



City of Westminster

Committee Agenda

Title: **Planning Applications Committee (2)**

Meeting Date: **Tuesday 11th April, 2017**

Time: **6.30 pm**

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

Members: **Councillors:**

Melvyn Caplan (Chairman)
Ruth Bush
Iain Bott
Robert Rigby

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 from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



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

**Tel: 020 7641 2341; email: tfieldsend@westminster.gov.uk
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 Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|--------------------------|
| 1. THE PAVILION HYDE PARK, 1 SERPENTINE ROAD, LONDON | (Pages 5 - 22) |
| 2. ELLIOTT HOUSE, 1 MOLYNEUX STREET, LONDON, W1H 5HU | (Pages 23 - 46) |
| 3. LION HOUSE, 2 RED LION YARD, LONDON, W1J 5JR | (Pages 47 - 64) |
| 4. PITCH 1640, HORSEFERRY ROAD, LONDON, SW1P 2AU | (Pages 65 - 76) |
| 5. 3 MEADE MEWS, SW1P 4EG | (Pages 77 - 92) |
| 6. BASEMENT FLAT, 13 NOTTINGHAM PLACE, LONDON, W1U 5LE | (Pages 93 - 110) |
| 7. HYDE PARK TOWERS, 1 PORCHESTER TERRACE, LONDON, W2 4DB | (Pages 111 - 132) |

8. 50 WESTBOURNE TERRACE, LONDON, W2 3UH

(Pages 133 -
148)

Charlie Parker
Chief Executive
3 April 2017

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 11th April 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN NO(s) : 16/11997/FULL Knightsbridge And Belgravia	The Pavilion Hyde Park 1 Serpentine Road London	Conversion of two mini tennis courts and one tennis court into one paddle tennis court and one multi use games area; extension of the tennis courts area to provide one additional tennis court adjacent to tennis Court 6; installation of 10m high floodlights; and renewal of the courts surface and fencing.	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
2.	RN NO(s) : 16/05715/FULL Bryanston And Dorset Square	Elliott House 1 Molyneux Street London W1H 5HU	Variation of Condition 1 of planning permission dated 29 April 2016 (RN: 15/08836/FULL) for, 'Demolition of building, excavation of sub-basement, and erection of replacement building over sub-basement, lower ground, ground and part-four and part-five upper storeys to provide 32 car parking spaces (accessed by car lifts on Cato Street), cycle parking, plant, ancillary gym and refuse store at basement level; plant within lower ground floor vaults; and up to 32 flats (Class C3) over lower ground to fifth floor levels', in order to make the following amendments to the approved development: (i) The reduction in the footprint of the proposed new basement level so that it would no longer extends beneath the pavement vaults on Molyneux Street and Crawford Place; (ii) Reduction in the number of car parking spaces proposed from 32 to 31; (iii) Increase in the depth of the proposed new basement levels (in parts) in order to accommodate car stackers; (iv) Reduction in the number of car lifts from two to one; (v) Relocation of the proposed substation from rear lower ground floor level to a pavement vault on Crawford Place (and corresponding enlargement of Flat LG.2; (vi) Use of former car lift area on Cato Street as cycle store and refuse holding area; (vii) Reduction in the size of Unit 1.2; (viii) Increase in the number of cycle parking spaces from 66 to 70; (ix) Alterations to the railings at fourth floor level; and (x) Other alterations.	
Recommendation 1. Grant conditional permission subject to a S106 legal agreement to secure the following: (a) The applicant to comply with the Council's Code of Construction Practice, comply with the Site Environmental Management Plan (Revision 07) approved by the City Council on 19 August 2016 and provide a financial contribution of up to £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers; (b) Unallocated parking; (c) Car Parking Management Plan (including maintenance of the car lift and valet parking); (d) Cost of the works associated with the creation of two tree pits and the planting of least two new trees within the vicinity of the site. (e) Cost of widening the vehicular crossover on Cato Street and making good; (f) Cost of relocating a lamppost on Cato Street; and (g) Costs of monitoring the S106 agreement.				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 11th April 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

<p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p>a) The Director of Planning shall consider whether it will be possible or 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 the decision under Delegated Powers; however, if not;</p> <p>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of 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.</p>				
Item No	References	Site Address	Proposal	Resolution
3.	RN NO(s) : 16/10955/FULL	Lion House 2 Red Lion Yard London W1J 5JR	Internal reconfiguration of the existing building to include the amalgamation of the existing two flats at first floor level to create a family sized dwelling (Class C3), and conversion of existing boiler room for use as a bin store for all of the flats and for the storage of 4 bicycles.	
	West End			
<p>Recommendation Grant conditional permission.</p>				
Item No	References	Site Address	Proposal	Resolution
4.	RN NO(s) : 16/09235/FULL	Pitch 1640 Horseferry Road London SW1P 2AU	Erection of a permanent retail (Class A1) street trading kiosk on Pitch 1640.	
	Vincent Square			
<p>Recommendation Refuse permission - impact on townscape, street clutter and setting of adjacent conservation area.</p>				
Item No	References	Site Address	Proposal	Resolution
5.	RN NO(s) : 17/00276/FULL	3 Meade Mews SW1P 4EG	Use of the ground and first floor as a clinic (Class D1) including ancillary training and office facilities.	
	Vincent Square			
<p>Recommendation Grant conditional permission.</p>				
Item No	References	Site Address	Proposal	Resolution
6.	RN NO(s) : 16/12072/FULL	Basement Flat 13 Nottingham Place London W1U 5LE	Alterations including excavation of a single storey basement to enlarge existing lower ground floor flat (Class C3), with associated lightwells.	
	Marylebone High Street			
<p>Recommendation Grant conditional permission.</p>				
Item No	References	Site Address	Proposal	Resolution

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 11th April 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

7.	RN NO(s) : 16/10627/FULL Lancaster Gate	Hyde Park Towers 1 Porchester Terrace London W2 4DB	Erection of an additional floor at ninth floor level to create a penthouse flat (two bedroom unit).	
Recommendation Grant conditional permission				
Item No	References	Site Address	Proposal	Resolution
8.	RN NO(s) : 16/05561/FULL Hyde Park	50 Westbourne Terrace London W2 3UH	Installation of 10 bollards to the roadway in front of nos. 50, 52 and 54 Westbourne Terrace.	
Recommendation Grant conditional permission.				

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 11 April 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	The Pavilion Hyde Park, 1 Serpentine Road, London,		
Proposal	Conversion of two mini tennis courts and one tennis court into one paddle tennis court and one multi use games area; extension of the tennis courts area to provide one additional tennis court adjacent to tennis Court 6; installation of 10m high floodlights; and renewal of the courts surface and fencing.		
Agent	Mig Architecture & Interiors		
On behalf of	Will To Win Ltd		
Registered Number	16/11997/FULL	Date amended/ completed	19 December 2016
Date Application Received	19 December 2016		
Historic Building Grade	Hyde Park is a grade I Registered Park and Garden		
Conservation Area	Royal Parks		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The Pavilion Hyde Park Sports facilities are located at the southern end of the park near the junction of South Carriage Drive and West Carriage Drive. This application has been submitted by Will to Win Ltd to improve the existing sports facilities.

Planning permission is sought for the conversion of two mini tennis courts and one tennis court into one paddle tennis court and one multi use games area (MUGA), the extension of the tennis courts area to provide one additional tennis court adjacent to tennis Court 6, the installation of eleven 10m high floodlights; and renewal of the courts surface and fencing.

The key issues are:

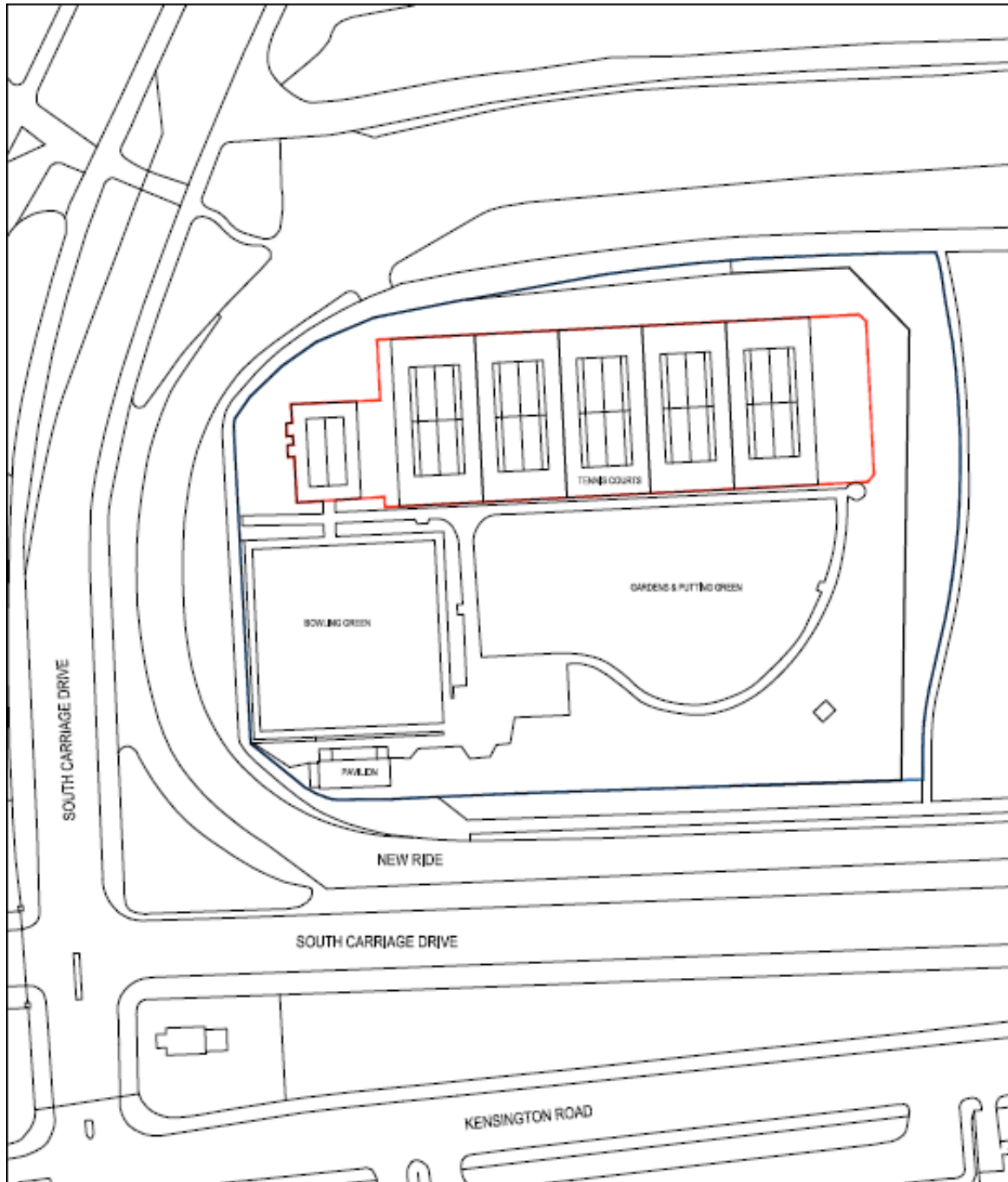
* The impact of the proposals on Hyde Park as a Grade I Registered Park and Garden, a Site of Metropolitan Importance for Nature Conservation and Metropolitan Open Land.

- * The impact on the visual amenity of Hyde Park and the Royal Parks Conservation Area.
- * The impact on the biodiversity of the environment in Hyde Park.

Sports facilities are important parts of social infrastructure, providing a range of social and health benefits for communities and neighbourhoods. The improvement and upgrade of the existing sports facilities would contribute to improving the health and wellbeing of Westminster residents and other visitors who use the facilities.

The introduction of flood lighting will have an adverse impact upon the visual amenity of this part of the Park, however, on balance the associated public benefits arising through the provision of improved sports facilities are considered to outweigh any harm on the visual amenity of this part of the Park.

3. LOCATION PLAN



scale 1:1250



4. PHOTOGRAPHS



Tennis Courts Hyde Park



The Pavilion Hyde Park

5. CONSULTATIONS

KNIGHTSBRIDGE ASSOCIATION:

No objection.

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

THE ROYAL PARKS:

Any response to be reported verbally.

The applicant has provided a letter of support from The Royal Parks dated 15.12.2016 which states that they support these proposals.

FRIENDS OF HYDE PARK & KENSINGTON GARDENS:

Support the proposals.

ARBORICULTURAL MANAGER:

Raises concern about the visual intrusion in the listed open space. The trees Root Protection Areas do not overlap the tennis courts so the proposal has no direct impact but there is an indirect risk of damage to the trees by construction traffic. A tree protection condition is recommended.

NATURAL ENGLAND:

No comment.

LONDON BAT SOCIETY:

Any response to be reported verbally.

HISTORIC ENGLAND:

Any response to be reported verbally.

ENVIRONMENTAL HEALTH:

Any response to be reported verbally.

CLEANSING MANAGER:

No objection.

HIGHWAYS PLANNING MANAGER:

Acceptable on transportation grounds.

THE GARDENS TRUST:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 23

Total No. of replies: 25

No. of objections: 1

No. in support: 28

One objection on grounds that floodlighting from such a height and to allow a substantial block of vertical light changes the nature of the park and the applicant will profit from something which is not in the park's best interest.

Support for the proposals on some or all of the following grounds:

- Facilities are in need of refurbishment;
- Proposals will bring the facilities up to modern standards;
- Proposals will allow the facilities to be used all year round and benefit the community;
- Light pollution would be minimal as the tennis courts are already nearby to well-lit roads;
- Floodlights are located a considerably distance from the nearest buildings and would be shielded by trees;
- Facilities provide residents with opportunity to exercise and support health and wellbeing;
- The facilities are a hub for the local community;
- The facilities have a positive impact on youth and children both athletically and socially;
- A MUGA will allow for a broader range of sporting activities to take place;
- Paddle tennis facilities are needed in London.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Hyde Park is a Grade I Registered Park and Garden, a Site of Metropolitan Importance for Nature Conservation and designated Metropolitan Open Land (MOL). The sites fall within the Royal Parks Conservation Area.

The Pavilion Hyde Park Sports facilities are located at the southern end of the park near the junction of South Carriage Drive and West Carriage Drive. The site consists of the following sports facilities:

- i. 6 tennis courts
- ii. 1 bowling green
- iii. 2 mini tennis courts
- iv. Infants play area
- v. Junior playground
- vi. Senior playground
- vii. 9 hole putting green

6.2 Recent Relevant History

Permission was granted on 28 March 2012 for the construction of a side extension to the sports pavilion; enclosing of the existing terrace to the rear and creation of a new external terrace area to the rear (12/00532/FULL).

7. THE PROPOSAL

The proposals aim to improve the existing sports facilities and comprise of the following elements:

- i. The conversion of two mini tennis courts and one tennis court into one paddle tennis court and one MUGA;
- ii. The extension of the tennis courts area to provide one additional tennis court adjacent to tennis Court 6;
- iii. The installation of 10m high floodlights (to be turned off 9:30pm weekdays 9:00pm weekends); and
- iv. Renewal of the courts surface and fencing.

The sports facilities are managed by the applicant, Will to Win Ltd, who aims are to improve and upgrade the existing sports facilities to cater for an increasing demand for tennis as well as other sports. The provision of a Paddle Tennis court and MUGA would enable other sports to be played on site, including netball and 5-a-side-football.

The opening hours are currently:

- Summer 7am- 9pm for the sports facilities
- Summer 7am - 10pm for the Pavilion building;
- Winter 8am – dusk (currently there is no winter use as there is no lighting).

The proposed floodlights would enable the sports facilities to be used all year round until 9:30pm on weekdays and 9:00pm on weekends.

8. DETAILED CONSIDERATIONS

8.1 Land Use

London Plan policy 3.19 supports development proposals that increase or enhance the provision of sports or recreation facilities. This policy also highlights that where sport facility developments are proposed within existing protected open space, consideration should be given to other policies on MOL and protecting open space.

Policy S11 of the City Plan, ENV 14 and ENV 15 of the UDP, and London Plan policy 7.17 seek to protect MOL and Public Open Space in the City from inappropriate development. The strongest protection is given to MOL and inappropriate development and activity should be refused. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL.

In this case, the proposal is to improve and upgrade existing sports facilities. The proposals involve marginally increasing the footprint of the existing sports facilities, through the provision of one additional tennis court, but this is not considered to be excessive or harmful. Overall the scope of the proposals to improve and upgrade existing facilities, are considered appropriate with this MOL setting.

The applicant estimates that that the improved sports facilities would attract an additional 3455 users per year following development. It is not considered that this increase in

capacity represents an undesirable intensification of the use of the sports facilities. The associated public social and health benefits arising from the provision of improved sports facilities are welcomed.

8.2 Townscape and Design

The site currently includes six large courts and two smaller mini courts which are contained by 3m height fencing. To the south of the courts is a bowls lawn and Pavilion with various ancillary facilities.

The proposals seek to install a new paddle tennis court and a MUGA, which will be contained by 4m high fencing. The remaining courts would be contained within 3m high fencing. In addition to new fencing, new flood lighting would be installed around the new and existing courts, which are to consist of eleven columns of 10m in height.

The provision of flood lighting would mean that the courts could be better utilised, however concerns have been raised with regards to their height and number, and subsequent light spillage which would affect the visual amenity of the historic park.

The introduction of flood lighting will have an adverse impact upon the visual amenity of this part of the Park and will appear within in wider views of the Albert Memorial from the east, though not directly obscuring the memorial itself.

However, due to the public benefits arising from their installation including facilitating the extended use of public sports facilities, the harm arising from the floodlights is on balance mitigated, subject to conditions limiting their use.

There is a marginal increase in the footprint of the area of development, but this is not considered to be excessive or harmful in design terms.

8.3 Residential Amenity

Policy S29 states that the Council will resist proposals that result in an unacceptable loss of residential amenity. Policy ENV10 seeks to reduce light pollution and requires that when planning permission is granted for developments which include the installation of lighting apparatus, conditions be attached to ensure: a) no glare or conflict with street or traffic lighting's; b) minimal upwards light spill; and c) that energy efficient lighting is used.

The lighting strategy for the site has been designed by a lighting specialist and a report has been submitted to demonstrate that the lighting is designed to minimize light glare and spill to the surrounding area. The sports courts will be illuminated using eleven 10m high floodlighting columns. The lighting to be installed will comprise hooded luminaires with rear deflectors which will direct and shield light from the surrounding area including park vegetation. The lux levels are to be as low as possible to minimize light spill and glare.

Environmental Health has been consulted on these details and their response will be reported verbally to committee.

In terms of the nearest residential properties, these are located approximately 150m away on the opposite side of Kensington Road. The proposed floodlights are not expected to cause any material harm in terms of unacceptable levels of light pollution.

A condition is recommended requiring the flood lighting to be turned off at 9:30pm on weekdays and at 9:00pm on weekends.

8.4 Transportation/Parking

It is expected that most users of the sports facilities are local to the area and likely walk to the site. The Highways Planning Manager does not consider that the number of people who may drive to the site would be sufficient to cause problems in the surrounding area. Resident's bays in this area are controlled all day every day so there should not be any extra pressure placed on these.

In terms of cycle parking, the applicant states that there are several cycle stands at the front of the building which are to be expanded. The Highways Planning Manager recommends a condition requiring details of cycle parking, and suggests that this should allow for 10% of those present on the site at any one time to be able to park a cycle.

8.5 Economic Considerations

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

8.6 Access

The sports facilities allow for wheelchair access and facilitate wheelchair tennis.

8.7 Other UDP/Westminster Policy Considerations

Trees

The Arboricultural Manager has visited the site and advises that the nearest tree root protection areas do not overlap the tennis courts so the proposal has no direct impact on trees. There is an indirect risk of damage to the trees by construction traffic and a tree protection condition is therefore recommended.

The Arboricultural Manager raises concern with regard to increasing the development area of the tennis courts. There is a marginal increase in the area of development, but this is not considered to be excessive or harmful.

Biodiversity

Hyde Park is a Site of Metropolitan Importance for Nature Conservation. Policies S36 and S38 of the City Plan seek to protect and enhance nature conservation and biodiversity.

Policy S36 states that both temporary and permanent development proposals will need to demonstrate that they do not have a detrimental impact on the habitats or populations supported in these sites.

Policy S38 states that where developments would impact upon species or habitats, and harm cannot be prevented, sufficiently mitigated against or adequately compensated for, permission will be refused.

The key issue is the impact of the eleven 10m high floodlight columns upon habitat and species within the park.

An Ecological Survey and Assessment has been submitted with the application which has been produced in accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines. The Ecological Survey and Assessment acknowledges that the site has potential to support foraging and commuting bats and common breeding bird species. The site is considered to have negligible potential for all other protected species.

The proposed lighting is to be designed to fulfil the lighting requirements whilst having the least impact on boundary vegetation as possible. This is to be achieved by directing lighting away from boundary vegetation, only illuminating the courts when in use, and using rear deflectors to reduce light spill. These mitigation measures will minimize the impact on potential bats and breeding birds. The proposed lighting will be in use up until 9.30pm Monday to Friday and 9.00pm at weekends, which is outside of the period of peak bat activity and therefore minimal impact on bats is expected.

The Ecological Survey and Assessment concludes that provided mitigation measures are implemented effectively, no significant ecological impacts are anticipated on habitats, bats or birds.

The mitigation measures suggested are tree protection during setting up and removal, reinstatement of amenity grassland in accordance with the requirements of the Royal Parks and light spill beyond the site boundary to be strictly minimised. It is recommended that a condition is used to ensure that the development is carried out in accordance with the mitigation measures set out in the Ecological Appraisal.

8.8 London Plan

The proposal accords with London Plan Policy 3.19 which states that development proposals that increase or enhance the provision of sports and recreation facilities will be supported.

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

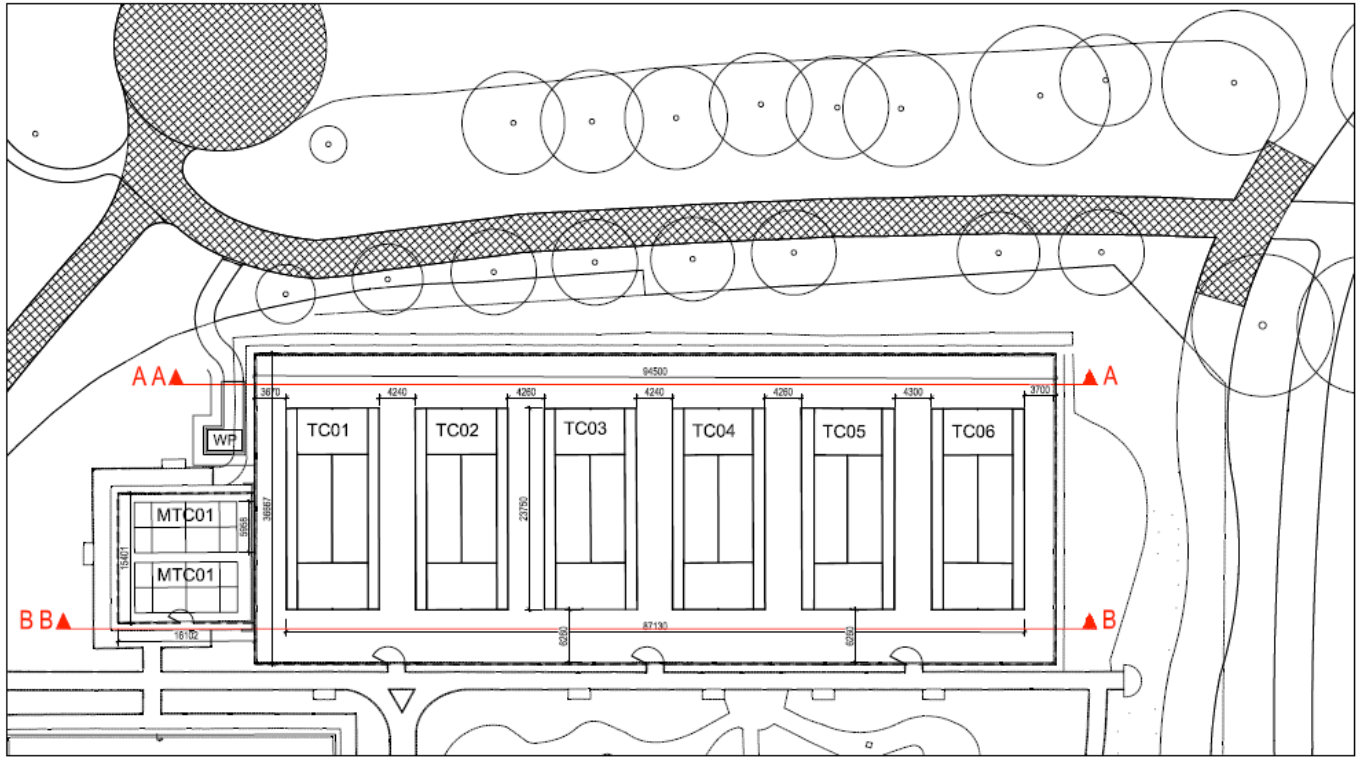
An environmental impact assessment is not applicable for a development of this size.

9. BACKGROUND PAPERS

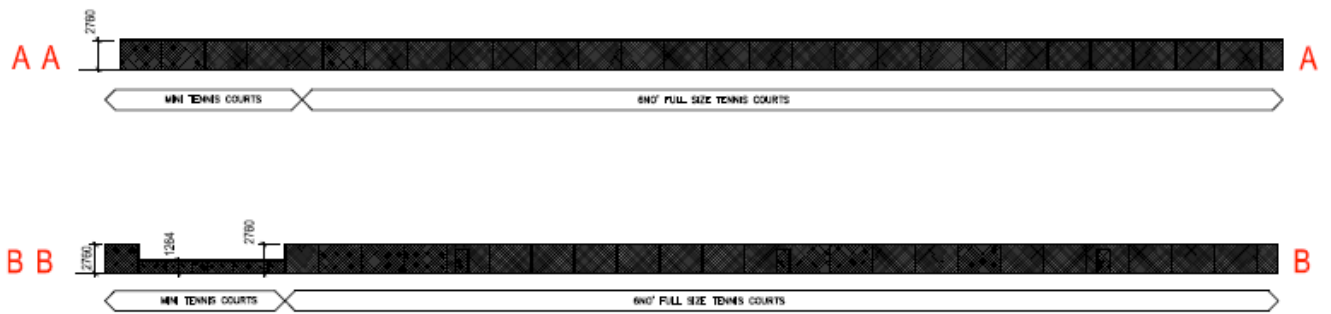
1. Application form
2. Response from Knightsbridge Association dated 9 January 2017
3. Responses from Arboricultural Manger dated 16 March 2017 and 9 February 2017
4. Response from Highways Planning Manager dated 16 March 2017
5. Response from Cleansing Manager dated 12 January 2017
6. Response from Natural England dated 8 March 2017
7. Letter from Royal Parks dated 15 December 2016
8. Letters from Friends of Hyde Park and Kensington Gardens dated 30 November 2016 and 25 January 2017
9. Letter from occupier of 10 Stanhope Mews East dated 25 January 2017 (objection)
10. Letter from occupier of 42 Philbeach Gardens dated 4 February 2017
11. Letter from occupier of 51 Brompton Square dated 4 February 2017
12. Letter from occupier of 2A Palace Court dated 5 February 2017
13. Letter from occupier of 59 Kendal Steps, St George's Fields dated 6 February 2017
14. Letter from occupier of 40 Mornington Road dated 7 February 2017
15. Letter from occupier of 40 Mornington Road dated 7 February 2017
16. Letter from occupier of 268 Ealing road, Alperton dated 7 February 2017
17. Letter from occupier of Flat 47 Elizabeth House, 341 High Road dated 7 February 2017
18. Letter from occupier of Flat 2, 4 Lansdowne Place dated 7 February 2017
19. Letter from occupier of 2 Tangle Oak, Felbridge dated 7 February 2017
20. Letter from occupier of 16 Westbourne Gardens dated 7 February 2017
21. Letter from occupier of 89 Albert Embankment dated 8 February 2017
22. Letter from occupier of 27 Cloncurry Street dated 8 February 2017
23. Letter from occupier of 7 Richard Neal House, Cornwall Street dated 9 February 2017
24. Letter from occupier of 1 Keble Street dated 9 February 2017
25. Letter from occupier of 12 Green Lane, Ilford dated 10 February 2017
26. Letter from occupier of 7 Hawsewater House, 239 Summerwood Road dated 10 February 2017
27. Letter from occupier of 330 Pembroke Court, Copley Close dated 10 February 2017
28. Letter from occupier of 61 Beechwood Avenue, Finchley dated 10 February 2017
29. Letter from occupier of Flat 2, 65 Chepstow Road dated 10 February 2017
30. Letter from occupier of 44 Immis House dated 10 February 2017
31. Letter from occupier of 31e Stanhope Gardens dated 10 March 2017
32. Letter from occupier of Flat 5A, Cardwell Terrace dated 11 February 2017
33. Letter from occupier of 8 Astwood Mews dated 18 February 2017
34. Letter from occupier of 31E Stanhope Gardens dated 10 March 2017
35. Letter from occupier of 32A Moore Street dated 22 March 2017
36. Letter from occupier of Flat 15, 51 Iverna Gardens dated 26 March 2017
37. Letter from occupier of 50A Courtenay Street dated 03 April 2017.

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

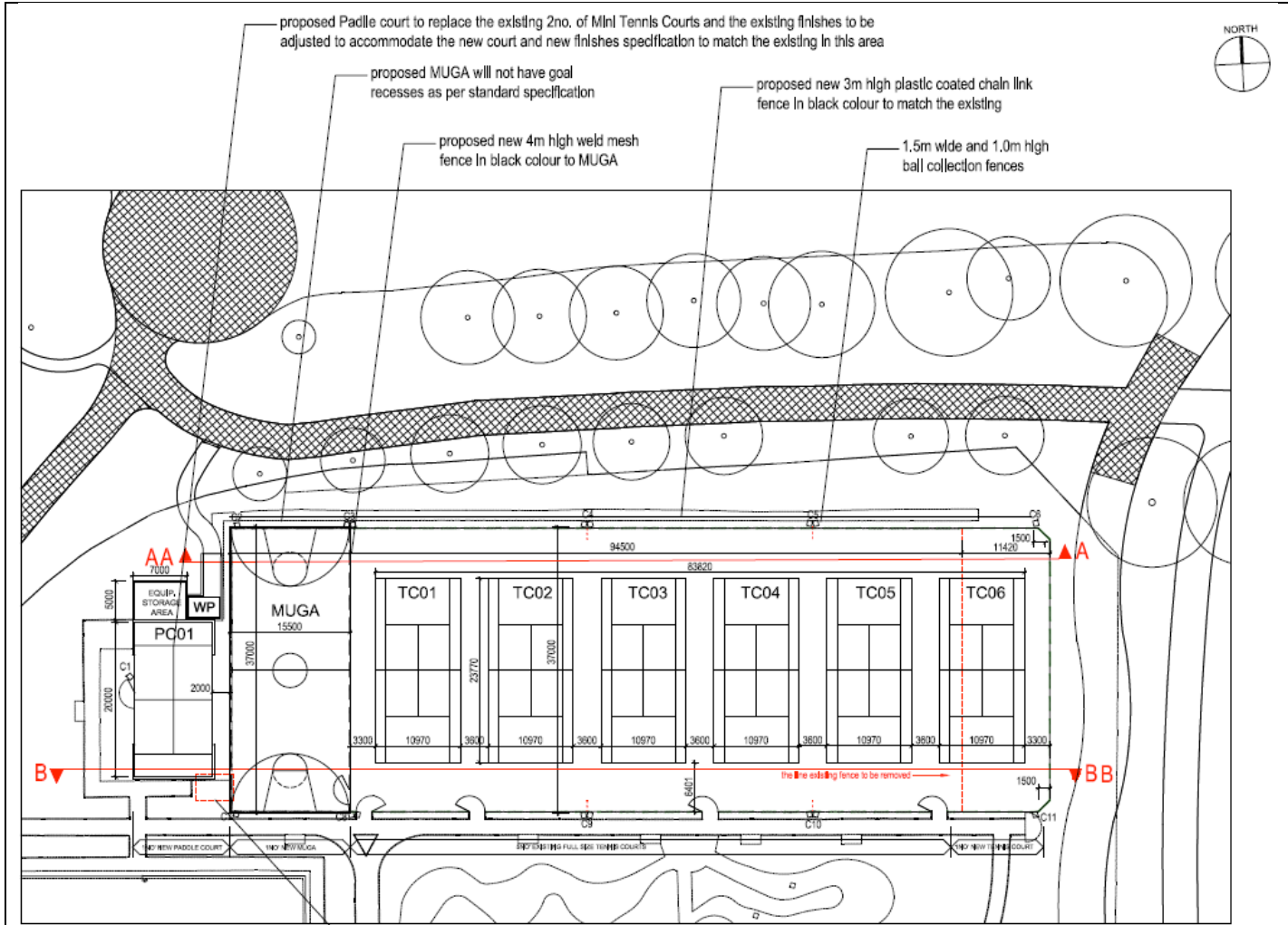
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VINCENT NALLY BY EMAIL AT VNALLY@WESTMINSTER.GOV.UK



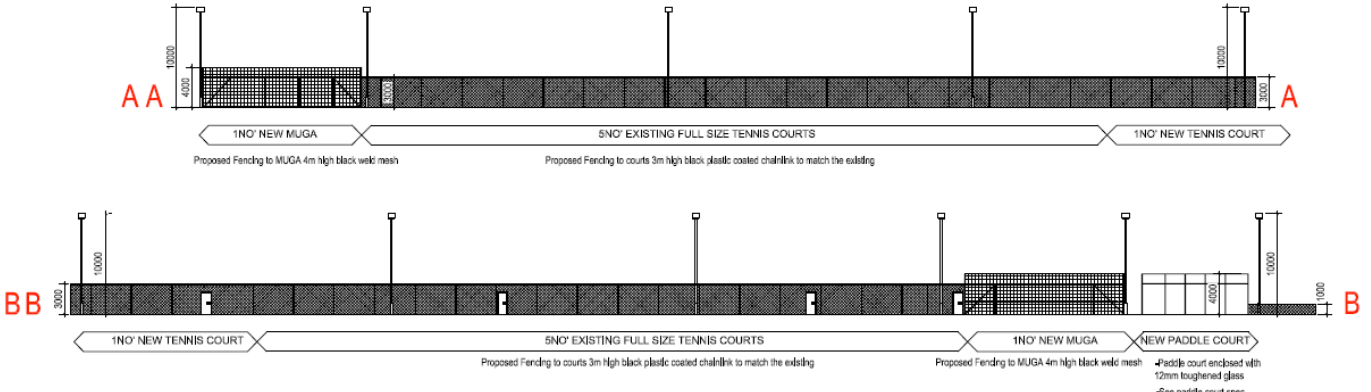
Existing Site Plan



Existing Elevations



Proposed Site Plan



Proposed Elevations

DRAFT DECISION LETTER

Address: The Pavilion Hyde Park, 1 Serpentine Road, London, ,

Proposal: Conversion of two mini tennis courts and one tennis court into one paddle tennis court and one multi use games area; extension of the tennis courts area to provide one additional tennis court adjacent to tennis Court 6; installation of 10m high floodlights; and renewal of the courts surface and fencing.

Reference: 16/11997/FULL

Plan Nos: Site Location Plan; HYD12-035-011 C; HYD12-035-101 C (Existing elevations only); HYD12-037-011 J; HYD12-037-101 G (Proposed Elevations only); Planning Statement dated December 2016; Design and Access Statement dated December 2016; Outdoor LED Lighting Design by Luminance Pro Lighting Systems Ltd dated 23 March 2017; Ecological Survey & Assessment by ECOSA Ltd dated October 2016

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 5 The floodlights must not be used outside of the following times: between 07.00 and 21.30 hours on Monday to Friday and between 07.00 and 21.00 hours on Saturday to Sunday.

Reason:

To reduce the effect the development has on the biodiversity of the environment and on character and appearance of this part of the Hyde Park Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 17, 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.

- 6 You must apply to us for approval of details of cycle parking. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details.

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.

Informative(s):

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

- 2 You 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.

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 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 11 April 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Elliott House, 1 Molyneux Street, London, W1H 5HU		
Proposal	Variation of Condition 1 of planning permission dated 29 April 2016 (RN: 15/08836/FULL) for, 'Demolition of building, excavation of sub-basement, and erection of replacement building over sub-basement, lower ground, ground and part-four and part-five upper storeys to provide 32 car parking spaces (accessed by car lifts on Cato Street), cycle parking, plant, ancillary gym and refuse store at basement level; plant within lower ground floor vaults; and up to 32 flats (Class C3) over lower ground to fifth floor levels', in order to make the following amendments to the approved development: (i) The reduction in the footprint of the proposed new basement level so that it would no longer extends beneath the pavement vaults on Molyneux Street and Crawford Place; (ii) Reduction in the number of car parking spaces proposed from 32 to 31; (iii) Increase in the depth of the proposed new basement levels (in parts) in order to accommodate car stackers; (iv) Reduction in the number of car lifts from two to one; (v) Relocation of the proposed substation from rear lower ground floor level to a pavement vault on Crawford Place (and corresponding enlargement of Flat LG.2; (vi) Use of former car lift area on Cato Street as cycle store and refuse holding area; (vii) Reduction in the size of Unit 1.2; (viii) Increase in the number of cycle parking spaces from 66 to 70; (ix) Alterations to the railings at fourth floor level; and (x) Other alterations.		
Agent	Savills		
On behalf of	Elliott House (Guernsey) Ltd		
Registered Number	16/05715/FULL	Date amended/ completed	11 October 2016
Date Application Received	19 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	Molyneux Street		

1. RECOMMENDATION

1.	Grant conditional permission subject to a S106 legal agreement to secure the following:
(a)	The applicant to comply with the Council's Code of Construction Practice, comply with the Site

Environmental Management Plan (Revision 07) approved by the City Council on 19 August 2016 and provide a financial contribution of up to £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;

- (b) Unallocated parking;
- (c) Car Parking Management Plan (including maintenance of the car lift and valet parking);
- (d) Cost of the works associated with the creation of two tree pits and the planting of least two new trees within the vicinity of the site.
- (e) Cost of widening the vehicular crossover on Cato Street and making good;
- (f) Cost of relocating a lamppost on Cato Street; and
- (g) Costs of monitoring the S106 agreement.

2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

- a) The Director of Planning shall consider whether it will be possible or 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 the decision under Delegated Powers; however, if not;
- b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of 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.

2. SUMMARY

The site comprises an unlisted residential building known as Elliott House that is located at the corner of Molyneux Street and Crawford Place and oversails the entrance to Cato Street. The site is located within the Molyneux Street Conservation Area and is adjacent to Grade II listed buildings to the south.

Permission is sought to make a number of 'minor material amendments' to the permission granted by the City Council on 29 April 2016 for the redevelopment of this site, excavation of a sub-basement, and erection of replacement building to provide 32 flats (Class C3) with sub-basement car and cycle parking. The most substantive of the amendments to the approved development is: (i) The reduction in the footprint of the proposed new basement level but to increase its depth from 4.4m to 4.7m for the majority of its footprint and to 8.1m in depth in two areas in order to accommodate triple car stackers; (ii) To reduce the number of car lifts from two to one; and (iii) To reduce the number of car parking spaces from 32 to 31.

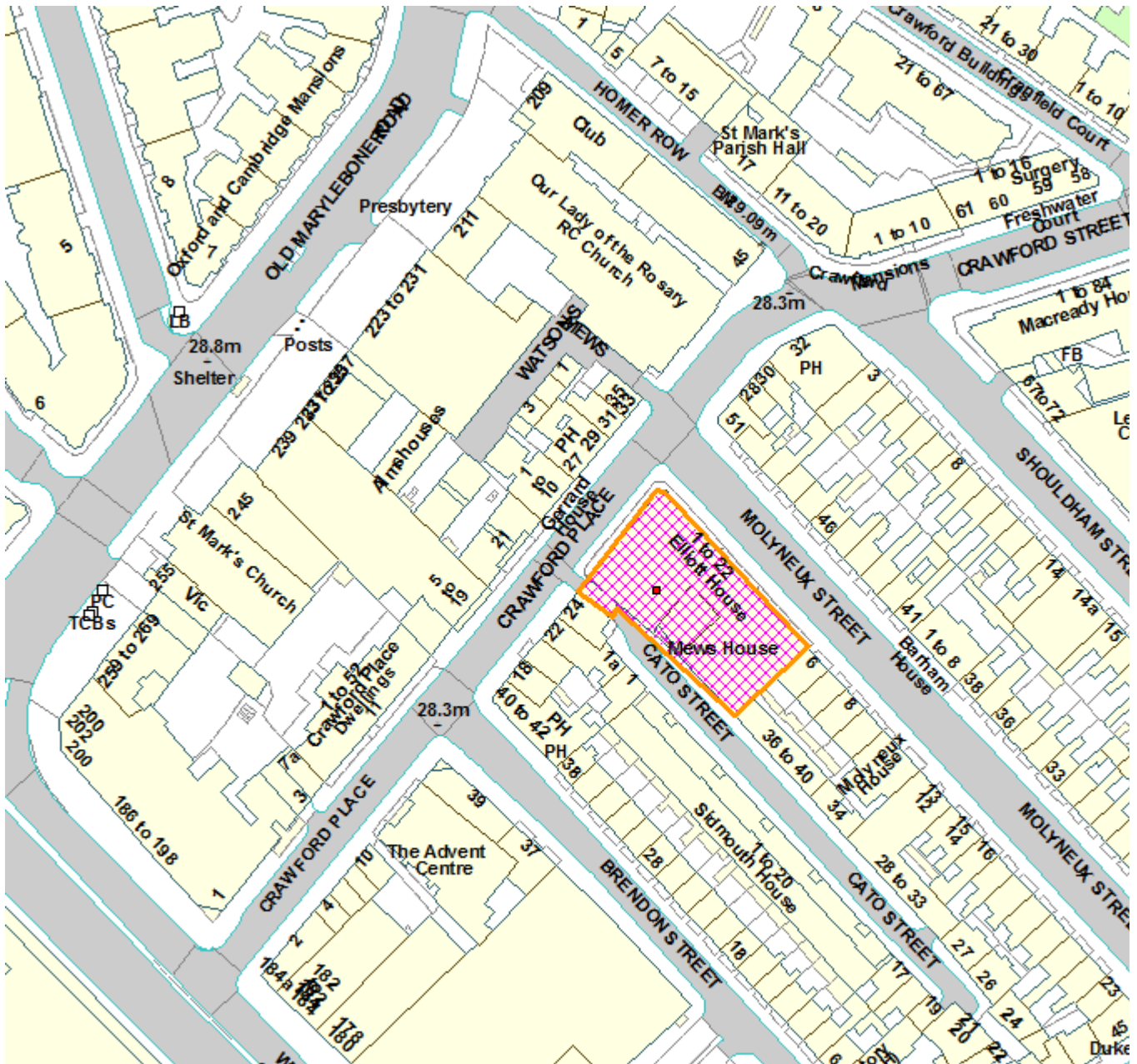
The main issues are:

- (i) The acceptability of the proposed modified basement excavation; and
- (ii) The acceptability of the reduction in a car parking space and the reduction in the number of car lifts.

The proposed reduction in the number of car lifts has attracted objections from two local residents. However, Highways Planning has no objection to the amendment and the proposal is considered acceptable in land use, transportation and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). Furthermore, the proposal is considered to preserve the character and appearance of the Mayfair Conservation Area and not harm the setting of the adjacent listed buildings. For these reasons it is

recommended that conditional planning permission be granted subject to a legal agreement securing the items listed within Section 8.10 of this report.

3. LOCATION PLAN



4. PHOTOGRAPHS

Front elevation from Crawford Place:



Rear elevation from Cato Street:



5. CONSULTATIONS

MARYLEBONE ASSOCIATION:

- Supports reduced footprint of new basement but objects if the total volume of material that needs to be excavated increases.
- Supports the reduction in car parking provision and would welcome a further reduction.
- Supports reduction in the number of car lifts subject to: (i) A managed car parking strategy (i.e. valet parking); (ii) An appropriate maintenance and repair strategy to ensure that the remaining car lift is serviceable at all times; and (iii) The transport modelling confirms that a single car lift can meet the demand of cars and that there will be no cars having to queue on Cato Street at peak times.
- Supports relocation of sub-station.
- Supports the increase in the quantum of cycle parking and the provision of cycle parking at street level as this will encourage sustainable travel options.
- Requests that the crossover is reduced to reflect the reduction in car parking access.
- No objection to the reduction in the size of Flat 1.2.
- No objection to the altered design of the fourth floor railings.

HIGHWAYS PLANNING:

- The proposed increase in the quantum of cycle parking is welcome.
- The reduction in car parking from 32 to 31 spaces is acceptable given car ownership levels in the area, the unallocated nature of the car parking and that the situation compares favourably to the existing situation where 23 flats have only five car parking spaces.
- Based on the levels of likely demand and lift cycle times, the provision of only one car lift is considered to be adequate to ensure that vehicles are unlikely to have to queue on Cato Street before gaining access to the car park.
- Satisfied that the proposed 31 spaces can be independently accessed.

BUILDING CONTROL:

- The calculations and structural methodology for the basement construction has not been provided as part of the submission.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 266

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Raising objections on the following grounds:

Transportation

- The proposed single car lift and triple decker car parking is impractical and will not be used by the residents within the building. Rather, residents will sub-let the car parking spaces and will request on-street resident parking permits. This will add to on-street car parking stress.
- Requests that on-street resident parking permits for future residents of the building be severely restricted.

- The reduction in the number of car lifts will result in vehicle congestion on Cato Street.

Amenity

- The additional queuing on Cato Street will result in noise and pollution in this residential street.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises an unlisted residential building known as Elliott House that is located at the corner of Molyneux Street and Crawford Place and oversails the entrance to Cato Street. Elliott House comprises basement, ground, four upper floors and roof level access staircase and plant. It is made up of 23 flats (16 x two-bed, 6 x three-bed and 1 x five-bed). Basement parking (five spaces) accessed via a curved ramp from street level in Cato Street is located at rear basement level.

The site is located within the Molyneux Street Conservation Area and the Central Activities Zone (CAZ) (but outside of the Core CAZ). The immediate vicinity contains largely residential flats and dwellings, with commercial and entertainment uses to the south west along Edgware Road.

6.2 Recent Relevant History

16/09751/ADFULL

Details pursuant to condition 21 (part a) of planning permission dated 29/04/2016 (RN:15/08836) namely the submission of a written scheme of investigation for a programme of archaeological work,
Application Permitted 25 November 2016

16/06068/MOD106

Submission of Site Environmental Management Plan (SEMP) for construction phase of development pursuant to Clause 2.1 Schedule One of S106 planning obligation agreed in connection with planning permission dated 29 April 2016 (Ref: 15/08836/FULL)
Application Permitted 19 August 2016

16/04588/NMA

Amendments to planning permission dated 29 April 2016 (RN: 15/08836/FULL) for, 'Demolition of building, excavation of sub-basement, and erection of replacement building over sub-basement, lower ground, ground and part-four and part-five upper storeys to provide 32 car parking spaces (accessed by car lifts on Cato Street), cycle parking, plant, ancillary gym and refuse store at basement level; plant within lower ground floor vaults; and up to 32 flats (Class C3) over lower ground to fifth floor levels'; namely, to alter the layout of some of the approved flats.
Application Permitted 8 June 2016

15/08836/FULL

Demolition of building, excavation of sub-basement, and erection of replacement building over sub-basement, lower ground, ground and part-four and part-five upper storeys to provide 32 car parking spaces (accessed by car lifts on Cato Street), cycle parking, plant, ancillary gym and refuse store at basement level; plant within lower ground floor vaults; and up to 32 flats (Class C3) over lower ground to fifth floor levels.

Application Permitted 29 April 2016

7. THE PROPOSAL

The application proposes to make a number of 'minor material alterations' to the redevelopment proposal approved by the City Council on 29 April 2016 for the redevelopment of this site, excavation of a sub-basement, and erection of replacement building to provide 32 flats (Class C3) with sub-basement car and cycle parking.

The following amendments are sought to the approved development:

- i. The reduction in the footprint of the proposed new basement level so that it would no longer extend beneath the pavement vaults on Molyneux Street and Crawford Place.
- ii. Replacement of the ancillary basement gymnasium with a larger ancillary conference room.
- iii. Relocation of the approved basement refuse store.
- iv. Reduction in the number of car parking spaces from 32 to 31.
- v. Increase in the depth of the basement from 4.4m (in the main but with one element that is 6.5m deep) to 4.7m (in the main but with two areas where the triple height car stackers are located that are 8.1m deep).
- vi. Insertion of a partial mezzanine level between basement and lower ground floor level to accommodate plant and an ancillary office;
- vii. Reduction in the number of car lifts on Cato Street from two to one.
- viii. Relocation of the proposed substation from rear lower ground floor level to a pavement vault on Crawford Place (and corresponding enlargement of Flat LG.2;
- ix. Use of former car lift area on Cato Street as a cycle store and refuse holding area;
- x. Reduction in the size of Unit 1.2 to accommodate a double-height space above the main entrance lobby;
- xi. Increase in the number of cycle parking spaces from 66 to 70; and
- xii. Minor alterations to the railings in the corner element of the building at fourth floor level so that they are set within the window reveals.

8. DETAILED CONSIDERATIONS

8.1 Land Use

There is no objection to the proposed relocation of the approved substation from the main building to one of the pavement vaults on Crawford Place. The corresponding increase in the size of Unit 1.2 so that it is converted from a one-bedroom to a two-bedroom flat is welcome and would not harm the housing mix of the development. The floorspace of this enlarged unit is 83 sq.m (GIA) which exceeds the minimum of 70 sq.m (GIA) within Table 3.3 of the London Plan (2016).

Unit 1.2 will retain the same number of bedrooms but is proposed be reduced in size to 73 sq.m in order to accommodate a double height element to the main entrance to the building. Again, this exceeds the minimum of 70 sq.m (GIA) within Table 3.3 of the London Plan (2016) and is therefore acceptable.

The replacement of the ancillary basement gymnasium with a larger ancillary conference room raises no land use concerns. The approved gymnasium and the proposed conference room are to be used in an ancillary capacity for the residents of the building and therefore there will be no material impact arising from this alteration.

8.2 Townscape and Design

The proposed minor alterations to the railings in the corner element of the building at fourth floor level so that they are set within the window reveals raises no concerns in terms of its impact upon the character and appearance of the Molyneux Street Conservation Area and the setting of the neighbouring listed buildings.

8.3 Residential Amenity

For the reasons set out within 8.4 of this report, there is unlikely to be vehicular queuing on Cato Street as a consequence of reducing the number of car lifts from two to one. As such, the objection on noise and pollution grounds from queuing cars is not considered to be sustainable.

8.4 Transportation/Parking

Highways Planning raises no concerns over the reduction in the number of car parking spaces proposed from 32 to 31 given the level of car ownership levels in the area and that the parking is to be unallocated. Furthermore, the proposal still remains favourable when compared to the existing situation where 23 flats have only five car parking spaces.

The car parking is to be unallocated and via a valet, so to enter the car park residents would enter the car lift, go down to the basement, exit the car lift and leave the car for the valet to park. On leaving they would request their vehicle which the valet would retrieve and leave in the basement for collection.

Further information was requested from the applicant to ascertain whether the reduction in the number of car lifts from two to one would create a situation where vehicles had to queue on Cato Street in order to get into the lift. Based on the information provided, Highways Planning is satisfied that the likely levels of demand for the car lifts and the lift cycle times will mean that cars are unlikely to have to queue on Cato Street to gain access to the basement car parking. Subject to securing a Car Parking Management Plan by legal agreement, there is therefore no objection to the reduction in the number of car lifts. For this reason, the concerns from local residents regarding future residents being reluctant to use the basement car park and that cars will have to queue on Cato Street are not considered to represent sustainable objections to the proposal.

The increase in the number of cycle parking spaces is welcome, as is the use of the former car lift area on Cato Street as cycle storage which will encourage this sustainable mode of transportation.

8.5 Economic Considerations

The economic implications of the revised scheme compared to the approved scheme are not considered to be materially different.

8.6 Access

The access arrangements remained unchanged from the approved scheme.

8.7 Other UDP/Westminster Policy Considerations

Revised Basement

Since the determination of the previous application, the City Council has revised its City Plan and this now incorporates a policy on basement developments (City Plan Policy CM28.1). The site is not in a surface water flooding 'hot spot' or in a flood risk zone.

Whilst the applicant has provided an updated Basement Impact Assessment by a suitably qualified engineer, the Building Control Manager has advised that it does not include the calculations and structural methodology for the basement construction for the purposes of City Plan Policy CM28.1(A)(2)(a). Officers have requested that further detail be provided for review by the Building Control Manager and the committee will be verbally updated on this issue.

The original application was determined prior to the City Council's adoption of the Code of Construction Practice in July 2016. The 2016 permission secured by legal agreement a financial contribution towards the Environmental Inspectorate of up to £33,000 per annum and the submission of a Site Environmental Management Plan for the City Council's approval. It is recommended that the same approach is taken in the determination of this application, albeit securing the Site Environmental Management Plan approved by the City Council on 19 August 2016.

Through its location beneath a site that is already completely covered in an existing structure, there is no objection to the footprint of the proposed basement which is smaller than approved. There will be no impact upon neighbouring trees or increased risk of flooding given the site's location outside of fluvial or surface water flooding areas.

Whilst the insertion of a partial mezzanine level result in more than one storey being excavated below the lowest original floor levels, by virtue of this large site's location at the corner of Molyneux Street and Crawford Place and not harming any heritage assets, the proposal accords with the two exceptional circumstances set out within City Plan Policy CM28.1(C)(3); namely, (a) The proposal relates to a large site with high levels of accessibility such that it can be constructed and used without adverse impact on neighbouring uses or the amenity of neighbouring occupiers; and b) No heritage assets will be adversely affected. It is also material that the main body of the basement is only

0.3m deeper than as approved, the deeper areas are located well away from any neighbouring structures, and the total volume to be excavated is less than as approved.

Refuse /Recycling

There is no objection to the relocated basement refuse store as it has the same handling capacity as approved.

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

The draft 'Heads' of agreement are proposed to cover the following issues:

- a) The applicant to comply with the Council's Code of Construction Practice, comply with the Site Environmental Management Plan (Revision 07) approved by the City Council on 19 August 2016 and provide a financial contribution of up to £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- b) Unallocated parking;
- c) Car Parking Management Plan (including maintenance of the car lift and valet parking);
- d) Cost of the works associated with the creation of two tree pits and the planting of least two new trees within the vicinity of the site.
- e) Cost of widening the vehicular crossover on Cato Street and making good;
- f) Cost of relocating a lamppost on Cato Street; and
- g) Costs of monitoring the S106 agreement.

These are the same as legal agreement that accompanies the original permission with the exception of: (i) Requiring compliance with the Site Environmental Management Plan (Revision 07) approved by the City Council on 19 August 2016; and (ii) The inclusion of a Car Parking Management Plan (in addition to unallocated car parking, valet parking and management and maintenance of the car lift).

The estimated CIL payment is:

- £118,416 (Mayoral).

As the original permission was issued prior to the adoption of the Westminster CIL on 1 May 2016 and no additional floorspace is proposed, the development is not liable to the Westminster CIL.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

None.

9. BACKGROUND PAPERS

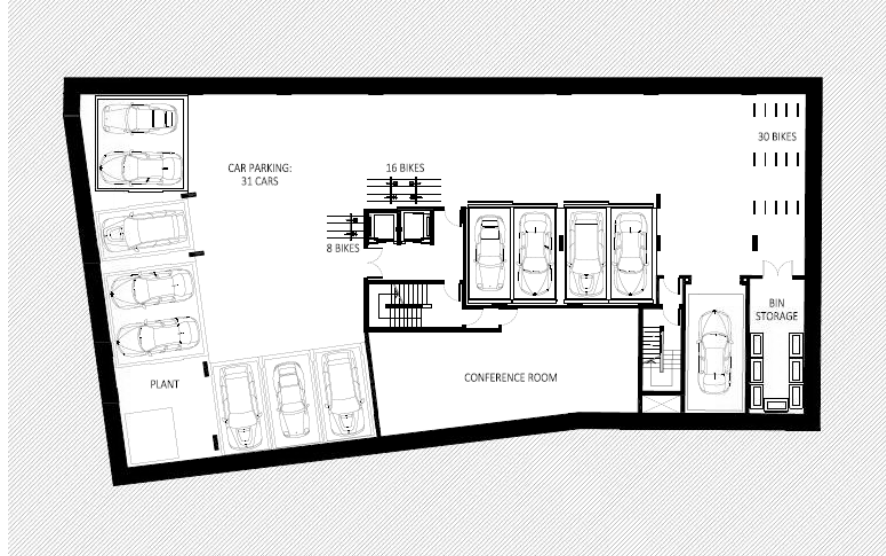
1. Application form
2. Response from the Marylebone Association, dated 24 October 2016.
3. Response from Highways Planning, dated 24 February 2017.
4. Response from Building Control, dated 25 October 2016.
5. Letter from occupier of 2 Cato Street, dated 25 October 2016.
6. Letter from occupier of 6 Molyneux Street, dated 28 October 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: MARK HOLLINGTON BY EMAIL AT MHOLLINGTON2@WESTMINSTER.GOV.UK.

10. KEY DRAWINGS

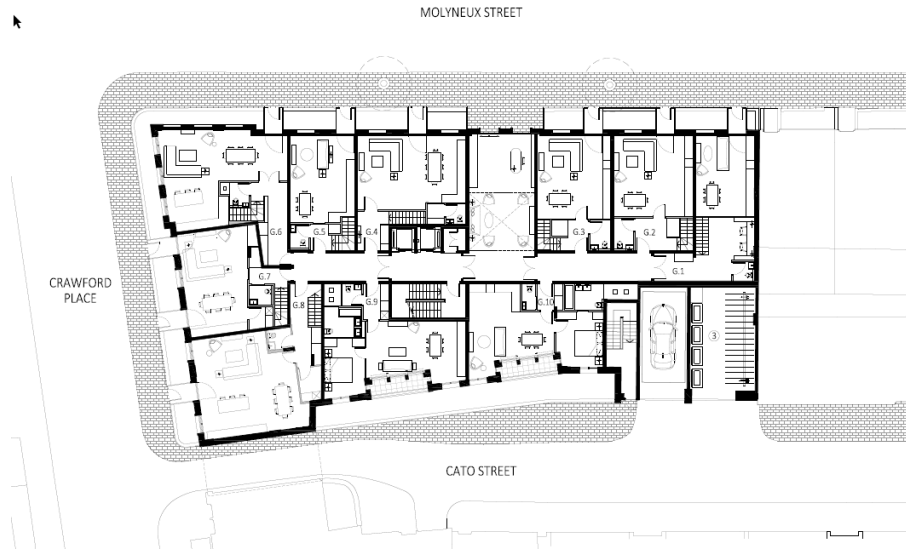
Proposed basement floorplan:



Proposed lower ground floorplan:



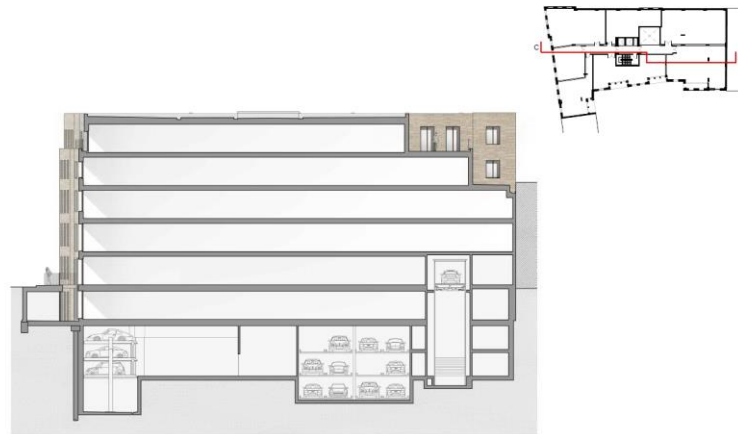
Proposed ground floorplan:



Proposed first floorplan:



Proposed Section C-C:



Proposed Crawford Place elevation:



DRAFT DECISION LETTER

Address: Elliott House, 1 Molyneux Street, London, W1H 5HU,

Proposal: Variation of Condition 1 of planning permission dated 29 April 2016 (RN: 15/08836/FULL) for, 'Demolition of building, excavation of sub-basement, and erection of replacement building over sub-basement, lower ground, ground and part-four and part-five upper storeys to provide 32 car parking spaces (accessed by car lifts on Cato Street), cycle parking, plant, ancillary gym and refuse store at basement level; plant within lower ground floor vaults; and up to 32 flats (Class C3) over lower ground to fifth floor levels', in order to make the following amendments to the approved development: (i) The reduction in the footprint of the proposed new basement level so that it would no longer extends beneath the pavement vaults on Molyneux Street and Crawford Place; (ii) Reduction in the number of car parking spaces proposed from 32 to 31; (iii) Increase in the depth of the proposed new basement levels (in parts) in order to accommodate car stackers; (iv) Reduction in the number of car lifts from two to one; (v) Relocation of the proposed substation from rear lower ground floor level to a pavement vault on Crawford Place (and corresponding enlargement of Flat LG.2; (vi) Use of former car lift area on Cato Street as cycle store and refuse holding area; (vii) Reduction in the size of Unit 1.2; (viii) Increase in the number of cycle parking spaces from 66 to 70; (ix) Alterations to the railings at fourth floor level; and (x) Other alterations.

Reference: 16/05715/FULL

Plan Nos: 15/08836/FULL
Demolition drawings:
1408-PA-101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113.

Proposed drawings:
1408-PA-201 Rev. H, 202 Rev. N, 203 Rev. N, 204 Rev. L, 205 Rev. L, 206 Rev. K, 207 Rev. K, 208 Rev. J, 210 Rev. H, 211 Rev. H, 212 Rev. H, 215 Rev. G, 216 Rev. G, 217 Rev. G, 222 and 213.

16/09751/ADFULL
Archaeological Study dated August 2016.

16/05715/FULL
Proposed drawings:
1408-PA-201 Rev. L, 201.1 Rev. A, 202 Rev. R, 203 Rev. R, 204 Rev. P, 205 Rev. P, 206 Rev. O, 207 Rev. N, 208 Rev. K, 210 Rev. J, 211 Rev. J, 212 Rev. J, 215 Rev. L, 216 Rev. L and 217 Rev. L.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

You must carry out basement excavation work only:

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

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

Reason:

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

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

Reason:

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

- 4 You must apply to us for approval of detailed drawings at a scale of 1:10 of the following parts of the development:
 - (i) Typical example of each window and external door.
 - (ii) New railings.

You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

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

- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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

- 6 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

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

- 7 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Molyneux Street Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 8 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces or balconies hereby approved. (C26NA)

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

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

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

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

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3)

is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 10 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

- 11 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.

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

Reason:

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

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

Reason:

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

- 14 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this

development. (C22BA)

Reason:

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

- 15 The cycle parking area shown on approved drawings 1408-PA-201 Rev. L and 1408-PA-203 Rev. R shall be fitted so that it is capable of storing at least 70 bicycles prior to the occupation of any of the flats hereby approved. Thereafter the cycle spaces must be retained, access provided to all of the occupants of the flats hereby approved and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016.

- 16 Other than the area shown as balconies or roof terraces on the approved drawings, you must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

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

- 17 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 18 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing numbers 1408-PA-201 Rev. L and 1408-PA-203 Rev. R. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

Reason:

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

- 19 You must apply to us for approval of manufacturer's specification and species list for the living roof hereby approved.

You must not start on these parts of the work until we have approved what you have sent us. You

must then carry out the work in its entirety prior to the occupation of any of the flats hereby approved and in accordance with the approved drawings, manufacturer's specification and species list. (C26UB)

Reason:

To increase the biodiversity of the environment and to reduce surface water run-off, as set out in S30 and S38 of Westminster's City Plan (November 2016), ENV 4, ENV 17 of our Unitary Development Plan that we adopted in January 2007 and Policies 5.10, 5.13, 7.19 of the London Plan (2016). (R43FB)

- 20 Prior to occupation of any of the flats hereby approved a minimum of seven of the car parking spaces shall be provided with charging points (for electric vehicles) and at least seven of the car parking spaces shall be fitted with the necessary underlying infrastructure (e.g. capacity in the connection to the local electricity distribution network and electricity distribution board, as well as cabling to parking spaces) to enable simple installation and activation of a charge point at a future date. These charging points shall not be removed.

Reason:

To ensure that adequate recharging points are made available within the development hereby approved in accordance with Policy 6.13 of the London Plan (2016).

- 21 (a) You must carry out the archaeological work and development according to the written scheme of investigation for a programme of archaeological work approved by the City Council on 25 November 2016 (Ref: 16/09751/ADFULL). You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.
- (b) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 22 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:
- (i) Combined heat and power unit (energy centre).
 - (ii) 2 x photovoltaic arrays at roof level, in accordance with the approved drawings.
 - (iii) Mechanical ventilation with heat recovery.
 - (iv) Air source heat pumps.

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016).

- 23 This permission must be commenced no later than 28 April 2019.

Reason:

This permission authorises amendments to the original planning permission granted on 29 April 2016 (RN: 15/08836/FULL) which must be commenced no later than the above date.

Informative(s):

1. In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
2. You will need to speak to our Tree Section about the proposal to remove a tree from the public footway in Molyneux Street. You will have to pay for the removal of the tree by the Council's own contractors.
3. Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
4. Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
5. The term 'clearly mark' in condition 18 means marked by a permanent wall notice or floor markings, or both. (I88AA)
6. You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
7. Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

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

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

8. This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - a) The applicant to comply with the Council's Code of Construction Practice, comply with the Site Environmental Management Plan (Revision 07) approved by the City Council on 19 August 2016 and provide a financial contribution of up to £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
 - b) Unallocated parking;
 - c) Car Parking Management Plan (including maintenance of the car lift and valet parking);
 - d) Cost of the works associated with the creation of two tree pits and the planting of least two new trees within the vicinity of the site.
 - e) Cost of widening the vehicular crossover on Cato Street and making good;
 - f) Cost of relocating a lamppost on Cato Street; and
 - g) Costs of monitoring the S106 agreement.
9. This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.

If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>. **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**

10. Conditions 9 and 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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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.

Agenda Item 3

Item No.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 10 April 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Lion House, 2 Red Lion Yard, London, W1J 5JR		
Proposal	Internal reconfiguration of the existing building to include the amalgamation of the existing two flats at first floor level to create a family sized dwelling (Class C3), and conversion of existing boiler room for use as a bin store for all of the flats and for the storage of 4 bicycles.		
Agent	Savills		
On behalf of	House Owners Investments		
Registered Number	16/10955/FULL	Date amended/ completed	16 November 2016
Date Application Received	16 November 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application relates to Lion House, a four storey residential property located in Red Lion Yard accessed from Waverton Street. The proposals involve internal reconfiguration and the amalgamation of two 1-bed flats at first floor level to create a family sized unit. The key issue is:

- The acceptability of the loss of one residential unit.

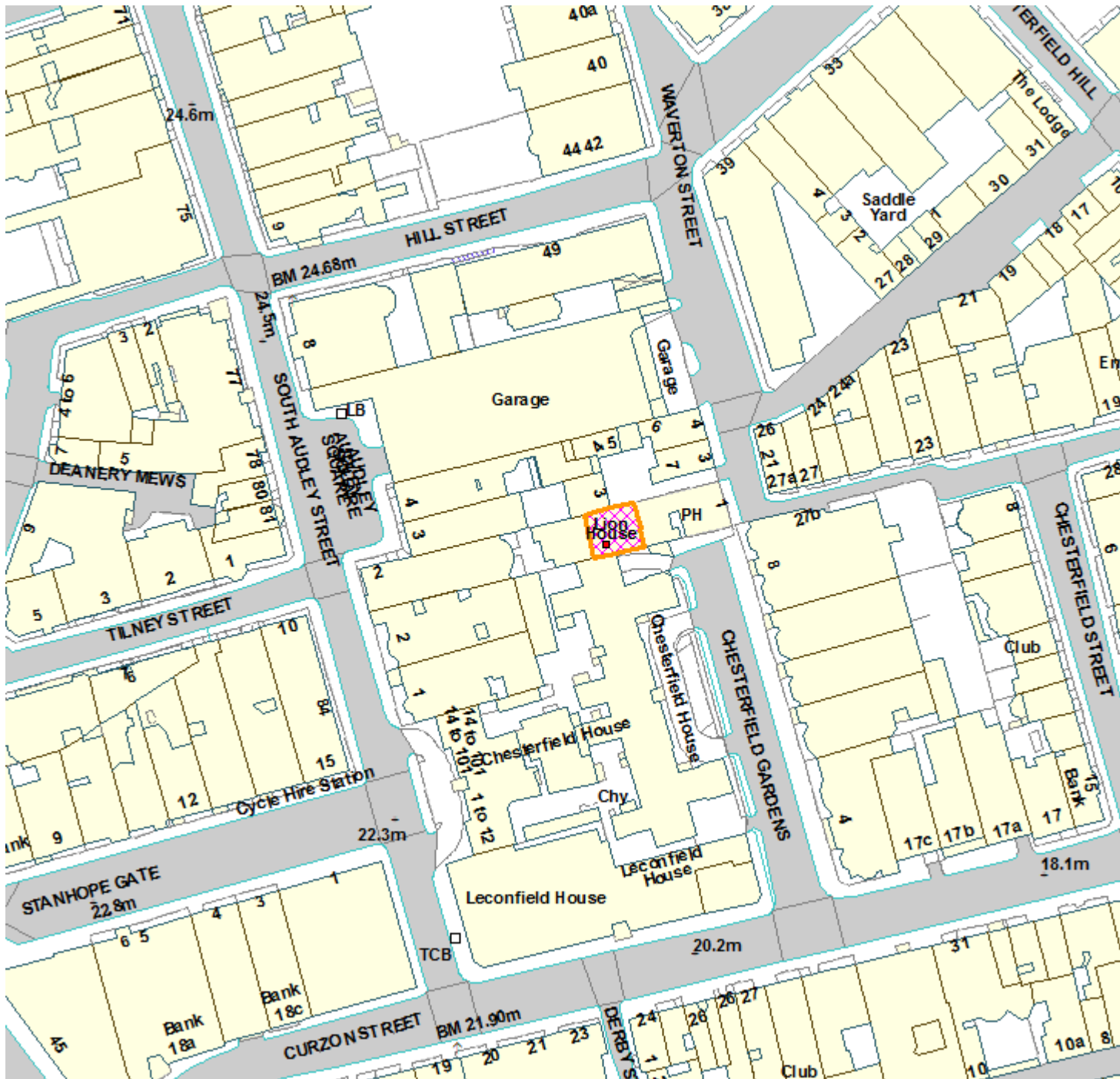
The amalgamation of two flats to create a single family dwelling complies with one exception set out within City Plan Policy S14 to the principle of the loss of residential units and floorspace; namely, where two units are being joined together to create a family sized dwelling (i.e. contain three or more bedrooms).

In addition, objections have been received from the occupier of one of the flats within the building in respect to the potential impact of the development proposal upon the rights of him and his family under the Human Rights Act (1988) and the United Nations Convention on the Rights of the Child (1990). Furthermore, the same objector has raised the requirement of the City Council to properly exercise its Public Sector Equality Duty under the Equality Act (2010). On balance, it is considered

that the council support available to vulnerable families and the benefits of the proposal to the wider community means that any interference this family's rights are proportionate.

For this reason and the proposal's compliance with adopted UDP and City Plan policies, it is recommended that permission be granted.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES

Any responses to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 9

Total No. of objections: 15 (11 of which are from the same respondent) on the following grounds:

- Loss of a residential unit.
- Quality of accommodation (size, lighting and glazing).
- No disabled access/lifetime homes.
- Does not take into account the needs of all the community (PPS1) or health impacts (PPS23).
- The amalgamation of the two units at first floor level will significantly increase the rental income of the property.
- Inaccurate site address and inaccurate description of development.
- Does not take into account the rights of the current occupiers of under the Human Rights Act, the United Nations Convention on the Rights of the Child and the Equality Act.
- Lack of cycle parking, open space, internal storage and inadequate floor to ceiling heights
- Construction impacts

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site relates to Lion House, a four storey property located in Red Lion Yard which is accessed from Waverton Street. The site is located within the Core CAZ and the Mayfair Conservation Area. The property is in residential use and is laid out to provide six residential units. The mix of existing units comprises one studio flat (former housekeeper's), three x 1-bed units and two x 2-bed units.

Presently, all bins are permanently stored in the flats and/or outside of the building. No secure cycle spaces are currently provided.

The immediate surrounding area is residential in character. To the east of the site is a new build development (the former Red Lion Public House at 1 Red Lion Yard), to the south is a nine storey mansion block and to the east is a three storey mews property (3 Red Lion Yard).

6.2 Recent Relevant History

In June 2015 permission was refused for the reconfiguration of the existing building (to include provision of a lift) to provide four residential flats (Class C3) on the grounds that the proposed three-bed flat at ground floor level would be of substandard quality and therefore did not justify the reduction in the number of residential units on site from six to four.

In April 2016 permission was refused for the reconfiguration of the existing building (to include provision of a lift) to provide five residential flats (Class C3) on the grounds that the proposed residential units would have been substandard and would fail to provide acceptable family sized accommodation. As such, the proposal did not justify the reduction in the number of residential units from six to five.

In April 2016 permission was refused for the reconfiguration of the existing building (to include provision of a lift) to provide four residential flats (Class C3) on the grounds that the proposed residential units would have been substandard and would fail to provide acceptable family sized accommodation. As such, the proposal did not justify the reduction in the number of residential units from six to four.

7. THE PROPOSAL

The application seeks permission for internal reconfiguration of the existing building including:

- Amalgamation of the existing two 1-bed flats at first floor level to create a 3-bed unit (family sized);
- Repositioning of an internal stairwell and internal reconfiguration of flats at ground and second floor level; and
- Conversion of existing boiler room to provide communal bin and cycle storage.

The proposed housing mix is 1 studio (27 sqm), one 1-bed (37.5 sqm), one 2-bed (71 sqm) and two 3-bed flats (76.7 sqm & 74 sqm).

The current proposal utilises the existing boiler room for bin storage for all of the flats, as well as providing four secure cycle spaces for the family sized units.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal involves the amalgamation of two flats at first floor, both of which are one-bed units, to provide a single three-bed unit. Policy S14 of the City Plan states that all residential uses, floorspace and land will be protected. Proposals that would result in a reduction in the number of residential units will not be acceptable, except where:

- the council considers that reconfiguration or redevelopment of affordable housing would better meet affordable housing need;
- a converted house is being returned to a family-sized dwelling or dwellings; or

- two flats are being joined to create a family-sized dwelling.

Objections have been received to the loss of a residential unit, however, the proposal complies with Policy S14 as the proposed amalgamation of the two flats will create a family sized unit (i.e. containing 3+ bedrooms).

Standard of Residential Accommodation

With the exception of the bedsit at ground floor (Flat 1A), all proposed units exceed nationally described minimum space standards and the housing technical requirements.

The London Plan requires new 3-bed units to have a minimum space standard of 74 sqm (GIA). The amalgamated residential units at first floor has a floorspace of 76.7 sqm (GIA) and therefore meets this minimum internal space standard. In addition to the GLA guidance, the DCLG's Technical housing standards (March 2015) requires single bedrooms to have a floor area of at least 7.5 sqm and to be at least 2.15m wide. The proposal complies with these standards.

Objections have been received on the grounds that the amalgamated flat would fall below City Council standards in terms of size, quality and layout and that the third bedroom would be insufficiently lit with inadequate glazing. The amalgamated unit would be triple aspect enabling good levels of light and ventilation and is considered to be adequate in terms of quality of accommodation, and is therefore acceptable in accordance with Policy S29 which requires developments to improve the living environment for residential occupants.

An objector states that the ground floor studio has been used to store equipment and building materials to maintain the building since 2005 and this has become the lawful use of this part of the building. The objector therefore argues that permission is required to convert this floorspace to provide Flat 1a at ground floor level and the flat therefore needs to comply with current standards in terms of size, layout, storage, ventilation and daylight. The lawful use of this part of the building is unclear and there is therefore a possibility that planning permission is required to reinstate its use as a flat. If this is the case, it is accepted that this flat does not comply with current space standards. However the works propose to improve the quality of a part of the building has historically been used as a self-contained flat by increasing its size (by relocating an internal stair) and by providing an additional window to serve the main habitable space (by relocating an existing toilet/shower room). Given the lack of clarity in respect to the lawful use of this part of the building and its historical use as a self-contained flat, it is not considered that a refusal on the quality, standard and layout of this flat could be justified in this instance.

Policy H10 requires housing developments to include an element of amenity space, including the use of balconies and roof terraces on sites within the CAZ. An objection has been received on the grounds that only one of the ground floor flats has access to a patio area. The UDP recognises that it will not be appropriate for balconies or roof gardens to be provided in some cases, for example, where a straightforward change of use or conversion is proposed with no external alterations. For this reason, a refusal on this ground is therefore not justifiable in this instance.

Increase in Rental Income from the Building

An occupier of the building has objected on the ground that the amalgamation of the two flats at first floor level would significantly increase the rental income of the property. The objector accepts that the flats within Lion Housie do not constitute 'affordable housing'. However, due to the potential increase in rental income arising from the amalgamation of the two flats at first floor level, the objector argues that it would remove any contribution the accommodation currently makes to the provision of affordable housing by providing accommodation for a tenant receiving housing benefit. For this reason, the objector argues that the proposal fails to meet the first exception within City Plan Policy S14 to the loss of residential units; namely, where the City Council considers that reconfiguration or redevelopment of affordable housing would better meet affordable housing need.

The objector is correct in accepting that the residential accommodation within Lion House does not fall within the definition of 'affordable housing'. The City Plan defines affordable housing as, '*Subsidised housing at below market prices or rents intended for those households who cannot afford housing at market rates*'. The flats within Lion House are for rent or sale where the price is set in the open market and cannot therefore be affordable housing.

The amalgamation of the two flats at first floor level to create a three-bedroom flat is therefore not in breach of City Plan Policy S16 that protects affordable housing and floorspace that is used or was last used as affordable housing. Whilst the objector is correct in his argument that the loss of a residential unit arising through the amalgamation of the two flats at first floor level fails to meet the first exception within City Plan Policy S14, this is not the part of the policy that permits the loss of a residential unit in this instance. As set out above, the loss of a residential unit is policy-compliant as it accords with the third of the exceptions set out within City Plan Policy S14; namely, where two flats are being joined to create a family-sized dwelling.

8.2 Townscape and Design

No external alterations are proposed and therefore the proposal will preserve the character and appearance of the Mayfair Conservation Area.

8.3 Residential Amenity

Neighbouring residents have objected due to the potential impacts during construction such as noise, safety, congestion and general disruption. In order to limit disturbance to neighbours, the standard working hours condition is recommended to ensure that building works are only undertaken during the day Monday – Friday, Saturday morning and not at all on Sundays and Bank Holidays. Given the works proposed, it is not considered that any further restrictions would be reasonable.

8.4 Transportation/Parking

The proposal includes the provision of four additional cycle parking spaces which are welcomed. The London Plan requires two cycle parking spaces to be provided for each new residential unit. An objection has been raised regarding insufficient cycle parking

provision. As there is no increase in the number of residential units the application could not be reasonably refused on this basis.

8.5 Economic Considerations

Any economic benefits generated by the development are welcome.

8.6 Access

An objection has been raised on the basis that the proposal does not provide disabled access and would not comply with the Building Regulations or Lifetime Homes Standards. Given the constraints of the existing building it is considered that there is no reasonable means to provide fully inclusive access to the proposed flats and previous applications have been refused on the grounds that the provision of an internal lift would compromise the internal standards of existing flats. It is, however, proposed to reposition an internal stairwell. The new staircase is wider and less steep and would be lit by existing windows. Although no disabled access is provided, it provides an easier means of access for the elderly and those with reduced mobility compared to the existing situations. The Lifetime Homes Standard has now been superseded by the Building Regulations and this issue will now be entirely dealt with by Building Control.

8.7 Other UDP/Westminster Policy Considerations

Refuse

The drawings submitted with the application indicate a bin store at ground floor level which is welcome.

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

The development does not trigger any planning obligations.

No additional floorspace is proposed and therefore the development is not CIL-liable.

8.11 Environmental Impact Assessment

The proposal is of insufficient scale as to trigger an environmental assessment.

8.12 Other Issues

Background

One of the 1-bed units which are proposed to be amalgamated at first floor level is occupied by a person with a known disability and on-going health issues, his partner (who is also their carer) and two young children whom also have an identified disability. They are categorised within the City of Westminster as a Vulnerable Household and by the Department for Work and Pensions (DWP) as being within "Child Poverty Dimension I: Income and Material Deprivation".

An objector within this household has stated that the applicant (their landlord) is currently seeking their eviction using Ground 6 of Schedule 2 of the Housing Act 1988. This is a mandatory ground for possession upon the Landlord proving its 'Intent to Develop'. In essence, the objector believes that by granting this permission, it will directly result in their eviction, resulting in this vulnerable family becoming homeless. Given their personal circumstances, the aforementioned occupant has objected on the grounds that the proposal would directly interfere with his and his family's rights under the Equality Act, the United Nations Convention on the Rights of the Child and the Human Rights Act.

The information provided by the occupier of one of the flats within the building is considered to be sufficient to evidence that Human Rights, Equalities and Rights of the Child duties have been engaged, and the City Council has a duty to ensure that it satisfies its statutory duty of having due regard to the various rights when determining this application.

The Equality Act, the United Nations Convention on the Rights of the Child and the Human Rights Act

The Human Rights Act

The Human Rights Act requires that the City Council in its role as local planning authority acts consistently with the European Convention on Human Rights. The occupier of one of the flats within the building has objected to the proposal arguing that it would interfere with his rights under Article 6 (Right to a fair trial), Article 8 (Right to respect for private and family life), Article 14 (Prohibition of discrimination) and Article 1 of the First Protocol (Protection of property).

It is generally accepted that the decision making process within the Town and Country Planning regime and the opportunity to apply to judicially review the City Council's decision ensures compliance with Article 6.

Article 8 rights are not rights without limit and may be interfered with where it is in accordance with the law and is necessary in a democratic society. Article 8 rights should be respected as part of the planning process, but they are not guaranteed and it is a planning judgement against all the other material considerations, wider public interests and other private interests. Article 8 does not give a right to a home but, where someone has a dwelling, it may interfere with their Article 8 rights to require them to move from that home. As the Town and Country Planning regime is designed to

balance the rights of individuals against the interests of the wider community, the City Council must consider the potential interference with human rights and ensure that any reasons for interfering with these rights are proportionate.

Article 14 is concerned with the enjoyment, protection and application of the Convention rights without discrimination. The basis of Article 14 is that everyone should enjoy the same human rights and have equal access to them without discrimination on any ground. To demonstrate a breach of this right, one would need to establish that discrimination has affected one's enjoyment of one of the rights, but one would not have to prove that the right has been breached. Article 14 is relevant where any of the Convention rights are triggered, but is not a standalone right (i.e. one could not use Article 14 on its own to claim discrimination).

Article 1 of the first protocol is the right of property and possessions. The overarching principle is that there should be no interference with the peaceful enjoyment of possessions and property. It is a qualified right in that any interference has to be lawful under domestic law, and a fair balance has to be struck between the general interest of the community and the need to protect the individuals' fundamental rights by applying a proportionality test. The concept of possessions is not limited to ownership of physical goods. There are circumstances where Article 1 of the first protocol rights can be interfered with where it is proportionate, lawful and in the public interest.

The United Nations Convention on the Rights of the Child

The protection of the interests of children falls under Article 3 of the UN Convention on the Rights of the Child and the best interests of the child is something which should be a primary consideration when determining this application. The best interests of the child should be identified and then maintained at the forefront of the City Council's mind during the consideration of material considerations, and no other consideration should be afforded considerably more weight than the best interest of the child. Ultimately the decision to be made is whether the interference with rights is proportionate when all other material considerations have been taken into account.

The Government's online Planning Practice Guidance states, "*Local authorities need to consider whether children's best interests are relevant to any planning issue under consideration. In doing so, they will want to ensure their approach is proportionate. They need to consider the case before them, and need to be mindful that the best interests of a particular child will not always outweigh other considerations including those that impact negatively on the environment or the wider community. This will include considering the scope to mitigate any potential harm through non-planning measures, for example through intervention or extra support for the family through social, health and education services*". (Paragraph 028 (Ref: ID: 21b-028-20150901)).

The Equality Act

Section 149(1) of the Equality Act 2010 sets out the Public Sector Equality Duty (PSED) in that local authorities must have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

In order to discharge the PSED, the City Council must have due regard to the issues, the effect the development may have on those with protected characteristics and the weight which should be given to those effects. The occupier of one of the flats within the building has provided evidence that he has been assessed by the DWP in the highest immobility category requiring indefinite care and support and therefore Officers are satisfied that he has 'protected characteristics'.

Consideration

Based on the information that has been provided, the Council consider that there is a strong possibility that the approval of this proposal will result in a vulnerable family, including children becoming homeless. Their personal circumstances are a material consideration of this proposal and the 'protected characteristics' have been given material weight during the evaluation of this application.

Additionally, both children currently attend school and specialist services locally. The protection of the children and the best interests of the child have to be taken into account as a primary consideration in the determination of this proposal.

The existing accommodation does not have a lift. It is not considered that a residential unit within Lion House is the most appropriate location for someone requiring indefinite care and support for mobility purposes. Flat 2, where one of the objectors resides is 41 sqm in area (GIA) and contains one bedroom. This flat is occupied by this objector, his partner and their two young children (8 and 10 years old). The London Plan states that the minimum space standard for a four person household is 70 sqm (GIA). It is considered that Flat 2 is not adequate in terms of size and number of bedrooms for a vulnerable family, including children, disabled members and those with reduced mobility.

There is a possibility that the family could be accommodated within the building once it had been converted; however, this would be down to the landlord.

Additionally, the Council has policies for assisting homeless families. When a member of the public seeks new council accommodation, their specialist requirements are considered including the accessibility of properties. Schools and special services for all of the flat occupants are available elsewhere in the borough.

The rights of family, the applicant and the interests of the wider community have to be balanced when assessing this application. While the Council sympathises with the

objector and their family, it is considered that the council support available to vulnerable families, and the benefits of the proposal to the wider community, as highlighted in other sections of this report (i.e. creation of two family sized units in an area with a known deficiency in this type of housing, increasing the size of existing substandard flats, increasing the illumination of main living space with Flat 1a, and provision of cycle and waste storage), outweigh the objections that have been raised. In all the circumstances, it is therefore considered that any interference with the family's rights is proportionate.

All points raised during the consultation period have informed the recommendation for this permission and have been documented in this report.

The objector living within the building has stated that the proposal does not take into the account the needs of all the community and impacts on health and specifically references PPS1 (Planning Policy Statement 1 Delivering Sustainable Development) and PPS23 (Planning and Pollution Control) which are both now defunct and have been replaced by the NPPF. Policy S14, which allows the amalgamation of unit to create a new family sized unit, is consistent with the NPPF.

Inaccurate Site Address and unauthorised change of use

An objector stated that the application was misleading as it was publicised with an inaccurate site address. Subsequently the site address was amended and re-publicised to ensure compliance with the statutory consultation requirements.

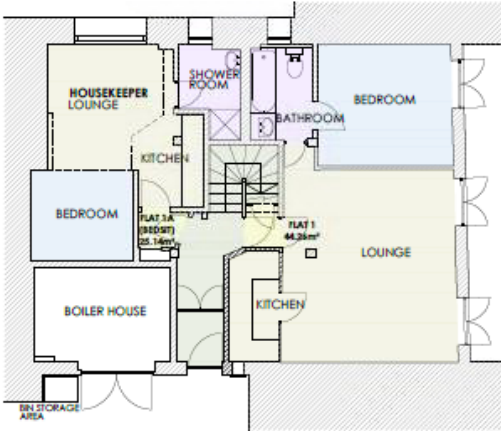
9. BACKGROUND PAPERS

1. Application form
2. Letter from occupier of 3 Red Lion Yard Mayfair, London, dated 13 December 2016
3. Letter from occupier of 3 Waverton St., London, dated 13 December 2016
4. Letter from occupier of 2 Red Lion Yard, London, dated 12 December 2016
5. Letter from occupier of 2 Red Lion Yard, London, dated 12 December 2016
6. Letters and emails from occupier of Flat 2, Lion House, dated 6, 12, 13 and 20 December 2016, 23, 24, 26 and 30 January 2017 and 3, 7 and 9 February 2017

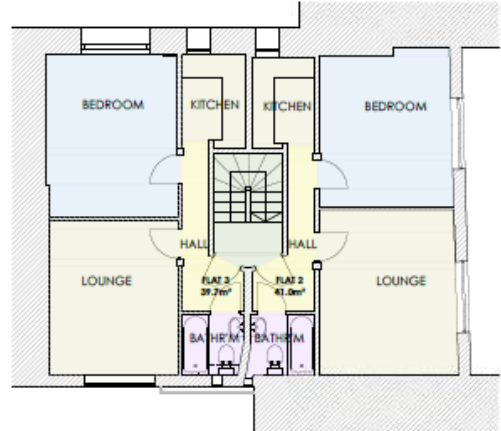
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

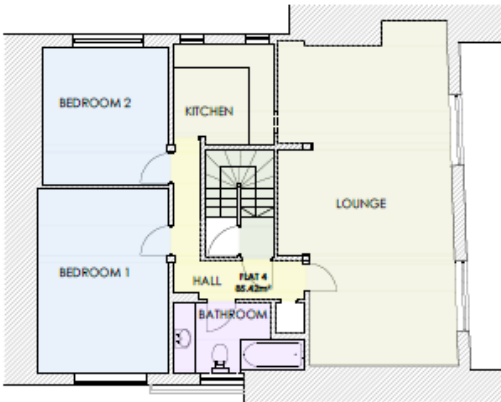
10. KEY DRAWINGS



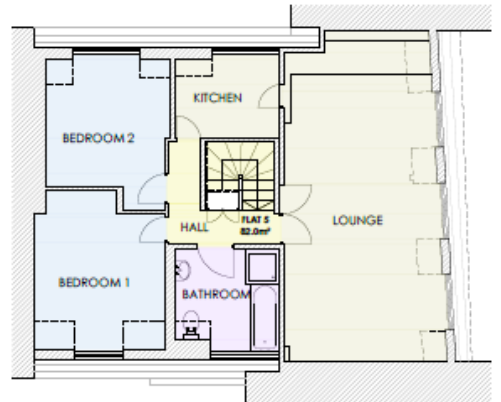
EXISTING GROUND FLOOR PLAN



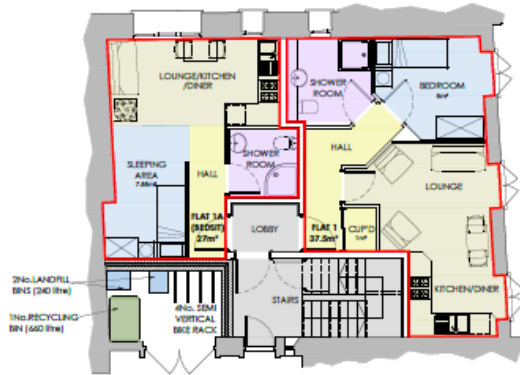
EXISTING FIRST FLOOR PLAN



EXISTING SECOND FLOOR PLAN



EXISTING THIRD FLOOR PLAN



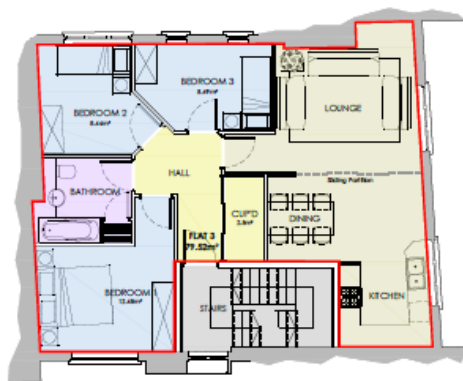
PROPOSED GROUND FLOOR PLAN - 1 Studio + 1b1p

Flat 1A (Studio)	Existing	25.1m ²
Flat 1 (1b1p)	Overall	37.5m ²
	Bedroom	8.0m ²
	Storage	1.0m ²



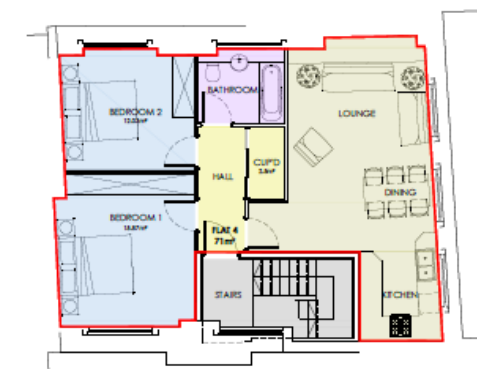
PROPOSED FIRST FLOOR PLAN - 1 x 3b4p

Flat 2 (3b4p)	Overall	76.7m ²
	Combined living	76.7m ²
	Kitchen, dining	31.2m ²
	Bed 1	12.0m ²
	Bed 2	8.1m ²
	Bed 3	8.0m ²
	Lounge width	3.7m
	Storage	2.5m ²



PROPOSED SECOND FLOOR PLAN - 1 x 3b4p

Flat 3 (3b4p)	Overall	79.5m ²
	Combined living	79.5m ²
	Kitchen, dining	32.8m ²
	Bed 1	12.5m ²
	Bed 2	8.4m ²
	Bed 3	8.5m ²
	Lounge width	3.9m
	Storage	2.5m ²



PROPOSED THIRD FLOOR PLAN - 1 x 2b4p

Flat 4 (2b4p)	Overall	71.0m ²
	Combined living	71.0m ²
	Kitchen, dining	30.0m ²
	Bed 1	15.9m ²
	Bed 2	12.0m ²
	Lounge width	3.8m
	Storage	2.5m ²

DRAFT DECISION LETTER

Address: Lion House, 1 Red Lion Yard, London, W1J 5JR,

Proposal: Internal reconfiguration of the existing building to include the amalgamation of the existing two flats at first floor level to create a family sized dwelling, and conversion of existing boiler room for use as a bin store for all of the flats and for the storage of 4 bicycles.

Reference: 16/10955/FULL

Plan Nos: Drawing 4 1 1 1 - 4 0 2

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

- 3 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 4 You must provide the waste store shown on drawing 4111-402 before anyone moves any of the new/reconfigured flats hereby approved. You must clearly mark it and make it available at all times to everyone using the flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)
- Reason:
To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)
- 5 You must provide each cycle parking space shown on the approved drawings prior to the occupation of any of the new/reconfigured flats hereby approved. 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.

Informative(s):

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

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 11 April 2017	Classification For General Release	
Report of Director of Planning		Ward involved Vincent Square	
Subject of Report	Pitch 1640, Horseferry Road, London, SW1P 2AU,		
Proposal	Erection of a permanent retail (Class A1) street trading kiosk on Pitch 1640.		
Agent	Mr Nicholas Williams		
On behalf of	Mr Adam El Mokdad		
Registered Number	16/09235/FULL	Date amended/ completed	6 December 2016
Date Application Received	26 September 2016		
Historic Building Grade	Unlisted		
Conservation Area	Opposite the Smith Square Conservation Area		

1. RECOMMENDATION

Refuse permission – unacceptable impact on townscape, setting of adjacent conservation area and introduction of street clutter.

2. SUMMARY

The application relates to an approved street trading pitch (Pitch 1640) on Horseferry Road, outside St John's Gardens and adjacent to Horseferry House. Planning permission is sought at the site for the erection of a street trading kiosk measuring 3.65m x 1.06m for use as a takeaway coffee shop selling hot drinks and snacks (Class A1). The kiosk would occupy the full extent of the approved pitch.

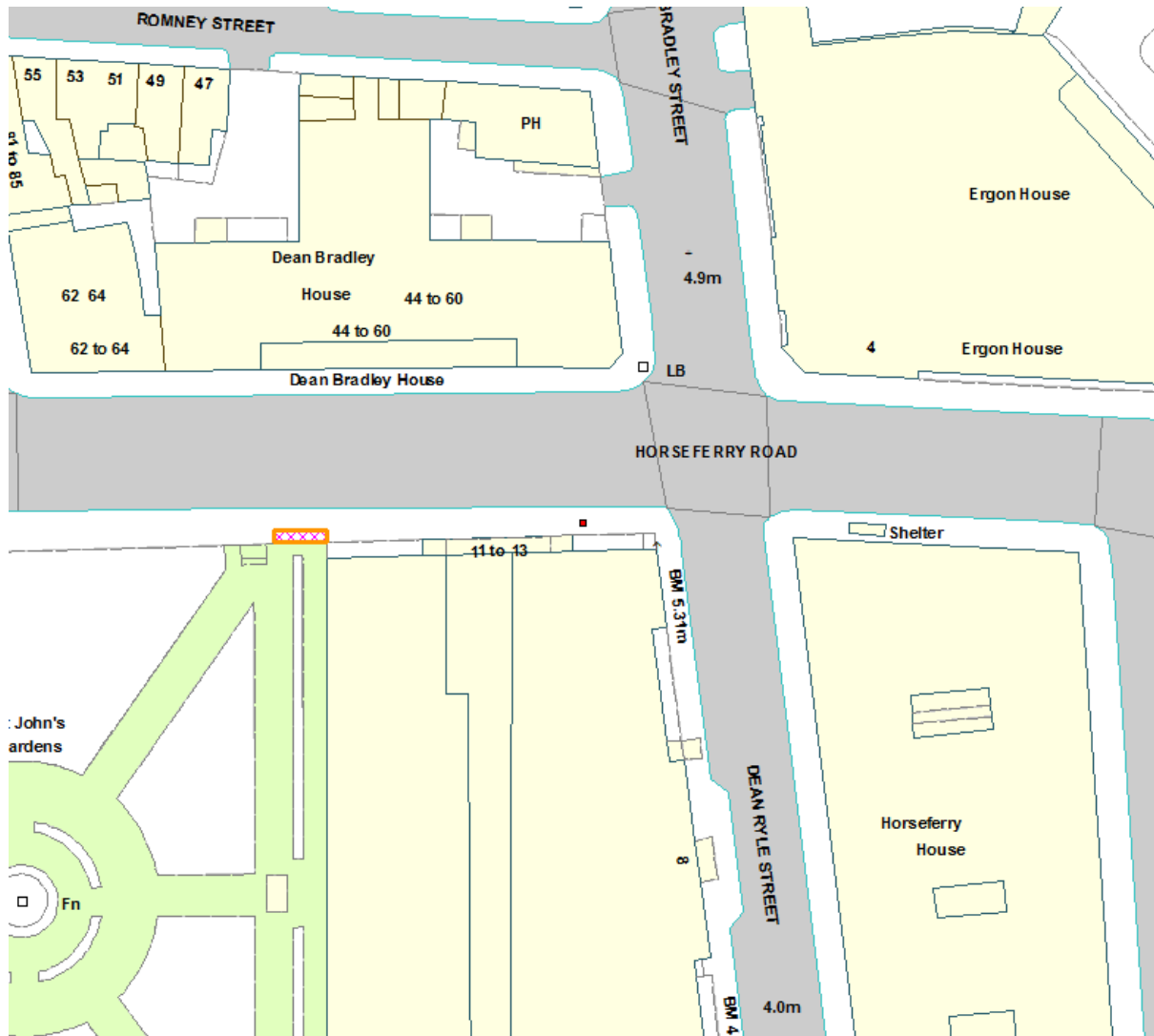
The site of the proposed kiosk is not located within a conservation area but is on the boundary and therefore within the setting of the Smith Square Conservation Area.

The pitch was approved under the highways licensing process on 27 July 1990. However, the pitch has now been vacant for a period of at least 30 months and was considered at Licensing Sub-Committee on 5th March 2015 to rescind the designation due to long term vacancy. The Sub-Committee made the decision not to de-designate the pitch. Impacts on the transportation network and pedestrian movement were already considered under the highways licensing process and are therefore not considered as part of this application for planning permission.

The permanent kiosk is considered to be inconsistent with the appearance of the wider townscape, it would result in an unacceptable level of street clutter, cause harm to the setting of the adjacent Smith Square Conservation Area and the appearance of the neighbouring St John's Gardens.

It is recommended that planning permission is refused on design and conservation grounds. The permanent kiosk is considered contrary to S25 and S28 of Westminster's City Plan (City Plan) and DES 1, DES 9 (F) and DES 12 of our Unitary Development Plan (UDP). The proposal is also considered contrary to SS 6 of our UDP, which states that "*Permission will not be given for pavement shops that would...have a detrimental effect on the townscape, residential amenity, character or appearance of the street*".

3. LOCATION PLAN



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4. PHOTOGRAPHS



Application site shaded (not to scale), looking east along Horseferry Road

5. CONSULTATIONS

ENVIRONMENTAL HEALTH

No comment.

THORNEY ISLAND SOCIETY

Objection - Lack of information regarding proposed use.

LICENSING

Summary of pitch history provided.

CLEANSING OFFICER

No objection, subject to conditions requiring the maintenance of the area and provision of rubbish receptacles.

HIGHWAYS PLANNING

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 10

No. of objections: 8

Objections received on the following grounds:

Design

- Appearance of the kiosk will negatively impact the street and the gardens;

Transportation and Cleansing

- Kiosk will block the pavement and result in impeded pedestrian movement;
- Kiosk will create queues that will further block pavement;
- Servicing will exacerbate traffic issues;
- Kiosk and users will result in litter around the area;

Amenity

- Noise created by the kiosk harming residential amenity and amenity of park users;

Other

- Kiosk is unnecessary and will impact on nearby businesses.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an approved street trading pitch which is located on an area of the public highway on the south side of Horseferry Road outside St John's Gardens. The site is not located within a conservation area but is on the boundary of the Smith Square Conservation Area and is located in the Core Central Activities Zone (CAZ).

6.2 Recent Relevant History

This pitch was designated under the highway licensing process on the 27 July 1990, and occupied intermittently by a temporary removable coffee cart. The pitch has, however, now been vacant for a period exceeding 30 months.

7. THE PROPOSAL

Planning permission is sought for the erection of a permanent street trading kiosk on the existing pitch (Pitch 1640). The proposed kiosk measures 3650mm x 1060mm. The kiosk includes a retractable projecting canopy which would extend an additional 600mm over the public highway at a height of 2375mm. It has been suggested by the applicant that the retail unit (Class A1) is intended to be used as a takeaway coffee vendor and would require two part time employees to operate.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Of relevance in considering this application is UDP Policy SS16, which states that *"Permission will not be given for pavement shops that would reduce the free passage and safety of pedestrians or other highway users, or have a detrimental effect on the townscape, residential amenity, character or appearance of the street"*.

While the application is not considered to reduce the free passage and safety of pedestrians, nor the amenity of neighbouring residential dwellings, it is considered that the proposal would have an adverse effect on the character and appearance of the street and the setting of the adjacent conservation area contrary to Policy SS16 and is therefore unacceptable.

Notwithstanding this, it is noted that a number of objections have raised the issue of land use. Concerns were raised regarding the appropriateness of the kiosk in an area where there are existing retail and cafe uses that have been successful, and also whether the kiosk may have an impact on these businesses. However, it is considered to be highly unlikely that the introduction of the kiosk of this size would have a material impact on the viability of existing retail or cafe uses in the immediate vicinity. Objections on this basis are not considered sustainable.

8.2 Townscape and Design

The application site is not within a conservation area, nor is it directly adjacent to listed buildings. It does sit immediately in front of St John's Gardens, a politely landscaped public park divided, from the street by a handsome set of railings and park gates. The park and its railings can be considered to be non-designated heritage assets, as defined by the National Planning Policy Framework. The preservation of their character and setting should therefore be given weight in the determination of this application.

The site is also directly opposite the Smith Square Conservation Area, and as such the impact of the proposal on the setting of the conservation area should be considered.

The proposed kiosk would harm the setting of the park, sitting as a visually solid element obstructing the visual permeability of the park railings. Due to its scale and visual permanence, it would also compete architecturally with the park gates, which otherwise aid the legibility of the entrance to what is a somewhat 'hidden gem' of a park.

The design proposed for the kiosk would fail to mitigate the impacts discussed above relating to the principle of a permanent kiosk in this location. The design is generic and is likely to weather poorly due to the proposed timber-cladding.

It is not considered that an improved design could overcome the issues of visual permanence, and therefore the principle of a permanent kiosk in this location is unlikely to prove acceptable in planning terms. This does not affect the applicant's rights to place a mobile kiosk in this location in accordance with their existing license.

The proposed permanent kiosk is considered contrary to policies S25 and S28 of the City Plan and DES 1, DES 9, DES 12 and SS6 of the UDP.

8.3 Residential Amenity

The proposed kiosk is unlikely to have any significant impact on the amenity of neighbouring residential dwellings, the nearest of which are at the residential apartments within the Westminster Green building at the corner of Horseferry Road and Dean Ryle Street. While objections have been received with regard to the kiosks potential impact on the amenity of nearby residential and St John's Gardens, it is considered that given the small size of the kiosk, the activity it could create is unlikely to be material given the considerable amount of vehicular and pedestrian activity along this part of Horseferry Road.

8.4 Transportation/Parking

A highways license was approved for a pitch at this location on 27 July 1990, for an area 3.66m x 1.06m. This pitch has been occupied on various occasions by a temporary coffee cart trading under 'Can Do Coffee'.

It should be noted that on 5 March 2015, the pitch was considered at Licensing Sub-Committee for de-designation on the following grounds under Street Trading Policy:

- 5(2)(a): It has not been used trading for a period of greater than 6 months
- 5(2)(B): There are altered circumstances due to increased pedestrian footfall resulting from altered highway layouts, public realms improvement, or constructions project.

The sub-committee opted to maintain the pitch designation due to interest in occupation of the pitch by the applicant of this planning application and on the ground that the pitch could make a positive commercial impact to the city by increasing local employment opportunities and contributing to the vivacity of the local area.

Given that the pitch is historic and was granted by Council's Highways Licensing Department in 1990, impacts on the transport network, including on pedestrian

movement, have already been assessed and deemed as acceptable during the granting of a license for the pitch itself. Therefore, while there may be impacts resulting from the erection of the kiosk on the pitch, these are not considered as part of this application given the pitch is historic, benefits from a highways license, and is contained within the approved pitch area.

It should be noted that the application initially proposed to have doors opening outwards over the highway; however, all doors on the kiosk were revised to open inwards within the pitch.

While the kiosk does extend beyond the approved pitch as a result of the projecting canopy, this has a height of 2375mm, which is compliant with the minimum 2140mm required by Council's Highways Planning Guide, allowing pedestrians to safely walk underneath the canopy unobstructed.

It is noted that objections have been received with regard to the kiosks potential impact on pedestrian movement both directly as a result of the placement of the kiosk and as a result of associated queuing. However, as previously indicated, the pitch already benefits from a license approved by Highways Licensing and it is therefore considered that the proposal's impacts on pedestrian movement have already been assessed and deemed acceptable.

Objections were also received with regard to the kiosks potential impact on street cleanliness through the spreading of litter and waste from the kiosk. If planning permission was to be granted, a condition could have been added requiring details of how the area around the kiosk would be maintained in a clean and tidy condition, including the provision of litter receptacles and the washing down of the pavement at the end of each trading day.

8.5 Economic Considerations

During consideration for de-designation, members of the licensing Sub-Committee opted not to de-designate the pitch. One of the reasons the pitch retained its designation was that members suggested the pitch "*could make a positive commercial impact to the city by increasing employment opportunities as well as contributing to the vivacity of their local areas*".

It is noted that Pitch 1640 would result in the employment of two part-time staff. While any additional employment is to be welcomed, the benefits to be gained by this would not outweigh the harm that the proposal would cause to this part of the city and the setting of the Smith Square Conservation Area. Notwithstanding this, a temporary street trading kiosk could be operated from the pitch without the benefit of planning permission.

8.6 Access

There are no issues relating to access resulting from the development.

8.7 Other UDP/Westminster Policy Considerations

There are no other UDP/Westminster policy considerations relevant.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application. The application would not be liable for either the Mayoral or WCC Community Infrastructure Levy.

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.

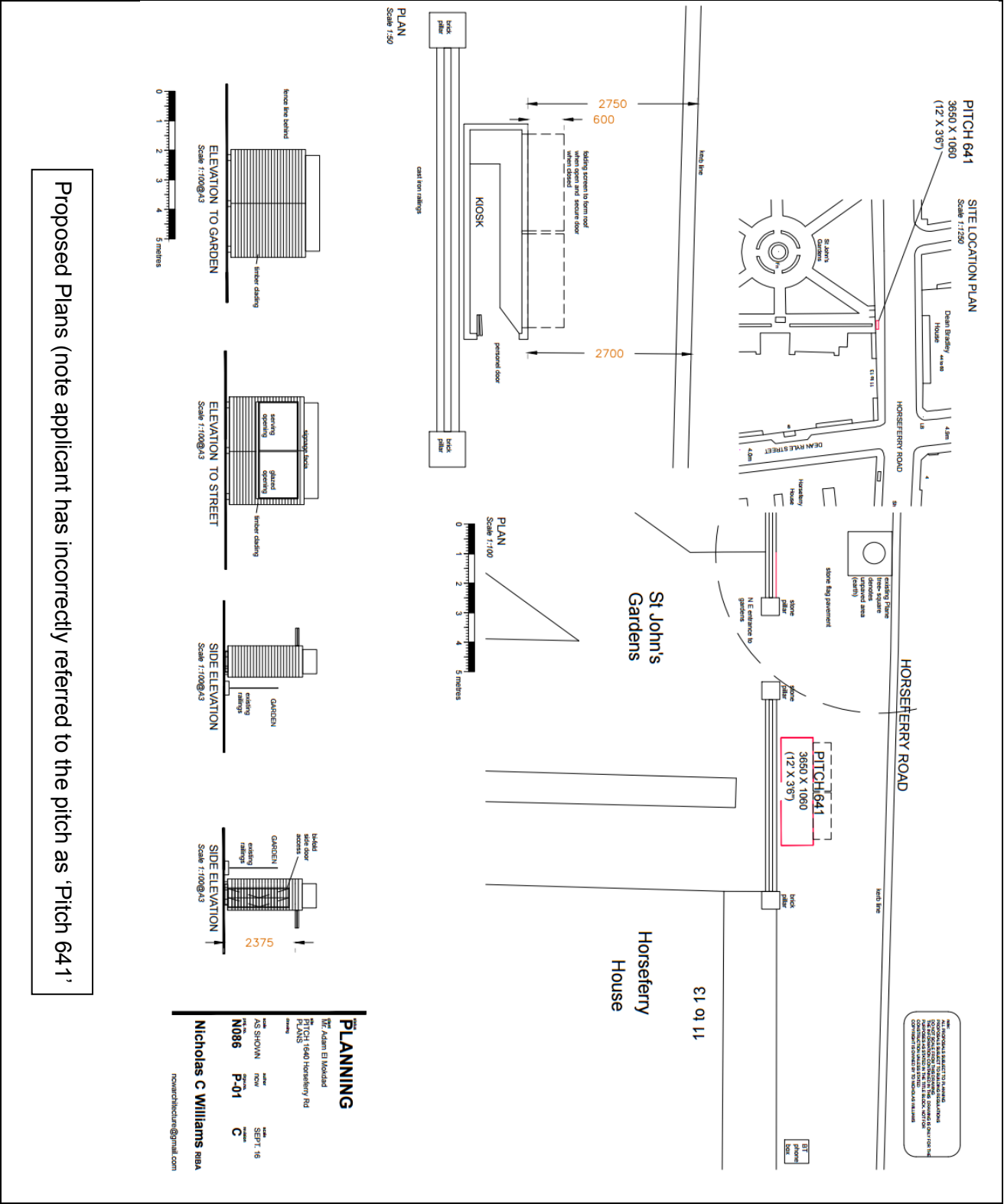
9. BACKGROUND PAPERS

1. Application form.
2. Response from Thorney Island Society dated 9 January 2017.
3. Response from Environmental Health dated 28 December 2016.
4. Response from Cleansing Officer dated 20 December 2016.
5. Response from Licensing dated 24 March 2017.
6. Letter from occupier of C/o Ergon House, Horseferry Road dated 21 December 2016.
7. Letter from occupier of 44 Horseferry Road, Westminster dated 4 January 2017.
8. Letter from occupier of Flat 3 68 Gloucester Street dated 3 January 2017.
9. Letter from occupier of P.L.Lerner S.H. Rose, Hamilton House dated 11 January 2017.
10. Letter from occupier of 61 Marsham Court, Marsham Street dated 23 December 2016.
11. Letter from occupier of Flat 5, 50-52 Denbigh Street dated 3 January 2017.
12. Letter from occupier of 502 Bentinck House, 34 Monck Street dated 9 January 2017.
13. Letter from occupier of 4 Marsham Court, Marsham Street dated 22 December 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: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk

10. KEY DRAWING



Proposed Plans (note applicant has incorrectly referred to the pitch as 'Pitch 641')

PLANNING
 Mr. Adam El Mokdad
 17/181 (140) Horsesherry Rd
 N086 P-01
 Nicholas C Williams MSA
 nswarchitectur@gmail.com

Address: Pitch 1640, Horseferry Road, London, SW1P 2AU,
Proposal: Erection of a permanent retail (Class A1) street trading kiosk.
Reference: 16/09235/FULL
Plan Nos: P-01 Rev C.

Case Officer: Joe Whitworth

Direct Tel. No. 020 7641 1968

Recommended Reason

Reason:

Because of its siting, design and appearance the kiosk would harm the appearance of this part of the City, the appearance and wider setting of the adjacent St John's Gardens, and the setting of the neighbouring Smith Square Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 9 (F) and DES 12, and SS 16 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 (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. 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.

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 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 11 April 2017	Classification For General Release	
Report of Director of Planning		Ward involved Vincent Square	
Subject of Report	3 Meade Mews, SW1P 4EG,		
Proposal	Use of the ground and first floor as a clinic (Class D1) including ancillary training and office facilities.		
Agent	Zoe Simmonds		
On behalf of	The Listening Place		
Registered Number	17/00276/FULL	Date amended/ completed	18 January 2017
Date Application Received	13 January 2017		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

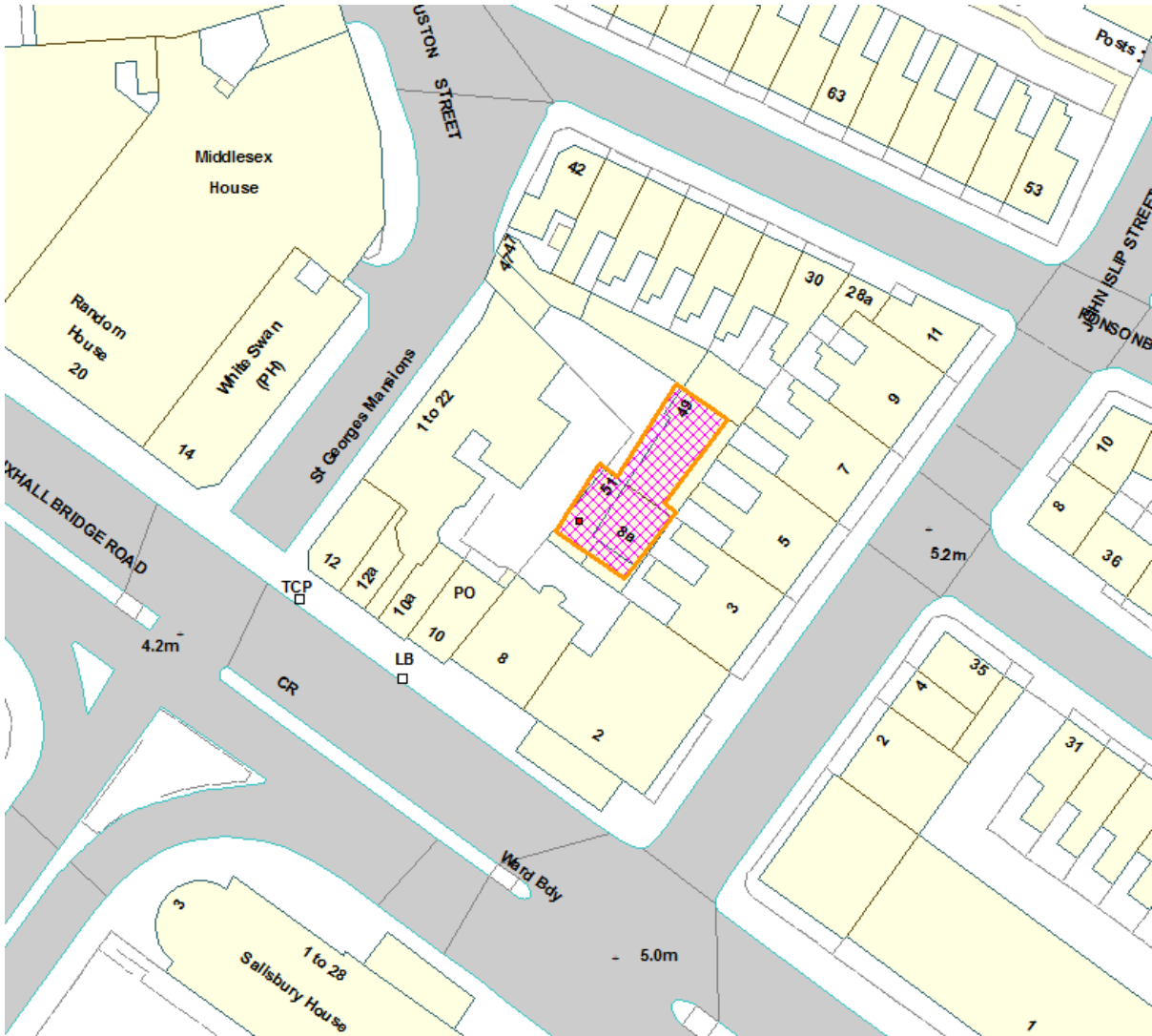
3 Meade Mews is an unlisted building comprises ground and first floors and is located outside of the Core Central Activities Zone. The building is currently vacant and has a lawful office use (Class B1). Permission is sought to change the use of the building to a clinic with training facilities (Class D1) in association with the occupation of the building by 'The Listening Place' charity.

The key considerations in assessing the proposal are:

- The loss of the office use; and
- The impact of the proposals on the amenity and security of neighbouring residents.

The proposal is considered to comply with Council policies in relation to land use and amenity as set out in our Unitary Development Plan (UDP) and Westminster City Plan (City Plan) and is therefore recommended for approval.

LOCATION PLAN



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3. PHOTOGRAPHS



Entrance to no.3 Meade Mews



View from first floor over Meade Mews towards rear of Ponsonby Place

4. CONSULTATIONS

WESTMINSTER SOCIETY

No objection.

HIGHWAYS PLANNING

Acceptable subject to conditions.

CLEANSING OFFICER

Acceptable subject to condition securing waste and recycling storage.

ADULT AND COMMUNITY SERVICES

Any response to be reported verbally.

NHS (Central London)

Any response to be reported verbally.

Environment Agency

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 72

Total No. of replies: 20

No. of objections: 1

Objections from neighbours have been raised on the following grounds:

Amenity

- Noise created by visitors within the mews and within the building itself;
- Loss of privacy resulting from overlooking.

It should be noted that the application initially received six objections. Five of these have subsequently been withdrawn.

Supporting comments from neighbours on some or all of the following grounds:

- Facility provides assistance people who are in significant need support;
- Well run, professional, and much needed organisation;
- Nature of client means are not people likely to generate significant noise;
- Organisation provides support to gaps in local authority services.

Neutral comments raised the following matters:

- Need for greater detail regarding use;
- Justification for hours of operation;
- Potential amenity impacts.

The applicant has provided a letter of support from Professor Peter White, one of The Listening Place's professional advisors. It outlines that the service provided by the

applicant is unique in the service that it provides and fills a major gap in the support available to suicidal people. The letter has been included in the background papers.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

3 Meade Mews is a two storey building located off Causton Street close to the junction with Vauxhall Bridge Road. The application site is not within a conservation area and is located outside of the Core Central Activities Zone. The lawful use of the building is as offices (Class B1) and it has been let for this purpose until recently, when it became vacant to enable the refurbishment of the building for the currently proposed change of use.

Meade Mews is a non-residential mews, with no.1 currently let as offices. The mews is accessed via a gate underneath no.47 Causton Street leading to an open courtyard providing access to both properties. While Meade Mews is itself non-residential, it is surrounded by the rear of residential dwellings on Ponsonby Place, John Islip Street and Vauxhall Bridge Road including the residential flats at St John's Gardens and 8 Vauxhall Bridge Road.

5.2 Recent Relevant History

None relevant.

6. THE PROPOSAL

Planning permission is sought for the change of use from offices to a non-residential institution use (Class D1) comprising counselling clinic rooms, ancillary training and office facilities in association with the building's occupation by the charity 'The Listening Space'. The charity is currently located a short distance away on Osbert Street and has sought new premises due to the expiry of their existing lease.

The proposed primary use of the building is for the purposes of counselling people who feel that life is no longer worth living. They are referred from other charities and the NHS, including GP's, mental health services, A&E departments, and psychiatric liaison services. Visitors to the charity will be by appointment only and it will not offer a drop in service.

At present, the charity receives approximately nine visitors per day and is open three days a week. The applicant now seeks permission for the service to run between 09.00 and 21.00 hours each day and they do not anticipate the number of visitors per day to increase significantly.

The counselling service is to be provided by volunteers who will be trained on site as an ancillary activity to the counselling service. It is proposed that a maximum of five volunteers will be on site at any one time. Six times per year a fixed Saturday session between 10.00 to 17.00 hours is sought for training of up to 12 volunteers. Additional

training is also proposed to be undertaken on weekday evenings between 18.30 and 21.00 hours.

An ancillary office function will also take place at first floor to provide administrative support to both volunteers and visitors.

7. DETAILED CONSIDERATIONS

7.1 Land Use

The application site is located outside of the Core Central Activities Zone, Opportunity Areas and the named streets and as such, the existing office use is afforded little protection under City Plan or UDP policies.

Policy S10 of the City Plan, which relates specifically to activities within Pimlico, outlines that the primary use in the area will be residential with supporting retail, social and community, and local arts and cultural provision. The proposed clinic falls within the category of 'social and community facilities' as defined in the City Plan.

It is considered that the change of use from Class B1 to Class D1 is supported by Policy S10, which seeks to ensure that residential activity is the primary land use within Pimlico and that appropriate activities that support that residential use are acceptable. The activity would provide a valuable health service that would serve vulnerable members of the community and complement the predominantly residential land use in Pimlico.

UDP Policy SOC 4 outlines that '*the retention, improvement and redevelopment of facilities for health service uses that meet local needs will be supported*'. The policy outlines that local health facilities are important for communities and that in considering applications for local health facilities, Council will balance the need to meet demand for health services against the effect of the proposals on the surrounding area and nearby activities.

There is a demand for the services that 'The Listening Place' provides, evidenced by the existing number of people seen by the charity and the number of referrals from NHS services. This is further highlighted by the statistics raised in Westminster's Public Health profile, published in June 2015 that outlines the boroughs suicide rate, at 10.1 people per 100,000, is in excess of the national average of 8.8. Indeed, the Council's 'Health and Wellbeing Strategy for Westminster 2017-2022' outlines the need for 'Improving mental health through prevention and self-management' as one of the borough's four health priorities.

The proposed use of the application site is a valuable one that provides a much needed service to vulnerable people within the community, targeted at a specific health need that has been identified by Council. This is of importance to the borough and is supported by Council policy and London Plan policy (summarised in Section 7.8 of this report). The proposal would enable a valuable service to be retained and improved within the borough.

The value of the proposal is supported by a lack of adverse effects on the surrounding area, nearby activities and neighbours. While concerns have been raised by a neighbour regarding amenity (see section 7.3) and were initially raised regarding transportation (see

section 7.4), it is not considered that the proposal would result in such significant negative impact that would outweigh the benefit to be gained by permitting the proposed change of use.

7.2 Townscape and Design

The building is unlisted and no external alterations are proposed. The proposal therefore has no implications for townscape and design matters.

7.3 Residential Amenity

Of relevance in assessing the amenity impacts of the proposal are the potential impacts from overlooking and noise generated as a result of the use of the site as a clinic. These issues were also raised by the one objector and other neighbouring residents who initially objected to the proposal.

Overlooking

With regard to potential impacts from overlooking, it is noted that currently the windows at both ground and first floor on the rear and eastern side of the site allow both direct and indirect views into neighbouring dwellings. However, given the current use of the building as offices, the level of overlooking resulting from this proposal is likely to closely comparable. The applicant has made the point that, given the sensitive nature of the charities work and the vulnerable type of visitors the charity serves, it is in their interest to ensure there are no opportunities for mutual overlooking.

The applicant suggests that they will install blinds within the clinic rooms that will be pulled at all times while counselling is to take place. While officers do not consider it necessary to install internal blinds to make the proposal acceptable on amenity grounds, if the applicant does undertake this, it is likely to result in less overlooking than that currently afforded between the application site and surrounding residential dwellings.

While the concerns raised by neighbours are noted, it is considered that there are likely to be no greater impacts from overlooking than currently afforded. It is considered that the objection on privacy grounds is not sustainable.

Noise from Activity

Concerns were initially raised by neighbours that the level of activity proposed was likely to result in a noise nuisance. These concerns were raised on the basis of the built up nature of the surrounding residential dwellings and the relatively quiet nature of the mews courtyard, leading to potential for echoing and noise nuisance.

In assessing the potential impacts from noise, it is important to note the lawful use of the premises as offices, for which there is currently no restriction on hours of use. While office users would not normally be present later into the evening, the number of movements throughout the mews is likely to be similar.

During the evening hours when the applicant seeks permission to operate until 21.00, the training of volunteers is likely to take place on an occasional basis. While this is later than most office staff would usually remain, it is considered extremely unlikely that the level of activity that is proposed, and indeed could be accommodated in such premises, would be

sufficient enough to have a material impact on residential amenity. It is not considered unreasonable late for people to be present, or for activity to be taking place within what is a non-residential mews.

The concerns raised by residents relating to Saturday and Sunday operation of the premises are noted. In response to concerns raised by neighbours, the applicant produced additional supporting information justifying the need for weekend operation. The document highlighted that in order to enable the training of volunteers, who are almost always employed on a full time basis elsewhere, there must be opportunities to offer training outside of the standard working hours. This justification is considered sufficient in so far as it provides clear reasoning to why the flexibility of the operation is critical to the effective provision of the service. It is therefore considered that the premises should be permitted to operate 09.00 to 21.00 seven days a week, as requested by the applicant.

Summary

In summary, while the concerns raised by neighbouring residents with regards to amenity are noted, it is considered that the potential impacts would not be sufficiently detrimental to be harmful and the change of use is therefore considered to be acceptable on amenity grounds.

7.4 Transportation/Parking

The proposal does not include the provision of car parking or cycle parking spaces. As noted by the applicant and Council's Highways Planning Manager, the majority of trips generated by the proposal are likely to be taken by public transport, cycling or walking given that the large proportion of visitors to 'The Listening Centre' reside within Westminster. The site is very well supported by public transport.

Given the current office use of the site it is unlikely that the number of trips will increase as a result of the change of use. The impacts of the proposal on parking levels in the area will be minimal and this is supported by Council's Highways Planning Manager. It is also noted that the site is situated within a Controlled Parking Zone and that any vehicular traffic that does seek to park in the area will be subject to those controls.

The likelihood of any negative impacts on parking or the transportation network as a result of approving the proposal are minimal and it would be unreasonable to refuse the application on these grounds.

However, the lack of cycle parking provided by the applicant is not considered to be acceptable given the sufficient space within the building and that the building is easily accessible from the street. It is therefore recommended that cycle parking provision in line with the London Plan is secured by condition.

7.5 Economic Considerations

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

7.6 Access

The proposal does not seek alterations to the existing access arrangements.

7.7 Other UDP/Westminster Policy Considerations

There are no other UDP/Westminster policy considerations relevant to this development.

7.8 London Plan

London Plan Policy 3.16 'Protection and enhancement of social infrastructure' outlines that *'London requires additional and enhanced social infrastructure provision to meet the needs of its growing and diverse population'*. The policy outlines that 'social infrastructure' includes health provision and other services and that these activities contribute to places being more than just places to live. Further, London Plan Policy 3.17 'Health and social care facilities' indicates that the provision of high quality health and social care will be supported. Both policies indicate that when considering planning applications high quality health and social care facilities will be supported, particularly where they are in places easily accessible by public transport, cycling, and/or walking.

7.9 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.

7.10 Planning Obligations

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

7.11 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.

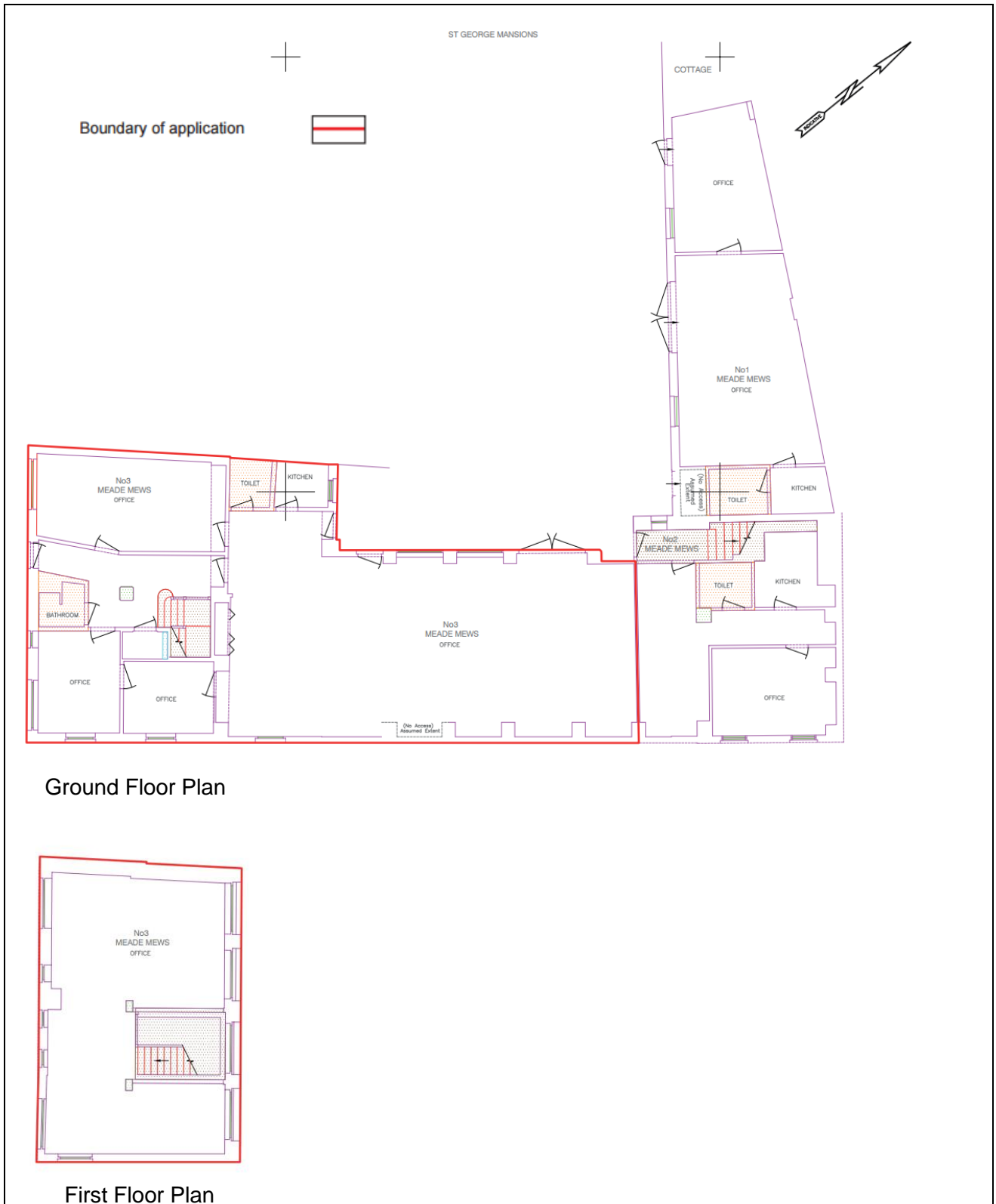
8. BACKGROUND PAPERS

1. Application form.
2. Response from Westminster Society dated 24 January 2017.
3. Response from Environment Agency dated 27 March 2017.
4. Response from Highways Planning dated 6 February 2017.
5. Response from Cleansing - Development Planning dated 27 January 2017.
6. Letter from occupier of 4 Warwick Square dated 23 March 2017.
7. Letters from the occupiers of 14 Sutherland Street dated 23 March 2017.
8. Letter from occupier of 9 Ecclestone Square dated 23 March 2017.
9. Letter from occupier of 15 Westmoreland Terrace dated 23 March 2017.
10. Letters from occupiers of 45 Sussex Street dated 23 March 2017.
11. Letters from occupier of Flat 4, 8 Vauxhall Bridge Road dated 31 January and 27 March 2017.
12. Letter from occupier of Hopkinson House, 6 Osbert Street dated 24 March 2017.
13. Letters from occupiers of 35 Sutherland Street dated 23 March 2017.
14. Letter from occupier of Flat 12 St. George's Mansions, Causton St dated 30 January 2017.
15. Letter from occupier of Flat 3, 8 Vauxhall Bridge Road dated 31 January and 15 March 2017.
16. Letter from occupier of 7 John Islip Street dated 8 February 2017.
17. Letter from occupier of Flat 1, 8 Vauxhall Bridge Road dated 4 February and 9 March 2017.
18. Letter from occupier of Flat 2, 8 Vauxhall Bridge Road dated 5 February and 20 March 2017.
19. Letter from occupier of Flat 86, Marsham Court, Marsham Street dated 23 March 2017.
20. Letter from 29 Westmoreland Place on behalf of Westmoreland Triangle Residents' Association dated 27 March 2017.
21. Letter from occupier of 58 Sussex Street dated 3 April 2017.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VINCENT NALLY BY EMAIL AT VNALLY@WESMINSTER.GOV.UK.

9. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 3 Meade Mews, SW1P 4EG,

Proposal: Use of the ground and first floor as a clinic (Class D1) including ancillary training and office facilities.

Reference: 17/00276/FULL

Plan Nos: Site Location Plan, IL 15573-001, IL 15573-002, Cover Letter dated 13 January 2017, Additional Support Statements dated 21 February 2017 and 10 March 2017.

Case Officer: Joe Whitworth

Direct Tel. No. 020 7641 1968

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must use the premises only for providing clinic services in association with the operation of 'The Listening Place', training members of staff/volunteers of the organisation, and ancillary office uses. You must not use them for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (or any equivalent class in any order that may replace it). (C10BA)

Reason:

Because this is a residential neighbourhood, we need to prevent use of the property for any unsuitable purposes. This is as set out in S29 and S34 of Westminster's City Plan (November 2016) and SOC 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R10AC)

- 3 Visitors and volunteers shall not be permitted within the premises before 09.00 or after 21.00.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 4 Access to the premises must be undertaken in accordance with the 'Security' section of the Supporting Statement dated 21 February 2017 unless otherwise agreed to by Council.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 5 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 premises. (C14EC)

Reason:

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

- 6 You must apply to us for approval of details of secure cycle storage for the Class D1 use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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

- 7 You must not offer a drop-in service to the premises and access for visitors must be by appointment only.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

Informative(s):

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

- 2 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

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 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 11 April 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	Basement flat, 13 Nottingham Place, London, W1U 5LE		
Proposal	Alterations including excavation of a single storey basement to enlarge existing lower ground floor flat (Class C3), with associated lightwells.		
Agent	Basement Works		
On behalf of	Mr G Herath		
Registered Number	16/12072/FULL	Date amended/ completed	11 January 2017
Date Application Received	20 December 2016		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

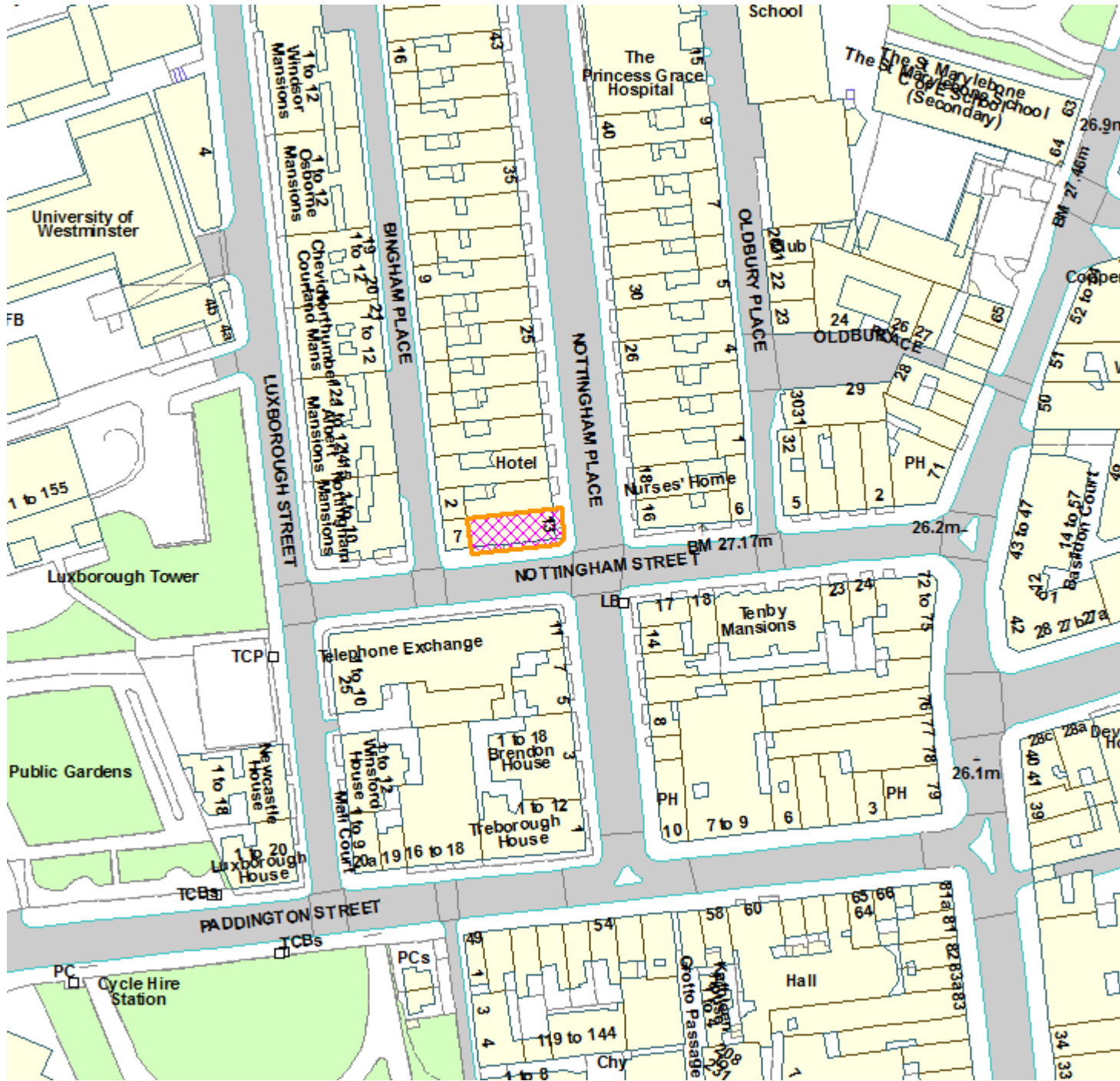
The application relates to an existing lower ground floor flat within one of a group of remodelled late Georgian terraced houses. This unlisted building is located on the corner of Nottingham Street and Nottingham Place and is within the Harley Street Conservation Area. It is lawfully in use as six flats. The proposal is for the excavation of a new basement to provide additional accommodation to the existing lower ground floor flat. Walk-on grilles would be installed within the lightwells on the street frontages to retain access to the existing pavement vaults.

The key issues are

- The impact of the proposals upon the appearance of the building and the character and appearance of the conservation area;
- The effect on the amenity of neighbouring residential properties; and
- The acceptability of the proposed basement in an area identified as being of higher risk from surface water flooding.

Objections have been received on design, amenity and structural grounds. However, subject to appropriate conditions, the application is considered to comply with adopted UDP and City Plan policies and is therefore recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Any response to be reported verbally

ENVIRONMENTAL HEALTH

No objection

BUILDING CONTROL

No objection, construction methodology appears satisfactory.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 18 Total No. of replies: 13 No. of objections: 13 No. in support: 0

- Impact on the appearance of the building and the uniformity and architectural symmetry of the terrace.
- Adverse impact on the character and appearance of the conservation area.
- Impact of double height lightwell exacerbated by internal illumination.
- Drawings inconsistent.
- Poor quality of new accommodation.
- Construction impacts.
- Structural concerns.
- Flood risk.
- Impact on the structural integrity of the highway and underground tunnels.
- Impact on utilities.
- Potential to compromise underground transport infrastructure.
- Access to communal areas disrupted.
- Fire hazard.
- Unwelcome precedent set.
- Economic and financial risk to neighbouring properties.

ADVERTISED/ SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to the lower ground flat within an unlisted building arranged over lower ground, ground and four upper floors. The site is located on a prominent corner at the junction of Nottingham Street and Nottingham Place. The site is within the Harley Street Conservation Area.

The immediate surrounding area comprises a mix of different property styles. Although the area is predominantly residential in character, there are hotels, offices and restaurants in the immediate vicinity.

6.2 Recent Relevant History

None.

7. THE PROPOSAL

The application seeks permission to excavate a single storey basement extension beneath the footprint of existing property to provide additional accommodation to the existing lower ground floor flat. The existing lightwells on the Nottingham Place frontage frontages, would be extended to basement level to serve the new accommodation. A much smaller lightwell at basement level is proposed to be created beneath an existing stair on the Nottingham Street frontage.

Galvanised metal, “walk-on” grilles would be installed within the lightwells, above the height of the new basement windows, to maintain access to the existing pavement vaults whilst allowing the new basement accommodation to be lit and naturally ventilated.

The application has been amended to reconfigure the proposed flat layouts, relocating the principal living accommodation to the upper level and the bedrooms to the basement.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The scheme would provide additional residential floorspace which accords City Plan Policy S14 and UDP Policy H3 and is therefore considered acceptable in principle in land use terms.

An objection has been received on the grounds that the new accommodation would be inadequately lit and ventilated. An objection has also been received on the grounds that the new accommodation poses a fire risk due to the lack of ventilation. Policies S29 of the City Plan and ENV13 of the Unitary Development Plan require new developments to provide a high quality living environment for future residential occupants. The layout has been amended to address officers’ concerns and to ensure that the principle living areas have access to the best possible levels of natural light. Basement living accommodation would be naturally ventilated via the new windows/open grilles.

On the basis that the new basement accommodation is an extension to an existing flat, Environmental Health has raised no objection to the application. Although the creation of living accommodation within the basement is not ideal, given the site constraints it is on balance considered that the proposals would provide an acceptable standard of accommodation for future residents and, consequently, the objection could not be supported.

8.2 Townscape and Design

The building forms the end of a terrace of similar unlisted buildings of merit within the Harley Street Conservation Area. The building has an open lightwell on two sides which

is characteristic of the other properties in the terrace and typical of the Harley Street Conservation Area.

The principal outward manifestation of the proposed extension would be open grilles installed within these lightwells, at lower ground floor level.

Objections have been received on the grounds that the proposals would have a detrimental impact on the appearance of the building, uniformity and architectural symmetry of the terrace of buildings and on public and private views of this part of the conservation area. Objectors are particularly concerned about the impact of the double-height lightwell which would be created, and the potential for internal lighting to exacerbate its impact.

Whilst the grilles will be visible from the pavement and from windows on the upper floors of the building, they would be sited below pavement level, and these views would be limited.

In general views, the appearance of the property from both public and private realms will be unaffected by the proposals during the day time. Whilst there is potential for light spill from new basement rooms, highlighting the existence of the new accommodation, this would have a limited impact as the windows would be shielded by the new grilles.

In conclusion, it is not considered that the proposals would have a material impact on the character and appearance of existing building, the terrace of which it forms part, or the wider Harley Street Conservation Area. Consequently, it is not considered that objections received on design/townscape grounds could be supported.

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. It is not considered that the creation of a new basement storey under the existing property will materially impact upon the amenity of neighbouring properties in these respects.

8.4 Transportation/Parking

The proposal involves the extension of an existing flat and does not have any parking implications.

8.5 Economic Considerations

Any economic benefits generated by the development are welcome.

8.6 Access

The existing access arrangements to the flat are unchanged.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

The development does not trigger any planning obligations.

The increase in floorspace is less than 100 sq.m (GIA) and therefore the proposal is not CIL-liable.

8.10 Environmental Impact Assessment

The proposal is of insufficient scale as to trigger an environmental assessment..

8.11 Other Issues

Construction Impacts

The occupants of both the existing building and neighbouring properties have raised concerns in relation to the potential impacts of the proposal during construction such as noise nuisance, impact on light and ventilation and safety to upper floor flats due to the proposed boarding-up of windows, access to the common parts of the existing building, congestion from construction traffic and general disruption.

A condition is proposed which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the basement construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupants during the construction process to ensure that residents' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and ensure compliance. A further condition is recommended to control the hours of excavation and building works. Subject to these conditions, it is considered that the potential effects of the construction process will be ameliorated as far as possible.

Structural Impact of Basement Excavation

Objections have also been received on the grounds that basement excavation poses a risk of subsidence or movement within the existing building and in neighbouring properties.

The application has been assessed against City Plan Policy CM28.1 which deals with basement excavation. As required by this policy, the applicant has provided a structural method statement setting out the construction methodology. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

The submitted objections and referenced report received on structural grounds have been assessed by Building Control who has advised that the proposed structural approach appears satisfactory. The City Council is not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course.

An informative is proposed to advise the applicant of the need to obtain a Technical Approval from the City Council's Highways Engineers before beginning excavation works. This will ensure that the structural integrity of the highway will be maintained.

Surface Water Flood Risk

Objection has been received relating to the potential of flooding both within the building an increasing surface water flooding. The site is not in flood risk zones from fluvial flooding and therefore there is no restriction on adding habitable accommodation at basement level in this location from a fluvial flooding perspective. Despite this, by being located within the valley of the River Tyburn, the site is in an area identified within the Basement Development in Westminster SPD (October 2014) as being a surface water flooding 'hotspot' (although this part Nottingham Place and Nottingham Street are not listed as streets of particular risk).

Para 6.3.6 of the Basement Development in Westminster SPD states that basement development beneath gardens may result in increased surface water runoff through reducing infiltration capacity. Furthermore, the reduction in ground capacity may reduce the ability to act as a store for rainwater. The guidance adds that self-contained basement dwellings should be located outside of surface water 'hotspots', to reduce vulnerability to surface water flooding where possible. Furthermore, the reasoned justification for City Plan Policy CM28.1 states that basements are more susceptible to flooding, both from surface water and sewage than conventional extensions, adding that fitting basements with positive pumped devices will ensure that they are protected from sewer flooding.

The proposal is not for a new self-contained dwelling but an extension to an existing dwelling. Moreover, the applicant has proposed the following sustainable urban drainage systems, resistance and resilience measures based on the advice of an appropriate self-certification and suitably qualified engineer:

- The basement development will be entirely tanked (i.e. sealed from water ingress);

- Where perched groundwater is encountered (during site investigation / construction) a sump will be installed to eliminate any residual groundwater;
- A positive pumped sump will be permanently installed;
- Permeable paving will be installed within the existing lightwell which will result in a betterment compared to the existing situation);
- Installation of a pump discharge to the foul sewer, along with 24hr attenuation storage;
- External floor levels to both light wells will be set below the internal finished floor of the new accommodation;
- Sash windows, in place of full height doors, have been specified to each lightwell thus further increasing the developments resilience to water ingress by increasing the height to which water levels would need to reach to enter in to the property.
- Lighting and electrical circuit arrangements will be installed at high level throughout where possible so as to minimise damage should water ingress via a flooding event occurring.

In addition, the applicant has confirmed that a trial pit will be completed prior to undertaking the work to identify the level of the water table. The design of the foundations will have to satisfy the requirement of the Building Regulations which require the water table to be considered.

These mitigation measures are considered to be adequate through improving the surface water infiltration capacity of the site and through incorporating suitable resistance and resilience measures within the design of the basement. For this reason, it is considered that the proposal is acceptable despite being located within a surface water flooding 'hot spot'.

Size, Design, Location and Depth of Basement

The proposed basement is in accordance with City Plan Policy CM28.1(B) through: (i) Incorporating permeable surfaces to reduce peak rate run-off; (ii) Not resulting in the loss of any trees; (iii) Being naturally ventilated; (iv) Protecting the character and appearance of the Harley Street Conservation Area (as set out within Section 8.2 of this report); and (v) Including protection from sewer flooding. Furthermore, in respect to the depth and extent of the basement development, the proposed basement is in accordance with City Plan Policy CM28.1(C) due to the additional accommodation being located beneath the existing footprint of the building and through not involving excavation more than one storey below the lowest original floor level.

Impact on the Jubilee Line

Concerns have been raised regarding the impact of the proposal on the Jubilee Line Tunnel. This tunnel runs along Marylebone Road, to the north of Nottingham Place. The application site is outside of the London Underground Structures consultation zone which identifies the area which a development may impact on the London Underground tunnels, and required London Underground to be consulted. Consequently, this objection cannot be supported.

Future transport infrastructure

Objectors consider that the proposal would compromise future underground transport initiatives. There are no planned transport projects for this area which would be

compromised by the proposal and therefore a recommendation for refusal on these grounds could not be justified.

Impact on utilities

Objections have been raised regarding the potential impact of the development on existing utilities. There is no reason to believe that utilities cannot be relocated, if required, and a refusal on this basis is not justified.

Access to communal areas

Occupants of the application building have objected on the grounds that they believe the proposal will restrict communal access and rights of way. This is a private matter between the affected parties and permission cannot justifiably be withheld on these grounds.

Economic impact on neighbouring properties

One objection has been received from an existing flat owner who is concerned that tenants would not wish to occupy his property during construction works. However, this objection could not form the basis for refusing the application.

Precedent

Objectors are concerned that the scheme would set an unwelcome precedent for similar development in the area. The proposal is considered to be acceptable in the context of the adopted development plan policies. Any future applications in relation to other sites would be assessed on their individual merits and refusal on the grounds of precedent cannot be justified.

Inconsistent drawings

One objection has been received on the grounds that the submitted plans and elevations are inconsistent. The drawings have been amended to remove this inconsistency.

9. BACKGROUND PAPERS

1. Application form
2. Responses from Building Control, dated 31 January and 24 February 2017
3. Memorandum from Environmental Health dated 16 February 2017
4. Letter from occupiers of Flat 1, 13 Nottingham Place, dated 29 January 2017
5. Letters from the occupier Flat 1, 13 Nottingham Place dated 30 January and 3 February 2017.
6. Letter from occupier of Flat 2, 13 Nottingham Place, dated 1 February 2017
7. Letter from occupier of Flat 3, 13 Nottingham Place, dated 1 February 2017
8. Letter from occupier of 15 Nottingham Place, dated 2 February 2017
9. Letter from occupier of 16a Nottingham Place, dated 2 February 2017
10. Letter from occupier of 17 Nottingham Place, dated 2 February 2017
11. Letters from occupier of 18 Shepherds Close, dated 1 February and 9 February 2017
12. Letter from occupier of 7A, Nottingham Street, dated 2 February 2017
13. Letter from occupier of 8 Brendon House, 3 Nottingham Place, dated 3 February 2017
14. Letter from occupier of Flat 11, Treborough House, dated 3 February 2017
15. Letter from occupier of Laburnums, Nottingham Road South, dated 3 February 2017

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

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

10. KEY DRAWINGS

ELEVATION TO NOTTINGHAM STREET (SOUTH) THROUGH LIGHTWELL

- Galvanised metal, flat bar grille to lightwell (set flush with proposed hard landscaping)
- Fixed, non-mechanical, vent covers for air handling systems
- Render
- Painted timber windows
- Outline of extension shown dashed

ELEVATION TO NOTTINGHAM PLACE (EAST) THROUGH LIGHTWELL

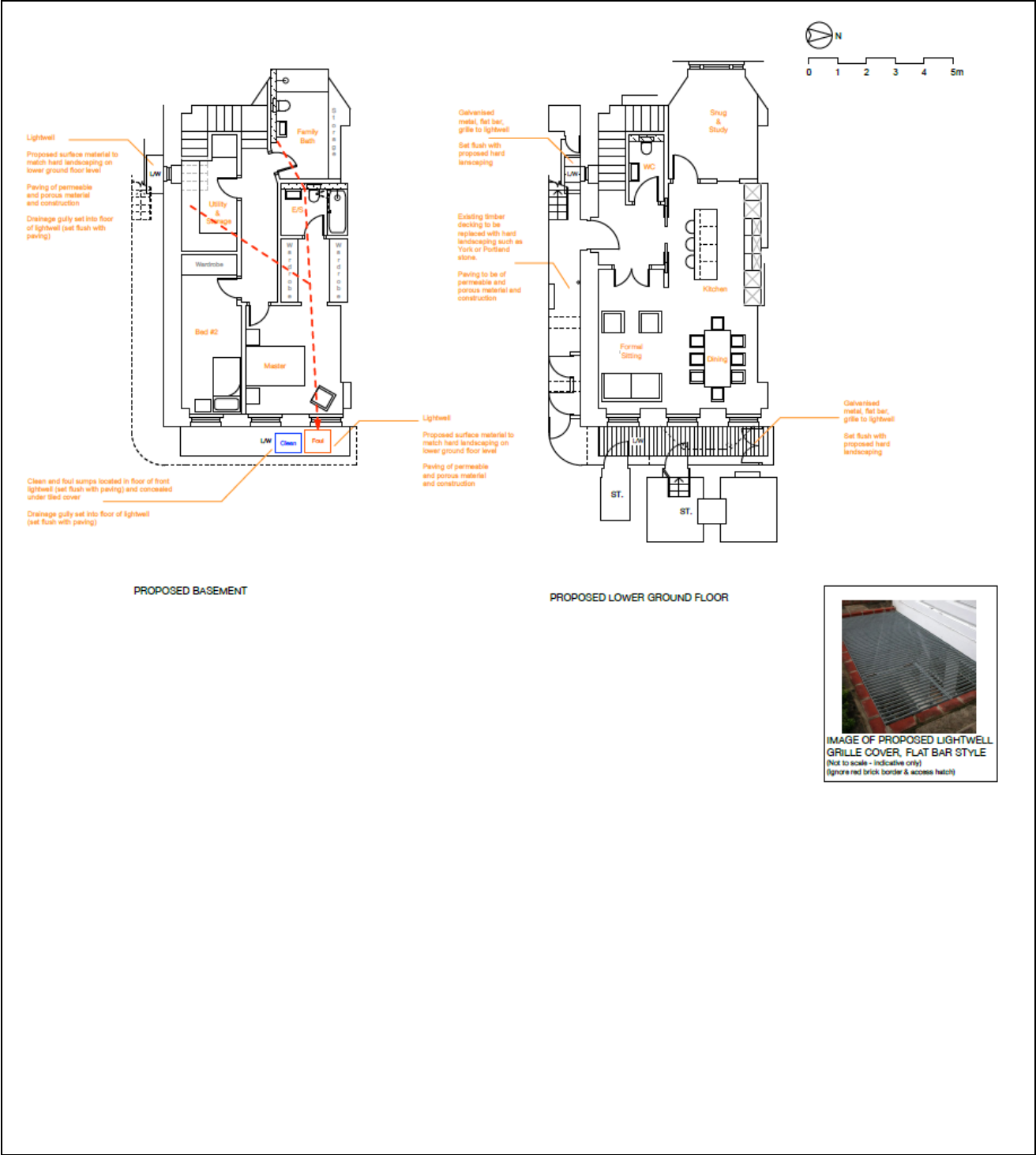
- Galvanised metal, flat bar grille to lightwell (set flush with proposed hard landscaping)
- Fixed, non-mechanical, vent covers for air handling systems
- Render
- Painted timber windows
- Outline of extension shown dashed

SECTION FACING NORTH

- Grille to lightwell
- Render
- Rooms: Drug & Study, Kitchen, Dining, Bath, Ensuite, Dressing, Master

IMAGE OF PROPOSED FIXED, LOUVRE, NON-MECHANICAL VENT COVER
(Not to scale - indicative only)

0 1 2 3 4 5m



DRAFT DECISION LETTER

Address: Basement Flat , 13 Nottingham Place, London, W1U 5LE

Proposal: Alterations including excavation of a single storey basement to enlarge existing lower ground floor flat (Class C3), with associated lightwells.

Reference: 16/12072/FULL

Plan Nos: P06, P04-C, P05-B and Flood Risk Assessment, Resistance & Resilience Measures (dated 7 March 2017).

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s)

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

- 2 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development :

- i grilles, and
- ii windows and vents.

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

Reason:

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

- 3 You must apply to us for approval of samples and specifications of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 4 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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

- 5 You must not put any plant, machinery, ducts, tanks, or associated equipment, in the basement or lower ground floor lightwell.

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

- 6 The 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.

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

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

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

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

Reason:

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

- 8 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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 9 The resistance and resilience measures set out within Section 4 of the approved Flood Risk Assessment, Resistance & Resilience Measures (dated 7 March 2017) shall be implemented in full and retained for the life of the development.

Reason:

To ensure that the development does not exacerbate and is resilient to surface water flooding, as required by Policy CM28.1 of our City Plan that we adopted in November 2016 and in order to accord with the guidance contained with the Basement Development in Westminster Supplementary Planning Document (adopted October 2014).

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With reference to condition 10 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.

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 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 11 April 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Hyde Park Towers, 1 Porchester Terrace, London, W2 4DB,		
Proposal	Erection of an additional floor at ninth floor level to create a penthouse flat (two bedroom unit).		
Agent	Mr James Huish		
On behalf of	Tyrecard Limited		
Registered Number	16/10627/FULL	Date amended/ completed	2 December 2016
Date Application Received	7 November 2016		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application site comprises a substantial late 1970s brick built apartment block of ground plus 3-8 storeys of a stepped or 'ziggurat' form. The building is situated within the Bayswater Conservation Area and fronts onto Bayswater Road and Kensington Gardens. A number of objections have been raised by the occupiers of neighbouring properties on a range of grounds including design, amenity and parking.

Permission is sought for the erection of an additional floor at ninth floor level to the building to provide a 2-bedroom penthouse flat.

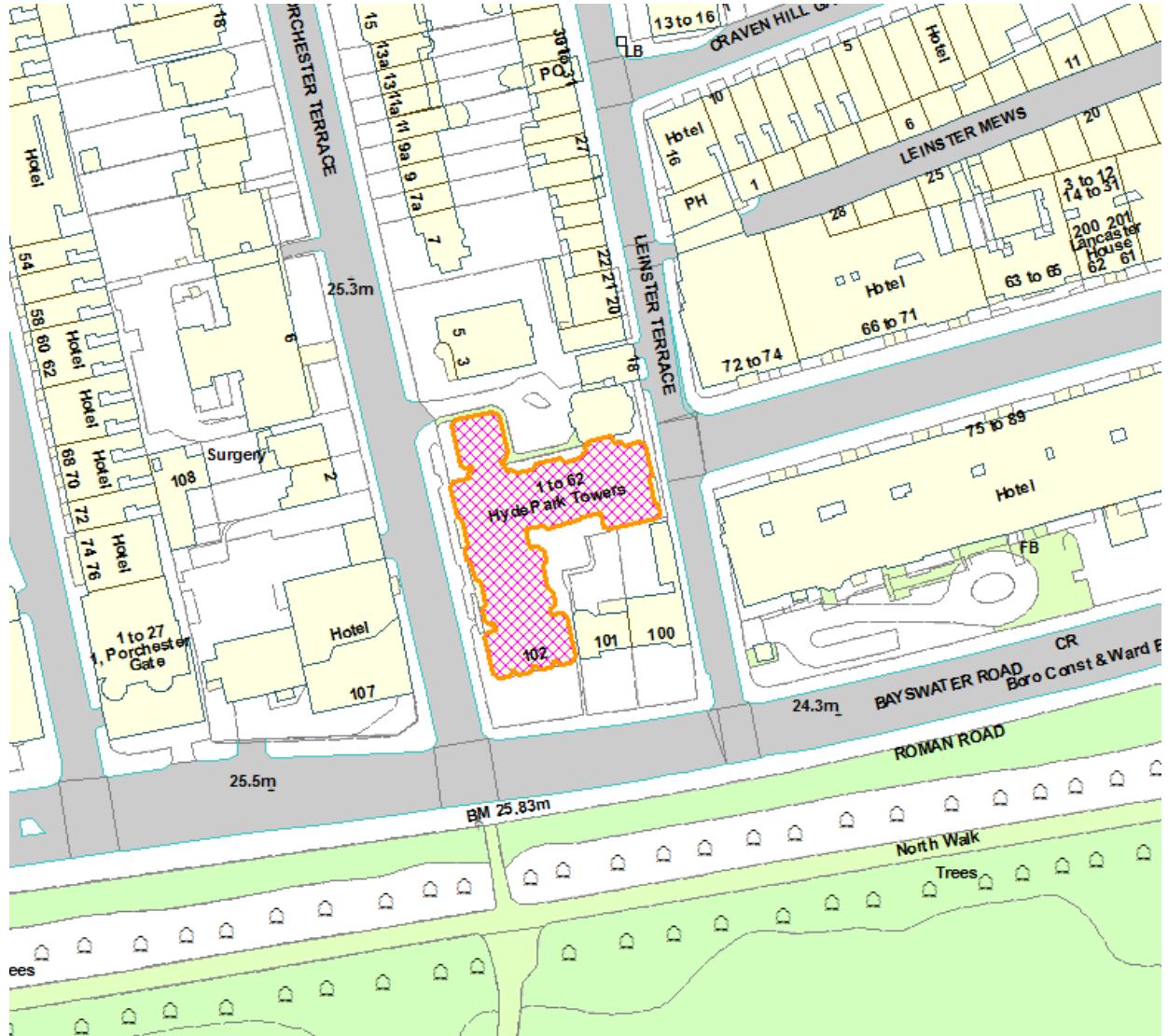
The key issues in this case are:

- The impact of the proposal on the character and appearance of the Bayswater Conservation Area;
- The impact of the proposal on the amenity of neighbouring residents;
- Quality of proposed new residential accommodation; and
- Impact on parking.

The proposed development is considered to comply with the relevant land use, design and amenity

policies in the Unitary Development Plan (UDP). As such, it is recommended that permission is granted, subject to the conditions set on in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Lancaster Gate



Corner of Porchester Terrace/ Bayswater Road

5. CONSULTATIONS

WARD COUNCILLORS FOR LANCASTER GATE

Any response to be reported verbally

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Object; although the design when viewed from the surrounding streets is not prominent, the key view is from Kensington Gardens. We consider it unreasonable for the other residents of the building to have the threat of this work hanging over them any longer. Continually renewing permissions without carrying them out should not be allowed. The area does not need another very large penthouse unit. We need a mix of large, medium and small flats to cater for a variety of accommodation needs.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 64

Total No. of replies: 4

No. of objections: 4

No. in support: 0

In summary, the objectors raise the following issues:

- Design inappropriate in context of surrounding streetscene.
- Inconsistent with designation of Bayswater Conservation Area.
- Adverse effect on views from surrounding area.
- Noise emanation due to close proximity to neighbours
- Noise and disruption from building work.
- Unnecessary development.

PRESS ADVERTISEMENT /SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a substantial late 1970s brick built apartment block of ground plus 3-8 storeys of a stepped or 'ziggurat' form. The building is situated within the Bayswater Conservation Area and fronts onto Bayswater Road and Kensington Gardens, from which it can be clearly seen forming part of the skyline to the north of the park.

6.2 Recent Relevant History

14/01721/FULL

Erection of additional floor at ninth floor level to create a penthouse flat.

Application Permitted 4 June 2014

11/01631/FULL

Extension of time for the commencement of development granted planning permission on 24 April 2008 (extant permission: RN: 07/10286) namely, for erection of additional floor at ninth floor level to create a 1x2 bedroom penthouse flat at main roof level.
Application Permitted 15 April 2014

07/10286/FULL

Erection of additional floor at ninth floor level to create a 1x2 bedroom penthouse flat at main roof level.
Application Permitted 24 April 2008

05/02677/FULL

Erection of a penthouse flat on the roof of existing building at ninth floor level.
Application Refused 11 October 2005

99/06551/FULL

Erection of a penthouse flat on the roof of the existing building at ninth floor level.
Application Permitted 20 January.2000

7. THE PROPOSAL

Permission is sought for the erection of a roof extension on the existing flat roof of the building at ninth floor level to create a 2 bed penthouse apartment. The proposed flat would have a floor area of 234m² and would be similar in scale and detailed design to the previously approved scheme (see ref: 14/01721/FULL) which has yet to be implemented. The plans for the current application are the same as those approved in 2014.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy S14 of the City Plan and Policy H3 of the UDP seek to encourage the provision of more residential floorspace, including the creation of new residential units. Accordingly, the proposed additional residential unit on this site is supported in land use term.

In terms of the quality of the internal space for occupants, the flat will exceed the internal space standards of the London Plan and the Government's Technical Housing Standards (March 2015). As such the residential accommodation provided would be of an acceptable standard. Whilst the flat that would be created would be large, it is of similar size to that previously approved in this location in 2014. The provision of a single flat is acceptable and would be consistent with policy S14 of the City Plan and policy H3 of the UDP.

8.2 Townscape and Design

Objections have been received to the design of the proposed extension and its impact on the Bayswater Conservation Area.

Planning permission for the same extension was granted in 2008 and that permission was extended in 2011. A subsequent application for the same extension was approved in 2014. This current application follows the 2008, 2011 and 2014 approvals in design terms.

The original plans submitted for the current application made reference to a proposed green roof and photovoltaic panels, which were not clearly shown. Revised plans show that a green roof is not proposed, but photovoltaic panels are proposed to the roof. This is the same design that had previously been approved under planning application reference 14/01721/FULL.

The height and footprint of the extension follow those of the previous approvals. The elevational treatment reflects the architecture of the existing building with brickwork used as the principal facing material and window size and arrangement generally reflecting the elevations below. The proposed extension, although it will be visible from street level in views along Porchester Terrace, Leinster Terrace, Bayswater Road and from Kensington Gardens, is not considered to have a detrimental impact on those views. The building is flanked to either side on Bayswater Road by existing buildings of greater height. The hotel at No.107 Bayswater Road to the west is two storeys higher and the terrace at Lancaster Gate to the east one to two storeys higher. The principle of an extension to Hyde Park Towers is therefore considered difficult to resist in terms of its relationship with the established roof line of Bayswater Road, as with the previous approval.

Although the buildings to the rear on Porchester Terrace and Leinster Terrace are considerably smaller in scale than those to the Bayswater Road frontage, the existing disparity of heights between these residential properties and Hyde Park Towers is such that the addition of a further storey to the latter could be considered to have a minimal impact on the established relationship of scale. Hyde Park Towers and the adjoining tall buildings at No.107 Bayswater Road and Lancaster Gate already dominate views along these two roads and would continue to do so.

There are some existing satellite dishes and flues to roof level which are to be relocated to accommodate the extension which is considered acceptable in principle. The proposal includes solar photovoltaic on the roof. These are low profile and acceptable.

The proposed extension is therefore considered to preserve the character and appearance of the Bayswater Conservation Area and the setting of and views from the Royal Parks Conservation Area, and is considered acceptable in design terms. The scheme would accord with DES1, DES6 and DES9 in the UDP and S25 and S28 in the City Plan.

8.3 Residential Amenity

The previously approved schemes were not considered to have a material impact on the amenities of neighbouring properties, subject to the inclusion of conditions to prevent the use of the external roof of the extension as a terrace for sitting out on, and submission of details of sound insulation to prevent noise nuisance to existing and future occupiers.

The applicant has undertaken a Daylight and Sunlight Assessment in support of the current application to assess the daylight, sunlight and overshadowing impacts on a

number of properties and open space in the vicinity of the application site. The properties assessed include: 2, 3, 4, 5, 6 and 7 Porchester Terrace; 19 Leinster Terrace; 72, 74 and 75 Lancaster Gate; 100 and 101 Bayswater Road; windows on Hyde Park Towers facing the proposed development; and 107 Bayswater Road (Thistle Hotel). The report is based on the BRE Guidance: Site Layout Planning for daylight and sunlight (2011) and concludes that the proposed development is not expected to cause any significant negative impact to daylight and sunlight access for surrounding properties and amenity spaces. Following comprehensive review of this report, officers are satisfied that the proposed roof extension would not result in unacceptable loss of light to the occupiers of neighbouring properties nor would it unacceptably overshadow neighbouring gardens.

In light of the submitted daylight and sunlight report and given that previous schemes were not considered to be detrimental to neighbouring amenity, it is not considered that permission could be withheld on amenity grounds. However, this is subject to the same conditions being imposed as on 2008, 2011 and 2014 permissions, to ensure that the roof of the extension is not used for sitting out to prevent direct overlooking towards terraces and windows of flats below, and adequate sound insulation, to prevent noise nuisance to existing and future occupiers of the building.

As previously, the scheme does not include the installation of any external mechanical plant. However, an informative is recommended to advise the applicant that no external mechanical plant is approved as part of this application.

Overall, the proposal would be consistent with policy S29 of the City Plan and policy ENV 13 of the UDP.

8.4 Transportation/Parking

As with the previously approved schemes, the proposed scheme will provide one dedicated parking space within the basement car park of the apartment block with lift access provided. As per the previous applications, the exact location of the parking space is not identified in the application and therefore a condition is recommended to secure details of the parking provision and to require it to be provided prior to the occupation of the flat. Subject to this condition the scheme complies with policy TRANS 23 of the UDP.

8.5 Economic Considerations

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

8.6 Access

Access to the site will remain the same as the current situation. There is to be lift access to the ninth floor level where the proposed new residential unit is proposed. This access arrangement is considered to be acceptable.

8.7 Other UDP/Westminster Policy Considerations

None

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application. However, the application is CIL liable. The estimated Mayoral CIL payment would be £15,110 and the estimated WCC CIL would be £99,471.59. This is subject to any relief or exemptions that may be applicable.

8.11 Environmental Impact Assessment

The development is of insufficient scale to require the submission of an Environmental Impact Assessment.

8.12 Other Issues

Objectors note the succession of unimplemented permissions for this project since 2008 and consider continued applications unreasonable. However, this is not a material planning consideration and refusal of permission on this basis would be unsustainable.

The proposal if implemented is likely to result in noise and other associated disturbance due to construction works. This is part of any such development and permission cannot be withheld on this basis. A condition is recommended to limit construction hours. Informatives advising the applicants that they may join the Considerate Contractor's Scheme as well as providing details of the Council's 24 Hour Noise Team are also recommended.

9. BACKGROUND PAPERS

1. Application form
2. Response from South East Bayswater Residents Association, dated 22 December 2016
3. Letter from occupier of International House , 1 St Katharine's Way , dated 25 November 2016
4. Letter from occupier of 59 Hyde Park Tower, 1 Porchester Terrace , dated 28 November 2016
5. Letter from occupier of Nuffield House, 41-46 Piccadilly, dated 13 December 2016
6. Letter from occupier of Aldgate Tower, 2 Leman Street, dated 18 December 2016

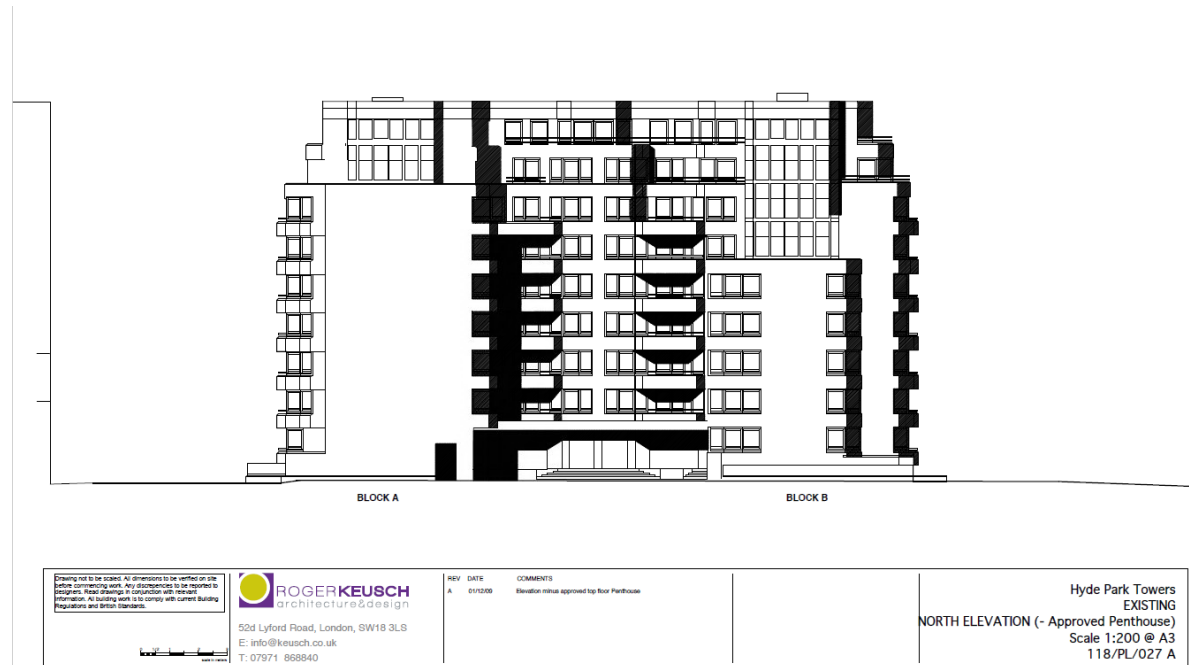
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT NBARRETT@WESTMINSTER.GOV.UK

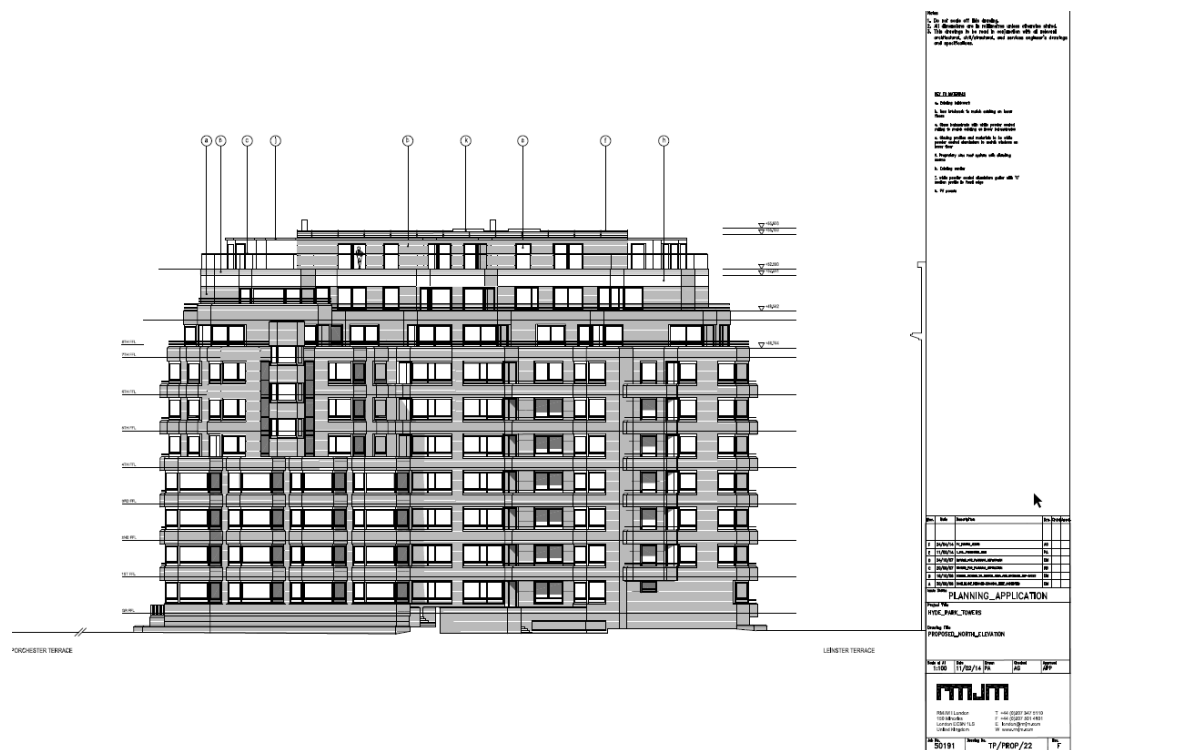
Item No.
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10. KEY DRAWINGS

Existing North Elevation



Proposed North Elevation



Existing South Elevation



Drawing not to be scaled. All dimensions to be verified on site before commencing work. Any discrepancies to be reported to designers. Read drawings in conjunction with relevant information. All building work is to comply with current Building Regulations and British Standards.

ROGER KEUSCH
architecture&design
52d Lyford Road, London, SW18 3LS
E: info@keusch.co.uk
T: 07971 868840

REV	DATE	COMMENTS
A	01/12/09	Elevation minus approved top floor Penthouse

Hyde Park Towers
South Elevation
Existing (- Approved Penthouse)
Scale 1:200 @ A3
118/PL/030 A

Proposed South Elevation



- 1. Existing elevation
- 2. Proposed elevation
- 3. Proposed elevation with penthouse
- 4. Proposed elevation with penthouse and balcony
- 5. Proposed elevation with penthouse and balcony and balcony
- 6. Proposed elevation with penthouse and balcony and balcony and balcony
- 7. Proposed elevation with penthouse and balcony and balcony and balcony and balcony
- 8. Proposed elevation with penthouse and balcony and balcony and balcony and balcony and balcony
- 9. Proposed elevation with penthouse and balcony and balcony and balcony and balcony and balcony and balcony
- 10. Proposed elevation with penthouse and balcony and balcony and balcony and balcony and balcony and balcony and balcony

No.	Description	Date	Author
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Existing West Elevation



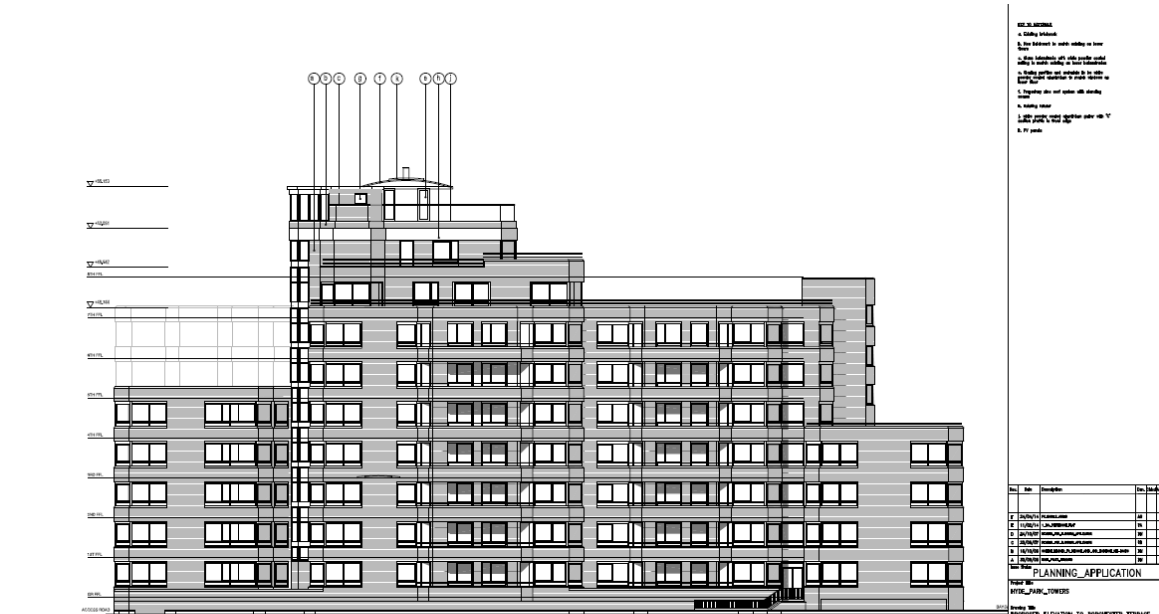
Drawing not to be scaled. All dimensions to be verified on site before construction starts. Any discrepancies to be reported to the architect. All building work to comply with current Building Regulations and British Standards.

ROGER KEUSCH
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REV	DATE	COMMENTS
A	01/12/09	Elevation revised approved by four Penthouse

Hyde Park Tower
EXISTING
WEST ELEVATION (- Approved Penthouse)
Scale 1:200 @ A3
118/PL/028 A

Proposed West Elevation



- 1. Existing elevation
- 2. New elevation to match existing in form
- 3. New elevation to match existing in form
- 4. New elevation to match existing in form
- 5. New elevation to match existing in form
- 6. New elevation to match existing in form
- 7. New elevation to match existing in form
- 8. New elevation to match existing in form
- 9. New elevation to match existing in form
- 10. New elevation to match existing in form

Rev	Date	Description	By	App
1	01/12/09	Initial design		
2	01/12/09	Revised design		
3	01/12/09	Final design		
4	01/12/09	Approved design		
5	01/12/09	Final design		
6	01/12/09	Approved design		
7	01/12/09	Final design		
8	01/12/09	Approved design		
9	01/12/09	Final design		
10	01/12/09	Approved design		

PLANNING APPLICATION
HYDE_PARK_TOWER

Project No: 118/PL/028 A
Drawing Title: PROPOSED ELEVATION TO PERMITTED ELEVATION WEST

Scale: 1:200
Date: 11/02/14
Author: [Name]
Check: [Name]

RMJM
RMJM London
100 Abchurch Lane
London EC4A 3DF
UK
T: +44 (0)20 7623 1110
F: +44 (0)20 7623 1111
E: london@rmjm.com
W: www.rmjm.com

Existing East Elevation



BLOCK A

Drawing not to be scaled. All dimensions to be verified on site before commencing work. Any discrepancies to be reported to designers. Read drawings in conjunction with relevant information. All building work is to comply with current Building Regulations and British Standards.

ROGER KEUSCH
architecture&design
52d Lyford Road, London, SW18 3LS
E: info@keusch.co.uk
T: 07971 866840

REV	DATE	COMMENTS
A	01/12/09	Elevation initial approved top floor Penthouse

Hyde Park Towers
EXISTING
EAST ELEVATION (- Approved Plenthouse)
Scale 1:200 @ A3
118/PL/029 A

Proposed East Elevation



- 1. See Section 1 for details of new penthouse
- 2. See Section 2 for details of new penthouse
- 3. See Section 3 for details of new penthouse
- 4. See Section 4 for details of new penthouse
- 5. See Section 5 for details of new penthouse

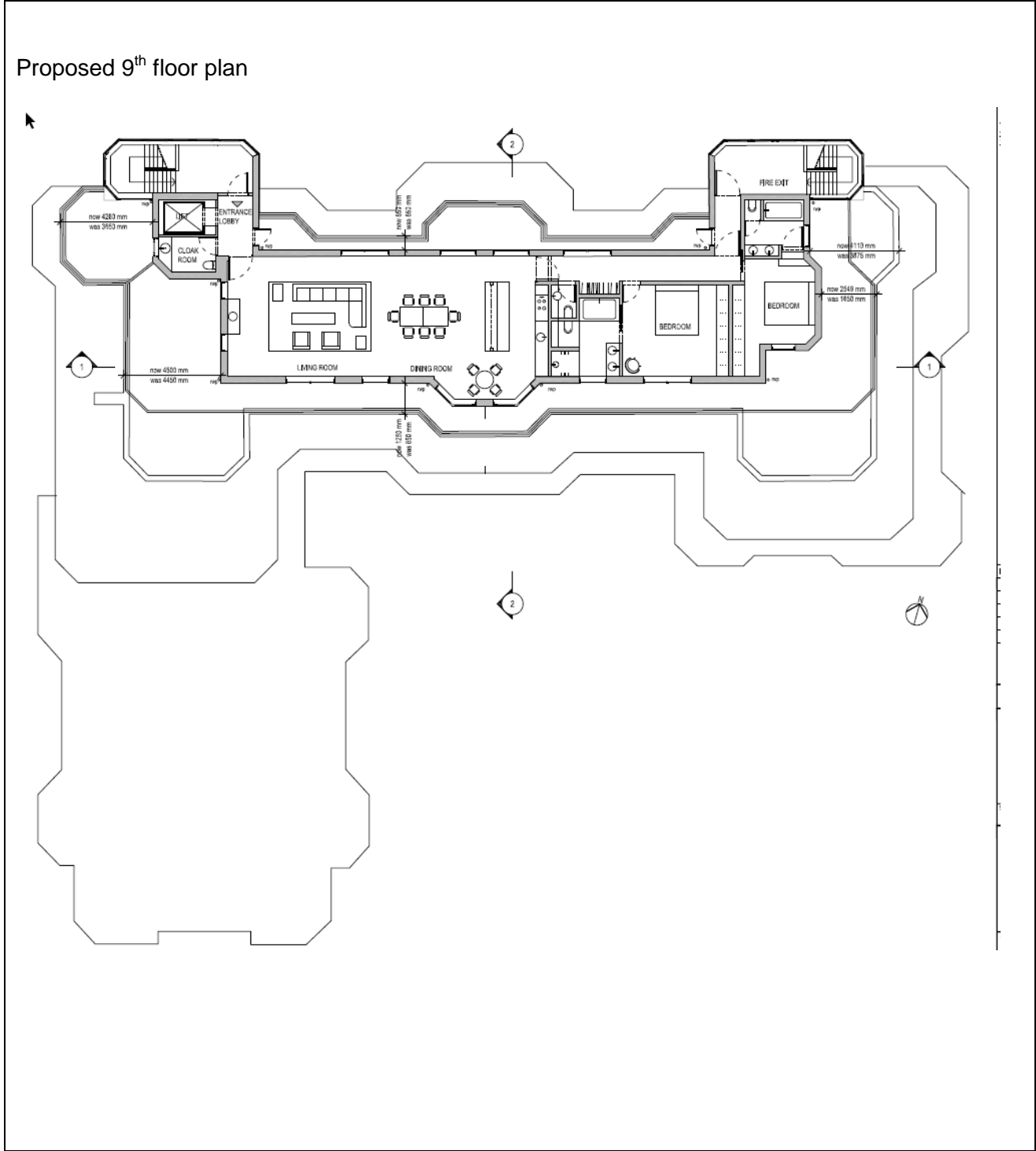
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No.	Date	Description	By	Checked
1	11/02/14	PLANNING APPLICATION	AK	
2	11/02/14	PLANNING APPLICATION	AK	
3	11/02/14	PLANNING APPLICATION	AK	
4	11/02/14	PLANNING APPLICATION	AK	
5	11/02/14	PLANNING APPLICATION	AK	

PLANNING APPLICATION
HYDE_PARK_TOWERS
Provide the
PROPOSED ELEVATION TO LINGERED TOWERS
EAST
Date: 11/02/14
Scale: A3
Author: AK



Proposed 9th floor plan



DRAFT DECISION LETTER

Address: Hyde Park Towers, 1 Porchester Terrace, London, W2 4DB,

Proposal: Erection of an additional floor at ninth floor level to create a penthouse flat (two bedroom unit).

Reference: 16/10627/FULL

Plan Nos: Site Plan; 118/PL/026.A; 118/PL/027 A; 118/PL/028 A; 118/PL/029 A; 118/PL/030 A; TP/PROP/20 Rev E; TP/PROP/21 Rev F; TP/PROP/22 Rev F; TP/PROP/23 Rev F; TP/PROP/ 24 Rev F; TP/PROP/25 Rev F; TP/PROP/26 Rev G

Case Officer: Avani Raven **Direct Tel. No.** 020 7641 2857

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

- 4 You must apply to us for approval of a sample of the zinc you will use for the roof of the penthouse structure. You must not start work until we have approved what you have sent us. You must then carry out the work using the approved materials

Reason:

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

- 5 The new sections of facing brickwork to the elevations of the extension hereby approved must match the existing original work to the main elevations below in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings.

Reason:

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

- 6 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings.

Reason:

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

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

Reason:

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

2007. (R26BE)

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

Reason:

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

- 9 A plan of the basement, showing the location and dimensions of the proposed one car parking space provided for the residential flat hereby approved shall be submitted to and approved in writing by the City Council before any work commences on site. This space shall be provided prior to occupation of the flat hereby approved and must be retained permanently for the accommodation of vehicles of the occupiers of the residential flat hereby approved.

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 10 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

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

- 11 **Pre Commencement Condition.** You must apply to us for approval of details of how the flats will be insulated to reduce noise passing between them. You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved details before anyone moves into the flats. (C13FB)

Reason:

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

- 12 You must apply to us for approval of plans/sections/elevations/manufacturers specification for the relocation of satellite dishes and flues currently at main roof level on the location of the proposed penthouse extension. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

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

- 13 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.

Photovoltaic panels at roof level

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You 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.
- 3 You are advised that it is an expectation that any existing flues affected by the extension proposed should be routed through the extension and should not be routed up its external elevations.
- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 5 You are advised that this application does not permit any external mechanical plant. If any is required in connection with the development hereby approved it will require the benefit of further planning permission.
- 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.

Item No.
7

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Agenda Item 8

Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 11 April 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	50 - 54 Westbourne Terrace, London, W2 3UH		
Proposal	Installation of 10 bollards to the roadway in front of nos. 50, 52 and 54 Westbourne Terrace.		
Agent	Mr Mark Defoe		
On behalf of	Mr Mark Defoe		
Registered Number	16/05561/FULL	Date amended/ completed	23 March 2017
Date Application Received	15 June 2016		
Historic Building Grade	Adjacent to Grade II listed buildings		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to an area of private road in front of nos. 50, 52 and 54 Westbourne Terrace, which are all Grade II listed buildings on the west side of Westbourne Terrace. In common with other Westbourne Terrace properties the buildings are set back from the public highway behind a separate private road, which runs parallel to the public highway and to such locations in Westbourne Terrace cars commonly park to both sides of the private street, including partly over the pavement on the building side of the street.

On 12th March 2013 permission was granted for the installation of 13 bollards to the private street in front of these three buildings in order to prevent parking on the pavement in front, in response to concerns regarding the structural stability of the front vaults to the building underneath the pavement. The permission was given for a 3 year period, which has now expired. On site, 7 bollards, unevenly spaced, were erected and these remain in place. This application seeks permission to install 10 evenly spaced bollards.

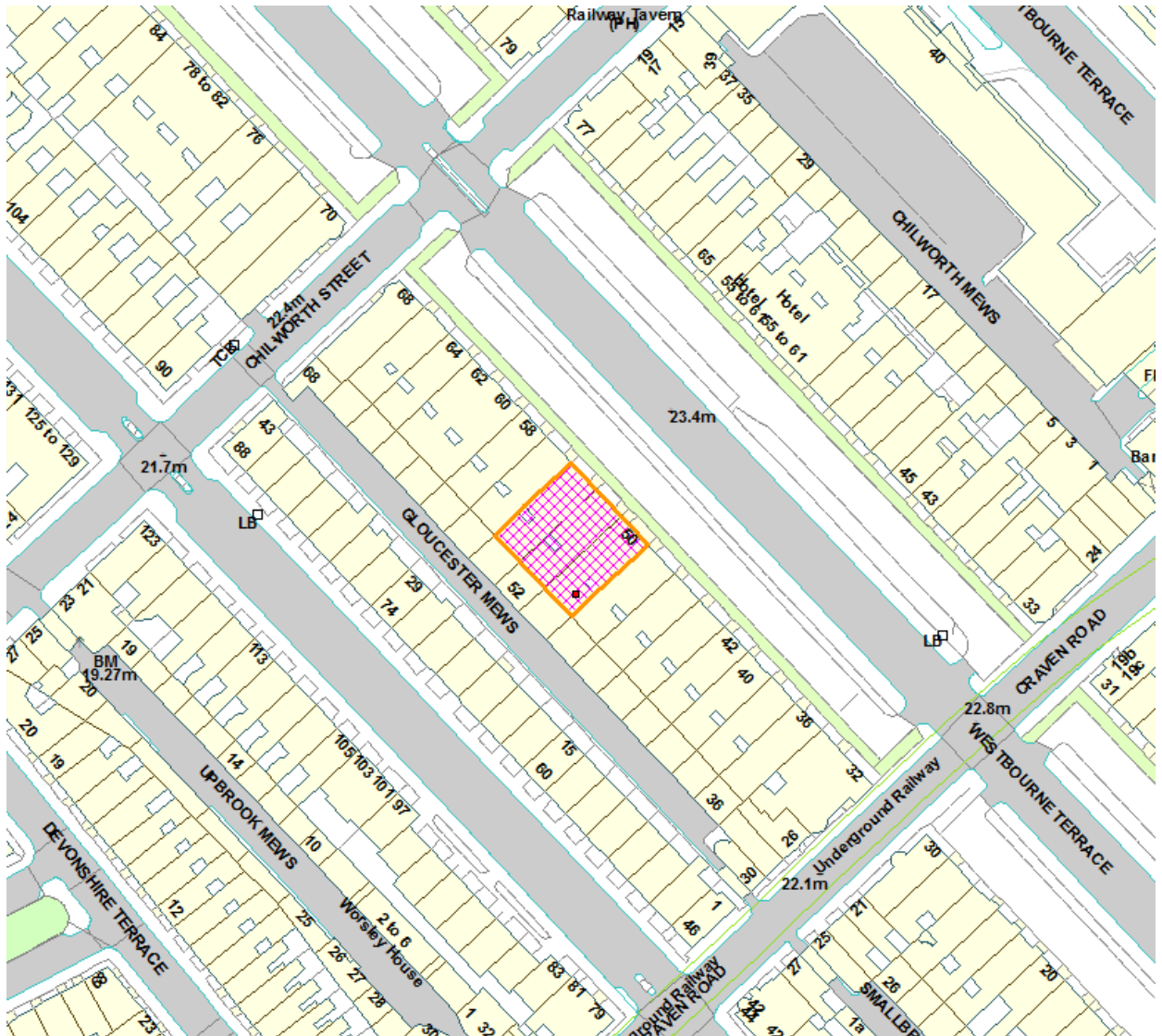
The key issues in this case are:

* The impact upon the character and appearance of the Bayswater Conservation Area and the setting

of the adjacent Grade II listed buildings; and
* The impact on the parking provision in the area.

The application proposals are considered to be acceptable and in accordance with policies DES 1, DES 7, DES 9, DES 10, TRANS2 and TRANS3 in the UDP and S25 and S28 in the City Plan, and the application is thus recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

State that they have no objection to the proposals as the bollards are conservation style, and that the protection of the original York stone pavements is a worthy object in itself. Comment that it is unfortunate that in other parts of this section of the terrace the practice of cars parking partially on the pavement of this private road persists.

HIGHWAYS PLANNING

State that they consider the proposals undesirable on highways grounds but that they could be considered acceptable, and further comment that if the spaces were protected by a condition then they would object to the loss of accessible unallocated parking spaces adding to an already high demand for on-street car parking in the area.

HISTORIC ENGLAND

State that they do not consider it necessary for the application to be notified to Historic England.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 40

Total No. of replies: 5

No. of objections: 5

No. in support: 0

In summary, have been received on the following grounds:

- Concern that the bollards are unsightly, unevenly spaced, fixed into unevenly coloured concrete, break the uniformity to the terrace, and are poorly maintained.
- Concern that the installers have made several exploratory holes near the bollards leaving the roadway in a poor condition.
- Concern that the bollards lead to a loss of parking spaces.
- Concern that the bollards are a hazard, including to vehicles.
- Statement made that residents have a right of 'easement' in their leases making any impediment to the free flow of vehicles and persons illegal.
- Concern expressed that residents have been misled as the installers advised residents that the bollards were temporary whilst maintenance works were carried out beneath them, but that no such work has ever been intended or attempted.
- State that it is unclear why the bollards are installed outside nos. 52 and 54, as the 2012 application stated that works were required on the pavement outside no. 50 only.
- View expressed that the apparent reason for the weak pavement is the poor maintenance of the under street vault that has been caused by the applicants own negligence.
- State that during 2015 trucks have been parked on the pavement which is argued to contradict the applicants stated concern for the structural weakness of the pavement.
- Concern about the structural weakness of the pavement, and state that this issue should be addressed.
- Concern that the bollards could be part of an attempt to eventually commercialise the parking.

- Query whether any other properties managed by City Estates within this terrace have suffered this loss of amenity.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to the area of private road in front of Nos. 50, 52 and 54 Westbourne Terrace. The private road, which serves the whole terrace between Nos.32 to 68 Westbourne Terrace is accessed from the west side of Westbourne Terrace. The three buildings adjacent to this area are all Grade II listed, as is the rest of the terrace of which they form a part. The buildings and the private road in front of them are all within the Bayswater Conservation Area. The buildings at Nos.50, 52 and 54 are in use as flats.

6.2 Recent Relevant History

On 12th March 2013 approval was granted for a temporary period of 3 years allowing for the installation of 13 bollards to the roadway outside Nos.50, 52 and 54 Westbourne Terrace. On site, within the area where 13 bollards were approved, 7 bollards have been erected to an uneven spacing.

The planning application was submitted with an accompanying application for listed building consent (RN: 12/06739/LBC). However, given that the bollards are located outside the listed buildings at Nos. 50, 52 and 54 Westbourne Terrace and are not attached to the listed buildings themselves, it was determined that listed building consent was not required.

7. THE PROPOSAL

The application seeks permission for the installation of 10 bollards to the private road outside Nos.50, 52 and 54 Westbourne Terrace. The proposed bollards would be sited in a row immediately adjacent to the kerb of the pavement to this private road and would be evenly spaced at 2.5m intervals. The bollards would be 0.97m in height, designed to appear as traditional style bollards and would be finished in a black colour.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed bollards do not raise any land use issues as the development does not propose a material change of use of the existing private road, which is used for parking and access purposes, and would continue to be used for this purpose despite the proposed bollards. The impact on the availability of parking is considered in Section 8.4 of this report.

8.2 Townscape and Design

The pavement in front of the terrace of buildings including nos. 50-54 Westbourne Terrace is formed by very large York stone paving slabs, and it represents what is almost certainly the original 19th century pavement finish. These York stone paving slabs sit above the pavement vaults of the buildings.

A planning application was submitted in 2012 which proposed to install a series of 13 bollards to the private road in front of nos. 50-54 Westbourne Terrace in a location immediately adjacent to the York stone pavement. At the time of that previous application unauthorised modern metal bollards had already been erected on site, and the previous application proposed to remove these and replace them with more traditionally detailed black metal bollards. The application stated that these bollards were sought to prevent vehicles parking on the York stone paving slabs on grounds of a concern about the structural stability of the brick structure of the pavement vaults, and on grounds of cracking to the York stone paving slabs themselves. This previous planning application was approved on 12th March 2013 for a 3 year period, with an informative attached to the decision letter advising that it was an expectation that the repair works required to the pavement and vaults would be carried out, thus allowing for the removal of the bollards.

Despite the expiry of the 3 year temporary period of approval, bollards still remain in place on site though 7 bollards have been erected to an uneven spacing instead of the 13 evenly spaced bollards approved. The applicants advise that this was as a result of a need for the piecemeal installation of bollards with vehicles parked for long periods of time. The current application seeks the installation of 10 bollards to this area on a permanent basis. Concerns have been raised by objectors on grounds that the bollards are unsightly, unevenly spaced, break the uniformity of the terrace and with the area around the bollards in poor condition.

Objectors have also stated that they believe no repair works have been carried out to their knowledge. However, the applicants nonetheless advise that works have been carried out addressing the condition of the vault walls, but that the loading of the York stone paving slabs has not been addressed as they consider that this would involve the replacement of the slabs, and the applicants also note a crack in the paving slab outside no. 50 Westbourne Terrace. The applicants go on to state that the bollards proposed are a key issue preventing the paving slabs from further degradation.

Notwithstanding the intention of the 2013 approval to see the bollards removed after repair works, this current application proposing to retain them permanently is considered acceptable. The issue regarding the condition of the York stone slabs and their structural capability in terms of supporting vehicle loads is a difficult issue to judge, given the difficulty of their structural stability being fully certified by an engineer. There appear evident issues of ground movement to this section of the street as evidenced by the notable undulation of the road surface to this section of the private road. The York stone slabs in themselves are of considerable importance to the setting of these listed buildings, and could be anticipated to degrade at a faster rate over time with cars parking over them rather than being solely in pedestrian use. Though the bollards will add a degree of clutter to the frontage of these listed buildings, the impression of cars regularly parked over the pavement as occurred prior to the bollards also detracted from the appearance of the frontage of the building.

The proposed bollards are black coloured metal 'Manchester' style bollards, the design of which is a cross between a Doric style column and a cannon form of traditional bollard. Other such examples of this style of bollard exist elsewhere in Westminster. Though objectors describe the bollards as unsightly, it is not considered that their detailed design is inherently unattractive. The road surface around is not maintained by Westminster as it is a private road. However, the expectation is that concerns over the condition of the road surface would be addressed over time.

The existing car parking on the pavement has a cluttering impact upon the setting of these buildings. However, during periods when parking is not so prevalent, the buildings retain their original attractive foreground setting, with simply detailed kerb, original York stone slabs to pavement. In addition, the vault structures are also of some importance to the special interest of the listed buildings.

Given the structural justification put forward by the applicants, and to avoid an ad-hoc arrangement of bollards which could appear unsightly, it is recommended that the permanent fixing of the bollards in place is secured by condition. The plans have been revised from the 13 bollards originally submitted to now show 10, as this is considered a sufficient number to prevent parking without unduly adding unnecessary street clutter.

In summary, and in the particular circumstances of this case it is not considered that a reason for refusal could be justified on grounds of the impact of the bollards on the character and appearance of the Bayswater Conservation Area and setting of these listed buildings. As such, the proposals are considered acceptable and in line with policies DES1, DES7, DES9 and DES10 in the UDP and policies S25 and S28 City Plan.

8.3 Residential Amenity

There are no amenity implications arising as a result of the proposed bollards.

8.4 Transportation/Parking

The private road has been used historically to provide vehicular parking and access to the buildings fronting on to the road, and concerns are raised by objectors about the loss of on-pavement parking that the bollards would give rise to. Whilst the proposed bollards would reduce the availability of vehicular parking along this section of the private road, there are no planning conditions apparent requiring the provision of a particular number of parking spaces or indeed the provision of this area for car parking at all. Similarly, there are no planning conditions apparent limiting the parking in this location to residents of the buildings. The Highways Planning Manager does not object provided there are no conditions protecting these areas as parking spaces.

A condition is recommended requiring the bollards to be retained fixed in place and as such they would not be capable of being removed on an ad-hoc basis to facilitate a commercial use for parking, which was a concern expressed by an objector, and would remain a uniform run of bollards without interruption.

Given the proposed location of the bollards immediately adjacent to the curb line and the spacing between the bollards, the means of access for emergency vehicles would be

arguably better than the pre-existing situation when this area was used for parking. Given their location immediately adjacent to the pavement they are not considered an unacceptable hazard to vehicular movement.

The proposed bollards are therefore considered acceptable given that they are located on a private road, and they would accord with policies TRANS2 and TRANS3 in the UDP.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The bollards proposed do not impede pedestrian movement along the access road.

8.7 Other UDP/Westminster Policy Considerations

None

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable to these proposals.

8.12 Other Issues

A statement was made by one of the objectors that some residents may have a right of 'easement' in their leases making any impediment of the free flow of vehicles and persons illegal. However, no evidence has been presented to illustrate this concern, and in any case this would be a private matter between the leaseholders and applicants.

A statement was made by an objector expressing concern about the bollards being installed in front of nos. 50-54 Westbourne Terrace as, in their view, the 2012 application submission stated that works were only required to the pavement outside no. 50 only. As with the application submitted in 2012 however, this application makes specific reference to the condition of the vaults and pavement structure in front of all three buildings, and as such the concerns expressed on this issue are not considered sustainable.

The statement made that the vault structures are in poor condition results from a lack of maintenance by the applicants is noted, though not supported by evidence and is not considered as a reason for refusal. Comments are also made by objectors that the structural weakness of the pavement should be addressed instead. However, given the concerns about the impact such a proposal could have upon the York stone pavement slabs, this is not considered to overcome the reasons behind the recommendation for approval.

The further statement that trucks were at one point in 2015 parked on the pavement outside these properties is noted. However, no further information is available at this point, and this statement is not considered grounds for the refusal of the application.

A further query has been received regarding whether any other properties within this terrace managed by City Estates have suffered this issue. The applicants advise that they are currently investigating the front pavement vaults at no. 46 for structural stability. Notwithstanding, any issues related to separate buildings are not of relevance to the consideration of these current application proposals, and in addition the managing agents for any building are a not a relevant consideration to the planning merits of an application.

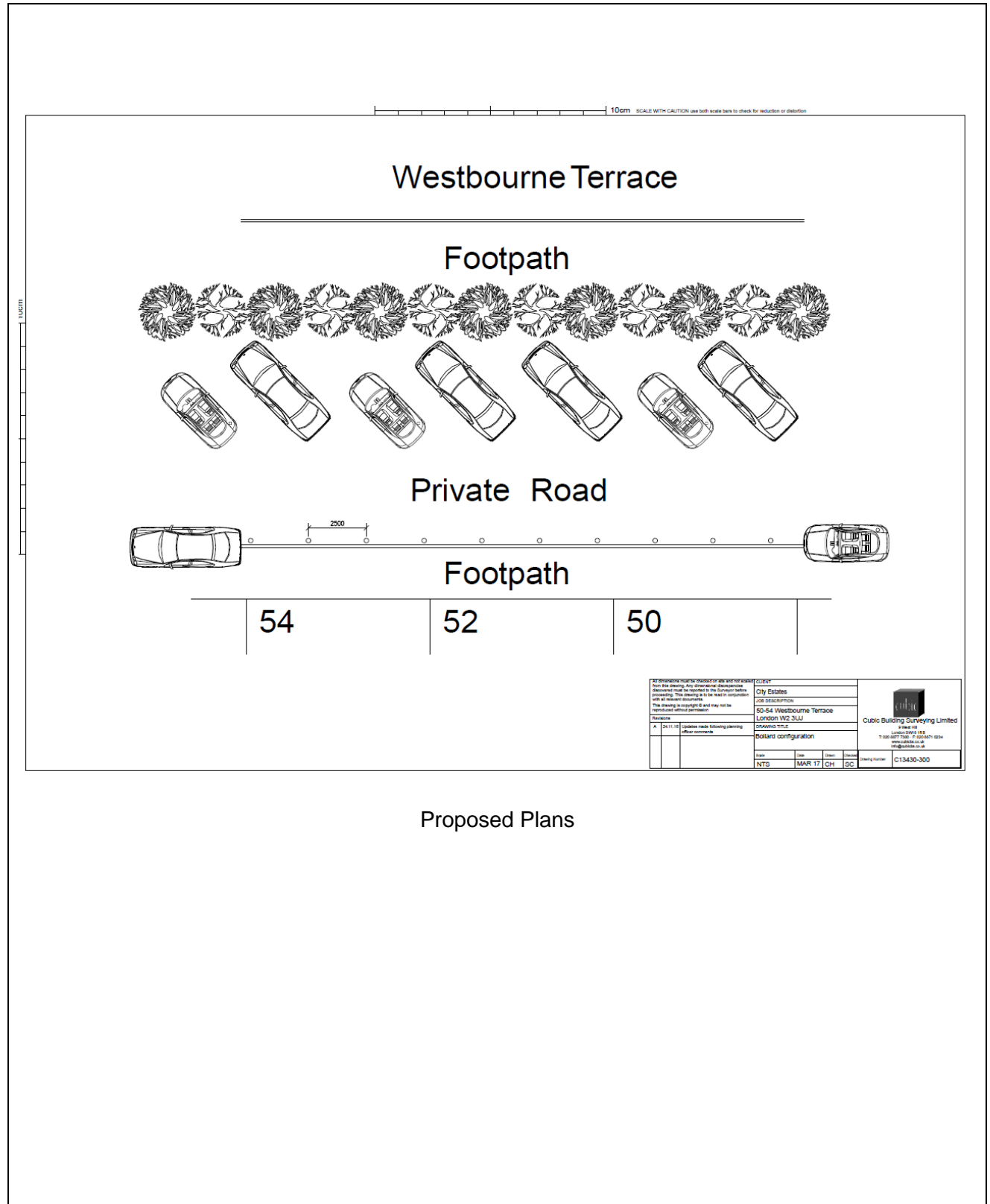
9. BACKGROUND PAPERS

1. Application form.
2. Memorandum from Highways Planning dated 6 July 2016.
3. Response from South East Bayswater Residents Association, dated 2 July 2016.
4. Response from Historic England dated 27 June 2016.
5. Letter from occupier of 46a Westbourne Terrace dated 5 July 2016.
6. Letter from occupier of Flat 2, 66 Westbourne Terrace dated 7 July 2016.
7. Letter from occupier of 48a Westbourne Terrace, dated 5 July 2016.
8. Letter from occupier of 50 Westbourne Terrace, London, dated 13 July 2016.
9. Letter from occupier of 50g Westbourne Terrace, London, dated 11 July 2016.

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

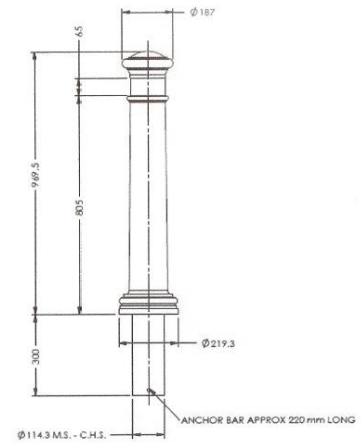
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT NBARRETT@WESTMINSTER.GOV.UK

KEY DRAWINGS



Proposed Plans

Below are some images and dimensions of the proposed bollard



DRAFT DECISION LETTER

Address: 50 Westbourne Terrace, London, W2 3UH

Proposal: Retention of 13 bollards to the roadway in front of nos. 50, 52 and 54 Westbourne Terrace

Reference: 16/05561/FULL

Plan Nos: C13430-300, Undated Design and Access Statement as revised by C13430-300, Undated Heritage Statement as revised by C13430-300, Site Plan (as amended to show area of front forecourt in solid red shading), Emails from Mark Defoe dated 9th August 2016, 18th August 2016 and 17th February 2017, 5 site photos

Case Officer: Alistair Taylor **Direct Tel. No.** 020 7641 2979

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 All new work to the road surface must match existing original work in terms of the choice of

materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission.
(C26AA)

Reason:

To protect the setting of the adjacent grade 2 listed buildings and to make sure that the development contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 7, DES 10(A) 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 Once work commences on the installation of the new bollards, each of the ten bollards hereby approved shall be installed as one continuous programme of works without interruption, and they shall be permanently fixed in an upright position and shall not be removed.

Reason:

To protect the setting of the adjacent grade 2 listed buildings and to make sure that the development contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 7, DES 10(A) and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 The bollards shall be formed in black painted metal and shall be maintained in that colour thereafter, and shall have no signs, information panels, chains, linking structures or other features attached

Reason:

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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.

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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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