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

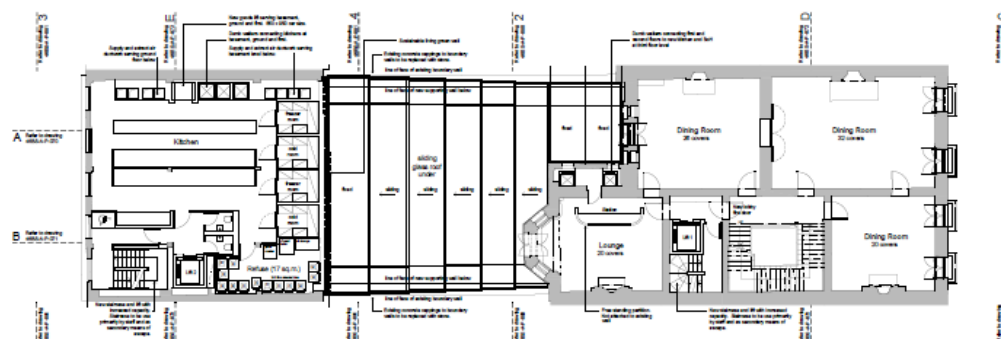
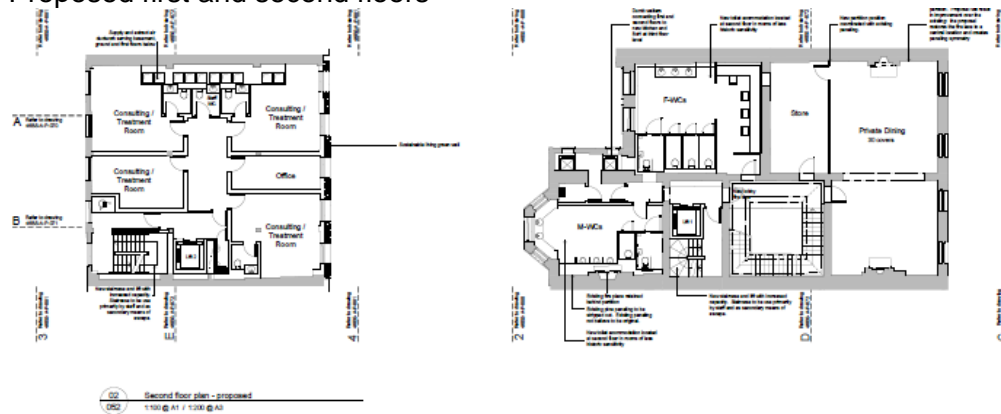
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT sspurrier@westminster.gov.uk

10. KEY DRAWINGS

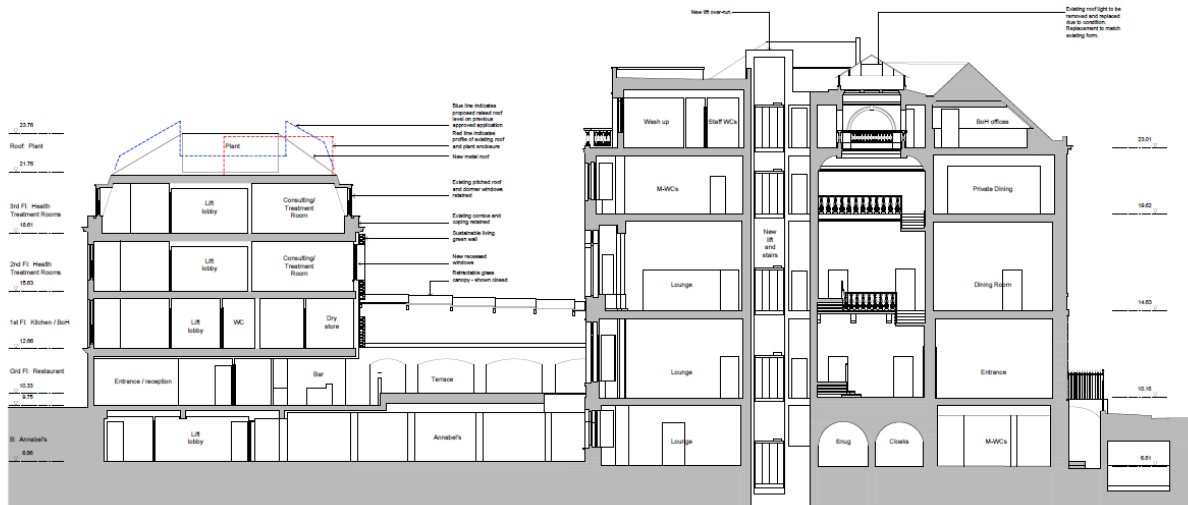
Proposed basement and ground floor



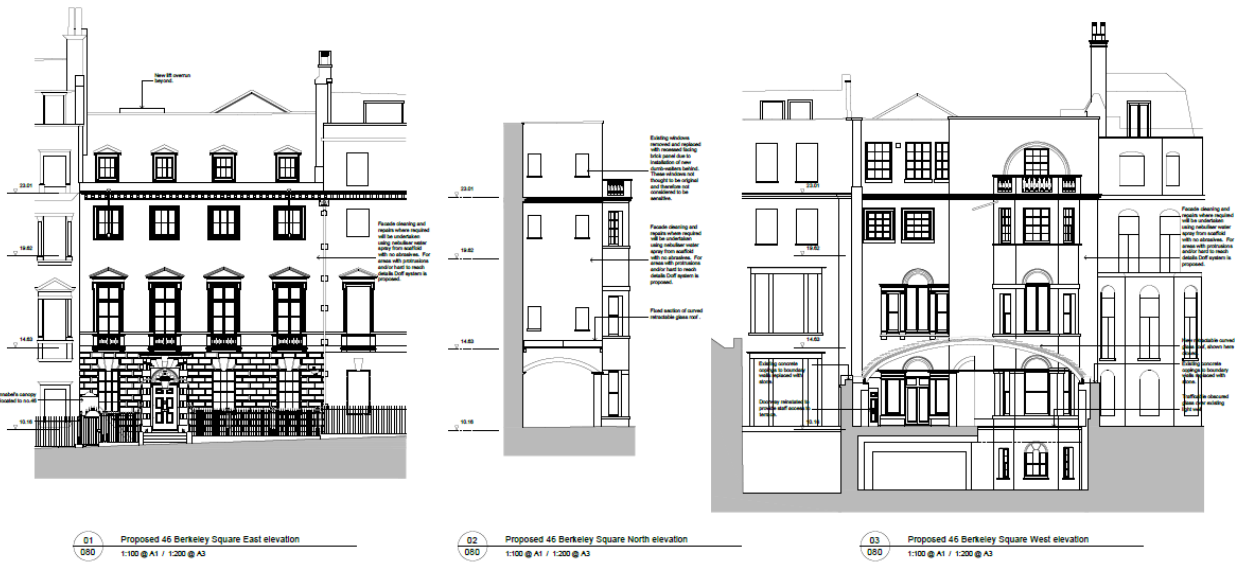
Proposed first and second floors



Proposed section BB, showing canopy over courtyard closed



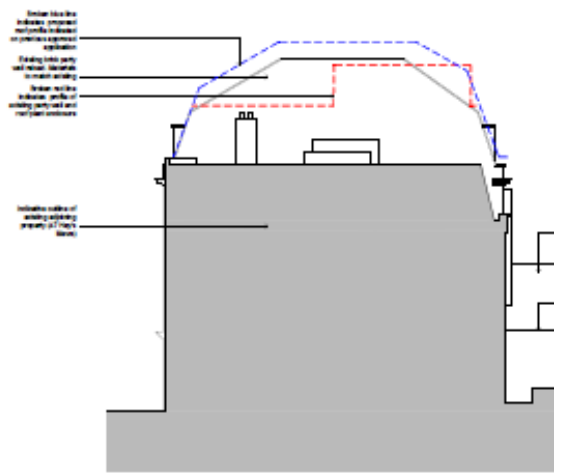
Proposed front and rear elevations - 46 Berkeley Square



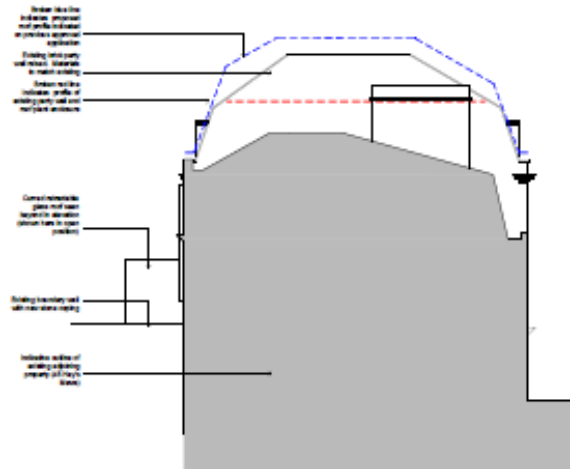
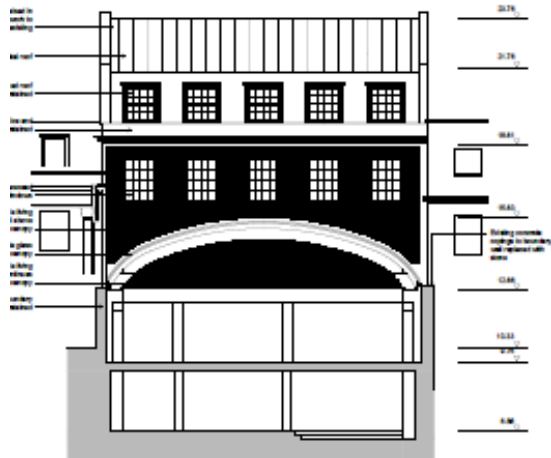
Proposed elevations - 46 Hay's Mews



01 Proposed Mews West elevation
001 1:100 @ A1 / 1:200 @ A3



03 Proposed Mews South elevation
001 1:100 @ A1 / 1:200 @ A3



DRAFT PLANNING DECISION LETTER

Address: 46 Berkeley Square, London, W1J 5AT

Proposal: Use of 46 Berkeley Square as a private members club (sui generis use), with internal and external alterations including mechanical plant, and erection of Annabel's canopy to front; use of 46 Hay's Mews as a private members club, and a health and wellbeing club (sui generis) and alterations to the mews building including the erection of a pitched roof extension with mechanical plant; and erection of a full length retractable glazed canopy from the mews building to the main building enclosing the external dining terrace/courtyard; associated mechanical plant and landscaping. (Site includes 46 Hay's Mews)

Reference: 16/07773/FULL

Plan Nos: Location Plan 46BS-A-P-001 Rev B; Existing/demolition plans: 46BS-A-P-002 Rev B, 46BS-A-P-010 Rev B, 46BS-A-P-012 Rev B, 46BS-A-P-014 Rev B, 46BS-A-P-030 Rev B, 46BS-A-P-031 Rev B, 46BS-A-P-032 Rev B, 46BS-A-P-040 Rev B, 46BS-A-P-041 Rev B; Proposed plans: 46BS-A-P-003 Rev B, 46BS-A-P-050 Rev C, 46BS-A-P-052 Rev C, 46BS-A-P-054 Rev D, 46BS-A-P-070 Rev D, 46BS-A-P-071 Rev E, 46BS-A-P-072 Rev B, 46BS-A-P-073 Rev B, 46BS-A-P-074 Rev B, 46BS-A-P-080 Rev E, 46BS-A-P-081 Rev C., , Design and Access Statement Revision B dated 21 August 2016, Heritage Statement dated August 2016, Planning Statement dated August 2016, Daylight and Sunlight Report dated 12 August 2016, Transport Statement dated December 2015, Noise Impact Assessment dated 18 July 2016, Travel Plan dated December 2015, Energy Statement dated 23 November 2015, Construction Management Plan dated 3 August 2016, Draft Operational Management Plan, Servicing Management Plan dated December 2015, Preliminary Ecological Appraisal dated November 2015, Utilities, Structural Design Strategy dated July 2016, Drainage and Ventilation Statement dated 24 November 2015, Socio-Economic Assessment dated March 2016, Tree Survey/Arboricultural Impact Assessment dated November 2015, Statement of Community Involvement dated December 2015.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

Recommended Condition(s) and Reason(s):

Reason:

1

Because of the design and location of the glazed roof structure and its architectural relationship to the main building, and the infilling of the lightwell at the rear of the closet wing, the proposed works in the courtyard would harm the special architectural and historic interest of this grade 1 listed building. The works would also fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 5, DES 9, DES 10 and paras 10.108 to 10.146 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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 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 the applicant has been given every opportunity to submit an application which is likely to be considered favourably. Guidance was offered by Robert Ayton in August 2016 to the applicant advising that a retractable canopy that extended across the whole courtyard and impacted on the rear of the listed building was considered unacceptable, as was the infilling of the rear lightwell. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments: the glazed canopy to be set well away from the rear of the main house, and not physically connected to it, and the rear basement lightwell to remain open.

DRAFT LISTED BUILDING DECISION LETTER

Address: 46 Berkeley Square, London, W1J 5AT

Proposal: Internal and external alterations to facilitate change of use to private members club. (Linked to 16/07773/FULL)

Reference: 16/07774/LBC

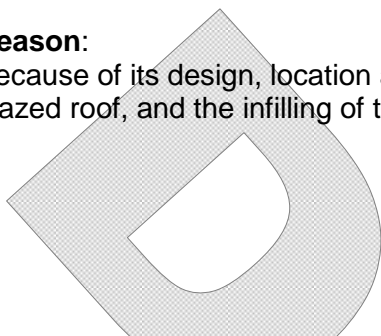
Plan Nos: Location Plan 46BS-A-P-001 Rev B; Existing/demolition plans: 46BS-A-P-002 Rev B, 46BS-A-P-010 Rev B, 46BS-A-P-012 Rev B, 46BS-A-P-014 Rev B, 46BS-A-P-030 Rev B, 46BS-A-P-031 Rev B, 46BS-A-P-032 Rev B, 46BS-A-P-040 Rev B, 46BS-A-P-041 Rev B; Proposed plans: 46BS-A-P-003 Rev B, 46BS-A-P-050 Rev C, 46BS-A-P-052 Rev C, 46BS-A-P-054 Rev D, 46BS-A-P-070 Rev D, 46BS-A-P-071 Rev E, 46BS-A-P-072 Rev B, 46BS-A-P-073 Rev B, 46BS-A-P-074 Rev B, 46BS-A-P-080 Rev E, 46BS-A-P-081 Rev C, Design and Access Statement Revision B dated 21 August 2016, Heritage Statement dated August 2016.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

Recommended Condition(s) and Reason(s):

- Reason:**
- 1 Because of its design, location and architectural relationship to the main building, the proposed glazed roof, and the infilling of the lightwell at the rear of the closet wing, would harm the special



architectural and historic interest of this grade 1 listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 5, DES 9, DES 10 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

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Required amendments: the glazed canopy to be set well away from the rear of the main house, and not physically connected to it, and the rear basement lightwell to remain open.

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

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved	
Subject of Report	Rose Garden In Hyde Park, Rotten Row, London.		
Proposal	Creation, in the western section of Hyde Park's Rose Garden, of a new memorial garden to honour enslaved Africans and their Descendants, with new planting and a new bronze sculpture.		
Agent	Mr Tony Dyson		
On behalf of	Ms Oku Ekpenyon		
Registered Number	15/09753/FULL	Date amended/ completed	19 October 2015
Date Application Received	19 October 2015		
Historic Building Grade	Park is registered Grade I on the Register of Historic Parks and Gardens.		
Conservation Area	Royal Parks		

1. RECOMMENDATION

For Committee's consideration:

1. Does the Committee agree that the particular circumstances of this proposal constitute "an exceptionally good reason" to justify a departure from the Council's presumption against new memorials in this part of the City as set out in The Statues and Monuments Supplementary Planning Document (2008)?
2. Subject to 1. above, grant conditional permission.

2. SUMMARY

This proposal is for the creation of a memorial garden with a new bronze sculpture as the focal point to honour enslaved Africans and their descendants. The site is located in the Rose Garden in the south east sector of Hyde Park. Hyde Park is on the Register of Historic Parks and Gardens (Grade I) and within the Royal Parks Conservation Area.

The sculpture is by the artist Les Johnson and depicts a series of figures upon a raised circular plinth. It will be cast in bronze and stands approximately 4.3m high. The area around the sculpture will be landscaped to provide a series of paths radiating from the central space with new landscaping beds between. Flexible resin bound aggregate will be the main surface material with contrast bands of granite setts. Within the floorscape will be seven engraved slate slabs inscribed with key dates leading to the abolition of slavery. Four benches will be provided within the new memorial garden.

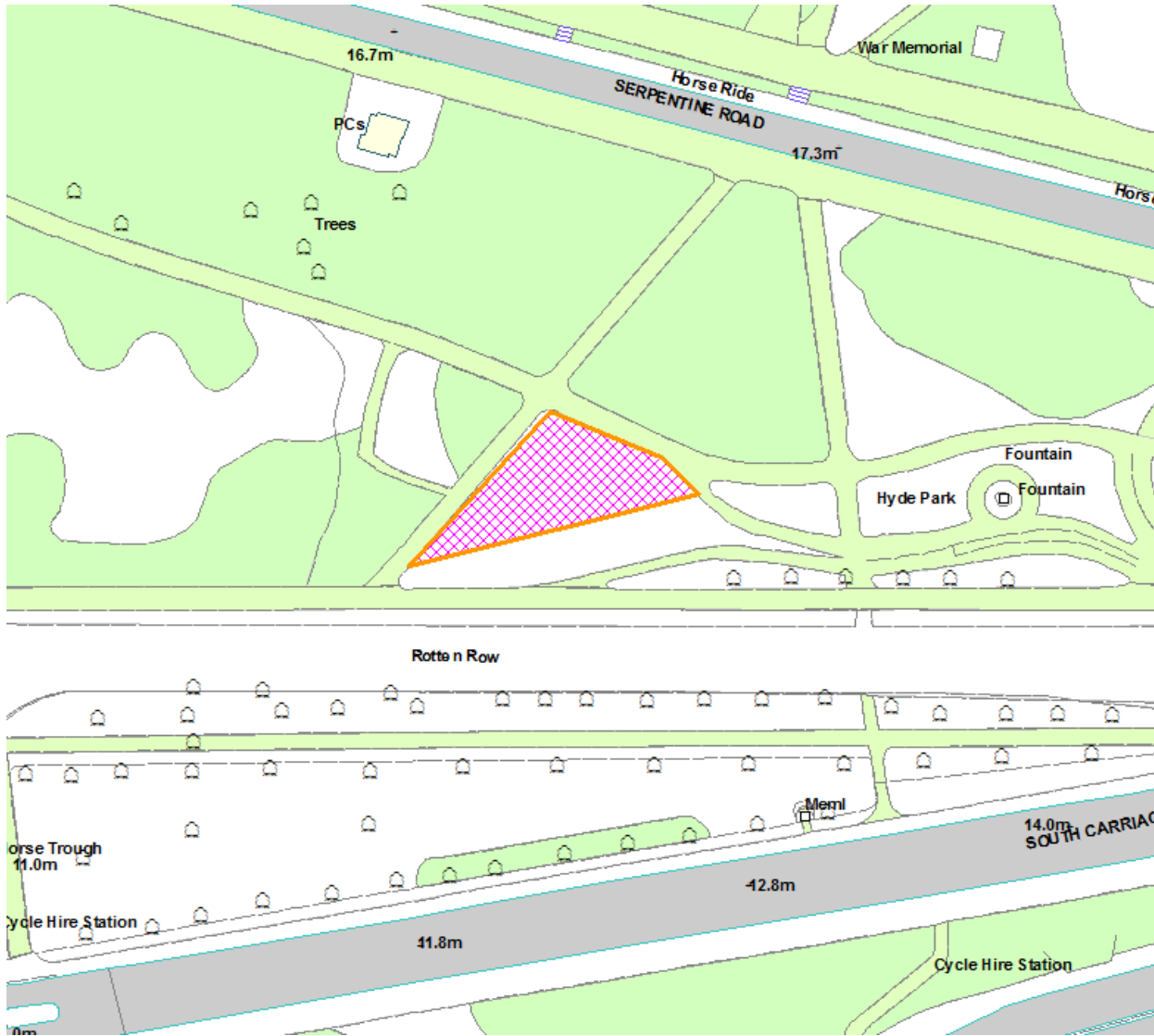
The gestation period for this proposed memorial has been extremely long. Royal Parks started work with the design team on this project in 2006 and earmarked the current site as a suitable location for the memorial. Westminster's former Public Art Advisory Panel commented favourably on the scheme at the time. It is only now that a planning application has come forward for the proposal.

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 (SPD) "Statues and Memorials in Westminster" provides guidance for the erection of new monuments. It identifies a Monument Saturation Zone covering most of Whitehall, St James's and the Royal Parks where applications for new statues and monuments will not be permitted unless there is an exceptionally good reason. The site proposed falls within this zone.

The proposed memorial should therefore only proceed if there is an "exceptionally good reason" to justify its location in the Monument Saturation Zone. The subject matter of the memorial is one that is considered worthy of representation in a high profile location and the artist is well-respected and has carried out other public commissions, including in Westminster. The site is evidently capable of accommodating a memorial and the Royal Parks support the proposal. Most significantly, though, the memorial has been proposed since 2006 when both the Royal Parks and the City Council gave indication of support. The Statues and Monuments SPD that introduced the Monument Saturation Zone was approved in May 2008 and therefore the new guidance only came into force after the memorial promoters had been given indicative support by the City Council and Royal Parks. While this previous support is not binding on the Council in any way, it could be considered bad faith to reverse the previous support for the proposal.

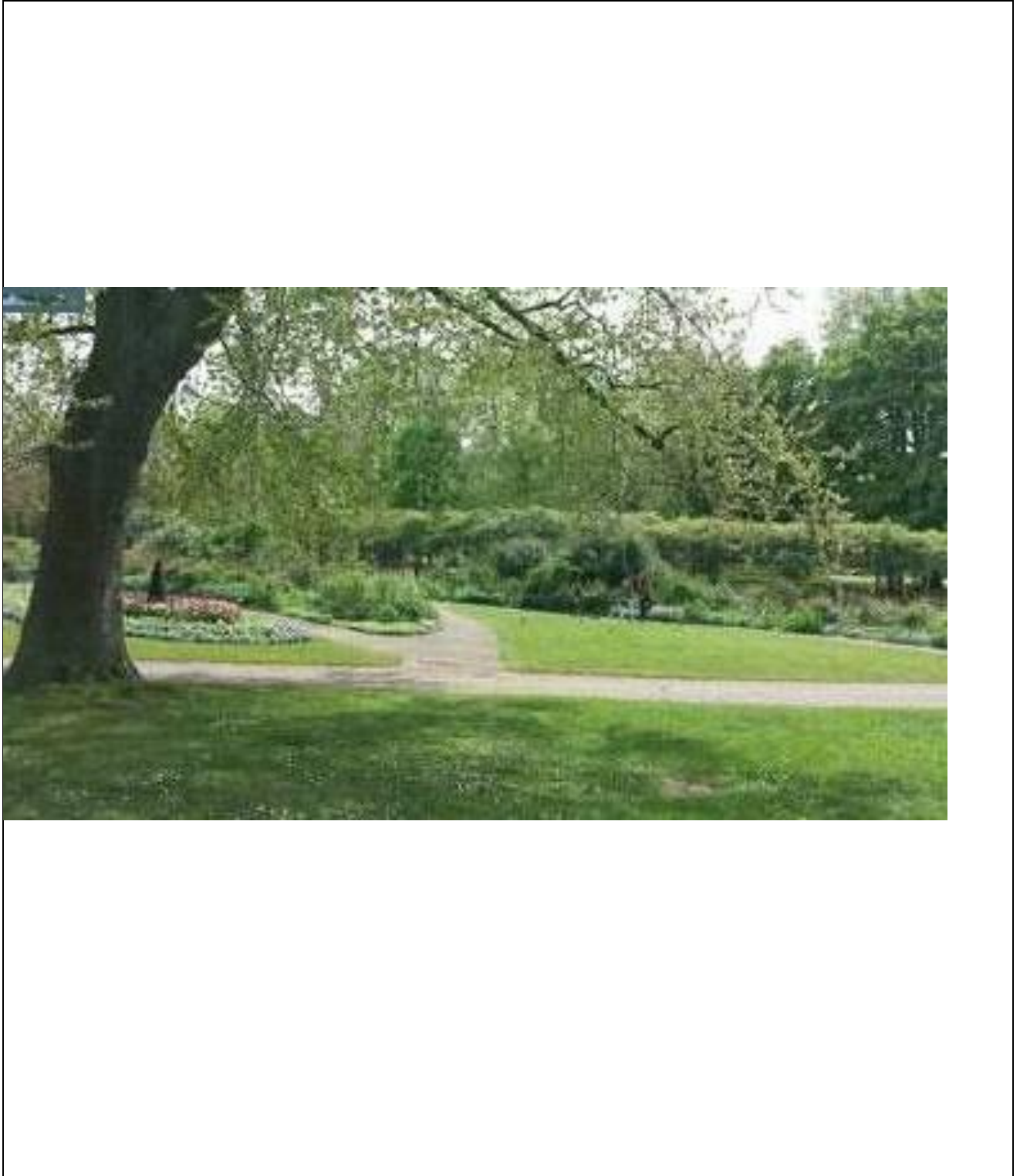
There has been one letter of objection to the proposal by The Friends of Hyde Park & Kensington Gardens. They object to the principle of any memorial in the park and consider this location entirely unsuitable. They consider the new garden has too much hard surfacing and that the planting is unsustainable in the long term. While these concerns are noted, it should be borne in mind that the proposed hard and soft landscaping works would be permitted development if carried out by the Royal Parks.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Historic England
No comment

Knightsbridge Association
Any response to be reported verbally.

The Royal Parks
No objection, confirm they have been working with the memorial promoters on the scheme design

Friends Of Hyde Park & Kensington Gardens
Objection to the principle of a memorial in the park and to the extent of paving and the proposed landscaping detail.

London Historic Parks and Gardens
Any response to be reported verbally.

Royal Borough of Kensington & Chelsea
Any response to be reported verbally.

South East Bayswater Residents Association
Any response to be reported verbally.

The Gardens Trust
Any response to be reported verbally.

Arboricultural Manager
No objection

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form
2. Letter from Historic England, dated 25 November 2015
3. Letter from The Royal Parks, dated 4 December 2015
4. Letter from the Friends of Hyde Park and Kensington Gardens dated 9 December 2015.
5. Memorandum from the Arboricultural Manager dated 4 December 2015.

Selected relevant drawings

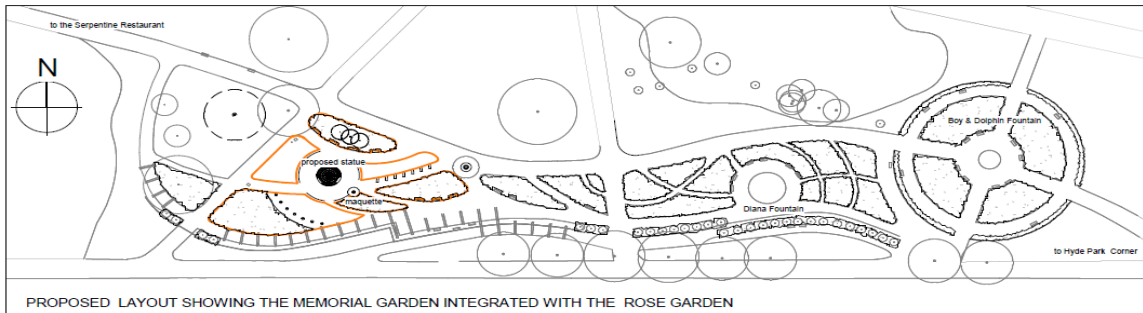
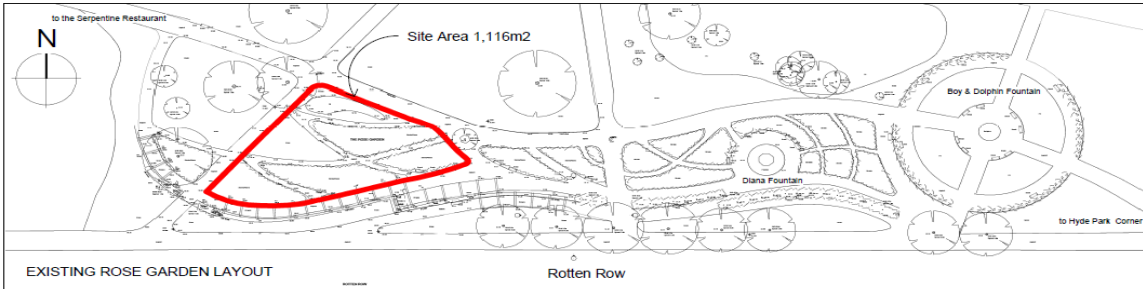
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)


IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT southplanningteam@westminster.gov.uk

Item No.

5

7. KEY DRAWINGS



 Timothy Associates <small>St Johns Hall, 9 Fair Street, London SE1 2XA website: http://www.timothy.co.uk</small>	ENSLAVED AFRICANS MEMORIAL GARDEN	Sheet Name: SITE CONTEXT	Scale @ A4: 1 : 1000
	Issue Date: 17 September 2015	Dwg: 10-212-A4-PL-01	Rev: H





DRAFT DECISION LETTER

Address: Rose Garden In Hyde Park Off, Rotten Row, London, ,

Proposal: Creation, in the western section of Hyde Park's Rose Garden, of a new memorial garden to honour enslaved Africans and their Descendants, with new planting and a new bronze sculpture by Les Johnson.

Reference: 15/09753/FULL

Plan Nos: 10-212-A4-PL-001, 002, 003, 01 - 26 (all revision H), 10-212-A4-PL-004 (Hard Landscape) and 10-212-A4-PL-005 (Planting Design)

Case Officer: David Clegg

Direct Tel. No. 020 7641 3014

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

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

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

Reason:

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

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 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Site 1: Berwick House, 139-143 Oxford Street, London, W1D 2JA Site 2: Ilford House, 133-135 Oxford Street, London, W1D 2HY		
Proposal	Site 1: Dual / alternative use of the part ground and first to fourth floors for office (Class B1) and / or educational (Class D1) purposes. Site 2: Dual / alternative use of the part ground and first to sixth floors for office (Class B1) and / or educational (Class D1) purposes.		
Agent	Mr Martin Moss		
On behalf of	Daejan Investments Limited		
Registered Numbers	1. 16/05656/FULL 2. 16/05658/FULL	Date amended/ completed	17 June 2016
Date Applications Received	17 June 2016		
Historic Building Grade	Site 1: Unlisted. Site 2: Grade II		
Conservation Area	Soho		

1. RECOMMENDATION

Site 1: Grant conditional planning permission. Site 2: Grant conditional planning permission.
--

2. SUMMARY

139-143 Oxford Street (Site 1) is an unlisted building comprising a retail shop on basement and ground floors. The first to fourth floors, with a ground floor entrance on Oxford Street, are considered to have a lawful use as a language school use (Class D1). No. 133-135 Oxford Street (Site 2) is a Grade II listed building, with a retail shop on basement and ground floors and a language school on first to sixth floors, with ground level entrance. The school at Site 1 has recently been taken over by a new language school operator and a lease has been signed by a new language school for Site 2. Both sites are within the Soho Conservation Area and the Core Central Activities Zone.

Separate applications have been submitted, by the same applicant, for the dual/alternative use of both language schools as either language schools (Class D1) and/or offices (Class B1).

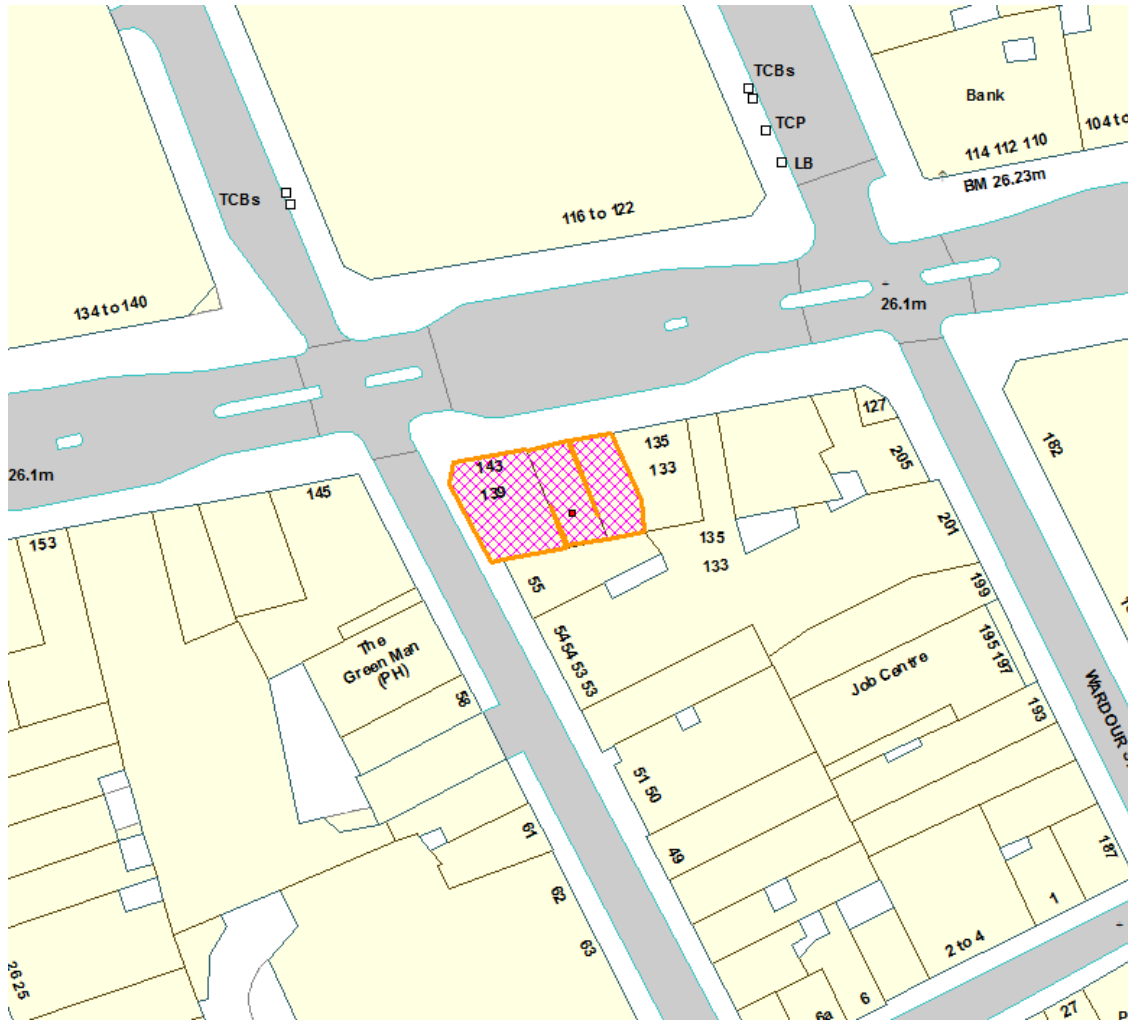
The key issue is:

The acceptability of the loss of the language schools in land use terms.

UDP and City Plan policies seek to protect social and community floorspace, including educational uses. The adopted City Plan (2016) also places a strong emphasis on the provision of additional office accommodation within the Core CAZ. The applicants contend that there are continuing pressures on the “language school market”. Given the site constraints it is accepted that the premises would be unsuited to many alternative Class D1 uses. It is also considered language schools provide little value to the local community and are primarily a private commercial enterprise. In these circumstances, and given that the potential office use is welcomed, the proposals are considered acceptable in land use terms and the applications are recommended for approval.

3. LOCATION PLAN

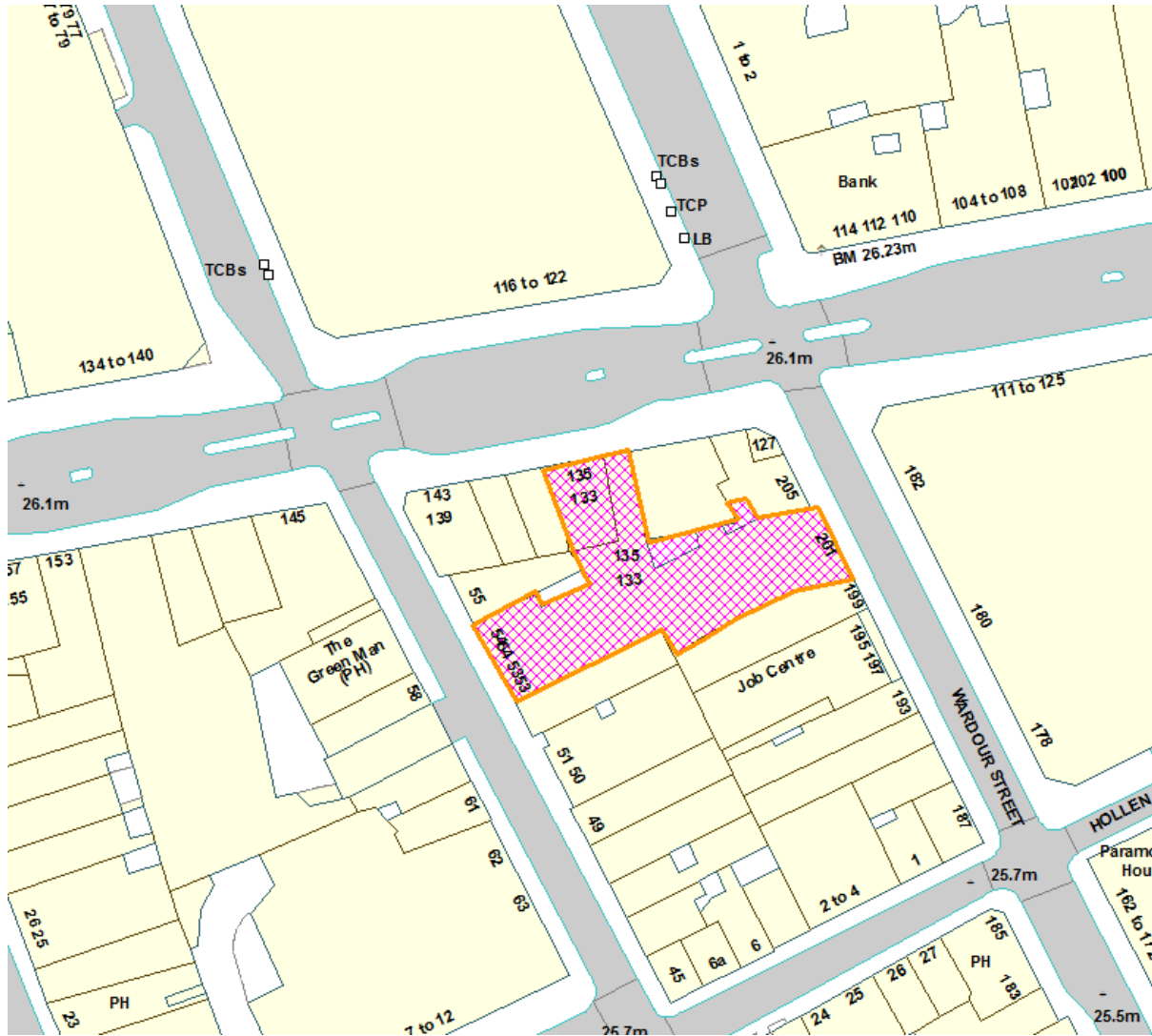
Site 1:



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Site 2:



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4. PHOTOGRAPHS

Site 1: Berwick House, 139-143 Oxford Street, London, W1D 2JA



Site 2: Ilford House, 133-135 Oxford Street, London, W1D 2HY



Site 1



Site 2

5. CONSULTATIONS

Site 1:

SOHO SOCIETY

No objection.

HIGHWAYS PLANNING MANAGER

No objection subject to conditions.

CLEANSING

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 57

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Site 2:

SOHO SOCIETY

No objection.

HIGHWAYS PLANNING MANAGER

No objection subject to conditions.

CLEANSING

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 77

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Sites

These neighbouring buildings are, located on the southern side of Oxford Street within the Core CAZ. Berwick House (Site 1) is unlisted. Ilford House (Site 2) is Grade II listed. Both the properties are located within the Soho Conservation Area. Retail units occupy the

basement and ground floors of both building and these units are unaffected by the proposals.

6.2 Recent Relevant History

There is no recent planning history relating to the use of the buildings but historic photographs identify the properties as having been occupied as language schools.

The applicant has confirmed that both properties were occupied by the 'Callan School of English' until October 2015, with leases from December 2005 until October 2016. As this tenant had occupied the buildings for at least ten years, the lawful use of both premises is considered to be as a language school (Class D1).

It is noted that both premises have been previously listed with Business Ratings records as office accommodation (2005) but are currently rated as a mixture of classroom and office accommodation.

The applicant states that when they acquired Berwick House (Site 1) in January 2012, the premises provided a reception area for the registration of new students, offices for directors and accounting staff and only a limited teaching function.

7. THE PROPOSAL

Permission is sought for the change of use of part ground and the first to fourth floors of Site 1 (562 sqm GEA) and of part ground and first to sixth floors of Site 2 (2239 sqm GEA) from language school use (D1) to a dual alternative use as a language school (Class D1) and/or offices (Class B1).

No internal or external alterations are proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Increase in office floorspace

Policy S20 of the City Plan (July 2016) placed an increased emphasis on the provision of new office accommodation at appropriate locations within Westminster, including within the Core Central Activities Zone. The policy justification states that 'new offices are encouraged within these locations to retain and enhance Westminster's strategic role in London's office sector, and support London's global competitiveness.' The Core CAZ is identified as a suitable location for new office development (Policy S1) which contributes to the unique and varied mixed use character of the Core CAZ and will ensure the continued vitality, attraction and continued economic success of Central London.

Jointly, the proposals could result in the provision of 2801 sqm of new office accommodation. As this increase results from a change of use, rather than from the

creation of additional floorspace, there is no requirement for the provision of new residential floorspace under policy S1 of the City Plan.

8.1.2 Loss of language schools

As both applications seek consent for the dual / alternative use of the accommodation either as offices and/or as a language school, the proposals could potentially result in the loss of the entirety of both language schools. These are private educational facilities which are defined as a 'social and community use' within the adopted development plans. Such uses are protected under City Plan Policy S34 which states that; 'all social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider.' In all such cases, the council will need to be satisfied that the overall level of social and community provision is improved and that there is no demand for an alternative social and community use for that floorspace. Where the council accepts the loss or reduction of social and community floorspace, the priority replacement use will be residential.

UDP policy SOC 1 (D) states that all community facilities will be protected. Under SOC 1(E), schemes involving the redevelopment or change of use of community facilities are required to include adequate replacement facilities. Where the facility is surplus to the needs of the existing provider, any new development should include an alternative community facility. Where adequate replacement facilities are not proposed, the City Council will refuse planning permission.

The applicant contends that there been a significant reduction in the demand for language schools due to a shift to online learning and continuing uncertainty in the sector due to the vote to leave the European Union, and potential reductions in the number of students resulting from increased restrictions on visas.

The applicant has confirmed that both sites were occupied by "The Callan School of English" until October 2015 although this operator was in possession of a lease for both sites from October 2001/December 2002 until October 2016. However, this tenant surrendered their leases a year early. The applicant has advised that a statement on the school's website, confirming its closure, advised that because London has become an increasingly expensive city to visit, with a consequent fall in the demand for language schools, and given an increasing requirement to offer students a more flexible study programme, the operation of very large premises in central London with, necessarily, more rigid timetabling, is no longer appropriate. Although officers have been unable to access this statement, other internet articles are available which refer to the school's closure, citing the same economic/operational difficulties.

Notwithstanding this Berwick House (Site 1) has been occupied by another language school. The applicants have advised that a 5 year lease has granted, on favourable terms for the occupier, with a two year break clause. At the time of the submission of the application, it was anticipated at that a similar lease was to be signed for (Site 2) Ilford House, also on favourable terms with a 2 year break clause. It is understood that the first to fourth floors of this building have now been are being refurbished for language school use (the two upper floors provide limited accommodation). However, no marketing

information, including details of the terms and costs of the leases has been supplied to date.

The applicant also contends that the accommodation on both sites is outdated and would require significant investment to bring it up to modern standards. This, coupled with the fact that both schools share a ground floor entrance with the retail shops, makes the premises unattractive to the wider range of potential Class D1 occupiers. They consider that, for the reasons outlined above, there is a real risk that the current tenants could also be forced to surrender their leases. In these circumstances, the applicant is seeking permission for a flexible language school/office use which would permit an occupier to maintain a significant administrative function on the site, if required.

It is acknowledged that the accommodation would be largely unsuitable for other D1 uses due to its central location, the lack of designated parking or servicing areas, the small size of the ground floor reception areas, the absence of lifts/small size of the lifts and the lack of outside amenity space. Given these constraints, it is accepted that the premises are unlikely to be considered attractive except by language school operators and similar higher education uses. It is also considered that language schools offer very little 'social' benefit to the local community and are essentially a commercial enterprise. In these circumstances, and given the increased emphasis on the provision of office accommodation in the Core CAZ, a departure from the policy requirement to protect existing social and community uses is considered justifiable and the applications are considered acceptable in land use terms.

As the lawful use of the premises is considered to be as language schools, the continuation of this use is acceptable in land use terms.

8.2 Townscape and Design

Not applicable.

8.3 Residential Amenity

It is not considered that the proposed office use would have an adverse impact on the amenities of neighbouring residents in Berwick Street and Wardour Street when compared with the existing use.

8.4 Transportation/Parking

Neither site benefits from associated car parking and it is not considered that the potential office use would result in any significant increase in the parking demand from users / occupiers of the properties. Additionally, the servicing requirements of the potential office use would not have a material impact on the operation of the highway network.

To accord with the requirements of the Further Alterations to the London Plan, seven cycle parking spaces would need to be provided at Site 1 in association with any change of use to office accommodation and 25 cycle parking spaces would be required at Site 2. These spaces should be within the demise of the property in a safe and secure location. Whilst efforts have been made by the applicant to find a suitable location for cycle storage at the

properties, due to the small ground floor areas, the absence of lift on Site 1 and the small size of the lift on Site 2 and the requirement to retain existing ground floor retail floorspace on Oxford Street, is accepted that in this instance cycle parking could not be provided on either site.

8.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed.

8.6 Access

The proposals solely relate to the change of use of the properties and do not include any improvements to the access arrangements at the properties.

8.7 Other UDP/Westminster Policy Considerations

The Cleansing Manager has requested the submission of amended drawings in relation to both applications to show the adequate provision of storage facilities for waste and recycling. A condition is attached to this effect.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable.

9. BACKGROUND PAPERS

SITE 1:

1. Application form
2. Response from Soho Society dated 4 July 2016
3. Response from the Cleansing Manager dated 8 July 2016
4. Response from the Highways Planning Manager dated 12 July 2016

SITE 2:

1. Application form

2. Response from the Soho Society dated 3 August 2016
3. Response from Environmental Health dated 19 July 2016
4. Response from the Cleansing Manager dated 25 July 2016
5. Response from the Highways Planning Manager dated 26 July 2016

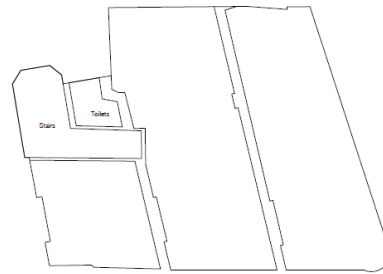
Selected relevant drawings

(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: SARA SPURRIER BY EMAIL AT sspurrier@westminster.gov.uk

10. KEY DRAWINGS

Site 1: Typical floor plans.



OXFORD STREET



Condition of Site:
Overseas
Status:
Heavy Fit-Out
Site & Core:
Under Construction
Car & Pedest

Notes:
This drawing complies with the 6th edition of the RICS code and indicates the extent of the areas quoted, produced to an accuracy commensurate with standard presentation scales.
It is held in a scaled digital CAD format.

Revised:
A - Original Issue (May 2016)

AREA PLAN

BERWICK HOUSE
139-143 Oxford Street, LONDON, W1D

First Floor - Existing & Proposed

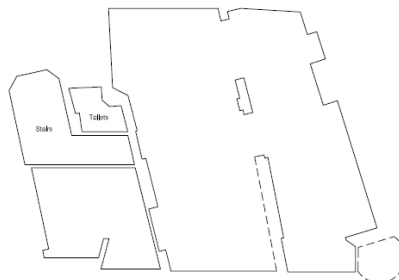
Dwg No. 10316-28089-BH-A1

Issue A May 2016

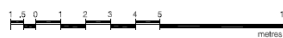
Presentation Scale 1:100 @ A3



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OXFORD STREET



Condition of Site:
Overseas
Status:
Heavy Fit-Out
Site & Core:
Under Construction
Car & Pedest

Notes:
This drawing complies with the 6th edition of the RICS code and indicates the extent of the areas quoted, produced to an accuracy commensurate with standard presentation scales.
It is held in a scaled digital CAD format.
Dashed lines denote assumed walls, walls to be removed due to tenant fit-out and lifts.

Revised:
A - Original Issue (May 2016)
B - Head Loss Headroom Removed (June 2016)

Dwg No. 10316-28089-BH-A4

Issue B May 2016

Presentation Scale 1:100 @ A3



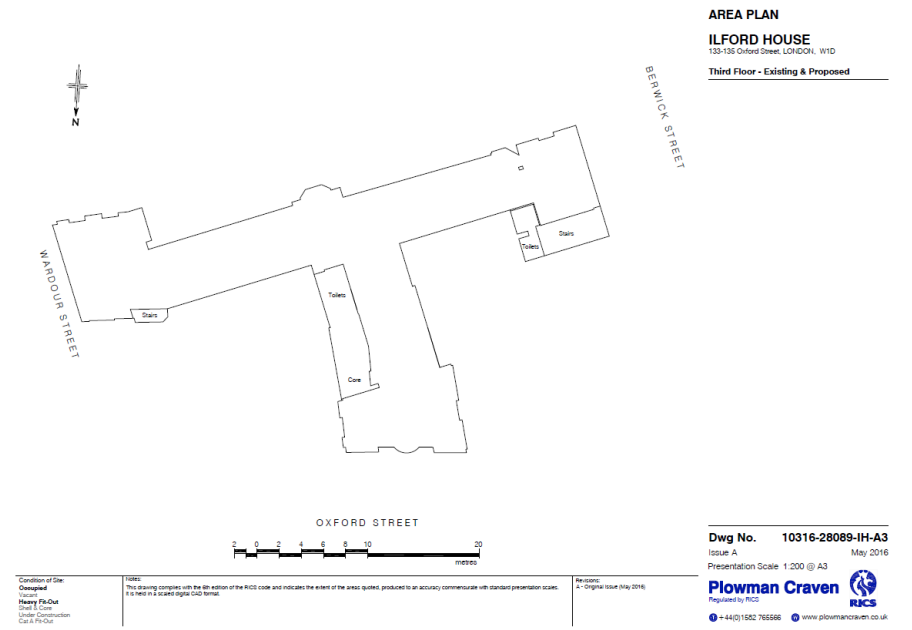
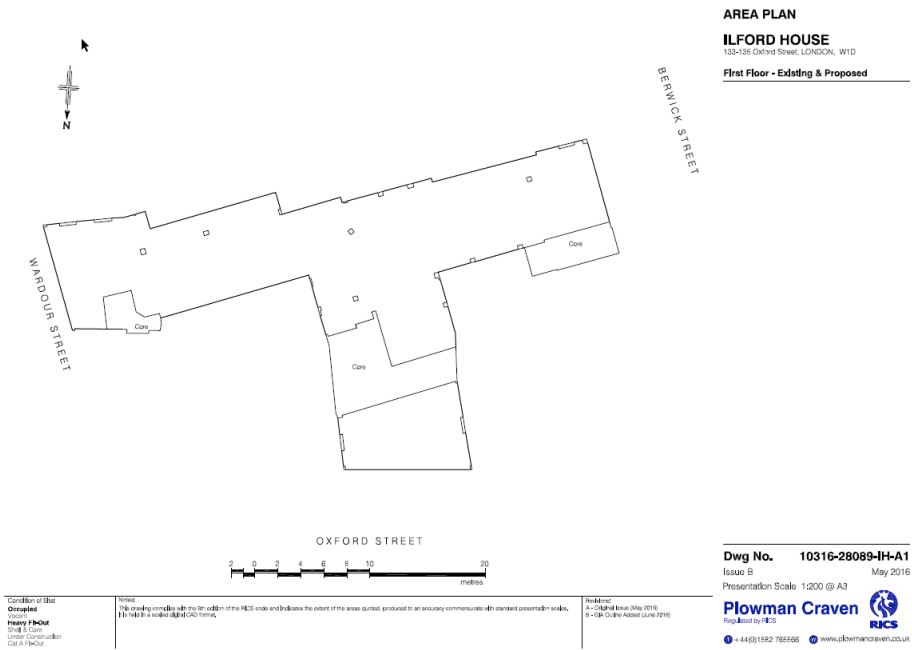
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AREA PLAN

BERWICK HOUSE
139-143 Oxford Street, LONDON, W1D

Fourth Floor - Existing & Proposed

Site 2: Typical floor plans.



DRAFT DECISION LETTER

Address: Berwick House, 139-143 Oxford Street, London, W1D 2JA

Proposal: Dual / Alternative use of part ground and first to fourth floors for office (Class B1) and / or educational (Class D1) purposes.

Plan Nos: Drawings: (10316-28089-BH) A4 Rev B, A3 RevA, A2 RevA, A1 RevA, AG RevB.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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

Reason:

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

- 3 If you choose to implement the D1 use hereby approved you must only use the D1 accommodation as a language school. You must not use it for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC5 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

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

- 2 Under Part 3, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995, the part ground and the first to fourth floors can change between the B1 and D1 (language school) uses we have approved for 10 years without the need for further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change.

DRAFT DECISION LETTER

Address: Ilford House, 133-135 Oxford Street, London, W1D 2HY

Proposal: Dual / alternative use of part ground and first to sixth floors for office (Class B1) and / or educational (Class D1) purposes.

Plan Nos: Drawings: (10316-28089-IH) A6 RevB, A5 RevA, A4 RevB, A3 RevA, A2 RevB, A1 RevB, AG RevB.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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

Reason:

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

- 3 If you choose to implement the D1 use hereby approved you must only use the D1 accommodation as a language school. You must not use it for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC5 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are reminded that the property is Grade II listed and if you wish to make any internal alterations associated with the change of use you will likely require the benefit of Listed Building Consent.
- 3 Under Part 3, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995, the part ground and the first to sixth floors can change between the B1 and D1 (language school) uses we have approved for 10 years without the need for further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change.

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Agenda Item 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	95 Randolph Avenue, London, W9 1DL,		
Proposal	Excavation of a basement extension beneath the house as proposed to be extended by way of a lower ground floor rear and side extension with front lightwell, rear rooflight and alterations to rear elevation.		
Agent	Mr Theo Tousizoglou		
On behalf of	Mr Andrew Rahamim		
Registered Number	16/08162/FULL	Date amended/ completed	25 August 2016
Date Application Received	25 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

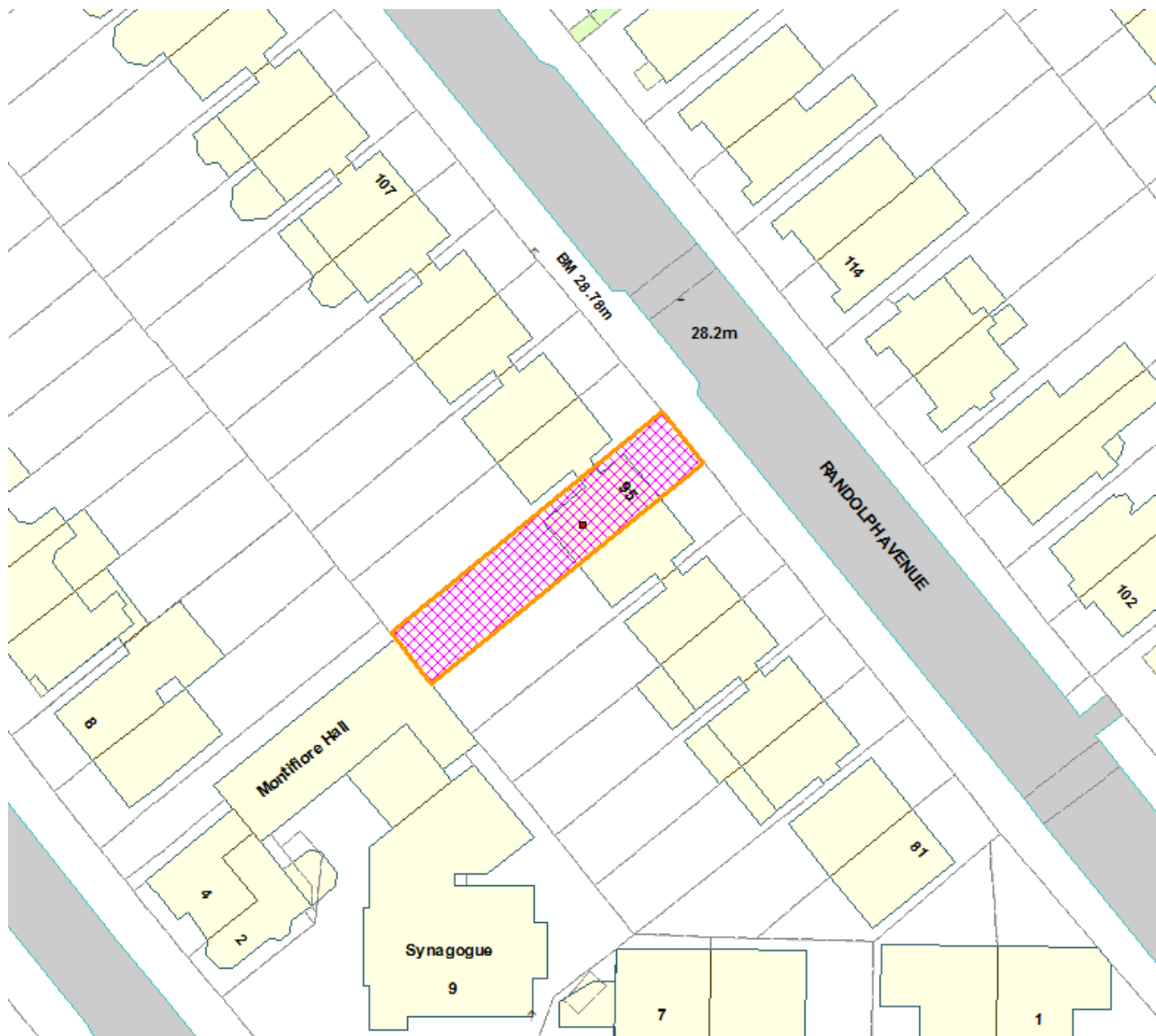
2. SUMMARY

This application relates to the excavation of a single storey basement beneath the existing dwellinghouse, front garden and part of the rear garden, and erection of side and rear lower ground floor extensions, to provide additional living space. Objections have been received from Councillor Prendergast, and three local residents including the adjoining neighbour on grounds of potential damage to adjoining properties and disruption during excavation and development. The objectors highlight damage to No.99 Randolph Avenue which they attribute to ongoing basement works at No. 97 Randolph Avenue. The application has been considered against the City Council's new basement policy and all other material planning considerations, and is considered to provide sufficient consideration of structural issues; by way of a Structural Methodology Statement and associated documents, and construction impact related issues; by way of a signed pro forma committing the applicant to compliance with the Council's Code of Construction Practice. These provisions are considered to provide sufficient consideration of these matters pursuant to the basement policy, and the proposals do not raise any other issues that would warrant withholding planning permission. The key issues are:

- Impact on the conservation area.
- Impact on the amenity of neighbouring residents.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front of No. 95 Randolph Avenue



5. CONSULTATIONS

WARD CLLR PRENDERGARST

Highlight disruption experienced at No. 99 from works to No. 97 and concerned as to the continued disruption that would be caused by the proposed development at No. 95.

PADDINGTON WATERWATS AND MAIDA VALE SOCIETY

Any response to be reported verbally.

BUILDING CONTROL

No objection to construction methodology and supporting documents.

With regards objections that relating to works at No. 97 and impacts upon No. 99 Randolph Avenue, Building control Officers advised that this is party wall issue between the two neighbours that is likely attributed to underpinning of the boundary, and is being supervised by an Approved Inspector.

HIGHWAYS PLANNING

No objection.

ARBORICULTURAL OFFICER

No objection subject to details of tree protection and landscaping details.

NEIGHBOURING OWNER/OCCUPIER

No consulted: 30; No of replies: 3 objections

* Properties are vulnerable to basement development as revealed by impact of basement works at No.97 on No.99 Randolph Avenue.

* Potential impact of basement excavation to cause damage to attached neighbour No. 93, as indicated by situation between No. 97 and No. 99.

* Disruption caused by development upon neighbouring amenity.

SITE/PRESS NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

No.95 Randolph Avenue is an unlisted building located within the Maida Vale Conservation Area. The property is in use as a single dwelling house and comprises lower ground, ground, first and second floors, with front and rear gardens.

6.2 Recent Relevant History

13/07642/FULL

Installation of dormer windows to front, rear and side roof slopes to enlarge existing dwellinghouse.

Application Refused

28 October 2013

13/08131/FULL

Erection of rear extension at lower ground floor level to enlarge existing dwelling and associated alterations to party walls.

Application Withdrawn

5 March 2014

No. 97 Randolph Avenue14/04980/FULL

Excavation of basement extension under garden and house, lower ground floor rear and side extension, conversion of roof space to provide habitable accommodation, insertion of 4no. rooflights.

Application granted

07 October 2014

7. THE PROPOSAL

Permission is sought for excavation of a basement beneath the dwellinghouse as proposed to be extended by way of a lower ground floor rear and side extension, its front garden and part of the rear garden, with associated front lightwell with railings and walk on rooflight to rear.

8. DETAILED CONSIDERATIONS**8.1 Land Use**

The principle of providing additional floorspace to enlarge the existing residential dwellinghouse is acceptable in land use terms and accords with policy H3 in the Unitary Development Plan (UDP) and policy S14 of the City Plan.

8.2 Townscape and Design

The proposed basement is located beneath the property, incorporating a front lightwell, and extending beneath the proposed rear extension with a walk on rooflight to its rear. It has been considered in relation to the Basement Supplementary Planning Document (SPD), adopted October 2014, and the Basement Revision to the City Plan, Policy CM28.1. The proposed basement is single storey, and extends an area of no greater than 50% of garden land, it would retain a margin of undeveloped land on its perimeter proportionate to the size of the plot, and includes more than 1.2m of vertical soil depth above the basement where it extends beneath the front garden. With regards to the rear rooflight serving the basement, its size and positioning at the foot of the proposed rear extension adheres with requirements that they be discreetly incorporated into basement proposals, pursuant to part (B) (5) of the basement policy and the basement SPD. The front lightwell, with the incorporation of railings, are also considered acceptable in design terms.

The proposed side and rear extension are of appropriate scale, height, bulk and detailed design and remain subordinate to the existing building. The adjacent neighbouring

properties both have permission for similar works. The proposed materials of London stock brick, aluminium framing and lightweight glazing to the rear extension are appropriate as is the more solid brickwork side extension. Overall the extensions are acceptable and considered to preserve the Maida Vale conservation area and comply with policies DES1, DES5 and DES9 of the UDP and S25 and S28 of the City Plan.

Other alterations comprise the replacement of aluminium windows to the rear with timber sash windows, landscaping works to the front and rear garden, and excavation of front lightwell with railings. The front bay is also extended downwards replicating the existing lower ground floor bay window. These alterations are also considered acceptable.

8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of Westminster's City Plan: Strategic Policies aims to protect the amenity of residents from the effects of development.

In this instance, the proposed extensions due to their location at lower ground level, their height and detailed design and relationship with neighbouring properties are not considered to adversely impact upon the amenity of adjoining occupiers, with respect to sense of enclosure, daylight and sunlight or privacy, and accords with the above policies.

8.4 Transportation/Parking

The application does not raise transportation/parking issues. Matters relating to construction management are dealt with in section 8.10 of this report.

8.5 Economic Considerations

Not applicable for a development of this size.

8.6 Other UDP/Westminster Policy Considerations

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015 and were adopted in July 2016. They are material planning considerations that full weight will be attached to in the determination of planning applications.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

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

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). The estimated CIL payment would be £59,000 for Westminster's CIL (£400 per square metre in the residential core area), and £7,400 for the Mayor's CIL (£50 per square metre in Zone 1).

Note that this amount is a provisional calculation and may be subject to any relief and or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

8.10 Other Issues

Basement structural issues

With regards to basement structural impact, the submission includes; a Structural Methodology Statement, supporting geotechnical survey and sequential floor plans explaining the likely methodology of excavation, prepared by a suitably qualified Structural Engineer. The submission of this information is a requirement of the adopted basement SPD and basement policy CM28.1 (A). Any report by a member of the relevant professional institution carries a duty of care to demonstrate that the matter has been properly considered at this early stage, and that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. Building Control officers have reviewed the submitted details and no objections are raised.

Objections have been received from the owners of both No.93 and No. 99 Randolph Avenue on grounds of potential risk of damage (cracks etc) to adjoining properties as a result of basement works, given the damage that has occurred from development at No. 97 Randolph Avenue. The owners of No. 99, two doors up from the application site, have provided the Council with photographs of extensive cracking within their property which they attribute to the ongoing basement development at No. 97. Cllr Prendergast has also written in to support these concerns. Planning Officers visited No. 95 on the 27 September and observed that Acro- Props had been installed in some window openings at No. 99.

Planning Officers have sought further clarification from the City Council's Building Control Officer on this matter; who has advised that the situation between No. 97 and 99 Randolph Avenue is a private Party Wall issue that is likely attributed to underpinning of the boundary. As such, whilst these concerns are acknowledged, party wall matters outside the application site are a separate issue that fall outside the remit of this planning application. This current application has to be considered on its merits in relation to the application site, adopted development plan policies and any other material planning considerations. Pursuant to this, the submission has provided satisfactory consideration of structural implications at this early planning stage. It should be noted that 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 as cited above.

Accordingly should permission be granted, the Construction Methodology will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

Construction impact

Policy CM28.1 of the City Plan requires the applicant to supply a signed pro-forma which essentially binds the applicant or any other parties undertaking the works to the Council's Code of Construction Practice. This is a provision of the recently adopted basement policy revision to provide the Council with greater monitoring powers for the construction period and details of construction practices; with the aim of reducing construction related impacts on the locality. Accordingly a signed pro forma has been submitted with the application.

In addition to this, the following has been provided; a Construction traffic Management Plan (CMP) prepared by Abbey Pynford dated 11 August 2016 detailing vehicular arrangements during construction and scheduling of deliveries and collections; a Construction Management Plan dated August 2016 prepared by Pall Mall Development Limited detailing working practices relating to site rules, health and safety principles for example, and a preliminary works programme anticipating a total 8 month construction period with months 6, 7 and 8 relating to internal fit out and finishes. The CMP and related documents are indicative of the developer's consideration of construction related impacts.

A condition will be attached to this planning permission requiring that; prior to the commencement of development, the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the Council's Code of Construction Practice.

Trees

Policy CM28.1 (B) 2) sets out that basement proposals must not result in the loss of trees of townscape, ecological or amenity value and where trees are affected provide an arboricultural report explaining particular steps to protect existing trees.

The City Council's Arboricultural Officer has reviewed the proposals and raises no objection to the removal of the single 'shrub' in the rear garden nearest the house on the boundary with No. 97, subject to detailed landscaping to secure a satisfactory setting for the development. Details of tree protection are also recommended to safeguard the fruit tree towards the rear of the garden that could be vulnerable to damage during construction. Landscaping and tree protection conditions are recommended accordingly.

9. BACKGROUND PAPERS

1. Application form
2. Response from Building Control - Development Planning, dated 7 September 2016, 25 October 2016
3. Response from Highways Planning, dated 12 September 2016.
4. Response from Arboricultural Officer dated 25 October 2016.
5. Email from Cllr Prendergast, dated 22 September 2016.
6. Email from No. 99 Randolph Avenue, dated 27 September 2016.
7. Email from No. 93c Randolph Avenue, dated 19 September 2016, including photographs

supplied by No. 99 Randolph Avenue.

8. Email from No. 188A Sutherland Avenue, dated 06 October 2016

Selected relevant drawings

Proposed floor plans. Proposed Section BB, Page 11 of Design and Access Statement

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

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

Page 11 of Design and Access Statement



DRAFT DECISION LETTER

- Address:** 95 Randolph Avenue, London, W9 1DL,
- Proposal:** Excavation of a basement extension beneath the house as proposed to be extended by way of a lower ground floor rear and side extension with front lightwell, rear rooflight and alterations to rear elevation.
- Reference:** 16/08162/FULL
- Plan Nos:** 1427_001, 1427_100, 1427_101, 1427_102, 1427_110, 1427_111, 1427_120, 1427_121, 1427_1_200, 1427_1_201, 1427_1_210, 1427_1_211, 1427_1_212, 1427_1_220, 1427_1_221, 1427_1_230, 1427_1_390S, Planning Statement, prepared by Planning Resolution, Design and Access Statement, prepared by Nash Baker Architects

For information only: Construction Traffic Management Plan prepared by Pall Mall Developments Ltd, Construction Management Plan prepared by Pall Mall Developments Ltd, Structural Methodology Statement prepared by Form Structural Design Ltd, Strategic Summary of Mechanical and Electrical Building Services

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of

Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

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

- 4 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 planting season of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

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

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

Reason:

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

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

- 7 The front railings shall be painted black and permanently maintained in that colour.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.

- 5 You are advised that should you wish to install any external mechanical ventilation, a new application for planning permission is likely to be required.
- 6 You are advised to incorporate a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 7 You are advised to consult with neighbouring occupiers at an early stage as part of your Code of Construction Practice, with particular reference to the representations received as part of this application. You are also advised to comply in full with the provisions of the Party Wall etc. Act 1996.
- 8 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

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

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Agenda Item 8

Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	97 Randolph Avenue, London, W9 1DL		
Proposal	Installation of one external air conditioning unit, shed and enclosure at ground floor level at rear of site.		
Agent	Mr Anthony Ambrose		
On behalf of	Mrs Marie-Claire Pereira		
Registered Number	16/07619/FULL	Date amended/ completed	9 August 2016
Date Application Received	9 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Permission is sought for the installation of an external air conditioning unit, and the erection of a shed and enclosure on ground floor level at the rear of the application site.

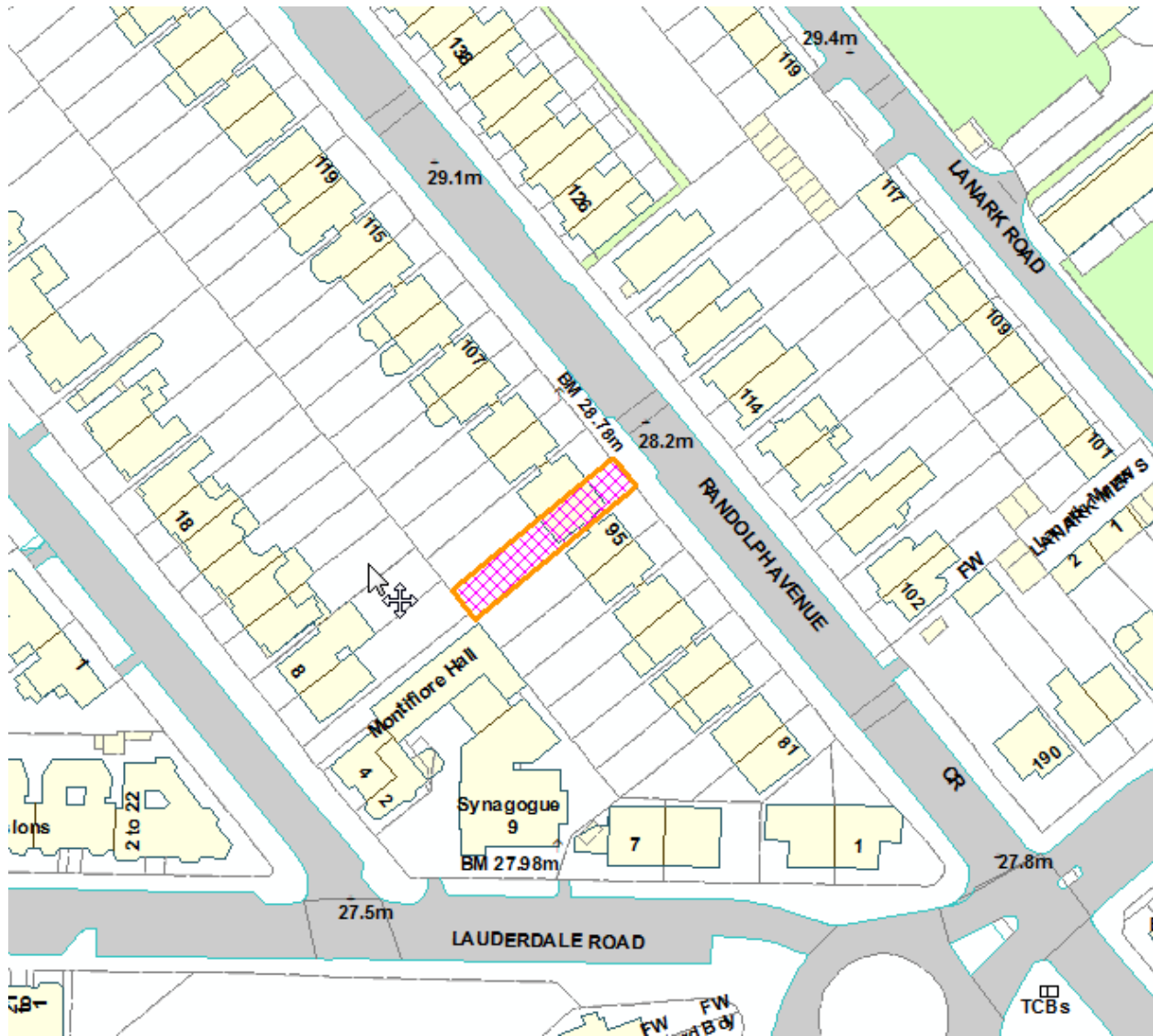
A local resident has raised an objection on a number of grounds with respect to the impact on residential amenity and design.

The key issues are:

- Impact on the conservation area.
- Impact on the amenity of neighbouring residents.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS

15 Sep 2016 16:18:37



5. CONSULTATIONS

COUNCILLOR PRENDERGAST

Shocked at the size and scale of the proposed shed and enclosure this will impact the neighbouring residents further.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Any response to be reported verbally.

PLANT AND EQUIPMENT

No objection subject to conditions.

ARBORICULTURAL OFFICER

Noted that the tree protection approved pursuant to the basement permission is not currently being implemented to protect the mature silver birch, planning enforcement have been advised of this; these protection measures could not be carried out due to the proposed works being located in the area which is supposed to be fenced off. Conditions recommended to overcome concerns over the tree protection methods and informatives added to advise applicant of how to proceed.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 13

Total No. of replies: 1

No. of objections: 1

No. in support: 0

In summary, the following issues were raised:

Amenity (noise):

- Noise to garden should be taken into account and not just to bedroom windows
- More detailed noise assessment is required

Design:

- Size and bulk of the shed and housing unit is considerable.
- Views that gardens should not be bulked up with development.

Other:

- Sufficient drainage or soak away system is needed. Already a problem has been identified with pooling of water during excavations at No.97 and a possible contributing cause to the serious subsidence/movement of neighbours house

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No.97 Randolph Avenue is an unlisted four storey semi-detached property located within the Maida Vale Conservation Area with a front and rear garden. The building is in use as a single family dwelling house.

6.2 Recent Relevant History

Conditional permission was granted in 2014 for the excavation of a basement extension under the house and garden, together with a lower ground floor rear and side extension, and conversion of roof space to provide habitable accommodation with 4no. rooflights. (14/04980/FULL). This is currently under construction; having undertaken the excavation works, works have ceased due to some concerns over drainage and structure.

7. THE PROPOSAL

Planning permission is sought for the installation of one external air conditioning unit and the erection of a shed and enclosure at ground floor level within the rear garden. The air conditioning unit will be housed within the enclosure on the left hand side and the shed situated on the right, one concealed single leaf door to access both will be situated off centre. The proposed shed and enclosure for the air conditioning unit will be the full width of the garden (approximately 7 metres) and project from the furthest point from the rear boundary wall by approximately 2.5metres. It will be 2 metres in height with a flat roof. It is proposed to have western red cedar timber slat cladding and a Glass Reinforced Plastic (GRP) flat roof hidden behind the parapet.

8. DETAILED CONSIDERATIONS

8.1 Land Use

In terms of land use, the proposed shed and air conditioning enclosure will be used ancillary to the existing dwelling house. The principle of ancillary floor space to an existing dwelling house is acceptable in land use terms. As part of the requirements of Schedule 2, Part 1, Class E of the General Permitted Development Order, it is considered that the proposed shed and enclosure is likely to fall within the tolerances and therefore would be seen as permitted development. Notwithstanding this the a planning application has been submitted and must be determined under planning policy.

8.2 Townscape and Design

The proposed garden structure is single storey with a flat roof and located to the very end of the rear garden of the property, enclosed on three sides by garden boundaries. It is considered to be appropriate in terms of its footprint, scale and height, and also in the context of the neighbouring properties and gardens. The detailed design of the building and the use of redwood cladding is considered to result in an appropriately designed garden building which preserves the character and appearance of this part of the Maida Vale Conservation Area.

The proposal is considered to be acceptable in design terms and complies with policies DES 1 and DES9 of the UDP and S25 and S28 of the City Plan.

8.3 Residential Amenity

The proposed enclosure and shed is located to the rear of the garden adjacent to the rear boundary and is 2m in height. The surrounding boundaries are 1.5m in height and the rear boundary benefits from a number of trees.

The proposal is adjacent to the boundaries of 95 and 99 Randolph Avenue; no representation has been received from the owners of 95 Randolph Avenue. An objection has been received from the owners of 99 Randolph Avenue raising amenity and design concerns. The neighbours to the rear of the application site are 6 and 8 Ashworth Road both these residential properties are set towards the front of their boundary and due to the existing foliage and the proposed 0.5m increase in height above the boundary wall the proposed works would not result in an unacceptable impact to the amenity. Montifiore Hall is situated to the rear of the application site this is linked with the Synagogue and is not a residential property.

Given the location of the garden building at the end of the rear garden, its size, height and relationship with adjacent properties and their gardens (95 and 99 Randolph Avenue) it is not considered to result in any significant impact on amenity through sense of enclosure, daylight and sunlight or privacy. Neither does it raise amenity issues within respect to its use, given the domestic ancillary nature of the use. Environmental Health Officers have assessed the acoustic report that was submitted with the application and consider that the proposed plant is likely to comply with the City Council's noise policy ENV 6 of the UDP, subject to the unit being installed within an acoustic enclosure. Subject to standard Westminster noise conditions and a condition to ensure that the acoustic enclosure is installed before use it is not considered that the proposals will harm the amenity of neighbouring properties.

The proposal is considered acceptable in terms of residential amenity as it complies with policies, ENV6, ENV 13 of our UDP and S29 and S32 of our City Plan.

8.4 Transportation/Parking

Not applicable.

8.5 Economic Considerations

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

8.6 Access

The proposal does not have any adverse access implications.

8.7 Other UDP/Westminster Policy Considerations

None

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Not applicable.

8.11 Environmental Impact Assessment

An Environmental Impact Assessment was not required for a development of this scale.

8.12 Other Issues

Not applicable.

9. BACKGROUND PAPERS

1. Application form
2. Response from Plant And Equipment, dated 23 August 2016
3. Response from Arboricultural Officer dated 25 October 2016
4. Letter from occupier of 99 Randolph Ave, London W9 IDL, dated 28 September 2016
5. Email from Councillor Prendergast dated 22 September 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: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

10. KEY DRAWINGS

DRAFT DECISION LETTER

Address: 97 Randolph Avenue, London, W9 1DL

Proposal: Installation of one external air conditioning unit, shed and enclosure at ground floor level at rear of site.

Reference: 16/07619/FULL

Plan Nos: Location Plan A-127-RAN-PRO-000-PL Rev P, A-127-RAN-PRO-010-PL Rev P, A-127-RAN-PRO-030-SE Rev P, A-127-RAN-PRO-040-AS Rev P, Design and Access Statement, Acoustic Assessment of Proposed Mechanical Equipment dated August 2016 and Air Conditioning Product Information.

Case Officer: Frederica Cooney

Direct Tel. No. 020 7641 7802

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.
- You must carry out piling, excavation and demolition work only:
- o between 08.00 and 18.00 Monday to Friday; and
 - o not at all on Saturdays, Sundays, bank holidays and public holidays.
- Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 3 The air conditioning unit hereby approved shall not be used until the acoustic enclosure and timber enclosure shown on the plans have been provided. The enclosures must then be maintained in perpetuity.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (July 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 4 (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 (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 5 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.

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

Reason:

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

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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions 3, 4 and 5 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 4 Condition 6 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
- * the order of work on the site, including demolition, site clearance and building work;
 - * who will be responsible for protecting the trees on the site;
 - * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
 - * how you will deal with accidents and emergencies involving trees;
 - * planned tree surgery;
 - * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
 - * how you will remove existing surfacing, and how any soil stripping will be carried out;
 - * how any temporary surfaces will be laid and removed;
 - * the surfacing of any temporary access for construction traffic;
 - * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
 - * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
 - * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
- 16/07619/FULL
- * the place for any bonfires (if necessary);
 - * any planned raising or lowering of existing ground levels; and
 - * how any roots cut during the work will be treated.
- 5 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 6 The tree protection approved pursuant to the basement permission 14/04980/FULL is not currently being implemented, and it could not be carried out properly if this planning permission is implemented, as the shed and air conditioning unit and enclosure are within the area which is supposed to be fenced off and from which all construction activity should be excluded (see approval of details application 14/11361/ADFULL). When you apply to us for our approval of details pursuant to condition 6 you must also submit an application to vary condition 1 of planning permission 14/04980/FULL, in order to revise the tree protection details required by condition 8 of this permission.

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

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