



City of Westminster

# Committee Agenda

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

Meeting Date: **Tuesday 14th August, 2018**

Time: **6.30 pm**

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

Members: **Councillors:**

Iain Bott (Chairman)  
Geoff Barraclough  
Louise Hyams  
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.**

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

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the 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. 1 WOOD'S MEWS, LONDON, W1K 7DL</b>                                 | <b>(Pages 9 - 54)</b>    |
| <b>2. VICTORIA EMBANKMENT GARDENS, VILLIERS STREET, LONDON, WC2N 6NE</b> | <b>(Pages 55 - 74)</b>   |
| <b>3. 10 WIMPOLE STREET, LONDON, W1G 9SS</b>                             | <b>(Pages 75 - 100)</b>  |
| <b>4. 47 - 49 RUPERT STREET, LONDON, W1D 7PJ</b>                         | <b>(Pages 101 - 124)</b> |
| <b>5. WESTMINSTER FIRE STATION, 4 GREYCOAT PLACE, LONDON, SW1P 1SB</b>   | <b>(Pages 125 - 146)</b> |
| <b>6. REGIS HOUSE, 47 BEAUMONT STREET, LONDON, W1G 6DL</b>               | <b>(Pages 147 - 156)</b> |
| <b>7. 12 BURDETT MEWS, LONDON, W2 5RQ</b>                                | <b>(Pages 157 - 166)</b> |

8. THE EAGLE, 15 CLIFTON ROAD, LONDON, W9 1SY

(Pages 167 -  
180)

Stuart Love  
Chief Executive  
6 August 2018

This page is intentionally left blank



# Agenda Annex

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 14th August 2018  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 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
2.	RN(s) : 18/03732/FULL 18/03733/ADV  St James's	Victoria Embankment Gardens Villiers Street London WC2N 6NE	Use of part of Victoria Embankment Gardens and erection of temporary structures for a temporary cinema event for the BFI London Film Festival and a series of World Cinema premieres from 10th - 21st October 2018 (including construction and de-rigging between 27 September to 29 October 2018). Display of 3 externally illuminated fascia signs measuring 5.4m x 4m, 2m x 6m, 2m x 1.5m, and a non-illuminated hoarding sign measuring 0.5m x 1m.	
	<b>Recommendation</b>  1. Does the Sub-Committee agree that the public and cultural benefits of the event are sufficient to outweigh the short term harm it causes to the Registered Park and to the setting of the adjacent York Water Gate, listed memorials, listed buildings and conservation area?  2. Subject to 1 above, grant conditional permission and advertisement consent.			
Item No	References	Site Address	Proposal	Resolution
3	RN(s) : 18/01589/FULL 18/01590/LBC  Marylebone High Street	10 Wimpole Street London W1G 9SS	Excavation of additional basement floor and extension of existing lower ground floor. Erection of replacement rear extension at ground floor level and formation of first floor terrace, and fourth floor terrace. Erection of mansard roof to the mews building. Use of basement and lower ground floor as a granny annex and ground to fourth floors as a single family dwelling (Class C3). Internal and external alterations including new lift and lift shaft.	
	<b>Recommendation</b> 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.			

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 14th August 2018  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 17/10714/FULL  West End	47 - 49 Rupert Street London W1D 7PJ	Demolition of existing roof structures (excluding chimneys), erection of new mansard roof and associated works in connection the use of the 5th and new 6th floors as 1 x studio; 3 x 1 bed and 1 x 2 bed residential units (providing one additional unit) (Class C3). (Retrospective application) (Site includes 51-53 Rupert Street)	
	<b>Recommendation</b> Grant conditional permission			
Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 18/03251/FULL  St James's	Westminster Fire Station 4 Greycoat Place London SW1P 1SB	Variation of Condition 23 and 31 of planning permission dated 25 May 2017 (RN: 16/05216) for use of the Fire Station (ground floor) as Class A3 and four upper floors as Class C3 use (6 flats) with associated internal and external alterations. Demolition of the existing rear buildings and replacement with a five storey residential building to provide 11 flats with balconies, excavation of one storey basement under the entire footprint of the site to accommodate A3 use and residential use. Installation of photovoltaic panels to roof level of rear building. Rebuilding of the existing rear tower with installation of plant on top. NAMELY, to revise the opening time of the restaurant (classA3) and the operating time of the associated plant/machinery to 07:30 Monday to Friday, 08:00 on Saturday and 09:00 Sundays and Bank Holidays (instead of 10:00).	
	<b>Recommendation</b> Grant conditional permission, subject to the completion of a Deed of Variation to the S106 legal agreement dated 25 May 2017 (RN:16/05216/FULL) to secure: <ol style="list-style-type: none"> <li>i. A replacement social and community facility with a minimum 256m2 floorspace (gross external area) to be provided elsewhere in the City.</li> <li>ii. A payment of £500,000 to be held in escrow until the applicant has provided a suitable replacement social and community facility within a period of four years from the date of the planning permission.</li> <li>iii. The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan including a Construction Access Plan for Artillery Mansions prior to commencement of development to ensure access is not affected and provide a financial contribution of £52,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.</li> <li>iv. Life-time car club membership (25 years) for residents of the development;</li> <li>v. Highway works surrounding the site required for the development to occur;</li> <li>vi. Setting up a community liaison group;</li> <li>vii. Costs of monitoring the S106 agreement.</li> </ol> If the S106 legal agreement has not been completed within three months of the date of this resolution then: <ol style="list-style-type: none"> <li>a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</li> <li>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</li> </ol>			

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 14th August 2018  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
6.	<b>RN(s) :</b> 18/04763/ADFU LL  Marylebone High Street	Regis House 47 Beaumont Street London W1G 6DL	Details pursuant to Condition 22 of planning permission dated 17 April 2018 (RN: 17/07261/FULL), namely the submission of an Operational Management Plan.	
				<b>Recommendation</b> Approve details
Item No	References	Site Address	Proposal	Resolution
7.	<b>RN(s) :</b> 18/01903/FULL  Bayswater	12 Burdett Mews London W2 5RQ	Erection of rear dormer at first floor level.	
				<b>Recommendation</b> Grant conditional permission.
Item No	References	Site Address	Proposal	Resolution
8.	<b>RN(s) :</b> 18/03807/TCH  Little Venice	The Eagle 15 Clifton Road London W9 1SY	Use of an area of the public highway measuring 11.35m x 2.29m for placing of four tables and 16 chairs, planters and a menu lectern in association with the public house.	
				<b>Recommendation</b> Grant conditional permission.

This page is intentionally left blank

# Agenda Item 1

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

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

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14 August 2018	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	1 Wood's Mews, London, W1K 7DL		
<b>Proposal</b>	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.		
<b>Agent</b>	Savills		
<b>On behalf of</b>	Cian and Aaron Developments		
<b>Registered Number</b>	18/00046/FULL	<b>Date amended/ completed</b>	3 January 2018
<b>Date Application Received</b>	3 January 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

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

## 2. SUMMARY

This application was reported (but not presented) to committee on 24 April 2018. Committee resolved to defer the determination to allow for a site visit. This committee report is appended.

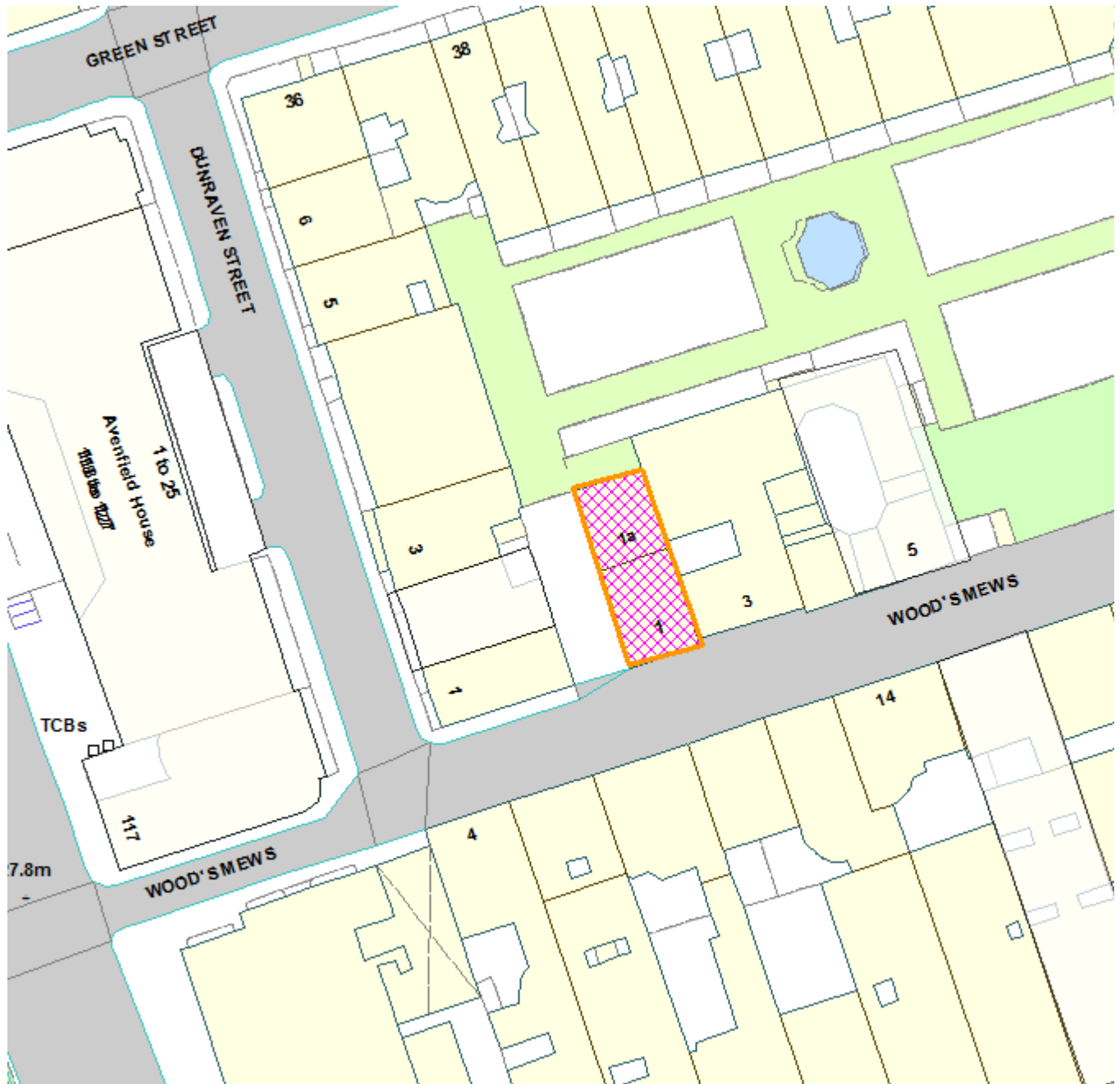
A site visit was carried out on 17 July 2018 and the application was reported to committee for determination on the same day. Committee again resolved to defer the application to allow the applicant to consider a re-design of all three frontages. This committee report is appended.

The applicant has made the following changes to all three frontages;

- The brickwork is to exactly match No. 3 Wood's Mews
- All sills and coping stones to be a light Portland Stone
- Introduction of a horizontal window bar to the first floor windows.
- Use of a lighter bronze tone to metalwork and windows
- The window reveals are reduced in depth, with the glazing brought forward by 100mm.

The application is reported back to committee for determination.

**3. LOCATION PLAN**



4. PHOTOGRAPHS





**5. CONSULTATIONS**

**ADDITIONAL AND LATE REPRESENTATIONS RECEIVED AFTER THE PREVIOUS REPORT WAS PUBLISHED**

No other comments have been received.

**6. KEY DRAWINGS**

Proposed front elevation:





Proposed rear elevation:



Proposed street view:



**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 P4, 1728-A4-030 Rev P4, 1728-A4-040 Rev P4, 1728-A4-050 Rev P4, 1728-A4-060 Rev P4, 1728-A4-210 Rev P4, 1728-A4-220 Rev P4, 1728-A4-230 Rev P2, 1728-A4-310 Rev P4, 1728-A4-320 Rev P4, 1728-A4-330 Rev P4, 1728-A4-340 Rev P4; 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 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

Item No.
<b>1</b>

level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 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. (R48AA)

- 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. (R51AB)

- 6 You must provide the waste store shown on drawing 1728-A4-030 Rev P4 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

Item No.
<b>1</b>

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)

- 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).

Item No.
<b>1</b>

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)

- 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

Item No.
<b>1</b>

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)

- 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)

Item No.
<b>1</b>

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 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 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 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)

- 25 You must not use the part of the rear second floor roof terrace annotated as inaccessible on drawing 1728-A4-050 rev P4 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)

**Informative(s):**

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

Item No.
<b>1</b>

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

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

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

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

Phone: 020 7641 2000

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

- 3 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

\* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

\* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](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 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).
- 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

Item No.
<b>1</b>

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

Item No.
2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 17 July 2018	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>1 Wood's Mews, London, W1K 7DL</b>		
<b>Proposal</b>	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.		
<b>Agent</b>	Savills		
<b>On behalf of</b>	Cian and Aaron Developments		
<b>Registered Number</b>	18/00046/FULL	<b>Date amended/ completed</b>	3 January 2018
<b>Date Application Received</b>	3 January 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

**1. RECOMMENDATION**

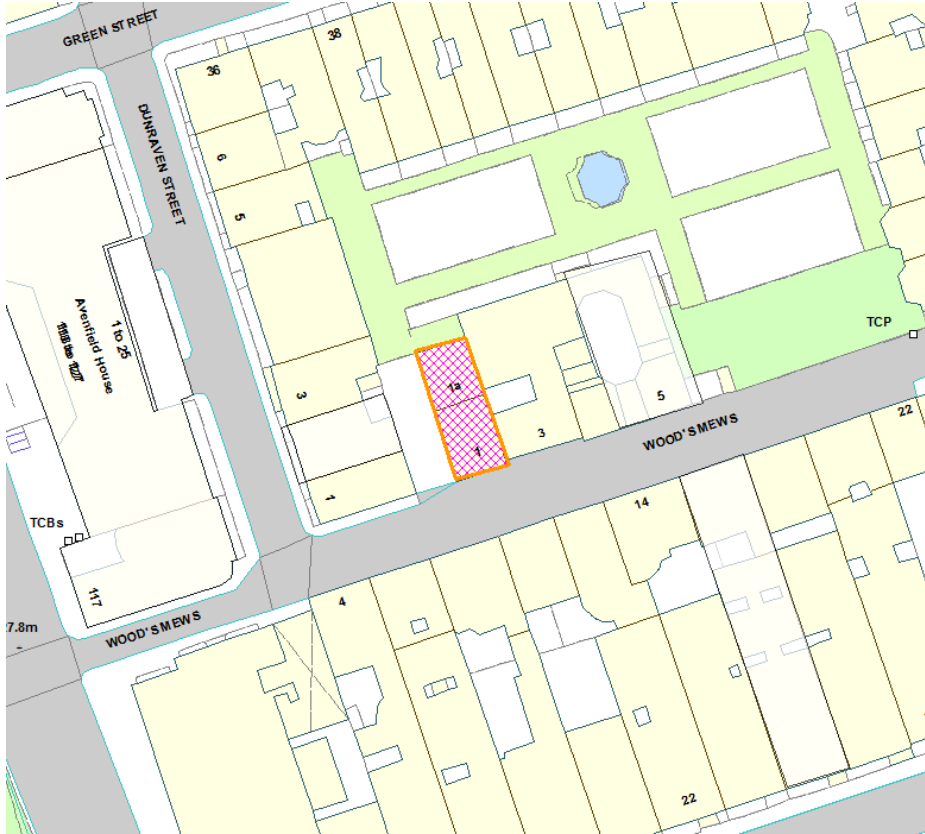
Grant conditional permission.
-------------------------------

**2. SUMMARY**

This application was reported to the Planning Applications Sub-Committee on 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.
---

Item No.
2

### 3. LOCATION PLAN



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



4. PHOTOGRAPHS



Item No.
2

## 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)

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>
---

**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.

Item No.
7

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 24 April 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	1 Wood's Mews, London, W1K 7DL		
<b>Proposal</b>	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.		
<b>Agent</b>	Savills		
<b>On behalf of</b>	Cian and Aaron Developments		
<b>Registered Number</b>	18/00046/FULL	<b>Date amended/ completed</b>	3 January 2018
<b>Date Application Received</b>	3 January 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

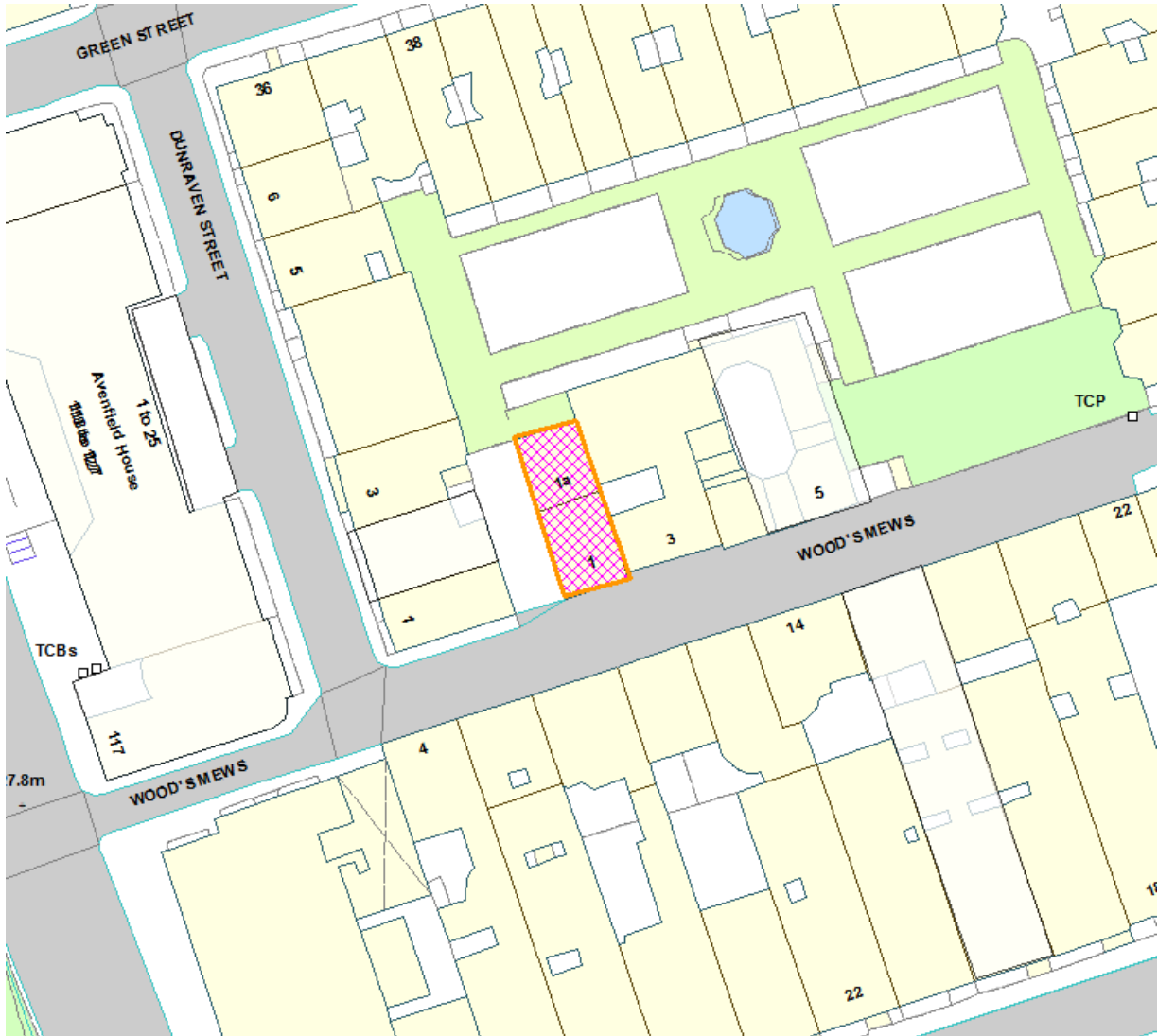
## 1. RECOMMENDATION

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

## 2. SUMMARY

<p>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.</p> <p>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.</p> <p>The key issues for consideration are:</p> <ul style="list-style-type: none"> <li>- The impact on neighbouring residential amenity</li> <li>- The impact on the character and appearance of the Mayfair conservation area</li> </ul> <p>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.</p>
---

### 3. LOCATION PLAN



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

4. PHOTOGRAPHS



Item No.
7

**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



Item No.
7

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



Item No.
7

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

Item No.
7

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 a 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.

Item No.
7

### **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

Item No.
7

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.

Item No.
7

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

Item No.
7

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.

**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

Item No.
<b>7</b>

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)

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>
---



10. KEY DRAWINGS

Stone finish coping  
Dark window panes  
Stone coloured metal architectural glazing  
Stone finish coping  
Existing wall and window doors

Recessed brick window course  
Wall to remain as existing  
Stone coloured metal panes doors  
Stone coloured metal factory and railings

0 1 2 3 4 5 6m

**FOR PLANNING**

Rev	Date	Drawn	Description
P1	10.10.17	LM	PLANNING
P2	20.11.18	LM	Revise in line with Planning Officer Comments

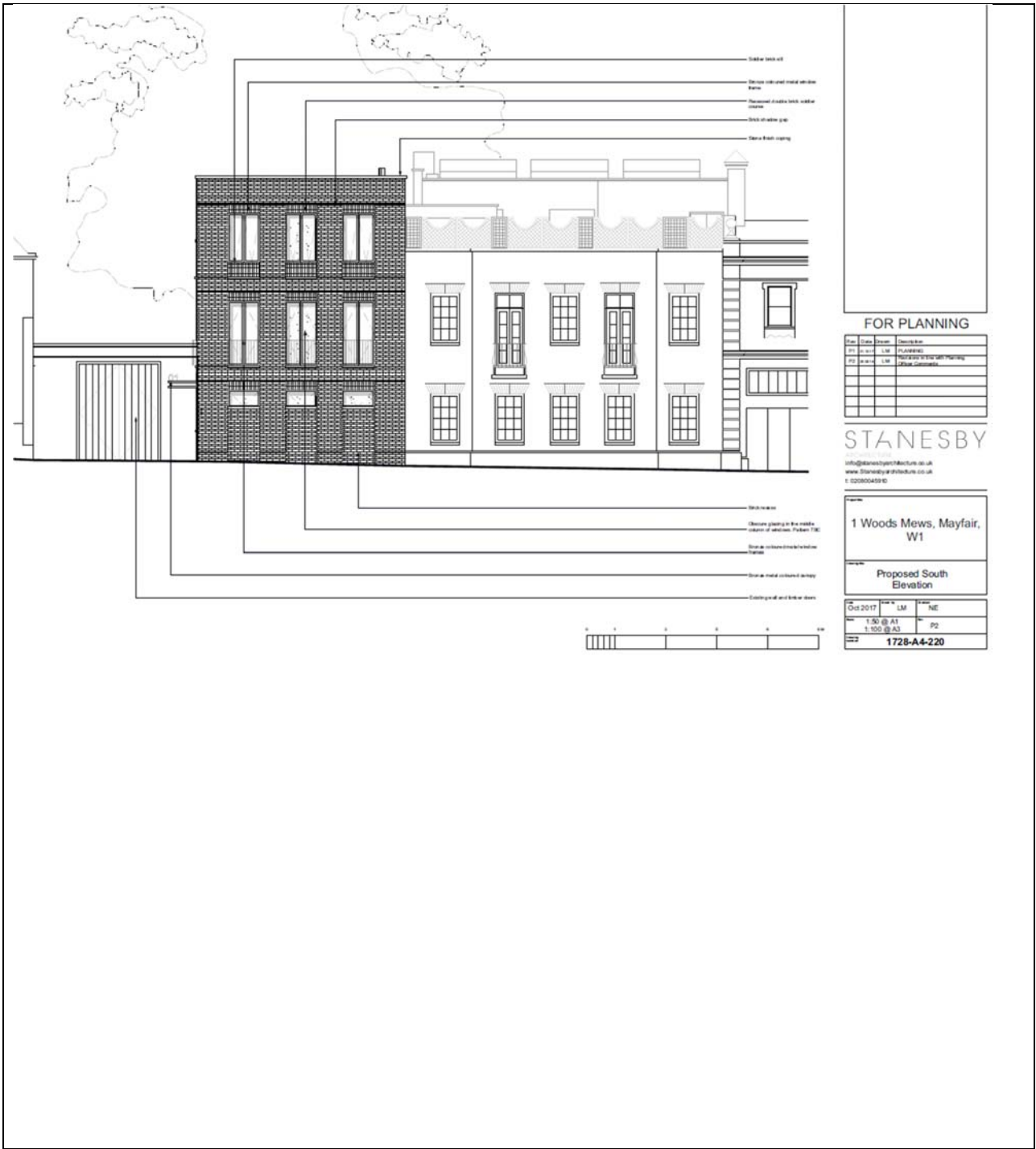
STANESBY

ARCHITECTS  
info@stanesbyarchitecture.co.uk  
www.stanesbyarchitecture.co.uk  
t: 02080045910

1 Woods Mews, Mayfair, W1

Proposed North Elevation

Oct 2017	LM	NE
1:50 @ A1		P2
1:100 @ A3		
1728-A4-210		



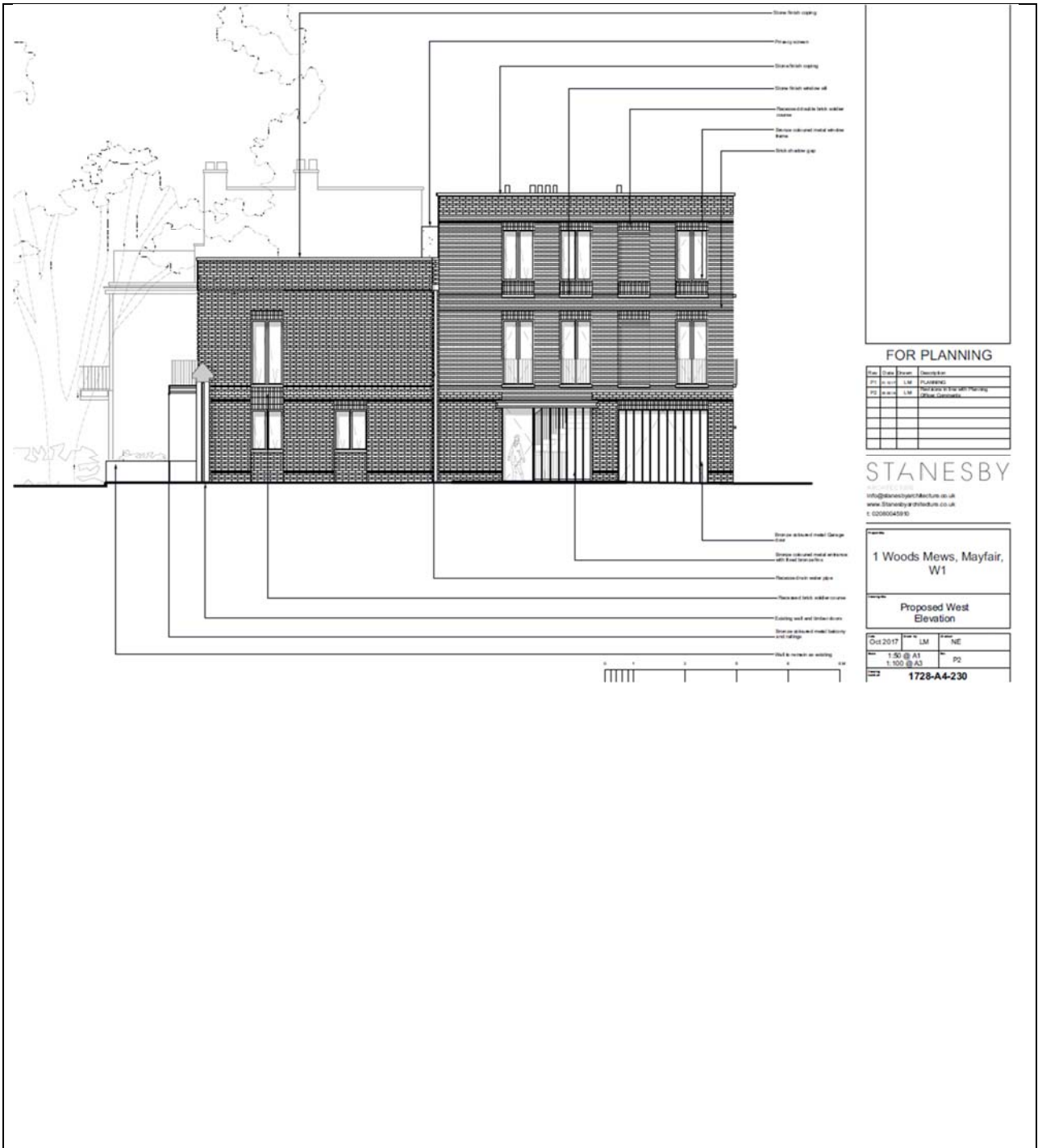
FOR PLANNING

Date	Drawn	Description
2017	LM	Preparation
2017	LM	Revised for the planning application

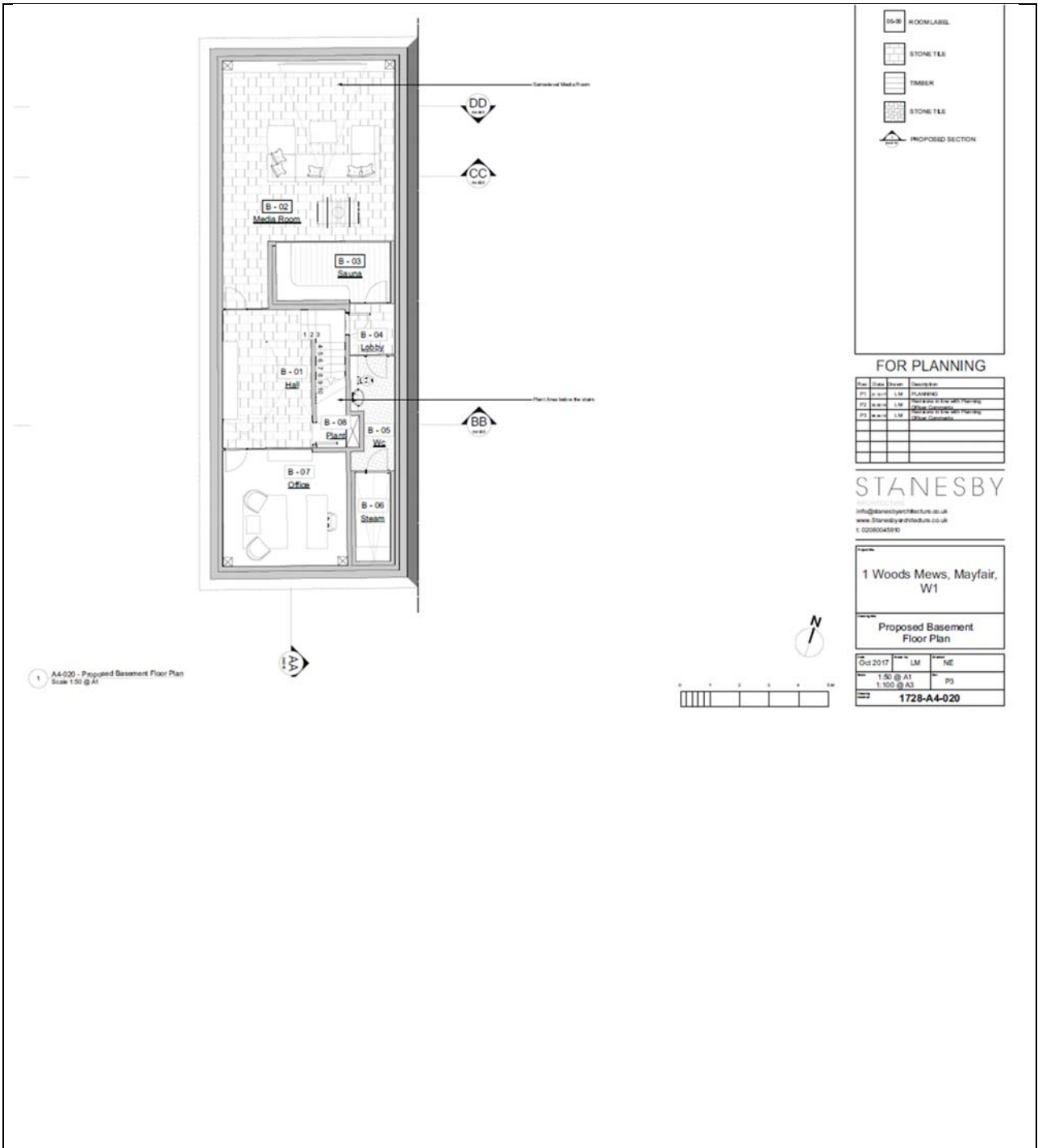
**STANESBY**  
 ARCHITECTS  
 info@stanesbyarchitecture.co.uk  
 www.stanesbyarchitecture.co.uk  
 t 02070443910

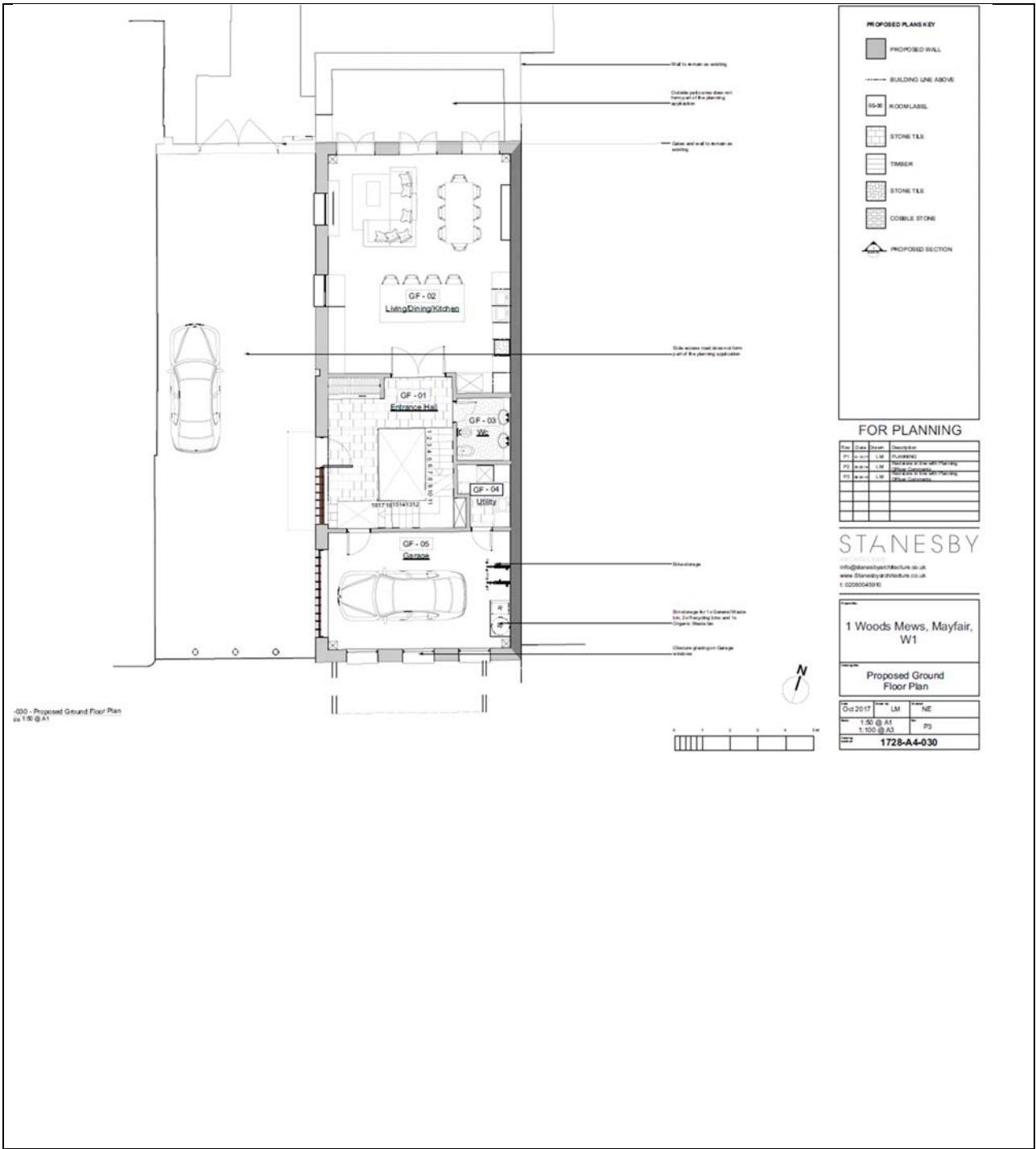
1 Woods Mews, Mayfair, W1  
 Proposed South Elevation

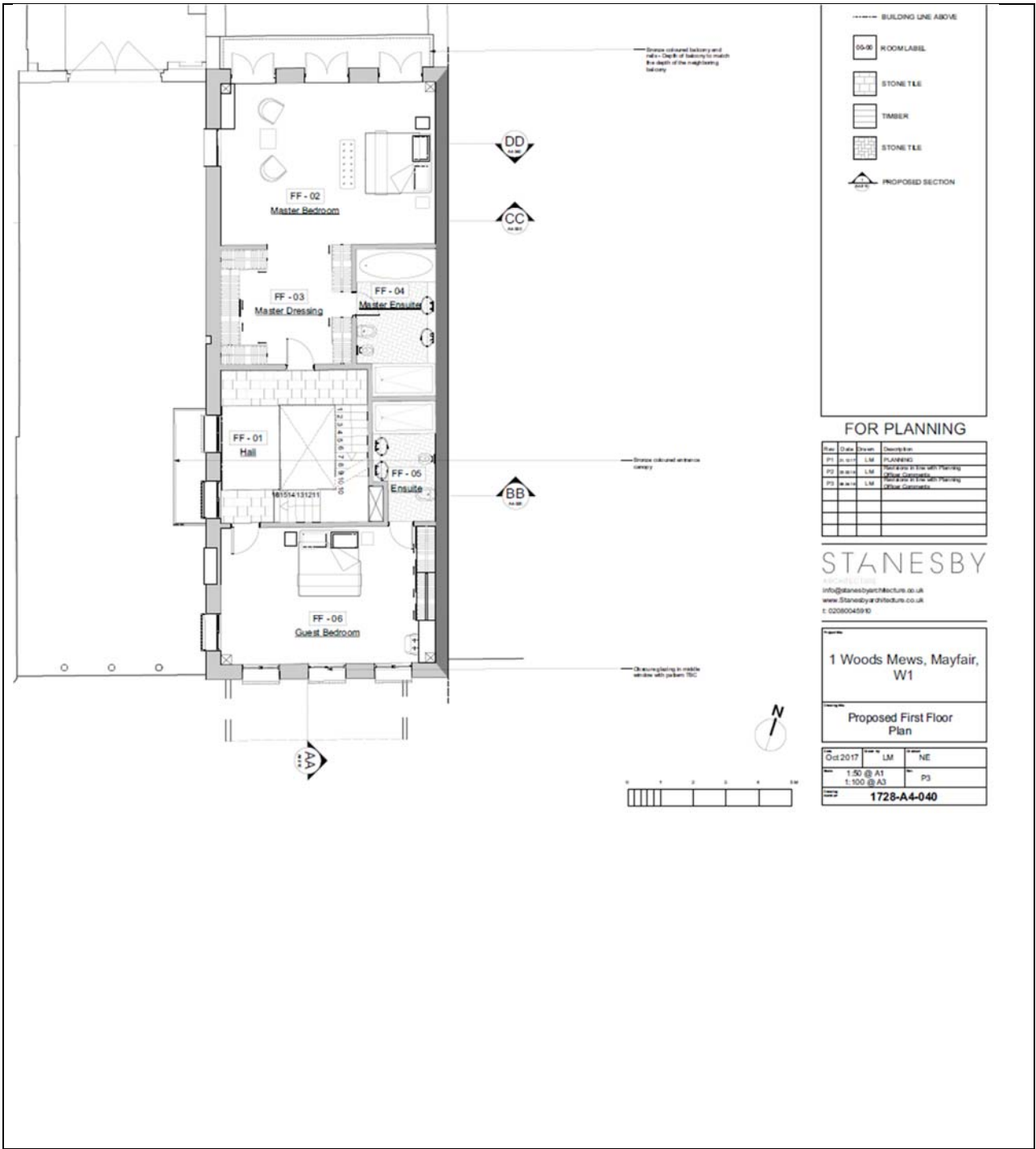
Date	Drawn	Checked
04/2017	LM	HE
1:50 @ A1		P2
1:150 @ A3		
1728-A4-220		

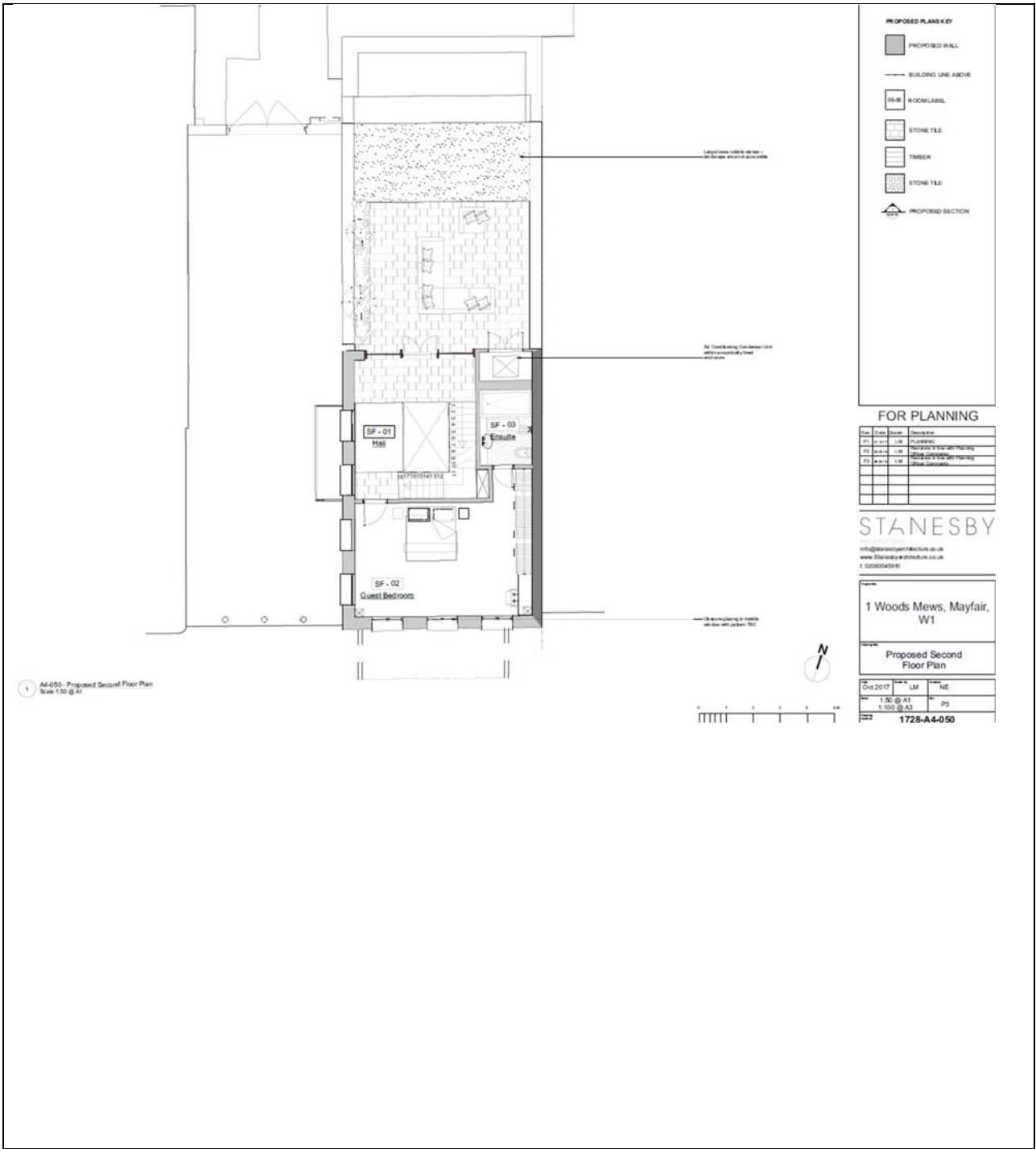


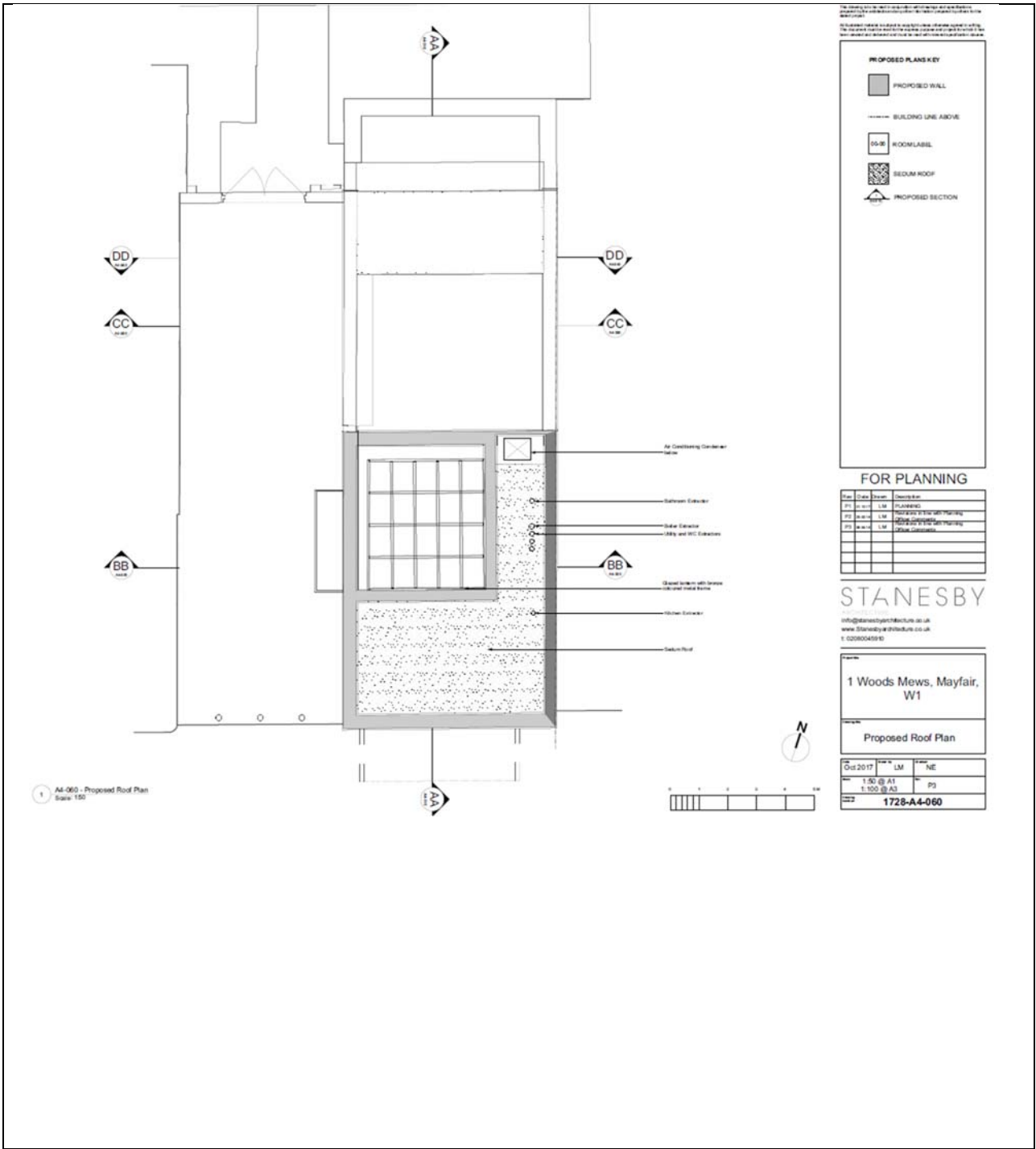
Item No.  
7











**PROPOSED PLANS KEY**

- PROPOSED WALL
- BUILDING LINE ABOVE
- ROOM LABEL
- SEDUM ROOF
- PROPOSED SECTION

**FOR PLANNING**

Rev	Date	Drawn	Description
01	20-10-17	LM	FOR PLANNING
02	16-11-17	LM	FOR PLANNING
03	16-11-17	LM	FOR PLANNING
04	16-11-17	LM	FOR PLANNING
05	16-11-17	LM	FOR PLANNING
06	16-11-17	LM	FOR PLANNING
07	16-11-17	LM	FOR PLANNING
08	16-11-17	LM	FOR PLANNING
09	16-11-17	LM	FOR PLANNING
10	16-11-17	LM	FOR PLANNING

**STANESBY**  
 info@stanesbyarchitecture.co.uk  
 www.stanesbyarchitecture.co.uk  
 t: 02080045910

1 Woods Mews, Mayfair, W1

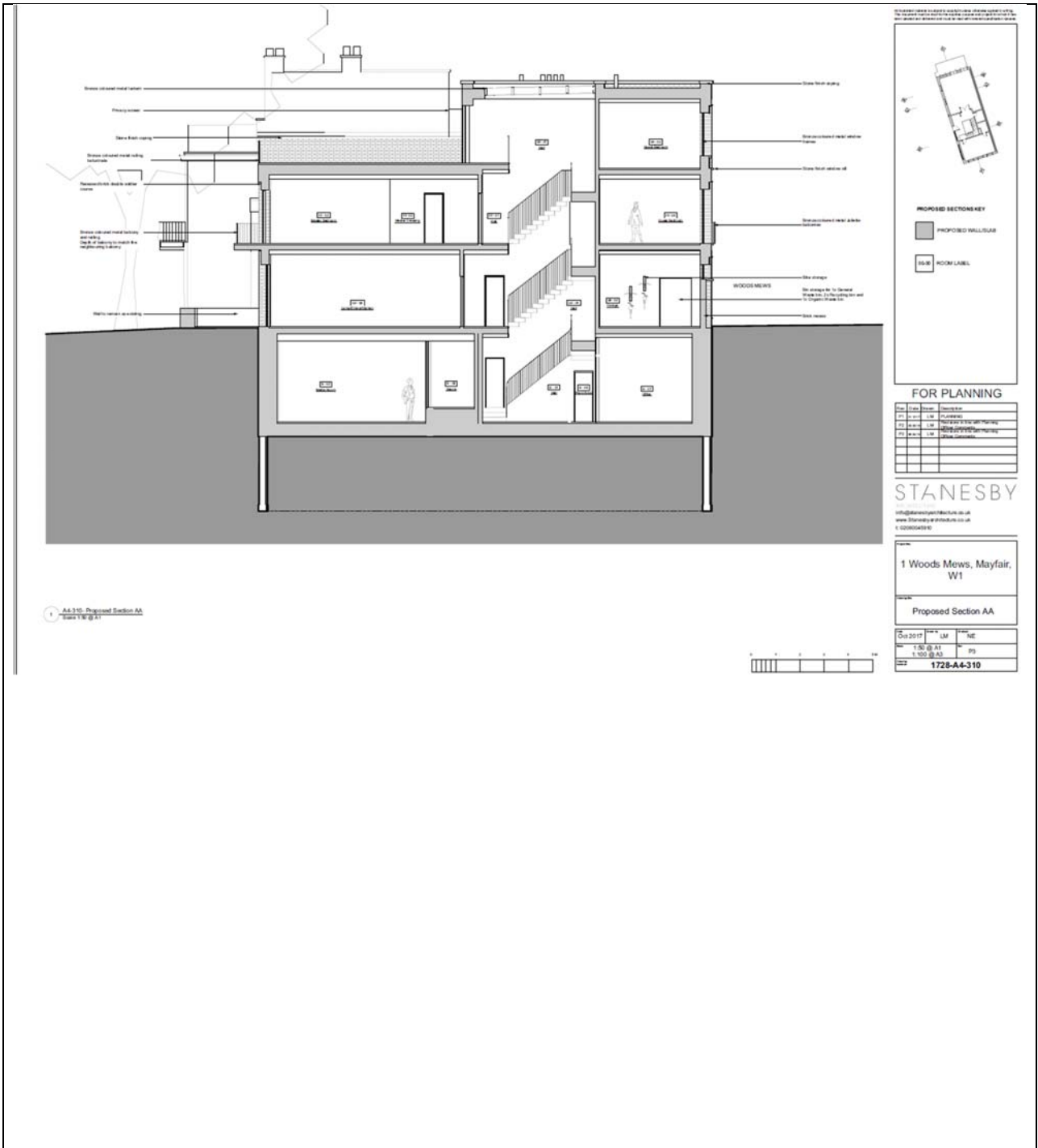
Proposed Roof Plan

Oct 2017	LM	NE
1:50 @ A1		P3
1:100 @ A3		

**1728-A4-060**

1 A4-060 - Proposed Roof Plan  
Scale: 1:50





This page is intentionally left blank

# Agenda Item 2

Item No.
2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14 August 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Victoria Embankment Gardens, Villiers Street, London, WC2N 6NE</b>		
<b>Proposal</b>	Use of part of Victoria Embankment Gardens and erection of temporary structures for a temporary cinema event for the BFI London Film Festival and a series of World Cinema premieres from 10th - 21st October 2018 (including construction and de-rigging between 27 September to 29 October 2018). Display of 3 externally illuminated fascia signs measuring 5.4m x 4m, 2m x 6m, 2m x 1.5m, and a non-illuminated hoarding sign measuring 0.5m x 1m.		
<b>Agent</b>	British Film Institute		
<b>On behalf of</b>	British Film Institute		
<b>Registered Number</b>	18/03732/FULL & 18/03733/ADV	<b>Date amended/ completed</b>	9 May 2018
<b>Date Application Received</b>	5 May 2018		
<b>Historic Building Grade</b>	Grade II Star Registered Historic Park		
<b>Conservation Area</b>	Savoy		

## 1. RECOMMENDATION

<p>1. Does the Sub-Committee agree that the public and cultural benefits of the event are sufficient to outweigh the short-term harm it causes to the Grade II Registered Historic Park and to the setting of the adjacent York Water Gate, listed memorials, listed buildings and conservation area?</p> <p>2. Subject to 1 above grant conditional planning permission and advertisement consent.</p>
---

## 2. SUMMARY

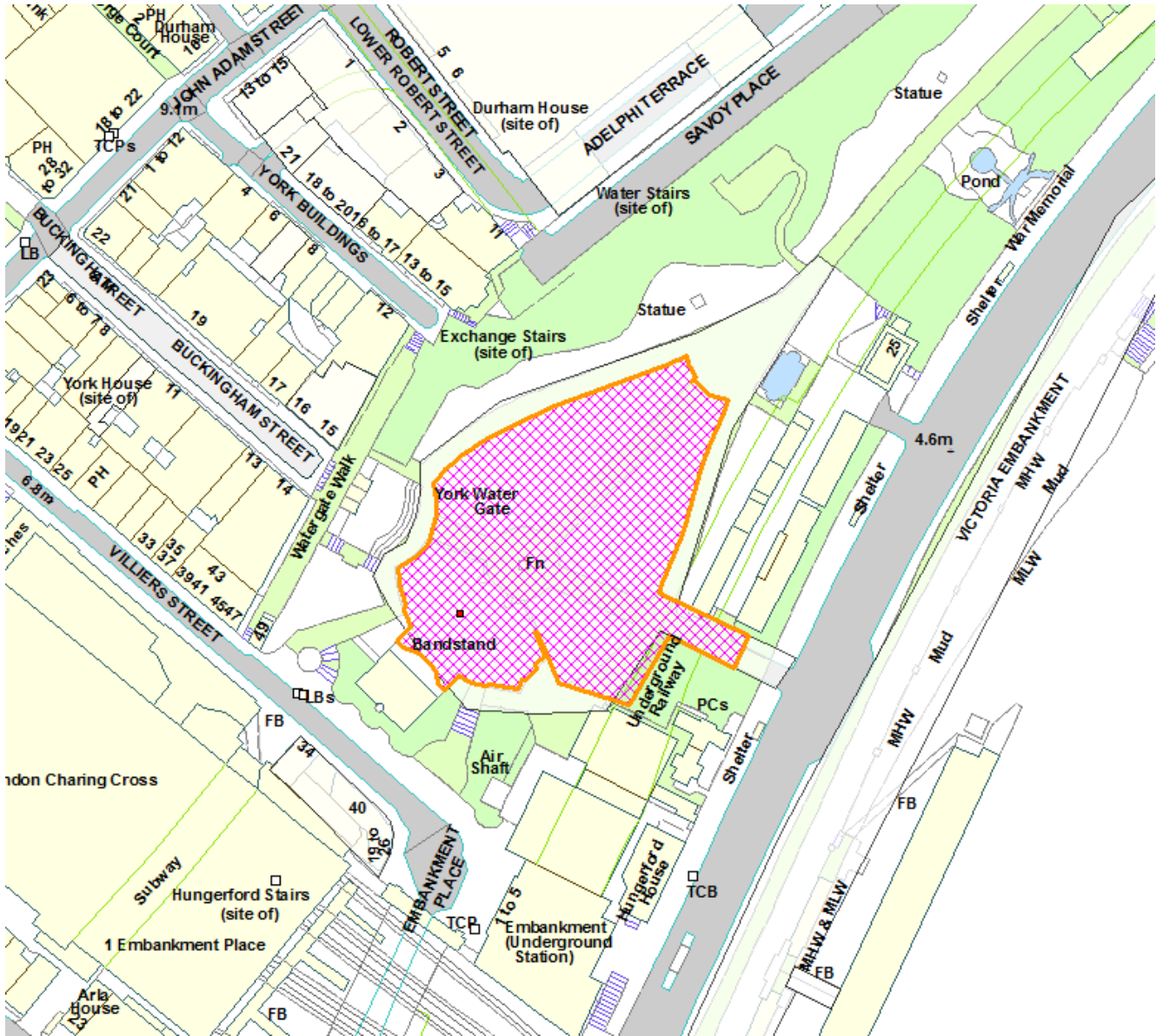
<p>The Victoria Embankment Gardens are a Grade II Star Registered Historic Park. The Villiers Garden is located to the north of Embankment Station and is one of three gardens which comprise the Victoria Embankment Gardens. Planning permission and advertisement consent are sought for the use of part of the gardens for the erection of structures between 27 September to 29 October 2018 (inclusive of setup and derig) in connection with the BFI London Film Festival (LFF). Planning permission and advertisement consent were granted for similar proposals in 2016 and 2017.</p>
--

The key issues for consideration are:

- The impact of the proposals on the Registered Historic Park;
- The impact of the proposals on the setting of adjacent heritage assets and the character and appearance of the Savoy Conservation Area;
- The impact of the proposals on neighbouring residential amenity.

The garden would remain open to the public during the event, but it would lose some of its important open character and it would affect the setting of adjacent and nearby heritage assets. The event will provide cultural and public benefits, but it will also cause temporary harm to heritage assets and as such Member's views are sought on this issue.

### 3. LOCATION PLAN



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



4. PHOTOGRAPHS



Aerial photograph of Victoria Embankment Gardens facing west



Photograph of the temporary cinema in 2017

## 5. CONSULTATIONS

### HISTORIC ENGLAND

Raise concerns with the Grade II star registered garden landscape being used for regular/reoccurring events.

### MAYOR OF LONDON

Endorses the application for the temporary structure which in line with both the draft Culture Strategy and Economic Development Strategy. The structure will enable the BFI London Film Festival to maintain its world-class status.

### TRANSPORT FOR LONDON

No objection.

### THE GARDENS TRUST

No comment.

### WESTMINSTER SOCIETY

No objection.

### DESIGNING OUT CRIME OFFICER

No objection.

### HEAD OF CITY PROMOTIONS, EVENTS AND FILMING

Since 2016 there has been a significant reduction in the overall number of days by which the gardens have been used for events from 107 days in 2016 to 63 days in 2017 (excluding bandstand performances). A further reduction is anticipated in 2018.

### ENVIRONMENTAL HEALTH

No objections.

- A history check of the Environmental Health's nuisance database of similar events held by BFI in October of the last two years show no records of complaints being made against the events.
- Prior to the start of any activities Environmental Health will require as part of the Premises License 24 hour contact phone numbers for immediate response made available to the Noise Team (and also advertised to residents) for the build, event and de-rig.
- The event is run and managed along similar lines to previous years therefore raises no concerns to Environmental Health with regard to noise nuisance principally because the levels required for audience enjoyment is intrinsically considered to be not at nuisance levels.

### HIGHWAYS PLANNING

The increase in trip generation is unlikely to have a significant adverse impact on the public highway.

### CLEANSING OFFICER

No objection to the proposed storage arrangements for waste and recyclable materials.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 519  
Total No. of replies: 10  
No. of objections: 6  
No. in support: 4

Letters have been received from VisitBritain, Film London, The Film Distributors' Association and London & Partners writing in support for the event.

Six neighbouring residents have raised objection to the proposals on the following grounds:

### LANDUSE

- The gardens are intended to be a place of peace and relaxation.
- Paths will be blocked.
- The gardens should be retained for residents, visitors and workers.
- In past years the immediate park environment has been left as a muddy space absent of grass, flowers etc. for several weeks.

### DESIGN

- The proposal is not in keeping with the size of the gardens.
- The cinema is an eyesore.

### AMENITY

- The set-up of the temporary structure is noisy and intrusive.
- The proposal does not seem to respect the intentions of the Council to protect and enhance tranquil open spaces.

### OTHER

- Request the Council publish the charges made to BFI for using this space.
- Construction should not start before 8am or finish after 6pm.
- A person should be on hand at the premises to receive calls from residents regarding noise and other nuisances.
- The council should ensure there are enough toilet facilities.
- Security should be provided.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The Victoria Embankment Gardens are a Grade II Star Registered Historic Park. The Villiers Garden is located to the north of Embankment Station and is one of three gardens which comprise the Victoria Embankment Gardens. It is located within the Savoy Conservation Area and there are a number of listed memorials and other



structures within it, including most notably for this proposal the Statue of Sir Wilfred Lawson (Grade II), the Camel Corps Memorial (Grade II) and the York Water Gate (Grade I).

Outside of the gardens to the north are a number of listed buildings of all grades, including the notable enclave of 17th / 18th century terraced houses in Buckingham Street, built on the site of the former York House. The view through the gardens, of the Water Gate with the terrace of houses beyond is noted by the Savoy Conservation Area Audit as a Local View, with a number of other Local Views noted variously around the Gardens in recognition of its landscape and spatial characteristics and interaction with the surrounding townscape.

## **6.2 Recent Relevant History**

29 August 2017 – Planning permission and advertisement consent granted for the use part of Victoria Embankment Gardens and erection of temporary structures for a temporary cinema event for the BFI London Film Festival and a series of World Cinema premieres from 4th - 20th October 2017 (including construction and de-rigging between 21st September - 4th October and 21st - 27th October and display of 3 externally illuminated fascia signs measuring 5.40m x 4.00m, 2.00m x 6.00m, 2.00m x 1.50m, and a non-illuminated hoarding sign measuring 0.50m x 1.00m. (17/05149/FULL and 17/05150/ADV)

7 September 2016 – Planning permission and advertisement consent granted for the use of part of Victoria Embankment Gardens as a temporary cinema event space for the 60th BFI London Film Festival from 6th to 16th October 2016 which includes installation of enclosed temporary cinema structure (with approximately 780 raked audience seats) accompanying box office/concessions structure and a red carpet cinema entrance and display of externally illuminated signs measuring 5m x 4m and 2m x 6m and non-illuminated sign measuring 2m x 1.5m. (16/07369/FULL and 16/08130/ADV)

## **7. THE PROPOSAL**

The application relates to the open space of lawns, flowerbeds and footpaths at the western end of this section of the gardens facing the Victoria Embankment bandstand. Permission is sought to use part of the gardens as a temporary cinema event space between 10<sup>th</sup> and 21<sup>st</sup> October 2018. This will consist of world cinema screenings for the 62<sup>nd</sup> LFF. During these dates the operation of the event will not be outside of 1100 - 2300 hours each day.

The 20 days setup and derig would take place between 27 September – 9 October and 22 – 29 October respectively. The site boundary would increase during these dates to include the hard standing opposite the bandstand and road access from Victoria Embankment. The total duration on site would be 33 days, a reduction of 4 days compared to the 2017 event.

The largest structure is the auditorium which would provide seating for 806 and would be approximately 35m long, 25m wide and 12m high. Other structures include a toilet block, box office, VIP and red carpet areas. The proposals include night-time temporary lighting and ancillary paraphernalia such as generators, fencing and temporary surfacing. The

front of the auditorium, box office and all heras fencing will be treated with green vinyl wraps. The size of the adverts are the same as permitted in 2017.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The 12 day screening event would be part of the LFF, which is Britain's leading film event. The annual event presents approximately 250 feature films and 150 short films from more than 70 countries and attracts approximately 195,000 attendances across London and in cinemas throughout the UK.

The applicant states that the LFF provides a unique showcase of British and International talent, which supports a diverse and growing industry providing strong economic and social benefits. In addition, by locating the LFF in Victoria Embankment Gardens, this serves to boost the economy and standing of Westminster and London as a cultural hub and world city. Support has received from the Mayor of London, VisitBritain/VisitEngland, Film London, the UK Film Distributors Association and London & Partners.

In terms of the broader use of the gardens for holding events, the Head of City Promotions, Events and Filming has set out that since 2016 there has been a significant reduction in the overall number of days by which the gardens have been used for events. Reducing from 107 days in 2016 to 63 days in 2017 (excluding bandstand performances) and a further reduction is anticipated in 2018.

The principle of events operating in the gardens has been established over the years, most notably by the Luna Cinema and Planit events, although there is no planning history for those events. The garden has also been used for other events such as the interactive sport stations during the 2012 Olympics. Most recently permission has been granted for a similar proposal for the LFF in 2016 and 2017.

Policies S35 of the City Plan and DES12 of the Unitary Development Plan (UDP) both seek to protect open spaces including squares and gardens. The event will be temporary in nature but will conflict with these policies whilst the associated structures of the event are in place. The gardens would remain open to the public during the event but it would lose some of its important open character and it would affect the setting of adjacent and nearby heritage assets. Consideration of the harm is set out in more detail below.

### **8.2 Townscape and Design**

Victoria Embankment Gardens is a Grade II Star Registered Park of notable landscape, townscape and historic interest. The gardens contain a number of listed memorials, most notably for this proposal the Camel Corps Memorial and the York Water Gate (Grade I listed). The site lies on the cross-axis from the southern entrance to the Gardens from the road, to the Water Gate with the group of Grade I and II\* listed buildings that line Buckingham Street in the background. This is a significant element of the Gardens' landscape design.

The application is similar to the temporary siting of a cinema on this site for the LFF that was approved in 2016 and 2017. The period previously approved in 2017 was for 17 days (4 - 20 October). The current proposal seek an event period of 12 days. The construction and de-rigging period before and after these quoted dates increase the effects of the proposals to 33 days.

The design of the proposal is essentially the same as the 2017 scheme. The external treatment of the structure focuses on the greenery of the park, rather than the sky blue wrap approved in 2016. All heras fencing and the front of the auditorium will include a green wrap which are designed to reduce the visual impacts of the structures.

The event will inevitably have a detrimental effect on the character of the gardens, and the setting of adjacent and nearby heritage assets for the duration of its build, operation and removal. At full effect, this will be 'substantially' harmful to the character of the gardens as it will fundamentally change that character from a public park to a developed and branded entertainment site, albeit for a temporary period.

The impacts will include encroachment into views of the York Gate and Buckingham Street listed buildings along the axis from the southern gate, and in views from those back towards the gardens and the river beyond. The setting of the listed memorials will also be compromised. The impacts on built heritage assets would represent 'less than substantial' harm. Whilst the mitigating colour wraps are an improvement upon 2016, this can only provide partial mitigation to the visual impacts due to the large scale and built nature of the development which contrasts with the character of the site.

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special regard be given to the preservation of the setting of listed buildings, and to the preservation or enhancement of the character or appearance of conservation areas when determining applications affecting them.

This statutory requirement is further advised by Paragraphs 195 and 196 of the NPPF (2018), (which also requires a similar level of care be given to Registered Parks) and by WCC's own policies and guidance (in particular DES 1, DES 9, DES 10 and DES 12 of the UDP).

Together this effectively imposes a statutory presumption against the approval of harmful proposals unless the harm caused is significantly and demonstrably outweighed by public benefits which the proposals would directly secure. In this regard, and as highlighted by Historic England, it is important to give due regard to whether that public benefit could be alternatively provided by other, less sensitive sites.

The applicant proposes some measures to protect the Camel Corps monument and York Watergate during the construction phase. During the event branding on the heras fencing is proposed to highlight and celebrate the historic stories of these assets.

Given the degree of harm, albeit temporary, the application should only be approved if the Committee is satisfied that the cultural and public benefits which the event would bring will offset this harm.

With regard to the advertisements sought, subject to the principle of the wider development being considered acceptable, the temporary nature of the signage is considered acceptable subject to a condition to ensure they are only displayed between 6<sup>th</sup> - 23<sup>rd</sup> October this year.

### **8.3 Residential Amenity**

In terms of increased noise and disturbance, it should be acknowledged that Victoria Embankment Gardens and its surrounds is a busy location and hosts many outdoor events. The nearest residential is located on York Buildings, Buckingham Street and Villiers Street, approximately 50m from the proposed event structures.

Environmental Health raise no objections and have confirmed that no complaints were made during the staging of the event last year. The event will be subject to its own Premises License which will be assessed by Environmental Health and the noise and vibration levels will be set in conjunction with Environmental Health on completion of the build. The event will be subject to the relevant controls exerted on it by the Licensing regime and Health & Safety legislation. On this basis it is not considered necessary to attach noise and vibration conditions in this instance.

Prior to the start of any activities Environmental Health have confirmed they will required a 24 hour contact phone number for immediate response made available to the Noise Team (and also advertised to residents) for the build, event and de-rig.

The activity that the event would produce between the hours of 10.30 and 23.30 is not considered to be unreasonable given the character and location of the surrounding area. The application is considered to comply with Policies ENV13 of the UDP and S29 and S32 of the City Plan.

### **8.4 Transportation/Parking**

The event and associated structures will occur wholly within the gardens itself and not on the public highway. Given the size of the gardens, it is considered that there will be sufficient room for the use and servicing will to be carried out without adverse impact on the public highway. All servicing will need to be from Embankment which is part of the TfL Road Network. An informative is added to remind the application to contact TfL.

### **8.5 Economic Considerations**

The Head of City Promotions, Events and Filming has commented as follows: "The Council would receive a significant rental fee from the BFI for the use of the gardens, which will be reinvested into the Council's parks budget. Given the significant cuts to this budget area since 2010, the income generated from events represents a way by which the Council can continue to maintain its parks and open spaces within the current budgetary constraints at the same time as facilitating a high quality cultural event."

In broader terms, the LFF is recognised as a significant event for London at both national and international level, promoting the City and attracting people into Westminster. This inevitably has a positive impact on the local economy. The Mayor of London in his comments on the application highlights that the LFF is hugely important to

London, a key annual feature for the film industry and that the structure at Victoria Embankment Gardens will enable the festival to maintain its world-class status.

One representation requests that the Council publish the charges made to BFI for using the space. As set out above the rental fee is reinvested into the Council's parks budget. The case officer is not aware of the detailed account information. If an interested party seeks the exact amount, a request can be made under the Freedom of Information Act.

#### **8.6 Access**

The auditorium is designed to meet the DDA best practice guidance.

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

##### **Waste**

A Waste Management Plan has been submitted which sets out how the contracted cleansing team will collect waste during the day and place it into wheelie bins around the site. This will then be transferred to euro bins for collection at the end of each day. The Cleansing Manager raises no objections.

##### **Trees and Biodiversity**

An Ecology Appraisal of the site has been undertaken which explores the impact of event. The appraisal considers the event to be low impact and makes minor mitigation recommendations which include the use of a low impact lighting scheme. The applicant has confirmed that they will be undertaking the mitigation measures set out in the report. As previously imposed, tree protection measures will be secured by condition.

#### **8.8 London Plan**

This application raises no strategic issues.

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

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

#### **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application. There will not be a requirement to make a Community Infrastructure Levy payment due to the proposals being temporary.

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

The application is not of a sufficient scale to require its own Environment Impact Assessment.

## 8.12 Other Issues

### **Construction impact**

The main build is scheduled between 27th September - 9th October and dismantling is scheduled for 22nd - 29th October. The standard hours of construction condition is recommended limiting noisy works to 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. All vehicles will enter from the east side of Embankment. This is part of the TfL Road Network and as such the applicant will need to liaise with TfL to obtain the necessary permissions.

### **Crime and security**

24-hour site security coverage will be provided by the BFI's appointed special events security provider. A Crime Prevention and Counter Terrorism Statement has been prepared in consultation with the Met Police and National Counter Terrorism Security Advisors. The Crime Design Officer raised no objections.

(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: JULIA ASGHAR BY EMAIL AT [jasghar@westminster.gov.uk](mailto:jasghar@westminster.gov.uk)

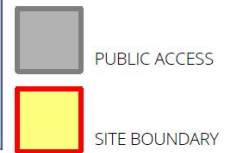
## 9. KEY DRAWINGS

SITE BOUNDARY – BUILD & DERIG

people



SITE BOUNDARY DATES:  
27<sup>th</sup> SEPT – 9<sup>th</sup> OCT 2018  
22<sup>nd</sup> OCT – 29<sup>th</sup> OCT 2018

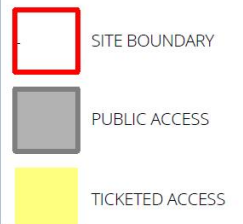


SITE BOUNDARY – LIVE EVENT

people



LIVE EVENT SITE BOUNDARY DATES:  
9<sup>th</sup> OCT – 21<sup>st</sup> OCT 2018







Computer generated image



Item No.
<b>2</b>

**DRAFT DECISION LETTER – 18/03732/FULL**

**Address:** Victoria Embankment Gardens , Villiers Street, London, WC2N 6NE

**Proposal:** Use part of Victoria Embankment Gardens and erection of temporary structures for a temporary cinema event for the BFI London Film Festival and a series of World Cinema premieres from 10th - 21st October 2018 (including construction and de-rigging between 27 September to 29 October 2018). Linked to 18/03733/ADV

**Plan Nos:** Community Engagement Statement (BFI); Construction and Service Management Plan (BFI and People Live Limited); Crime Prevention and Counter Terrorism Statement (Pace Prestige Services); Design and Access Statement (BFI and People Live Limited); Ecology Appraisal and Report (Arbtech Consulting Ltd); Event Safety Management Plan (TESS); Heritage Statement (BFI); Noise Management Plan (Vanguardia); Photo Visualisations; 3D Visualisations; Façade and Fence Artwork (BFI and People Live Limited); Planning Statement (GL Hearn); Site plans, multiple versions: - Block plan, basic plan, build perimeter, live perimeter, public audience flow. (People Live Limited and Arena Group); Temporary structure elevations (Arena Group); Waste Management Plan (People).

**Case Officer:** Vincent Nally

**Direct Tel. No.** 020 7641 5947

**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 The use of Victoria Embankment Gardens for the BFI London Film Festival event hereby approved can only take place between 10 October 2018 and 21 October 2018. You must not begin works to set up the site before 27 September 2018. You must remove all structures from the site by 29 October 2018. Once all structures are removed the land must be made good and returned to its previous condition and use.

Reason:

Use for more than a limited period would be harmful to the character and appearance of the gardens and the Savoy Conservation Area.

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 and 2.5 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 The film event can only operate between the hours of 10.30 to 23.30 hours each day.

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. (R22CC)

- 5 During the construction and de-construction of the event structures, you must fully protect any of the listed monuments/structures which are within 10m of the event structures or within 5m of the route for construction vehicles. The protection measures must include appropriate exclusion fencing or hoardings which are capable of withstanding impact from building elements or construction vehicles. All vehicle movements must be attended by a banks-person and all site personnel must be trained regarding the protection of the listed monuments/structures within the Gardens. All protection measures must be fully reversible and removed immediately upon completion of the construction and de-construction phases. If any physical damage is caused to listed monuments/structures within or bounding the Gardens, you should make arrangements, with agreement from the Council, to carry out repairs within six months of the date of the event structures being removed from the site.

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 Savoy 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)

Item No.
<b>2</b>

- 6 Before the works commence you must protect the trees in Victoria Embankment Gardens by:
- the erection of protective fencing;
  - placement of ground protection,
  - remediating the soil in the root protection areas of the trees; and
  - implementing an auditable system of arboricultural site supervision during construction and dismantling of the event structures

The specifications and details of for the tree protection must conform to the recommendations in BS5837:2012 Trees in relation to design, demolition and construction - recommendations. You must maintain the tree protection for the duration of the development and you must not start any work, and you must not take any equipment, machinery or materials for the development onto the site until these tree protection tree protection measures are in place.

**Reason:**

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Savoy 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)

- 7 The event must not commence until the wrap/branding of the structures has been applied as set out in the Design and Access Statement.

**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 Savoy 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 The area is going to be providing licensable activities, this will require a Premises Licence under the Licensing Act 2003. The applicant should have regard to the City of Westminster Statement of Licensing Policy and the hours of operation with regard to applying for licensable activities such as the Supply of Alcohol, Regulated Entertainment and Late Night Refreshment. Further advice can be given by the Council's Licensing Service on 020 7641 1884.

- 3 You are advised that before the site is open to the public, it must be inspected by the Environmental Health Consultation Team to ensure that it complies with all the relevant statutory requirements.
- 4 Any speakers must be located to the satisfaction of the Environmental Health Consultation Team.
- 5 Any generators, refrigerators or other machinery must be silenced, screened or sited so as not to be audible outside the gardens.
- 6 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 7 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)
- 8 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.

- 9 You are reminded that this permission does not discharge the requirements under the Traffic Management Act 2004. Formal notifications and approval may be needed for both the permanent (or temporary) highway scheme and any temporary highway works required during the construction phase of the development. Details can be found at <https://tfl.gov.uk/modes/driving/red-routes>. Please contact Transport for London ([GavinMcLaughlin@TfL.gov.uk](mailto:GavinMcLaughlin@TfL.gov.uk)) at the earliest opportunity in relation to any required abnormal loads or cranes accessing the site from or on the TLRN.

Item No.
<b>2</b>

**DRAFT DECISION LETTER – 18/03733/ADV**

**Address:** Victoria Embankment Gardens , Villiers Street, London, WC2N 6NE

**Proposal:** Display of 3 externally illuminated fascia signs measuring 5.4m x 4m, 2m x 6m, 2m x 1.5m, and a non-illuminated hoarding sign measuring 0.5m x 1m. Linked to 18/03732/FULL

**Plan Nos:** Design and Access Statement (BFI and People Live Limited); Heritage Statement (BFI); Photo Visualisations; 3D Visualisations; Façade and Fence Artwork (BFI and People Live Limited); Planning Statement (GL Hearn); Site plans, multiple versions: - Block plan, basic plan, build perimeter, live perimeter, public audience flow. (People Live Limited and Arena Group); Temporary structure elevations (Arena Group).

**Case Officer:** Vincent Nally

**Direct Tel. No.** 020 7641 5947

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

- 1 You can display the advert from 6 October 2018 to 23 October 2018. You must then remove it without delay. (C04BA)

Reason:

The advert is temporary, so under DES 8 of our Unitary Development Plan that we adopted in January 2007, we can only approve it for a limited period. (R04AB)

This page is intentionally left blank

# Agenda Item 3

Item No.
<b>3</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14 August 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	10 Wimpole Street, London, W1G 9SS		
<b>Proposal</b>	Excavation of additional basement floor and extension of existing lower ground floor. Erection of replacement rear extension at ground floor level and formation of first floor terrace, and fourth floor terrace. Erection of mansard roof to the mews building. Use of basement and lower ground floor as a granny annex and ground to fourth floors as a single family dwelling (Class C3). Internal and external alterations including new lift and lift shaft.		
<b>Agent</b>	Urban Mesh Design Ltd		
<b>On behalf of</b>	Mr & Mrs Michael & Emma Phillips		
<b>Registered Number</b>	18/01589/FULL 18/01590/LBC	<b>Date amended/ completed</b>	1 March 2018
<b>Date Application Received</b>	23 February 2018		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Harley Street		

## 1. RECOMMENDATION

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

## 2. SUMMARY

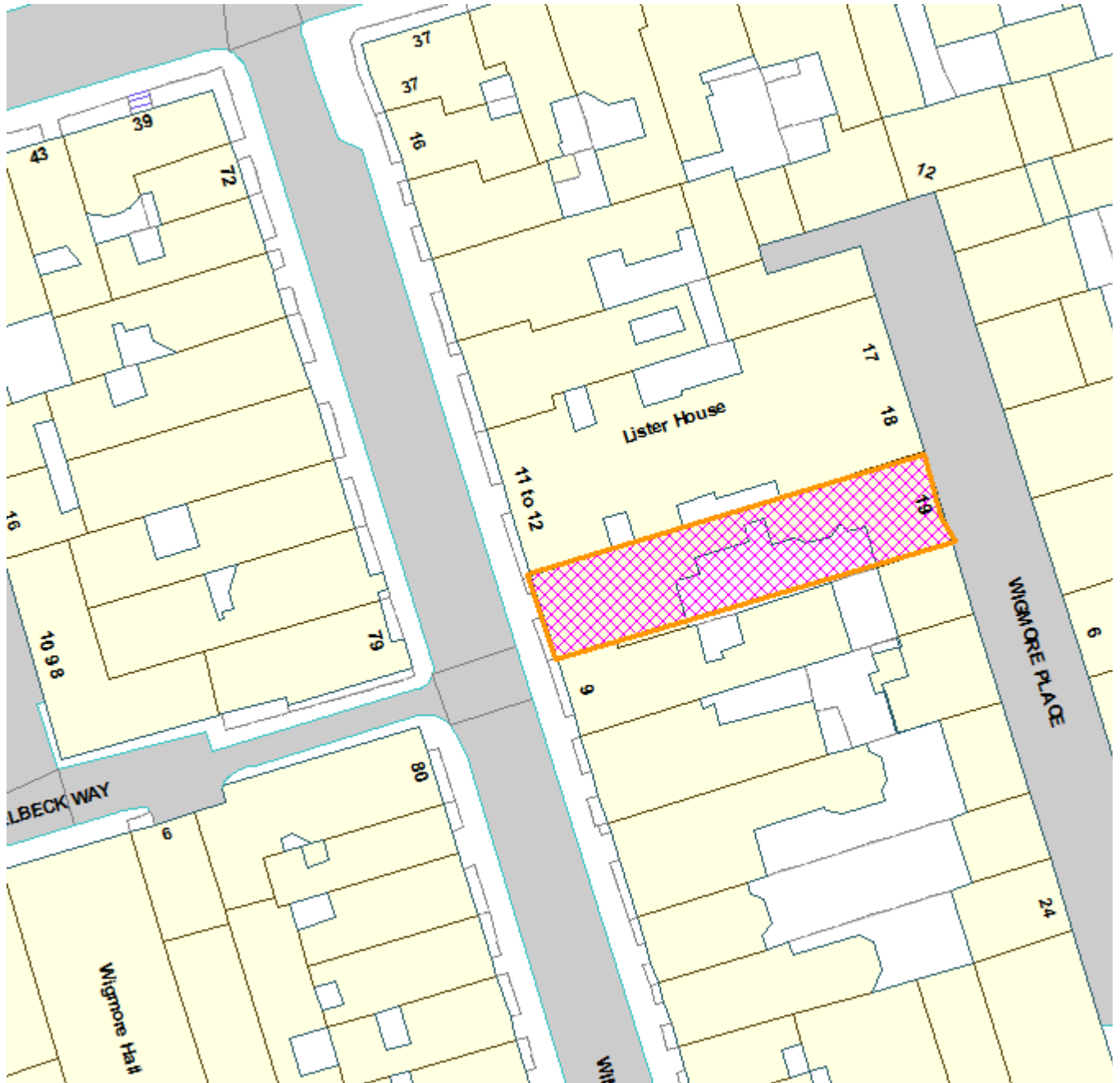
<p>The site contains two buildings; 10 Wimpole Street (the main building) and its respective mews building, known as 19 Wigmore Place. The main property was last in use as six annexes/flats – albeit not self contained units. The upper floor of the mews appears to have been used independently from the rest of the site.</p> <p>Permission is to convert the site into a single family dwelling with a granny annex at basement level. A number of extensions and alterations are proposed to facilitate this.</p> <p>The key issues are considered to be:</p> <ul style="list-style-type: none"> <li>- The impact on the amenity of adjoining properties</li> </ul>
---

- The impact on the character and appearance of the Harley Street Conservation Area

The proposal would preserve or enhance the character and appearance of the Portman Estate Conservation Area and the significance of the listed building. It is not considered that there would be any unacceptable harm to neighbours' living conditions, for the reasons set out in the main report, and the proposal is therefore recommended for approval.



3. LOCATION PLAN



4. PHOTOGRAPHS

Photograph 1: Front of 10 Wimpole Street



Photograph 2: View towards the rear of 10 Wimpole Street





**Photograph 3: View towards the rear of 19 Wigmore Place**



**Photograph 4: Front elevation of 19 Wigmore Place**



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION:

#### Objection:

- Extensions do not contribute to the architectural or historical significance of the property
- Additional storey would imbalance the hierarchy of spaces, as does the removal of ceilings at fourth floor level.
- Additional storey to the mews is not appropriate scale
- Loss of four residential units is regrettable, although notes that the return to a single family dwelling is in keeping with policy.
- Maintenance of planting between 10/11 Wimpole Street should be secured to avoid overlooking

### HISTORIC ENGLAND:

The application should be determined in accordance with national and local policy guidance and on the basis of the City Council's specialist conservation advice.

HIGHWAYS PLANNING MANAGER: No objection

ENVIRONMENTAL HEALTH: No objection

CLEANSING MANAGER: No objection

BUILDING CONTROL: No objection

ARBORICULTURAL OFFICER: No objection

ANCIENT MONUMENTS SOCIETY: Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY: Any response to be reported verbally.

THE GEORGIAN GROUP: Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS: Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY: Any response to be reported verbally.

THE VICTORIAN SOCIETY: Any response to be reported verbally.

### ADJOINING OWNERS / OCCUPIERS

No.of consultees: 81 (Objections: 1; Representations: 0; Supporting: 0)

One objection raises the following points:

- Loss of light from first floor alterations
- Loss of privacy from terraces
- Increased noise from terrace use at fourth floor level and first floor
- Noise and vibration impact from plant adjacent to 18 Wigmore place
- Residential uses at Lister House
- Risk of damage from basement excavations

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The subject site contains two buildings; 10 Wimpole Street which is the main building and Grade II listed and 19 Wigmore Place to the rear which is unlisted but identified as a building of merit. The first and second floors of the mews building are outside of the application site, being a separate unit of residential accommodation. The townhouse has a number of rear extensions which historically linked through to the building at the rear of the site.

The entire site is located within the Harley Street Conservation Area, the Core Central Activities Zone (Core CAZ) and the Harley Street Special Policy Area. The property falls outside of a Archaeological Priority Area.

10 Wimpole Street is currently occupied as a single family dwelling, although it was previously configured as 6 residential units. There is no formal planning record of this subdivision and the property appears to have been occupied in this manner by a large family since the 1980s. The units are not entirely self-contained as a number of rooms and hallways directly open onto a shared central stairwell without any separation from lockable doors. This is in part reflected by council tax records for the property which formally recognises three dwellings; a Flat at 10 Wimpole Street, a basement flat at 10a Wimpole Street, and the mews building to the rear (19 Wigmore Place).

### **6.2 Recent Relevant History**

Planning History: 19 Wigmore Place  
90/03589/LBCX

Conversion of existing 2 storey mews house into 3 storey mews - granted 07/03/1991

90/03551/FULL

Erection of mansard storey for use as one flat & internal & external alterations – (Amended scheme – revisions to design of front elevation) - granted 07/03/1991

## **7. THE PROPOSAL**

The application proposes a number of extensions and alterations to the building and its reversion to a single family dwellinghouse (with 'granny annex' at basement level). Most notably, a new sub-basement is proposed to be excavated beneath the footprint of the original main building (including front lightwell and pavement vaults) and the existing basement level is proposed to be extended beneath part of the rear garden and beneath the mews building. New terraces are proposed above the rebuilt rear extension and at roof level (hidden behind a dummy slate-clad mansard screen). A number of internal alterations are also proposed, including the provision of a new lift shaft.

At sub-basement level there would be a series of service vaults located underneath the existing pavement vaults at basement level. A cinema, bar/games room and a swimming pool with sauna and steam rooms. Stairs would provide access from sub basement level, to the basement hall, and from the sub-basement pool room to the basement level link extension.

At basement there would be a kitchen and utility room within two of the vaults, and the third vault would be used for cycle parking and refuse storage. There would be a living room, three en-suite bedrooms, a further kitchen and utility room that connect through to a corridor with two changing rooms, that would link the main building with the mews. There would be two store rooms and a yoga room underneath the mews building, and a staircase would lead to the ground floor link extension, garden and garages.

The basement level would be independently accessible from stairs within the front lightwell. There would also be a set of stairs within a basement level lightwell that would provide independent access from the lower ground and basement to the main garden.

At ground floor level there would be a reception room, study and dining room, the ground floor link extension would provide a kitchen which would link to a living room within the ground floor of the mews building, within which would be two garages.

At first floor level there would be a drawing room, dining room and bar/kitchenette which would lead to a first floor roof terrace above the ground floor link extension. At the rear of the terrace there would be study within the rear wing of the mews house.

At second floor level there would be a bedroom, two dressing rooms and an en-suite bathroom. The second floor of the mews building would accommodate plant equipment.

At third floor level there would be three further bedrooms, 2 of which would be en-suite. And at fourth floor level there would be a kitchen, en-suite bedroom and living room with a terrace.

In total, there would be three bedrooms within the basement annex, and five bedrooms to the main dwelling. A lift would serve all floors of the main property at 10 Wimpole Street including the fourth floor terrace.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

Policy S14 of the City Plan sets out that all residential uses and floorspace will be protected. It states that proposals which would result in a reduction in the number of residential units on a site will be unacceptable, except where a converted house is being returned to a family sized dwelling, or dwellings.

UDP policy H3 sets out that proposals to extend existing housing will be acceptable in principle. The proposals to extend the property are therefore not considered to be contentious in land use terms.

The application would revert a property that has loosely been converted to six flats, back to a single family dwelling, with a granny-annex at basement level. The main dwelling would be linked to a granny annex via two internal staircases and a lift. It is noted that with the installation of lockable doors, it may be possible to use parts of the basement entirely independently from the main dwelling. Given that the main garden area and large parts of the sub-basement would be shared, and the number of connections to the main dwelling, the annex is considered incidental to the enjoyment of the main dwelling house and not a separate planning unit.

The Marylebone Association has objected to the proposals on the grounds that there would be a loss of residential units. As stated, the six units are not entirely independent from each other, and historically the entire premises has been occupied by a single family living in the six flats. In any event, it is considered that the proposal would be in accordance with policy S14 of the City Plan since the premises would be converted back to a family sized dwelling and UDP Policy DES 10 that supports returning listed building back to their original use. The proposals are therefore also considered to comply with the intent of UDP policy H3.

## **8.2 Townscape and Design**

This is a mid 18th century town house, with late Victorian / Edwardian alterations. The main special interest relates to the original building; the later extensions at the rear are of lesser importance.

The important elements of the interior are retained and respected. The top floor is a later extension and is not of special interest. The proposal to remove part of the rear of this Victorian roof to create a small terrace is acceptable. It will be enclosed by a roof-like screen. At the rear of the mews building a roof level plant area is proposed. This would also be screened in an appropriate manner and is acceptable.

The later rear extension will be demolished and replaced with a new wing of traditional design. There would be no loss of important historic fabric and the proposed replacement building is appropriate. This is considered acceptable in historic building terms.

The front facade will be improved through the reintroduction of multi-pane timber sash windows. This is a public benefit, to the listed building and the Harley Street Conservation Area.

The proposed sub-basement extension under the main house will not harm the internal hierarchy of the building and its special interest, and this is considered acceptable in policy terms. Similarly the single storey basement under the mews building will not harm the character and appearance of the conservation area or the setting of the listed building.

The proposals will not harm the special interest of the listed building and will preserve the character and appearance of the conservation area. They are acceptable in urban design and conservation policy terms and compliant with the relevant policies of the City



Plan and Unitary Development Plan, including S25, S28, DES 1, DES 4, DES 5, DES 6, DES 9 and DES10.

### **8.3 Residential Amenity**

Policy S29 of the City Plan relates to health, safety and wellbeing and states that the Council will resist proposals that would result in an unacceptable material loss of residential amenity. Policy ENV13 of the UDP aims to safeguard residents' amenities, and states that the City Council will resist proposals which result in a material loss of daylight/sunlight, increase in the sense of enclosure to windows or loss of privacy or cause unacceptable overshadowing to neighbouring buildings or open spaces.

Lister House adjoins the site to the north, and the first floor of the rear mews wing (18 Wigmore Street) is in residential use. Contrary to the applicant's submission, the second floor of 18 Wigmore Street appears to be in commercial use.

Records indicate that number 9 Wimpole Street (due south) pays both commercial rates and residential council tax, and the third and fourth floors appear to be in residential use.

Beyond this, the nearest neighbouring residential properties are located to the rear, at 20 Wigmore Place, and due south; 5 flats at 8 Wimpole Street.

#### **Privacy & Sense of Enclosure**

The proposed ground floor link extension would be located against an existing boundary wall with Lister House. Sets of double doors would open onto the rear garden at 10 Wimpole Street which is bounded to the south by a boundary wall comprising part of a rear extension at 9 Wimpole Street. This element of the proposal is not considered to cause any harm to any neighbours' amenity by way of sense of enclosure or loss of privacy.

The proposal includes a terrace at first floor level above the link extension between the main dwelling and the mews house. The terrace would be set back from the boundary with Lister House by 1.8m and a planted privacy screen would be installed along the north boundary, which would be 1.5m high. One objection has been received on the grounds that this element would cause loss of privacy. Owing to the positioning of rear extension of the mews building, approximately half of the proposed terrace would have very limited, or no views into the residential accommodation at 18 Wigmore Street. It is noted that there may be some overlooking from the portion of the terrace immediately to the rear of the main dwelling, however this is set back from neighbouring residential windows to a degree that would be considered a normal domestic relationship. Further, the proposed privacy screen would limit any views from the terrace, and it is not considered that this element of the proposal would give rise to an unacceptable loss of privacy.

At fourth floor level it is proposed to extend an existing roof terrace, install a glass balustrade around the existing pyramid rooflight, additional planters and a metal clad lift access. It is noted that one objection raises concerns that this would result in loss of privacy. Lister House has a courtyard of windows adjacent to an existing roof terrace in this area. The windows serve rooms which are in commercial use, and which are not habitable spaces and cannot be afforded the same level of protection as residential

uses. As such, there would be no unacceptable harm to amenity at Lister House. The enlargement of the existing terrace is not considered to cause any loss of privacy to any other neighbouring properties.

**Noise**

One objection has been received on the grounds that the proposed terraces would result in noise disturbance. Given that the property will be used as a single family dwelling, any noise would be of a limited domestic nature. There is also an existing terrace at fourth floor level and an existing balcony at first floor level. On balance, it is not considered that the proposals would result in any unacceptable noise disturbance to neighbouring properties.

**Sunlight and 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 guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms. The submitted daylight and sunlight report sets out that all neighbouring rooms will pass the BRE minimum requirements for VSC

A second commonly used measure is the daylight distribution test: this plots the 'no sky line', points on a working plane (in residential accommodation this is the horizontal 0.85m high) in a room which can and cannot see the sky. Comparing the existing situation and proposed daylight distributions helps assess the likely impact a development will have. If, following construction of a new development, the no sky line moves so that the area of the existing room, which does not receive direct skylight, is reduced to less than 0.8 times its former value, this is likely to be noticeable to the occupants. All neighbouring windows are demonstrated to pass the daylight distribution tests where the room layouts are known.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. If the level of sunlight received is below 25% (and 5% in winter), the loss is greater than 20% either over the whole year or just during winter months and the total loss over the whole year is greater than 4%, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing. All neighbouring windows would pass the BRE requirements for sunlight.

One objection has been received on the grounds of loss of light. The submitted daylight and sunlight report demonstrates that the scheme would fully comply with BRE daylight and sunlight requirements. It is therefore considered that there would be no harm to neighbours' living conditions.

## **8.4 Transportation/Parking**

### **Car Parking**

Two off street parking spaces would be provided within the ground floor of the mews property (19 Wigmore Place). Whilst it is undesirable that the garage doors open out onto Wigmore Place, it is recognised that this is a long-standing arrangement and that there are other properties along Wigmore Place with similar door openings. As such, it is not considered sustainable to refuse the application on this basis.

### **Cycle Parking**

Two cycle parking spaces would be provided within the front vault at basement level, and four cycle parking spaces would be located within the garages to the rear (19 Wigmore Place). This meets the requirements set out in the London Plan, and would be acceptable.

## **8.5 Economic Considerations**

The economic benefits arising from the improved residential accommodation in this location are welcomed.

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

### **Plant**

The proposed plant equipment would consist of:

- 3No. Daikin RXYSQ10TY1
- 1No. Daikin RZAG71MV1
- 1No. Heatstar XFEC 500

Plant equipment would be located within the basement vaults at sub-basement level and within the mansard roof extension to the rear wing of the mews building. The Council's Environmental Health Officer has reviewed the acoustic report and confirms that with the specified noise attenuation measures, distance attenuation and shielding the installation should satisfy the requirements of condition

### **Refuse /Recycling**

The proposed waste and recycling storage arrangements would be in line with the requirements of the City Council.

### **Trees**

There is a large London Plane tree located within the rear garden of 9 Wimpole Street, which is adjacent to the boundary with the application site.

Amended details and additional trial pit investigations have been carried out since the original submission. The applicants have confirmed that the existing boundary wall to 9 Wimpole Street has foundations 1m deep and that there will be retained and used for the proposed new wall. The middle section of the proposed wall will be timber panelled fencing in order to accommodate the tree.

It is considered that subject to a condition requiring full details of tree protection measures, the proposed works would not cause harm to the London Plane Tree.

### **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**

The application does not trigger any planning contributions.

### **8.10 Other Issues**

#### **Basement**

Policy CM28.1 of the City Plan sets out that all applications for basement development should be accompanied by a detailed structural methodology statement and include a separate flood risk assessment. It also requires Basement development for existing residential buildings to be accompanied by a satisfactory landscaping scheme, and should not result in the loss of trees of townscape or amenity value.

The Council's Building Control Officer has assessed the submission and confirms that the proposals would have a negligible impact on local flooding and the water table.

The underpinning of the proposed basement would be acceptable in principle, however it is noted that the proposed varying depths of foundations could result in harm to the existing foundations of the neighbouring buildings, Further detail on mitigation of construction damage will be captured by the building control process, and it follows that planning permission cannot be sustainably withheld on these grounds.

Part B of Policy CM28.1 sets out that basement extensions to existing residential dwellings should provide a satisfactory landscaping scheme incorporating soft landscaping and planting as appropriate. Planting is proposed throughout the garden and terraces, which represents an improvement to the current landscaping of the site. The applicant has also submitted an arboricultural report and method statement which demonstrate that the scheme would not result in the loss of nearby trees.

The proposal is considered a significant improvement to the current layout of the property. Large rooflights currently dissect the rear garden space and are not sensitively designed or discreetly located. These would be removed and replaced by smaller, more appropriate lightwells to the rear of the property. The proposal is therefore considered to comply with part B of policy CM28.1.

Part C of Policy CM28.1 states that basement development to existing residential dwellings should not extend beneath more than 50% of the garden land. In this instance the proposed basement level would match the footprint of the existing basement to the property and extend beneath the footprint of the rear extension. Whilst this is just over 50% of the existing rear garden area, given that the proposed sub-basement level would not extend beyond the footprint of the existing basement and the extended basement would be beneath existing extensions, the scheme is considered to be acceptable

The proposal has been amended to remove an additional basement level, so that it will not result in the excavation of more than one storey below the lowest original floor level. Overall it is considered the proposed works would comply with part C of policy CM28.1.

### **Flood Risk**

City Plan Policy CM28.1 was adopted in November 2016 in response to concerns over the impact of basement development. One of the concerns relates to the impact on flood risk. Part A (4) of the policy states that basement development should “*not increase or other exacerbates flood risk on the site or beyond*”. The application site is not located within a Flood Risk Zone, nor is it identified in the *Basement Development in Westminster SPD (2014)* as being within a surface water flood risk hotspot.

In flood risk terms, the proposal is considered to be in accordance with City Plan policy CM28.1 and the guidance in the *Basement Development in Westminster SPD (2014)*.

### **Construction impact**

In accordance with City Plan policy CM28.1, the application is accompanied by a detailed structural methodology statement. A signed pro-forma Appendix A is also included with the application, along with a draft Construction Management Plan, demonstrating the applicant’s willingness to comply with the relevant parts of the Code of Construction Practice (CoCP). This will be secured by condition. In terms of construction impact, therefore, the proposal is considered to be in accordance with City Plan policy CM28.1.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

### 9. KEY DRAWINGS

**PROPOSED FRONT & REAR ELEVATIONS & SECTION AA**

**PROPOSED FRONT ELEVATION 1:100@A1**

**PROPOSED REAR ELEVATION / SECTION DD 1:100@A1**

**PROPOSED SECTION AA 1:100@A1**

**NOTES**

The drawing is submitted as part of a planning. Best building or construction consent application and it is not intended for any other purpose. All dimensions & elevations are based on measured readings and any small dimension should not be relied upon to give an accurate measurement.

**GENERAL**

SCALE

0 1 2 3 4 5 6 7 8 9 10

**REVISIONS**

Revision	Drawn By	Checked By	
Rev A	16/02/18	CN	JB
Rev B	23/02/18	CN	JB
Rev C	19/04/18	CN	JB
Rev D	23/05/18	CN	JB
Rev E	31/05/18	CN	JB

**PLANNING**

Project No: 17F PL PRO 03

Proposed: PROPOSED FRONT & REAR ELEVATIONS & SECTION AA

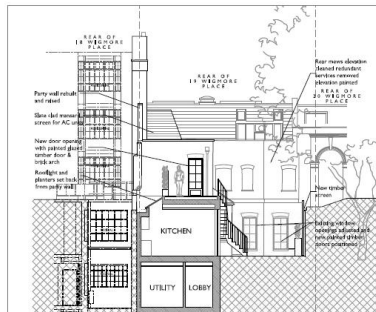
Address: 10 WHIPPLE ST, WI

Scale: 1:100@A1 / 1:200@A3

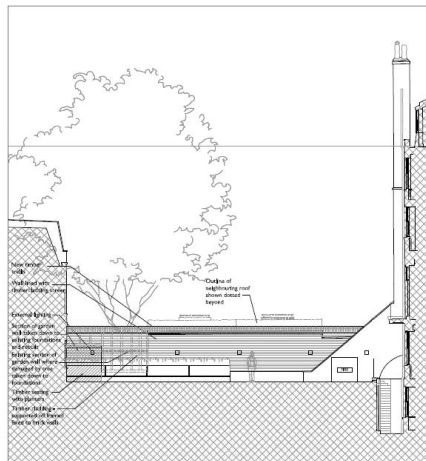
Urban mesh design ltd  
10 WHIPPLE STREET, LONDON, E2E 7HU  
02030218111



PROPOSED 19 WIGMORE PLACE ELEVATION  
1:100@A1



PROPOSED SECTION CC  
1:100@A1

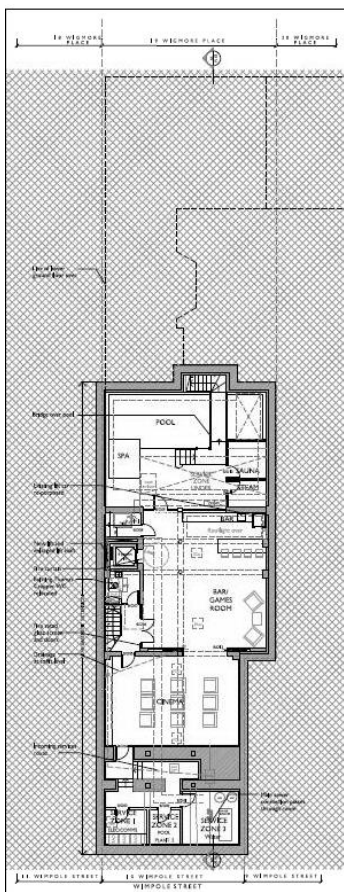


PROPOSED GARDEN WALL ELEVATION TO NO 9  
1:100@A1

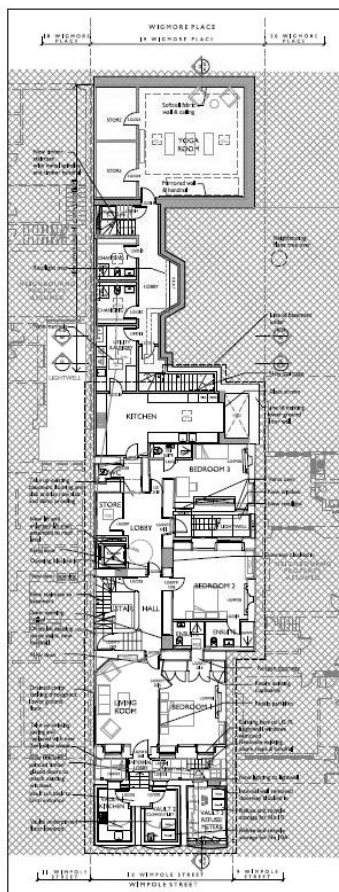
Revision	Drawn By	Checked By
Rev. No. 16/02/18	CN	JS
Rev. A. 23/02/18	CN	JS
Rev. B. 11/02/18	CN	JS
Rev. C. 06/06/18	CN	JS
Rev. D. 06/06/18	JS	JS

PLANNING	
Project No.	17F FL PRO 04
Project Name	PROPOSED MEWS ELEVATION & WALL
Scale	1:100
Drawn By	D

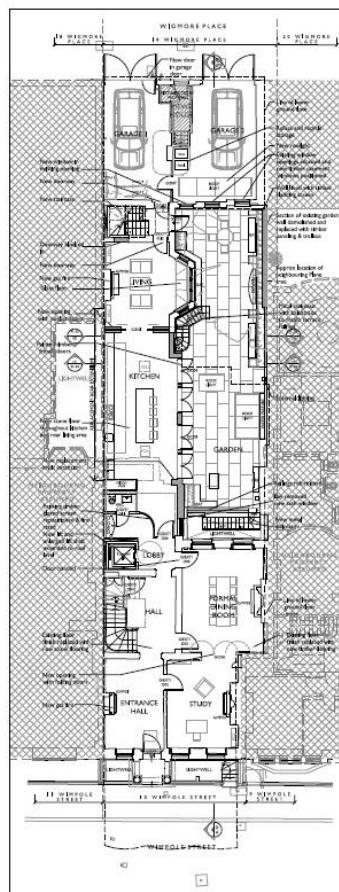
Scale	1:100
North Arrow	↑



BASEMENT PLAN  
1:100@A1  
PROPOSED BASEMENT, LOWER GROUND & GROUND FLOOR PLANS



LOWER GROUND FLOOR PLAN  
1:100@A1  
PROPOSED BASEMENT, LOWER GROUND & GROUND FLOOR PLANS



GROUND FLOOR PLAN  
1:100@A1  
PROPOSED BASEMENT, LOWER GROUND & GROUND FLOOR PLANS

Revision	Drawn By	Checked By
Rev. No. 16/02/18	CN	JS
Rev. A. 23/02/18	CN	JS
Rev. B. 11/02/18	CN	JS
Rev. C. 06/06/18	CN	JS

PLANNING	
Project No.	17F FL PRO 01
Project Name	PROPOSED BASEMENT, LOWER GROUND & GROUND FLOOR PLANS
Scale	1:100
Drawn By	C

10 WIMPOLE ST, W1  
1:100@A1 / 1:200@A3  
URBAN mesh design ltd  
PHOTOGRAPHY: LONDON LOCK PHOTOGRAPHY





**DRAFT DECISION LETTER (REF: 18/01589/FULL**

**Address:** 10 Wimpole Street, London, W1G 9SS,

**Proposal:** Excavation of additional basement floor and extension of existing lower ground floor. Erection of replacement rear extension at ground floor level and formation of first floor terrace, and fourth floor terrace. Erection of mansard roof to the mews building. Use of basement and lower ground floor as a granny annex and ground to fourth floors as a single family dwelling (Class C3). Internal and external alterations including new lift and lift shaft.

**Plan Nos:** 17F PL DEM 10, 17F PL DEM 11 Rev A, 17F PL DEM 12 Rev A, 17F PL PRO 01 Rev C, 17F PL PRO 02 Rev B, 17F PL PRO 03 Rev E, 17F PL PRO 04 Rev D, 17F SK41, 17F PL DET 01, 17F PL DET 02, 17F PL DET 03, 17F PL DET 04, 17F PL DET 05, 17F PL DET 06, 17F PL DET 07, 17F PL DET 08, 17F PL DET 09, 17F PL DET 10, 17F PL DET 11 Rev A, 17F PL DET 12, 17F PL DET 13 Rev A, 17F PL DET 14 Rev A, 17F PL DET 15 Rev A, 17F PL DET 16 Rev A, 17F PL DET 17 Rev B, 17F PL DET 18, 17F PL DET 19 Rev A, 17F PL DET 20 Rev A, 17F PL DET 21, Arboricultural assessment & Method Statement 17212-AA2-AS dated 17th July 2018, and Barrell Plan Ref: 17212-BT2

**Case Officer:** Gemma Bassett

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

**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 (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 5 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 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.
- (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.

Item No.
<b>3</b>

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46BB)

- 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. (R48AA)

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

Reason:

To protect 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)

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

Reason:

Any other use of the garage would harm the environment of residents and the area generally. This is as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22DC)

- 7 You must provide each cycle parking space shown on the approved drawings within 3 months of the works being substantially complete. 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.

- 8 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless

differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street 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)

- 9 The planting to the first floor rear terrace shown on proposed section CC, drawing 17F PL PRO 04 Rev D must be at least 1.8m high and must be maintained at this height. If the planting dies, it must be replaced by planting of at least 1.8m.

Reason:

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

- 10 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

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

Reason:

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 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)
- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

- 4 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)

Item No.
<b>3</b>

which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 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 As the new construction provides support to the highway you are reminded to obtain Technical Approval from the City Council's highways engineers before beginning excavation, to contact Andy Forster on 020-7641-2541 to seek such approval.  
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).
  
- 7 You are advised that the Construction Management Plan (CMP) will need be submitted for review 40 working days prior to starting on site. From 2 January 2018 the Council will serve Section 60 Notices on all CoCP basement developments. These Section 60s will reflect the standard CoCP requirements (eg CoCP working hours). Any additional conditions will always be discussed with the principal contractor.

**DRAFT DECISION LETTER (REF: 18/01590/LBC)**

**Address:** 10 Wimpole Street, London, W1G 9SS,

**Proposal:** Excavation of additional basement floor and extension of existing lower ground floor. Erection of replacement rear extension at ground floor level and formation of first floor terrace, and fourth floor terrace. Erection of mansard roof to the mews building. Internal and external alterations including new lift and lift shaft.

**Plan Nos:** 17F PL DEM 10, 17F PL DEM 11 Rev A, 17F PL DEM 12 Rev A, 17F PL PRO 01 Rev C, 17F PL PRO 02 Rev B, 17F PL PRO 03 Rev E, 17F PL PRO 04 Rev D, 17F SK41, 17F PL DET 01, 17F PL DET 02, 17F PL DET 03, 17F PL DET 04, 17F PL DET 05, 17F PL DET 06, 17F PL DET 07, 17F PL DET 08, 17F PL DET 09, 17F PL DET 10, 17F PL DET 11 Rev A, 17F PL DET 12, 17F PL DET 13 Rev A, 17F PL DET 14 Rev A, 17F PL DET 15 Rev A, 17F PL DET 16 Rev A, 17F PL DET 17 Rev B, 17F PL DET 18, 17F PL DET 19 Rev A, 17F PL DET 20 Rev A and 17F PL DET 21.

**Case Officer:** Gemma Bassett

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this 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)

- 4 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

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 All windows in the main Georgian building shall be single glazed. Double glazed units shall not be used.

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)

**Informative(s):**

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

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

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.



# Agenda Item 4

Item No.
<b>4</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14 August 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	47 - 49 Rupert Street, London, W1D 7PJ,		
<b>Proposal</b>	Demolition of existing roof structures (excluding chimneys), erection of new mansard roof and associated works in connection the use of the 5th and new 6th floors as 1 x studio; 3 x 1 bed and 1 x 2 bed residential units (providing one additional unit) (Class C3). (Retrospective application) (Site includes 51-53 Rupert Street)		
<b>Agent</b>	The Heritage Practice		
<b>On behalf of</b>	Mr Scott Levy		
<b>Registered Number</b>	17/10714/FULL	<b>Date amended/ completed</b>	10 January 2018
<b>Date Application Received</b>	1 December 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

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

## 2. SUMMARY

<p>The application relates to the upper floors of a building comprising flats and ground floor shops, on the west side of Rupert Street. The original top (fifth) floor comprised four studio flats. Permission was granted in 2016 for roof alterations which enabled a bedroom mezzanine to be constructed in each flat, improving the overall standard of living accommodation. Works have not be undertaken in accordance with the approved drawings. A full mansard roof has been erected at sixth floor level and the accommodation has been reconfigured to provide one studio flat, 3 x 1 bed and 1 x 2 bed units, including an additional flat (1 bed) spanning the new sixth floor at 49/51 Rupert Street. An external fire escape gantry has been erected at rear sixth floor level, which links the two main stair cores. This application seeks retrospective permission for the works undertaken and the creation of the additional flat, with modifications including the partial removal of the rear gantry and a railing to the front parapet.</p> <p>The key issues in this case are:</p> <ul style="list-style-type: none"> <li>The impact of the development upon the amenities of neighbouring occupiers</li> </ul>
--

- The impact of the works upon the appearance of the building and upon the character and appearance of this part of the Soho Conservation Area.

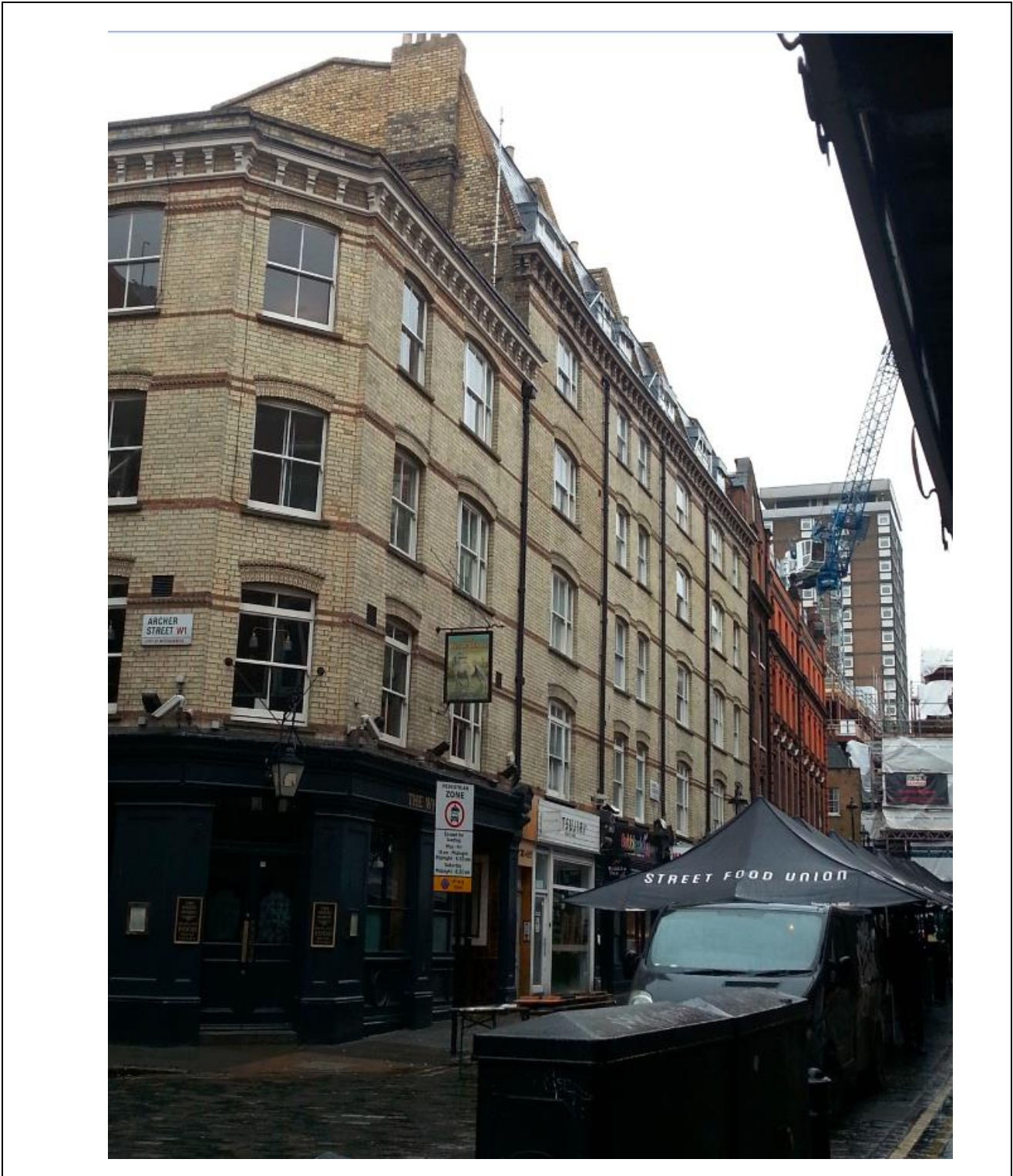
The scheme, subject to the proposed modifications, which would be secured by condition, is considered acceptable in land use, amenity and townscape terms and the application is therefore recommended for approval.

### 3. LOCATION PLAN



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

4. PHOTOGRAPHS



## 5. CONSULTATIONS

### MARK FIELD MP

Accepts that each application must be considered on its merits but believes that refusal of permission would punish flat purchasers and existing residents.

### SOHO SOCIETY

Any response to be reported verbally

### ENVIRONMENTAL HEALTH

No objection

### CLEANSING

Details of refuse storage facilities required.

### HIGHWAYS

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 116

Total No. of replies: 25

No. of objections: 2

No. in support: 21

Objections and other comments

Amenity:

- Overlooking to neighbouring properties and communal garden to the rear
- Nuisance from use of fire escape as a balcony
- Unsociable behaviour associated with short-term letting
- Loss of light to adjoining gardens
- Increased sense of enclosure to adjoining gardens

Design:

- Unacceptable height and bulk, roof above height of neighbouring building
- Loss of view of St Anne's Church tower

Land Use:

- Accommodation used as holiday lets which makes no contribution to the housing stock and erodes the sense of community.

Other:

- No neighbour notification prior/consultation in relation to the approved scheme or prior to the works being undertaken

## Support

### Land use:

- Four of the flats are either owner occupied or let on assured shorthold tenancies
- Concern at the unauthorised work but welcome provision of new living accommodation which contributes to the sense of community in Soho
- Provides improved accommodation compared with approved scheme
- Larger units and an additional flat add to the borough's housing stock; scheme provides a two bed flat, which are in short supply
- Government is likely to revise the National Planning Policy Framework (NPPF) to support the principle of upwards extension to increase available housing

### Design:

- The roof extension is sympathetic to the host building and accords with adopted design policies
- The extension is subject to limited views and is in keeping with the character of the surrounding conservation area and its variety of roof forms including many double and triple--height mansards.
- The extension "as built" is not significantly different from the approved scheme
- Limited views of rear gantry, many gentries/balconies on neighbouring buildings including on lower floors of application site
- Westminster City Council guidance on roof extensions has not been updated to reflect the NPPF
- The NPPF states that a Council should not seek to impose architectural styles or particular tastes through the planning process
- Scheme unlikely to impact on view of St Anne's Church given limited height increase

### Amenity:

- Development does not adversely affect amenity of neighbouring occupiers in terms of overlooking or loss of light
- Other neighbouring properties have balconies/terraces which overlook the rear space

### Fire safety:

- Welcome improvements to fire safety in the building
- Rear escape gantry permits secondary escape for everyone from 4th floor level upwards, and is an improvement compared with the approved scheme.

### Impact of additional building works:

- Requirement to demolish structures, and the associated scaffolding, would disturb existing residents and force existing tenants to relocate, would disturb neighbouring residents and businesses, result in a loss of revenue to ground floor shops and would effect only a minor change.
- Unacceptable noise disturbance from additional building works would be untenable

### Other:

- Refusal of permission and a requirement to revert to the approved scheme, would be detrimental to the interests of existing owners who purchased the flats in good faith, including from the reduction in property values

- Pursuing enforcement action would be costly and not in the interests of Council tax payers

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is an unlisted building located on the west side of Rupert Street, to the north of Shaftesbury Avenue, between its junctions with Archer Street and Brewer Street. The site, which comprises commercial units on the lower floors and flats above. Is located within the Soho conservation area and the Core Central Activities Zone.

The building backs onto a small communal garden area (Archer Street Gardens). The nearest residential properties are to the south west of the site (9 Archer Street), to the north at 55 Rupert Street, and on the upper floors of 50 and 52 Rupert Street, opposite the site. Other residential properties also overlook the rear of the site, including St James's Residences in Brewer Street.

There is an existing, historic, fire escape stair running down the rear elevation.

### 6.2 Recent Relevant History

26 January 2015: Permission granted for the demolition of the existing roof structure and erection of mansard roof extension and raised flank wall to provide additional accommodation to four existing fifth floor flats at 47 - 53 Rupert Street. (14/11694/FULL).

#### Original building

The original building terminated in a flat roof, set behind a secondary roofslope to the front. Two staircase enclosures provided access to the roof via the stair cores at 49 and 53 Rupert Street. The rear parapet rose 1m above the flat roof level with a 0.8m high railing above. Two, 2m high, storage sheds were set inside this rear parapet and railing. It is now apparent that these sheds housed water tanks. The original fifth floor accommodation comprised 2 x studio flats (25 and 26 sqm) at nos. 49 and 53 Rupert Street and 2 x 1 bed flats (35 and 36 sqm) at nos. 47 and 51.

#### Approved development

Although described as a mansard roof extension, this description of development on the 2015 decision notice does not accurately reflect the nature of the works approved. The application drawings show a continuation of the secondary pitch to the front roof slope to provide the bulk of new accommodation towards the centre of the roof. The height of the rear parapet was to be increased by approximately 200mm and no new windows or doors were shown at the rear. The approved extension sat below the height of the party wall upstand with 55 Rupert Street.

The bedroom accommodation was to be relocated from the fifth floor studios to a new mezzanine level within the extended roofspace. The scheme increased the size of the



four original flats to provide 4 no. (1B/2P) units measuring 44, 45, 53 and 54 sqm (GIA) with living/kitchen and bathroom accommodation on the lower level.

The plans show an internal escape corridor running to the rear of the mezzanine floor to 49 and 51 Rupert Street. This provides a reciprocal means of escape between the mezzanine level of 49 and 53 Rupert Street, providing a reciprocal means of escape linking to the common staircases in both of these buildings.

It was considered that this modest increase in height and bulk would not adversely affect the amenities of neighbouring occupiers. Although two of the extended units did not meet the minimum floorspace standard for a 2 person unit (50 sqm GIA) within the London Plan (2016), the proposals represented a significant improvement in the standard of accommodation offered and was therefore considered acceptable. Additionally, the slight increase in the height of the southern flank wall was not considered to result in any harm to the townscape. The alterations to the roof were considered to have very little visual impact from street level and to improve the general appearance of the roofscape.

## 7. THE PROPOSAL

Works have been undertaken on site which do not accord with the approved plans and the existing roof extension is not lawful. The current application seeks planning permission to regularise the position.

Permission is sought for the retention of the mansard roof extension to provide a new sixth floor. Compared with the approved scheme there is an increase in height of the front roofslope by approximately 1.3m and an increase in the overall ridge height by 0.82m. The brick parapet and sloping roof to the rear has been replaced by a mansard roof, resulting in an overall increase in height (1.0m) and bulk compared with the approved scheme. The rear roof, which is clad in artificial slates, incorporates new windows/rooflights. Doors at the rear of nos. 47 and 51 lead out onto a cantilevered escape gantry which provides secondary access to both of the two main stair cores from the sixth floor accommodation. To the rear of 53 Rupert Street, this gantry is enlarged to house a storage shed containing two water tanks. The applicant has advised that these water tanks were relocated from the original roof and are required to serve the whole building.

The four original studio flats have been reconfigured/extended to provide

- a 2B/4P duplex apartment on the fifth/new sixth floors of no. 47 (61 sqm)
- a studio flat on the fifth floor of no 49 (27 sqm)
- a1B/2P flat on the fifth floor of no. 51 (36 sqm)
- a 1B/2P duplex apartment on the fifth/new sixth floors of no. 53 (50 sqm).

The scheme also provides an additional 1B/2P flat spanning the new sixth floor of nos. 49 and 51 Rupert Street (50 sqm).

A new/replacement railing has been installed along the front parapet. This railing does not comply with the requirements of the Building Regulations and the submitted drawings confirm that it is to be removed.



More recently, the applicant offered to explore the potential for removing the rear gantry, subject to the advice of the Fire Authority. The application has since been amended to remove the greater part of the rear gantry, other than where it accommodates the water tank shed, and to remove the gantry access door at the rear of 47 Rupert Street. The removal of this gantry, would necessitate some internal re-planning, for means of escape purposes. The plans have therefore been revised to show a new internal corridor within the additional sixth floor flat at 49/51, with no reduction in overall unit size. Letters from the applicant's Approved Building Inspector and the London Fire Brigade, confirm that this proposed arrangement would provide a satisfactory means of escape.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The scheme provides 132 sqm (GIA) of new residential floorspace. The increase in floorspace and the creation of an additional dwelling is considered acceptable in principle in land use terms and accords with policies UDP policy H3 and City Plan policy S14.

Supporters of the scheme have welcomed the improvement in the size/quality of the accommodation and the creation of an additional flat. Some have referred to the fact that the scheme results in the creation of two, 2 bed flats, which the City Plan recognises as being in short supply. However, it is noted that the development includes only one 2 bed unit, which is an extension of an original unit rather than the additional unit.

Compared with the original accommodation on the site (studio flats of 25, 26, 35 and 36 sqm), the extended and reconfigured flats are of greater or equal size. The additional dwelling meets the minimum floorspace requirement in the London Plan and is considered acceptable in terms of the standard of accommodation provided.

Objectors have expressed concern that the accommodation is used for short term letting rather than as permanent residential accommodation, eroding the development's contribution to the sense of local community. It is noted that the owners of one of these fifth floor flats, although supportive of the application, has also expressed concern about short-term letting. However, another flat owner has advised that Flat 5, 47 Rupert Street and Flat 8, 53 Rupert Street are let on Assured Shorthold Tenancies and that the two other fifth floor flats are owner occupied.

Permanent residential accommodation can be let on a short-term basis for up to 90 nights in any one calendar year without the need for planning permission. There is an on-going enforcement investigation into the use of the additional sixth floor flat at 49/51 Rupert Street and also in relation to other flats within the building in respect of exceeding this 90 night limit. It is likely that the additional flat (for which planning permission is now sought) has not been sold or let on a more permanent basis. However, permission is sought for the use of this flat (Class C3) as permanent residential accommodation. Any future unauthorised use of either the original units or the additional flat as temporary sleeping accommodation would be subject to further enforcement investigations. As such, objections to potential short term letting of the flats cannot justifiably form the basis of a recommendation for refusal.

For the reasons set out above, the scheme is considered acceptable in land use terms.

## **8.2 Townscape and Design**

One objection has been received on the ground that the proposed roof extension is of inappropriate height and bulk and rises above the height of neighbouring buildings.

The approved roof extension was in general accordance with the City Council's longstanding design policies and supplementary planning guidance regarding mansard roof extensions, incorporating a single storey steep pitch and then a shallow secondary pitch above. The effect of this approach is to reduce the bulk of the roof, and its visual impact from street level, and was a traditional design in keeping with most mansard roofs in the Soho Conservation Area.

The built roof is much more bulky, and takes the form of a two storey steeply pitched mansard, but with windows in the lower half of the roof only. There are examples of two storey mansards in Soho but they are relatively uncommon and are not normally approved, because they usually harm the appearance and proportions of a building, resulting in a 'roof heavy' development, and because they are not typical of the conservation area. In the current case the bulk of the roof is visible from street level, especially from Winnett Street to the east. It is also visible in more oblique views along Rupert Street, but its visual impact is much less in these views.

At the rear, the addition of an external gantry, which is visible from adjacent buildings, harms the appearance of the building and its contribution to the conservation area. Although there are examples of such fire escapes in Soho, they are usually historic. The City Council has normally resisted granting planning permission for new external means of escape in recent years, as there is usually a means of internal planning which renders them unnecessary. The application has recently been revised to remove the greater part of this rear gantry and to provide an internal escape corridor. This amendment is welcome in townscape terms.

While the front roof slope is finished in natural slate, the rear roof has been clad in poor quality artificial 'slates' even though the approved scheme required the development to be undertaken using matching materials. The applicant has not included the replacement of this rear roof covering with natural slate in this application. However, given that this roof is at high level and at the rear, it is not considered that the use of artificial slate is harmful to the character and appearance of the Soho Conservation Area in this instance.

A new/replacement railing has been erected on the front parapet. This is an inappropriate addition to the façade. The railing would appear to serve no purpose, as there is no safe access route behind the parapet. The application drawings have been updated to show that this railing will be removed. The removal of this railings is proposed to be secured by condition.

In conclusion, it is considered that, although the roof is not fully in accordance with the City Council's policies and guidance on the design of roof extensions, the revised scheme is acceptable, on balance, in urban design and conservation terms. The

applicant has confirmed that remedial works including the removal of the rear gantry and the associated internal re-planning, the removal of the front parapet railing and the internal re-planning will be undertaken within eight months of the date of any permission and a condition is recommended to require all of the proposed modifications to be completed by 14 April 2019.

### 8.3 Residential Amenity

UDP policy ENV 13 states that the City Council will normally resist proposals which result in a material loss of daylight/sunlight to existing dwellings and will refuse permission where the resulting level is unacceptable. In addition, developments should not result in a significant increase in the sense of enclosure, or overlooking, and should not cause unacceptable overshadowing, particularly on gardens or on adjoining buildings. Policy S29 also states that permission will be refused for developments that would result in a material loss of residential amenity.

#### 8.3.1 Daylight/Sunlight

The application is supported by a daylight/sunlight reports which assesses the impact on neighbouring properties, including flats at 9 Archer Street and windows on the upper floor of the neighbouring public house at 45 Rupert Street, and flats on the upper floors of 55 Rupert Street and opposite the site on the upper floors of 50 and 52 Rupert Street. The report also assess the impact on the Geilgud Theatre (opposite).

Objections have been received from a neighbouring resident on the grounds that the increased building height has slightly reduced the amount of light received to the communal garden at the rear of Archer Street Chambers and St James's Residences, which has affected some planting in the garden.

##### i Daylight

Under BRE guidelines, if the Vertical Sky Component (VSC), which is the amount skylight available at the centre of a window, is greater than 27%, enough light should still be reaching the window. Where, as a result of the development, this figure is below 27% and less than 0.8 (or 20%) of its former value, the reduction in light to that room will be noticeable. Where rooms are served by more than one window of the same size, any loss of light to these individual windows can be considered as an average.

The use of the affected rooms has a major bearing on the weight afforded to the effect on residents. Consequently, living rooms, dining rooms, studies and large kitchens (if they include dining space) are afforded more protection than non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways. Additionally, principal living rooms are afforded more protection than bedrooms. The BRE guidance is clear that the advice given is not mandatory and that in some cases e.g. in historic city centres, "a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings". It also states that an assessment of relative impact figures should be treated cautiously as, where an existing value is low, a small reduction in real terms can appear as a large relative impact when, in practice, the loss would be barely perceptible.

The daylight analysis shows that all but one of the windows tested complies with BRE guidance. Where there are losses, the majority are between 1 and 6%, with maximum losses of up to 9% in the case of a few windows. All windows would continue to receive good levels of natural light. The only exception is one window to a high level conservatory to the adjoining property at 55 Rupert Street, which would see a reduction in VSC of 29%. All other conservatory windows would be unaffected and therefore the impact upon this conservatory is acceptable.

The BRE guide states that where room layouts are known, the impact on the daylighting distribution can be found by plotting the 'no sky line' (NSL) in each of the main rooms. The no sky line is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value. The accompanying daylight distribution analysis shows that any reductions in NSL would be limited to 4% and that the aforementioned conservatory would be unaffected.

## **ii Sunlight**

BRE guidelines state that access to sunlight should be checked for all neighbouring main living (habitable) rooms which have a window facing within 90 degrees of due south. Windows which face 90 degrees of due north do not need to be tested as they have no expectation of sunlight. The BRE guidance acknowledges that kitchens and bedrooms are of less importance, but states that in the case of these rooms care should be taken 'not to block too much sun'.

If the tested window receives more than one quarter of annual probable sunlight hours, including at least 5% of annual probable winter sun (during the winter months between 21 September and 21 March), then the room should still receive enough sunlight. Any reduction in sunlight below this level should be kept to a minimum. If available sunlight hours are both less than the amount given, less than 0.8 (20%) of their former value (either over the whole year or just during the winter months) and greater than 4% over the whole year, then the loss of sunlight will be noticeable.

Where there are any reductions in the levels of annual sunlight received to neighbouring residential properties these would be well below the 20% threshold, and all windows would continue to receive good sunlight levels, many far exceeding sunlight targets. Reductions in winter sunlight are limited. Most windows would continue to see winter sunlight level far exceeding 5% and all windows would achieve the minimum target.

The neighbouring communal garden is located to the west of the application site. The BRE guide recommends that at least 50% of the area of each amenity space listed above should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sunlight on 21 March is less than 0.8 times its former value, then the loss of light is likely to be noticeable. The submitted report confirms that the development would not create any new areas which receive less than two hours of sunlight on 21 March and the proposed development satisfies the relevant BRE test.

In these circumstances, it is not considered that the development would have a material impact upon levels of daylight and sunlight received to neighbouring properties and amenity spaces and objections relating to the impact on the amenity of the communal garden cannot be supported.

### **8.3.2 Sense of enclosure**

An objection has been received on the grounds that the increase in building height has resulted in an increased sense of enclosure to the open space at the rear of the site. However, given that the original building rose six floors above the rear garden levels, with a brick parapet/railing to the rear and 2m storage sheds on the roof, rising above parapet height, it is not considered that the erection of the mansard roof, and the increase in rear height and bulk compared with the approved scheme, would materially affected the enjoyment of the rear garden area.

Similarly, given the relationship of the proposed extension to neighbouring properties, it is not considered that the increase in roof level height and bulk would have a material impact on the sense of enclosure from neighbouring windows.

### **8.3.3 Overlooking/noise disturbance/nuisance**

Objections have been received on the grounds that the proposal results in a loss of privacy to flats in St James' Residences, Brewer Street and Archer Street Chambers and to the communal garden at the rear of the Archer Street property, which is used by resident families. Objectors report that the rear fire escape gantry has been used as a balcony resulting in overlooking, general noise, late-night disturbance and littering, including dropping cigarette ends/beer bottles into the garden below. The owner of one of the fifth floor flats has also referred to "unsociable behaviour" from some of the building occupants.

Given their relationship with neighbouring properties, it is not considered that the new sixth floor rear windows would afford direct views into neighbouring properties or would result in any material increase in the degree of overlooking into neighbouring garden area, given that there are windows on the lower floors of the application building which currently overlook these spaces.

A condition could have been imposed to prevent the use of the rear gantry other than in the case of emergency. However, given that the gantry is now to be removed, which would address the objections received, such a condition is unnecessary.

### **8.3.4 Loss of views**

An objection has been received from the occupier of a flat in St James's Residences, Brewer Street on the grounds that the construction of the additional floor results in the loss of views of the Church Tower and clock to St Anne's Church, Wardour Street. Whilst any loss of private views is regrettable, this is not a material planning consideration and permission could not justifiably be withheld on these grounds.

In view of the above, and subject to appropriate conditions, it is not considered that the modified proposal would adversely affect the amenities of neighbouring occupiers and would therefore comply with policies ENV 13 and S29.

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

The proposal results in the provision of one additional residential unit on the site. UDP policy details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. Policy TRANS23 includes all legal parking spaces. During the daytime period within the area, the legal on-street spaces for permit holders are Residents' Bays and Shared Use Bays. The evidence of the Council's most recent daytime parking survey in 2015 indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 200 metre radius of the development site is 73.4% (consisting of 64 Residents' Bays, 47 of which were occupied).

The introduction of increased levels of residential in this area without off-street parking or on-street parking restraint is likely to increase the stress levels.

Overnight the pressure on Residents' and Shared Use Bays increases still further, to 84.3%, although residents can also park free of charge on metered parking bays or single yellow line in the area. When these spaces are included, the pressure drops to 65.2%. Consequently, it is considered that any additional demand arising from the creation of one more flat on the site could be accommodated on-street.

No cycle parking provision is provided in association with the new flat. The London Plan requires developments to provide 1 space to be provided for use in association with a 1 bed or studio flat. While the Highways Planning Manager considers that this could be secured by condition, there is no obvious space within the building where cycle storage could be located and no lift in which a bicycle could easily be transported to the fifth floor. In these circumstances, it is not considered that cycle storage could reasonably be required.

#### **8.5 Economic Considerations**

Any economic benefits associated with the creation of an additional dwelling are welcomed. It is recognised that the refusal of planning permission could have significant adverse economic implications for the developer and also for those who have purchased and/or occupy the flats. However, the impact on property values is not a material planning consideration and could not justify a decision to recommend approval for a scheme which might otherwise be considered unacceptable.

#### **8.6 Access/means of escape**

The accommodation is accessed via the existing communal stairs at 49 and 53 Rupert Street and these access arrangements are unaffected by the proposals.

Letters of support were submitted in relation to the current proposals "as built" on the grounds that the inclusion of the rear gantry would provide welcome improvements to fire

safety on the building, creating a secondary escape which would serve flats at fourth floor and above and that this was an improvement compared with the approved scheme.

The applicant recently offered to explore the possibility of removing the rear escape gantry, subject to the approval of the Fire Authority. The applicant has since revised the scheme to include its partial removal, retaining the section at the northern end which houses the water tanks. The removal of the gantry necessitates the creation of an internal corrido within the sixth floor flat at no. 49/51. Letters have been supplied from the London Fire Brigade and the applicant's Approved Building Inspector, which conform that the revised proposals provide a satisfactory means of escape.

The Approved Building Inspector and the London Fire Brigade have confirmed that the revised arrangements would provide an acceptable means of escape.

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

#### **Refuse/recycling**

The Cleansing Officer has requested a plan showing details of refuse and recycling storage for the proposed flats. This is recommended to be secured by condition.

### **8.8 London Plan**

This 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.

Supporters of the proposal considered that the original application should be approved on the basis that it was in accordance with the NPPF and would also comply with the proposed revisions to the NPPF, including the intention to support the upwards extensions of buildings in dense urban environments.

The revised NPPF was published on 24 June 2018. Section 11 'making effective use of land' states, at paragraph 118, that 'Planning policies and decision should:

(e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers'.

### 8.10 Planning Obligations

The development does not trigger any planning obligations

The estimated CIL payment is £62,736 (made up of £9,530 of Mayoral CIL and £62,737 Westminster CIL).

### 8.11 Environmental Impact Assessment

Environmental Impact issues are covered elsewhere in this report.

### 8.12 Other Issues

#### Impact of additional building works

The owner/occupier of one of the existing fifth floor flats is supportive of the (original) application on the basis that any additional noise from significant construction would be untenable. Other owners/supporters of the application consider that if permission was refused and/or additional (remedial) works required, the impact on the quality of the residential accommodation, the disruption to existing residents and neighbouring residents and business occupiers would be significant but would result in only a limited change to the appearance of the building.

The occupier of a ground floor shop on the site originally objected to the application on the basis that they wished to avoid any further obstruction of the entrance to, or reduced visibility of, their ground floor shop which relies on passing trade. They have subsequently written in support of the application on the same grounds. The application has now been revised to include the removal of the gantry and other remedial works, which is likely to require scaffolding. However, the impact of building works/scaffolding could not justifiably form the basis of a recommendation for refusal of the scheme.

#### Impact on property values

An owner of one of the exiting flats has expressed concern that a refusal of planning permission and a requirement to revert to the approved scheme, with a consequent reduction in the size of the units, would have a significant impact on the values of properties, which were purchased in good faith. Although officers are sympathetic to the owners' predicament, the impact of the development on property values, although generally a concern raised in relation to the impact on neighbouring buildings, is not a material planning consideration which can be taken into account in considering planning proposals.

#### Neighbour notification

Objections have been received on the grounds that local residents did not receive notification of the planning proposals prior to the works being undertaken in 2015 and that the development 'as built' was carried out without permission.



Records show that the original application was subject to neighbour consultation and was advertised in accordance with the Council's usual procedures.

Although it is regrettable that the works, for which permission is now sought, were undertaken without permission, permission cannot reasonably be withheld on these grounds.

### **Enforcement proceedings**

One resident has expressed concern at the period of time which has elapsed since a complaint was made to the Council regarding unauthorised works. It is the Council's normal procedure to permit developers to apply for retrospective planning permission so that the acceptability of the development can be assessed against the policies within the development plan.

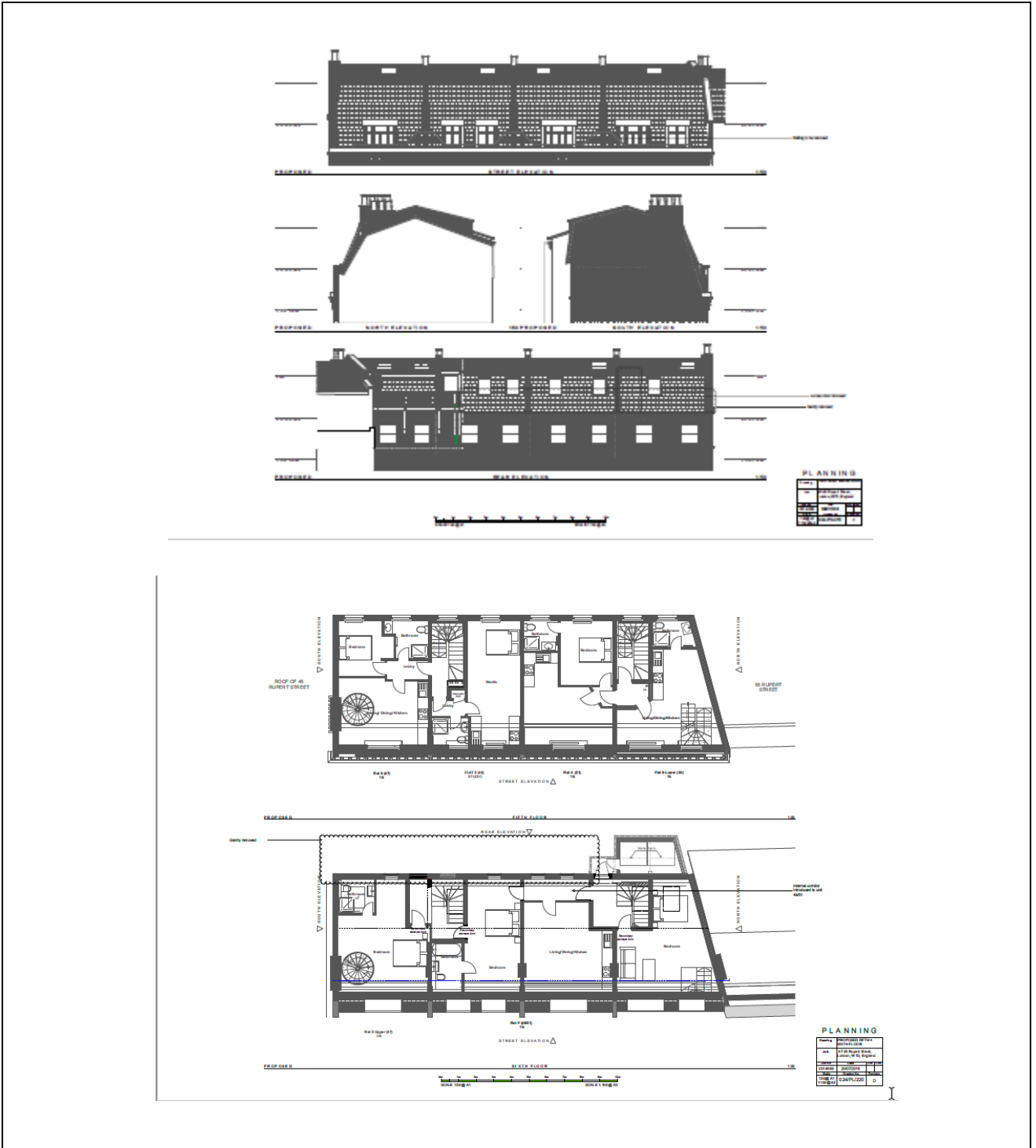
### **Impact on flat owners/occupiers**

Several comments have been received in support of the application, from both the flat purchasers and from third parties on the grounds that the refusal of planning permission would have a significant adverse impact, both financial and emotional, upon the flat owners/occupiers, who purchased the flats "in good faith" and/or their tenants. Whilst the potential impacts of a refusal of permission are acknowledged, this is not a reason to grant permission for a scheme which might otherwise be considered unacceptable.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk).

**9 KEY DRAWINGS**





**DRAFT DECISION LETTER**

**Address:** 47 - 49 Rupert Street, London, W1D 7PJ,

**Proposal:** Demolition of existing roof structures (excluding chimneys), erection of new mansard roof and associated works in connection the use of the 5th and new 6th floors as 1 x studio; 3 x 1 bed and 1 x 2 bed residential units (providing one additional unit).(Retrospective application )(site includes 47-53 Rupert Street)

**Reference:** 17/10714/FULL

**Plan Nos:** 2014/063- 024/PL/220D, 221C, 321C, 251C, 321C

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

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

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

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

Reason:

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

- 3 You must apply to us for approval of details of how waste and recycling is going to be stored on the site in respect to the new sixth floor flat at 49/51 Rupert Street. The use of this new sixth floor flat at 49/51 Rupert Street shall cease on 14 February 2019 unless we have approved what you have sent us and you have provided the waste and recycling store in line with the approved details, clearly marked it and make it available at all times to everyone using the new sixth floor flat at 49/51 Rupert Street. You must not use the waste and recycling store for any other purpose. (C14GA)

**Reason:**

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

- 4 By 14 April 2019 the following works must be completed in full:
- i) Total removal of the railing to the front fifth floor parapet as shown on drawing 024/PL/251C hereby approved;
  - ii) Partial removal of the rear gantry at sixth floor level, removal of gantry access door at the rear of 47 Rupert Street and making good of the roof, all as shown on drawings 024/PL/220D and 251C hereby approved; and
  - iii) Creation of an internal corridor to the rear of the new sixth floor flat at 49/51 Rupert Street, as shown on drawing 024/PL/220D hereby approved.

**Reason:**

In accordance with the submitted application, 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 Soho Conservation Area and to ensure to secure a safe environment for occupants of the development. This is as set out in S25, S28 and S29 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.

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

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho 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), Westminster's City Plan: Strategic Policies Consolidated Draft Version

Item No.
<b>4</b>

incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 3 You must get planning permission for any tanks, equipment, lift motor rooms, railings or other additions to the property. (I21AA)
- 4 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)
- 5 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 6 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 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).

- 8 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.**

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

This page is intentionally left blank



# Agenda Item 5

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

5
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14 August 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Westminster Fire Station, 4 Greycoat Place, London, SW1P 1SB,</b>		
<b>Proposal</b>	Variation of Condition 23 and 31 of planning permission dated 25 May 2017 (RN: 16/05216) for use of the Fire Station (ground floor) as Class A3 and four upper floors as Class C3 use (6 flats) with associated internal and external alterations. Demolition of the existing rear buildings and replacement with a five storey residential building to provide 11 flats with balconies, excavation of one storey basement under the entire footprint of the site to accommodate A3 use and residential use. Installation of photovoltaic panels to roof level of rear building. Rebuilding of the existing rear tower with installation of plant on top. NAMELY, to revise the opening time of the restaurant (classA3) and the operating time of the associated plant/machinery to 07:30 Monday to Friday, 08:00 on Saturday and 09:00 Sundays and Bank Holidays (instead of 10:00).		
<b>Agent</b>	Ms Fiona Flaherty		
<b>On behalf of</b>	.		
<b>Registered Number</b>	18/03251/FULL	<b>Date amended/ completed</b>	20 April 2018
<b>Date Application Received</b>	20 April 2018		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Broadway And Christchurch Gardens		

## 1. RECOMMENDATION

<p>Grant conditional permission, subject to the completion of a Deed of Variation to the S106 legal agreement dated 25 May 2017 (RN:16/05216/FULL) to secure:</p> <p>i. A replacement social and community facility with a minimum 256m2 floorspace (gross external area) to be provided elsewhere in the City.</p> <p>ii. A payment of £500,000 to be held in escrow until the applicant has provided a suitable replacement social and community facility within a period of four years from the date of the planning permission.</p> <p>iii. The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan including a Construction Access Plan for Artillery Mansions prior to commencement of development to ensure access is not affected and provide a financial contribution of £52,000 per annum during demolition and construction to fund the Environmental</p>
---

Inspectorate and monitoring by Environmental Sciences officers.

- iv. Life-time car club membership (25 years) for residents of the development;
- v. Highway works surrounding the site required for the development to occur;
- vi. Setting up a community liaison group;
- vii. Costs of monitoring the S106 agreement.

If the S106 legal agreement has not been completed within three months of the date of this resolution then:

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

## 2. SUMMARY

Westminster Fire Station is a Grade II listed building located within the Broadway and Christchurch Gardens Conservation Area. In 2017 planning permission and listed building consent were granted for the use of the front building as a restaurant at ground floor level with residential flats on the upper floors, demolition of the rear buildings and excavation works to create a basement under the entire footprint of the site and erection of a five storey residential building. This scheme is currently being implemented.

Condition 23 of the 2017 permission restricted the opening hours of the restaurant to between 10.00 and midnight Monday to Saturday and 10.00 and 23.00 on Sundays, Bank Holidays and Public Holidays. Condition 31 restricted the operational times of the plant/machinery for the restaurant use to between 10.00 and 00.30 Monday to Saturday and 10.00 to 24.00 on Sundays and Bank/public Holidays.

This application seeks to vary conditions 23 and 31 to extend the opening hours of the restaurant use and operation of the plant to allow an earlier opening/operational time of 07.30 Monday to Friday, 08:00 on Saturdays and 09:00 on Sundays and Bank/public Holidays. The terminal hour will remain unchanged. The applicant states that they have been in discussions with a number of restaurant operators and agents who consider that it is important that the restaurant use has the flexibility to offer a breakfast service and that the increase in the opening hours will therefore avoid the potential for the restaurant use to remain vacant following completion.

Objections have been received from the Thorney Island Society and surrounding residents on the grounds that the proposal will result in early morning noise and disturbance to residents. The applicant originally sought an opening hour of 07:00 everyday, however, this has been revised in response to neighbouring residents objections.

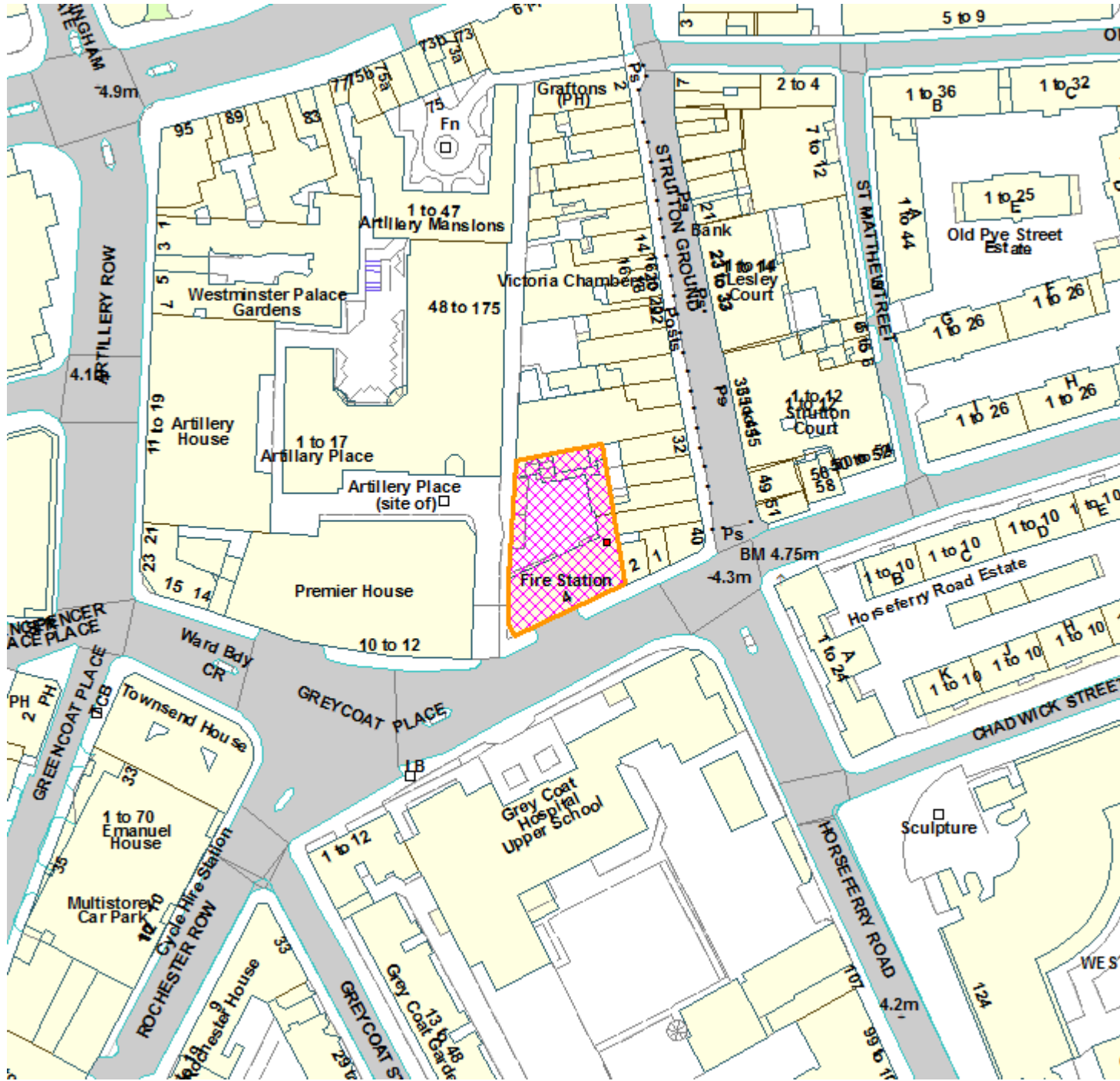
The site is located on a busy street with a mixture of shops, cafes and restaurant uses at ground floor level with office and residential uses above and a school opposite. It is close to the Strutton Ground Local Shopping Centre, where the street market opens at 8am. The nearest residential units will be the future flats within the development itself. The revised opening hours will be similar to other

café/restaurant uses within the vicinity of the site.

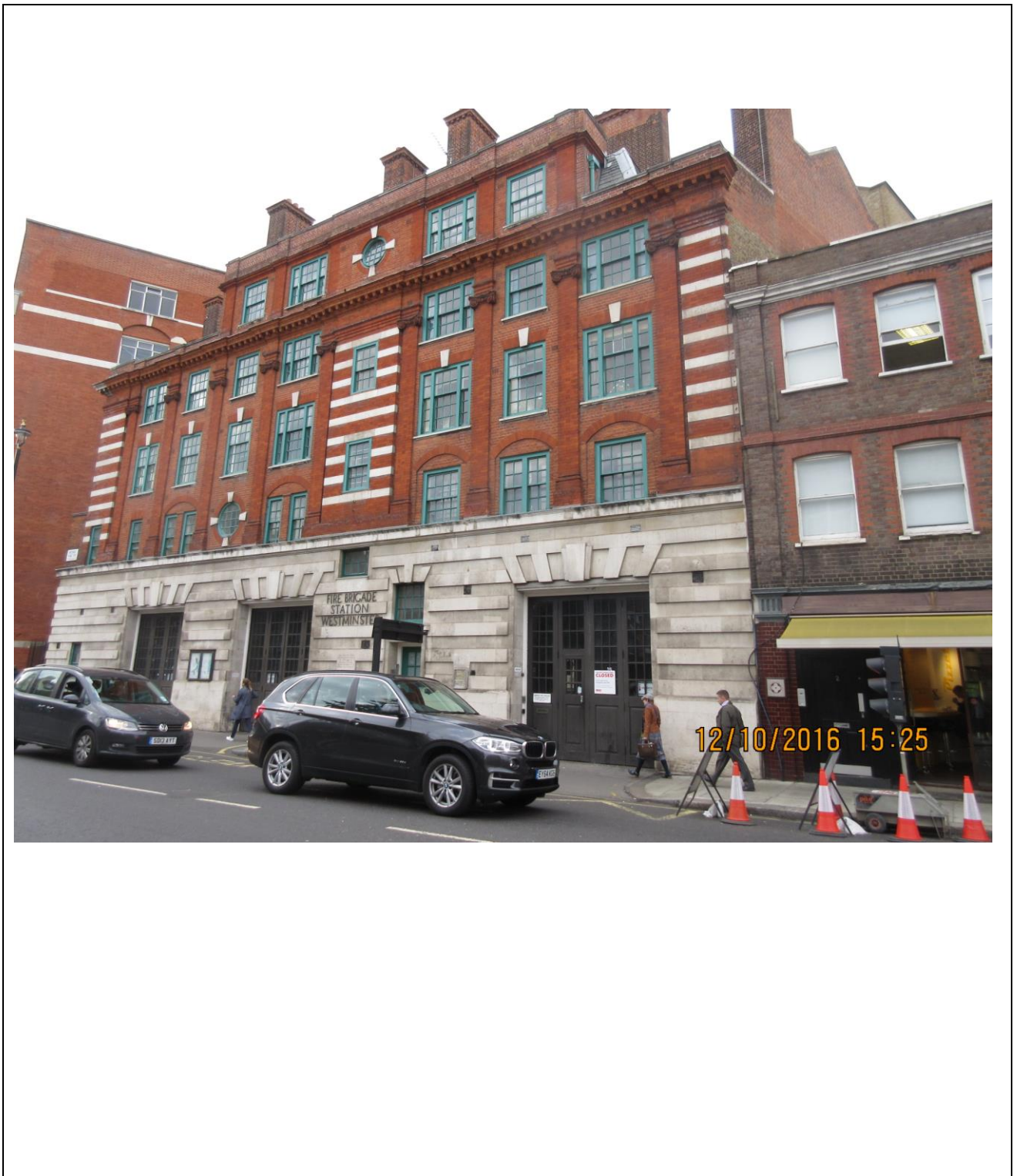
Conditions attached to the original 2017 permission requiring the submission of a detailed servicing management strategy; an operational management plan for the restaurant use; details of the restaurant ventilation system; and the Council's standard noise and vibration conditions, will remain applicable and will form part of this permission. With the imposition of these conditions, it is not considered that the extension to the opening hours of the restaurant use and operation of plant will have an adverse impact on local environmental quality or residential amenity.

The proposal is considered to be in accordance with policies S29 and S32 of Westminster's City Plan and ENV13, ENV6 and ENV7 of the UDP and it is therefore recommended that conditional permission be granted subject to a deed of variation to the legal agreement attached to the 2017 permission.

### 3. LOCATION PLAN



4. PHOTOGRAPHS



## 5. CONSULTATIONS

### WESTMINSTER SOCIETY

No comment.

### THORNEY ISLAND SOCIETY

Objection, an extension of the opening hours in the morning will negatively affect this largely residential area and increase traffic opposite the school.

### VICTORIA NEIGHBOURHOOD FORUM

No response received to date.

### ENVIRONMENTAL HEALTH

No objection provided that the conditions in relation to noise on the original permission remain valid.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 341

Total No. of replies: 7

No. of objections: 7

No. in support: 0

7 letters of objection have been received on the following grounds:

#### Amenity

- Noise and disruption of quiet residential area from staff and customers arriving early; deliveries and servicing; and increased traffic.
- Noise and smells from the plant

#### Other

- Changes to original permission circumvent the full planning application process.
- Condition 22 which requires the submission of an operational management plan should be subject to public consultation.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

(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: **ADD PRESENTING JULIA ASGHAR** BY EMAIL AT [jasghar@westminster.gov.uk](mailto:jasghar@westminster.gov.uk)

**DRAFT DECISION LETTER**

- Address:** Westminster Fire Station, 4 Greycoat Place, London, SW1P 1SB,
- Proposal:** Variation of Condition 23 of planning permission dated 25 May 2017 (RN: 16/05216) use of the Fire Station (ground floor) as Class A3 and (four upper floors) as Class C3 use (6 flats) with associated internal and external alterations. Demolition of the existing rear buildings and replacement with a five storey residential building to provide 11 flats with balconies, excavation of one storey basement under the entire footprint of the site to accommodate A3 use and residential use. Installation of photovoltaic panels to roof level of rear building. Rebuilding of the existing rear tower with installation of plant on top; NAMELY to revise the proposed opening time of the A3 restaurant to 7am instead of 10am Monday to Saturday and to 8 am on Sundays and Bank Holidays.
- Reference:** 18/03251/FULL
- Plan Nos:** Previously approved 16/05216/FULL: WF-P\_00L; WF-P\_00S; WF-P\_01; WF-P\_02; WF-P\_03; WF-P\_04; WF-P\_05; WF-P\_06; WF-P\_07; WF-P\_08; WF-P\_09; WF-P\_10; WF-P\_11; WF-P\_12; WF-P\_13; WF-P\_14; WF-P\_15; WF-P\_16; WF-P\_17 A; WF-P\_18 B; WF-P\_19 A; WF-P\_20 A; WF-P\_21; WF-P\_22; WF-P\_23; WF-P\_24 A; WF-P\_25 B; WF-P\_26 B; WF-P\_27 A; WF-P\_31; WF-P\_32 A; WF-P\_33 A; WF-P\_34 B; WF-P\_40; WF-P\_41; WF-P\_42; WF-P\_43; WF-P\_44; WF-P\_45; WF-P\_46; WF-P\_47; WF-P\_51; WF-P\_52; WF-P\_53; Air quality assessment dated January 2016; Heritage statement dated June 2016; Archaeological desk-based assessment dated May 2016; Acoustic assessment dated 31.05.16; Ventilation/extraction statement C6114; Energy and sustainability statement dated July 2016. , , For information only: Bat and ecological survey report dated 09.12.15; Design and access statement dated June 2016; Statement of community involvement; Planning statement dated June 2016; Daylight and sunlight assessment; Flood risk assessment dated May 2016; Site environmental management plan and construction management plan dated June 2016; Transport statement dated May 2015., , Revised documents:, agent's covering letter dated 20 April 2018., , Approved details 17/04984/ADFULL: , Written Scheme of Investigation (Wessex Archaeology); Cover Letter., , Approved details 17/04985/ADFULL:; WF-P\_17 rev A; WF\_SK108; Bike Rack Specs; Cover Letter., , Approved details 17/04986/ADFULL:; Traffic Management Measures document (from Knight Build), Copy of signed and stamped Appendix A checklist., , Approved details 18/001948/ADFULL:; Brick sample panel comprises of Pale Brick - Petersen D71, Iridescent Glazed Brick: Makkum and Mortar: EcoRight Caversham.

**Case Officer:** Aurore Manceau

**Direct Tel. No.** 020 7641 7013

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

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

local planning authority pursuant to any conditions on this decision letter.

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

Reason:

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

- 4 You must carry out the development in accordance with the detailed sample panel of brickwork as approved by the City Council as Local Planning Authority on 29 March 2018 under reference RN: 18/01948/ADFULL or in accordance with other detailed drawings as submitted to and approved by the City Council., ,

Reason:

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

- 5 You must carry out the development in accordance with the detailed drawings of new windows and new external doors as approved by the City Council as Local Planning Authority on 26 June 2018 under



reference RN: 18/04310/ADFULL or in accordance with other detailed drawings as submitted to and approved by the City Council.

Reason:

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

- 6 You must put up a copy of this planning permission and all its conditions in the shared part of the building on the ground floor for as long as the work continues on site., , You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21JA)

Reason:

To make sure other people in the building are fully aware of the conditions and to protect their rights and safety. (R21FA),

- 7 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 of the Broadway And Christchurch Gardens 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)

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

Reason:

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

- 9 **Pre Commencement Condition.**, (a) You must carry out the development in accordance with the details of a written scheme of investigation for a programme of archaeological work as approved by the City Council as Local Planning Authority on 11 July 2017 under reference RN: 17/04984/ADFULL, or in accordance with other detailed drawings as submitted to and approved by the City Council., , (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)

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

**Reason:**

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

- 11 You must carry out the development in accordance with the detailed drawings showing cycle parking spaces for the class A unit and the residential units as approved by the City Council as Local Planning Authority on 03 July 2017 under reference RN: 17/04985/ADFULL, or in accordance with other detailed drawings as submitted to and approved by the City Council.,

**Reason:**

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

- 12 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)

- 13 Prior to any occupation of the units hereby approved, you shall submit and have approved in writing a detailed servicing management strategy identifying process, internal storage locations, scheduling of deliveries and staffing. All servicing shall be undertaken in accordance with the approved strategy and maintained for the life of development unless otherwise agreed in writing by the local planning authority.

**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)

- 14 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number WF-P\_17 A. You must clearly mark them and make them available at all times to everyone using the restaurant and residential flats. (C14FB)

Reason:

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

- 15 (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.

- 16 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.

- 17 (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 restaurant (class A3) 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 restaurant (class A3) 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.

- 18 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 inside bedrooms 45dB L Amax is not to be exceeded no more than 15 times per night-time from sources other than emergency sirens.

Reason:

As set out in ENV6 (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.

- 19 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.

- 20 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 15 and 16 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 21 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 17 and 18 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

To protect the environment of the people in the residential part of the development. This is 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. (R21CC)

- 22 You must apply to us for approval of an operational management plan to include details of restaurant capacity and measures to prevent customers who are arriving and leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the A3 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 restaurant is in use. (C05JB)

Reason:

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

- 23 Customers shall not be permitted within the restaurant premises before 07.30 or after midnight Monday to Friday, and before 08.00 or after midnight on Saturdays and before 09.00 and 23.30 on Sundays, Bank Holidays and Public Holidays. (C12AD)

Reason:

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

- 24 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, , 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)

- 25 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

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

- 26 You must carry out a detailed site investigation to find out if the building or land are contaminated with

dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phase 4 when the development has been completed., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

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

- 27 A scheme of mechanical ventilation to provide adequate cooling and incorporating appropriate air quality filtration should be provided to the residential properties. Details of the scheme must be submitted to and approved by the Local Planning Authority prior to the occupation of the residential units. The approved scheme should be installed and maintained. The mechanical ventilation system installed shall ensure the internal noise levels of the residential units do not exceed the noise levels outlined in condition 17.

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.

- 28 You must provide the following features prior to occupation of the residential units to ensure the development can achieve air quality neutral as set out in your report:; -Low NO x gas boilers, You must not remove any of these features.

Reason:

To protect the living conditions of people who may use the property in future as set out in S31 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 29 You must submit for approval detailed drawings showing all privacy mitigation measures for the windows and terraces to new rear building. You must then carry out the work according to these details prior to the occupation of the residential units. You must then retain and maintain these mitigation measures.

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)

- 30 You must submit a sample of the obscure glazing to be installed to the ground floor rear windows of the front building. You must then fit the type of glass we have approved prior to the use of the restaurant and must not change it without our permission.

Reason:

To protect the environment of the people in the residential part of the development. This is 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. (R21CC)

- 31 The plant/machinery hereby permitted for the restaurant use shall not be operated except between 07.30 and 00.30 Monday to Friday, 08.00 and 00.30 on Saturdays and 09.00 and 24.00 on Sundays, Bank Holidays and Public Holidays.

Reason:

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

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

Reason:

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

- 33 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the to include construction method, layout, species and maintenance regime., , You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

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

- 34 You must carry out the development in accordance with the completed Appendix A of Code of Construction Practice approved by the Council's Environmental Inspectorate as approved by the City Council as Local Planning Authority on 02 August 2017 under reference RN: 17/04986/ADFULL, or in accordance with other detailed drawings as submitted to and approved by the City Council., ,



## 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)

- 35 You must carry out the development in accordance with the details of the construction access plan as approved by the Council's Environmental Inspectorate as approved by the City Council as Local Planning Authority on 02 August 2017 under reference RN: 17/04986/ADFULL, or in accordance with other detailed drawings as submitted to and approved by the City Council.,

## Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016).

- 36 This permission must be commenced no later than 25 May 2020.

## Reason:

This permission authorises amendments to the original planning permission granted on 25 May 2017 (RN 16/05216) which must be commenced no later than the above date.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 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, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to : i. Replacement social and community facility with a minimum 256m2 floorspace (gross external area) to be provided elsewhere in the City, ii. Payment of £500,000 to be held in escrow until the applicant has provided a suitable replacement facility within a period of four years from the date of planning permission, iii. Compliance with the Council's Code of Construction Practice, provide a Site Environmental Management Plan including a construction access plan for Artillery Mansions prior to the commencement of development and provide a financial contribution of £52,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;, iv. Car club membership for residents of the development;, v. Highway works surrounding the site required for the development to occur;, vi. Setting up a community liaison group;, vii. Costs of monitoring the S106 agreement.
- 4 Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. It is envisaged that the archaeological fieldwork would comprise the following: , Evaluation, An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (pre-determination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted. The evaluation could be combined with the monitoring of any geotechnical investigation, and should also include geoarchaeological assessment in order to further clarify the geoarchaeological and prehistoric potential. The results of the evaluation would inform the requirements for final archaeological mitigation which would most likely comprise either archaeological excavation or an archaeological watching brief., ,
- 5 The written scheme of archaeological investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology Guidelines. It must be approved by the City Council before any on-site development related activity occurs.
- 6 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental

Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., , 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, , Phone: 020 7641 2000, , Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 7 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).
- 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 Conditions 15 and 16 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)
- 10 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)
- 11 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)
- 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 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 14 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/asbestos/regulations.htm](http://www.hse.gov.uk/asbestos/regulations.htm) (I80AB)
- 15 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.
- 16 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).
- 17 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 18 Your attention is drawn to the advice contained in the Environment Agency letter dated 16 September 2015 which recommends that finished floor levels are raised to the 2100 breach level of 4.906m AOD.
- 19 The Service and Management Plan (SMP) should identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this

case., , It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users.

- 20 You must get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the following advertisements: fascia signs. (I04AA)
- 21 To be able to comply with the Code of Construction Practice a full SEMP will be required on the site. This should cover the following: , a. Site Information:; i. Environmental management structure; ii. Location of any potentially sensitive receptors; , b. Environmental Management:; i. Summary of main works, ii. Public access and highways (parking, deliveries, loading/unloading, site access and egress, site hoardings), iii. Noise and vibration (predictions, managing risks and reducing impacts), iv. Dust and Air Quality (risk rating, managing risks and reducing impacts), v. Waste management (storage, handling, asbestos, contaminated land), vi. Water Resources (site drainage, surface water and groundwater pollution control, flood risk), vii. Lighting, viii. Archaeology and built heritage (if applicable), ix. Protection of existing installations (if applicable), x. Urban ecology (if applicable); xi. Emergency procedures; xii. Liaison with the local neighbourhood., , c. Monitoring:; i. Details of receptors, ii. Threshold values and analysis methods ;; iii. Procedures for recording and reporting monitoring results; iv. Remedial action in the event of any non-compliance.

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

This page is intentionally left blank

# Agenda Item 6

Item No.
<b>6</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14 August 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>Regis House, 47 Beaumont Street, London, W1G 6DL</b>		
<b>Proposal</b>	Details pursuant to Condition 22 of planning permission dated 17 April 2018 (RN: 17/07261/FULL), namely the submission of an Operational Management Plan.		
<b>Agent</b>	Howard de Walden Management Ltd.		
<b>On behalf of</b>	Freedom2Train		
<b>Registered Number</b>	18/04763/ADFULL	<b>Date amended/ completed</b>	7 June 2018
<b>Date Application Received</b>	7 June 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Harley Street		

## 1. RECOMMENDATION

Approve details.
------------------

## 2. SUMMARY

<p>Regis House is an unlisted building located within the Harley Street Conservation Area, outside of the Core Central Activities Zone but within the Marylebone and Fitzrovia defined area. The building is mainly in residential use with an area of car parking at lower ground floor level, which is accessed from Beaumont Mews to the rear of Regis House. The ground to fifth floors of the main building fronting Beaumont Street are used as residential flats with a retail unit on the northern side of the block fronting Devonshire Street. At the rear there is a smaller office building at ground and first floor levels adjacent to and over the access ramp to the lower ground floor car-parking.</p> <p>Planning permission was granted on the 17<sup>th</sup> April 2018 for, <i>'Use of lower ground floor level as a gymnasium (Class D2) and installation of a new ground floor front facade and entrance on Beaumont Mews, new roof over rear lightwell and access ramp, frosted glass screen and fire escape doors to Beaumont Street and installation of plant'</i>.</p>
---

The permission was subject to Condition 22 which requires the submission of an Operational Management Plan (OMP) for the City Council's approval to demonstrate that the operation of the gymnasium would be managed in a way that minimises noise and disturbance to nearby residents.

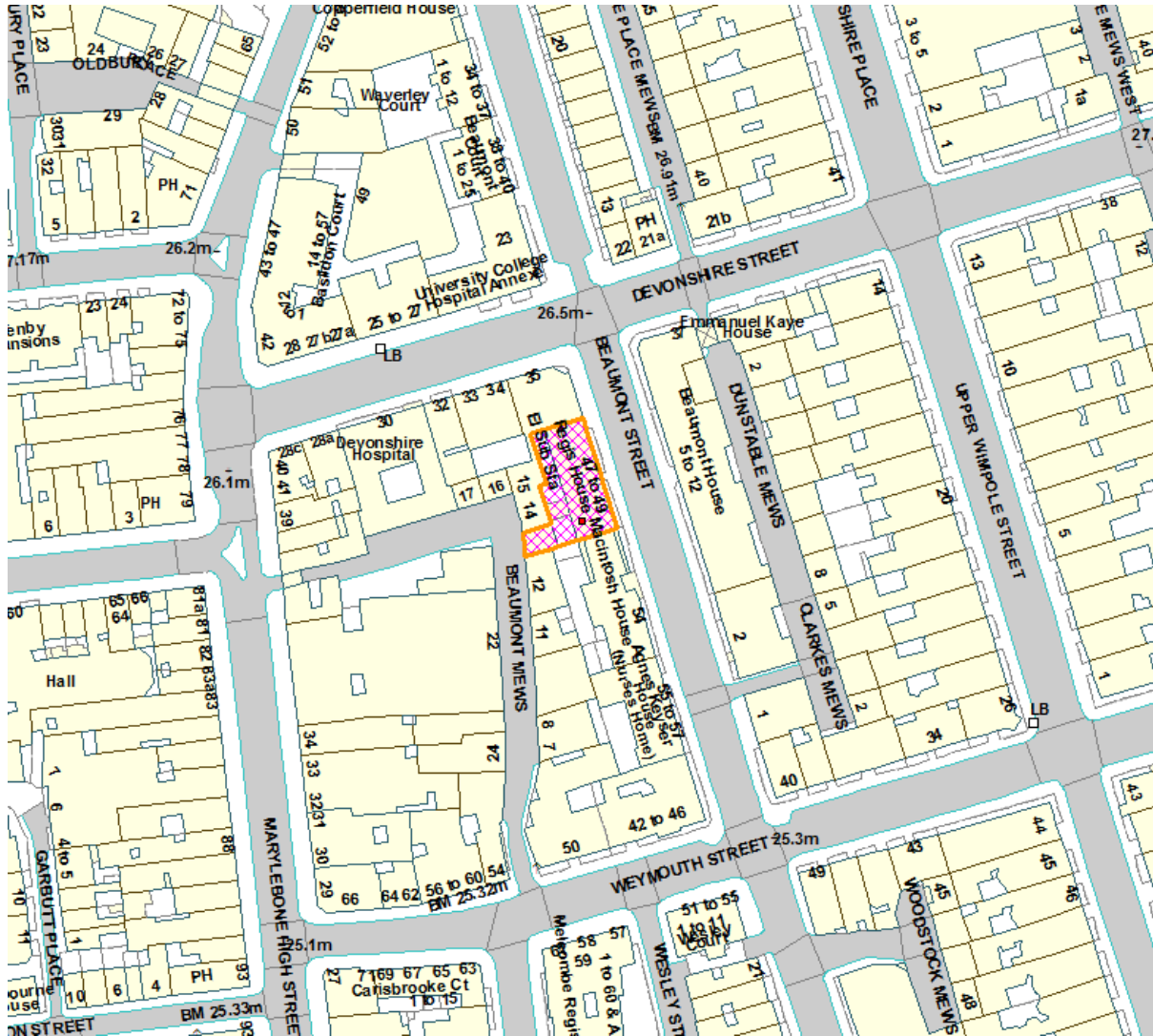
The key issue in this case is:

\* The acceptability of the submitted OMP to minimise noise and disturbance to nearby residents.

The submitted OMP is considered acceptable and it is recommended that the condition be discharged.



### 3. LOCATION PLAN



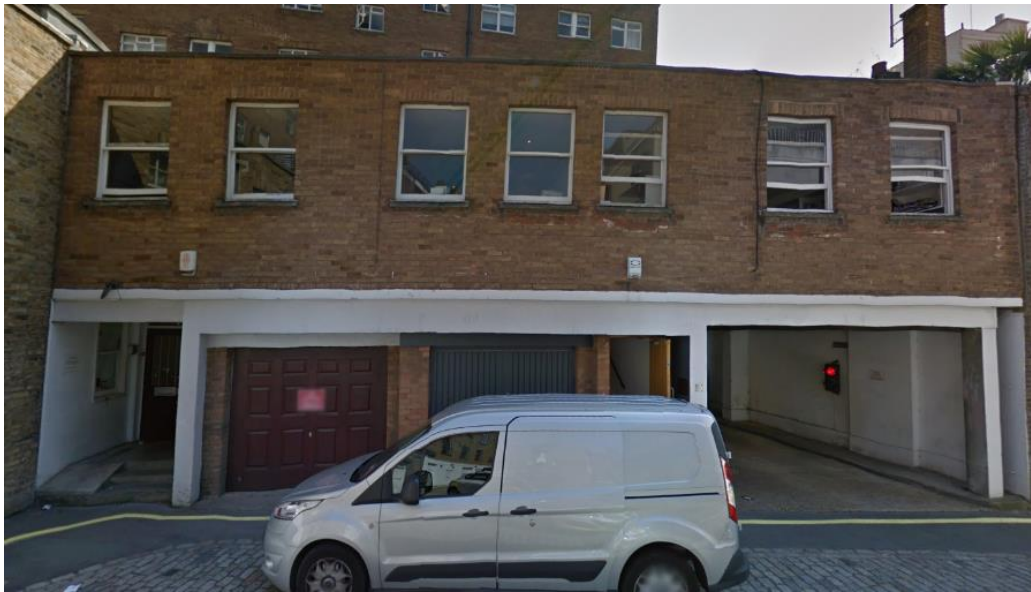
This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS

Front elevation on Beaumont Street



Rear elevation on Beaumont Mews



## 5. CONSULTATIONS

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 77  
 Total No. of replies: 7  
 No. of objections: 5  
 Neutral: 1  
 No. in support: 1

Objections on the following grounds:

- Increased parking pressure on Beaumont Street.
- Noise and disturbance to the residents of Regis House due to deliveries from Beaumont Street (consider servicing should be from Beaumont Mews).
- Potential fire escape implications.
- Implications for property values in Regis House.

Support on the following grounds:

- Proposed use of the lower ground floor as a gym will eliminate the anti-social behaviour which currently takes place within the car park.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Regis House, 47 Beaumont Street, is a 20<sup>th</sup> century unlisted building, identified as a neutral building in the Harley Street Conservation Area Audit (2008). The site fronts on to Beaumont Street to the east and access to the lower ground floor level is from Beaumont Mews to the west. Regis House itself is used as residential flats with a retail unit occupying part of the ground floor fronting Devonshire Street to the north. The rear access to the car park is under a building on Beaumont Mews comprising ground and first floors used as office accommodation.

### 6.2 Recent Relevant History

#### 17/07261/FULL

Use of lower ground floor level as a gymnasium (Class D2) and installation of a new ground floor front facade and entrance on Beaumont Mews, new roof over rear lightwell and access ramp, frosted glass screen and fire escape doors to Beaumont Street and installation of plant.

Application Permitted 17 April 2018

## 7. THE PROPOSAL

The current application seeks to discharge Condition 22 on the permission dated 17 April 2018. The condition stipulates the following:

*'You must apply to us for approval of an operational management plan for the gymnasium to show how you will actively manage the entrance and exit arrangements for customers and staff (including contract cleaning staff), and the access arrangements relating to servicing, and external smoking by customers and staff, in order to minimise nuisance to people in the area, including people who live in nearby buildings.*

*You must not occupy the approved gymnasium 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 gymnasium is in use.'*

An OMP has now been submitted for consideration.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Residential Amenity**

The reason for the imposition of the condition requiring the submission of the OMP was to protect neighbouring residents from noise nuisance.

The OMP stipulates that all windows including skylights will be permanently closed with no ability to open them. There is also a maximum capacity for 40 members on the gym floor at any one time with patrons having booked their class / session online beforehand.

The OMP details the opening hours as being Monday to Friday 06:00 till 21:00 and Saturday and Sundays 08:00 till 20:00 which accords with Condition 20 attached to the original permission.

Members will be directed to leave the gym quickly and quietly and signage is to be displayed at the entrance to remind people to keep noise levels to a minimum. The street management policy will be reviewed monthly during the first 12 months of the gym operation and after that period it is to be reviewed quarterly. The OMP also states, *'The gym will proactively find ways to ensure that it operates smoothly with no negative impact on the neighbourhood.'*

Three to six staff members will be on site when the gym opens and closes and will be trained to deal with any issues that might arise. The OMP also states that the Facilities Manager will host quarterly meetings with local residents to ensure that any issues are addressed and the gym will quickly respond to any problems that arise.

Delivery vehicles will use pay and display bays on Beaumont Street and deliveries to the gym will be spread evenly throughout the week between the hours of 09:00 and 17:00. These hours are reasonable and would result in no additional disturbance to local residents given the busy nature of Beaumont Street at these times.

A number of objections have been received arguing that deliveries from Beaumont Street accessing the gym from the front basement lightwell stair will result in increased noise and disturbance for the residential occupiers. This issue was considered as part of the original planning permission and it was determined that Beaumont Street would be a better location for the servicing of the gym than Beaumont Mews as it would have a

greater level of activity during the day. There are a number of commercial operators along the street including the King Edward VII hospital directly opposite Regis House and a pharmacy just to the north. It was not considered the servicing of the gymnasium would result in a significant increase in the noise and disturbance to residents such that the application could be refused on these grounds. Whilst the objections with regard noise from deliveries is noted, the use of Beaumont Street for servicing was considered acceptable in the original application for the gym and the detail of how and when this will take place included in the submitted OMP is also considered acceptable.

The original application proposed cleaning staff would clean the premises before it opened, but this has now been amended in the OMP so that cleaning of the premises takes place between 14:00 and 17:00. This is much less likely to result in any noise nuisance for residents.

It is not anticipated that any staff members would smoke but the OMP says that staff would not be allowed to smoke within the lightwell at the front of the property or outside the gym on Beaumont Street.

## **8.2 Transportation/Parking**

Objections have also been received to the application concerned that the servicing from Beaumont Street will result in increased parking pressures in the area. As detailed above, the original application proposed servicing from pay and display bays in Beaumont Street and this was considered acceptable. The site is within a Controlled Parking Zone (CPZ) and the Highways Planning Manger previously considered the proposed servicing requirements to be acceptable with regard the impact on traffic movements on Beaumont Street. For these reasons it is not considered the objections on these grounds are sustainable and the OMP could not be refused on this basis.

## **8.3 Other Issues**

An objector has commented on the potential for the scheme to impact upon the price of property within Regis House. This is not considered to be a material planning consideration.

A letter of support has been received detailing the levels of anti-social behaviour that has taken place in the car park of the property and expressing support for the development into a gym. Whilst this is noted, the original change of use application has already been granted and this application is solely to consider the content of the conditioned OMP.

Comments have also been made on the application concerned that the steps in the front lightwell serve as a fire escape. Accordance with building regulations is a separate regulatory regime to the planning considerations and the proposal will be considered for fire safety purposes under these requirements. Although it is not foreseen that the proposal will result in any implications for escape in the event of a fire.

Item No.
<b>6</b>

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** Regis House , 47 Beaumont Street, London, W1G 6DL

**Proposal:** Details pursuant to condition 22 of planning permission dated 17 April 2018 (RN: 17/07261/FULL), namely the submission of an Operational Management Plan.

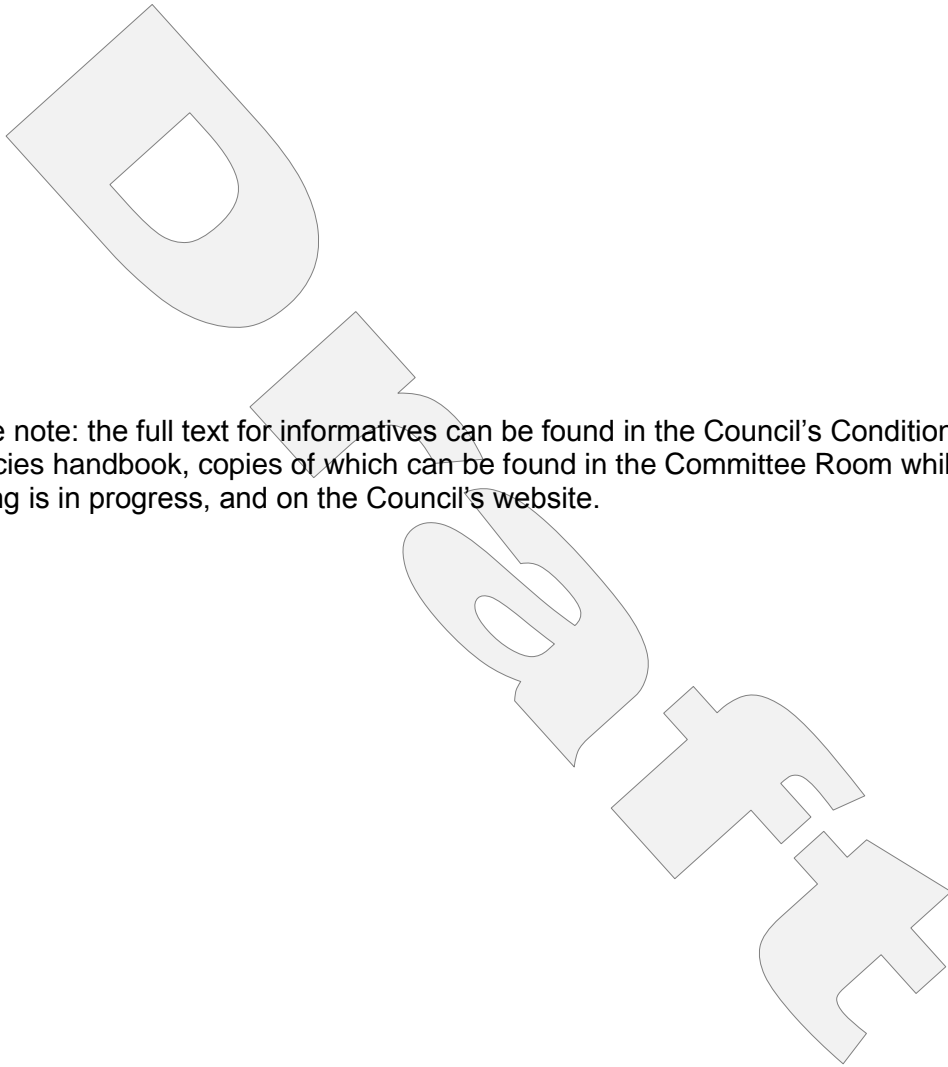
**Reference:** 18/04763/ADFULL

**Plan Nos:** Regis House - Operational Management Plan (Freedom2Train)

**Case Officer:** Matthew Giles

**Direct Tel. No.** 020 7641 5942

**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.

This page is intentionally left blank



# Agenda Item 7

Item No.

7

CITY OF WESTMINSTER			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14 August 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Bayswater	
<b>Subject of Report</b>	12 Burdett Mews, London, W2 5RQ,		
<b>Proposal</b>	Erection of rear dormer at first floor level.		
<b>Agent</b>	Mr Andrew Clinch		
<b>On behalf of</b>	Ms S Hickie		
<b>Registered Number</b>	18/01903/FULL	<b>Date amended/ completed</b>	8 March 2018
<b>Date Application Received</b>	7 March 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Westbourne		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

12 Burdett Mews forms part of an unlisted terrace of 'mews style' buildings which are located within the Westbourne Conservation Area. The terrace is of late twentieth century date and comprises a group of 14 three storey houses. The front façade of the mews can be viewed terminating the northern view along Hatherley Grove. The rear of the mews backs onto the taller Victorian terraced properties on the south side of Westbourne Gardens.

Planning permission is sought for the insertion of one dormer window to the rear roofslope at first floor level and one rooflight at second floor level. Following Officer's concerns, the dormer window has been revised to have obscure glazing and restricted opening to reduce the amenity impact.

Objections have been received from neighbouring residents on the grounds of loss of light and privacy.

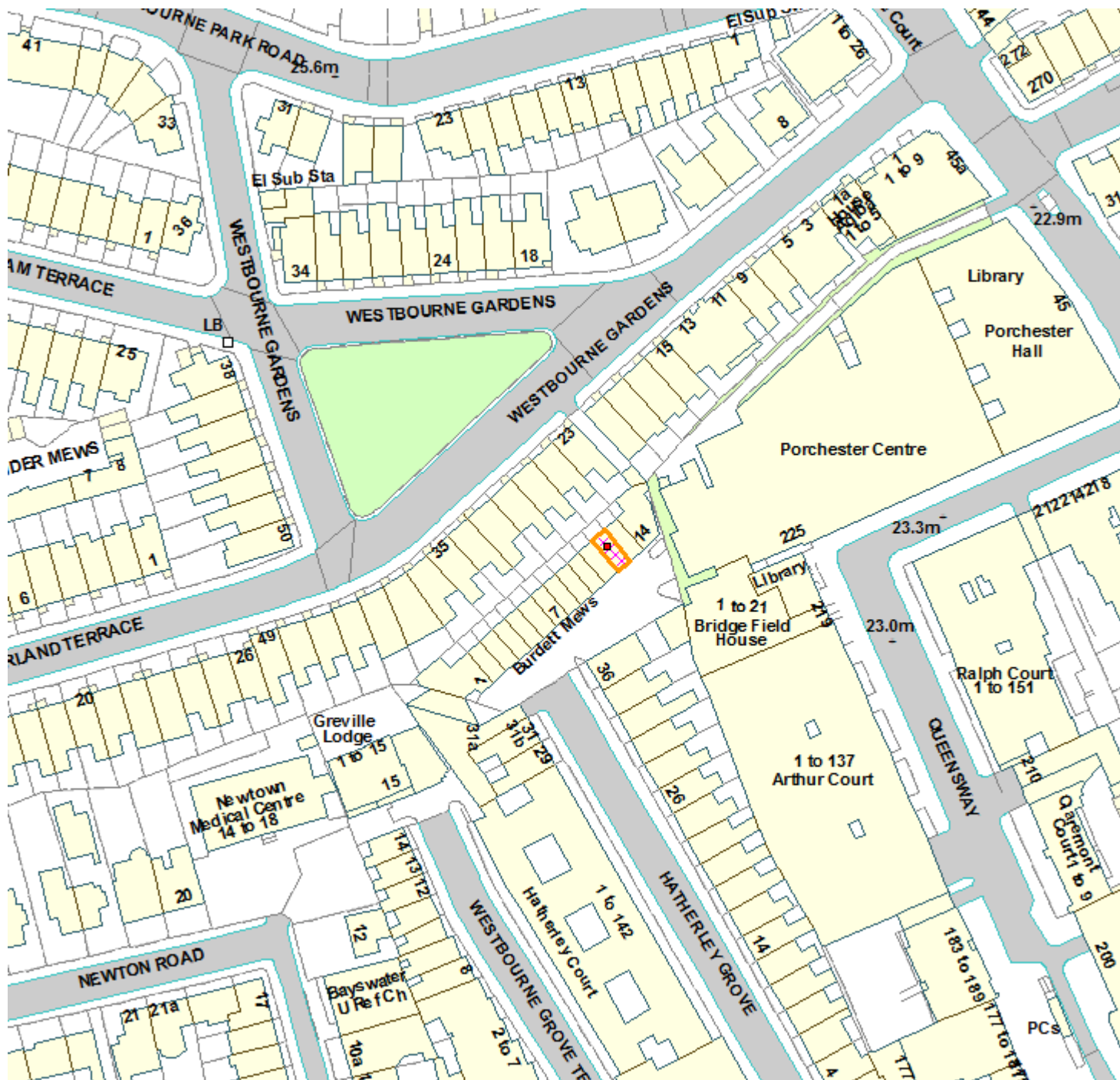
The key issues are considered to be:

- The impact of the proposals on neighbouring residential amenity.
- The impact of the proposals on the conservation area and townscape.

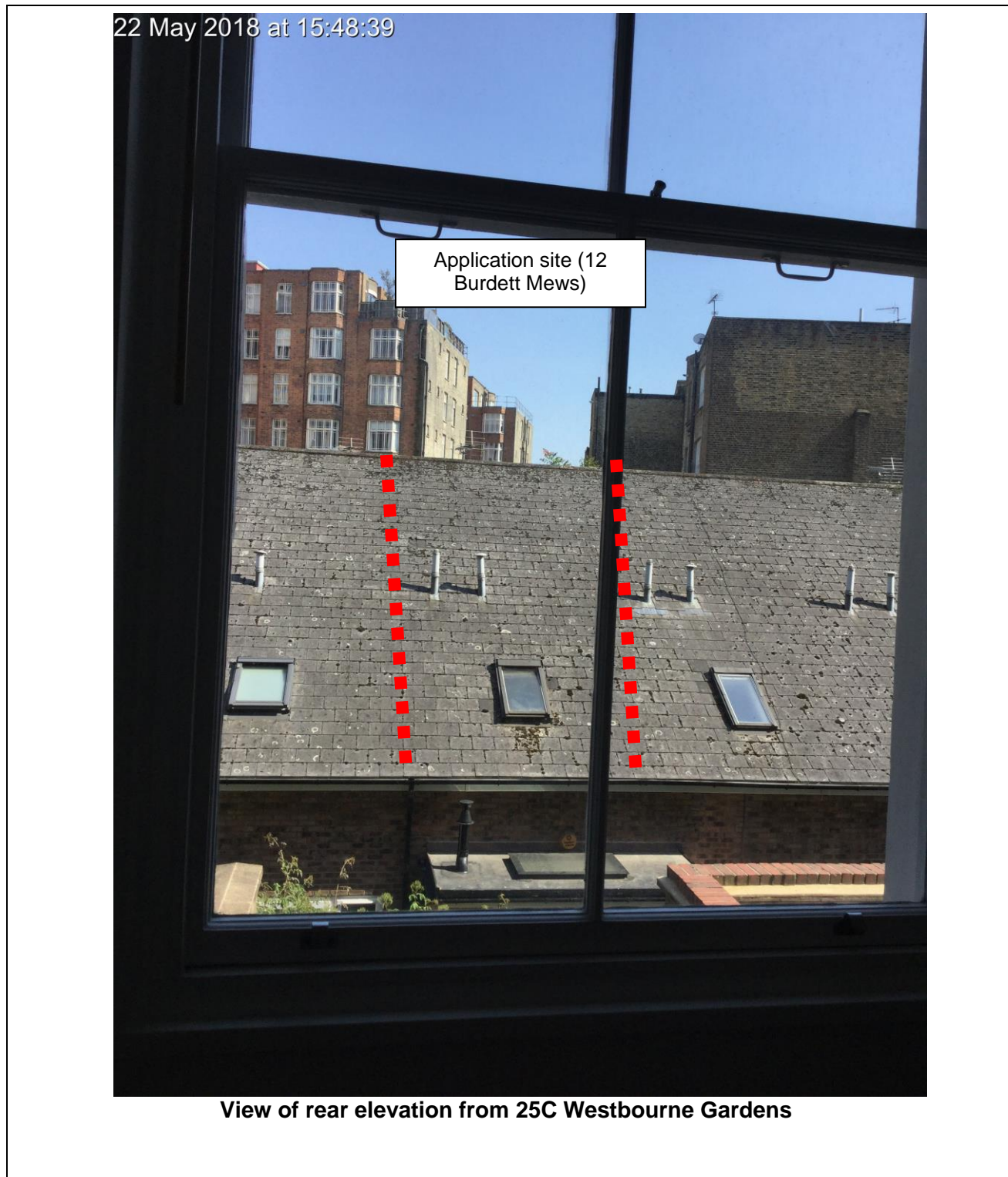
Subject to the recommended conditions, the proposals are considered acceptable and in line with the

policies set out in Westminster's City Plan (City Plan) and the Unitary Development Plan (UDP) and are therefore recommended for approval.

### 3. LOCATION PLAN



4. PHOTOGRAPH



## 5. CONSULTATIONS

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response reported verbally.

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

No. Consulted: 22

Total No. of replies: 6 objections received from 4 addresses on the following grounds:

#### Amenity:

- loss of privacy
- loss of light

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

12 Burdett Mews forms part of an unlisted terrace of 'mews style' buildings which are within the Westbourne Conservation Area. The terrace dates from the late twentieth century and comprises a group of 14 three storey houses. The private mews is accessed from the northern end of Hatherley Grove. The rear of the mews backs onto the taller Victorian terraced properties on the south side of Westbourne Gardens.

### 6.2 Recent Relevant History

17/00395/FULL – 2 Burdett Mews; Erection of a rear dormer window set within the existing roof profile. Allowed on appeal.

08/02326/FULL – 14 Burdett Mews; Erection of single storey rear extension and first floor rear dormer window with obscure glazing. Permitted.

## 7. THE PROPOSAL

Planning permission is sought for the insertion of one dormer window to the rear roofslope at first floor level and one rooflight at second floor level.

The proposal has been amended to include obscure glazing in the dormer window and to be restricted from opening no more than 100mm for amenity reasons.

The dormer window shall be clad in slate to match the existing roof with a sliding timber box sash window.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The enlargement of the existing dwelling is acceptable in land use terms and would accord with Policy H3 of the UDP.

### 8.2 Townscape and Design

Burdett Mews displays a high degree of uniformity, with a regular pattern of fenestration and consistent use of materials. The roof to the front façade displays a high degree of uniformity with a single centrally placed dormer to each property. The roof to the rear is a larger and more prominent mono pitched structure covering both the first and second floors. There have been some modifications to the roof in the form of some dormer additions at first floor level and there are a number of small rooflights to both the first and second floors.

The current proposal seeks to introduce a box dormer to the rear roof pitch on its lower section, so that it creates a larger first floor plan and to install a rooflight at second floor level.

The introduction of the dormer window would have a limited impact on the character and appearance of the building due to its location and design. The dormer will be seen from private views from Westbourne Gardens however would not be visible from any public views within the Westbourne Conservation Area and therefore would not result in harm to the Westbourne Conservation Area. There are also a number of other similar dormer windows along the terrace, namely at 14 Burdett Mews.

The Westbourne Conservation Area Audit identifies Burdett Mews as a mews where roof extensions would be unacceptable, however in a recent appeal decision at 2 Burdett Mews (Ref: APP/X5990/D/17/3176411), the Inspector stated that 'however I have balanced this against the presence of the other existing dormers and the impact that the development would have on the building and Conservation Area. I consider that the introduction of the dormer would have a limited impact on the character and appearance of the building due to its location and design.'

As such the proposal is considered acceptable in design terms and accords with design policies S25 and S28 of our City Plan; and DES 1, DES 6 and DES 9 of our UDP.

### 8.3 Residential Amenity

Policies ENV13 of the UDP and S29 of the City Plan seek to protect residential amenity and environmental quality from development. ENV 13 specifically seeks to protect from loss of daylight/sunlight, an increase in overlooking or an increase in the sense of enclosure.

The objectors have concerns over the increase in overlooking and the potential impact on daylight levels to properties in Westbourne Gardens.

#### *8.3.1 Overlooking:*

The proposal has been amended during the course of the application to include obscure glazing and a restrictor so that the sash window can only open by 10cm to reduce the impact of overlooking to the windows of the properties to the rear. Subject to a condition to ensure that opaque glazing is installed and retained, and for the window to open no more than 10cm, it is not considered that the proposals would result in such an increase in overlooking to justify refusal.

A new rooflight is also proposed at second floor level. Due to the angled nature of this window and as there are other existing examples of similar rooflights, it is not considered that this alteration will have a significant impact.

*8.3.2 Sense of enclosure and loss of light:*

The dormer is located on the rear roof slope of the building, set back from the eaves of the roof by 30cm, so that it runs in line with the main rear elevation of the building. The rear elevation of the building is set 3m away from the boundary wall of the properties garden, and approximately another 3.8m from the rear of the closet wing of the nearest property on Westbourne Gardens. As the proposed first floor dormer sits in front of the existing pitched roof which runs up to second floor level, and given the separation from the nearest affected windows, it is not considered that the proposed dormer would have such a significant impact on the adjacent residential properties so as to justify a recommendation for refusal.

*8.3.3 Conclusion:*

Subject to the aforementioned condition and given the location and separation of the dormer from adjacent windows, the proposed alterations are considered to be acceptable in amenity terms.

**8.4 Transportation/Parking**

The proposal does not raise any transportation or parking considerations.

**8.5 Economic Considerations**

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

**8.6 Access**

Not applicable.

**8.7 Other UDP/Westminster Policy Considerations**

None.

**8.8 London Plan**

This application raises no strategic issues.

**8.9 National Policy/Guidance Considerations**

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

#### **8.10 Planning Obligations**

The proposed development does not generate a requirement for any planning obligations and is not CIL liable.

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

An Environmental Impact Assessment was not required for a development of this scale.

#### **8.12 Other Issues**

None.

(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 REAR ELEVATION**

**EXISTING SECTION - JJ**

**EXISTING FRONT ELEVATION**

**Existing Elevations and Section JJ**

**PROPOSED REAR ELEVATION**

**PROPOSED SECTION - JJ**

**PROPOSED FRONT ELEVATION**

**Proposed Elevations and Section JJ**

TRADITIONAL TIMBER FRAMED BATH WINDOW FINISH TO BE OPAQUE TO PREVENT OVERLOOKING. WINDOW OPENING TO BE RESTRICTED TO 180mm BY USING SPECIAL RESTRICTIONS.

NEW DORMER WINDOW TO BE CLAD WITH COSE & LEAD. TO BE TRADITIONALLY ROLL SEALED FINISH.



**DRAFT DECISION LETTER**

**Address:** 12 Burdett Mews, London, W2 5RQ,

**Proposal:** Erection of rear dormer at first floor level and the installation of one rooflight at second floor level.

**Plan Nos:** Site Location Plan, AC/LH/18005 Rev A, AC/LH/18004 Rev A, AC/LH/18001 Rev A, AC/LH/18003 Rev A, AC/LH/18002 Rev A and Design and Access Statement dated July 2018.

**Case Officer:** Frederica Cooney

**Direct Tel. No.** 020 7641 7802

**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 Westbourne 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 first floor rear dormer window hereby approved shall only contain obscure glass and be fitted with a restrictor to limit the extent of its opening to no more than 100mm. A sample of the obscure glass and details of how the restrictor will be installed to limit the window opening shall be submitted to and approved by the city council as local planning authority before works start of this part of the development. The development shall be carried out in accordance with these details and retained thereafter.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

**Informative(s):**

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

# Agenda Item 8

Item No.
<b>8</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14 August 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Little Venice	
<b>Subject of Report</b>	<b>The Eagle, 15 Clifton Road, London, W9 1SY</b>		
<b>Proposal</b>	Use of an area of the public highway measuring 11.35m x 2.29m for placing of four tables and 16 chairs, planters and a menu lectern in association with the public house.		
<b>Agent</b>	Mr Stephen Talbot		
<b>On behalf of</b>	Mr Stephen Talbot		
<b>Registered Number</b>	18/03807/TCH	<b>Date amended/ completed</b>	10 May 2018
<b>Date Application Received</b>	9 May 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Maida Vale		

## 1. RECOMMENDATION

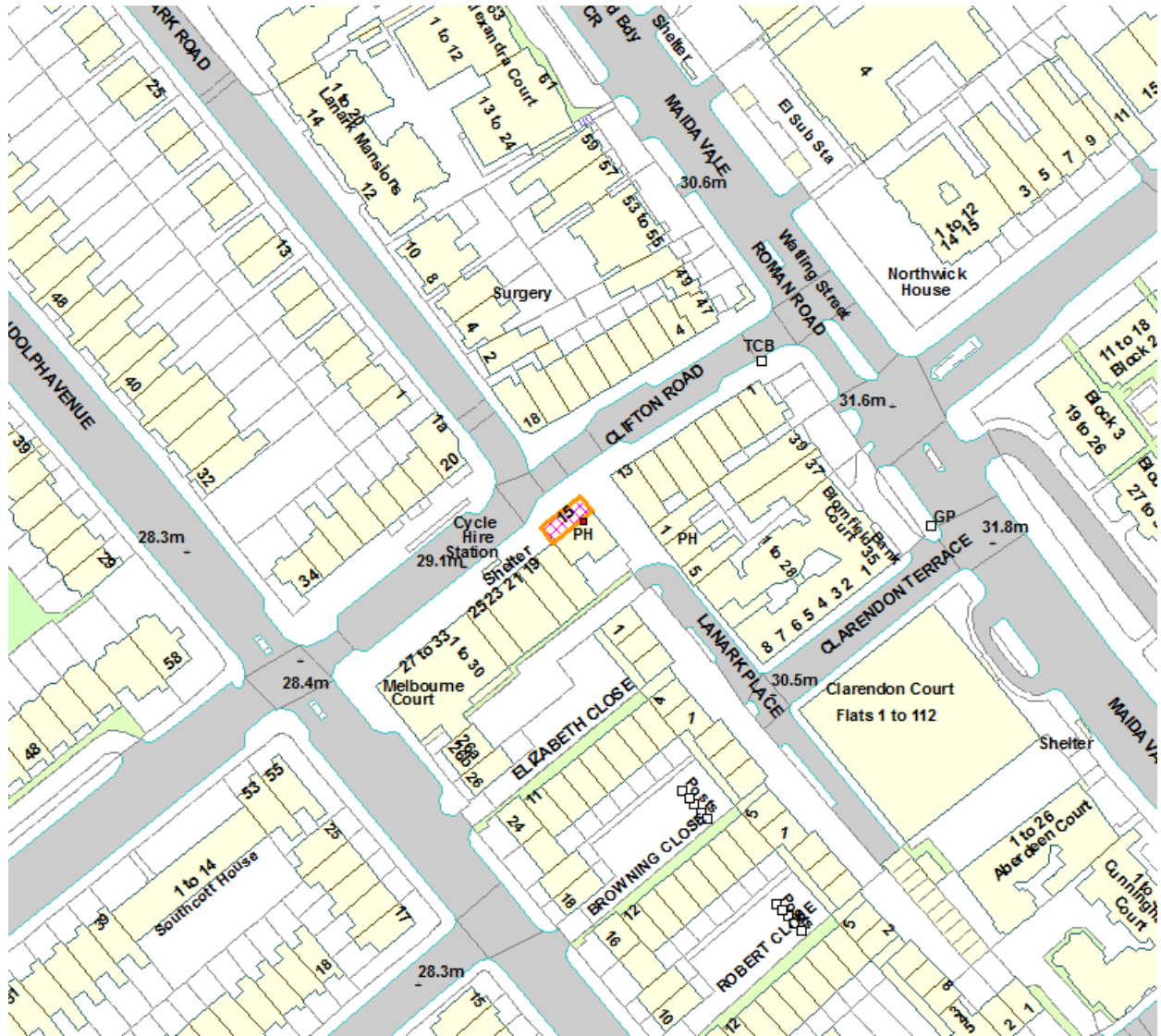
Grant conditional permission.
-------------------------------

## 2. SUMMARY

<p>The application site is the Eagle public house that is located on the junction of Clifton Road and Lanark Place, which is within the Maida Vale Conservation Area.</p> <p>Permission is sought for the use of an area of the public highway measuring 11.35m x 2.29m for the placing of four tables, eight chairs, planters and one menu lectern.</p> <p>Two objections have been received concerning the noise impact of the proposal on the amenity of the occupiers of neighbouring and adjoining properties and also the restriction of pedestrian movement on the public highway.</p> <p>The key issue in the consideration of this application are:</p> <ul style="list-style-type: none"> <li>* The impact on the amenity of occupiers of neighbouring and adjoining properties;</li> <li>* The impact on pedestrian movement on the public highway;</li> <li>* The acceptability of the proposals in land use terms.</li> </ul> <p>The proposals are considered to accord with City Council's adopted policies in the City Plan (November 2016) and the Unitary Development Plan (UDP) (January 2007) in land use, design,</p>
---

amenity and highways terms. The application is therefore recommended for approval, subject to the conditions set out in the draft decision letter appended to this report.

**LOCATION PLAN**



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

3. PHOTOGRAPH



#### 4. CONSULTATIONS

**PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:**

No objection. It is requested that neighbours' views are taken into consideration.

**HIGHWAYS PLANNING MANAGER:**

Comment as follows:

- It has not been demonstrated that the planters are mobile and removed from the highway overnight.
- The proposals may obstruct a delivery hatch.
- A bench is proposed very close to the corner with Lanark Place, which could obstruct pedestrian flows.

Despite these comments, they note that as permission has been granted for this layout in the past, so therefore no objection is raised.

**WASTE OFFICER:**

No objection.

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

No. Consulted: 35

Total No. of replies: 2

No. of objections: 2

Objections have been received on the following grounds:

**Amenity:**

- Noise from the use of the outside space.
- Noise from staff locking up furniture.

**Highways:**

- Street furniture significantly reduces the area of the pavement available for pedestrian use.
- Street can be very busy after events at Lords Cricket ground.

**Other:**

- Alcohol outside should be restricted to 9pm.
- A doorman should be employed to control antisocial behaviour.
- The outdoor furniture should be removed half an hour before 9pm to encourage people to drink their drinks.

**PRESS ADVERTISEMENT / SITE NOTICE:**

Yes

#### 5. BACKGROUND INFORMATION

##### 5.1 The Application Site





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 7.3 and 7.4 of this report.

## **7.2 Townscape and Design**

The relevant policies for consideration of this case are DES 1, DES 5, DES 7 and TACE 11 of the adopted UDP 2007, and S28 of the adopted City Plan 2016.

The proposals have been changed from the original submission, changing the design of some of the tables so that they can be removed from the pavement when not in use. The proposed furniture is considered acceptable and given its temporary nature will not have a negative impact on the Maida Vale Conservation Area.

For this reason the proposal is compliant with policies DES 1, DES 5, DES 7 and TACE 11 of the adopted UDP 2007, and S28 of the adopted City Plan 2016.

## **7.3 Residential Amenity**

Policies S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our UDP (January 2007) concern the impact on the amenities of the occupiers of neighbouring and adjoining properties.

Permission was granted for the use of this area of the public highway for tables and chairs on 04 July 2017 under application referenced 17/04232/TCH. This permission was granted for one year so that the City Council could assess the proposal's impact.

Two objections have been received on the grounds of the impact of noise from the use of the outside space on the occupiers of neighbouring and adjoining properties. One of the objections states that the issues with noise only began after the recent change of ownership. The agent for the application has clarified that the pub has not had a change of ownership; rather it has had a recent change of management. The objector says that recently the pub has become noisy and the continued use of the outside space would be to the detriment of their amenity. In addition to these objections, noise complaints have been raised with Environmental Health concerning the use of this section of the public highway since the approval of 17/04232/TCH on 04 July 2017. Although the applicant applied for the land to be used by customers until 23:00 Monday to Saturday 22:30 on Sunday and Bank Holidays, it is considered necessary to restrict the hours of use to 21:00 to address the impact of noise on the amenity of the occupiers of neighbouring and adjoining properties. The applicant has agreed to these revised hours.

It is also recommended that permission be granted for a limited period of one year to monitor the proposal's amenity impact of the furniture. If after 12 months the amenity impact of the current proposal is considered to be acceptable and if a future planning application for the use of this section of the public highway is submitted, then hours of use beyond 21:00 can be reassessed subject to a fresh round of consultation. In addition the proposals have been amended so that none of the furniture is left on the pavement, which addresses objections in relation to noise from chaining up the furniture.



For the reasons stated above, and subject to the proposed conditions, it is considered that the proposal is in accordance with policies S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our UDP (January 2007).

#### **7.4 Transportation/Parking**

The City Council's UDP policies TRANS 3 (A) and TACE 11 and the SPG Westminster Way (adopted November 2011) relate to tables chairs and other objects placed on the public highway.

The Highways Planning Manager has commented in relation to the planters being immobile, obstruction of a delivery hatch and the placement of a table. The applicant has confirmed that the planters will be amended to include rollers, so that they can be moved from the public highway overnight, a condition is recommended to ensure that this alteration is made. In relation to the delivery hatch, any furniture can be moved temporarily when access to the hatch is required. In relation to the location of the furniture, the proposed external seating area extends 2.3m from the front building line, and would leave a distance of 2.7m of unobstructed pavement for pedestrian use on Clifton Road. The Westminster Way states that the minimum requirement for a pedestrian clearway is 2 metres, so the proposal satisfies this requirement. The proposal is considered not to result in an obstruction to pedestrian movement.

The tables and benches that were approved to be placed on the public highway under application 17/04232/TCH were in fact too cumbersome to be removed from the public highway each night. For this reason, the current proposal has been amended so that the cumbersome tables and benches have been replaced with tables and chairs that are lightweight and stackable. The proposed plans indicate that an area at the rear of the property has been allocated for the storage of pavement furniture overnight. This shall allow the pavement to be cleaned at night time.

For these reasons, the proposal is considered to be in accordance with policies TRANS 3 (A) and TACE 11 of our UDP (January 2007).

#### **7.5 Economic Considerations**

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

#### **7.6 Access**

Access to the pub will remain as existing.

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

None.

#### **7.8 London Plan**

This application raises no strategic issues.

## **7.9 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.

## **7.10 Planning Obligations**

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

## **7.11 Environmental Impact Assessment**

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

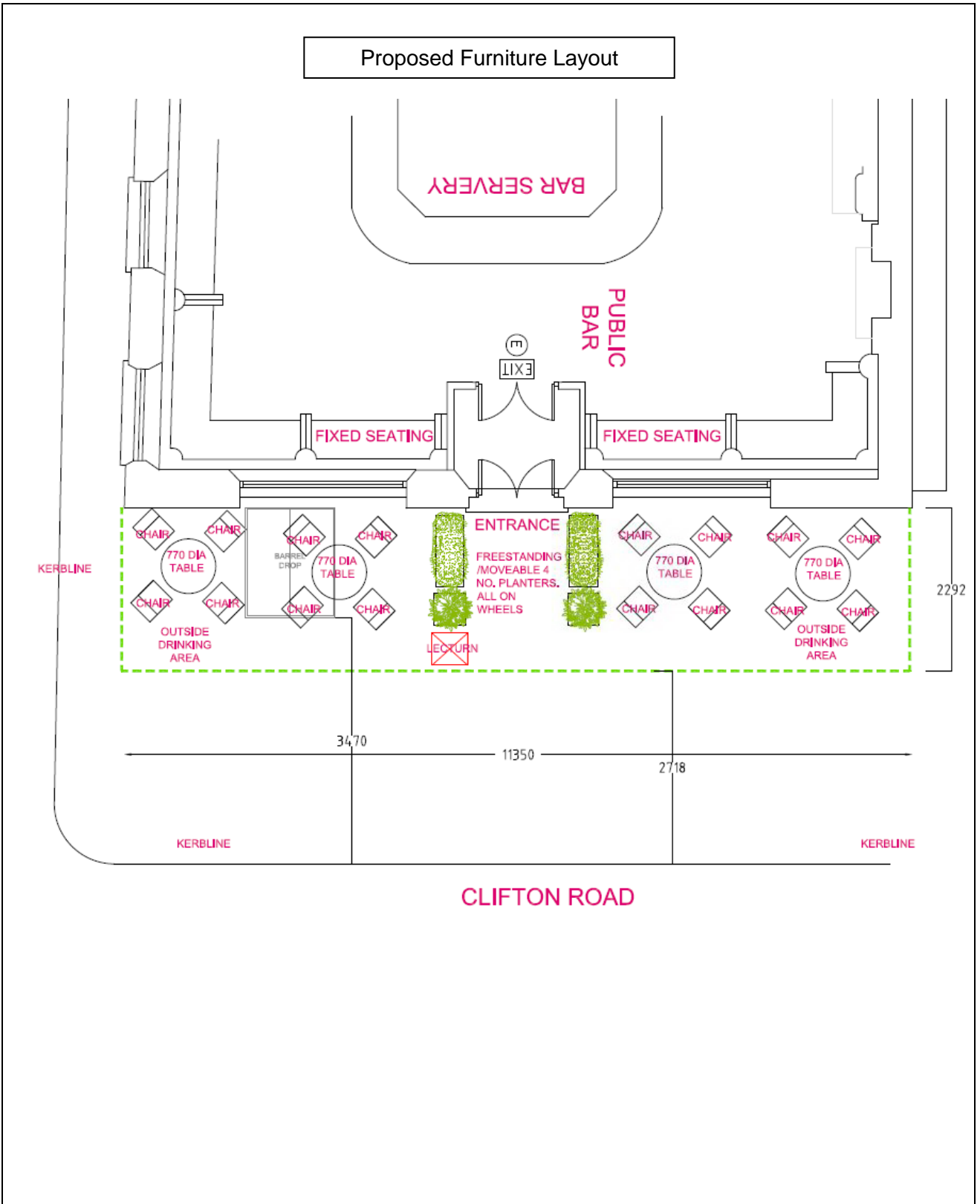
## **7.12 Other Issues**

None.

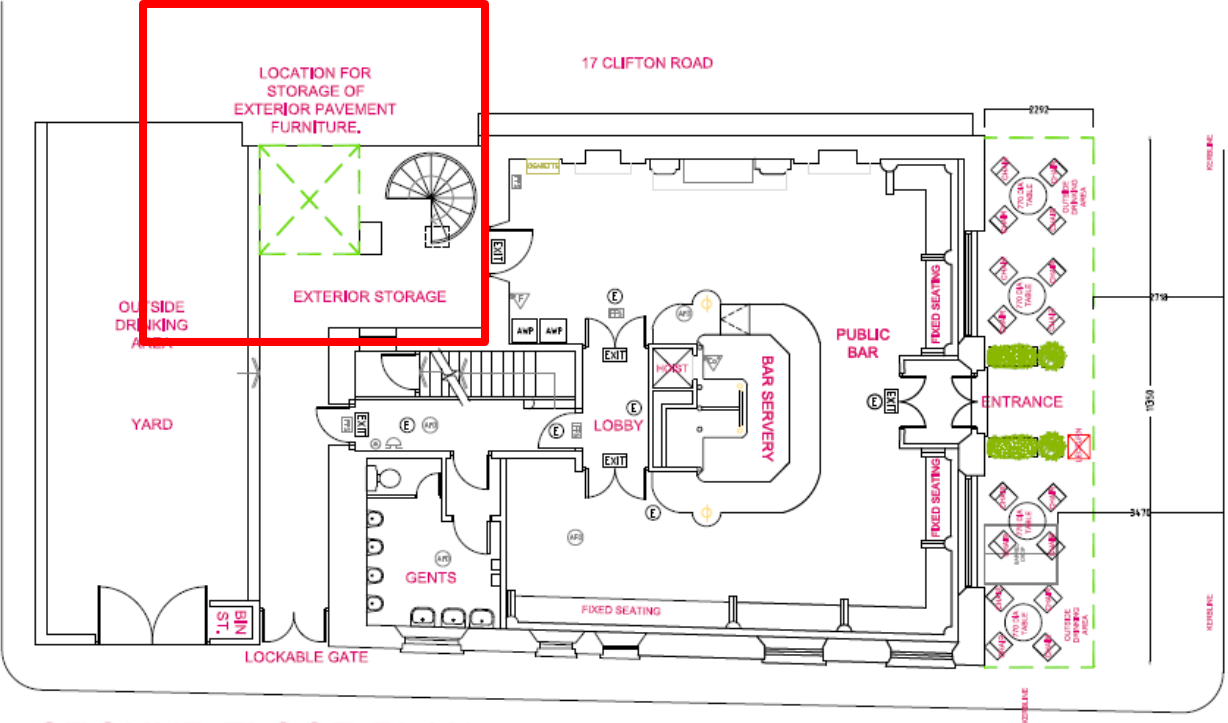
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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)

8. KEY DRAWINGS



Proposed Furniture Storage Location



GROUND FLOOR PLAN  
1:100 @A1

Proposed Furniture Storage Location



**DRAFT DECISION LETTER**

**Address:** The Eagle , 15 Clifton Road, London, W9 1SY

**Proposal:** Use of an area of the public highway measuring 11.35m x 2.29m for placing of two tables and 8 chairs, planters and menu lecturn.

**Plan Nos:** P001 Rev B, P002

**Case Officer:** William Philips

**Direct Tel. No.** 020 7641 3993

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

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.  
**Reason:**  
For the avoidance of doubt and in the interests of proper planning.
- 2 You must not put the street furniture in any other position than that shown on drawing P001 Rev B.  
**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 12:00 and 21:00. (C25BA)  
**Reason:**  
To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25BD)
- 4 The tables and chairs must only be used by customers of The Eagle, 15 Clifton Road.  
**Reason:**  
To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25BD)
- 5 This use of the pavement may continue until 12 months from the date of the decision letter. You must then remove the tables, chairs, planters and menu lectern.

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 street furniture shown on drawing P001 Rev B. No other furniture, equipment or screening shall be placed on the pavement in association with the furniture hereby approved.

Reason:

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

- 7 Within 2 months of the date of this decision you must submit details to indicate that the planters have been amended so that they can be easily moved from the highway. The planters shall be retained as such thereafter.

Reason:

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You cannot put tables and chairs in the area unless you have a street trading licence.

Item No.
<b>8</b>

If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter.

Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)

- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)