



City of Westminster

# Committee Agenda

Title:

**Planning Applications Sub-Committee (2)**

Meeting Date:

**Tuesday 13th March, 2018**

Time:

**6.30 pm**

Venue:

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

Members:

**Councillors:**

Melvyn Caplan (Chairman)  
Peter Cuthbertson  
Barbara Grahame  
Robert Rigby



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

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



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

**Tel: 020 7641 2341; email: [tfieldsend@westminster.gov.uk](mailto:tfieldsend@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

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

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note any changes to the membership.

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

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

#### **3. MINUTES**

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

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

Applications for decision

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

- |   |                          |
|---|--------------------------|
| <b>1. GARAGES TO THE REAR OF ORDNANCE MEWS, LONDON, NW8</b>   | <b>(Pages 5 - 46)</b>    |
| <b>2. FRANKLIN HOUSE, 151 STRAND, LONDON, WC2R 1HL</b>  | <b>(Pages 47 - 84)</b>   |
| <b>3. 9-12 BELL YARD, LONDON, WC2A 2JR</b>  | <b>(Pages 85 - 120)</b>  |
| <b>4. 206 - 216 MARYLEBONE ROAD, LONDON, NW1 5LA</b>  | <b>(Pages 121 - 168)</b> |
| <b>5. DEVELOPMENT SITE AT 221-235 LANARK RD, LAND TO NORTH OF 235 LANARK RD AND LAND AT SCOTTISH TOWERS, MAIDA VALE, LONDON, W9</b> | <b>(Pages 169 - 196)</b> |
| <b>6. 4 FULTON MEWS, LONDON, W2 3TY</b>   | <b>WITHDRAWN</b>         |
| <b>7. 34-36 CHARLES STREET, LONDON, W1J 5EB</b>   | <b>(Pages 197 - 230)</b> |

8. CONNAUGHT HOTEL, CARLOS PLACE, LONDON,  
W1K 2AL

(Pages 231 -  
246)

Stuart Love  
Chief Executive  
5 March 2018

This page is intentionally left blank



# Agenda Annex

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 13th March 2018  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolved
1.	RN(s) : 17/06573/COFUL  Abbey Road	Garages To The Rear Of Ordnance Mews London NW8	Demolition of 9 single storey garages and erection of a replacement building comprising two to three storeys for use as 3 dwellinghouses (Class C3). (Addendum report)	
2.	RN(s) : 16/12166/FULL  St James's	Franklin House 151 Strand London WC2R 1HL	Demolition of existing building and redevelopment to provide a building of basement, lower ground, ground and part five/part six upper floors with roof terrace and mechanical plant at roof level; for use as an apart-hotel (Class C1) with private members bar (sui generis) at lower ground floor level. (Addendum report)	
3.	RN(s) : 17/09583/FULL 17/09584/LBC  St James's	9-12 Bell Yard London WC2A 2JR	Use of building as 12 residential units (Class C3), demolition of fourth floor mansard roof and front façade, replacement fourth floor extension and new fifth floor mansard roof extension above, new front façade, associated alterations to elevations and works to a listed party wall.	

**CITY OF WESTMINSTER**  
**PLANNING APPLICATIONS SUB COMMITTEE – 13th March 2018**  
**SCHEDULE OF APPLICATIONS TO BE CONSIDERED**

<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolved</b>
<b>4.</b>	<b>RN(s) :</b> 17/10910/FULL  Bryanston And Dorset Square	206 - 216 Marylebone Road London NW1 5LA	Refurbishment and extension of 206-216 Marylebone Road including new seventh floor and rear lightwell infill to provide additional office accommodation change of use of part ground floor to flexible Class A1 and/or D2 and/or B1 floorspace and other associated works.	
	<b>Recommendation</b> Grant conditional permission.			
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolved</b>
<b>5.</b>	<b>RN(s) :</b> 17/10779/FULL  Maida Vale	Dev Site At 221-235 Lanark Rd, Land To North Of 235 Lanark Rd And Land At Scottish Towers Maida Vale London W9	Variation of Condition 1 of planning permission dated 29 April 2016 (RN: 15/11007) for redevelopment of site spanning 221-235 Lanark Road and land to the north of 235 Lanark Road, involving demolition of existing buildings and erection part 3, part 4, part 5 storey building, plus lower ground floor, containing a community/sports building (Use Class D1/D2) and associated plant at the north end of the site, and 67 residential units (Class C3) (private and affordable) across the remainder of the site and across the top floor of the proposed community/sports building, together with car parking, landscaping and associated works. Reconfiguration of front curtilage of the Scottish Towers (Glasgow House, Falkirk House, Edinburgh House) to provide additional parking, re landscaping and associated works. Removal of existing trees and replacement tree planting; Namely to change the 6 private 3-bed duplex units at ground and lower ground level into 12x2bedroom units (7x 2bedroom private units and 5x2bedroom intermediate rent units), and associated external alterations.	
	<b>Recommendation</b> 1. Grant conditional permission, subject to a Deed of Variation to the legal agreement dated 29.04.2016 to secure the original obligations together with additional on-site affordable housing units as set out below:  a) Provision of 5 on-site affordable housing units to be provided as intermediate rent units and made available to eligible households on incomes not exceeding £60,000.  2. If within six weeks of the resolution to grant conditional permission the Deed of Variation has not been completed then;  a) The Director of Planning shall consider whether it would be possible and appropriate to issue permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not  b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete a S106 planning obligation within an appropriate timescale, and that the proposal is unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.			
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolved</b>

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 13th March 2018  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

<b>6.</b>	<b>RN(s) :</b> 18/00077/FULL  Lancaster Gate	4 Fulton Mews London W2 3TY	Excavation of basement floor below footprint of existing building.	
<b>Recommendation</b> Grant conditional permission.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolved</b>
<b>7.</b>	<b>RN(s) :</b> 17/04745/FULL  West End	34-36 Charles Street London W1J 5EB	Erection of roof enclosure to convert part of the existing 5th floor level flat roof into a roof bar and terrace and extension at fifth floor level onto existing flat roof all in connection with existing hotel (Class C1). Relocation of existing bathroom extracts to within the new roof enclosure. (Addendum report)	
<b>Recommendation</b> Grant conditional permission				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolved</b>
<b>8.</b>	<b>RN(s) :</b> 17/10559/TCH  West End	Connaught Hotel Carlos Place London W1K 2AL	Use of an area of the public highway measuring 12m x 2.75m for the placing of five tables and 16 chairs and barriers.	
<b>Recommendation</b> Grant conditional permission.				

This page is intentionally left blank

# Agenda Item 1

Item No.
----------

<b>1</b>
----------

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 13 March 2018	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Director of Planning		<b>Ward(s) involved</b>	
<b>Subject of Report</b>	<b>Garages To The Rear Of, Ordnance Mews, London, NW8</b>		
<b>Proposal</b>	Demolition of 9 single storey garages and erection of a replacement building comprising two to three storeys for use as 3 dwellinghouses (Class C3).		
<b>Agent</b>	Metropolitan Workshop		
<b>On behalf of</b>	City West Homes		
<b>Registered Number</b>	17/06573/COFUL	<b>Date amended/ completed</b>	28 July 2017
<b>Date Application Received</b>	24 July 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

Subject to no new issues being raised prior to the expiry of the consultation period on 13 March 2018, grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, including a condition to secure highway works necessary to make the development accessible and to secure the relocation and/ or replacement of the existing street lamp in Ordnance Mews.

## 2. SUMMARY

The application was reported to the Planning Applications Sub-Committee on 5 December 2017. The Sub-Committee resolved to defer the application for the following reason:

*'To enable the applicant to amend the proposal to replace the proposed integral garages with habitable floor space and for the applicant to provide further information on how vehicle access for all types of vehicles to Ordnance Mews and existing garage and parking areas will be maintained together with additional information with respect to emergency vehicle access to the Mews.'*

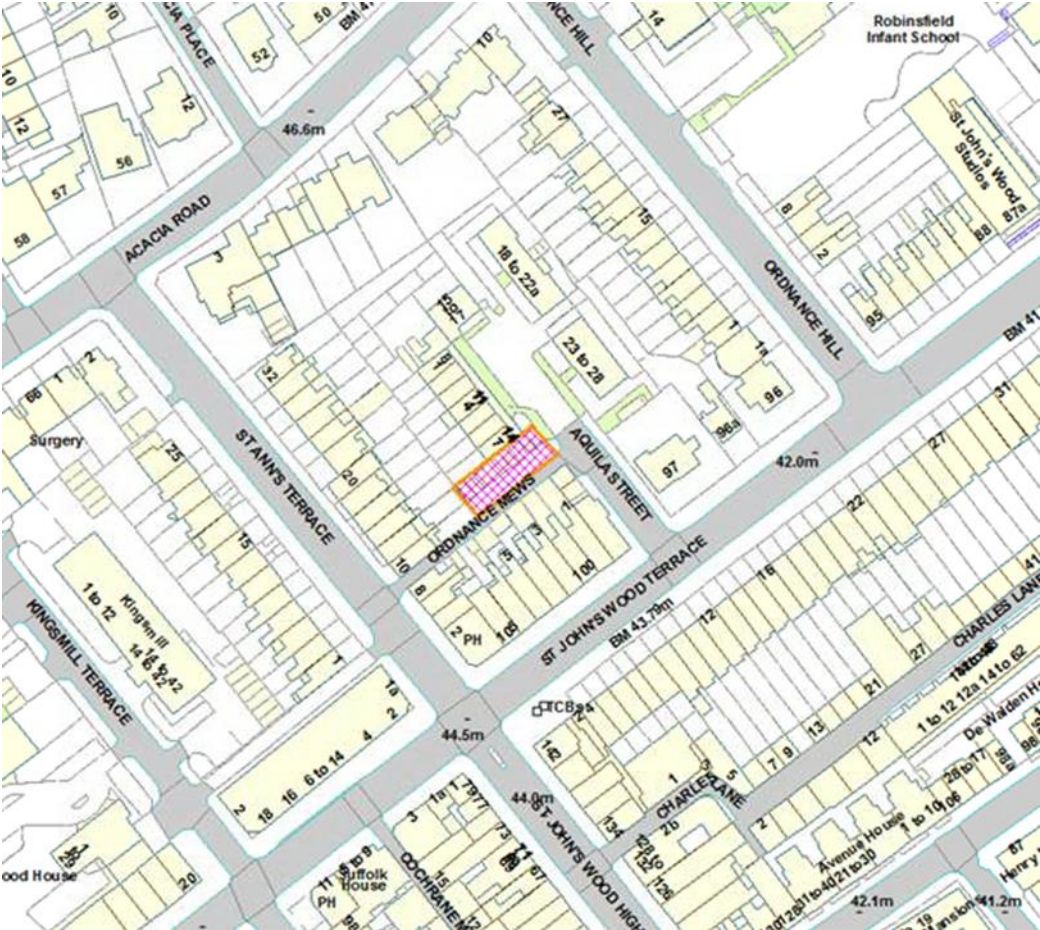
The scheme has been amended to omit the garages from the ground floor of the three dwellinghouses and replace them with additional habitable accommodation in the form of an additional bedroom. The applicant has also reconfigured the layout of the three dwellinghouses to

improve the quality of the accommodation. The two three storey houses have been increased from 2 bedroom 3 person dwellings, to three bedroom 6 person dwellings, with open plan kitchen, living and dining rooms on the third floor. The two storey house remains a three bedroom dwelling, but the number of bedspaces has been increased from 4 to 6. This aspect of the reason for deferral has therefore been addressed.

The applicant has provided further information, including tracking diagrams, to demonstrate the accessibility of the proposed parking spaces and garages opposite the application site (see full copy of submitted document in the background papers). The additional tracking diagrams demonstrate that the parking spaces and garages would remain accessible through the use of the forecourt area in front of the proposed dwellinghouses, without the need for them to be set back additionally at ground floor level. A condition is recommended to ensure the forecourt area is not used for parking, or otherwise obstructed, so that the existing off-street parking for neighbouring residents is maintained in accordance with Policy TRANS23 in the UDP. Objection has been raised on grounds that it is unclear whether neighbours with garages opposite will have a right of access over the forecourt area, but this is not a material planning consideration and is rather a private legal matter between the respective landowners.

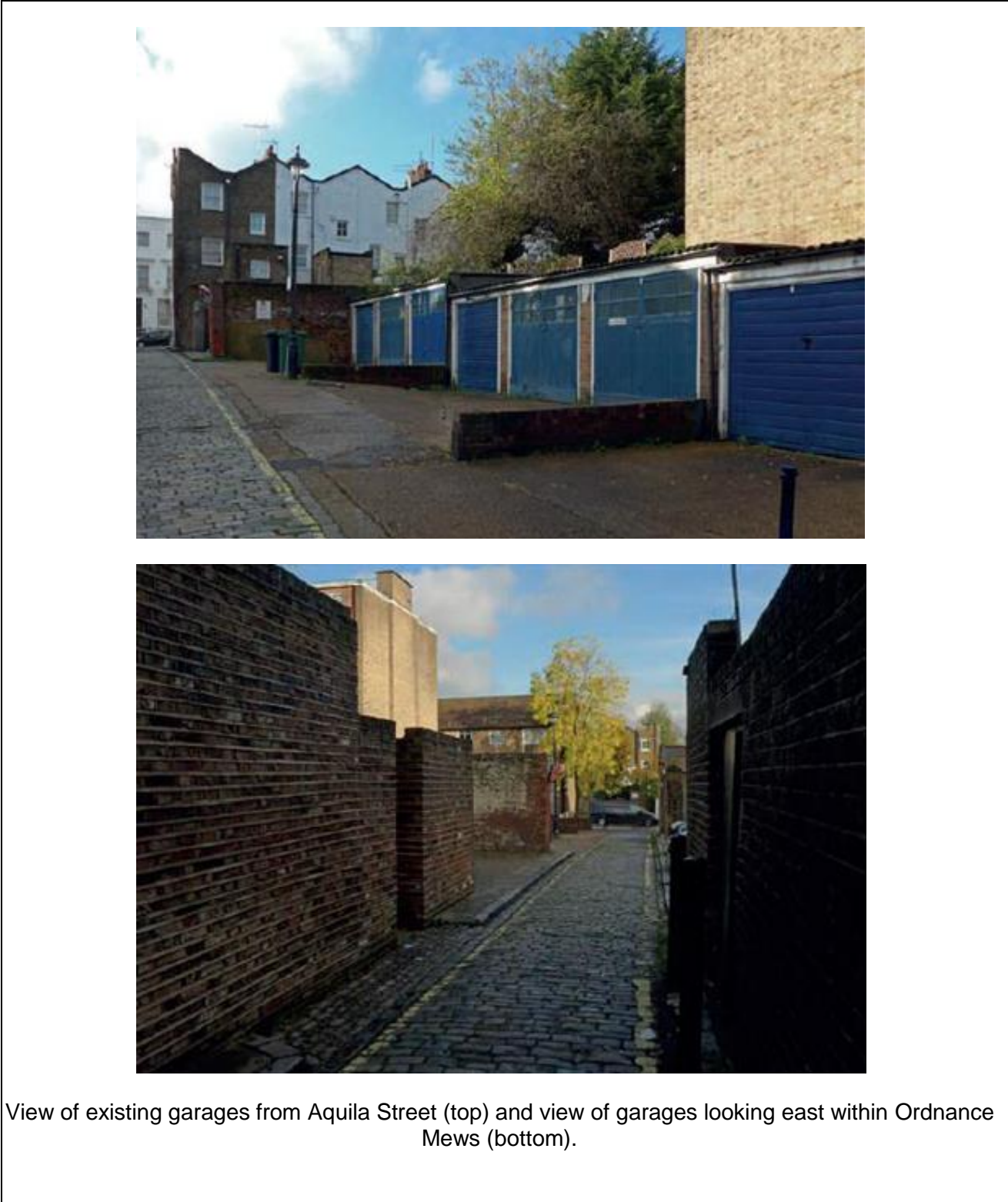
In terms of emergency access, the applicant has provided additional details of the accessibility of the site for emergency vehicles and this demonstrates that the degree of access for such vehicles, in the event of an emergency within the development or existing neighbouring properties will not be unduly obstructed in the event of an emergency relative to the existing situation. The London Fire Brigade have previously advised that they do not object to the layout of the proposed development for this site. Any responses to consultation on the revised scheme from the London Fire Brigade and Building Control will be reported verbally to the Sub-Committee.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



View of existing garages from Aquila Street (top) and view of garages looking east within Ordnance Mews (bottom).



## 5. CONSULTATIONS

### 5.1 Additional and Late Representations Reported Verbally to the Planning Applications Sub-Committee on 5 December 2017

#### COUNCILLOR HALL

Object to inclusion of garages within the development. Support provision of new affordable housing in NW8, but consider the development should be 'car free' given the proximity of public transport and the opportunities for walking and cycling. Garages would be better used to provide additional habitable accommodation.

#### ST. JOHN'S WOOD SOCIETY

Disappointed that applicant did not engage with the Society until late in the application process. Consider that simple extension of the existing building out over the garages would be a more pragmatic and cost effective solution. No objection to principle of developing the garages to provide affordable housing, but object to design proposed which would cause a loss of light, overlooking, noise from terraces and a sense of enclosure to neighbours in Ordnance Mews, St. Ann's Terrace and Aquila Street. Question the need for garages with affordable housing given proximity to public transport. Consider it better to provide more affordable housing rather than garages.

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

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

- Increased sense of enclosure to neighbouring property in Aquila Street.
- Projection into Aquila Street would adversely impact safety and security of neighbouring property.
- Noise disturbance from proposed roof terrace at first floor level.
- Aquila Street grounds should not be used as a parking area or for placing equipment during construction.
- Question what the intended use of the homes is – affordable homes or council houses.
- It is unfair that proposals for alterations to neighbouring properties have been refused whilst similar works in the application scheme are recommended for approval.
- Proposal is incongruous and would harm the character and appearance of the conservation area.
- Scheme should be more traditionally detailed with stock brickwork and white timber sash windows.
- Concern that scheme will prevent access to existing parking spaces and garages on the south side of Ordnance Mews, particularly for larger vehicles
- Question how right of access to neighbouring garages will be established.
- Increased overlooking to properties on the opposite side of Ordnance Mews.

### 5.2 Responses to Re-consultation on Revised Scheme (Omission of garages from ground floor and additional information to demonstrate access to adjacent off-street parking and emergency vehicle access.)

**ST JOHN'S WOOD SOCIETY**

Any response to be reported verbally.

**BUILDING CONTROL**

Any response to be reported verbally.

**HIGHWAYS PLANNING MANAGER**

Any response to be reported verbally.

**LONDON FIRE BRIGADE**

No objection to initially submitted scheme (as reported to the Planning Applications Sub-Committee on 5 December 2018) that has same footprint and form as revised scheme.  
Any response on revised scheme to be reported verbally.

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

No. Consulted: 50.

Total No. of replies: 0.

No. of objections: 0.

No. in support: 0.

**6. BACKGROUND PAPERS**

1. Application form.
2. Email from Building Control Officer, dated 27 February 2018
3. Email from the London Fire Brigade dated 27 November 2017.
4. Copy of 'Updated Planning Drawings' document dated February 2017.
5. Representations as reported to the Planning Applications Sub-Committee on 5 December 2017.

**Additional and Late Representations Reported Verbally to the Sub-Committee on 5 December 2017**

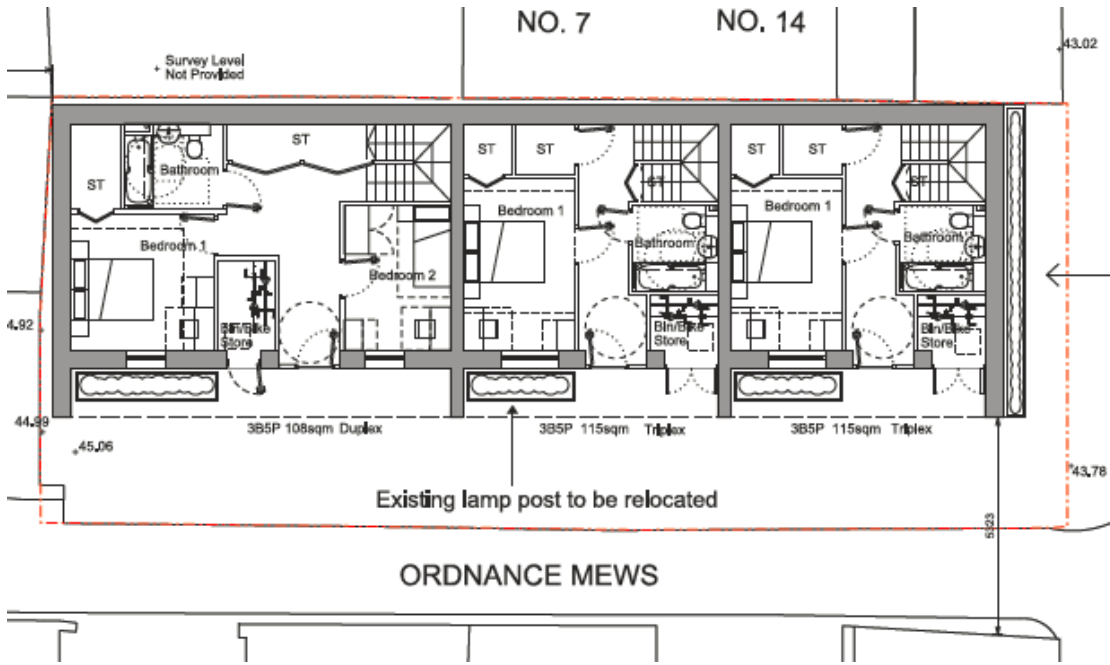
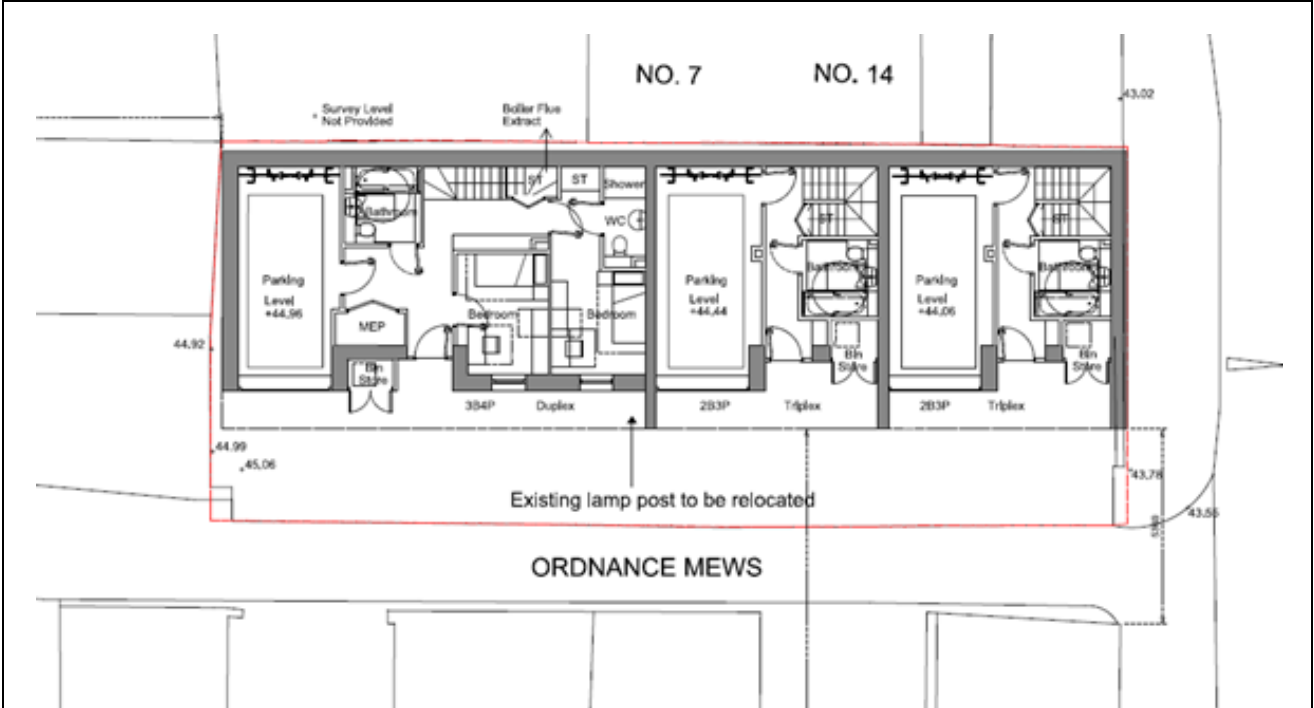
6. Email from the occupier of 9 Aquila Street dated 28 November 2017.
7. Email from Councillor Hall dated 5 December 2017.
8. Email from the St. John's Wood Society date 4 December 2017.
9. Email from the occupier of 3 Ordnance Mews dated 4 December 2017.

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

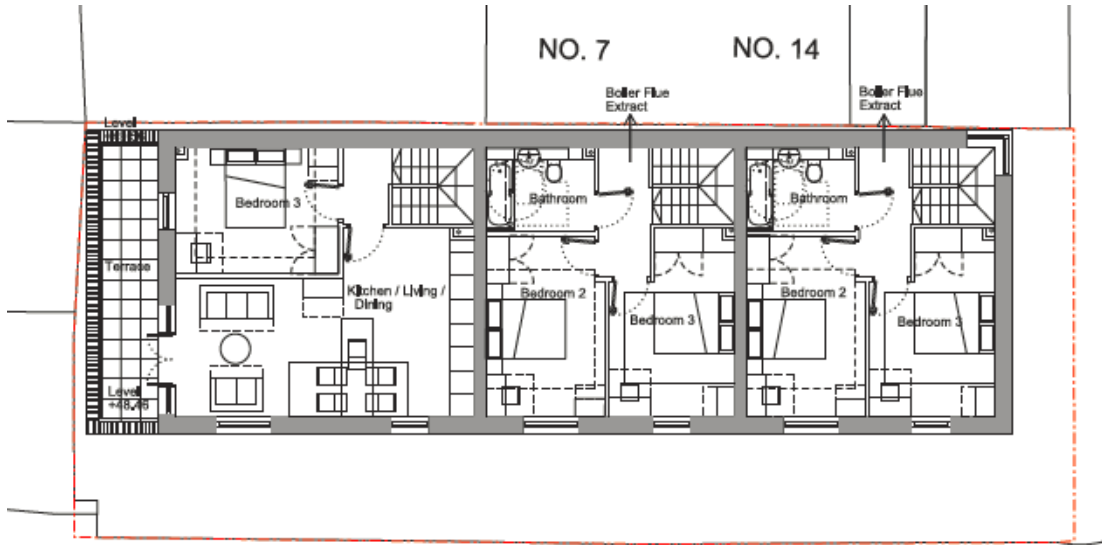
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT [nbarrett@westminster.gov.uk](mailto:nbarrett@westminster.gov.uk).

**7. KEY DRAWINGS**

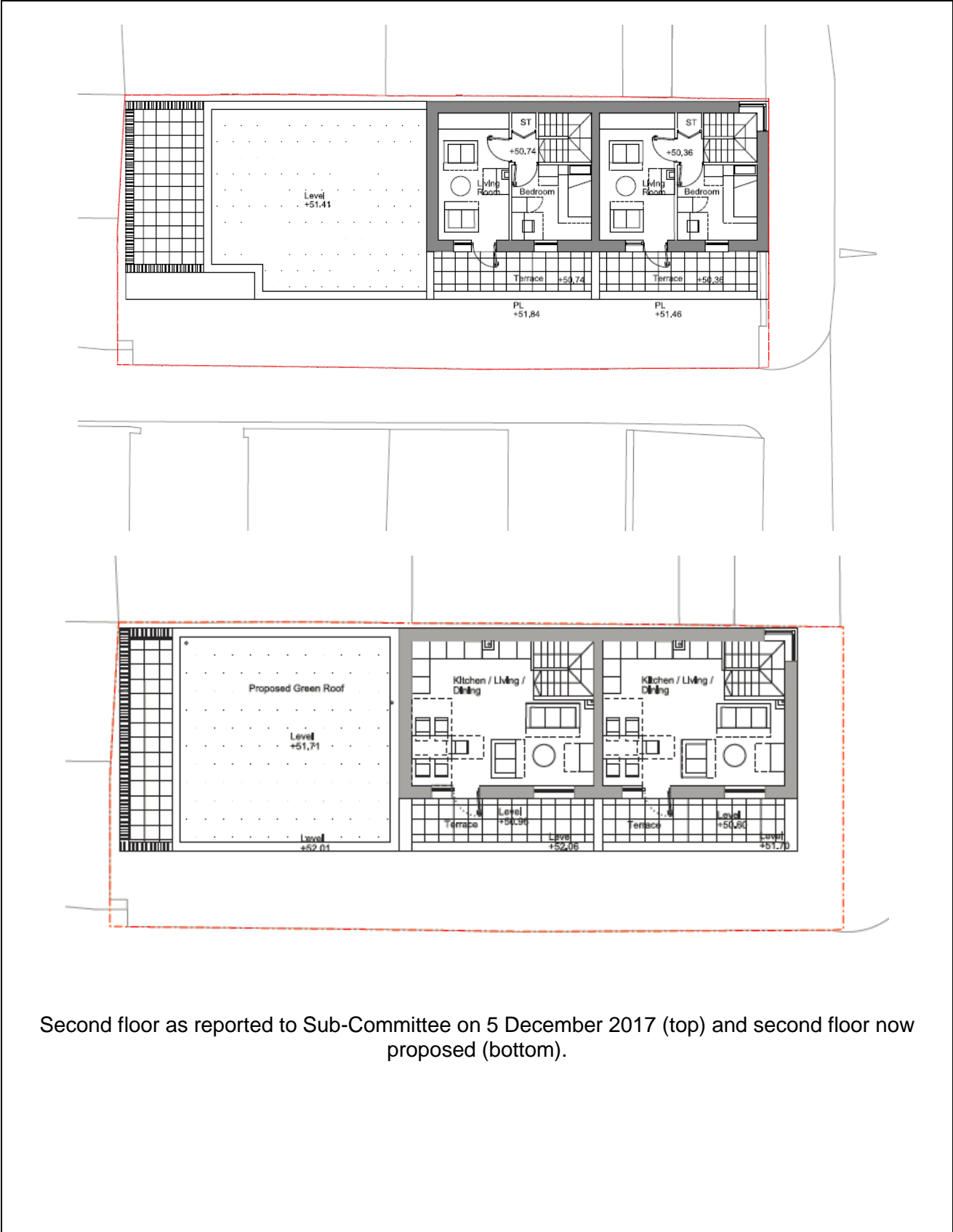




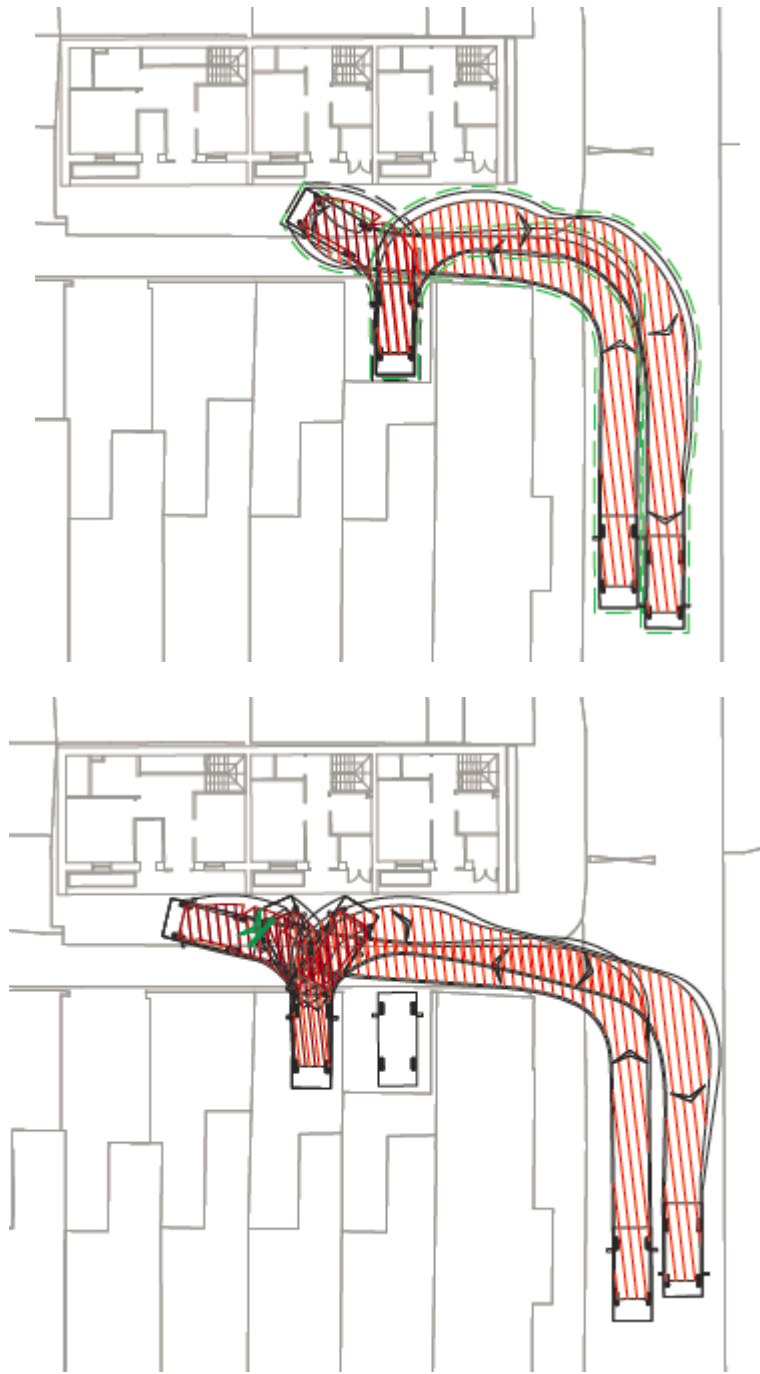
Ground floor as reported to Sub-Committee on 5 December 2017 (top) and ground floor now proposed (bottom).



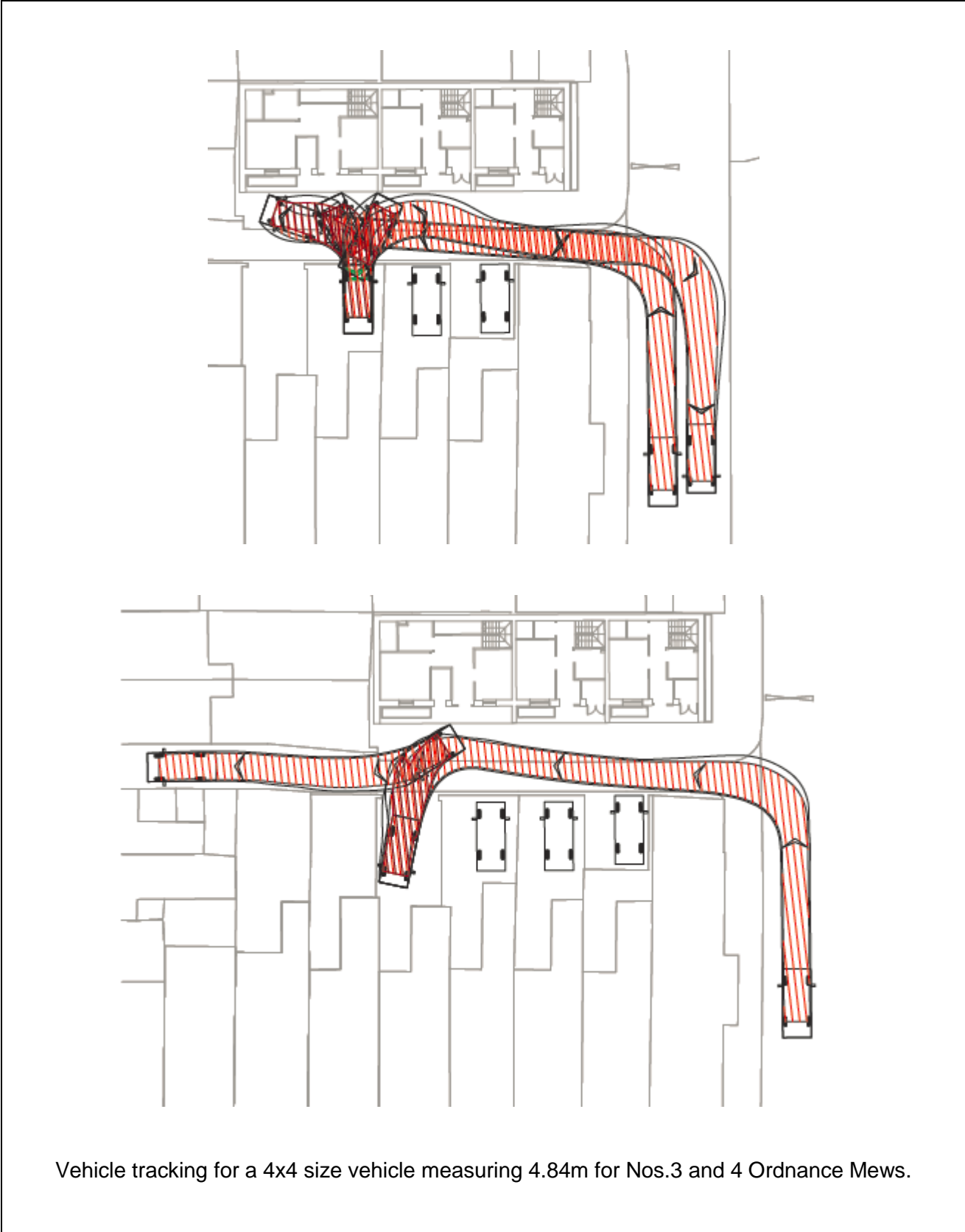
First floor as reported to Sub-Committee on 5 December 2017 (top) and first floor now proposed (bottom).



Second floor as reported to Sub-Committee on 5 December 2017 (top) and second floor now proposed (bottom).

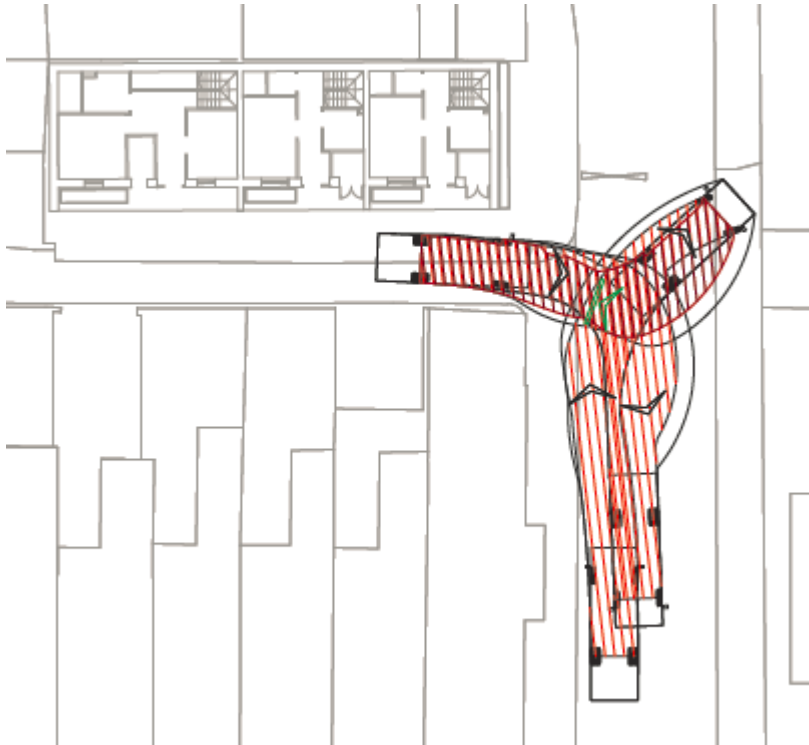


Vehicle tracking for a 4x4 size vehicle measuring 4.84m for Nos.1 and 2 Ordnance Mews.



Vehicle tracking for a 4x4 size vehicle measuring 4.84m for Nos.3 and 4 Ordnance Mews.





Vehicle tracking diagram for a 11.33m fire appliance.

Item No.
<b>1</b>

## **MINUTES OF PROCEEDINGS**

### **Planning Applications Sub-Committee (2) – 5 December 2017**

#### **1 GARAGES TO THE REAR OF ORDNANCE MEWS, LONDON, NW8 6PF**

Demolition of 9 single storey garages and erection of a replacement building comprising two to three storeys for use as 3 dwellinghouses (Class C3).

An additional representation was received from Ms Sabina Assan (November 2017).

Late representations were received from Paul Rowbotham (04.12.2017), Christine Cowdray (04.12.2017) and Abbey Road Ward Councillors Lindsey Hall, Peter Freeman and Judith Warner (05.12.2017).

#### **RESOLVED**

That the application be deferred, to enable the applicant to amend the proposal to replace the proposed integral garages with habitable floor space and for the applicant to provide further information on how vehicle access for all types of vehicles to Ordnance Mews and existing garage and parking areas will be maintained together with additional information with respect to emergency vehicle access to the Mews.

Item No.
<b>1</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 5 December 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b>	
<b>Subject of Report</b>	<b>Garages To The Rear Of, Ordnance Mews, London, NW8</b>		
<b>Proposal</b>	Demolition of 9 single storey garages and erection of a replacement building comprising two to three storeys for use as 3 dwellinghouses (Class C3).		
<b>Agent</b>	Metropolitan Workshop		
<b>On behalf of</b>	City West Homes		
<b>Registered Number</b>	17/06573/COFUL	<b>Date amended/ completed</b>	28 July 2017
<b>Date Application Received</b>	24 July 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		

## 8. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, including a condition to secure highway works necessary to make the development acceptable, including relocation and/ or replacement of the existing street lamp in Ordnance Mews.

## 9. SUMMARY

The application seeks permission for the demolition of nine garages and erection of a replacement building comprising between two and three storeys to provide 3 dwellinghouses (Class C3). The site does not contain any listed buildings, but is located within the St. John's Wood Conservation Area.

The key issues in this case are:

- The acceptability of the proposed residential units in terms of their size and mix.
- The acceptability of the design of the development and its impact on the character and appearance of the St. John's Wood Conservation Area.
- The impact on the amenity of neighbouring residents.
- The acceptability of loss of existing off-street parking.
- The impact on the availability of on-street residents' parking in the vicinity of the site.
- The impact on neighbouring trees.

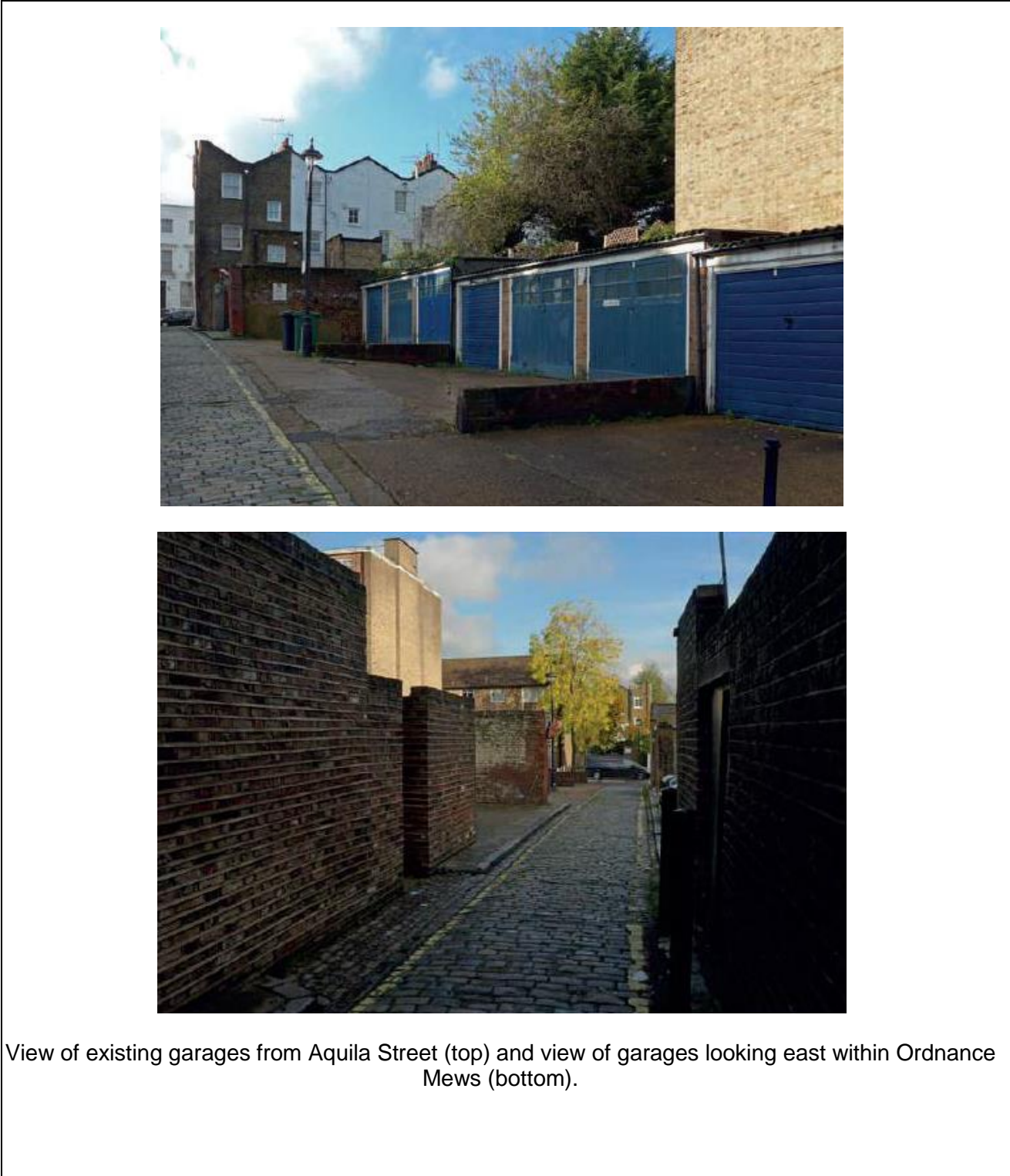
For the detailed reasons set out in this report the proposed development is considered to be acceptable in land use, design, amenity, transportation and environment terms and, given the public benefits of the scheme, would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and in Westminster's City Plan adopted in November 2016. Therefore the application is recommended for approval subject to the conditions set out in the draft decision letter appended to this report.

10. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

**11. PHOTOGRAPHS**



View of existing garages from Aquila Street (top) and view of garages looking east within Ordnance Mews (bottom).

## 12. CONSULTATIONS

### 5.1 Consultation on Initially Submitted Scheme – July 2017

#### ST. JOHN'S WOOD SOCIETY

Objection and comment on the following grounds/ issues:

- Delighted to see affordable housing provided locally but do not consider that the design of the mews houses makes best use of the site.
- The design of the mews houses is incongruous to the St. John's Wood Conservation Area.
- St. John's Wood Society was not consulted about proposals until very late in the process, contrary to comments made about community engagement in the application.
- Object to terraces at first and second floor levels due to overlooking it will cause to neighbours in St. Anne's Terrace, Aquila Street and Ordnance Mews.
- Proposed privacy screens will not prevent noise nuisance and could be removed.
- Object to the sense of enclosure created by the height and bulk of the proposed building, particularly at the Aquila Street end of the development.
- Query the inclusion of three garages in the scheme due to the difficult access and as there is excellent public transport facilities locally.
- As residents' parking is already in short supply in the area this affordable housing scheme should be 'car free' without garages in accordance with the Mayor's Transport Strategy, the Council's policy to promote cycling quiet ways and superhighways and the Council's walking strategy.

#### ARBORICULTURAL MANAGER

No objection to loss of tree in rear garden of No.7 Aquila Street, but replacement tree should be provided. Condition not necessary on soft landscaping given the limited amount proposed.

#### BUILDING CONTROL

No comment given no basement development is proposed.

#### CLEANSING MANAGER

No objection subject to a condition to secure additional details of the layout of the proposed bin stores to ensure they can accommodate waste and recycling.

#### HIGHWAYS PLANNING MANAGER

Objection to the loss of the existing garages if they are secured by condition to provide residents parking. Loss of garages would be likely to increase pressure on on-street residents parking in the vicinity. No objection to cycle storage and content that the garages within the proposed development and those existing garages/ parking spaces opposite in Ordnance Mews would be accessible; albeit it is recognised that the manoeuvre required to access the existing garages/ parking opposite would become more difficult. Conditions and informatives recommended.

#### LONDON FIRE BRIGADE

Any response to be reported verbally.

#### ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 50; No. of Responses: 5.

Five emails received raising objection on all or some of the following grounds:

#### Land Use

- Overdevelopment of the site due to density of development.
- Not an appropriate development for social rented housing. Would prefer intermediate or key worker housing.

#### Design

- Development is too high on Aquila Street side.
- Building line of development should stop at existing block in Aquila Street to prevent crime and anti-social behaviour issues.
- Development would be overbearing, out of scale and out of character with existing properties surrounding the mews.
- Development would not preserve or enhance the St. John's Wood Conservation Area.
- Development bears no resemblance to the surrounding terrace houses or the blocks in Aquila Street.
- Materials used are not consistent with neighbouring buildings.
- The surrounding Victorian buildings have valley roofs and not gable roofs as proposed.
- Roofs should be flat as per the parapets of Victorian properties and the roofs of the Aquila Street blocks.
- Supporting documents refer to the wrong conservation area.
- Soldier brick work is not consistent with the appearance of the conservation area.
- Dark grey aluminium windows are not consistent with the white timber sash windows of neighbouring properties.
- Lamp post to be moved is a heritage lamp post and contributes to the conservation area.

#### Amenity

- Loss of daylight and sunlight.
- Increased sense of enclosure.
- Overlooking from windows and terraces in development.
- Development would be closer to neighbouring windows that appears the case in submitted images
- Neighbouring properties have previously been refused permission for terraces.
- Daylight distribution figures should be provided for daylight loss.
- Noise disturbance from proposed terraces.

#### Highways/ Parking

- Loss of existing off-street parking for local residents.
- Garages should not be provided in development to discourage car use.
- Development will reduce safety for pedestrians.
- Social rented units are unlikely to require parking.
- Mews is cobbled and no elements are tarmacked as suggested in the application.
- Not clear how blockwork would be laid given slope of the mews.



- Not clear how new garages will be accessed.
- Extent of private land shown to extend further on to the cobbled street than elsewhere in mews and concerned this will make the mews too narrow for vehicles to pass along.
- Not clear where pedestrians will walk. Mews is busy during the day as used by estate agencies with parking accessed from the mews.
- Cycle parking proposed is un-useable as garages not wide enough to accommodate two cycles as shown.
- Bins for neighbouring properties will have to be left in Aquila Street rather than on the garages hardstanding.
- Adverse impact on emergency vehicle access.
- Construction works are likely to damage the cobbles in the mews.
- Lamp post should not be removed from the mews as it will leave it poorly lit.
- Concern that the development will necessitate turning on private land to access adjacent garages if existing forecourt area is removed.
- Proposed building will extend 2.5m on to the forecourt area and make manoeuvring into neighbouring garages and parking more difficult/ impossible.
- Tracking drawings should be drawn for all neighbouring off-street parking and drawn on topographic drawings and not OS maps.

#### Other Matters

- Consider drainage shown to be wrong as drain runs under Ordnance Mews.
- Pigeons nest in neighbouring trees.
- Existing garages provide useful storage for nearby residents.
- Public consultation has been limited and not as set out in the statement of community involvement.
- Ordnance Mews was not heavily bombed and was not redeveloped with social housing, only garages.
- Supporting documents fail to fully recognise that there are residential properties in Ordnance Mews that are accessible from the mews.
- State of repair of the garages is as a result of lack of maintenance and should not be a justification for redevelopment.

#### ADVERTISEMENT/ SITE NOTICE

Yes.

### 5.2 Consultation on Revised Scheme (amendments to height of parapet and detailed design of two storey dwellinghouse) – November 2017

#### ST. JOHN'S WOOD SOCIETY

Any response to be reported verbally.

#### ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 50; No. of Responses: 0.

## 13. BACKGROUND INFORMATION

### 13.1 The Application Site

This application site comprises 9 garages originally built to serve the mid 20<sup>th</sup> Century residential flats in the blocks arranged around the northern end of Aquila Street. However, whilst this appears to be the original purpose of the garages there are no planning conditions requiring their use by occupiers of the blocks in Aquila Street or specifically for the use as car parking and not for any other purpose. The applicant has submitted evidence demonstrating that only 5 garages are currently let to occupiers of the Aquila Street blocks.

The garages are not listed, but are located within the St. John's Wood Conservation Area. The nearest listed buildings are the grade II listed terrace of houses facing St. Ann's Terrace to the west of the application site.

### **13.2 Recent Relevant History**

9 October 1956 – Planning permission granted for *'The erection of one block of 14 maisonettes, one block of three flats and one block of six flats together with a block of ten lock-up garages, on a site in the Aquila Street Extension'*. One condition was imposed requiring approval of the proposed facing materials.

## **14. THE PROPOSAL**

The application, made by City West Homes, seeks permission for the demolition of the existing nine garages and the erection of a replacement building comprising between two and three storeys to provide 3 dwellinghouses (Class C3). The scheme would deliver 2x2 bedroom houses and 1x3 bedroom house. The two bedroom houses would be arranged over three storeys with garages at ground floor level and terraces at second floor level. The three bedroom house would be arranged over two storeys with a garage at ground floor level and a terrace to the western elevation at first floor level. The three storey houses would have pitched roofs, with a flat roof with a green roof to the two storey house. Replacement landscaping is proposed to the front forecourt of the site, adjacent to the cobbled road surface in Ordnance Mews.

## **15. DETAILED CONSIDERATIONS**

### **15.1 Land Use**

For the reasons set out in Section 8.4 of this report, it is not considered that the loss of the existing garages can reasonably be resisted in land use terms. In this context, the principle of providing new residential accommodation on this site is acceptable in land use terms and accords with Policies S13 and S14 in the City Plan and Policy H3 in the UDP. In terms of density, the development would have a density of 577hr/ha and this falls comfortably within the density range in Policy 3.4 of the London Plan, which is between 200 and 700 hr/ha for an urban location with a PTAL rating of between 4 and 6. As such, the objection raised on density grounds cannot be supported.

The proposed development would provide a mix of units (2x2 bed houses and 1x3 bed houses) which is consistent with the requirements of Policy H5 in the UDP and Policy S15 in the City Plan. The size and layout of the accommodation would be compliant with

the minimum standards set out in the Government's Technical Housing Standards and Policy 3.5 of the London Plan. As such, the residential accommodation proposed would be of a good standard.

The applicant has identified that the units are intended to be used to provide social rented housing. However, given only three residential units are proposed and the scheme delivers less than 1,000m<sup>2</sup> of new residential floorspace on the site, it does not trigger a requirement to provide affordable housing under Policy H4 in the UDP and Policy S16 in the City Plan. Therefore whilst the provision of the units as a form of affordable housing is welcomed, it is not necessary, nor would it be reasonable to require that the units are provided as affordable housing via a planning condition or legal agreement. In this context the objections raised regarding the type of affordable housing tenure to be provided on this site cannot be supported.

**15.2 Townscape and Design**

The site is currently functional in appearance reflecting its use as garage accommodation. The garage structures are of simple form and construction and have little, if any, architectural merit. Similarly the garages are alien in terms of their form and detailing to all of the neighbouring buildings, although they share a similar palette of materials to the neighbouring Aquila Street block. Therefore, the garages are considered to be harmful to the character and appearance of this part of the St. John's Wood Conservation Area and their demolition is not considered to be objectionable, subject to the replacement building on the site being one that preserves or enhances the character and appearance of the conservation area.

The proposed building is conceived as a contemporary mews style development with buildings of relatively limited scale such that they would be lower than the adjoining properties in Aquila Street, St. John's Wood Terrace and St. Ann's Terrace. The form and massing of the proposed buildings would be mews like with garage accommodation predominant at ground floor level, a sheer storey of accommodation at first floor level and, a recessive roof storey of additional accommodation at second floor level; albeit the form of the second storey would comprise a setback sheer storey with a pitched roof rather than a traditionally detailed mansard roof form. Given that there is not an existing mews vernacular along Ordnance Mews, it is considered that the contemporary mews approach taken to the design and massing of the proposed development is appropriate. In this context, the objections raised on bulk and massing grounds are not supported as a ground for withholding permission.

Concern has been expressed regarding the use of a pitched roof to the three storey houses, rather than a valley roof as found to surrounding Victorian terraces. However, the pitched roofs provide a varied roof line and in combination with the flat roof of the two storey house, the development would provide a blend of roof forms which reflect the relatively varied roof forms of neighbouring buildings, which include valley roofs, flat roofs and a pitched roof to one of the Aquila Street blocks.

In terms of footprint, the proposed development would extend 2.5m further forward on the site than the existing garages (reducing the forecourt area from 5.1m to 2.6m) and would extend to the full east/ west length of the site. At the western end this is coupled with a reduction in bulk which provides for a comfortable transition to the neighbouring

Item No.
<b>1</b>

garden boundary walls. To the eastern end in Aquila Street the end mews house would extend beyond the front elevation of the block containing No.1-14 Aquila Street. However, it would replicate the building line formed by the side elevation of No.98 St. John's Wood Terrace to the south and therefore there is a sound design rationale for seeking to continue this building line along the eastern side of Aquila Street. This will result in a three storey return elevation adjacent to Nos.7 and 14 Aquila Street and concerns have been raised regarding the risk of crime and anti-social behaviour in the area to the north of the eastern end of the development. However, the garages already form a similar secluded landscaped corner at ground floor level and the proposed development would not materially worsen the existing situation as it would not enclose this area at ground floor level to a materially greater extent than existing.

The detailing and palette of materials proposed has attracted objection for being un-contextual. The scheme proposes the use of yellow/ brown brick as the predominant facing material and this is appropriate given the predominant use of brick in the construction of immediate neighbouring buildings.

The palette of materials is otherwise relatively restrained with dark grey aluminium windows and timber garage and front doors. The majority of the detailing to the houses would be generated by use of the brick in less traditional forms, such as laid in multiple soldier courses. This is not considered to be objectionable as this reflects that the development is conceived as a contemporary interpretation of a traditional mews house form. It also assists in breaking down the bulk and massing of the mews houses. The fenestration proposed, whilst modern in appearance, being a grey aluminium frame, would be dimensioned to echo the sash windows in neighbouring properties to the south and west, which predominantly contain sash windows with a strong vertical emphasis.

Sample panels of the brickwork and other facing materials and details of the key elevational treatments are to be secured by condition to ensure they are appropriate.

In conclusion in design terms, for the reasons set out, the proposed development would not harm the character and appearance of the St. John's Wood Conservation Area. The proposed development would be more prominent within the conservation area, but nevertheless, it is considered to enhance its character and appearance relative to the existing mid 20<sup>th</sup> Century garages. It would also not harm the setting of adjacent listed buildings. As such, the proposed development would accord with Policies DES1, DES4, DES9 and DES10 in the UDP and Policies S25 and S28 in the City Plan.

### **15.3 Residential Amenity**

#### **8.3.1 Daylight and Sunlight**

The applicant has submitted a daylight and sunlight assessment of the proposed development, which assesses its impact on properties at Nos.4-14 St. Ann's Terrace, Nos.98-105 St. John's Wood Terrace (including properties to the rear in Ordnance Mews) and Nos.1-14 Aquila Street (the block directly to the north of the application site) and Nos.23-28 Aquila Street.

The proposed development would not result in a material loss of daylight to any neighbouring windows in neighbouring properties in St. John's Wood Terrace, Ordnance

Mews, St. Ann’s Terrace or Nos.23-38 Aquila Street, with any losses of daylight that would occur to windows in properties in these streets limited to levels below the threshold at which the Building Research Establishment (BRE) Guidelines (2011) identify that the loss of daylight would be noticeable.

The only material losses of daylight that would occur using the VSC method of assessment, which the BRE Guidelines identify as the primary method of assessing daylight loss of new development on windows serving existing neighbouring light sensitive uses, would be to five windows serving the lower maisonette in Nos.7-14 Aquila Street, which is located immediately to the rear of the application site.

As a consequence of the additional bulk proposed, the ground floor window to the rear of No.7, adjacent to the boundary with the application site would suffer a material loss of daylight (a reduction of 26% of its existing VSC value). The windows and glazed front door to the front elevation would also suffer material losses of daylight (see Table 1 below). The glazed front door and side light windows are though likely to serve a non-habitable room and furthermore, when assessed without the oversailing first floor above, which the BRE Guidelines allows, the windows would fall within the tolerances of the BRE Guidelines for daylight loss.

**Table 1 – Material Losses of Daylight to No.7 Aquila Street using Vertical Sky Component (VSC).**

Window Location	Habitable Room	Existing VSC	Proposed VSC	VSC Loss	Ratio
Rear Ground Floor Window	Yes	29.9%	22.2%	4.9	0.74
Front Ground Floor Window	Yes	10.6%	7.4%	3.2	0.7
Front Ground Floor Door/ Sidelight Window	No	3.4%	2.3%	1.1	0.68
Front Ground Floor Door/ Sidelight Window	No	0.3%	0.2%	0.1	0.67
Front Ground Floor Door/ Sidelight Window	No	1.8%	1.3%	0.5	0.72

Consequently, the material losses of daylight would be limited to two windows; namely, the ground floor front and rear windows of the ground and first floor maisonette at No.7 Aquila Street. Given that the material loss to the rear ground floor level window would only be marginally above the 20% VSC loss threshold above which the losses would become noticeable and as the window would continue to receive a good level of daylight, the impact on this window is not so significant so as to justify withholding permission.

The window to the front elevation at ground floor level is over sailed by the upper floor of the maisonette at first floor level and this design feature of the block already reduces the extent of daylight it receives. Given this, and as the windows serving the upper floors of the maisonette would not suffer a material loss of daylight, the overall impact on the maisonette would not be so significant in daylight loss terms so as to warrant withholding permission.

In terms of sunlight loss, the proposed development would not cause any material losses to the windows or gardens of neighbouring properties, save for the neighbouring

maisonette immediately to the north of the site at No.7 Aquila Street. The rear windows would suffer a material loss of sunlight. The proposed development would also increase the overshadowing of the rear garden of this property to a noticeable degree with sunlight availability reduced to less than 0.8 times its former value. Cumulatively the impact on the rear of No.7 Aquila Street and its rear garden would be significant; however, it is considered that the public benefit of the scheme in terms of delivering three additional units would outweigh the harm that would be caused in this instance.

In light of the above considerations the proposed development is considered to be acceptable in terms of its impact on daylight and sunlight and would accord with Policy ENV13 in the UDP and S29 in the City Plan.

### **8.3.2 Sense of Enclosure**

In sense of enclosure terms the occupiers of neighbouring properties on the south side of Ordnance Mews have raised concerns that the development would increase enclosure to their windows to a significant degree. However, the windows of neighbouring properties on the south side of the mews are well set back from the boundary and the proposed development would be set back 2.6m from the northern edge of the highway in Ordnance Mews, such that the cumulative distance between the properties opposite and the proposed development would not be dissimilar to many mews across the City. In this context, whilst there would be an increase in enclosure as a result of the introduction of a two to three storey building, it would not have such a significant impact on neighbouring occupiers to the south of the site so as to justify withholding permission.

The proposed development would be sufficiently distant from neighbouring properties to the east and west so as not to cause a material increase in enclosure to these neighbouring buildings.

The most significant impact would be to the adjoining residential accommodation to the north in Nos.7-14 Aquila Street, as noted by the St. John's Wood Society, who object on this basis. It is acknowledged that the maisonette at No.7 will suffer an increase in the degree of enclosure to its front and rear windows and its rear garden. However in the case of the windows, these are set at 90 degrees to the proposed development and they would therefore retain an otherwise unobstructed outlook. The rear garden would be enclosed by a two, rather than a single storey wall to its southern side. As identified in the preceding section of this report, this will undoubtedly diminish the quality of the amenity space the garden provides; however, the public benefits of the proposed development would outweigh the harm caused to this one existing residential unit. On this basis the proposal is considered to be capable of being supported, despite the material increase in enclosure that would occur, which would ordinarily be contrary to Policy ENV13 in the UDP and S29 in the City Plan.

### **8.3.3 Overlooking**

No windows are proposed in the rear elevation of the development, save for two windows in the north eastern corner, and these are sufficiently distant from the block at Nos.1-14 Aquila Street so as not to cause any significant overlooking.

There are no windows in the side elevations of the development and therefore no significant overlooking would occur to neighbouring properties to either side, provided the degree of enclosure around the terrace at the western end of the development, which is immediately adjacent to neighbouring boundary walls, is improved. Currently only a 1.3m high enclosure is proposed around the terrace and this is insufficient to prevent overlooking to neighbouring windows and gardens. A raised enclosure of not less than 1.7m is to be secured by condition to overcome this concern.

Objection has been raised by neighbours in Ordnance Mews that the proposed development will cause significant overlooking to their properties on the south side of the mews. The closest distance between the front elevation of the proposed development and windows in properties on the south side of the mews will be at least 10m. At this distance, although the windows in the proposed development will be appreciable, they would be sufficiently distant so as not to result in a significant increase in overlooking. The majority of windows facing the application site on the south side of the mews are further back from the front elevation of the proposed development, with the windows in the main rear elevation of the terrace along St. John's Wood Road approximately 18m from the proposed development.

The scheme includes three roof terraces, but all would be small in size and as such they would not be likely to give rise to significant overlooking to neighbouring properties on the south side of the mews given the aforementioned distances to neighbouring windows, nor would their use cause significant noise disturbance to neighbouring occupiers.

#### **8.3.4 Other Amenity Issues**

Conditions are recommended to control the amenity impact of the development. The recommended conditions comprise a condition to prevent the future addition of new windows or extensions which may increase enclosure or overlooking to neighbours and to prevent the use of the roofs of the houses as roof terraces, except where terraces are proposed as part of the proposed development.

In conclusion in amenity terms, given the benefits of the scheme, the amenity impacts of the development are acceptable, subject to the recommended conditions.

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

The Highways Planning Manager objects to the loss of the existing garages on the basis that their loss is likely to increase the pressure on on-street residents' parking in the vicinity of the site; however, he notes that this objection is on the basis that the existing garages are protected by condition. In this case the garages are not restricted by condition to use by occupiers of adjoining residential properties and they are already used for a number of different purposes and by persons residing or working a range of distances from the application site (see Table 2 below). In addition it is evident from the representations received that at least one of the garages is used solely as storage. In this context, and having regard to the public benefit of providing additional housing on this site, it is not considered that the loss of the garages would have such a demonstrable impact on on-street parking pressure in the immediate vicinity of the site

so as to warrant withholding permission pursuant to Policies STRA25 and TRANS23 in the UDP.

**Table 2 – Location of Existing Garage Leasees and Letting Status of Garages.**

ID	Occupier Address	Status
1	Aquila Street	Let
2	Aquila Street	Let
3	Ordnance Mews	Let
4	Aquila Street	Let
5	Scott Ellis Gardens	Let
6	Aquila Street	Let
7	Scott Ellis Gardens	Let
8	Cotman House	Let
9	Alma Square	Let

The proposed development would reduce the depth of the forecourt area in front of the new mews houses from 5.1m to 2.6m (measured outside No.3 Ordnance Mews). The applicant has provided vehicle tracking demonstrating that typical sized vehicles will be capable of accessing existing garages and parking areas opposite the site on the south side of the mews using the reduced private forecourt area. The Highways Planning Manager does not object to this aspect of the application, but does note that the manoeuvres required to access the adjacent garages and parking areas would become more difficult. However, this in itself is not a reasonable ground on which to withhold permission; rather a condition is recommended preventing the use of the forecourt area for parking or for any other purpose that would obstruct the forecourt area at any time. Subject to this recommended condition, the proposed development would maintain adequate access to the neighbouring off street residents parking and as such, the proposed development would accord with Policy TRANS23 in the UDP in this regard.

The provision of one car parking space for each of the three houses is considered acceptable and in accordance with Policy TRANS23 in the UDP and therefore objection raised on grounds by the St. John’s Wood Society that less parking should be provided cannot be supported. The Highways Planning Manager is content that the garages would be accessible from Ordnance Mews. The parking spaces are to be secured by condition to provide parking for residents of the development.

The scheme includes cycle parking within the rear of the garages, which would be secure and weather proof. One objection notes that two bicycles would not fit next to each other at the end of the garages; however, they could be overlapped in this location or alternatively one cycle could be wall hung above the other. As such, the location for cycle parking is acceptable and in accordance with Policy 6.9 in the London Plan and the objection raised cannot be supported. A condition is recommended to secure the cycle parking.



Item No.
<b>1</b>

The Cleansing Manager does not object to the general strategy of waste storage, with waste stores provided to the front of each house, but asks that the arrangement of the waste and recycling bins within the stores is clarified to ensure compliance with Policy ENV12 in the UDP. It is recommended that these additional details are secured by condition.

Objection has been raised with regard to the impact of the development on the safety and accessibility of Ordnance Mews. In terms of pedestrian safety, pedestrians will continue to be able to walk along the forecourt area, as is currently the case and this will not materially worsen pedestrian safety relative to the existing situation. Similarly the proposed development would not narrow the existing vehicular carriageway and therefore the proposed development would not materially worsen the accessibility of Ordnance Mews for vehicles, including emergency vehicles. Furthermore, the recommended condition preventing obstruction of the forecourt area on the application site will ensure the width of the mews will not be narrowed in future by items such as bollards.

Concerns have been raised that the development may harm the cobbled surface of the mews. However, there is no intention to alter or replace the cobbles and the cost of repairs for any damage caused by construction vehicles will be reclaimed from the developer by the Local Highway Authority.

One objector has concerns about how the fall in the level of the site from west to east will be incorporated into the development. The fall in levels is not though so great so as to preclude the provision of the proposed garages and as such, the precise levels across the forecourt area are to be reserved by condition (as part of the recommended hard and soft landscaping scheme condition).

The proposed development will necessitate occupiers of properties with entrances on the south side of Ordnance Mews to relocate where they leave their bins for collection as they currently place them on the forecourt of the existing garages. However, the existing arrangement relies on the bins being placed on private land outside the ownership of the occupiers of the affected properties and in this context, permission could not reasonable be withheld on the basis that the bins of these properties will need to be left in a less convenient location in Aquila Street.

Concerns have been expressed about the removal/ relocation of the existing heritage lamp post within the mews. Its removal cannot be resisted in design terms given it is not in itself a historic item of street furniture; rather it is a modern lamp in a traditional style. The impact on the lighting level within Ordnance Mews is though of concern given the applicant intends to relocate the existing lamp further to the west. It is unclear at this stage whether the relocation of this street lamp to the location proposed would be acceptable to the local highway authority and therefore a condition is recommended to reserve details of appropriate arrangements to deliver the relocation of the street lamp and/ or the provision of replacement street lighting within the mews. It is recommended that this condition also delivers any necessary highway works to the edge of the existing highway that are necessary to facilitate access to the forecourt of the proposed development.

## **8.5 Economic Considerations**

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

## **8.6 Access**

The forecourt of the proposed development would be level with the existing level of Ordnance Mews and the paving to the forecourt is to be agreed as part of the recommended hard and soft landscaping condition to ensure it is appropriate for persons with disabilities affecting their movement. Due to the limited size of the site, two of the houses, whilst provided with level access, would not have habitable accommodation at ground floor level. The two storey house to the western end of the site would though have two bedrooms and bathrooms at ground floor level that would provide accessible habitable accommodation at ground floor level. Given the constraints of the site this level of accessibility is considered to be acceptable.

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

### **8.7.1 Tree Impact**

It is intended to remove a Plum Cherry tree in the rear garden of No.7 Aquila Street owing to its proximity to the boundary of the site and the Arboricultural Manager does not object to this given its poor condition. The Arboricultural Manager would like to see a replacement tree provided. However, given the limited size and contribution to visual amenity within the conservation area of the existing tree, it is not considered that this is necessary in this instance. The loss of the Plum Cherry tree is therefore not considered to be objectionable and would be compliant with Policy ENV16 and DES9 in the UDP and Policy S38 in the City Plan. However, as the tree is outside of the red line boundary of the application site, a separate tree works application will need to be submitted to secure its removal. An informative advising the applicant of this is recommended.

### **8.7.2 Biodiversity**

The applicant has assessed the impact of the development on wildlife and this includes assessment of the likelihood of bats roosting in the existing garage structures. The assessment concludes that given their condition, the garages are unlikely to provide for bat roosting and therefore their demolition is unlikely to disturb this protected species. An informative is recommended to advise the applicant of the measures to be taken in the unlikely event that roosting bats are discovered.

The submitted Ecological Appraisal and Surface Water Drainage Strategy suggest that a green roof will be provided over the roof of the two storey house at the western end of the site. This is not indicated on the drawings, but the applicant has verbally advised that a green roof is proposed in this location. The provision of a green roof is considered to be necessary on three grounds. Firstly the scheme does not include any substantive soft landscaping and a green roof would mitigate this lack of landscaping; secondly the roof of this lower house will be significantly overlooked and the provision of a green roof would substantially enhance the visual appearance of this large flat roof; and thirdly the green roof is necessary to provide attenuation of water run off as set out in the applicant's drainage strategy. A condition is therefore recommended requiring the

submission of revised drawings showing a green roof on the second floor level flat roof and requiring its provision prior to occupation and its retention thereafter.

### **8.7.3 Sustainability**

As identified in the application documents, the site is in an area of low flood risk and is therefore an appropriate and sustainable location for residential development.

The energy strategy for the development targets compliance with 2013 Building Regulations, primarily through the energy efficiency of the building fabric. Given that this is a non-major development of limited scale this is acceptable and in accordance with Policy S28 in the City Plan. The introduction of photovoltaic panels at roof level has been considered to provide on-site renewable energy but has been discounted in this instance due to the conservation area setting of the development, which includes listed buildings immediately to the west of the site.

### **8.8 London Plan**

The application does not raise any strategic issues.

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

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

### **8.10 Planning Obligations**

With the exception of the appropriate arrangement to secure relocation and/ or replace the existing street lamp in Ordnance Mews and associated highway works necessary to form access to the development, which are to be obtained via a Grampian condition (see Section 8.4), no other planning obligations are relevant in the determination of this application.

The proposed development would be CIL liable; however, if built as social rented affordable housing it is likely to be eligible for CIL relief.

### **8.11 Environmental Impact Assessment**

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

### **8.12 Other Issues**

Concerns have been expressed that pigeons nest in neighbouring trees; however, pigeons are not a protected species and as such, the impact of the development on them is not a ground on which permission could reasonably be withheld.

One objector identifies that the existing garages provide useful storage for nearby residents. However, this is not the intended purpose of the garages and there are

alternative storage providers in the St. John's Wood area that provide storage facilities for residents.

Concerns have been raised by more than one objector and the St. John's Wood Society in relation to the level and timing of public consultation that was undertaken by the applicant prior to the submission of the application. The objectors consider that this consultation was not as extensive as is suggested by the applicant's Statement of Community Involvement. Whilst this is regrettable, it is not a ground on which to withhold planning permission. The City Council as Local Planning Authority has consulted widely during the course of the planning application and the consultation exercise undertaken accords with the City Council's 'Statement of Community Involvement for Planning'. The concerns expressed with regard to the applicant's pre-application consultation have been raised with the applicants so they can address these concerns should they consider bringing forward similar proposals elsewhere on their estate.

Objection has been raised on the basis that some of the supporting documents fail to fully recognise that there are residential properties in Ordnance Mews that are accessible from the mews. As set out earlier in this report, officers are fully aware of the location of residential properties on the south side of Ordnance Mews and the impact on these neighbouring properties has been fully considered in the assessment of the application.

Concern has been expressed that the drainage strategy submitted does not identify the existing drain that the objector states runs below Ordnance Mews, as the strategy suggests the development will be directly linked to the drain running below Aquila Street. However, this is not a ground to withhold permission; rather the detailed design of the drains from the development is a building control matter. The possible presence of a drain below Ordnance Mews has been reported to the applicant to assist them with the future detailed design of the drainage from the development.

One objector notes that the current state of repair of the garages is as a result of lack of maintenance by the applicant and should not be a justification for redevelopment. Officers concur that the state of repair should not be a material consideration in the determination of the application and the assessment of the proposed development in this report does not attribute any significant weight to the current condition of the existing garages.

## **9 BACKGROUND PAPERS**

1. Application form.
2. Email from St. John's Wood Society, dated 14 August 2017.
3. Memo from the Cleansing Manager dated 14 August 2017.
4. Memo from the Highways Planning Manager dated 18 August 2017.
5. Email from Building Control dated 22 August 2017.
6. Memo from the Arboricultural Manager dated 23 November 2017.
7. Email from the occupier of 2 Ordnance Mews dated 15 August 2017.
8. Email and attachment from occupiers of 3 Ordnance Mews dated 23 August 2017.
9. Email from the occupier of 10 Cotman House, Charlbert Street dated 31 August 2017

Item No.
<b>1</b>

10. Email from the occupier of 10 Aquila Street dated 15 September 2017.

**DRAFT DECISION LETTER**

**Address:** Garages To The Rear Of, Ordnance Mews, London,

**Proposal:** Demolition of 9 single storey garages and erection of a replacement building comprising two to three storeys for use as 3 dwellinghouses (Class C3).

**Plan Nos:** 1638-1/A/106/004 (site location plan), 1638-1/A/101/001 (dated 13.02.18), 1638-1/A/101/002 (dated 13.02.18), 1638-1/A/101/003 (dated 13.02.18), 1638-1/A/101/004 (dated 13.02.18), 1638-1/A/102/000 (dated 13.02.18), 1638-1/A/102/001 (dated 13.02.18), 1638-1/A/103/000 Rev.01, 1638-1/A/106/001, 1638-1/A/106/002, Design and Access Statement dated July 2017 (as amended Updated Planning Drawings document dated 13.02.18 and February 2018), Daylight and Sunlight Study dated 20 April 2017, Heritage Statement dated July 2017, Ecological Appraisal dated June 2017, Air Quality Assessment dated April 2017, Statement of Community Involvement dated July 2017, Ground Investigation Report dated May 2017, Surface Water Drainage Strategy dated July 2017, Structural Notes to Accompany Planning Submission dated July 2017, Transport Statement dated 24 July 2017 (Version 4), Acoustic Planning Report dated March 2017, Energy Statement dated 14 June 2017 (Issue 01) and LD-SKE-003 Rev.A (for information only).

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

**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:

Item No.
<b>1</b>

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

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

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

Reason:

To 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 You must apply to us for approval of detailed drawings of the following parts of the development:

- (a) All windows in context with the window surrounds and window reveals.
- (b) All external doors.
- (b) Hit and miss brickwork to roof terraces/ balconies.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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 not put structures such as canopies, fences, loggias, trellises or satellite or radio

antennae on the roof terraces. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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 Except where the drawings here by approved are cross hatched and annotated 'Terrace', you must not use the roofs of the building for sitting out or for any other purpose. You can however use the roofs to escape in an emergency. (C21AA)

Reason:

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

- 8 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building or erect any extensions without our permission. This is despite the provisions of Classes A, B, C and D of Schedule 2, Part 1 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

Reason:

To protect the privacy and environment of people in neighbouring properties and protect the appearance of the development and the character and appearance of the St. John's Wood Conservation Area. This is as set out in S25, S28 and S29 of Westminster's City Plan (November 2016) and DES1, DES5, DES6, DES9 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 9 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Provision of a living green roof at second floor level on the flat roof at the western end of the development.

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 and the living green roof must be installed prior to the occupation of the development. Thereafter the green roof must be permanently retained in the approved location. (C26UB)

Reason:

To 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. (R43FB)



Item No.
<b>1</b>

- 10 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

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

Reason:

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

- 12 Notwithstanding the bin stores shown on the drawings hereby approved, you must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately (bins for waste and recycling should be indicated with the letters 'w' and 'r' respectively). You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone occupying the dwellinghouses. (C14EC)

Reason:

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

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

Reason:

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

- 14 The ground floor forecourt area to the southern side of the site between the dwellinghouses and Ordnance Mews must not be used to park vehicles and must not be obstructed in any other way at any time.

Reason:

To ensure that the existing off-street residents parking on the south side of Ordnance Mews remains accessible in accordance with Policies STRA25 and TRANS23 in the Unitary Development Plan we adopted in January 2007.

Item No.
<b>1</b>

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

- Highway works necessary to facilitate access to the development, including relocation and/ or replacement of the existing street lamp column.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 and S41 of Westminster's City Plan (November 2016) and in TRANS2 and TRANS3 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 16 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Provision of a privacy screen/ means of enclosure to the side (western) and rear (northern) sides of the roof terrace at first floor level that is not less than 1.7 metres in height above the finished floor level of the terrace.

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 and you must not use the terrace until the means of enclosure we approve has been installed. Thereafter the means of enclosure must be permanently retained in accordance with the approved drawings. (C26UB)

Reason:

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

- 17 Notwithstanding the landscaping shown in the application drawings and documents, 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 one 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 of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. 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. (R30CD)

**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 site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 3 This permission does not permit the removal of the tree indicated on drawing LD-SKE-003 Rev.A as it is located outside the application site. You will need to make a separate tree works application should you wish to remove the tree.
- 4 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 6 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

Item No.
<b>1</b>

- 7 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 8 When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81DA)
- 9 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](http://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](mailto: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.**

- 10 Under condition 15 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure the relocation of the street lamp and/ or its replacement in Ordnance Mews and provision of necessary highway works to facilitate access to the development. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 11 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are

Item No.
<b>1</b>

aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)

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.

This page is intentionally left blank

# Agenda Item 2

Item No.
2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 13 March 2018	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Franklin House , 151 Strand, London, WC2R 1HL</b>		
<b>Proposal</b>	Demolition of existing building and redevelopment to provide a building of basement, lower ground, ground and part five/part six upper floors with roof terrace and mechanical plant at roof level; for use as an apart-hotel (Class C1) with private members bar (sui generis) at lower ground floor level.		
<b>Agent</b>	Ms Marie Dos		
<b>On behalf of</b>	J & S Franklin Limited		
<b>Registered Number</b>	16/12166/FULL	<b>Date amended/ completed</b>	5 January 2017
<b>Date Application Received</b>	21 December 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Strand		

## 1. RECOMMENDATION

<ol style="list-style-type: none"> <li>1. Does the Sub-Committee agree that the re-designed front facade adequately responds to their previous concerns.</li> <li>2. Subject to 1 above, grant conditional planning permission.</li> </ol>
--

## 2. SUMMARY

<p>The application was reported to the Planning Applications Sub-Committee on 16 January 2018, where members resolved to defer the application to allow the applicant to re-design the proposed front façade of the building to be more appropriate for its setting.</p> <p>The applicant has responded and now proposes: a lighter, more traditional colour, type and bond of brickwork; a more subtle shop front with the introduction of a stall riser, metal frame and the use of faience to provide a more solid structural appearance and grounding; and a slimmer but more refined parapet cornice to the building incorporating more horizontal detail and a coping stone.</p>
--

Whilst not an outright traditional design, the proposal is a careful contemporary interpretation of the established pattern of development on this side of Strand. In particular, it obeys classical proportions and presents a smartly detailed but nevertheless subtle façade which would add to the variety of facades seen locally. It would not compete unduly with the pre-eminence of Somerset House (Grade I listed) next door.

The revised design is considered to adequately respond to the committee's concerns; the design now proposed would outweigh the loss of the existing façade without unduly competing with the adjacent Somerset House. Accordingly, the application is reported back to you for your determination.





4. PHOTOGRAPHS



Item No.
<b>2</b>

**5. CONSULTATIONS**

No further representations received

**6. BACKGROUND PAPERS**

1. Application form.
- 2.

(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: VINCENT NALLY BY EMAIL AT <a href="mailto:vnally@westminster.gov.uk">vnally@westminster.gov.uk</a>
---

## 7. KEY DRAWINGS

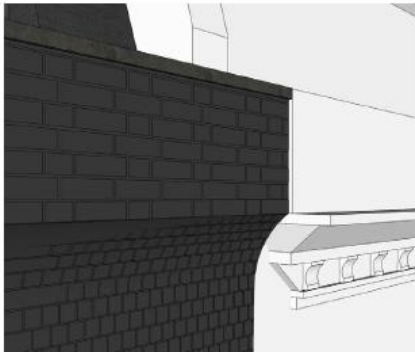




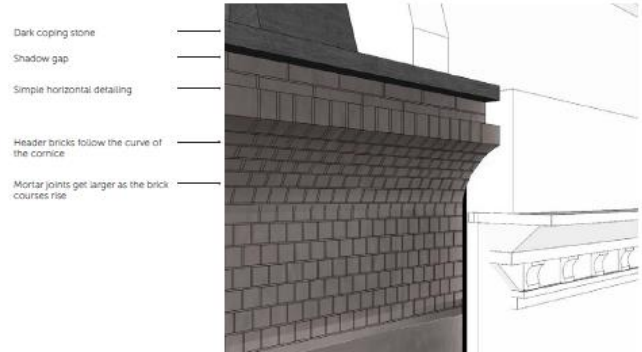
Previously proposed shop front



Revised proposal



Previously proposed cornice



Revised cornice detail

**DRAFT DECISION LETTER**

**Address:** Franklin House , 151 Strand, London, WC2R 1HL

**Proposal:** Demolition of existing building and redevelopment to provide a building of basement, lower ground, ground and part five/part six upper floors with roof terrace and mechanical plant at roof level; for use as an apart-hotel (Class C1) with private members bar (sui generis) at lower ground floor level.

**Reference:** 16/12166/FULL

**Plan Nos:** 796\_001/P2, 101/P2, 102/P2, 103/P2, 104/P2, 105/P2, 106/P2, 107/P2, 150/P2, 151/P2, 160/P2, 161/P2, 162/P2, 163/P2, 200/P4, 201/P4, 202/P6, 203/P5, 204/P5, 205/P5, 206/P5, 207/P5, 208/P5, 209/P4, 220/P5, 221/P5, 222/P3, 230/P4, 231/P4, 232/P3, 234/P2, 235/P2, 240/P2; Planning Statement dated December 2016; Design response revised proposal dated 16 February 2018; Heritage Statement dated December 2016; Archaeological Desktop Assessment dated June 2016; Archaeological Watching Brief dated October 2016; Daylight and Sunlight Assessment dated 2 November 2016; Noise Impact Assessment dated 13 July 2017; Noise Assessment dated 30 June 2017; Energy and Sustainability Statement dated 30 November 2016; Transport Statement dated December 2016; Operational Management Strategy dated April 2017; Recycling and waste storage dated 22 March 2017; Structural survey/Structural Methodology Statement (for information only); and Construction Management Plan (for information only).

**Case Officer:** Julia Asghar

**Direct Tel. No.** 020 7641 2518

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

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

Reason:

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

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



Item No.
<b>2</b>

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 Notwithstanding the materials specified by the application, you must apply to us for approval of a detailed written and photographic schedule 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 make arrangements for samples of these to be viewed on-site by us. 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 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 You must apply to us for approval of further information (as set out below) of the following parts of the development: , a) New windows, dormers, rooflights and doors (drawn elevations, plans and sections at 1:5);, b) New shopfront including associated metalwork (drawn elevations, plans and sections at 1:10);, c) Overall profiles through front and rear facades (drawn elevations, plans and sections at 1:20)., d) Junction details with Somerset House (drawn elevations, plans and sections at 1:10)., , 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 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)

- 5 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 facing the street unless they are shown on drawings we have approved. (C26MA)

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)

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

Reason:

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

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

Reason:

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

- 8 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no painting of the front facade permitted by Class C of Part 2 of Schedule 2 of the Order shall be carried out on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.

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)

- 9 The glass that you put in the windows in the western elevation of the building on the boundary with 150 Strand must not be clear glass, and you must fix them permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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



- 10 You must not allow more than 55 customers into the bar area at any one time. The bar area is the part of the property shown on drawing number 201/P4. (C05IA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 11 You must carry out the measures included in your management plan dated April 2017 at all times that the bar is in use. (C05KA)

Reason:

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

- 12 Customers shall not be permitted within the bar premises before 07:00 or after 00:00 (midnight) on Sunday to Wednesday and before 08:00 or after 02:00 the following day Thursday to Saturday. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 13 (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:**

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

- 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 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 14 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

**Reason:**

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

- 16 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum

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

Reason:

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

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

Reason:

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

- 18 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

Item No.
<b>2</b>

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)

- 19 You must not cook raw or fresh food within the private members bar at lower ground floor level. (C05DA)

Reason:

The plans do not include any kitchen extractor equipment. For this reason, we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 20 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no painting of the front façade, as otherwise permitted by Class C of Part 2 of Schedule 2 of the Order, shall be carried out on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose

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)

**Informative(s):**

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

- 2 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 4 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 6 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 7 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 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)
- 9 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

Item No.
<b>2</b>

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)

- 10 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk).
  
- 11 For the avoidance of doubt the Construction Management Plan required under condition 19 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.
  
- 12 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
  
- 13 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
  
- 14 With reference to condition 19 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). These documents must be sent to [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk). , , Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. , , You are urged to give this your early attention

Item No.
<b>2</b>

- 15 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact: , John Firrell MHCIMA, Secretary - Considerate Hoteliers Association, C/o Wheelwright's Cottage, Litton Cheney, Dorset DT2 9AR , , E-mail: info@consideratehoteliers.com, Phone: 01308 482313, , (I76AA)
  
- 16 The windows in the western elevation to the rear, on the boundary with 150 Strand, are considered to be 'bad neighbour windows'. Should the neighbouring property seek to carry out a similar development in the future these windows cannot be protected.

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.

# MINUTES

Amendments to the officer's report and the draft decision notice were circulated prior to the meeting.

Additional representations were received from Westminster City Council's Tree Section (09/01/18), three local residents of 2 Woodfield Road (04/01/18), 5 Woodfield Road and Flat 1, 1 Woodfield Road (08/01/18) and an interested party of 37a Chippenham Mews (05/01/18).

Late representations were received from Nexus Planning (15/01/18), YPP (12/01/18) and one local resident 1c Chippenham Mews (16/01/18).

Councillors Adam Hug and David Boothroyd both addressed the Sub-Committee in their capacity as Ward Members in support of the application.

## **RESOLVED:**

That the application be refused on the following grounds:

1. The student accommodation did not meet an identified local housing need and would occupy scarce land that could accommodate market and/or affordable housing;
2. Due to the detailed design of the mansard roof and rear extension, the proposed development would harm the appearance of the building and that part of the City;
3. The rear and roof extensions would make the residents living at 313-319 Harrow Road feel too shut in. This was because of the development's proposed bulk and height and its close proximity to the windows of that property;
4. The third floor terrace would lead to unacceptable noise levels for people in neighbouring properties;
5. The applicant had not provided any information to demonstrate that the proposed student accommodation would not be subject to excessive noise from the public house and/or from mechanical plant on-site; and
6. Insufficient information had been submitted to demonstrate that a protected tree would be adequately safeguarded during excavation of the front lightwell.

## **3 FRANKLIN HOUSE, 151 STRAND, LONDON, WC2R 1HL**

Demolition of existing building and redevelopment to provide a building of basement, lower ground, ground and part five/part six upper floors with roof terrace and mechanical plant at roof level; for use as an apart-hotel (Class C1) with private members' bar (sui generis) at lower ground floor level.

The Presenting Officer tabled the following amendments to the draft decision letter:



**Condition 4:**

You must apply to us for approval of further information (as set out below) of the following parts of the development:

- a) New windows, dormers, rooflights and doors (drawn elevations, plans and sections at 1:5);
- b) New shopfront including associated metalwork (drawn elevations, plans and sections at 1:10);
- c) Overall profiles through front and rear facades (drawn elevations, plans and sections at 1:20).
- d) Junction details with Somerset House showing waterproofing, sound attenuation, and vibration attenuation with detailed acoustic report addressing these issues (drawn elevations, plans and sections at 1:10).

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)

**Condition 5:**

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

- a) Front elevation brickwork to be plain but finely jointed Flemish or English bonding (amended drawn elevations at 1:25) and either red or yellow in colour or other suitable alternative.
- b) Deletion of main front elevation parapet or redesigned parapet to relate better to the immediate architectural context (amended drawn elevations and sections at 1:20).

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)

**Condition 20:**

You must not cook raw or fresh food within the private members' bar at lower ground floor level.

**RESOLVED:**

That the application be deferred to a future Planning Sub-Committee meeting to allow the applicant to submit a re-designed proposed façade of the building which would be more appropriate for its setting.

# Agenda Item 3

Item No.
3

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16 January 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning	<b>Ward(s) involved</b> St James's		
<b>Subject of Report</b>	Franklin House , 151 Strand, London, Wc2r 1hl		
<b>Proposal</b>	Demolition of existing building and redevelopment to provide a building of basement, lower ground, ground and part five/part six upper floors with roof terrace and mechanical plant at roof level; for use as an apart-hotel (Class C1) with private members' bar (sui generis) at lower ground floor level.		
<b>Agent</b>	Turleys		
<b>On behalf of</b>	J & S Franklin Limited		
<b>Registered Number</b>	16/12166/FULL	<b>Date amended/ completed</b>	5 January 2017
<b>Date Application Received</b>	21 December 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Strand		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

Franklin House was constructed in the 1950's by the Franklin Family for office use. It is their intention to retain the building and carry out the redevelopment proposals for the replacement of the existing building, with a building of basement, lower ground, ground and part five/part six upper floors for use as an apart-hotel (Class C1) providing 5 apartments and a private members bar (sui generis) at lower ground floor level.

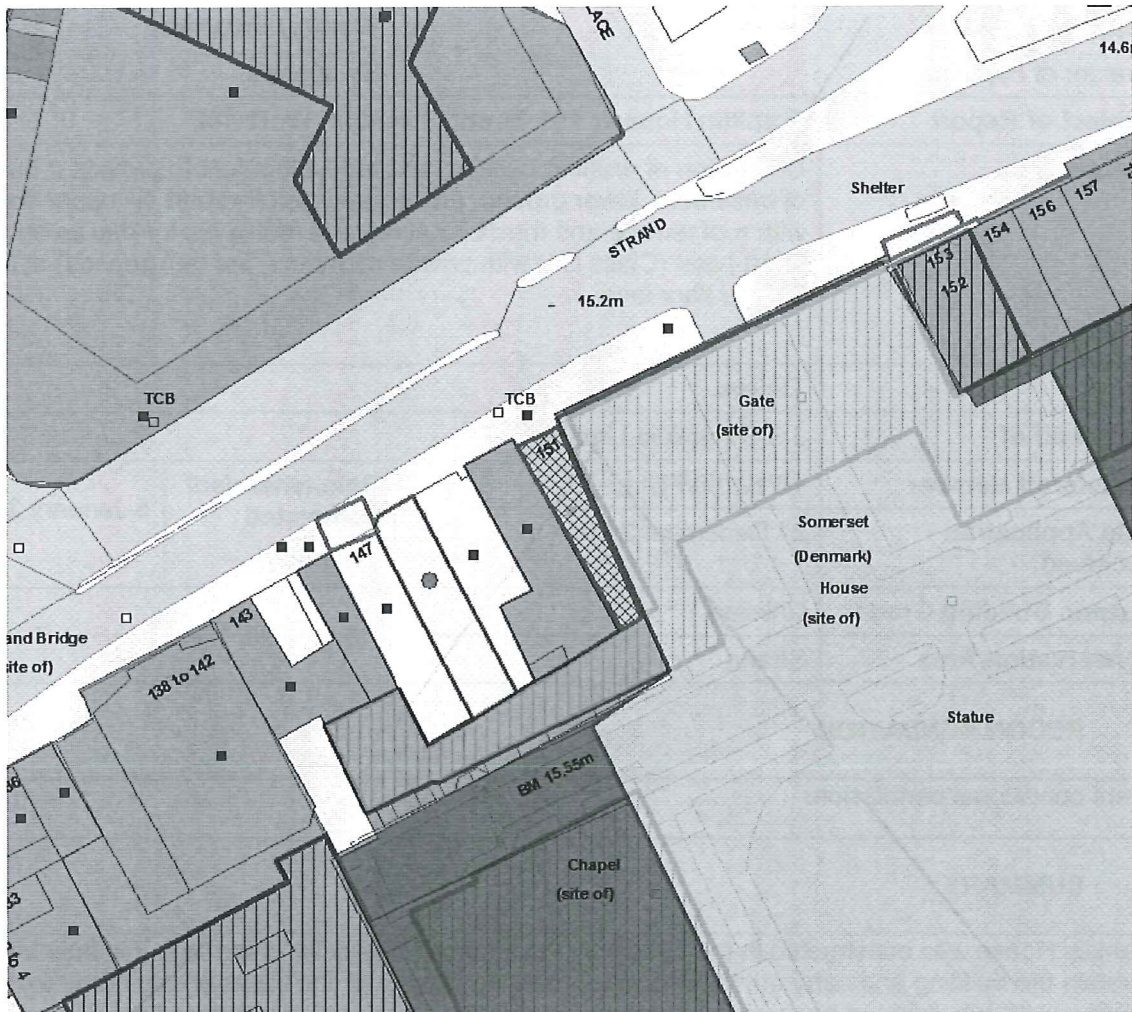
The key issue for consideration are:

- The impact of the proposals on the character and appearance of the Strand Conservation Area and on the setting of the adjacent Grade I listed Somerset House.
- The land use implications of the proposal;
- The impact of the proposals on the amenity of surrounding residents; and
- The impact of the proposal on the surrounding highway network.

With the imposition of conditions the proposals are considered acceptable in listed building,

conservation, design, land use, amenity and highway terms.

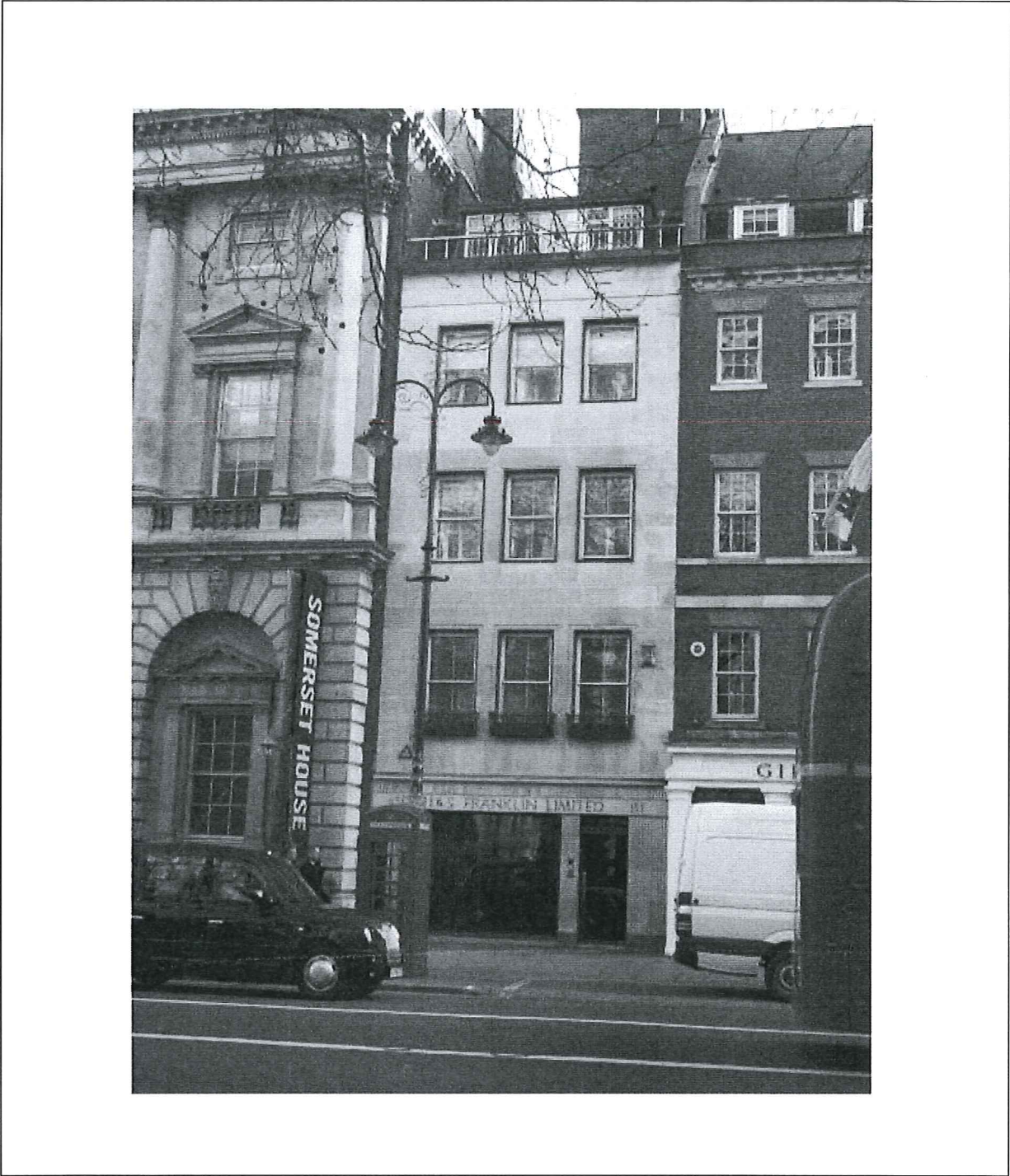
### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597



4. PHOTOGRAPHS



**5. CONSULTATIONS**

**HISTORIC ENGLAND**

Any response to be reported verbally.

**HISTORIC ENGLAND (ARCHAEOLOGY)**

Archaeology conditions recommended.

**WESTMINSTER SOCIETY**

No objection.

**HIGHWAYS PLANNING MANAGER**

The site is well served by public transport. No car parking is provided which is acceptable. There are existing facilities on-street for servicing which will remain unchanged. No cycle parking is provided, however, the development is under the threshold for which cycle parking is required. The doors should not open out over the public highway.

**CLEANSING**

No objection.

**ENVIRONMENTAL HEALTH**

No objection. Conditions recommended.

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

No. Consulted: 259

Total No. of replies: 11

No. of objections: 13 (from 10 individuals/organisations)

No. in support: 0

Letters of objection have been received from Somerset House Trust; The Courtauld Institute; The Gibraltar Embassy (150 Strand) and 6 neighbouring residents Within 148 and 149 Strand.

**Design**

- Any planting on the roof terrace should not penetrate the party wall as it could cause significant damage and water penetration to the historic fabric of Somerset House.
- The relationship between the new roof and the cornicing that wraps around the corner of the Grade I listed Somerset House needs to be carefully scrutinised to ensure a satisfactory relationship.

**Land use**

- The proposed bar for 55 guests until midnight/ and 2am three nights a week is incompatible with the quiet enjoyment of local residents.

**Amenity**

Item No.
<del>3</del>

- The proposed development will impact on nine residential flats on the upper floors of 147, 148 and 149 Strand. No outdoor space for bar patrons should be allowed.
- Noise nuisance and overlooking from the fourth floor roof terrace and balcony from hotel guests.
- Any windows looking towards 147, 148 and 149 Strand should have obscure glass.
- Loss of light and privacy to terrace and windows of the Gibraltar Embassy.

#### Other

- Noise and vibration through the structure of the Grade I listed Somerset House during building works; and structural implications from the proposed basement construction.
- Impact of construction and sustained vibrations on artwork in the Courtauld Gallery and visitor experience.
- Noise and disturbance to residents during construction work on this tight urban site.
- Demolition/building works should be carried out during normal building hours to protect residential amenity, and not extended to minimise impact on the Courtauld Gallery during the day.
- Somerset House is a licenced entertainment venue and the design and sound insulation of the proposed building will need to mitigate from noise generated at events in Somerset House.
- Security implications during building works.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Franklin House is a 1950's office building comprising basement, ground and four upper floors with a rooftop stair/plant enclosure.

The building is located on the south side of the Strand and forms part of a terrace of buildings flanking the Grade I listed Somerset House, which lies immediately to the east. The Site is located in the Strand Conservation Area and is identified in the Conservation Area Audit (2003) as part of a terrace that makes a positive contribution to the area and collectively forms an unlisted 'building of merit'. The site lies within the Core Central Activities Zone (CAZ) and the Lundenwic and Thorney Island Area of Special Archaeological Priority.

The building was built by The Franklin family, who still own the building (J & S Franklin Limited), and it is their intention to carry out the redevelopment proposals and retain and operate the proposed development.



## 6.2 Recent Relevant History

There is no relevant planning history.

## 7. THE PROPOSAL

Planning permission is sought for the demolition of the existing building and its replacement with a building of basement, lower ground, ground and part five/part six upper floors with a roof terrace, lift core and plant incorporated into the top storey.

The proposed building will be in use as an apart-hotel (Class C1) providing 5 apartments at ground to sixth floor level with a private members bar (sui generis) at lower ground floor level and plant and storage in the basement. The bar will be under the same management as the hotel, operated as a members' bar for hotel guests and fee paying members.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

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

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (class B1)	538	0	-538
Hotel (class C1)	0	658	+658
Private Members Bar (sui generis)	0	78	+78
Total	538	736	+198

(applicant's calculations)

#### Loss of office use

The proposal will result in the loss of 538qm of office floorspace. Policy S20 of Westminster's City Plan (November 2016) relates to offices and seeks to restrict the loss of office space to housing, however, the loss of offices to other commercial uses are acceptable. The proposal is therefore in accordance with this policy.

#### Hotel use

Policy S23 of the City Plan and TACE 2 of the UDP relate to new hotels, which are directed to the Core CAZ. Policy TACE 2 states that within the CAZ, in streets that do not have a predominantly residential character, planning permission will be granted for new hotels where no environmental and traffic effects would be generated and adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and taxis serving the hotel.

Item No.
<del>3</del>

The proposal is for a low intensity 5-bed boutique apart-hotel providing three 1-bed apartments and two 2-bed apartments, each with their own open plan living/ kitchen area. The hotel reception will be located at ground floor level with storage for refuse, laundry and consumables at basement level. No hotel restaurant is proposed, however, hotel guests will get automatic membership to the private members' bar proposed at basement level. Management and concierge staff will be available 24 hours a day.

The proposed hotel is considered an appropriate use in this central area of Westminster, close to many of London's top tourist attractions and with good access to public transport. It is considered that the small scale nature of the hotel proposed would not have a significant effect on residential amenity or local environmental quality and it is acceptable in land use terms.

### **Bar Use**

Policy S24 of the City Plan and TACE 8-10 of the UDP relate to entertainment uses. TACE 9 specifically relates to bar uses within the core CAZ with a gross floorspace up to 500m<sup>2</sup>. This policy aims to ensure that bar uses have no adverse effect upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking and traffic; and no adverse effect on the character and function of the area.

The proposed bar is located at basement level (approximately 78sqm GIA), accessed from the main ground floor entrance shared with the hotel. The applicant has submitted an Operational Management Plan in support of their application.

The bar will be under the same management as the hotel and operated as a members' bar for hotel guests and fee-paying members only, and not for visiting members of the public (*sui generis*). Automatic membership will be granted to hotel residents and to a limited number of their guests, with others granted membership on an invitation only basis for an annual fee. The bar capacity will be 55 guests with opening hours between 7am until Midnight Sunday to Wednesday and 8am until 2am Thursday to Saturday.

The proposed private members bar will form part of the hotel operation and governed by the hotels operational standards. Given the location of hotel bedrooms directly above, it will be in the interests of the hotel to ensure that the bar is properly managed. Given the size and nature of the bar use proposed it is considered acceptable in land use and amenity terms, subject to conditions to ensure that the bar is operated in accordance with the Operational Management Plan; restricting number of guests and opening hours (as outlined above).

## **8.2 Townscape and Design**

The building was built in the 1950s by the current applicant as their offices and has a degree of individual architectural merit, but not such that it would be worthy of listing. The property consists of four above-ground storeys plus a range of awkwardly arranged plant and ancillary accommodation on the roof. The front façade is faced in plainly finished Portland Stone whilst the rear elevations are brick.



Item No.
<del>3</del>

The application building immediately adjoins the Grade I listed Somerset House, both to the side and rear, contributing positively to its setting. The site forms part of a terrace of individually developed and aesthetically varied 19<sup>th</sup> and 20<sup>th</sup> century former townhouses with shops to the ground floor, flanking each side of Somerset House's principal north frontage facing onto the Strand. These terraces are characterised in part by their mixed visual character but relatively consistent architectural proportions.

As mentioned above, the existing building is considered to make some positive contribution to the character of the conservation area, and to the setting of Somerset House. It has a limited degree of individual architectural merit, mainly through its high quality façade and proportions similar to the rest of the unlisted terrace which it forms a part of. It cannot however be described as special, and at roof level it presents an untidy arrangement of accretions which detract both from the site's own architectural values but also from the setting of Somerset House. As with the rest of the terrace, its main positive contribution is in its quiet neighbourly relationship with Somerset House; a relatively plainly treated façade, determinably not distracting attention away from the grand frontage of one of the country's most iconic buildings. For these reasons, whilst the building should be retained in principle, its replacement may prove acceptable if the new building were to be of an equal or greater degree of architectural quality, whilst also showing an equal or greater degree of sensitivity to the setting of Somerset House.

The application proposes to replace the existing building with a new boutique apart-hotel and bar. This would be set out over four sheer above-ground storeys plus a further two mansard storeys, plus basement. The front façade would continue the parapet height of the existing terrace with the new mansard rising behind this. The main façade, amended during the course of the application, would be an evidently modern design, but it would sit comfortably with the range of classically proportioned facades which make up the terrace. The treatment of the façade is currently indicated to include a range of decorative brick embellishments which are of concern. The specification of a brick façade is welcomed and would provide a more successful 'book-ending' effect to Somerset House, matching that to the opposing terrace to the east, but this should use a plainer pattern of brickwork, which can be secured through condition. Conversely the currently proposed parapet would appear too plain, but this also can be improved through condition. The applicant has agreed to continued design work in these areas.

At ground floor level the proposal would include a decorative new shopfront, providing access to both the hotel reception and bar. As amended during the course of the application this design is considered to provide a good degree of enrichment at this level, and would also link well with the upper floors above. Its enriched design would not detract from the setting of Somerset House due to its low level.

The new mansard would represent a notable increase in the scale of the existing roof which amounts, but would effectively replicate the forwards form of the roof to Gibraltar House. The roof as designed would therefore fill what is currently a quite awkward gap. Whilst the roof would be somewhat top-heavy for the scale of the sheer storeys below, its design is mitigated by the relationship with Gibraltar House and it would remain significantly subservient to the grand scale of Somerset House. It would also avoid concealing any significant architectural elements of the flank elevation of Somerset House.

To the rear, the new building would include a tall rear wing which would rise an additional two storeys above the height of the existing rear wing. This would however remain well below the height of the rear wall of Somerset House which currently terminates the lightwell gap which runs between the rear of Somerset House and the Strand terrace. Views from within and along this lightwell are however severely restricted, with limited views even from the rear windows of properties facing into it, including Somerset House. What views are afforded are of limited character, and as such the proposed additional scale is considered acceptable for this end of the lightwell.

Whilst the loss of the existing building would represent some loss of architectural significance, this is limited and would more than adequately be outweighed by the architectural benefits which the application proposals would bring. Whilst these bring with them some increases in scale to the roof and to the rear wing, these are well-handled to avoid impact to the principal front elevations, and from relevant angles to the rear. What impacts would remain would be of such restrictive visibility that in effect no harm would be caused to the setting of Somerset House or to the character or appearance of the conservation area.

### 8.3 Residential Amenity

Policy S29 of the City Plan and ENV 13 of the UDP aim to protect the amenity of residents from the effects of development. Policy ENV13 states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing.

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). Right of Light Consulting, acting on behalf of the applicant have carried out tests using the methodology set out in the BRE guidelines in relation to the nearest, most affected residential properties at 147, 148 and 149 Strand which confirms that the proposed building will comply with BRE guidelines with regards to daylight and sunlight.

Part of the rear section of the building will extend up to the boundary with Gibraltar House, 150 Strand, and extend above the existing boundary wall at first to sixth floor level. Given the enclosed nature to the rear of the terrace which is dominated by the high flank and rear walls of Somerset House, it is not considered that the proposal will cause any significant increased sense of enclosure to Gibraltar House or the residential properties beyond. Windows are proposed in the western elevation serving bathrooms and bedrooms. Given their location on the boundary, they are considered 'bad neighbour windows' and a condition is therefore recommended that the windows be fixed shut and contain obscure glass. An informative is also recommended advising the applicant that should the neighbouring property seek to carry out a similar development in the future these windows could not be protected.

A terrace is proposed at main roof level for hotel guests. This is discretely located to the front and east of the building, behind the access housing, and will not therefore result



Item No.
<del>3</del>

in any loss of privacy to residents and the embassy to the west. A small courtyard serving an apartment bedroom of approximately 1.2sqm is proposed at rear ground floor level which will be below the height of the existing boundary wall. A balcony is proposed at rear fourth floor level immediately abutting the rear wall of Somerset House. This will be set back from the boundary with No. 150 and it is not considered that it will result in any loss of privacy.

A proposed winter garden to the bar is located internally within the building at lower ground floor level and behind the ground floor frontage. It will not therefore cause a loss of privacy or noise to neighbouring occupiers.

Plant is proposed at basement and main roof level and the Council's standard noise conditions are recommended.

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

The applicant has submitted a Transport Assessment in support of their application. There are existing on-street loading bays on the Strand that service the existing building and this arrangement will continue.

The site is well-served by public transport and the Highways Planning Manager is satisfied that given the small scale nature of the proposed hotel it is unlikely to attract coach parties.

The development is under the thresholds under which on-site cycle parking is required.

Adequate refuse and recycling storage is proposed and it is recommended that this be secured by condition.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

Level access is proposed into the building with lift access to all floor levels. The lift will open directly into each apartment. One apartment will be wheelchair accessible.

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

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

Item No.
<del>3</del>

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

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

### **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 development is unlikely to be CIL liable.

### **8.11 Environmental Impact Assessment**

An Environmental Impact Assessment is not required. The applicant has submitted an Energy and Sustainability Assessment in support of their application. The building has been designed with passive design features and energy efficient systems including the provision of Air Source Heat Pumps (ASHP) in a Variable Refrigerant Flow (VRF) system which will achieve an 11.5% improvement in carbon emissions based on the current Building Regulations (2013).

### **8.12 Other Issues**

#### **Construction Impact**

A condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which will require the developer to provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition and construction phase of the development. The COCP sets out the minimum standards and procedures for managing

Item No.
<del>3</del>

and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works.

The key issues to address in the COCP are; liaison with the public; general requirements; SEMP; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues.

### **Internal Noise**

An acoustic report has been submitted which outlines the proposed façade mitigation measures and ventilation strategy to ensure that the building is designed to protect hotel residents from licenced events in the courtyard of Somerset House. Environmental Health raise no objection to this element of the scheme.

## **9. BACKGROUND PAPERS**

1. Application form
2. Letter from Historic England (Archaeology), dated 26 January 2017.
3. Response from Westminster Society, dated 17 January 2017.
4. Memorandum from Environmental Health dated 11 April 2017 and e-mail dated 21 December 2017.
5. Memorandum from Highways Planning Manager dated 14 March 2017.
6. Memorandum from Cleansing dated 7 July 2017.
7. Letter from occupier of Somerset House Trust, Strand, dated 2 February 2017
8. Letter from occupier of The Courtauld Institute of Art, Somerset House - Strand, dated 3 February 2017
9. Letters from occupier of 150 Strand, London, dated 2 February 2017 and 29 March 2017
10. Letters from occupier of Flat 2, 148 Strand, dated 23 January 2017, 31 January 2017 and 1 February 2017
11. Letter from occupier of 148 Strand, Flat 3, Top Floor, dated 26 January 2017
12. Letter from occupier of Third Floor and Fourth Floor Maisonette, 148 Strand, dated 1 February 2017
13. Letter from occupier of 149 The Strand, Flat 2, dated 2 February 2017
14. Letters from occupier of Flat 3, 149 Strand, London, dated 30 January 2017 and 1 February 2017
15. Letter from occupier of Flat 1, 149 Strand, dated 31 January 2017

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

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

## **10 KEY DRAWINGS**

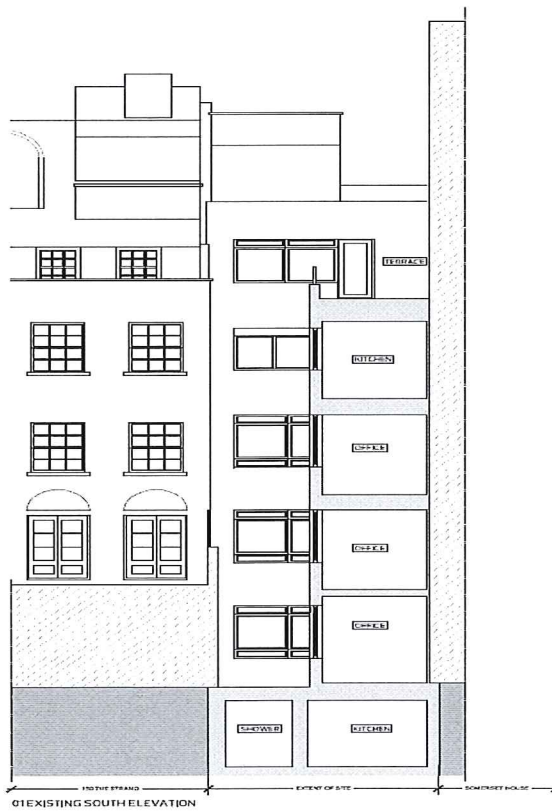
~~Page 78~~

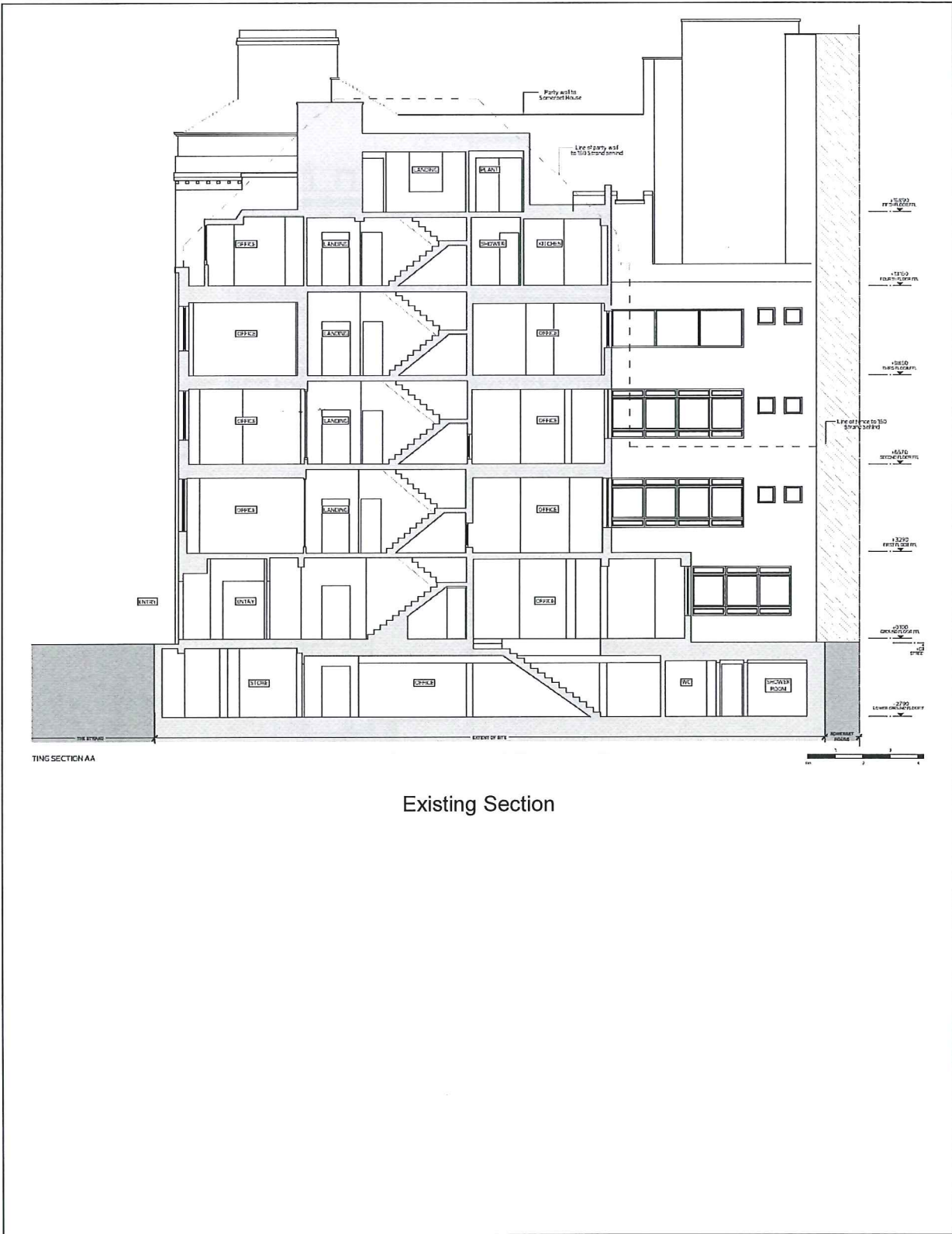
Page 77



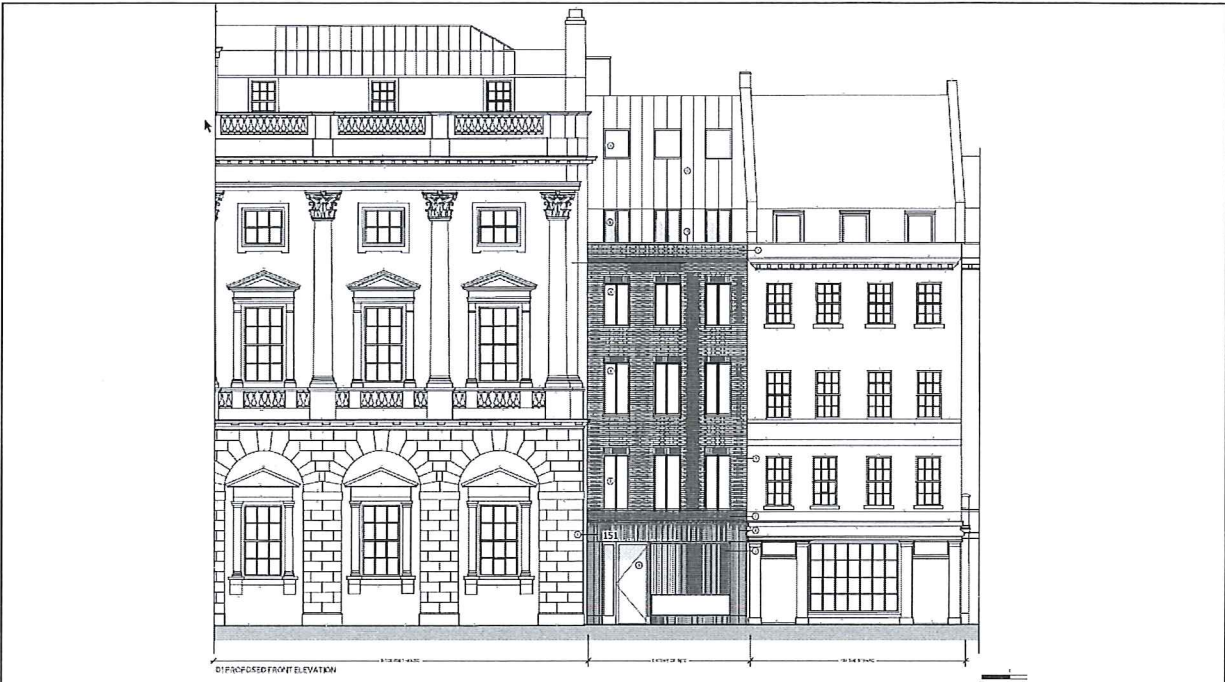


Existing front and rear elevations

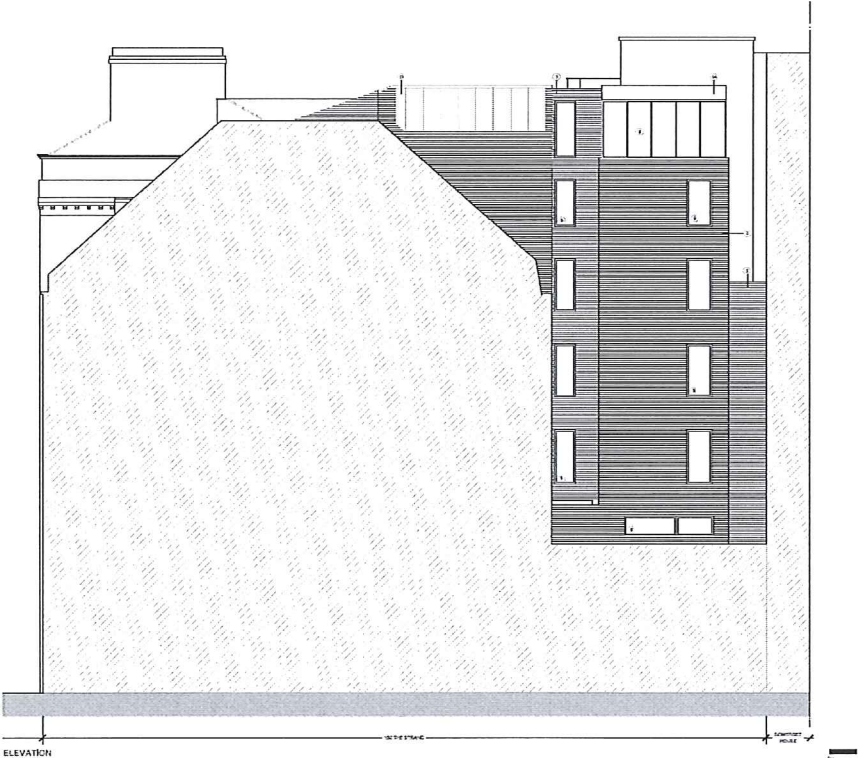




Existing Section

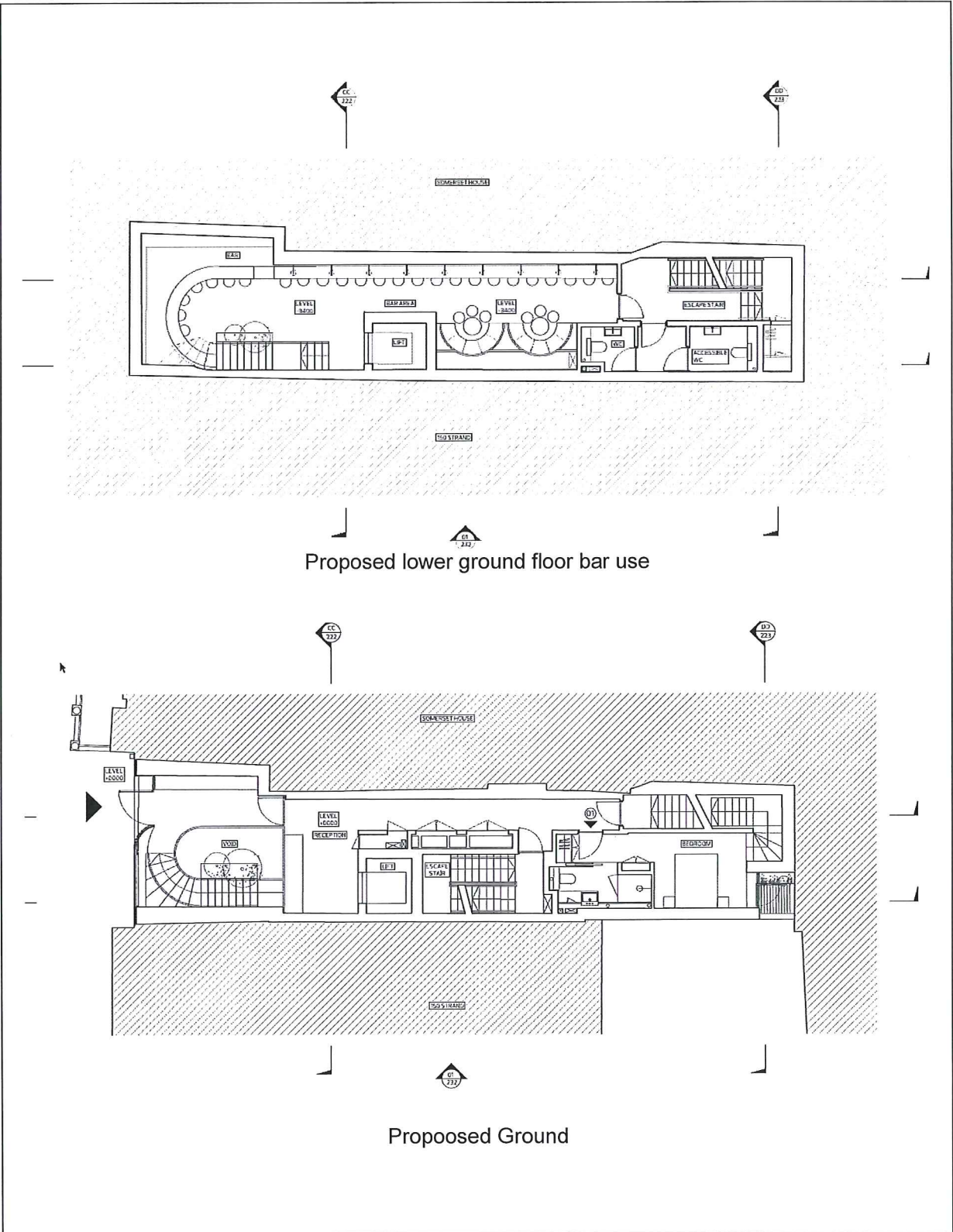


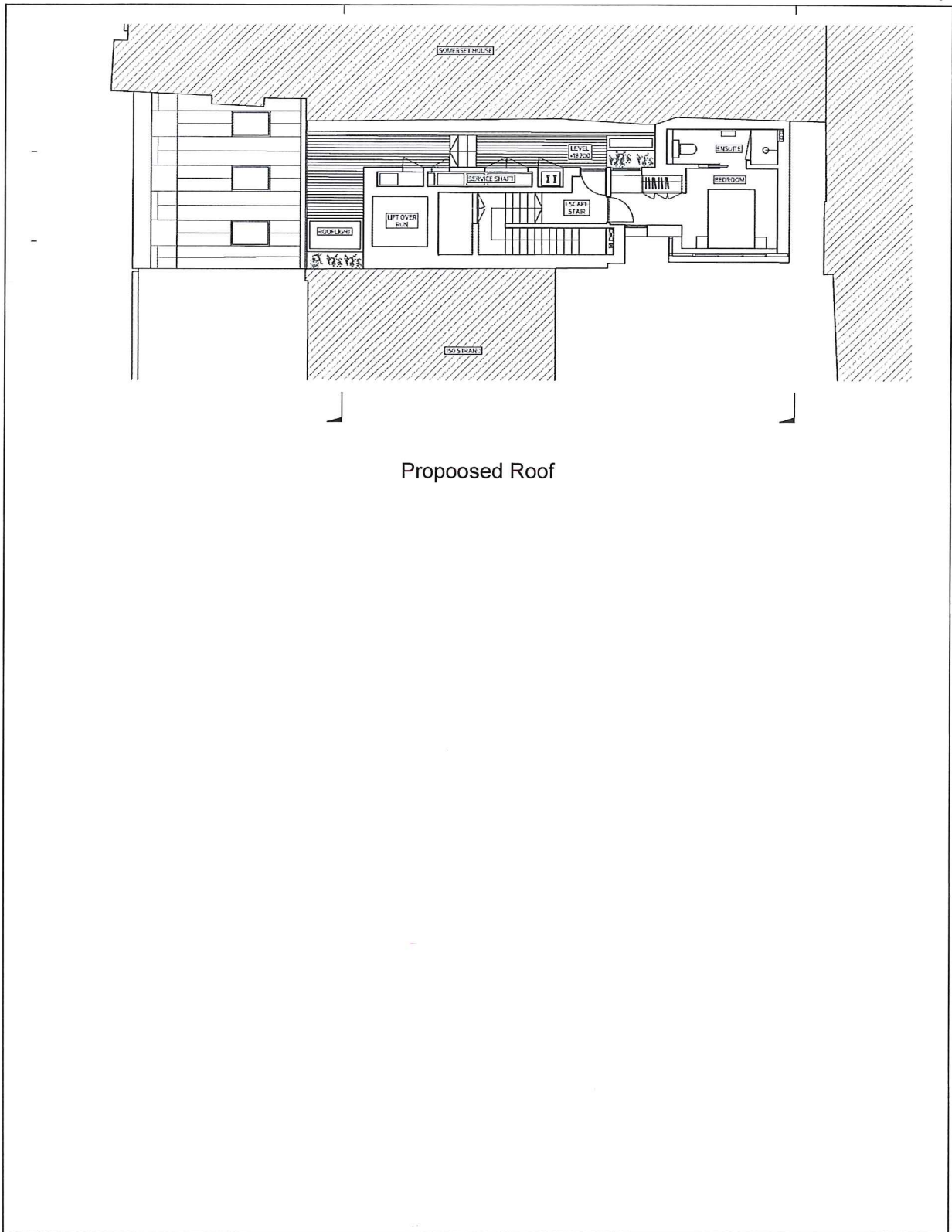
Proposed front elevation



Proposed Section







Proposed Roof



This page is intentionally left blank

# Agenda Item 3

Item No.
<b>3</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 13 March 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	9-12 Bell Yard, London, WC2A 2JR		
<b>Proposal</b>	Use of building as 12 residential units (Class C3), demolition of fourth floor mansard roof and front façade, replacement fourth floor extension and new fifth floor mansard roof extension above, new front façade, associated alterations to elevations and works to a listed party wall.		
<b>Agent</b>	Montagu Evans LLP		
<b>On behalf of</b>	GFZ Properties Limited		
<b>Registered Number</b>	17/09583/FULL and 17/09584/LBC	<b>Date amended/ completed</b>	27 October 2017
<b>Date Application Received</b>	27 October 2017		
<b>Historic Building Grade</b>			
<b>Conservation Area</b>	Strand		

## 1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <p>i. A payment of £328,624 towards the provision of affordable housing elsewhere in the City (payable on commencement of development and index linked).</p> <p>2. If the S106 legal agreement has not been completed within 6 weeks of the date of this resolution then:</p> <p>a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>3. Grant conditional listed building consent.</p> <p>4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>
---

## 2. SUMMARY

9 – 12 Bell Yard is an unlisted building located on the east side of Bell Yard within the Strand Conservation Area. The building comprises of basement, ground, three upper storeys and is completed by a single storey mansard. The existing building is in use as offices and is within the Central Activities Zone (CAZ).

The proposed development is for the use of the building as 12 residential units (Class C3); the demolition of the fourth floor mansard roof and front façade; a replacement fourth floor extension and new fifth floor mansard roof extension and new front façade; together with associated alterations to the elevations and works to the adjacent listed party wall at no.13 Bell Yard.

The key issues with this application are:

- The acceptability of the proposals in land use terms with particular regard to the City Plan Mixed Use Revision Policy and the affordable housing offer;
- The impact on the character and appearance of the building and the Strand Conservation Area and the setting of the adjacent listed building;
- The impact of the proposal on the amenity of neighbouring occupiers;
- The impact of the proposals on the surrounding highway network.

The site has an extant planning permission for a residential conversion to provide 9 residential units (15/07175/FULL). The change of use from office to residential within the CAZ is not strictly in accordance with the new Mixed Use Revision policy in the City Plan. Given the extant planning permission (15/07175/FULL), which could still be implemented until 30 September 2018, the change of use could be considered acceptable in this instance subject to a condition to restrict the time limit of the application to that of the extant permission.

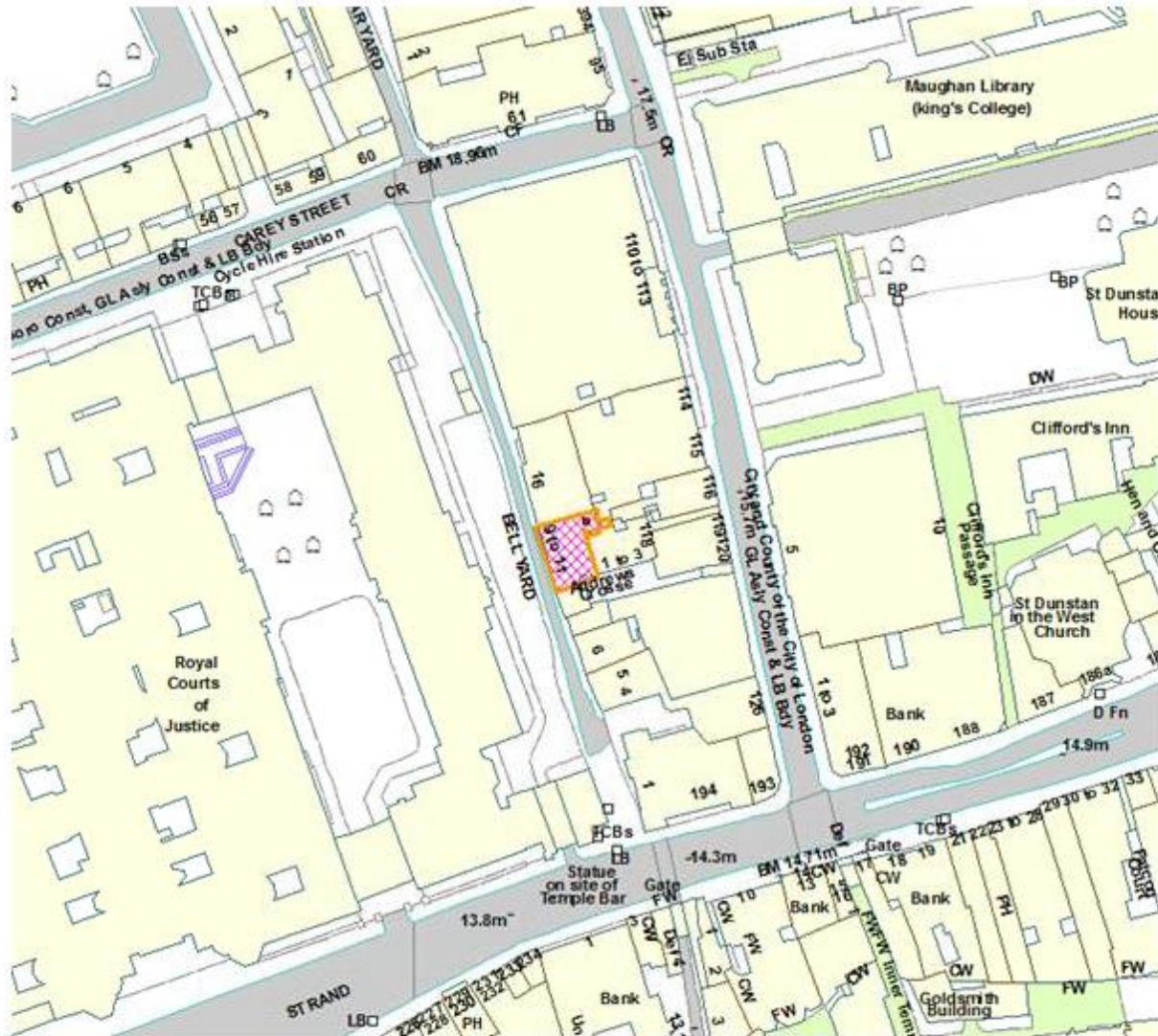
The amended proposal would result in an increase in residential floorspace on the site, which would trigger a requirement to provide affordable housing under Policy S16 of the City Plan and H4 of the UDP. The applicant has offered a policy compliant payment in lieu of £328,624 towards the provision of affordable housing elsewhere in the City

There is an objection to the proposals on grounds of loss of light and adverse impact to occupiers of the offices at 119 Chancery Lane, which has windows facing Andrews Crosse. The enlarged building would be sufficiently set back from these neighbouring windows and would not have a significant impact in terms of loss of light or sense of enclosure to occupiers of these offices.

The proposal is considered acceptable in land use, design, amenity, and transportation terms and would comply with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies, subject to necessary conditions and the completion of a S106 legal agreement.



### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



9- 12 Bell Yard



## 5. CONSULTATIONS

### WESTMINSTER SOCIETY:

Any response to be reported verbally.

### HIGHWAYS PLANNING MANAGER:

Recommend the number of cycle parking spaces be increased to 21 in line with London Plan standards.

### CLEANSING MANAGER:

No objection subject to condition requiring details of waste and recycling stores.

### ENVIRONMENTAL HEALTH:

No response to date.

### HISTORIC ENGLAND:

The application should be determined in accordance with national and local policy guidance.

### ADJOINING OWNERS/ OCCUPIERS:

No. Consulted: 24

No. of replies: 1

One objection received on grounds of loss of lights to offices in Andrews Crosse, which would adversely affect the office working area and staff.

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

9 – 12 Bell Yard is located on the east side of Bell Yard within the Strand Conservation Area. The building is identified within the Strand Conservation Area Audit as being an unlisted building of merit, which makes a positive contribution to the area. The building comprises of basement, ground, three upper storeys and is completed by a single storey mansard. The building has been vacant since 27 June 2017 but was last occupied as offices. The site is within the Central Activities Zone (CAZ).

Bell Yard is a narrow street with a dead end at the southern point, which is predominantly used by pedestrians with limited vehicle access. The site is opposite the Royal Courts of Justice and to the rear backs on to buildings in Chancery Lane. To the eastern side of the site is Andrew's Crosse, a small pedestrian courtyard with access from Chancery Lane. The majority of surrounding buildings are in office use although planning permission has been granted for the residential conversion of some nearby buildings (nos.8 Bell Yard and 122 – 126 Chancery Lane).

## 6.2 Recent Relevant History

30 September 2015:

Permission granted for 'Change of use of the existing building from office use (B1) to residential use (C3) to provide 9 residential units' (15/07175/FULL).

## 7. THE PROPOSAL

Planning permission is sought for the use of the building as 12 residential units (Class C3); the demolition of the fourth floor mansard roof and front façade; a replacement fourth floor extension, new fifth floor mansard roof extension and new front façade; together with associated alterations to the elevations.

The proposal is accompanied by an application for listed building consent as it involves works to the adjacent listed party wall shared with no.13 Bell Yard.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The existing and proposed land uses are summarised below:

**Table 1. Existing and Proposed Land Uses**

	Existing (sqm)	Proposed (sqm)
Offices	822	0
Residential	0	1067

#### 8.1.1 Loss of office use

The scheme involves the loss of 822sqm of office floorspace within the CAZ.

Since the recent permission for the change of use to residential, the City Council has adopted the Mixed Use Revision Policy in the City Plan, which seeks to resist the loss of office floorspace to residential use within core commercial areas.

The background to this shift in policy emphasis is clarified within the reasoned justification to Policy S20 in the City Plan (July 2016). In this case, the office floorspace could make a valuable contribution towards retaining existing employment levels and meeting employment targets as set out in Policy S20. The proposed change of use to residential would run counter to the aim of meeting Westminster's business and employment needs, in terms of increasing the capacity for additional jobs in the Core Central Activities Zone. Whilst the Council seeks to promote bringing forward new housing across the City under Policy S14, the recent revision to the City Plan has clearly identified the core commercial areas as locations where employment generation is the priority. As such, the benefits of the proposal in terms of housing provision do not outweigh the loss of the existing commercial use.

Although the proposals are now not strictly in accordance with Policy S20, given the extant planning permission for a residential conversion to provide 9 residential units

(15/07175/FULL), which can be implemented until 30 September 2018, the change of use to residential is only considered acceptable in this instance subject to a condition to restrict the time limit to that of the extant permission.

### 8.1.2 Residential use

The use of this building for residential purposes is supported by policies H3 of the Unitary Development Plan (UDP) and S14 of Westminster's City Plan.

The proposal would provide 1067sqm of residential floorspace in the form of 12 flats. This would make an important contribution to new housing provision.

### 8.1.3 Residential mix and standard of accommodation

The proposal would create 12 residential units in the following housing mix:

**Table 2. Summary of Proposed Units and Mix**

Unit	Unit Type (Bed/ Person)	London Plan Requirement (sqm)	Unit Size (sqm)
Flat 1	1B1P	39	42
Flat 2 (Maisonette)	1B2P	58	61
Flat 3 (Maisonette)	3B4P	84	87
Flat 4	2B3P	61	61
Flat 5	2B3P	61	61
Flat 6	2B3P	61	61
Flat 7	2B3P	61	61
Flat 8	2B3P	61	61
Flat 9	2B3P	61	61
Flat 10 (Maisonette)	3B4P	84	89
Flat 11 (Maisonette)	1B2P	58	58
Flat 12 (Maisonette)	3B4P	84	84

All units (ranging between 42sqm and 89sqm) meet the Mayor's dwelling space standards set out in London Plan Policy 3.5 and meet the Lifetime Homes Standards.

The residential mix is heavily weighted towards one and two bed units and fails to meet the Council's Policy H5 in the UDP, which normally requires 33% of units to be family sized (three or more bedrooms). Only three of the 12 units (25%) would have at least three bedrooms. The City Council may accept a smaller proportion of family sized accommodation having regard to the nature of the development and the character of the environment. It is considered that a lower amount of family housing is acceptable in this instance given this central location and the site's restrictions, which make it difficult to provide outdoor amenity space for the flats.

Policy ENV13 of the UDP states the City Council will ensure that new accommodation, particularly residential, receives adequate daylight and sunlight.

Policy S29 of the City Plan states that all new housing will provide a well-designed, high quality living environment, both internally and externally in relation to the site layout and neighbourhood.

An assessment was undertaken on the proposed habitable units within the scheme, which is known as the 'self-test' to ensure that they have been designed in accordance with the BRE guidance for Daylight and Sunlight. It is generally unrealistic to achieve good daylight levels to all rooms with large surrounding buildings/ obstructions. The habitable rooms and their uses have been configured to achieve as far as practically possible maximum daylight and sunlight levels in accordance with the BRE criteria. Two bedrooms on the lower ground floor that rely on light from clerestory windows do not meet the BRE criteria. Although this is not ideal, this is accepted on the basis that the flats are laid out as maisonettes with another floor level of accommodation above. As a whole, these units are considered to have enough rooms with adequate light.

It is accepted that the background noise levels in this area of the City are high. Policy ENV 6 covers noise pollution issues (other than noise from plant, which is covered by ENV 7). Policy ENV 6 (4), states that the City Council will require residential developments to provide adequate protection from existing background noise. A noise report has been submitted with the application, which indicates that internal noise levels within the development are capable of complying with the relevant British Standard.

Overall, given site constraints, the quality and quantity of the accommodation is considered acceptable.

#### **8.1.4 Affordable housing**

Proposals for housing developments of either 10 or more additional units or over 1000 sqm additional residential floorspace generate a requirement for affordable housing as set out in policies S16 in Westminster's City Plan, H4 in the UDP, and the 'Interim Note on Affordable Housing Policy' dated February 2011. The latest proposals generate a requirement for affordable housing.

It is expected that the affordable housing will be provided on site, unless it can be demonstrated that the provision of affordable housing on site is not feasible or practical, then it should be provided off-site in the vicinity. Where affordable housing cannot be provided on-site or in the vicinity, a financial contribution in lieu may be accepted.

Our 'Interim Note on Affordable Housing Policy' dated February 2011 sets out that a development of this size would require 80sqm of affordable housing i.e. one unit. The applicant does not consider that the provision of a single on-site affordable housing unit would be appropriate, as it would be difficult to provide independent of the market units. A separate entrance for the affordable unit is not practical, and the management of a single unit by an affordable housing provider is considered impractical. The applicant is not a large landowner and does not hold any other sites within the close vicinity of the development or within Westminster. It is therefore accepted that a payment in lieu of provision is appropriate in this case and the agent has confirmed that they would be willing to make a full policy compliant contribution of £328,624 towards the provision of affordable housing elsewhere in the City. This would be secured by S106 legal agreement.

## 8.2 Townscape and Design

The existing building is noted by the Strand Conservation Area Audit as being an unlisted building of merit. However, its façade is effectively a modern (post-war) pastiche of a very simple, almost vernacular, late Victorian façade and can only be described as positive in terms of its overall form and traditional character. Its façade close-up is flawed in terms of the quality of its masonry and detailing. The ground floor 'shopfronts' are also poorly designed and non-representative of historic shopfronts. The building's scale and general form is however, a comfortable element of the area, and its replacement should only be accepted if a proposed new building / façade would contribute to the conservation area equally or better.

Due to the limitations of the façade, there is substantial scope for architectural improvement. Given the character of the area, this could reasonably include some uplift in the architectural styling of the building, to allow for a more 'designed' building. This should however be carefully balanced against the desire to preserve the pre-eminence of the existing grander buildings on the street, in particular the listed buildings.

When determining applications affecting listed buildings or within conservation areas, the Local Planning Authority is required by Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the preservation of a listed building or its setting, and to the preservation or enhancement of the character or appearance of conservation areas. The Development Plan (in this case Policies DES 1, DES 5, DES 9 and DES 10 of the UDP and Policies S25 and S28 of the City Plan) and the National Planning Policy Framework provide us the framework for considering such proposals, particularly if any harm is proposed. Overall, this means a presumption against the approval of harmful proposals, unless they would be significantly and demonstrably outweighed by public benefits (including architectural) which would be secured by the relevant development proposals.

The proposed new façade, including the additional storey, would represent a contemporary addition to the street, whilst providing a continuity of materiality, scale and proportion alongside the existing very varied historic street scene. The proposal is bold, but remains subservient to the adjacent listed building and the Royal Courts of Justice opposite. The quality of detailing implied (which can be secured through the recommended conditions below) would be high and appropriate to the local context. The manner in which the proposed façade would be articulated to the street line would enable reference to be given to the historically narrower frontages seen on this street.

At roof level, the building would be raised by an additional storey. Design developments during the course of the application have responded well to the relationship with the rooflines of the adjoining buildings including the listed building next door. This has included angling back the topmost mansard roof on all sides so that it pulls away from the adjoining roofs and avoids the necessity of an excessively dominant party wall upstand. Overall, the proposal is considered to be of a scale and bulk that sits comfortably with its neighbours.

In summary, whilst the proposals would result in the loss of a façade noted by the CA Audit as being of merit, this loss is not in fact significant and the proposed replacement façade and rear alterations, whilst taller at the upper levels, would preserve the character

and appearance of the conservation area, and would also preserve the settings of the adjacent and nearby listed buildings. No harm would be caused to these heritage assets, and the proposals would in themselves be of a high quality of architectural design. As such all relevant local and national policies, as discussed above, would be satisfied and permission may be granted on design, heritage and townscape grounds.

### **8.3 Residential Amenity**

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of Westminster's City Plan aims to protect the amenity of residents from the effects of development.

The majority of neighbouring properties are in commercial use although a number have been converted or have permission to be converted to residential use.

The application is supported by a Daylight and Sunlight Report. In accordance with the BRE guide, the report assesses the impact of the development in terms of daylight and sunlight amenity to the neighbouring and adjoining residential buildings. The following buildings that have been or have permission to be converted to residential use have been identified as requiring assessment:

- 8 Bell Yard;
- 115 Chancery Lane;
- 122 – 126 Chancery Lane.

The report outlines that all windows tested will continue to meet target values as set out in the BRE guidelines, meaning that the development will not adversely affect daylight or sunlight of neighbouring residential properties.

There is an objection to the proposals on grounds of loss of light and the consequent adverse impact to the occupiers of the offices at 119 Chancery Lane. This property has windows facing Andrews Crosse but these were excluded from the Daylight and Sunlight assessment on the basis that the property is in commercial use. The additional height and bulk created by the proposal is at roof level, through the creation of the new fifth floor mansard roof level. This would be visible from some windows, which face into Andrews Crosse; however, given the distance between these and the application site, it is not considered that they would be significantly affected in terms of loss of light or sense of enclosure.

It is considered that the resulting relationship between the application building and neighbouring buildings would not result in a material loss of light or increased sense of enclosure. The residential windows will be sufficiently distant from neighbouring residential occupiers to ensure there would not be an unacceptable loss of privacy or increase in noise.

## **8.4 Transportation/Parking**

### **8.4.1 Car Parking**

Policy TRANS 23 requires, where appropriate and practical, the provision of off-street parking for new residential developments. Given the site constraints, including the lack of vehicular access into the application site, car parking is not provided as part of the proposals.

TRANS23 states that the Council will normally consider there to be a serious deficiency where additional demand would result in 80% or more of available legal on-street parking spaces. The evidence of the Council's most recent parking survey in 2011 indicates that parking occupancy of legal parking spaces within a 200m radius of the site is 42.9% during the day. Although these figures are well below the 80% threshold, given that there are only seven Westminster residents parking bays in the area, it would only take the addition of three more vehicles on the street during the day to break the 80% threshold.

Overnight the pressure on Resident's and Shared Use bays reduces to zero, and residents can also park free of charge on metered parking bays or single yellow lines in the area.

Given that the site is highly accessible by public transport and that there is no option to provide off-street parking, it is considered that a reason for refusal on parking grounds would be difficult to sustain.

### **8.4.2 Cycle Parking**

In terms of cycle parking, provision for 12 cycles is proposed, which complies with the Council's UDP standards. However, Further Alterations to the London Plan (FALP) standards would require 21 cycle. It is recommended to secure cycle parking to these standards by condition.

## **8.5 Economic Considerations**

The proposal is in accordance with the UDP and the economic benefits generated by the proposed residential units are welcomed.

## **8.6 Access**

The proposed dwellings would comply with the provisions of Part M of the Building Regulations. All flats would have level thresholds and the main core is fitted with a wheelchair accessible lift that provide flush access to all floors. The main entrance to the site from Bell Yard is on a slope and would not be level.

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

### **8.7.1 Plant**

A plant room is proposed at main roof level. Environmental Health officers have confirmed that they have no objection subject to the Council's standard noise conditions and a further condition requiring the submission of a supplementary acoustic report once the plant

selection is finalised. Subject to these conditions, it is considered that the plant will not result in noise nuisance or a loss of neighbouring amenity.

### **8.7.2 Refuse /Recycling**

The Cleansing Manager advises that the proposals are not in line with the council recycling and waste storage requirements. A condition is recommended requiring a revised plan to be submitted indicating proposals for the storage of residual waste, food waste and recyclable materials in line with Council standards.

### **8.7.3 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 development to reduce energy use and emissions that contribute to climate change during the life-cycle of the development and to maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions.

The application is supported by an Energy and Sustainability Strategy, which assesses the development against the energy hierarchy and development plan policies. The strategy outlines that the development incorporates numerous sustainability measures including thermal insulation, natural daylighting, low energy light fittings, high-efficiency gas boilers, improved air tightness and smart metres.

The development is also committed to additional sustainable features throughout design and construction, such as locally sourced building materials and timber, reuse of brickwork where possible, minimisation of water usage and the commitment to produce a Site Waste Management Plan (SWMP).

Due to the site's spatial constraints, historic sensitivity and lack of appropriate roof space, it has been concluded that no renewable technologies are viable.

## **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 consistent with the NPPF unless stated otherwise.

## **8.10 Planning Obligations**

For the reasons outlined elsewhere in this report, should the scheme be considered acceptable, a S106 legal agreement would be required to secure the following:

- i. A payment of £328,624 towards the provision of affordable housing elsewhere in the City (payable on commencement of development and index linked).

The application is considered acceptable subject to this obligation.



The Westminster CIL payment based on the floorspace figures in the applicant's CIL form exemptions is estimated at £79,200.

The Mayoral CIL payment, again based on the floorspace figures in the applicant's CIL form is estimated at £7,200.

### **8.11 Environmental Impact Assessment**

The scheme is of insufficient scale to require the submission of an Environmental Statement.

### **8.12 Other Issues**

None.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from Highways Planning Manager dated 8 January 2018
3. Response from Environmental Health dated 7 November 2017
4. Response from Cleansing Manager dated 17 November 2017
5. Response from Historic England dated 6 November 2017
6. Response from occupiers of Megarry House, 119 Chancery Lane received 8 November 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: VINCENT NALLY BY EMAIL AT [vnally@westminster.gov.uk](mailto:vnally@westminster.gov.uk)



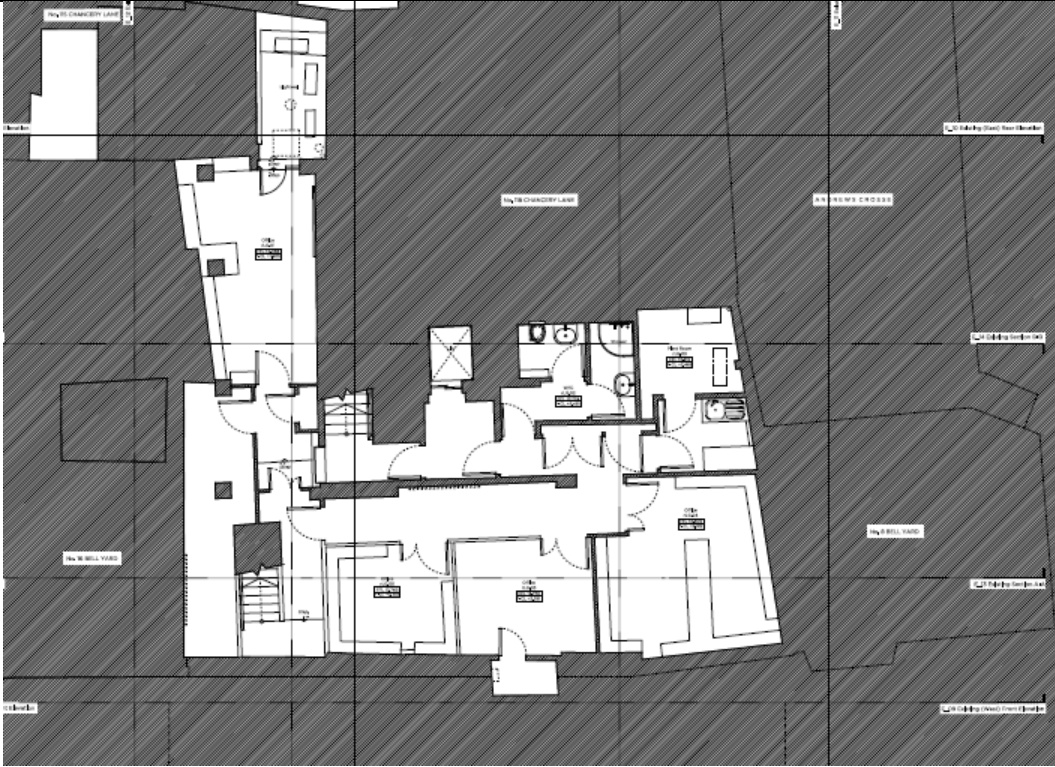
Proposed computer generated image



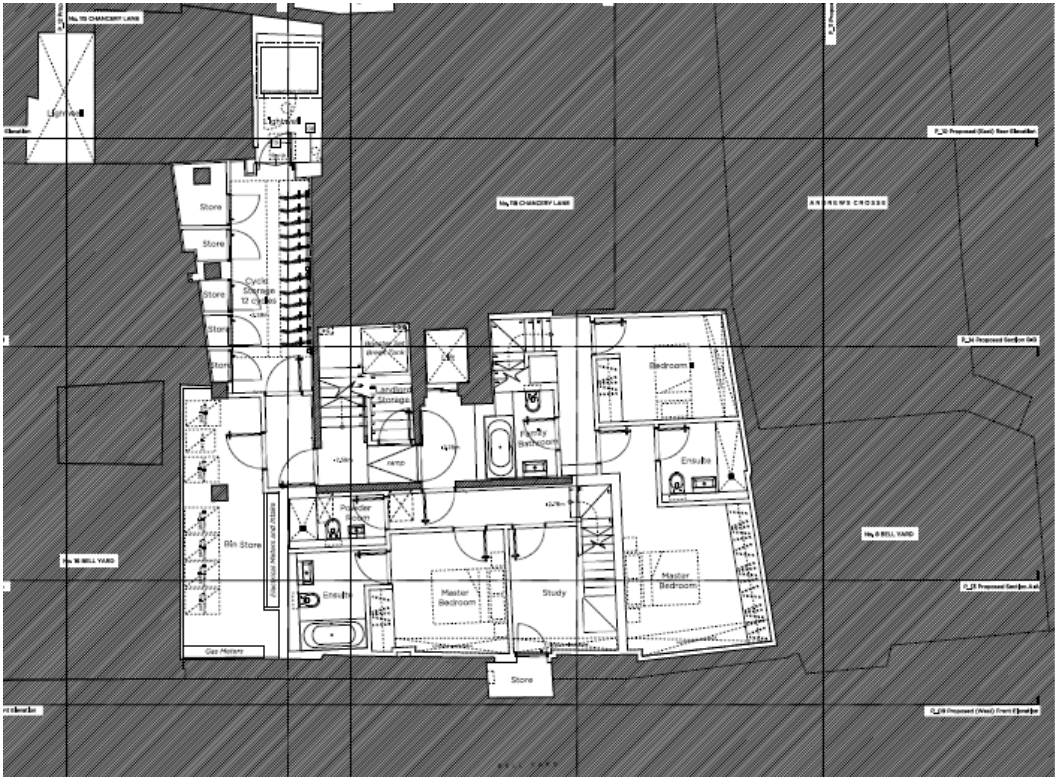
Existing street perspective



Proposed street perspective



Existing lower ground



Proposed lower ground





Existing ground



Proposed ground



Existing first



Proposed first

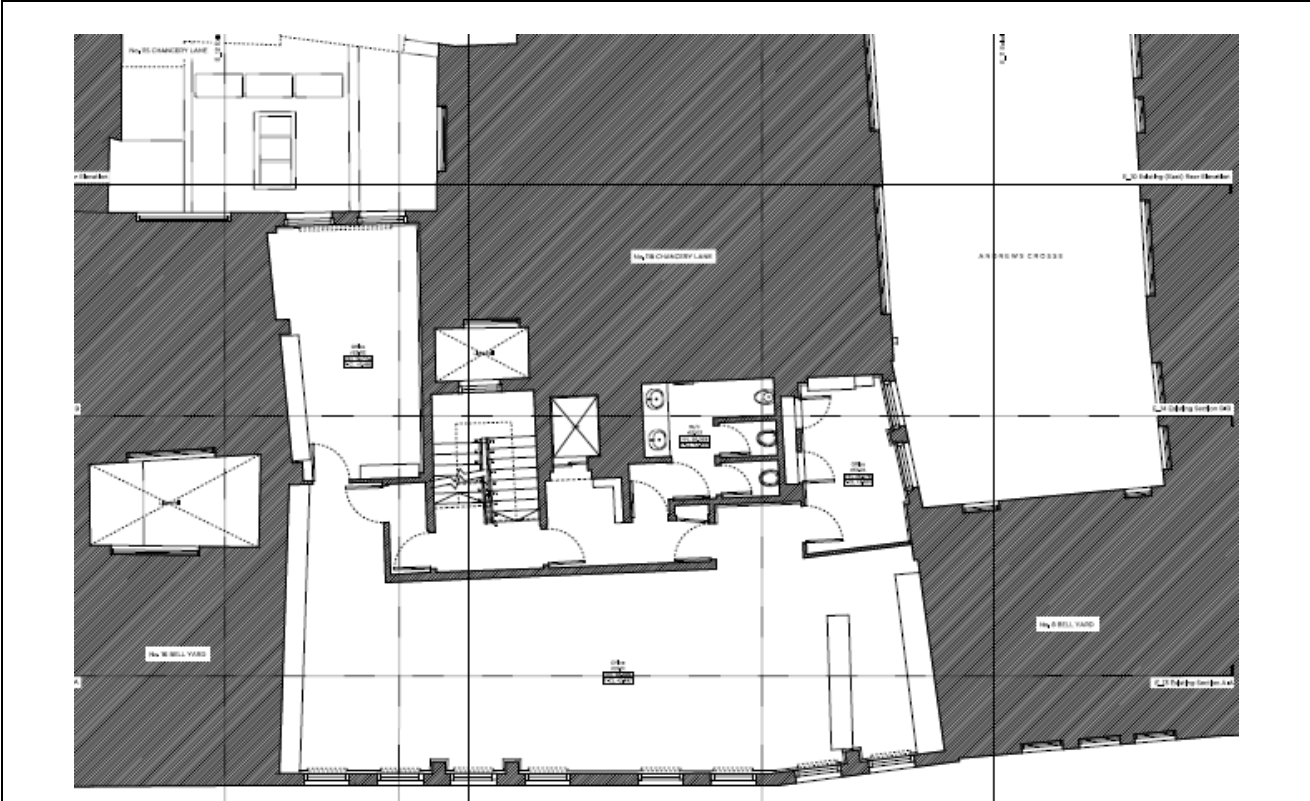




Existing second



Proposed second

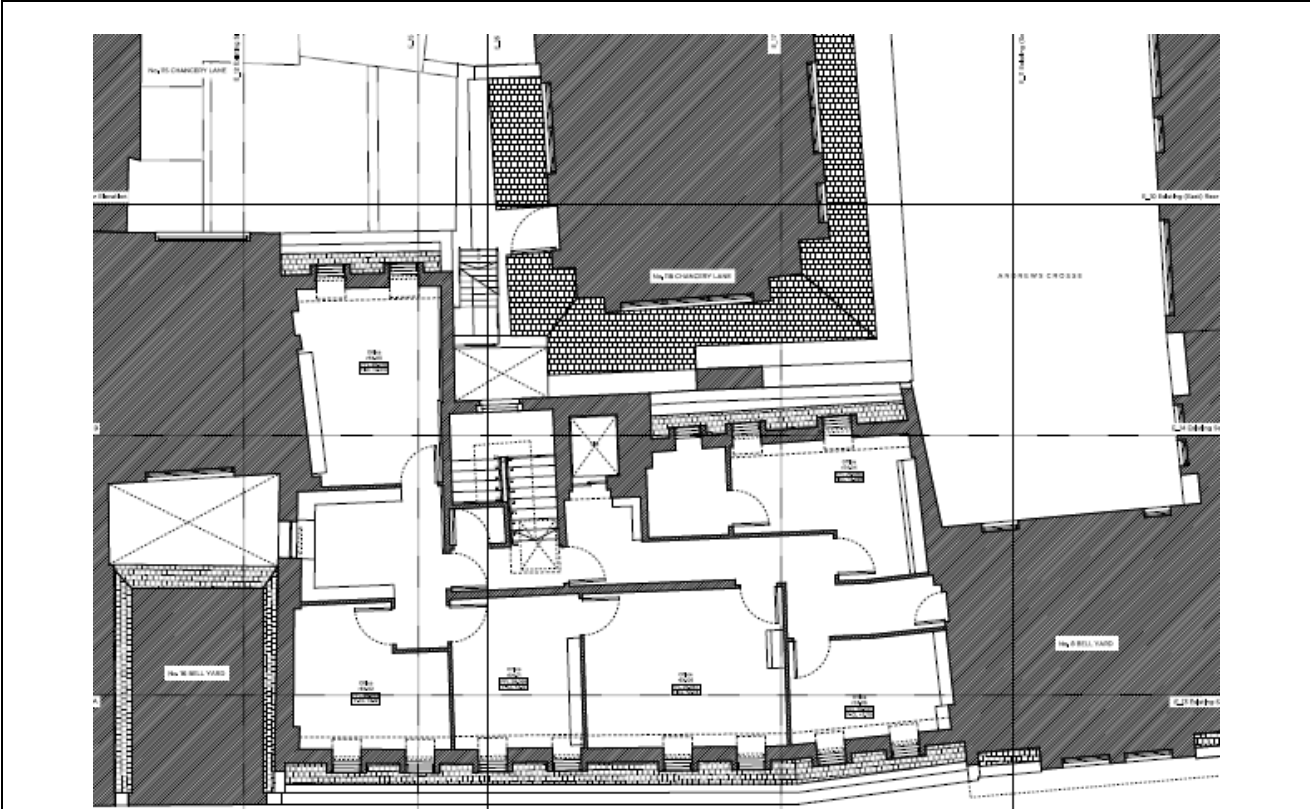


Existing third

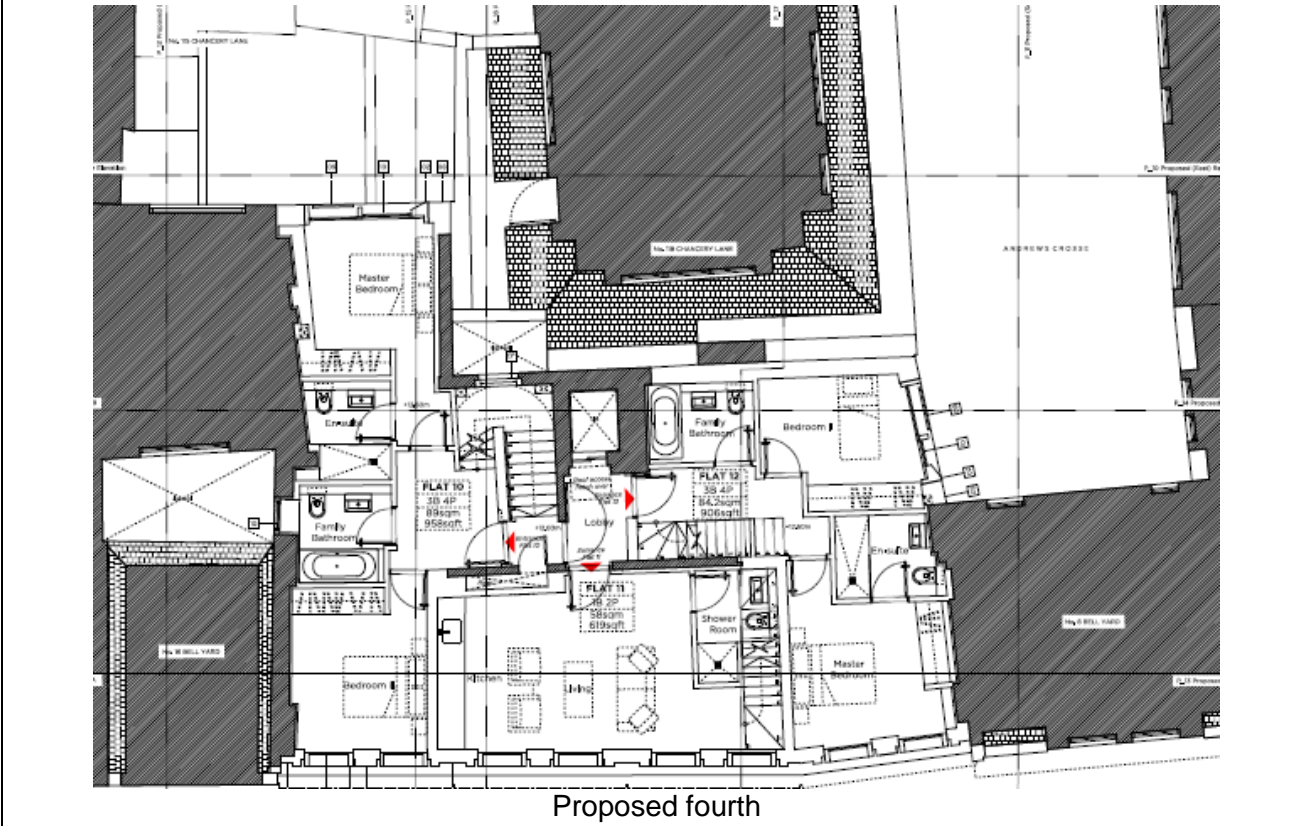


Proposed third

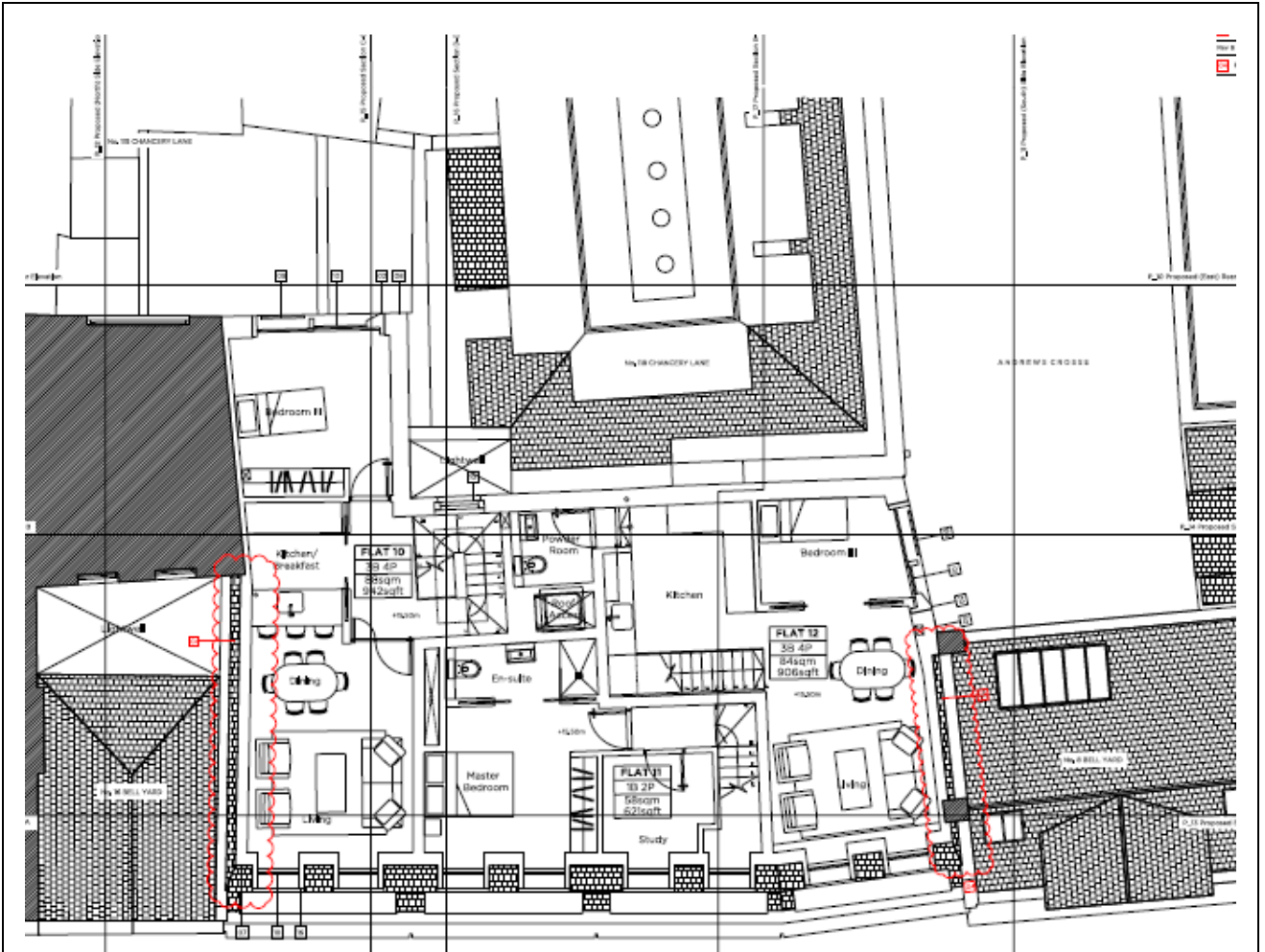




Existing fourth



Proposed fourth



Proposed fifth

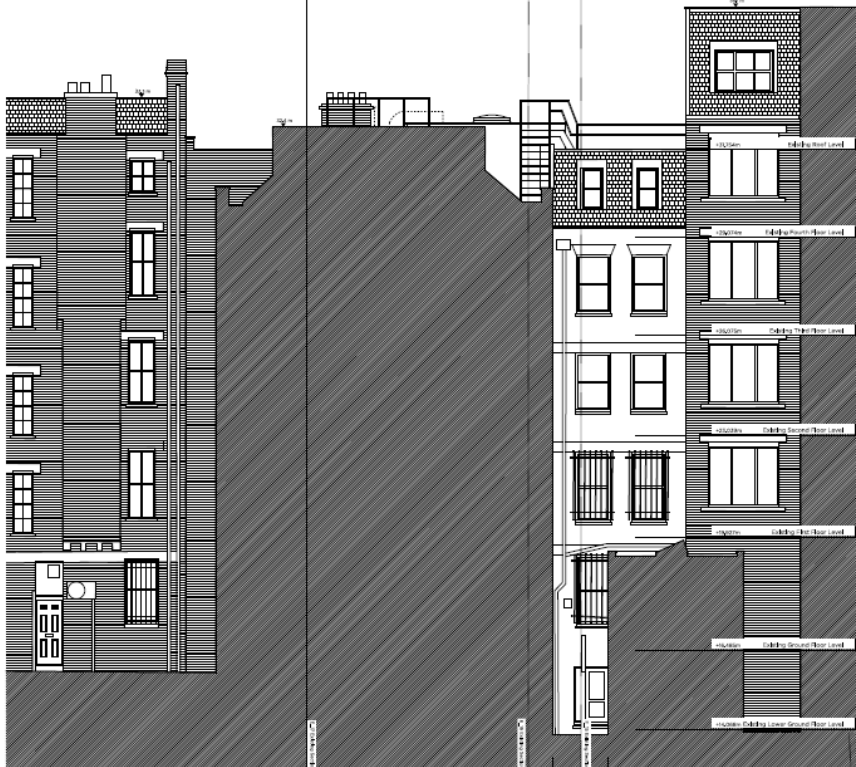


Existing front (west) elevation



Proposed front (west) elevation





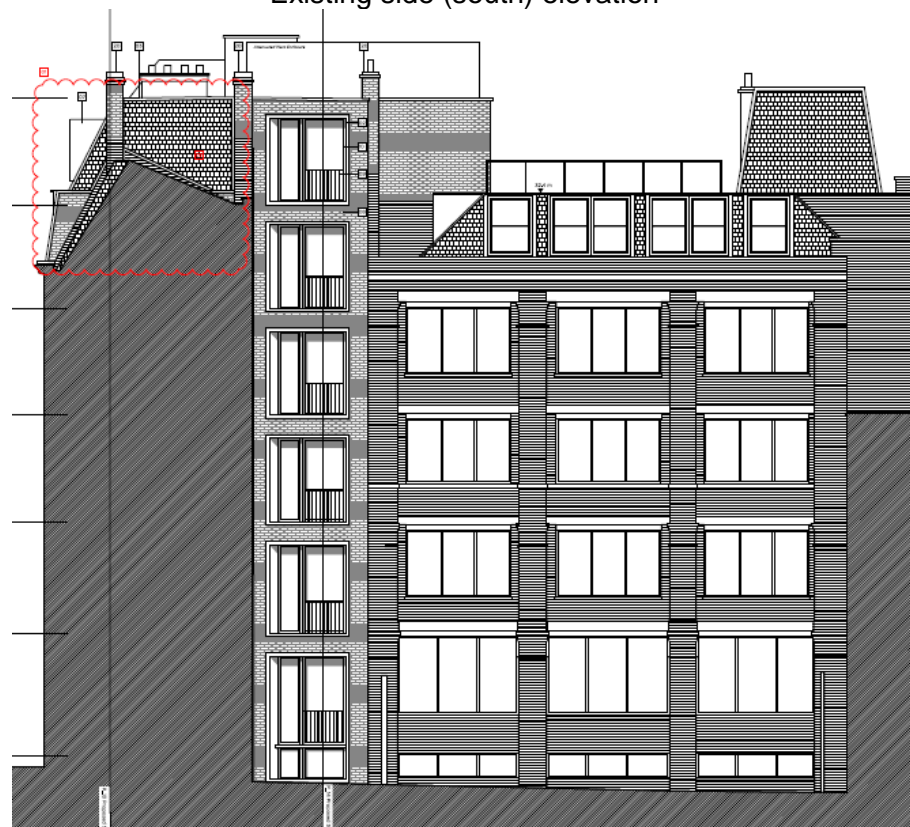
Existing rear (East) elevation



Proposed rear (east) elevation



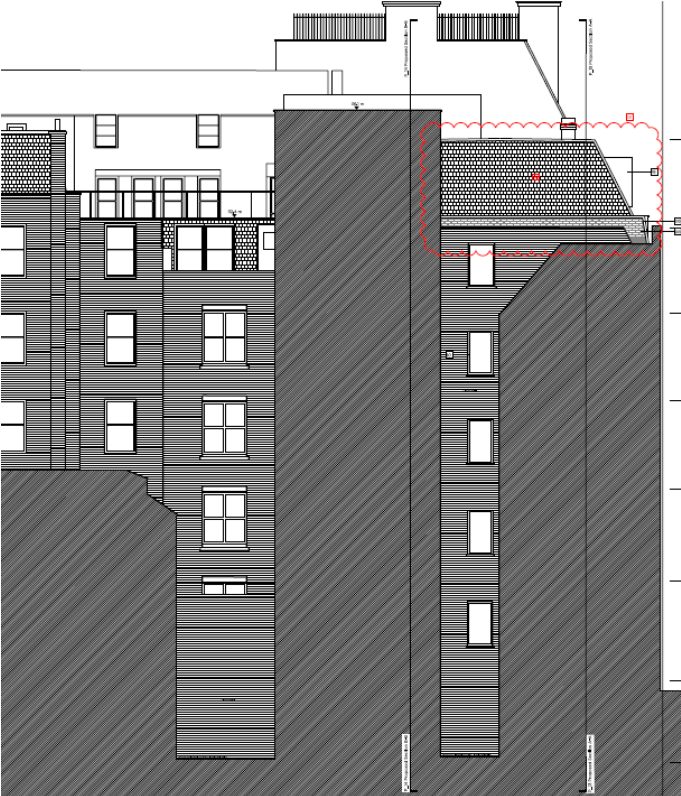
Existing side (south) elevation



Proposed side (south) elevation



Existing side (north) elevation



Proposed side (north) elevation

Item No.
<b>3</b>

## DRAFT DECISION LETTER

**Address:** 9-12 Bell Yard, London, WC2A 2JR,

**Proposal:** Use of building as 12 residential units (Class C3), demolition of fourth floor mansard roof and front façade, replacement fourth floor extension and new fifth floor mansard roof extension above, new front façade, associated alterations to elevations and works to a listed party wall.

**Reference:** 17/09583/FULL

**Plan Nos:** P\_00, E\_01, E\_02, E\_03, E\_04, E\_05, E\_6, E\_7, E\_8, E\_09, E\_10, E\_11, E\_12, E\_13, E\_14, E\_15, E\_16, E\_17, D\_01, D\_02, D\_03, D\_04, D\_05, D\_06, D\_7, D\_8, D\_09, D\_10, D\_11, D\_12, D\_13, D\_14, D\_15, D\_16, D\_17, P\_01, P\_02, P\_03, P\_04, P\_05, P\_06, P\_07 rev B, P\_08 rev B, P\_09 rev B, P\_10, P\_11 rev A, P\_12 rev A, P\_13 rev B, P\_14, P\_15 rev A, P\_16 rev A, P\_17 rev A; Design and Access Statement rev B by Marek Wojciechowski Architects; Planning Statement by Montagu Evans dated October 2017; Heritage Statement dated October 2017; Noise Survey dated 25th August 2017; Daylight and Sunlight Report dated 30 October 2017; Construction Management Plan dated October 2017; Energy and Sustainability Statement dated 06 October 2017.

**Case Officer:** David Dorward

**Direct Tel. No.** 020 7641 2408

### Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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



Reason:

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

- 3 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately before anyone moves into the residential units. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the residential units.

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)

- 4 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the residential units. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 9 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 7 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 10 You must apply to us for approval of a detailed written and photographic schedule (including reference to site sample panels as agreed necessary with us) of the facing materials you will use, including brickwork, along with versions of the approved elevations and roof plans annotated to show where each of the materials would be used. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

Reason:

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

- 11 You must apply to us for approval of further information (as set out in brackets below) of the following parts of the development:
- (a) Overall building profiles (detailed plans, elevations and sections at 1:20 through each façade type / building element);
  - (b) New windows and doors (detailed elevations and sections at 1:5).
- You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

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

- 12 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no painting of the front façade, as permitted by Class C of Part 2 of Schedule 2 of the Order, shall be carried out on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.

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)

- 13 This permission must be commenced no later than 30 September 2018.

Reason:

The proposals are not in accordance with S20 of Westminster's City Plan (July 2016), however given the extant planning permission dated 30 September 2015 (15/07175/FULL), which can be implemented until 30 September 2018, the change of use is acceptable in this instance subject to a condition to restrict the time limit of the application to that of the extant permission.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:, , i. A payment of £328,624 towards the provision of affordable housing elsewhere in the City (payable on commencement of development and index linked).

- 3 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met: , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>. , , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 4 In respect of condition 3, you will need to be label the bins on the drawing as "R" and "W" as required within the council waste storage requirements.
- 5 The windows on the boundary facing the light well of no.13 Bell Yard are unlikely to be offered any protection from neighbouring development in order not to prejudice the potential future development of neighbouring sites that share the common boundary.

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:** 9-12 Bell Yard, London, WC2A 2JR,

**Proposal:** Use of building as 12 residential units (Class C3), demolition of fourth floor mansard roof and front façade, replacement fourth floor extension and new fifth floor mansard roof extension above, new front façade, and associated alterations to elevations and works to a listed party wall.

**Reference:** 17/09584/LBC

**Plan Nos:** P\_00, E\_01, E\_02, E\_03, E\_04, E\_05, E\_6, E\_7, E\_8, E\_09, E\_10, E\_11, E\_12, E\_13, E\_14, E\_15, E\_16, E\_17, D\_01, D\_02, D\_03, D\_04, D\_05, D\_06, D\_7, D\_8, D\_09, D\_10, D\_11, D\_12, D\_13, D\_14, D\_15, D\_16, D\_17, P\_01, P\_02, P\_03, P\_04, P\_05, P\_06, P\_07 rev B, P\_08 rev B, P\_09 rev B, P\_10, P\_11 rev A, P\_12 rev A, P\_13 rev B, P\_14, P\_15 rev A, P\_16 rev A, P\_17 rev A; Design and Access Statement rev B by Marek Wojciechowski Architects; Planning Statement by Montagu Evans dated October 2017; Heritage Statement dated October 2017.

**Case Officer:** [redacted] forward

**Direct Tel. No.** 020 7641 2408

**Recommendation and Reason(s)**

- 1 The development 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 Strand 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 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , \* any extra work which is necessary after further assessments of the building's condition;, , \* stripping out or structural investigations; and, \* any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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



Item No.
<b>3</b>

This page is intentionally left blank

# Agenda Item 4

Item No.
----------

4
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 13 March 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Bryanston And Dorset Square	
<b>Subject of Report</b>	206 - 216 Marylebone Road, London, NW1 5LA,		
<b>Proposal</b>	Refurbishment and extension of 206-216 Marylebone Road including new seventh floor and rear lightwell infill to provide additional office accommodation change of use of part ground floor to flexible Class A1 and/or D2 and/or B1 floorspace and other associated works.		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Marylebone Properties Limited		
<b>Registered Number</b>	17/10910/FULL	<b>Date amended/ completed</b>	8 December 2017
<b>Date Application Received</b>	8 December 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Dorset Square		

## 1. RECOMMENDATION

Grant conditional permission.
-------------------------------

## 2. SUMMARY

The application site is located on the north side of Marylebone Road. It contains an office building that is up to eight storeys in height, including rooftop plant rooms. The application site is located within the Dorset Square Conservation Area, within the Central Activities Zone (CAZ) and within the CAZ frontages (Marylebone Road). This building is also designated as an Unlisted Building of Merit within the Dorset Square Conservation Area Audit (adopted 2008).

The applicant seeks permission for alterations and extensions to the existing building. The courtyard area at the rear of the site would also be infilled to create square floor plates at levels three through seven. Several other minor alterations, including the introduction of entrance canopies on Marylebone Road and Balcombe Street and the introduction of roof terraces, are also proposed.

The proposed development would retain and extend the existing office use on the application site. It would also include 1,909 sqm of flexible floorspace at ground and basement floor levels. This flexible floorspace would be used as retail, office and/or a gym/fitness centre (Use Classes A1, B1

and/or D2, respectively).

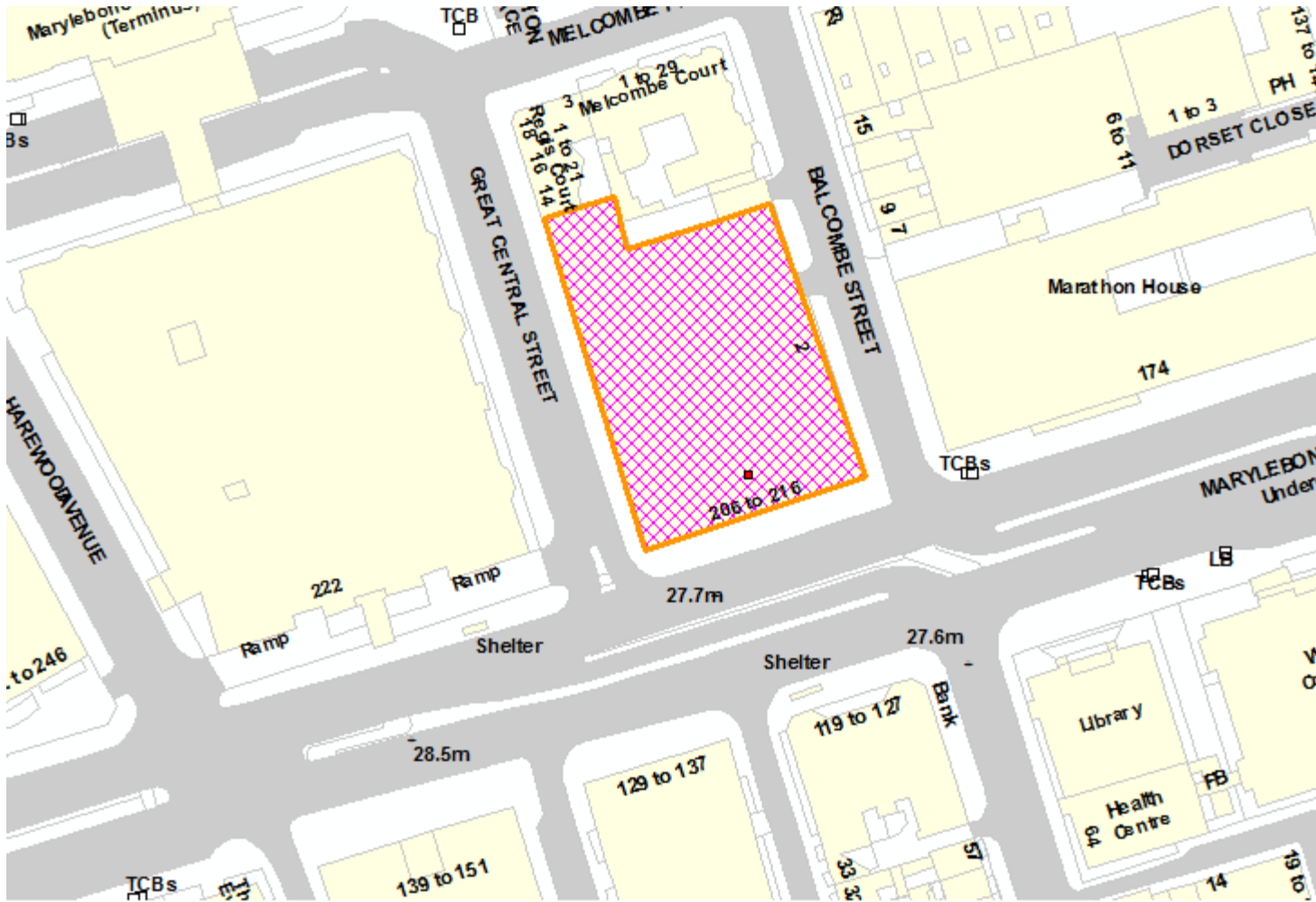
Several objections to the proposal have been received. The objectors are particularly concerned with loss of daylight and sunlight to Regis and Melcombe Courts and harm to amenity from the proposed terraces.

The key considerations are:

- The acceptability of the proposed uses;
- Impact on heritage assets, including this Unlisted Building of Merit in the Dorset Square Conservation Area;
- Impact on the amenity of neighbouring residents; and
- Impact on highways.

The development would comply with relevant London Plan, City Plan and Unitary Development Plan and is therefore recommended for conditional approval.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Application Site from Marylebone Road





**Application Site (left) from Balcombe Street. Melcombe Court to Right.**



**Application site as seen from Great Central Street**

## 5. CONSULTATIONS

### MARK FIELD MP

Request that the concerns of the occupiers of neighbouring properties are taken into consideration.

### COUNCILLOR JULIA ALEXANDER

We must ensure that the loss of light to the properties in Melcombe Court does not breach clear NPPF guidelines. Would like reassurance that the additional height would not compromise the views from the Conservation Area, or from Regent's Park, and would not spoil the prospect of the Marylebone Old Town Hall, which is diagonally opposite.

### LONDON UNDERGROUND LIMITED

No objection, subject to a condition to safeguard London Underground tunnels and structures.

### TRANSPORT FOR LONDON - BOROUGH PLANNING

Long-term (staff) cycle parking for each of the uses should at least meet the minimum standards in the current London Plan. Preferably, the level of provision should meet the higher minimum standards again in the draft New London Plan. This should include some Sheffield Stands or similar suitable for those unable to use stacked parking and for larger bikes such as cargo bikes and tricycles.

It is noted that the Transport Assessment states that 119 cycle parking spaces would be provided yet 180 are marked up on the basement drawing. This difference should be clarified.

There does not appear to be any short stay (visitor) parking and again this should be provided to meet as a minimum London Plan standards and preferably the draft new London Plan minimum standards.

The cycle parking details should comply with London Cycle Design Standards. It is not clear that this is the case with the proposals given the level of detail provided.

Cyclist showers, changing rooms and lockers for staff who work in the building should be secured by condition.

As this site is highly accessible and to accord with London Plan policy the motor cycle parking and standard car parking spaces should be removed. If the latter is retained a condition restricting its use to Blue Badge holders should be imposed.

Given site constraints and to avoid disruption to bus services and other users of the highways adjoining the site it is suggested that conditions are imposed if permission is granted securing a Delivery and Servicing Plan and a Construction Management/Logistics Plan.

Request a tree protection condition in respect of the TfL street trees on Marylebone Road. TfL would not agree to the lopping or felling of these trees.

**DESIGNING OUT CRIME OFFICER**

Any response to be reported verbally.

**BUILDING CONTROL OFFICER**

The proposals do not include a basement extension. No building control comments needed.

**ENVIRONMENTAL HEALTH OFFICER**

No objection, subject to conditions to control plant noise.

**WASTE PROJECT OFFICER**

Object. A waste store is indicated on the drawings submitted with waste servicing proposed on Balcombe Street. However, the waste details are not in line with the City Council's recycling and waste storage requirements. The applicant will need to confirm the bin capacities for the storage of residual waste and recyclable materials for the development. The bins should be indicated on the drawing and marked "R" and "W".

**GO GREEN OFFICER**

Any response to be reported verbally.

**HIGHWAYS PLANNING MANAGER**

Supports loss of car parking and the level of cycle parking proposed. Does not support changes to off-street servicing bay, waste collection arrangements and trip generation from A and D class uses proposed. Discussed in greater detail below.

**HEAD OF POLICY**

Any response to be reported verbally.

**PUBLIC REALM & LANDSCAPE - CITY PLANNING**

Any response to be reported verbally.

**HIGHWAYS LICENSING**

Any response to be reported verbally.

**MAJOR REDEVELOPMENTS AND INFRASTRUCTURE**

Any response to be reported verbally.

**MARYLEBONE ASSOCIATION**

Any response to be reported verbally.

**THE ST MARYLEBONE SOCIETY**

Welcome the retention of use of building as offices and most of 1960s additions as there will be much less demolition and less disruption for residents and to traffic.

The site is encircled by bus routes and has a bus stand on the West side - a traffic plan will have to take this into account.

Relocation of much of the plant to the basement is preferable to locating it on the roof.

Welcome the provision of 180 cycle spaces rather than many car bays. Pollution and

congestion are major problems in this area, and they support any initiative which discourages car use.

Would like to see a retail unit/ cafe on the ground floor to enliven the street frontage on Great Central Street.

Two recessed entrances on the sides of the building have been used by rough sleepers, Non-recessed entrances would be preferable or 24 hour monitoring will be required.

No objection in principle to changing windows in 1960s extensions. These extensions have pleasing, well-detailed stone facades.

A similar roof extension was given permission in 2015, but in that scheme, levels 5&6 were extended vertically, and a shorter mansard added above them. Pleased that the stone facades of levels 5&6 in the historic building are to be preserved as existing, with original window openings and glazing. But the curved leaded mansard proposed for level seven is very bulky and heavy-looking, and this impression persists even though it is set back from the stepped stone facades of levels five and six. The developer should be more adventurous: here is an opportunity for something beautiful and much lighter in appearance: a glass pavilion, for example. A glazed extension with views over Central London would be an asset in an office building.

The roof terraces must be controlled so that local residents are not affected by noise and nuisance.

Residents in Regis Court and Melcombe Court are worried about the loss of sunlight, particularly in winter. We have looked at the Sunlight study and massing diagrams, and it is clear that there are small increases in height in some areas, and some loss of light for these buildings and for Marathon House at certain times. But the form of the sunlight study is unhelpful for non-experts. Would like to see 3D shadow diagrams to demonstrate the significance or otherwise of these changes for residents

Would like to see more greenery at roof level. This is an opportunity for green roofs and possibly more green walls. There could also be more planting outside of designated terrace areas

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

No. Consulted: 691  
Total No. of replies: 9  
No. of objections: 9  
No. in support: 0

In summary, the objectors raise the following issues:

- The proposed extensions would be harmful to the Conservation Area;
- The proposed roof extension is bulky and heavy looking.
- The proposed terraces may harm the amenity of neighbouring residents in Melcombe and Regis Courts through noise, overlooking and people smoking;

- The proposed extensions would result in loss of daylight and sunlight to Melcombe and Regis Courts and other neighbouring sites;
- The daylight and sunlight assessment is too technical and should be simplified for neighbouring residents to understand;
- The proposal would breach Rights to Light for the occupiers of Melcombe and Regis Courts;
- The proposal is too close to Melcombe and Regis Courts;
- The proposal would cause greater air pollution, further aggravating poor air quality in Central London;
- Construction would result in unacceptable noise, traffic and dust for the occupiers of neighbouring properties. The developer should provide double or secondary glazing to neighbouring flats;
- Building in the central courtyard area would be imposing and unsightly;
- The application was made shortly before Christmas. Accordingly, notification of the scheme took place when people were on holiday and unable to respond; and
- Granting permission would set a precedent for similar extensions elsewhere.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site has an area of approximately 0.25 of a hectare and is located on the north side of Marylebone Road. It occupies most of the block of land bound by Marylebone Road, Great Central Street (west side) Melcombe Place (north side) and Balcombe Street (east side). The remainder of this block is occupied by Melcombe and Regis Courts, which are seven and nine storey's high, respectively. The ground floors of Melcombe and Regis Court contain retail uses with residential flats on the upper floors.

The application site contains a building with a U-shaped plan. The southern part of the building was constructed in the mid-1930's and is up to eight storeys in height, including rooftop plant rooms. Two later wings were added to the rear of the building in the 1960's. The western wing, fronting Great Central Street, is five storey's high whilst the eastern wing, fronting Balcombe Street is four storey's high. The entire building contains approximately 13,809 square metres of office floorspace (Use Class B1(a)). A basement parking level, accessed off Balcombe Street, is located beneath the entire building.

The application site is located within the Dorset Square Conservation Area, within the Central Activities Zone (CAZ) and within the CAZ frontages (Marylebone Road). This building is also designated as an Unlisted Building of Merit within the Dorset Square Conservation Area Audit (adopted 2008).

The surrounding area contains a mixture of uses and building typology. The Grade 2 listed Landmark Hotel is located opposite the application site to the west, whilst a modern high-rise building containing flats (Marathon House) is located opposite to the east. Smaller, Georgian terrace buildings containing flats or dwellinghouses are located



to the rear of Marathon House, opposite the application site. Marylebone Station and a cluster of office uses surrounding it are located approximately 30 metres to the north-west of the application site.

## 6.2 Recent Relevant History

### 15/05254/FULL

Redevelopment of the site behind a part retained facade to provide an eight level (plus basement) mixed use development containing up to 64 residential units (Class C3), office floorspace (Class B1) and retail floorspace (Class A1), together with car and cycle parking, plant and other associated works.

Granted - 28 April 2016. This permission has not been implemented.

## 7. THE PROPOSAL

The applicant seeks permission for alterations and extensions to the existing building. A mansard roof extension is proposed at main roof level to accommodate a new seventh floor. A new roof terrace would be located on the front elevation at seventh floor level. Existing plant at main roof level would be consolidated within this extension.

The courtyard area within the U shaped plan would also be infilled to create square floor plates at levels three through seven. New terraces are proposed with this extension at fourth, fifth, sixth and seventh floor levels. Several other minor alterations, including the introduction of entrance canopies on Marylebone Road and Balcombe Street, are also proposed.

The proposed development would retain and extend the existing office use on the application site. It would also include 1,909 sqm of flexible floorspace at ground and basement floor levels. This flexible floorspace would be used as retail, office and/or a gym/fitness centre (Use Classes A1, B1 and/or D2, respectively).

Three of the existing 26 car parking spaces on-site and at basement level would be retained at basement level with the remaining 23 being converted to a 180-space cycle parking facility, and associated facilities.

**Table 1: Floor Areas**

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
<b>Office</b>	12,706	12,962	+256
<b>Flexible A1, B1 and/or D2 Use</b>	0	1,909	+1909
<b>Total</b>	12,706	14,871	+2,156

The applicant initially also proposed a rooftop terrace on the new mansard roof. This was removed during the course of the application process to address officer concerns

that it would harm the character and appearance of this building and the conservation area.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **8.1.1 Office Use**

Policy S8 of Westminster's City Plan (November 2016) ("the City Plan") states that the Named Streets are appropriate locations for a range of commercial uses. Policy S18 of the City Plan states that commercial development will be encouraged and directed towards, inter alia, the Named Streets. Policy S20 of the City Plan also directs new office development to, inter alia, the Named Streets. As Marylebone Road is a Named Street, the provision of additional office floorspace on-site is therefore supported by policies S8, S18 and S20 of the City Plan.

Policy S1 of the City Plan states that, where there is an increase in floorspace of over 30% GIA, and more than 400 sqm, a requirement for residential floorspace will be generated. In this instance, the proposed uplift in B1 floorspace, including the flexible B1 floorspace proposed, would not increase the floorspace by 30% or more. Accordingly, the applicant is not required to provide residential floorspace and is in accordance with this policy.

#### **8.1.2 A1, B1 and/or D2 Use**

With regards to the retail use proposed, it is acknowledged that policy S21 of the City Plan directs new retail floorspace to the designated Shopping Centres and the application site is not located within one of these shopping centres. However, Marylebone Road is a Named Street and policy S8 acknowledges that it is therefore an appropriate location for a range of commercial uses, including retail uses. Policy SS4 of the UDP also encourages retail provision within CAZ frontages, like the application site. Accordingly, the retail use is acceptable.

With regards to the office use, this would be no change from the existing lawful use. Notwithstanding this, policy S20 of the City Plan encourages additional office floorspace on Named Streets. Accordingly, the office use is acceptable.

With regards to the D2 use proposed, the applicant has suggested that this would be a gym/fitness centre. Such a use would be classified as a social and community use under the City Plan and are encouraged throughout Westminster by policy S34 of the same. As a private facility, it would also be a commercial use on a Named Street, as encouraged by policy S8 of the City Plan. The gym/fitness centre would also not result in loss of office or retail floorspace.

The D2 use class covers a range of uses, including cinemas and concert halls. Such uses may have effects that would be detrimental to the amenity of nearby residents and the function of this Named Street as a focus for commercial activity. A condition is

therefore recommended that limits the D2 use to a gym/fitness centre. Subject to this condition, the D2 use proposed is acceptable.

The proposed uses would give the applicant flexibility to ensure that the ground floor frontage remains active at all times. A mix of the proposed uses would also not be detrimental to the commercial function of this Named Street. Accordingly, a mix of the proposed uses is also considered acceptable.

## 8.2 Townscape and Design

The application site is located within the Dorset Square Conservation Area and contains an Unlisted Building of Merit (NCR Building), as set out in the Dorset Square Conservation Area Audit (2008) (the Audit"). The Landmark Hotel to the west and 9-15 Balcombe Street and 29-40 Dorset Square to the east are Grade 2 listed, as is the St Marylebone Library to the south east, across Marylebone Road. Marathon House, Regis Court and Melcombe Court are all Unlisted Buildings of Merit. Accordingly, the application site and its surrounds are sensitive in conservation terms, containing heritage assets of varying significance.

The Audit designates the original 1930's block and the 1960's block to Great Central Street as Unlisted Buildings of Merit. The 1960's block to Balcombe Street has not been designated. The Audit notes that the value of post-Georgian buildings such as this to the conservation area derives from their being representative of different periods and the evolution of the area. With regards to the application building in particular, the Audit describes it as "an attractive inter-war building constructed in Portland Stone with classical detailings".

The significance of this building derives from its classically detailed, monumental and attractive Portland Stone façade. It is an attractive example of the large-scale buildings that are prevalent in this part of the conservation area and that were constructed predominantly in the inter-war period. The 1960's additions are of little significance, being mediocre examples of the post-war evolution of the conservation area. Despite being constructed of Portland Stone, they lack the classical detailing and monumental quality of the original 1930's block. The inclusion of the Great Central Street 1960's block and the exclusion of its counterpart to Balcombe Street indicates that the inclusion of the former in the Unlisted Building of Merit status may be an error.

### Proposed Roof Extension

The proposed mansard roof level occupies a similar volume and position to that approved under application ref: 15/05254/FULL although it would extend further rearward, over the 1960's extension on the Balcombe Street frontage that is to be retained.

The Audit notes that the existing building has modern roof extensions but does not indicate that it is either acceptable or unacceptable for further extensions. Up to sixth floor level, this building is a complete composition constructed in the 1930's with further plant rooms apparently added as part of the 1960's extensions. The proposal would consolidate the visually piecemeal nature of these plant room extensions into a more coherent mansard roof extension. This extension is set back sufficient distance from

the perimeter of the sixth floor and is not high enough to dominate the original building below or appear visually intrusive in long views of the site. It is made more recessive by the use of grey zinc cladding, which has a similar aesthetic to the lead that would have clad a similar extension contemporary to the original building. The proposed mansard also improves on that granted in 2015 insofar as it now includes a dual pitched rear elevation to match the other elevations, unlike the unresolved sheer elevation previously approved.

However, the glass balustrades proposed around parts of the perimeter of the roof at seventh floor level are a concern. The metal balustrades approved previously softened the transition between the original Portland stone elevations below and the modern zinc mansard, particularly when viewed from Marylebone Road. They were also an appropriate material contemporary to this 1930's and also provided horizontal emphasis that countered the verticality of the previously approved mansard. They also provide a degree of screening for any high level clutter (e.g. outdoor furniture) that may accompany use of these terraces. Accordingly, an amending condition is recommended that requires replacement of these glass balustrades with metal balustrades that extend around the prominent western, southern and eastern elevations of the building. Subject to this condition, the proposed mansard roof extension would preserve the character and appearance of the conservation area and the significance of this unlisted building of merit.

#### Infill Extension and Alterations to Rear of Building

The bulk and mass of the new infill extension would be discreetly located between and no higher than the western and eastern wings and the rear of the existing building. It would also extend no further rearward than the existing glazed link at first and second floor level. The rear elevation of the infill extension would comprise of glazing and sections of green wall. These would ensure that it remains visually recessive and subordinate to the Portland stone cladding found on the original building and would allow the original form of the building to remain apparent. The roof terraces proposed at fifth, sixth and seventh floor level are also discreetly located, being screened from public view by parts of the existing building. Given the above, and as the significance of this building derives from its facades, the infill extension would preserve the character and appearance of the conservation area and the significance of this unlisted building of merit.

The use of louvred enclosures around the perimeter of the roof terrace on the eastern wing and around the plant room on the roof of the western wing are regrettable. However, they are set back sufficiently from the perimeter of the existing roofs and are located discreetly between the larger 1930's block and Regis and Melcombe Courts. They also replace and consolidate existing plant and plant enclosures at roof level that detract from the character and appearance of the building below. On balance, these enclosures are considered acceptable and would preserve the character and appearance of the conservation area and the significant of this Unlisted Building of Merit.

#### Other Alterations

Several other minor alterations are proposed. A single window at ground floor level on the Balcombe Street (west) façade will be replaced with a reconstituted stone slotted

louvre. Subject to a condition requiring details of this louvre, this alteration is considered acceptable.

The car park and loading bay shutters on Balcombe Street would be replaced with a new set of security shutters. The exact style of shutter proposed is unclear from the submitted drawings. However, and subject to a condition requiring submission of further details, this alteration is uncontentious and is acceptable.

Canopies to the pedestrian entrances on Balcombe Street and Marylebone road are proposed. The applicant indicates that these would be in an Art Deco style that would be contemporary to this original building. Subject to a condition requiring the submission of further details, this alteration is uncontentious and is acceptable.

Photovoltaic panels would be introduced on the roof of the proposed mansard and on the western and eastern wings. They would be discreetly located below parapet level. Subject to a condition requiring the submission of further details, this alteration is uncontentious and is acceptable.

#### Impact on Setting of Other Heritage Assets.

With regards to the setting of listed buildings and other Unlisted Buildings of Merit near the application site, including the Landmark Hotel, the relatively modest additional bulk proposed is not considered sufficient to cause harm to their setting. Similarly, the relatively recessive design of the proposed extensions and alterations would not cause harm to their setting.

Overall, and subject to recommended conditions, the proposed development would preserve the character and appearance of the Dorset Square Conservation Area and the setting of nearby listed buildings and Unlisted Buildings of Merit. Accordingly, the proposed development would be consistent with policies S25 and S28 of the City Plan and policies DES 1, DES 5, DES 6, DES 9 and DES 10 of the UDP.

### **8.3 Residential Amenity**

#### **8.3.1 Daylight**

Several objections have been received in relation to potential loss of daylight.

UDP Policy ENV13 seeks to protect existing premises, particularly residential from a loss of daylight and sunlight as a result of new development. Permission would not normally be granted where developments result in a material loss of daylight or sunlight.

Regard is to be had to the BRE Guide as noted above. The BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

The applicant has submitted a Daylight and Sunlight Report by Point 2 Surveyors Limited (November 2017) (“the Light Study”) to demonstrate compliance with the BRE Guide. The Light Study considers the properties below:

- 9-15 Balcombe Street;
- 29 Dorset Square;
- Melcombe Court;
- Regis Court; and
- Marathon House.

Residential properties beyond these are considered too distant from the subject property to result potentially unacceptable light loss.

The Light Study and Supplementary Assessment do not assess light levels in relation to the Landmark Hotel, located opposite the site to the west. However, this hotel is not a dwellinghouse or form of residential accommodation that the provisions of policy S29 of the City Plan and policy ENV 13 of the UDP are intended to protect. Furthermore, the proposed development would result in relatively modest increases in height and bulk in some places in comparison to the existing buildings on the application site and when seen from the Landmark Hotel. Accordingly, the proposed development would not result in unacceptable light loss to the Landmark Hotel.

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both methods, the BRE guide also suggests that reductions from existing values of more than 20% should be avoided, as occupiers are likely to notice the change.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents’ amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6 square metres) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways.

In terms of loss of daylight, the BRE guidelines advise that diffuse daylighting to an existing building may be adversely affected if the vertical sky component (VSC) measured from the centre of the window is less than 27% and less than 0.8 times its former value.

Of the properties noted above, the Light Study and Supplementary Assessment confirm that no window or room will result in VSC or NSL losses that exceed the guidelines set out within the BRE Guide. This is unsurprising as the building envelope proposed is similar to the existing buildings on-site. Notwithstanding compliance with the BRE Guide, the levels of light loss proposed would also be less than that approved under application ref: 15/05254/FULL. Accordingly, the resulting daylight levels would be acceptable and consistent with policy S29 of the City Plan and ENV 13 of the UDP.



### 8.3.2 Sunlight

Several objections have been received in relation to potential loss of sunlight.

The BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

The Light Study concludes that no window would have losses of sunlight exceeding BRE Guidelines. The sunlight losses would also be less than that from the development approved under application ref: 15/05254/FULL. Accordingly, the resulting daylight levels would be acceptable and consistent with policy S29 of the City Plan and ENV 13 of the UDP.

### 8.3.3 Sense of Enclosure

The proposed extensions would have less bulk and mass than those approved under application ref: 15/05254/FULL. That application was considered under the same policy context as this proposal. Notwithstanding this, the following is also noted.

With regards to Regis and Melcombe Courts, the infill extension would be located no closer to Regis and Melcombe Courts than the existing covered walkway that connects the two wings of the existing building (i.e. approximately 10 metres). The lower levels of the infill extension would have a comparable impact on Regis and Melcombe Courts to this existing walkway. The infill extension would also be seen against the backdrop of the existing and much larger building and it has been designed to step away from Regis and Melcombe Courts to minimise its bulk when viewed from Regis and Melcombe Courts. Accordingly, the proposed infill extension would not result in a significant increase in sense of enclosure for the occupants of those properties.

The new plant and terrace enclosures on the western and eastern blocks would occupy areas of bulk presently occupied by existing plant, are largely screened from Regis and Melcombe Courts and/or are located approximately 20 m from those properties. They would also be seen against the backdrop of the existing much larger building. Accordingly, the proposed terrace and plant extensions would not result in a significant increase in sense of enclosure for the occupants of those properties.

Given the modest height increase proposed, the mansard roof extension is considered too far from Regis and Melcombe Courts to result in a significant increase in sense of enclosure for the occupants of those properties.

With regards to those properties located opposite the site to the west, south and east, the width of Great Central Street, Marylebone Road and Balcombe Street would provide a large separation distance between the proposed development and the occupiers of those properties. Accordingly, the proposed development would not result in a significant sense of enclosure for the occupants of those properties.

Given the above, the proposed development would not result in a significant increase in sense of enclosure, consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

#### 8.3.4 Privacy

The proposed infill extension would bring the floor plates at first and second floor level to the line of the existing covered walkway. This would increase the potential for overlooking of Regis and Melcombe Courts. However, this could occur at present from the existing walkway whilst the rear elevation of the existing building also overlooks these properties. Accordingly, the proposed infill extension would not result in significant loss of privacy for the occupants of Regis and Melcombe Courts. The proposed roof extension is also considered too far from Regis and Melcombe Courts to result in significant loss of privacy for the occupants of those properties.

Several objectors are concerned that the new terraces at fourth, fifth, sixth and seventh floor levels on the rear elevation would result in overlooking, noise and general anti-social behaviour for the occupants of Regis and Melcombe Courts.

The new terrace at fourth floor level would be located approximately 10 m away from the nearest windows in Melcombe Court. However, this terrace would be enclosed by a privacy screen and, should the application be considered acceptable, a condition is recommended requiring that this screen is at least 1.8 m high above terrace floor level to prevent overlooking. A condition is also recommended to prevent its use during anti-social hours. Subject to these conditions, the proposed fourth floor terrace would not result in unacceptable loss of privacy for the occupants of Regis and Melcombe Courts.

The new terraces at fifth, sixth and seventh floor levels would be located over 24 m away from the nearest windows in Melcombe Court and the applicant does not propose privacy screens on these terraces. However, the cumulative impact of these terraces could result in a substantial increase in overlooking and loss of privacy in comparison to the existing situation and conditions are therefore recommended requiring the use of privacy screens and preventing use of these terraces during anti-social hours. A condition is also recommended that prevents use of the roof areas of the infill extension at second and third floor as terraces. Subject to these conditions, the proposed fifth, sixth and seventh floor terraces would not result in unacceptable loss of privacy for the occupants of Regis and Melcombe Courts.

With regards to those properties located opposite the site to the west, south and east, the width of Great Central Street, Marylebone Road and Balcombe Street would provide sufficient separation distance between the proposed development and the occupiers of those properties to safeguard their privacy. Accordingly, the proposed development would not result in a significant increase in overlooking for the occupants of those properties.

Overall, and subject to the recommended conditions, the proposed development would not result in unacceptable loss of privacy and is consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

### **8.3.5 Plant Noise**

The Environmental Health Officer has also reviewed the proposal and raises no objection to it, subject to conditions controlling plant noise and vibration. Subject to the recommended conditions, the proposed development would be consistent with policies ENV 7 and ENV13 of the UDP and policy S29 of the City Plan.

## **8.4 Transportation/Parking**

### **8.4.1 Trip Generation**

Concerns have been raised with additional traffic from the development and its impact on the surrounding road network.

The Highways Planning Manager notes that the majority of trips associated with the site will be via public transport or other sustainable modes (e.g. walking, cycling). Trip generation modelling indicates that the proposed development would not have a significantly detrimental impact on the safety or operation of the highway network, despite the increase in floor space.

The proposed A and D class uses are likely to alter the time profile of trips associated with the site. The current site would not generate a significant amount of evening or late night trips (of all modes). This is likely to change as part of this proposals although would not significantly adversely affect the operation or safety of the highway.

### **8.4.2 Car Parking**

The application site currently has off-street car parking spaces within the basement that are not used for residential or public car parking. As these spaces serve office accommodation, their loss is supported by policies TRANS21 and TRANS22 of the UDP.

The introduction of three Electric Vehicle charging points would also be in accordance with policy 6.13 of the London Plan (March 2016) ("the London Plan").

### **8.4.3 Cycle Parking**

Policy 6.9 of the London Plan requires one cycle parking space per 175m<sup>2</sup> of A class retail, and one space per 90m<sup>2</sup> of B1 office. Overall, the office floorspace would generate a requirement for 144 cycle parking spaces whilst the retail floorspace would require 11 cycle parking spaces. This is a total of 155 cycle parking spaces. The proposal provides 180 cycle parking spaces within the basement and is therefore acceptable.

### **8.4.4 Servicing**

Policy S42 of the City Plan and TRANS 20 of the UDP require adequate off-street servicing provision.

The submitted drawings indicate that the existing off-street servicing bay would be retained, although its length would be reduced from 7.7 metre to 6.3 metre. The Highways Planning Manager is concerned that, whilst some servicing is likely to occur on-street, the reduction in the depth of the servicing bay may an increase on-street servicing. Combined with an increase in servicing from the introduction of the new land uses and increase in office floor space, the reduction in the size of the off-street servicing area would be unacceptable. A condition is therefore recommended requiring that this servicing bay is maintained at its current 7.7 metre length.

Given the location of the site, limited off-street servicing facilities and the inadequate details provided, the Highways Planning Manager indicates that it would be inappropriate for a food retail/supermarket to operate from the proposed A1 unit. A condition is therefore recommended that prevents use of the proposed retail tenancy by such a use.

A condition requiring submission of a Delivery and Servicing Plan (DSP) is recommended. This is particularly important as Marylebone Road, Balcombe Street and Great Central Street all have high traffic levels (both pedestrian and vehicle).

The DSP should identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this case. It should also clearly outline how servicing will occur on a day-to-day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the DSP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users.

Subject to the recommended conditions, servicing arrangements would be acceptable.

#### **8.4.5 Waste Provision**

There is a central waste store proposed. Waste stored on the public highway creates an obstruction to pedestrians and other highway users. It would also have an adverse impact on the public realm.

Further, while there is an off-street storage area, waste will still need to be collected from the highway. This is likely to result in localised congestion and conflict with pedestrians (see comments on servicing). While this is disappointing aspect of the proposal, it is accepted that waste collection currently occurs on street.

An internal waste store is shown at ground floor level. Within the waste store, it is unclear if there is sufficient storage for the various waste streams (residual, recyclable and organic). Given the quantum of units and non-residential floor space, organic waste storage should be allowed for to future proof the scheme, in accordance with the requirements of the Westminster Recycling and Waste Storage Requirements.

A condition is recommended to secure satisfactory waste storage details. Subject to this condition, the proposed development would be should be consistent with policies S41 and S44 of the City Plan and policies ENV 12 and TRANS 3 of the UDP.

The submitted drawings indicate that doors at ground level would open outwards, over the public highway. This would be contrary to policy TRANS 3 of the UDP. A condition is recommended to secure an alternative design where these doors open inward.

## **8.5 Economic Considerations**

The proposed development would bring a significant quantum of office floorspace that has not been used for over four years back into use. The flexible use would also provide additional employment floor space whilst also supporting other local businesses in the area. Construction of the proposed development would create opportunities for employment in the short term and benefit local service businesses.

## **8.6 Access**

Level access and lifts are provided throughout the development.

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

### **8.7.1 Trees**

The proposal would not result in removal of any protected trees. Two mature London Plane trees on Marylebone Road are owned and managed by Transport for London who have indicated that appropriate protection measures should be introduced during construction. A condition is recommended to secure this. Subject to the recommended condition, the proposed development would be consistent with policy ENV 16 of the UDP.

### **8.7.2 Sustainability**

Several objectors are concerned that the proposed development will increase pollution levels in the area.

Policy 5.2 of the London Plan refers to minimising carbon dioxide emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be Lean-Use less energy.
2. Be Clean-Supply energy efficiently.
3. Be Green-Use renewable energy.

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

The applicant has indicated that the proposed development would achieve a BREEAM Very Good rating. A condition to secure this is recommended.

With regards to carbon reduction, policy 5.2 of the London plan indicates that compliance with building regulations is required for commercial buildings such as this post 2016. The proposed development would need to meet building regulations to be useable.

Given the above, the proposed development meets policies 5.2 of the London Plan and S28 of the City Plan and minimises pollution levels as far as is possible under planning law.

## **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.

Subject to any relief or exemptions available to the applicant, the estimated Westminster CIL payment would be £279,600.00

## **8.11 Environmental Impact Assessment**

The proposed development is not large enough to require submission of an Environmental Impact Assessment.

## **8.12 Other Issues**

### **8.12.1 Construction Impact**

Objections have been received from neighbouring properties regarding the impact of construction noise and traffic.

It is a longstanding principle that planning permission cannot be refused due to the impact of construction. This is due to its temporary nature and the ability to control it by condition. Accordingly, conditions are recommended that limit the hours of construction and require the adherence to the City Council's Code of Construction Practice (CoCP). As per TFL's request, a condition is also recommended requiring the City Council's approval of approval of a Construction Logistics Plan and Delivery and Service Plan to minimise harm to the amenity of local residents and traffic flow. The applicant has also indicated a willingness to enter into a section 106 legal agreement to allow the City Council's monitoring of a Construction Environmental Management Plan which would manage noise, dust and other potential adverse effects on residential amenity arising from construction.

### 8.12.2 Objectors Comments

Most of the objectors concerns are addressed above. The following is also noted.

#### Right to Light

Several objectors contend that the proposal will breach their Right to Light. Loss of light in planning terms is assessed above. Right to Light is a civil issue and not a material planning consideration.

#### Complexity of the Light Study

Several objectors consider the Light Study submitted too technical. Given the technical nature of the BRE Guide as well as the way the sun moves through the sky at different arcs throughout the year, there is no way to simplify the Light Study unfortunately. However, officers have reviewed the Light Study and found that the development complies with BRE Guidelines as set out above.

#### Precedent

An objector considers that allowing this development would set a precedent for similar developments elsewhere. However, each application must be considered on its merits, having regard to the specific proposal, the specific application site and the development plan at the time the application is considered. Accordingly, approval of this development does not mean that similar proposal elsewhere will also be approved.

## 9. BACKGROUND PAPERS

1. Application form
2. Email from Mark Field MP, dated 11 January 2018
3. Email from Councillor Julia Alexander, dated 8 January 2018
4. Response from London Underground, dated 4 January 2018
5. Response from TFL, dated 8 January 2018
6. Response from Building Control Officer, dated 9 January 2018
7. Response from Highways Planning Manager, dated 15 January 2018
8. Response from Waste Project Officer, dated 28 December 2017
9. Response from Environmental Health Officer, dated 21 December 2017
10. Letters from St Marylebone Society, dated 19 and 22 January 2018
11. Letter from occupier of 29 Melcombe Court, Dorset Square, dated 2 January 2018
12. Letter from occupier of 25 Melcombe Court, Dorset Square, dated 3 January 2018
13. Letter from occupier of 29 Melcombe Ct, London, dated 6 January 2018
14. Letter from occupier of 24 Melcombe Court, Dorset Square, dated 7 January 2018
15. Letter from occupier of 28 Melcombe Court, Dorset Square, dated 7 January 2018
16. Letter from occupier of 26 Melcombe Court, Dorset Square, dated 8 January 2018
17. Letter from occupier of 10 Melcombe Court, Dorset Square, dated 8 January 2018
18. Letter from occupier of 24 Knox Street, Marylebone, dated 22 January 2018
19. Letter from occupier of 19 Regis Court, Melcombe Place, dated 22 January 2018

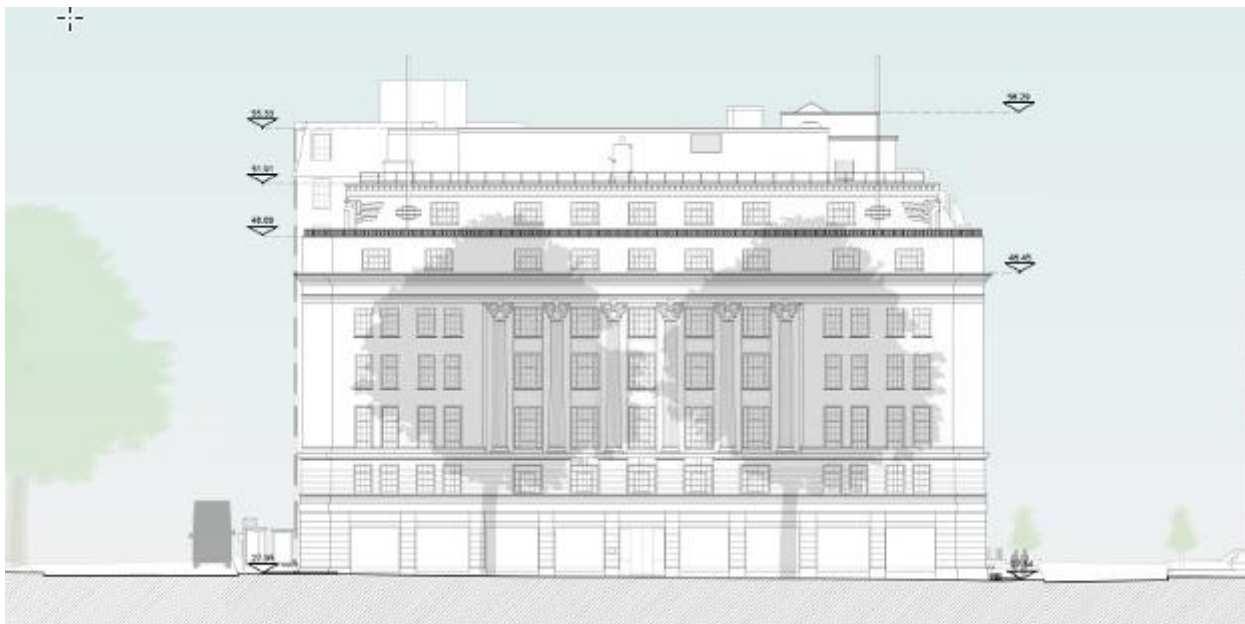
(Please note: All the application drawings and other relevant documents and Background



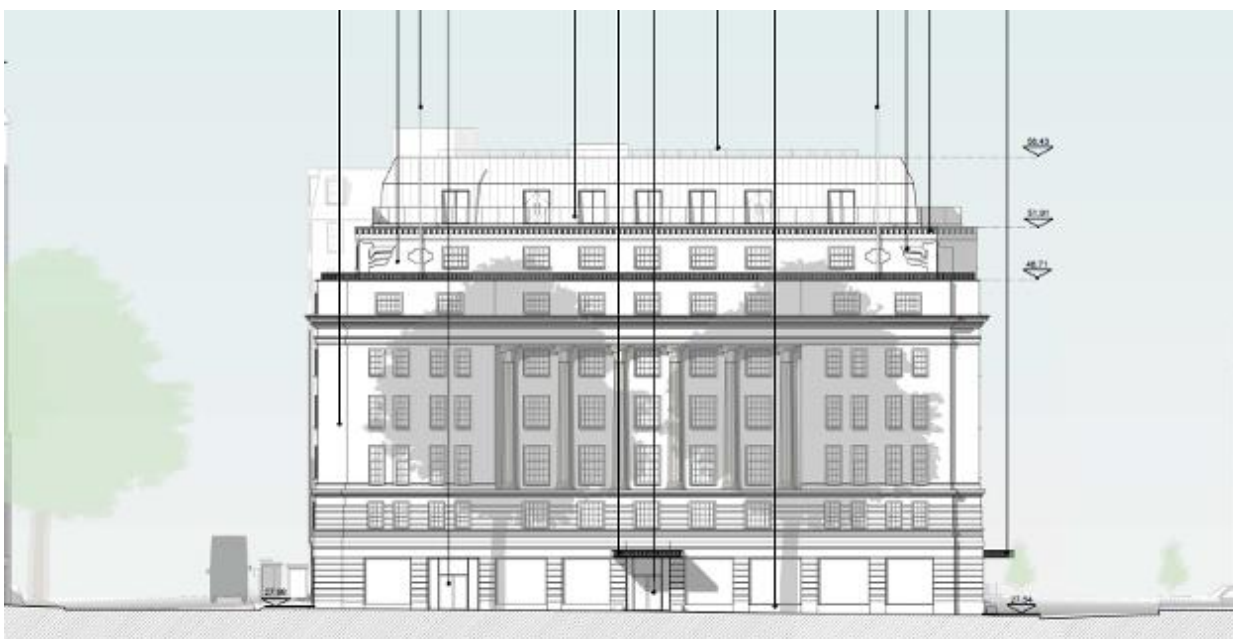
Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT <a href="mailto:nbarrett@westminster.gov.uk">nbarrett@westminster.gov.uk</a> .
--

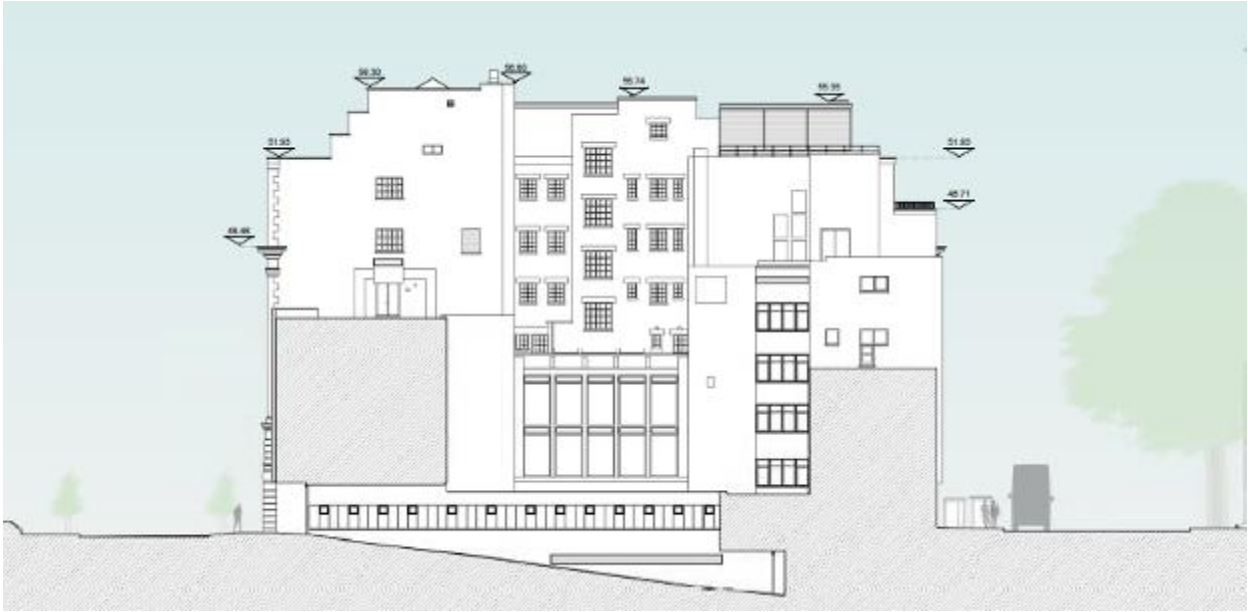
10. KEY DRAWINGS



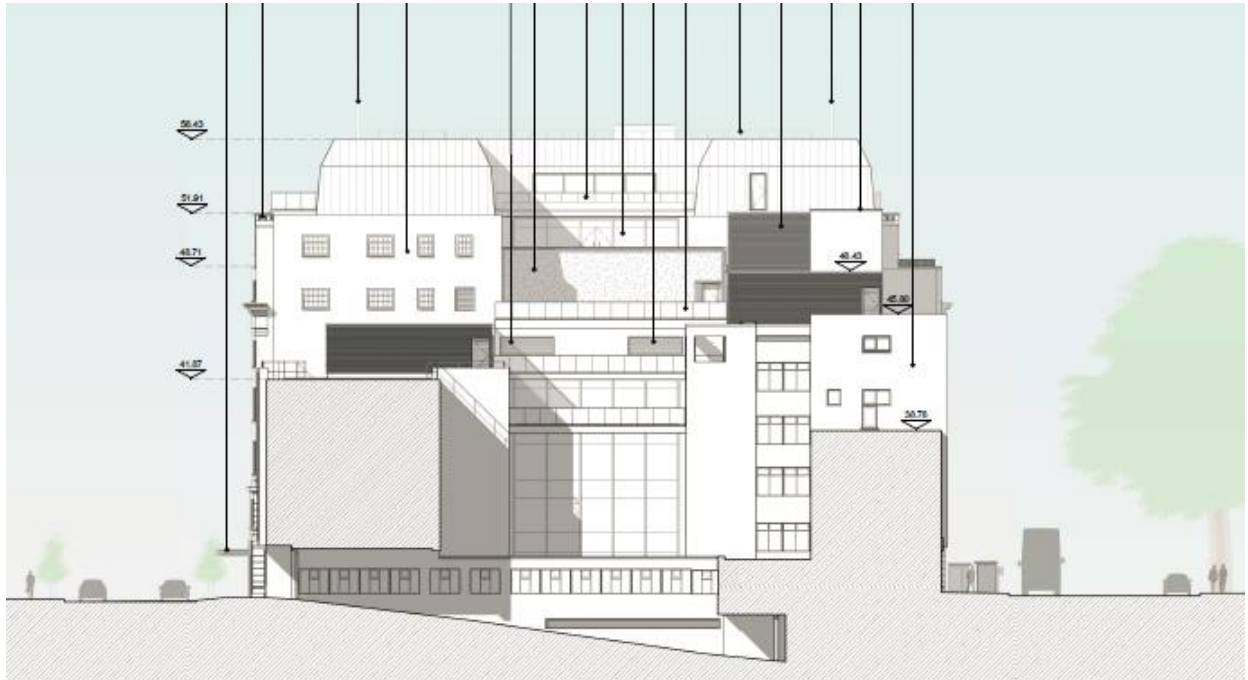
Existing South (Marylebone Road) Elevation



Proposed South (Marylebone Road) Elevation



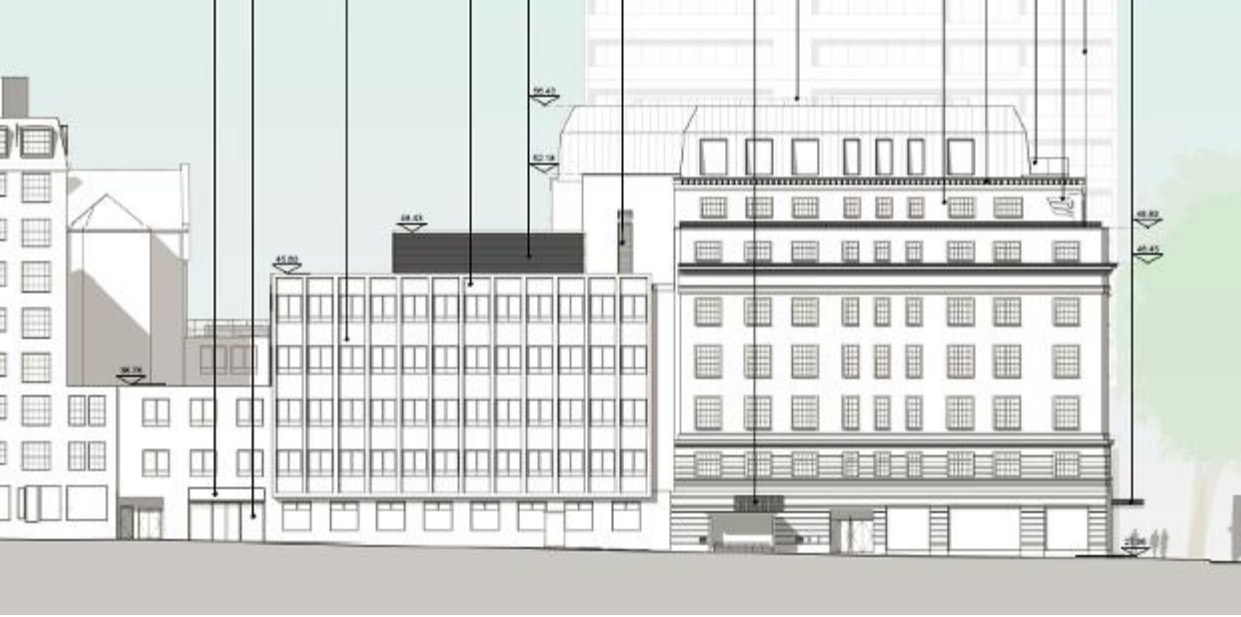
**Existing North Elevation**



**Proposed North Elevation**



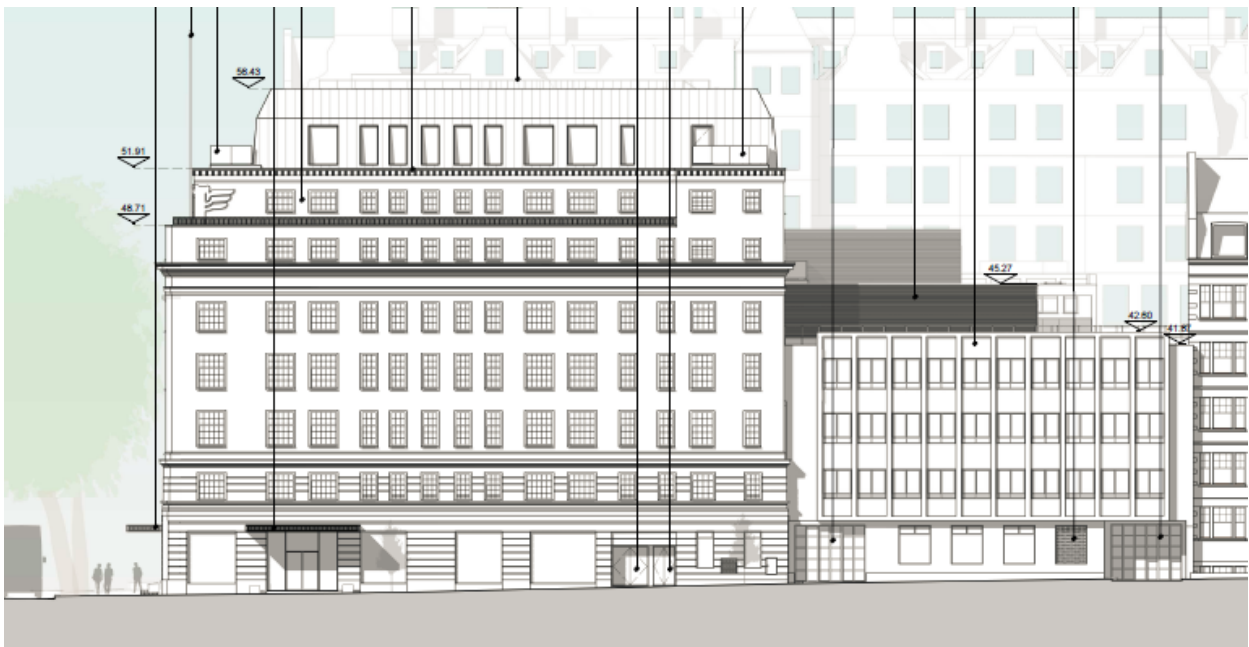
**Existing West (Great Central Street) Elevation**



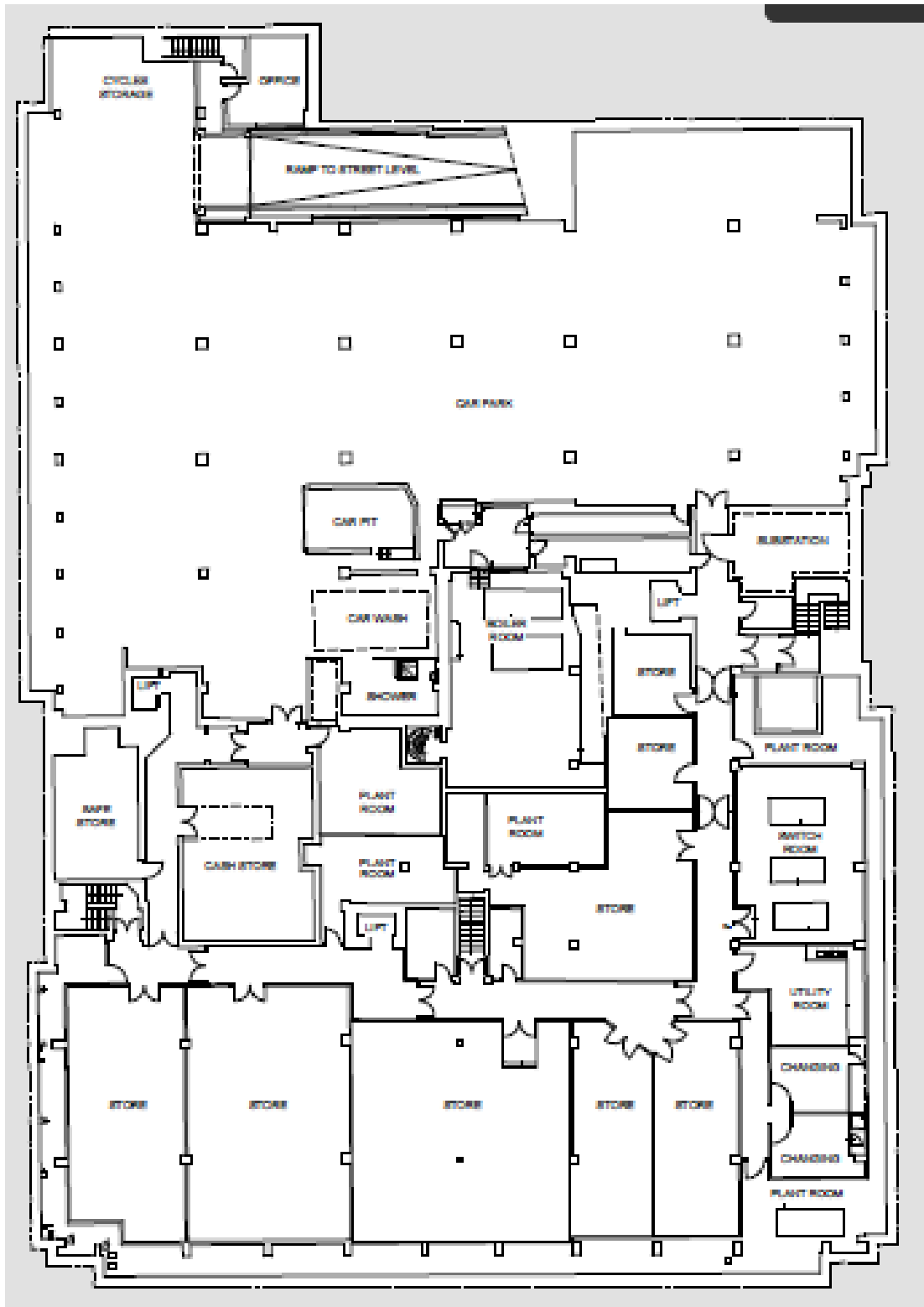
**Proposed West (Great Central Street) Elevation**



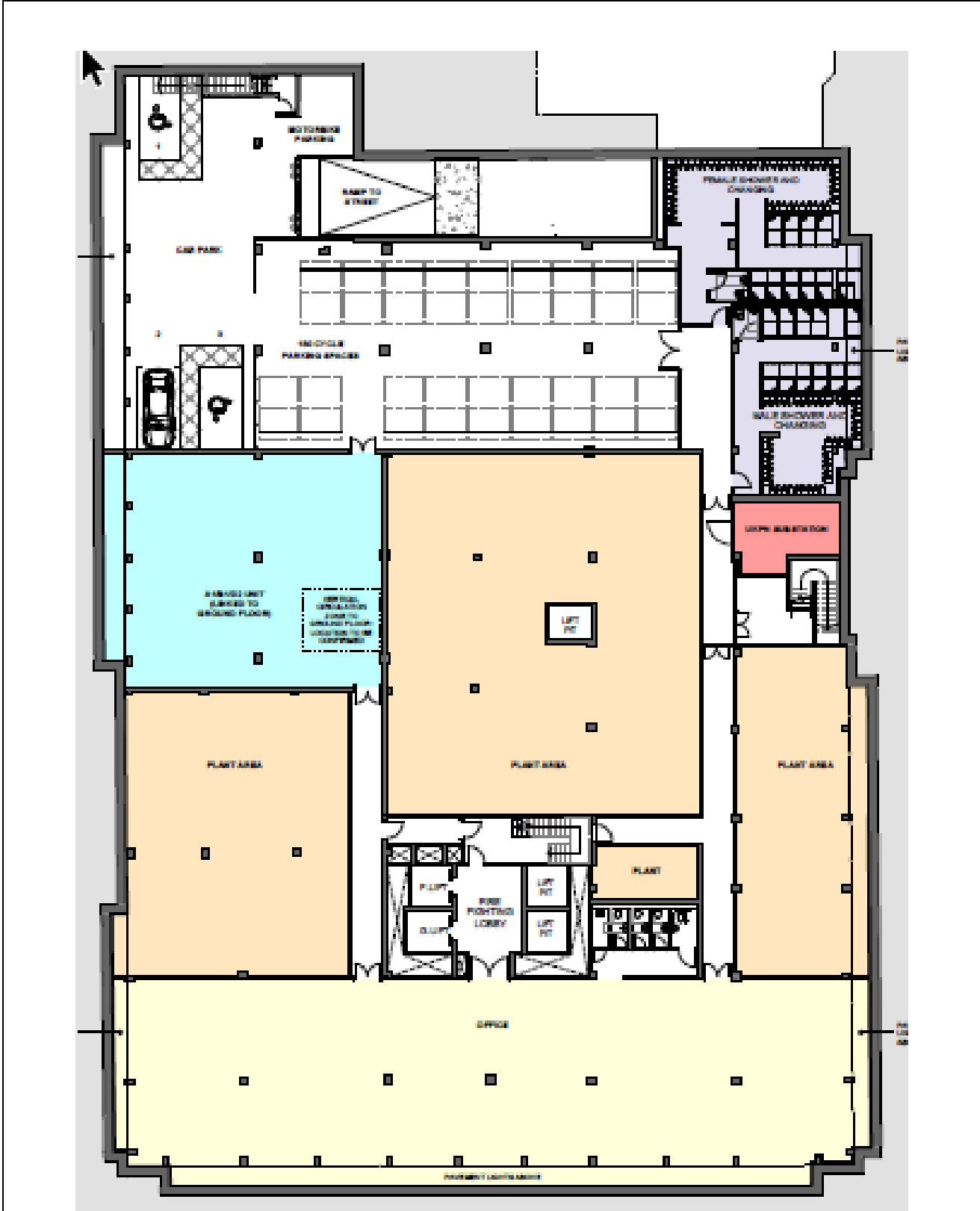
Existing East (Balcombe Street) Elevation



Proposed East (Balcombe Street) Elevation

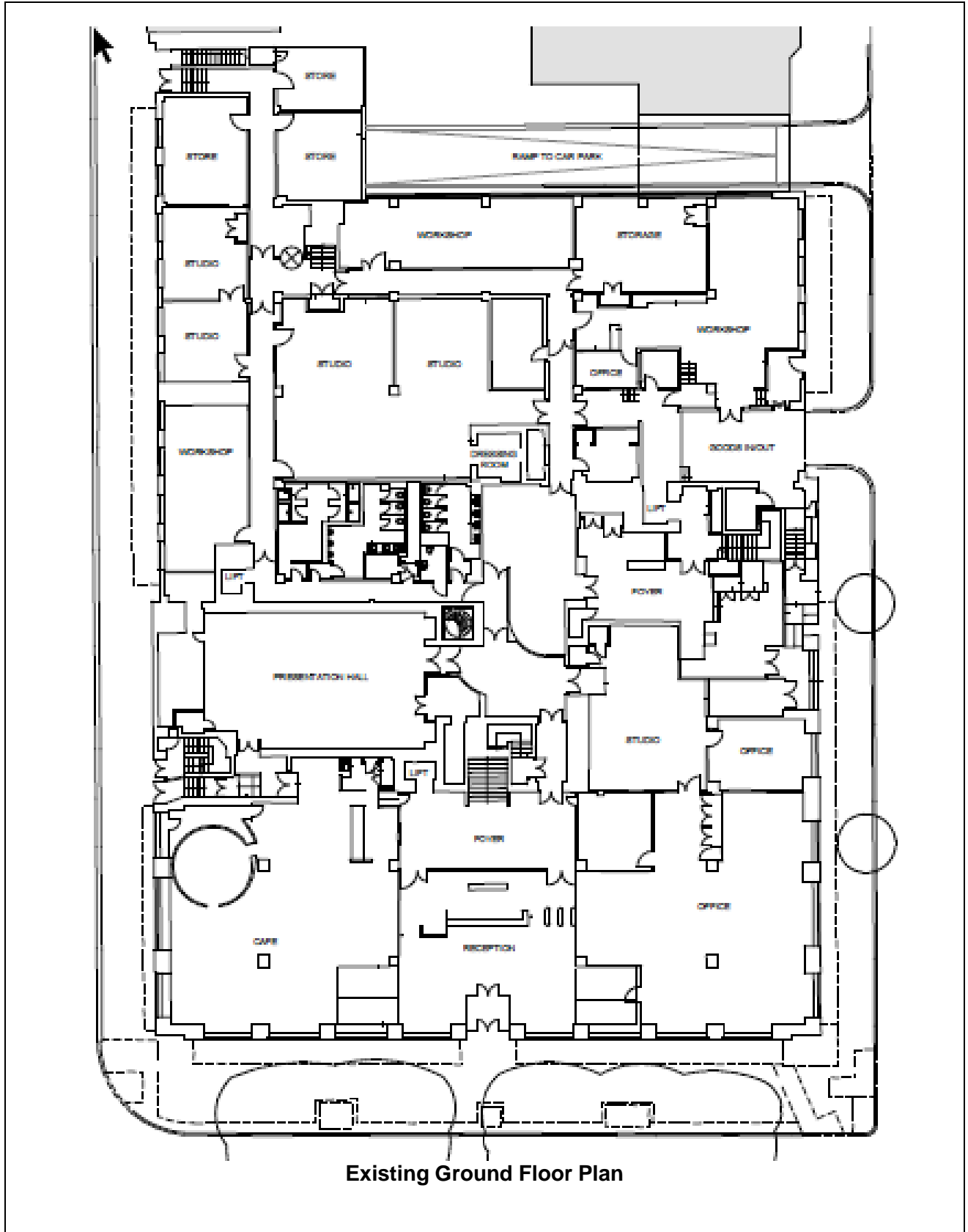


Existing Basement Floor Plan

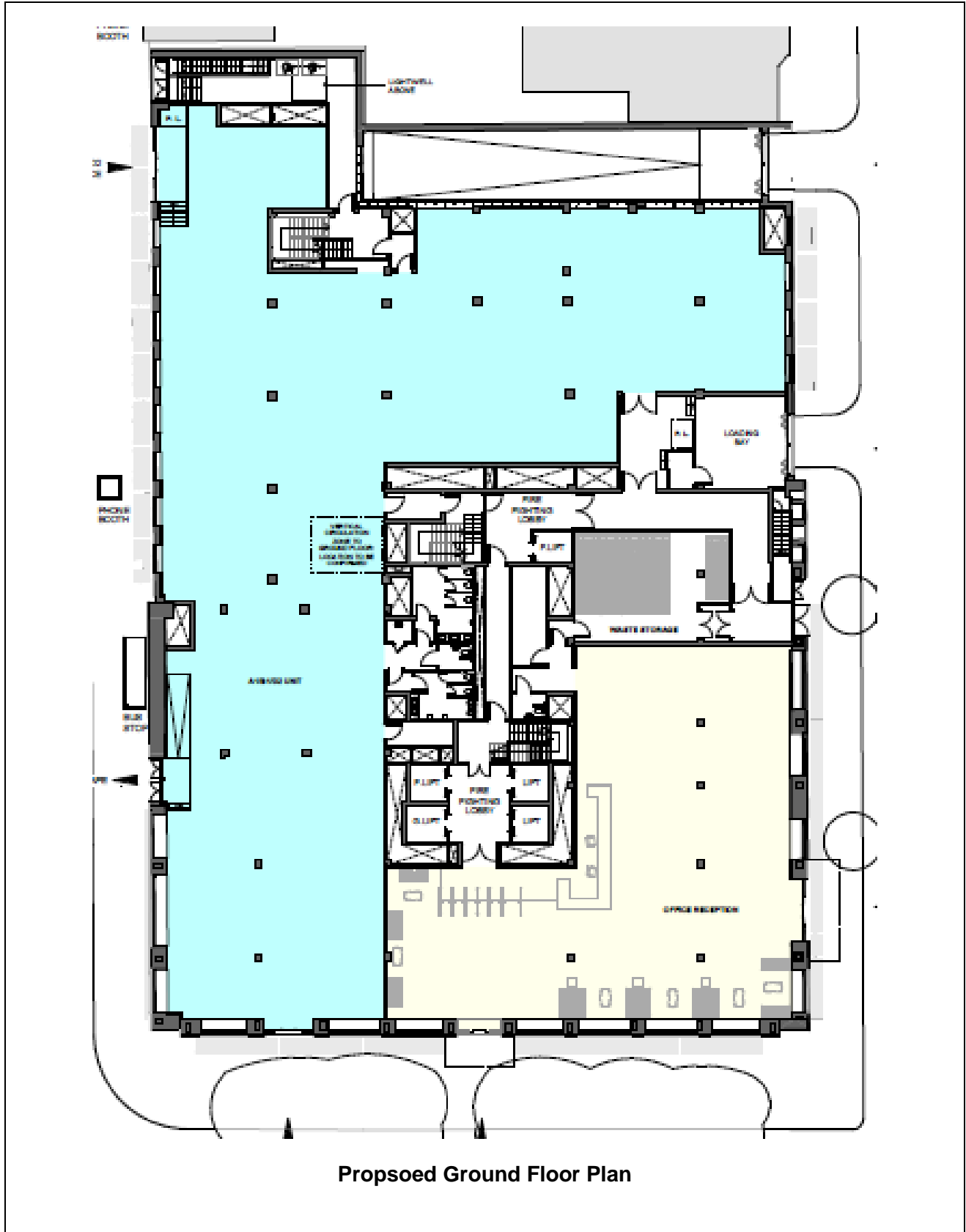


Proposed Basement Floor Plan

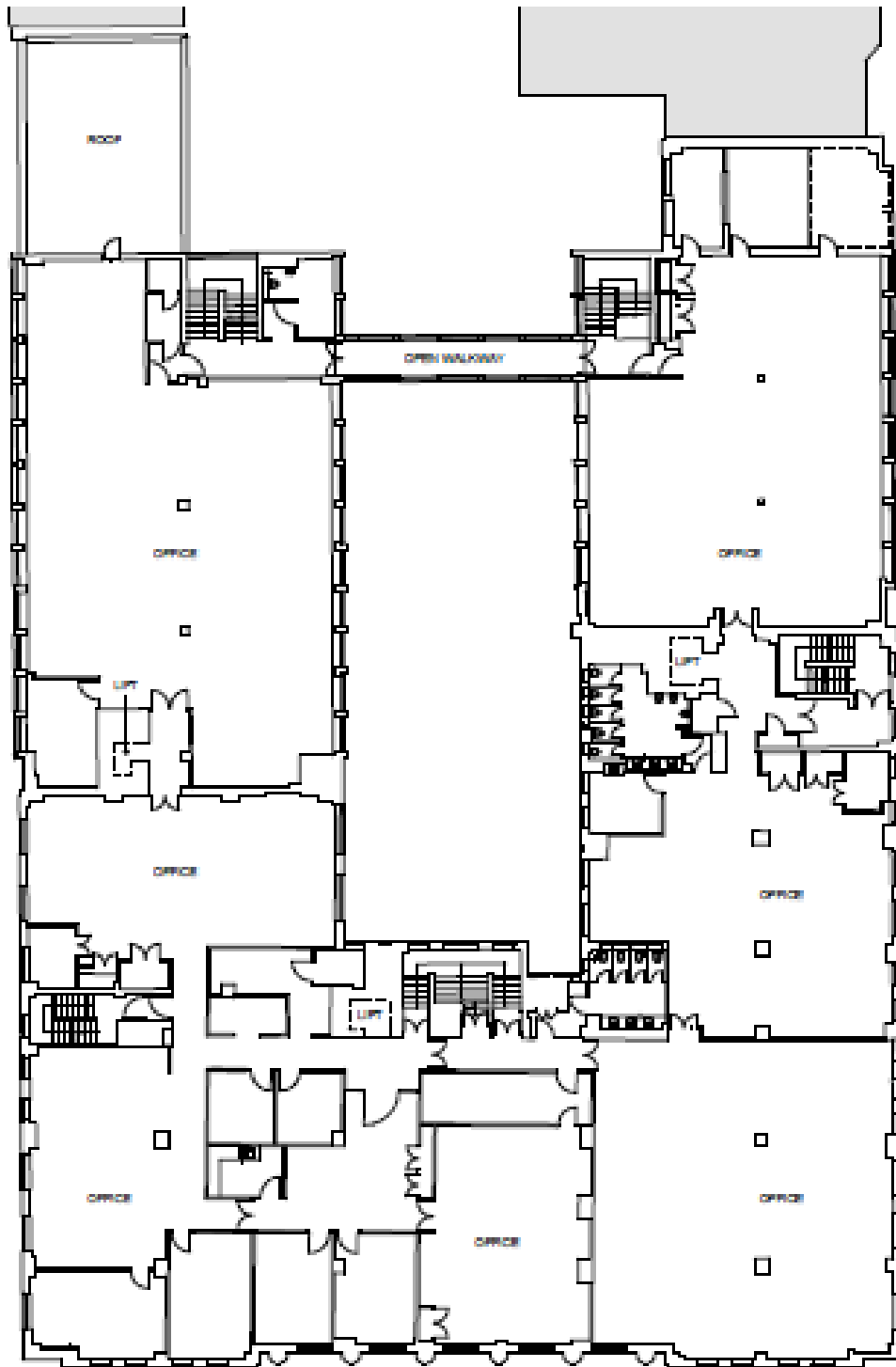




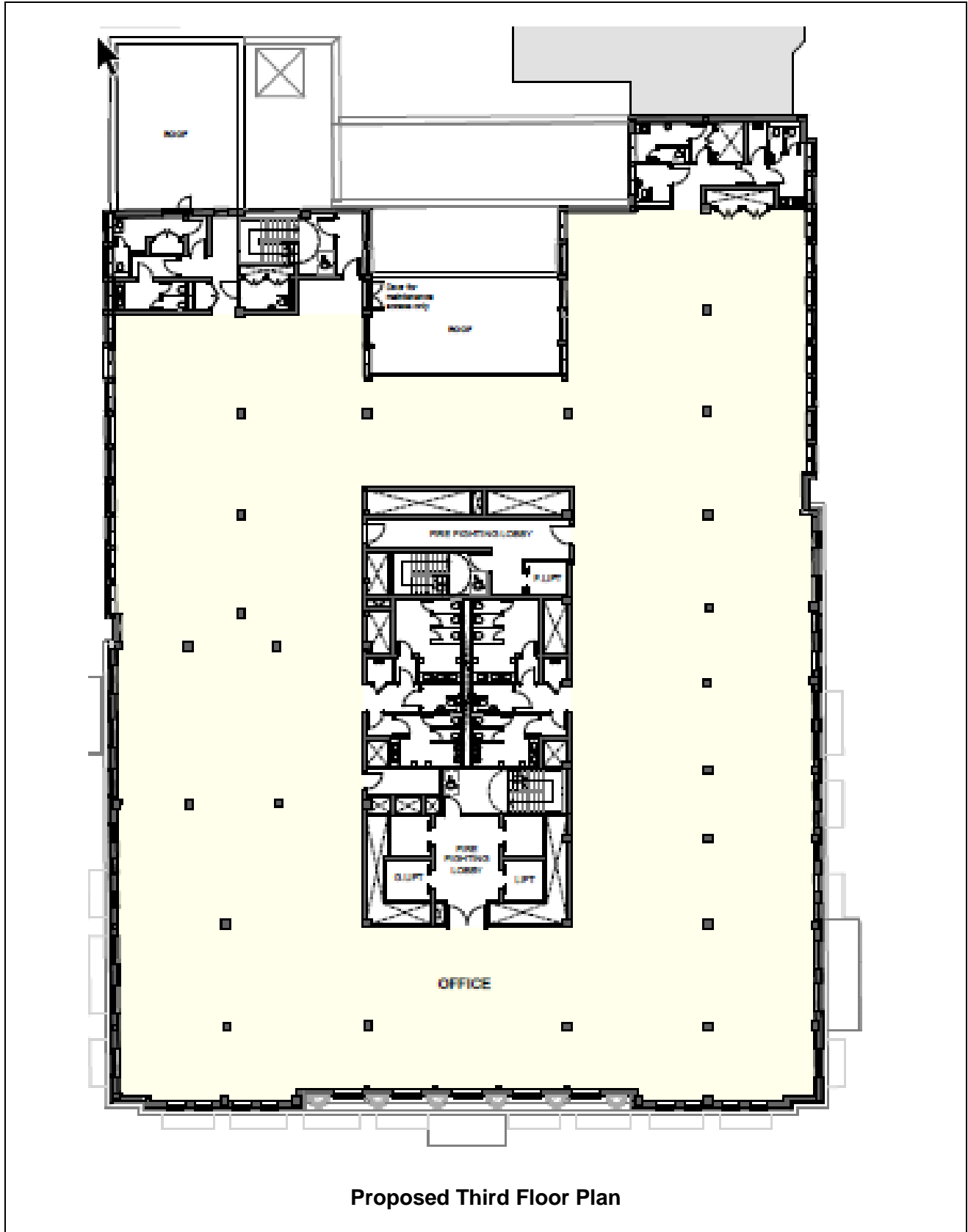
Existing Ground Floor Plan



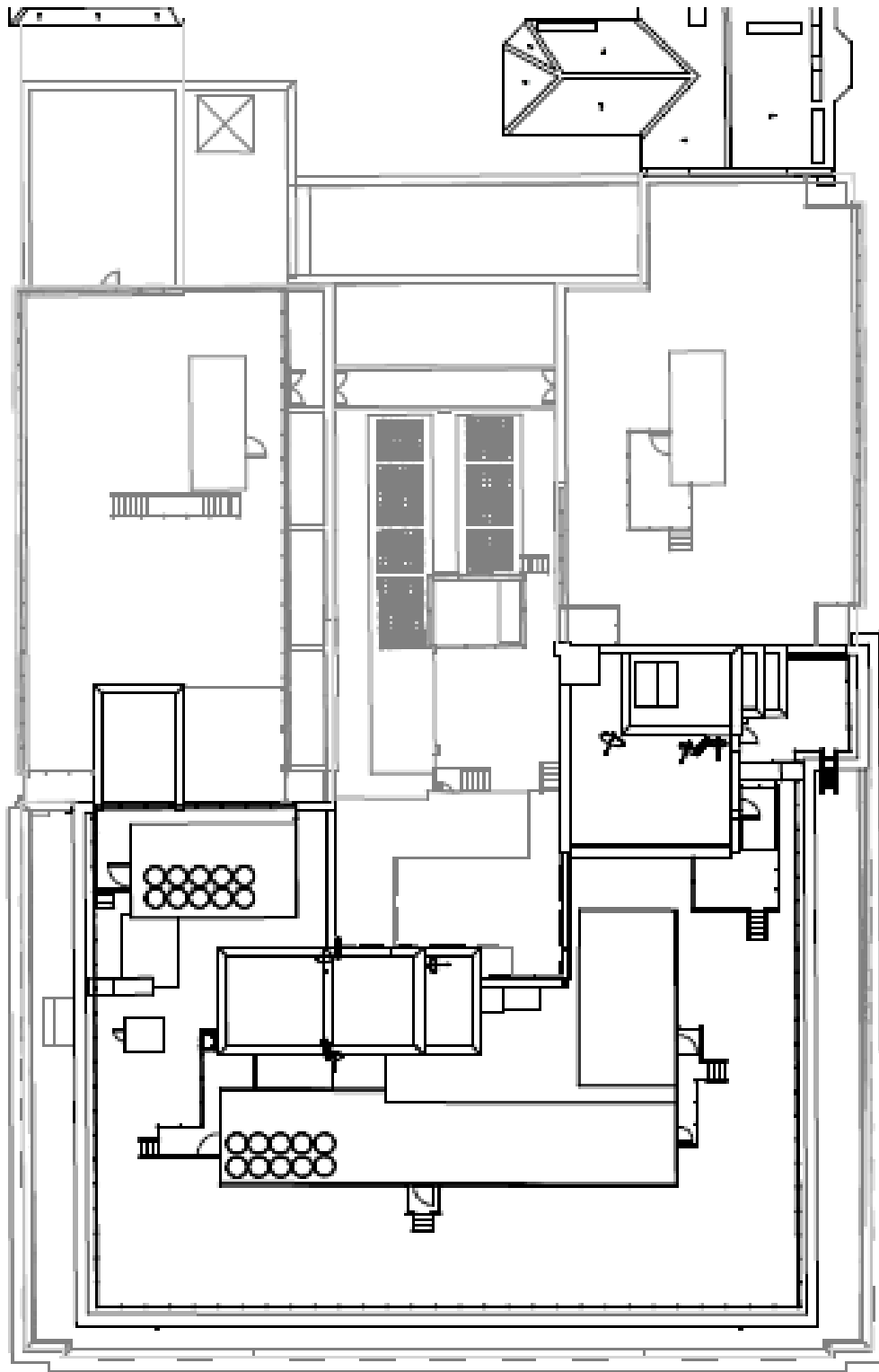
Proposed Ground Floor Plan



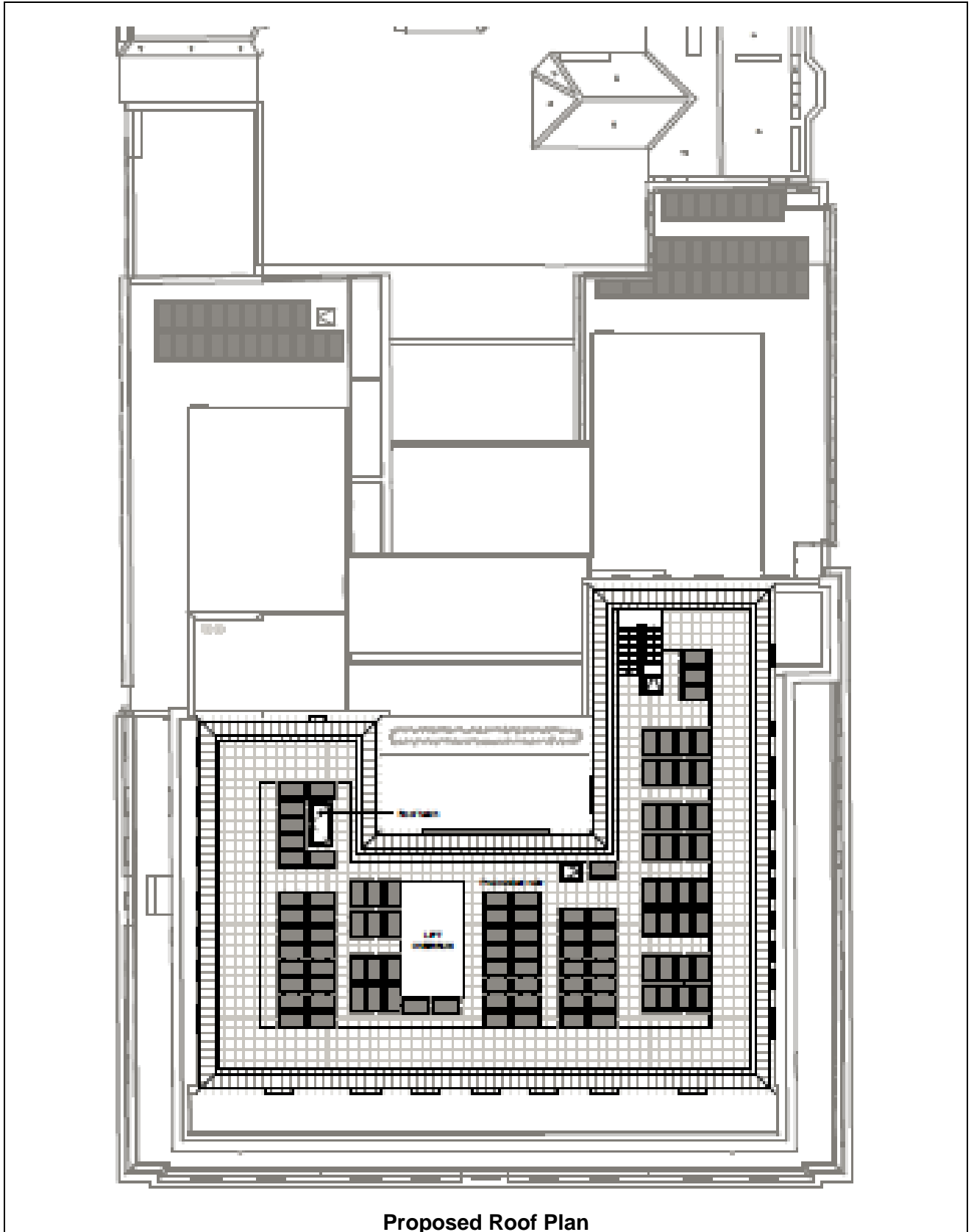
Existing Third Floor Plan



Proposed Third Floor Plan



Existing Roof Plan



Proposed Roof Plan



**Visualisation of Proposal as seen from Marylebone Road.**





**Visualisation of Proposal from North**

**DRAFT DECISION LETTER**

**Address:** 206 - 216 Marylebone Road, London, NW1 5LA,

**Proposal:** Refurbishment and extension of 206-216 Marylebone Road including new seventh floor and rear lightwell infill to provide additional office accommodation, change of use of part ground floor to flexible Class A1 and/or D2 and/or B1 floorspace and other associated works.

**Reference:** 17/10910/FULL

**Plan Nos:** Drawing ref: KSS BD ZZ DR A 90 0001 Rev P1, KSS BD ZZ DR A 90 0002 Rev P1, KSS BD ZZ DR A 90 0003 Rev P1, KSS BD ZZ DR A 90 0004 Rev P1, KSS BD 00 DR A 91 0001 Rev P1, KSS BD 01 DR A 91 0001 Rev P1, KSS BD 02 DR A 91 0001 Rev P1, KSS BD 03 DR A 91 0001 Rev P1, KSS BD 04 DR A 91 0001 Rev P1, KSS BD 05 DR A 91 0001 Rev P1, KSS BD 06 DR A 91 0001 Rev P1, KSS BD 07 DR A 91 0001 Rev P2, KSS BD B1 DR A 91 0001 Rev P1, KSS BD R1 DR A 91 0001 Rev P2, KSS BD ZZ DR A 92 0001 Rev P1, KSS BD ZZ DR A 92 0002 Rev P1, KSS BD ZZ DR A 92 0003 Rev P1, KSS BD ZZ DR A 93 0001 Rev P1, KSS BD ZZ DR A 93 0002 Rev P1, KSS BD ZZ DR A 93 0003 Rev P2, KSS BD ZZ DR A 93 0004 Rev P2, KSS BD ZZ DR A 93 0005 Rev P2, KSS BD ZZ DR A 93 0006 Rev P2, KSS BD ZZ DR A 93 0007 Rev P1, KSS BD ZZ DR A 94 0001 Rev P1, KSS BD ZZ DR A 94 0002 Rev P1, KSS BD ZZ DR A 94 0003 Rev P1, KSS BD ZZ DR A 94 0004 Rev P1, KSS BD ZZ DR A 94 0005 Rev P1, KSS BD ZZ DR A 96 0001 Rev P1, KSS BD ZZ DR A 96 0002 Rev P1, KSS BD ZZ DR A 96 0003 Rev P1, KSS BD ZZ DR A 96 0004 Rev P1, KSS BD ZZ DR A 96 0005 Rev P1

FOR INFORMATION ONLY: Cover letter from Gerald Eve (dated 8 December 2017), BREEAM Pre-assessment by WSP (dated 24 November 2017), Daylight and Sunlight Assessment by Point 2 Surveyors (dated November 2017), Energy Statement by WSP (dated December 2017), Noise Impact Assessment by WSP (dated December 2017), Planning Statement by Gerald Eve (dated December 2017), Transport Statement by WSP (dated December 2017), Design and Access Statement by KSS (dated December 2017)

**Case Officer:** Nathan Barrett

**Direct Tel. No.** 020 7641 5943

**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 **Pre-Commencement Condition:** You must apply to the City Council (in consultation with Transport for London) for approval of a Construction Logistics Plan, which identifies efficiency and sustainability measures to be carried out while the development is being built. You must not carry out the development until the plan has been approved. You must then carry out the development in accordance with the approved plan.

Reason:

To ensure that the construction logistics for the development minimise nuisance and disturbance in the interests of the amenities of neighbouring occupiers and of the area generally, and to avoid hazard and obstruction to the public highway. This is as set out in S29 of Westminster's City Plan (November 2016) and TRANS 2 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 5 **Pre Commencement Condition.** The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved

in writing by the local planning authority which:

- provide details on all structures;
- accommodate the location of the existing London Underground structures and tunnels;
- accommodate ground movement arising from the construction thereof; and
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with policy 6.2 of The London Plan (March 2016) and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 6 **Pre-Commencement Condition:** You must apply to us, in consultation with Transport for London, for approval of a method statement explaining the measures you will take to protect the trees on and/or 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 and the character and appearance of this part of the Dorset Square 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)

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

Reason:

To provide cycle parking spaces for people using the development, as set out in policy 6.9 of The London Plan (March 2016).

- 8 You must apply to us for approval of details of how waste is to be stored on site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details and clearly mark it and make it available at all times to everyone using the development. You must not use the waste store for any other purpose.

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.

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

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

- Installation of privacy screens on the northern side of the terraces on the northern elevation at fifth, sixth and seventh floor levels. The privacy screens must be a minimum height of 1.8 m above finished floor level.

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.

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.

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

- a) All new windows and doors (scale 1:20);
- b) The security shutters on the ground floor Balcombe Street elevation (scale 1:20);
- c) The reconstituted stone louvre on the ground floor Balcombe Street elevation (scale 1:20);
- d) The canopy's proposed at ground floor level on the Marylebone Road and Balcombe Street elevations (scale 1:20); and
- e) Integration of the PV panels into the roof structure (scale 1:20).

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 drawings.

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 Dorset Square 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)

- 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 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 12 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 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 The development hereby approved shall not be occupied until a Delivery and Servicing Plan (DSP) has been submitted to and approved in writing by the City Council. You must then carry out the development in accordance with the approved details.

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 TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 16 You must not paint or apply vinyl films or obscure the window glass of the ground floor windows of the Great Central Street, Marylebone Road and/or Balcombe Street facades or block them in any other way. The windows must be clear glazed and must be maintained as such.

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 Dorset Square 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)



- 17 Before the development hereby approved is first occupied, a post-construction certificate shall be submitted to and approved in writing by the Local Planning Authority. This certificate shall demonstrate that the development has been constructed to meet BREEAM 2014 'Very Good'. You must then ensure that this standard is maintained thereafter.

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)

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

Reason:

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

- 19 You must not store items or furniture on the terraces and balconies.

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 20 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme;
- a) Replacement of the glass balustrades at seventh floor level and on the Marylebone Road, Great Central Street and Balcombe Street elevations with a black metal balustrade. The metal balustrade must also extend along the full length of the parapet on these 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 prior to occupation of the development. (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 Dorset Square 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)

- 21 The new terraces at fourth, fifth, sixth and seventh floor levels and on the northern side of the building shall only be used between 0800 and 2200 daily.

## Reason:

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

- 22 Unless annotated as a terrace on the approved drawings, you must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency.

## 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)

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

- Floor plans showing the length of the Loading Bay increased to 7.7 metres; and
- Floor plans showing the ground floor doors opening inward, rather than outward over public highway;

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:

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

- 24 Unless occupied by an A1 and/or B1 use, the area shown as 'A1/B1/D2 Unit' on the approved drawings must only be used as a gym/fitness centre and not for any other use within Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it).

## 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)

- 25 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that class in any statutory instrument revoking or re-enacting that order) the A1 use hereby approved at ground and basement level shall not be used for convenience food retail/supermarket purposes.

## 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)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk).

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk)

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 6 The DSP required by condition 15 should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed

and how the time the delivered items spend on the highway will be minimised. This must be provided for waste collection as well.

It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the DSP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users. The DSP should inform the occupant on their requirements to minimise the impact of their servicing on the highway (ie set out how the occupant is expected to service the unit). A supplier instructions sheet is a helpful part of the DSP.

- 7 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Phone: 020 7641 2000

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

- 8 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 9 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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

# Agenda Item 5

Item No.
----------

5
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 13 March 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Maida Vale	
<b>Subject of Report</b>	<b>Dev Site At 221-235 Lanark Rd, Land To North Of 235 Lanark Rd And Land At Scottish Towers, Maida Vale, London, W9,</b>		
<b>Proposal</b>	Variation of Condition 1 of planning permission dated 29 April 2016 (RN: 15/11007) for redevelopment of site spanning 221-235 Lanark Road and land to the north of 235 Lanark Road, involving demolition of existing buildings and erection part 3, part 4, part 5 storey building, plus lower ground floor, containing a community/sports building (Use Class D1/D2) and associated plant at the north end of the site, and 67 residential units (Class C3) (private and affordable) across the remainder of the site and across the top floor of the proposed community/sports building, together with car parking, landscaping and associated works. Reconfiguration of front curtilage of the Scottish Towers (Glasgow House, Falkirk House, Edinburgh House) to provide additional parking, re landscaping and associated works. Removal of existing trees and replacement tree planting; Namely to change the 6 private 3-bed duplex units at ground and lower ground level into 12x2bedroom units (7x 2bedroom private units and 5x2bedroom intermediate rent units), and associated external alterations.		
<b>Agent</b>	Strutt and Parker		
<b>On behalf of</b>	DOLPHIN SQUARE CHARITABLE TRUSTEE C/O Strutt & Parker		
<b>Registered Number</b>	17/10779/FULL	<b>Date amended/ completed</b>	7 December 2017
<b>Date Application Received</b>	5 December 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Adjacent to Maida Vale and St John's Wood Conservation Areas.		

## 1. RECOMMENDATION

1. Grant conditional permission, subject to a Deed of Variation to the legal agreement dated 29 April 2016 to secure the original obligations together with additional on-site affordable housing units as set out below:
  - a) Provision of 5 on-site affordable housing units to be provided as intermediate rent units and made available to eligible households on incomes not exceeding £60,000.

2. If within six weeks of the resolution to grant conditional permission the S106 planning obligation has not been completed or there is no immediate prospect of the planning obligation being completed, then
- a) The Director of Planning shall consider whether it would be possible and appropriate to issue permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
  - b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete a S106 planning obligation within an appropriate timescale, and that the proposal is unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

In April 2016 planning permission was granted for the redevelopment of the site for mixed use purposes comprising a community sports building and 67 residential units, of which 17 (25%) were to be family sized units. Of these 67 residential units, 44 were to be provided as affordable housing (34 as intermediate rented units and 10 as social rented units). The remaining 23 residential units were proposed as private tenure.

It is now proposed to amend the number and mix of units so that a total of 73 units are now proposed of which 11(15%) are family sized units. The extant permission allows for six 3-bedroom duplex units of private tenure to be located over ground and lower ground levels. These are now proposed as twelve 2-bedroom units. The applicant had on submission of this amendment application proposed all 12 of the units to remain as private tenure. However, it is now proposed that 5 of these 12 units will be secured as affordable housing for intermediate rent and will be made available to eligible households on incomes not exceeding £60,000.

In support of this proposed amendment the applicant states "Current market pressures have meant that the price band of private 3-bedroom units in this part of Westminster are weakening. These market pressures, coupled with the applicant's wish to retain the whole development in their single ownership has meant the applicant needs to reconfigure the mix of private residential units on site. It is important to note that the decision to amend the approved unit mix has not been taken lightly, with alternatives, including letting the 6 x 3-bed duplex units to Westminster workers as affordable accommodation explored, but ultimately demonstrated to be not viable".

The proposal has brought about an objection from Councillor Crockett and a local resident, due to the reduction in the number of family sized units proposed and the consequential impact of the increase in the number of residential units upon demand for car parking. He is concerned that the original permission was granted on the basis of the 17 family sized units proposed and that insufficient evidence has been provided by the applicant to show that the housing market has changed sufficiently to justify this amendment including the provision of only 11 family housing units. He raises further concern that the original permission, notwithstanding the dis-benefits to existing local residents, was granted on the basis of the social utility it would provide and that the applicant is only seeking the amendments for financial self-interest.

The City Council's Housing Manager and Cabinet Member for Housing Councillor Robathan are supportive of the proposed amendment on the basis that 5 of the 12 units will be provided as additional affordable housing units in the form of intermediate rent offered to eligible households on incomes not exceeding £60,000.

It is regrettable that an amendment to the 2016 permission has come forward so soon. However, whilst the objections are acknowledged, given the support set out above, the additional number of affordable housing units now proposed (5no.) is considered to outweigh the reduction in the number of family sized units (6no.) in this particular case and is considered to be acceptable in principle.

Councillor Crocketts' concern that the proposed two bedroom units are more likely to be used for short term lets or but to leave investments, is not considered to provide justification to withhold permission.

The height, bulk, mass and general appearance and palette of materials of the proposed development would remain as approved. In order to facilitate the change in unit numbers and sizes, some amendments to the approved lower ground and ground floor elevations to the front and rear are proposed. At the front, lower ground floor level new entrance doors are introduced together with alterations to windows. At the rear larger windows are proposed in order that the proposed residential units receive appropriate levels of natural light. The creation of more and/or larger openings at lower ground floor and ground floor levels (mainly affecting the rear), are relatively modest with minimal visual impact and the other amendments to the design are considered to be minimal and satisfy policies DES1, DES5 of our Unitary Development Plan.

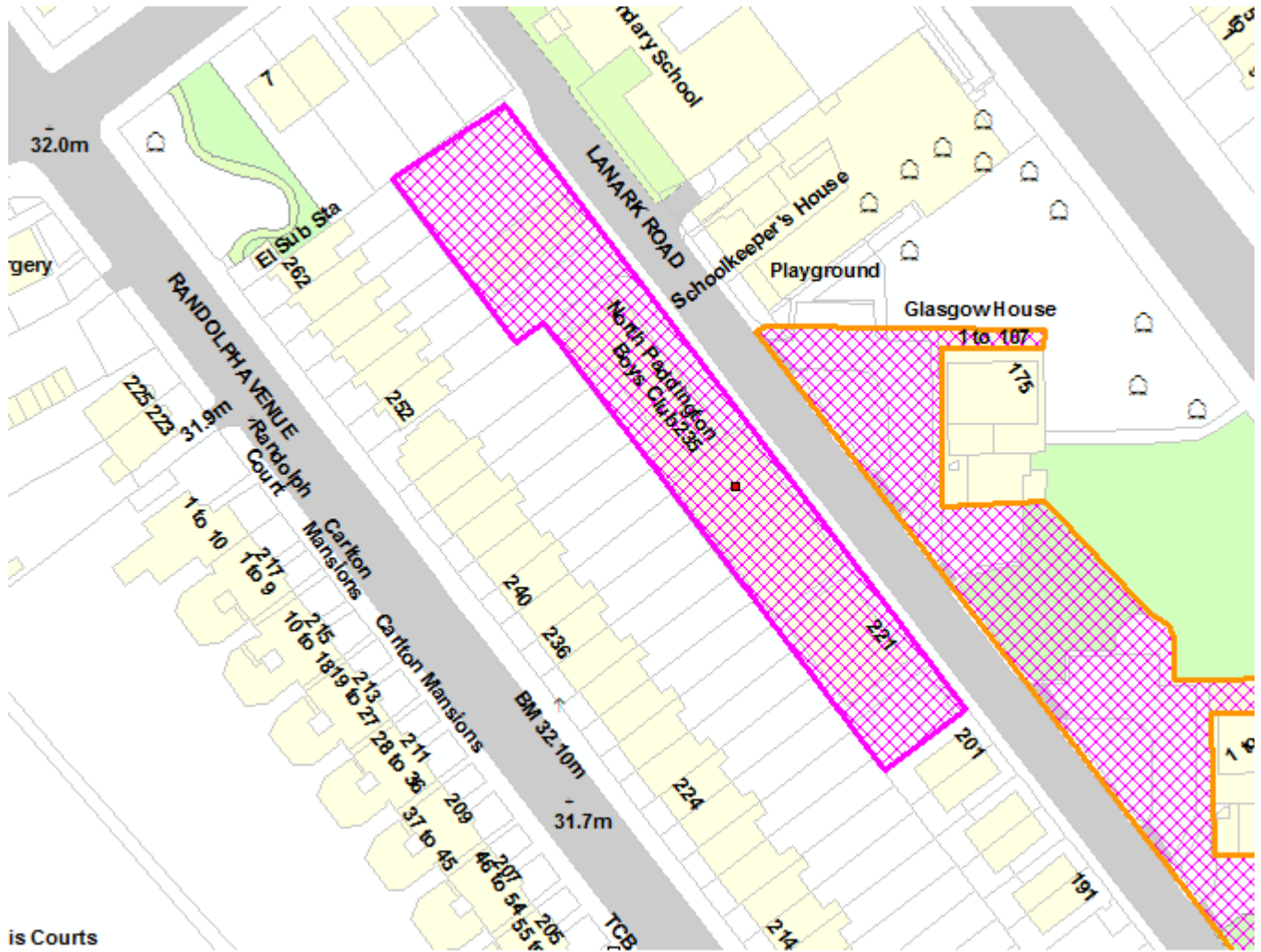
Given the nature of the proposed amendments it is not considered that any significant amenity impact would arise. The amendments to the fenestration are at lower ground and ground floor levels and would not be significantly visible from existing residents surrounding the site. Whilst the increase in the number of residential units provided on site would increase by 6 from 67 to 73, given the total number of units proposed it is not considered that the additional comings and goings associated with the additional units would result in any significant detrimental impact on existing residents. Overall the proposed amendments do not result in any significant amenity impact over and above the approved scheme and accordingly policy ENV13 of our UDP and S28 of our City Plan are satisfied.

The approved proposal for 67 residential units proposed 41 off street car parking spaces (0.61 spaces per unit) together with Car Club membership. No change is proposed to this provision for the 73 residential units (0.56 spaces per unit) and the City Council's Highways Planning manager has not raised objection on the basis that car ownership levels indicate that a 73 residential unit development is likely to generate 33 cars and policy TRANS23 is satisfied. The provision of sufficient cycle parking and waste and recycling is maintained in the same areas.

For the reasons set out above, the proposal is recommended favourably. If the recommendation is agreed, then it will be necessary to seek a Deed of Variation of the legal agreement to ensure that the original planning obligations remain secured together with an additional obligation to secure the provision of 5 of the 12 units as affordable housing for intermediate rent to be made available to eligible households on incomes not exceeding £60,000. The original conditions also remain applicable (but amended to reflect the 2016 City Plan), with an additional condition recommended to ensure that the original time limit for implementation of the permission remains as 29 April 2019.



### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



## 5. CONSULTATIONS

### COUNCILLOR ROBATHAN - CABINET MEMBER FOR HOUSING

Support. This is on condition that 5 of the 2 bedroom units are provided as intermediate rented housing to be made available to Westminster eligible households with incomes not exceeding £60,000.

### COUNCILLOR – MEMBER FOR MAIDA VALE

Object. A highly persuasive factor influencing the original decision of this controversial case was that the development would provide much needed homes for families. Insufficient evidence to show that the housing market has altered sufficiently to justify the proposed amendment. Additional units would create significantly greater pressure on local resources, including parking, than originally permitted. Such flats would also be significantly smaller and lend themselves to use as short term lets and or as buy to leave investments. concerned that the applicant has obtained controversial planning permission on the basis of wider social utility, notwithstanding the dis-benefits to local residents.

### PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

No objection. Take neighbours views into consideration.

### ST JOHN'S WOOD SOCIETY

Comment, defer to case officer.

### HOUSING MANAGER

Support. This is on condition that 5 of the 2 bedroom units are provided as intermediate rented housing to be made available to Westminster eligible households with incomes not exceeding £60,000.

### HIGHWAYS PLANNING MANAGER

No objection.

### CLEANSING

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS:

No. Consulted: 927 Total. No of Replies: 1 Objection, 1 comment

- Loss of 3-bedroom family sized units.
- Abuse of planning process for the developer to commit to build 3 bedroom units to now change the rules due to market conditions.
- Have suffered from vibration/shaking within property.
- Residents should be kept up to date with the time scale of this massive project.

PRESS ADVERTISEMENT/SITE NOTICE: Yes

## 6. BACKGROUND PAPERS

1. Application form
2. Report & minutes of Planning Applications Committee 29.03.2016 & subsequent delegated report. (NB/ Legal agreement and decision notice issued 29.04.2016)

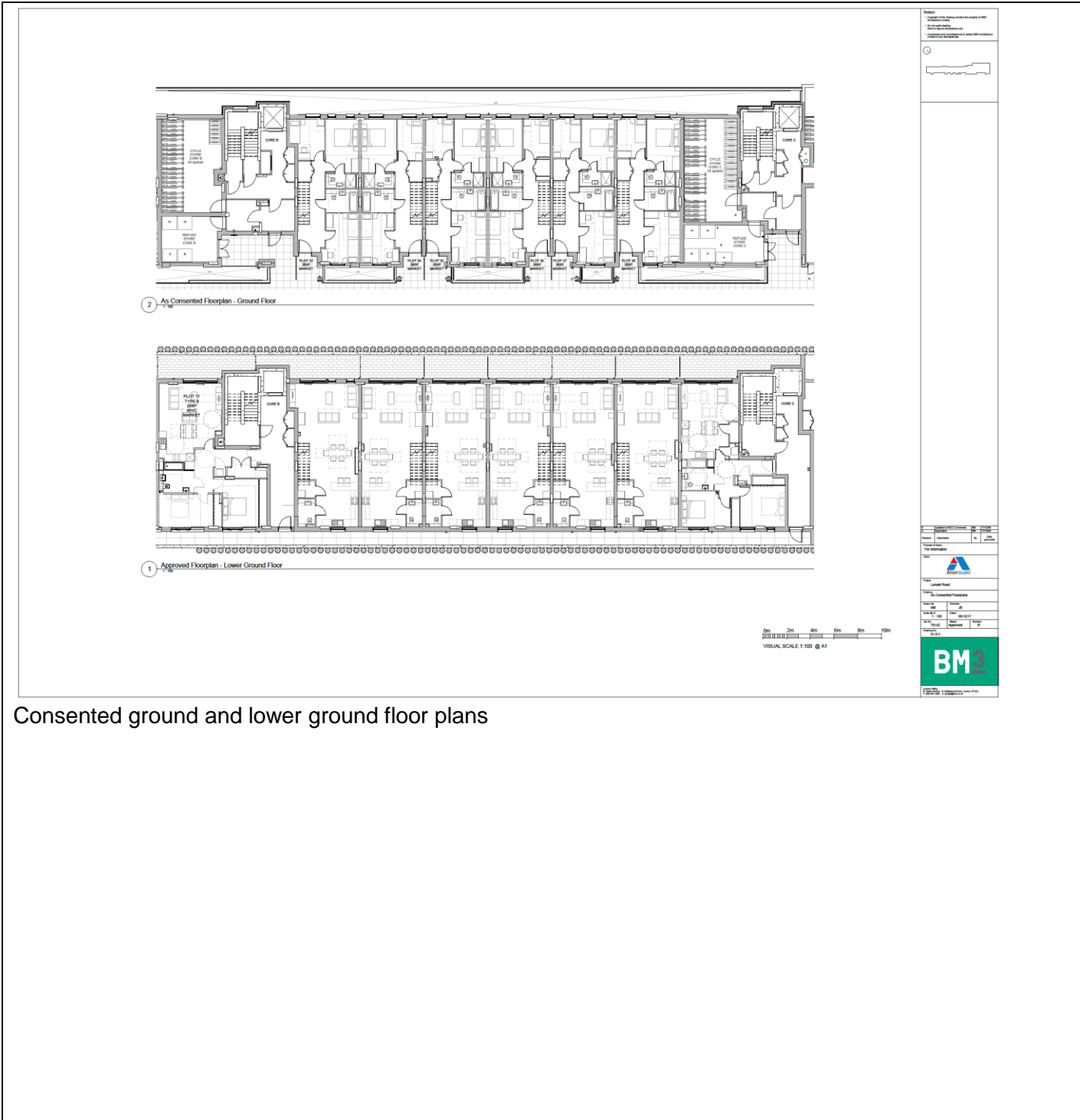
3. Representation from Councillor Robathan (Cabinet Member for Housing) 31.01.2018
4. Representation from Councillor Crockett (Member for Maida Vale) 31.01.2018
5. Memo from Housing Manager 26.01.2018
6. Memo from Highways Planning Manager 08.01.2018
7. Memo from Cleansing Manager 29.12.2018
8. Response from Paddington Waterways & Maida Vale Society, 19.12. 2017
9. Response from St John's Wood Society 18.01.2018
10. Letter from occupier of 220 Randolph Avenue, London, 15.12. 2017
11. Letter from occupier of Flat 3, 220 Randolph Avenue, 17.12. 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT NBARRETT@WESTMINSTER.GOV.UK

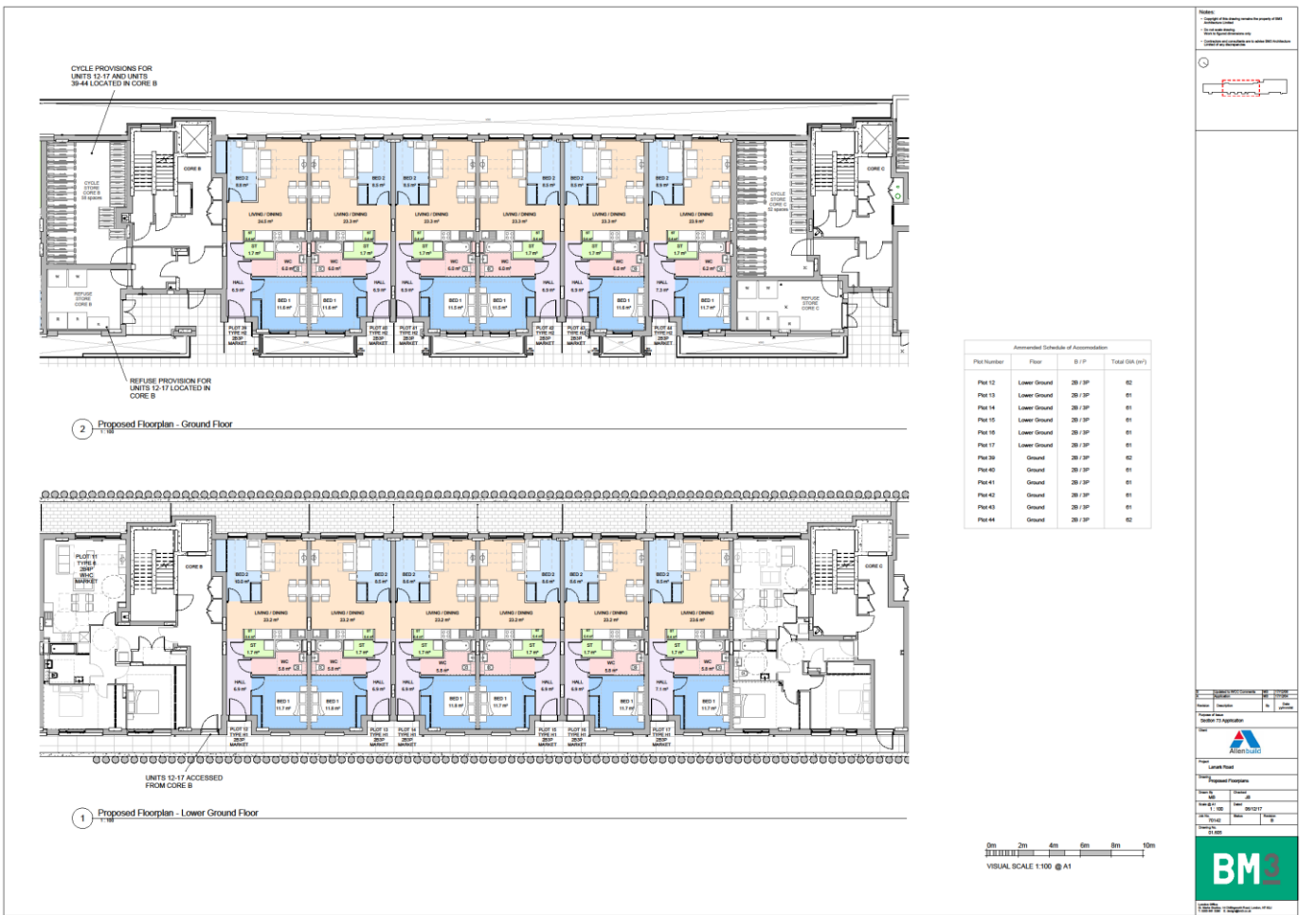


**7. KEY DRAWINGS**



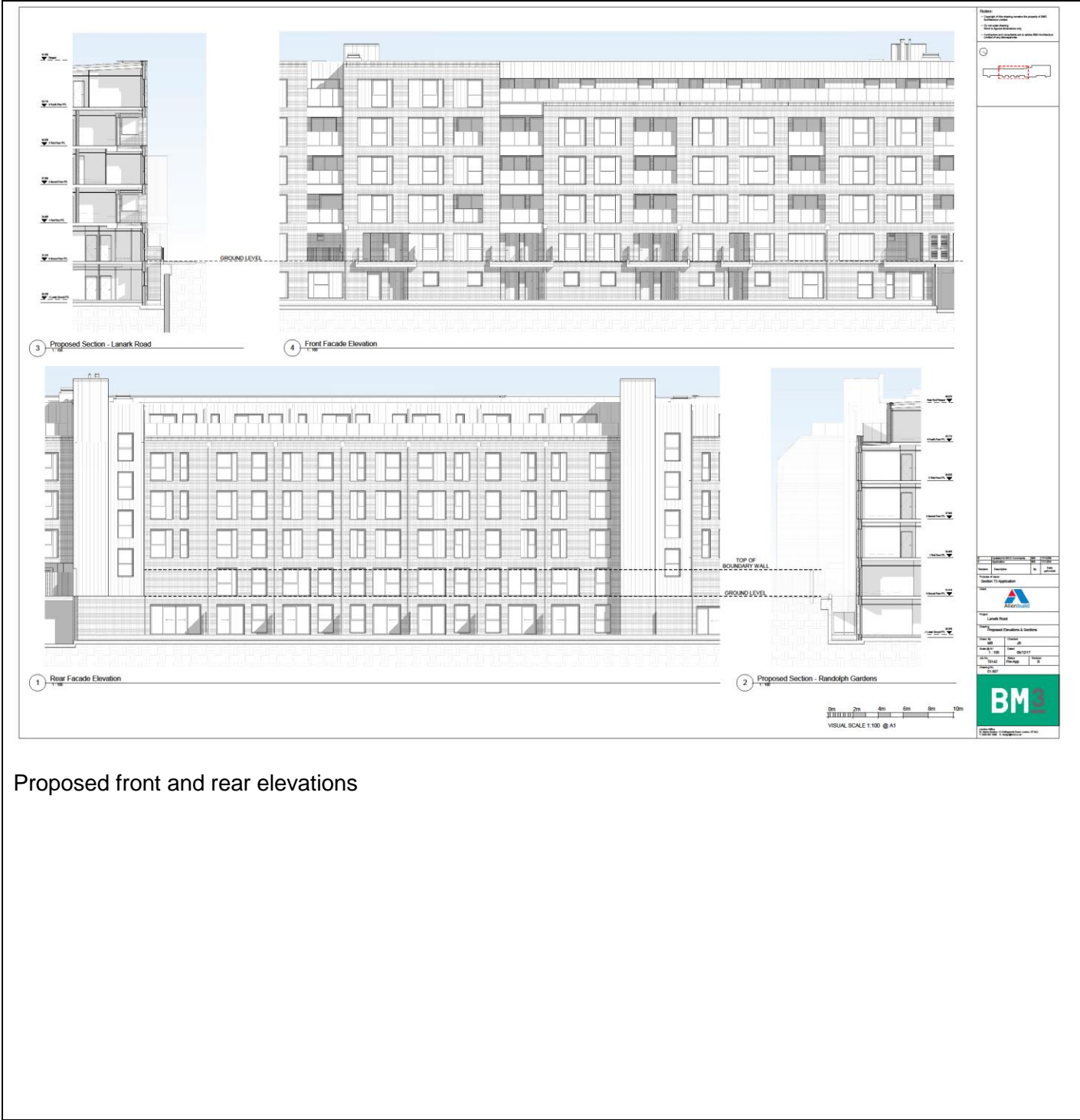
Consented ground and lower ground floor plans





Proposed ground and lower ground floor plans





Proposed front and rear elevations

**DRAFT DECISION LETTER**

**Address:** Dev Site At 221-235 Lanark Rd, Land To North Of 235 Lanark Rd And Land At Scottish Towers, Maida Vale, London, W9,

**Proposal:** Variation of Condition 1 of planning permission dated 29 April 2016 (RN: 15/11007) for redevelopment of site spanning 221-235 Lanark Road and land to the north of 235 Lanark Road, involving demolition of existing buildings and erection part 3, part 4, part 5 storey building, plus lower ground floor, containing a community/sports building (Use Class D1/D2) and associated plant at the north end of the site, and 67 residential units (Class C3) (private and affordable) across the remainder of the site and across the top floor of the proposed community/sports building, together with car parking, landscaping and associated works. Reconfiguration of front curtilage of the Scottish Towers (Glasgow House, Falkirk House, Edinburgh House) to provide additional parking, re landscaping and associated works. Removal of existing trees and replacement tree planting; Namely to change the 6 private 3-bed duplex units at ground and lower ground level into into 12x2bedroom units (7x 2bedroom private units and 5x2bedroom intermediate rent units), and associated external alterations.

**Reference:** 17/10779/FULL

**Plan Nos:** ORIGINAL PLANS AND DOCUMENTS, Planning Statement prepared by Gerald Eve, Design and Access Statement prepared by Cartwright Pickard, Design and Access Statement Refuse Strategy Amendment dated February 2016, Statement of Community Involvement prepared by FTI, Planning Noise Report prepared by AECOM, Operational Management Plan, prepared by Dolphin Living, Daylight and Sunlight Report prepared by EB7, Daylight and Sunlight Addendum Report prepared by EB7 dated January 2016, Transport Statement prepared by Icini Projects, Construction Management Plan prepared by Arcadis and Icini Projects, Environmental Sustainability Benchmarking Report prepared by AECOM, Energy Statement prepared by AECOM (revised dated 12, February 2016), Structural Statement prepared by Price and Myers, Flood Risk Assessment prepared by Price & Myers, Historic Environment Assessment (Archeology) prepared by LA, Arboricultural Impact Assessment Report prepared by Landmark Trees, Landscape Layout (L100 rev Q), Parking note dated prepared by Icini Projects March 2016, Affordable Housing Statement dated 15 January 2016, Letter dated January 2015 NTH/HMU/SRO/J7280,, Landmark Trees additional letter D:\NTH\AIA\Ltr\01b, Air Quality Report date February 2016 prepared by Air Quality Consultants 0100 A, 0101 A, 0102 B, 0103 B, 0104 A, 0105 A, 0106 A, 0108 A, 0109 B, 0110 A, 0111 B, 0112 B, 0113 B, 0200D, 0201 C, 0202 C, 0203 C, 0204 C, 0205 C, 0600 B, 0601 C, 0602 A, 0603 A, 0604 B, 0605 B, 0700 B, 0800 A, 0801 A, 0802 A, 0803 A, 0804 A, 0805 A, 0806 A, 0807 A, 0808 A, 0809 A, 0810 A, 0811 A, 0812 A, 0813 A, 0814 A, 0815 A, 0816 A, 0817 A, 0818 A, 0819 A, 0820 A, 0821 A, 0822 A, 0823 A, 0824 A, 0825 A, 0826 A, 0827 A, 0828 A, 0829 A, 0830 A, 0831 A  
AS PART SUPERSEDED BY 01.603B; 01.604B; 01.605B; 01.606B; 01.607B; 01.608B, Design & Access Statement Addendum by BM3 Architects; Daylight/Sunlight Assessment prepared by EB7; and Transport Statement Addendum

prepared by Icen Projects. Strutt & Parker letter 13.12.2017, (part superseded)  
Strutt & Parker email 06.02.2018

**Case Officer:** Sarah Whitnall

**Direct Tel. No.** 020 7641 2929

### Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- a) Revised rear elevation design treatment to introduce greater verticality and order.
- b) Revised elevations and sections (where relevant) to incorporate measures to reduce overlooking and general disturbance to properties to the rear on Randolph Avenue, by removing balconies, terraces and altering fenestration and to the front to reduce potential overlooking to St Georges School.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area and to protect the privacy and environment of people in neighbouring properties and buildings. This is as set out in S28, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2016 and ENV6, ENV13, DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 You must apply to us for approval of details of public art (as set out in your design and access statement) including drawings, materials, samples etc and any other supporting documents as appropriate. You must not start work on the relevant parts of the development until we have approved what you have sent us. You must then carry out the work in accordance with these details and you must install the public art in accordance with the details approved prior to occupation, unless we approve an alternative timeframe in writing.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must apply to us for approval of an external lighting strategy for the development. This must include drawings (plans and elevations), manufacturers specification, and lighting level details, to show the location, position, appearance (including material) and lighting levels of all external light fixtures, including hours of operation. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work in accordance with the details that we approve.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 Prior to occupation of the site, you must apply to us for approval of details of suitable security measures for the development. You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved details before anyone moves into the building.

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 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 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)

- 10 Notwithstanding the details submitted, you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme for all parts of the site at ground and lower ground level that are not covered by buildings, including the parking areas within the curtilage of the Scottish Towers. This should include the number, size, species and position of trees and shrubs and details of any permeable or hard surfacing and ways in which you will improve the environment at the bottom of the Scottish Towers. 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 one year of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 11 (a) You must arrange for an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered, to supervise the development. You must apply to us for our approval of the details of such supervision including:
- o identification of individual responsibilities and key personnel.
  - o induction and personnel awareness of arboricultural matters.

o supervision schedule, indicating frequency and methods of site visiting and record keeping o procedures for dealing with variations and incidents.

You must not start any work until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

(b) You must produce 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. 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.

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)

- 12 You must not use the Class D1/D2 floorspace for any purposes other than those listed on the Page 21 (section 14) of the submitted Design and Access Statement. You must not use it for any other purpose, including any other uses within Class D1 or Class D2 of the Town and County Planning (Use Classes) Order 2015 or any equivalent class in any order that may replace it. (C05AB)

Reason:

Insufficient information has been submitted to demonstrate in land use and amenity terms the acceptability of unrestricted Class D1 and Class D2 uses. In the absence of such information the City Council considers that it would be premature to allow unrestricted Class D1 or D2 within the development. This is in accordance with S3, S29 and S34 in Westminster City Plan: Strategic Policies that we adopted in November 2016 and ENV6 and SOC1 in the Unitary Development Plan that we adopted in January 2007.

- 13 Customers shall not be permitted within the Sports and Community uses buildings before 08:00 or after 22:00 each day.

Reason:

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

- 14 You must apply to us for approval of an operational management plan to show how you will prevent customers who are using the facilities and or arriving at or leaving the Sports and Community buildings, from causing nuisance for people in the area, including people who live within the development and within surrounding buildings. You must not operate the Sports and Community Building until we have approved what you have sent us. You must then carry out the measures included in the operational management plan at all times that the Sports and Community Building is in operation. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2014 and ENV 6, SOC1 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 15 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.  
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 16 All servicing must take place between 07:00 - 21:00 on Monday to Saturday and 07:00 - 19:00 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

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)

- 17 (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.

- 18 (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 development use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the community/sports use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- The location of most affected noise sensitive receptor location and the most affected window of it;
  - 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;
  - 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;
  - The lowest existing LA90, 15 mins measurement recorded under (c) above;
  - Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
  - The proposed maximum noise level to be emitted by the activity.

**Reason:**

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

- 19 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.

- 20 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 18 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

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

Reason:

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

- 22 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime, and inside bedrooms 45 db L Amax is not to be exceeded no more than 15 times per night-time from sources other than emergency sirens.

Reason:

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

- 23 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Conditions 22 and 23 of this permission. Particular attention shall be given to the issues of low frequency noise and vibration through Structure-Borne pathways and the design and

mitigation shall also ensure that room modes (standing waves) are not created within the new residential dwellings as a result of low frequency noise from the substation. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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

- 24 You must not occupy the residential properties, until you have provided for our approval, a statement from a suitably qualified engineer to confirm that the Electro Magnetic Frequency (EMF) levels associated with the substation are in accordance with current legal requirements and/or appropriate guidance.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2016.

- 25 The external areas associated with the community and sports facilities shall not be used outside the hours of 09:00 - 21:00 and there shall be no live or recorded music played that can be heard within the external areas, at any time.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29, S32 of Westminster's City Plan: Strategic Policies adopted November 2016 and ENV6 and SOC1 of our Unitary Development Plan that we adopted in January 2007.

- 26 The design of the separating wall should be such that the received value in the residential habitable spaces, with music playing, should be 10 dB below that measure without music events taking place, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq & LfMax in the octave bands of 63 Hz & 125 Hz.

Reason:

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

- 27 Before anyone moves into the development, you must provide the separate stores for waste and materials for recycling shown on drawing number 627-CPA-ZZ-GF-DR-A-0200 Rev D. You must clearly mark them and make the respective waste stores available at all times to everyone occupying the residential accommodation and non-residential uses within the development. (C14 FB)

## 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)

- 28 Prior to occupation of the development a car parking strategy shall be submitted for approval and shall include:-
- i) A car parking plan to show the location of car parking access arrangements and 87 car parking spaces.
  - ii) Details of the location, appearance (including manufacturers specifications) and operation, of any car park barriers, signal systems etc.
  - iii) Details of the location of 41 unallocated car parking spaces for the residential occupiers of the development.
  - iv) Details of the location of 46 allocated car parking spaces for residents of the Scottish Towers.
  - v) Details of the location of car parking spaces (A minimum of 20%) with access to electric vehicle charging points.
- The car parking and access arrangements shall be provided prior to occupation of the residential part of the development and thereafter be maintained for such use.

## Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 29 You must provide each cycle parking space shown on the approved drawings prior to the occupation of any part of the building. 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.

- 30 Prior to the commencement of this part of the development, you must submit for approval in writing by the City Council, details of (A) the location and appearance of the photo voltaic panels and (B) the CHP. The development shall thereafter be carried out in accordance with these approved details and maintained in situ.

## Reason:

To ensure the development achieves carbon reduction through the use of onsite renewable technology, in accordance with S40 in Westminster's City Plan: Strategic Policies that we adopted in November 2016.

- 31 The non residential parts of the development shall achieve BREEAM 'very good' rating of higher (or any such national measure of sustainability for non residential design that replaces that scheme of the same standard). You must not occupy the non - residential units within the buildings until a copy of a Building Research Establishment (or equivalent independent assessment) Final post Construction Stage Assessment and Certification, confirming that the

non-residential building has achieved BREEAM 'Very Good' rating or higher, has been submitted to an approved by us.

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)

- 32 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

To prevent increased risk of flooding and improve and protect water quality in accordance within Policy S30 in Westminster's City Plan: Strategic Policies that we adopted in November 2016.

- 33 The development shall be carried out in accordance with the Construction Management Plan, by Dolphin Living dated November 2015, unless otherwise agreed in writing by the City Council.

Reason:

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

- 34 (Pre-commencement condition) You must apply to us for approval of amended detailed section drawings as follows;  
 Drawing 627-CPA-ZZ-ZZ-DR-A-0701 ensuring the scale bar is correct.  
 Section drawing L600 ensuring it corresponds with the approved ground and lower ground floor plans.  
 Drawings shall include datum levels for all floors.

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.

Reason:

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

- 35 This permission must be commenced no later than 29 April 2019

Reason:

This permission authorises amendments to the original planning permission granted on 29 April 2016 (RN 15/11007/FULL) which must be commenced no later than the above date.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This site is adjacent to a conservation area. By law you must write and tell us if you want to cut, move or trim any trees. Notwithstanding the proposals to remove trees in adjacent properties, we cannot agree their removal in order to implement the planning permission as the trees are outside the site boundary. You must make a separate section 211 notification (s) at least six weeks prior to removing these trees. You are advised to obtain the permission of the owner of the tree prior to submission to the section 211 notification, and include proposals for replacement with your submission.
- 3 You will need to speak to our Tree Section about proposals to remove tree(s) in the public footways surrounding the site. You will have to pay for the removal and replacement of the trees including all administration, design, supervision costs, and the costs of establishing the trees in the first three years after planting. We will not remove street trees until such time as you have satisfied all pre-commencement conditions and you are in a position to commence the development.
- 4 You should ensure that the details you submit to satisfy the tree protection conditions are prepared in light of construction management agreement, as adequate protection of trees on and adjacent to the site will rely heavily on an appropriate means of construction.
- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 6 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)

- 7 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
- \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
  - \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm). It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 8 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained. Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
- \* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
  - \* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
  - \* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
  - \* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
  - \* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads

- 9 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 10 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact: Residential Environmental Health Team  
4th Floor East, Westminster City Hall  
64 Victoria Street  
London SW1E 6QP  
[www.westminster.gov.uk](http://www.westminster.gov.uk)  
Email: [res@westminster.gov.uk](mailto:res@westminster.gov.uk)  
Tel: 020 7641 3003 Fax: 020 7641 8504.
- 11 Condition 15 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.
- Contaminated Land Officer  
Environmental Health Consultation Team  
Westminster City Council  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP
- Phone: 020 7641 3153  
(173AB)
- 12 Approval for this residential use has been given on the basis of façade sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation i.e. windows kept closed and ventilation scheme utilised.
- 13 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to
- i) Notice of commencement of development (three months prior to commencement).
  - ii) a) Provision of 44 on-site affordable housing units to the tenure and mix advised by the Housing Development Manager prior to the occupation of the market housing units.

- ii) b) Provision of 5 on-site affordable housing units to be provided as intermediate rent units and made available to eligible households on incomes not exceeding £60,000.
- iii) Provision on site of a Community/Sports floor space of a minimum 1,649sqm (GIA) use class D1/D2, and Community facility of a minimum 690sqm (GIA) use class D2, provided by the City Council or a local service provider.
- iv) Provision at a peppercorn rent of the social and community floor space (North Paddington Youth Club and Maida Centre)
- v) Both sports and community floor space to be fitted out to a Category B finish and leased either to the City Council or qualifying tenant prior to the occupation of either the social an community floor space or residential units within the development.
- vi) A financial contribution of £32,000 per annum index linked to be paid to fund all works undertaken by the Environmental Inspectorate in relation to assessment of documents prior demolition phase and the development in respect to the SEMP, monitoring of air quality, dust and noise generated by works until the issue of the certificate of practical completion by the owner to the Council.
- vii) Tree planting contribution of £5000 to replace those lost through the construction of the development in priority as shown on tree investment plan.
- viii) Provision of car club membership (25 years) for 67 residential units.
- ix) Provisions to ensure a minimum of 67 annual parking permits for onsite parking spaces are available to all households in the new development (but for the avoidance of doubt the possession of a parking permit shall not guarantee the availability of a parking space as onsite parking is on an unallocated basis).
- x) Provision of a minimum of 41 onsite parking spaces for new residential development and re provision of a minimum of 40 onsite parking spaces foe existing residents.
- xi) Payment for the cost of highways works necessary to facilitate the development including the reinstatement of pedestrian highway.
- xii) Provision of non-residential part of development in accordance with submitted BREEAM assessments
- xiii) Provision of site wide reduction of Kg/C02 on 2013 Building Regulations of 25%, plus a payment of £113,400 to go toward the Council's Carbon off setting fund.
- xiv) Adherence with the Council's local procurement code
- xv) Provision of costs for monitoring the agreement (£500 per head of term).
- xvi) Provision and management of onsite CCTV
- xvii) Provision of Communal TV aerial.
- xviii) Mitigation measures for television interference
- xix) Demonstration of compliance with Code for construction practice and signing up to the Considerate Constructors Scheme.
- xvii. Set up a Residents Liaison Group which shall be scheduled to meet regularly before, during and after completion of the Development.

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.

This page is intentionally left blank

# Agenda Item 7

Item No.
----------

7
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 13 March 2018	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	34-36 Charles Street, London, W1J 5EB,		
<b>Proposal</b>	Erection of roof enclosure to convert part of the existing 5th floor level flat roof into a roof bar and terrace and extension at fifth floor level onto existing flat roof all in connection with existing hotel (Class C1). Relocation of existing bathroom extracts to within the new roof enclosure.		
<b>Agent</b>	Cooley Architects		
<b>On behalf of</b>	Chesterfield Mayfair Hotel Limited		
<b>Registered Number</b>	17/04745/FULL	<b>Date amended/ completed</b>	27 June 2017
<b>Date Application Received</b>	30 May 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

This application was reported to the Planning Applications Sub-Committee on 3 October 2017. Members deferred consideration of the scheme to enable a further assessment of the impact of the use of the proposed terrace/bar upon the amenity of neighbouring residents; to secure further details of the retractable awning and to allow the applicant to consider extending the proposed mansard screen to the rear of the site.

The application has been revised to omit the retractable awning and to extended the proposed dummy mansard to the rear of the terrace/bar area in place of the glass balustrade originally proposed. An acoustic report has been also been submitted.

The extended dummy mansard is 0.9m in height with a small safety bar on top (bringing the total height to 1.1m) and is considered acceptable in design terms. Following the removal of the retractable awning and the glass balustrade, the previously recommended (Condition 8) requiring the submission of details of these elements, has been deleted. The Council's Environmental Health Officer has advised that the acoustic report satisfactorily demonstrates that the use of the terrace is unlikely to have a material impact on residents' amenity. The revised scheme is considered acceptable in design and amenity terms and is recommended for approval.

Item No.
<b>7</b>

The relocated roof plant comprises non mechanical bathroom extracts rather than air conditioning units and the description of development has been amended accordingly.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597



4. PHOTOGRAPHS

View of application site from street level (the corner of Charles Street and Queen Street)



## **5. CONSULTATIONS**

Consultation undertaken since application reported to committee on 03 October 2017 and revisions received:

### **ENVIRONMENTAL HEALTH**

No objection

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

No. Consulted: 3 (previous objectors)

Total No. of replies: 0

## **6. BACKGROUND PAPERS**

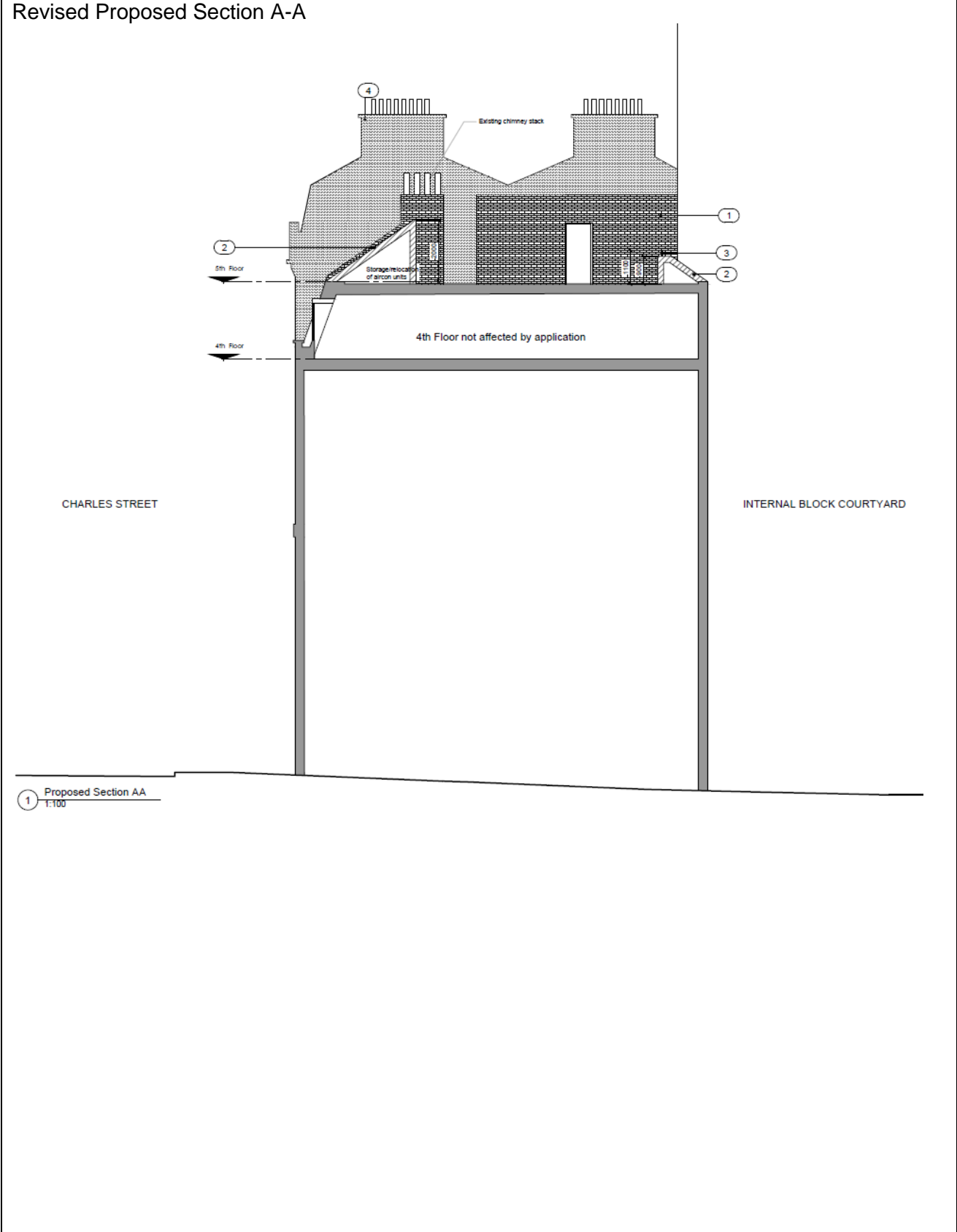
1. Application form
2. Report to the Planning Applications Sub-Committee dated 3 October 2017 and Committee minutes
3. Letter from Cooley Architects dated 30 January 2018
4. Response from Environmental Health dated 23 February 2018.

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

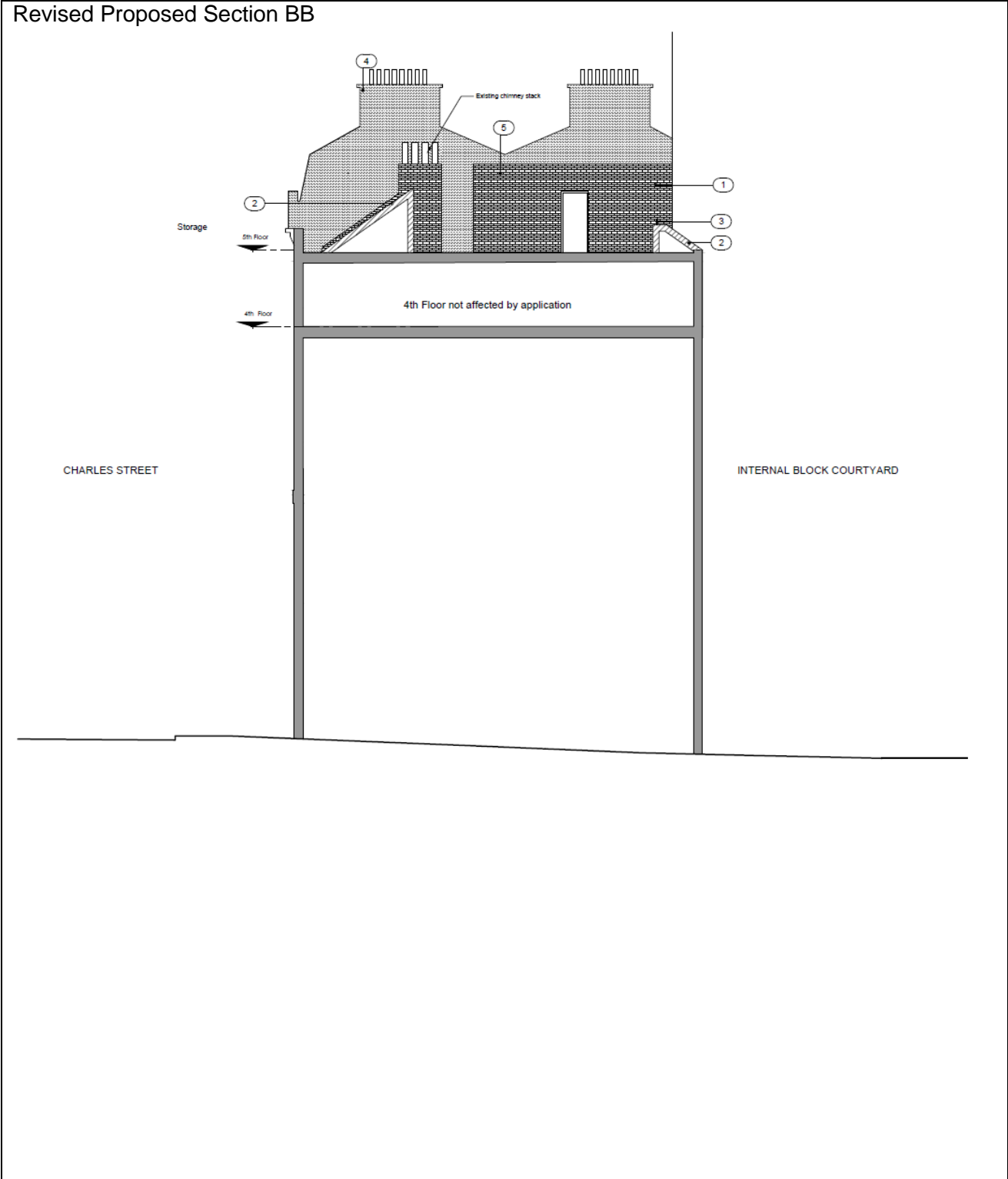
**IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT [sspurrier@westminster.gov.uk](mailto:sspurrier@westminster.gov.uk)**



Revised Proposed Section A-A



Revised Proposed Section BB



**DRAFT DECISION LETTER**

**Address:** 34-36 Charles Street, London, W1J 5EB,

**Proposal:** Erection of roof enclosure to convert part of the existing 5th floor level flat roof into a roof bar and terrace and extension at fifth floor level onto existing flat roof all in connection with existing hotel (Class C1). Relocation of existing bathroom extracts units to within new roof enclosure.

**Plan Nos:** 867 DG XX04 Rev. B ; 867 DG 05 01 Rev. F ; 867 DG XX01 Rev. F ; 867 DG XX03 Rev. D ; 867 DG 0R01 Rev. C ; 867 DG XX02 Rev. D

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

**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 conditions listed on this decision letter, and any drawings approved subsequently by the Council and any conditions imposed by the local planning authority pursuant to any conditions on this decision letter.

**Reason:**  
To avoid any 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 14.00 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 the hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 permit 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 residents. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of the City 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 The hereby approved roof top bar and terrace shall only be for use by guests of the associated hotel.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE2 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 5 Guests of the hotel shall only be permitted to use the roof top bar and terrace between the hours of 10:00-23:00 daily.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE2 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 6 You must not allow more than 60 guests onto the roof top bar and terrace at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE2 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 7 You must not play live, recorded or amplified music on the roof top bar and terrace

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE2 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 8 The proposed roof slates 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)



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

Reason:

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 3 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 4 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 5 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
  - \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
  - \* Lighting - ensure luminaires can be safely accessed for replacement.

Item No.
<b>7</b>

\* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).  
More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

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

Item No.
<b>7</b>



CITY OF WESTMINSTER

# MINUTES

## Planning Applications Sub-Committee (2)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** Committee held on **Tuesday 3rd October, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Melvyn Caplan (Chairman), Ruth Bush, Paul Church and Robert Rigby

**Also Present:** Councillors

#### Apologies for Absence:

#### 1 MEMBERSHIP

- 1.1 It was noted that Councillor Rigby had replaced Councillor Mohindra.

#### 2 DECLARATIONS OF INTEREST

- 2.1 Councillor Melvyn Caplan explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Paul Church declared that in his capacity as Ward Councillor for West End Ward and Deputy Cabinet Member for Adult Social Services & Public Health, he met and engaged regularly with residents, residents groups, developers and others. He considered members of both the Majority and Minority party as friends and met with them regularly.

**RESOLVED:**

That conditional permission be granted subject to:

1. The omission of a condition 17;
2. The additional condition tabled and set out above;
3. A condition to restrict the use of the external restaurant doors after 11 PM daily;
4. An informative regarding the need to control the operation of the hotel restaurant to ensure the impact upon local residential amenity is minimised.

**2 34-36 CHARLES STREET, LONDON, W1J 5EB**

Erection of roof enclosure to convert part of the existing 5th floor level flat roof into a roof bar and terrace and extension at fifth floor level onto existing flat roof all in connection with existing hotel (Class C1). Relocation of existing air conditioning units to within new roof enclosure.

**RESOLVED:** Deferred to secure further details of the retractable awning, a further assessment of the acoustic impact of the use of the terrace and the applicant to consider extending the mansard roof to the rear.

**3 23 MEARD STREET, LONDON, W1F 0EL**

Use of the ground and basement floors of 23 Meard Street as retail (Class A1) in association with the existing retail unit at 74 Wardour Street to include the installation of a ground floor frontage to 23 Meard Street including new emergency and disabled access door and internal openings between 74 Wardour Street and 23 Meard Street.

The presenting officer tabled the following amendments:

**Additional Condition 8:**

You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- The installation of ramped access to the ground floor entrance door on Meard Street.

The additional retail (Class A1) floorspace shall not be occupied until these detailed drawings have been approved by the City Council and the approved ramp has been installed in full. The approved ramp shall be retained in situ for the life of the development.

**Reason**

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 03 October 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>34-36 Charles Street, London, W1J 5EB</b>		
<b>Proposal</b>	Erection of roof enclosure to convert part of the existing 5th floor level flat roof into a roof bar and terrace and extension at fifth floor level onto existing flat roof all in connection with existing hotel (Class C1). Relocation of existing air conditioning units to within new roof enclosure		
<b>Agent</b>	Cooley Architects		
<b>On behalf of</b>	Chesterfield Mayfair Hotel Limited		
<b>Registered Number</b>	17/04745/FULL	<b>Date amended/ completed</b>	27 June 2017
<b>Date Application Received</b>	30 May 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site is an unlisted building in the Mayfair Conservation Area and the Core Central Activities Zone (CAZ). The property is located on the corner of Charles Street and Queen Street and comprises of basement, ground and four upper floors. It forms part of the Chesterfield Mayfair Hotel. Permission is sought to allow the erection of a dummy mansard roof enclosure to convert part of the existing 5th floor flat roof into a roof bar and terrace and extension at fifth floor level onto the existing flat roof, all in connection with existing hotel. Existing air conditioning units will be re-located into the dummy mansard.

The key issues for consideration are:

- The impact of the proposals upon the amenity of neighbouring residential properties, and
- The acceptability of the proposals upon the appearance of the building and the character and appearance of the conservation area.

Following revisions to the detailed design of the dummy mansard, the proposal is considered acceptable in design terms.

Item No.
----------

<b>2</b>
----------

Three objections have been received raising concern regarding the impact on amenity of the proposal. Due to the design of the dummy mansard and distance between the site and the objectors, it is considered that there would be limited impact to residential amenity. Subject to conditions restricting capacity, hours, use by hotel guests only and no music to be played, it is considered that the objections cannot be upheld and that the proposed bar/terrace is considered acceptable in amenity and land use terms.

Accordingly, the application is recommended for approval.

Item No.
2

**3. LOCATION PLAN**



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597



4. PHOTOGRAPHS

View of application site from street level (the corner of Charles Street and Queen Street)



## 5. CONSULTATIONS

RESIDENTS' SOCIETY OF MAYFAIR AND ST JAMES'S

No response to date

ADJOINING OWNERS AND OCCUPIERS:

No. consulted: 92

No. responded: 3

Three objections (one on behalf of a residents company) raising some or all of the following grounds:

- Amenity impacts of the proposed use (conditions requested)
- Objection to the retractable roof
- Request for no vehicle access for the works from Clarges Mews

SITE AND PRESS NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is an unlisted building in the Mayfair Conservation Area and the Core Central Activities Zone (CAZ). The property comprises of basement, ground and four upper floors. It is located on the corner of Charles Street and Queen Street and forms part of the Chesterfield Mayfair Hotel (which also occupies the large modern tower to the rear and the two upper most floors of Dartmouth House (37-38 Charles Street, The English Speaking Union). Clarges Mews is located to the rear of the site.

### 6.2 Recent Relevant History

None applicable

## 7. THE PROPOSAL

Permission is sought to allow the erection of a dummy mansard roof enclosure to convert part of the existing 5th floor level flat roof into a roof bar and terrace in connection with existing hotel (Class C1). The dummy mansard will extend along both the Charles Street and Queen Street elevations and create a double pitched roof effect, on top of the existing mansard. A small extension at fifth floor level, onto the existing flat roof, is also proposed to accommodate two toilets for the terrace. Relocation of existing air conditioning units to within new roof enclosure will also be undertaken. The detailed design of the proposed dummy mansard has been amended during the application to address officers' concerns.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use and Amenity

UDP Policy TACE 2 states that new hotels and extensions to existing ones within streets in the Core CAZ which do not have a predominantly residential character will be granted permission where there are no adverse environmental and traffic effects, and where adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation. City Plan Policy S23 encourages proposals to improve the quality and range of hotels.

The supporting text to UDP Policy TACE 2 states, where appropriate, the City Council will attach conditions to planning permissions for hotel development to ensure that functional areas within hotels, such as restaurants, bars, etc., are restricted to use by resident hotel guests only and that such areas are used only in conjunction with the main use of the building as a hotel.

Policy S29 of the City Plan relates to health, safety and wellbeing and states that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP aims to safeguard residents' amenities, and states that the City Council will resist proposals which result in a material loss of daylight/sunlight, increase in the sense of enclosure to windows or loss of privacy or cause unacceptable overshadowing to neighbouring buildings or open spaces.

Council records indicate that there are a large number of residential premises surrounding the site at Nos. 11 and second and third floors of 12 Queen Street, Nos. 13, 14, 15 (Rosebery Court), 17, 18 and 18a Charles Street. The rear of 7 Curzon Street (also in residential use) has residential units backing onto Clarges Mews.

#### Landuse:

The proposal will provide a terrace/bar area for use in association with the existing hotel. No additional visitor accommodation will be provided as a result of the proposals. The small area to be extended provides toilet facilities for the proposed terrace/bar.

The applicant has stated that it considers the proposal to be of a modest scale due to its intention to have no more than 60 people in the terrace/bar area at any one time.

Furthermore, the applicant has agreed to conditions restricting the hours of use for the terrace/bar area to 10:00-23:00 daily and for the terrace to only be used by hotel guests.

In the context of the site's location within the Core CAZ in an area of mixed character, subject to these conditions, there is no objection in principle to the proposed roof terrace.

#### Noise:

Objections have been received from flats in Rosebery Court and 7 Curzon Street on the grounds of impact on amenity from noise. The design of the proposal is such that, due to the shielding nature of the dummy pitched roof to the front elevations, Roseburry Court would be largely protected from any noise impacts. Additionally, Roseburry Court is not located directly opposite the part of the roof proposed for the terrace/bar area.

Two objections have raised concern regarding the impact of the retractable roof. However, these are in reference to the noise impact when this would be open. The proposal is for an open terrace, which would be partly covered by the retractable roof. It is therefore considered that these aspects of the objections should be considered as part of the amenity issues raised and cannot be upheld on their own.

Given the outdoor nature of the terrace/bar area, it is considered necessary and appropriate to restrict the nature of the use (hours, capacity and hotel guests only) in line with that requested by the applicant to minimise the impact on residential amenity. Additionally, a condition prohibiting the playing of amplified music is recommended. These conditions would be considered sufficient to overcome the objections on amenity grounds. Furthermore, the terminal hour of 23:00 is in line with the terminal hour requested by one of the objectors. The application is therefore considered acceptable on noise grounds subject to conditions, and the objections cannot be upheld.

Daylight and Sunlight:

No daylight and sunlight report has been submitted in support of the application. However, due to the small increase in height bulk, it is not anticipated that there would be any noticeable loss of light to surrounding residential properties.

Overlooking:

The proposed additional roof on the Charles Street and Queen Street elevations measures 2.0m high and would therefore not allow for any overlooking to occur towards the properties opposite the site. The terraced area is set back from the roof line at the rear of the building by 1.5m. Additionally, the rear of the properties on Queen Street are at an oblique angle to the application property so this, combined with the setback terrace, is considered to overcome any significant impact from overlooking to these properties. No objections have been received from the properties on Queen Street.

The distance from the rear of the Charles Street building facade to the rear of 7 Curzon Street is approximately 24m. This is considered a significant distance and, combined with the barrier to most of 7 Curzon Street created by the large block at the rear of the hotel, means that very few parts of 7 Curzon Street have a direct line/view of the application site.

The application is therefore not considered to create any overlooking issues and is acceptable in amenity terms.

For these reasons the application is acceptable in amenity terms and complies with Policies ENV 13 of the UDP and S29 of the Westminster City Plan.

## **8.2 Townscape and Design**

34-36 Charles Street makes a positive contribution to the character and appearance of the conservation area. It has four storeys above street level with an additional roof storey - a single pitch dormered mansard except in the central pavilion where the roof storey is sheer. The roof height is consistent between mansard and the parapet of the sheer section. The building to the east (the English Speaking Union) is considerably taller than the application property. It is grade II\* listed. To the south of the application site is 11 Queen Street, which is shorter than the application site, and is grade II listed.

The proposed works are a false roof forming a secondary slope to the existing mansard, which will enclose a new roof terrace with bar area, retractable roof and toilets. As originally proposed, the design of the roof was unacceptable. The build-up of the parapet was considered to be unacceptable, resulting in an awkwardly proportioned central pavilion, with an expanse of blank brickwork. A further mansard on top of that would also have been unacceptable. It also featured an unacceptable sheer extension to the Queen Street party wall.

The original design has been amended to address officer's concerns. There is no longer an extension to the sheer section of the roof storey; the new mansard now runs along the whole width of the building, and the return to Queen Street has been changed from a blank party wall to a hipped mansard. A two pitch mansard is not contrary to policy, and this form exists elsewhere on Charles Street. The principle of the additional roofslope is therefore acceptable.

11 Queen Street is considerably lower than the application site; the relationship between the extension and 11 Queen Street is therefore particularly important. This part of the site is also readily visible from street level views. The hipped secondary roof slope now results in a better transition between the proposal and the adjoining building. Following revisions, the false nature of the secondary roof slope is no longer evident from street level views.

In private views from the south of the building the new roof terrace, with its retractable roof, bar area and the enclosing roof slope will all be visible. However this is considered to be acceptable in design terms. Existing rooftop plant is to be moved to within the angle of the new roofslope which is welcomed.

The current proposal is considered to be acceptable in terms of its impact on the conservation area, and on the adjacent listed buildings. The application is therefore acceptable in design terms and complies with Policies S28 of Westminster's City Plan and DES 1, DES 5, DES 9 and DES 10 of the UDP.

### **8.3 Transportation/Parking**

Not applicable

### **8.4 Economic Considerations**

Any economic benefits deriving from the proposal are welcome.

### **8.5 Access**

Access to the proposed terrace/bar will only be through the existing hotel. Access arrangements to the hotel will remain unchanged.

### 8.6 Other UDP/Westminster Policy Considerations

None applicable

### 8.7 London Plan

This application raises no strategic issues.

### 8.8 National Policy/Guidance Considerations

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

### 8.9 Planning Obligations

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

### 8.10 Environmental Impact Assessment

Not Applicable

### 8.11 Other Issues

#### Construction impact

One objection has stated that there should be no access or vehicles for the proposed works from Clarges Mews. There is currently no vehicle access to the rear of the property from Clarges Mews due to the location of two bollards. The part of Clarges Mews behind the site would also be considered too small to get a standard vehicle down, let alone a construction vehicle. Additionally, the area of the proposal is some distance from the Mews and it would be difficult to access the roof from this location. It would therefore be unreasonable to withhold permission on these grounds and it is not considered that the objection on these grounds can be upheld.

## 9. BACKGROUND PAPERS

1. Application form
2. Letter from occupier of 7 Curzon Street, London, dated 24 July 2017
3. Letter from occupier of Flat 4, 7 Curzon Street, dated 24 July 2017
4. Letter from occupier of Rosebery Court, 15 Charles Street, dated 21 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: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

10. KEY DRAWINGS

Existing/Proposed Elevations



1 Existing Charles Street Elevation  
1:200

2 Proposed Charles Street Elevation  
1:200

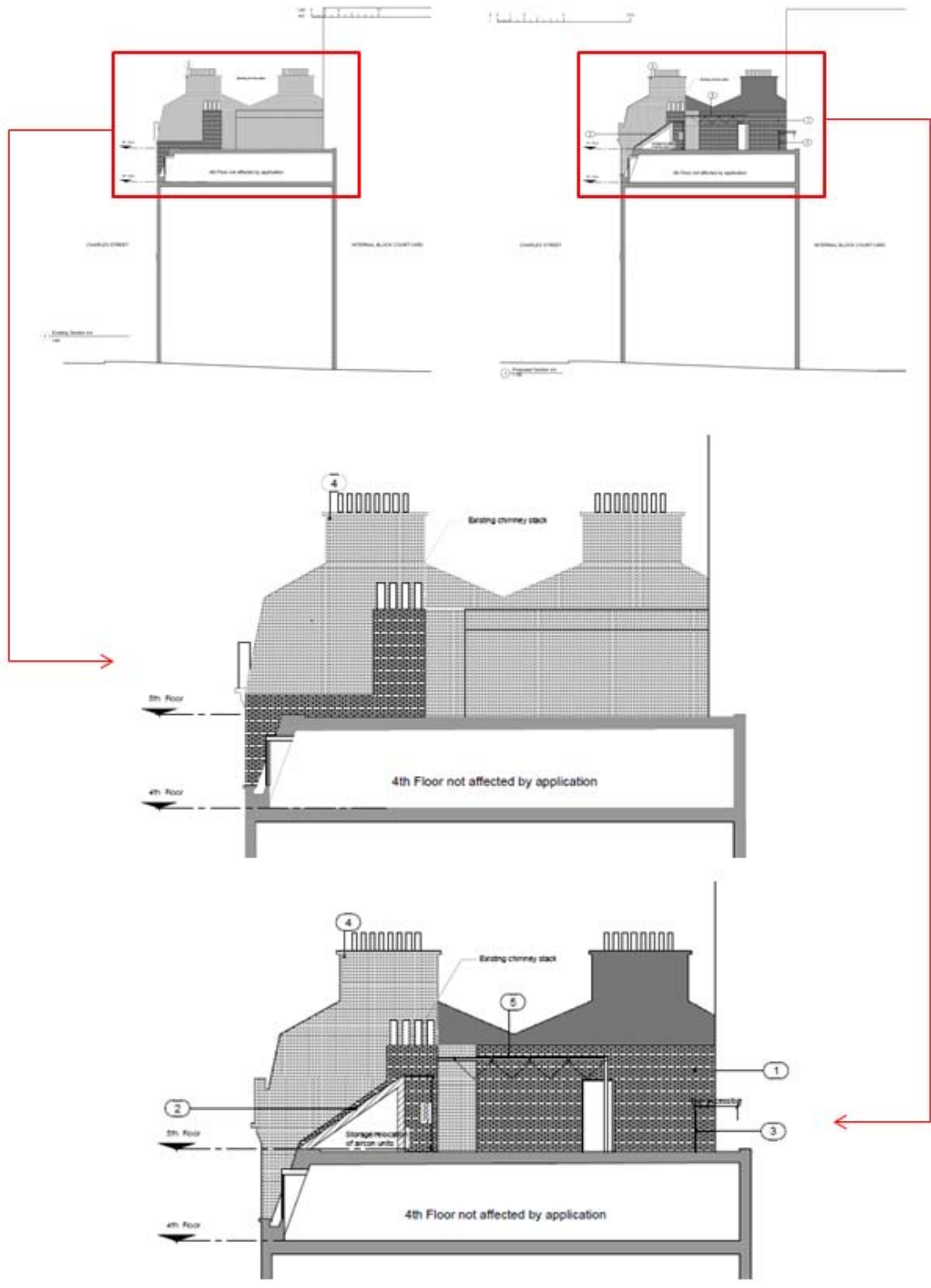


3 Existing Queen Street Elevation  
1:200



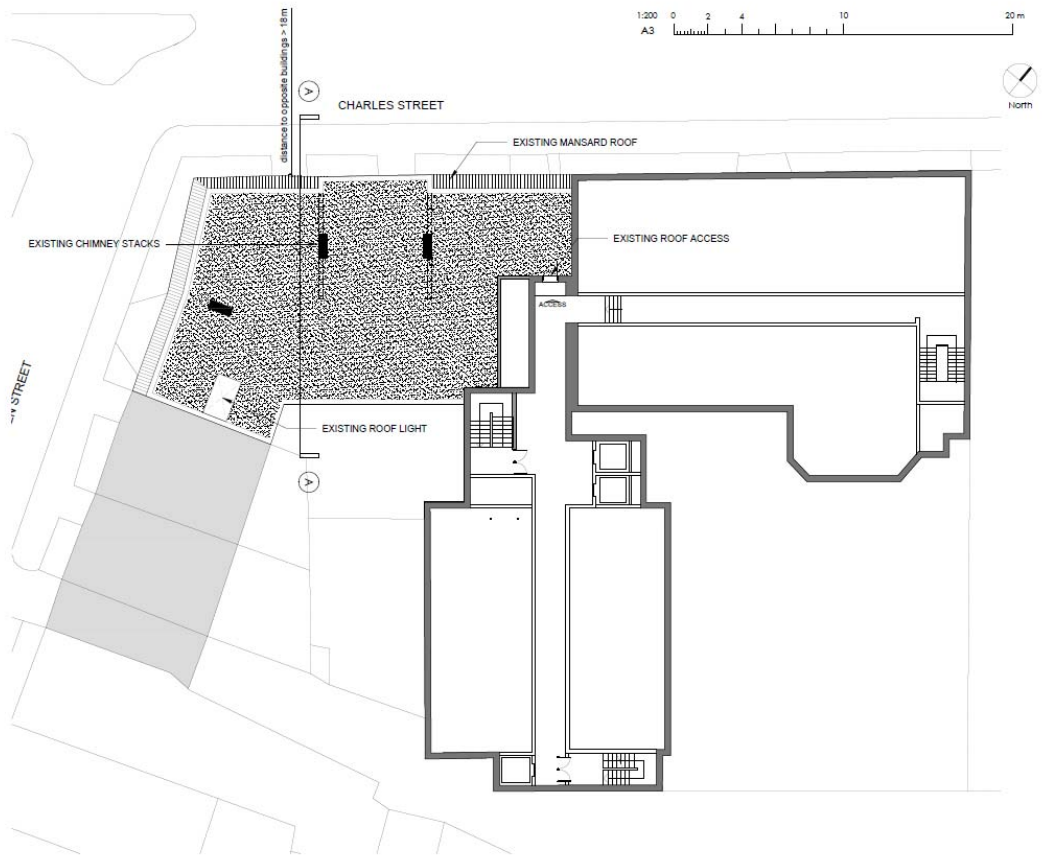
4 Proposed Queen Street Elevation  
1:200

Existing/Proposed Section AA



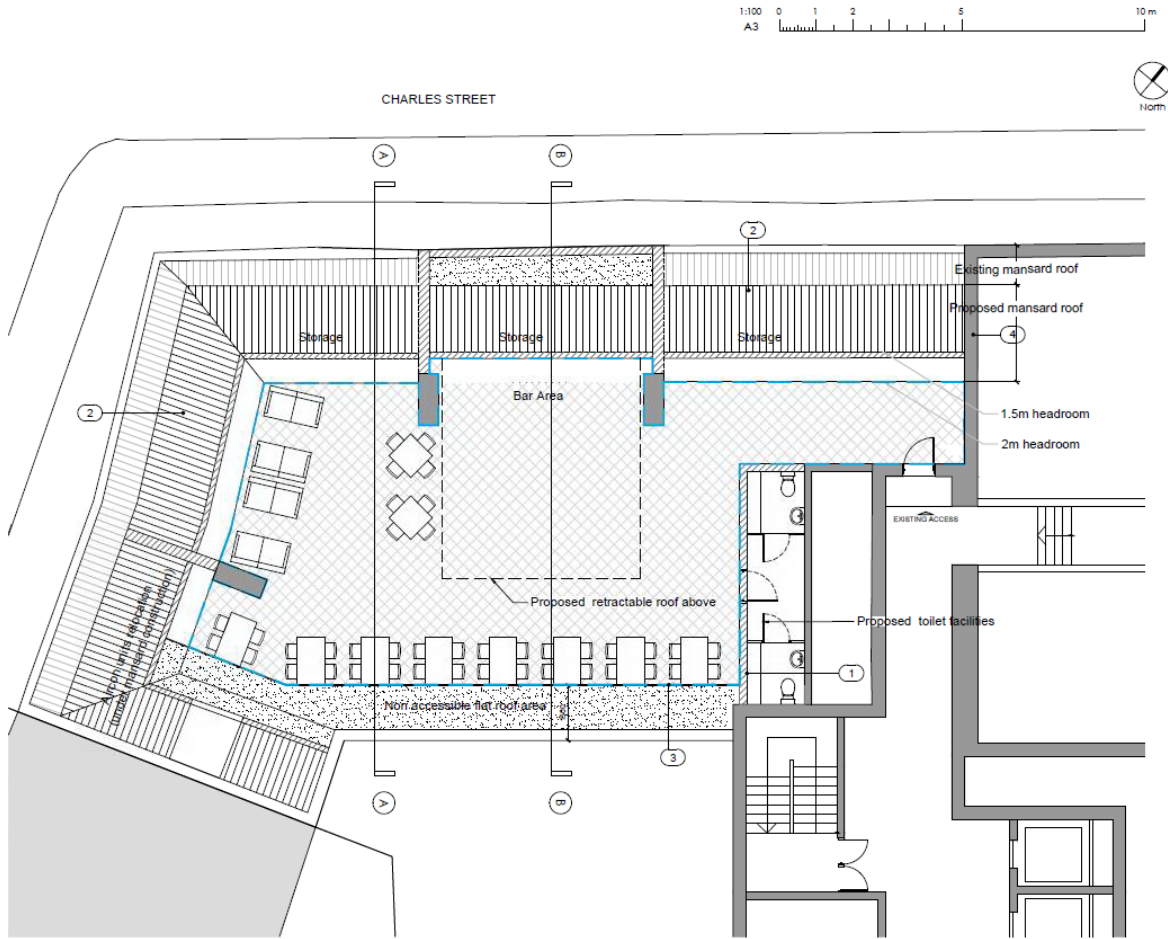


### Existing roof/5<sup>th</sup> floor plan



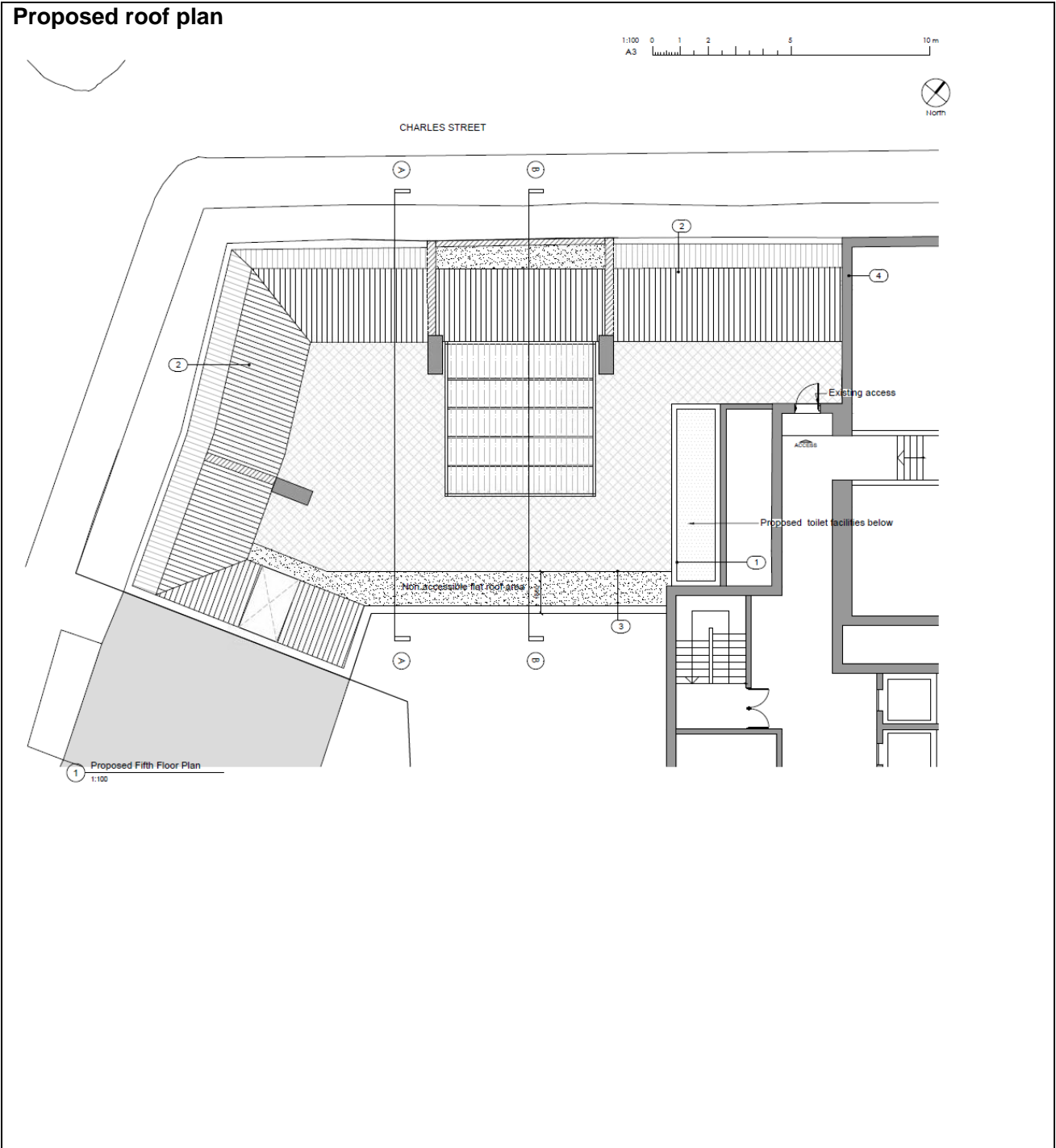
1 Existing Fifth Floor Plan  
1:200

**Proposed 5<sup>th</sup> floor plan**



1 Proposed Fifth Floor Plan  
1:100

**Proposed roof plan**



**DRAFT DECISION LETTER**

**Address:** 34-36 Charles Street, London, W1J 5EB,

**Proposal:** Erection of roof enclosure to convert part of the existing 5th floor level flat roof into a roof bar and terrace and extension at fifth floor level onto existing flat roof all in connection with existing hotel (Class C1). Relocation of existing air conditioning units to within new roof enclosure.

**Reference:** 17/04745/FULL

**Plan Nos:** 867 DG XX04 Rev. B ; 867 DG 05 01 Rev. E ; 867 DG XX01 Rev. E ; 867 DG XX03 Rev. C ; 867 DG 0R01 Rev. B ; 867 DG XX02 Rev. D

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

**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

Item No.
2

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 The hereby approved roof top bar and terrace shall only be for use by guests of the associated hotel.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE2 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 5 Guests of the hotel shall only be permitted to use the roof top bar and terrace between the hours of 10:00-23:00 daily.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE2 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 6 You must not allow more than 60 guests onto the roof top bar and terrace at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE2 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 7 You must not play live, recorded or amplified music on the roof top bar and terrace

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE2 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 8 You must apply to us for approval of detailed drawings of the following parts of the development - i) the retractable roof; ii) the roof terrace railings. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in

January 2007. (R26CD)

- 9 The proposed roof slates and roof terrace balustrade 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)

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

Reason:

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

- 3 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 4 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 5 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
  - \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
  - \* Lighting - ensure luminaires can be safely accessed for replacement.
  - \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

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.

This page is intentionally left blank



# Agenda Item 8

Item No.
----------

<b>8</b>
----------

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 13 March 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>Connaught Hotel, Carlos Place, London, W1K 2AL</b>		
<b>Proposal</b>	Use of an area of the public highway measuring 12m x 2.75m for the placing of five tables and 16 chairs and barriers		
<b>Agent</b>	Mr Michael Blair		
<b>On behalf of</b>	The Connaught Hotel		
<b>Registered Number</b>	17/10559/TCH	<b>Date amended/ completed</b>	5 December 2017
<b>Date Application Received</b>	28 November 2017		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission for a temporary period of one year.
--

## 2. SUMMARY

The application relates to an area of public highway at the junction of Mount Street and Carlos Place, outside of the Connaught Hotel. Recent public realm improvements in this location involve the creation of a wider stretch of pavement, with raised sections of carriageway, and the installation of a water sculpture.

Permission is sought for the use of an area of the highway, measuring 12m x 2.75m, for the placing five tables and 16 chairs and 1.2m high sculpted screens, formed in metal, to enclose the seating area for use in association with the hotel. The furniture would be placed on the highway between 07.30 and 22.00 hours on Monday to Saturday and between 08:30 and 21.00 hours on Sunday and Bank Holidays.

The key issues raised in this case are:

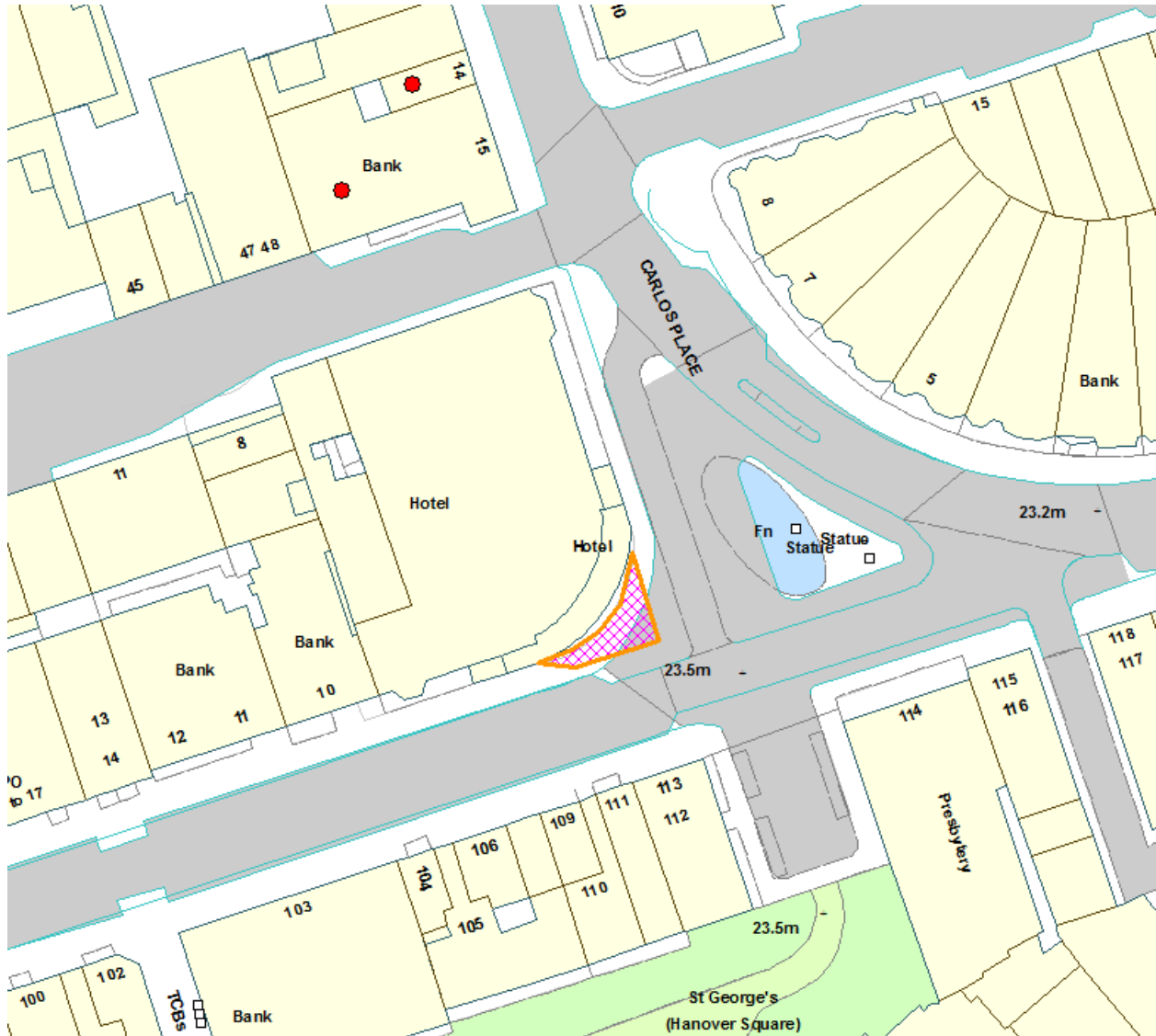
- \* The impact of the proposal on pedestrian movement and highways safety and
- \* The impact of the use on residential amenity.
- \* The impact of the proposals upon the character of the conservation area

A number of objections been received including those relating to the principle of private use of the public highway and increased commercialisation of the area. Objectors are also concerned about the

impact of the proposals upon both the setting and enjoyment of the adjacent water sculpture/fountain and the character of the area and the impact on residents' amenity and highway safety. The application has also generated several letters of support from local residents and businesses.

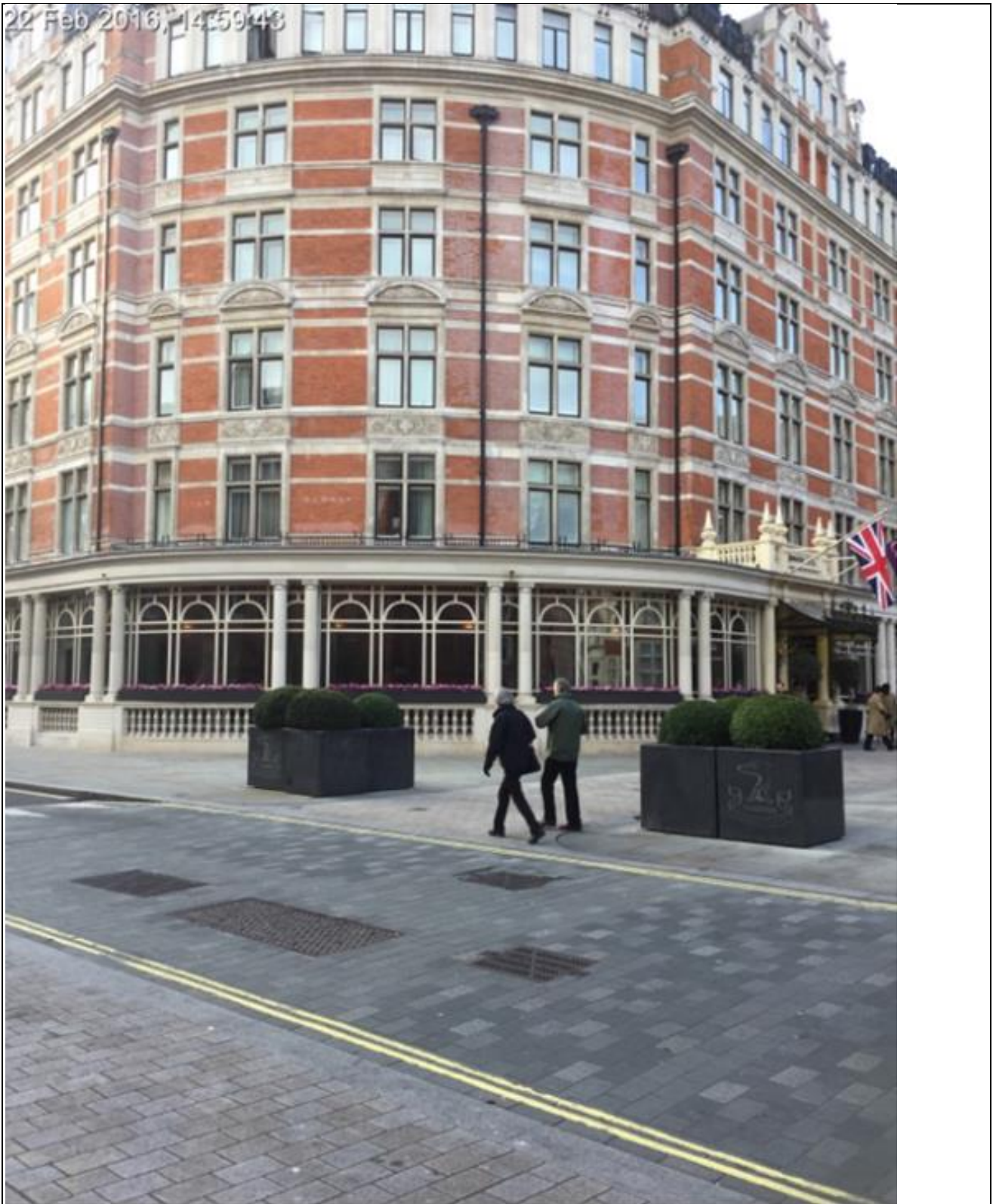
The proposal is considered acceptable in highways terms, leaving a sufficient width of unobstructed pavement for pedestrian movement. As there is a roadway between the proposed seating area and the adjacent fountain, it is not considered that there would be a material impact on the setting or enjoyment of the fountain or a significant adverse impact upon the character of this part of the Mayfair conservation area, which is characterised by commercial and residential uses. Subject to appropriate conditions, it is not considered that the use would have a material impact upon residents' amenity. The proposals comply with relevant local plan policies and is recommended that permission be granted for a temporary period of one year to enable the impact of the development to be monitored.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.  
 All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



22 Feb 2016, 15:00:07



## 5. CONSULTATIONS

### COUNCILLOR ROBERTS

- Inappropriate use of the public footpath;
- Noise disturbance to local residents
- Impact on the quiet enjoyment of the area and of the neighbouring water sculpture
- Impact on the residential character of Mount Street
- Additional traffic generation in this dangerous location, which is already heavily congested;
- The public highway does not belong to the hotel but is frequently used for vehicle parking in association with the hotel use (being at the same level as the adjacent carriageway)
- Concern that neighbour consultation was carried out over the Christmas period.

### RESIDENTS' SOCIETY OF MAYFAIR & ST. JAMES'S

No objection to proposal. Management of parking outside of the hotel should be improved.

### HIGHWAYS PLANNING MANAGER:

No objection subject to standard conditions and temporary one-year permission to allow monitoring.

### CLEANSING:

No objection.

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

No. Consulted: 91, Total No. of replies: 23, No. of objections: 5 No. in support: 19

#### Objections on the following grounds:

- Unacceptable location resulting in noise disturbance to neighbouring residents; no hours of use specified
- Increased commercialisation of the street/public space
- Area is already heavily congested with traffic and heavily parked
- Adverse impact on the tranquillity, enjoyment and setting of the adjacent water sculpture
- Unacceptable visual impact on the streetscape
- Proposals of no benefit to the local community

#### Letters of support on the following grounds:

- Scheme would result in the “seemly animation” of the streetscape in accordance with the Grosvenor Estate’s “Vision for Mayfair and Belgravia” and aim to create ‘Active Neighbourhoods’.
- Proposal would add to the character and vibrancy of the area, enhance the sense of “community” in Mount Street and would be a welcome addition to the hotel, which is the cornerstone of the street.
- Seating area is likely to be well maintained and managed by the hotel, who would be keen to safeguard their guests’ amenity



- Use of a small number of tables would not adversely affect neighbouring occupiers
- The seating is simple, discreet and will not cause harm to the setting of the listed building.
- Sufficient highway would be maintained for pedestrians

ADVERTISED / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application relates to an area of public highway at the junction of Mount Street and Carlos Place within the Mayfair conservation area and the Core Central Activities Zone. This part of the highway is adjacent to the Connaught Hotel, which is a Grade II listed building.

### **6.2 Recent Relevant History**

7 April 2016: Permission granted for alterations to the hotel's ground level bottle balustrading to accommodate new access doors and steps to facilitate access from the hotel restaurant to the proposed pavement seating area; installation of six awnings to the ground floor elevation. Fully implemented.

An application for the use of a larger area of public highway than currently proposed (4.5m x 13.5m) for the placing of 5 tables and 16 chairs for hotel use was withdrawn on 12 May 2016 following the receipt of a number of objections.

## **7. THE PROPOSAL**

Permission is sought for the use of an area of the public highway (12m x 2.75m) for the placing of five tables and sixteen chairs for use in association with the Connaught Hotel. It is proposed that the seating area would be enclosed by 1.2m high, lightweight, sculpted barriers formed in metal.

This area of highway has been the subject of recent public realm improvements including the creation of a wider footway, the introduction of raised sections of carriageway (to the same height as the pavement), and the installation of a water sculpture.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The existing hotel use dates back to 1815.

Proposals for the use of the public highway for the provision of tables and chairs for use in association with eating and drinking establishments is considered under Unitary

Development Plan (UDP) Policy TACE 11 and Policy S41 of the City Plan. These policies permit tables and chairs to be sited on the highway where they would not result in highway obstruction and where there would be no material loss of amenity to neighbouring occupiers. In these circumstances, there is no policy objection to the principle of private use of the public highway and objections to the commercialisation of the public highway cannot be supported.

The impact of the proposals upon local amenity and the operation of the highway is discussed in sections 8.3 and 8.4 below.

## **8.2 Townscape and Design**

The area in front of the hotel was redesigned and improved at the same time as the adjacent water feature was installed, in 2010. These works greatly enhanced the public realm at the junction of Carlos Place and Mount Street, increased the area available to pedestrians, and enhanced the character and appearance of the Mayfair Conservation Area.

Objections have been received on the grounds that the placing of tables and chairs on the highway would have an unacceptable visual impact on the streetscape and upon the setting and enjoyment of the adjacent water sculpture "Silence".

The use of the space in front of the hotel for tables and chairs does cause some harm to the quality of the new public realm. However, it is considered that, on balance, the siting of tables and chairs, and barriers, is acceptable in townscape terms and, being impermanent, would not harm the character and appearance of the Mayfair Conservation Area.

The barriers are considered acceptable, provided that they do not display advertising. It is considered that they should be finished in a colour to match the adjacent stone balustrade, rather than in the bronze colour currently proposed. A condition is therefore recommended to secure this colour change, which the applicant is agreeable to.

To protect the character of the Mayfair conservation area, a condition recommended to prevent the placing of any furniture and equipment on the highway other than the proposed barriers, tables and chairs.

## **8.3 Amenity**

Objections have been received from a Ward Councillor (Councillor Roberts) and local residents on the grounds that the proposals would result in unacceptable noise disturbance to neighbouring residential properties and would be detrimental to residents' and visitors' quiet enjoyment and appreciation of the adjacent water sculpture.

The supporting text to UDP Policy TACE 11 states that the City Council normally would not permit external tables and chairs where the upper floors of the main building are in residential use. The entire corner at the junction of Mount Street and Carlos Place is occupied by the hotel. The nearest residential units are on the opposite side of Mount Street, approximately 15m to the south.



It is accepted that there are many residential premises in the area and that Mount Street is quieter later into the evening. The applicant confirms their intention of operate the outside dining facility during the summer months, from breakfast time until dusk. Given the limited number of seats proposed (16) and subject to a condition limiting the hours of use to those proposed (07.30 to 22.00 hours on Monday to Saturday and 08.30 to 21.00 hours on Sundays and Bank Holidays), it is not considered that the scheme would result in unacceptable noise disturbance to neighbouring residents.

Other objections concern the likelihood that use of the seating would be prioritised for hotel guests, being of no benefit to the local community. This is not a material planning consideration and could not justify the withholding of permission.

The application is supported by the Grosvenor Estate and eighteen local residential and business occupiers, who consider that the proposals would enhance the character of the area and would add to the sense of local community. Supporters also anticipate that the external area would be well managed and maintained by the hotel operators.

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

As a result of recent public realm improvements, the footway adjacent to the hotel has been widened. It is distinct from the carriageway in terms of its materials and separated by a kerb and planters/bollards. However, there is no difference in levels between the pavement and the carriageway. The Council's public realm strategy "The Westminster Way" states that 'where footways and pedestrian areas have been given more room for people, there is a presumption against allowing new obstructions that take the footway back to or near to its former width'.

There is no suggestion that the public realm works, which included the widening of the pavement, were undertaken in order to increase the available pavement space. The area is subject to light pedestrian flows.

Objectors have referred to the fact that the area is heavily congested and heavily parked and that the pavement is sometimes use for vehicle parking in association with the hotel. An objection has also been received on the grounds that the proposals would generate additional vehicular traffic to an area which already is already subject to heavy traffic flows. However, it is not considered that the provision of external seating for a maximum of 16 customers is likely to result in a significant increase in traffic generation which would affect the safe operation of the highway network.

The Highways Planning Manager has expressed some concern that cars overrunning the footway could pose a potential hazard to pavement diners. However, the seating area will be enclosed by the proposed barriers and the potential risk is not considered to be any greater than that to pedestrians walking along this stretch of pavement.

The Highway Planning Manager has raised no objection to the application, subject to standard conditions, on the basis that the proposal would leave sufficient unobstructed highway width for pedestrian movement. However, they have requested that permission be granted for a temporary period of one year to allow monitoring of the situation.

For the reasons outlined above, the proposals are considered acceptable in highways terms.

In accordance with the Council's usual practice, it is recommended that permission is granted for a temporary period of one year to allow the impact of the proposal to be monitored.

#### **8.5 Economic Considerations**

Any economic benefits generated by the scheme are welcomed.

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

##### **Cleansing**

The Projects Officer (Waste) has raised no objection to the application.

#### **8.7 London Plan**

This application raises no strategic issues.

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

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

#### **8.9 Planning Obligations**

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

#### **8.10 Environmental Impact Assessment**

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

#### **8.11 Other Issues**

The Ward Councillor has expressed concern that the neighbour consultation took place over the festive period, denying many residents the opportunity to comment on the application. A second neighbour consultation took place in January 2018 (with a corrected description of development). In these circumstances, it is considered that neighbouring occupiers have had ample opportunity to comment on the application.

### **9. BACKGROUND PAPERS**

1. Application form
2. Response from Councillor Roberts dated 28 December 2017
3. Response from the Residents' Association of Mayfair & St. James' dated 16 January 2018
4. Response from Highways Planning Manager dated 9 January 2018
5. Response from Cleansing dated 20 December 2017

6. Letter from occupier of Flat 7, 101 Mount Street, dated 29 December 2017
7. Letter from occupier of 101 Mount Street, dated 29 December 2017
8. Letter from occupier of 114, Mount Street, dated 28 December 2017
9. Letter from occupier of 125 Mount Street, dated 29 December 2017
10. Letter from occupier of 125 Mount Street, dated 29 December 2017
11. Letter from The Grosvenor Office, 70 Grosvenor Street, dated 24 January 2018
12. Letter from occupier of 5 Mount Street, dated 24 January 2018
13. Letter from occupier 4th Floor, 5a Mount Street, dated 8 January 2018
14. E-mail from occupiers 11 Mount Street, dated 14 February 2018
15. Letter from occupier 49 Mount Street, dated 15 December 2017
16. Letter from occupier 102 Mount Street, dated 13 December 2017
17. E-mail from occupier 106 Mount Street, dated 22 January 2018
18. Letter from occupier 111 - 112 Mount Street, dated 29 December 2017
19. Letter from occupier 114 Mount Street, dated 28 December 2017
20. Letter from occupier 3, Upper Brook Street, dated 16 December 2017
21. Letter from occupier 37 Upper Brook St, dated 13 December 2017
22. Letter from occupier 59 South Audley Street dated 15 December 2017
23. Letter from Alvaro Sanchez, Ermenegildo Zegna, New Bond Street, dated 26 January 2018
24. Letter from occupier 2 Davies Street, dated 26 January 2018
25. Letter from occupier 4 Carlos Place, dated 12 January 2018
26. E-mail from Sir George Iacobescu, dated 22 January 2018
27. E-mail from occupier 20 Adam's Row/ 6 Farm Street dated 22 January 2018
28. E-mail from occupier 48 Grosvenor Square dated 23 January 2018
29. E-mail from local resident (anonymous) dated 27 February 2018

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

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



**DRAFT DECISION LETTER**

**Address:** Connaught Hotel, Carlos Place, London, W1K 2AL,

**Proposal:** Use of an area of the public highway measuring 12m x 2.75m for placing of five tables and 16 chairs.

**Reference:** 17/10559/TCH

**Plan Nos:** 1506-20-9-090-010AP; 1506-08-002AP

**Case Officer:** Shaun Retzback

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

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

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

Reason:

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

- 2 You must not put the screening, tables and chairs in any other position than that shown on drawing 1506-20-9-090-010AP. (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 07:30 and 22:00 Monday to Saturday and 08:30 and 21:00 on Sunday and Bank Holidays.

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 The Connaught Hotel. (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 March 2019. You must then remove the tables and chairs. (C25DA)

Reason:

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

- 6 You can only put out on the pavement the screening, tables and chairs shown on drawing 1506-20-9-090-010AP. No other furniture or equipment 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.

- 7 You must finish barriers, which must not include any advertising, including logos, in a colour to match the colour of the stonework to the ground floor façade of the adjacent Connaught Hotel. You must then permanently maintain them in that colour.

Reason:

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

**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 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)
  
- 3 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)
  
- 4 This permission does not grant approval for the incorporation of any advertising, including logos, on the barriers. This would require an application for advertisement consent, which is unlikely to be approved.

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.

This page is intentionally left blank