



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 25th September, 2018**

Time: **6.30 pm**

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

Members: **Councillors:**

Tony Devenish (Chairman)
Timothy Barnes
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. 163 - 173 PRAED STREET, LONDON, W2 1RH | (Pages 5 - 50) |
| 2. 16 ST PETERSBURGH PLACE, LONDON, W2 4LB | (Pages 51 - 74) |
| 3. 31A ENNISMORE MEWS, LONDON, SW7 1AP | (Pages 75 - 94) |
| 4. 157 EDGWARE ROAD, LONDON, W2 2HR | (Pages 95 - 118) |
| 5. LAND ADJACENT TO 120 SALTRAM CRESCENT, LONDON | (Pages 119 - 148) |
| 6. 12 UPPER ST MARTIN'S LANE, LONDON, WC2H 9FB | (Pages 149 - 158) |

Stuart Love
Chief Executive
17 September 2018

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 25th September 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	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 extensions to oversail the highway at 1 st and 2 nd floor levels, facade re-cladding, installation of new kitchen extract duct, installation of roof level mechanical plant and associated works.	
			Application 2: Erection of a two storey extension to existing retaining wall to Paddington Circle and District Line Underground Station.	
Recommendation Application 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.				
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 18/03201/FULL Lancaster Gate	16 St Petersburgh Place London W2 4LB	Erection of a mews building in the rear garden of 16 St Petersburgh Place fronting St Petersburgh Mews including three upper storeys and basement level. Replacement of front windows, alterations to the windows on the rear elevation, erection of rear extension at lower ground and ground floor levels, lowering of the rear garden level.	
			Recommendation Grant conditional permission.	
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 18/03225/FULL Knightsbridge And Belgravia	31A Ennismore Mews London SW7 1AP	Excavation of a single storey basement extension under existing property footprint, front courtyard, rear courtyard and vaults. Provision of lightwell in front courtyard. Alterations to existing vaults. (Site Includes 65 Ennismore Gardens)	
			Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.	

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 25th September 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 18/05659/FULL Hyde Park	157 Edgware Road London W2 2HR	Variation of Condition 2 and removal of Conditions 5 and 14 of appeal decision (APP/X5990/W/17/3190982) dated 14 May 2018 (RN: 16/11276/FULL) for the use of part basement, ground, first and second floors as a hotel (Class C1), external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure on flat roof above second floor level. NAMELY, to allow the relocation of air conditioning equipment from roof level above second floor level to within the envelope of the existing building with louvres inserted into the Edgware Road elevation, omit the requirement to submit details of the design of a roof level plant screen which is to be omitted, and remove Condition 14 relating to the cafe area which is to be omitted.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 18/01592/FULL Harrow Road	Land Adjacent To 120 Saltram Crescent London	Removal of side projection of 120 Saltram Crescent and the erection of a two storey single dwellinghouse (Class C3) with associated excavation and alterations.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 18/04326/FULL St James's	12 Upper St Martin's Lane London WC2H 9FB	Variation of condition 4 of planning permission 11 August 2016 (RN 16/06996/FULL) for use of an area of the public highway measuring 2.732m x 9.576m for the placing of 11 tables, 22 chairs and barriers in connection with the existing restaurant (Dishoom); namely the use of the pavement may continue until 31 May 2020.	
	Recommendation Grant conditional permission.			

Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 September 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	163-167 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 extensions to oversail the highway at 1st and 2nd floor levels, facade re-cladding, installation of new kitchen extract duct, installation of roof level mechanical 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		
Premises Licence	<p>Existing restaurant at No.163 Praed Street (Aberdeen Angus Steak House has following permitted hours of opening:</p> <p>Monday to Saturday: 10:00 to 01:00</p> <p>Sunday 10:00 to 00:00</p> <p>Sundays before Bank Holidays: 10:00 to 01:00</p>		

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.

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 extensions at 1st and second floor level oversailing the highway, facade re-cladding, installation of a new kitchen extract duct running through the building to roof level, installation of roof level plant within a plant enclosure 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.

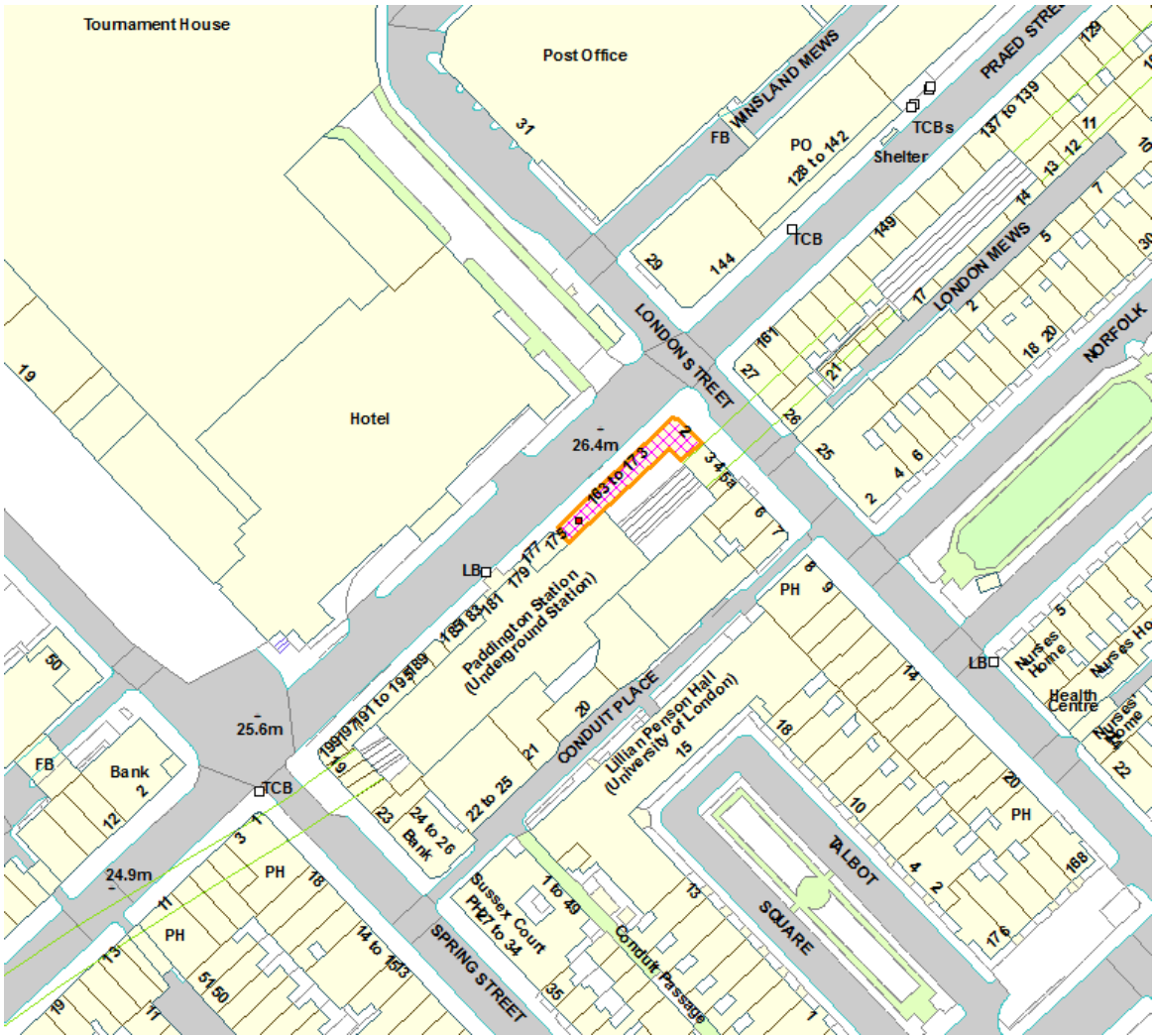
The key issues in this case are:

- 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 listed station and the setting of surrounding listed buildings.
- The acceptability of the proposed uses in this location within the NWEDA and Praed Street District Centre.

- The impact of the extensions oversailing the highway in Praed Street and London Street on the usability and safety of the pavement of the public highway.
- 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

5.1.1 Consultation on Initially Submitted Scheme (December 2017/ January 2018)

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

CLEANSING MANAGER

Objection. Waste storage is shown for the Class A3 use but also needs to be shown for the Class A1 and B1 uses.

ENVIRONMENTAL HEALTH

No objection. Recommend that the hours of opening of the restaurant should be restricted. No that the food businesses proposed would need to be registered with the Council's Food Team, who would require further details of these businesses. Conditions recommended including hours to control the use of mechanical plant and to prevent noise and vibration disturbance being caused by the mechanical plant.

DESIGNING OUT CRIME ADVISOR

Recommendations made in relation to ensuring security measures are implemented.

HIGHWAYS PLANNING MANAGER

No objection. Note that cycle parking should be secured by condition. Further details of waste storage need to be provided (see Cleansing Manager comments). Condition should be imposed to prevent a delivery service being operated from the restaurant unit. On balance use of the highway for servicing is considered to be acceptable given the limited increase in floorspace and as the existing building is already serviced from the highway. However, this is subject to a condition to secure an Operational Management Plan/ Servicing Management Plan (OMP/SMP) to ensure servicing is managed to minimise impact on the highway. Other conditions and informatives recommended.

HISTORIC ENGLAND

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

PADDINGTON BUSINESS IMPROVEMENT DISTRICT (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

Comment that following points are raised in addition to those made by London Underground:

- Cycle parking should be provided in accordance with the London Plan.
- Given the site constraints, to avoid disruption to bus services and highway users then a Deliveries and Servicing Plan and a Construction Management and Logistics Plan should be secured.

LONDON UNDERGROUND

No objection in principle to development, subject to condition to require further structural details to ensure development will no harm London Underground Infrastructure. And to ensure he development will not pose a security risk to the underground railway. Object to the siting a kitchen extract duct on the rear elevation oversailing the platform of the District and Circle Line station. Existing duct does not appear to have LU consent and its maintenance would require a right of access, which the applicant does not have. It also poses a safety risk if it falls from the building.

BRITISH TRANSPORT POLICE

No objection in principal. Security measures may need to be considered where the building abuts the adjoining station building to prevent any ease of access by an intruder.

CROSSRAIL

No comment.

LONDON FIRE BRIGADE

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 58; No. of Responses: 0.

ADVERTISEMENT/ SITE NOTICE

Yes.

5.2.2 First Reconsultation - On revisions to relocate kitchen extract duct from rear elevation to within the envelope of the extended building (May 2018)

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

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.

DESIGNING OUT CRIME ADVISOR

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection to the principle of re-routing of the flue through the building. Comment that:

- Normal requirement is for duct to discharge higher than any building within 20 metres.
- Odour reduction scheme should be considered if there are higher buildings between 20m to 50m from the flue extract point.
- Flue will need to be housed in a fire rated compartment where it is routed internally.
- The flue should have access hatches every 3m for cleaning and maintenance purposes.

Condition suggested to reserve further details of the extract height and design of the kitchen extract equipment.

HIGHWAYS PLANNING MANAGER

No objection, subject to same comments as made in respect of initial consultation.

HISTORIC ENGLAND

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

LONDON UNDERGROUND

No objection in principle and welcome relocation of kitchen extract duct from rear elevation to within the envelope of the building. Other comments remain the same as comments in response to consultation on the initially submitted scheme.

PADDINGTON BUSINESS IMPROVEMENT DISTRICT (BID)

Any response to be reported verbally.

TRANSPORT FOR LONDON

Any response to be reported verbally.

BRITISH TRANSPORT POLICE

Any response to be reported verbally.

CROSSRAIL

No comment.

LONDON FIRE BRIGADE

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 60; No. of Responses: 1. Email and brochure received from the applicant in support of the application.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5.2.3 Second Reconsultation - Following amendment of drawings to consistently show upper floors oversailing the highway and correction of description to refer to oversailing of the highway (August 2018)

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Object on the following grounds:

- Do not agree that the 'protruding extension' added on upper floors to wrap round the corner of London Street and at the west elevation next to the listed station building as this is not a proposal that will enhance the present building, street scene nor the Bayswater Conservation Area.

- Object to the proposed Class A3 use on first floor above the present restaurant and would prefer just office use as there are more than enough A3 uses in Praed Street and the surrounding area.
- Worried that if A3 use is allowed on the first floor, the opportunity will be taken to have a large garish sign (and maybe even flashing) behind the large window on the first floor so as to be exempt from advertisement control. This would spoil not only views from Praed Street but also detract from the listed hotel opposite and spoil view from the station and the new Paddington Square piazza immediately opposite. Therefore, a condition is required to stop this happening or at least that advert consent is required for any signage, external or internal, on all floors including the ground floor.
- If Class A3 is allowed there should be control of opening hours and prohibit the use of a takeaway service.
- Disappointed that opportunity has not been taken to improve the present unattractive shop fronts of both Class A3 and enlarged Class A1 unit when a substantially larger retail unit is being applied for.
- There should be a condition that a Construction Management Plan is submitted for approval as this is a very sensitive site due to the proximity to bus routes, the busy Paddington Station (high volume of pedestrians and deliveries to shops etc.) and the soon to commence demolition and construction works on the 'Paddington Cube' site opposite.

HIGHWAYS PLANNING MANAGER

No objection. Cycle parking should be secured by condition. Welcome revision of front door to prevent it opening over the highway. The overhang of the building on the street facades meets the criteria for structures oversailing the highway (2.6m or more vertical clearance and set back by 1m or more from the edge of the carriageway) and therefore this is not objectionable. Waste stores are now shown and that is welcomed. Conditions to prevent a takeaway service from the restaurant and to require an OMP/ SMP are recommended along with other conditions to control highway impact.

LONDON UNDERGROUND

Any response to be reported verbally.

DESIGNING OUT CRIME ADVISOR

Any response to be reported verbally.

CROSSRAIL

No comment.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 60; No. of Responses: 0.

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 a 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 the existing Class B1 office use 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. It is proposed to extend the first and second floors so that they would extend out over the public highway below by approximately 0.5m to the Praed Street and London Street elevations. This projection would match the depth of the existing projecting bay, which is limited to part of the Praed Street façade of the existing building.

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 with a plant enclosure.

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.

Whilst the concerns of the South East Bayswater Residents Association in terms of the number of Class A3 uses within the Praed Street District Centre are noted, given the relatively small size of the existing restaurant, which would remain modest in size following its expansion as part of the proposed 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 appreciable adverse impacts on residential amenity or the quality of the local environment. This is particularly the case given the existing 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 enlarged restaurant use that is proposed would be acceptable in land use terms and compliant with Policy TACE9:

- Restriction of opening hours to between 10.00 and midnight Monday to Saturday and between 10.00 and 23.30 on Sundays (the applicant states these are the existing opening hours of the restaurant premises; albeit it has a premises licence allowing opening until 01.00 Monday to Saturday and on Sundays prior to Bank Holidays and until midnight on Sundays).
- A condition to ensure the provision of the new kitchen extract duct running through the building to roof level.
- Conditions to control the operational noise and vibration levels of the proposed kitchen extract duct.
- 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 16 with paragraphs 195 and 196 specifically addressing the issues of harm to designated heritage assets, which in the case of this application, the designated heritage assets would comprise of the Bayswater Conservation Area, Paddington District and Circle Line Underground Station, the London Paddington Hotel and the terraces on 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 proposed fenestration treatment at first and second floors and the top storey being designed as a 'roof storey'. The existing curtain walling and fenestration at first and second floor levels is to be replaced with an extension projecting 0.5m over the highway, with new masonry/ brickwork cladding and fenestration with a more regular pattern. The proposed mansard roof level at fourth floor level is to be clad in grey metal and will contain dormer windows on the north-east and north-west street elevations. The south-west elevation is to be chamfered at both third and fourth levels and will contain a single dormer at fourth floor level.

The South East Bayswater Residents Association have raised objection to the oversailing extension of the upper floors to the street elevations, which they consider to be harmful to the appearance of the existing building or the character or appearance of the Bayswater Conservation Area.

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 proposed scheme includes extension of the existing upper floors so that they oversailing the ground floor level on both the Praed Street and Norfolk Place elevations by approximately 0.5m. This allows the introduction of the new brick cladding system/ facing material, but also serves to maximise the floorspace on the upper floors. Whilst oversailing of the highway is not a typical arrangement along in this part of the City or within the Bayswater Conservation Area, a degree of oversailing is already present in the existing building, which has a central concrete framed 'bay' on the Praed Street elevation at first and second floor level, which projects by 0.5m. Furthermore, the overall façade improvements that can be delivered by allowing a small projection on the upper floors of this constrained site,

which could not be achieved without the additional projection, are considered to outweigh impact of the additional bulk that the projection creates.

Due to the palette of materials proposed, with brickwork the predominant facing material, the appearance of the building would be in keeping with the character and appearance of the buildings within the conservation area, which derives in part from their masonry form with punched window opening.

The surrounding 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 neighbouring single storey building in London Street, 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. During the course of the application the applicant has clarified the extent of mechanical plant required at roof level and made resultant revisions to the scale of the roof level plant enclosure to enclose all of the proposed plant, including the kitchen extract duct. As shown, the location and height of the plant enclosure would be visibly prominent in views from outside the station and in London Street to the north of the site. This has an adverse impact on the appearance of the building and the character and appearance of the conservation area due to its proximity to the street frontage of the building at roof level. As such, an amending condition is recommended to require the position, height and form of the plant enclosure to be revised so that it is less prominent in public views.

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 196 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 16 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 Environmental Health do not object on noise disturbance grounds. The acoustic report makes recommendations that the kitchen extract duct be fitted with a silencer and that the air handling units be fitted with acoustic louvres to the air intakes and exhausts. It is unclear if the submitted drawings show these noise attenuation measures and therefore a condition is recommended to secure drawings showing these noise attenuation measures to ensure they are provided and to ensure their appearance is acceptable. Subject to this condition and the other recommended conditions set out in the draft decision letter 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 the mechanical plant 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 higher level (above 4th floor rather than above 2nd floor

level), in a location that is further from the nearest neighbouring residential properties than the existing extract duct. Additionally, the duct would terminate in excess of one metre above roof level. An informative is recommended to advise the applicant of the recommendations from Environmental Health on the design of the kitchen extract and to remind the applicant that further planning permission will be required if the design of the kitchen extract duct is materially altered to meet the requirements of separate environmental health legislation.

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 in respect of the enlarged building, subject to the servicing of the site being carried out in accordance with a Deliveries and Servicing Management Plan, which has also been requested by TfL in view of the importance of Praed Street to a number of bus routes. A Framework Operational Management Plan (FOMP) has been submitted with the application, which includes outline commentary on how servicing would be undertaken (see this document in the background papers). However, it is not considered that the details of servicing arrangements in the FOMP are sufficiently detailed to avoid increased disruption occurring to the public highway. Accordingly, a condition is recommended requiring submission of a more detailed Deliveries and Servicing Management Plan, which sets out in greater detail how servicing trips are to be managed and timed for all uses, and how servicing activity at the site is to be controlled so as not to obstruct the highway, particularly the along the footpath.

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, the Cleansing Manager 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 raised initial concern that doors were 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 proposed entrance door to the office accommodation has been amended during the course of the application to address this concern and ensure that the door would be sufficiently recessed so as not to open over the highway in Praed Street. The bin store to the retail shop has also been amended to have a sliding door to prevent this door from opening over the highway and causing an obstruction.

The scheme includes proposals to extend the building so that it would project over the footpath of the public highway in Praed Street and London Street at first floor level and above. The Highways Planning Manager advises that this is not objectionable in this case as canopies and structures over the highway must provide 2.6 metres vertical clearance to allow for pedestrian passage along the highway and must be set back 1 metre from the kerb edge to allow for sufficient clearance from vehicles. Where structures or canopies are within 1 metre of the kerb edge or over the carriageway 5.3 metres clearance must be provided. In this case the projection over the highway provides 3.8 metres of vertical clearance and would be set back by approximately 3 metres or more from the curb line along both Praed Street and London Street. As such, the proposed oversail of the highway would not have a significant adverse impact on the usability or safety of the public highway.

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 Neighbourhood Plans

Not applicable.

8.9 London Plan

The application does not raise any strategic issues.

8.10 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 (July 2018) unless stated otherwise.

8.11 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).

8.12 Environmental Impact Assessment

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

8.13 Other Issues

8.13.1 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. Whilst a Framework Construction Traffic Management Plan has been submitted, officers share the concerns of TfL. This is because it would be premature at this stage to approve a detailed Construction Traffic Management Plan (CTMP), as the CTMP needs to be compatible with the construction works that have recently started on the 'Paddington Cube' development and associated public realm works opposite the site. A further consideration is the proximity of St. Mary's Hospital and the need to ensure that the construction works do not inhibit access to this facility, either in isolation or in combination with the works to be carried out on the 'Paddington Cube' site. In this context a condition is recommended reserving approval of a detailed CTMP.

In addition, given the sensitivity of the setting of the site (as outlined above) it is considered that it is a site that should be 'upgraded' from a 'Level 3' site to a 'Level 2' site under the Code of Construction Practice (CoCP). As a 'Level 2' site, the CoCP sets out that a condition should be imposed requiring compliance of the construction works with the CoCP and such a condition has been included on the draft decision letter.

It is considered that the measures set out in the preceding paragraphs would address the South East Bayswater Residents Association's concerns on construction management issues.

8.13.2 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.

8.13.3 Other Issues

The South East Bayswater Residents Association are concerned regarding potential advertisements on the inside of the first floor window for the Class A3 restaurant use and issues that may arise in controlling this. However, a condition cannot reasonably be attached to planning permission restricting advertisements which may otherwise be deemed consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Should any signage be displayed which may be considered harmful to the visual amenity of the area, then the City Council may choose to take discontinuance action to seek removal of the advertisement.

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

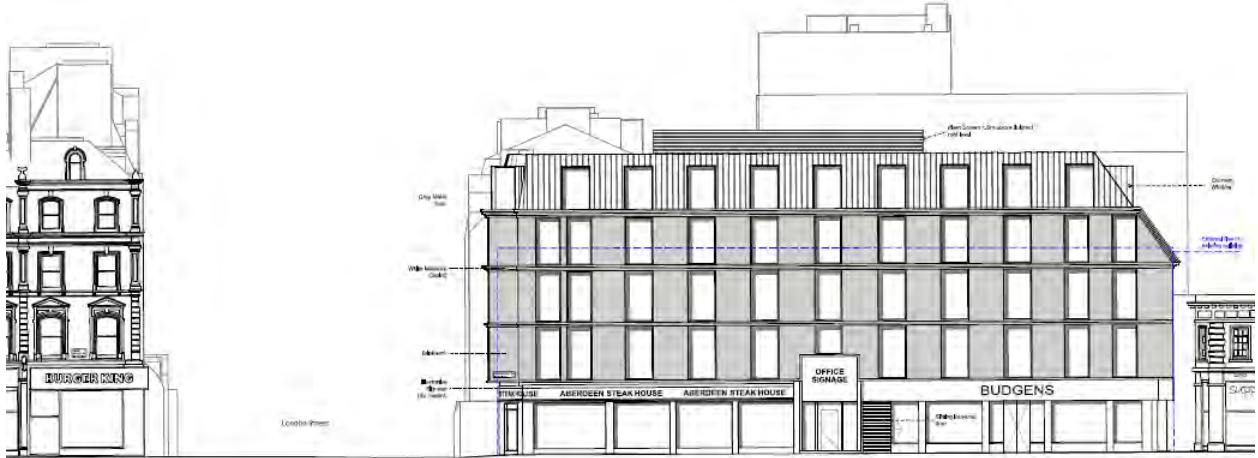
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk .

9. KEY DRAWINGS

Existing Praed Street Elevation (North-West):



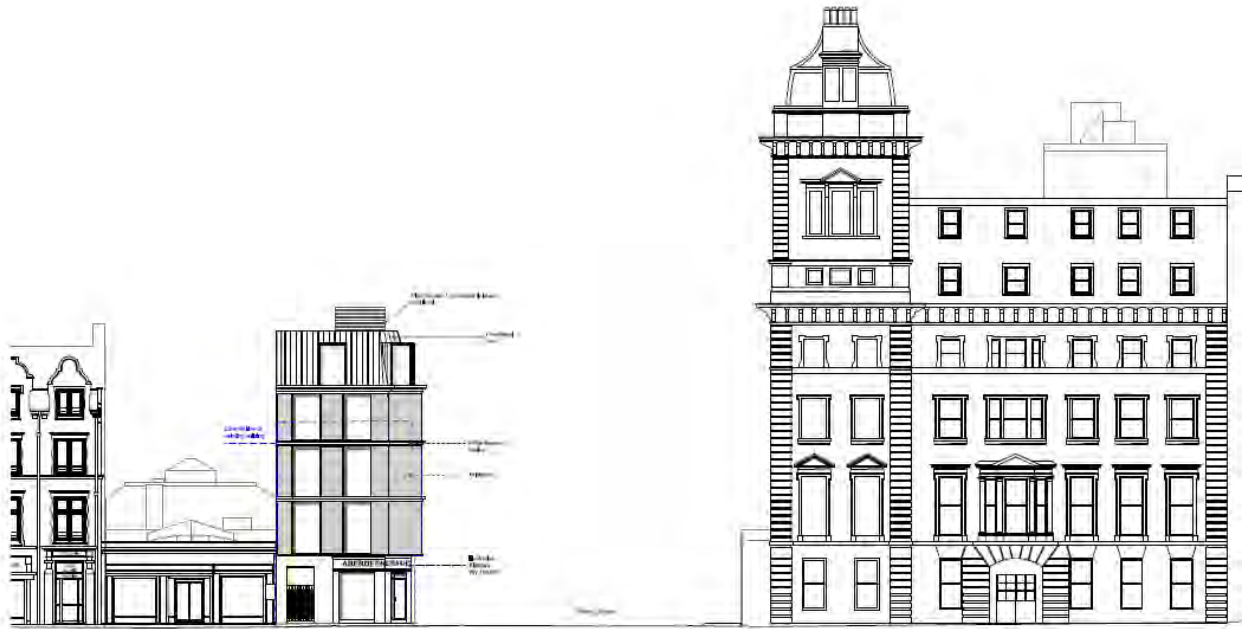
Proposed Praed Street Elevation:



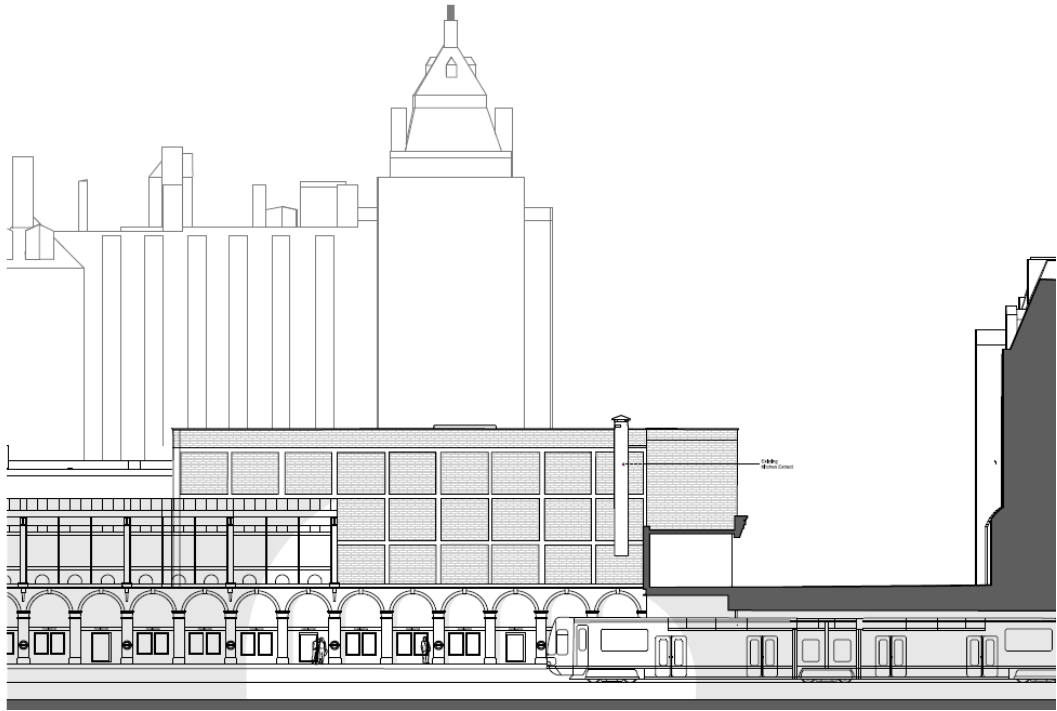
Existing London Street Elevation (North-East):



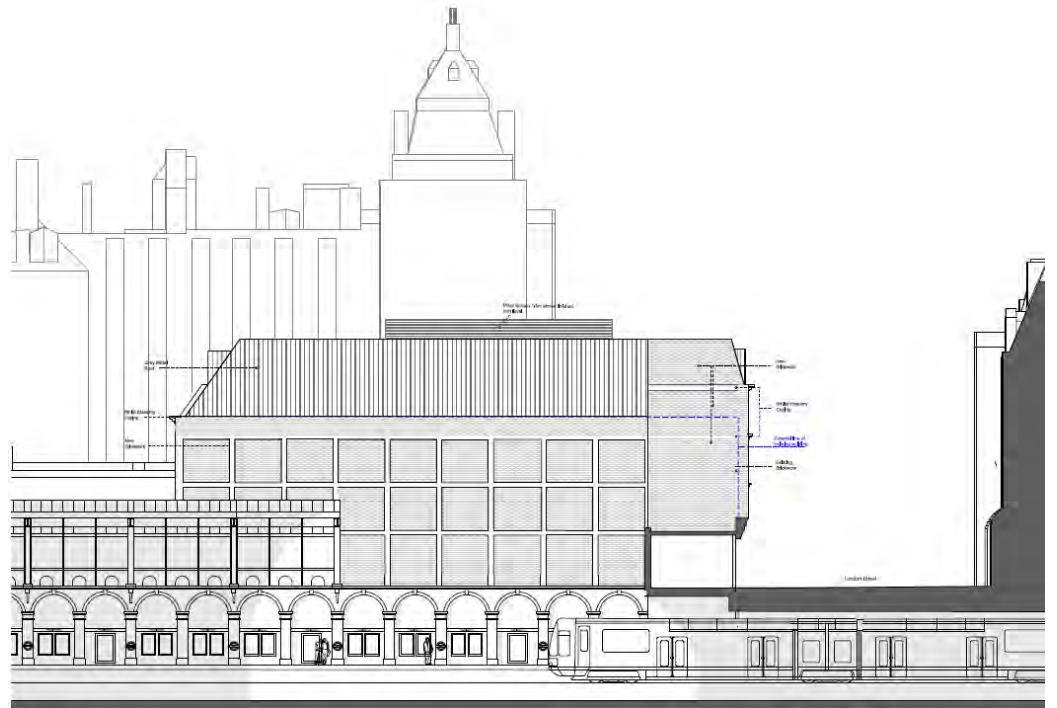
Proposed London Street Elevation:



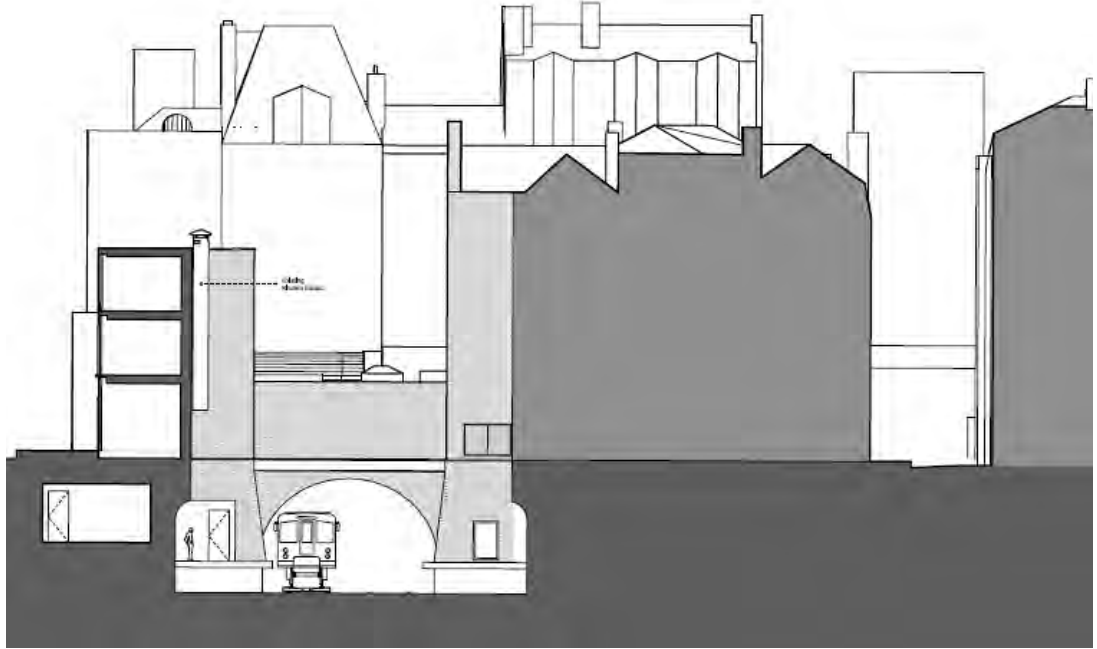
Existing Platform Elevation (South-East):



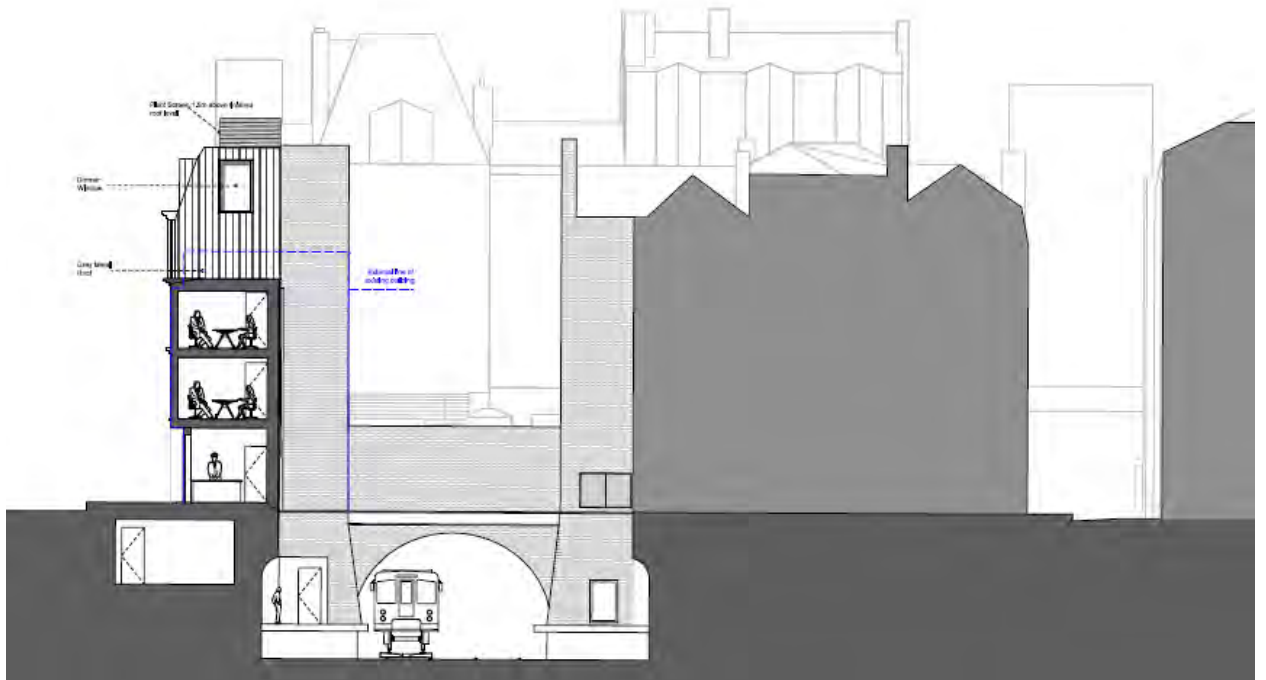
Proposed Platform Elevation:



Existing South-West Elevation:



Proposed South-West Elevation:



Existing Basement Floor Plan:



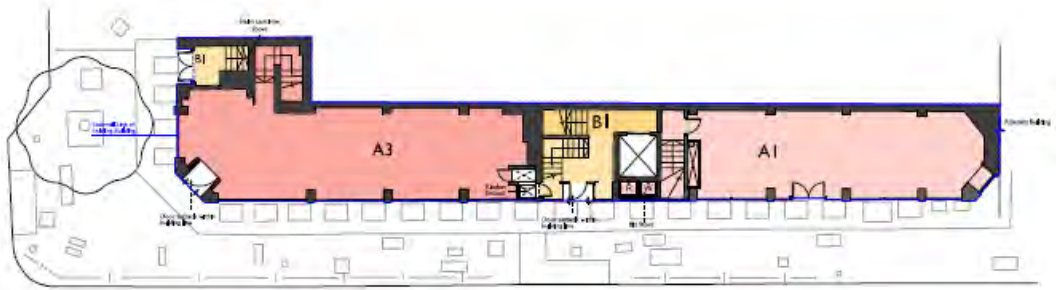
Proposed Basement Floor Plan:



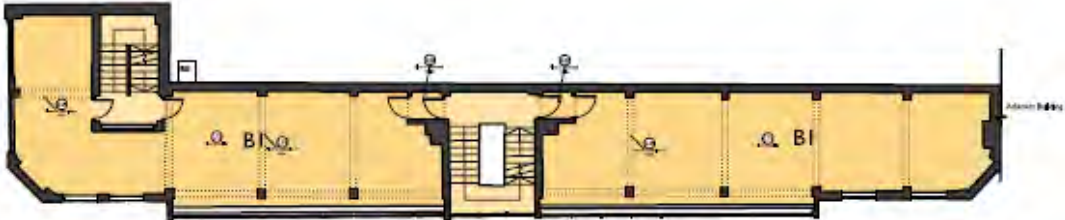
Existing Ground Floor Plan:



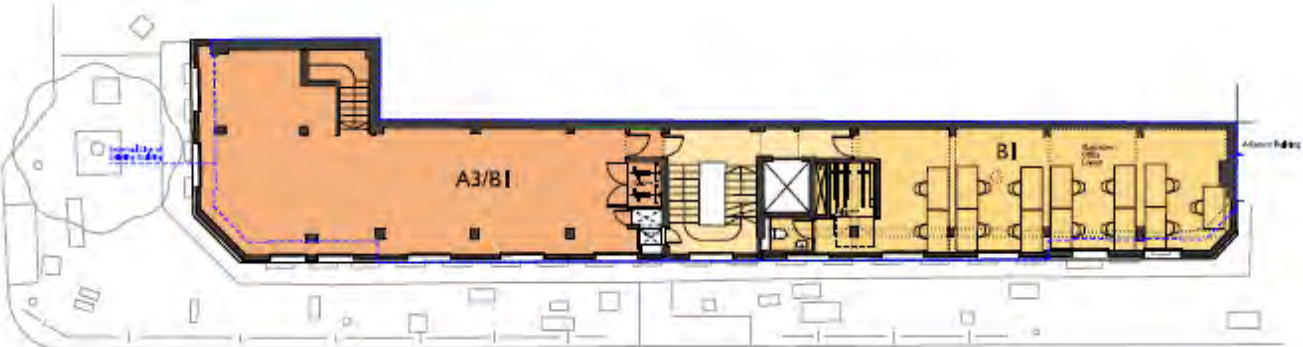
Proposed Ground Floor Plan:



Existing First Floor Plan:



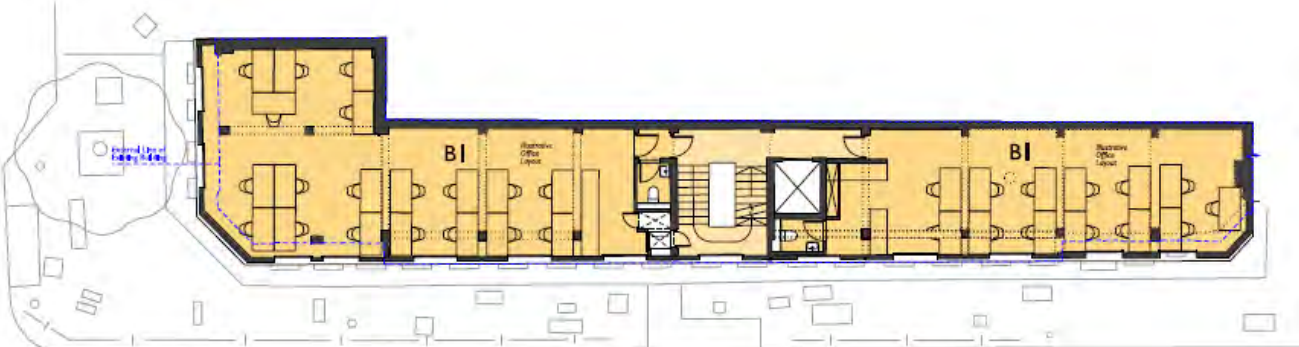
Proposed First Floor Plan:



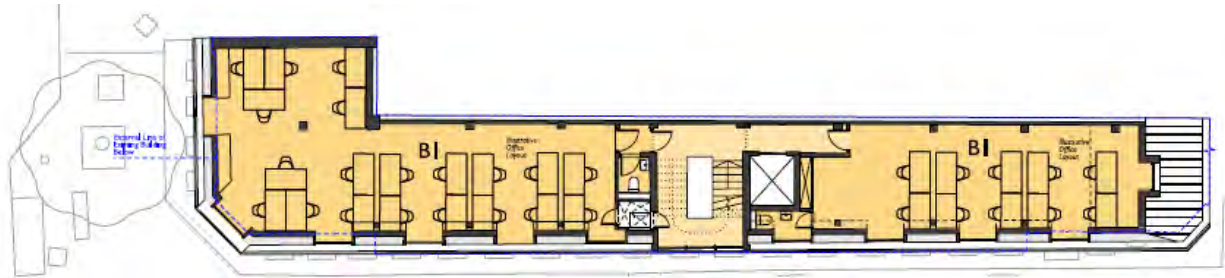
Existing Second Floor Plan:



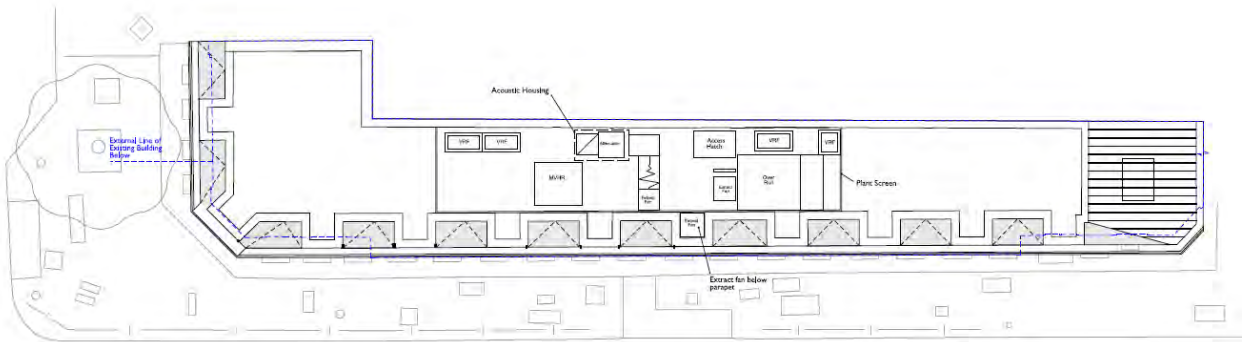
Proposed Second and Third Floor Plan:



Proposed Fourth Floor Plan:



Proposed Roof Plan:



Perspective image of scheme as viewed from Winsland Mews.



Montage image of proposed extended building as seen from London Street/ Winsland Mews..

DRAFT DECISION LETTER

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 extensions to oversail the highway at 1st and 2nd floor levels, facade re-cladding, installation of new kitchen extract duct, installation of roof level mechanical plant and associated works.

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-06-01 Rev A; Praed-A-07-01 Rev C; Praed-A-07-02 Rev C; Praed-A-07-03 Rev A; Praed-A-07-04 Rev A; 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 E; Praed-A-11-19 Rev C; Praed-A-16-01 Rev A; Praed-A-17-01 Rev C; Praed-A-017-02 Rev D; 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 F; 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 and Framework Operational 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 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 4 **Pre-Commencement Condition** Notwithstanding the submitted Framework Construction Traffic Management Plan, prior to the carrying out of any work on site you must apply to us for approval of a detailed Construction Traffic Management Plan, which sets out in detail how deliveries and construction waste collection vehicles will be managed to minimise the impact of the construction works on the amenity of neighbouring residents and the operation of the local highway network, which has regard to the cumulative impact of construction sites in the vicinity of the application site. You must not carry out any works on site until we have approved what you have sent us. You must then carry out the development in accordance with the detailed Construction Traffic Management Plan we approve.

Reason:

To protect the environment of neighbouring occupiers and to maintain the safe operation of the local highway network. This is as set out in S29, S32 and S41 of Westminster's City Plan (November 2016) and ENV 6, TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 5 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.

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

- 7 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)

- 8 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)

- 9 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)

- 10 Notwithstanding the submitted Framework Operational Management Plan, prior to occupation of the proposed development you must apply to us for approval of a Deliveries and Servicing Management Plan, which sets out in detail how deliveries and servicing for all uses within the development will be managed and timed and how servicing activity at the site (including on the public highway) will be managed during servicing. You must not occupy the development until we have approved what you have sent us. You must then operate the uses within the development in accordance with the Deliveries and Servicing Management Plan we approve.

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)

- 11 (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. (R46AB)

- 12 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. (R48AA)

- 13 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 prior to occupation of the development and 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)

- 14 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)

- 15 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)

- 16 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.

- 17 You must apply to us for approval of detailed drawings showing the noise attenuation measures specified in the Planning Compliance Review (Noise) report dated 10 May 2018 (Ref: 16879.PCR.01). You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. You must not operate the mechanical plant until the noise attenuation measures have been installed and thereafter you must not remove the noise attenuation measures from the building. (C26DB)

Reason:

To protect the amenity of neighbouring occupiers in terms of noise disturbance and 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, S28 and S32 of Westminster's City Plan (November 2016) and DES 1, DES 6, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

- A revised arrangement of roof level mechanical plant and equipment with the plant and surrounding plant enclosure set back from the street elevations of the building.

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. Thereafter you must not remove the plant enclosure unless or until all of the plant within the enclosure has been removed from the roof of the building. (C26UB)

Reason:

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

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

- (a) The office entrance and signage structure.
- (b) Typical windows to the main facades.
- (b) Typical dormer window at fourth floor level.
- (c) The roof level plant screen.
- (d) The ground floor shop bin store door.

You must not start work until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26CB)

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)

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 cleaing 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 separate 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 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.
- 21 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

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DRAFT DECISION LETTER

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 D; 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

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1

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, the London Plan 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 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 September 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	16 St Petersburg Place, London, W2 4LB		
Proposal	Erection of a mews building in the rear garden of 16 St Petersburg Place fronting St Petersburg Mews basement, ground and three upper storeys. Replacement of front windows, alterations to the windows on the rear elevation, erection of rear extension at lower ground and ground floor levels, lowering of the rear garden level.		
Agent	Michaelis Boyd Associates		
On behalf of	Mr I Donaldson		
Registered Number	18/03201/FULL	Date amended/ completed	19 April 2018
Date Application Received	19 April 2018		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

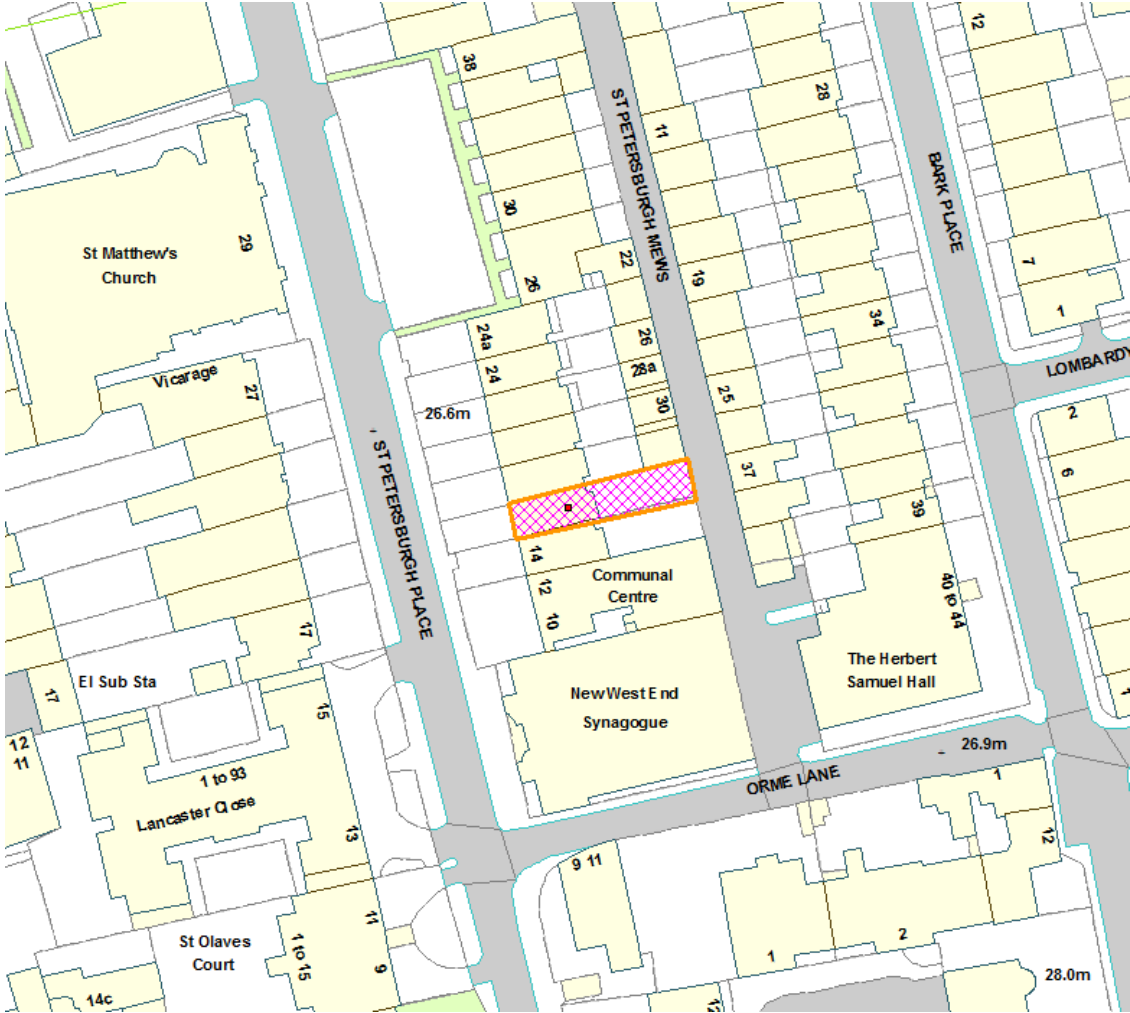
2. SUMMARY

<p>Planning permission is sought for the erection of a mews building in the vacant garden to the rear of 16 St Petersburg Place to comprise basement level and two upper storeys. Permission is also sought for the erection of a rear extension at lower ground and grounds floors levels of 16 St Petersburg Place, the lowering of the garden level to accommodate level access to both the main building and the mews building and alterations to the front and rear elevations of the main building. The works to St Petersburg Place have previously been granted permission (RN: 17/10491/FULL).</p> <p>The proposal has been amended during the course of the application and the originally proposed roof of the mews house comprising full width roof lights to the front and rear have been amended to 2No. dormer windows to the St Petersburg Mews elevation and 3 No. dormer windows to the rear.</p> <p>The main issues for consideration relate to:</p> <ul style="list-style-type: none"> - The acceptability of the erection of a mews building.

- The impact of the proposals on the character and appearance of the unlisted building of merit and of the Bayswater Conservation Area.
- The impact of the proposals on the amenity of the neighbouring residential occupiers.
- The impact of the proposals on the highway network.

Objections have been received from the Bayswater Residents Association and surrounding neighbours on a number of grounds including: the principle of the erection of a mews building in this location, the design, residential amenity and compliance with the basement policy. Notwithstanding the objections raised, the proposals are considered to comply with the relevant policies of the City Plan and UDP and is therefore recommended for approval, subject to conditions.

3. LOCATION PLAN



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4. PHOTOGRAPHS

View down St Petersburg Mews.



View from Bark Place to rear of St Petersburg Place



View from St Petersburg Place towards St Petersburg Mews



Rear of 16 St Petersburg Place



5. CONSULTATIONS

5.1 Consultation on Initially Submitted Scheme (April 2018)

BAYSWATER RESIDENTS ASSOCIATION

- Supports the objections of local residents.
- The mews house is too high, the top floor will overlook properties in Bark Place.
- The footprint of the mews house and garden excavation will lead to the loss of the garden.
- The mews is very narrow, construction vehicles will block access for refuse collection vehicles.
- Recommend that the height of mews should be restricted to two storeys or that windows overlooking properties opposite should not be allowed.

BUILDING CONTROL

No objection.

ENVIRONMENTAL HEALTH

Raise no objection.

HIGHWAYS PLANNING

No objection to car parking, cycle parking or waste storage arrangement. With regards to garage doors, whilst bi-folding is not ideal, considered an appropriate solution.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 41.

No. of objections: 7

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

Design and Townscape

- Basement/garden excavations do not comply with policy CM28.1 Basement Policy;
- The front garden is not part of the application site, therefore basement development is proposed larger than 50% of the garden area.

Amenity

- Loss of light due to mews building
- Increased overlooking
- The height of the mews should be restricted to two storeys to prevent overlooking to Bark Place.
- The extensive glazing will create light pollution.

Other Matters

- The mews is narrow and skips/vehicles will block refuse collection vehicles.
- The proposals will result in a loss of the garden and its greenery. It will create a sunken garden that will not be able to sustain greening.

ADVERTISEMENT/ SITE NOTICE:

Yes.

5.2 Reconsultation on Revised Scheme - Revision of Roof Design to Mews Building and Amendment to Site Plan (June 2018)

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 41.

No. of objections: 2.

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

- These amendments do not change fundamental problems with the development.
- The proposal results in loss of garden land.
- Proposal does not meet the City Council's basement regulations (i.e. exceeds 50% of the garden land, does not include 1.2 m soil depth and does not include band of undeveloped land around property).
- Proposed dormers still overlook properties within Bark Place. If permitted, should include obscure glazing and restricted opening.
- Parapet on St Petersburg Mews side is too short.
- Large roof light on top of mews building would allow all to see into top storey and create light pollution.
- Construction will block mews given its narrowness.

5.3 Further Reconsultation – Additional BRE Light Assessment (August 2018)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 41.

No. of objections: 1.

One email received raising objection on the following grounds:

- Applicant has not consulted neighbours directly.
- Consider that there are errors/deficiencies in the light study that make it unreliable.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is 16 St Petersburg Place, an unlisted building of merit, located within the Bayswater Conservation Area. The property is currently in use as a single family dwelling. The rear garden currently has a boundary wall and entrance in St. Petersburg Place.

6.2 Recent Relevant History

17/10491/FULL

Replacement of front windows, alterations to the windows on the rear elevation, erection of rear extension at lower ground and ground floor levels, lowering of the rear garden level and installation of garden steps from the main house and rear gate entrance.

Granted - 22.03.2018

16/10334/FULL (18 St Petersburg Place)

Demolition of existing mews building at 32 St Petersburg Mews and construction of new mews building with link extension to 18 St Petersburg Place. Excavation of basement beneath 18 St Petersburg Place and part of the rear courtyard garden with associated landscaping plus associated alterations to rear façade of 18 St Petersburg Place

Granted - 24.04.2017

03/05882/FULL (26-28 St Petersburg Mews)

Demolition of existing buildings and erection of a new mews house comprising basement, ground, and two upper floors, and the erection of a timber pergola in rear garden for use in connection with the existing single family dwelling house at 24 St Petersburg Place.

Granted - 20.11.2003

7. THE PROPOSAL

The application proposes the erection of a three storey, plus basement, mews building at the end of the garden of the main building (16 St Petersburg Place) fronting St Petersburg Mews, the lowering of the existing garden level, the erection of a rear extension to the main building at lower ground and ground floor levels, and the replacement of the windows to the front and rear elevations of the main building.

The proposal has been amended during the course of the application and the originally proposed roof of the mews house comprising full width roof lights to the front and rear has been amended to include two dormer windows to the St Petersburg Mews elevation and three dormer windows on the rear elevation.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The new mews house is to be ancillary to the host building and not a separate residential unit. The principle of providing additional floor space to enlarge the existing residential dwelling is acceptable in land use terms and would accord with policy H3 in the Unitary Development Plan (UDP).

8.2 Townscape and Design

In considering the proposals in design and heritage terms, the relevant policies are S25 and S28 of the City Plan and DES 1, DES 4, DES 5 and DES 9 of the Unitary

Development Plan (UDP). Also of relevance is Westminster's Supplementary Planning Guidance Documents 'Development and Demolition in Conservation Areas' (1995).

16 St Petersburg Place

The lower ground rear extension is constructed of brick with a large amount of glazing on the rear elevation, with a flat roof forming a terrace to the ground floor level. The form and scale of the extension is considered to be appropriate for its setting and does not compete with the scale and design of the host building. Similarly, the rebuilding of the ground floor extension is not contentious in design terms; the depth of the extension is not increasing and it will only be marginally higher than the existing structure. Both the lower ground floor and ground floor levels currently contain a large amount of fenestration and therefore the proposed glazing is not so dominant as to be distracting. It is noted that within the terrace similar extensions have either been constructed or consented, with the contemporary extensions kept at the lower levels and therefore in this context will preserve the character and appearance of the conservation area.

The replacement of the external staircase and the enlargement of the boundary walls is not contentious in design terms, subject to a condition ensuring the materials are in keeping. Additionally, the replacement of the windows, at the existing scale, is welcomed as it will maintain the uniformity of the upper levels, where a degree of consistency has been maintained throughout the terrace. The replacement windows will be of a comparable design with the existing and will be double glazed. Nevertheless, a condition requiring the submission of further details is recommended to ensure they are traditionally constructed and painted white.

New Mews Building

The erection of the mews building is considered with particular reference to UDP policies DES 4 and DES 9. The character of St Petersburg Mews is of an established pattern of mews buildings which have a consistent footprint, scale and form. The proposed site is located at the end of a terrace of mews buildings and therefore the principle of the introducing an additional mews house in this location would conform with the established character of the streetscape. The mews house will be the same footprint and mass as the neighbouring mews buildings with a design treatment respecting the proportions and materiality of the buildings within the setting. The introduction of a garage style door is welcomed as this maintains the interpretation of the mews style street. The dormers on the front elevation are in accordance with the guidance set out in the City Council's Supplementary Planning Guidance 'Mews: a Guide to Alterations'. The proposal is therefore considered to be acceptable as its design has regard to the prevailing character and quality of the surrounding townscape and conforms to the local urban design characteristics thereby preserving the character and appearance of the Bayswater Conservation Area.

The proposed mews house will incorporate a basement level, and it is proposed to lower the levels of the existing garden. The application has been assessed against policy CM28.1 of the City Plan which relates to basement development.

Objections have been received from neighbouring residents on the grounds that where the levels of the existing garden are being lowered in conjunction with the provision of a

basement level to the mews house, that the proposals would result in more than 50% of the “garden land” being developed contrary to policy CM28.1.

The City Plan definition of basement development is ‘any excavation to form new or additional floor space under the ground level of an existing property or within its curtilage and under its garden’. Given this definition, it is considered that the excavations required to provide a basement level to the mews house constitute basement development. However, the lowering of the existing garden level, does not as it is not in conjunction with the provision of additional floor space. Therefore, the proposed basement development is considered to cover less than 50% of the existing garden land and to comply with part C.1(a) of policy CM28.1.

Objections have been received on the grounds that the lowering of the garden levels will result in an area that will not support adequate greening and will therefore result in the loss of the garden, given the above, it is not considered that the lowering of the garden level could be considered against the basement policy and permission be withheld on this basis. Notwithstanding this, a condition is recommended to require the applicant to provide details of suitable landscape and greening for the remaining garden area.

Building Control have assessed the proposed basement, the accompanying structural method statement, the method of construction, underpinning and safeguarding of the neighbouring site and confirmed that these are acceptable. They have confirmed that the proposal to safeguard adjacent properties during construction is considered to be acceptable and that the proposal would not increase the likelihood of flooding in the local area and it should not have significant effects on the structural stability of neighbouring building.

Given that the basement sits only beneath the footprint of the mews house, it is not considered that the other aspects of the basement policy (soil depth, margin etc.) are applicable in this instance.

8.3 Residential Amenity

New Mews Building

Objections have been received from occupiers of surrounding properties in response to consultation on the originally submitted proposals raising concerns that the extensive glazing to the roof of the mews would result in a loss of privacy. This element of the scheme has been revised and the roof is now solid with dormer windows proposed. The roofline is also setback from the mews building line. Given this, and that it respects an established relationship between facing habitable room windows along the mews, it is not considered to amount to unacceptable harm to neighbouring occupiers. Furthermore, there is a separation of approximately 20 metres from the proposed second floor to the rear facades on Bark Place which prevents material harm upon the neighbours privacy in this location.

With regards to the views afforded to the rear from the mews property, towards the rear courtyards/ gardens of adjoining properties, the proposals have been amended from full width glazing at roof level to a solid roof with three dormer windows. It is not considered that this would result in an unreasonable level of overlooking given that the rear of St

Petersburgh Place is already overlooked to a degree by other properties fronting in St Petersburgh Mews.

Objections have also been received to potential light loss form the proposed development. The applicant has submitted an assessment of light loss in accordance with Building Research Establishment (BRE) publication “Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice” 2011 (“the BRE Guide”). This assessment considers light loss to 14, 15, 17 and 18 St Petersburgh Place and 29 and 31 St Petersburgh Mews (incorrectly referred to as no. 37 in the applicants light study). All other properties are considered too far from the application site to experience material light loss. The light study demonstrates that 14, 15, 17 and 18 St Petersburgh Mews would not experience levels of day and sunlight loss exceeding the guidelines set out in the BRE Guide. Accordingly, the proposal would not result in unacceptable loss of light to those properties.

With regards to daylight loss for 37 St Petersburgh Mews, the ground floor kitchen window facing the application site would experience a VSC loss of approximately 30% (i.e. from an existing value of 17.6% to 12.4%). This exceeds the 20% loss that the BRE Guide regards as noticeable. The applicants light study also notes that sunlight loss to this same window will also fall below BRE Guidelines.

However, the BRE Guide itself notes that the values it suggests are intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location such as this, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the same BRE guidance also applies. Many sites throughout Westminster, including neighbouring properties within St Petersburgh Mews, have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation and are desirable places to live. This is demonstrated by the resulting VSC value for the kitchen window at 37 St Petersburgh Mews (i.e. 12.4%). This value is consistent with other properties opposite buildings in this mews, such as 23 and 25 St Petersburgh, as evidenced by the light study that accompanied application RN: 16/10334/FULL. Given the above, the levels of light loss are considered acceptable in this instance and a reason for refusal on this basis would not be sustainable

The applicants light study also models overshadowing of 18 St Petersburgh Place from the proposed extension. Despite concerns raised by an objector, this is the only amenity space likely to be affected by the proposed development given its relationship to the proposed mews building. The applicants model indicates that the amenity space at No. 18 is already significantly overshadowed by the New West End Synagogue’s communal centre and that the proposed development would result in a small increase in overshadowing in the area adjacent to the proposed mews building. As this amenity area is already overshadowed such that it does not meet BRE Guidelines, the proposal would not result in unacceptable overshadowing and is therefore consistent with policy ENV 13 of the UDP.

With regards to sense of enclosure, the proposed building would repeat a pattern of development that is commonplace along St Petersburgh Mews and between properties facing St Petersburgh and Bark Places and backing onto properties in St Petersburgh Mews. The proposed mews building would be separated from properties opposite by the

width of St Petersburg Mews and from properties to the rear by the garden area to remain. Accordingly, the proposed development would not result in a significant and unacceptable increase in sense of enclosure.

Rear Extension and Window alterations

The proposal includes the erection of a part single, part two storey, full width rear extension at lower ground and ground floor levels which will project 2m from the rear wall of the existing dwelling at lower ground floor level. A small section of the boundary wall will be built up; however, the existing stepped arrangement will be maintained.

The proposed extension will adjoin the boundaries with Nos.14 and 18 St Petersburg Place. Both properties have high existing boundary walls, the build up of the part of the boundary wall that accommodates the proposed extension is not considered to result in any significant loss of light or increase sense of enclosure to either property. The staircase that will provide access to the garden from ground floor level mainly sits below the boundary wall and will not allow for any significant views into the gardens of the neighbouring occupiers when in use, when compared to the existing arrangement.

In terms of the impact of the extension, it will not project higher than either of the boundary walls so therefore will not result in loss of light or an increased sense of enclosure.

The replacement windows raise no amenity concerns. In terms of the lowering of the garden levels and installation of steps to the rear, these alterations will not result in any harm to the amenity of the adjoining occupiers.

Given the above, the proposed development is consistent with policy S29 of the City Plan and Policy ENV 13 of the UDP and Policy S29 in the City Plan.

8.4 Transportation/ Parking

The proposal does not represent an increase in residential units, as the mews property is ancillary to the main dwelling. TRANS21 allows for up to two car parking spaces per residential unit of 2 or more bedrooms. The proposed car parking space is consistent with TRANS21.

The garage dimensions are considered to meet the minimum requirements in terms of size. While the mews is tight, in terms of vehicle access to the garage, it is accepted that similar garage access arrangements exist along the mews.

8.5 Economic Considerations

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

8.6 Access

Currently, the rear garden of the application site can be accessed via a gate in St Petersburg Mews. This access route will be lost as a result of the introduction of the mews building; however, given it is a secondary point of access it is not considered to

raised concerns in this instance. Access to the rear garden will still be possible from St. Petersburg Mews, via the ground floor of the proposed mews house.

8.7 Other UDP/Westminster Policy Considerations

Construction Impact

Concerns from adjoining occupiers have been expressed regarding impacts relating to construction works. Policy CM28.1 requires applicants to sign up to the requirements of the City Council's Code of Construction Practice (CoCP). This requires the submission of a construction management plan in consultation with Environmental Health in due course and also a financial contribution to enable greater monitoring powers on behalf of the City Council during construction. A signed pro-forma has been supplied in accordance with the policy requirements to demonstrate that the applicant is content to accept a condition requiring compliance with the CoCP. Accordingly, the construction impact of the proposed development would be mitigated as far as possible under planning law.

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 (July 2018) unless stated otherwise.

8.10 Planning Obligations

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

The total floorspace of the extension and mews building is 98m². Therefore, the scheme falls marginally below the threshold of 100m² above which development is liable to pay the Mayoral and Westminster CIL.

8.11 Other Issues

The issues raised by objectors have largely been addressed above. However, the following is also noted.

A concern has been raised by neighbours that the identified site curtilage at the property frontage falls under different ownership from the applicant. Subsequently, a revised location and site plan has been received no longer showing the area to the front of 16 St Petersburg Place as within the application site boundary.

An objector has raised concern that the large rooflight proposed in the roof of the mews building will result in light pollution and would allow views into the rooflight from neighbouring properties. However, and given the location and position of the rooflight, it is not anticipated that it would result in unacceptable light pollution or be overlooked.

Objectors have also queried why the applicant has not approached them directly to discuss the application and their objections. However, the applicant is not obliged to do this under planning law and therefore permission could not reasonably be withheld on the basis of the objections made on this ground.

(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 Section

PLANNING

Project Information

Client: [Redacted]

Project Name: [Redacted]

Location: [Redacted]

Scale: 1:100

Drawn by: [Redacted]

Checked by: [Redacted]

Date: [Redacted]

Revision: [Redacted]

Notes:

[Redacted]

Proposed Section

PLANNING

Existing structure
 Proposed structure
 Structural elements to be removed

Project Information

Client: [Redacted]

Project Name: [Redacted]

Location: [Redacted]

Scale: 1:100

Drawn by: [Redacted]

Checked by: [Redacted]

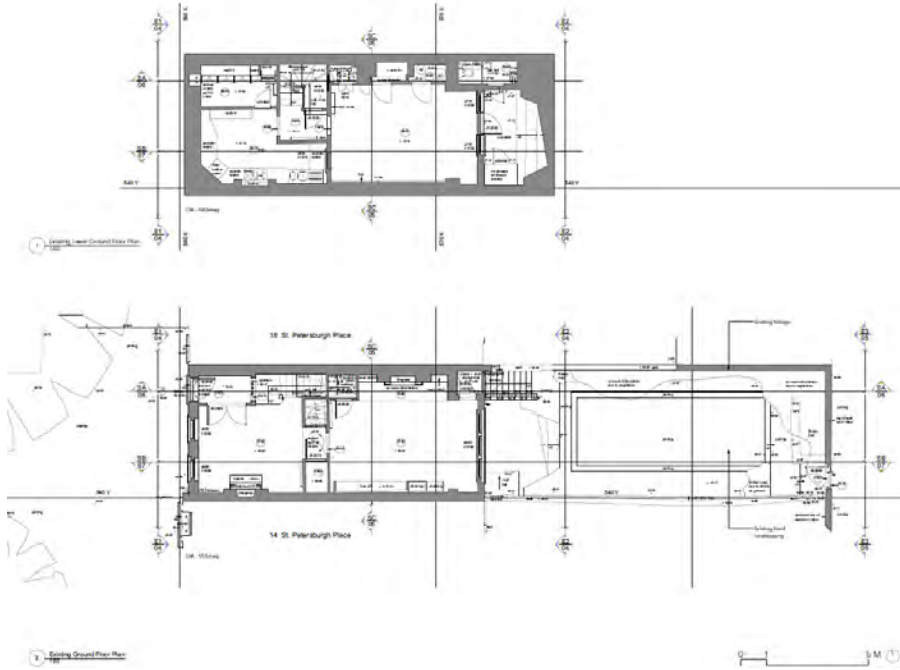
Date: [Redacted]

Revision: [Redacted]

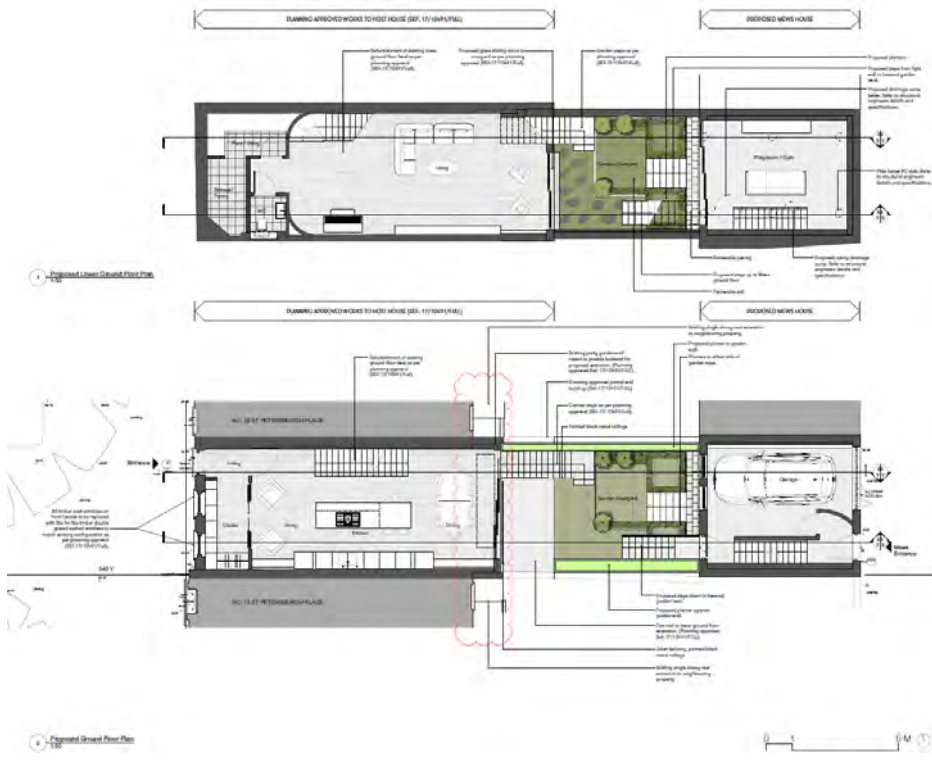
Notes:

[Redacted]

Existing Lower Ground and Ground Floor Plan



Proposed Lower Ground and Ground Floor Plan



16 St Petersburg Place - Existing Elevations



16 St Petersburg Place - Proposed Elevations



Proposed Mews Building Elevations



Proposed Elevation 3
150



Proposed Elevation 4
150

DRAFT DECISION LETTER

- Address:** 16 St Petersburg Place, London, W2 4LB
- Proposal:** Erection of a Mews building in the rear garden of 16 St Petersburg Place fronting St Petersburg Mews including three upper storeys and basement level. Replacement of front windows, alterations to the windows on the rear elevation, erection of rear extension at lower ground and ground floor levels, lowering of the rear garden level.
- Reference:** 18/03201/FULL
- Plan Nos:** Cover letter dated 18th April 2018; Design and Access Statement dated 18th April 2018; 16178-PL-901 rev P02; 16178-PL-902 rev P01; 16178-PL-903 rev P01; 16178-PL-904 rev P01; 16178-PL-905 rev P01; 16178-PL-906 rev P01; 16178-PL-907 rev P01; 16178-PL-908 rev P01; 16178-PL-909 rev P01; 16178-PL-910 rev P01; 16178-PL-911 rev P01; 16178-PL-912 rev P01; 16178-PL-913 rev P02; 16178-PL-914 rev P02; 16178-PL-915 rev P02; 16178-PL0916 rev P03; 16178-PL-917 rev P03; 16178-PL-918 rev P02; 16178-PL-919 rev P03; 16178-PL-920 rev P02; 16178-PL-921 rev P03; Planning and Heritage Statement.
- FOR INFORMATION ONLY: Chemical Interpretive Report dated March 2018; Geotechnical Interpretive Report dated March 2018; Ground Movement Assessment dated March 2018; Basement & Structural Impact Assessment dated 28th July 2016; Structural Engineer's Structural Methodology Statement for Planning dated March 2018; Planning and Heritage Statement.

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 6204

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

Reason:

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

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 6 The mews building must be ancillary to the main dwelling (No. 16 St Petersburg Place) only and not a separate residential unit.

Reason:

To ensure that the impacts of using the mews house as separate living accommodation can be properly assessed in future by the City Council in terms of its impact on neighbouring resident's amenity, the building's sustainability, the provision of amenity space, and the impact on traffic and parking.

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

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)

- 8 You must apply to us for approval of samples of the following parts of the development:

- 1.) The brickwork to the extensions and boundary wall.
- 2.) The materials to the mews building.

You must not start work until we have approved what you have sent us. You must then carry out the work according to these samples.

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)

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

- 1.) The new windows (at a scale of 1:50).
- 2.) The new dormers to the Mews building.

You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26CB)

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)

- 10 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

Reason:

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

- 11 The new staircase connected to the extension must be constructed of black painted metal and maintained as such.

Reason:

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

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

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

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

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 With reference to condition 4 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

- 3 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. If you find any unexpected contamination while developing the site, you must contact:

Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Phone: 020 7641 3153
(I73CA)

- 4 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 5 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

Item No.
2

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)

Agenda Item 3

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 September 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	31A Ennismore Mews, London, SW7 1AP,		
Proposal	Excavation of a single storey basement extension under existing property footprint, front courtyard, rear courtyard and vaults. Provision of lightwell in front courtyard. Alterations to existing vaults (Site Includes 65 Ennismore Gardens).		
Agent	Cranbrook Basements Ltd		
On behalf of	Riverway (Centenary) Ltd		
Registered Number	18/03225/FULL & 18/03226/LBC	Date amended/ completed	20 April 2018
Date Application Received	20 April 2018		
Historic Building Grade	Grade II Listed Building		
Conservation Area	Knightsbridge		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.
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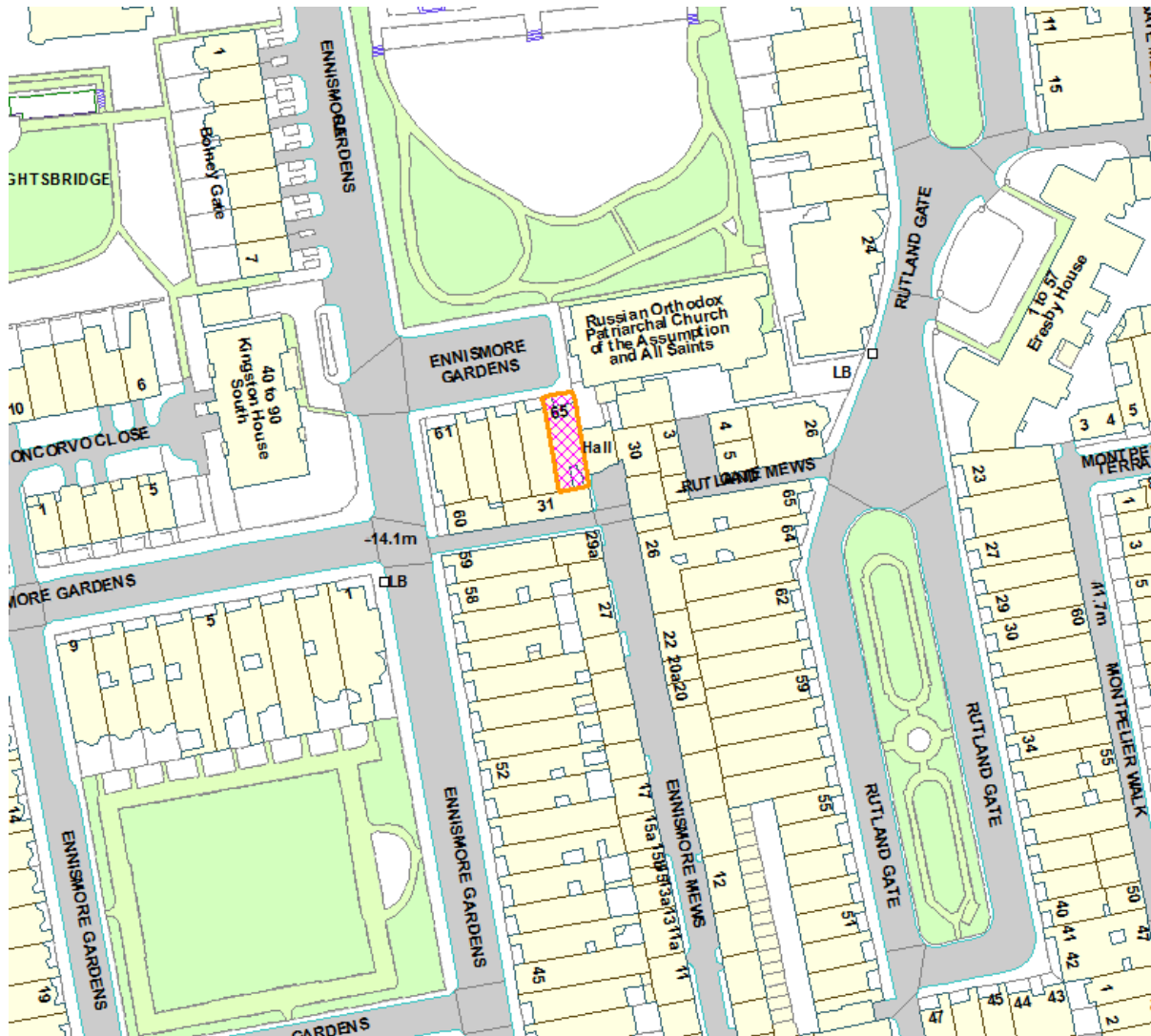
2. SUMMARY

<p>The application site occupies the lower ground floor within 65 Ennismore Gardens and comprises a two bedroom flat. The entrance to the flat is from 31A Ennismore Mews. The building is Grade II listed and located within the Knightsbridge Conservation Area.</p> <p>In January 2015, permission and listed building consent were granted for the excavation of a new basement level under the footprint of the existing building and front courtyard (facing Ennismore Mews) and the removal of an internal wall within the vaults that extend under Ennismore Gardens (RN:14/09703/FULL and 14/10733/LBC). Work is currently taking place on site in connection with this permission.</p>
--

This latest application is for a larger basement extension, which extends under the footprint of the existing building, front courtyard, rear courtyard and vaults. The provision of a lightwell in the front courtyard and alterations to the vaults.

The council has received two letters of objection that raise construction impact concerns. The proposed development is considered to be acceptable in construction impact terms subject to the imposition of a condition that requires details of evidence that any implementation of the scheme by the applicant or any other party, will be bound by the council's Code of Construction Practice. The proposals are considered acceptable in all other respects for the reasons set out in the report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



65 Ennismore Gardens



Entrance 31A Ennismore Mews

5. CONSULTATIONS

KNIGHTSBRIDGE ASSOCIATION:
Any response to be reported verbally.

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:
Any response to be reported verbally.

BUILDING CONTROL:
The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using RC underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

HISTORIC ENGLAND ARCHAEOLOGICAL ADVISORY SERVICE:
The proposed extension is not within an Archaeological Priority Area and is unlikely to impact upon significant archaeological remains. No further assessment or conditions are therefore necessary.

ENVIRONMENTAL HEALTH:
No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:
No. Consulted: 76
Total No. of replies: 2
No. of objections: 2

Objections from residents within Ennismore Gardens on some or all of the following grounds:

- Current excavation works are causing noise and disruption, dust, rodent problems and health problems for surrounding residents;
- Adjacent properties have suffered from subsidence damage (cracks in walls/ceilings, windows not closing as smoothly as before);
- Metal framed high safety doors on site are not operating as they should, creating a security risk;
- Slow response from the contractors associated with the current excavation when dealing with problems.

(N.B the objections were made under a different application reference. Three other sets of applications for similar works, intended to amend the 2015 permission and listed building consent, were submitted around the same time but have since been withdrawn (RN:18/01557/FULL and 18/01558/LBC, 18/0155 18/04005/FULL and 18/04089/LBC, 18/03223/FULL and 18/03224/LBC)).

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site occupies the lower ground floor within 65 Ennismore Gardens and comprises a two bedroom flat. The building is Grade II listed and located within the Knightsbridge Conservation Area. The entrance to the flat is from 31A Ennismore Mews.

6.2 Recent Relevant History

In January 2015, planning permission and listed building consent were granted for construction of single storey basement extension under existing property footprint and front courtyard. Provision of lightwell in front courtyard. Alterations to existing vaults (RN: 14/09703/FULL and 14/10733/LBC). The excavation of this basement is at an advanced stage.

Three sets of applications for similar works to those proposed under the current applications, intended to amend the 2015 permission and listed building consent, were submitted around the same time but have since been withdrawn (RN:18/01557/FULL and 18/01558/LBC, 18/0155 18/04005/FULL and 18/04089/LBC, 18/03223/FULL and 18/03224/LBC).

7. THE PROPOSAL

Planning permission and listed building consent are sought for excavation of a single storey basement extension under the existing property footprint, front courtyard, rear courtyard and vaults. The basement will be used as a family/media room, gymnasium and storage space. The only external manifestation of the basement will be a lightwell in the front courtyard. Works are also proposed to convert the front vaults into a utility room.

	Existing GIA (sqm)	Proposed GIA (sqm)	+
Residential (C3)	120	247	127

8. DETAILED CONSIDERATIONS

8.1 Land Use

The new basement would create ancillary accommodation for an existing two bedroom lower ground floor flat. The plans show the new basement would provide a family/ media room, storage room, and gymnasium. The amount of light to the basement rooms will be limited. The proposal is considered acceptable on the basis that the new basement is used as ancillary accommodation in connection with an existing flat. On this basis the proposal is considered acceptable and in accordance with Policy H3 of the UDP and Policy S14 of the City Plan.

8.2 Townscape and Design

The basement is not considered to harm the special interest of this listed building and is considered acceptable. The only external manifestation of the basement is a small front lightwell (with grille) within the front courtyard (facing Ennismore Mews). As the courtyard is completely enclosed with high walls surrounding, the lightwell alteration will only be visible from the upper floors of 65 Ennismore Gardens and is considered to be acceptable. It is also proposed to convert the front vaults into a utility room. The proposals are considered to be compliant with Policies S25, S28 and CM 28.1 of the City Plan, and with DES 1, DES 5, DES 9 and DES 10 of the UDP.

8.3 Residential Amenity

The proposals would not result in a material loss of light, increased overshadowing, increased sense of enclosure or loss of privacy over the existing arrangement. The proposals would accord with policy S29 of the City Plan and ENV13 of the UDP.

8.4 Transportation/Parking

The enlargement of the dwelling would not have a material impact on traffic generation or on-street parking pressure in the area.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access arrangements will remain unchanged

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The proposal does not increase the number of residential units. It is not considered necessary to require details of waste storage to be submitted.

8.8 Neighbourhood Plans

The draft Knightsbridge Neighbourhood Plan and all submission documents, representations received, and subsequent modifications proposed to it have been considered by an independent examiner who has issued their final report with recommendations. The council will now consider the examiner's recommendations before publishing its 'Decision Statement'. Depending on the outcome of this, the plan will then need to proceed to a referendum before it can formally become part of the statutory development plan and be attributed full weight. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the draft neighbourhood plan, these are discussed elsewhere in this report.

8.9 London Plan

This application raises no strategic issues.

8.10 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.

8.11 Planning Obligations

The estimated Mayor's CIL payment is £6,350

The estimated WCC CIL payment is £69,850

8.12 Environmental Impact Assessment

An Environmental Impact Assessment is not required for a scheme of this size.

8.13 Other Issues

Basement

The proposals are considered to be in accordance with the Council's basement policy, CM28.1 of the City Plan, as set out below.

Part A. 1-4

These parts of the policy relate to ground conditions, structural methodology, the Code of Construction Practice, structural stability and flood risk. Objections have been received from neighbouring residents on the grounds that the current construction works associated with RN: 14/09703/FULL have lead to subsidence damage (cracks in walls/ceilings and windows not closing as smoothly as before) and that further excavation could increase the damage.

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology statement prepared by an appropriately qualified structural engineer. These documents have been reviewed by Building Control who advise that the structural methodology proposed is appropriate for the ground conditions that are likely to be on this site. Accordingly, it is considered that as far is reasonable and practicable at this stage, the applicant has satisfactorily investigated the site and surmised the likely existing ground conditions and provided a suitable structural methodology report in light of it.

The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report.

Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

Part A. 5

Objections have also been received from neighbouring residents on the grounds that the proposals will cause disturbance in terms of noise, dust, rodents and associated health problems for nearby residents.

The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016 and if permission is granted the applicants will be required to comply with the CoCP. This is a fundamental shift in the way the construction impacts of developments are dealt with relative to the position prior to July 2016. Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that this should be carried out after planning permission is granted and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help soothe the development process.

The concerns of the neighbouring residents are at the heart of why the City Council has adopted its new Policy in relation to basements (CM28.1) and created the new CoCP. While the comments from the neighbours are noted, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible.

A condition is recommended requiring evidence to be submitted of compliance with the CoCP. This must be submitted before work starts on site, subject to which the proposals are considered acceptable. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours.

Additionally, a condition is recommended to ensure that any building work which can be heard at the boundary of the site is only carried out 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. Piling, excavation and demolition work will only be carried out between 08.00 and 18.00 Monday to Friday and not at all on Saturdays, Sundays, bank holidays and public holidays.

Part A. 6

The site is not in an archaeological priority area and therefore part 6 does of the policy does not apply.

Part B. 1 and 2

The proposals do not involve the loss of any trees within the site boundary, nor are there nearby trees of concern.

Part B. 3

No details about how the basement will be ventilated have been provided at this stage. Any plant machinery will need to be applied for separately under a further application.

Part B. 4 and 7

The flood risk assessment states that as a precautionary mitigation measure the owner of the property has agreed to subscribe to the Environment Agency's Flood Warning service and ensure that this service is made available to all occupants of the building. An informative has been attached, advising that a Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer.

Part B. 5 and 6

The proposed works would not harm the special interest of the listed building nor would they negatively impact on the conservation area. (see Section 8.2 of this report).

Part C. 1 and 2

The proposed basement would extend under the existing property footprint, front courtyard, rear courtyard and vaults. The proposed basement would extend under the whole of the front courtyard with no soil depth or margin of undeveloped land retained. However, given that this part of the basement has already been implemented under the previous permission and the size/ enclosed nature of the courtyard, this is considered acceptable in this instance. The area of additional excavation, over what has been approved previously, is fully compliant with Part C. 1 and 2.

Part C. 3

A single basement is proposed which is considered acceptable and in accordance with this part of the policy.

Part D

The basement does not extend under the highway, therefore this part of the policy does not apply.

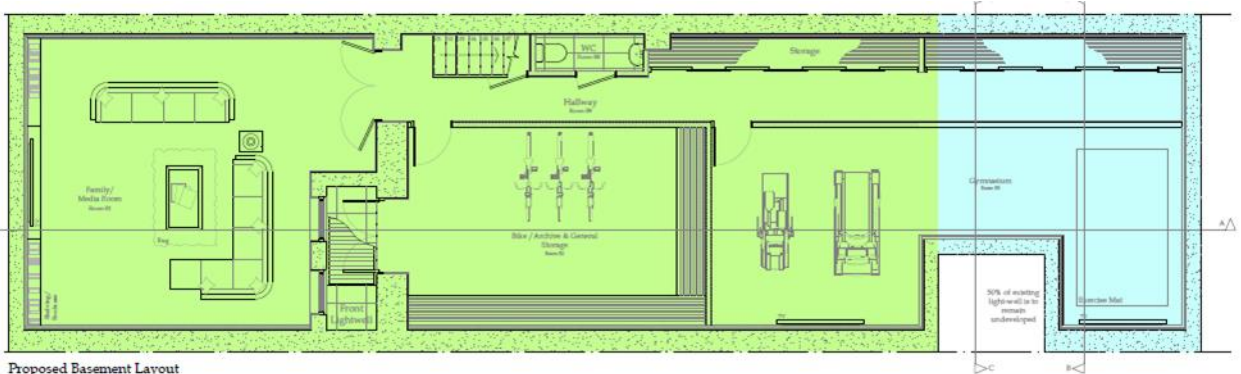
Overall, the proposed basement is considered to comply with City Plan Policy CM28.1.

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

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

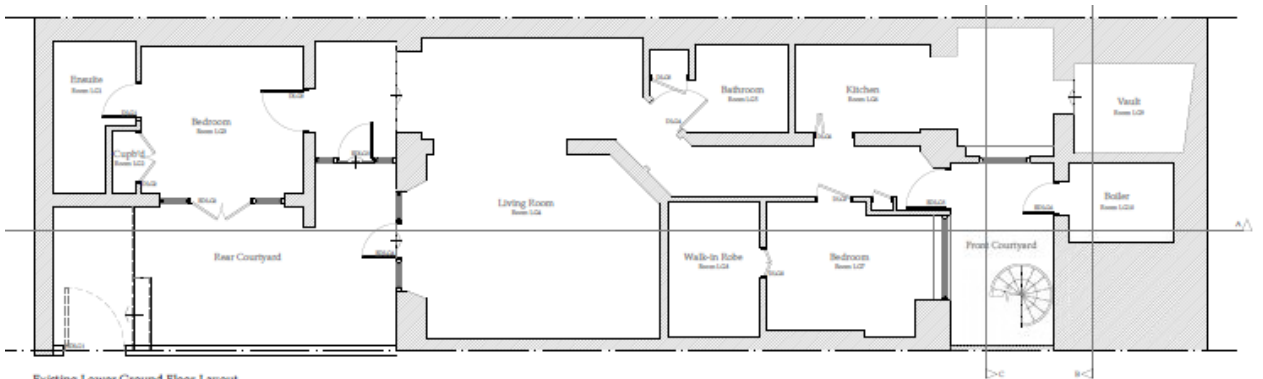
9. KEY DRAWINGS

Proposed Basement Layout



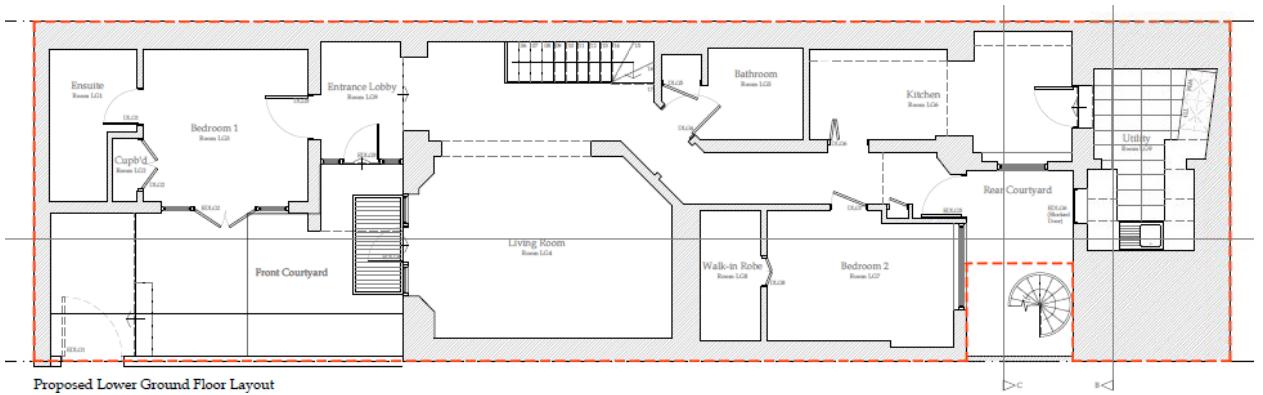
Proposed Basement Layout

Existing Lower Ground Floor Layout



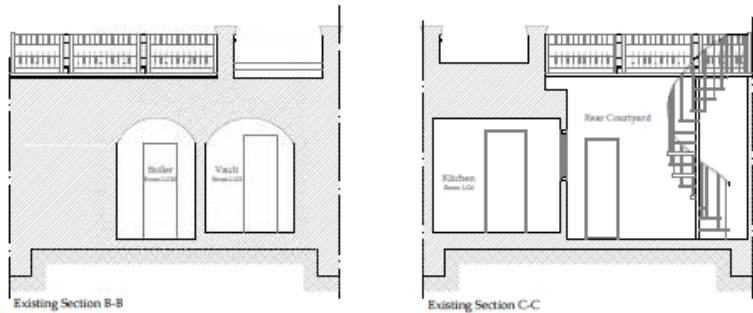
Existing Lower Ground Floor Layout

Proposed Lower Ground Floor Layout

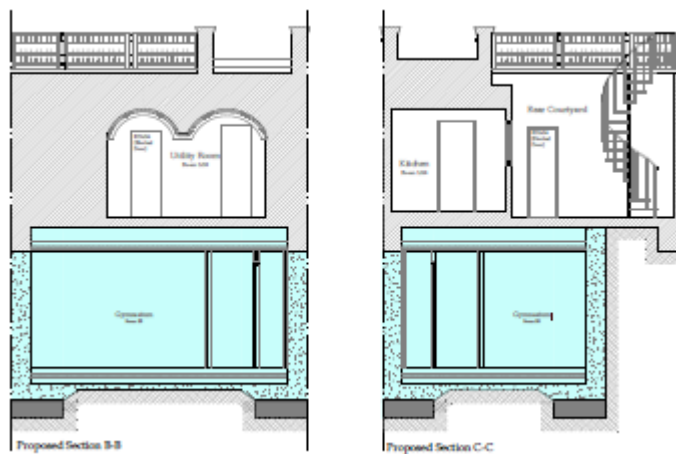


Proposed Lower Ground Floor Layout

Proposed Section B-B and C-C



Existing Section B-B and C-C



DRAFT DECISION LETTER

- Address:** 31A Ennismore Mews, London, SW7 1AP,
- Proposal:** Excavation of a single storey basement extension under existing property footprint, front courtyard, rear courtyard and vaults. Provision of lightwell in front courtyard. Alterations to existing vaults. (Site Includes 65 Ennismore Gardens)
- Reference:** 18/03225/FULL
- Plan Nos:** 2198-500.1; 2198-501; 2198-200.3 Rev. A; 2198-201.3 Rev. A.

For Information:

Design Philosophy dated September 2014; Hydrological Report dated 10 September 2014; Supervising Chartered Structural Engineers details; Appendix A; Basement Engineering Method Statement Rev. B dated 20 April 2018; Cover Letter dated April 2018; Design and Access Statement dated 20 April 2018; Construction Method Statement Executive Summary dated 20 April 2018; Flood Risk Assessment Report dated April 2018.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

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)

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

Reason:

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

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

Item No.
3

application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 4 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)

- 5 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.

- 6 With reference to condition 4 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. You are urged to give this your early attention

- 7 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect you to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquires should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing riskmanagement@thameswater.go.uk.

Application forms should be completed online via www.thameswater.co.uk/wastewaterquality.

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

DRAFT DECISION LETTER

- Address:** 31A Ennismore Mews, London, SW7 1AP,
- Proposal:** Excavation of a single storey basement extension under existing property footprint, front courtyard, rear courtyard and vaults. Provision of lightwell in front courtyard. Alterations to existing vaults. (Site Includes 65 Ennismore Gardens)
- Reference:** 18/03226/LBC
- Plan Nos:** 2198-500.1; 2198-501; 2198-200.3 Rev. A; 2198-201.3 Rev. A.

For Information:

Design Philosophy dated September 2014; Hydrological Report dated 10 September 2014; Supervising Chartered Structural Engineers details; Appendix A; Basement Engineering Method Statement Rev. B dated 20 April 2018; Cover Letter dated April 2018; Design and Access Statement dated 20 April 2018; Construction Method Statement Executive Summary dated 20 April 2018; Flood Risk Assessment Report dated April 2018.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

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

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 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 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 September 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	157 Edgware Road, London, W2 2HR		
Proposal	Variation of Condition 2 and removal of Conditions 5 and 14 of appeal decision (APP/X5990/W/17/3190982) dated 14 May 2018 (RN: 16/11276/FULL) for the use of part basement, ground, first and second floors as a hotel (Class C1), external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure on flat roof above second floor level. NAMELY, to allow the relocation of air conditioning equipment from roof level above second floor level to within the envelope of the existing building with louvres inserted into the Edgware Road elevation, relocate the hotel entrance along the Edgware Road elevation, omit the requirement to submit details of the design of a roof level plant screen which is to be omitted, and remove Condition 14 relating to the cafe area which is to be omitted.		
Agent	MRPP		
On behalf of	Criterion Capital		
Registered Number	18/05659/FULL	Date amended/ completed	5 July 2018
Date Application Received	5 July 2018		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

<p>This Section 73 application seeks to vary Condition 2 and removal Conditions 5 and 14 of the permission granted on appeal on 14 May 2018 for the use of part of the basement, ground, first and second floors as a hotel (Class C1) with associated external alterations, to allow a number of minor material amendments to the approved scheme. The amendments sought comprise the relocation of the hotel entrance in Edgware Road, omission of the previously proposed ancillary cafe for guests</p>
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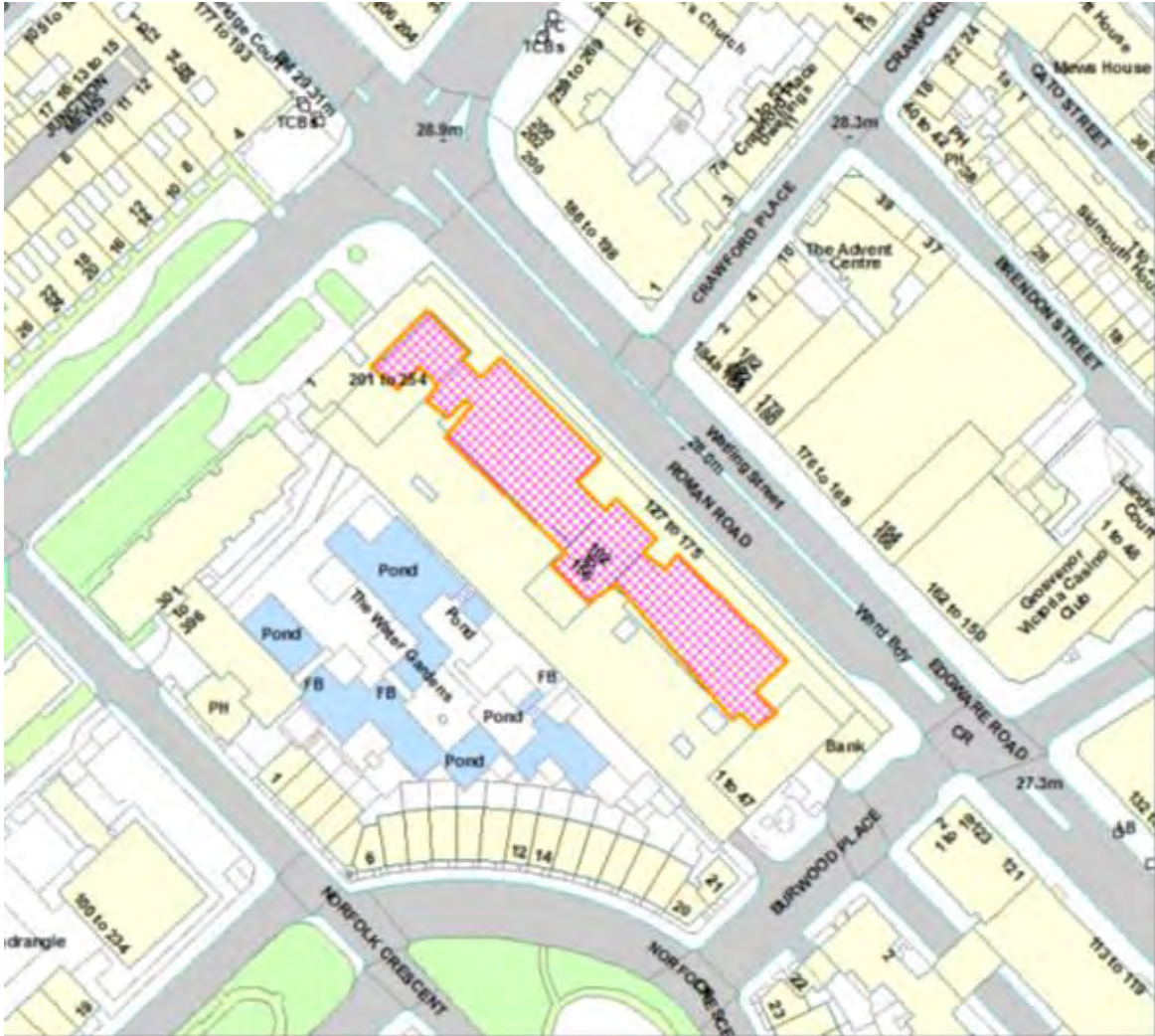
use only and relocation of the mechanical plant from second floor roof level to within the envelope of the building at first and second floor levels.

The key issues in this case are:

- The acceptability of the relocated entrance in land use, transportation and amenity terms.
- The acceptability of the amendments to the facade of the building to accommodate the mechanical plant within the envelope of the building in design terms.
- The impact of the relocated mechanical plant on the amenity of neighbouring residents.
- The impact of omitting the ancillary cafe in land use, amenity and servicing terms.

For the detailed reasons set out in this report, subject to the recommended conditions, the proposed minor material amendments to the scheme granted permission on appeal on 14 May 2018 are considered to be acceptable and would accord with the relevant policies in the London Plan (March 2016), the Unitary Development Plan (UDP) adopted in January 2007 and Westminster's City Plan (the City Plan) adopted in November 2016. The proposals would also be consistent with the relevant policies in the draft new London Plan and the Revised NPPF (July 2018).

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation from Edgware Road.

5. CONSULTATIONS

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection. Conditions recommended to prevent noise and vibration nuisance/ disturbance to neighbouring occupiers, including a condition to secure the proposed noise mitigation measures.

HIGHWAYS PLANNING MANAGER

No objection. Notes that taxis would be more likely to stop in the bus stop outside the proposed entrance than in the taxi bay further to the north (and closer to the approved), as they are allowed to do this at bus stops that are marked with double red lines. However, he does not think is a ground on which the application can be refused. Private hire vehicles cannot use bus stops in this way and cannot use taxi ranks, so would be more likely to use the bus stop regardless of where the entrance is along Edgware Road. Welcomes the removal of the café from the hotel as this would reduce the demand for servicing. Asks whether a condition could be imposed to prevent a café being introduced at a later date, which would not have any controls on non-hotel guests.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 319; No. of Responses: 2.

One email from a neighbouring resident raising objection on the following grounds:

- Enclosing the ventilation machinery is helpful but still consider whole project to be inappropriate for the neighbourhood.
- Removal of the cafe from the hotel will mean it attracts even more downmarket customers.
- A dormitory is not what is needed in this part of Edgware Road. The proposals for flats across the road is much more suitable and will enhance the neighbourhood.
- Relocation of hotel entrance will move it closer to the bus stop and this will cause obstruction to both pedestrians and vehicular traffic.

One response from the Church Commissioners raising objection on the following grounds:

- Proposed louvers are intrusive and out of character with the existing building. They would be prominent in views from Edgware Road.
- Not clear where the noise report is identifying as the nearest noise sensitive receiver.
- Noise report does not consider insulation provided by the existing walls of the building and doesn't refer to noise that would be experienced by the southernmost tower of the Water Gardens.
- The noise mitigation measures recommended in the noise report should be installed if permission is granted and a post installation survey of the measures carried out to demonstrate their effectiveness.
- Impacts of mechanical plant in terms of vibration and air quality are not clear.

- Relocation of hotel entrance would locate hotel guests closer to the southernmost block of the Water Gardens and create additional noise disturbance below these residential flats.
- Consider that the previously approved entrance location, which is now to be used as a staff entrance, was a more suitable entrance location for the hotel.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to The Water Gardens, a mixed use development dating from the 1960s, which is located on the west side of Edgware Road, spanning the length of the street block between Burwood Place and Sussex Gardens. The building currently comprises retail units at basement/ ground floor, offices (Class B1) at first floor level and a mix of offices and residential flats at second floor level.

The office accommodation has previously been used for education purposes on a temporary basis, pursuant to the permission/ permitted development rights referred to in section 6.2 of this report. However, this temporary education use by the Minerva Academy ceased in 2017 and the premises has reverted to its lawful use as Class B1 offices. Permission was recently granted on appeal in May 2018 to use the office accommodation as a hotel (Class C1).

Above second floor level there are also three high rise residential towers, at basement level there is a self storage facility and communal gardens to the rear at ground level. The commercial uses within the site are accessed from Edgware Road, whilst servicing area and the car park are accessed from Burwood Place. There is no access to the residential flats from the Edgware Road frontage of the site.

The application site is accessed from a ground floor level door located within the Edgware Road parade, with two further entrances to this frontage providing a means of escape in an emergency. The site is therefore within a Central Activities Zone (CAZ) Frontage, as defined in the UDP, and is on a Named Street within the CAZ as defined in the City Plan. Edgware Road itself comprises a broad mix of commercial and residential uses. The site is within the Edgware Road Stress Area.

6.2 Recent Relevant History

14 May 2018 – An appeal decision was allowed by the Planning Inspectorate against the City Council's refusal of planning permission on 19 September 2017 for the *'Use of part of the basement, ground, first and second floors as a hotel (Class C1), external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure on flat roof above second floor level (16/11276/FULL)'*. The Planning Applications Sub-Committee (No.1) on 8 August 2017 had resolved to refuse the application on the following ground, which was not supported by the Planning Inspector:

'Because of the size of the hotel (in terms of its floor area and the number of bedrooms proposed), the facilities for accommodation of vehicles dropping off and collecting hotel guests are inadequate and the hotel use would result in a significant increase in the number servicing vehicle trips required to operate the hotel use relative to the existing lawful office use of the premises. As a consequence, the proposed hotel use would have a materially adverse impact on the operation of the local highway network, including the Transport for London Road Network (TLRN) along Edgware Road, as a result of generating additional traffic and causing increased vehicular obstruction. This would be contrary to Policies TRANS 6 and TRANS20 in the Unitary Development Plan we adopted in January 2007, Policy S42 in Westminster's City Plan that we adopted in November 2016 and Policies 6.3, 6.12 and 6.13 in the London Plan (March 2016).'

In addition to dismissing the appeal, the Inspector gave a full award of costs to the appellant against the City Council. It is this permission, which was granted on appeal that the current application seeks to vary. The appeal decision and relevant drawings are provided in the background papers.

27 March 2018 – Planning permission was refused for *'Use of part basement, ground, first and second floors as a hotel (Class C1) and external alterations to front and rear elevations at first and second floor levels to install louvres'*. The application was refused at the Planning Applications Sub-Committee (No.1) on the following ground:

'Because of the size of the hotel (in terms of its floor area and the number of bedrooms proposed), the facilities for accommodation of vehicles dropping off and collecting hotel guests are inadequate and the hotel use would result in a significant increase in the number servicing vehicle trips required to operate the hotel use relative to the existing lawful office use of the premises. As a consequence, the proposed hotel use would have a materially adverse impact on the operation of the local highway network, including the Transport for London Road Network (TLRN) along Edgware Road, as a result of generating additional traffic and causing increased vehicular obstruction. This would be contrary to Policies TACE2, TRANS 6 and TRANS20 in the Unitary Development Plan we adopted in January 2007, Policy S42 in Westminster's City Plan that we adopted in November 2016 and Policies 6.3, 6.12 and 6.13 in the London Plan (March 2016).'

It should be noted that the entrance to the proposed hotel in the 27 March 2018 scheme was located in the same location as in the current application, but this was not a ground on which the application was refused. The decision letter and relevant drawings are provided in the background papers.

11 November 2013 – Permission granted for use of part basement, ground, first and second floors as a hotel (Class C1), external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure and photovoltaic panels at roof level (13/03354/FULL).

7. THE PROPOSAL

The current application seeks permission minor material amendments to the planning permission granted on appeal on 14 May 2018 for the use of part of the basement, ground, first and part second floor levels as a hotel, with associated external alterations

including installation of louvres to the front and rear elevations and installation of mechanical plant within an enclosure on flat roof above second floor level (RN: 16/11276/FULL). The current application seeks to vary Condition 2 and remove Conditions 5 and 14 to allow the following amendment to be made to the appeal scheme:

- a) To allow the relocation of air conditioning equipment from roof level above second floor level to within the envelope of the existing building with louvres inserted into southern end of the Edgware Road elevation.
- b) Relocate the hotel entrance further to the south along the Edgware Road elevation than was approved in the appeal scheme. The previously approved entrance is proposed to be used as a staff entrance.
- c) Remove Condition 5 to omit the requirement to submit details of the design of a roof level plant screen (a plant screen is not required if the mechanical plant is relocated within the envelope of the building (see (a) above).
- d) Remove Condition 14, which requires the cafe area within the approved hotel to only be used by hotel guests. The removal of this condition is sought on the basis that the cafe is to be omitted from the amended scheme now proposed.

No changes are proposed to the size of the hotel in terms of its approved floorspace and it proposed to use the floorspace to provide 117 windowless hotel rooms, as per the scheme approved in May 2018.

There has been no change to the policies in the Unitary Development Plan adopted in January 2007 and the City Plan adopted in November 2016 since the previous appeal decision in May 2018. Whilst the Mayor has published his 'Draft New London Plan showing Minor Suggested Changes', following public consultation on the Draft New London Plan earlier in 2018, it has yet to undergo a full examination in public and is therefore of limited weight for decision making purposes. Furthermore, the relevant policies in the latest version of the draft new London Plan are not considered to be materially different to those in the version of the draft new London Plan which was published for consultation in December 2017, prior to determination of the appeal scheme to which this application relates. It is noted that Policy E10 in the draft new London Plan continues to direct new hotels and other visitor accommodation to the Central Activities Zone (CAZ), except where they would be in wholly residential streets or predominantly residential neighbourhoods. As set out in Section 7, Edgware Road comprises a mixed retail, commercial and residential area on the periphery of the CAZ and is not a predominantly residential street or neighbourhood. Whilst the Revised NPPF was published by the Government in July 2018, the amendments made have not materially altered the policy context relevant to the assessment of the development previously approved in May 2018. Set in this policy context, the remaining sections of this report focus on the amendments now proposed to the previously approved development. The previous officer reports to the Planning Applications Sub-Committee dated 4 April 2017 and 8 August 2017, in respect of the scheme allowed on appeal in May 2018, are provided in the background papers for information in respect of the previous policy considerations.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed use of the part basement, ground, first and second floors as a hotel (Class C1) is considered to continue to accord with Policies S1, S8 and S23 in the City Plan, Policy TACE2 in the UDP and Policy 4.5 in the London Plan (March 2016). The alteration to the entrance to the hotel is not considered to have any material impact in land use terms.

One objector raises concern that the omission of the ancillary cafe from within the hotel will have an adverse impact on the quality of the hotel accommodation provided. However, as the cafe use was an ancillary use and not a separate planning unit, it is not considered that its omission would have any material impact on the acceptability of the hotel use in planning terms. The type and specification of the hotel use to be carried out within the premises is not a valid ground on which permission could reasonably be withheld.

8.2 Townscape and Design

In design terms the principal consideration in the current application is the amendment proposed to omit the previously approved roof level plant and relocate the mechanical plant to within the envelope of the building with louvred panels inserted into the two most southerly window opening in the Edgware Road facade at first and second floor levels. The Church Commissioners have raised objection on grounds that the proposed louvers would harm the appearance of the building and have a consequential adverse impact on the vitality of Edgware Road.

The amendment to introduce louvre panels in the window openings is considered to be a relatively discrete method of providing mechanical plant to serve the previously approved hotel use. Whilst the proposed louvers would be appreciable in views from Edgware Road, their impact on the appearance would be mitigated sufficiently provided they are painted in a colour to match the brown frames of the existing windows to the first and second floor podium structure. A condition is recommended to ensure the louvers are painted accordingly. In this context, and given the roof level plant enclosure forming part of the appeal scheme would also be likely to be visible in views from Edgware Road, it is not considered that the Church Commissioners objections to the louvers on design grounds can be supported as a ground on which permission could reasonably be withheld.

Whilst the entrance to the hotel is proposed to be relocated, the current scheme does not propose any alterations to the existing entrance doors and therefore this aspect of the application is not objectionable in design terms.

In summary the minor material amendment proposed are acceptable in design terms and would accord with Policies DES1 and DES5 in the UDP and S28 in the City Plan.

8.3 Residential Amenity

8.3.1 Relocated Mechanical Plant

Concerns have been expressed by the Church Commissioners regarding the accuracy of the acoustic report. They note that the report identifies the proposed hotel as the

nearest noise sensitive receiver and not the neighbouring residential windows in the southernmost tower of the Water Gardens and consider that the report fails to assess the noise insulation qualities of the existing walls of the building.

The applicant has surveyed the nearest hotel windows, which are immediately adjacent to the proposed louvres, as being the nearest noise sensitive receptors. Policy ENV7 in the UDP identifies hotel windows as noise sensitive receptors and therefore the choice of these windows as the nearest noise sensitive receptors is appropriate in this case. It is noted also that the nearest residential windows in the southernmost tower of the Water Gardens are approximately 6.5m from the louvres, further from the proposed louvres than the hotel windows.

Environmental Health have considered the submitted acoustic report and are content that the assessment that has been made is accurate in terms of the likely operational noise levels of the proposed mechanical plant, having regard to attenuation measures including the existing fabric of the building and the specific noise attenuation measures specified, which comprise the provision of acoustic louvres and inline silencers located within the plant room. Environmental Health are content that the proposed mechanical plant would operate below the background noise level in accordance with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan, subject to conditions to secure the provision of the noise mitigation measures and to ensure ongoing compliance with the noise policies following installation of the mechanical plant.

The Church Commissioners have requested that a post commissioning survey be required by condition to demonstrate that the noise mitigation measures proposed are effective. However, Environmental Health do not consider such a condition is required in this instance and it is clear from the conditions they have recommended in their observations that they are content that the noise mitigation measures proposed by the applicant will be sufficient to prevent noise disturbance to neighbouring noise sensitive receptors.

In terms of vibration, a condition is recommended to ensure perceivable vibration is not transmitted through the structure of the building and this condition can typically be complied with by installing mechanical plant on anti-vibration mounts.

8.3.2 Other Amenity Considerations

The relocation of the entrance to the hotel has attracted objection from the Church Commissioners on amenity grounds. They are concerned that the entrance would be closer to the occupiers of the southernmost residential tower within the Water Gardens resulting in additional noise disturbance being caused to the residents of this tower. However, the nearest residential windows are to the south eastern corner of the tower at second floor level and would be screened from the entrance by the existing canopy over the pavement of the public highway along the Edgware Road frontage of the Water Gardens. Given these considerations and as Edgware Road is already a busy arterial route, it is not considered that the relocated entrance would materially increase noise disturbance to neighbours. It is noted that the approved entrance location would have a similar relationship to the central residential tower as the proposed hotel entrance has to the southernmost residential tower.

A further consideration is that the provision of the entrance to the hotel location was assessed as part of the scheme refused earlier this year on 27 March 2018 (RN: 18/01075/FULL) and the provision of the entrance in this location was not a ground on which that application was refused.

The stair and lift core itself serves the existing office accommodation at first and second floor level and provides a secondary means of access to the bank (Barclays) at the corner of Edgware Road and Burwood Place. As such, the use of this entrance would not conflict with existing residential communal space/ circulation space within the Water Gardens.

The omission of the ancillary cafe will not have any adverse impact in amenity terms. The omission of an ancillary use that could have generated additional noise within the premises is welcomed.

Accordingly, the relocation of the hotel entrance and the omission of the cafe are acceptable in amenity terms and would accord with Policies ENV6 and TACE2 in the UDP and Policies S23 and S32 in the City Plan.

8.4 Transportation/ Parking

Concern has been expressed by an objector that the relocated hotel entrance would be closer to the bus stop and that this would increase obstruction to both pedestrians and vehicular traffic.

Whilst the proposed hotel entrance would be adjacent to the end of the bus stop markings in Edgware Road, the entrance would be some 19 metres from the front of the bus stop where the bus shelter is located. This degree of distance between the entrance and the bus shelter, coupled with the width of the pavement (approximately 4.4m) along this section of Edgware Road, is considered to be sufficient to ensure that the entrance would not give rise to significant obstruction to either pedestrian or vehicular traffic. In this context and given the Highways Planning Manager does not object to the relationship between the proposed entrance and the bus stop, it is considered to be in accordance with Policies TRANS2 and TRANS3 in the UDP and S41 in the City Plan.

The Highways Planning Manager has noted that taxis are able to lawfully stop in bus stops with double red lines and comments that this could result in the use of the bus stop by taxis rather than the taxi rank a short distance to the north along Edgware Road. However, he is content that the use of the bus stop in this lawful manner would not increase by a material degree as a result of the proposed relocation of the hotel entrance. Accordingly, he is content that this is not a ground on which permission could reasonably be withheld.

The Highways Planning Manager welcomes the omission of the ancillary café as this will reduce the demand for servicing of the hotel. He recommends a condition to prevent an ancillary café being reintroduced, so as to prevent a café being introduced that could be used by non-guests (Condition 14 currently prevents the café in the approved scheme being used by non-guests). A condition is recommended to address this concern and is included on the draft decision letter.

8.5 Economic Considerations

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

8.6 Access

The proposed relocation of the hotel entrance allows the provision of step free access to an existing lift providing step free access to the hotel accommodation on the first and second floors. The approved entrance to the hotel does not provide step free access as there would be a flight of stairs prior to arriving at the proposed lift to first floor level. Accordingly, the proposed hotel entrance would improve access to the hotel in accordance with Policies DES1 and TRANS27 in the UDP and Policy S28 in the City Plan, which promote inclusive design.

8.7 Other UDP/ Westminster Policy Considerations

The Church Commissioners have raised concern regarding the impact of the mechanical plant on air quality; however, the plant proposed is electrically powered air handling equipment which would not emit odours or air pollutants and therefore the mechanical plant would not have an adverse impact on the air quality along Edgware Road. As such, the proposal would accord with Policy ENV5 in the UDP and Policy S31 in the City Plan.

8.8 Neighbourhood Plans

Not applicable.

8.9 London Plan

This application does not raise any strategic issues.

8.10 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 (July 2018) unless stated otherwise.

8.11 Planning Obligations

Planning obligations are not relevant in the determination of this application and the proposals are not CIL liable development as no new floorspace would be created.

8.12 Environmental Impact Assessment

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

8.13 Other Issues

Given that the omission of the cafe and the relocation of the mechanical plant from roof level to within the envelope of the building are considered to be acceptable for the

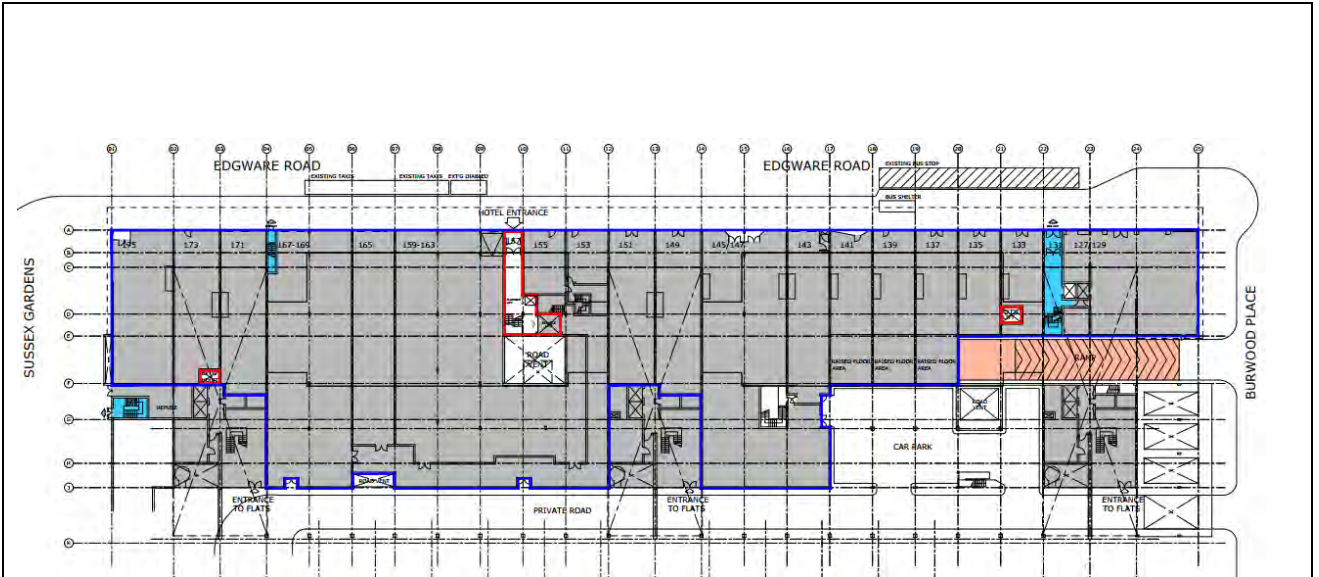
reasons set out in the earlier sections of this report, the proposed removal of Conditions 5 and 14 of the May 2018 permission is supported.

In respect of Condition 5, as there is no longer a need for a roof level plant enclosure, there is therefore no need for details of the plant enclosure to be submitted pursuant to the condition. It is recommended that Condition 5 is replaced by the condition referenced in Section 8.3 requiring the plant noise attenuation measures referred to in the submitted acoustic report to be provided and permanently retained. In respect of Condition 14, this condition requires the cafe to only be used by hotel guests and is no longer necessary given the cafe is to be omitted from the amended scheme.

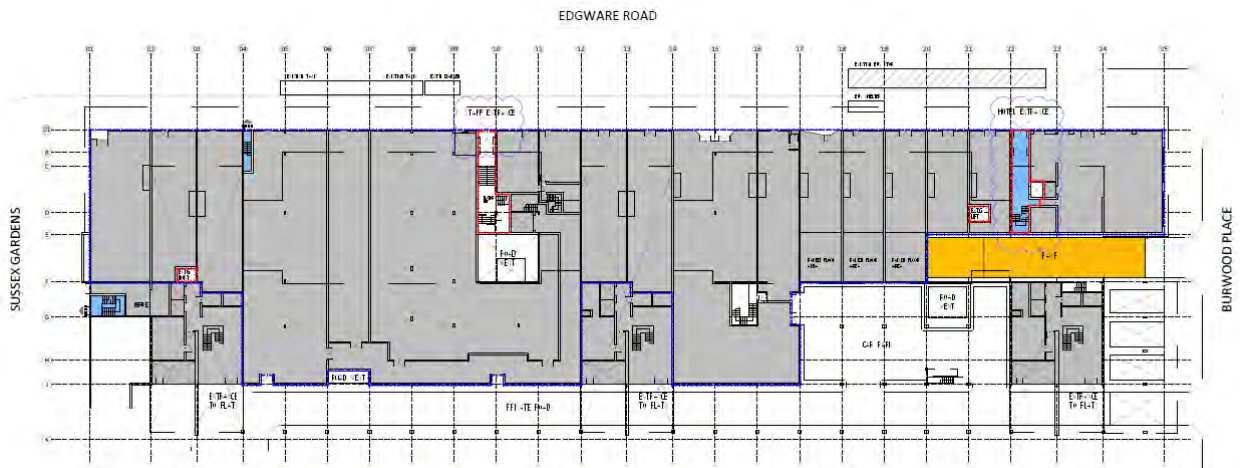
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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



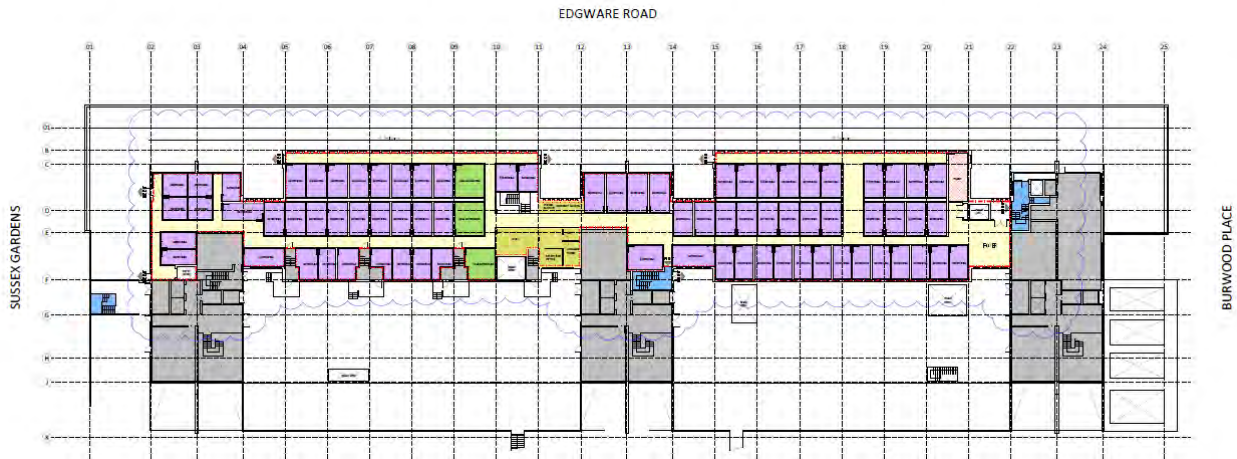
Approved ground floor plan.



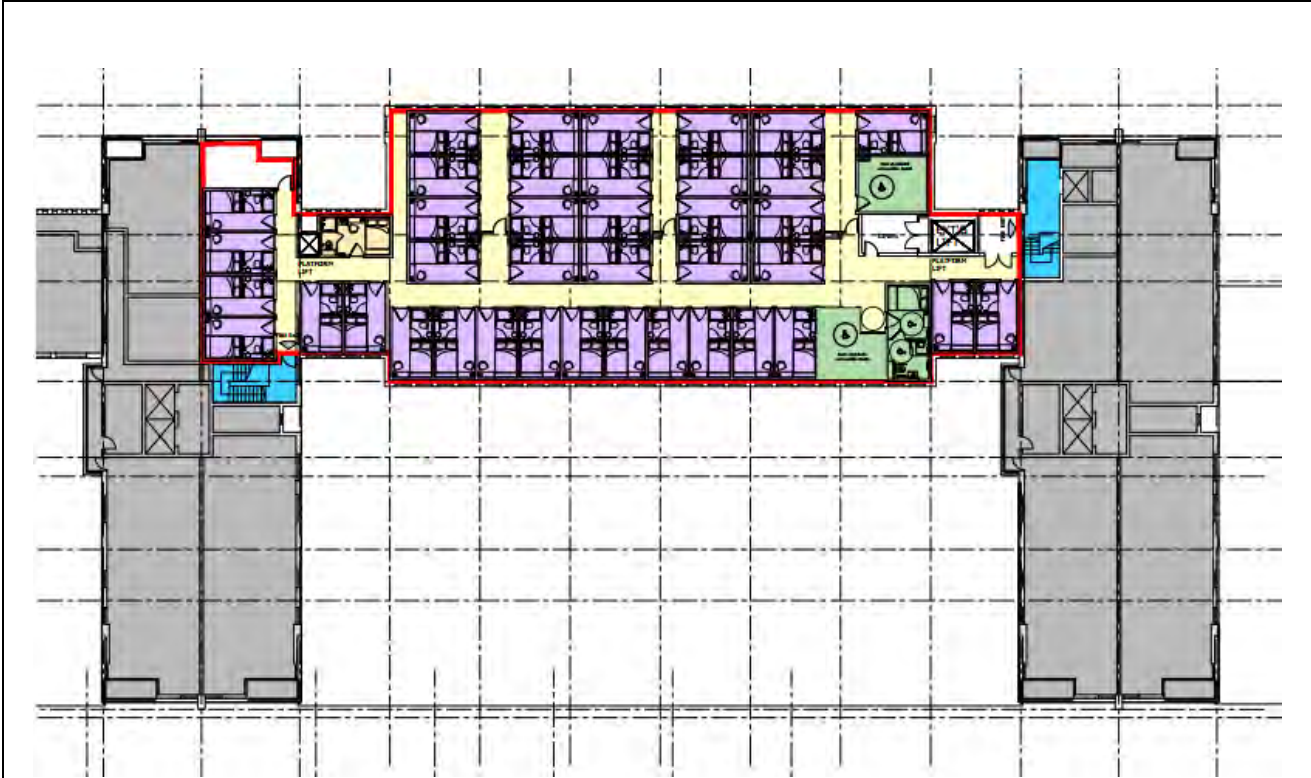
Proposed ground floor.



Approved first floor.



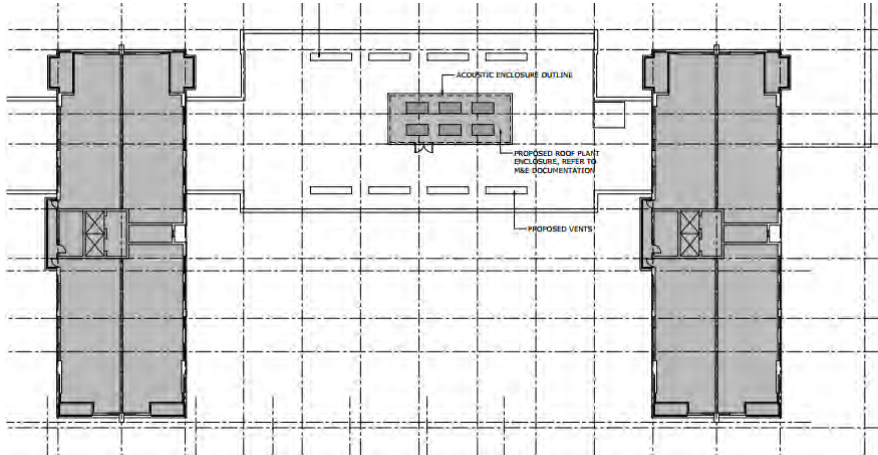
Proposed first floor.



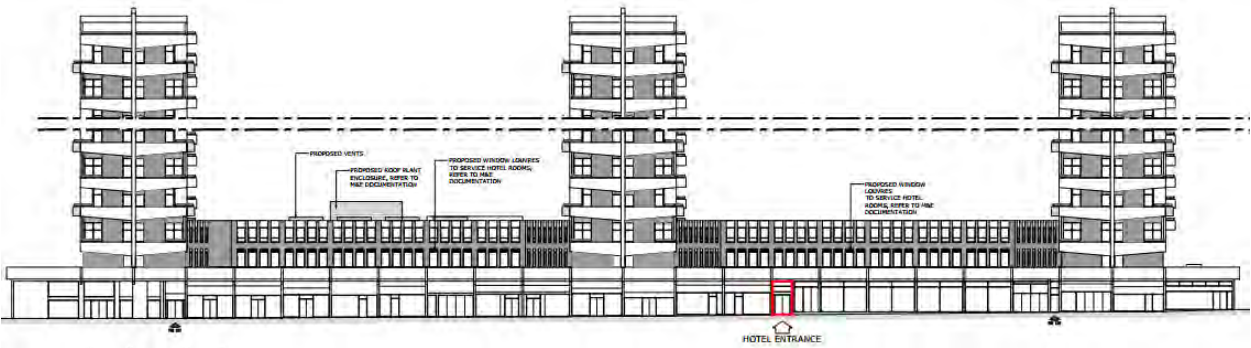
Approved second floor.



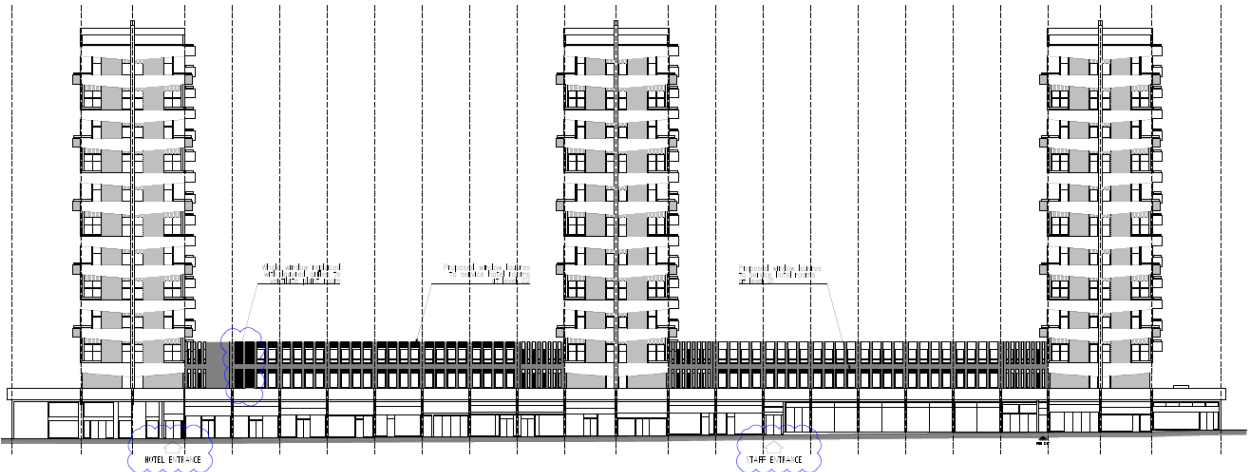
Proposed second floor.



Approved plant enclosure at third floor roof level.



Approved Edgware Road elevation.



Proposed Edgware Road elevation.

DRAFT DECISION LETTER

Address: 157 Edgware Road, London, W2 2HR,

Proposal: Variation of Condition 2 and removal of Conditions 5 and 14 of appeal decision (APP/X5990/W/17/3190982) dated 14 May 2018 (RN: 16/11276/FULL) for the use of part basement, ground, first and second floors as a hotel (Class C1), external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure on flat roof above second floor level. NAMELY, to allow the relocation of air conditioning equipment from roof level above second floor level to within the envelope of the existing building with louvres inserted into the Edgware Road elevation, omit the requirement to submit details of the design of a roof level plant screen which is to be omitted, and remove Condition 14 relating to the cafe area which is to be omitted.

Plan Nos: **Drawings Previously Approved Under RN: 16/11276/FULL & APP/X5990/W/17/3190982:** PL(00)001, PL(00)010, PL(00)011, PL(00)020 Rev.A, PL(00)021 Rev.A, PL(00)100 Rev.A, PL(00)110 Rev. A, PL(00)111, PL(00)200, PL(00)201, PL(00)210, PL(00)211, PL(90)001.

As Amended by the Drawings and Documents Hereby Approved: EDG-1102-GF Rev.P0, EDG-1103-L01 Rev.P0, EDG-1104-L02 Rev.P0, EDG-1171-NE Rev.P0, EDG-1172-SW Rev.P0, Planning, Design and Access Statement dated July 2018 and Noise Impact Assessment dated 4 July 2018 (7929-NIA-02 RevB).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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

- 1 This permission must be commenced no later than 13 May 2021.

Reason:

As required by s91 of the Town and Country Planning Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004. (R03EA)

- 2 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.

- 3 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)

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

Reason:

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

- 5 Prior to operation of the mechanical plant hereby approved, you must install the noise mitigation measures set out in Section 6.2 of the Noise Impact Assessment dated 4 July 2018 (7929-NIA-02 RevB). Thereafter you must permanently retain the noise mitigation measures.

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. (R46AB)

- 6 No development shall take place until details of the arrangements to provide disabled access to the first floor from the hotel entrance including plans/drawings at scale 1:50 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the hotel use commencing.

Reason:

To ensure the hotel provides inclusive access for guests in accordance with Policies DES1 and TRANS27 in the Unitary Development Plan we adopted in January 2007 and Policy S28 in Westminster's City Plan that we adopted in November 2016.

- 7 The vents/ louvres to be inserted in the facade of the building at first floor level shall be finished in a colour to match the colour of the first floor window frames.

Reason:

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

- 8 No development shall take place until plans/details/method of by which the existing windows at first and second floor level will be obscured so that the windowless hotel rooms and associated internal structures would not be visible externally have been approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the hotel use commencing and maintained thereafter.

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)

- 9 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing 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. (R46AB)

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 11 The hotel use must not commence until a Hotel Bookings, Arrivals and Departures Management Plan has been submitted to, and approved in writing by the local planning authority. This should set out the measures that will be implemented to ensure that guests do not arrive or depart the hotel premises in a vehicle containing more than 15 seats. The approved Management Plan shall be adhered to throughout the period of operation of the hotel use.

Reason:

To avoid obstruction of surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan that was adopted in

November 2016, STRA 25, TACE 2, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007 and Policy 6.13 in the London Plan adopted in March 2016.

- 12 All servicing of the hotel, including waste and recycling collection, must be carried out within the existing basement servicing area as shown on drawing PL(00)020 Rev.A (area shown in blue and annotated 'Service Road') and shall not be carried out on the public highway.

Reason:

To ensure that servicing of the hotel does not obstruct the public highway. As set out in Policies ENV12 and TRANS20 in our Unitary Development Plan that we adopted in January 2007 and Policy S42 of Westminster's City Plan which was adopted in November 2016.

- 13 No development shall take place, including any works of demolition, until a construction traffic management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan must include the following details (where appropriate):

- i) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- ii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- iii) erection and maintenance of security hoardings.

Development shall be carried out in accordance with the approved details.

Reason:

To prevent obstruction of the Transport for London Strategic Road Network and the local road network as set out in S29 of Westminster's City Plan that was adopted in November 2016, STRA 25, TRANS 2, TRANS 3 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007 and 6.11 in the London Plan adopted in March 2016.

- 14 The hotel use shall not commence until space has been laid out within the site in accordance with drawing no. PL(00)020 Rev.A for cycle parking. You must provide each cycle parking space shown on the approved drawings prior to the commencement of the hotel use. That space shall thereafter be kept available for the parking of bicycles.

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 hotel use shall not commence until space has been laid out within the site in accordance with drawing no. PL(00)020 Rev.A for waste storage. That space shall thereafter be kept available for the storage of waste.

Reason:

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

- 16 You must not provide an ancillary cafe or restaurant within the hotel premises.

Reason:

To prevent noise disturbance to neighbouring residents and ensure that servicing of the hotel does not obstruct the public highway. As set out in Policies TACE2 and ENV6 in our Unitary Development Plan that we adopted in January 2007 and Policies S23 and S32 of Westminster's City Plan we adopted in November 2016.

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 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:

John Firrell MHCIMA
Secretary - Considerate Hoteliers Association
C/o Wheelwright's Cottage
Litton Cheney
Dorset DT2 9AR

E-mail: info@consideratehoteliers.com
Phone: 01308 482313

(I76AA)

- 5 Conditions 5, 9 and 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 September 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Harrow Road	
Subject of Report	Land Adjacent To 120 Saltram Crescent, London, w9 ,		
Proposal	Removal of side projection of 120 Saltram Crescent and the erection of a two storey single dwellinghouse (Class C3) with associated excavation and alterations.		
Agent	Mr Donald Shearer		
On behalf of	Mr Wertheimer		
Registered Number	18/01592/FULL	Date amended/ completed	12 August 2018
Date Application Received	23 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	Outside a conservation area		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Permission was granted in 2014 and early 2018 to redevelop this thin strip of land to create a new 2 bedroom house with a new building comprising lower ground (partly excavated) and a ground floor levels. This latest application is for a similar development to that previously approved, but also includes erecting part of the proposed house on part of site at No.120 Saltram Crescent, as well as the land adjacent to No.120. This allows the provision of a larger three bedroom house than previously approved.

The scheme has been amended during the course of the application to reduce the height of a zinc clad mono-pitch roof associated with a staircase enclosure adjacent to the rear gardens of the neighbouring properties in Fernhead Road. This amendment has been subject to further consultation with neighbouring occupiers (see Section 5.2).

The key issues in this case are:

- The acceptability of the proposed house in design terms.

- The impact on the amenity of neighbouring residents, particularly those at No's 155-165 Fernhead Road.
- The impact on the availability of on-street residents parking in the vicinity of the site.

The proposed development, although larger in terms of footprint, accords with the height of the previously approved scheme and therefore is considered acceptable in terms of land use, design, amenity and transportation terms. The proposals would accord with the relevant policies in the Unitary Development Plan (January 2007) ('the UDP') and the City Plan (November 2016). As such, it is recommended that conditional permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS

View of the application site from Saltram Crescent.



View of the application site from the rear of 120 Saltram Crescent.



View of the application site from rear of properties on Fernhead Road.



View of the side elevation of 120 Saltram Crescent from a rear garden in Fernhead Road.



5. CONSULTATIONS

5.1 Consultation on Initially Submitted Scheme (May 2018)

NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

ARBORICULTURAL MANAGER

The proposal could affect a street tree and also a tree in the rear garden of No 157 Fernhead Road. No objections subject to conditions.

BUILDING CONTROL

Advice that each bedroom must be provided with an alternative means of escape in accordance with Building Regulations, or alternatively a protected stair serving all the bedrooms should be provided. The large amount of glazing may affect compliance with Part L of the Building Regulations.

CLEANSING MANAGER

Although bin store indicated on ground floor plan, the drawings are not in line with the Council's recycling and waste storage guidance and request a condition to reserve further details.

HIGHWAYS PLANNING MANAGER

Objection. No parking is being provided contrary to Policy TRANS 23. No cycle parking is shown and this will need to be secured by condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 32.

Total no. of replies: 6.

No. of objections: 4.

No. of neutrals: 1.

No of supports: 1.

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

Design

- No objections to the principle of the development provided do not project higher than the current parapet of 120 Saltram Crescent ground floor front block projection.
- The proposed treatment of the light well recess could be improved and better boundary treatment with a higher metal fence with plants.

Amenity

- The height of the new house has crept higher and higher and resulting in more enclosure and blocking the views of residents in Fernhead Road.
- This proposal is higher than previous approval.
- Further loss of light and sunshine to neighbouring properties.
- Maximum height should be restricted to the height of the garden wall on Fernhead Road
- Many residents will be disadvantaged without any social benefit.

- Ground floor roof could be used as a patio and result in noise and overlooking to neighbours.
- At 120 Saltram Crescent an illegal patio was created where an approved sedum roof was proposed and concerned that this could happen again.

Other Matters

- The developer has a history at 120 Saltram Crescent of not abiding by planning approved drawings and conditions and need to be held to account.
- The excavation could topple the rear garden walls on Fernhead Road

The one email of support comments that the development is welcomed providing it is sympathetic to the surrounding area as the current site is used as rubbish tip and is an eyesore. The one neutral comment received notes that no objection is raised to the principle of the development, but would not like the upper floors to be higher than ground floor parapet at 120 Saltram Crescent. The lightwell would appear uncharacteristic.

ADVERTISEMENT/ SITE NOTICE

Yes.

5.2 Re-consultation on Revised Scheme – Reduce the Height of Zinc Clad Roof, Introduce Parapet to Screen Green Roof and Amendments to Front Elevations (August 2018)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 32.

Total no. of replies: 0.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises an unused service road accessed from the southern side of Saltram Crescent close to its junction with Fernhead Road..This site is long and narrow with a 0.5 metre slope down from Saltram Crescent towards the rear of the site.

The buildings in Saltram Crescent and the surrounding streets are typically three storey Victorian terraces of a uniform nature with most be understood to be sub-divided into flats. However, the immediately adjoining property at No.120 Saltram Crescent is a modern dwellinghouse faced in white render.

The application site is outside of a conservation area. It is located within the North Westminster Economic Development Area (NWEDA).

6.2 Recent Planning History

17/09277/FULL

Erection of a new two storey single family dwellinghouse (Class C3) with associated excavation and alterations.

Application Permitted 12 February 2018

14/00606/FULL

Erection of a new two storey three bedroom single family dwelling house with garden.
Application Permitted 22 July 2014

The above application (14/00606/FULL) was considered by approved by the Planning Applications Sub-Committee following a Sub-Committee site visit. A copy of the committee report for the above application is included in the background papers for information.

7. THE PROPOSAL

Planning permission is sought for the erection of a two storey dwellinghouse. The proposed building would to occupy a portion of the single storey part of the adjoining existing building of 120 Saltram Crescent. The current proposal adopts some important elements of the scheme previously approved on 5 February 2018 (RN: 17/09277/FULL); namely, the building is proposed to be a single dwellinghouse with three bedrooms that would be two storeys in height.

The originally submitted drawings associated with this application proposed a mono-pitched roof for a portion of the main roof level. This element of the scheme attracted objections from neighbours who expressed concerns that it seemed that the development was increasingly higher (relative to previously approved schemes) and that it would result in an increased sense of enclosure. The scheme was amended during the course of the application to omit this element of the originally submitted scheme to address the concerns expressed by neighbours.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The creation of a 3 bedroom dwellinghouse would accord with Policy H3 in the UDP and Policies S14 in the City Plan. The proposed dwellinghouse would have a floor area of approximately 200m² and this would exceed the requirement of the Government's Nationally prescribed Technical Housing Standards, for 3 bedroom units to have a floor are of at least 102m². The proposed dwellinghouse would have a small front garden and lightwell as well as a rear garden space and is therefore well served in terms of external amenity space.

The proposal would remove a portion of land from the neighbouring dwellinghouse at No.120 Saltram Crescent, so that it can be incorporated into the application site. This would reduce the existing dwellinghouse at No.120 from a 3 bedroom dwellinghouse to a 2 bedroom dwellinghouse.

The loss of family sized units is considered unacceptable in five areas in the City, as set out in Policy H5 in the UDP. However, the application site is outside of these five areas. Given this and as the proposed development would maintain a three bedroom dwellinghouse on the land adjacent to No.120, rather than at No.120 itself as at present, the scheme would accord with Policy H5 in the UDP and Policy S15 in the City Plan.

8.2 Townscape and Design

The proposed dwellinghouse would be similar in design terms to the two previously approved dwellinghouses on this site, except for two key differences. These two differences are that this application seeks to insert an entrance doorway into the current front elevation of No.120 Saltram Crescent and that there would be an increased bulk associated with northwest facing elevation adjacent to the boundary with No.165 Fernhead Road, projecting approximately 3.6m further forward than its previously approved location.

The previously approved building was accessed from steps adjacent to the footway of Saltram Crescent down into a lightwell, whilst this application proposes to insert an entrance doorway into the retained front elevation, which currently forms a part of No.120 Saltram Crescent. The new doorway proposed would be recessed from the front building line to form a mirror image of the existing entrance and adjacent fenestration to No.120 Saltram Crescent. This articulation of two symmetrical doorways and paired windows is considered to allow the new dwellinghouse to integrate successfully with the adjoining building.

There are some areas of blank render to the front façade and the windows are not symmetrically arranged; however, this results partly from the awkward form of the site and the desire to have the western half of the front elevation angled away from the public highway provide the proposed front bedroom with greater privacy. Despite this, the proposed building would be consistent with the architectural approach to the existing dwellinghouse at No.120 and consequently it would appear as a coherently designed non-matching pair of dwellings when seen from Saltram Crescent. Behind the front façade the building fills the full width of this narrow site abutting but walls that form its side boundaries.

To the rear elevation, it is proposed to provide a set of bi-folding glazed doors to garden level across much of the width of the elevation and a window to the floor above of more traditional proportions. Given the bi-fold doors are discretely located behind boundary walls they are not considered to detract from the appearance of the building.

Associated with the top of the elevation that abuts the side elevation that forms the rear garden wall of Nos.155 to 167 Fernhead Road, would be a long but narrow pitched glazed roof facing towards the properties in Fernhead Road. Though more striking in design, these features are considered to be well integrated into the design of this building and would be seen in context with the higher and white rendered bulk of the adjoining building at 120 Saltram Crescent. The flat green roof is welcomed from both a design and biodiversity perspective.

Overall therefore, it is considered that the proposed building is acceptable in design terms and appropriately responds to the site constraints and its immediate architectural context. Furthermore, given its limited height, the proposed building would adopt a low profile resulting in not being visually dominant in the street scene. The proposed scheme is therefore considered to be acceptable in design terms and in accordance with Policies DES 1 and DES 4 in the UDP and Policy S28 in the City Plan.

8.3 Residential Amenity

Four objections have received from neighbours in response to consultation on the originally submitted scheme. These objections specifically raise concern in relation to the scale of the building being increased from the previously approved scheme and how this would result in an increased sense of enclosure and harmful lightspill as a result of the proposed rooflights. Objections were also raised on grounds that the use of the roof of the proposed building for sitting out on could cause overlooking. As set out earlier in this report, the scheme has been amended during the course of the application to seek to address the concerns raised regarding the increased bulk of the current scheme, by removing the initially proposed pitched roof at main roof level. The amended design has been the subject of re-consultation with neighbours, in response to which no objections have been received to date.

The scheme previously approved on 5 February 2018 (RN: 17/09277/FULL) was found to be acceptable in amenity terms. Therefore, the focus of the assessment of the current application must be on the amendments in the current scheme to the previously approved scheme. This is principally the increased bulk proposed building adjacent to the rear boundary with 165 Fernhead Road. This additional bulk would project approximately 1.2m above the height of the existing boundary wall. As a result of this increase in height adjacent to the rear boundary of No.165 it is considered that there would be some increase in enclosure caused to the occupiers of that property. However, as upper part of the proposed building would be approximately 2 metres from the boundary, and as lower part of the building that would be immediately behind the boundary would be the same height as that of the existing boundary wall, it is not considered that the increased sense of enclosure that would be caused by this latest scheme would be so significant so as to warrant withholding permission.

The other parts of the proposed building adjacent to properties in Fernhead Road would mirror the bulk and general form of the extant scheme approved in February 2018 and it is not considered that the scheme would result in an unacceptable level of daylight or sunlight loss, overlooking or lightspill.

The use of the roofs of the proposed building as a terrace or for sitting out on would cause significant overlooking to neighbouring properties in Fernhead Road and therefore a condition is recommended to prevent the use of the roofs of the building for these purposes.

Given the above, the proposed development is considered to accord with Policies ENV6 and ENV13 in the UDP and Policies S29 and S32 in the City Plan and is therefore acceptable in amenity terms.

8.4 Transportation/ Parking

The Highways Planning Manager has raised objection to the proposed development on grounds that no off-street parking is proposed. However, given only one residential unit would be created and the proximity of public transport links, it is not considered that permission could reasonably be withheld on parking grounds. It is also noted that the

lack of on-street parking was not a ground for refusal for the scheme approved in February 2018, which also did not provide off-street parking.

The Highways Planning Manager requests that the existing dropped curb in the pavement to the front of the site, which will be made redundant by the carrying out of the proposed development, is removed at the applicant's own cost. The removal of the existing drop curb is considered to be necessary and reasonable in order to maintain the pavement and safeguard pedestrian movement along the public highway outside the site in accordance with Policy S41 in the City Plan. A condition is therefore recommended to secure these highway works outside the front of the site. A further condition is recommended to secure the provision of cycle parking within the site.

A waste store is proposed adjacent to the front entrance; however, the Cleansing Manager is concerned that it is not of sufficient size to accommodate the waste and recycling storage that would be required and that the store would not accord with the Council's guidance for waste storage. As such, a condition is recommended to secure details of a revised bin store that is of sufficient size to accommodate the needs of the proposed dwellinghouse, in accordance with Policy ENV12 in the UDP.

8.5 Economic Considerations

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

8.6 Access

Whilst the scheme provides level access from the highway, within the dwelling, due to the constraints of the site, it would have stepped access to the main habitable areas. Given the building is proposed to be a private dwelling, this arrangement is not considered to be objectionable.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Trees Impact

The Arboricultural Manager has not raised objection, but has requested that the impact on street trees and a tree to the rear of No.157 Fernhead Road be considered. The applicant has provided additional information to assess the impact on these trees during the course of the application and this identifies that the development would have "no detrimental effects to the street tree" and that pruning of the tree in the rear of 157 Fernhead Road could be carried out in accordance with British Standards 3998:2010 to ensure it is not adversely impacted. On this basis, and as the trees are situated outside of conservation area and not protected by Tree Preservation Orders (TPOs), it is considered that the Arboricultural Managers initial concerns have been suitably addressed. An informative is recommended to remind the applicant that they must obtain permission from the owner of No.157 Fernhead to prune the tree in the rear garden of that property.

Other conditions sought by the Arboricultural Manager in respect of landscaping and details of the proposed green roof have been included in the draft decision letter.

8.7.2 Basement:

The proposed development intends to lower the level of the site by approximately 1.5 metres towards the front of the site whilst towards the rear of the site it is to be lowered by approximately 1.2m, in order to make the building be of an equal height given the sloping nature of the service road. The level of excavation to lower the ground floor of the proposed building is considered to be significant enough for the works to be assessed against Policy CM28.1 of the City Plan, which controls basement development. Policy CM28.1 is broken down in to four parts, which are assessed as follows:

CM28.1 Part A

The applicant has provided a structural statement, details of geological conditions of the site and the likely method of construction as well as a signed Proforma Appendix A, which confirms the applicant's agreement to conform to the Code of Construction Practice. The site is not in a high flood risk zone and not in surface water hot spot. Additionally, the site is not in an area of archaeological significance. The works are therefore considered to be in accordance with Part A of the policy.

CM28.1 Part B

The proposal includes landscaping to the front and rear of the property as well as green roof. The submitted Arboricultural Method Statement assessing the impact of the excavation on the nearby trees has been provided that states that none of the nearby trees will be harmed and will also be suitably protected during the works (see Section 8.7.1). Further details of the exact trees that are to be planted as part of the replacement landscaping are to be secured by condition. In respect of drainage matters, a large portion of the site to the rear and a smaller front garden are to be created and therefore the works will retain areas that can accommodate sustainable drainage features. Whilst the proposed building is not in in keeping with the wider area it is a modern structure of reasonable quality which responds to the challenges of the site and is therefore not considered to ham the character of the area. For these reasons the proposed scheme is considered to be compliant with Part B of the policy.

CM28.1 Part C

As the application site is currently hard surfaced and is not undeveloped garden land, Part C(1), which asks that the basement must not occupy more than 50% of garden land. In this case, whilst the proposed building would exceed more than 50% of the 'garden land', as in practice this is currently a hard paved area and not landscaped, it is considered that there are exceptional circumstances in this case that justify the extent of exaction proposed. Furthermore, new garden land is being created to the front and rear of the proposed dwellinghouse and is would therefore enhance the amount of undeveloped garden land on the site relative to the existing situation. Part C(1) also requires a margin of undeveloped land around the entire boundary of the site. However, as set out earlier in this paragraph, the 'garden land' on this site is already developed by virtue of being hard paved. Consequently, as per the scheme previously approved in February 2018 (RN: 17/09277/FULL), it is not considered that in this case there is a need to provide a margin of undeveloped land around the perimeter of the site to aid drainage. For the reasons set out in this paragraph the scheme would accord with Part C of the policy when regard is had to the constraints of the site and its current condition.

CM28.1 Part D

The excavation proposed does not extend under the highway and therefore this part of the policy is not relevant.

8.8 Neighbourhood Plans

Not applicable.

8.9 London Plan

The application does not raise any strategic issues.

8.10 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 (July 2018) unless stated otherwise.

8.11 Planning Obligations

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

The development is liable to pay the City Council and the Mayor's Community Infrastructure Levy (CIL). The additional residential floorspace that would be created as part of the application would be approximately 175m². The site is located within an area designated as a 'Fringe' area in the Council's CIL Charging Schedule. As such, the Westminster CIL would be likely to be approximately £41,587, whilst the Mayoral CIL is likely to be approximately £12,635.

8.12 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant the environmental impact of the development is considered in other sections of this report.

8.13 Other Issues

Building Control have advised that as a result of the proposed open plan layout of the dwelling, each bedroom must be provided with an alternative means of escape or a protected staircase. Concerns were also expressed about the amount of glazing proposed. However, these concerns are capable of being addressed by internal alterations and amended specification of glazing (to reduce solar gain). Consequently, these concerns are not grounds on which permission could reasonably be withheld. An informative is recommended advising the applicant of the requirements of building regulations.

Objection has been raised on grounds that the construction and excavation works may damage the brick wall that forms the rear boundary between the gardens of Nos.155 to 167 Fernhead Road and the southwest flank of the application site. However, the impact on this wall is not a ground on which permission could reasonably be withheld; rather this is a civil party wall matter between the respective property owners.

Item No.
5

(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 .

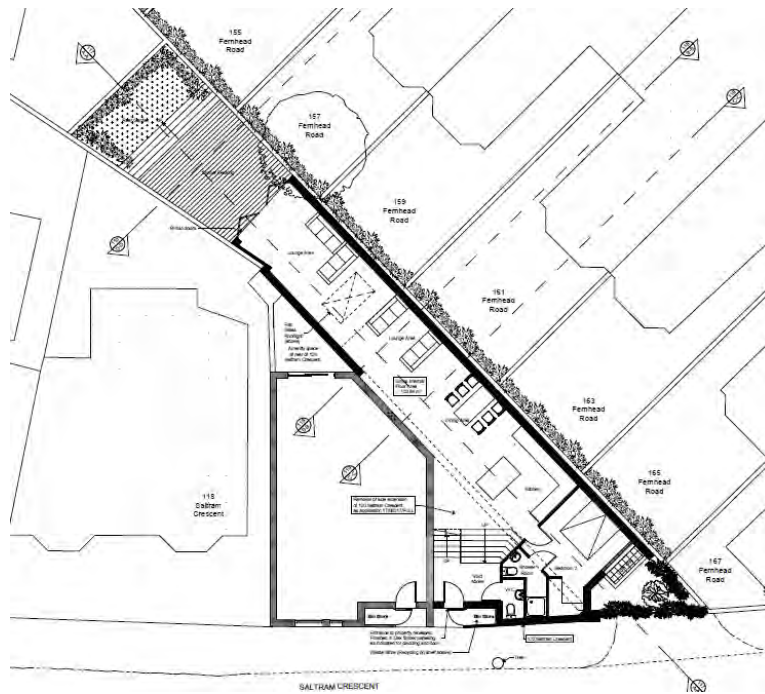
9. KEY DRAWINGS



APPROVED GROUND FLOOR (FEBRUARY 2018)



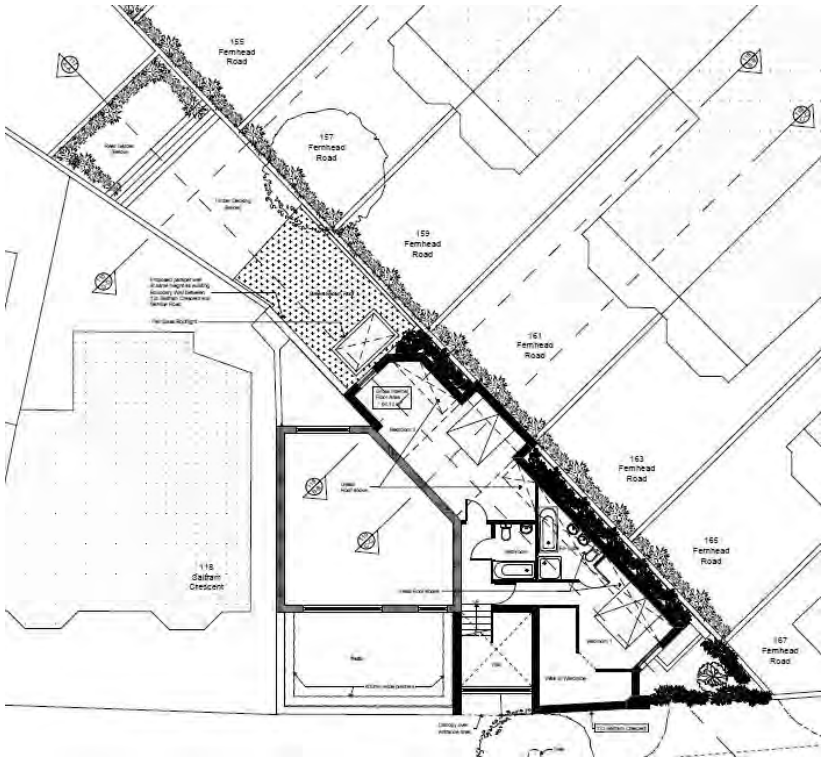
PROPOSED GROUND FLOOR



APPROVED FIRST FLOOR (FEBRUARY 2018)



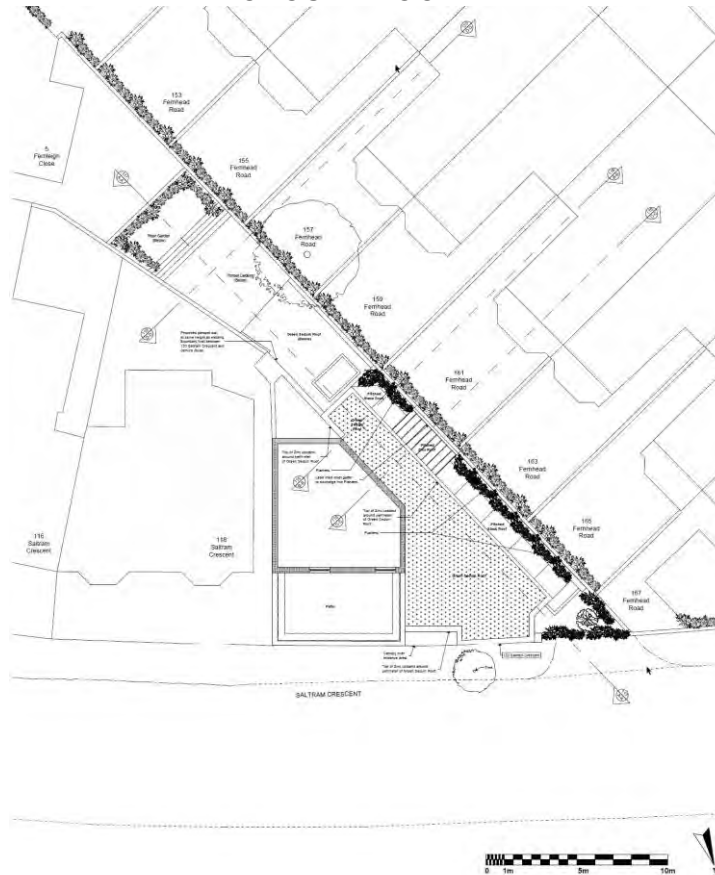
PROPOSED FIRST FLOOR



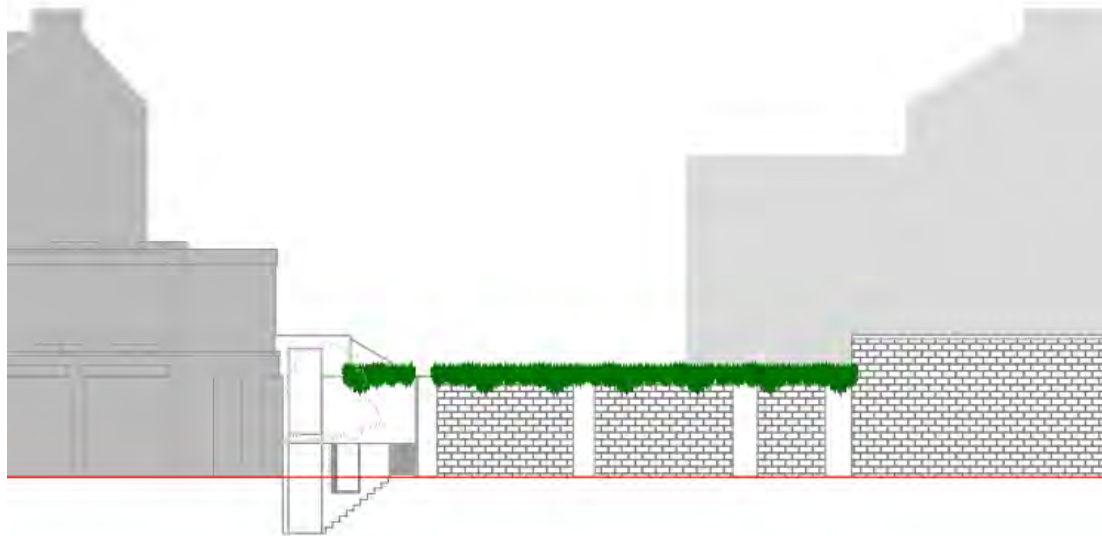
APPROVED ROOF PLAN (FBRUARY 2018)



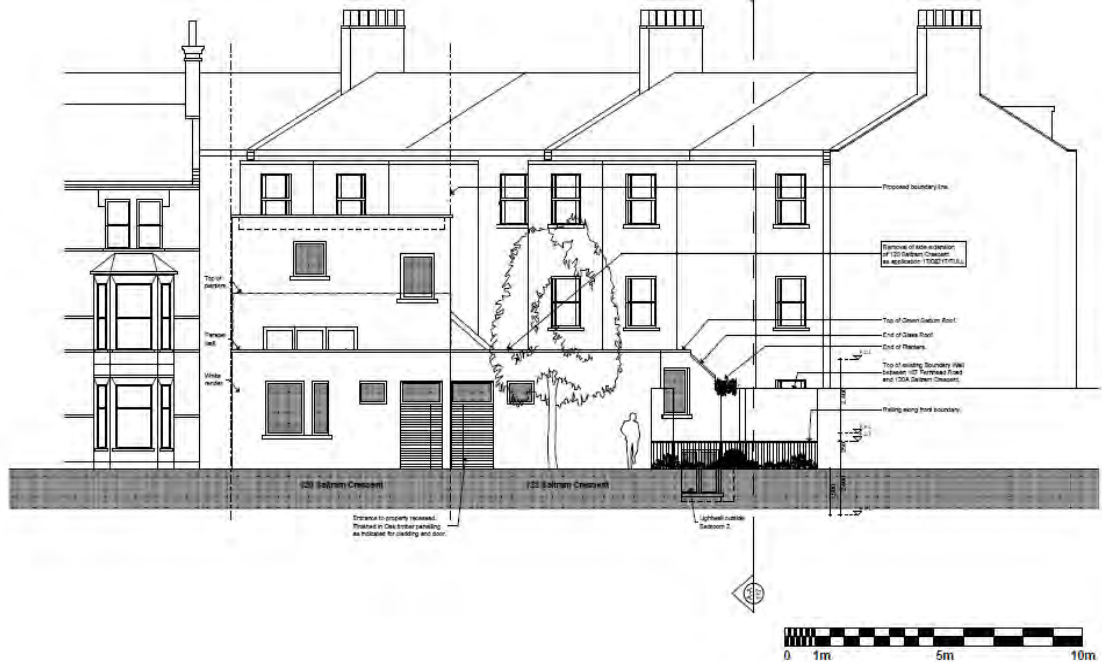
PROPOSED ROOF PLAN



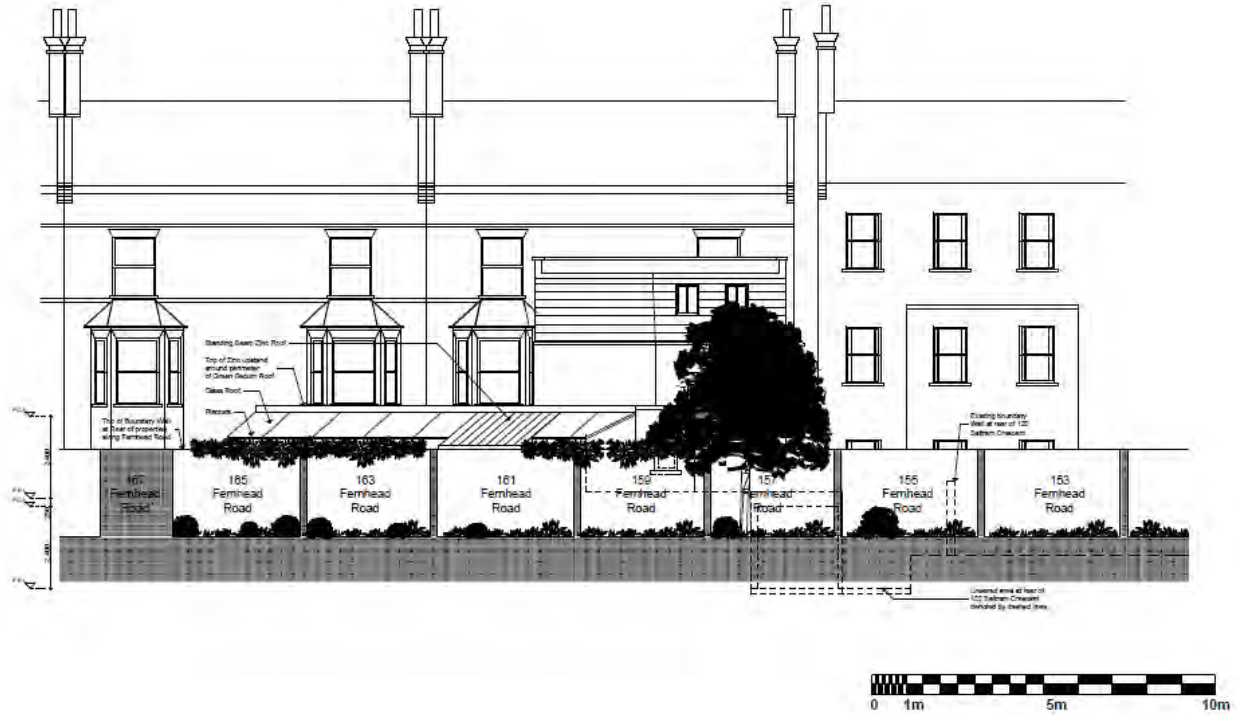
APPROVED FRONT ELEVATION



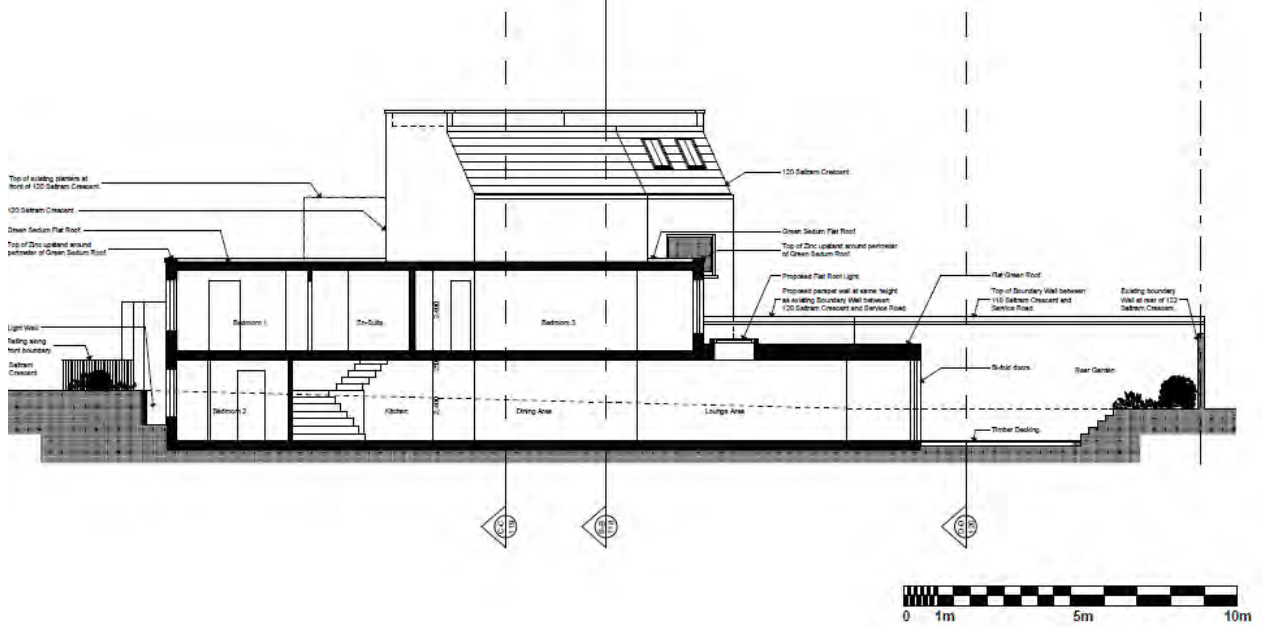
PROPOSED FRONT ELEVATION (AS SEEN FROM SALTRAM CRESCENT)



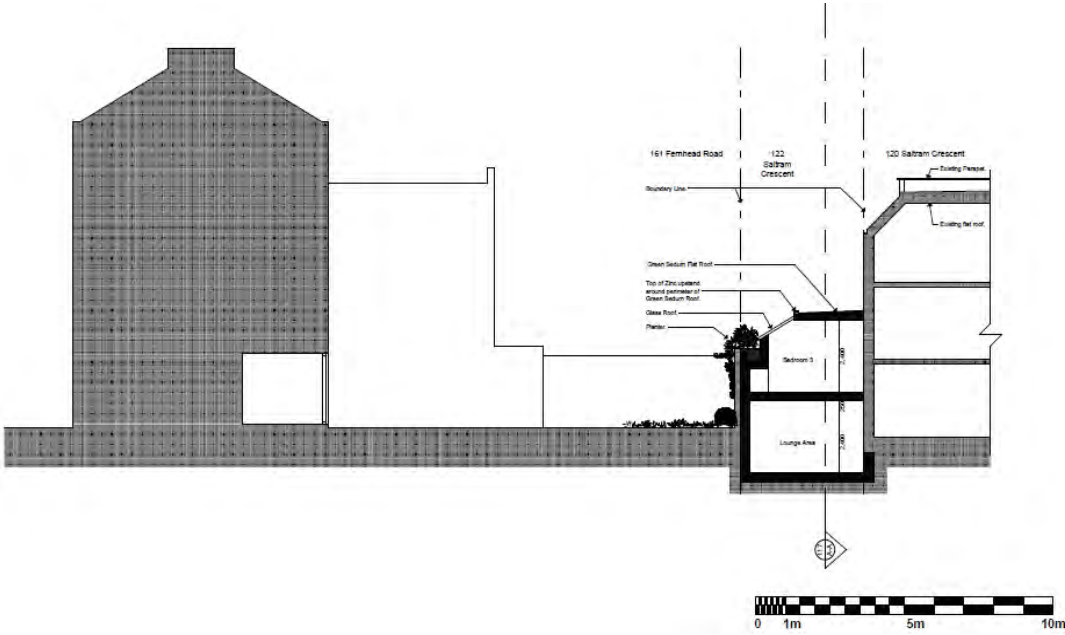
PROPOSED SIDE ELEVATION (AS SEEN FROM PORPERTIES ON FERNHEAD ROAD)



PROPOSED SECTION A-A



PROPOSED SECTION B-B



DRAFT DECISION LETTER

Address: Land Adjacent To 120, Saltram Crescent, London.

Proposal: Removal of side projection of 120 Saltram Crescent and the erection of a two storey single dwellinghouse (Class C3) with associated excavation and alterations.

Reference: 18/01592/FULL

Plan Nos: 1353-BA-103 Rev A, 1253-BA-102 Rev A, 1353-BA-105 Rev A, 1353-BA-104 Rev A, 1353-BA-107 Rev A, 1353-BA-108 Rev A, 1353-BA-109 Rev A, 1353-BA-110 Rev A, 1353-BA-106 Rev A, 1353-BA-112 Rev B, 1353-BA-113 Rev A, 1353-BA-115 Rev D, 1353-BA-101 Rev B, 1353-BA-114 Rev B, 1353-BA-117 Rev C, 1353-BA-118 Rev B, 1353-BA-119 Rev B, 1353-BA-120 Rev B, 1353-BA-111 Rev B, 1353-BA-116 Rev B, Appendix A - Checklists, Construction Management Plan, Ground Engineering, Planning Statement, Site Location Plan, Structural Methodology Statement, Arboricultural Report, Tree Survey, Tree Constraints Plan and Tree Protection Plan.

Case Officer: Harry Berks

Direct Tel. No. 020 7641 3998

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:
 - 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 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 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 new sheer elevations shall be faced in smooth render which shall be coloured white and maintained in that colour thereafter.

Reason:

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

- 5 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application: Green roof. You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area, as set out in S28 and S38 of Westminster's City Plan (November 2016) and DES 1, DES 5 and ENV 17 of our Unitary Development Plan that we adopted in January 2007

- 6 Notwithstanding the submitted drawings, you must apply to us for approval of an elevation drawing showing the front boundary wall to the north side of the site (flanking the pavement to Saltram Crescent), and which must show railings rising from a solid plinth (and not directly from

the paving to the front garden. You must not start any work on these parts of the development until we have approved what you have sent us., You must then carry out the work according to this drawing and the railings and plinth as secured by this condition must be installed prior to the occupation of this dwelling. (C26DB)

Reason:

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

- 7 You must apply to us for approval of samples of the facing materials proposed for the front entrance door (with these materials shown in their finished appearance, including any painted finish etc. proposed for the door. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 8 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within three years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

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

- 9 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have

approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 10 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not 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 house. (C14EC)

Reason:

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

- 11 Prior to the occupation of the new house the height of the dropped curb to the front of the site must be raised to the height of that of the adjacent footway to form one level surface at the applicant's cost.

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)

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

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)

- 13 The three bedroom residential unit shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 14 You must apply to us for approval of details of secure cycle storage for the new house. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice

service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 3 Condition 11 of this permission requires you to the raise the height of the crossover. You should contact or highways planning department on <highwaysplanning1@westminster.gov.uk> to progress the matter.
- 4 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 5 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)
- 6 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)
- 7 Thames Water request that you incorporate protection to the property by installing for example a non-return valve or other suitable device to avoid the risk of backflow during storm conditions. Should your proposed building work fall within 3 metres of pipes you share with your neighbours that connect to a public sewer you are recommended to contact Thames Water on 0845 850 2777 to discuss their status in more detail and determine whether a building over / near to agreement is required.
- 8 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)

- 9 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil, , 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.
- 10 You are reminded that you must get the approval from the owners of 157 Fernhead Road in order to prune the tree in its rear garden which partially overhangs into your site.

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.

**BACKGROUND PAPERS - Land Adjacent To 120, Saltram Crescent, London,
18/01592/FULL**

1. Application form
2. Sub-Committee report of application 14/00606/FULL, dated 22 July 2014
3. Response from Building Control dated 8 June 2018
4. Response from Cleansing dated 31 May 2018
5. Response from Highways Planning dated 1 June 2018
6. Response from Arboricultural Officer dated 25 May 2018
7. Letter from occupier of 92C Saltram Crescent, dated 3 March 2018
8. Letter from occupier of 116 Saltram Crescent, dated 23 May 2018
9. Letter from occupier of Flat 3, 161 Fernhead Road, dated 1 June 2018
10. Letter from occupier 163 Fernhead Road, dated 6 June 2018
11. Letter from occupier of Flat 2, 163 fernhead Road London, dated 7 June 2018
12. Letter from occupier of Flat 2 163 Fernhead Road, London, dated 7 June 2018

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Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 th September 2018	Classification For General Release	
Report of Director of Planning	Ward(s) involved St James's		
Subject of Report	12 Upper St Martin's Lane, London, WC2H 9FB,		
Proposal	Variation of condition 4 of planning permission dated 9 May 2017 (RN: 16/06996/FULL) for use of an area of the public highway measuring 2.732m x 9.576m for the placing of 11 tables, 22 chairs and barriers in connection with the existing restaurant (Dishoom); namely the use of the pavement may continue until 30 September 2019.		
Agent	Harrison Clark Rickerbys Limited		
On behalf of	Dishoom Limited		
Registered Number	18/04326/FULL	Date amended/ completed	30 May 2018
Date Application Received	24 May 2018		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

12 Upper St. Martin's Lane is a ground floor restaurant unit (Unit 34) within the Longmartin St Martin's Courtyard/Slingsby Place development. Unit 34 is occupied by Dishoom and is located on the Upper St Martins Lane frontage.

Planning permission has been granted for tables and chairs at this location since 2009. The most recent permission was granted at committee on 9 May 2017 to allow the use of an area of the public highway measuring 2.732m x 9.576m for the placing of 11 tables, 22 chairs and barriers in connection with the existing restaurant (Dishoom) for a temporary period until 31 May 2018.

Committee requested that due to residential objections, when the applications were submitted in 2018 for the renewal of planning permission to allow the placing of tables and chairs on the public highway on this part of Upper St Martin's Lane they be referred to the Committee for decision.

This current S73 application seeks permission to vary condition 4 of planning permission dated 9 May 2017 (RN: 16/06996/FULL) to enable the use of the pavement for the placing of tables and chairs until 31 May 2020.

The key issues in this case are:

- * The impact on pedestrian safety
- * The impact on neighbouring residential amenity

Dishoom (Unit 34) and the adjoining restaurant unit (Unit 33) occupied by Jamie's Italian have had a series of planning permissions for tables and chairs on the public highway on Upper St Martin's Lane since 2009 and 2010 respectively. Planning permission has recently been renewed for the tables and chairs outside Jamie's Italian for a further year until 30 June 2019.

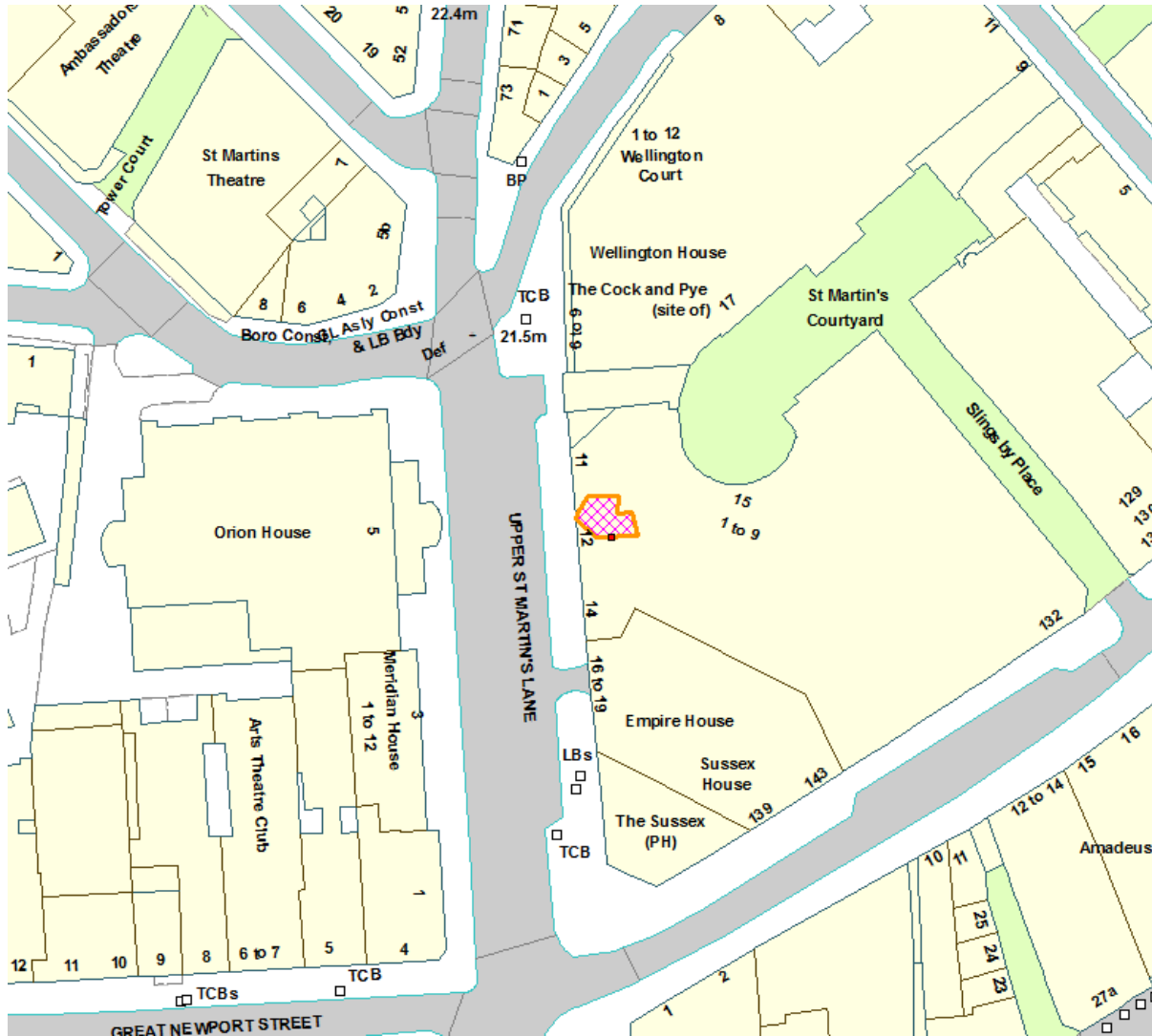
Dishoom are seeking permission for the same number of tables and chairs in the same size area as previously approved in May 2017. The pavement along Upper St Martin's Lane has recently been widened and the street trees replanted. The tables and chairs would leave 3m of clear footway for safe pedestrian movement, which exceeds the Westminster Way's recommended 2m clearway.

Objections have been received from the CGCA, which raise concerns about large queues that regularly form outside the restaurant and can lead to congestion on the public highway. The applicant is advised by way of informative to manage customers waiting to enter the premises and prevent them from congregating on the public highway where they could cause an obstruction.

It is proposed that the tables and chairs would be on the public highway from 08.00 to 23.00 daily as previously approved. Jamie's Italian in the adjoining restaurant unit have recently (May 2018) been granted permission for tables and chairs on Upper St Martin's Lane from 09.00 to 23.00 for a further one year period.

For the reasons set out in the report, the proposals are considered acceptable and in accordance with the relevant Unitary Development Plan (UDP) (January 2007) and Westminster's City Plan (November 2016) policies. Although the applicant is seeking a 2-year permission, given the concerns raised and that the adjacent unit has permission for 1 year, the application is accordingly recommended for approval on a further temporary one-year basis so that the impact of the tables and chairs can be re-assessed in a year's time.

3. LOCATION PLAN



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4. PHOTOGRAPHS



12 Upper St Martin's Lane

5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION:

Object to the number of tables and chairs proposed. Large queues regularly form outside this restaurant creating an obstruction on the pavement. Because of the position and number of tables and chairs, the congestion these queues cause exacerbated. The number of tables and chairs should be reduced so the applicant has space to accommodate these queues.

HIGHWAYS PLANNING MANAGER:

The area proposed for tables and chairs is 2.7m deep leaving a clear pavement width of 3m for pedestrian movement. This satisfies the City Council's minimum requirement of 2m. However the service corridor within the area for tables and chairs (0.5m) is below the 0.9m which could cause an overspill onto the adjacent pedestrian footway.

CLEANSING MANAGER:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 5

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

12 Upper St Martin's Lane (Dishoom)

16/06996/FULL

Variation of condition 4 of planning permission 23 April 2014 (RN14/02794) for use of an area of the public highway measuring 2.732m x 9.576m for the placing of 11 tables, 22 chairs and barriers in connection with the existing restaurant (Dishoom); namely the use of the pavement may continue until 30 April 2018

Application Permitted 9 May 2017

14/08589/FULL

Installation of two wall mounted heaters at ground floor level on Upper St Martin's Lane frontage

Application Permitted 26 November 2014

14/02794/TCH

Use of an area of the public highway measuring 2.732m x 9.576m for the placing of 11 tables, 22 chairs and barriers in connection with the existing restaurant (Dishoom).

Application Permitted 23 April 2015 (Temporary one-year permission – expired 30 April 2016)

Tables and chairs allowed on the public highway from 08.00 to 23.00 daily.

11/08022/TCH

Use of an area of the public highway measuring 3.164m (narrowing to 1.914m to the northern end) x 11m for the placing of 11 tables, 30 chairs, four heaters and nine barriers in connection the restaurant at 12 Upper St Martin's Lane (Unit 34).

Application Permitted 5 August 2013

09/01153/TCH

Use of an area of the public highway measuring 3.164m (narrowing to 1.914m to the northern end) x 11m for the placing of 11 tables and 30 chairs in connection with the bar proposed at 12 (formerly 10-14) Upper Saint Martin's Lane.

Application Permitted 4 September 2009

11 Upper St Martin's Lane (Jamie's Italian)18/01771/TCH

Use of two areas of the highway measuring 1500mm x 7500mm and for the placing of four tables, 16 chairs and five planters on the Upper St Martin's Lane frontage and 1500mm x 1055mm x 3500mm for the placing of 12 tables, 30 chairs, 12 planters and 3 umbrellas on the St Martin's Courtyard (rear frontage) in connection with Jamie's Italian Restaurant.

Application Permitted 18 May 2018 (Temporary one year permission until 30 June 2019)

Tables and chairs allowed on the public highway from 09.00 to 23.00 daily.

17/01114/TCH

Use of two areas of the highway measuring 1500mm x 7500mm for the placing of four tables, 16 chairs and seven barriers on the Upper St Martin's Lane frontage and 1500mm x 1055mm x 3500mm for the placing of 16 tables, 30 chairs, 4 benches, one waiter station, 14 planters and 3 umbrellas on the St Martin's Courtyard (rear frontage) in connection with Jamie's Italian Restaurant.

Application Permitted 22 March 2017 (Temporary one year permission until 30 April 2018)

Tables and chairs allowed on the public highway from 09.00 to 23.00 daily.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT DDORWARD@WESTMINSTER.GOV.UK

7. KEY DRAWINGS

GENERAL NOTE:
DO NOT SCALE ALL DIMENSIONS UNLESS SPECIFIED AND REFER TO SET.
THE OWNER REQUESTS THAT CONSTRUCTION OF THIS PROJECT BE COMPLETED FOR THE PROJECT AND COMPLETED BY THE END OF THE YEAR 2024.
THE OWNER REQUESTS THAT THE PROJECT BE COMPLETED BY THE END OF THE YEAR 2024.
THE OWNER REQUESTS THAT THE PROJECT BE COMPLETED BY THE END OF THE YEAR 2024.
THE OWNER REQUESTS THAT THE PROJECT BE COMPLETED BY THE END OF THE YEAR 2024.

NO.	DATE	REVISION	BY	DATE	REVISION
1		Issue for Review			
2		Final Design			
3		As-Built			

AS BUILT

Macquay Sinclair

PROJECT: Dishoom - Commercial - 1000 - 1000 - 1000
 TYPE: Restaurant
 DATE: 10/10/2023
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO.: 3343
 DRAWING NO.: 03(04)D

Proposed layout

DRAFT DECISION LETTER

Address: 12 Upper St Martin's Lane, London, WC2H 9FB,

Proposal: Variation of condition 4 of planning permission dated 9 May 2017 (RN:16/06996/FULL) for use of an area of the public highway measuring 2.732m x 9.576m for the placing of 11 tables, 22 chairs and barriers in connection with the existing restaurant (Dishoom); namely the use of the pavement may continue until 30 September 2019.

Reference: 18/04326/FULL

Plan Nos: Site Plan; 03(04)D.

Case Officer: Seana McCaffrey

Direct Tel. No. 020 7641 1091

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must not put the tables and chairs in any other position than that shown on drawing 03(04)D. (C25AA)

Reason:

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

- 3 You can only put the tables and chairs on the pavement between 08.00 and 23.00. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25BD)

- 4 This use of the pavement may continue until 30th September 2019. You must then remove the tables

and chairs. (C25DA)

Reason:

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

- 5 You can only put out on the pavement the tables and chairs shown on drawing 03(04)D. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007. (R25EA)

- 6 The tables and chairs must only be used by customers of Unit 34, 12 Upper St. Martins Lane. (C25CA)

Reason:

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

Informative(s):

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

closely and may withdraw your street trading licence if you put them outside this area. (I48AA)

- 3 You cannot put tables and chairs in the area unless you have a street trading licence., , If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter., , Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)

4

Concerns have been raised that large queues regularly form outside the restaurant and can lead to congestion on the public highway. You are advised to manage customers waiting to enter the premises and prevent them from congregating on the public highway where they could cause an obstruction.

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.