



City of Westminster

Committee Agenda

Title: **Planning Applications Sub-Committee (1)**

Meeting Date: **Tuesday 31st July, 2018**

Time: **6.30 pm**

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

Members: **Councillors:**
Tony Devenish (Chairman)
Timothy Barnes
Susie Burbridge
Tim Roca

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. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|---|--------------------------|
| 1. 143-145 STRAND, LONDON, WC2R 1JA | (Pages 5 - 28) |
| 2. ROMNEY MEWS, LONDON | (Pages 29 - 48) |
| 3. 32 MAUNSEL STREET, LONDON, SW1P 2QN | (Pages 49 - 66) |
| 4. 163 - 173 PRAED STREET, LONDON, W2 1RH | (Pages 67 - 104) |
| 5. PARKWOOD, 22 ST EDMUND'S TERRACE, LONDON, NW8 7QQ | (Pages 105 - 128) |
| 6. FLAT 3, 12 NORTHWICK TERRACE, LONDON, NW8 8JD | (Pages 129 - 142) |

Stuart Love
Chief Executive
23 July 2018

Agenda Annex

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 31st July 2018
SCHEDULE OF APPLICATIONS

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 17/08077/FULL St James's	143-145 Strand London WC2R 1JA	Partial demolition at rear and erection of rear extensions at basement to roof levels; shopfront alterations; installation of plant and machinery and associated alterations in connection with the use of the building for retail purposes (Class A1) at part basement and part ground floor level and as a hotel (Class C1) throughout the rest of the building.	
	Recommendation Refuse permission - loss of retail and loss of an important cultural and night time entertainment use (the India Club restaurant/bar)			
2.	RN(s) : 18/03593/FULL Marylebone High Street	Romney Mews London	Erection of three bedroom dwellinghouse (Class C3) over ground to fourth floor level.	
	Recommendation Grant conditional permission.			
3.	RN(s) : 18/04857/FULL St James's	32 Maunsel Street London SW1P 2QN	Erection of first floor rear extension.	
	Recommendation Grant conditional permission.			
4.	RN(s) : 17/10613/FULL 18/00071/LBC Hyde Park	163 - 173 Praed Street London W2 1RH	Application 1: Reconfiguration of ground and basement floors to provide a Class A1 retail shop unit and a Class A3 café/ restaurant unit, use of part of 1st floor as Class B1 office and part as dual/ alternative Class B1/ A3 use, use of 2nd floor as Class B1 offices, erection of a two storey roof extension to form new 3rd and 4th floors for use as Class B1 offices and alterations to the existing building including facade re-cladding, installation of new kitchen extract duct, installation of roof level plant and associated works. Application 2: Erection of a two storey extension to existing retaining wall to Paddington Circle and District Line Underground Station.	

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 31st July 2018
 SCHEDULE OF APPLICATIONS

	<p>Recommendation Application 1: Grant conditional permission.</p> <p>Application 2: 1. Grant conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>			
Item No	References	Site Address	Proposal	Resolution
5.	<p>RN(s) : 18/04743/FULL</p> <p>Regent's Park</p>	<p>Parkwood 22 St Edmund's Terrace London NW8 7QQ</p>	<p>Demolition of an existing summerhouse and the erection of extension at third floor level to enlarge Flat 17, the erection of extension at fourth floor level to enlarge Flat 19, and alterations to roof structure at sixth floor level to increase its height and bulk, including a new roof terrace to rear elevation in connection with the reduction in the size of Flat 20 and the enlargement of Flat 2.</p>	
	<p>Recommendation Grant conditional permission.</p>			
Item No	References	Site Address	Proposal	Resolution
6.	<p>RN(s) : 18/03181/FULL</p> <p>Regent's Park</p>	<p>Flat 3 12 Northwick Terrace London NW8 8JD</p>	<p>Alterations to fenestration at rear first floor level and installation of balustrade to form roof terrace on rear of first floor flat roof.</p>	
	<p>Recommendation Grant conditional permission.</p>			

Agenda Item 1

Item No.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 31 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	143-145 Strand, London, WC2R 1JA,		
Proposal	Partial demolition at rear and erection of rear extensions at basement to roof levels; shopfront alterations; installation of plant and machinery and associated alterations in connection with the use of the building for retail purposes (Class A1) at part basement and part ground floor level and as a hotel (Class C1) throughout the rest of the building.		
Agent	Project Orange		
On behalf of	Marston Properties Ltd		
Registered Number	17/08077/FULL	Date amended/ completed	8 September 2017
Date Application Received	8 September 2017		
Historic Building Grade	Unlisted		
Conservation Area	Strand		

1. RECOMMENDATION

Refuse permission- loss of retail and loss of an important cultural and night time entertainment use (the India Club restaurant/bar)
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2. SUMMARY

143 – 145 Strand is unlisted building of merit located within the Strand Conservation Area, Core Central Activities Zone and West End Strategic Cultural Area. It is currently in use as shops on the ground floor with a hotel and restaurant/bar on the floors above. The restaurant/bar is known as the India Club, which has strong associations with the ex-pat Indian community dating back to 1951 and is considered to be of significant cultural importance. The application proposes to reduce the amount of retail floorspace and entirely remove the India Club floorspace so that the upper floors become wholly hotel in use. Rear extensions are also proposed along with a new shopfront and plant.

The key issues for consideration are:

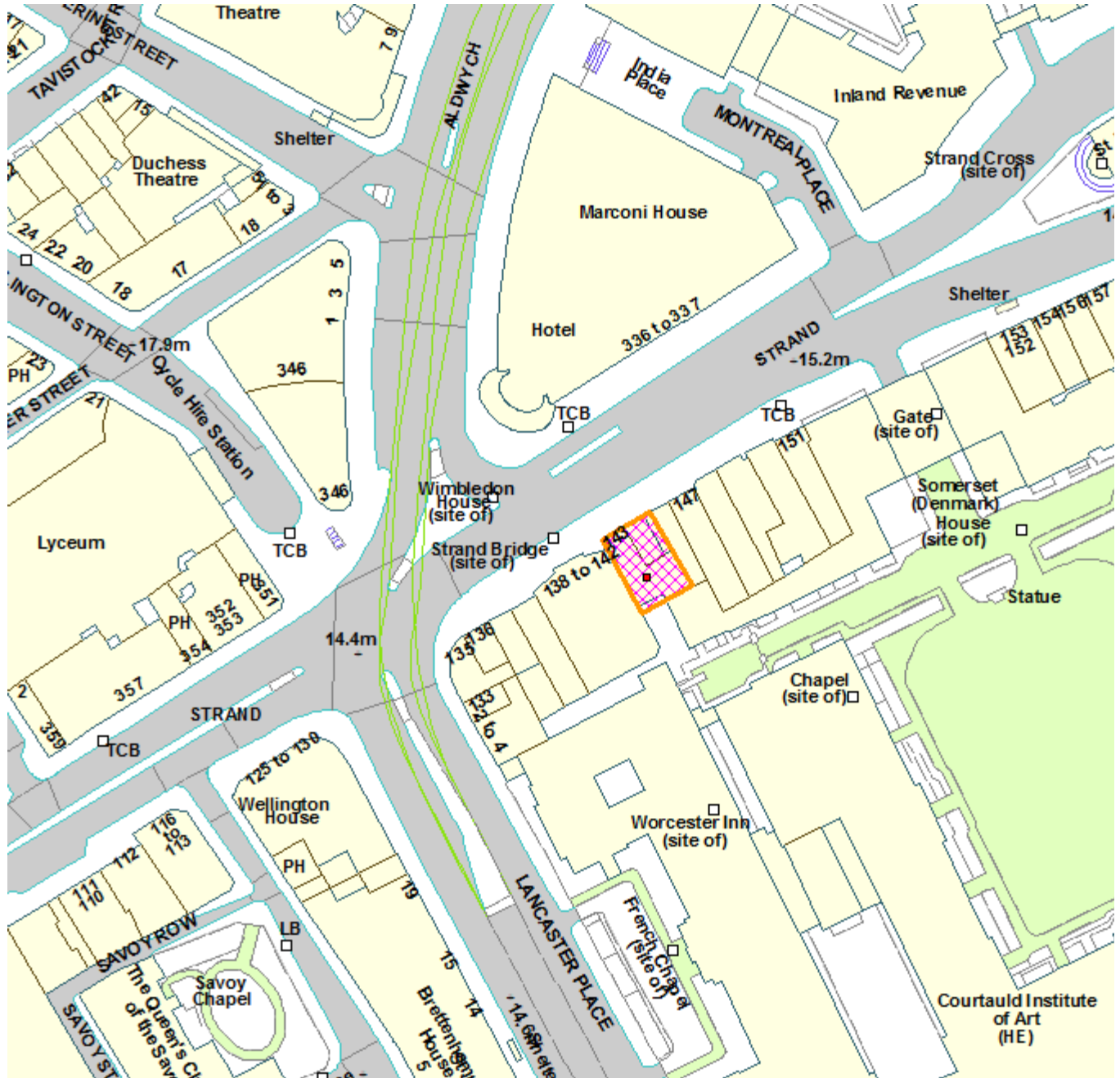
*The loss of the India Club restaurant/bar and the impact this would have on cultural and night-time entertainment provision;

*The loss of ground floor and basement A1 retail floorspace;

*The impact of the proposed physical alterations on the character and appearance of the Strand conservation area.

The application has been assessed against the relevant policies as set out in the Unitary Development Plan (January 2007), Westminster's City Plan (November 2016), The London Plan including draft changes dated December 2017 and the Mayor of London's draft Culture and the Night Time Economy Supplementary Planning Guidance dated April 2017. The application is considered unacceptable due to the loss of Class A1 retail and the loss of the India Club, an important cultural and night time entertainment use and is accordingly recommended for refusal.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

VIRENDRA SHARMA MP

Urges the Council to save the India Club.

HISTORIC ENGLAND (ARCHAEOLOGY)

A programme of archaeological investigation should be secured by condition.

COVENT GARDEN COMMUNITY ASSOCIATION:

The improvements to the streetscape are welcomed. Request conditions to ensure there is no noise nuisance from plant.

WESTMINSTER SOCIETY:

The application does not present the Society with any issues.

HIGHWAYS PLANNING MANAGER

The proposal is unlikely to have a significant impact on on-street car parking in the area. The level of servicing associated with the proposal is unlikely to significantly increase or have an adverse impact on the public highway. Cycle parking spaces are indicated along with shower and changing facilities for staff, which are welcomed.

CLEANSING MANAGER

Details of storage for residual waste and recyclable materials must be secured by condition.

ENVIRONMENTAL HEALTH

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 211 No. of replies: 53

No. of objections: 53

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

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

Land Use

- Loss of the India Club restaurant/bar – an historically and culturally significant use because of its links with the India League and Indian Independence movement and a use which makes a significant contribution to the cultural diversity and night time entertainment provision in this part of Westminster
- Loss of existing low cost hotel accommodation

Design

- Architecturally, the building offers a complete contrast to the bland modern blocks that are now invading Strand and should be retained.
- The proposals would result in the loss of the historically important existing internal features.

Other (issues raised by Somerset House estate)

- No details provided of the restaurant mechanical extraction locations
- Concern regarding noise and vibration through the structure of the building during construction
- Hotel bedrooms should be sufficiently sound insulated
- Security measures required to ensure hotel guests cannot gain access to Somerset House at roof level

6. BACKGROUND INFORMATION

6.1 The Application Site

143-145 Strand is an unlisted building of merit located within the Strand Conservation Area, Core Central Activities Zone and West End Strategic Cultural Area, and comprises seven storeys over basement level. An application to have the building listed was refused on 8 May 2018 by the Department for Digital, Culture, Media and Sport (DCMS).

The ground floor level includes an entrance to the upper floors, which accommodate the Hotel Strand Continental and The India Club restaurant/bar. The remainder of the ground floor and the whole of the basement is split between two Class A1 retail units - these being Strand News and Greggs Bakery.

The applicant contends that the India Club is functionally and physically part of the hotel and operates ancillary to it, and therefore the upper floors together form a single planning use which is a Class C1 hotel. The applicant has provided legal counsel's opinion to support this view. Officers, however, do not agree with this and have obtained other independent legal advice which suggests that the India Club operates more than merely as an ancillary part of the hotel, meaning that the overall use of the upper floors is not a hotel but a mixed use comprising the two primary elements of a hotel and the India Club restaurant/bar.

6.2 Recent Relevant History

There is no recent planning history considered relevant to the current proposals.

7. THE PROPOSAL

The main overall intention of the proposal is to improve the quality of the hotel rooms which currently are of a poor standard comprising 26 bedrooms with shared WC/shower facilities. By extending the building at the rear and incorporating the India Club within the hotel accommodation, 5 single bedrooms and 25 double bedrooms, all with en-suite bathrooms, can be provided, but there would be no re-provision of a restaurant or bar.

The ground floor retail area would be reduced in order to accommodate a lobby/reception area for the proposed new hotel and this smaller retail area would comprise a single shop. The basement would provide both ancillary retail and hotel accommodation.

At the front, the external works to the building would consist of a new shopfront at ground floor level, the replacement of two extract panels with glazing to match existing and the cleaning of the existing stonework.

To the rear, it is proposed to demolish the existing emergency staircase, rear elevation and staircase extension at roof level and provide new extensions at all levels, mansard roof extensions at fifth and sixth floor levels and a lift shaft terminating at roof level. A plant room is proposed at sixth floor level with an open roof.

Comparative Floorspace Areas

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
A1 (Retail)	328.5	187.9	-140.6
Mixed Restaurant/bar and Hotel Use	679	0	-679
Hotel (C3)	0	931.9	+931.9
Total	1007.5	1119.8	+112.3

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Retail (Class A1)

Additional hotel floorspace is proposed at ground and basement levels to allow the creation of a ground floor lobby/reception area and ancillary floor space at basement level for staff welfare etc. The two existing retail units would be replaced by a single unit resulting in a net loss of 140.6 sqm of Class A1 retail floorspace.

Policy S21 of the City Plan states that existing Class A1 retail will be protected throughout Westminster except where it is considered that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let it. As both of the existing retail units are currently occupied, no case can be made on vacancy grounds and no information has been provided regarding the non-viability of the units.

Policy SS5 of our Unitary Development Plan seeks to achieve an appropriate balance of town centre uses in the CAZ.

Policy SS5 (A) states that Class A1 uses at ground, basement or first floor level in the CAZ and CAZ frontages will be protected.

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Policy SS5 (B) states that planning permission for the introduction of a non-A1 town centre use at basement, ground and first floor level will only be granted where the proposal would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality.

The applicant contends that because of the proposed configuration of the new unit the amount of “usable customer accessible floor space” will increase from 85sqm (Greggs Bakery shop 35sqm, Strand News 50sqm) to 89sqm, but this can only be on the assumption that any proposed new shop would have less need for back of house areas than the existing shops and would therefore be able to allocate more floorspace to trading. There is no evidence to suggest this would be a reality, and internal arrangements are solely a matter for the operator. It is therefore an artificial argument to make a distinction between trading and back of house areas, as both are important for most shop uses. Furthermore, the shopping frontage is also much reduced, with less than half of the ground floor frontage of the building to be used as a shop window display.

It is therefore considered that the loss of 140.6 sqm of Class A1 retail floorspace and the consequential reduction of A1 units from two to one, would be detrimental to the character and function of the area having a detrimental effect on local shopping facilities contrary to City Plan Policy S21 and UDP Policy SS5.

Loss of the India Club restaurant/bar

The applicant contends that part ground to sixth floor is currently in single use as a hotel and that the India Club at first and second floor is an ancillary part of this hotel. This would certainly be the case for the vast majority of hotel restaurants and bars, but the India Club is different to these in that it has a well-established reputation as a destination in its own right and it appears to be accepted that the majority of the India Club’s patrons are not hotel guests. So although the India Club and the hotel share physical links, since they use the same entrance from street level and users of the India Club must walk through parts of the hotel to access it, the India Club is not so insubstantial in its own right that it is merely ancillary to the hotel, and it is in fact of equal significance to the hotel. Accordingly, it is considered that the India Club and the hotel together form a mixed use comprising elements of a hotel and elements of a restaurant/bar.

In the proposals, hotel bedrooms would replace the India Club at first and second floor levels. The loss of the India Club has led to a campaign for it to be “saved” of which there has been a great deal of interest from the public and in the media and an online petition, “Save India Club”, has gathered over 26,200 signatures.

Objectors to the application state that the India Club is of great historical and cultural value due to its links with the India League and the Indian independence movement. The accuracy of this claim has been disputed by the applicant, who states that there has been a large amount of misleading media coverage surrounding the proposals and the proprietor’s bid to get the building listed, which was rejected on 8 May 2018 by the DCMS.

Historic England’s report to the DCMS states that 143 – 145 was not the original home of the India Club (set up in 1951) and that the club moved to its current site in 1964

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“...meaning the building lacks a connection with the Indian independence movement, having been established many years after independence was achieved. By the time the club moved to the Strand, it was one of a great number of organisations in existence in the 1960s working to promote British-Indian relations, and supporting the Indian diaspora”.

Notwithstanding Historic England’s conclusion that the application site is not the building originally occupied by the India Club, it is still linked to the India League and is considered to be of significant cultural importance. The content of the objections received make clear that the India Club is a much valued institution and has substantial community worth.

In terms of local planning policy, the application site is located within the West End Strategic Cultural Area and the India Club is therefore not just important in its own right, but important also as part of a cluster of other cultural uses which collectively contribute greatly to the character of the area. City Plan Policy S22 states that existing tourist attractions and arts and cultural uses will be protected. Although the City Plan’s glossary does not specifically state that restaurant/bars are cultural uses, it is clear that the India Club is culturally more than just a restaurant/bar and can be reasonably termed a cultural use. It is therefore considered that the loss of the India Club would be significantly harmful to cultural provision in Westminster as a whole and in particular to the West End Strategic Cultural Area, and the application is therefore not supported by City Plan policies.

Policy 4.6 of the London Plan (Support for and Enhancement of Arts, Culture, Sport and Entertainment) states that the Mayor will and boroughs should support the continued success of London’s diverse range of arts, cultural, professional sporting and entertainment enterprises and the cultural, social and economic benefits that they offer to its residents, workers and visitors. This theme is being developed further in both the Mayor of London’s draft Culture and the Night Time Economy Supplementary Planning Guidance (April 2017) and in the emerging draft amendments to the London Plan (December 2017), in which increasing importance is being given to cultural uses as valuable and sometimes irreplaceable facilities, and Draft London Plan policy HC5 states that existing cultural venues will be protected

Even if the India Club were not as culturally important as it is, there would still be a case for its retention as a restaurant/bar. Policy S21 of the City Plan states that non-A1 retail uses will be protected from changing to uses that do not serve visiting members of the public. The India Club is a vibrant and busy meeting place for both the local community and visitors from around the world, and its replacement with additional hotel accommodation would decrease the range of places to eat and drink for visiting members of the public. This would in turn reduce the vitality and viability and harm the character and function of this part of the Central Activities Zone.

Further support to this approach is given in emerging London Plan policy HC6 and the Mayor of London’s SPG, which both emphasise the benefits in supporting, growing and diversifying London’s night-time economy, particularly within the Central Activities Zone. Draft London Plan Policy HC6(6) states that evening and night-time cultural venues such as pubs, night clubs and other arts venues should be supported and protected. It is considered that the India Club would fall within this category of use.

It is therefore clear that the loss of the India Club would have a detrimental impact on both cultural provision and night time economy and character, which would cause significant harm to both these, and the application should therefore be refused.

Increase in Hotel Floorspace (Class C1)

The proposals include an increase in hotel floorspace amounting to 931.9 sqm.

City Plan policy S23 states that existing hotels will be protected where they have no significant adverse effects on residential amenity and that proposals to improve the quality and range of hotels will be encouraged.

UDP Policy TACE 2 states that within the CAZ, in streets which do not have a predominantly residential character, planning permission will be granted for new hotels and extensions to existing hotels where:

- 1) No adverse environmental and traffic effects would be generated
- 2) Adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for setting down and picking up of visitors by coaches and for taxis serving the hotel.

The proposals will result in an increase of only 4 hotel bedrooms as the main purpose of the application is to upgrade overall standard of the bedrooms by making them all en-suite, whereas the existing hotel rooms share bathroom facilities. If it were not for the fact that the hotel upgrade results in the loss of the India Club, this would be supported. No complaints from neighbouring residents have been received in respect of the existing hotel use and it is considered that the small increase in bedrooms would be unlikely to cause adverse environmental or traffic impacts. If the proposals were otherwise considered acceptable, operational and servicing management plans would have been secured by condition.

8.2 Townscape and Design

The building is considered to make a positive contribution to the character and appearance of the Strand Conservation Area. The important front elevation is to be retained and all works, with the exception the new shopfront, are confined to the rear/ roof of the building. The works remove unsightly elements from the rear of the building, which is tightly enclosed and only visible from the upper storeys/ roof level of Somerset House. The rear extensions increase the massing on all floors and include a new mansard level. In design terms, the upper most level extensions would normally be considered contrary to UDP policies DES 5 and DES 6 as the extensions would rise above the penultimate storey and a mansard is proposed on a complete composition. However, given the existing character of the rear, the proposals represent an opportunity to improve the appearance of the elevation and with it the views from Somerset House. The works are therefore considered acceptable in design terms. The proposed works to the shopfront are also considered to enable an enhancement of the building's character.

External cleaning of the front elevation is to be undertaken by a specialist. No details of the type of cleaning method have been submitted, but in principle this is acceptable and

details would have been required by condition had the application been considered acceptable in all other respects.

The proposed design is considered to conform with Policies S25 and S28 of Westminster's City Plan (November 2016) and DES1, DES5, DES6 and DES9 of our Unitary Development Plan that we adopted in January 2007. The proposals are therefore acceptable in terms of townscape and design.

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment.

The closest residential properties are located on the upper floors of 147 Strand to the east of the site. Given the orientation of the property and the scale and massing of the proposed extensions, it is considered that there will be no significant loss of light or sense of enclosure to surrounding residential or commercial properties because of the proposed development compared the existing situation.

No windows are proposed to the flank elevations of the rear extensions and it is considered that the rear windows would lead to no unacceptable loss of privacy to surrounding properties. Had the application be recommended for approval, a condition would have been imposed to ensure that the roofs of the rear extensions would not be used for sitting out purposes.

Overall, it is considered that the proposals would meet City Plan policy S29 and UDP policy ENV 13 and are therefore acceptable in terms of amenity.

8.4 Transportation/Parking

No car parking is provided in the scheme, but it considered that the modest increase in hotel bedrooms from 26 to 30, would have no material impact on parking or servicing demand in the area.

8.5 Economic Considerations

Overall, the loss of the India Club as a cultural and night time venue would be likely to have a detrimental impact on the local economy, which would probably not be outweighed by the economic benefits of the upgraded hotel accommodation.

8.6 Access

The proposals would create a new level access to the building from Strand. Vertical circulation would be provided by a new lift.

8.7 Other UDP/Westminster Policy Considerations

Storage for Refuse/Recycling

The proposals do not include provision for storage of waste and recyclable materials, and therefore had the application been recommended for approval, a condition would have been imposed requiring details of waste storage to be approved prior to commencement of the use.

Plant Machinery

The proposals include a plant room at sixth floor level and an acoustic report has been provided by the applicant concerning anticipated noise emissions from this plant. Precise details of the plant specification are not currently known by the applicant and therefore had the application been recommended for approval, a condition would have been attached requiring the submission of supplementary acoustic report demonstrating that the plant, when selected, would comply with the Council's standard noise criteria.

The Somerset House Trust have stated that details should be provided of the restaurant mechanical extraction locations required to prevent noise/smells entering Somerset House Estate, but the proposals do not include a restaurant.

8.8 London Plan

The London Plan policies relevant to the proposals have been discussed earlier 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

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

Had the development been acceptable, it would be liable to a CIL payment.

8.11 Environmental Impact Assessment

This application is not a sufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

Construction impact

Concern has been raised by the Somerset House Trust regarding possible noise and vibrations nuisance associated with the proposed demolition/construction. Had the proposals been considered acceptable the applicant would have been encouraged to comply with the Council's Code of Construction Practice and a condition would have been imposed restricting the hours of building work. With regards to concerns raised about the possible impact/damage to neighbouring property during construction works, this is controlled through the Party Wall Act and is therefore a private matter between the relevant property owners.

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Crime and security

Concern has been raised by the Somerset House Trust in relation to the potential for hotel guests to gain access to their estate at roof level. Details of boundary treatment and access would be addressed during the party wall agreements between the respective landowners.

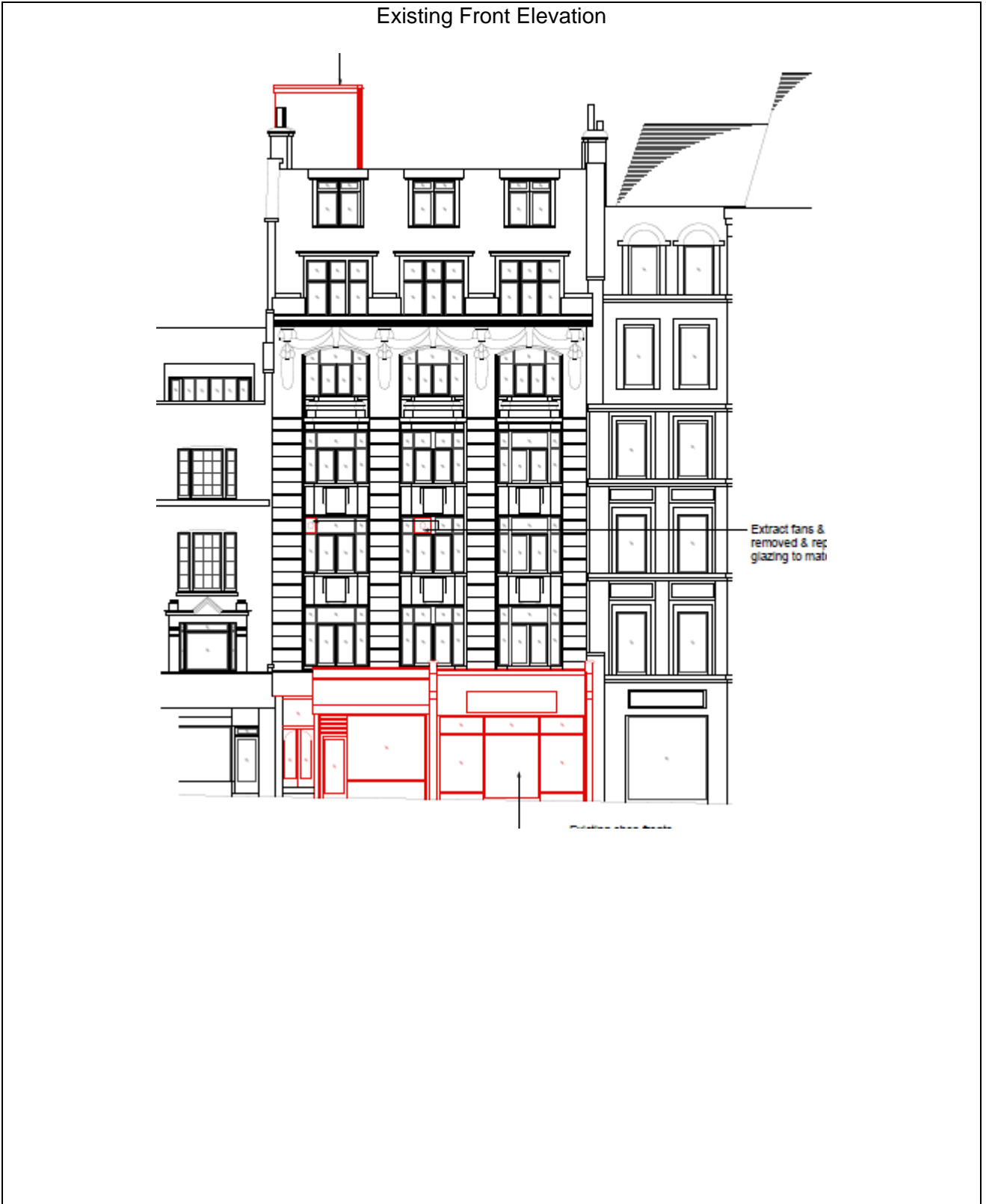
Impact on Somerset House entertainment events

The proposals seek to replace one commercial use for another. No permanent residential (Class C3) forms part of the proposals and as such the Council's internal noise standard conditions would not have been applied, had the application been considered acceptable.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AMANDA JACKSON BY EMAIL AT southplanningteam@westminster.gov.uk
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9. KEY DRAWINGS



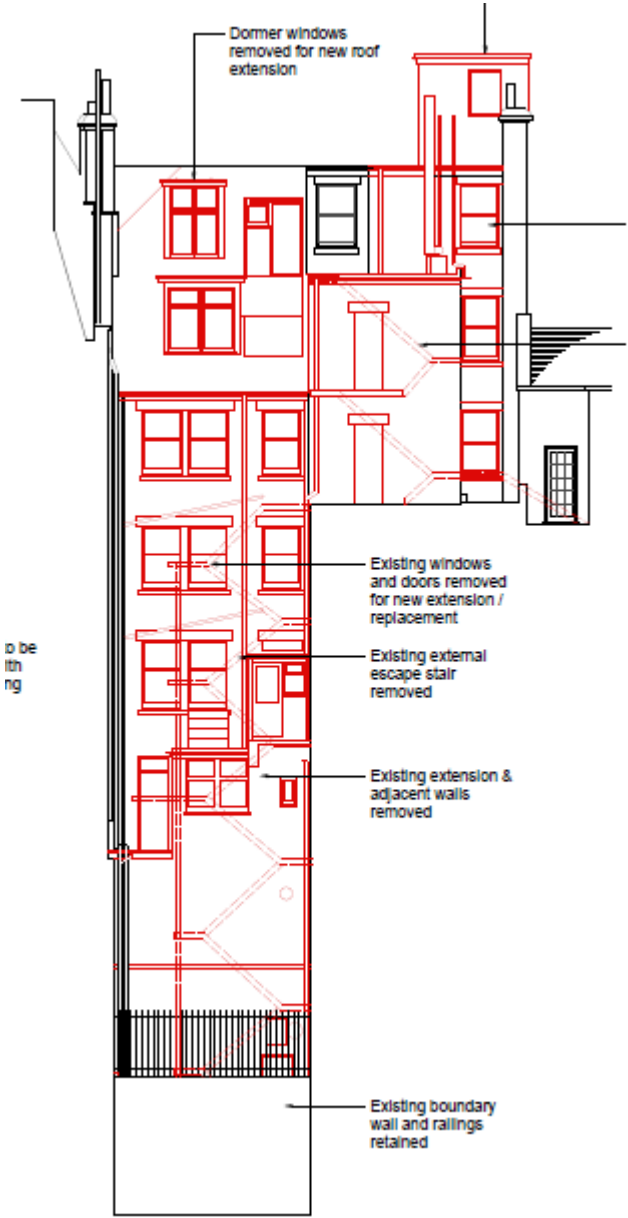
Proposed Front Elevation



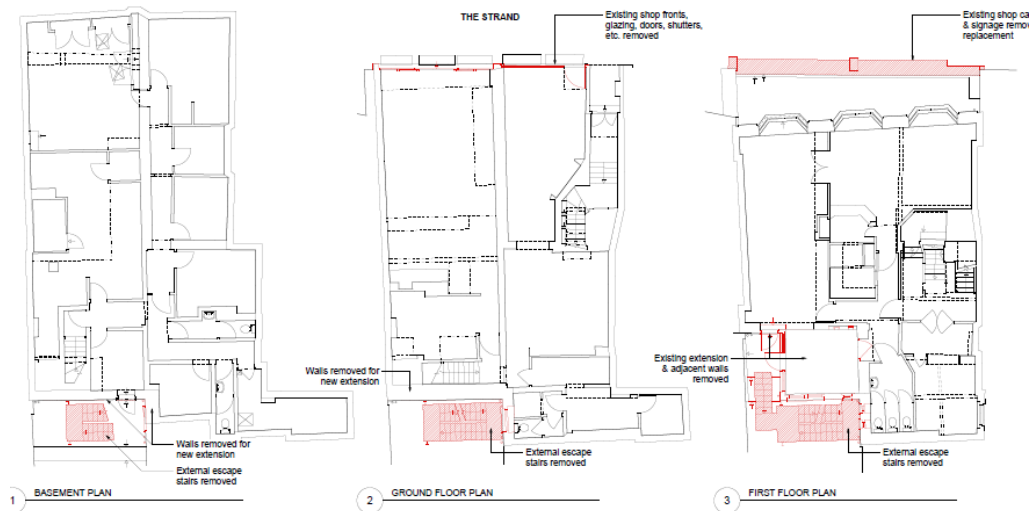
1 FRONT ELEVATION

Front elevation rationalised at street level with single frontage for hotel. Refer to drawing P220 for details.

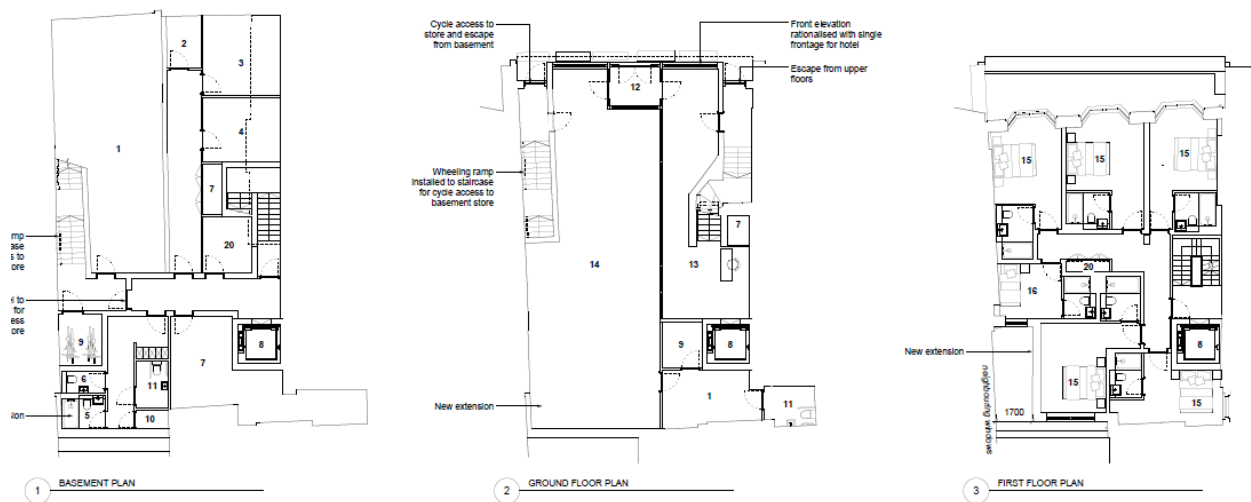
Existing Rear Elevation



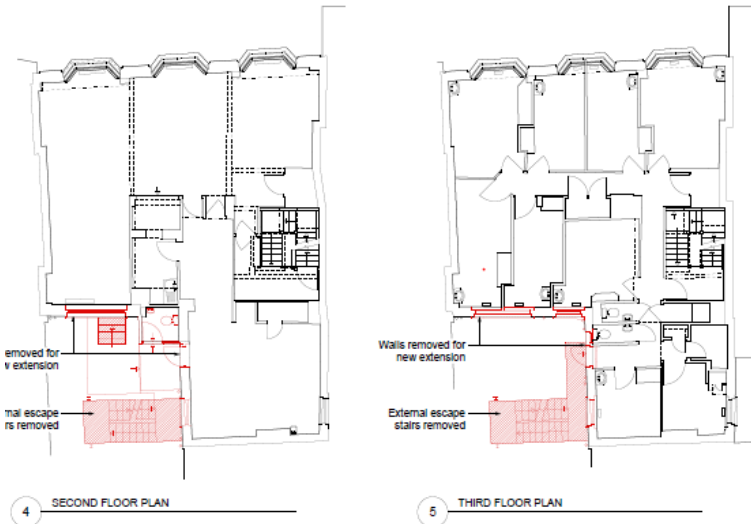
Existing Basement, Ground and First Floor Plan



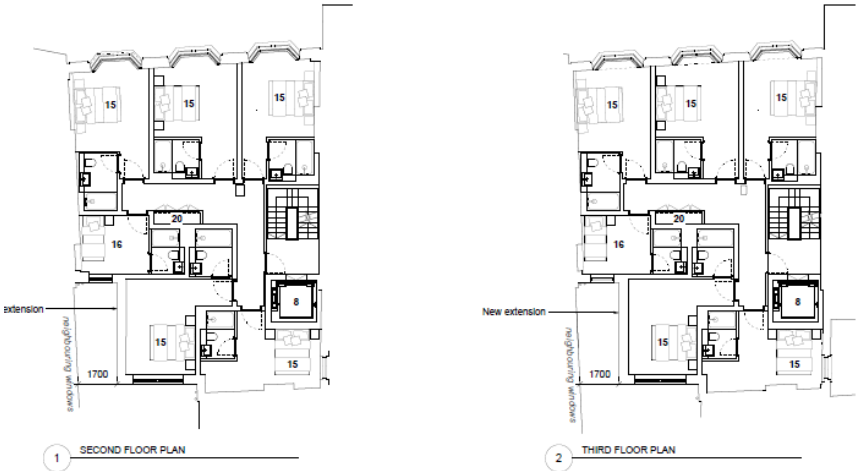
Proposed Basement, Ground and First Floor Plan



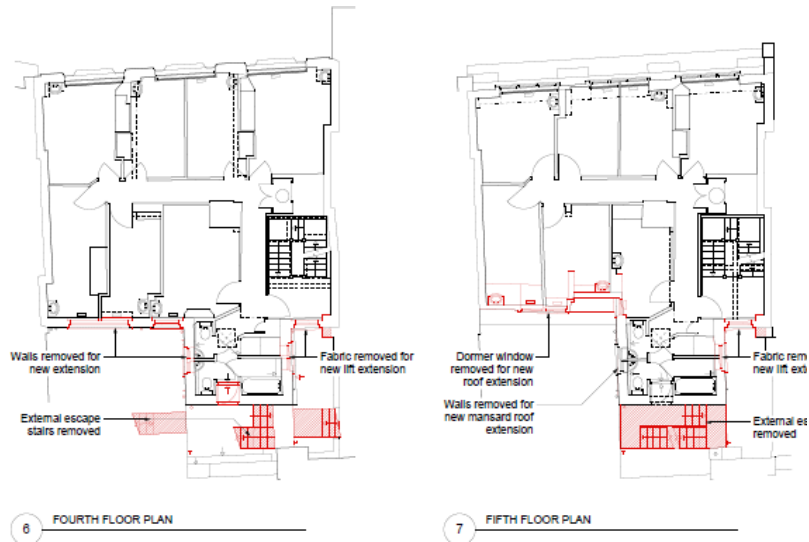
Existing Second and Third Floor Plans



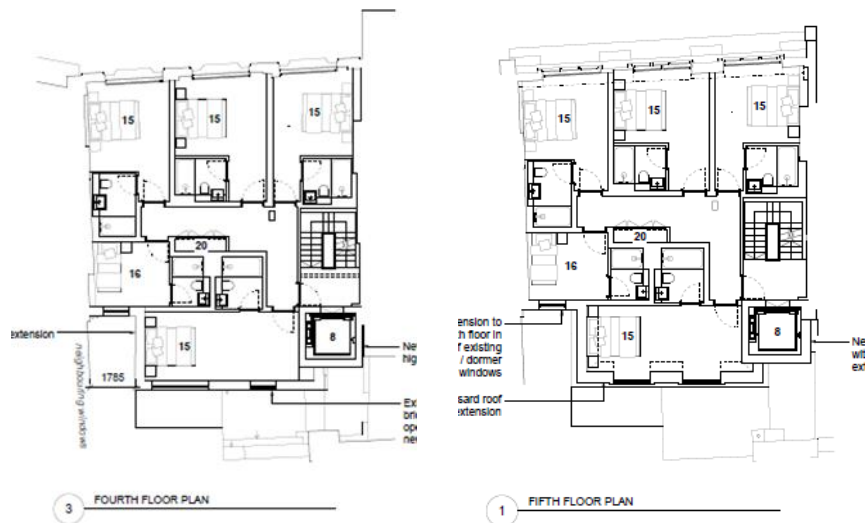
Proposed Second and Third Floor Plans



Existing Fourth and Fifth Floor Plans



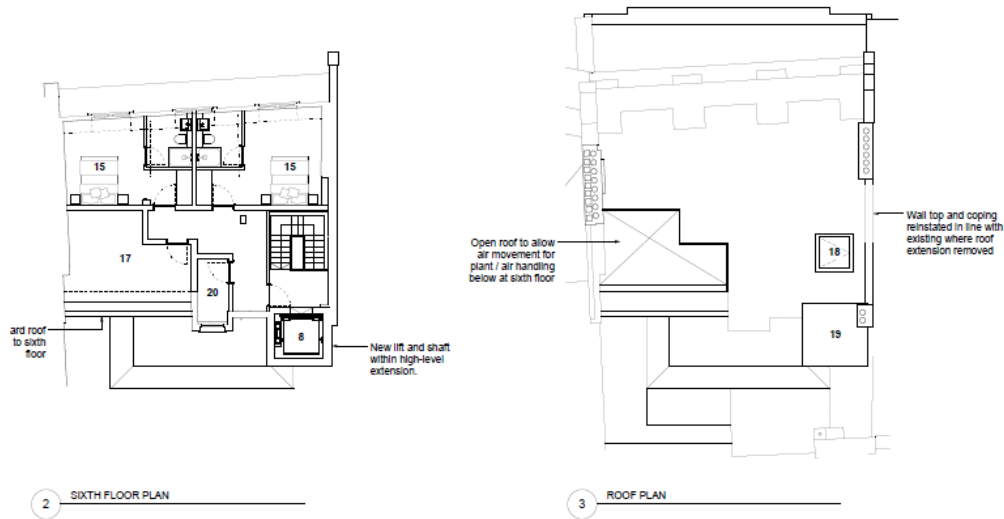
Proposed Fourth and Fifth Floor Plans



Existing Sixth Floor and Roof Plan



Proposed Sixth Floor and Roof Plan



DRAFT DECISION LETTER

Address: 143-145 Strand, London, WC2R 1JA,

Proposal: Use of part basement, part ground, part first and part second floors as Hotel (Class C1); shopfront alterations; partial demolition and erection of rear extensions at basement to roof levels; installation of plant machinery and associated alterations.

Reference: 17/08077/FULL

Plan Nos: Site Location Plan; P100 Rev. A; P110 Rev. A; P200 Rev. E; P201 Rev. B; P202 Rev. B; P210 Rev. B; P220 Rev. A; P250; P251.

For Information: Cover Letter dated 8 September 2017; Design and Access Statement Rev.B dated September 2017; Environmental Noise Survey dated 15 August 2017; Planning Statement dated August 2017; Photographs.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Condition(s) and Reason(s)

1. Your development would lead to the loss of A1 retail floorspace, a consequential reduction in A1 units and a smaller shop window in the Central Activities Zone as defined by our City Plan. This would harm the retail character and function of the area and have a detrimental effect on local shopping facilities which would not meet S21 of Westminster's City Plan (November 2016) and SS7 of our Unitary Development Plan adopted January 2007.
2. Your development would lead to the loss of the India Club restaurant/bar use in the West End Strategic Cultural Area and Core Central Activities Zone as defined by our City Plan. This would be materially harmful to cultural provision and the character and function of the area which would not meet City Plan Policies S6 and S22, London Plan Policy 4.6, Draft London Plan Policy HC6 or the Mayor of London's Draft Culture and the Night Time Economy Supplementary Planning Guidance.
3. Your development would lead to the loss of the India Club restaurant/bar use in the West End Strategic Cultural Area and Core Central Activities Zone as defined by our City Plan. This would be materially harmful to the provision of evening and night time facilities which would be detrimental to the character and function of the area and would not meet City Plan Policies S6 and S21, London Plan Policy 4.6, Draft London Plan Policy HC5 or the Mayor of London's Draft Culture and the Night Time Economy Supplementary Planning Guidance.

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

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Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 31 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	Romney Mews, London		
Proposal	Erection of three bedroom dwellinghouse (Class C3) over ground to fourth floor level		
Agent	David Corley Architects		
On behalf of	STARBRIGHT W1 LTD		
Registered Number	18/03593/FULL	Date amended/ completed	2 May 2018
Date Application Received	2 May 2018		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The site lies on the east side of Chiltern Street close to its junction with Marylebone Road in the Portman Estate Conservation Area. The application site itself forms the access to 1 and 2 Romney Mews and sits between Portman Mansions to the north and York Mansions to the south. The application seeks consent for the erection of a three-bedroom dwelling set back behind the existing entrance gate between the two mansion blocks.

The key issues in this case are:

- * The impact of the proposals on residential amenity.
- * The impact of the proposals on the character and appearance of the Portman Estate Conservation Area.

In 2015, permission was granted for a 4-storey dwelling in this location and this consent is currently being implemented. This application proposes an additional floor of accommodation which is again considered to comply with urban design and conservation policies. It is considered, subject to suitable conditions, that the proposals would not have any materially harmful impact on the amenities of the immediate neighbours. The application is therefore recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COUNCILLOR BOTT

Requests information on the issues/proposals.

MARYLEBONE ASSOCIATION

Object on the grounds that the proposal is an unsuccessful 'pastiche' and consider that a contemporary approach would be a more appropriate response that recedes and maintains the sense of a gap between the mansion blocks. Question if in any event that the gap should be maintained. Believe that there is insufficient design material to support the application (such as precedent studies, street views, design options, materials studies etc.)

HIGHWAYS PLANNING MANAGER

Consent has already been granted for a 2-bed dwelling and no objections are raised.

CLEANSING

No objections are raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 41

Total No. of replies: 2 letters in support and 7 letters of objection (from 5 respondents) on the following grounds:

Design

- *The new building will be more visible from buildings opposite in Chiltern Street and would be an even bulkier massing in the Conservation Area
- *Steel gates on Chiltern Street are out of place in a Conservation Area

Amenity

- *Increased sense of enclosure
- *Overlooking
- *Loss of light and sunlight
- *The approved side facing windows served a stairwell whilst the proposed windows serve habitable accommodation. These windows should be deleted or made both obscure glazed and non-opening
- *Loss of privacy
- *Rear windows are within 1m of bedroom and bathroom windows in York Mansions
- *A roof terrace has previously been refused
- *Noise from terrace and from entrance to the new dwelling
- *The proposed entrance adjacent to York Mansions will create noise

Highways

- *Impact on parking
- *Impact on access for the emergency services

Other issues

- *If approved, this will encourage developers to submit small-scale schemes in the knowledge that larger schemes will be approved at a later date

- *Residents should be allowed to speak at planning committee
- *Will create fire risk and access issues to walls and drains in Romney Mews
- *A roof terrace will enable access onto the roof of York Mansions

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site lies on the east side of Chiltern Street close to its junction with Marylebone Road in the Portman Estate Conservation Area. The application site itself forms the access to 1 and 2 Romney Mews and sits between Portman Mansions to the north and York Mansions to the south. Portman Mansions are a series of 19th century residential blocks built of red brick with Gothic windows and stepped gables. York Mansions are also of red brick with a strong stucco banding. The entrance gate to Romney Mews uses the red brick, stucco and Gothic detailing of the mansion blocks.

6.2 Recent Relevant History

In December 2012 planning permission was refused for the erection of a one bedroom residential dwelling in the gap between York Mansions and 5 Portman Mansions above the existing entrance passage to Romney Mews. The application was refused for design and parking reasons. An appeal against this decision was subsequently dismissed in October 2013, on design grounds.

In April 2015 planning permission was granted for the erection of a new two bedroom residential dwelling at first, second and third floor levels in the gap between York Mansions and 5 Portman Mansions above the existing entrance passage to Romney Mews. The planning consent is being implemented.

7. THE PROPOSAL

The application seeks consent for the erection of a three-bedroom dwelling set back behind the existing entrance gate and formed of brickwork and Portland stone. At ground floor, pedestrian access is maintained providing access to 1 and 2 Romney Mews. Habitable accommodation is proposed above this from first to fourth floor levels. A rear wing is proposed adjacent to Portman Mansions to provide stair and lift access with cycle and refuse storage at ground floor level and a bedroom at fourth floor.

The application initially included a terrace at roof level but this has now been removed from the scheme.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The provision of a residential dwelling accords with UDP Policy H3 and City Plan Policy S14.

8.2 Townscape and Design

The proposed development infills the gap between Portman Mansions and York Mansions. In 2012 planning permission was refused for a fully glazed building designed to contrast with the buildings to either side. At the subsequent appeal, which was dismissed, the inspector stated that closing the gap between the buildings “would prevent views through to an unattractive escape staircase and a tower block beyond and in this respect it (the development) would be beneficial to the conservation area.”

A subsequent application approved in 2015 proposed a more contextual design approach, using brick, Portland stone and timber windows.

The current application proposes an additional storey, above what was consented in 2015. This additional fourth storey is in the same materials as the remainder of the building, and is set back from the main building line by approximately 1 metre. The additional storey is partially screened by a large triangular pediment, which mirrors the pediment above the existing arch at street level.

A roof terrace was originally proposed, but due in part to the additional height that it would give to the building, and the appearance of the balustrade, this has now been removed from the application.

A number of objections have been received on design grounds. The Marylebone Association also object to both the principle of the infill, and the design approach taken. The acceptability of both of these aspects has already been determined at appeal and by the most recent planning application. It would not be possible to take a different position now.

One respondent is concerned about the appearance of the new gate. This can be satisfactorily addressed with a condition requiring approval of details of the gate. A final consultee objects to the height, bulk and visibility of the additional storey. While the current application does indeed make the building taller, its impact in the street is reduced by the additional setback of the top storey, and by the pediment which partially screens the building.

The infill building is already set back behind the established building line on Chiltern Street, and the top storey set back beyond this. The materials proposed are of good quality, and are contextual.

The scheme is considered to preserve the character and appearance of the conservation area. It complies with UDP and City Plan policies DES1, DES4, DES9 S25 and S28.

8.3 Residential Amenity

Objections have been received from residents of both York Mansions and Portman Mansions on the grounds of loss of daylight and sunlight, loss of privacy, increased sense of enclosure, overlooking and noise from an originally proposed roof terrace area.

Privacy

The proposed new dwelling would project some 6m beyond the rear elevation of York Mansions and would face at right angles onto the rear of York Mansions. Objections have been received on the grounds that the new dwelling will result in loss of privacy and overlooking. However, the rear wing essentially forms the means of access to the upper floors and the only habitable window in this flank wall is a bedroom window at fourth floor. All the other habitable windows to the new dwelling are either set back from the front facade or in line with the rear facade of York Mansions and so there would be no direct overlooking (to York Mansions) from these windows. A condition is proposed requiring obscure glazing and window limiters to the windows within the rear projecting wing to prevent any overlooking from the rear stairwell and the fourth floor bedroom. With these conditions in place, it is not considered that the application could be refused on the grounds of loss of privacy.

The occupier of 2 Romney Mews also objects to overlooking from a third floor kitchen window, however, a kitchen window was approved in this location in the consented scheme. This is a secondary window to an open plan kitchen/dining area and the main window to this room faces over Chiltern Street. The new bedroom at fourth floor also has an east facing window in the rear elevation. However, given the height of this window above the mews buildings at the rear, it is not considered necessary for this to be obscure glazed.

Daylight / Sunlight

The previous scheme was not considered to result in a loss of daylight and sunlight for neighbouring residents. The height of the currently proposed building is a storey higher than the scheme currently being implemented. However, the building is still significantly lower in height than Portman Mansions immediately to the north of the application site, and it is not considered that the proposal would result in a material loss of daylight for occupiers of neighbouring properties.

The occupier of 2 Romney Mews objects on the grounds that the proposal would result in loss of the sunlight path between the gap between the two mansion blocks. The consented scheme already infills this gap and the addition of one further floor of accommodation is not considered to materially worsen the impact.

Sense of Enclosure

Objections have also been received on the grounds that the proposal would result in an increased sense of enclosure to residents in York Mansions. Whilst the rear flank wall of the building would project some 6m beyond the rear windows in York Mansions, and within close proximity of rear bedroom windows, this additional bulk is set immediately in front of Portman Mansions which is two storeys taller than the proposed dwelling. Given this relationship, it is not considered that the application could be refused on the grounds of an increased sense of enclosure.

Noise

Objections have also been received on the grounds that adjoining occupiers would suffer from loss of privacy, and noise, from an originally proposed roof terrace. One objector is concerned that a roof terrace would enable access onto the roof of York Mansions, however, the roof terrace has now been deleted from the proposals.

Objectors also comment that noise from the entrance to the proposed dwelling would cause disturbance to occupiers of York Mansions from deliveries and visitors. However, the access arrangements remain the same as in the consented scheme and the addition of one bedroom is not considered to exacerbate this issue.

8.4 Transportation/Parking

An objection on parking grounds has been received, however, consent for a 2-bedroom dwelling in this location has already been approved and the Highways Planning Manager raises no objections. In considering the appeal proposal the Inspector determined that “the appeal site has no space to park a car and therefore it is not practical to provide off-street parking, however, it is in a sustainable location close to all facilities with easy access to public transport networks and the provision of an off-street parking space here would be likely to encourage the use of and reliance on private motor vehicles which would conflict with CS Policy CS40.”

An area for cycle parking is shown at ground floor level and a condition to retain this provision is attached.

8.5 Economic Considerations

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

8.6 Access

The dwellinghouse has been designed to meet Lifetime Homes standards meaning that it is capable of being adapted to meet the needs of persons with limited mobility if required.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

An area for refuse and recycling is shown at ground floor level and this is to be secured 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

The proposal does not trigger any requirement for Planning Obligations.

8.11 Environmental Impact Assessment

The proposal is of insufficient scale to require an environmental assessment.

8.12 Other Issues

Objectors refer to the fact that the development of this site would reduce access for the emergency services, would create a fire risk and would cause access issues to walls and drains in Romney Mews. The width of the existing means of escape from both the rear of York Mansions and Portman Mansions would, as in the consented scheme, reduce from 3m to 0.88m, however, this and the concern regarding fire risk are matters more appropriately dealt with by the Building Regulations. Access issues to walls and drains are party wall matters.

Objectors are concerned that an approval will encourage developers to submit small-scale schemes in the knowledge that larger schemes will be approved at a later date, however, each application is considered on its merits.

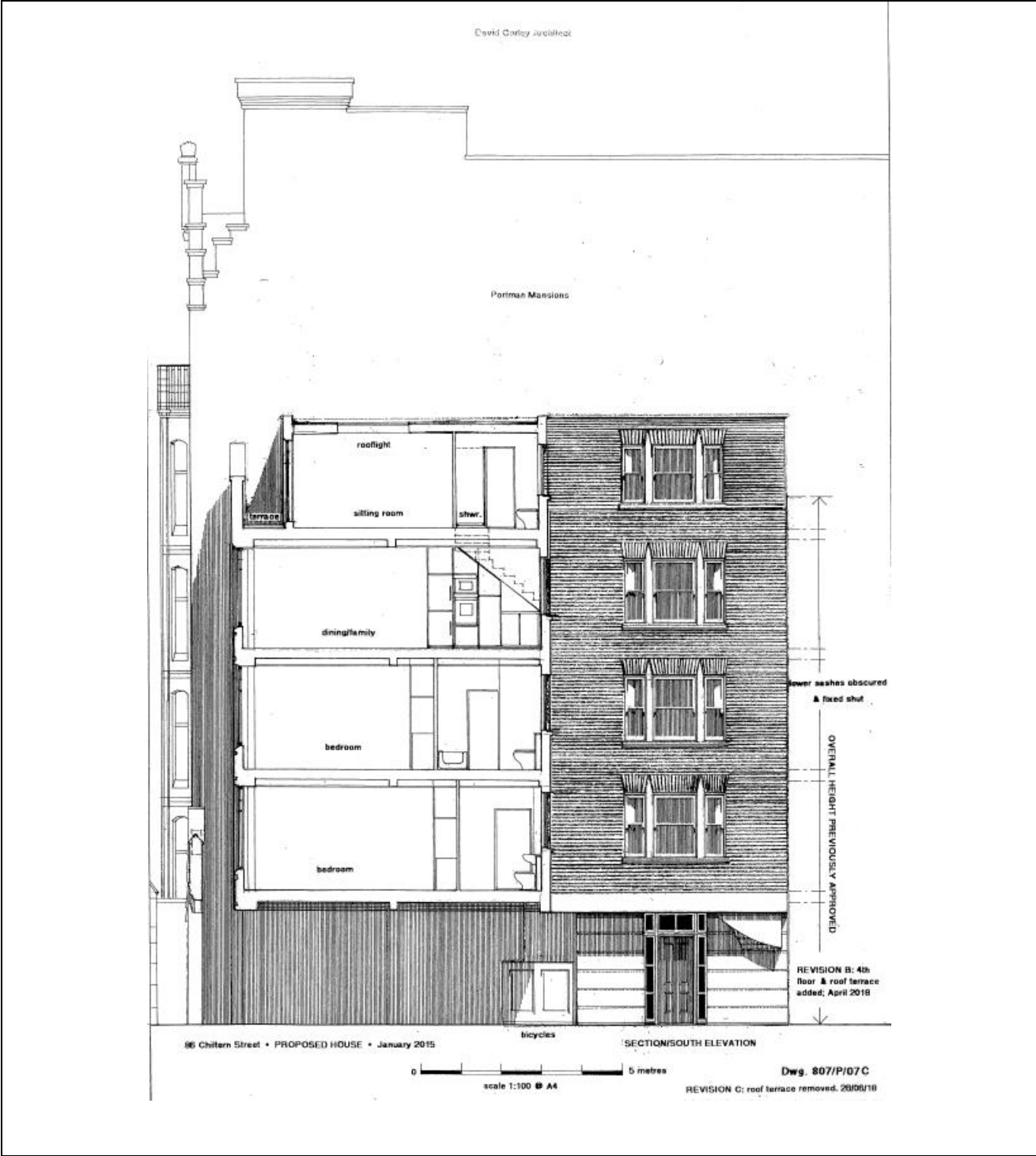
One objector also comments that public speaking should be allowed at planning committee, however, procedures for this are not yet in place.

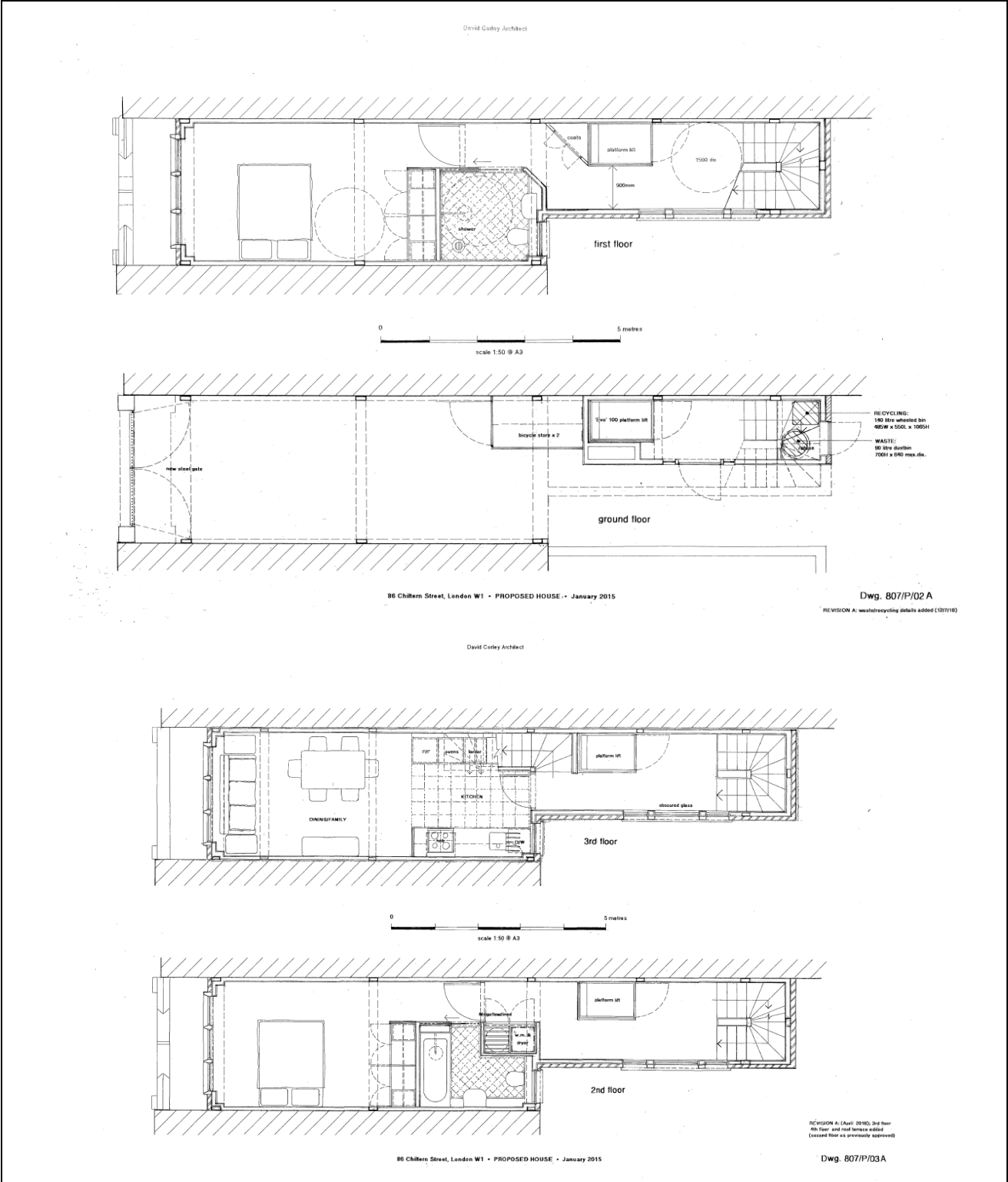
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

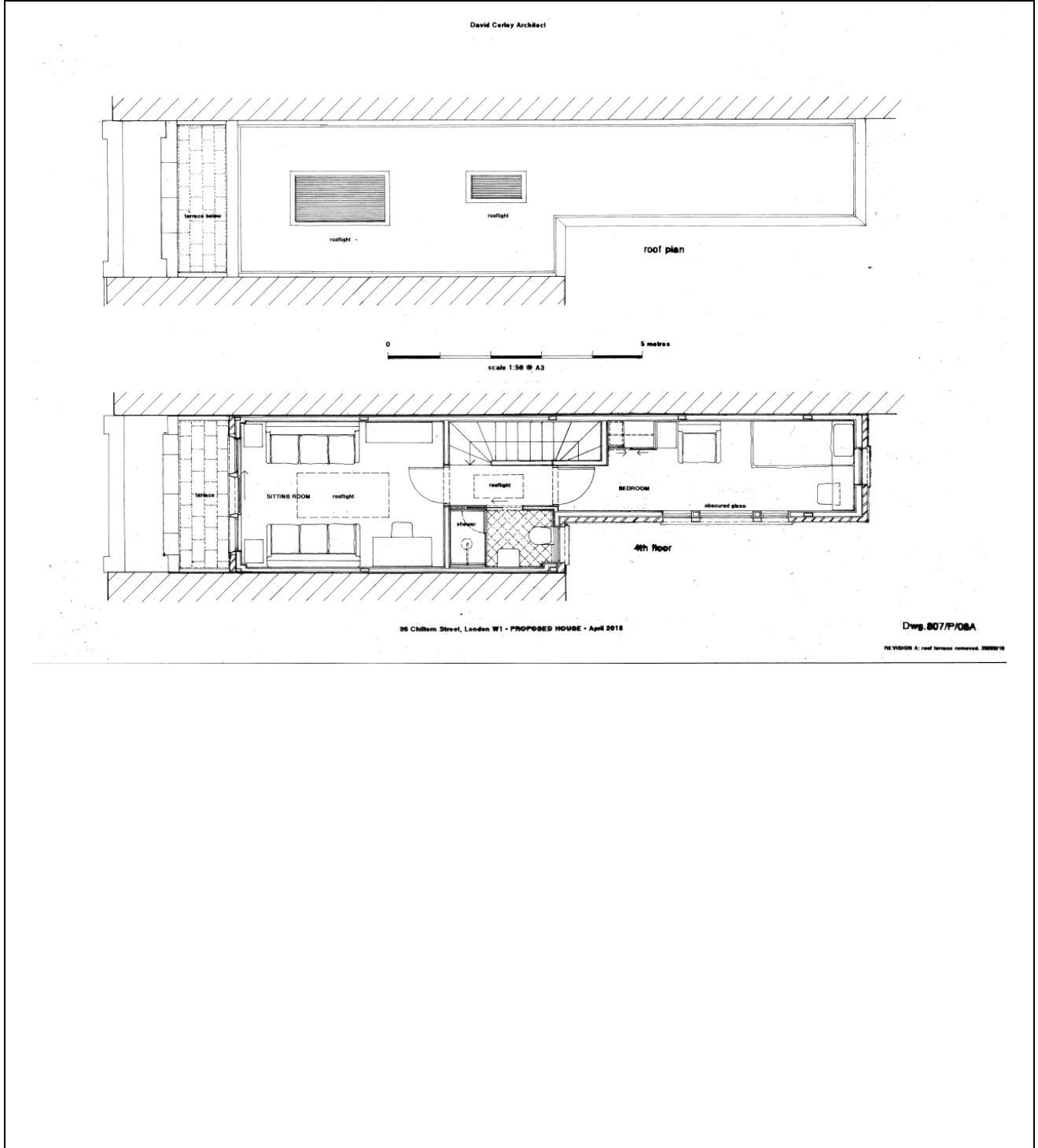
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

9. KEY DRAWINGS









DRAFT DECISION LETTER

Address: Romney Mews, London, ,

Proposal: Erection of three bedroom dwellinghouse (Class C3) over ground to fourth floor level with roof terrace above.

Reference: 18/03593/FULL

Plan Nos: 807.P.02A, 807.P.03A, 807.P.08A, 807.P.05C, 807.P.06C, 807.P.07C, 807.P.09A

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

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

Reason:

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

- 3 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 807/P/02A. You must clearly mark them and make them available at all times to everyone using the dwelling. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 4 The glass that you put in the stairwell windows and the fourth floor south facing bedroom windows in the side wall of the building must not be clear glass. You must install the glass approved under (RN 18/04789/ADFULL) or in accordance with alternative samples (at least 300mm square) to be submitted to and approved by the City Council. You must fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

- 5 You must carry out the development in accordance with the window limiting measures approved under (RN 18/04789/ADFULL) or in accordance with alternative measures to limit the extent of opening of the side facing top-hung stairwell and south facing fourth floor bedroom windows. You must then carry out the work according to these approved details (C26DB)

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)

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

- 7 You must carry out the development in accordance with the samples approved under (RN 18/04789/ADFULL) or in accordance with alternative samples to be submitted to and approved by the City Council. You must then carry out the work using the approved materials.

Reason:

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

- 8 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.

- 9 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.

- 10 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

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

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

Reason:

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

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

- entrance gates

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in S25 and S28 of

Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 13 (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.

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

Reason:

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

- 15 You must not extend or enlarge the dwelling without our permission. This is despite the provisions of Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 1995 (or any order that may replace it). (C21HA)

Reason:

To prevent an overdevelopment of the site and to protect the 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. (R21EC)

- 16 You must carry out the development according to the details approved under (RN 18/04789/ADFULL) or in accordance with an alternative detailed window and door design to be approved by the City Council.

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

- 17 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

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

CIL forms are available from the planning on the planning portal: ,
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

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

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

- 3 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)

- 4 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)
- 5 The term 'clearly mark' in condition 3 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 6 Conditions 13&14 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 7 Prior to development commencing you are advised to address the impact of your proposal on the means of escape in relation to the occupiers of the adjacent and adjoining buildings. You

are advised of the need to maintain any established means of fire escape from adjacent buildings. Please contact our Head of District Surveyors' Services and/or The London Fire Authority regarding this aspect of your proposal.

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

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 31 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	32 Maunsel Street, London, SW1P 2QN		
Proposal	Erection of first floor rear extension.		
Agent	T Space Architects		
On behalf of	Cllr Rachael Robathan		
Registered Number	18/04857/FULL	Date amended/ completed	11 June 2018
Date Application Received	11 June 2018		
Historic Building Grade	Unlisted		
Conservation Area	Vincent Square		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

32 Maunsel Street is an unlisted but historic building of merit within the Vincent Square Conservation Area. It is a small mid-terraced house laid out over three above-ground storeys, and dates from the street's first development around 1823

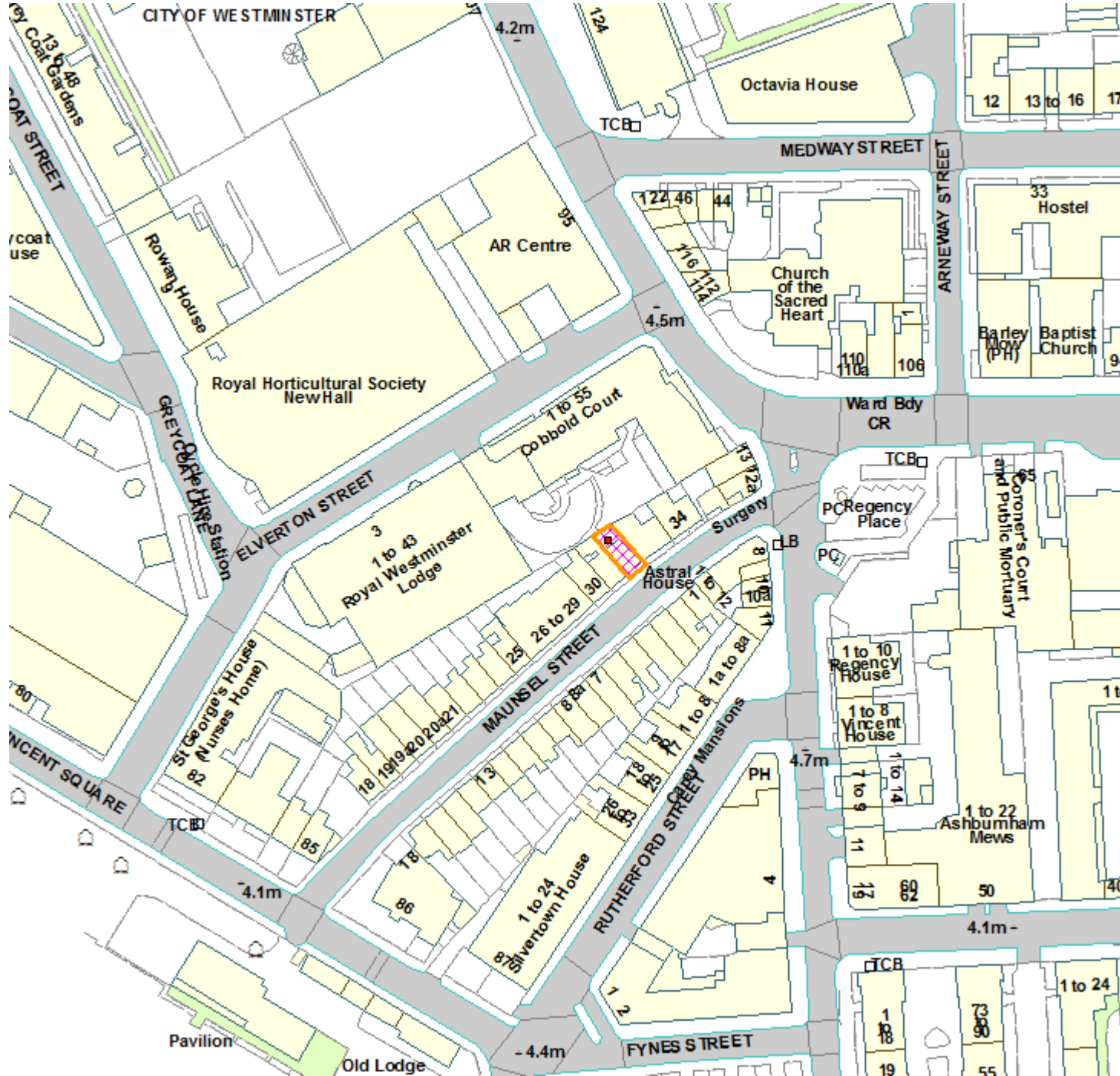
Planning permission is sought for the erection of a first floor rear extension to enlarge this single family dwelling house.

The key issues in the determination of this case are:

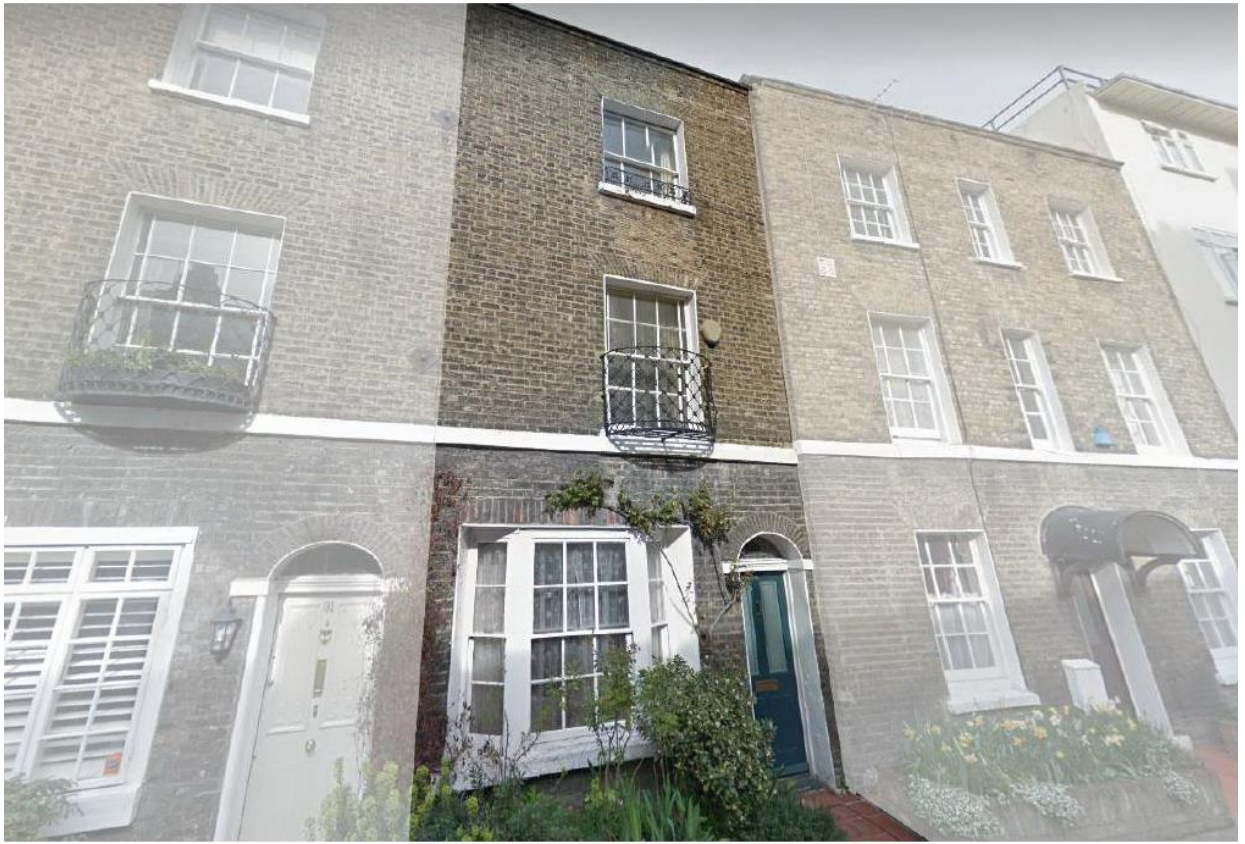
- The impact of the extension on the character and appearance of the Vincent Square Conservation Area.
- The impact on the amenity of neighbouring residents.

The proposed development is considered to be acceptable in land use, design and amenity terms and accords with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan). As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



4. PHOTOGRAPHS



32 Maunsel Street

5. CONSULTATIONS

THORNEY ISLAND SOCIETY:

No objection.

WESTMINSTER SOCIETY:

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 59

Total No. of replies: 1

A neighbour has made comments querying

- how will rain water drainage be dealt with;
- how will the railings to their roof terrace be affected
- the extension must be subject to a party wall agreement.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

32 Maunsel Street is an unlisted but historic building of merit within the Vincent Square Conservation Area. It is a small mid-terraced house laid out over three aboveground storeys, and dates from the street's first development around 1823.

Its rear boundary, with those of its neighbouring properties on the terrace, forms the northern boundary of the Conservation Area. To the rear of the site is a residential block, Cobbold Court (outside of the Conservation Area).

6.2 Recent Relevant History

None relevant.

7. THE PROPOSAL

Planning permission is sought for the erection of a first floor rear extension to enlarge an existing single-family dwelling house.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The new extension would create an additional bedroom for an existing single-family dwelling house. Proposals for extensions to existing housing are acceptable in principle and in line with policies H3 of the UDP and S14 of the City Plan.

8.2 Townscape and Design

The building's primary significance is its forwards contribution to the character and appearance of the street, but to the rear, it also provides a sense of historic character through the exposure of its original upper level brickwork and contribution to the historic roofscape. All of the original terraced houses on this street appear to retain their original butterfly roof, and mostly feature low rear eaves. To ground floor level, the building has been extended, infilling its original, very shallow rear yard but above it remains unextended but with alterations to its fenestration. To the rear is a very tall later boundary wall which runs around the whole of the rear courtyard to Cobbold Court, and which rises just short of the rear eaves line of the terrace.

The proposed first floor extension would extend above the height of the rear boundary wall, which would not be consistent with the established pattern of development in this location. There are first floor extensions nearby in the terrace, notably at Nos.30 and 31, which rise up to the height of the rear boundary wall. As demonstrated by Nos. 30 and 31, the effects of such extensions are well contained by the rear wall. However, views of the rear of this terrace are severely limited from anywhere other than the upper floors of Cobbold Court to the rear (outside of the Conservation Area). In these circumstances, it is considered that an extension projecting above the height of the rear wall is acceptable.

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and to encourage development, which enhances the residential environment of surrounding properties.

A key issue in this case is the impact of the proposals on the amenity of neighbouring residents, particularly Nos.31 and 33.

No.31 has already been extended up to first floor level with a roof terrace on top. The proposed first floor extension would be higher than that at No.31 and would mostly abut its flank wall.

To the other side, No.33 is divided into flats and has been extended at ground floor level only. To the rear, the property has a ground floor rooflight, and rear facing first and second floor windows, which appear to serve kitchens for the flats. The proposed first floor extension would add some bulk along the boundary and could cause some increased sense of enclosure to this rooflight and first floor windows. However, any increased sense of enclosure is not considered to be significant given that the rooflight and windows are already contained behind the existing tall rear boundary wall.

The application is supported by a Daylight and Sunlight Assessment, which confirms that the development would be within the BRE recommended guidelines and would not therefore, adversely affect neighbour's daylight and sunlight levels.

8.4 Transportation/Parking

The application does not raise any transportation / parking issues.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The access to the site will remain as existing.

8.7 London Plan

This application does not raise any strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

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

8.10 Other Issues

A neighbour has made comments querying how rainwater drainage will be dealt with; what the impact on the railings to their own terrace will be and flagging up the need for a satisfactory party wall agreement.

The development will need to comply with Building Regulations, which deal with rainwater drainage issues.

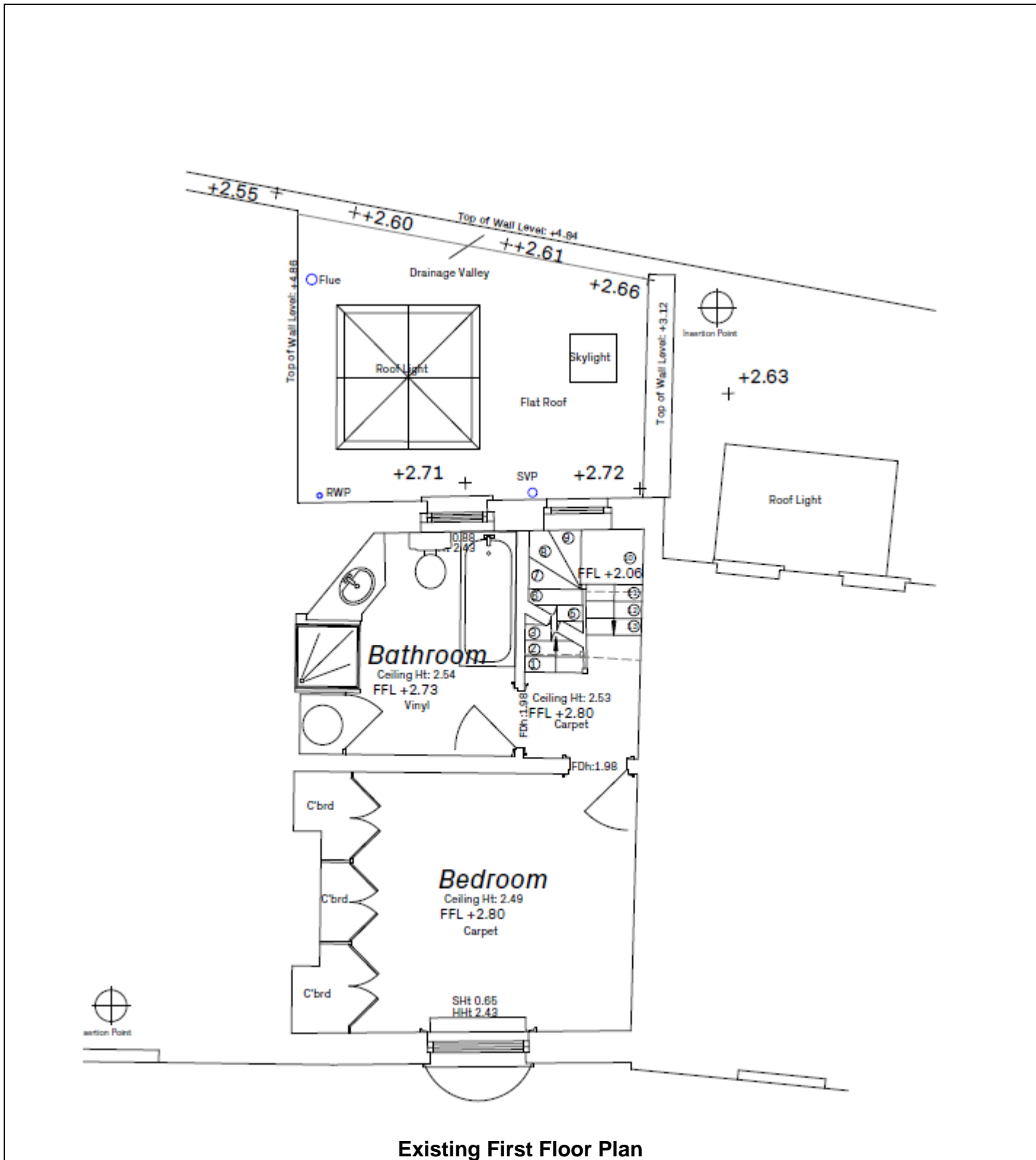
The railings to the roof terrace at No.31 are attached to the outer edge of the rear first floor extension at No.31 so it will be necessary for these railings to be repositioned. It would appear that these railings are over sailing the application site.

The Party Wall Act provides a framework for preventing and resolving disputes in relation to boundary wall and party walls and is a separate process to planning and building regulation approval. It is under this legislation that the applicant will need to resolve any party wall issues including the repositioning of the railings.

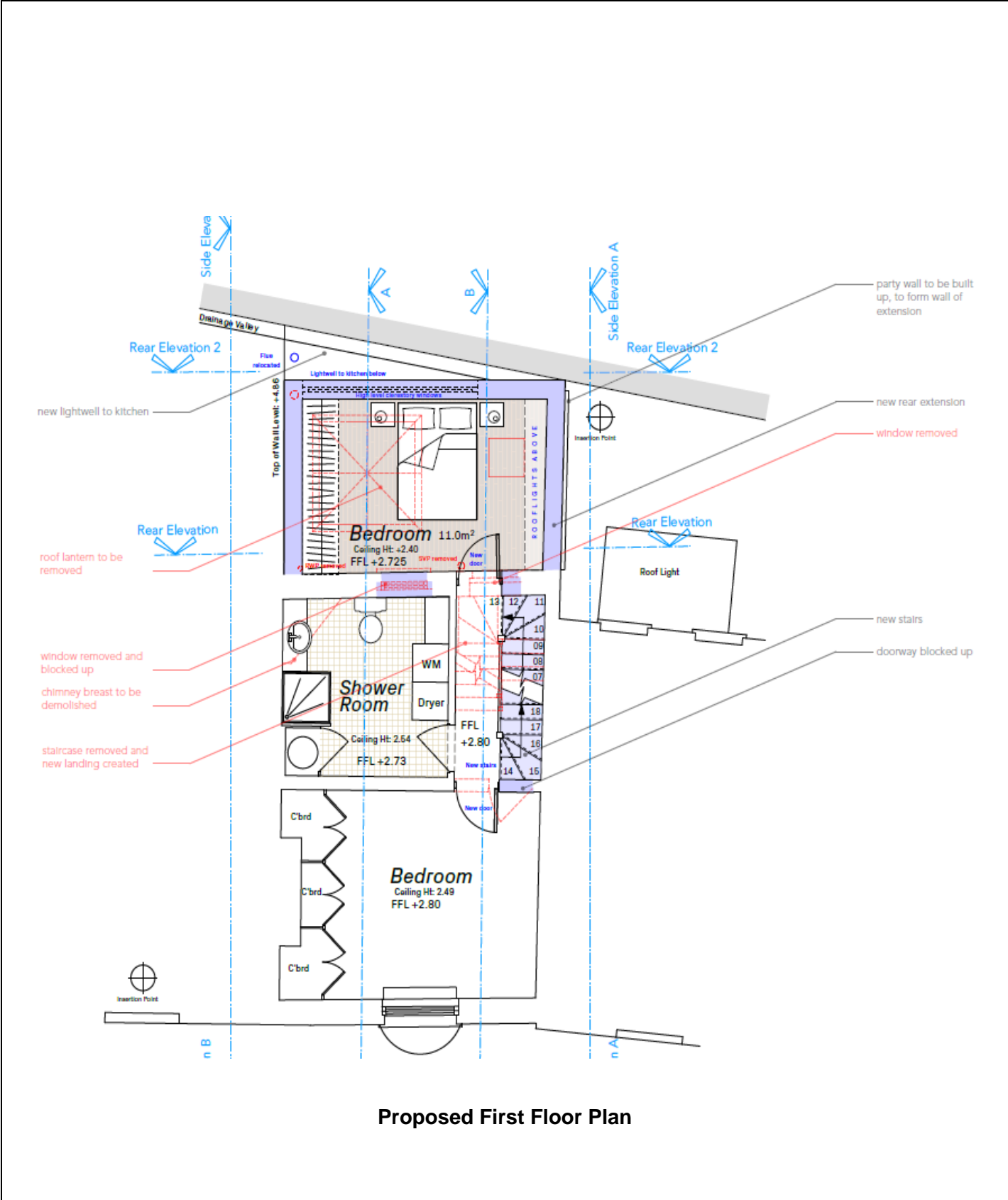
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AMANDA JACKSON BY EMAIL AT southplanningteam@westminster.gov.uk
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9. KEY DRAWINGS



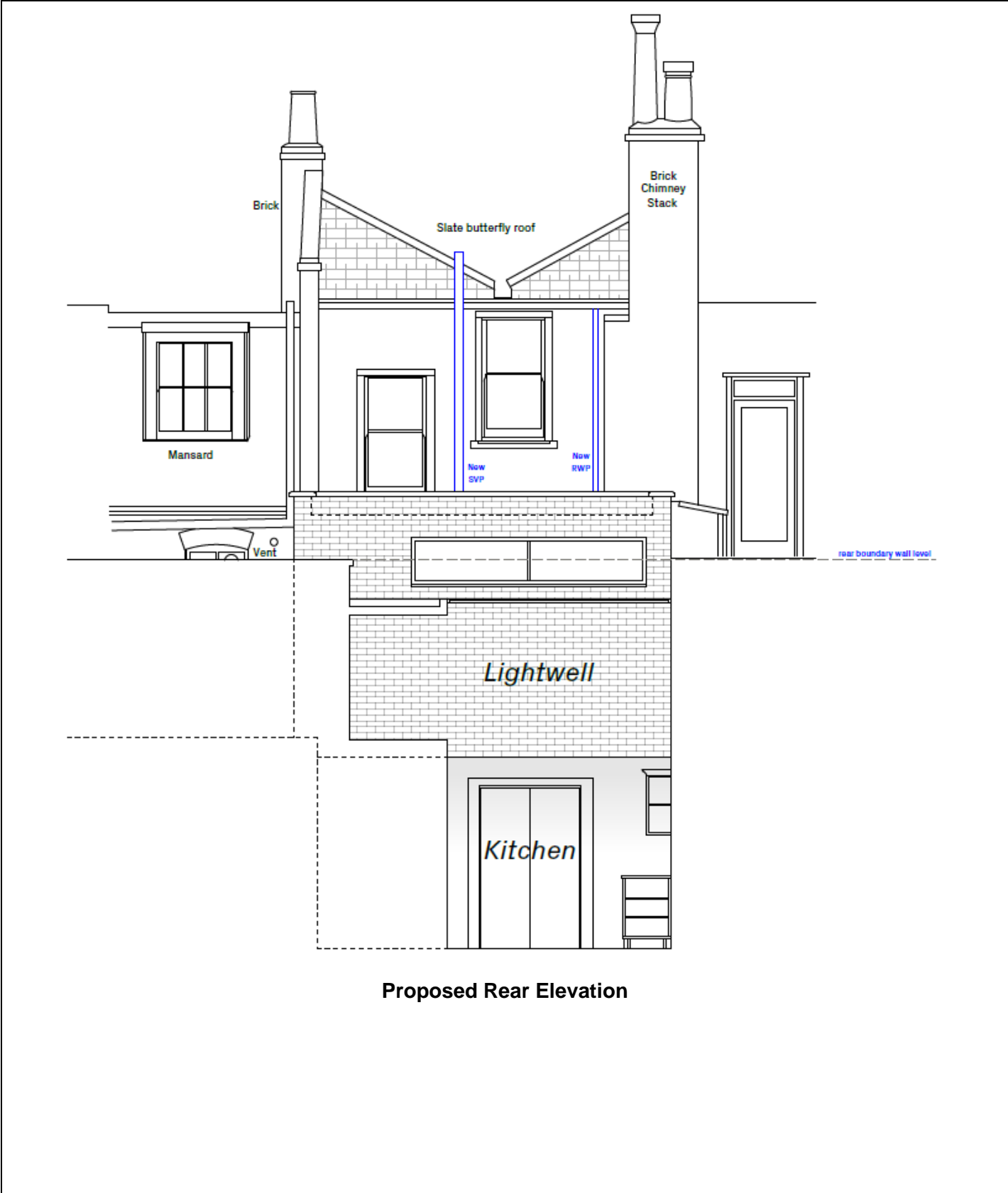
Existing First Floor Plan



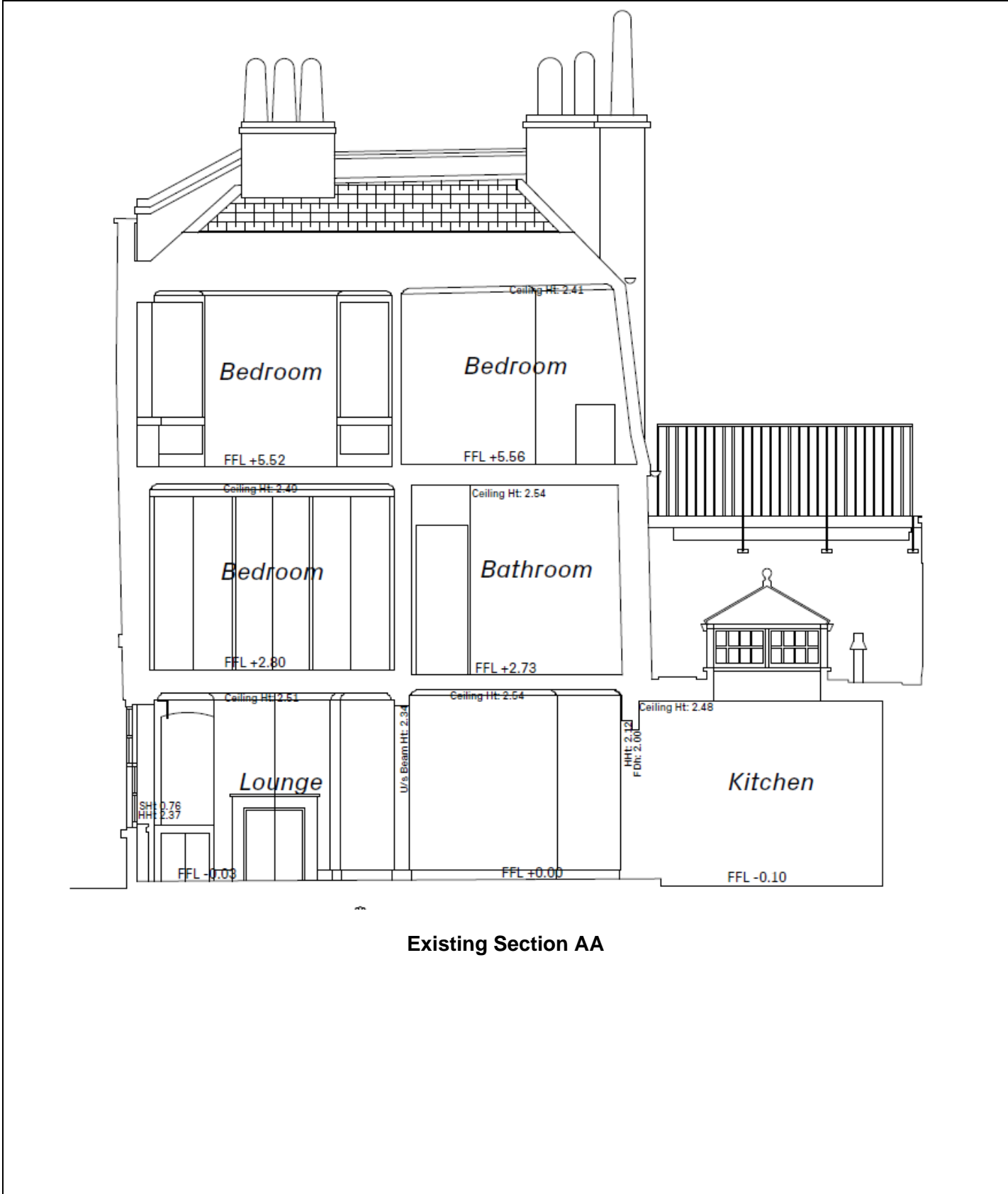
Proposed First Floor Plan

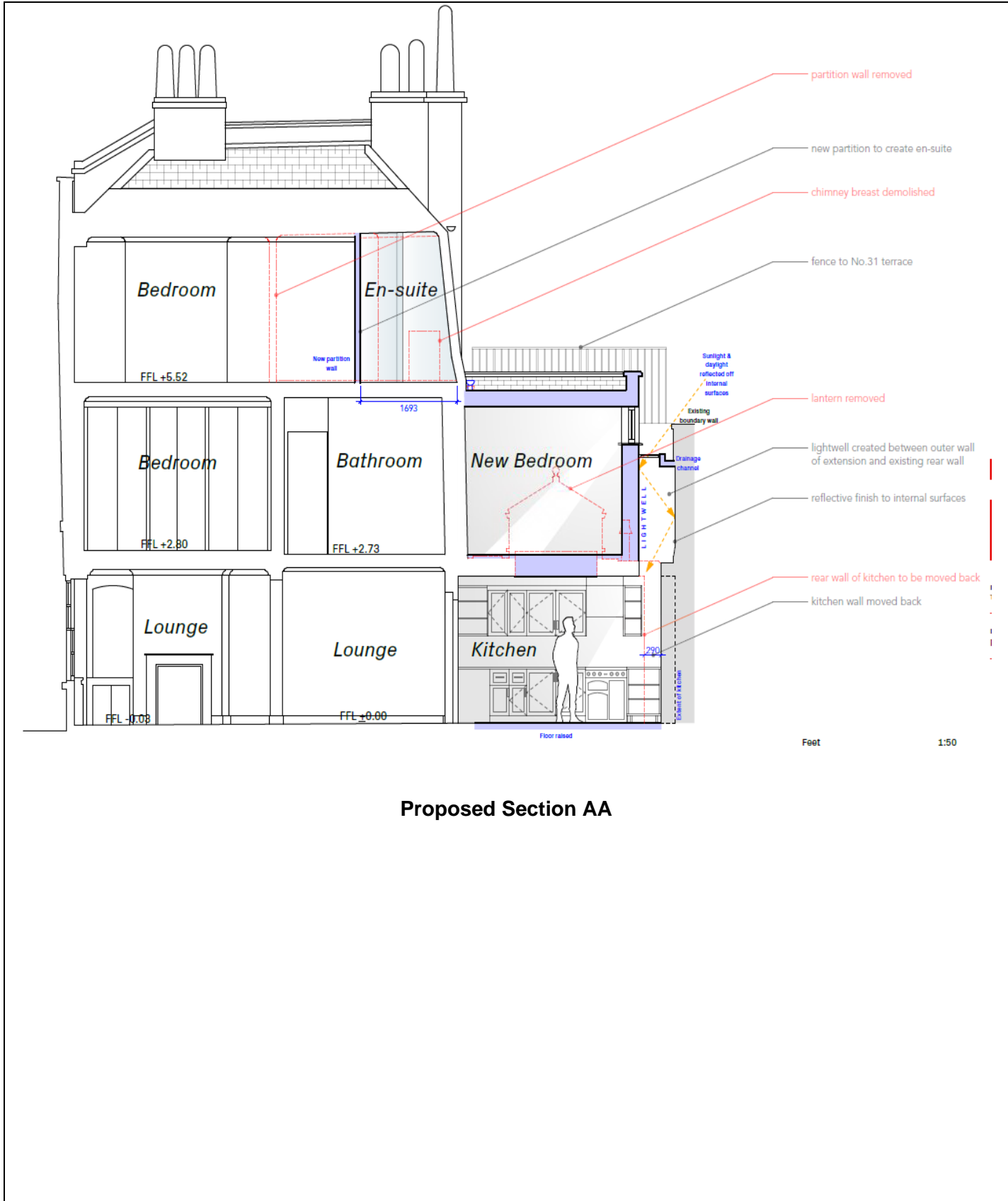


Existing Rear Elevation

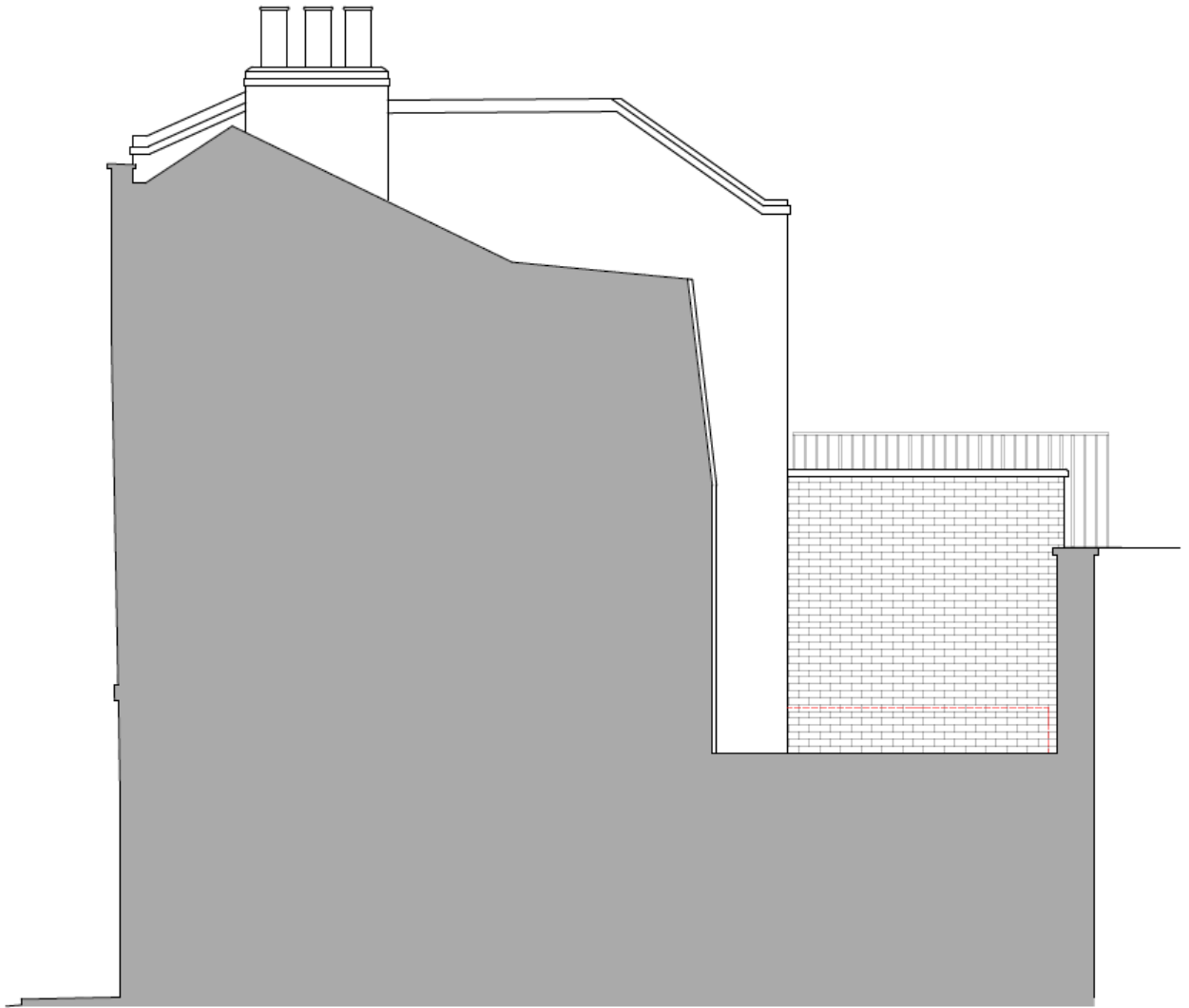


Proposed Rear Elevation

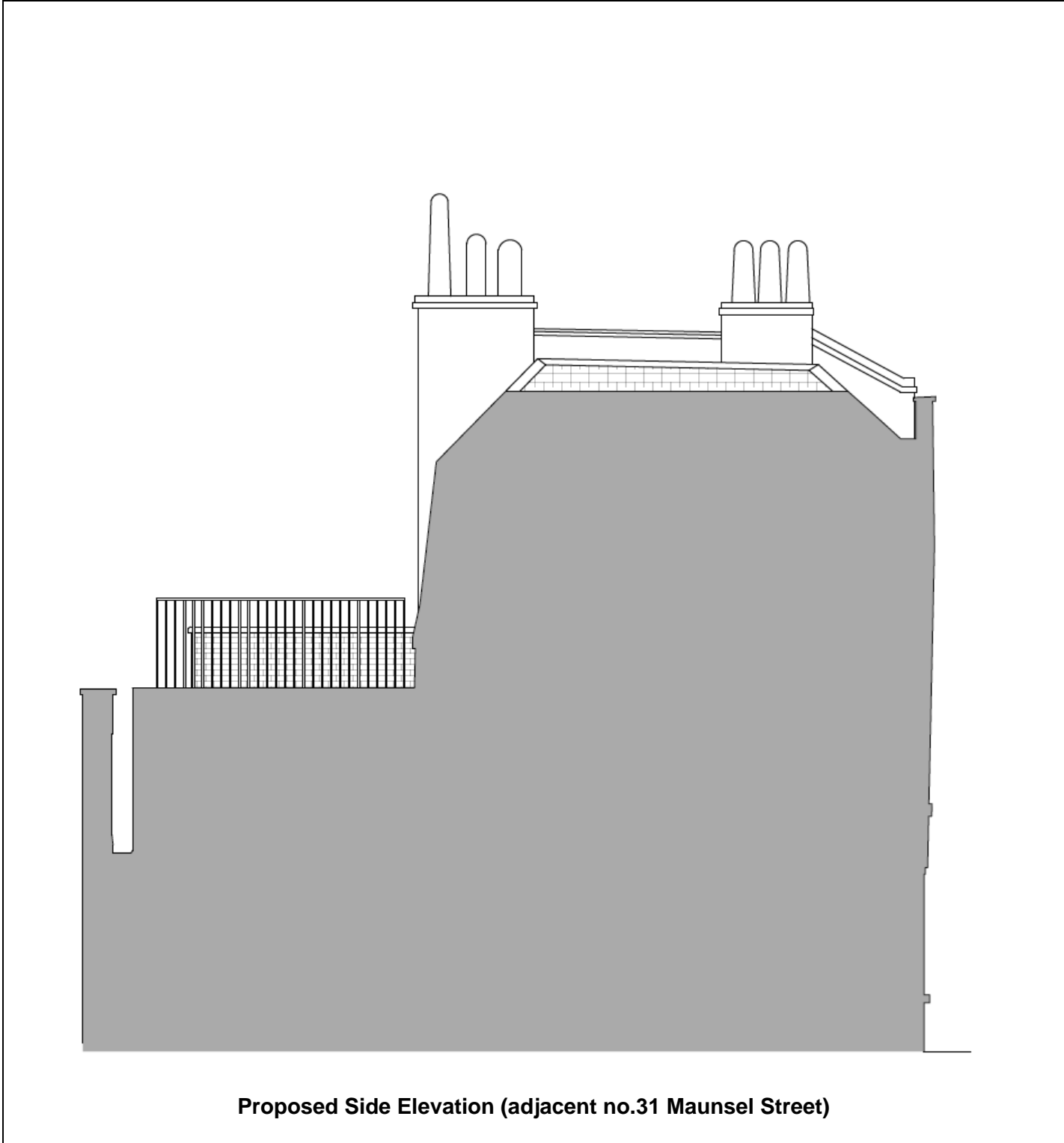




Proposed Section AA



Proposed Side Elevation (adjacent no.33 Maunsel Street)



DRAFT DECISION LETTER

Address: 32 Maunsel Street, London, SW1P 2QN

Proposal: Erection of first floor rear extension.

Reference: 18/04857/FULL

Plan Nos: 10, 11, 12, 13, 21, 30, 31, 110A, 111A, 112A, 113A, 121, 122, 123, 124, 130, 131, Design and Access Statement, External Daylight Study.

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

- 4 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

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

Informative(s):

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

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

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 31 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	163-173 Praed Street, London, W2 1RH		
Proposal	<p><u>Application 1 (RN: 17/10613/FULL)</u> Reconfiguration of ground and basement floors to provide a Class A1 retail shop unit and a Class A3 café/ restaurant unit, use of part of 1st floor as Class B1 office and part as dual/ alternative Class B1/ A3 use, use of 2nd floor as Class B1 offices, erection of a two storey roof extension to form new 3rd and 4th floors for use as Class B1 offices and alterations to the existing building including facade re-cladding, installation of new kitchen extract duct, installation of roof level plant and associated works.</p> <p><u>Application 2 (RN: 18/00071/LBC)</u> Erection of a two storey extension to existing retaining wall to Paddington District and Circle Line Underground Station.</p>		
Agent	Bidwells		
On behalf of	Yoda Holdings Limited		
Registered Number	17/10613/FULL and 18/00071/LBC	Date amended/ completed	15 January 2018
Date Application Received	29 November 2017		
Historic Building Grade	Unlisted (adjoining Paddington District and Circle Line Underground Station is Grade II listed)		
Conservation Area	Bayswater		

1. RECOMMENDATION

Application 1

1. Grant conditional permission.

Application 2

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

2. SUMMARY

The site comprises of a three storey 1950s building with a basement level, located on the south side of Praed Street at the junction with London Street. The existing building is use as a Class A3 restaurant, Class A1 shop and a Class A2 bureau de change at basement and ground floors, with Class B1 offices on the upper floors.

The site is located within the Bayswater Conservation Area, the North Westminster Economic Development Area (NWEDA) and forms part of the Secondary Frontage of the Praed Street District Shopping Centre. The building on the application site is not listed, but its rear wall is shared with the adjacent Paddington District and Circle Line Underground Station, which is Grade II listed. Opposite the application site on the north side of Praed Street are the London Paddington Hilton Hotel (Grade II Listed) and Paddington Station (Grade I listed).

The scheme comprises two applications, one for planning permission (Application 1) and one for listed building consent (Application 2). Application 1 seeks permission for reconfiguration of the ground and basement floors to provide a Class A1 retail shop unit and a Class A3 café/ restaurant unit, use of part of the 1st floor as Class B1 office and part as a flexible Class B1/ A3 use, continued use of 2nd floor as Class B1 offices, erection of a two storey roof extension to form new 3rd and 4th floors for use as Class B1 offices and alterations to the existing building, including facade re-cladding above ground floor level, installation of a new kitchen extract duct running through the building to roof level, installation of roof level plant to serve the enlarged building and associated external alterations.

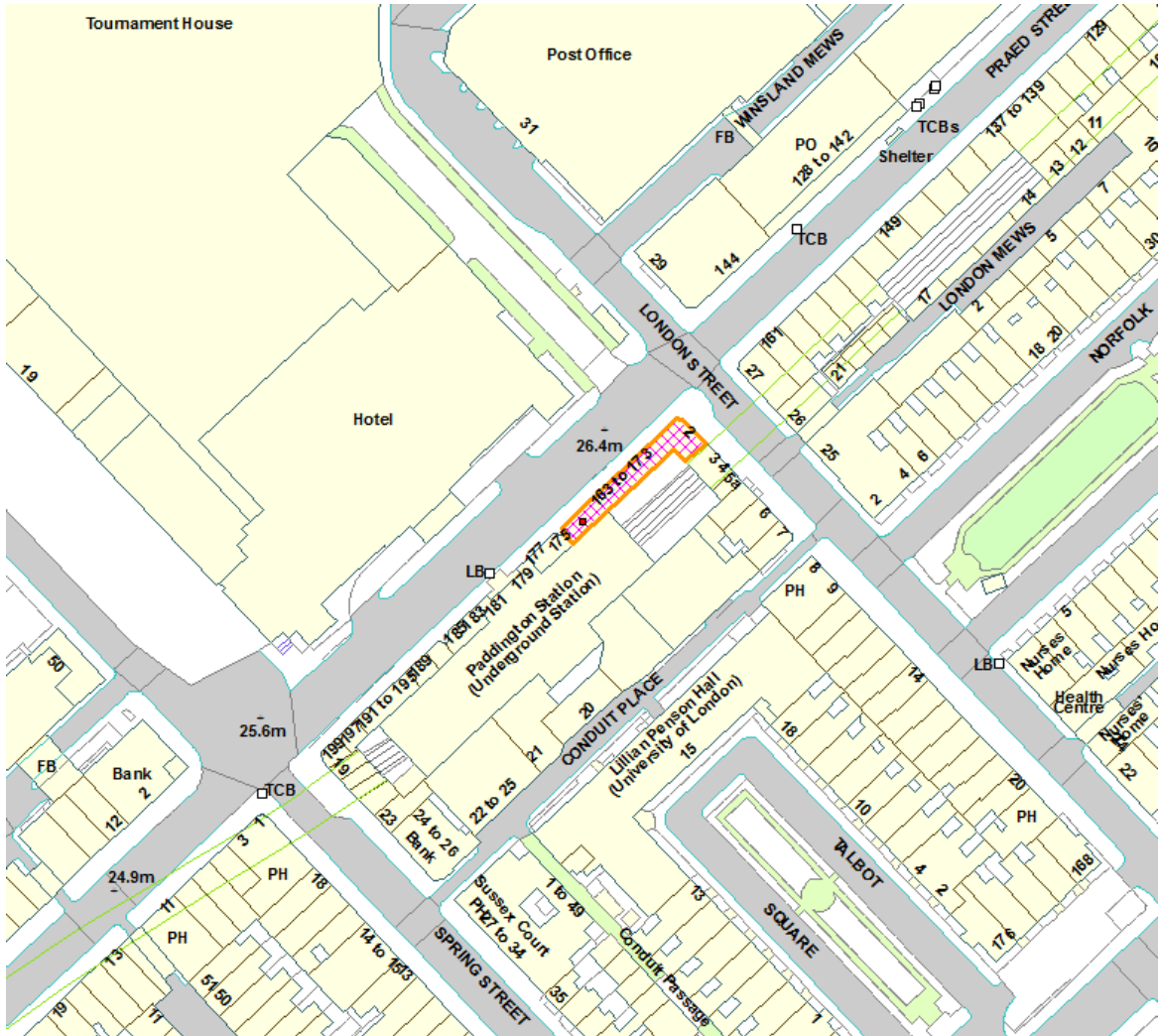
Application 2 comprises a listed building consent application for upward extension of the rear wall of the building, which also forms the retaining wall to part of the Grade II Paddington District and Circle Line Underground Station to the rear of the site.

The key issues in this case are:

- The impact of the proposed development on the appearance of the building and the character and appearance of the Bayswater Conservation Area.
- The impact of the development on the special architectural interest of the adjoining listed station and surrounding listed buildings.
- The acceptability of the proposed uses in this location within the NWEDA and Praed Street District Centre.
- The impact of the proposed development on the amenity of neighbouring residents.
- The impact of servicing of the proposed development on the surrounding road network.

For the detailed reasons set out in the report, the proposed development is considered to be acceptable in land use, design and conservation, amenity, highways and environment terms and would comply with the relevant policies in the Unitary Development Plan adopted in January 2007 ('the UDP') and Westminster's City Plan adopted in November 2016 ('the City Plan'). As such, the applications are recommended for approval subject to the conditions as set out in the draft decision letters appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Views of existing building from Praed Street.



View from London Street (top) and view from existing retaining wall to Paddington District and Circle Line Underground Station as seen from platform level (bottom).

5. CONSULTATIONS

The scheme has been the subject of two consultation exercises. Consultation on the initially submitted scheme was carried out in December 2017, with further consultation on the revised scheme carried out in May 2018. In the revised scheme only the location of the kitchen extract duct differed from the originally submitted scheme, with the duct relocated to within the envelope of the extended building, rather than being on the rear elevation of the building as per the existing situation. As a result of the limited differences between the initially submitted and revised schemes, the consultation responses to the two consultation exercises are not differentiated below.

WARD COUNCILLORS (HYDE PARK)

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

BRITISH TRANSPORT POLICE

No objections in principal. Comment in relation to the security of the building and access from the new development to any TfL/ LU property, where the building abuts with TfL/LU building. Security to prevent any ease of access by an intruder must be implemented to prevent any such occurrence.

CLEANSING MANAGER

Further details are required of the bin capacities to confirm that the bin stores proposed are of sufficient size to accommodate waste and recycling generated by the retail, restaurant and office uses.

CROSSRAIL

No objection.

DESIGNING OUT CRIME ADVISOR

Recommendations made in relation to ensuring security measures are implemented.

ENVIRONMENTAL HEALTH

No objections, subject to conditions to prevent noise and vibrations from the proposed kitchen extract duct, control noise levels from all plant and restrict the opening hours of the Class A3 restaurant use.

HIGHWAYS PLANNING MANAGER

No objection, subject to recommended conditions. Recommended conditions include requiring the development to be operated in accordance with the submitted Operational Management Plan, secure cycle storage, secure waste storage, prevent waste being left on the highway and to prevent doors opening over the public highway.

HISTORIC ENGLAND

Authorisation given to determine the application as seen fit.

LONDON UNDERGROUND

Objection to originally submitted scheme due to the siting of the kitchen extract duct on the rear elevation above station platform. No objection to the revised scheme, subject to condition and informative relating to construction works.

PADDINGTON BID

Support. Scheme represents a marked improvement in terms of the quality of the streetscape in Praed Street at this vital front door to London. Proposal would improve the retail and office floorspace on the site. Provision of smaller scale Class B1 office space meets demand for smaller scale offices in the area.

TRANSPORT FOR LONDON

No objection. Recommend conditions requiring a Delivery and Servicing Plan and a Construction Management/ Logistics Plan.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 58.

Total No. of replies: 0.

No. of objections: 0.

No. in support: 0.

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises of a three storey 1950s building with a basement level, located on the south side of Praed Street at the junction with London Street. The building has an L-plan form with a return onto London Street. The building appears to be constructed around a concrete frame, which has been clad in brick facades and a projecting curtain wall on the front elevation. The building is use as a Class A3 restaurant, Class A1 shop and a Class A2 bureau de change at basement and ground floors, with Class B1 offices on the upper floors.

The site is located outside of the Central Activities Zone (CAZ) and is adjacent to the southern boundary of the Paddington Opportunity Area (POA). The site is within the North Westminster Economic Development Area (NWEDA) and forms part of the Secondary Frontage of the Praed Street District Centre.

The site is located within the Bayswater Conservation Area. Whilst the building is not listed, its rear wall is shared with the adjacent Paddington District and Circle Line Underground Station. The list description for the Paddington District and Circle Line Underground Station specifically includes reference to the retaining walls, which form part of the special interest of the station where they comprise their original decorative form at platform level. Above the original decorative elements of this wall at platform level, the retaining/ rear wall of the existing application building is a three storey wall comprising an externally expressed concrete frame with brickwork infill between the frame elements.

6.2 Recent Relevant History

6.2.1 Nos.163-173 Praed Street (Offices on Upper Floors)

01/01918/FULL

Installation of five air conditioning units on the roof of the building.
Application Permitted 3 May 2001

90/04276/FULL

Change of use from office use to educational use.
Application Permitted 11 October 1990

6.2.2 Nos.171-173 Praed Street (Currently Budgens Retail Unit)

93/01155/FULL

Erection of duct at rear of building,
Application Permitted 19 October 1993

92/06768/CLEUD

Use of basement and ground floor premises as restaurant/ café with ancillary retail.
Application Permitted 7 October 1993

7. THE PROPOSAL

The scheme comprises two applications, one for planning permission (Application 1) and one for listed building consent (Application 2). Application 1 seeks permission for substantial refurbishment and extension of the existing building. At ground and basement floor levels it is proposed to reconfigure and rationalise the existing retail floorspace to provide a Class A1 retail shop unit and a Class A3 café/ restaurant unit, with the existing bureau de change omitted.

At first and second floor level Class B1 office floorspace would be retained as existing, although the applicant is seeking a flexible dual/ alternative use of part of the first floor so that it could be used as additional Class A3 floorspace in conjunction with the Class A3 unit at ground and basement level.

Above second floor level it is proposed to erect a two storey extension comprising a sheer third storey and a 4th floor roof storey with pitched roof slopes to the north, east and west roof slopes. It is proposed to use the new floorspace at 3rd and 4th floor level as additional Class B1 office floorspace. The alterations proposed to existing floorspace are shown in Table 1.

In combination with the proposed two storey extension it is proposed to reclad the north, east and west elevations in light/ buff brickwork with enlarged window openings. The new roof storey proposed would be finished in grey metal cladding. The existing detailing of the shop fronts at ground floor level would be retained, albeit with a new office entrance and amendments to omit the existing bureau de change shopfront.

Following amendment of the initially submitted scheme, it is proposed to replace the existing kitchen extract duct to the rear elevation, which can be seen from platform level within the Paddington District and Circle Line Underground Station, with a new kitchen extract duct running through the extended building and terminating at roof level. Additional plant to serve the extended building is also proposed at roof level.

Application 2 seeks listed building consent for the two storey upward extension of the existing retaining wall with the neighbouring Grade II listed Paddington District and Circle Line Underground Station. Listed building consent is not required for any other parts of the proposed development.

Table 1 – Existing and Proposed GIA Floorspace Figures.

Use	Existing GIA (m2)	Proposed GIA (m2)	+/-
Class B1 - Office	385	606	+221
Class A1 - Retail	104	137	+33
Class A3 - Restaurant	188	211	+23
Flexible B1/A3	0	88	+88
Class A2 (financial)	12	0	-12
Total	689	1042	+353

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Extension of Existing Class B1 Offices

As the site is located within the NWEDA, Policies S12 and S20 in the City Plan are relevant. Policy S12 supports the promotion of economic activity within the NWEDA, whilst Policy S20 directs increases in Class B1 office floorspace to the NWEDA. The application site is therefore an appropriate location for Class B1 office growth and the provision of additional office floorspace in this location, along with the retail uses retained on the lower floors, would promote economic activity within the NWEDA in accordance with aspirations of Policy S12.

8.1.2 Reconfiguration and Enlargement of Retail Uses

Policy TACE 9 in the UDP relates to entertainment uses and is relevant for this scheme, which proposes a restaurant unit of 211m² (and potentially up to 299m² if the additional Class A3 floorspace at first floor level is included), which would replace the existing 188m² restaurant unit. Policy TACE 9 states that permission will only be granted where the proposal would not have an adverse impact on residential amenity or the local environmental quality.

In this case, given the relatively small size of the existing restaurant, which would remain modest in size following its expansion as part of this scheme (even including the provision of an additional 88m² of Class A3 floorspace at first floor level), it is not considered that the expanded restaurant use would give rise to adverse impacts on

residential amenity or the quality of the local environment. This is particularly the case given the busy existing environment along Praed Street and outside Paddington Station and as the nearest residential property is at No.161 Praed Street, some distance from the application site (approximately 17m to the east across London Street). However, this assessment is subject to the imposition of a number of conditions to control the operation of the enlarged restaurant. The following conditions are therefore recommended to ensure the restaurant use is acceptable and compliant with Policy TACE9:

- Restriction of opening hours to between 07.00 to 00.00 on Monday to Saturday and 08.00 to 23.00 on Sundays.
- Conditions to control the operational noise and vibration levels of the proposed kitchen extract duct.
- A condition to ensure the provision of the new kitchen extract duct running the building to roof level.
- Compliance with the submitted operational management plan, which includes measures to ensure servicing does not adversely affect the public highway.
- Prevention of an ancillary takeaway delivery service being operated from the premises to the A3 use.
- Provision of waste and recycling storage within the premises.

As the site forms part of the Secondary Frontage of the Praed Street District Centre, Policy S21 in the City Plan and Policy SS6 in the UDP are relevant. The policies seek to retain retail floorspace within the District Centre, particularly at ground floor level, to ensure its character and function and vitality and viability are maintained, and the scheme is compliant with the policies in this regard. The loss of the existing Class A2 bureau de change use in favour of enlargement of the existing Class A1 retail shop unit is not contentious and whilst it is proposed to enlarge the existing Class A3 restaurant use, this would not be at the expense of Class A1 retail shop floorspace or frontage. As such, the reconfiguration of the retail uses within the building are acceptable and in accordance with Policies S21 and SS6.

8.1.3 Dual/ Alternative Class A3/ B1 Use of Part of First Floor

As noted in Section 8.1.2, it is proposed to provide flexibility in terms of the size of the Class A3 unit, by proposing the dual/ alternative ('flexible') use of part of the first floor as either office floorspace or additional restaurant floorspace. Given there would be an uplift in office floorspace as a result of the proposed development (even with this floorspace used as Class A3 restaurant floorspace), and as the enlargement of the restaurant would not harm the amenity of residents and the local environment and would not adversely affect the character and function of the District Centre, this proposal is not considered to be objectionable.

The granting of a dual/ alternative use for this part of the building would allow the use to switch between Class A3 and Class B1 for a period of 10 years from the date of the permission under Schedule 2, Part 3, Class V of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), with the use being carried out on the 10th anniversary of the permission becoming the lawful use thereafter. An informative is recommended to remind the use being carried out after 10 years will thereafter become the lawful use of this part of the building.

8.2 Townscape and Design

8.2.1 Legislation and Policy Context

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

Section 72 of the same Act indicates that *'In the exercise, with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'*.

In terms of the NPPF the key considerations are addressed in Chapter 12, with paragraphs 133 and 134 specifically addressing the issues of harm to designated heritage assets, which in this case would comprise of the Bayswater Conservation Area, Paddington District and Circle Line Underground Station, the London Paddington Hotel and the terraces in Norfolk Square.

Policy DES 1 in the UDP establishes principles of urban design and conservation, ensuring the highest quality of new development. With regards to architectural quality it states that development should be of the highest standards, use high quality materials appropriate to its setting and maintain the character, scale and hierarchy of existing buildings.

Policy DES 5 in the UDP seeks to ensure the highest standards of design in alterations. It specifically states that permission will generally be granted where the alteration does not visually dominate the existing building, its design reflects the style and details of the existing building and the use of materials is consistent.

Policy DES 6 relates to roof level extensions. Permission may be granted where the development is in sympathy with the buildings architectural character and where the design, form scale and materials accords with the surrounding built form.

Policy DES 9, which relates to Conservation Areas, states in Part C that the alteration of unlisted buildings should use traditional, reclaimed or recycled materials and should use prevalent facing and roofing materials, having regard to the content of relevant C Conservation Area Audits or other adopted Supplementary Guidance.

Policy DES 10 in the UDP seeks to ensure that planning permission is not granted for proposals which have an adverse impact on the setting of listed buildings.

8.2.2 Bayswater Conservation Area and the Significance of Affected Heritage Assets

The current application proposes a roof level extension and façade alterations. A detailed heritage appraisal has been submitted with the application and this has assisted with the assessment of the contribution that the application site makes to the conservation area.

The Bayswater Conservation Area was first designated in 1968 and was most recently extended in 2002 when the sub-character area the site lies in as included. Whilst the conservation area is residential in character, the area in which the application site is located has a very distinctive character owing to the presence of the train stations and the commercial development along Praed Street.

Historic maps have shown that by 1890 some retail units were located in front of the underground station, occupying the footprint of the current site. The site subsequently suffered bomb damage and by 1960 the site had been redeveloped with the current building. The building has been constructed above the retaining walls to the underground station, with the rear wall being visible from the station platform.

Presently the building on site comprises three storeys above ground level, with a lower ground floor level. The building line is slightly recessed behind the underground station entrance on Praed Street but is consistent with the adjacent buildings in Spring Street. The flat roof is concealed behind a tall parapet and contains an access enclosure and plant and other equipment. The elevations are faced in brick slips with curtain wall framing for the central area of fenestration.

The applicant's heritage statement has concluded that the site '*does not contribute to the heritage value of the Conservation Area*'. The existing building is considered to make a limited contribution to the character and appearance of the Conservation Area and therefore the principle of alterations and extension that improve its appearance are not contentious in design terms.

The adjacent Paddington Underground Station dates from 1868 and was built using a 'cut and cover' method which sought to enable smoke and steam to be emitted at either end of the platforms. The street frontage was rebuilt in 1914 by Charles Clark, the Metropolitan Railway Engineer, who introduced the flanking white glazed faience façade. The special interest derives, not exhaustively, from the buildings form and scale as well as the evolution found in its detailed design and function.

The London Paddington Hotel is located opposite the site and is Grade II listed. Dating from 1854 the building is noted as being the first large purpose-built hotel in London. Interest is found in the buildings architectural style and relationship with its setting. Norfolk Square is located opposite the Spring Street elevation of the site and contains Grade II listed terrace's, which date from the 1840s. Each building is of four or five storeys and they have a uniform character which contributes to their special interest.

8.2.3 Assessment of Proposed Development

The application proposes a two storey roof level extension, with the proposed third storey being in keeping with the first and second floors and the top storey being designed as a distinct 'roof storey'. The existing curtain walling is proposed to be replaced with masonry cladding with the fenestration being more regular in pattern. The mansard roof level would be clad in grey metal and will contain dormer windows on the north-east and north-west elevations. The south-west elevation is proposed to be chamfered at both third and roof levels and will contain a single rooflight at roof level. On the south-east elevation the metal cladding would cover both levels except on the Spring

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4

Street return which will be in brickwork with masonry coping detail. The lift overrun and the kitchen extract duct would project at roof level.

The existing building is considered to make a limited contribution to the character and appearance of the Conservation Area and therefore, as per Section 8.2.2, the principle of some improvement works is not contentious in design terms. The elevation improvement works are welcomed as the proposed appearance of the building will be in keeping with the prevailing character and appearance of the buildings within the conservation area, which derives in part from their masonry form.

The surroundings buildings have varying heights; there is a single storey building directly to the rear of the site in London Street, the underground station is two storeys in height and the surrounding terraces are four or five storeys in height. In this context, the proposed height of the building will comfortably integrate with the surrounding building heights along Praed Street and Spring Street. The height complements the building on the opposite side of Spring Street and the neighbouring terraces and is not competitive with the taller buildings in the area, allowing them to remain visually prominent.

Due to the single storey building to the rear, the rear elevation will be appreciated in part from the public realm. However, the material palette is to remain as existing and therefore the additional bulk is not considered to detract from the character and appearance of the conservation area, despite its functional appearance. Additionally, as the rear elevation of the site is supported by decorative piers and the retaining wall which formed the cut and cover part of the underground station, the additional height will be appreciated by those on the station platform. However, as this area was always intended to be sunken below street level and as the relationship with the open sky would not change significantly, the increase in bulk is not considered to harm special interest found in this part of the heritage asset.

Chamfering the south west side elevation away from the underground station is welcomed, as it allows for the form and proportions of the heritage asset to remain prominent in the street scene and prevents a blank flank wall views from the south west. The roof level additions (kitchen extract duct and associated plant) are considered to be of limited scale and therefore they would not be visually appreciated in immediate views. Whilst they may be visible in longer and more oblique views, they are not considered to detract from the overall appearance of the building or the wider area.

It is noted that in extending the building a contemporary approach to a traditional form is proposed. This is considered to compliment the setting as mansard roof forms and strong masonry coping detailing are typical on buildings within the immediate setting, whilst the use of a metal cladding for the roof will use a traditional material in a contemporary way. It is recommended that details of the proposed facing materials are secured by condition.

In terms of the impact on the setting of the identified heritage assets, the NPPF defines setting as the surroundings in which a heritage asset is experienced. There is considered to be a limited impact on the special interest of each identified heritage asset; their architectural form, character, appearance and relationship with the area is not considered to be impacted upon by the proposed works. In respect of paragraph 134 of the NPPF the works are considered to result in less than substantial harm, with the

visual improvements to the building and the wider area considered to be a public benefit that outweighs the less than substantial harm that would be caused.

In conclusion, having had regard to the duties imposed by Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the proposals are considered to be acceptable in design and heritage terms and would have no adverse impact on the character and appearance of the Bayswater Conservation Area or on the setting of surrounding designated heritage assets. The extension of the existing retaining wall with Paddington District and Circle Line Underground Station would not harm the significance of this heritage asset. Therefore, the proposal is considered to comply with Policies DES 1, DES 5, DES 6, DES 9 and DES 10 in the UDP, Policies S25 and S28 in the City Plan and Chapter 12 of the NPPF.

8.3 Residential Amenity

Policy ENV13 in the UDP and Policy S29 City Plan relate to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight or sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan seek to ensure that development does not result in noise disturbance or nuisance. Policy ENV7 specifically relates to the control of noise from mechanical plant.

8.3.1 Daylight and Sunlight

The nearest residential windows to the application site are located on the upper floors of No.161 Praed Street, which is separated by London Street and are located approximately 17m from the existing building. Other residential windows, and windows serving other light sensitive uses, in the vicinity of the site are a more significant distance from the application site and would not be materially affected in terms of losses of daylight or sunlight.

Policy ENV13 sets out that the impact of development in terms of losses of daylight and sunlight should be compliant with the standards set out in the Building Research Establishment (BRE) guidance document 'Site Layout Planning for Daylight and Sunlight' (2011). The applicant has undertaken a detailed daylight and sunlight assessment of the proposed scheme for the existing residential windows at No.161 Praed Street. The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution (NSL) available to windows in these properties. Sunlight is also assessed using the Annual Probable Sunlight Hours method of assessment. The submitted assessment demonstrates that all of the windows at No.161 Praed Street would be compliant with the BRE Guidelines and the proposed development would not cause any material losses of daylight or sunlight to neighbouring windows. As such, the scheme is compliant with Policies ENV13 and S29 in terms of daylight and sunlight impact.

8.3.2 Sense of Enclosure

The nearest residential units to the site, at No.161 Praed Street, are separated by the width of the public highway along London Street. Taking into consideration the context of the site, where there are several taller buildings in the immediate context, it is not considered that the proposed two storey extension to the existing building would result in an unacceptable increase in sense of enclosure to adjacent occupiers. As such, the impact in terms of increased sense of enclosure would accord with Policies S29 and ENV13.

8.3.3 Loss of Privacy/ Overlooking

There are no roof terraces proposed, with the use of the upper floors of the building being proposed to be used as Class B1 offices. The basement and ground floors are to remain in retail use. Given the proposed uses and as the separation of the site from neighbouring properties by the width of the public highway in Praed Street and Spring Street, it is not considered that significant additional overlooking would be caused to neighbouring properties. The rear elevation is to comprise a blank wall with no windows and therefore no overlooking would be caused to neighbouring properties to the rear. In this context, the proposals are considered to be acceptable in overlooking terms and consistent with Policies S29 and ENV13.

8.3.4 Mechanical Plant

Mechanical plant and a new kitchen extract duct are proposed at main roof level. An acoustic report has been submitted during the course of the application and in response to consultation Environmental Health do not object on noise disturbance grounds. Subject to the recommended conditions to ensure the mechanical plant operates in accordance with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan, it is not considered that it would cause noise or vibration disturbance to neighbours.

Given the presence of the existing roof level extract duct to the rear elevation of the building, which is historic and lawful in planning terms, it is not considered to be reasonable to require further odour control measures as the proposed extract duct would discharge cooking odours at a high level in a near identical location. Informatives are though recommended to advise the applicant of the Environmental Health recommendations for the design of the kitchen extract in order that odour from the duct is minimised.

8.4 Transportation/Parking

Policy S42 in the City Plan and Policy TRANS20 in the UDP seek the provision of off-street servicing as part of new development. Off-street servicing is not proposed in this case. However, given the scheme comprises modest extension of the existing office and retail uses on this site, which are currently serviced on street in London Street, the lack of off-street servicing is not considered to be objectionable. The Highways Planning Manager has advised that he does not object to continuation of the existing servicing arrangements, subject to the servicing of the site being carried out in accordance with the Servicing Management Plan, which forms part of the submitted Operational Management Plan (OMP). A condition is recommended requiring the development to be

serviced in accordance with the submitted OMP and it is considered that this requirement would also address TfL's request that the development is required to be carried out in accordance with a Deliveries and Servicing Plan.

In terms of people arriving and departing the site, the levels would be similar to the existing situation, despite the increases in floorspace. Given the uses proposed and the proximity of a range of public transport options, the non-provision of off-street car parking is acceptable and in accordance with Policies TRANS21 and TRANS22 in the UDP. The proposals would not increase pressure on existing on-street parking in the vicinity, which is within a Controlled Parking Zone.

Policy 6.9 in the London Plan requires 1 cycle parking space per 175m² of Class A1 floorspace 1 space per 90m² of Class B1 office floorspace. Based on these ratios, the scheme is required to provide 1 cycle parking space for the Class A1 retail shop, 2 cycle parking spaces for the Class A3 restaurant and 7 cycle parking spaces for the Class B1 office floorspace. The scheme includes this number of cycle parking spaces within the building and is therefore compliant with Policy 6.9 in the London Plan. A condition is recommended to secure the provision of the cycle parking and its retention thereafter.

In terms of waste and recycling storage does not object to the principle of the waste and recycling stores that are proposed, but is seeking further details to ensure the stores are of sufficient size to meet the needs of the Class A1, A3 and B1 uses within the building. A condition is recommended to secure the further details sought by the Cleansing Manager. Subject to the recommended condition, the proposal would accord with Policy ENV12 in the UDP.

The Highways Planning Manager has raised concern that doors are shown opening partially over the highway to the restaurant and office elements of the scheme. Such arrangements can pose a risk to the safety of pedestrians and block the footpath, contrary to Policy TRANS3 in the UDP and S41 in the City Plan. The door to the restaurant unit would remain as existing and therefore this door is not objectionable. The existing door to the office entrance is shown to partially over sail the highway, but in practice this is not the case as the door is narrower than shown with a sidelight window. As such, the proposed door to the office entrance is wider than existing and would increase obstruction of the highway relative to the existing situation. Similarly, the bin store to the retail shop would open directly onto the footpath, with the doors obstructing the footpath significantly when in use. An amending condition is recommended to seek amendments to these two elements of the scheme so that they would not cause obstruction to pedestrians using the narrow footpath of the public highway outside the site in Praed Street.

8.5 Economic Considerations

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

8.6 Access

The proposed scheme comprises the retention and extension of the existing building and consequently the step up to the front entrance of the office and restaurant uses within the building would remain due to the height of the ground floor slab. However, once

within the building, a lift is proposed, which would provide improved access to the office accommodation on the upper floors.

8.7 Other UDP/ Westminster Policy Considerations

None relevant.

8.8 London Plan

The application does not raise any strategic issues.

8.9 National Policy/ Guidance Considerations

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

8.10 Planning Obligations

The scheme is of insufficient scale to require the provision of planning obligations.

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on an additional 345m² of floorspace (GIA) as stated on the applicant's CIL form, the estimated CIL payment would be £61,489 for Westminster's CIL (£150 per square metre in Commercial Core) and £24,908 for the Mayor's CIL (£50 per square metre in Zone 1).

8.11 Environmental Impact Assessment

The application is of insufficient scale to require the submission of an Environmental Impact Assessment.

8.12 Other Issues

8.12.1 Construction Management

TfL have suggested that given the tight constraints of the site and the proximity to bus routes, a condition should be imposed requiring a Construction Management/ Logistics Plan. However, as this is not a scheme for complete redevelopment of the site and therefore the extent of demolition will be more limited, it is not considered that it would have such a significant impact on the operation of the local highway network so as to warrant imposing such a condition. Furthermore, the scheme is not a 'Level 1' or 'Level 2' scheme in terms of its scale, as defined in the Code of Construction Practice (CoCP). As such, it is not a scheme where compliance with the CoCP would normally be secured by condition. In this context, despite the concerns expressed by TfL, a condition controlling the hours of work and an informative reminding the applicant that any structures or skips placed on the public highway require approval by the local highway authority would be sufficient to mitigate the impact of construction works in highways terms.

8.12.2 Impact of Existing Duct and Proposed Development on Adjacent Underground Station

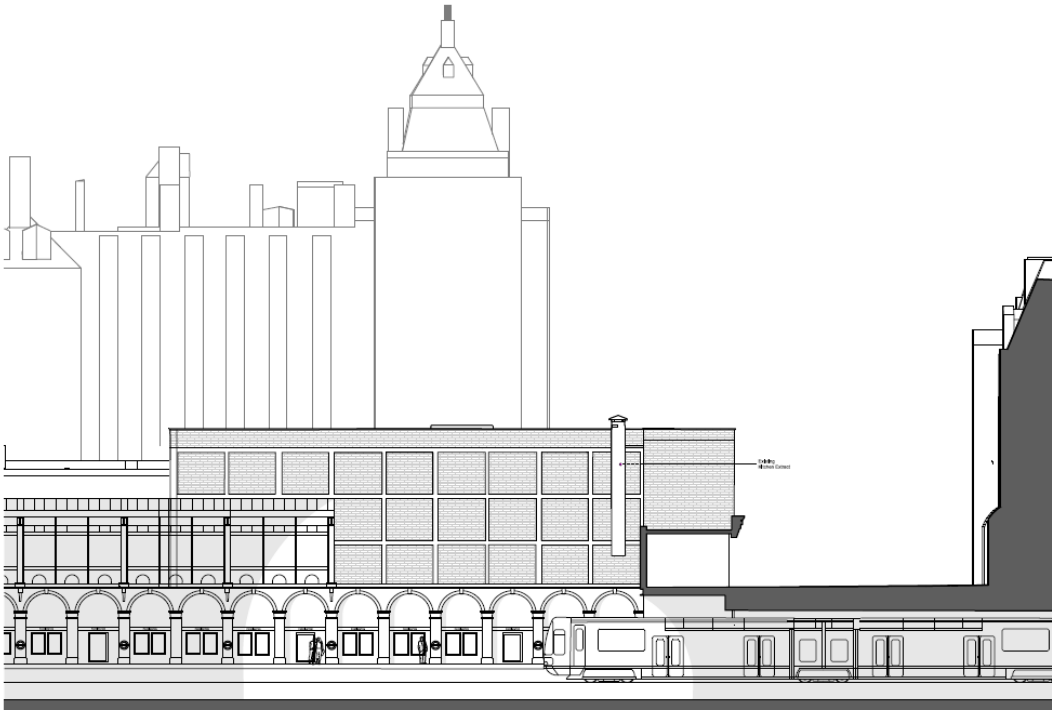
London Underground initially raised objection to the scheme due to the location of the kitchen extract duct, which was originally shown on the rear elevation, over sailing the platform of the District and Circle Lines at Paddington Underground Station. Despite this being the existing and apparently lawful situation, London Underground advised that any extension or replacement of this duct would not be acceptable to them given the risk they consider it poses to the safe operation of the railway. To address these concerns, the applicant has revised the scheme to route the duct through the building to roof level and this has addressed London Undergrounds initial concerns.

London Underground have requested a condition to ensure that the impact of the development on the structure of their adjacent station is appropriately considered and to ensure that the development can be carried out without need for access to the station and in a manner that does not compromise the security of the station (both during construction and post completion). This latter point was also of concern to the British Transport Police. Given the importance of safeguarding this strategically important piece of transport infrastructure, in accordance with Policy 6.3 in the London Plan, and to ensure that the station as a heritage asset would not be structurally harmed (see also Section 8.2), the condition recommended by London Underground has been included in draft decision letter appended to this report.

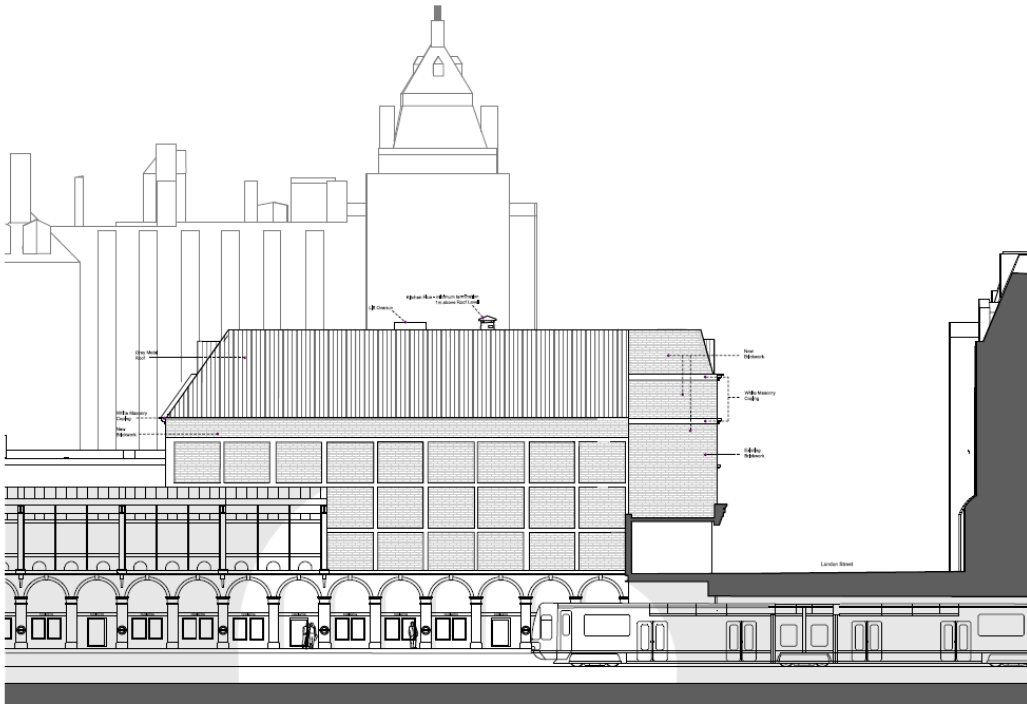
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk.

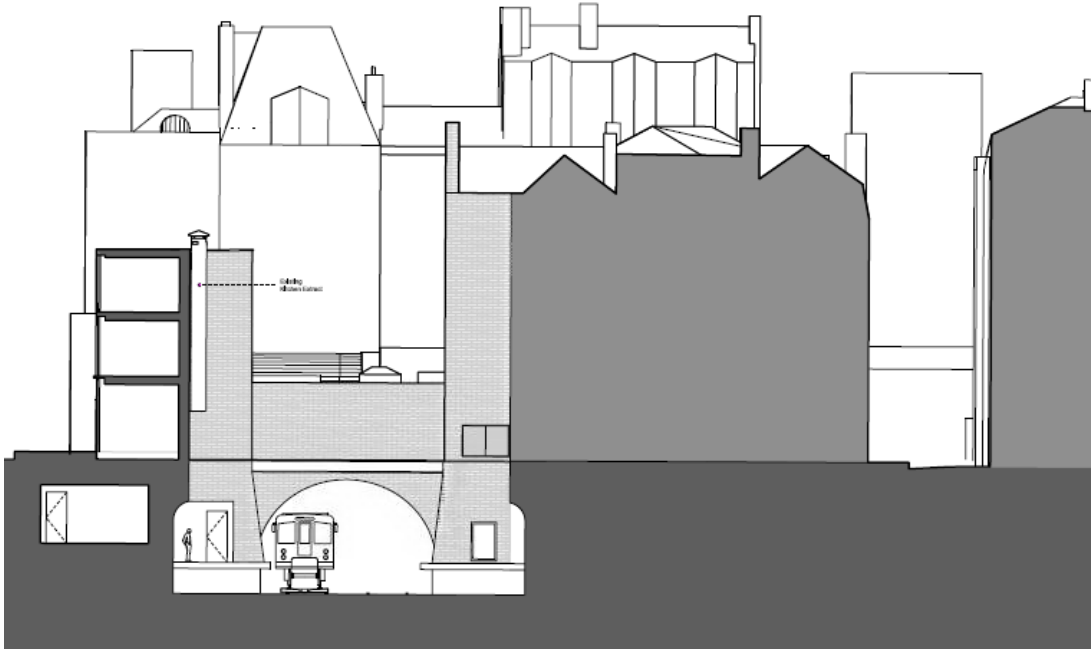
Existing Platform Elevation (South-East):



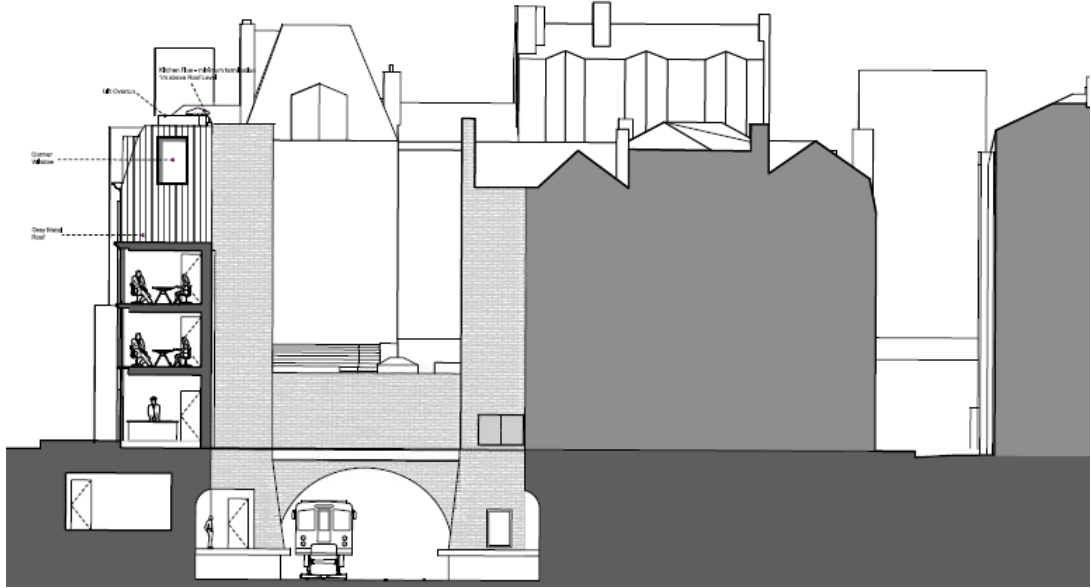
Proposed Platform Elevation:



Existing South-West Elevation:



Proposed South-West Elevation:



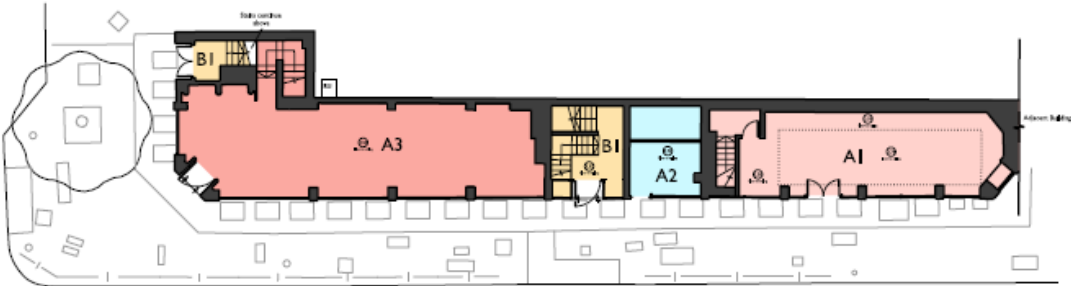
Existing Basement Floor Plan:



Proposed Basement Floor Plan:



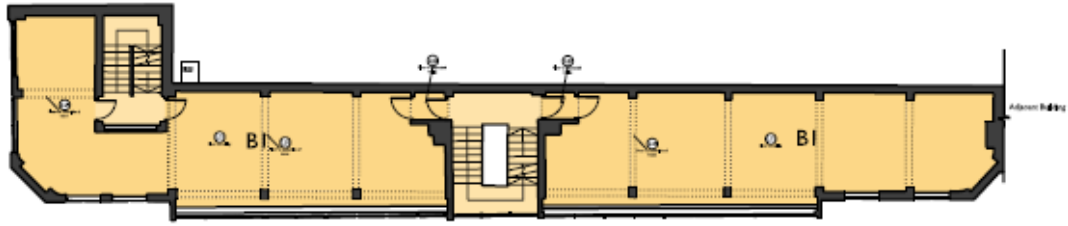
Existing Ground Floor Plan:



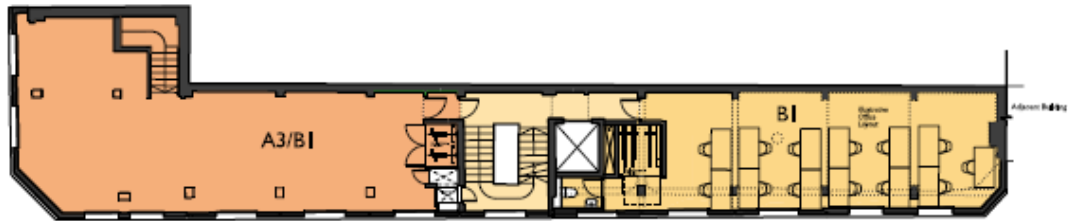
Proposed Ground Floor Plan:



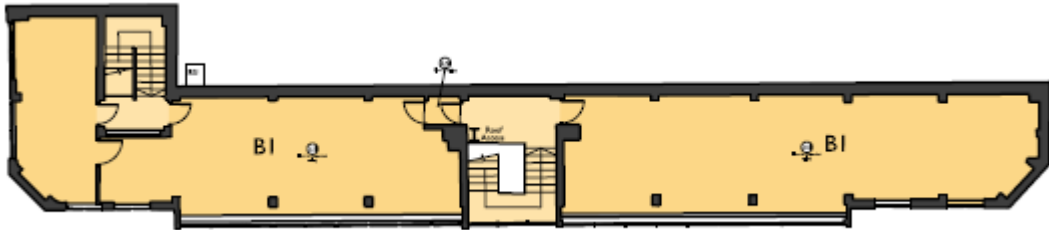
Existing First Floor Plan:



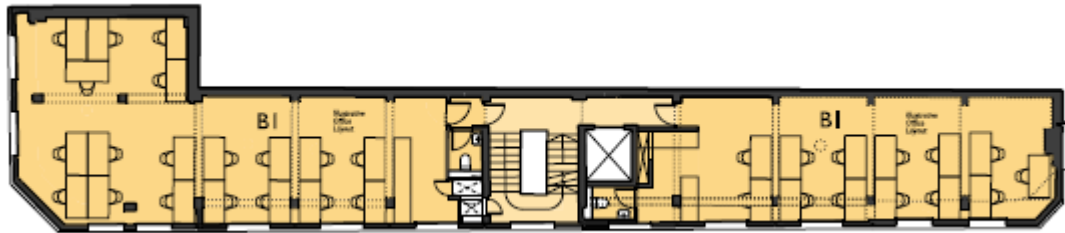
Proposed First Floor Plan:



Existing Second Floor Plan:



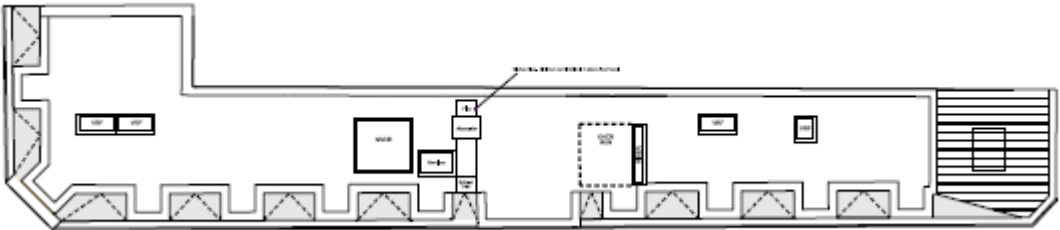
Proposed Second and Third Floor Plan:



Proposed Fourth Floor Plan:



Proposed Roof Plan:



Perspective image of scheme as viewed from Winsland Mews



DRAFT DECISION LETTER - Application 1 (RN: 17/10613/FULL)

Address: 163 - 173 Praed Street, London, W2 1RH,

Proposal: Reconfiguration of ground and basement floors to provide a Class A1 retail shop unit and a Class A3 café/ restaurant unit, use of part of 1st floor as Class B1 office and part as dual/ alternative Class B1/ A3 use, use of 2nd floor as Class B1 offices, erection of a two storey roof extension to form new 3rd and 4th floors for use as Class B1 offices and alterations to the existing building including facade re-cladding, installation of new kitchen extract duct, installation of roof level plant and associated works (linked to 18/00071/LBC).

Plan Nos: Praed-A-01-01 Rev C; Praed-A-01-02 Rev C; Praed-A-01-10 Rev C; Praed-A-01-11 Rev C; Praed-A-01-12 Rev C; Praed-A-01-19 Rev C; Praed-A-07-01 Rev C; Praed-A-07-02 Rev C; Praed-A-07-03 Rev C; Praed-A-07-04 Rev C; Praed-A-11-10 Rev C; Praed-A-11-11 Rev C; Praed-A-11-12 Rev C; Praed-A-11-13 Rev C; Praed-A-11-14 Rev D; Praed-A-11-15 Rev D; Praed-A-11-19 Rev C; Praed-A-17-01 Rev C; Praed-A-017-02 Rev C; Praed-A-17-03 Rev A; Praed-A-17-04 Rev D; 1014822-SK-001 Rev D; 1014822-SK-002 Rev D; 1014822-SK-003 Rev D; 1014822-SK-004 Rev D; 1014822-SK-005 Rev D; 1014822-SK-006 Rev D; 1014822-SK-008 Rev D; Framework Operational Management Plan by Transport Planning Associates dated November 2017; Daylight & Sunlight Study by Delva Patman Redler dated October 2017; Heritage Statement by van Bruggen Limited dated November 2017; Acoustic Report by KP Acoustics Ltd dated May 2018; Statement entitled 'Enstar House, Praed Street' by Matt Architecture dated April 2018.

For Information Only: Building Services Planning Report Rev A by Cundall dated 9/11/1017; Statement of Community Engagement by Comm Comm UK dated November 2017; Framework Construction Traffic Management Plan by Transport Planning Associates dated November 2017.

Case Officer: Avani Raven

Direct Tel. No. 020 7641 2857

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

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 5 Customers shall not be permitted within the Class A3 restaurant premises before 7.00 or after midnight on Monday to Saturday (not including bank holidays and public holidays) and before 08.00 or after 23.30 on Sundays, bank holidays and public holidays. (C12BD)

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 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 6 No takeaway delivery service shall be operated from the Class A3 restaurant premises hereby approved.

Reason:

In the interests of public safety and to avoid blocking the road and to protect the amenity of neighbouring residents as set out in S29, S32 and S41 of Westminster's City Plan (November 2016) and TACE 9, TRANS 2, TRANS 3 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 7 You must service the uses within the development in accordance with the submitted Operational Management Plan ("Framework Operational Management Plan by Transport Associates dated November 2017"), for the life of the development, unless a revised strategy is approved in writing by us.

Reason:

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

- 8 (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.

- 9 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.

- 10 Prior to operation of the kitchen extract duct hereby approved you must install the noise mitigation measures set out in Section 5 of the Acoustic Report by KP Acoustics Ltd dated May 2018. Thereafter you must permanently retain the noise mitigation measures unless or until the kitchen extract duct is permanently removed from the building.

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

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level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 11 Notwithstanding the storage shown on the drawings hereby approved, you must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. The drawings must demonstrate that the storage proposed is of sufficient size to accommodate the waste storage requirements of each use and you must include details of the type and capacity of the bins to be used within each bin store. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the retail, restaurant and office uses. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 12 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: Revised office entrance and retail shop bin store to Praed Street, which omit doors that open over the footpath of the public highway. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings prior to occupation of the development. (C26UB)

Reason:

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

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

Reason:

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

- 14 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.

- 15 The development hereby permitted shall not be commenced until detailed design, method

statements and load calculations (in consultation with London Underground), have been submitted to and approved in writing by the local planning authority which:

- (i) provide details on all structures;
- (ii) provide details on the use of tall plant/scaffolding;
- (iii) accommodate the location of the existing London Underground structures and tunnels;
- (iv) demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering our land;
- (v) demonstrate that there will at no time be any potential security risk to our railway, property or structures;
- (vi) accommodate ground movement arising from the construction thereof;
- (vii) and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

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

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policy 6.3 in the London Plan 2016 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

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, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 4 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the first floor can change between the office (Class B1) and restaurant (Class A3) uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 5 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 6 You may need separate licensing approval for the use of the ground floor and first floor for an A3 use. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 7 The refuse storage should be capable of storing up to 3 days accumulated refuse. It should be finished so as to be capable of easy cleaning and will also require ventilation.
- 8 As Licensable activities are going to be carried out on site then an application for a Premises Licence will have to be submitted to the Licensing Service under the Licensing Act 2003. The applicant should have regard to the City of Westminster Statement of Licensing Policy with regard to the proposed operation of the business.
- 9 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

SW1E 6QP

Phone: 020 7641 2000

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

- 10 With respect to Condition 13, please ensure that the drawings of waste storage for the respective uses confirm the bin capacities for the storage of residual waste and recyclable materials for the development. The bins should be indicated on the drawing and marked "R" and "W". Please refer to the City Council's Recycling and Waste Storage Requirements guidance document (sections 2.3.1 and 3.1). This can be found at the following link: www.westminster.gov.uk/waste-storage-planning-advice
- 11 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 12 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)
- 14 You are advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; and construction methods. They can be contacted via locationenquiries@tube.tfl.gov.uk or on 020 3054 1365.
- 15 The applicant is reminded that this application does not include any changes to the existing shopfronts; any indicative details showing any changes to the shopfronts do not form part of this application.

16

You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)

- 17 The submitted Building Services Planning Report Rev A by Cundall dated 9/11/1017; Statement of Community Engagement by Comm Comm UK dated November 2017 and Statement entitled 'Enstar House, Praed Street' by Matt Architecture dated April 2018 are not approved documents and are for information only. This is because some of the information contained within these documents have been partially superseded by revised documents.
- 18 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.

- 19 With respect to Secure by Design, please note the following advice provided by the Metropolitan Police Crime Prevention Design Advisor:
- All communal doors which lead onto street level are a standard of LPS1175 SR2 minimum with access control.
 - Internal office doors should be PAS 24 2016 as a minimum to protect equipment inside and each office should have a fob entry to ensure only legitimate users of that space can enter.
 - Ground floor and accessible windows should be PAS24 2016.
 - There should be no recesses on street level which exceed 600mm and any recess present should be lit from dusk until dawn to prevent ASB, urination, attempted break in etc.

- If CCTV is present then it should complement any lighting so not to distort colours or images and be in a position which cannot be tampered with. Ideally situated on entrance and exit points to capture a clear facial image.

20 You are advised that you may need to amend the kitchen extract duct hereby approved to meet the requirements of Environmental Health legislation. You should be aware that the following specifications may be required under other legislation and that if this is the case, further planning permission may be required if this materially alters the appearance or operational noise level of the kitchen extract duct hereby approved:

- Extract ducts should be designed to discharge at highest roof level and discharge vertically and clear of all existing and proposed windows in the vicinity.
- If there are buildings between 20 to 50m away that are also higher than the discharge point then an odour reduction scheme may need to be incorporated in the kitchen ventilation system.
- All cookline equipment must be placed within the extract canopy
- All kitchen extract ducts must be fitted with doors/hatches for cleaning and maintenance, at approximately 3 metre intervals, complying with the H & S safe access standards.

DRAFT DECISION LETTER - Application 2 (RN: 18/00071/LBC)

Address: 163 - 173 Praed Street, London, W2 1RH,

Proposal: Erection of a two storey extension to existing retaining wall to Paddington District and Circle Line Underground Station (linked to 17/10613/FULL).

Plan Nos: Praed-A-01-01 Rev C; Praed-A-01-02 Rev C; Praed-A-01-10 Rev C; Praed-A-01-11 Rev C; Praed-A-01-12 Rev C; Praed-A-01-19 Rev C; Praed-A-07-01 Rev C; Praed-A-07-02 Rev C; Praed-A-07-03 Rev C; Praed-A-07-04 Rev C; Praed-A-11-10 Rev C; Praed-A-11-11 Rev C; Praed-A-11-12 Rev C; Praed-A-11-13 Rev C; Praed-A-11-14 Rev D; Praed-A-11-15 Rev D; Praed-A-11-19 Rev C; Praed-A-17-01 Rev C; Praed-A-017-02 Rev C; Praed-A-17-03 Rev A; Praed-A-17-04 Rev D; Heritage Statement by van Bruggen Limited dated November 2017; and Statement entitled 'Enstar House, Praed Street' by Matt Architecture dated April 2018.

Case Officer: Avani Raven

Direct Tel. No. 020 7641 2857

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

- 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 listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 You must not disturb existing ornamental features forming part of the lower section of the retaining wall between No.163-173 Praed Street and Paddington District and Circle London Underground Station. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out

in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

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

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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

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Agenda Item 5

Item No.
5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 31 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	Parkwood, 22 St Edmund's Terrace, London, NW8 7QQ		
Proposal	Demolition of an existing summerhouse and the erection of extension at third floor level to enlarge Flat 17, the erection of extension at fourth floor level to enlarge Flat 19, and alterations to roof structure at sixth floor level to increase its height and bulk, including a new roof terrace to rear elevation in connection with the reduction in the size of Flat 20 and the enlargement of Flat 21.		
Agent	Oakley Hough Limited		
On behalf of	Parkwood Properties Limited		
Registered Number	18/04743/FULL	Date amended/ completed	6 June 2018
Date Application Received	6 June 2018		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

<p>This application site comprises a 1980's block of flats ranging between 4 and 7 storeys in height above ground level and located at the corner of St Edmund's Terrace and Titchfield Road. The building is not listed and is not located within a conservation area.</p> <p>Planning permission is sought for extensions and third floor and fourth floor level as well as an increase in the height and bulk of the roof structure at sixth floor level. A new roof terrace is proposed at sixth floor level.</p> <p>An identical scheme to that now proposed was granted planning permission in January 2014 (RN: 13/08927/FULL), but it expired in January 2017 without being lawfully implemented. External demolition and construction works in relation to the expired permission have since been carried out without the benefit of planning permission and are currently the subject of investigation by the</p>

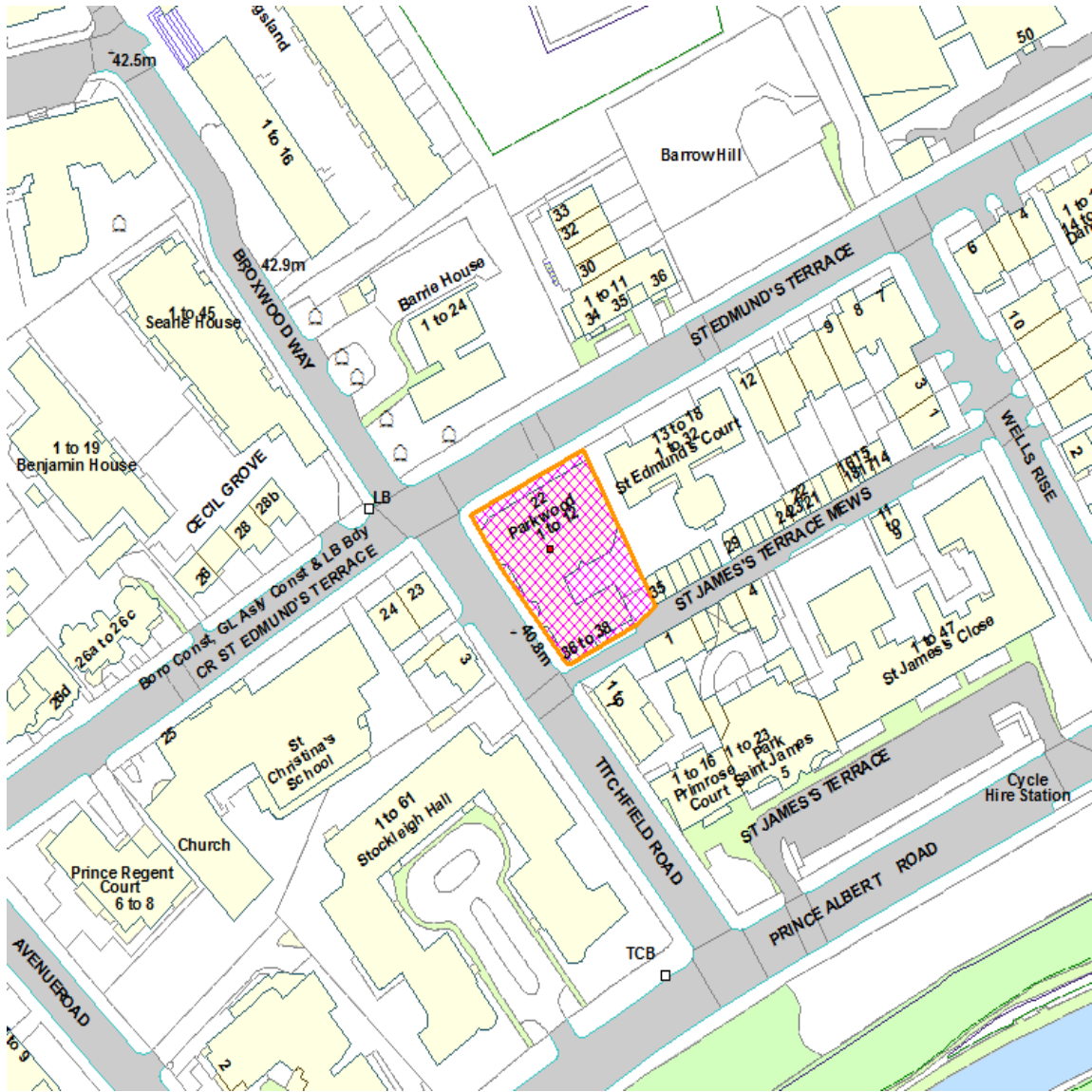
Planning Enforcement Team. The applicants have advised that they incorrectly believed that internal works carried out prior to January 2017 had implemented the 2014 permission.

The key issues in this case are:

- The standard of residential accommodation that would be provided by the extended and reconfigured residential accommodation.
- The impact of the extensions and alterations on the appearance of the building and this part of the City.
- The impact of the proposed development on the amenity of neighbouring residents.

The proposed development is considered to be acceptable in land use, design and amenity terms and would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 ('the UDP') and Westminster's City Plan adopted in November 2016 ('the City Plan'). As such, it is recommended that permission is granted subject to the conditions set out in the draft decision letter appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Parkwood, as seen from the junction of St. Edmund's Terrace and Titchfield Road.

5. CONSULTATIONS

LONDON BOROUGH OF CAMDEN:
Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY:
Concerns raised on the following grounds:

- Requested that the case officer ensures that all neighbours impacted by this development have been consulted and visits those neighbours who have raised relevant planning objections.
- Note that neighbours have commented that the works being carried out in site are not the same as what is depicted in the plans for the current application. The applicant should meet the neighbours to explain what is intended.
- Works should cease pending the outcome of the current application.
- Share concerns of neighbours regarding the impact the increased bulk of the building may have on their amenity.
- Noise and general disturbance from construction works are being caused to neighbours.
- Dismayed that construction works are continuing despite lack of permission. Shows a disregard for planning process.
- Consider that compliance with the Code of Construction Practice should be required as believe works go well beyond works of refurbishment.
- Want hours of work to be restricted to prevent construction works occurring on Saturday mornings.

CLEASNSING MANAGER

No objection, as the application does not propose any increase in residential unit numbers.

HIGHWAYS PLANNING MANAGER:

No objection. The proposal does not represent an increase in residential units or propose a loss of existing parking.

ENVIRONMENTAL HEALTH:

No objection. Conditions recommended to control the hours of construction works and to ensure the structure of the extensions prevent noise disturbance to future residents from external noise sources. Informatives relating to the carrying out of construction works also recommended.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 273.

Total No. of replies: 8.

No. of objections: 8.

No. in support: 0.

Eight emails received from 7 respondents raising objection on all or some of the following grounds:

Amenity

- Obstruction of views and loss of privacy for St. Edmunds Court residents.
- Noise pollution from proposed new terrace.
- Increase in height of the building would obstruct southerly view from Barrie House and this will affect the enjoyment of neighbouring properties and their value.

Transportation/ Parking

- Development and creation of more flats in the area is making it impossible to live/ drive/ park in the area.
- People park in the area at weekends to visit Primrose Hill, increasing pressure on on-street parking

Other Matters

- Noisy building works has been taking place on the application site since January 2018 and have started without planning permission.
- Noise and general disturbance from construction works.
- Landlords/ developers appear to be able to do anything they like without planning permission. Media should be aware of this.
- Outrageous that Council has sought opinion on this application in June when works began in January. Question whether the Council is aware of the works commencing.
- Noise disturbance typically occurs between 08.00 and 17.10 hours, including on Saturdays.
- The developer should be required to cease works if they do not have permission.
- A planning application has been submitted to Camden Council for the erection a block of flats in the car park to the north of the application site, next to Barrie House. If both developments are approved and built concurrently they would cause an unacceptable level of and noise and pollution in the area.
- Building is currently an eyesore due to the construction works that are ongoing.
- Occupiers of neighbouring properties have to pay extra to have their windows cleaned as result of dust from the construction work on the application site.
- Question whether the developer can be required to mitigate noise and dust pollution and be made to pay for window cleaning.
- Question why works have continued to date without permission and without the City Council preventing works from continuing.

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site is known as Parkwood Point. It comprises a residential block of flats located at the junction of St. Edmund's Terrace and Titchfield Road. The building contains 21 residential flats. The building is not listed and is not within a conservation area.

6.2 Recent Relevant History

13/08927/FULL

Demolition of existing summerhouse and erection of extension at third floor level to enlarge Flats 17, erection of extension at fourth floor level to enlarge Flat 19 and alterations to roof structure at sixth floor level to increase its height and bulk, with roof terrace to rear elevation, in connection with a reduction in the size of Flat 20 and enlargement of Flat 21.

Application Permitted 14 January 2014

Permission expired after 3 years without being lawfully commenced. See copy of decision letter and relevant previously approved drawings for the above application in the background papers.

89/06628/FULL

Alteration during course of construction to 5th floor to increase size of sitting room and reduce terrace area.

Application Permitted 7 June 1990

86/05258/FULL

Demolition of existing nursing home and houses and erection of 21 flats and two houses with associated parking.

Application Permitted 30 June 1987

7. THE PROPOSAL

Planning permission is sought for the demolition of an existing summerhouse and the erection of extension at third floor level to enlarge Flat 17, the erection of an extension at fourth floor level to enlarge Flat 19, and alterations to roof structure at sixth floor level to increase its height and bulk, including a new roof terrace to rear elevation in connection with the reduction in the size of Flat 20 and the enlargement of Flat 21.

An identical proposal was granted planning permission on 14 January 2014 (RN: 13/08927/FULL), but this permission expired on 14 January 2017 without being lawfully implemented. External demolition and construction works were commenced in January 2018, apparently with the intention of carrying out the development granted planning permission dated 14 January 2014. The works were reported to the Planning Enforcement team and the current application, which seeks to regularise the current unauthorised situation is the product of the Planning Enforcement team's investigation. Enforcement action is currently being held in abeyance pending the outcome of the current application.

The applicant has advised during the course of the application that they had incorrectly believed that internal strip out and demolition works to some of the flats carried out in December 2016 had constituted a material operation that was sufficient to implement the January 2014 under Section 55 of the Town and Country Planning Act 1990 (as amended). The applicant has advised that works relating to the flats within the building that the current planning application seeks to extend and alter have ceased since the beginning of June 2018, although internal refurbishment of other flats within the building, remain ongoing.

8. DETAILED CONSIDERATIONS

8.1 Land Use

There are currently 21 flats in Parkwood and the current application does not propose alter the number of units in the building. The proposed extensions would enlarge flats 17, 19 and 21 by 151m² and the increase in residential floorspace would accord with Policy H3 in the UDP and Policy S14 in the City Plan.

The scheme would alter the size of a number of the units, but all would remain in accordance with the minimum standards set out in Policy 3.5 in the London Plan and the Government's 'Technical Housing Standards'. The proportion of family sized units with 3 or more bedrooms would increase from 62% to 67% and this proportion of family size units would remain compliant with Policy H5 in the UDP and Policy S15 in the City Plan.

8.2 Townscape and Design

The relevant policies for consideration of this case are Policies DES 1, DES 5, and DES 6 in the UDP and Policy S28 of the adopted City Plan 2016.

The application building occupies a prominent corner position at the corner of St. Edmund's Terrace and Titchfield Road. The St. Edmund's Terrace elevation is of a consistent seven storey height with a spire feature on the corner. Along Titchfield Road the building steps down as it extends to the south, reflecting both the gradual slope of the road down towards Regents Park and the lower scale of Titchfield House, the neighbouring building on the east side of Titchfield Road. There are a number of existing roof terraces and other roof features at roof level, including a summerhouse, along the Titchfield Road elevation.

The proposed extensions retain the stepped form of the existing building and are considered to be acceptable in design terms. The existing building has a 'stepped down' form and the proposed extensions at third, fourth and fifth floor levels and associated roof terraces would all retain this stepped form and would remain in scale with the host building. The increase in height and bulk of the building would be relatively minor, having regard to its existing massing and the extensions proposed would not adversely affect its appearance in street views.

At roof level, it is proposed to alter the pitch and height of the existing roof form by increasing the pitch of the roof slopes to increase the size of the sixth floor level contained within the roof space. The ridge line of the roof would be raised by 0.3m. It is also proposed to enlarge and reconfigure the dormer windows. The increase in the pitch of the roof would increase the bulk and prominence of the roof form of the building, but notwithstanding this, the proposed roof form would remain in keeping with the original detailed design of the building and as such, it would not detract from the appearance of the building or this part of the City. The proposed dormer windows, although larger than existing, would maintain the detailed design and proportions of the existing windows in the building and they are therefore acceptable in design terms.

In summary, for the reasons set out in this section, proposed alterations and extensions are acceptable and would accord with Policies DES1, DES5, and DES6 in the UDP and Policy S28 in the City Plan.

8.3 Residential Amenity

The relevant policies for consideration of this case are Policies ENV6 and ENV13 in the UDP and Policies S29 and S32 in the City Plan.

Despite the increases in bulk they would create, the proposed extensions to the stepped southern elevation at third, fourth and fifth floor levels and the enlargement of the sixth floor roof storey would all be sufficiently distant from neighbouring residential windows so as not to cause a material loss of daylight or sunlight.

Objections have been received on grounds that views from neighbouring properties in St. Edmund's Court and Barrie House would be obstructed. However, the impact of development on private views is not a ground on which planning permission can reasonably be withheld. In terms of sense of enclosure, the distance of the additional bulk from neighbouring residential windows, would be sufficient so as not to result in a material increase in enclosure.

The proposed dormer windows on the St. Edmund's Terrace and Titchfield Road elevation overlook the public highway and would not cause a material increase in overlooking to windows in the front elevations of adjacent properties. It is proposed to introduce one additional dormer window in the north eastern side roof slope facing St. Edmund's Court, but this would replace an existing rooflight in the same location. Additionally, the roof form of the application site is higher than the adjacent flat roof of St. Edmund's Court and as such, the additional dormer window would not cause a material increase in overlooking or loss of privacy to the residents of St. Edmund's Court.

The windows and terraces on the south eastern elevations of the proposed extensions between third and sixth floor levels overlook the neighbouring residential properties to the south east of the application site. However, as these proposed windows and terraces are only positioned marginally closer to the neighbouring properties than is currently the case and as such, it is not considered that the proposed arrangement would give rise to a significant increase in overlooking.

For the reasons stated above it is considered that the proposed fenestration would not cause the occupiers of neighbouring and adjoining properties to suffer a material loss of privacy as a result of overlooking.

In terms of noise disturbance, the proposed scheme would not increase the amount of terrace space at third floor level. The scheme would increase the depth of the terrace at fourth floor level, whilst at fifth floor level the existing terrace would be replaced by a new terrace of approximately the same size that would be located slight further to the south east towards Titchfield House. A new terrace would be created at sixth floor level. As noted earlier in this section of the report in respect of overlooking, there is already a significant amount of terrace space at the south eastern end of the application building at

roof level and the proposed scheme would not significantly alter the existing extent of terrace space spread across the third, fourth and fifth floors. Consequently, it is not considered that permission could reasonably be withheld on noise disturbance grounds despite the objections raised on this ground. At sixth floor level the terrace proposed would be at a high level, remote from neighbouring residential windows, where it would not give rise to significant increases in noise disturbance.

In summary the proposed alterations and extensions are acceptable in amenity terms and accord with Policies ENV6 and ENV13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/ Parking

The proposal does not propose an increase in residential units or a loss of existing parking and as such, the proposals do not raise any car or cycle parking considerations. Therefore, the objection raised on grounds of increased pressure on on-street residents parking cannot be supported as a ground on which to withhold permission.

8.5 Economic Considerations

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

8.6 Access

No alterations are proposed to the existing access to this private residential building.

8.7 Other UDP/ Westminster Policy Considerations

Environmental Health have suggested a condition to ensure the structure of the proposed extensions would protect future residents from noise disturbance from external noise sources and this condition is included in the draft decision letter.

8.8 London Plan

The application does not raise any strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

8.12 Other Issues

8.12.1 Unauthorised Works

A number of objectors and the St. John's Wood Society have raised concerns that works continued to be carried out to the building during the first half of 2018 despite them being reported to the Planning Enforcement team in February 2018. As a result of the planning enforcement investigation carried out between March and June 2018, the applicant has confirmed that works on the parts of the refurbishment of the building requiring planning permission ceased in early June 2018, pending the outcome of the current planning application. Internal works to other parts of the building in connection with refurbishment of flats that are not being externally altered or extended continuing to be carried out. Planning enforcement action is being held in abeyance at the present time pending the outcome of the current application.

Concerns have been expressed by objectors that the some of the works being carried out at the application site are not the same as the works depicted in the proposed plans forming part of the current application. However, a site visit undertaken by the case officer during the course of the current application did not indicate that the works being carried out deviated from the alterations and extensions shown in the submitted drawings.

8.12.2 Construction Impact

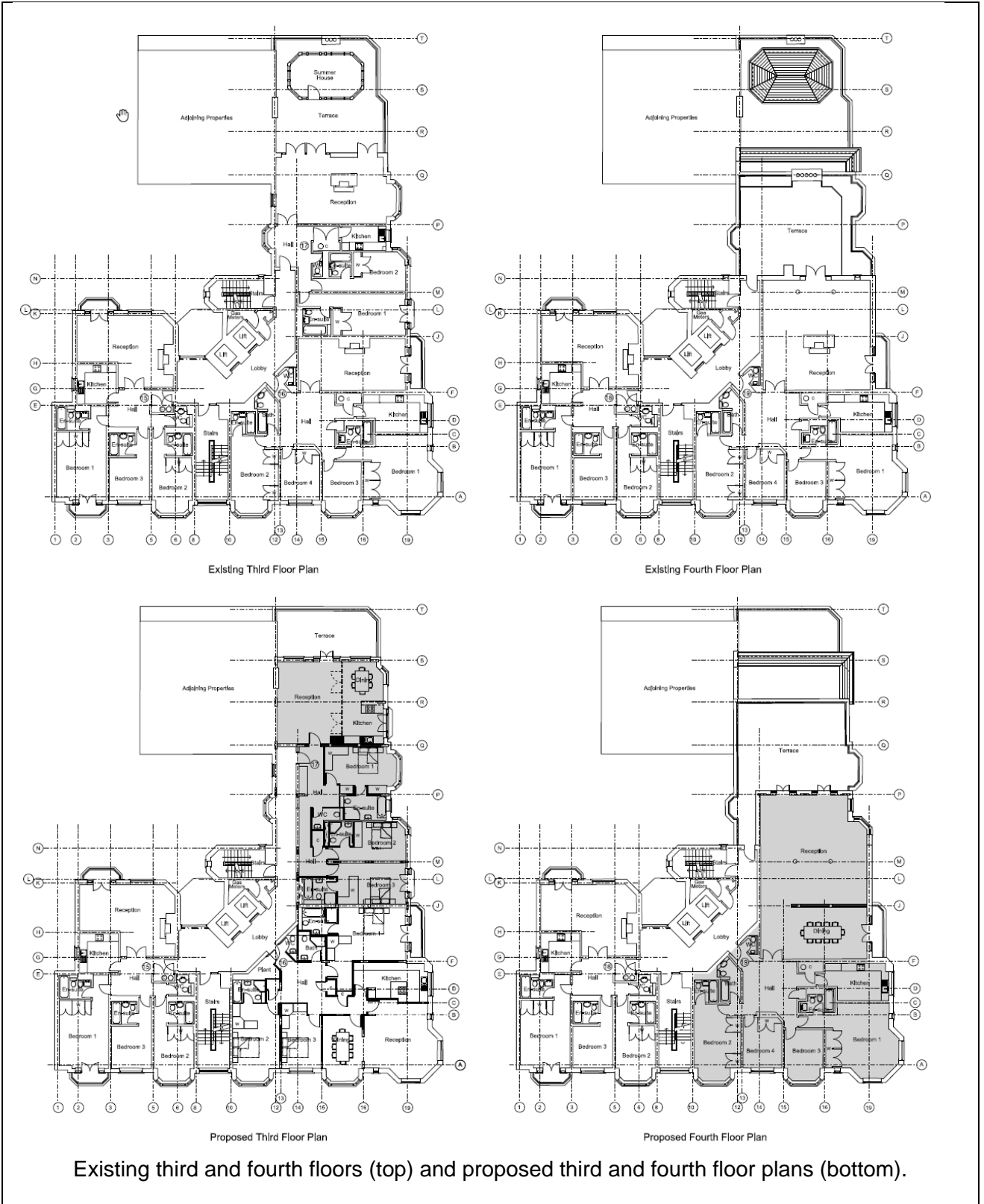
A number of objectors have raised objection on grounds that the construction works carried out to date without the benefit of permission have caused them noise and disturbance. The St. John's Wood Society has requested that the applicant be required to comply with the City Council's Code of Construction Practice (CoCP) in order to protect the amenity of neighbouring residents. Given the limited scale of the proposed development, it would fall within the 'Level 3' band of developments, for which compliance with the CoCP is not normally controlled by planning condition, unless the sensitivity of the local environment warrants taking a more restrictive approach to construction management. In this case, although the concerns expressed as a result of the unauthorised works carried out in the first half of 2018 are noted, it is considered that a condition controlling the hours of construction works to between 08.00 and 18.00 Monday to Friday and between 08.00 and 13.00 on Saturdays, as recommended by Environmental Health, would be sufficient to control the impact of the proposed development. To go further in terms of controlling the hours of works is not considered to be reasonable and risks elongating the overall period of the construction works. Informatives are recommended to encourage the developer to ensure their contractor joins the nationally recognised Considerate Constructors Scheme and to encourage the developer to keep neighbouring residents informed of unavoidable disturbance such as noise, dust and disruption of traffic, resulting from construction works.

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

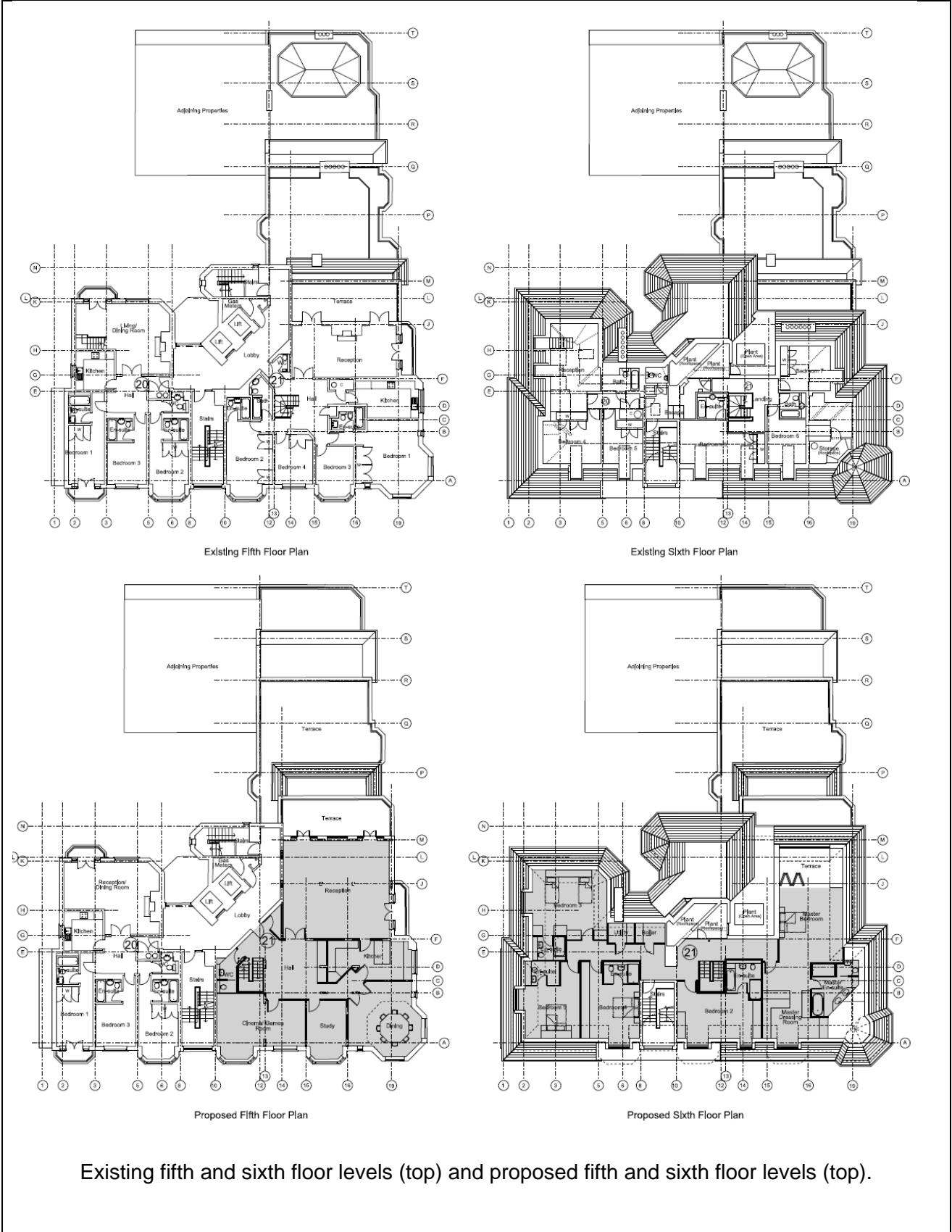
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk

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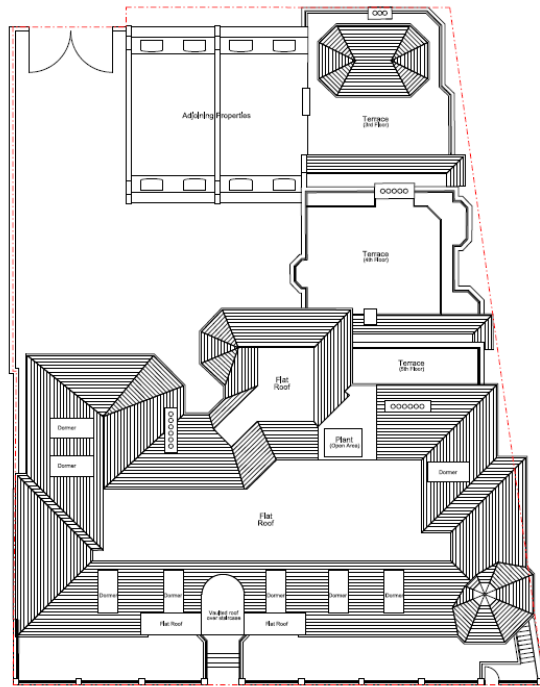
9. KEY DRAWINGS



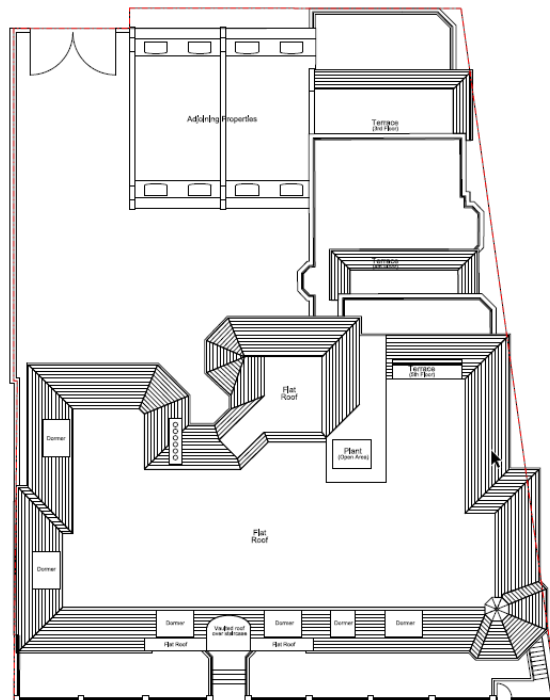
Existing third and fourth floors (top) and proposed third and fourth floor plans (bottom).



Existing fifth and sixth floor levels (top) and proposed fifth and sixth floor levels (top).

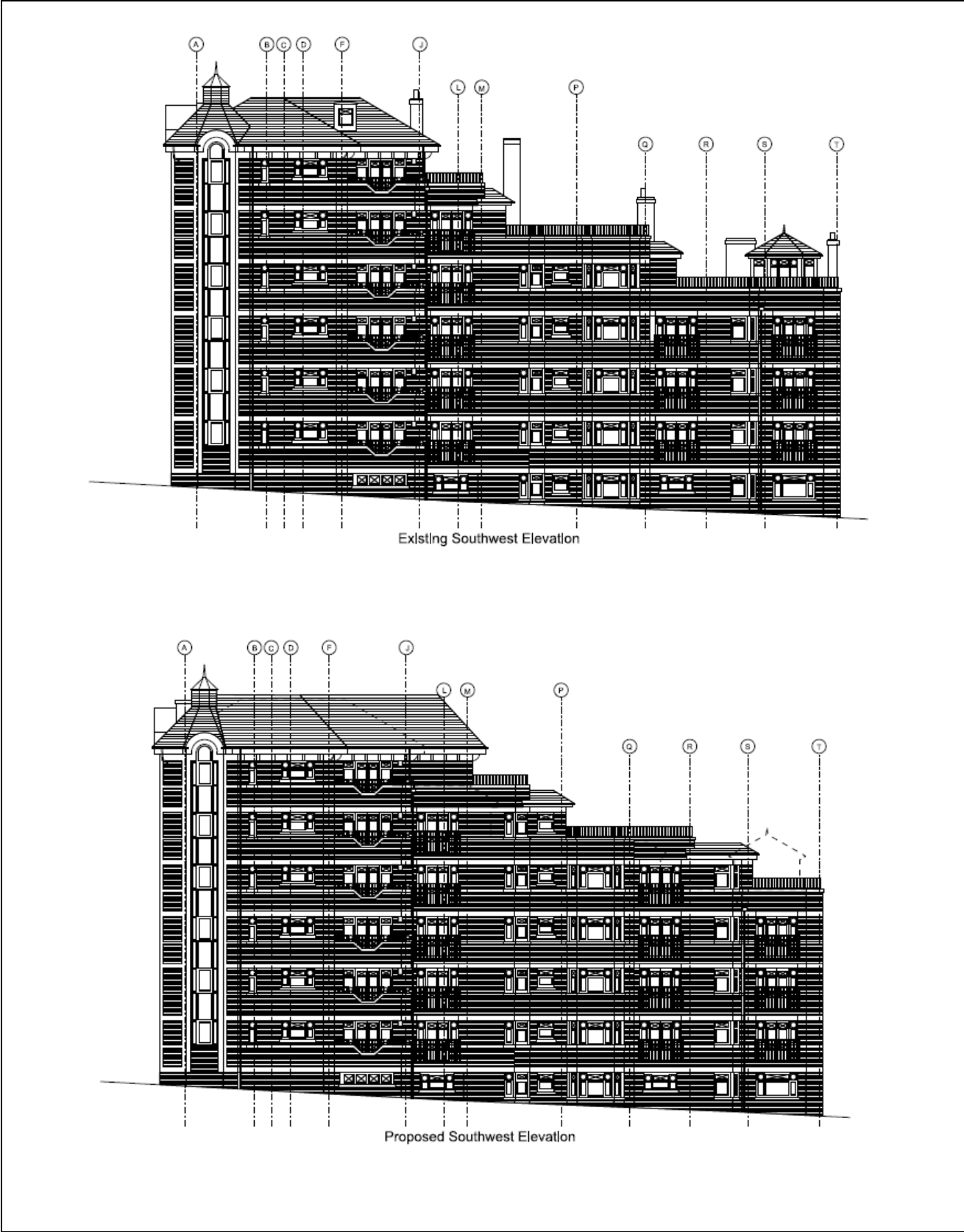


ExistingRoof/Site Plan



Proposed Roof/Site Plan

Existing (top) and proposed (bottom) roof plan.

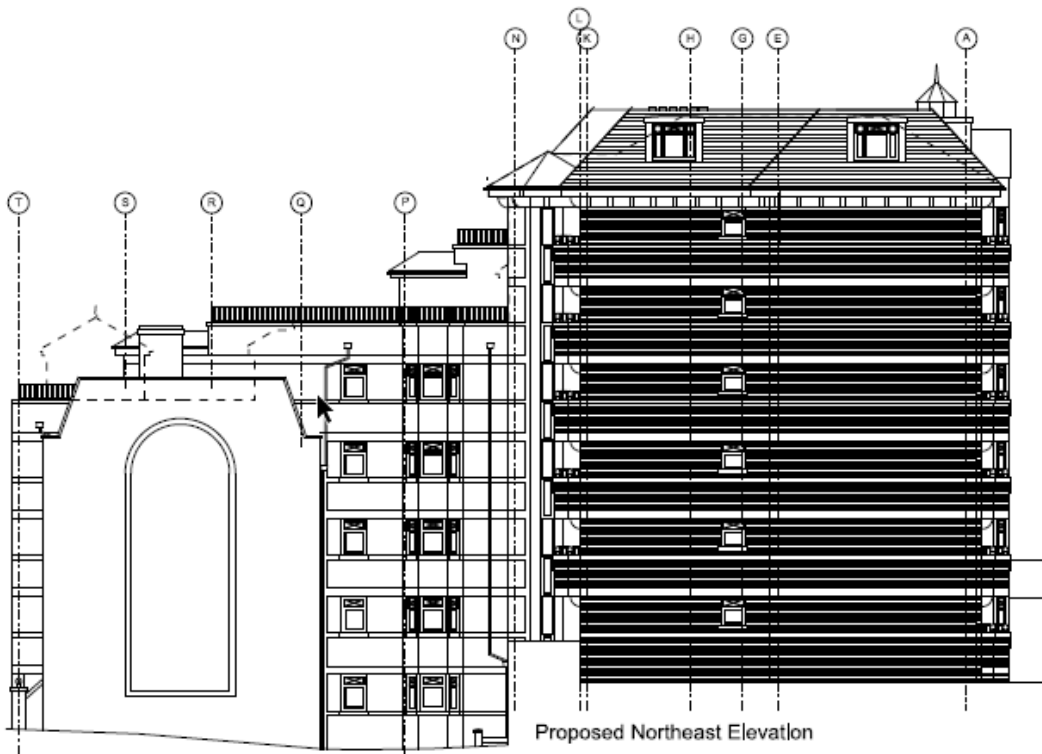
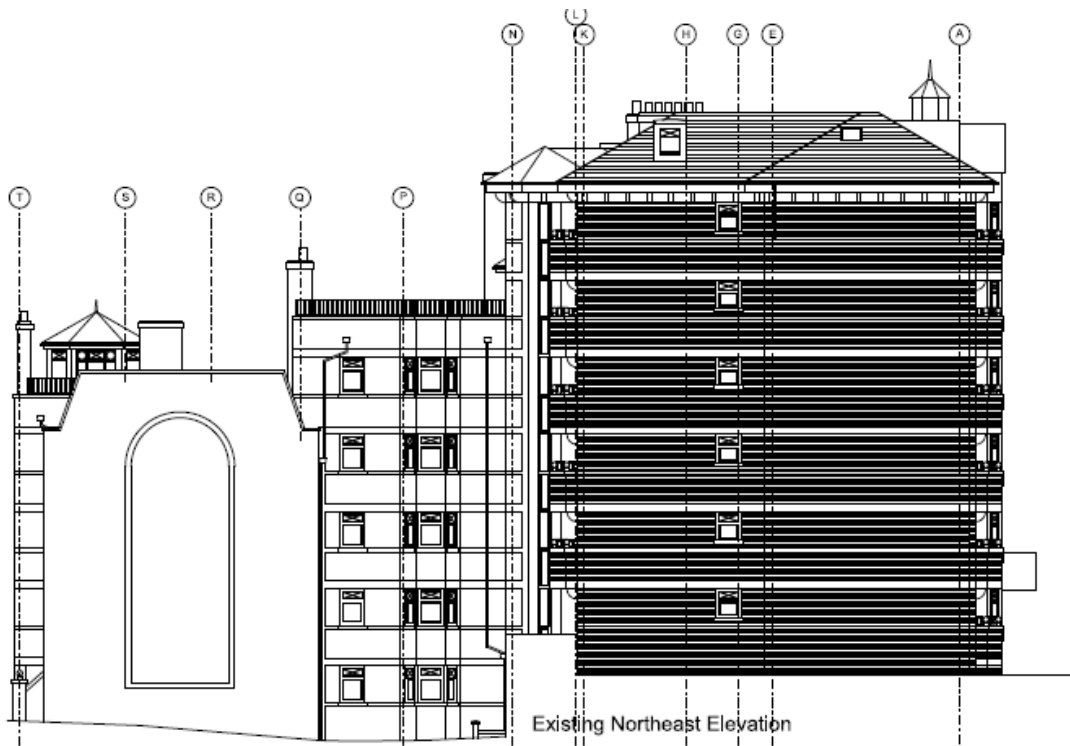


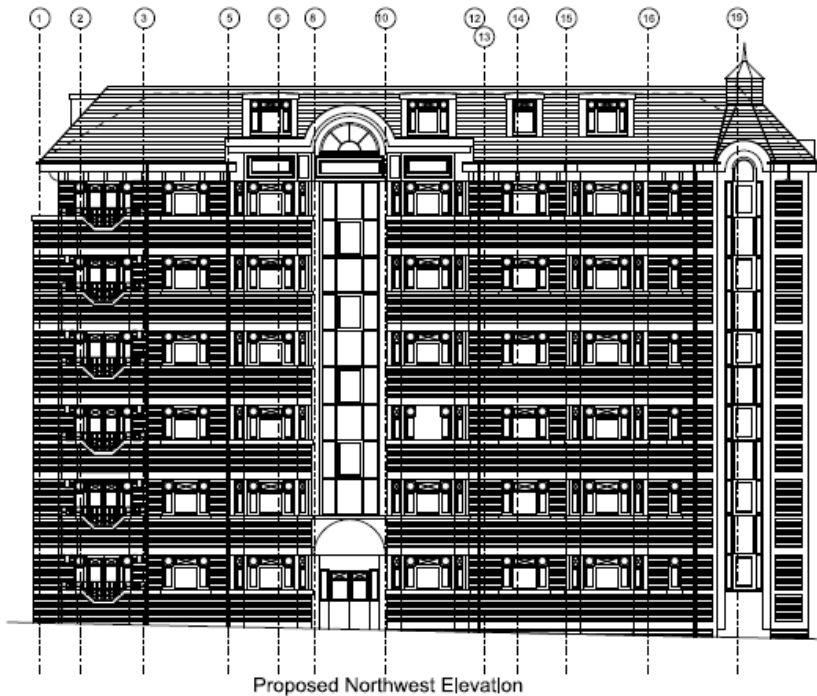
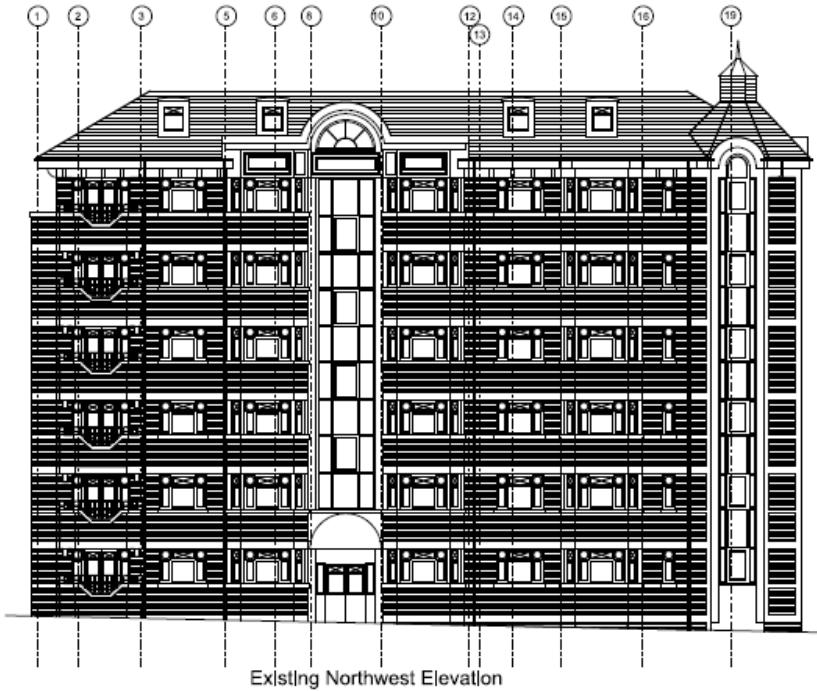


Existing Southeast Elevation



Proposed Southeast Elevation





DRAFT DECISION LETTER

Address: Parkwood , 22 St Edmund's Terrace, London, NW8 7QQ

Proposal: Demolition of an existing summerhouse and the erection of extension at third floor level to enlarge Flat 17, the erection of extension at fourth floor level to enlarge Flat 19, and alterations to roof structure at sixth floor level to increase its height and bulk, including a new roof terrace to rear elevation in connection with the reduction in the size of Flat 20 and the enlargement of Flat 21.

Plan Nos: 890/01, 890/02, 890/03, 890/04, 890/05, 890/06, 890/07, 890/11, 890/12, 890/13 A, 890/14 A, 890/15, 890/16, 890/17, Planning Application Statement Parkwood Point 19-22 St. Edmund's Terrace, Schedule of Area, Design and Access Statement Parkwood Point 19-22 St. Edmund's Terrace.

Case Officer: William Philps

Direct Tel. No. 020 7641 3993

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

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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 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 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.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 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, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

4

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.

- 5 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 6 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)

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

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

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

Phone: 020 7641 2000

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

- 8 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.

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 6

Item No.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 31 July 2018	Classification For General Release	
Report of Director of Planning	Ward(s) involved Regent's Park		
Subject of Report	Flat 3, 12 Northwick Terrace, London, NW8 8JD		
Proposal	Alterations to fenestration at rear first floor level and installation of balustrade to form roof terrace on rear of first floor flat roof.		
Agent	Transformation		
On behalf of	12 NORTHWICK TERRACE LTD		
Registered Number	18/03181/FULL	Date amended/ completed	19th April 2018
Date Application Received	19 April 2018		
Historic Building Grade	Unlisted		
Conservation Area	St. John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Planning permission sought for the formation of a roof terrace for Flat 3 on the top of part of the rear first floor level flat roof. Associated alterations are proposed to replace the existing rear windows with glazed doors. It is proposed to enclose the terrace with black metal balustrades.

Permission was previously refused on 20 September 2017 (RN: 17/06849/FULL) for two the creation of two larger terraces on the rear first floor flat roofs outside Flats 3 and 4. The previous application was refused on design and amenity grounds (see Section 6.2 and copy of previous decision letter and relevant drawings in the background papers).

The current application has attracted objection from four neighbouring occupiers and from the St. John's Wood Society. Objections have principally been raised on amenity grounds (see Section 5).

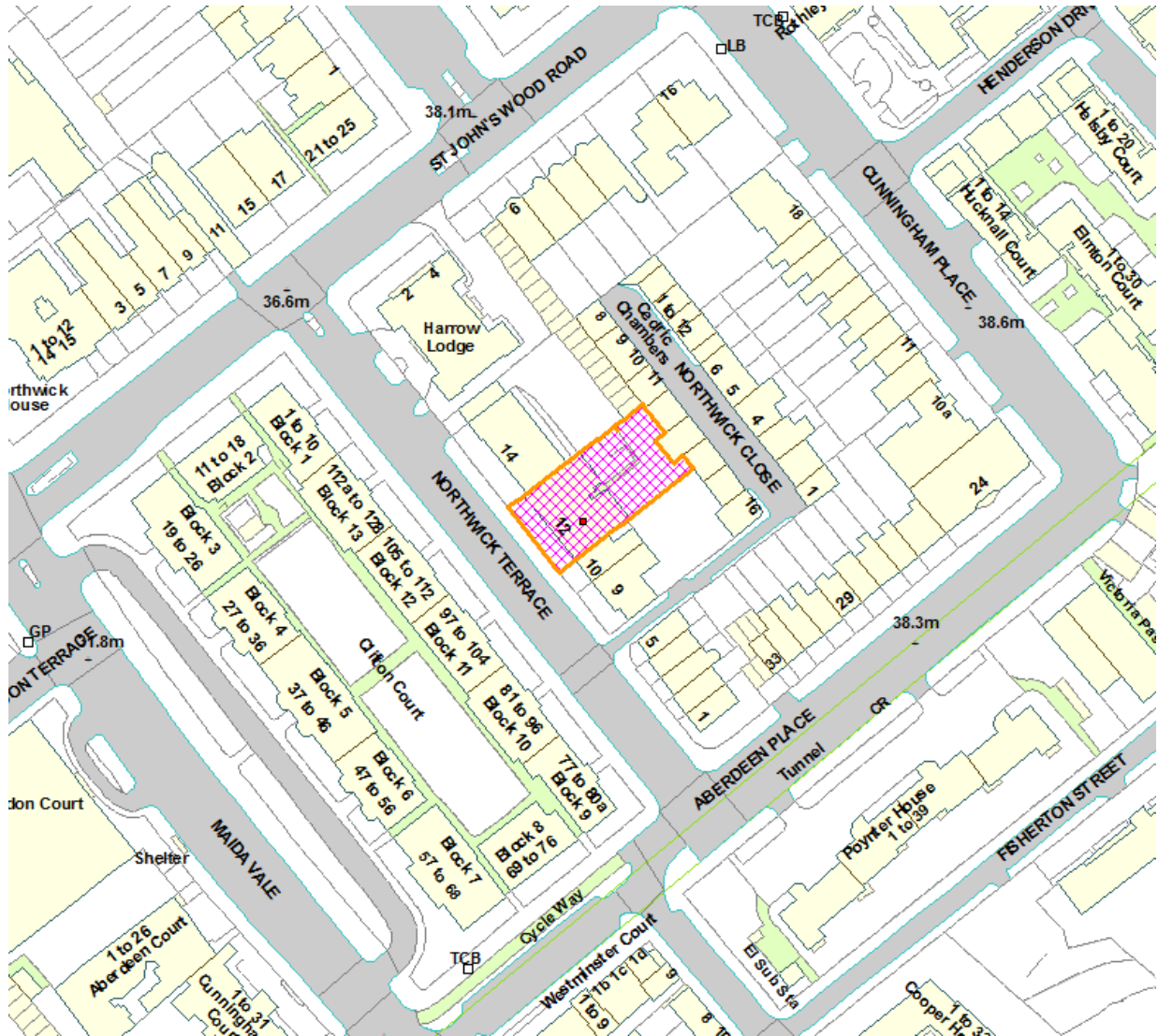
The key issues in this case are:

- The impact on the amenity of neighbouring residents, particularly in terms of overlooking and noise disturbance.

- The impact of the appearance of the building and character and appearance of the St. John's Wood Conservation Area.

The proposed roof terrace is considered to be acceptable for the detailed reasons set out in this report and would accord with the relevant policies in Westminster's City Plan adopted in November 2016 ('the City Plan') and the Unitary Development Plan adopted in January 2007 ('the UDP').

3. LOCATION PLAN



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4. PHOTOGRAPHS



Rear Elevation of Northwick Terrace and the existing flat roof as viewed from the first floor rear window of 13 Northwick Close (top) and existing flat roof as seen from the car park to the rear of Northwick Terrace (bottom).

5. CONSULTATIONS

WARD COUNCILLORS (REGENT'S PARK)

Any response to be reported verbally.

ST JOHN'S WOOD SOCEITY

Concerned about the possible loss of amenity for neighbours.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 42.

Total No. of replies: 4.

No. of objections: 4.

No. in support: 0.

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

Design:

- Proposal would ruin the symmetry of the rear of the building.

Amenity:

- Loss of privacy as a result of overlooking of neighbouring windows and gardens.
- Noise disturbance from use of proposed terrace.

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a purpose built unlisted block of flats formed of ground and four upper stories, which is located in the St John's Wood Conservation Area. The application specifically relates to Flat 3, which is situated on the first floor of the building. The rear of Flat 3 looks out onto the flat roof of the ground floor flat below.

6.2 Recent Relevant History

17/06849/FULL

Alterations to fenestration at rear first floor level and installation of balustrades to form roof terraces on rear first floor flat roofs for Flats 3 and 4.

Application Refused 20 September 2017

The above application was refused on the following grounds:

1. Because of their large scale, the erection of a large amount of balustrading the proposed terraces to flats 3 and 4 would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and

appearance of the St John's Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

2. The proposed roof terraces would lead to an unacceptable loss of privacy for the occupiers of Flat 1 and Flat 2, 12 Northwick Terrace due to overlooking from the terraces into their gardens. This would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

17/01875/FULL

Erection of two single storey rear extensions at first floor level to enlarge Flats 3 and 4 and formation of a roof terrace for Flat 4 adjacent to the south eastern side boundary.
Application Refused 22 June 2017

The above application was refused on three grounds, which were: (1) adverse impact on the appearance of the building and the character and appearance of the conservation area; (2) increased sense of enclosure to Flats 1 and 2, 10 Northwick Terrace, and: (3) increased overlooking and noise disturbance to Flat 2, 12 Northwick Terrace.

7. THE PROPOSAL

The current application seeks permission for the formation of a terrace on part of the first floor flat over the existing extension to the ground floor flat below. The proposed terrace would be 1.2m deep and 7.4m wide. The proposed terrace would be enclosed by a metal balustrade and access to the terrace would be created by replacing two windows with glazed doors.

The current application follows the application for two larger roof terraces to the roofs of both ground floor rear extensions, which was refused on design and amenity grounds in September 2017 (see Section 6.2). The current proposal seeks to overcome the reasons for refusal of the previously refused application.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed development would not create any new residential floorspace, but would provide the application premises, Flat 3, with external amenity space. This would accord with Policy S29 in the City Plan, where it encourages residential development to provide well-designed, high quality living environments, both internally and externally. However, the provision of private amenity space must be assessed in terms of its impact on the appearance of the building and the character and appearance of the conservation area and the impact on the amenity of neighbours (see Sections 6.2 and 6.3).

8.2 Townscape and Design

Alterations and extensions to buildings are permissible under UDP policy DES 5 where they do not visually dominate the existing building and its surroundings, where their design and scale is in keeping with the host building and where the materials proposed are in keeping with the host building.

The host building has been consciously designed as a block of flats, with the flats regularly arranged on each floor either side of a central stair core which is clearly articulated on the rear elevation. The building was originally designed with a sheer rear elevation; however, the existing ground floor extensions have already eroded this original design intention.

The roof terrace previously proposed to the southern side of the rear elevation in the scheme refused in September 2017 has been omitted and the size of the proposed terrace to the north side of the rear elevation serving Flat 3 has been significantly reduced so that it would project only 1.2m from the rear elevation. At this limited depth it would only project marginally beyond the projecting central bay containing the stair core and would be set back significantly behind the rear building line of the neighbouring residential block at No.14 Northwick Terrace. Given the significant degree to which the proposed terrace would be set back from the roof edge of the ground floor extension above which it would be located, it is not considered that it would visually dominate the existing building. Rather, the proposed terrace would be a discreet visual addition that would not be visible in public views is the St. John's Wood Conservation Area and would not be harmful in the limited number of private views from neighbouring properties in Northwick Terrace and Northwick Close. It is not considered that it would unbalance the arrangement of the rear elevation of the building to such a degree that permission could reasonably be withheld on that ground and therefore the objection raised on this design ground is not supported.

The use of black metal railings to enclose the terrace is considered to be appropriate and would be consistent with the balustrades found to terraces on neighbouring blocks, such as at No.14 Northwick Terrace.

Whilst the detailed design of the fenestration departs from the existing regular rhythm of the fenestration on the upper levels; given the width of the original window openings has been retained and the design of the doors is reflective of those found elsewhere on the building, it is not considered that the fenestration alterations would harm the appearance of the building and the character and appearance of the conservation area.

In conclusion, the proposals are acceptable in design terms and would accord with Policies DES1, DES5 and DES9 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

The City Council seeks to protect residential amenity when assessing development proposals and in this regard Policy ENV13 in the UDP and Policy S29 in the City Plan are relevant. Policy ENV13(E) specifically states that the City Council will normally resist proposals which result in loss of natural light, whilst Policy ENV13(F) states that developments should not result in a significant increase in the sense of enclosure, overlooking or overshadowing.

The previously refused scheme for two roof terraces proposed the use of the whole depth of the roofs of the ground floor rear extensions as terraces (approximately 28m²). The current scheme proposes a single roof terrace above the northern ground floor rear extension with a much reduced area of 10m², which would be set back approximately 2.6m from the edge of the roof. The set back from the edge of the roof would prevent significant overlooking to the gardens of the ground floor flats in No.12 Northwick Terrace (Flats 1 and 2). A condition is recommended to prevent the use of the remaining roof area, outside of the area to be enclosed by railings, as a terrace or for sitting out on.

The proposed terrace would be approximately 18m away from the rear elevation of the properties in Northwick Close. At this distance, and given the small size of the terrace, it is not considered to give rise to a significant increase in overlooking to these neighbouring properties. Furthermore, during summer months when the terrace is most likely to be in regular use, the views towards Northwick Close are partially screened by tree canopies.

The location of the proposed terrace between the flank walls of the stair core and the neighbouring block at No.14 Northwick Terrace would prevent overlooking to neighbouring windows and terraces to the rear of No.14 Northwick Terrace.

The dropping of sill levels of the existing windows to form full height doors would not materially increase overlooking from within the application flat towards neighbouring properties.

Given the proposed terrace would be enclosed by open railings located a significant distance from neighbouring windows, it would have no adverse impact in terms of loss of light or increased sense of enclosure.

Concerns have been raised on grounds of noise disturbance as a result of the use of the proposed terrace. There are other examples of terraces of similar limited projection to the rear of this terrace, including immediately adjacent at No.14. Given this, and as the terrace would be of sufficiently limited size so as to prevent its use by larger groups of people, it is not considered that it would give rise to such significant noise disturbance so as to reasonably warrant withholding permission. Additionally, it is noted that the scheme refused in September 2017 for two larger terraces to the rear of the building was not refused on noise disturbance grounds.

For the reasons set out in this section and subject to the recommended condition, it is not considered that the objections raised on amenity grounds can be supported and the proposed terrace would accord with Policies ENV6 and ENV13 in the UDP and S29 and S32 in the City Plan.

8.4 Transportation/Parking

Not applicable.

8.5 Economic Considerations

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

8.6 Access

The access to the site remain as existing from Northwick Terrace.

8.7 Other UDP/ Westminster Policy Considerations

None relevant.

8.8 London Plan

The application does not raise any strategic issues.

8.9 National Policy/ Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

This application is of insufficient scale to require the submission of an environmental impact assessment.

8.12 Other Issues

None relevant.

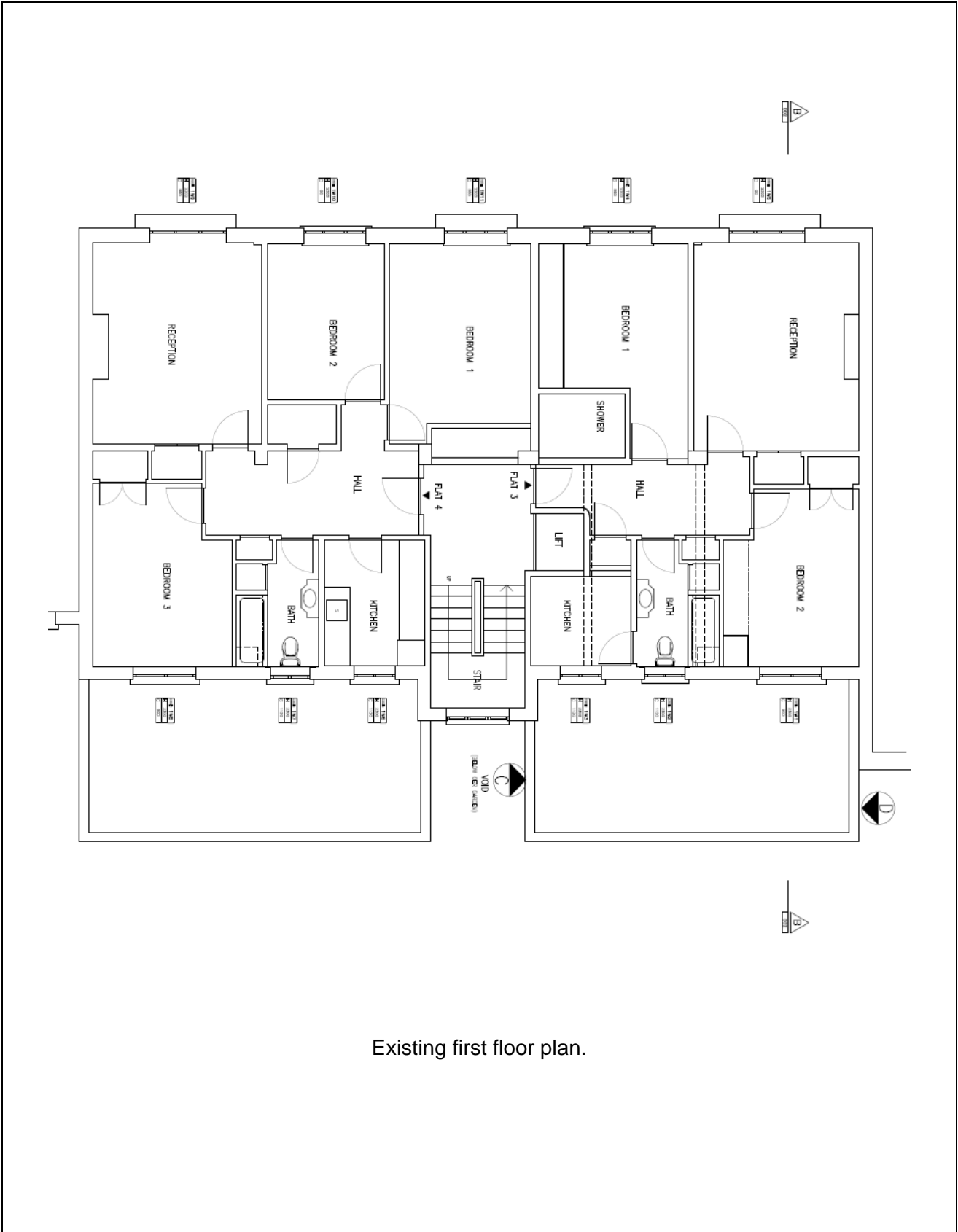
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk .

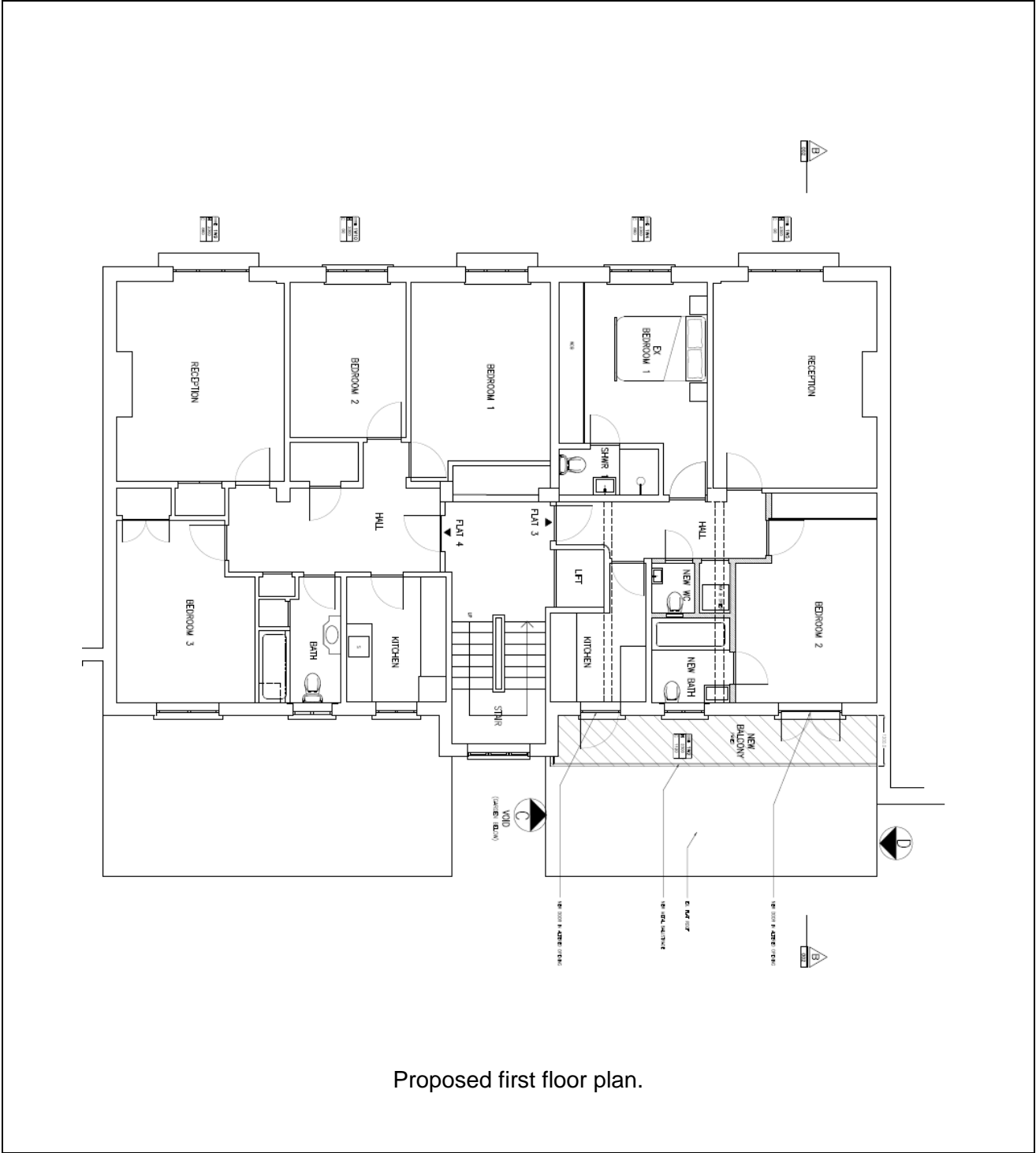
9. KEY DRAWINGS



Existing rear elevation (top) and proposed rear elevation (bottom).



Existing first floor plan.



Proposed first floor plan.

DRAFT DECISION LETTER

Address: Flat 3 , 12 Northwick Terrace, London, NW8 8JD

Proposal: Alterations to fenestration at rear first floor level and installation of balustrade to form roof terrace on rear of first floor flat roof.

Plan Nos: Site location plan, 1995/001, 1995.002, 1995.010 Rev B, 1995.011 Rev B, 1995/013 Rev B, 1995/015 Rev B and Design and Access Statement dated 19 April 2018 (1995/D&A/3).

Case Officer: Harry Berks

Direct Tel. No. 020 7641 3998

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:
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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:

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

- 4 You must not use the roof of the ground floor extension for sitting out or for any other purpose, except for the area hatched and annotated 'New Balcony' on drawing 1995/010 Rev.B. 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)

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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