



City of Westminster

Committee Agenda

Title: **Planning Applications Committee (3)**

Meeting Date: **Tuesday 28th February, 2017**

Time: **6.30 pm**

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

Members: **Councillors:**

Andrew Smith (Chairman)
Barbara Grahame
Louise Hyams
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. TREE PRESERVATION ORDER NO. 633 (2016) - 98 EBURY STREET, LONDON, SW1W 9QD

(Pages 1 - 30)

5. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

1. 100 REGENT STREET, LONDON, W1B 5SR

(Pages 35 - 60)

2. 3 CIRCUS ROAD, LONDON, NW8 6NX

(Pages 61 - 90)

3. 36-38 LEXINGTON STREET, LONDON, W1F 0LJ

(Pages 91 - 106)

4. 16 HALL ROAD, LONDON, NW8 9RB

(Pages 107 - 134)

5. 27-29 SPRING STREET, LONDON, W2 1JA

(Pages 135 - 150)

6. EASTCASTLE STREET, LONDON

(Pages 151 - 158)

7. 32 HARCOURT STREET, LONDON, W1H 4HX

(Pages 159 -

8.	74 CAMBRIDGE STREET, LONDON, SW1V 4QQ	178) (Pages 179 - 194)
9.	45 CHESTER SQUARE, LONDON, SW1W 9EA	(Pages 195 - 220)
10.	10 BLOOMFIELD TERRACE, LONDON, SW1W 8PG	(Pages 221 - 238)
11.	52 WELLS STREET, LONDON, W1T 3PR	(Pages 239 - 246)

Charlie Parker
Chief Executive
20 February 2017

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City of Westminster

Executive Summary and Recommendations

**Title of Report: Tree Preservation Order No. 633
(2016)
98 Ebury Street, London, SW1W
9QD**

Date: 28th February 2017





City of Westminster

Executive Summary and Recommendations

**Title of Report: Tree Preservation Order No. 633
(2016) 98 Ebury Street, London,
SW1W 9QD**

Date: 28th February 2017

Summary of this Report

The City Council has made a Tree Preservation Order (TPO) to protect one Bay Tree located in the garden at 98 Ebury Street, London, SW1W 9QD. The TPO is provisionally effective for a period of six months from 13th September 2016 during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 12th March 2017.

The TPO was made because the tree has significant amenity value and makes a valuable contribution to the character and appearance of the conservation area. The City Council, having been made aware of the proposal to remove the Bay tree considers it expedient in the interests of the amenity that a TPO is made in order to safeguard its preservation and future management.

Objection to the TPO has been made Eleven 10 Architecture on behalf of 98 Ebury Mews London, SW1W 9QD.

The City Council's Arboricultural Officer has responded to the objections.

Recommendations

The Sub-Committee should decide EITHER

(a) NOT to confirm Tree Preservation Order No. 633 (2016); OR

(b) Confirm Tree Preservation Order No. 633 (2016) with or without modification with permanent effect.



City of Westminster

Committee Report

Item No:	
Date:	28 th February 2017
Classification:	General Release
Title of Report:	Tree Preservation Order No. 633 (2016) 98 Ebury Street, London, SW1W 9QD
Report of:	The Director of Law
Wards involved:	Knightsbridge and Belgravia
Policy context:	
Financial summary:	No financial issues are raised in this report.
Report Author:	Daniel Hollingsworth
Contact details	dhollingsworth@westminster.gov.uk

1. Background

- 1.1 Under current legislation the City Council has the power to make and to confirm Tree Preservation Orders within the City of Westminster. Tree Preservation Order 633 (2016) authorised by the Operational Director Development Planning acting under delegated powers on 7th September 2016, was served on all the parties whom the Council is statutorily required to notify and took effect on 13th September 2016.
- 1.2 The purpose of a Tree Preservation Order is to protect the tree or trees concerned in the interest of amenity and, to this end, to control their management and replacement if they have to be removed. The presence of a Tree Preservation Order does not prevent works to the tree being undertaken, but the TPO does give the Council the power to control any such works or require replacement if consent is granted for trees to be removed.
- 1.3 Tree Preservation Order 633 (2016) was made following the receipt by the City Council of six weeks notice of intention to remove the Bay tree (T1) submitted under section 211 of the Town and Country Planning Act 1990 (Trees in Conservation Areas). The tree is situated within the Belgravia Conservation Area. On receipt of such notice the City Council can either raise no objections to the works or make a Tree Preservation Order.
- 1.4 The reasons given for the proposed removal of the tree are:
- Close proximity to two boundary walls, to prevent further damage
 - The tree does not contribute to public amenity
- 1.5 Subsequent to the making of the TPO the City Council received one objection.

2. Objection by Daniel Gill from Eleven 10 Architecture

- 2.1 On 22nd November 2016 the Council's Legal Services section received a letter dated 21st November 2016 from Eleven 10 Architecture on behalf 98 Ebury Mews, London, SW1W 9QD (**Appendix A**) objecting to the TPO on the grounds that:
- 2.1.1 The main objection is to the regulation 5 notice *'The tree makes a valuable contribution to public amenity, to the outlook from nearby properties and to the character and appearance of the conservation area.'*
- 2.1.2 This statement is not backed up with any documented evidence to show the local authority has undertaken an evaluation of the tree's public amenity value.

- 2.1.3 The tree is located in the rear garden enclosed by buildings twice its height and cannot be seen by the public. The tree is only visible to residents at 98 Ebury Street and properties behind and to the south west.
- 2.1.4 As the tree cannot be seen by any public view point it cannot make an important contribution to the character of the area.
- 2.1.5 The tree does not have any significant wildlife value, any historical value nor is it a rare specimen.
- 2.1.6 The robust methodologies and policy of identifying important amenity trees has not been followed by the local authority. If the local authority had applied principles set out in their own documents the TPO would not have been made.
- 2.1.7 The tree is a laurel not a bay tree.

3. Response to Objection

- 3.1 The City Council's Arboricultural Officer responded to the objection by letter dated 26th January 2017(**Appendix B**):
 - 3.1.1 The Bay Tree by size and virtue makes a useful contribution to the outlook from nearby properties. The tree is in early maturity is 7-8m in height and although is not visible from public locations, it is overlooked by a large number of properties.
 - 3.1.2 The tree is in good condition with no visible significant defects, It has a slightly 'untidy' look but this could be remedied by tree surgery. Bay trees generally respond well to pruning.
 - 3.1.3 The tree is in proportion with the dimensions of the garden and helps to provide privacy and screening between properties. The applicant cited that possible future damage to the boundary walls was a reason for the removing the tree. The trunk of the tree is several centimetres from the side garden boundary wall and is 1 metre from the rear garden boundary wall. There is no current damage upon inspection and is considered to be suitable for the location.
 - 3.1.4 The tree is part of the Belgravia Conservation area and makes a positive contribution to the greening of the townscape. Bay trees such as this are not unusual in rear gardens in Belgravia and if trees in rear gardens in the vicinity were to be removed just because they were not visible from the public highway, it would be of detriment to the character and appearance of the conservation area, albeit as seen and experienced from private rather than public locations. It is considered that on balance the loss of the tree would cause harm to the character and appearance of this part of the conservation area.

3.1.6 Trees contribute to the mitigation of climate change by absorbing and storing carbon dioxide and help to filter harmful airborne pollutants. It is likely to provide cover and shelter for birds and the various insects that inhabit the tree are considered a food source for the birds.

3.1.7 The Council's supplementary planning document 'Trees and the Public Realm' is largely concerned with street tree planting and making the TPO for this tree does not contradict the townscape principles within this document. The two extracts taken from the document refer specifically to street trees rather than trees in private gardens and do not support the view that the tree has no public amenity. That there are no important views in Ebury Street (as shown in a map of designated views of London wide significant identified by the Mayor in the London View Management framework), does not support the view that the tree is not of public amenity value.

3.1.8 The tree is a *Laurus nobilis*, which has common names of bay tree, bay laurel and sweet bay. To identify the tree as a laurel would cause confusion with cherry laurel (*Prunus laurocerasus*) and Portugal laurel (*Prunus lusitanica*).

4. Support for TPO

4.1 In response to the section 211 notification of intent to remove the tree (16/07465/TCA), the City Council received 1 letter from the Belgravia Society objecting to its removal. The support considers the tree to provide a valuable contribution to public amenity, the outlook from nearby properties and character and appearance to the conservation area.

The correspondence is attached at **Appendix C**.

5. Ward Member Consultation

5.1 Ward member comments were sought in this matter but no responses have been received. Should any comments be received, they will be reported to the committee at the meeting.

6. Conclusion

6.1 In the light of the representations received from the objector it is for the Planning Applications Sub-Committee to decide whether to confirm the TPO, with or without modification, or whether the TPO should not be confirmed.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE DANIEL HOLLINGSWORTH, PLANNING AND PROPERTY SECTION, LEGAL SERVICES ON 020 7641 1822 (FAX 020 7641 2761)

(Email dhollingsworth@westminster.gov.uk)

Local Government (Access to Information) Act 1985

Copy of TPO 633 (2016)

Background Papers

Appendix A - Letter of objection dated 21st November 2016 and attached letter dated 16th November 2016

Appendix B – Westminster City Council letter of response dated 26th January 2017

Appendix C – Support letter received from the Belgravia Society dated 9th October 2016

TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990

CITY OF WESTMINSTER TREE PRESERVATION ORDER NO 633 (2016) 98 EBURY STREET, LONDON SW1W 9QD

The Westminster City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order –

Citation

1. This Order may be cited as The City of Westminster Tree Preservation Order 633 (2016)

Interpretation

2. (1) In this Order “the authority” means Westminster City Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall –
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

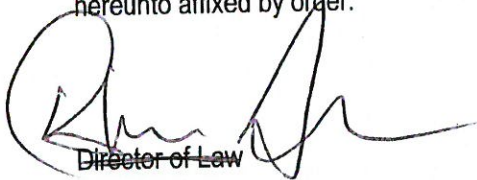
Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 13TH day of September 2016

THE COMMON SEAL OF THE LORD)
MAYOR AND CITIZENS OF THE)
CITY OF WESTMINSTER was)
hereunto affixed by order:)




Director of Law

Chief Solicitor

Seal No
56794

SCHEDULE
SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T.1	Bay Tree	98 Ebury Street, London, SW1W 9QD

Trees specified by reference to an area
(within a dotted black line on the map)

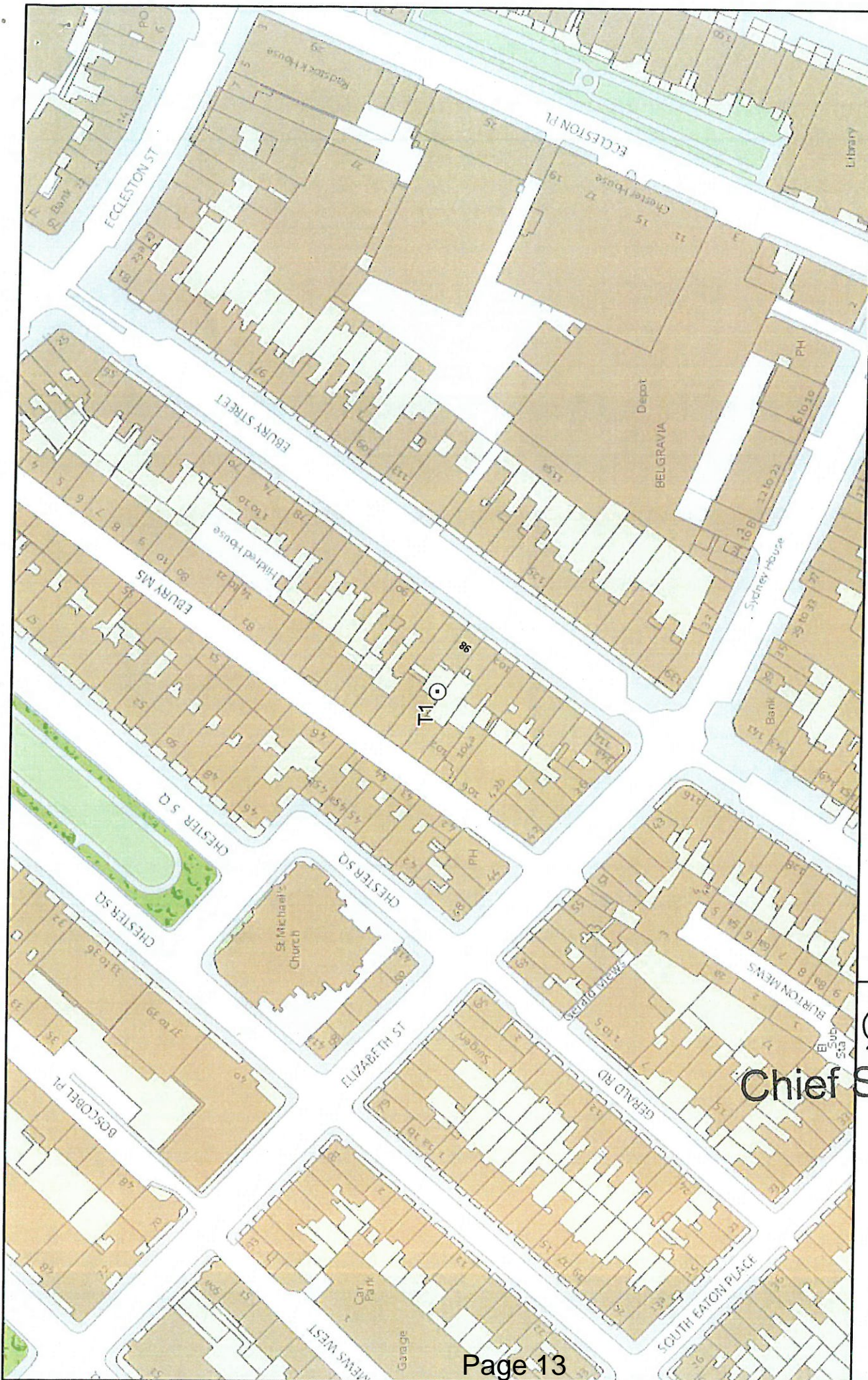
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>

Groups of trees
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>

Woodlands
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>



Scale 1:1,250
 0 5 10 20 Metres



City of Westminster
 Corporate GIS Team

Map produced by Corporate GIS Team
 Date: September 2016 Map Reference: 0131

Tree Preservation Order Westminster no. 633
 98 Ebury Street, London, SW1W 9QD

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Chief Solicitor

Director of Law:
 Signed:

DATED 13TH September 2016

THE TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)

CITY OF WESTMINSTER

TREE PRESERVATION ORDER 633 (2016)

TREE PRESERVATION ORDER
MADE FOR THE PURPOSES
OF SECTION 198 OF THE
TOWN AND COUNTRY
PLANNING ACT 1990
(AS AMENDED)

Tasnim Shawkat
Director of Law
Westminster City Council
Westminster City Hall
Victoria Street
LONDON SW1E 6QP

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Appendix A



James Holliman
Commercial and Corporate Property
Tri-Borough Shared Legal Services
Kensington Town Hall (3rd floor)
Hornton Street
London W8 7NX

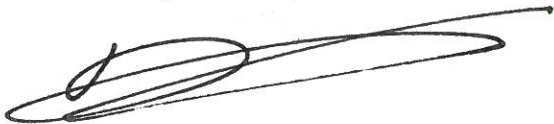
21st November 2016

Dear James Holliman

TPO 98 EBURY STREET LONDON SW1W 9QD

Further to your email to Christine Hereward of Pemberton Greenish of the 26th October 2016, please find attached on behalf of our clients at 98 Ebury Mews a formal objection to the Westminster TPO No 633 at the above property.

Kind regards



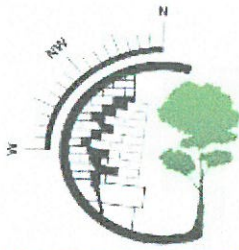
Daniel Gill
Director

Design & Planning Services
Building Control Submissions
Project Management
CDM Coordination
Consultation



CIAT

Unit 50 , 152/178 Kingston Road,
New Malden, Surrey. KT3 3ST
Phone: 020 8949 6509
E-mail: office@eleven10.co.uk



Tree Surveys

BS5837 – Pre Planning – Mortgage – Risk Management & Prediction – Expert Witness

Unit H Bridge Farm
Reading Road
Arborfield
Reading
Berkshire
RG2 9HT
Tel: 0118 976 2902
Mobile: 0778 616 2202

16th November 2016

Director of Law
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1 E 6QP

Your ref: LS/JH/30102615

Dear Sir/Madam

RE: FORMAL OBJECTION TO CITY OF WESTMINSTER TREE PRESERVATION ORDER NO 633 (2016) 98 EBURY STREET, LONDON SW1W 9QD

In accordance with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 please see below our formal objection to the above order.

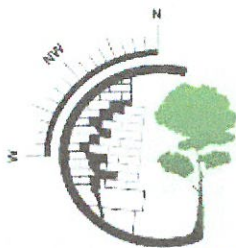
The main objection to the order is reason (a) of the statement in the Regulation 5 Notice issued on 13th September 2016.

The Regulation 5 Notice issued with the above order states:

The tree makes a valuable contribution to public amenity, to the outlook from nearby properties and to the character and appearance of the conservation area.

This statement is not backed up with any documented evidence to show that the local authority have actually undertaken an evaluation of the tree's public amenity value. The current government guidance¹ states:

¹http://planningguidance.communities.gov.uk/blog/guidance/tree-preservation-orders/tree-preservation-orders-general/#paragraph_007



Tree Surveys

BS5837 – Pre Planning – Mortgage – Risk Management & Prediction – Expert Witness

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

Revision date: 06 03 2014

The tree in question, a Laurel (not a Bay Tree), is in a small rear garden completely enclosed by buildings more than twice its height, therefore, there is no possibility that any part of it can be seen by the public. The tree is only visible to the residents of the property 98 Ebury Street and to the properties immediately behind and to the south west. It is difficult to see how this could be considered to 'bring a reasonable degree of public benefit in the present or future'.

The guidance continues with what the local authority should consider in its approach to assessing amenity:

When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

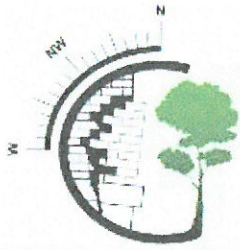
Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- a) size and form;
- b) future potential as an amenity; rarity, cultural or historic value; contribution to,
- c) and relationship with, the landscape;
- d) and contribution to the character or appearance of a conservation area.

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

Revision date: 06 03 2014



Tree Surveys

BS5837 – Pre Planning – Mortgage – Risk Management & Prediction – Expert Witness

In regard to the issue assessing trees landscape value and visibility, the local authority do have very robust methodologies for this as can be seen in their Belgravia Conservation Area Appraisal. At section 24 it states:

24. The unique character of many areas in Westminster is closely related to the amount, type, distribution and layout of the greenery they contain, and its historic and visual relationship with the built environment. For instance, Westminster has some of the earliest Arcadian suburbs within which tree cover is generally encouraged. At the other end of the scale, Westminster also contains some of the earliest and tightest street patterns where trees may not be as appropriate.

In the last sentence of Section 26 it states:

Trees planted on these streets (rather than within the squares) must ensure that they do not materially detract from the character of the conservation area.

At section 4 of the appraisal it discusses the importance of townscape views and even provides a map identifying those views as part of Designated Views of London-wide significance are identified by the Mayor in the London View Management Framework. The map does not show any specific reference to important views in Ebury Street.

At Section 6.13 it identifies the importance of private gardens and their trees:

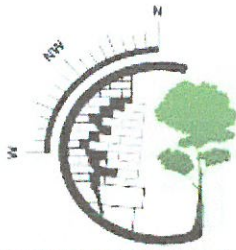
Private Gardens

6.13 Planting in private gardens makes an important contribution to the character of the more formal parts of Belgravia where it is glimpsed from the public highway. Mature trees, visible through townscape gaps, from mews or over garden walls provide contrast with the white stucco and formal layout of the conservation area. They add interest to the townscape by hinting the existence of the private realm.

As previously stated the Laurel tree in the rear garden of 98 Ebury Street cannot be seen or glimpsed from any public view point, therefore it cannot make an important contribution to the character of the area. Therefore, none of the criteria listed in the collective and wider impacts apply to the Laurel tree in question. In addition, none of the 'other factors' apply to the Laurel; i.e. it does not have significant wildlife value, have any historical value or be a rare specimen.

Conclusions

From all of the above it is clear that the local authority does have robust methodologies and policy for identifying important amenity trees, however they have not used them in the case of this Laurel tree in the rear garden of 98 Ebury Street. If they had applied the principles set out in their own documents then the Tree Preservation Order, the subject of this objection, would not have been made.



Tree Surveys

BS5837 – Pre Planning – Mortgage – Risk Management & Prediction – Expert Witness

Recommendations

That CITY OF WESTMINSTER TREE PRESERVATION ORDER NO 633 (2016) 98 EBURY STREET, LONDON SW1W 9QD is not confirmed and the order is revoked as soon as possible.

If you have any queries regarding this objection please to not hesitate to contact us, in the first instance, at Tree Surveys:

Unit H Bridge Farm
Reading Road
Arborfield
Reading
Berkshire
RG2 9HT
Tel: 0118 976 2902
Mobile: 0778 616 2202

Appendix B



Mr Daniel Gill
Eleven 10 Architecture
Unit 50
152/178 Kingston Road
New Malden
Surrey
KT3 3ST

John Walker
Director of Planning

Please reply to: Barbara Milne
Direct Line/Voicemail: 020 7641 2922
Email: bmilne@westminster.gov.uk

Your Ref:
My Ref:
Date: 26 January 2017

Dear Mr Gill

**THE TOWN AND COUNTRY PLANNING ACT 1990
CITY OF WESTMINSTER TREE PRESERVATION ORDER (TPO) 633 (2016)**

98 EBURY STREET LONDON SW1W 9QD

Thank you for your letter of 16 November 2016 to which you attached a letter of objection to the making of a Tree Preservation Order (TPO) for the bay tree at the above location. It has been passed to me for response.

Objection summary

The letter of objection of Tree Surveys dated 16 November 2016 sets out:

- There is no evidence that the City Council assessed the public amenity value of the tree.
- The tree is not of public amenity value as it cannot be seen from public viewpoints.
- The Belgravia Conservation Area appraisal supports this. If its principles had been applied, the TPO would not have been made.
- The tree is a laurel not a bay tree.

Response to objection

In summary it is considered that the tree is of amenity value such that it contributes to a pleasant outlook from nearby properties and it makes a positive contribution to Belgravia conservation area.

Evidence of assessment of the amenity value of the tree.

The email from James Holliman to Christine Hereward of Pemberton Greenish of 26 October 2016 attached my report dated 06 September 2016 recommending the making of a TPO for the bay tree. In the report I set out my assessment of the tree which reflects the structured amenity assessment suggested in current national Planning Practice Guidance (Tree Preservation Orders and Trees in Conservation Areas (March 2014)). As such I do not think that an objection to the TPO can be sustained on the grounds that there is no evidence that the City Council assessed the amenity value of the tree.



Public amenity value

National Planning Practice Guidance sets out the TPOs should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

In my amenity assessment I conclude that the tree is of public amenity value. The assessment is set out in more detail below according to the structure advised in national Planning Practice Guidance.

Visibility, size and form

The bay tree is 7-8m in height, located in the rear courtyard garden. It is in early maturity. The tree is not visible from public locations but it is overlooked by a large number of properties.

By virtue of its size and location, the tree makes a useful contribution to the outlook from nearby properties and thereby to visual amenity.

The bay tree is of good form. It has a slightly 'untidy' appearance at present, but this could be remedied by tree surgery to create a more compact and symmetrical canopy outline. Bay trees generally respond well to such pruning.

Future potential as an amenity

The tree is in early maturity and is in good condition with no significant visible defects. It has a long life expectancy if it is allowed to remain, and so has a high future potential as an amenity.

Rarity, cultural or historic value

Bay is a relatively common species in Westminster, and appears well suited to the urban environment. The tree is not known to have a specific cultural or historic value.

Contribution to, and relationship with, the landscape

The scale and form of the tree are such that it is in proportion with the dimensions of the garden. It adds maturity to the townscape and helps to provide some privacy and screening between the properties. Bay trees generally respond well to pruning so any perceived conflicts with nearby properties or concern over the slightly 'untidy' appearance of the tree could be careful crown reduction. The applicant cites possible future damage to the boundary walls as a reason for seeking the removal of the tree, but the trunk of the tree is several centimetres from the side garden boundary wall with 100 Ebury Street and about 1 m from the rear garden boundary wall with 98 Ebury Mews, and no current damage was noted on inspection. The tree is considered to make a positive contribution to the townscape and to be suitable in its location.

Contribution to the character and appearance of a conservation area

Paragraph 6.13 of the draft Belgravia Conservation Area audit sets out that:

'Planting in private gardens makes an important contribution to the character of the more formal parts of Belgravia where it is glimpsed from the public highway. Mature trees, visible through townscape gaps, from mews or over garden walls provide contrast with the white stucco and formal layout of the conservation area. They add interest to the townscape by hinting at the existence of the private realm. These trees make a positive contribution to the



greening of the townscape, and do so without compromising the architectural form of the Belgravia terraces or obstructing footways.'

Whilst the bay tree is not visible from the public highway, it does make a positive contribution to the greening of the townscape. Bay trees such as this are not unusual in rear gardens in Belgravia and if trees in rear gardens in the vicinity were to be removed just because they were not visible from the public highway, it would be of detriment to the character and appearance of the conservation area, albeit as seen and experienced from private rather than public locations. It is considered that on balance the loss of the tree would cause harm to the character and appearance of this part of the conservation area

Other factors

Trees contribute generally to mitigation of climate change, by absorbing and storing carbon dioxide. They help to filter harmful airborne pollutants. The evergreen nature of the of the tree means that it is likely to provide cover and shelter and potential roosts for birds. Various insects inhabit bay trees, and these form a potential food source for birds.

In a letter of 9 October 2016, the Belgravia Society expressed support for the making of the Order and reasons for it.

Principles of the draft Belgravia Conservation Area audit

My comment above under the heading contribution to the character and appearance of a conservation area applies.

With regard to the remark in the letter of objection to the TPO that there are no important views in Ebury Street (as shown in a map of designated views of London wide significance identified by the Mayor in the London View Management framework), I do not think that this supports the view that the tree is not of public amenity value. As above, national Planning Practice Guidance, sets out that TPOs can be made where there is a 'significant negative impact on the local environment and its enjoyment by the public', but this does not equate to London wide significance.

The letter of objection to the TPO seems to attribute some advice in the Council's supplementary planning document 'Trees and the Public Realm' to the draft Belgravia Conservation Area audit. The stated aim in the preface of the 'Trees and the Public Realm' is that it is 'intended to define the Council's approach towards the planting of trees in the public realm and seeks to ensure that the City maintains its tree cover and increases it wherever practically possible with due regard to the townscape principles set out in this document'.

As such 'Trees and the Public Realm' concerns itself largely with street tree planting, and I do not think that it is intended to apply to the assessment of whether a tree in a private garden should be the subject of a TPO. In addition I do not think that making of a TPO for this bay tree contradicts the townscape the principles in 'Trees and the Public Realm'. The two extracts taken from the document refer specifically to street trees rather than trees in private gardens, so they do not really support the view that the tree is not of public amenity value.

Tree name

The letter of objection to the TPO comments the tree is a laurel, not a bay tree. The tree is a *Laurus nobilis*. According to the Royal Horticultural Association website its common names are bay tree, bay laurel and sweet bay. The tree was identified on the section 211 notification



City of Westminster

reference 16/07465/TCA as a bay tree. Your report submitted to accompany planning application reference 16/10111/FULL identifies the tree as a bay laurel. (report reference SPH/AS/5837-01/29.09). To identify the tree as a laurel would cause confusion with cherry laurel (*Prunus laurocerasus*) and Portugal laurel (*Prunus lusitanica*). As such I do not think that the assertion that the tree is a laurel rather than a bay tree can be supported.

If the content of this letter allows you to withdraw your objection to the TPO please let me know. If I do not hear from you I will assume you would like your objections to remain, in which case the matter will be reported to a Planning Applications Committee, where Councillors will decide whether or not to confirm the Tree Preservation Order. At present the intended date of the Committee is 27 February 2017, although if this is altered I will ask my colleagues in the Legal section to let you know.

Yours sincerely

Barbara Milne

Barbara Milne
Senior Arboricultural Officer

Appendix C

RECEIVED

11 OCT 2016



Registered Charity No: 1168619

63 Belgravia Court
33 Ebury Street
London SW1W 0NY

Please rely to email mary@regnier-leigh.co.uk
Telephone: 020 7730 5791 of 07734 050 191

Director of Law
Legal Services
3rd floor Kensington Town Hall
Horton Street
London W8 7NX

9 October 2016

Dear Sir

**Reference JH/3010 2615 – attention James Holliman
Tree Preservation Order – 98 Ebury St, London SW1W 9QD**

We are writing to lend our support to the Tree Preservation Order in connection with the above. We strongly object to the proposal to remove the tree as mentioned in your notice of 13th September.

We fully support your reasons for making the Tree Preservation Order has been a valuable contribution to public amenity, to the outlook from the nearby properties and the character and appearance of the conservation area.

Yours faithfully

Mary Regnier-Leigh
Trustee & Treasurer
The Belgravia Society
Telephone: 020 7730 5791
Mobile: 07734 050 191

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CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 28th February 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN NO(s) : 16/11246/FULL 16/11247/LBC West End	100 Regent Street London W1B 5SR	Use of second floor as offices (Class B1). Installation of new shopfronts on Regent Street and replacement of roller shutter with new shopfront on Glasshouse Street. Internal reconfiguration, cycle parking, storage and associated roof top plant and reconfiguration of roof top structures.	
2.	RN NO(s) : 15/03764/FULL Regent's Park	3 Circus Road London NW8 6NX	Excavation of a basement extension, demolition of the existing first floor and erection of a first and second floor level extension, erection of new kitchen extract duct and installation of mechanical plant at roof level within an enclosure. Use of extended building as a restaurant (Class A3) at basement and ground floor levels and as four residential flats (Class C3) on the upper floors.	
3.	RN NO(s) : 16/11269/FULL West End	36-38 Lexington Street London W1F 0LJ	Use of the ground and basement floors as a sui generis use comprising retail and cafe elements (retrospective application).	
4.	RN NO(s) : 16/11702/FULL 16/11705/FULL 16/11706/FULL 16/11707/FULL	16 Hall Road London NW8 9RB	<p>Application 1: Alterations to rear bay windows at first and second floor levels (retrospective application).</p> <p>Application 2: Installation of a raised deck and concealed hatch to</p>	

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 28th February 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Abbey Road		front garden and alteration to front railings to form a gate. Application 3: Erection of infill dormer structure to the front roof between roof slope and party wall with No.18 (retrospective application). Application 4: Erection of infill dormer structure to rear roof between roof slope and party wall with No.18.	
Recommendation Application 1 (16/11702/FULL): Refuse permission – on design grounds. Application 2 (16/11705/FULL): Refuse permission – on design grounds. Application 3 (16/11706/FULL): Refuse permission – on design grounds. Application 4 (16/11707/FULL): Refuse permission – on design grounds.				
Item No	References	Site Address	Proposal	Resolution
5.	RN NO(s) : 16/02249/FULL Hyde Park	27-29 Spring Street London W2 1JA	Installation of a kitchen extract flue to side elevation facing Conduit Place.	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
6.	RN NO(s) : 15/11542/FULL West End	Eastcastle Street London	Installation on the carriageway adjacent to 46 - 49 Eastcastle Street of a Cycle Hire docking station, containing a maximum of 25 docking points for scheme cycles plus a terminal.	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
7.	RN NO(s) : 16/11053/FULL 16/11054/LBC Bryanston And Dorset Square	32 Harcourt Street London W1H 4HX	Installation of three air conditioning units within louvred enclosures and one kitchen fresh air supply at rear ground floor roof level and re-roofing of single pitch lean-to extension at rear first floor level with slate and zinc cladding (partially retrospective application).	
Recommendation				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 28th February 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<ol style="list-style-type: none"> 1. Grant conditional permission. 2. Grant conditional listed building consent 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter. 			
Item No	References	Site Address	Proposal	Resolution
8.	RN NO(s) : 16/12115/FULL Warwick	74 Cambridge Street London SW1V 4QQ	Variation of condition 1 of planning permission dated 20 May 2015 (RN: 15/02655/FULL) for the extension at lower ground floor level to include use of part of roof as terrace. Demolition and rebuilding of closet wing with alterations to windows and doors from (RN 15/02655/FULL). NAMELY, to remove roof light from ground floor infill extension and insert gate into roof railings.	
				Recommendation Grant conditional permission.
Item No	References	Site Address	Proposal	Resolution
9.	RN NO(s) : 16/08638/FULL 16/08639/LBC Knightsbridge And Belgravia	45 Chester Square London SW1W 9EA	Variation of Conditions 1 and 6 of planning permission and condition 1 of listed building consent both dated 15 December 2011 (RNs: 11/07657/FULL and 11/07659/LBC) for demolition and rebuild of 44 Ebury Mews to provide a self-contained residential unit at ground and first floor level, formation of new basement beneath mews building to provide additional residential accommodation in connection with the main house at 45 Chester Square, construction of a four storey lift shaft extension to the rear of 45 Chester Square, installation of mechanical plant within the front basement vaults with associated louvred doors, infill extension to rear lightwell, rebuilding of part rear facade associated internal alterations to 45 Chester Square. Namely, provision of roof terrace with railings on part of the roof of 44 - 45 Ebury Mews with access via doors in rear elevation of 45 Chester Square.	
				Recommendation <ol style="list-style-type: none"> 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out within informative 1 of the draft decision letter.
Item No	References	Site Address	Proposal	Resolution
10.	RN NO(s) : 16/10428/FULL 16/10430/LBC Churchill	10 Bloomfield Terrace London SW1W 8PG	Excavation of new basement with rear lightwell. Erection of a rear extension at lower ground floor.	
				Recommendation <ol style="list-style-type: none"> 1. Grant conditional permission. 2. Grant conditional listed building consent.

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 28th February 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	3. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.			
Item No	References	Site Address	Proposal	Resolution
11.	RN NO(s) : 15/04939/FULL West End	52 Wells Street London W1T 3PR	Installation of new shopfront with openable windows.	
Recommendation Grant conditional permission.				

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	100 Regent Street, London, W1B 5SR		
Proposal	Use of second floor as offices (Class B1). Installation of new shopfronts on Regent Street and replacement of roller shutter with new shopfront on Glasshouse Street. Internal reconfiguration. Installation of roof top plant and reconfiguration of roof top structures. Use of part basement as ancillary cycle storage.		
Agent	Montagu Evans LLP		
On behalf of	Hermes		
Registered Number	16/11246/FULL 16/11247/LBC	Date amended/ completed	5 December 2016
Date Application Received	25 November 2016		
Historic Building Grade	II		
Conservation Area	Regent Street		

1. RECOMMENDATION

1. Grant conditional planning consent subject to S106 agreement to secure the following:
 - (a) Payment to fund works to the highway at Glasshouse Street to raise the redundant dropped kerb.
 - (b) 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.
3. Grant conditional listed building consent
4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

100 Regent Street is a grade II listed building located within the Regent Street Conservation Area. The building is eight storeys with a basement and is located on a corner site, with frontages to both Regent Street and Glasshouse Street. The site is within the Core Central Activities Zone (Core CAZ) and forms part of the primary shopping frontage within the West End Special Retail Policy Area (WESRPA). The site also falls within the West End Stress Area.

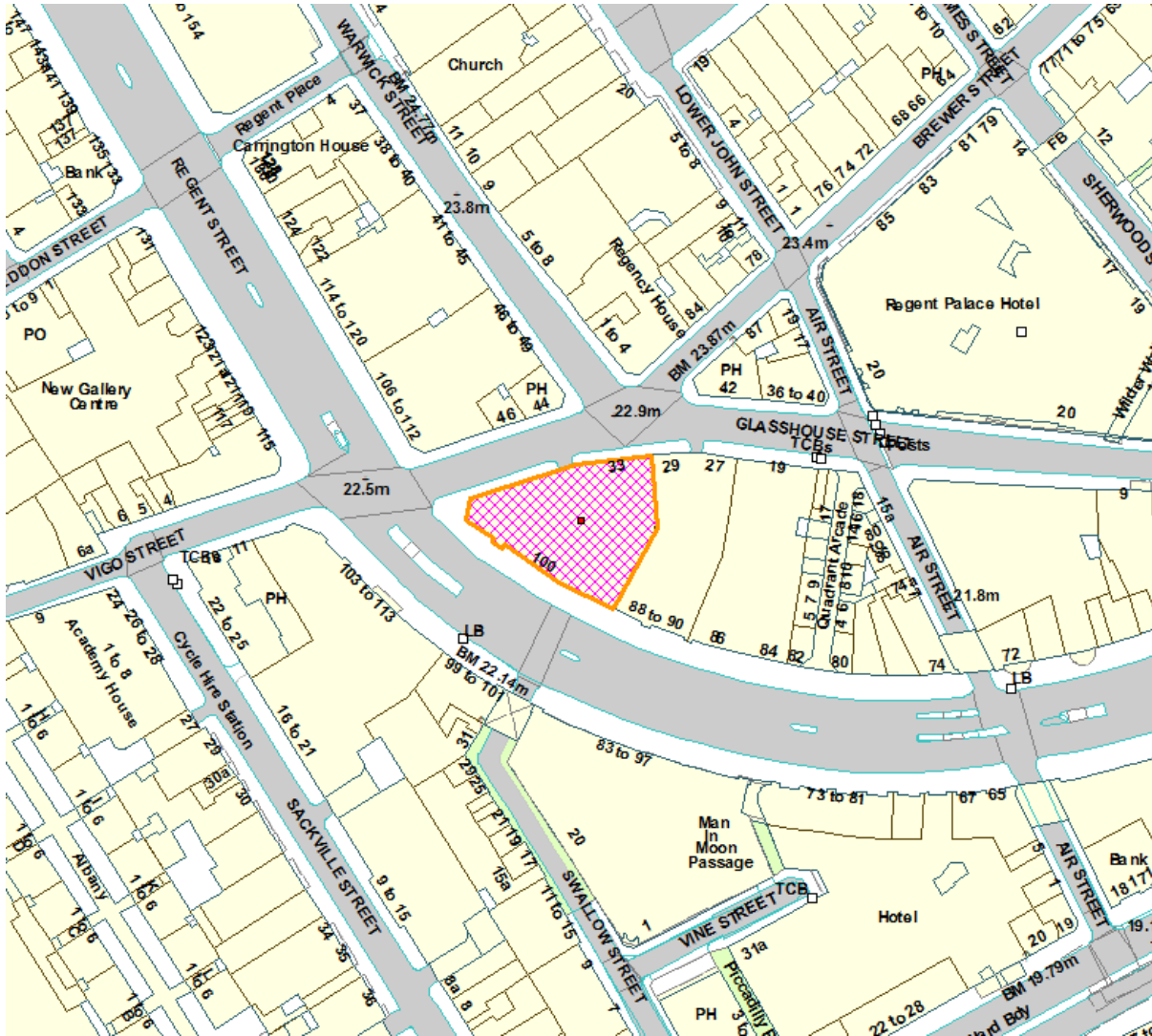
The key issues are:

- The acceptability of change of use at 2nd floor from A1 retail to B1 offices within the WESRPA
- The acceptability of the loss of the off-street service bay to Glasshouse Street

No objections have been received. It is considered that A1 retail use at second floor is uncharacteristic for the area, and that the benefits of the additional employment from B1 office space, improved shop fronts and internal subdivision would outweigh any harm from the loss of second floor retail space.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan). Furthermore, the scheme is considered to preserve the character and appearance of the Regent Street Conservation Area, and would not harm the special interest of the listed building. For these reasons it is recommended that conditional planning permission and listed building consent be granted, subject to the completion of a legal agreement to secure the costs of removing the redundant dropped kerb on Glasshouse Street.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Photograph 1: From Regent Street



Photograph 2: Ground floor service bay to Glasshouse Street



Photograph 3: example shop front to Regent Street

16 Jan 2017, 14:19:57



5. CONSULTATIONS

SOHO SOCIETY:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

Objection on the following grounds:

- Loss of existing off-street servicing bay.
- The proposed surface treatment (including grills/vents in the highway (footway)) will create disruption to the pedestrian pavement and degrade the quality of the public realm.

ENVIRONMENTAL HEALTH:

No objection, conditions recommended.

CLEANSING:

No details for the provision of waste and recycling storage have been provided. Recommends that details are secured by condition.

ADJOINING OWNERS / OCCUPIERS

No. consulted: 61

No. responses: 0.

SITE & PRESS NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

100 Regent Street is a grade II listed building located within the Regent Street Conservation Area. The building consists of a basement, ground and seven upper floors and is located on a corner site, with frontages to both Regent Street and Glasshouse Street. The site is also within the Core Central Activities Zone (Core CAZ) and forms part of the primary shopping frontage within the West End Special Retail Policy Area (WESRPA). The site also falls within the West End Stress Area.

The basement, ground, first and second floors are the subject of this application and are currently arranged as a single retail unit (use class A1) of 3,341sq.m. The third to eighth floors are in use as offices (B1 use class).

6.2 Recent Relevant History

Permission was granted on 6 March 1992 for the use of the third floor for retail purposes (including restaurant, café and offices ancillary to the main retail use of the building) (Ref: 92/00105/FULL).

A lawful development certificate was issued on 9 June 1998 confirming that the lawful use of the fourth, fifth and sixth floors was offices (Ref: 98/03156/CLEUD).

Permission was granted on 12 November 1998 for the use of the third floor as offices (Class B1) (Ref: 98/05452/FULL).

Listed building consent was granted on 23 September 2016 for internal alterations and removal of existing plant on roof (Ref: 16/06797/LBC).

7. THE PROPOSAL

The proposal would subdivide the existing retail unit into three smaller A1 units as follows:

- Unit 1: 475 sq.m (basement and ground floor)
- Unit 2: 1474 sq.m (basement ground and first floor)
- Unit 3: 240 sq.m (basement and ground floor)

The proposed retail space would be reduced by 732sq.m to 2,609 sq.m, and the second floor of the property would be used as 732 sq.m of offices (Class B1). These would be fitted out to a BREEAM rating of 'good'.

At basement level, cycle parking would be provided for all three retail units and for the second floor offices this would be accessed via a staircase onto Glasshouse Street. There would be ancillary storage, and retail floorspace for all three units.

At ground floor, the existing service bay would be removed and this floorspace use for additional retail floorspace. The roller shutter would be replaced with a new shop front onto Glasshouse Street. The existing drop-kerb onto Glasshouse Street would be re-instated and all pavement lights would be replaced. The first floor would be used in association with the middle ground floor unit.

At roof level, a new cable tray would be installed up the side façade of the lift overrun to the plant enclosure on the roof. There would be new plant extract fans installed to serve Unit 1. These would be installed on top of the existing lift roof.

8. DETAILED CONSIDERATIONS

8.1 Land Use

City Plan Policy S6 sets out that retail floorspace will be encouraged throughout the area, with large scale retail to be directed to the WESRPA and primary shopping frontages. Policy S7 seeks to maintain and enhance the unique status and offer of the WESRPA. Whilst Policy S21 seeks to protect all existing A1 retail space throughout Westminster, Policy SS3 of the UDP sets out that the change of use from A1 on second floor level within 'large stores' will be acceptable provided the new use would be compatible with the retail function of the store by providing facilities for visiting members of the public. The supporting text to Policy SS3 states, *'Examples of non-A1 uses which may be acceptable at the second floor level of large stores are: restaurants, banks, bureaux de change, gymnasia/dance studios, cinemas, nightclubs, crèches, children's entertainment centres, and exhibition space'* (Para. 7.31). The application proposed office space at second floor level which would not serve visiting members of the public. This is contrary to UDP Policy SS3.

The unit was last occupied by Austin Reed as a flagship store. The entire second floor served visiting members of the public as A1 retail space. The unit has been vacant since 25th July 2016 (7 months). Through attempts to let the unit as a whole, the applicant has received feedback that the unit is too large for the demands of retailers in this location – particularly given the limited lift service and the absence of escalators.

Despite being within the WESRPA, none of the immediately neighbouring properties appear to offer A1 retail space at second floor level. As such, the use of the second floor for A1 is not considered to be characteristic for this part of Regent Street.

Policy S18 and S20 of the City Plan seek to direct commercial development – in particular B1 office space - to the Core CAZ in order to provide new jobs. By delivering B1 floorspace at second floor level, the proposals would comply with the intent of these policies and this is a benefit of the proposal. Furthermore, the unit was previously occupied as a flagship store, as opposed to a large department store, and there has been no demand to let the unit as a whole in the 7 months that it has been vacant. The proposed subdivision to three smaller units over basement, ground and first floor level would still provide large A1 retail units, and the agent has clarified that there has been a number of retailers interested in the proposed units, with the heads of terms for unit one having already been agreed.

In this instance, the proposed B1 office use to the second floor would be compatible with, and would complement the mixed retail and office use of the building by adding to the existing B1 office space over the 3rd -7th floors. Historic plans indicate that the second floor and above was historically used separately from the basement to first floor retail unit – having been converted to retail use in the late 1950s when the building was occupied by Aquascutum- and as such, the proposals would revert back to a historic use of the building.

For these reasons, despite the policy conflict, it is considered that the loss of retail floorspace at second floor level is acceptable in this instance.

Policy S1 of the City Plan seeks to secure a mix of uses within the Core CAZ. Since the net additional B1 office space would be 22% of the existing building floorspace, there would be no requirement for any residential floorspace to be provided in accordance with Part 3A of this policy.

8.2 Townscape and Design

Externally, the original appearance of the building has largely been maintained and it makes a positive contribution to the character and appearance of the conservation area as well as the group value of the listed group. Listed building consent was recently granted for a soft strip of the internal retail fittings and this has exposed the shell of the structure. No original decorative treatment appears to survive, although a parquet floor has been retained to the basement level which may be original or of some historic value. The special interest of the interior of the building is therefore considered to be limited.

Original plans submitted as part of the application demonstrate that the site was originally three separate units at ground floor level with partitions between each unit. In 1958 the units were amalgamated into a single space. The original floor plans submitted as part of the application show that walls were originally located in the proposed locations. The

proposed divisions between the three units will reflect the original plan form and are therefore considered acceptable in listed building terms.

The staircase proposed for demolition is modern and makes no contribution to the special interest of the listed building. This aspect is considered acceptable in design and listed building terms.

During a site inspection, it was noted that woodblock parquet flooring, laid in bitumen, exists to the basement level. This type of woodblock floor finish was commonly used during the 1920s, and is likely to be original to the building, contributing to the special interest of the listed building. Part of the woodblock finish has been damaged following the removal of the pre-existing vinyl floor covering, which was removed as part of the soft strip works. Following negotiations, the majority of the original parquet will be retained and repaired, aside from a small section which was damaged during the soft strip works which will be removed.

The proposed plant to the roof will be appropriately concealed from view behind an existing pitched screen, set back from the edge of the building, with a limited impact on the character and appearance of the conservation area. The plant will be serviced using an existing riser. This aspect of the proposals will have a minimal impact on the special interest of the listed building and is also therefore considered acceptable in design terms.

The proposed alterations to the existing shopfronts involve alterations to the fenestration within the existing openings. The impact on the original stonework is therefore minimal. The proposed fenestration is in keeping with the existing and is therefore considered acceptable. The removal of the existing garage door to the Glasshouse Street elevation is welcomed in design terms. The installation of a louvre to the escape doors is undesirable in listed building and conservation terms. However, as this is a secondary elevation, the impact is considered minimal.

In light of the above, the proposals are considered compliant with DES 5, DES 6, DES 9 and DES 10 of the City Council's Unitary Development Plan and are recommended for conditional approval.

8.3 Residential Amenity

The nearest residential use is to the upper floors of the Leicester Arms public house on the north side of Glasshouse Street. It is not considered that the proposed change of use, alterations to shop fronts or to plant at roof level would cause any unacceptable harm by way of loss of daylight, privacy or outlook.

8.4 Transportation/Parking

At basement level there would be a bicycle store comprising 50 cycling parking spaces. These would be accessible to both the retail employees and office employees on site by using digi-keys via the entrance onto Glasshouse Street. Retail Unit 3 would have direct access from the basement level to the bike store. This would exceed the requirements as set out in London Plan policy 6.9. Details of the cycle parking and access from this to the A1 retail units could be secured by way of condition.

It is proposed that the existing off-street service bay be converted into retail space and a new shopfront installed facing onto Glasshouse Street. The existing drop kerb would be re-instated as pedestrian paving, and deliveries would be taken from vehicles parked on Regent Street within the designated hours.

Highways Planning has raised objection to this element of the works, which would be contrary to City plan policy S42 and UDP policy TRANS20 – which both require off-street servicing. It is noted that the plans demonstrate that this bay would only service one of the three retail units.

It was observed on site that the existing service bay onto Glasshouse Street is narrow and would be inaccessible to the majority of modern delivery vehicles. The design of the bay is such that either entry or egress would need to be in reverse gear. The access to the service bay is very close to the junction between Glasshouse Street, Brewer Street and Wardour Street, although traffic at the point of the loading bay is one-directional.

The location of the property is on a prominent corner, and both Glasshouse Street and Regent Street have high pedestrian flows. It is considered that the replacement of the servicing bay with a new shop front would significantly improve the pedestrian environment and active frontage onto Glasshouse Street. On balance, it would not be sustainable to maintain the existing off street loading bay. Its retention would only serve to benefit one commercial unit of the proposed three, and its size would require a higher number of smaller delivery vehicles to service the unit. It is considered that it would be expedient to secure details of servicing for each unit and for the offices, by way of a Service Management Plan – to be secured by condition.

Highways Planning had objected to the proposals on the grounds of there being grills/vents in the highway. It has since been clarified that there would be no grilles installed to the highway, with only the existing pavement lights replaced on a like-for-like basis, where necessary. To this end, the proposal would be in accordance with policies S41 TRANS3 and the Westminster Way.

Subject to conditions, the proposal would have no negative impact on the highway.

8.5 Economic Considerations

The additional office floorspace is welcome.

8.6 Access

The existing building already has a number of level and step changes which mean that the proposed units will not be fully accessible for the disabled. At ground level, the proposed shop fronts onto Regent Street have level access and this would remain.

8.7 Other UDP / Westminster Policy Considerations

Environmental Health Officers have assessed the acoustic report that was submitted with the application and consider that the proposed plant is likely to comply with the City

Council's noise policy ENV 7 of the UDP. The proposals will not harm the amenity of neighbouring properties, subject to the imposition of conditions.

8.8 London Plan

Policy 2.10 of the London Plan seek to support and improve the retail offer for residents, workers and visitors to the West End as a global shopping destination.

Policy 2.11 of the London Plan seeks to identify, enhance and expand retail capacity.

Policy 4.2 seeks to support mixed use development and increase the current office stock where there is evidence of demand, and particularly where it would provide for small and medium sized enterprises.

Despite the loss of the second floor of the property as A1 retail space, the application is considered to meet the intent of the London Plan since it would increase the office stock for small and medium sized enterprises, and the subdivision of the existing retail unit would both enhance and improve the retail offer, which would have frontages onto both Regent Street and Glasshouse Street.

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 removal of the service bay means that the existing dropped kerb is redundant. The applicant has agreed to pay the costs associated with the restoration of the pavement and this will be secured by legal agreement.

8.11 Environmental Impact Assessment

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

9. BACKGROUND PAPERS

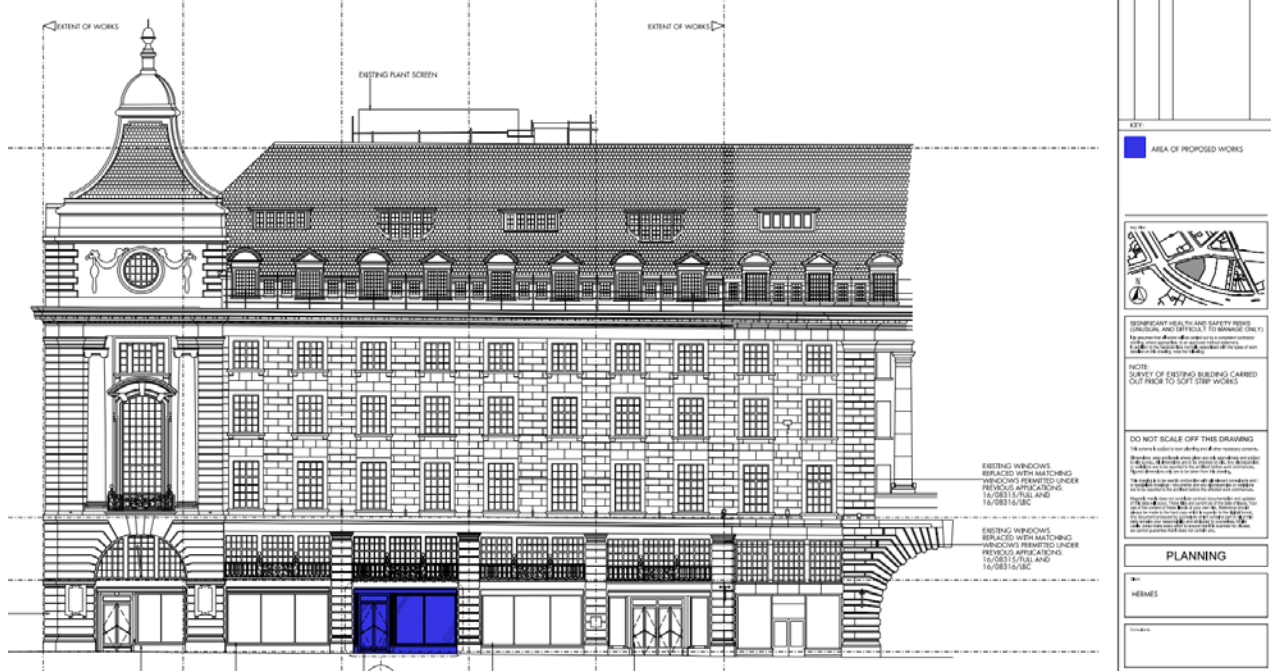
1. Application form
2. Response from Environmental Health, dated 21 December 2016
3. Response from Cleansing dated 16 December 2016
4. Response from Highways Planning dated 24 January 2017

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

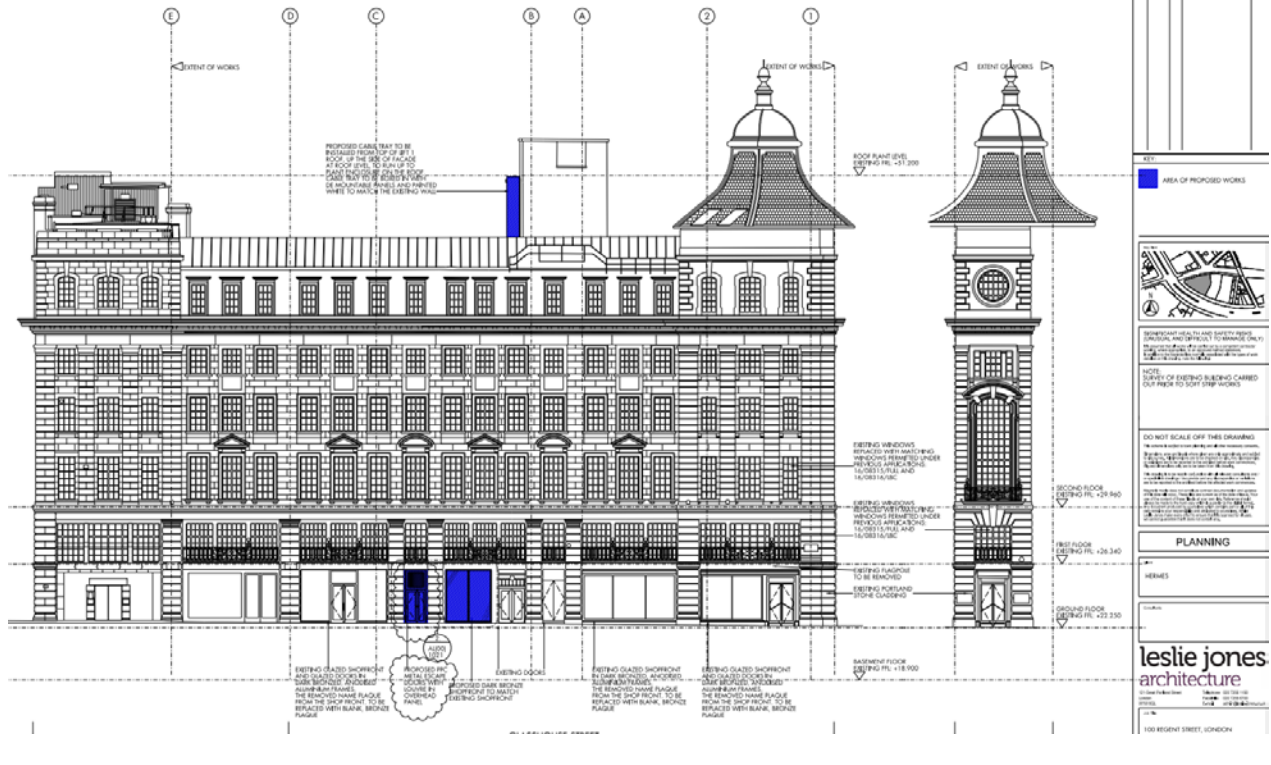
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk .

10. KEY DRAWINGS

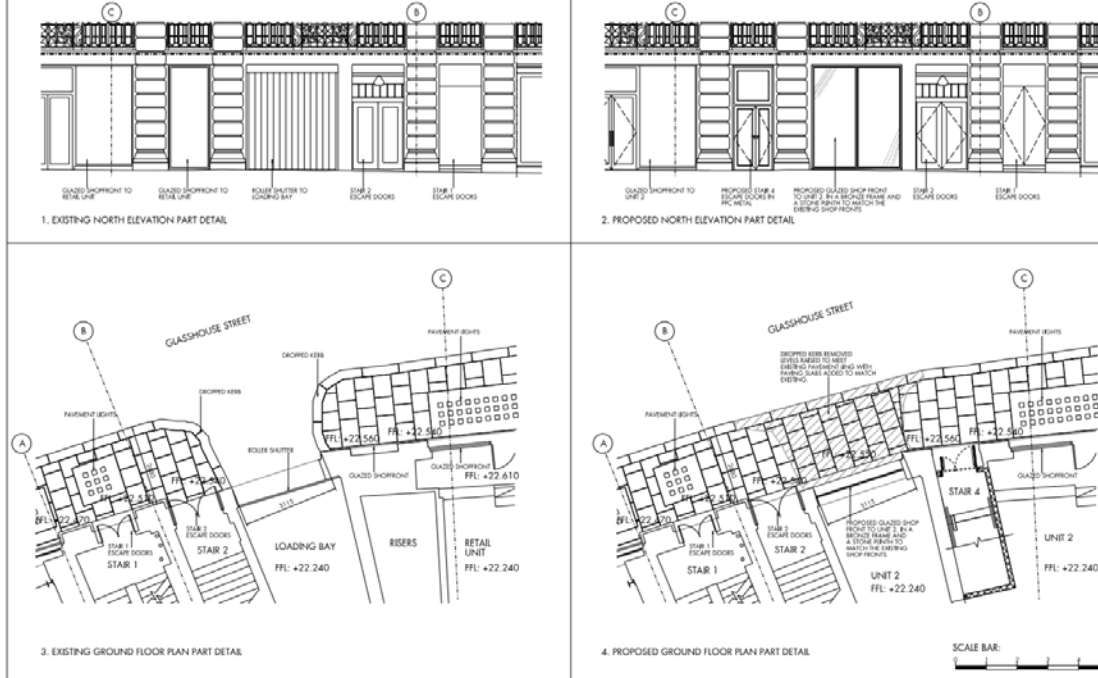
Proposed South elevation:



Proposed north and west elevations:



Proposed North elevation shop front:



AREA OF NEW FACING GLASS TO MATCH EXISTING

STRUCTURAL AND HEALTH AND SAFETY PERIMS. CONSULT AND REFER TO DRAWING ONLY. THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. ANY CHANGES TO THIS DRAWING MUST BE APPROVED BY THE ARCHITECT.

NOTE: SURVEY OF EXISTING BUILDING CARRIED OUT PRIOR TO SOFT STEP WORKS

DO NOT SCALE OFF THIS DRAWING. THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. ANY CHANGES TO THIS DRAWING MUST BE APPROVED BY THE ARCHITECT.

PLANNING

HERMES

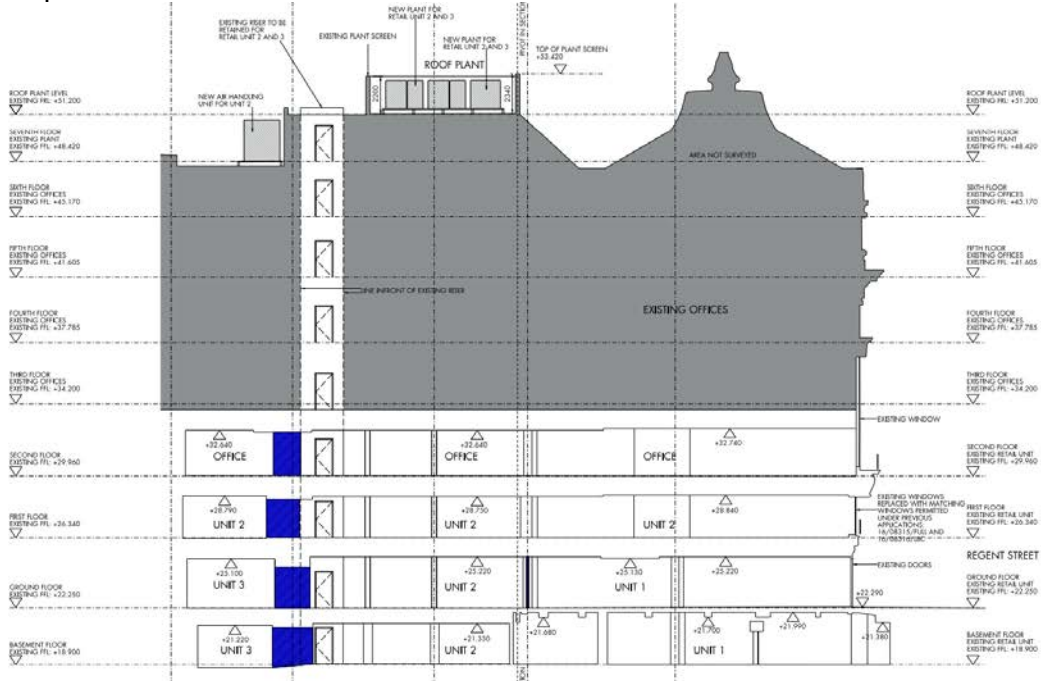
leslie jones architecture

100 REGENT STREET, LONDON

EXISTING AND PROPOSED LOADINGS (SEE DRAWING)

SCALE BAR:

Proposed section:



AREA OF PROPOSED WORKS

STRUCTURAL AND HEALTH AND SAFETY PERIMS. CONSULT AND REFER TO DRAWING ONLY. THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. ANY CHANGES TO THIS DRAWING MUST BE APPROVED BY THE ARCHITECT.

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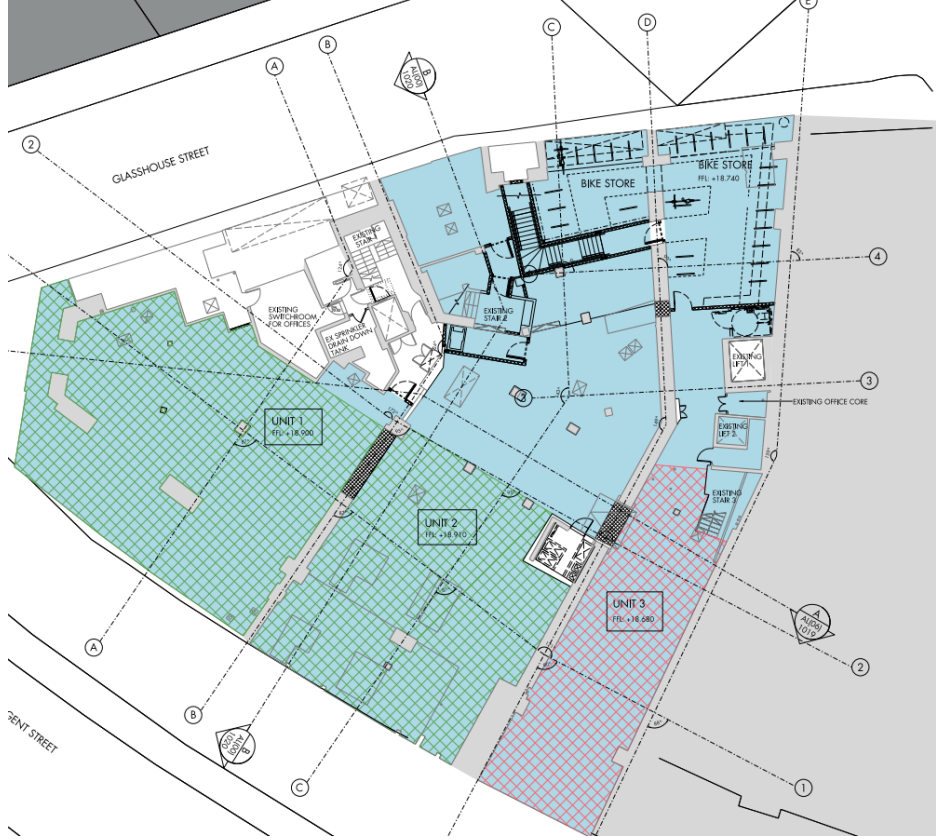
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PLANNING

HERMES

leslie jones architecture

Proposed Basement:



▣ APPROX. AREA OF EXISTING PARQUET FLOORING TO BE REMOVED IN CURRENT CONDITION. A LAYER OF PROTECTIVE PASTES AND OVER & LEVING SCREEN ON TOP.

▣ APPROX. AREA OF EXISTING PARQUET FLOOR TO BE REMOVED & LEVING SCREEN APPLIED.

▣ FLOOR: EXTENT OF LEVING SCREEN APPLIED TO ACHIEVE CORRECT FINISHING WHERE REQUIRED.

▣ EXTENT OF EXISTING FLOOR STRUCTURE EXCEPT BACK TO STRUCTURE EXCEPT WHERE GREEN CROSS HATCH IS INDICATED.

▣ CEILING: EXTENT OF WORKS TO UNDERSIDE OF EXISTING SLABS. ADD A LAYER OF PLASTERBOARD OR PLASTER & PAINT TO THE UNDERSIDE OF THE EXISTING HOLLOW POT FLOOR SLABS.

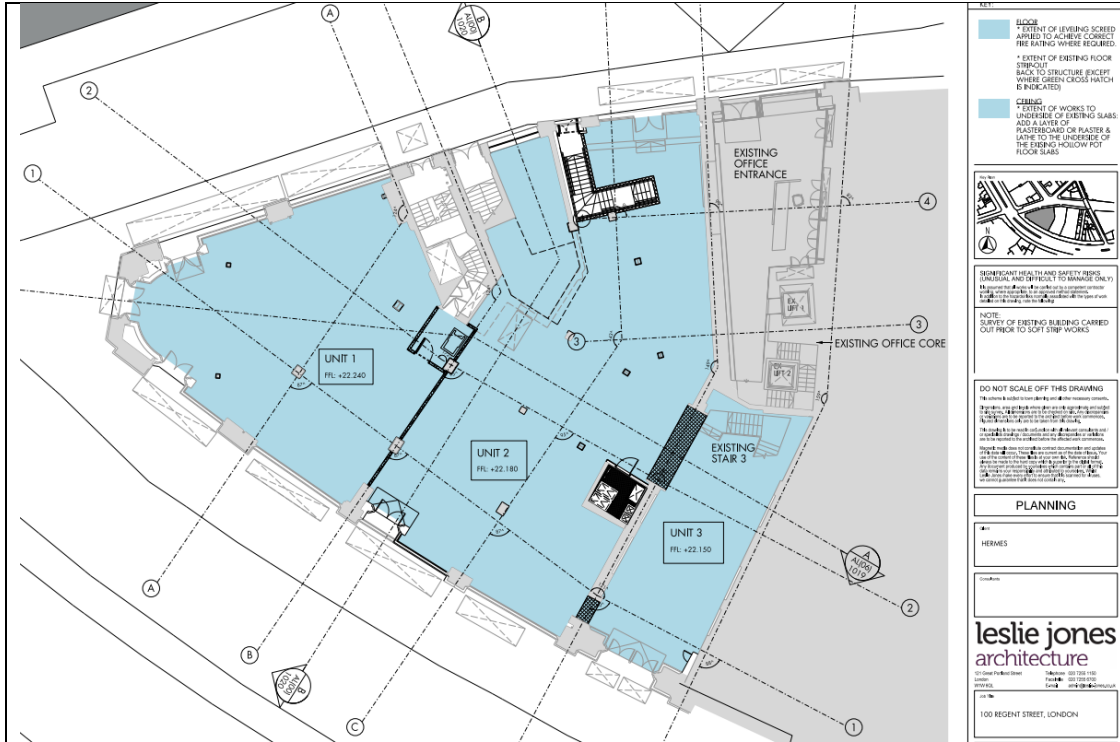
NOTES:
 SURVEY OF EXISTING BUILDING CARRIED OUT FROM 10/01/2017 TO 10/02/2017. WORKS TO SOFT STRIP WORKS. EXISTING PARQUET FLOORING TO BE REMOVED AND PROTECTED THROUGHOUT THE WORKS.

DO NOT SCALE OFF THIS DRAWING
 This drawing is for information only and is not to be used for construction purposes. It is not to be used for any other purpose without the written consent of the architect. The architect is not responsible for any errors or omissions in this drawing. The architect is not responsible for any errors or omissions in this drawing. The architect is not responsible for any errors or omissions in this drawing.

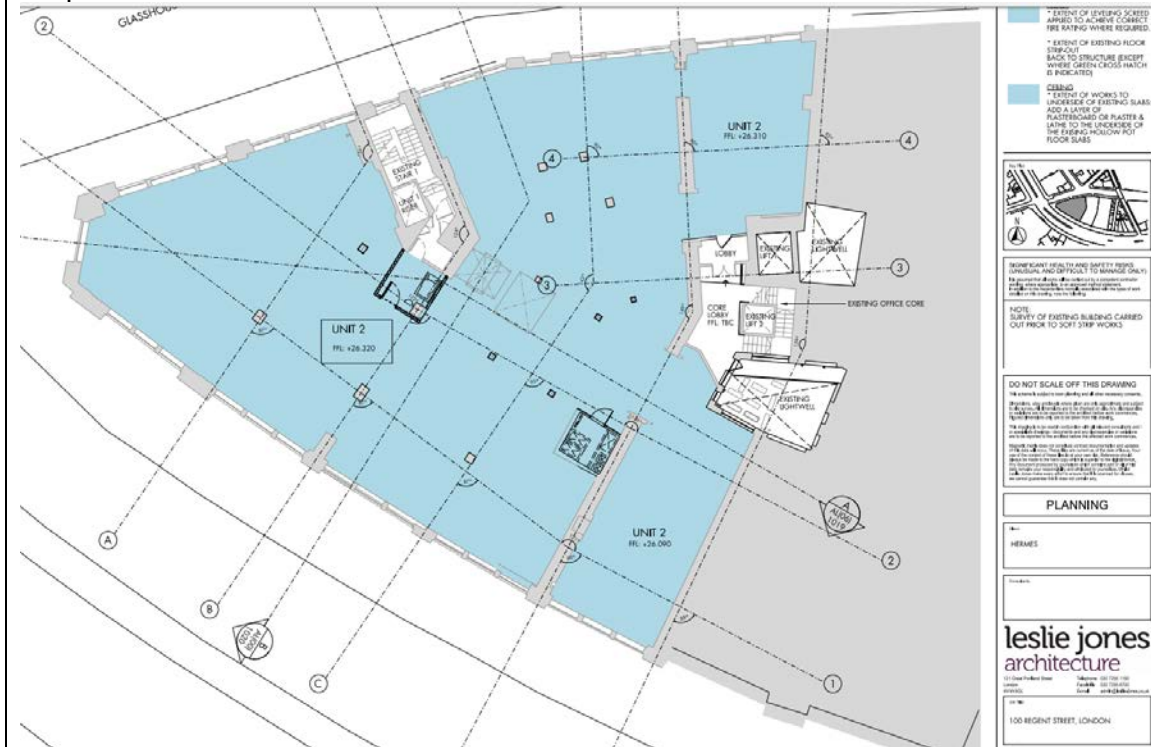
PLANNING
 HERMES

leslie jones architecture
 100 Regent Street, London
 020 7634 1000
 020 7634 1001
 020 7634 1002
 020 7634 1003

Proposed Ground Floor:



Proposed First Floor:



Second Floor:



FLOOR
 * EXTENT OF LEAVING SCREED APPLIED TO ACHIEVE CORRECT FINISHING WHERE REQUIRED
 * EXTENT OF EXISTING FLOOR FINISHES BACK TO STRUCTURE (EXCEPT WHERE GREEN CROSS HATCH IS INDICATED)

CEILING
 * EXTENT OF WORKS TO UNDERSIDE OF EXISTING SLABS ADD A LAYER OF PLASTERBOARD OR PLASTER BATH TO THE UNDERSIDE OF THE EXISTING FLOOR/POFF FLOOR SLABS

BRIGHTNESS MEASUREMENT AND SAFETY REPORT (CONDUCTED AND ISSUED TO MANAGE ONLY)
 To provide the client with a report on the current state of the building's lighting system and to provide recommendations for improvement.

NOTE:
 SURVEY OF EXISTING BUILDING CARRIED OUT PRIOR TO SOFT STRIP WORKS

DO NOT SCALE OFF THIS DRAWING
 This drawing is for information only and should not be used for construction purposes. It is not to be scaled off. The drawing is for information only and should not be used for construction purposes. It is not to be scaled off.

PLANNING

HERMES

leslie jones architecture
 100 REGENT STREET, LONDON

DRAFT DECISION LETTER

Address: 100 Regent Street, London, W1B 5SR,

Proposal: Creation of three retail units (Class A1) over basement, ground and first floor. Use of second floor as offices (Class B1). Installation of new shopfronts on Regent Street and extension to retail frontage on Glasshouse Street. Internal reconfiguration, cycle parking, storage and associated roof top plant and reconfiguration of roof top structures. (Linked application 16/11247/LBC)

Reference: 16/11246/FULL

Plan Nos: AL(00)1002-P03, AL(00)1003-P03, AL(00)1004-P03, AL(00)1005-P03, AL(00)1006-P03, AL(00)1007-P01, AL(00)1008-P01, AL(00)1009-P01, AL(00)1010-P01, AL(00)1011-P01, AL(00)1012-P01, AL(00)1017-P01, AL(00)1018-P01, AL(00)1019-P01, AL(00)1020-P02, AL(00)1021-P01, AL(00)1022-P01, AL(00)1023-P01, AL(00)1024-P01, AL(00)1030-P01, AL(00)1031-P01, AL(00)1040-P01, AL(00)1041-P01, AL(00)1042-P01, AL(00)1043-P01 and AL(00)1050-P01. Energy Strategy Issue 1 by Watkins Payne, Noise Impact Assessment 24112016 by Gillieron Scott Acoustic Design, Structural Planning Report by Heyne Tillett Steele dated 23/11/16, Lightning Protection Investigative Works Issue 1 by Watkins Payne dated November 2016.

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Regent Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Regent Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Regent Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 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 occupy the new office floorspace at second floor level 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 basement, ground and second floors of the property. (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)

- 7 (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 LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

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.

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 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.

- 9 Prior to occupation of the B1 office space at second floor level, a minimum of 9 cycle parking spaces as shown on plan AL(00)1040 P01 shall be provided, made accessible to users of the B1 space, and thereafter maintained for the life of development.

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.

- 10 Prior to occupation of any A1 retail space, a minimum of 15 cycle parking spaces as shown on plan AL(00)1040 P01 shall be provided, made accessible to users of all three A1 retail units, and thereafter maintained for the life of development.

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.

- 11 Prior to occupation of the relevant retail unit, a Servicing Management Plan (SMP) shall be submitted to, and approved in writing by the Local Planning Authority. The SMP shall be followed/maintained for life of development for all uses, unless a revised strategy is approved (in writing) by the Local Planning Authority. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. The plan must also demonstrate sufficient holding space for delivery of goods and refuse bins awaiting collection off the highway and not impacting on car lift or other servicing operations.

Reason:

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

- 12 Any awing and/or sign must maintain 2.3 metres clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge.

Reason:

In the interests of public safety 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. (R24BC)

- 13 No development should occur between the footway and a depth of 900mm.

Reason:

To ensure sufficient space remains for utilities and in accordance with TRANS19.

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

Reason:

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

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 Conditions 7 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 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 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 5 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)
- 6 Any work to the highway will also require the approval of the Highway Authority. The proposed materials are not suitable for use on the highway and would not be approved for use on the highway., , Like for like replacement of the existing pavement lights would be acceptable to the Highway Authority. All standard highway approvals would be required to undertake this work, including:, <https://www.westminster.gov.uk/guide-temporary-structures>
- 7 The applicant will need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (afoster1@westminster.gov.uk) in Westminster Highways Infrastructure and Public Realm to progress the applicant for works to the highway.

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.

DRAFT DECISION LETTER

Address: 100 Regent Street, London, W1B 5SR,

Proposal: Creation of a new shopfront on Regent Street and extension to retail frontage on Glasshouse Street. Internal subdivision to three units, associated roof top plant and reconfiguration of roof top structures. (Linked application 16/11246/FULL)

Reference: 16/11247/LBC

Plan Nos: AL(00)1002-P03, AL(00)1003-P03, AL(00)1004-P03, AL(00)1005-P03, AL(00)1006-P03, AL(00)1007-P01, AL(00)1008-P01, AL(00)1009-P01, AL(00)1010-P01, AL(00)1011-P01, AL(00)1012-P01, AL(00)1017-P01, AL(00)1018-P01, AL(00)1019-P01, AL(00)1020-P02, AL(00)1021-P01, AL(00)1022-P01, AL(00)1023-P01, AL(00)1024-P01, AL(00)1030-P01, AL(00)1031-P01, AL(00)1040-P01, AL(00)1041-P01, AL(00)1042-P01, AL(00)1043-P01 and AL(00)1050-P01, Structural Planning Report by Heyne Tillett Steele dated 23/11/16, Lightning Protection Investigative Works Issue 1 by Watkins Payne dated November 2016

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

Recommended Condition(s) and Reason(s)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Regent Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Regent Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Regent Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 7 The parquet woodblock flooring must be retained at basement level, apart from that shown as removed on drawing no. AL(00)1040-P01. The retained parquet must be protected prior to the installation of a floor covering.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 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 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

Item No.
1

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.

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	3 Circus Road, London, NW8 6NX		
Proposal	Excavation of a basement extension, demolition of the existing first floor and erection of a first and second floor level extension, erection of new kitchen extract duct and installation of mechanical plant at roof level within an enclosure. Use of extended building as a restaurant (Class A3) at basement and ground floor levels and as four residential flats (Class C3) on the upper floors.		
Agent	The JTS Partnership		
On behalf of	First Reality Limited		
Registered Number	15/03764/FULL	Date amended/ completed	21 January 2017
Date Application Received	29 April 2015		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is located on the south side of Circus Road between the junctions with Cochrane Mews and St. John's Wood High Street. The building is unlisted, but is located within the St John's Wood Conservation Area.

The site currently comprises a two storey building fronting Circus Road and Cochrane Mews, which is occupied by the Richoux restaurant (a Class A3 use). The application proposes the excavation of a basement extension, demolition of the existing first floor and erection of a first and second floor level extension, with the extended building proposed to be used as a restaurant at ground and basement levels and as four residential flats (3x1 bedroom flats and 1x3 bedroom flat) on the upper floors. It is also proposed to provide a new kitchen extract duct within the rear lightwell, which would terminate above roof level and to provide and mechanical plant at roof level within an enclosure to serve the restaurant use. The new residential accommodation on the upper floors would be accessed from a new

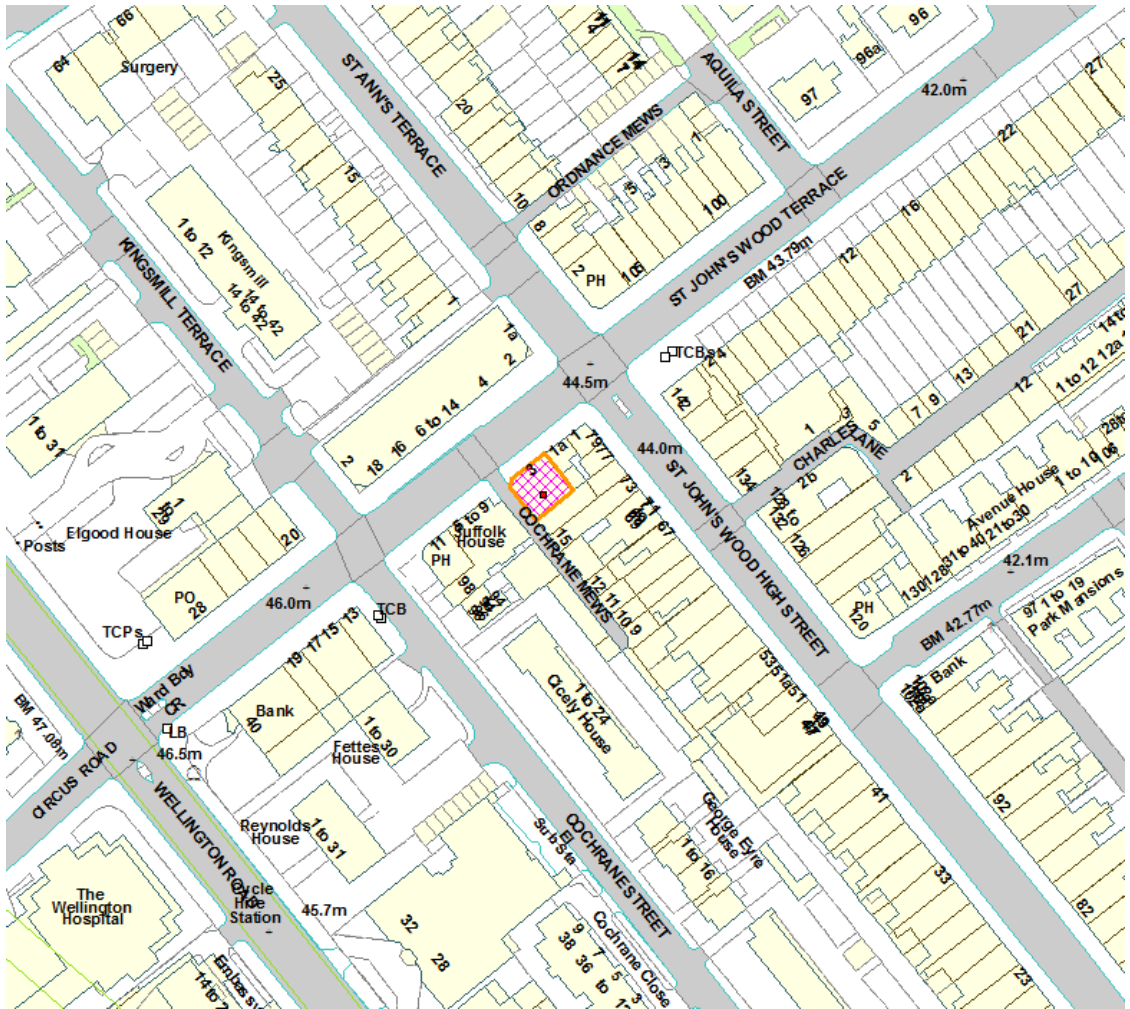
entrance in Cochrane Mews.

The key issues in this case are:

- The impact of the proposed development on the appearance of the building and the character and appearance of the St John's Wood Conservation Area.
- The impact on the amenity of neighbouring residents.
- The impact on the availability of on-street residents parking in the vicinity of the site.

For the reasons set out in this report, the proposed development is considered to accord with relevant policies within the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). As such, it is recommended that planning permission is granted, subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Application site as seen from Circus Road.

5. CONSULTATIONS

CONSULTATION ON ORIGINALLY SUBMITTED APPLICATION (MAY 2015)

ST. JOHN'S WOOD SOCIETY

Any response to be reported verbally.

BUILDING CONTROL

The structural method statement is considered to be acceptable. Investigation of existing structures and geology has been undertaken and found to be of sufficient detail. Effects on the water table have been found to be negligible. The method of construction proposed is appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ARBORICULTURAL OFFICER

No objection to the proposal.

HIGHWAYS PLANNING MANAGER

Objection. No off street car parking is provided for a proposal involving the creation of 4 residential units. The area has high on street car park occupancy levels during daytime hours (94%). Occupancy overnight is 55%. Concern raised that the area shown for cycle parking is not of sufficient size to accommodate the 6 cycle spaces required by the London Plan.

ENVIRONMENTAL HEALTH

No objection subject to conditions. Concern regarding lack of details of mechanical plant, including kitchen extract ducting from restaurant.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 54; Total No. of Replies: 3.

Three emails raising objections on all or some of the following grounds:

Amenity

- Overlooking.
- Windows at first floor level would cause particular close overlooking across Cochrane Mews.
- Loss of light.
- Increased sense of enclosure to neighbouring properties in Cochrane Mews.
- Neighbouring windows not shown on plans.
- Daylight and sunlight report does not include assessment of Flat 5, 94-96 Cochrane Street.
- Existing roof terrace will cause noise disturbance to future occupiers of the proposed development.

Transport/Highways

- Increased pressure on on-street parking.
- Greater risk of accidents on Circus Road due to delivery vehicles.

- Proposed residential entrance is located where existing loading/ unloading bay is located for No.65 St. John's Wood High Street.
- Location of entrance to flats is close to manoeuvring space for garage opposite.

Other Matters

- Construction works could obstruct deliveries to the rear entrance to No.65 St. John's Wood High Street and garage of neighbouring property in Cochrane Mews.
- Noise and disturbance from construction works.
- Bin and cycle storage doors should be inward opening and constructed in suitable material to prevent noise disturbance (i.e. not metal).
- Potential pressure development will have on street drainage in the mews.

ADVERTISEMENT/ SITE NOTICE

Yes.

FIRST RECONSULTATION ON REVISED SCHEME (APRIL 2016) - REVISED ACOUSTIC REPORT AND SUNLIGHT AND DAYLIGHT REPORT AND INTRODUCTION OF OBSCURE GLAZING TO WINDOW IN COCHRANE MEWS.

ST. JOHN'S WOOD SOCIETY

Any response to be reported verbally.

BUILDING CONTROL

The structural method statement is considered to be acceptable. Investigation of existing structures and geology has been undertaken and found to be of sufficient detail. Effects on the water table have been found to be negligible. The method of construction proposed is appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ARBORICULTURAL OFFICER

No objection to the proposal

HIGHWAYS PLANNING MANAGER

Objection. No off street car parking is provided for a proposal involving the creation of 4 residential units. The area has high on street car park occupancy levels during daytime hours (94%). Occupancy overnight is 55%. If planning permission is granted then Lifetime car club membership should be secured. Further details are required to show the area designated for cycle storage can accommodate the 6 cycle spaces required by the London Plan (5 for the residential element and 1 for the commercial element).

ENVIRONMENTAL HEALTH

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 54; Total No. of Replies: 1.

One respondent raising objection on the following grounds:

- Concern that the obscure glazing is openable and when open will give direct views into bedroom of neighbouring property in Cochrane Mews.
- Concern remains that the bin store doors may cause noise disturbance.

ADVERTISEMENT/ SITE NOTICE

Yes.

SECOND RECONSULTATION ON FURTHER REVISED SCHEME (OCTOBER 2016) - ADDITIONAL ACOUSTIC REPORT AND DETAILS OF ROOF TOP PLANT AND SCREENING

ST JOHNS WOOD SOCIETY

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 54; Total No. of Replies: 1.

One respondent raising objection on the following grounds:

- The window onto Cochrane Mews has been shown as obscure glazing but will still be openable. It should be non-openable.
- Doors to new bin and bike storage should use appropriate materials to minimise noise disturbance.
- Request that the mechanical plant be restricted to daytime operation (07.00 - 23.00 hours), as stated in the acoustic report.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the south side of Circus Road between the junctions with Cochrane Mews and St. John's Wood High Street. The building is unlisted but located within the St Johns Wood Conservation Area. The site comprises a two storey building fronting Circus Road and Cochrane Mews with a ground floor and first floor and is occupied by Richoux restaurant (Class A3 use). The site is located within the Core Frontage of the St. John's Wood District Centre.

6.2 Recent Relevant History

20 February 1992 – Permission granted for external and internal alterations including provision of coffee house/ restaurant facilities to ground and first floor and ancillary retail patisserie counters to ground floor and new shop front (91/05730/FULL).

23 April 1992 – Permission granted for removal of Condition 1 of permission dated 20 February 1992 which restricts opening hours to between 10.00am to 11.00pm Monday to Saturday (92/01209/FULL).

6 May 1993 – Permission granted for use of the flat roof over the ground floor front as terrace/ seating area in connection with existing restaurant (93/00943/FULL).

8 July 1993 – Permission granted for removal of Condition 4 (hours of use) of permission dated 6 May 1993 for use of flat roof over ground floor front as a terrace/ seating area in connection with existing restaurant (93/03038/FULL).

7 April 1994 – Permission granted for removal of Condition 5 of permission dated 6 May 1993 (limiting use of terrace for one year only) allowing use of flat roof at first floor level as a seating area for existing restaurant (94/01215/FULL).

15 October 1998 – Permission granted on appeal for enclosure of existing dining area to balcony with conservatory structure and removal of existing railings (98/00994/FULL).

Permission has been granted on 11 separate occasions since 1994 for the placing of four tables and twelve chairs on the public highway outside the premises. The most recent temporary one year permission was granted on 23 November 2015 (15/09483/TCH).

7. THE PROPOSAL

The application proposes the excavation of a basement extension, demolition of the existing first floor and erection of a first and second floor level extension, with the extended building proposed to be used as a restaurant at ground and basement levels and as four residential flats (3x1 bedroom flats and 1x3 bedroom flat) on the upper floors. It is also proposed to provide a new kitchen extract duct within the rear lightwell, which would terminate above roof level and to provide and mechanical plant at roof level within an enclosure to serve the restaurant use. The new residential accommodation on the upper floors would be accessed from a new entrance in Cochrane Mews.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Proposed Residential Accommodation

The provision of additional residential floorspace is encouraged under Policy H3 in the UDP and Policy S14 in the City Plan. Policy H5 in the UDP states that the City Council will normally require 33% of housing units to be family sized units containing 3 or more bedrooms. As only one of the units is proposed to have three or more units (a 4 bedroom unit) the proportion of family sized units proposed would fall short of the policy target (25% would be family sized). However, the UDP does state that this policy will be applied with some flexibility and lower levels of family accommodation will be accepted in very busy or noisy environments. Due to its location above a busy restaurant and on a commercial street it is considered that this site is one of those situations where some flexibility can be

applied. It is also relevant that because of the confined nature of the site and the location of adjacent properties there is limited scope for amenity space provision for the proposed flats. This means it is even less appropriate to require a higher proportion of family sized units in this particular case.

All of the proposed units are above the minimum size standards set out in the Government's Nationally Described Space Standards and as set out in Policy 3.5 of the London Plan (March 2016).

A daylight assessment of the proposed flats demonstrates that they would be sufficiently well lit so as to provide a good standard of accommodation. The report concludes that only one room (a first floor kitchen) fall below the BRE Guidelines for daylight to habitable rooms. This room is actually part of an open plan living space for one of the 1 bedroom flats. Considering the confined nature of the site and as the room is lit by other windows, it is not considered that permission could reasonably be withheld on this ground.

As the proposal would provide less than 10 additional dwellings and involves the creation of less than 1,000m² of additional floorspace (GEA) there is no requirement in this case to provide affordable housing as part of the proposed development.

The scheme would involve the introduction of a residential accommodation directly above a restaurant use. Environmental Health have assessed the proposed development and have no objections in relation to the relationship between the two uses, provided a condition is imposed to require the residential accommodation to be suitably insulated to prevent noise disturbance from the restaurant use below and from external noise sources in this busy location within the District Centre.

8.1.2 Loss of Class A3 Restaurant Floorspace

In land use terms, the replacement of the first floor restaurant space with residential accommodation and the provision of alternative restaurant floorspace in a newly created basement is acceptable in principle.

The majority of the Class A3 floorspace to be lost at first floor level will be replacement by the new floorspace proposed at basement level. However, there will still be a net loss of 87m² (GIA). Nevertheless, this loss is not considered to be so significant so as to adversely impact on the viability of the restaurant use, which will retain a floor area of 334m² (GIA) and a sizable ground floor street level presence. For these reason the loss of Class A3 floorspace within the Core Frontage of the St. John's Wood High Street District Centre is acceptable and would accord with Policy SS6 in the UDP and Policy S21 in the City Plan.

8.2 Townscape and Design

The intention for the scheme is to match the height, design, materials and general massing of the adjoining building at Nos.1-1A Circus Road, immediately to the east of the application site, which was granted permission in March 2000 (RN: 99/10920/FULL).

The existing shop unit with conservatory style extension above at first floor level, which was approved at appeal in 1998, appears somewhat out of character with the general

surroundings. The demolition of the existing first floor and the erection of the two replacement upper floors will provide a more complete and harmonious composition to this section of townscape between St John's Wood High Street and Cochrane Mews. The detailed design proposed would be traditional in style and would accord with the general character of the area.

The plant screen proposed at roof level would be a relatively large structure; however, there is currently plant at roof level that is unscreened and unsightly. The two most visible elevations of the screen are to be angled back at 45 degrees to ensure a low profile so the plant enclosure is less appreciable from street level views. Overall, the proposed development would improve the appearance of this site and would not harm the character and appearance of the conservation area. Accordingly, subject to the conditions set out in the draft decision letter that would ensure the detailed design of the proposed building is well executed, the proposal is acceptable in design terms and would accord with Policies DES1, DES5, DES6 and DES9 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

8.3.1 Daylight and Sunlight

An assessment of the impact of the proposal on the levels of daylight and sunlight reaching the windows of neighbouring properties has been submitted with the application. This initially covered flats only within the adjacent Suffolk House and 6-18 Circus Road (Portland House). At the request of officers and in response to concerns raised by objectors, supplementary assessments have been submitted to also cover the impact on Flat 5, 94-96 Cochrane Street and windows in the rear of properties in St. John's Wood High Street.

The submitted daylight and sunlight reports demonstrate that the proposed development would not cause any material losses of sunlight and daylight to neighbouring windows serving habitable rooms in Flat 5, 94-96 Cochrane Street, which are located opposite the application site within Cochrane Mews.

In terms of the impact on properties to the east of the application site, the daylight and sunlight report identifies only one habitable room that may be affected, which is a kitchen window to the rear of 75 St Johns Wood High Street. The assessment demonstrates that the daylight and sunlight losses as a result of the proposed development would comfortably falls within the tolerances of the Building Research Establishment (BRE) Guidelines (2011). There is also a bathroom window to the rear of the second floor of 1 Circus Road/79 St Johns Wood High Street; however, this is not a habitable room and therefore the impact on this window could not be considered as a ground on which to withhold permission. The only other windows to the rear of adjacent properties in St. John's Wood High Street serve a staircase. Officers have visited these rooms to ensure the rooms they serve are not habitable and assess the likely impact of the scheme.

An objection was received in the initial consultation to the impact in terms of daylight and sunlight to Portland House. However, this property is on the opposite side of Circus Road and the daylight and sunlight report demonstrates that there will be no significant impact on this building.

In summary, the losses of daylight and sunlight caused would therefore be within the tolerances allowed for in the Building Research Establishment (BRE) guidelines (2011) and they would accord with the requirements of Policy ENV13 in the UDP and S29 in the City Plan.

8.3.2 Sense of Enclosure

The only window that serves a habitable room and directly looks onto the site in St. John's Wood High Street and Circus Road is the kitchen window to the rear of 75 St Johns Wood High Street. The proposal will result in a one storey extension (at second floor level) 3 metres from this window. Currently this window looks out on to the roof level mechanical plant and associated ducting. The proposed plant screen at the roof level would be angled at 45 degrees and set back from the roof of the second floor extension to prevent any further enclosure to this window. Given the existing outlook of the kitchen window and as the roof level plant enclosure has been designed to prevent additional enclosure at roof level, the impact on this window is not so significant so as to justify withholding permission.

To Cochrane Mews, the rear windows of Flat 5, 94-96 Cochrane Street face the side elevation of the application site. The proposed extension at second floor level would be visible in oblique views from these windows when stood at the window. However, from within the room, which is a bedroom, the additional height and bulk of the extended building would not be appreciable. The enclosure impact would therefore not be so significant so as to warrant withholding permission and the scheme is considered to accord with Policy ENV13 in the UDP and Policy S29 in the City Plan in sense of enclosure terms.

8.3.3 Privacy

The proposed upper floor flats would have windows facing onto Circus Road, Cochrane Mews and a lightwell formed to the rear adjacent to No.1 Circus Road. At first floor level the windows proposed to the new lightwell would overlook existing windows in No.1 Circus Road that serve circulation spaces and therefore these windows need not be obscure glazed or fixed shut.

At second floor level two bedrooms within the proposed development would have windows facing the back of No.1 Circus Road and properties in St. John's Wood High Street. The one window in the rear of No.1 Circus Road serves a bathroom and due to the position of the proposed windows, they would not afford views into this existing neighbouring bathroom window. The kitchen window in the rear of No.75 St. John's Wood High Street would be seen from the southernmost of the proposed bedroom windows and therefore it is recommended that a condition is imposed requiring this window to be obscure glazed and fixed shut to prevent overlooking occurring.

Because of the width of Circus Road no significant overlooking issue will be created by the windows in the front elevation.

The Cochrane Mews elevation largely faces directly onto the flank wall of Suffolk House where the only windows are obscure glazed and serve toilets/ bathrooms. Due to the set back front building line of the upper floors of Suffolk House, the foremost windows in the

Cochrane Mews elevation of the proposed development at first and second floor levels may offer oblique views to the neighbouring bay windows in Suffolk House. However, the degree of overlooking would be greatly reduced compared to the existing fully glazed restaurant façade at first floor level. At second floor level the impact of the foremost window proposed window in the Cochrane Street elevation would be further reduced by it being obscure glazed and fixed shut. This is to be secured by condition.

The proposed window nearest the bedroom window of Flat 5, 94-96 Cochrane Street is to be obscure glazed and a condition is recommended to ensure the window is fitted with obscure glazing and also fixed shut. This condition would address the concerns of the occupier of this neighbouring property in Cochrane Mews.

A condition is recommended to prevent the use of the roof of the building as a roof terrace to prevent overlooking occurring from such a use of the roof in future.

Subject to the recommended conditions the proposed development would not result in a material increase in overlooking and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.3.4 Noise Disturbance

The applicant has submitted a detailed acoustic report in respect of the new mechanical plant proposed, which comprises a new kitchen extract duct (running up to roof level via the rear lightwell) and restaurant plant located within an enclosure at roof level. Environmental Health have reviewed and assessed the submitted details and are satisfied that the proposed mechanical plant is capable of operating sufficiently below the existing background noise level so as to accord with Policies ENV6 and ENV7 in the UDP and S32 in the City Plan. Conditions are though recommended to control the future operational noise level and vibration from the plant and to restrict the use of the mechanical plant to between 07.00 and 23.00 hours daily. A further condition is recommended to ensure the provision and permanent retention of the enclosure around the mechanical plant at roof level, as well as other noise attenuation measures that are proposed.

8.4 Transportation/Parking

No off-street car parking is proposed due to the limited size of the site, which is already entirely developed at ground level. Policy TRANS 23 in the UDP seeks up to maximum of 4 off-street parking spaces for a residential development of this size if the expected increase in parking demand cannot be accommodated on-street. In this case daytime on-street parking occupancy is at 98% and at 80% overnight. Given the existing high levels of occupancy of on-street parking spaces, throughout the day and night, the Highways Planning Manager objects to the lack of off-street parking provision.

In this particular case, due to the limited number of new units being created, the impracticality of providing off street parking on this site, the good transport links in the area and the offer to provide mitigation measures, specifically the provision of car club membership to all residential occupiers it is considered the benefits of the provision of good standard residential units outweighs the lack of off street car parking. It is therefore recommended that subject to securing the provision of lifetime car club membership for each of the flats on balance the proposal is acceptable.

Objections were received to the original application on the grounds that the doorways onto Cochrane Mews would cause potential conflict with the use of the mews for unloading/loading for the nearby bakery. The mews has restrictions which prevent its use for loading at any time and therefore this is not a valid ground of objection.

The Highways Planning Manager has also objected to a lack of cycle parking provision for the employees of the Class A3 unit; however, as there is no significant increase in the floorspace occupied by this use (indeed it is to be reduced), this is not considered a sustainable ground for refusal. Cycle parking provision for the residential units is provided and it is recommended that this is conditioned so that the London Plan requirement for a development of this size of 6 spaces is accommodated.

There will be no change to the servicing arrangements for the restaurant. Given the proposal represents an overall reduction in the floor area of the Class A3 unit it is considered that the servicing requirements of the site are not likely to significantly increase or have an adverse impact upon the public highway.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access arrangements to the restaurant will not change, with level access to the ground floor level of the restaurant remaining. The access to the proposed residential units will be via stairs, but given the constraints of the site and as this is a small development of private residential accommodation, this is not considered to be objectionable.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

8.7.1 Basement Development

The proposed development includes the provision of a new basement extension below the footprint of the front part of the existing restaurant premises, to provide replacement restaurant floorspace for that which is currently provided at first floor level. Although the scheme was originally submitted in 2015, prior to the adoption of the Basement Development Policy (CM28.1 in the City Plan adopted in November 2016), it is accompanied a detailed Basement Impact Assessment, which includes an investigation of the existing ground conditions on the site, as well as structural details of how the proposed basement would be constructed. Building Control have reviewed the submitted structural details and are content that the approach proposed is acceptable and suitable for the ground conditions on this particular site.

The proposed basement would be entirely below the footprint of the existing building and would have no external manifestations and therefore no mitigation measures in terms of replacement landscaping are required to comply with Policy CM28.1. The basement would also not increase water run off given its location below the existing building.

In summary, despite pre-dating the adoption of the current basement development policy, the scheme has been developed in accordance with the Basement Development in Westminster Supplementary Planning Document (SPD) adopted in 2014 and given this, and due to the constraints of the site, the scheme accords with Policy CM28.1 which was adopted during the course of the consideration of the application.

A condition is recommended to ensure the construction works are carried out in accordance with the Code of Construction Practice, so as to minimise disturbance to neighbouring residents and lessen the potential for obstruction of the public highway outside the application site. A further condition is also recommended to control the hours of construction works, with additional restrictions for basement excavation work, which can only be carried out between 08.00 and 18.00 Monday to Friday and not at all on Saturdays, Sundays and bank holidays.

8.7.2 Tree Impact

There is an existing street tree in front of the site on Circus Road. The proposal has been assessed by the Arboricultural Manager who has concluded that the tree is not in full health; however, the proposal is unlikely to have an adverse effect on the tree providing it is suitably safeguarded from construction works. The applicant has offered to replace the tree under the supervision of the Arboricultural Manager. Although this offer is noted, as the tree is unlikely to be adversely affected, subject to tree protection measures being secured by condition, it is not considered that the replacement of the existing tree is necessary.

8.8 London Plan

The application does not raise any 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 proposed development would provide 313.6m² (GIA) of residential floorspace. The Westminster CIL liability based on the floorspace figures in the applicant's CIL form and assuming that the application does not qualify for any CIL exemptions, would be £182,027. The Mayoral CIL liability again based on the floorspace figures in the applicant's CIL form and assuming that the application does not qualify for any CIL exemptions, would be £20,110.

8.11 Environmental Impact Assessment

The application does not require an Environmental Impact Assessment. Where relevant, environmental issues are covered in other sections of the report.

8.12 Other Issues

An objection has been raised in relation to the potential noise that might be generated by the use of the doors to the new bin and cycle store in the Cochrane Mews elevation. The objector suggests that an appropriate material, such as timber, should be used to minimise noise disturbance. The applicant has agreed to a condition requiring that these doors are constructed in timber and a condition is recommended to secure the provision of these doors in timber so that the noise impact of their use would be lessened.

9. BACKGROUND PAPERS

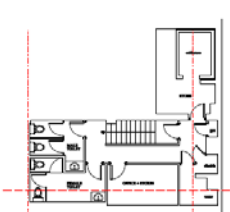
1. Application form.
2. Memos from the Highways Planning Manager dated 20 May 2015 and 4 April 2016.
3. Emails from Building Control dated 20 May 2015 and 4 April 2016.
4. Email and memos from Environmental Health dated 27 August 2015, 25 October 2015 and 26 January 2017.
5. Email and memo from the Arboricultural Manager dated 13 November 2015 and 18 April 2016.
6. Letter from the occupier of 10 Portland House, 1A St Ann's Terrace dated 16 May 2015.
7. Letter from the occupier of 65 St Johns Wood High Street dated 28 May 2015.
8. Letter and emails from the occupier of Flat 5, 94-96 Cochrane Street dated 4 June 2015, 11 April 2016 and 4 October 2016.

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

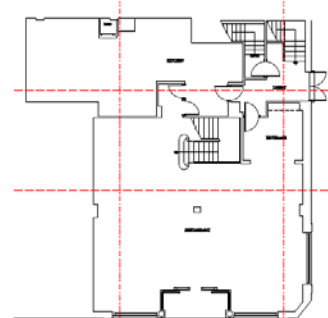
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk.

10. KEY DRAWINGS

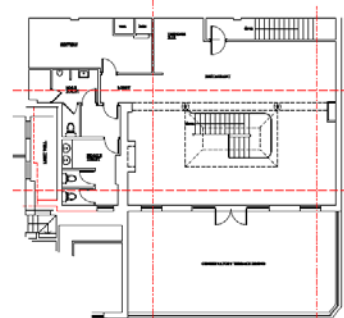
Client: First Ready	Drawn: GH	Project No: 13.491.D
Project: 3 CIRCUS ROAD	Date: JUNE 13	Site No: AD02
	Scale: 1:100 @A1	Revision:



LOWER GOUND FLOOR PLAN



GROUND FLOOR



FIRST FLOOR


Existing FLOOR PLANS

Client: First Ready	Drawn: GH	Project No: 13.491.D
Project: 3 CIRCUS ROAD	Date: JUNE 13	Site No: AD02
	Scale: 1:100 @A1	Revision:


A. & J.P. ALTON LTD

Architects & Surveyors
100, North Street, Ipswich, Suffolk, IP1 1BB
Tel: 01473 211111 Fax: 01473 211112
www.alton.co.uk

Client: First Ready	Drawn: GH	Project No: 13.491.D
Project: 3 CIRCUS ROAD	Date: JUNE 13	Site No: AD03
	Scale: 1:100 @A1	Revision: A



CIRCUS ROAD ELEVATION



COCHRANE MEWS ELEVATION

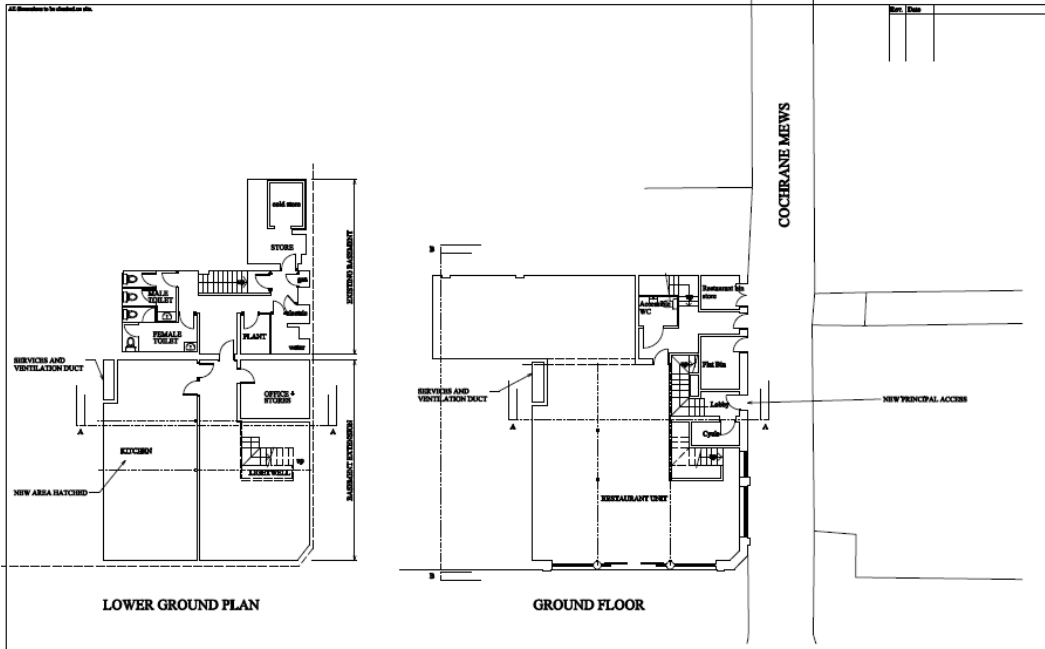
Existing ELEVATIONS AND DEMOLITIONS

Client: First Ready	Drawn: GH	Project No: 13.491.D
Project: 3 CIRCUS ROAD	Date: JUNE 13	Site No: AD03
	Scale: 1:100 @A1	Revision: A

A. & J.P. ALTON LTD

Architects & Surveyors
100, North Street, Ipswich, Suffolk, IP1 1BB
Tel: 01473 211111 Fax: 01473 211112
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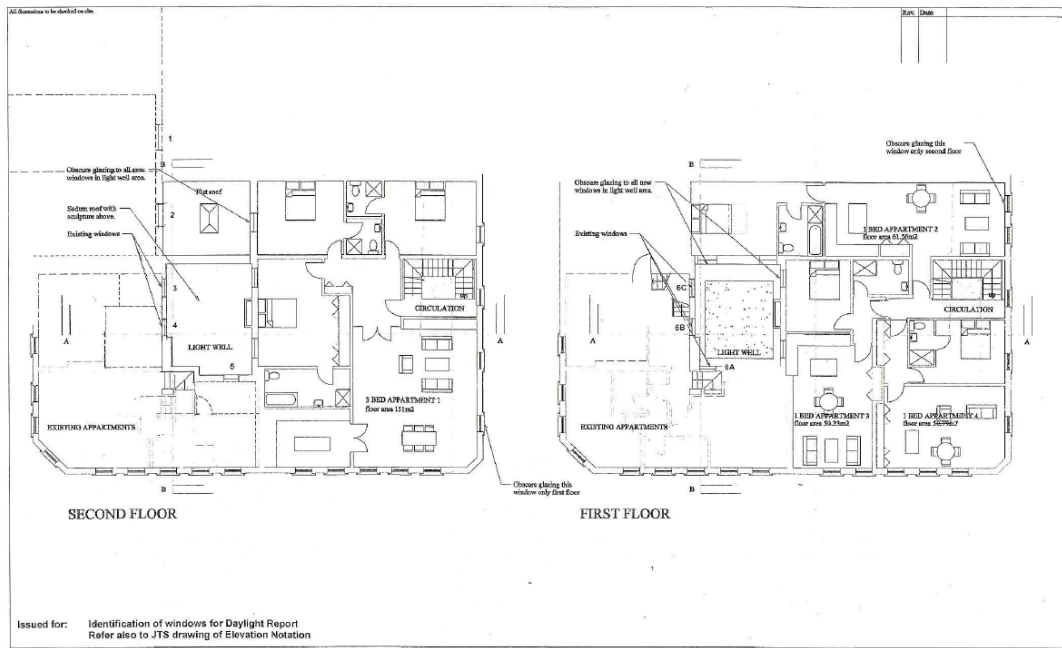
Existing floor plans (top) and existing elevations (bottom).



PROPOSED LOWER AND GROUND FLOOR PLAN

Client: Flint Realty	Drawn: GH	Project No.: 13.491.13
Project: 3 CIRCUS ROAD	Date: JUNE 13	Drawn By: AD04
	Scale: 1:100 gxd	Revision: E

A. & J. DALTON LTD
ARCHITECTS
 100, NEW BRIDGE ROAD, NEW BRIDGE, DUBLIN 7, IRELAND
 TEL: 01 454 4444 FAX: 01 454 4444 EMAIL: info@ajdalton.com

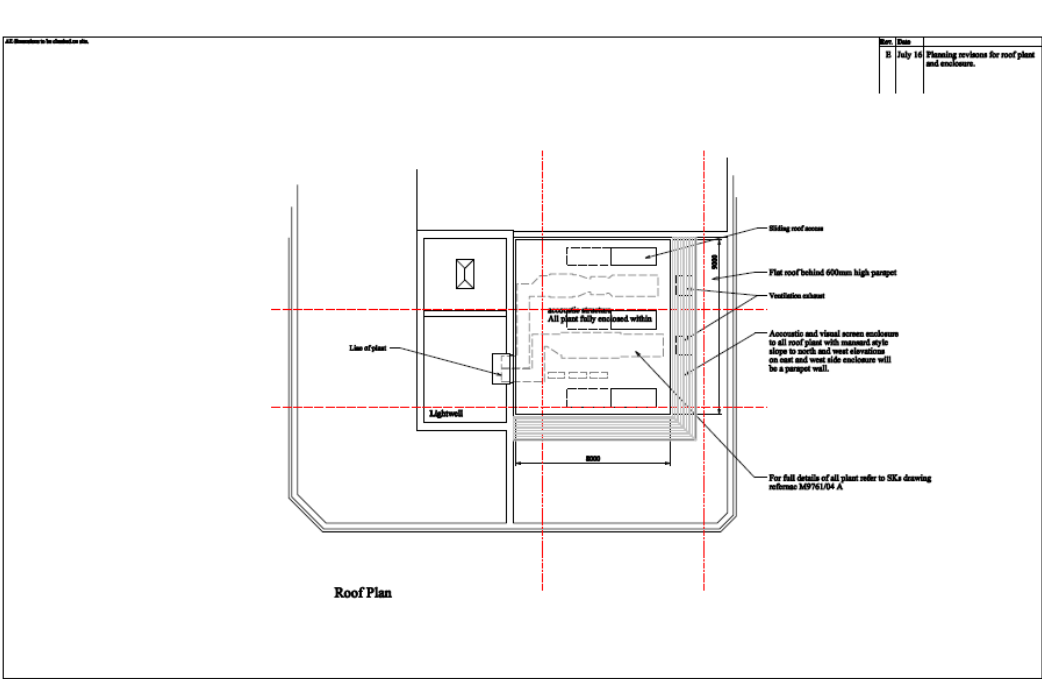


PROPOSED FIRST AND SECOND FLOOR

Client: Flint Realty	Drawn: GH	Project No.: 13.491.13
Project: 3 CIRCUS ROAD	Date: JUNE 13	Drawn By: AD05
	Scale: 1:100 gxd	Revision: E

A. & J. DALTON LTD
ARCHITECTS
 100, NEW BRIDGE ROAD, NEW BRIDGE, DUBLIN 7, IRELAND
 TEL: 01 454 4444 FAX: 01 454 4444 EMAIL: info@ajdalton.com

Proposed basement and ground floors (top) and proposed first and second floors (bottom).



Drawing Roof Plan	Client: First Realty	Drawn: GH	Project No.: 13-091.D	
	Project: 3 CIRCUS ROAD	Date: JUNE 14	Scale: 1:100 gnd	



Drawing PROPOSED CIRCUS ROAD ELEVATION	Client: First Realty	Drawn: GH	Project No.: 13-091.D	
	Project: 3 CIRCUS ROAD	Date: JUNE 13	Scale: 1:50 gnd	

Proposed roof plan (top) and proposed Circus Road elevation (bottom).



PROPOSED COCHRANE MEWS ELEVATION	Client: Flint Rusky	Date: 08	Project No.: 13.691.D
	Project: 3 CIRCUS ROAD	Date: JUNE 13	Eng. No.: AD07
		Scale: 1:50	Revision: 2

A. & J. DALTON LTD
Architects and Surveyors

Proposed Cochrane Mews elevation.

DRAFT DECISION LETTER

Address: 3 Circus Road, London, NW8 6NX,

Proposal: Excavation of a basement extension, demolition of the existing first floor and erection of a first and second floor level extension, erection of new kitchen extract duct and installation of mechanical plant at roof level within an enclosure. Use of extended building as a restaurant (Class A3) at basement and ground floor levels and as four residential flats (Class C3) on the upper floors.

Reference: 15/03764/FULL

Plan Nos: 100; AD01; AD02; AD03RevA; AD04RevE; AD05RevE; AD06RevF; AD07RevF; AD09RevF; AD10RevF; AD11; AD12; AD13F; AD15; Design and Access Statement; Basement Impact Assessment (for information only); Planning History; Daylight and Sunlight Report; Supplementary Sunlight and Daylight Report dated 19th December 2016; Parking Stress Survey; Plant Noise Assessment dated 25 August 2016; Noise Survey Report (revised 25.08.2016); Average Daylight Factor and Room Depth Criteria Report; Tree Report.

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

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

- 4 The facing brickwork to each elevation must match the existing original brickwork to the front elevation of the adjoining building to the immediate east side of the application property (which fronts onto both Circus Road and St John's Wood High Street) in terms of its colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in 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 Drawings (at scale 1:10) of typical details of the following part(s) of the development shall be submitted to and approved by us before any work is commenced on the relevant part of the development: , (a) window joinery (and including section drawings at 1:5 showing the relationship between the glazing bars and glazing, and between the window surrounds and window frames); , (b) gauged brick arches; , (c) cornice; , (c) window surrounds., , You must then carry out these parts of the development in accordance with the details we approve.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in 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 No flues, ductwork, soil stacks, soil vent pipes, or any other pipework, other than rainwater pipes, shall be fixed to the street elevations of the building other than those shown on the drawings hereby approved. (C26M)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in 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 No mechanical plant, ductwork, tanks, satellite or radio antennae or other structures shall be located on the roof other than those shown on the drawings hereby approved. (C26P)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in 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 The external brickwork to first and second floors shall not be painted, rendered or otherwise covered over.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in 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 You must apply to us for approval of samples of the facing materials you will use for the cornice and parapet above second floor level, for keystones to window arches and for window surrounds, 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 St. John's Wood 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)

- 10 The windows to first and second floor levels shall be formed in glazing and white painted timber framing.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in 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)

- 11 The doors to the bin and cycle storage in Cochrane Mews shall be constructed in painted timber and maintained in that material and finish.

Reason:

To maintain the appearance of the development and to minimise noise disturbance to neighbouring occupiers from the use of the doors. This is as set out in Policies DES1, DES5, DES9 and ENV6 of our Unitary Development Plan that we adopted in January 2007.

- 12 You must install the plant screen at roof level in accordance with the drawings hereby approved prior to use of any of the mechanical plant located at roof level. You must then retain it in the form shown on the approved drawings for the lifetime of the development.

Reason:

To safeguard the noise amenity of neighbouring residents and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25, S28, S29 and S32 of Westminster's City Plan adopted November 2016 and ENV 6, ENV 7, DES 1, DES 6, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 13 You must apply to us for approval of a detailed typical elevation and section (or manufacturer's specifications), showing the design of the roof level plant screen. 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 or specifications and the plant screen shall be painted or otherwise finished in a dark grey colour and maintained in this colour thereafter.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in 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)

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

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15

dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

Reason:

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

- 15 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.

- 16 The plant/machinery hereby permitted shall not be operated except between 07.00 hours and 23.00 hours daily.

Reason:

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

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

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 18 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.

- 19 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following:

- Reduce the impact of the development on on-street residents car parking in the vicinity of the application site.

In the case of the above benefit, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements.

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan: Strategic Policies adopted November 2013 and in STRA25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007.

- 20 You must apply to us for approval of details of secure cycle storage for the residential 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.

- 21 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number AD04 Rev.E. You must clearly mark them and make them available at all times to everyone using the restaurant and residential parts of the development. (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)

- 22 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the street tree outside the property on the pavement of Circus Road. 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. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details

Reason:

To protect the trees and the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 23 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

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

- 24 The glass that you put in the bedroom rear window at second floor level facing adjacent window '2' on drawing AD05 Rev.E, the window at first floor level serving the living room of Apartment 2 (annotated 'Obscure glazing...' on AD05 Rev.E) and the window at second floor level serving the living room of Apartment 1 (also annotated 'Obscure glazing...' on AD05 Rev.E) must not be clear glass and you must fix these windows permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved

the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

- 25 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)

- 26 Prior to use of any of the mechanical plant at roof level or the kitchen extract equipment, you must provide all of the noise attenuation measures set out in Section 3.1 of the Plant Noise Assessment Report by Auricl Acoustic Consulting dated 25 August 2016. Thereafter you must permanently retain these mechanical plant noise attenuation measures.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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 advised that it is an expectation that the samples and details required under Conditions 4 and 5 would match exactly those materials and detailing to the building to the immediate east of this site.
- 3 Under Condition 19 we are likely to accept a legal agreement under Section 106 of the Town and County Planning Act to secure an undertaking to provide one car club membership for each residential unit within the development for a period of not less than 25 years from the date of first occupation. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.
- 5 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 6 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.
- 7 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 8 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 9 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
 - * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc)

which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 10 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 11 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.**

- 12 Conditions 12, 14, 15, 16 and 26 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)
- 13 With reference to condition 25 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.

- 13 With reference to condition 25 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.

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	36-38 Lexington Street, London, W1F 0LJ		
Proposal	Use of the ground and basement floors as a sui generis use comprising retail and cafe elements.		
Agent	Indigo Planning		
On behalf of	Yoobi		
Registered Number	16/11269/FULL	Date amended/ completed	28 November 2016
Date Application Received	28 November 2016		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY

36-38 Lexington Street is an unlisted building located within the Soho Conservation Area, the Core Central Activities Zone, the West End Special Retail Policy Area and the West End Stress Area. The property comprises of basement, ground and first to fourth floor levels, the basement and ground floor of the property have lawful use as retail accommodation (Class A1) whilst the upper floors have lawful use as office accommodation (Class B1). Planning permission was granted in 2013 for a single storey extension at roof level and use of the upper floors as residential flats but it does not appear this consent was implemented and the consent has now expired.

Retrospective planning permission is sought for the use of the retail unit at basement and ground floor levels as a sui generis use comprising retail and cafe functions.

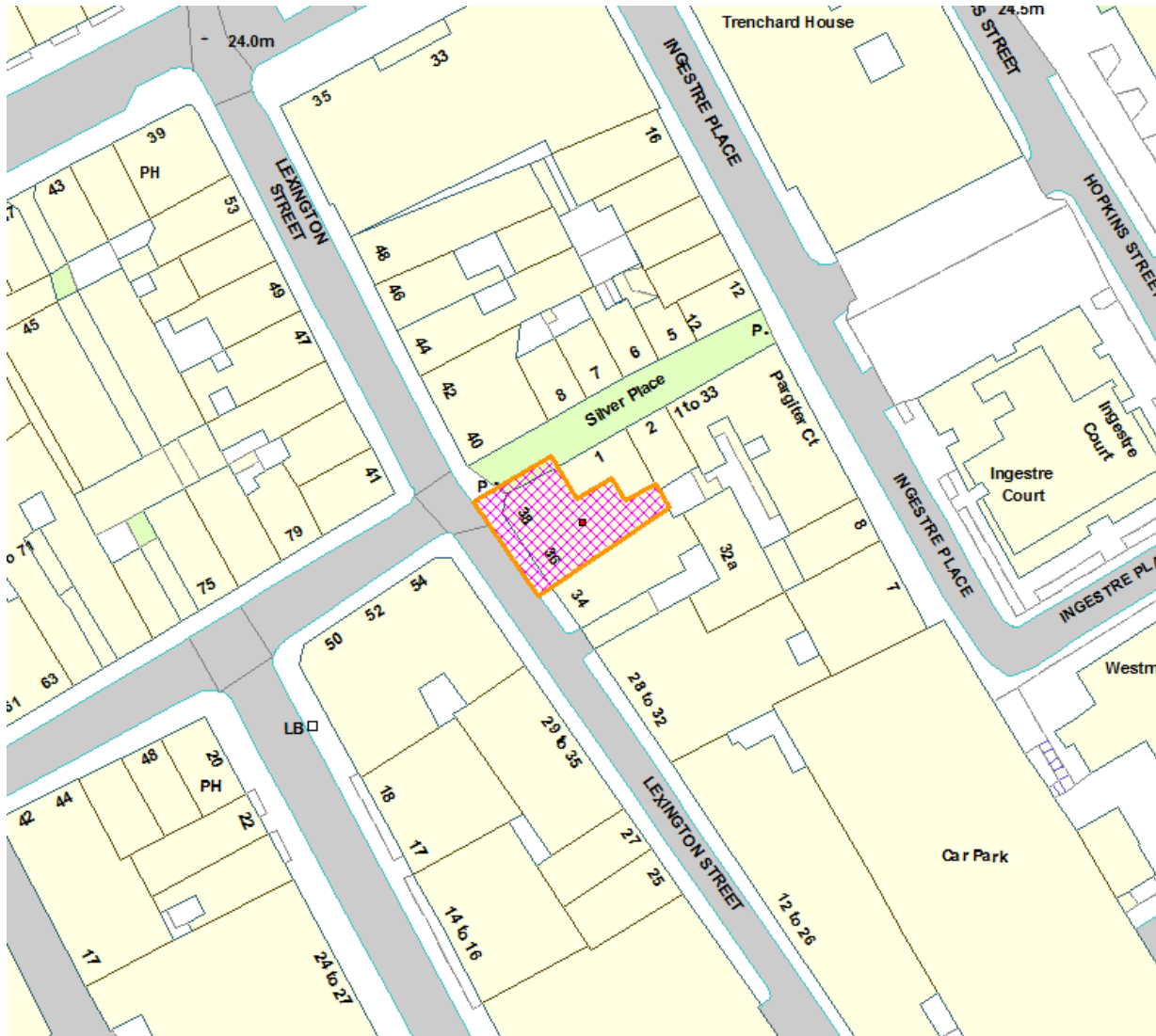
The key issues are:

- The loss of existing retail accommodation.
- The impact of the proposed use on the amenity of nearby sensitive occupiers.

The loss of the retail accommodation is considered acceptable in this instance taking into account the proposed use, location of the property and the character of the immediate vicinity. Subject to

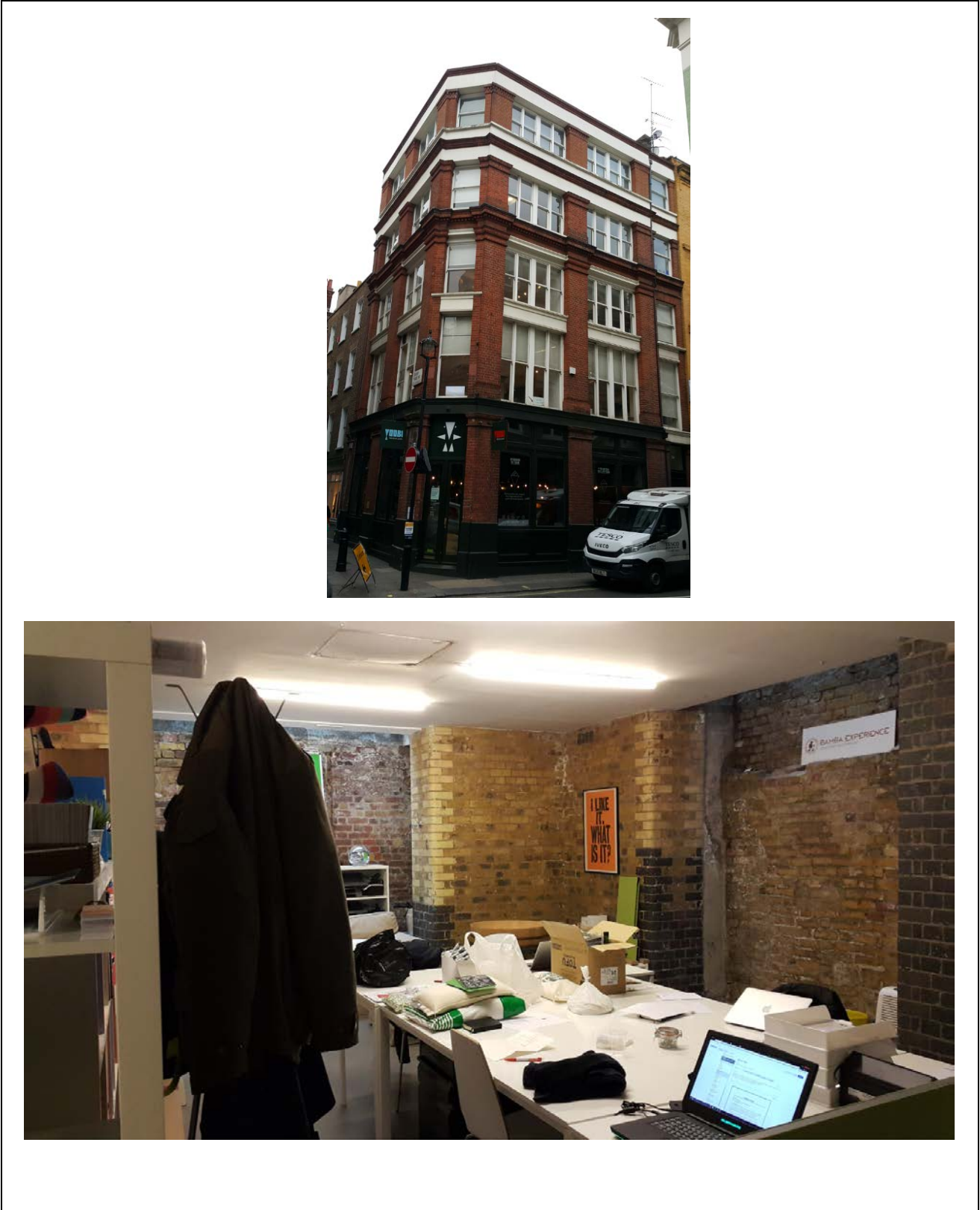
appropriate conditions it is also considered the proposed cafe / restaurant element will be acceptable in terms of its impact upon residential amenity in the vicinity. The proposal is therefore considered acceptable in land use, transport, design and amenity terms. The application is recommended for conditional approval being in compliance with the relevant Unitary Development Plan (UDP) and City Plan policies.

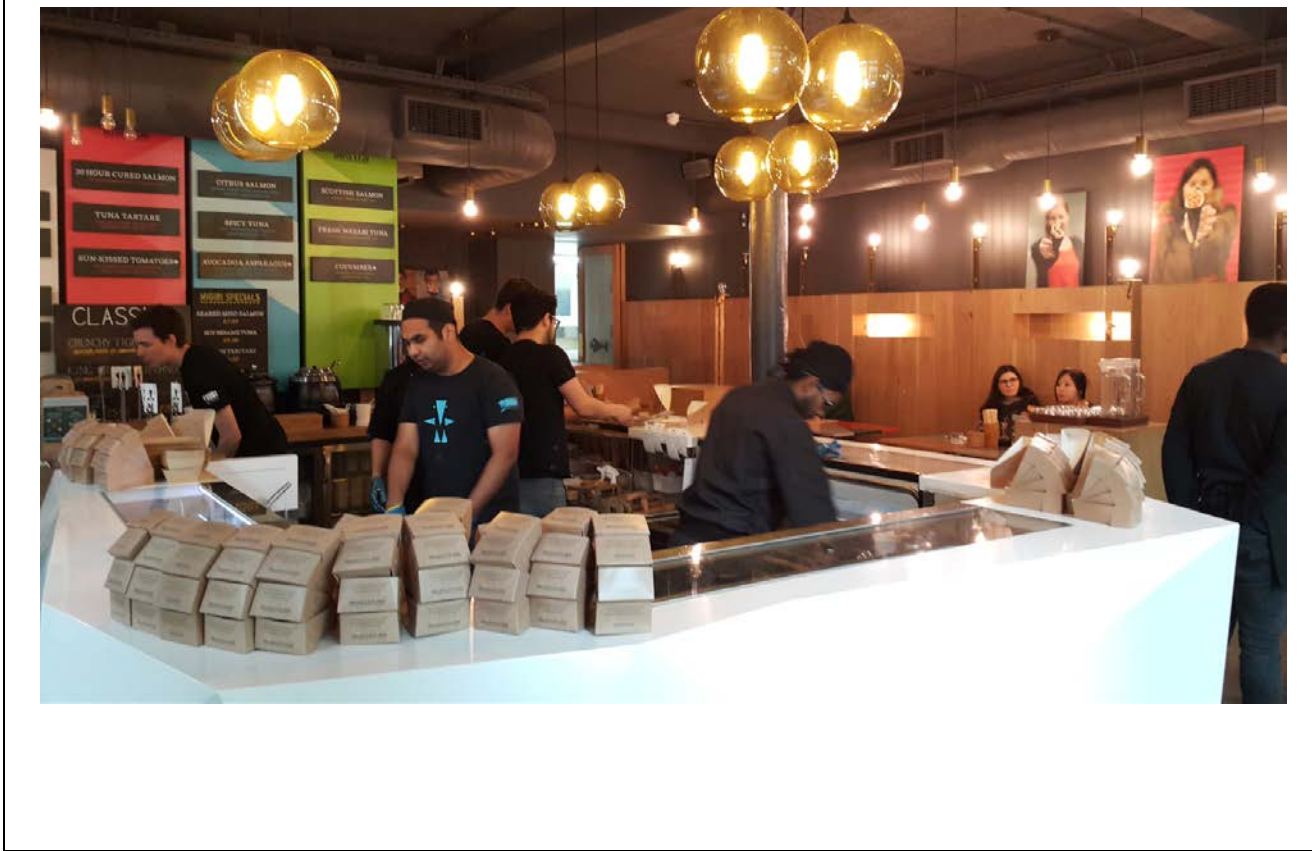
3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

SOHO SOCIETY

Objection on the following grounds:

Loss of retail accommodation affecting the mix of commercial uses in the vicinity.
Increase in restaurant accommodation in the West End Stress Area.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 31

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Objections on the following grounds:

Increase in noise disruption to residents.
Loss of retail accommodation.
Saturation of restaurant premises in the vicinity.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

36-38 Lexington Street is an unlisted building located on the corner of Lexington Street and Silver Place in the Soho Conservation Area, the Core Central Activities Zone, the West End Stress Area and the West End Special Retail Policy Area. The building comprises a lawful retail unit at basement and ground floor levels with office accommodation at first to fourth floor levels.

The retail premises is currently occupied by a sui generis use comprising retail and cafe functions. There is an open enforcement case in relation to the unauthorised change of use of the retail accommodation and this has prompted the submission of the current planning application.

6.2 Recent Relevant History

Planning permission was granted on the 5th September 2013 for the 'erection of a single storey roof extension and use of the first to fourth floors and new fifth floor level as seven residential flats (Class C3) comprising 5x1 and 2x3 bedroom units. Creation of a terrace at fifth floor level with a glazed balustrade.' This permission has not been implemented and has now expired.

A lawful development certificate was issued on the 15th December 2011 for the 'use of basement and ground floor as a retail shop (Class A1).' The applicant was the current occupier (Yoobi) who sought confirmation before occupation of the premises that their proposed operation would fall within Class A1 (Shops). This was on the basis that seating

would be limited to 13 covers and estimations that over 90% of the food purchased would be consumed off the premises and that the total hot food sales would average less than 2% of total sales. The operation appears to have opened soon after the lawful development certificate was issued. However, over time the operation of the unit has changed to include more seating and an enforcement case was opened on the 19th May 2015 to investigate whether this alteration to the operation of the premises represented an unauthorised change of use.

7. THE PROPOSAL

Permission is sought for the change of use of the premises at basement and ground floor levels to a sui generis use comprising retail and cafe / restaurant functions. The basement of the premises is utilised as an ancillary store, office, staff facilities and a customer toilet. The rear of the ground floor is utilised as a food preparation area with the front ground floor area being the sales area and customer seating for up to 32 customers. The unit provides a total floor area of 177m².

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of retail accommodation

Policy S21 of the City Plan states that 'existing A1 retail will be protected throughout Westminster except where the Council considers that the unit is not viable, as demonstrated by long term vacancy despite reasonable attempts to let'. The supporting text advises that this approach will ensure that the needs of customers and retailers across the city are met through the retention of the number of shops and overall amount of retail floor space.

Policy SS5 of the UDP also seeks to resist the loss of retail floor space within the Core Central Activities Zone. Outside of the Prime Shopping Frontages the policy aims to encourage a balanced mix of appropriate street level activities, whilst maintaining and safeguarding residential communities.

In support of the proposal the applicant argues that the proposed operation will still provide a substantial retail function from the premises. According to the information provided by the applicant in the Planning Contravention Notice (PCN), 89% of the food sales on the premises is cold food for consumption off-site. The applicant also sells a range of speciality teas and home kits from the premises (although this appears to be a very small part of the overall operation). The applicant contends in their PCN that heated food only accounts for 2.0% of sales, being soup with no primary cooking taking place within the premises.

The unit is located at the eastern end of Beak Street on the corner of Lexington Street and Silver Place. The immediate vicinity along Silver Place, Lexington Street and the eastern end of Beak Street does not have a strong retail character and function. South along Lexington Street is primarily offices at ground floor level whilst to the north of the application site along Lexington Street is primarily restaurant premises. Silver Place to the east of the application site has relatively little footfall and it provides retail and beauty

premises. West along Beak Street is used as a mix of offices and restaurant premises at ground floor with some retail units. Planning permission was granted on the 29th April 2014 for the redevelopment of the neighbouring property to the south (34 Lexington Street) for a retail unit at ground floor and a restaurant at part ground and basement levels. The property to the north, 40-42 Lexington Street, is lawfully in office use but permission was granted in February 2017 for the use of the basement, ground, first and second floors as a dual alternative uses as either retail (Class A1) and / or office (Class B1). The property further to the north, 44 Lexington Street, is lawfully a shop at ground floor level. Opposite the site with a large frontage to both Lexington Street and Beak Street is a large office building for which permission was granted in 2016 for the use of part basement and ground floors as a retail unit.

On the basis of the current lawful use of 40-42 Lexington Street, the proposal would result in two consecutive ground floor premises on the eastern side of Lexington Street in non-A1 use. The shops at 34 Lexington Street and 44 Lexington Street would flank these two non-A1 uses. The result is that the loss of the lawful use at this site would not result in three consecutive non-A1 shop type units. The proposal therefore does not breach Part C of Policy SS5.

The main thrust of Policy SS5, however, is to ensure that the character and function of an area or the vitality or viability of a shopping frontage or locality is not harmed by the replacement of shops with non-A1 town centre uses. As set out above, given its location, and the fact that the premises would still retain a substantial retail function, it is not considered that the proposed change of use of the unit would undermine the character of the area. For this reason it is not considered the loss of retail floor space can be resisted in this instance. This is subject to a condition limiting the number of covers to 32 in order to prevent the future intensification of the restaurant element of the proposed use.

Proposed Cafe / Restaurant Element

The property is situated within the West End Stress Area and the Core Central Activities Zone. Due to the size and location of the property the 'restaurant / café' element of the sui generis use needs to be considered with regard Policies TACE9 of the UDP and S24 of the City Plan. TACE9 states that new entertainment uses are only permissible where they would have no adverse impact on residential amenity or local environmental quality in terms of noise, smells, highways implications, increased late night activity and no adverse effect on the character and function of its area. Policy S24 is similarly worded.

The premises measures 177m² and provides 32 covers for those customers who choose to eat in. The PCN details that of the approximate 400-450 daily customers at the premises only 12% eat their purchase within the premises with the remainder taking their items away for consumption off-site. The proposed opening hours of the premises are 11:30 till 21:00 Monday to Saturday (the unit is closed on Sundays). This is the same as the current hours of opening. Conditions are proposed to restrict the number of covers and the opening hours as detailed above.

The nearest residential units are located on the upper floors within the adjoining building to the east at 1 Silver Place and on the upper floors of 34 Lexington Street being the adjoining building to the south. Taking into account the small number of people who could be seated in the cafe element of the premises and the early closing times, it is not

considered the proposal would have a detrimental impact upon nearby residents in terms of noise disturbance from patrons.

Objections have been received from neighbouring residential occupiers and the Soho Society due to the potential increase in noise associated with a new restaurant premises but, as detailed above, the current premises has a terminal hour of 21:00 which would be controlled by condition. Considering the premises closes so early in the evenings this would not result in an increase in noise disruption in the area at unsociable hours and the objections on these grounds could not be sustained.

An objector has commented that music has sometimes been played within the premises at 21:30 or 22:00. However, reading the emails between the two parties this seems to have been caused by cleaning staff playing music while they work in the evenings. Also, there are no current conditions on the hours of operation of the existing retail unit. Conditions relating to the opening hours are proposed in relation to the current planning application. A condition is also proposed limiting music being played to between 11.30 and 21.00 (Monday to Saturday) and stating that no music can be played in the premises which is audible externally or within adjoining properties. This is to ensure there is no noise nuisance to the adjoining residential occupiers. These conditions address the concerns of a neighbouring resident and provide the City Council with control in respect to the proposed use where there are currently no planning controls.

In terms of potential odour nuisance from the restaurant operation, 2.0% of the sales are of hot food in the form of soup which is heated in tureens. The applicant has stated that this is the only hot food which is sold from the premises and all other food is sold cold. Any cooked food (such as rice) is prepared in a central kitchen off-site. It is noted that there are very limited kitchen facilities within the unit and no equipment has been installed which would allow primary cooking. In these circumstances it is not considered necessary for high level extraction equipment to be installed and it is noted that no objections have been received to the application which detail any odour nuisance being caused by the current operation. A condition is recommended preventing any primary cooking and any re-heating of food (other than soup). An informative is suggested advising the applicant that the application is only considered acceptable in this regard due to the lack of primary cooking and hot food sales from the site and that any change with regard hot food sales may result in a change to the sui generis use on the site which would necessitate a new planning permission and also the installation of suitable extraction equipment to disperse any food odours.

Subject to the imposition of the conditions referred to above it is not considered the proposed use would adversely impact on residential amenity and the proposal is therefore considered to comply with Policy S24 of the City Plan and Policy TACE9 of the UDP.

Impact on character and function of the area

The area is mixed use in character comprising commercial offices, retail and entertainment uses and a number of residential properties. There are some licensed premises in the vicinity although it is not considered that the area is saturated with such uses. The nearest licensed premises are restaurants at 43 Lexington Street (08:00 till 23:30), 45 Lexington Street (10:00 till 23:30) and 46 Lexington Street (10:00 till 23:30).

Objections have been received from neighbouring residential occupiers and the Soho Society concerned about the number of restaurants in the vicinity of the site and 'over-saturation' of the area with entertainment uses. A land use survey has been undertaken of the ground floor uses along the section of Lexington Street to the junction of Broadwick Street to the north, along Beak Street to the junction of Bridle Lane to the west, along Silver Place to the junction with Ingestre Place to the east and approximately 30m along Lexington Street to the south. It identifies that there are 33 commercial units, of these 20 are in use as retail shops, 5 restaurants, 2 public houses, 3 offices and 1 is vacant (with the lawful use uncertain). Restaurants and public houses constituted 21% of the number of individual units within the immediate area. It is not therefore considered that there is an overconcentration of restaurant / entertainment uses in the vicinity with the majority of the nearby units being in retail use. It is also important to note that the premises will still retain a significant retail function and the unit will be closed to customers from 21:00 daily (except Sunday where it is closed all day) which will not lead to any increase in noise for residential occupiers at sensitive times of the day. The objections received on these grounds are not therefore considered acceptable.

8.2 Townscape and Design

The application does not include any external alterations to the property.

8.3 Residential Amenity

The impact of the proposal on the residential amenity of nearby occupiers has been discussed in Section 8.1 above.

8.4 Transportation/Parking

It is not considered the proposed sui generis operation would result in any additional servicing requirements when compared to the lawful retail operation. The site is also within a Controlled Parking Zone and therefore all delivery vehicles will have to accord with the on street parking and loading restrictions.

8.5 Economic Considerations

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

8.6 Access

No changes are proposed to the access arrangements to the property. Currently no level access is provided to the ground floor level with steps between the unit and street level.

8.7 Other UDP/Westminster Policy Considerations

Waste / Recycling

A condition is proposed requiring the submission of detailed drawings to show suitable storage within the demise of the premises for waste and recycling materials.

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 and as the application is for a change of use without additional floor area, the proposal does not include a requirement for a CIL payment.

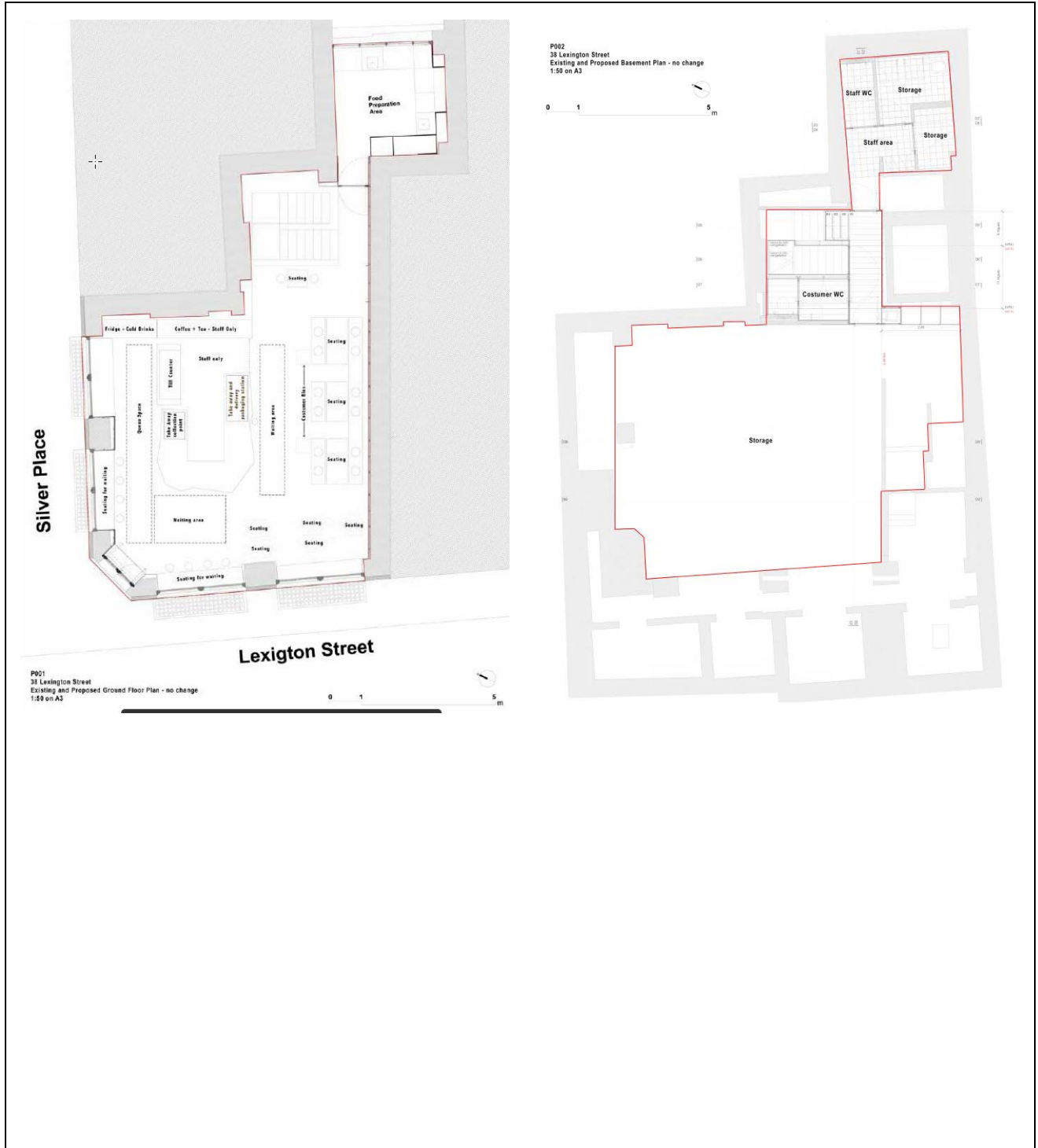
9. BACKGROUND PAPERS

1. Application form
2. Response from Soho Society, dated 11 December 2016
3. Letter from occupier of 1B Silver Place, London, dated 19 December 2016
4. Letter from occupier of Flat 2, 1B Silver Place, London, dated 18 January 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



DRAFT DECISION LETTER

Address: 36-38 Lexington Street, London, W1F 0LJ,

Proposal: Use of the ground and basement floors as a sui generis use comprising retail and cafe elements.

Reference: 16/11269/FULL

Plan Nos: P001, P002.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

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 not cook raw or fresh food on the premises and the only food that may be reheated is soup.

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells.

This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 3 You must not provide more than 32 covers in the property at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007.

- 4 You must not play live or recorded music outside the following hours: 11:30 till 21:00 Monday to Saturday.

Any live or recorded music played within the premises must not be audible externally or in adjacent properties.

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 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours:

11:30 till 21:00 Monday to Saturday.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 6 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. Within 6 months of the date of this decision you must either: (i) Provide the stores for waste and materials for recycling in accordance with the approved details; or (ii) Cease to operate the unit. You must clearly mark the stores and make them available at all times to everyone using the property.

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)

- 7 You must operate the use in accordance with the layout shown on the approved ground and lower ground floor plans.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE9 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public.

Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992.

www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>:

BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)

- 3 This planning permission grants consent for the sui generis use of the premises. This means that the use is not in any particular use class. Any future plans to materially (significantly) change the use that we have approved will require the benefit of planning permission including any changes to the level of seating or the proportion / preparation or type of hot food sold within the premises.
- 4 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)

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

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	16 Hall Road, London, NW8 9RB		
Proposal	<p>Application 1 (16/11702/FULL) Alterations to rear bay windows at first and second floor levels (retrospective application).</p> <p>Application 2 (16/11705/FULL) Installation of paved deck and concealed hatch to front garden and alteration to front railings to form a gate.</p> <p>Application 3 (16/11706/FULL) Erection of infill dormer structure to the front roof between roof slope and party wall with No.18 (retrospective application).</p> <p>Application 4 (16/11707/FULL) Erection of infill dormer structure to rear roof between roof slope and party wall with No.18.</p>		
Agent	Tetlow King Planning		
On behalf of	R Hanan		
Registered Numbers	16/11702/FULL, 16/11705/FULL, 16/11706/FULL & 16/11707/FULL	Date amended/ completed	19 December 2016
Date Application Received	9 December 2016		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Application 1 (16/11702/FULL)
Refuse permission – on design grounds.

Application 2 (16/11705/FULL)
Refuse permission – on design grounds.

Application 3 (16/11706/FULL)

Refuse permission – on design grounds.

Application 4 (16/11707/FULL)

Refuse permission – on design grounds.

2. SUMMARY

Permission is sought for the retention of alterations to the first and second floor rear bay windows (Application 1); the installation of paved deck and concealed hatch to front garden and alterations to front railings to form a gate; (Application 2); the retention of an infill dormer structure to the front roof between the roof slope and the party wall with No.18 (Application 3); and erection of an infill dormer structure to the rear roof structure between the roof slope and the party wall with No.18.

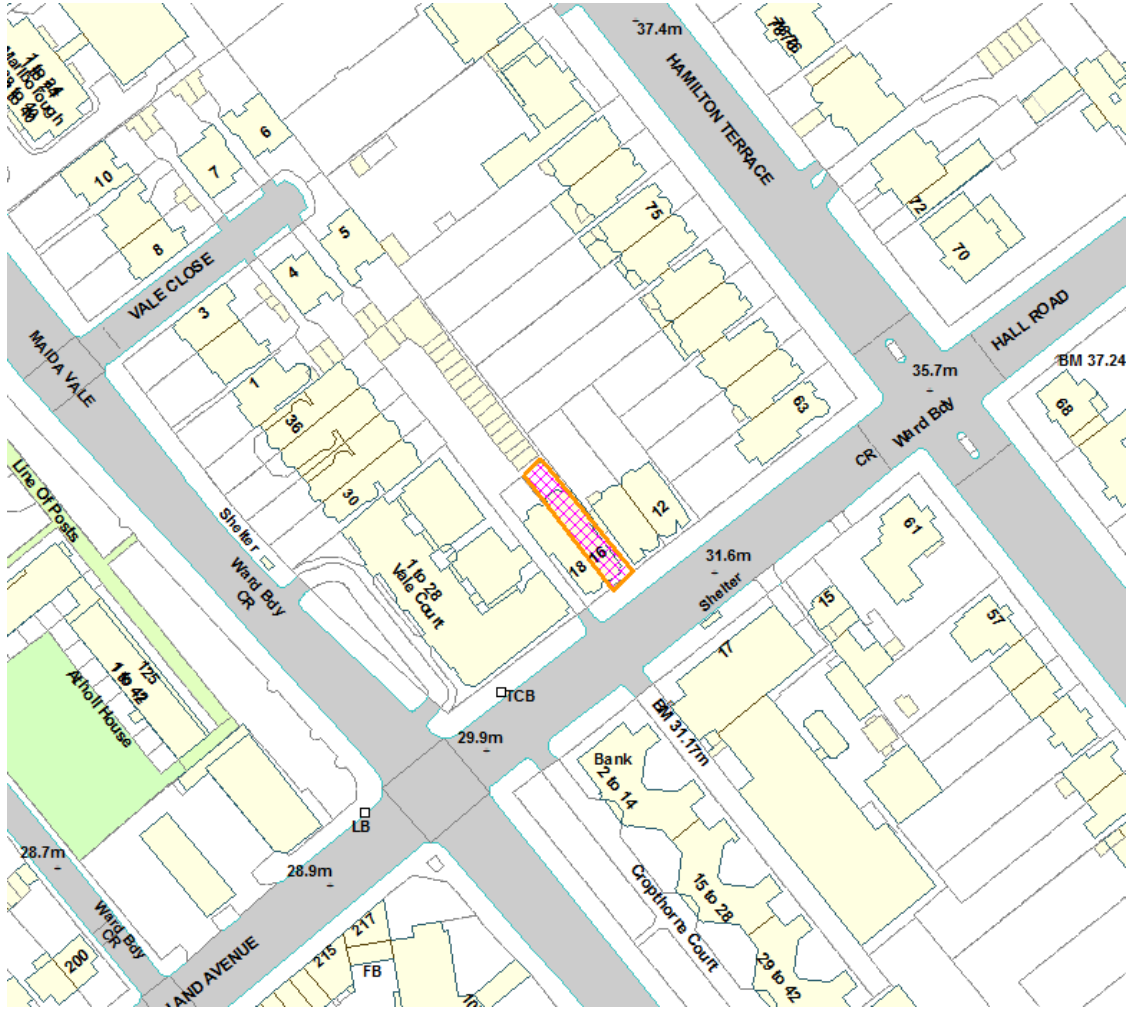
The current applications have been submitted to seek to remedy a number of unauthorised works that have been carried out to this property. The full planning history is set out later in this report in Section 6.2.

The key issues in this case are:

- The impact of the proposals on the appearance of this building and on the character and appearance of this part of the St. John's Wood Conservation Area.

The proposed alterations and extensions would harm the appearance of the building and the character and appearance of the St. John's Wood Conservation Area and would fail to accord with Policies DES1, DES5, DES6 and DES9 in the Unitary Development Plan adopted in January 2007 (UDP) and Policies S25, S28 and CM28.1 in Westminster's City Plan that was adopted in November 2016 (the City Plan). It is therefore recommended that all four applications are refused on the design grounds set out in the draft decision letters that are appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation.



Rear elevation comprising ground, first, second and mansard levels.



Rear first and second floor level bay to the rear of adjoining building (No.18).



View of infill extension at roof level to front elevation.



Existing unauthorised front lightwell to be covered over in Application 2.

5. CONSULTATIONS

5.1 **Application 1 (16/11702/FULL) – Alterations to rear bay windows at first and second floor levels (retrospective application).**

ST. JOHN'S WOOD SOCIETY

Objection. The original symmetry of the pair of houses has been destroyed. Windows bear no relationship with each other. Alterations cause considerable harm to the character of this building and the adjoining property.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 42;

Total No. of replies: 4;

No. of objections: 0;

No. in support: 4.

Four emails/ letters of support on all or some of the following grounds:

- Layout seems perfectly reasonable.
- The rear of the house is not seen.
- Returning the elevation to pre-existing would raise amenity concerns.

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

5.2 **Application 2 (16/11705/FULL) – Installation of paved deck and concealed hatch to front garden and alteration to front railings to form a gate.**

ST. JOHN'S WOOD SOCIETY

Objection. Part of a series of illegal alterations to this property. The additional gate appears to open over the public footpath which is a hazard. Hatch would be unsightly when it is open and have an adverse impact on the character of the conservation area.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 101;

Total No. of replies: 4;

No. of objections: 0;

No. in support: 4.

Four emails/ letters of support on all or some of the following grounds:

- Changes are imperceptible.
- Hatch will conceal rubbish from the street.

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

5.3 Application 3 (16/11706/FULL) – Erection of infill dormer structure to the front roof between roof slope and party wall with No.18 (retrospective application).

ST. JOHN'S WOOD SOCIETY

Objection. The infill dormer structure to the front roof is visible from the street. The crude design has a significant negative impact on the character of this building.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 101;

Total No. of replies: 2;

No. of objections: 0;

No. in support: 2.

Two emails/ letters of support on all or some of the following grounds:

- Dormer is not visible from the street.

PRESS ADVERTISEMENT/ SITE NOTICE:

Yes.

5.3 Application 4 (16/11707/FULL) – Erection of infill dormer structure to rear roof between roof slope and party wall with No.18.

ST. JOHN'S WOOD SOCIETY

Objection. Dormer bears no resemblance to the approved scheme.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 119;

Total No. of replies: 4;

No. of objections: 0;

No. in support: 3.

Three emails/ letters of support on all or some of the following grounds:

- Elevation can't be viewed from street level.

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted semi-detached property, located on the north west side of Hall Road within the St John's Wood Conservation Area. The property is in use as a single family dwellinghouse with accommodation over five floors.

It is identified in the St John's Wood Conservation Area Audit SPD, which was adopted in June 2008, as an unlisted building of merit. It is originally a red brick building with a

gabled roof and a central projecting bay with stone dressings and prior to works, stood as a symmetrical pair with no.18. To the rear the pair had stock brick facades with red brick detailing and ground floor extensions detailed to match.

6.2 Recent Relevant History

On 17 December 2013 planning permission was refused for the conversion and extension via excavation of existing basement area to create extra living space and for use as a self-contained flat, an extension at ground floor level and excavation of a front lightwell and rear half sunken patio (11/08253/FULL).

Despite being refused; the basement excavation was carried out and the front and rear lightwells were constructed as shown on the refused drawings in 2014. The only difference being that the entire area is used as part of the main dwellinghouse and not as a self-contained unit. The ground floor extension was also constructed, which with the exception of some minor alterations, is largely the same as the refused ground floor rear extension. Additionally alterations to the rear bays at first and second floor level were carried out and a mansard roof was erected.

On 9 March 2015 part retrospective planning permission was refused for alterations and extensions to the dwelling comprising excavation of basement extension, erection of roof extension, single and two storey side extensions, replacement rear ground floor extension with access to garden and balustrade, front and rear light wells (14/08528/FULL). An appeal against the City Council's decision to refuse permission was subsequently dismissed on 3 August 2015.

An enforcement notice was issued on 14 December 2015, which took effect on the 19 January 2016, requiring the building to be returned to its previous condition. The enforcement notice was appealed on the grounds that the steps required by the notice exceed what is necessary to remedy any breach in planning control (Ground F) and that the time given to comply with the notice was too short (Ground G). The appeal was dismissed on Ground F, but succeeded on Ground G, with a period of fifteen months for compliance being given.

An application for alterations and extension to the dwelling comprising a basement extension, single and two storey side extensions, a rear extension at ground floor level with access to garden and balustrade, alterations to the front and rear lightwells, a rooflight to main roof, new fenestration and associated works was permitted on 21 June 2016 (16/01982/FULL). To date this permission has not been implemented.

The alterations to the rear elevation above ground floor level and the alterations to the roof remain unauthorised and no permission is in place to remedy these breaches of planning control.

7. THE PROPOSAL

Application 1 (16/11702/FULL)

Application 1 seeks retrospective permission for alterations to the first and second floor rear bay windows. Prior to the unauthorised works, the rear elevation at first and second floor levels comprised a central bay with a simple pitched roof and two windows on each level on the rear elevation and two windows on each level in the side elevations (as remains at No.18). Subsequently at first floor level a wider bay has been erected containing four windows with a flat roof. At second floor level the rear bay and roof above has been demolished and replaced with a rear elevation that is flush with face of the main rear elevation of the building. The fenestration at second floor level has been replaced with two larger scaled windows. The application seeks to retain this arrangement.

Application 2 (16/11705/FULL)

Application 2 proposes the introduction of a paved 'deck' over the unauthorised front lightwell, within which a concealed hatch would be provided. Alterations are also proposed to the front boundary railings to form a gate. When the basement was excavated the front garden, between the front boundary and the front elevation was excavated to create a front lightwell and a metal spiral staircase was inserted. In 2016 permission was granted for the lightwell to be covered in its entirety with natural stone flags. This application differs from the approved scheme by proposing the installation of a hatch, with a staircase beneath, allowing for access to the basement level from the street.

Application 3 (16/11706/FULL)

Application 3 seeks retrospective permission for a side dormer located between the party wall with No.18 and the front roof slope. It spans the full length of the front roof structure and is finished in lead with a minimal framed double glazed rear elevation. This currently unauthorised dormer feature was inserted when the unauthorised mansard roof was added in place of the now removed rear roof structure.

Application 4 (16/11707/FULL)

Application 4 seeks permission for the erection of a side dormer on the rear roof structure located between the roof slope and the party wall with No.18. Presently an unauthorised mansard roof extension has been constructed over the rear half of the building in place of the original hipped roof structure. This application would see the removal of the unauthorised mansard roof extension, the removal of which is required by the enforcement notice. The proposed dormer would have a green/blue mineral felt roof and a minimally framed double glazed window in its rear elevation.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy H3 in the UDP states that extensions to residential properties are acceptable in principle, provided they are in keeping with the character of the building and area and have no adverse amenity effects.

8.2 Townscape and Design

As previously noted, these applications follow two previous refused applications for the enlargement of the building and the undertaking of unauthorised works. Following a dismissed appeal and the serving of an enforcement notice an application was permitted in 2016 for the retention of elements of the unauthorised works which were considered to be acceptable, albeit with amendments. Set in this context, the current applications seek permission for the retention of some of the remaining unauthorised works or for modification to elements of the scheme previously approved in 2016.

In considering the design and conservation merits of each of the applications, the proposals must be found to comply with the following policies:

- Policy DES 1 of the UDP and S28 of the City Plan state that the development should be of the highest standard of architectural quality and should respect the character, urban grain, scale and hierarchy of existing buildings.
- Policy DES 5 of the UDP states that alterations and extensions should be in scale with the existing building and its immediate surroundings, their design should reflect the style and details of the existing building and the external materials should be consistent with that of the existing building.
- Policy DES 6 of the UDP, which relates specifically to roof extensions, states that development must not adversely affect either the architectural character or unity of a building or group of buildings and must not be visually intrusive or unsightly when seen in longer public or private views from ground or upper levels.
- Policy DES 9 of the UDP and S25 of the City Plan seek to preserve and enhance conservation areas.

The alteration to the rear bay (Application 1) is considered to have resulted in the loss of a key feature of the building, which contributed to the symmetry between the two semi-detached properties, and this is a ground on which the St. John's Wood Society have objected. Furthermore the alteration has added to the scale and mass of the dwellinghouse and consequently altered its shape and appearance, a view shared by the Planning Inspector in the recent appeal decision. The alterations to the rear bay have harmed the traditional style of the host building and results in a visually dominant façade. Whilst it is noted the rear elevation is not visible from the public realm, in accordance with policy, private views are also taken into consideration within conservation areas. The alteration to the rear bay is clearly evident in private views from buildings to the rear and to the side. This is considered to impact on the experience of the conservation area for neighbouring occupiers and therefore fails to preserve or enhance the character and appearance of the area. The proposal to retain the arrangement is therefore considered to be unacceptable in design and conservation terms.

The front garden of the building is also considered to contribute to the symmetrical nature of the semi-detached properties and the character and appearance of the buildings. In 2016 permission was granted for the unauthorised lightwell to be covered over in its entirety with a deck topped with natural stone flags. During the course of that application the proposal was amended to omit a hydraulic hatch on officer's advice, as it was considered that the introduction of a hatch would add visual clutter to this highly visible part of the site, especially as the opening of the hatch cannot readily be controlled. The building has a shallow front garden which is readily visible from the street and is appreciated alongside the adjoining property. The concerns previously raised still remain relevant; the proposed hatch is large in scale and will result in a large frame interrupting

the stone paving, which would appear uncharacteristic. Furthermore, as the opening of the hatch cannot readily be controlled (as its use is not intended for use in rare occurrences such as in the case of an emergency), if left open for long periods of time it would appear out of keeping with the setting of local buildings, would add clutter to the streetscene and would result in the basement level being appreciable in public views.

Westminster's Supplementary Planning Document 'Basement Development in Westminster' (2014) states in section 6.6.5 that '*New lightwells to the front of properties are more contentious... lightwells set in shallow front garden areas are unlikely to be acceptable and will be particularly contentious as there is no visual buffer between the front elevation and the street...*'. In the 2016 application the excavated lightwell was not required to be filled in as covering it over with stone flags was considered to be sufficient to address the harm to the character and appearance of the conservation area. The insertion of a hatch results in an external manifestation the basement being highly visible in the street scene, which would harm the character and appearance of this building by altering the scale, architectural form and levels of hierarchy of the host building. Similarly the insertion of a gate into the front railings has not only interrupted a continual line of railings, it is an external manifestation which implies it is an access route. The local amenity society has stated that the gate appears to open over the footpath and as such would be a hazard. The hatch and gate is considered to harm the character and appearance of the Conservation Area and therefore the Application 2 proposal is unacceptable in design terms.

The St John's Wood Conservation Area Audit (2008) identifies the application site together with No.18 Hall Road as buildings where roof extensions would not normally be acceptable. This identification includes buildings with distinct roof forms and buildings which are semi-detached and where the extensions would imbalance or damage the integrity of the pair. The original roof form was well proportioned and also matched the roof form of No.18. Two of the applications submitted seek permission for the retention and modification of dormers, both on the inside elevation of the roof, against the party wall line; one alongside the front roof form and one alongside a reinstated rear roof form. The front dormer has been constructed and the rear dormer will need to be constructed (if it were approved) by removal of the unauthorised mansard roof. As currently proposed in Applications 3 and 4 both dormers could be implemented concurrently.

The erection of the unauthorised front dormer and rear roof extension has resulted in the erosion of the traditional roof form and hipped profile, when appreciated from the front, rear and in private views. Whilst not excessively high the front dormer roof extension occupies the full length of the front roof slope and therefore the relationship with the party wall has been lost, furthermore it fails to accommodate an appropriate set back from the eaves. The flat roof is visible from the public highway as well as from views from neighbouring buildings and therefore the alteration to the roof form is readily appreciated. As built the dormer has a tiled elevation which is in keeping with the existing roof covering; however, the introduction of lead, whilst a traditional material, would further highlight the alteration of the roof form and further erode the symmetry of the roof forms of the application site and No.18 Hall Road.

The dormer on the rear elevation will be more prominent due to the lower level of this section of the roof and due to its scale, form and detailed design. Whilst it will be set back from the rear elevation, the ridge of the dormer will project from the ridge of the pitched

roof and it would have a fully glazed rear elevation. As proposed the dormer is considered to result in an overly bulky and incongruous form of development at roof level that fails to preserve the character and appearance of the original building and the St John's Wood Conservation Area. Additionally, it would fail to protect the symmetrical character of the semi-detached pair. Furthermore, when the room is in use after dark the light emitted from the fully glazed rear elevation would further highlight the lack of subservience and visual intrusiveness of the proposed dormer. It is for these reasons that roof level alterations contained within Applications 3 and 4 are considered be contrary to the UDP and City Plan policies set out earlier in this section of the report and the proposals would harm the appearance of the building and would fail to preserve or enhance the character and appearance of the St. John's Wood Conservation Area.

For the reasons set out in this section of the report, all four applications are considered to be unacceptable in design and conservation terms. The identified harm is considered to be less than substantial. In such circumstances, Paragraph 134 of the NPPF states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The provision of additional accommodation to an existing private residential dwelling is not considered to be a public benefit which would outweigh the harm caused in this particular case.

8.3 Residential Amenity

The applications do not raise any significant concerns in amenity terms. The proposed alterations and extensions would not cause any material losses of daylight or sunlight, would not increase enclosure and would not introduce windows that would cause overlooking. The applications therefore accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

In response to consultation on Application 1 for the retention of the modified rear bay, a letter of support has been received stating that returning to the pre-existing arrangement would raise amenity concerns as the windows in the side elevations of the bay would result in overlooking. However, as this was a pre-existing lawful arrangement of the building and the adjoining property has the same configuration it is not considered that significant weight in favour of retaining the existing unauthorised arrangement of the rear elevation can be attributed to this response to consultation. As set out in Section 8.2, the harm to the appearance of the building and the character and appearance of the conservation area significantly outweigh the extremely limited benefit in amenity terms of removing the rear bay at first and second floor levels.

8.4 Transportation/Parking

None relevant.

8.5 Economic Considerations

No economic considerations are applicable for developments of this size.

8.6 Access

The applications do not have any implications for the principal entrance to this private dwellinghouse.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

8.8 London Plan

These applications do not raise any 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 these applications.

8.11 Environmental Impact Assessment

These applications do not raise any environmental impact issues.

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

Application 1 (16/11702/FULL)

1. Application form.
2. Email from the St. John's Wood Society dated 16 January 2017.
3. Letter from occupier of 75 Hamilton Terrace dated 10 January 2017.
4. Letter from occupier of 9 Vale Court, Maida Vale dated 11 January 2017.
5. Letter from occupier of Flat 1, 14 Hall Road, St Johns Wood dated 15 January 2017.
6. Letter from occupier of 14 Hall Road dated 22 January 2017.

Application 2 (16/11705/FULL)

1. Application form.
2. Email from the St John's Wood Society dated 16 January 2017.
3. Letter from occupier of 75 Hamilton Terrace dated 10 January 2017.
4. Letter from occupier of 9 Vale Court, Maida Vale dated 11 January 2017.
5. Letter from occupier of 14 Hall Road dated 22 January 2017.
6. Letter from occupier of Flat 1, 14 Hall Road, St Johns Wood dated 22 January 2017.

Application 3 (16/11706/FULL)

1. Application form.
2. Email from the St John's Wood Society, dated 16 January 2017.

3. Letter from occupier of 14, Hall Road, dated 22 January 2017.
4. Letter from occupier of 75 Hamilton Terrace, London, dated 25 January 2017.

Application 4 (16/11707/FULL)

1. Application form.
2. Email from the St John's Wood Society dated 16 January 2017.
3. Letter from occupier of 14, Hall Road dated 22 January 2017.
4. Letter from occupier of 75 Hamilton Terrace dated 25 January 2017.
5. Letter from occupier of 9 Vale Court dated 26 January 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: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk

10. KEY DRAWINGS

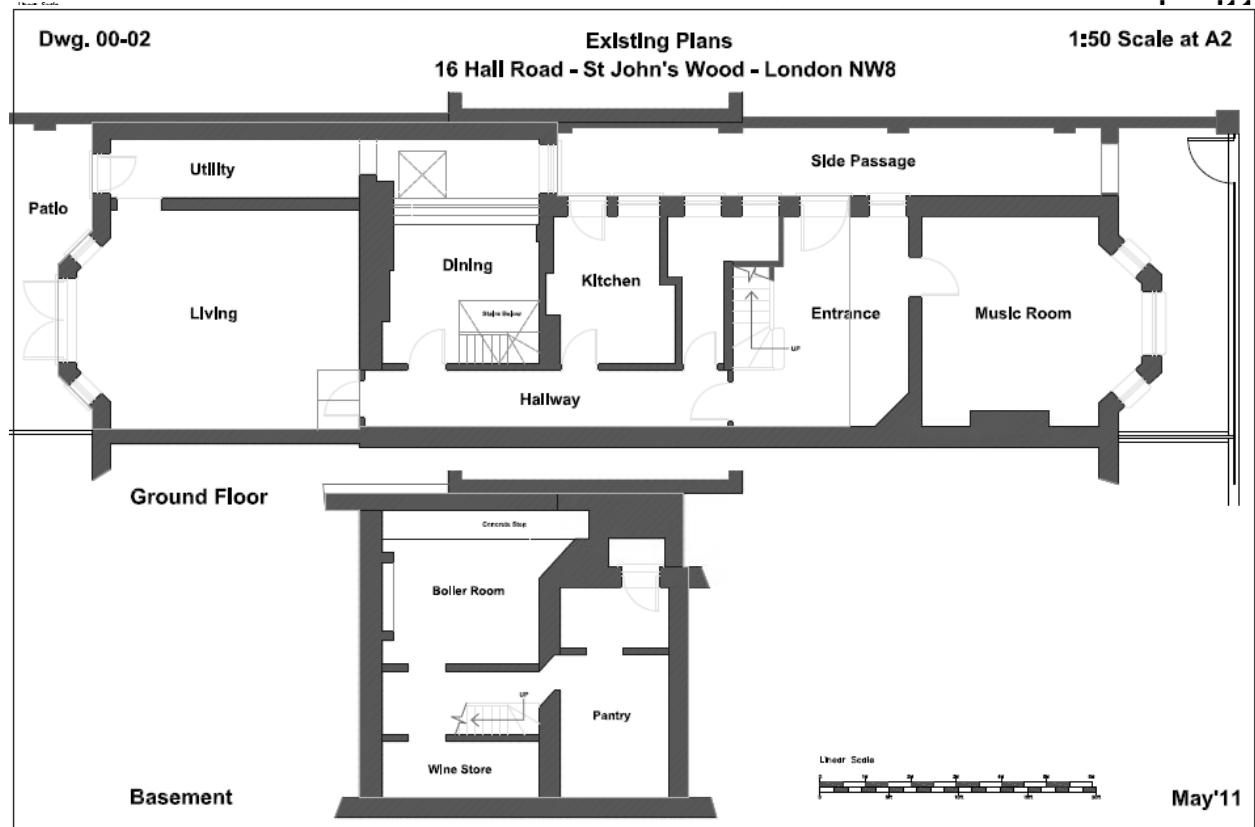
PRE-EXISTING DRAWINGS

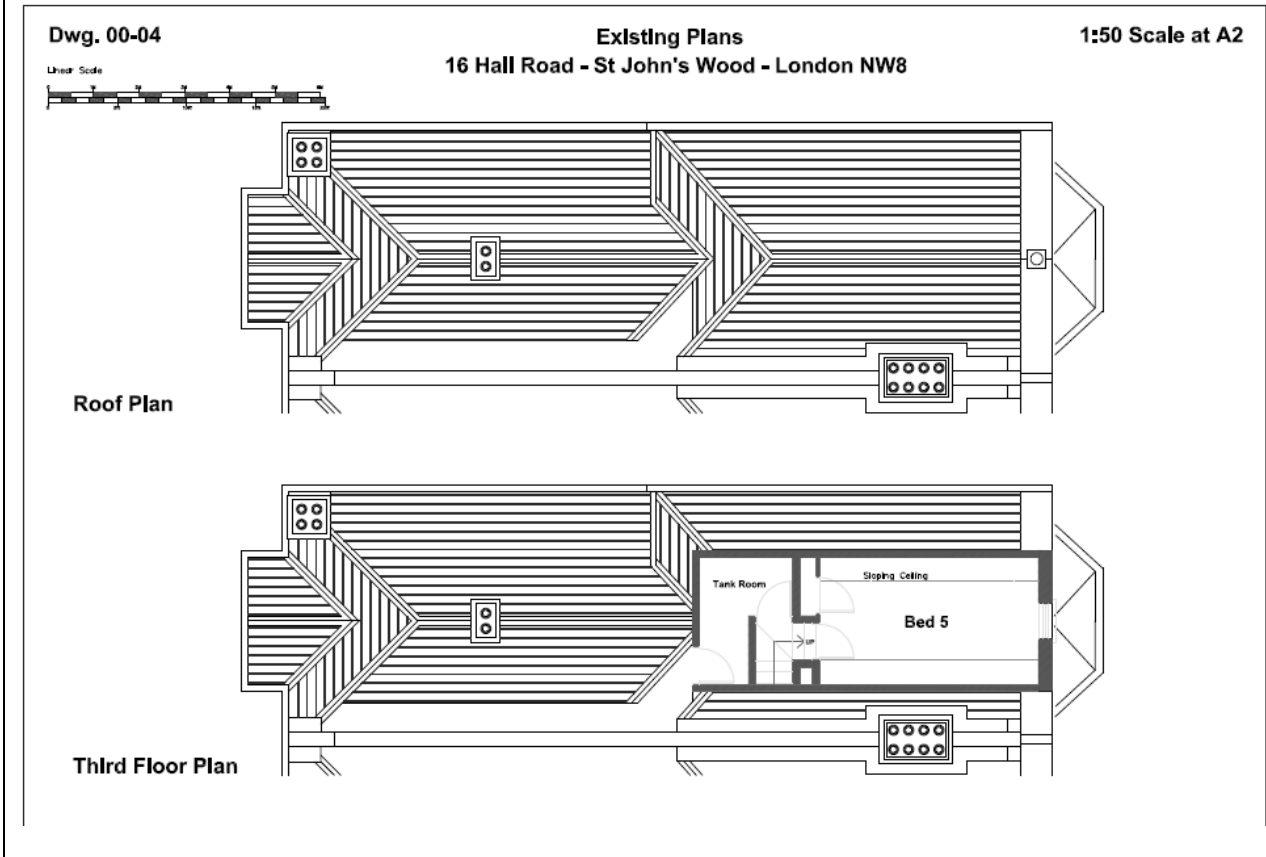
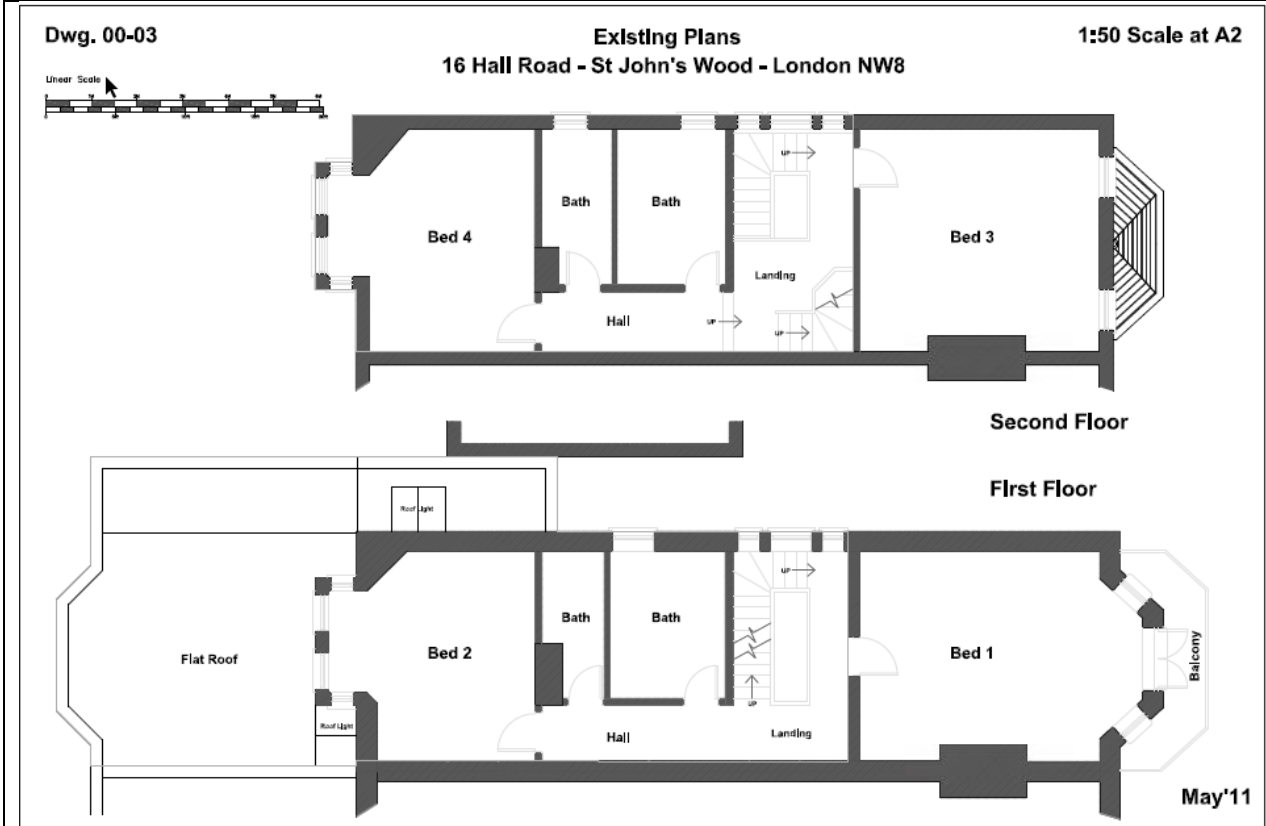


Existing Front Elevation

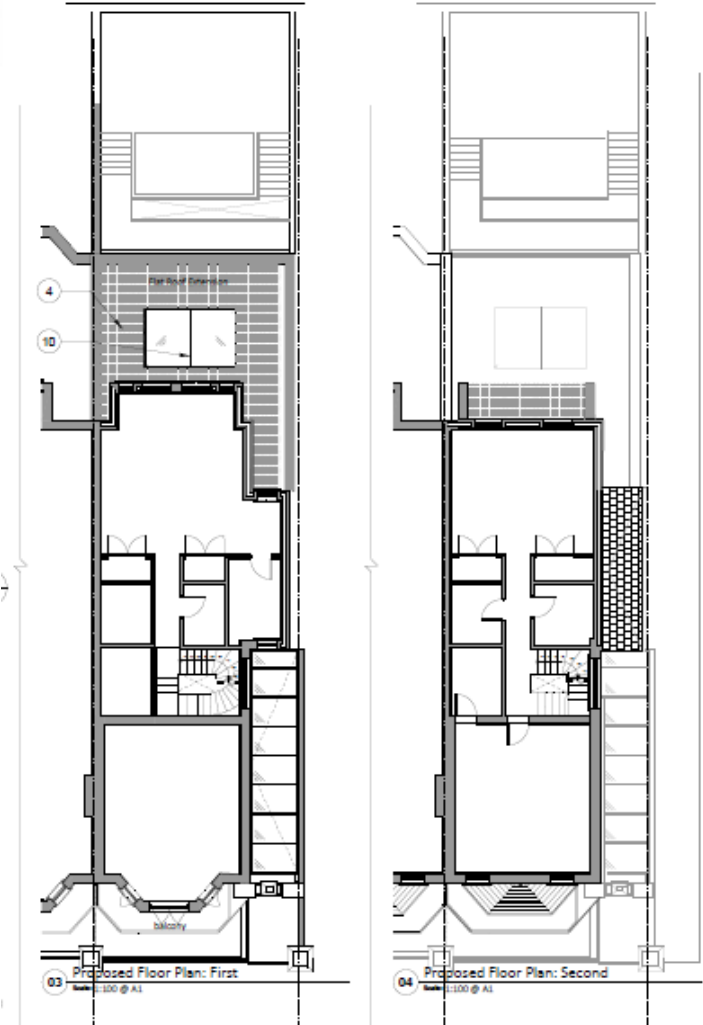


Existing Rear Elevation

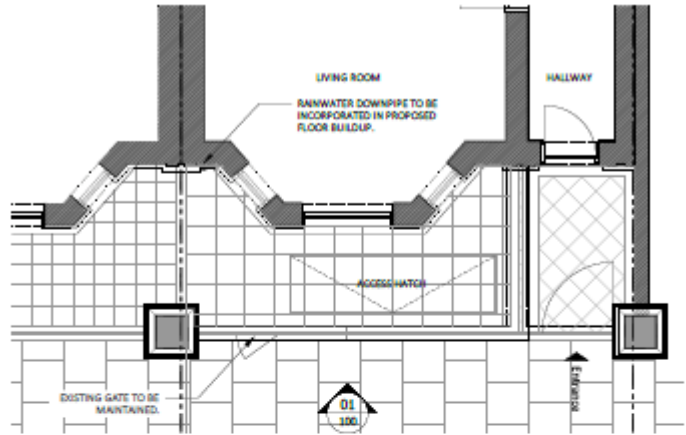




Application 1 - 16/11702/FULL

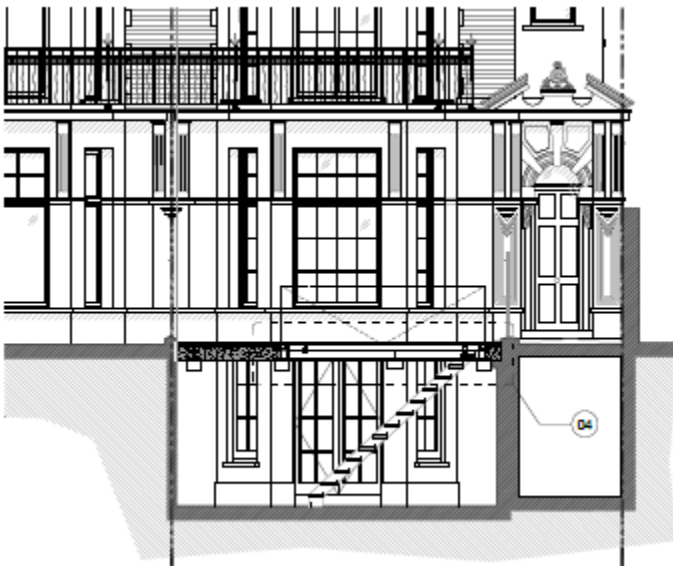
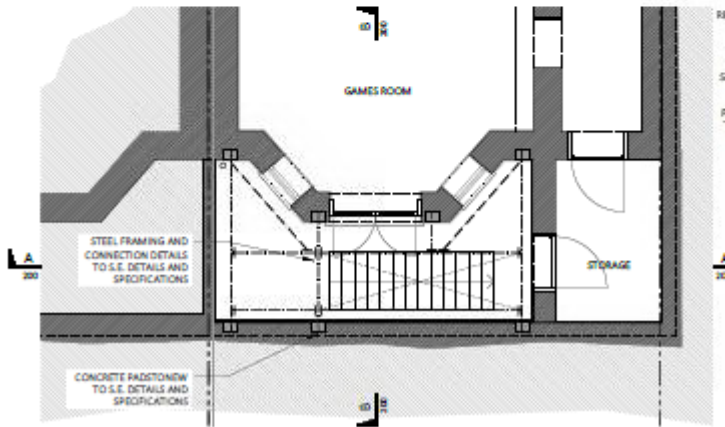


Application 2 - 16/11705/FULL



02 PROPOSED - GROUND FLOOR PLAN - FRONT ENTRANCEWAY AND STAIRWELL

Scale: 1:50 @ A1



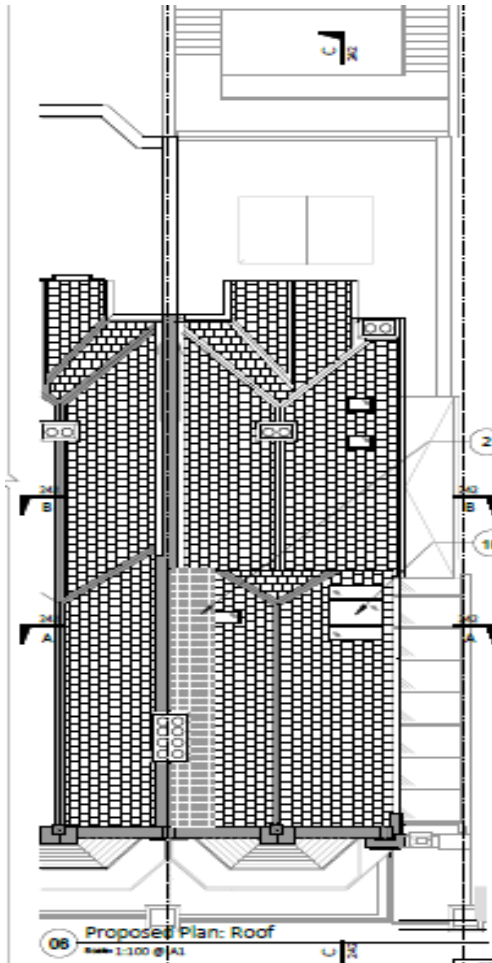
Application 3 - 16/11706/FULL



07 Proposed Front Elevation: South Facing Hall Road
Scale: 1:100 @ A1



08 Proposed Rear Elevation: North Facing
Scale: 1:100 @ A1



06 Proposed Plan: Roof
Scale: 1:100 @ A1



Proposed Section B-B

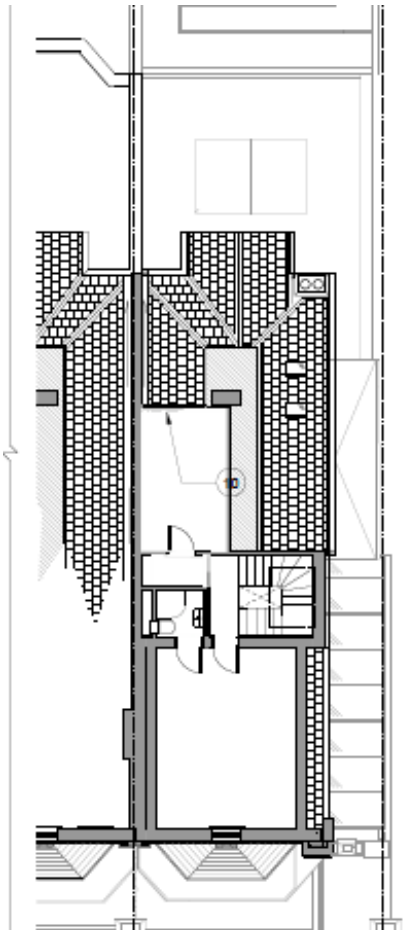
Application 4 - 16/11707/FULL



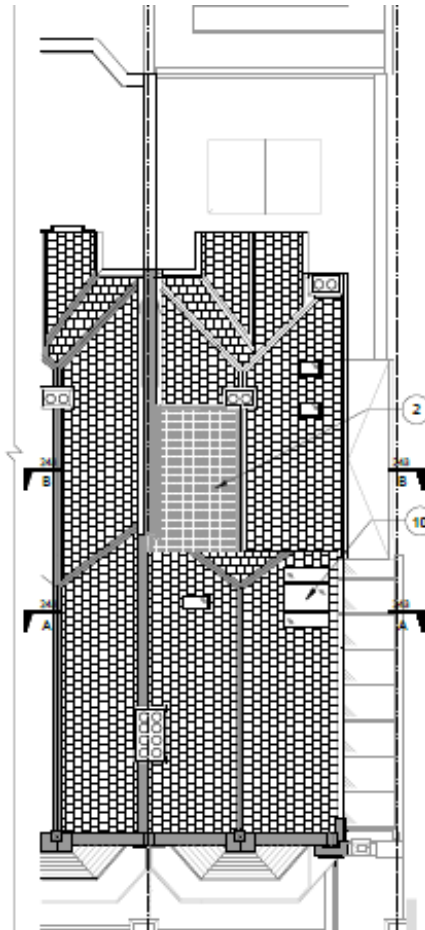
07 Proposed Front Elevation: South Facing Hall Road
Scale: 1:100 @ A1



08 Proposed Rear Elevation: North Facing
Scale: 1:100 @ A1



05 Proposed Floor Plan: Third
Scale: 1:100 @ A1



06 Proposed Plan: Roof
Scale: 1:100 @ A1

DRAFT DECISION LETTER

Address: 16 Hall Road, London, NW8 9RB

Proposal: Alterations to rear bay windows at first and second floor levels (retrospective application).

Reference: 16/11702/FULL

Plan Nos: 00-02; 00-03; 00-04; 00-10; 00-10-Rev B; 00-11; 109-PLN-101; 109-PLN-204 Rev A; 109-PLN-244; 109-LOC-001 Rev A.

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

Recommended Condition(s) and Reason(s)**Reason:**

Because of the scale, bulk and detailed design of the enlarged first floor bay and the detailed design of the replacement facade at second floor level, the proposed development would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 5, DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AC)

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.

Item No.
4

DRAFT DECISION LETTER

Address: 16 Hall Road, London, NW8 9RB

Proposal: Installation of paved deck and concealed hatch to front garden and alteration to front railings to form a gate.

Reference: 16/11705/FULL

Plan Nos: 00-02; 00-03; 00-04; 00-10; 00-10-Rev B; 00-11; 109-DD-201; 109-PLN-240; 109-LOC-001 Rev A.

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

Recommended Condition(s) and Reason(s)**Reason:**

Because of its location, scale and detailed design the hatch in the front garden and gate in the railings would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 5, DES 1 and paras 10.108 to 10.128 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.

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DRAFT DECISION LETTER

Address: 16 Hall Road, London, NW8 9RB

Proposal: Erection of infill dormer structure to the front roof between roof slope and party wall with No.18 (retrospective application).

Reference: 16/11706/FULL

Plan Nos: 00-02; 00-03; 00-04; 00-10; 00-10-Rev B; 00-11; 109-PLN-101; 109-PLN-202; 109-PLN-242; 109-LOC-001 Rev A.

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

Recommended Condition(s) and Reason(s)**Reason:**

Because of its location, scale, bulk and detailed design the front infill dormer would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 6, DES 1 and paras 10.108 to 10.128 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.

DRAFT DECISION LETTER

Address: 16 Hall Road, London, NW8 9RB

Proposal: Erection of infill dormer structure to rear roof between roof slope and party wall with No.18.

Reference: 16/11707/FULL

Plan Nos: 00-02; 00-03; 00-04; 00-10; 00-10-Rev B; 00-11; 109-PLN-101; 109-PLN-203; 109-PLN-243; 109-LOC-001 Rev A.

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

Recommended Condition(s) and Reason(s)**Reason:**

Because of its location, scale, bulk and detailed design the rear infill dormer would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (July 2016) and DES 6, DES 1 and paras 10.108 to 10.128 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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Item No.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	27-29 Spring Street, London, W2 1JA,		
Proposal	Installation of a kitchen extract duct to side elevation facing Conduit Place.		
Agent	D Rose Planning LLP		
On behalf of	Apple London Limited		
Registered Number	16/02249/FULL	Date amended/ completed	11 March 2016
Date Application Received	11 March 2016		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is a five storey plus basement building located within the Bayswater Conservation Area. This application relates to the basement and ground floor unit, which has historically been used as a public house/ bar, but more recently used as a restaurant. The upper floors of the building are in residential use as flats.

Permission is sought for the installation of a kitchen extract duct between basement and to third floor level to the side elevation of the building facing Conduit Place. Planning permission was previously granted for a similar extract duct in 2012 (12/06116/FULL), but this previous permission has lapsed without being implemented.

Objections have been received to the proposed development from four neighbouring residents on a range of design and amenity grounds.

The key issues in this case are:

- The impact of the proposed development on the appearance of the building and the character and

appearance of the Bayswater Conservation Area.

- The impact of the proposal on the amenity of neighbouring residents.

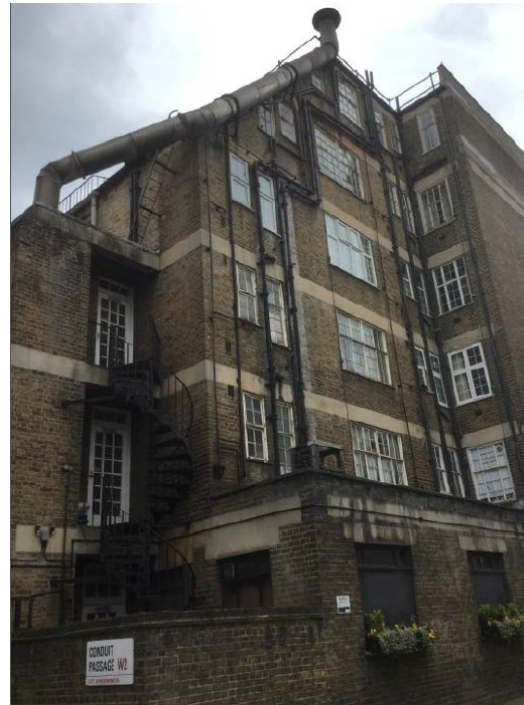
For the reasons set out in this report the proposed development is considered to be acceptable in design and amenity terms and, subject to the recommended conditions, it would comply with the relevant policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). The proposed kitchen extract duct is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation (top) and side elevation facing Conduit Place (bottom).

5. CONSULTATIONS

WARD COUNCILLORS - HYDE PARK

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Initially provided a neutral comment believing it was a reapplication of a previously approved application. Follow up comment was a provisional objection. Concerns raised that the applicant was obfuscating details of the application by not making it apparent the air conditioning condenser units were included. Acoustic report suggests further information is required, including location of microphones and that the noise may be intermittent and so require a 15dB reduction below the existing background noise level. Request that the application is reported to a committee meeting for determination.

ENVIRONMENTAL HEALTH

Following further discussions and the submission of an amended Mechanical Services Specification document, no objection is raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 98;

Total No. of replies: 6 (two responses each from two objectors);

No. of objections: 4;

No. in support: 0.

Six letters/ emails have been received from four respondents raising objection on all or some of the following grounds:

Design:

- The duct is ugly and dominating.
- No objection to kitchen extract duct, ugly but necessary.

Amenity:

- The duct does not extend far enough up the building to ensure that smells will not cause noise and odour nuisance, particularly for occupants of the flats in Sussex Court.
- Existing boiler extraction duct which extends above the top of the building, why can't the kitchen duct extend to the same height?
- Noise pollution issues will have a detrimental effect on residents who suffer from sleep deprivation issues.
- The duct operating from 0800-2300 hours is too long, what is to stop them operating it beyond these hours?
- Believe that the level of night time background noise is higher than expected. Report states it to be 47dB; believes it should be 31dB at nearest residential window as it is intermittent and tonal. Also states that main source of noise is traffic which drops significantly in the evening.
- As position of microphone has not been disclosed questions where the data came from.

- Area already exceeds WHO guidelines for background noise levels. Air conditioning units are usually intermittent and tonal and not sure how the installation of these will meet City Council guidelines on background noise levels.

Other:

- Confusion over whether air conditioning units are also proposed as part of this application.
- If air conditioning units are proposed, their location and impact on the amenity of neighbours in terms of noise is not clear.
- Believes there is a conflict of interest as the freeholder is also the managing agent. The planning agent is acting on behalf of them.
- Believe that as the site is uninhabited following the closure of the previous wine bar this is part of a plan to redevelop the area

PRESS ADVERTISEMENT / SITE NOTICE:

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a five storey plus basement building located within the Bayswater Conservation Area. The first to fourth floors are in use as flats. The application relates to the basement and ground floor unit at the corner of Spring Street and Conduit Place, which has historically been used as a public house/ bar, but has more recently been used as a restaurant/ wine bar. The premises are currently vacant.

The site is located within a Secondary Frontage within the Praed Street District Shopping Centre and is also within the North Westminster Economic Development Area.

6.2 Recent Relevant History

25 October 2011 – Permission was refused for enlargement of ground floor windows on Conduit Place elevation and erection of a kitchen extract flue to rear corner of the building (11/01473/FULL). In refusing permission the Planning Applications Committee considered the erection of the extract duct to be acceptable, but the application was refused on the detailed design of the windows.

22 November 2012 – Permission was granted for the installation of kitchen extract flue to rear elevation (12/06116/FULL). This permission lapsed after 3 years without being implemented. See copy of decision letter and relevant drawings in background papers.

5 August 2014 – Permission granted for installation of metal swing gates to Conduit Passage and installation of condenser units within an enclosure in the courtyard of Sussex Court (14/05003/FULL).

7. THE PROPOSAL

Planning permission is sought for the installation of a kitchen extract duct to the rear of the site on the side elevation of the building facing Conduit Place. The proposed duct would extend from basement level up the side of the building to the third floor level. It would terminate away from the majority of the upper floors of the building as the upper floors of the building are stepped to the rear. However, notwithstanding this, it is acknowledged that it would still be in relatively close proximity to the windows of flats on the upper floors. An associated air intake louvre is proposed at ground floor level in the side elevation facing Conduit Place (located within an existing window opening).

Due to inconsistencies in the originally submitted acoustic report submitted with the application, objectors initially mistakenly believed that air conditioning condenser units were proposed to be installed as part of this application within the rear lightwell. However, this does not form part of the current application and the application documents have been amended to remove any reference to the air conditioning condenser units. It should be noted though, that air conditioning condenser units were previously approved within the rear lightwell in August 2014 (14/05003/FULL) and this permission remains extant until 5 August 2017.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The current application does not raise any land use issues and the proposed kitchen extract duct would be used in conjunction with the lawful use of the basement and ground floor premises.

8.2 Townscape and Design

The proposed kitchen extract duct would be visible in views from Conduit Place, but would not be readily visible in views from Spring Street due to its position on the rearmost part of the side elevation. In views along Conduit Place the proposed duct would be seen in context with the large duct already present on the side elevation, which runs the full height of the building. The existing full height duct (serving another ground floor unit) and the presence of a significant amount of other pipework to the side elevation give it a particularly functional appearance. In this context, the principle of a kitchen extract duct to this elevation is difficult to resist in principle in design terms despite its visibility within Conduit Place.

The proposed duct is to be finished in black so as to limit its impact on the appearance of the building and a condition is recommended to ensure the duct is painted. In this case, the finishing of the duct in black is considered sufficient to mitigate its impact on the appearance of the building and the character and appearance of the conservation area.

The scheme includes the installation of an air intake louvre in one of the side elevation windows at ground floor level. This would be a discreet alteration and dummy louvres are proposed to the two other matching windows so that the consistency of the fenestration at ground floor level facing Conduit Place is maintained.

For the reasons set out, the proposals are considered acceptable in design terms and would comply with Policies DES 1, DES 5 and DES 9 of the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

8.3.1 Daylight and Sunlight and Sense of Enclosure

The proposed kitchen extract duct would be positioned so that it would be sufficiently remote from neighbouring windows so as not to cause a material loss of light or increased sense of enclosure. The proposal therefore accords with Policy ENV13 in the UDP and S29 in the City Plan.

8.3.2 Noise Disturbance

The extract duct is expected to be operated predominantly between the hours of 08.00 and 23.00 daily during the hours that the premises are expected to open. However, the submitted acoustic information seeks to demonstrate that the proposed duct could be operated at any time 24 hours a day without causing noise disturbance to neighbouring residents.

Environmental Health are satisfied that the kitchen extract duct and associated air intake duct would be capable of complying with Policies ENV6 and ENV7 in the UDP and Policy S32 in terms of noise disturbance. However, they recommend that a precautionary approach is taken given the proximity of neighbouring residential windows and they therefore advise that a supplementary acoustic report should be secured by way of a condition. This would ensure that the operational noise level of the kitchen extract duct, once it has been fully specified by the applicant, would be below the existing background noise level by 10dB or more at the nearest neighbouring window. Other conditions are also recommended to control noise and vibration from the extract duct once it has been installed.

Concerns have been expressed by objectors that the locations in which the sound recording data was collected is not clearly specified. However, Environmental Health have confirmed that the locations at second floor level to the rear of the building and the fifth floor level to the front of the building are acceptable and are representative of background noise levels that would be expected in this part of the City. They note also that the data provided is also consistent with other planning applications they have reviewed in the vicinity of the application site. In this context, the concerns expressed in relation to the accuracy of the acoustic report data cannot be supported as a ground on which to withhold permission.

In summary, subject to the recommended conditions, the proposal is acceptable in noise terms and would accord with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan.

8.3.3 Odour Nuisance

Objections have been received raising concerns that the location of the extract point of the duct at third floor level could lead to odour nuisance being caused to neighbouring residential properties, particularly those on the upper floors of Sussex Court.

Primary cooking has occurred on these premises in its past use as a restaurant/ wine bar and the existing extraction point for the small kitchen that served that former use was at basement level within the rear lightwell. Consequently, this point of extraction could continue to be used in connection with any future use of the building and this would result in a particularly low level extraction point for cooking odours. Set in this context and having regard to the stepped form of the rear of the building, whilst it is normally expected that kitchen extraction ducts should terminate above the highest point of the existing building, in this case the provision of a duct with a lower extraction point is difficult to resist.

For the reasons set out in the preceding paragraph, Environmental Health are satisfied that the proposed duct, which would terminate and discharge at third floor level, would not materially worsen the existing lawful situation in terms of odour nuisance. They therefore advise that it is preferable in odour nuisance terms to seek to ensure that the duct proposed would be designed to include features that would reduce odours being omitted from the duct, such as canopy filters, a UV light filter and ensuring the velocity at the point of discharge is 12m/s or higher. A condition is recommended to secure full details of the odour reduction measures that are to be installed on the kitchen extract duct, as well as a management plan that demonstrates how the duct will be serviced and maintained to ensure its ongoing performance in terms of minimising odour omissions.

In conclusion in odour nuisance terms, Environmental Health are satisfied that the proposed duct would, subject to conditions, meet current industry standards for the most up to date odour reduction technology and given the proposed extract duct would not be materially worse than the existing lawful situation in terms of kitchen extraction, permission cannot reasonably be withheld on odour nuisance. Subject to the recommended condition to secure full details of the odour control equipment and future management of that equipment, the scheme would accord with Policies TACE9 in the UDP and S24 and S32 in the City Plan.

8.4 Transportation/Parking

The proposed development does not raise any transportation or parking considerations.

8.5 Economic Considerations

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

8.6 Access

The proposed kitchen extract duct would not have any impact on existing access to the application premises.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

8.8 London Plan

The application does not raise any 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 to the determination of this application.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

As stated above several objectors considered mistakenly believed that the current application included the installation of two air conditioning condenser units. Two of the originally submitted documents, the acoustic report and the mechanical services specification had included drawings and references to the air conditioning units. However, the application form, description of development and submitted drawings did not include these items of mechanical plant. The applicant has amended the acoustic report and mechanical services specification to remove the references to the units and they do not form part of the current application.

One objector stated they believed there is a conflict of interest as the freeholder is also the managing agent and the planning agent is acting on behalf of them. However, this is not a ground on which to withhold planning permission and is instead a private legal matter between those with an interest in the building.

One objector stated that as the site is uninhabited since the previous wine bar closed down, they believe this is part of a plan to redevelop the unit. The lawful use of the site is as a restaurant/ wine bar and this application pertains to that use. There is no suggestion that the current application will lead to a material change of use of the premises requiring planning permission. If such a change of use were to occur in future, then it would need to be considered on its own merits as part of a further separate planning application.

9. BACKGROUND PAPERS

1. Application form.
2. Copy of planning permission dated 22 November 2012 and relevant approved drawings.
3. Emails from the South East Bayswater Residents Association dated 21 April 2016 and 31 May 2016 and 2 June 2016.
4. Memos and email from Environmental Health dated 13 April 2016, 30 June 2016 and 21 December 2016.

5. Emails from the occupier of 8 Sussex Court, 27-29 Spring Street dated 2 June 2016 and 11 June 2016.
6. Emails from the occupier of 19 Sussex Court, 27-29 Spring Street dated 2 June 2016 and 3 June 2016.
7. Email from the occupier of 28 Sussex Court, 31 Spring Street dated 4 June 2016.
8. Email from the occupier of 27 Sussex Court, Spring Street dated 7 June 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 OLIVER GIBSON ON 020 7641 2680 OR BY EMAIL AT ogibson@westminster.gov.uk.

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 27-29 Spring Street, London, W2 1JA,

Proposal: Installation of a kitchen extract duct to side elevation facing Conduit Place.

Reference: 16/02249/FULL

Plan Nos: LO-904-EX010 Rev.B, LO-904-EX011, LO-904-EX099 Rev.B, LO-904-EX100 Rev.B, LO-904-EX-201 Rev.A, LO-904-EX301, LO-904-EX302, LO-904-PL-099 Rev.D, LO-904-PL100 Rev.F, LO-904-PL201 Rev.B, LO-904-PL301 Rev.D, LO-904-PL302-Rev.E, LO-904-PL303 Rev.D, Mechanical Services Performance Specification dated March 2016 (Rev.A submitted with email from John Boatman dated 28/08/16), Environmental Noise Survey and Plant Noise Assessment dated 15 June 2016.

Case Officer: Heather Lai

Direct Tel. No. 020 7641 6519

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

Reason:

To protect the environment of neighbouring 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 (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 LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

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.

- 4 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.

- 5 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 3 of this permission. The supplementary acoustic report you submit must include details (including drawings and manufacturer's specifications) of any noise attenuation measures required to achieve the noise criteria set out in Condition 3. You must not start work on the installation of the kitchen extract duct until we have approved what you have sent us. You must then install the kitchen extract duct and noise attenuation measures in accordance with the supplementary acoustic report and you must not remove the noise attenuation measures from the duct unless or until the extract duct is permanently removed from the building.

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.

- 6 You must apply to us for approval of full details of the odour reduction equipment to be installed on the kitchen extract duct and a service, maintenance and repair strategy that sets out how the odour reduction equipment will be regularly serviced, maintained and repaired throughout the lifetime of the extract duct. You must not operate the kitchen extract duct until we have approved the details and strategy that you send us. You must then install the odour reduction equipment in accordance with the details we approve before you use the kitchen extract duct and thereafter you must permanently retain the odour reduction equipment on the duct and you must maintain and repair it in accordance with the approved service, maintenance and repair strategy.

Reason:

To protect the environment of people in neighbouring properties and prevent odour nuisance occurring. This is in line with S24 and S29 and S32 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 7 The kitchen extract duct shall be painted or otherwise finished in a black colour prior to the use of the duct and thereafter it shall be permanently maintained in that colour.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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 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)

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 advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 3 In relation to Condition 6 of this permission, the required assessment should be use the qualitative odour assessment methodology outlined in Guidance on the Assessment of Odour for Planning, published by the Institute of Air Quality Management (IAQM, 2014).
- 4 The following odour reduction features must be incorporated in to the design of the duct in order for system to operate optimally at all times and these measures should be included in the details submitted pursuant to Condition 6: , (a) For the volume of air travelling through it, the duct run must be long enough after the ozone generating unit for the ozone to work before the air stream reaches the discharge point., (b) Incorporation of filter life monitoring packages for the grease filters and the UV light unit with safety cut-off features in the event of malfunctions., (c) Minimum efflux velocity of 12m/s whenever system is on.
- 5 Conditions 3, 4 and 5 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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.

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Eastcastle Street, London		
Proposal	Installation on the carriageway adjacent to 46 - 49 Eastcastle Street of a Cycle Hire docking station, containing a maximum of 26 docking points for scheme cycles plus a terminal.		
Agent	Catherine Larmouth		
On behalf of	Transport for London		
Registered Number	15/11542/FULL	Date amended/ completed	11 December 2015
Date Application Received	11 December 2015		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises an area of carriageway on the south side of Eastcastle Street, close to the junction with Great Titchfield Street. The site is located within the East Marylebone Conservation Area and the Core Central Activities Zone (Core CAZ). There are a number of residential properties on the upper floors on the opposite side of Eastcastle Street at Nos. 39 - 42.

Permission is sought to erect a TfL Cycle Hire docking station comprising a maximum of 26 docking points for scheme cycles plus a terminal. If granted, the docking station will form part of a network of over 800 docking stations situated every 300 to 500 metres in London.

The application has been twice amended. Firstly, to relocate the terminal from the western to the eastern end of the docking station in order to address a concern of a neighbouring business that the docking station would obscure views of this gallery. Secondly, to reduce the length of the docking station from 24.5m to 21.5m (and corresponding reduction in the docking points from 30 to 26). Along with the reduction in the length of double yellow line at the junction of Eastcastle Street and Great Titchfield Street, this amendment would enable the retention of a section of single yellow line measuring 8.6m which would be suitable for a long wheel base van to load. This amendment sought to address the concerns of the City Council's Parking Team.

The site is currently occupied by a single yellow line where parking is prohibited between 08.30 and 18.30 (Monday to Saturday). Loading is permissible at any time.

The occupier of the neighbouring business at No. 46 Eastcastle Street (in use as a gallery) has objected to the loss of the loading facility directly in front of their business and to the loss of evening and Sunday car parking which could be used by customers of the gallery. City Plan Policy S14 outlines how the City Council will support and provide for sustainable transport options and will reduce reliance on private motor vehicles. The proposal will clearly support a successful scheme that allows sustainable transport options for residents and visitors to this part of the City. For this reason, the objection to the proposal on loss of car parking grounds cannot be supported. Furthermore, there is already a dedicated service bay very close to the application site on the east side of Great Titchfield Street which could be used for servicing the gallery. The benefit of promoting sustainable transport options is considered to outweigh the very slightly less convenient location of loading for this gallery. Furthermore, the applicant has amended the scheme to address the concerns of the neighbouring gallery to retain a section of single yellow line that would be suitable for a long wheel base van to load.

The Highways Planning Manager has no objection to the proposal but requests that an informative is added to the decision letter reminding the applicant that the alterations to the parking / loading restrictions will need to go through the Traffic Order making process and there may be objections.

The remaining objections from the neighbouring business are also considered to be unsustainable as:

- The docking station will not take up any of the available pavement width as it is located on the carriageway.
- The docking station will not obscure the shopfront of the gallery which will still be visible from the adjacent pavement.
- The location on a one-direction road is not an impediment to the installation of a docking station.

There is no objection to the proposal in terms of its impact upon the neighbouring street trees from the Arboricultural Manager.

Whilst there are some local residential properties, the site's location the Core CAZ and the fact that the area could be used for car parking anyway, means that it is not considered that the noise generated by the docking station will be harmful to residential amenity. Conditions controlling the hours that the docking stations can be cleaned and redistribution can take place are not considered to be necessary in this instance.

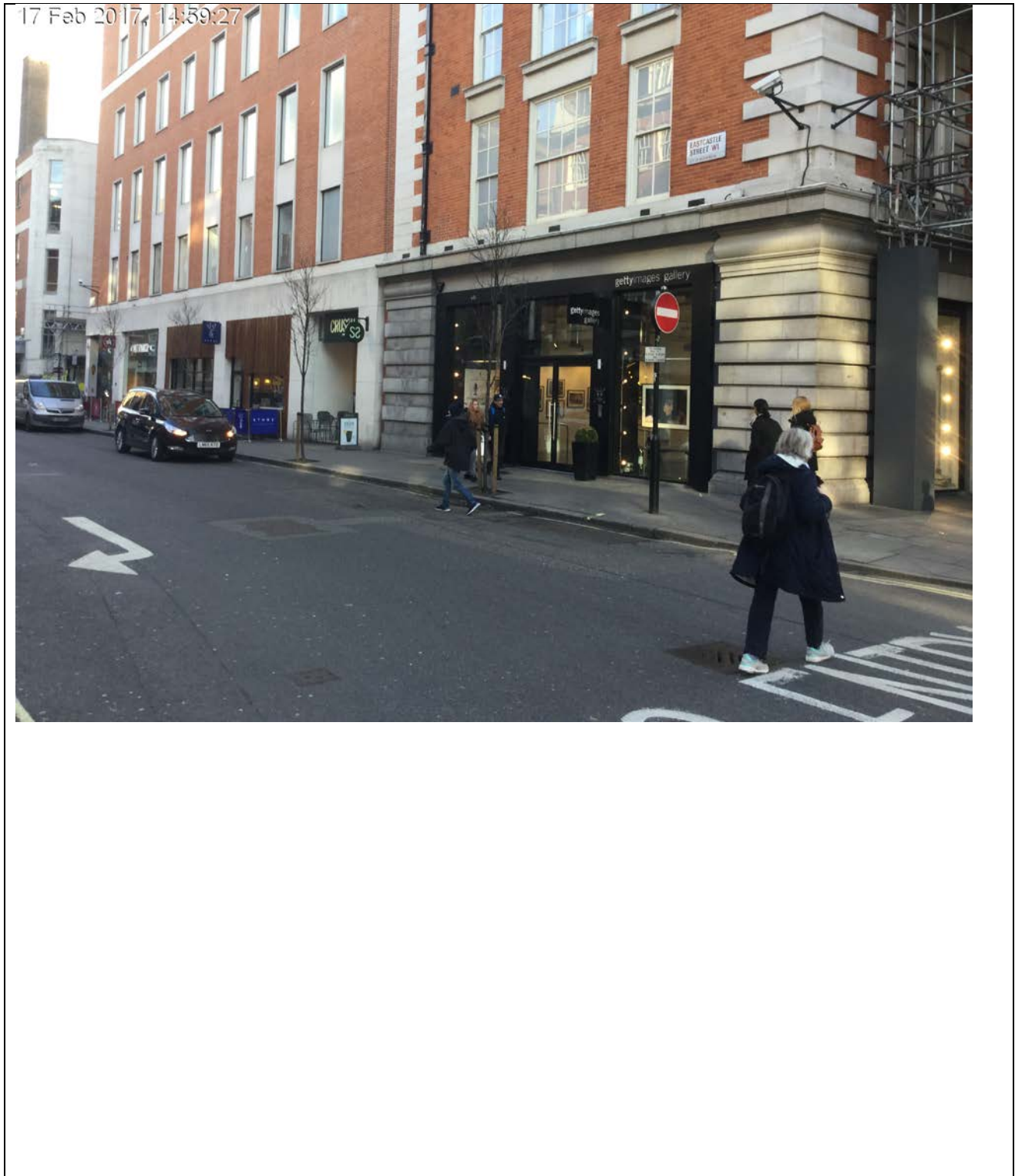
The public benefits of the scheme clearly outweigh the concerns of the occupants of the neighbouring gallery. For these reasons it is recommended that permission be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION - No response.

HIGHWAYS PLANNING - No objection.

CLEANSING - No objection.

ARBORICULTURAL MANAGER - No objection.

ADJOINING OWNERS / OCCUPIERS

No. of original consultees: 121

No. responses : 2 from the occupiers of the adjacent gallery at No. 46 Eastcastle Street both objecting on the following grounds:

- The one-way system operating on Eastcastle St and in the nearby vicinity will cause confusion amongst cyclists and encourage dangerous behaviour as cyclists break rules and take risks in trying to find their destinations.
- The docking station will obscure the passageway into and view of the adjacent gallery which will be bad for business.
- The proposed location of the docking station will cause inconvenience and aggravation as guests to the gallery and cyclists are forced to battle for footpath space.
- The proposed location of the docking station will prevent vehicles loading and unloading large exhibits for the adjacent gallery.
- Eastcastle Street is a major thorough fair with heavy traffic flow which regularly grinds to a halt, addition blockage of any sort will only worsen matters.
- Weekend parking is key to local businesses and direct front door access is essential for drop off and client pick up.
- Suggests that the southern part of Great Titchfield Street as a more suitable alternative location.

SITE & PRESS NOTICE - Yes.

6. BACKGROUND PAPERS

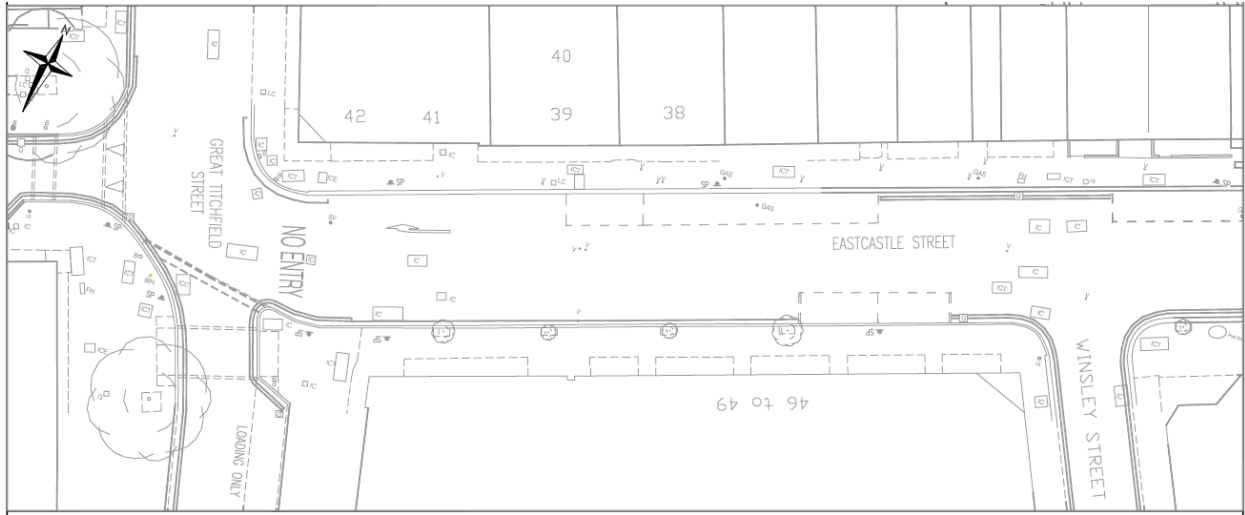
1. Application form
2. Memorandum from the Cleansing Manager, dated 14 January 2016.
3. E-mail from the Arboricultural Manager, dated 11 January 2016.
4. E-mail from the Highways Planning Manager, dated 12 October 2016.
5. Letter from the occupier of 46 Eastcastle Street, dated 8 January 2016
6. Letter from occupier of 46 Eastcastle Street, dated 8 January 2016

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

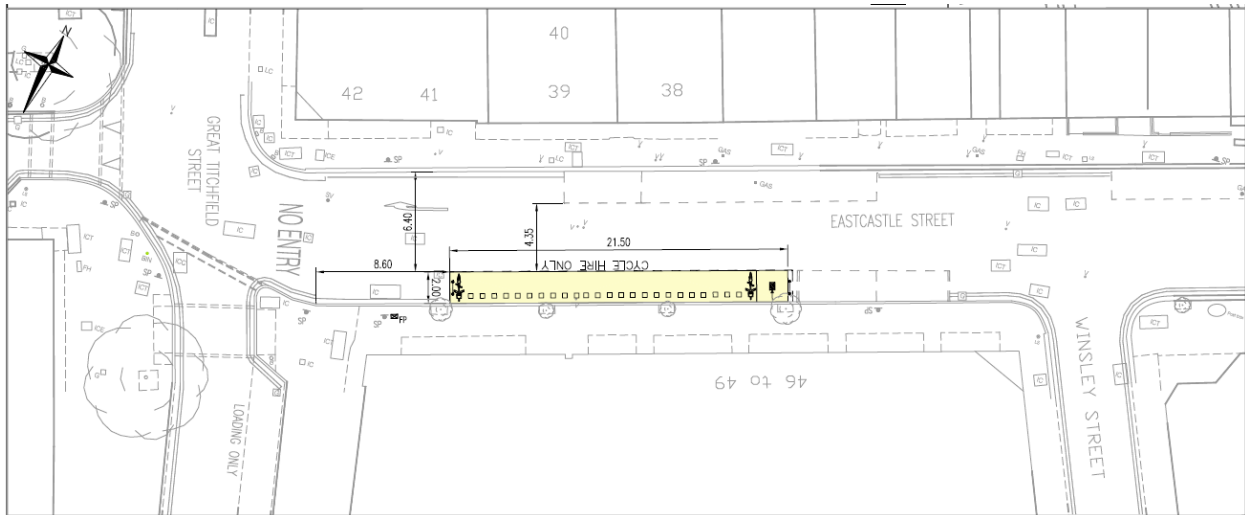
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT MHOLLINGTON2@WESTMINSTER.GOV.UK

7. KEY DRAWINGS

Existing arrangement:



Proposed arrangement:



DRAFT DECISION LETTER

Address: Eastcastle Street, London, ,

Proposal: Installation on the carriageway adjacent to 46 - 49 Eastcastle Street of a Cycle Hire docking station, containing a maximum of 26 docking points for scheme cycles plus a terminal.

Reference: 15/11542/FULL

Plan Nos: 01-610182-GA Rev. C, CHS_2_T Rev. 5, CHS_DP_03 Rev. 3, TDE-CW-01-PL Rev. B, TDE-CW-T-PL Rev. B and BS5837:2005 Tree Survey Report, incorporating Arboricultural Implications Assessment and Method Statement (Ref: 01/615233 Version A).

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone 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 protect the trees which you are keeping, as shown on drawing 01-610182-GA Rev. C, through carrying out any demolition, site clearance or building work in accordance with the approved method statement. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in STRA 37, DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AB)

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.

Agenda Item 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	32 Harcourt Street, London, W1H 4HX		
Proposal	Installation of three air conditioning units within louvred enclosures and one kitchen fresh air supply at rear ground floor roof level and re-roofing of single pitch lean-to extension at rear first floor level with slate and zinc cladding (partially retrospective application).		
Agent	Dexter Building Design Ltd		
On behalf of	Mr J McCulloch		
Registered Number	16/11053/FULL & 16/11054/LBC	Date amended/ completed	25 November 2016
Date Application Received	18 November 2016		
Historic Building Grade	Grade II		
Conservation Area	Portman Estate		

1. RECOMMENDATION

- | |
|--|
| <ol style="list-style-type: none"> 1. Grant conditional permission. 2. Grant conditional listed building consent 3. Agree the reasons for granting listed building consent as set out within informative 1 of the draft decision letter |
|--|

2. SUMMARY

This application site comprises Grade II listed building situated within the Portman Estate Conservation Area. The building's lawful use is as a public house (Class A4) and comprises lower ground, ground and three upper floors.

Retrospective permission and consent are sought for three condensing units located on the flat roof at rear ground floor level. The applications propose that all three units be housed within louvred enclosures. This is in order to address noise complaints from neighbouring residents.

Retrospective permission and consent are also sought for the retention of the kitchen fresh air supply, also located at rear ground floor level. Since submitting this application the kitchen fresh air supply duct has been attenuated to reduce its noise emissions.

Finally, these applications seek to regularise the replacement of the glass roof of the rear ground floor conservatory with a roof clad in artificial slate and the timber framed glazed walls have been replaced

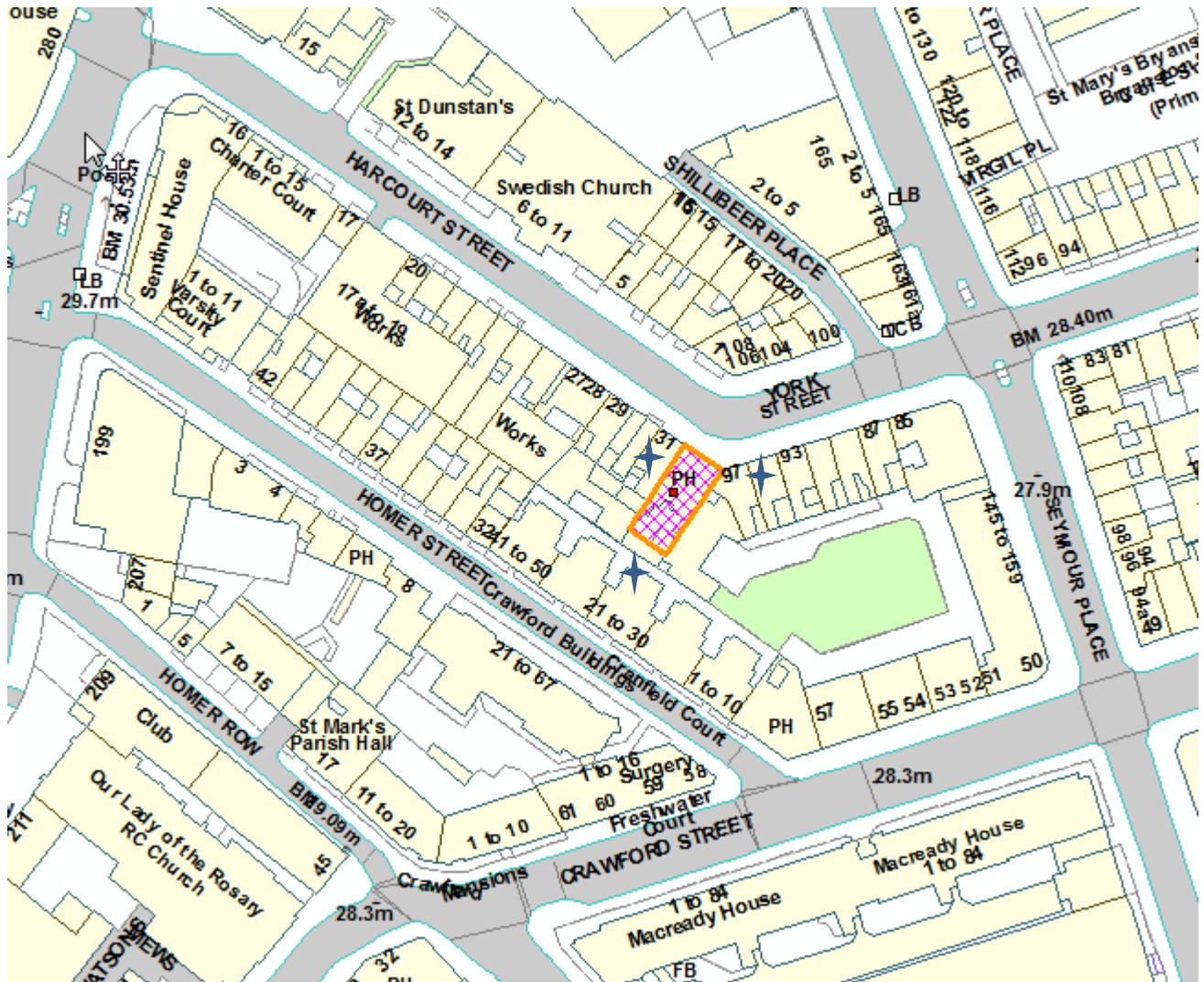
by standing seam zinc.

The key issues for consideration are:

- The impact of the proposals upon the amenity of neighbouring residents;
- The impact of the works upon both the special interest of the listed building and the character and appearance of the conservation area.

In design and historic building terms, the proposed impact is minor. The proposed noise mitigation measures are sufficient to mean that the amenity of local residents will not be harmed. The proposed works are therefore considered to be acceptable in design and conservation terms and, subject to conditions, the proposal is also considered acceptable in amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster City Plan.

3. LOCATION PLAN



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★ Location of neighbouring objects

4. PHOTOGRAPHS







5. CONSULTATIONS

HISTORIC ENGLAND:

Did not consider it necessary to be notified.

THE MARYLEBONE ASSOCIATION:

Any response to be reported verbally

ENVIRONMENTAL HEALTH:

No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 32

No. of response: 3

3 letters of objection received on the following grounds:

Amenity

- Noise nuisance from the use of plant. Complaints have also been made to the planning enforcement team.
- Noisy customers all day long to the front of the premises and patrons leaving at 1am.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 32 is a Grade II listed property located on the south western side of Harcourt Street comprising lower ground, ground and three upper floors. The site is located within the Portman Estate Conservation Area. The lawful use of the premises is a public house (Class A4) throughout.

The site is located outside the Core Central Activities Zone (but within the Central Activities Zone).

6.2 Recent Relevant History

Applications for the 'erection of a single storey rear extension at lower ground floor level and alterations to the front elevation including the removal of redundant advertising. Installation of a new rear high level extract duct in connection with the existing public house and internal alterations at all floor levels' were granted on 27 October 2015.

The unauthorised plant was installed sometime between November 2015 and March 2016. The applicant confirms the plant was installed to replace an existing unit which was located to the rear of the property prior to the construction of the extension to the rear.

7. THE PROPOSAL

Planning permission and listed building consent are sought for the retention of three air conditioning units and one kitchen fresh air supply unit at rear ground floor roof level. Permission is also sought to house each of the three air conditioning unit within an acoustic enclosure.

The proposed hours of operation for the kitchen fresh air supply and the condenser unit servicing the rear extension is 11:00 to 23:30 daily. The two remaining condensing units used to cool the cellar and cold room are required to be in use 24 hours.

Retrospective permission is also sought to retain the zinc cladding and artificial slate to the lean-to extension at rear ground floor level.

All internal works relate to the new extension to the rear. No internal works are proposed to the listed building.

It should be noted that the applications for planning permission and listed building consent are partially retrospective and have been submitted following complaints to the City Council's Planning Enforcement Team from neighbouring residents in respect to the noise from the condensing units and that the lean-to rear extension at ground floor level has not built out in accordance with the plans approved in the 2015 permission / consent.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The applications raise no land use implications.

8.2 Townscape and Design

The installation of the air conditioning units on the flat roof is regrettable as it may well have been possible to locate them in a more satisfactory location inside the recently completed rear extension to the building. However, now that this rear yard to the building has been completely enclosed, it is accepted that they are sited as discreetly as possible in their current location on the flat roof of the rear ground floor extension adjacent to the adjoining boundary walls. The plant will be screened in acoustic enclosures and a condition added to this permission to ensure that the enclosure colour matches the existing roof.

The cladding of the lean to rear extension in zinc is acceptable. The re-roofing in natural slate is acceptable. However, the roof has been covered in artificial slate, which is not an appropriate material for use on a listed building. The buildings on Harcourt Street, including the application site, are for the most part roofed in Welsh slate. Any changes to roofing material or additions to existing roofs should be in slate to match. Natural slate has a number of significant differences from artificial; it is thicker, has natural edges and contains a slight variance in colour. By contrast the artificial slate used here is thin, very regular in shape, and with a single colour all over. Natural slate will also weather differently to artificial slate; the latter's appearance deteriorating over time. For this reason, a

condition is recommended to be imposed requiring the artificial slate to be replaced with natural blue grey slate within three months of this permission / consent.

Subject to conditions, the works are considered acceptable in design and conservation terms and will comply with Policies DES 1, DES 6, DES 9 and DES 10. The special architectural and historic interest of the listed building and the character and appearance of the Portman Estate Conservation Area will be preserved.

8.3 Residential Amenity

Three objections have been received from neighbouring residents. One objection from Cranfield Court which is to the south west of the site, a second from 31 Harcourt Street to the North West and is directly neighbouring the site and a third objection from 95 York Street to the east of the site. All objections express concerns to the noise levels from the plant. Objections also relate to vibration from the plant and to customers of the public house leaving the premises late at night and sitting outside the premises by day making noise.

The City Council has received a number of complaints relating to noise from the public house since its re-opening. Most of which relates to the renovation work recently undertaken, but some relates to the unauthorised plant that is the subject of this application.

The applicant confirms that the introduction of an in-line duct attenuator for the existing supply fan fresh air inlet has recently been completed. This has already had a positive impact on the reduction of noise and vibration from this plant.

The application seeks to retain the air conditioning units in their current location, albeit housed within acoustic enclosures in order to satisfy the City Council's noise policies. The applicant is awaiting the outcome of this application prior to installing the louvred enclosures for the three air conditioning units. Environmental Health Officers have assessed the acoustic report that was submitted with the application and consider that the proposed plant are likely to comply with the City Council's noise policy ENV 7 of the UDP subject to the installation of the acoustic enclosures. The proposals will not therefore harm the amenity of neighbouring properties once the louvred enclosures are installed. It is recommended that a condition be imposed requiring the installation of the acoustic enclosures in full within three months of permission / consent being granted. A condition is also recommended limiting the hours of use of the fresh air supply and the condenser unit servicing the rear extension to 11:00 to 23:30 daily. The two remaining condensing units used to cool the cellar and cold room and are required to be in use 24 hours.

The proposal will have no impact upon noise from customers leaving the premises late at night and therefore this objection is unsustainable.

8.4 Transportation/Parking

This application does not raise any highways concerns.

8.5 Economic Considerations

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

8.6 Access

The access arrangements to the public house remain unchanged.

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.

The proposal is not CIL-liable.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

None

9. BACKGROUND PAPERS

1. Application form
2. Response from Environmental Health, dated 7 December 2016
3. Response from Historic England, dated 5 December 2016
4. Letter from occupier of Flat 2, 31A Harcourt Street, dated 10 December 2016
5. E-mail from occupier of 95A York Street dated 21 December 2016
6. E-mail from occupier of 28 Cranfield Court, Homer Street dated 21 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: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

10. KEY DRAWINGS

1 Roof Plan Scale: 1:50

Condenser Schedule-

1. JE Hall - JEHK-0115-B1-M-1
2. Danfoss - DP-MPHM0125CPOOG
3. Fujitsu - AOYG30-36LET
4. Supply Air Helios - GBW5004

2 Elevation Scale: 1:100

3 Elevation Scale: 1:50

4 Elevation Scale: 1:100

Works at The Harcourt
The Harcourt
Harcourt Street - London

PHILIP J. CONSTRUCTION

Revision no. _____
Project No. _____
Client File _____
Drawn _____
Checked _____
Date 11/09/2018
Scale 1:100
Proposed Plans

A112

DRAFT DECISION LETTER

Address: 32 Harcourt Street, London, W1H 4HX

Proposal: Installation of three air conditioning units within louvered enclosures and one kitchen fresh air supply at rear ground floor roof level, increased insulation to flat roof at rear and re-roofing of single pitch-lean to extension at rear first floor level with slate and zinc cladding.

Reference: 16/11053/FULL

Plan Nos: A112, environmental noise survey report and plant noise assessment (Report No. 361119 issue 2)

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

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: 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 piling, excavation and demolition 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 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 (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.

- 4 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.

- 5 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 protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 6 The artificial slate used to clad the roof of the rear lean-to extension shall be replaced by natural blue grey slate within three months of this permission.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 7 The fresh air supply (Helios GBW 500/4) hereby permitted shall not be operated except between 11:00 hours and 23:30 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 8 The condenser (Fujitsu model AOYG36LETL) serving the rear extension shall not be operated except between 11:00 hours and 23:30 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external

background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must install the louvred acoustic enclosures, coloured French grey as shown on the approved drawings and detailed in the environmental noise survey report and plant noise assessment (Report No. 361119 issue 2) within three months of the date on the decision notice. You must then maintain it in the form shown for as long as the machinery remains in place.

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

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 advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 3 Conditions 3 and 4 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)
- 4 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following., * Window cleaning - where possible, install windows that can be cleaned safely from within the building., * Internal atria - design these spaces so that glazing can be safely cleaned and maintained., * Lighting - ensure luminaires can be safely accessed for replacement., * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission)., More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm., , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use.

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If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (180CB)

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.

DRAFT DECISION LETTER

Address: 32 Harcourt Street, London, W1H 4HX

Proposal: Installation of three air conditioning units and one kitchen fresh air supply at rear ground floor roof level within louvred enclosures re-roofing of single pitch-lean to extension at rear first floor level with slate and zinc cladding.

Reference: 16/11054/LBC

Plan Nos: A112.

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)
- 4 The artificial slate used to clad the roof of the rear lean-to extension shall be replaced by natural

blue grey slate within three months of this permission.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 5 You must put up the louvred acoustic enclosures, coloured French grey as shown on the approved drawings and detailed in the environmental noise survey report and plant noise assessment (Report No. 361119 issue 2) within two months of the date on the decision notice. You must then maintain it in the form shown for as long as the machinery remains in place.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , * any extra work which is necessary after further assessments of the building's condition;, * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (159AA)

- 3 We know that the work to install artificial slate cladding to the lean-to roof been completed. This type of slate is considered unacceptable in design terms. We may take legal action to have the work removed and the building restored to natural blue grey slate should you not comply with Condition 4 of this consent.

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

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Agenda Item 8

Item No.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	74 Cambridge Street, London, SW1V 4QQ		
Proposal	Variation of condition 1 of planning permission dated 20 May 2015 (RN 15/02655/FULL) for extension at lower ground floor level to include use of part of roof as terrace, demolition and rebuilding of closet wing with alterations to windows and doors, namely to remove roof light from ground floor infill extension and insert gate into roof railings (retrospective).		
Agent	Mr Jeremy Ashworth		
On behalf of	Mr Edward Walker		
Registered Number	16/12115/FULL	Date amended/ completed	21 December 2016
Date Application Received	21 December 2016		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

74 Cambridge Street is an unlisted building of merit located within the Pimlico Conservation Area. The property is divided into two residential flats, one flat at lower ground floor level and one flat at ground and upper floor levels.

Permission was granted in May 2015 for the construction of a lower ground floor extension. This included the provision of a large roof light and the use of part of the roof of the extension as a terrace for the upper floor flat. The permission for the extension has commenced and construction is under way.

This application seeks permission for the retention of a gate into the approved railings that enclose the lawful terrace and to revise the plans to show the omission of the large roof light in the extension.

The application has arisen following a complaint to our planning enforcement team raising concerns

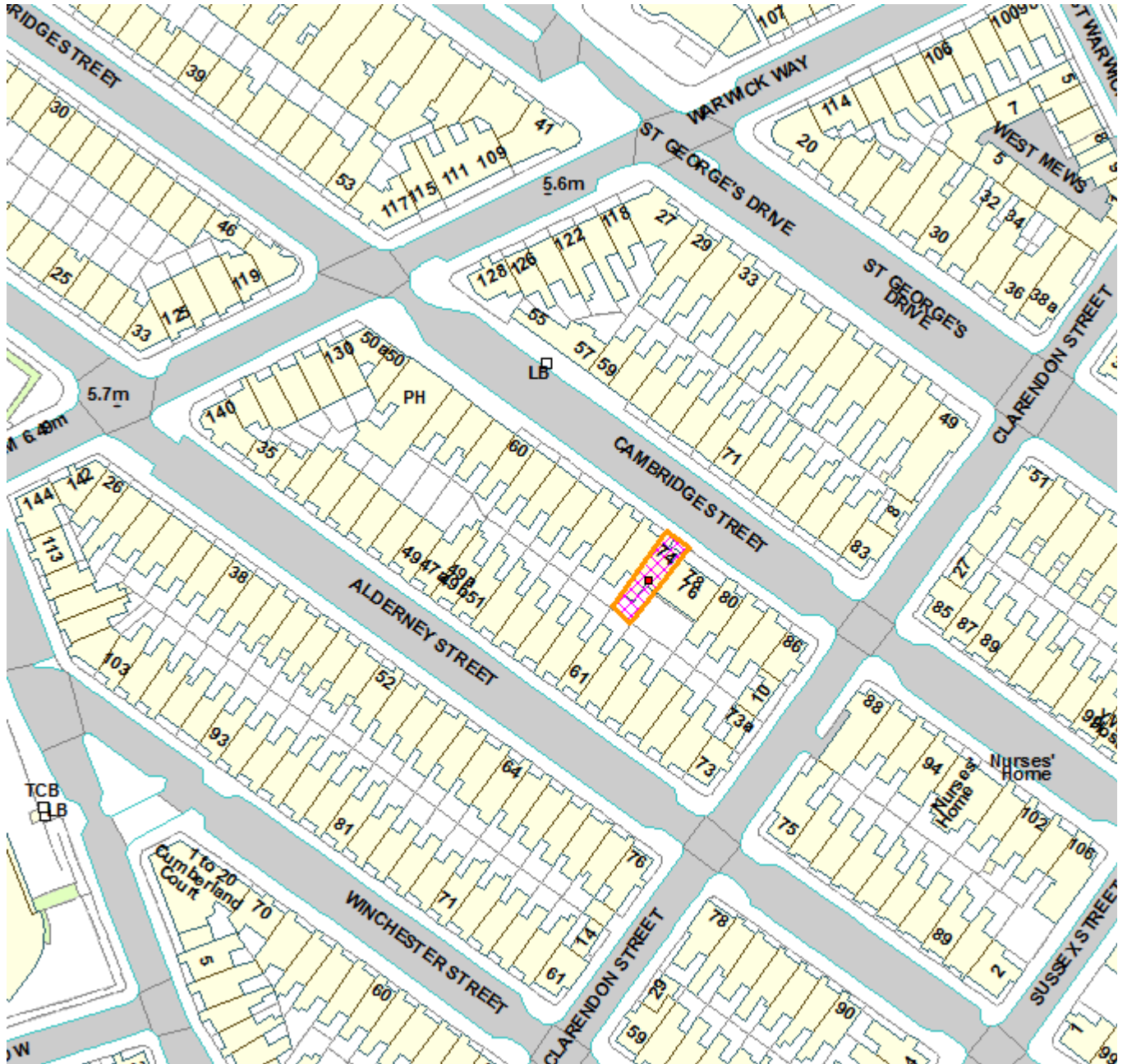
that the roof of the extension is to be used as a large roof terrace in breach of conditions 1 and 4 of the original permission.

The key issues with this application are whether the proposed changes are acceptable in design and amenity terms.

An objection has been received from the neighbouring occupier on the grounds of loss of residential amenity in terms of loss of privacy, overlooking and noise disturbance. Whilst the objection is noted, for the reasons set out in the report, it is not considered that these are sustainable grounds to refuse the application.

The proposed development would be consistent with relevant development plan policy in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, the proposal is acceptable in terms of design and amenity terms and the application is recommended for approval subject to the conditions set out in the draft decision letter.

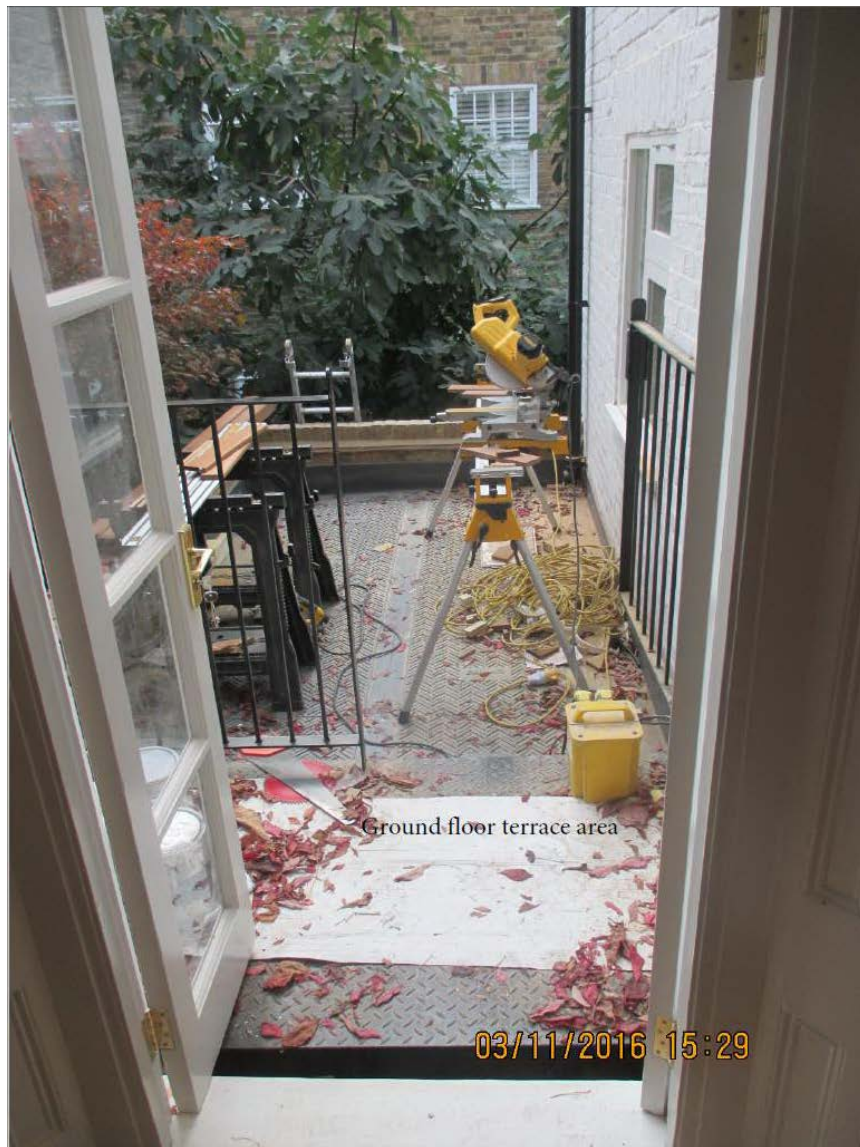
3. LOCATION PLAN



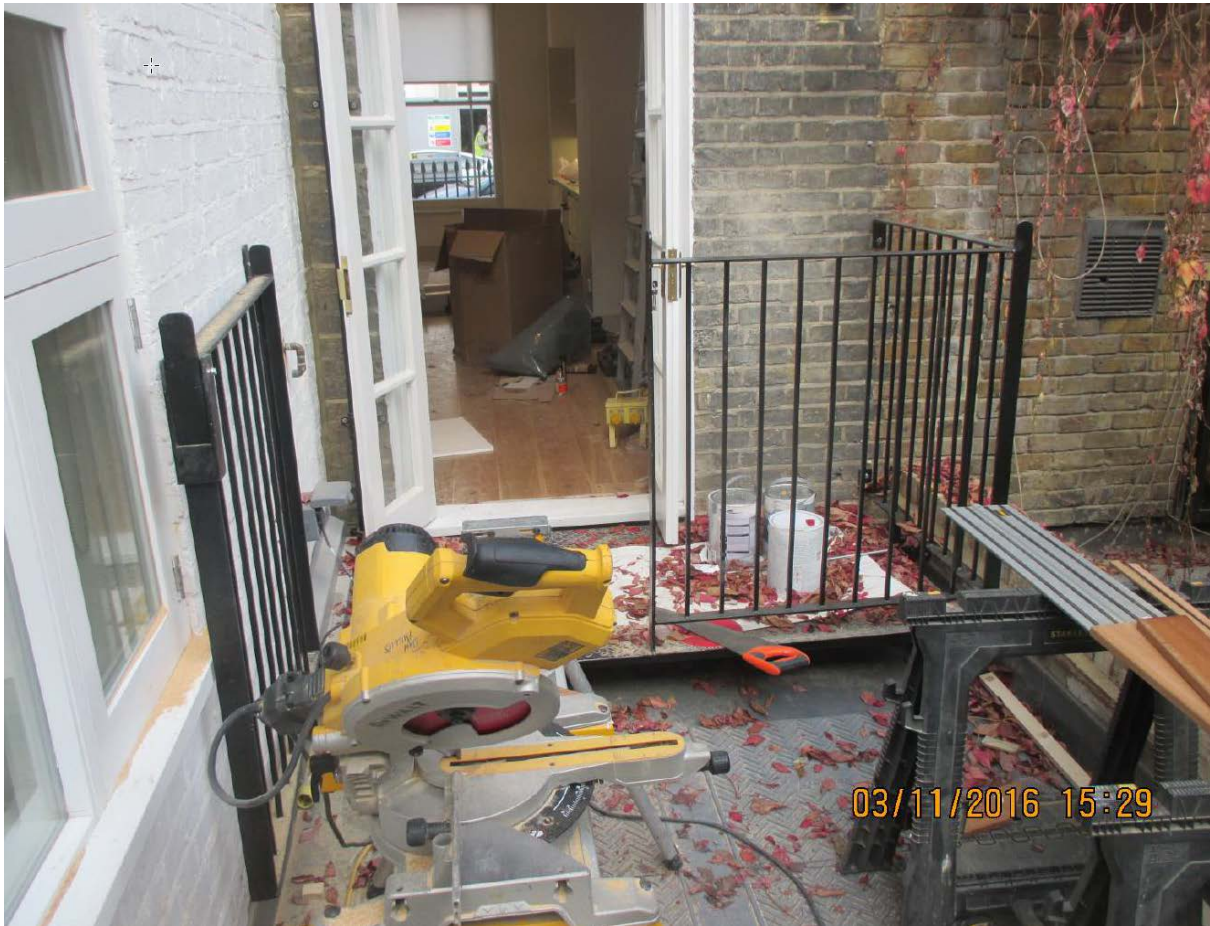
4. PHOTOGRAPHS



Front elevation



View of lower ground floor terrace under construction with gate installed



View of railing to approved terrace as constructed with gate installed.

5. CONSULTATIONS

WESTMINSTER SOCIETY

No comment

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14

Total No. of replies: 1

No. of objections: 1

No. in support: 0

On letter of objection received on the following grounds: loss of privacy, overlooking and noise disturbance.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

74 Cambridge Street is an unlisted building of merit located within the Pimlico Conservation Area. The property is divided into two residential flats, one flat at lower ground floor level and one flat at ground and upper floor levels.

6.2 Recent Relevant History

Permission was granted 20 May 2015 for extension at lower ground floor level to include use of part of roof as terrace. Demolition and rebuilding of closet wing with alterations to windows and doors.

Permission was granted on 10 February 2016 to vary condition 1 of planning permission dated 20 May 201, namely to raise the height of the rear closet wing and associated replacement of a door with a window.

7. THE PROPOSAL

Permission was granted in May 2015 for the construction of a lower ground floor extension. This included the provision of a large roof light and the use of part of the roof of the extension as a terrace for the upper floor flat. The permission for the extension has commenced and construction is under way.

This application seeks permission to retain a gate into the approved railings that enclose the lawful balcony / terrace and to revise the plans to show the omission of the large roof light in the extension.

The applicant advises that the rooflight has been omitted for cost saving reasons.

The application has arisen following a complaint to our planning enforcement team raising concerns that the roof of the extension is to be used as a large roof terrace in breach of conditions 1 and 4 of the original permission.

8. DETAILED CONSIDERATIONS

8.1 Townscape and Design

The gate has no material impact on the appearance of the railings when compared with the approved scheme. The removal of the roof light is not considered contentious in design terms.

8.2 Residential Amenity

The permission from May 2015 included the provision of a small balcony / terrace with railings. Condition 4 on the planning permission stated that no other part of the roof of the approved lower ground floor extension can be used for sitting out of for any other purpose.

The concerns raised by the neighbour about use of the entire roof of the approved extension as a terrace and the implications for loss of privacy and noise are legitimate. Such a use would result in loss of amenity through overlooking. However this proposal does not seek permission to use the entire roof of the approved extension as a terrace. It is seeking retrospective permission for the removal of the rooflight and to install a gate into the approved balcony railings.

The applicant advises that the gate is required to allow escape onto the roof of the extension in an emergency and there is no intention to use the remaining roof of the lower ground floor extension as outdoor amenity space. There is no objection to the provision of a gate in amenity terms subject to an additional condition requiring the gate to be kept shut except when in use for emergency escape purposes.

Given that the terrace area remains the same as approved in May 2015, the proposal is considered acceptable in amenity grounds. The removal of the rooflight for cost saving purposes raises no amenity issues.

8.3 Economic Considerations

No economic considerations are applicable for a development of this size

8.4 London Plan

This application raises no strategic issues.

8.5 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.

8.6 Planning Obligations

The proposed scheme is not liable to CIL.

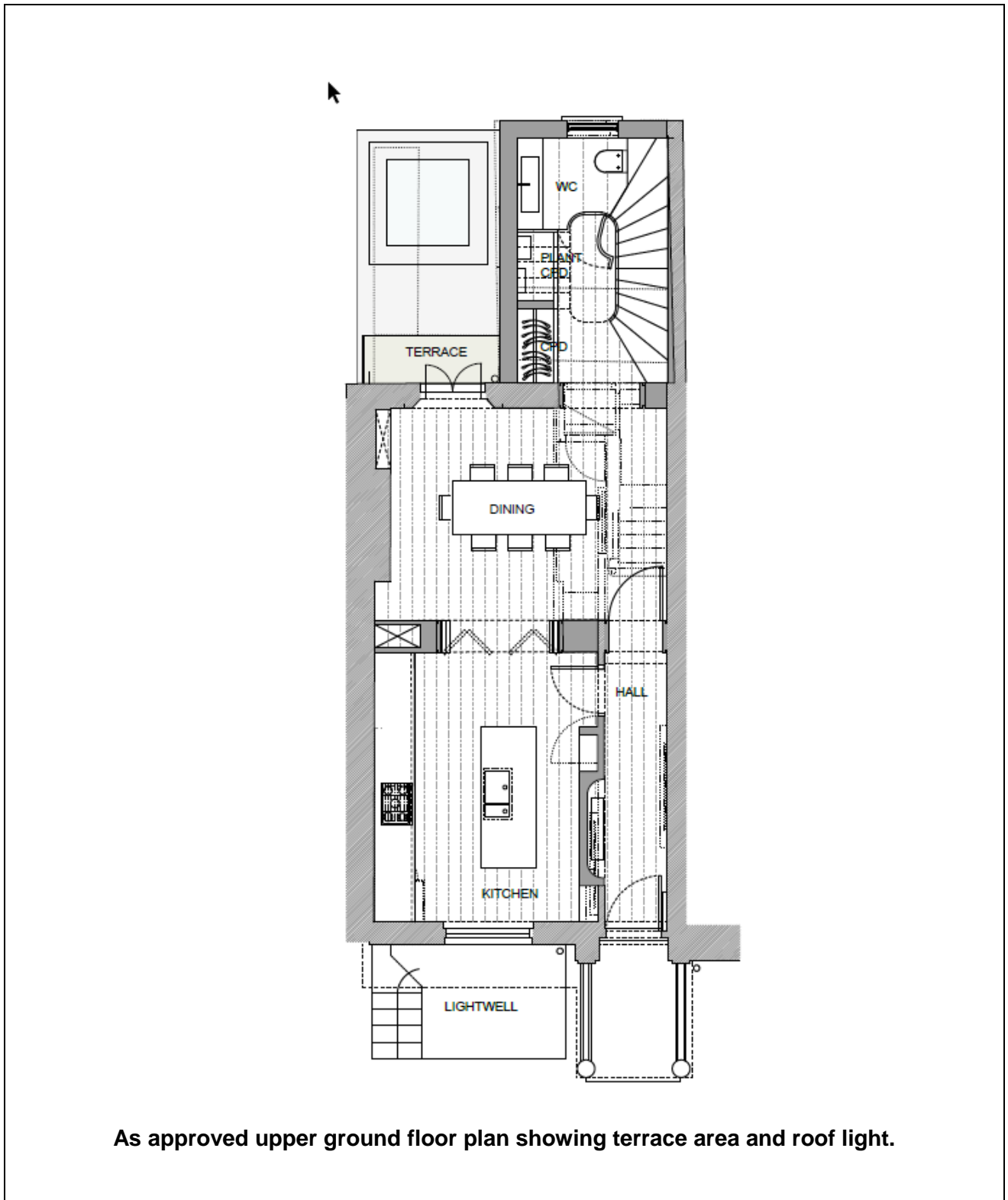
9. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society, dated 17 January 2017
3. Letter from occupier of 76 Cambridge Street, Pimlico, dated 18 January 2017

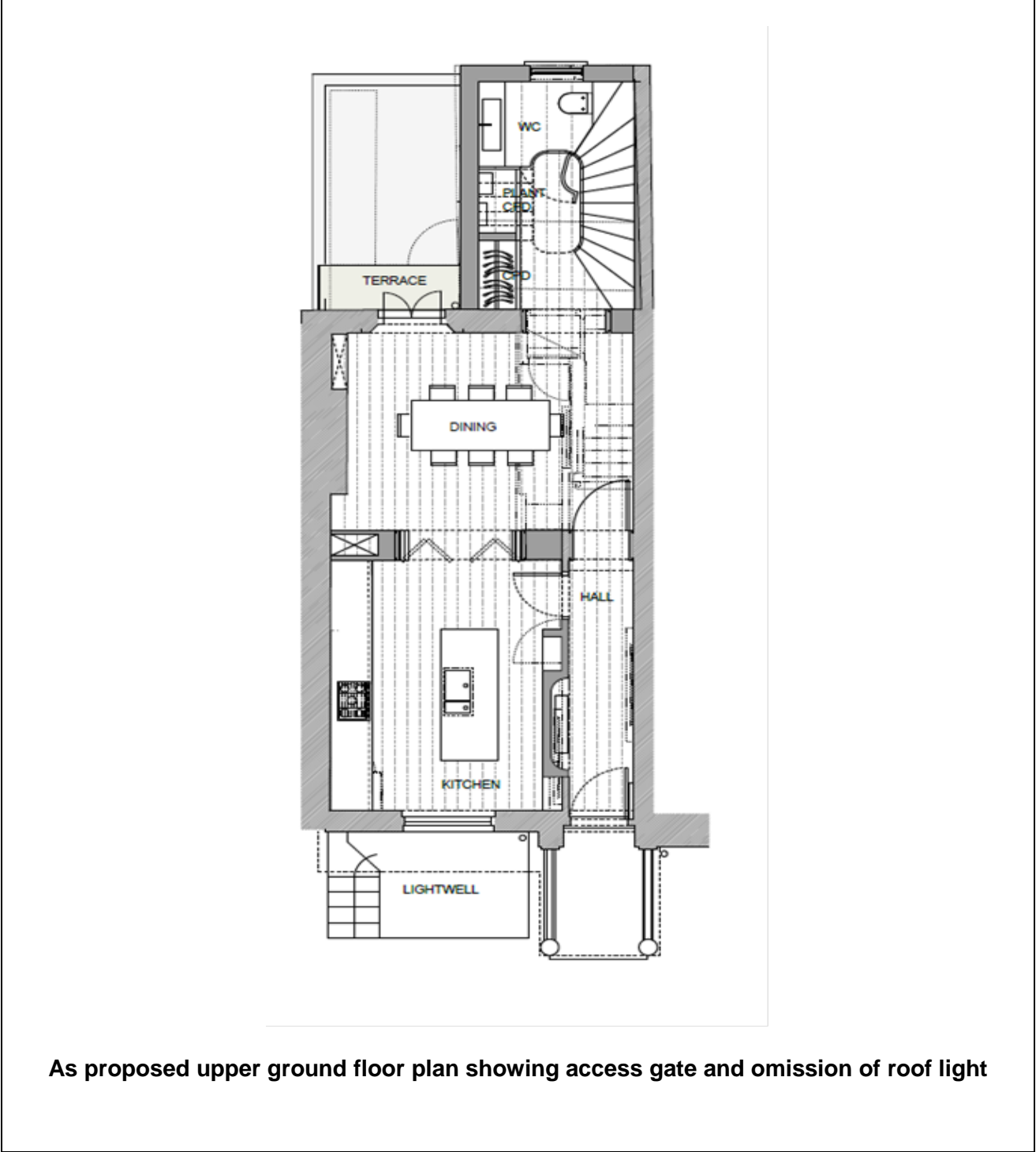
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

10. KEY DRAWINGS



As approved upper ground floor plan showing terrace area and roof light.



As proposed upper ground floor plan showing access gate and omission of roof light



DRAFT DECISION LETTER

Address: 74 Cambridge Street, London, SW1V 4QQ

Proposal: Variation of condition 1 and 4 of planning permission dated 20 May 2015 (RN 15/02655/FULL) for the extension at lower ground floor level to include use of part of roof as terrace. Demolition and rebuilding of closet wing with alterations to windows and doors from (RN 15/02655/FULL). NAMELY, to remove roof light from ground floor infill extension and insert gate into roof railings.

Reference: 16/12115/FULL

Plan Nos: Previously approved 15/02655/FULL: 100; MS-4365A basement and ground floors; MS-4365A first, second, and third floors; MS-4365B front and rear elevations; MS-4365B side elevation; MS-4365C; 101 P6; 102 P5; 103 P1; Design and access statement; Daylight and sunlight study dated 6 March 2015.

Revised documents:

101; 102-S73 P5; two un-numbered photographs of existing and proposed railings.

Case Officer: Aurore Manceau

Direct Tel. No. 020 7641 7013

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 Other than the terrace area shown on drawing 101 you must not use the roof of the lower ground floor extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. The railings around the part of the roof that can be used as a terrace area must be retained at all times. (C21BA)

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)

- 5 You must keep the gate closed at all times except when in use for emergency escape purposes. It must not be left open.

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)

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.

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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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Agenda Item 9

Item No.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	45 Chester Square and 44-45 Ebury Mews, London, SW1W 9EA,		
Proposal	Variation of Conditions 1 and 6 of planning permission and condition 1 of listed building consent both dated 15 December 2011 (RNs: 11/07657/FULL and 11/07659/LBC) for demolition and rebuild of 44 Ebury Mews to provide a self-contained residential unit at ground and first floor level, formation of new basement beneath mews building to provide additional residential accommodation in connection with the main house at 45 Chester Square, construction of a four storey lift shaft extension to the rear of 45 Chester Square, installation of mechanical plant within front basement vaults, infill extension to rear lightwell, and rebuilding of part rear façade, namely provision of roof terrace with railings on part of the roof of 44 - 45 Ebury Mews with access via doors in rear elevation of 45 Chester Square.		
Agent	Gerald Eve LLP		
On behalf of	Mr Brett Henderson		
Registered Number	16/08638/FULL 16/08639/LBC	Date amended/ completed	7 September 2016
Date Application Received	7 September 2016		
Historic Building Grade	Grade II		
Conservation Area	Belgravia		

1. RECOMMENDATION

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

2. SUMMARY

45 Chester Square is a Grade II listed building located in the Belgravia Conservation Area. To the rear the property backs onto 44 - 45 Ebury Mews. Both properties are in use as separate residential dwellings but are occupied by different members of the same family.

Planning permission and listed building consent were granted on 15 December 2011 for the demolition

and rebuilding of 44 Ebury Mews to provide a self-contained residential unit at ground and first floor level., and the formation of a new basement beneath the mews building to provide additional residential accommodation in connection with the main house at 45 Chester Square, and other alterations.

These applications seek to vary conditions 1 and 6 of the planning permission and condition 1 of the listed building consent in order to use a part of the flat roof of 44 – 45 Ebury Mews as a roof terrace in connection with 45 Chester Square. The application includes new railings, planters and an access door.

Condition 1 requires the development to be carried out in accordance with the approved drawings on both the planning permission and listed building consent whereas Condition 6 of the planning permission states 'You must not use the roof of the new mews for sitting out or for any other purpose. You can however use the roof to escape in an emergency'.

The key considerations in assessing the proposal are:

- The impact of the proposals upon the special architectural or historic interest (significance) of the listed building and the character and appearance of the Belgravia Conservation Area; and
- The impact of the proposals on the amenity of neighbouring residents.

The proposals are considered to comply with Council policies in relation to amenity, design, conservation, and listed building matters as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) and the applications are therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation of Nos. 44-45 Ebury Mews.
The terrace is to be located on part of the roof of this property.

5. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION:

Objection on following grounds:

Design:

The proposal would adversely affect the local area, be out of character with the neighbouring properties, and will radically transform a listed building.

Amenity:

The terrace is the same level as other properties first floor bedrooms and living areas and use as a terrace would become highly intrusive on their privacy and a nuisance in terms of sounds and smells.

BELGRAVIA SOCIETY:

Any response to be reported verbally.

BELGRAVIA NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 9

Total No. of replies: 4

No. of objections: 4

No. in support: 0

Objections from neighbours on some or all of the following grounds:

Amenity

- Loss of privacy to habitable rooms of adjoining residential occupiers.
- Noise disturbance resulting from the use of the terrace.
- Smells from use of the terrace.
- Noise disturbance from terrace use at night.
- The reasons for imposing Condition 6 of the original planning permission remain valid.

Other matters

- Concern regarding precedent being set.
- Loss of property value.
- Concern regarding use of the entire roof in future.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

45 Chester Square is a Grade II listed building located in the Belgravia Conservation Area. To the rear, the property backs onto 44 - 45 Ebury Mews. Both properties are in use as separate residential dwellings but are occupied by different members of the same family. These applications relate to part of the flat roof of the mews building at 44 - 45 Ebury Mews.

6.2 Recent Relevant History

11/07657/FULL and 11/07659/LBC

Demolition and rebuild of 44 Ebury Mews to provide a self-contained residential unit at ground and first floor level. Formation of new basement beneath mews building to provide additional residential accommodation in connection with the main house at 45 Chester Square. Construction of a four storey lift shaft extension to the rear of 45 Chester Square, installation of mechanical plant within the front basement vaults with associated louvred doors, infill extension to rear lightwell, rebuilding of part rear facade.

Application Permitted 15 December 2011

There are a number of roof terraces in the immediate area including a lawful terrace at 42 Ebury Mews and a number of others that are well established but without relevant planning history, including 43 Chester Square and 45B Chester Square.

7. THE PROPOSAL

These applications seek to vary conditions 1 and 6 of the planning permission and condition 1 of the listed building consent dated 15 December 2011 in order to allow the use of part of the flat roof of 44 – 45 Ebury Mews as a roof terrace. The proposed terrace would serve 45 Chester Square and not 44 – 45 Ebury Mews. Associated works include the installation of railings, planters, and a new door which would replace a window in the rear elevation of 45 Chester Square to enable access to the proposed terrace.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal does not raise any land use issues.

8.2 Townscape and Design

The majority of mews properties on the north side of Ebury Mews exhibit butterfly roofs, however those which exhibit flat roofs, such as the application site, contain roof terraces.

Initially there were concerns that introducing a roof terrace would introduce visual clutter which would detract from the appearance of the mews. These concerns have been partly overcome by setting the balustrade back from the roof edge and replacing the glass balustrade with simple vertical metal railings. Additionally, the timber steps originally

proposed have been replaced with metal, and the new door on the rear of the listed building is more traditional in its design.

Given the presence of other roof terraces within the mews and the design amendments, the works are considered acceptable in design, townscape and listed building grounds.

8.3 Residential Amenity

UDP Policy ENV 13 and City Plan Policy S29 aim to protect the amenity of existing residents from the effects of development. Objections have been received on grounds the proposal would adversely affect neighbours in terms of overlooking, noise and odour nuisance, and light spill.

Overlooking

The proposed use of the flat roof as a terrace raises issues with regard to overlooking, particularly at Nos. 45A and 45B Chester Square and the buildings opposite the proposed terrace on Ebury Mews.

There will be a view from the proposed access steps into the windows of the side elevation of 45B Chester Square and more oblique views into the bay window of 45A Chester Square. However these are only likely to be transitory views and on balance are not considered sufficient to result in material harm to the privacy of the occupiers of these buildings.

There will also be a view from the terrace itself into a recessed living room window that serves No. 45A. In order to address officer concerns on this issue the applicant has agreed to set the railings and proposed planters back from the side boundary. Therefore any view into this window will be from a very oblique angle and unlikely to result loss of privacy to the occupier. A condition is recommended to require the retention of the planter in this location.

The applicant initially proposed to extend the terrace forward to the full extent of the flat roof; however, officers advised this should be set back to limit the amount of overlooking afforded to the mews buildings opposite the flat roof on Ebury Mews, as well as for design reasons.

The use of the terrace is also likely to increase the amount of overlooking afforded from the property to mews properties opposite, with the forward edge of the proposed terrace being set back approximately 7 metres from the mews properties on the western side of Chester Mews. However, as a result of the proposed railings and planters on the terrace it is considered that overlooking into these properties and any subsequent loss of privacy is likely to be low. It is further noted that 45B Chester Square has a roof terrace at the same level, extending to the full depth of the terrace and in much closer proximity to the residential properties on Ebury Mews.

Officers also have concern regarding the impact of overlooking on the residents of 44 Ebury Mews itself. The flat roof of the mews, on which the proposed terrace is to be located, has two rooflights that look directly into the mews property below and it is considered that there is the potential for overlooking and a loss of privacy to the residents

of this property. However, a letter from the owner of the building confirms that 44 - 45 Ebury Mews is occupied by different members of the same family that occupy 45 Chester Square, and also that obscure glazing is proposed to be installed in the existing rooflights. The letter confirms there is therefore no objection to the creation of a roof terrace on the roof of 44 – 45 Ebury Mews.

In summary, with regard to overlooking and loss of privacy, it is considered that while there may be the potential for some overlooking to neighbours, the proposals are not considered to significantly harmful to justify refusal.

Noise

Objections also raise concerns regarding the potential for noise from the terrace. Whilst these concerns are noted, the terrace is modest in size and is to be used as part of a single family dwelling house. Noise levels are therefore likely to be similar to those from a garden albeit at a higher level. There are a number of other terraces in the area and there is no evidence of noise nuisance having been reported from these terraces. As such, it is considered that the proposal is unlikely to create noise nuisance which would significantly harm the amenity of the adjoining residential occupiers.

Light Spill

Neighbours also raise concern that the use of the roof terrace in the evenings would result in nuisance from light spill. Given that there are no neighbouring windows directly adjacent to the terrace, and the boundaries of the terrace are to be screened through railings and planting. It is considered unlikely that the use of the terrace would create significant levels of light pollution to adversely affect the residential amenity of adjoining occupiers.

Smells and odours

Objections also raise concern with potential smells associated with the use of the terrace, for example, these largely focus on the potential for cooking smells associated with BBQs taking place. Given that 45 Chester Square is a residential property it is not considered the terrace would be used in any different way to a conventional residential garden. It is therefore not considered reasonable to refuse the application on these grounds.

Condition 6 of 2011 Planning Permission

Condition 6 of the original planning permission dated 15 December 2011 states 'You must not use the roof of the new mews for sitting out or for any other purpose. You can however use the roof to escape in an emergency'.

Objections noted that in imposing Condition 6, the officer's committee report states; *'although not raised as an issue by neighbours, given the roof of the mews is flat with a paved surface, there is scope that this could be used as a terrace in the future which would be considered unacceptable in terms of overlooking and loss of privacy. It is therefore recommended that a condition to prohibit this be attached to the decision letter'*.

It is important to note that the 2011 application did not seek to use the flat roof as a terrace and as such a full assessment of the potential impact of this use by the council was not

undertaken. The condition also referred to the use of the entirety of the flat roof across the mews building, whereas the current application only seeks to use part of the roof for terrace purposes.

Summary

In conclusion, it is considered that while there is likely to be a degree of overlooking and noise resulting from the use of the terrace, on balance it is not considered likely that these would result in a significant material impact on the amenity of adjoining occupiers to justify refusal of the application. It is considered that with appropriate conditions the proposal complies with policies ENV 13 of the Unitary Development Plan and S29 of the Westminster City Plan: Strategic Policies.

8.4 Transportation/Parking

The proposal raises no transportation or parking issues.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposal raises no access issues.

8.7 Other UDP/Westminster Policy Considerations

None 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.

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Not applicable.

9. BACKGROUND PAPERS

1. Application form.
2. Letter from Belgravia Residents Association dated 13 October 2016.
3. Letter from occupier of 45B Chester Square dated 25 September 2016.
4. Letter from occupier of 94 Ebury Mews dated 2 October 2016.
5. Letter from occupier of 96 Ebury Mews dated 4 October 2016.
6. Letter from Fenton Associates on behalf of the occupiers of 45A Chester Square dated 4 October 2016
7. Letter from Pandega Holdings on behalf of the occupiers of 44 – 45 Ebury Mews dated 14 December 2016.

Selected relevant drawings

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT MMASON@WESTMINSTER.GOV.UK

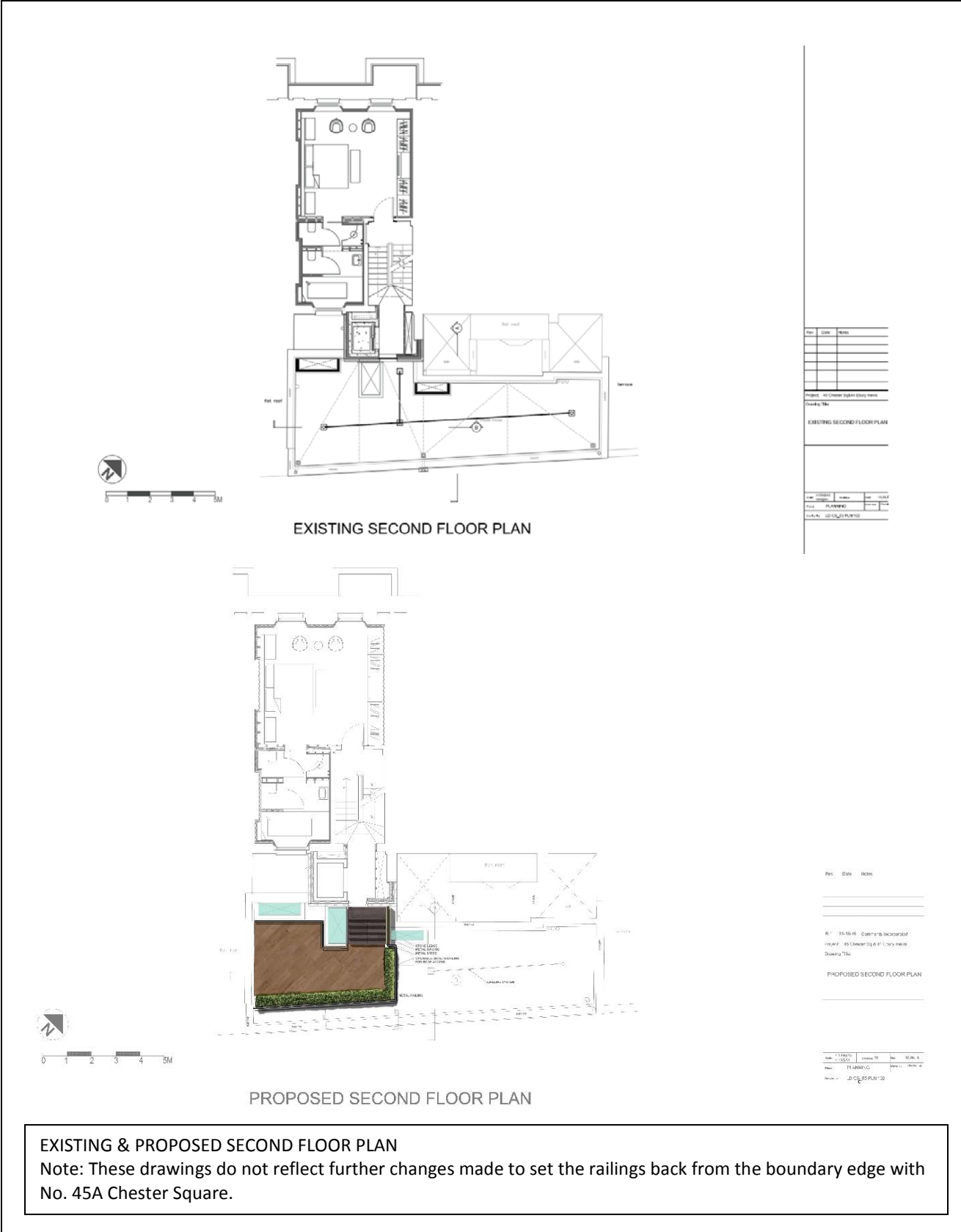
10. KEY DRAWINGS

EXISTING SECTION B

PROPOSED SECTION B

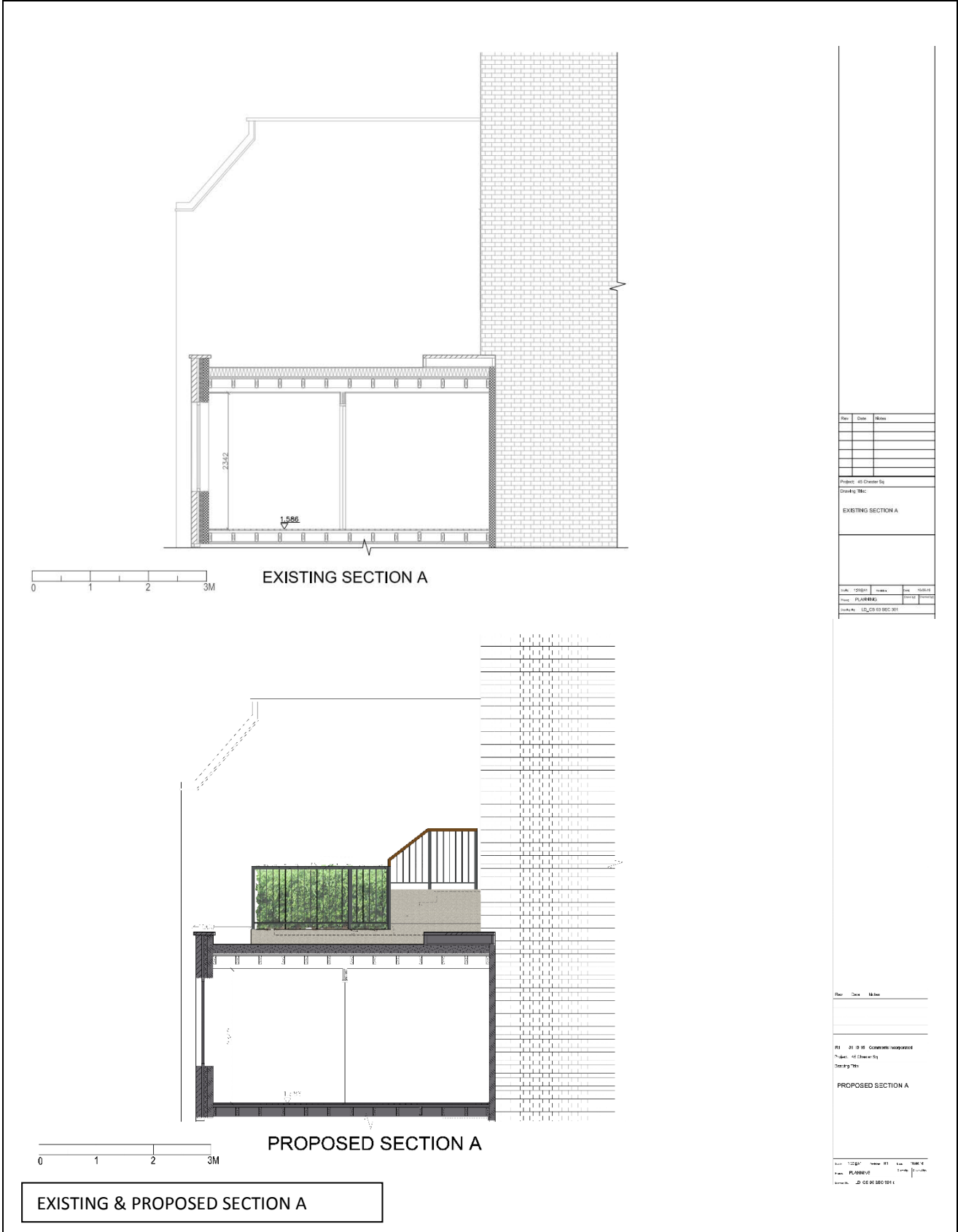
Labels in Proposed Section B:
 - SILL OF EXISTING WINDOW LOWERED TO INCORPORATE A DOG
 - WOOD FRAME
 - WOODEN DOOR JAMB
 - WOOD HANDRAIL
 - METAL RAILING
 - STONE LEDGE
 - METAL RAILING
 - METAL STEPS

EXISTING & PROPOSED SECTION B
 Note: These drawings do not reflect further changes made to set the railings back from the boundary edge with No. 45A Chester Square



EXISTING & PROPOSED SECOND FLOOR PLAN

Note: These drawings do not reflect further changes made to set the railings back from the boundary edge with No. 45A Chester Square.



EXISTING & PROPOSED SECTION A

DRAFT DECISION LETTER

Address: 45 Chester Square, London, SW1W 9EA,

Proposal: Variation of Conditions 1 and 6 of planning permission dated 15 December 2011 (RN: 11/07657/FULL) for demolition and rebuild of 44 Ebury Mews to provide a self-contained residential unit at ground and first floor level, formation of new basement beneath mews building to provide additional residential accommodation in connection with the main house at 45 Chester Square, construction of a four storey lift shaft extension to the rear of 45 Chester Square, installation of mechanical plant within the front basement vaults with associated louvered doors, infill extension to rear lightwell, rebuilding of part rear facade. Namely provision of roof terrace with railings on part of the roof of 44 - 45 Ebury Mews with access via doors in rear elevation of 45 Chester Square.

Reference: 16/08638/FULL

Plan Nos: LD CS_03 ELE 301, LD CS_03 PLN 102, LD_CS 03 SEC 301, LD CS 03 SEC 302, SITE LOCATION PLAN, BLOCK PLAN, LD CS_05 ELE 301, LD CS_05 ELE 301 C, LD CS_05 PLAN 102 C REV R1, LD_CS 05 SEC 301 C REV R1, LD CS 05 SEC 302 C REV R1, LD CS_05 PLAN 102 REV R1, LD_CS 05 SEC 301 REV R1, LD CS 05 SEC 302 REV R1, COVER LETTER DATED 7 SEPTEMBER 2016, DESIGN AND ACCESS STATEMENT DATED SEPTEMBER 2016, HERITAGE IMPACT ASSESSMENT SUBMITTED 7 SEPTEMBER 2016, PLANNING STATEMENT DATED SEPTEMBER 2016.

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 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 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 The facing brickwork of the closet wing must be constructed using the same brick as the samples hereby approved and must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 With the exception of the area behind the metal railings shown on drawing LD CS 05 PLN 102 Rev R1 you must not use the roof of the new mews for sitting out or for any other purpose. You can however use the entire 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)

- 7 (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 LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

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.

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 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.

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

Reason:

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

- 10 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 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 11 The mews at ground and first floor level must remain a single family dwelling and must not be amalgamated with the lower ground floor of the mews.

Reason:

To ensure that development does not result in the loss of a residential unit and in order for the proposals to comply with policy CS14 of the Core Strategy that we adopted in January 2011

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

- 13 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 14 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)

- 15 The planting show on Proposed Section A and Proposed Second Floor Plan must be set back behind on the internal side of the railing and maintained to be below the height of the railings.

Reason:

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

- 16 You must apply to us for approval of details of the following parts of the development:

- i) Detailed drawings of the new door, which should be single glazed within integral glazing bars. (sections and elevations scaled 1:5)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION - In reaching the decision to grant planning permission the City Council has had regard to the relevant policies in the Draft National Planning Policy Framework July 2011, the London Plan July 2011, the City of Westminster Core Strategy adopted January 2011, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the demolition and rebuild of 44 Ebury Mews to provide a self-contained residential unit at ground and first floor level, formation of new basement beneath mews building to provide additional residential accommodation in connection with the main house at 45 Chester Square, construction of a four storey lift shaft extension to the rear of 45 Chester Square, installation of mechanical plant within the front basement vaults with associated louvred doors, infill extension to rear lightwell, rebuilding of part rear facade is acceptable in conservation, design, listed building, highways and amenity terms., , In reaching this decision the following policies of the City of Westminster Core Strategy and the Unitary Development Plan were of particular relevance:, , CS24, CS27, CS28, CS31, DES1, DES5, DES6, DES9, DES10, ENV7 and ENV13.

- 2 This permission is based on the drawings and reports submitted by you including the method statement for basement construction dated 6 May 2011. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

Our approval is based on the report dated 6 May 2011. Because of the professional qualifications of this company we have not done any double-checking or appointed our own consultant engineers. We are relying on the knowledge and qualifications of your consultants. You and the consultants are responsible for carrying out the work in a way that will cause as little disturbance to the building as possible.

- 3 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)

- 4 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 5 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 6 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 7 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

24 Hour Noise Team,
Environmental Health Service,
Westminster City Hall,
64 Victoria Street,
London,
SW1E 6QP,
Phone: 020 7641 2000

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

- 8 Conditions 7, 8 and 9 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)

Item No.
9

DRAFT DECISION LETTER

Address: 45 Chester Square, London, SW1W 9EA,

Proposal: Variation of Condition 1 listed building consent dated 15 December 2011 (RN: 11/07659/LBC) for Demolition and rebuild of 44 Ebury Mews to provide a self-contained residential unit at ground and first floor level, formation of new basement beneath mews building to provide additional residential accommodation in connection with the main house at 45 Chester Square, construction of a four storey lift shaft extension to the rear of 45 Chester Square, installation of mechanical plant within the front basement vaults with associated louvred doors, infill extension to rear lightwell, rebuilding of part rear facade, associated internal alterations to 45 Chester Square. Namely provision of roof terrace with railings on part of the roof of 44 - 45 Ebury Mews with access via doors in rear elevation of 45 Chester Square.

Reference: 16/08639/LBC

Plan Nos: LD CS_03 ELE 301, LD CS_03 PLN 102, LD_CS 03 SEC 301, LD CS 03 SEC 302, SITE LOCATION PLAN, BLOCK PLAN, LD CS_05 ELE 301, LD CS_05 ELE 301 C, LD CS_05 PLAN 102 C REV R1, LD_CS 05 SEC 301 C REV R1, LD CS 05 SEC 302 C REV R1, LD CS_05 PLAN 102 REV R1, LD_CS 05 SEC 301 REV R1, LD CS 05 SEC 302 REV R1, COVER LETTER DATED 7 SEPTEMBER 2016, DESIGN AND ACCESS STATEMENT DATED SEPTEMBER 2016, HERITAGE IMPACT ASSESSMENT SUBMITTED 7 SEPTEMBER 2016, PLANNING STATEMENT DATED SEPTEMBER 2016.

Case Officer: Joe Whitworth

Direct Tel. No. 020 7641 1968

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 All new work and improvements inside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27BA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph Belgravia of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 8 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 9 You must carry out the works in accordance with the detailed drawings of the fall arrest system to the closet wing approved by the City Council as Local Planning Authority on 11 December 2012 under reference 12/10546/ADLBC or in accordance with other detailed drawings as submitted and approved by the City Council.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 10 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 11 You must apply to us for approval of details of the following parts of the development:

- i) Detailed drawings of the new door, which should be single glazed within integral glazing bars (Sections and elevations scaled 1:5)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , * any extra work which is necessary after further assessments of the building's condition;, * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)
- 3 You are advised that the new brickwork for the closet wing should be toned down to match the colour of the prevailing brickwork elsewhere and this may involve sootwashing or an alternative method of toning.

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

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Item No.
10

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Churchill	
Subject of Report	10 Bloomfield Terrace, London, SW1W 8PG,		
Proposal	Excavation of new basement with rear lightwell. Erection of a rear extension at lower ground floor.		
Agent	Mr Jonathan Wright		
On behalf of	Fox Davies Gallagher Ltd		
Registered Number	16/10428/FULL 16/10430/LBC	Date amended/ completed	19 December 2016
Date Application Received	28 October 2016		
Historic Building Grade	II		
Conservation Area	Belgravia		

1. RECOMMENDATION

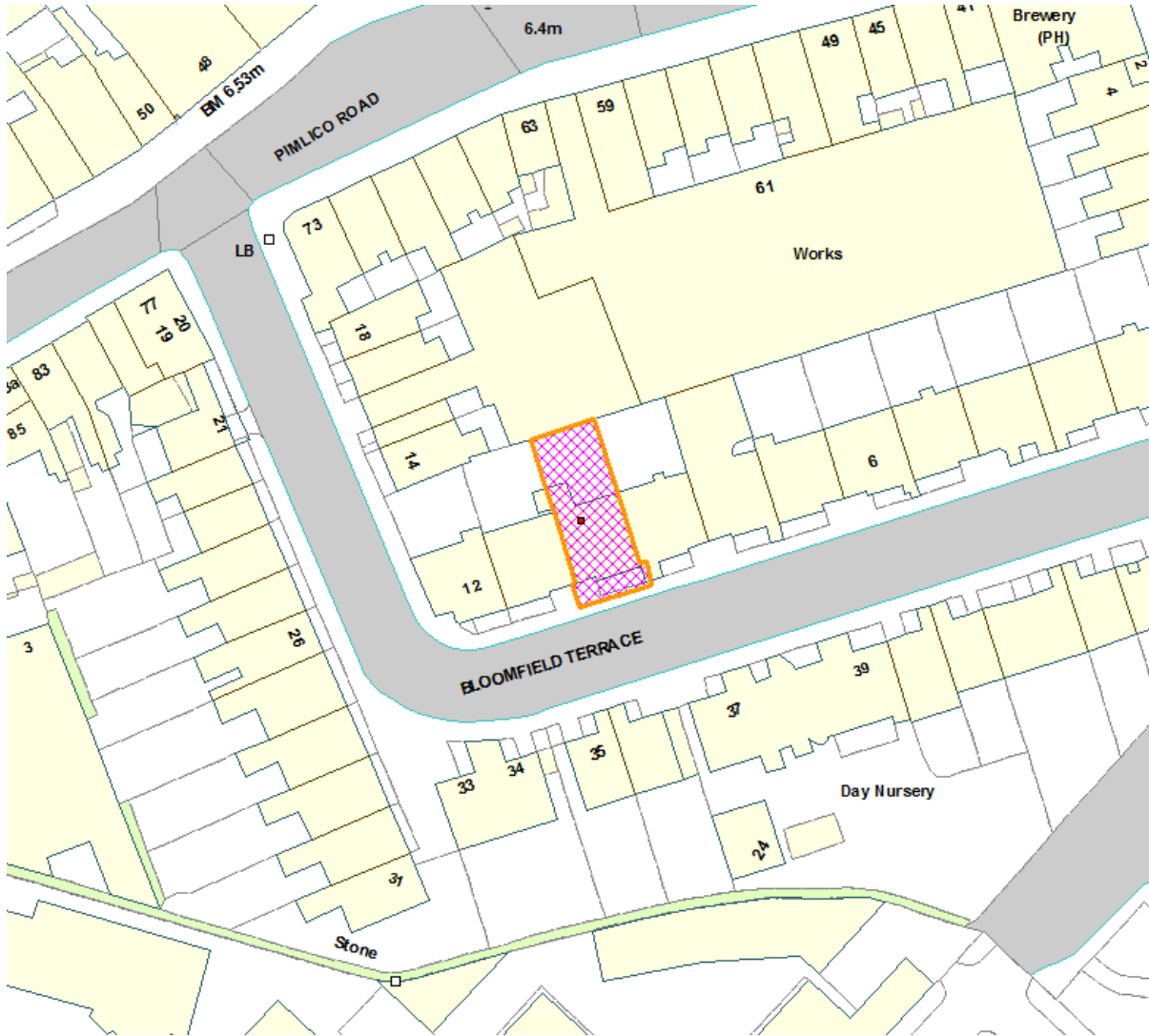
<ol style="list-style-type: none"> 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.

2. SUMMARY

<p>10 Bloomfield Terrace is a mid-terrace single family dwelling comprising lower ground, ground and first floor levels. The building is Grade II listed and within the Belgravia Conservation Area.</p> <p>Permission and listed building consent are sought for the excavation of a new basement with a rear lightwell and erection of a rear extension at lower ground floor level.</p> <p>The key issues in this case are:</p> <ul style="list-style-type: none"> * The impact of the proposals upon the special architectural or historic interest (significance) of the listed building and the character and appearance of the Belgravia Conservation Area; * The impact of the proposals upon the amenity of neighbouring residents.
--

The proposals are considered to comply with the Council's policies in relation to amenity, design and conservation as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan) and the applications are recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation

5. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION:

Objects. Following a review of the plans submitted to the Council the BRA is interested in how the design and conservation officer views the proposed excavation of a Grade II Listed Building? There is also a potential issue relating to the loss of amenity with the establishment of a terrace. Is the officer considering any restrictions relating to usage?

BELGRAVIA NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

BELGRAVIA SOCIETY:

Any response to be reported verbally.

HIGHWAYS PLANNING:

No objection.

BUILDING CONTROL:

The structural method statement is considered to be acceptable.

ENVIRONMENTAL HEALTH:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 33

Total No. of replies: 4

No. of objections: 4

No. in support: 0

Amenity

- Impact on quality of life and living conditions of residents.
- Noise associated with excavation works, vibration, dust and disruption.
- Noise transference between houses caused by other basement developments in the street.
- Overlooking from extended ground floor extension.

Design

- Proposal changes nature of the property and its surroundings.
- Proportions of property would be lost as a result of proposals.
- Object to lightwell to the front of the house (This part of the proposal has now been removed)

Basement issues

- Structural impact of basement on adjoining properties.
- Cumulative impact of basements in the area.
- Impact of basement development on water table and foundations.
- Impact of development on public sewer.

- Formation of second basement is not permitted under Council policy.
- Last time a basement was excavated disruption was experienced for two years.

Other considerations

- Property is rented and arises for commercial reasons.
- Disruption caused by Chelsea Barracks development and Travis Perkins/John Newson timber yard.
- Grosvenor Estate discourages basement excavations due to impact on buildings and amenity of surrounding area.
- No information provided on how developers would manage disruption to pavement area in front of premises
- Scarce parking spaces would be out of action.
- Submitted plans show little change from those previously submitted.
- Health and safety
- Precedent set by previously refused scheme and refusal in 1999 of ground floor extension to No. 11.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

10 Bloomfield is a single family dwelling arranged over lower ground, ground and first floor levels. The building is Grade II listed and within the Belgravia Conservation Area.

6.2 Recent Relevant History

Permission and consent refused in May 2016 for 'Excavation of basement with front and rear lightwell and construction of a rear extension at lower ground floor'. The applications were refused on the grounds that the glazed roof light to the front lightwell would harm the special interest and character and appearance of the listed building and Belgravia Conservation Area; and that insufficient information was provided to show how the new basement retaining structure will be designed, temporarily propped during construction, or permanently restrained on completion.

Permission and consent granted in October 2015 for 'Erection of a rear extension at lower ground floor level.'

Permission and consent refused October 1999 for 'Erection of rear extension at basement level with terrace over' on design grounds.

7. THE PROPOSAL

Permission and listed building consent are sought for the excavation of basement with rear lightwell and for the erection of a single storey rear extension at lower ground floor level.

The proposed rear extension is the same as the extant permission and listed building consent for a new extension at rear lower ground floor level approved October 2015 that has not yet been implemented.

The proposed new basement will extend beneath the footprint of the building with a lightwell to the rear set against the building line with two small roof lights over. The front of the new basement will provide a small internal plant room which is sited below an existing room at lower ground floor level. The previously proposed front lightwell rooflight has been removed from the scheme.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed works seek to increase residential floor space to the existing single dwelling house which is acceptable in land use terms.

8.2 Townscape and Design

There is an existing large extension at rear lower ground floor which serves a dining room. It is proposed to extend this extension to full width. The only change to the current scheme when compared to the extant scheme is the insertion of a roof light and close to the boundary with No. 11 Bloomfield Terrace. The proposed alterations to the rear lower ground floor extension are similar to that previously approved and are again considered acceptable in design and listed building terms.

The consultation comments raised concern that a similar proposal for a full width extension was refused in 1999 to No. 11 and that the proposals would set a precedent. The scheme refused in 1999 predates current policy and was refused on the basis that it would add additional bulk to the building. The current scheme involves infilling a small area adjacent to No. 11 and is considered to be in proportion with the application property.

The proposed basement does not involve the excavation of more than one storey below the lowest original floor level. On this basis the principle of an additional basement storey is considered acceptable in terms of adopted policy CM28.1 of the City Plan. The proposal has been amended to take into account the requirements of policy CM28.1 as the floor to ceiling height of the basement has been reduced from 3.2m as originally proposed down to 2.7m and an area of undeveloped land (0.5m) either side of the newly formed light well to the rear is provided.

The external manifestation of the basement is limited to two small roof lights to the rear of the property set against the building line. However this would not change the external appearance of the building as it would still be read as a two storey building with existing lower ground floor level. There is already an existing front lightwell area but the proposals do not extend beneath this part of the building. The provision of an additional single basement level is not considered to upset the hierarchy of this listed building.

The proposed basement extension is considered acceptable in design and listed building terms and accords with policy CM28.1.

8.3 Residential Amenity

The proposed lower ground floor extension is set within the flank walls of the adjoining boundary walls with No. 11 Bloomfield Terrace and so will have a limited impact on this property in amenity terms.

There is a small roof terrace on the existing rear extension at lower ground floor level. In order to protect the privacy of residents of No. 11 Bloomfield Terrace a condition is recommended to ensure that the extended roof area is not used as a terrace.

A condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which will require the developer to provide a Construction Management Plan (CMP) and funding for the Environmental Inspectorate to monitor the construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster. The key issues to address as part of the CoCP and production of a CMP are liaison with the public, general requirements relating to the site environment, traffic and highways matters, noise and vibration, dust and air quality, waste management and flood control.

Concerns have been raised by residents about the construction impact of the basement extension. The applicant will be required to address these concerns through the COCP and CMP.

Comment has also been made that existing basements within the street that have been constructed are causing noise levels to increase between the houses. It is unclear which properties this is attributed to or the particular circumstances of the case. It is not considered that this is a sustainable reason for refusal and is more of a matter to consider through the Building Regulations.

8.4 Transportation/Parking

The proposal does not represent an increase in the number of residential units or the loss of parking as such the proposal 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

No changes are proposed to the existing access/egress to the building.

8.7 Other UDP/Westminster Policy Considerations

There are 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.

This development does not generate a Mayor CIL or WCC CIL payment.

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Basement excavation

A structural method statement has been submitted which has been assessed by Building Control. Concerns have been raised over the impact of the proposed basement on the structural stability to adjoining properties and the impact it has on the water table. Building Control has confirmed that the structural method statement that has been submitted is considered to be acceptable. They have also confirmed that an investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using reinforced concrete underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

Concern has been raised that the proposed basement is over a public sewer which runs under Nos. 10 and 11. The maintenance of public sewers predominately falls under the responsibility of Thames Water. Whilst the City Council considers the basement proposals and the method of undertaking such works to be acceptable, a build over agreement would need to be acquired by the applicant through Thames Water in order to permit any works near or over a public sewer to ensure the correct clearance is maintained between the proposed works and the public sewer. In addition the proposed works would need to comply with Part H4 of the Building Regulations 2010. An informative is recommended to advise the applicant of this requirement.

Comment has been made that the proposals are for financial gain however this is not considered to be a material consideration in the assessment of the application.

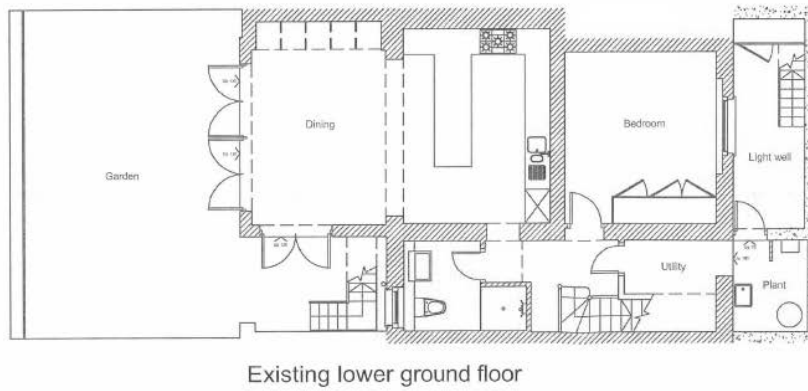
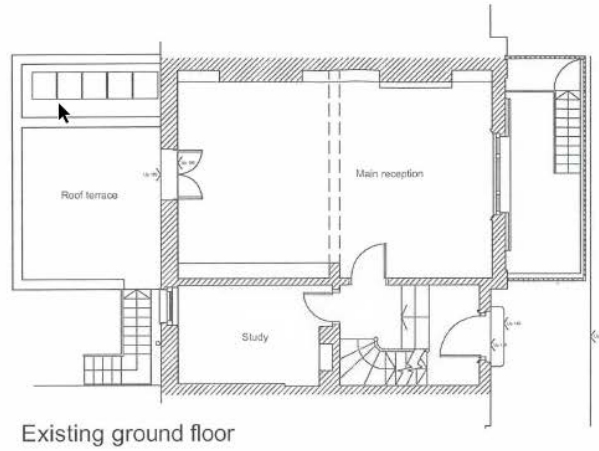
9. BACKGROUND PAPERS

1. Application form.
2. E-mail from Belgravia Residents Association dated 13 February 2017.
3. Memorandum from Highways Planning Manager dated 28 December 2016.
4. Memorandum from Environmental Health received 29 December 2016.
5. E-mail from the residential occupier of 12 Bloomfield Terrace received on the 19 January 2017.
6. E-mails from the residential occupier of 11 Bloomfield Terrace received on the 27 December 2016, 17 January 2017, 8 January 2017, 31 January 2017 and 18 February 2017.
7. E-mail from the residential occupier of 6 Bloomfield Terrace received on the 8 January 2017.

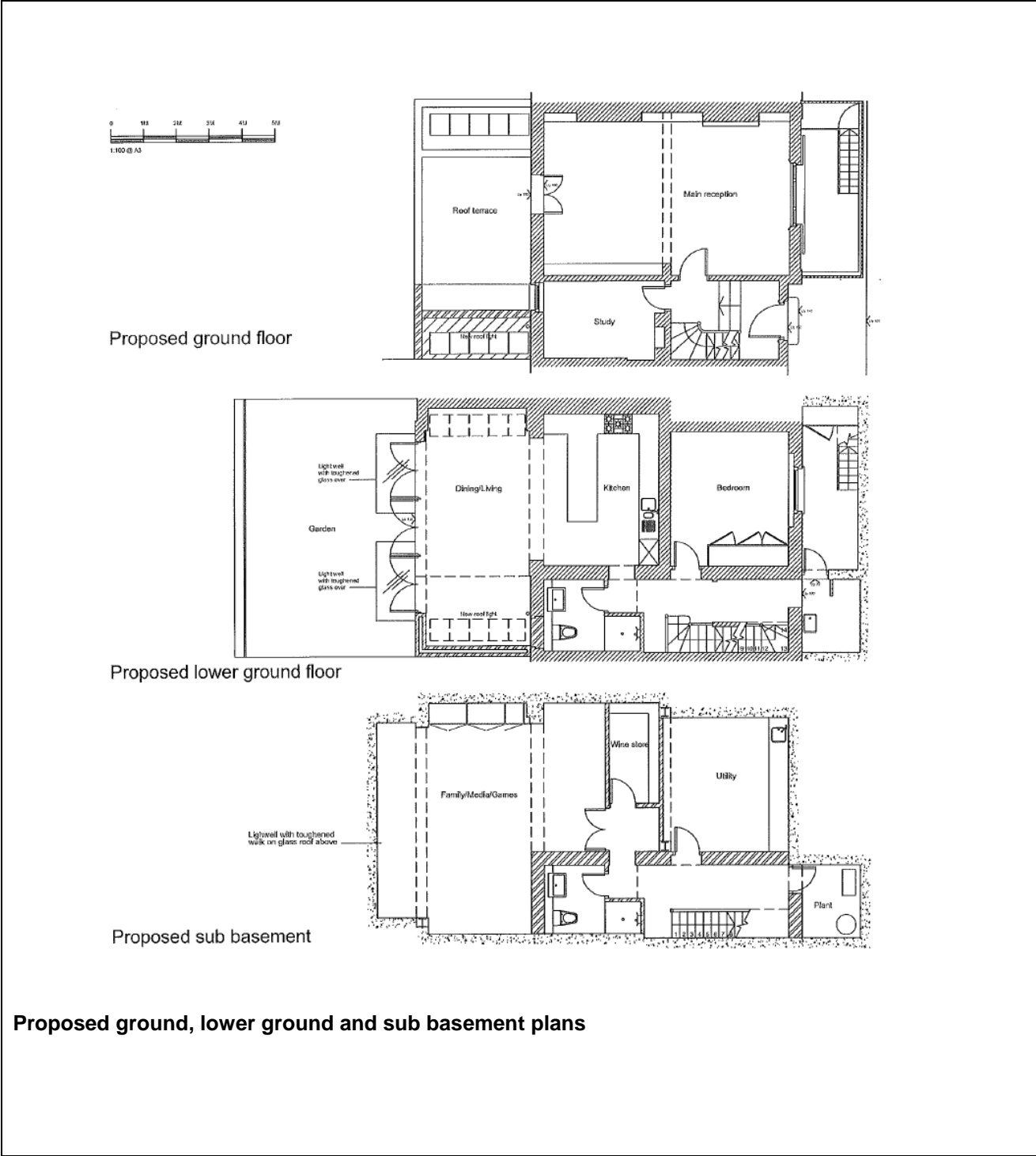
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT MMASON@WESTMINSTER.GOV.UK.

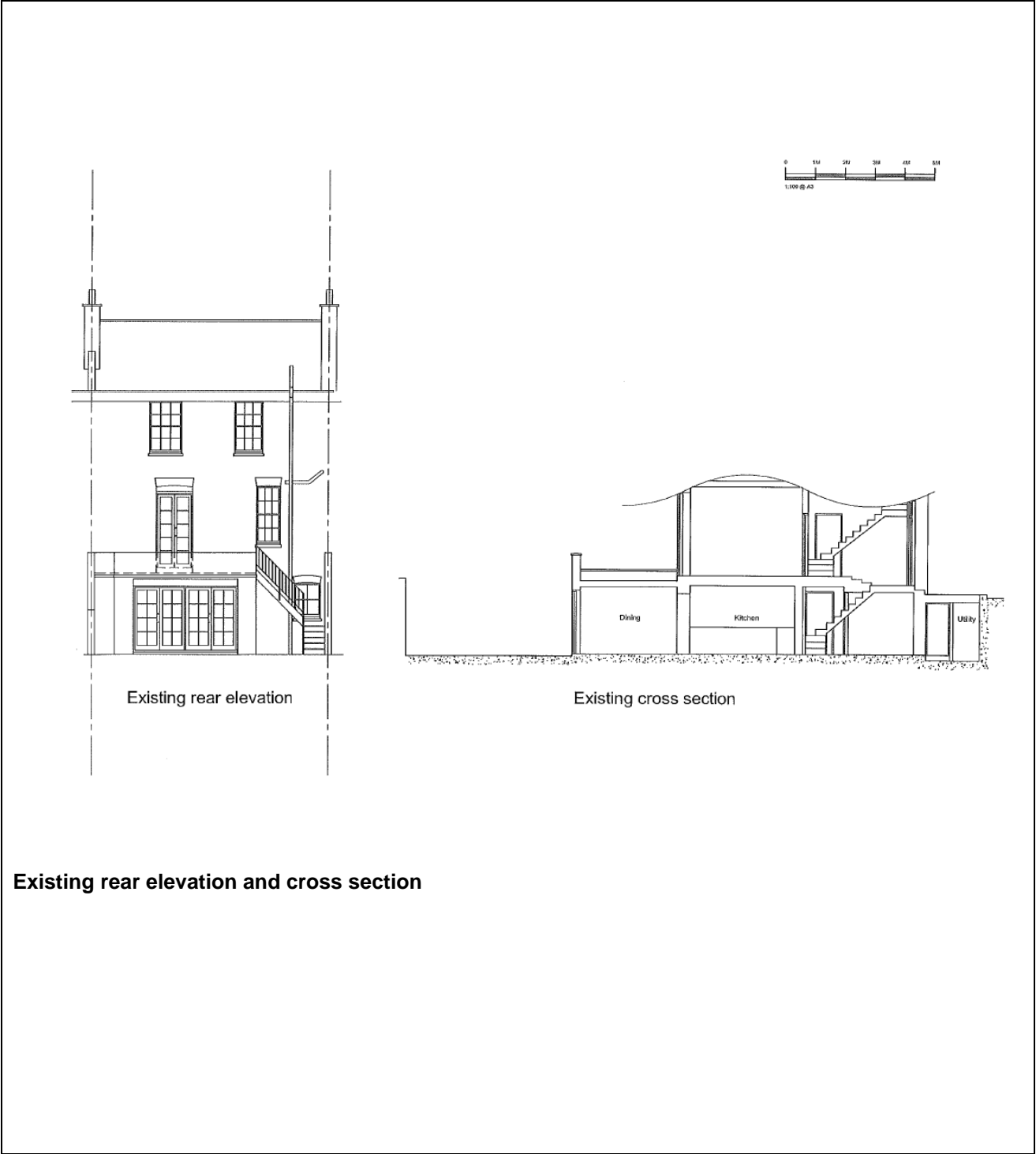
3. KEY DRAWINGS

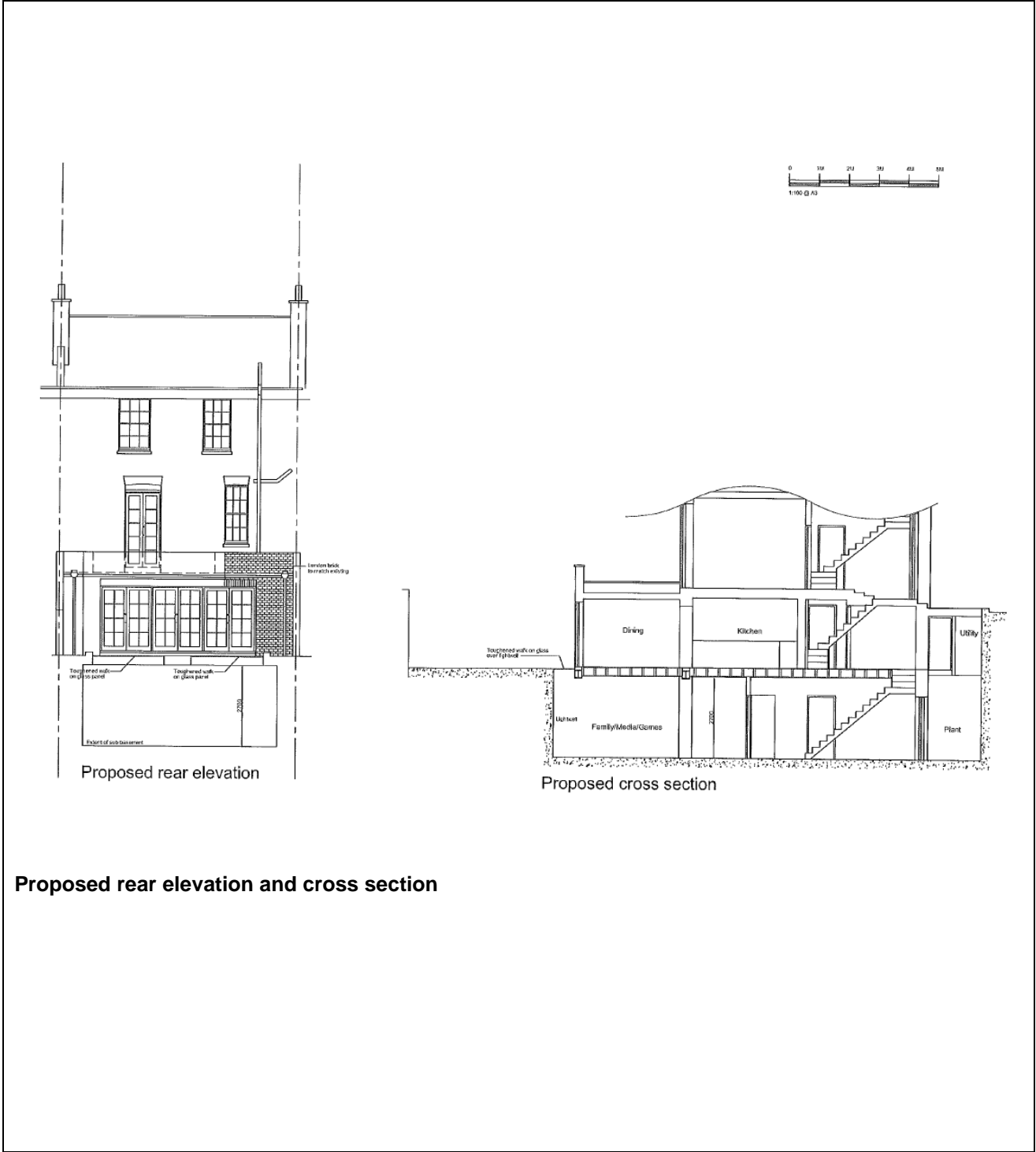


Existing ground and lower ground floor plan



Proposed ground, lower ground and sub basement plans





Proposed rear elevation and cross section

DRAFT DECISION LETTER

Address: 10 Bloomfield Terrace, London, SW1W 8PG,

Proposal: Excavation of new basement with rear lightwell. Erection of a rear extension at lower ground floor.

Reference: 16/10428/FULL

Plan Nos: Location plan, 099-01, 099-02 Rev. A, 099-05 Rev. F and 099-06 Rev D.

For information only: Basement structural method statement (9247/4 SW) dated 10 October 2016

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

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:

- 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 piling, excavation and demolition 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 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 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)

- 4 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 Only the flat roof of the rear lower ground floor extension marked as roof terrace on the approved drawings can be used as a terrace. For the avoidance of doubt the areas occupied by roof lights on the drawings to the east and west part of the roof must not be used for sitting out or for any other purpose. You can however use the entire roof of the extension to escape in an emergency.,

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)

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 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 3 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 6 You are advised that the property may be located over a public sewer. The maintenance of public sewers predominately falls under the responsibility of Thames Water. Whilst the City Council considers the basement proposals and the method of undertaking such works to be acceptable, a build over agreement would need to be acquired by the applicant through Thames Water in order to permit any works near or over a public sewer to ensure the correct clearance is maintained between the proposed works and the public sewer. Further information can be obtained at <https://developers.thameswater.co.uk/domestic-and-small-commercial/building-near-pipes/building-over-or-near-a-sewer>. In addition the proposed works would need to comply with Part H4 of the Building Regulations 2010.

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

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Item No.
11

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	52 Wells Street, London, W1T 3PR		
Proposal	Installation of new shopfront with openable windows (retrospective application).		
Agent	R R Paice And Co		
On behalf of	Homeslice Ltd		
Registered Number	15/04939/FULL	Date amended/ completed	16 July 2015
Date Application Received	28 May 2015		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises a lawful restaurant use at ground floor level with three floors of residential accommodation above it. There are also flats directly opposite. The building is not listed but is located within the East Marylebone Conservation Area. The site is located within the Core CAZ.

Permission is sought to install a timber framed shopfront with two openable sections above a fixed stallriser. The shopfront was installed in late summer 2015 and therefore this application is entirely retrospective.

No consultation responses have been made to this application.

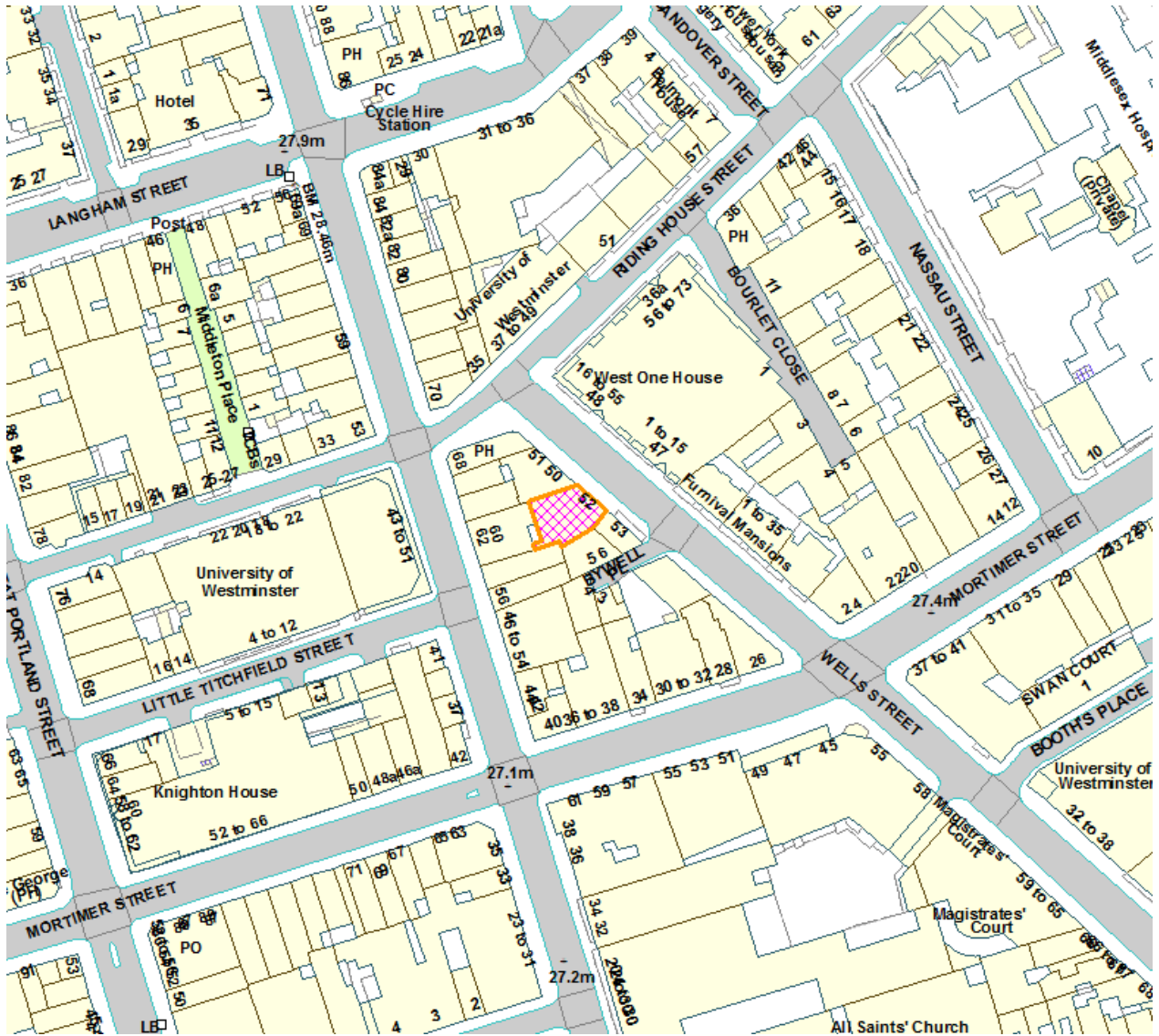
UDP Policy DES5(C)(1) states that permission will generally be granted for new shopfronts where the new shopfront is not designed to be entirely or largely openable, in the absence of local circumstances or established patterns of trading activity. Despite the usual presumption against openable shopfronts, the detailed design of the shopfront represents an improvement over the shopfront it replaced through the attractive chevron subdivision to the glazing and traditional design incorporating stallriser and top lights. In addition, the shopfront is recessed within the building meaning that the openable elements will not be discordant to the streetscene. It is therefore concluded that the proposal will preserve the character and appearance of the East Marylebone Conservation Area.

The openable nature of the shopfront has the potential to result in noise outbreak from the restaurant and therefore disturbance to the residents immediately above the restaurant and on the east side of Wells Road. The recessed nature of the shopfront, the lack of any noise complaints in respect to internal activity from local residents since the openable shopfront was installed and the lack of objections to the application, however, means that it is considered that the partially openable nature of the shopfront is acceptable in amenity terms. This is, however subject to:

- i. A condition being imposed requiring the shopfront to be fixed shut except between 08.00 to 21.00 (Monday to Saturday) (except Bank Holidays) and 09.00 to 20.00 (Sunday and Bank Holidays); and
- ii. A condition being imposed requiring noise from internal activity to be 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property.

The latter condition will enable the City Council to take enforcement action should a change in restaurant operator increase the noise level to such an extent that it begins to harm residential amenity even during the hours that the shopfront is permitted to be opened.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. PLANNING HISTORY

Permission was granted on 28 March 2013 for the shopfront that was in situ prior to the current unauthorised shopfront.

Retrospective permission was granted on 29 December 2005 for the installation of a retractable awning.

Retrospective permission was refused on 12 July 2005 for the installation of timber decking and ramped access on the private forecourt. Following action from the Planning Enforcement Team, the decking to the forecourt was removed from the site.

6. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION - No response.

ADJOINING OWNERS / OCCUPIERS:

No. consulted - 16.

No. responses - 0.

SITE NOTICE / PRESS ADVERTISEMENT - Yes.

7. BACKGROUND PAPERS

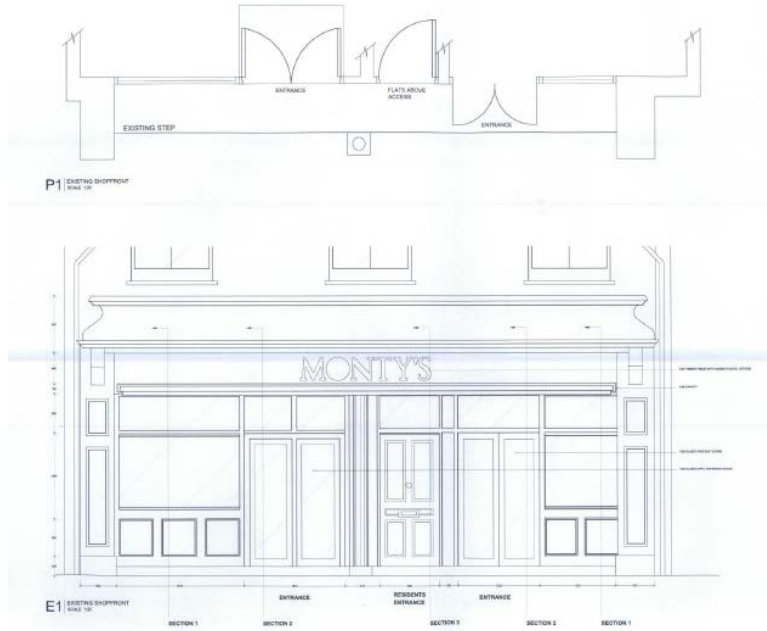
1. Application form

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

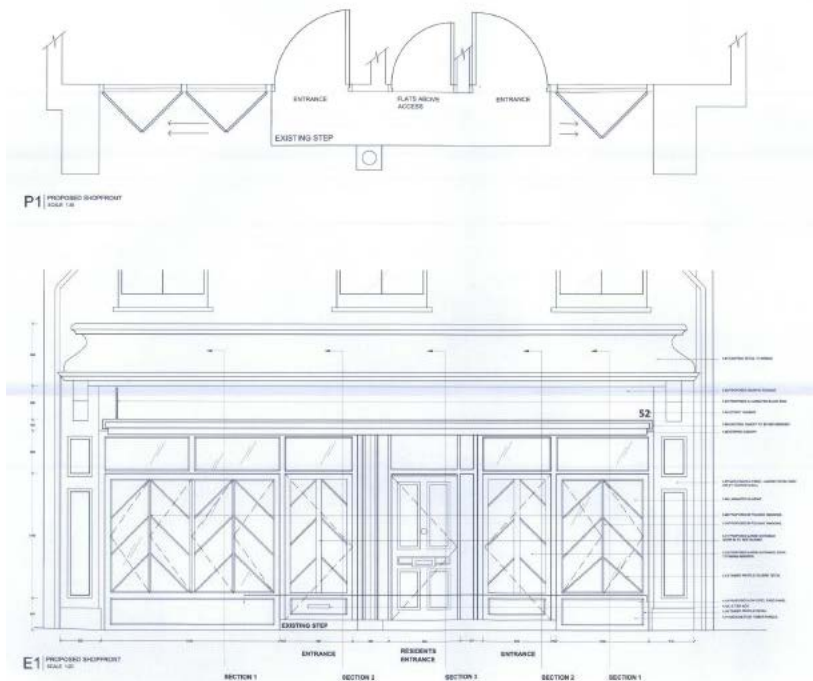
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT MHOLLINGTON2@WESTMINSTER.GOV.UK

8. KEY DRAWINGS

Existing shopfront:



Proposed shopfront:



DRAFT DECISION LETTER

Address: 52 Wells Street, London, W1T 3PR,
Proposal: Installation of new shopfront with openable windows.
Reference: 15/04939/FULL
Plan Nos: AUTH-07 Rev. B (Pages 1 and 2),

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 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 East Marylebone 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 The shopfront hereby approved shall be fixed shut except between the following hours:

- 08.00 to 21.00 (Monday to Saturday) (except Bank Holidays).
- 09.00 to 20.00 (Sunday and Bank Holidays).

Reason:

To protect the environment of people in neighbouring properties, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 4 (1) Where noise emitted from the internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant, when

operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(2) You may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (2) 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.

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.