



City of Westminster

# Committee Agenda

Title:

**Planning Applications Sub-Committee (3)**

Meeting Date:

**Tuesday 17th July, 2018**

Time:

**6.30 pm**

Venue:

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

Members:

**Councillors:**

Iain Bott (Chairman)  
Geoff Barraclough  
Angela Harvey  
Selina Short



**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.**

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

## **AGENDA**

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

#### **1. MEMBERSHIP**

To note any changes to the membership.

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

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

#### **3. MINUTES**

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

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

Applications for decision

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

- |  |                          |
|--|--------------------------|
| <b>1. 5 DUKE'S MEWS, LONDON, W1U 3ES</b>     | <b>(Pages 5 - 28)</b>    |
| <b>2. 1 WOOD'S MEWS, LONDON, W1K 7DL</b>     | <b>(Pages 29 - 84)</b>   |
| <b>3. 53 CHANDOS PLACE, LONDON, WC2N 4HS</b> | <b>(Pages 85 - 120)</b>  |
| <b>4. 4 BINGHAM PLACE, LONDON, W1U 5AT</b>   | <b>(Pages 121 - 142)</b> |
| <b>5. 52 LUPUS STREET, LONDON, SW1V 3EE</b>  | <b>(Pages 143 - 164)</b> |
| <b>6. 3 ABBEY ROAD, LONDON, NW8 9AY</b>      | <b>(Pages 165 - 184)</b> |
| <b>7. 9 ALBION CLOSE, LONDON, W2 2AT</b>     | <b>(Pages 185 - 198)</b> |

**8. 55 SHIRLAND ROAD, LONDON, W9 2JD**

**(Pages 199 -  
212)**

**Stuart Love  
Chief Executive  
9 July 2018**

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CITY OF WESTMINSTER  
PLANNING APPLICATIONS SUB COMMITTEE – 17th July 2018  
SCHEDULE OF APPLICATIONS

Item No	References	Site Address	Proposal	Resolution
1.	<b>RN(s) :</b> 18/02749/FULL  Marylebone High Street	5 Duke's Mews London W1U 3ES	Use of the building as a day nursery (Class D1).	
	<b>Recommendation</b> Committee's views sought:  1. Does the Committee consider that the benefits of providing a replacement day nursery outweigh the policy presumption to protect the existing residential use?  If so,  2. Grant conditional permission			
Item No	References	Site Address	Proposal	Resolution
2.	<b>RN(s) :</b> 18/00046/FULL  West End	1 Wood's Mews London W1K 7DL	Demolition of the existing building and erection of a three storey building with basement, terraces at rear first and second floor level roof for use as a single family dwelling house (Class C3); new canopy on the west elevation, and green roof. (Addendum Report)	
	<b>Recommendation</b> Grant conditional permission			
Item No	References	Site Address	Proposal	Resolution
3.	<b>RN(s) :</b> 18/02861/FULL  St James's	53 Chandos Place London WC2N 4HS	Use of the basement, ground to fourth floor of the building as a hotel (Class C1) with ancillary cafe at ground floor level. External alterations to include 5 no. new windows on the west elevation and installation of acoustic louvres and photovoltaics at roof level. Alterations to windows on the rear elevation and provision of a louvred screen (ground to fifth floor level) fronting rear courtyard area and alterations to rear courtyard area.	
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
4.	<b>RN(s) :</b> 18/01390/FULL  Marylebone High Street	4 Bingham Place London W1U 5AT	Demolition of 4 Bingham Place behind retained front facade and roof; erection of replacement three storey dwelling (Class C3) with one new basement level. Additional basement excavation and rear extensions on ground to second floors at 19 Nottingham Place in connection with the existing hotel use (Class C1). (Site includes 19 Nottingham Place).	
	<b>Recommendation</b> Grant conditional permission.			

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Item No	References	Site Address	Proposal	Resolution
5.	<b>RN(s) :</b> 18/02472/FULL   18/02473/A DV  Warwick	52 Lupus Street London SW1V 3EE	Application 1: Use of ground floor as a mixed retail/restaurant use (sui generis) with new ducting at the rear and retractable awnings to the front and side elevation.  Application 2: Display of 3no. externally illuminated fascia signs measuring 0.3m x 2.5m, 0.4m x 2.8m and 0.3 x 2.5m.	
	<b>Recommendation</b> <u>Application 1:</u>  Refuse permission- loss of retail, impact on residents, design (awnings)  <u>Application 2:</u>  Grant conditional advertisement consent.			
Item No	References	Site Address	Proposal	Resolution
6.	<b>RN(s) :</b> 18/04217/FULL   Abbey Road	3 Abbey Road London NW8 9AY	Variation of Condition 7 of planning permission dated 28 March 2017 (RN 16/07867/FULL) which varied Condition 1 of planning permission dated 2 July 2015 (RN: 14/11186/FULL) for the reconfiguration and expansion of facilities for music recording and production at No.3 Abbey Road comprising erection of a new recording studio to rear of No.5 Abbey Road; conversion of existing garage building facing Hill Road to form new recording studio and addition of pitched roof structure; new gate to Hill Road frontage of site; enlargement of single storey block adjacent to boundary with Abbey House and erection of extension to accommodate new transformer; erection of single storey extension to rear of Studio 2; use of lower ground floor of No.5 Abbey Road as a gift shop (Class A1) with associated alterations to form access and new landscaping to the front of No.5; installation of new mechanical plant equipment; new landscaping; and internal alterations, including to Studios 2 and 3; NAMELY, to extend the opening hours of the retail shop at No.5 Abbey Road from between 09.30 and 19.00 Monday to Saturday and between 10.00 and 18.00 on Sundays to between 09.00 and 20.00 Monday to Saturday and between 10.00 and 18.00 on Sundays.	
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
7.	<b>RN(s) :</b>	9 Albion Close	Erection of mansard roof extension with an enclosed terrace.	

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SCHEDULE OF APPLICATIONS

	18/03487/FULL	London W2 2AT		
	Hyde Park			
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
8.	<b>RN(s) :</b> 18/03070/TCH  Little Venice	55 Shirland Road London W9 2JD	Use of the public highway measuring 9.1m x 2.1m outside public house for the placing of 4 tables and 14 chairs.	
	<b>Recommendation</b> Grant conditional permission.			

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# Agenda Item 1

Item No.

**1**

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	5 Duke's Mews, London, W1U 3ES,		
Proposal	Use of the building as a day nursery (Class D1)		
Agent	Marylebone Village Nursery Ltd		
On behalf of	Marylebone Village Nursery Ltd		
Registered Number	18/02749/FULL	Date amended/ completed	23 April 2018
Date Application Received	6 April 2018		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

## 1. RECOMMENDATION

Committee's views sought:

1. Does the Committee consider that the benefits of providing a replacement day nursery outweigh the policy presumption to protect the existing residential use?

If so,

2. Grant conditional permission

## 2. SUMMARY

The premises is a vacant dwellinghouse providing accommodation on basement, ground and three upper floors. The application is for the change of use of the building to a day nursery. This would replace an existing nursery in the basement of St. James's Church, Spanish Place, as the Church is terminating the applicant's lease on that space.

The key issues in this case are:

- The acceptability of the loss of the existing residential use
- The impact of the proposed use upon neighbours' amenity
- The acceptability of the proposals in highways terms.

Subject to appropriate conditions, the proposals are considered acceptable in amenity and highways terms. However, given the policy presumption to protect existing residential floorspace, the

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Committee's views are sought as to whether the benefits of providing a day nursery in this location outweigh policy objections to the loss of the existing dwelling house.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS





## 5. CONSULTATIONS

### COUNCILLOR BOTT

Supports the application given the need to relocate the existing nursery. The loss of a local nursery would be keenly felt by local families.

### COUNCILLOR SCARBOROUGH

Supports nursery relocation given the demand for nursery facilities in the area against a background of nursery closures. Recognise the excellent reputation of existing nursery which provides funded places and facilities for children with Special Educational Needs.

### WESTMINSTER EARLY YEARS SERVICE

Need to maintain and expand nursery facilities. Closures would result in the loss of all funded childcare places affecting those families in greatest need.

### MARYLEBONE ASSOCIATION

Strongly supports the proposals. Marylebone desperately needs more nursery facilities as many have closed. Floorspace faces pressure from other D1 uses which command higher rents, particularly medical uses. No highway impact as all children would walk to the premises. Recent precedent of change of use to D1 medical use in Devonshire Mews West, contrary to policy. Council should consider granting a temporary change of use (20 years)

### BUILDING CONTROL

Insufficient information provided to confirm that means of escape provisions are acceptable. Exit door should open outwards.

### CLEANSING

Details of arrangements for storage of refuse and recyclable materials required.

### HIGHWAYS

Objection: increased traffic generation to the detriment of highway safety and the operation of the highway network.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 49

Total No. of replies: 2

No. of objections: 1 No. in support: 1

- Need to provide alternative premises. Nursery is a valued local amenity.

### Highways

- Danger to children in mews who might not be visible to vehicles exiting garages
- No parking availability in the mews and limited space to manoeuvre vehicles; pick ups/drop offs would need to be on foot and anyone coming into the area by car would have to park on a meter, which have limited availability

**Other**

- Inadequate means of escape in the case of emergency/fire.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

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

This application premises is an unlisted building located on the south side of Duke's Mews, close to the junction of Wigmore Street and Mandeville Place and to the south of Manchester Square. The site is within the core Central Activities Zone and the Portman Estate conservation area.

The property is a modern dwelling house (Class C3), currently vacant, providing accommodation on basement, ground and three upper floors. There is a full width terrace at the front of the building, access from the third floor.

Duke's Mews is characterised by a mixture of commercial and residential uses. Records indicate that there are residential uses at nos. 3, 8-12 (a development of 7 houses around as courtyard, with rear windows fronting the mews) and at nos.18 and 20. To the rear of the site, on Wigmore Street, there are flats on the upper floors of nos. 90-92 and 104. There are also residential premises on the upper floor of the public house at 7 Duke Street.

**6.2 Recent Relevant History**

6 March 2008: Permission granted for the redevelopment of 98-102 Wigmore Street and 3-5 Duke's Mews behind the retained Wigmore Street facade to provide (Class B1) office and (Class A1) retail uses and two mews houses (Class C3) in Duke's Mews (now 3 and 5 Duke's Mews)(07/10815/FULL). Implemented.

**7. THE PROPOSAL**

Permission is sought for the use of the building as a day nursery (Class D1).

No external alterations are proposed.

**8. DETAILED CONSIDERATIONS****8.1 Land Use****8.1.1.Loss of residential floorspace**

The application would result in the loss of a vacant, five storey (4 bedroomed) dwelling house.

In order to achieve borough housing targets set out in the London Plan, City Plan policy S14 seeks to protect all residential uses, floorspace and land in Westminster. Proposals that would result in a reduction in the number of residential units will only be acceptable in specific circumstances, none of which apply in this case.

Policy SOC 1 deals with the provision of new social and community uses. The policy states that:

‘Community facilities which involve the loss of residential accommodation will only be allowed in exceptional circumstances, where:

- 1 the community facility meets an essential local need and
- 2 there is no other suitable site in the local area.

The supporting text to policy SOC 1 recognises (paragraph 6.13) that:

‘Occasionally, proposals for community facilities may involve a loss of residential accommodation \*..... This will only be allowed in exceptional circumstances, as the UDP aims to protect and increase the housing stock. This circumstance might arise where the community use is essential for local residents and there is no alternative suitable site for the community facility nearby. Essential uses include facilities such as doctors’ and dentists’ surgeries, and are unlikely to include private nurseries (author’s underlining) and language schools. Once such an exception has been made, the community facility will only be allowed to change back to residential use’.

\*This text refers to policy H1 (A) of the Unitary Plan (not a saved policy which) which sought to protect housing, or land in housing use, other than in exceptional circumstances and has been replaced by policy S14.

It is acknowledged that policy SOC 1, which dates from 2007, and particularly its exclusion of nurseries from the definition of ‘essential uses’ pre-dates the expansion of private medical uses with the Marylebone area (see section 8.1.2 below).

To date, letters of supports have been received from Ward Councillors ,the Marylebone Association, the Council’s Early Years Service and from previous nursery clients. Many have referred to the background of nursery closures in the area. The Marylebone Association considers that the market for Class D1 floorspace is distorted by the rents that can be demand for alternative (medical uses, which makes it difficult to find premises for nursery uses, which have a different business model. They have also noted that the relocation of the Marylebone Library to Seymour Leisure Centre would result in the loss of a local nursery. (The Council’s Property Group has confirmed that this is the case and state that they are working with the nursery to provide alternative accommodation).

The Marylebone Association has requested that the Council consider granting a 20-year temporary change of use. However, the applicant has not applied for a temporary use. Should the change of use be considered acceptable in principle, it would be more appropriate to impose conditions limiting the use of the premises to a day nursery and

requiring, upon the cessation of any nurse use, that the building revert to use as a single family dwelling house.

The Association has referred to a ‘precedent’ for the granting of permission for a new Class D1 use contrary to adopted policies. Permission was in December 2016 for a scheme at 141/143 Harley Street and 28 and 29 Devonshire Mews West to provide Class D1 medical facilities, including a Proton Beam Therapy unit. The permission was subject to a s106 legal agreement to secure the replacement of existing residential floorspace on donor sites.

The provision of medical facilities of national/international importance, was considered to outweigh policy objections to the degree of excavation under the adjacent highway which was contrary to policies on basement development. This case is not considered to constitute a ‘precedent’ for the current application. Each application, and potential exceptional circumstance, must be considered on its merits. Additionally, in the case cited, the existing residential floorspace was to be relocated to a donor site while in this case, the existing residential floorspace would not be replaced.

The Sub-Committee is asked to consider whether the benefits of providing a replacement day nursery outweigh the policy presumption to safeguard the existing residential use.

### **8.1.2. Proposed nursery use**

The application proposes the introduction of a day nursery on the application site, to replace the existing nursery which currently occupies the basement of St. James’s Church in Spanish Place. Neither the existing nursery use within the Church, nor its replacement with an alternative Class D1 use (church), required/would require planning permission.

UDP policy SOC1 aims to protect and improve the range of community facilities within the borough. Day nurseries, whether publically or privately operated, fall within this definition. Such facilities will be required to be located as near as possible to the residential areas they serve, must not harm the amenity of the surrounding area, including the effect of any traffic generated by the proposals and be safe and easy to reach on foot, by cycle and by public transport

City Plan policy S34 also encourages the provision of new social and community facilities throughout Westminster. The supporting text to the policy recognises that such uses are integral to supporting sustainable communities and acknowledges that, because of Westminster’s high land values, and because these uses typically generate high levels of footfall from visiting members of the public, it can often be difficult to establish new facilities in appropriate locations. Consequently, where subject to planning controls, the policy seeks to protect existing social and community floorspace.

### **Operational details**

The application is supported by a draft Operational Management Plan which includes the following details:

### Hours, capacity and site access

The nursery would run two sessions per day: mornings – 0800 to 1300 hours and afternoons: 1300 to 1800 hours (term times only), with the majority of children attending over a full day. It is estimated that approximately 20 children would leave or arrive after the morning session. There is no after school care provision – i.e. arriving post 1500 hours.

The nursery would be subject to certain restriction imposed by Ofsted, these include restrictions on the maximum number of children, which is determined by site area and requirements per child (which vary according to the child's age). Staffing requirements are determined by OFSTED's staff:child ratios.

The estimated capacity of the proposed nursery is as follows:

MAXIMUM NUMBER OF CHILDREN: 54  
 MAXIMUM FTE STAFF: 14  
 TOTAL PERSONS ON SITE AT ONE TIME: 68

CHILD AGE	NUMBER OF CHILDREN	STAFF
UNDER 1 YEAR	9	3
1-2 YEARS	12	4
2-3 YEARS	16	4
3 YEARS AND OVER	17	2 + 1 manager

The applicant has advised that, in practice it is unusual for a nursery to be completely full at any one time. The average industry standard is a capacity of 80-85% (approximately 44 children using the above estimate). Whilst staff numbers are more mixed, the variation in child attendance levels means that the total maximum staff numbers are unlikely ever to exceed the totals set out above. However, it is anticipated that these number could be subject to change depending on parent demands/child ages etc.

There is no vehicular access to the site. The applicant states that all children will visit the site on foot. A proforma registration form has been supplied which includes a stipulation that parents do not drive to the nursery site. Should parents use a car, recommended drop off sites are adjacent streets (Wigmore Street or Manchester Square) and would be subject to the usual parking restrictions.

The applicant has made the following points in support of the application:

- The nursery has operated from the basement hall at St James's Church since 1976. The nursery was taken over by the applicant in 2011, when it was announced that it was to close. In Westminster, the applicant also operates Hyde Park Village Nursery in Craven Terrace, W2.
- The Westminster Roman Catholic Diocese initially signed a 35 year lease on the existing nursery but now wishes to reclaim the space for church-related functions. They have recently agreed to extend the nursery's lease until July 2019, following an initial request for immediate vacation.

- Given the need to vacate the St James's Church, a search for alternative premises has taken place over several months. The applicants has advised that discussions with the main property estates have confirmed that there is no allocation of Class D1 floorspace for nursery use in Marylebone and no suitable commercial space - hence the application to change of the of the dwelling house at 5 Duke's Mews.
- Four nursery schools have closed in Marylebone over the last 18 months, making a total of five closures in the past two and a half years primarily because private landlords (mostly Churches and Synagogues) can command greater rents from alternative tenants.
- Of the remaining Marylebone facilities, only the St James's Church nursery has spaces available, due to its size.
- Following successful council initiatives encouraging residential use, there has been an increase in the number of families moving into Marylebone. The majority of these families require full-day nursery care as parents return to work.
- This is the only nursery which takes funded children (whereby Central Government schemes assist parents in paying for early years education) offering places for the 30-hour provision/2 year old funded places (at a funded rated of £4 per hour rather than the standard unfunded rates, which are considerably higher) and support for children with Special Educational Needs. Should the nursery be forced to close, this would result in the loss of the nursery care for the less privileged families in the area and for children with special needs.

Supporters of the scheme have referred to the background of nursery closures in the area, to the quality of care provided, and the fact that the nursery provides funded places and care for children with Special Educational Needs, The proposed use complies with the requirements of adopted land use policies in that it is located close to the residential areas of Marylebone and is safe and easy to reach on foot or by public transport and subject to the acceptability of the loss of the existing residential use, is considered acceptable in principle in land use terms. The impact of the scheme in amenity and highways terms in discussed in paragraphs 8.3 and 8.4 below.

## **8.2 Townscape and Design**

No external alterations are proposed

## **8.3 Amenity**

City Plan policy S29 states that the Council will resist proposals that result in an unacceptable material loss of residential amenity. Under policy ENV6 of the UDP, new developments are required to include design features and operational measures to minimise and contain noise in order to protect noise sensitive properties. Where developments adjoin other buildings or structures, as far as is reasonably practicable, they should be designed and operated to prevent the transmission of audible noise or

perceptible vibration through the fabric of the building or structure to adjoining properties. A noise and vibration assessment report is required where development or change of use could affect noise sensitive properties. When granting planning permission, conditions will be applied to restrict noise emissions, the transmission of noise or perceptible vibration and hours of operation, to require incorporation of acoustic measures to meet these conditions and to require, where appropriate, such conditions to be complied with before the development commences.

UDP policy ENV 7 seeks to control noise from plant and internal activity and requires applicants to demonstrate that any noise emitted by plant and machinery and from internal activities, including noise from amplified or unamplified music and human voices, will achieve established standards at the nearest noise sensitive properties, when there is internal activity at the development. Similarly, policy S32 of the City Plan requires development to minimise and contain noise and vibration.

The application does not include a noise and vibration assessment. The applicant considers that the relocation of the existing nursery to Duke's Mews would not have a material impact upon local amenities, particularly as ambient noise levels are high given the site's proximity to Wigmore Street. However, the setting of the two buildings is very different. Duke's Mews is a narrow cul-de-sac, which although largely commercial in nature, includes some residential properties including the house immediately adjacent. By comparison, the existing nursey is in the basement of a church, which occupies a large site on Spanish Place, which is a more open roadway. Given its location, it is considered that the proposed nursey has the potential to affect the amenity of neighbouring occupiers and local environmental quality primarily as a result of increased activity on the site, including potential noise disturbance from within the building and from carers dropping of and picking up their children. While ambient noise levels are high in the area, this would not prevent intrusion from individual noise peaks.

The applicant is keen to emphasise that the proposed use is as a nursery school, with a full curriculum, not a day care centre and that the nursery is a '...calm, focused environment'. The children will have access to the third floor roof terrace for educational purposes e.g. to grow plants, but this area would not function as a play space. This could be controlled by condition. Play-based activities will take place in the Portman Square Garden.

As the children will be required to move between floors (currently uncovered stone stairs), the applicant has undertaken to carpet the stair treads to minimise potential noise transference through the fabric of the building. This would need to be undertaken prior to the commencement of the use and stair carpet would need to be maintained at all times that the nursery is in use.

The existing house already benefits from air conditioning/temperature control systems and no additional plant is required. Officers consider that, in order to minimise potential noise outbreak, a condition should be imposed to require windows and doors to be kept shut at all times (other than for the purposes of access and egress through the doors).

The applicant has advised that the proposals have been discussed with the occupants of Duke's Mews and that no one expressed concern about the proposed use. They have also emphasised that no complaints have been received about the operation of their

existing nurseries in Spanish Place and Craven Terrace, where there are residential properties in the vicinity. The applicant believes that the fact that the nursery operating times would significantly ameliorate any potential impact. Consequently, they do not wish to accept such a condition on prevent windows/doors from being kept open, the basis that the use would not result in any noise disturbance. They have requested a position where window could be opened sometimes, with appropriate training to make staff aware of potential noise issues. However, it is not considered that this would provide adequate protection for neighbouring residents.

It is acknowledged that the nursery has an excellent reputation and provides a vital service to the local community. It is also acknowledged that no objections have been received to the proposals on noise grounds. Given the obligations set down in the draft Operational Management Plan, including an undertaking to carpet the stairs (which should updated within a revised OMP) and subject to conditions relating to the hours of use, use of the terrace, delivery hours, requiring doors and windows to be kept closed and to prevent the transmission of noise and vibration through the fabric of the building, it is not considered that the increased activity around the site, whilst more intensive than that arising from the existing residential use, would have a material impact upon the amenities of neighbouring occupiers or local environmental quality.

The impact of the use in highways terms is discussed in paragraph 8.4 below.

## 8.4 Transportation/Parking

### Trip generation

The Highways Planning Manger considers, given the site location and the nature of the highway in the vicinity, any proposal generating significant levels of car borne trips per day - associated with drop off and collection of children - would have an adverse impact on free flow of traffic and the safety of highway users. Consequently, he has requested the submission of a Transport Statement to determine the likely trip rate generation (all modes) based upon the number children, in particular the level of motor vehicles visiting the site and the impact that this will have on the surrounding road network.

An neighbour objection has also been received on the basis that there is no parking availability within the mews, which has double yellow lines on both site, with ground floor garages in constant use and limited width for vehicle manoeuvres. The objector is concerned that any child drop offs/pick upon would, necessarily, be by adults arriving at/departing from the premises on foot, meaning that they would need to park vehicles on a parking meter in the vicinity, which are in short supply.

The applicant is fully aware of the site constraints and the fact that it would not be feasible for vehicular drop off/pick ups to take place within the mews. The nursery registration form and draft OMP include an obligation that carers should not 'drive down to the nursery'. However, it is unclear whether this restriction relates to driving on any part of the journey or only within the mews and this should be clarified within the finalised OMP. The applicant contends that the majority of children are local and would be walked to the premises. Any vehicles brining children close to the vicinity of the site would be



required to park in neighbouring streets. It is acknowledged that meter parking is in short supply and considered that this is likely to discourage carers from driving to the nursery.

To ensure that that proposed operational controls to prevent carers driving to the site are effective, the Highways Planning Manager has suggested that permission could be granted for a temporary period of 1 or 2 years to enable to Council to review the situation at a future date. Given the costs associated with the setting up of the nursery, this is not considered reasonable. However, a condition could be imposed to prevent children from being dropped off at or picked up from the premises in vehicles accessing Duke's Mews which, in addition to the obligations within the finalised OMP, could ensure that the operation of the highway is not adversely affected.

In these circumstances, it is not considered that the impact on the local highway network would be so significant as to justify a recommendation for refusal or that it would be necessary to require the submission of a detailed Transport Plan.

### **Highway safety**

Children walk to their off-site activities or are taken direct by parents e.g. Zoo trips. Trips to the park are highly supervised, and subject to Risk Assessments.

One objection has been received from a resident of 12 Duke's Mews on the grounds that the mews is a dangerous environment for children exiting the property who, due to their size, might not be immediately visible from vehicles exiting neighbouring garages, if the children are not fully controlled by a responsible adult. Whilst these concerns are noted, it would be the responsibility of the children's parents/nursery staff to manage this risk, which could apply equally to any children living in the house and to any other nursery use, and it is not considered that permission could reasonably be withheld on highway safety grounds.

### **Servicing**

The applicant contends that the nursery would not generate any greater amount of general waste than the existing house but confirms that there is 'exceptional waste' (nappies) which would be collected as part of general waste collections (Tuesdays and Fridays) in the Mews.

There is no laundry service/deliveries. Any laundry is done by staff, on site, and would not be significant.

Food requirements comprise a mixture of food purchased locally and brought in by staff and a daily delivery by an external provider (a hand-held box containing two trays).

Any other nursery resources are delivered direct to the applicant's house and taken to the site, when visiting. For any exceptional deliveries, companies will be advised that there is no vehicular access to the Mews. Deliveries would take place during nursery opening times only.

The site is located within a Controlled Parking Zone but there are sufficient single yellow lines in the vicinity allow any additional loading and unloading to occur. The largest

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regular service vehicle expected to be associated with the proposed development is the local authority refuse collection vehicle.

Although no off-street servicing is proposed, it is not considered that the servicing demands of the proposed use would be significantly greater than those arising from the lawful residential use.

### **Cycle parking**

The London Plan requires 1 on-site cycle parking space to be provided for every 8 staff members (minimum 2 spaces). The applicant has confirmed that nursery staff generally live outside of central London and do not cycle to work. However, when staff are on site, there is a space to store bicycles in the basement. A plan showing cycle storage facilities could be reserved by condition.

## **8.5 Economic Considerations**

Any economic benefits generated by the proposals are welcomed.

## **8.6 Access**

Access to the site remains unchanged. The Council's Building Control Officer has confirmed that the requirements of people with disabilities (access to the building and WC facilities) should also be considered. The applicant has advised that 'moving seats' and any necessary equipment will be provided, as this is an inclusive school. These issues would be considered as part of a future application under the Building Regulations and any material alterations to the building exterior would require further planning approval.

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

### **Refuse /Recycling**

The applicants have advised that the general waste generated by the proposed development is the same as that for the existing dwelling house. General and 'exceptional waste' (nappies) would be collected as part of general waste collections in Duke's Mews (Tuesdays and Fridays 11am to 1pm and presented by 10:30am on these days)

The Cleansing Officer has requested a condition requiring the submission of plans including, full details of the proposed refuse and recycling storage facilities, confirming bin capacities, and marked for waste and recycling in accordance with Council protocols. This would ensure that there is sufficient space to accommodate the waste and recycling requirements of the development within the existing basement waste store.

## 8.8 London Plan

The application does not raise any strategic issues.

## 8.9 National Policy/Guidance Considerations

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

## 8.10 Planning Obligations

The application does not trigger any planning obligations

## 8.11 Environmental Impact Assessment

The scale and nature of the development does not require an assessment of environmental matters.

## 8.12 Other Issues

### Means of escape

One objection has been received on the grounds that, there is only one exit from the property which, whilst sufficient in the case of the existing dwelling house, which would provide an inadequate means of escape for the proposed nursery use.

The applicant has commissioned a Fire Risk Assessment which makes various recommendations and conforms that a further risk assessment should be undertaken prior to the commencement of the use. The report notes that that the building entrance door, which also serves as a means of escape, opens inwards.

The Council's Building Control Officer has advised that as a 'fire risk assessment' rather than a 'fire strategy', the submitted document does not demonstrate the adequacy of the means of escape provision. Additional information would be required as part of a future application under the Building Regulations which would be required for the change of use. However, the enforcement of fire safety regulations ultimately lies with the fire authority.

Given the potential building capacity, the Council's Building Control Officer has confirmed that the final exit door would be required to open outwards. A door opening directly over the public highway, particularly one also serving as the main entrance, would be unacceptable in highway safety terms. The applicant has referred to other premises, including Queen's College Preparatory School in Portland Place) where the entrance/exit door opens inwards. However, this school has entrances doors at 59 and 61 Portland Place, which are set back from the pavement edge, behind front basement lightwells. Details of the means of escape arrangements in these buildings and in other building in Duke's Mews, are unknown.

It is possible that the entrance door to the application site could be recessed, or otherwise altered, to address the means of escape and highway safety issue. Should

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any external alterations be necessary, the applicant would be required to seek further advice as to whether this would require separate planning approval.

### **8.13 Conclusion**

Subject to appropriate operational controls, the proposed nursery use could be acceptable in amenity and highways terms. The Sub-Committee is therefore asked to consider whether the benefits in providing a replacement day nursery in the Marylebone area outweighs policy objections to the loss of the existing residential use.

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

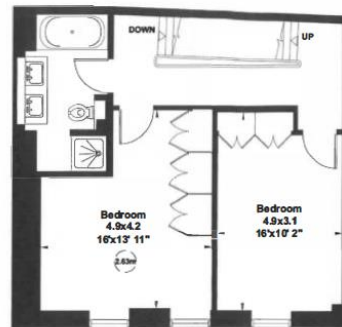
<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT <a href="mailto:sspurrier@westminster.gov.uk">sspurrier@westminster.gov.uk</a>.</p>
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## 9 KEY DRAWINGS

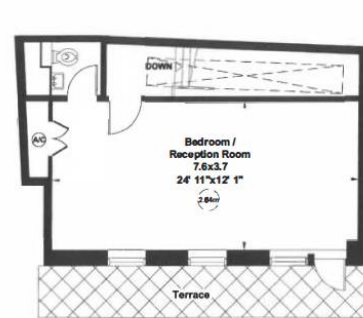
Existing plans

**Dukes Mews, W1**  
Gross internal area (approx.)  
248 Sq m (2670 Sq ft)

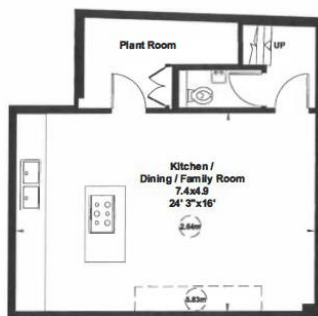
Floor Plan by **capital group** 020 8571 7722



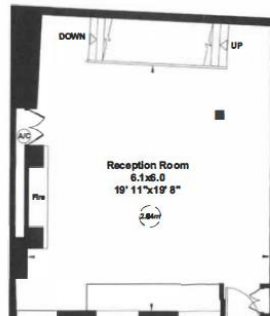
Second Floor



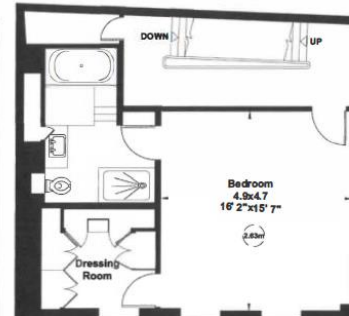
Third Floor



Lower Ground Floor



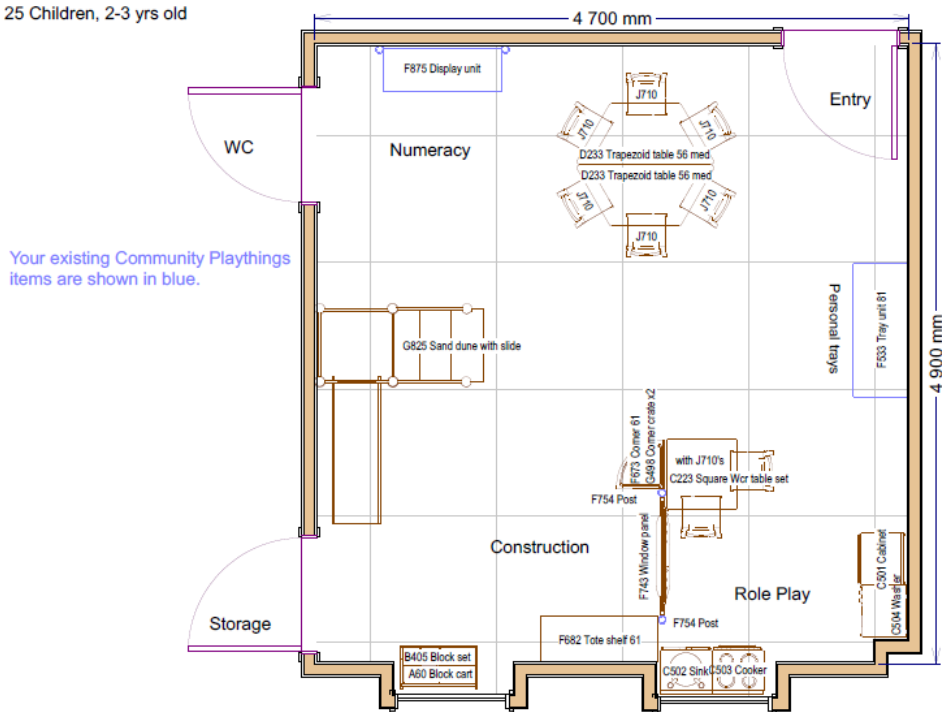
Ground Floor



First Floor



1 square = 1 sq metre



Phone: 0800 387 457 [www.CommunityPlaythings.co.uk](http://www.CommunityPlaythings.co.uk) 18/04/2018



community  
playthings

1 square = 1 sq metre

The floor plan is divided into several functional zones:

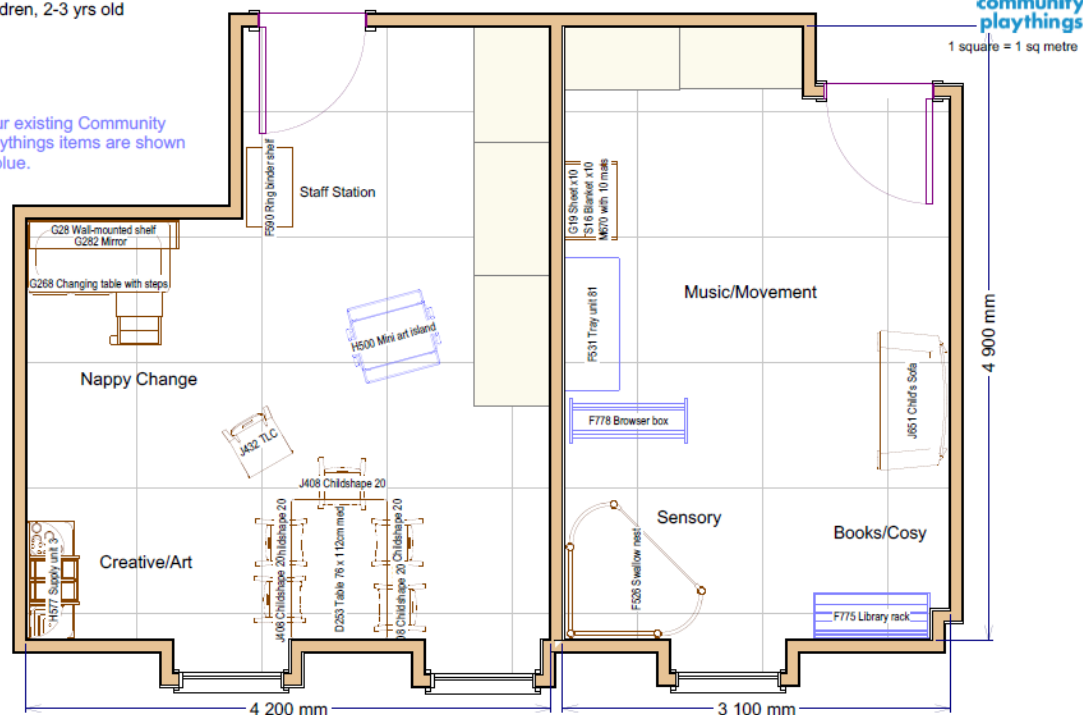
- Entrance/Storage:** Includes an 'AC closet' on the left wall, a 'Fireplace' on the left wall, and a 'Staff Station' at the bottom left with a 'J551 Child's Sofa' and a 'P500 Ring binder shelf'.
- Maths:** Located at the top left, featuring a 'P62 AJ shelf 61', a 'C83 Drawing unit', and a 'C204 Round ttr table set' with 'J712' chairs.
- Down Stairs:** A door labeled 'Down' is at the top center.
- Up Stairs:** A door labeled 'Up' is at the top right.
- Construction/Small World:** A central area with a 'G481 Unit blocks' and 'P655 Filled shelf 61' unit, and a 'P715 Table 60 x 110cm med' with 'F734 Post' legs.
- Creative/Art:** Located on the right side, featuring a 'P621 Self power trolley', a 'P715 Table 60 x 110cm med', and a 'P734 Chair 61'.
- Literacy:** A central area with a 'P62 AJ shelf 61' and a 'C837 Drawn A4 paper'.
- Role Play:** Located in the middle left, featuring a 'C509 Drawer', a 'C509 Drawer', a 'Low cooler', a 'Low sink', and a 'Drawer'.
- Books/Cosy:** Located at the bottom left, featuring a 'J551 Child's Sofa' and a 'P500 Ring binder shelf'.
- Snack Table:** A central area with a 'C203 Table 76 x 110cm med' and 'J712' chairs.
- Personal trays:** Located at the bottom right, featuring a 'P621 Tray unit 61'.

The overall dimensions of the room are 6 000 mm wide and 6 400 mm deep.

Phone: 0800 387 457 [www.CommunityPlaythings.co.uk](http://www.CommunityPlaythings.co.uk) 18/04/2018

New Marylebone Village Nursery School  
2-3's Second floor rooms  
25 Children, 2-3 yrs old

Your existing Community Playthings items are shown in blue.

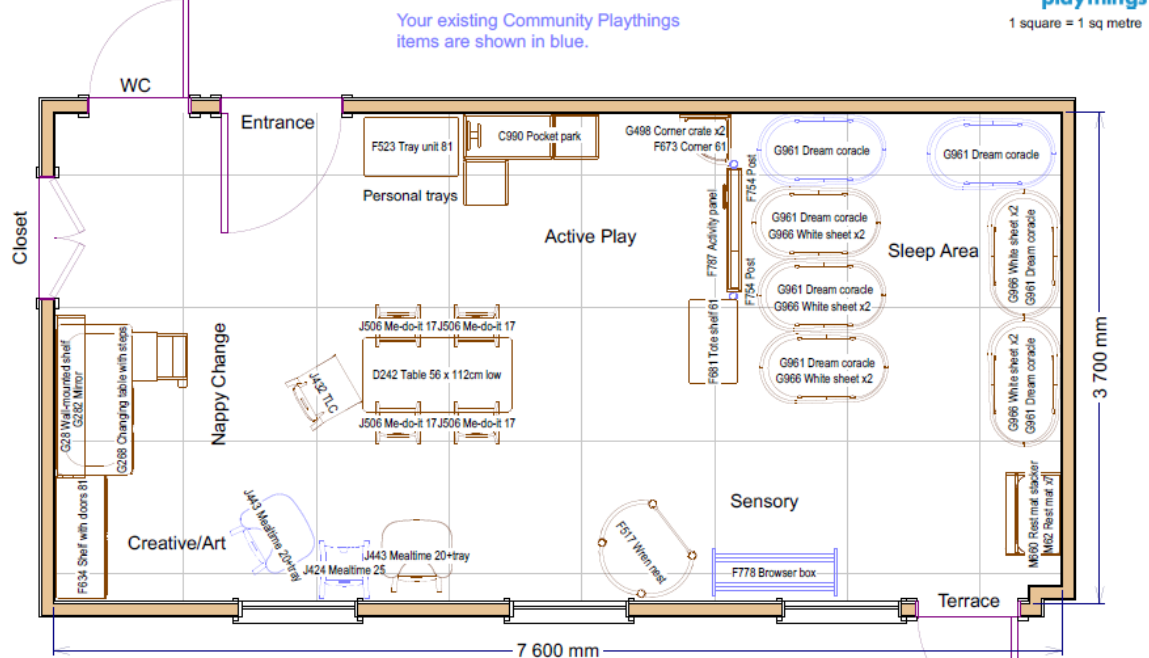


This room layout is not intended to be used as architectural or building advice.

Phone: 0800 387 457 [www.CommunityPlaythings.co.uk](http://www.CommunityPlaythings.co.uk) 18/04/2018

New Marylebone Village Nursery School  
Baby Room  
14 Children, 0-2 yrs old

Your existing Community Playthings items are shown in blue.



This room layout is not intended to be used as architectural or building advice.

Phone: 0800 387 457 [www.CommunityPlaythings.co.uk](http://www.CommunityPlaythings.co.uk) 18/04/2018

**DRAFT DECISION LETTER**

**Address:** 5 Duke's Mews, London, W1U 3ES,

**Proposal:** Use of lower ground, ground and three upper floors as nursery (Class D1)

**Reference:** 18/02749/FULL

**Plan Nos:** Site plan, existing building layouts

FOR INFORMATION ONLY: Proposed to third floor plans (indicative layouts only)

**Case Officer:** Sara Spurrier

**Direct Tel. No.** 020 7641 3934

**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 Children shall be permitted within the nursery premises between 08.00 hours and 18.00 hours on Monday to Friday only**

**Reason:**

To protect neighbouring residents from noise nuisance, 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. (R13EC)

**3 The third floor terrace shall not be used as a play space.**

**Reason:**

To protect neighbouring residents from noise nuisance, 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. (R13EC)

**4 You must keep the doors and windows in the nursery closed other than for access and egress (doors) or for maintenance purposes.**

**Reason:**

To protect neighbouring residents from noise nuisance, 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. (R13EC)

**5 You must use the premises only as a day nursery (Class D1) and for no other purpose,**



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including any other use within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (or any equivalent class in any order that may replace it).

**Reason:**

In accordance with the submitted application and because of the special circumstances of this case and to make sure it meets SOC 1 of our Unitary Development Plan that we adopted in January 2007

**6** Upon cessation of the nursery use hereby approved (Class D1), the premises shall revert to use as a single family dwelling house (Class C3)

**Reason:**

In accordance with policy SOC 1 of our Unitary Development Plan that we adopted in January 2007 and policy S14 of the City Plan (November 2017)

**7** You must apply to us for approval of details of secure cycle storage (2 spaces) for the nursery use. You must not commence the use until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to the occupation of the premise as a nursery. 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.

**8** 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 nursery. (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)

**9** No waste shall be stored on the public highway

**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)

**10** All servicing must take place between 0800 and 1800 hours on Monday to Friday only.. Servicing includes the loading and unloading of goods and putting rubbish outside the building. (C23DA)

**Reason:**

To avoid blocking the surrounding streets and to protect the environment of people in

neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

11 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

**Reason:**

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

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

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

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

(a) The location of most affected noise sensitive receptor location and the most affected window of it;

(b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

(c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(d) The lowest existing LA90, 15 mins measurement recorded under (c) above;

**(e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;**

**(f) The proposed maximum noise level to be emitted by the activity.**

**Reason:**

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

**13 You must apply to us for approval of a management plan to show how you will prevent the nursery use from causing nuisance for people in the area, including people who live in nearby buildings, and from adversely affecting the local highway operation. You must not start the nursery use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the nursery is in use and all internal measures detailed to prevent noise and vibration disturbance to adjoining residential properties must be completed prior to the commencement of the use and retained for as long as the nursery is in operation.**

**Reason:**

To make sure that the use will not cause nuisance for people in the area and in neighbouring properties or adversely affect the operation of the local highway network. This is as set out in S29, S32 and S41 of Westminster's City Plan (November 2016) and SOC 1, ENV 6, TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

**14 No children shall be delivered to or collected from the nursery hereby approved from vehicles accessing Duke's Mews.**

**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 and TRANS 20 of our Unitary Development Plan that we adopted in January 2007 (R23AC)

**Informative(s):**

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

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

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

**4 This permission does not allow any work which would change the outside appearance of the property. (I18AA)**

**5 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)**

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 July 2018	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved West End	
Subject of Report	1 Wood's Mews, London, W1K 7DL		
Proposal	Demolition of the existing building and erection of a three storey building with basement, terraces at rear first and second floor level roof for use as a single family dwelling house (Class C3); new canopy on the west elevation, and green roof.		
Agent	Savills		
On behalf of	Cian and Aaron Developments		
Registered Number	18/00046/FULL	Date amended/ completed	3 January 2018
Date Application Received	3 January 2018		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

## 1. RECOMMENDATION

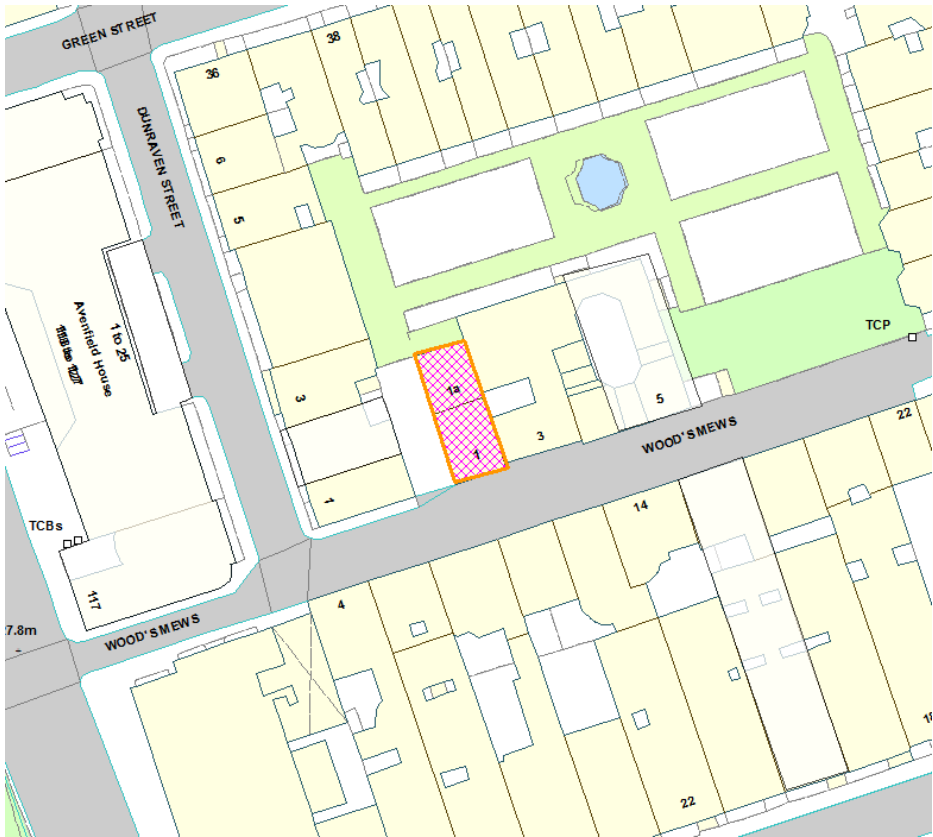
Grant conditional permission.

## 2. SUMMARY

This application was reported to the Planning Applications Sub-Committee on 24 April 2018, where it was resolved to defer consideration of the proposals to enable Members to visit the site. This site visit is scheduled to take place on 17 July 2018.

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### 3. LOCATION PLAN



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**4. PHOTOGRAPHS**

## 5. CONSULTATIONS

### ADDITIONAL REPRESENTATIONS RECEIVED AFTER THE PREVIOUS REPORT WAS PUBLISHED

#### COUNCILLOR GLANZ

Requests that consideration of the scheme be deferred for a Members' site visit.

Owners should be encouraged to refurbish the existing building; proposed building design unacceptable within the conservation area; windows would result in an unacceptable loss of privacy and increased sense of enclosure to neighbouring residential properties, windows similar to those in previous scheme which was refused on the basis of inappropriately large fenestration leading to a loss of privacy to the neighbouring properties.

### CONSIDERATIONS

Additional representations were received from Councillor Glanz after the previous report (24 April 2018) was published.

### DESIGN/TOWNSCAPE

Councillor Glanz considers that the applicants should be encouraged to refurbish the existing building and that any new development within a conservation area should 'improve and enhance' the area and not merely be 'slightly better than a property which has been left to decay'. However, the Council is obliged to determine the application, as submitted. In considering the proposals, the relevant test is that the development should 'preserve or enhance' (maintain OR improve) the character and appearance of the conservation area. For the reasons outlined in the original report, it is considered that the proposal meets this test.

### AMENITY

A further concern relates the impact of the proposals upon the amenity (privacy and increased sense of enclosure) of neighbouring residential properties including 10 Wood's Mews. Councillor Glanz believes that the previous scheme was refused because the windows were 'inappropriately large' resulting in a loss of privacy and questions why the current scheme, where the window size and location is similar, is considered acceptable. However, the Committee refused the previous application on the grounds that the scheme resulted in a loss of light to 2 Dunraven Street and not because the windows gave rise to any loss of privacy.

(Please note: All the application drawings and other relevant documents and background papers area available to view on the Council's website)

<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT <a href="mailto:sspurrier@westminster.gov.uk">sspurrier@westminster.gov.uk</a></p>
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**DRAFT DECISION LETTER**

**Address:** 1 Wood's Mews, London, W1K 7DL

**Proposal:** Demolition of the existing building and erection of a three storey building with basement, terraces at rear first and second floor level roof for use as a single family dwelling house (Class C3); new canopy on the west elevation, and green roof.

**Reference:** 18/00046/FULL

**Plan Nos:** 1728-A4-020 Rev P3, 1728-A4-030 Rev P3, 1728-A4-040 Rev P3, 1728-A4-050 Rev P3, 1728-A4-060 Rev P3, 1728-A4-210 Rev P2, 1728-A4-220 Rev P2, 1728-A4-230 Rev P2, 1728-A4-310 Rev P3, 1728-A4-320 Rev P3, 1728-A4-330 Rev P3, 1728-A4-340 Rev P3; Arboricultural report dated 20th February 2018( ref. ha/aiams2/woodsmws) and plan (TPP1\_WM)

**Case Officer:** Gemma Bassett

**Direct Tel. No.** 020 7641 2814

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

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

**Reason:**

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

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for

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example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

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A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

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

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

**Reason:**

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

- 5 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 3 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

**Reason:**

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

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- 6 You must provide the waste store shown on drawing 1728-A4-030 Rev P3 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the dwelling. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

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)

- 7 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:- , i) Accommodate the proposed location of the Crossrail structures including tunnels, shafts and temporary works,, ii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail railway within the tunnels and other structures, iii) Mitigate the effects on Crossrail, of ground movement arising from development, Crossrail requires to see the full scope of the development, the ground movement impact and the N&V assessment results., The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs i, ii and iii of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied., , , None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

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- 8 None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

- 9 Piling must take place from within the footprint of 1 Woods Mews and the piling equipment must not straddle the proposed pile line on the rear elevation of the building. No part of the piles including the pile cap must project beyond the rear elevation of the existing dwelling. If you want to vary or alter the pile location or method of installation, you must apply to us for our prior approval and you must not start any work until we have approved what you have sent to us.

Reason:

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

- 10 You must protect the trees according to the details, proposals and recommendations set out in your Arboricultural Report ( ha/aiams2/woodsmws 20 February 2018) and plan (TPP1\_WM). If you want to revise any of these tree protection provisions, you must apply to us for our approval of the revised details, and you must not carry out work the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A),

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ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007.  
(R31AC)

- 11 You must submit details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include: , o identification of individual responsibilities and key personnel., o induction and personnel awareness of arboricultural matters., o supervision schedule, indicating frequency and methods of site visiting and record keeping, o procedures for dealing with variations and incidents., You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule., , You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

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

- 12 You must apply to us for approval of details of any proposed alterations to the existing ground levels for landscaping or otherwise, or any other works to be undertaken within the Root Protection Area of any tree within the tree survey plan and schedule. You must not start any work with the Root Protection Area of the tree(s) until we have approved what you have sent us

Reason:

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

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

Reason:

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

- 14 You must apply to us for approval of detailed drawings at 1:10 of the following parts of the development all external doors and a typical example of each. You must not start work until we have approved what you have sent us., , You must then carry out the work according to these details. (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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

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

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

Reason:

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

- 17 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

Reason:

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

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

Reason:

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

- 19 You must not form any windows or other openings (other than those shown on the plans), in the external walls of the building, and you must not paint the external walls of the building, without our permission. This is despite the provisions of Class A of Part 1 of Schedule 2, and Class C of Part 2 of Schedule 2 to the Town and Country Planning



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General Permitted Development Order (England) 2015 (or any order that may replace it).

Reason:

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

- 20 **Pre Commencement Condition.**, (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us., (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST., (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

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

- 21 You must only use the garage for people living in this property to park their private motor vehicles. (C22EB)

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

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- 22 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.

- 23 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)

- 24 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to: , i) the proposed living roof ( to include construction method, layout, species and maintenance regime), ii) planting to the western edge of the second floor terrace., , You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007 and to protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

Reason:

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

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- 25 You must not use the part of the rear second floor roof terrace annotated as inaccessible on drawing 1728-A4-050 rev P3 for sitting out or for any other purpose. You can however use the roof to escape in an emergency

Reason:

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

- 26 The glass that you put in the central window column, and at ground floor level in the south elevation of the building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

- 27 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)

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### Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
  
- 2 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work. Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, Phone: 020 7641 2000, , Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)
  
- 3 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
  - , \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible; ,
  - \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant., ,
  - Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety

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Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm). , , It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 4 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
  - \* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
  - \* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
  - \* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
  - \* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
  - \* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
  
- 5 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
  - \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
  - \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
  - \* Lighting - ensure luminaires can be safely accessed for replacement.
  - \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
 More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm). , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
  
- 6 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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- 7 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk). , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk) , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 8 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)
- 9 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 10 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 11 The term 'clearly mark' in condition 6 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 12 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

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- 13 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 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
  
- 15 With reference to condition 27 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk). Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. You are urged to give this your early attention

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



**7      1 WOOD'S MEWS, LONDON, W1K 7DL**

Demolition of the existing building and erection of a three storey building with basement, terraces at rear first and second floor level roof for use as a single family dwelling house (Class C3); new canopy on the west elevation, and green roof.

An additional representation was received from Councillor Jonathan Glanz (18.04.2018).

**RESOLVED UNANIMOUSLY:**

That the application be deferred for a site visit.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 April 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	1 Wood's Mews, London, W1K 7DL		
Proposal	Demolition of the existing building and erection of a three storey building with basement, terraces at rear first and second floor level roof for use as a single family dwelling house (Class C3); new canopy on the west elevation, and green roof.		
Agent	Savills		
On behalf of	Cian and Aaron Developments		
Registered Number	18/00046/FULL	Date amended/ completed	3 January 2018
Date Application Received	3 January 2018		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

1 Wood's Mews is a single family dwelling set over ground and two upper floors, with an integral garage. The house is accessed from a private drive on the north side of Wood's Mews, which is owned by Grosvenor Estates.

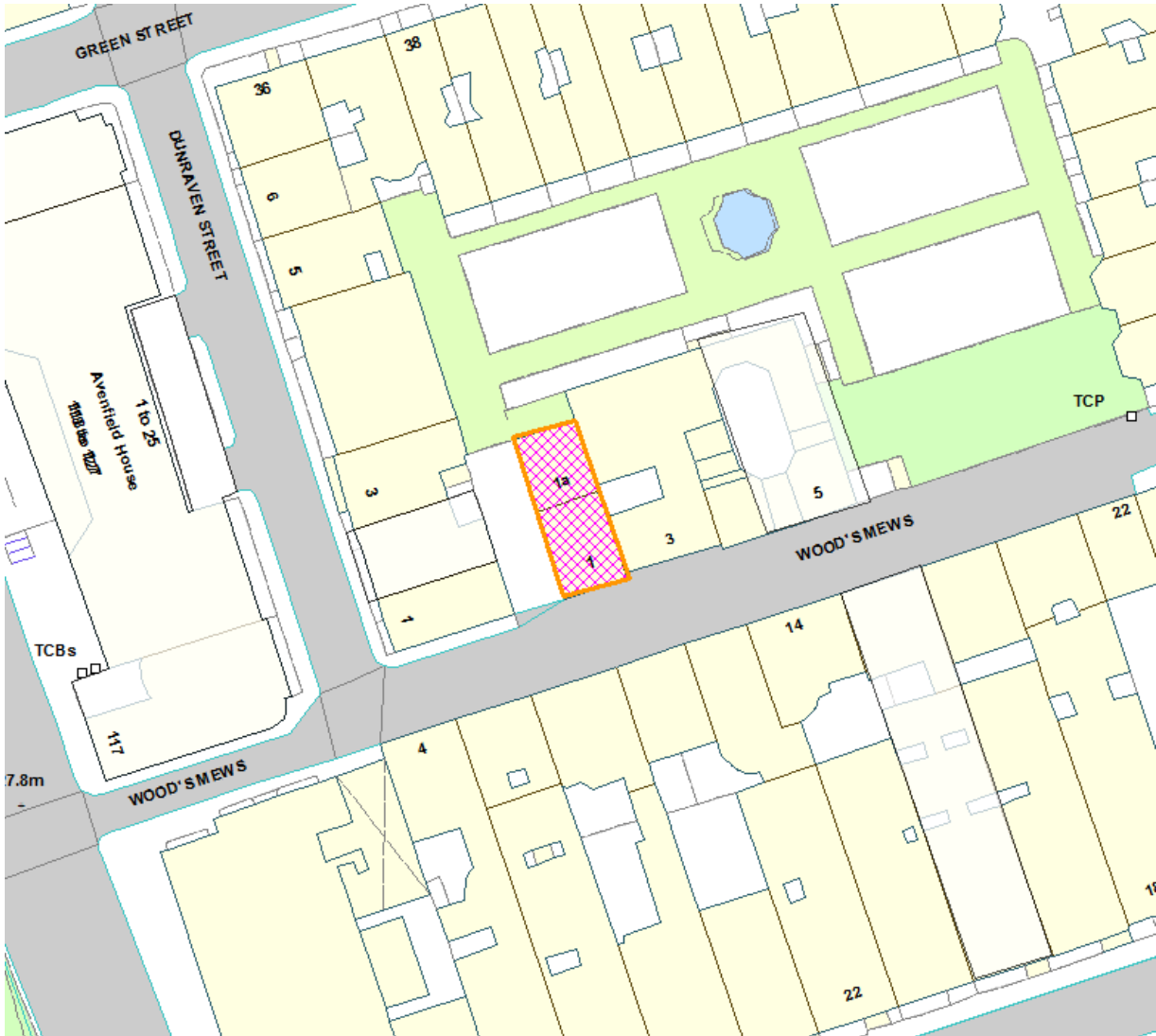
The application proposes the demolition of the building and erection of a three storey, single family dwelling with basement. In 2015, a similar application for a replacement dwelling house, incorporating two basement levels, was refused on the grounds of detailed design and loss of daylight to neighbouring properties.

The key issues for consideration are:

- The impact on neighbouring residential amenity
- The impact on the character and appearance of the Mayfair conservation area

The proposals have been amended to revise the window design and to incorporate an integral garage. The application is considered acceptable on townscape and amenity grounds and is therefore recommended for approval.

3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



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## 5. CONSULTATIONS

COUNCILLOR ROBERTS AND COUNCILLOR GLANZ

Request that the application be determined by planning committee

HISTORIC ENGLAND:

No objection, authorisation received

RESIDENTS' SOCIETY OF MAYFAIR & ST. JAMES'S:

Any comments to be reported verbally

ENVIRONMENTAL HEALTH:

No objection subject to conditions

CLEANSING MANGER:

No objection subject to conditions to secure waste and recycling storage

HIGHWAYS PLANNING MANAGER:

No objection subject to conditions

BUILDING CONTROL:

No objection

ARBORICULTURAL SECTION:

No objection subject to conditions

CROSSRAIL:

No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 77

Total No. of replies: 6 (from 4 respondents)

Letters of objection on the following concerns:

Amenity

- Loss of privacy from increased number, and size, of windows

Design

- Design is not in-keeping with the character of the mews
- Façade should be retained

Trees

- Harm to trees at the rear of the site

Parking

- Loss of off street parking
- Any agreement to park on the adjacent private roadway could be terminated

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#### Construction

- Noise/vibration during construction works
- Lost income from works close to short term lets
- Condition of neighbouring properties should be recorded
- Absence of delivery/travel plan for construction works
- Need for construction noise sensors on site

#### Procedure

- Site notice was posted too far from the site

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Site

The application site is a, vacant, single family dwellinghouse comprising ground and two upper floors with an integral garage. The property is unlisted but is located within the Mayfair Conservation Area and the Core Central Activities Zone (Core CAZ).

There is an existing patio at rear ground floor level, enclosed by a dwarf wall. This area overlooks a rear communal garden, accessible from neighbouring properties, which contains various shrubs and trees, including a mature tree directly adjacent to the site boundary.

Access to the site is via a private driveway, owned by the Grosvenor Estate, to the north of Woods Mews.

### 6.2 Recent Relevant History

18 August 2015: Permission refused for the demolition of the existing building, excavation of two basement levels and the erection of a part three/part four storey single family dwelling with terraces at ground and third floor level, with associated stair access, and an integral garage at ground floor level. Installation of green roof areas and PV cells at main roof level. 14/08487/FULL.

The Committee refused the application on the grounds that the demolition of the existing building, which makes a positive contribution to the character and appearance of the Mayfair Conservation Area, and its replacement with a new building of inappropriate design and materials would fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area; loss of daylight for the people living in 2 Dunraven Street in particular the ground floor living/dining room and kitchen.

November 2015: Certificate of Lawful Development issued confirming that the excavation of two basement levels (210 sq.m) could be constructed under permitted development (15/09236/CLOPUD). No works have been undertaken.

In July 2016 the City Council adopted an Article 4 direction which removes the permitted development rights for basements development across the City. Consequently, the

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works subject to the Lawful Development Certificate are no longer lawful and cannot be afforded material weight in the determination of this application.

## **7. THE PROPOSAL**

Permission is sought for the demolition of the existing building and for the property and the erection of a replacement single family dwelling house on basement, ground and two upper floors with terraces on rear first and second floors.

The application has been amended to incorporate an integral garage, to reduce the size of windows to the south (Wood's Mews) façade and to include opaque glass within the central window column on this elevation. In addition, a second basement level, which was intended to accommodate plant, has been omitted from the scheme and the depth of the first basement has been reduced. The basement plant has been relocated, internally, under the stairs at basement and ground floor level.

The proposed basement at 99 sq.m. would be significantly smaller than that which was proposed under the scheme refused in 2015.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Residential use and quality of accommodation**

Although the existing four bedroom dwelling would be replaced by a three bedroomed house, both units would be considered to be family sized accommodation. The overall amount of residential floorspace on the site would be increased by 90 sq.m. This increase accords with UDP policy H3 and City Plan Policy S14.

The proposed dwelling would benefit from good levels of daylight and sunlight, and would far exceed the minimum standards set out in the Nationally Described Space Standards (NDSS). The scheme would increase the amount of private amenity space on three terrace areas. The development would provide a good standard of accommodation for future occupiers.

### **8.2 Townscape and Design**

The original late Victorian building was a simply detailed structure with a few flamboyant details which distinguished it from more mundane buildings of its type. It has been much altered in the latter part of the 20th century and it lacks most of the visual interest it once possessed. Nevertheless, in refusing permission for redevelopment of the site in 2015 the City Council decided that the existing building makes a positive contribution to the character and appearance of the conservation area and that the proposed replacement building was unacceptable in terms of its detailed design and use of materials, failing to preserve or enhance the character and appearance of the conservation area..

Mayfair is an area of mixed character, containing old and new buildings of varying aesthetic merit, and Wood's Mews is no exception. Consequently, demolition of the

existing building could be appropriate subject to the quality of the proposed replacement building.

The current scheme seeks approval for demolition of the existing building but the design of the proposed dwelling is substantially different to that under the previous scheme. In addition, its height bulk and massing are similar to that of the existing building and represent a reduction in comparison to the development refused in 2015.

The facades, as proposed, are considered an improvement when compared to the existing building and reflect the general character and appearance of buildings in the surrounding conservation area in terms of their fenestration and use of facing brick. In particular, the detailed design of the facades is highly successful and their subtle detailing compares favourably with surrounding buildings. To prevent a re-occurrence of, the existing, painted brickwork, a condition is recommended to remove permitted development rights, which would allow the façade to be painted.

There is a clear hierarchy of fenestration and the blind arcade, with small high-level windows at ground floor level is an attractive way of dealing with the side wall of the garage. The design provides appropriate visual interest in the street and it is an improvement when compared to the, extensively altered, facades of the existing building.

In design and heritage asset terms, there is no objection in principle to basement excavation on this site. The basement does not visually manifest itself in any way that is detrimental to the character or appearance of the surrounding conservation area. Nevertheless, the site in an area of archaeological priority and as such as condition is recommended to ensure archaeological monitoring is carried out as part of any development involving basement excavation.

The existing building has been altered in the past to the detriment of its appearance. When considered against the architectural improvement to the character and appearance of the conservation area that the proposal would produce, the proposed modern architectural treatment of the facades is considered acceptable and as the basement does not have any external manifestation (such as lightwells), both aspects of the proposal are considered acceptable in design and heritage asset terms. The development is therefore considered to fully accord with the City Council's development plan policies and supplementary planning guidance 'Development and Demolition in Conservation Areas'. In these circumstances, objections on the grounds that the building façade should be retained and that the proposed design is not in keeping with the character of the mew, cannot be supported.

**8.3 Residential Amenity**

City Plan policy S29 seeks to safeguard the amenity of existing residents. Policy ENV 13 of the UDP seeks to protect and improve the residential environment and resists proposals which would result in a material loss of daylight and sunlight and/or significant increase in sense of enclosure or overlooking.



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### **Privacy**

Objections have been received from neighbouring residential occupiers at 3-5 Woods Mews, 4 Dunraven Street and 6, 8 and 10 Woods Mews on the grounds that the development would result in overlooking and loss of privacy to neighbouring properties and the communal garden.

3-5 Woods Mews is immediately adjacent to the application site. There are no windows on the proposed dwelling that would cause any loss of privacy to this neighbouring property. 4 Dunraven Street is set perpendicular to, and due north of, the application site. There would be limited, oblique, views from the rear of the proposed house towards the rear of flats in this neighbouring building, but it is not considered that the impact would be so significant as to justify a reason for refusal. Further, any oblique views would be screened by a mature tree, which is located immediately to the north of the application site.

Numbers 6, 8 and 10 Woods Mews are located on the opposite (southern) side of the Wood's Mews, with nos. 6 and 8 being offset to the west. Consequently, there would be only limited, oblique views between the habitable spaces of these flats and the application site.

No. 10 Woods Mews is located directly opposite the application site. Windows serve a first floor kitchen and dining room and a second floor bedroom and en-suite bathroom. Windows on the southern facade of the proposed dwelling have been positioned to be offset from those at 10 Woods Mews. Further, the scheme has been revised to reduce the amount of glazing and raise the window cill heights to all floors and to incorporate obscured glass to the central window column. This obscured glazing would be secured by condition. Given these amendments and the buildings are separated by a mews width, which is not an untypical relationship between dwellings, it is not considered that the proposal would give rise to a material loss of privacy to properties on the south side of the mews. As the development would replace an existing dwelling with windows on all facades, it is not considered that the proposed glazing would give rise to any unacceptable increase in overlooking to neighbouring properties.

The proposed terrace at first and second floor levels would be set back behind the rear building line at 3-5 Wood's Mews and would be screened, to the north, by a mature tree. The submitted plans also show some privacy planting along the west edge of the terrace, details of which could be secured by condition.

The proposed first floor terrace, which is also be behind the rear wall of 3-5 Wood's Mews, would be limited in size. It is not considered that its use would cause any loss of privacy to neighbouring properties.

### **Daylight and Sunlight**

Policy ENV 13 seeks to ensure good daylight levels to habitable rooms in existing residential properties.

The daylight and sunlight report submitted as part of the previous application included notational layouts for 2 Dunraven Street and concluded that losses of light to some

rooms would breach the BRE guidelines. The current report is based upon original layout plans for this neighbouring property. A number of rooms previously designated as study or kitchens have now been re-designated as dining rooms and bedrooms.

The submitted daylight and sunlight report assesses the impact of the development on 38 Green Street, 3-5 and 6, 8, and 10 Woods Mews and 1, 2 and 3 Dunraven Street

#### Daylight

The principle test for measuring the impact of the development upon the level of light received to neighbouring properties is the Vertical Sky Component (VSC), the amount of light reaching the face of a window. If the VSC is both less than 27% and values as a result of the development would be less than 0.8 times its former value then the impact would be noticeable.

The height and bulk of the proposed building is similar to the existing and the submitted daylight report shows that any loss of light to neighbouring buildings would comply with BRE guidelines and that all properties would continue to receive good natural light. The previous scheme, which proposed a new building on ground and part two/part three upper floors was refused on the grounds that it would result in a material loss of light to 2 Dunraven Street, in particular the to the ground floor living/dining room and kitchen. The loss of light to these windows was 21.13, 28.18, 27.94 and 13.21%. Losses to these ground floor windows would now be 6.97 and 2.23% (with resulting values of 16.26 and 9.22%) to the ground floor living room and 5.67 and 5.04% (with resulting values of 11.78 and 12.72%) to the kitchen.

#### Sunlight

The impact of the development on the amount of sunlight received to neighbouring properties is measured by Annual Probable Sunlight Hours (APSH). Only those windows which face within 90 degrees of due south need to be tested. If the proposed sunlight is less than 25% APSH including 5% in the winter months and the loss is greater than 20% over the whole year then the loss of sunlight will be noticeable.

The submitted report shows that any loss of annual or winter sun will be within acceptable parameters.

#### **Sense of Enclosure**

The proposed building would be similar in height and massing to the existing building. As such, it is not considered that there would be any increase in sense of enclosure to neighbouring properties.

In view of the above, it is not considered that the proposed development would have a material impact upon the amenities of neighbouring occupiers and accords with policies ENV 13 and S29.

### **8.4 Transportation/Parking**

The development would not result in any net change to the number of residential units.

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The scheme originally omitted the ground floor garage space and included proposals to provide parking on the private access road outside of the dwelling, which is owned by the Grosvenor Estate. Objections were received to the loss of parking and to the fact that, as the private roadway is not owned by the applicant, any arrangement to park vehicles on this land could be terminated. The application has been revised to include an integral garage space, which would be secured by condition. In these circumstances, the proposals would replicate the existing car parking arrangements and would comply with UDP policies TRANS 21 and TRANS 23.

The application proposes 2 cycle parking spaces within the garage in accordance with London Plan policy 6.9. This cycle parking would be secured by condition.

## **8.5 Economic Considerations**

Any economic benefits generated by the proposal are welcomed.

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

### **Basement development**

The proposal includes the excavation of a single basement, which is compliant with City Plan Policy CM28.1.

As required by this policy, the applicant has provided a structural method statement setting out the construction methodology for the basement. Any report by a member of the relevant professional institution carries a duty of care, which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction, which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

The City Council is not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course.

The application has been assessed by the Building Control Officer who has advised that the proposed structural methodology appears satisfactory and is appropriate for this site. 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 low.

### **Construction Impact**

Objections have been received on the grounds that the construction works could result in a loss of income to the owners of 6, 8 and 10 Wood's Mews, which are occupied on

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short term tenancies. The objectors have also requests that the applicant commissions a record of condition of their properties. Objectors have requested that noise sensors be installed on site and that a delivery/travel plan be submitted in relation to construction traffic/works.

The applicant has confirmed that they will sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the basement construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupiers during the construction process to ensure that neighbours' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and to ensure compliance. This would be secured by condition. A further condition is recommended to control the hours of excavation and building works.

It is acknowledged that construction works have the potential to affect the amenity of neighbouring occupiers but the impact on rental income is not a material planning consideration. However, subject to the conditions outlined above, it is considered that the potential effects of the construction process upon the amenities of neighbouring occupiers will be ameliorated as far as possible. The Council would not insist upon a survey of neighbouring properties be undertaken but this is a matter which the objectors may wish to explore with the applicants.

### **Plant**

The scheme originally proposed to provide plan at second basement level and within an internal plant are at rear second floor level, which would be accessed from the terrace. The plans have been revised to omit the second basement and to relocate this plant to areas beneath the stairs on the basement and ground floors. An internal flue would be installed which would terminate at roof level. Given that all plant would be located internally, it will not be harmful to views from the public realm or from local private views.

The acoustic report, submitted proposals to the omission of the basement, has been assessed by the Council's Environmental Health Officer. They consider that that the proposed plant is likely to comply with the City Council's noise policy ENV 7 of the UDP but, as the plant has not been selected, have requested a condition requiring the submission of a supplementary noise reports to demonstrate that the plant would operate in accordance with the Council's requirements regarding noise and vibration. Subject to conditions, it is considered that the development would comply with UDP policy ENV7 and policy S32 of the City Plan and would not materially affect the amenity of neighbouring properties.

### **Refuse /Recycling**

Waste and recycling storage would be located at ground floor level to the rear of the garage. The submitted plans demonstrate that there would be sufficient storage space for a development of this size. It is recommended that provision of waste storage is secured by condition.

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### **Sustainability & Biodiversity**

The application proposes a green roof. This is welcomed and accords with City Plan Policy S38 and ENV17 of the UDP. It is recommended that details of this roof (construction and planting) are secured by condition.

### **Trees**

Two objections raise concern over the impact of the proposed development on mature trees to the rear of the site. The Council's Arboricultural Manager originally expressed concern over the impact of the works on these trees and, in response to this, the applicant has submitted supplementary information on the proposed piling methodology. The Council's Arboricultural Manager has confirmed that the additional information overcomes their concerns, and has raised no objection subject to a number of conditions which seek to prevent any damage to the mature Maple tree to the rear of the site.

### **8.7 London Plan**

This application raises no strategic issues.

### **8.8 National Policy/Guidance Considerations**

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

### **8.9 Planning Obligations**

This application does not trigger any planning obligations.

### **8.10 Other Issues**

#### **Site Notice**

One neighbouring resident has raised concerns that the site notice was put up too far from the application site. Council records demonstrate that the notice was fixed to a lamp post outside 16 Woods Mews. This is approximately 15m from the application site. The only other street posts in the vicinity of the site are located immediately adjacent to parking spaces, where a site notice could have been obscured by taller parked vehicles. It is considered that the site notice was placed sufficiently close to the application site and that the Council has fulfilled its duty to consult in accordance with article 15 of the Development Management Procedure Order (DMPO) 2015. All neighbouring properties have received letters notifying them of the proposed development.

### **8.11 Conclusion**

The proposals are considered acceptable in amenity and design terms and comply with the City Council's UDP and City Plan policies and the application is recommended for approval.

## **9. BACKGROUND PAPERS**

1. Application form
2. Email from Councillor Roberts dated 3 February 2018
3. Email from Councillor Glanz dated 2 February 2018
4. Response from Historic England (Listed Builds/Con Areas), dated 15 January 2018

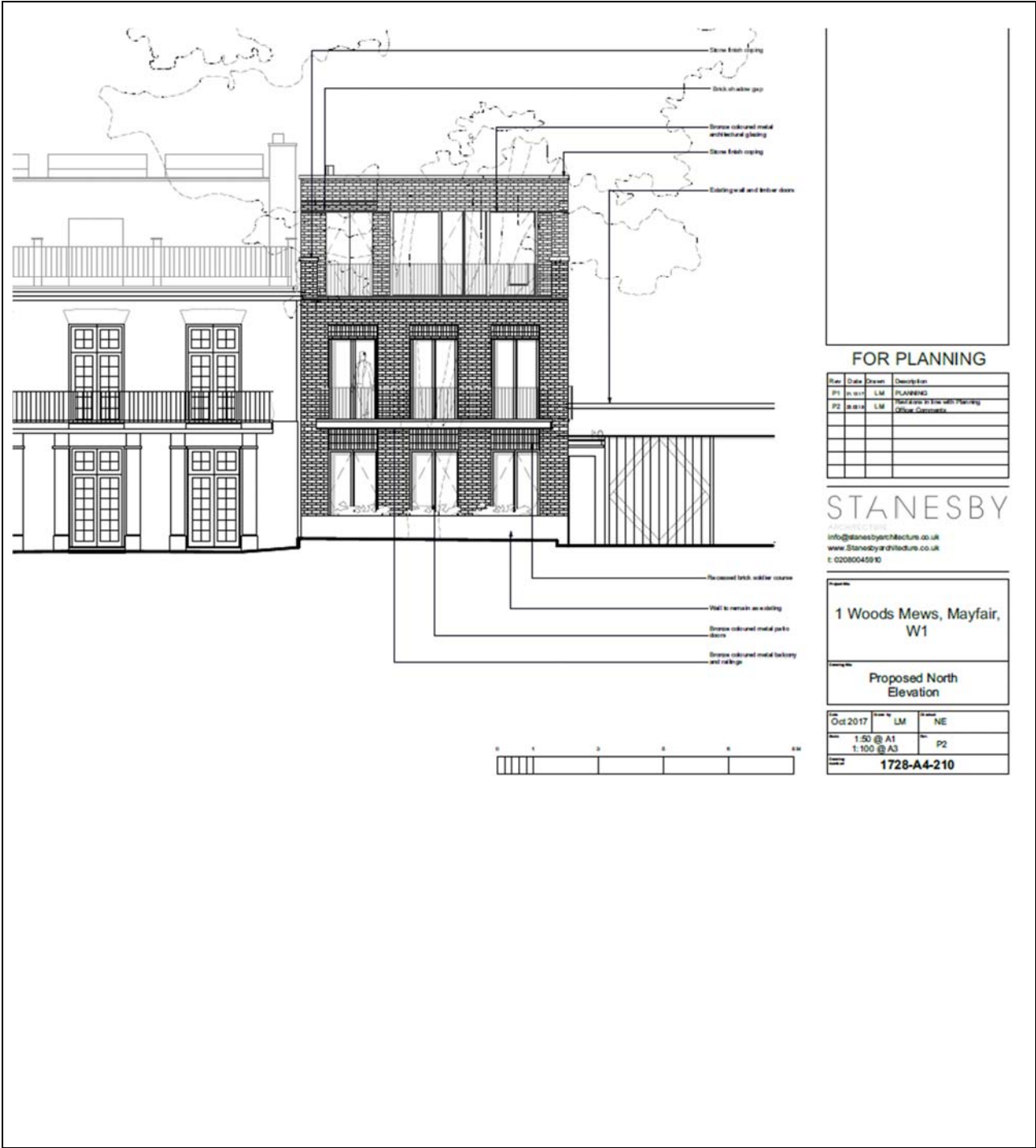
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5. Responses from Cross London Rail Links Ltd (1), dated 18 January and 2 March 2018
6. Responses from Environmental Health dated 10 January and 9 April 2018
7. Response from Cleansing dated 17 January and 14 March 2018
8. Response from Highways dated 22 January and 12 March 2018
9. Response from Building Control dated 19 February 2018
10. Responses from Arboricultural Officer dated 19 February and 1 March 2018
11. Letter from occupier of 3-5 Woods Mews dated 31 January 2018
12. Letter from occupier of Flat 2, Warburton House, 4 Dunraven Street dated 14 January 2018
13. Letter on behalf of the owners 6, 8, and 10 Woods Mews dated 8 February 2018
14. Letters/emails from occupier of 10 Woods Mews dated 30 January and 3 April (two)2018.

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

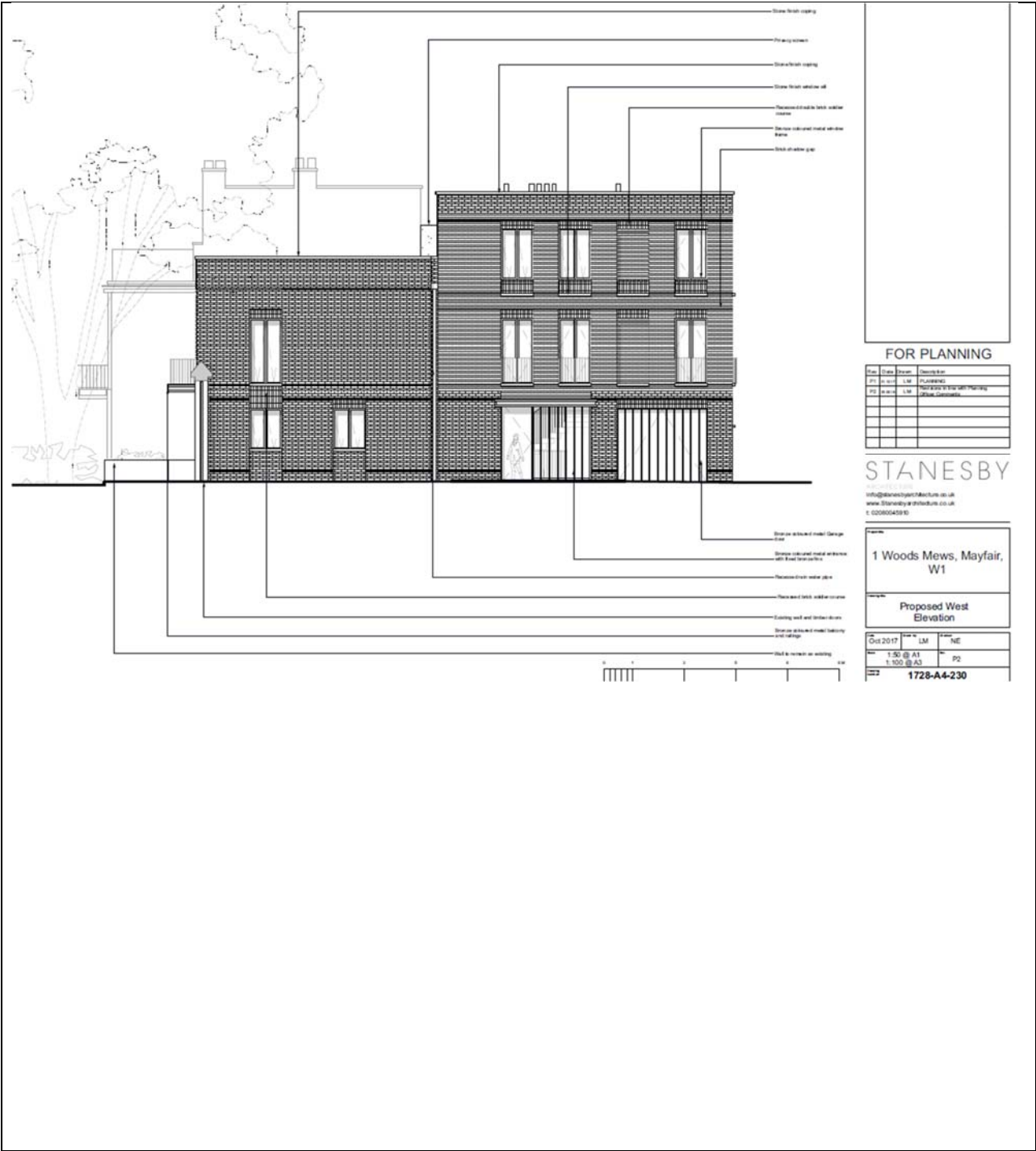
<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT <a href="mailto:SSPURRIER@WESTMINSTER.GOV.UK">SSPURRIER@WESTMINSTER.GOV.UK</a></p>
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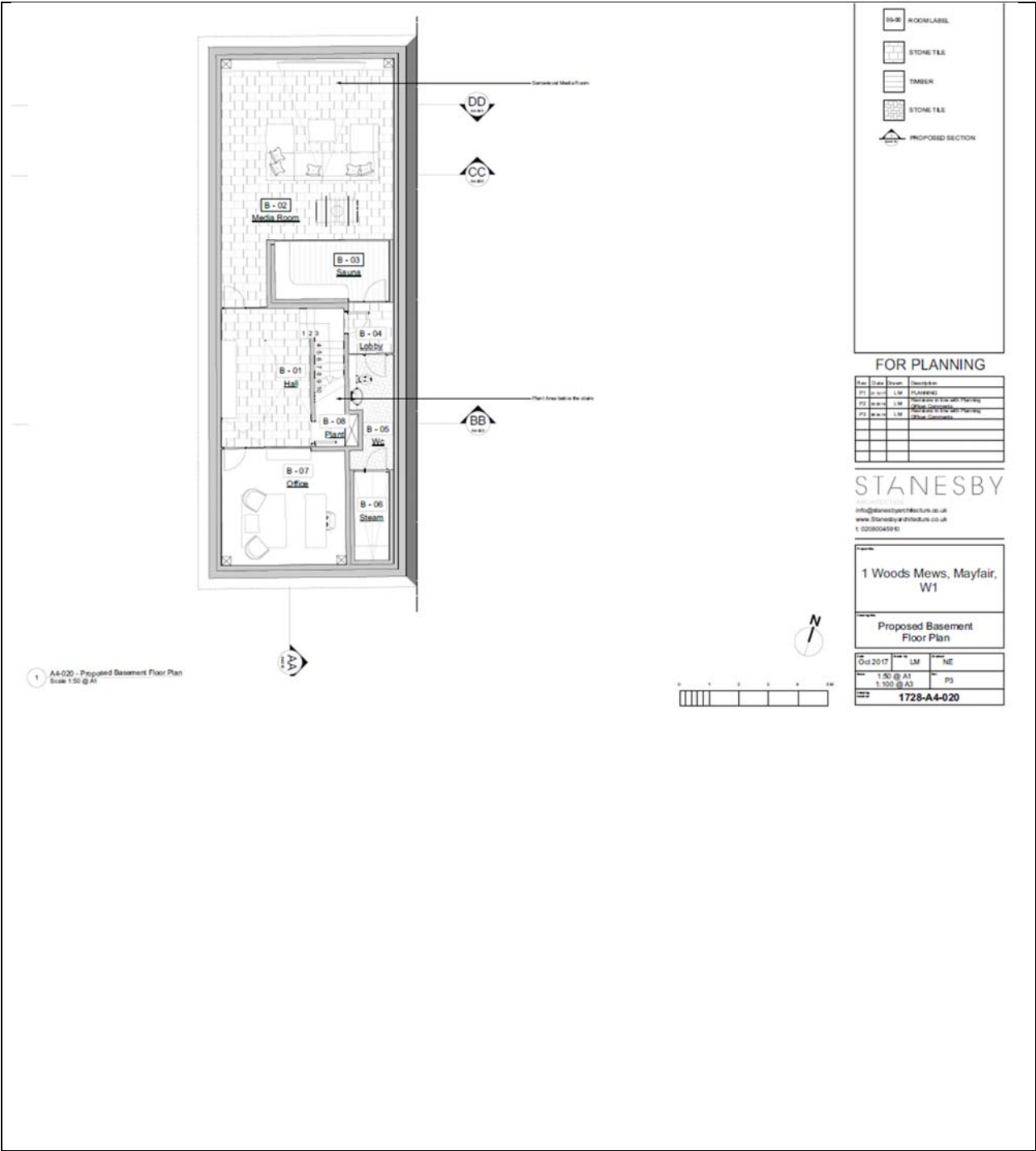
10. KEY DRAWINGS

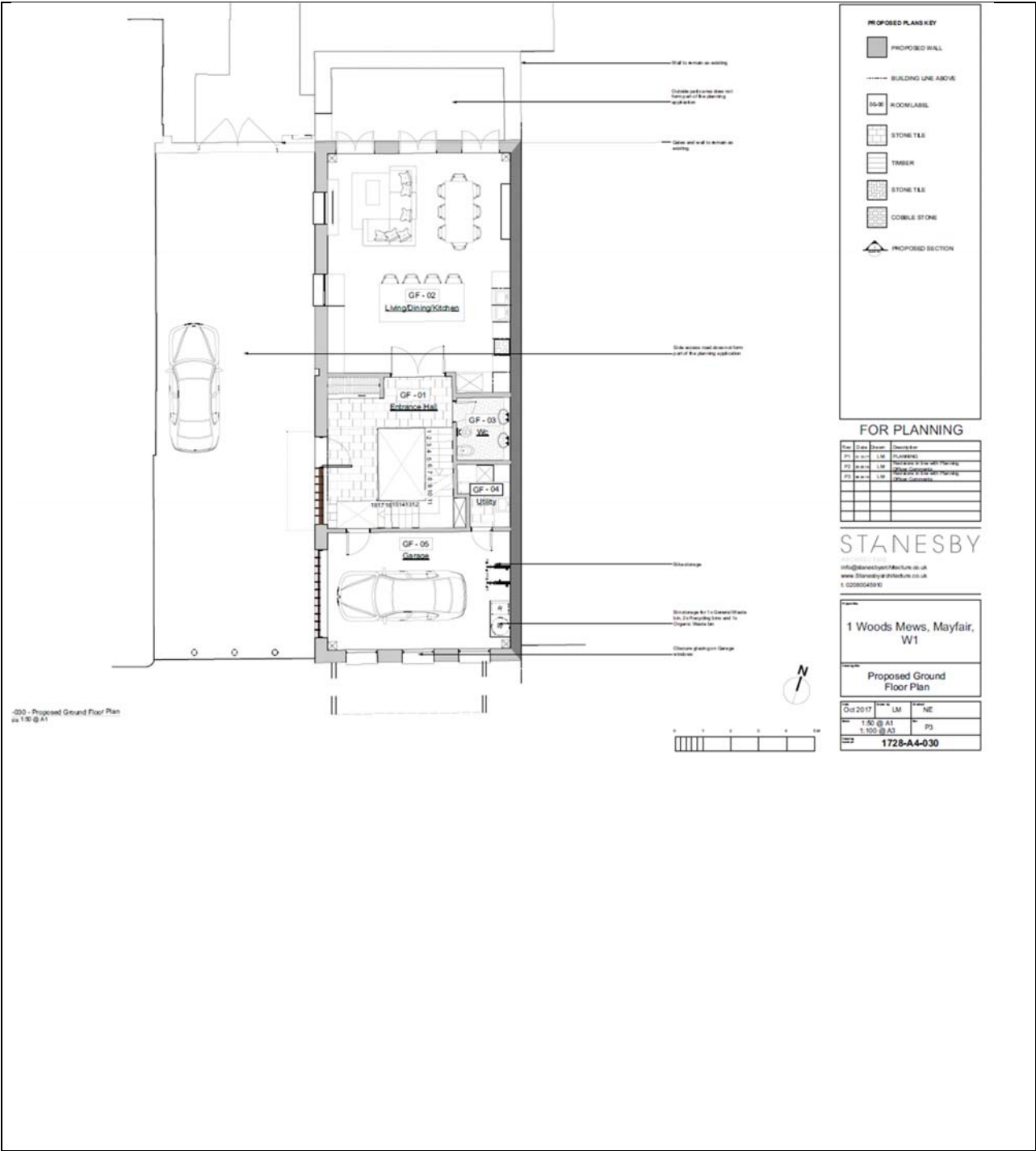


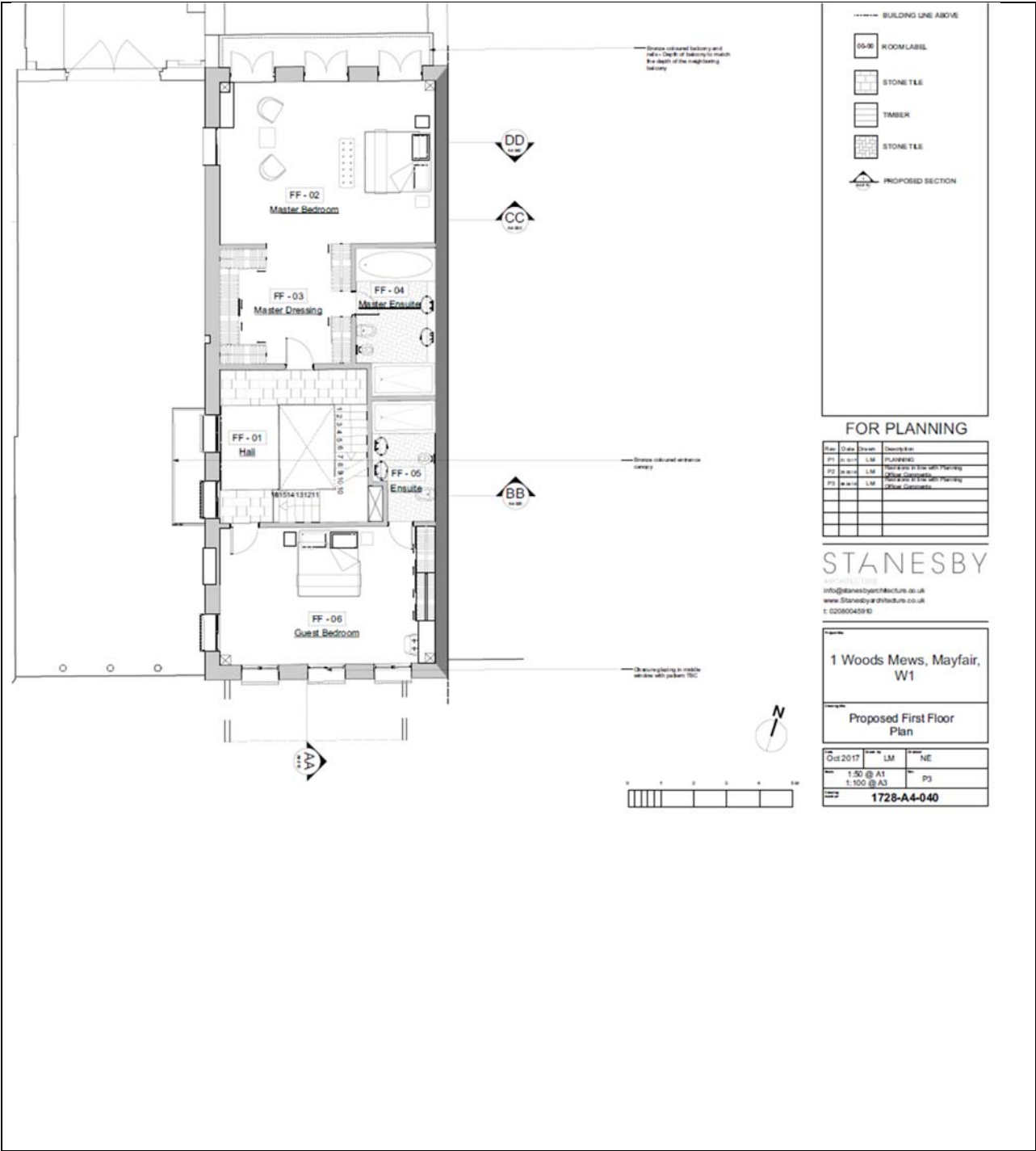


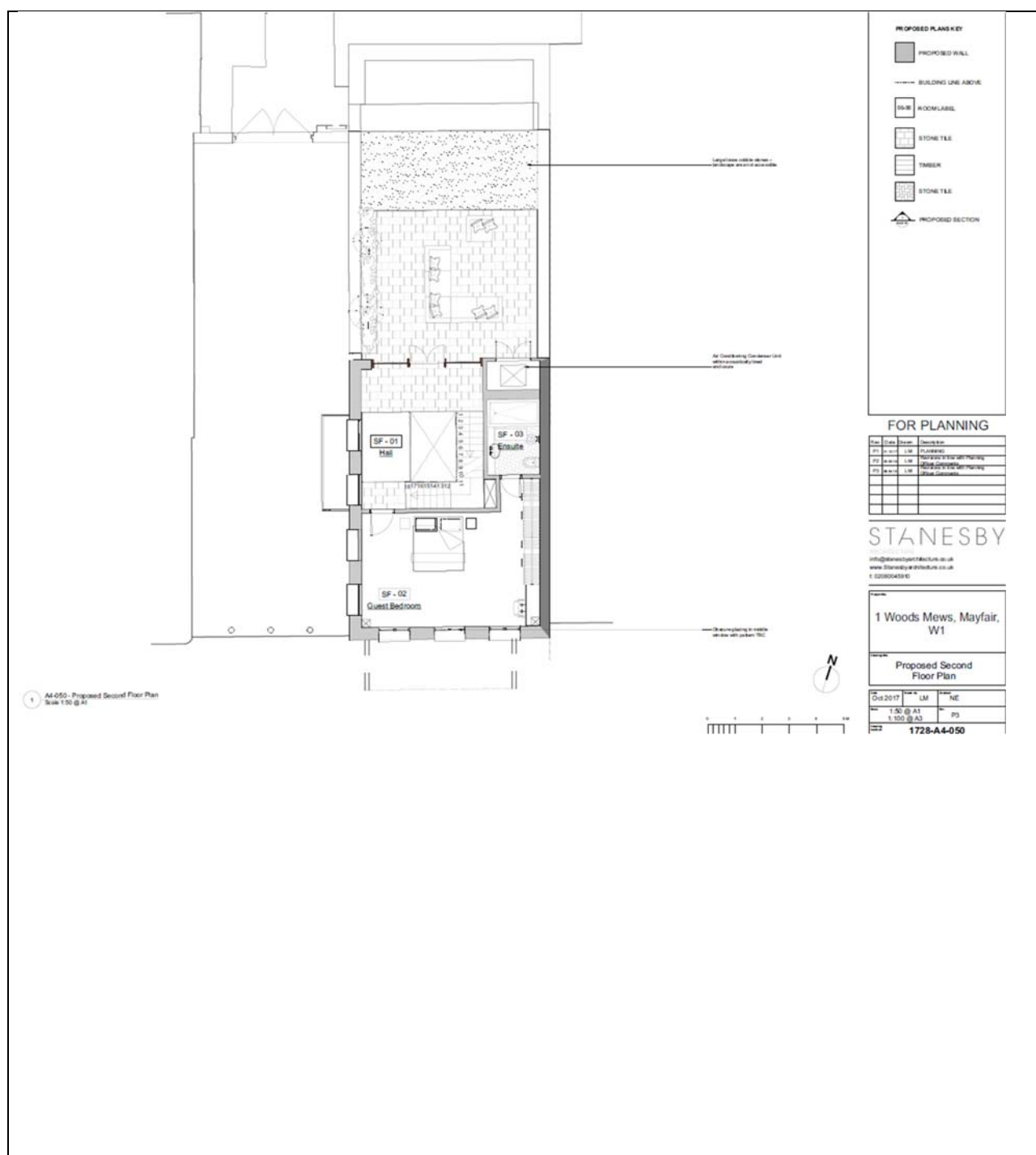


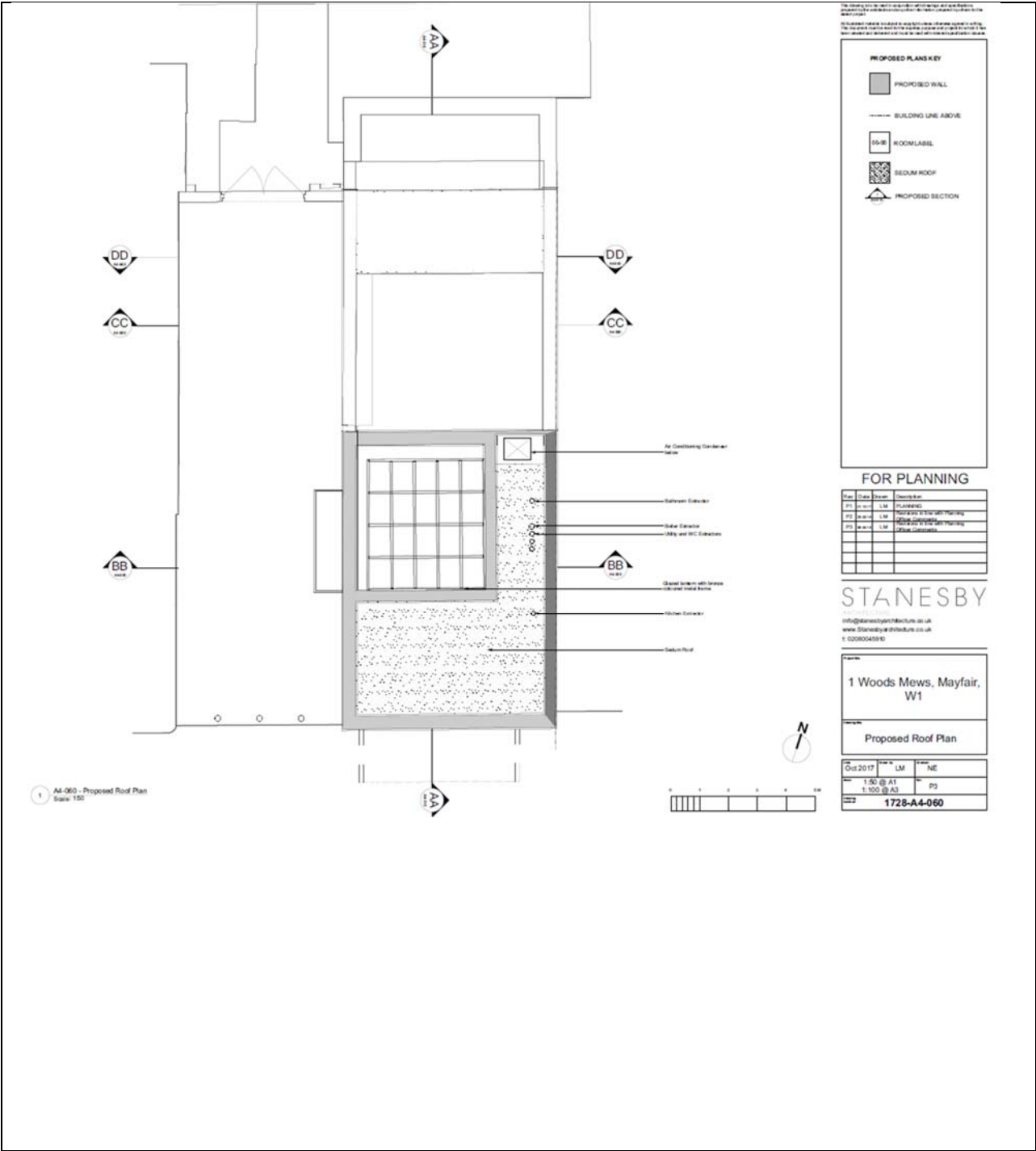














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## DRAFT DECISION LETTER

**Address:** 1 Wood's Mews, London, W1K 7DL

**Proposal:** Demolition of the existing building and erection of a three storey building with basement, terraces at rear first and second floor level for use as a single family dwelling house (Class C3); new canopy on the west elevation, and green roof

**Reference:** 18/00046/FULL

**Plan Nos:** 1728-A4-020 Rev P3, 1728-A4-030 Rev P3, 1728-A4-040 Rev P3, 1728-A4-050 Rev P3, 1728-A4-060 Rev P3, 1728-A4-210 Rev P2, 1728-A4-220 Rev P2, 1728-A4-230 Rev P2, 1728-A4-310 Rev P3, 1728-A4-320 Rev P3, 1728-A4-330 Rev P3, 1728-A4-340 Rev P3; Arboricultural Report ( ha/aiams2/woodsmws 20 February 2018) and plan (TPP1\_WM

**Case Officer:** Gemma Bassett

**Direct Tel. No.** 020 7641 2814

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

#### Conditions

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

Reason:

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

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

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

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

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

Reason:



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

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

Reason:

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

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

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Reason:

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

- 5 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 3 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 6 You must provide the waste store shown on drawing 1728-A4-030 Rev P3 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the dwelling. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

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)

- 7 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:-
- i) Accommodate the proposed location of the Crossrail structures including tunnels, shafts and temporary works
  - ii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail railway within the tunnels and other structures,
  - iii) Mitigate the effects on Crossrail, of ground movement arising from development, Crossrail requires to see the full scope of the development, the ground movement impact and the N&V assessment results.

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

None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development

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and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

- 8 None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

- 9 Piling must take place from within the footprint of 1 Woods Mews and the piling equipment must not straddle the proposed pile line on the rear elevation of the building. No part of the piles including the pile cap must project beyond the rear elevation of the existing dwelling. If you want to vary or alter the pile location or method of installation, you must apply to us for our prior approval and you must not start any work until we have approved what you have sent to us.

Reason:

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

- 10 You must protect the trees according to the details, proposals and recommendations set out in your Arboricultural Report (ha/aiams2/woodsmws 20 February 2018) and plan (TPP1\_WM). If you want to revise any of these tree protection provisions, you must apply to us for our approval of the revised details, and you must not carry out work the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

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

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- 11 You must submit details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:
- identification of individual responsibilities and key personnel.
  - induction and personnel awareness of arboricultural matters.
  - supervision schedule, indicating frequency and methods of site visiting and record keeping
  - procedures for dealing with variations and incidents., You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule. You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

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

- 12 You must apply to us for approval of details of any proposed alterations to the existing ground levels for landscaping or otherwise, or any other works to be undertaken within the Root Protection Area of any tree within the tree survey plan and schedule. You must not start any work with the Root Protection Area of the tree(s) until we have approved what you have sent us

Reason:

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

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

Reason:

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

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- 14 You must apply to us for approval of detailed drawings at 1:10 of the following parts of the development all external doors and a typical example of each. You must not start work until we have approved what you have sent us., You must then carry out the work according to these details. (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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

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

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

Reason:

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

- 17 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

Reason:

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

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

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

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

Reason:

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

- 20 **Pre Commencement Condition.**, (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us., (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST., , (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

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

- 21 You must only use the garage for people living in this property to park their private motor vehicles. (C22EB)

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

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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.

- 23 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)

- 24 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 month 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 1 year of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Mayfair Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 25 You must not use the part of the rear second floor roof terrace annotated as inaccessible on drawing 1728-A4-050 rev P3 for sitting out or for any other purpose. You can however use the roof to escape in an emergency

Reason:

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

- 26 The glass that you put in the central window column and at ground floor level in the south elevation of the building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the

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development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

## Informatives

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, Phone: 020 7641 2000, , Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)
- 3 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:,, \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;,, \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant., , Preparing a health and safety file is an important part of the regulations. This is a record of information for the client



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or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm). It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 4 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
  - \* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
  - \* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
  - \* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
  - \* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
  - \* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
  
- 5 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
  - \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.;
  - \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.;
  - \* Lighting - ensure luminaires can be safely accessed for replacement.;
  - \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).;
 More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm). , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
  
- 6 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
  
- 7 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply. , The Equality and Human Rights Commission has a

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range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk). , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk) , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 8 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)
- 9 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 10 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 11 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 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)
- 13 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

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

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	53 Chandos Place, London, WC2N 4HS		
Proposal	Use of the basement, ground to fourth floor of the building as a hotel (Class C1) with ancillary cafe at ground floor level. External alterations to include 5 no. new windows on the west elevation and installation of acoustic louvres and photovoltaics at roof level. Alterations to windows on the rear elevation and provision of a louvred screen (ground to fifth floor level) fronting rear courtyard area and alterations to rear courtyard area.		
Agent	Planning Resolution Ltd		
On behalf of	Z Hotels Ltd		
Registered Number	18/02861/FULL	Date amended/ completed	10 April 2018
Date Application Received	10 April 2018		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

53 Chandos Place is a seven-storey building comprising of offices at basement to fourth floor level and a residential unit at fifth floor level. The building is located on the corner of Chandos Place and Bedfordbury and is unlisted but within the Covent Garden Conservation Area. The site is within the Core Central Activities Zone. The nearest residential properties are located to the rear of the site at Duval Court, Bedfordbury and 8 Bedford Court.

Planning permission is sought for use of the basement, ground to fourth floor of the building as a hotel (Class C1) with ancillary cafe at ground floor level. External alterations proposed include 5 no. new windows on the west elevation; installation of acoustic louvres and photovoltaics at roof level; alterations to windows and provision of a louvred screen (ground to fifth floor level) on the rear elevation fronting rear courtyard area; and alterations to rear courtyard area.

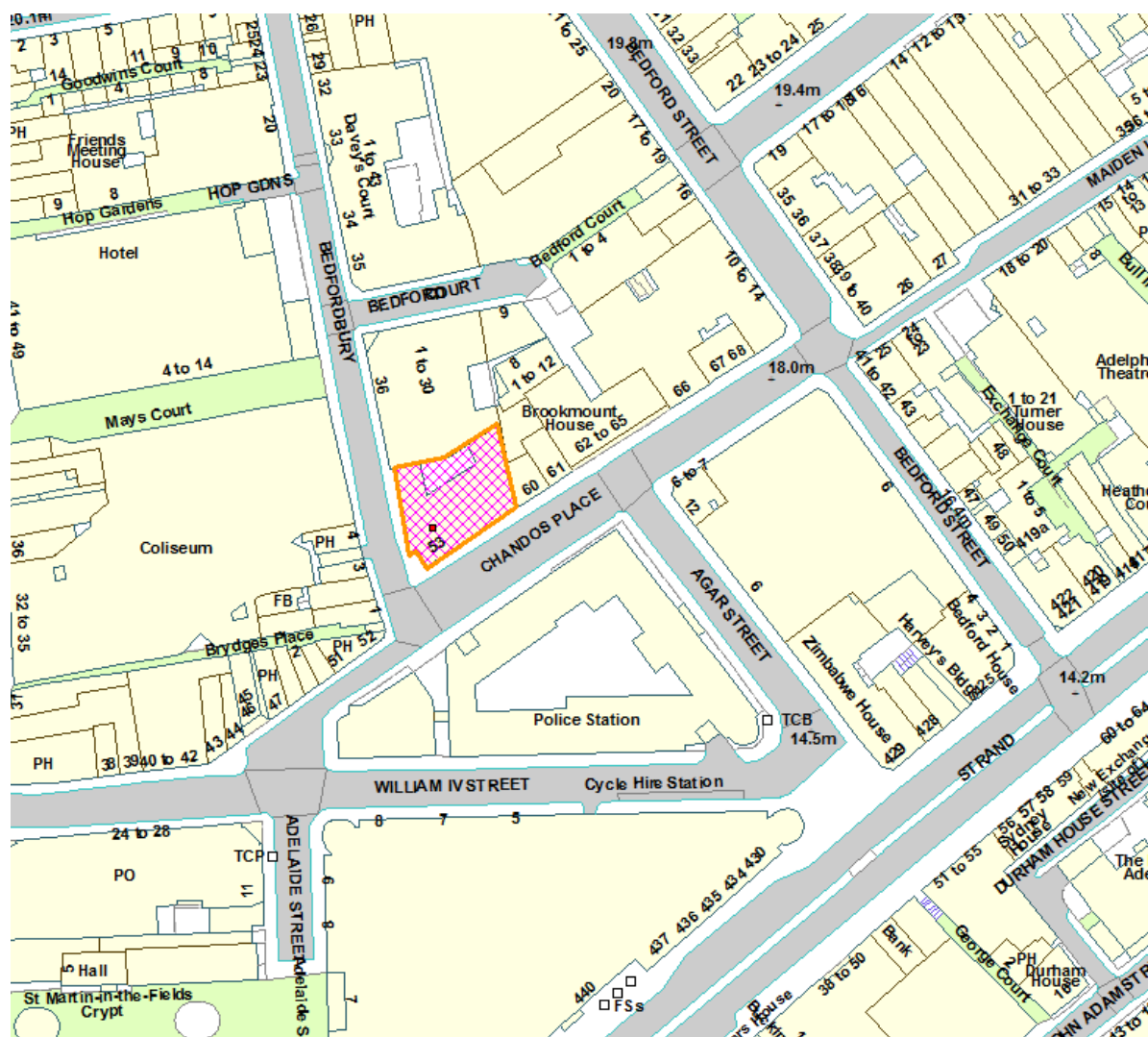
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The key issues for consideration are:

- The land use implications on the surrounding area;
- The impact of the proposal on the amenity of surrounding residents;
- The impact of the proposals on the surrounding highway network; and
- The impact of the proposed alterations on the character and appearance of the building and Covent Garden Conservation Area.

The proposed hotel use and associated works are considered acceptable in land use, amenity, design and conservation area terms and in accordance with the Westminster City Plan and Unitary Development Plan policies.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS





## 5. CONSULTATIONS

### COVENT GARDEN COMMUNITY ASSOCIATION:

Objection on following grounds:

- saturation of hotels in the conservation area, particularly the lack of diversity in the type of hotels being proposed.
- noise and disturbance caused by customers of the hotel to adjoining properties.
- increased volume of servicing and deliveries.
- Councils environmental health officer notes, the applicant has failed to properly account for the impact on local residents from the proposed hotel use as well as the addition of plant and equipment.

### COVENT GARDEN AREA TRUST:

Any comments to be reported verbally.

### METROPOLITAN POLICE:

No objection.

- the management plans and procedures in place do address a number of issues which hotels, especially in busy or central locations, suffer from (ranging from aggressive customers, credit card fraud, theft and Child Sexual Exploitation (CSE))
- security they have in place prior to any person attending the location is strict and controlled.
- they will support staff in challenging inappropriate behaviour whether inside the premises or outside in the public realm.
- there is no bar or restaurant attached to the premises which normally in any other hotel does cause issues and the café inside, though for public use, is subtle and has good natural surveillance from the serving area and reception.

### DESIGNING OUT CRIME:

Any comments to be reported verbally.

### ENVIRONMENTAL HEALTH:

No objection raised (Reconsulted on 07 June 2018 with revised acoustic report).

### HIGHWAYS PLANNING MANAGER:

Unacceptable but could be made acceptable subject to:

- a condition requiring further details of how the operator would manage coach parties.
- a condition restricting bookings from no more than 14 people.

### CLEANSING MANAGER:

No objection.

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

No. Consulted: 124; Total No. of replies: 3

Three objections on some or all of the following grounds:

#### Land use

- Covent Garden is already well served by hotels.

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- Cumulative impact of hotel in light of recently approved schemes and existing hotels in immediate area.
- Existing building should be used to provide much needed flats.

#### Amenity

- noise disturbance from the proposed use.
- noise from mechanical plant.

#### Highways

- access to the hotel from public transport would be along Chandos Place where the pavements are inadequate for the amount of pedestrian traffic.
- additional traffic generated by the hotel would add to congestion in the area.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

53 Chandos Place is a seven-storey building comprising of basement, ground and five upper floors. The building is in use as offices at basement to fourth floor level with a residential unit at fifth floor level. The nearest residential properties are located to the rear of the site at Duval Court, Bedfordbury and 8 Bedford Court.

The building is located on the corner of Chandos Place and Bedfordbury and is unlisted but within the Covent Garden Conservation Area. The site is within the Core Central Activities Zone.

### **6.2 Recent Relevant History**

None relevant.

## **7. THE PROPOSAL**

Planning permission is sought for use of the ground to fourth floor of the building as a hotel (Class C1) with ancillary cafe at ground floor level.

External alterations proposed include five no. new windows on the west elevation; installation of acoustic louvres and photovoltaics at roof level; alterations to windows and provision of a louvred screen (ground to fifth floor level) on the rear elevation fronting rear courtyard area; and alterations to rear courtyard area.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The existing and proposed land uses are summarised as follows:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
<b>Office (Class B1)</b>	2179	0	
<b>Hotel (Class C1)</b>	0	2179	
<b>Residential (Class C3)</b>	323	323	
<b>Total</b>	2502	2502	

(Applicants calculations)

#### Loss of office use

The proposed use of the building as a hotel (Class C1) would result in the loss of 2179 sqm of office floorspace. Policy S20 of the Westminster City Plan (November 2016) relates to offices and seeks to restrict the loss of office space to housing; however, the loss of offices to other commercial uses is acceptable.

#### Hotel use

Policy S23 (Hotels and Conference Facilities) states that new hotels will be directed to the Paddington, Victoria and Tottenham Court Road Opportunity Areas, the Core Central Activities Zone, Named Streets, the Knightsbridge Strategic Cultural Area and the North Westminster Economic Development Area. Hotels are directed to those streets, which do not have a predominantly residential character.

Policy TACE 2 relates to new hotels and extensions to existing hotels. Part A of TACE 2 states that within the CAZ, in streets which do not have a predominantly residential character, on CAZ Frontages and in the PSPA, planning permission will be granted for new hotels and extensions to existing hotels where:

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

The proposal is for a high intensity 123-bedroom hotel by Z-hotels whose concept is to achieve a feeling of comfort and luxury within a limited floor area. A number of the rooms would be windowless. This is an established concept within Z-hotels who currently have four other hotels in operation within Westminster; 17 Moor Street, 5 Lower Belgrave Street, 2 Orange Street and 23 Gloucester Place. Two further schemes have recently been permitted in Covent Garden on 31 - 33 Bedford Street for a 111 bedroom hotel (16/04327/FULL) and at 1 Heathcock Court for a 118 bedroom hotel (17/09494/FULL).

The proposed hotel will provide 123 bedrooms at ground to fourth floor level and would occupy a floorspace of 2179sqm. The hotel bedrooms are of a compact size ranging from 10-16sqm. Out of the 123 bedrooms, 60 rooms would be windowless (48%). The principle of windowless rooms has previously being accepted in the other Z hotel locations.

A café is proposed at ground floor level. The proposed cafe will provide 35 covers for hotel guests and their visitors and can only be accessed through the hotel lobby. The proposed café at ground floor level would provide a selection of hot and cold snacks, refreshments and light snack meals, but no cooking would be involved. The cafe will be open from 0800 to 2100 hours Monday to Saturday and from 1000 to 1800 on Sundays. The provision of a café of this scale is characteristic of the Z Hotels and is acceptable subject to conditions controlling the number of covers, opening hours and that no primary cooking is carried out.

Comments have been received from the local amenity society and residents that the number of hotels in the area has reached a saturation point and that the type of hotels and their accommodation are limited. There is also concern over the cumulative impact of hotels within this part of Covent Garden.

There have been two other approved schemes within close proximity of the application site, 31-33 Bedford Street (16/04327/FULL) and 1 Heathcock Court (17/09494/FULL). In addition another hotel development by Nadler Covent Garden Ltd at 418-422 Strand and 50 Bedford Street is currently under construction. The applicant has stated that since the opening of the first Z Hotel in Old Compton Street there have been two other schemes which are now operating (Lower Belgrave Street and Orange Street). The applicant has further indicated that the Z Hotels which are operating are achieving an average occupancy rate of 82.3% with a 90% occupancy for all their hotels since opening this is indicated by the table below (NB: Fleet Street is within the City of London).

Z Hotels average occupancy since opening

	2012	2013	2014	2015	2016	2017
Z Soho Old Compton Street (85 Rooms)	92.4%	97.3%	98.5%	99.1%	99.7%	99.8%
Z Victoria Lower Belgrave Street (106 Rooms)		97.3%	97.7%	98.8%	99.2%	99.8%
Z Piccadilly Orange Street (112 Rooms)			95.4%	99.6%	99.7%	100.0%
Z City Fleet Street (109 Rooms)				95.9%	99.7%	99.8%

During this time all London Hotels have achieved an average occupancy of 82.3%

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Whilst there may be a cluster of hotels within close proximity to the application site, the applicant has stated that there is demand for this type of accommodation and that the proposed hotel as with the other recently permitted hotels are within the Core Central Activities Zone where commercial uses such as a hotel are directed. The principle of a hotel in this location within the Core CAZ is considered acceptable.

### **Existing residential use**

Policy S14 seeks to protect existing residential floorspace. There is an existing residential unit at fifth floor level, which is currently accessed from the main staircase within the building. It is noted that there is a secondary staircase, which can access the flat. The existing residential unit is to be maintained and it is proposed to use this secondary staircase to access the flat. In order to ensure that there is no loss of the existing residential unit a condition is proposed to maintain the existing flat.

## **8.2 Townscape and Design**

The proposal seeks to install a column of five no. new windows on the west elevation. These windows would provide natural light to bedrooms from ground to fourth floor level. These windows match the existing windows on this façade and in design terms are not considered contentious.

The proposal includes the provision of a louvred screen from ground to fifth floor level on the western elevation facing the rear courtyard area. New mechanical plant is proposed internally at ground and fifth floor level. The proposed louvred screen serves to ventilate the internal mechanical plant. This elevation is not visible from the public realm and is only partially visible from private views from the rear rooms within the application site and from the internal courtyard area of Duval Court and Bedford Court. The proposed screen replaces an existing louvred screen and the proposed alterations are considered acceptable in design terms.

At rear ground floor level it is proposed to change an existing garage mesh with aluminium panels. This area is in a concealed located and only visible to the lower floors of the application site. In design terms, the proposed alterations here are considered acceptable.

Concern has been raised over the provision of mechanical plant at roof level. The proposals had described the relocation of mechanical plant at roof level; however, the plans submitted show that all the mechanical plant is to be located internally at ground and fifth floor level. The only external manifestations at roof level are the provision of acoustic louvres to the rear part of the roof and photovoltaic panels to front part of the roof. The acoustic louvres at roof level would not be visible from street level and there would be limited private views of this alteration. A series of photovoltaic panels are located to the front slope of the roof and given the height of the building there would also be limited views of this alteration.

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### **8.3 Residential Amenity**

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

The rear of the site overlooks the rear building of Duval Court, Bedfordbury and 8 Bedford Court, which are in residential use as flats. An internal courtyard area separates the application site from the residential properties. The Covent Garden Community Association has raised concerns over the proposed mechanical plant and the impact in terms of noise on the adjoining residential properties. An acoustic report was submitted with the application and following officer's advice was revised to reference the impact of the proposed mechanical plant on the residential properties to the rear of the application site. Environmental Health have concluded that the proposed internal mechanical plant, which will be ventilated using acoustic louvres, demonstrates compliance with the City Council's planning noise conditions. In addition Environmental Health have noted that some final mechanical plant selections have yet to be made and on this basis a condition is recommended to secure a supplementary acoustic report.

As the fifth floor flat is to be retained conditions are recommended to secure the internal noise levels between the residential flat and commercial use.

The bottom half of the windows on the rear elevation from first to fourth floor level and facing Duval Court, Bedfordbury and 8 Bedford Court are to be obscurely glazed up to 1.6m high in order to provide privacy between the sites. This part of the building is only visible from private views and the obscuring of these windows, which will be secured by condition will preserve privacy between the two buildings.

In amenity terms, the proposals are in accordance with Policies S29 and S32 of the Westminster City Plan and ENV 13, ENV6 and ENV7 of the UDP (2007).

### **8.4 Transportation/Parking**

#### **Servicing and deliveries**

Policy S42 of the City Plan and TRANS20 of the UDP require the provision of off-site servicing. The existing building has no vehicular access and no off-street servicing or parking. Servicing and refuse collection is currently undertaken on street. The site is located within a Controlled Parking Zone (Monday to Saturday between 0830 and 1830), which means that single and double yellow lines in the vicinity allow loading and unloading to occur. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle.

It is proposed to service the hotel from both Bedfordbury and Chandos Place, as is currently done with the existing office use. The applicant estimates that a maximum of 3-4 deliveries will be required per day for food, beverages, linen, consumables and stationery. This will mean transporting goods along/over the footway and potentially obstructing pedestrian movement. This is an aspect that has been raised as a concern

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by residents adjoining the site given the narrow nature of the pavement areas bordering the site. However, it is acknowledged that the existing office use is serviced in a similar manner. Given the size of the existing B1 use and the size of the ancillary café, it is not considered that the likely level of trip generation is expected to increase to a level, which would have a significant impact on the surrounding public highway. It is however considered that the number of covers provided within the café is subject to a condition to ensure that the café does not increase in terms of the number of covers provided or the area that it occupies at ground floor level. Whilst on street servicing is not an ideal solution, given the existing uncontrolled servicing arrangements for the offices, it is considered that planning permission could not reasonably be withheld on servicing grounds.

#### **Coaches and Taxis**

No provision for coach party arrivals is provided. The applicant indicates that they would not accept coach parties. Coach activity is common for hotels and the drop off or collection of guests from coaches can have a significant impact on the safety and operation of the highway network, including on pedestrians.

On this basis, a condition is recommended to restrict the size of party bookings to minimise the risk of coaches attending the site.

#### **Cycle Parking**

The London Plan Policy 6.9 requires one cycle space per 20 bedrooms. The proposal is seeking to provide 12 cycle spaces, which will be accommodated within the ground floor rear courtyard. The provision of 12 cycle spaces exceeds that required by policy and is considered acceptable. A condition is recommended to secure the provision of the cycle spaces.

### **8.5 Economic Considerations**

The economic benefits associated with the creation of a new hotel are welcomed. The proposed hotel will employ 24 members of staff (full-time). An employment and training opportunities strategy will be secured by condition.

### **8.6 Access**

The proposed development has been designed to meet the requirements of the Disability Discrimination Act (DDA) and incorporates the principles of inclusive design. Level access is proposed into the building with lift access to all floor levels. Six hotel bedrooms (5%) are proposed to be fully wheelchair accessible, with a further six rooms (5%) being adaptable in accordance with the London Plan's requirement for 10% of rooms to be wheelchair accessible. The accessible bedrooms are dispersed throughout the hotel to give a choice of room options.

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

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### **Sustainability**

The applicant has submitted an Energy and Renewables Statement in support of their application. The existing building will incorporate energy efficient mechanical and electrical elements including high performance glazing, heat recovery ventilation, lighting efficiency and low carbon energy technology comprising of Air Source Heat Pumps and Photovoltaic panels, which will achieve a 36.6% improvement in carbon emissions based on the current Building Regulations (2014) for the hotel.

The applicant has undertaken a BREEAM assessment, which confirms that the site proposal will achieve a rating of 62.85% (Very Good).

### **Refuse and Recycling**

The proposed refuse store is to be located at ground floor level. The Cleansing Manager has stated that the refuse store is too small to cope with a hotel of 2,179sqm and requested a larger waste store, provision of bigger bins more than the proposed 240L bins and further information on the proposed compactor. This has now been provided and based on the information provided in the applicant's waste management plan a condition is recommended to secure these details.

## **8.8 London Plan**

This application raises no strategic issues.

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

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

## **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application. The applicant has agreed to provide an employment and training opportunities strategy for the hotel use and it is recommended that this be secured through a Grampian condition.

The estimated CIL payment is £1,423,988.56 Westminster CIL and £157,317.94 Mayor's CIL.

## **8.11 Environmental Impact Assessment**

Not applicable.

## **8.12 Other Issues**



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### **Crime and security**

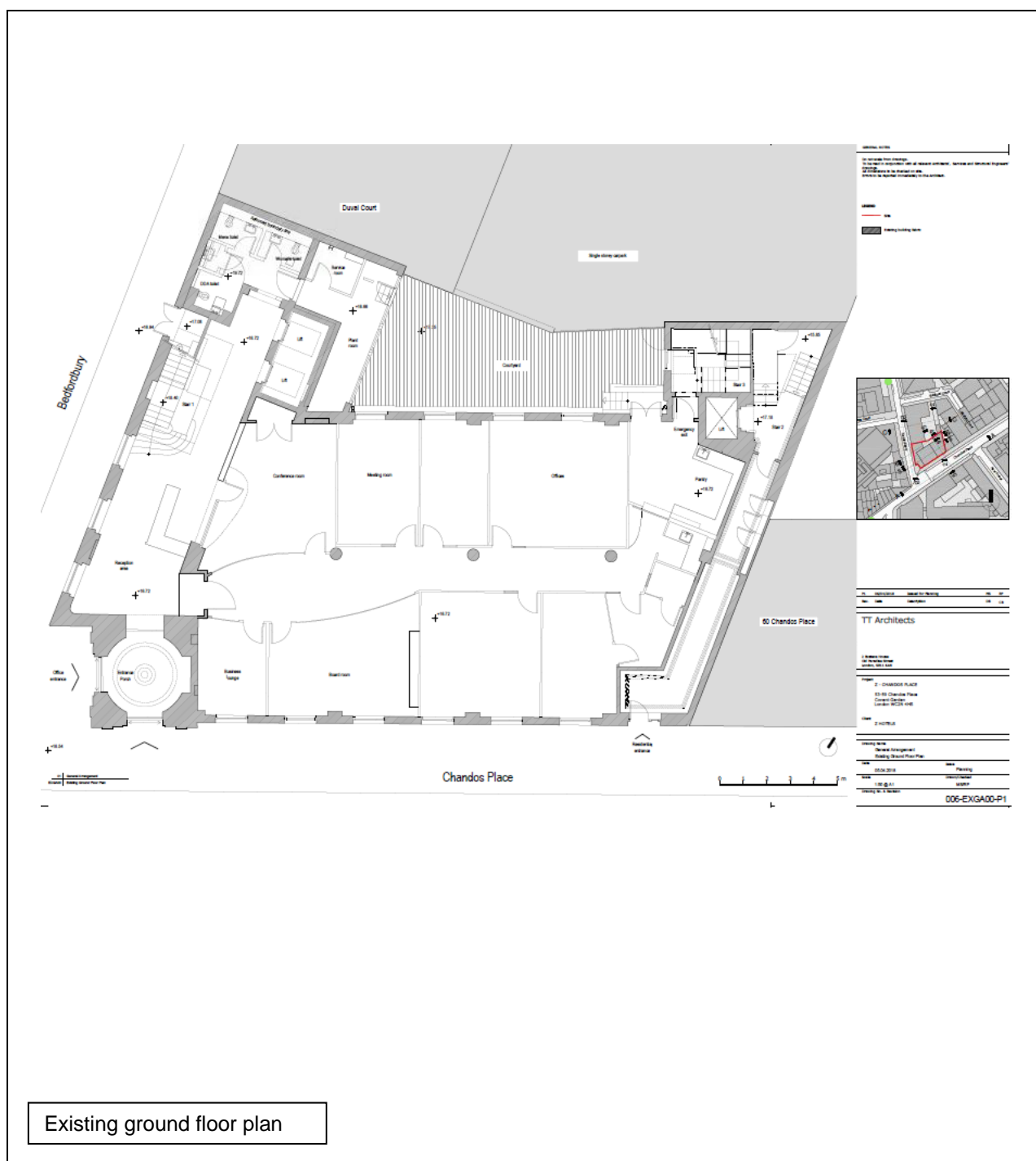
The hotel will provide active supervision through its own CCTV system with camera coverage of the entrance to the hotel, as well as other strategically located positions throughout the hotel, with monitoring for the CCTV

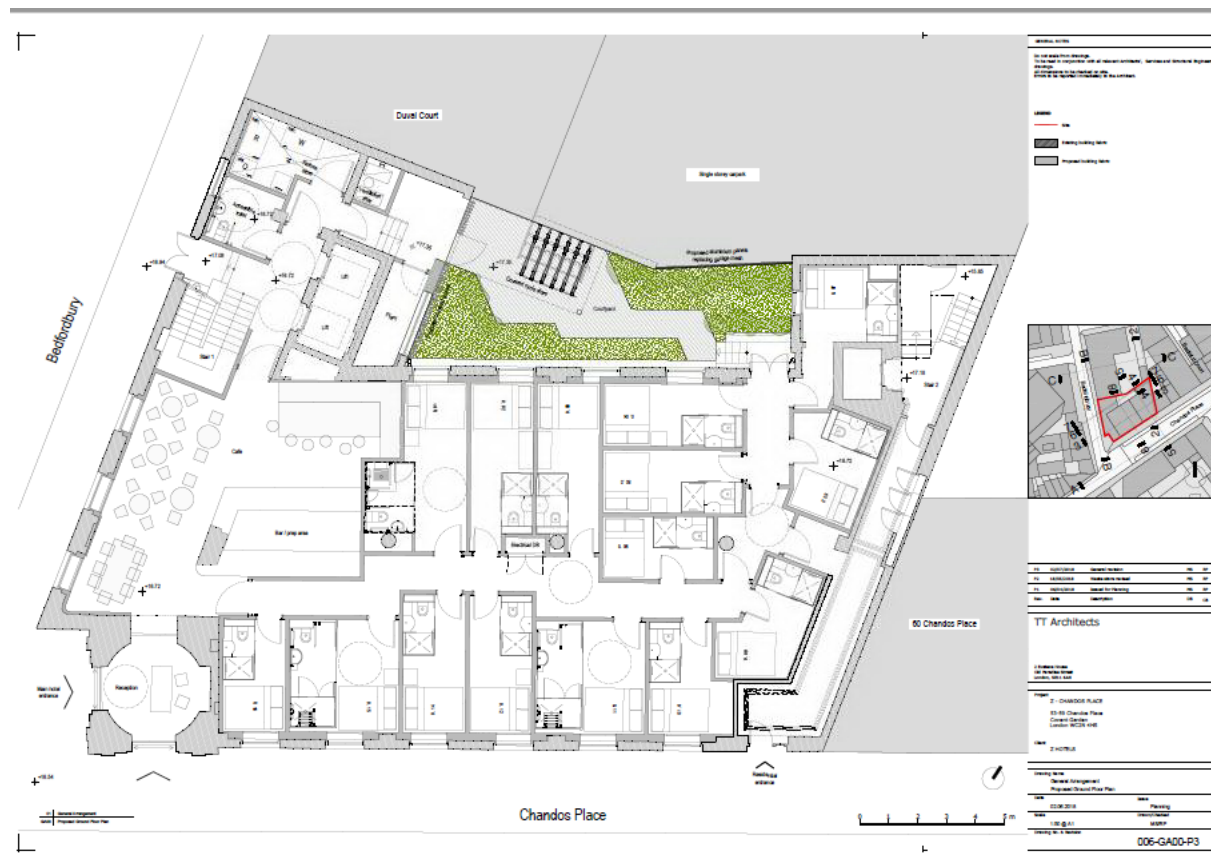
The Metropolitan Police have been consulted on the proposals and have confirmed that the management plans and procedures in place address a number of issues, which hotels especially in busy or central locations, suffer from. The security they have in place prior to any person attending the location is strict and controlled and they will support staff in challenging inappropriate behaviour whether inside the premises or outside in the public realm.

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

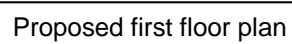
<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT <a href="mailto:DDORWARD@WESTMINSTER.GOV.UK">DDORWARD@WESTMINSTER.GOV.UK</a></p>
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## 9. KEY DRAWINGS





Proposed ground floor plan

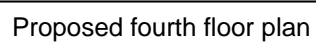


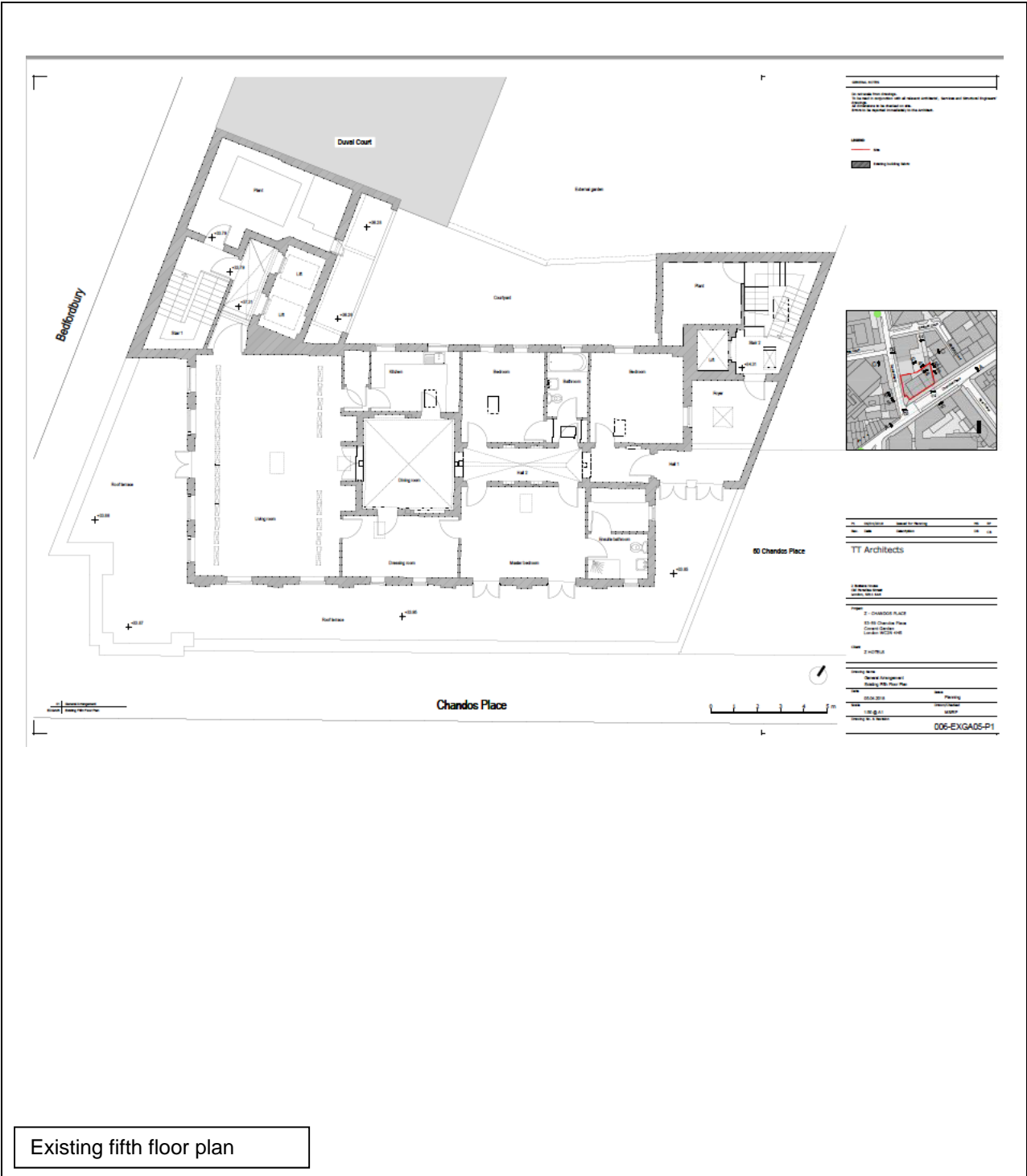


Proposed second floor plan



Proposed third floor plan



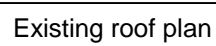


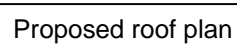
Existing fifth floor plan

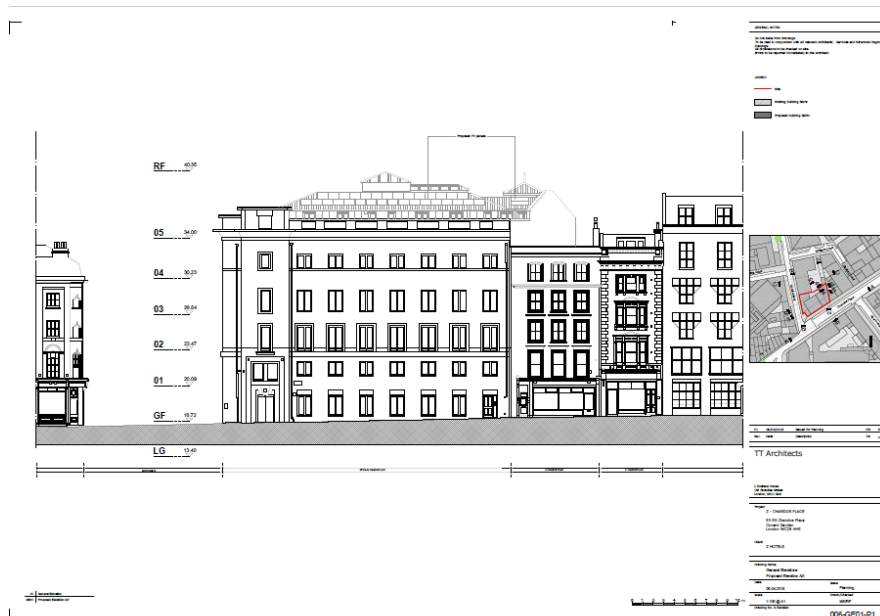
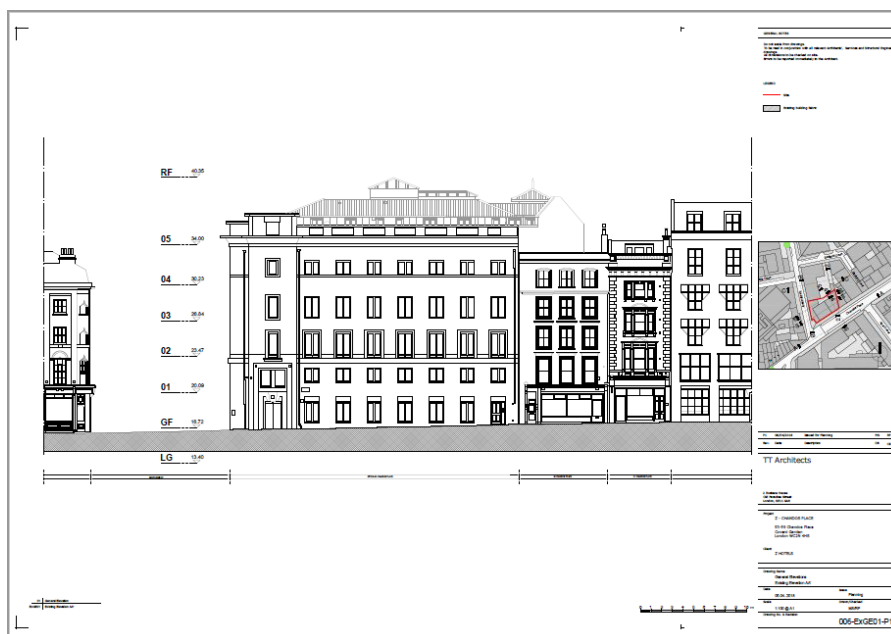




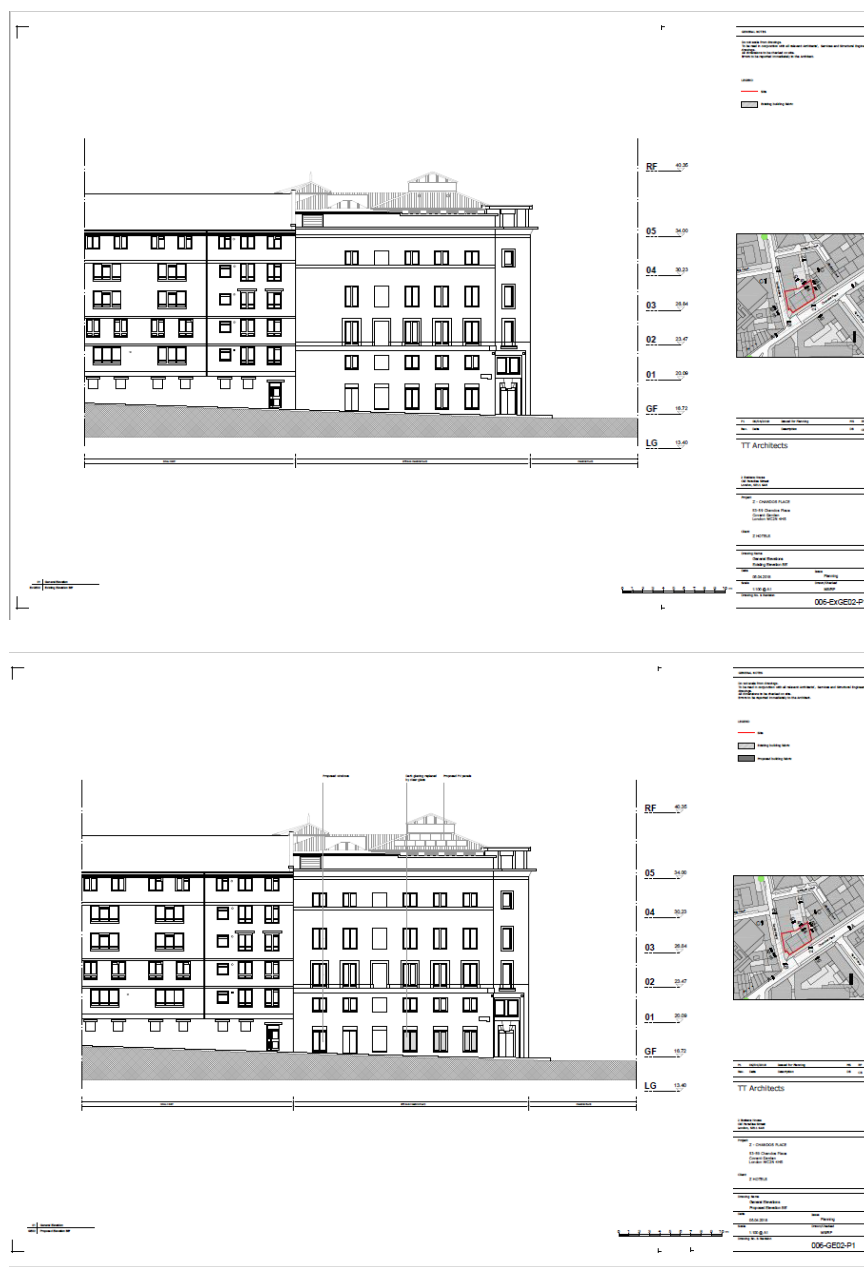
Proposed fifth floor plan



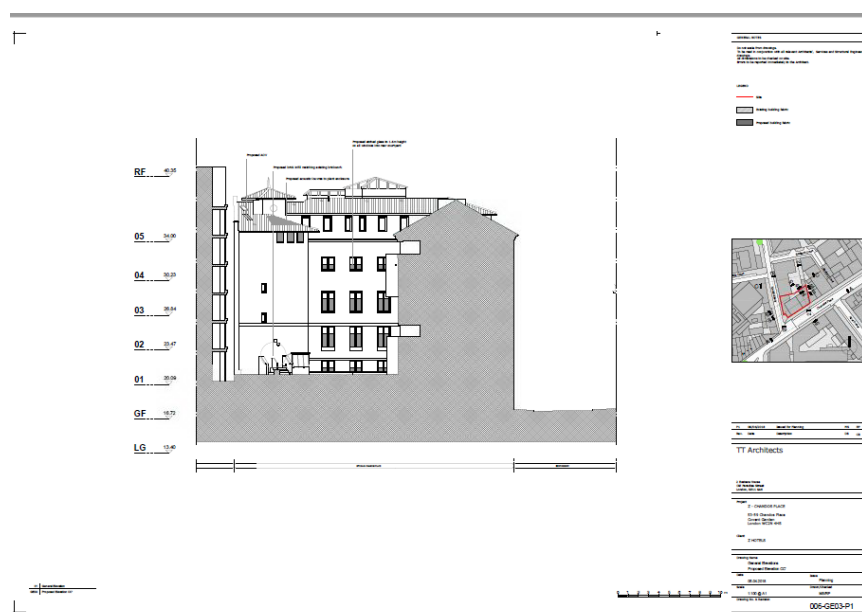
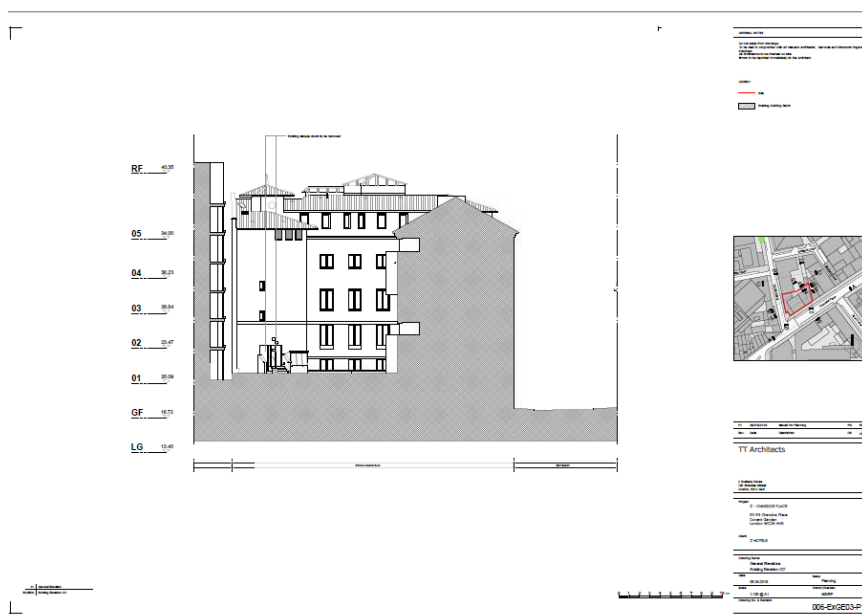




Existing and proposed elevation – Chandos Place



Existing and proposed elevation – Bedfordbury



Existing and proposed rear elevation

**DRAFT DECISION LETTER**

**Address:** 53 Chandos Place, London, WC2N 4HS

**Proposal:** Use of the basement, ground to fourth floor of the building as a hotel (Class C1) with ancillary cafe at ground floor level. External alterations to include 5 no. new windows on the west elevation and installation of acoustic louvres and photovoltaics at roof level. Alterations to windows on the rear elevation and provision of a louvred screen (ground to fifth floor level) fronting rear courtyard area and alterations to rear courtyard area.

**Reference:** 18/02861/FULL

**Plan Nos:** 006-SI01-P1, 006-ExGS01-P1, 006-ExGS02-P1, 006-ExGS03-P1, 006-EXGAB1-P1, 006-ExGE01-P1, 006-ExGE02-P1, 006-ExGE03-P1, 006-EXGA00-P1, 006-EXGA01-P1, 006-EXGA02-P1, 006-EXGA03-P1, 006-EXGA04-P1, 006-EXGA05-P1, 006-EXGARF-P1, 006-GAB1-P1, 006-GA00-P3, 006-GA01-P1, 006-GA02-P1, 006-GA03-P1, 006-GA04-P1, 006-GA05-P1, 006-GARF-P1, 006-GE01-P1, 006-GE02-P1, 006-GE03-P1, 006-GS01-P1, 006-GS02-P1, 006-GS03-P1, 006-ExGS04-P1, 006-ExGS05-P1, 006-GS04-P1, 006-GS05-P1, Acoustics and Vibration Survey Revision 03- 22 May 2018 prepared by Hoare Lea, Operational Management Strategy, Servicing Management Plan prepared by Caneparo Associates dated April 2018, Sustainable Design and Construction Statement Version 02 dated 28-03-2018 prepared by Semple McKillop Consulting Engineers, Waste Management Plan, Transport Statement prepared by Caneparo Associates dated April 2018, Energy and Renewables Statement Version P02 dated 28-03-2018 including BREEAM RFO 2014 Pre-Assessment Report prepared by Semple McKillop Consulting Engineers and Planning Statement prepared by Planning Resolution.

For information only: Accurate Visual Representations: Views & Methodology by Visualhorizon3D by TT Architects and Design and Access Statement dated April 2018.

**Case Officer:** Zulekha Hosenally

**Direct Tel. No.** 020 7641 2511

**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.

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- 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 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 Notwithstanding the details shown on drawing 006-GE03-P1 the glass that you put in the lower pane of the windows in the rear elevation at first to fourth level must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

- 5 You must apply to us for approval of detailed drawings (scale of 1:10 and 1:20 sections and elevations) of the following parts of the development:

- new column of windows as shown on drawing 006-GE02-P1.



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

Reason:

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

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

-Photovoltaic panels at roof level.

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

Reason:

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

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

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

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- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

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

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

**Reason:**

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

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

**Reason:**

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

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

**Reason:**

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the

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development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 11 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 7 and 8 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

**Reason:**

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

- 12 Customers shall not be permitted within the ancillary cafe before 0800 or after 2100 on Monday to Saturday and before 1000 or after 1800 on Sundays.

**Reason:**

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 2 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 13 There shall be no primary cooking on site such that you must not cook raw or fresh food on the premises. The reheating of food, the cooking equipment used and hot food products served shall be limited only to those described in the planning statement prepared by Planning Resolutions.

**Reason:**

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

- 14 The cafe hereby approved will provide a maximum of 35 covers in the area shown on drawing 006-GA00-P3.

**Reason:**

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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- 15 The hotel shall not knowingly accept bookings from parties using a vehicle with a capacity of 14 or more persons to travel to and from the premises.

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)

- 16 You must apply to us for approval of a servicing management plan for the hotel use and ancillary cafe. You must not start the use until we have approved what you have sent us. Thereafter you must carry out the work according to the approved plan (see informative 2).

Reason:

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

- 17 You must carry out the measures included in your Operating Management Plan at all times that the hotel is in use. (C05KA)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in 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. (R13AC)

- 18 No music shall be played in the hotel such as to be audible outside the premises.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in 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. (R13AC)

- 19 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 006-GA00-P3 and as specified in the 'Waste Management Strategy'. You must clearly mark them and make them available at all times to everyone using the hotel. (C14FB)

Reason:

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

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- 20 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.

- 21 You must not use any part of the development until we have approved appropriate arrangements to secure the following:

i) An employment and training opportunities strategy during construction and for the hotel use.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

**Reason:**

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in STRA 7 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 22 Notwithstanding what is shown on the approved plans, a minimum of twelve hotel bedrooms (10%) shall be fully wheelchair accessible.

**Reason:**

To make sure that there is sufficient choice for people who require an accessible bedroom as set out in policy E10 of the draft New London Plan 2017.

- 23 The existing three bedroom residential unit at fifth floor level as shown on drawings 006-EXGA05-P1 and 006-GA05-P1 must be 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)

**Informative(s):**

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- 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 include the following information in the Servicing Management Plan:
  - the full delivery process;
  - internal storage locations;
  - scheduling of deliveries;
  - staffing arrangements for deliveries;
  - taxi management and private vehicle hire process for arrivals and departures and;
  - measures to deter coaches.
  
- 3 Under condition 21 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure an employment and training opportunities strategy. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
  
- 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 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk). If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk)

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

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- 6 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)
- 7 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
- 8 Conditions 7 and 8 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)
- 9 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 10 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](mailto:info@consideratehoteliers.com),  
 Phone: 01308 482313, , (I76AA)
- 11 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)
- 12 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil), , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an

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**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.**

- 13 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)

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



# Agenda Item 4

Item No.

**4**

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	4 Bingham Place, London, W1U 5AT		
Proposal	Demolition of 4 Bingham Place behind retained front facade and roof; erection of replacement three storey dwelling (Class C3) with one new basement level. Additional basement excavation and rear extensions on ground to second floors at 19 Nottingham Place in connection with the existing hotel use (Class C1). (Site includes 19 Nottingham Place).		
Agent	HB Surveyors and Valuers		
On behalf of	Regency Hotels West End		
Registered Number	18/01390/FULL	Date amended/ completed	9 April 2018
Date Application Received	16 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site comprises a three storey mews building in Bingham Place which is linked to a larger five storey building on Nottingham Place. No 4 Bingham Place is a single family dwelling (Class C3). No 19 Nottingham Place is in hotel use (Class C1).

Permission is sought for the redevelopment of the mews building behind the retained front façade to provide an enlarged residential dwelling and extensions to the rear of the hotel. The proposal includes the provision of a new basement to the dwelling house and an enlarged hotel basement. The scheme would result in a reconfiguration of the lower floors of the hotel resulting in an overall slight reduction in hotel floorspace. A similar proposal, which involved substantial demolition and rebuilding of the front facade of the mews building was recommended for refusal on design grounds, but was withdrawn by the applicant prior to a decision being made.

The key issues for consideration are:

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\* The impact of the works in design terms, to the character and appearance of the Harley Street Conservation Area;

\* The impact on residential amenity

The scheme is considered acceptable in land use and amenity terms. The existing small scale mews building is an unlisted building of merit which makes a positive contribution to the Conservation Area. This application retains the front facade and is considered acceptable in design terms. The application is therefore recommended for approval.

[illegible]

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#### 4 PHOTOGRAPHS



## 5 CONSULTATIONS

### COUNCILLOR BOTT

Requests information on the issues/proposals

### MARYLEBONE ASSOCIATION

Raise objections to the proximity of uses, the physical connection between the hotel and residential property, overlooking between the lightwells, and the infilling of the courtyard which is contrary the Marylebone Association Planning Guidelines No. 17. Raise concerns that the proposal does not create a truly independent C3 dwelling.

### THAMES WATER

No objections raised.

### BUILDING CONTROL

No objections raised.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 56

No. of replies: 10 letters of objection (from 7 respondents) raising the following issues:

#### Amenity

- \*Loss of daylight
- \*Increased sense of enclosure and loss of outlook
- \*Potential use of new flat roof as a terrace resulting in noise and disturbance
- \*Noise from hotel guests, late night activity and disturbance from hotel staff

#### Land Use

- \*Loss of residential

#### Highways

- \*Adverse impact on traffic, parking and servicing

#### Basement and Construction issues

- \*Insufficient structural information submitted
- \*Structural damage to neighbouring properties
- \*Demolition is unnecessary and would result in noise and disturbance, damage and increased pollution during the course of construction.

#### Other issues

- \*Lack of neighbour notification and site notices

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### The Application Site

The application site comprises a three storey mews building (ground, first and second floors) in use as a three bedroom single family dwellinghouse (Class C3). The mews house is linked at rear ground floor level to 19 Nottingham Place (basement and ground to third floors), which is in use as a 20 bedroom hotel (Class C1). The buildings are in the same ownership. The residential mews building is occupied by the hotel manager. The link provides access for the manager between both buildings.

The buildings are not listed but are situated within the Harley Street Conservation Area. No 4 Bingham Place is designated as an unlisted building of merit within the Harley Street Conservation Area Audit. The site is located outside the Core Central Activities Zone (CAZ), but within the wider CAZ.

### Recent Relevant History

In June 2017, an application (2015) for the demolition of 4 Bingham Place behind a, significantly altered, front façade, its replacement with a three storey dwelling house, with one new basement level, and rear extensions at ground, first and part second floor levels to the hotel at 19 Nottingham Place, was withdrawn by the applicant prior to determination. Permission had been recommended for refusal on design grounds due to the adverse impact of the alterations to the front façade of 4 Bingham Place upon the Conservation Area.

### 5 Bingham Place

In October 2015, permission was granted for the demolition of the 5 Bingham Place behind the retained front façade, for excavation beneath site and erection of replacement dwelling over two basement storeys, ground, first and new mansard second storey, including the use of part of 21 Nottingham Place in conjunction with the dwelling house.(Class C3).

## 7. THE PROPOSAL

The application proposes redevelopment behind the retained front façade of 4 Bingham Place, including a new basement, and the extension of the basement and rear ground to second floor hotel extension to 19 Nottingham Place, with a lightwell between the mews and the hotel.

The mews building would be occupied as single family dwelling. The hotel accommodation will be reconfigured with a slight reduction in hotel floorspace, the loss of one guest bedroom and the creation of enlarged kitchen and dining areas. These changes do not require the provision of any new plant or ventilation for the hotel. There is an existing extract duct rising up the rear elevation which will remain in situ.

Access between the mews building and hotel will be retained at basement level.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

	Existing (GIA) m <sup>2</sup>	Proposed (GIA) m <sup>2</sup>	Net Loss/Gain (GIA) m <sup>2</sup>
<b>Hotel</b>	376	367	- 9
<b>Residential</b>	103	154	51
<b>Total</b>	<b>479</b>	<b>521</b>	<b>+42</b>

#### Residential (Class C3)

The scheme proposes the provision of an enlarged residential dwelling through the creation of an extended footprint and the addition of a new single basement. The increase in residential floorspace accords with UDP Policy H3 and City Plan Policy S14.

Objectors are concerned that there would be a loss of residential floorspace as the dwelling house would not be truly independent in view of the basement link between the mews house and the hotel. However, this arrangement replicates the existing situation where there is a ground floor link between two properties. It is recommended that an informative is attached to the decision notice reminding the applicant that the use of 4 Bingham Place for hotel purposes would require planning permission.

#### Hotel (Class C1)

The site is located within Marylebone in an area characterised by a mix of uses. The scheme would result in the reconfiguration of the hotel. Overall there would be a slight reduction in hotel floorspace with a reduction in the number of bedrooms (from 20 to 19). The hotel use is longstanding and has been operating without any complaints. The proposed reconfiguration of the hotel is considered acceptable in accordance with City Plan policy S23 and UDP policies TACE 1 and TACE 2(C).

### 8.2 Townscape and Design

4 Bingham Place is a traditionally detailed brick mews house located within the Harley Street Conservation Area. It is identified as an unlisted building of merit in the adopted conservation area audit. The front elevation has been altered and partially rebuilt with changes to the openings and first floor parapet but it, nonetheless, retains its original character and scale and it contributes positively to the character and appearance of the area.

Bingham Place, as a whole, is lined with small, stock brick mews-style houses, all characterised by their simple, traditional materials, detailing and proportions. Many have had mansard roof extensions added and the street displays some variety in building heights and detail. However, this slight variation in heights adds to the character of the street and the, slightly smaller, scale of the application building also adds to its charm.

A previous application (15/06433/FULL), which was recommendation for refusal on design grounds, was withdrawn prior to its determination. The principle design concern related to the significant alteration to the front façade, effectively amounting to its demolition. The substantial demolition and rebuilding of the front façade of this unlisted building of merit was considered to result in a poor design which would cause harm to the character and appearance of the Harley Street Conservation Area.

This application proposes the demolition of the building behind its retained façade and roof. This is considered acceptable in principle, as it is the front façade which makes the greatest contribution to the character and significance of this part of the conservation area. The rear extensions, these are large and will infill the gap between the mews and Nottingham Place, which is not desirable. However, the majority of properties along this stretch of mews have been significantly extended and a similar proposal was permitted at the adjoining property no.5. A small lightwell will be retained at the rear. The extensions will be formed in brick with timber windows and this element of proposals is therefore acceptable. The basement storey does not involve any external alteration to the mews and is also acceptable in design terms. The Marylebone Association object on the grounds that any infilling of courtyards is contrary to their planning guidelines, however a courtyard is retained.

It is recognised that this is a constrained mews site and the demolition/excavation methodology will therefore be important. With appropriate conditions in place these proposals are considered to be acceptable in design and conservation terms and will accord with UDP Policies DES5, DES6 and DES9 and S25 and S28 of the City Plan.

### **8.3 Residential Amenity**

#### **Daylight and Sunlight**

A daylight and sunlight assessment has been submitted with the application, which assesses the impact of the development with regard to Building Research Establishment guidelines (BRE).

UDP policy ENV13 seeks to protect levels of daylight and sunlight, principally to neighbouring residential properties but also to some other uses where the impact might prejudice the existing operation. Residential properties at 3 and 5 Bingham Place, 17 and 21 Nottingham Place, 1-12, 1-10 and 14-15 Luxborough Street (including Albert Mansions and Nottingham Mansions) have been assessed.

Objections have been received on behalf of the adjacent hotel (No. 17 Nottingham Place) on the grounds that existing levels of daylight are already low and that any impact is therefore more likely to be more acutely felt.

#### Daylight

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidance suggests that daylight may be adversely affected if the VSC levels are reduced by 20% or more and the resulting VSC level is less than 27%.



The BRE Guidelines state that “the guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices”.

There would be no increase in height of the mews property onto Bingham Place, however, the scheme will result in a relatively minor increase in depth of the second floor wing at the rear of the hotel. The daylight report demonstrates that there would be no material loss of light. The losses to the adjacent hotel are minor, ranging between 0.1 and 0.7 %. The proposal therefore accords with BRE guidelines. Objections that the scheme would result in a loss of daylight are not sustainable.

#### Sunlight

Annual probable sunlight hours (APSH) is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. North facing windows may receive sunlight on only a handful of occasions in a year, and windows facing eastwards or westwards will only receive sunlight for some of the day. Therefore, BRE guidance states that only windows with an orientation within 90 degrees of south need be assessed.

BRE guidance recommends that the APSH received at a given window should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4% over the whole year or more than 20% in either the summer or winter months the guidelines state that the loss of sunlight would be noticeable.

The report has assessed all windows facing 90 degrees of due south, including the hotel at 17 Nottingham Place. However, there would be no material loss of sunlight and the scheme complies with the BRE guidelines in respect of sunlight.

#### Sense of Enclosure

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

The rear wing of the hotel would project an additional 1.5m further than the existing second floor closet wing (4.3m in total). There would be some increased sense of enclosure to a rear bedroom hotel window in 17 Nottingham Place. However, given that the City Council's policy for protecting amenity is primarily aimed at protecting the amenity of residential properties and as any impact would not be so significant as to compromise the operation of the hotel, it is not considered that the impact on sense of enclosure would be so significant as to warrant refusal. In addition, this aspect of the scheme is identical to the previous (withdrawn) application, which was considered unacceptable only on design grounds.

#### Overlooking

The Marylebone Association object on the grounds of overlooking between the residential dwelling and hotel. Only non-habitable stairwell windows are proposed at the rear of 4 Bingham Place, and as there is already mutual overlooking between these

two properties, it is not considered that the application could be refused on these grounds.

#### Additional noise

Objectors are also concerned that the proposal would result in additional noise in Bingham Place from hotel guests, late night activity and disturbance from hotel staff. However, access to the hotel is retained on Nottingham Place. As there is no increase in the number of hotel bedrooms, there would be no increase in hotel activity. The applicant has also confirmed that as 4 Bingham Place is to remain in residential use, there will be no hotel staff congregating on Bingham Place.

Concerns have also been raised about the potential use of the flat roof at second floor as a roof terrace and a condition is attached to prevent this.

### **8.4 Transportation/Parking**

Objections have been raised that the proposed development will result in increased traffic, congestion, servicing and pressure on parking. The scheme would extend an existing residential premises and would not result in an intensification of the hotel use. Consequently, the application could not be recommended for refusal on these grounds.

### **8.5 Economic Considerations**

Any economic benefits generated by the proposal are welcomed.

### **8.6 Access**

As presently, the hotel will continue to be accessed from Nottingham Place and the mews dwelling will be accessed from Bingham Place. A link between the buildings is maintained although the mews property will be retained as a separate residential dwelling (Class C3).

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

#### Refuse /Recycling

The scheme will not result in a significant change in potential refuse provision however; it is recommended that details of refuse storage are secured by condition.

### **8.8 London Plan**

This application raises no strategic issues.

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

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

### 8.10 Planning Obligations

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

The estimated CIL payment is £3,586.17

Formal determination of the CIL liability will be made by Westminster Council when a Liability Notice is issued after the CIL liable application is approved and the final figure might change due to indexation.

### 8.11 Environmental Impact Assessment

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

### 8.12 Other Issues

#### Basement

Objections have been received from nearby residents raising concern about the impact of the proposed basement works on ground stability, structural integrity of the surrounding buildings.

A new basement will be excavated under the mews house. In addition, some minor changes are proposed to the extent and depth of the existing hotel basement. As the site is located outside of the Core CAZ, the basement excavation should be assessed under Parts A, B and C of City Plan Policy CM28.1.

The policy seeks to control the depth and size of new basements. The policy requires basements to be single storey only and not extend beyond more than 50% of a garden. The site is entirely covered by buildings and impermeable surfaces with no garden area. There is a rear lightwell which will be slightly enlarged and relocated. The provision of a the residential basement accords with the basement policy.

#### Structural Issues

Objections received refer to a lack of structural information and the potential adverse structural impacts and damage to neighbouring properties. However, the application is supported by a construction methodology report. The report concludes that the excavation of the basement would not result in harm to neighbouring properties. Any report by a member of the relevant professional institution carries a duty of care, which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The Building Control Officer has reviewed the submitted details and raises no objection to the application.

Whilst the report is sufficient for the purposes of determining this planning application, detailed matters of engineering techniques, and whether the development would secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations. To go further would be to act beyond the bounds of planning control. Accordingly should permission be granted, the structural statement will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

As such it is considered that the construction methodology statement provides sufficient consideration of structural issues at this stage and this is as far as this matter can reasonably be taken as part of the consideration of the planning application.

### **Construction impact**

Objections have been made on the grounds that construction would result in nuisance to the occupants of surrounding dwellings. The City Council published its Code of Construction Practice was in July 2016. This is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all basement developments.

The publication of the Code represents a fundamental shift in the way the City Council deals with the construction impacts of developments. In recognition 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 new approach is for a condition to be imposed requiring the applicant to provide evidence that any implementation of the scheme (by the applicant or any other party) will be bound by the Code. The applicant has confirmed that the development would be carried out in accordance with the City Council's COCP and a condition is recommended requiring adherence to the COCP.

### **Flood Risk**

City Plan policy CM28.1. requires all basement developments to demonstrate that the site specific ground conditions, drainage and water environments in the area of the development have been considered. A Flood Risk Assessment has been submitted which identifies the site being within an area of high risk from surface water flooding ('Flooding Hotspot 7'). The site also lies within Flood Zone 1 where there is a low risk of flooding.

The drainage at basement level will be pumped via a submersible packaged pumping station, which will include dual pumps, non-return valves and, alarms. The Flood Risk Assessment concludes that there is a low risk of flooding and the proposed development will not increase the risk of flooding elsewhere. Building Control consider that the proposals submitted are considered to be acceptable.

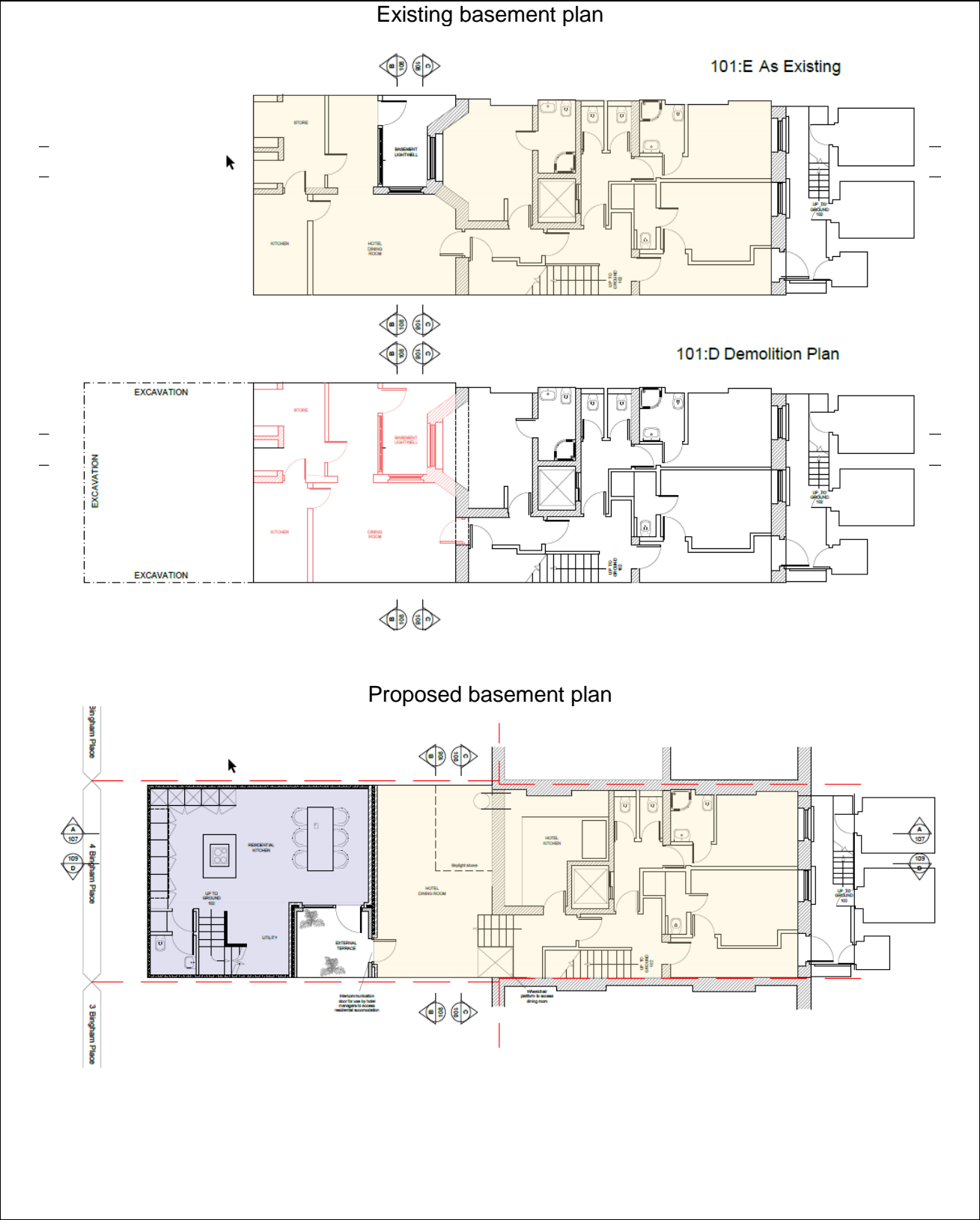
### **Other issues raised**

One objector comments that a site notice was not displayed and that inadequate neighbour consultation was undertaken, another refers to impact on property values. However, Council records show that a notice was displayed outside the site and that the development was advertised in the local press, Neighbour consultation was undertaken in accordance with the Council's usual protocols. The impact on property values is not a material planning consideration.

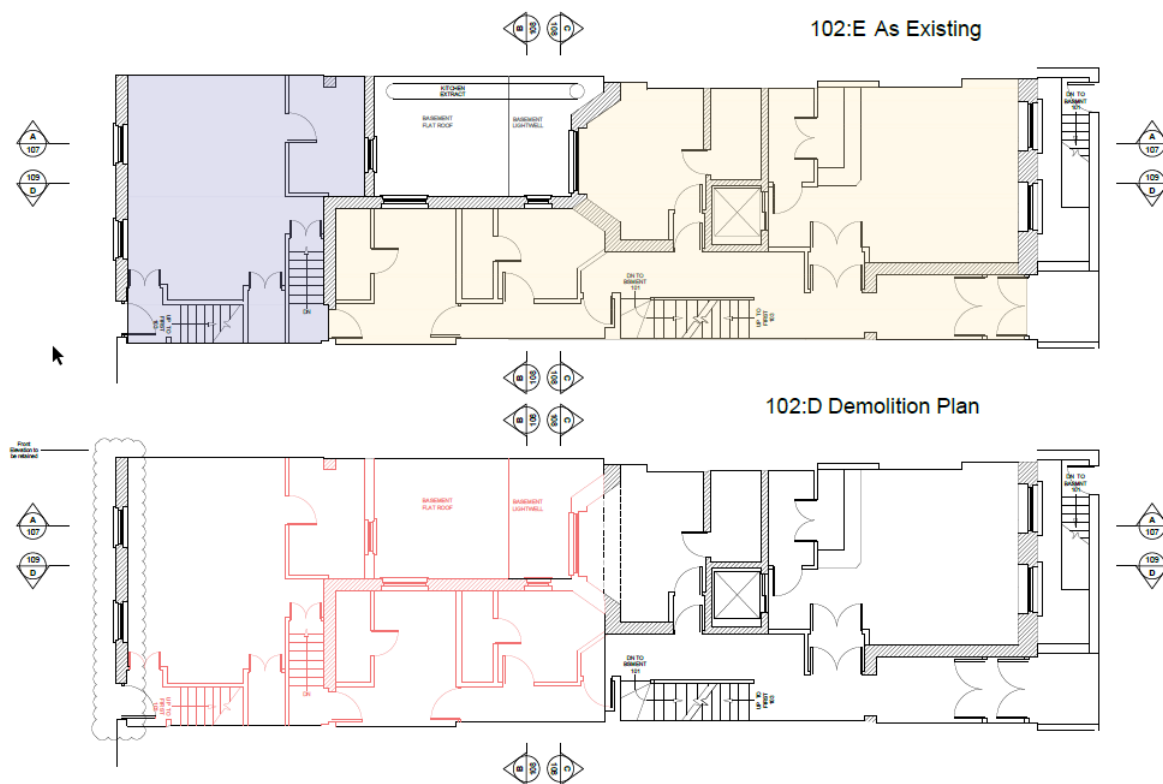
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

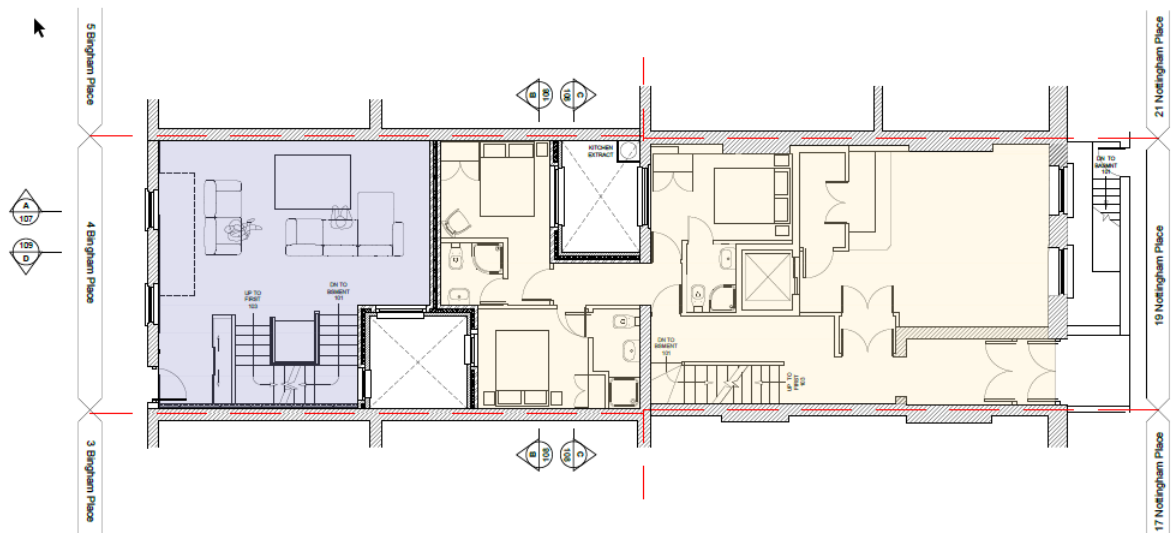
9 KEY DRAWINGS



## Existing ground floor plan



## Proposed ground floor plan



Existing/Proposed Bingham Place Elevation



Existing Section D-D

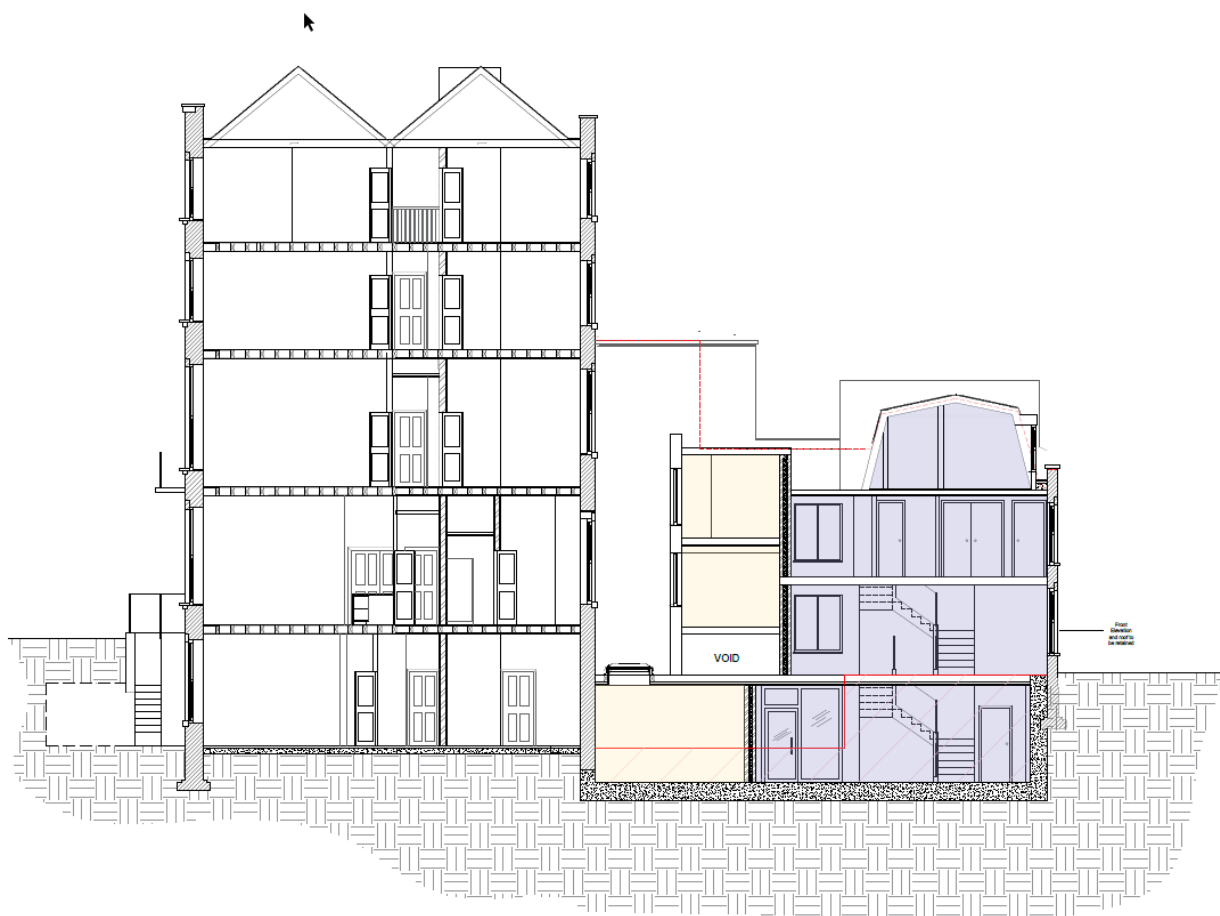


19 NOTTINGHAM PLACE

4 BINGHAM PLACE



Proposed Section D-D



**DRAFT DECISION LETTER**

**Address:** 4 Bingham Place, London, W1U 5AT

**Proposal:** Demolition of 4 Bingham Place behind retained front facade and roof; erection of replacement three storey dwelling (Class C3) with one new basement level. Additional basement excavation and rear extensions on ground to second floors at 19 Nottingham Place in connection with the existing hotel use (Class C1) (Site includes 19 Nottingham Place).

**Reference:** 18/01390/FULL

**Plan Nos:** A18071 101 A, 102 C, 103 C, 104 A, 105 B, 106 B, 101P B, 102P A, 103P B, 104P A, 105P A, 106P A, 107D C, 108D B, 109D C, Structural report dated Sept 2016 (FOR INFORMATION ONLY)

**Case Officer:** Jo Palmer

**Direct Tel. No.** 020 7641 2723

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

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

Reason:

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

- 2 Except for basement excavation 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 basement excavation work only:

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

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

Reason:

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

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

Reason:

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

- 4 You must apply to us for approval of samples and details 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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of 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 dwellinghouse. (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)

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

Reason:

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

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

Reason:

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

- 8 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building, which are to be kept during building work. 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. (C28AB)

Reason:

To protect the party walls during building work. (R28BA)

- 9 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:
- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or,
  - (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary

Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

**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 Thames Water requests that you should incorporate protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 3 As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
- 4 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 you will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
- 5 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil) , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an Assumption of Liability Form immediately. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You

must also notify the Council before commencing development using a Commencement Form, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk), , Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms. 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 you will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

- 6 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
  2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., ,

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 7 You will need the technical approval from the City Council's highways engineers before beginning excavation.

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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	52 Lupus Street, London, SW1V 3EE		
Proposal	<u>Application 1:</u> Use of ground floor as a mixed retail/restaurant use (sui generis) with new ducting at the rear and retractable awnings to the front and side elevation. <u>Application 2:</u> Display of 3no. externally illuminated fascia signs measuring 0.3m x 2.5m, 0.4m x 2.8m and 0.3 x 2.5m.		
Agent	Advance Planning Licensing		
On behalf of	Town Sky Investment Ltd		
Registered Number	<u>Application 1:</u> 18/02472/FULL <u>Application 2:</u> 18/02473/ADV	Date amended/ completed	28 March 2018
Date Application Received	27 March 2018		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

## 1. RECOMMENDATION

Application 1:  
Refuse permission- loss of retail, impact on residents, design (awnings)

Application 2:  
Grant conditional advertisement consent.

## 2. SUMMARY

52 Lupus Street is an unlisted building located within the Pimlico Conservation Area, Pimlico CAZ and Lupus Street Local Centre. The application relates to the ground floor unit.

Application 1 is for a change of use from A1 retail to a mixed retail/ restaurant use (sui generis) with associated ducting to the rear and retractable awnings to the front and side elevations.

Application 2 seeks advertisement consent for the display of 3 no. externally illuminated fascia signs measuring 0.3m x 2.5m, 0.4m x 2.8m and 0.3 x 2.5m.

The key issues for consideration are:

- \*The impact of loss of A1 retail on local shopping facilities
- \*The impact on the appearance of the building and upon the character and appearance of the Pimlico Conservation area.
- \*The impact of the proposals on neighbouring residential amenity

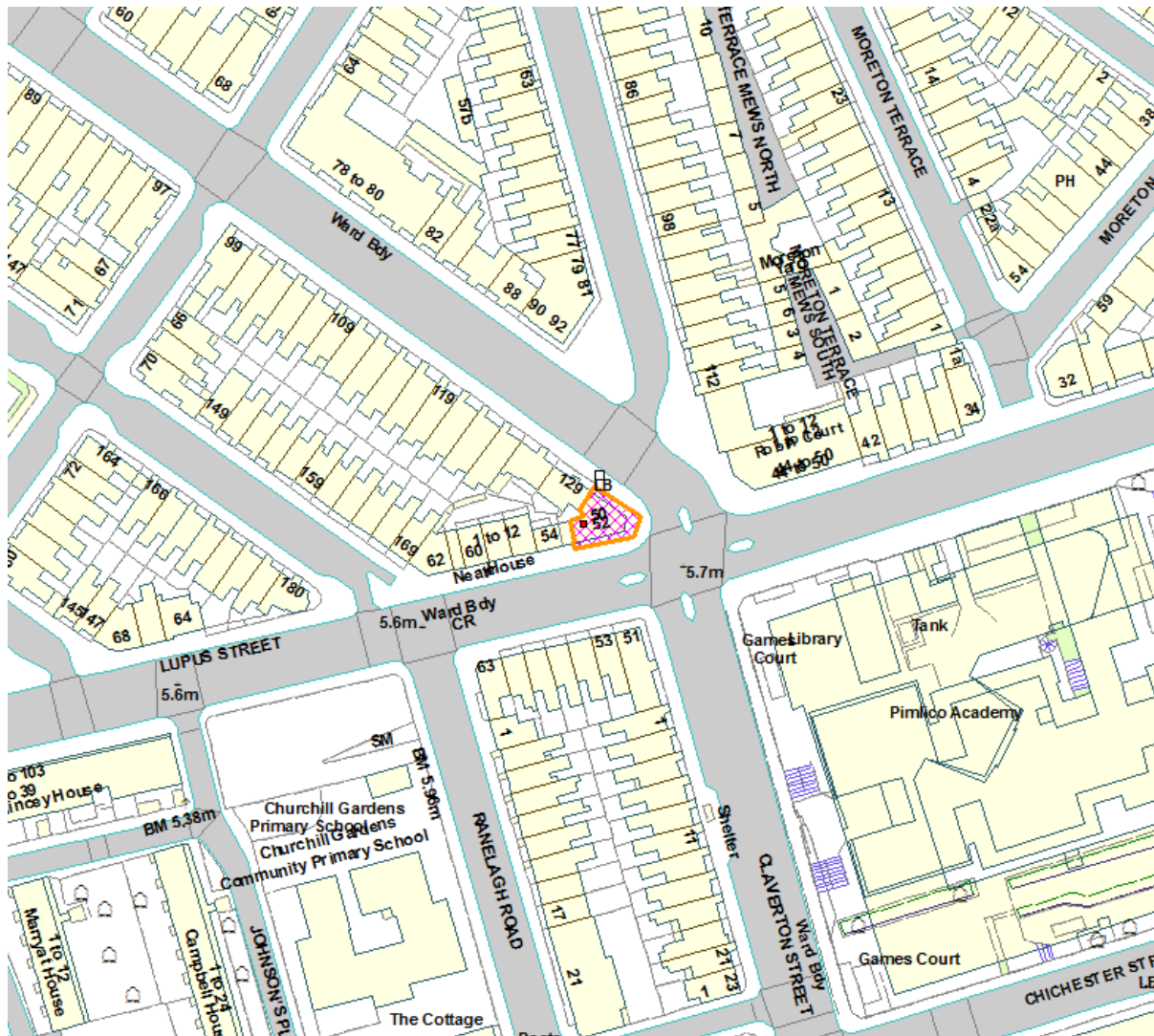
Both applications have been assessed against the relevant policies as set out in the Unitary Development Plan (January 2007) and Westminster's City Plan (November 2016).

Application 1 is considered to be unacceptable in terms of land use, design and residential amenity.

Application 2 is considered to be acceptable in terms of design, residential amenity and highways safety and is recommended for approval.



### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



## 5. CONSULTATIONS

### WESTMINSTER SOCIETY:

No objection

### THE FEDERATION OF PIMLICO RESIDENTS ASSOCIATIONS:

Objection.

- The application is too vague for proper consideration
- The property is unsuitable for any use in Class A3 due to its location on a busy corner, the residential properties above, traffic considerations, noise late at night and smells from cooking.
- The retail parade should be retained, there are too many A3 uses in the area.

### MORETON TRIANGLE RESIDENTS ASSOCIATION:

Objection

- The immediate area is already well served by A3 outlets and A1 usage is more appropriate at this location.

### PIMLICO GRID RESIDENTS' ASSOCIATION:

Object to both applications.

#### Application 1 18/02472/FULL

- The applicant has not sufficiently demonstrated the need for a change of use from A1 to A1/A3.
- The applicant's documentation is not sufficiently specific or robust in its proposals.
- The applicant has not sufficiently considered the impacts of their proposals on the residents of the encompassing residential building and others nearby.

#### Application 2 18/02473/ADV

- The applicant has not sufficiently demonstrated a need for this application as: if the applicant is proposing to trade during daytime hours there will be little visible benefit from having an illuminated fascia, other premises nearby do not have illuminated fascia signs (including those serving food and drink that trade beyond 18:00) and because the proposals are likely to increase light pollution for surrounding residents.
- Other signs in the parade are flat and non-neon, which means they have minimal impact on the surrounding properties.
- The signage would erode the character of the conservation area.

### CLEANSING MANAGER:

No objection, conditions suggested.

- The drawings submitted are not in line with the Council recycling and waste storage requirements. A condition should be included which requires a revised plan indicating the proposals for the storage of residual waste, food waste and recyclable materials which must be approved prior to commencement of the development.

### HIGHWAYS PLANNING MANAGER:

No objection, conditions suggested.

- No car parking is provided. However, the site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to these controls. The impact on parking levels will be minimal
- No off-street servicing is provided for the development. However, the site is located within a Controlled Parking Zone, which means that single yellow lines in the vicinity

allow loading and unloading to occur. The largest regular service vehicle expected to be associated with this development is the refuse collection vehicle. This will service the property in a similar fashion to other nearby properties.

#### ENVIRONMENTAL HEALTH:

##### Objection.

- The acoustic report states that the most affected premises are the flats at 129 St George's Drive. However, from the plans it appears the flats of the building housing the development may be the most affected. The applicant is therefore requested to confirm which is correct and adjust the sound mitigation measures if necessary.
- There are residential flats immediately above the unit and the acoustic report has not assessed for noise transfer through the building. The applicant is therefore requested to submit a new acoustic report that assess the building fabric to demonstrate that mitigation measures are achievable to prevent the existing residents from being affected.
- The kitchen extract ventilation does not comply with Environmental Health requirements as the discharge point is within 20m of a neighbouring building which is also higher. Additional odour control is proposed but this will not provide a universal solution.

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

No. Consulted: 72

Total No. of replies: 120

No. of objections: 49

No. in support: 71

#### 49 Letters of objection have been received on some or all of the following grounds:

##### Design

- The extraction duct would be unsightly and add to visual clutter.
- The retractable awning would have a negative impact on the conservation area.
- The building will be visually overbearing.
- The raised neon signage would be out of keeping with the surrounding properties/ area.
- The proposals fail to preserve or enhance the appearance and Character of the Pimlico Conservation Area.

##### Amenity

- The installation of the duct and proposed cooking will cause noise disturbance, vibration, odours and reduce air quality.
- The operating hours are too long and there will be increased noise and disturbance from customers leaving late at night and an increase in traffic.
- The large windows and outdoor seating would cause a loss of privacy and light pollution/spillage to surrounding residential properties.
- The proposals could lead to anti-social behaviour, especially if alcohol is sold.

##### Land Use

- The loss of an A1 unit would harm the retail function of the area.
- There is already an over provision of A3 units in the area.
- Not clear from the plans exactly how the A1/A3 operation would function

Highways

- The proposals would lead to the loss of parking, double-parking and dangerous driving near a major set of traffic lights and disturbance from servicing.
- No details of waste storage provided.

Other

- The application lacks detail.
- The restaurant would generate food waste encouraging vermin and foxes.
- The site is Located close to three schools which could lead to accidents, when children try to cross the road and health implications related to the food offering.
- Permitting A3 will reduce the price of the properties above and increase insurance premiums.
- Concern raised about whether alcohol will be served.
- Change of use could disrupt access to the physio centre and noise nuisance for users.
- the provision of a grill/ cooking appliances could potentially create a fire hazard for 127-129 St George's Drive (Neate House) which do not have fire escapes.

71 Letters of support have been received on some or all of the following grounds.

Design

- The modern contemporary look of the café will improve the look of the building.

Land Use

- The proposals would be beneficial to the area and community, which currently has a poor selection of cafes and restaurants providing healthy organic food.

Amenity

- With the latest extraction technology in place, the proposals would not create a nuisance for nearby residents.
- The café would be located on a busy highway not a residential street and is appropriate for the area.

Other

- The application would help other local traders/ Pimlico Road Farmers Market and counter balance the high levels of chain stores in Pimlico
- The proposals would provide a wheelchair friendly café, which the area is currently lacking.
- The proposals will make the outside of the building less suitable for rough sleepers.
- There are no wheelchair friendly cafes, with toilets in the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

52 Lupus Street is an unlisted building, which lies within the Pimlico Conservation Area, Pimlico CAZ and Lupus Street Local Centre. The application site consists of the ground floor retail unit. The basement of the property is currently used as a physiotherapy practice and the upper floors of the building are used as residential flats (Neate House).

## 6.2 Recent Relevant History

In December 2014, permission was refused for use of the basement and ground floors as a restaurant/ wine bar (Class A3) on the grounds that the loss of the retail unit would harm the retail character and function of the area and because it was considered that the information submitted was insufficiently detailed with respect to the proposed A3 use. In the absence of such information the full impact upon neighbouring residents could not be fully assessed and it was considered that the proposals could have a potentially adverse impact on neighbouring residents and the character and function of the area (RN: 04/08257).

In February 2016, permission was granted for use of part of the basement as a physiotherapy practice (Class D1) (RN: 15/11319). Permission was granted for the creation of lightwell enclosed by railings and associated works to allow direct access to the physiotherapy practice, in March 2016 (RN: 16/00672).

In August 2018, permission was granted to expand the size of the physiotherapy practice into the remainder of the basement level (RN: 17/05443).

## 7. THE PROPOSAL

Application 1 is for a change of use from A1 retail to a mixed retail/ restaurant use (sui generis) with associated extract ducting attached to the rear wall of Neate House and retractable awnings attached to the front and side elevations.

The applicant states that the floorspace will be split equally between A1 and A3, however no explanation has been given as to how this was calculated.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
A1	77	38.5	- 38.5
A3	0	38.5	+38.5

Application 2 seeks advertisement consent for the display of three externally illuminated fascia signs measuring 0.3m x 2.5m, 0.4m x 2.8m and 0.3 x 2.5m.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The lawful use of the ground floor unit is retail (Class A1), the last occupier was a chemist operated by "Geewick Ltd". The application seeks a change of use from A1 to a mixed retail/ restaurant use (sui generis), the applicant's agent states: "the proposal is to create a space with mix use of A1 and A3 where the main purpose of the premises will be A1 selling Artisan and Organic Coffees, organic specialty teas, organic and gluten-free bread, sandwiches and cakes".

The proposed floor plan shows a cooking area with grill, a counter and shelves, a seating area (9 tables, 28 chairs) and a toilet area (2 toilets). From the information provided, it would appear that the mixed retail/ restaurant use (sui generis) would operate very much like a conventional A3 restaurant, with only a small or ancillary amount of A1 retained.

### 8.1.1 Loss of Retail

Objectors contend that the loss of the A1 use would harm the retail function of the area.

Policy S21 states that existing A1 retail will be protected throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let.

A letter from the landlord of the property "Geewick Ltd" has been provided dated 21 May 2018, which states that the unit became unviable to operate as a chemist and due to suffering loss of profits, the landlord started marketing the property themselves in June 2015 (Ground and Basement floors). On 1<sup>st</sup> December 2015 the landlord states they sub-let the basement level and, having continued to market the ground floor themselves and reducing the rent, decided to use a local commercial estate agent to market the ground floor from May 2016 for a further two years.

Evidence of the marketing undertaken by the commercial estate agent and of how the landlord marketed the property was requested by the case officer. In response, a further letter from the landlord dated 24 May 2018 has been provided stating that they have been unable to obtain the requested information from the estate agents, providing two undated pictures of the application site with an estate agents sign in the window instead. No evidence or further information about the methods used by the landlord to market the property has been provided.

It is considered that the information provided does not show that the ground floor is not viable as an A1 unit, as demonstrated by long-term vacancy despite reasonable attempts to let. Accordingly, the proposals are not considered to comply with Policy S21.

The application site is located within the Lupus Street Local Shopping Centre, in the non-core frontage.

Unitary Development Plan (UDP) policy SS7 aims to protect the designated Local Shopping Centres for the service they provide to residents, visitors and workers, and because they reduce the need to travel. Part (C) of the policy states that outside the Core Frontages, permission will be granted for loss of an A1 use at ground-floor level if the proposal:

1. would not be detrimental to the character or function of the centre, nor have a harmful effect on the vitality or viability of the centre
2. would not reduce the range of local convenience shops, or have a detrimental effect on local shopping facilities
3. would not result in more than three non-A1 units located consecutively in a frontage
4. would not undermine the balance of A1 to non-A1 uses within the frontage as a whole.

The proposals would result in the loss of a local convenience shop. The Council's most recent Shopping Centre Health Check Survey (2014) shows that the overall number of A1 retail uses in Lupus Street decreased by 2 units between 2007 and 2013 and that the number of local convenience shops fell from 18 to 12. It is considered that the loss of another local convenience shop would have a detrimental effect on local shopping facilities and the retail character and function of the local centre. The proposals do not accord with Policy SS7.

### 8.1.2 Proposed Use

Objectors contend that the area surrounding the application site is a quiet residential area and that another A3 use would not be suitable. Supporters state that the application site is located on a busy main road in central London and that this type of use would not be out of place in the surrounding area.

City Plan Policy S10 recognises the predominantly residential nature of Pimlico, and "Village" character with associated local uses and the sense of small-scale shops and services. Stating that the area will be primarily for residential use with supporting retail, social and community and local arts and cultural provision.

Policy S24 also requires that proposals for new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment use and any cumulative impacts and adverse impacts on residential amenity, health and safety, local environment quality, and the character and function of the area.

Given the size of the premises (77sqm), and the nature of the use, UDP policy TACE 8 is applicable. TACE 8 relates to restaurant and café uses (Class A3) and states that permission will only be granted where the City Council is satisfied that the proposed development will have no adverse effect (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking and traffic and no adverse impact on the character and function of the area.

Objections have been received on the grounds that there is already an over provision of A3 uses in the area. Officers consider that whilst there are other entertainment uses within the vicinity including Goya (approx. 82m) and The Pimlico Fish Bar (approx. 180m). This does not constitute an overconcentration or "stress area". Lists and maps showing other entertainment uses in Pimlico has been provided by objectors, however the area shown is considered too wide to be relevant to the criteria in TACE 8 relating to cumulative impact.

Concern has been raised by objectors that odours from the kitchen will cause nuisance to surrounding residents, especially those living at Neate House. The applicant states that only minor food preparation will happen in the kitchen and that no frying or heavy cooking preparation will happen on site, however no detailed information about the menu or cooking methods has been provided. The proposals include the installation of a duct to the rear for kitchen extract ventilation, however this does not comply with



Environmental Health’s requirements as the discharge point of the kitchen extract ventilation is within 20m of a neighbouring building and would be below the windows of the residential flats at 129 St George’s Drive.

Objectors also state that noise generated by the proposed mixed retail/restaurant use (sui generis) and associated ventilation machinery will cause unacceptable disturbance. No information has been provided with regards to capacity, staff numbers or mitigation measures to reduce disturbance from customers. An acoustic report has been provided with the application, however this has not assessed for noise transfer through the building fabric and fails to demonstrate that the proposals can meet the City Council’s policies for noise and vibration.

Objectors have also stated that the proposed use would increase parking pressure in the surrounding streets and could involve later servicing which would cause disturbance to residents. The site is within a Controlled Parking Zone, which means that anyone who does drive to the site will be subject to those controls; because of this, it is considered that the impact of the proposals on parking would be minimal. However, the Highways Planning Manager recommends that if permission is granted, a condition be attached to ensure that no delivery service should operate from this location. No servicing details have been provided.

The proposed hours are 1000 – 2200 hours Monday to Sunday and objections have been received on the grounds that the hours are too long and would disturb surrounding residents. It is unclear whether or not these hours could be considered acceptable given the outstanding details.

Overall, it is considered that the information submitted is insufficiently detailed with respect to the proposed mixed retail/restaurant use (sui generis). In the absence of such information, the full impact upon neighbouring residents and on the character and function of the area cannot be fully assessed. It is considered that these proposals could have a potentially adverse impact on neighbouring residents and on the character and function of the area cannot be fully assessed. This would not meet Policy S24 of the City Plan and Policy TACE 8 of the UDP.

**8.2 Townscape and Design**

**Application 1**

The proposals involve the installation of retractable awnings to the front and side elevations and a full-height duct to the rear of the building.

The building is modern, with a simply designed front elevation. The street does not include awnings/ canopies. Letters of support state that the modern contemporary look of the café would improve the overall look of the building. Officers consider that the awnings would break the unaltered and flat appearance of the building’s elevation and would not be in keeping with the other shopfronts. Accordingly, it is considered that the installation of the awnings would fail to maintain or improve (preserve or enhance) the character and appearance of the building and Pimlico Conservation Area.

Objections have been received regarding the design of the proposed duct. The tightly enclosed nature of the rear elevation is such that very few views of the proposed duct

will be available. The rear elevation adds little to the significance of the building and therefore the erection of a duct may be considered acceptable. However, further details of the duct, showing its relationship with the roof are required in order for a judgement on its acceptability to be made. Had the application been considered acceptable, conditions would have been recommended requiring further details.

**Application 2**

Advertisement consent is sought for the display of three externally illuminated fascia signs measuring 0.3m x 2.5m, 0.4m x 2.8m and 0.3 x 2.5m.

Objections have been raised on the grounds that the raised “neon” signage would look out of place and erode the appearance of the surrounding area.

The signs would be stainless steel “floating lettering” and the applicant has confirmed that the only method of illumination proposed is trough lighting. It is considered that by virtue of their size, location and method of illumination, the proposed signs would be in accordance with DES8, DES 9 and the Council’s “Advertisement Design Guidelines” (1992).

**8.3 Residential Amenity**

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

The unit has a number of large windows at ground floor level on the front and side elevations. Objectors state that these windows will allow customers of the mixed retail/restaurant use to look directly into the windows of surrounding residential properties, leading to an unacceptable degree of overlooking. It is noted that two of the windows on the Lupus Street elevation have previously been obscured by advertisements and that these will be removed under the current proposals. However, permission is not required to remove the advertisements and the size of the windows will not be changing. Given the distance between the windows of the unit and those in directly facing residential properties (approx. 21m to 53/55 Lupus Street), it is considered that the proposals would not lead to an unacceptable degree of overlooking. Concern has also been raised about noise disturbance and overlooking from outdoor tables and chairs, however this is not proposed and would require a further application.

Objectors raise concern that the existing windows and proposed signage will create light spillage, disturbing surrounding residents. The proposed signage will be externally illuminated by trough lighting and as previously stated the windows will not be changing in size. Accordingly, it would not be sustainable to refuse the proposals because of potential light spillage.

Given its size, massing and position on the rear elevation, it is considered that the proposed extract duct would not cause an unacceptable reduction of light or increased sense of enclosure to surrounding properties.

Environmental Health have objected on the grounds that insufficient information has been provided to demonstrate that the proposed kitchen extract duct will be designed and operated without causing harm to the amenity of neighbouring residential occupiers

as a result of noise, vibrations and odours. Without this information, the proposals would not meet Policies S29 of the City Plan and ENV13 of the UDP.

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

##### **Application 1**

Transportation/parking issues have been covered in section 8.1.2 above.

##### **Application 2**

Because of their size, position and method of illumination the proposed fascia signs are considered to be acceptable in terms of highways safety.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

No changes to the existing means of access are proposed.

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

##### **Refuse /Recycling**

Objections have been raised on grounds that no refuse storage details have been provided and that any waste left outside could encourage vermin and foxes. It appears from the drawings that waste storage could be accommodated within the unit, had the application been acceptable, a condition could be attached requiring details of waste storage to be approved prior to commencement of the use.

#### **8.8 London Plan**

This application raises no strategic issues.

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

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

#### **8.10 Planning Obligations**

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

This development does not generate a Mayor CIL or WCC CIL payment.

#### **8.11 Environmental Impact Assessment**

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

## 8.12 Other Issues

### Fire Risk

Objectors have raised concern that the provision of a grill/ cooking appliances could potentially create a fire hazard and that 127-129 St George's Drive (Neate House) do not have fire escapes. Whilst noted, these are matters to be considered under the building regulations.

### The Sale of Alcohol

The applicant states that they do not intend to sell alcohol, however this is a licencing matter.

### Works on Site

Complaints have been received that work has already commenced on site. The Council's Planning Enforcement Team have been made aware and are investigating the matter.

### Other Matters

Whilst noted, matters such as property prices, insurance premiums, proximity to schools and counter balancing the number of chain stores in Pimlico are not planning considerations.

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

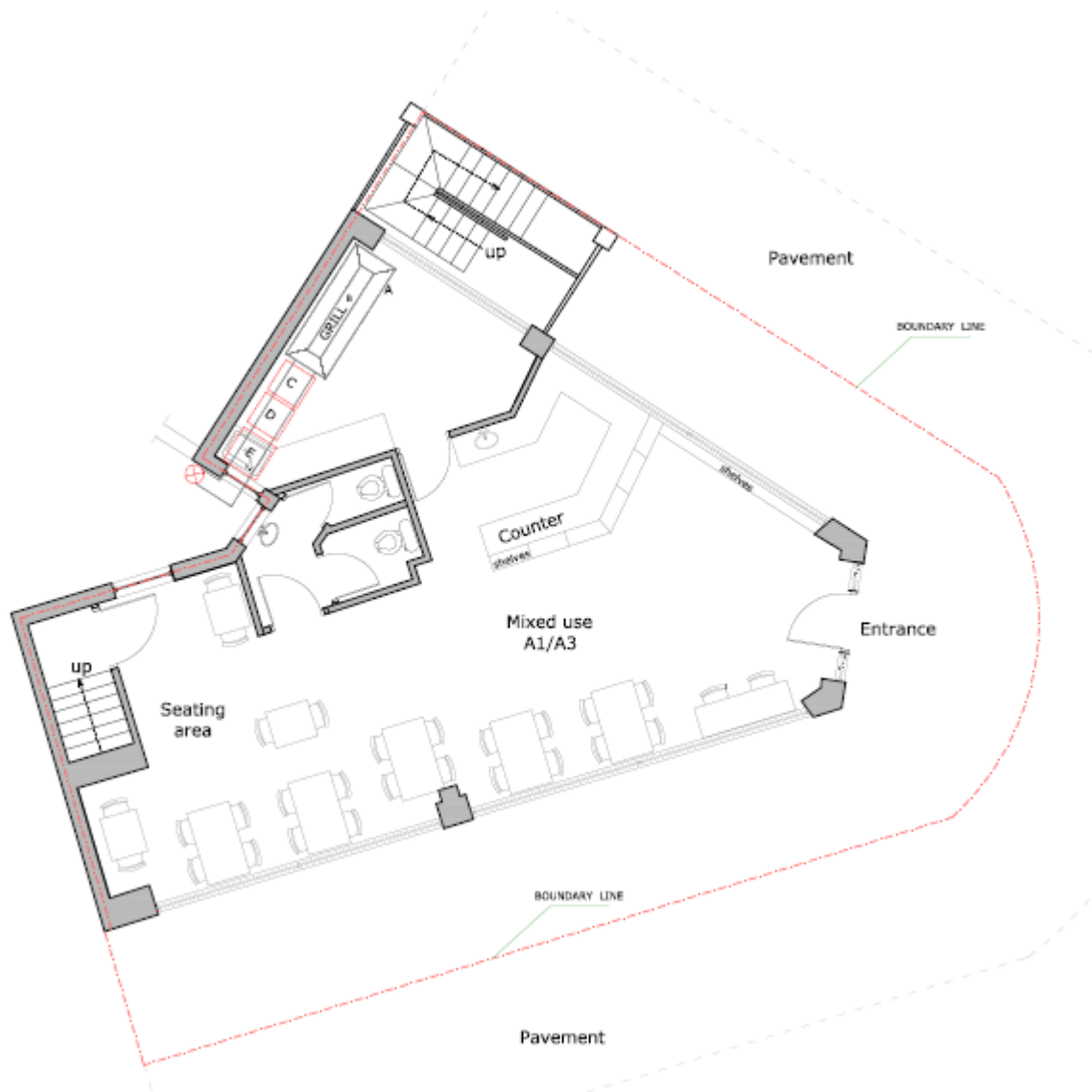
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT [ddorward@westminster.gov.uk](mailto:ddorward@westminster.gov.uk),

## 9. KEY DRAWINGS

## EXISTING BASEMENT AND GROUND FLOOR PLANS



## PROPOSED GROUND FLOOR PLAN



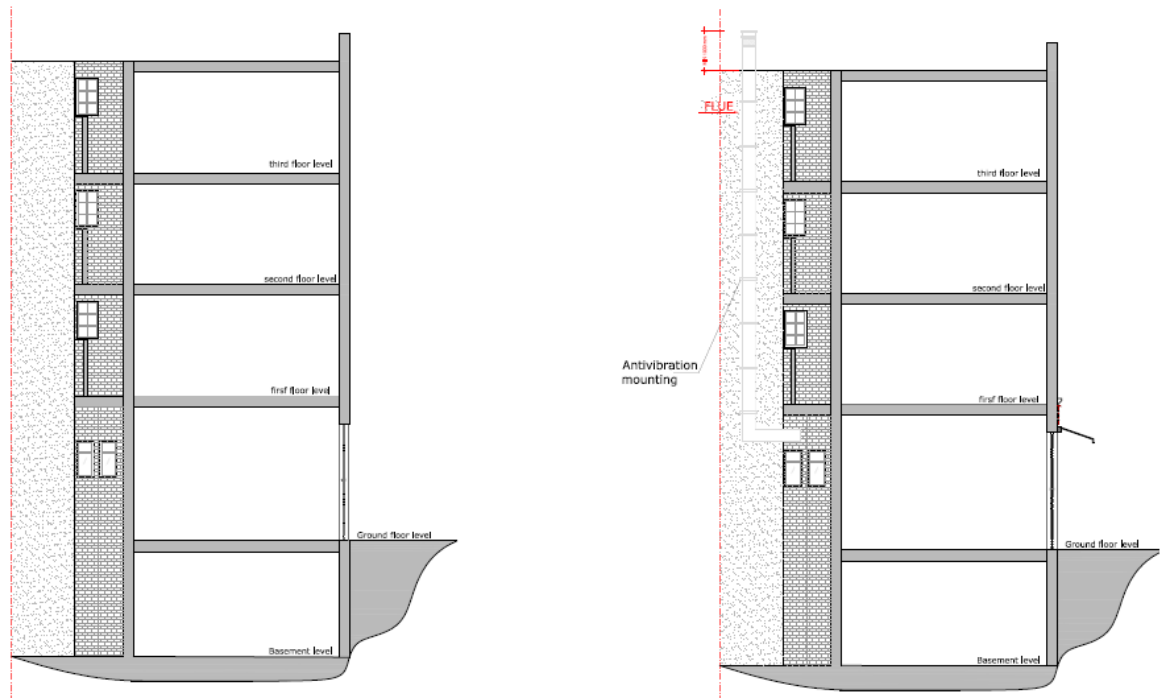
EXISTING FRONT AND SIDE ELEVATIONS



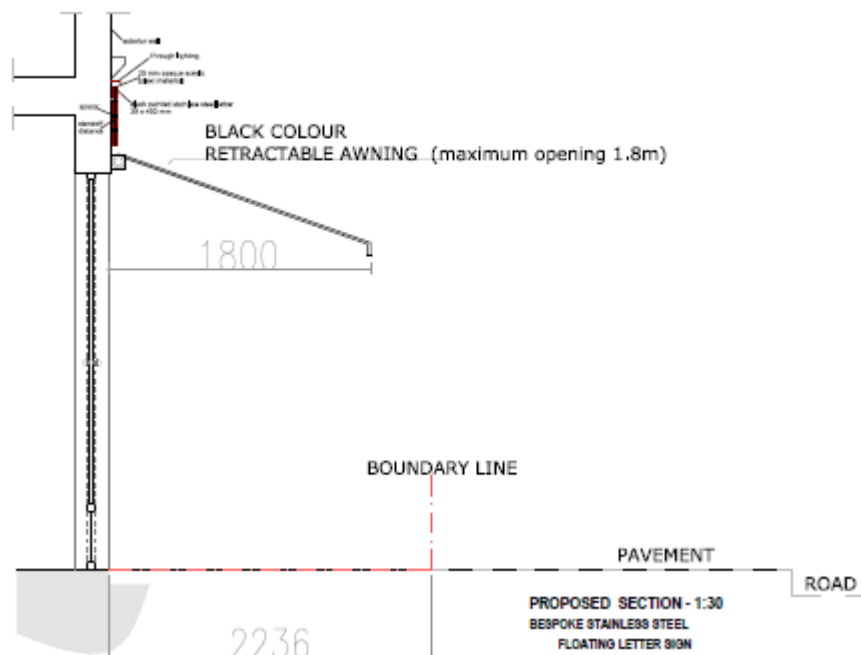
PROPOSED FRONT AND SIDE ELEVATIONS



## EXISTING AND PROPOSED REAR SECTION

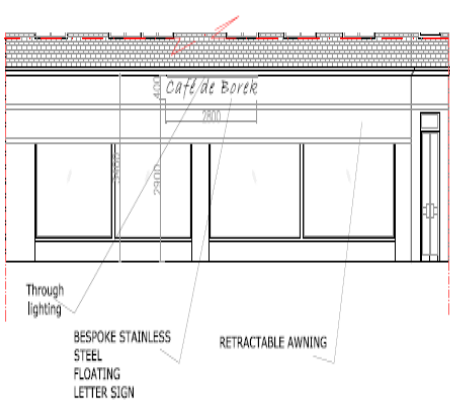


## RETRACTABLE AWNING DETAIL

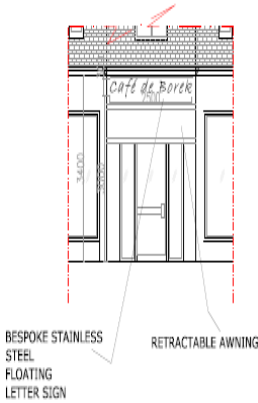




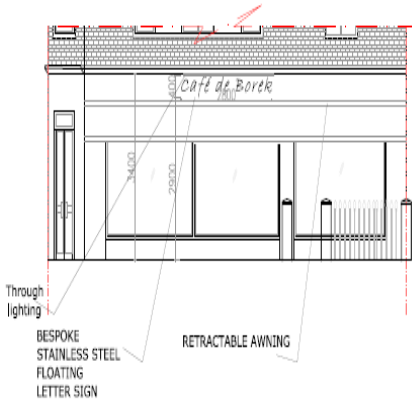
### SIGNAGE DETAILS



PROPOSED SIDE A ELEVATION  
Scale 1/100



PROPOSED FRONT ELEVATION  
Scale 1/100



PROPOSED SIDE B ELEVATION  
Scale 1/100



**DRAFT DECISION LETTER**

**Address:** 52 Lupus Street, London, SW1V 3EE

**Proposal:** Use of ground floor as a mixed retail/restaurant use (sui generis) with new ducting at the rear and retractable awnings to the front and side elevation.

**Reference:** 18/02472/FULL

**Plan Nos:** Site Location Plan; P-102 P-105; P-104; P-107 Rev. 1; Design and Access Statement; Noise Impact Assessment Report - Mechanical Plant dated 19 March 2018; Ventilation Statement; Marketing Information; E-mail dated 9 May 2018.

**Case Officer:** Ian Corrie

**Direct Tel. No.** 020 7641 1448

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

- Reason:
- 1 Your development would lead to the loss of a retail unit in the Lupus Street Local Centre as defined in our Unitary Development Plan that we adopted in January 2007. This would harm the retail character and function of the area and have a detrimental effect on local shopping facilities which would not meet S21 of Westminster's City Plan (November 2016) and SS7 of our Unitary Development Plan adopted January 2007.
- Reason:
- 2 It is considered that the information submitted is insufficiently detailed with respect to the proposed retail/restaurant use (sui generis). In the absence of such information, the full impact upon neighbouring residents and on the character and function of the area cannot be fully assessed. It is considered that these proposals could have a potentially adverse impact on neighbouring residents and the character and function of the area. This would not meet S24 and S31 of Westminster's City Plan (November 2016) and TACE8 and ENV 5 of our Unitary Development Plan adopted in January 2007.
- Reason:
- 3 Because of their location, size and appearance the proposed awnings would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Pimlico Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AD)
- Reason:
- 4 Insufficient information has been provided to demonstrate that the proposed kitchen extract duct will be designed and operated without causing harm to the amenity of neighbouring residential occupiers as a result of noise, vibrations and odours. Without this information your proposal would not meet 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.

**DRAFT DECISION LETTER**

**Address:** 52 Lupus Street, London, SW1V 3EE

**Proposal:** Display of 3no. externally illuminated fascia signs measuring 0.3m x 2.5m, 0.4m x 2.8m and 0.3 x 2.5m.

**Reference:** 18/02473/ADV

**Plan Nos:** Site Location Plan; P-104; P-106 Rev. 1; P-107 Rev.1; Design and Access Statement.

**Case Officer:** Ian Corrie

**Direct Tel. No.** 020 7641 1448

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

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

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# Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	3 Abbey Road, London, NW8 9AY		
Proposal	Variation of Condition 7 of planning permission dated 28 March 2017 (RN 16/07867/FULL) which varied Condition 1 of planning permission dated 2 July 2015 (RN: 14/11186/FULL) for the reconfiguration and expansion of facilities for music recording and production at No.3 Abbey Road comprising erection of a new recording studio to rear of No.5 Abbey Road; conversion of existing garage building facing Hill Road to form new recording studio and addition of pitched roof structure; new gate to Hill Road frontage of site; enlargement of single storey block adjacent to boundary with Abbey House and erection of extension to accommodate new transformer; erection of single storey extension to rear of Studio 2; use of lower ground floor of No.5 Abbey Road as a gift shop (Class A1) with associated alterations to form access and new landscaping to the front of No.5; installation of new mechanical plant equipment; new landscaping; and internal alterations, including to Studios 2 and 3; NAMELY, to extend the opening hours of the retail shop at No.5 Abbey Road from between 09.30 and 19.00 Monday to Saturday and between 10.00 and 18.00 on Sundays to between 09.00 and 20.00 Monday to Saturday and between 10.00 and 18.00 on Sundays.		
Agent	Porta Planning LLP		
On behalf of	Abbey Road Studios		
Registered Number	18/04217/FULL	Date amended/ completed	22 May 2018
Date Application Received	22 May 2018		
Historic Building Grade	II		
Conservation Area	St John's Wood		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application seeks permission to vary Condition 7 of planning permission dated 28 March 2017 (RN 16/07867/FULL) to extend its opening hours of the Abbey Road Studios 'gift shop', which was created within the lower ground floor of No.5 Abbey Road pursuant to the planning permission originally granted on 2 July 2015 (RN: 14/11186/FULL). Condition 7 currently permits the gift shop to open between 09.30 and 19.00 Monday to Saturday and between 10.00 and 18.00 on Sundays. It is proposed to extend these opening hours to between 09.00 and 20.00 Monday to Saturday. The opening hours on Sundays are proposed to remain as existing and other conditions controlling the operation of the gift shop, which were imposed on the March 2017 permission, would remain unaltered (see these listed in Section 6.2).

The application has attracted objection from the St. John's Wood Society and two neighbouring residents. The principal concern is the impact the proposal may have on the amenity of neighbours as a result of increased noise disturbance. Concerns relating to highway impact have also been raised by the neighbour objectors.

Whilst the concerns of the St. John's Wood Society and the two objectors are understood in terms of the risk of noise disturbance, the additional opening hours sought are considered to be modest (half an hour extra in the morning and an hour in the evening). The additional opening hours proposed would not result in the shop being open early in the morning or late at night and it is noted that Environmental Health have confirmed that the shop unit, which has been open for approximately two and a half years, has yet to attract any complaints to the Council's 24 Hour Noise team. The applicant expects the additional opening hours to attract an additional 10,000 customers annually, which equates to between 30-35 additional customers per day when the opening hours would be extended (i.e. excluding Sundays). Between 09.00 and 20.00 hours Monday to Saturday Abbey Road remains a relatively busy environment in the context of St. John's Wood, and as such, it is not considered the extended hours proposed and resultant modest additional customers would give rise to a material increase in noise disturbance. Particularly given the range of other controls imposed by the Conditions attached to the March 2017 permission that are set out in Section 6.2 of this report. In this context, and subject to the imposition of the same conditions as were imposed on the March 2017 permission, it is considered that the proposed extended hours of opening are acceptable in amenity terms and would be in accordance with Policy ENV6 in the UDP and Policies S29 and S32 in the City Plan.

One objector has raised concern that the extended hours should not have negative impact on parking access. The extended hours of opening proposed are considered to be unlikely to have any significant adverse impact on parking. Parking along Abbey Road is prevented by single and double yellow lines. Residents' parking in surrounding roads is for permit holders only between 08.30 and 18.30 Monday to Friday. Therefore, during these hours parking within these bays by visitors to Abbey Road Studios is not possible. As existing, the gift shop will be open outside of the controlled hours of the nearby residents' parking bays. However, almost all visitors to Abbey Road Studio arrive on foot from St. John's Wood Underground Station or local bus routes as the principal activity at the site is crossing the Abbey Road zebra crossing outside the Studios.

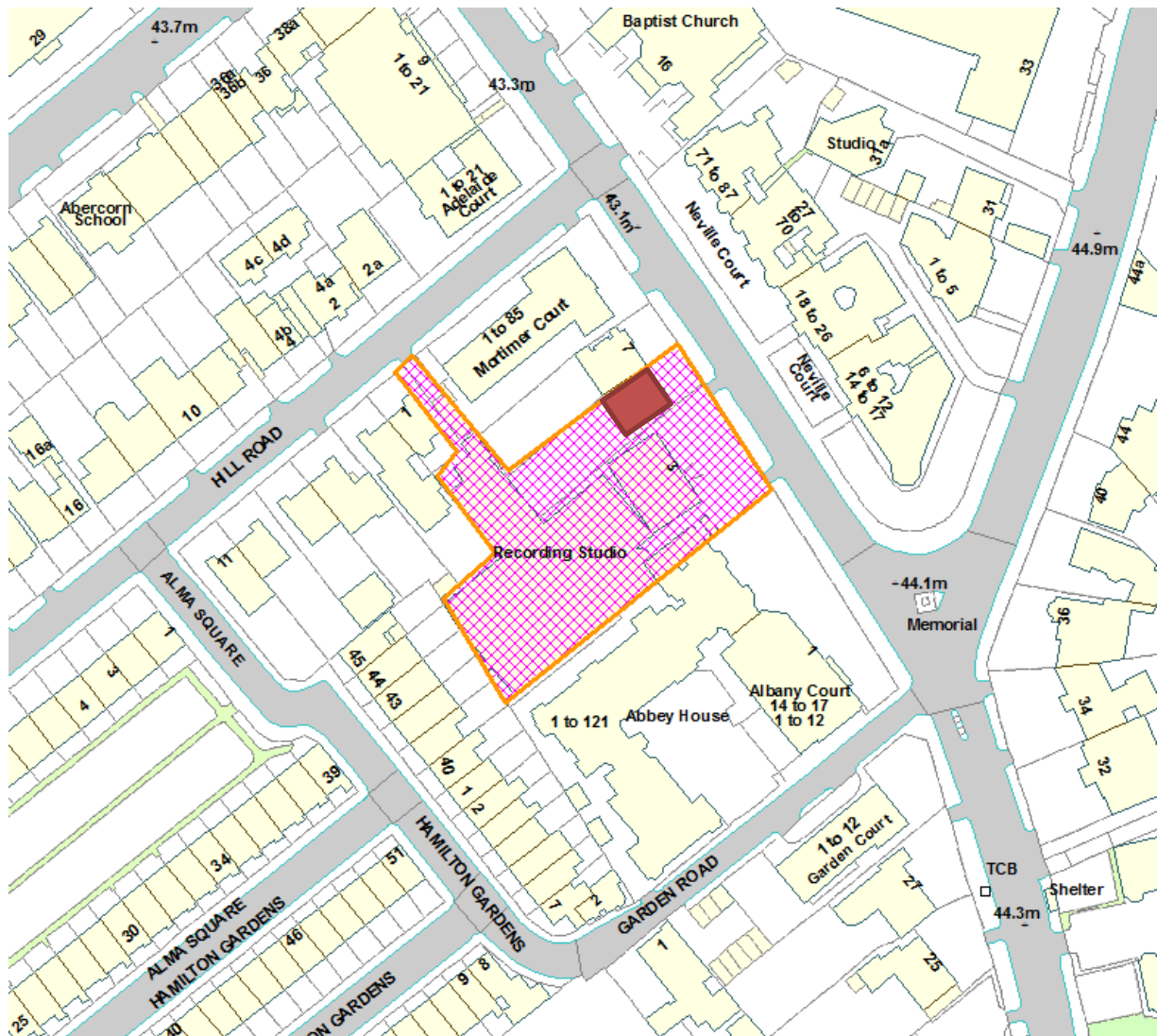
Concern has been expressed that the shop has increased footfall and traffic disruption in the area as a result of increased use of the zebra crossing. However, there is no evidence to demonstrate this and the principle of providing a gift shop for the Studios in this location has already been accepted as part of the earlier permissions. The applicants advise that a recent survey they undertook indicates

that the gift shop draws approximately 80% of visitors away from the crossing, thereby reducing the extent to which may visitors loiter around the crossing when visiting. The applicants consider that this has in fact resulted in some improvements in terms of the degree to which the use of the crossing by visitors disrupts traffic on Abbey Road. In this context, it is not considered that the additional hours sought for the opening of the gift shop would give rise to a materially adverse impact on the surrounding road network and the Highways Planning Manager does not have any objection to the proposal.

In terms of graffiti outside the Studios, this is an ongoing issue, which predates the opening of the gift shop. The Studio is committed to limiting the impact of the graffiti on the environment of this part of St. John's Wood and they repaint the boundary walls of the site every 4 weeks to improve its appearance. It is not considered that this matter is one which would reasonably justify withholding permission for extension of the hours of use of the shop unit.

One objector has raised concern regarding whether the proposal would impact on access to the rear of Mortimer Court. This application would have no impact on access to Mortimer Court, which is located at the junction of Abbey Road and Hill Road. Similarly, the extended hours of opening of the shop unit would have no impact on water services to Mortimer Court.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



Top: View of No.5 Abbey Road ('gift shop' located at lower ground floor level and accessed via the entrance to the left of the tall white piers). Bottom: view of interior of gift shop.

## 5. CONSULTATIONS

### WARD COUNCILLORS (ABBHEY ROAD WARD)

Any response to be reported verbally.

### ST. JOHN'S WOOD SOCIETY

Objection. The original hours of operation of the shop were conditioned in the planning permission to protect the amenity of neighbours.

### ENVIRONMENTAL HEALTH

No objection. Environmental Health have no record of noise complaints relating to the shop unit. Note that the operation of the shop unit is controlled by an operational management plan, which covers the management of noise from the retail unit.

### HIGHWAYS PLANNING MANAGER

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 303.

Total No. of replies: 2.

No. of objections: 2.

No. in support: 0.

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

#### Amenity

- Proposal must not increase noise disturbance.

#### Other Issues

- Would like greater reassurance that the proposals will not impact on access to the rear of Mortimer Court
- Proposals should not have any negative impact on water services to Mortimer Court.
- Must not have negative impact on parking access.
- The shop has increased footfall and traffic disruption in the area at the zebra crossing.
- 'Field' of graffiti has increased.
- Increased hours sought will add to burden on area.

### ADVERTISEMENT/ SITE NOTICE

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises Nos.3 and 5 Abbey Road, which are in use as Abbey Road Studios. The use of the site as recording studios is historic, having first started in the early 1930s, following modification and extension of the original villa building at No.3 Abbey Road.

Whilst the majority of the site is not located within a conservation area, the building at No.3 Abbey Road is grade II listed, as is the nearby Abbey Road pedestrian crossing. The Studios and the associated zebra crossing in Abbey Road were grade II listed in February 2010. The St. John's Wood Conservation Area borders the site to the front elevation in Abbey Road and to the rear in Hamilton Gardens and Hill Road.

This application relates to the Class A1 retail shop unit formed at lower ground floor level within No.5 Abbey Road pursuant to the planning permission originally granted in July 2015 (see Section 6.2). The shop unit operates as a gift shop for the Studios. It is not within a designated shopping centre and its use is restricted by Condition 26 imposed on the March 2017 permission to the sale of goods that are primarily related to Abbey Road Studios. A number of other conditions imposed on the March 2017 permission control the operation of the shop unit and these are listed below:

- Condition 5 – Restricts the use of the shop unit to use by Abbey Road Studios only.
- Condition 6 – Prevents the opening of the rear doors of the shop unit to prevent noise disturbance being caused to neighbouring properties to the rear.
- Condition 7 – Restricts the hours of opening to between 09.30 and 19.00 Monday to Saturday and between 10.00 and 18.00 on Sundays.
- Condition 8 – Restricts the hours of servicing for the retail shop to service the retail shop use between 08.00 and 22.00 daily and requires servicing to occur on the forecourt of No.3 Abbey Road and not on street.
- Condition 9 – Prevents the playing of live or recorded music within the shop that can be heard outside the premises and prevents the playing of music within the front garden area.
- Condition 10 – Requires the operation of the shop unit in accordance with the approved operational management plan. This includes details of how queuing management, staffing, security and access.

## 6.2 Recent Relevant History

### 14/11186/FULL

Reconfiguration and expansion of facilities for music recording and production at No.3 Abbey Road comprising erection of a new recording studio to rear of No.5 Abbey Road; conversion of existing garage building facing Hill Road to form new recording studio and addition of pitched roof structure; new gate to Hill Road frontage of site; enlargement of single storey block adjacent to boundary with Abbey House and erection of extension to accommodate new transformer; erection of single storey extension to rear of Studio 2; use of lower ground floor of No.5 Abbey Road as a gift shop (Class A1) with associated alterations to form access and new landscaping to the front of No.5; installation of new mechanical plant equipment; new landscaping; and internal alterations, including to Studios 2 and 3.

Application Permitted

2 July 2015

### 14/11187/LBC

Reconfiguration and expansion of facilities for music recording and production at No.3 Abbey Road comprising erection of a new recording studio to rear of No.5 Abbey Road; conversion of existing garage building facing Hill Road to form new recording studio and addition of pitched roof structure; new gate to Hill Road frontage of site; enlargement of

single storey block adjacent to boundary with Abbey House and erection of extension to accommodate new transformer; erection of single storey extension to rear of Studio 2; use of lower ground floor of No.5 Abbey Road as a gift shop (Class A1) with associated alterations to form access and new landscaping to the front of No.5; installation of new mechanical plant equipment; new landscaping; and internal alterations, including to Studios 2 and 3.

Application Permitted

2 July 2015

16/07867/FULL

Variation of Condition 1 of planning permission dated 2 July 2015 (RN: 14/11186/FULL) for the reconfiguration and expansion of facilities for music recording and production at No.3 Abbey Road comprising erection of a new recording studio to rear of No.5 Abbey Road; conversion of existing garage building facing Hill Road to form new recording studio and addition of pitched roof structure; new gate to Hill Road frontage of site; enlargement of single storey block adjacent to boundary with Abbey House and erection of extension to accommodate new transformer; erection of single storey extension to rear of Studio 2; use of lower ground floor of No.5 Abbey Road as a gift shop (Class A1) with associated alterations to form access and new landscaping to the front of No.5; installation of new mechanical plant equipment; new landscaping; and internal alterations, including to Studios 2 and 3. NAMELY, amendments to alter the detailed design, layout and form of the new recording studio to rear of No.5 Abbey Road including demolition and replacement of boundary wall with No.7; relocation of plant from roof of the existing building and new recording studio to rear of No.5 Abbey Road to within the gap between it and Studio 2; alteration to the detailed design and plant arrangement to the garage building facing Hill road in connection with its use as two small studios; alteration of the detailed design, form and roof level plant arrangement of the single storey block adjacent to boundary with Abbey House; and omission of entrance canopy to gift shop entrance, relocation of gift shop plant and repositioning of front wall pier.

Application Permitted

28 March 2017

16/07868/LBC

Variation of Condition 1 of listed building consent dated 2 July 2015 (RN: 14/11187/LBC) for the reconfiguration and expansion of facilities for music recording and production at No.3 Abbey Road comprising erection of a new recording studio to rear of No.5 Abbey Road; conversion of existing garage building facing Hill Road to form new recording studio and addition of pitched roof structure; new gate to Hill Road frontage of site; enlargement of single storey block adjacent to boundary with Abbey House and erection of extension to accommodate new transformer; erection of single storey extension to rear of Studio 2; use of lower ground floor of No.5 Abbey Road as a gift shop (Class A1) with associated alterations to form access and new landscaping to the front of No.5; installation of new mechanical plant equipment; new landscaping; and internal alterations, including to Studios 2 and 3. NAMELY, amendments to alter the detailed design, layout and form of the new recording studio to rear of No.5 Abbey Road including demolition and replacement of boundary wall with No.7; relocation of plant from roof of the existing building and new recording studio to rear of No.5 Abbey Road to within the gap between it and Studio 2; alteration to the detailed design and plant arrangement to the garage building facing Hill road in connection with its use as two small studios; alteration of the detailed design, form and roof level plant arrangement of the single storey block adjacent to boundary with Abbey House; omission of entrance

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canopy to gift shop entrance, relocation of gift shop plant and repositioning of front wall pier; and amendments to internal alterations to Studio 3.  
Application Permitted                      28 March 2017

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

<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT <a href="mailto:rhandley@westminster.gov.uk">rhandley@westminster.gov.uk</a>.</p>
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## 7. KEY DRAWINGS



Approved Layout of Abbey Road Studios gift shop in lower ground floor of No.5 Abbey Road.

**DRAFT DECISION LETTER**

**Address:** 3 Abbey Road, London, NW8 9AY,

**Proposal:** Variation of Condition 7 of planning permission dated 28 March 2017 (RN 16/07867/FULL) which varied Condition 1 of planning permission dated 2 July 2015 (RN: 14/11186/FULL) for the reconfiguration and expansion of facilities for music recording and production at No.3 Abbey Road comprising erection of a new recording studio to rear of No.5 Abbey Road; conversion of existing garage building facing Hill Road to form new recording studio and addition of pitched roof structure; new gate to Hill Road frontage of site; enlargement of single storey block adjacent to boundary with Abbey House and erection of extension to accommodate new transformer; erection of single storey extension to rear of Studio 2; use of lower ground floor of No.5 Abbey Road as a gift shop (Class A1) with associated alterations to form access and new landscaping to the front of No.5; installation of new mechanical plant equipment; new landscaping; and internal alterations, including to Studios 2 and 3; NAMELY, to extend the opening hours of the retail shop at No.5 Abbey Road from between 09.30 and 19.00 Monday to Saturday and between 10.00 and 18.00 on Sundays to between 09.00 and 20.00 Monday to Saturday and between 10.00 and 18.00 on Sundays.

**Plan Nos:** **DRAWINGS AND DOCUMENTS APPROVED UNDER 14/11186/FULL:** (00)-001, (00)-002, (00)-003, (00)-004, (00)-005, (00)-006, (00)-007/P1, (00)-008/P1, (00)-009/P4, (00)-010/P1, (00)-011/P1, (00)-012/P1, (00)-015/P1, (00)-016/P1, (00)-017, (20)-01-099/P1, (20)-01-100/P1, (20)-01-101/P1, (20)-01-300/P2, (20)-01-301/P1, (20)-01-400/P2, (20)-01-401/P1, (20)-01-700, (20)-02-099, (20)-02-100/P1, (20)-02-101, (20)-02-300, (20)-03-100, (20)-03-300, (20)-04-200/P2, (20)-04-300/P2, (20)-04-400/P2, (20)-05-099/P1, (20)-05-100/P1, (20)-05-300/P1, (20)-05-301/P1, (20)-05-400/P1, (20)-06-099/P1, (20)-06-100/P2, (20)-06-300/P3, (20)-06-400/P3, (ME)-002, (ME)-002/P3, (ME)-004/P1, (ME)-005/P1, (ME)-006/P1, (ME)-007/P2, (ME)-008/P2, (ME)-009/P1, (ME)-010/P1, (ME)-011/P1, (ME)-012/P1, (ME)-013, Planning, Design and Access Statement dated November 2014 (as appended by letter from Washbourne Field Planning dated 13 February 2015, Historic Building Appraisal and Statement of Significance dated January 2014, Heritage Impact Assessment dated April 2015, Noise Impact Assessment dated 6 February 2015 (Rev.7 - version submitted on 16 March 2015), Landscape Design Proposal document dated February 2015 (containing drawings LA/101, LA 103, LA/104, LA/107, LA/537, LA/P110 and montage of view from Mortimer Court), Daylight and Sunlight Impact Assessment (Rev.N2), Statement of Consultation dated November 2014 (Rev.A), Arboricultural Method Statement dated 26 June 2015 (ref: 14001-AMS2-AS) and drawing 14001-BT6, and Phase 1 Construction Management Plan dated 23 June 2015 (Rev.C), Abbey Road Studios Site Management Report (29 June 2015), un-numbered landscaping drawing showing planting at entrance to new Hill Road studio entrance and construction phasing drawings (00)-025 Rev.P, (00)-026 Rev.P and (00)-027 Rev.P.

**AS AMENDED BY DRAWINGS AND DOCUMENTS APPROVED UNDER RN: 16/0767/FULL:** (00)-001 Rev.P1, (00)-002 Rev.P1, (00)-003 Rev.P1, (00)-004 Rev.P1, (00)-005 Rev.P1, (00)-006 Rev.P1, (00)-007 Rev.P4, (00)-008 Rev.P3, (00)-009 Rev.P8, (00)-010 Rev.P2, (00)-011 Rev.P3, (00)-012 Rev.P3, (00)-015

Rev.P2, (00)-016 Rev.P2, (00)-017 Rev.P1, (00)-018 Rev.P1, (20)-01-099 Rev.P3, (20)-01-100 Rev.P3, (20)-01-101 Rev.P3, (20)-01-300 Rev.P3, (20)-01-301 Rev.P3, (20)-01-400 Rev.P2, (20)-01-401 Rev.P2, (20)-01-700 Rev.P1, (20)-02-099 Rev.P1, (20)-02-100 Rev.P2, (20)-02-101 Rev.P2, (20)-02-300 Rev.P1, (20)-03-100 Rev.P2, (20)-04-200 Rev.P5, (20)-04-300 Rev.P5, (20)-04-400 Rev.P4, (20)-04-700 Rev.P2, (20)-05-300 Rev.P2, (20)-05-301 Rev.P2, (20)-05-400 Rev.P2, (20)-05-700 Rev.P2, (20)-06-099 Rev.P2, (20)-06-100 Rev.P3, (20)-06-300 Rev.P4, (20)-06-400 Rev.P4, (ME)-002 Rev.P2, (ME)-003 Rev.P5, (ME)-004 Rev.P3, (ME)-005 Rev.P2, (ME)-006 Rev.P3, (ME)-007 Rev.P3, (ME)-008 Rev.P3, (ME)-009 Rev.3, (ME)-010 Rev.P3, (ME)-011 Rev.P2, (ME)-012 Rev.P2, (ME)-013 Rev.P1, Heritage Assessment dated June 2016, Historic Building Appraisal and Statement of Significance dated January 2014, Arboricultural Method Statement dated 20 December 2016 (Ref: 14001-AMS8-AS), 14001-BT11, Noise Impact Assessment (Second Addendum) dated 6 May 2015 (with updates dated 22 November 2016), Noise Impact Assessment Addendum dated 15 December 2016, Abbey Road Studios Site Management Report (version V2 dated 9 August 2016), Construction Management Plan Rev.2 dated August 2016, Daylight and Sunlight Report dated 6 July 2016 (updated 15 August 2016), LA/101/PC Rev.P3, LA/102/PC Rev.3, LA/104/PC, LA/107/PC Rev.3, LA/108/PC Rev.3, P0516/Rev.3, Materials Submission List (Rev.A), sample of natural grey/ blue slate, sample yellow stock brick and sample of grey aluminium window frame.

**AS AMENDED BY DRAWINGS AND DOCUMENTS HEREBY APPROVED:** Letter from Porta Planning dated 22 May 2018, Abbey Road Studios Site Management Report v4 dated 18 May 2018 and (00)-001 Rev.P1.

**Case Officer:** Oliver Gibson

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

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

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

Reason:

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

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

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

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control



of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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 Phase 1 of the development hereby approved (as shown on construction phasing plans (00)-025 Rev.P, (00)-026 Rev.P and (00)-027 Rev.P) shall be carried out in accordance with the Construction Management Plan by Kingly dated 23 June 2015.

Phase 2 of the development hereby approved (as shown on construction phasing plans (00)-025 Rev.P, (00)-026 Rev.P and (00)-027 Rev.P) shall be carried out in accordance with the Construction Management Plan by Bollingbrook dated August 2016.

Reason:

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

- 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 protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 5 Only Abbey Road Studios can carry out the Class A1 retail shop use of the lower ground floor of No.5 Abbey Road. No one else may benefit from this permission in respect of the retail shop use of the lower ground floor of No.5 Abbey Road. (C06AA)

Reason:

Because of the special circumstances of this case we need to control future use of the premises if the Abbey Road Studios retail shop use leaves. This is as set out in SS10 and ENV6 of our Unitary Development Plan that we adopted in January 2007 and S29 and S32 of Westminster's City Plan (November 2016). (R06AB)

- 6 You must keep the rear doors of the Class A1 retail unit in the lower ground floor of No.5 Abbey Road shut at all times and you must not allow customers of the retail shop to enter the garden area to the rear between Nos.3 and 5 Abbey Road at any time. You can however use the doors and rear garden area to escape in an emergency.

Reason:

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To protect the privacy and environment of people in neighbouring properties, 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. (R21AC)

- 7 Customers shall not be permitted within the retail shop premises in the lower ground floor of No.5 Abbey Road before 09.00 or after 20.00 on Monday to Saturday and before 10.00 or after 18.00 on Sundays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in S21, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and SS 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 You must only service the retail shop use between the hours of 08.00 and 22.00 daily and the retail shop servicing shall be carried out on the forecourt of No.3 Abbey Road.

Reason:

To protect the environment of people in neighbouring properties and minimise disruption to the public highway as set out in S21, S29, S32 and S42 of Westminster's City Plan (November 2016) and ENV 6, SS 10 and TRANS 20 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 9 You must not play live or recorded music within the retail shop premises in the lower ground floor of No.5 Abbey Road that is audible outside the shop premises and you must not play live or recorded music in the front garden area outside the retail shop premises at No.5 Abbey Road. (C13IA)

Reason:

To protect the environment of people in neighbouring properties as set out in S21, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and SS 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 10 You must operate the retail shop unit located in the lower ground floor of No.5 Abbey Road, including the management of customers entering and leaving the premises, in accordance with the Retail Management Strategy set out in Section 3.7 of the management plan (titled 'Abbey Road Studios Site Management Report v4') dated 18 May 2018.

Reason:

To protect the environment of people in neighbouring properties as set out in S21, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and SS 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 11 You must block up the rear door to the new recording studio facing Hill Road, in accordance with the drawings hereby approved, prior to first use of the studios within this building.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 The new recording studio facing Hill Road shall be serviced between 08.00 and 22.00 hours and the servicing shall be carried out on the forecourt of the studio premises in Hill Road.

Reason:

To protect the environment of people in neighbouring properties and minimise disruption to the public highway as set out in S21, S29, S32 and S42 of Westminster's City Plan (November 2016) and ENV 6, SS 10 and TRANS 20 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 13 You must operate the new recording studio facing Hill Road, including the management of studio staff and artists/ guests entering and leaving the premises, in accordance with the management plan (titled 'Abbey Road Studios Site Management Report v4') dated 18 May 2018.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

Reason:

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

- 15 You must carry out the development in accordance with the details of the new timber vehicular gates to the Hill Road frontage of the Studios site and the new gates to the front boundary of No.5 Abbey Road that were previously approved on 9 February 2018 (RN: 17/11340/ADFULL).

Reason:

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

- 16 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not

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

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

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

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

Reason:

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

planning permission.

- 17 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.

- 18 Prior to operation of each item of mechanical plant hereby approved you must install any associated noise attenuation measures as set out in the Noise Impact Assessment (Second Addendum) dated 6 May 2015 (with updates dated 22 November 2016) and the Noise Impact Assessment Addendum dated 15 December 2016 and as shown on the drawings hereby approved (including acoustic screens and enclosures as may be amended by details submitted pursuant to Condition 24 attached to this decision letter). Thereafter you must permanently retain the noise attenuation measures hereby approved unless or until the mechanical plant to which the screen or enclosure is related is permanently removed from the building.

Reason:

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

- 19 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.

- 20 You must carry out the development in accordance with the details of hard and soft landscaping that were previously approved on 9 February 2018 (RN: 17/11340/ADFULL). You must carry out the approved 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 that comprise part of the landscaping scheme that we approved or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

**Reason:**

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the neighbouring St. John's Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 21 Phase 1 of the development hereby approved (as shown on construction phasing plans (00)-025 Rev.P, (00)-026 Rev.P and (00)-027 Rev.P) shall be carried out in accordance with the tree protection measures set out in the Arboricultural Method Statement by Barrell Tree Consultancy dated 26 June 2015 and shown on 14001-BT6.

Phase 2 of the development hereby approved (as shown on construction phasing plans (00)-025 Rev.P, (00)-026 Rev.P and (00)-027 Rev.P) shall be carried out in accordance with the tree protection measures set out in the Arboricultural Method Statement by Barrell Tree Consultancy dated 20 December 2016 (Ref: 14001-AMS8-AS) and as shown on drawing 14001-BT11.

**Reason:**

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

- 22 You must provide the climbing planting to the north east elevation of the Dolby Atmos studio and the new tree in the townscape gap between Nos.3 and 5 Abbey Road that we approve under Condition 20 prior to occupation of the new Dolby Atmos studio. Thereafter, you must permanently retain the climbing planting and new tree in accordance with the details that we approve under Condition 20.

**Reason:**

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 23 You carry out the works in accordance with the samples of facing materials hereby approved and those facing materials that were previously approved on 10 December 2015 (RN: 15/08627/ADFULL).

**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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 24 You must carry out the development in accordance with the details of acoustic enclosures and screens that were previously approved on 9 February 2018 (RN: 17/11340/ADFULL).

**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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 25 Notwithstanding the annotations on the approved drawings, the extended recording studio and transformer room extension at the south eastern boundary with Abbey House must be finished in smooth white render and thereafter retained in this colour and finish.

**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, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 26 The retail shop at lower ground floor level within No.5 Abbey Road shall only display and sell the range of Abbey Road Studios and music related goods listed in Appendix A of the document titled Abbey Road Studios Site Management Report dated 9 August 2016 that is hereby approved.

**Reason:**

To ensure that the retail shop use does not harm the vitality and viability of nearby designated local and district centres in accordance with Policy SS10 in the Unitary Development Plan that we adopted in January 2007 and Policy S21 in Westminster's City Plan (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 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)

Item No.
<b>6</b>

- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
  
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
  
- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
  
- 6 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)

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.



CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 <sup>th</sup> July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	9 Albion Close, London, W2 2AT		
Proposal	Erection of mansard roof extension with an enclosed terrace.		
Agent	Mr Paul Watson		
On behalf of	Mr & Mrs Malhotra		
Registered Number	18/03487/FULL	Date amended/ completed	3 May 2018
Date Application Received	30 April 2018		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

Permission is sought for the erection of a mansard roof extension to 9 Albion Close, a two storey mews building in the Bayswater Conservation Area. The mansard roof extension would include the provision of an enclosed roof terrace with three dormer windows to the front elevation and a roof light to the rear. Permission has been granted for an identical scheme in 2009, 2012 and 2015 and permission is sought again as the permissions have expired and not been implemented.

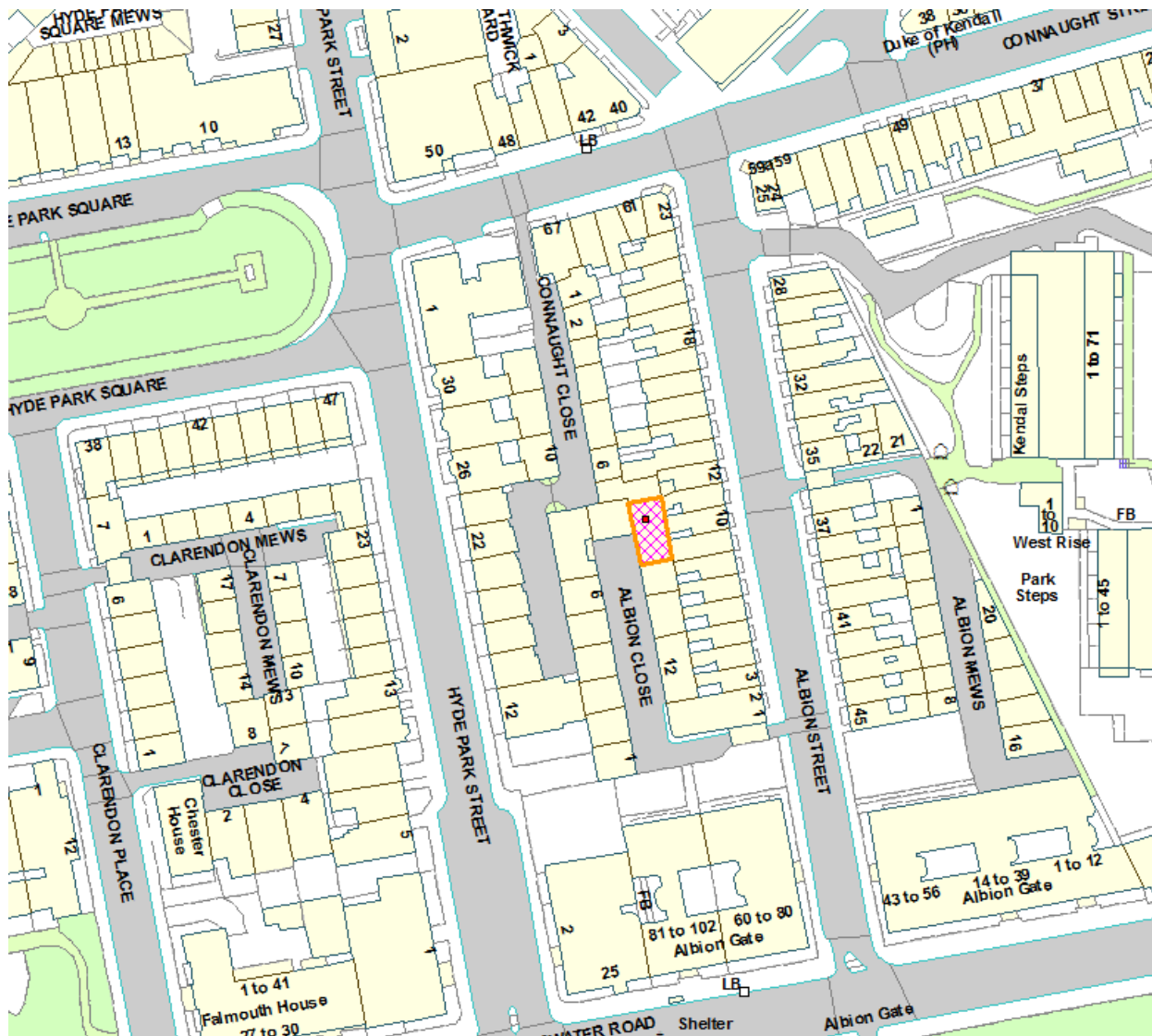
Objections have been received from neighbouring occupiers on design, amenity and construction impact grounds.

The key points of consideration are:

- The impact on the appearance of the mews building, the setting of the adjoining listed buildings and the character and appearance of the Bayswater Conservation Area.
- The impact of the proposals on the amenities of the adjoining residents.

Subject to the conditions as set out on the draft decision letter, it is considered that the proposed alterations are acceptable in design, conservation and amenity terms and in accordance with policies in the City Councils adopted Unitary Development Plan and City Plan. The application is therefore recommended for approval.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS

Application site (9 Albion Close)



Existing roof profile of the application site



**Roof of 9 Albion Close from 9 Albion Street**





## 5. CONSULTATIONS

### HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 10

Total No. of replies: 3 objections raising some or all of the following issues:

#### Design:

\* The proposals will change the character of the mews and its roof scape and the surrounding conservation area.

#### Amenity:

\*Loss of light to neighbouring properties in Albion Street.

\*Increase in noise disturbance due to the terrace.

\*Loss of privacy to adjoining occupiers as a result of the terrace and the roof extension.

#### Other:

\*No construction management plan has been submitted, the works could block the street and emergency access.

\*Noise from construction works.

\*Should not be approved just because it is a renewal.

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

No. 9 Albion Close is a two storey single family dwelling mews house within the Bayswater Conservation Area. It backs onto the Grade II listed houses in Albion Street. The roof currently has a large central lantern style rooflight and two smaller projecting windows and a rooflight, which face towards the rear of Albion Street.

### 6.2 Recent Relevant History

#### 15/03208/FULL

Mansard roof extension and enclosed terrace to provide additional floorspace to single family dwellinghouse.

Application Permitted

26 May 2015

#### 12/02338/FULL

Extension of time for the commencement of development granted planning permission on 23 April 2009 (extant permission 08/04663) for mansard roof extension with enclosed terrace to provide additional floorspace to single family dwellinghouse.

Application Permitted

1 May 2012

08/04663/FULL

Mansard roof extension with enclosed terrace to provide additional floorspace to single family dwellinghouse.

Application Permitted

23 April 2009

07/10280/FULL

Erection of a mansard roof extension with enclosed roof terrace at second floor level.

Application Withdrawn

7 February 2008

05/06614/FULL

Roof extension to existing mews house; new bedroom, bathroom and roof terrace.

Application Refused

28 October 2005

## 7. THE PROPOSAL

Planning permission is sought for the erection of a mansard roof extension with three dormer windows to the front elevation facing onto Albion Close, a rooflight to the rear roof pitch and rooflights within the rear roof gutter. The proposals also include an enclosed roof terrace at the north western side of the roof adjacent to the blank flank wall of No8 Albion Close. The proposed roof extension will be approximately 0.9m higher than the existing roof, and is identical to permissions granted in 2009, 2012 and 2015.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The proposals will result in an increase in residential floorspace which is considered acceptable in land use terms and is compliant with Policy H3 of the UDP and Policy S14 of the City Plan, both of which seek to increase residential floorspace within Westminster.

### 8.2 Townscape and Design

Objections have been received that the proposed alterations would have a negative impact on the conservation area and the mews itself. The relevant design policies are DES 1, DES 6, DES 9 and DES 10 of Westminster's Unitary Development Plan and S25 and S28 of Westminster's City Plan (adopted after the previous permissions).

No. 9 Albion Close is currently the only property within the mews that has not been extended to some extent at roof level, with mansard roof extensions being the prevailing character at second floor level around the Close. It is therefore considered that the principle of a mansard roof extension would be difficult to resist. In addition the principle of such an extension has previously been accepted in the applications granted in 2009, 2012 and 2015.

Policy S25 of the City Plan seeks to ensure that buildings are upgraded sensitively, so that they do not detract from the qualities of the environment. Policy S28 seeks to ensure that developments incorporate exemplary standards of sustainable and inclusive urban design and architecture. It is considered that the proposals will help to unify the mews, through

the provision of a mansard, which will sit comfortably within the environment, with traditionally detailed dormer windows and slate clad pitched roof. Policy DES 6 of the UDP builds on this and states that where the proposed design accords with similar extensions within the same group of buildings, permission may be granted.

It is therefore considered that the proposals comply with the relevant policies and will preserve and enhance the character and appearance of this part of the Bayswater Conservation Area. Given the above, it is not considered that the objections received from neighbouring occupiers on the grounds of the impact on the character of the mews and surrounding conservation area can be sustained.

The application site lies adjacent to the grade II listed terrace 1-23 Albion Street. Due to its traditional appearance, the proposals are considered to have a less than substantial impact on the setting of the adjacent listed buildings, and therefore complies with policy and supplementary guidance.

### 8.3 Residential Amenity

The relevant policies are ENV 13 of Westminster's Unitary Development Plan and S29 of Westminster's City Plan.

Objections have been received from neighbouring occupiers on the grounds that the proposed extension will result in a loss of light and the enclosed terrace will result in noise disturbance and a loss of privacy.

#### Privacy and Noise

The proposals include the provision of an enclosed terrace, which is set within the mansard extension. This is located on the west side of the roof, set back behind the building line of No 8, which faces south onto the Albion Close. Due to its location, it will only be viewed by occupiers of the upper floors of Albion Street. As the terrace is cut into the roof, these residents will only have very limited views of the terrace, due to the oblique angles. Similarly users of the terrace would have very limited, if any, views back to these windows. It is therefore not considered that the terrace would have any significant impact in terms of privacy. In terms of noise the proposed terrace is set down within the roof and is therefore screened on all sides. It is also located on the far side of the roof of the mews (from the Albion Street properties) and is separated by the existing rear gardens. Given its small size, screening and location set away from windows within Albion Close, it is not considered that the terrace will have a significant impact in relation to noise disturbance. In addition the benefits of providing some outdoor amenity space for the single family dwelling are welcomed.

A roof light is also proposed in the rear pitch or the mansard, the submitted drawings show this window to be obscure glazed and a condition is recommended to ensure that the obscure glazing is maintained and a restrictor fitted to limit opening, this is considered to prevent any overlooking as a result of the roof light.

#### Sunlight and Daylight/Sense of Enclosure

The proposed mansard roof, by virtue of its increased height of 0.9m and increased bulk would reduce the amount of sunlight reaching the rear ground floor windows of the houses 9, 10 and 11 Albion Street. However, whilst there may be some loss, it is not considered

that it is at such a level to be harmful to the amenity of the occupiers of these properties, given the proposed pitched nature of the roof and as rooms will still receive an adequate level of light and are dual aspect, it is not considered that permission could be withheld on these grounds.

It is recognised that due to the proximity of these houses, the proposal will result in some increased sense of enclosure. The outlook from these house has been affected by other mansard roof extension, and it is accepted that views from the ground and first floor windows and roof terraces will be more enclosed as a result of the extension. It is considered however that the loss of amenity, on balance, is acceptable.

Furthermore, the City Council has previously accepted this loss of amenity in 2009, 2012 and 2015, and it is not considered that there have been any material change in planning circumstance to warrant refusal of permission.

The proposals are considered to comply with policies ENV 13 of Westminster's Unitary Development Plan and S29 of Westminster's City Plan.

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

No change is proposed to the existing parking arrangements.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

No change is proposed to the existing access arrangements.

#### **8.7 London Plan**

This application raises no strategic issues.

#### **8.8 National Policy/Guidance Considerations**

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

#### **8.9 Planning Obligations**

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

#### **8.10 Environmental Impact Assessment**

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

#### **8.11 Other Issues**

**Construction impact**



Objection has been received stating that the applicant has not submitted a Construction Management Plan which would be necessary as the parking space in front the site and the adjoining property is within the ownership of the occupiers of the adjoining property. It is also noted that Albion Close is a private, gated road with restricted access.

In this instance, the proposed works are considered to be relatively minor in nature and therefore it would not be reasonable to require the submission of construction management plan, the proposals also do not qualify under the Code of Construction Practice. The applicant is advised via informative to become part of the considerate constructors scheme. Any issues in relation to access to the mews during construction area a private matter between the applicant and the relevant freeholder.

**Westminster City Plan (November 2016)**

Since the permission granted in 2008, 2012 and 2015 the City Council has adopted the revisions to the Westminster City Plan (November 2016). The application has been assessed against the current policies, and is considered to be acceptable.

It is therefore recommended that permission is granted, subject to the conditions set out in the draft decision notice.

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

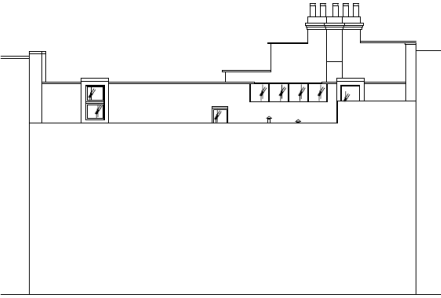
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT [rhandley@westminster.gov.uk](mailto:rhandley@westminster.gov.uk).

9. KEY DRAWINGS

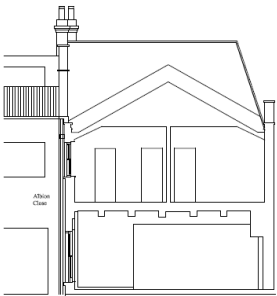
EXISTING ELEVATIONS AND SECTION



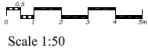
EXISTING FRONT ELEVATION - DD



EXISTING REAR ELEVATION - EE



EXISTING CROSS SECTION - AA



Scale 1:50

All dimensions to be checked onsite.  
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C	Planning application	01/07/06
B	Party wall outline added	29/11/06
10	1st Cross Section AA	
A	Rear Elevation added	10/12/07
Revisions		

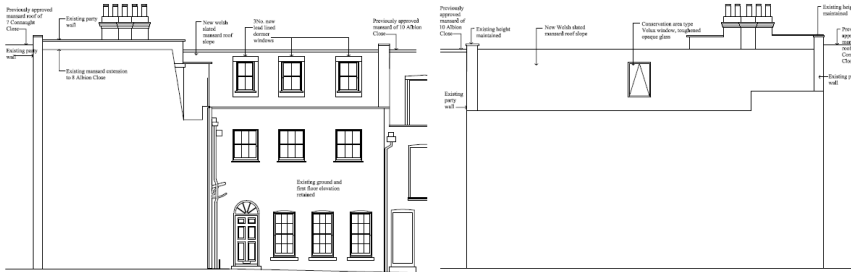


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10 Existing Elevations  
& Cross Section  
Project 9 Albion Close  
London W2 2AT  
Client Mr & Mrs Malhotra

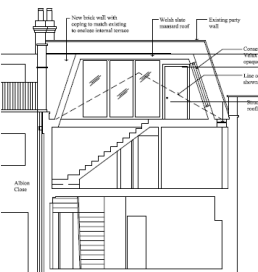
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PROPOSED ELEVATIONS AND SECTION

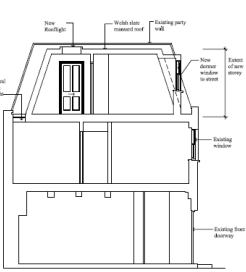


PROPOSED FRONT ELEVATION - DD

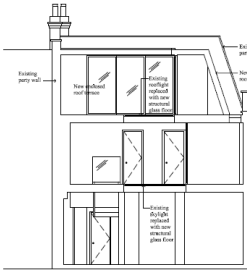
PROPOSED REAR ELEVATION - EE



PROPOSED CROSS SECTION - AA



PROPOSED CROSS SECTION - BB



PROPOSED CROSS SECTION - CC



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D	Planning application	01/07/06
C	Party wall outline added	29/11/06
B	Proposed Elevations	01/12/07
A	Proposed Cross Section AA	01/12/07
Revisions		



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10 Proposed Elevations  
& Sections  
Project 9 Albion Close  
London W2 2AT  
Client Mr & Mrs Malhotra

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EXISTING GROUND FLOOR PLAN

EXISTING FIRST FLOOR PLAN

EXISTING ROOF PLAN

### PROPOSED GROUND FLOOR PLAN

PROPOSED FIRST FLOOR PLAN

PROPOSED SECOND FLOOR PLAN

PROPOSED ROOF PLAN

**DRAFT DECISION LETTER**

**Address:** 9 Albion Close, London, W2 2AT,

**Proposal:** Erection of mansard roof extension with an enclosed terrace.

**Plan Nos:** SY01; SY02 rev C; PE01 rev D; PE02 rev D; PE.03; Planning Design & Access Statement.

**Case Officer:** Victoria Coelho

**Direct Tel. No.** 020 7641 6204

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

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

- 4 The rooflight window on the rear elevation of the mansard roof must be obscurely-glazed and remain as such. The rooflight shall be fitted with a restrictor to limit the extent to which the rooflight shall open. Detail of this restrictor shall be submitted to and approved by the City Council as local planning authority before works start on this relevant part of the development. The restrictor shall be installed and retained in accordance with the approved details.

**Reason:**

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

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

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

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- 3 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.

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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 <sup>th</sup> July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	55 Shirland Road, London, W9 2JD		
Proposal	Use of the public highway measuring 9.1m x 1.9m outside public house for the placing of 4 tables and 14 chairs.		
Agent	Karen Calkin		
On behalf of	James McCulloch		
Registered Number	18/03070/TCH	Date amended/ completed	16 April 2018
Date Application Received	16 April 2018		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

55 Shirland Road is a public house that is listed as an asset of community value, located on the corner of Shirland Road and Elnathan Mews. The building is unlisted but is located within the Maida Vale Conservation Area. Planning Permission is sought for the placing of 4 tables and 14 chairs on area of public highway measuring 9.1m x 1.9m.

Permission has been granted on numerous occasions for tables and chairs outside the public house, however was last granted 30 April 2013 for a slightly different arrangement.

During the course of the application, the number of tables and chairs was reduced from 7 to 4 and the previously proposed barrier has also been removed. Four objections and one neutral comment were received in relation to the original proposals on amenity and highways matters. Following re-consultation 1 objection was received from a neighbour on various grounds including highways and amenity concerns.

The key issues are:

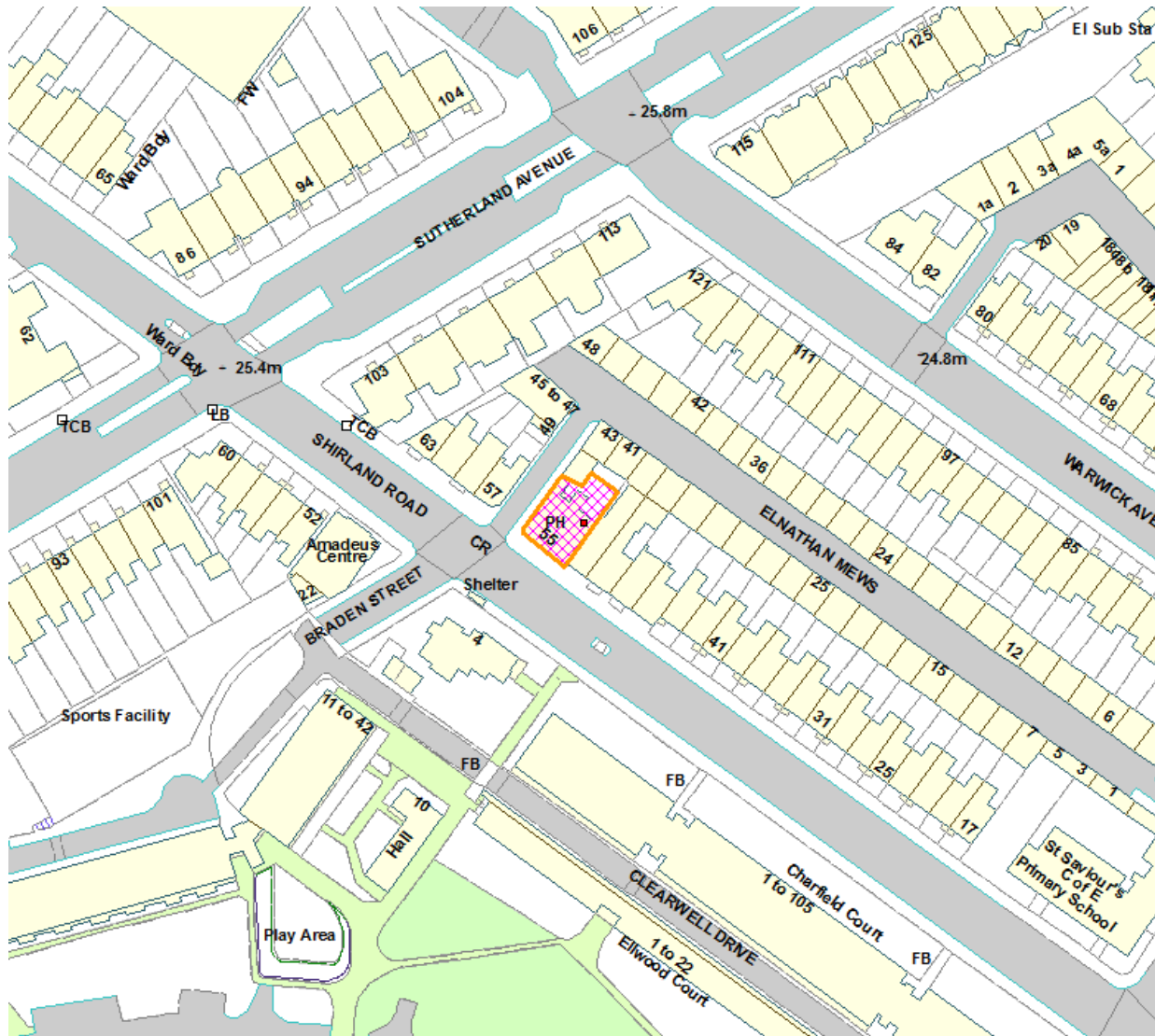
- The impact of the proposals on the amenity of surrounding residents.
- The impact of the proposals on the highway.
- The acceptability of the proposals in land use terms.

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Subject to conditions, the proposals are considered to comply with the Council's policies in relation to land use, amenity and highways as set out in Westminster's City Plan and the Unitary Development Plan (UDP) and the application is accordingly recommended for approval.



### 3. LOCATION PLAN



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## 4. PHOTOGRAPHS

Front Elevation as viewed from Shirland Road



## 5. CONSULTATIONS

### ORIGINAL CONSULTATION:

Original description of development '*Use of the public highway measuring 9.1m x 2.2m outside public house for the placing of 7 tables and 14 chairs and associated removable barriers*'.

### COUNCILLOR CAPLAN:

Notes that there has been a history of issues with the mews to the rear, so the hours and number of tables and chairs will need to be looked at. Notes that the application will need to be determined at a planning committee.

### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

- Understand the objections of the local residents to the noise disturbance of the pub.
- Note the previous consent given and the comments of the officer's report and on this basis support the application providing that the use of tables is between 10am and 10pm Monday to Saturday as per the previous consent
- Request for neighbours' views to be taken into consideration

### DESIGNING OUT CRIME

Any response to be reported verbally.

### HIGHWAYS PLANNING

Raise objection on the following grounds: Proposals do not accord with the Westminster Way of 2m clear pavement width; The proposals place tables and chairs over a delivery hatch.

### CLEANSING

Raise an objection as 2m of clear pavement width is not left clear as required by the Westminster Way. The City Council's street cleansing contractor require a clearway of 2m to operate efficiently.

### ADJOINING OWNERS / OCCUPIERS:

- No. of total consultees: 24
- No. of objections: 4
- No. of neutral comments: 1

The four objections raise some or all of the following points:

#### Amenity:

- Noise previously when only 4 tables and chairs.
- Tables should be removed at 11:00pm at the latest.
- Disturbance from vertical drinkers.

#### Highways:

- Previously had 4 tables and were not able restrict customers the authorised area.
- Previously customers have been known to stand on both sides of the footway on Elnathan Mews.

- Pub staff need space to move around customers .

Other:

- Previously were unable to clear tables by 10pm.
- Previously antisocial behaviour in area.
- Recommend that tables and chairs are only allowed for a temporary period of 3 months to see if patrons can be better controlled.
- Previously seen litter in the street the next morning.
- The council should consider previous experience and complaints and should make any consent subject to review.

Neutral comment:-

Amenity:

- Concern over such a large number of tables could result in noise, rubbish and anti-social behaviour spilling into Elnathan Mews

Other:

- The pub is very welcome addition to the neighbourhood and neighbours should be grateful to the new owners of the pub who prevented it from being flats
- The pub has been done to a very high standard
- Could a smaller number of tables be agreed, a review after a period of time

## RE-CONSULTATION

Re-consultation upon amended description of development '*use of the public highway measuring 9.1m x 2.1m outside public house for the placing of 4 tables and 14 chairs and associated removable barriers*'

### HIGHWAYS PLANNING MANAGER:

Revised layout remains undesirable as no service corridor between tables and barrier. Recommend amendments to allow for this.

### ADJOINING OWNERS / OCCUPIERS:

No. of total consultees: 24

No. of objection: 1 raising the following points:

Amenity:

- Noise level already very loud in evenings and at closing time
- The previous publicans were unable to clear the tables and move customers on from outside by the cut-off time.

Other:

- Unreasonable when the pub already has a restaurant on its first floor and a beer garden to the rear and is located in a residential area
- The tables and chairs are to be placed in the location where customers currently stand drinking, smoking they will be subsequently displaced.
- Everyday a resident has collected debris that rolls down Elnathan Mews and having tables and chairs will likely exacerbate this
- Planners should consider previous experience and complaints and should make any consent subject to review

## PRESS ADVERTISEMENT / SITE NOTICE:

Yes

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

55 Shirland Road is a public house (class A4) currently known as The Hero of Maida and formerly known as The Truscott Arms, which is listed as an asset of community value. The building is unlisted, but is located within the Maida Vale Conservation Area, located on the corner of Shirland Road and Elnathan Mews.

**6.2 Recent Relevant History**01/09877/TCH

Use of the public highway (11m x 2m) for the placing of 3 picnic benches in connection with The Truscott Arms

Application Permitted 6 June 2002

03/04939/TCH

Location of tables and chairs in an area measuring 2m x 11m on the Shirland Road frontage in connection with The Truscott Arms Pub.

Application Permitted 7 August 2003

04/06684/TCH

Renewal of permission dated 07 August 2003 (RN: 03/04939) for the placing of 3 tables and 12 chairs in connection with The Truscott Arms Pub in an area measuring 11m x 2m.

Application Permitted 24 November 2004

05/09560/TCH

Use of the public highway for the placing of 3 tables and 12 chairs in an area measuring 1200mm x 200mm in connection with the Truscott Arms Public House.

Application Permitted 18 May 2006

13/00933/TCH

Use of the public highway for the placing of four tables and 16 chairs in an area measuring 2m x 12.3m (Shirland Road frontage) in connection with The Truscott Arms Public House.

Application Permitted 30 April 2013

14/04103/TCH

Use of the public highway measuring 2m x 10.5m along Shirland Road for the placing of four tables, 16 chairs and five planters and five removable barriers in connection with The Truscott Arms Public House.

Application Permitted 9 September 2014

## **7. THE PROPOSAL**

The proposals have been amended during the course of the application, to reduce the number of tables and chairs from 7 to 4 and to remove the barriers/screens. Planning permission is now sought for the placing of 4 tables and 14 chairs on the public highway in connection with the public house. The area of the highway that is to be used measures 9.1m by 1.9m.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

Proposals for the use of the public highway for the provision of tables and chairs for use in association with eating and drinking establishments is considered under Unitary Development Plan (UDP) Policy TACE 11 and Policy S41 of the City Plan. These policies permit tables and chairs to be sited on the highway where they would not result in highway obstruction and where there would be no material loss of amenity to neighbouring occupiers. The impact of the proposals in these terms is discussed in sections 8.3 and 8.4 of this report.

### **8.2 Townscape and Design**

The furniture is to have timber tops and metal frames, which is considered to be appropriate and will not have a negative impact on the character of the area. The removal of the barriers is an welcome amendment removing additional street clutter.

### **8.3 Residential Amenity**

It was originally proposed that 7 tables and 14 chairs were to be placed on the highway. Three objections and one neutral comment were received in relation to this original proposal, each raising concern over harm of the tables and chairs to residential amenity. The objections specifically state that the noise produced by customers of 55 Shirland Road in the past has been unacceptably loud. The neutral comment added that the tables should be removed at 23.00 at the latest. The applicant was notified of the nature of these objections, and subsequently reduced the number of tables and chairs and provided written statements of the public house's management. The statements claim that 'guests acting unreasonably, such as shouting, singing or swearing excessively, or not moving on request will be reminded that as a courtesy to neighbours and other guests that noise must be kept to a reasonable level'.

All neighbours were subsequently re-consulted on the amended set of plans and the Dispersal Policy and Front Area Management Statement. In response to this re-consultation one response was received. The one response objected to the amended proposal still raising concerns over noise in particular in the evenings and closing time and added that despite the provides statements it the previous management of the 55 Shirland Road were unable to clear the tables by the specified time and failed to move customers on from outside the cut-off time.

In order to ensure that the amenity of neighbours is maintained as much as possible the hours which the tables and chairs can be placed on the highway is recommended to be limited to between the hours of 10:00 and 22:00 (in line with previous permissions). It is also recommended that permission is granted on a temporary basis for one year, to allow for the City Council to monitor and review the tables and chairs again in a years time.

Subject to these conditions, the proposal would be consistent with policy S29 of the City Plan and policy ENV 13 of the UDP, therefore a refusal of permission on this ground could not be sustained.

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

The Highways Planning Manager has raised objection to the proposals, as with the barriers in place, 2m of clear pavement width is not left clear from the edge of the barriers (including bases) to the pavement edge. In addition due to the placement of the barriers, insufficient space is left to service the furniture, which would likely lead to it being moved out into the footway. The proposals are therefore considered to be contrary to the Westminster Way.

The proposals have been amended during the course of the application to reduce the number of tables and chairs and to remove the barriers. The revised proposals are considered to be acceptable with 2m of clear pavement left to the inside edge of the kerb or 2.2m to the edge of the kerb. The tables can also be readily serviced with the barrier removed.

The Highways Manager has also commented that some of the furniture covers a basement service hatch. While these comments are noted, it is considered that the furniture above the hatch could readily be moved temporarily during deliveries and then placed back in position.

Objections received from neighbours also raised concerns over highways matters. The submitted objections stated that the previous management of 55 Shirland Road were not able to restrict customers to the authorised area. Further to this, objections also stated that customers have previously been seen standing on both sides of the already narrow footway providing pedestrian access into Elnathan Mews. Issues in relation to vertical drinking are not a matter which can be controlled as part of an application for tables and chairs. Such matters are a managerial concern, however the applicant has provided a Front Area Management Statement that notes "guests will be supervised to ensure that they do not encroach on the road, public footway or Elnathan Mews. Anyone found there is to be asked firmly and politely to move back into the designated area". In order to ensure that the proposed area of the highway that is used for the placing of the tables and chairs is maintained as such, it is recommended that a condition is applied that restricts that tables and chairs to only be placed in the position as shown on the approved layout plan.

Subject to these conditions, the proposal would be consistent with the relevant policy of S41 of the City Plan and policies of TRANS 3 and TACE 11 of the UDP.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

The access to the site will remain as existing from the corner of Shirland Road and Elnathan Mews.

#### **8.7 London Plan**

This application raises no strategic issues.

#### **8.8 National Policy/Guidance Considerations**

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

#### **8.9 Planning Obligations**

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

#### **8.10 Environmental Impact Assessment**

This application is of insufficient scale to require the submission of an EIA.

#### **8.11 Other Issues**

Objections have been received on the basis of disturbance, antisocial behaviour and the management of the previous pub and the tables and chairs. While these concerns are noted, the pub has changed hands and therefore in order to re-assess the impact of the proposed tables and chairs, permission is only recommended to be granted on a temporary basis of 1 year so that the impact can be reassessed in a years time.

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

<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT <a href="mailto:rhandley@westminster.gov.uk">rhandley@westminster.gov.uk</a>.</p>
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The image contains two architectural drawings for a building project.

**Furniture layout Plan:** This plan shows the interior layout of the building. It includes a curved wall on the left with a "20 mph Speed Sign" and a "CELLAR DOOR". The layout features several rectangular tables and chairs. Dimensions are provided for various areas: a total width of 9090, a depth of 3600, and a central area of 4256. Specific table dimensions include 700, 1470, and 700. Elevation markers of +25.08, +25.09, and +25.07 are indicated. The building is situated on "SHIRLAND RD." with a total depth of 3906 and a section of 2111.

**GROUND FLOOR PLAN:** This plan shows the ground floor layout, which is a long, narrow rectangular area. It is divided into a series of alternating black and white rectangular sections, likely representing different materials or finishes. The plan is numbered from 0 to 10 along the bottom edge.

**DRAFT DECISION LETTER**

**Address:** 55 Shirland Road, London, W9 2JD,

**Proposal:** Use of the public highway measuring 9.1m x 1.9m outside public house for the placing of 4 tables and 14 chairs and associated removable barriers.

**Plan Nos:** PL-15 Rev C, PL-16 Rev C, PL-01, Cover Letter, Front Area Management Statement, Dispersal Policy, Proposed Tables and Chairs for Hero Maida Vale.

**Case Officer:** Harry Berks

**Direct Tel. No.** 020 7641 3998

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

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

Reason:

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

- 2 You must not put the tables and chairs in any other position than that shown on drawing PL-15 C. (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 10:00 and 22:00. (C25BA)

Reason:

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

- 4 The tables and chairs must only be used by customers of the Hero of Maida. (C25CA)

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.

- 5 This use of the pavement may continue until 31 July 2019. You must then remove the tables and chairs. (C25DA)

**Reason:**

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

- 6 You can only put out on the pavement the tables and chairs shown on drawing PL-15 C and details of table and chair. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

**Reason:**

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

**Informative(s):**

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

- 2 You 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)

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You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)

- 4 If you want to know about the progress of your application for a street trading licence, you can contact our Licensing Service on 020 7641 8549. (I49AB)