



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 23rd May, 2017**

Time: **6.30 pm**

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

Members: **Councillors:**

Andrew Smith (Chairman)
Susie Burbridge
Barbara Grahame
Robert Rigby

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

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



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

**Tel: 020 7641 2341; Email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|-------------------------|
| 1. 26 BRUTON PLACE, LONDON, W1J 6NG | (Pages 5 - 24) |
| 2. 67 - 68 BEAK STREET, LONDON, W1F 9SW | (Pages 25 - 34) |
| 3. 67 - 68 BEAK STREET, LONDON, W1F 9SW | (Pages 35 - 48) |
| 4. BASEMENT TO FIRST FLOOR MAISONETTE, 22 EATON PLACE, LONDON, SW1X 8AE | (Pages 49 - 62) |
| 5. AMPHITHEATRE AND OUTDOOR SPACES, SHELDON SQUARE, LONDON | (Pages 63 - 74) |
| 6. AMPHITHEATRE AND OUTDOOR SPACES, SHELDON SQUARE, LONDON | (Pages 63 - 74) |
| 7. STAR, 38 ST JOHN'S WOOD TERRACE, LONDON, NW8 6LS | (Pages 75 - 88) |
| 8. 13-19 LEINSTER SQUARE, LONDON, W2 4PR | (Pages 89 - 118) |

Charlie Parker
Chief Executive
15 May 2017

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Agenda Annex

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB- COMMITTEE – 23rd May 2017
PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN NO(s) : 16/06862/FULL West End	26 Bruton Place London W1J 6NG	Erection of rear single storey extension to restaurant (Class A3) at first floor level with rooflight, installation of rooflight in existing rear roof slope and installation of rooflight at first floor flat roof level.	Greens Grill and Restaurant Limited
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
2.	RN NO(s) : 17/02141/FULL West End	67 - 68 Beak Street London W1F 9SW	Erection of a balustrade around third floor flat roof to facilitate use as a roof terrace in association with the existing office (Class B1) use.	LaSalle Investment Management
	Recommendation Refuse permission- intensification of use of third floor roof terrace.			
Item No	References	Site Address	Proposal	Applicant
3.	RN NO(s) : 17/02544/FULL West End	67 - 68 Beak Street London W1F 9SW	Variation of condition 1 of planning permission dated 02 November 2016 (RN 16/07596/FULL) for, 'Erection of infill extension over ground to third floor levels to house new lift shaft and stairwell with access door and steps from proposed staircase to first floor flat roof (for maintenance access only), demolition of existing yard building and replace with a new building of the same scale and material, installation of glazed roof over existing courtyard, erection of railings around third floor flat roof to facilitate use as terrace and demolition of stair housing at third floor level, all to extend and alter office building (Class B1)'; NAMELY, to reduce the size of the third floor plant enclosure and to install acoustic lining to the inside of the enclosure (part retrospective).	LaSalle Investment Management
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
4.	RN NO(s) : 17/00874/FULL 17/00875/LBC Knightsbridge And Belgravia	Basement To First Floor Maisonette 22 Eaton Place London SW1X 8AE	Erection of replacement enlarged extension to the rear of the first floor. (Linked Case: 17/00875/LBC).	Mr Alexander Kolobov
	Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent, subject to authorisation from Historic England. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB- COMMITTEE – 23rd May 2017
 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
5.	RN NO(s) : 17/02045/FULL Hyde Park	Amphitheatre And Outdoor Spaces Sheldon Square London	Temporary use of the amphitheatre for event screenings between 1 June 2017 and 5 September 2017.	British Land
	Recommendation Grant conditional permission.			
6.	RN NO(s) : 17/02046/ADV Hyde Park	Amphitheatre And Outdoor Spaces Sheldon Square London	Display of illuminated LED Screen Measuring 2058mm x 5080mm to be mounted onto a structure measuring 6280mm (W) x 4958 (H) x 3750 (D) for a temporary period between 1 June 2017 and 5 September 2017.	British Land
	Recommendation Grant advertisement consent.			
7.	RN NO(s) : 17/01919/FULL Abbey Road	Star 38 St John's Wood Terrace London NW8 6LS	Installation of overhead awning above the existing forecourt.	DRUNCHSW3 LTD.
	Recommendation Refuse permission- design and intensification of use of space.			
8.	RN NO(s) : 17/01152/FULL 17/01181/LBC Bayswater	13-19 Leinster Square London W2 4PR	Variation of condition 1 of Listed Building Consent dated 18 August 2015 (RN 15/00779/LBC) for variation of Condition 1 of planning permission dated 22 December 2014 (RN: 14/06756) for conversion of hotel to 15 flats; NAMLEY, to vary the approved drawing numbers to amend the relocation of roof terrace access stair from No. 13 to No. 14. Reconfiguration of roof plant well to bays 13 and 14. Omission of all roof lights. Introduction of raised sections of roof to bays 15 and 18 to provide additional ceiling height within penthouse units below. Enlarged glazed openings to rear terraces. Glazed roof to TH3 rear extension omitted in favour of solid roof. Glazed conservatory style wall to TH3 extensions replaced by masonry wall with single picture window set. Installation of Juliet balconies to TH1 & 2 master suites at rear lower ground. Reduction of glazed opening sizes to rear terraces which are now set within substantial masonry nibs at basement. (Linked with internal alterations. (Linked with	AG Leinster Square (Jersey) Limited

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB- COMMITTEE – 23rd May 2017
PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

		17/01152/FULL)	
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Recommendation

1. Grant conditional permission, subject to a deed of variation.
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.

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING SUB APPLICATIONS COMMITTEE	Date 23 May 2017	Classification For General Release	
Report of Director of Planning	Ward(s) involved West End		
Subject of Report	26 Bruton Place, London, W1J 6NG,		
Proposal	Erection of rear single storey extension to restaurant (Class A3) at first floor level with rooflight, installation of rooflight in existing rear roof slope and installation of rooflight at first floor flat roof level.		
Agent	Proun Architects		
On behalf of	Greens Grill and Restaurant Limited		
Registered Number	16/06862/FULL	Date amended/ completed	20 July 2016
Date Application Received	20 July 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application premises is an unlisted building, on ground, first and second floors, located in the Mayfair Conservation Area and the Core CAZ. The building is lawful restaurant use (Class A3).

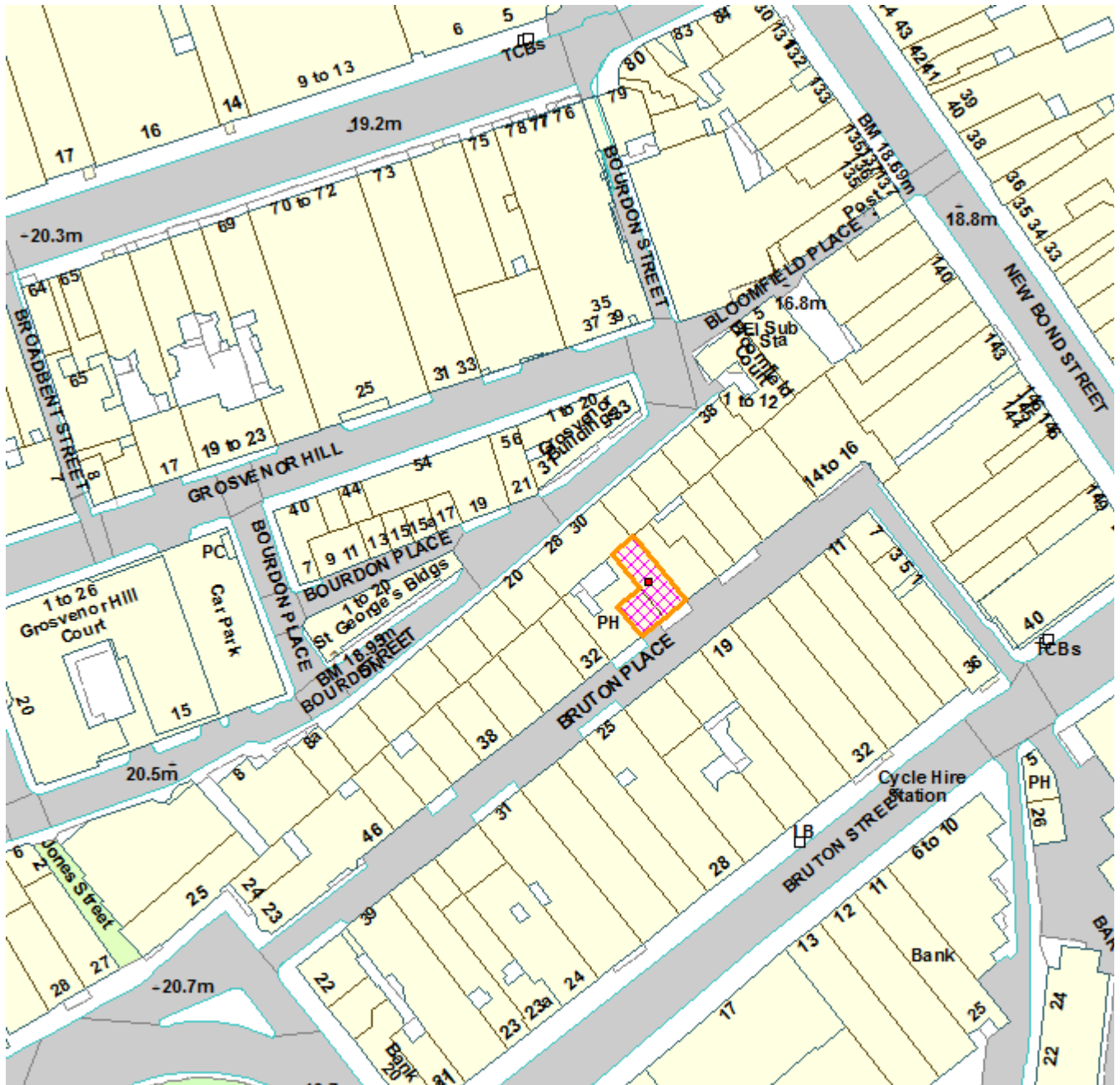
Permission is sought to erect a single storey extension on the first floor rear roof in order to enlarge the restaurant (Class A3) and for the installation of a rooflight in the rear roofslope.

The key issues for consideration are:

- The acceptability of the proposals in land use terms;
- The impact of the proposals upon the amenities of neighbouring residential properties; and
- The impact of the proposals upon both the appearance of the existing building and on the character and appearance of this part of the Mayfair Conservation Area.

Objections have been received on land use, amenity and design grounds. However, for the reasons set out in the main body of the report, and subject to appropriate conditions, the proposals are considered to comply with relevant UDP and City Plan policies and the application is recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS

Photograph 1. Front elevation of application site



Photograph 2. Part courtyard and relationship to neighbouring properties



Photograph 3. Existing rear courtyard



5. CONSULTATIONS

WARD COUNCILLORS FOR WEST END

COUNCILLOR GLENYS ROBERTS

Objection on grounds of overdevelopment, overlooking, sense of enclosure, loss of daylight, noise disturbance and smoke pollution from restaurant use.

Not realistic to impose conditions on use of terrace- it will fall on residents which will result in further loss of amenity and the need for enforcement.

COUNCILLOR PAUL CHURCH

Objection on grounds of residential amenity including overlooking, sense of enclosure and the harm to the character of the area.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

Following the initial submission and revisions, the application has been re-advertised on two further occasions (20/02/2017 and 1/03/2017).

No. Consulted: 11

Total No. of replies: 25

No. of objections: 25

No. in support: 0

25 letters of objection (from 19 respondents) have been received. This includes an objection from the Grosvenor Estate who are the freeholders of a neighbouring building (32 Bourdon Street) and two letters of objection from the Mayfair Residents Group. One letter of objection has been accompanied by a letter from Anstey Horne, a rights of light and party wall consultants.

The 25 letters of objection raise some or all of the following grounds:

Land use

- Commercial overdevelopment of the local area
- Inappropriate location for a commercial extension
- Precedent for other commercial development in the area

Amenity

- Antisocial behaviour associated with the restaurant use
- Adverse impact on elderly residents
- Overlooking
- Noise from customers using the proposed extension and terrace area
- No detail on how the extension will be ventilated/absence of plant resulting in nuisance from ventilation through doors to the extension
- Loss of daylight/sunlight and absence of a daylight/sunlight assessment (with the original proposal)

- Overshadowing to neighbouring terrace
- Increased sense of enclosure

Design

- Extension of unacceptable and unsympathetic design and bulk
- Adverse impact on setting of neighbouring listed buildings

Other

- Access Statement defines the immediate area inaccurately
- The occupiers of the building are unlikely to comply with conditions
- Fire hazard from use of terrace as a smoking area

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

26 Bruton Place is an unlisted building situated on the north side of Bruton Place, close to its junction with Berkeley Square. The site is located within the Mayfair Conservation Area and the Core Central Activities Zone but is not within a designated Stress Area.

The building is in restaurant use (Class A3). Existing floor plans show dining accommodation, a kitchen and WCs on the ground floor; additional dining rooms and an office on the first floor and staff accommodation on the second floor. Two sets of doors lead from the first floor dining room onto a rear flat roof, which is described as a terrace. At the time of the site visit, the premises were vacant.

Bruton Place is characterised by a mix of uses including a number of retail and restaurant uses at ground floor. The upper floors are generally in residential and office use. The application premises sit between offices at 22-24 Bruton Place and a public house, The Guinea Grill, at no. 30 Bruton Place. The upper floors of the public house appear to be in residential use.

The premises back on to properties on Bourdon Street which includes a number of Grade II listed mews buildings and residential properties.

6.2 Recent Relevant History

Lawful use of the application site:

In 1976, planning permission was granted for the use of the ground floor of the application site as a wine bar with ancillary storage and toilet accommodation. One garage at ground floor was retained to be used in association with residential accommodation on the upper floors. In 1977, planning permission was granted for the use of the ground floor garage as an extension to the restaurant at No. 30 Bruton Place. One garage remained for use in association with the residential unit on the first and second floors of the application site.

At some point between 1982 and 1985, the restaurant extended into the ground floor garage and all of the residential accommodation above without the benefit of planning

permission. It also became independent of the Guinea Grill Public House at No. 30. This unauthorised use resulted in the loss of residential floorspace.

In 1985, planning permission was granted on appeal to regularise the use of the ground and first floor as restaurant floorspace and for alterations and extensions to the restaurant on ground and first floors. The second floor and ground floor garage remained as residential accommodation (Class C3) as part of this permission.

This planning permission was only part implemented. The restaurant was in use as such on the ground and first floors prior to and at the time of the appeal decision. The alterations and extensions were not implemented.

In 1993, a Lawful Development Certificate was issued for use of the garage on ground floor and the second floor as ancillary to the restaurant use.

It is therefore considered that the lawful use of the building is Class A3 (Café and Restaurants). Of relevance, given the planning history of the building, there are no controls attached to any planning permission over existing hours of operation or capacity.

However, the premises licence authorises the playing of recorded music, late night refreshment and sale by retail of alcohol. The approved opening hours of the premises are Monday to Saturday 10:00 to 00:30 and Sunday 12:00 to 00:00 (RN: 06/06272/WCCMAP).

Permission was refused on 26 September 2002 for the erection of a rear extension at first and second floor levels in connection with continued residential use (Ref: 02/02503/FULL). The bulk, height and detailed design of the extension were considered unacceptable but the application was not refused on amenity grounds.

7. THE PROPOSAL

This application is for alterations to the existing restaurant including the erection of a single storey rear extension on the first floor rear roof, incorporating a rooflight. A second rooflight is proposed in the remaining flat first floor roof and a third rooflight is proposed in the second floor rear roofslope.

The proposal has been substantially negotiated and the proposal now seeks to provide a rear extension set back 4m approximately from the edge of the first floor roof. The extension would provide 21m² of additional restaurant floorspace. The revisions also involved the reduction in the height of the extension bringing it below the height of the eaves to the main building. A previous iteration set the extension back 2m from the edge of the first floor roof and was accompanied by a daylight/sunlight assessment to address the concerns of objectors.

All neighbouring residents were notified of this amendment to the proposal.

8. DETAILED CONSIDERATIONS

8.1 Land Use

UDP Policies TACE 8-10 control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the city. City Plan policy S24 requires proposals for new entertainment uses to be appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

The existing restaurant measures 251.6sqm (GIA). The proposed extension would provide 21sqm of additional accommodation, resulting in a total restaurant floorspace of 272.6sqm (GIA).

Given the size of the restaurant, policy TACE 8 is relevant to the consideration of the application. This policy states that permission will generally be granted where the City Council is satisfied that the proposed development has no adverse effect (nor taking into account the number and distribution of entertainment uses in the vicinity, any cumulative adverse effect) upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking or traffic and no adverse impact on the character and function of the area. In considering applications the Council will pay particular regard to the number of customers that may be present, the opening hours, prevention of smells, noise and vibration, servicing arrangements and the arrangements for waste storage and disposal.

City Plan Policy S6 states that the Core CAZ is an appropriate location for a range of commercial uses (amongst others).

Objections have been received on the grounds that the proposals represent an inappropriate commercial development in this area and would contribute to its increasing commercialisation. Objections have also been raised on the grounds that this is an inappropriate location for such development where the upper floors surrounding the site are predominantly in residential use. Concerns are raised that the proposal will have a detrimental impact on the character of the area. City Plan Policy S6 states that the Core CAZ is an appropriate location for a range of commercial uses including restaurant uses (Class A3). The single storey extension at first floor level has an area of 21sqm. This is considered to be an appropriate scale and size in relation to the existing restaurant. The surrounding area does contain residential properties at first floor level, however as demonstrated in this report, it is not considered that the proposal will result in a material level of harm to surrounding residential occupiers. The use of the premises remains unchanged. It is therefore considered that the proposal will not have a detrimental impact on the character of the area in terms of the mix of uses on Bruton Place.

It is not considered that a modest, first floor, extension to an established restaurant use would have an adverse impact upon the character and function of this part of the Mayfair conservation area and the application is therefore considered acceptable in principle land use terms

The impact of the proposals upon residents' amenities and the highway network in discussed in sections 8.3 and 8.4 below.

8.2 Townscape and Design

This part of the Mayfair conservation area is characterised by a dense built environment. There is a diverse and varied building line to the rear of the group of buildings of which the application premises forms part and there is no consistency or uniformity in design or massing. The application building has not been extended to the rear and, consequently, is set considerably further back from properties to the rear than most of the buildings within the group. An extension in this location is therefore considered acceptable in principle in design terms.

The proposed extension would be constructed from stock brick, to match the existing building. Following officers' advice, the application has been revised to reduce the height of the proposed extension, setting it below existing eaves level in order to reduce its dominance in the context of the rear façade. This ensures that the rear of the building remains legible. The extension has also been set further back from the (rear) roof edge, away from the listed buildings on Bourdon Street and behind the (extended) rear building line of other properties within the same terrace.

A number of objections have been received to the design and bulk of the proposed extension and its impact on the setting of listed buildings in Bourdon Street. However, given the revisions to the scheme, and in the context of other properties within the same terrace, it is not considered that these objections could be supported. Subject to conditions, the proposals are considered acceptable in design/townscape terms and comply with relevant UDP and City Plan policies.

8.3 Residential Amenity

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight, loss of privacy or increased sense of enclosure to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents in terms of privacy, outlook and noise.

UDP Policy ENV 6 states that the City Council will require design features and operations measures to minimise and contain noise from developments, to protect noise sensitive properties. Similarly, City Plan Policy S32 aims to protect Noise Sensitive Receptors from noise by requiring development to minimise and contain noise and vibration.

Objections have been received on the grounds that the proposals would have an adverse impact upon the amenities of neighbouring residents as a result of a loss of daylight and sunlight, loss of privacy, increased sense of enclosure and noise disturbance from the use of the extension (and adjacent flat roof).

Revised proposal were received in September 2016 and subsequently further revisions were made in March 2017 and the City Council undertook re-consultations on the revised

schemes. Objections have been raised to the revised proposal on the grounds that the impacts of the amended proposal would be the same as for the original proposal.

An objection has also been received on the grounds that the fact that planning permission was not refused on amenity grounds in 2002 should not be binding as there has been a change in circumstances at the site. This proposal will be considered in relation to current circumstance.

8.3.1 Daylight and Sunlight

Policy ENV13 states that in considering the impact of development proposals on the level of daylight and sunlight received to neighbouring properties, regard should be given to the Building Research Establishment guidance entitled, 'Site layout planning for daylight and sunlight: a guide to good practice' (the BRE Guide). Objections were received on the grounds that the original application was not accompanied by a daylight/sunlight assessment. Under the first set of revised proposals, a daylight and sunlight report was also submitted; this demonstrated that the windows in 28 & 30 – 30A Bourdon Street and 32 Bourdon Street (identified as windows 1, 2, 3 and 4) met the tests set out within the BRE guidelines in terms of both daylight and sunlight.

In respect to the latest revisions with the rear extension being set back 4m from the edge of the flat roof, the daylight and sunlight report has not been updated. However, it is evident, given the calculations set out in the daylight and sunlight assessment for the previous revision, that the rear extension will not have a material impact upon daylight or sunlight to neighbouring properties.

Further the existing parapet/rear wall is taller than the existing windows in the rear of 32 Bourdon Street and, given the angle and distance, the revised proposal would not have a material impact on the amenities of the occupants of the affected rooms and would satisfy the BRE guidelines in this respect.

For the reasons outlined above it is not considered that objections relations to a loss of daylight and sunlight can be supported.

Objections have been raised on the grounds that the proposed works would result in overshadowing of the first floor rear terrace at 32 Bourdon Street.

Given the set back (4m approximately) of the extension from the edge of the first floor terrace it is considered that this amenity space will not experience an unacceptable degree of overshadowing as a result of the proposals. The objections cannot be supported in this regards.

8.3.2 Sense of Enclosure

The existing relationship between the rear of the buildings on Bruton Place and Bourdon Place is such that there is already a degree of enclosure to rear windows in both terraces.

The boundary walls to the application premises and 22-24 Bruton Place, currently form an enclosure around the terrace at 32 Bourdon Street. The two storey extension to the rear of 22-24 Bruton Place, is also set much closer to the Bourdon Street properties than the

proposed extension to the application premises. Given that this extension has now been reduced in height and significantly set back from the rear roof edge, it is not considered that the proposals would have a material impact on the sense of enclosure to neighbouring windows. This is particularly so in the case of the first floor study window at 32 Bourdon Street which faces onto the flank party wall of the application premise.

One objection relates to comments that the proposed works could increase their sense of claustrophobia. Given the above, and the extent the proposal has been revised, it is not considered that the proposal would have a detrimental impact upon the amenities of neighbouring occupiers, including claustrophobia.

8.3.2 Overlooking

Objections have been received on the grounds that this flat roof could be accessed by customers, resulting in overlooking to rear windows and a terrace at the rear of the Bourdon Street properties. An objection has been received on the grounds that it would not be realistic to impose conditions on the use of the extension as this would likely lead to the need for enforcement which would fall upon the residents and result in further loss to amenity.

Following the objections, the relationship of the extension and access to existing rear terrace has been revised. The proposed rear extension has been set back from the edge of the roof by 4m (approx) and contains a blank rear elevation removing a door previously providing access to the rear terrace. The applicant is happy to accept a condition to prevent access to the roof other than for maintenance purposes. As such it is considered that the rear extension would preserve the privacy of occupiers within 28 & 30 – 30A and 32 Bourdon Street.

The revised plans do however maintain access to the terrace along the rear elevation (to maintain access to the existing high level extract duct). At its widest point this measures 1.2m and would have an outlook over the courtyard of the adjacent public house at 30 Bruton Place. Beyond there are no habitable residential windows and therefore no resulting overlooking.

Following the revised plans, the proposal would not result in any material loss of privacy and the objections on these grounds could not be supported.

8.3.4 Noise

Objectors considered that the use of the extended restaurant, and the increased number of customers visiting the premises, would result in an unacceptable level of noise disturbance. They have also expressed concern about the impact of the use of the extension and the adjacent roof on noise levels, particularly in the evening.

Given the modest increase in restaurant floorspace (21sqm), it is not considered that the proposal would result in a significant increase in restaurant capacity. Proposed plans show the extension at first floor level to include 18 covers. The proposed plans indicate approximately 94 dining covers throughout the ground and first floor as well as 7 bar seats. This is considered to be a reasonable number of covers for a sit-down restaurant of this size and any increase in capacity facilitated by the proposed extension is unlikely to

have a material impact on the level of activity and noise levels when compared with the existing use. The number of covers would also be considered as part of any application for a premises licence.

The rear elevation is now a blank wall following the revised plans removing doors leading out from the first floor dining area out onto the rear roof. It is considered reasonable to restrict access (other than for maintenance and in an emergency) to the first floor rear terrace. This will prevent customer access to the roof terrace. It is also considered necessary to impose a condition requiring the two larger rooflights to be fixed shut in order to contain noise from diners. Subject to these conditions, the objections on the increase in noise and disturbances cannot be supported in this regards.

However, the application does not include any proposals for additional ventilation plant and objectors consider that the proposed extension would, necessarily be ventilated via the doors to the extension, allowing noise to escape.

In relation to the lack of plant in the proposal, it is not considered reasonable for the City Council to request this. This would be at the discretion of the applicant and an application for plant could follow at a later date. The applicant has confirmed that the premises are intended to be naturally ventilated using the existing windows to the front of the property with a small internally mounted extract fan located to the rear of the building discharging through the new flat roof via a low level acoustically treated vent. The existing restaurant is ventilated in the same way. Conditions are recommended to be imposed requiring details of how the rear extension will be naturally ventilated and how excessive solar gain will be prevented being submitted to the City Council for approval.

One objector considers that the application should be supported by a noise assessment, which would assess existing noise levels in the area. Given the nature of the development and subject to conditions recommended to safeguard residents' amenities, this is not considered necessary in this instance.

8.3.5 Odour

Objections have been raised on the grounds of smells from the restaurant escaping from the proposed extension. The use of the premises and arrangements for the dispersal of cooking fumes remains unchanged. The applicant has advised that the existing high level kitchen extract duct will be used. There is no planning consent for this high level extract duct. However, the restaurant use is long established so it is likely that the extract duct has been in situ for more than four years.

Given that the rear extension will not contain a door nor window within it and the rooflights will be fixed shut, it is not considered that the proposals have the potential to result on a material increase in potential nuisance from food odours.

8.3.6 Light pollution

Objectors have raised concerns over light pollution from the proposed extension – and the rooflight. However, it is not considered that the proposed extension would not increase local light pollution to an unacceptable degree.

8.4 Transportation/Parking

The proposal is not considered to raise any adverse impacts upon parking or servicing.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

The existing access arrangements to the building would be unchanged.

8.7 Other UDP/Westminster Policy Considerations

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

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

The application is not liable for CIL.

8.11 Environmental Impact Assessment

The proposal is not of a scale to require an Environmental Impact Assessment.

8.12 Other Issues

Precedent for A3 development

Objections have been made on the grounds that the proposal will set a precedent for similar commercial extensions in residential areas which would be detrimental to residential amenity. All planning applications are assessed on their individual merits and it is not considered that any decisions made in relation to this site would inform decisions made in relation to other sites in the vicinity.

Design and Access Statement

An objection has been received on the grounds that the Design and Access Statement which describes the area as containing "a wide variety of uses including residential, office,

retail, entertainment, hotel and other non-residential uses” is too broad. The objector states that the properties immediately surrounding the application site are predominantly residential in character.

The description of the area is not considered to be misleading given that the area is characterised by many different uses including hotels, shops, restaurants and offices, as well as significant residential concentrations. However, the proposal has been assessed in the context of the properties immediately surrounding the application site and this report acknowledges that many of these are in residential use.

Antisocial behaviour

Objections have been made on the grounds that the proposals will encourage antisocial behaviour including smoking on the terrace at the rear of the proposed extension, littering and drunk behaviour. The use of the rear flat roof will be restricted by condition and there is no reason to believe that a modest extension to the size of the restaurant would give rise to an increase in unacceptable behaviour associated with the use.

Impact on local elderly residents

An objection comments on the impact on local elderly residents. An assessment has been made on the impact of the proposals upon all neighbouring occupiers, and a distinction has not been made as to their age.

2002 planning application refusal on design grounds

An objection has been raised on the grounds that the 2002 planning application was for a residential extension and not a commercial extension and therefore the amenity issues would be different. The objector states that the City Council erred in finding the proposal acceptable in amenity terms and that they had not developed their outdoor terrace in 2002 and were not consulted in 2002. The objector states that this refusal should therefore not be a material consideration in favour of the current application.

Amenity concerns regarding loss of privacy, daylight / sunlight and sense of enclosure are considered to be largely the same for a proposed extension whether it be used in connection with residential accommodation or commercial floorspace. The bulk and height of an extension would have the same impact on these issues regardless of what the extension was used for. As stated previously in the report, the officer’s report for the 2002 permission states ‘there is considered to be sufficient distance between the rear of the proposed extension and any residential windows for there to be any material change in the daylight received by the existing flats, or for overlooking to be an issue.’ The proposed extension in the 2002 permission was larger in height and bulk. The current proposal is only one storey compared to two storeys and is also set further back from the rear building. The circumstances surrounding the site do not appear to have altered since the 2002 application. It is therefore considered that the current proposal would not have a materially harmful impact on the residential amenity of surrounding residential neighbours with regard to loss of privacy, daylight / sunlight and sense of enclosure.

9. BACKGROUND PAPERS

1. Application form
2. Response from Councillor Church, Members Dispatch, Westminster City Hall, 7 September 2016 and 28 February 2017
3. Response from Councillor Roberts, Members Despatch, Westminster City Hall, dated 3 October 2016
4. Letter from occupier of Apartment 2, 10 Bourdon Street, dated 11 and 15 August and 9 and 7 October 2016 and 10 March
5. Letter from occupier of 14 Bourdon Street, London, dated 12 August 2016, 3 October 2016
6. Letter from occupier of 14 St Georges Buildings, Bourdon Street, dated 11 October 2016
7. Letter from occupier of Flat 3, 10 Bourdon Street, London, dated 11 August 2016
8. Letter from occupier of Grosvenor Office, 70 Grosvenor Street, dated 12 August 2016
9. Letter from occupier of 38 Bourdon Street, London, dated 17 August, 29 September and 7 March 2017
10. Letter from occupier of 29A Brook Street, London, dated 6 August and 3 October 2016
11. Letter from occupier of 32 Bourdon Street, London, dated 14 and 17 August, 1 and 11 October 2016 and 2 March 2017
12. Letter from occupier of 17 St Georges Buildings, Mayfair, dated 12 August and 5 October 2016
13. Letter from occupier of 34 Bourdon Street, London, dated 18 August and 8 October 2016
14. Letter from occupier of Basement And Ground Floor Maisonette A, 21 Bourdon Street, dated 22 August 2016

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

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

DRAFT DECISION LETTER

Address: 26 Bruton Place, London, W1J 6NG,

Proposal: Erection of rear single storey extension at first floor level with rooflight, installation of rooflight in existing rear roof slope and installation of rooflight at first floor flat roof level.

Reference: 16/06862/FULL

Plan Nos: 3013/P/111 Rev. B; 3013/P/112 Rev. B; 3013/P/113 Rev A.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

- 3 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof of the first floor rear extension or first floor terrace, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

character and appearance of this part of the Mayfair 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 paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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 Mayfair 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 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)

- 6 You must not use the roof of the first floor extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance purposes.

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)

- 7 You must not use the flat roof at first floor level for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance purposes.

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)

- 8 The horizontal rooflights in the ground and first floor roofs hereby approved shall be permanently fixed shut.

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 You must apply to us for approval of detailed drawings and manufacturer's specification of the following parts of the development -

- Measures to prevent excessive solar gain through the horizontal rooflights in the ground and first floor roofs hereby approved.
- Measures to secure the natural ventilation of the rear second floor extension hereby approved.

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 the approved detailed drawings and manufacturer's specification. (C26DB)

Reason:

To ensure that the rear first floor extension hereby approved does not overheat and is properly ventilated. This is to prevent the need for openable windows which would not protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

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

Item No.
1

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

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

Item No.
2

CITY OF WESTMINSTER			
PLANNING SUB APPLICATIONS COMMITTEE	Date 23 May 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	67 - 68 Beak Street, London, W1F 9SW		
Proposal	Erection of a balustrade around third floor flat roof to facilitate use as a roof terrace in association with the existing office (Class B1) use.		
Agent	Montagu Evans		
On behalf of	LaSalle Investment Management		
Registered Number	17/02141/FULL	Date amended/ completed	16 March 2017
Date Application Received	9 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Refuse permission – loss of residential amenity (noise and overlooking).

2. SUMMARY

The application site comprises a four storey terraced property fronting Beak Street, a three storey warehouse building located between the terrace of properties on the north side of Beak Street and Stirling Court to the north, and a two storey hipped roof building linking these two buildings.

None of the buildings are listed but the site is located within the Soho Conservation Area. The site is located within the Core CAZ. The entirety of the site is in use as an office (Class B1).

Stirling Court is located immediately to the north of the application site. This building is in residential use from fifth to tenth (top) floors. Permission was granted on 29 April 2016 for, *inter alia*, the use of part of the fourth floors as two flats. This permission is currently being implemented. The remainder of the fourth floor is in use as offices and a caretaker's flat. The lower floors are in commercial use.

Immediately to the south are a number of residential flats on the upper floors of properties facing Beak Street.

As set out within Section 6 of this report, retrospective permission was refused on 2 February 2017 for

the erection of a raised deck enclosed by a timber balustrade at third floor flat roof for use as a roof terrace in association with the use of the building as office (Class B1) floorspace. Permission was refused on the ground that the proposed roof terrace would have led to an unacceptable loss of privacy for people living in neighbouring properties and an unacceptable increase in noise for these same residents.

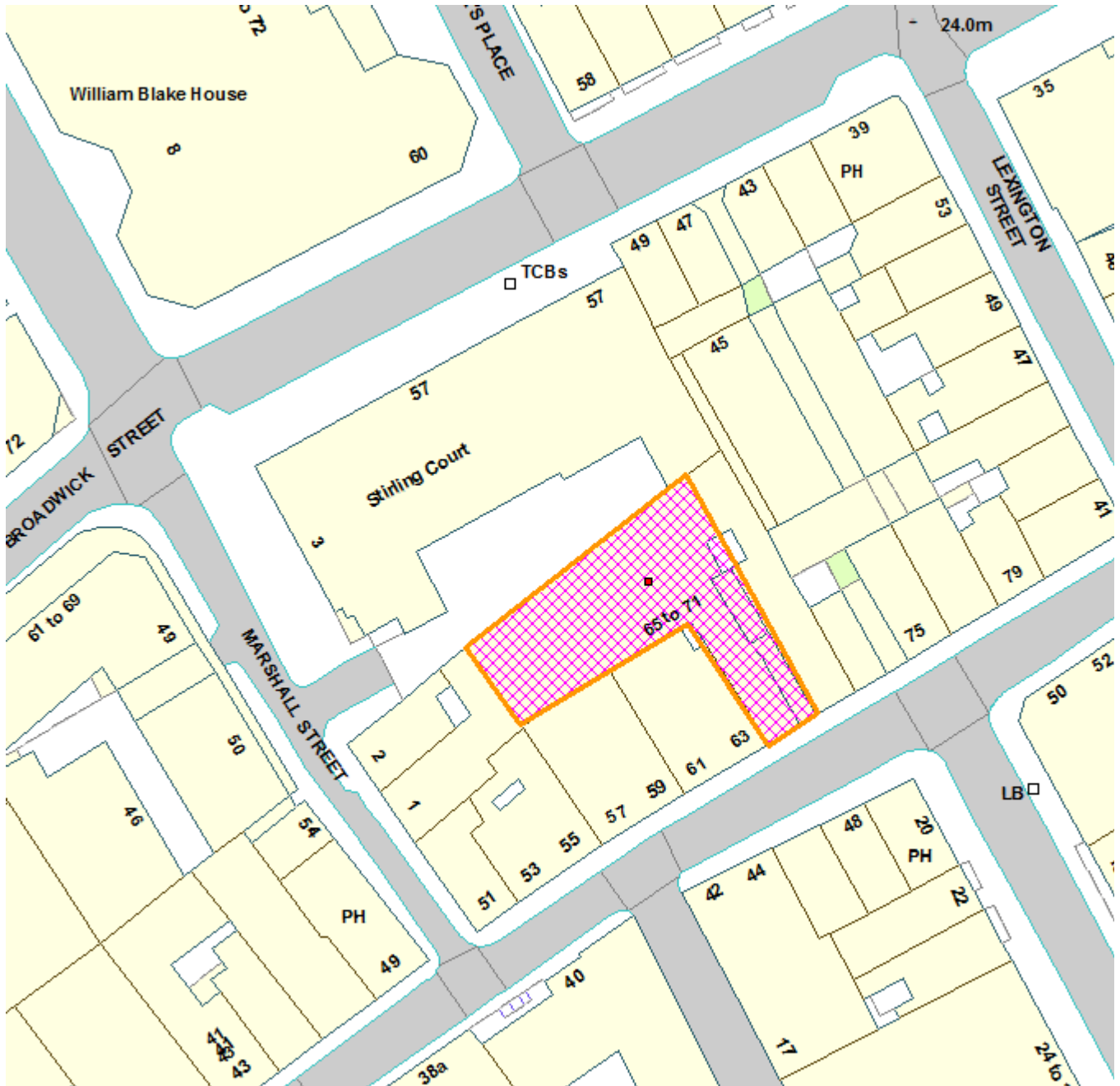
Prior to the unauthorised works, the third floor flat roof was enclosed by a safety rail fitted to the top of the parapet wall and was readily accessible via a staircore. The combined height of the parapet walls and the safety rails, however, was only 1.0m which is not compliant with the Building Regulations. The applicant argues that, not only has this area of flat roof been long used as a roof terrace but that, as it was shown to be retained on the drawings approved by a previous approval, the City Council has granted the use of this flat roof as a terrace. This misses the point. To use this flat roof as a terrace in an ancillary capacity to the office building does not constitute a material change of use of land and therefore whether or not it was shown as a terrace on drawings approved in a previous permission is irrelevant. The pertinent issue is that the lawful means of enclosure to this flat roof is below the 1.1m requirement set out within the Building Regulations to ensure that users of a terrace are protected from falls. As such, the flat roof is likely to have been used informally by the occupants of the office building and not intensively used.

The current application seeks permission to enclose a slightly smaller area of flat roof than the previously refused raised deck with a new timber and metal balustrade to provide the required 1.1m means of enclosure. The proposed development would result in a roof terrace that is compliant with the Building Regulations and this would mean that it is likely to be far more intensively used (for example, for corporate events). It is not considered that the slightly smaller size of the proposed terrace compared to the terrace refused permission on 2 February 2017 adequately addresses the reasons for refusal. The large number of residential properties that closely surround the third floor flat roof means that its more intensive use as a terrace would result in an unacceptable loss of amenity for these residents in terms of overlooking and increased noise. This would not meet City Plan Policies S29 and S32 or UDP Policies ENV 6 and ENV 13.

The applicant has proposed that two conditions be imposed to mitigate the harmful amenity impact of the more intensive use of the flat roof as a terrace. The first is to prevent the use of the terrace except between 09.00 and 19.00 (Monday to Friday). The second is that no music would be permitted to be played on the terrace. The same conditions were offered as part of the previously refused application and are again not considered to make the development acceptable.

For these reasons it is recommended that permission be refused.

3. LOCATION PLAN



4. PHOTOGRAPHS

Third floor flat roof of application site as seen from upper floors of properties on Beak Street.



5. CONSULTATIONS

SOHO SOCIETY:
No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 58
Total No. of replies: 7
No. of objections: 7
No. in support: 0

Objecting on the following grounds:

- Overlooking.
- Increased noise and disturbance.
- This revised proposal for a roof terrace does not satisfactorily address the reasons for the refusal of the previous application.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. RECENT RELEVANT HISTORY

Permission (Ref: 09/00899/FULL) was refused on 6 April 2009 for the creation of a roof terrace on the existing first floor flat roof on overlooking, noise and disturbance, and design and conservation grounds.

Permission (Ref: 14/05685/FULL) was granted on 2 June 2015 for the erection of an infill extension over ground to third floor levels to house a new lift shaft and stairwell, installation of glazed roof over existing courtyard, erection of railings around eastern third floor flat roof to facilitate use as terrace and demolition of stair housing at third floor level, all to extend and alter office building (Class B1). The terrace on the eastern third floor flat roof has not been implemented, but could be in the future. The hours of use of this terrace is controlled by condition to between 09.00 and 19.00 (Monday to Fridays).

Applications (Refs: 16/02629/FULL and 16/07596/FULL) to make 'minor material amendments' to the above approved development were approved on 12 July 2016 and 2 November 2016, respectively:

- To entirely remove the existing yard building and replace with a new building of the same scale and material;
- Addition of an access door and steps from proposed staircase to first floor flat roof (conditioned for maintenance access only).
- To increase the height of the approved staircore by approximately 1.0m.

Permission (Ref: 16/09126/FULL) was refused on 2 February 2017 for the erection of a raised deck enclosed by timber balustrade to third floor flat roof for use as a roof terrace in association with the use of the building as office (Class B1) floorspace. This was on the ground that the proposed roof terrace would have led to an unacceptable loss of privacy

for people living in neighbouring properties and an unacceptable increase in noise for these same residents, contrary to Policies S29 and S32 of Westminster's City Plan (November 2016) and Policies ENV 6 and ENV 13 of the Unitary Development Plan (January 2007). An appeal against this decision has been lodged and is pending determination.

7. BACKGROUND PAPERS

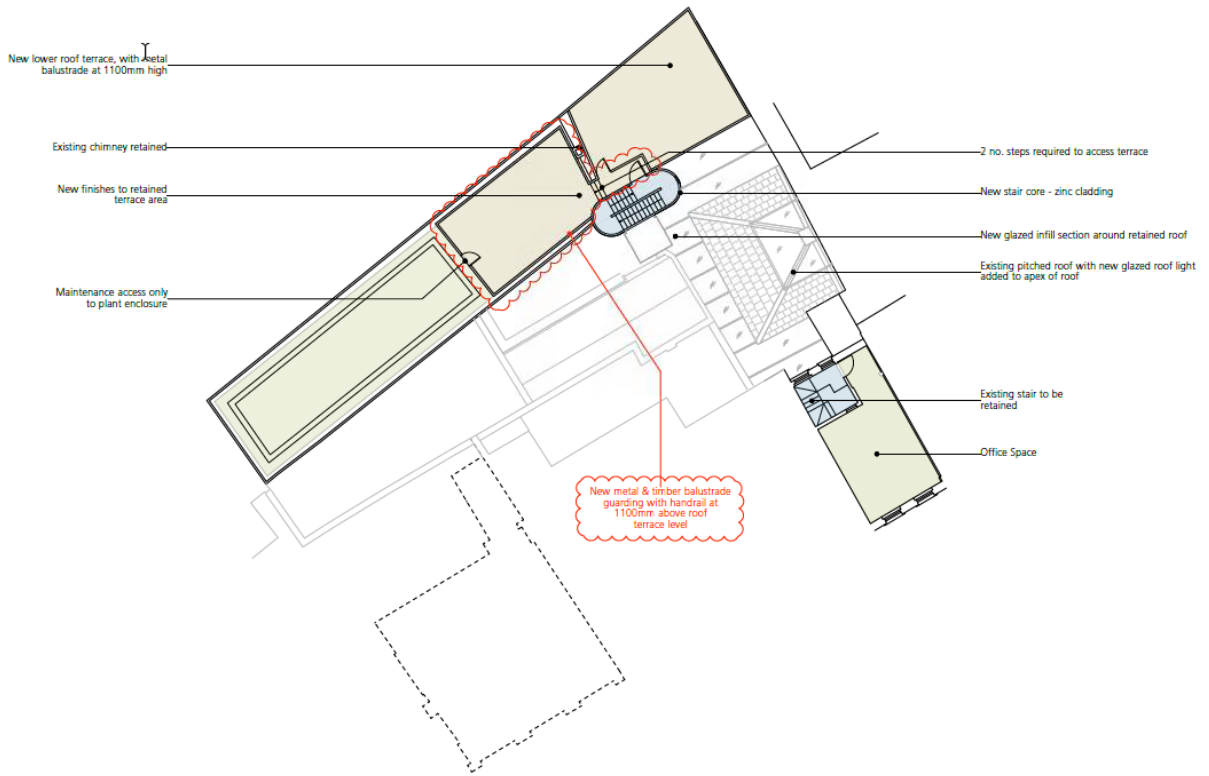
1. Application form
2. Response from Soho Society, dated 6 April 2017
3. Letter from occupier of First Floor Flat, 61-63 Beak Street, dated 11 April 2017
4. Letter from occupier of Marshall Street, London, dated 12 April 2017
5. Letter from occupier of Flat 3, 61-63 Beak Street, London, dated 11 April 2017
6. Letter from occupier of Stirling Court, Marshall Street, dated 12 April 2017
7. Letter from occupier of 65c Beak Street, London, dated 13 April 2017
8. Letter from occupier of Flat 2, 61-63 Beak Street., London, dated 11 April 2017
9. Letter from occupier of Stirling Court, Marshall Street, London, dated 12 May 2017

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

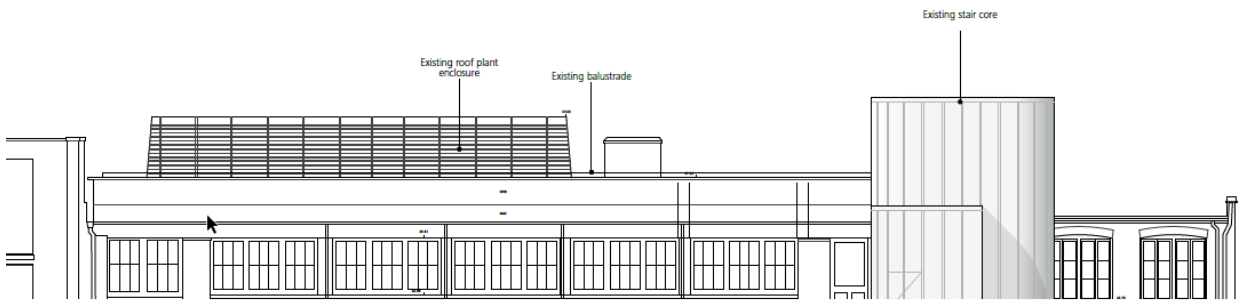
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

8. KEY DRAWINGS

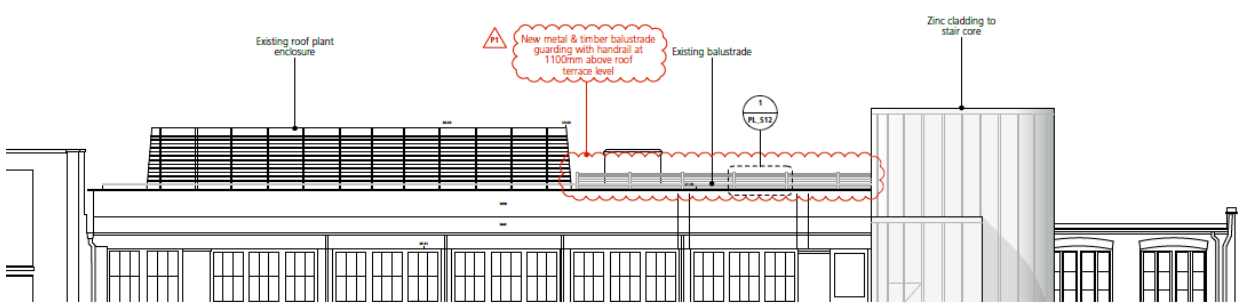
Proposed third floor plan:



Existing and proposed south elevation:



1 Existing Terrace/Plant Elevation - South
PL_S11



2 Proposed Terrace/Plant Elevation - South
PL_S11



DRAFT DECISION LETTER

Address: 67 - 68 Beak Street, London, W1F 9SW,

Proposal: Erection of a balustrade around third floor flat roof to facilitate use as a roof terrace in association with the existing office (Class B1) use.

Reference: 17/02141/FULL

Plan Nos: 804_PL_3.4 Rev. PL1, 804_PL_S10 Rev. PL2, 804_PL_S11 Rev. P1 and 804_PL_S12 Rev. P1.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s)

Reason:

The proposed roof terrace would lead to an unacceptable loss of privacy for people living in neighbouring properties and an unacceptable increase in noise for these same residents. This would not meet 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.

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 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING SUB APPLICATIONS COMMITTEE	Date 23 May 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	67 - 68 Beak Street, London, W1F 9SW		
Proposal	Variation of Condition 1 of planning permission dated 02 November 2016 (RN 16/07596/FULL) for, ' <i>Erection of infill extension over ground to third floor levels to house new lift shaft and stairwell with access door and steps from proposed staircase to first floor flat roof (for maintenance access only), demolition of existing yard building and replace with a new building of the same scale and material, installation of glazed roof over existing courtyard, erection of railings around third floor flat roof to facilitate use as terrace and demolition of stair housing at third floor level, all to extend and alter office building (Class B1)</i> '; NAMELY, to reduce the size of the third floor plant enclosure and to install acoustic lining to the inside of the enclosure (part retrospective).		
Agent	Montagu Evans		
On behalf of	LaSalle Investment Management		
Registered Number	17/02544/FULL	Date amended/ completed	27 March 2017
Date Application Received	22 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises a four storey terraced property fronting Beak Street, a three storey warehouse building located between the terrace of properties on the north side of Beak Street and Stirling Court to the north, and a two storey hipped roof building linking these two buildings.

None of the buildings are listed but the site is located within the Soho Conservation Area. The site is located within the Core CAZ. The entirety of the site is in use as an office (Class B1).

Stirling Court is located immediately to the north of the application site. This building is in residential use from fifth to tenth (top) floors. Permission was granted on 29 April 2016 for, *inter alia*, the use of part of the fourth floors as two flats. This permission is currently being implemented. The remainder of the fourth floor is in use as offices and a caretaker's flat. The lower floors are in commercial use.

Immediately to the south are a number of residential flats on the upper floors of properties facing Beak Street.

The application proposes to make a 'minor material amendment' to the permission granted on 2 November 2016 which permitted various alterations to this office building including the erection of an infill extension over ground to third floor levels to house a new lift shaft and stairwell, installation of glazed roof over existing courtyard, erection of railings around eastern third floor flat roof to facilitate use as terrace and demolition of stair housing at third floor level. The minor material amendment sought is to reduce the length of the plant enclosure at third floor roof level by 3.6m, to install replacement plant and to clad the inside of the enclosure in acoustic lining in order to mitigate the plant noise. The plant enclosure has already been reduced in size and the plant installed. As such, the application is partially retrospective.

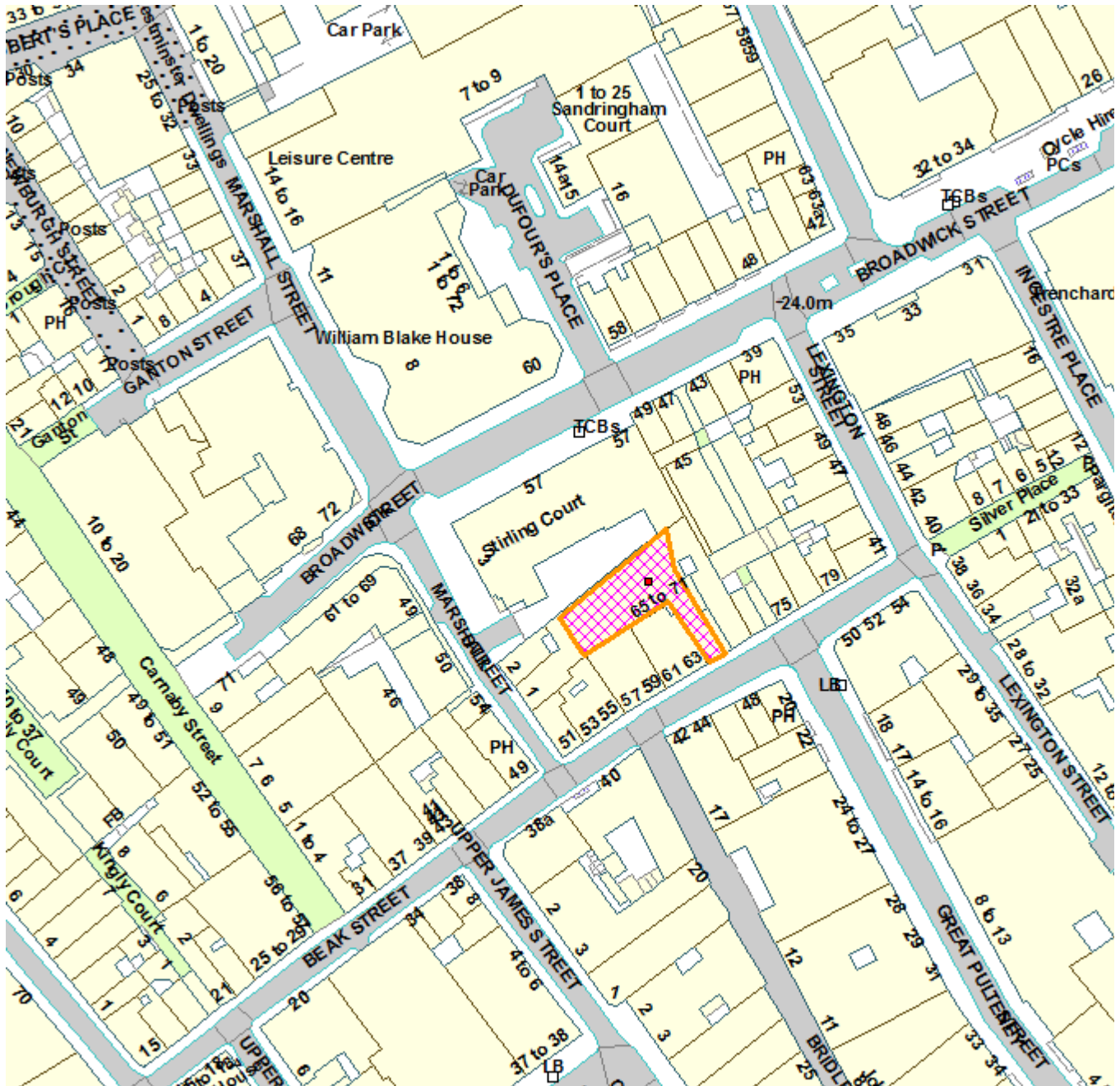
The existing enclosure is a lawful structure and can be retained on site without the need for planning permission. In visual terms, the proposed reduction in its length will improve the appearance of the enclosure when viewed from private vantage points, enhancing the character and appearance of the Soho Conservation Area.

Noise from plant within the enclosure has long been the source of complaints by neighbouring residents and has been the subject to enforcement investigations since June 2013. This is because the enclosure around the plant is not an acoustic enclosure and additional plant was installed within the enclosure, in breach of a condition imposed when the enclosure was first granted permission.

The applicant has submitted an acoustic report assessing the noise impact of the proposed plant on the nearest noise sensitive receptor (immediately to the west at Nos. 1-2 Marshall Street). This report has been reviewed by Environmental Health who advise that, subject to conditions requiring the specified acoustic lining being installed, limiting the hours of operation to between 07.00 and 19.00 (Monday to Friday) and restricting the plant that can be installed to that set out in the application, the noise from the proposed plant is likely to comply with the relevant criteria within UDP Policy ENV 7.

Despite the understandable concerns from local residents in respect to noise from the plant, the information provided demonstrates that the plant is unlikely to cause a material loss of amenity for these residents. The application is therefore recommended for conditional approval.

3. LOCATION PLAN



4. PHOTOGRAPHS

Prior to unauthorised works:



Following unauthorised works:



5. CONSULTATIONS

SOHO SOCIETY:

No objection.

ENVIRONMENTAL HEALTH:

No objection subject to appropriate conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 63

Total No. of replies: 4

No. of objections: 3

No. of neutral: 1

No. in support: 0

Neutral comment

- Not objecting to the reduction in the size of the plant enclosure but states that plant noise has been a problem in the past and therefore requests that conditions are imposed limiting the plant's operation and requesting a start time later than 07.00.

Objections

- Requests a start time of 08.00 not the 07.00 as proposed.
- Requests that the plant does not operate on bank holidays.
- Raises concerns that reducing the size of the enclosure will allow a larger area of flat roof to be used as a terrace which causes overlooking concerns.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. RECENT RELEVANT HISTORY

Permission was granted (Ref: 96/00466/FULL) on March 1996 for the refurbishment of the existing buildings and the installation of rooftop plant and enclosure. Condition 7 on this permission stated that no mechanical plant, ductwork, tanks, satellite or radio antennae or other structures shall be located on the roof other than those shown on the drawings hereby approved. The plant approved as part of this application included two chiller units, a pump, an air handling unit and two extractor ducts.

Permission was refused (Ref: 09/00506/FULL) on 9 April 2009 for the installation of an emergency back-up generator set into the existing plant enclosure on the ground that it would have a detrimental impact on neighbouring residential amenity in terms of noise. As part of this application a photograph was submitted that showed that the approved enclosure had been cleared of all plant and was empty. Any plant added after this point would therefore represent a breach of Condition 7 of the 1996 permission, and this is the case for the existing plant (which has been the subject of enforcement investigations since June 2013).

Permission (Ref: 14/03919/FULL) was granted on 3 March 2015 for the retention of eight air conditioning units at main roof level and alterations to reduce the size of the existing

enclosure by removing a western part of the enclosure. This permission has not been implemented.

Permission (Ref: 14/05685/FULL) was granted on 2 June 2015 for the erection of an infill extension over ground to third floor levels to house a new lift shaft and stairwell, installation of glazed roof over existing courtyard, erection of railings around eastern third floor flat roof to facilitate use as terrace and demolition of stair housing at third floor level, all to extend and alter office building (Class B1).

Applications (Refs: 16/02629/FULL and 16/07596/FULL) to make 'minor material amendments' to the above approved development were approved on 12 July 2016 and 2 November 2016, respectively:

- To entirely remove the existing yard building and replace with a new building of the same scale and material;
- Addition of an access door and steps from proposed staircase to first floor flat roof (conditioned for maintenance access only).
- To increase the height of the approved staircore by approximately 1.0m.

7. BACKGROUND PAPERS

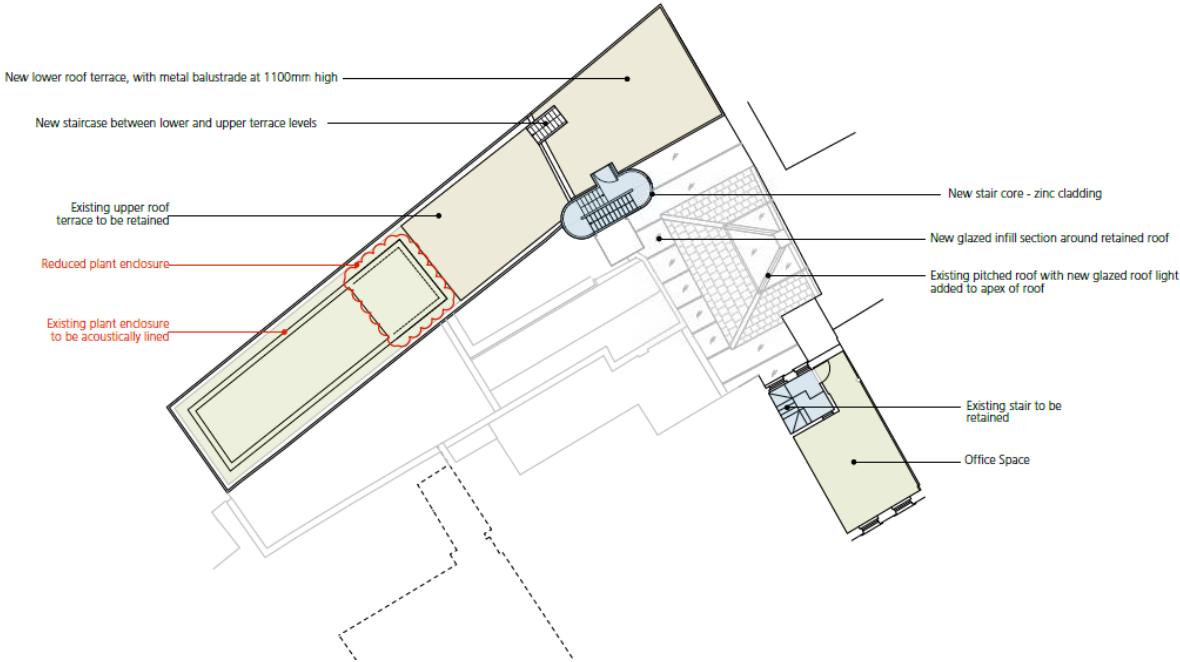
1. Application form
2. Response from Soho Society, dated 14 April 2017
3. Response from Environmental Health, dated 7 April 2017
4. Letter from occupier of Stirling Court, Marshall Street, dated 19 April 2017
5. Letter from occupier of 65c Beak Street, London, dated 24 April 2017
6. Letter from occupier of 61-63 Beak Street, Flat 1, dated 22 April 2017
7. Letter from occupier of Flat 3, 61-63 Beak Street, London, dated 19 April 2017

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

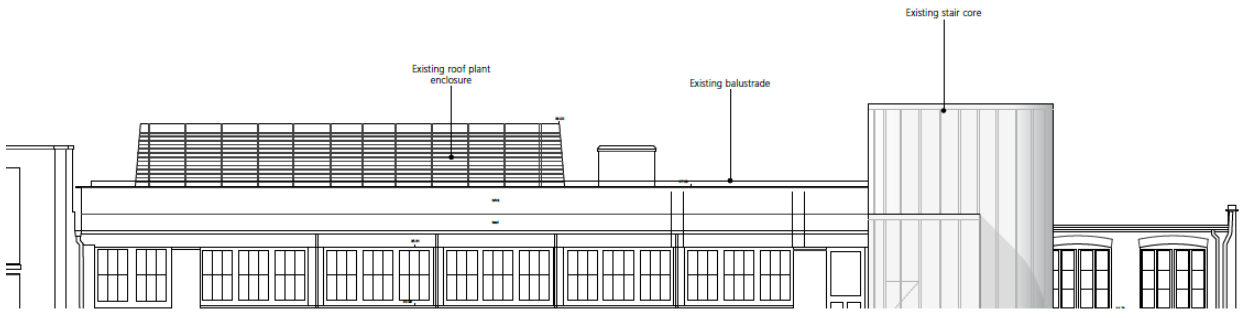
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT MHOLLINGTON2@WESTMINSTER.GOV.UK

8. KEY DRAWINGS

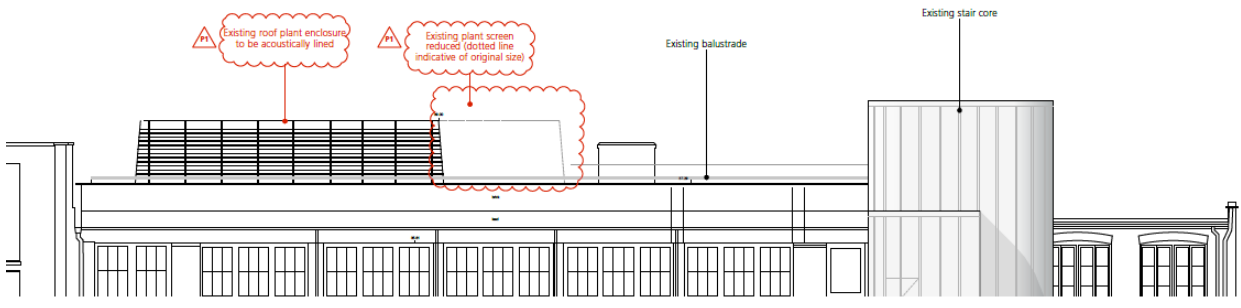
Proposed third floor plan:



Existing and proposed south elevation:



1 Existing Terrace/Plant Elevation - South
PL_S11



DRAFT DECISION LETTER

Address: 67 - 68 Beak Street, London, W1F 9SW,

Proposal: Variation of Condition 1 of planning permission dated 02 November 2016 (RN 16/07596/FULL) for, 'Erection of infill extension over ground to third floor levels to house new lift shaft and stairwell with access door and steps from proposed staircase to first floor flat roof (for maintenance access only), demolition of existing yard building and replace with a new building of the same scale and material, installation of glazed roof over existing courtyard, erection of railings around third floor flat roof to facilitate use as terrace and demolition of stair housing at third floor level, all to extend and alter office building (Class B1)'; NAMELY, to reduce the size of the third floor plant enclosure and to install acoustic lining to the inside of the enclosure.

Reference: 17/02544/FULL

Plan Nos: 17/02544/FULL
804_PL_S10 Rev. P2, 804_PL_S11 Rev. P1 and 804_PL_3.2 Rev. PL1.
Environmental Noise Survey and Plant Assessment (dated 20 March 2017)

16/07596/FULL
804_PL_S1 Rev. PL6 and 804_PL_S3 Rev. PL6.

16/02629/FULL
804_PL_0.1 Rev. PL5, 804_PL_1.1 Rev. PL4, 804_PL_2.1 Rev. PL4, 804_PL_S.3
Rev. PL5 and 804_PL_PE-01 Rev. PL1.

14/05685/FULL
804_PL_B.1 Rev. PL3, 0.1 Rev. PL4, 1.1 Rev. PL3, 2.1 Rev. PL3, 3.1 Rev. PL3, 4.1
Rev. PL3, S1 Rev. PL4, S2 Rev. PL4 and S3 Rev. PL4.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

Reason:

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

- 3 All new work to the 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)

- 4 No access for any persons to the 'new lower roof terrace' at third floor level shown on approved drawing 804_PL_3.1 Rev. PL3 hereby approved shall be permitted outside the following hours:
- 09.00 to 19.00 (Monday - 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)

- 5 The second floor roof accessed by the approved access door and steps shall only be used for maintenance and to escape the building in an emergency.

Reason:

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

- 6 This permission must be commenced no later than 1 June 2018

Reason:

This permission authorises amendments to the original planning permission granted on 2 June 2015 (RN 14/05685/FULL) which must be commenced no later than the above date.

- 7
- (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
 - (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
 - (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:(a) A schedule of all plant and equipment that formed part of this application;; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 9 The plant/machinery hereby permitted shall not be operated except between 07.00 hours and 19.00 hours (Monday to Friday).

Reason:

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

- 10 Only the equipment set out in Tables 6 and 7 of the Environmental Noise Survey and Plant Assessment (dated 20 March 2017) shall be installed within the modified plant enclosure hereby approved.

Reason:

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

- 11 Within two months of this permission, the inside face of the plant enclosure shall be lined with an acoustic panel, as specified within Appendix 3 of the Environmental Noise Survey and Plant Assessment (dated 20 March 2017). This acoustic panel shall be retained in situ for as long as any machinery is located within the enclosure.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions 7, 9, 10 and 11 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING SUB APPLICATIONS COMMITTEE	Date 23 May 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	Basement To First Floor Maisonette, 22 Eaton Place, London, SW1X 8AE,		
Proposal	Erection of replacement enlarged extension to the rear of the first floor.		
Agent	Indigo Planning		
On behalf of	Mr Alexander Kolobov		
Registered Number	17/00874/FULL 17/00875/LBC	Date amended/ completed	6 February 2017
Date Application Received	3 February 2017		
Historic Building Grade	Grade II*		
Conservation Area	Belgravia		

1. RECOMMENDATION

1. Grant conditional permission.
2. Grant conditional listed building consent, subject to authorisation from Historic England.
3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

This application relates to a maisonette over the lower ground, ground, and first floor of a Grade II* listed building located within the Belgravia Conservation Area. Planning permission and listed building consent are sought for the demolition of the existing extension at rear first floor level and replacement with an enlarged extension.

In terms of design, the proposals would notably increase the scale and bulk of the extension at this level compared with the existing extension. The proposed extension follows a previous proposal for an extension of the same size, refused in August 2016 due to its poor design and high level bulk. Whilst of the same size, the current proposal is in brick and better represents the architectural hierarchy of the rear elevations of this terrace, which exhibits stucco to lower levels, and a more vernacular brick above.

The design is well proportioned in itself and relates well to the architectural proportions of the rest of the

elevation, with the brick giving the extension a more recessive and subservient appearance. In combination with the architectural relief of the blind windows this is considered to overcome the problems of bulk which had previously been seen. Subject to conditions to secure the quality of materials and workmanship, it is considered that the proposal would preserve the significance of the listed building, and would comply with relevant local and national design and conservation policies.

The replacement enlarged extension will be located on an existing first floor terrace area. In comparison to the existing rear first floor extension to be demolished, the replacement extension will project approximately 1.8m further and will be approximately 0.8m higher. Two objections have been received from the residents of adjoining flats in No. 24 Eaton Place on the grounds that the proposals would block daylight, cast shadow, impede view, increase sense of enclosure, and result in a loss of privacy to those living in these properties.

The rear windows of the basement and ground floor of No. 24 Eaton Place, including their ground floor conservatory, already have a restricted outlook as they face out onto a fully enclosed light well area. It is not considered that the increase in height and depth of the replacement extension would have a significant impact on the residential amenity of the basement and ground floor flat at No.24 Eaton Place.

The neighbour of the first floor flat of No.24 Eaton Place objects on grounds the replacement extension will adversely affect their existing rear terrace in terms of light and enclosure. The proposed extension is separated from this outdoor terrace by No.24s lightwell area. As such, it is considered to be sufficiently set back from the replacement extension and is not considered to be significantly affected in terms of loss of light or enclosure.

Objections have also been raised on the grounds of noise, disturbance and damage from works, and neighbours cite ongoing problems with contractors carrying out works at property. With regard to the potential for noise and disturbance, it is recognised that construction is currently underway at the site and the City Council could not reasonably refuse planning permission on these grounds. The City Council's standard condition on hours of work is recommended which will limit the hours when noisy works are permitted to Monday to Friday 08.00 to 18.00 and Saturdays 08.00 to 13.00. With regard to issues of damage and ongoing problems with party walls, these are private matters and as such are not material considerations in the determination of this planning application.

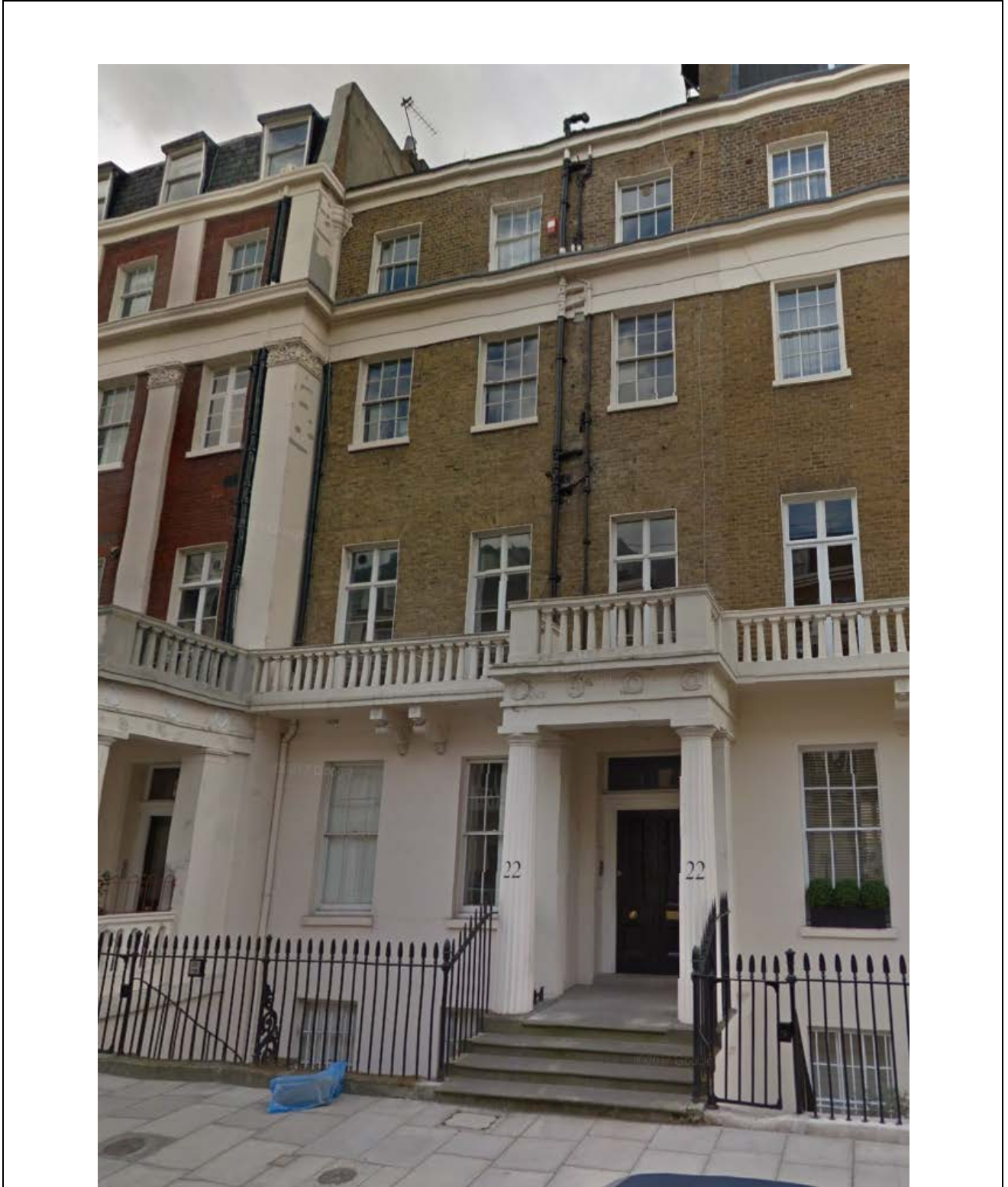
The proposal complies with the relevant land use, amenity and design policies in the Unitary Development Plan (UDP) and City Plan and is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION:

Any response to be reported verbally.

HISTORIC ENGLAND:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 13: No. of replies: 2

Two letters of objection from residents of flats in adjoining property on the following grounds:

Design

*No such extension on the terrace of houses along this section of Eaton Place.

Amenity

*Proposal will block daylight, cast shadow and impede view.

*Increased sense of enclosure.

*Impact on privacy.

Construction impact

*Noise and damage from works.

*Ongoing problems with contractors carrying out works at property.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. RELEVANT PLANNING HISTORY

Planning permission and listed building consent refused on 05 August 2016 for the demolition of the existing extension at rear first floor level and replacement with enlarged extension(RNs: 16/05072/FULL & 16/05073/LBC).

Planning permission and listed building consent granted on 18 September 2015 for the demolition and replacement of first floor rear closet wing extension (RNs: 15/06652/FULL & 15/06653/LBC).

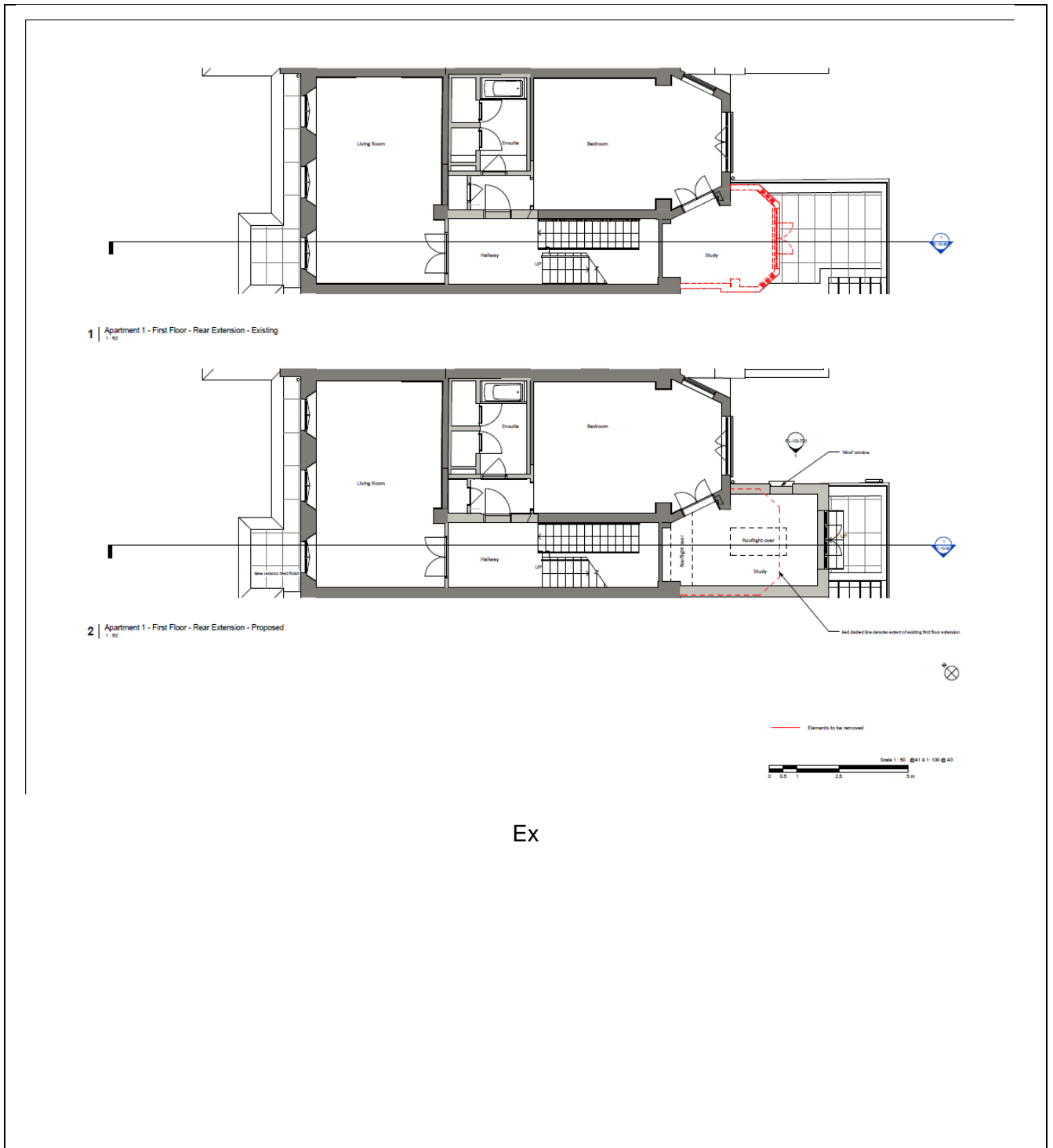
7. BACKGROUND PAPERS

1. Application form
2. Letter from occupier of Basement and Ground Flat, 24 Eaton Place dated 24.02.2017
3. Letter from occupier of First Floor Flat, 24 Eaton Place dated 28.02.2017

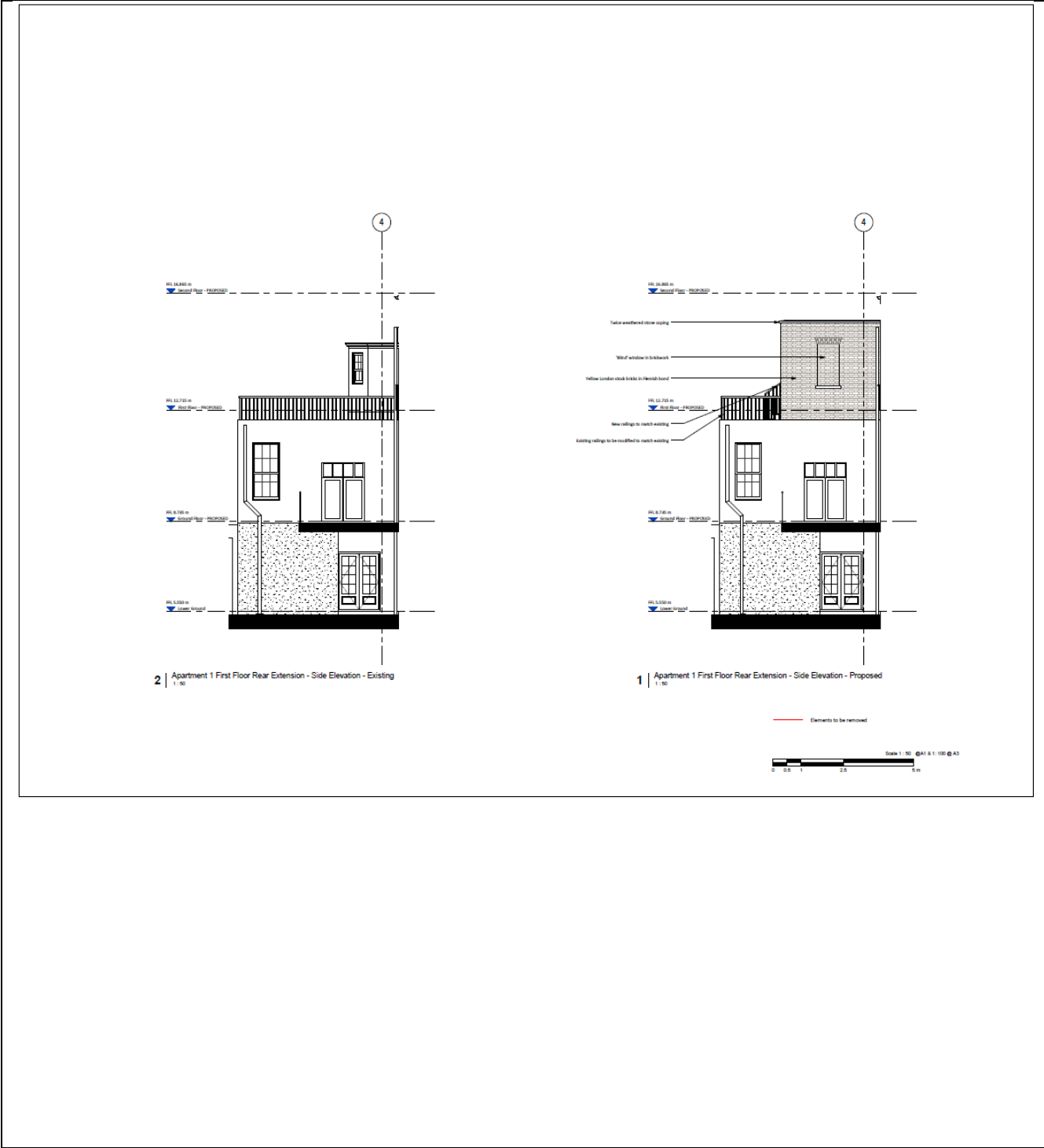
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

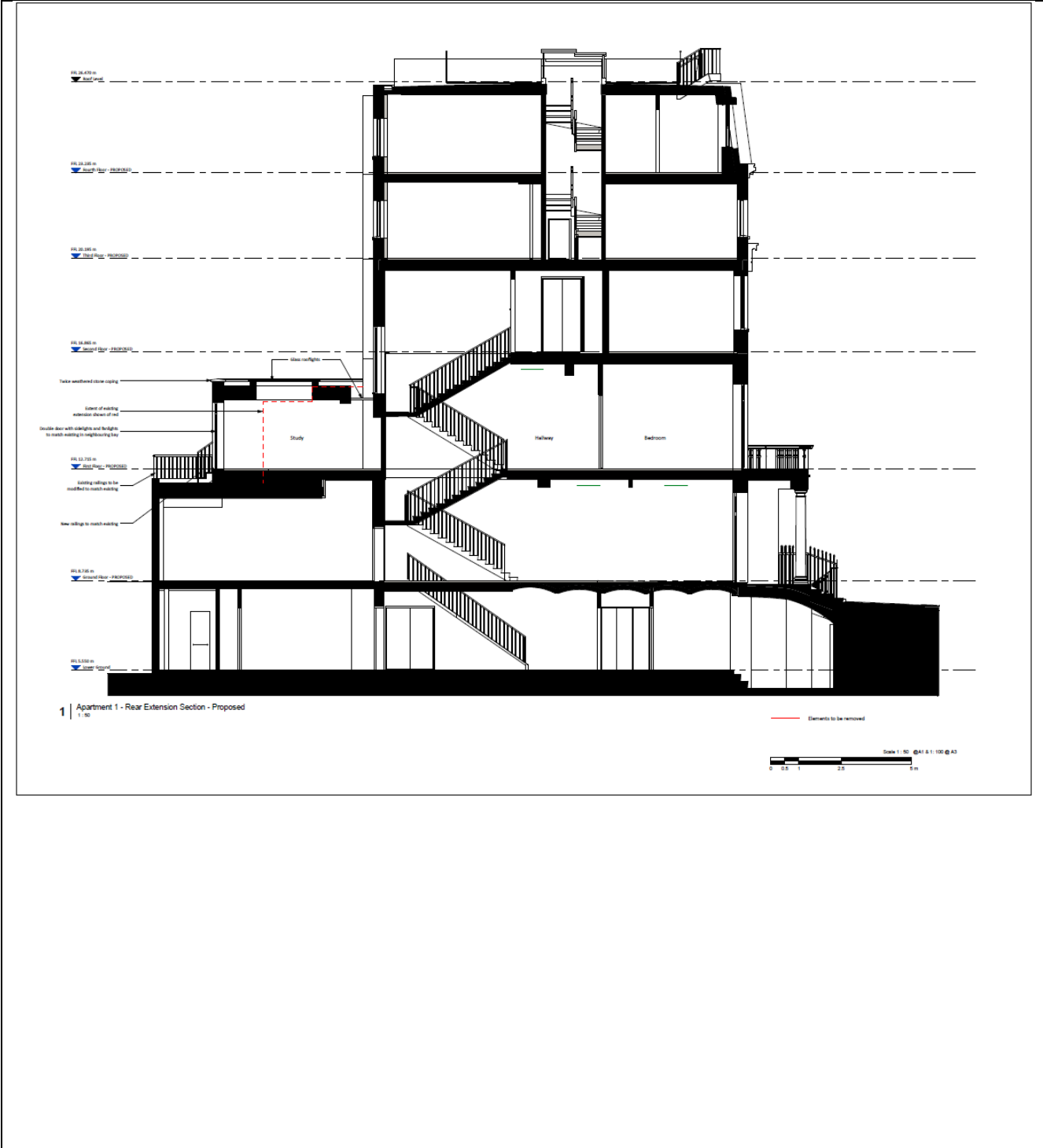
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk.

8. KEY DRAWINGS









DRAFT DECISION LETTER

Address: Basement To First Floor Maisonette, 22 Eaton Place, London, SW1X 8AE,

Proposal: Erection of replacement enlarged extension to the rear of the first floor. (Linked Case: 17/00875/LBC).

Reference: 17/00874/FULL

Plan Nos: Site location plan; A-PL-10-501; A-PL-10-600; A-PL-10-601; A-PL-10-700; A-PL-10-701; A-PL-10-800.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must apply to us for approval of a written (and photographic) specification of a sample panel of brickwork (to be prepared on-site for our inspection) which shows the colour, texture, face bond and pointing of the new brickwork, including specials. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

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

- 5 The new railings shall be constructed from metal, painted black and maintained that colour.

Reason:

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

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: Basement To First Floor Maisonette, 22 Eaton Place, London, SW1X 8AE,
Proposal: Erection of replacement enlarged extension to the rear of the first floor. (Linked Case: 17/00874/FULL).
Reference: 17/00875/LBC
Plan Nos: Site location plan; A-PL-10-501; A-PL-10-600; A-PL-10-601; A-PL-10-700; A-PL-10-701; A-PL-10-800.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

- 3 The new railings shall be constructed from metal, painted black and maintained that colour.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area.

This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must apply to us for approval of a written (and photographic) specification of a sample panel of brickwork (to be prepared on-site for our inspection) which shows the colour, texture, face bond and pointing of the new brickwork, including specials. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

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

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
- * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.
- Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.
- It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

Item No.
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Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 23 May 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	Amphitheatre And Outdoor Spaces, Sheldon Square, London.		
Proposal	Temporary use of the amphitheatre for event screenings between 1st June and 5 th September 2017.		
Agent	Miss Kelly Lippett		
On behalf of	British Land		
Registered Number	17/02045/FULL & 17/02046/ADV	Date amended/ completed	17 March 2017
Date Application Received	8 April 2016		
Historic Building Grade	Unlisted		
Conservation Area	Outside		
Licensing	Monday – Sunday 09:00 – 21:00		

1. RECOMMENDATION

- | |
|---|
| <ol style="list-style-type: none"> 1. Grant conditional permission. 2. Grant conditional advertisement consent. |
|---|

2. SUMMARY

Planning permission and advertisement consent is sought for the temporary placement of a video screen and associated structure adjacent to the tiered amphitheatre area in the centre of Paddington Central, for the temporary screening of events. At the point of drafting this report, one objection has been received from a local resident on the grounds of general nuisance and use of the amphitheatre in a residential location.

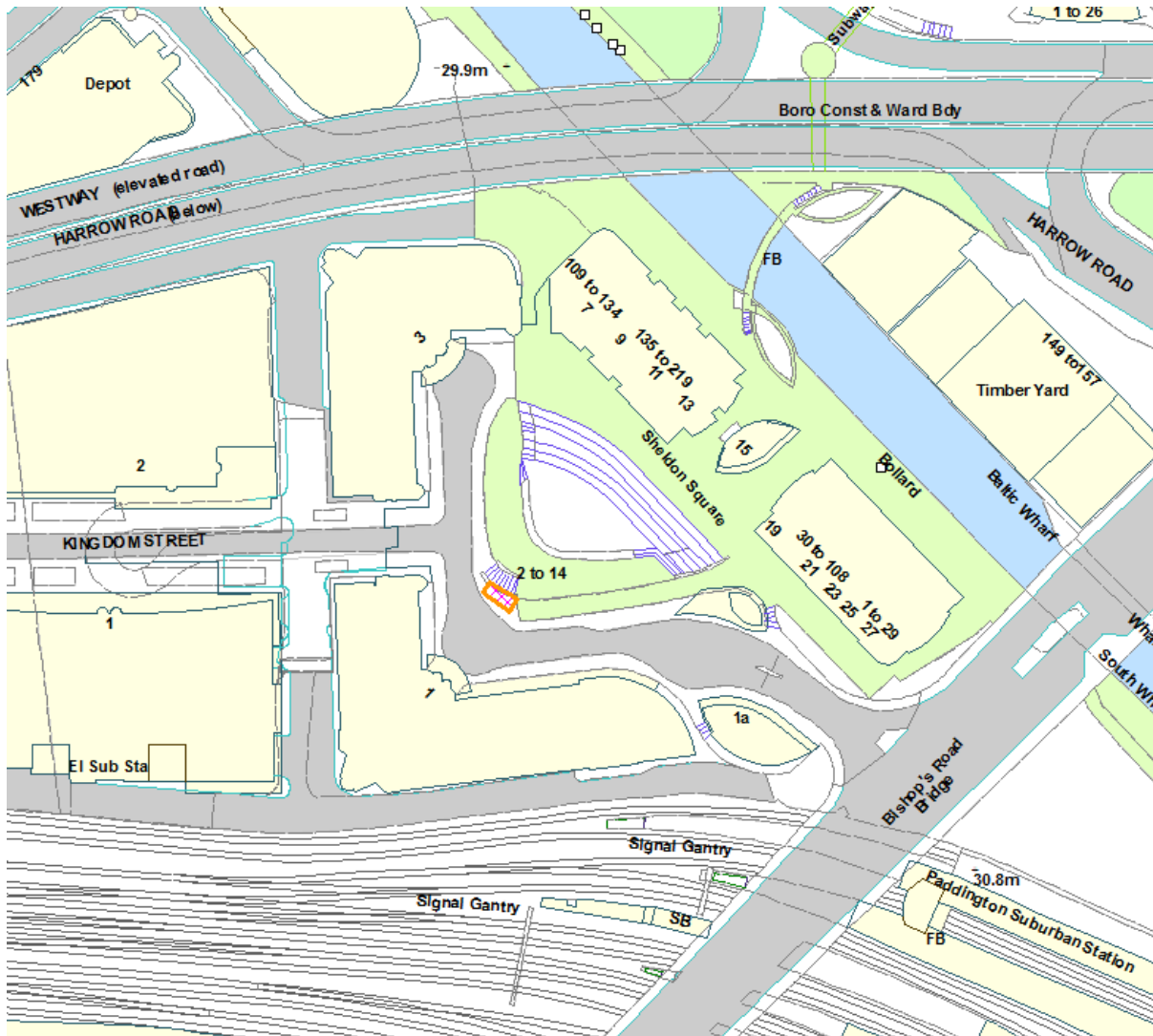
The key issues are:

- * The impact of the screening of events on the amenities of residents living in Sheldon Square for a temporary period;
- * The erection of a LED screen on the amenity of this area given such screens are normally discouraged under Policy DES8 in the UDP.

It is considered that the screening of sporting and filming such events for a limited period from 1 June to 5 September 2017 from 9am until 9pm Monday-Sunday, will not materially harm the amenities of existing residents in Paddington Central.

In relation to the proposed advert application, given the location of the amphitheatre within the centre of Phase 1 of the Paddington Central Development, the proposed LED screen will not be visible from public street views and is for a limited period, therefore it is considered that an exception under Policy DES8 can be made.

3. LOCATION PLAN



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4. PHOTOGRAPHS



The screen in place at Sheldon Square previously

5. CONSULTATIONS (Due to expire on 16th May 2017)

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

Support the proposals. The applicant should advise how the screenings will impact on noise and safety when run at the same time as 'The Pergola' (a recently granted temporary new restaurant / bar at the western end of Paddington Central). The hours of opening should be no longer than The Pergola. Request that neighbours' views are taken into consideration.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

No objection unless there are records of neighbour complaints.

HYDE PARK ESTATE ASSOCIATION:

Any response to be reported verbally.

CANAL & RIVER TRUST:

No comment.

PADDINGTON PARTNERSHIP:

Support the proposal.

HIGHWAYS PLANNING:

No objection.

CLEANSING:

No objection.

ENVIRONMENTAL HEALTH:

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 270

No. of objections: 1 Objection on the grounds of general disturbance and the amphitheatre should not be used in a residential location.

Any further representations received will be reported to committee verbally.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

These applications relate to the part grassed part paved amphitheatre at Sheldon Square which formed Phase 1 of the wider Paddington Central Development. This site is located outside of a conservation area and within the Paddington Opportunity Area (POA).

6.2 Recent Relevant History

Permission was granted in 2016 and 2015 for the display of a screen associated with the use of the amphitheatre on a temporary basis over the summer. Prior to this, in 2014, the screen was in

place for a temporary period of 28 days, which benefited from permitted development and therefore did not require a formal application.

7. THE PROPOSAL

The application is again looking to install the screen for a temporary period from the 1 June to 5 September 2017. As previously, the screen is to show films along with sporting events such as Wimbledon. The proposed hours for the screen are between the hours of 9am and 9pm daily. The screen will not be used on days when there are no planned events. Advertisement consent is also sought to display the screen on a display structure for the same temporary period.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The site is located within the Paddington Opportunity Area and Policy S3 in the City Plan promotes the area as one that supports businesses whilst building a thriving mixed use sustainable neighbourhood and destination. The space has been designed for events such as those currently proposed and has place shaping benefits that such proposals bring to the area. The proposal will bring vitality to this area of public realm for the benefit of local office workers, visitors and residents. However, this has to be balanced against the impact of the proposed use on the amenities of residents in Paddington Central.

8.2 Townscape and Design

Policy DES8 in the UDP states that advertisement consent will generally not be granted for the permanent display of LED video screens and moving digital displays. However, in this particular location, it is considered that an exception to policy could be made for a limited period associated with sporting and film events and will not have such a harmful impact on the visual amenity of this part of the City to warrant refusal. The screen will be located within the development itself and will not be visible from public street views, nor will it affect highway safety in the surrounding area.

8.3 Residential Amenity

Objections have in relation to previous applications been received from residents within the residential block (Sheldon Square) located adjacent to the site. At the point of writing this report only one objection has been received on the ground that the screen causes general disturbance and the amphitheatre should not be used. Comments have been raised by The Paddington Waterways & Maida Vale Society that the cumulative impact of proposed screen and recently approved bar and restaurant 'The Pergola' at the western end of the site should be considered and that the hours should be no longer than the Pergola.

The principle concern is in relation to noise from both the screen and people in the public square. There would appear to be no record of noise nuisance complaints in relation to the screen being made in relation to the temporary screen last year. Indeed the objection states that the volume was mostly off last year.

A license has been granted for the screen to be in place for the same hours as those currently proposed (9am – 9pm). The license includes conditions to ensure that no noise is heard outside of

the perimeter of the site and that noise levels are monitored to ensure that no nuisance is caused to both commercial and residential occupiers. A copy of the noise report for the 2015 installation has been provided by the applicant for information.

The amphitheatre space is a popular location for workers and visitors to congregate. As in previous years, the applicant has sought to position the screen away from the flats in order to minimise disturbance, although it is noted that by nature of the design of the amphitheatre this does mean that the screen is directed at the residential blocks. Subject to conditions to ensure that the screen is only operational during the hours proposed (9am – 9pm) and subject to the restrictions on the approved license the screen is acceptable for a further temporary period. In relation to the concerns from the Paddington Waterways & Maida Vale Society in with respect to the cumulative effect of the screen and the Pergola, it is not considered that the two uses will give rise to any safety issues, with the screen directed at the amphitheatre and therefore does not affect the routes through the site to the Pergola. It also has shorter opening hours, terminating at 9pm compared to 11pm for the Pergola.

The proposals are therefore considered to be acceptable having regard to policies ENV6 and ENV13 of the UDP and S29 and S32 of the City Plan.

8.4 Transportation/Parking

The application site is well served by public transport being a short distance away from Paddington Station and it is not considered that the proposed use will result in unacceptable increases in vehicular traffic.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

No change to existing arrangements.

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 will not trigger the requirement for a Community Infrastructure Levy payment.

8.11 Environmental Impact Assessment

Not relevant to the determination of an application of these types.

8.12 Other Issues

Objections have in relation to previous applications, been raised on the grounds of increased rubbish, anti-social behaviour and the impact of such events on local services, such as provisions within the supermarket. The applicant has advised that they have a dedicated cleaning team and security staff who patrol the area in order to manage such issues and they note that they were able to ensure that such issues were kept under control on previous years. It is in the interest of both the applicant as well as local residents for such monitoring to take place, to ensure that the space is a safe and welcoming for residents, workers and visitors alike. In terms of the supermarket stock, this is not a planning consideration.

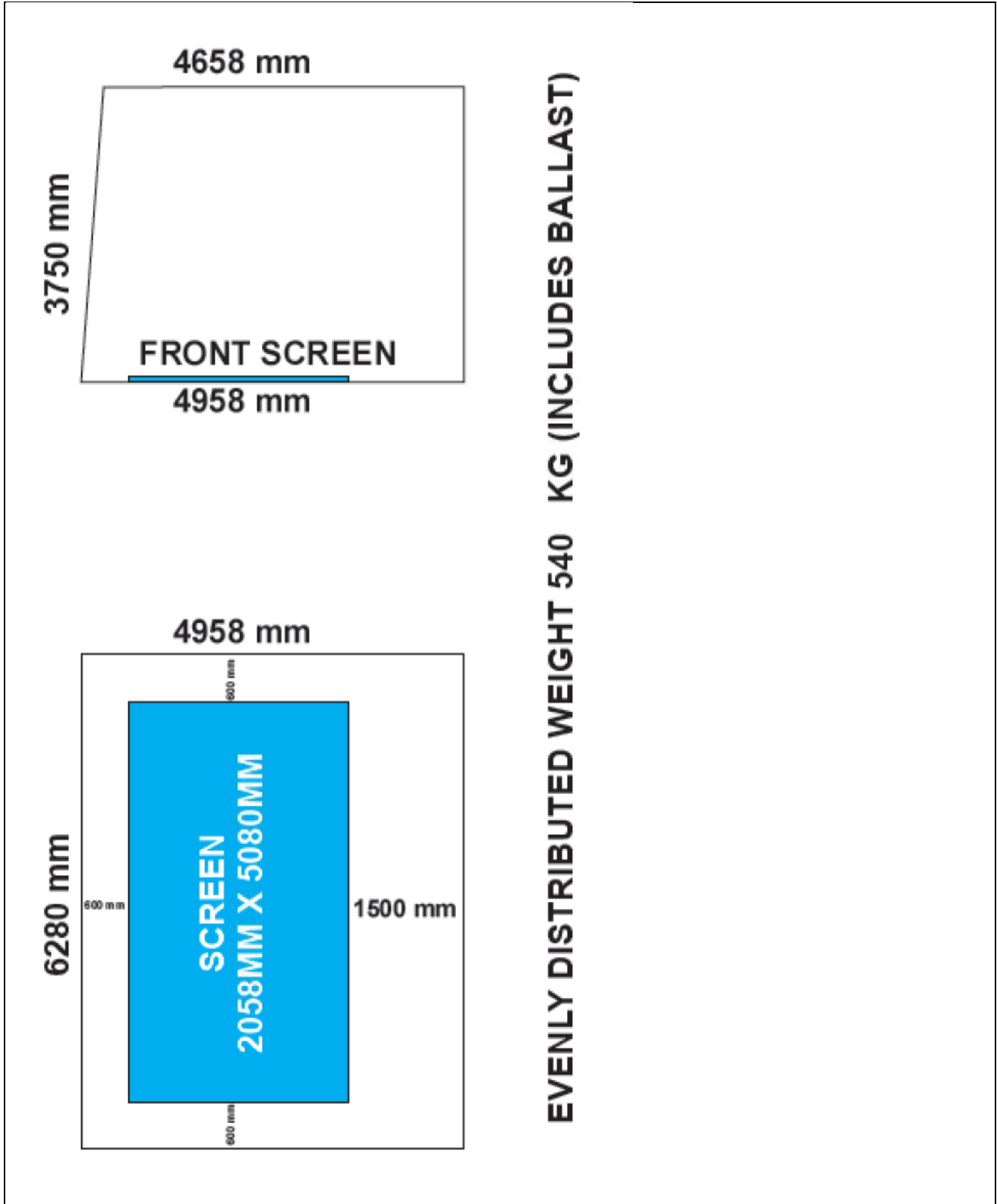
9. BACKGROUND PAPERS

1. Application form
2. Response from Paddington Waterways & Maida Vale Society, dated 10 April 2017
3. Response from South East Bayswater Residents Association, dated 13 April 2017
4. Response from Canal & River Trust, dated 12 April 2017
5. Response from Paddington Partnership, dated 24 March 2017
6. Response from Highways Planning, dated 5 April 2017
7. Response from Cleansing, dated 31 March 2017
8. Response from Flat 71, London, dated 28 April 2017

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

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

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Amphitheatre And Outdoor Spaces, Sheldon Square, London,

Proposal: Temporary use of the amphitheatre for event screenings between 1 June 2017 and 5 September 2017

Plan Nos: Site location plan; 3D visual of front and rear of structure; LED screen hire ltd specifications; noise management plan; drawing showing dimensions of screen; letter dated 7 March 2017 from CBRE.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.
- Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.
- You must carry out piling, excavation and demolition work only:
- o between 08.00 and 18.00 Monday to Friday; and
 - o not at all on Saturdays, Sundays, bank holidays and public holidays.
- Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)
- Reason:
To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)
- 3 The use of the amphitheatre for events screening and the associated screen use allowed by this permission can take place from 1 June 2017 until 5 August 2017, between 09.00-21.00 hours daily. After that period the use shall cease and the screen shall be removed, and the land must return to its previous use.

Reason:

To ensure that the temporary use and associated structures are removed at the end of the temporary period, and the land is restored to its former use. To protect the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1, DES 5 and DES 8 of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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.

DRAFT DECISION LETTER

Address: Amphitheatre And Outdoor Spaces, Sheldon Square, London,

Proposal: Display of illuminated LED Screen Measuring 2058mm x 5080mm to be mounted onto a structure measuring 6280mm (W) x 4958 (H) x 3750 (D) for a temporary period between 1 June 2017 and 5 September 2017.

Plan Nos: Site location plan; 3D visual of front and rear of structure; LED screen hire ltd specifications; noise management plan; drawing showing dimensions of screen; letter dated 7 March 2017 from CBRE.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

- 1 You can display the advert from 1 June 2016 to 28 August 2016. You must then remove it without delay. (C04BA)

Reason:

The advert is temporary, so under DES 8 of our Unitary Development Plan that we adopted in January 2007, we can only approve it for a limited period. (R04AB)

- 2 The screen shall only be used between 09.00-21.00 hours daily.

Reason:

To protect the environment of people in neighbouring properties and their visual amenity as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and ENV13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

Agenda Item 7

Item No.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 23 May 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	Star, 38 St John's Wood Terrace, London, NW8 6LS,		
Proposal	Installation of overhead awning above the existing forecourt.		
Agent	Mr Milan Babic		
On behalf of	DRUNCHSW3 LTD.		
Registered Number	17/01919/FULL	Date amended/ completed	3 March 2017
Date Application Received	3 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Refuse permission on design and amenity grounds.
--

2. SUMMARY

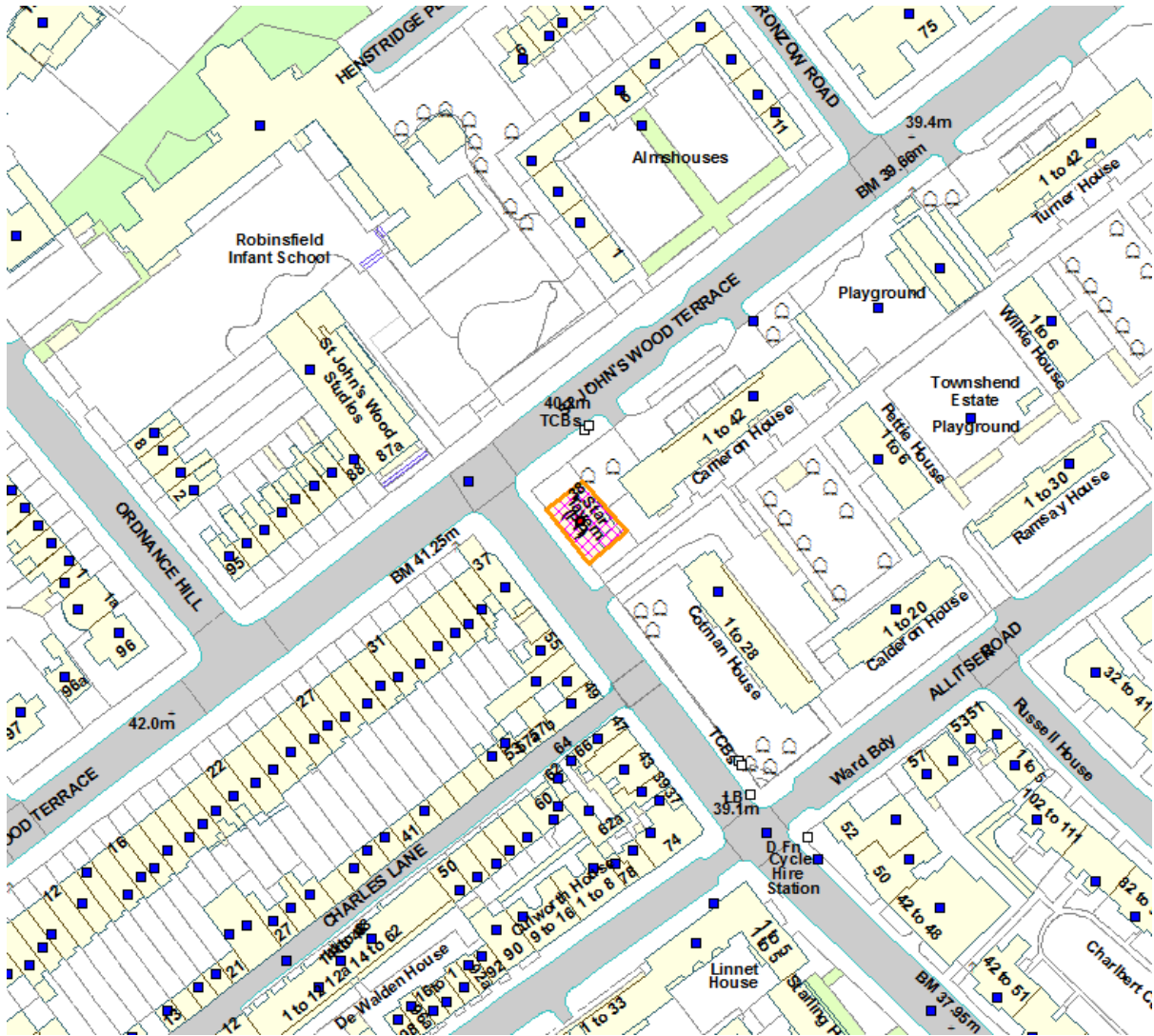
Permission is sought for the erection of an awning over the front forecourt. Objections have been received regarding the design of the awning, the impact on neighbouring amenity and the potential introduction of shisha smoking.

The key issues in this case are:

- The impact of the proposal on the appearance of this public house and on the character and appearance of this part of the St John's Wood Conservation Area; and
- The impact of the proposal on amenity

The proposed development is considered to be contrary to the Council's policies in relation to design and amenity and it is recommended that permission is refused for the reasons set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COUNCILLOR FREEMAN: Support comments made by St John's Wood Society

ST JOHN'S WOOD SOCIETY: Objection

- *Oversized canopy will have a negative impact on the character of the building and the Conservation Area
- *Canopy will block light and make the pub entrance unwelcoming
- *No materials have been stated in the application
- *Increased noise and smoke nuisance
- *question the accuracy of the acoustic report

ENVIRONMENTAL HEALTH: Objection

Insufficient environmental noise assessment

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 119

Total No. of replies: (from 38 properties)

No. of objections: (from 38 properties)

Petition (25 addresses) in Objection: 1

Petition raised on the following grounds:

Amenity

- *Impact of noise, smoke fumes, light
- *Intensification of the use of the outside space

Design

- *Impact on the character and function of the area
- *Design of the canopy is unprecedented and not in keeping with the Conservation Area.

Other

- *Proximity of shisha smoking to an Infant School and playground.

Individual objections have been raised on all or some of the following grounds:

Land Use

- *Canopy is to allow for the smoking of shisha which is not stated within the application
- *Star public house is an Asset of Community Value (ACV) and the proposed use does not support this

Amenity

- *Increased noise to a quiet residential area
- *Light pollution due to the continues use of the area
- *Use of outside are would be intensified and therefore there will be constant noise
- *Smoking of shisha and the smoke would disturb local residents
- *Previously disturbed by late night noise and fear this will intensify
- *Shisha has health impacts and therefore should be resisted in residential areas

*Attendees at the local school will no longer be able to enjoy a clean and safe environment if shisha smoking is allowed

Design

*Canopy will be unsightly

*Outside cover should be casual and not permanent, like other public houses in the area

*Canopy is not in keeping with the appearance of the area and wider Conservation Area.

*Other public houses in the local area do not have canopies. The photos provided are misleading as they show high street shops which are not comparable to pubs.

*Improvements to the site should be carried out respectfully of the area and not disregard the needs of the local residents

Highways

*Shisha offering is likely to attract more patrons and result in an increased amount of traffic

*Potential increase in anti-social driving

Other

*Canopies are to be used for shisha smoking, which should not be carried out in close proximity to a school and playground

*Published report on Shisha smoking highlights potential increase of criminal activity and anti-social behaviour which would not be welcomed in this area.

*Shisha smoking will not serve the local community

*An awning at 1 Blenheim Terrace was removed following enforcement action and this case should follow that precedent

*We should be seeking to improve our health by trying to encourage cleaner air.

*There has been no community consultation

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The Star is a public house located on the south side of St John's Wood Terrace on the junction with Charlbert Street. It is an unlisted building located within the St John's Wood Conservation Area. It has been designated as an Asset of Community Value (ACV). The site is bordered by residential properties to the east, west and south and sits opposite Robinsfield Infant School to the North. The area is predominantly residential in character.

One respondent has commented that the application proposals relate to a listed building; however the Star itself is not a designated heritage asset. It is located within the St John's Wood Conservation Area which is a designated heritage asset.

6.2 Recent Relevant History

15/05273/CLUED

Application seeking confirmation that use of this building for Class A2 purposes (estate agency) commenced before 6 April 2015 and is a lawful use (Amended Description).

Application refused; Appeal dismissed on 20.07.2016

13/11379/FULL

Use from a public house (Class A4) to a single family dwelling house (Class C3) including demolition of existing single storey rear extensions; creation of habitable space at basement level and installation of a lightwell to front elevation; single storey rear extensions at second floor level; use of flat roof at first floor level as a terrace and erection of associated screening; and other minor alterations.

Application withdrawn - 17.01.2014.

7. THE PROPOSAL

Planning permission is sought for the erection of an awning over the existing forecourt. The forecourt is located to the front of the building, facing St John's Wood Terrace. The awning will consist of a frame with a solid roof and will cover the entirety of the front space, terminating at the boundary wall. No details of the materiality of the awning have been given during the course of the application. The indicative details show a metal frame with retractable fabric coverings in 3no parts.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed awning would be located over the forecourt area at the front of the site. No material change of use is proposed as part of this application and the property would retain its lawful A4 use.

Whilst objectors concerns regarding the smoking of shisha and a potential change of use are noted, there is nothing in this application to suggest that the use of this area or the public house generally would change from its lawful A4 use and the application has to be considered as presented.

Given the ACV status of the application site, changes to other uses, including other A class like restaurants and/or uses with a more than ancillary degree of shisha smoking (Sui Generis Use) would be prohibited pursuant to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Should such a use take place, it would be subject to enforcement action by the City Council. An informative is recommended to remind the applicant that planning permission would be required to change the use of this premise from a public house to any other use.

8.2 Townscape and Design

The application is currently in use as a public house and has a forecourt to the front. It is proposed to enclose this area with an awning, which would involve a metal frame and solid canopy; the sides would remain open.

UDP policy DES 5 seeks to ensure alterations to buildings are of the highest standard of design. It specifically states that permission will generally be granted where it is confined

to the rear of the building, where it does not visually dominate the existing building and where it is in scale, a design and materials consistent with the host building. Additionally Part B states that permission may be refused for development where it occupies an excessive part of the garden and involves the loss of significant gaps between buildings.

Objections to the scheme have been received from the local amenity society and local residents on the grounds that the awning is unsightly, it will be out of keeping with the appearance of the area and wider Conservation Area and that any weather protection should be temporary rather than a permanent structure.

As proposed, the awning will be highly visible in the streetscene due to its location and its scale. Located on a corner plot the application site is highly prominent in the area and as the awning is located to the front of the building the structure will be readily appreciated. As a result of its scale the awning will dominate the front elevation, detracting from the scale and proportion of the host building. This would be contrary to DES 5 as the structure will be visually dominant and will detract from the appearance of the building.

Furthermore the buildings within the immediate setting typically are set back from their front boundary, retaining an area of front garden. The proposal will introduce an alien feature in this context compromising the characteristic garden setting. The resultant appearance will be an extension of the built line, an increase in mass and the erosion of the interpretation of the garden. This is considered to harm the setting of the building and the wider character and appearance of the conservation area.

The awning has not been designed to reflect the architectural style of the host building. It is noted that the height terminates below the string course demarking the change from render on the ground level and painted brick above, however the frame does not correspond with the vertical detailing on the front elevation at ground floor level, the brick piers to the front boundary. Furthermore the materials have not been specified and it is implied from the indicative details that the awning will consist of a metal frame with canvass canopies. These materials do not reflect the materiality of the host building or any characteristic materials found in the wider setting. This would reinforce its alien aesthetic harming the character and appearance of the Conservation Area and failing to accord with DES 5.

As proposed the awning is not considered to comply with UDP policies DES 1, DES 5 and DES 9 as well as City Plan policies S25 and S28. The proposal also fails to preserve or enhance the character and appearance of the Conservation Area.

8.3 Residential Amenity

The proposed awning is not located immediately adjacent to residential properties and has a relatively modest height of 2.6 to 3.6 metres. Accordingly, it would not result in unacceptable loss of light or sense of enclosure for the occupiers of nearby residential properties.

Potential shisha smoking under the awning is the source of concern for many of the objectors. However, there is nothing in this application to indicate that this area would be used exclusively for shisha smoking or shisha smoking at anything more than an ancillary level. Furthermore, smoking ancillary to the lawful A4 use of this premise has taken place

historically within the forecourt without planning permission and without any limitation and can continue to take place. Given this and the fact that shisha smoking is not proposed under this application, an objection to the awning on this basis would not be sustainable.

The existing use of the forecourt is known to cause noise and disturbance. It is therefore paramount that any development at this site does not exacerbate this. However, the proposed awning would provide greater and more permanent weather protection for users of the forecourt than the existing garden area which is covered only by large moveable umbrellas. This would encourage more people to congregate and use this area in a more formal fashion than it could be used at present. Raised voices and persons congregating in the forecourt, would be audible to occupiers of nearby premises, including the neighbouring flats at Cameron House. This would be particularly so at night when prevailing traffic noise will be lower and in the summer months when resident's windows are likely to be open. The lightweight design of the awning would also provide little noise attenuation to mitigate people noise.

The applicant has provided a letter from KP Acoustics Limited contending that noise levels from the forecourt would be noticeable but not intrusive. However, the Environmental Health Officer has raised a number of concerns with this letter, noting that it contains no actual measured data upon which to base its findings. Accordingly, this letter does not justify people noise from the awning.

It is considered that the introduction of a permanent awning would intensify the use of the forecourt throughout the year, including during inclement weather, exacerbating noise and disturbance to residents, which would detrimentally impact upon the amenities they currently enjoy. This is contrary to policy S32 of the City Plan and policies ENV6 and ENV7 of the UDP.

8.4 Transportation/Parking

Concerns have been raised from local residents that the offering of a permanent outdoors area is likely to increase usage of the pub and therefore the amount of traffic will be increased. Given the existing use of the building and the presence of a forecourt in association with its use, there is not considered to be such an increase in traffic as a result of the awning. Therefore a reason for refusal cannot be sustained on these grounds.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to the site would remain unchanged by the proposed development.

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

It is understood that the applicants have met with the local amenity society and have expressed an intention to introduce shisha smoking to the premise, in association with the erection of the awning. This forms the basis of many of the objections received. This application purely seeks permission for the erection of an awning and the provision of using the site for shisha smoking would be dealt with via alternative planning controls.

9. BACKGROUND PAPERS

1. Application form
2. Response from Councillor Freeman, dated 1 May 2017
3. Response from St John's Wood Society, dated 24 March 2017
4. Response from St John's Wood Society, dated 4 April 2017
5. Response from St John's Wood Society, dated 11 April 2017
6. Response from EH Consultation, dated 25 April 2017
7. Petition of 25 signatures received 21 April 2017
8. Letter from occupier of 4, Norfolk Road, London, dated 24 March 2017
9. Letters from occupiers of 41c Marlborough Hill, London, dated 28 March 2017 and dated 12 April 2017
10. Letter from occupier of 94 St John's Wood Terrace, London, dated 30 March 2017
11. Letters from occupiers of 52 Charles Lane, London, dated 31 March 2017 and 15 April
12. Letter from occupier of 37A St John's Wood Terrace, London, dated 31 March 2017
13. Letter from occupier of 14 St John's Wood Terrace, London, dated 3 April 2017
14. Letter from occupier of 105 Century Court, Grove End Road, dated 4 April 2017
15. Letter from occupier of 4 Norfolk Road, London, dated 5 April 2017
16. Letters (2no) from occupiers of 1 Queen's Grove, London, dated 5 April 2017
17. Letter from occupier of 47 Blenheim Terrace, London, dated 5 April 2017
18. Letter from occupier of 3 Queens Grove, London, dated 5 April 2017
19. Letters (2no) from occupiers of 36 St John's Wood Terrace, London, dated 5 April 2017 and 23 April 2017
20. Letter from occupier of 6 Blenheim Road, London, dated 6 April 2017
21. Letter from occupier of 34 St John's Wood Terrace, London, dated 12 April 2017
22. Letter from occupier of Flat 15 Ambassador House, Carlton Hill, London, dated 13 April

2017

23. Letter from occupier of 114 Hamilton Terrace, London, dated 13 April 2017
24. Letter from occupier of 18 Ascot Court, Grove End Road, dated 13 April 2017
25. Letter from occupier of 1 Swallow House, Barrow Hill Estate, dated 13 April 2017
26. Letters (4no) from occupiers of 95, St John's Wood Terrace, St John's Wood, dated 19 April 2017 (3no) and 19 April 2017 (1no).
27. Letter from occupier of 5 Park Lodge, St John's Wood Park, dated 20 April 2017
28. Letter from occupier of 88 St John's Wood Terrace, London, received 20 April 2017
29. Letter from occupier of 35 St John's Wood Terrace, London, received 21 April 2017
30. Letter from occupier of 136 Hamilton Terrace, London, dated 22 April 2017
31. Letter from occupier of 14 Aquila Street, London, dated 22 April 2017
32. Letter from occupier of Flat 52, William Court, 6 Hall Road, dated 22 April 2017
33. Letter from occupier of 47 Carlton Hill, London, dated 22 April 2017
34. Letter from occupier of 14 Park Mansions, 89 Allitsen road, dated 22 April 2017
35. Letter from occupier of 11 Abercorn Place, London, dated 22 April 2017
36. Letter from occupier of 4 Grove End Gardens, London, dated 22 April 2017
37. Letter from occupier of 19 St John's Wood Terrace, London, dated 23 April 2017
38. Letter from occupier of 5 Langford Place, London, dated 23 April 2017
39. Letter from occupier of 2 Regent Court, Northbank, dated 23 April 2017
40. Letter from occupier of 23 Neville Court, Abbey Road, dated 23 April 2017
41. Letter from occupier of 100 Grove End Gardens, Westminster, dated 23 April 2017
42. Letter from occupier of Middlefield, London, dated 24 April 2017
43. Letter from occupier of 6 Melina Place, London, dated 27 April 2017
44. Letter from occupier of 27 Albemarle Street, London, dated 27 April 2017
45. Letter on behalf of the Hospital of St John and St Elizabeth, 60 Grove End Road, dated 2 May 2017

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

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

10. KEY DRAWINGS



Indicative Visuals



DRAFT DECISION LETTER

Address: Star, 38 St John's Wood Terrace, London, NW8 6LS,

Proposal: Installation of overhead awning above the existing beer garden.

Reference: 17/01919/FULL

Plan Nos: 7779/02; PA928/001/Rev00; PA928/002/Rev00; PA928/003/Rev00;
PA928/004/Rev00; PA928/005/Rev00.

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

Recommended Condition(s) and Reason(s)

Reason:
1 Because of its location, scale and detailed design the awning would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 5, DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

Reason:
2 The awning would facilitate the intensification of the use of the forecourt throughout the year including during inclement weather, exacerbating noise and late night disturbance for nearby residents. This would not meet S32 of Westminster's City Plan (November 2016) and policies ENV6 and ENV7 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

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

Item No.

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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 23 May 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	13-19 , Leinster Square, London, W2 4PR		
Proposal	Variation of condition 1 (approved plans) of planning permission and listed building consent dated 18 August 2015 (RN 15/00778/FULL and 15/00779/LBC), which sought to vary condition 1 of planning permission and listed building consent dated 22 December 2014 (RN: 14/06756/FULL and 14/06757/LBC) for extensions and alterations and the conversion of hotel to 15 flats; NAMLEY, to vary the approved drawing numbers to amend the relocation of roof terrace access stair from No. 13 to No. 14. Reconfiguration of roof plant well to bays 13 and 14. Omission of all roof lights. Introduction of raised sections of roof to bays 15 and 18 to provide additional ceiling height within penthouse units below. Enlarged glazed openings to rear terraces. Glazed roof to rear extension omitted in favour of solid roof. Glazed conservatory style wall to extensions replaced by masonry wall with single picture window set. Installation of Juliet balconies to master suites at rear lower ground. Reduction of glazed opening sizes to rear terraces which are now set within substantial masonry nibs at basement. Including internal alterations.		
Agent	Ms Fiona Flaherty		
On behalf of	AG Leinster Square (Jersey) Limited		
Registered Number	17/01152/FULL and 17/01181/LBC	Date amended/ completed	13 February 2017
Date Application Received	13 February 2017		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

i)	Grant conditional permission, subject to a deed of variation.
ii)	Grant conditional listed building consent.
iii)	Agree the reasons for granting conditional listed building consent as set out in informative of the draft decision letter.

2. SUMMARY

Planning permission and listed building consent was originally granted in 2014 for extensions and alteration in connection with the conversion of a hotel into 15 residential units. These were subsequently varied in 2015. Permission and consent is now sought to vary this latest proposal (alterations to the rear elevation, omission and relocation of roof additions and internal alterations)

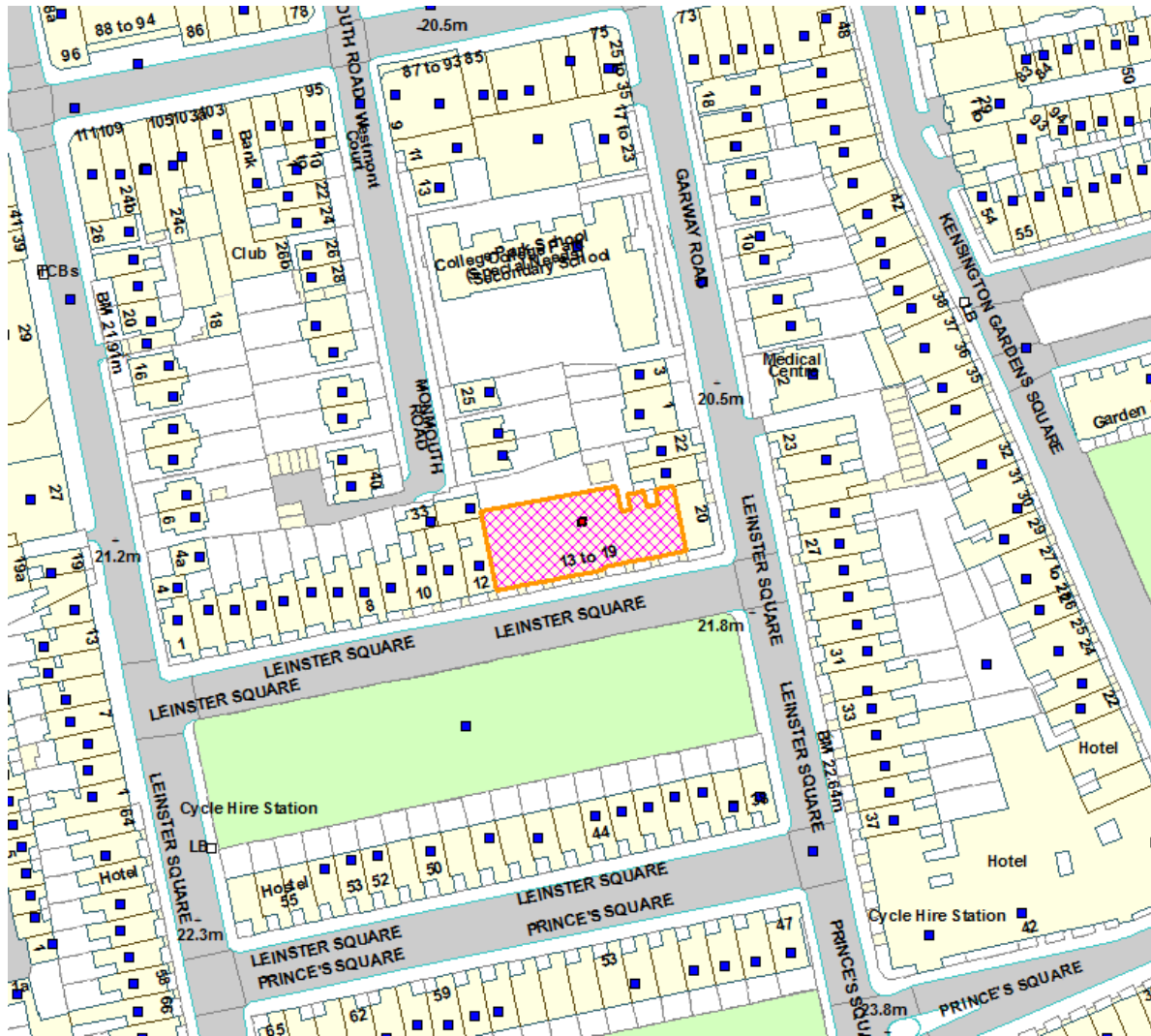
Objections have been from the Bayswater Residents Association and South East Bayswater Residents Association concerning the increase in height of the roof and from 5 neighbours on land use, design, amenity and transport grounds.

The key issues in this case are:

- The impact on the special interest of the Grade II listed buildings
- The impact of the proposal on the character and appearance of the Bayswater Conservation Area.
- The impact of the proposal on the amenity of neighbouring properties.

The proposed development is considered to comply with relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). The applications are therefore recommended favourably, subject to a deed of variation.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation



Rear Elevation (under construction)

5. CONSULTATIONS**BUILDING CONTROL:**

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Support objection from Bayswater Residents Association.

BAYSWATER RESIDENTS ASSOCIATION

Any increase in height of roofline development will reduce light into the houses and gardens on Monmouth Road. The original consented plans show no increase in roof height.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 52

Total No. of replies: 5

No. of objections: 5 including 1 from Monmouth Road Housing Co-Op Ltd at 34 Monmouth Road as freeholder of 31-33 Monmouth Road and Flat C at first floor level.

No. in support: 0

Objections have been raised on all or some of the following grounds:

Land Use

*Proposed Nanny Flats seem to create two new housing units.

Design

*Development is disproportionate in scale to the surrounding terraces.

*Juliette balconies will clutter the rear elevation

Amenity

*Increase in height of roofline development will reduce light into the houses and gardens on Monmouth Road

*Balconies will create a sense of enclosure and increase overlooking

*Balconies will result in increased noise

Highways

*Creation of Nanny Flats will create pressure on parking

Other

*Development is beginning to destroy the neighbourhood

*No rear elevation has been provided

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site contains seven, six storey terraced townhouses that have been amalgamated to create a hotel, the existing lawful use of the site. The properties are Grade II listed buildings and are located within the Bayswater Conservation Area.

The properties were listed in 1965 for their individual and group value as part of the terrace (1-22 Leinster Square) on the northern side of the road. The planning history of the property does not clearly indicate when the use of the properties as a hotel commenced, but does indicate a number of internal and external alterations took place during the 1980s that have led to loss of plan form and historic fabric.

Works are underway to implement planning permission and listed building consent dated 18 August 2015.

6.2 Recent Relevant History

22 December 2014. Planning permission and listed building consent were granted for the excavation of a basement beneath buildings, three storey rear extension and rear terraces, associated alterations to roof and facade in connection with the conversion of hotel into 15 residential units. (14/06756/FULL and 14/06757/LBC). This was subject of a S106 which secured an affordable housing contribution, car club membership and a S106 monitoring fee.

3 March 2014. Approval of tree protection measures pursuant to Condition 15 of planning permission (RN: 14/06756/FULL). (14/12211/ADFULL)

18 August 2015. Permission was granted for the variation of Condition 1 of planning permission dated 22 December 2014 (RN: 14/06756) (and listed building consent) for conversion of hotel to 15 flats; namely, width of no. 18's garden increased in order to reduce excavation in root protection area and to provide additional garden space; two external staircases on rear elevation of houses 03 and 04 to provide access to Garden; removal of glazed staircase enclosure from no. 17 to no. 18; and partially removing garden wall between houses 03 and 04; and variation to condition 11 so that the submission of the BREEAM rating is within 14 weeks of practical completion. (15/00778/FULL and 15/00779/LBC). This was subject to a deed of variation to the S106 dated 24 December 2014.

1 December 2015. Details of repair of original and reinstatement of skirting boards and repair of original and reinstatement of lath and plaster ceilings, ceiling roses, skirting, walls and cornices pursuant to Conditions 3(c) and 3(g) of listed building consent dated 10 August 2015 (RN: 15/00779). (15/09592/ADLBC)

17 December 2015. Details of Construction Management Plan/Statement pursuant to Condition 12 of planning permission dated 10 August 2015 (RN : 15/00778). 15/09921/ADFULL

11 July 2016. Details of the Construction Management Plan pursuant to Condition 12 of planning permission dated 10 August 2015 (RN: 15/00778). 16/04629/ADFULL

27 May 2016 Details of rooflights pursuant to Condition 3c of planning permission dated 10 August 2015 (RN: 15/00778/FULL). 16/04633/ADFULL

17 June 2016. Details of communal cycle storage pursuant to Condition 9 of planning permission dated 10 August 2015 (RN: 15/00778/FULL). 16/04634/ADFULL

27 May 2016. Details of rooflights, structural works to first and second floors and fireplaces pursuant to Condition 3(d, e and h) of listed building consent dated 10 August 2015 (RN: 15/00779/LBC). 16/04737/ADLBC

25 July 2016. details of repair of original and reinstatement of lath and plaster ceilings, ceiling roses, skirting, walls and cornices pursuant to Condition 3 part G of listed building consent dated 10 August 2015 (RN: 15/00779/LBC). 16/05123/ADLBC

15 February 2017. Listed building consent was granted for internal alterations to form additional and enlarged openings. (16/12091/LBC)

7. THE PROPOSAL

The application seeks to vary condition 1 (approved drawings) of planning permission and listed building consent dated 18 August 2015 (RN's 15/00778/FULL and 15/00779/LBC).

The proposed alterations to the approved drawings include the following:

Basement

- Reduction of glazed opening sizes to rear terraces which and their setting within substantial masonry nibs
- Introduction of Nanny Flats within 2no Flats
- Introduction of basement level entrances and the reconfiguration of plant rooms to accommodate the amendment
- Internal layout changes to accommodate utility rooms at basement level which have been relocated from Lower Ground floor level
- Omission of gym and replacement with secure storage lockers for the 10 no. lateral apartments.

Lower Ground

- Introduction of Juliet balconies to master suites at rear
- Reduction of glazed openings to rear
- Reconfiguration of master suite dressing areas
- New wine stores to all townhouses (previous utility room locations)
- Relocation of cycle storage to all townhouses, accessed via external front light wells
- Additional bedroom incorporated to rear of a flat
- Relocation of Ground Floor powder rooms to Lower Ground Floor level
- Internal reconfiguration of bathrooms and service cupboards
- New opening within a master bedroom to access small external terrace
- Omission of window to a bedroom 2 en-suite to rear

Ground floor

- Relocation of powder rooms to Lower Ground Floor level
- Enlarged glazed openings to rear terraces
- Glazed roof to the rear extension replaced with a solid roof
- Glazed conservatory style wall to the extensions replaced by masonry wall with single picture window set within it
- Relocation of kitchen to front room in no. 19
- No. 19 rear windows to study and family room to be timber sashes rather than aluminium sliders as previously consented.

First Floor

- Reconfiguration of master suites (nos. 13 and 19)
- Introduction of additional powder room to Apartment 1 accessed from entrance lobby
- Omission of rear wall to living room in Apartment 2
- Reconfigured access to Apartment 2 Bedroom 2
- Introduction of additional joinery to hallways in both Apartments 1 and 2

Second Floor

- Reconfiguration of master suites (nos. 13 and 19)
- Introduction of additional powder room to Apartment 3 accessed from entrance lobby
- Omission of rear wall to living room in Apartment 4
- Reconfigured access to Apartment 4 Bedroom 2
- Introduction of additional joinery to hallways in both Apartments 3 and 4

Third and fourth floors

- Reconfiguration of master suites (nos. 13 and 19)
- Enlarged opening between living rooms and kitchen/diners in Apartments 5 & 7
- Introduction of additional joinery to hallways in all Apartments

Fifth Floor

- Reconfiguration of master suites
- Relocation of roof terrace access stair to Apartment 9 from No. 13 to No. 14.
- Omission of rear wall to living room in Apartment 9
- Reconfiguration of powder room, utility and service cupboards to suit new stair location to Apartment 9.

Roof Level

- Relocation of roof terrace access stair from No. 13 to No. 14.
- Reconfiguration of roof plant well to bays 13 and 14.
- Omission of all roof lights.
- Introduction of raised sections of roof to bays 15 and 18 to provide additional ceiling height within penthouse units below.

8. DETAILED CONSIDERATIONS

8.1 Land Use

No change is proposed to the 15 Flats already permitted or their mix of unit sizes. Representations have noted that the introduction of 'Nanny Flats' seem to create 2no new

residential units. These are ancillary to other units and the number of bedrooms within each unit has not changed and the bedroom and associated en-suite bathroom will not be a self-contained unit. Therefore there are no amendments to the number of units or the mix of units.

8.2 Townscape and Design

There are a significant number of minor alterations proposed which have resulted from design progression during the course of implementing the 2015 permission and consent. The bulk of the internal alterations are minor in nature and in the context of the approved development do not raise concern with regards to the impact on the special interest of the listed buildings. The internal alterations principally relate to relocation of rooms and the reconfiguration of proposed internal walls and therefore limited fabric of interest will be negatively impacted upon as a result of the alterations. Where enlarged openings are proposed, these have previously been considered and approved in February 2017 (RN 16/12091/LBC).

There are a number of alterations which are externally visible, but none of these are considered to compromise the special interest of the listed building or harm the character and appearance of the Conservation Area.

A number of objections to the scheme relate to the change in roof height. This application proposes to relocate the roof terrace access stair from building no13 to no14, which is shown on the proposed section C-C. There is no change in the height of the roof apart from the introduction of the glazed access enclosure to no14. The introduction of 2no glazed enclosures was considered under the previous applications and given the mansard is a later addition to the building and the limited visibility of the enclosures in oblique views due to the height party wall upstands they were considered to be acceptable. As the enclosure will be located against the inside of a party wall upstand on a building which sits within the terrace, the proposed location is considered to reduce the visibility further.

Additional alterations at roof level include the reorganisation of plant and the removal of rooflights. As the plant will occupy the same area and will not project above the parapet, this alteration is considered to be limited. The omission of the rooflights is welcomed as it will remove high level clutter and maintain an uninterrupted roof form.

A number of amendments are proposed to the rear elevations at basement, lower ground and ground floor levels, principally making the elevations more 'solid' through reducing the number and scale of glazed elements. The increased solidity is welcomed as this is more characteristic of the built form in the wider setting. The arrangement of openings and fenestration detail is considered to have a limited impact on the special interest of the heritage asset given they are located within extensions and due to the context of the site will be seen in limited private views. Details of the fenestration are secured by condition.

At ground floor level it is proposed to replace 2no glazed Juliette balconies with projecting balconies. As the principle of these additions has been considered acceptable at ground floor level along the rear elevation, these introductions are considered to be acceptable in design terms.

The amendments are considered to be minor in the context of the approved scheme and will have a limited impact on the special interest of the listed buildings and the character and appearance of the conservation Area. The amendments are considered to be in accordance with UDP policies DES 1, DES 5, DES 6, DES 9 and DES 10 as well as City Plan policies S25 and S28.

8.3 Residential Amenity

Westminster's City Plan: Strategic Policy S29 states that the City Council will resist proposals that result in unacceptable material loss of residential amenity. UDP Policy ENV 13(E) states that the City Council will normally resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings, with reference to the BRE Guidelines.

A number of concerns have been raised by local residents in terms of loss of light resulting from the extensions proposed. These were originally approved on properties 13 and 18 and it is now proposed to relocate these to the roof of 14 and 18. There is no difference from the previously approved height, bulk and therefore it is not considered that the resitting of these results in any detrimental amenity concerns notably loss of light.

It is proposed to alter 2no previously approved Juliette balconies with 2no new external terraces measuring 1.16metres in depth. Given the introduction of terraces to the rear elevation as approved in the 2015 scheme it is not considered that these 2no additional terraces at lower ground floor would result in any harmful and additional overlooking to the properties at the rear. It is also not considered that these small balconies would result in any unacceptable noise levels, over what has previously been approved.

In response to the objection regarding the increased width of the ground floor rear openings these are not considered substantial in the scope of the openings previously approved under the 2015 permission.

With regards to the changed proposed to the ground floor 'solid' rear projection, although no objections have been received to this change the reduction in glazing that this change brings about is welcomed and considered to reduce any potential light spillage.

8.4 Transportation/Parking

Comments have been received regarding potential increased pressures on parking as a result of the creation of 'Nanny Flats'. As noted in the Land Use section no additional units are being created and therefore there are no additional parking issues arising from this application.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Not applicable

8.7 Other UDP/Westminster Policy Considerations

Not applicable

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The 2014 permission was subject to a legal agreement to secure the following:

- i) A financial contribution of £550,000 (index linked and payable on commencement of development to the Council's Affordable Housing Fund),
- ii) Parking mitigation payment of £15,000 and car club membership for the 15 flats for a 25 year period
- iii) The costs of monitoring the legal agreement.

The 2015 permission was subject to a deed of variation to the S106 agreement. This proposal which seeks amendments to the 2015 permission therefore requires a deed of variation to the 2015 deed of variation to ensure the obligations are met.

8.11 Environmental Impact Assessment

Not applicable

8.12 Other Issues

Not applicable.

9. BACKGROUND PAPERS

1. Application form
2. Letter from the Agent dated 23 March 2017
3. Letter from Bayswater Residents Association dated 26 February 2017
4. Letter from South East Bayswater Residents Association dated 13 March 2017
5. Letter from occupier of 29 Monmouth Road, London, dated 13 March 2017
6. Letter from Monmouth Road Housing Co-Op Ltd of 34 Monmouth Road (Freeholder of 31-33 Monmouth Road and Flat C at first floor level), London, dated 15 March 2017
7. Letter from occupier of 33 Monmouth Road, London, dated 15 March 2017
8. Letter from owners of 36b-d Monmouth Road, London dated 19 March 2017
9. Letter from Occupier of 40c Monmouth Road, London dated 27 March 2017

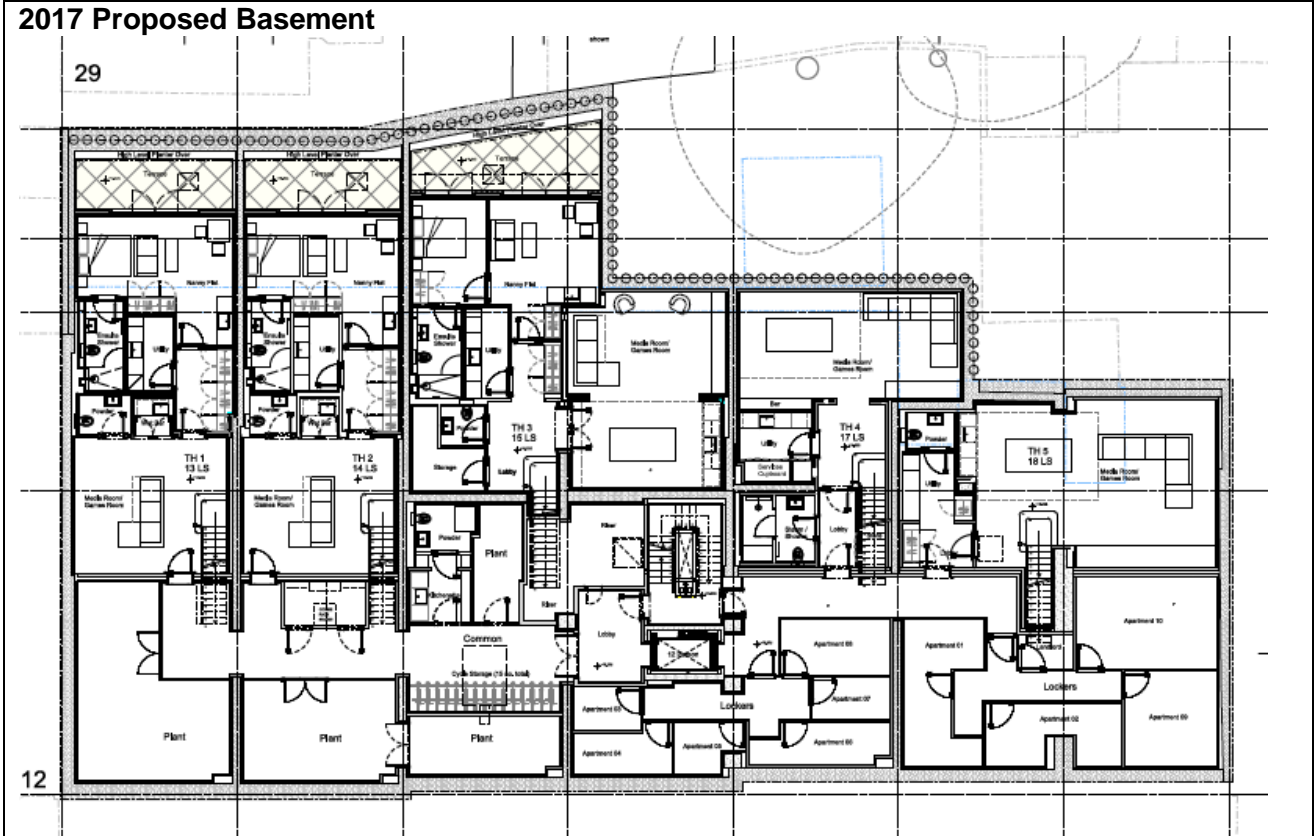
Item No.

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

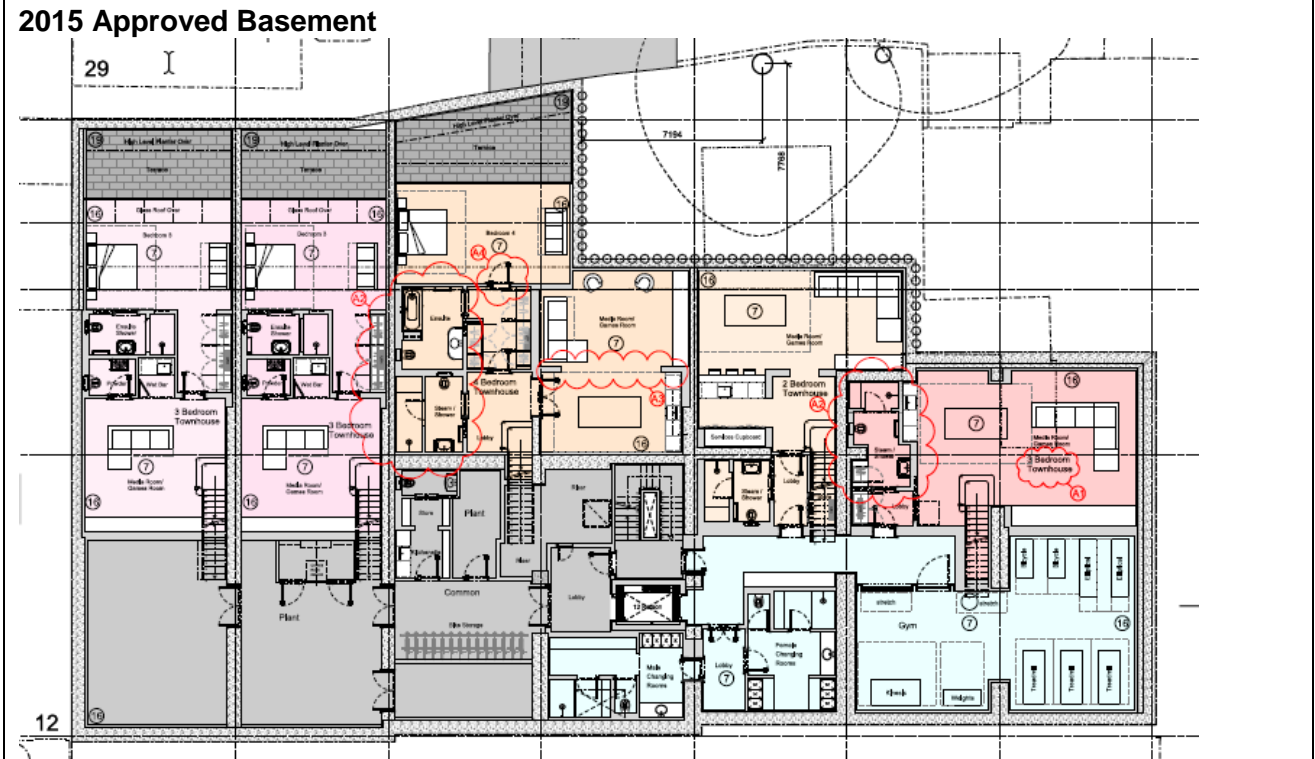
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk

10. KEY DRAWINGS

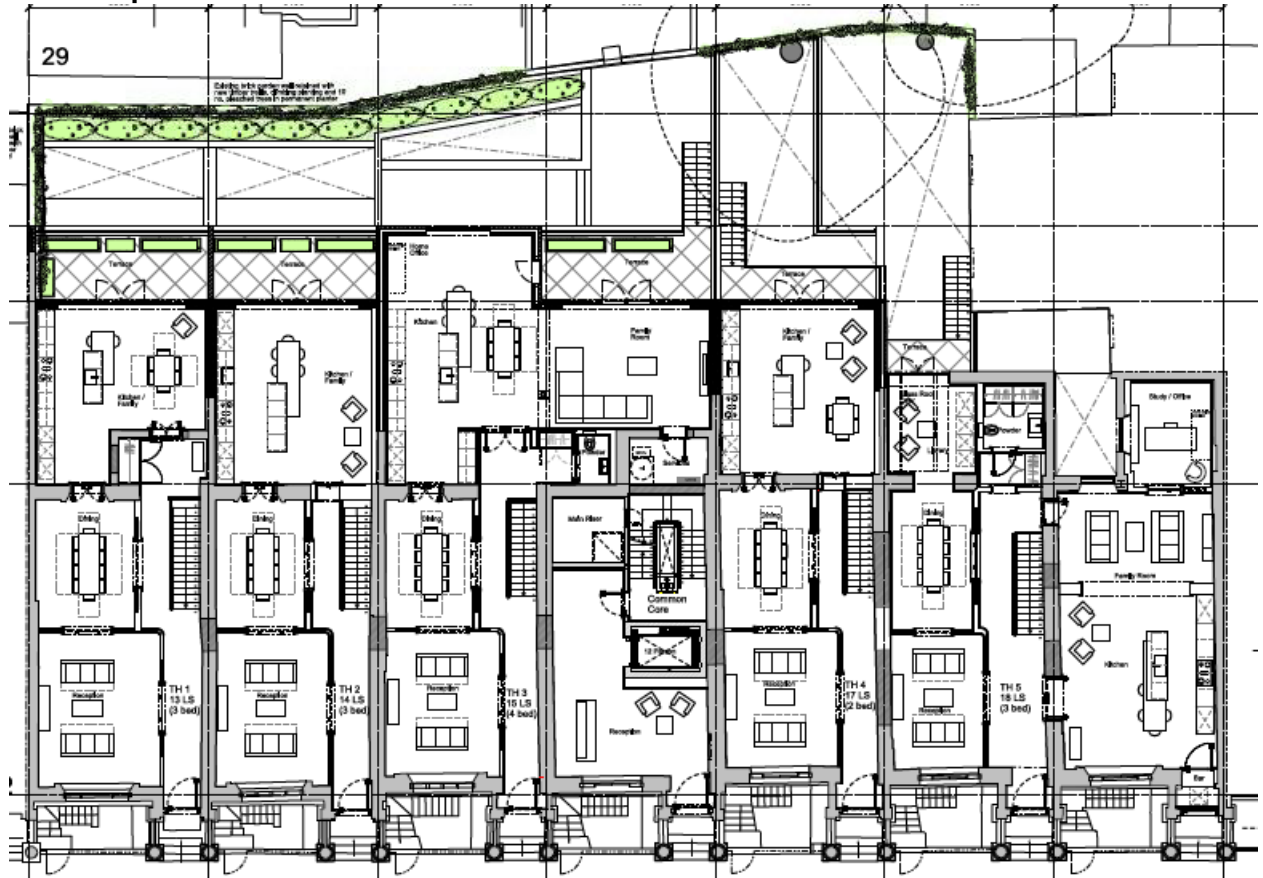
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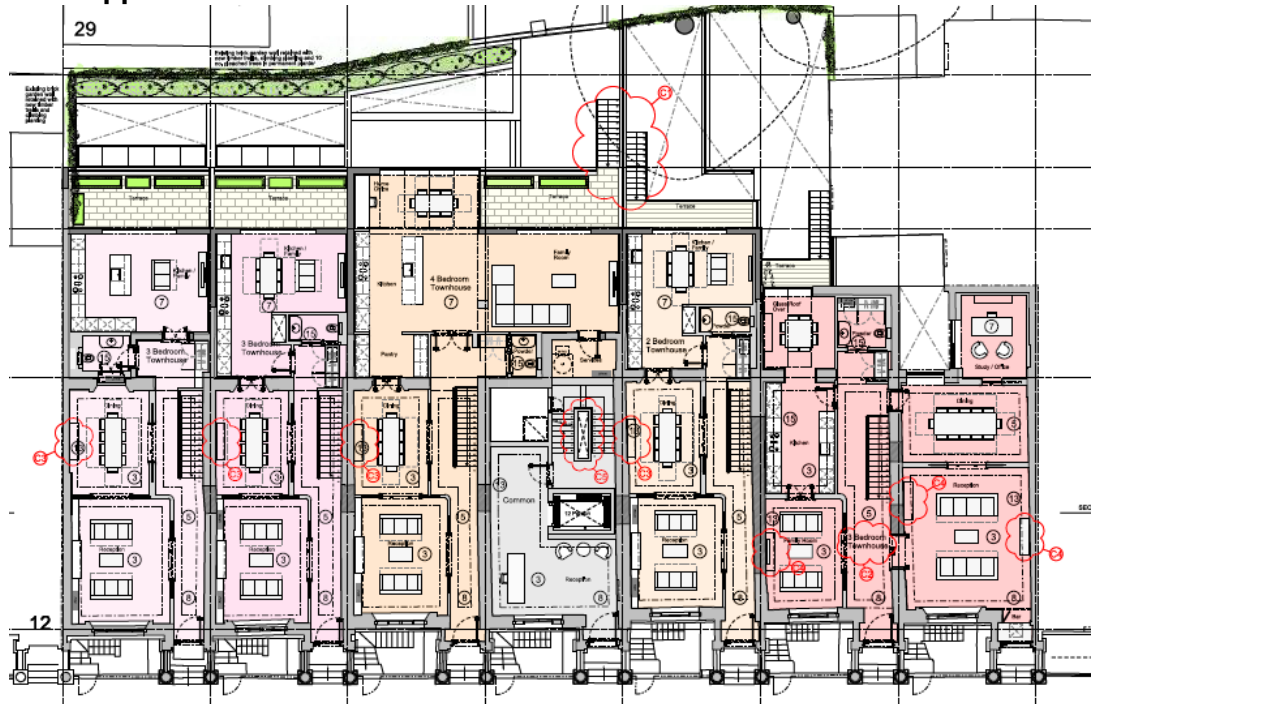
2015 Approved Basement



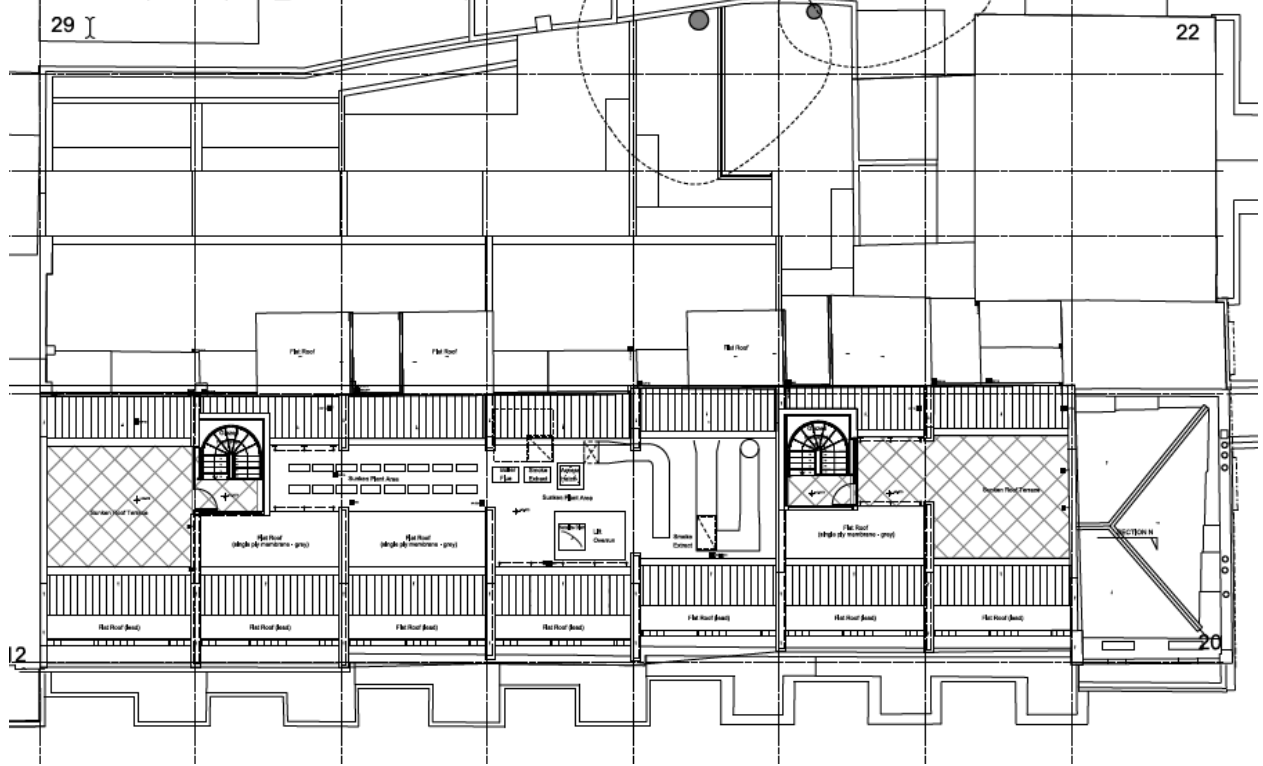
2017 Proposed Ground Floor Level



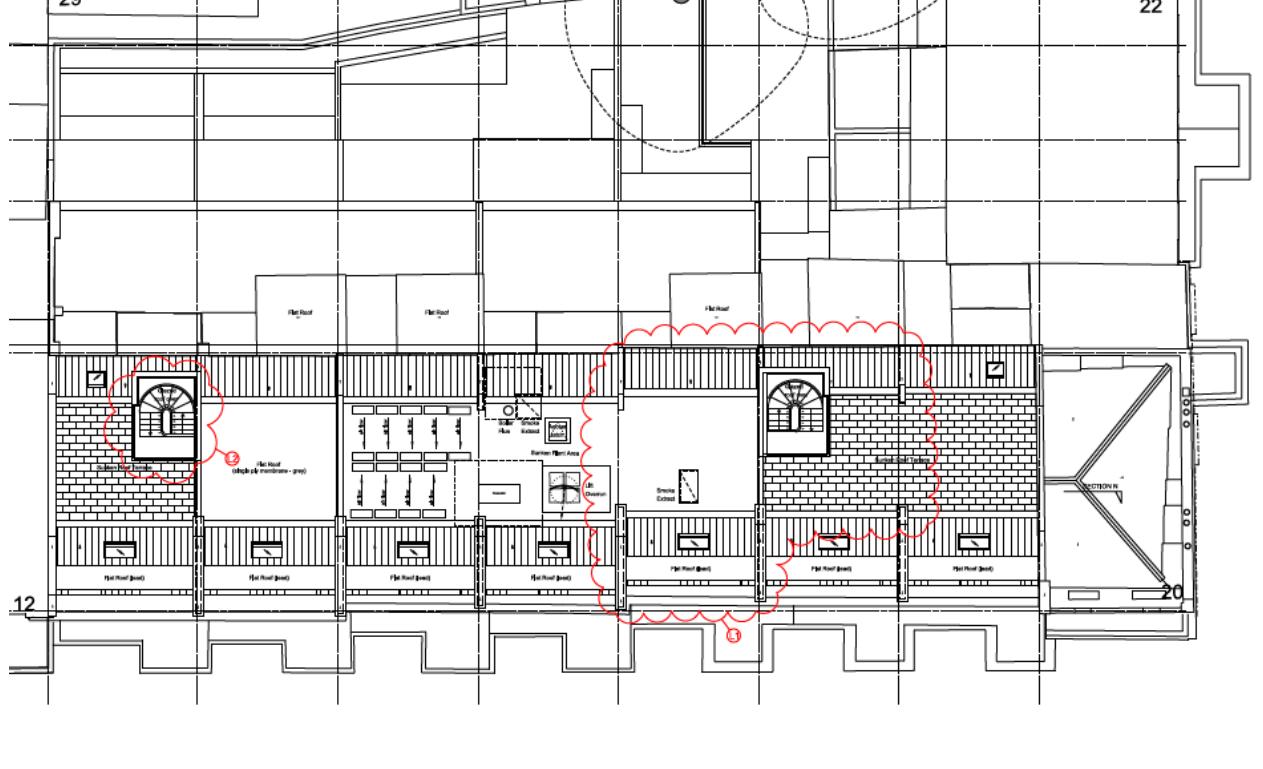
2015 Approved Ground Floor Level



2017 Proposed Roof Plan



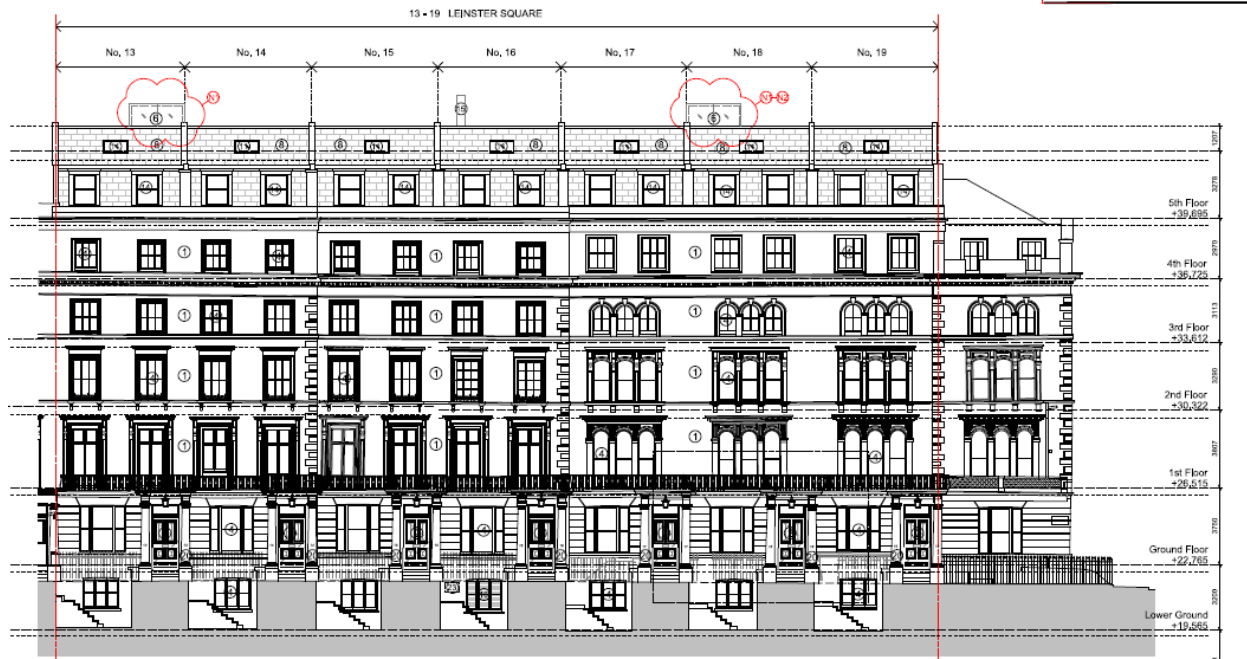
2015 Approved Roof Plan



2017 Proposed Front Elevation



2015 Approved Front Elevation



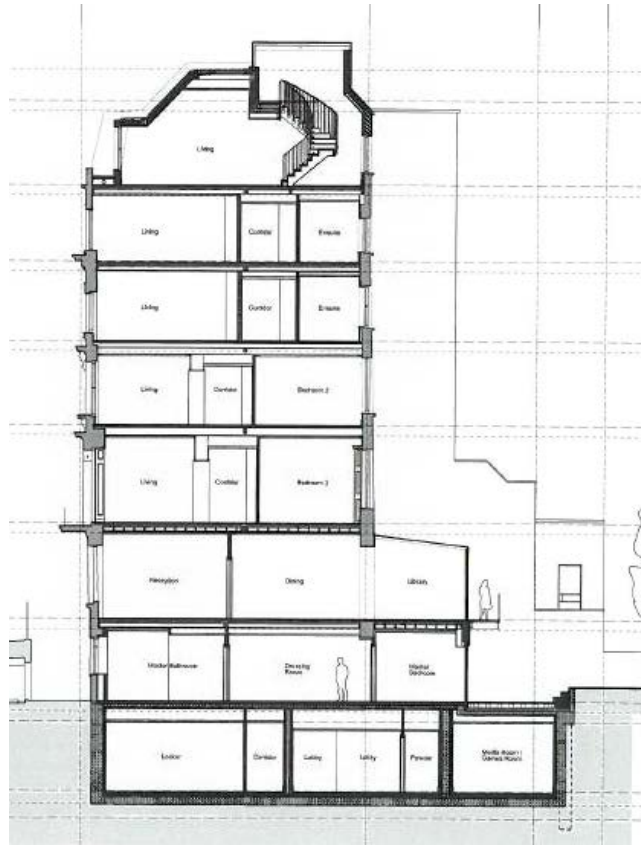
2017 Proposed Rear Elevation



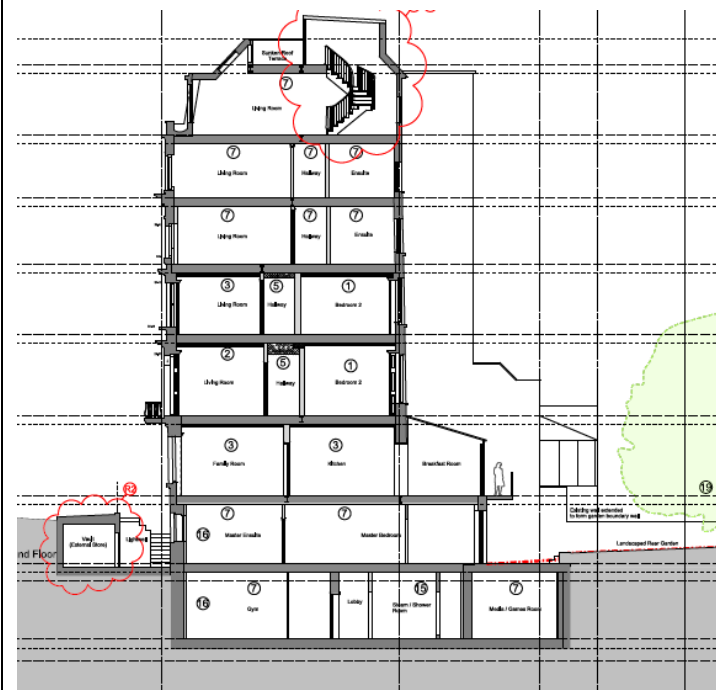
2015 Approved Rear Elevation



2017 Proposed Section C-C



2015 Approved Corresponding Section G-G



DRAFT DECISION LETTER

Address: 13-19 , Leinster Square, London, W2 4PR

Proposal: Variation of condition 1 of planning permission dated 18 August 2015 (RN 15/00778/FULL _ 15/00779/LBC) for variation of Condition 1 of planning permission dated 22 December 2014 (RN: 14/06756) for conversion of hotel to 15 flats; NAMLEY, to vary the approved drawing numbers to amend the relocation of roof terrace access stair from No. 13 to No. 14. Reconfiguration of roof plant well to bays 13 and 14. Omission of all roof lights. Introduction of raised sections of roof to bays 15 and 18 to provide additional ceiling height within penthouse units below. Enlarged glazed openings to rear terraces. Glazed roof to TH3 rear extension omitted in favour of solid roof. Glazed conservatory style wall to TH3 extensions replaced by masonry wall with single picture window set. Installation of Juliet balconies to TH1 & 2 master suites at rear lower ground. Reduction of glazed opening sizes to rear terraces which are now set within substantial masonry nibs at basement. Including internal alterations. (Linked with 17/01181/LBC)

Reference: 17/01152/FULL

Plan Nos: Original Plans and documents RN: 14/06756/FULL
 EX(02)001 rev 00, EX(02)002 rev 00, PL(03)001 rev 02, EX(03)001 rev 01, PL(03)002 rev 03, EX(03)002 rev 00, PL(03)003 rev 03, EX(03)003 rev 00, PL(03)004 rev 01, EX(03)004 rev 00, PL(03)005 rev 01, EX(03)005 rev 00, EX(03)006 rev 00, PL(03)006 rev 01, EX(03)007 rev 00, PL(03)007 rev 01, EX(03)008 rev 00, PL(03)008 rev 01, EX(03)009 rev 00, PL(03)009 rev 00, EX(05)001 rev 00, PL(05)001 rev 01, EX(05)002 rev 00, PL(05)002 rev 03, EX(05)003 rev 00, PL(05)003 rev 02, PL(05)401 rev 00, EX(04)003 rev 00, PL(04)003 rev 02, EX(04)007 rev 00, PL(04)007 rev 02, EX(04)013 rev 00, PL(04)013 rev 01, PL(03)201 rev 01, PL(03)202 rev 01, PL(03)203 rev 01, PL(03)204 rev 01, PL(03)206 rev 01, PL(03)207 rev 01, PL(03)208 rev 00, PL(03)209 rev 00, PL(05)202 rev 01, PL(04)302 rev 01, PL(04)203 rev 01, PL(05)301 rev 00, Design and Access Statement, Structural Method Statement (with addendum), Preliminary Construction Management Plan, Viability Assessment, Energy Statement, Sustainability Statement, Heritage Statement, Average Daylight Factor Report, Arboricultural Implications Report, Affordable Housing Statement, Environmental Noise Study, Statement of Community Involvement and Affordable Housing Statement.

As part superseded by in August 2015 (RN: 15/00778/FULL): PL(05)001 rev 02, PL(05)002 rev 04, PL(05)003 rev 03, PL(04)003 rev 03, PL(04)007 rev 03, PL(04)013 rev 02, PL(03)201 rev 02, PL(03)001 rev 03, PL(03)002 rev 04, PL(03)003 rev 04, PL(03)004 rev 02, PL(03)005 rev 02, PL(03)006 rev 02, PL(03)007 rev 02, PL(03)008 rev 02, PL(03)009 rev 01, PL(05)201 rev 01, PL(24)100 rev 00 and Tree Protection Method Statement prepared by Hal Appleyard of ACS Consulting (London) dated 15 May 2015 (ref: ha/ms5/13-19lsq).

Further part superseded by this permission (2017):
 12095-A(03)098_18;12095-A(03)099_19;12095-A(03)100_17;
 12095-A(03)101_16;12095-A(03)102_16;12095-A(03)103_16;12095-A(03)104_16;

12095-A(03)105_16;12095-A(03)106_15;12095-A(04)007_00S;
 12095-A(04)013_04;12095-A(05)001_05;12095-A(05)002_08;12095-EX(02)001_0;
 12095-EX(02)002_01.

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

- 3 You must apply to us for approval of detailed drawings of the following parts of the development:;
- a) new windows (including section details at 1:5 scale),
 - b) external doors (including section details),
 - c) rooflights (including section details),
 - d) railings (including method of fixing),

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. This is unless you carry out the development, in relation to Part C, in accordance with the details approved on 27 May 2016 under reference 16/04633/ADFULL. You must then carry out the work according to the approved details. (C26DB)

Reason:

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

- 4 You must apply to us for approval of a sample of the following parts of the development: a) natural grey slate, , 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 this approved sample. This is unless you carry out the development, in accordance with the details approved on 5 May 2016 under reference 17/02989/ADFULL. You must then carry out the work according to the approved details. (C26DB)

Reason:

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

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

Reason:

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

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

Reason:

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

- 7 All external plant must be contained within the central roof area at No.15 and 16.

Reason:

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

10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number PL(03)002 rev 02. You must clearly mark them and make them available at all times to everyone using the dwellings. (C14FB)

Reason:

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

- 9 You must apply to us for approval of detailed drawings and / or manufacturer's specification of the following parts of the development: - The communal cycle storage at lower ground floor level within No. 16 Leinster Square. You must then carry out the work according to these approved detailed drawings and / or manufacturer's specification. 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.

This is unless you carry out the development in accordance with the details approved on 17 June 2016 under reference 16/04634/ADFULL. You must then carry out the work according to the approved details.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007 and Policy 6.13 of the London Plan adopted in July 2011.

- 10 The following matters shall be submitted to and approved by the City Council as local planning authority :
i) Detailed drawings of the boundary treatment with the Monmouth Road and Garway Road properties , including the size and species of the 10 pleached evergreen trees and details of climbing plants , method of irrigation and maintenance regime ., ii) Detailed to the screening and planting to the rear roof terraces including method of irrigation and maintenance regime. The development shall be carried out in accordance with the details hereby approved and prior to occupation of development .The approved screening and planting to the boundary walls and the roof terraces shall be retained, maintained and shall not be removed unless agreed by the City Council. , If any trees die, become severely damaged or diseased you must replace them with trees of a similar size and species.

Reason:

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

- 11 The dwellings hereby approved shall achieve at least a 'Very Good' rating under the BREEAM Domestic Refurbishment (or any such national measure of sustainability for residential conversion design that replaces that scheme of the same standard). Within three months of practical completion of the dwellings

hereby approved you must submit for our approval a copy of a Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification, confirming that the dwellings built have achieved a 'Very Good' rating or higher.,

Reason:

To make sure that the development incorporates exemplary standards of sustainable design, as set out in Policies 5.1, 5.2, 5.3 and 5.7 of the London Plan adopted in July 2011.

- 12 The development shall be carried out in accordance with the Construction Management Plan/Statement approved on 11 July 2016 under reference 16/04629/ADFULL.

Reason:

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

- 13 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only;

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

You must carry out basement excavation work only;

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

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

Reason:

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

- 14 The rainwater pipes on the rear elevation hereby approved shall be made of cast iron and be painted.

Reason:

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

- 15 The development hereby approved must be carried out in accordance with the Tree Protection Method Statement prepared by Hal Appleyard of ACS Consulting (London) dated 15 May 2015 (ref: ha/ms5/13-19lsq).

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 (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.

- 17 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.

- 18 Notwithstanding the submitted plans and details, the single glazed timber sliding sash windows shall be repaired and retained. The glass shall be retained and replaced on a like for like basis and only where the glass has been damaged.

Reason:

To make sure that the appearance of the buildings are suitable and that they contribute to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 19 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)

- 20 No development shall take place between the property and the highway/ footway and above a depth of 900mm.

Reason:

To ensure that sufficient space is retained for utilities in accordance with policy TRANS19 of the Unitary Development Plan.

- 21 This permission must be commenced no later than 24 December 2017.

Reason:

This permission authorises amendments to the planning permission granted on 18 August 2015 (15/00778/FULL), which varied the original permission dated 24 December 2014 (RN 14/06756) and which must be commenced no later than the above date.

Informative(s):

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

- 2 The permission is governed by a Deed of Variation of the Deed of Variation dated 10 August 2015 (RN: 15/00778/FULL) which varied the original S106 dated 22 December 2014 (RN:14/06756/FULL).

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: 13-19 , Leinster Square, London, W2 4PR

Proposal: Variation of condition 1 of Listed Building Consent dated 18 August 2015 (RN 15/00779/LBC) for variation of Condition 1 of planning permission dated 22 December 2014 (RN: 14/06756) for conversion of hotel to 15 flats; NAMLEY, to vary the approved drawing numbers to amend the relocation of roof terrace access stair from No. 13 to No. 14. Reconfiguration of roof plant well to bays 13 and 14. Omission of all roof lights. Introduction of raised sections of roof to bays 15 and 18 to provide additional ceiling height within penthouse units below. Enlarged glazed openings to rear terraces. Glazed roof to TH3 rear extension omitted in favour of solid roof. Glazed conservatory style wall to TH3 extensions replaced by masonry wall with single picture window set. Installation of Juliet balconies to TH1 & 2 master suites at rear lower ground. Reduction of glazed opening sizes to rear terraces which are now set within substantial masonry nibs at basement. Including internal alterations. (Linked with 17/01152/FULL)

Reference: 17/01181/LBC

Plan Nos: Original plans and documents (RN 14/06757/LBC)
 EX(02)001 rev 00, EX(02)002 rev 00, PL(03)001 rev 02, EX(03)001 rev 01, PL(03)002 rev 03, EX(03)002 rev 00, PL(03)003 rev 03, EX(03)003 rev 00, PL(03)004 rev 01, EX(03)004 rev 00, PL(03)005 rev 01, EX(03)005 rev 00, EX(03)006 rev 00, PL(03)006 rev 01, EX(03)007 rev 00, PL(03)007 rev 01, EX(03)008 rev 00, PL(03)008 rev 01, EX(03)009 rev 00, PL(03)009 rev 00, EX(05)001 rev 00, PL(05)001 rev 01, EX(05)002 rev 00, PL(05)002 rev 03, EX(05)003 rev 00, PL(05)003 rev 02, PL(05)401 rev 00, EX(04)003 rev 00, PL(04)003 rev 02, EX(04)007 rev 00, PL(04)007 rev 02, EX(04)013 rev 00, PL(04)013 rev 01, PL(03)201 rev 01, PL(03)202 rev 01, PL(03)203 rev 01, PL(03)204 rev 01, PL(03)206 rev 01, PL(03)207 rev 01, PL(03)208 rev 00, PL(03)209 rev 00, PL(05)202 rev 01, PL(04)302 rev 01, PL(04)203 rev 01, PL(05)301 rev 00, Design and Access Statement, Structural Method Statement (with addendum), Preliminary Construction Management Plan, Viability Assessment, Energy Statement, Sustainability Statement, Heritage Statement, Average Daylight Factor Report, Arboricultural Implications Report, Affordable Housing Statement, Environmental Noise Study, Statement of Community Involvement and Affordable Housing Statement., ,

As part superseded by in August 2015 (RN: 15/00779/LBC): PL(05)001 rev 02, PL(05)002 rev 04, PL(05)003 rev 03, PL(04)003 rev 03, PL(04)007 rev 03, PL(04)013 rev 02, PL(03)201 rev 02, PL(03)001 rev 03, PL(03)002 rev 04, PL(03)003 rev 04, PL(03)004 rev 02, PL(03)005 rev 02, PL(03)006 rev 02, PL(03)007 rev 02, PL(03)008 rev 02, PL(03)009 rev 01, PL(05)201 rev 01, PL(24)100 rev 00., ,

Further part superseded by the current application
 (2017):12095-A(03)098_18;12095-A(03)099_19;12095-A(03)100_17;
 12095-A(03)101_16;12095-A(03)102_16;12095-A(03)103_16;12095-A(03)104_16;
 12095-A(03)105_16;12095-A(03)106_15;12095-A(04)007_00S;
 12095-A(04)013_04;12095-A(05)001_05;12095-A(05)002_08;12095-EX(02)001_0;

12095-EX(02)002_01.

Case Officer: Rebecca Mason**Direct Tel. No.** 020 7641 7540**Recommended Condition(s) and Reason(s)**

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

Reason:

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

- 2 All new work 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 You must apply to us for approval of detailed drawings of the following parts of the development: ,
- a) new windows (including section details at 1:5 scale),
 - b) external and internal doors (including section details),
 - c) repair or original and reinstatement of skirting boards,
 - d) rooflights (including section details),
 - e) structural works to first and second floor including steel beams and their location,
 - f) railings (including method of fixing),
 - g) repair of original and reinstatement of lath and plaster ceilings, ceiling roses, skirting, walls and cornices,
 - h) fire places,
- 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. This is unless you carry out the development, in relation to Part C, in accordance with the details approved on 1 December 2015 under reference 15/09592/ADLBC. This is unless you carry out the development, in relation to Parts D, E and H, in accordance with the details approved on 27 May 2016 under reference 16/04737/ADLBC. This is unless you carry out the development, in relation to Part G in accordance with the details approved on 25 July 2016 under reference 16/0523/ADLBC. You must then carry out the work according to the approved 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 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 You must apply to us for approval of a sample of the following parts of the development: , a) natural grey slate, , 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 this approved sample. This is unless you carry out the development, in accordance with the details approved on 5 May 2016 under reference 17/03075/ADLBC. You must then carry out the work according to the approved details. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the 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 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)

- 6 Notwithstanding the submitted plans and details, the single glazed timber sliding sash windows shall be repaired and retained. The glass shall be retained and replaced on a like for like basis and only where the glass has been damaged.

Reason:

To make sure that the appearance of the buildings are suitable and that they contribute to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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 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 special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan 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.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , * any extra work which is necessary after further assessments of the building's condition;, * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (159AA)

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.