



City of Westminster

# Committee Agenda

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

Meeting Date: **Tuesday 7th 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:**

Melvyn Caplan (Chairman)  
Paul Church  
Gotz Mohindra  
Tim Roca

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

**Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall 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](mailto:tfieldsend@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://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/ELECTION OF CHAIRMAN**

To note any changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

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

#### **3. MINUTES**

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

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

- |  |                          |
|--|--------------------------|
| <b>1. 2 LAUDERDALE MANSIONS, LAUDERDALE ROAD, LONDON, W9 1NE</b>   | <b>(Pages 3 - 14)</b>    |
| <b>2. 62 BOURNE STREET, LONDON, SW1W 8JD</b>                       | <b>(Pages 15 - 32)</b>   |
| <b>3. 31 ENNISMORE MEWS, LONDON, SW7 1AP</b>                       | <b>(Pages 33 - 48)</b>   |
| <b>4. PADDINGTON CENTRAL, BISHOP'S BRIDGE ROAD, LONDON, W2 6BA</b> | <b>(Pages 49 - 66)</b>   |
| <b>5. 35-37 WEYMOUTH STREET, LONDON</b>                            | <b>(Pages 67 - 78)</b>   |
| <b>6. 75 PAGE STREET, LONDON, SW1P 4LT</b>                         | <b>(Pages 79 - 100)</b>  |
| <b>7. 40-42 LEXINGTON STREET, LONDON, W1F 0LN</b>                  | <b>(Pages 101 - 118)</b> |
| <b>8. 9 NEW CAVENDISH STREET, LONDON, W1G 9UQ</b>                  | <b>(Pages 119 - 134)</b> |

**Charlie Parker**  
**Chief Executive**  
**30 January 2017**

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# Agenda Annex

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 7th February 2017  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN NO(s) : 16/11614/FULL  Maida Vale	2 Lauderdale Mansions Lauderdale Road London W9 1NE	Amalgamation of two flats (1x 3 bed, 1 x 4 bed) at lower ground and upper ground floors into one maisonette (1x 4 bed)	
	<b>Recommendation</b> Refuse permission			
Item No	References	Site Address	Proposal	Applicant
2.	RN NO(s) : 16/07755/FULL  Churchill	62 Bourne Street London SW1W 8JD	Excavation of basement extension with lightwell to rear and erection of extensions at rear ground and first floor levels.	
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
3.	RN NO(s) : 16/09470/FULL  Knightsbridge And Belgravia	31 Ennismore Mews London SW7 1AP	Erection of mansard roof extension.	
	<b>Recommendation</b> Grant conditional permission			
Item No	References	Site Address	Proposal	Applicant
4.	RN NO(s) : 16/11058/FULL  Hyde Park	Paddington Central Bishop's Bridge Road London W2 6BA	Use of part ground floor and part basement of 4 Kingdom Street as shop (Class A1) and/or financial and professional services (Class A2) and/or restaurant and cafe (Class A3 ) and/or drinking establishment (Class A4) and/or business (Class B1) and/or a nursery/art gallery (Class D1) and/ or assembly or leisure (Class D2).	
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
5.	RN NO(s) : 16/11755/FULL  Marylebone High Street	35-37 Weymouth Street London	Alterations including construction of external plant deck above rear second floor roof to accommodate new air handling unit and installation of associated ductwork to rear elevation, alteration to ground level louvre.	
	<b>Recommendation</b> Grant conditional permission.			

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 7th February 2017  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
6.	RN NO(s): 16/06059/FULL	75 Page Street London SW1P 4LT	Installation of mechanical plant within an acoustic enclosure on rear first floor flat roof and full height ventilation duct on rear of building in association with restaurant use (Class A3). <b>Addendum report</b>	
	Vincent Square	<b>Recommendation</b> Grant conditional permission.		
7.	RN NO(s) : 16/09561/FULL	40-42 Lexington Street London W1F 0LN	Replacement of stall risers to the shopfront, alterations to fenestration at all levels, new air conditioning plant and balustrade at roof level, reconfiguration of entrance and renewal of pavement lights to Lexington Street and Silver Place.	
	West End	Grant conditional permission.		
8.	RN NO(s) : 16/10928/FULL	9 New Cavendish Street London W1G 9UQ	Use of the basement and ground floor as a library (Class D1) for a temporary period until 30 June 2023 (Site includes 9-11 New Cavendish Street)	
	Marylebone High Street	<b>Recommendation</b> Grant conditional permission for a temporary period until 30 June 2023		

# Agenda Item 1

Item No.
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1
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CITY OF WESTMINSTER			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 7 <sup>th</sup> February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Maida Vale	
<b>Subject of Report</b>	<b>2 Lauderdale Mansions , Lauderdale Road, London, W9 1NE</b>		
<b>Proposal</b>	Amalgamation of two flats (1x 3 bed, 1 x 4 bed) at lower ground and upper ground floors into one maisonette (1x 4 bed)		
<b>Agent</b>	Peter Carlton Hartland		
<b>On behalf of</b>	Mr & Mrs Callaghan		
<b>Registered Number</b>	16/11614/FULL	<b>Date amended/ completed</b>	15 December 2016
<b>Date Application Received</b>	8 December 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Maida Vale		

## 1. RECOMMENDATION

Refuse – Loss of a residential unit
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## 2. SUMMARY

Lauderdale Mansions is an attractive Edwardian mansion block of 3 and 4 bedroom flats which is unlisted and lies within the Maida Vale Conservation Area.

Permission is sought for the vertical amalgamation of 2 flats, No.s 2 (ground floor) and 22 (lower ground floor), through the erection of an internal staircase which would have no external manifestations.

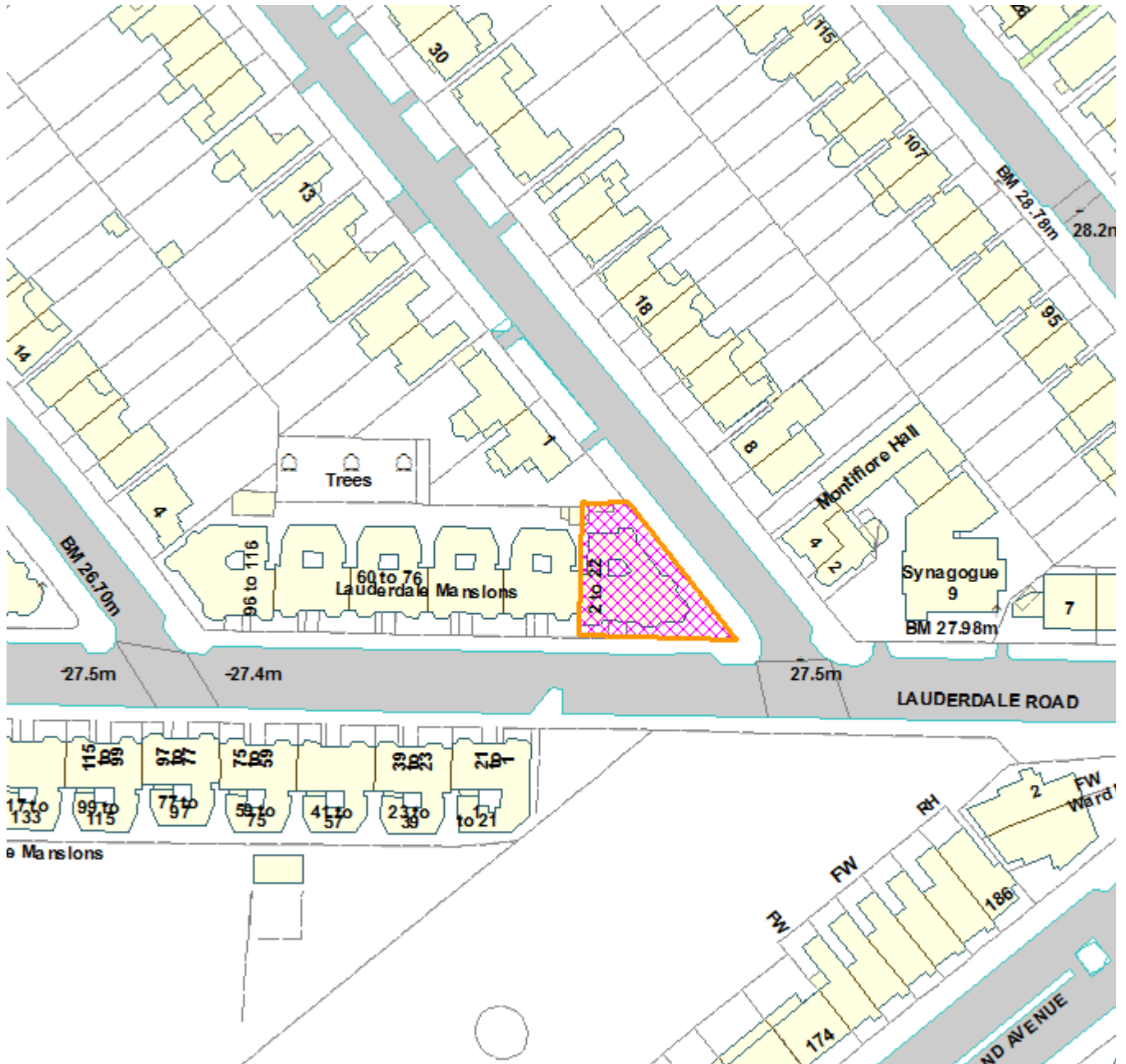
The Paddington Waterways and Maida Vale Society have raised objection to the loss of a residential unit. Objections have also been received from neighbouring flats within the mansion block on land use, design and structural issues.

The Key issues in this case is:-

- The loss of one residential unit.

The loss of one residential unit is considered to be unacceptable and contrary to policy S14 of the City Plan and is recommended for refusal.

3. LOCATION PLAN





4. PHOTOGRAPHS



## 5. CONSULTATIONS

Paddington Waterways & Maida Vale Society:- Objection, loss of a family unit.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 28

Total No. of replies: 14

No. of objections: 13 from x 9 addresses

No. in support: 0

Objections received on all or some of the following grounds:

#### Land Use

- Loss of 1 dwelling

#### Design

- Harm to the character of the mansion block and conservation area

#### Other

- Structural works that have already been carried out have damaged the building and were not granted planning permission.
- Works will cause damage to the roots of nearby trees.
- Reduction in Council Tax receipts
- Plans do not represent the interior of the property accurately as walls have been removed without freeholder permission.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Lauderdale Mansions is an attractive unlisted Edwardian mansion block located within the Maida Vale Conservation Area and consist of predominantly 2 and 3 bedroom flats. This application relates to flats 2 and 22 at ground and lower ground floor.

### 6.2 Recent Relevant History

16/11710/FULL

Replacement of existing timber casement windows.

## 7. THE PROPOSAL

Permission is sought for the amalgamation of two flats through the installation of an internal staircase between flats 2 (ground floor) and 22 (lower ground floor), the resulting flat would be a family sized dwelling with 5 bedrooms. No external alterations are proposed.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

S14 of the City Plan: states that all residential uses, floorspace and land will be protected. Proposals that would result in the reduction in the number of residential units will not be acceptable, except in specific circumstances.

The amalgamation of flats No.2 and 22 would result in the loss of one residential unit. Under policy S14 the loss of a residential unit may be acceptable if two flats are being joined to create a family sized dwelling. In this case both of the flats are existing family sized dwellings and therefore the amalgamation would result in the loss of a family sized dwelling. The works are therefore contrary to S14 of the City Plan and are therefore unacceptable on land use grounds and the objection raised by the Paddington Waterways and Maida Vale Society and local residents is supported.

The works would not reduce the amount of floor space in use as housing and as such would not be contrary to policy H3 of the UDP.

Objections to the loss of council tax receipts is not a relevant planning issue.

### **8.2 Townscape and Design**

No external works are proposed and as the property is not listed building internal alterations do not require listed building consent. Objections raised to the impact of internal works for the above reasons are not sustainable in this case.

### **8.3 Residential Amenity**

No external works are proposed and the proposal does not therefore raise any amenity issues.

### **8.4 Transportation/Parking**

There will be no increased pressure on parking.

### **8.5 Economic Considerations**

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

### **8.6 Access**

Access to the site will remain the same as the current situation.

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

None

### **8.8 London Plan**

This application raises no strategic issues.

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

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

## **8.10 Planning Obligations**

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

## **8.11 Environmental Impact Assessment**

This development does not require an Environmental Impact Assessment

## **8.12 Other Issues**

### **8.12.1 Construction impact**

Internal works at the site have commenced. As a result of the works damage has been caused to a number of the neighbouring flats to the upper floors of the mansion block. All of the objections received include an objection to the damage already caused and potential harm to the building or surrounding area from further structural work.

However, as the building is not listed the internal removal of walls is not a planning matter. Additionally the applicant has stated that the cost to repair the damage caused is covered by insurance and the relevant insurer is aware of the claim that has been made.

Objections regarding the existing and future for potential structural damage to the building is not relevant to the determination of this planning application.

### **8.12.2 Inaccurate plans**

Objection has been raised regarding the inaccuracy of the existing plans. It has been stated internal walls and features have been removed without freeholder permission and as they will have to be reinstated the plans should reflect their reinstatement.

The existing plans are an accurate representation of the current situation with the internal walls and features removed. Additionally, the internal layout of the property and removal of walls is not relevant to this particular application as the building is not listed.

### **8.12.3 Harm to trees and subsoil**

No external works are proposed and the proposal does not therefore raise any tree issues.

## **9. BACKGROUND PAPERS**

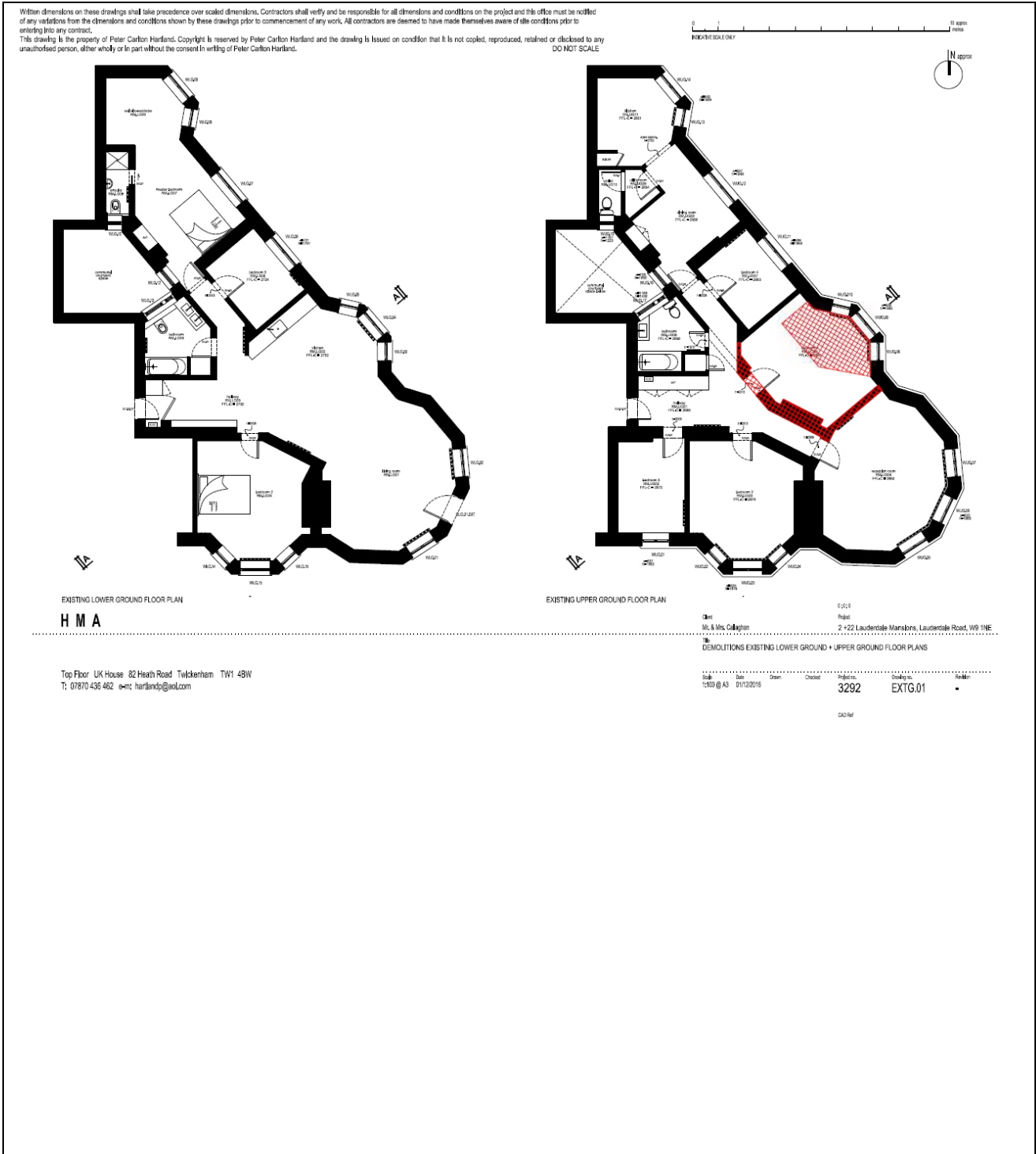
1. Application form and letter from applicants dated 10.01.2017
2. Response from Paddington Waterways & Maida Vale Society, dated 9 January 2017

3. Letter from occupier of 318, Kensal Road, dated 6 January 2017, managing agents of Lauderdale Mansions East (Flats 2-116B) on behalf of the directors of the freehold-owning company Guestfleet and the management company Lauderdale mansions (East) Limited.
4. Letter (x2) from occupier of 6 Lauderdale Mansions, London, dated 23 December 2016 and 2 January 2017
5. Letter from occupier of 10 Lauderdale Mansions, Lauderdale road, dated 30 December 2016
6. Letter (x2) from occupier of 14 Lauderdale Mansions, London, both dated 30 December 2016
7. Letter from occupier of 20 Lauderdale mansions, London, dated 5 January 2017
8. Letter from occupier of 22 Lauderdale mansions, Lauderdale Road, dated 10 January 2017
9. Letter (x2) from occupier of 28 Lauderdale Mansions, London, dated 31 December 2017 and 3 January 2017
10. Letter from occupier of 50 Lauderdale Mansions, Lauderdale Road, dated 29 December 2016
11. Letter from occupier of 82 Lauderdale Mansions, Lauderdale Road, dated 28 December 2016
12. Letter (x2) from occupier of 92 Lauderdale Mansion, Lauderdale Road, both dated 6 January 2017

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

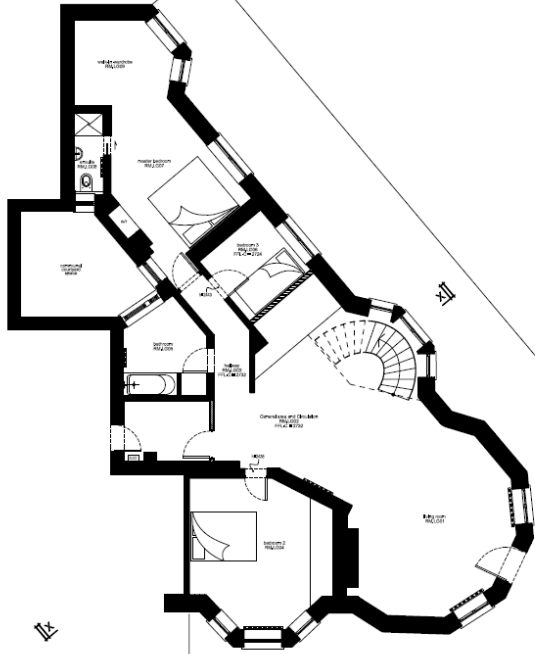
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT [swhitnall@westminster.gov.uk](mailto:swhitnall@westminster.gov.uk)

### 10. KEY DRAWINGS



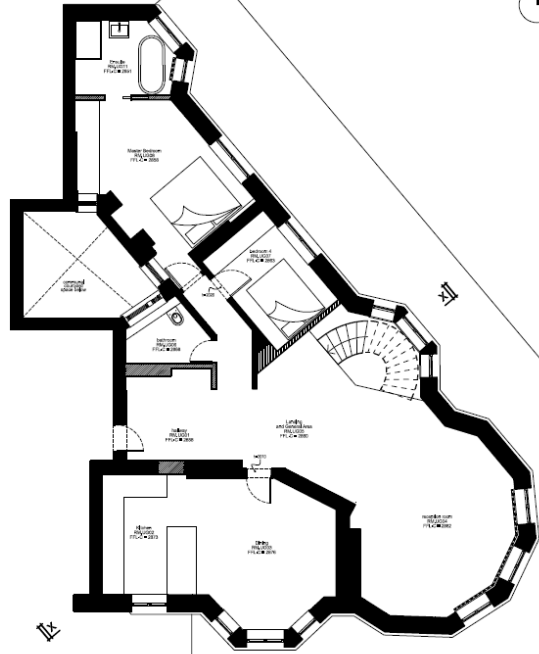
Written dimensions on these drawings shall take precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the project and this office must be notified of any variations from the dimensions and conditions shown by these drawings prior to commencement of any work. All contractors are deemed to have made themselves aware of the conditions prior to entering into any contract. This drawing is the property of Peter Carlton Harland. Copyright is reserved by Peter Carlton Harland and the drawing is issued on condition that it is not copied, reproduced, retained or disclosed to any unauthorized person, either wholly or in part without the consent in writing of Peter Carlton Harland. DO NOT SCALE

1:100 SCALE ONLY



PROPOSED LOWER GROUND FLOOR PLAN

H M A



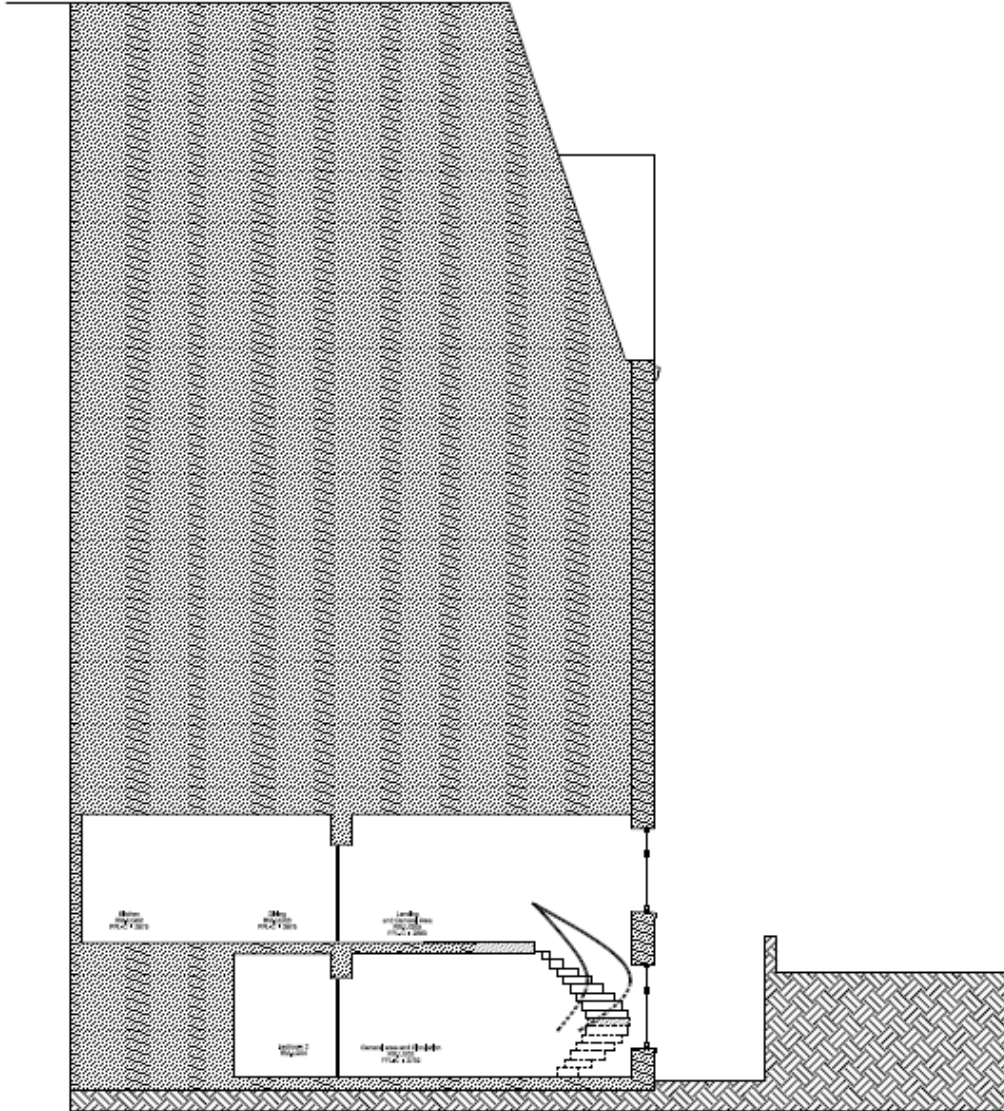
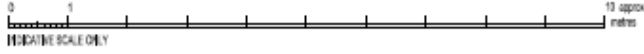
PROPOSED UPPER GROUND FLOOR PLAN

dra Mr. A. H. Culligan  
 2 Laudestale Mansions, Laudestale Road, W8 1NE

Top Floor UK House 82 Heath Road Twickenham TW1 4BW  
 T: 07870 436 462 e-mail: harlands@aol.com

PROPOSED LOWER GROUND + UPPER GROUND FLOOR PLANS  
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Written dimensions on these drawings shall take precedence over applied dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the project and they must be notified of any variations from the dimensions and conditions shown by these drawings prior to commencement of any work. All contractors are deemed to have made themselves aware of the conditions prior to entering into any contract. This drawing is the property of Peter Carlton Harland, Copyright is reserved by Peter Carlton Harland and the drawing is issued on condition that it is not copied, reproduced, retained or disclosed to any unauthorised person, either wholly or in part without the consent in writing of Peter Carlton Harland.  
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PROPOSED SECTION X-X

**H M A**

Top Floor UK House 82 Heath Road Twickenham TW1 4BW  
T: 07870 436 462 e-mail: harland@hama.com

Mr. & Mrs. Callaghan  
2 + 22 Lauderdale Worleons, Lauderdale Road, WS1

PROPOSED SECTION X-X

Scale	Date	Drawn	Checked	Project No.	Drawings	Issue
1:10 @ A3	01/10/2016			3292	PLA.05	

CHM



**DRAFT DECISION LETTER**

**Address:** 2 Lauderdale Mansions , Lauderdale Road, London, W9 1NE

**Proposal:** Internal works to convert two flats (1x 3 bed, 1 x 4 bed) at lower ground and upper ground floors into one maisonette (1x 5 bed)

**Reference:** 16/11614/FULL

**Plan No's:** Site location plan, EXTG.01, EXTG.02, EXTG.03, EXTG.06 PLA.02, PLA.03, PLA.04, PLA.05, Design and Access Statement

**Case Officer:** Max Jones

**Direct Tel. No.** 020 7641 1861

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

- 1 Reason:  
Your development would lead to a reduction in the number of residential units which would not meet S14 of Westminster's City Plan: Strategic Policies adopted November 2013 which seeks to optimise housing delivery. We do not consider that the circumstances of your case justify an exception to our policy.

**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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Item No.
2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 7 <sup>th</sup> February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Churchill	
<b>Subject of Report</b>	<b>62 Bourne Street, London, SW1W 8JD,</b>		
<b>Proposal</b>	Excavation of basement extension with lightwell to rear and erection of extensions at rear ground and first floor levels.		
<b>Agent</b>	Miss Millie Burnham		
<b>On behalf of</b>	Mr Redmond		
<b>Registered Number</b>	16/07755/FULL	<b>Date amended/ completed</b>	14 December 2016
<b>Date Application Received</b>	12 August 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Belgravia		

**1. RECOMMENDATION**

Grant conditional permission.

**2. SUMMARY**

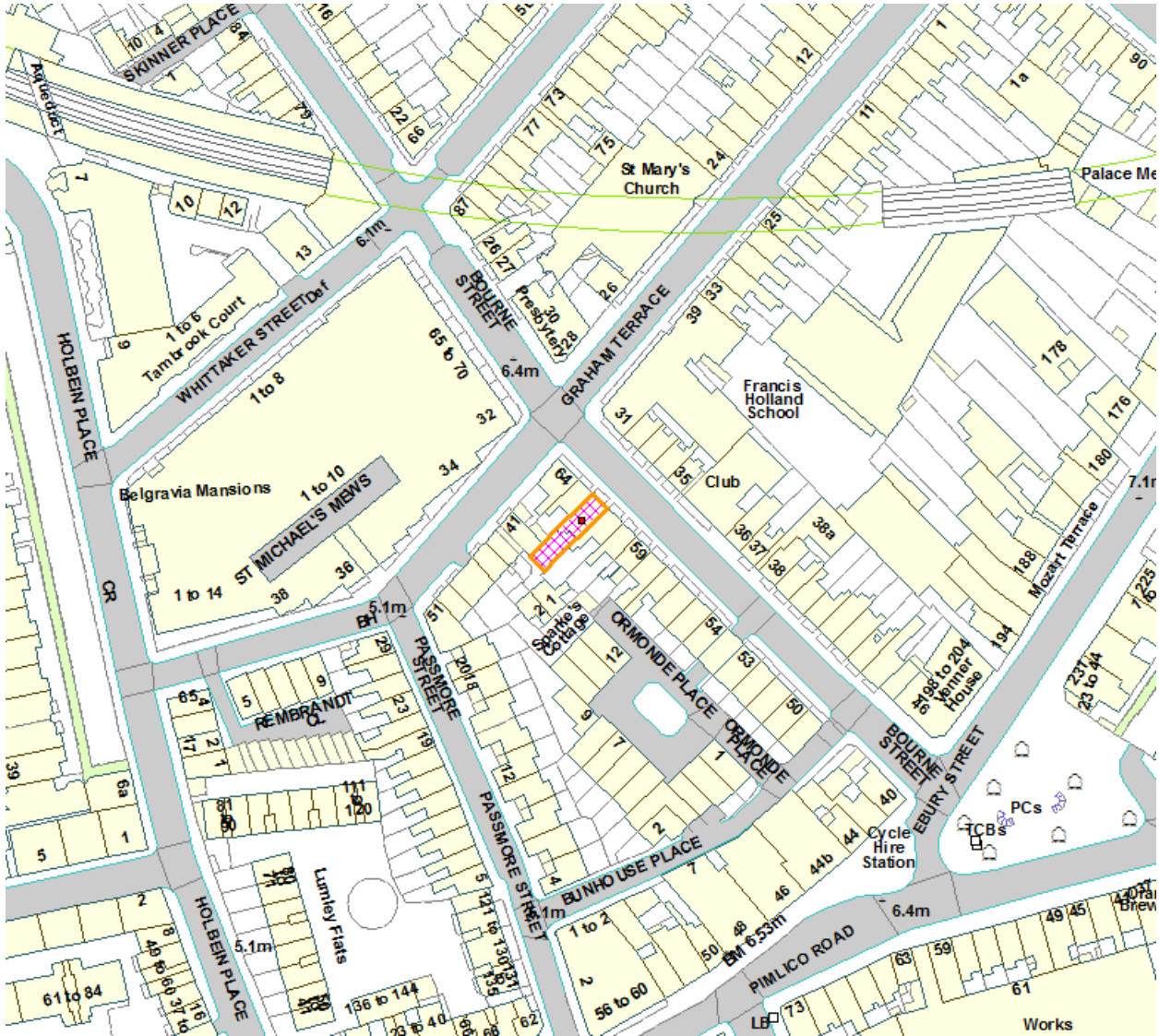
Planning permission for sought for the excavation of a basement extension with a lightwell to the rear and erection of extensions at rear ground and first floor levels.

The key issues for consideration are:

- \* The impact of the proposals on the character of the building and on the character and appearance of the Belgravia Conservation Area.
- \* The impact of the proposals on the amenity of neighbouring residents.

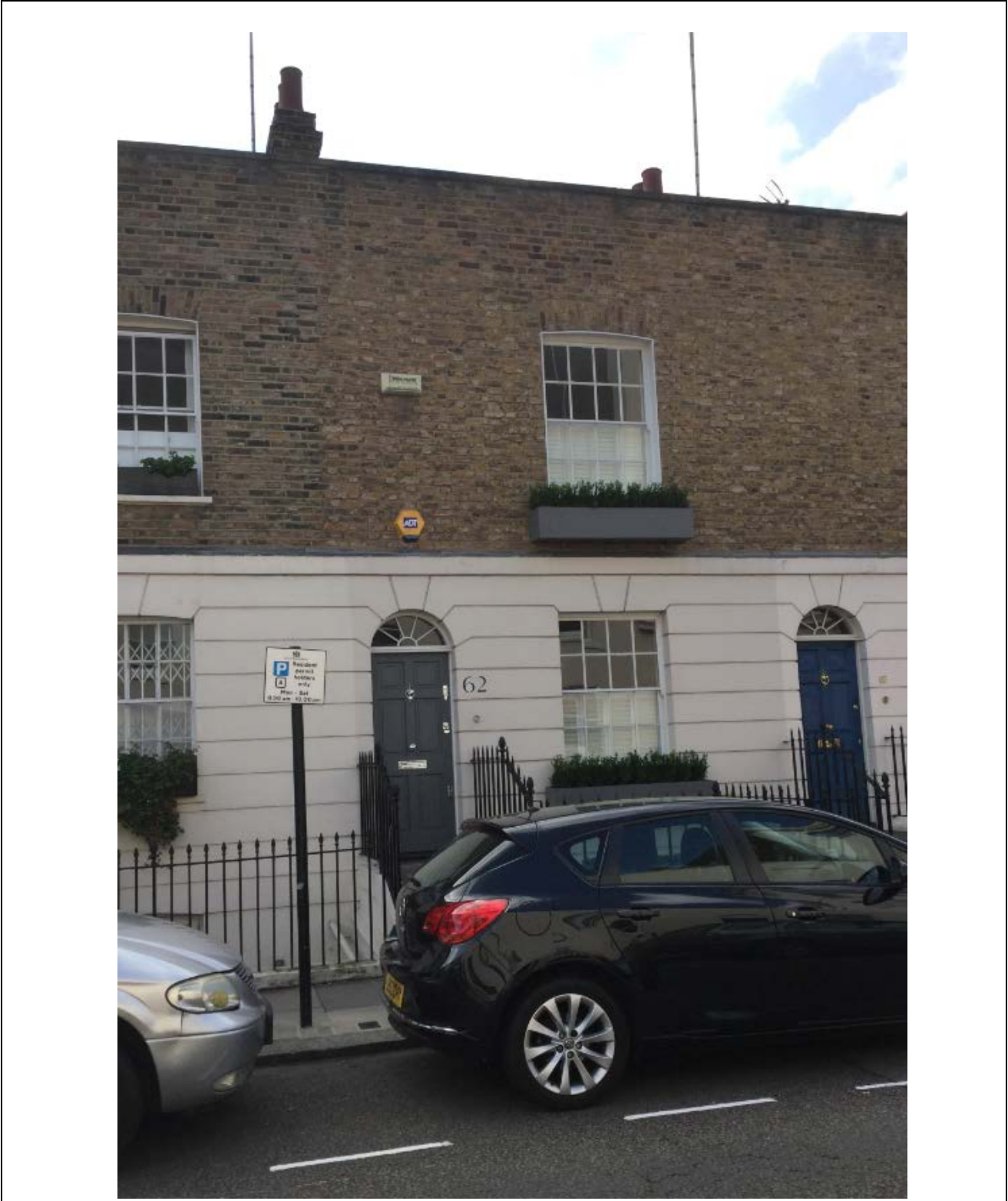
The proposals are considered to comply with the Council's policies in relation to design, conservation and amenity as set out in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP) and the application is accordingly recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front view of 62 Bourne Street



Rear elevation of 62 Bourne Street



## CONSULTATIONS

### Original application:

#### BELGRAVIA NEIGHBOURHOOD FORUM

Any response to be reported verbally.

#### BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported verbally.

#### BELGRAVIA SOCIETY

Any response to be reported verbally.

#### BUILDING CONTROL

Structural method statement considered acceptable.

#### ENVIRONMENTAL HEALTH

No comments.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 15

Total No. of replies: 8

No. of objections: 8

No. in support: 0

Eight letters received from four neighbouring residents raising the following issues:

#### Design

- \*Proposals would not maintain rear building line which exists to rear of Bourne Street.
- \*Impact of proposals on adjacent gardens.
- \*Proposals would dominate the surrounding area.
- \*Loss of charm of being a cottagey and village area.
- \*Proposals would remove green aspect currently enjoyed by properties in the area.

#### Amenity

- \*Loss of light
- \*Proposals would pen in Nos. 63 and 64 Bourne Street.
- \*Proposals would not allow free circulation of air to the rear of the properties.
- \*Proposed French windows to media room at basement level will allow noise to reverberate around the surrounding properties.
- \*Media room must be soundproofed to eliminate noise as an issue as the area is populated with workers who may have early shifts in the City of London.
- \*Proposals would raise issues of privacy as would bring rear windows closer to surrounding properties.

#### Basement Construction

- \* Noise, dust and disturbance issues arising from construction.
- \*Risk of flooding as drains and surface water may not be able to escape owing to size of new basement.

#### Other

\*Rear boundaries on block and location plans not correct.

\*Only two bedrooms shown on the application despite application property having had an extension in last 3-4 years.

\*Proposals exceed 10% infill allowed by permitted development rules.

\*Media room use may change.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

#### **Amended application:**

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 4

Total No. of replies: 4

No. of objections: 4

No. in support: 0

Four letters received from neighbouring residents raising the same issues as previously raised in addition to the following issues:

#### Design

Proposed extensions are out of keeping with other buildings in the conservation area.

#### Amenity

\*Any extension beyond the existing building line would have a detrimental impact on light and amenity to adjacent properties.

\*Flat roof at first floor level may clandestinely become a roof terrace, which would give rise to privacy concerns.

#### Other

\*Proposals would exceed party wall height at ground floor level which will impact on small outdoor spaces outside Nos. 63 and 64 Bourne Street and will impact on the ability to sell the properties.

\*No. 61 is idiosyncratic in extending out further than the building line.

\*Proposals would set a precedent.

## **5. BACKGROUND INFORMATION**

### **5.1 The Application Site**

No. 62 Bourne Street is an unlisted building of merit within the Belgravia Conservation Area. It comprises basement, ground and first floor level and is in use as a single family dwelling house.

### **5.2 Recent Relevant History**

No relevant planning history.



## 6. THE PROPOSAL

Permission is sought for the excavation of a new basement beneath the proposed rear extensions with a lightwell in the rear garden; and erection of extensions at rear ground and first floor levels.

The application has been amended during the course of the application to respond to officer and objector concerns. The amendments include a reduction in the depth of the proposed rearmost first floor extension by approximately 1.65 m and a reduction in the height of the proposed basement to approx. 2.7m floor to ceiling height.

## 7. DETAILED CONSIDERATIONS

### 7.1 Land Use

The proposal seeks to extend the existing single family dwelling house which is acceptable in principle in land use terms and in accordance with H3 of the UDP and S14 of Westminster's City Plan

### 7.2 Townscape and Design

Comprising three storeys the application property is one of a row of modest terrace houses on the west side of Bourne Street. To the rear, the property exhibits a two-storey rear extension, which extends the full width of the property at ground floor level.

The excavation of a single storey basement beneath the rear wing, which is proposed to be extended, is not opposed in principle. The application has been revised to reduce the height of the proposed basement to approx. 2.7m floor to ceiling height. External manifestations include a single storey full width light-well against the rear building line, which complies with policy CM28.1 of Westminster's City Plan (November 2016).

The proposals also seek to extend the existing two-storey extension rearward. Whilst regrettable, similar works have been undertaken at No. 61 directly to the south; as such the projection of the rear wing is not considered to undermine the rear building line of the terrace. The application has been revised to reduce the extent of the rear wing at first floor level which now projects approximately 1m beyond existing (2.65m originally proposed).

The erection of a first floor infill extension is also proposed. Similar extensions have been approved in 2013 at No. 61 and in 2009 at No. 60 which have already diluted the traditional rear building line of the terrace. The application has been revised to a flat roof construction to match those approved at adjacent properties.

For these reasons the proposals would comply with relevant national and local design and conservation policies, in particular DES 1, DES 5 and DES 10 of the UDP.

### 7.3 Residential Amenity

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

It is not considered that the creation of a new basement storey under the existing property will materially impact upon the amenity of neighbouring properties in terms of loss of privacy, daylight or sense of enclosure. The proposed lightwell is approximately 1.1m in depth to allow light and air into the proposed basement and it is not considered that it will result in any significant noise reverberation to neighbouring residents.

With regard to the proposed rear extensions at ground and first floor level, objections have been raised from surrounding residents in Bourne Street and Graham Terrace on the grounds of loss of light, privacy and increased sense of enclosure.

The proposed rear extension at ground floor level will extend outwards from the existing rear elevation of the building by approximately 2.65m . The extension is full width and will match the extension at No. 61 approved in 2013 in terms of its depth and height. It will raise the height of the boundary wall with No. 63 by approximately 1.05m. There is currently trellising on top of this boundary wall which is heavily covered with climbing plants and it is not considered that the proposed extension will result in a significant loss of light or sense of enclosure to this property.

The application has been revised to reduce the extent of the rear wing at first floor level so that it now projects approximately 1m past the adjoining rear elevation, rather than by the 2.65m originally proposed (which matched that at No. 61). In this way the applicant has sought to respond to the location of the property as it approaches the corner of Bourne Street with Graham Terrace and this reduced projection is considered acceptable in this location and is not considered to have a sufficiently detrimental impact on surrounding properties in terms of light and sense of enclosure to justify a refusal of permission on these grounds.

A condition is recommended prohibiting the use of the roofs of the extensions as terraces to protect the privacy of neighbouring residents.

As such, the proposals are considered acceptable in amenity terms, in accordance with Policies S29 of the City Plan and ENV13 of the UDP.

#### **7.4 Transportation/Parking**

As the enlarged property will continue to be used as a single family dwelling, the proposals are considered acceptable in Highways terms.

#### **7.5 Economic Considerations**

This development does not generate a Mayor CIL or WCC CIL payment.

#### **7.6 Access**

The access arrangements are unchanged by these proposals.

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

### **Basement Excavation**

In line with policy CM28.1 of the City Plan (adopted November 2016), the new basement will have a floor to ceiling height of approx. 2.7m. To provide light, an appropriately proportioned rear light-well sits parallel with the new rear building line created by the single storey rear ground floor extension.

The concrete retaining wall to the lightwell has been set back to leave approximately a 300mm construction free zone from the face of the party fence wall to the outside edge of the concrete retaining wall, thus meeting the requirement of CM28.1 of the City Plan (adopted July 2016) to leave a proportion of undeveloped area surrounding the basement.

## **7.8 London Plan**

This application raises no strategic issues.

## **7.9 National Policy/Guidance Considerations**

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

## **7.10 Planning Obligations**

The proposals are of insufficient scale to generate a requirement for any planning obligations.

## **7.11 Environmental Impact Assessment**

The proposals are of an insufficient scale to require an environmental impact assessment.

## **7.12 Other Issues**

### **Basement**

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

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

This report has been considered by our Building Control officers who have advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter.

### **Construction impact**

A condition is recommended requiring the applicant to be bound by the council's Code of Construction Practice in accordance with part A 2 (b) of Policy CM28.1 of the City Plan (adopted November 2016).

A further condition is recommended to control the hours of construction works; noisy basement excavation work can only be carried out between the hours of 08.00 to 18.00 Monday to Friday.

## **8. BACKGROUND PAPERS**

1. Application form
2. Response from Environmental Health dated 8 September 2016
3. Response from Building Control dated 7 September 2016
4. Letters from occupier of 61 Bourne Street dated 8 September 2016, 19 September 2016, 9 January 2017
5. Letters from occupier of 63 Bourne Street, London, dated 2 September 2016, 14 September 2016, 4 October 2016, 12 December 2016
6. Letters from occupier of 64 Bourne Street, London, dated 27 September 2016, 29 September 2016, 2 December 2016
7. Letters from occupier of 41 Graham Terrace dated 3 November 2016, 8 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: **JULIA ASGHAR** BY EMAIL AT [jasghar@westminster.gov.uk](mailto:jasghar@westminster.gov.uk).

### 9. KEY DRAWINGS

These plans are based on measured survey undertaken in APRIL 2016. Our aim is measured to accuracy but no liability can be accepted for any inaccuracy. The client and third parties should rely on their own professional investigations. The drawings are at the responsibility of the person for project purposes, copyright is held by the author. An unauthorised use shall be made of the drawings, given dimensions are as per.

1 BASEMENT PLAN

2 GROUND FLOOR PLAN

3 FIRST FLOOR PLAN

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1 BASEMENT PLAN

2 GROUND FLOOR PLAN

3 FIRST FLOOR PLAN

DNA ARCHITECTURE LTD  
 DNA ARCHITECTURE LTD  
 62 BOURNE STREET  
 LONDON  
 SW1W 8JF  
 MR E REDMOND

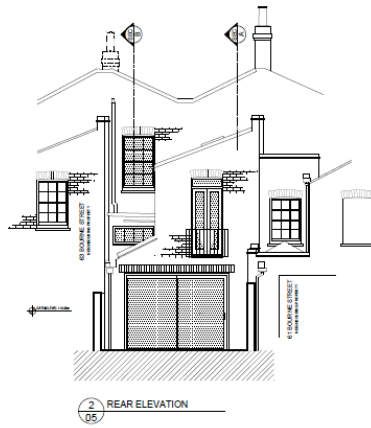
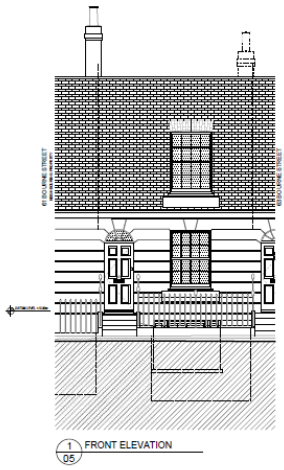
EXISTING BASEMENT,  
 GND & FIRST FL PLANS

DATE: 02/12/2016  
 DRAWN BY: E. REDMOND  
 CHECKED BY: E. REDMOND

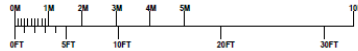
DNA ARCHITECTURE LTD  
 DNA ARCHITECTURE LTD  
 62 BOURNE STREET  
 LONDON  
 SW1W 8JF  
 MR E REDMOND

PROPOSED BASEMENT,  
 GND & FIRST FL PLANS

DATE: 02/12/2016  
 DRAWN BY: E. REDMOND  
 CHECKED BY: E. REDMOND



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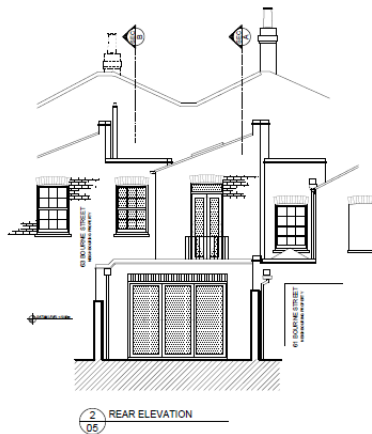
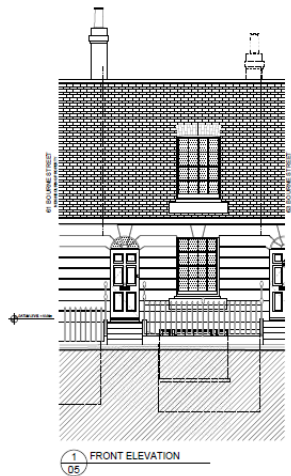


DNA ARCHITECTURE LTD  
 11A, OLSBY ROAD  
 LONDON, SW19 8NG  
 TEL: 020 8946 2222  
 FAX: 020 8946 9533  
 WEB: www.dnaarchitects.co.uk

62 BOURNE STREET  
 LONDON  
 SW1W 8JD

MR E REDMOND

EXISTING FRONT & REAR  
 ELEVATIONS



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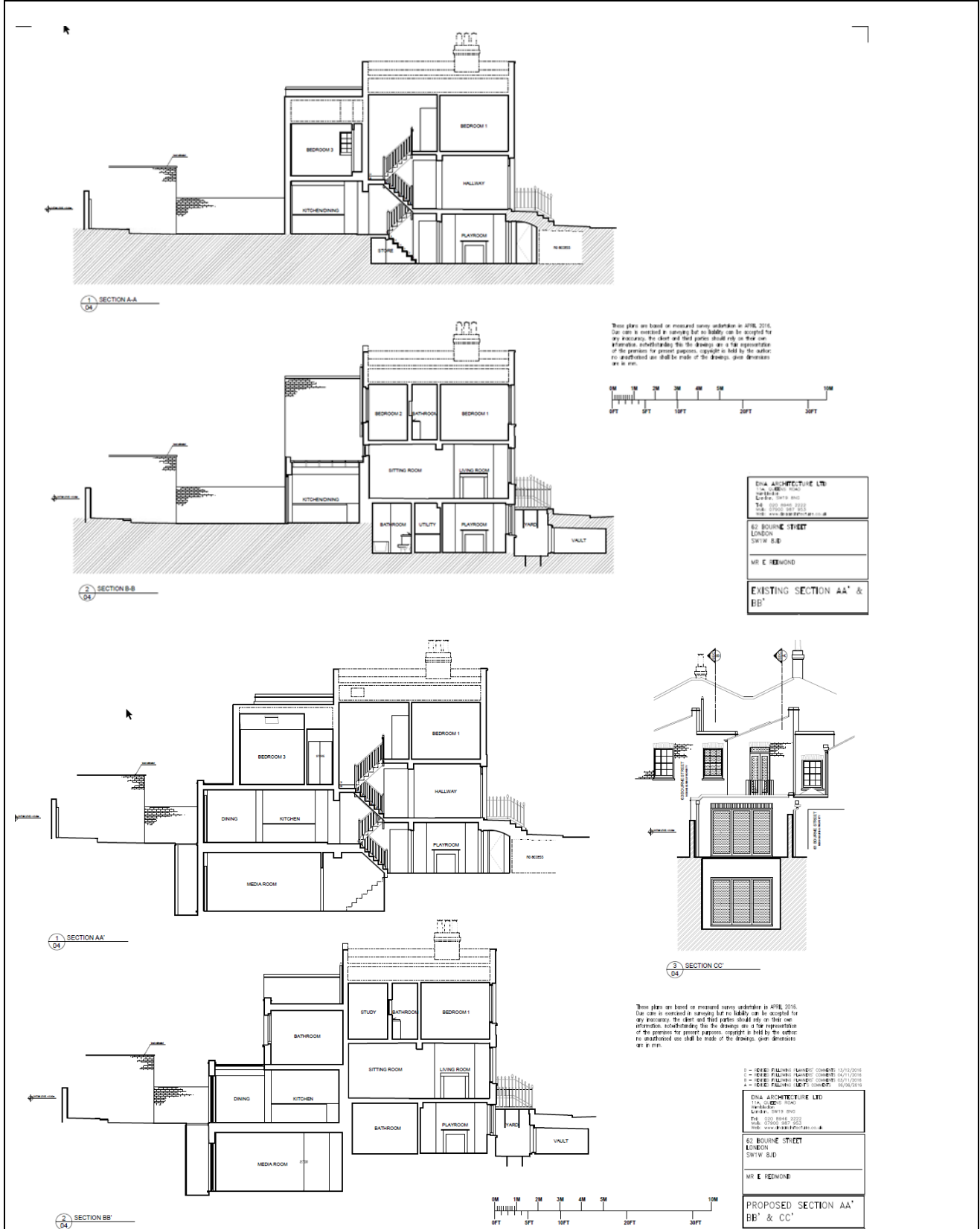
D - REVISÉ FIELDS PLANNING COMMENTS 13/12/2016  
 C - REVISÉ FIELDS PLANNING COMMENTS 04/11/2016  
 B - REVISÉ FIELDS PLANNING COMMENTS 03/11/2016  
 A - REVISÉ FIELDS PLANNING COMMENTS 16/06/2016

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 SW1W 8JD

MR E REDMOND

PROPOSED FRONT &  
 REAR ELEVATIONS



**DRAFT DECISION LETTER**

**Address:** 62 Bourne Street, London, SW1W 8JD,

**Proposal:** Excavation of basement extension with lightwell to rear and erection of extensions at rear ground and first floor levels.

**Plan Nos:** 696\_01\_001; 696\_02\_001; 696\_03\_001; 696\_04\_001; 696\_05\_001; 696\_02\_101; 696\_03\_101 Rev D; 696\_04\_101 Rev D; 696\_05\_101 Rev D; (for information only) Proposed Basement Works Structural Methodology dated 21 July 2016, prepared by Vincent and Rymill.

**Case Officer:** Sebastian Knox

**Direct Tel. No.** 020 7641 4208

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (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 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 (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not use the roof of the extensions for sitting out or for any other purpose. You can however use the roof to escape in an emergency.

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)

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

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 (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 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 3 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)
- 4 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)
- 5 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 6 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.
- 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. (150AA)

- 8 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.
- 9 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.

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# Agenda Item 3

Item No.

3

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 7 <sup>th</sup> February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>31 Ennismore Mews, London, SW7 1AP</b>		
<b>Proposal</b>	Erection of mansard roof extension.		
<b>Agent</b>	Mr Raymond Casey		
<b>On behalf of</b>	Mr Tarik Abu Samra		
<b>Registered Number</b>	16/09470/FULL	<b>Date amended/ completed</b>	6 October 2016
<b>Date Application Received</b>	3 October 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Knightsbridge		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

Permission is sought for the erection of a mansard roof extension in connection with the existing single family dwelling house. Similar works were approved in December 1998 and a subsequent revised scheme in January 2000.

The key issues are:

- \* The impact of the proposal on the appearance of the building and upon the character and appearance of the Knightsbridge Conservation Area;
- \* The impact on neighbouring resident's amenity.

The proposed development is considered to be acceptable in land use, design and amenity terms and would accord with policies within the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (November 2016). As such, it is recommended that conditional planning permission is granted

3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### KNIGHTSBRIDGEASSOCIATION:

The proposed mansard extension will make the house unacceptably high.

### KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 27

Total No. of replies: 4 (1 on behalf of 5 residential properties)

No. of objections: 4

No. in support: 0

Objections have been received from and on behalf of residents within Ennismore Mews and Ennismore Gardens on the following grounds:

#### Design:

- The proposal will harm the character and appearance of the Knightsbridge Conservation Area and will conflict with policies set out in the London Plan, NPPF, Westminster's City Plan, UDP and the Knightsbridge Conservation Area Audit.
- An additional storey would appear out of place and would upset the original proportions of the host building.
- Its positions on a prominent corner site will be open to many views.
- The flat roof element on the east side of the mansard would create an unbalanced, asymmetrical and incongruous appearance to the south elevation detrimental to the traditional design of this corner property.

#### Amenity:

- Unacceptable overlooking and loss of privacy from the six south facing windows to habitable rooms within 29a Ennismore Mews opposite.
- Loss of light to properties within Ennismore Mews and Ennismore Gardens.
- Loss of outlook and amenity by reason of overbearing and oppressive visual impact.
- Impact on outlook from existing roof terraces at 63 and 65 Ennismore Gardens.
- Increase in noise from the property which has poor sound insulation.

#### Other:

- Lack of adequate planning justification and documentation. No Heritage Statement has been submitted.
- Loss of property values to surrounding properties.
- Lack of consultation.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION



## 6.1 The Application Site

31 Ennismore Mews is an unlisted building within the Knightsbridge Conservation Area. The building is located at the Northern end of Ennismore Mews and backs onto Properties in Ennismore Gardens. It is a single family dwelling house comprising two storeys.

## 6.2 Recent Relevant History

### 98/03034/FULL

Mansard extension at second floor roof level (revised to omit terrace and provide set-backs to roof extension)

Application Permitted 3 December 1998

### 99/10894/FULL

Raising of rear parapet wall for staircase enclosure at second floor level; alterations to fenestration at first floor level. (Variation to scheme approved 3.12.98 (RN983034).

Application Permitted 25 January 2000

## 7. THE PROPOSAL

Planning permission is sought for a mansard roof extension at second floor level, in connection with the existing single family dwelling house. The proposed mansard is proposed to be set back from the east/side elevation by approx. 3.1m. Windows are proposed on the front/south elevation only.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The extension would enlarge the existing dwelling house. In land use terms the creation of a larger single family dwelling house is considered to be acceptable in accordance with Policy H3 of the UDP and Policy S14 of the City Plan.

### 8.2 Townscape and Design

Planning permission was granted for a mansard roof extension on the property in 1998, and alterations to this permission were subsequently granted in January 2000. These permissions were never implemented, however, the Knightsbridge Conservation Area Audit has identified this property as a building with a mansard or other roof extension (possibly due to the previous permissions in place).

The application site remains one of the few properties along the mews which does not have a mansard. The principle of a mansard on this property is therefore considered acceptable in design and conservation terms.

The mansard will be clad in slate and the dormers clad in lead. Following officer advice, the proposals have been revised so that the mansard complies with Westminster's 'Roofs' Design Guide, and to contain the access stair to the newly formed second floor within the

body of the mansard. In terms of architectural composition, the offset nature of the mansard, set back from the east elevation is regrettable, however, this follows that previously approved on this property.

### 8.3 Residential Amenity

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

Objections have been received from adjoining residents in Ennismore Mews and Ennismore Gardens on the grounds that the proposed mansard would result in a loss of light, privacy, outlook and cause an increased sense of enclosure.

The applicant has carried out a sunlight and daylight assessment using the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice (2011)".

The BRE guidelines suggest that a 27% Vertical Sky Component (VSC) is indicative of a 'good level' of daylight. The BRE guidelines state that daylight levels may be adversely affected if the VSC measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value. Should windows achieve sufficient levels of VSC they are seen as compliant in terms of daylight. The report mistakenly identifies 31a Ennismore Mews as part of 65 Ennismore Gardens, however all the windows tested, at 28, 29a, 29b and 30 Ennismore Mews and 59, 60, 63, 65 and 66 Ennismore Gardens, are fully compliant with BRE guidance in terms of daylight.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. All relevant windows which face within 90 degrees of due south have been tested and found to be fully compliant with BRE guidance.

The proposed mansard will be approximately 2.2m above the existing parapet, only 1.1m above the highest point of the existing shallow pitch roof, and it has also been set back approximately 3m from the eastern elevation. It is not therefore considered that the application could reasonably be refused on the grounds of increased sense of enclosure/loss out outlook.

Six windows are proposed on the front/south elevation of the mansard which will line up with the windows below. No windows are proposed on the side or rear elevations and a terrace originally proposed to the east elevation has been deleted from the scheme. Accordingly the application is considered acceptable in amenity terms.

### 8.4 Transportation/Parking

The enlargement of the dwelling would not have a material impact on traffic generation or on-street parking pressure in the area.

**8.5 Economic Considerations**

This development does not generate a Mayor CIL or WCC CIL payment.

**8.6 Access**

Not relevant.

**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**

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

**8.12 Other Issues**

An objection has been received from a neighbouring resident on the grounds of poor sound insulation between the properties. The proposed mansard will have to comply with current building regulations.

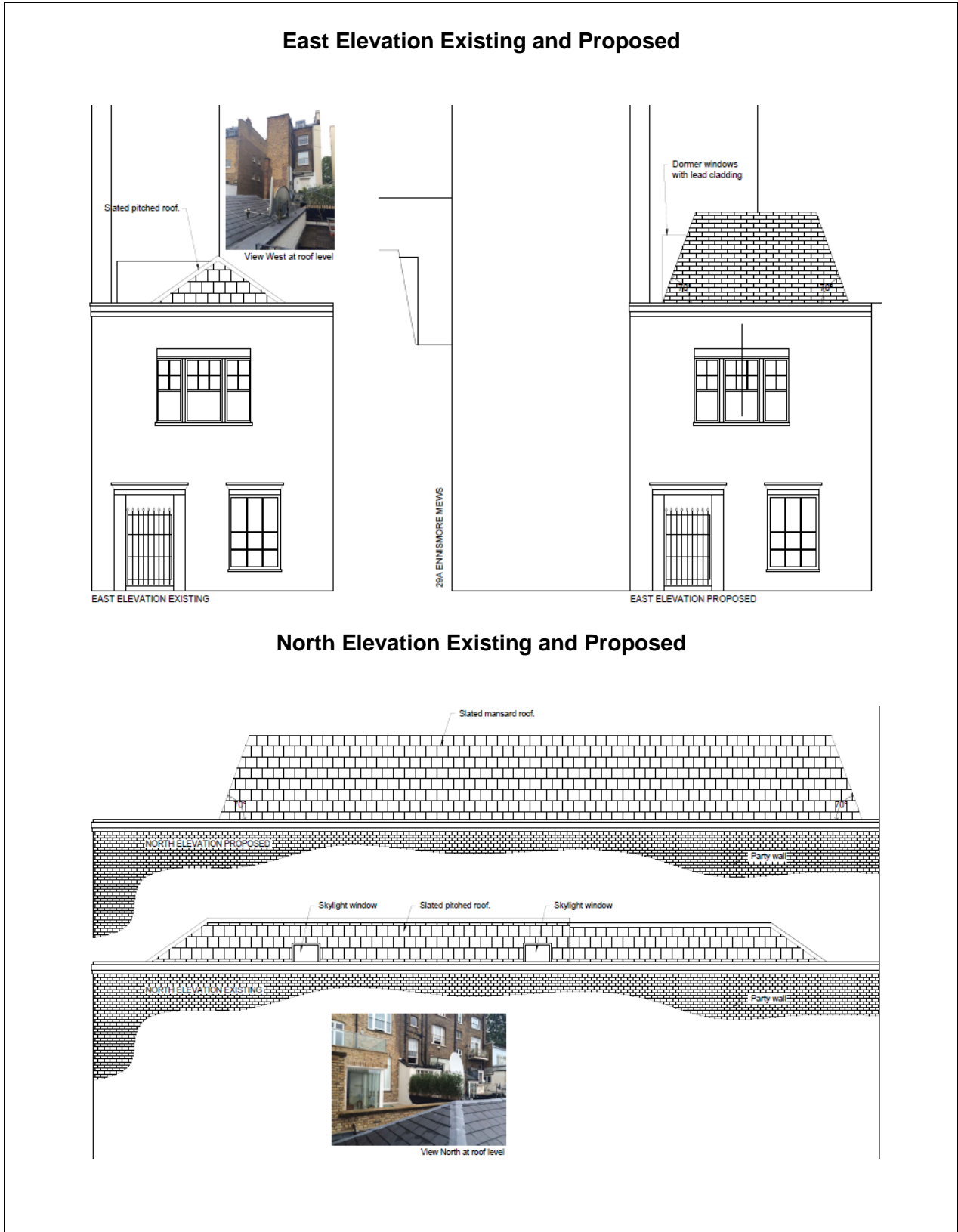
**9. BACKGROUND PAPERS**

1. Application form
2. Response from Knightsbridge Association, dated 19 October 2016
3. Letter from occupier of 28 Ennismore Mews, dated 31 October 2016
4. Letter from occupier of 29B Ennismore Mews, London, dated 1 November 2016
5. Letters on behalf of the occupier of 29a Ennismore Mews, dated 19 October and 14 November 2016
6. Letter on behalf of the occupiers of 31a Ennismore Mews, 63 Ennismore Gardens and 65 Ennismore Gardens (Flats 2, 3, 4), dated 14 November 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: JULIA ASGHAR BY EMAIL AT <a href="mailto:JASGHAR@WESTMINSTER.GOV.UK">JASGHAR@WESTMINSTER.GOV.UK</a>
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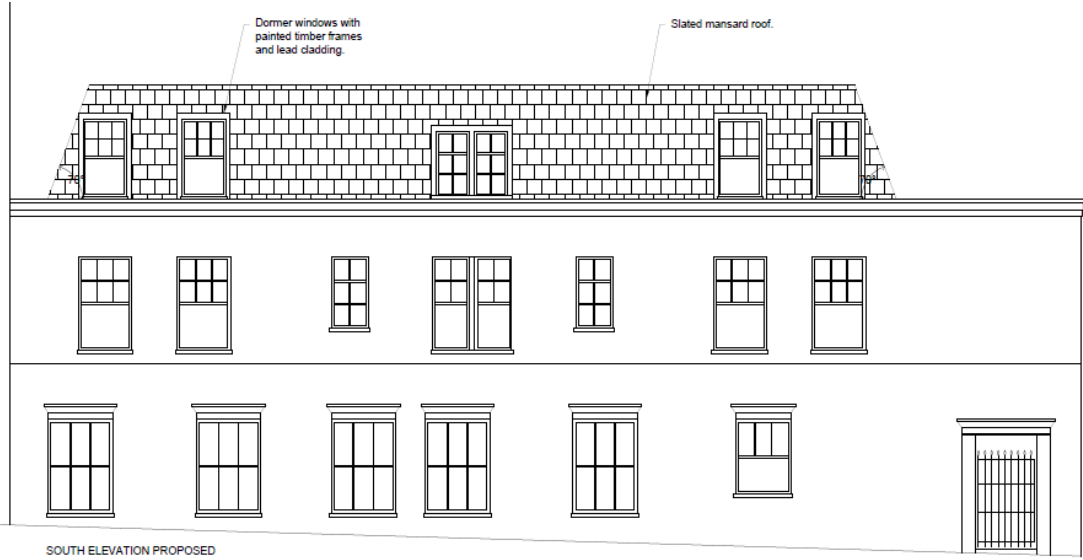
10. KEY DRAWINGS



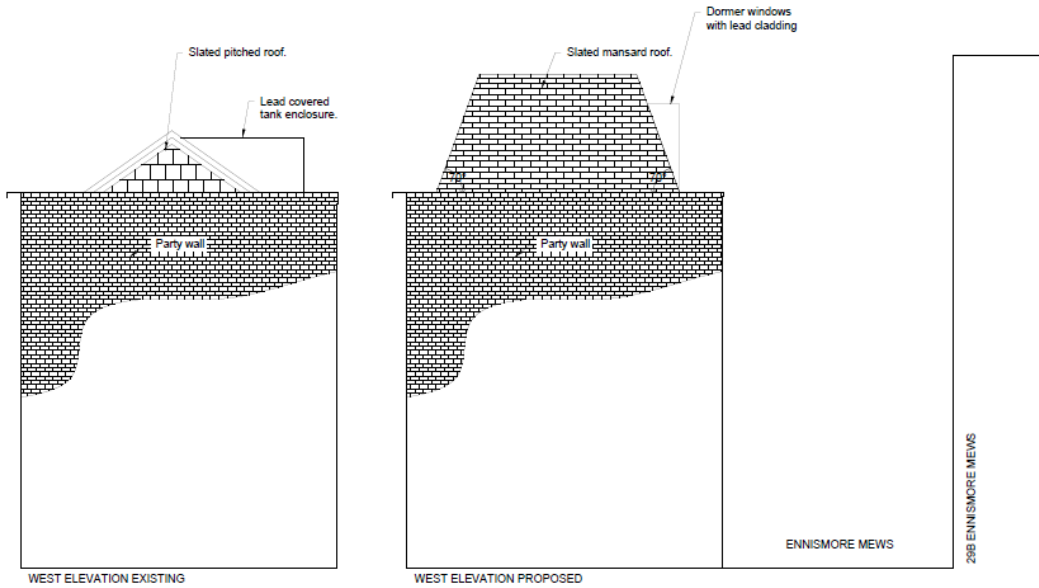
**Existing South Elevation**



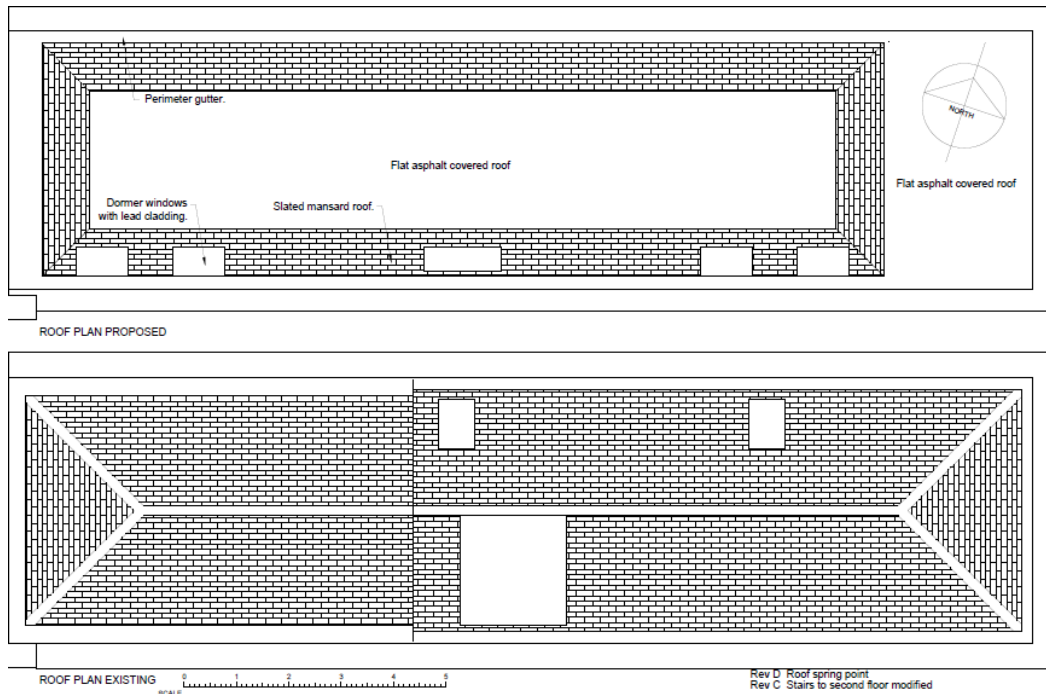
**Proposed South Elevation**



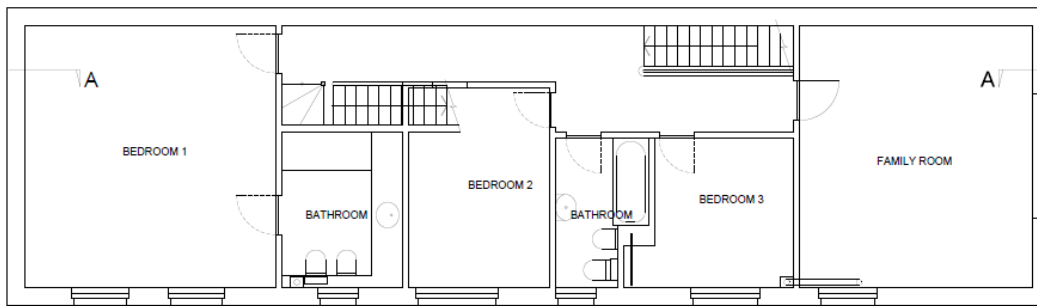
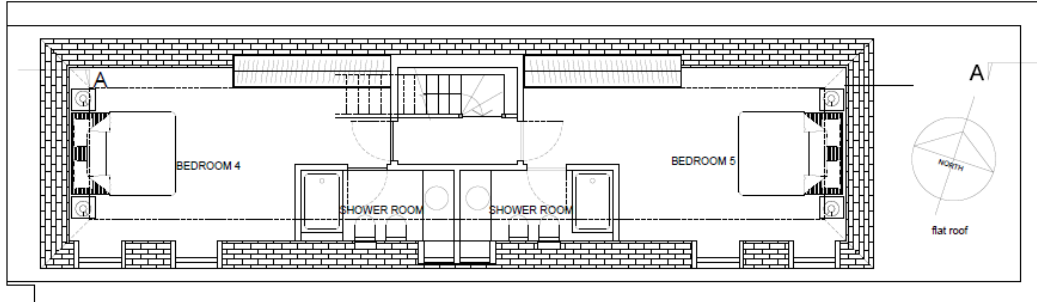
### West Elevation Existing and Proposed



### Roof Plan Existing and Proposed



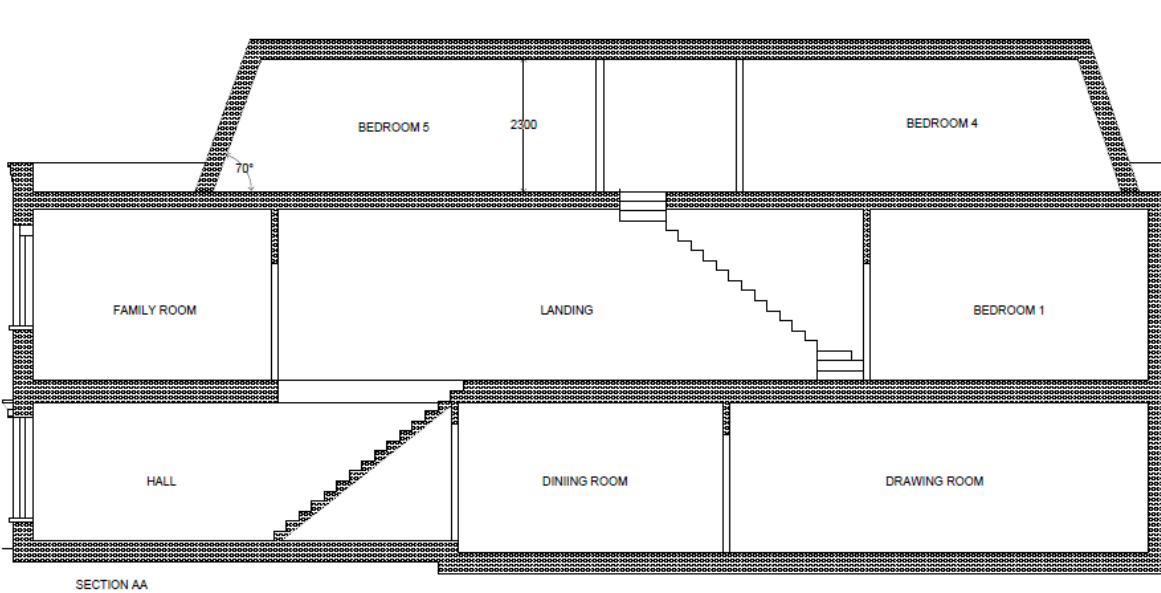
### First and Second Floor Plan Proposed



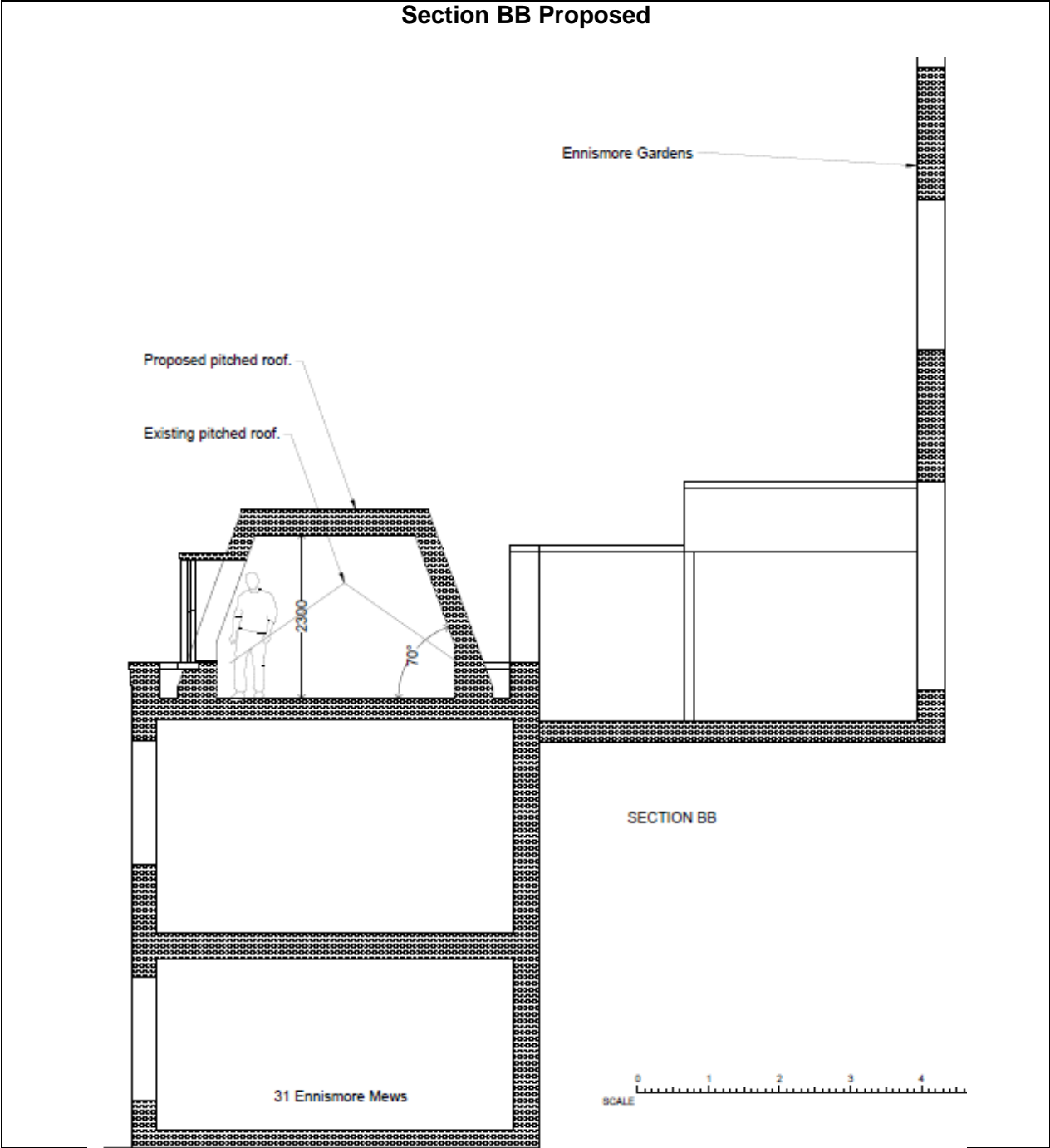
NO CHANGE TO GROUND FLOOR PROPOSED

Rev D Roof spring point  
 Drawn to proposed floor level

### Section AA Proposed







**DRAFT DECISION LETTER****Address:** 31 Ennismore Mews, London, SW7 1AP**Proposal:** Erection of mansard roof extension at second floor level.**Reference:** 16/09470/FULL**Plan Nos:** Location Plan; EM.2016.03 Rev.D; EM.2016.04 Rev.D; EM.2016.05 Rev.B;  
EM.2016.06 Rev.D; EM.2016.07 Rev.E; EM.2016.08 Rev.D; EM.2016.09 Rev.D;  
EM.2016.10 Rev.D; EM.2016.11 Rev.B

For information:

Design and Access Statement dated September 2016; Daylight and Sunlight Report dated 30 September 2016.

**Case Officer:** Ian Corrie**Direct Tel. No.** 020 7641 1448**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 Knightsbridge 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 submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the building:
- i) Windows, including dormer construction.

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

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

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

Reason:

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

**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.

Item No.
<b>3</b>

- 2 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)

# Agenda Item 4

Item No.
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4
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 7 February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	<b>Paddington Central, Bishop's Bridge Road, London, W2 6BA,</b>		
<b>Proposal</b>	Use of part ground floor and part basement of 4 Kingdom Street as shop (Class A1) and/or financial and professional services (Class A2) and/or restaurant and cafe (Class A3) and/or drinking establishment (Class A4) and/or business (Class B1) and/or a nursery/art gallery (Class D1) and/or assembly or leisure (Class D2).		
<b>Agent</b>	Mr Graham Timms		
<b>On behalf of</b>	CBRE		
<b>Registered Number</b>	16/11058/FULL	<b>Date amended/ completed</b>	22 November 2016
<b>Date Application Received</b>	18 November 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	No		

## 1. RECOMMENDATION

Grant conditional permission
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## 2. SUMMARY

No 4 Kingdom Street is a new office building which is nearing completion. It is an unlisted building located outside of a conservation area and the Central Activities Zone (CAZ), but is within the North Westminster Economic Development Area (NWEDA) and the Paddington Opportunity Area.

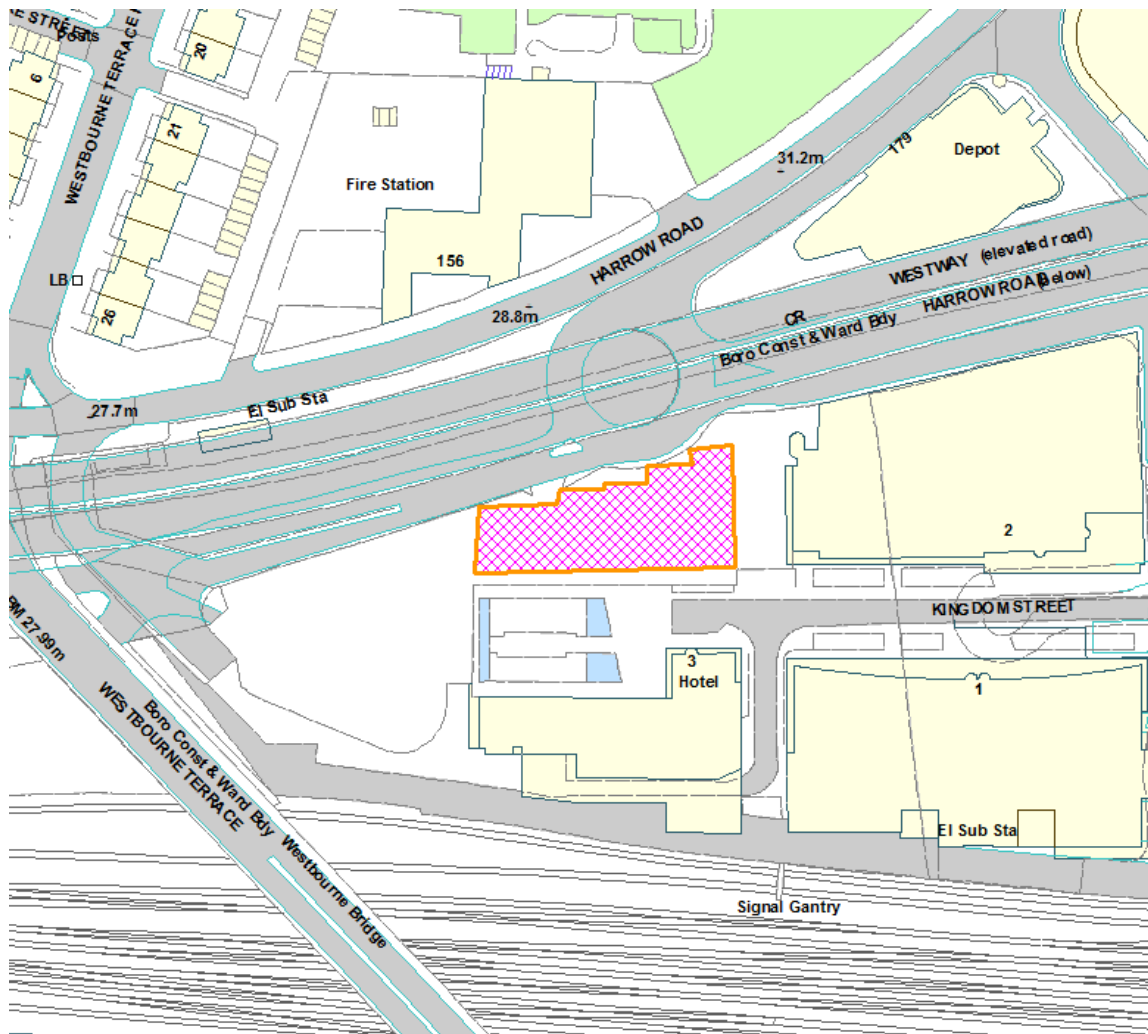
Permission is sought for the flexible alternative use of part of the ground (podium) and basement floors as a mix of any of the following uses: A1; A2; A3; A4; B1; D1 (limited to a nursery or art gallery); and D2. No external alterations are proposed.

The key issues are:

- \* the acceptability of the mix of uses in land use terms;
- \* the impact of the proposed uses on the amenities of neighbouring occupiers;
- \* the impact of the proposed uses on the highway network.

Subject to conditions, the proposed mix of uses is considered to comply with the Council's policies in relation to land use, amenity and highways as set out in Westminster's City Plan and the Unitary Development Plan (UDP) and the application is accordingly recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation from Kingdom Street

23 Jan 2017, 14:39:02



## 5. CONSULTATIONS

### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

Any response to be reported verbally.

### CLEANSING:

No objection subject to waste facilities provided as shown on plan.

### HIGHWAYS PLANNING:

No objection.

### ENVIRONMENTAL HEALTH:

Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 176

Total No. of replies: Any responses to be reported verbally.

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The site is located within Paddington Central, a mixed commercial and residential development, which is outside of a conservation area and the CAZ, but is located within the North Westminster Economic Development Area (NWEDA) and the Paddington Opportunity Area.

No 4 Kingdom Street is a new building, which is nearing completion and yet to be occupied. The use of the building as permitted, is as offices (Class B1).

### 6.2 Recent Relevant History

This scheme of development has been undertaken further to approval of reserved matters on 12th January 2010 (Ref 09/08353/RESMAT). The description of development was as follows:

*'Reserved matters approval in relation to the last two buildings at 4 and 5 Kingdom Street pursuant to Condition A.1(a),(b),(c) in part relating to the layout, siting means of vehicular and pedestrian access, parking, detailed design and external appearance and the surface treatment of any part of the site not covered by buildings or formally landscaped areas and Condition M.1 (disabled access) attached the outline planning permission dated 23 May 2000 (as amended by 09/08354/FULL), for one 13 storey office building plus plant room and one 10 storey office building plus plant room.'*

This reserved matters approval was granted further to an original outline planning permission dated 23rd May 2000 (Ref 97/06935/OUT) for:



*'Redevelopment to provide a mix of uses; namely offices, 210 residential units, local shopping and studio/ light industrial units in buildings between 7 and 13 storeys in height. Creation of new access off Bishops Bridge Road and new egress ramp, provision of basement car parking and ancillary office accommodation. New footpaths and pedestrian links including a new footbridge across the canal'*

This scheme of development at 4 Kingdom Street (along with that for 5 Kingdom Street, at which work has yet to commence aside from site enabling works) was also the subject of two applications for non-material amendments. These were agreed on 6th June 2014 (Ref 14/05019/NMA) and 7th November 2014 (Ref 14/11007/NMA) and allowed minor alterations to the buildings including alterations to entrance ways.

## 7. THE PROPOSAL

Planning permission is sought for the flexible use of two separate areas at the eastern and western end of 4 Kingdom Street at ground (podium) floor level (either side of the main office entrance) and also an area at the western end of the building at basement level (podium -1 level).

The internal layout, degree of subdivision and end user(s) has yet to be confirmed. A range of uses are proposed to provide flexibility in marketing the space. The proposed uses for the whole space are shops (Class A1), Financial and Professional Services (Class A2), Restaurants/Cafes (Class A3), Drinking Establishments (Class A4), Offices (Class B1), Non-Residential Institutions (Class D1) or Assembly and Leisure (Class D2). No external alterations are proposed.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

No 4 Kingdom Street is approaching completion, and is currently an approved office building (Class B1). The proposed changes of use would result in part of the ground and basement having a mixed flexible use.

Table 1: Floorspace figures:

	Existing & Proposed (GEA)
Part ground	836sqm
Part basement	637sqm
<b>Total</b>	<b>1473sqm</b>

Policy S3 within the City Plan relates to the Paddington Opportunity Area, which this site is located within. It states that the 'provision of a range and mix of uses across the Opportunity Area including'...'other uses to support the economic and social regeneration of the area, including retail, social and community facilities, entertainment and arts/cultural uses. Where appropriate, other town centre uses should provide active frontages at ground floor level.'

Policy S12 of the City Plan states that development should contribute to increasing economic activity within the area, or provide local services or improving the quality and tenure mix of housing.

As the proposals will result in a range and mix of uses at part ground and basement levels, the proposals are considered to be in accordance with these policies.

Due to the range of uses proposed the following sections of this report will assess the impact of each the proposed uses in turn.

### **8.1.1 Loss of office B1 use**

There are currently no adopted or saved policies which protect against a change of use from office to uses other than residential, the principle of the loss of B1 floorspace is therefore considered acceptable. Policy S20 of the City Plan states that 'losses of office to other commercial or social and community uses are acceptable as they likewise contribute to the commercial activity in the area.'

### **8.1.2 Shops and Financial and Professional Services A1/A2 uses**

#### **Land Use:**

Policy S21 of the City Plan states that new retail floorspace will be directed to the designated Shopping Centres.

Policy SS10 of the UDP states that proposals for retail development outside District or Local centres will not be permitted if they would cause demonstrable harm to the vitality or viability of existing centres.

The nearest centres are the Praed Street District Centre and the Church Street / Edgware Road District Centres. There are also other shops and services located within the development itself, however these are all currently located around the sunken amphitheatre at Sheldon Square and along the canal. These are however mostly food and beverage providers, as well as a Sainsbury's supermarket.

Given the relatively closed nature of the Paddington Central development, the majority of users of any new shop are likely to come from within the development itself. Given this, it is considered that should a retail use occupy either part of or the whole proposed site, it would not result in demonstrable harm to the viability of adjacent District Centres.

#### **Amenity:**

It is not considered that the use of the premises as either an A1 or A2 use would give rise to significant adverse impacts on the amenity of adjoining occupiers above what the existing use as an office would have caused in relation to general comings and goings and is therefore considered acceptable.

The main impact of a large shop would be from servicing vehicles, should the unit be used as something such as a supermarket or a furniture shop. A condition is therefore recommended to ensure all servicing takes place below Kingdom Street level so that it does not cause any disturbance to adjacent occupiers.

### 8.1.3 Restaurants, Cafés and Drinking Establishments, Assembly and Leisure A3/A4/D2 uses

#### Land Use:

The proposals have the potential to provide 1473sqm of either A3/A4/D2 floorspace across the two floors. Any new entertainment uses over 500m2 must be assessed against Policy TACE 10 which states that such uses are only permissible in 'exceptional circumstances'. Policy S24 within Westminster's City Plan is also relevant and states that new large scale, late night entertainment uses of over 500m2 will not generally be appropriate within Westminster. The UDP includes a schedule of what exceptional circumstances may constitute:

- a) a general reduction in adverse effects on residential amenity and local environmental quality when compared with the existing activity on the site;
- b) the retention of a use which has a long-standing association with the area, or makes a major contribution to its character or function;
- c) the retention of a valued Central London activity which is of national or international importance;
- d) proposals which are shown to be necessary to improve health and safety standards, or access for disabled people;
- e) the provision of restaurants and cafés on the second floor and above in Oxford Street, Regent Street and Piccadilly;
- f) in the Paddington and the North West Westminster Special Policy Area, the achievement of regeneration benefits.

Part (f) is relevant given the location of the site within the Paddington Opportunity Area. The question is therefore do the proposals achieve 'regeneration benefits'? It could be argued that such a use would bring benefits in the form of alternative uses to this part of Paddington Central, which does not currently have any entertainment uses, however as the building is new, whether this could be classified as 'regeneration' is questionable. It is therefore not considered that the proposals would strictly satisfy any of these criteria.

It must be noted, however, that Policy TACE 10 was adopted prior to the publication of the National Planning Policy Framework (NPPF). Although the policy still holds weight as a saved policy, the NPPF has impacted on the assessment of larger entertainment uses because it is no longer sufficient for the City Council to argue that a use would not satisfy any of the policy criteria.

Permission was refused on 10 July 2012 for an extension to a new restaurant at 34 Grosvenor Square as it was contrary to Policies TACE 10 and the then draft Policy CS23 of the Core Strategy (now adopted policy S24 of the City Plan). The decision was appealed (Ref APP/A/12/2183693). The Inspector determined to grant permission as it was not considered that the proposed use would result in material harm to the living conditions of adjacent occupiers. He concluded that the absence of proven harm qualified as an exceptional circumstance.

Such decisions are material considerations and the Council must therefore identify the specific harm that would be caused if it were to refuse an application and explain why it would be contrary to sustainable development objectives.

In economic terms the proposed use would result in the loss of B1 office floorspace but new jobs would be created to compensate this impact.

In environmental terms the building has existing ventilation ducting to serve a restaurant use, venting at roof level (discussed below). Dedicated servicing and waste facilities are provided (discussed in Section 8.4) and there is no reason to presume that, with suitable management procedures in place, the new use would result in littering or pollution of the public realm.

It is accepted that there would be a degree of impact on the social realm. A3 / A4 and D2 uses are likely to result in some increased vehicle movements from deliveries in the morning and increased pedestrian movements in the evening, which contrasts with typical patterns of the existing office use. Unless the additional movements would result in 'significant adverse impacts on health and quality of life' as set out in paragraph 123 of the NPPF, it is not considered that the proposed uses would result in significant social harm that would be contrary to the overarching principle of the NPPF to promote sustainable development.

Given the location of the site, set away from residential occupiers, and within the Paddington Opportunity Area, it is considered that an exception circumstance could be argued in this instance. However the provision of a single unit of almost triple the size of that allowed by policy is considered excessive and beyond what could reasonably be justified in line with conditions TACE10 and S24 (which seek to restrict to 500sqm). A condition is therefore recommended for the submission of a plan, prior to commencement of development, to show the size and layout of any proposed A3/A4 unit/s, which should not take up the whole floor area. The applicant has confirmed that any such unit would be limited to either the western and eastern unit at ground floor level, plus the basement floor area.

The applicant has stated that a drinking establishment (A4) unit would not be provided without the provision of a restaurant (A3) with a maximum of 60% of the floorspace being A4. While the 60% A4 floorspace is noted, it is considered that a more acceptable mix would be a 60/40 split with the majority being A3 rather than A4 in order to protect the environment of the development. This is to be secured by condition.

**Amenity:**

Policies S29 and S32 within the City Plan relate to residential amenity and noise and are therefore applicable. UDP Policy ENV 6 also relates to noise pollution and requires design features and operational measures to minimise and contain noise from developments, to protect noise sensitive properties. Policy ENV7 specifically relates to noise and vibration from mechanical plant, setting out noise standards for different parts of Westminster. In relation to the proposed entertainment uses, TACE 8, 9 and 10 are also applicable, within which paragraph 8.83 states that when assessing the potential adverse impacts of a proposal, matters to be taken into account will include the gross floorspace, capacity, type of use proposed, the opening hours, the provision of effective measures to prevent smells, noise and vibration disturbance, proximity to residential uses, the existing level of night time activity and the number of existing and proposed entertainment uses in the vicinity and their opening hours.

*External noise and general disturbance:*

The proposed uses are likely to result in increased noise from vehicles, staff, and general disturbance from visitors arriving and departing from the site throughout the day and into the evening.

In order to mitigate against potential noise disturbance in relation to the proposed A3/A4 uses, an Operational Management Strategy has been submitted. This sets out how the restaurant/bar would operate including details of staff management, security, servicing, capacity and opening hours.

As the final operator or use of the development is currently unknown, an additional condition is recommended for the submission of a new operational management plan with details of how the selected operator will manage the unit. The information contained within the plan will vary depending on the proposed use, however is likely to include details such as servicing, opening hours, capacity, staff and visitor management, security etc.

Visitors arriving at the site by foot would arrive at the front entrance on Kingdom Street. Given the existing commercial nature of this frontage, and the location set away from residential windows, it is not considered that customers will have a significant negative impact on residential amenity at the actual site, however patrons are most likely to access the site from the east, where there are residential occupiers and is therefore a consideration.

The applicant has requested opening times of 07:00 – 00:00 daily. As customers are likely to walk past the residential occupiers, and given the use and occupier of the unit has not been defined, it is not considered that a later terminating hour than 23:00 could be justified. A condition is therefore recommended to limit the opening hours for any of the proposed uses to match those stated above in order to protect residential amenity from patrons coming and going to the site.

*Vehicles:*

While there may be an increase in servicing vehicles associated with the proposed uses, this would be undertaken from the dedicated servicing areas which are accessed on the lower levels. In relation to taxis, while these can use Kingdom Street, it is not considered that these will give rise to a significant loss of amenity given the existing hotel opposite and the existing commercial use of the building. A condition is recommended to ensure that servicing is not undertaken at Kingdom Street level as is undertaken from the dedicated servicing areas at sub-podium level to ensure it does not cause harm to the local environment.

*Cooking ventilation:*

The proposals include the use of existing ventilation ducting, which terminates at roof and sub-podium level. The applicants have suggested that as there is no nearby residential accommodation, the use of low level extracts for the sub-podium level is acceptable.

Due to the negative impacts of low level extracts on the public realm and its associated nuisance, Westminster does not allow low level extract systems except in exceptional circumstances. It is not considered that sufficient information has been provided to demonstrate such an exceptional circumstance, such as details of how cooking smells would be filtered, however this is not surprising given that the use or operator is yet to be

determined. In addition as the applicant has confirmed that the ground floor has access to existing ventilation at roof level, it is unclear as to why cooking can either not be undertaken at this level, or the basement level be modified in order to link up to the roof level ventilation system.

As full details of the ventilation system have not been provided with the application, a condition is recommended for these details to be submitted prior to any primary cooking being undertaken on the site to ensure that ventilation is at roof level and there is no negative impact on the local environment.

#### **8.1.4 Non-residential Institutions D1 use**

The applicant has confirmed that the only likely D1 uses who may take occupation of the site would be a nursery or an art gallery. A condition is recommended to limit the D1 use to these two uses.

##### **Children's nursery**

Policy S3 of the City Plan encourages the provision of uses to support the economic and social regeneration of the area including social and community facilities. Furthermore, Policy SOC 1 of the UDP seeks generally to encourage community uses on appropriate sites and in new developments. UDP Policy SOC 2 specifically relates to childcare facilities and seeks to encourage their provision in appropriate locations. In particular, such facilities should ideally be located at ground floor level, with outdoor playspace, and should be fully accessible. While the D1 floorspace is to be at basement level, with appropriate access from the ground floor, the proposal is considered to broadly satisfy these expectations, and in these circumstances is considered to be acceptable in land use terms.

With regard to potential nuisance to neighbours, it is considered that noise would generally be contained within the unit. No objections have been received to the proposal. Subject to the provision of an Operational Management Plan, to include details such as opening hours, access, visitor management, buggy storage etc., the proposed use is not considered to be harmful in amenity terms.

##### **Art Gallery:**

An art gallery would function in a similar fashion to an A1/A2 premises. Subject to the submission of an Operational Management Plan, which would need to include details such as opening hours, servicing etc., such a use is considered to be acceptable.

#### **8.2 Townscape and Design**

No external alterations are proposed. The applicants note that should permission be granted, separate applications will be made for any alterations at ground floor level and signage.

#### **8.3 Amenity**

The nearest residential properties are located at Westbourne Terrace Road to the North West and at Sheldon Square to the East, no objections have been received to the proposed uses from these occupiers. The impact of the various uses on the local environment and these occupiers has been addressed within section 8.1 of this report.

#### **8.4 Transportation/Cleansing**

Paddington Central has dedicated service roads and servicing bays located on the lower levels of the development. These service roads are privately owned and managed as part of the estate and are not readily accessible to the general public as they are solely for the servicing of the buildings across the site. Given the managed environment no objection has been raised by the Highways Planning Manager in relation to the proposed uses.

In order to ensure that the development does not give rise to any harm to the surrounding street network, a condition is recommended to ensure that all servicing is undertaken from within the Paddington Central servicing areas at sub podium level. A further condition is recommended for the submission of an Operational Management Strategy for the use/uses that are subsequently chosen to occupy the site.

The Highways Planning Manager has commented that no car or cycle parking is specifically provided for the new uses, however it is noted that the development does include parking for both cars and bicycles at basement level. Given that the development as a whole is privately managed, no objection has been raised, with any requirements for car and cycle parking, will need to be provided as required, depending on which use is implemented. As the land is not public highway, Westminster's consent would not be required for such works.

#### **8.5 Economic Considerations**

Any economic benefits of the proposed changes of use are welcomed.

#### **8.6 Access**

Access to the site is to remain as existing, with pedestrians/ taxis arriving on Kingdom Street, and servicing taking place from the dedicated serving roads at basement level.

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

*Cleansing:*

The Operational Management Plans for each use shall include details of waste storage for the relevant use.

#### **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.

No CIL payment is required for this scheme.

#### **8.11 Environmental Impact Assessment (EIA)**

This application is of insufficient scale to require the submission of an EIA.

#### **8.12 Other Issues**

None

#### **8.13 Conclusions**

While such a wide variety of uses would not usually be considered acceptable due to the number and range of potential occupiers, given the location of the site within the Paddington Opportunity Area, and within a privately managed estate, it is considered that subject to the conditions as outlined within this report and on the draft decision letter, an exceptional circumstance can be argued in this instance.

The application is therefore recommended for approval.

### **9. BACKGROUND PAPERS**

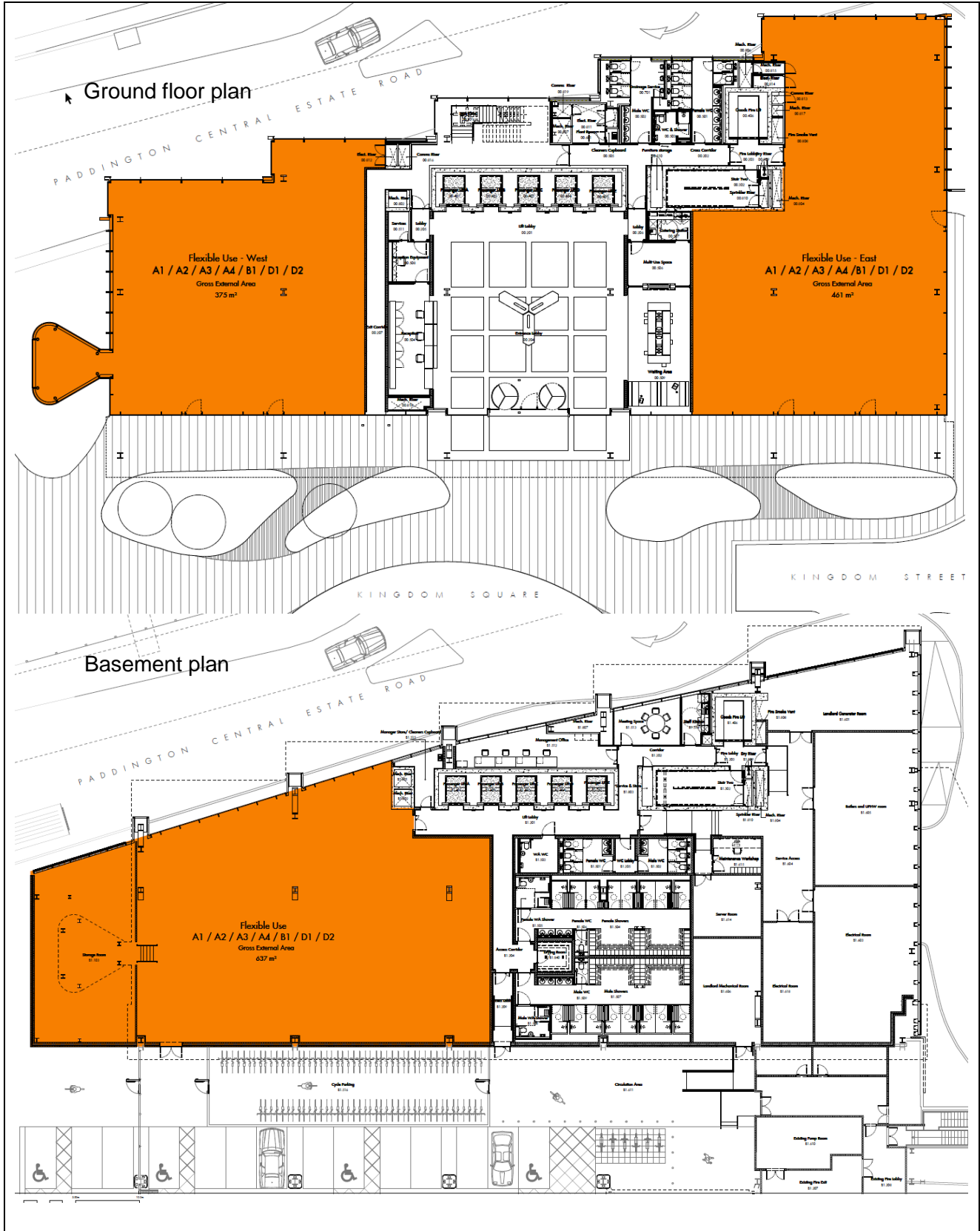
1. Application form
2. Memorandum from Cleansing dated 6 December 2016
3. Memorandum from Highways Planning dated 13 December 2016

(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: SARAH WHITNALL BY EMAIL AT [SWHITNALL@WESTMINSTER.GOV.UK](mailto:SWHITNALL@WESTMINSTER.GOV.UK).



10. KEY DRAWINGS



**DRAFT DECISION LETTER**

**Address:** Paddington Central, Bishop's Bridge Road, London, W2 6BA

**Proposal:** Use of part ground floor and part basement of 4 Kingdom Street as shop (Class A1) and/or financial and professional services (Class A2) and/or restaurant and cafe (Class A3) and/or drinking establishment (Class A4) and/or business (Class B1) and/or a nursery/art gallery (Class D1) and/or assembly or leisure (Class D2).

**Plan Nos:** 600\_0\_100; 600\_07\_102 P3; 600\_07\_500 P3; 600\_07\_520 P3; 600\_07\_521 P3; 600\_09\_203 P1; Operational Management Strategy; Waste storage provision review by 17 November 2016; email dated 3 January 2017 from CBRE; Letter dated 18 January 2016 from CBRE.

**Case Officer:** Rupert Handley

**Direct Tel. No.** 020 7641 2497

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

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.  
  
Reason:  
For the avoidance of doubt and in the interests of proper planning.
- 2 All servicing shall take place from sub-podium level (below Kingdom Street).  
  
Reason:  
To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S29, S42 of Westminster's City Plan (November 2016) and ENV 6, ENV 13, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.
- 3 Customers shall not be permitted within the ground or basement premises before 07:00 or after 23:00 hours daily.  
  
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, ENV 7 and TACE 8/9/10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)
- 4 Before any A1, A2, A3, A4, D1 (gallery / children's nursery) or D2 use is commenced, you must provide an operational management plan for the relevant proposed use to us for our written approval. The plan must include the following:
  - a) A floorplan to show the location and layout of the use;

- b) Customer opening hours (no greater than those stated in condition 4);
- c) Capacity;
- d) How the use will be serviced;
- e) How the use will be operated;
- f) Visitor management, such as: queuing, crowd control etc.;
- g) Security arrangements;
- h) Access and egress arrangements;
- i) Waste and recyclable Storage.

The use must then operate in accordance with the approved management plan. Thereafter, any subsequent material change of use (to any other use hereby approved) will require the submission of a revised operational management plan prior to the new use commencing. The use must then operate in accordance with the approved plan.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S24, S29, S32, S44, S42 of Westminster's City Plan (November 2016) and TACE8/9/10, ENV 6, ENV12, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

5 The development shall only be carried out in accordance with the following:

- a) Only one of the ground floor units can be used for A3 and/or A4 purposes and any A4 use shall not occupy more than 40% of the floorspace (ground and basement).
- b) Any D1 (children's nursery or gallery) / D2 use shall be limited to basement level, except for suitable access arrangements from ground floor level.

Reason:

To make sure that the uses will not cause nuisance for people in the area. This is as set out in S24, S29, S32 and S34 of Westminster's City Plan (November 2016) and SOC 1 (B), SS8, TACE 8/9/10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

6 You must not play live or recorded music that can be heard outside of the site.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8/9/10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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 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.

- 8 You must not use any part of the site for the cooking of raw or fresh food until you have applied to us for approval of detailed drawings of the design and location of the whole ventilation system and any associated equipment, which must terminate at roof level. You must then carry out the work according to the approved details. You must not change it without our permission.

**Reason:**

To protect the environment of people in neighbouring properties as set out in ENV 5, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must only use the part of the property we have approved for D1 as a children's nursery or an art gallery. You must not use it for any other purposes, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05BB)

**Reason:**

To make sure that the use will not cause nuisance for people in the area. This is 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.

**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 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 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)

- 5 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the podium and sub-podium floor can change between the A1, A2, A3, A4, D1 (children's nursery or art gallery only), D2, B1 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

# Agenda Item 5

Item No.
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5
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 7 February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>35-37 Weymouth Street, London,</b>		
<b>Proposal</b>	Alterations including construction of external plant deck above rear second floor roof to accommodate new air handling unit and installation of associated ductwork to rear elevation, alteration to ground level louvre.		
<b>Agent</b>	Rolfe Judd Planning Ltd		
<b>On behalf of</b>	Mr M Jagger		
<b>Registered Number</b>	16/11755/FULL	<b>Date amended/ completed</b>	14 December 2016
<b>Date Application Received</b>	12 December 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Harley Street		

## 1. RECOMMENDATION

Grant conditional permission
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## 2. SUMMARY

35-37 Weymouth Street is an unlisted building at the junction of Weymouth Street and Wimpole Mews within the Harley Street Conservation Area. The main building, on basement to fourth floors, steps down at the rear, rising to first floor level on Wimpole Mews, with a roof level plant enclosure. The building is currently occupied by the Harley Street Clinic.

Planning permission is sought for the construction of a raised gantry plant deck above second floor roof to accommodate a new air handling unit, and plant screen, and for the installation of associated ducting to the main rear elevation, rising from second to fourth floor levels. It is also proposed to enlarge a ground level ventilation louvre on Wimpole Mews. The application has been revised to delete proposals for additional plant on the rear roof.

The key issues in this case are:

- The impact of the proposed works on the character and appearance of this part of the Harley Street Conservation Area.
- The impact of the plant operation upon the amenity of neighbouring residential properties.

There is already a large amount of plant on the roof and at the rear of the building. The proposed plant screen is of a neutral colour and the plant would be against an existing rear extension. While the plant would be seen from upper floors of some adjacent buildings, it will not be readily visible from street level. The new ducting would sit behind the existing external escape stair. The enlargement of the ground floor louvre on Wimpole Mews would have limited impact on the buildings frontage. Consequently, it is not considered that the proposal would have an adverse impact on the appearance of the existing building or the character and appearance of this part of the Harley Street Conservation Area.

Objections have been received from local residents on the grounds that on the grounds that the plant operation will result in unacceptable noise disturbance, exacerbating existing noise nuisance in Wimpole mews caused by existing plant noise and other sources. Objectors have also expressed concern that the submitted acoustic report measures existing background noise levels from a location adjacent to existing plant. The acoustic report has been assessed by the Council's Environmental Health Officer who has based his assessment upon background noise readings taken in relation to a neighbouring development in Wimpole Mews, which is considered to address objectors' concerns about the accuracy of the submitted background noise readings. On this basis, the Environmental Health Officer has confirmed that the proposed plant operation is likely to comply with the Council's noise standards, operating below background noise levels.

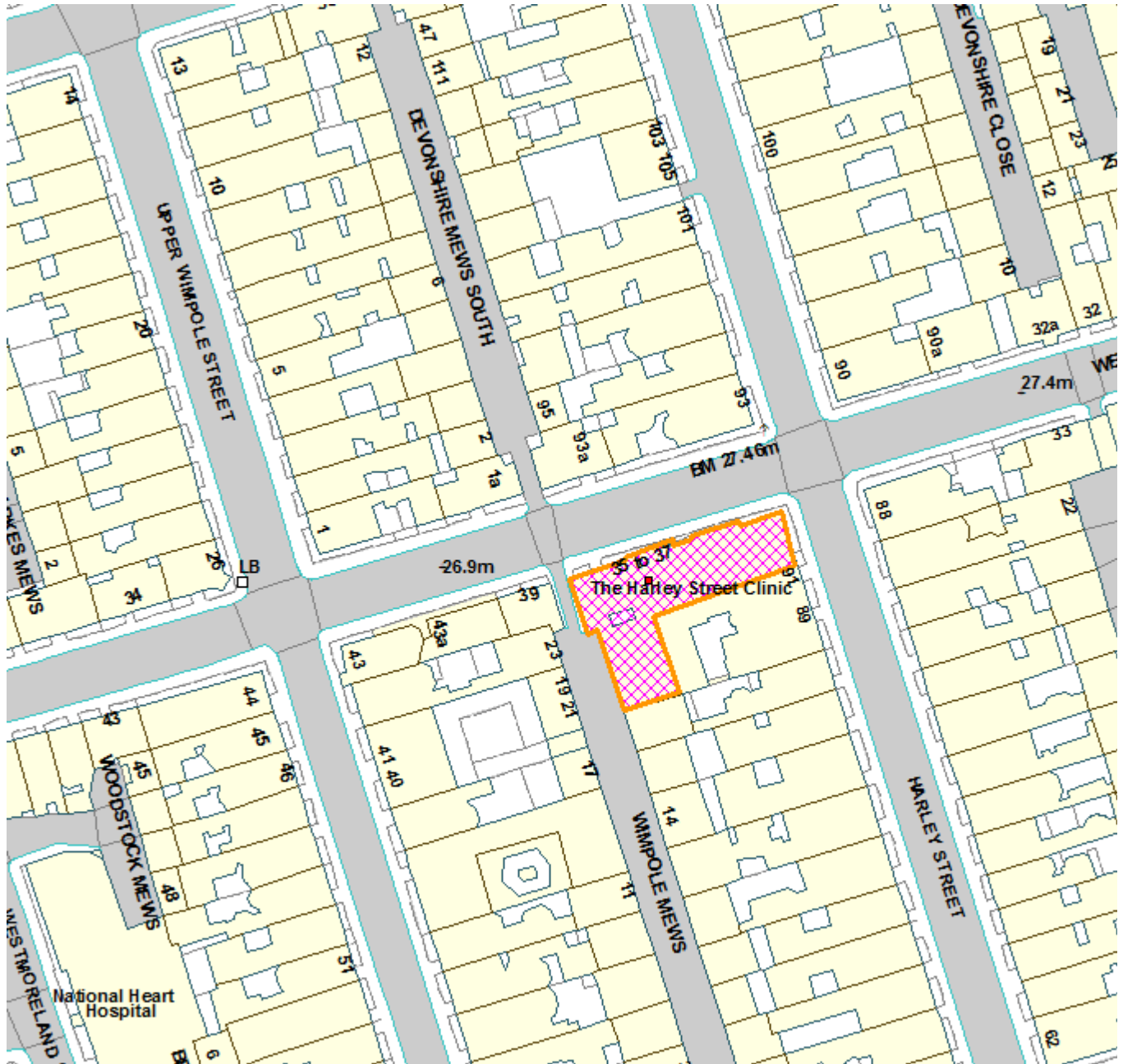
Given the location of the proposed plant enclosure, it is not considered that there would be any material impact on the level of light received to neighbouring properties.

One objector considers that the application is misleading and suggest that the plant is located Weymouth street rather than in Wimpole Mews. However, this is the correct postal address and the submitted drawings clearly show the location of the plant.

The application is considered acceptable on design and amenity grounds and is therefore recommended for approval, subject to conditions.



### 3. LOCATION PLAN



4. PHOTOGRAPHS



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

No objection subject to compliance with Councils noise criteria

### ENVIRONMENTAL HEALTH

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8

No. in support: 0

Total No. of replies: 5

No. of objections: 5

Objections received on the following grounds:

-

- noise nuisance

- inaccurate background noise survey.

- unclear from site address that plant is located in Wimpole Mews

ADVERTISED / SITE NOTICE:

Yes

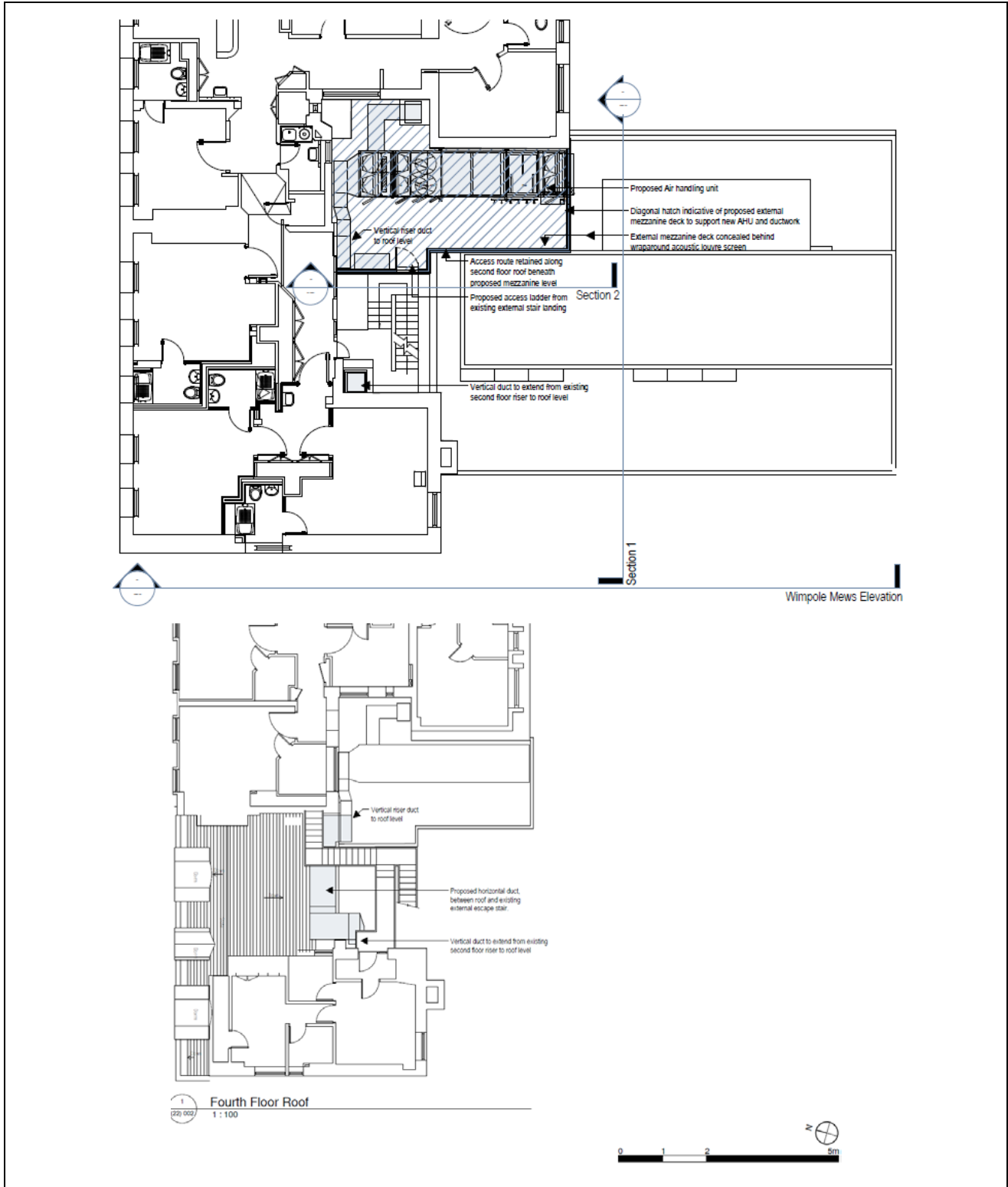
## 6. BACKGROUND PAPERS

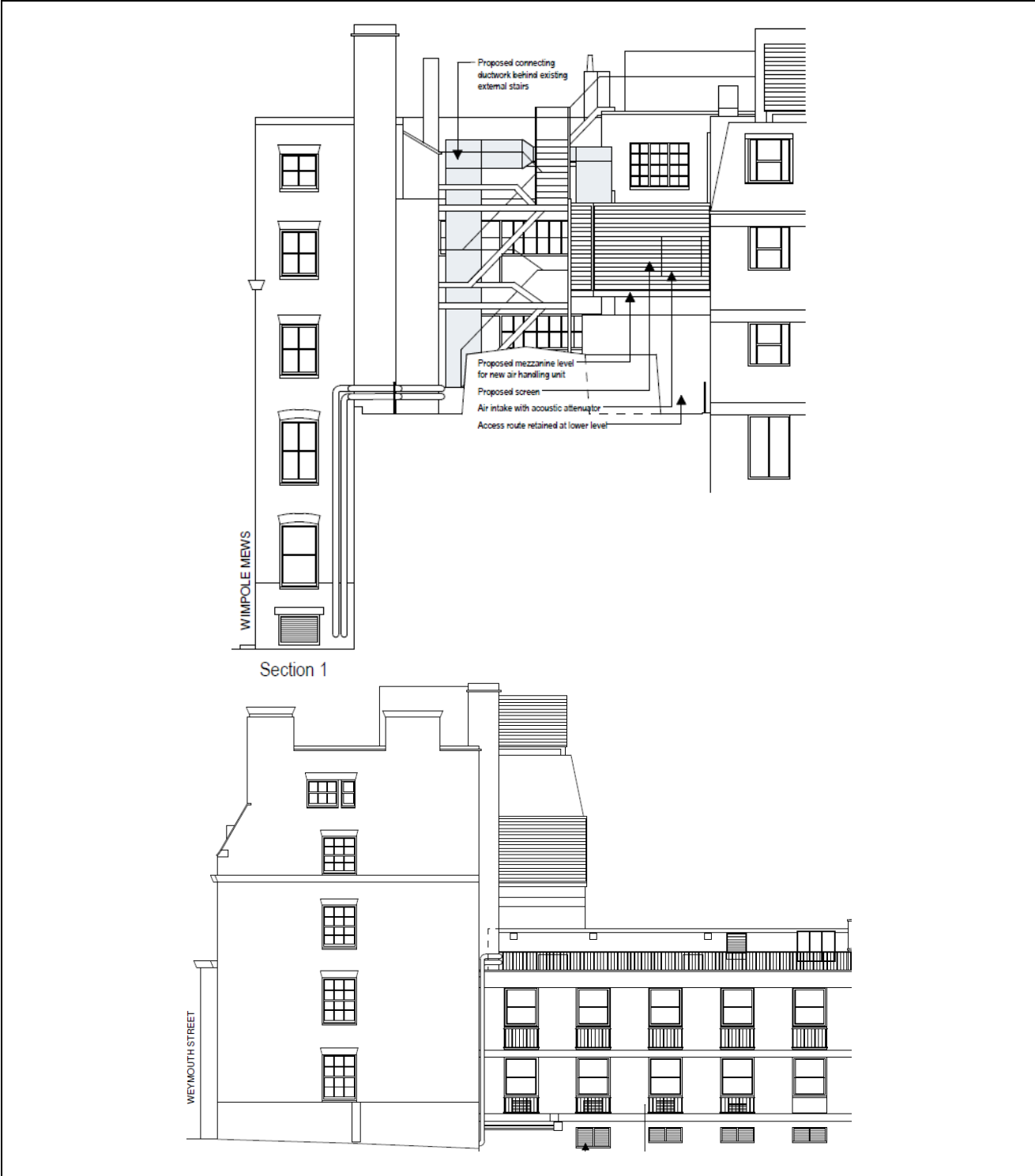
1. Application form and letter from Rolfe Judd Planning, dated 25 January 2017
2. Response from Marylebone Association, dated 11 January 2017
3. Response from Environmental Health, dated 4 January 2017
4. Letter from occupier of 14, Wimpole Mews, dated 3 January 2017
5. Letter from occupier of 14 Wimpole Mews, London, dated 4 January 2017
6. Letter from occupier of Flat 4, 19-21 Wimpole Mews, dated 5 January 2017
7. Letter from occupier of 19-21 Wimpole Mews, London, dated 4 January 2017
8. Letter from occupier of 39 Weymouth Street, London, dated 2 January 2017

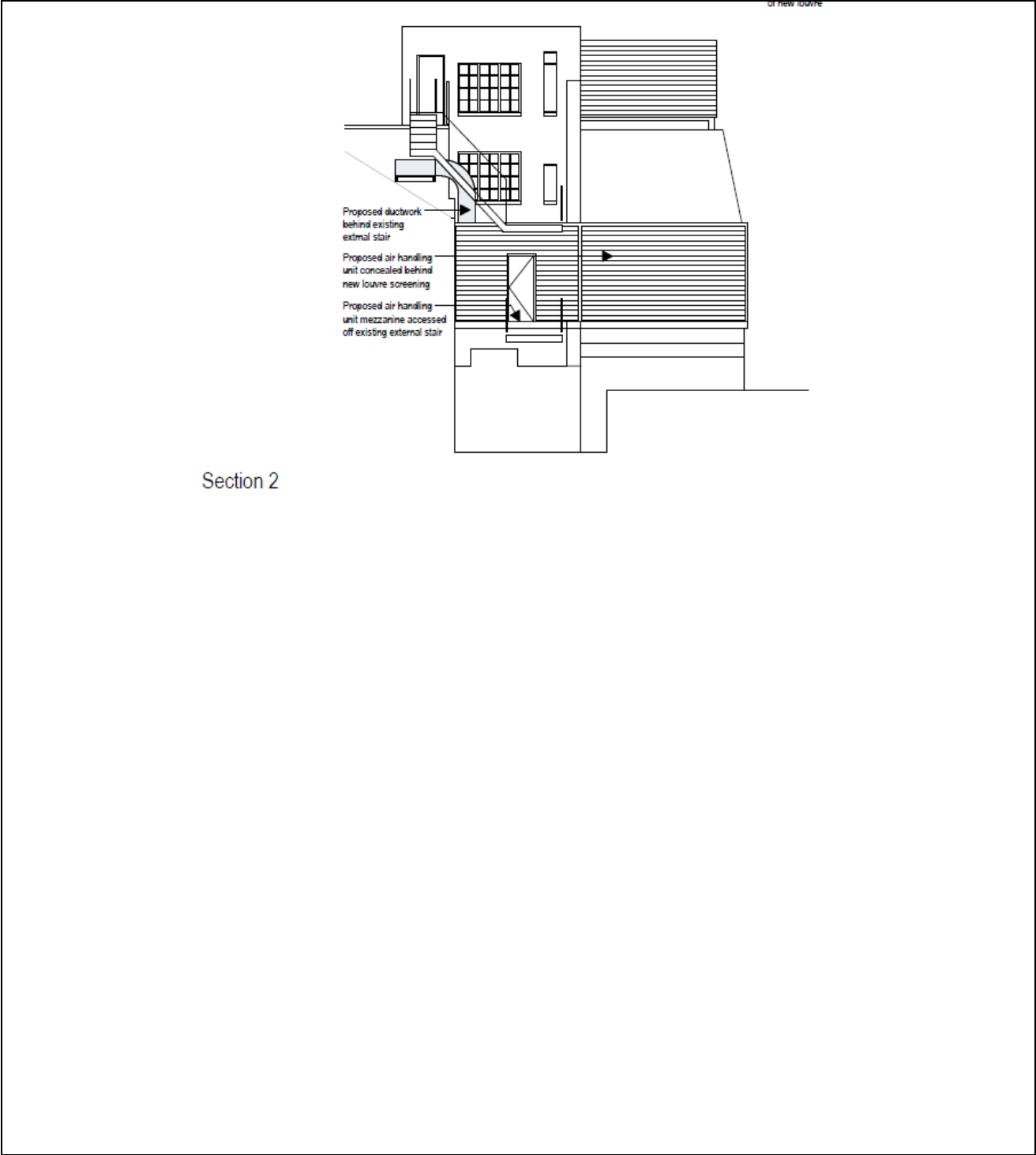
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

### 7. KEY DRAWINGS







**DRAFT DECISION LETTER**

**Address:** 35-37 Weymouth Street, London, ,

**Proposal:** Alterations including construction of external plant deck above rear second floor roof to accommodate new air handling unit and installation of associated ductwork to rear elevation, alteration to ground level louvre.

**Reference:** 16/11755/FULL

**Plan Nos:** 1650 (32) 001 P5, 1650 (22) 002 P4, 1650 (22) 001 P5

**Case Officer:** Damian Lavelle

**Direct Tel. No.** 020 7641 5974

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

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

Reason:

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

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

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

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 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.

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

**Reason:**

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



- 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 neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

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

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

Reason:

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

**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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<b>5</b>

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

# Agenda Item 6

Item No.
6

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 31 January 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Vincent Square	
<b>Subject of Report</b>	<b>75 Page Street, London, SW1P 4LT,</b>		
<b>Proposal</b>	Installation of mechanical plant within an acoustic enclosure on rear first floor flat roof and full height ventilation duct on rear of building in association with restaurant use (Class A3).		
<b>Agent</b>	Mr Anthony Frendo		
<b>On behalf of</b>	Swiss Cottage Properties Ltd.		
<b>Registered Number</b>	16/06059/FULL	<b>Date amended/ completed</b>	5 July 2016
<b>Date Application Received</b>	28 June 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	N/A		

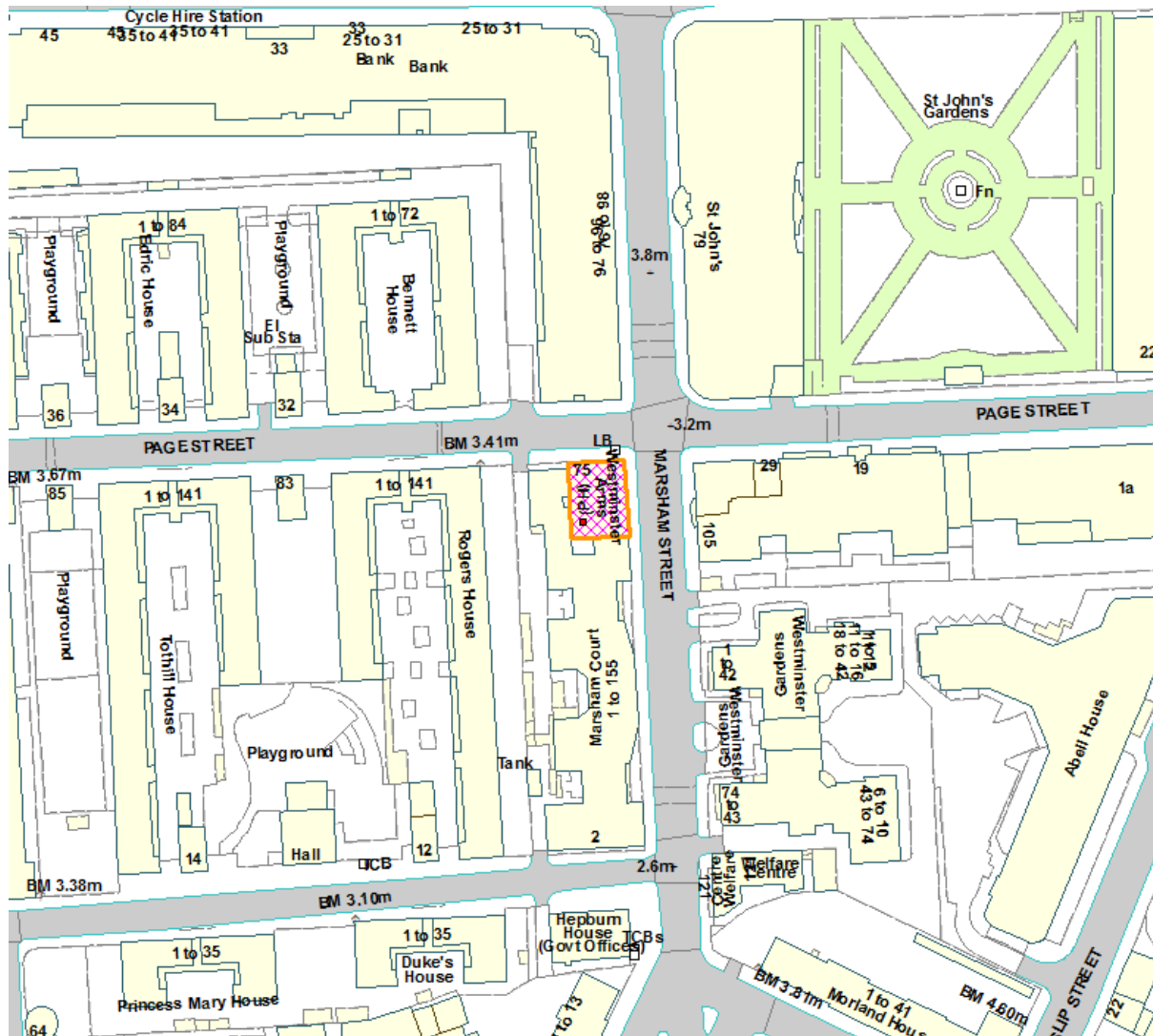
## 1. RECOMMENDATION

Grant conditional permission.
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## 2. SUMMARY

<p>This application was reported to the Planning Applications Committee on the 29<sup>th</sup> November 2016 where members deferred the application for a site visit in order to assess the impact of the proposals on adjoining residential properties. The site visit took place on 27 January 2017 and the application is reported back to you for your determination.</p>
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### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

LATE REPRESENTATIONS RECEIVED AT COMMITTEE ON 29 NOVEMBER 2016

WARD COUNCILLORS (Councillor Chalkley and Councillor Harvey)

Support objections raised by neighbouring residents. The plant and acoustic enclosure would have a negative impact on residents in terms of noise, vibration, cooking smells, heat and dirt.

The apparent use of the building for Air BnB type activity, which has been witnessed by residents, leaves limited faith that planning conditions will be adhered to.

## 6. BACKGROUND PAPERS

1. Application forms.
2. Letter from Cllr Danny Chalkley and Cllr David Harvey, dated 24 November 2016
3. Response from Westminster Society, dated 19 July 2016
4. Response from Environmental Health, dated 6 October 2016
5. Letter from occupier of 136 Marsham Court, Marsham Street, dated 22 July 2016
6. Letter from occupier of 145 Marsham Court, Marsham Street, dated 1 August 2016
7. Letter from occupier of 120 Marsham Court, Marsham Street, dated 4 August 2016
8. Letter from occupier of 131 Marsham Court, Marsham Street, dated 4 August 2016
9. Letter from occupier of 120 Marsham Court, Marsham Street, dated 4 August 2016
10. Letter from occupier of 150 Marsham Court, Marsham Street, dated 4 August 2016
11. Letter from occupier of 4 Marsham Court, Marsham Street, dated 6 August 2016
12. Letter from occupier of 110 Marsham Court, Marsham Street, dated 6 August 2016
13. Letter from occupier of 121 Marsham Court, Marsham Street, dated 7 August 2016
14. Letter from occupier of 134 Marsham Court, Marsham Street, dated 8 August 2016
15. Letter from occupier of 32 Marsham Court, Marsham Street, dated 9 August 2016
16. Letter from occupier of 117 Marsham Court, Marsham Street, dated 9 August 2016
17. Letter from occupier of 150, Marsham Court, Marsham Street, dated 9 August 2016
18. Letter from occupier of 153 Marsham Court, Marsham Street, dated 10 August 2016
19. Letter from occupier of 141 Marsham Court, Marsham Street, dated, 11 August 2016
20. Letter from occupier of 68 Marsham Court, Marsham Street dated, 11 August 2016
21. Letter from occupier of 155 Marsham Court, Marsham Street dated 11 August 2016
22. Letter from occupier of 44 Marsham Court, Marsham Street, dated 11 August 2016
23. Letter from occupier of 1 Marsham Court, dated 12 August 2016
24. Letter from occupier of 116 Marsham Court, dated 15 August 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: JULIA ASGHAR BY EMAIL AT [JASGHAR@WESTMINSTER.GOV.UK](mailto:JASGHAR@WESTMINSTER.GOV.UK)

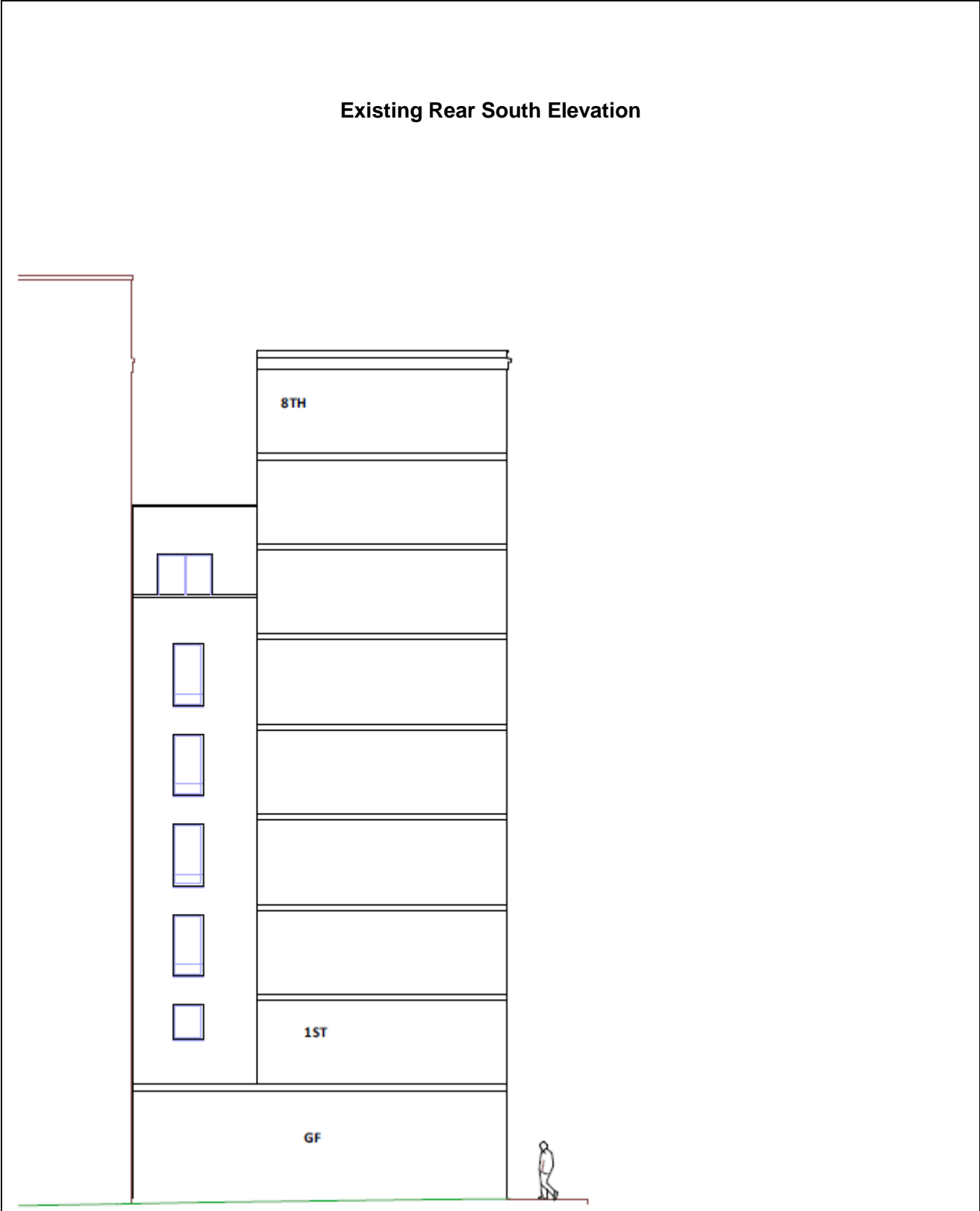
7. KEY DRAWINGS



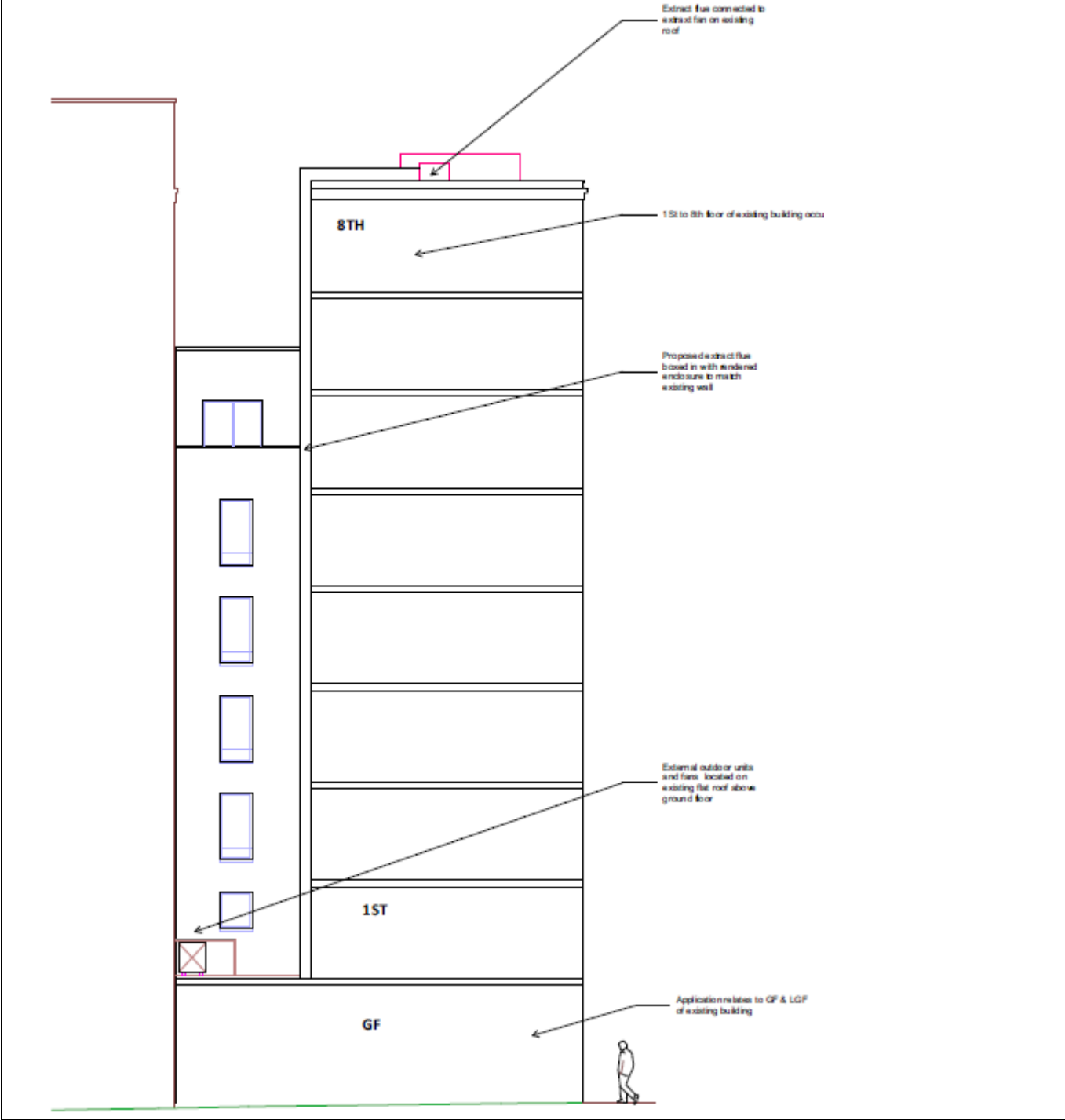




Existing Rear South Elevation

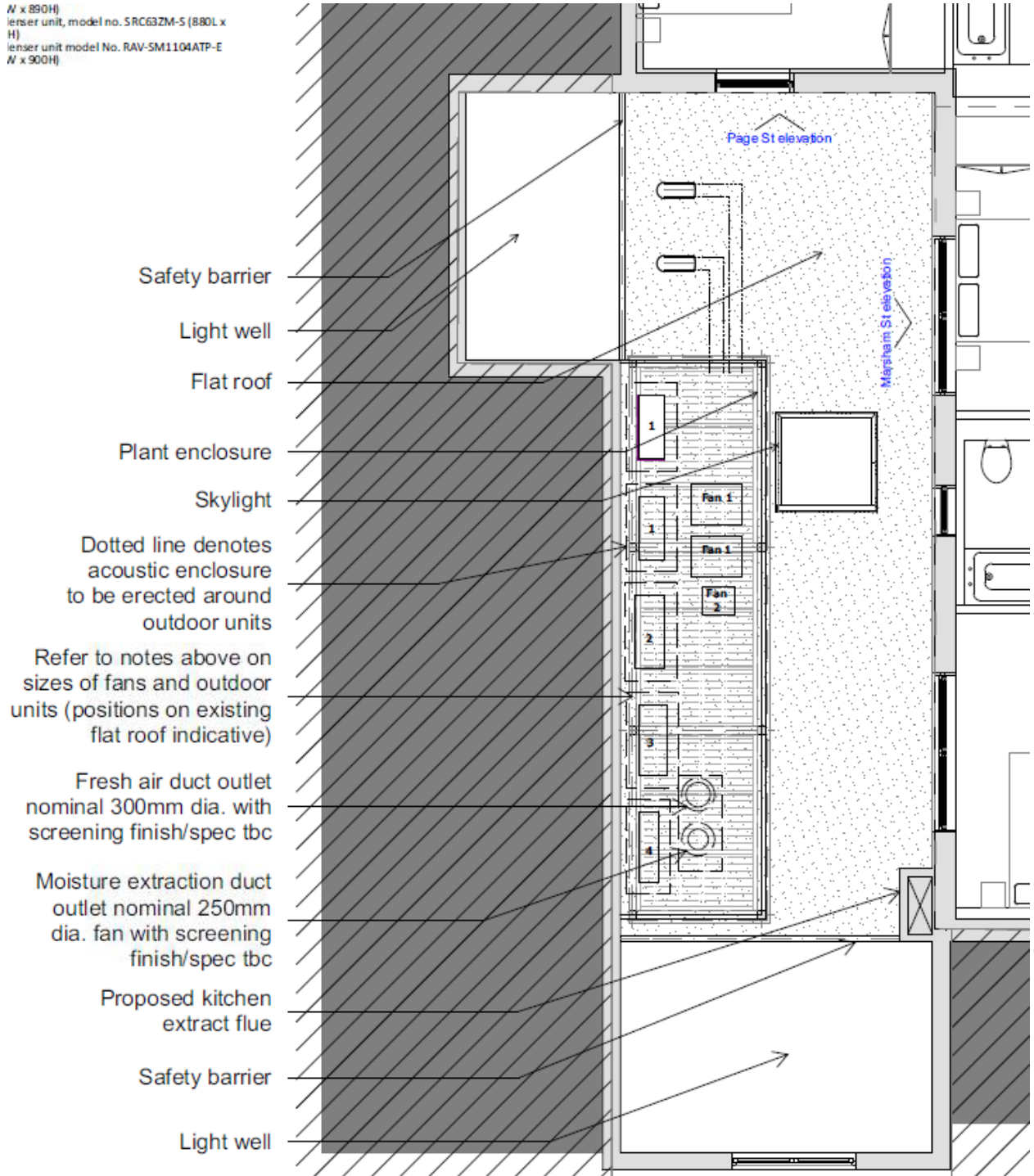


### Proposed Rear South Elevation

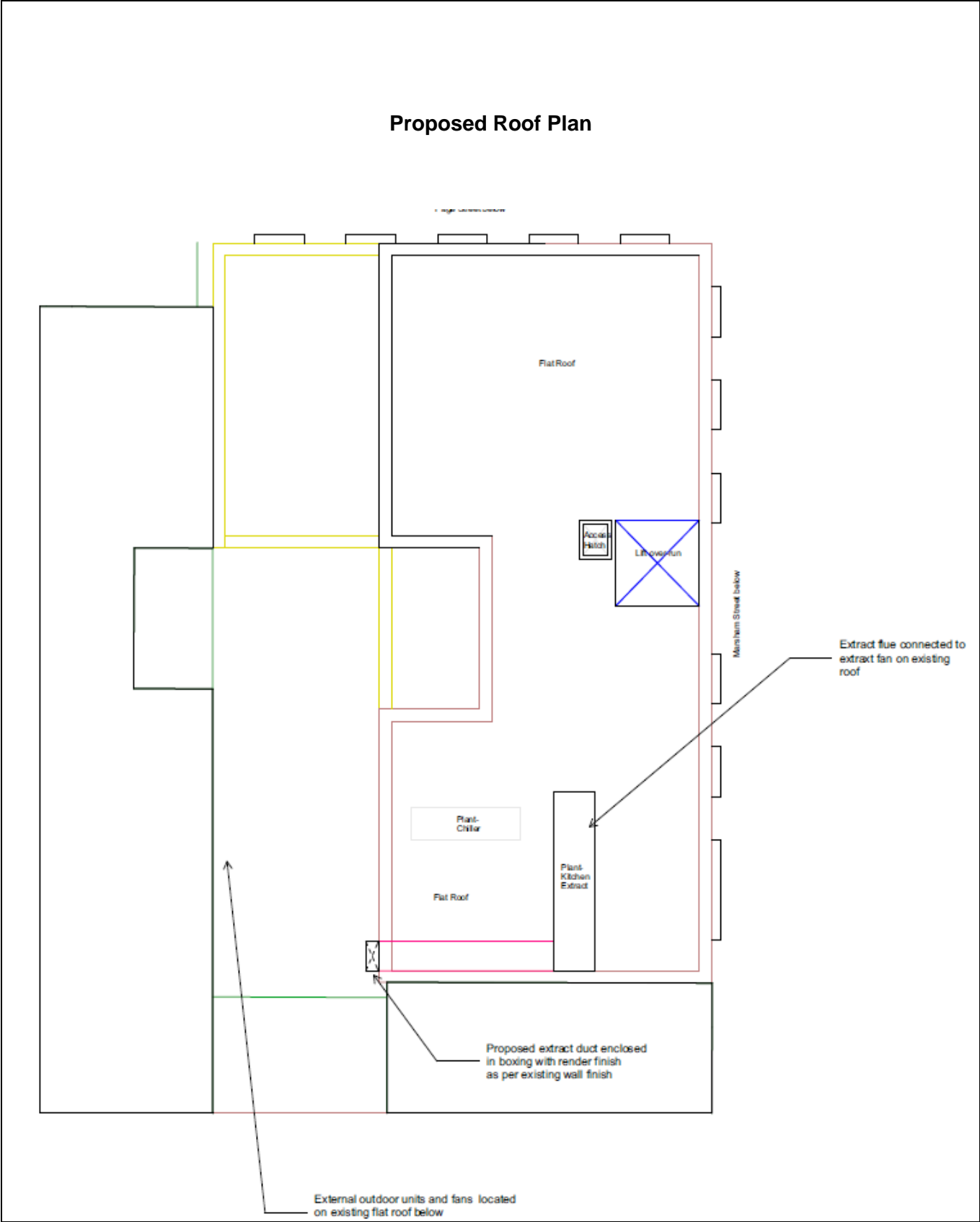


### Proposed First Floor Roof Plan

*N* x 890H)  
 lenser unit, model no. SRC63ZM-S (880L x  
 H)  
 lenser unit model No. RAV-SM1104ATP-E  
*N* x 900H)



### Proposed Roof Plan



**DRAFT DECISION LETTER**

**Address:** 75 Page Street, London, SW1P 4LT,

**Proposal:** Installation of mechanical plant within an acoustic enclosure on rear first floor flat roof and full height ventilation duct on rear of building in association with restaurant use (Class A3).

**Reference:** 16/06059/FULL

**Plan Nos:** L01; PL 104 Rev.B; PL 111 Rev.A; PL 112 Rev.C; PL 113 Rev.C; Acoustic Report AS8531.151124.PCR1.3 dated 3 October 2016;

For information purposes:

Design and Access Statement dated May 2016; Letter from Kalkwarf Architects dated 18 October 2016; Letter from Kalkwarf Architects dated 20 October 2016.

**Case Officer:** Ian Corrie

**Direct Tel. No.** 020 7641 1448

**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 You must finish the ductwork in a colour to match the material next to it. You must then keep it that colour. (C26FA)

## 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 (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 5 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 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., (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:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) 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 (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

- 6 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in conditions 4 and 5 of this permission.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) 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 (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.

- 7 You must put up the plant enclosure 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:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) 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 (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 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, details of how it will be built including odour control measures and how it will look. You must not begin operating the ventilation system until we have approved what you have sent us and you have carried out the work according to the approved details, you must then maintain it in accordance with the approved details for as long as the system remains in place.

**Reason:**

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

**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 4,5,6 and 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)





CITY OF WESTMINSTER

# MINUTES

## Planning Applications Committee (4)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (4)** held on **Tuesday 29th November, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

**Members Present:** Councillors Tony Devenish (Chairman), Christabel Flight, Jonathan Glanz and Jason Williams

Councillor Williams was not present for the consideration of Items 2, 3, 4 and 5.

#### 1 MEMBERSHIP

There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

Councillor Glanz declared that he had sat on the Committee which had considered applications 7 and 8 previously.

Councillor Devenish declared that he had attended site visits for Items 8 and 9. In respect of Item 8 he knew the objector but had not discussed the application with him.

#### 3 MINUTES

The Minutes of the meeting held on 25 October 2016 were approved and signed by the Chairman as a true and correct record.

#### 4 PLANNING APPLICATIONS

##### 1 WESTMINSTER CITY HALL, 64 VICTORIA STREET, LONDON, SW1E 6QP

Erection of a war memorial sculpture within the Kings Gate public realm, Victoria Street and associated works.

Additional submissions from a local resident and officers were circulated together with a letter from Land Securities. Noted that the trees affected had been re-planted elsewhere and the objectors to be advised accordingly

**5 1-5 RAINSFORD STREET, LONDON, W2 1PY**

Use of 1-5 Rainsford Street as three residential dwelling houses (Class C3) and associated external alterations, including construction of roof terraces at main roof level.

**RESOLVED:**

That permission be refused on design grounds.

**6 31 HYDE PARK GARDENS MEWS, LONDON, W2 2NX**

Demolition of the existing two storey building and erection of a new three storey building and excavation of basement to create two residential dwellings.

**RESOLVED:**

That permission be refused on design and sub-standard residential accommodation grounds.

**7 75 PAGE STREET, LONDON, SW1P 4LT**

Installation of mechanical plant within an acoustic enclosure on rear first floor flat roof and full height ventilation duct on rear of building in association with restaurant use (Class A3).

A representation from Councillors David Harvey and Danny Chalkley were circulated.

**RESOLVED:**

That consideration be deferred for a site visit.

**8 9 BURTON MEWS, LONDON, SW1W 9EP**

Erection of side extension at ground with mansard at first floor level and alterations to fenestration to front and rear elevations.

A further representation from local residents was circulated.

**RESOLVED:**

That conditional permission be granted.

**9 11A CASTELLAIN ROAD, LONDON, W9 1EY**

Erection of rear single storey extension at lower ground floor level and alterations to front lightwell.

# Agenda Item 7

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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 29 November 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Vincent Square	
<b>Subject of Report</b>	<b>75 Page Street, London, SW1P 4LT,</b>		
<b>Proposal</b>	Installation of mechanical plant within an acoustic enclosure on rear first floor flat roof and full height ventilation duct on rear of building in association with restaurant use (Class A3).		
<b>Agent</b>	Mr Anthony Frendo		
<b>On behalf of</b>	Swiss Cottage Properties Ltd.		
<b>Registered Number</b>	16/06059/FULL	<b>Date amended/ completed</b>	5 July 2016
<b>Date Application Received</b>	28 June 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	N/A		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

75 Page Street is a recently constructed building comprising basement, ground and eight upper floors with restaurant use at basement and ground floor level (not currently occupied) and 14 residential flats on the upper floors. Permission is sought for the installation of mechanical plant and a full height extract duct in connection with the restaurant use.

The key issues are:

- \*The impact on the character and appearance of the building and area; and
- \* The Impact on neighbouring resident's amenity.

The proposed development is considered to be acceptable in design and amenity terms and would accord with policies within the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). As such, it is recommended that conditional planning permission is granted.

## 5. CONSULTATIONS

### WESTMINSTER SOCIETY

No objection.

### ENVIRONMENTAL HEALTH

No objection, subject to conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 168; Total No. of replies: 20; No. of objections: 19; No. of neutral: 1

Objections received from neighbouring residents in Marsham Court on some or all of the following grounds:

#### Design

- The building is poorly constructed and an eyesore.
- Mechanical plant and vent would introduce additional massing and be unsightly.
- The lightwell is an inappropriate location for plant.

#### Amenity:

- The plant and acoustic enclosure would reduce daylight to adjacent flats.
- Noise and vibration from proposed plant.
- Cooking smells coming from the ventilation duct.
- Heat and dirt from plant and machinery.

#### Other

- The A3 use will generate traffic and noise from customers and servicing.
- An A1 use would be more appropriate.
- Question the need for another restaurant use in this area.
- Concern that the upper floors of the building is being used as a hotel rather than private flats.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

75 Page Street is a newly constructed building located on the corner of Page Street and Marsham Street. It is not located within a conservation area. The building comprises basement, ground and 8 upper floors with a restaurant use at part basement and ground floor level which has not yet been occupied and 14 residential flats on the upper floors.

### 6.2 Recent Relevant History

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Planning permission was refused on 15 October 2007, but subsequently granted on appeal on 16 April 2008 for the redevelopment of the site to create a building comprising basement, ground and eight upper floors containing a restaurant and 14 flats. An extension of time for the commencement of this development was granted in June 2011.

On 17 March 2016 permission was refused for change of use the basement and ground floors from restaurant (Class A3) to ancillary residential use comprising lounge area, meeting rooms, formal dining room and a resident's only gym; on the grounds that insufficient information was provided to demonstrate that the approved Class A3 floorspace at basement and ground floor level had been marketed for Class A3 purposes and would lead to a loss of Class A3 floorspace which would not meet S21 of the City Plan.

On 13 October 2016 planning permission was granted for shopfront alterations, including the installation of 2 sliding doors and a retractable awning.

**7. THE PROPOSAL**

Permission is sought for the installation of mechanical plant within an acoustic enclosure on the rear first floor flat roof which forms a shared lightwell with Marsham Court, and a full height ventilation duct terminating at main roof level for use in connection with the consented restaurant unit. The acoustic enclosure measures approximately 1.8m x 7m x 1m in height and the duct is approximately 0.9m x 0.42m x 24m high, including its enclosure, which will be rendered to match the building.

The original permission for the building included a full height extract duct routed internally through the building. The applicant has confirmed that the internal route for the duct has been occupied by services and that there is insufficient space for the duct, thus an alternative solution is now required for mechanical ventilation and extraction equipment in order for the restaurant use to be able to operate.

**8. DETAILED CONSIDERATIONS**

**8.1 Land Use**

A number of objections have been received in relation to the use of the basement and ground floors as a restaurant (class A3). A public house was previously located on the site and permission was granted for a restaurant use as part of the redevelopment proposals granted in April 2008. The lawful use of the premises is therefore restaurant use (class A3).

**8.2 Townscape and Design**

The building was recently completed and sits just outside the boundary of the Page Street Conservation Area. The proposed plant is located to the rear of the building and will not be visible from the public realm.



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A number of objections have been received from residents within Marsham Court on design grounds. The proposed plant will be visible from a number of windows in Marsham Court and from the upper levels of the host building. Whilst it is regrettable that the plant is proposed in the lightwell, a condition is recommended to ensure that the enclosure and ductwork is finished in a colour to match the adjoining facing materials and it is not considered that a refusal on design grounds could be sustained.

**8.3 Residential Amenity**

Objections have been received from a number of residents within Marsham Court on the grounds that the proposal will result in a loss of light to residential windows and cause noise, smell and vibration nuisance. The north block of Marsham Court has a number of flats with windows which overlook the lightwell, which serve bathrooms, toilets, kitchens and internal and communal hallways. There are also residential windows immediately above serving the development site itself, however, no objections have been received from these flats.

Whilst it is regrettable that the proposed plant and ventilation duct are located within the rear lightwell, given their size and location, it is considered that the proposals would not result in any significant loss of light or cause a sense of enclosure to neighbouring windows. The applicant has explored the possibility of locating the plant and acoustic enclosure at main roof level but considers the proposed position to be the most energy efficient and practical in terms of maintenance and servicing access.

The applicant has submitted an acoustic report in support of the application. The Councils Environmental Health Noise Team are satisfied that the plant is likely to comply with the Councils standard noise condition, however, a condition is recommended requiring a post-commissioning noise survey.

Objectors have also expressed concerns that, whilst the ventilation duct discharges at roof level of the application site, this is below the roof of Marsham Court and close to a number of residential windows. The previously approved extract duct as part of the original redevelopment proposals discharged in a similar location. A condition is recommended to secure details of odour control mitigation measures for the ventilation system prior to operation.

Accordingly, it is not considered that the objections on amenity grounds can be sustained.

**8.4 Transportation/Parking**

Not applicable.

**8.5 Economic Considerations**

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

**8.6 Access**

The proposals do not have any adverse access implications.

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

None

#### **8.8 London Plan**

This application raises no strategic issues.

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

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

#### **8.10 Planning Obligations**

Not applicable.

#### **8.11 Environmental Impact Assessment**

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

#### **8.12 Other Issues**

A number of objectors have raised concerns that the upper floors of the building are being used as a hotel. This matter is currently being investigated by the Council's Planning Enforcement Team.

### **9. BACKGROUND PAPERS**

1. Application forms.
2. Response from Westminster Society, dated 19 July 2016
3. Response from Environmental Health, dated 6 October 2016
4. Letter from occupier of 136 Marsham Court, Marsham Street dated 22 July 2016
5. Letter from occupier of 145 Marsham Court, Marsham Street dated 1 August 2016
6. Letter from occupier of 120 Marsham Court, Marsham Street dated 4 August 2016
7. Letter from occupier of 131 Marsham Court, Marsham Street dated 4 August 2016
8. Letter from occupier of 120 Marsham Court, Marsham Street dated 4 August 2016
9. Letter from occupier of 150 Marsham Court, Marsham Street dated 4 August 2016
10. Letter from occupier of 4 Marsham Court, Marsham Street dated 6 August 2016
11. Letter from occupier of Flat 110 Marsham Court, Marsham Street dated 6 August 2016
12. Letter from occupier of 121 Marsham Court, Marsham Street dated 7 August 2016
13. Letter from occupier of 134 Marsham Court, London dated 8 August 2016
14. Letter from occupier of 32 Marsham Court, Marsham Street dated 9 August 2016
15. Letter from occupier of 117 Marsham Court, Marsham Street dated 9 August 2016
16. Letter from occupier of Flat 150, Marsham Court dated 9 August 2016
17. Letter from occupier of 153 Marsham Court, Marsham Street dated 10 August 2016
18. Letter from occupier of 141 Marsham Court, London dated 11 August 2016

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- 19. Letter from occupier of Flat 68 Marsham Court, Marsham Street dated 11 August 2016
- 20. Letter from occupier of 155 Marsham Court dated 11 August 2016
- 21. Letter from occupier of 44 Marsham Court, Marsham St dated 11 August 2016
- 22. Letter from occupier of Flat 1 Marsham Court dated 12 August 2016
- 23. Letter from occupier of Flat 116 Marsham Court dated 15 August 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: JULIA ASGHAR BY EMAIL AT [JASGHAR@WESTMINSTER.GOV.UK](mailto:JASGHAR@WESTMINSTER.GOV.UK)



# Agenda Item 7

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 7 February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	40-42 Lexington Street, London, W1F 0LN		
<b>Proposal</b>	Replacement of stall risers to the shopfront, alterations to fenestration at all levels, new air conditioning plant and balustrade at roof level, reconfiguration of entrance and renewal of pavement lights to Lexington Street and Silver Place.		
<b>Agent</b>	Trehearne Architects		
<b>On behalf of</b>	Sir Richard Sutton Limited		
<b>Registered Number</b>	16/09561/FULL	<b>Date amended/ completed</b>	14 October 2016
<b>Date Application Received</b>	5 October 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

Grant conditional permission
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## 2. SUMMARY

40 – 42 Lexington Street is a vacant office building, located at the junction of Lexington Street and Silver Place, within the Soho conservation area. The application involves various alterations to the building facades , the installation of roof plant and the replacement of pavement lights on both street frontages. Concern has been raised about the impact of the proposed alterations upon the appearance of the building.

The key issues for consideration are:

- The impact of the alterations on the character and appearance of the Soho Conservation area and the setting of adjoining listed buildings.

The application is considered acceptable in design and in highways terms and accords with the adopted Unitary Development Plan (UDP) and City Plan policies. The application is therefore recommended for conditional approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### COUNCILLOR ROBERTS

Request that the application to be determined by the planning committee. Concern about the loss of the stallriser.

### SOHO SOCIETY

No objection

### HIGHWAYS PLANNING

No objection subject to conditions.

### ENVIRONMENTAL HEALTH

No objection subject to conditions

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 19

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application relates to an unlisted building of merit, in a terrace of Grade II listed buildings (dating from around 1720), in the Soho Conservation Area. The building occupies a corner plot at the junction of Lexington Street and Silver Place. The building to the immediate north, at 44-46 Lexington Street, is grade II listed.

The Soho Conservation Area Audit identifies the buildings as being unsuitable for a roof extension.

The building is currently vacant but was last used as offices (Class B1). This use ceased in mid- 2016.

The closest residential properties are on the opposite side of Lexington Street, on the upper floors of numbers 41-45 (odds).

### 6.2 Recent Relevant History

17 August 1987: Permission granted for the use of the basement to fourth floors as offices (Class B1).

It is noted that the existing plant at roof level is unauthorised. Aerial images indicate that this plant has been on the roof of the building since at least 2006 and it is therefore considered to be lawful.

## **7. THE PROPOSAL**

Planning permission is sought for the renovation of the existing building, including internal and external alterations. The existing stock brick façade would be cleaned and repaired.

The windows at fourth floor level (street frontages) would be removed and replaced with new dormer windows set within areas of slate covered roof. Elsewhere, all other single glazed windows would be replaced with double-glazed, painted, timber sash windows.

The existing basement level vaults would be opened up and replacement pavement lights installed on both street frontages.

The double entrance door onto Lexington Street would be re-configured as a narrower double door, providing a fire escape. The adjacent window and stallriser would be replaced by a single, timber panelled entrance door providing access to the ground floor offices. There would also be direct access to the ground floor via a replacement entrance onto Silver Place.

All other stallrisers beneath the ground floor windows would be replaced by new, painted timber, panelled stallrisers.

At roof level, it is proposed to install updated and reconfigured plant within a louvered enclosure . A safety balustrade is also proposed.

The application has been amended, to provide a more traditional mansard style roof, which would reduce the amount of glazing at roof level. Additionally, the proposals now include a screen to the roof level plant.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The application does not raise any land use issues.

### **8.2 Townscape and Design**

There is currently a double entrance door on the Lexington Street frontage, with a window adjacent. It is proposed to install a new entrance door in place of the existing window/stallriser to provide improved access to the ground floor. The existing double entrance door would be reconfigured to provide an emergency escape door. The entrance and escape doors would sit on either side of a repositioned architectural column. These alterations would result in the loss of a small section of stallriser beneath the existing window.

An objection has been received to the loss of the this existing stallriser and the replacement stall risers. However given the careful and sensitive detailing of the proposed

entrances and stallrisers, and the overall benefits of the scheme, it is not considered that the proposed alterations would have an adverse impact upon the appearance of the building or upon the character and appearance of the conservation area.

The proposed replacement of existing, single glazed, sash windows with double-glazed units in traditionally detailed frames, is considered acceptable. The extensive, and unattractive, glazing to the street facades of the fourth floor accommodation would be removed and replaced by new dormers set within a slate roofslope. There would be no increase in height of the fourth floor and the existing lift shaft would be re-used. The proposed dormers relate well to the position of windows on the floors below. While the proposed mansard would be visible from Beak Street and in views from the end of Great Pulteney Street, it would improve the appearance of the building.

Roof level office plant would be upgraded and rationalised and placed within a new, louvered, plant enclosure. The plant enclosure would be the same height as the existing plant and would not be readily visible from street level. The provision of a plant screen would improve the overall appearance of the building.

The pavement lights on the Lexington Street and Silver Place frontages would be replaced with similar pavement lights. This is considered acceptable in design terms.

Overall, the proposed alterations are welcomed in design terms and are considered to be positive for the character and appearance the building and the wider Soho Conservation Area. This accords with UDP polices DES 1, DES 4, DES 9 and DES 10, and the city council's 'Development and Demolition in Conservation Areas' supplementary planning guidance.

### **8.3 Residential Amenity**

The site is located close to a number of residential properties. City Plan policy S29 seeks to safeguard the amenity of neighbouring residential properties. UDP policy ENV13 sets out that permission will not be granted for development proposals which would result in a material loss of amenity to neighbouring properties by way of loss of daylight or sunlight.

As there would be no increase in the height to the topmost storey, and as the proposed plant and plant enclosure would replicate the height of the existing roof level plant, it is not considered that the proposals would materially affect levels of light received to neighbouring properties.

### **8.4 Transportation/Parking**

The proposal does not raise any transport issues. The replacement of the pavement lights is considered acceptable in highways terms.

### **8.5 Economic Considerations**

Any economic benefits generated by the scheme are welcomed

## **8.6 Access**

Access arrangements to the refurbished property would be similar to the existing, with a secondary entrance on Silver Place and the primary entrance onto Lexington Street.

The access onto Silver Place would be improved in highways terms since the existing door opens out onto the street, and the proposed door would open inward.

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

### **8.7.1 Plant**

The application is supported by an acoustic report which has been assessed by the Environmental Health officer. The report demonstrates that the proposed plant operation would comply with council's noise standards and the Environmental Health Officer has raised no objection to the proposals subject to conditions.

## **8.8 London Plan**

This application raises no strategic issues.

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

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

## **8.10 Planning Obligations**

The proposed development does not trigger any planning obligations.

## **8.11 Environmental Impact Assessment**

Not applicable

## **9. BACKGROUND PAPERS**

1. Application form
2. E-mail from Councillor Roberts dated 22 November 2016
3. Response from Soho Society, dated 8 November 2016
4. Response from Environmental Health dated 21 October 2016
5. Memorandum from Highways Planning dated 20 November 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)

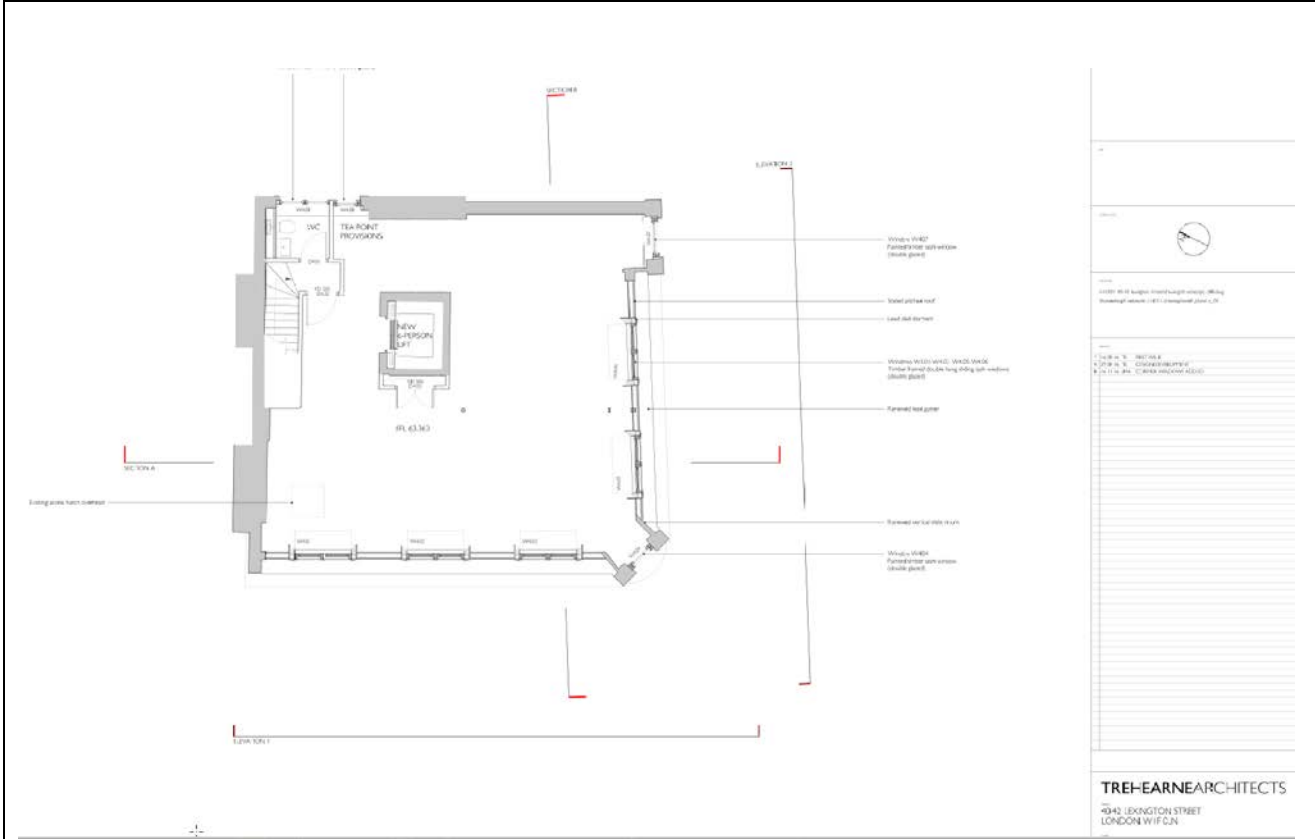
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IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT [SSPURRIER@westminster.gov.uk](mailto:SSPURRIER@westminster.gov.uk)



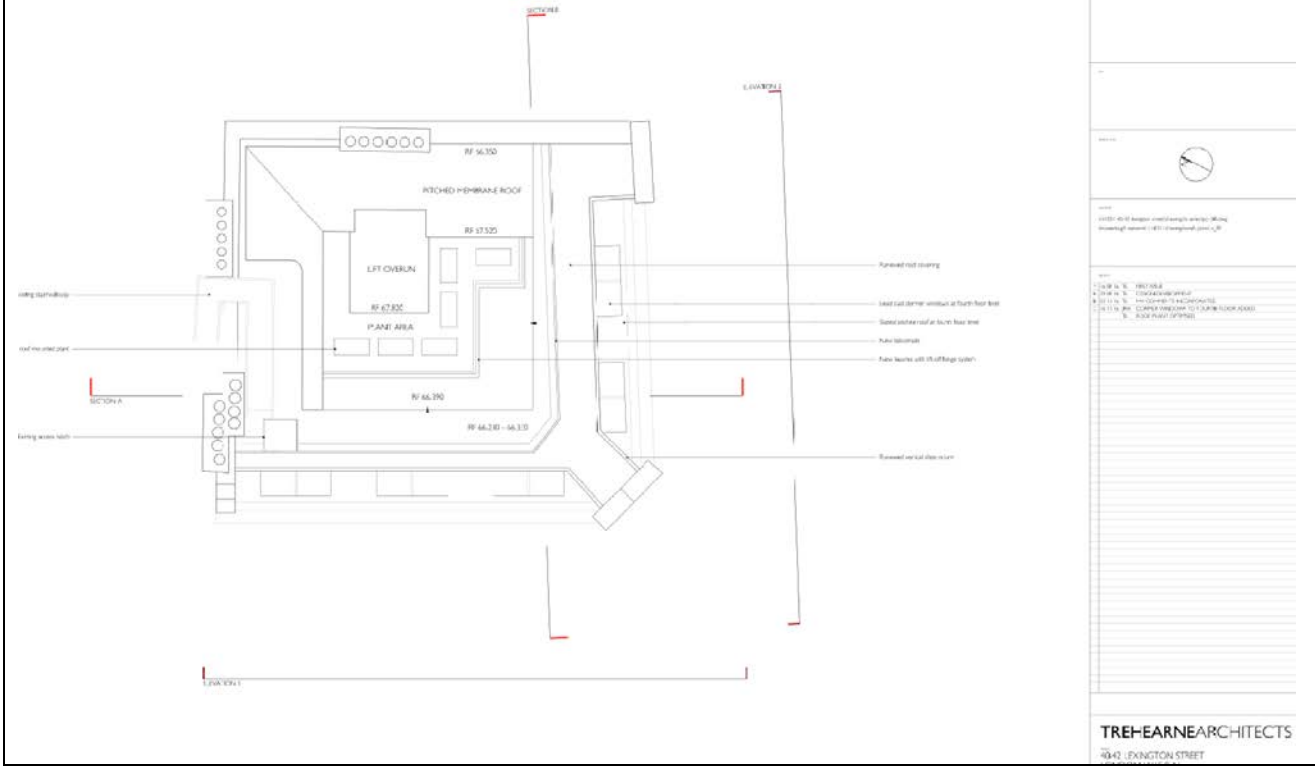






TREHEARNEARCHITECTS  
40-42 LEXINGTON STREET  
LONDON W1F 2JN

Roof plan



TREHEARNEARCHITECTS  
40-42 LEXINGTON STREET

**DRAFT DECISION LETTER**

**Address:** 40-42 Lexington Street, London, W1F 0LN,

**Proposal:** Replacement of stall risers to the shopfront and alterations to the fenestration at all levels with new air conditioning plant and balustrade at roof level, reconfiguration of the entrance arrangements, and renewal of pavement lights to Lexington Street and Silver Place.

**Reference:** 16/09561/FULL

**Plan Nos:** P(-- ) 00B Rev B, P(-- )01 Rev A, P(-- )02 Rev A, P(-- )03 Rev A, P(-- )04 Rev B, P(-- )05 Rev C; P(-- )10 Rev C, P(-- )11 Rev C, P(-- )20 Rev B, P(-- )21 Rev B; A(27)01 Rev \*, A(31)01 Rev \*, A(31)02 Rev B, ,

L(so)B1 Rev B, L(so)00 Rev B, L(so)01 Rev B, L(so)02 Rev B, L(so)03 Rev B, L(so)04 Rev B, L(so)05 Rev B, L(so)10 Rev A, L(so)11 Rev A, L(so)20 Rev B, L(so)21 Rev B (demolition drawings),

**Case Officer:** Gemma Bassett

**Direct Tel. No.** 020 7641

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

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

**Reason:**

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

- 2 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.

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

## Reason:

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

- 4 You must not 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must 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)

- 6 The plant/machinery hereby permitted shall not be operated except between 08.00 hours and 19.00 hours daily.

## 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.

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 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.

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 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)

### Informative(s):

- 1 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk). , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk) , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 2 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)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 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 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 7 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 8 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 9 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 10 The developer will be required to obtain additional licences for the hoarding and any other temporary structure or skip prior to installation. Further advice can be found at [www.westminster.gov.uk/licensing/](http://www.westminster.gov.uk/licensing/).
- 11 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 (0207 641 2541) in Engineering & Transportation Projects to progress the applicant for works to the highway.
- 12 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)



- 13 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](http://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.
- 14 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following: , \* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings; , \* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase; , \* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained; , \* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary; , \* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 15 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](http://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. 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. (I80CB)

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- 16 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.

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 8

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 7 February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>9 New Cavendish Street, London, W1G 9UQ</b>		
<b>Proposal</b>	Use of the basement and ground floor as a library (Class D1) for a temporary period until 30 June 2023 (Site includes 9-11 New Cavendish Street)		
<b>Agent</b>	Andrew Wilson		
<b>On behalf of</b>	Howard de Walden Estates Ltd		
<b>Registered Number</b>	16/10928/FULL	<b>Date amended/ completed</b>	18 November 2016
<b>Date Application Received</b>	16 November 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Harley Street		

## 1. RECOMMENDATION

- |  |
|--|
| 1. Grant conditional permission for a temporary period until 30 June 2023. |
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## 2. SUMMARY

The application premises comprise two adjoining retail shops (Class A1) located on the north side of New Cavendish Street, which form part of the Marylebone High Street CAZ frontage. Until recently the units were occupied by a curtain/blind shop and a handbag/fashion retailer but these leases have now expired. Permission is sought for the use of the premises as Marylebone public library (Class D1) for a temporary period of six years pending the permanent relocation of the library. The units would be amalgamated but no external alterations are proposed. The key issues in this case are:

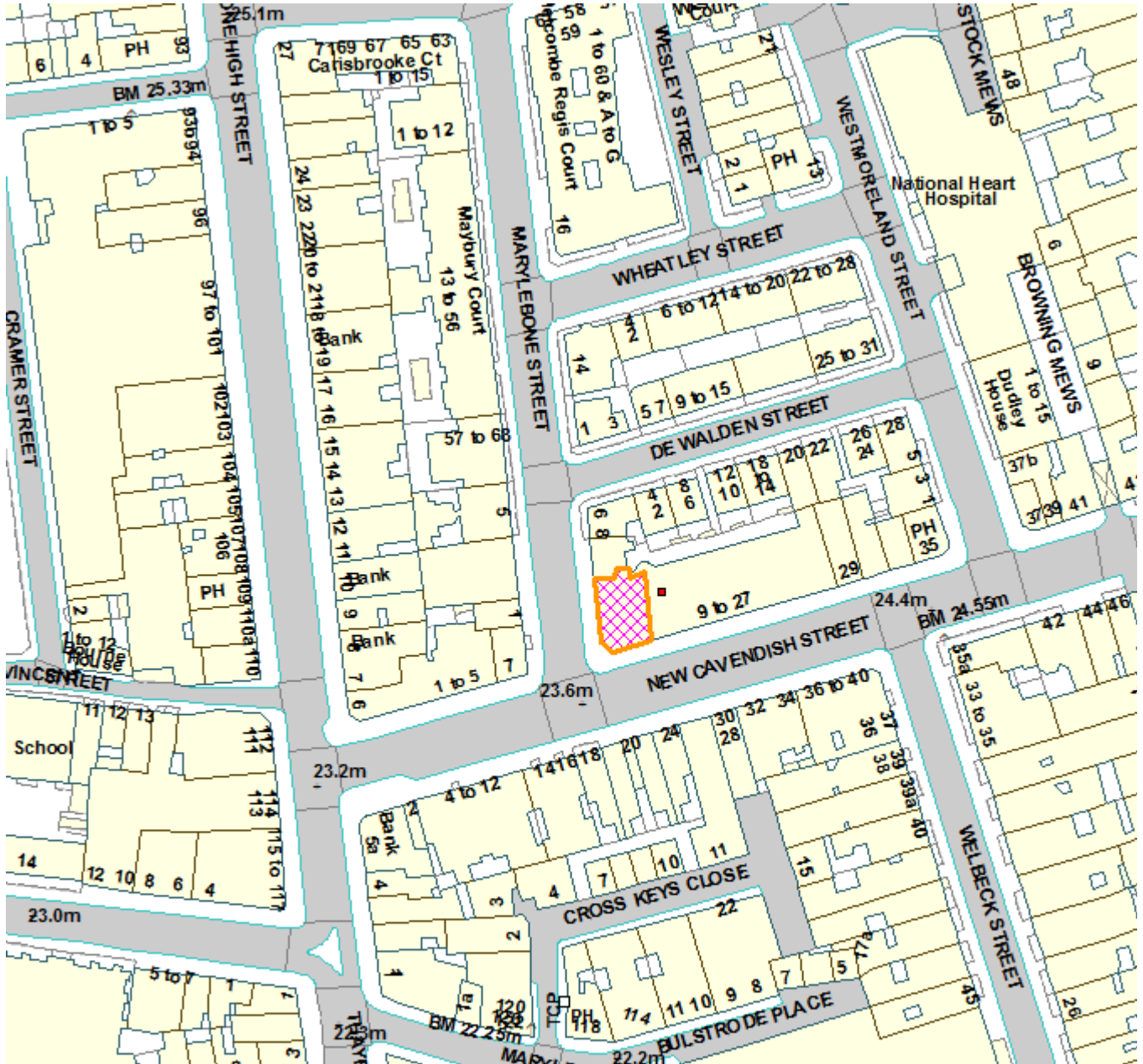
- \* the acceptability of the temporary loss of the existing retail accommodation
- \*the acceptability of the library in land use terms
- \* the impact of the proposals on local residential amenity

The Council's shopping policies would normally protect the existing retail floorspace at the

site and permission has twice been refused permission for proposals resulting in the loss of the retail use at 11 New Cavendish Street, although the designation of the shopping street has since changed. A public library is an appropriate town centre use which would complement the strong retail character of this vibrant shopping area. It is not considered that the temporary loss of these retail units would have an adverse long term adverse impact on the vitality or character of the shopping frontage and, given the pressing need to find a temporary home for the library, it is considered that a departure from the Council's normal retail policies can be justified. Subject to conditions, it is not considered that the proposed library would adversely affect the amenity of neighbouring residents and nor is it considered that the use would have an adverse impact on the operation of the highway network or parking demand in the area.

The application is considered acceptable in land use, amenity and highways terms and permission is recommended for a temporary period until 30 June 2023 whereupon the retail use would resume.

### 3. LOCATION PLAN



4. PHOTOGRAPHS



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

Any response to be reported verbally

### CLEANSING

Details of refuse/recycling storage required

### HIGHWAYS PLANNING

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 138

Total No. of replies: 1

No. of objections: 1

No. in support: 0

Library should be located in a “public” building

Proposed location is inappropriate in a commercial/residential street.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application premises are two adjoining basement and ground floor shop units located on the north side of New Cavendish Street, at its junction with Marylebone Street, within the Harley Street conservation area. The shops form part of a 1970s development (i.e. 9 to 27 New Cavendish Street) comprising eight shop units with two residential entrances at ground floor level and 23 flats above. The corner unit (no. 9) is vacant. This unit was previously occupied as a curtain shop which has relocated to 108 George Street. At the time of writing this report (January 2017) the lease on the handbag shop (no. 11) was due to expire. It is not known where, or if, this shop will be relocated.

The western end of New Cavendish Street is characterised by retail uses on both sides of the street, where it runs into Marylebone High Street. The application premises form part of a Secondary Frontage (namely nos.3-45 New Cavendish Street) within the Marylebone High Street District Shopping Centre as designated in the Unitary Development Plan Adopted January 2007). However, Marylebone High Street has been now been re-designated as a CAZ frontage within the City Plan (November 2016) and the premises form part of this CAZ frontage, which

includes the properties at nos.1-45 New Cavendish Street and also the properties forming the return frontage at nos. 2-8 Marylebone Street.

The upper floors of neighbouring properties are principally in residential use and there are residential developments to the rear of the site in De Walden Street and at the northern end of Marylebone Street.

## 6.2 Recent Relevant History

### 9 New Cavendish Street

None relevant

### 11 New Cavendish Street

23.12.2002. Permission was refused for the continued use of the basement and ground floors as a tanning shop (Class A2) with ancillary retail accommodation as the Council considered that the loss of a retail unit would be detrimental to the retail character and function of the area.

2.12.2003. An appeal against the above City Council's decision was dismissed.

30.11.2004. Appeal against the Enforcement Notice in respect of the above was dismissed.

22.02.2005. Permission was again refused for the use of the basement and ground floors as a tanning salon with retail sales as it continued to be considered that the loss of retail would harm the retail character and function of the area.

## 7. THE PROPOSAL

The application proposes the temporary change of use of the application site to a public library (Class D1) for a temporary period until 30 June 2023 (approximately six years).

Marylebone Library was previously located at Council House, Marylebone Road. Council House has (since August 2013) been leased to the London Business School for educational use, hence a new site has to be found for the library. Permission was subsequently granted for the use of the lower floors of Macintosh House, Beaumont Street as a temporary library. An alternative temporary site is now for the library as Macintosh House has been sold for redevelopment, and the library is required to vacate the building. The current application premises would provide a temporary home for the library while a decision is made on a permanent location for the library.



The application does not involve any external alterations to the building. Internal works would be required to amalgamate the shop units and fit out the library. The applicants would undertake the internal conjoining works to create a shell unit ready for fitting out. Upon completion of these works, the applicants would grant a lease to the City Council enabling the premises to be converted to library. The lease will include a break clause allowing it to be terminated if a permanent home for the library is established within six years.

On the expiry of the temporary permission, the application premises would revert to their lawful retail use.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **8.1.1 Loss of retail floorspace**

The proposal would result in the loss of 251 sqm (GIA) of retail floorspace within two neighbouring shop units on part of the Marylebone High Street CAZ frontage, as designated in the City Plan (November 2016).

UDP policy SS5 seeks to maintain an appropriate balance of town centre uses in the CAZ and on the CAZ frontages outside of the Primary Shopping Frontages and, to achieve this objective, aims protect existing basement and ground floor retail uses. Permission for the introduction of non-A1 town centre use will only be granted where the proposals would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality

Proposals for non-A1 uses must not lead to, or add to, a concentration of three or more consecutive non-A1 uses. In assessing proposals for a change of use the Council will consider the existing number and range of shops, the viability of the remaining shops within the frontage and the potential for the creation of a dead frontage.

City Plan policy S21 seeks to protect existing retail uses throughout Westminster except where the Council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let.

Both of the existing shop units have been occupied until recently, but as a curtain/blind shop and a handbag retailer, rather than as local convenience shops. The shopping frontage, including neighbouring properties on Marylebone Street comprises 14 shop units, 10 of which (including the application premises) are currently in Class A1 retail use. There are retail units on either side of the application

premises, and the proposals would not lead to a concentration of three or more non-A1 uses within the frontage.

The entire frontage on the south side of the street, opposite the site, running between Marylebone High Street and Welbeck Street, comprises 12 retail units (Class A1) and also forms part of the Marylebone High Street CAZ frontage. With the exception of the application premises, there are no other vacant shop units within the New Cavendish street frontages. It is clearly an important shopping street where A1 uses should be protected as much as possible, as evidenced by the Council's previous decisions to refuse to allow the loss of a shop at the application site, which was supported on appeal by the Inspectorate.

There is no suggestion from the applicant that the application premises could not be let for retail use. Indeed, it is their intention that the premises revert to retail use once the proposed library use ceases, as would be the case with any temporary change of use. It is therefore the case that the permanent loss of these retail shops would not be acceptable. However, the temporary harm caused by the removal of the shops for a maximum period of six years (a permanent home for the library may be found before then) is considered to be outweighed by the pressing need for the library to be retained within Marylebone. The proposed library use would complement the retail character of the street, and potentially attract additional customers to New Cavendish Street. In these circumstances, the need to accommodate a library use in the shorter term is considered to override concerns about the temporary loss of retail floorspace and a departure from the Council's normal retail policies is considered to be justified in this case.

**8.1.2 Proposed library**

The proposed public library falls within the definition of a social and community use. UDP Policy SOC1 requires proposals for new social and community facilities to be located close to the communities which they serve, and to be easily accessible on foot, by cycle and by public transport. Such facilities should not harm the amenity of the surrounding area, including the effect of any traffic generated.

Under UDP Policy SOC7, new libraries should include facilities for local community arts or social activities, where appropriate, such as spaces for performances, rehearsals, meetings and exhibitions. The supporting text recognises the City Council's responsibility for the development of public library services to achieve compliance with national standards. Policy S34 of the City Plan encourages the provision of new social and community facilities throughout Westminster.

An objection has been received on the grounds that temporary library should be located in a "public" building and that the proposed location, in a commercial/residential street, is inappropriate. Whilst this is the Council's ambition in the longer term to find a superior location, there is no such accommodation

available at present and the current proposal for a temporary library in New Cavendish Street must be considered on its own merits.

The application site is close to residential concentrations, easily accessible by pedestrians, and has good transport links. It is located approximately 250m from the existing, temporary, library in Macintosh House and is close to other amenities in the area, being just to the east of the Marylebone High Street shopping centre. A library is considered to be an appropriate town centre use and, subject to consideration of its impact upon the amenity of the area, including the effects of any traffic generated, the proposed library use is considered acceptable for the temporary period proposed.

## **8.2 Townscape and Design**

No external alterations are proposed.

## **8.3 Residential Amenity**

### **8.3.1 Impact of library use**

UDP policy ENV 6 requires new development to incorporate design features and operational measures to protect adjacent noise sensitive properties and does not permit development that would cause noise disturbance in tranquil areas. Where necessary, conditions will be imposed to ameliorate the impact of the development, including restrictions on the hours of operation. Policy ENV7 requires the applicant to demonstrate that the development will be designed and operated so that any noise from plant or internal activities will achieve acceptable standards in relation to noise levels at the nearest noise sensitive properties. Under City Plan policy S29 new developments should maximise opportunities to contribute to health and well-being, including supporting opportunities for improved life chances. Proposals that result in an unacceptable material loss of residential amenity will be resisted.

The library would open between 09.30 and 20.00 on Monday, Tuesday, Thursday and Friday, between 10.00 and 20.00 on Wednesday, between 09.30 and 17.00 on Saturday and from 13.30 to 17.00 on Sunday. These proposed opening hours are similar to those for retail uses and the level of activity associated with the proposed library is likely to be comparable to that of the lawful retail uses on the site. Subject to conditions to limit the hours of library opening and to prevent the premises from being used as anything other than a library, it is not considered that the proposal would have an adverse impact upon the amenities of the area or of neighbouring residents.

## 8.4 Transportation/Parking

### 8.4.1 Parking

It is anticipated that the majority of visitors using the library will arrive on foot and it is not considered that the use would have a detrimental impact on the highway network.

The application premises are well situated in relation to public transport - there are underground stations at Baker Street, approximately 600m to the north, and Oxford Circus and Bond Street, approximately 600m to the south. Similarly, there are numerous bus routes in close proximity on Marylebone Road to the north, Baker Street to the west, Portland Place to the east and Oxford Street to the south providing easy access to all parts of Westminster.

No parking is proposed in association with the use. However, there are numerous "Pay by Phone" car spaces in New Cavendish Street and surrounding streets and several public car parks in close proximity to site including Cramer Street Car Park, Cavendish Square Car Park and Welbeck Street Car Park. There is also a motorcycle parking bay in New Cavendish Street, within 100m of the premises, along with three on-street disabled parking bays.

No cycle parking is proposed as part of the proposed development. The Highways Planning Manager has requested that a minimum of 2 staff cycle spaces be provided. However, there is a cycle hire docking station within 150m of the application premises as well as cycle parking stands providing 18 spaces for public cycle parking use in this part of New Cavendish Street. In these circumstances, given the temporary nature of the use and the need to maximise the amount of floorspace given over to core library functions, it is considered unnecessary to require cycle parking provision.

### 8.4.2 Servicing

The applicants anticipate that the library use will generate up to five deliveries/collections per day during the week. There are single yellow lines located directly outside the premises where vehicles may stop for the purposes of loading and unloading.

## 8.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed.

## 8.6 Access

The application premises benefit from easy pavement access from surrounding streets with level access into the accommodation at pavement level. There are three disabled parking bays in New Cavendish Street within approximately 100m of the premises.

Equality legislation requires public buildings to make their facilities and services accessible to all members of the community and the applicants have confirmed that the fit out proposals will incorporate all reasonable steps to achieve this – including, as necessary, wheelchair lift, accessible WC provision, hearing loops and height adjustable furniture.

## 8.7 Other UDP/Westminster Policy Considerations

### 8.7 1 Refuse /Recycling

Refuse collections in New Cavendish Street is well served for refuse collections with these taking place daily between 10.00am and 12.00pm. In addition there are weekly collections of recyclable waste on Thursdays between 7.00am and 2.00pm.

The applicants acknowledge that detailed fit out proposals for the proposed accommodation will need to include provision for the storage of waste and recyclable materials. They have confirmed that the library is committed to maximising the opportunities for recycling. Given that the fit out proposals are still in development, the applicants have requested that details of refuse and recycling storage provision be reserved by condition. There is considered to be adequate space on the site to accommodate refuse/recycling storage and a condition is therefore recommended requiring the approval of refuse/recycling storage arrangements before the proposed use commences.

## 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

No planning obligations are triggered by the proposals

### **8.11 Environmental Impact Assessment**

Environmental Impact issues have been covered elsewhere in the report

### **8.12 Other issues**

The objector has queried whether the Council is in a position to pay the market rent for the application premises. This is not a material planning consideration.

## **9. BACKGROUND PAPERS**

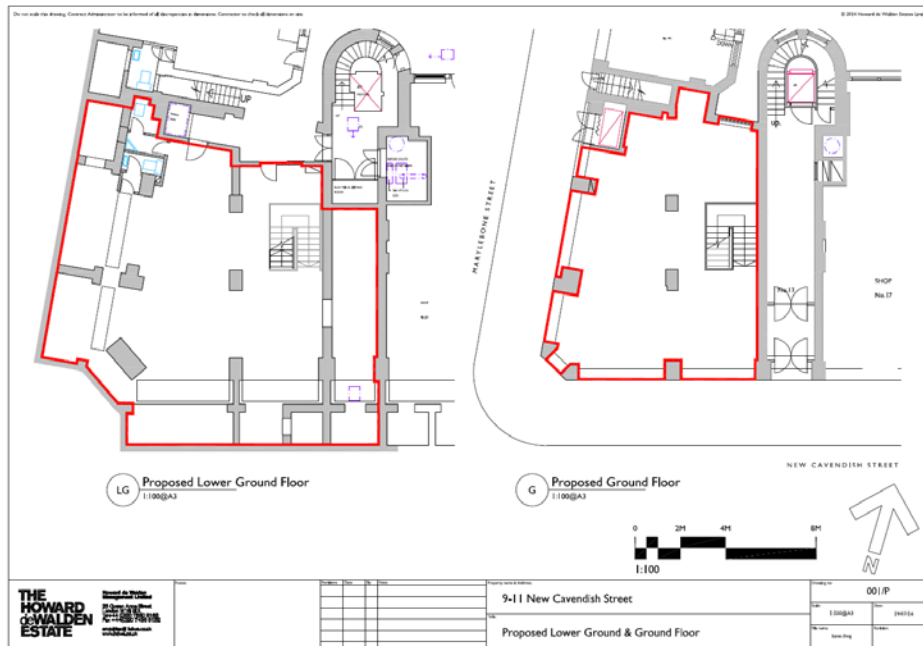
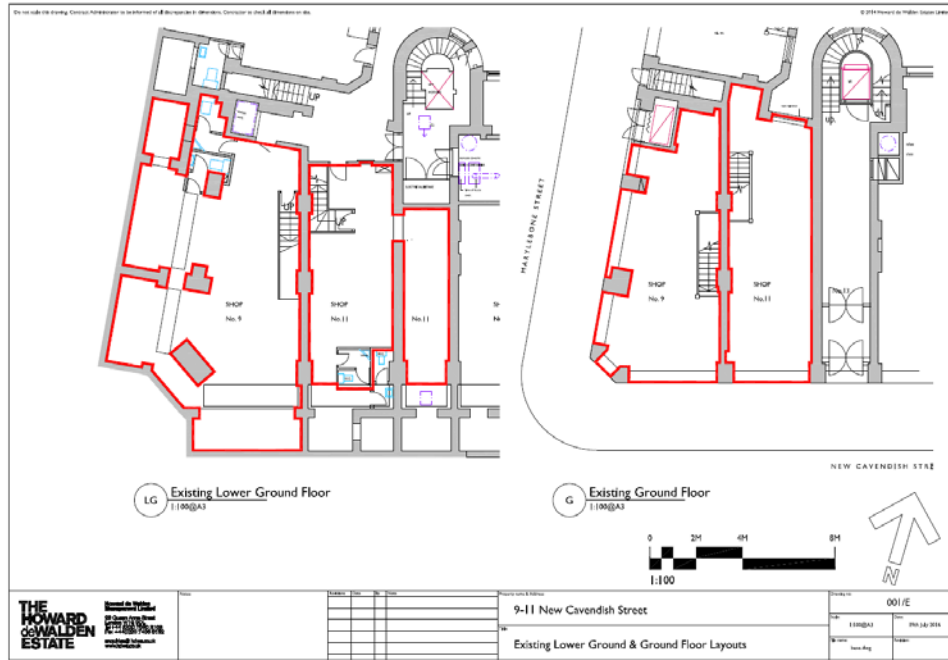
1. Application form
2. Memorandum from Highways Planning dated 24 January 2017
3. Memorandum from Project Officer (Waste) dated 24 January 2017
4. Response from the occupier 3 Marylebone Street dated 12 January 2017

### **Selected relevant drawings**

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

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

10. KEY DRAWINGS



**DRAFT DECISION LETTER**

**Address:** 9 New Cavendish Street, London, W1G 9UQ

**Proposal:** Use of the basement and ground floor as a library (Class D1) for a temporary period until 30 June 2023 (Site includes 9-11 New Cavendish Street)

**Reference:** 16/10928/FULL

**Plan Nos:** 001/P

**Case Officer:** Sara Spurrier

**Direct Tel. No.** 020 7641 3934

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

3 The library use allowed by this permission can continue until 30 June 2023. After that the part of the building we have approved for library use must return to its previous use. (C03BA)

Reason:

The use is not as set out in SS5 of our Unitary Development Plan that we adopted in January 2007 and S21 of the City Plan (November 2016). Use for more than a limited



period would be harmful to the objectives of the Plan (R03AB)

4 You must use the property only for library purposes. You must not use it for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05AB)

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets SOC 1, SOC 7, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

5 Library customers shall not be permitted on the premises except between 09.30 and 20.00 on Mondays, Tuesdays, Thursdays and Fridays; between 10.00 and 20.00 on Wednesdays; between 09.30 and 17.00 on Saturdays and from 13.30 to 17.00 on Sundays.

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, ENV 7 and SOC 7 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

Informative(s):

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

2 You are reminded that upon or before the expiry of this temporary permission, the premises shall revert to their lawful retail use (Class A1).

3 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)

4 You must get planning permission for any tanks, equipment, lift motor rooms, railings or other additions to the property. (I21AA)

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<b>8</b>

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.