



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 22nd May, 2018**

Time: **6.30 pm**

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

Members: **Councillors:**
Tony Devenish
Timothy Barnes
TBC
David Boothroyd

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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. ELECTION OF CHAIRMAN

To elect a Chairman of Planning Sub-Committee (2).

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|---|--------------------------|
| 1. 12-14 FINCHLEY ROAD, LONDON, NW8 6EB | (Pages 5 - 58) |
| 2. MADAME TUSSAUDS, MARYLEBONE ROAD, LONDON, NW1 5LR | (Pages 59 - 74) |
| 3. 62-64 BAKER STREET, LONDON, W1U 7DF | (Pages 75 - 90) |
| 4. 2 MONCK STREET, LONDON, SW1P 2BQ | (Pages 91 - 104) |
| 5. 104A PARK STREET, LONDON, W1K 6NG | (Pages 105 - 124) |
| 6. 2 RANDOLPH COURT, RANDOLPH AVENUE, LONDON, W9 1NW | (Pages 125 - 136) |
| 7. 46 CLARGES STREET, LONDON, W1J 7ER | (Pages 137 - 162) |

8. 13 CAROLINE TERRACE, LONDON, SW1W 8JS

(Pages 163 -
174)

9. 61A AND 60B BLOMFIELD ROAD, LONDON, W9 2PA

Stuart Love
Chief Executive
14 May 2018

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Agenda Annex

CITY OF WESTMINSTER PLANNING APPLICATIONS SUB COMMITTEE – 22nd May 2018 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolved
1.	RN(s) : 17/07873/FULL Abbey Road	12-14 Finchley Road London NW8 6EB	Demolition of existing buildings and redevelopment by erection of a part six, part seven storey building comprising basement, ground and five upper floors to provide 11 residential units (1x1 bed, 4x2 bed and 6x3 bed flats), with roof terraces/ balconies to rear elevation and at roof level, mechanical plant within enclosure to rear and landscaping. Erection of replacement front boundary treatment and provision of access ramp to basement car park from existing vehicular basement at Balmoral Court. Removal of four trees to front and rear of site and replacement tree planting to front of site.	
Recommendation 1. Grant conditional permission, subject to completion of a legal agreement to secure the following: <ul style="list-style-type: none"> a) Notice of commencement of development (three months prior to commencement). b) Provision of a financial contribution of £658,000 to the affordable housing fund in lieu of on-site affordable housing provision. c) Measures to facilitate the provision and permanent retention and maintenance thereafter, of the vehicular access to the basement level car park via the vehicular entrance to Balmoral Court. d) Highway works outside the site in Finchley Road to facilitate access to the development and renew the footpath outside the site. e) Provision of costs for monitoring of agreement (£500 per Head of Term). 2. If the S106 planning obligation has not been completed by 3 July 2018 then: <ul style="list-style-type: none"> a) The Director shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director is authorised to determine and issue such a decision under Delegated Powers; however, if not; b) The Director shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. 				
Item No	References	Site Address	Proposal	Resolved
2.	RN(s) : 17/09637/FULL Regent's Park	Madame Tussauds Marylebone Road London NW1 5LR	Installation of bollards on pavement along Allsop Place and corner of Marylebone Road.	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolved

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 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

3.	RN(s) : 17/10950/FULL Marylebone High Street	62-64 Baker Street London W1U 7DF	Use of ground floor and part basement as a gym with juice and coffee bar (sui generis). Installation of new shopfront.	
Recommendation Grant conditional permission				
Item No	References	Site Address	Proposal	Resolved
4.	RN(s) : 18/00387/FULL St James's	2 Monck Street London SW1P 2BQ	Use of ground floor commercial unit 2 for Class A1 (Shop), A2 (Financial and Professional), A3 (Food and Drink), B1 (Office), D1 (Non Residential Institution) or D2 (for gym/exercise class only). Use of Unit 1 within either Class A1, A2, A3, B1, D1, sui generis marketing suite (temporary use for 3 years) or D2 (gymnasium use only).	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolved
5.	RN(s) : 17/08405/FULL West End	104A Park Street London W1K 6NG	Alterations and erection of a two storey front extension at roof level, infilling central lightwell at second floor to new fourth floor level, replacement of single storey rear basement buildings including excavation to create two storey extension, and installation of condensers to roof within an acoustic enclosure; all to provide additional office (Class B1) floorspace.	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolved
6.	RN(s) : 18/00810/FULL Maida Vale	2 Randolph Court Randolph Avenue London W9 1NW	Replacement of ground floor rear window with French Doors.	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolved
7.	RN(s) : 16/07360/FULL 16/07361/LBC West End	46 Clarges Street London W1J 7ER	Retention of one external air handling unit within the front lightwell. Relocation of six external condensers and the installation of four new external condensers (three at mid roof level and seven at upper roof level) with associated acoustic screening. Retention of	

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			internal wall mounted air conditioning units to bedrooms 1, 2, 3, 4 and 5.	
Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.				
Item No	References	Site Address	Proposal	Resolved
8.	RN(s) : 17/10749/FULL Knightsbridge And Belgravia	13 Caroline Terrace London SW1W 8JS	Enlargement of rear closet wing and infill extensions at rear ground and first floor level. Enclosing of area beneath the ground floor front entrance bridge with door and side panel and replacement of lightwell window at front lower ground floor level.	
Recommendation Grant conditional planning permission.				
Item No	References	Site Address	Proposal	Resolved
9.	RN(s) : 18/00287/FULL Little Venice	61A and 60B Blomfield Road London W9 2PA	Excavation of a single storey basement beneath footprint of the existing dwelling (61A Blomfield Road) incorporating a front lightwell. Alterations to the existing rear balcony platforms to create one balcony, excavation of part of rear garden and removal of the shared external steps at the rear of No. 61A and addition of new steps at the rear of No. 60 Blomfield Road.	
Recommendation Grant conditional permission.				

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Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 May 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	12-14 Finchley Road, London, NW8 6EB		
Proposal	Demolition of existing buildings and redevelopment by erection of a part six, part seven storey building comprising basement, ground and five upper floors to provide 11 residential units (1x1 bed, 4x2 bed and 6x3 bed flats), with roof terraces/ balconies to rear elevation and at roof level, mechanical plant within enclosure to rear and landscaping. Erection of replacement front boundary treatment and provision of access ramp to basement car park from existing vehicular basement at Balmoral Court. Removal of four trees to front and rear of site and replacement tree planting to front of site.		
Agent	Montagu Evans		
On behalf of	12-22 Finchley Road Developments Limited		
Registered Number	17/07873/FULL	Date amended/ completed	1 September 2017
Date Application Received	1 September 2017		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Agree not to make a Tree Preservation Order to protect three London plane trees at the rear of Balmoral Court. 2. Subject to 1, grant conditional permission, subject to completion of a legal agreement to secure the following: <ol style="list-style-type: none"> a) Notice of commencement of development (three months prior to commencement). b) Provision of a financial contribution of £658,000 (index linked) to the affordable housing fund in lieu of on-site affordable housing provision. c) Measures to facilitate the provision and permanent retention and maintenance thereafter, of the vehicular access to the basement level car park via the vehicular entrance to Balmoral Court. d) Highway works outside the site in Finchley Road to facilitate access to the development and renew the footpath outside the site.

e) Provision of costs for monitoring of agreement (£500 per Head of Term).

3. If the legal agreement has not been completed by 3 July 2018 then:

- a) The Director shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director is authorised to determine and issue such a decision under Delegated Powers; however, if not;
- b) The Director shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application site currently comprises one detached Victorian villa and one semi detached Victorian villa located on the east side of Finchley Road. The buildings are comprised of lower ground, ground and two upper floors and are not listed, nor are they located within a conservation area, although the St. John's Wood Conservation Area does neighbour the application site on the opposite side of Finchley Road.

The application seeks permission for the demolition of existing buildings and redevelopment of the site by the erection of a seven storey building comprising basement, ground and five upper floors to provide 11 residential units (1x1 bed, 4x2 bed and 6x3 bed flats), with roof terraces/ balconies, mechanical plant enclosure to rear and landscaping. The scheme also includes the erection of a replacement front boundary treatment, provision of access ramp to the proposed basement car park from existing vehicular basement car park ramp within the neighbouring mansion block, Balmoral Court and provision of landscaping around the proposed building.

Permission for identical redevelopment of this site was granted permission on 1 June 2015 (RN: 12/11010/FULL). This permission remains extant until 1 June 2018 and is therefore a material consideration in the determination of this application.

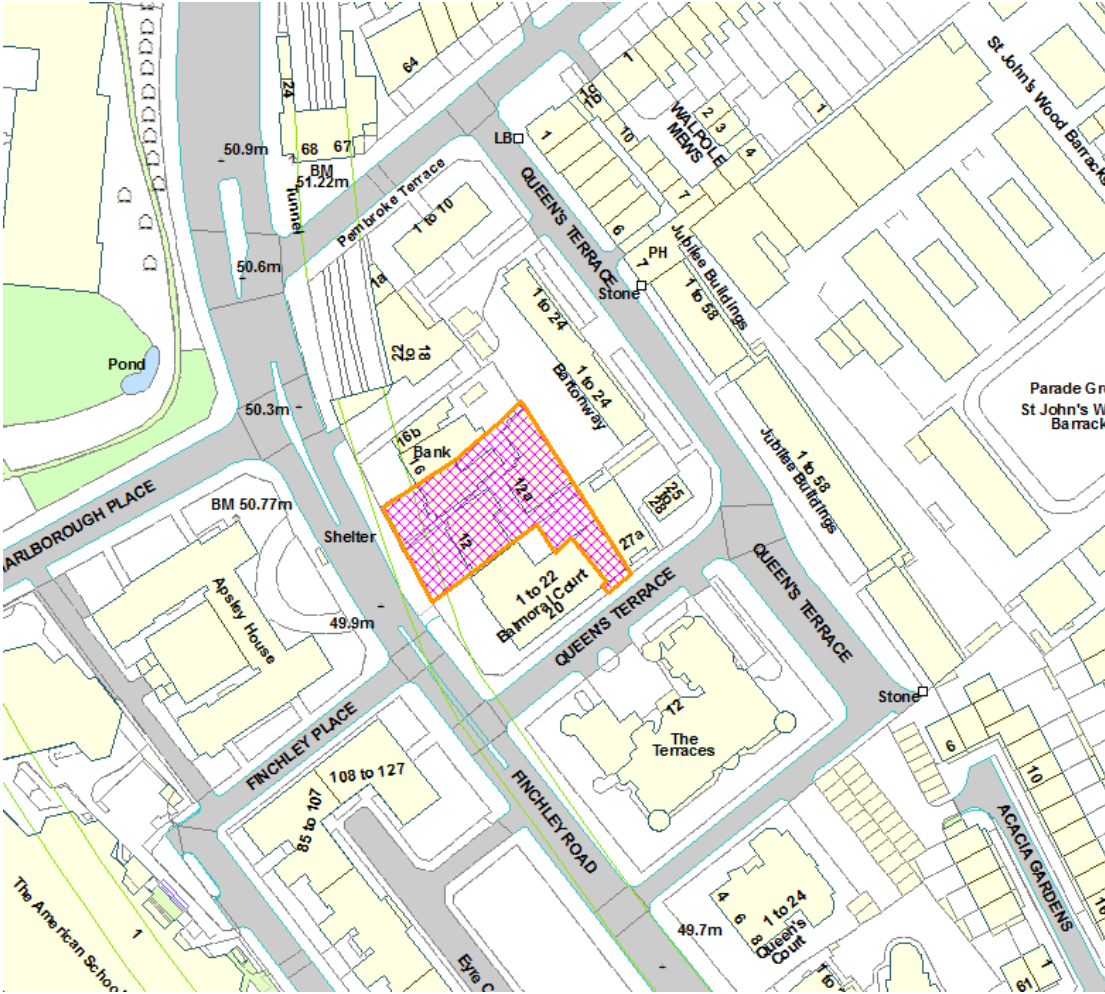
The key issues in this case are:

- The acceptability of the scheme in land use terms.
- The acceptability of the proposed provision of a financial contribution in lieu of on-site affordable housing provision.
- The impact on the appearance of this part of the City and the setting of the neighbouring St. John's Wood Conservation Area.
- The impact on the amenity of neighbouring residents.
- The acceptability of the proposed basement car parking and associated access via Balmoral Court.
- The acceptability of measures proposed to retain the existing Cherry tree that is subject to a Tree Preservation Order (TPO).

- The acceptability of removing the three London Plane trees to the rear of Balmoral Court and whether their amenity value is sufficient to justify making a TPO to provide them with statutory protection.

The London Plane trees to the rear of Balmoral Court are not considered to be of sufficient amenity value to justify the making of a TPO and therefore permission cannot be withheld on the basis of their loss to facilitate the development. The proposed development is considered to be acceptable in land use, design, amenity, transportation and environment terms for the detailed reasons set out later in this report and would accord with the relevant adopted policies within the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). As such, it is recommended that planning permission is granted subject to the conditions set out in the draft decision and the completion of a S106 agreement to secure the provision of affordable housing, the provision of acceptable vehicular access to the basement level car park via the existing ramp at Balmoral Court and the provision of highway works to ensure the development is accessible from Finchley Road.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation from Finchley Road (top) and trees to be removed from rear of Balmoral Court (bottom).

5. CONSULTATIONS

WARD COUNCILLORS (ABBNEY ROAD)

Any response to be reported verbally.

ST. JOHN'S WOOD SOCIETY

Any response to be reported verbally.

HEAD OF AFFORDABLE AND PRIVATE SECTOR HOUSING

Any Response to be reported verbally.

ARBORICULTURAL MANAGER

Comments made on the following issues:

- Submitted tree report is over 5 years old and should be updated. Note that the tree removal referred to in the report is inconsistent with the submitted scheme.
- No objection to removal of Ash tree from Finchley Road frontage of site, subject to suitable replacement tree planting and landscaping.
- None of the three London Plane trees to the rear of Balmoral Court are of particularly good form and they are barely visible from public vantage points. Note though that Tree 9 does serve as a valuable screen for residents. However, it would be difficult to defend refusal of the proposal on the basis of loss of these trees. Concern though that there is no space proposed to the rear to allow for new tree planting.
- Request for a Tree Preservation Order (TPO) for the London planes
- Do not consider Trees 7 and 8 to be of sufficient amenity value to merit statutory protection (i.e. a TPO). Tree 9 is of greater amenity value now than it was in 2012, because it has regrown from the previously lopped points, but on balance it is not consider that the degree of public benefit the tree provides is sufficient to justify the making of a TPO.
- Tree surgery to retained trees needs to be updated in light of an up to date tree survey.
- The scheme provides little scope for any new tree planting to replace the screening and softening which the existing London plane trees provide.
- Do not consider that adequate provision is made for tree planting as per the duty imposed on local planning authorities under the terms of section 197(a) of the Town and Country Planning Act 1990 namely 'to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees'.
- The roof terrace planting should be enhanced and more sustainable greening to the terraces proposed.
- Size of the biodiverse green roof is provided should be increased.
- Raised planters in the front garden are unlikely to be acceptable because they are proposed in the root protection area of the retained cherry tree and should be reconsidered.
- Soil depth over the basement to the front and rear does not appear to comply with the basement development policy in the City Plan.

BUILDING CONTROL

No objection. Applicant should be reminded that technical approval will be required from the City Council as Local Highway Authority as the basement will support the highway.

CLEANSING MANAGER

Objection to the use of six smaller bins given location of site on a red route along Finchley Road. Recommends that the scheme is amended to allow use of two 660 litre bins for waste and a 1,100 litre bin for recycling.

DESIGNING OUT CRIME ADVISOR

Where relevant the development should incorporate all of the 'Secure by Design' requirements detailed in the 'Homes 2016 Guide'. Detailed generic guidance provided on a range of aspects of the scheme related to security.

ENVIRONMENTAL HEALTH

No objection. Submitted air quality assessment demonstrates the scheme would be air quality neutral. In terms of noise a supplementary acoustic report should be secured by condition. Condition should be imposed to prevent vibration from adjacent London Underground tunnel. Development should be carried out in accordance with the Code of Construction Practice and this can be ensured by condition.

HIGHWAYS PLANNING MANAGER

No objection in principle. Concerns raised regarding the lack of electric charging points in the basement car park and the lack of details of a traffic management system for the single carriageway width ramp to basement level. Conditions recommended including conditions to address the areas of concern raised.

LONDON BOROUGH OF CAMDEN

No objection.

LONDON UNDERGROUND LIMITED

No objection in principle. Condition requested to require full details of the design of foundations, basement and ground floor structures to ensure they do not have an adverse impact on the adjacent London Underground tunnel.

THAMES WATER UTILITIES

Request a condition requiring approval of a drainage strategy to avoid risk of sewer flooding. Strategy should be devised with reference to London Plan policy 5.13 and should include SUDS. Note that approval is required from Thames Water for development over or close to sewers. Request a condition preventing piling until a piling method statement has been submitted and approved to project sewerage infrastructure. Informative recommended regarding water pressure.

TRANSPORT FOR LONDON

Comments provided on the following grounds:

- Site is located on Finchley Road which is part of the Transport for London Road Network (TLRN).
- Footway and carriageway along Finchley Road must not be blocked during construction.
- All vehicles associated with the development on Finchley Road must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

- The development should be 'car free' as it has a PTAL rating of 6A (PTAL). The provision of 11 parking space is therefore contrary to London Plan Policy 6.13.
- Any scaffolding or a hoarding on the footway during construction would require a licence from TfL.
- No objection to the provision of 21 cycle storage spaces.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 187.

Total No. of replies: 2.

No. of objections: 2.

No. in support: 0.

Two responses received raising objection on all or some of the following grounds:

Land Use

- Question whether a larger affordable housing financial contribution could be delivered.
- Policy S20 requires the retention of office uses across the City and not just in the CAZ.

Design

- Scale, bulk and mass of the proposed building is too large for the site and surrounding context, especially to the rear.

Amenity

- Loss of daylight and sunlight to neighbouring windows in Balmoral Court.
- Increased overlooking from proposed balconies towards windows serving habitable rooms in Balmoral Court.
- Increased sense of enclosure.
- Proposed development is too high, especially in relation to the penthouse flat at Balmoral Court and this would be contrary to Policy 7.6 and Policy S28 in the City Plan.
- Overbearing impact on balcony/ terrace serving top floor flat in Balmoral Court.
- Objectors intend to submit their own daylight and sunlight assessment.

Trees and Landscaping

- Trees to Finchley Road are protected by a Tree Preservation Order (TPO) and therefore this proposal is invalid.
- Noted that the submitted arboricultural report is 5 years old and trees are living organisms and have therefore changed in that period.
- Objectors arboricultural assessment identifies the trees to the rear in the curtilage of Balmoral Court to be Category B trees owing to their high visual amenity to residents. Trees have 30-40 year lifespan remaining.
- Consider one of the trees to the rear of Balmoral Court to be a strong candidate for a TPO.
- Objectors arboricultural assessment should be given greater weight than the applicant's assessment in view of it being a much more recent assessment.

Transportation/ Parking

- Lack of justification for means of vehicular access being proposed to rear from Balmoral Court and not from Finchley Road as existing.
- Concern that the proposed ramp to basement level would not be functional.
- Adverse impact of proposed vehicular access on the ability of residents of Balmoral Court to receive deliveries and manage refuse and recycling.
- Increased potential for conflicts and accidents on Balmoral Court access road.

Other Issues

- Cumulative impact of construction lorry movements (in conjunction with the St. John's Wood Barracks site) will have an adverse impact on pedestrian safety along Queens Terrace.
- Condition should be imposed relocating the refuse store to the opposite boundary of the site in Finchley Road to reduce impact of this structure in terms of odour and noise.
- The 2002 scheme that has been implemented is being used as a threat to force approval of any development on this site.
- There have been material changes to the development plan since the determination of the previously approved scheme that must be considered in the assessment of the current application.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site currently comprises one detached Victorian villa and one semi detached Victorian villa located on the east side of Finchley Road. The buildings are comprised of lower ground, ground and two upper floors and are not listed, nor are they located within a conservation area, although the St. John's Wood Conservation Area does neighbour the application site on the opposite side of Finchley Road.

The buildings are currently in mixed Class C3 residential use and Class B1 office use. The existing building contain 7 flats over a floor area of 554m² (GIA), with 209m² (GIA) of office floorspace provided within the basement of No.12 and parts of the ground floor of both Nos.12 and 14.

The site formally included an annex/ studio building to the rear of both Nos.12 and 14 Finchley Road, which was known as No.12a Finchley Road. This was demolished around 2008 in connection with the implementation of the planning permission dated 6 November 2003 (see Section 6.2.2). The rear of the site now comprises a hardstanding comprised of the floor surfaces and rubble of the former annex/ studio building.

6.2 Recent Relevant History

6.2.1 12-14 Finchley Road (the Application Site)

Item No.
1

1 June 2015 – Permission granted for demolition of existing buildings and redevelopment by erection of a part six, part seven storey building comprising basement, ground and five upper floors to provide 11 residential units (1x1 bed, 4x2 bed and 6x3 bed flats), with roof terraces/ balconies to rear elevation and at roof level, mechanical plant within enclosure to rear and landscaping. Erection of replacement front boundary treatment and provision of access ramp to basement car park from existing vehicular basement at Balmoral Court. Removal of four trees to front and rear of site and replacement tree planting (RN: 12/11010/FULL).

6.2.2 Site comprising No.1 Queen’s Grove and Nos.12-22 Finchley Road

6 November 2003 – Planning permission was granted for the demolition of existing buildings and erection of residential building of 6-8 storeys comprising 66 apartments including 17 affordable units and provision of 64 parking spaces in two basements (02/06302/FULL).

22 January 2014 – Certificate of Lawful Proposed Development issued which confirmed that the planning permission dated 6 November 2003 (RN: 02/06302/FULL) for demolition of existing buildings and erection of residential building of 6-8 storeys comprising 66 apartments including 17 affordable units and provision of 64 parking spaces in two basements was implemented by the carrying out of material operations prior to its expiry and that therefore the continued development of the site in accordance with the planning permission would be lawful (13/09910/CLOPUD). This permission for redevelopment of the wider site including the current application site therefore remains extant (i.e. it could be carried out at any time) and is consequently a material consideration in assessment of the current scheme. Details of this extant scheme, as varied by the S73 permission dated 21 December 2017 (see below) are provided in the background papers for information.

21 December 2017 – Permission granted for variation of Condition 2 of planning permission dated 2 November 2003 (RN: 02/06302/FULL) for the demolition of existing buildings and erection of residential building of 6-8 storeys comprising 66 apartments including 17 affordable units and provision of 64 parking spaces in two basements from RN 02/06302/FULL. NAMELY, to vary the hours of construction works that can be heard at the boundary of the site to allow works around the railway cutting to take place between 01.00 and 05.00 hours for a non-consecutive period of up to 72 nights during the overall construction programme (17/00938/FULL).

7. THE PROPOSAL

The application seeks permission for the demolition of the existing buildings and redevelopment of the site by the erection of a part six, part seven storey building comprising basement, ground and five upper floors to provide 11 residential units (1x1 bed, 4x2 bed and 6x3 bed flats). Car parking, cycle storage, a bin store and other services would be provided at basement level with vehicular access provided via a new ramp to the rear of the site which would be accessed from the existing vehicular ramp at Balmoral Court.

The proposed building would have roof terraces/ balconies to rear elevation and at roof level and mechanical plant, including a combined heat and power (CHP) unit, would be provided within an acoustic enclosure to rear at ground floor level. Landscaping around the site is proposed, including new tree planting to the front of the site. The scheme allows for the retention of the Cherry tree to the front of the site, which is subject to a Tree Preservation Order (TPO). Four trees are proposed to be removed, comprising one Ash to the front of the site and three London Planes to the rear of Balmoral Court. The scheme includes proposals for a new front boundary wall treatment.

The current scheme is identical to the scheme for redevelopment of this site which was granted permission on 1 June 2015, save for the proposed energy and sustainability strategy which has been reviewed and amended in light of material changes to relevant policies in the City Plan and London Plan in the intervening period. The permission for the previously approved scheme remains extant and is therefore a material consideration in the determination of the current application; albeit it is also necessary to have regard to all material changes in circumstances since the determination of the approved scheme. In terms of material changes to the development plan, updated versions of the City Plan (November 2016) and the London Plan (March 2016) have been adopted since the determination of the previously approved scheme. On site, objectors consider that the amenity value of the trees to the rear of Balmoral Court has increased since the determination of the previously approved scheme and consider that the London Plane trees are now worthy of a Tree Preservation Order (TPO). All material changes in circumstances, both in terms of policy and site context, are considered in this report.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of Existing Office Use

Whilst the site currently includes 209m² (GIA) of Class B1 office floorspace, this accommodation is of relatively poor quality and occupies the converted basement and ground floors of the existing buildings, which would originally have both been built as single dwellings.

Objection has been raised on the basis that Policy S20 in the City Plan resists office loss across the City. However, this is incorrect and the policy does not protect existing office uses in this part of the City, which is outside the Core Central Activities Zone (CAZ), Opportunity Areas and Named Streets. Furthermore, as the application site is outside the CAZ and the North Westminster Economic Development Area, Policy S13 confirms that development should predominantly deliver new residential accommodation.

Therefore, the loss of the existing office floorspace in favour of providing additional residential accommodation is considered to be acceptable in principle land use terms.

8.1.2 Proposed Market Residential Use

At present the site provides 7 self contained flats within the two buildings (Nos.12 and 14 Finchley Road). The proposed development would increase the number of flats on site by 4 to 11 flats. Overall the scheme would increase residential floorspace on the site

from 554m² (GIA) to 2,834m² (GIA) (including basement parking and all ancillary residential floorspace), an increase of 2,279m². This level of increase generates a requirement to provide affordable housing in accordance with Policy H4 in the UDP, Policy S16 in the City Plan and the 'Interim Note on the Affordable Housing Policy' (2013). The applicant proposes to provide affordable housing in the form of a financial contribution to the Council's Affordable Housing fund. This proposal is considered further in Section 8.1.3 of this report.

The residential accommodation proposed on-site is therefore wholly market residential accommodation and would comprising a mix of 1x1 bedroom flat, 4x2 bedroom flats and 6x3 bedroom flats. The mix of units proposed is therefore compliant with Policy H5 in the UDP and Policy S15 in the City Plan as 55% of the units would contain 3 bedrooms.

In terms of their size, the proposed flats would all exceed the minimum floorspace standards set out in Policy 3.5 in the London Plan (March 2016) and the Government's Technical Housing Standards (2014). The proposed flats would therefore provide an acceptable standard of accommodation, which would be improved relative to the standard of the existing residential units on the site.

The flats proposed are relatively large in size, but are not untypical of flats within St. John's Wood. In this context it is considered that the scheme would make efficient use of residential land and would therefore accord with Policy S14 in the City Plan, which seeks to optimise the provision of units of residential accommodation.

In land use terms the proposed market residential accommodation is considered acceptable and would accord with the relevant policies within the UDP and City Plan.

8.1.3 Affordable Housing

The proposed scheme does not propose the provision of affordable housing on-site, instead the applicant proposes the provision of a financial contribution to the Council's Affordable Housing fund in lieu of on-site provision. A policy compliant financial contribution to the Affordable Housing Fund, assuming the applicant can demonstrate it is not practical or viable to provide affordable housing on site or off-site in the vicinity would be £2,808,960.

As part of the previously approved scheme a financial contribution of £658,000 (index linked) to the Affordable Housing Fund was accepted in lieu of on-site provision. In that scheme the applicant argued that the provision of affordable housing on site was not practical due to the constraints of the site and the difficulty this presents in terms of providing two residential cores to allow separate service charges to be applied to the market and residential units.

Since the determination of the previously approved scheme in June 2015, the City Council adopted its CIL charging schedule in May 2016 and therefore the current scheme is CIL liable; whereas the previously approved scheme was not. The required CIL payment is estimated to be circa £1.32m and this additional development cost, along with reduction in the strength of the residential property market have resulted in a reduction in the ability of the scheme to deliver affordable housing. The applicant has submitted a viability report to evidence their position that, in light of the factors previously

set out, the scheme can now not viably provide affordable housing on-site, off-site or as a payment in lieu of physical provision.

The applicants' viability assessment has been independently assessed on behalf of the City Council by viability consultants at Carter Jonas. The independent viability assessment commissioned by the City Council concludes that, for the reasons identified by the applicant, the scheme is not sufficiently viable to viably provide any affordable housing. Notwithstanding this, the applicants have advised that they are prepared to provide a financial contribution of £658,000 to the Affordable Housing fund on an ex-gratia basis in view of the importance of this development plan policy objective. Whilst this would match the financial contribution agreed as part of the previously approved scheme, it would represent a reduced contribution to affordable housing given the contribution to be provided has not been increased in line with indexation since June 2015. Notwithstanding this, given this financial contribution is being provided on an ex-gratia basis and would be well in excess of the evidenced viability position, it is not considered that permission could reasonably be withheld on the basis of the affordable housing offer that has been made.

In view of the limited viability of the proposed development, it is considered that the proposed financial contribution to the Affordable Housing Fund represents an acceptable affordable housing offer in the context of Policy H4 in the UDP, S16 in the City Plan and the interim guidance published in 2013. As per the previously approved scheme, it is recommended that the affordable housing contribution in lieu of on-site affordable housing is secured via a S106 agreement, with the financial contribution index linked (albeit the financial contribution shall not be reduced below the amount specified in this report in the event that the RPI index falls over the period of the permission) and provided prior to commencement of development.

8.2 Townscape and Design

8.2.1 Existing Buildings

The site is not within a conservation area and the buildings on the site are not listed. The St. John's Wood Conservation Area does though surround the site and therefore the development of the site must have regard to the setting of the conservation area.

Notwithstanding this, the existing buildings on the site, by virtue of their age, form and detailed design are considered to be heritage assets (non-designated) and therefore their proposed demolition must be considered with reference to paragraph 135 of the National Planning Policy Framework (NPPF), which states that a balanced judgement must be made based on the significance of the asset and the benefits of the proposed development.

In this case, given the immediate context of the site, the relative isolation from other similar buildings and having regard to the extant permissions for their demolition (by virtue of the 2003 and 2015 schemes), it is considered that their removal can be considered acceptable provided the proposed replacement building is of sufficient architectural and design quality. In accordance with paragraph 136 of the NPPF, it is recommended that a condition is imposed requiring that the existing buildings are only demolished as part of a concurrent scheme of redevelopment for the whole site. This

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would ensure that the development would not have an adverse impact on the setting of the neighbouring St. John's Wood Conservation Area.

8.2.2 Proposed Development

The proposed scheme would comprise a 6 storey building, which would be broken down in to two staggered vertical elements to the front elevation, to maintain the existing front building line, with recessed roof storeys at fourth and fifth floor levels to assist with the transition in scale between No.16 Finchley Road to the north and Balmoral Court to the south. To the rear the bulk of the building would be stepped down towards the rear boundary with Bartonway, which faces Queen's Terrace.

The splitting of the scheme into two vertical elements to form two separate building forms reflects the context and proportions of the adjacent building at No.16 is considered to be an appropriate design approach that assists the scheme in providing a transition between the lesser bulk and height of No.16 and the larger bulk and height of Balmoral Court.

In terms of the main elevations of the proposed building, the use of white water-struck brick as the main façade material is considered acceptable in design terms and would be an appropriate and high quality material that would relate well to the retained white render building at No.16. It is proposed to utilise textured brickwork (comprised of raised brickwork set within the prevailing masonry) to the parapets to form a decorative cornice, provide Portland stone surrounds to windows with balustrades in clear glazing. The general palette of materials is restrained so as to ensure that the decorative detailing proposed, particularly in the brickwork below the roof top parapets, does not over power the overall architectural composition.

The proposed roof top storeys are considered acceptable in terms of their overall height and are set back sufficiently to ensure that they would have a subordinate appearance in views along Finchley Road, particularly from the north. The roof storeys would be largely glazed structures to the front and rear elevations with simple white glass panels to the side elevations. Whilst the proposed building would exceed the height of Balmoral Court by approximately 0.7m, it is not considered that this additional height will be readily appreciable in public views of the site. Furthermore, it is preferable for the redevelopment of this site to comprise its own architectural composition, rather than follow the squat form and heavy detailed design of Balmoral Court.

To the rear of the building, its bulk and form, which steps down in height from the height of the principle rear façade, is considered acceptable in the context of the historic extent of development on this site and the extent of the development approved on this part of the site as part of the extant 2003 permission. In this context, it is not considered that the proposed development represents overdevelopment. The detailing to the rear would be similar to that to the street elevation; albeit with lesser detailing to the façade and window openings to reflect the more subservient nature of this façade.

The proposed boundary treatment would utilise the same brickwork as the proposed building. The treatment proposed would provide an overall improvement upon the existing boundary treatment (there is none at present to No.12) and therefore the

proposed wall is acceptable in design terms; albeit coping stones should be incorporated to the wall and piers. A condition is recommended to require this minor amendment.

Conditions are recommended to secure samples of all facing materials and details of all windows and doors. Subject to the recommended conditions, it is considered that the proposed development is acceptable in design terms and would not harm the setting of the neighbouring St. John’s Wood Conservation Area. Therefore, the proposal would accord with Policies DES1, DES4 and DES9 in the UDP and S25 and S28 in the City Plan.

8.3 Residential Amenity

Concerns have been raised by neighbouring residents in terms of the impact of the scheme on the amenity of neighbouring residents. Objections have been received from (or on behalf of) occupiers in Balmoral Court (see Section 5). As was the case in respect of the identical scheme previously approved in 2015, neighbours are concerned with regard to its impact in terms of loss of daylight and sunlight, increased sense of enclosure and increased overlooking, leading to a loss of privacy. These amenity concerns are addressed in turn in this section of the report.

8.3.1 Daylight

In terms of daylight loss, the applicant has submitted a Daylight and Sunlight report, which assesses all of the surrounding windows in close proximity to the proposed development. The submitted Daylight and Sunlight report demonstrates that, relative to the existing situation on the application site, the proposed development would have a limited material impact on daylight to the rear windows of Balmoral Court. The material losses of daylight (using the Vertical Sky Component (VSC) method of assessment) would affect one of two conjoined rear windows serving the ground floor level porters studio flat, one bedroom window and three parts of a another bedroom bay window at first floor level and parts of bedroom bay windows at second and third floor levels respectively. Windows serving two bedrooms at fifth floor level would also be affected, but these rooms are also served by unaffected windows in other elevations.

The degree of VSC daylight loss to windows between ground and second floor levels is summarised in Table 1 below. Where the level of daylight received by a window remains at 27% VSC or more any loss of light caused would not be perceivable by the occupier of the room served by the window as the room would continue to be very well daylight. The Building Research Establishment guidelines (2011) advise that where the proposed daylight level received by a window would be below 27%, the daylight loss caused would only be appreciable to the occupier of the room served by the affected window where it would suffer a loss of daylight of 20% VSC or greater. Therefore, it is only where daylight losses exceed 20% VSC that the daylight loss can be considered to have a material impact on the level of daylight reaching neighbouring windows.

Table 1 – Material losses of daylight to windows in rear elevation of Balmoral Court.

Flat Location	Room Served by window	Existing VSC	Proposed VSC	% Change
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Ground floor rear porter's studio flat	Window 1 of 2 conjoined windows	4.94	3.09	-38%
	Window 2 of 2 conjoined windows	8.48	4.16	-51%
First floor 3 bedroom flat	Window 1 in 5 part bay window to master bedroom.	17.81	17.81	No change
	Window 2 in 5 part bay window.	30.30	30.38	Remains >27%
	Window 3 in 5 part bay window.	30.97	26.12	-16%
	Window 4 in 5 part bay window.	21.55	16.01	-26%
	Window 5 in 5 part bay window.	9.50	6.80	-28%
	Single window serving second bedroom.	26.96	20.95	-22%
	Single window serving bedroom	24.21	18.35	-24%
Second floor 3 bedroom flat	Window 1 in 5 part bay window to master bedroom.	19.13	19.13	No change
	Window 2 in 5 part bay window.	33.75	33.04	Remains >27%
	Window 3 in 5 part bay window.	33.98	29.29	Remains >27%
	Window 4 in 5 part bay window.	25.17	19.47	23%
	Window 5 in 5 part bay window.	12.01	9.03	--24.8%
Third floor 3 bedroom flat	Window 1 in 5 part bay window to master bedroom.	20.37	20.37	No change
	Window 2 in 5 part bay window.	35.85	35.35	Remains >27%
	Window 3 in 5 part bay window.	36.37	3.49	Remains >27%
	Window 4 in 5 part bay window.	29.03	23.74	18% reduction
	Window 5 in 5 part bay window.	14.89	11.92	-20%

As can be seen from table 1, the proposed development would have a material impact on 6 rear windows in Balmoral Court (three of which are bay windows comprised of five window with separate 'faces' at differing angles relative to the position of the application site).

The porter's flat at rear ground floor level, which is used as habitable accommodation by the porter, has two conjoined windows that face the southern side boundary of the application site. Table 1 shows that there would be a material loss of light to both windows serving the studio flat using the VSC method of assessment. Given the existing daylight levels to this studio unit are low owing partly to the overhang of the building above the windows, it is necessary to consider the impact in terms of the No Sky Line method of daylight assessment (i.e. measurement of the extent of the room which would receive daylight at the working plane). The No Sky Line assessment of the Porters flat indicates that it would suffer a 14.6% in daylight reaching the working plane within the room, which is below the 20% reduction level above which the BRE guidelines advises would result in a noticeable loss of daylight to the occupant of the room.

At first floor level the proposed scheme would result in a material loss of light to two of the rear facing bedrooms of one of the flats, with a further partial material impact on the

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faces of the bay window serving the master bedroom of the same flat, which faces the proposed development. However, the rooms affected in this flat would continue to receive relatively good daylight levels and furthermore, the flat benefits from a large well lit living room with a bay window and side light windows to the street elevation facing Queen's Terrace.

The layout of the materially affected flats at second and third floor levels mirrors that at first floor level and at these higher levels only the bay windows to the master bedrooms are materially affected and to a far lesser degree than at first floor level. The flats have three bedrooms and benefit from large living areas facing the street elevation, which are well lit and which would be unaffected by the proposed development.

At fifth floor level two bedrooms in the side elevation of the penthouse flat adjacent to the flank wall of the proposed development would have windows that would suffer a material loss of light using the VSC method of assessment. However, these bedrooms would be served by other windows to the front and rear of the Balmoral Court that would not suffer a material loss of daylight using VSC. Furthermore, No Sky Line assessment of daylight within the two bedrooms indicates that the rooms would remain well day lit as a result of being served by multiple windows.

Whilst other windows serving habitable rooms to the rear elevation of Balmoral Court would see some reduction in daylight levels, the level of reduction would not be material and therefore would not be readily noticeable to occupiers. As such, permission could not be withheld on the basis of this impact on daylight. All flats with rear elevation windows within Balmoral Court have other habitable rooms to the street elevations of the building.

In this context, it is not considered that proportionately the material losses of daylight to flats in Balmoral Court would amount to an impact so significant that permission could be withheld on grounds of loss of daylight. Furthermore, the impact of the proposed development would be identical to the extant 2015 scheme and is unlikely to be significantly worse than the implemented (and therefore extant) 2003 scheme, which includes similar additional bulk to the rear adjacent to Balmoral Court in the form of a part four, part five storey block.

The only other material impacts in terms of daylight loss would be to rear facing windows at first and second floor level within No.16 Finchley Road. The proposals would result in a material loss of daylight to four windows at first floor level and one window at second floor level. However, the use of the rooms in question is unclear as no objections have been received from the occupiers of this property and access has not been possible during the course of the application. The two small obscure glazed windows to the centre of the rear first floor level elevation are bathroom windows and therefore do not serve a habitable room and the Council's records indicate that the first and second floor are in use as a single unit of accommodation. The daylight impact to No.16 is summarised in table 2 below.

Table 2 - Material losses of daylight to windows in rear elevation of No.16 Finchley Road.

Window Location	Room Served by window	Existing VSC	Proposed VSC	% Change
First floor	Window to left of rear elevation (thought to serve a kitchen)	27.84	21.72	-22%
First floor	Window to right of rear elevation (use of room unknown – assumed to be habitable)	31.98	20.84	-35%
Second floor	Window to left of rear elevation (use of room unknown – assumed to be habitable)	33.62	25.33	-27%

Whilst the daylight losses to the three windows serving habitable rooms at No.16 are material, given that the windows would continue to receive a good level of daylight, all in excess of 20% VSC, and as the upper floors serve a single unit of accommodation with other habitable rooms and windows to the front elevation, it is not considered that the daylight loss to this neighbouring property would be sufficient to merit withholding planning permission. Furthermore, the impact on the No Sky Line within the affected rooms would be very minimal and therefore the extent of daylight penetration in to these rooms would not be noticeable reduced.

The Daylight and Sunlight report demonstrates that there would be no significant or material losses of daylight to windows serving other immediate neighbouring residential buildings; namely, Bartonway, 1-14 Queen’s Terrace to the rear and Appasley House on the opposite side of Finchley Road to the front of the site.

In conclusion, given the limited extent of material daylight losses that would be caused it is considered that the scheme is acceptable in daylight terms and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.3.2 Sunlight

In terms of the impact of the development on levels of sunlight reaching neighbouring residential windows, the submitted Daylight and Sunlight report demonstrates that the scheme would have no significant impact given its orientation and distance from neighbouring windows. As such, the proposal is acceptable in this regard and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.3.3 Sense of Enclosure

The proposed development would have no adverse impact to its front elevation where it forms a continuation of the existing building line between Balmoral Court and No.16 Finchley Road.

To the rear the proposed development would have a stepped built form above ground floor level at the side boundary with the rear elevations of Balmoral Court.

The ground floor to the rear would extend to the boundary with Balmoral Court and this is considered acceptable in sense of enclosure terms given that its height above the existing boundary fence would be limited (an increase of 1.4m). A condition is

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recommended to prevent the use of the flat roof at first floor level at the boundary with the rear of Balmoral Court being used as a terrace.

Above ground floor level the bulk of the proposed building, where it projects backward of the existing rear building line, would be limited to two storeys and be set back by 4.7m from the boundary with the rear of Balmoral Court. In combination with the width of the basement access ramp to the rear of Balmoral Court, this would ensure that the rearward projecting elements of the proposed building would be approximately 11m from the north west facing rear windows of Balmoral Court. The shallower rearward projections of the proposed building at 4th and 5th floor levels would be approximately 19m from the rear north west facing windows of Balmoral Court. At these distances it is considered that there would be sufficient distance between north facing rear windows in Balmoral Court and the proposed development to ensure that these rear windows would not suffer an unacceptable increase in terms of sense of enclosure.

The proposed development would be apparent in more oblique views from windows in the north east rear facing rear windows in Balmoral Court (i.e. the rear of the element of the building facing Finchley Road). However, whilst the proposed building would be readily visible in such views, it is not considered that this would amount to an unacceptably increased sense of enclosure; rather it represents a change in the outlook from these windows.

At fifth floor level the proposed building would rise above the height of the adjoining top floor roof terrace and recessed roof storey to Balmoral Court. Whilst the proposed building would be only 0.7m higher than Balmoral Court, given the differing architectural approaches to the two buildings, this would result in a 3.7m flank wall being formed along the north facing edge of the existing roof top terrace serving the penthouse flat at Balmoral Court that is closest to the application site and objection has been raised in respect of this relationship. However, whilst this is a relatively un-neighbourly relationship in amenity terms, the terrace in question, which also extends around the front and rear elevations of half of Balmoral Court, would retain an open aspect to the south west and north east.

In terms of the impact on other neighbouring properties, the proposed development would be visible in more oblique views to the south from rear windows in No.16 Finchley Road; however, this would represent a change in outlook rather than an increased sense of enclosure, given the entirely open outlook that would remain to the north and north east.

To the rear, the proposed development would be approximately 20m from the rear elevation of Bartonway, the residential block facing Queen's Terrace and at this distance it is not considered that the scheme would cause a materially increased sense of enclosure to rear windows in this block.

The proposals are considered acceptable in sense of enclosure terms and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.3.4 Overlooking/ Loss of Privacy & Noise Disturbance (excluding Mechanical Plant)

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In terms of overlooking, the scheme does not include any terraces at lower floor levels adjacent to the boundary with Balmoral Court. Where terraces are proposed. The Juliette balconies proposed to the rear at first and second floor levels would face north east towards Bartonway and would offer only oblique views towards Balmoral Court. As such, they would not give rise to a significantly increased sense of overlooking. The small projecting terraces to the rear at first and second floor levels would be screened at either end to prevent overlooking towards the rear windows of Balmoral Court. The small terraces would face the rear windows of Bartonway, but would be sufficiently distant from these windows (approx. 21 metres) so as not to cause a significant increase in overlooking.

The garden areas at rear ground floor level would be enclosed by boundary walls and would not overlook neighbouring windows.

At third floor level the proposed building steps back and the bulk of the building is significantly reduced. The application proposes the use of part of the roofs of the building below to provide roof terraces. This is considered to be acceptable in the locations proposed, as the terraces would be set back from the rear of Balmoral Court and 16 Finchley Road and screened with 1.8 metre high privacy screens comprised of low walls with an obscure glazed screens above. The terraces are considered to be sufficiently modest in size so as not to give rise to significant concerns in terms of noise disturbance.

The proposed roof terraces at fourth and fifth floor level to the northern side of the site would not cause any significant overlooking given the open aspect to the north and the significant distance to neighbouring windows to the south east and north east of the site.

The proposed roof terraces to the front and rear elevation of the roof top storey at fifth floor level include a privacy screen at the boundary with Balmoral Court to prevent overlooking to the roof terrace of the neighbouring penthouse flat. It is recommended that this privacy screen and those proposed to terraces at lower levels on the building are secured by condition.

Subject to the recommended conditions the proposed scheme is acceptable in overlooking and noise disturbance terms and would accord with Policies ENV6 and ENV13 in the UDP and Policies S29 and S32 in the City Plan.

8.4 Transportation/Parking

As per the extant scheme approved in June 2015, the current scheme proposes the provision of vehicular access to a basement car park for residents of the development via the existing access ramp below Balmoral Court, which is accessed from Queen's Terrace.

To the front of the site, No.12 Finchley Road currently has an open front boundary with parking across the whole forecourt. The proposed scheme would retain a smaller paved forecourt across the front of the site for the purpose of accommodating deliveries and collection vehicles.

Occupiers of Balmoral Court have restated their objection to the proposed basement access arrangements. The grounds on which they object to the proposed access arrangements are that they would have an adverse impact on deliveries/ trades persons servicing Balmoral Court; that there is insufficient justification as to why vehicular access cannot be provided from Finchley Road; inadequate details of proposed basement ramp and associated traffic management measures have been provided; the survey of Balmoral Court basement access was only carried out over only one 24 hour period in 2011; and the proposed scheme would provide an overprovision of car parking.

In terms of the quantum of parking proposed at basement level, the scheme would provide 12 car parking spaces (including one disabled space). This level of provision would be in accordance with Policy TRANS23 in the UDP and would not exceed the maximum level of provision set out in the adopted policy. In terms of cycle parking, 21 spaces are proposed and this accords with the requirements of Policy 6.9 in the London Plan (March 2016).

The applicant proposes to utilise part of the existing vehicular access below the adjoining residential block, Balmoral Court, to provide access to the basement level car parking. This has the benefit of reducing the prominence of the vehicular access to the site and overcomes potential difficulties of providing vehicular access via a ramp from Finchley Road, which is part of the Transport for London Road Network (TLRN), over the London Underground tunnel.

The use of the existing access below Balmoral Court, from Queen's Terrace, will result in additional traffic using this point of access and neighbouring residents are concerned that this would give rise to noise disturbance. However, surveying of the use of the existing vehicular access demonstrates that it is relatively lightly used by vehicles accessing the 21 space car park below Balmoral Court. The existing vehicle movements for Balmoral Court when surveyed amounted to 0.38 vehicle movements per day per flat (a total of 8 inward and 8 outward movements). Although this survey data was collected in March 2011, it is considered to remain representative of the general level of vehicle movements connected with basement parking. The applicant's transportation consultant notes that no overnight vehicle movements were recorded; although given that the survey was limited to a single 24-hour period this observation is considered to carry limited weight.

By increasing the number of vehicle movements on a pro-rata basis in line with the 12 additional parking spaces that would be provided the submitted Transport Assessment concludes that the vehicle movements would be likely to increase to around 10 inbound and 10 outbound movements per day. It is not considered that this relatively small increase in infrequent and low speed traffic using the existing ramp to access the proposed ramp and basement in the proposed development would result in a significant increase in noise disturbance to neighbours and the Highways Planning Manager is satisfied that the increase in vehicular movements is acceptable.

The Highways Planning Manager has confirmed that the proposed vehicular access ramp and its relationship to the existing Balmoral Court ramp are acceptable in highways safety terms. Road markings and a traffic light system are proposed at the top and bottom of the new ramp are proposed to ensure safe entry and egress from the basement of the application site and Balmoral Court. Given the low level of vehicle

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movements it is not considered that this would result in queuing on the public highway. Priority for access would be given to vehicles entering and leaving Balmoral Court, with the new ramp set as a red light, except when a vehicle wishes to enter or exit. It is recommended that details of ramp and associated traffic management measures are reserved by condition and that the condition requires the installation of this equipment prior to occupation of the building.

The Highways Planning Manager requests that electric vehicle charging points are provided at basement level and a condition is recommended to secure these in accordance with the requirements of Policy 6.13 in the London Plan (March 2016).

Given that the existing forecourt to No.12 Finchley Road is fully accessible to vehicles and as Finchley Road is part of the TLRN where stopping is precluded, the retention of a serving area of hard standing to the front of the site is considered acceptable. A condition is recommended to ensure it is used for this purpose and not to provide further residents or visitor parking.

The Cleansing Manager objects to the use of six 360 litre bins for waste and recycling storage on the basis that this will slow down the collection of waste and recycling. However, this arrangement was considered acceptable by the Cleansing Manager as part of the previously approved scheme and as the scheme includes a bin presentation enclosure on the forecourt of the site, it is not considered that the arrangement proposed would cause such a significant delay in refuse collection so as to warrant withholding permission. A condition is recommended to ensure the provision of both the basement level refuse store and the presentation enclosure on the front forecourt so that the scheme accords with Policy ENV12 in the UDP.

Subject to the recommended conditions the scheme is considered acceptable in highway and parking terms and would accord with Policies ENV12, TRANS2, TRANS3, TRANS21 and TRANS23 in the UDP, Policies S41 and S42 in the City Plan and Policy 6.9 in the London Plan (March 2016).

8.5 Economic Considerations

The proposal is in accordance with the relevant policies in the development plan and the economic benefits generated are welcomed.

8.6 Access

The proposed development would provide level access from the highway and a lift would provide level access to all floors in accordance with Policies DES1 and TRANS27 in the UDP. All residential units are to be provided to lifetime homes standards in accordance with Policy H8 in the UDP. All of the units within the development would be 'accessible and adaptable dwellings' as defined by Part M4(2) of the Building Regulations and this would accord with Policies 3.5 and 3.8 in the London Plan (March 2016).

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Trees and Landscaping

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As per the 2015 previously approved scheme, which remains extant, the current scheme would involve the loss of an Ash tree (T10) within the front garden and a group of three London Plane trees (T7, T8 and T9) in the rear corner of Balmoral Court. The application would retain the Cherry tree in the front garden of No14 Finchley Road.

The Arboricultural Manager notes that the submitted Arboricultural report is that submitted with the previously approved scheme and recommends that an updated assessment is undertaken. Whilst an updated assessment has not been submitted, the Arboricultural Manager has been able to make a full assessment of the trees on the site and therefore the absence of an updated professional opinion on behalf of the applicant is not considered to justify withholding permission. The Arboricultural Manager also notes that there is inconsistency between the arboricultural report submitted and the details shown on the submitted drawings, as the former indicates the removal of the TPO Cherry tree to the front of No.14. The applicant has subsequently amended the arboricultural report to remove this disparity.

Removal of the Ash tree from the Finchley Road frontage of the site is not objectionable. The Arboricultural Manager notes that it appears to be a self-seeded specimen, and whilst it is clearly visible from Finchley Road, it is of below average form and its loss is therefore not objectionable subject to suitable replacement tree planting and landscaping being proposed.

The removal of the three London Plane trees to the rear of Balmoral Court was agreed as part of the scheme previously approved in June 2015, which remains extant, at which time it was noted that the three trees were inappropriately large for the location in which they have been planted. Tree 'T9' was badly topped in 2012, but has since regrown. Objection has been raised on behalf of the occupiers of Balmoral Court to the current application on the basis that these trees should be retained and furthermore, the City Council should make a TPO for them. In support of the request that the trees are made subject of a TPO, the objectors have commissioned an assessment of the three London Plane trees, which identifies what the objectors consider to be the amenity value of the trees (this assessment is provided in full in the background papers). The Arboricultural Manager has made a full assessment of the request for a TPO, having regard to the assessment carried out on behalf of the objectors, the response to the objection provided by the applicant (see the background papers) and following on site assessment of the trees. Her detailed assessment of the trees is set out in Appendix A of her memorandum dated 19 April 2018, which is also included in the Background Papers. She concludes that two of trees are of poor form and are barely visible from public vantage points. Consequently, she considers that trees 'T7' and 'T8' are definitely not of sufficient amenity value to merit statutory protection and furthermore, their loss to facilitate the development is not objectionable.

The Arboricultural Manager acknowledges that tree 'T9' is of greater amenity value now than in 2012, because it has regrown from the previously lopped points. Despite this regrowth and resultant improvement in its form, she considers that the tree remains below average in terms of its form. As per the other two London Plane trees, 'T9' is barely visible in public views and its amenity value is therefore localised to the occupiers of neighbouring properties, principally those in Balmoral Court, for whom it is recognised the tree, along with trees 'T7' and 'T8' provides visual screening. However, the tree (along with trees 'T7' and 'T8') is suppressed in terms of its future potential to provide

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increased visual amenity by virtue of the small raised planting bed. On balance, the Arboricultural Manager concludes that because of its indifferent form as a result of previous lopping, its limited visibility and the insignificant contribution to the character and appearance of the neighbouring St. John's Wood Conservation Area, tree 'T9' does not provide the degree of public benefit necessary to justify making a TPO pursuant to Section 198 of the Town and Country Planning Act 1990 (as amended). In this context, the removal of this tree, which is not within a conservation area and is not subject of a TPO is not a ground on which permission could reasonably be withheld.

The Arboricultural Manager has noted that proposals for tree surgery and tree protection in respect of the trees to be retained on site and close to the site will need to be reviewed and updated given the time that has elapsed between the date of the assessment submitted with the application and the current date, during which the trees will have grown and changed from the point of assessment. It is recommended that updated tree surgery and tree protection details are secured by condition.

The Arboricultural Manager has expressed strong concerns regarding the form and extent of replacement landscaping and tree planting on the application site. To the rear planting would be confined to planters within the proposed court yard gardens and terraces. Given this site is not within a conservation area and has historically been extensively developed to the rear (i.e. the building at No.12a which has now been demolished), the landscaping arrangement proposed, which would include brown roofs to all available flat roofs not used to provide terraces or photovoltaic panels, would not be materially worse than the existing or historic situation on this part of the site.

To the front of the site, owing to the proximity of the London Underground tunnel, there is limited scope to provide a significant depth of top soil within the part of the front garden located over the roof of the tunnel. The scope for landscaping on this part of the site is further reduced by the retention of the TPO Cherry tree at the boundary of the site with No.16 Finchley Road. The indicative landscaping scheme shown in the application drawings (which is identical to the indicative landscaping shown in the previously approved scheme drawings) shows new tree planting to mitigate the trees to be removed within the 600mm soil depth to be formed between the London Underground tunnel and the front elevation of the proposed development. The proposed trees would be smaller and more ornamental in form and arrangement than the existing arrangement of trees and shrubs within the front garden of No.14.

The St. John's Wood Conservation Area, which the site is seen in context with in views along Finchley Road, and the St. John's Wood area more generally, is characterised by more informal landscaping and tree planting. In this context and given the TPO Cherry tree is to be retained, it is considered that the number of new trees proposed to the front of the site should be reduced and a generally a less formal landscaping arrangement adopted. Therefore, as per the scheme previously approved in 2015, a condition is recommended to reserve details of revised landscaping to the front of the site to enable these concerns to be addressed. It is considered that the recommended condition would serve to address in part the Arboricultural Managers concerns regarding quality of the landscaping and tree planting to be provided to the front of the site, as well as her concerns regarding the positioning and design of the raised planters, which could, as currently proposed, have an adverse impact on the roots of the retained TPO Cherry tree.

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In conclusion, for the reasons set out earlier in this section of the report and as set out in detail in Appendix A of the Arboricultural Managers memorandum dated 19 April 2018, the objections raised on grounds that the London Plane trees should be retained and made subject of a TPO cannot be supported as grounds on which permission could reasonably be withheld/ a TPO made. Furthermore, subject to the recommended conditions it is considered that the concerns of the Arboricultural Manager in terms of tree protection, landscaping and replacement tree planting can be suitably addressed. Therefore, the proposed development would accord with Policies ENV4, ENV16, ENV17 and DES9 in the UDP and Policies S25 and S38 in the City Plan.

8.7.2 Basement Development and Construction Impact

The applicant has submitted a structural methodology, ground investigation report and flood risk assessment to address the technical requirements of new basement development in Part A of Policy CM28.1 ('the basement development policy'). These documents have been assessed by Building Control who do not raise objection to the structural methodology proposed for the ground conditions in this location. The applicant has confirmed that they would accept the imposition of a condition requiring the development to be carried out in accordance with the City Council's Code of Construction Practice (CoCP) and for construction works to be monitored by the Environmental Inspectorate at the applicant's expense. Compliance with the CoCP would enable the Environmental Inspectorate to better manage the cumulative effect of the development should it be carried out at the same time as the redevelopment of St. John's Wood Barracks in Queen's Terrace. The undertaking to accord with the CoCP therefore addresses the specific requirements of Part A.2(b) and the objections raised on cumulative construction impact grounds.

In respect of Part A.6, the site is not within an Archaeological Priority Area and therefore it would not have a significant impact on archaeological deposits.

In terms of Part B of the basement development policy, the scheme would deliver an acceptable landscaping scheme that would be an enhancement upon the existing landscaping on the site and would not result in the loss of trees that are considered to be of significant townscape, ecological or amenity value (see full assessment of this issue in Section 8.7.1). The development would be required to meet building regulations and would be highly sustainable relative to the existing buildings on this site (see full assessment in Section 8.11). The basement floor would provide parking, storage and plant room space and would therefore would not require mechanical ventilation or any external manifestations, such as lightwells or rooflights, to provide natural light.

The submitted Drainage Strategy considers the options for sustainable urban drainage systems on this site having regard to the options set out in Policy 5.13 in the London Plan (March 2016). For site specific ground condition reasons, the application proposes that all waste water will be discharged into the public sewer. The submitted strategy references the provision of measures such as brown roofs to slow water run-off from roofs, but does not explain in detail how water run off at peak times (such as during storms) would be attenuated to reduce the risk of sewer flooding. Thames Water raise concerns in this regard and suggest that a condition is imposed requiring further details of the drainage strategy for the site. It is therefore recommended that details of the

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sustainable urban drainage systems to be employed are reserved by condition to ensure compliance with Part B.4 of the basement development policy and Policy 5.13 in the London Plan.

Whilst the site is not within a 'Surface Water Flood Risk Hotspot', as identified in the 'Basement Development in Westminster' SPG (2014), the applicant's drainage strategy identifies that Environment Agency records indicate that the site is in an area of increased risk of surface water flooding. The submitted drainage strategy indicates that measures have been considered to make the proposed development resilient to surface water flooding, but the measures proposed are not included in the strategy. It is recommended that these details are secured by condition.

In terms of Parts B.5 and B.6 of the policy, the proposed basement would have no external manifestations, save for the vehicular access ramp, which would be discreetly located to the rear of the site. Therefore, the proposed basement would have no adverse impact on the appearance of this part of the City or the setting of the neighbouring St. John's Wood Conservation Area.

The applicant has confirmed that the development would include a pumped device to avoid sewer flooding and this accords with Part B.7 of the policy.

Part C of the Basement Development policy seeks to control the size and extent of new basement development. Part C.1(a) requires basement development to not extend under more than 50% of the garden land ('garden land' is defined as the area of land not covered by the 'original building', which is the building as it existed in 1948). In this case the site formally included an annex building to the rear (known as No.12a Finchley Road), which was demolished around 2008 as part of the works to implement the 2003 permission on the larger site comprising Nos.12-22 Finchley Road. As this annex building existed in 1948, its footprint forms part of the original building and is not garden land. When this is taken into account, the area of garden land that existed in 1948 was approximately 422m². The proposed basement would extend under approximately 178m² of the garden land, with 244m² remaining undeveloped. The proposed basement therefore extends under approximately 42% of the garden land and is therefore compliant with Part C.1(a).

Part C.1(c) requires basement development to leave a margin of undeveloped garden land proportionate to the scale of the development and the size of the garden around the entire site boundary except beneath the existing building. The policy defines 'undeveloped garden land' as land which does not have any impermeable surfacing installed. In this case, the entire front forecourt of No.12 Finchley Road is impermeably paved, whilst the surface of the site to the rear of both Nos.12 and 14 Finchley Road is entirely comprised of impermeable surfaces consisting of the former floor plate of No.12a Finchley Road and associated walkways around that now demolished building. The front garden of No.14 Finchley Road is currently predominantly soft landscaped and is therefore the only area of undeveloped garden land on the site. In this context, whilst the proposed basement would extend to the full extent of the site boundaries to the south eastern, north eastern (rear) and north western boundaries of the site, this would not conflict with the requirements of Part C.1(c). The proposed basement would extend only 1.4 metres beyond the front elevation of the proposed development. Therefore, whilst this projection would not be set in from the boundary with No.16 Finchley Road

where it would be below part of the existing undeveloped garden land to the front of No.14, it is not considered that it would be reasonable or proportionate to require this small section of the proposed basement to be set in from the north western boundary of the site.

Part C.2 requires the provision of 1 metre of soil depth, plus at least a 200mm drainage layer, over new basement development. The scheme would not provide this level of soil depth over the basement that extends under part of the front forecourt area, with the maximum soil depth provided over this part of the basement being 580mm (including drainage layer). However, given this is a relatively small area of the site (projecting between 1.4m and 4.4m from the front elevation of the proposed building), it is not considered that permission could reasonably be withheld on the basis of the lack of soil depth proposed. To the rear, the proposed courtyard gardens at ground level would not have any soil depth beneath them. However, the text supporting the Basement Development policy states '*Exceptions [to the normal soil depth requirements] may be considered in small courtyard gardens...*'. It is considered that this scheme is one where it is reasonable to make an exception in respect of the proposed courtyard gardens, particularly given there is an extant scheme for redevelopment of the site that could be implemented, which would deliver identical courtyard gardens with no soil depth.

The proposed basement would be limited to a single storey in accordance with the requirements of Part C.3 of the policy.

Part D of the Basement Development policy is not relevant in this case as the proposed basement does not extend under the public highway.

8.7.3 Mechanical Plant Noise

Environmental Health are satisfied that in principle the proposed combine heat and power unit located to the rear of the site at ground level and associated mechanical plant can be designed to operate sufficiently below the existing background noise level so as to not cause noise disturbance to neighbouring residents or occupiers of the development itself. However, a precautionary approach is recommended by imposing a condition requiring the submission of a supplementary acoustic report demonstrating compliance with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan.

Further conditions are recommended to control future noise and vibration from mechanical plant within the development and to ensure the fabric of the building protects occupiers of the development from external noise.

Environmental Health recommend that a condition is imposed requiring the submission of details of noise and vibration attenuation measure to prevent noise and vibration being transmitted from the adjoining London Underground tunnel. The applicant has agreed to such a condition and it has been included in the draft decision letter accompanying this report.

Subject to the recommended conditions, the proposals are considered to be acceptable in terms of noise and vibration from mechanical plant and the London Underground tunnel and would accord with Policies ENV6 and ENV7 and Policy S32 in the City Plan.

8.7.4 Air Quality

Environmental Health initially raised concern that the application was not accompanied by an air quality assessment demonstrating the impact of the development on air quality. An air quality assessment was subsequently submitted by the applicant and has been assessed by Environmental Health. They advise that they are content that the scheme would have a neutral impact on air quality and therefore the scheme accords with Policy ENV5 in the UDP and S31 in the City Plan.

8.8 London Plan

The proposed development would accord with the London Plan (March 2016). Specific London Plan policies are referred to where relevant elsewhere in this report.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The application would generate a requirement for the provision of affordable housing. In this case the provision of this planning obligation in the form of a financial contribution to the Council’s affordable housing fund is considered acceptable for the reasons set out in Section 8.1.3. It is recommended that this contribution is secured via a S106 agreement and that it is index linked and delivered prior to commencement of development.

As set out in Section 8.4 it is also recommended that heads of terms are included in the S106 agreement to secure alterations to the public highway along Finchley Road to form access to the new forecourt area and make good the existing footpath, and to ensure the provision and permanent retention and maintenance thereafter of the vehicular access to the basement level car park via the vehicular entrance to Balmoral Court.

In support of the heads of terms set out in the two preceding paragraphs and to aid monitoring of the agreement, the S106 agreement will also secure notice of commencement of development and a financial contribution to cover the cost of monitoring the agreement.

In addition to the planning obligations to be secured by the S106 agreement, the scheme is CIL liable and generates an estimated Mayoral CIL contribution of circa £131,000 and an estimated Westminster CIL of £1,185,000. Note that these figures are estimates and the precise CIL contribution will need to be determined prior to commencement of development the City Council’s CIL administration team. The figures above do not account for any relief or exceptions that the development may qualify for.

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. However, it is a major development and therefore it is necessary to consider its impact in in sustainability, biodiversity and energy usage terms.

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The extant scheme, which was previously approved in 2015 proposed the use of air source heat pumps and heat pump boilers to provide space heating and hot water. The roofs of the building were provided as 'living' brown roofs, with no photovoltaic panels.

The previously approved sustainability and energy strategy has been reviewed as part of the current application in light of the material changes in relevant adopted policies in the latest versions of the City Plan and London Plan which were both adopted in 2016, subsequent to the determination of the previously approved scheme. The currently adopted policies set more significant targets for reduction of CO₂ emissions, with Policy 5.2 in the London Plan requiring developments to be 'zero carbon', which the Mayor's 'Energy Planning' guidance defines as a 35% CO₂ emissions saving relative to the Target Emissions Rate (TER) set by 2013 Building Regulations.

The currently proposed scheme therefore proposes a combined heat and power (CHP) system serving all of the residential units in the development, with renewable energy provided via photovoltaic panels located at roof level. The energy strategy would be combined with higher specification materials and fixtures and fittings throughout the development than in the approved scheme to deliver a regulated CO₂ emissions reduction of 68% relative to the TER set by the 2013 Building Regulations. This reduction in regulated CO₂ emissions meets the requirements of Policy 5.2 in the London Plan and accords with the Mayor's 'Energy Planning' guidance document (2016).

Of the 68% reduction, 9% would be derived from the use of photovoltaic panels to contribute to the electrical demand from the development. Whilst this falls below the 20% target for reductions in CO₂ emissions from on-site renewable energy sources that is set by Policy S40 in the City Plan, given the overall reductions in regulated CO₂ emissions, and as the 9% reduction would be compliant with Policies 5.2 and 5.7 in the London Plan, the strategy proposed is considered acceptable.

Policy 5.2 and the supporting guidance seeks that CO₂ emissions from unregulated sources (cooking, domestic appliances etc.) are mitigated by a financial contribution to the Carbon Off-setting Fund. However, given the limited overall viability of the proposed development (see Section 6.1.3) and the significant reduction in regulated CO₂ emissions that would be achieved relative to the policy requirement, it is not considered that permission could reasonably be withheld on this ground.

Passive design measures are proposed to prevent overheating within the proposed development.

'Living' brown roofs are proposed at roof level, as per the previously approved scheme, albeit the brown roof at main roof level at 5th floor level would be reduced relative to the previously approved scheme to enable the provision of the photovoltaic panels. The provision of brown roofs is welcomed and has been maximised to improve the biodiversity of the site in accordance with Policy S38 in the City Plan. In this context, the Arboricultural Managers concerns in respect of the extent of brown roofs proposed is not supported.

Conditions are recommended to ensure that the development is delivered in accordance with the submitted Sustainable Design and Energy Strategy and to ensure that the 'living' brown roofs and photovoltaic panels are provided at roof level as part of the development. Subject to these conditions, the scheme is acceptable in environment and sustainability terms and accords with Policies S28, S39 and S40 in the City Plan and Policies 5.2, 5.3, 5.6, 5.7, 5.9, 5.10 and 5.11 in the London Plan (March 2016).

8.12 Other Issues

Concern has been expressed that the refuse enclosure along the boundary of the site with Balmoral Court could cause odour and noise nuisance to neighbours in Balmoral Court. However, this structure is for 'bin presentation' on the day of collection and it is not intended for use to store refuse at other times. Therefore, the potential for odour nuisance is limited. Similarly, as the enclosures would only be used when bins are brought out from the basement level bin store on the day of collection, they are unlikely to give rise to regular or persistent noise disturbance.

An informative is recommended to draw the applicant's attention to the advice from the Crime Prevention Design Advisor that the scheme should be designed to comply with the advice provided in the 'Secured by Design Homes 2016' guidance document.

9. BACKGROUND PAPERS

1. Application form.
2. Email from Thames Water dated 12 September 2017.
3. Email from the Metropolitan Police dated 19 September 2017.
4. Memo from Building Control dated 21 September 2017.
5. Letter from London Underground dated 22 September 2017.
6. Email from Transport for London dated 26 September 2017.
7. Memo from the Cleansing Manager dated 26 September 2017.
8. Memo from the Highways Planning Manager dated 5 October 2017.
9. Letter from the London Borough of Camden dated 14 December 2017.
10. Memos from Environmental Health dated 14 February 2018.
11. Memo from the Arboricultural Manager dated 19 April 2018.
12. Letter from the occupier of 6 Balmoral Court, Queens Terrace dated 24 September 2017.
13. Letter from Rackham Planning on behalf of the occupiers of Balmoral Court dated 30 October 2017 with appended letter dated 5 September 2014 and report titled 'Report on the amenity value of Three Plane Trees' dated October 2017.
14. Letter on behalf of the applicant from Landmark Trees dated 19 February 2018.
15. Copy of decision letter dated 1 June 2015 (12/11010/FULL) and relevant drawings.
16. Copy of decision letter dated 21 December 2017 (17/00938/FULL) and relevant drawings.

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

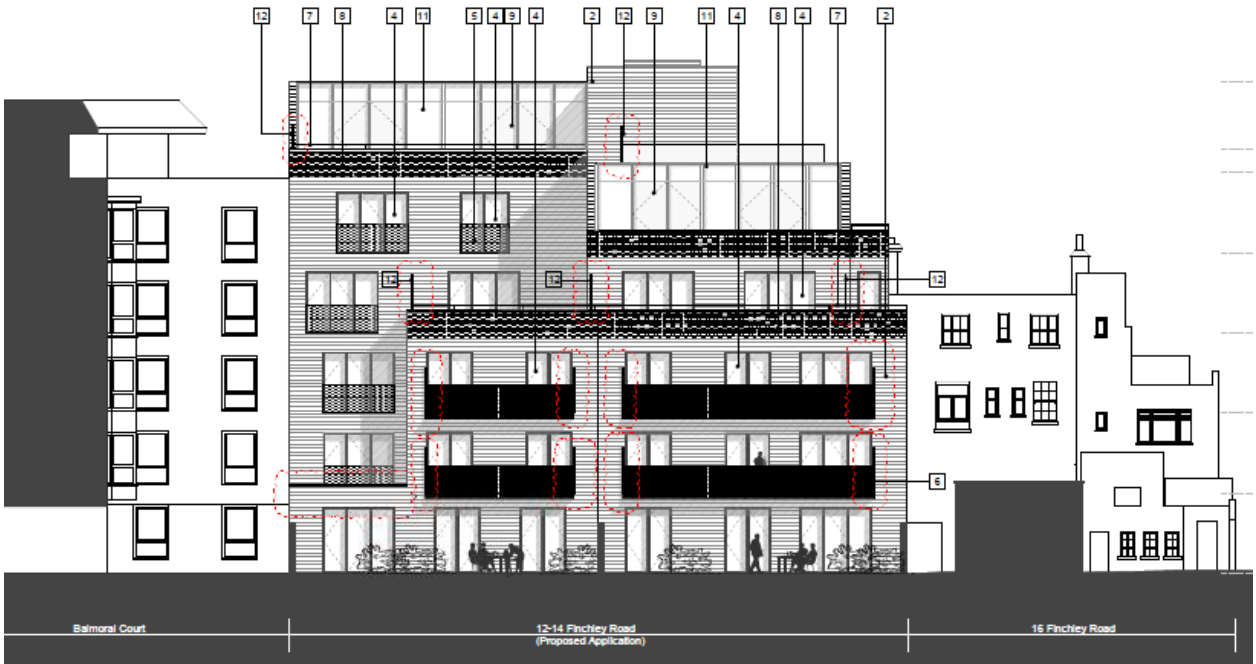
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IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

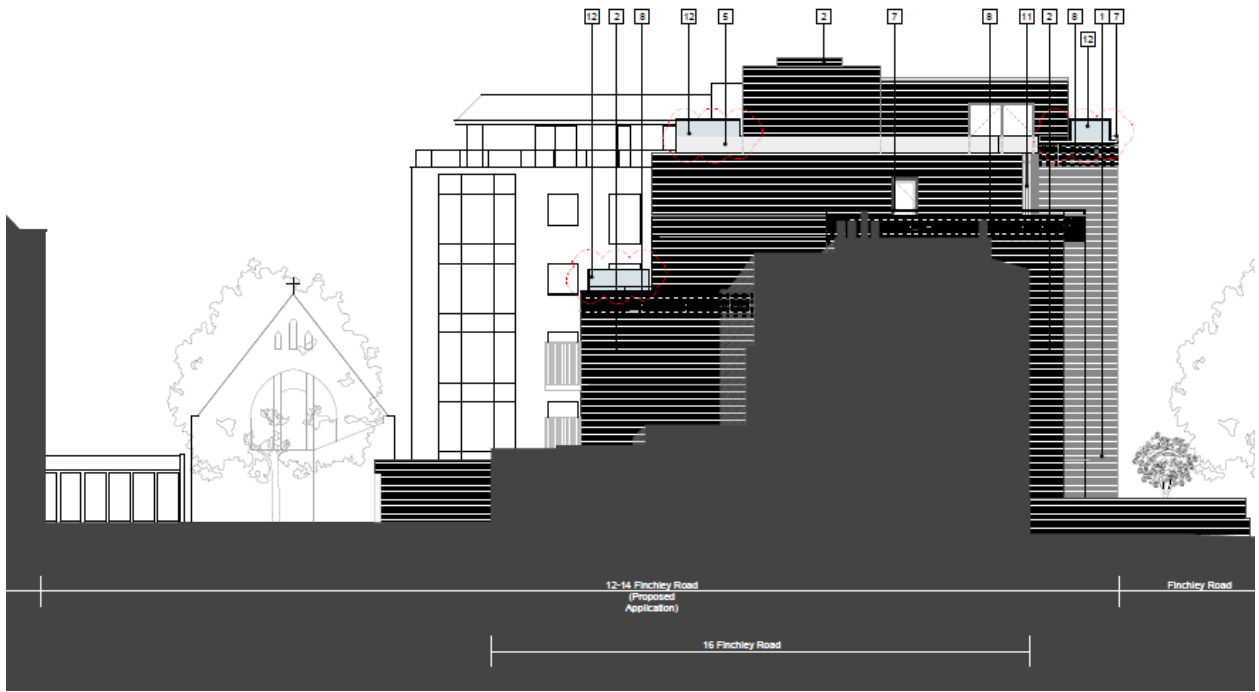
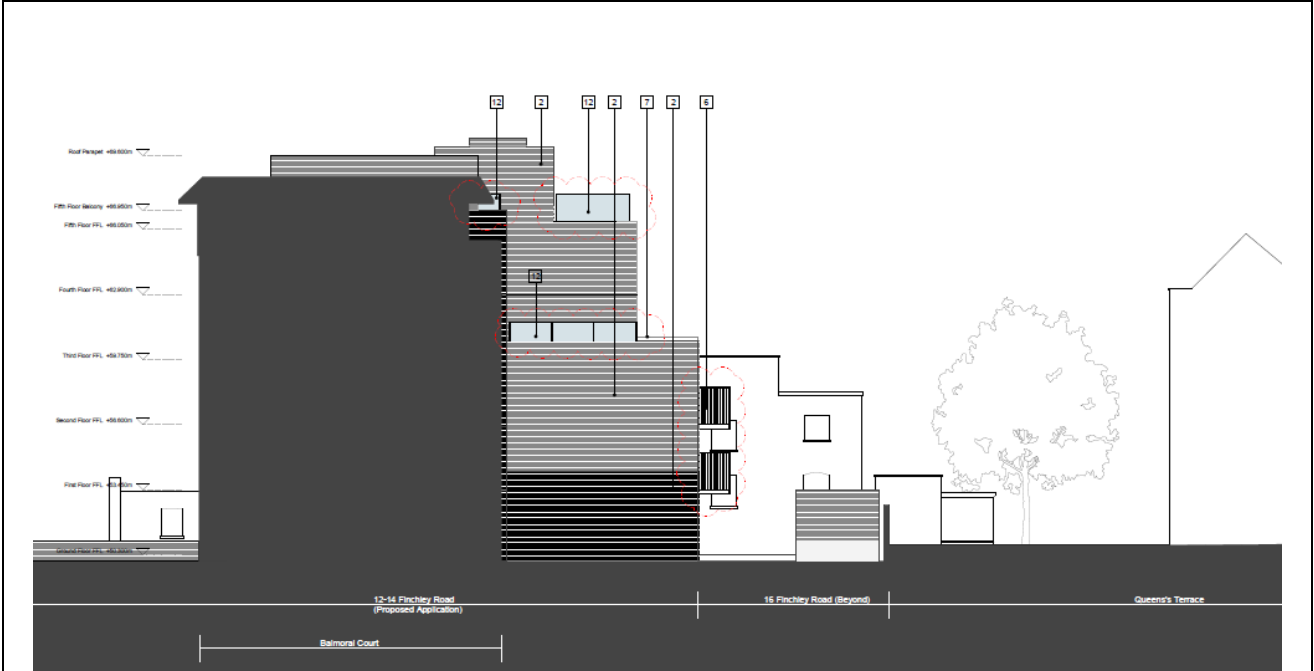
10. KEY DRAWINGS



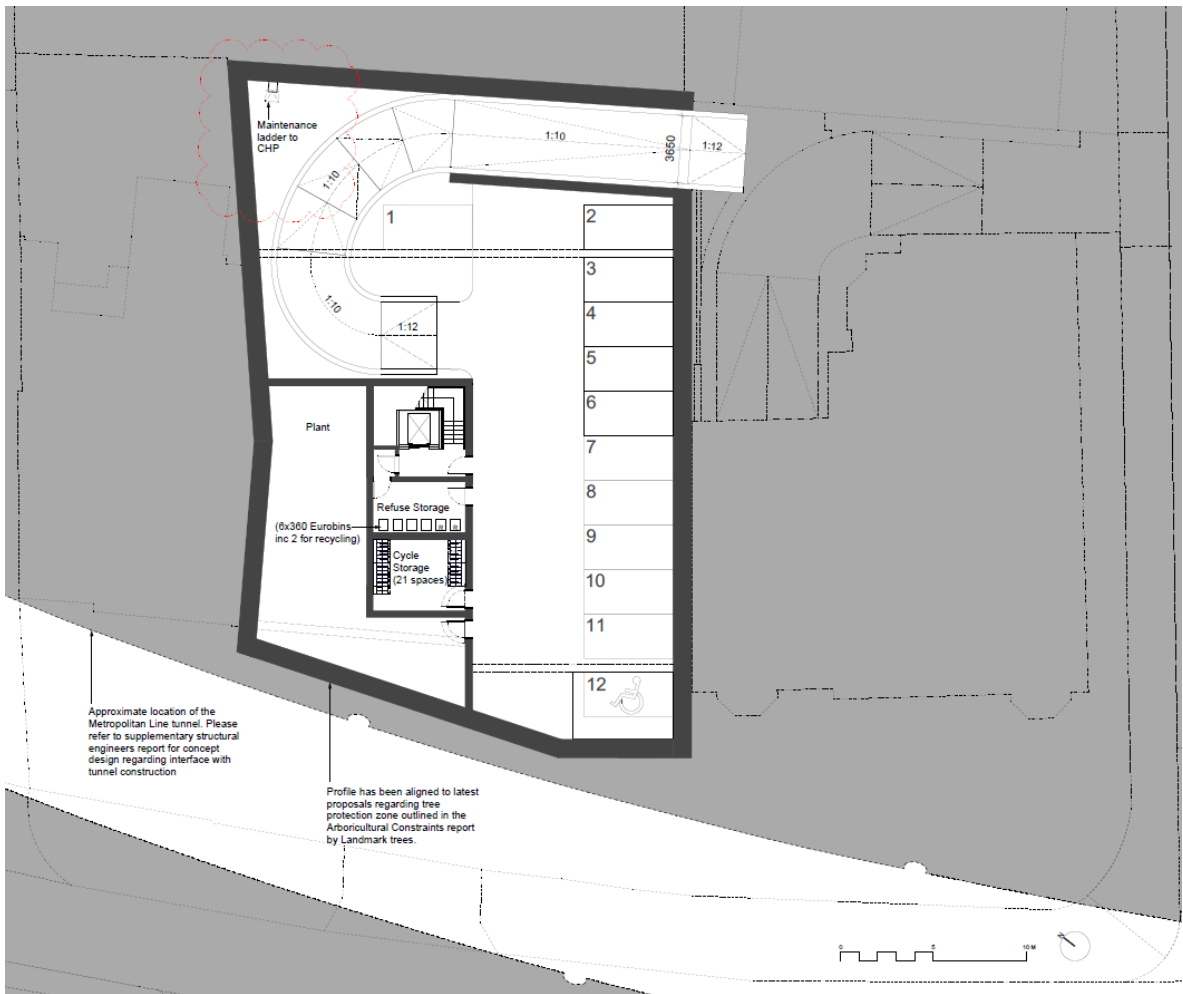
Montages of front elevation of proposed development from Finchley Road.



Front elevation (top) and rear elevation (bottom).



South eastern side boundary with Balmoral Court (top) and north western boundary with No.16 Finchley Road (bottom).



Proposed basement floor.



Proposed ground floor.



Proposed first floor level (top) and proposed second floor level (bottom).



Proposed third floor (top) and proposed fourth floor (bottom).



Proposed fifth floor level (top) and proposed roof plan (bottom).

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DRAFT DECISION LETTER

Address: 12-14 Finchley Road, London, NW8 6EB,

Proposal: Demolition of existing buildings and redevelopment by erection of a part six, part seven storey building comprising basement, ground and five upper floors to provide 11 residential units (1x1 bed, 4x2 bed and 6x3 bed flats), with roof terraces/ balconies to rear elevation and at roof level, mechanical plant within enclosure to rear and landscaping. Erection of replacement front boundary treatment and provision of access ramp to basement car park from existing vehicular basement at Balmoral Court. Removal of four trees to front and rear of site and replacement tree planting to front of site.

Plan Nos: PL_00_005_P2, PL_00_010_P1, PL_00_011_P1, PL_00_012_P1, PL_00_013_P1, PL_00_020_P1, PL_00_021_P1, PL_00_100_P4, PL_00_101_P4, PL_00_102_P2, PL_00_103_P2, PL_00_104_P2, PL_00_105_P2, PL_00_106_P3, PL_00_107_P3, PL_00_200_P2, PL_00_201_P2, PL_00_202_P3, PL_00_203_P3, PL_00_204_P3, PL_00_301_P3, PL_00_302_P2, PL_00_303_P2, PL_00_304_P2, PL_00_305_P2, PL_00_401_P2, 1700, PL_21_600_P1, Design and Access Statement dated August 2017, Planning Statement dated August 2017, Heritage Impact Statement dated August 2017, Transport Statement dated September 2012, Sustainable Design and Energy Statement dated August 2017 (Rev.1), Arboricultural Constraints Report dated 24 January 2013, Plant Noise Assessment dated 2 August 2018, Daylight/ Sunlight Report dated September 2012 (as supplemented by the GVA letters dated 23/01/14 and 04/02/14), Archaeological Desk Based Assessment dated November 2011, Air Quality Assessment dated January 2018, Structural Engineering Report dated October 2012 (for information only - see Informative 2), and Factual Report on Ground Investigation dated March 2008 (see information only - see Informative 2).

Case Officer: Oliver Gibson **Director's 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 conditions and other documents listed on this decision letter, and any drawings approved and issued 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 basement excavation work, you must carry out any building work which can be carried out at the boundary of the site only:
* between 08.00 and 18.00 Monday to Friday;
* between 08.00 and 13.00 on Saturday; and
* not at all on Sundays, bank holidays and public holidays.

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You must carry out basement excavation work only:

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

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

Reason:

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

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

Reason:

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

- 4 You must apply to us for approval of samples of 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)

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

- (a) All windows and doors (at a scale of 1:20 or larger).
- (b) Typical below parapet brick detailing (at a scale of 1:10 or larger).
- (c) Elevations and roof plan of mechanical plant/ CHP enclosure to rear with materials annotated (at a scale of 1:20 or larger).
- (d) Sections through the photovoltaic panels showing their projection above roof level relative to the roof edge parapet.

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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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 You must apply to us for approval of detailed drawings showing the following alteration to the scheme: plans and elevations showing a coping stone to walls and piers comprising the front boundary and side return walls. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of 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 not use the roofs of the building for sitting out or for any other purpose, except where the drawings hereby approved are annotated or otherwise marked to show their use as roof terraces. 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 install the roof terrace and balcony privacy screens shown on drawing PL_21_650_P1 in the locations shown the proposed plans and elevations hereby approved prior to occupation of the flats. Thereafter the roof terrace screens shall be permanently retained in the approved locations for the lifetime of the development.

Reason:

To protect the amenity of neighbouring residents and 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 and S29 of Westminster's City Plan: Strategic Policies that we adopted in November 2013 and DES 1, DES 4 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

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

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

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

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

Reason:

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

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

Reason:

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

- 11 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.

- 12 You must apply to us for approval of details of a supplementary acoustic report and detailed drawings of any noise mitigation measures that may be required to demonstrate that the mechanical plant will comply with the Council's noise criteria as set out in Conditions 10, 11 and 12 of this permission in respect of the residential accommodation within the proposed development. You must not start work on this part of the development until we have approved what you have sent us. You must not occupy the flats hereby approved until any noise mitigation measures we approved have been installed. Thereafter the noise mitigation measures must be maintained in accordance with the details we approve.

Reason:

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

- 13 You must not occupy any of the flats hereby approved until the plant room enclosure at rear ground floor level has been provided in accordance with the approved drawings. Thereafter the plant room enclosure must be maintained in accordance with the approved drawings and shall not be removed unless or until the mechanical plant is removed from the site.

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

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Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 14 You must apply to us for approval of vibration isolation methods to be incorporated into the building design to demonstrate that the residential units will be protected against underground train vibration to reduce sound pressure and vibration unit values to those in the submitted acoustic report dated December 2011. 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 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.

- 15 **Pre Commencement Condition.** Notwithstanding the method statement submitted at application stage, you must apply to us for approval of a method statement explaining all tree surgery proposed to facilitate the carrying out of the development and 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 make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 16 Notwithstanding the landscaping shown on the drawings hereby approved, you must apply to us for approval of detailed drawings of a revised landscaping scheme, including replacement tree planting, for the front of the site, which includes amendments to address the following issues:

- (a) amended tree planting to include less trees, which are of less formal form and arrangement;
- (b) amendment of the design and position of the raised planter so that it would not harm the retained TPO Cherry tree where it is within its RPA.

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 according to these approved drawings within one planting season of completing the development (or within any other time limit we agree to in writing). If you remove any trees that form part of the landscaping scheme that we approve 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:

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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)

- 17 The development hereby approved shall be carried out in accordance with the Sustainable Design and Energy Statement dated 24 August 2017 (Rev.1) and you must install the combined heat and power system prior to occupation of the flats hereby approved. Thereafter the CHP system shall be permanently retained and maintained for the lifetime of the development.

Reason:
To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 18 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- Photovoltaic panels at roof level.

You must not remove any of these features. (C44AA)

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

- 19 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the living brown roofs to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

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

- 20 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings and a supporting statement of the following parts of the development:

- A traffic management system comprising a system of traffic lights (or similar) and road markings installed at the top and bottom of the vehicular access ramp to ensure safe access and egress from the basement car parking within the development and Balmoral Court.

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You must not start any work on the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings and supporting statement. The flats hereby approved shall not be occupied until the traffic management system we approve has been installed in accordance with the approved details. Thereafter the traffic management system shall be maintained in accordance with the approved details. (C26DB)

Reason:

To ensure vehicular and pedestrian safety and ensure the provision of off-street car parking in accordance with Policies TRANS2 and TRANS3 in the Unitary Development Plan we adopted in January 2007 and Policy S41 in Westminster's City Plan: Strategic Policies that we adopted in November 2013.

- 21 You must provide electric car charging points within the basement car park at a ratio of not less than 1 charging point per 2 car parking spaces. The car charging points shall be installed prior to occupation of the flats hereby approved and thereafter retained.

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)

- 22 You must provide each car parking space shown on the approved drawings at basement level and each car parking space shall only be used for the parking of vehicles of people living in this residential 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)

- 23 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.

- 24 The hardstanding area at ground floor level to the front of the development accessed from Finchley Road shall only be used for deliveries to and collections from the building and shall not be used as vehicular parking for the residents of the development or their visitors. The front forecourt shall also not be used for parking by any other business or person who is not a resident of the development, unless they are making a delivery to or a collection from the building.

Reason:

To prevent an over provision of car parking and to prevent the use of the forecourt for parking

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by non-residents of the development. This is so that the development would accord with Policy TRANS23 in the Unitary Development Plan we adopted in January 2007.

- 25 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)

- 26 Before anyone moves into the flats, you must provide the separate stores for waste and materials for recycling at basement level and the bin presentation enclosures at ground floor level shown on drawings hereby approved. You must clearly mark them and make them available at all times to everyone occupying the development. (C14FB)

Reason:

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

- 27 **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 us which:

- a) provide details on all structures;
- b) confirm tunnel wall measurements as it may affect the basement size;
- c) resolve with London Underground the issues with plant areas adjacent to the tunnel;
- d) accommodate the location of the existing London Underground structures;
- e) demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering London Underground land;
- f) demonstrate that there will at no time be any potential security risk to London Underground's railway, property or structures;
- g) accommodate ground movement arising from the construction thereof;
- h) mitigate the effects of noise and vibration arising from the adjoining operations within the structures.

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:

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To ensure that the development does not have an adverse impact on existing London Underground transport infrastructure, in accordance with Policy 6.2 in the London Plan 2011 (with amendments) and the Mayor's Supplementary Planning Guidance 2012 'Land for Industry and Transport'.

- 28 No impact piling shall take place until a piling method statement (detailing the 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 sub-surface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by us in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

- 29 **Pre-commencement Condition:** Notwithstanding the drainage strategy listed on this decision letter, prior to commencement of development, you must apply to us for approval (in consultation with the sewerage undertaker) of a revised drainage strategy that includes the following:

(a) specification of sustainable urban drainage system(s) (SUDS) to be implemented to attenuate water water run off into the sewerage system, particularly at peak times, so as to prevent sewer flooding;

(b) specification of SUDS to be implemented to mke the development resilient to surface water flooding.

You must then carry out the development in accordance with the revised drainage strategy that we approve and maintain the drainage system for the development in accordance with the approved strategy for the lifetime of the development.

Reason:

To ensure the development does not contribute to increased flood risk and to make the development resilient to flood risk in accordance with Policies CM28.1 and S30 in Westminster's City Plan adopted in November 2016 and Policy 5.13 in the London Plan (March 2016).

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

Reason:

To maintain the setting of the neighbouring St. John's Wood Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

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Informative(s):

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

- 2 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

- 4 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)

- 5 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)

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Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Arboricultural Manager on 020 7641 2922.

- 7 To meet Condition 15 the minimum protection we normally expect is plywood boarding at least 1.2 metres high. The boarding should go around the tree at a distance from the trunk which will keep machinery away from the branches. If this is not possible there should be at least two metres between the trunk of the tree and the boarding. (I33AA)

- 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 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).

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

- 11 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

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neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

- 12 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)

- 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 (a) provision of notice of commencement of development, (b) provision of a financial contribution of £658,000 (index linked) to the affordable housing fund, (c) measures to facilitate the provision and permanent retention and maintenance thereafter, of the vehicular access to the basement level car park via the vehicular entrance to Balmoral Court, (d) highway works outside the site in Finchley Road to facilitate access to the development and renew the footpath outside the site, and (e) provision of costs for monitoring of agreement (£500 per Head of Term). (I55AA)

- 14 Conditions 10, 11 and 13 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 15 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.

- 16 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:

Thames Water Utilities Ltd
Development Planning
Maple Lodge STW
Denham Way
Rickmansworth
Hertfordshire
WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk

A Ground Water Risk Management Permit from Thames Water will be required for discharging ground water into a public sewer. Thames Water advise that any discharge made without a permit is deemed illegal and may result in prosecution under the Water Industry Act 1991. Thames Water expect the developer to demonstrate what measures will be undertaken to minimise ground water discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by email to wwqriskmanagement@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk/wasterwaterquality.

- 18 Thames Water advise that they will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/ minute at the point where water leaves Thames Waters pipes. The development should be designed to take account of this minimum water pressure.
- 19 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 20 In respect of Condition 28, the applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.
- 21 In respect of Condition 27, the applicant is advised to contact London Underground Infrastructure Protection (020 7918 0016 or locationenquiries@tube.tfl.gov.uk) in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting.

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- 22 You are advised that the development should be designed with regard to the advice on crime prevention and security provided in Secured by Design 'Homes 2016' guidance document.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & 17/07873/FULLPolicies 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 2

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 May 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	Madame Tussauds, Marylebone Road, London, NW1 5LR.		
Proposal	Installation of bollards on pavement along Allsop Place and corner of Marylebone Road.		
Agent	Osborne Architects		
On behalf of	Madame Tussauds		
Registered Number	17/09637/FULL	Date amended/ completed	19 April 2018
Date Application Received	30 October 2017		
Historic Building Grade	Unlisted building of merit		
Conservation Area	Dorset Square		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

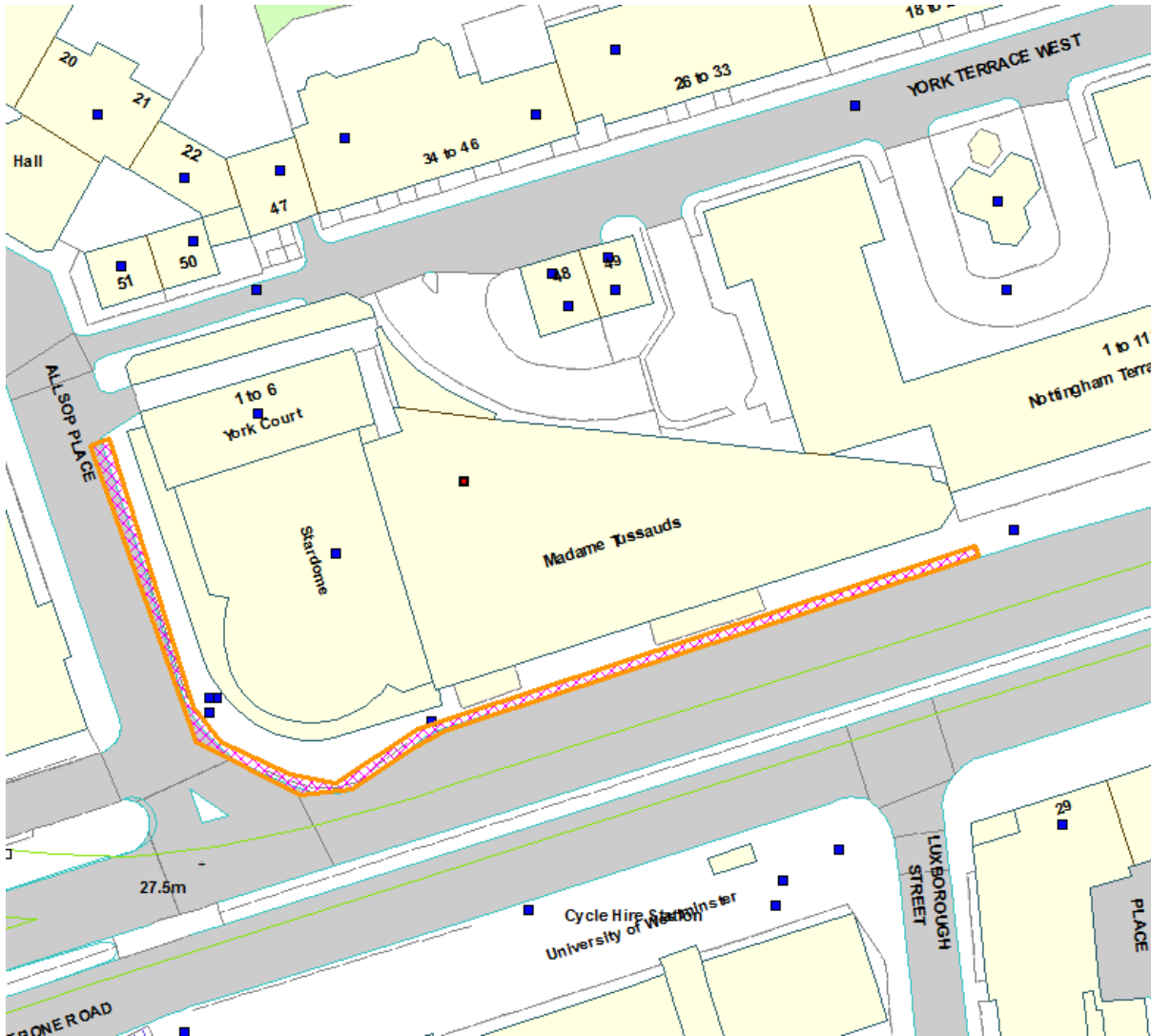
Permission is sought to install bollards outside of Madame Tussauds along Allsop Place and its junction with Marylebone Road, as a security measure to protect pedestrians in this location.

The proposal has the support of the Counter Terrorism Security Advisor Metropolitan Police Protective Security Operations, Metropolitan Police Counter Terrorism Security Advisor and Metropolitan Police Crime Prevention Officer who confirm the need for the security measures given the nature and character of the site, location and predictable crowds. Representation of support has also been received from The St Marylebone Society and Baker Street Quarter Partnership.

Given that the proposed security measures are necessary to provide a safe environment for pedestrians using this part of the highway, it is considered that the public benefits of the proposal outweigh the less than substantial harm to heritage assets and justify a departure from our policies on street clutter and pedestrian flow.

A 10-year temporary permission is recommended to enable the need for the bollards to be reviewed in the future to ensure that exceptional circumstances to retain the bollards remain in place.

3. LOCATION PLAN



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22 Mar 2018 at 08:05:41



22 Mar 2018 at 08:05:37



5. CONSULTATIONS

COUNTER TERRORISM SECURITY ADVISOR METROPOLITAN POLICE
Support. Hostile Vehicle Mitigation (HVM) is needed outside of the building to protect the queues of visitors from potential attack from terrorists using a vehicle.

PROTECTIVE SECURITY OPERATIONS

Support. Recommended highest level of protection of HMV. The site is particularly vulnerable to vehicle attack. The nature of the site, location and predictable crowds are all factors that will influence the likelihood and severity of an attack.

METROPOLITAN POLICE COUNTER TERRORISM SECURITY ADVISOR
Support. Recommend HMV. Venue is potentially attractive to terrorists, due to it being an iconic visitor attraction with national and international recognition and represents western culture attracting crowds and regular significant footfall.

METROPOLITAN POLICE CRIME PREVENTION AND TP CAPABILITY

Support. Will increase public safety in a busy area with high levels of tourists and visitors to the attraction and will also help mitigate potential moped crime.

TRANSPORT FOR LONDON

No objection to revised scheme for Allsop Place only. Support in principle the provision of physical deterrents to vehicles mounting the footway. HVM at this site is intended to protect both pedestrians and visitors of Madame Tussauds.

NB/ The originally proposed bollards along Marylebone Road have been omitted following concerns raised by TFL and to allow further discussions to take place on this phase 2).

HIGHWAYS PLANNING

Objection. Additional street furniture on the public highway is contrary to City Council highway policy and Westminster Way document, which seeks to reduce street clutter to secure an improved pedestrian environment.

CLEANSING

No objection. 1.2m spacing between bollards will allow street cleansing equipment to go through the bollards in order to maintain and clean the pavement.

ST MARYLEBONE SOCIETY

Support. No objection to this proposal as the safety of the pedestrians queuing is essential and understand that new technology is to be introduced to seek to reduce external queuing.

BAKER STREET QUARTER PARTNERSHIP (Business Improvement District) Support. The measures proposed appear sensitive to the planning and heritage context whilst also proportionate to the level of potential threat.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 88

Total No. of replies: 0

No. of objections: 0

No. in support: 0

No. neither objecting nor supporting two responses from licensed street trader pitch 1771.

Whilst welcome the bollards in general as it is a high risk area, would like to design to take into consideration the pitch and access door to the kiosk, as door opens from behind where one of the bollards would be.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

4. BACKGROUND INFORMATION

4.1 The Application Site

Madame Tussauds, is a Museum for life-size wax replicas of famous celebrities & historic icons in themed galleries and is an entertainment use of national and international importance, receiving significant number of visitors daily. It is located on the north side of Marylebone Road on the corner of Allsop Place with frontages to both streets. The entrance to the building is on Marylebone Road and its exit via Allsop Place. It is designated as an unlisted building of merit and is located within the Dorset Square Conservation Area.

The surrounding area is mixed use in character. The residential York Terrace East is located to the north (rear), Baker Street station and retail uses is located to the east, Nottingham Terrace (residential) to the west and to the south, on the opposite side of Marylebone Road, is the University of Westminster.

Marylebone Road is a Named Street within Marylebone and Fitzrovia. It is also part of the Transport for London (TFL) Road Network, for which TFL are the Highway Authority. Westminster are the Highway Authority for Allsop Place.

The pedestrian highway directly outside of the site along both Allsop Place and Marylebone Road contains various items of street furniture including street trading kiosks, lampposts, traffic lights, traffic signs, pedestrian information sign, telephone kiosks, post box, litterbins and bollards.

4.2 Recent Relevant History

None relevant

5. THE PROPOSAL

Planning permission is sought to install a line of bollards on the pedestrian highway outside of the site along Allsop Place and its junction with Marylebone Road at 1.2m intervals. The line of the bollards is designed to deviate around the existing street trading kiosks. The bollard system comprises a safetyflex truckstopper 7 system to provide a vehicle security barrier. A bollard “sleeve” would then be placed over this system for aesthetic reasons.

The bollard “sleeve” is proposed to be 1060cm high and would be powder coated matt black with every third bollard to contain a character/celebrity silhouette in white, referencing the proximity to Madame Tussauds.

The bollards, designed to meet Hostile Vehicle Mitigation (HVM) standards are proposed as a security measure to protect pedestrians and visitors of Madame Tussauds from vehicles mounting the pavement.

The applicant has indicated that the application has come about following Madame Tussauds inclusion on the Home Offices’ Crowded Places list, where the site is considered particularly vulnerable. Following discussions between Madame Tussauds, their own security advisors and the Metropolitan Police, hostile vehicle mitigation was considered necessary to protect pedestrians using the highway around the building which are either queuing to enter the building or congregating at the exit.

In tandem with this application, the applicant is seeking to introduce new measures to reduce the extent of external queuing outside of the building. This includes removing the need for guests to queue to buy tickets/exchange vouchers and encouraging pre-bookings through a booking portal and trade and promotions. Internal self-service machines for ticket purchase and collection are due to be installed in July 2018 and a further increase in timed ticket holders is expected.

However, it is acknowledged that the applicant is unlikely to be able to extinguish all external queuing, given the significant number of visitors that attend the site, the restriction on the number of people allowed in the building for licensing purposes (2825 people at any one time), external security checks, attendance earlier than allocated timeslots, and congregating of visitors at the exit point.

The application has been amended since original submission. Whilst the original proposal included a longer line of bollards extending the full frontage of the site along Allsop Place and Marylebone Road, this brought about objection from TFL and the Marylebone Road bollards have subsequently been omitted from the proposal to enable separate further discussions to take place on what is considered phase 2 of the proposal. The proposal has also been revised to maintain the existing licensing street kiosks in their current location and to incorporate a more bespoke bollard “sleeve” design given its proximity to a major tourist location.

6. DETAILED CONSIDERATIONS

6.1 Townscape

The building and its use make a noteworthy contribution to the history and architecture of the conservation area, and the planetarium dome is a well-recognised London landmark. As such, the building is itself an undesignated heritage asset and an unlisted building of merit within the conservation area.

The proposed bollards will introduce street clutter to an area of the City where the footway is already compromised by existing street furniture and street-trading kiosks as well as the sheer volume of queuing visitors to Madame Tussauds. Inevitably, the addition of bollards will exacerbate the visual clutter and cause some harm to the streetscape and to the character and appearance of the conservation area. However, the degree of harm is considered to be, less than substantial and as such needs to be balanced against the public benefits of the proposal, while mindful of s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Consideration of whether the public benefits of proposal outweigh this objection are set out under section 6.3 of this report.

Notwithstanding the principle of the bollards above the discreet detailed design of the bollards proposed are considered to be similar to our standard Westminster style bollards painted black matt, but with a bespoke design to reflect to their location adjacent to the major tourist attraction of Madame Tussauds. It is therefore considered to be of a suitable standard of design in light of policies DES1, DES7, DES9 of our Unitary Development Plan (UDP) and S25 and S28 of our City Plan.

6.2 Transportation

Marylebone Road is part of the Transport for London Road Network, for which Transport for London (TfL) are the Highway Authority. Westminster are the Highway Authority for Allsop Place.

The principle of additional street furniture on the public highway is contrary to Westminster's, Westminster Way document which states that, the intention is to provide a clutter free environment that puts the pedestrian first. Policy TRANS3 of our UDP and S41 of our City Plan also seek to secure an improved environment for pedestrians. This is because the primary function of the highways is the free and unobstructed movement of the highways users. Consequently, the City Council's Highways Planning Manager has raised objection to the proposal on pure highways terms as it would worsen and obstruct the ease, convenience and directness of pedestrian movement.

Notwithstanding this in principle objection. The Highways Planning Manager has indicated that whilst a 2m clear footway is usually requested, if the bollards are accepted as being required for security reasons then the distance of 1.2m proposed by this

application would be acceptable and would not inhibit the movement of pedestrians, wheelchair users, prams, stroller and highway cleaning and maintenance equipment.

The proposed bollards designed to deviate around the existing street trading pitches/kiosks. This means the bollards in these locations would be closer to the kerb and would provide slightly less clearance between the carriageway and bollard than the minimum required 450mm and this has brought about objection from the Highways Planning Manager. This clearance primarily ensures there is a gap between vehicles and essential street furniture. It also provides a small refuge for pedestrians who may be caught in the wrong location. Whilst this is regrettable, given that it relates to minimal areas it is not considered so detrimental to warrant withholding permission on this ground. The licensed street trader for one of the pitches has also indicated that access to the kiosk is from the rear and that the bollard in this location should not prevent his access. Given that 1.2m is required between the bollards, alignment of the gap with this door should be able to be facilitated.

Consideration of whether the public benefits of proposal outweigh this objection are set out under section 6.3 of this report.

6.3 Public Benefits (Crime and Security)

The application has been submitted following a security assessment of the site as a crowded place, which is vulnerable to a hostile vehicle attack to pedestrians queuing or congregating outside of Madame Tussauds. Sadly, the threat of terrorist activity is prevalent at present and buildings with a high profile, which attract large numbers of visitors, can be particular targets. For this reason, the proposal seeks to install Hostile Vehicle Mitigation (HVM) in the form of special bollards designed to withstand a 7.5-ton truck, as a security measure to protect pedestrians and visitors of Madame Tussauds from vehicles mounting the pavement. Such development which seeks to minimise opportunities for crime including the risk of terrorism accords with policy S29 of our City Plan

The proposal has the support of the Counter Terrorism Security Advisor Metropolitan Police Protective Security Operations, Metropolitan Police Counter Terrorism Security Advisor and Metropolitan Police Crime Prevention and TP Capability who confirm the need for the security measures given the nature and character of the site, location and predictable crowds. Representation of support has also been received from The St Marylebone Society and Baker Street Quarter Partnership.

Given the specialist advice that the proposed security measures are necessary, together with the public benefits of providing a safe environment for pedestrians using this part of the highways and visitors to Madame Tussauds. It is considered that there is significant public benefit to the proposal to outweigh the less than substantial harm to heritage assets and to justify a departure from our policies on street clutter and pedestrian flow.

For the reasons set out above, the application is therefore recommended favourably. However, given the circumstances of the case as set out in this report. It is considered appropriate to require a review mechanism of the need and justification for the bollards. A 10-year temporary period has been agreed by the applicant. This would enable the need for the bollards, to be reviewed at that time in light of any change in circumstances (for example; whether the site remains as an international tourist attraction, the degree of threat has diminished, Allsop Place has become pedestrianised or queueing and congregating on the highway has been reduced or eliminated etc.). This is to ensure that exceptional circumstances remain in place.

6.4 London Plan

This application raises no strategic issues.

6.5 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.

6.6 Planning Obligations

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

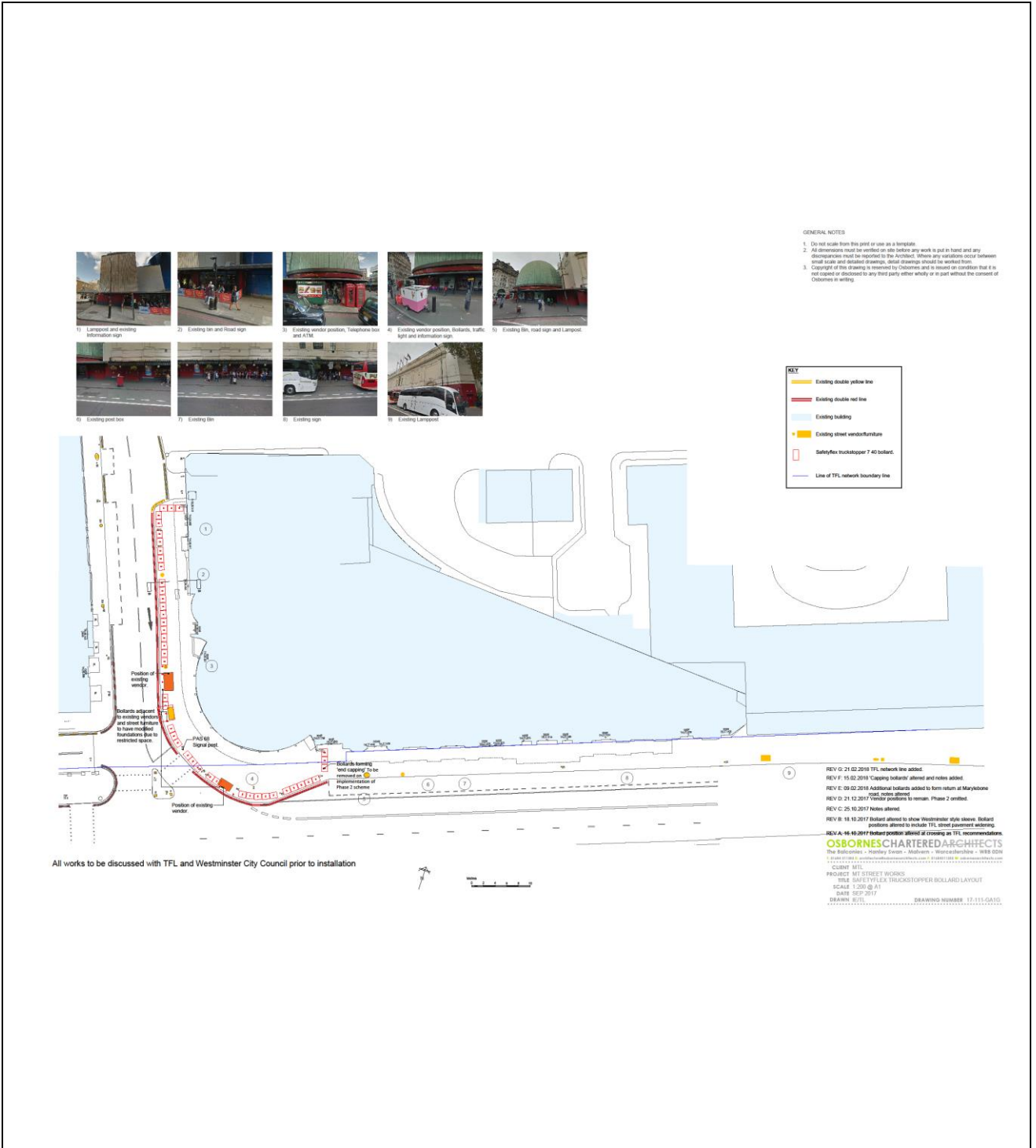
7. BACKGROUND PAPERS

1. Application form
2. Counter Terrorism Security Advisor Metropolitan Police Protective Security Operations 06.01.2017 and 29.03.2018
3. Metropolitan Police Counter Terrorism Security Advisor 08.06.2017 and 24.11.2017
4. Metropolitan Police Crime Prevention and TP Capability 14.11.2018
5. Transport for London 15.12.2017, 17.01.2017, 01.05.2018
6. Highways Planning 19.01.2018 and 30.04.2018
7. Cleansing 21.11.2017
8. St Marylebone Society 17.11.2017, 12.12.2017, 14.01.2018, 08.05.2018
9. Baker Street Quarter Partnership dated 25.10. 2017
10. Response from Licensed street trader pitch 1771 on Marylebone Road (x2) 29.04.2018
11. Note of meeting with Cabinet Member meeting 19.02.2018

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

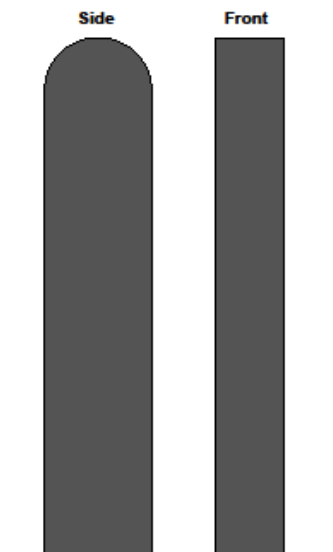
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk

8. KEY DRAWINGS

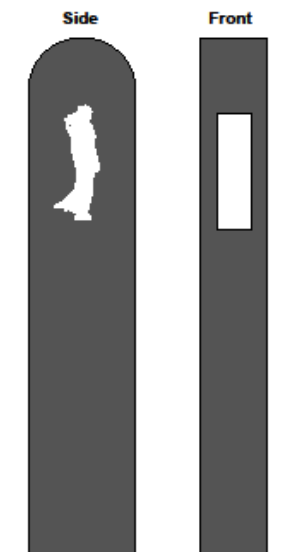


GENERAL NOTES

1. Do not scale from this print or use as a template.
2. All dimensions must be verified on site before any work is put in hand and any discrepancies must be reported to the Architect. Where any variations occur between small scale and detailed drawings, detail drawings should be worked from.
3. Copyright of this drawing is reserved by Osbornes and is issued on condition that it is not copied or disclosed to any third party either wholly or in part without the consent of Osbornes in writing.

**BOLLARDS GENERALLY**

Bollard sleeves powder coated matt black

**BOLLARDS AT CROSSING AND AT CLOSED ENDS**

Front and rear of bollards to have white band to increase visibility

Every 3rd bollard to receive character / celebrity silhouette in white (referencing locality to Madame Tussauds attraction)

REV B: 17.04.2018 Bollard altered.

OSBORNES CHARTERED ARCHITECTS

The Balconies • Hanley Swan • Malvern • Worcestershire • WR8 0DN

T: 01484 311303 E: architecture@osbornearchitects.com F: 01484311255 W: osbornearchitects.com

CLIENT MTL

PROJECT MT STREET WORKS

TITLE BOLLARD ELEVATIONS

SCALE 1:10 @ A4

DATE OCT 2017

DRAWN TL

DRAWING NUMBER 17-111-E2B

DRAFT DECISION LETTER

Address: Madame Tussauds , Marylebone Road, London, NW1 5LR

Proposal: Installation of bollards on pavement along eastern side of Allsop Place and corner of Marylebone Road.

Reference: 17/09637/FULL

Plan Nos: Site location plan,17-111-DB1; 17-111-D2B; 17-111GA1G; 17-111-S1C , Design and Access and Heritage Statement Rev B - November 2017, Addendums to Design and Access Heritage Statement December 2017 and April 2018 (as part superseded by drawings).

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 based on this decision letter, and any drawings approved subsequently by the City Council as local planning authority subject 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; , 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 Saturday, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside the hours otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in certain instances (for example, to meet police traffic restrictions, in an emergency or in the interests of safety) (C11AB)

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

3 The bollards may remain in the public highway in the locations shown on the drawings hereby approved for a period of 10 years from the date of this decision letter. After this date the bollards shall be removed and the pavement returned to its former condition.

Reason:

So that we can reassess the need for the bollards taking into account the circumstances at that time having regards to whether the use of the site remains as an international tourist attraction, the degree of threat at that time and whether alternative measures for crowd control and to reduce queuing on the public highway have been implemented. The bollards would not be acceptable on a permanent basis as they have an adverse impact on the character and appearance of the Dorset Square Conservation Area and pedestrian movement along the public highway, which in the absence of the exceptional circumstances demonstrated in the current application, would have been contrary to Policies S25, S28 and S41 in Westminster's City Plan (November 2016) and Policies DES1, DES7, DES9 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R03CB),

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 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)
- 3 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)

- 4 You must ensure you have the all the relevant approvals for undertaking works on the highway before commencing work.

- 5 Prior to commencement of development, s278 agreements will be entered into with the relevant Highway Authorities to deliver the works on highway. All costs, including administrative, legal, design, physical construction and ongoing maintenance, will be at the expense of the developer/application and not the Highway Authority. This will include all costs associated with relocating existing street furniture and utility services to accommodate the scheme., , You will need to secure permission under the Highways Act from the Highway Authority for the structures to be positioned within the highway. It is important to note that the Highway Authority may not support any licensing application under the Highways Act to install the bollards. The work to the Westminster highway will need to be undertaken by the Highway Authority and will need to be fully funded by the developer/applicant, if progressed. This would include an upfront commuted sum to cover the ongoing maintenance of these items in the highway. Any agreement will also need to include a bond, should the use change or threat decrease, so the bollards can be removed from the highway by the Highway Authority (at no cost to the HA)., , As there is no site survey of the underground conditions each location, there can no guarantee that each pole can be installed as shown. Any revised location, no matter how small the deviation, will need further full assessment to ensure adequate separation of bollards is maintained (minimum 1.2 metres).

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 May 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	62-64 Baker Street, London, W1U 7DF,		
Proposal	Use of ground floor and part basement as a gym with juice and coffee bar (sui generis). Installation of new shopfront.		
Agent	Cushman and Wakefield		
On behalf of	Chainge		
Registered Number	17/10950/FULL	Date amended/ completed	15 December 2017
Date Application Received	11 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	Outside of a conservation area.		

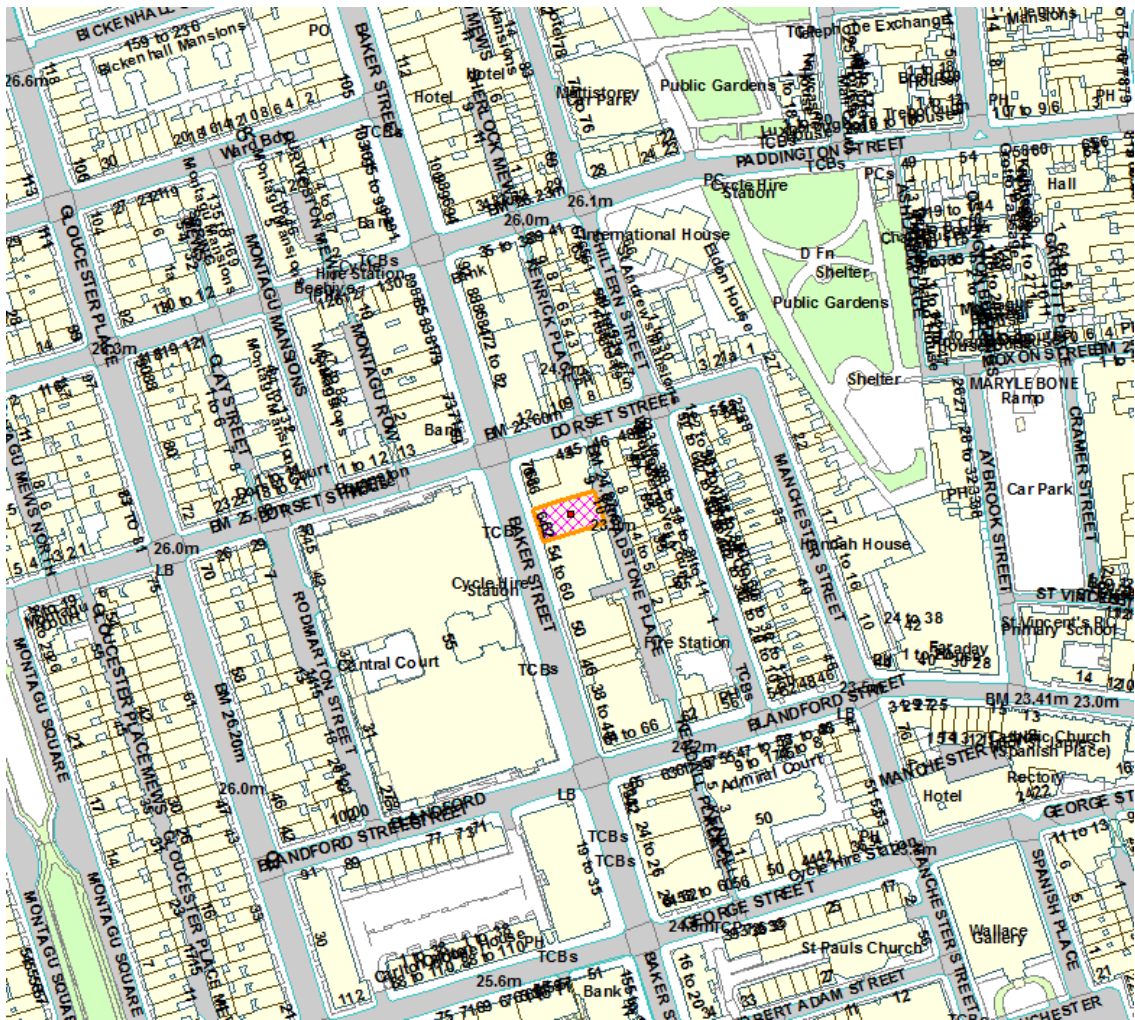
1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

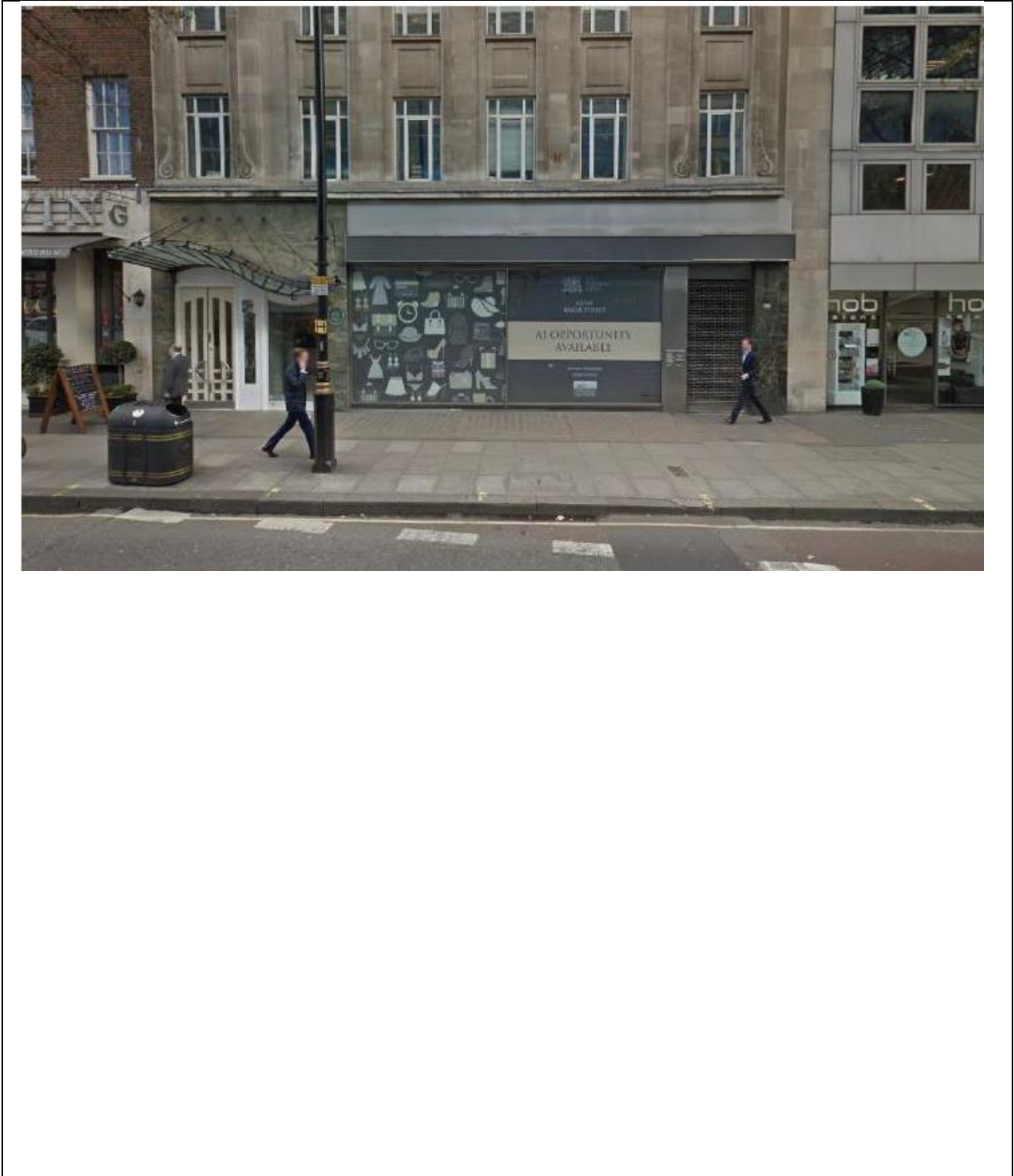
<p>The application site comprises part basement and ground floor retail unit. The site is in the wider CAZ and is located on a CAZ Frontage and is a Named Street. The property comprises basement, ground and five upper floors. This building is not located in a conservation area, nor is it listed. The ground floor and part basement is in retail (class A1) use, but has been vacant for over 2 years. Permission is sought for the use of the ground floor and part basement as a gym with retail areas at front ground floor level including a juice and coffee bar (sui generis). Permission is also sought for the installation of new shopfront</p> <p>The key issues for consideration are:</p> <ol style="list-style-type: none"> 1. The loss of the retail use on the character and function of the area; and 2. The impact of the proposed gym on the amenity of the surrounding area <p>The scheme is considered acceptable in land use terms as the applicant has provided evidence to demonstrate that the existing retail unit is not viable despite reasonable attempts to let. It is not considered the proposed use would negatively impact on residential amenity nor detract from the character and function of the area. The scheme is therefore recommended for approval and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster’s City Plan (City Plan)</p>

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION
Any response to be reported verbally.

ENVIRONMENTAL HEALTH
No objection subject to conditions.

HIGHWAYS PLANNING
No objection subject to conditions.

CLEANSING
Objection - proposed waste storage insufficient.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 34
Total No. of replies: 3
No. in support: 3

Three letters of support have been received on some or all of the following grounds:

- Potential retail occupiers (such as tile shops and pharmacies) would be detrimental to the aspirations of the street,
- Existing use adds little to the vision of the area,
- Proposed use would be a good fit for the street,
- Proposed use would add vibrancy to the street, and
- Proposed use would be a positive contribution to the improvements on Baker Street.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site lies in the wider CAZ and is located on a CAZ Frontage and Named Street. The property is located on the east side of Baker Street between Dorset Street and Blandford Street. The property comprises basement, ground and five upper floors. This building is not located in a conservation area, nor is it listed.

The ground floor and part basement is in retail (class A1) use, but has been vacant for over 2 years, and the upper floors and the rest of the basement are in office (Class B1) use. The application site backs onto Broadstone Place to the rear.

6.2 Recent Relevant History

There is no recent relevant history at this site.

7. THE PROPOSAL

Planning permission is sought for the use of ground floor and part basement as a gym. The gym will be situated to the rear ground floor and will include changing rooms at part basement level and ground floor level. The front ground floor will be used as a retail area, including a juice and coffee bar. As the use does not fall within one of the defined use classes it is classed as being sui generis. Permission is also sought for the installation of new shopfront.

The floorspace figures for the proposal are outlined in the table below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (Class A1)	339	0	-339
Gym/retail use	0	341	+341
Total	339	341	+2

The business proposed for the unit, Chainge, is a start-up gym offering high intensity interval training (HIIT).

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Retail.

City Plan Policy S21 protects retail floorspace through the Westminster except where the Council considers the unit is not viable, as demonstrated by long-term vacancy (18 months) despite reasonable attempts to let. UDP Policy SS5 seeks an appropriate balance of town centre uses on CAZ Frontages and states that *“A1 uses at ground, basement and first floor level in the CAZ and CAZ frontages will be protected.”* It goes on to state that the introduction of non-A1 town centre uses at these floors will only be granted where it would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality. Non-A1 uses also must not lead to, or add to, a concentration of three or more consecutive non-A1 uses.

To demonstrate compliance of the proposal with Policy S21, the applicant has submitted a Retail Marketing Report by Kenningham Retail. This outlines the marketing history of the site and shows that the unit has been vacant since 10 November 2015 and marketed since that time. It describes the marketing undertaken and the two offers made on the unit, which were subsequently withdrawn following several months of negotiations.

This report has been independently assessed by Carter Jonas to establish if the marketing for the unit was reasonable. They have concluded the marketing campaign undertaken has been rigorous and that, while the rent price asked for is considered high in the context of rental values in this section of Baker Street, this reflects market practice for retail agents (of quoting high both to test the market and allow for some negotiation on offers). They go on to note that the two offers made on the property were below the asking rent.

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In light of the assessment made by Carter Jonas and the prolonged period which the unit has been vacant and marketed for, it is considered that it is acceptable to allow the loss of the retail unit and this would be in line with the exception set out in Policy S21.

Due to the unit being vacant for a pro-longed period, it would not be considered that the unit has contributed to the area. Therefore the loss of this retail unit would not be detrimental to the character and function of the area or to the vitality or viability of this shopping frontage or locality.

The loss of the retail unit would lead to a concentration of three or more consecutive non-A1 uses in a row (resulting in four in this location), therefore not complying with UDP Policy SS5. However, the proposed use includes a retail element to the front ground floor and it is considered that this will contribute to the character and function of the area and is considered acceptable in this instance.

Proposed Gym/Retail Use.

The front part of the ground floor will be used as a reception/retail/coffee and juice bar. This area will include retail walls selling products associated with the gym. There is also some seating included in the area to accommodate customers. The applicant advises that the front area is designed to encourage customers and gym users to use the premises, even if not attending a gym session. To ensure that the retail element of the proposal is maintained, a condition is recommended to ensure that the retail displays shown on the approved drawings are maintained for the life of the development.

Policies SOC1 of the UDP and S34 of the City Plan both encourage the provision of new social and community infrastructure, which includes gyms throughout the city at appropriate sites and where they do not harm residential amenity.

Council records indicate that the closest residential properties to the site are located a significant distance away. The closest to the front of the site is at No.71 Baker Street, some 45m away, and the closest at the rear are in Wendover Court, on Chiltern Street.

The applicant has advised that the opening times of the unit will be 06:00 – 23:00 Monday to Friday and 08:00 – 20:00 on Saturdays, Sundays and Bank Holidays with a proposed capacity of 42 users in the gym. Considering the sites location and the lack of residential properties in the proximity, the proposed hours and capacity are considered acceptable and shall be secured by conditions.

Environmental Health have commented on the application and raised no objection to the proposed use subject to conditions restricting noise levels from the use, requiring a sound limiter to be fitted to any amplification equipment and ensuring the design and structure of any separating structures is sufficient to prevent noise transfer.

Accordingly, the proposed use is considered acceptable in this location.

8.2 Townscape and Design

The only design implication of the proposal relates to the replacement of the existing shopfront. The existing shopfront consists of aluminium framed glazing and its removal is considered uncontentious in design terms.

The proposed design shows steel framed windows with glazing bars and aluminium cladding to the shop frontage and fascia. Given that there is little consistency to the design of shopfronts in this group of buildings, and given that the proposed design will relate more successfully to the appearance of the building above, the design of the shopfront is considered acceptable.

The proposed drawings show a large unacceptable projecting sign, which does not form part of the considerations of this application for planning permission and will be subject to a separate application for advertisement consent (still to be submitted).

The proposal is considered compliant with DES 5 of the UDP and is recommended for approval in design terms.

8.3 Residential Amenity

The impact of the proposed use on residential amenity is covered in section 8.1 above.

8.4 Transportation/Parking

The Highways Planning Manager has assessed the application and raised no objection to the change in use subject to cycle parking being provided. For a gym, The London Plan requires 1 space per 8 staff and 1 space per 100sqm of floorspace for visitors. This would require a total of 4 cycle parking spaces. However, given the size limitations of the site and the lack of suitable and accessible areas for such parking, it is not considered that permission could be withheld on these grounds.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

While there are minor alterations to the location of the entrance door on Baker Street, access arrangements will still be the same

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The Cleansing Officer has assessed the application and noted that the drawings submitted showing waste storage are not in line with the Council recycling and waste storage requirements. Details of correct storage for waste and recycling can be requested by condition.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable

8.12 Other Issues**Letters of Support**

The applicant has provided a letter of support from The Portman Estate, the freeholders of the unit, with their submission. Furthermore, comments in support have been received from the Baker Street Quarter Partnership and two neighbours on Baker Street and Dorset Street.

9. BACKGROUND PAPERS

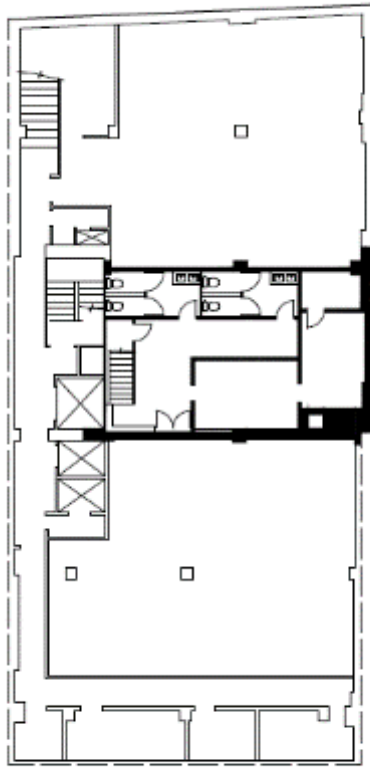
1. Application form
2. Response from Marylebone Association, dated 8 January 2018
3. Response from Cleansing, dated 3 January 2018
4. Response from Highways Planning, dated 7 February 2018
5. Response from Environmental Health, dated 01 May 2018
6. Letter from occupier of 43/45 Dorset Street, London, dated 25 January 2018
7. Letter from occupier of Baker Street Quarter Partnership, 64 Baker Street, dated 22 January 2018
8. Letter from occupier of 7th Floor, 55 Baker Street, dated 26 January 2018
9. Letter from occupier of The Portman Estate, 40 Portman Street, dated 7 December 2017
10. Report by Carter Jonas (excluding Appendix) titled "Advice Relating to the Marketing Viability of 62-64 Baker Street, London, W1j 7DF" dated 16 April 2018

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

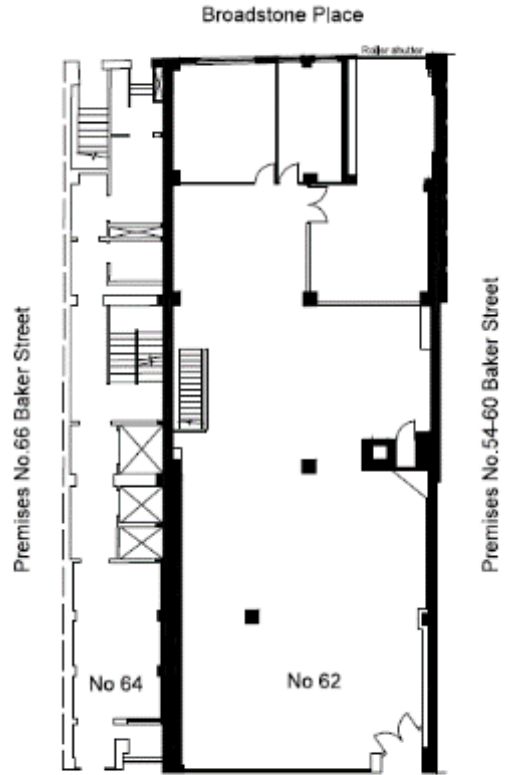
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

10. KEY DRAWINGS

Existing Basement and Ground Floor Plans

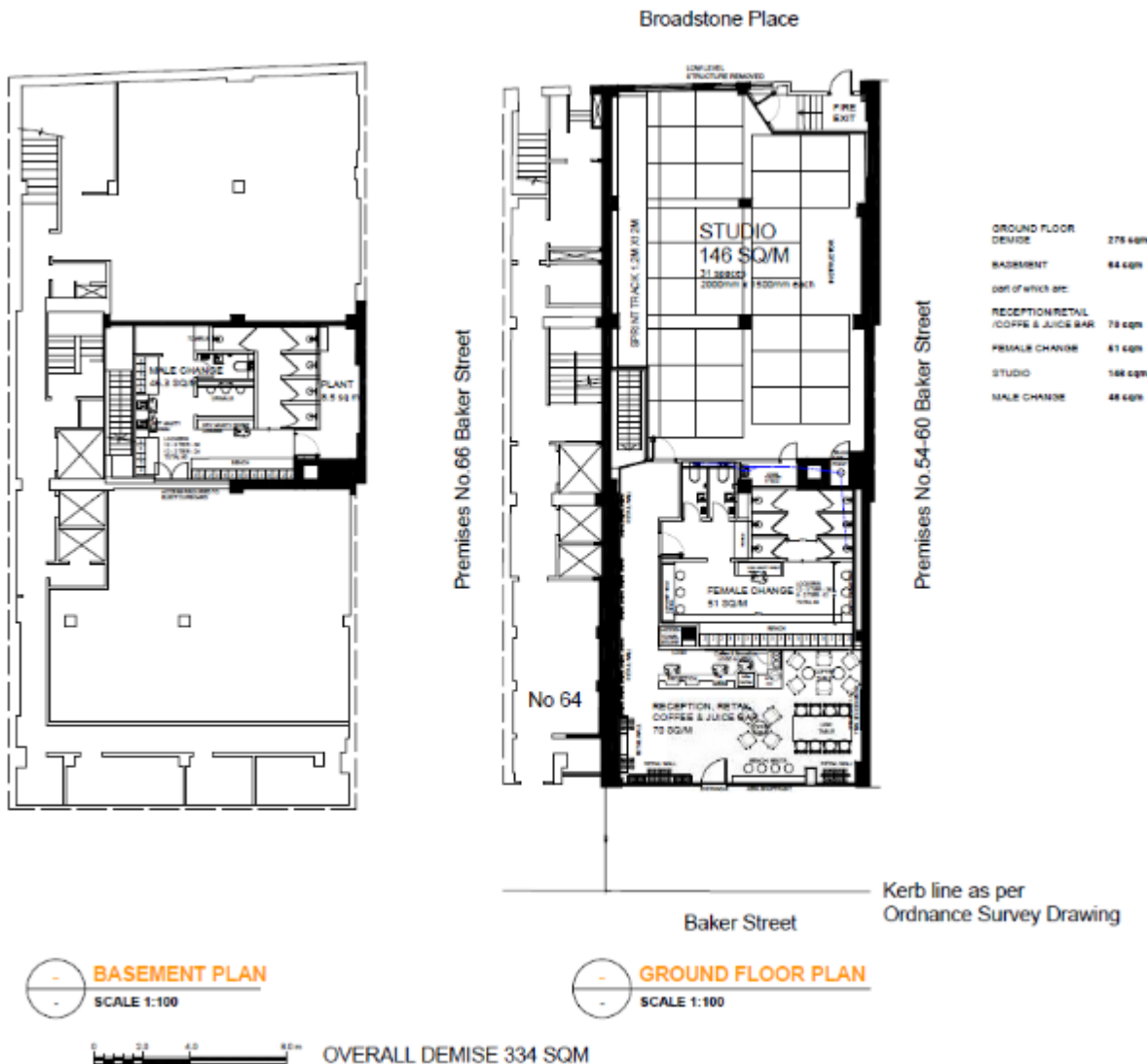


Basement

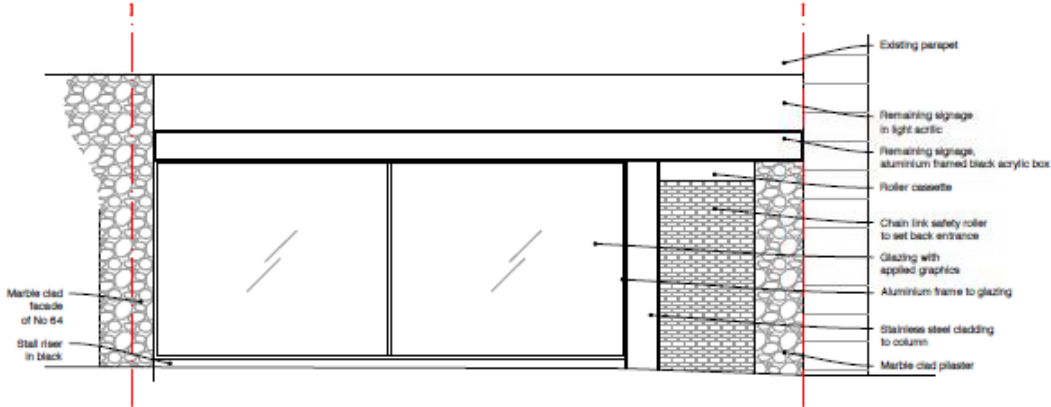


Ground Floor
Baker Street

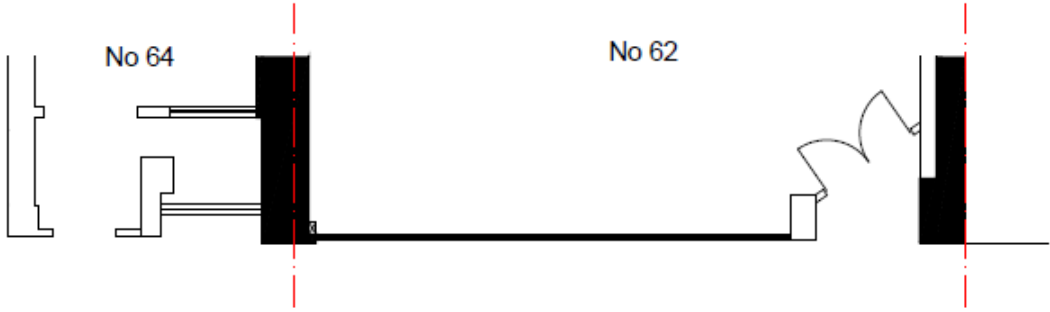
Proposed Basement and Ground Floor Plans



Existing Front Elevation

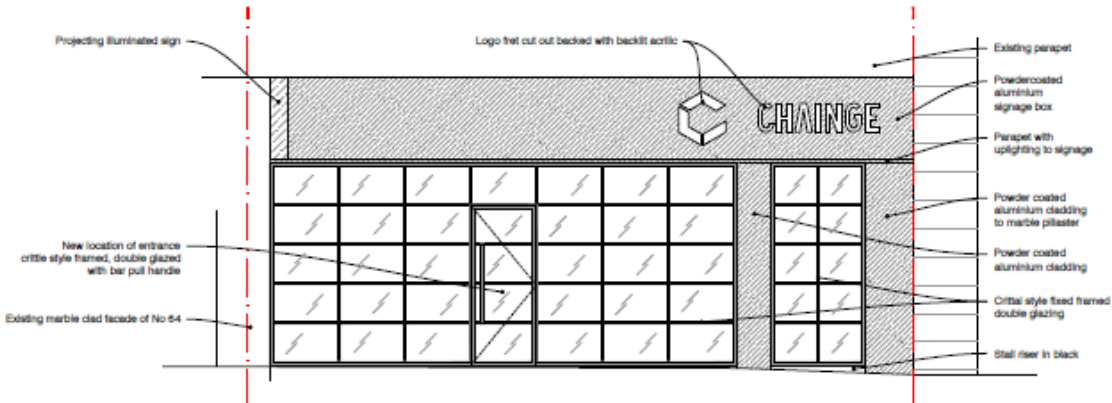


2 EXISTING SHOP FRONT ELEVATION
 SCALE 1:50

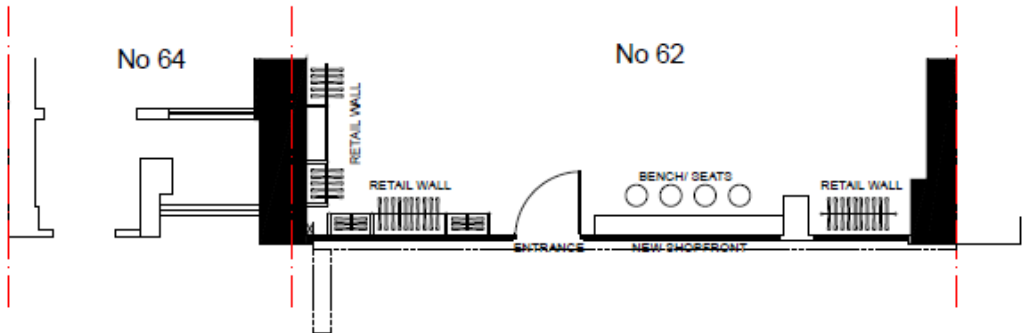


1 EXISTING SHOP FRONT PLAN
 SCALE 1:50

Proposed Front Elevation



4 PROPOSED SHOP FRONT ELEVATION
 - SCALE 1:50



3 PROPOSED SHOP FRONT PLAN
 - SCALE 1:50



DRAFT DECISION LETTER

Address: 62-64 Baker Street, London, W1U 7DF,

Proposal: Use of ground floor and part basement as a gym with juice and coffee bar (sui generis). Installation of new shopfront

Reference: 17/10950/FULL

Plan Nos: Z650-00-101 ; Z650-00-100-02 Rev. A

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 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

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

- 4 You must provide and maintain for the life of the development the retail displays of products for sale on the walls (labelled as "Retail Wall") and Coffee and Smoothie counter area within the gym/retail use unit hereby approved and as shown on drawing Z650-00-100-02 Revision A.

Reason:

To protect the retail character of the unit and ensure that a retail display is maintained to accord with S21 of Westminster's City Plan (November 2016) and SS 5 of our Unitary Development Plan that we adopted in January 2007.

- 5 Customers shall not be permitted within the premises before 06:00 or after 23:00 on Monday to Friday (not including bank holidays and public holidays) and before 08:00 or after 20:00 on Saturdays, Sundays, bank holidays and public holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 You must not allow more than 42 gym users in the approved studio area (as labelled on drawing Z650-00-100-02 Revision A) at any one time

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 7 The design of the separating structures should be such that all noise generated by the proposed new development (including noise from general operations, gym equipment, internal plant and equipment, amplified sound and music etc.) In terms of LAeq,5mins should be demonstrated to be 10 dB below the existing background noise level measured in terms of LA90,5mins inside existing premises with party wall connections. The background noise level used in the assessment should be representative of the most sensitive times (quietest) at which the new development is in operation (and generating noise). For music noise; the indices of Leq and LFmax in the octave bands 31.5 Hz, 63 Hz and 125 Hz should also be demonstrated to be 10 dB below the existing background noise level measured in terms of L90,5mins (31.5Hz, 63Hz, 125Hz) inside the existing premises with party wall connections

Reason:

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

- 8 A Sound Limiter shall be installed and set by a competent acoustic engineer so that it maintains

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compliance with the above criteria. All amplification equipment within the development including music generating equipment and fitness instructor's announcement equipment shall be routed and controlled through the sound limiter. The operational panel of the noise limiter shall be secured by key or password so that only persons with management responsibility have access. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

Reason:

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

- 9 The design of the separating structures (including the gym flooring) should be such that the received maximum noise levels generated by the proposed new development in terms of LAFmax should be demonstrated not to exceed the NR 15 curve inside the existing premises with party wall connections.

Reason:

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

- 10 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not commence the use until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the unit.

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)

Informative(s):

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

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- 2 You are advised that the projecting sign shown on the approved drawings is not approved under this permission. Separate advert consent will be required for any advertisements shown. You must note that the large projecting sign currently shown is likely to be highly contentious and to not receive support from the Council. Any future advert application should have a smaller projecting sign in line with our supplementary guidance on adverts.

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 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 May 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	2 Monck Street, London, SW1P 2BQ,		
Proposal	Use of ground floor commercial unit 2 for Class A1 (Shop), A2 (Financial and Professional), A3 (Food and Drink), B1 (Office), D1 (Non Residential Institution) or D2 (for gym/exercise class only). Use of Unit 1 within either Class A1, A2, A3, B1, D1, sui generis marketing suite (temporary use for 3 years) or D2 (gymnasium use only).		
Agent	MR STUART BLAKLEY		
On behalf of	Taylor Wimpey Central London		
Registered Number	18/00387/FULL	Date amended/ completed	26 January 2018
Date Application Received	16 January 2018		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises two ground floor commercial units (Units 1 & 2) located on Monck Street. The commercial units form part of the recently constructed Westminster Quarter development that provides a further two ground floor commercial units and 102 residential flats on the upper floors.

The application site is located in the Core Central Activities Zone. The north end of Monck Street is characterised by mixed use buildings with commercial uses at ground floor level and residential flats above. The commercial uses that currently exist on Monck Street include a Tesco Express (Class A1) and B1 offices.

Under the 2014 permission for this development the ground floor commercial units can be used for a wide range of uses within Class A1 (Shop), Class A2 (Financial and Professional Services), Class A3 (Food and Drink), Class B1 (Office), and/or Class D1 (Non Residential Institution). In addition Unit 1 can also be used as a sales and marketing suite for three years until January 2020.

Unit 1 is currently in use as a sales and marketing suite for the residential flats (sui generis) whereas

Unit 2 is currently vacant. The applicant advises that Units 3 and 4 are to let as a crèche (Class D1).

Permission is sought to allow the use of Unit 1 (119sqm) and Unit 2 (103sqm) for Class D2 use for gym/exercise classes only. This would be in addition to the other permitted alternative uses set out above. The application does not include details of a named operator for the Class D2 gym/exercise class. As originally submitted it was proposed to introduce a Class D2 use to all four commercial units however the scheme was subsequently amended to apply to Units 1 and 2 only.

The application has attracted a number of objections from residents who live opposite the site in Bentinck House, Cavendish House, Pelham House and Vestry Court on Monck Street. Their objections principally relate to noise and disturbance from the gym use and to highway concerns.

The use of Units 1 and 2 for Class A1 (Shop), A2 (Financial and Professional), A3 (Food and Drink), B1 (Office), D1 (Non Residential Institution) or sui generis marketing suite has already been established by the 2014 permission. Despite the dense character of Monck Street noted by some objectors, the introduction of small scale Class D2 uses is considered acceptable subject to there being no harm to residential amenity or causing any highway issues.

The concerns of local residents about noise and disturbance are noted. However Units 1 and 2 are small and they can already be used for a wide range of commercial uses as set out above. It is considered that a Class D2 use, which is restricted to gymnasium use only, would have a similar impact on local environmental quality as the permitted uses. Furthermore conditions are recommended to restrict the opening times to 10.00 to 22.00 Monday to Friday, 10.00 to 21.00 Saturday and 10.00 to 20.00 on Sundays, Bank Holidays and Public Holidays and to ensure there is no noise outbreak from the commercial units. It is considered that with these conditions the residential amenity of neighbouring residential occupiers, including the future occupiers of the residential flats above, will be protected in terms of policy ENV 6 and ENV 7 of our UDP. The relevant conditions for the Class A1, A2, A3, B1 and D1 uses which were attached to permission ref 14/05687/FULL are repeated as this proposal could be implemented as a standalone permission.

No car parking is provided for the proposed D2 use. The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. Residential Bays are restricted from 0830 till 1830 Monday to Saturday (except Maunsel Street which is 0830 till 2230 Monday to Saturday) with single yellow lines and all other bays restricted from 0830 till 1830 Monday to Friday. Given that the site is well served by public transport the size of the proposal and the parking restrictions in the area it is considered that the trips associated with the site are unlikely to have a significant adverse impact on the public highway or parking in the vicinity of the site.

The site is located within a Controlled Parking Zone, which means that single and double yellow lines outside the site (where restrictions permit) allow loading and unloading to occur. The largest service vehicle expected to be associated with this development is the refuse collection vehicle. Given the proposed use, the servicing requirement is expected to be limited in nature when compared to the other permitted uses. A condition is recommended to secure details of refuse storage for the Units 1 and 2.

The applicant has indicated that up to 20 full time jobs could be created by this proposal. Whilst this figure is no longer accurate given that the scheme now applies to Units 1 and 2 only, the employment that could be generated by this proposal is welcome.

One objector has made reference to the fact that there are other gyms in the area. It is not

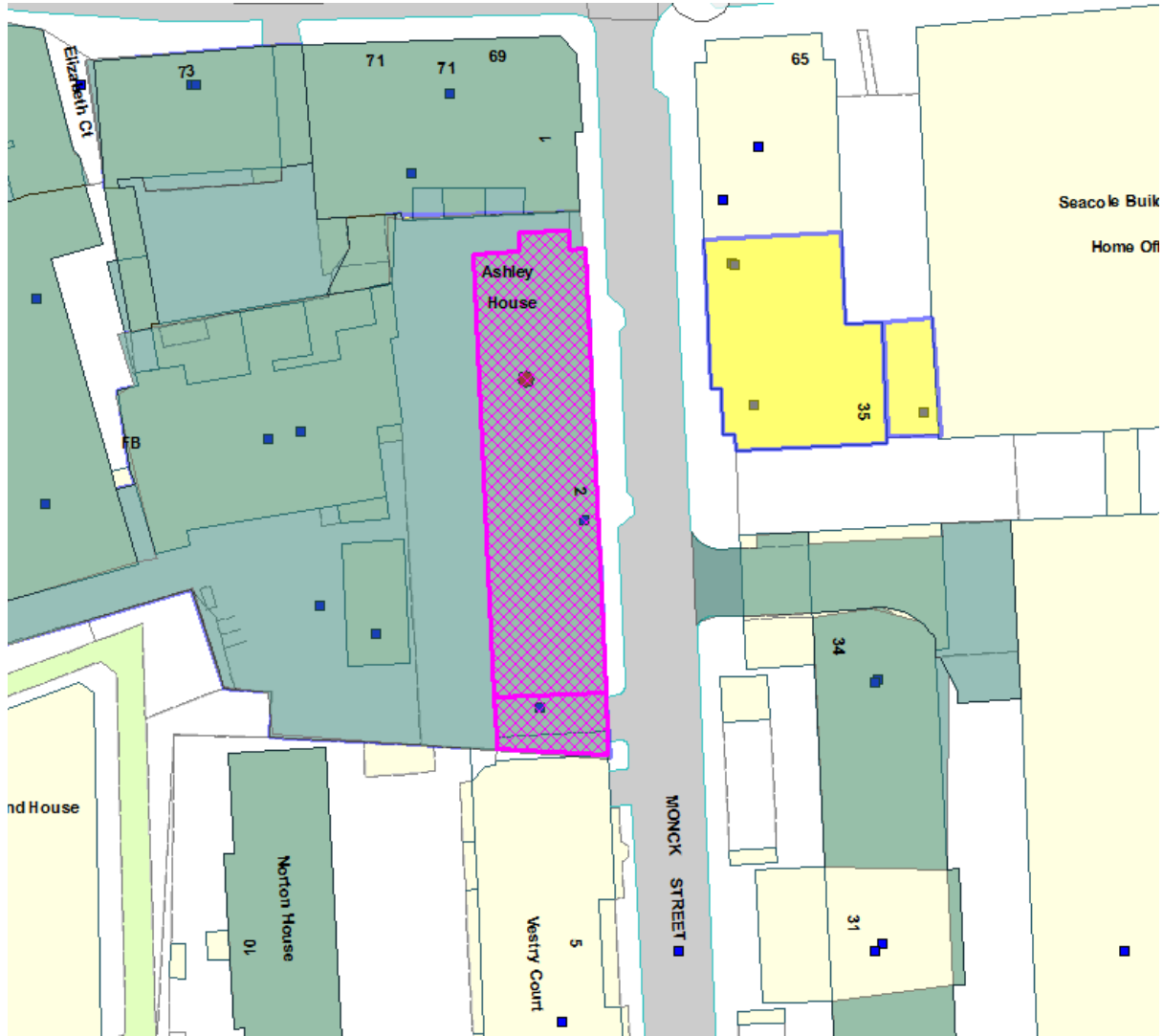
considered that there is an overconcentration of such uses in the locality and as such this is not considered a sustainable reason for refusal.

The application site is located in Flood Zone 3a. The applicant provided a Flood Risk Assessment on 4 April 2018. This is an amended Flood Risk Assessment from the original application in 2014. This document reveals that the proposed D2 use is classed as a less vulnerable use and is therefore compatible with Flood Zone 3a.

One objector makes reference to the proposed A3 use which would be detrimental to the amenity of the area. The A3 use has already been permitted within this site and a refusal on this basis could not be justified against policy.

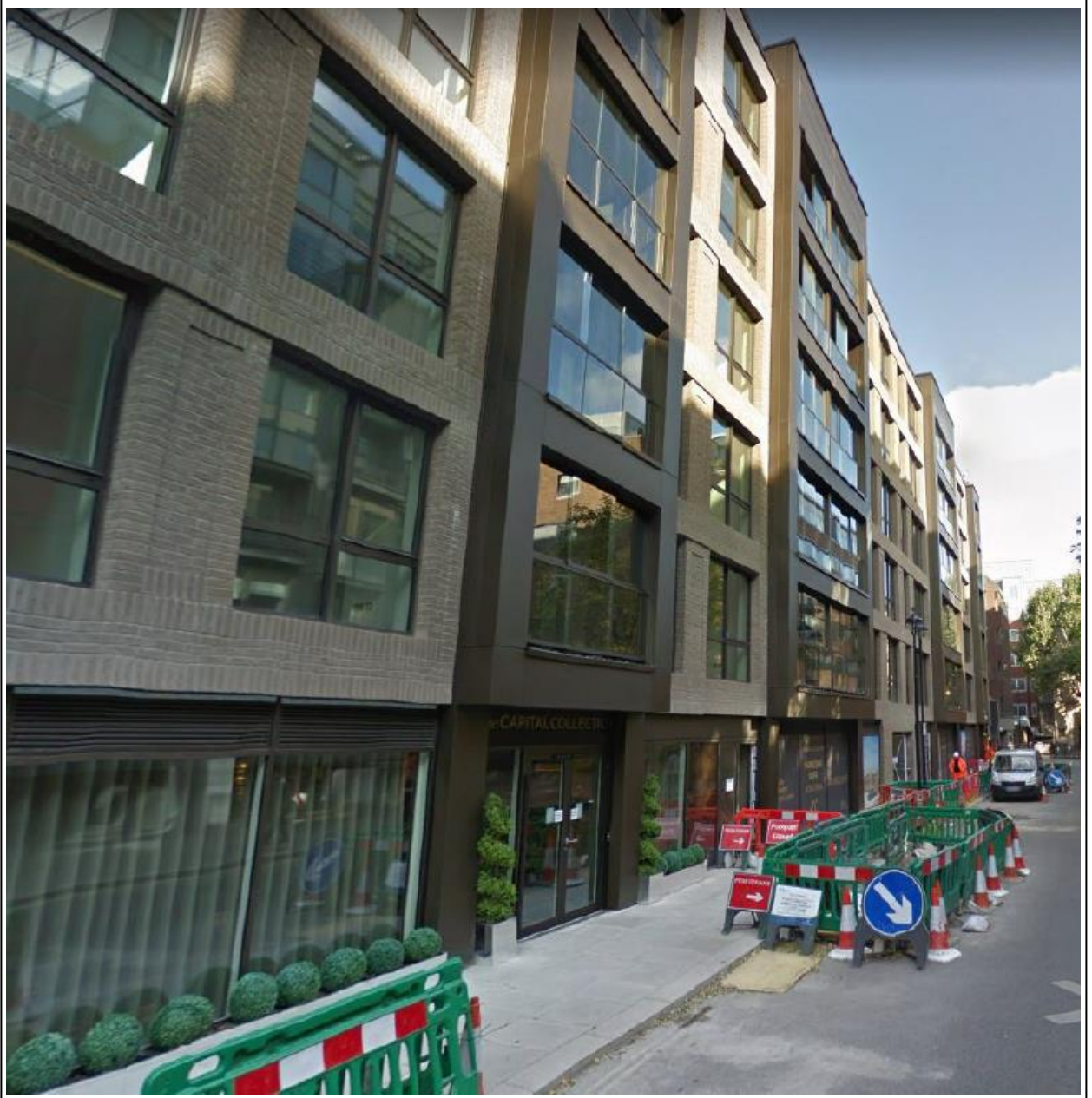
The reference to bright lights being left on in the building is noted and an informative will be added to the draft decision notice, however, this is a non-planning matter in terms of the assessment of this application.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Ground floor commercial units 2 Monck Street

5. CONSULTATIONS

Thorney Island Society
No objection

Cleansing Manager
No objection subject to a refuse condition.

Highways Planning Manager
No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 300
Total No. of replies: 8
No. of objections: 8
No. in support: 0

The letters of objection raise the following issues:

Amenity

- No details of opening hours provided.
- Upto 20 full time employees would be employed.
- The proposed D2 use would cause noise, traffic, litter and anti-social behaviour.
- Monck Street is densely packed and is not suitable for leisure use.
- Any opening hours should be restricted to 8am-6pm Monday to Saturday and 1pm to 6pm on Sundays.

Highways

- Detrimental impact on parking, traffic and pedestrian safety.

Other

- The application lacked the necessary Flood Risk Assessment.
- There are already gyms provided in the area.
- Bright lights are currently left on in the building.
- The proposed A3 use would be detrimental to the amenity of the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

17/08565/FULL

Use of flexible use commercial units 1, 2, 3 and 4 to either Classes A1, A2, A3, B1, D1, D2 or sui generis (marketing suite - temporary for 3 years).
Application Withdrawn 28.11.2017

16/09931/FULL

Use of Unit 1 and part of Unit 2 as a marketing suite (sui generis) for a temporary period of 3 years. Alterations to shop front.
Application Permitted 31.01.2017

14/05687/FULL

Demolition of existing buildings and erection of two replacement buildings comprising a part eight, part seven storey building and a five storey building to provide a total of 103 residential units above 308m² commercial floorspace for either A1 (retail), A2 (financial and professional), A3 (restaurant), B1 (office) or D1 (non residential institution) at ground floor level on Monck Street, with associated basement to provide 56 residential car parking spaces and cycle parking spaces and mechanical plant.
Application Permitted 10.12.2014

15/05573/NMA

Amendments to planning permission dated 10 December 2014 (RN: 14/05687), namely to amend the seventh floor plan to create a 4 bedroom dwelling which would reduce the total number of flats in the development to 102.
Application Permitted 07.07.2015

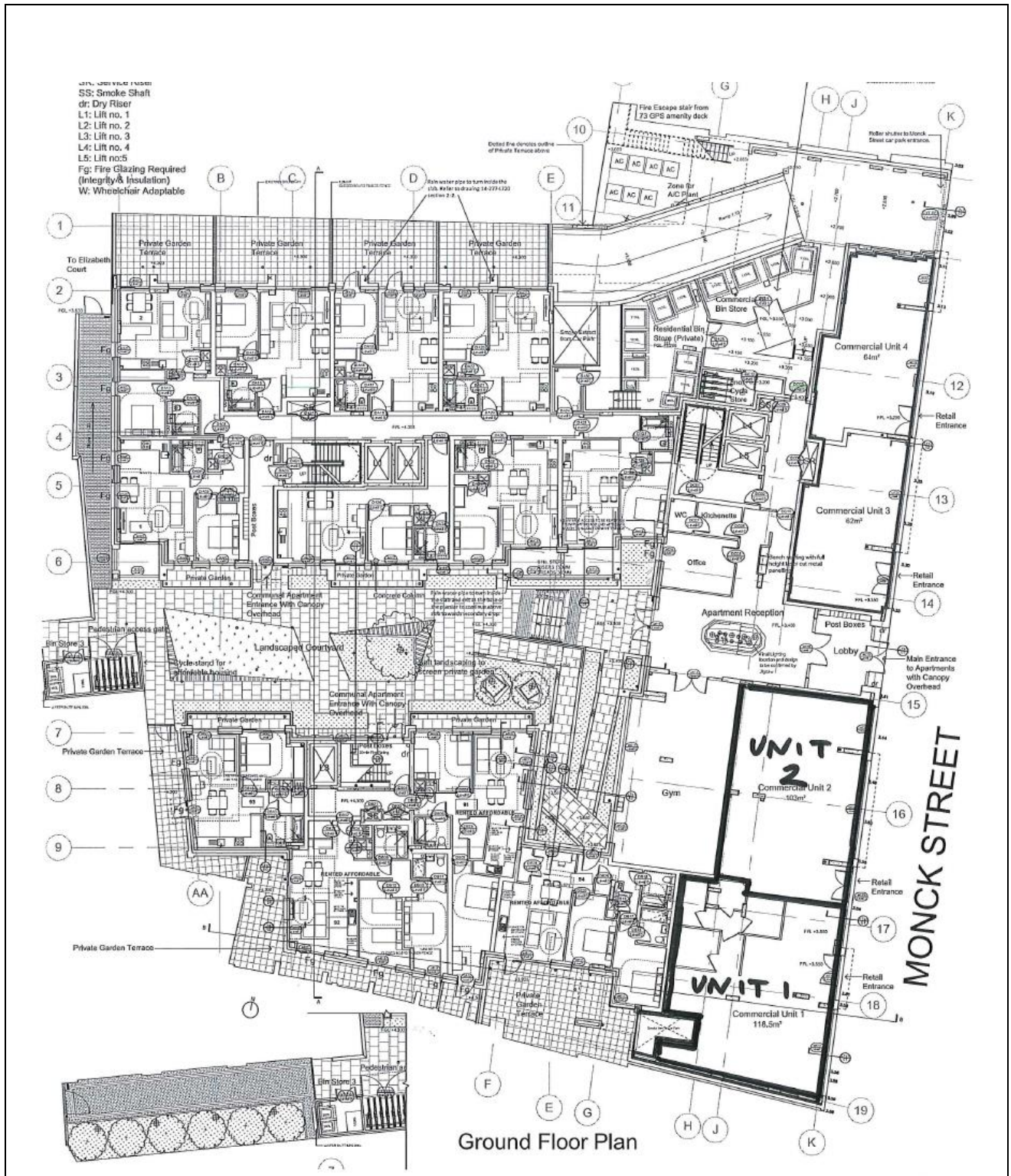
7. BACKGROUND PAPERS

1. Application form
2. Memorandum from Highways Planning Manager dated 9 May 2018.
3. Memorandum from Cleansing Manager dated 26 February 2018.
4. Response from Thorney Island Society, dated 21 February 2018
5. Letter from occupier of 34 Monck Street, London, dated 2 March 2018
6. Letter from occupier of Flat 506 Cavendish House, 31 Monck Street, dated 7 March 2018
7. Letter from occupier of 34 Monck street, London, dated 2 March 2018
8. Letter from occupier of Flat 42, Vestry Court, dated 2 March 2018
9. Letter from occupier of 205 Bentinck House, 34 Monck Street, dated 26 March 2018
10. Letter from occupier of 207 Cavendish House, 31 Monck Street, dated 2 March 2018
11. Letter from occupier of 603 Bentinck House, 34 Monck Street, dated 12 March 2018
12. Letter from occupier of Flat 62 Pelham House, 65 Great Peter Street, dated 3 March 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: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

8. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 2 Monck Street, London, SW1P 2BQ,

Proposal: Use of ground floor commercial unit 2 for Class A1 (Shop), A2 (Financial and Professional), A3 (Food and Drink), B1 (Office), D1 (Non Residential Institution) or D2 (for gym/exercise class only). Use of Unit 1 within either Class A1, A2, A3, B1, D1, sui generis marketing suite (temporary use for 3 years) or D2 (gym/exercise class only).

Reference: 18/00387/FULL

Plan Nos: Flood Risk Assessment,

Case Officer: Matthew Mason

Direct Tel. No. 020 7641 2926

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. You must not occupy the premises for Class A1, Class A2, Class A3, Class B1, Class D1 (Non Residential Institution) or Class D2 until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the commercial units. (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)

- 4 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the Class A1 retail accommodation hereby approved shall not be used as a food retail supermarket.

Reason:

Insufficient information has been provided to assess the impact from a food retail supermarket on public safety, the free flow of traffic and residential amenity. This is as set out in S29, S32 and S41 of Westminster's City Plan (November 2016) and ENV 6, TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

- 5 Notwithstanding the provisions of Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the non residential use hereby approved shall not be used as a Needle Exchange Clinic or Place of Worship.

Reason:

To prevent a use that would be harmful to residential amenity or detrimental to highway safety. In the interests of public safety, to avoid blocking the road and to protect residential amenity. This is as set out in S29, S32 and S41 of Westminster's City Plan (November 2016) and ENV 6, TRANS 2, TRANS 3 and TRANS 20 of our Unitary Development Plan that we adopted in January 2007.

- 6 Notwithstanding the provisions of Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the assembly and leisure use hereby approved shall only be a gymnasium use only.

Reason:

To prevent a use that would be harmful to residential amenity or detrimental to highway safety. In the interests of public safety, to avoid blocking the road and to protect residential amenity. This is as set out in S29, S32 and S41 of Westminster's City Plan (November 2016) and ENV 6, TRANS 2, TRANS 3 and TRANS 20 of our Unitary Development Plan that we adopted in January 2007.

- 7 In the event that the ground floor commercial unit is occupied for Class A3 purposes, you must apply to us for approval of detailed drawings showing the external appearance of the kitchen extract ventilation system. You must not cook raw or fresh food within any Class A3 use until we have approved what you have sent us. Thereafter you must carry out the work according to these details and the kitchen extract ventilation system shall be retained and maintained for as long as the Class A3 unit is in place.

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.

- 8 In the event that a ground floor commercial unit is used for Class A3 purposes, customers shall not be permitted within the Class A3 restaurant premises before 0730 or after 2300 Monday to Saturday and before 0800 or after 22.30 on Sundays, Bank Holidays and Public Holidays.

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

- 9 In the event that a ground floor commercial unit is used as a gymnasium within Class D2 customers shall not be permitted within the gymnasium before 10.00 or after 22.00 Monday to Friday, 10.00 to 21.00 Saturday and before 10.00 or after 20.00 on Sundays, Bank Holidays and Public Holidays.

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

- 10 Kitchen extract equipment approved under Condition 7 to control the emission of fumes and smells from the premises shall be operated at all times when cooking is taking place but not outside the hours of 07.30 to 2300 Monday to Saturday or before 0800 or after 22.30 on, Sundays, Bank Holidays and Public Holidays.

Reason:

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

- 11 (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 Class D2 (gymnasium) 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 Class D2 (gymnasium) 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, 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: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 12 (1) Where noise emitted from any plant and machinery associated with the kitchen extractor equipment approved under condition 7 of this permission 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 any plant and machinery associated with the kitchen extractor equipment approved under condition 7 of this permission 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 any plant and machinery associated with the kitchen extractor equipment approved under condition 7 of this permission, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by

the plant and equipment.

Reason:

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

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

Reason:

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

- 14 You must apply to us for approval of details of a supplementary acoustic report demonstrating that any plant and machinery associated with the kitchen extractor equipment approved under Condition 7 of this permission will comply with the Council's noise criteria as set out in Condition 12 of this permission. You must not operate any kitchen extract equipment approved under Condition 7 of this permission 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.

- 15 The marketing suite (sui generis) use allowed by this permission can continue until 31 January 2020. After that the land must return to its previous condition and use. (C03AA)

Reason

The use is not as set out in S20, S21 and S34 of Westminster's City Plan (November 2016). Use for more than a limited three year period would be harmful to the objectives of the Plan. (R03AB)

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 make sure that the lighting in the building is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 3 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Units 1 and 2 can change between the Class A1, A2, A3, B1, D1 or D2 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 May 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	104A Park Street, London, W1K 6NG,		
Proposal	Alterations and erection of a two storey front extension at roof level, infilling central lightwell at second floor to new fourth floor level, replacement of single storey rear basement buildings including excavation to create two storey extension, and installation of condensers to roof within an acoustic enclosure; all to provide additional office (Class B1) floorspace.		
Agent	Firstplan		
On behalf of	New Horizon Properties Ltd		
Registered Number	17/08405/FULL	Date amended/ completed	19 September 2017
Date Application Received	19 September 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The site comprises an unlisted mid-terrace building of basement, ground and three upper floors, all in office use. Both neighbouring properties are also in office use. At the rear, the site backs onto the blank wall of a residential block. The front part of the building is lower than the rear part of the building. The site is situated within the Mayfair Conservation Area.

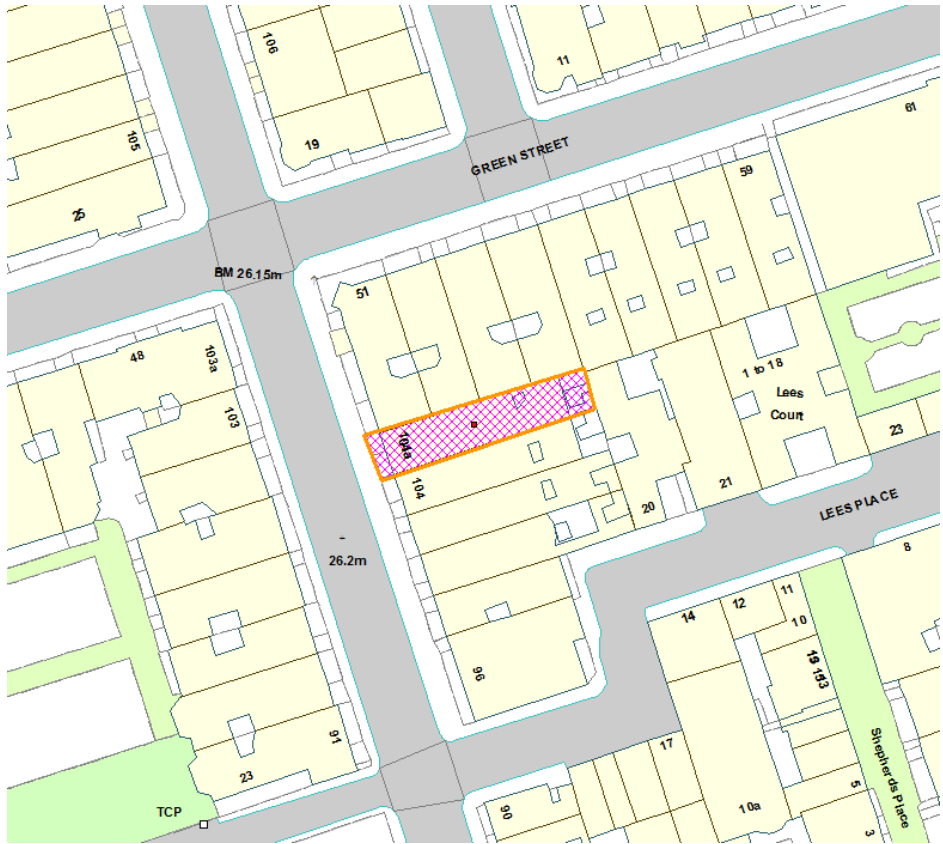
Permission is sought for erection of a two storey front extension, this will allow the building to match the adjoining building at No.104. The existing internal lightwell will be infilled to new roof level and two air condenser units within an acoustic enclosure are proposed at roof level. Permission is also sought for the excavation under the rear courtyard by 1.8m to allow for the erection of a two-storey building to the rear over lower ground and ground floor level. However, the height of the extension will not be higher than the existing rear buildings.

The key issues for consideration are:

- The impact of the extensions on the character and appearance of the Mayfair conservation area;
- and

- The impact of the proposals on the amenity of surrounding properties.
The proposals are considered to be in line with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan) and the application is recommended for approval.

3. LOCATION PLAN

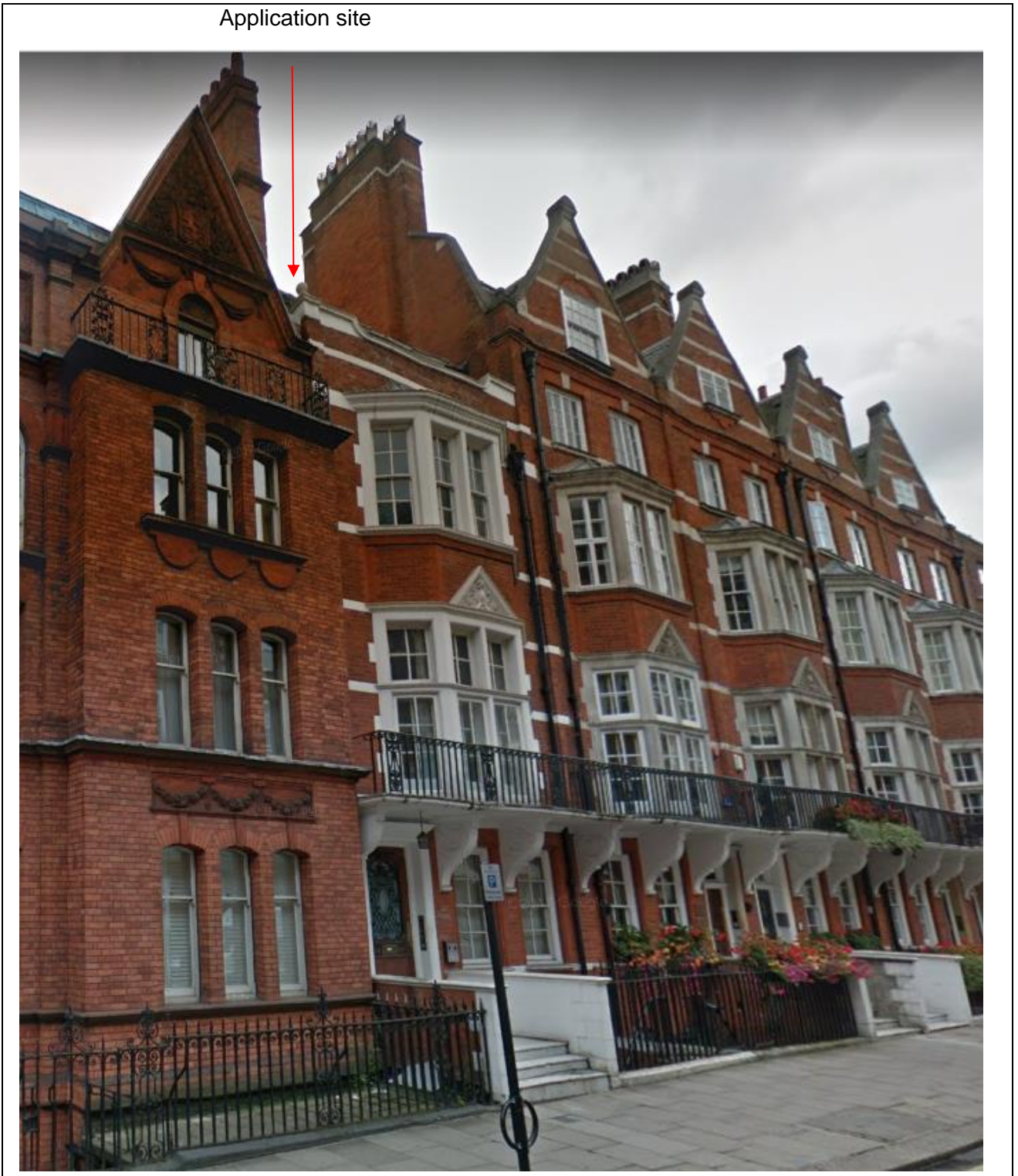


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4. PHOTOGRAPHS

Application site



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection.

CROSS LONDON RAIL LINKS LTD

No objection.

BUILDING CONTROL

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 27

Total No. of replies: 2

No. of objections: 2 letters of objection from the same building, raising the following:

Amenity

- Daylight and sunlight report has not been submitted with the application and the proposals will lead to a loss of light

Basement

- The submitted basement impact assessment does not take into account the Crossrail tunnels under the site

Other

- Neighbour letters were not received at the property;
- concern raised to the wording and implementation of a construction management plan
- The uplift in floorspace is over 100sqm therefore a SEMP is required
- method for the disposal of foul sewerage is not defined in the application form

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This is an unlisted mid terrace building. The front part of the building comprises lower ground, ground and three upper floors, the middle section of the building is one storey taller, with the rear part comprising of buildings at lower ground floor level only.

The site is located close to the junction with Green Street and the nearest residential is located within 52 Green Street.

The site is within the Core CAZ and the Mayfair Conservation Area.

6.2 Recent Relevant History

Planning permission was granted on 7 May 2014 for alterations and erection of a two storey front extension at roof level, infilling central lightwell; and replacement of single storey rear basement buildings with a two-storey extension. All to provide additional office (Class B1) floorspace. This permission has not been implemented.

Planning permission was granted on 12 November 2010 for an extension of time for the commencement of development granted planning permission on 26 November 2007 (extant permission: RN: 07/07891); namely, alterations and erection of two storey front extension at roof level; infilling of central lightwell; replacement of single storey rear basement buildings with a two storey extension, all in connection with the office use. This permission was not implemented.

Planning permission was granted on 26 November 2007 for alterations and erection of two storey front extension at roof level; infilling of central lightwell; replacement of single storey rear basement buildings with a two-storey extension, all in connection with the office use. This permission was not implemented.

Planning permission was granted on 6 May 1999 for extension at 4th floor level and alterations to rear basement area for office use. This permission was not implemented.

7. THE PROPOSAL

Permission is sought for alterations and erection of a two storey front extension at roof level, infilling central lightwell at second floor to new fourth floor level, replacement of single storey rear basement buildings including excavation to create two storey extension, and installation of condensers to roof; all to provide additional office (Class B1) floorspace.

Planning permission was granted in 2007 and then extended in 2010 and 2014 for alterations and erection of two storey front extension at roof level; infilling of central lightwell; replacement of single storey rear basement buildings with a two storey extension, all in connection with the office use.

There are a number of design alterations sought to the 2014 scheme, including the following:

- the addition of rooflights to rear ground floor roof; and
- installation of air conditioning units roof level within an acoustic enclosure.

The proposal includes the lowering of the existing lower ground floor level by 1.8m to allow for two levels to the rear, while maintaining the height of the existing lower ground floor extension. Two rooflights are proposed to provide natural light to the lower floors. The two storey roof extension to the front of the building will match the height and detailed design of the existing buildings in this part of Park Street. The existing lift will be extended to meet the new floor levels. It is proposed to install air conditioning within an acoustic enclosure at new roof level between the roof pitches.

The proposal will result in an increase in office floorspace of 128sqm.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Office floorspace

The proposal will result in an increase of 128sqm of office floorspace. This increase complies with City Plan Policy S20, which aims to increase the amount of office floorspace within the Core CAZ.

8.2 Townscape and Design

The roof extension would closely follow the design of the neighbouring property at No.104. Without the proposed extension this end of the street appears as a rather disjointed group and it is unusual that the application property was built in this way. Therefore the belated addition of the front gable is uncontentious in terms of UDP Policy DES6 which controls roof extensions, as long as the detailed design and materials are of sufficient quality - which can be controlled by conditions.

It is therefore considered that the addition of the new front gable of brick and stone with timber windows to the front elevation of this turn of the century building will be an improvement and will enhance the character and appearance of the Mayfair conservation area.

The proposed rear extension is similarly uncontentious in design terms, not being readily visible in public views and replacing a ramshackle collection of extensions.

The proposed extension within the lightwell would be largely invisible and therefore not contentious in design terms.

8.3 Residential Amenity

The proposal include a two storey extension to the front elevation. The existing lift will be extended to the new floor levels. There is an existing internal lightwell on the boundary with the neighbouring office building at No.104. The lightwell serving No.104 has been partially infilled to accommodate a lift. It is proposed to infill the existing lightwell to create additional office floorspace. Objections have been received from the office occupiers of No.104 on the grounds that there will be a loss of light to their windows as a result of the infilling of the lightwell. A daylight report has not been submitted with the planning application, but it is not considered that one is necessary.

UDP Policy ENV13 is primarily designed with regard to residential accommodation, the City Council may apply them to other uses, such as schools and other activities where loss of daylight/sunlight may prejudice the present use of the premises. The adjoining building is in use as offices and it appears that there is one user for the whole building, the light received by the windows in lightwell is already compromised due to the location within a lightwell and by the existing lift serving the office space. As the main windows on the front and rear elevations are not affected by the proposals, it is not considered that the objections on the loss of light are sustainable to justify a reason for refusal. A

condition is recommended to ensure that the lightwell elevation is painted white to increase reflectivity to the neighbouring building.

8.4 Transportation/Parking

The increase in office floorspace does not raise any highway implications.

8.5 Economic Considerations

Any economic benefits generated by the proposal are welcomed.

8.6 Access

The stepped access to the building will remain as existing as there are no proposed changes to the front ground floor. Due to the scale of the works this is considered acceptable.

8.7 Other UDP/Westminster Policy Considerations

Plant

Two air conditioning units are proposed at roof level, within an acoustic enclosure. An acoustic report has been submitted with the application and environmental health has no objection to the proposal on noise nuisance grounds, subject to the City Council's standard noise conditions.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Basement

The proposal includes the excavation under the existing buildings at rear lower ground floor level by 1.8m. Objections have been received submitted basement impact report on the basis that the report does not take into account the proposed Crossrail lines under the site.

City Plan Policy CM28.1 does not restrict the size or the depth of basements within the Core CAZ and requires that basement development be accompanied by a detailed structural methodology statement and a signed proforma Appendix A which demonstrates that the applicant will comply with relevant parts of the COCP. These have been submitted.

Crossrail Ltd have been consulted on the planning application, and they have no objection to the scale of the proposed basement development. It is considered that the scale of the works are modest and the objections on the grounds that the proposed basement will interfere with the Crossrail lines are not considered to be justified.

Part C (c) of the policy states that basement development to non-residential development adjoining residential properties where there is potential for an impact on those adjoining properties outside Core CAZ; will not involve the excavation of more than one storey below the lowest original floor level. Therefore, as the site is located within the Core CAZ, the excavation of more than one basement level complies with this section of the policy.

This impact of basement excavation is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures.

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

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

This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the building regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Flood Risk

The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. However, the proximity of the hidden River Tyburn close to the site's eastern boundary, will mean careful excavation will be needed to ensure it is not damaged.

Construction impact

Objections have been received from the neighbouring office occupiers on the grounds to the lack of a construction management plan, they also state that as the proposal will result in additional floorspace of over 100sqm, a SEMP is also required. The objectors comment that the CMP should include details on the hours of works, how the footpaths will be treated, the traffic implications etc. Planning permission cannot reasonably be withheld on these grounds.

Prior to June 2016, CMP's would have been secured by planning condition, however, this is now covered by the Code of Construction Practice (COCP) and the Environmental Inspectorate. The COCP categorise developments into three levels, this scheme is a Level 3 development. Level 3 developments are not generally required to prepare a SEMP or CMP. In response to the objectors comment regarding schemes of over 100sqm requiring a SEMP, this is not correct, schemes over 1000sqm require a SEMP.

However, this does not alter the need for all projects to comply with the relevant legislation covering construction impacts or to be considerate of the impacts their activities may have on neighbours. It is important to note that planning have no role in determining what goes into the Code of Construction nor will it enforce compliance, this will exclusively be dealt with by the Environmental Inspectorate.

Hours of building and excavation work will be secured by condition. Therefore, it is considered that the concerns from objectors about the construction process are fully addressed.

Objections have been received to the lack of consultation letters received at the property. The City Council has no control over the posting of the consultation letters and it is unfortunate that some of these letters were not received. As further information was received during the course of the application, a further consultation letter was sent to the objectors property which was received as a further objection from that property has been received.

9. BACKGROUND PAPERS

1. Application form
2. Responses from Environmental Health, dated 3 October 2017 and 12 October 2017
3. Response from Building Control, dated 11 April 2018
4. Response from Crossrail Ltd, dated 3 May 2018
5. Letters from occupier of 104 Park Street, London, dated 26 October and 27 March 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: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

10. KEY DRAWINGS

Existing front and rear elevation



Proposed front and rear elevation



Existing section AA



Proposed section AA



DRAFT DECISION LETTER

Address: 104A Park Street, London, W1K 6NG,

Proposal: Alterations and erection of a two storey front extension at roof level, infilling central lightwell at second floor to new fourth floor level, replacement of single storey rear basement buildings including excavation to create two storey extension, and installation of condensers to roof within an acoustic enclosure; all to provide additional office (Class B1) floorspace.

Reference: 17/08405/FULL

Plan Nos: FSU_109, FSU_110, FSU_111, FSU_112, FSU_113, FSU_114, FSU_115, FSU_116, Basement risk assessment and method statement (INFO ONLY)

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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 (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.

- 4 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.

- 5 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 6 The plant/machinery hereby permitted shall not be operated except between 07.00 hours and 23.00 hours daily.

Reason:

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

- 7 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:

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

- 8 You must apply to us for approval of details of the following parts of the development:
1. Samples of the new windows
 2. Sections and elevations at 1:20 and 1:10 through the proposed stonework.
- You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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 The window in the proposed rear extension shall be permanently fixed shut and shall be finished in obscured glazing

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 paint the lightwell elevation white. You must then keep it in that condition. (C26HA)

Reason:

To increase the reflectivity to the adjoining premises.

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 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)
- 3 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. 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.
- 4 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.
- 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. 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)
- 6 Conditions 3 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 7 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.
- 8 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 9 With reference to condition 7 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. 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

- 10 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to CIL@Westminster.gov.uk , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

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

Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 May 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	2 Randolph Court, Randolph Avenue, London, W9 1NW		
Proposal	Replacement of ground floor rear window with French Doors.		
Agent	Mr Elie Osborne		
On behalf of	Ms Sophia Fafalios		
Registered Number	18/00810/FULL	Date amended/ completed	6 February 2018
Date Application Received	1 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

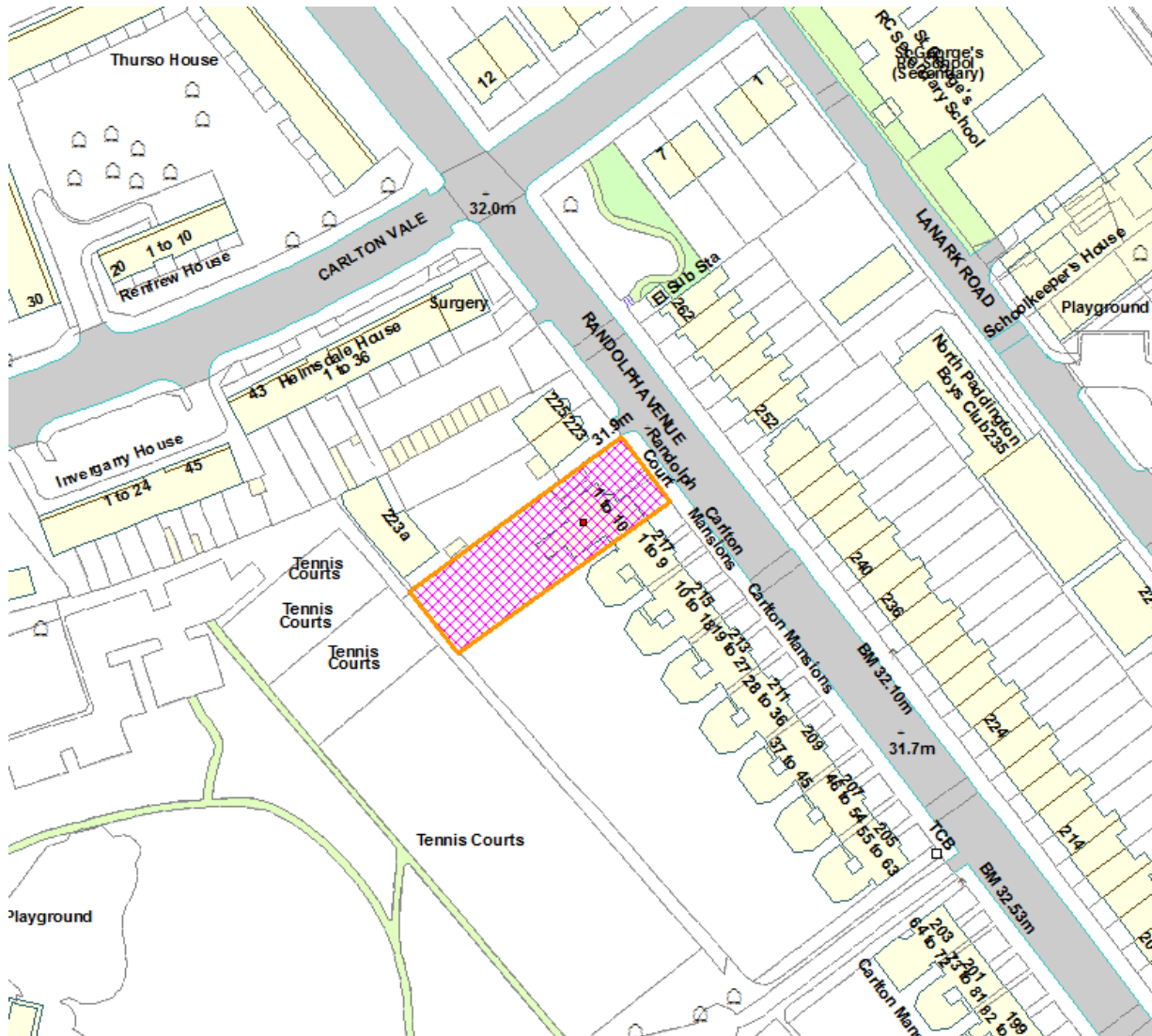
This application relates to an unlisted residential apartment building (Randolph Court) located within the Maida Vale Conservation Area. There are 10 flats within the building, which benefits from a large rear communal garden. Permission is sought for the alteration of a window to a door on the northern side of the building, to provide an additional access to the garden from flat 2. The works are in association with internal alterations to the flat to change its layout.

The key issues are:

- * The impact of the alterations on the amenity of adjacent residential occupiers.
- * The impact of the alterations on the character and appearance of the conservation area.

Objections have been received from three of the flats within the building on the grounds that the proposed alterations will negatively impact on their living environment. It is considered that the works are in accordance with adopted policies within Westminster's City Plan (the City Plan) and Unitary Development Plan (UDP) and are therefore recommended for approval.

3. LOCATION PLAN



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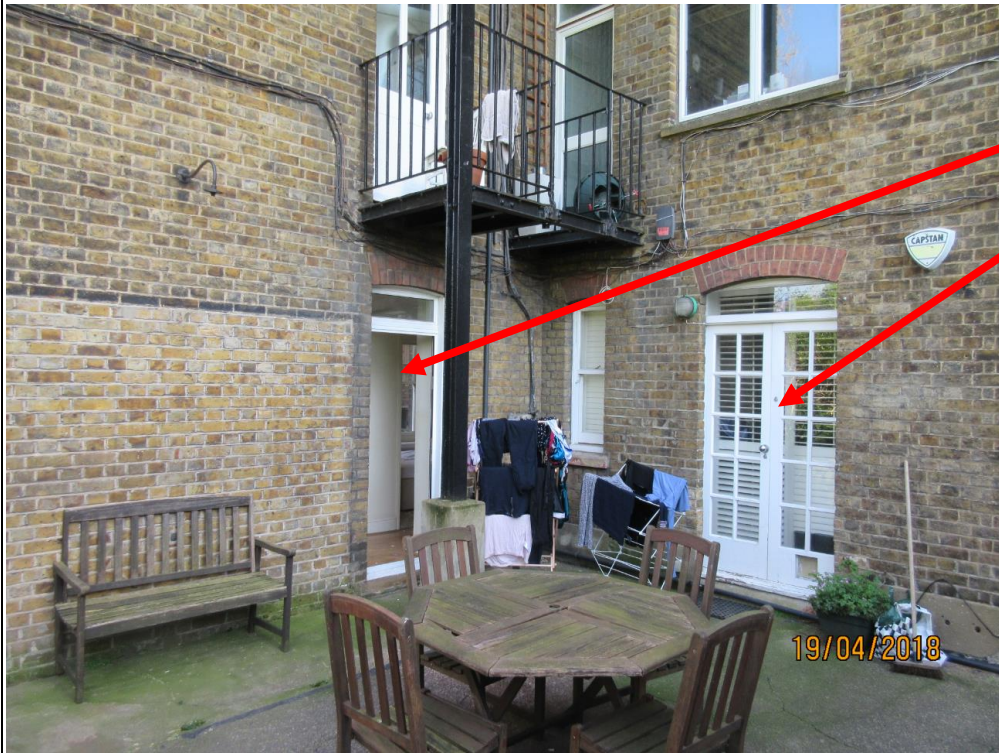
4. PHOTOGRAPHS



Rear elevation with Flat 2 outlined in red. Window to be altered indicated with an arrow



- Communal access door to garden identified with an arrow.
- Window to be amended to a door outlined in red



- Existing garden access from flat 2
- Existing garden access from neighbouring flat

5. CONSULTATIONS

PADDINGTON AND MAIDA VALE SOCIETY:

Raise no objection, however comment that the joinery should match existing and request for neighbours' views to be taken into consideration.

ADJOINING OWNERS / OCCUPIERS:

No Consulted: 22

No responses: 3 objections raising some or all of the following comments:

Amenity:

- Increased external noise as a result of intensified use of patio underneath bedroom windows.
- Increased internal noise through change of use of bedroom to living room, which will negatively impact on bedrooms above as the building has been laid out to have bedrooms over bedrooms. Reference is made to design guidance from the London Borough of Brent.
- Increased overlooking from patio.
- Disturbance from smells from both patio and living room / kitchen.

SITE NOTICE / PRESS ADVERT:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to an unlisted residential apartment building (Randolph Court) located within the Maida Vale Conservation Area. The building is split into 10 flats and benefits from a large communal garden to the rear. The building is staggered to the rear with a projecting central section, with set back sections on both the north and south sides of the building.

There is communal access to the rear garden for all of the flats within the building via a gate on the northern side of the building. There are two flats on the ground floor which have direct access onto the communal rear garden from the southern set back section. There are small projecting terraces at all levels, which serve flats on the upper levels of the building.

6.2 Recent Relevant History

15/02496/FULL

Demolition and rebuilding of replacement boundary wall with bin store access gates.

Construction of new bin store area.

Application Refused 25 June 2015

08/07607/FULL

Erection of a four storey side extension to provide a two-bedroom house.

Application Refused 12 November 2008

7. THE PROPOSAL

Permission is sought to alter an existing ground floor window into a door to provide an additional access for flat 2 into the rear communal gardens.

8. DETAILED CONSIDERATIONS

8.1 Land Use

No change proposed to the existing residential use.

8.2 Townscape and Design

The proposals include the removal of an existing timber sash window, lowering of the cill, and installation of a set of timber doors in the enlarged opening. Stepped access to the yard is also proposed from the lowered cill.

The doors have been designed so that they are no wider than the existing window opening, retain the brick arch above, and are of a similar style to the existing window, being constructed from timber with a bar which splits the glazing. Subject to conditions to ensure that the doors are constructed from timber and painted white, it is not considered that the proposals will have a negative impact on the character and appearance of the building or wider conservation area.

8.3 Residential Amenity

Objection has been received from three residents within the building on the grounds that the proposed alterations will have a negative impact on their amenity, namely in relation to noise, privacy and general disturbance including smells as a result of an intensified use of this part of the patio.

Objections have also been received on the grounds that the internal alterations to the flat would have a negative impact on the amenity of other occupiers within the mansion block as the applicant is proposing to alter the internal arrangement of the flat, including changing an existing bedroom into a living room / dining room. The comments note that the building has been designed so that rooms are stacked, with bedrooms above bedrooms in order to reduce noise transference between the flats. While these comments are noted, permission could not be withheld on these grounds, as permission is not required for internal alterations to the flats. The applicant could therefore amend the existing layout of the flat without applying for planning permission. This application is solely for the alterations of the window to a door, and does not relate the use of the internal rooms. An informative is however recommended to advise the applicant that they may require building regulations approval for the internal alterations proposed.

The main objection is in relation to the proposal to allow the occupants of flat 2 to access a small area of hard landscaping outside of their flat, which forms part of the wider communal garden. Currently the flat only has direct access onto a similar yard on the

southern side of the building. The main concern of neighbours is that by allowing direct access, the use of this space will become more intensively used and therefore result in additional overlooking and disturbance to flats with windows on this side of the building (including smells). Particular concern is raised as these windows serve bedrooms.

While officers can understand these concerns, it is not considered that withholding permission on these grounds could be sustained. This area is already readily accessible to anyone within the block of flats, being the first area of hard standing located in the rear garden when accessed from the existing main communal access gate that runs down the side of the building. While it is noted that Flat 2 would gain direct access to this space, they already have direct access on the other side of the building and do not have sole custody of any of the garden. Should either of the ground floor flats, or anyone in the building wish to gather in this area, then they could do so currently. It is therefore not considered that it would be reasonable or enforceable to limit the use of this space by way of condition and that any concerns in relation to the use of any part of the garden should be a matter for the residents to discuss privately.

8.4 Transportation/Parking

No change to existing arrangements.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

While the proposals will alter access to the rear communal garden (as discussed in section 8.3), no changes are proposed to the main access to Flat 2.

8.7 Other UDP/Westminster Policy Considerations

None.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment (EIA)

The proposals is of insufficient scale to require the submission of an EIA.

8.12 Other Issues

None.

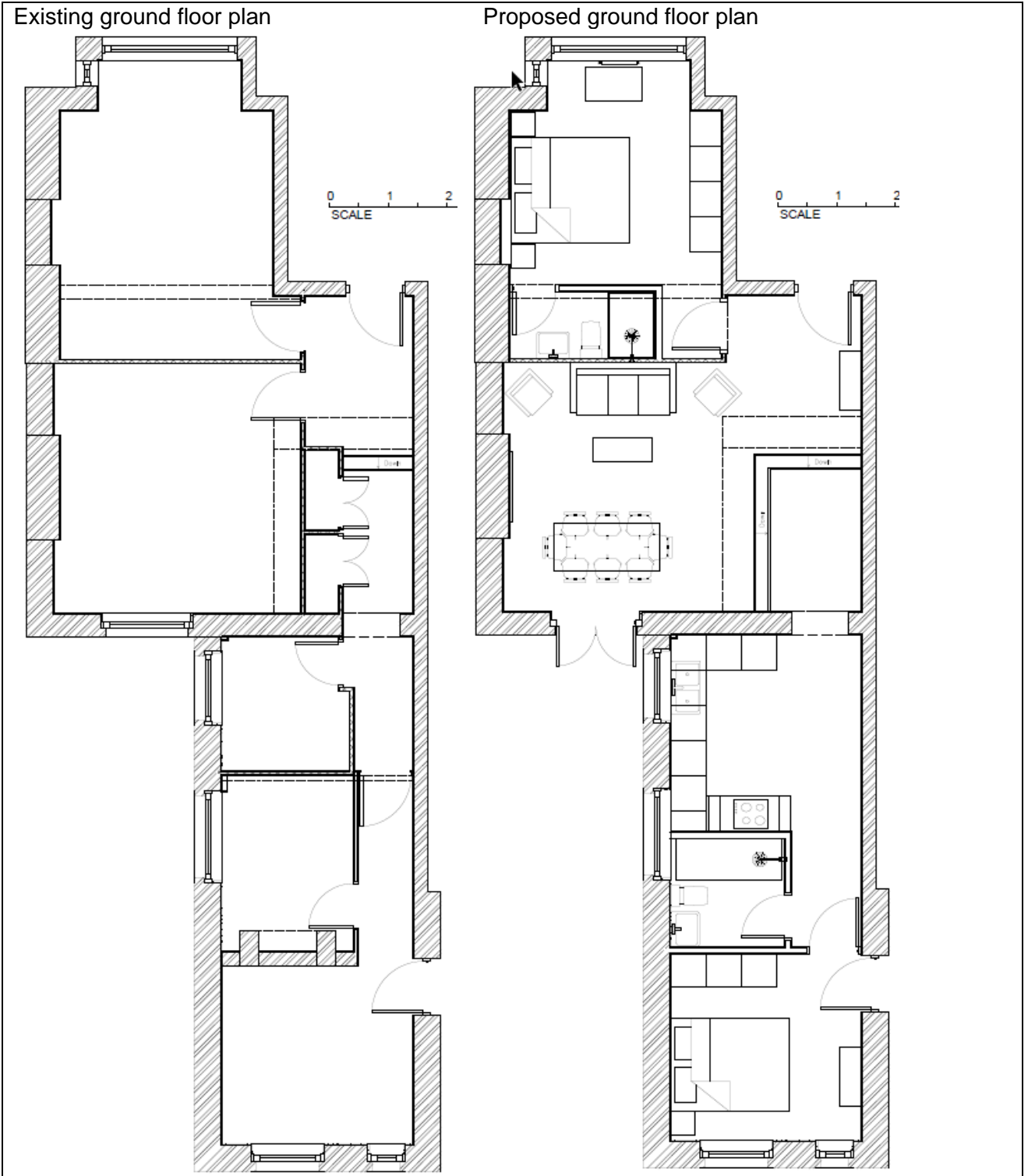
9. BACKGROUND PAPERS

1. Application form
2. Response from Paddington Waterways & Maida Vale Society, dated 2 March 2018
3. Letter from occupier of Flat 4 Randolph Court, dated 26 February 2018
4. Letter from occupier of flat 8, Randolph Court, dated 28 February 2018
5. Letter from occupier of Flat 10 Randolph Court, dated 2 March 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: **SARAH WHITNALL** BY EMAIL AT swhitnall@westminster.gov.uk.

10. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 2 Randolph Court , Randolph Avenue, London, W9 1NW

Proposal: Replacement of rear ground floor rear window with French Doors.

Plan Nos: 001; 002; RC10; RC13; RC14; 4D01OS A.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

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

Reason:

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

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

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

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

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

Reason:

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

- 3 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 Maida Vale 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 door shall have white painted timber framing and 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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 You are advised that the internal alterations to the flat may require an application for Building Regulations Approval.

Agenda Item 7

Item No.
7

CITY OF WESTMINSTER			
PLANNING SUB APPLICATIONS COMMITTEE	Date 22 May 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	46 Clarges Street, London, W1J 7ER		
Proposal	Retention of one external air handling unit within the front lightwell. Relocation of six external condensers and the installation of four new external condensers (three at mid roof level and seven at upper roof level) with associated acoustic screening. Retention of internal wall mounted air conditioning units to bedrooms 1, 2, 3, 4 and 5.		
Agent	Bidwells		
On behalf of	Fox Fabs Ltd		
Registered Number	16/07360/FULL 16/07361/LBC	Date amended/ completed	2 August 2016
Date Application Received	2 August 2016		
Historic Building Grade	II		
Conservation Area	Mayfair		

1. RECOMMENDATION

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

2. SUMMARY

The application site is a mid-terrace Grade II listed building located in the Mayfair conservation area and Core Central Activities Zone (Core CAZ). The property is in use as a private members club (sui generis) known as 'The Fox Club' and is a longstanding use. The building provides lounge, restaurant and bar facilities on the ground floor and hotel accommodation on the upper floors (nine bedrooms).

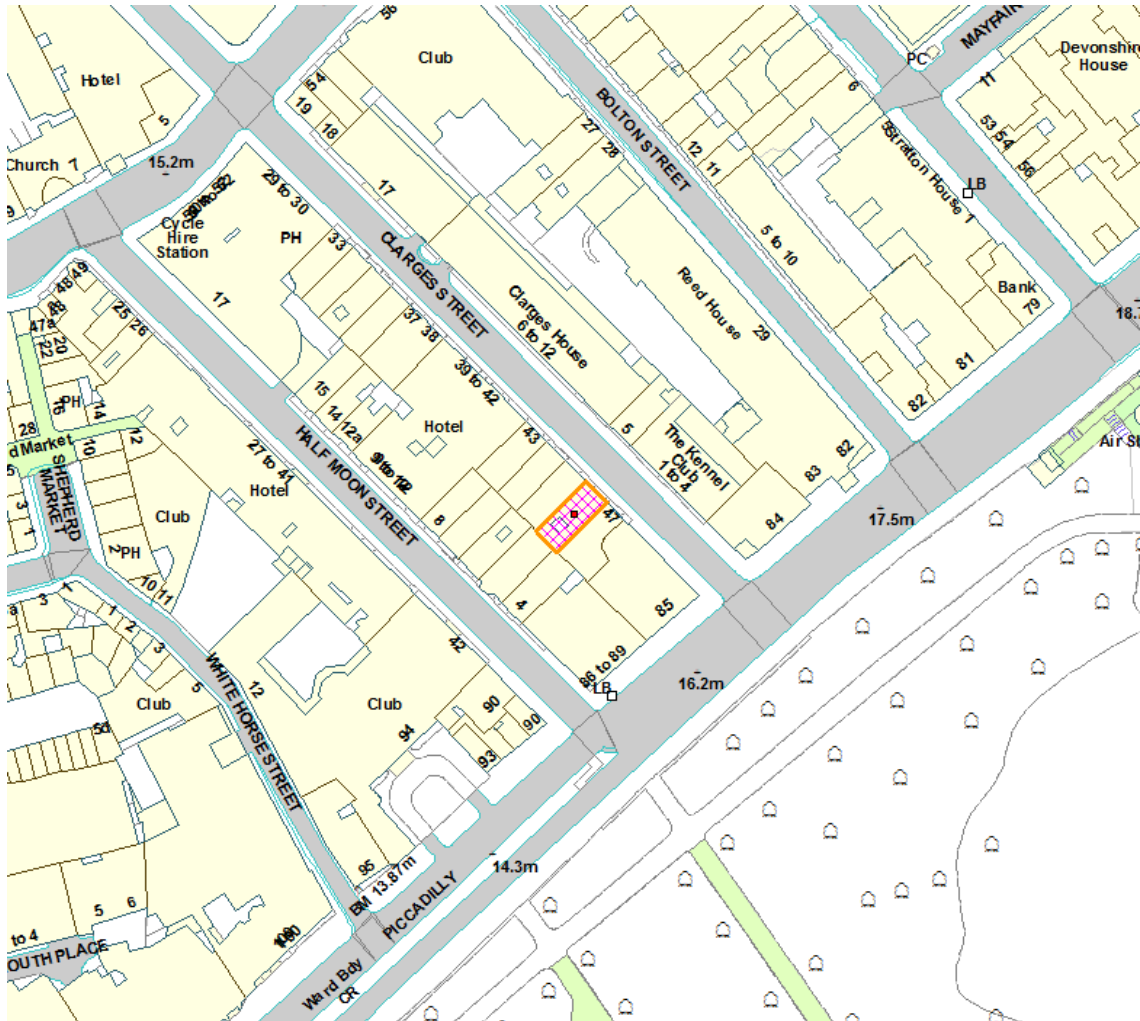
Planning permission and listed building consent are sought for the retention, relocation and installation of external air handling units and associated screening and retention of internal wall mounted air conditioning units to five bedrooms.

The key issues for consideration are:

- The impact of the plant upon the amenity of neighbouring residents.
- The impact of the plant and associated screening upon the character and appearance of the Mayfair Conservation Area and the special interest of the listed building.

The scheme has been revised entirely since submission, and the application is now acceptable in design and amenity terms and is in accordance with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation of building



5. CONSULTATIONS

The first round of consultations took place on 08 August 2016, owing to additional information and revisions to the proposals, consultations subsequently took place on 18 October 2016, 19 December 2016, 06 June 2017 and 24 January 2018.

First Consultation dated 8 August 2016

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No response received.

ENVIRONMENTAL HEALTH

No objection subject to conditions

PRESS ADVERTISEMENT / SITE NOTICE: Yes

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 42

No. in support: 4

No. of objections: Multiple objections have been received directly from, and on behalf of 2 respondents; one being the freeholder of the application property and one local resident.

Noise

- The property is a hotel. The noise report does not consider that the property itself as a noise sensitive property as defined by UDP Policy ENV6. No consideration has been given to hotel guests.
- Background noise measurements have been taken from an inappropriate location
- Background noise measurements included temporary construction works, which are not representative of normal levels of noise.
- The noise report fails to provide an accurate distance to the nearest 'noise sensitive property' and measured the background noise levels in an inappropriate location and included an unusually large amount of construction activity taking place
- There is a difference in the background noise levels presented in the two acoustic reports
- The units would exceed the noise level criteria; the proposal should only be allowed if there is no increase in noise levels

Design & Heritage Impacts

- Excessive pipework to the rear elevation
- Twelve air conditioning units would be in a prominent position and would harm private views
- The application does not consider the importance of the listed building, its location within the conservation area and the addition of its blue plaque which is installed on the front of the building for its historical connection
- Previous permissions (1995) allowed the internal units to be concealed. The wall mounted units should be removed in favour of like-for-like replacement internal units.

Other Matters

- Loss of daylight and outlook to a hotel room

Second Consultation dated 18 October 2016

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Objection – fabric and appearance of the listed building may be compromised, boxes should not be on every floor outside the building

ENVIRONMENTAL HEALTH

Objection

- The scheme would not comply with the Council's noise requirements
- Background noise data from 2015 should be used since the 2016 survey increases the LA90 noise level by 3dB(A)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

The following additional objections were raised:

Noise

- The noise level would exceed the criteria by more than 4dB

Design

- Eleven units would be harmful to the character of the building and area

Third Consultation dated 19 December 2016.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No comment

ENVIRONMENTAL HEALTH

No objection subject to conditions, and acoustic screening

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

The following additional objections were raised:

Noise

- The siting of the screens does not take into account the manufacturer's specification and installation conditions regarding air-flow and would be insufficient.
- Some of the unauthorised units have been allowed to remain in operation during the background noise survey-these units are not exempt as the 'four year rule' does not apply to listed buildings (i.e the units would never become lawful).
- There is external plant identified on the plans as belonging to a neighbouring property No. 65. No 65 is under the ownership and control of the Applicant. This also appears to be unauthorised.

Design & Heritage Impacts

- The four screens are hideous and out of place with their surroundings. They have excessive surface area and there is no colour that could improve their visual impact.
- Lack of dimensions relating to the screen to the additional four units at third floor level- in order to comply with manufacturer's specification the screen would require to be 3.8m x 2.2m x 0.8m.
- Wall mounted units would cause harm to grade II listed building.

Other Matters

- The term cassettes in air conditioning terms relates to concealed units and is it a misnomer to use this terms to describe the internal wall mounted air conditioning units that are visible.
- No consideration given to health and safety aspects when carrying out maintenance- there is no edge protection to the third floor flat roof and any protection may have a visual impact. WCC may also have a legal responsibility.
- Iverna (the freeholders) have no physical control over the unlawful air conditioning units.

Fourth Consultation dated 06 June 2017

Following amendments to the proposals which reduced the proposal to a total of 8 air conditioning units. The following comments were received:

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No objection if tidying up roofscape

ENVIRONMENTAL HEALTH

No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

The following additional objections were raised:

Noise

- Noise from the proposed equipment should be lower than the current equipment to prevent noise to the rear bedrooms of two flats at 5 Half Moon Street.
- Anglia noise report doesn't include weekend background noise
- Anglia noise report doesn't account for cease of local construction works
- Anglia noise report includes unauthorised low level plant at 45 Clarges Street
- Noise report does not account for restaurant condenser being larger and louder than other units which would increase noise levels by 3dBA
- Noise report does not account for the semi-reverberant nature of the acoustics screen, which would increase noise levels by 3dBA.
- The 8 units to the third floor roof could not be installed in accordance with manufacturers requirements and will operate inefficiently

Design & Heritage Impacts

- Location of four units to the third floor level would be more visible than previous proposals
- Increase in surface area of the third floor acoustic screen
- Internal wall mounted units would harm grade II listed building
- Lack of information on external pipework / unit connections through to the interior of the building
- Lack of information on proposed four new surface mounted units to bedrooms
- Increase to internal and external pipework

Other Matters

- Harm to private views from lead screening at 3rd floor level

Procedural matters

- Existing front and rear elevations show unauthorised air conditioning units
- Unlawful plant at 45 Clarges Street is not shown on revised drawings
- Manufacturers guidance indicates external condensers can be updated whilst retaining existing pipework and units.

Fifth Consultation dated 24 January 2018.

Following significant revisions to the proposals, which re-located plant to the third floor roof level and under a fire escape at main roof level. The following additional comments were received:

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No objection

ENVIRONMENTAL HEALTH

No objection to the proposals - the revised acoustic report demonstrates that the proposed plant will comply with the City Council's noise criteria.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

The following additional objections were raised:

Noise

- Proposal doesn't comply with manufacturers installation requirements

Design & Heritage Impacts

- Proposed 'split' system requires 11 units, which could be avoided by proposing a VRV system
- Unreasonable amount of pipework will be required by 'split' system
- Screening is unsightly
- Proposed work would harm the historic environment
- Substantial harm cause to the conservation area and the listed building

Procedural matters

- Plans are misleading as "existing" plant is unauthorised
- Letter from Brecher LLP is inaccurate as no submissions have been made to the freeholder
- Proposed scheme is considered un-deliverable
- No 'Appropriate [planning] applications' were submitted within 28 days of the enforcement notice

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

The application site is 46 Clarges Street, which is a Grade II, listed building located in the Mayfair conservation area. Clarges Street is mixed in character, with a number of commercial and residential uses. It is located within the Core Central Activities Zone.

The property is in use as a private members club (sui generis) known as 'The Fox Club' it is a longstanding use and has been operating since the 1960's. The adjoining building at No. 45 also forms part of The Fox Club following permission granted in 2011; however the works relate solely to No. 46 Clarges Street.

The Fox Club is a private members club and provides lounge, restaurant and bar facilities on the ground floor and overnight accommodation on the upper floors comprising nine bedrooms.

6.2 Recent Relevant History

Planning permission and listed building consent has not been granted for the air conditioning units currently in place within the front basement lightwell or to the rear ground and first floor level.

Following the unlawful installation of six air conditioning units in 2014, a complaint was raised with the Council's Planning Enforcement Team. There are two open enforcement cases relating to the installation of the external and internal air conditioning units.

A planning application and listed building consent for the retention of seven external air conditioning units attached to the rear elevation at first floor level was submitted. These applications were withdrawn in August 2015 prior to determination as there was potential for further units to be installed over and above those contained within the applications. In order to avoid piecemeal plant installations, it was considered that a mechanical solution for the whole building should be investigated. The submitted acoustic report did not demonstrate adequate attenuation.

45 Clarges Street

A further planning enforcement case investigated an unauthorised air conditioning unit at 45 Clarges Street. The case was closed on 26 June 2017 as the subject air conditioning unit had been removed.

7. THE PROPOSAL

There is no planning history relating to the air conditioning units installed to the rear at ground and first floor levels. The application therefore seeks to regularise the breach of planning control along with amendments to the existing arrangement.

Planning permission and listed building consent is sought for the following:

- Retention of 1 air handling unit within the front lightwell;
- Relocation of 3 unauthorised HVAC condensers to third floor roof level; all on steel supports and rubber mounts;
- Installation of 1.5m high lead screening at third floor roof level;
- Relocation of 3 unauthorised condensers to main roof level under an existing fire escape stair;
- Installation of 4 new condenser units at main roof level under an fire escape fire escape stair;
- Installation of 1.5m high lead screening at main roof level; and
- Retention of internal wall mounted air conditioning units to bedrooms 1, 2, 3, 4 and 5

All external pipework will be contained within black plastic rainwater pipes.

8. DETAILED CONSIDERATIONS

8.1 Land Use

There are no associated land use issues associated with the installation of air handling units in connection with a private members club (sui generis). The use of 46 Clarges Street as a private members club is longstanding.

8.2 Townscape and Design

The existing unauthorised arrangement of air conditioning units at the rear of the listed building is harmful to its special interest. The proposal to relocate these at roof level in a screened enclosure improves the appearance of the rear of the building. Adding additional bulk to the rear of the closet wing is normally considered unacceptable in listed building policy terms because the height of the wing should be subordinate to the main building, and should not rise above the parapet level of the rear facade.

In this particular case, the rear of the terrace of which this building is part is very varied. The building to the south is significantly taller. The proposed plant area would be set adjacent to the higher party wall, away from the north wall of the closet wing, and the visual impact is considered acceptable. The screening is to be clad in lead, which will give it a traditional appearance. The other units fixed higher up on the party wall will also be screened. It is considered that these proposals will not harm the special architectural and historic interest of the listed building or harm the character and appearance of this part of the Mayfair Conservation Area.

The retention of the air conditioning unit in the front area is concealed beneath the stairs to street level and is not considered harmful to the appearance or special interest of the listed building.

The interior of the listed building has been much altered and its special interest is very limited. It is considered that the proposed air conditioning units will not harm the limited special interest of the interior of the building.

It is concluded that this is an acceptable solution to the problem of the unauthorised units and it complies with the City Council's urban design and conservation policies, including DES 6, DES 9 and DES 10.

8.3 Residential Amenity

The proposal would retain an unauthorised unit within the front basement lightwell. This would be located away from neighbouring windows and would not cause harm to residential amenity. With the exception of the unit within the front basement lightwell, the proposed units would all be located / re-located to the rear of the site at third floor roof level, or at main roof level under a fire escape stair.

The closest residential property is 47 Clarges Street, which adjoins to the south of the application site. This property would not have direct views of the proposed air conditioning units and there would be no harm to amenity by way of daylight, sunlight or sense of enclosure.

The rear of the application site backs onto Nos. 4 and 5 Half Moon Street. Council tax and electoral records show that number 4 Half Moon Street contains a flat and a single family dwelling. 5 Half Moon Street is divided into a number of flats.

The air conditioning units at third floor roof level would be approximately 9m from windows in the rear of 4 Half Moon Street. The proposed screening would be marginally closer. The screening would be directly visible in private views from both Nos. 4 and 5 Half Moon Street, although it is considered that the presence of screening would help to preserve private views. Similarly, the proposed screening to the plant at main roof level would also preserve private views. No. 5 Half Moon Street is offset and due south of the application site. As such, it would have limited views of the proposed plant and screening under the fire escape at roof level.

Owing to the location of the proposed plant and screening, there would be no undue sense of enclosure, or loss of daylight or sunlight to any neighbouring properties.

Overall, the size, scale and position of the plant and associated screening is not considered to have an adverse impact upon neighbouring residential windows and the application is acceptable in this regards.

8.4 Transportation/Parking

The application does not raise any transportation issues.

8.5 Economic Considerations

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

8.6 Access

The application does not raise any access issues.

8.7 Other UDP/Westminster Policy Considerations

Plant

The area has been assessed as an area in which existing ambient noise levels exceed WHO Guideline levels.

The nearest noise sensitive property has been identified in the acoustic report as being windows to the rear of 5 Half Moon Street. An objection has been received, which raises concern that as the property is a private members club with overnight rooms, the property itself should be taken as the nearest noise sensitive property. It is not considered that the application site is the nearest noise sensitive property, as the application has been submitted by the applicants who are the sole occupiers of the building and the sole use is as a private members club. It is in their best interests to

ensure that the proposed plant would not cause a noise nuisance for the occupiers of the overnight rooms. The consideration is therefore of the noise generated by the proposed plant, is confined to the impact on the neighbouring properties and not the application property itself.

A revised acoustic report was submitted in January 2018 to take into account the relocated condenser units, the upgraded noise attenuation and the removal of an unauthorised condenser unit at 45 Clarges Street. The latest acoustic report is based on background noise measurements taken in December 2017. It establishes that the measurements taken in December 2017 are consistent with those taken in September 2016 and sets out that the lowest background noise level is 50dB for 24hours. An objector has commented that the acoustic report does not include weekend background noise levels. The Council's Environmental Health Officer (EHO) has confirmed that whilst it is advised that acoustic reports include this data, this is not a specific requirement.

A supporting statement from the design, installation and maintenance engineer clarifies that the background noise levels have been re-tested and differ from those presented in the original report; the sound equipment was positioned closer to the adjoining property, and not able to take into account the sound levels in the centre of the lightwell. The applicant considers the levels presented in the revised acoustic report dated 11 December 2016 by Anglia Consultants to be a fair and accurate reflection of existing background noise levels.

An objector has commented that the acoustic report does not show a drop off in background noise levels at night. The applicant has confirmed that the plant has been switched off for the acoustic surveys, and the EHO has advised that it is possible the background noise results may indicate other plant in the locality which is not connected to the application site.

An objector has raised concern that the proposed restaurant condenser would be louder than other units and has not been included in the calculations. The EHO has confirmed that this condenser has been included in the submitted acoustic report.

An objection also raises concerns that the reverberant nature of the acoustic screen has not been accounted for in the acoustic report. The EHO has confirmed that this is the case. In this particular instance, the acoustic report has used a façade correction of 3 dB in their calculations, which is not specifically required. It is considered that by accounting for the façade correction, the calculations made in the acoustic report have offset the reverberant level and there is no concern with regard to the impact of the reverberant levels on noise.

To comply with the City Council's noise criteria, the plant is required to operate 10dB below the background noise levels with the design level criterion at the nearest noise sensitive receptor being 40dB. The plant is not tonal and is indicated to operate over a 24 hour period.

The nearest noise sensitive windows are 9m away. In order that the design criteria is achieved 1m outside the nearest residential window, the applicant is proposing to install

lead acoustic screens to both the third floor roof level and the main roof level (under the fire escape).

An objector has raised concern that the proposed screening, when installed would inhibit air flow and is contrary to manufactures specification. The applicant states that there are no details in the manufacturer's details relating to 'Precautions for Safety'. They comment further that there are recommendations to avoid obstructions, but the principal reference around the units relates to reserving sufficient space for installation or servicing, not air flow. The EHO have recommended that the onus is on the applicants M&E installer and the Acoustic consultant to provide a scheme which will operate effectively. There is no objection from Environmental Health with this regard.

Environmental Health officers have confirmed that the application, subject to the installation of the acoustic screening outlined in the acoustic report is likely to comply with the City Council's standard noise conditions and have raised no objection to the proposal. Therefore, it is not considered sustainable to refuse the application on these grounds.

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 applications are not CIL liable.

8.11 Environmental Impact Assessment

The scale and type of proposed development does not require full the submission of an Environmental Impact Assessment or provide opportunities for additional sustainability measures.

8.12 Other Issues

Objections have been received which raise issues relating to the ability to install works that were the subject of previous 1995 consent. However, it appears from the planning history that the application in 1995, which included plant, was withdrawn prior to determination. There was a further consent in August 1995, but this did not include air conditioning. Given that the time limit to implement these consents has expired, these works would require the benefit of planning and listed building consent.

An objector has commented that the proposed 'split' system which requires 11 units is unreasonable, since the number of units could be reduced by adopting a Variable

Refrigerant Volume (VRV) system. The planning application can only be assessed on its merits, and no proposals for a VRV system have been forthcoming. It is not considered sustainable to refuse the application on the grounds that there may be alternative systems which could be installed.

An objector raises concerns that the submitted existing plans show plant machinery, which is unauthorised. Whilst it is noted that the annotations on the drawings could be more concise, officers are aware the plant on site is unauthorised, and the proposals have been assessed on this basis. It is considered inappropriate to present existing plans which do not show plant which is already on site – albeit that it is unauthorised.

An objector raises issues of health and safety. It is the responsibility of the applicants to ensure that they can undertake maintenance safely in accordance with the relevant legislation, it is not within the remit of planning legislation to account for this.

An objector has raised concern that the proposed scheme is un-viable. The viability of the proposals are not a material planning consideration in this instance. Should the works not be carried out, then an enforcement investigation would proceed accordingly.

An objector refers to an alleged unauthorised unit at No. 65 Clarges Street, which has increased background noise levels. The applicant has responded to say that the unit in question is likely to have been installed following planning and listed building consent being permitted for eight units on the roof of the property in 1995. They also state that the applicant first had an interest in the property in 2004; however, they do not now have any interest in the property. The plant serves an office and operates during normal working hours.

9. BACKGROUND PAPERS

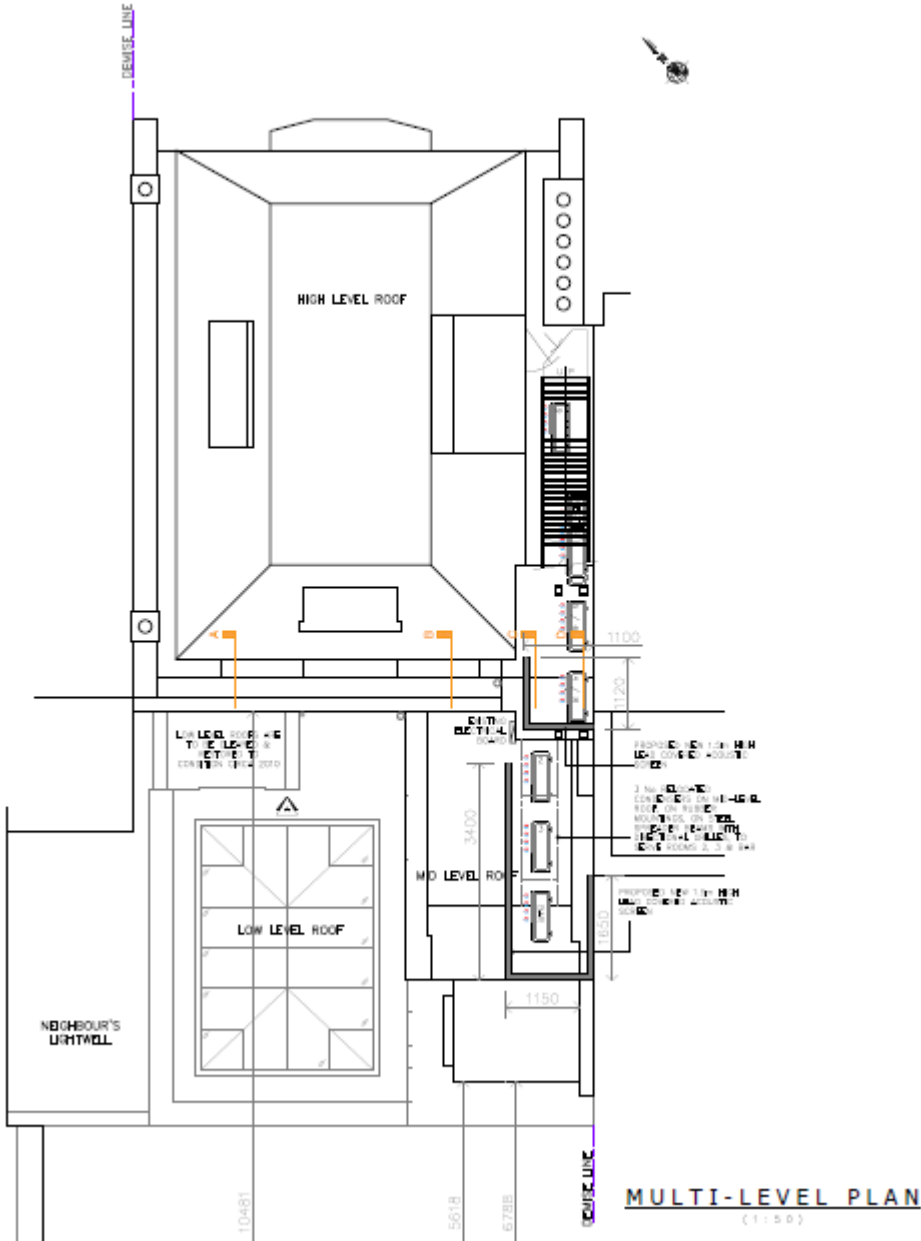
1. Application form
2. Response from Environmental Health, dated 25 October 16, 22 December 2016, 8 June 17, 30 January 18 and 03 May 18.
3. Response from Residents Society of Mayfair and St James's, dated 1 December 2016, 27 June 2017, 04 July 2017 and 15 March 18.
4. Letters from occupier of 2nd Floor Flat, 5 Half Moon Street, dated 28 September 2016, and 28 June 2017
5. Letters from occupier of 9 De Walden Court, 85 New Cavendish Street, dated 10 August 2016, 4 November 2016, 18 January 2017, 13 June 2017, 10 July 2017, 11 July 2017, 13 February 2018, 14 February 2018, and 16 February 2018.
6. Letters from Stephenson Harwood LLP on behalf of the occupier of 9 De Walden Court, 85 New Cavendish Street dated 17 July 2017, 2 August 2017 and 17 November 2017, 10 January 2018, 23 February 2018, 12 March 2018.
7. Letter from The Kennel Club dated 07 February 2018
8. Letter from the occupier of 8 Ryegrass Close, Walderslade, dated 09 February 2018
9. Letter from a Fox Club member dated 01 May 2018
10. Letter from the occupier of Sanson Seal House, Berwick upon Tweed, dated 01 May 2018

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

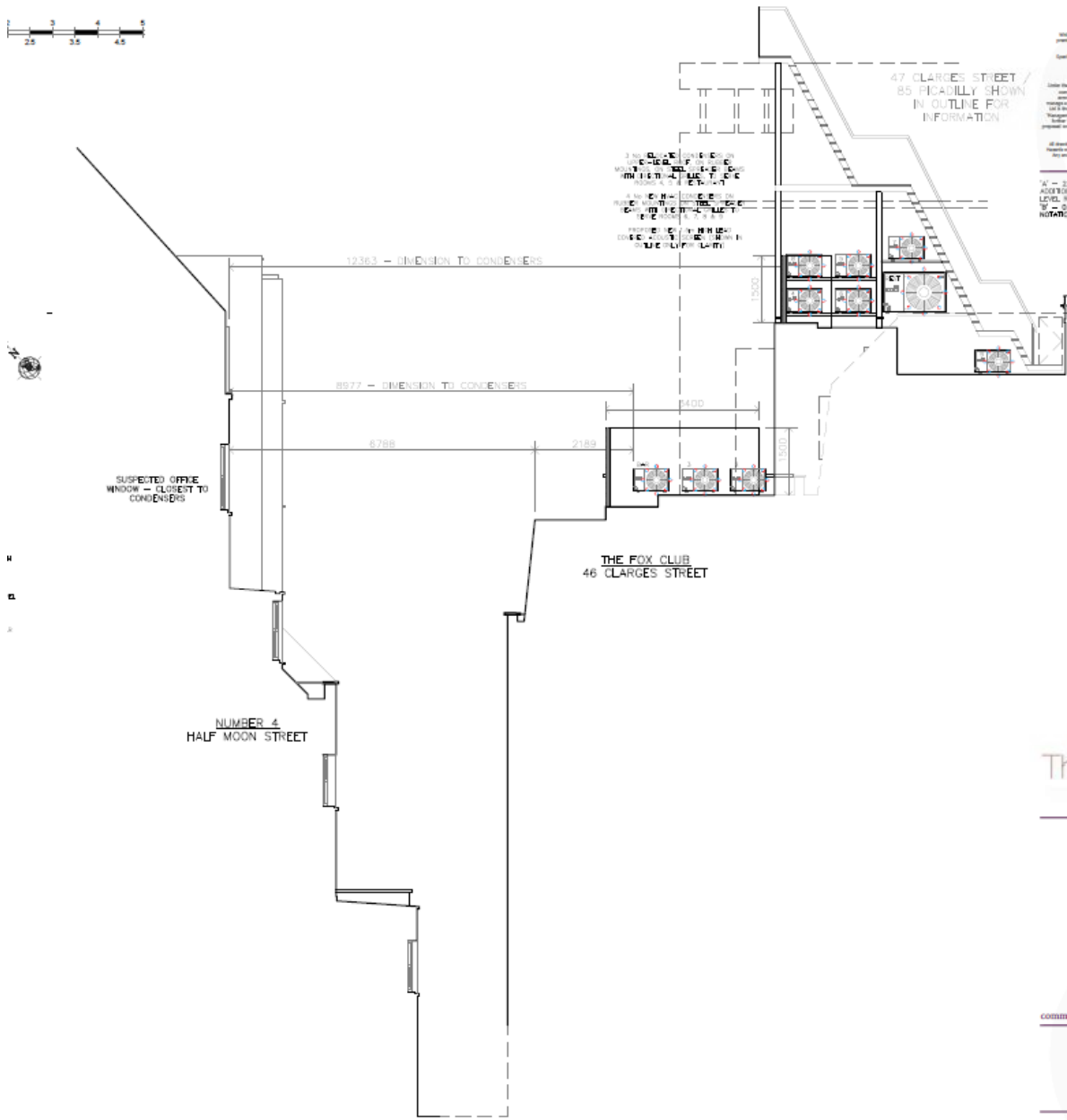
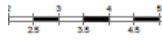
Item No.
7

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

Drawing 3: Proposed Multi level roof plan



Drawing 4: Proposed Section



Attention has been taken to ensure the accuracy of this survey, and in the event of a dispute, the position of the structure, including existing, proposed and proposed to be removed, shall be taken as shown on this drawing.

Ground levels may be checked on site prior to construction of the proposed works.

Any building information found on the drawing must be reported for the client.

Under the terms of contract number 1027 for building completed before 2000, the building owner is responsible for ensuring the accuracy of the information provided to the architect. The architect is not liable for the accuracy of the information provided to the architect. The architect is not liable for the accuracy of the information provided to the architect. The architect is not liable for the accuracy of the information provided to the architect.

All drawings produced shall be the property of the architect and shall remain the property of the architect. All drawings produced shall be the property of the architect and shall remain the property of the architect.

14 - 22/02/18 - AP
 ADDITIONAL RETURN ADDED TO ADJUSTED SCREEN TO ME LEVEL 100'
 15 - 22/02/18 - AP
 NOTATION UPDATED

SECTION THROUGH 'D'-'D'
 (1:1000)

The Fox Club

ampersand
 8 The Mall
 Cannon Mews
 London W1J 7EJ
 020 7319 5859
 info@ampersand.com
 www.ampersand.com

commercial architectural design, and then some

CONTRACT
 The Fox Club
 46 Clarges Street
 London
 W1J 7EJ

DRAWN
 As Proposer
 Section D-I
 Showing Adjacent Building

DRAFT DECISION LETTER

Address: 46 Clarges Street, London, W1J 7ER,

Proposal: Retention of one external air handling unit within the front lightwell. Relocation of six external condensers and the installation of four new external condensers (three at mid roof level and seven at upper roof level) with associated acoustic screening. Retention of internal wall mounted air conditioning units to bedrooms 1, 2, 3, 4 and 5.

Reference: 16/07360/FULL

Plan Nos: 6708_201 Rev A, 6708_202 Rev B, 6708_203 Rev B, 6708_204 Rev B, 6708_205 Rev B, 6708_206 Rev B, 6708_207 Rev B

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 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 (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.

- 4 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.

- 5 You must install all the screens as shown on approved drawing 6708_202 Rev B and 6708_204 Rev B before you use the machinery. You must then maintain the screens in the form shown for as long as the machinery remains in place.

Reason:

To protect the environment of people in neighbouring properties and to make sure the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair conservation area and to protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 6, DES 9 and DES 10 (A) and paras 10.108 to 10.146, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES

10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

Informative(s):

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

- 2 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.

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)

- 3 Conditions 3 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 4 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.

Item No.
7

DRAFT DECISION LETTER

Address: 46 Clarges Street, London, W1J 7ER,

Proposal: Retention of one external air handling unit within the front lightwell. Relocation of six external condensers and the installation of four new external condensers (three at mid roof level and seven at upper roof level) with associated acoustic screening. Retention of internal wall mounted air conditioning units to bedrooms 1, 2, 3, 4 and 5.

Reference: 16/07361/LBC

Plan Nos: 6708_201 Rev A, 6708_202 Rev B, 6708_203 Rev B, 6708_204 Rev B, 6708_205 Rev B, 6708_206 Rev B, 6708_207 Rev B

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

- 3 You must install all the screens as shown on approved drawing 6708_202 Rev B and 6708_204 Rev B before you use the machinery. You must then maintain the screens in the form shown for as long as the machinery remains in place.

Reason:

To make sure the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair conservation area and to protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 6, DES 9 and DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest. In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan 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.

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

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Agenda Item 8

Item No.
8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 May 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	13 Caroline Terrace, London, SW1W 8JS		
Proposal	Enlargement of rear closet wing and infill extensions at rear ground and first floor level. Enclosing of area beneath the ground floor front entrance bridge with door and side panel and replacement of lightwell window at front lower ground floor level.		
Agent	Mr William Adams		
On behalf of	Mr & Mrs Hewitt		
Registered Number	17/10749/FULL	Date amended/ completed	12 February 2018
Date Application Received	4 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

Grant conditional planning permission.
--

2. SUMMARY

<p>No. 13 Caroline Terrace is an unlisted building of merit within the Belgravia Conservation Area. It is a mid-terrace property comprising basement, ground and two upper floors. The property is in residential use as a single-family dwelling.</p> <p>Planning permission is sought to extend the building at the rear. It is proposed to extend the depth and height of the existing rear closet wing extension and to construct small infill extensions at ground and first floor levels. The application also proposes to enclose the area beneath the ground floor front entrance bridge with a door and side panel and to replace the front lightwell window with a traditional timber painted sash window. The scheme has been revised during the consideration of the application.</p> <p>The occupier of the adjoining residential property at No. 14 Caroline Terrace has objected to the proposal on the grounds that the extension to the rear closet wing goes past the well-established rear building line. The objector considers this would be detrimental to the coherence of rest of the terrace</p>

and would set a precedent for other properties to undertake similar extensions. The objector is also concerned about the amenity impact, including overshadowing, of their first floor habitable rooms.

Policy DES 5 (A) generally allows an extension to a building where 'it does not visually dominate the existing building' and 'if it is in scale with the existing building and its immediate surroundings.' Consequently, rear infill extensions should be subordinate to both the main house and the closet wing to allow the different stages of the development of the building to be read. Additionally, DES 5 considers that extensions should normally terminate at the penultimate storey of the existing building, excluding any roof storeys.

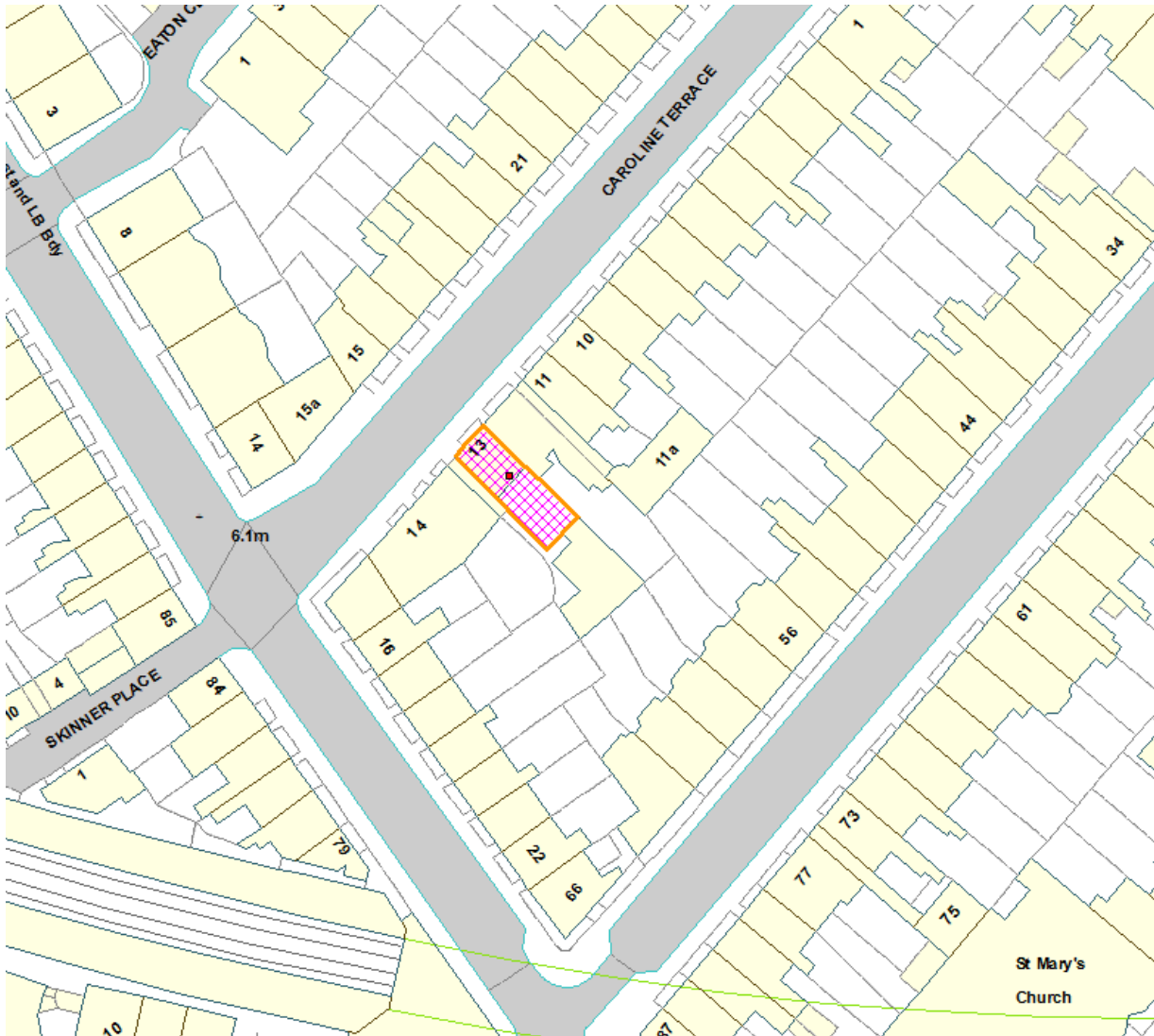
The proposal would extend the rear building line of the existing closet wing by approximately 0.9m at basement, ground and first floor levels. The overall height of the closet wing would also increase by approximately 3.4m which includes additional ceiling height at first floor and an additional storey at second floor level. Following revisions to the scheme the depth of the new second floor extension will be approximately 1.2m. (as originally submitted it was 2.4m). Raising the height of the closet wing to second floor level is considered necessary in policy terms in order to allow the proposed infill extensions at ground floor and first floor level to have a subordinate relationship to the closet wing. The ground and first floor infill extensions have a small set back so that they are subservient to the closet wing

The scheme proposed is considered to be in scale with the existing building and its immediate surroundings. The extended closet wing is not considered to be detrimental to the coherence of the rest of the terrace as the main rear building line of the application site is already different to the main rear building line of the next door property at No. 11. Overall the proposals are considered acceptable in design and conservation area terms. A condition is recommended requiring works to the rear closet wing to be undertaken at the same time as the infill extensions and completed in full, in order that the proposed works would maintain an appropriate and proportional relationship to the main house, in accordance with Policy DES 5. The proposals are therefore considered to comply with S28 of the City Plan and DES 1, DES 5 and DES 9 of the UDP.

The objector's property has an external terrace at rear first floor level. This will be affected by the proposed extension to the closet wing at first and second floor level. However as the terrace will continue to enjoy an unencumbered view in all other directions it is not considered that the reduced outlook from the terrace will be so harmful as to warrant a refusal. In addition the objector's windows are not considered to be detrimentally affected by the proposal in terms of outlook and, given their south-easterly aspect, it is not considered that the habitable rooms will suffer overshadowing sufficient to merit a refusal of planning permission on these grounds.

Although the objector maintains their objection to the revised scheme, at their request a condition is recommended to prevent the use of the roof of the closet wing at first floor level for sitting out or for any other purpose in order not to compromise their privacy. Accordingly, with the proposed condition the proposals are not considered to lead to overlooking, sense of enclosure, privacy or loss of light issues sufficient to merit a refusal of permission on these grounds and are considered acceptable in amenity terms compliant with S29 of the City Plan and ENV13 of the UDP.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front of Application Property



Rear of Application Property. The objector's property at No.14 is to the left.

5. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION
No response.

BELGRAVIA NEIGHBOURHOOD FORUM
No response.

THE BELGRAVIA SOCIETY
No response.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 4
Total No. of replies: 2
No. of objections: 2
No. in support: 0

Two letters of objection received from the occupier of the adjoining property at No. 14 on the following grounds:

Design - concerned that the extensions would breach the established building line and would set a precedent for other properties to do the same

Amenity – concerned that the extension would extend beyond the existing building line which would have a negative impact on the enjoyment of the property by overshadowing the first floor habitable room windows.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

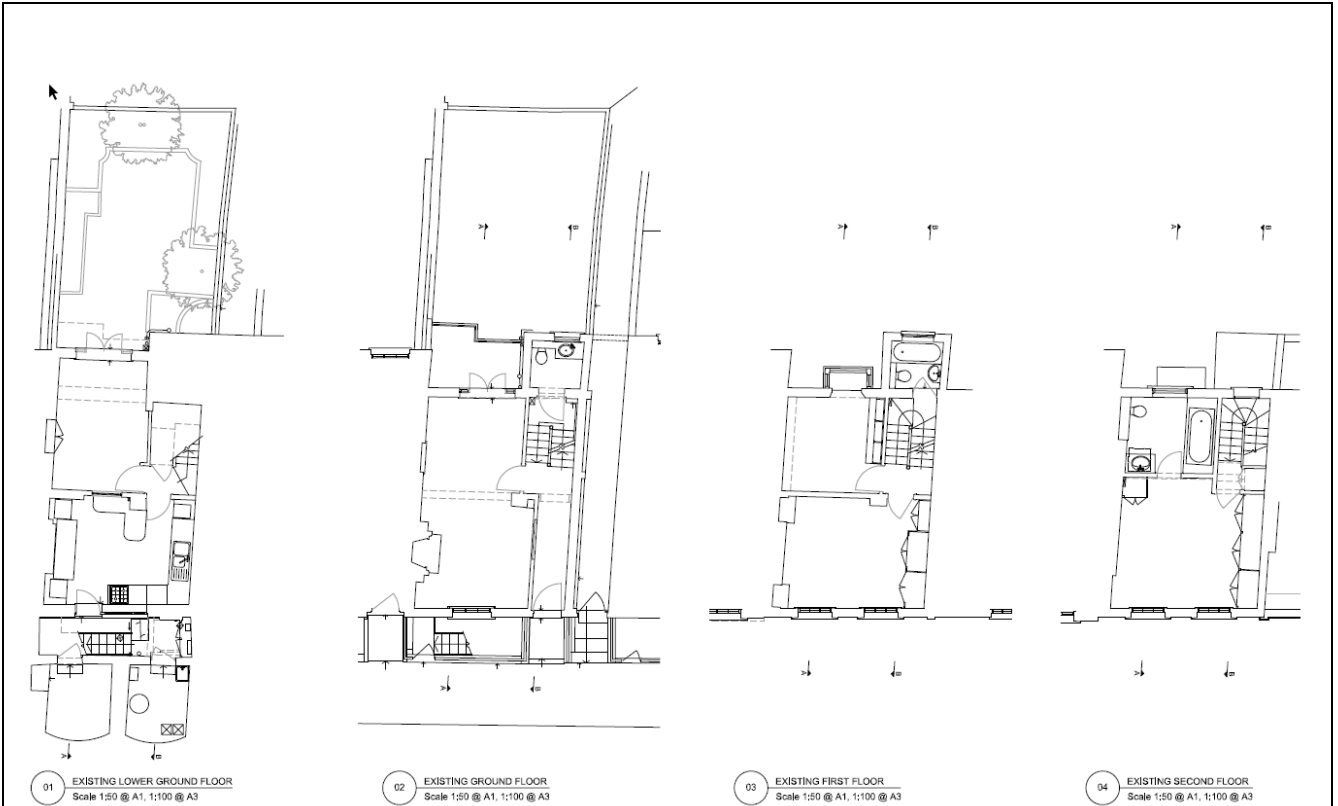
6. BACKGROUND PAPERS

1. Application form
2. Letter from occupier of 14 Caroline Terrace dated 5 March 2018 and 27 December 2017.

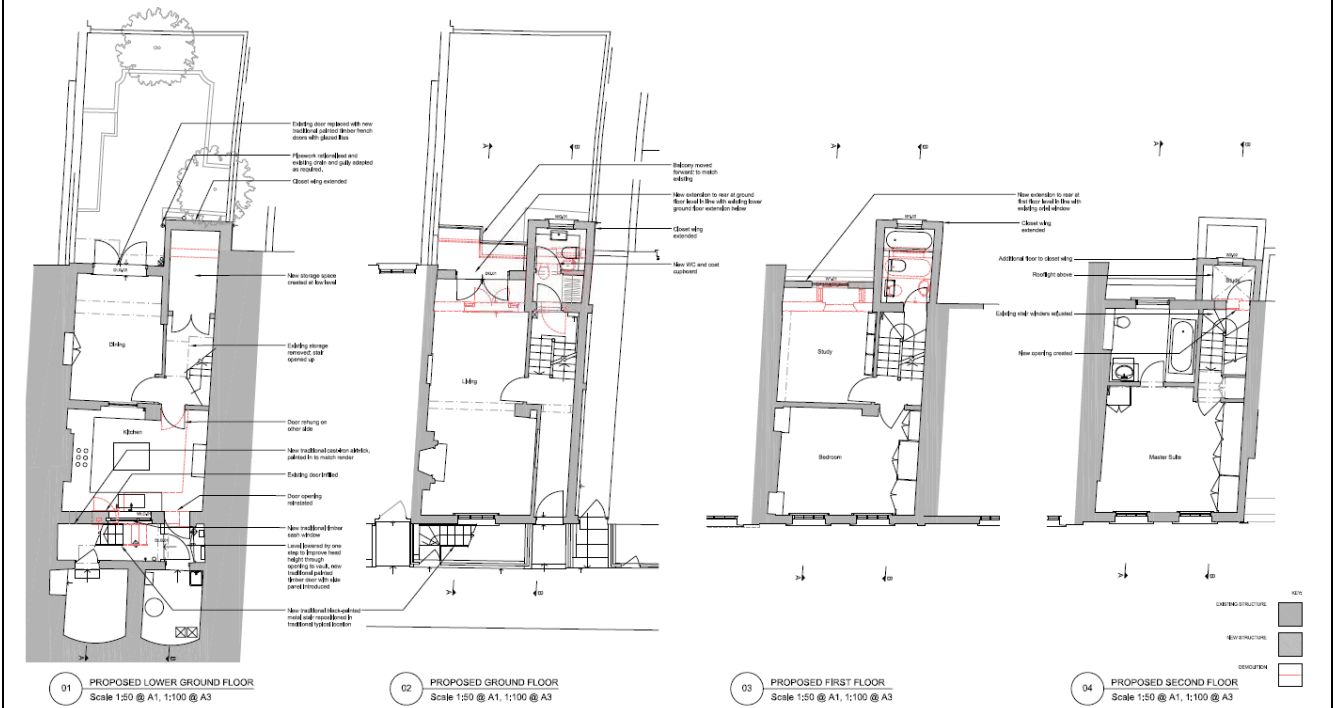
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **MATTHEW MASON** BY EMAIL AT mmason@westminster.gov.uk

7. KEY DRAWINGS



Existing Floor Plans



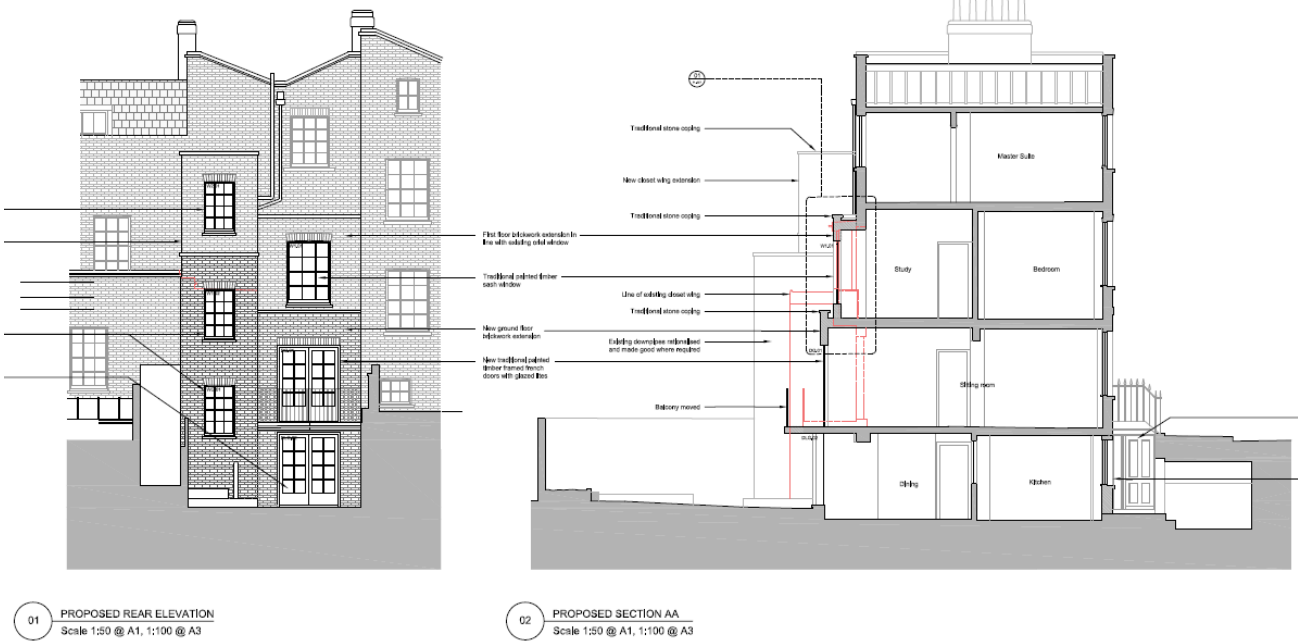
Proposed Floor Plans



01 EXISTING REAR ELEVATION
Scale 1:50 @ A1, 1:100 @ A3

02 EXISTING SECTION AA
Scale 1:50 @ A1, 1:100 @ A3

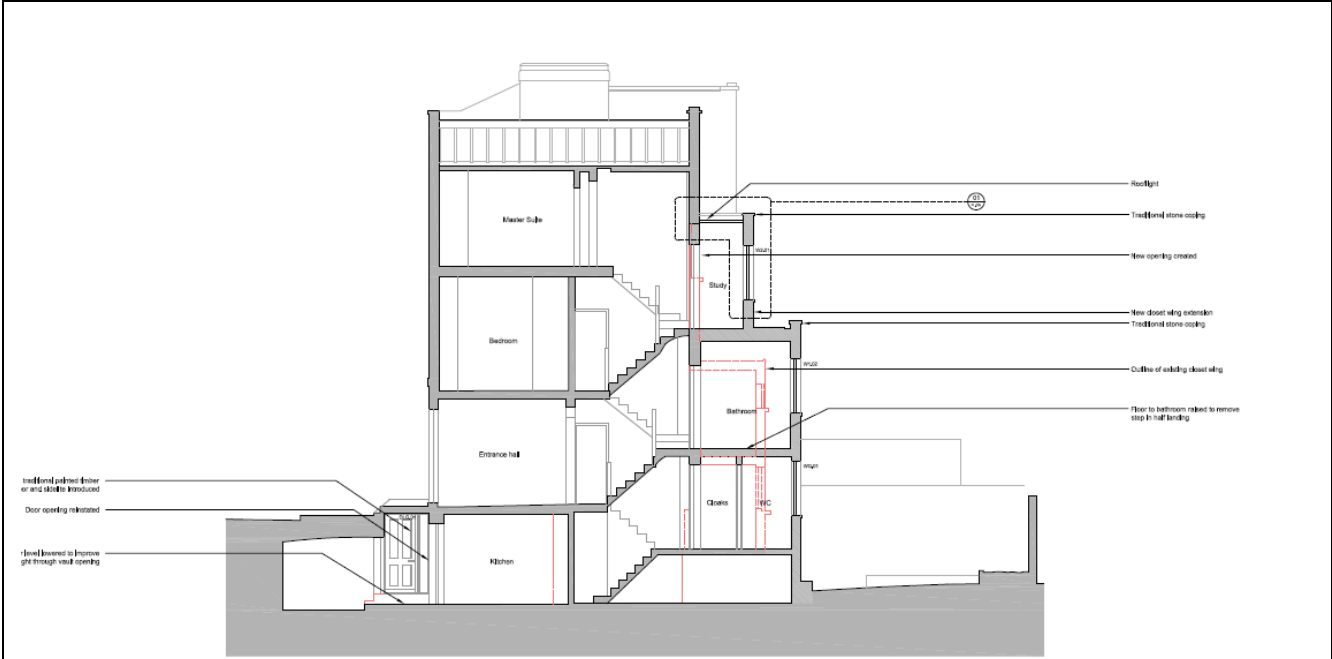
Existing Rear Elevation and Section through Infill Extension



01 PROPOSED REAR ELEVATION
Scale 1:50 @ A1, 1:100 @ A3

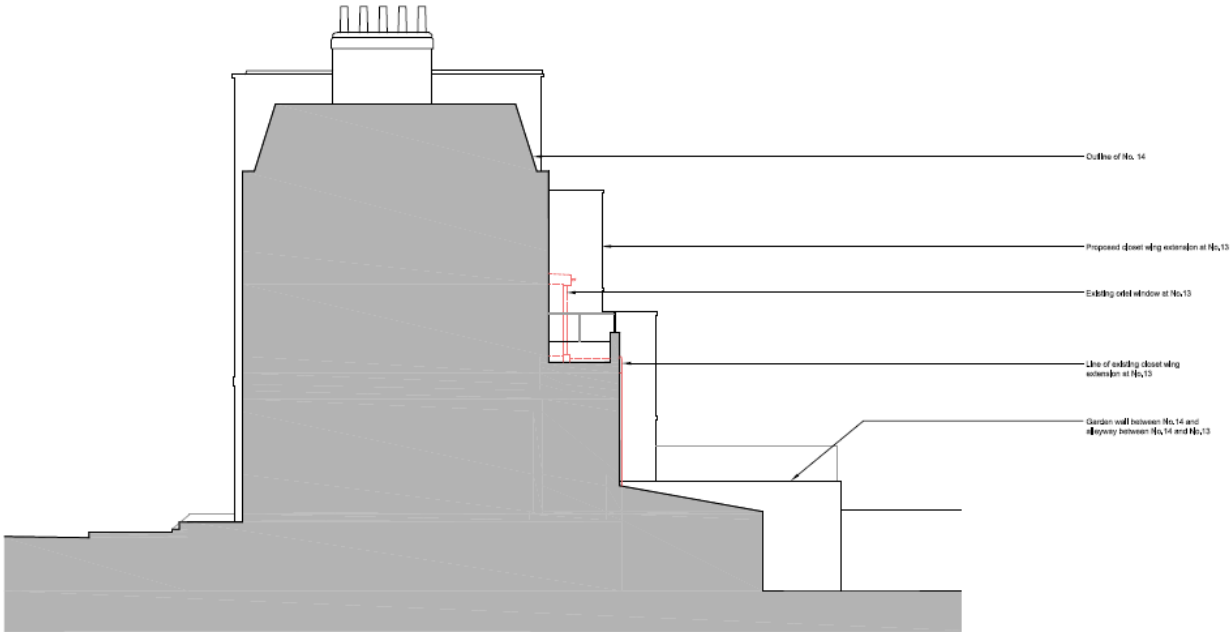
02 PROPOSED SECTION AA
Scale 1:50 @ A1, 1:100 @ A3

Proposed Rear Elevation and Section through Infill Extension



01 PROPOSED SECTION BB
Scale 1:50 @ A1, 1:100 @ A3

Proposed Section through Closet Wing Extension



01 PROPOSED SECTION CC
Scale 1:50 @ A1, 1:100 @ A3



Proposed Section showing Extension viewed against Outline of No. 14

DRAFT DECISION LETTER

Address: 13 Caroline Terrace, London, SW1W 8JS,

Proposal: Enlargement of rear closet wing and infill extensions at rear ground and first floor level. Enclosing of area beneath the ground floor front entrance bridge with door and side panel and replacement of lightwell window at front lower ground floor level.

Plan Nos: EX.SLP; PH.001; EX.001; EX.004; EX.005; EX.006; PL.001 Rev. A; PL.004; PL.005 Rev. A; PL.006 Rev. A; PL.007 Rev. A; PL.021; PL.022; PL.023; PL.024; PL.025; PL.026 Rev. A; PL.027.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and commitments listed on this decision letter, and any drawings approved subsequently by the Council. It shall be subject to any conditions on this decision letter.

Reason:

In order 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 13.00 on Saturday; and
 - o not at all on Sunday, 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 Saturday, Sunday, bank holidays and public holidays.

Noisy work must not take place outside the above 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 NV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

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

- 4 You must not use the roof of the closet wing at first floor level for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

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

- 5 The works of enlargement to the rear closet wing hereby approved must be undertaken at the same time as the infill extensions and must be completed in full.

Reason:

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

Informative(s):

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

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