



City of Westminster

# Committee Agenda

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

Meeting Date: **Tuesday 21st March, 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)  
David Boothroyd  
Paul Church  
Gotz Mohindra

**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**

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. THE ECONOMIST BUILDING, 27 ST JAMES'S STREET, LONDON, SW1A 1HA</b>       | <b>(Pages 5 - 50)</b>    |
| <b>2. ST GEORGES RC SECONDARY SCHOOL, LANARK ROAD, LONDON, W9 1RA</b>          | <b>(Pages 51 - 72)</b>   |
| <b>3. 32 GATLIFF ROAD, LONDON, SW1W 8QQ</b>                                    | <b>(Pages 73 - 82)</b>   |
| <b>4. 1 CARLTON HILL, LONDON, NW8 0JX</b>                                      | <b>(Pages 83 - 98)</b>   |
| <b>5. HARLEY STREET UNDERGROUND CAR PARK, QUEEN ANNE MEWS, LONDON, W1G 9HF</b> | <b>(Pages 99 - 114)</b>  |
| <b>6. GROUND FLOOR TOWNSEND HOUSE, 22-25 DEAN STREET, LONDON, W1D 3RY</b>      | <b>(Pages 115 - 132)</b> |
| <b>7. 42 - 44 JAMES STREET, MARYLEBONE, LONDON, W1U 1EU</b>                    | <b>(Pages 133 - 150)</b> |
| <b>8. FLAT M, 9-11 WESTBOURNE TERRACE, LONDON, W2 3UL</b>                      | <b>(Pages 151 - 172)</b> |

**Charlie Parker**  
**Chief Executive**  
**13 March 2017**

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CITY OF WESTMINSTER  
 PLANNING APPLICATIONS COMMITTEE – 21st March 2017  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	<b>RN NO(s) :</b> 16/11107/FULL 16/11108/LBC  St James's	The Economist Building 27 St James's Street London SW1A 1HA	Refurbishment and remodelling of the three buildings with rooftop extensions to provide new office accommodation (class B1) and plant enclosures; new pedestrian access on Ryder Street and alterations to pedestrian access on Bury street; redistribution of uses including flexible retail/gallery/restaurant/café (class A1-A3) uses at basement, street and Plaza level, additional office floorspace and provision of 4 residential units; hard and soft landscaping works to the Plaza; and associated internal and external alterations.	
<p><b>Recommendation</b></p> <p>1. Grant conditional permission, subject to the completion of a S106 legal agreement to secure:</p> <p>a) Free lifetime (minimum 25 years) car club membership for residents of the scheme;</p> <p>b) Payment for all necessary highway works to St. James's Street, Ryder Street and Bury Street including changes to footway levels, changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical);</p> <p>c) Monitoring costs.</p> <p>2. If the agreement has not been completed within six weeks of the date of the Committee resolution then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate the Director of Planning is authorised to determine and issue such a decision under Delegated Powers.</p> <p>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>3. Grant conditional listed building consent and agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>				
Item No	References	Site Address	Proposal	Resolution
2.	<b>RN NO(s) :</b> 16/10916/COFU L  Maida Vale	St Georges Rc Secondary School Lanark Road London W9 1RA	Demolition of single storey front extension along Lanark Road and the erection of replacement 3 storey extension, plus erection of roof extension to main building; providing additional floor area for teaching and student activities. Creation of third floor external break out spaces with associated installation of rooftop canopies, including covering of existing roof top sports pitch. Installation of plant equipment at third floor plus solar PV panels to roof of main building (Council's Own Development)	
<p><b>Recommendation</b></p> <p>Grant conditional permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.</p>				
Item No	References	Site Address	Proposal	Resolution

CITY OF WESTMINSTER  
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 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

<b>3.</b>	<b>RN NO(s) :</b> 16/12154/FULL  Churchill	32 Gatliff Road London SW1W 8QQ	Use of the ground floor unit as a mixed cafe, shop and fitness studio (sui generis).	
<b>Recommendation</b> Grant conditional permission.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
<b>4.</b>	<b>RN NO(s) :</b> 17/00233/FULL 17/00235/LBC  Abbey Road	1 Carlton Hill London NW8 0JX	Demolition and replacement of the three storey rear closet wing extension and the installation of French doors at lower ground floor level.	
<b>Recommendation</b> 1. Grant conditional permission. 2. Grant conditional listed building consent and agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
<b>5.</b>	<b>RN NO(s) :</b> 16/10759/FULL  West End	Harley Street Underground Car Park Queen Anne Mews London W1G 9HF	Use of part of the public car park (part third basement level) as a self- storage facility (Class B8).	
<b>Recommendation</b> Grant conditional permission				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
<b>6.</b>	<b>RN NO(s) :</b> Application 1: 17/00285/FULL Application 2: 17/00796/TCH  West End	Ground Floor Townsend House 22-25 Dean Street London W1D 3RY	Application1 - Installation of new shopfront, incorporating openable sash windows.  Application 2 - Use of the public highway for the placing of 5 tables and 20 chairs in an area measuring 0.90m x 8.00m in association with the existing restaurant.	
<b>Recommendation</b> Application 1: Grant conditional permission. Application 2: Grant conditional permission.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
<b>7.</b>	<b>RN NO(s) :</b> 16/10563/FULL  Marylebone High Street	42 - 44 James Street Marylebone London W1U 1EU	Alterations including the installation of an open able shop front and alterations to rear first floor roof.	

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	<b>Recommendation</b> Grant conditional permission.			
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
<b>8.</b>	<b>RN NO(s) :</b> 16/08775/FULL 16/08776/LBC  Hyde Park	Flat M 9-11 Westbourne Terrace London W2 3UL	Demolition and replacement of second floor rear extension, erection of rear and side extension over existing terrace at third floor level and associated internal and external alterations.	
	<b>Recommendation</b> 1. Grant conditional permission. 2. Grant conditional listed building consent and agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.			

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# Agenda Item 1

Item No.
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<b>1</b>
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date 21 March 2017</b>	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>The Economist Building, 27 St James's Street, London, SW1A 1HA,</b>		
<b>Proposal</b>	Refurbishment and remodelling of the three buildings with rooftop extensions to provide new office accommodation (class B1) and plant enclosures; new pedestrian access on Ryder Street and alterations to pedestrian access on Bury street; redistribution of uses including flexible retail/gallery/restaurant/café (class A1-A3) uses at basement, street and Plaza level, additional office floorspace and provision of 4 residential units; hard and soft landscaping works to the Plaza; and associated internal and external alterations.		
<b>Agent</b>	Mr Peter Twemlow		
<b>On behalf of</b>	TS West End Plaza SARL		
<b>Registered Number</b>	16/11107/FULL & 16/11108/LBC	<b>Date amended/ completed</b>	22 November 2016
<b>Date Application Received</b>	22 November 2016		
<b>Historic Building Grade</b>	II*		
<b>Conservation Area</b>	St James's		

## 1. RECOMMENDATION

<p>1. Grant conditional permission, subject to the completion of a S106 legal agreement to secure:</p> <p>a) Car club membership for each residential flat for 25 years;</p> <p>b) Highway works to St. James's Street, Ryder street and Bury Street including changes to footway levels, changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical);</p> <p>c) Monitoring costs.</p> <p>2. If the agreement has not been completed within six weeks of the date of the Committee resolution then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate the Director of Planning is authorised to determine and issue such a decision under Delegated Powers.</p> <p>b) The Director of Planning shall consider whether permission should be refused on the grounds that</p>
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it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Grant conditional listed building consent.

## **2. SUMMARY**

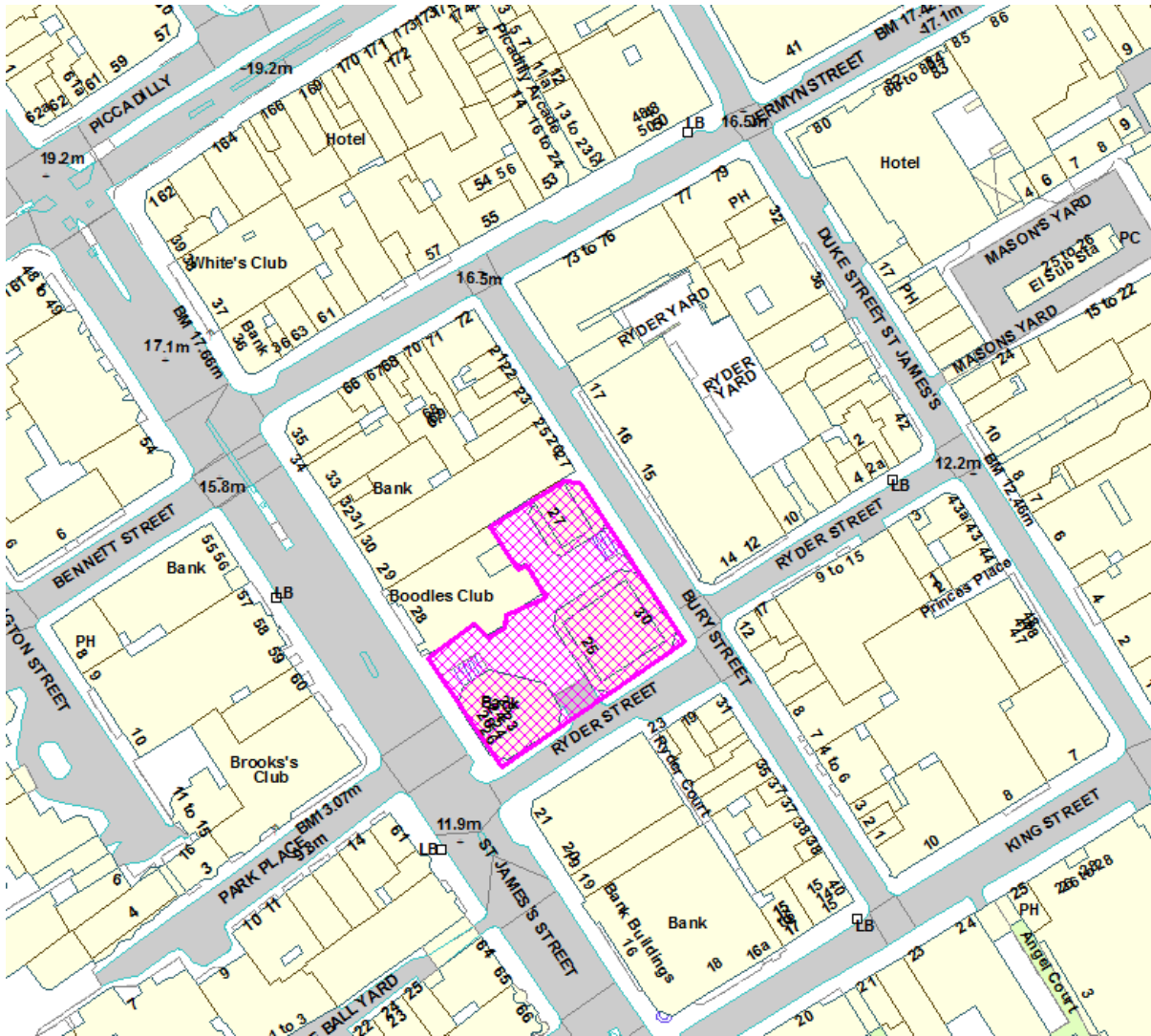
The Economist complex comprises three buildings set around a raised plaza, and is one of the most celebrated urban developments of 20<sup>th</sup> century London. Designed by Alison and Peter Smithson and built between 1960 and 1964, it is grade II star listed and is located within the St James Conservation Area. Permission and listed building consent are sought for the refurbishment and remodelling of the three buildings including rooftop extensions, the redistribution of uses across the site, and alterations to existing and introduction of a new pedestrian access onto the Plaza.

The key issue for consideration are:

- The impact of the proposals on the special interest of this Grade II star listed complex and on the character and appearance of the St James's Conservation Area.
- The landuse implications of the proposal;
- The impact of the proposals on the amenity of surrounding residents; and
- The impact of the proposal on the surrounding highway network.

With the imposition of conditions the proposals are considered acceptable in listed building, conservation, design, landuse, amenity and highway terms.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



**The Economist, Corner of St James's Street and Ryder Street**



**Bury Street**



Economist Plaza (viewed from Bury Street)



(from St James's Street)

## 5. CONSULTATIONS

### HISTORIC ENGLAND

Authorisation received.

### HISTORIC ENGLAND (ARCHAEOLOGY)

No Archaeological Requirement.

### WESTMINSTER SOCIETY

Support the application. The external changes are relatively modest and the proposed changes of use are acceptable.

### ST JAMES'S CONSERVATION TRUST

Any response to be reported verbally.

### TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

### HIGHWAYS PLANNING MANAGER

No objection to the loss of the existing car park which is not used for residential or public car parking. This is consistent with UDP policies TRANS21, TRANS22 and TRANS25. The applicant has submitted detailed trip generation calculations which confirms that the majority of trips associated with the site will be via public transport or other sustainable modes (walking, cycling). Trip generation modelling indicates that the proposed development will not have a significantly detrimental impact on the safety or operation of the highway network.

The proposed new residential unit will have no car parking. Lifetime car club membership should be secured for all of the residential units.

70 cycle parking spaces are proposed. Whilst this falls short of London Plan policy for a new development, the proposed cycle parking provision is a vast improvement on the current on-site provision and the overall floorspace uplift of the proposed development requires a much lower level of cycle parking. Whilst this is accepted, given the interventions proposed at basement level it is disappointing that current modern standards are not being met for the entire uses on site. The provision of cyclist support facilities, including lockers and showers, is welcomed. The provision of short stay cycle parking on Bury Street is welcomed.

The applicant is proposing to service the site on-street in Ryder Street. On the basis that servicing will not be significantly different from the existing situation, both in type of delivery or type of vehicle, the servicing is considered acceptable subject to securing a detailed Delivery and Servicing Management Plan.

The location of a proposed sub-station/hatch has been revised to locate it off the public highway. Highway works should be secured through a s.106 legal agreement.

### ENVIRONMENTAL HEALTH

No objection subject to conditions.

**ARBORICULTURAL MANAGER**

One London plane tree on St James's Street and two pear trees on Ryder Street may be affected by the proposal. Tree protection measures should be secured by condition.

Five new trees are proposed on the plaza in small planters. This is not a sustainable landscaping solution. A condition is recommended on landscaping and landscape maintenance.

**CLEANSING MANAGER**

No objection. The storage arrangements for waste and recycling are in line with Council policy.

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

No. Consulted: 244  
 Total No. of replies: 3  
 No. of objections: 2  
 No. in support: 0

Boodles Club, St James's Street originally raised concern about the impact of construction work and the finished development on the operation of their club, however, they have subsequently confirmed that they raise no objection to the proposals.

Two letters of objection have been received from architects on the following grounds:

**Design**

- The Grade II\* listed Economist building is a recognised masterpiece of modern urban design, and the best example of a modernistic public space in London, designed by Alison and Peter Smithson, the most influential British architects of their generation.
- The additional features in the Plaza are damaging to its spirit. The plaza is a welcome place of calm between busy streets and should be preserved.
- The new spiral stair up to the plaza is not in character with the existing design and is not necessary. The plaza is adequately accessible already and the additional stairs will compromise its design.
- The proposed glass oculus is a new and disturbing element in a calm space.
- The new wider stairs to the Plaza on the east side are not adequately considered.
- The proposed taller and stepped rooftop plant room to the main tower is unfortunate and less elegant than the original design.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**6. BACKGROUND INFORMATION****6.1 The Application Site**

The Economist complex comprises three buildings around a raised plaza and is one of the most celebrated urban developments of 20<sup>th</sup> century London. Designed by Alison

and Peter Smithson and built between 1960 and 1964, it is grade II star listed and is located within the St James Conservation Area.

The Economist complex comprises the 15 storey Economist Tower, the 5-storey former Bank Building and the 8 storey residential building, each of which is arranged around the raised Plaza, accessible to the public. The buildings front St James's Street, Ryder Street and Bury Street. The Plaza is raised above street level and is accessed via a ramp and steps on St James's Street and steps on Bury Street. All buildings can be accessed via the Plaza. The Grade I listed Boodles club marks the northwest boundary to the Plaza.

The site comprises a mix of office (Class B1), residential (Class C3), hotel / members club (Class C1) and gallery, estate agent and restaurant, (Class A1/A2/A3) uses. The economist Tower is predominantly office use with retail/restaurant uses at ground/street level. The bank building comprises an estate agents, gallery and restaurant uses at ground/street, Plaza and first floor level with offices on the upper two floors. The residential building is occupied by Boodles Chambers (Hotel/members accommodation) from first to third floor level (which does not form part of this application), three residential flats at fourth to sixth floor level and office accommodation on the upper two floors. A shared lobby is located at Plaza level. There is a site wide basement which comprises plant, refuse storage and car parking for 52 cars accessed on Ryder Street. All three buildings have large plant rooms at roof level.

The site lies within the Core Central Activities Zone (CAZ) and the St James's Special Policy Area.

## 6.2 Recent Relevant History

### 16/07066/LBC

Listed building consent was granted for the cleaning of the building facades and the public plaza in 22 September 2016.

## 7. THE PROPOSAL

Planning permission and listed building consent are sought for the refurbishment and remodelling of the three buildings. The works include:

- Rooftop extensions to provide new plant enclosures to the three buildings with additional office accommodation (class B1) to the Economist Tower;
- New pedestrian access stair on Ryder Street with the removal of the exiting vehicular access;
- Alterations to pedestrian access on Bury street;
- Redistribution of uses including additional flexible retail/gallery/restaurant/café (class A1.A3) uses at basement, street and Plaza level within the Economist Tower and Bank Building and at Plaza level within the residential building.
- Additional office floorspace within the residential building with the loss of one floor of residential accommodation, but with an increase from 3 to 4 residential units.



- Internal alterations at basement level, including the removal of existing car parking spaces and provision of enlarged gallery space, cycle parking facilities, plant rooms and site management accommodation;
- Hard and soft landscaping works to the Plaza.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The existing and proposed land uses can be summarised as follows:

(Use	Existing (sqm GIA)	Proposed (Sqm GIA)	Change
i Office (class B1)	7,588	8,017	+429
dRetail/Restaurant/Cafe i (Use Class A1/A3)	828 (comprising 39sqm café in Economist Tower, 789sqm restaurant in Bank Building and 59sqm Estate Agents/class A2)	1,120 (flexible A1/A3)	+233
(Gallery (Use Class A1)	144	622	+478
PResidential	477	318	-159
i Hotel / Members' i Accommodation (Use CClass C1) 37 sqm	38	37	-1
rBasement car parking / t, plant / back of house	2,686	1,601	-1085
<b>S<sup>s</sup>Total</b>	<b>11,820</b>	<b>11,715</b>	

(applicants calculations)

#### Office Use

The site is located in the Core Central Activities Zone (CAZ). Policy S1 of Westminster's City Plan adopted November 2016 relates to mixed uses in the CAZ and encourages development which promotes Westminster's World City functions, manages its heritage and environment and supports it's living, working and visiting populations. The policy goes onto state that developments in the core CAZ where the net additional floorspace (of all uses) is less than 30% of the existing building floorspace, no residential floorspace will be required.

Policy S20 relates to offices and states that the Council will seek to exceed its target for additional B1 office floorspace capacity. This policy has introduced a new office protection approach and seeks to restrict the loss of office space to housing within the CAZ.

The proposal will result in an increase in office floorspace of approximately 429sqm with new office accommodation provided at roof level on the Economist Tower and the conversion of one floor of residential accommodation within the residential building to office use. The provision of additional office floorspace is considered acceptable in landuse terms and it will not trigger the requirement for new residential floorspace.

### **Residential use**

Policy S14 of Westminster's City Plan seeks to optimise housing delivery and states that all residential uses, floorspace and land will be protected.

There are currently three floors of residential accommodation provided in the residential building comprising three 2-bed units. The proposal will result in the loss of one floor of residential accommodation to office use, resulting in a reduction of 159sqm of residential floorspace. It is proposed to consolidate the residential accommodation across 2 floors at fourth and fifth floor level to provide four 1-bed units. All units exceed the national space standards.

The applicant has confirmed that only one flat is currently occupied on a short term basis with the lease due to expire in May 2017. The other two flats are vacant and have not been let for approximately 12 months, with no interest received despite the units being refurbished and the rents lowered during this period. However, no marketing information has been provided from the applicant.

The loss of residential floorspace is highly regrettable, however, on the basis that one additional residential unit is being provided and that the proposal will result in upgraded office accommodation within the Core CAZ, enhanced street frontages and the wider design benefits of the scheme, it is not considered that a refusal on land use grounds could be sustained in this instance.

### **Retail/Gallery/Restaurant uses**

The applicant proposes 1120sqm of flexible retail/ /restaurant/café (class A1/A3) uses with a further 622sqm for solely gallery use, split between the three buildings at basement, street and Plaza level within the Economist Tower and Bank Building, and at Plaza level within the residential building.

Policy CM2.4 of Westminster's City Plan relates to the St James's Special Policy Area and seeks development that will complement and enhance the area's unique character and status accommodating prestigious and renowned buildings and functions. Existing art galleries will be protected and the council will encourage niche luxury and specialist A1 retail floorspace at basement, ground and first floor level, particularly those selling goods that fall into the following categories: Bespoke; Unique or one of a kind; Antique; or Limited edition. The policy also goes on to state that new art galleries will be supported.

Policy SS4 of the UDP relates to new retail floorspace in the CAZ and states that development schemes in areas that would benefit from more shops or services must include an appropriate number of shop type premises at street level. Policy SS5 relates to non-A1 town centre uses at basement, ground and first floor level within the CAZ and states that they will only be granted where the proposal would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality.

Policy TACE 8 relates to restaurant/cafe uses within the CAZ with a gross floorspace of up to 500m<sup>2</sup> and states that they will be generally permissible. The policy aims to ensure that such uses have no adverse effect upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking and traffic; and no adverse effect on the character and function of the area. Policy TACE 10 relates to restaurant and Café uses over 500sqm and states that such uses will only be permissible in exceptional circumstances.

The use of the basement, street and plaza level as retail and art gallery uses is in accordance with policy CM2.4 of the City Plan and SS4 of the UDP. Should the units be occupied for retail use the applicant has confirmed that it is the client's intention to be high quality retail space in keeping with the character and function of the St James's area. The enhancement of the street and plaza frontages with active street frontages will enhance the character and vitality of the area. The proposed gallery is proposed in the basement and part street level of the Economist Tower. A condition is recommended to secure 622sqm for solely gallery use.

The flexible retail/restaurant floorspace will be capable of being divided into a number of units, however, the largest single unit for flexible use which could be formed would be approximately 540sqm within the Economist Tower, 316sqm within the Bank Building and 62sqm within the Residential building. The existing restaurant currently in the Bank Building (Sake No Hana) comprises 789sqm and on the basis that none of the units are capable of exceeding the size of the existing restaurant on the site, it is not considered that a single restaurant use of 540sqm could be resisted.

Conditions are recommended to limit the hours of opening of any A3 uses to between 07.00 and midnight and to secure a management plan for the restaurant uses to protect the amenity of surrounding residents.

The applicant has made provision for a full height kitchen extract duct from the retail units up to the roof of the Economist Tower. It is recommended that full details of plant serving any future restaurant uses be secured by condition.

## 8.2 Townscape and Design

The grade II star listed Economist complex is one of the most celebrated urban developments of 20<sup>th</sup> century London. Designed by Alison and Peter Smithson and built between 1960 and 1964. There have been numerous changes to the building in the intervening years and many of these have detracted from its significance. The proposed works will rectify or ameliorate many of these unfortunate design changes as well as

refurbishing the building fabric to allow for modern building and environmental standards.

The most significant change is to the roofs of the buildings. A large amount of plant and other equipment has accumulated on the roofs over the years and these provide a cluttered appearance and fragmented profile to what was originally conceived as a “clean” roof profile. The proposal is to extend the roof element upwards to enclose this plant and provide a clean roof as originally proposed. While this will result in a slightly higher building and an increase in visibility of the tower from various viewpoints, including Green Park, St James’s Park and Marlborough Gate, analysis of the impact of views has shown that the additional visual impact is negligible and that there is far greater benefit in providing a clean roof profile (as originally intended) than the marginal extra visibility of the roof. The existing cleaning cradle on the roof of the tower is to be replaced with a demountable system.

Other alterations involve the removal of later ground floor additions to Bury Street and the removal of the car park entrance to Ryder Street and its replacement with a glazed shopfront and new stair to the raised plaza. These are both welcomed as positive alterations. The stairs to Bury Street are widened to improve access to the plaza and the ground floor glazing to the tower is set back to the original line and later, unattractive canopies removed. There was a proposal to insert glazed rooflights to the raised piazza, but these have been subsequently removed at the request of Officers.

Historic England and the Westminster Society support the proposal. One objection has been received from the architect Peter St John regarding the proposed design changes. He is of the view that the grade II star listing should protect it from being altered. In particular, he opposes the changes to the piazza, the new spiral stair, the rooflights and the widened stairs and the alterations to the rooftop which he considers less elegant than the original design. However, the building has already been altered significantly over the years and comparison of the existing situation with the original design is largely academic. The rooftops have been badly altered with the addition of plant and telecommunications equipment and it is considered that the proposed rooftop design is an improvement over the current situation. Similarly, it is considered that the removal of the car park shutters and replacement with a retail unit and spiral stair is an improvement, as are the widened stairs to Bury Street. The rooflights to the piazza, however, are considered to be detrimental to the overall design and have been removed from the scheme.

In summary, the alterations proposed are considered to enhance the significance of the heritage asset and to ensure its long term future.

### **8.3 Residential Amenity (Sunlight/Daylight/Privacy)**

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.

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) ‘Site Layout Planning for Daylight and

Sunlight' (as revised 2011). The applicant's consultants GIA have carried out the necessary tests using the methodology set out in the BRE guidelines. Daylight and sunlight tests have been carried out on the nearest, most affected residential properties in 60 St James's Street – Brooks Club, 19-21 Ryder Street, 10-12 Bury Street and 29-30 James's Street (which has permission for redevelopment to provide residential flats at first to sixth floor level).

The technical analysis has found that all windows assessed for Vertical Sky Component (VSC), No Sky Line (NSL) and Annual Probable Sunlight Hours (APSH) within the four properties will fully adhere to the BRE Guidelines. The proposed development is therefore considered to have a satisfactory relationship with surrounding residential properties in terms of sunlight and daylight.

The proposal is not considered to give rise to any issues in terms of overlooking/loss of privacy or sense of enclosure. Accordingly the application is considered acceptable in amenity terms.

#### **8.4 Transportation/Parking**

The applicant has submitted a Transport Assessment in support of their application.

##### **Car Parking**

The site currently has 52 off-street car parking spaces within the basement, not used for residential or public car parking. The proposal will result in the loss of the vehicular access onto the site and the basement car park. Policies TRANS21, TRANS22 and TRANS25 of the UDP do not protect non-residential car parking and the loss of the car park is therefore considered acceptable.

The proposal will result in one additional residential unit on the site, and given that no residential car parking is provided the applicant has agreed to provide car club membership for each of the residential flats for the lifetime of the development. It is recommended that this be secured through a legal agreement.

##### **Cycle Parking**

70 cycle parking spaces are proposed at basement level, as well as 21 storage lockers, shower and changing facilities. Current London Plan standards would require 101 cycle parking spaces for a new development of this size, however, as this is a refurbishment proposal, the level of cycle parking proposed exceeds policy requirements. Given the interventions proposed at basement level it is disappointing that current modern standards are not being met for the entire site, however, the proposed provision is a vast improvement on the current situation.

The provision of short stay cycle parking within the Bury Street frontage, off the public highway is welcomed.

##### **Servicing**

No off-street servicing is proposed. All servicing is proposed on-street on the Ryder Street frontage. The applicant maintains that servicing on-street from Ryder Street would not be significantly different from the existing situation, both in terms of types of

deliveries and vehicles used, and that the proposal will formalise the servicing processes, resulting in improvements.

Whilst it is regrettable that off street servicing cannot be accommodated within the site, given the existing situation the Highways Planning Manager raises no objection to this element of the scheme. A condition is recommended to secure a detailed Delivery and Servicing Management Plan for the site to ensure that deliveries are carried out efficiently and do not cause an obstruction to other highway users, including vehicles and pedestrians.

#### **Waste**

There is a central waste store with separate waste and recycling storage for all uses on the site. It is recommended that this be secured by condition.

#### **Highway works**

It is recommended that highway works to the street frontages, including changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated works be secured through the S106 legal agreement.

#### **Sub Station/Hatch**

The submitted drawings indicate a substation access hatch. The application has been revised to remove the access hatch from the public highway.

### **8.5 Economic Considerations**

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

### **8.6 Access**

Level access is proposed into all buildings at street and plaza level (plaza level only in the residential building) with lift access to the basement and upper floors.

There is an existing ramp onto the external Plaza on St James's Street. This remains unchanged. The alterations to the pedestrian access on Bury Street and new access on Ryder Street provide stepped access only. The applicant considered providing disabled access at these points, however, it was considered that the provision of ramps/lifts would cause harm to the special interest and setting of the listed buildings and Plaza, and disabled access was not therefore considered appropriate at these points.

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

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

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

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

### **Plant**

Plant is proposed in the basement and within new plant enclosures on the roof of the three buildings. Environmental Health have raised no objection to the proposal subject to conditions to secure full details and a supplementary acoustic report when plant has been selected, location and hours finalised, and the attenuation measures are available to confirm compliance with the Council's standard noise condition.

### **Trees**

There is one London Plane tree on St James's Street and two pear trees on Ryder Street. The Council's Arboricultural Manager is satisfied that any damage to these trees will be limited. A condition is recommended to secure tree protection measures during construction works.

Five new trees are proposed on the plaza in small planters. The Arboricultural Manager has raised concern that trees in planters are a temporary solution and are likely to fail within a short period. Reliance on hand watering or on mains water is also not a sustainable solution. A condition is therefore recommended to reserve details of the landscaping strategy and landscape maintenance.

### **Environment/Sustainability**

The applicant has submitted an Energy and Sustainability Strategy in support of their application which confirms that extensive energy efficiency measures and building fabric upgrade are proposed to be incorporated into the proposed development. The proposals will exceed the requirements of the Building Regulations and will aim to achieve a BREEAM 2014 Refurbishment rating of 'Very Good' for the office areas.

## **8.8 London Plan**

This application raises no strategic issues.

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

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

### 8.10 Planning Obligations

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

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

- a) Car club membership for each residential flat for 25 years;
- b) Highway works to St. James's Street, Ryder street and Bury Street including changes to footway levels, changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical);
- c) Monitoring costs.

The applicant has stated that the development is not CIL liable. This is currently being verified and any change will be reported verbally at committee.

### 8.11 Environmental Impact Assessment

An Environmental Impact Assessment is not required. Environmental Impact issues have been covered in section 8.7 above.

### 8.12 Other Issues

#### Security

The applicant has confirmed that all external access points onto the Plaza will have 24 hour access as existing. The site is currently managed with 24 hour security and the site is equipped with CCTV, which will continue to be the case.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Historic England dated 16 December 2016.
3. Response from Historic England (Archaeology), dated 19 December 2016.
4. Response from Westminster Society, dated 7 December 2016.
5. Memorandum from Cleansing Manager dated 9 December 2016.
6. Memorandum from Highways Planning manager dated 17 February 2017.
7. Memorandum from Environmental Health dated 7 March 2017.
8. Memorandums from Arboricultural Manager dated 16 January and 3 February 2017.
9. Letter from occupier of 28 St James's Street, London SW1A 1HJ, dated 21 December 2016 and e-mail from Gerald Eve 8 February 2017.
10. Letter from occupier of 1-3 Coate St, London, dated 19 February 2017
11. Letter from occupier of 20A Camden Row, Dublin 8, dated 1 March 2017

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

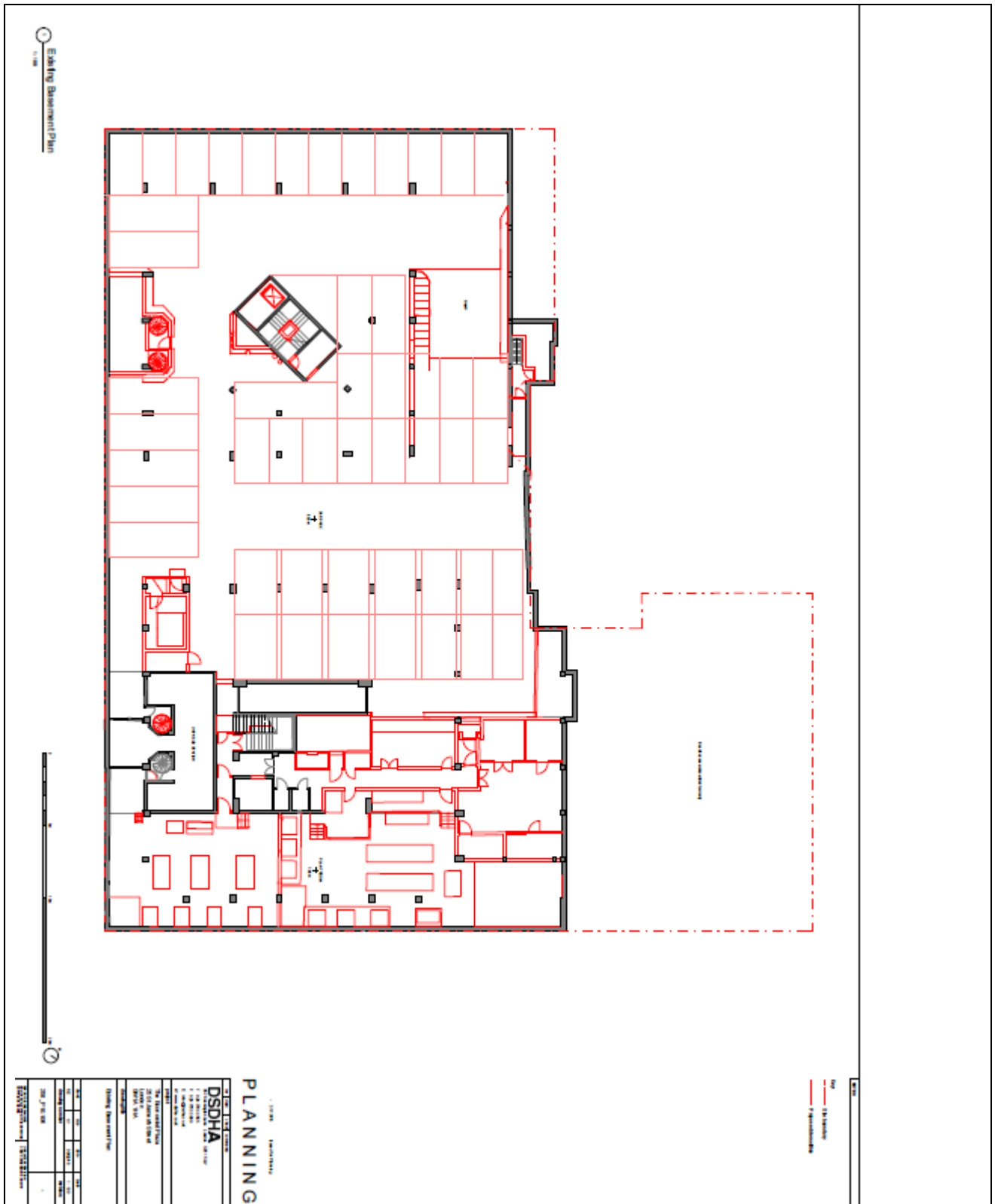
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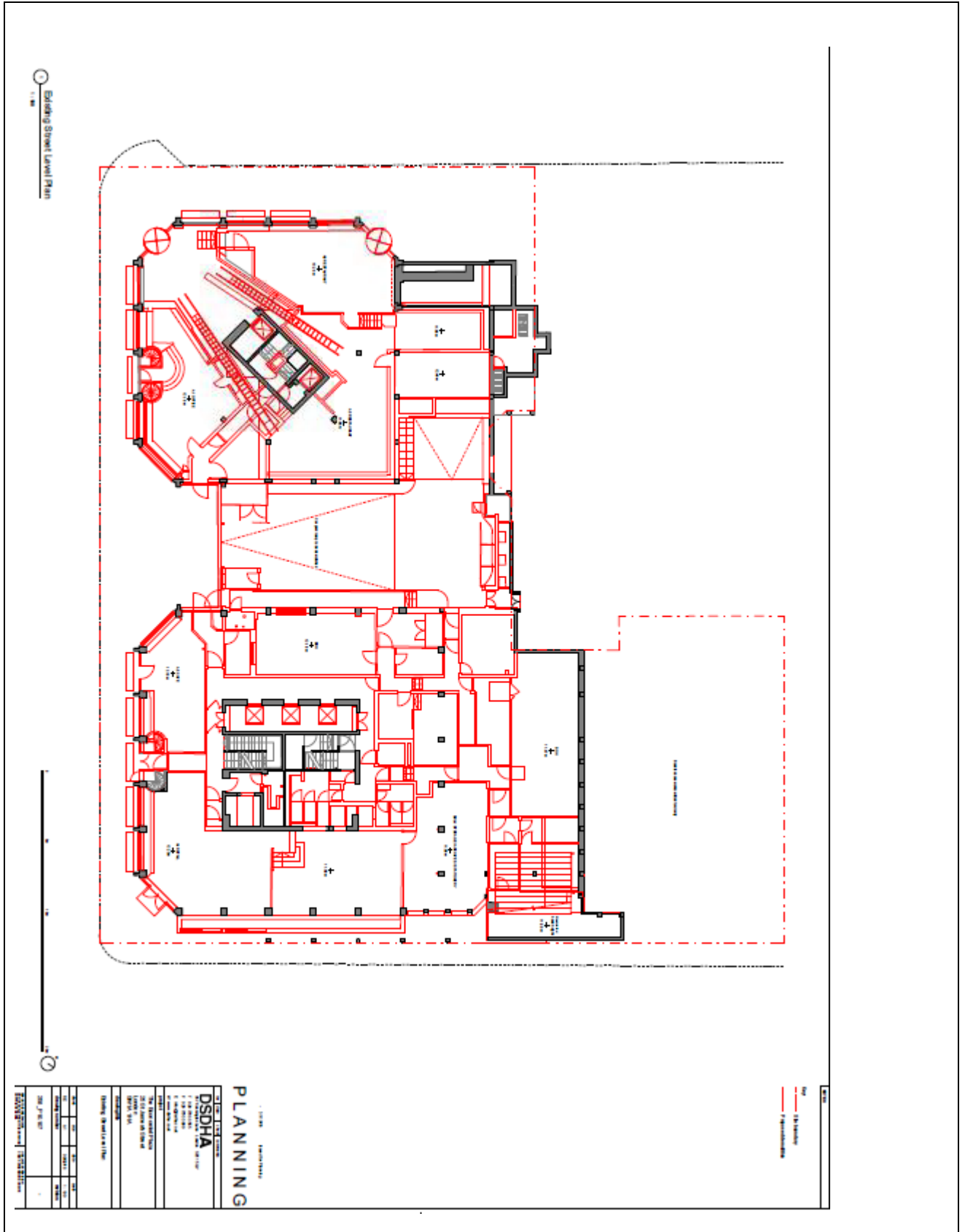


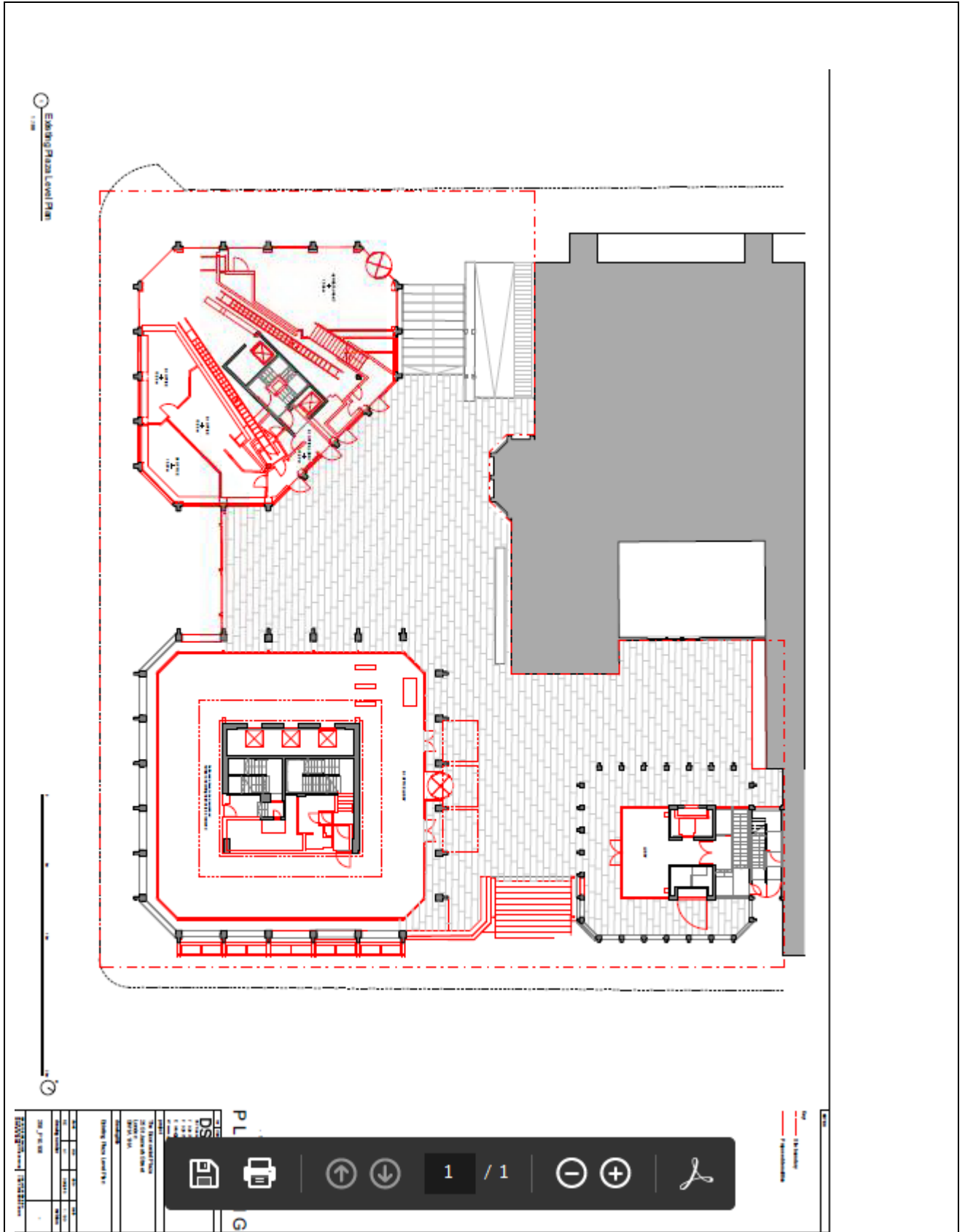
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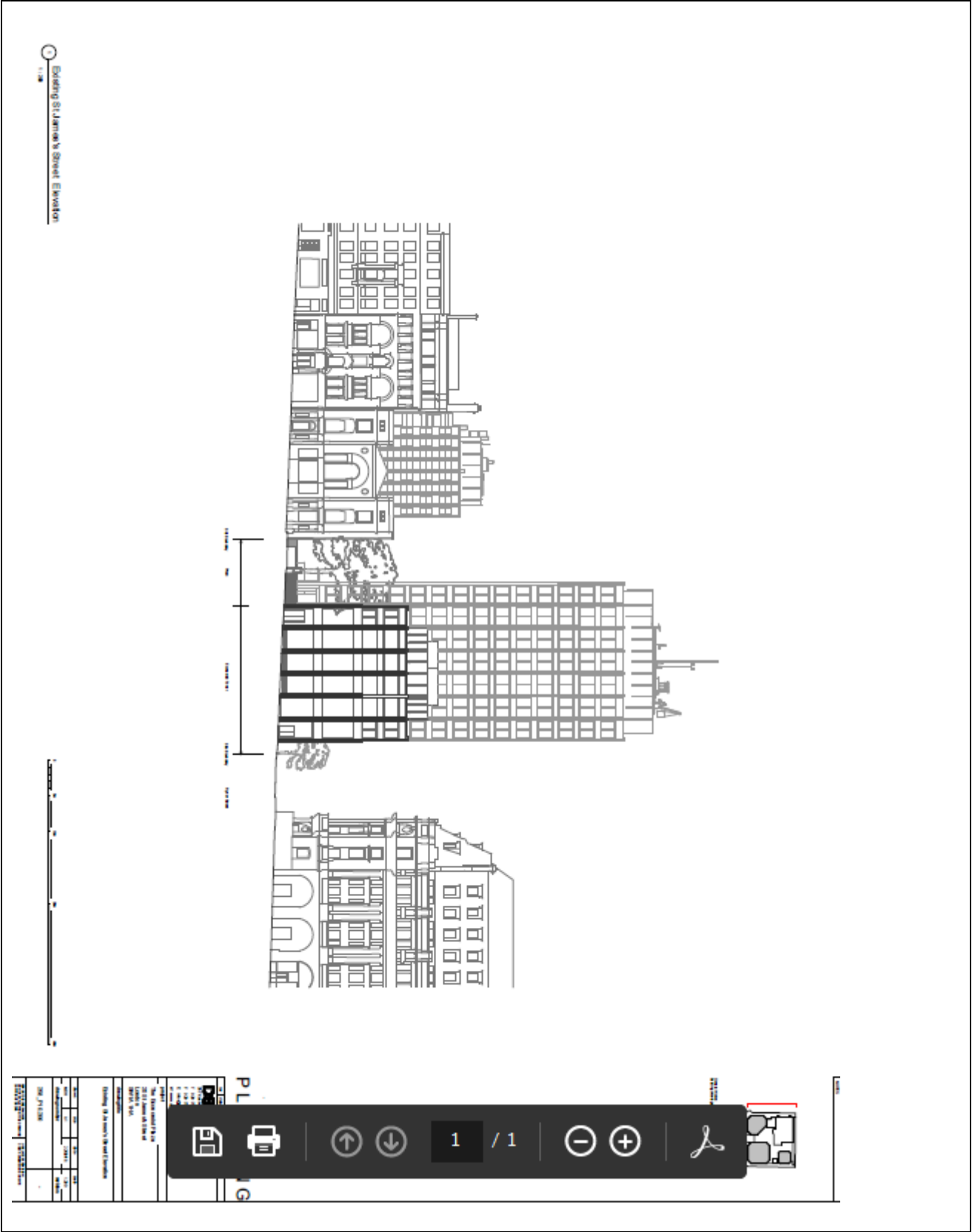
OFFICER: AMANDA JACKSON BY EMAIL AT [ajackson@westminster.gov.uk](mailto:ajackson@westminster.gov.uk)

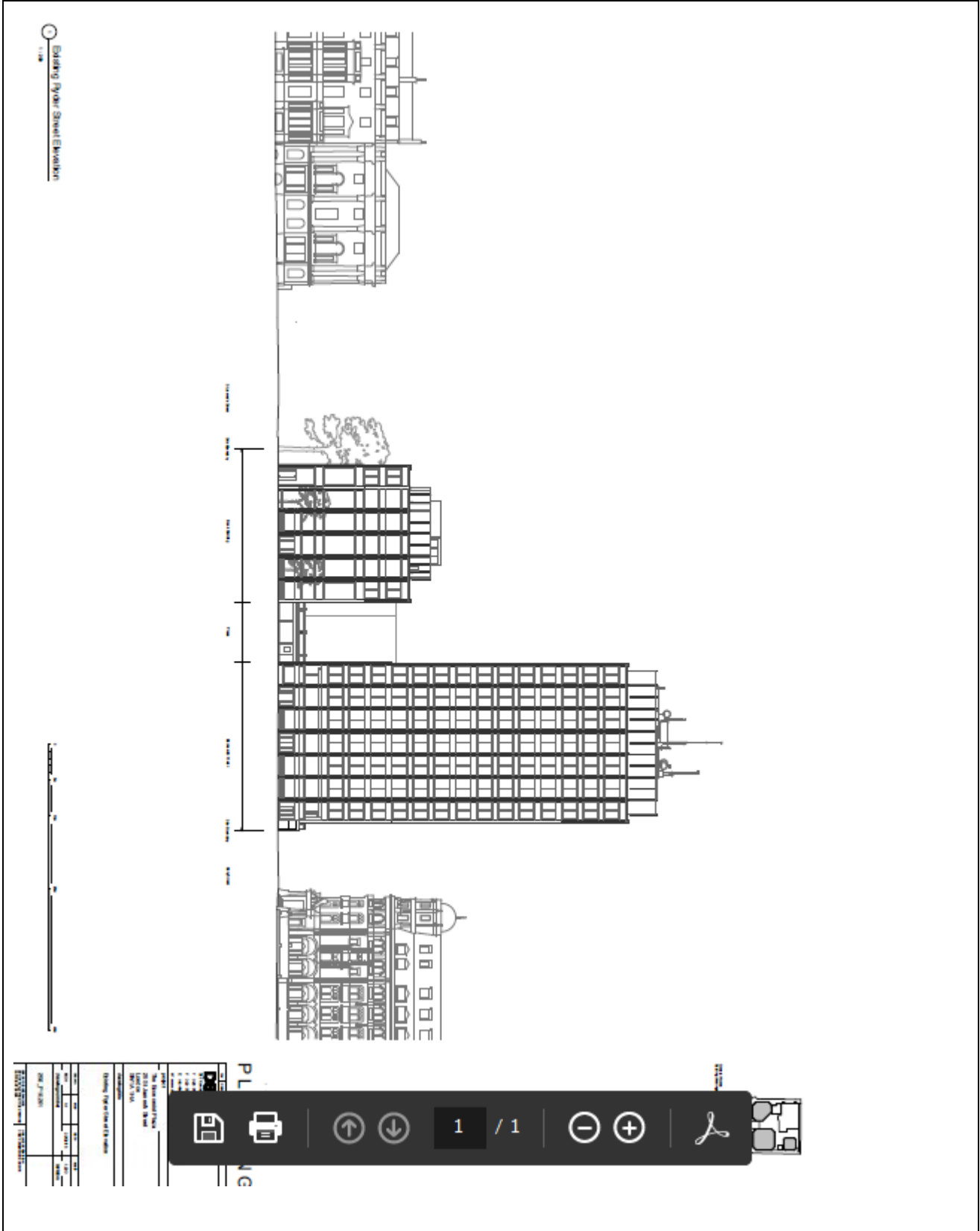
**10. KEY DRAWINGS**



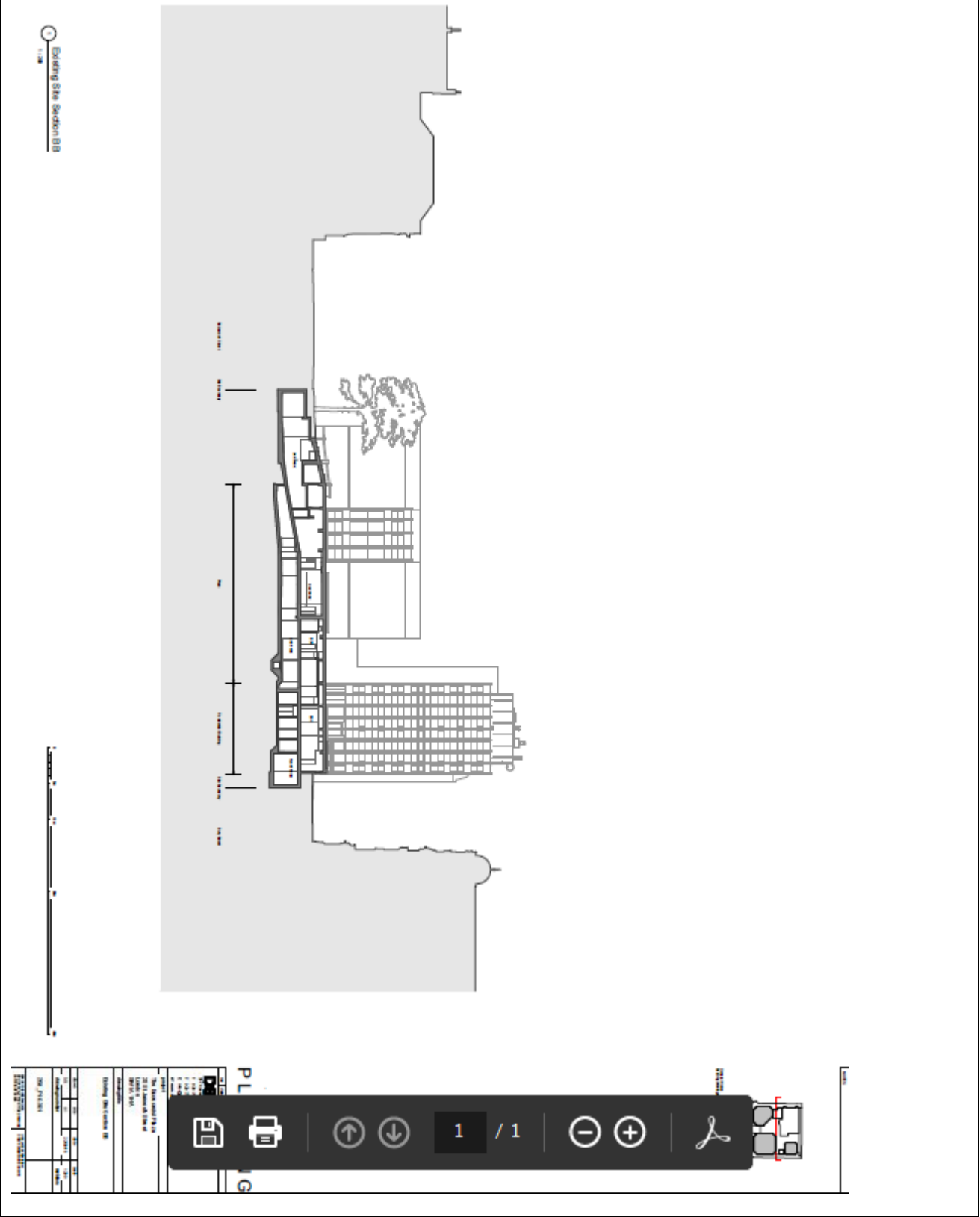






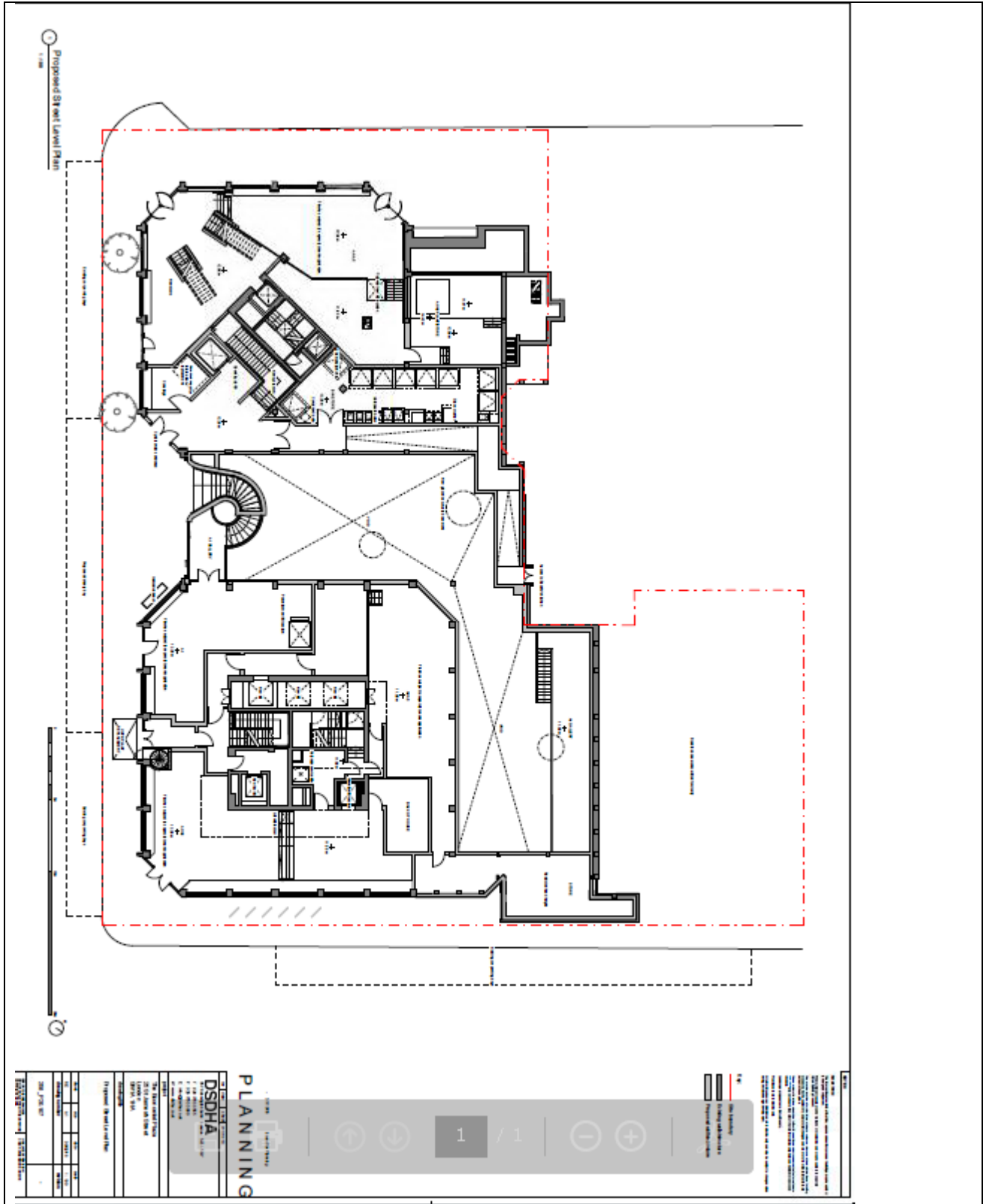


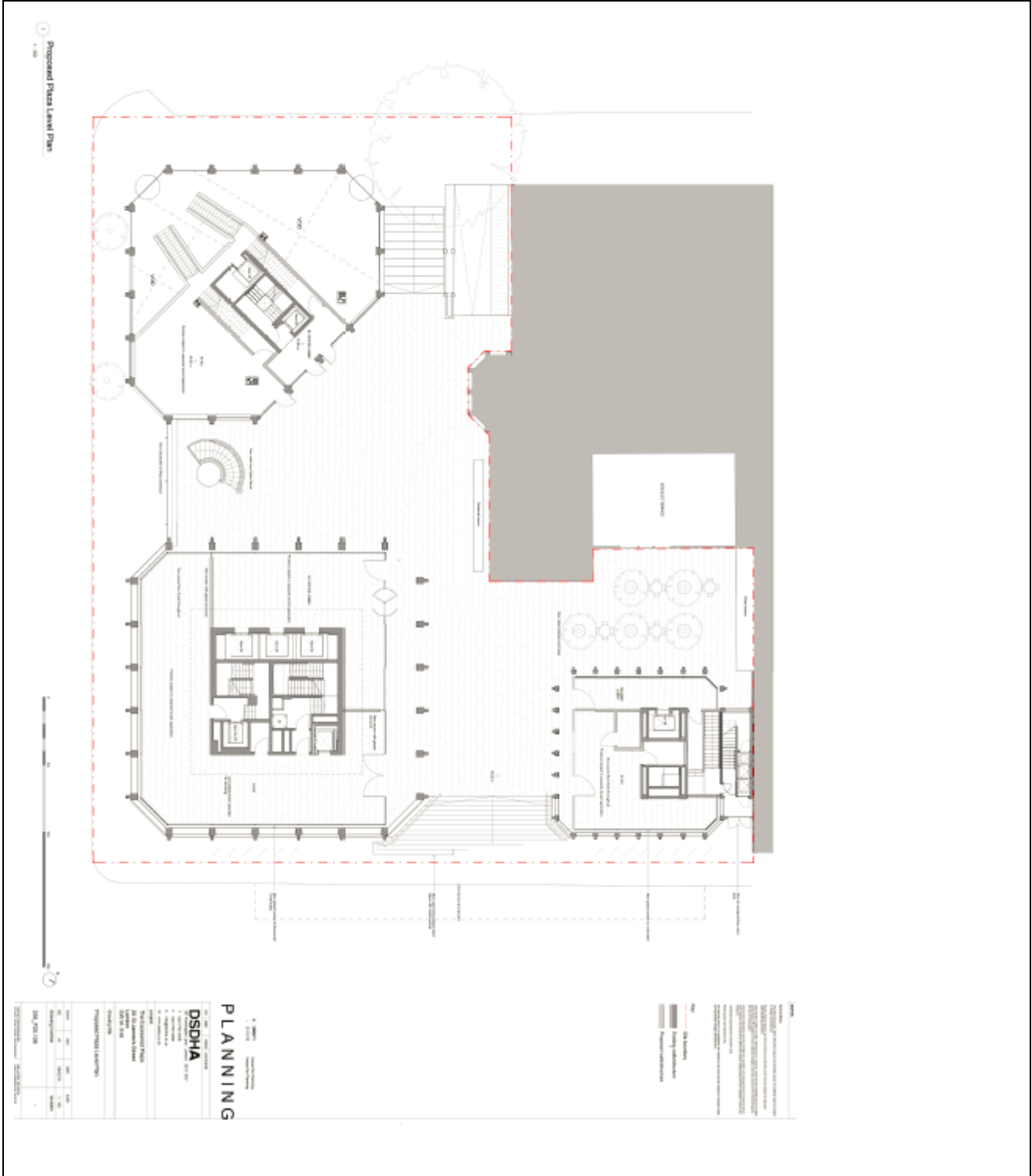


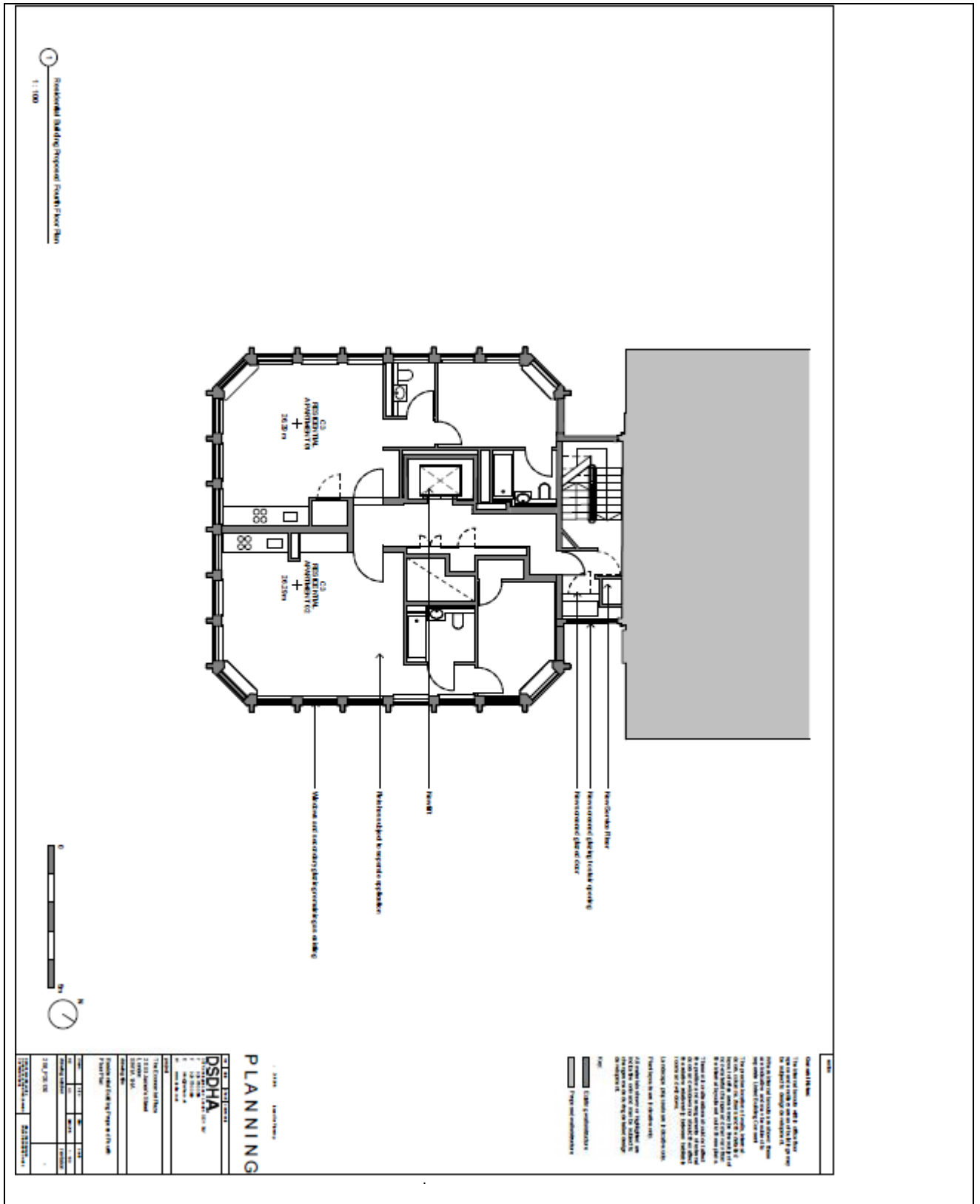


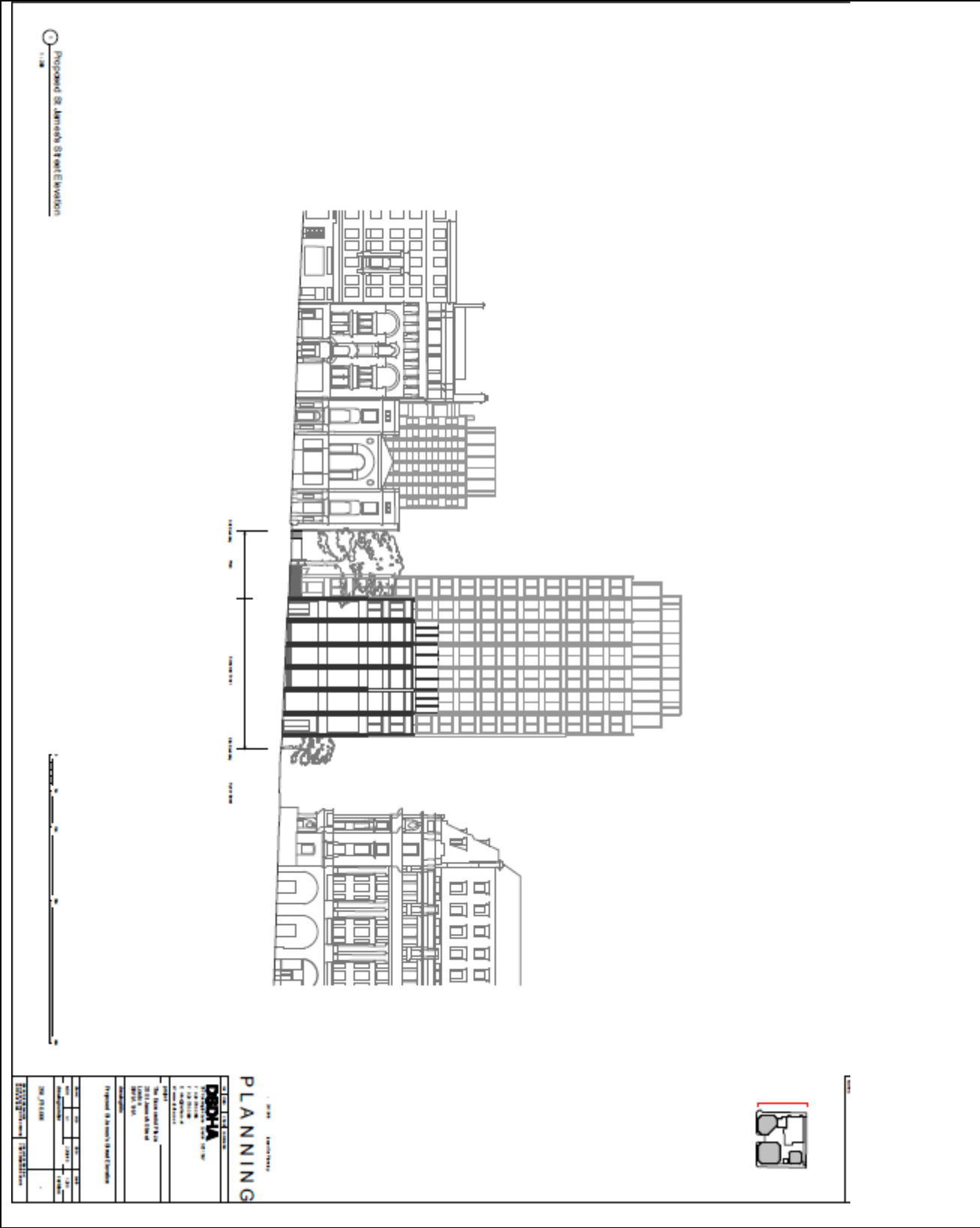


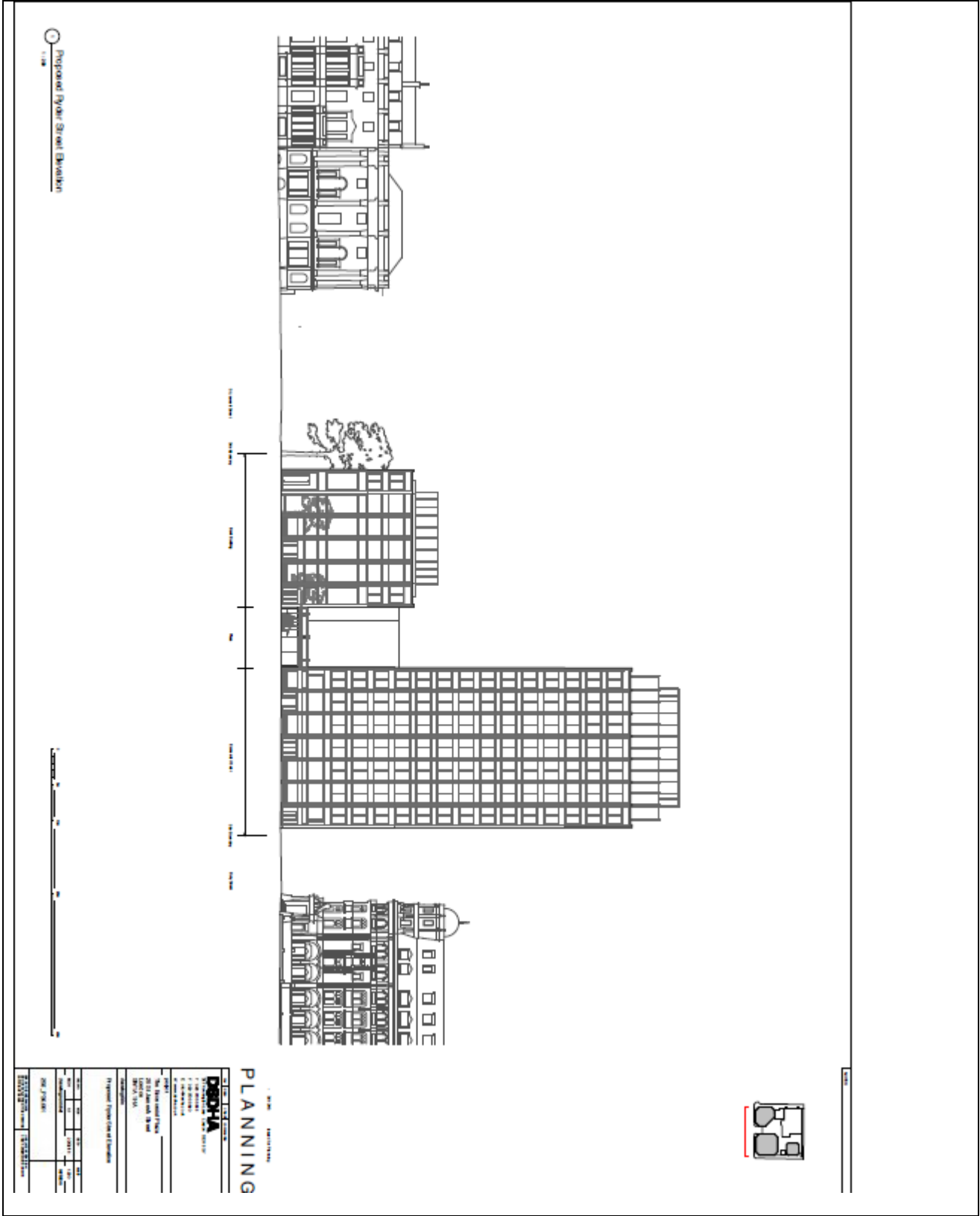


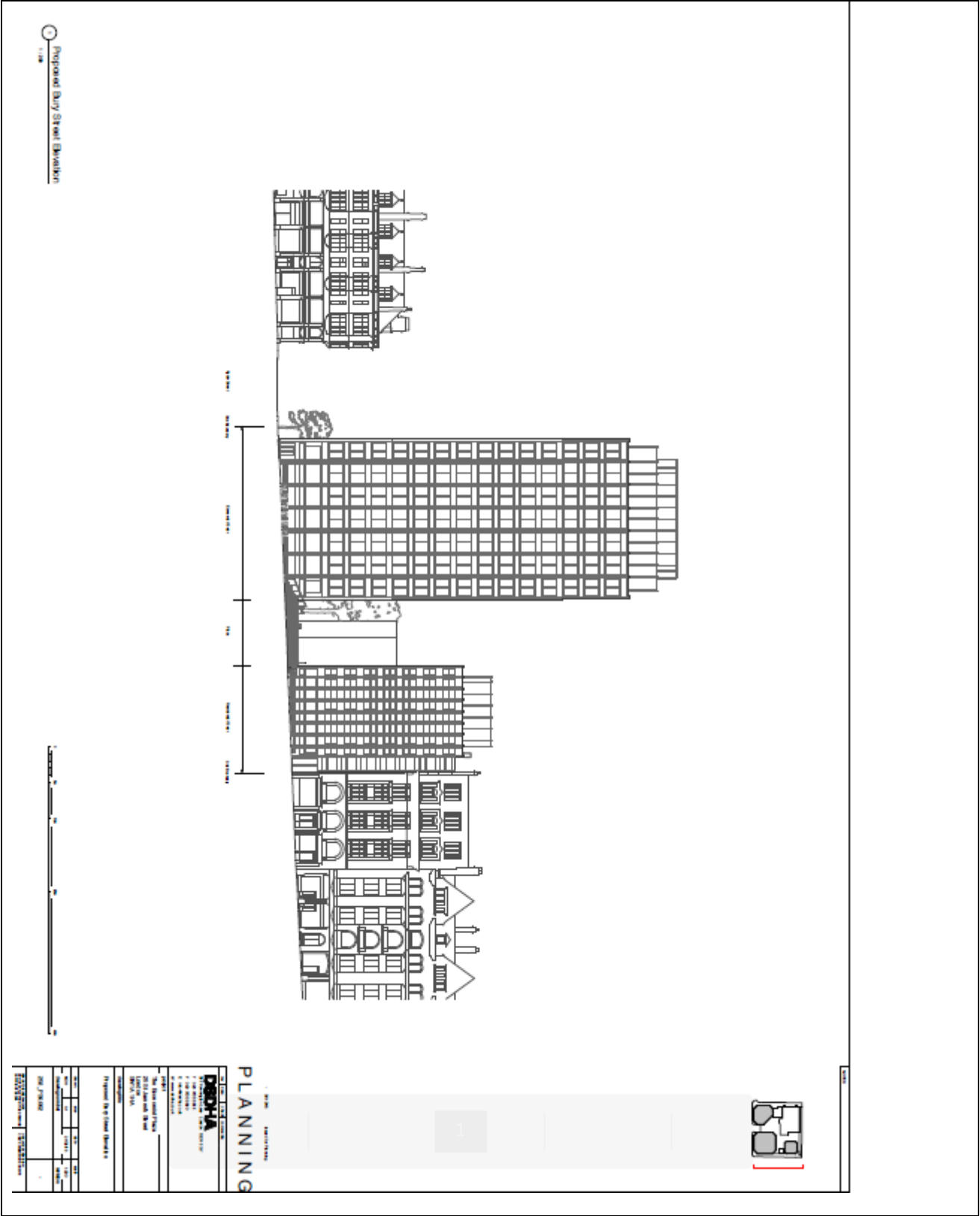


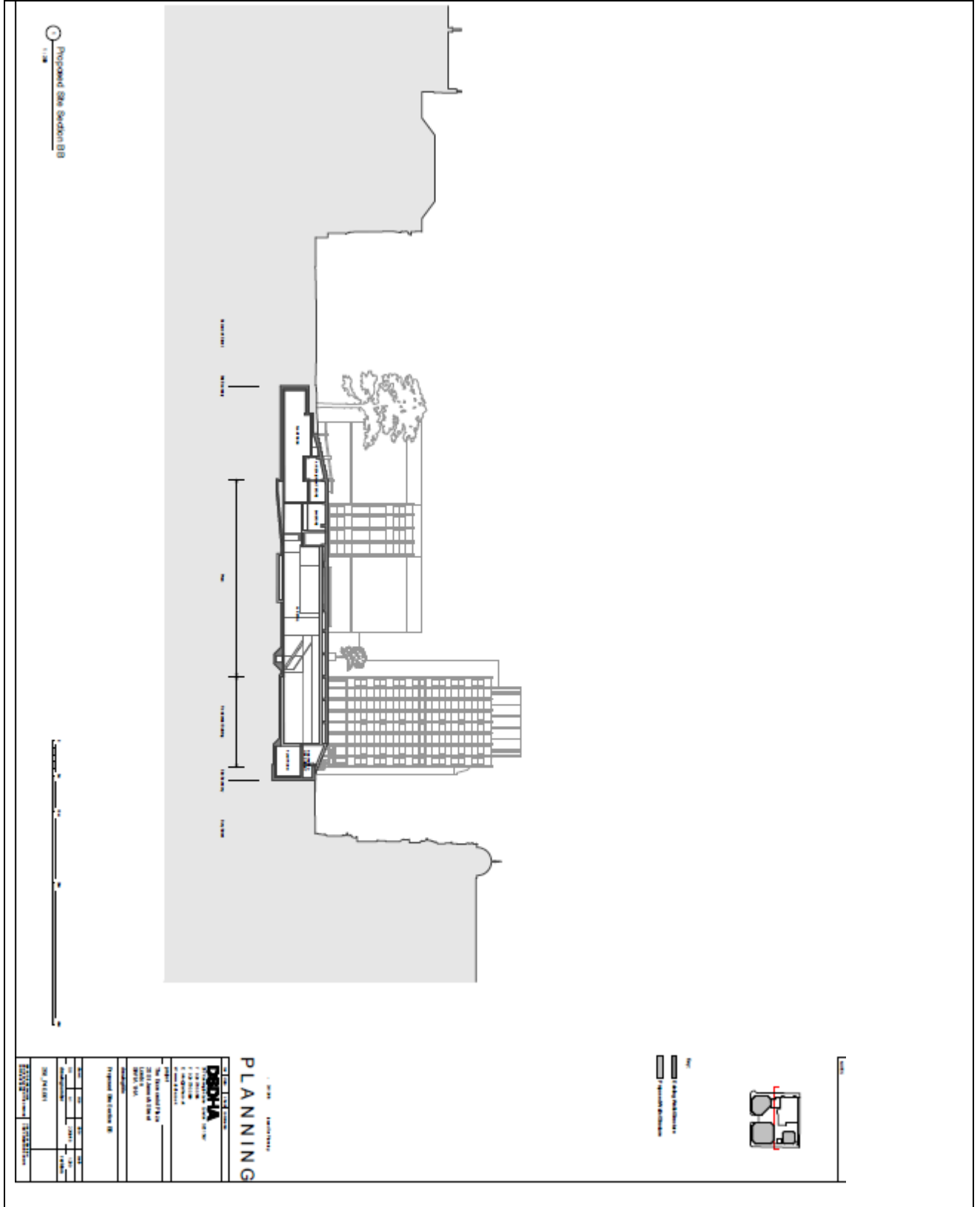
















Existing view on Bury Street towards the Plaza

Proposed view on Bury Street towards the Plaza

Existing Ryder Street street frontage

Proposed Ryder Street street frontages illustrating new public space and stair connecting Ryder Street to the Plaza above

**DRAFT DECISION LETTER**

- Address:** The Economist Building, 27 St James's Street, London, SW1A 1HA,
- Proposal:** Refurbishment and remodelling of the three buildings with rooftop extensions to provide new office accommodation (class B1) and plant enclosures; new pedestrian access on Ryder Street and alterations to pedestrian access on Bury street; redistribution of uses including flexible retail/gallery/restaurant/café (class A1.A3) uses at basement, street and Plaza level, additional office floorspace , and provision of 4 residential units; hard and soft landscaping works to the Plaza; and associated internal and external alterations.
- Reference:** 16/11107/FULL
- Plan Nos:** 258\_P10.300, 301, 302, 304, 305, 306; P20.101, 105, 106, 107, 108/A, 110, 111, 112, 113, 114, 120, 121, 122, 123, 124, 130, 131, 132, 133, 134, 135; P30.000, 001, 002, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021; P40.000, 001, 002, 003, 004, 005, 006; P50.001, 002, 003, 005, 006, 007, 008, 009, 010, 011, 012, 013; Design & Access Statement (November 2016) prepared by DSDHA; Planning Statement (November 2016) prepared by DP9; Heritage Statement (November 2016) prepared by Heritage Collective; Visual Impact Assessment (November 2016) prepared by Miller Hare; Daylight & Sunlight Assessment (November 2016) prepared by GIA; Ventilation / Extraction Statement (November 2016) prepared by Sweco; Energy Strategy & Sustainability Statement (November 2016) prepared by Sweco; Drainage Strategy (November 2016) prepared by Sweco; Noise Impact Assessment (November 2016) prepared by Sandy Brown; Transport Assessment (November 2016) prepared by Aecom; Construction & Site Waste Management Method Statement (November 2016) prepared by Aecom; Arboricultural Survey / Report (November 2016) prepared by Landscape Collective; Operation Waste & management Review (November 2016) prepared by Aecom; and Archaeological Report (November 2016) prepared by MOLA.

**Case Officer:** Julia Asghar **Direct Tel. No.** 020 7641 2518

**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 apply to us for approval of samples of the facing materials you will use, including glazing and paving, and elevations and roof plans annotated to show where the materials are to be located. You must not start work until we have approved what you have sent us. You must then carry out the work using the approved materials.

Reason:

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

- 4 You must provide a minimum of 622sqm of the flexible retail floorspace as a gallery (class A1). You must not use it for any other purpose, including any within Class A1 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 CM2.4 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

- 5 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use. (C05JB)

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, TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 6 Customers shall not be permitted within the 0700 premises before 2400 (midnight) or after \*\*\*\* each day. (C12AD)

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 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 7 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

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)

- 8 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BB)

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 9 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be

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

**Reason:**

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

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

**Reason:**

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

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

**Reason:**

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

- 12 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or

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

Reason:

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

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

Reason:

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

- 14 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that

they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

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

- 15 You must provide the waste store shown on drawing P20.107 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 16 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)

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

Reason:

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

- 18 You must apply to us for approval of a Delivery and Servicing Management Plan. The plan must identify process, internal storage locations, scheduling of deliveries and staffing, as well as taxis. , , You must not start work until we have approved what you have sent us. You must then operate the development in accordance with these details for the life of the development, unless a revised strategy is approved in writing by us.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 The "Designated Good Storage Space" marked on drawing 'The Economist Tower Design update' (dated 1st February 2017) shall be used for holding delivered goods with the site and for no other purpose.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 20 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing P20.107 and 108. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

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

- 21 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs; and details of landscape maintenance including watering. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 6 months of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

**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 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)
- 3 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)
- 4 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 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 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)
- 7 You must get planning permission for any tanks, equipment, lift motor rooms, railings or other additions to the property. (I21AA)
- 8 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)

- 9 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 10 You must ensure that the details you submit to satisfy the tree protection condition(s) are prepared in conjunction with a construction management plan, as adequate protection of trees on/ adjacent to the site will rely heavily on an appropriate means of construction.
- 11 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)
- 12 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met: , , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>. , , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 13 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)
- 14 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).

- 15 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to : , a) Car club membership for each residential flat for 25 years; b) Highway works to St. James's Street, Ryder Street and Bury Street including changes to footway levels, changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical); c) Monitoring costs.
- 16 Condition requires the submission of sound insulation measures and Noise Assessment Report to predict internal noise levels with the proposed residential units. Your assessment should include a BS8223 façade calculation using the glazing and ventilation specification to demonstrate that the required internal noise levels are achievable. (I93AA)
- 17 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
- 18 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the floor can change between the \*\*\*\* 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)
- 19 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point. , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 20 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)

**DRAFT DECISION LETTER**

- Address:** The Economist Building, 27 St James's Street, London, SW1A 1HA,
- Proposal:** Refurbishment and remodelling of the three buildings with rooftop extensions to provide new office accommodation (class B1) , and plant enclosures; new pedestrian access on Ryder Street and alterations to pedestrian access on Bury street; redistribution of , uses including flexible retail/gallery/restaurant/café (class A1.A3) uses at basement, street and Plaza level, additional office floorspace , and provision of 4 residential units; hard and soft landscaping works to the Plaza; and associated internal and external alterations.
- Reference:** 16/11108/LBC
- Plan Nos:** 258\_P10.300, 301, 302, 304, 305, 306; P20.101, 105, 106, 107, 108/A, 110, 111, 112, 113, 114, 120, 121, 122, 123, 124, 130, 131, 132, 133, 134, 135; P30.000, 001, 002, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021; P40.000, 001, 002, 003, 004, 005, 006; P50.001, 002, 003, 005, 006, 007, 008, 009, 010, 011, 012, 013; Design & Access Statement (November 2016) prepared by DSDHA; Planning Statement (November 2016) prepared by DP9; Heritage Statement (November 2016) prepared by Heritage Collective; Visual Impact Assessment (November 2016) prepared by Miller Hare; Daylight & Sunlight Assessment (November 2016) prepared by GIA; Ventilation / Extraction Statement (November 2016) prepared by Sweco; Energy Strategy & Sustainability Statement (November 2016) prepared by Sweco; Drainage Strategy (November 2016) prepared by Sweco; Noise Impact Assessment (November 2016) prepared by Sandy Brown; Transport Assessment (November 2016) prepared by Aecom; Construction & Site Waste Management Method Statement (November 2016) prepared by Aecom; Arboricultural Survey / Report (November 2016) prepared by Landscape Collective; Operation Waste & management Review (November 2016) prepared by Aecom; and Archaeological Report (November 2016) prepared by MOLA.
- Case Officer:** Julia Asghar **Direct Tel. No.** 020 7641 2518

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

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

**Reason:**

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

- 2 You must apply to us for approval of samples of the facing materials you will use, including glazing and paving, and elevations and roof plans annotated to show where the materials are to be located. You must not start work until we have approved what you have sent us. You must then carry out the work using the approved materials.

Reason:

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

- 3 You must apply to us for approval of detailed drawings of the following part of the development:, i) details of double glazed windows at a scale of 1:10 with x-sections at 1:5, 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 work according to these details.

Reason:

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

**Informative(s):**

- 1 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, \* any extra work which is necessary after further assessments of the building's condition;, \* stripping out or structural investigations; and, \* any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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

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# Agenda Item 2

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 21 March 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>St Georges Rc Secondary School, Lanark Road, London, W9 1RA,</b>		
<b>Proposal</b>	Demolition of single storey front extension along Lanark Road and the erection of replacement 3 storey extension, plus erection of roof extension to main building; providing additional facilities for up to 150 additional students. Creation of third floor external break out spaces with associated installation of rooftop canopies, including covering of existing roof top sports pitch. Installation of plant equipment at third floor plus solar PV panels to roof of main building (Council's Own Development)		
<b>Agent</b>	Mr Thaddaeus Jackson-Browne		
<b>On behalf of</b>	3BM Education Partners		
<b>Registered Number</b>	16/10916/COFUL	<b>Date amended/ completed</b>	13 December 2016
<b>Date Application Received</b>	15 November 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	None		

## 1. RECOMMENDATION

Grant conditional permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.
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## 2. SUMMARY

<p>St George's Catholic School is an independent academy school. The site lies outside a conservation area, although the Maida Vale Conservation Area lies immediately to the west; and the St John's Wood Conservation Area lies to the east. Several grade II listed buildings are located opposite the site on Maida Vale.</p>
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<p>The applicant proposes demolition of a single storey front extension along Lanark Road and the erection of a three storey extension, plus erection of roof extension to main building. The extensions would provide additional facilities for up to 150 additional students. The creation of third floor external break out spaces with associated installation of rooftop canopies, including covering of existing roof top sports pitch, is also proposed. Installation of plant equipment at third floor plus solar PV panels to the roof of the main building is also proposed.</p>
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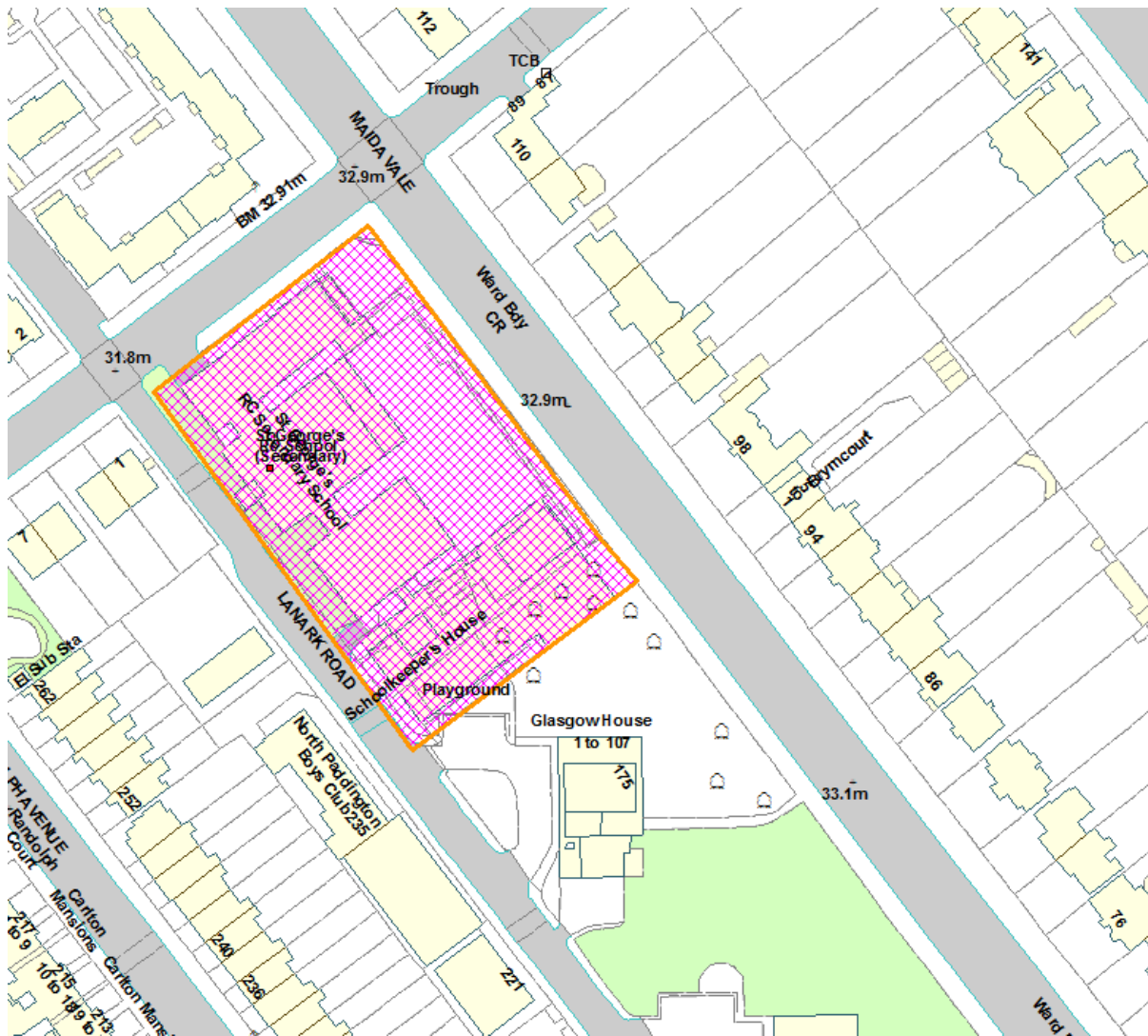
The main considerations relate to;

- The principle of extending this school;
- The impact of the proposed development on the character of the locality and on the adjacent Maida Vale and St Johns Wood Conservation Areas;
- The impact of the proposed development on the amenity of neighbouring residential properties; and
- The impact of the proposed development on highways

Subject to the recommended conditions, the proposal is considered to comply with the Council's policies in relation to design and amenity as set out in Westminster's City Plan and the Unitary Development Plan (UDP) and is accordingly recommended for approval.



### 3. LOCATION PLAN



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4. PHOTOGRAPHS

View looking north west up Lanark Road



View looking south east up Lanark Road from Carlton Vale



## 5. CONSULTATIONS

### COUNCILLOR PRENDERGAST

Expressed concerns regarding the break out areas on the roof and their proximity to windows within Glasgow House.

### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Support proposals. Take residents views in to consideration.

### THAMES WATER UTILITIES LTD

Any response to be reported verbally.

### CLEANSING - DEVELOPMENT PLANNING

Additional details of refuse to be secured by way of planning condition.

### CHILDREN'S SERVICES

Any response to be reported verbally

### HIGHWAYS PLANNING - DEVELOPMENT PLANNING

No objections, subject to details of cycle parking.

Recommends omission of flank walls to improve visibility for vehicles reversing from frontage parking.

Lack of improvement to pedestrian interface with street disappointing.

### ARBORICULTURAL SECTION - DEVELOPMENT PLANNING

No objections subject to conditions to secure hard and soft landscaping and tree protection.

### BUILDING CONTROL

Comments relating to compliance with Part B of the Building Regulations.

### PLANT AND EQUIPMENT

No objections.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 691

Total No. of replies: 1

No. of objections: 0

No. in support: 0

Single comment relates to impact of additional storey upon natural light reaching flat within Didbin House facing the development from Carlton Vale. Highlights no study provided to explain impact and requests this is provided.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

St George's Catholic School is an independent academy school. Its main entrance is on Lanark Road, but the site is also bounded by Carlton Vale to the north and Maida Vale to the east. The site lies outside a conservation area, although the Maida Vale Conservation Area lies immediately to the west and the St John's Wood Conservation Area lies immediately to the east with its boundary running along the east side of Maida Vale. Many of the villas fronting the eastern side of Maida Vale at this point are grade II listed buildings.

## 6.2 Recent Relevant History

### 08/10426/FULL

Erection of three storey extension to south of school comprising sports hall, changing facilities and teaching space including mixed use games area and outdoor play area to the roof. Two storey extension to north of school to provide an activity hall and additional dining facilities, associated works. Removal of a number of existing trees and planting of new replacement trees, all in connection with expansion of school from four to five form entry (600 to 750 pupils).

Granted - 10.02.2009

### 16/11193/COFUL

Re-use of existing portable cabins currently located on adjacent site to the school, (opposite side of Lanark Road), relocated onto the main school site within the boundary wall running alongside Maida Vale.

Under consideration.

## 7. THE PROPOSAL

Permission is sought for demolition of a single storey front extension along Lanark Road and the erection of a replacement three storey extension, plus erection of roof extension to main building. The extensions would provide facilities for up to 150 additional students. The applicant also proposes creation of a third floor external break out space with associated installation of rooftop canopies, including covering of the existing roof top sports pitch. The applicant also proposes installation of plant equipment at third floor plus solar PV panels to roof of main building.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The extensions proposed would provide an additional 10 classrooms, a sixth form common room and additional staff and student facilities amounting to an uplift of circa 885sqm (Gross Internal Area), used to accommodate an additional 150 student places and 10 additional members of staff. The intake of additional students is expected to start from the 2017/18 academic year. The new rooftop spaces provide an additional 600sqm of external play and recreation space.

In landuse terms, the enlargement and improvement of existing school is welcome and consistent with paragraph 72 of the National Planning Policy Framework, policy S34 of the City Plan and policies SOC1 and SOC3 of the UDP.

## 8.2 Townscape and Design

The townscape in the immediate vicinity of the school is primarily residential, although varied in terms of its age, style and scale, ranging from the 3 and 4 storey villa style houses from the mid-nineteenth century which face onto parts of Carlton Vale and on the eastern side of Maida Vale; through to the 6 storey Dibdin House from the 1930s on the opposite side of Carlton Vale; to the 18 storey post-war 'Scottish Towers', which lie immediately to the south of the school.

The school itself is of post-war date and comprises a series of blocks primarily of three storey height but exhibiting a wide variety of styles and materials, reflecting its piecemeal expansion. Overall the building has very limited architectural merit and lacks overall design coherence.

The main extension occurs on the Lanark Road façade, where in place of the existing single storey projecting bay, with undulating canopy roof, a new 4 storey extension would be added. This extension would be cantilevered over the ground floor to enable existing parking spaces at the front of the building to be retained. This new extension would provide an improved and more accessible entrance and reception area, as well as additional rooms on each floor. The top (third floor) of the extension would be set back from the façade and is effectively a roof extension above the existing structure. The set-back nature of this storey would allow the creation of a roof terrace at this level, facing onto Lanark Road, which would be associated with a new sixth form common room.

This new extension would modify the building line and bring the currently recessed central entrance block (Block B) forward by 7.1m so that it becomes a projecting bay, sitting beyond the building lines of the blocks to the north and south by just over 3m.

The extension would be clad in brick slips and would feature narrow punched slot windows. The windows will be set into reveals and further relief will be added to the facades through the cladding panel and window arrangements framed in a thin metal box profile set proud of the brick finish. A series of dark red cladding panels will tie in with the window alignments providing visual interest and façade contrast. The side returns of the extension would be similarly treated whilst the extensions to the existing stairwells, to access the new third floor, would also be clad in the same brick slips.

Additional rooftop alterations include a plant enclosure above Block C and the creation of rooftop playspaces above Blocks B and C, which will be covered by canopy structures formed by a lightweight steel structure with valley roofs, which are clad in a mixture of translucent and opaque polycarbonate panels. The parapets around these spaces will also be raised and appear as an extrusion of the existing facades.

The existing rooftop playspace to Block D, which is the most recent block added at the south side of the site is also proposed to be covered. In this case a clear span must be maintained therefore the design proposal is a series of deep lattice beam structures

spanning the width of the building and mounted on a ring beam. These would then support a roof covering of polycarbonate panels. The new roof structure will sit 1.5m above the height of the existing perimeter walls of the block.

The proposal is considered acceptable in design terms with no adverse impacts upon the existing building or upon the wider townscape. In the case of the Lanark Road extension to Block B, while this will break forward of the existing building line, there is not considered to be a well established building line on this side and in this part of Lanark Road. As such, the presence of projecting and recessed elements is not considered to have an adverse impact. Indeed the projection of the main entrance block ensures a primacy to the entrance, which is both logical and legible.

The height of the projecting element of the new extension would be similar to the height of the curved roof to Block A (at north end of site) and thus would sit relatively comfortably in terms of height. The additional third floor, including the plant area and the canopy-covered playspaces, will mean that this central part of the school complex will become the tallest element of the site. However, given the set-back nature of this central area and in the context of a varied townscape (in terms of height), this is not considered to be harmful.

The choice of a brick cladding material for the main extension is considered appropriate given the townscape context and the proposed articulation and detailing of the façade is considered to be an enhancement over the current prosaic appearance.

The addition of a roof covering to Block D and the relatively utilitarian design and materials for the canopies is somewhat regrettable, but given the limited visual impact and the need to work within existing structural constraints, these items are not considered to be of such concern as to merit refusal or significant re-design.

In conclusion the proposal is considered to be acceptable in design terms with no adverse impact on the immediate townscape, including the setting of nearby designated heritage assets. As such the proposal would accord with design policies S25 and S28 of our City Plan; and DES 1, DES 5, DES 6, DES 9 and DES 10 of our UDP.

### **8.3 Residential Amenity**

The nearest residential property is 1 Carlton Vale, whose rear garden boundary wall runs along the back of pavement opposite the proposed extension on Lanark Road. The impact of the extension in terms of losses of light and increased sense of enclosure to this property is unlikely to be significant. No. 1 Carlton Vale has a perpendicular orientation to the proposed extension whilst the extension itself would be comparable to the existing school building. Coupled with the relatively large separation distance between the extension and 1 Carlton Vale (approximately 11m), it is not anticipated that the proposal would result in significant loss of light or increased sense of enclosure to that property.

A comment from an occupier of Didbin House has also been received. This objector notes that a daylight/sunlight assessment has not been provided. However, the proposed roof extension adds only a single set back storey that is confined to the main roof, with the roof of the school building facing Carlton Vale remaining unchanged. Given

this and the modest increase in height proposed, would not be reasonable to require a daylight and sunlight study. As all other residential properties are located either further from the proposed development or screened from it by surrounding development, it is not expected that the proposed development would result in unacceptable loss of light or increased sense of enclosure for these other properties.

The proposals involve the conversion of the current inaccessible flat roof to the main school building to a series of semi enclosed breakout space for students, with the roof of the proposed front extension proposed as an external terrace. Councillor Prendergast has expressed concerns regarding the impact of the proposed breakout spaces upon the residential environment of nearby residential properties, in particular the residents of Glasgow House to the south east of the site next to the existing raised sports pitch.

The nearest residential locations to the proposed roof terraces are. 1 Carlton Vale to the south west, Glasgow House to the South east, the villa style houses to the north east across Maida Vale and Didbin House to the north west across Carlton Vale. Maida Vale Villa style properties and Didbin House are a substantial distance from the terraces so the impact would be negligible.

For those closer properties, at No. 1 Carlton Vale and Glasgow house, in terms of overlooking, privacy and potential noise arising from the proposed roof terraces, the school use would operate principally during core school hours so would have limited impact upon these residential buildings which are typically occupied during the evenings and weekends. In addition, given the distance and angle between the proposed front extension and associated roof terrace and the boundary with No. 1 Carlton Vale as noted above, and the separation between the sports pitch and the flank facade of Glasgow House to the south east, with activity on this part of the roof an existing feature, the impact with regards to additional audible activity and overlooking would be minimal.

Notwithstanding this, in the absence of proposed hours of use of the terraces and covered sports pitch, it is considered necessary to restrict the hours of use to core school hours only, to safeguard the amenity of nearby residents. This will be secured through planning condition.

As such the proposals would accord with the amenity policies S29 of our City Plan; and ENV 13 of our UDP.

#### **8.4 Transportation/Parking**

The Transport Assessment indicates that the site currently has 26 car parking spaces and the proposal will result in a reduction to 23 spaces only. The development proposals do not change the situation significantly with respect to prioritising the pedestrian and school interface with the road which is currently car dominated. This is disappointing given the conflict these spaces create with pedestrians walking around the site – including students. Notwithstanding this, given the reduction on onsite parking consistent with UDP policy and that works are limited to within the site curtilage only and facilitate greater wheelchair access to the building, the proposals are not objectionable on these grounds.

In terms of wider impacts upon parking, the school site is within a Controlled Parking Zone which will ensure that any change in parking arrangements would not have a significantly detrimental impact on vehicle parking.

The City Councils Highways Planning Manager has identified that the two flank wall structures, proposed either side of the proposed cantilevered front extension on Lanark Road shown on drawing A-3-120, will potentially obstruct the visibility of reversing vehicles. Given the potential for high levels of pedestrians in this location, an amending condition is recommended to facilitate their removal. The Highways Planning Manager also identify potential lack of clearance where the building over sails the front of the site. This however remains within the application curtilage so is an issue for the school to consider to protect the building from high vehicles rather than a highways issue.

In terms of cycle parking, London Plan policy 6.9 requires 1 space per 8 staff and 1 space per 8 students. No cycle parking is indicated as part of this proposal. 150 additional students and 10 additional staff would require a minimum of 20 cycle parking spaces.

Presently secure cycle parking is provided within the east side of the playground adjoining Maida Vale. The proposed plans do not show this nor any alterations to it. A condition is recommended to secure cycle parking details.

As such, the proposals accord with the policies TRANS22 of our UDP and 6.9 of the London Plan.

## **8.5 Economic Considerations**

Improvements to the school facility are beneficial to the local economy by way of accommodating new and improved facilities for the school with additional job generation.

## **8.6 Access**

In terms of interim access during the construction works, an application for a new temporary visitors entrance provided on the Maida Vale side of the school site has been submitted. This involves the re-use of portable cabins situated opposite the site which up until recently provided ancillary space for the school. This application is currently under consideration.

Following the completion of the expansion works, the temporary entrances and accommodation will be removed from site and access will be provided through the new secure entrance on Lanark Road. A new access ramp and steps will provide Part M compliant access suitable for all users. The new entrance doors will have power-assisted opening with push pads to assist wheelchair users.

Once into the main school building, the current circulation routes, horizontally and vertically, are retained. The new third floor is accessed via an extension to the existing stairwells and a new proprietary platform lift from the second floor.

These arrangements are acceptable.



## 8.7 Other UDP/Westminster Policy Considerations

### Arboricultural Issues

The application included a Tree Report and Arboricultural Impact Assessment. This has been reviewed by the Arboricultural Manager who raises no objections subject to recommended conditions to secure details of tree protection and landscaping.

### Plant

Roof top plant within a proposed enclosure is proposed in connection with the new build areas and the plant requiring relocation from the existing roof. The submission provides a noise and acoustic report which has been assessed by the City Councils Environmental Health Officers, who are satisfied it will adhere with the Councils standard noise and vibration conditions, with respect to nearest audible properties.

### Refuse /Recycling

Presently refuse and recycling storage is located within the site curtilage adjacent to Carlton Vale. The plans do not include details of existing or proposed refuse and a condition is recommended to secure this.

### Sustainability

Policy S28 of the City Plan requires applicants to demonstrate how their scheme incorporates elements of sustainable design,. The scheme is not a major development given the additional floor area falls below 1000sqm. Notwithstanding this, the application is accompanied by an energy statement that evaluates the feasibility of measures to reduce carbon omissions, through an 'Energy Hierarchy', pursuant to London Plan policy 5.1 which requires major developments reduce their Carbon emissions by at least 35% in relation to Building Regulations Part L levels. The statement supports the provision of new Photovoltaic (PV) Cells covering 140sqm of rooftop space atop of Block B, capable of provide 35% reductions so is considered acceptable.

## 8.8 London Plan

The London Plan 2015 (consolidated with alterations since 2011) is the strategic plan for Greater London, setting out an integrated, economic, environmental, transport and social framework for the development of London over the next 20-25 years.

Policy 3.18 'Education Facilities' under the heading 'Strategic' confirms that the Mayor will support provision of secondary school facilities adequate to meet the demands of a growing and changing population and to enable greater educational choice.

The proposals adhere with these objectives.

## 8.9 National Policy/Guidance Considerations

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

### 8.10 Planning Obligations

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

The increase in floor area is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). However given the use is a school, the development is eligible for relief in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) which will have to be applied for following the granting of planning permission.

### 9. BACKGROUND PAPERS

1. Application form
2. Response from Paddington Waterways and Maida Vale Society dated 17 January 2016
3. Letter from Maida Vale Ward Councillor Prendergast, dated 18 January 2017
4. Response from Building Control - Development Planning, dated 9 January 2017
5. Response from Highways Planning, dated 22 December 2016
6. Response from Highways Planning – Waste, dated 21 December 2016
7. Response from Plant And Equipment, dated 4 January 2017
8. Response from Arboricultural Officer, dated 25 January 2017
9. Letter from occupier of 27 Didbin House, Maida Vale, Dated 7 March 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: NATHAN BARRETT BY EMAIL AT NBARRETT@WESTMINSTER.GOV.UK

10. KEY DRAWINGS

Visual of proposed extension on Lanark Road and below aerial view showing wider roof canopies proposed.



Proposed canopy facing Lanark Road and below wider view of proposed roof canopies from Maida Vale.



**DRAFT DECISION LETTER**

**Address:** St Georges Rc Secondary School, Lanark Road, London, W9 1RA

**Proposal:** Demolition of single storey front extension along Lanark Road and the erection of replacement 3 storey extension, plus erection of roof extension to main building; providing additional facilities for up to 150 additional students. Creation of third floor external break out spaces with associated installation of rooftop canopies, including covering of existing roof top sports pitch. Installation of plant equipment at third floor plus solar PV panels to roof of main building (Council's Own Development)

**Plan Nos:** Location plan, P060\_A-3-000, P060\_A-3-001, P060\_A-3-002, P060\_A-3-003, P060\_A-3-004, P060\_A-3-051, P060\_A-3-052-FF, P060\_A-3-053-SF, P060\_A-3-100, P060\_A-3-101\_C, P060\_A-3-102\_B, P060\_A-3-103\_B, P060\_A-3-104\_B, P060\_A-3-105, P060\_A-3-106, P060\_A-3-120, P060\_A-3-122, P060\_A-3-123, P060\_A-3-130, P060\_A-3-131, P060\_A-3-132, P060\_A-3-133, P060\_A-3-140, P060\_A-3-141, P060\_A-3-142, P060\_A-3-143, P060\_A-3-200 A, P060\_A-3-201, P060\_A-3-202, P060\_A-3-203, P060\_A-3-204 A, P060\_A-3-205 A, P060\_A-3-206, P060\_A-3-207, P060\_A-3-208, P060\_A-3-209, P060\_A-3-300 A, P060\_A-3-301 A, P060\_A-3-302 A, P060\_3-900-SPEC, P060\_3-903-FSCH, 15400/M/501 (Mechanical Plant room layout), A-3-054 (roof demolition plan)

Visuals (PROPOSED VIEWS OF NORTHERN ELEVATION FROM MAIDA VALE), Visuals (PROPOSED VIEWS OF SOUTHERN ELEVATION FROM LANARK ROAD), Design and Access Statement dated 14 June 2016, Flood Risk Assessment dated August 2016, Desk Study for Potential Unexploded Ordnance Contamination dated October 2015, Noise assessment dated April 2016, Plant noise assessment dated May 2016 and technical specification sheet, Daylight Assessment dated 25 November 2015, PHASE 1 PRELIMINARY RISK ASSESSMENT prepared by RPS dated September 2015, Sustainability Statement for Planning dated 10 June 2016, Planning statement dated June 2016, Trees and Construction BS5837 Tree Survey Assessment 16057/A1\_Rev.A, Trees and Construction BS5837 Tree Survey, Arboricultural Implications Assessment & Method Statement 'considerations' 16057/A1\_AIA, Transport Assessment dated August 2016, Absorption requirements schedule dated 22 April 2016, Acoustic Design Specification dated May 2016, Extended Phase 1 Habitat Survey and Daytime Bat Inspection dated March 2016

**Case Officer:** Samuel Gerstein

**Direct Tel. No.** 020 7641 4273

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

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

- i) The new windows and framing components to the Block B extension;
- ii) Soffit to the oversailing element of the Block B extension;
- iii) Entrance ramp railings;
- iv) PV panels;
- v) External appearance of riser in new extension.

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

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)

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

Reason:

To 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)

- 6 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme;

- Revised proposed floor plan (drawing No. A-3-120) showing the removal of two ground floor flank structures located either side of the cantilevered extension on Lanark Road.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

Given the continued proposed presence of vehicle parked in front of the proposed extension, the two flank structures would obstruct the visibility of reversing vehicles. Their removal therefore is in the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

- 7 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not 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 school. (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)

- 8 You must apply to us for approval of details of secure cycle storage (minimum 20 cycle parking spaces within the development site) for the school. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation of the extension. You must not use the cycle storage for any other purpose.

Reason:

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

- 9 Before you begin to use the new school buildings, you must apply to us for approval of a Travel Plan. The Travel Plan must include details of:
- (a) A comprehensive survey of all users of the school;
  - (b) Details of local resident involvement in the adoption and implementation of the Travel Plan;
  - (c) Targets set in the Plan to reduce car journeys to the school;
  - (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the new school buildings are occupied.

At the end of the first and third years of the life of the Travel Plan, you must apply to us for approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

Reason:

In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2, TRANS 3 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007. (R45AB)

- 10 (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.

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

Reason:

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

- 12 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency

use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 13 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within first available planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species.

(C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

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

Reason:

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

- 15 You must apply to us for our approval of any work you want to carry out on any trees. You must not start any work until we have approved what you have sent to us. The tree work must be carried out according to the approved details. (C31NA)

Reason:

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

- 16 The proposed external terraces and covered rooftop sports pitch shall only be used between the hours of 08:00 and 18:00 Monday to Friday.

Reason:

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

**Informative(s):**

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

- 3 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 The term 'clearly mark' in condition 7 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold

levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 7 The School Travel Plan required by condition 9 should consider the following:
  - a) The schools will carry out regular surveys of students and staff at least every 2 years so no survey data is more than 2 years old. If the data currently submitted in the STP is more than 2 years old then a survey will be carried out within 3 months.
  - b) The schools will circulate details of all proposed soft and hard measures to local residents. This information can be in the form of a circular or other suitable method.
  - c) From the recent surveys of travel behaviour at the school a set of revised targets will be produced within 3 months of the survey data.
  - d) Each school will supply a detailed and up to date action plan and identify how they will deal with not achieving annual targets. This will require annual monitoring. Each Action Plan will look forward for at least 5 years.
  
- 8 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.
  
- 9 In order to improve the Lanark Road frontage it is envisaged that it will be possible to plant strategic trees, shrubs and climbing plants along the building frontage between the car parking spaces (in line with existing pavement bollards), in front of the new access ramp and against the building in appropriate places.

Furthermore the existing planters on the Maida Vale boundary that are removed for the temporary buildings were planted in response to a condition for landscaping for a previous development. This was meant to be permanent landscaping and not temporary planters. This area should be re-landscaped with permanent landscaping in the ground when the temporary buildings are removed.

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

# Agenda Item 3

Item No.
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<b>3</b>
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 21 March 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>	32 Gatliff Road, London, SW1W 8QQ,		
<b>Proposal</b>	Use of the ground floor unit as a mixed cafe, shop and fitness studio (sui generis).		
<b>Agent</b>	Firstplan		
<b>On behalf of</b>	Camilla Crown Design Ltd & Paola' s BodyBarre		
<b>Registered Number</b>	16/12154/FULL	<b>Date amended/ completed</b>	21 December 2016
<b>Date Application Received</b>	21 December 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>			

## 1. RECOMMENDATION

Grant conditional permission.
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## 2. SUMMARY

The application relates to the ground floor commercial unit located at the northern end of Hepworth Court (formerly known as 'Building F') within the predominantly residential Grosvenor Waterside development. Permission is sought for use of this unit (190sqm) for mixed cafe, shop and fitness studio (sui generis) purposes.

Permission was originally granted (as part of the redevelopment of the former Gatliff Road depot site) for use of this unit as a restaurant (Class A3). The unit has never been occupied for A3 purposes; it has instead been used as a marketing suite for Grosvenor Waterside and more recently as a retail (interior design) showroom (Class A1).

The application has been submitted on behalf of Paola's BodyBarre who first established in March 2014 and now operate in 9 other locations in London. The fitness classes offered are a blend of ballet and Pilates. There will be up to 10 classes a day Monday to Friday and 4-6 classes a day on weekends with class sizes of up to 18 people. It is intended that the space will be used flexibly with a café area (up to 24 covers) retail area, studio space and private physiotherapy rooms. There will be 10 members of staff and it is proposed that the fitness studio would be open 06.00-22.30 Monday to Friday, 08.00-20.30 on Saturday and 10.00-20.00 on Sunday.

Objections have been received from Cllr Williams and residents of Gatliff Close and Grosvenor Waterside on highways safety, parking and amenity grounds. The residents are particularly concerned that the new fitness studio will generate additional vehicular traffic which will further worsen the on-going problems of pedestrian safety and unauthorised parking in Gatliff Road.

There will be no car parking spaces provided within Grosvenor Waterside for BodyBarre staff or clients. Anyone arriving by car will be turned away at the entrance of Gatliff Road by Grosvenor Waterside Estate Management staff. BodyBarre have submitted an Operational Management statement as part of their application which sets out measures for discouraging clients from driving to the site. Membership packs will provide studio members with information on how to get to the studio via public transport and on foot. It will also be made clear to members that there is no parking on site and that they will be fined if they attempt to do so. It should be noted that Gatliff Road is a private road and that the enforcement of parking controls along here is the responsibility of Estate Management staff.

There will be a single small/medium size food vehicle delivery daily. This will take place either at grade or via the basement servicing area for the Grosvenor Waterside development as a whole. The current Estate Management regime restricts servicing deliveries to no earlier than 08.00am. There are no planning restrictions on servicing and deliveries to this unit.

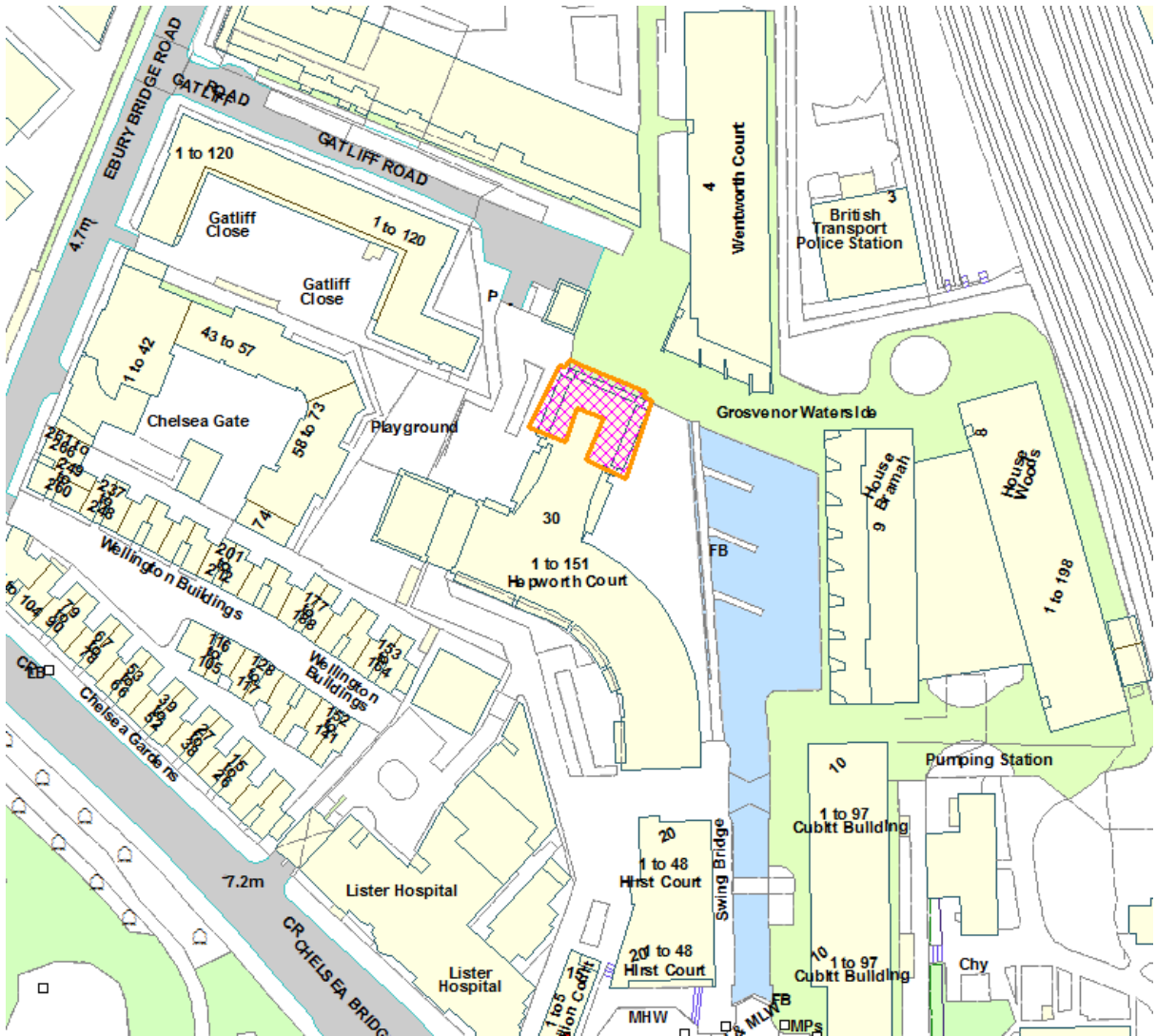
Temporary waste and recyclable storage will be provided within the unit itself. Waste and recyclables will then be moved to the Grosvenor Waterside communal waste and recycling store in the basement from where it is collected on a daily basis by the Council. Staff and clients will also be able to use the basement level communal cycle parking facilities and the surface level bike stands around the development; there is a row of bike stands immediately adjacent to the unit.

The proposed opening hours are considered reasonable given that the existing Grosvenor Waterside Health and Fitness spa at 7a Gatliff Road (underneath the landscaped podium between Bramah House and Woods House formerly known as Building C) is open daily from 06.00-23.00 hours.

The proposed use will provide a mix of A1 retail, A3 restaurant and D2 fitness studio; all of which are uses approved as part of the original Grosvenor Waterside masterplan. Concerns about the potential impact on other existing café businesses within Grosvenor Waterside are not a material planning consideration.

The proposal is considered acceptable in highway and amenity terms and accords with Unitary Development Plan (UDP) policies and Westminster City Plan policies and is therefore recommended for approval subject to conditions.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS





## 5. CONSULTATIONS

### COUNCILLOR WILLIAMS:

There should be conditions attached ensuring that there are no new parking facilities and no increase in traffic as a result of the proposed use.

### WESTMINSTER SOCIETY:

No objection.

### HIGHWAYS PLANNING:

Waste storage and cycle parking should be secured by condition

### CLEANSING MANAGER:

Waste storage should be secured by condition

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 340

Total No. of replies: 5

No. of objections: 5

Objections from individual residents and on behalf of the Gatliff Close Resident's Association and Grosvenor Waterside Resident's Committee on the following grounds:

#### HIGHWAYS

- Will generate more vehicular traffic, cyclists and pedestrians
- Will worsen vehicular/pedestrian conflict and safety on Gatliff Road
- On-going concerns about parking on the estate
- There should be no valet parking

#### AMENITY

- Potential disturbance from deliveries which should not be before 8am
- Air pollution from additional traffic and idling vehicles

#### OTHER

- Potential detrimental impact on existing café business in Grosvenor Waterside
- Already a gym in Grosvenor Waterside
- Gatliff Road is a private road which is repaired and maintained at residents expense

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. RELEVANT PLANNING HISTORY

26 November 2002 – outline permission was granted for residential use with ancillary commercial development comprising fitness club, restaurant/cafe and public house, children's resource centre, hospital annex, street sweeper's depot, recycling centre, open space and roads: Variation of Conditions 11 and 12 of outline permission dated 1 March 2000 to extend the time limit for the submission of reserved matters (02/06883/OUT).

15 April 2003 - reserved matters approved for Building F (now known as Hepworth Court) part five/part seven/part eight storey building comprising a cafe, children's day nursery, health and fitness centre and 137 residential units (02/09164/RESMAT).

30 June 2005 - permission granted for alterations during the course of construction of Building F pursuant to reserved matters approval dated 15 April 2003 for the detailed design and external appearance, land uses and car parking (02/09164/RESMAT) namely: external alterations in association with the change of use of part ground floor from health and fitness centre to provide 12 additional residential units (149 residential units in total) (04/05073/FULL).

13 December 2005 - Permission granted for the use of part ground floor (vacant Class A3 unit) in Hepworth Court (Building F) as a residential marketing suite for a temporary period of three years (05/08256/FULL).

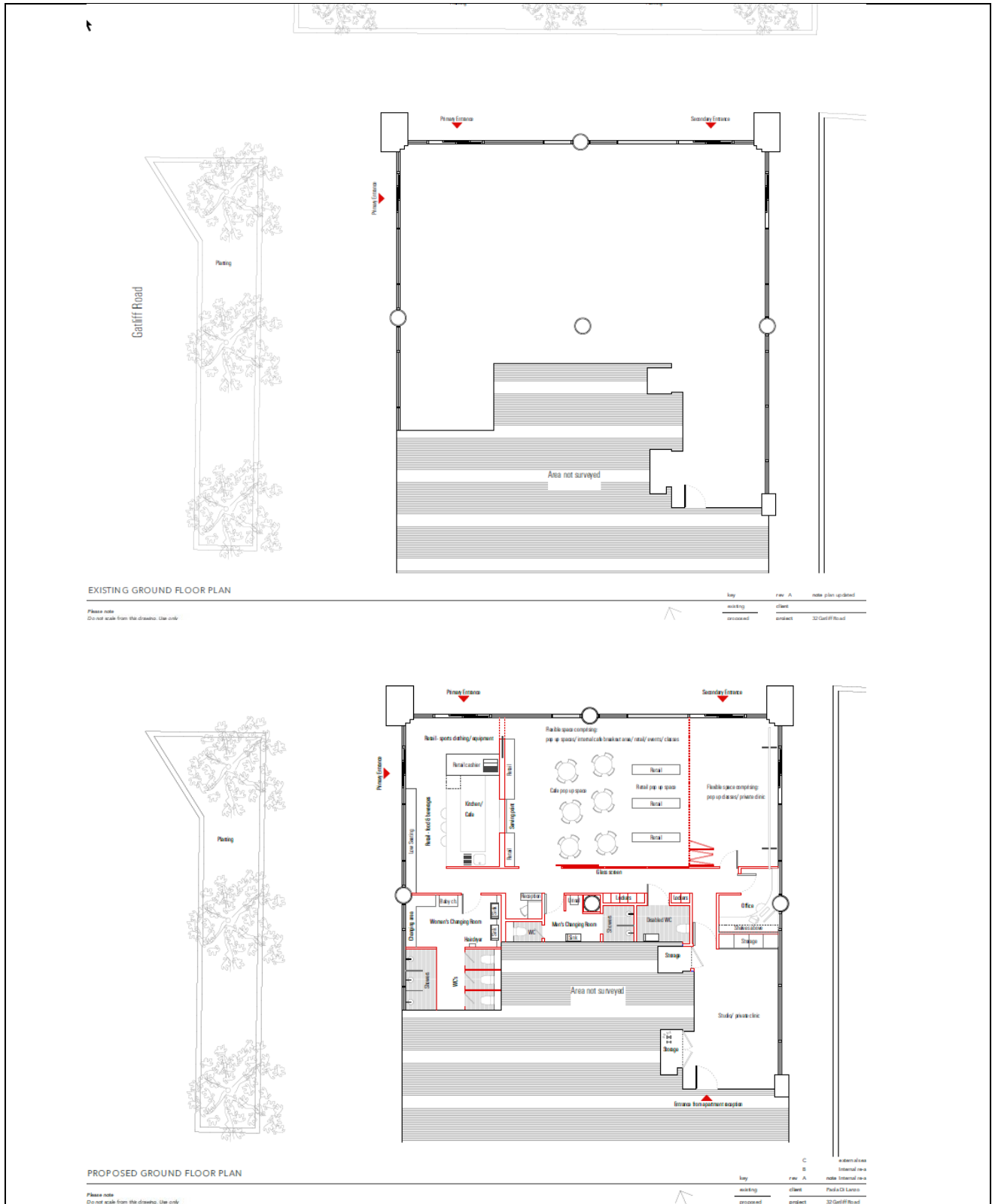
## **7. BACKGROUND PAPERS**

1. Application form and Paola's BodyBarre Operational Management Plan
2. Councillor Jason Williams email dated 29 January 2017
3. Westminster Society on-line comment dated 10 January 2017
4. Highways Planning Manager memorandum dated 19 January 2017
5. Cleansing Manager memorandum dated 12 January 2017
6. Apartment 186 Woods House, 7 Gatliff Road on-line dated 3 February 2017
7. 25 Gatliff Close on-line comment dated 11 February 2017
8. 9 Gatliff Close on-line comment dated 26 January 2017
9. 45 Gatliff Close on-line comment dated 26 January 2017
10. 70 Caro Point, Gatliff Road on-line comment dated 29 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: AMANDA JACKSON BY EMAIL AT [ajackson@westminster.gov.uk](mailto:ajackson@westminster.gov.uk)

### 8. KEY DRAWINGS



**DRAFT DECISION LETTER**

**Address:** 32 Gatliff Road, London, SW1W 8QQ,

**Proposal:** Use of the ground floor unit as a mixed cafe, shop and fitness studio (sui generis).

**Plan Nos:** Block Plan; Site Location Plan; L(-2)100 Rev. A; L(-2) 301 Rev. C; Paola's BodyBarre Operational Management Plan

**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 You must provide the waste store shown on drawing L(-2) 301 Rev. C before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the mixed cafe, shop and fitness studio. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling 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. (R14CC)

- 3 Customers shall not be permitted within the mixed cafe, shop and fitness studio premises before 06.00 or after 22.30 Monday to Friday, before 08.00 or after 20.30 on Saturdays and before 10.00 or after 20.30 on Sundays, bank holidays and public holidays. (C12AD)

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 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 4 No amplified sound from the mixed cafe, shop and fitness studio hereby permitted shall be audible from outside the premises.

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 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 5 You must not allow more than 42 customers into the mixed cafe, shop and fitness studio at any one time.

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 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 The mixed cafe, shop and fitness studio use hereby permitted shall only be operated in accordance with the submitted operational management plan unless a further operational management plan is submitted and subsequently approved by the City Council.

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 1 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 This permission does not allow any work which would change the outside appearance of the property. (I18AA)

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# Agenda Item 4

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 21 March 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	1 Carlton Hill, London, NW8 0JX		
<b>Proposal</b>	Demolition and replacement of the three storey rear closet wing extension and the installation of French doors at lower ground floor level.		
<b>Agent</b>	Mr Martin Evans		
<b>On behalf of</b>	Sovereign Trust Ltd.		
<b>Registered Number</b>	17/00233/FULL 17/00235/LBC	<b>Date amended/ completed</b>	13 January 2017
<b>Date Application Received</b>	11 January 2017		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

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

## 2. SUMMARY

No 1 Carlton Hill is a detached Grade II Gothic Villa located on the south side of Carlton Hill at its junction with Loudoun Road. The site lies within the St John's Wood Conservation Area.

Planning permission and listed building consent are sought to demolish and rebuild the 3 storey closet wing located on the south east elevation. The closet wing is identified as being a later addition to the historic core and has been compromised by the presence of dry rot, which has spread to the brickwork. In order to isolate the rot it is proposed to demolish the wing in its entirety, remove all fabric from the site and rebuild the closet wing using new materials but of a like for like scale and design, minus the existing chamfered sides at lower ground and ground floor levels. Additionally it is proposed to insert French doors on the rear elevation a lower ground floor level in replacement of a window.

An objection has been received from a neighbouring property regarding noise disruption, the parking of construction vehicles and the safety of nearby school children.

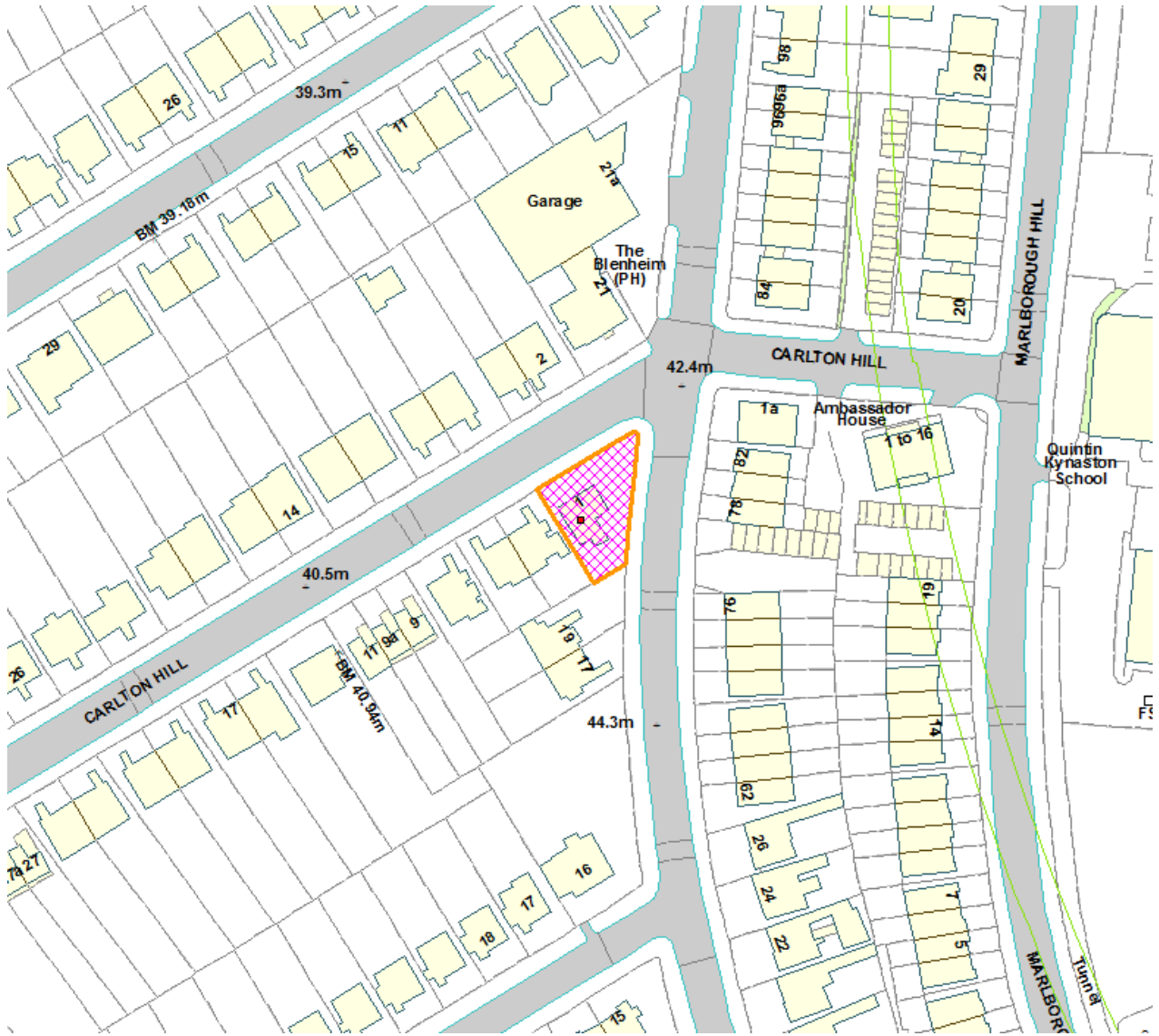
The key issues in this case are:

- The impact of the proposed works on special architectural and historic interest of this listed building and the character and appearance of the St John's Wood Conservation Area; and
- The impact of the proposed works on neighbouring residential amenity.

Subject to the recommended conditions, the proposal is considered to comply with the Council's policies in relation to design and amenity as set out in Westminster's City Plan and the Unitary Development Plan (UDP) and is accordingly recommended for approval.



### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front of Property as seen from Loudoun Road



Side of existing three storey rear extension

## 5. CONSULTATIONS

ST JOHN'S WOOD SOCIETY  
No objection to the proposal.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED  
No. Consulted: 11  
No. of objections: 1

In summary, the objector raises the following issues:

Amenity:

- Noise and disruption

Other:

- Concerns over parking of the construction vehicles  
- Safety of the schoolchildren in the nearby school

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

No 1 Carlton Hill is a detached Grade II Gothic Villa located on the south side of Carlton Hill at its junction with Loudoun Road. The site lies within the St John's Wood Conservation Area. The application site is in use as a single family dwelling.

### 6.2 Recent Relevant History

#### 16/04560/FULL

Installation of replacement of all windows in the rear extension and one window on the side elevation with like for like and internal repair works to rear extension.

Application Permitted                      20 June 2016

#### 15/01182/FULL

Excavation of a new basement level and associated internal and external alterations

Application Permitted                      15 April 2016

#### 14/05590/FULL

Demolition of an existing rear extension, the erection of a two storey extension, installation of new ground floor window and the excavation of a new basement level including front and side lightwells.

Application Refused                      2 September 2014

## 7. THE PROPOSAL

Planning permission and listed building consent are sought for demolition and rebuilding of the three storey closet wing located on the south east elevation. The closet wing is identified as being a later addition to the historic core and has been compromised by the presence of dry rot, which has spread to the brickwork. In order to isolate the rot it is proposed to demolish the wing in its entirety, remove all fabric from the site and rebuild the closet wing using new materials but of a like for like scale and design, minus the existing chamfered sides at lower ground and ground floor levels. Additionally it is proposed to insert French doors on the rear elevation a lower ground floor level in replacement of a window.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The application does not raise any land use issues as the proposed extension replaces an existing one. This is considered acceptable in land use terms.

### **8.2 Townscape and Design**

The building has historically been extensively altered and there is limited fabric of architectural or historic interest internally. Accordingly, the special interest of this building derives primarily from the buildings external appearance, architectural form and relationship with its setting. It is noted from the Heritage statement and having been on site that the closet wing is a later addition to the building and contains modern fabric associated with recent construction and refurbishment. Therefore the principle of demolishing this element is considered to be acceptable in this instance. Furthermore, removal of the extensive dry rot that is present will ensure the longevity of the core of the heritage asset.

The replacement closet wing will be like for like with the existing in terms of its height, width, depth and architectural detailing. However, it will have a square form rather than being chamfered. This modest increase in mass is not considered to be harmful to the architectural style of the host building and its special interest. The insertion of a door in place of a window is not contentious and sections have been provided showing the door to be traditionally constructed.

Insertion of French doors on the rear elevation of the core, which are of the same width as the opening above, would have a limited impact on this heritage asset as it is of an appropriate scale and positioning.

The proposals would preserve the special architectural and historic interest of this listed building and would preserve the character and appearance of the St Johns Wood Conservation Area. The proposed development is consistent with policies DES 1, DES 5, DES 9 and DES 10 of the UDP as well as policies S25 and S28 of the City Plan.

### **8.3 Residential Amenity**

The proposed extension would be of a comparable scale to the existing extension. The modest increase in mass from the square plan form would not result in unacceptable loss of daylight/sunlight, increased sense of overlooking or loss of privacy by virtue of the small increase in the size of the proposed extension and the distance from the nearest properties.

The proposed development is consistent with policies S29 of the City Plan and ENV 13 of the UDP.

#### **8.4 Transportation/Parking**

The proposal does not raise any transportation or parking considerations.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

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. The proposals do not trigger the requirement for a Community Infrastructure Levy payment.

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

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

#### **8.12 Other Issues**

Issues regarding the location of the parking of the construction vehicles and safety of the nearby school children have also been raised. Given the scale of the proposed works, few construction vehicles are envisaged visiting the site and refusal of the application on this basis would not be sustainable.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from St John's Wood Society, dated 13 February 2017
3. Letter from occupier of 76 Loudoun Road, London, dated 22 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: NATHAN BARRETT BY EMAIL AT [NorthPlanningTeam@westminster.gov.uk](mailto:NorthPlanningTeam@westminster.gov.uk).

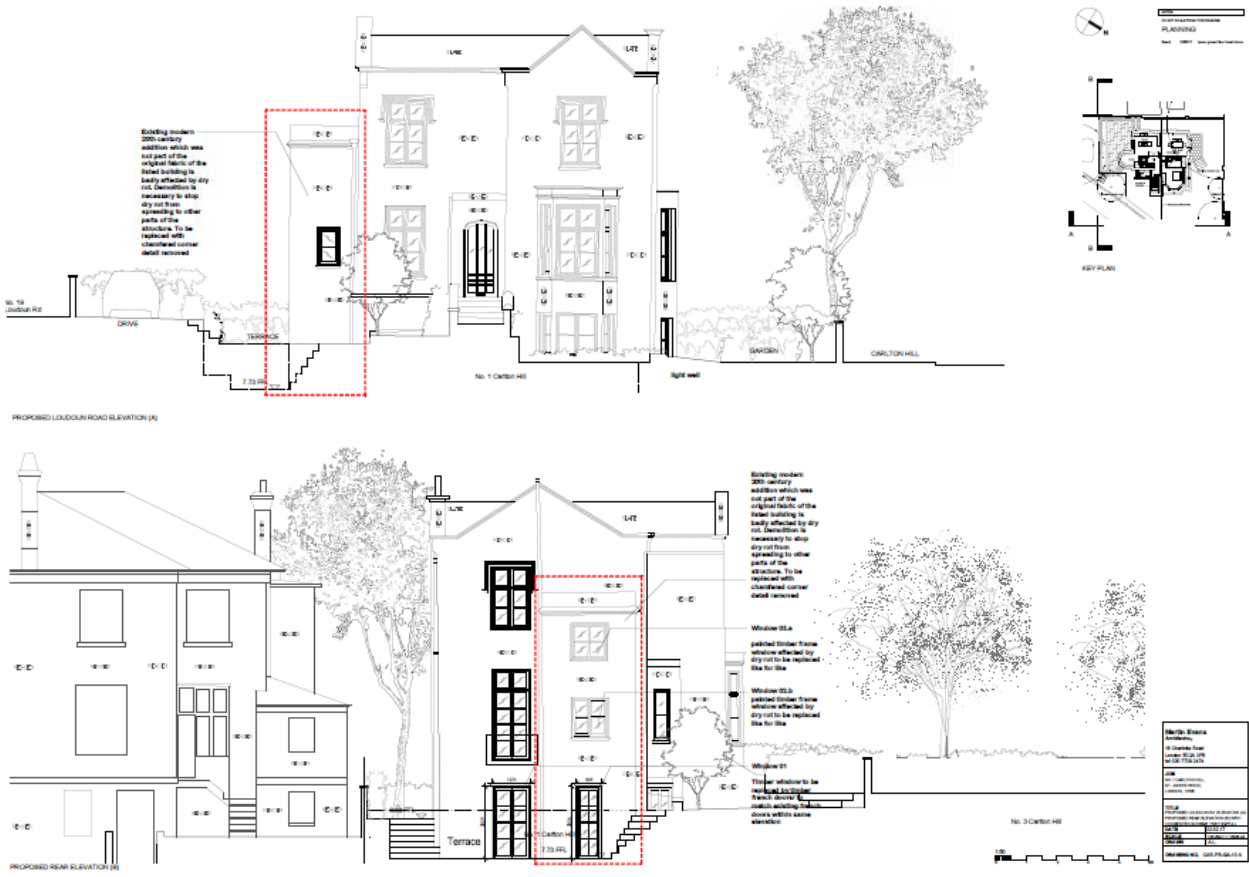
### 10. KEY DRAWINGS

#### Existing Side/Rear Elevation





Proposed Rear/Side Elevation



**DRAFT DECISION LETTER**

**Address:** 1 Carlton Hill, London, NW8 0JX

**Proposal:** Demolition and replacement of the three storey rear closet wing extension and the installation of French doors at lower ground floor level.

**Reference:** 17/00233/FULL

**Plan Nos:** CAR-LOC-GA-01, CAR-EX-GA-02, CAR-EX-GA-03, CAR-EX-GA-04, CAR-EX-GA-05, CAR-EX-GA-06, CAR-DEM-GA-02, CAR-DEM-GA-03, CAR-DEM-GA-04, CAR-DEM-GA-05, CAR-DEM-GA-06, CAR-PR-GA-08, CAR-PR-GA-11, CAR-PR-GA-10 A, CAR-PR-GA-07, CAR-PR-GA-09, CAR-PR-GA-12 A and Design and Access Statement (undated).

**Case Officer:** Frederica Cooney

**Direct Tel. No.** 020 7641 7802

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

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

Reason:

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

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

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

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

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

Reason:

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

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

(C26AA)

Reason:

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

**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)

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

**DRAFT DECISION LETTER**

**Address:** 1 Carlton Hill, London, NW8 0JX

**Proposal:** Demolition and replacement of the three storey rear closet wing extension and the installation of French doors at lower ground floor level.

**Reference:** 17/00235/LBC

**Plan Nos:** CAR-LOC-GA-01, CAR-EX-GA-02, CAR-EX-GA-03, CAR-EX-GA-04, CAR-EX-GA-05, CAR-EX-GA-06, CAR-DEM-GA-02, CAR-DEM-GA-03, CAR-DEM-GA-04, CAR-DEM-GA-05, CAR-DEM-GA-06, CAR-PR-GA-08, CAR-PR-GA-11, CAR-PR-GA-10 A, CAR-PR-GA-07, CAR-PR-GA-09, CAR-PR-GA-12 A and Design and Access Statement (undated).

**Case Officer:** Frederica Cooney

**Direct Tel. No.** 020 7641 7802

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

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

Reason:

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

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

Reason:

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

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or

historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

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# Agenda Item 5

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 21 March 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>	<b>Harley Street Underground Car Park, Queen Anne Mews, London, W1G 9HF,</b>		
<b>Proposal</b>	Use of part of the public car park (part third basement level) as a self- storage facility (Class B8).		
<b>Agent</b>	Mr Oren Barrie		
<b>On behalf of</b>	Mr Oren Barrie		
<b>Registered Number</b>	16/10759/FULL	<b>Date amended/ completed</b>	28 November 2016
<b>Date Application Received</b>	10 November 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Harley Street		

## 1. RECOMMENDATION

Grant conditional permission.
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## 2. SUMMARY

This application relates to part of the Harley Street public car park. Permission was granted in August 2009 for the use of the whole of third basement level as a self-storage facility but this permission was not implemented. Further permission was granted in October 2013 for the use of part of the third basement level for the same use, and this use has commenced. The current application seeks permission for the use of the remainder of the third basement as an extension to the self-storage facility (Class B8) and would provide 122 additional storage units (249 in total) and result in the loss of 80 car parking spaces.

The key issues in this case are:

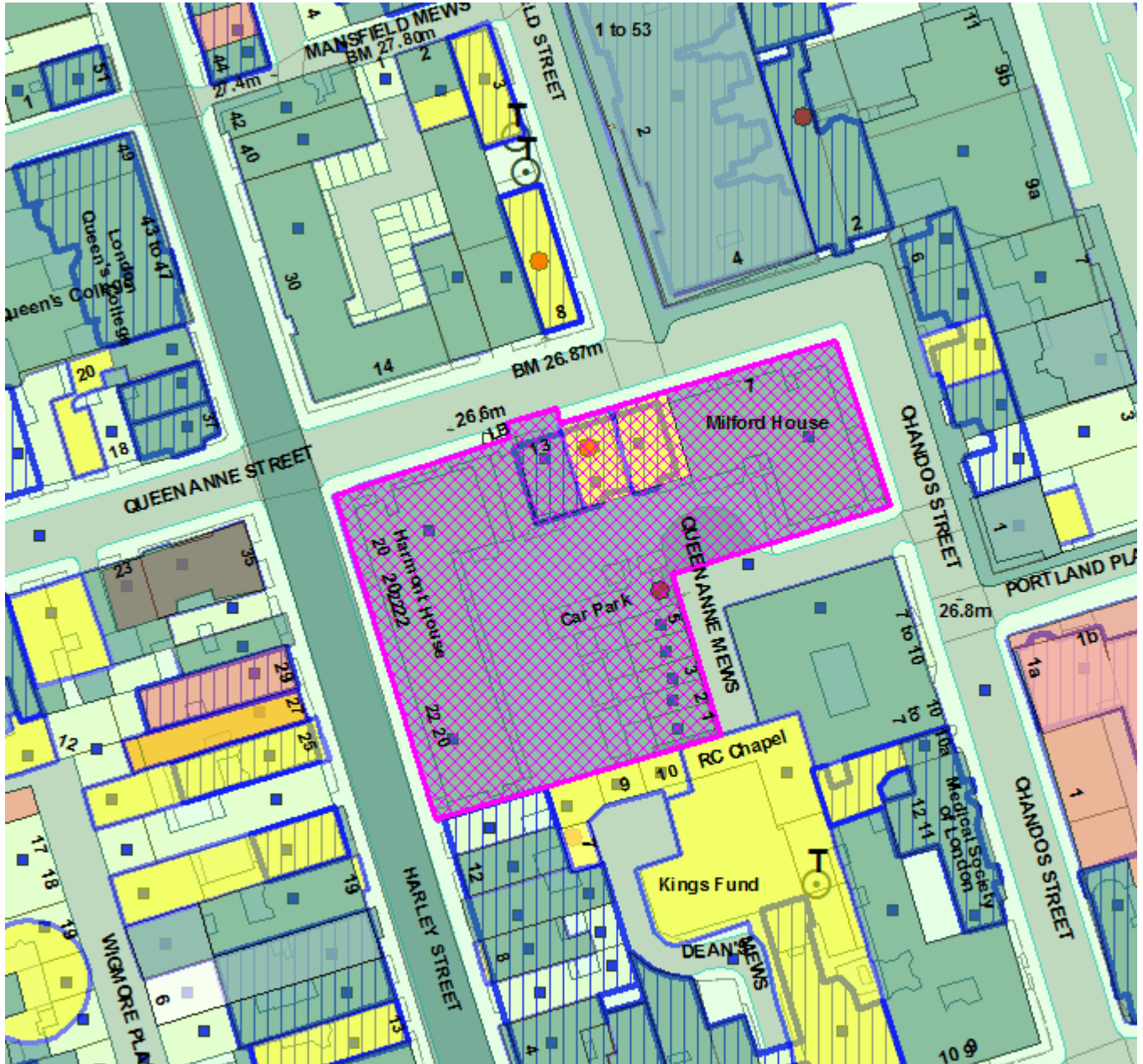
- The impact of the proposal on on-street parking demand and traffic generation.
- The impact of the use upon residential amenity

Objections have been received on parking, highway safety and amenity grounds. The loss of

the loss of public car parking spaces and the proposed use are considered acceptable, in principle, in land use terms. Subject to appropriate conditions, it is not considered that the proposals would adversely affect the amenity of neighbouring residential properties or would compromise highway safety. The application is considered to comply with relevant UDP and City plan policies and is therefore recommended for approval.



3. LOCATION PLAN



4. PHOTOGRAPHS



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION:

Objection: existing facility does not operate in accordance with the approved Traffic Management Plan, noise and pollution from idling (oversized) delivery trucks and loading/unloading of trollies outside of permitted opening hours; car park exit blocked by oversized vehicles.

### HIGHWAYS PLANNING MANAGER:

No objection subject to conditions

### CLEANSING

Details of refuse/recycling storage arrangements required

### ADJOINING OWNERS / OCCUPIERS

No. consulted: 146 No of replies: 6 No of objections: 6 (including an objection from Milford/Harmont Residents' Association)

- Loss of additional parking spaces
- Large delivery vehicles are unable to enter the carpark and unload at the entrance, using residents' parking spaces and blocking traffic on Queen Anne Mews to the detriment of highway safety
- Would exacerbate existing noise disturbance to neighbouring residential properties from deliveries/delivery trolleys, early morning/late night deliveries, operation of roller shutters, lack of soundproofing, noise from customers using the stair access
- No vehicle management plan nor details of how vehicles will park/load/ turn on Queen Anne Mews
- The use does not operate in accordance with the approved details.
- Nuisance from 24 hour lighting

ADVERTISED/SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is Harley Street Underground Car Park, which is accessed via an entrance ramp in Queen Anne Mews. The car park is set over three basement levels beneath two blocks of residential flats (Milford House and Harmont House). There is a separate pedestrian staircase to the car park on the north side of Queen Anne Mews.

The site is within the Harley Street Conservation Area and within the Core Central Activities Zone.

The City Council has a leasehold interest in the site and the car park is operated by Q Park Ltd.

## 6.2 Recent Relevant History

9 December 2010: Permission granted for retention of a roller shutter across the entrance/exit (to close the car park when required for maintenance purposes or in an emergency). The hours of use of the roller shutter were restricted by condition.

(24 November 2014: Permission granted to remove the operating hours restriction on the use of the roller shutter).

6 August 2009: Permission granted for use of whole of basement level 3 to provide 369 lettable self-service storage units (Class B8). This scheme resulted in the loss of 132 car parking spaces. Not implemented.

29 October 2013 Permission granted for the use of part third basement level as a self-storage facility, providing 127 self-storage units, with an administrative office at first basement level (13/07597/FULL). This scheme resulted in the loss of 47 car parking spaces. Implemented.

The approved operating hours are between 08.00 and 20.00.

Conditions were attached requiring i) the approval of details of waste and recycling storage, ii) the submission of a revised Operational Management Plan (OMP) including reference to vehicle size limits in all marketing information and iii) details of security measures including CCTV and security lighting. It is noted that none of these pre-commencement conditions has been discharged. However, this information has been submitted in support of the current application.

## 7. THE PROPOSAL

This application is for the use of the remainder of the third basement level as an extension to the existing self-storage facility, occupying an additional 80 public car parking spaces at that level. Three customer parking spaces would be provided would be provided in association with the use.

Prefabricated storage units would be laid out over a set grid of pedestrian walkways. A maximum of 122 storage units would be provided, of varying sizes, making a total of 249 storage units on the site. The proposals would result in the loss of 80 of the 281 remaining car parking spaces.

The expanded facility would have two three employees (two full time and one part time) who would operate from the existing office. There would be no change to the permitted operating hours.

The application includes details of internal CCTV and security lighting, and details of waste storage. The submitted OMP has been revised to provide full operational details.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **8.1.1 Loss of car parking**

UDP policy TRANS 25 states that the council will usually permit the loss of public off-street parking. In determining such proposals, the Council will consider the need to reduce traffic levels and encourage more sustainable modes of transport, the average and peak usage of the car park, the availability of alternative, nearby public car parks; the impact on local on-street parking facilities; the impact on traffic and local residential amenity and any other factors considered relevant.

The proposals would result in the loss of an additional 80 car parking spaces (making a total loss of 127 spaces in conjunction with the 2013 approval) but slightly less than the permitted loss of 123 spaces under the 2009 permission. The scheme would retain 201 car parking spaces.

Objections have been received on the grounds that the scheme would increase the demand for on-street parking in the area. However, the Highways Planning Manger considers that given the general occupancy level of the car park (an average of 141 vehicles on weekdays), the proposal would not result in parking overspill to neighbouring streets, particularly given the presence of nearby public car parks at Cavendish Square and Welbeck Street, which are approximately 150m from the site. The application would maintain the provision of 55 residents' parking spaces.

In view of the above, the proposals are considered to be in accordance with UDP policy TRANS 25.

#### **8.1.2 Proposed use**

Council policies do not refer specifically to self-storage facilities. However, such a use could broadly be considered to fall within the remit of UDP policy COM 11, which relates to new general industrial or commercial warehouse floorspace, albeit that the proposed use is on a smaller scale. The policy states that such uses will only be approved where they are located close to the strategic road/rail network, the accommodation is particularly suited to the proposed use, the servicing

requirements can be adequately met within the site and there would be no adverse impact on residential amenity.

The use of the entire third basement level as a self-storage facility has previously been approved. On this basis, as the loss of the existing car parking is considered acceptable, and given the nature, and relatively small scale of the proposed use, the proposal accords with the objectives of policy COM 11 is considered acceptable in principle in land use terms. The impact of the use on the highway network and residential amenity is discussed in sections 8.2 and 8.4 below.

## 8.2 Highways

Objections have been received on the grounds that the existing facility is not being operated in accordance with the approved Operational Management Plan. It is noted that a finalised OMP was never submitted as required by a condition attached to the 2013 permission.

In particular, objectors are concerned that the facility is visited by a number of large delivery vehicles which are unable to enter the car park, due to height restrictions, and which unload at the carpark entrance, restricting access, or park in residents' parking bays or block Queen Anne Mews to the detriment of the free flow of traffic and highway safety. Objectors are also concerned that the application is not accompanied by a vehicle management plan and that details demonstrating how vehicles will park/load/ turn on Queen Anne Mews have not been provided.

Both sides of Queen Anne Mews are painted with single yellow lines which control the parking of vehicles within the mews and are designed to prevent obstruction of the highway. Any breaches of parking control are dealt with by other agencies.

The application is supported by an OMP, which has been updated during the course of the application. This document requires all customers to sign an agreement, before hiring any units, which includes an acknowledgement that there is a 1.8m height restriction to the car park access. This height restriction is also advertised on the operator's website and at the car park entrance.

A condition is recommended to require the premises to operate in accordance with the OMP. Further conditions are recommended to require all loading/unloading to take place within the premises and to prevent any goods being received at/dispatched from the premises other than from/to vehicles parked within the facility. Subject to these controls, it is not considered that the application could justifiably be recommended for refusal on highways grounds.

The premises layout would enable vehicles to enter and leave the site in forward gear. In these circumstances, there would be no requirement for vehicles to turn within the mews.

The Highways Planning Manager has requested a condition requiring the provision of staff cycle parking in association with the use. Details of secure staff cycle parking would be reserved by condition.

### 8.3 Residential Amenity

Policies ENV 6 and ENV 7 of the UDP and City Plan policy S32 require new developments to minimise noise disturbance and to protect noise sensitive properties. The City Council will apply conditions when approving schemes in order to limit noise emissions. City Plan policy S29 seeks to safeguard the amenity of neighbouring residential properties.

A number of objections have also been received on the grounds that the proposals would exacerbate noise disturbance associated with the existing operation including noise from deliveries/delivery trolleys and from the use of the entrance roller shutter, which has been the subject of previous complaints. However, subject to the conditions outlined about, which seek to ensure that all loading and unloading of goods takes place within the premises, during permitted operating hours, it is not considered that the proposals would have any greater impact on noise levels than would the existing car park use.

The roller shutter is managed by the car park operators. The current application does not propose any change to the operation of the roller shutter, which is not subject to controls over the hours of its use. In these circumstances, it is not considered that these objections could be supported.

Objectors are also concerned that the storage facility is not adequately soundproofed, resulting in noise disturbance to neighbouring residents. However, all loading/unloading would take place at third basement level and the closest residential properties are at ground level. Subject to a requirement for the use to operate in accordance with the OMP, it is not considered that the level of disturbance arising from the proposed use would be any greater than that associated with the existing use as a public car park.

An objection has been received on the basis that customers accessing the self-storage facility via the stairwell cause unacceptable noise disturbance. Although these concerns are noted, it is not considered likely that pedestrian activity/noise from customers visiting the storage facilities have the potential to cause any greater disturbance than drivers accessing parking vehicles within the existing parking spaces.

An objection has been received with regard to disturbance from 24 hour lighting on the site being a nuisance. The current proposal includes internal security lighting at third basement level which would not be visible from any neighbouring residential

properties. Objections relating to noise disturbance relating to the conversion of the premises for the proposed use are noted and it is recommended that a condition is imposed to restricted the hours of building works.

In conclusion, subject to appropriate operating conditions, it is not considered that the proposed use could would have an adverse impact upon the amenities of neighbouring residents.

#### **8.4 Townscape and Design**

No external alterations are proposed.

#### **8.5 Economic Considerations**

Any economic benefits generated by the scheme are welcomed.

#### **8.6 Access**

Access to the car park and self-storage facility would remain as existing.

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

##### **8.7.1 Waste and recycling**

The proposed arrangements for the storage of waste and recyclable materials are considered acceptable and would be secured by condition.

#### **8.8 London Plan**

Policy 6.13 of the London Plan seeks an appropriate balance between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use. The proposals would accord with the intent of this policy by re-developing excess parking spaces.

#### **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**

This application does not trigger any planning obligations.

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

No Environmental Impact Assessment is required.

#### **8.12 Other Matters**



It is noted that objections have been received on the grounds that the existing use does not operate in accordance with previously approved Operational Management/Traffic Plans. However, although a finalised OMP was not submitted for approval as required under the previous permission, the current OMP includes the obligations relating to the advertisement of height restrictions to the car park entrance, requested by the Planning Committee.

Records indicate that whilst complaints have been received in relation to noise generated by the use of the car park roller shutter, no other complaints have been received.

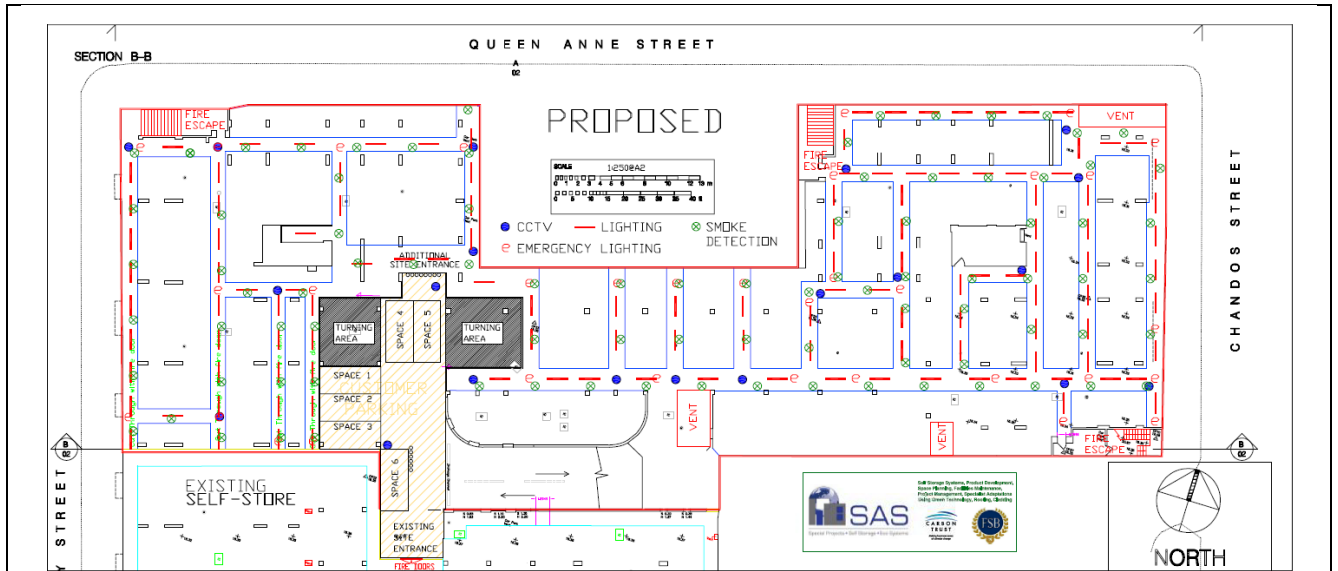
## 9 BACKGROUND PAPERS

1. Application form
2. Memoranda from Project Manager (Waste) dated 9 December 2016 and 8 March 2017
3. Memoranda from Highways Planning dated 19 January and 1 March 2017
4. Letter from occupier of Flat 8, Harmont House, 20 Harley Street, dated 12 December 2016
5. Letter from occupier of Flat 19, Harmont House, dated 15 December 2016
6. Letter from occupier of 1 Queen Anne Mews, dated 19 December 2016
7. Letter from occupier of 5 Milford, 7 Queen Anne Street, dated 21 December 2016
8. Letter from occupier of 5 Milford House, dated 21 December 2016
9. Letter from occupier of 65 Alfred Road, dated 13 January 2017

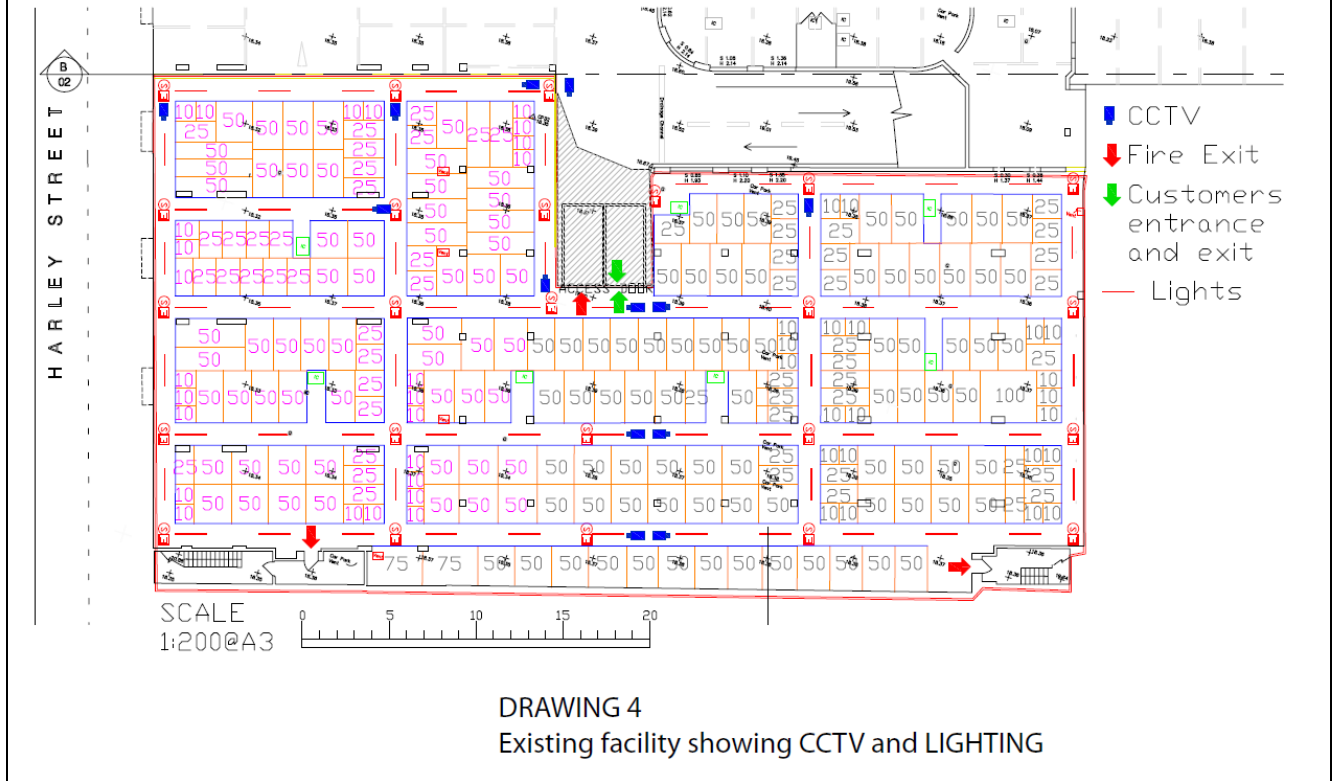
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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) .

10 KEY DRAWINGS



DRAWING 6  
PROPOSED CCTV and LIGHTING



DRAWING 4  
Existing facility showing CCTV and LIGHTING

**DRAFT DECISION LETTER**

**Address:** Harley Street Underground Car Park, Queen Anne Mews, London, W1G 9HF,

**Proposal:** Use of part of the public car park (part third basement level) as a self- storage facility (Class B8).

**Reference:** 16/10759/FULL

**Plan Nos:** Drawing 001 - Plan of Level -1, Drawing 03 - Plan of office, Drawing 4 - Existing facility showing CCTV and Lighting, Drawing 6 - Proposed CCTV and Lighting, Drawing 7 - Proposed storage units, LP 3RD Harley Street Car Park, 2209/L/01 - Location Plan, Operating and Management Statement by W1 Self Storage received 1/3/17

**Case Officer:** Gemma Bassett

**Direct Tel. No.** 020 7641 2814

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

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

Reason:

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

- 2 You must not open the self-storage premises to customers, and you must not allow customers on the premises, outside the following times: 08.00 - 20.00.

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 ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 3 The area outlined in red on approved Drawing Number 7- Proposed Storage Units shall

only be used for self-storage units. You must not use it for any other purpose, including within Class B8 of the Town and Country Planning (Use Classes) Order (1987) (as amended) (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use within Class B8 because it would not meet COM 11 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 4 You must provide each car parking space shown on approved Drawing Number 7 - Proposed Storage Units prior to the use hereby approved, and each car parking space shall only be used for the parking of vehicles of customers visiting the premises for the purpose of using the self-storage units. The car parking spaces indicated on the submitted plans should be dedicated for use by the self-storage facility implemented and maintained for the lifetime of the development

Reason:

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

- 7 The use hereby permitted shall not result in more than 122 additional individual self storage units within level -3 of the car park, and the total number of individual self storage units at level -3 shall not exceed 249.

Reason:

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

- 8 With the exception of the collection of refuse, the delivery and collection of all goods shall take place within level -3 of the car park and not outside the car park. No delivery or collection of goods shall take place outside of the opening hours: 08.00 - 20.00

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016)

and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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

Reason:

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

- 10 The Operating and Management Statement by W1 Self Storage received 1/3/17, hereby approved, shall be implemented and maintained for the lifetime of the development

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

- 2 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
  
- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

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> 21 March 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>	<b>Ground Floor Townsend House , 22-25 Dean Street, London, W1D 3RY</b>		
<b>Proposal</b>	1 - Installation of new shopfront, incorporating openable sash windows. 2 - Use of the public highway for the placing of 5 tables and 20 chairs in an area measuring 0.90m x 8.00m in association with the existing restaurant.		
<b>Agent</b>	Indigo Planning Ltd		
<b>On behalf of</b>	Firezza Ltd		
<b>Registered Number</b>	1. 17/00285/FULL 2. 17/00796/TCH	<b>Date amended/ completed</b>	13 January 2017
<b>Date Application Received</b>	1. 13 January 2017 2. 1 February 2017		1 February 2017
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

- 1 - Grant conditional permission.  
2 - Grant conditional permission.

## 2. SUMMARY

The application site is an unlisted building located within the Soho Conservation and the Core Central Activities Zone (CAZ). The building comprises a ground floor restaurant, offices on the first to second floors and 12 residential flats at third to sixth floor levels.

Separate applications have been submitted for the installation of a new shopfront to the restaurant, incorporating openable windows, and ii) for the placing of tables and chairs on the highways in association with the restaurant use.

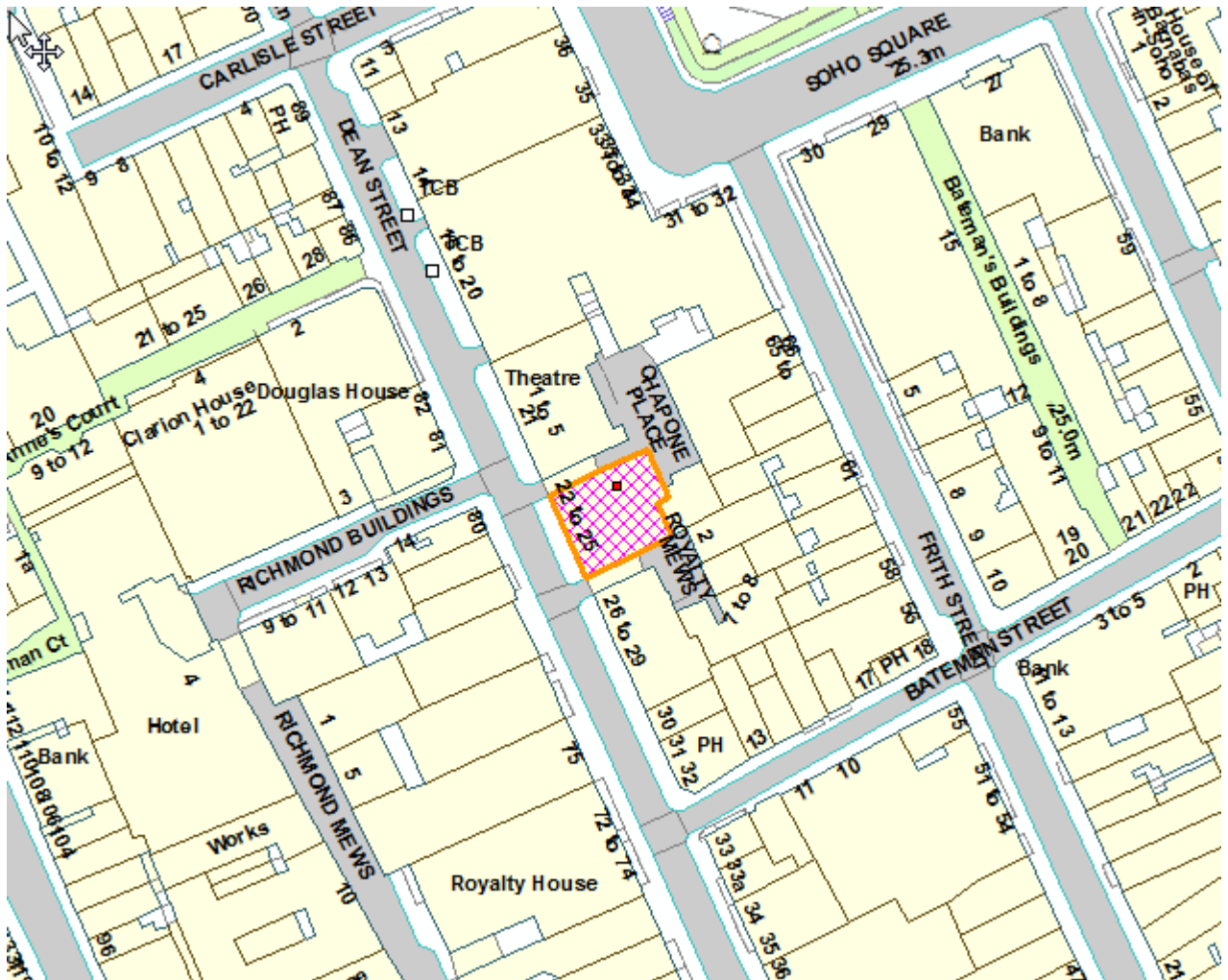
The key issues for consideration are:

- The impact of the opening windows upon the amenities of neighbouring residential properties.
- The impact of the proposed tables and chairs upon the amenities of neighbouring residential properties.

Subject to conditions, the proposals are considered to comply with relevant Unitary Development Plan

and City Plan policies and are therefore recommended for approval.

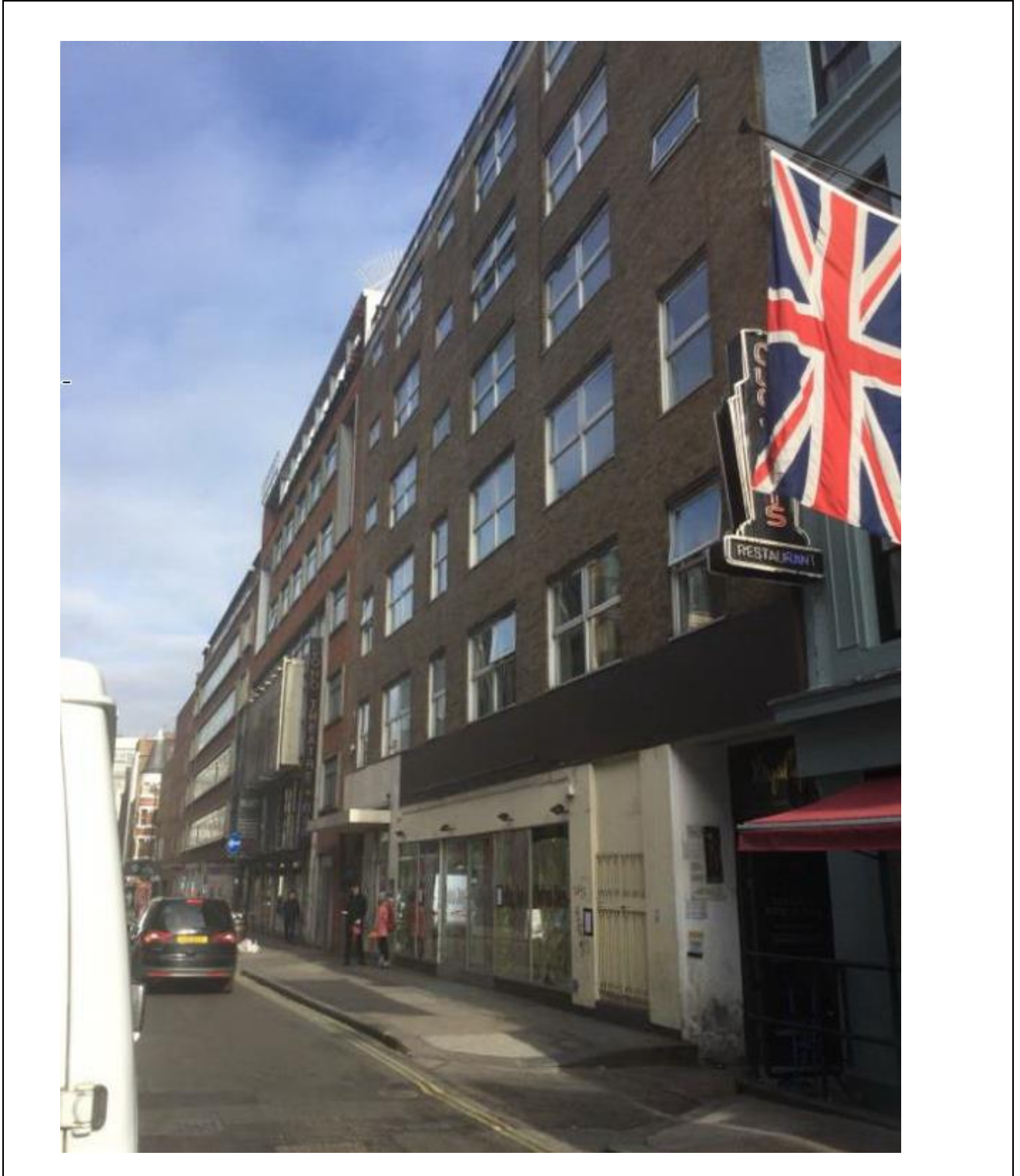
### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### Application 1 (Shopfront)

SOHO SOCIETY:

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 29 Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes.

### Application 2 (Tables and chairs)

SOHO SOCIETY

No objection

CLEANSING

No objection

HIGHWAYS PLANNING

Concern about the ability to removal/store benches

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 24 No of replies: 1 No. of objections: 1

The Townsend House Residents' Association would object to the application if the applicants do not propose to replace the shopfront awning (as this helped to ameliorate nuisance from cigarette smoke /passive smoking to the upper floors)

PRESS ADVERTISEMENT / SITE NOTICE:

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application premises is a ground floor restaurant within an unlisted building located on the east side of Dean Street, within the Soho Conservation Area. The site is within the West End Stress Area.

The first and second floor of the building are in office use (Class B1). The third to sixth floors are occupied as twelve residential flats (Class C3) properties over third to sixth floors.

There is an internal storage area at the rear of the premises, which is accessed from Chapone Place.

The permitted restaurant opening hours are between 07:00 and 01:00 Monday to Saturday and 09:00 and 00:00 on Sunday.

This part of Dean Street is characterised by a mix of retail and restaurant uses at ground floor with residential and office uses on the upper floors.

## 6.2 Recent Relevant History

9 May 1995: Certificate of Lawful Use (Existing) issued in relation to the use of the ground floor as Class A3 restaurant (95/02240/CLEUD).

The site has a history of permission (since 2012) for the use of the public highway for the placing of 5 tables and 20 chairs, in an area measuring 12.6m x 0.9m, in association with the ground floor restaurant use. The latest of these expires in 31 January 2019.

The premises have now changed hands and the proposed seating layout is different from that previously approved.

At the time of drafting this report, in addition to the applications for tables and chairs and a new shopfront, a further application is under consideration for:

- the display of an A-board (17/01618/ADV).

Further applications have recently been approved for:

- the display of 1x externally illuminated fascia sign and 1x projecting sign (17/00286/ADV), approved on 18.01.2017;
- the display of 3 x externally illuminated fascia signs and 1x projecting sign (17/01092/ADV), approved on 14.02.2017.
- The installation of four external condenser units (17/00284/FULL), approved 6.03.2017.

## 7. THE PROPOSALS

Application 1:

This application is for the installation of a new shopfront consisting of openable sash windows above a fixed stallriser.

The application has been amended to revise the shopfront design. Bi-folding doors have been replaced by sash windows above a fixed stallriser of a more traditional design. Wall heater and light fittings which were to be attached to the ground floor elevation to serve the proposed external seating area, have also been omitted.

Application 2:

This application is for the use of the public highway for the placing of 5 tables and 20 chairs in an area measuring 0.90m x 8.00m in association with the restaurant use.

The seating layout, which originally proposed 5 tables and 10 benches, has been amended to include individual seats rather than benches.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The premises are in lawful restaurant use. These applications do not raise any land use issues.

### 8.2 Townscape and Design

The application premises is located within the Soho Conservation Area, adjacent to a grade I listed building at 26- 29 Dean Street and opposite a number of grade II and grade II\* listed buildings on the west side of Dean Street. This 20<sup>th</sup> century building has a particularly wide frontage, in contrast to the narrow plot widths which are more typical of the conservation area

The existing shopfront is of no architectural merit and its removal is considered uncontentious in design terms. Officers considered the original proposals, with a fixed timber stallriser and bi-folding windows above, to be unacceptable in design terms. Policy DES 5 of the City Council's Unitary Development Plan states that permission will generally be granted for new shopfronts '*where they relate satisfactorily to the design of the upper parts of the building*' and '*where the new shopfront is not designed to be entirely or largely openable, in the absence of local circumstances or established patterns of trading activity.*'

Furthermore, the City Council's Supplementary Planning Guidance 'Food and Drink Premises', (1999) also states that '*an opening shopfront often has folding or sliding doors, which, when open, create an opening in the shop frontage which may extend almost the full width of the ground floor. In most cases these shopfronts do not relate architecturally to the building in which they are installed, or to the street. Creating these openings within a terrace of more solid and traditional shopfronts can be harmful to the appearance of the street and the character and appearance of a conservation area...*'

When open, bi-folding windows across the width of this building, would have created a large void in the streetscape and would have failed to relate architecturally to the upper floors of the building, A greater degree of vertical subdivision was considered necessary to ensure the new shopfront relates more successfully to the design of the upper parts of the building and to reduce the extent of the void created. The revised design, with sliding sash windows and fixed vertical mullions in between, reduces the extent of opening and the size of the void created. The proposals incorporate less glazing than the existing shopfront and echo the treatment of fenestration to the upper floors, which is welcomed. The revised shopfront is considered acceptable in design terms.

Subject to conditions to secure details of the proposed shopfront the proposal is considered to comply with DES 5 and DES 9 of the City Council's Unitary Development Plan and is considered to preserve the character and appearance of this part of the Conservation Area.

The provision of external seating is considered acceptable in townscape terms.

### 8.3 Amenity

#### 8.3.1 Shopfront

Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development. Similarly, Policies ENV 6 and ENV 7 of the UDP seek to control noise disturbance from development. Of particular relevance, is paragraph 9.108 of Policy ENV 7 which states that 'The City Council will discourage provision of openable shop fronts that would enable noise from inside the premises to be heard outside'.

The nearest residential properties are located on the upper floors of the application building. Records indicate that there are further residential properties on the upper floors of 78 and 79 Dean Street, opposite the site. No objections have been received to this application

The existing shopfront incorporates two sets of double doors which are openable, but their use is not controlled by condition. Openable shopfronts will generally be resisted where there is the potential for internal noise to escape and cause disturbance to neighbouring residents. Given the proximity of flats on the upper floors of the building, the applicants have agreed to a condition requiring the openable elements of the shopfront to be closed at 22:00 hours. Given the need to safeguard residents' amenity it is also recommended that a condition is imposed to restrict noise levels from within the premises when the shopfront windows are open. Subject to these conditions, in this busy central street, it is not considered that the proposals would have a material impact upon the amenities of neighbouring residents.

#### 8.2 Tables and chairs

In addition to policies S29 and ENV 7, detailed above, the supporting text to UDP Policy TACE 11 states that the City Council normally would not permit external tables and chairs where the upper floors of the building are in residential use. However, in this case, there is a history of permission for the placing of 5 tables and 20 chairs on the highway outside the premises, dating back to 2012. The latest of these permissions was granted in January 2017.

The premises have changed hands and the new tenants have applied for a revised seating layout with 5 tables and 20 chairs within a slightly reduced area (0.90m x 8.00m). The use of the seating would be limited to between 10:00 and 23.00 (Monday to Saturday) and between 10.00 and 22.00 (Sundays and Bank Holidays). These hours are the same as those previously permitted.

No objection has been received to the proposed seating. However, residents of the building have advised that they would object to the application if the applicants do not intend to replace the shopfront awning, which previously flats on the upper floors from nuisance/passive smoking from cigarette smoke rising from the outside seating area. Whilst the Council could not reasonably insist upon the replacement of the awning, it is referred to on the submitted drawings for the replacement shopfront. However, the awning

details were removed from the shopfront application as awning, with a premises name, would benefit from deemed advertisement consent.

The residents are also concerned that the door marked 'service door' on the submitted plans is, in fact, the entrance door to the flats. However, this door to which the objector relates is actually a new service door to the restaurant, which does not currently exist. The plans have been amended to clarify this point.

#### **8.4 Highways**

The Highways Planning Manager expressed concerns about the original application regarding the applicant's ability to store the proposed benches within the premises at times when the restaurant was open but after the time when the seating was required to be removed from the highway (23.00 hours). Permanent structures are not permitted to be stored on the public highway, and the licensed area must be capable of reverting to highway use so that it can be washed down.

The applicant has since amended the proposal to replace the benches originally proposed with individual chairs (similar to the extant permission). This would facilitate the removal of the tables and chairs which will be moved to an internal storage area at the rear of the premises, accessed from Chapone Place.

The Highways Planning Manager has reviewed the amended layout and has raised no objection.

The Westminster Way requires a minimum 2m width of public highway beyond the proposed seating area to be maintained, free of physical obstructions to allow for pedestrian traffic. The submitted plans indicate that the proposals would comply with this requirement and the proposal is therefore considered acceptable on highways grounds.

#### **8.5 Economic Considerations**

Any economic benefits arising from these applications are welcomed.

#### **8.6 Access**

Access to the property would be retained as existing.

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

None.

#### **8.8 London Plan**

These applications raise no strategic issues.

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

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

### 8.10 Planning Obligations

Planning obligations are not relevant in the determination of these applications.

## 9. BACKGROUND PAPERS

### Application 1

1. Application form
2. Response from the Soho Society dated 7 February 2017

### Application 2

- 1 Application form and e-mail dated 7 March 2017
- 2 Response from the Soho Society dated 7 March 2017
- 3 Responses from Highways Planning Manager dated 27 February and 8 March 2017
- 4 Response from Project Officer (Waste) , dated 20 February 2017
- 5 Objection on behalf of the Townsend House Residents' Association dated 23 February 2017

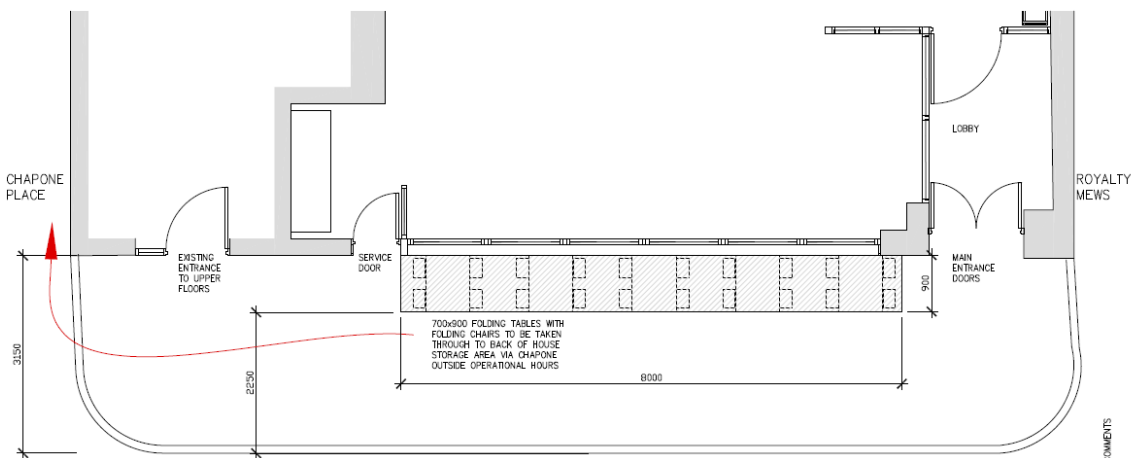
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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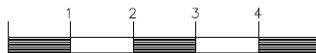




### Application 2 –tables and chairs



DEAN STREET



C. 06/03/17 REVIEWED TO PLANNING CONSULTANT COMMENTS  
revision date notes

Drawing		Date	Scale
PROPOSED EXTERNAL SEATING PLAN		JAN 2017	1:50
1684/D103		Drawing No.	Ref.
1684/D103		1684/D103	C

**PIREZZA**  
22-25 DEAN STREET  
LONDON W1D 3RY

**BUTLER ASSOCIATES**  
ARCHITECTURE DESIGN & PROJECT MANAGEMENT  
24, CORMYME ROAD, HAYWARDS, MIDLESEX, MIDDLESEX, UK  
TEL: 020 8811 1111 FAX: 020 8811 1112 EMAIL: info@butlerassociates.co.uk

**DRAFT DECISION LETTER**

**Address:** Ground Floor Townsend House , 22-25 Dean Street, London, W1D 3RY

**Proposal:** Installation of new shopfront, incorporating openable sash windows.

**Reference:** 17/00285/FULL

**Plan Nos:** 1684/P10 REV C

**Case Officer:** Shaun Retzback

**Direct Tel. No.** 020 7641 6027

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

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

Reason:

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

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

Reason:

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

- 3 You must close the shopfront windows hereby approved between 22:00 each day and 08.00 the following morning.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 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 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 apply to us for approval of 1:5 and 1:20 drawings of the following parts of the development sliding sash windows. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

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

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

- respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
  - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
  - (f) The proposed maximum noise level to be emitted by the activity.

**Reason:**

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

**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 The lettering on the canopy has 'deemed' consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. This means that you do not need to apply for planning permission for the canopy. However, if you want to light up the lettering by spotlight or other means, you will need to apply for 'express' consent under the advertisement regulations. And if you remove the lettering, the canopy will require planning permission. (I43AA)

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

**DRAFT DECISION LETTER**

**Address:** Ground Floor Townsend House , 22-25 Dean Street, London, W1D 3RY

**Proposal:** Use of the public highway for placing 5 tables and 20 chairs in an area measuring 0.90m x 8.00m with the existing ground floor use.

**Reference:** 17/00796/TCH

**Plan Nos:** 1684/D103 REV C

**Case Officer:** Shaun Retzback

**Direct Tel. No.** 020 7641 6027

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

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

Reason:

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

- 2 You must not put the tables and chairs in any other position than that shown on drawing 1684/D103 REV C. (C25AA)

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 TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 Customers are permitted to use the tables and chairs between 10.00 - 23.00 (Monday - Saturday) and 10.00 - 22.00 (Sunday and Bank Holidays). (C25BA),

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 4 You can only put the tables and chairs on the pavement between 10.00 - 23.00 (Monday - Sunday).

Outside of these hours all furniture will be stored within the restaurant.

## Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 5 The tables and chairs must only be used by customers of the ground floor unit. (C25CA)

## 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 TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 6 This use of the pavement may continue until 31 March 2019. You must then remove the tables and chairs. (C25DA)

## Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 7 You can only put out on the pavement the tables and chairs shown on drawing 1684/D103 REV C. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

## Reason:

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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 must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)
  
- 3 You cannot put tables and chairs in the area unless you have a street trading licence. If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter., , Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)

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

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Item No.
<b>7</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 21 March 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>42 - 44 James Street, Marylebone, London, W1U 1EU,</b>		
<b>Proposal</b>	Alterations including the installation of an openable shopfront and alterations to rear first floor roof.		
<b>Agent</b>	Rolfe Judd Planning		
<b>On behalf of</b>	SCP Estate Ltd		
<b>Registered Number</b>	16/10563/FULL	<b>Date amended/ completed</b>	4 November 2016
<b>Date Application Received</b>	4 November 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Stratford Place		

**1. RECOMMENDATION**

Grant conditional permission.

**2. SUMMARY**

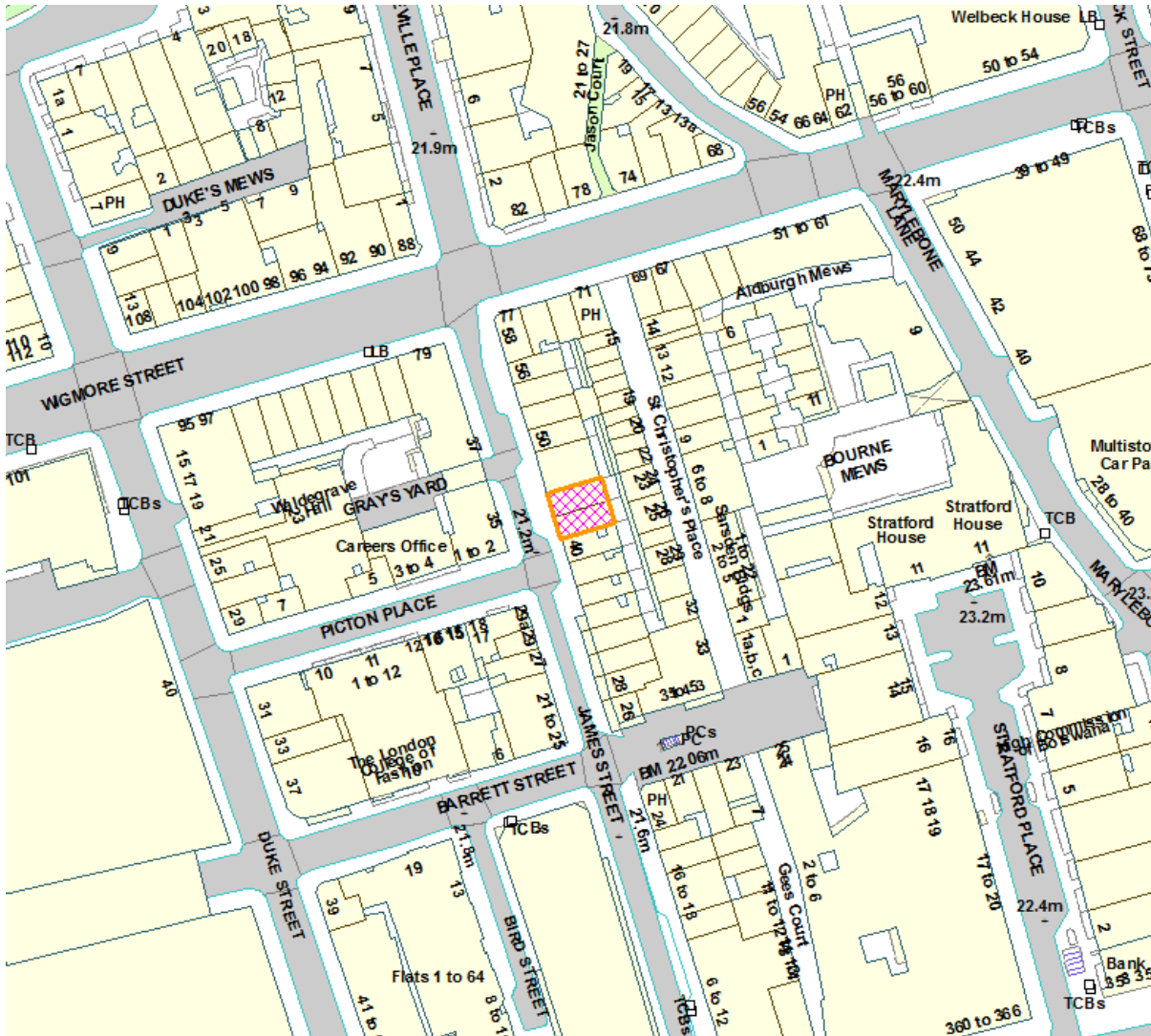
The application relates to separate basement and ground floor restaurants (Class A3) in adjacent unlisted buildings within the Core Central Activities Zone. Planning permission is sought for alterations including the installation of a partially openable shopfront and for alterations to the roof of the ground floor rear extension.

The key issues for consideration are:

- The impact of the proposal upon the amenities of neighbouring residential properties.
- The impact of the proposal upon the appearance of the existing building and on the character and appearance of this part of the conservation area.

An objection has been received on amenity grounds. However, for the reasons set out in the main body of the report, and subject to appropriate conditions, including a requirement for the shopfront to be closed at 21.00 hours, the proposals are considered to comply with relevant UDP and City Plan policies and the application is recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS





## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION:

No objection.

### ENVIRONMENTAL HEALTH:

Objection: potential noise disturbance from openable shopfront; impact on means of fire escape, insufficient customer toilets..

### CLEANSING MANAGER:

No objection subject to condition securing waste and recycling provision.

### HIGHWAYS PLANNING MANAGER:

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 22

Total No. of replies: 1

No. of objections: 1

No. in support: 0

Opening shopfront will exacerbate existing noise disturbance from within the restaurant and from external seating and from late night activity; drainage inadequate.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises two adjacent unlisted buildings, located within the Stratford Place Conservation Area and the Core Central Activities Zone. The basement and ground floor of both buildings are in lawful restaurant use (Class A3). The upper floors of both properties are occupied as a total of five flats.

This part of James Street is characterised by restaurant with tables and chairs on the public highway. Many of the properties between Wigmore Street and Barrett Street also have openable shopfronts There are further residential properties on the upper floors of the buildings to the north and south of the application premises, the nearest within nos. 38 and 52 James Street and, opposite, in Picton Place.

### 6.2 Recent Relevant History

**42 James Street**

1994 - (RN: 94/08592/FULL) Permission granted for the use of the basement and ground floor of 42 James Street for Class A3 purposes. A condition prevented primary cooking on the premises.

11 July 1995 Permission for the installation of a new opening shopfront (95/03460/FULL).

1996 - (RN: 96/08589/FULL) Permission granted to remove the primary cooking condition on the 1994 permission and for the installation of a full height extract duct at the rear.

There has been a series of permissions, dating from 1996, for the placing of tables and chairs outside the premises. The latest of these, which permits external seating until 23.00 hours, expires on 31 July 2017.

The current restaurant opening hours are between 12:00-2300

**44 James Street**

2008 - (RN: 07/05797/FULL) Permission granted for alterations to the existing high level extract duct

Rating records describes the use of the basement and ground floors as a 'restaurant and premises'

There has been a series of permissions for the placing of tables and chairs on the highway outside the premises, the first of these dating back to 1985. The latest permission, which permits external seating until 23.00 hours, expires in July 2017

Given the planning history, the lawful use of the basement and ground floors is considered to be as a restaurant (Class A3). In these circumstances, the lawful use of No. 44 James Street is considered to be for Class A3 purposes.

The current restaurant opening hours are between 12:00-23:00 (23:30 Friday and Saturday).

There is a long history of complaints in relation to the existing restaurant operation in relation to noise from plant, from within the restaurant and from the use of external seating.

**7. THE PROPOSAL**

This application is for the installation of an openable shopfront to both properties, which would be amalgamated to form a single restaurant, and for alterations to the ground floor rear roof at no 44, to create a level roof area.

The application has been amended to revise the design of the proposed shopfront, which incorporates bi-fold doors, to include stallrisers.

Alterations at the rear roof are proposed to accommodate future plant but the plant proposals do not form part of the current application.

The application drawings also refer to the replacement of pavement railings to match the existing.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

As there are no restrictive conditions, the amalgamation of the two restaurants to create a single restaurant unit does not constitute development requiring planning permission.

### **8.2 Townscape and Design**

The existing shopfronts at 42-44 James Street are poor quality twentieth century shopfronts with uncharacteristic window and door openings. No. 42, in particular, has a pair of doors, in place of a shop window, with no stallriser. No. 44, while incorporating traditional shopfront elements, is poorly executed with modern materials and “off the shelf” components.

Policy DES 5 of the City Council’s Unitary Development Plan states that permission will generally be granted for new shopfronts ‘where they relate satisfactorily to the design of the upper parts of the building’ and ‘where the new shopfront is not designed to be entirely or largely openable, in the absence of local circumstances or established patterns of trading activity.’

Furthermore, the City Council’s Supplementary Planning Guidance ‘Food and Drink Premises’, (1999) also states that ‘an opening shopfront often has folding or sliding doors, which, when open, create an opening in the shop frontage which may extend almost the full width of the ground floor. In most cases these shopfronts do not relate architecturally to the building in which they are installed, or to the street. Creating these openings within a terrace of more solid and traditional shopfronts can be harmful to the appearance of the street and the character and appearance of a conservation area...’

Following negotiations with officers, the shopfront design has been amended to incorporate stallrisers so that, when the doors are closed, the shopfront will have a more traditional appearance. While the proposed shopfront does not reflect the solid to void pattern of the upper storeys, it is an improvement in design terms on the existing poor quality shopfronts. It is also consistent with the design of shopfronts at numbers 38, 40 and 46, adjacent and no. 35, opposite.

Following these revisions, the proposed shopfront is considered acceptable in design terms. Given the number of openable shopfronts on James Street, including immediately adjacent and at no. 48, it is not considered that the principle of opening shopfronts can be resisted in this case

The proposed alterations to the roof of the ground floor extension are acceptable in design terms.

### **8.3 Residential Amenity**

Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development. Similarly, Policies ENV 6 and ENV 7 of the UDP seek to control noise disturbance from development. Of particular relevance, paragraph 9.108 of Policy ENV 7 relates specifically to openable shopfronts and states: 'The City Council will discourage provision of openable shop fronts that would enable noise from inside the premises to be heard outside.' Openable shopfronts will generally be resisted where internal noise can escape and cause nuisance for nearby residents.

The nearest residential properties are located on the upper floors of the application premises.

#### **New shopfront**

An objection has been received from the occupier of an existing first floor flat at 44 James Street on the grounds that the introduction of an opening shopfront would exacerbate existing noise disturbance from within the existing restaurant, resulting from poor soundproofing, and from the external seating areas and from noisy plant. The objector has referred to a long history of complaints concerning the existing restaurant operation.

The Council's Environmental Health Officer has expressed concern about noise breakout from within the premises, via the proposed shopfront, and has requested a condition requiring the hours of shopfront opening to be restricted.



This area of James Street is characterised by a concentration of adjacent A3 uses with tables and chairs occupying much of the public highway in this area. Many of the shopfronts in this part of James Street, between Wigmore Street and Barrett Street, contain openable windows. These shopfronts very much form part of the vibrant character of the area. The applicants have provided examples of properties in James Street where openable shopfronts have been permitted, with conditions, to protect residential amenity.

In view of the character of this part of James Street, the proposed opening shopfront is considered acceptable in principle. However, it is considered appropriate to restrict the hours of shopfront opening to between 9:00 and 21:00 each day. This would serve to ameliorate the impact of the proposals at the most noise-sensitive times of the day although it is acknowledged that tables and chairs in the area are permitted until later in the evening (varying from 21:00 to 23:00). However, the proposed condition would ensure that no additional noise nuisance would be created during evening hours. In addition, it is considered appropriate to restrict the playing of live or recorded music (amplified or non-amplified) when the shopfront is open.

Subject to these conditions, it is not considered that this aspect of the proposals would have a material impact upon the amenities of neighbouring residential properties.

### **Alterations to the rear roof**

The objector is also concerned about the proposed alterations to the roof of the ground floor extension, immediately outside rear windows to their property, on the basis of potential noise disturbance and impact on the ventilation to the first floor flats via these windows.

The proposed works involve the “levelling off” of this roof, below the height of the adjacent window, to create a flat roofed area to accommodate tenants’ plant. However, the plant proposals do not form part of the current application. In themselves, these works to the roof would have any material impact upon the amenity of the neighbouring flats and, consequently, this objection could not be supported. Any application, by future tenants, for the installation of new plant on this altered roof, would be considered on its own merits.

## **8.4 Highways**

The proposed shopfront incorporates outward opening doors, while these would not normally be considered acceptable. However, these opening doors would not project beyond the line of the existing, and proposed replacement, railings on

either side of the shopfront and, on this basis, the Highways Planning Manager has raised no objection to the proposals.

### **8.5 Economic Considerations**

Any economic benefits resulting from the proposals are welcomed.

### **8.6 UDP/Westminster policy considerations**

The Project Officer (Waste) has requested a condition requiring details of refuse/recycling storage arrangements for the restaurant, on the basis that the amalgamation of the two units requires permission. However, given that the amalgamation of the units does not constitute development, and as the application relates to a new shopfront and minor external works, this condition is not considered to be necessary.

### **8.7 London Plan**

This application does not raise any strategic issues.

### **8.8 National Policy/Guidance Considerations**

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

### **8.9 Planning Obligations**

The application does not trigger any planning obligations.

### **8.10 Other Issues**

An objection has been received citing existing problems with the drains serving the application premises. This is not a material planning issue and could not justify the withholding of planning permission. However, it is likely that this matter would be addressed during the refurbishment of the premises.

The City Council's Environmental Health Officer has objected to the proposal on the grounds that the removal of the internal staircases within the amalgamated units would adversely affect the arrangements for means of escape in case of fire and because there would be insufficient customer toilets to support the number of covers. These objections are not material planning considerations given that no change of use is proposed and would not constitute reasons for withholding planning consent. However, it is recommended that an informative is attached to the decision notice to alert applicants to this issue.

## **9 BACKGROUND PAPERS**

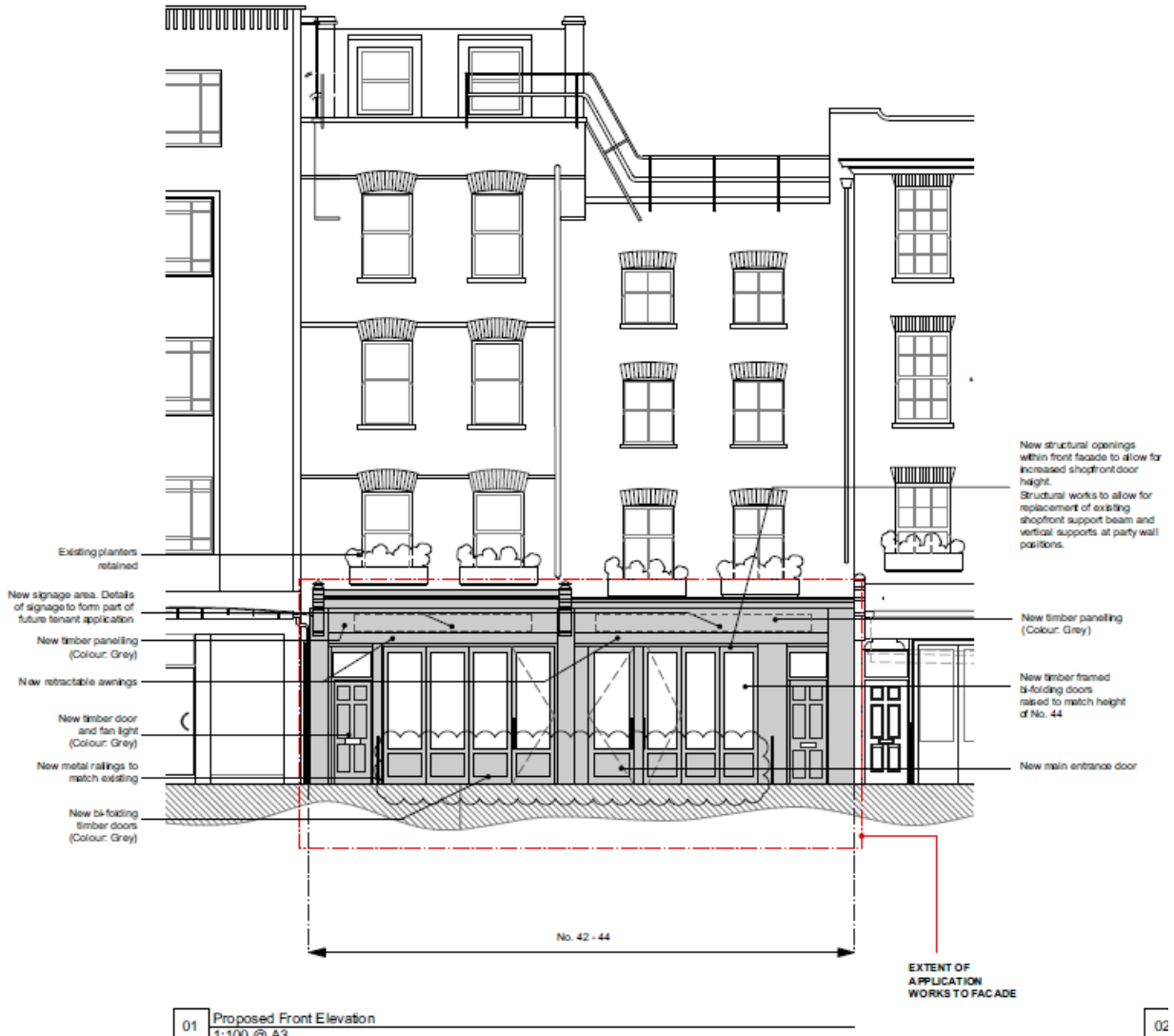
1. Application form
2. Response from the Marylebone Association, dated 16 December 2016
3. Response from Environmental Health, dated 1 December 2016
4. Response from Project Officer (Waste) dated 15 February 2017
5. Response from the Highways Planning Manager dated 8 March 2017
6. Letters from occupier of Flat 1, 44 James Street, dated 7 December 2016 and 20 February 2017(enclosures)

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

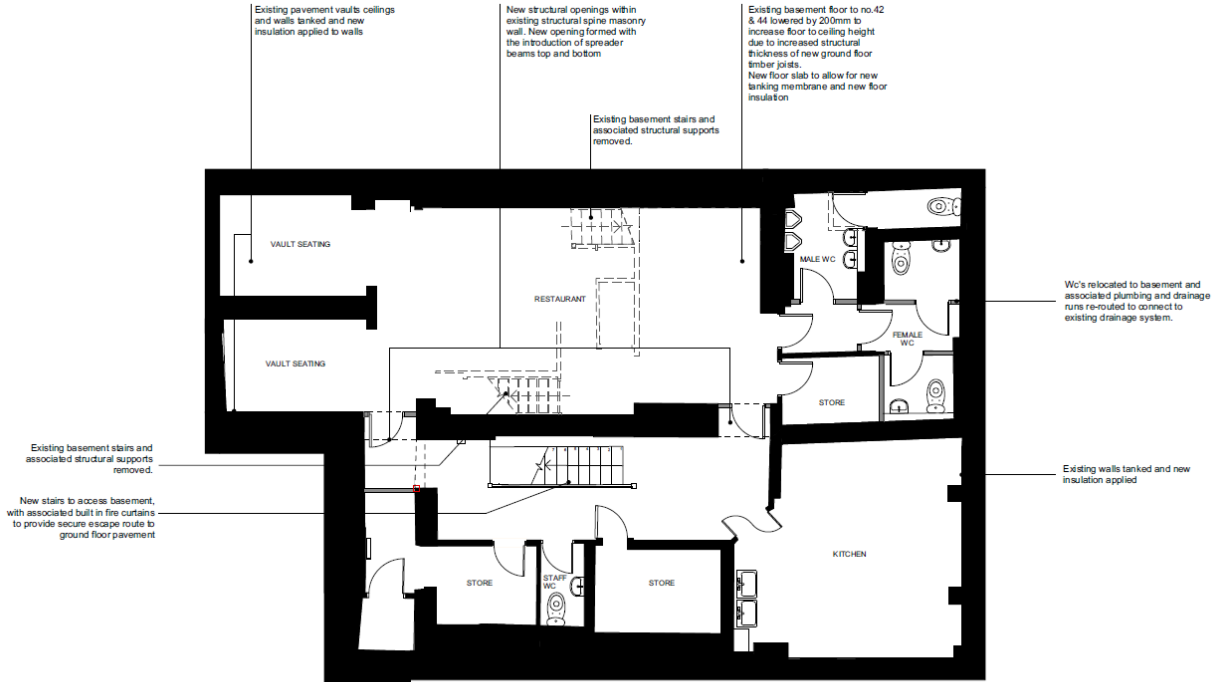
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARASPURRIER BY EMAIL AT [sspurrier@westminster.gov.uk](mailto:sspurrier@westminster.gov.uk).

### 10 KEY DRAWINGS

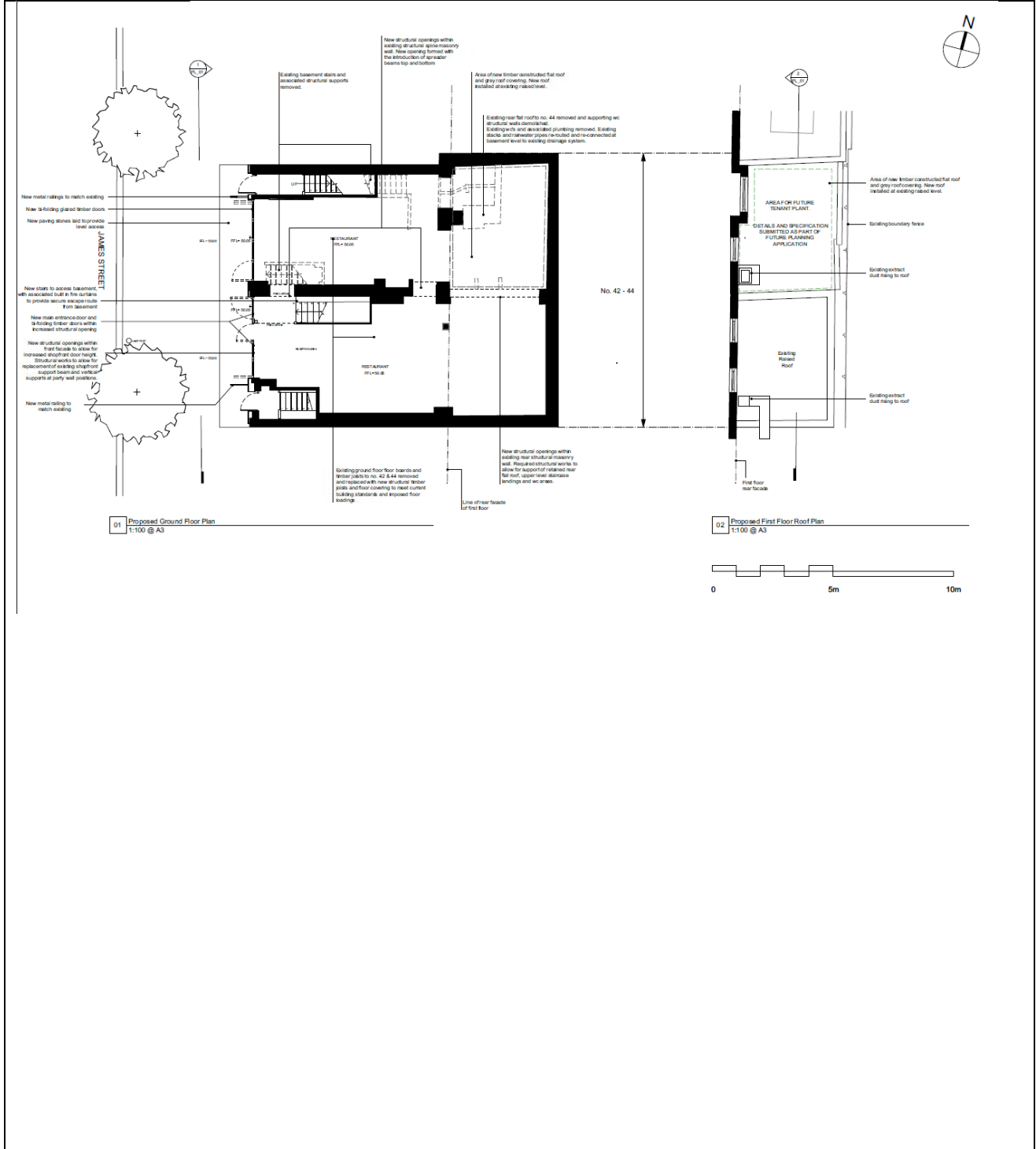
#### Proposed front elevation



### Proposed basement plan



### Proposed ground floor and first floor plan



**DRAFT DECISION LETTER**

**Address:** 42 - 44 James Street, Marylebone, London, W1U 1EU,

**Proposal:** Alterations including installation of an openable shopfront and alterations to rear first floor roof.

**Reference:** 16/10563/FULL

**Plan Nos:**

232 (PL)02 Rev. PL2; 232 (PL)01 Rev. PL2; 232 (PL)01 Rev. PL1; 232 (PL)B1 Rev. PL1.

**Case Officer:** Alice Dunn

**Direct Tel. No.** 020 7641 7957

**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 Stratford Place 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 close the windows within the shopfronts hereby approved between 21:00 each day and 09.00 the following morning.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 5 You must not play live or recorded music on your property (including amplified and non-amplified music) that is audible in the nearest property, when the shopfront is open.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)



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

#### Reason

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development

Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (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.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised that the City Council's Environmental Health Officer has objected to the proposal on the grounds that the removal of the internal staircases within the amalgamated units would adversely affect the arrangements for means of escape in case of fire. In addition, there are also considered to be insufficient customer toilets to support the number of covers.

You are advised to liaise with EHCT to discuss technical requirements in relation to the above matters.

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>8</b>
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 21 March 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>Flat M, 9-11 Westbourne Terrace, London, W2 3UL,</b>		
<b>Proposal</b>	Demolition and replacement of second floor rear extension, erection of rear and side extension over existing terrace at third floor level and associated internal and external alterations.		
<b>Agent</b>	Mr Felix von Bechtolsheim		
<b>On behalf of</b>	Mrs Livia Bernadini Bosc		
<b>Registered Number</b>	16/08775/FULL 16/08776/LBC	<b>Date amended/ completed</b>	10 October 2016
<b>Date Application Received</b>	12 September 2016		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

- |  |
|--|
| <ol style="list-style-type: none"> <li>1. Grant conditional permission</li> <li>2. Grant conditional listed building consent</li> <li>3. Agree the reasons for granting conditional listed building consent</li> </ol> |
|--|

## 2. SUMMARY

9-11 Westbourne Terrace is a grade II Listed Building in the Bayswater Conservation Area, the property has been sub-divided into flats, undergone significant internal alterations and has been extended at the rear.

Planning permission and listed building consent are sought for the demolition of the existing second floor rear extension and erection of a rear and side extension at second floor level and associated internal works. The works also include the formalisation of the remaining flat roof space as a roof terrace.

The South East Bayswater Residents Association have objected to the application on design grounds. Objections have also been received from neighbouring flats within the terrace on amenity, design and structural issues.

The key issues are:

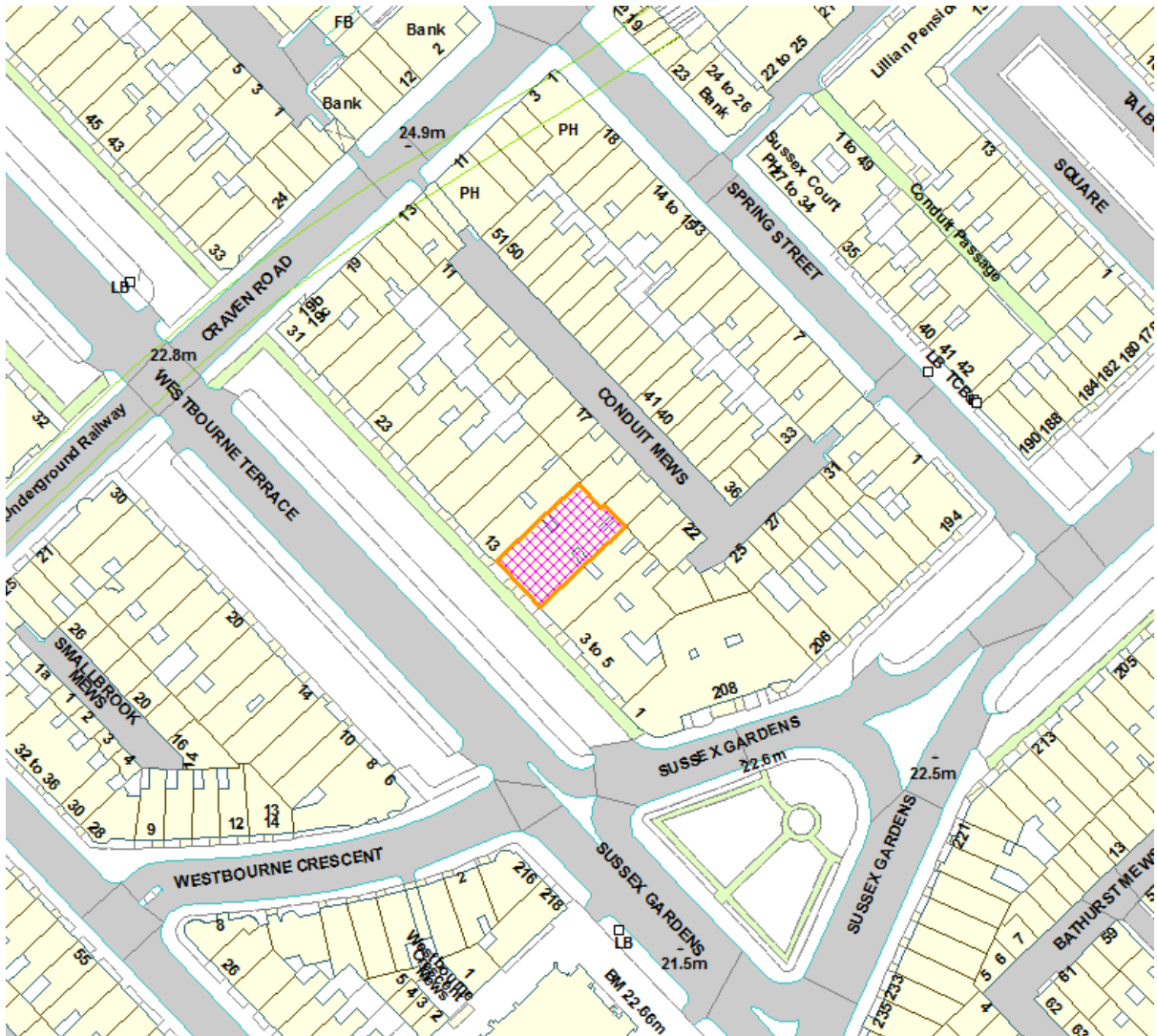
- The impact of the proposed alterations and extensions on the special architectural and

historic interest of this listed building, views of the rear of Westbourne Terrace and on the character and appearance of this part of the Bayswater Conservation Area;

- Loss of daylight/sunlight to neighbouring residents; and
- Noise and overlooking from terrace/balcony at second and third floor level.

The area to the rear of Westbourne Terrace has undergone significant alterations and the relatively small scale extension will not harm the historic character of the building or the Bayswater Conservation Area. Due to the scale of the extension and existing situation the works will not significantly increase harm for the amenity of the neighbouring properties. The application is therefore considered acceptable on design and amenity grounds and accords with policies in the City Plan (adopted November 2016) and the Unitary Development Plan (UDP) adopted January 2007 and are recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation of 9-11 Westbourne Terrace



Rear elevation of Flat M 9-11 Westbourne Terrace



## 5. CONSULTATIONS

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Objection on the grounds that the French doors at third floor level (rear elevation) and side elevation (second floor) seem incongruous and much too large.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 44

Total No. of replies: 5

No. of objections: 5 from x 4 different addresses

In summary, neighbour objections have been received on the following grounds:

#### AMENITY:

- Noise from the terrace
- Loss of light to the rear of No. 7 Westbourne Terrace
- Privacy issues
- Loss of view of Paddington

#### DESIGN:

- Ads further bulk, reduce uniformity and impact the balance of the original building.

#### OTHER:

- Noise and disruption during the course of construction.
- Structural integrity.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises two laterally converted grade II listed buildings in the Bayswater Conservation Area. The application site is a two bedroom flat across second and third floor levels. The flat is accessed from the stairwell of no. 11 but the property is located largely in the rear closet wing/addition of no. 9 with a small portion of the rear lower bedroom situated in the original main portion of the building.

### 6.2 Recent Relevant History

None

## 7. THE PROPOSAL

Planning permission and listed building consent are sought for the demolition and replacement of the second floor rear extension and erection of a rear and side extension over the existing terrace at third floor level and associated internal and external alterations.



## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The use class would remain C3 (Residential) as existing. The extension of the existing flat is considered to be in accordance with H3 of the UDP.

### 8.2 Townscape and Design

The application property comprises of two laterally converted grade II listed buildings in the Bayswater Conservation Area. The application site is a two bedroom flat across second and third floor levels. The flat is accessed from the stairwell of no. 11 but the property is located largely in the rear closet wing/addition of no. 9 with a small portion of the rear lower bedroom situated in the original main portion of the building.

The rear of the building has been substantially altered there are numerous modern windows in various types, materials and proportions. The narrow closet wing has been extended vertically and significantly at lower ground level with a full width rear addition in the rear light well. This addition is four storeys' and has a stepped diminishing form up to second floor level of the building.

The rear of this terrace has also been extended with a number of closet wing additions that vary in height, bulk and scale. Many are historic and have been in place for a number of years. There is a varied appearance at the rear of the terrace but the original undulated form created by the half width closet wings is still apparent.

The rebuilding of the second floor addition and internal works are not contentious in listed building terms as this is a modern extension to the building. A neighbour has raised objection to the insertion of steel beams and the impact of the works on the structural integrity of the building. However, there is no loss of important original or historic fabric in this part of the building, whilst the construction of the extension and impact on the structural integrity of the building is covered by building control and not a reason to refuse the proposal in this case.

The proposed extension at third floor level would add bulk to the rear elevation however the extension is small in scale, is limited in depth and maintains a forward stepped form beyond the closet wing. The proposed extension is positioned in front of the half width closet wing with a narrow return to the back wall of the main portion of the building, given its subordinate scale and location on this heavily altered part of the property, the proposal would not unbalance the proportions of this significantly extended listed building. Therefore the objection raised regarding the harm to the balance of the original building is not sustainable. Whilst there are views of the rear from neighbouring buildings and in Conduit Mews, the proposed extension would not have a detrimental impact on the character and appearance of the Bayswater Conservation area, due to the varied appearance at the rear of the terrace, small scale of the extension and located in front of the closet wing that respects the prevalent undulated rhythm.

An existing terrace exists at third floor level and appears to have existed since 2012. The proposed terrace is smaller in area than existing. The creation of a terrace at high level is contentious. However, given that a terrace has previously existed and that a number

of terraces have gained planning approval for example at no. 29 and no. 12 within this same terrace of buildings, this element of the proposal is considered to have limited impact on the special interest of the building and the character and appearance of the Bayswater Conservation Area.

The South East Bayswater Residents Association has raised an objection to the installation of French doors. However, the flank elevation at second floor level comprises of large modern fixed panes of glazing with a glazed access door. The installation of French doors set against brickwork is a vast improvement to this elevation and therefore considered acceptable in design and listed building terms.

Given the above, the proposed development would preserve the special architectural and historic interest of this listed building and the character and appearance of the Bayswater Conservation Area. The proposal is considered to fully accord with policies DES 1, DES 5, DES 9 and DES 10 of the adopted UDP 2007, S25 and S28 of the City Plan 2016.

### **8.3 Residential Amenity**

#### **Sunlight and Daylight**

Objections have been received from residents within No.7 Westbourne Terrace, the adjacent property on the grounds of loss of light. The windows to the rear of no. 7 are set within a flush rear elevation, located between existing closet wings/rear projections of no. 9-11 and 3-5 Westbourne Terrace.

The rear of No. 9-11 Westbourne Terrace is north east facing with the rear of the terrace featuring closet wings with extensions of varying heights and depths. Adjacent to no. 7, the closet wing is five stories in height comprising staggered setbacks with narrow terraces. The surrounding buildings of Westbourne Terrace and Spring Street are of equal or greater height. Directly to the rear is Conduit Mews, all of which are smaller mews buildings.

The closet wings of No's9-11 are in a back to back formation and therefore more than half a buildings width away from the windows at the rear of no. 7. The proposed extension at third floor level will, to the south elevation (to the boundary with No.7) extend some 6m, running partly adjacent the existing third/fourth floor part of the closet wing and will extend 2.3 meters in depth from the existing rear elevation of the application site closet wing on the boundary with no. 11, the northern elevation.

Due to the height of the existing closet wing extensions on adjacent properties, the relatively modest depth and bulk of the proposed extension and the distance between it and the boundary with no. 7, the proposed extension would not significantly reduce the amount of daylight/sunlight to the windows at the rear of no. 7.

#### **Sense of Enclosure**

The southernmost element of the extension is 6m in depth from the main rear elevation. The extension will have minimal impact to the windows within the main elevation of flats at lower floors of 9 Westbourne Terrace as they already experience a limited outlook to the existing application site closet wing.

The closet window to the proposed extension is that of Flat L, and is a living room window within the rear elevation, adjacent the flat roof terrace which is to be built upon., It is considered that whilst the building line would be brought closer to this property (when looking north-east), the outlook maintained would still be considered acceptable.

An objection has been received regarding the loss of view towards Paddington Station from the rear of 7 Westbourne Terrace. Loss of views is not a material planning consideration and an objection to the development on this basis would not be sustainable.

### **Privacy**

Neighbour objections have been received regarding overlooking from the proposed balcony to the rear of No. 7 Westbourne Terrace. There are existing balconies to the south elevation of the application site closet wing at first and second floor, which already face these windows. The proposals will reduce the size of the existing useable terrace at third floor (although it is noted that doesn't appear to have been granted consent, although it's likely to be lawful) and therefore the proposals are considered acceptable in terms of overlooking.

### **Noise**

An objection has been received on grounds of increased noise levels. Currently there is a terrace at third floor and balcony's at first and second floors. The proposals will reduce the size of the third floor terrace. Due to the existing situation and the reduction in size of the terrace it is not considered that the proposed works will result in an increase in noise from the terrace at third level or balcony at second level.

The works are considered to be in accordance with policies ENV13 of the UDP and S29 of the City Plan.

## **8.4 Transportation/Parking**

The proposals do not result in any highways concerns.

## **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. This proposal is not CIL liable

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

This development does not require an Environmental Impact Assessment

#### **8.12 Other Issues**

##### **Construction impact**

Objections have been raised on the grounds of noise and disruption during construction. However, permission could not be refused on this ground due to the short term nature of construction and the ability to control it via condition. The standard hours of noisy working condition are recommended.

### **9. BACKGROUND PAPERS**

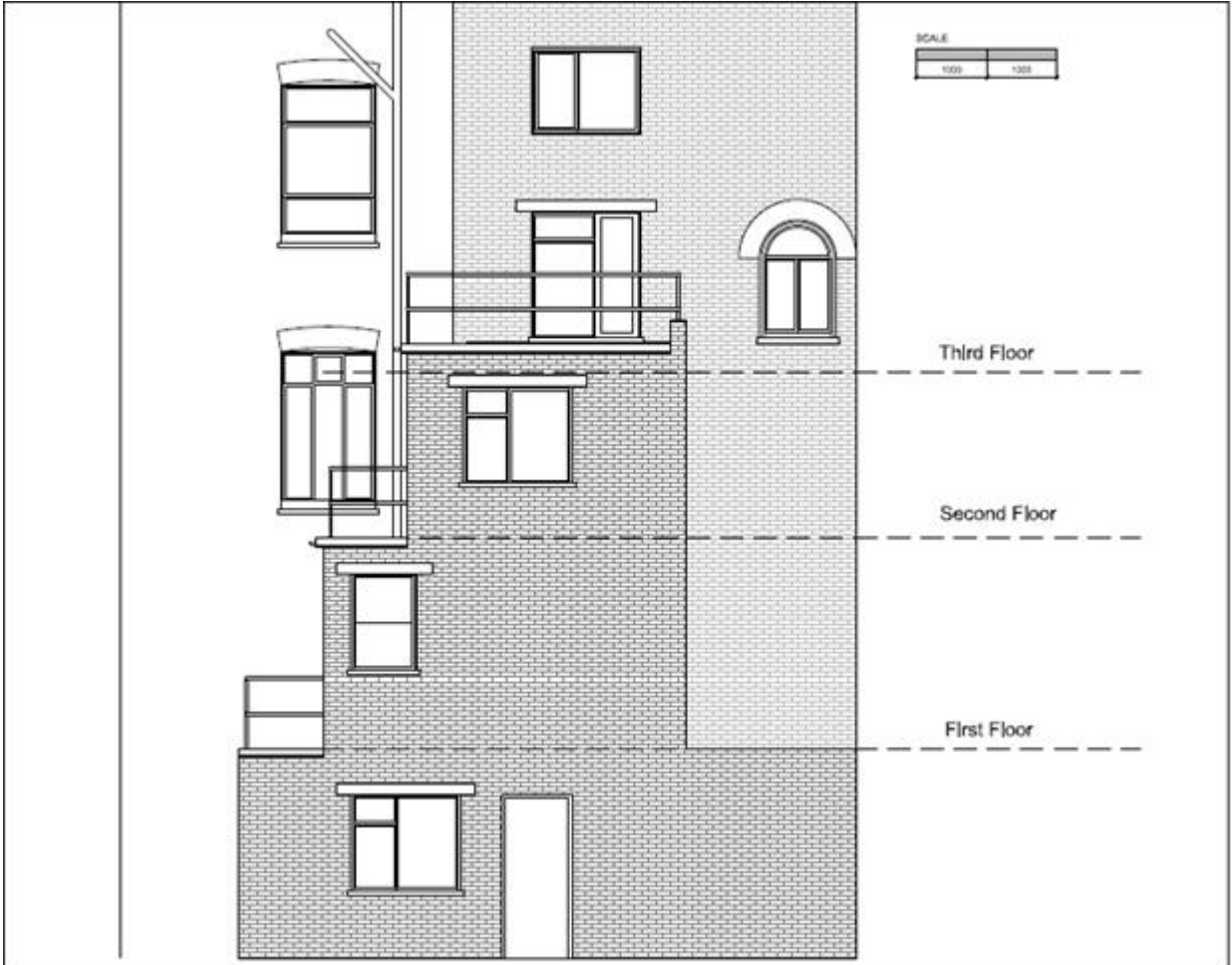
1. Application form
2. Response from South East Bayswater Residents Association, dated 1 November 2016
3. Letter from occupier of 7 Westbourne Terrace, London, dated 20 October 2016
4. Letter from occupier of Flat 2, 7 Westbourne Terrace, dated 11 November 2016
5. Letter from occupier of 11F, Westbourne Terrace, dated 14 November 2016
6. Letter from occupier of Flat H, 9-11 Westbourne terrace, dated 24 October 2016
7. Letter from occupier of Flat H, 11 Westbourne Terrace, London, dated 1 November 2016

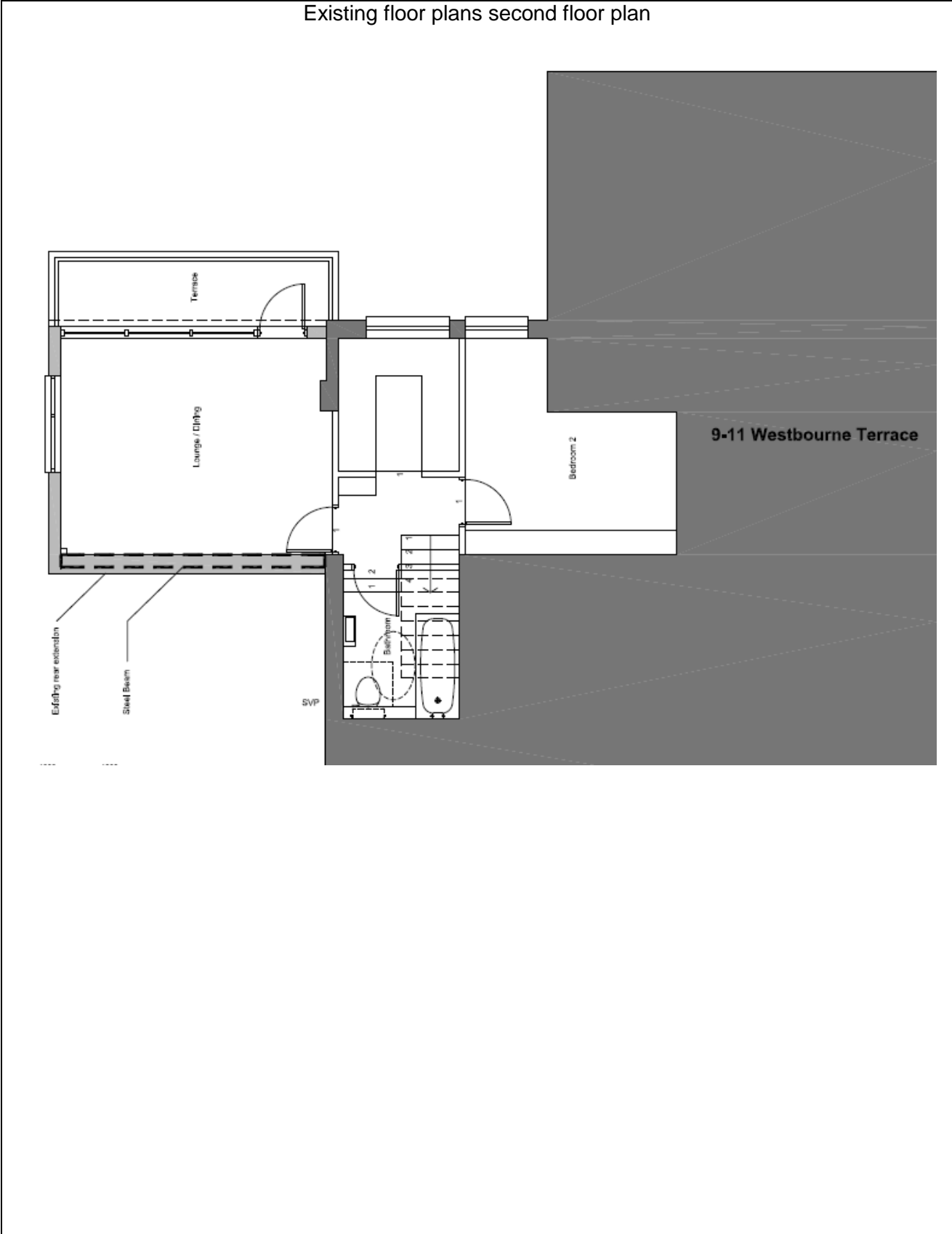
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

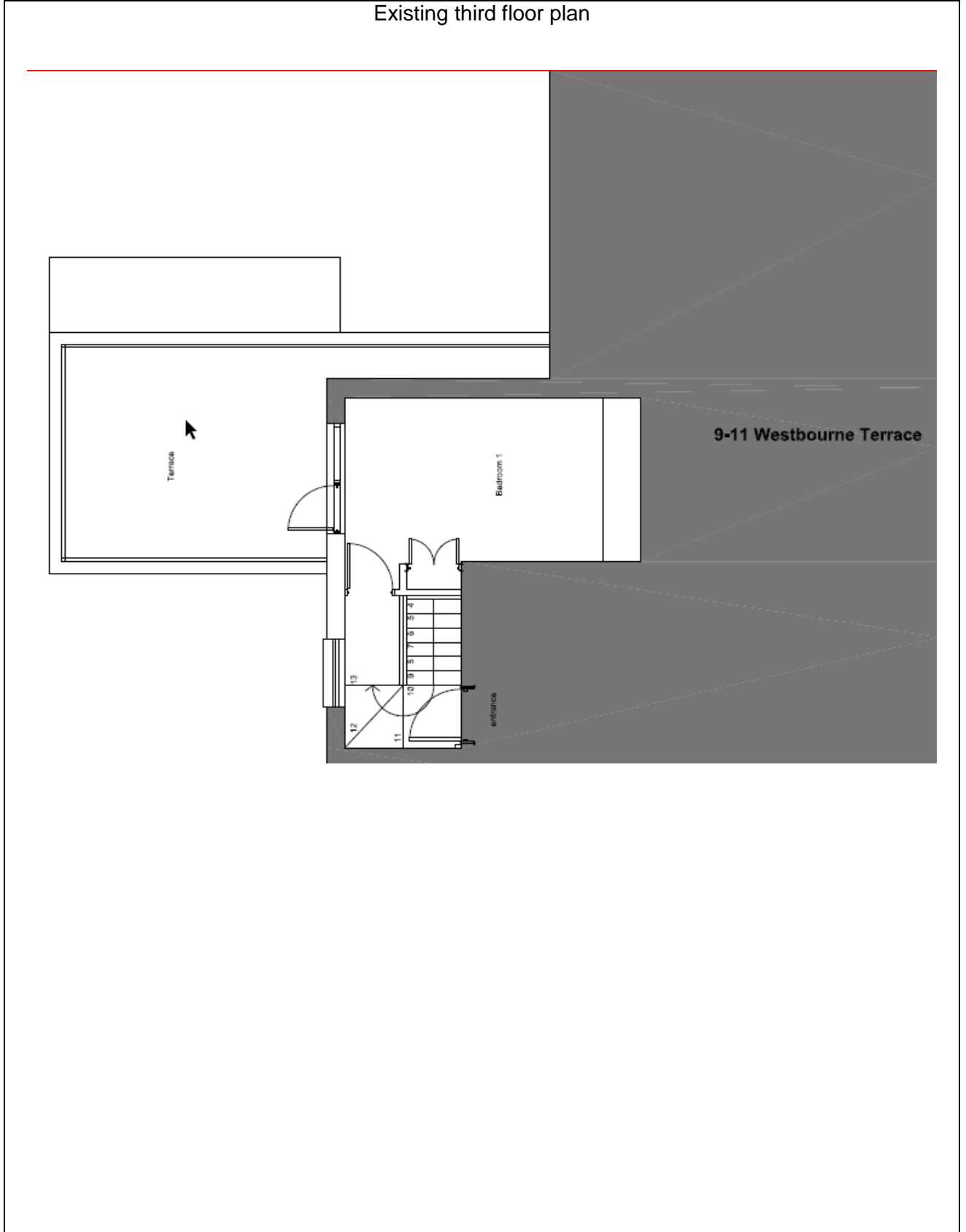
10. KEY DRAWINGS

Existing rear elevation

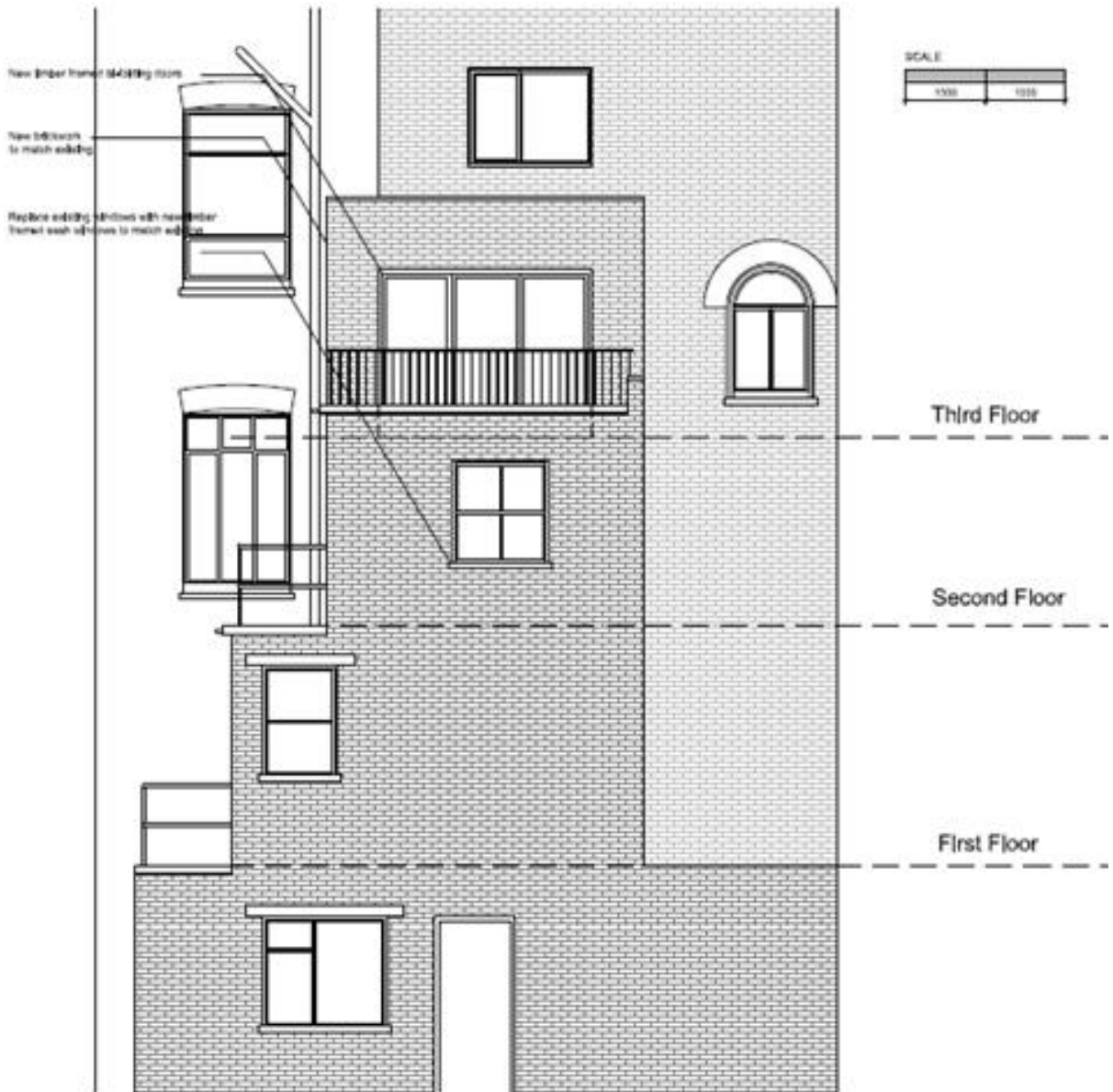




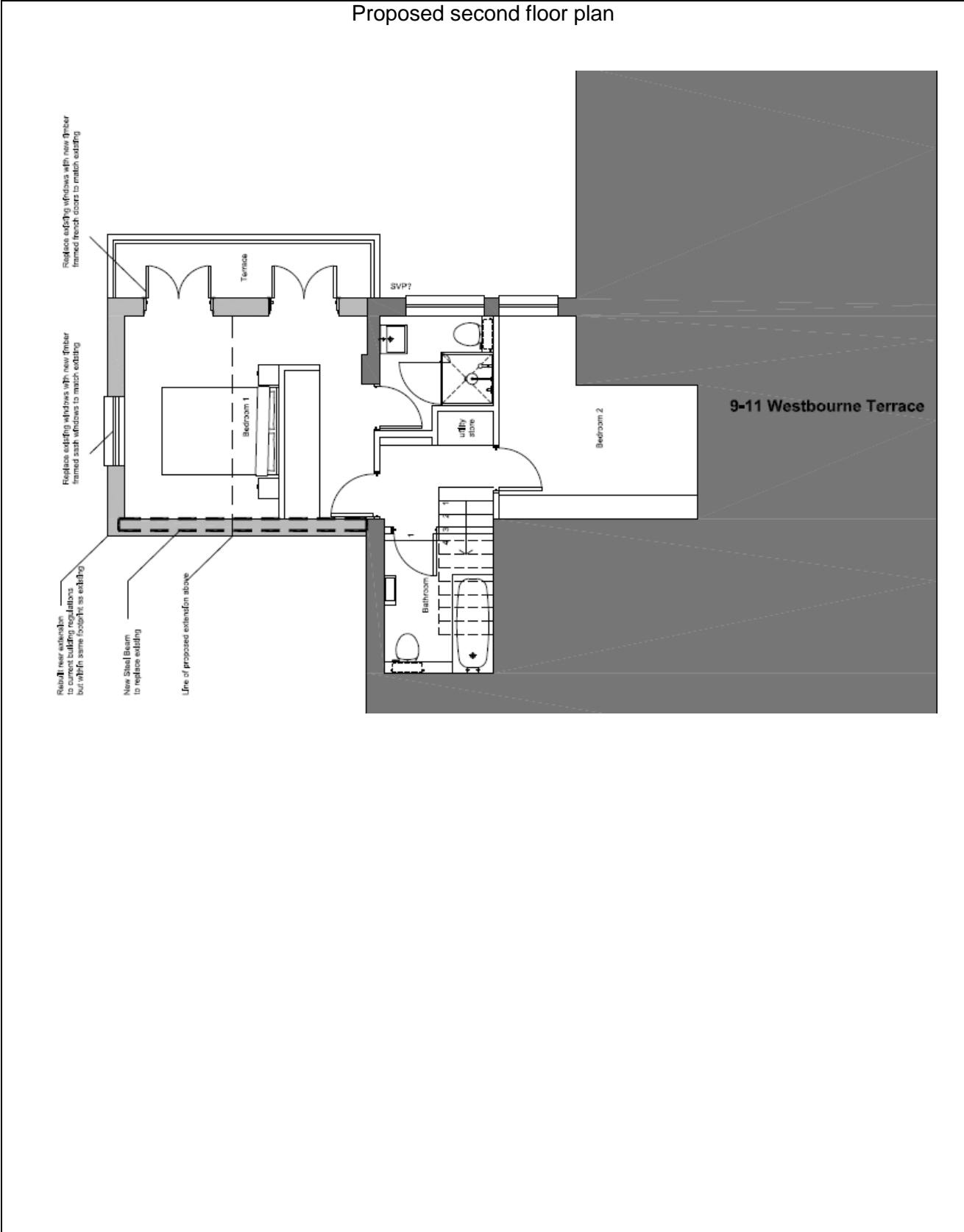
Existing third floor plan

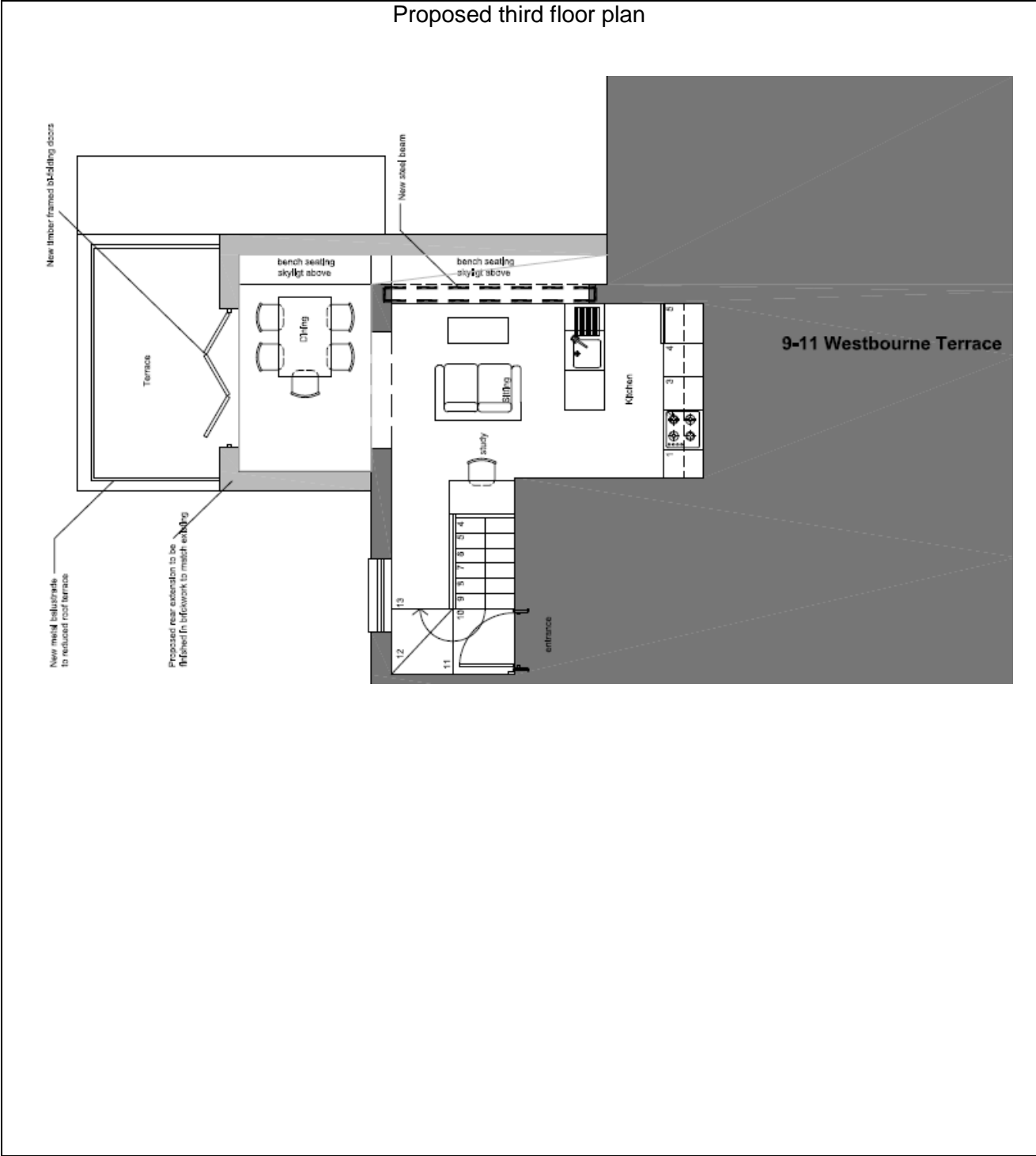


Proposed rear elevation









**DRAFT DECISION LETTER**

**Address:** Flat M, 9-11 Westbourne Terrace, London, W2 3UL,

**Proposal:** Demolition and replacement of second floor rear extension, erection of rear and side extension over existing terrace at third floor level and associated internal and external alterations.

**Reference:** 16/08775/FULL

**Plan No's:** Site location plan, P1- 101 Rev A, P1- 102 Rev A, P3-101 Rev A, P3 102 Rev A, P1 001 Demolition, P3-101 Existing, P1 002, P3 001 Demolition, P3 001 Existing, Design and Access, Historic building impact assessment

**Case Officer:** Max Jones

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

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

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

Reason:

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

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

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

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

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

Reason:

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

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

**Reason:**

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

**Informative(s):**

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

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

**DRAFT DECISION LETTER**

**Address:** Flat M, 9-11 Westbourne Terrace, London, W2 3UL,

**Proposal:** Demolition and replacement of second floor rear extension, erection of rear and side extension over existing terrace at third floor level and associated internal and external alterations.

**Reference:** 16/08776/LBC

**Plan No's:**

**Case Officer:** Max Jones

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 5 The French doors and vertical sliding sash windows at second and third floor level hereby approved must be formed of painted timber in a colour to match the existing windows in the building.

Reason:

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

- 6 The metal railings surrounding the third floor level terrace must be painted in black and maintained in that colour and condition.

Reason:

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

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

Reason:

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

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted

January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:; S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

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