



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (1)

Meeting Date:

Tuesday 5th September, 2017

Time:

6.30 pm

Venue:

Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

Councillors:

Melvyn Caplan (Chairman)
David Boothroyd
Susie Burbridge
Tim Mitchell



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 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. LONDON ZOO, OUTER CIRCLE, REGENTS PARK, LONDON, NW1 4RY | (Pages 3 - 38) |
| 2. 25 BERKELEY SQUARE, LONDON | (Pages 39 - 66) |
| 3. 15 CUNNINGHAM PLACE, LONDON, NW8 8JT | (Pages 67 - 82) |
| 4. STRAND PALACE HOTEL, 372 STRAND, LONDON, WC2R 0JJ | (Pages 83 - 96) |
| 5. 7 GARRICK STREET, LONDON, WC2E 9AR | (Pages 97 - 106) |
| 6. 7 THE LANE, LONDON, NW8 0PN | (Pages 107 - 130) |

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 5th September 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 17/04930/FULL 17/04931/LBC Regent's Park	London Zoo Outer Circle Regents Park London NW1 4RY	Replacement of metal mesh and door and restoration of the Snowdon Aviary to encompass additional animal species, apparatus and informal housing for aviary species, safety and DDA alterations to 'M' bridge, erection of new animal house annexes and links, replacement of concrete sheds with new education facilities, removal and replacement of trees and landscaping alterations including rain cover for pram storage area, installation of new gate for construction vehicles, together with demolition of north pheasantry aviaries and relandscaping.	
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 17/06007/FULL 17/06008/LBC West End	25 Berkeley Square London	Demolition of existing upper levels (6th, 7th, 8th floors and roof level) and construction of new 6th, 7th, 8th, 9th and roof levels for continued use as offices on part lower ground, part ground, and upper floors. Use of part of lower ground and ground floor for dual/alternative Class A1/B1 retail/office use, and various external and internal works including new shopfronts to Jones Street and Bourdon Street and installation of external lighting to Berkeley Square.	
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 17/05778/FULL 17/05779/LBC Regent's Park	15 Cunningham Place London NW8 8JT	Erection of single storey rear infill extension at rear ground floor level and alterations to front landscaping including alterations to boundary wall.	

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 5th September 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Recommendation 1. Refuse planning permission and listed building consent- design, amenity and prematurity.			
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 17/04842/FULL St James's	Strand Palace Hotel 372 Strand London WC2R 0JJ	Installation of a full height extract duct and fan within the lightwell.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
5	RN(s) : 17/04966/TCH St James's	7 Garrick Street London WC2E 9AR	Use of an area of public highway measuring 3.2m x 0.9m for the placing of two tables and four chairs in connection with the existing ice cream parlour (A1) at 7 Garrick Street.	
	Recommendation Grant conditional permission for a temporary period of 1 year.			
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 17/05892/FULL Abbey Road	7 The Lane London NW8 0PN	Demolition and reconstruction behind a retained front facade, including excavation of basement floor below existing house and part of rear garden land, with lightwells to front, side and rear, erection of two storey side extension, single storey rear extension, a porch infill, and skylights to roof.	
	Recommendation Grant conditional permission.			

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 September 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	London Zoo , Outer Circle, Regents Park, London, NW1 4RY		
Proposal	Replacement of metal mesh and door and restoration of the Snowdon Aviary to encompass additional animal species, apparatus and informal housing for aviary species, safety and access alterations to 'M' bridge, erection of new animal house annexes and links, replacement of concrete sheds with new education facilities, removal and replacement of trees and landscaping alterations including rain cover for pram storage area, together with demolition of north pheasantry aviaries and re-landscaping.		
Agent	Mr Jones Lang LaSalle Ltd		
On behalf of	Zoological Society London (ZSL)		
Registered Number	17/04930/FULL 17/04931/LBC	Date amended/ completed	5 June 2017
Date Application Received	5 June 2017		
Historic Building Grade	Snowdon Aviary Grade II* listed Regents Park Grade I listed		
Conservation Area	Regent's Park		

1. RECOMMENDATION

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

2. SUMMARY

The proposal seeks to restore the Grade II* Snowden Aviary, which is currently on Historic England Buildings at Risk Register and to create a new animal exhibit in order to promote this underutilised area of the Zoo.

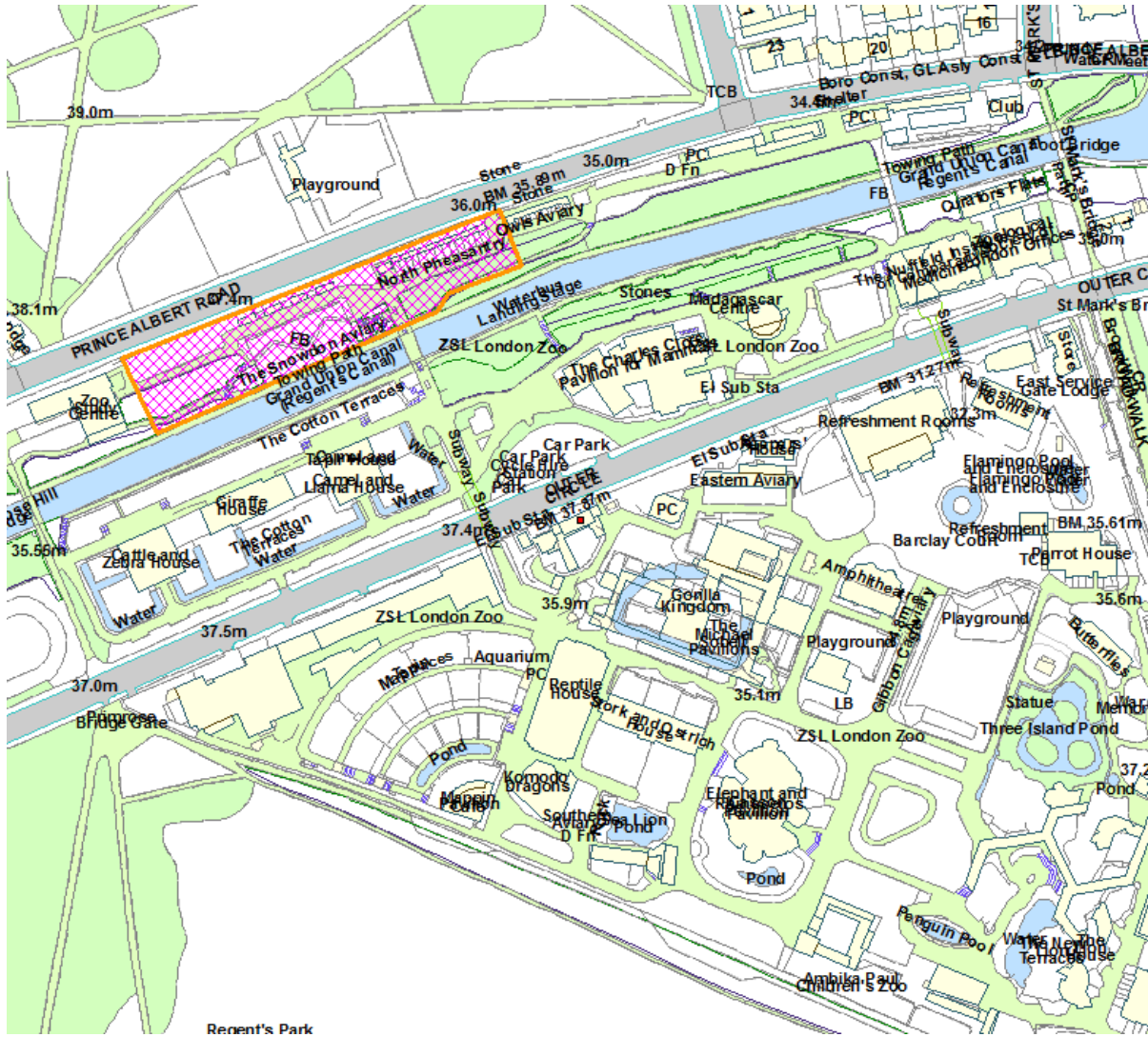
This will bring about the repurposing of the Aviary with the addition of new monkey and duiker animal buildings linked to the Aviary by high and low level tunnels.

The proposal has received the support of The St John's Wood Society and the St Marylebone Society as well as the London Borough of Camden as an adjoining authority. Historic England is satisfied to leave the determination of the application to the City Council.

However the Regent's Park Conservation Area Advisory Committee, whilst agreeing to the principle of the renovation of the Aviary, has raised objection to the proposal on a number of detailed grounds including the replacement materials to be used in the renovation, the impact of the collection of new buildings proposed around the Aviary on the setting of it and on the listed parks and conservation area, as well as the proposed landscaping details.

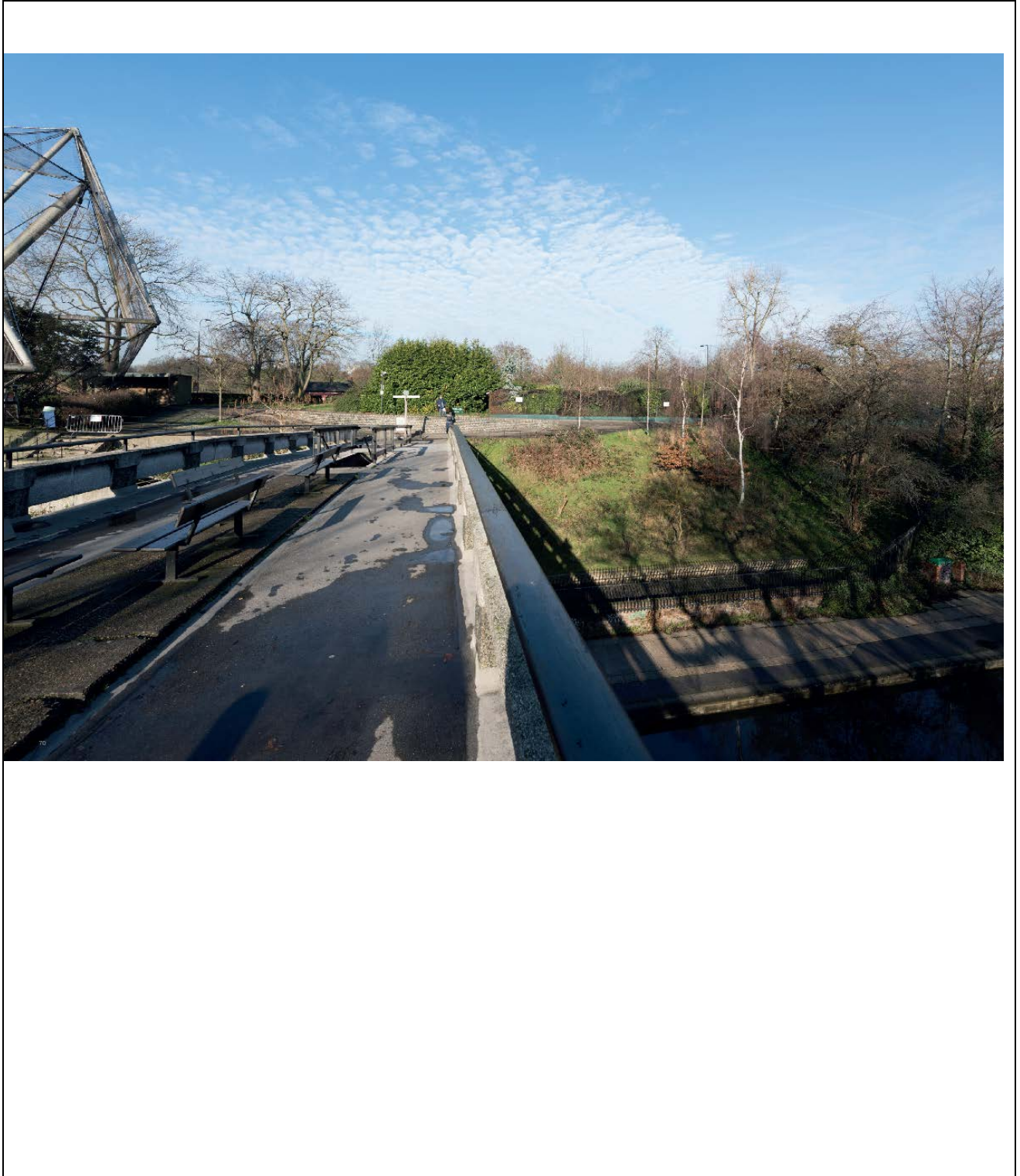
Notwithstanding the objection raised, the proposal is considered to be acceptable subject to conditions and satisfies the relevant Unitary Development Plan and City Plan policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

GREATER LONDON AUTHORITY

Any response to be reported verbally.

GREATER LONDON AUTHORITY ECOLOGY

Any response to be reported verbally.

HISTORIC ENGLAND

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

HISTORIC ENGLAND ARCHAEOLOGY

The development is likely to cause some harm to archaeological interest but not sufficient to justify refusal of planning permission, provided that conditions are applied to require an investigation to be undertaken to advance understanding and to conserve archaeological interest.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

THE GEORGIAN GROUP

Any response to be reported verbally.

THE SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

THE COUNCIL FOR BRITISH ARCHAEOLOGY

Any response to be reported verbally.

THE VICTORIAN SOCIETY

Any response to be reported verbally.

THE TWENTIETH SOCIETY

Any response to be reported verbally.

THE ROYAL PARKS

Any response to be reported verbally.

THE FRIENDS OF ROYAL PARKS AND PRIMROSE HILL

Any response to be reported verbally.

LONDON HISTORIC PARKS AND GARDENS

Any response to be reported verbally.

CANAL AND RIVER TRUST

Following receipt of the additional photographs we are satisfied that, although the new proposed enclosure will have an impact on the canal, it will not be hugely detrimental. The monkey house will be an unusual structure, but the setting of it, adjacent to the Snowdon Aviary and the modern concrete bridge is, in itself unusual, so the impact of the new building is therefore lessened, and it does not appear as overtly incongruous as it would have if it were a solitary building. As it lies low to the ground and follows the topography, impacts on long views along the Regent's Canal will not be significant, other than in a fairly constrained area. Views from the west are restricted by the bridge between the two parts of the zoo, which all but conceals the new building. On another matter, currently the existing fence between the towing path and the site is very utilitarian and in fairly poor repair, as is the footpath the other side. We request that the applicant, as part of this project, installs a new more visually attractive and easier to maintain boundary treatment (which is also less overtly aggressive) along the back of the towpath and we would welcome the opportunity to discuss more appropriate fencing.

NATURAL ENGLAND

Any response to be reported verbally.

THE GARDENS TRUST

No comment.

REGENTS PARK CONSERVATION AREA ADVISORY COMMITTEE

Objection. Whilst agree principle to the Aviary renovation, object to elements of the proposal. The mesh should be agreed at this time as the material, scale and thickness and fixing to the structural elements are critical to the significance of the listed building. Monkey house and community centre due to their location, scale and character are harmful to the Aviary, its setting and to the landscape of the listed park and hill. Landscape proposals should be integral to the renovation scheme, including the original cascade and should be resolved before consents are granted. The collection of new buildings would clutter the setting of the Aviary and harm its special significance and the special character of the listed parks and of the conservation area. Taken together the harm to the Aviary from the proposal would be such that public benefit of its renovation would be seriously undermined. Insufficient consultation and stakeholder engagement.

CAMDEN COUNCIL

No objection. Proposal represents a high quality contextual design which would not result in any detrimental impact upon adjacent listed structures, projected views or the protected open space of Primrose Hill. Refurbishment of the Aviary is welcomed increasing longevity of a prominent architectural piece. Request a road safety audit and visibility splays for the proposed new access to Prince Albert Road as well as a construction management plan to mitigate impacts to local traffic conditions and pedestrian safety.

COUNCILLORS FOR REGENTS PARK

Any response to be reported verbally.

ST JOHNS WOOD SOCIETY

Support. Welcome the renovation of this listed structure.

ST MARYLEBONE SOCIETY

Support. A long overdue refurbishment of a unique structure with an exciting architectural addition. We strongly support this project.

ARBORICULTURAL MANAGER

Comment. Whilst overall loss of trees could be supported to aid the re purposing of the aviary and use by monkeys, current landscaping is broad. It lacks firm detailed proposals to provide adequate mitigation for the loss of trees and shrubs and to ensure naturalistic setting of the canal bank and protection of character of conservation area and setting of listed building. Require full details of replacement trees and shrubs and landscaping, tree protection methodology and arboricultural supervision.

CRIME PREVENTION DESIGN ADVISOR

No comment.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No.Consulted: 49 Total No.of Replies: 0

ADVERTISEMENT/SITE NOTICE: Yes

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

London Zoo is located within the Regent's Park Conservation Area and Regent's Park is a Royal Park. It is also Metropolitan Land as is the Regent's Canal and a site of Metropolitan Importance for Nature Conservation. The Regent's Canal is part of the Blue Ribbon Network and a designated Green Corridor. The site is consequently one of considerable sensitivity.

The area of the Zoo which is the subject of the proposal is the sloped grass embankment of the north bank which forms the northern boundary of the Zoo, located between the Regent's Canal and Prince Albert Road. The Snowdon Aviary which was constructed in the 1960's is located on the north bank, is Grade II * listed (1998), and is on the Heritage at Risk Register. The Aviary can be seen in the protected vista from Primrose Hill to the Palace of Westminster, from the Grade II listed footbridges (Primrose Hill Canal footbridge, West Footbridge and Footbridge to west of Cumberland /footbridge), from the Regent's Canal and towpath and from within the Regent's Park Conservation area including from Prince Albert Road.

6.2 Recent Relevant History

None specifically relevant to this application.

7. THE PROPOSAL

The proposal seeks to restore the Grade II* Snowden Aviary, which is currently on Historic England Buildings at Risk Register and take the opportunity to make the Aviary accessible to all by carrying out alterations to its entrance and exit doors and the width of the existing M bridge which would provide all visitors the benefit of an immersive experience. The Zoological Society of London are also using this opportunity to promote the longevity of the Aviary as a Grade II * Zoo exhibit and to create an exciting new animal exhibit in order to promote this underutilised area of the Zoo.

The proposal is to both restore and repurpose the Aviary and to construct new animal buildings and links from them into the Aviary, in order for the Aviary to accommodate a number of new animal species. It is proposed that the Aviary accommodate a breeding group of 20-30 Colobus monkeys at high level, waterfowl and duikers (a pair of resident antelope) at low level.

It is also proposed to create a new education building with internal and external covered space for around 35 students and 5 teaching staff with associated small storage area (for furniture and equipment) and an associated covered buggy park (buggy/prams will not be allowed into the Aviary). The education centre offers a link to schools to use the area and become engaged with the new exhibit. It has numerous functions. It will cater for day visitors, live talks and possibly community events and will provide an education space in which the Discovery and Learning Team will deliver activities for children and young adults.

The key elements of the proposal are set out below:-

- Restoration of the Snowden Aviary structure involving; replacement of mesh in its entirety; widening of internal bridge; replacement balustrade, alterations to entrance pods; tunnel links to new external animal buildings; introduction of monkey apparatus.
- Demolition of north pheasantry aviaries.
- New monkey house building outside of the aviary with two elevated high level tunnels link into the aviary.
- New duiker house building outside of the aviary with low level tunnel link into the aviary.
- New education building and buggy area.

The original submission indicated a proposal for a new vehicular access gate to Prince Albert Road. However in the absence of sufficient details pertaining to this element of the proposal, it has been withdrawn from this application on officer advice.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Within Chapter 9 of our UDP, Paragraph 9.240 specifically refers to proposals for London Zoo and states that they will be assessed against the policies in the Plan

In particular those covering listed building, strategic views, conservation areas, public open space, the canal, amenity, biodiversity, traffic generation and parking.

There is no in principle objection to restore and re-purpose the existing Grade II * listed Snowdon Aviary which is on the buildings at risk register, including the proposed introduction of new animal buildings and link tunnels and a new educational building.

London Zoo is a key tourist attraction and given the restoration works required to the Aviary this proposal provides a unique opportunity to provide exciting new animal structures to help preserve the longevity of the iconic Snowdon Aviary as a Grade II* Zoo exhibit. As such the proposed expansion of the visitor attractions within the existing grounds of London Zoo is considered to be acceptable in principle in land use terms.

8.2 Design and conservation

The works involve repairs to the Snowdon Aviary structure and replacement of the metal mesh to contain new animals. Three new buildings and a small waterfowl enclosure are also proposed. The Monkey House would be located to the east of the aviary and a Duiker enclosure located to the west of the aviary both are on the slopes of the North Bank. Both animal houses will be physically attached to the aviary. Access to the Duiker enclosure would be via a partially submerged tunnel. To the east of the site and spanning between the aviary and the Monkey House 2 high level tunnels are proposed, these would also traverse above the pedestrian bridge. The third new structure replaces a roofed seating area to the north of the aviary whereby a new detached structure is proposed and used as a Community/Education centre. Within the aviary a new small enclosure is proposed at ground level to provide housing for waterfowl. The new animal houses and tunnels are designed using the same open lattice exterior that consists of woven laminated bamboo forming a curved gridshell, internally in the monkey house the lattice is lined with a fine metal mesh. A new buggy park and waste management are also proposed.

The Snowdon Aviary

Significance of the Snowdon Aviary

The aviary was built in 1962-1963 with the first birds introduced in 1963 and opened in 1965. It is an aluminium and steel structure on concrete foundations, consisting of 4 suspended tubular aluminium tetrahedrons, a pair at either end of the cage, they are held in position by steel cables and are anchored in the ground with 2 aluminium V shaped supports that are above the entrances. This framework is criss-crossed by steel cables in constant tension, covered by an all-over black anodised aluminium mesh. The aviary is 20m wide x 45m length x 25m high.

The aviary was designed by Anthony Armstrong-Jones (Earl of Snowdon), Cedric Price and Frank Newby. At the time of construction the structure was amongst one of the first tension structures in the UK. The first being Powell and Moya's 1951 Skylon at the Festival of Britain. The Snowdon Aviary was Britain's first walk-through aviary and the second-largest aviary in the world when completed. The cantilevered walk way has a 'M' shape and considered to signify Margaret (Princess).

The use of aluminium was a relatively new material in the construction industry and its use in conjunction with the innovative design is intrinsic to the floating weightless appearance of the Aviary. A building design held in tension and the use of aluminium as a structural material were both pioneering developments.

The design enabled a light, see-through effect in which the distinction between the inside and the outside is blurred. The aviary's tension system provides a novel, refreshing and exciting structure that nobody in Britain had tried on such a large scale. The aviary's concept came from a British strain of informal exhibition architecture that was popular in the 1950s and early 1960s with its strong feeling for the picturesque. The appearance of the aviary, with its all-over netting, geometry and structural system all suggest the influence of R Buckminster Fuller, whose projects and philosophy of design were admired by Cedric Price and Frank Newby.

The aviary was listed grade IISTAR in 1998 and at the time the only permanent tensioned building in the UK. The building is a key inspiration for the 'High-Tech' architects of the 1970's and 1980's. The aviary's lightweight floating appearance is reminiscent of its inhabitants and accords with similar prominent buildings in the Zoo where the architecture of the building reflects the nature of its future inhabitants, for example the Sir Hugh Casson, Neville Conder and Partners grade IISTAR listed Elephant and Rhinoceros Pavilion comprising of large pre-cast concrete elements and has a heavy solid appearance emulating the characteristics of the animals.

Proposed alterations to the Snowdon Aviary

The aim of the proposal is to carry out repairs and replacement works to advance the lifespan of the iconic aviary and to increase visitor numbers of this part of the Zoo.

There is no objection to the repurpose of the aviary to accommodate Colobus monkeys, however to accommodate the monkeys numerous physical alterations are required. The repairs works to remove corrosion around the structure is welcomed. The replacement of the existing cable would result in the loss of original fabric, however this is not considered to adversely impact on the significance of the structure.

The existing black anodised aluminium wire mesh is rigid and designed as a grid with horizontal and vertical rods (3mm diameter) intercepting at right-angles. The mesh appears as regular stacked rectangles at 28 mm x 154 mm. When viewed at a distance the pattern is not perceived and the mesh has a high degree of transparency. The existing black mesh has numerous insensitive patch repaired over the years, detracting from the transparent quality of the mesh.

The replacement metal mesh differs in material and would have slightly smaller rectangles. However the diameter of the rods is the same/smaller and the stacked rectangle pattern is the same, therefore, the overall appearance and transparency which contributes to the weightless appearance of the structure is preserved. Given the existing dilapidated condition of the mesh and the limited impact on the significance of the building, the replacement mesh is acceptable in listed building terms.

The alterations and extension of the entrance chambers would introduce conspicuous solid structures but they replicate the splayed form of the existing entrances. The new entrances are located in the same position and would be seen against vegetation.

They are small scale subservient additions to this vast cage. The proposed new entrance ways would not detrimentally impact on the appearance or significance of the structure.

The introduction of monkey apparatus would impact on the open spatial quality of the Snowdon Aviary and alter the existing vast void between the canopy of the trees and 'roof' of the structure. Whilst the cage may appear cluttered the architectural and structural integrity of the cage including the iconic form are preserved and unimpaired by the works. Also this is necessary equipment to facilitate the accommodation of the monkeys and continued use of the Snowdon Aviary.

The 'M' shaped form of the internal walkway is retained and this would preserve the significance of this feature. The existing balustrade has previously been adapted and altered. The proposed metal and timber balustrade has an elegant form and simple detailing to maximise transparency this is considered to respect the intrinsic characteristics of the aviary.

Impact on the Snowdon Aviary

The City Council must have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historical interest which it possesses, and to preserve or enhance the character and appearance of a conservation area, this is in accordance with Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The extent of works would not have a harmful impact on the significance of the listed building as a designated heritage asset, as a grade II* listed building in the Regent's Park Conservation Area.

Surveys of the structure were completed and found that there is some surface corrosion in one of the aluminium tetrahedron tubes, base/taper plates and cables with no significant impact on the structural integrity of the cage. The casings for the steel cables have been damaged exposing the twisted wires to corrosion. Temporary repairs have been carried out in the past but are unlikely to protect or preserve the cable from further corrosion. Minor repair works are proposed to remove corrosion and the steel cables are proposed to be replaced.

The existing metal mesh is proposed to be replaced by a new stainless steel mesh with a 2mm diameter vertical rod and 3mm diameter horizontal creating a smaller rectangle measuring 20mm x 100mm. This is required to reduce the risk of the monkeys grabbing and pulling materials between the exterior to the interior. Small punctuations are proposed on east and west elevations to create access for the new tunnels to the animal houses.

The existing entrances are replaced with similar height and splayed structures. However, the length of the entrance chamber is extended beyond the aviary exterior. This is to accommodate a 1.5 metre radius between a series of new solid single leaf metal doors. The design is in response to discouraging the monkeys from entering these areas.

The concrete cantilever walkway is proposed to be widened to a minimum of 1.8 metres to improve pedestrian movement.

The existing balustrade is replaced with new metal balustrade comprised of continuous vertical metal railings intercepted by taller protruding vertical fins attached to the walkway. The upper portion of the fins is splayed inwards and supports a continuous laminated bamboo handrail with a horizontal rotating rod above to stop monkeys mounting the balustrade.

New apparatus is proposed to accommodate the Colobus monkey in the aviary they would provide play, rest and feeding stations. Vertical poles measuring 13.5 metres with a diameter of 150mm at the base to 40mm at the top (some bendy, some with horizontal branches, some with baskets and platform) of various heights are to be installed amongst new trees to exploit the full volume of the aviary. The poles consist of laminated larch/bamboo with hemp attachments.

Impact on the protected view from Primrose Hill to Palace of Westminster

The Snowdon Aviary is located in the viewing corridor of Protected Vista 4A.2 from Primrose Hill to the Palace of Westminster, it is a foreground feature and the aviary is seen against dense layers of mature trees. The multi-faceted metal mesh is perceived but given its transparent composition against the density of trees it is not clearly seen. The western tetrahedrons are the main conspicuous element of the aviary and provide an interesting angled form that complements the background skyline of the varied built environment that exists beyond Regent's Park.

The proposals would not alter the inherent structural form of the aviary. The main issue is whether the works are intrusive or create an unsightly appearance that detracts from the existing pleasing components of this protected view. The replacement mesh would not have an adverse impact on the transparency of the structure. The introduction of vertical poles and high level baskets are unlikely to be seen from Primrose Hill due to their slender proportions, in addition new trees are proposed to be introduced within the aviary thereby preserving the appearance and relationship with existing dense canopy in this view, therefore, the works would not have a harmful impact on Protected Vista 4A.2.

Animal and Educational buildings

Monkey House and high level tunnels

The new building measures approximately 20m length x 11m width x 4.8m internal height with a volume of 980m³, it is the shape of an elliptical dome with the interior utilising the gradient of the North Bank slope, it is located to the east of the grade II listed West Footbridge. The Monkey House is intercepted by a visitor corridor accessed via arched openings located on the east and western elevations of the structure on axis with the existing pedestrian pathway.

The Monkey House is connected to the aviary by two high level 30m length tunnels. The tunnels punctuate the metal mesh below the eastern pair of tetrahedrons. Within the aviary the tunnels are supported by vertical poles. Two tunnels are proposed to prevent a dominant monkey impeding access between the 2 structures.

The exterior of the Monkey House and tunnels both comprise of laminated bamboo lattice with a steel mesh interior lining. Full height bamboo divisions and clear glass windows separate the Monkey on-show areas and the visitor corridor.

The Monkey House will provide additional on-show exhibition space and off-show house areas for 20-30 individual Colobus monkeys.

Duiker House

The enclosure measures 2.9m length x 2.9m width x 2.5m height with a volume of 21m³ is located to the west of the aviary near the base of the structure adjacent to the canal towpath. The enclosure and open roof access tunnel measuring 7.5 metres are largely sunken into the slope of the bank. The enclosure would have the same open lattice roof structure. The animal building will provide off show housing for 2 Duiker antelopes.

Educational building

The existing site comprises of flat roof open timber structures with concrete floor and steps against a tall brick wall facing Prince Albert Road. The proposal seeks to remove the timber structures but retain the brickwork walls. The timber structures are of no architectural merit and their removal is not contentious in design terms.

The new Community/Education Centre measures 6.0m width x 30.0m length x 4.7m height, the building consists of an enclosed solid area with large window facing the aviary adjacent to an open sided pavilion, both parts are covered by a laminated bamboo gridshell with a translucent PTFE (Poly Tetra Fluro Ethlene) membrane to provide rain cover and shading. The roof is in the form of a shallow double curve with large curved and splayed east, south and west elevations.

The new building will also provide an area for community use as an integral part of the development works and to satisfy HLF funding for the project. It will be used for day visitors, live talks, a place to rest and provide space education space for the Discovery and Learning Team to deliver activities for Key Stage 3/4/5 children and young adults taking part in STEM (Science, technology, engineering and mathematics) activities.

Impact on the setting of the Grade II * Aviary

The new buildings are high in quality and architectural design. They are of their time and will continue to contribute to the pioneering architectural buildings that are prevalent in the zoo.

The consistent design of the new buildings groups these structures together as a contextual development that complements the iconic Snowdon Aviary. There are stark differences between the aviary and the new structures. However the new development reflects fundamental features of the aviary, for example a unique engaging design that fits the steep topography of the site and the use of an open weave lattice to create a lightweight appearance.

The extruded tunnels between the aviary and the Monkey House are playful and striking features that would impact on the setting of the aviary and the grade II listed West Footbridge. However, the tunnels are located at low level, away from the significant tetrahedrons and this reduces their visual impact on the cage. The monkey tunnels are located at high level above the bridge and would provide a new exciting feature for pedestrians below. The Monkey House is a fundamental part of the adaption of the Snowdon Aviary to accommodate Colobus monkeys and facilitate the continued use whilst improving visitor numbers to this neglected part of the Zoo.

The impact of the Monkey House and associated tunnels on the special interest, character, appearance and setting of the cage is therefore outweighed by the overwhelming benefit of repair, repurpose and continued use of the Snowdon Aviary and its removal from the Heritage at Risk Register.

The Duiker enclosure and tunnel are largely submerged and discreetly located in the North Bank with no adverse impact on the setting of the aviary. The Community/Education Centre would improve the appearance of this existing utilitarian space, the new building is detached and single storey and is thus considered to have no adverse impact on the setting of the aviary.

Impact on the setting of the Regent's Canal

The proposed development would introduce new buildings and structures within and adjacent to the aviary and the surrounding setting of the grade I/STAR listed cage and grade II listed bridges. Within the Zoo boundary the character and appearance of the Regent's canal is different, there are an abundance of enclosures, cages and buildings that vary in architectural style and scale. The Monkey House would be a foreground feature when viewed from the listed bridges in the east and along the towpath however, given the low profile of the elliptical dome, simple form and subservient scale, the Monkey House would not detract from the dominant appearance of the aviary in this view. Furthermore, given the built context of the sloped embankments, the proposed development would not have a harmful impact on the character and appearance of this part of the Regent's Canal.

Impact on the setting of the Regent's Park Conservation Area

London Zoo is a unique part of the conservation area and the site of the Snowdon Aviary can be seen mainly from the canal and in longer views from the adjacent listed bridges leading to and from Regent's Park and in views along Prince Albert Road. There are limited oblique glimpses of the upper part of the Snowdon Aviary and the site of the new Monkey House from pedestrian pathways between the Outer Circle and Prince Albert Road in Regent's Park, the majority of the aviary and surrounding buildings are obscured by foreground trees and bushes. There are a wide variety of hedges, bushes and mature trees at various heights that exist as foreground features when viewed from Prince Albert Road. There are views of the site proposed for the new Monkey House from the road. However, the existing trees adjacent to the fence boundary and a brick work wall adjacent to the proposed new Community/ Education centre are retained, and the proposals would not detract from this lush view at the boundary of the conservation area. The new development is well within the built context of the zoo and would not harm the character, appearance or setting of Regent's Park Conservation Area.

Summary of design and conservation matters

The proposal would preserve the significance of the Snowdon Aviary whilst creating exciting new buildings within the zoo complex. Subject to conditions, requiring further design details, samples of materials and the removal and restoration of the Aviary as a complete development, the proposals are considered in accordance with DES 1, DES 5, DES 9, DES 10, DES 12, DES 13, DES 14, DES 15 of the adopted UDP 2007, S25, S26, S28, S35, (S36-SINC, S37-Blue Ribbon, S38-Biodiversity) With regards to the NPPF 2012 the proposal would not result in harm to any designated heritage assets and also offers the potential to sustain the optimum viable use of this unique listed building.

8.3 Residential Amenity

The character of the area and this part of Regent's Park Conservation Area is uniquely characterised by the Zoo and visibility of its exhibits and animals from surrounding public view points. It therefore follows that the sounds and noises associated with the animals is also part of the character of the area and it is not uncommon for animals to be heard outside of the Zoo. In the case of the application site, the Aviary currently houses birdlife and waterfowl, but will also house colobus monkeys and duikers. As such whilst the animal sounds and noises may differ, it is not considered to raise amenity issues for nearby residents in accordance with Policies ENV 6 and ENV 13 UDP and S29 of the City Plan.

8.4 Transportation/Parking/Waste

The proposal does not involve changes to visitor or staff parking or pedestrian access. The original submission made reference to a proposed new vehicular access gate located to the north east corner of the site. This was proposed to provide access to Prince Albert Road to facilitate construction works to this part of the Zoo and, post completion, to act as an additional vehicular access in the case of emergencies. However, minimal details of this element of the proposal have been provided (only a very indicative plan). It is therefore not possible to assess the acceptability of it at this stage. The London Borough of Camden has raised concern with respect to the potential impact on highways and pedestrian safety and request that details of visibility splays be provided and a road safety audit undertaken. In the absence of full details regarding the proposed vehicular access to Prince Albert Road and the objection raised, the applicant has, on officer's advice, withdrawn this element of the proposal from this application. It is however likely that they will in due course submit a stand-alone application for that proposal taking on board the concerns raised.

In terms of waste the proposal will connect into the Zoo's existing waste management processes. A dedicated area for waste to accommodate four 1100 litre bins and 2 palettes is proposed adjacent to the existing toilet block to the north east of the application site and is to be enclosed with fencing. Limited detail of the fencing has been provided at this stage and therefore full details are recommended to be sought by condition.

Waste and recycling associated with construction and demolition is dealt with under the Code of Construction Practice.

8.5 Economic Considerations

The applicant has indicated that the proposals are subject to Heritage Lottery Funding.

8.6 Access

The Aviary is to be adapted (new doors and widened internal platform) to provide access for all visitors including people with disabilities and mobility difficulties, which is welcome. The proposal will also improve visitor circulation within this part of the Zoo.

The acceptability of the proposed repurposing of the Aviary in terms of the health and safety of the general public is generally a matter for Environmental Health who enforce health and safety and also through the licensing of such uses.

8.7 Other UDP/Westminster Policy Considerations

Trees

The trees located within the Zoo are considered to be of considerable importance in terms of contributing to the character and appearance of the setting of the Zoo and its exhibits, its listed buildings, the Regent's Canal and the wider Regent's Park Conservation Area as well as providing screening and biodiversity benefits.

The proposed development would result in the removal of a number of trees from both within and adjacent to the Aviary. Within the Aviary nine trees are proposed to be removed a mixture of sycamore, laurel, poplar, crack and weeping willow as well as a group of laurel and portuegese laurel. Outside of the Aviary, a rowen tree, a group of birch trees and a group of elder and laurel trees are also proposed to be removed to facilitate the proposed new monkey house and associated works.

Whilst the loss of these trees is regrettable, overall the loss is considered to be justified to aid the repurpose of the Aviary and use by monkeys, subject to suitable replacement trees and soft landscaping to provide mitigation and to ensure a naturalistic setting of the canal banks, and protection of the character of the conservation area and setting of listed buildings. Other trees within the vicinity of the proposed development which are proposed to be retained require protection from change in ground levels, foundations, hard landscaping.

Broad landscaping proposals have been provided, however firm detailed proposals for replacement trees and soft landscaping is crucial in this sensitive location. As such it is considered appropriate and necessary to recommend pre-commencement conditions to secure the appropriate level of detail and mitigation. With respect to the protection of a number of other trees within the vicinity, it is also considered critical to require appropriately detailed tree protection methodology and arboricultural supervision before any works are commenced to ensure these important trees are adequately protected.

Therefore, whilst the City Council's Arboricultural officer has raised concern with respect to the current submitted tree planting and soft landscaping scheme and the tree protection methodology, it is considered that these matters can be satisfactorily addressed by way of pre-commencement conditions in order to satisfy policies DES 1 (A), ENV 16 and ENV 17 of our UDP and S38 of our City Plan.

Biodiversity

The proposal seeks to minimise excavation and demolition as much as possible in order to minimise the impact of the proposal in environmental and biodiversity terms.

A Phase 1 Ecology survey report has been submitted in support of the proposals. The mature and semi-mature trees have the highest ecological value within the application site, due to their age and potential habitats for birds and bats.

The report indicates that whilst the Aviary structure itself is not suitable for roosting bats, three trees within the application site have features (rot holes) that roosting bats could use for shelter, a black poplar tree within the Aviary, and a Silver birch and weeping willow outside of the Aviary. Of these three trees, only the black poplar tree within the Aviary is proposed to be removed. As such a full bat survey of that tree is to be required to be undertaken by condition between May to August to determine the presence or otherwise of roosting bats. If roosting bats are found then Natural England must agree to the removal of the tree. Natural England have not currently made representation on the proposal, however any response from them will be reported verbally to Committee.

Bats are particularly sensitive to human activity due to the fact that they roost within buildings, trees and underground structures such as mines, and the availability of suitable roost sites is considered to be a key factor in the conservation of bats within the UK. As a consequence, all species of bat and their roost sites are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and under The Conservation of Habitats and Species Regulations 2010.

The trees and shrubs, particularly mature and semi-mature trees also offer potential nest sites for common bird species. Starlings, blackbirds, feral pigeon and rose-ringed parakeets were also observed during the survey. Starlings are listed as a priority under the UK Biodiversity Framework. Given the removal of trees that may provide nesting sites for birds, it is considered necessary to ensure that removal of trees is undertaken outside of bird breeding season.

In order to protect other biodiversity, it is considered appropriate to require existing brash and log piles that are necessary to be removed, to be removed by hand outside of the reptile hibernation period (avoiding October to March) and for the tall ruderal vegetation to be cut to ground level and the arisings removed prior to the commencement of works

In order to prevent the spread of Japanese Knotweed, a non-native and highly invasive plant species, the spread of which is prevented under the Wildlife and Countryside Act 1981 (as amended), it is considered necessary to impose a condition to require a small stand of Japanese knotweed *within* the south-eastern corner of the aviary to be removed before commencement of any works.

Whilst it is not currently proposed to illuminate the exhibits, external lighting needs to be minimised particularly along the canal to protect bat activity and details of lighting are therefore proposed to be required by condition.

Rather than impose a number of individual conditions to address the above matters, it is considered appropriate to require a single biodiversity document to cover the requirements. It is also recommended that this also require the applicant to provide details of bird and bat boxes to further encourage biodiversity.

Sustainability

The Zoological Society of London's (ZSL) ethos is to be sustainable in their new developments.

ZSL focuses in six priority areas to reduce their environmental impact; improving waste management, energy efficiency and encouraging renewable energy sources; reducing water use; using resources responsibly and encouraging sustainable procurement; improving training and awareness of sustainability, enhancing biodiversity on site.

Heating and comfort cooling within the Education Centre is proposed via an air source heat pump system. Heating within the Monkey House is limited to the keepers area only and will be via an electric predominantly radiant wall mounted heater. Electric heat lamps will be provided within the on-show area for the comfort of the primates during winter months. It is intended to use a mixed mode ventilation system within the education centre comprising natural supply air with mechanical extract air using a low carbon fan.

Low carbon energy lighting is proposed within the education centre and monkey house and externally for the walkway lighting. Control of the lighting will be from a mixture of time clock and motion detectors to ensure maximum energy saving is achieved.

Mains water points will be installed throughout. Localised hot water demand in the Keeper's Area will be met by local electric water heaters. A new water filtration and circulation system is proposed to serve the retained aviary pond and waterfall which is to be operated by an air source heat pump with low energy lighting.

Appropriate plant noise conditions are to be imposed to ensure the City Council's noise standards are met.

Archaeology

The site lies outside of the City Council's designated archaeological priority areas. However The Greater London Archaeological Advisory Service (GLAAS) (which provides archaeological advice to boroughs in accordance with the National Planning Policy Framework and GLAAS Charter) has indicated that the site lies in an area of archaeological interest.

The site of the early C19 London Zoo is within a Tier 3 Archaeological Priority Area 3:1: Regent's Park. Prehistoric animal bones, Roman coins and fragments of Roman pottery have been found in the park and historic research indicates the zoo lies on the location of the former Rugmore Deserted Medieval Village (1251-1535).

GLAAS advise that little evidence has been recorded of this medieval site with exception of Lynchets on nearby Primrose Hill. Following this, Regent's Park was established as a royal hunting park in 1541 by Henry VIII, known as Marylebone Park, until it became farmland to various landowners in the mid-17th century. The Park came back into crown ownership in the early C19 and was formerly landscaped and developed. It is nationally designated as Grade I on the Register of Historic Parks and Gardens and the zoo itself which opened in 1828 includes many various graded listed buildings of historic and architectural interest. The park was used extensively during both the First World War and during the Second World War for various operations and activities including barrage balloon emplacements, anti-glider trenches and allotments within the park.

GLAAS also advise that an appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates that the development is likely to cause some harm to archaeological interest but not sufficient to justify refusal of planning permission provided that a condition is applied to require an investigation to be undertaken to advance understanding. As such they request that the archaeological interest be conserved by a condition requiring a Written Scheme of Archaeological Investigation prior to commencement of any work.

Furthermore, GLAAS request an additional pre-commencement condition to require a Written Scheme of Historic Building Investigation and recording with respect to the built heritage asset.

8.8 London Plan

The application has been referred to the Mayor, given the nature of the application within Metropolitan open land and potential impact on a Strategic View. Any response will be reported verbally.

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

The application is not EIA development. However the relevant environmental issues have been assessed throughout the report.

8.12 Other Issues

Construction impact

The applicant has indicated their intention to sign up to the City Council's Code of Construction Practice and it is therefore considered appropriate and necessary to impose a condition to require this. The code sets out the standards and procedures to which developers and contractors must adhere to when undertaking construction of major projects. This will assist with managing the environmental impacts and will identify the main responsibilities and requirements of developers and contractors in constructing their projects.

9. Conclusion

The proposed development is considered acceptable in land use, design and conservation, arboricultural and amenity terms and would accord with relevant policies in Westminster's City Plan: Strategic Policies and adopted UDP.

It is therefore recommended that conditional planning permission and conditional listed building consent be granted.

10. BACKGROUND PAPERS

1. Application form
2. Response from Historic England (Listed Builds/Con Areas), dated 3 July 2017
3. Response from Historic England (Archaeology) dated 30.06.2017
4. Response from Canal and River Trust dated 12.07.2017
5. Response from The Gardens Trust dated 17.07.2017
6. Response from the Regent's Park Conservation Area Advisory committee dated 30.07.2017
7. Response from London Borough of Camden dated 06.07.2017
8. Response from St John's Wood Society, dated 3 July 2017
9. Response from The St Marylebone Society, dated 11 July 2017
10. Memo from Arboricultural Officer dated 11.08.2017
11. Memo from Crime Prevention Design Officer 19.06.2017

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

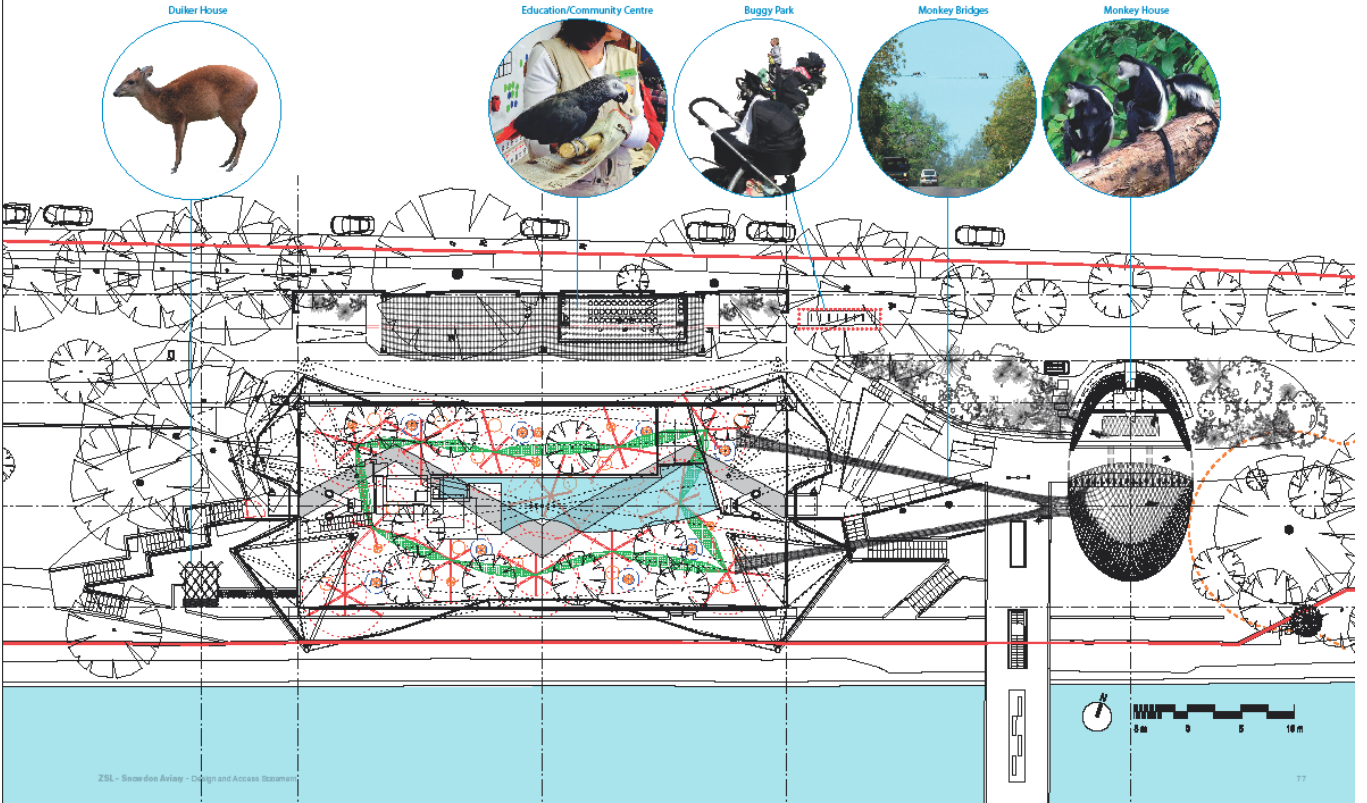
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

11. KEY DRAWINGS



6. Design and Accessibility
6.1 General Arrangement

Plan



DRAFT DECISION LETTER

Address: London Zoo , Outer Circle, Regents Park, London

Proposal: Replacement of metal mesh and door and restoration of the Snowdon Aviary to encompass additional animal species, apparatus and informal housing for aviary species, safety and access alterations to 'M' bridge, erection of new animal house annexes and links, replacement of concrete sheds with new education facilities, removal and replacement of trees and landscaping alterations including rain cover for pram storage area, installation of new gate for construction vehicles, together with demolition of north pheasantry aviaries and relandscaping.

Plan Nos: 2581-A-mp-011-00-01; 2581-A-mp-011-dm-01; 2581-A-mp-011-ex-01; 2581-A-mp-011-ld-01; 2581-A-mp-011-rf-01; 2581-A-mp-014-se-01; 2581-A-af-031-00-01; 2581-A-af-064-00-01; 2581-A-af-259-00-01; 2581-A-af-259-00-11; 2581-A-cc-031-00-0; 2581-A-cc-053-00-02; 2581-A-cc-053-ex-02; 2581-A-cc-064-00-01; 2581-A-dh-031-00-01; 2581-A-dh-053-00-01; 2581-A-dh-053-ex-01; 2581-A-mh-031-00-01; 2581-A-mh-053-00-01; 2581-A-mh-053-ex-01; 2581-A-mh-064-00-01; 2581-A-lo-011-00-01 (Site Location Plan). Application covering letter; cil_questions; Ecology Report; Environmental Performance Statement ; Images of Model; Snowdon Aviary - Conservation Plan; Snowdon Aviary - Heritage Statement; Snowdon-Aviary-View Arrival_from_the_bridge; Snowdon-Aviary-View-Community-Centre Snowdon-Aviary-View-Inside_the_Aviary; Snowdon-Aviary-View-Primrose_Hill; Snowdon-Aviary-View-Under_the_Monkey_bridge; Tree Report; Design and Access Statement; Planning Statement; Structural Survey; JLL.

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641 2929

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

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

Reason:

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

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

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

- o between 08.00 and 18.00 Monday to Friday; and

- o not at all on Saturdays, Sundays, bank holidays and public holidays.

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

Reason:

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

- 3 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 4 You must apply to us for approval of samples of all proposed materials you will use, including;
 - a. Glazing
 - b. Laminated bamboo battens
 - c. Stainless steel mesh gauge
 - d. Stainless steel tension mesh
 - e. Terracotta pavers
 - f. Translucent membrane
 - g. Laminated bamboo planks
 - h. Steel plates
 - i. any other proposed materials
 and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

5 Prior to commencement of any works the following biodiversity/biodiversityrelated details must be submitted to us for approval:-

1. Details of Scheduling of the following works:-

- a. Undertaking of bat survey of Black Poplar tree within Aviary (to take place between May and August)
- b. Removal of Japanese knotweed prior to commencement of ground works
- c. Tall Ruderal vegetation to be cut to ground level and the arisings removed prior to the commencement of works.
- d. Removal of brash and log piles by hand (not to take place between October - March)
- e. Removal of trees outside of bird breeding period (not to take place between March- August)

2. Before the development is commenced and the removal of existing trees and in particular the Black poplar tree within the Aviary, which is identified in the Phase 1 Ecology survey as having a high potential as a bat roosting site, a further bat survey shall be carried out to determine the presence or otherwise of roosting bats. Details of this bat survey and results shall be submitted to and approved by the City Council in consultation with Natural England.

3. Details of size, number and location of bird and bat boxes.

4. Details of size, number and location of lighting including details of light spillage and associated impact on biodiversity assessment.

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

6 You must apply to us for approval of the following:-

- a. Detailed drawings and method statement relating to the proposed tunnels including how they are to be attached to the Aviary and how they will be supported.
- b. Detailed drawings (including annotation of materials) of the Covered Buggy park
- c. Detailed drawings (including annotation of materials) of the proposed waste and recycling enclosure.
- d. Detailed drawings (including annotation of materials) of the proposed lighting.

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

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

Reason:

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

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

Reason:

To maintain the character and appearance of the Regent's Park Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 9 (B) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CC)

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

Omission of the vehicular access gate to Prince Albert Road.

You must then carry out the work according to the approved drawings. (C26UB)

Reason:

In the absence of details it is not possible to assess whether the proposal would be detrimental to pedestrian and highway safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

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

Reason:

To protect the trees, the setting of the Grade II* listed structure and the character and appearance of this part of the Regent's Park Conservation Area and the biodiversity of the area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 10 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years; or planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

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

11 (a) Pre Commencement Condition.

you must provide for our approval an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The site monitoring system should involve arboricultural supervision at critical periods and also periodic inspections to ensure that tree protection systems are installed, maintained and any procedures followed. You must not start work until we have approved what you have sent us.

(b) You must then carry out the arboricultural site supervision and development according to this approved scheme. You must provide written site supervision reports as detailed in part a) after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. You must send copied of each written site supervision record to us within five days of the site visit. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included.

(c) We must not allow visitors into the new structure until we have confirmed that you have carried out the arboricultural site supervision and tree protection according to this approval.

Reason:

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

12 r(1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at

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

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

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

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 13 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain

tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing L A90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in nearby 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.

- 14 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.

- 15 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is

included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

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

- 16 No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of historic building investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed work.

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

Built heritage assets on this site will be affected by the development. The planning authority wishes to secure building recording in line with NPPF, and publication of results, in accordance with Section 12 of the NPPF and to protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

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 written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Archaeological fieldwork would comprise a Watching Brief

A watching brief involves the proactive engagement with the development groundworks to permit investigation and recording of features of archaeological interest which are revealed. A suitable working method with contingency arrangements for significant discoveries will need to be agreed. The outcome will be a report and archive.

This should be undertaken in accordance with the historic buildings specialist contractor to record and analyse archaeological aspects of works to the listed historic structures of interest outlined in the Heritage Statement. In addition, the areas of ground reduction and proposed re-landscaping should be archaeologically monitored, as appropriate.

Historic Building Recording

Archaeological building recording is an investigation to establish the character, history, dating, form and development of a an historic building or structure which normally takes place as a condition of planning permission before any alteration or demolition takes place. The outcome will be an archive and a report which may be published.

The historic building recording should be undertaken prior to and during the proposed works to at least HE Level 3-4 as appropriate, supplementing the historic plans and photographs already available.

DRAFT DECISION LETTER

Address: London Zoo , Outer Circle, Regents Park, London

Proposal: Replacement of metal mesh and door and restoration of the Snowdon Aviary to encompass additional animal species, apparatus and informal housing for aviary species, safety and DDA alterations to 'M' bridge, erection of new animal house annexes and links, replacement of concrete sheds with new education facilities, removal and replacement of trees and landscaping alterations including rain cover for pram storage area, installation of new 'out' gate for construction vehicles, together with demolition of north pheasantry aviaries and relandscaping. Linked to 17/04930/FULL

Plan Nos: 2581-A-mp-011-00-01; 2581-A-mp-011-dm-01; 2581-A-mp-011-ex-01; 2581-A-mp-011-ld-01; 2581-A-mp-011-rf-01; 2581-A-mp-014-se-01; 2581-A-af-031-00-01; 2581-A-af-064-00-01; 2581-A-af-259-00-01; 2581-A-af-259-00-11; 2581-A-cc-031-00-0; 2581-A-cc-053-00-02; 2581-A-cc-053-ex-02; 2581-A-cc-064-00-01; 2581-A-dh-031-00-01; 2581-A-dh-053-00-01; 2581-A-dh-053-ex-01; 2581-A-mh-031-00-01; 2581-A-mh-053-00-01; 2581-A-mh-053-ex-01; 2581-A-mh-064-00-01; 2581-A-lo-011-00-01 (Site Location Plan).Application covering letter; cil_questions; Ecology Report; Environmental Performance Statement ; Images of Model; Snowdon Aviary - Conservation Plan; Snowdon Aviary - Heritage Statement; Snowdon-Aviary-View Arrival_from_the_bridge; Snowdon-Aviary-View-Community-Centre Snowdon-Aviary-View-Inside_the_Aviary; Snowdon-Aviary-View-Primrose_Hill; Snowdon-Aviary-View-Under_the_Monkey_bridge; Tree Report; Design and Access Statement; Planning Statement; Structural Survey; JLL.

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641 2929

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

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

Reason:

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

- 2 You must apply to us for approval of samples of all proposed materials you will use, including;
 - a. Glazing
 - b. Laminated bamboo battens
 - c. Stainless steel mesh gauge
 - d. Stainless steel tension mesh
 - e. Terracotta pavers
 - f. Translucent membrane

- g. Laminated bamboo planks
- h. Steel plates
- i. any other proposed materials

and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

Reason:

To maintain the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 9 (B) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CC)

- 3 You must apply to us for approval of the following:-

- a. Detailed drawings and method statement relating to the proposed tunnels including how they are to be attached to the Aviary and how they will be supported.

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

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

Reason:

To maintain the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 9 (B) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CC)

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

Reason:

To maintain the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 9 (B) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CC)

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

Item No.
1

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 our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 th September 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	25 Berkeley Square, London		
Proposal	Demolition of existing upper levels (6th, 7th, 8th floors and roof level) and construction of new 6th, 7th, 8th, 9th and roof levels for continued use as offices on part lower ground, part ground, and upper floors. Use of part of lower ground and ground floor for dual/alternative Class A1/B1 retail/office use, and various external and internal works including new shopfronts to Jones Street and Bourdon Street and installation of external lighting to Berkeley Square.		
Agent	CBRE Ltd		
On behalf of	Lazari Properties 1 Limited		
Registered Number	17/06007/FULL and 17/06008/LBC	Date amended/ completed	20 July 2017
Date Application Received	6 July 2017		
Historic Building Grade	II		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.
3. The Committee authorises the making of an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) for the 'stopping-up' of that part of the public highway on Jones Street for the new shopfront.

2. SUMMARY

The application involves a Grade II listed office building on the north east of Berkeley Square. Permission is sought to demolish the upper floors of the building and rebuild with an additional floor of accommodation providing office use throughout, but with the potential for a flexible office/retail space at ground and lower ground floors. The key issues for consideration are:

- The introduction of a retail use in this location;
- The impact of the proposed alterations and extensions on the special interest of the Grade II listed building and on the character and appearance of the Mayfair Conservation Area;
- The impact of the use on highways/traffic movements/servicing;

- The impact on residential amenity.

For the reasons set out in the main report, the introduction of a retail use is considered to be an appropriate use in this location and will help to enliven this part of Jones Street. The alterations proposed are considered acceptable in design and heritage terms and would not adversely impact on residential amenity. The applications are therefore recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COUNCILLOR CHURCH

Objects. Believes that the additional height would be inappropriate to the character of the Mayfair Conservation Area and supports local residents' objections to any additional floodlighting which would affect their residential amenity.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Do not wish to offer any comments. Letter of authorisation received.

METROPOLITAN POLICE

Any response to be reported verbally.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

HIGHWAYS PLANNING

No objections raised subject to submission of a stopping up order.

ENVIRONMENTAL HEALTH

No objections raised.

CLEANSING

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 54; total no. of replies: 4 letters of objection on the following grounds:

Amenity

- *Loss of sunlight and daylight
- *Loss of privacy and noise
- *External floodlighting will cause light pollution
- *Exposure to additional internal lighting
- *The introduction of more art gallery space affects the safety and security of local residents, increasing anti-social behaviour
- *Building should have 24 hour residents' liaison to curb outside noise and evening events should be limited to 4 occasions a year

Design

- *Proposal will not improve the appearance of the building which is already the tallest building on Berkeley Square
- *Additional height will alter the buildings appearance and destroy its integrity

Parking/Transportation

- *Impact of traffic on a narrow street
- *Jones Street is a narrow pedestrian walkway and unsuitable for a new retail/gallery entrance

Other issues

- *Proposal is purely for financial gain and not to update to modern standards

*Major demolition, scaffolding and construction works will place undue stress on adjoining residents

*NO CYCLING sign needs to be reinstated

*Lack of notification

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

25 Berkeley Square is an eight-storey office building located in the north-east corner of Berkeley Square. The building has a primary frontage onto Berkeley Square and secondary frontages onto Bourdon Street and Jones Street.

The building lies within the Mayfair Conservation Area and is Grade II listed.

The surrounding area comprises a mix of uses including residential, offices, galleries, retail and restaurants. There is also an NCP car park to the north of the site on Bourdon Street.

6.2 Recent Relevant History

Planning and listed building consent granted in June 1988 for redevelopment behind the retained façade and one rooms depth and construction of two additional storeys for use as offices at part basement, ground, 1st to 7th floors and part 8th floor and residential use at part basement and part 8th floor. This application has been implemented.

In April 2009 Certificates of Lawfulness application were approved for use of part of the 8th floor and part of the lower ground floor as offices.

7. THE PROPOSAL

The proposals seek the refurbishment and extension of the building to provide office use throughout, but with the potential for a flexible office or retail space at ground and lower ground floors. In the event that the lower floors are used for retail purposes, it is likely that two retail units would be provided with one unit facing Berkeley Square and one fronting Bourdon Street. Both units would be accessed from Jones Street.

The proposals involve the demolition of the 6th to 8th floor levels of the existing building with the upper floors rebuilt with an additional storey at 9th floor level.

The proposals also include creating new shopfronts and an accessible entrance on Jones Street, and a new shopfront onto Bourdon Street. The proposal includes other external works including the repair of all historic windows to the original part of the building facing Berkeley Square and replacement windows to the remainder of the building, installation of new and replacement external lighting to Berkeley Square, cleaning of the existing facades as well as a series of internal alterations to the building. Terraces are also introduced at 6th floor level.

The proposals involve the following changes to floorspace as set out in the table below:

	Existing GIA (sqm)	Proposed GIA (sqm)	Change
Office	6,582	7,236 (including lower floors)	+654
		6,544 (excluding lower floors)	-38
Retail	0	692	+692
Total	6,582	7,236	+654

8. DETAILED CONSIDERATIONS

8.1 Land Use

Office use

In the event that the entire building is used for office purposes the proposals would result in the uplift of 654 sqm of office floorspace. Policy S20 directs new office development to the Core CAZ and therefore the uplift in office floorspace is welcome. This increase in office provision, being less than a 30% net increase in floorspace, does not require any on-site residential to be provided through being in compliance with policy S1

In the event that the ground and lower ground floors are to be used for retail purposes, the proposals would result in a net loss of 38sqm in office floorspace. However, as this loss is to an alternative commercial use it is acceptable in policy terms.

Retail use

The alternative use proposed for the ground and lower ground floors is for retail purposes. Policy SS4 (UDP) aims to enhance the retail function and mixed-use character of the CAZ and recognises that redevelopments are an opportunity for introducing new shop-type units in locations which would benefit from additional retail uses. Policy S6 of the City Plan states that the Core CAZ is an appropriate location for a range of commercial uses whilst Policy S21 directs new retail floorspace to the designated shopping centres. Although the application site is not located on a designated shopping frontage, it is within the Core CAZ and within the vicinity of a number of other retail uses and it is considered that the use of the ground and lower ground floors for retail purposes is acceptable in land use terms.

It is considered that this proposal will activate the existing blank frontage onto Jones Street and provide an appropriate street level frontage that would attract visiting members of the public and enliven this part of Mayfair.

This is an entirely speculative proposal and the applicant has yet to secure a tenant for this space. Objections have been raised on the grounds that a potential retail art gallery use could operate with evening events, resulting in late night noise and subsequent anti-social behaviour. Given that the proposals involve a large amount of retail floorspace (692sqm) within close proximity to residential properties on Bourdon Street it is recommended that the retail use is restricted from 07:00 - 21:00 Monday to Saturdays and 10:00 – 18:00 on Sundays, with a restriction of six evening events each year. A management plan is also secured by condition. With these conditions in place it is considered that the objections raised are satisfactorily addressed.

8.2 Townscape and Design

25 Berkeley Square is a large office building in the north-east corner of Berkeley Square. It was built in 1906 as luxury flats to a design by Frank T Verity and was converted to office use in 1954. In the 1990s the building was substantially rebuilt retaining the south facade, main staircase, and rooms facing Berkeley Square. The large roof extension, which dates from this period, features in the City Council's supplementary planning guidance as an example of a building where it's principal interest is in the façade design. The building is grade II listed and stands in the Mayfair Conservation Area.

The current, modern, roof of the building was designed to suit the appearance of the building. Replacing the roof as proposed with scholarly replica details will maintain the special interest of the building and the character and appearance of the surrounding conservation area. The design of the new sheer-storey and mansard roof would improve the appearance of the building and the contribution it makes to the conservation area, the setting of Berkeley Square gardens, and the setting of nearby listed buildings including Bourdon House, 2 Davies Street (listed Grade II*).

The proposals do not alter the historic plan form of the original part of the building facing Berkeley Square and the loss of non-original partitions elsewhere within the building are acceptable in historic building terms.

Alterations to the modern, mostly blank, ground floor façade to Jones Street are acceptable in heritage asset terms and will improve the appearance of this part of the site and enliven Jones Street.

The existing timber windows to the Berkeley Square façade are to be retained and refurbished. Replacement windows are proposed to the other street facades, however, the existing windows on these facades are formed of aluminium and there is no objection to their replacement.

There is likewise no objection to facade lighting, but this should be confined to the Berkeley Square facade which merits illumination whereas the other facades do not.

Objections made to the roof extension in design and heritage asset terms are not considered sustainable. It would not set a precedent for alterations to 'The Manor' (10 Davies Street) which were the subject of a recently dismissed appeal, and the alterations will not harm the appearance of the building, the setting of neighbouring listed buildings, the setting of Berkeley Square Gardens, or the character and appearance of the surrounding conservation area. The proposals fully accord with UDP policies DES 1, DES 5, DES 6, DES 9, DES 10 and DES 12.

8.3 Residential Amenity

The closest residential accommodation within the vicinity of the site are the flats within Grosvenor Hill Court, 15 Bourdon Street, opposite the site and the flats in 6 Bourdon Street on the opposite side of Jones Street. A daylight and sunlight report has been commissioned by Point 2 Surveyors which examines the impact on daylight and sunlight conditions to the adjacent residential properties.

Daylight/Sunlight

UDP Policy ENV 13 aims to protect and improve the amenity of the residential environment, which includes ensuring that sunlighting and daylighting levels to existing properties are not unreasonably compromised. In implementing this policy, the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. The report considers the Vertical Sky Component (VSC) and No Sky Line (NSL) in accordance with the BRE guidance. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The NSL assesses daylight distribution by measuring the area of the room from which there is visible sky. If there are reductions from existing NSL values of more than 20% then the change is likely to be noticeable.

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited and would be reduced by more than 20% as a result of a development, and has a 4% loss in total annual sunlight hours, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

The sunlight/daylight assessment submitted with the application shows that the greatest loss of VSC is 7% to a seventh floor living/dining window in a room served by multiple windows in Grosvenor Hill Court. This window and all of the other windows within the adjacent residential properties facing towards the development site will comfortably meet the BRE Guidelines in relation to BRE tests.

The report demonstrates that only minor losses of sunlight would be experienced and all would be well within the parameters set out above. Only two windows in Grosvenor Hill Court lose more than 4% in total annual sunlight hours but in each case the windows retain excellent overall sunlight hours of 43% and 51%.

Whilst objections have been raised on the grounds of loss of sunlight and daylight, it is not considered that the application could be refused on these grounds and the objections are therefore not considered to be sustainable.

Sense of Enclosure

Policy ENV13(F) states that where developments result in an unacceptable increase in the sense of enclosure, planning permission will be refused. Policy S29 states that the Council will resist proposals that result in an unacceptable loss of residential amenity.

Whilst the proposal involves an additional floor, the proposed building is only 2.2m higher than the existing building, and with the set-backs proposed at roof level, it is not considered that the proposals would result in any adverse sense of enclosure.

Privacy/Noise

Part (F) of Policy ENV13 seeks to resist development which would result in an unacceptable degree of overlooking. Currently there are terraces at 6th floor on the northern elevation of the building (Bourdon Street elevation) and the proposals provide two terraces on this frontage and additional terraces are also introduced on Berkeley

Square and Jones Street. They are only some 1m – 1.8m in depth and given their relationship to the closest flats in Grosvenor Hill Court it is not considered that the use of these terraces would result in increased noise, privacy or overlooking. A condition however is proposed to limit the hours that they may be used and this is considered to address the objector's concerns.

Other Issues

Concerns have also been raised by adjoining neighbours in Grosvenor Hill Court at the rear of the site regarding light pollution and exposure from additional internal lighting. A condition is proposed to limit external illumination to the Berkeley Square façade and whilst there are some additional windows in the upper floors of the extended building, most of the new windows are not directly opposite the flats in Grosvenor Hill Court and it is understood that all lighting will be controlled by a sensor system. As such the objections are considered to be satisfactorily addressed.

A condition is also proposed to restrict illumination of the building to the hours of 16:00 to 23:00.

8.4 Transportation/Parking

A Transport Statement (TS) produced on behalf of the applicant identifies the site as being within a highly accessible location in terms of public transport. The TS shows that the uplift in retail accommodation would result in an overall increase in 56 daily trips to the site compared to the existing use. Trip generation modelling concludes that the majority of trips associated with the site will be via public transport or other sustainable modes (e.g. walking, cycling) and indicates that the proposal will not have a significantly adverse effect on the safety or operation of the highway network.

Site servicing

In terms of servicing, Policy TRANS 20 states that the City Council will require convenient access to premises for service vehicles and will normally require that “vehicular servicing needs of developments are fully accommodated on-site and off-street ... sufficient to cater for the size, type and frequency of arrival of the vehicles likely to be servicing the development”. However, in this case, the existing building is serviced off-site and the locations of single and double yellow lines within the vicinity allow loading and unloading to occur.

The applicant estimates that the proposed development will result in an increase of five daily deliveries. The submitted Delivery and Servicing Plan (DSP) indicates that, as with the existing arrangement, all larger deliveries and refuse collection will take place from Bourdon Street. An existing platform lift is available at this access point to assist transporting heavy goods and removal of refuse. It is anticipated that post and smaller courier deliveries for the retail uses will be delivered to the Jones Street entrances, and those for the office occupants will be via the main building entrance on Berkeley Square.

Concerns have been raised by local residents on the grounds that Bourdon Street is too narrow for traffic and the Highways Planning Manager has also expressed concerns that the swept path analysis shown in the DSP is inaccurate; he requires a revised SMP to demonstrate that deliveries can be made onto Bourdon Street. Subject to this amendment, the Highways Planning Manager considers that the SMP will help to reduce

impact of the servicing on the surrounding highway network and raised no objections to the scheme. A revised SMP will be secured by condition.

Cycle parking

30 cycle parking spaces are to be provided at basement level in accordance with London Plan standards. The provision of shower and changing facilities is also welcomed and will encourage staff away from other less sustainable modes and encourage cycle usage. These will be secured by condition

Stopping up

The proposed shopfronts onto Jones Street would bring the ground floor building line forward and hence reduce the footway width. An objection to the introduction of a shopfront entrance onto Jones Street has also been received. The Highways Planning Manager comments that as there are existing buildouts either side of the proposed shopfronts that the areas lost would not impede pedestrian directness of movement or the width of the publicly maintained footway adjacent to the site. In this instance no objections are raised to the amendments to the footway subject to the submission of a stopping up order.

8.5 Economic Considerations

The economic benefits generated are welcomed.

8.6 Access

The building provides an inclusive step free accessible entrance onto Jones Street (with internal platform lift) to meet Part M of the Building Regulations.

8.7 Other UDP/Westminster Policy Considerations

Plant

The proposal includes an area for external plant at roof level. An acoustic report has been submitted with the application and assessed by Environmental Health who raise no objection, subject to the imposition of conditions to control the noise output from the proposed plant to ensure that it is compliant with the Council's noise standards for operational plant.

Refuse /Recycling

Dedicated waste storage areas are proposed at basement level which provides adequate facilities for waste and recycling facilities for the building. These facilities will be secured through condition.

Sustainability

Policy 5.2 of the London Plan seeks to minimise carbon dioxide emissions in line with the Mayor's energy hierarchy. Policies S28 and S40 of Westminster's City Plan require major development to reduce energy use and emissions that contribute to climate change during the life-cycle of the development and to maximise onsite renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions.

The application is supported by a BREEAM Assessment which focuses on maximising the scheme's potential to reduce energy consumption and carbon emissions and demonstrates that it is possible to achieve BREEAM rating of Very Good. Given the nature of the works and the listed fabric of the building, this is considered to satisfy the requirements of Policy S28.

Other issues

Objections have also been raised regarding the need for the refurbishment, that the works are purely for financial gain and that the NO CYCLE sign has been removed from Jones Street. None of these issues raised are planning matters however the issue regarding the missing street sign has been brought to the attention of highways planning.

Two residents in Grosvenor Hill Court also comment about lack of notification, however, all residents in Grosvenor Hill Court were sent a letter of notification on the 28th July, a site notice was also posted and the application was advertised in the local press.

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 estimated CIL payment is £313,134

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Construction impact

An objection has been received from two local residents on the grounds that the demolition and construction works will impact on the amenity of local residents. Whilst these concerns are noted, permission could not reasonably be withheld on these grounds. However, as the proposals constitute a level 2 type development, this will require the applicant to sign up to the Council's Code of Construction Practice. This will be secured by condition. Hours of construction work will also be restricted by condition.

9. BACKGROUND PAPERS

1. Application form
2. Letter from Councillor Paul Church dated 15 August 2017

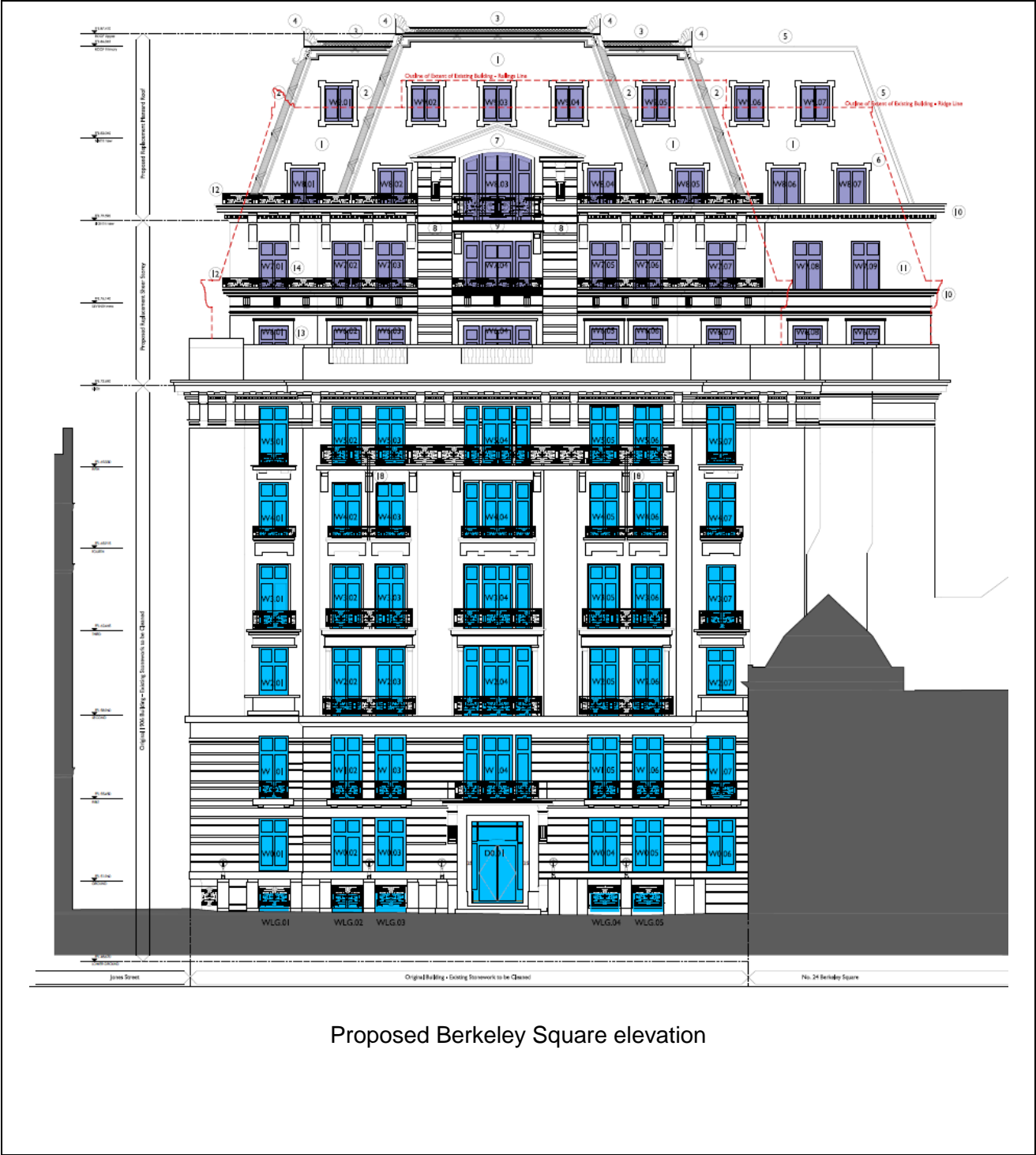
3. Letter from Historic England dated 15 August 2017
4. Memo from Highways Planning Manager dated 10 August 2017
5. Response from Environmental Sciences dated 17 August 2017
6. Memo from Cleansing dated 4 August 2017
7. Letter from occupier of 12A Grosvenor Hill Court dated 15 August 2017
8. Letter from occupier of 32 Bourdon Street dated 16 August 2017
9. Letter from occupier of 5 Grosvenor Hill Court dated 23 August 2017
10. Letter from occupier of 5 Grosvenor Hill Court dated 23 August 2017

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

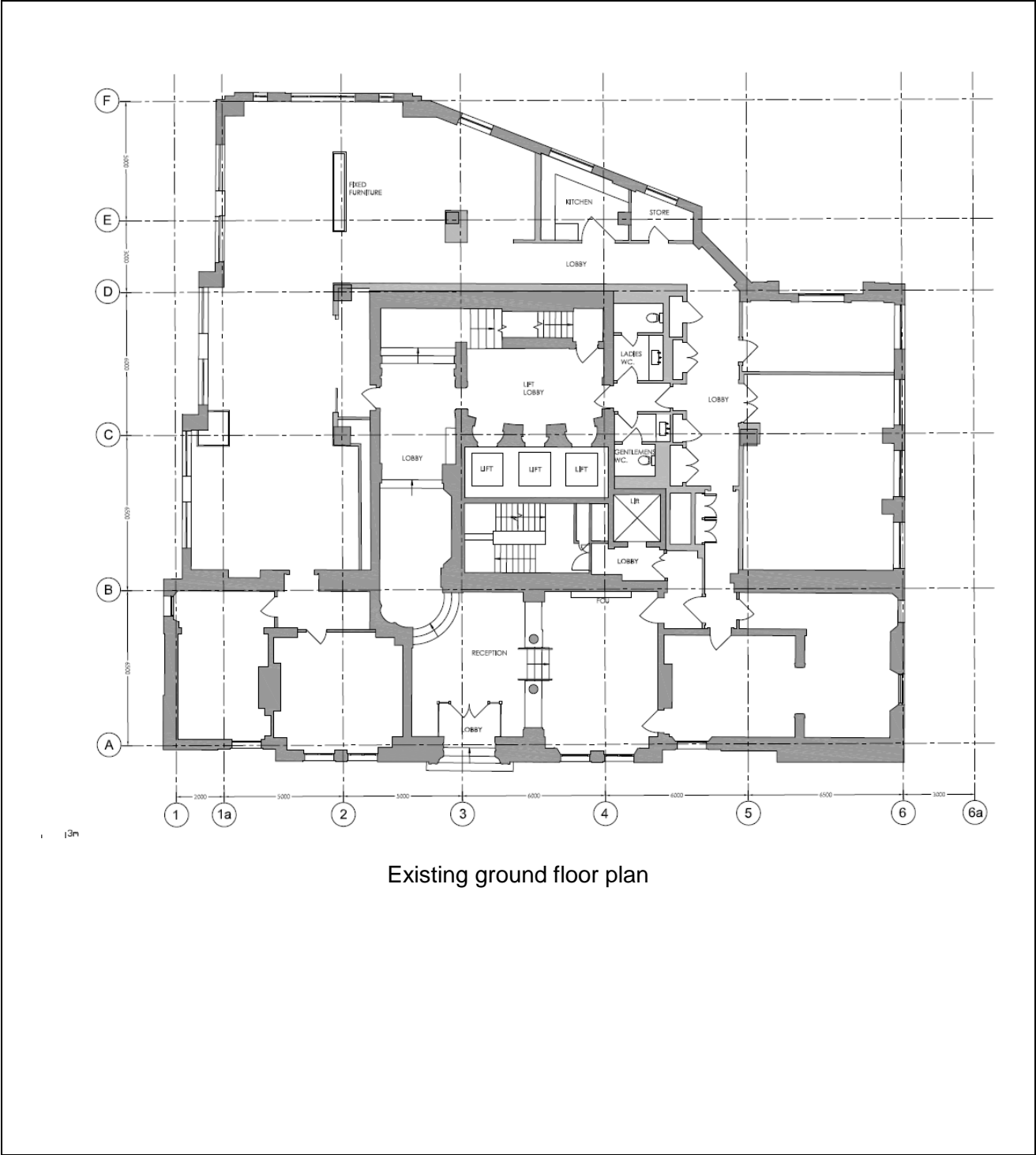
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

10. KEY DRAWINGS

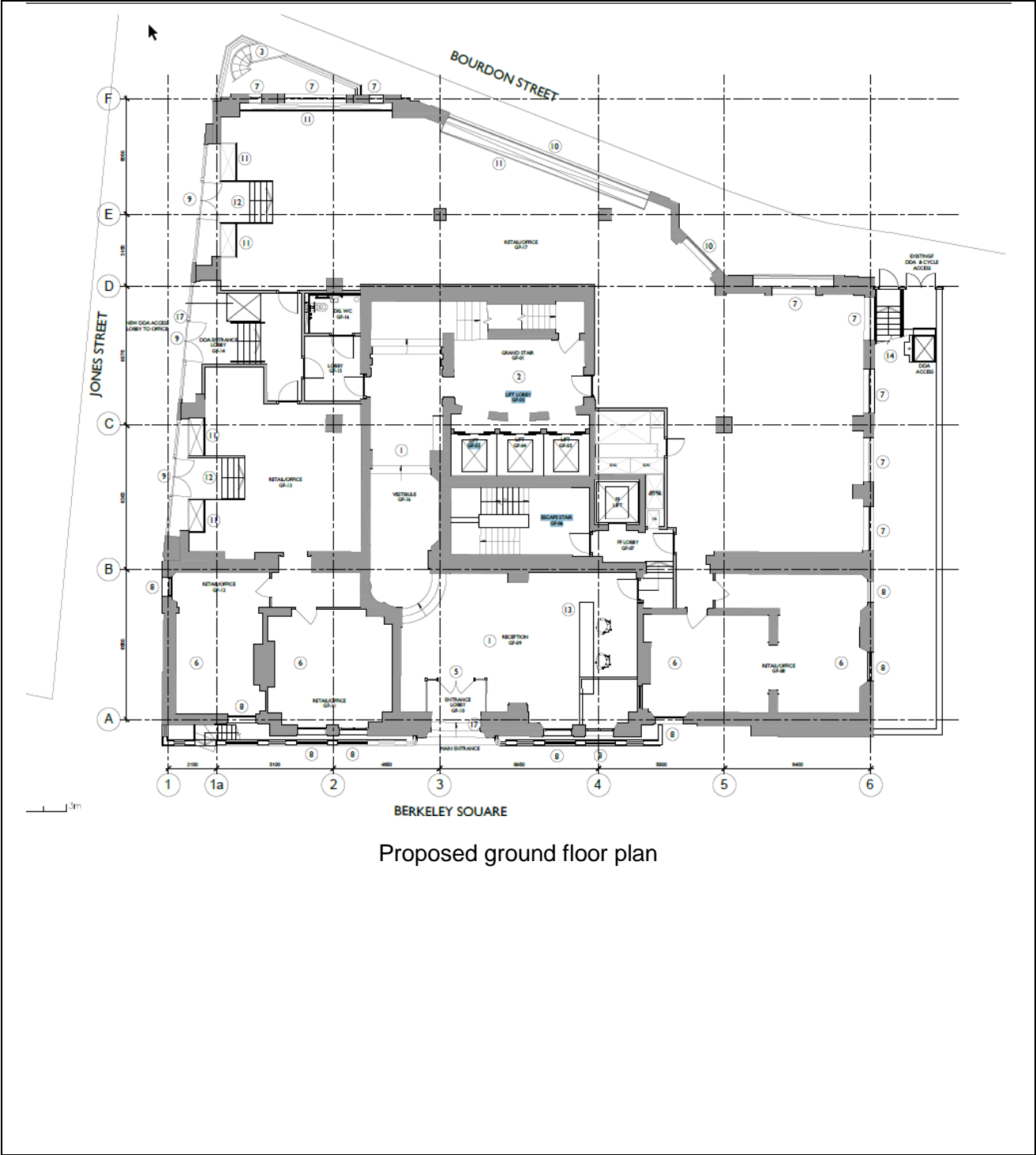




Proposed Berkeley Square elevation



Existing ground floor plan



Proposed ground floor plan

DRAFT DECISION LETTER

Address: 25 Berkeley Square, London

Proposal: Demolition of existing upper levels (6th, 7th, 8th floors and roof level) and construction of new 6th, 7th, 8th, 9th and roof levels for continued use as offices on part lower ground, part ground, and upper floors. Use of part of lower ground and ground floor for dual/alternative Class A1/B1 retail/office use, and various external and internal works including new shopfronts to Jones Street and Bourdon Street and installation of external lighting to Berkeley Square.

Reference: 17/06007/FULL

Plan Nos: A2 5004 01 220 Rev P3, 221 Rev P3, 222 Rev P3, 223 Rev P3, 224 Rev P3, 225 Rev P3, 226 Rev P3, 227 Rev P3, 228 Rev P3, 229 Rev P3, 230 Rev P3, 300 Rev P1, 301 Rev P1, 302 Rev P1, 303 Rev P1; A2 5004 20 220 Rev P2, 221 Rev P3, 222 Rev P3, 223 Rev P2, 224 Rev P2, 225 Rev P2, 226 Rev P2, 227 Rev P2, 228 Rev P2, 229 Rev P2, 230 Rev P2, 231 Rev P2, 300 Rev P4, 301 Rev P4, 302 Rev P4, 303 Rev P4, 304 Rev P2, 305 Rev P2, 306 Rev P2, 307 Rev P2; A2 5004 27 200 Rev P2, 201 Rev P2, 202 Rev P2

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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 apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 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 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)

- 7 You must apply to us for approval of Detailed drawings at 1:10 of the following parts of the development:

- (i) new shopfronts on Jones Street.
- (ii) New windows

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

- 8 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme - omission of lighting to west, north and east elevations. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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)

- 9 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 10 Only static white light shall be used to illuminate the building (and only on the south/Berkeley Square frontage), unless agreed otherwise in writing by the City Council as local planning authority.

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)

- 11 The building shall not be externally illuminated except between 16.00 and 23.00 hours.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 10 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 12 (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.

- 13 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.

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

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

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

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 15 In the event that you use the ground and lower ground floors for retail purposes, you must apply to us for approval of a management plan to show how the Class A retail units will be used. You must not occupy the retail Class A unit until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the retail Class A unit is in use.

Reason:

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

- 16 Customers shall not be permitted within the retail units before 07.00 or after 21.00 on Monday to Saturdays or before 10:00 and after 18:00 on Sundays, with the exception of:

1. Six evenings a year until 23:00 on Monday to Saturdays

On occupation of the retail units, you must record a schedule of the dates when the retail units are open in the evenings and to make this schedule available to officers of the City Council on request.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9

(Table 6.3) of the London Plan 2015.

- 18 All servicing must take place between 07:00 to 20:00 on Monday to Saturday and 08:00 to 18:00 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

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

- 19 Prior to the occupation of the development, you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the development. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

Reason:

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

- 20 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 5004-20-221 Rev P3. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

Reason:

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

- 21 You must not use the terraces except between the hours of 09.00 and 21.00 Monday to Saturday; and not at all on Sundays, bank holidays and public holidays.

Outside of these hours you can only use the terraces to escape in an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

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 development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 3 Please note that the highway on Jones Street will need to be stopped up under Section 247 of the Town and Country Planning Act 1990 to enable the development to take place. You will be responsible for our costs in making that order and I suggest you discuss this with Jeff Perkins on 0207 641 2642
- 4 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the ground and lower ground floor can change between the retail and office uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 5 Conditions 12-14 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

Item No.
2

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: 25 Berkeley Square, London,

Proposal: Demolition of existing upper levels (6th, 7th, 8th floors and roof level) and construction of new 6th, 7th, 8th, 9th and roof levels for continued use as offices on part lower ground, part ground, and upper floors. Use of part of lower ground and ground floor for dual/alternative Class A1/B1 retail/office use, and various external and internal works including new shopfronts to Jones Street and Bourdon Street and installation of external lighting to Berkeley Square.

Reference: 17/06008/LBC

Plan Nos: A2 5004 01 220 Rev P3, 221 Rev P3, 222 Rev P3, 223 Rev P3, 224 Rev P3, 225 Rev P3, 226 Rev P3, 227 Rev P3, 228 Rev P3, 229 Rev P3, 230 Rev P3, 300 Rev P1, 301 Rev P1, 302 Rev P1, 303 Rev P1; A2 5004 20 220 Rev P2, 221 Rev P3, 222 Rev P3, 223 Rev P2, 224 Rev P2, 225 Rev P2, 226 Rev P2, 227 Rev P2, 228 Rev P2, 229 Rev P2, 230 Rev P2, 231 Rev P2, 300 Rev P4, 301 Rev P4, 302 Rev P4, 303 Rev P4, 304 Rev P2, 305 Rev P2, 306 Rev P2, 307 Rev P2, 323 Rev P2, 324 Rev P2, 326 Rev P2, 327 Rev P2, 328 Rev P2, 333 Rev P2, 334 Rev P2, 335 Rev P2, 336 Rev P2, 337 Rev P2, 338 Rev P2; A2 5004 24 220 Rev P2, 221 Rev P2, 222 Rev P2, 223 Rev P2; A2 5004 27 200 Rev P2, 201 Rev P2, 202 Rev P2

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.
(R27AC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair 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 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance 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 paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.
(R27AC)

- 6 You must apply to us for approval of Detailed drawings at 1:10 of the following parts of the development:

- (i) new shopfronts on Jones Street.
- (ii) New windows

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these 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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme - omission of lighting to west, north and east elevations. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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 Mayfair 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 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.

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

Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 th September 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	15 Cunningham Place, London, NW8 8JT		
Proposal	Erection of single storey rear infill extension at rear ground floor level and alterations to front landscaping including alterations to boundary wall.		
Agent	Ms Sarah Round		
On behalf of	Mr Rupert Whitten		
Registered Number	17/05778/FULL 17/05779/LBC	Date amended/ completed	30 June 2017
Date Application Received	30 June 2017		
Historic Building Grade	Grade II		
Conservation Area	St John's Wood		

1. RECOMMENDATION

- | |
|---|
| 1. Refuse planning permission and listed building consent- design, amenity and prematurity. |
|---|

2. SUMMARY

15 Cunningham Place is a Grade II listed early Victorian property located within the St John's Wood Conservation Area. The property consists of five storeys and is in use as a single family dwelling house.

Planning permission and listed building consent is sought for the erection of a single storey rear extension at ground floor level between the closet wing and boundary wall with No. 14 Cunningham Place.

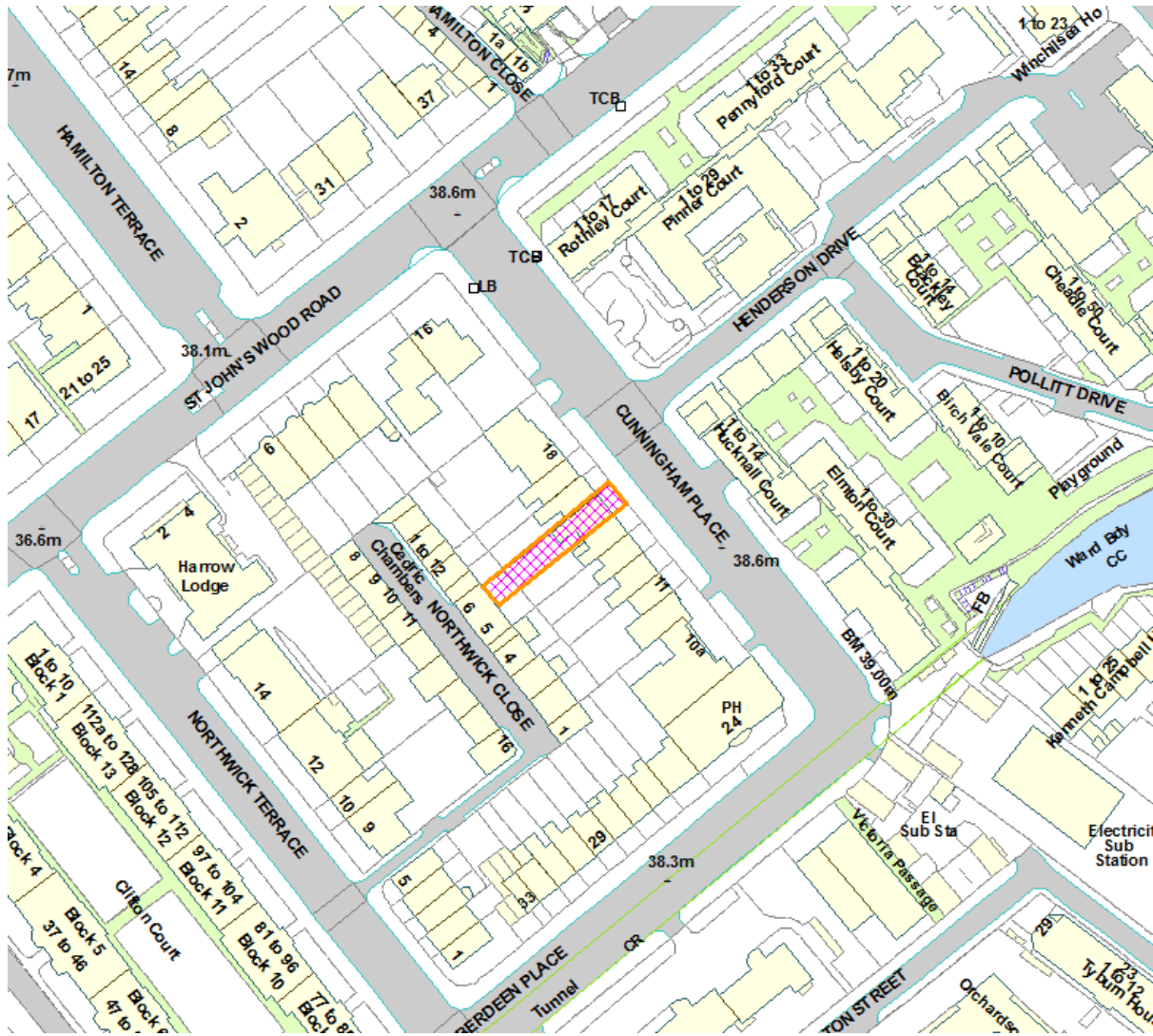
The St John's Wood Society has raised objection on design and listed building grounds. An objection has also been made by the occupier of a neighbouring property on design, amenity and structural grounds. Councillor Mohindra is in support of the proposal along with two neighbours.

The key issues in this case is:-

- The impact on the character and appearance of the listed building and this part of the S John's Wood Conservation Area.
- The impact on the amenities of neighbours.

The proposal is considered to harm the character and appearance of the listed building and the St John's Wood Conservation Area and to result in a significant increase in sense of enclosure to a neighbouring property. It is also considered to be premature as it relies on the implementation and completion of another development. As such the proposal fails to meet the relevant Unitary Development Plan and City Plan policies and is recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation



Rear elevation



5. CONSULTATIONS

COUNCILOR MOHINDRA (Regent's Park Ward)

Supports the application.

St JOHN'S WOOD SOCIETY

Objection on grounds of design, materials, light pollution.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 14

Total No. of replies: 3

No. of objections: 1

No. in support: 2

1 objection raising concerns on some or all of the following grounds:

DESIGN

- Harm to the listed building and conservation area
- Material

AMENITY

- Sense of enclosure
- Loss light

OTHER

- Inaccurate plans
- Flood risk

Subsidence

SUPPORT

Many other houses on Cunningham Place have the same extension

Proposal sympathetically enhances the dwelling to provide vital family amenity to benefit of community.

No light issues

Will enhance the standard of the building from the rear.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No.15 Cunningham Place is an attractive Grade II Listed early Victorian property, with rear closet wing, located on the west side of Cunningham Place, within the St John's Wood Conservation Area. The property consists of five stories and is in use as a single family dwelling house.

6.2 Recent Relevant History

16/01576/FULL

Erection of a single storey glazed rear infill extension at ground floor level and alterations to front landscaping including alterations to boundary wall.

Application Refused 26 August 2016

16/01577/LBC

Erection of a single storey glazed rear infill extension at ground floor level and alterations to front landscaping including alterations to boundary wall.

Application Refused 26 August 2016

15/01446/FULL

Use of the building as a single family dwelling. Excavation of basement in rear garden area with external alterations comprising the erection of single storey infill extension at lower ground floor rear raised terrace with rooflight, and creation of new lightwell to rear elevation of building. Alterations to front boundary wall and lightwell. Replacement windows and door to rear, and internal alterations, including reinstatement of staircase. Removal of trees in rear garden.

Application Permitted 1 October 2015

15/01447/LBC

Excavation of basement in rear garden area with external alterations comprising the erection of single storey infill extension at lower ground floor rear to creating raised terrace with rooflight, and creation of new lightwell to rear elevation of building. Alterations to front boundary wall and lightwell. Replacement windows and door to rear, and internal alterations to create a single family dwelling, including reinstatement of staircase.

Application Permitted 1 October 2015

7. THE PROPOSAL

Planning permission and listed building consent is sought for the erection of a single storey ground floor extension (8m²) constructed in bronze with glazing, to the rear of the property between the existing closet wing and the boundary wall with No. 14 Cunningham Place and alterations to front landscaping including alterations to boundary wall.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The extension would increase the amount of habitable floor space and is therefore in accordance with H3 of the UDP and S14 of the City Plan.

8.2 Townscape and Design

The extension proposed at ground floor level, taken together with the existing closet wing extension and previously approved lower ground floor extension would represent a full width infill of the rear of the building at both lower ground and ground floor levels, unacceptably enclosing a relatively large section of the original rear elevation of the building from view behind later additions.

The rear window to ground floor level is an apparently later addition, though still remaining as a six over six sash window which sits comfortably with the character of the rear of the building where six over six sash windows are found to the three upper floor levels. Though there is no objection to the removal of the window from a purely loss of original fabric perspective, the removal and replacement with a glazed box style extension would harm the current harmony to the rear elevation with all the windows from ground floor level upwards in a clearly appreciable unified pattern. In addition, the rear elevation of this building is seen in direct context with the main rear elevation of the adjoining building to the south. Each of these buildings incorporates a sash window at ground, first and second floor levels which line up with each other and which are all designed in a six over six arrangements. This provides a significant degree of harmony to these two adjacent listed buildings, and gives a clear sense of the original form of their rear elevations.

The City Council's SPG 'Development and Demolition in Conservation Areas' states that if the building has an L-shaped plan form at the rear then this should normally be retained, i.e. the lightwell should not be infilled, except for a glazed, conservatory type extension at ground floor or basement level (i.e. the lowest floor level to the rear). It goes on to state that generally full width extensions are not acceptable, except in certain circumstances at basement level. It so states that the detailed design and materials used should normally reflect those of the main building. None of these SPG criteria have been met, and the extension represents, along with the previous approval, the enclosure of the remaining open elements of the rear elevation at lower ground and ground floor levels, and the extension is therefore contrary to City Council published guidance.

The overtly modern and highly glazed nature of the extension is considered to integrate particularly poorly with the character of the building, as the building is characterised to the rear with a simply detailed austere and traditional appearance with smaller scale window openings punched into brickwork openings, and in this context the bronze clad and significantly glazed extension would be excessively visually dominant and poorly integrated.

The detailed design in itself appears awkwardly detailed with a thick frame for the door off-centre to the otherwise frameless glazed structure. It has a cluttered form with a lower section to the north side (adjacent to the closet wing), a lower section to the south side (adjacent to the boundary wall) and the main higher central section. In addition, the rooflight projects markedly above the height of the extension, cluttering the impression of the structure further. The bronze cladding again makes the extension more strikingly modern in character than is appropriate for this setting. As set out above, the rear of this building, as is common with such 19th century terraced properties, has a low key, simply detailed austere form of design which is faced in London stock brickwork, and the extension integrates particularly poorly.

It is noted that there is a glazed structure of some size at no. 17 Cunningham Place however this is a notably long standing feature which relates poorly to that building and which is not appropriate for repeating to another listed building.

Internally the ground floor retains much of its original character with both front and rear rooms and the main entrance hall/staircase area retaining their original shape and with cornicing apparently intact and original to at least the front room and of uncertain date but some character to rear room and hallway, window shutters to window surrounds and other features giving a good sense of its original form and character as an early Victorian terraced property of some considerable quality.

The implications for the interior of ground floor level which currently retains a good sense of its original character are also considered unacceptable - as this is the principal floor level in terms of grandeur and original social importance, and instead of the open aspect its rear reception room was originally intended to have out over the rear garden, it would instead be enclosed to the rear by the new extension giving a much diminished sense of its intended position within the hierarchy of the building. The City Council's publication 'Repairs and Alterations to Listed Buildings' states that the plan form of a listed building is usually of great importance and that it provides evidence of how a building was used and that even comparatively minor alterations such as the introduction of new internal doors can affect the special character of an interior. It goes on to state that the size and shape of rooms are fundamental characteristics of listed buildings. The extension proposed, by removing an appropriately detailed sash window to the rear of the rear room and stretching the internal space from two originally proportioned rooms retaining much of their character into one encompassing a strikingly modern extension with main rear room set fully enclosed within the new body of the building could only be considered contrary to the published guidance and considered harmful to the character of the building.

The raised gate piers and boundary railings are similar to those previously approved to no. 17 Cunningham Place on 30th June 2015, and will give a more traditional arrangement of piers containing railings above the brick boundary wall which is found to a number of other properties to this terrace. The plans do not appear correct in that they show an apparent planter structure across the width of the railings flanking the front lightwell on the 'implemented' scheme, whereas that scheme showed the bins and recycling elsewhere in the front garden. There is also no clear indication of how large this structure would be (though it does not show on the elevation and could therefore be assumed to be no higher than the front boundary railings). Overall, and mindful of the structure approved inside the front boundary railings at no. 17 Cunningham Place, the bin store is not considered as a reason for refusal and full details could have been secured by condition had the application been considered acceptable.

The applicants erroneously suggest that since the list description does not refer to the rear the principle significance of the building is vested in its front elevation and contribution to Cunningham Place. The list description does not state this however, and the appellant's suggestion is therefore not correct. The listing covers the front, rear and interior (as with other listed buildings) and is not limited solely to the front of the building as suggested.

Given the above, the application proposals are considered contrary to policies DES 1, DES 5, DES 9 and DES 10 of our Unitary Development Plan (UDP), and policies S25 and S28 of our Westminster City Plan, and the applications are considered unacceptable in design grounds.

8.3 Residential Amenity

Sunlight and Daylight

The proposed extension sits between the closet wing of No. 15 and the boundary wall with No. 14, the upper section of the extension is set back from the boundary by 0.5 meters at a height of 3.1 meters, the lower section abuts the boundary wall at a height of 2.35 meters.

No objections have been received from the neighbour at No. 14, however another neighbour has objected on this ground.

The windows most affected by the extension are to the flank and rear elevation of No.14 Cunningham Place at lower ground floor level. However the relationship is such that it is not considered that the proposal would result in any significant impact. Furthermore loss of sunlight/daylight was not a reason for refusal of the previous application (16/01576/FULL) and the current proposal is for a smaller extension. It is therefore considered that withholding permission of this ground is not justified.

Sense of Enclosure

The proposed works raise the height of the boundary wall between No. 14 and 15 Cunningham Place to 4.3 meters from lower ground floor level at No. 14 to the top of the boundary wall when viewed from No. 14. It appears that a trellis was added to the top of the boundary wall to protect the residents of No. 14 from overlooking, however the trellis does not appear to be shown in the approved drawings for previous schemes, neither does the sloped rise in the boundary wall height that is shown on the proposed drawings for the current application.

Notwithstanding this the presence of a trellis was not considered to increase the sense of enclosure for residents of No.14. However, there is a significant difference between a trellis and a solid brick wall. Given the height of the proposed boundary wall and the solid nature of such a structure it is considered that its erection would result in an increased sense of enclosure for residents of the ground floor of No. 14 Cunningham Place, to the detriment of amenities they currently enjoy, contrary to policy ENV13 of the UDP and S29 of the City Plan.

Privacy/light pollution

Due to the location and design of the extension and relationship with neighbouring properties the proposal is not considered to cause overlooking to neighbouring properties.

Objection has been raised regarding the potential for light pollution from the extension. However given the location and relationship with neighbouring properties it is not considered that the proposal would result in any significant light pollution. .

8.4 Transportation/Parking

The proposal does not raise any transportation/parking issues.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

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

8.7 Other UDP/Westminster Policy Considerations

None

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

This development does not require an Environmental Impact Assessment

8.12 Other Issues

Inaccuracy of drawings

Objection has been raised on the grounds that the submitted plans are inaccurate, specifically relating to the height of the boundary wall between No. 14 and 15 Cunningham Place. However, the objection references drawings 2.5 and 3.6 which do not appear to form part of this application.

Discrepancies have been identified in the drawings for the proposal to the front of the property, however as noted within the design section of the report, had the application been acceptable on all grounds this could have been overcome through securing additional details by condition.

Previous permission unimplemented

The proposed extension is reliant upon a development that has not yet been fully implemented or substantially complete as approved under applications 15/01446/FULL and 15/01447/LBC of 1 October 2015 and therefore the extension that permission is being sought for cannot physically be built as a 'standalone' extension.

A further reason for refusal is recommended on prematurity, on the grounds that the works could not be completed in accordance with the submitted drawings. Without the

development at lower ground floor having been constructed, the currently proposed extension would appear to float independently without a supporting structure which would be unacceptable in principle.

9. BACKGROUND PAPERS

1. Application form.
2. Response from Councillor Mohindra.
3. Response from St John's Wood Society, dated 31 July 2017.
4. Response from occupier of 18 Cunningham Place, London, dated 11 July 2017.
5. Response from occupier of 16, Cunningham Place, St John's Wood, dated 24 July 2017.
6. Response from occupier of 9 St Johns Wood Road, London, dated 25 July 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

Scheme of Materials

- Proposed minimal frame glazing / aluminium door
- Proposed single storey source clad extension to porch housing doors
- Proposed loose clad wall panel separating extension from neighbouring property with glazed box rooflight above
- Proposed glazed projecting rooflight

----- Dashed blue line denotes extent of previously refused proposal
 □ Denotes implemented scheme

REAR ELEVATION 01 (PROPOSED) SCALE 1:100 @ A3

REAR ELEVATION 02 - FROM No.14 (PROPOSED) SCALE 1:100 @ A3

PLAN KEY

Studio Webb ARCHITECTS LIMITED
 120-122 Great North Road, 222 Leazes Road, Leeds LS2 9JL
 T: +44 (0)20 3176 9758
 E: info@studio-webb.co.uk
 W: www.studio-webb.co.uk

15 Clarendon Place, NW9 8JF

PROJECT TITLE	15 Clarendon Place, NW9 8JF	PROJECT NO.	14018	DATE	05.2017
CLIENT	PLANNING APPLICATION	DATE	05.2017	REVISION	PA3

DRAFT DECISION LETTER

Address: 15 Cunningham Place, London, NW8 8JT

Proposal: Erection of single storey rear infill extension at rear ground floor level and alterations to front landscaping including alterations to boundary wall. Linked with 17/05779/LBC

Reference: 17/05778/FULL

Plan Nos: IA.00, IA.01, IA.02, IA.03, GA.00 Rev PA3, GA.01 Rev PA3, GA.02 Rev PA3, GA.03 Rev PA3, GA.04 Rev PA3, IE.00, IE.01, GE.00 Rev PA3, GE.01 Rev 1, IS.00, GS.00 Rev PA3

Case Officer: Max Jones

Direct Tel. No. 020 7641 1861

Recommended Condition(s) and Reason(s)

Reason:

1. Because of its size, design and location, the extension to rear ground floor level would harm the character and appearance of this grade 2 listed building. It would also 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 1, DES 5, DES 9, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (X17AD)

Reason:

1. The proposed extension is reliant upon a development that has not yet been implemented and/or is substantially complete as approved under applications 15/01446/FULL and 15/01447/LBC of 1 October 2015 and therefore the extension that permission is being sought for cannot physically be built as a 'standalone' extension.

Reason:

2. The infill extension would make the people living in units at the lower ground floor of neighbouring no. 14 feel too shut in. This is because of its height and how close it is to windows in that property. This would not meet S29 of Westminster's City Plan (July 2016) and ENV 13 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.

- 2 There are discrepancies in the drawings for the work to the front of the property, however as noted within the design section of the report, had the application been found acceptable these could have been overcome through securing additional details by condition.

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.

17/05779/LBC

DRAFT DECISION LETTER

Address: 15 Cunningham Place, London, NW8 8JT,

Proposal: Erection of single storey rear infill extension at rear ground floor level and alterations to front landscaping including alterations to boundary wall.

Plan Nos: IA.00, IA.01, IA.02, IA.03, GA.00 Rev PA3, GA.01 Rev PA3, GA.02 Rev PA3, GA.03 Rev PA3, GA.04 Rev PA3, IE.00, IE.01, GE.00 Rev PA3, GE.01 Rev 1, IS.00, GS.00 Rev PA3

Case Officer: Max Jones **Direct Tel. No.** 020 7641 1861

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

- Reason:
- 1 Because of its design, size and location, the extension to rear ground floor level would harm the character and appearance of this grade 2 listed building. It would also 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 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and the advice set out in sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (X17EB)
- Reason:
- 2 The proposed extension is reliant upon a development that has not yet been implemented and/or is substantially complete as approved under applications 15/01446/FULL and 15/01447/LBC of 1 October 2015 and therefore the extension that consent is being sought for can not physically be built as a 'stand alone' extension.

Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 September 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Strand Palace Hotel, 372 Strand, London, WC2R 0JJ,		
Proposal	Installation of a full height extract duct and fan within the lightwell.		
Agent	DP9 Ltd		
On behalf of	Strand Palace Hotel		
Registered Number	17/04842/FULL	Date amended/ completed	2 June 2017
Date Application Received	2 June 2017		
Historic Building Grade	Unlisted		
Conservation Area	Strand		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The Strand Palace Hotel is located on the north side of Strand between Exeter Street and Burleigh Street. The building comprises an existing, predominantly 8 storey hotel premises, with a series of commercial units at ground floor level. The building is an unlisted building of merit and is within the Strand conservation area, and the Core Central Activities Zone.

Permission is sought for the installation of a full height extract duct and fan within one of the central lightwells.

The key issues for consideration are:

- * The impact of the equipment on the appearance of the host building and whether the proposal preserves or enhances this part of the Strand Conservation Area;
- * The impact of the equipment on the amenities of neighbouring properties.

The proposed duct will serve a restaurant within the Strand Palace Hotel and will be located in an internal lightwell toward the south east corner of the building. The extract duct will exit the restaurant at ground level and then span the full height of the building, connecting to a fan at roof level. The proposed full height rear extract duct is in a relatively concealed location and would not be unduly prominent. Given the existing commercial function of the site, there are various existing plant, lift over-run and other similar installations at roof level. It is considered that the proposed duct and fan

would have a neutral impact on the host building and the conservation area.

The Covent Garden Community Association (CGCA) object to the plant being permitted to operate 24 hours a day. They also recommend that any permission granted should include conditions to limit the hours of use of the plant to the restaurant opening hours, control noise and disturbance, and require the equipment to be maintained to ensure it works efficiently and does not cause disturbance to nearby residents.

The nearest noise sensitive windows are located 32m away. Environmental Health has confirmed that the proposed plant would comply with the Council's standard noise protection condition even when operating 24 hours a day. Overall, Environmental Health do not raise objection to the proposal on noise or vibration grounds. It is not considered that the proposal would have an adverse impact on the amenities of neighbouring properties subject to the Council's standard noise protection condition.

The proposals are considered acceptable in design and conservation, and amenity terms, and in accordance with the relevant Unitary Development Plan (UDP) (January 2007), and Westminster's City Plan (November 2016) policies. The application is recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



Strand Palace hotel

5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION

Object to the duct if permitted to operate 24/7. Any permission granted should include conditions to limit the hours of use of the plant to the restaurant opening hours, control noise, and maintain equipment to ensure it works efficiently and does not cause disturbance to nearby residents.

COVENT GARDEN AREA TRUST

No comment.

ENVIRONMENTAL HEALTH:

No objection subject to conditions

ADJOINING OWNER/OCCUPIERS:

No. consulted: 140.

No. of responses: 0

ADVERTISEMENT/ PRESS NOTICE:

Yes.

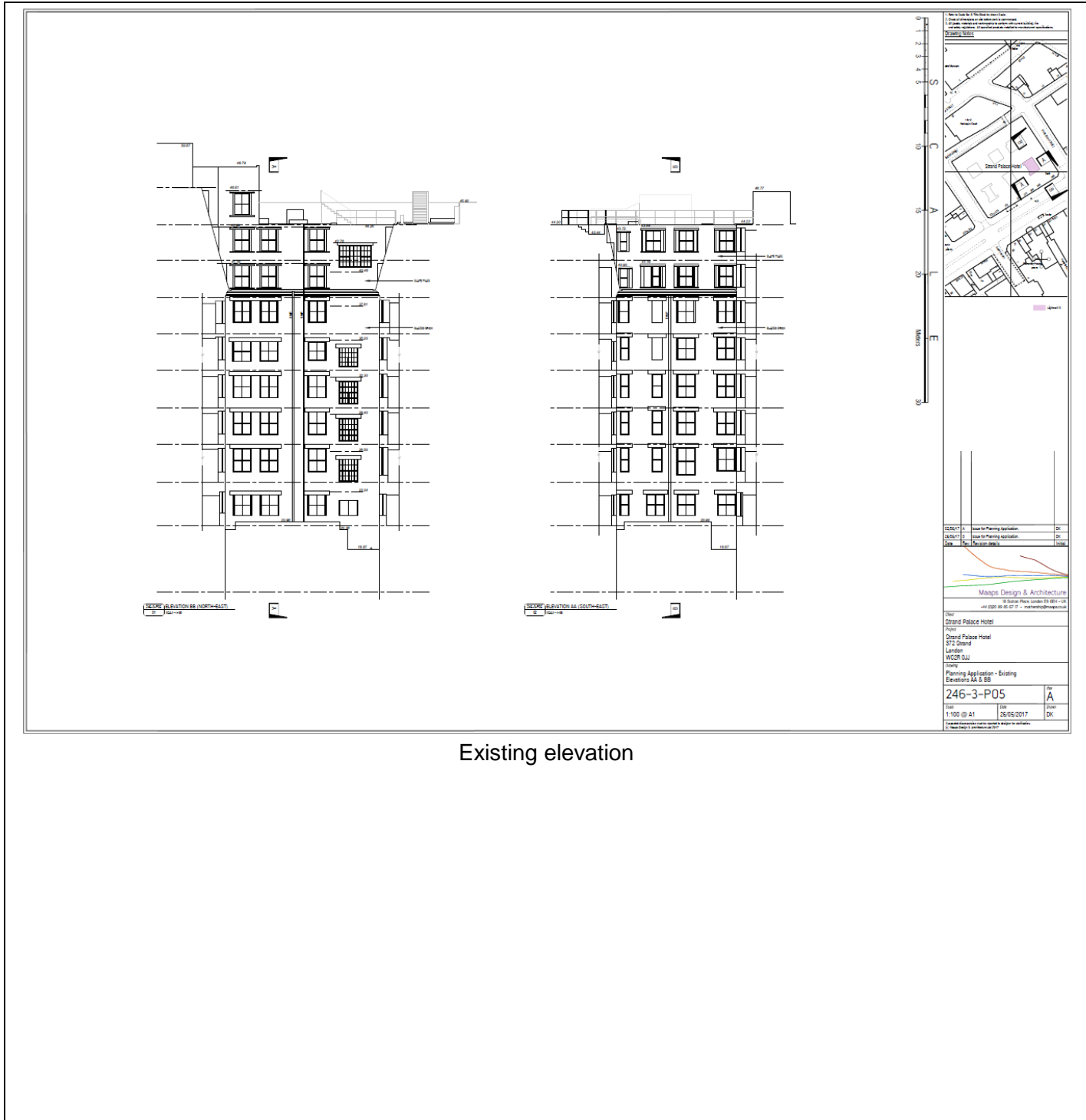
6. BACKGROUND PAPERS

1. Application form
2. Response from Covent Garden Community Association dated 2 July 2017
3. Response from Covent Garden Area Trust dated 28 June 2017
4. Memo from Environmental Health dated 15 June 2017

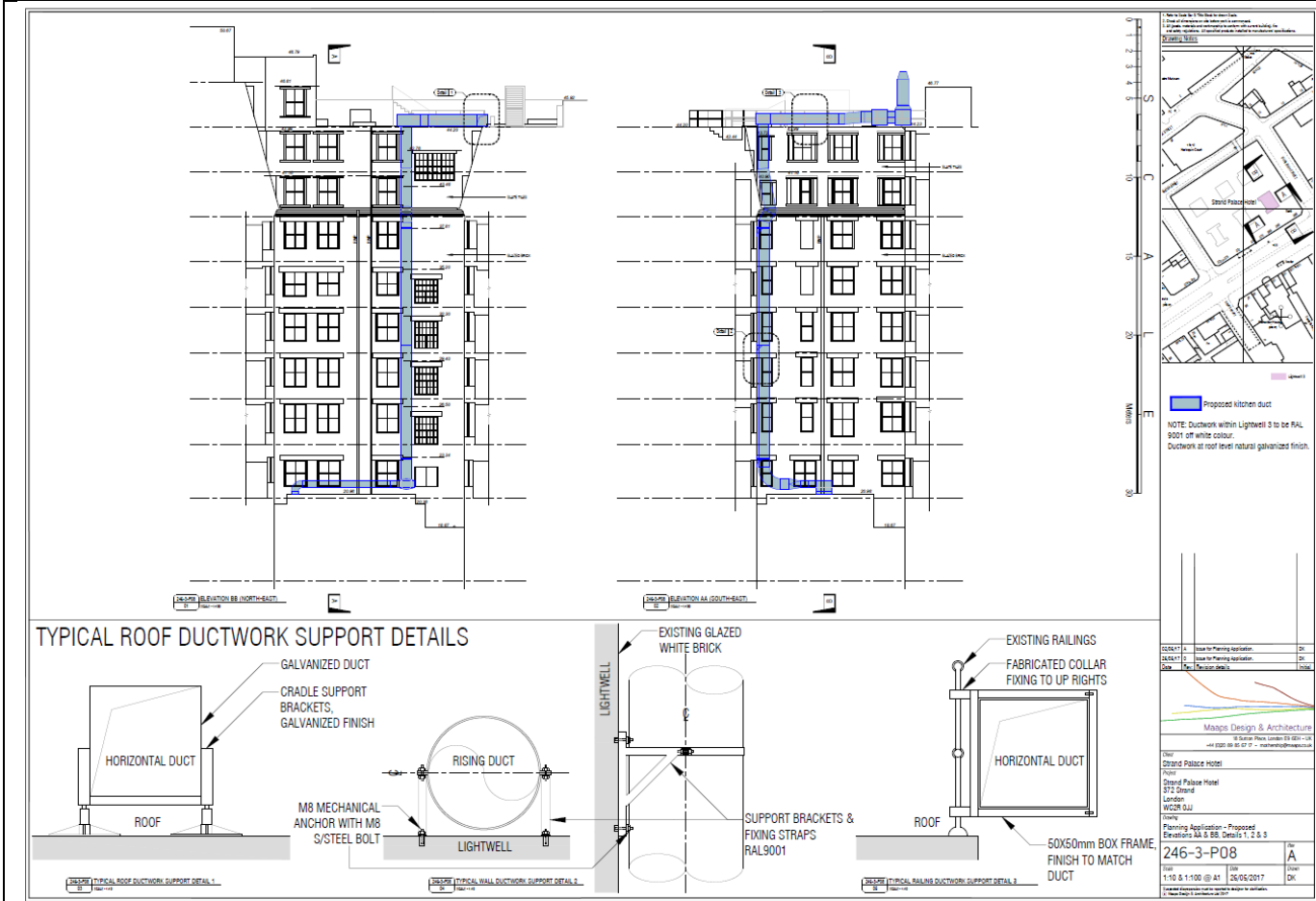
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

7. KEY DRAWINGS



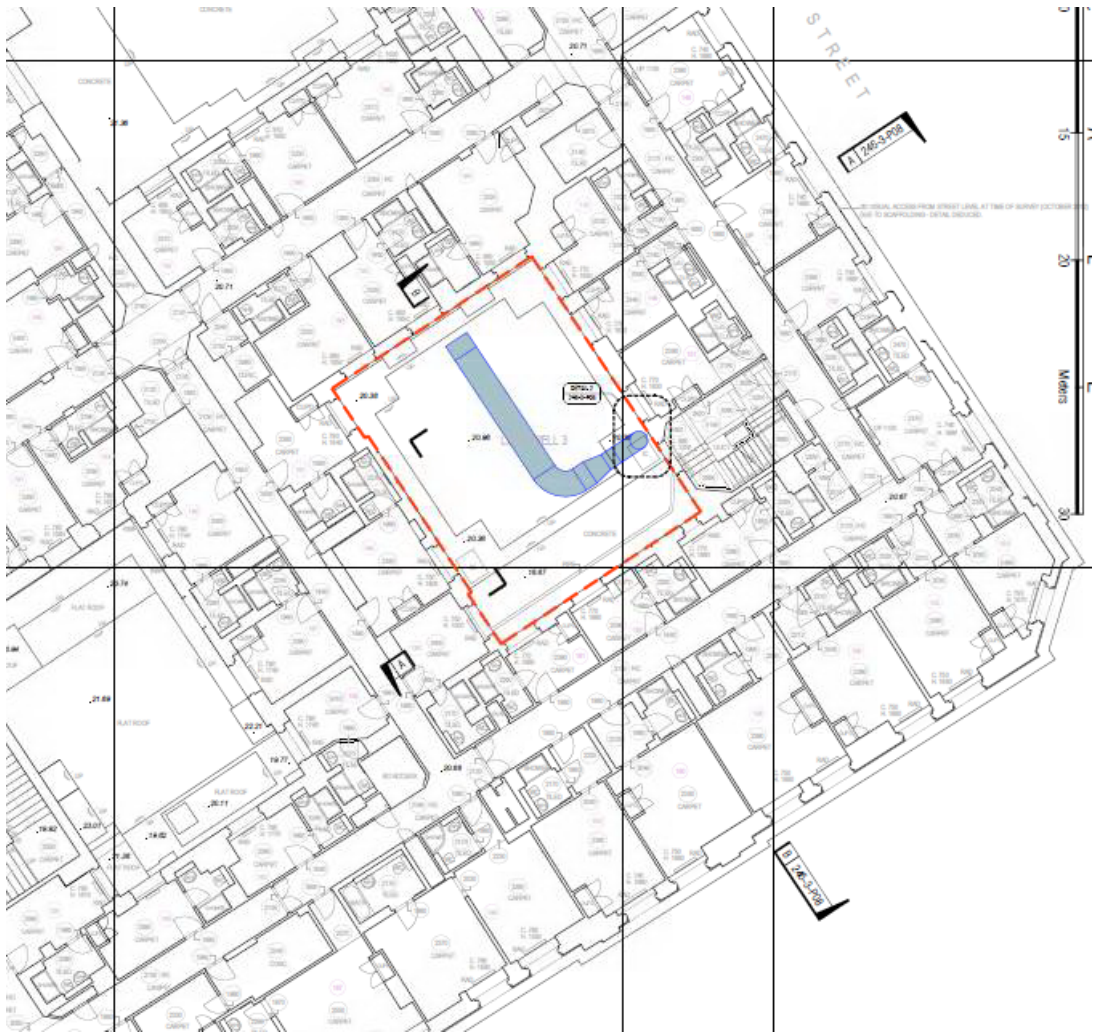
Existing elevation



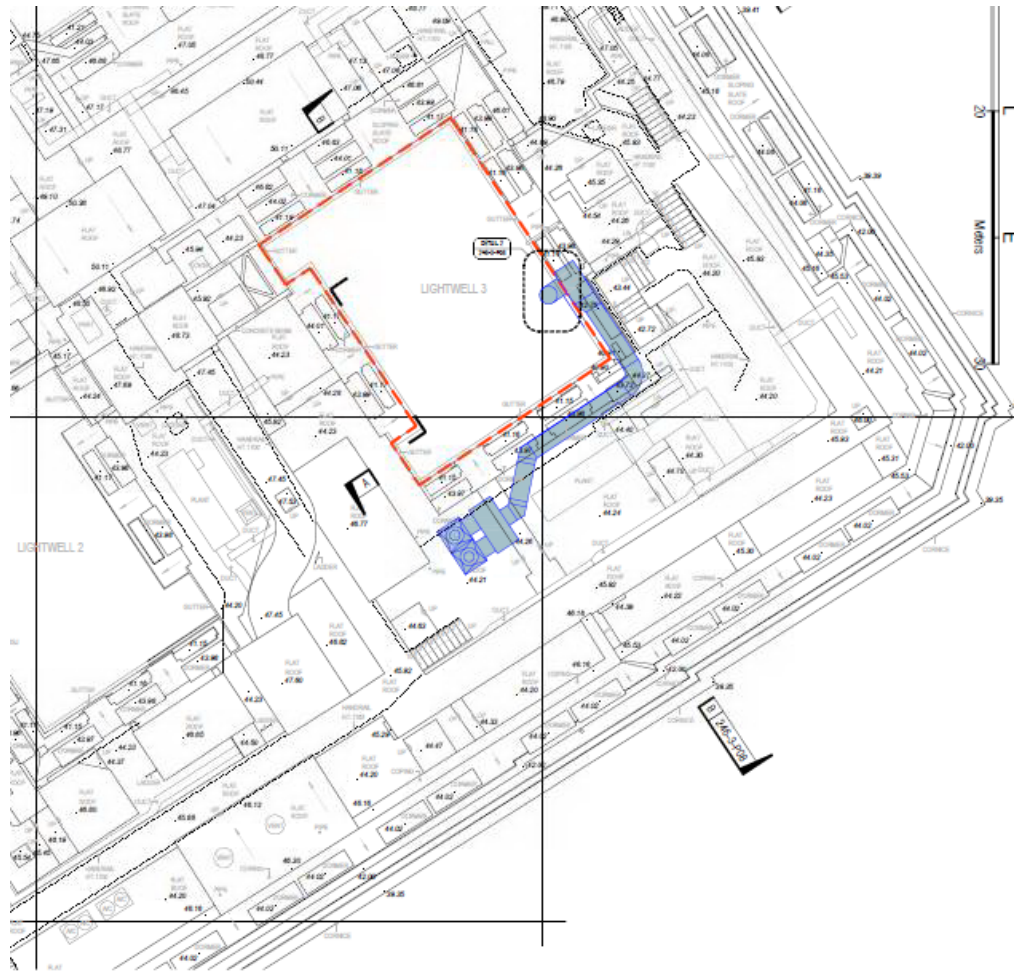
Proposed elevation



Block plan identifying light well/ area of works



Proposed floor plan



Proposed roof plan

DRAFT DECISION LETTER

Address: Strand Palace Hotel, 372 Strand, London, WC2R 0JJ,

Proposal: Installation of a full height extract duct and fan within the lightwell.

Reference: 17/04842/FULL

Plan Nos: 246-3-P01 A; 246-3-P02 A; 246-3-P03 A; 246-3-P04 A; 246-3-P05 A; 246-3-P06 A;
246-3-P07 A; 246-3-P08 A;

Case Officer: Seana McCaffrey

Direct Tel. No. 020 7641 1091

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

Reason:

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

- 5 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.

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 4 and 5 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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

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Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 September 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	7 Garrick Street, London, WC2E 9AR		
Proposal	Use of an area of public highway measuring 3.2m x 0.9m for the placing of two tables and four chairs in connection with the existing ice cream parlour (A1) at 7 Garrick Street.		
Agent	Mr Hubert Attali		
On behalf of	H2C Gelati Ltd		
Registered Number	17/04966/TCH	Date amended/ completed	6 July 2017
Date Application Received	6 June 2017		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

Grant conditional permission for a temporary period of 1 year.

2. SUMMARY

7 Garrick Street is an unlisted building located within the Covent Garden Conservation Area and the Central Activities Zone (CAZ). The ground floor unit is currently in use as an ice cream parlour 'Amorino' (Class A1).

Permission is sought for the use of an area of public highway measuring 3.2m x 0.9m for the placing of two tables and four chairs in connection with the ice cream parlour.

The key issues in this case are:

- * Whether the tables and chairs will obstruct pedestrians using the public highway;
- * The impact of the outdoor seating on the amenities of neighbouring residents.

The plan shows the pavement proposed for tables and chairs to be approximately 2.9m wide from the building line to the kerb edge. The area proposed for placing tables and chairs is 0.9m wide which would leave an overall unobstructed pedestrian clearway of 2m.

An objection has been received from the Covent Garden Community Association (CGCA) on the

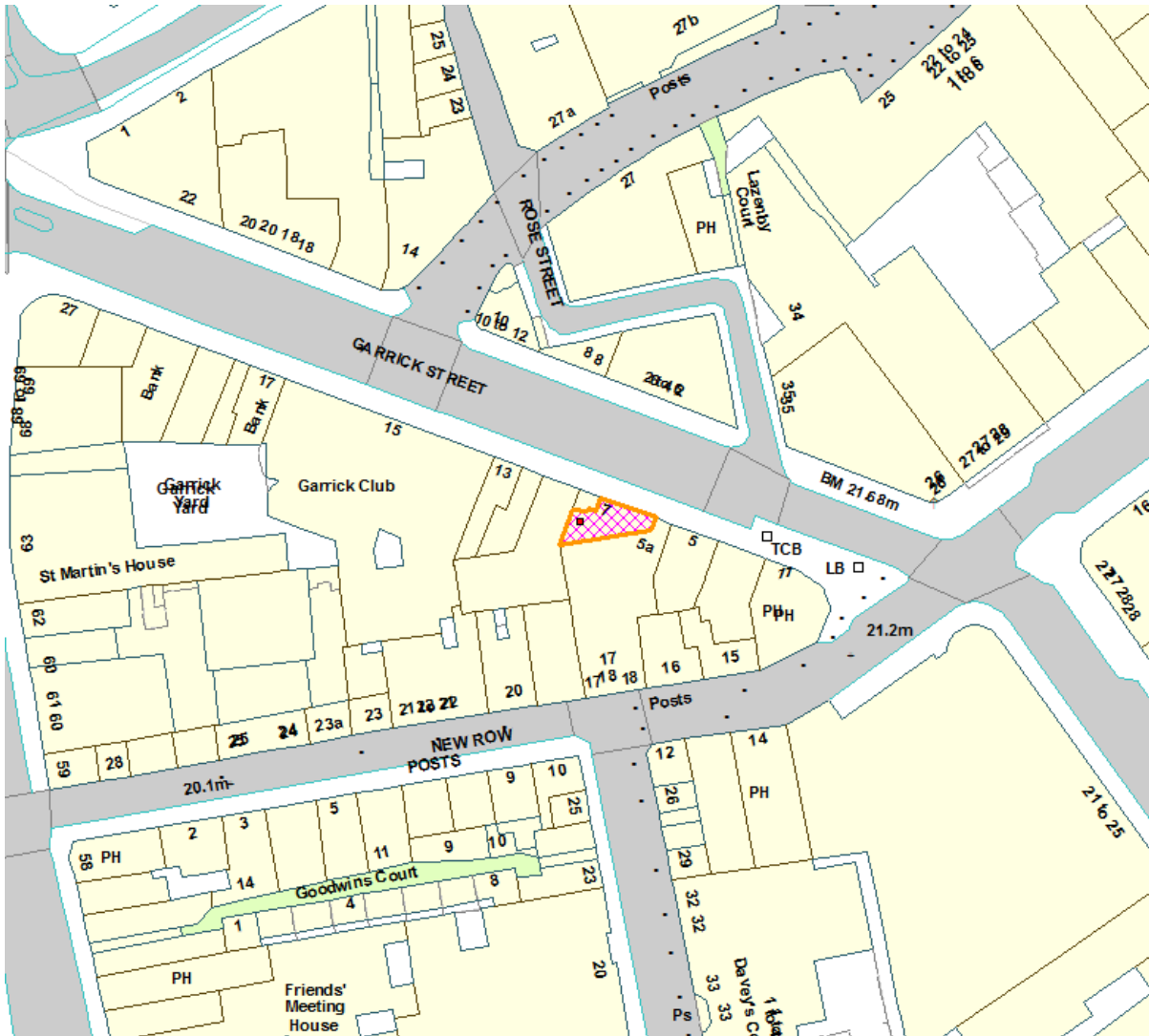
grounds that this pavement has a particularly high footfall and therefore a wider pedestrian clearway exceeding 2m is warranted. The CGCA also object on grounds that the tables and chairs have been placed outside in a different layout and customers also move the tables and chairs into other positions which can obstruct pedestrians. If the tables and chairs are placed on the left hand side of the entrance this will create a pinch point with an adjacent parking sign.

The Westminster Way public realm strategy requires a minimum of 2m for pedestrian movement but can require a greater distance in areas with high footfall. The Highways Planning Manager raises no objection and considers that a 2m pedestrian clearway is sufficient in this location. The applicant has been made aware that the tables and chairs are only acceptable when positioned in the layout shown on the submitted plan (on the right hand side of the entrance). The applicant advises that staff have been instructed to ensure the tables and chairs are laid out in accordance with the plan.

It is proposed that the tables and chairs would be on the public highway from 12.00 to 23.00 daily in line with the shop opening hours. The nearest residential units are located in the upper floors of 7 Garrick Street. No objections have been received from the residents with regards to the proposal.

Given that the proposal would leave a pedestrian clearway of 2m and that other premises in Garrick Street have outdoor furniture, it is considered that a refusal would not be sustainable. The proposals are considered acceptable and in accordance with the relevant Unitary Development Plan (UDP) (January 2007), Westminster's City Plan (November 2016) policies and the Westminster Way. The application is recommended for approval for a temporary one year basis so that the impact of the tables and chairs can be re-assessed in a year's time.

3. LOCATION PLAN



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4. PHOTOGRAPHS



7 Garrick Street

5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION:

Objection, this area has a particularly high footfall and therefore a wider clearance is required. The tables and chairs are placed outside in different locations not in accordance with the plan, and customers move the tables and chairs into other positions which obstruct pedestrians.

COVENT GARDEN AREA TRUST:

Any response received to be verbally reported

HIGHWAYS PLANNING MANAGER:

No objection

CLEANSING OFFICER:

No objection

NEIGHBOURS:

No. consulted: 16

No. of responses: 0

ADVERTISEMENT / SITE NOTICE: Yes

6. Recent Relevant History

13/02613/TCH

Use of one area of public highway measuring 0.9m x 3.2m for the placing of two tables and four chairs in connection with the existing ice cream parlour (A1) at 7 Garrick Street.
Application Permitted 23 August 2013

12/01548/FULL

Use of part ground, first, second, third and fourth floors as three residential flats (Class C3) (2 x 1 bed and 1 x 2 bed).
Application Permitted 8 May 2012

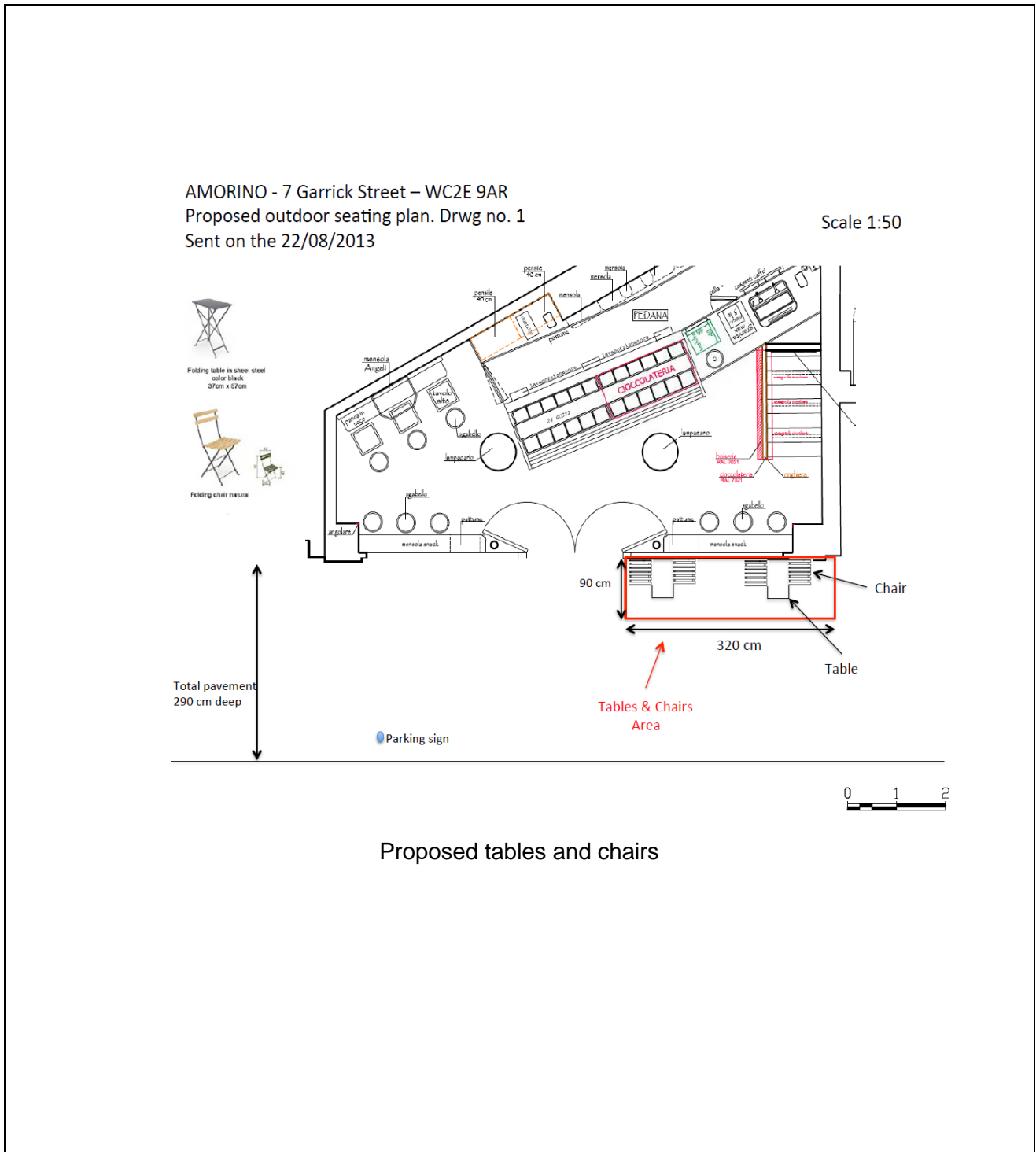
7. BACKGROUND PAPERS

1. Application form
2. Memo from Covent Garden Community Association dated 24 July 2017
3. Memo from Highways Planning Manager dated 14 August 2017
4. Memo from Cleansing Manager dated 30 July 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: 7 Garrick Street, London, WC2E 9AR

Proposal: Use of an area of public highway measuring 3.2m x 0.9m for the placing of two tables and four chairs in connection with the existing ice cream parlour (A1) at 7 Garrick Street.

Reference: 17/04966/TCH

Plan Nos: Site location plan; proposed outdoor seating plan (drwg no.1 dated 22.08.13).

Case Officer: Seana McCaffrey

Direct Tel. No. 020 7641 1091

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must not put the tables and chairs in any other position than that shown on drawing no. 1 dated 22.08.13. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables and chairs on the pavement between 12.00 and 23.00. (C25BA)

Reason:

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

- 4 The tables and chairs must only be used by customers of 7 Garrick Street (Amorino). (C25CA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 5 This use of the pavement may continue until 31 August 2018. You must then remove the tables and chairs. (C25DA)

Reason:

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

- 6 You can only put out on the pavement the tables and chairs shown on drawing no. 1 dated 22.08.13. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)

- 3 You cannot put tables and chairs in the area unless you have a street trading licence.

If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter.

Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)

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

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Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 September 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	7 The Lane, London, NW8 0PN		
Proposal	Demolition and reconstruction of building behind a retained front facade, including excavation of basement floor below existing house and part of rear garden land, with lightwells to front, side and rear, erection of two storey side extension, single storey rear extension, a porch infill, and skylights to roof.		
Agent	Mr Matt Richards		
On behalf of	F Alizadeh		
Registered Number	17/05892/FULL	Date amended/ completed	6 July 2017
Date Application Received	4 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

No.7 The Lane is a 1930s neo-Georgian semi-detached two storey brick built house recognised as a unlisted building of merit within the St John's Wood Conservation Area Audit.

Permission was granted in June 2017 for extensions and alterations to the existing building. However it is now proposed to demolish the existing building behind a retained façade and reconstruct the building in line with the June 2017 extensions.

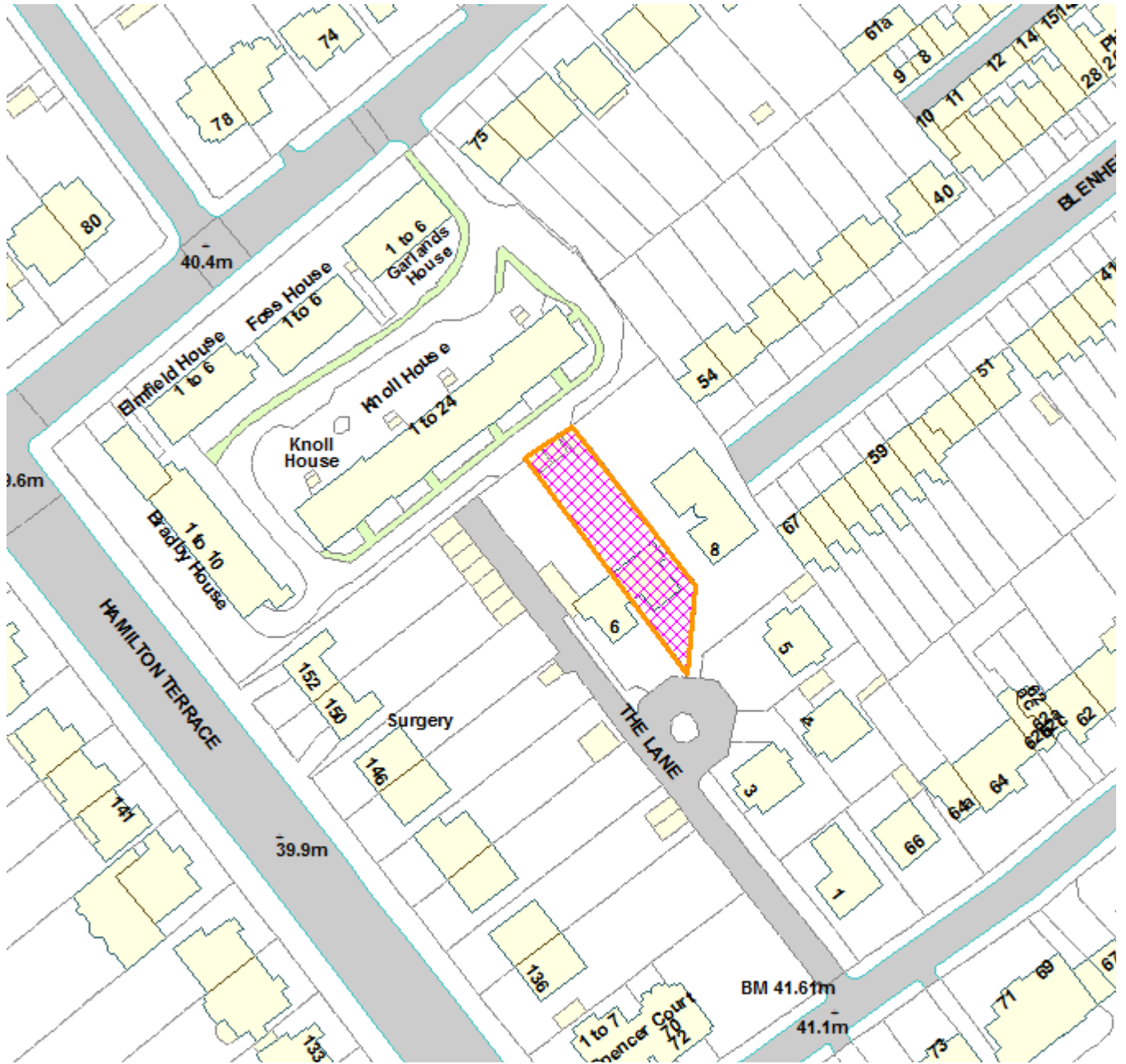
An objection has been received from the St John's Wood Society, primarily on the grounds of design, excessive size of basement and questioning the quality of the basement accommodation.

The key issues are:

- The impact upon the character and appearance of the St John's Wood Conservation Area; and
- The impact upon the amenity of neighbouring properties.

The proposal differs from the 2007 permission in so far as it is now proposed to demolish the building behind a retained façade, the extensions remain the same. The proposal is considered to accord with the City Council's policies in relation to conservation, design and amenity and accordingly the applications are recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS

Front Elevation of the Site



Aerial View of the Site



5. CONSULTATIONS

HISTORIC ENGLAND:

Do not consider it necessary to be notified of the application.

ST JOHNS WOOD SOCIETY:

Comments received as follows:

"The proposals represent an overdevelopment of the site. The basement does not appear to comply with current basement policy i.e. the footprint appears to extend beyond 50% of the available garden space. The roof light in the front elevation has a negative impact. We have significant concerns about how this building will be constructed due to the severe constraints of this site. Please carefully consider the comments of other residents of The Lane in this regard. We are unable to assess the impact of the proposals on the pair of dwellings as no context has been provided. We question if there will be light spill from the lightwells and the rooflight over the kitchen. We query whether the basement complies with Environmental Health in terms of the provision of natural light and fresh air. Location of plant extract is not indicated".

NB/It should be noted that in response to the previous June 2017 proposals, the St John's Wood Society did not object.

DISTRICT SURVEYORS:

No objection to submitted structural method statement.

ENVIRONMENTAL HEALTH:

No objection subject to an informative regarding natural lighting levels to basement.

ARBORICULTURAL OFFICER:

No objection to loss of neighbouring tree (consent has already been given for this) however it is requested that a new tree be replanted within the application site.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS:

Total No. Consulted: 66; Total No. Responses: 0

NB/ It should be noted that in response to the June 2017 application (detailed below), one objection was received from the owner of 67 Blenheim Terrace on the grounds of damp as a result of sewer problems at 8 The Lane and the impact a new basement at 7 The Lane may have on the works that have taken place to rectify these issues. If the current applicant is to utilise the same sewer then the objector requests a condition requiring "a detailed survey is required to be conducted of the sewer to ascertain its current condition and whether it is (a) the right sewer to be used by No 7 The Lane and if so (b) in a condition to cope with the increased usage this development will put on it, both during and after the works. If this shows any issues we would expect these to be resolved by the applicant prior to any works taking place. We would also expect that if permission is granted that conditions be put in place for regular monitoring of the sewer during the course of the works to ensure its continuing fitness for purpose and that the applicant be required to commission Thames Water to conduct a full survey on

completion of the works to confirm the sewer is fully functional and a condition put in place that the applicant be responsible for any remedial works required".

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No.7 The Lane is a 1930s neo-Georgian semi-detached two storey brick built house recognised as an unlisted building of merit within the St John's Wood Conservation Area Audit.

6.2 Recent Relevant History

17/03521/FULL

Excavation of basement incorporating lightwells to front, side and rear; erection of two storey side extension, single storey rear extension, a porch infill; and installation of skylights to roof.

Application Permitted 15 June 2017

7. THE PROPOSAL

Planning permission is sought for the demolition and reconstruction of the building behind a retained façade. The proposal also includes excavation to create a basement, extensions to side and rear and alterations as approved in the June 2017 scheme which retained and extended the existing building.

The applicant has established that the approved rear extension at ground floor which will adjoin the existing rear elevation would include a large opening in the existing rear façade to connect the two spaces internally and that this would require removal of 50% of the existing rear façade and for the entire upper wall to be propped at two levels below it as the ground floor and basement are constructed. Asbestos has also been found at the site. Also as a result of the approved lowering of the floors in the building effectively means that the cross bracing of the house has been lost. The applicant indicates that the onerous method of construction to deal with the above issues could be alleviated with the demolition of the building and its reconstruction behind a retained facade (to match existing materials) after the basement and ground floor has been constructed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed creation of a larger single family dwelling house is acceptable in principle in land use terms.

The basemen accommodation proposed is sufficient in terms of its standard of accommodation given that it provides additional rooms to the existing property.

8.2 Townscape and Design

In considering the scheme in design terms, the relevant policies are DES 1, DES 5, DES 6 and DES 9 of the UDP and CM28.1, S25 and S28 of the City Plan. Also of relevance are Westminster's Supplementary Guidance documents 'Roofs: A Guide to Roof level alterations on domestic buildings', 'Basement Development in Westminster' and 'Development and Demolition in Conservation Areas', in addition to the St John's Wood Conservation Area Audit.

In considering the principle of demolishing the existing building behind a retained façade UDP policy DES 9 is of particular relevance. The policy states that;

- 1) Buildings identified as of local architectural, historical or topographical interest in adopted conservation area audits will enjoy a general presumption against demolition
- 2) Development proposals within conservation areas, involving the demolition of unlisted buildings, may be permitted
 - a) If the building makes either a negative or insignificant contribution to the character or appearance of the area, and/or
 - b) If the design quality of the proposed development is considered to result in an enhancement of the conservation area's overall character or appearance, having regard to issues of economic viability, including the viability of retaining and repairing the existing building

The Lane is a 1930's development which contributes to the character of the area by illustrating the progression of development within St John's Wood as well as being uniform with the other buildings within the close in terms of architectural style. Consequently the buildings are considered to have a positive impact on the character and appearance of the area. The main contribution is made by the form and appearance of the building, with the front elevation being appreciated with the adjoining neighbour and the other buildings within the close. The front facade is to be retained in association with the construction of the works granted in June 2017. Given the facade retention, and reconstruction of a building of similar scale and form, the interest of this building is considered to be retained. As such the demolition is in accordance with policy DES 9 and is not objectionable in townscape terms.

The St John's Wood Society has raised concerns with the amount of development on the site and the impact of the proposals on the relationship of the pair (no7 with no6). Under the June 2017 scheme the two storey side extension towards the rear of the building and a rear full width single storey extension were considered to be in accordance with UDP policy DES 5 as they were of an appropriate scale, design and materiality. Whilst the detailed design of the fenestration is considered to be acceptable a condition is recommended requiring the submission of detailed elevations and sections to ensure their construction is appropriate. It is also recommended that the materials and green roof are secured by condition. Furthermore the external manifestations of the basement, including 5no lightwells around the property, were considered to be in accordance with the aims of City Plan policy CM28.1, discussed in more detail below.

Section 72 of the Planning (Listed Building Conservation Areas) Act 1990 places a duty upon the decision maker, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character and appearance of the

conservation area. Additionally the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As the building is to be returned to a comparable scale and proportion, which visually is reflective of the existing building the character and appearance of the conservation area is considered to be preserved, consequently having a limited impact on significance of the conservation area. There has been no change in relevant planning policy since the granting of the permission, and as such there are no grounds upon which to warrant a refusal and therefore the proposals are considered to be in accordance with UDP and City Plan policies.

8.3 Residential Amenity

Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

The main building is the same scale and massing as existing. The proposed rear single storey extension measures 3m in depth, 8.6m in width and almost 3m in height. The depth and height of the extension on the boundary with No. 6 The Lane is considered acceptable and will not result in any significant loss of light, outlook or sense of enclosure.

The two storey side extension measures 2m in depth at ground floor level and 1.2m at first floor level and is 3.5m in width. This extension is set away from the boundary with No 8 The Lane by over a metre. The building footprint/ bulk of 8 The Lane is also set away from its own boundary by over a metre. There is one window to the side elevation of 8 The Lane although this appears to be obscure glazed and to serve the staircase. There is extensive foliage between the properties and as a result the proposed side extension is unlikely to result in any amenity concerns.

The proposed works to the front porch will infill a recessed area, replicated at No 6 The Lane, where there are no windows in the side elevation of the projecting front elevation. There will therefore be no loss of light, outlook or sense of enclosure.

The rooflights and basement lightwells will cause no amenity concerns to adjacent properties.

The proposals are considered to accord with City Council amenity policies.

8.4 Transportation/Parking

The proposals raise no transportation/ parking concerns.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposals raise no accessibility issues. There are currently external steps from the front garden path to the entrance door. The front porch extension would allow level access from the garden path, however the external steps would now become internal leading to the central hallway.

8.7 Other UDP/Westminster Policy Considerations

Basement Excavation

Policy CM28.1 relates to all basement development in the City.

The applicant has submitted a detailed structural methodology statement which has been assessed by the City Council's District Surveyors who consider this to be acceptable. The applicant has also submitted the required draft signed proforma Appendix A which demonstrates that the applicant will comply with the relevant parts of the council's Code of Construction Practice in order to minimise the impact of any development upon the amenity of neighbouring properties. The site lies outside of a flooding 'hotspot' and is therefore not considered to increase flood risk. The proposals are considered to comply with Part A of the policy.

The proposals result in the loss of a cherry tree in the neighbouring property, 6 The Lane which is close to the boundary with the application site and therefore within the basement excavation/ rear extension zone. Formal consent has already been given to the removal of this tree via a Section 211 notice. Landscaping is proposed to the front/ rear and side gardens and this incorporates sustainable urban drainage methods. In response to the June 2017 application, an objection was received from a neighbouring property on the grounds that the submitted drawings did not illustrate that provision has been made for a sump pump to ensure that the proposed basement would not be vulnerable to sewer flooding. It should be noted that a sump pump chamber is shown on the proposed basement plan (and was shown on the previously approved basement plan). Thames Water has not responded to the consultation of this application, however as the applicant will have to notify Thames Water of any works it is not considered reasonable via the planning process to request any sewer related conditions as these will be required by Thames Water. An informative is recommended for the applicant to contact Thames Water in relation to the proposals. As discussed in the design section of this report, the proposed basement works incorporate lightwells to the side and rear elevations. These are considered to be well designed and discreet and are considered to protect the character and appearance of the existing building. The proposals are considered to comply with Part B of the policy.

Regarding Part C of the policy and as set out in the drawings, the proposed basement is of a single storey, will not extend beneath more than 50% of the garden land (excluding land covered by outbuildings), and has been set in to retain an undeveloped perimeter to the neighbouring boundaries. A depth of 1m soil depth and 200mm for drainage will be accommodated above the basement. The proposals comply with Part C of the policy.

Part D of the policy is not relevant.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

There is no CIL payment required by the proposals.

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

8.12 Other Issues

Not applicable.

9. BACKGROUND PAPERS

1. Application form
2. Response from St John's Wood Society, dated 31 July 2017
3. Response from Building Control - Development Planning, dated 10 July 2017
4. Response from Historic England (Listed Builds/Con Areas), dated 11 July 2017
5. Response from Environmental Health, dated 14 July 2017
6. Memorandum from Cleansing Manager dated 24 July
7. Memorandum from Highways Planning Manager dated 2 August 2017
8. Memorandum from Arboricultural Manager dated 9 August 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

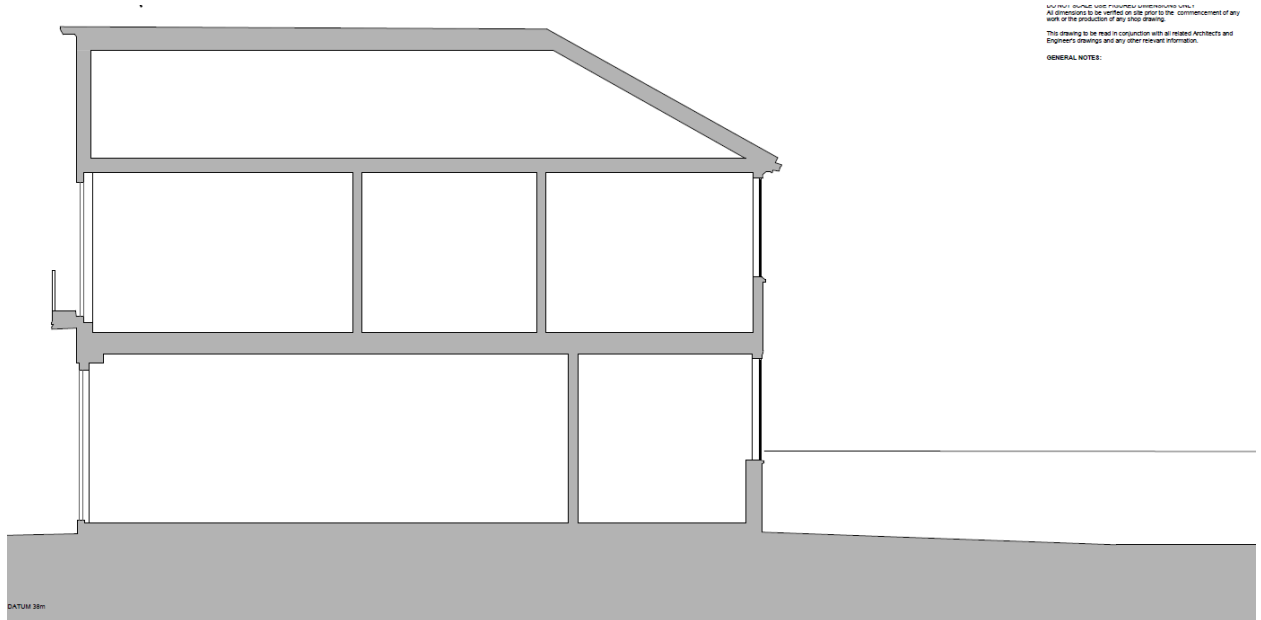


Existing
Proposed
Rear
Elevation

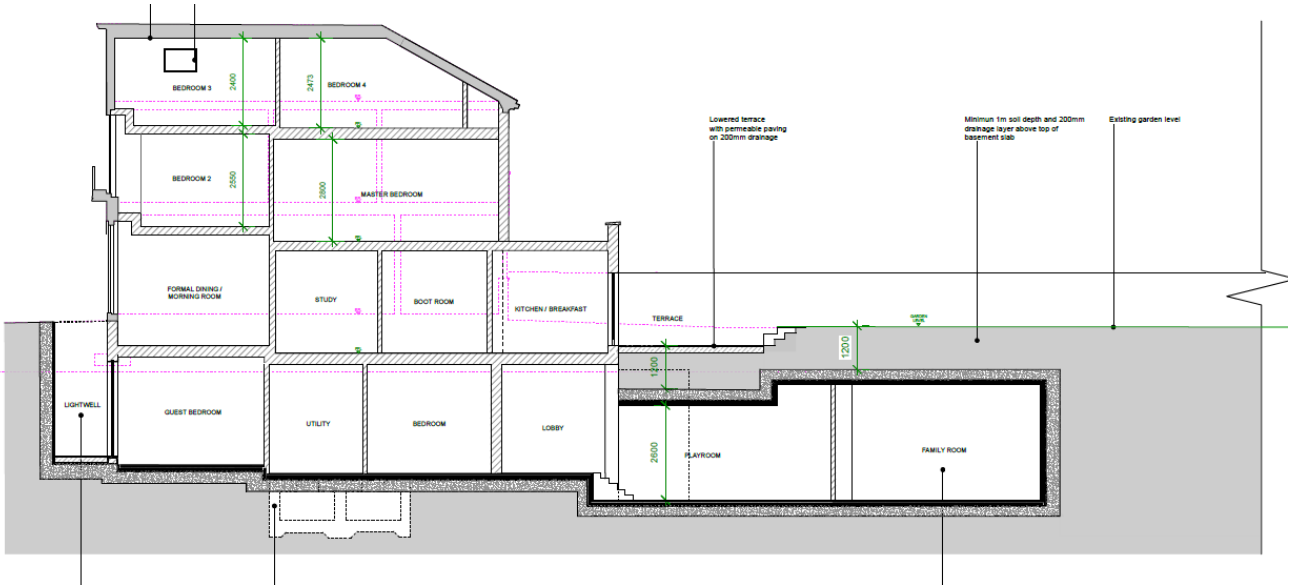
and



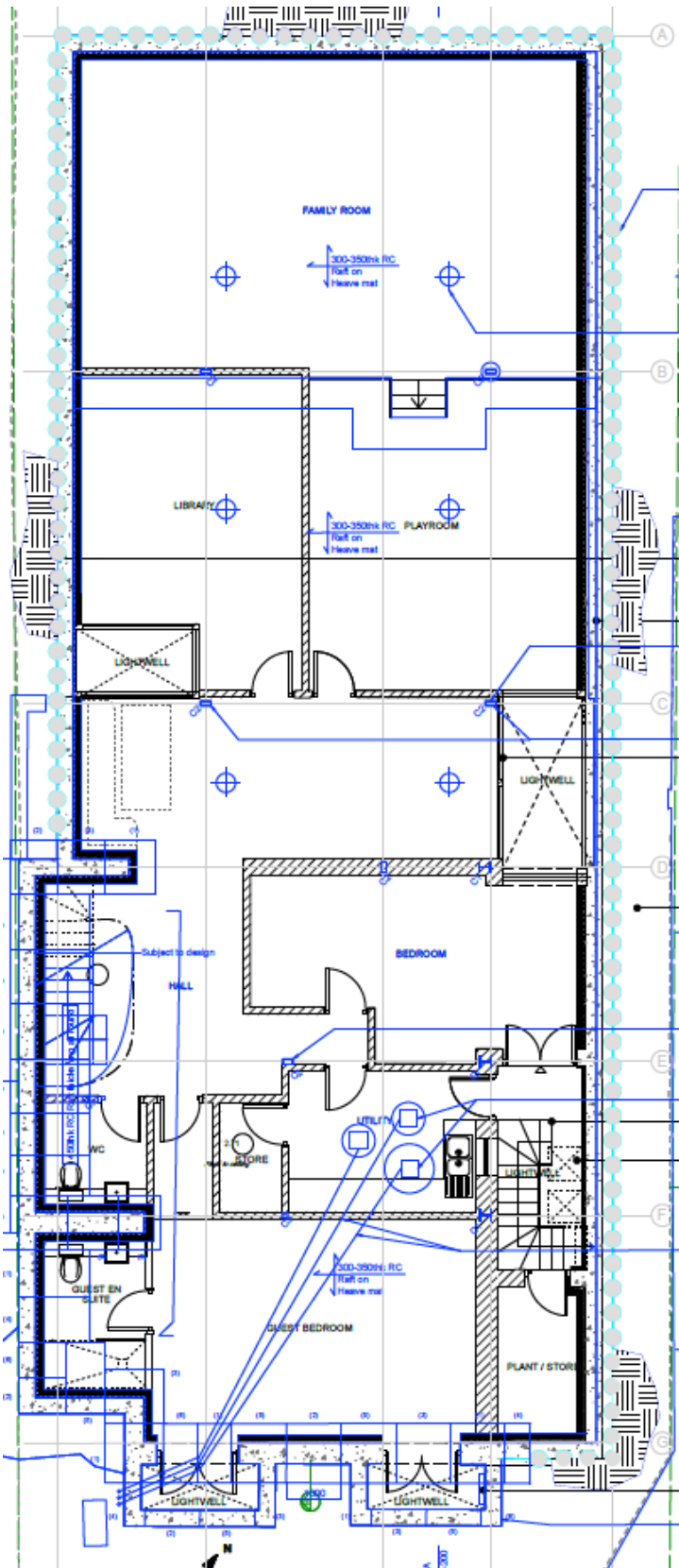
Existing and Proposed Section AA



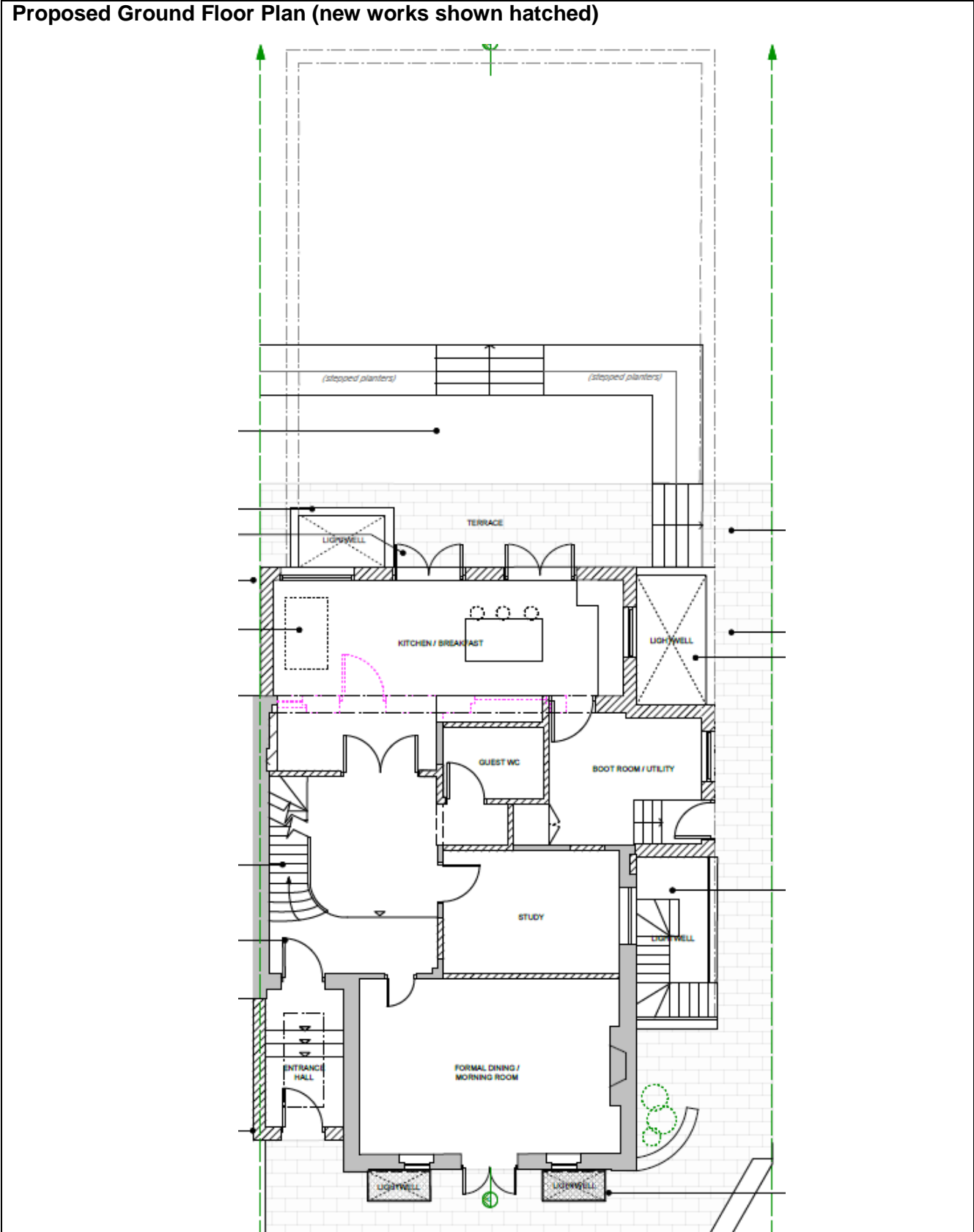
UNLESS SHOWN OTHERWISE ALL DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORK OR THE PRODUCTION OF ANY SHOP DRAWING.
 This drawing to be read in conjunction with all related Architects and Engineers drawings and any other relevant information.
 GENERAL NOTE:



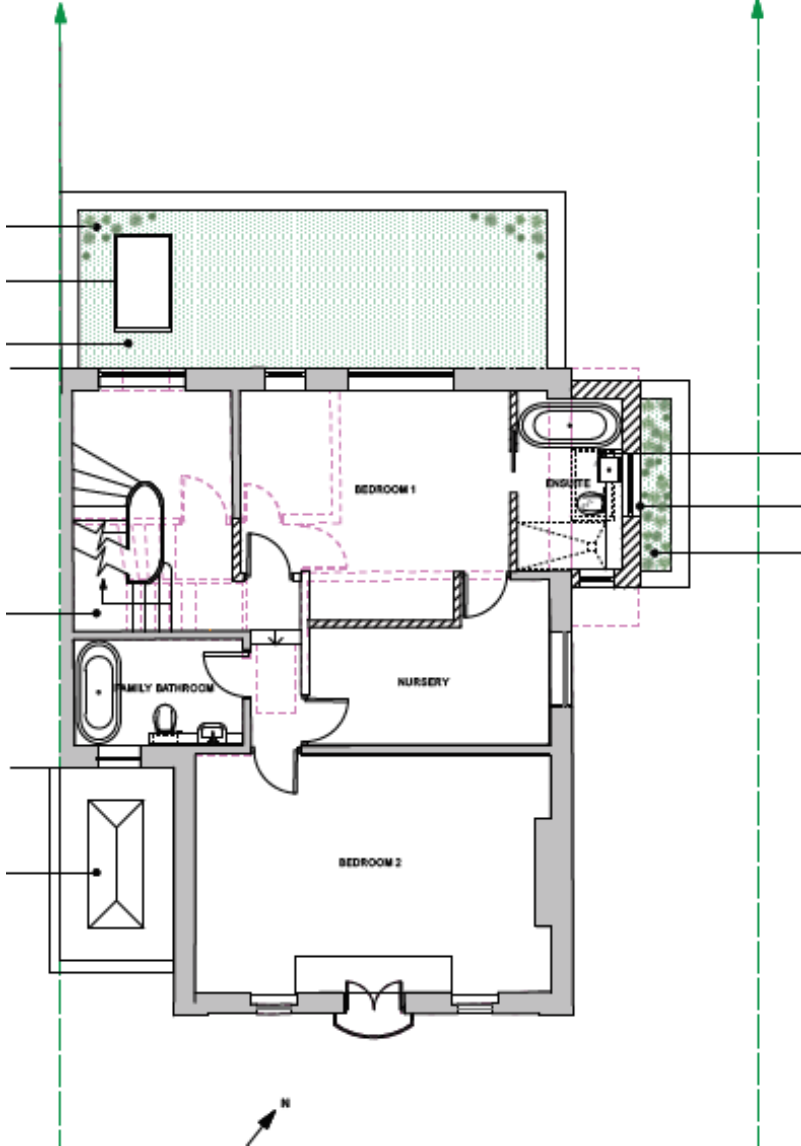
Proposed Basement Level



Proposed Ground Floor Plan (new works shown hatched)



Proposed First Floor Plan (new works shown hatched)



DRAFT DECISION LETTER

Address: 7 The Lane, London, NW8 0PN

Proposal: Demolition and reconstruction behind a retained front facade, including excavation of basement floor below existing house and part of rear garden land, with lightwells to front, side and rear, erection of two storey side extension, single storey rear extension, a porch infill, and skylights to roof.

Reference: 17/05892/FULL

Plan Nos: EX:00A; 01; 02; 03; 04; 05; 06; 07; 08; 09; PL:100D; 101D (Basement Plan); 101F (Ground Floor Plan); 102B; 103C; 105B; 106D; 107F; 109C; 110C; 111A; 701 A; 702 A; 706 A; 707 A; Design and Access Statement dated June 2017; Planning and Heritage Statement dated June 2017; Proforma Appendix A; Tree Survey and Impact Assessment including drawings 9251/01 A; 9251/02; For information Only: Flood Risk Assessment; Structural Engineer's Method Statement including Appendix A-C.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 5939

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 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

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

Reason:

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

- 5 The brickwork of the approved extension must match the existing brickwork like for like and be retained in that condition thereafter.

Reason:

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

- 6 You must apply to us for approval of a photograph of a sample panel of the brickwork and stone coping/balustrade displayed on site in context. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 7 You must apply to us for approval of detailed drawings (elevations and sections) at 1:20 of the following parts of the development - windows. You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application., , green roofs, , You must not remove any of these features. (C44AA)

Reason:

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

- 9 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing 9251/01 Rev A and 9251/02. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

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

- 10 You must plant replacement trees (as a result of the felling of the Cherry Tree at 6 The Lane) in the first planting season after you complete the development. You must apply to us for our approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of similar size and species to the one originally planted. (C31KA)

Reason:

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

- 11 You must not use the roof of the rear and side projections/extensions for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties, 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)

- 12 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38, CM28.1 of Westminster's City Plan (November 2016), and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 3 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to

starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.

- 4 When you apply to us for approval under condition 9 you must include details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. , , You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included You must send copies of each written site supervision record to us within five days of the site visit.
- 5 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact: , , Thames Water Utilities Ltd, Development Planning, Maple Lodge STW, Denham Way, Rickmansworth, Hertfordshire, WD3 9SQ, Tel: 01923 898072, Email: Devcon.Team@thameswater.co.uk
- 6 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 7 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 8 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., , 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, , Phone: 020 7641 2000, , Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 9 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

10 The Council considers that the amount of daylight into the basement would not be enough for the use of these rooms as main living areas. (You are recommended to refer to the Housing Health and Safety Rating System - Housing Act 2004 guidance to obtain full details about the requirement for natural lighting and reasonable view.) The proposals have been accepted because the house as a whole has enough main rooms with adequate daylight and reasonable views, and on the basis that the flat will be used as a single self-contained unit by one household. If any occupier in the future was to consider using the basement in a different way - for example, with those rooms referred to above (as having limited daylight and views) being used as living rooms or as living/bedrooms e.g. for staff accommodation, the basement is likely to be considered for action under the Housing Act 2004 by our Residential Environmental Health team; in those circumstances, that team would have the power to require works to improve daylight to the affected rooms or alternatively, where this is not practicable, to prohibit their use.

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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