



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 9th October, 2018**

Time: **6.30 pm**

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

Members: **Councillors:**

Iain Bott (Chairman)
Geoff Barraclough
Selina Short
Angela Harvey

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

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



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

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

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

- | | |
|---|--------------------------|
| 1. 37 CONDUIT STREET, LONDON, W1S 2YF | (Pages 9 - 32) |
| 2. 2 BARTON STREET, LONDON, SW1P 3NG | (Pages 33 - 78) |
| 3. FIRST TO THIRD FLOOR, 64-65 LONG ACRE, LONDON, WC2E 9SX | (Pages 79 - 108) |
| 4. 14-16 GREAT PORTLAND STREET, LONDON, W1W 8QW | (Pages 109 - 132) |
| 5. 10 DUCHESS STREET, LONDON, W1G 9AB | (Pages 133 - 150) |
| 6. 2-5 HERTFORD STREET, LONDON, W1J 7RW | (Pages 151 - 164) |
| 7. 1-4 GLOUCESTER MEWS WEST, LONDON, W2 6DY | (Pages 165 - 182) |

8. 55 BLOMFIELD ROAD, LONDON, W9 2PD

(Pages 183 -
202)

Stuart Love
Chief Executive
1 October 2018

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CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 9th October 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 17/10621/FULL West End	37 Conduit Street London W1S 2YF	Erection of a ground floor rear extension, demolition and re-build of the 6th and 7th floors, and extensions to form new 8th floor. Extension at basement level and formation of second basement level. All to enlarge existing hotel (Class C1).	
Recommendation 1. Grant conditional permission subject to the completion of a legal agreement to secure the following: <ul style="list-style-type: none"> a) A Crossrail contribution of £76,494 (index linked) payable within 60 days of commencement of development (minus any relevant Mayoral Community Infrastructure Levy paid). b) Costs of monitoring the S106 agreement. 2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then: <ul style="list-style-type: none"> 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. 				
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 18/03465/FULL 18/03466/LBC 18/06397/LBC St James's	2 Barton Street London SW1P 3NG	Application 1: Demolition and rebuilding of ground floor extension and excavation of a new basement level beneath the rear extension. Widening of existing front dormer window and associated works. Application 2: Underpinning of the garden boundary wall to No. 1 Barton Street; removal of the trellis screen on the garden boundary wall and infilling with new brickwork to match existing. Application 3: Removal and replacement of soldier course and creasing tiles for a 2.398m length of the top of the rear garden boundary wall and addition of 0.55m to the wall between Nos. 2 and 3 Barton Street.	
Recommendation 1. Grant conditional permission for Application 1. 2. Grant conditional listed building consent for Application 2. 3. Grant conditional listed building consent for Application 3. 4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letters for applications 2 and 3 above.				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 9th October 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 18/04254/FULL St James's	First To Third Floor 64-65 Long Acre London WC2E 9SX	Use of part ground, first, second, third and new internal mezzanine floors as eight residential dwellings (Class C3); installation of footbridge across internal lightwell at second floor level, plant machinery and internal lift; associated external alterations, including changes to fenestration.	
	Recommendation Grant conditional permission, including a condition to secure the following benefits: i) mitigation of the potential increased demand for on street residents car parking			
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 18/02029/FULL West End	14-16 Great Portland Street London W1W 8QW	Erection of an additional storey at fourth floor level at the rear on the Margaret Court frontage and widening of the link building within the central lightwell at first to fourth floor levels to extend existing office (Class B1) floorspace. External alterations including the creation of terraces at second, third, fourth and roof levels (all for use in association with enlarged office (Class B1) floorspace). Installation of screened plant at new roof level and creation of a new frontage and pedestrian access onto Margaret Court. Use of basement and rear ground floor unit as a restaurant (Class A3).	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 18/06463/FULL West End	10 Duchess Street London W1G 9AB	Variation of Conditions 12, 14, 15, and 22 of planning permission dated 25 July 2015 (RN: 15/06130/FULL) for, 'Use for a temporary period of 16 years as a school (Class D1), installation of 2 No. louvres within existing window openings in east elevation and internal alterations' - NAMELY, to allow the reduction of the number of teachers at the entrance from two to one, to extend the age range of pupils by including the 'senior' years from the junior school at 36 Portland Place, increase the number of pupils from 175 to a maximum of 210, extending the time the school is used in evenings, Saturdays and outside term time, and allowing a corresponding increase in the hours that plant serving the louvres can be used.	
	Recommendation Grant conditional permission.			

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 PLANNING APPLICATIONS SUB COMMITTEE – 9th October 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 18/02776/FULL West End	2-5 Hertford Street London W1J 7RW	Variation of Condition 10 of planning permission dated 9 May 2017 (RN: 16/04002) (which itself was a variation of planning permission dated 3 March 2016 (RN: 14/12430/FULL)) for, 'Use of part first floors, second and third floors as a private members club use in connection with the existing private members club (sui generis). Alterations to the fenestration of the property to include the introduction of new window openings; creation of new plant areas at second and third floor levels; alterations to the roof form and installation of an awning over the terrace at third floor level. Internal alterations at all floor levels'; NAMELY, to allow the third floor terrace to be open to customers between the hours of 07.00 and 00.30 daily.	
<p>Recommendation</p> <p>1. Grant conditional permission subject to the completion of a deed of variation to the original legal agreement dated 3 March 2016.</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p>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;</p> <p>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.</p>				
Item No	References	Site Address	Proposal	Resolution
7.	RN(s) : 18/04329/FULL Lancaster Gate	1-4 Gloucester Mews West London W2 6DY	Erection of a roof extension to Nos.1-4 Gloucester Mews West to enlarge four existing dwellinghouses.	
<p>Recommendation</p> <p>Refuse permission - on design grounds.</p>				
Item No	References	Site Address	Proposal	Resolution
8.	RN(s) : 18/03392/FULL 18/03393/LBC Little Venice	55 Blomfield Road London W9 2PD	Amalgamation of 4 flats into a single-family dwellinghouse, demolition of existing two storey rear infill extension and erection of replacement two storey infill rear extension at lower ground and ground floor levels, alterations to existing rear extension, windows and doors and associated internal alterations to all floor levels.	
<p>Recommendation</p> <p>1. Grant conditional permission</p> <p>2. Grant conditional listed building consent.</p> <p>3. Agree reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter.</p>				

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Agenda Item 1

Item No.
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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 th October 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	37 Conduit Street, London, W1S 2YF		
Proposal	Erection of a ground floor rear extension, demolition and re-build of the 6th and 7th floors, and extensions to form 8th floor. Extension at basement level and formation of second basement level. All to enlarge existing hotel (Class C1).		
Agent	CGMS		
On behalf of	Westbury Hotel Limited		
Registered Number	17/10621/FULL	Date amended/ completed	29 November 2017
Date Application Received	29 November 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to the completion of a legal agreement to secure the following:</p> <p>a) A Crossrail contribution of £76,494 (index linked) payable within 60 days of commencement of development (minus any relevant Mayoral Community Infrastructure Levy paid).</p> <p>b) Costs of monitoring the S106 agreement.</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p>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;</p> <p>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.</p>

2. SUMMARY

The application site is occupied by the Westbury Hotel (C1 use class) which is an unlisted building located in the Mayfair Conservation Area. The site falls within the Core CAZ (Central Activities Zone), and is partially within the West End Special Retail Policy Area (WESRPA).

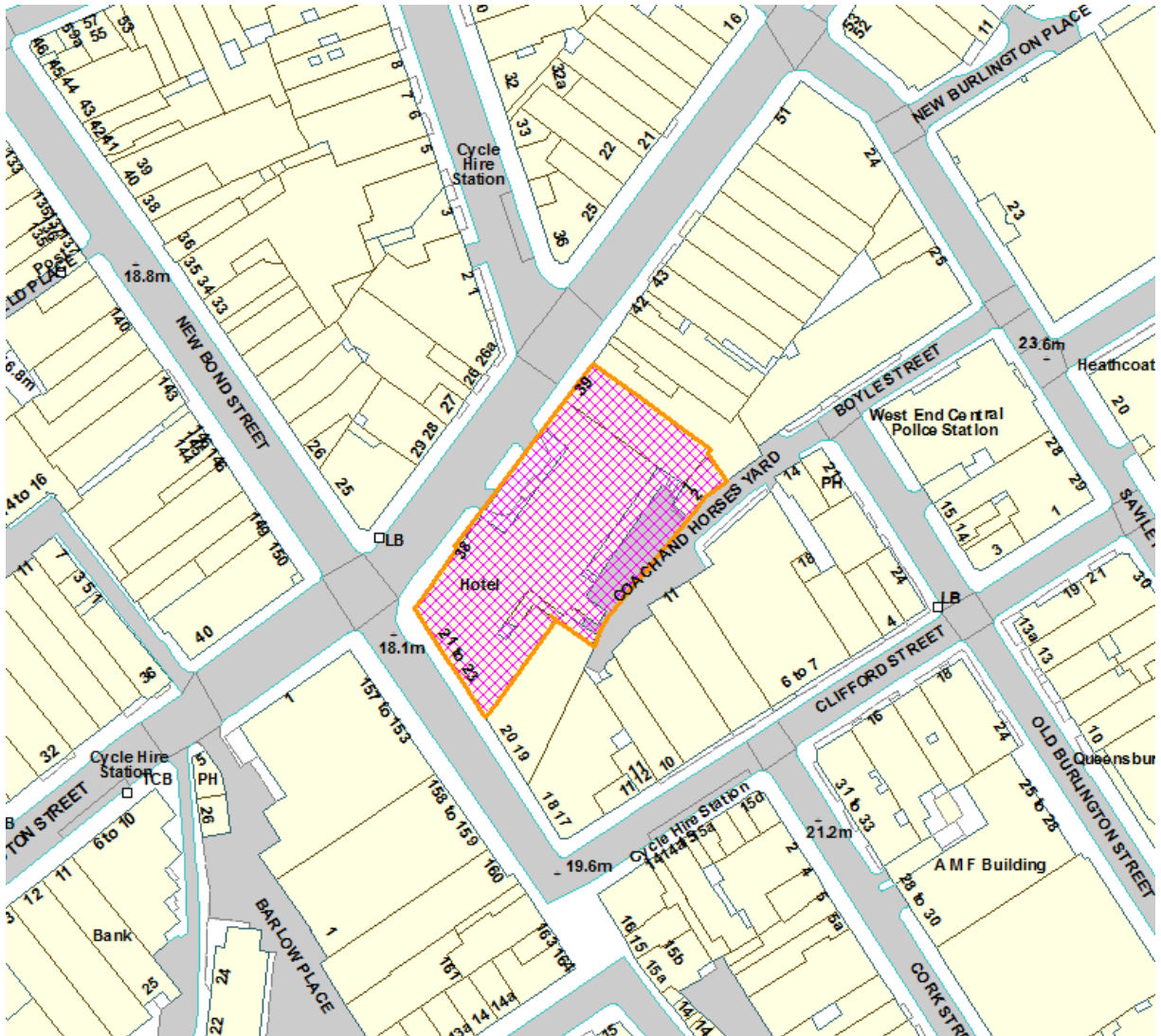
The proposal is to extend the hotel by an additional storey at roof level, a single storey rear ground floor extension, and excavation of a sub-basement level to re-locate the existing roof plant.

The main issues for consideration are:

- Whether the proposal would preserve the setting of the grade II* Time and Life building
- Whether the proposal would preserve or enhance the character and appearance of the Mayfair Conservation Area
- Whether the proposal would preserve the amenity of nearby residents.
- Whether the extensions to the hotel would have an acceptable impact upon the local highway network and public safety.

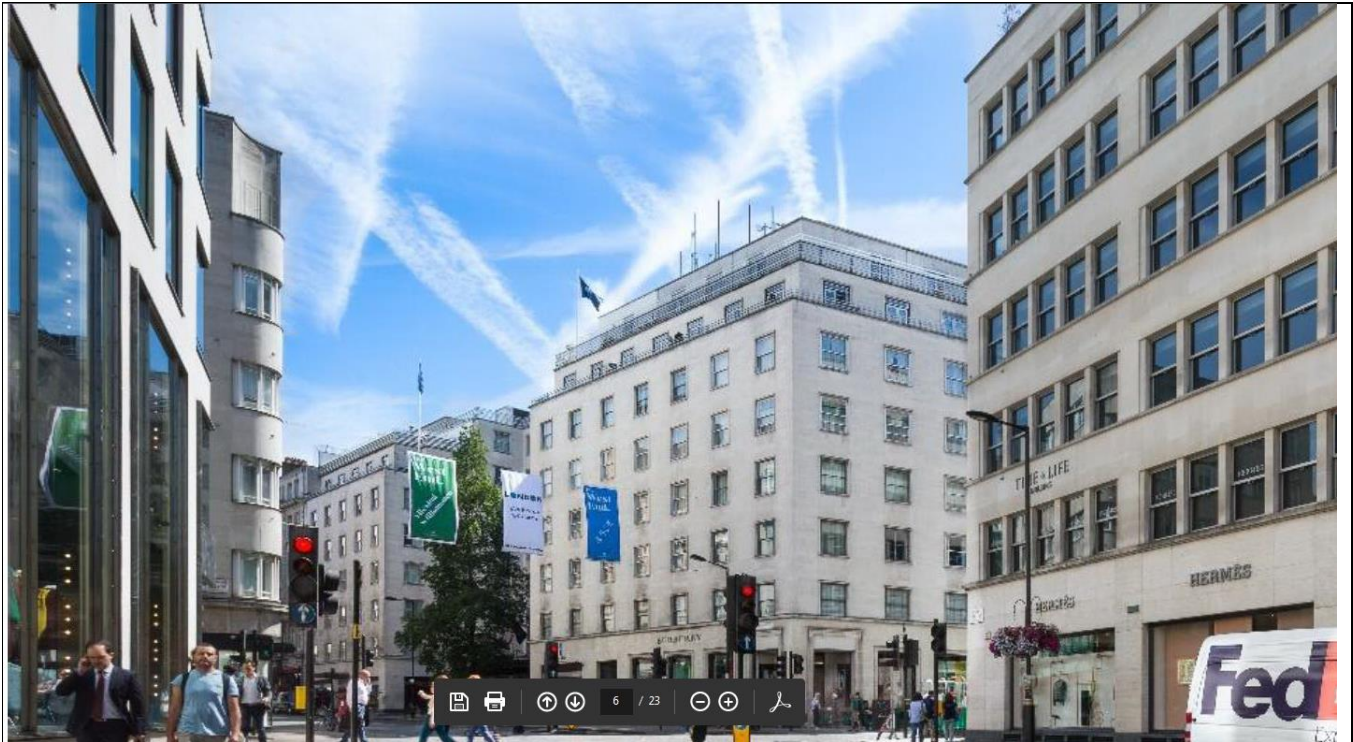
The site's location within the Core CAZ means that the proposed extensions to this hotel are acceptable in principle. The proposed extensions are also considered to be acceptable in design and conservation terms. Furthermore, the extensions will not have a harmful impact upon the local highway network, public safety or the amenity of local residents. For these reasons the proposal is considered to comply with the policies contained within the London Plan (2016), the City Plan (2016) and the Unitary Development Plan (UDP) (2007). It is accordingly recommended that permission be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S : Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER: No objection

WASTE PROJECT OFFICER: No objection subject to conditions

BUILDING CONTROL: No objection

ENVIRONMENTAL HEALTH: No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 210

Total No. of replies: 2

No. of objections: 0

No. in support: 1

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building located in the Mayfair Conservation Area. The site falls within the Core CAZ (Central Activities Zone), and is partially within the West End Special Retail Policy Area (WESRPA).

The site is in use as the Westbury hotel (C1 use class) which has a five-star rating. It is also known as 32 Conduit Street. The existing hotel has a single basement level and seven floors with a significant amount of plant equipment set back at roof level (eighth floor). The hotel has a restaurant and two private dining/meeting rooms along with the Polo Bar, and kitchens at ground floor level. It provides 246 hotel bedrooms and 13 suites on the upper floors, rooms on the sixth and seventh floors benefit from balconies.

The rear of the building fronts onto Coach and Horses Yard which functions as a servicing yard, and a number of informal car parking spaces which are currently used by hotel staff. The hotel is serviced entirely from Coach and Horses Yard with vehicles required to reverse into the yard.

6.2 Recent Relevant History

17/02513/FULL

Use of part of the ground floor for retail purposes (Class A1) in connection with the existing retail unit fronting New Bond Street and associated external alterations to the Conduit Street facades.

Application Permitted

30 May 2017

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15/08696/FULL

Installation of replacement double glazed aluminium sash windows at all floors above the ground floor.

Application Permitted 30 December 2015

11/07897/FULL

Retention of air intake through shopfront stall-riser. Installation of decorative grille covers to air intake.

Application Permitted 14 October 2011

**1 - 2 Coach And Horses Yard & Westbury Hotel
32 Conduit Street**

11/01292/FULL

Excavation to create a basement on the Coach and Horses elevation to provide storage space for the existing hotel. Installation of a new electricity sub-station.

Application permitted 14 July 2011

03/06881/FULL

Alterations, including demolition of 1 & 2 Coach And Horses Yard, and erection of part single-storey to part five-storey rear extension (incorporating plant and associated enclosure at fifth floor level) to the Coach and Horses Yard elevation, all in connection with the provision of additional hotel floorspace and two replacement residential units.

Application permitted 20 November 2003

00/04322/FULL

Demolition of 1-2 Coach and Horses Yard and parts of the rear of the Westbury Hotel; rebuilding and extension at rear basement, ground and first to third floor levels to provide additional hotel accommodation and 2 s/c residential units

Application permitted 03 May 2001

7. THE PROPOSAL

The application proposes the removal of the eighth floor plant and formation of an additional floor of hotel accommodation. The general increase in height to the building would be 3.8m; the drawings show that the highest point of the proposed building would be 47.035m above ordnance datum (AOD).

The works would result in the removal of existing balconies to the sixth and seventh floor level, and a front extension to the north east wing of the hotel at seventh floor level. In total, the proposal would create 30 new en-suite guest rooms (26 at eighth floor, 4 at seventh floor level); 3 of which would be fully accessible. The net increase in the number of hotel rooms is 29.

In addition, a new sub-basement level would be excavated to accommodate plant equipment, and some plant would also be installed at second floor roof level within an existing acoustic enclosure.

A single storey rear extension is proposed to replace the car parking spaces on Coach and Horses Yard. This would form a new 212 sq.m. restaurant at ground floor, and re-configuration of front of house facilities would form a second restaurant of 375 sq.m.

Overall, the proposal would extend the premises by 1,254 sq.m which comprises:

Basement and Lower Basement Floor [-1]	279m ²
Ground Floor [+0]	190m ²
Seventh Floor [+7]	35m ²
Eighth Floor [+8]	751m ²
Total Proposed	1254m²

At present there are 2 internal access points at ground floor level across to the ground floor of Washington House (40 Conduit Street) these are proposed to be removed. There would be no change to the main access to the hotel.

There are a number of telecommunications antennae currently projecting from the roof that would be removed from the site entirely.

8. DETAILED CONSIDERATIONS

8.1 Land Use

London Plan Policy 4.5 seeks to achieve 40,000 net additional hotel bedrooms by 2036, of which at least 10 per cent should be wheelchair accessible. City Plan Policy S6 outlines how the Core CAZ is an appropriate location for a range of commercial uses. City Plan Policy S23 sets out that existing hotels will be protected where they do not have any significant adverse effects on residential amenity. Proposals to improve the quality and range of hotels will be encouraged.

UDP Policy TACE 2 also directs new hotels and permits extensions to existing hotels to streets in the Core CAZ which do not have a predominantly residential character. This is provided that no adverse environmental and traffic effects would be generated and adequate provision is made for setting down of visitors by coaches or taxis where a significant amount of new visitor accommodation is proposed.

The works would extend the existing Westbury Hotel by 29 additional rooms, and provide additional ancillary floorspace, which would contribute towards the London Plan targets. It is understood that the current restaurant offer is not sufficient to service the projected increase in demand. The addition of new ancillary facilities is considered to improve the overall offer and experience for visitors. The proposed hotel extensions are therefore acceptable in land use terms.

8.2 Townscape and Design

The existing building is a post war building which constructed at a similar time to the former Time Life Building on the west side of the street, which is listed grade 2 Star. The building has an important architectural relationship to the Time Life building. It lies within, and contributes positively to, its setting.

The existing building comprises three sections; The middle section, which is seven bays wide, is eight storeys high with a recessed plant room. The east and west wings are six storeys high to the parapet, with two storeys set back above. The highest part of the existing building is at 47.686 metres (AOD).

The proposal involves demolishing the existing floors above the parapet levels. The top of the roof will be slightly lower than the existing plant room, at 47.035 m AOD. Three new floors will be built above parapet level, stepping back progressively. The design of the floors will echo the facades below.

The main impact of this increased bulk is on New Bond Street, where the roof extension will be one storey higher than existing. However, given that it will be set back, its visual impact is reduced, and it is considered that this increase in massing is acceptable. It is considered that the proposed massing is the maximum acceptable on this building, and if in future there are proposals for roof level plant, on top of the proposed flat roof, these are very likely to be resisted, on urban design and conservation grounds.

The proposals are considered to comply with the City Council's urban design and conservation policies including S25 and S28 of the City Plan and DES 1, DES 5, DES 6, DES 9 and DES 10 of the Unitary Development Plan.

8.3 Residential Amenity

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents in terms of privacy, outlook and noise.

The nearest residential dwelling is 2 Coach and Horses Yard which adjoins the rear of the north east wing of the hotel. There are also nine flats at 26 Conduit Street which is directly opposite the front of the hotel.

Sunlight and Daylight

Policy ENV13 states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide). The second edition of this guidance was published in September 2011.

A full sunlight and daylight assessment by Waldrams accompanies the application, and assesses the impact of the proposed hotel extensions on residential windows at the following properties:

- 26-27 Conduit Street
- 2 Coach and Horses Yard
- 14 Coach and Horses Yard
- 14 Barlow Place

The assessment finds that the proposed extensions will not adversely impact on any adjoining residential buildings in respect to daylight or sunlight, with any losses not being noticeable.

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As such, the proposal is fully compliant with the BRE Guide (2011) and therefore UDP Policy ENV 13 and City Plan Policy S29.

Privacy and Sense of Enclosure

2 Coach and Horses Yard is a single dwelling, at ground floor level it has a large corner window it is noted that no objection has been received from the owners or occupiers of this property.

The proposed single storey rear extension would be built to follow the rear line of 2 Coach and Horses Yard. The extension would be stepped back by 2.1m where it directly adjoins this neighbouring property, to allow for a recessed, single door fire escape. Given the recess, and that this neighbouring residential window is dual aspect and south facing, it is not considered that the proposed extension would cause unacceptable sense of enclosure to the ground floor of 2 Coach and Horses Yard.

There would be no windows in the proposed extensions that would directly overlook 2 Coach and Horses Yard. The proposed front extension at seventh floor level and additional hotel rooms at eighth floor level would be set back from 26 Conduit Street to a greater degree than the existing hotel windows thereby preserving the privacy of residential units in this neighbouring property. Similarly, the set back and angle of outlook from 14 Coach and Horses Yard, and 14 Barlow Place would mean that the proposed additional hotel rooms would not result in any loss of privacy. It follows that the proposals are not considered to result in any unacceptable loss of privacy.

8.4 Transport & Accessibility

Cycle Parking

For a development of this type, the London Plan requires 14 long stay cycle parking spaces for the hotel, 4 long stay cycle parking spaces for the restaurant use, and 23 short stay cycle parking spaces.

The submission proposes 14 long stay cycle spaces, and 27 short stay spaces, which would result in a total of 41 cycle parking spaces. These spaces would all be located at ground floor level; 14 spaces would be accessible for staff via Coach and Horses Yard, and 31 spaces would be made available to customers accessed from a doorway to the front of the hotel.

Whilst the proposal falls short on the provision of long stay cycle parking spaces, there is an over-provision of short stay spaces, so on balance, this is not considered a sustainable reason for refusal.

Servicing

UDP Policy Trans 20 requires off-street servicing, which the building does not currently have. Servicing is currently undertaken from Coach and Horses Yard which is approximately 7.5m wide at its widest point. Owing to the use of part of the yard as approximately 8 parking spaces, servicing vehicles have to either reverse in, or reverse out as there is insufficient space to turn around in the Yard - which is undesirable.

It should be noted that in 2003 and in 2001 consent was granted for a single storey rear extensions in the same location as currently proposed. The acceptability of the loss of the parking spaces, and therefore prospective turning space has already been established.

The proposal would increase the overall amount of restaurant floorspace, which will increase the amount of servicing required by the site. The applicant has set out that the existing deliveries have capacity to accommodate the extra goods required, and therefore there would be no increase to the number of servicing trips. On this basis it is considered that the proposal would be acceptable.

The main entrance will remain as existing and will be managed by 24hr door staff. Basement access will be from both stairs and a lift. Level access is proposed to the main hotel lobby and to the other areas of the main building.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcome.

8.6 Other UDP/Westminster Policy Considerations

Plant

Some plant would be relocated to basement level -2, and some would be located on the flat roof at second floor level within an acoustic screen. There would be no plant at main roof level. The proposed plant will not be harmful to views from the public realm or from local private views.

Environmental Health Officers have assessed the acoustic report that was submitted with the application and consider that subject to a supplementary noise report, the proposed plant is likely to comply with the City Council's noise policy ENV 7 of the UDP. The supplementary noise report will be secured by condition.

Refuse /Recycling

The existing waste storage is informally located in a number of euro bins on Coach and Horses Yard. The proposal includes a designated refuse store within the ground floor rear extension which would have direct access to Coach and Horses Yard for collection. This would significantly improve the current waste storage situation and is considered to be acceptable.

8.7 Neighbourhood Plans

The submission version of the Mayfair Neighbourhood Plan has been submitted by Mayfair Neighbourhood Forum to the council for consultation and an independent examiner is due to be appointed shortly.

8.8 London Plan

London Plan Policy 4.5 aims to support London's visitor economy and stimulate its growth to achieve 40,000 net additional hotel bedrooms by 2036.

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 draft 'Heads' of agreement are proposed to cover the following issues:

- Crossrail payment £76,494 (index linked, to be offset against Mayoral CIL as allowed by the SPG)

The estimated CIL payment is: £388, 533.95 (made up of £90,535 Mayoral CIL and £297,999 WCC CIL). These figures assume that CIL is paid immediately upon permission being granted. They are, however, index linked and therefore the amount eventually paid will depend on when the CIL payment is made.

The Crossrail payment is required to be index linked from April 2011 and therefore will exceed the above Mayoral CIL figure. There will therefore be a residual payment that needs to be secured by legal agreement.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Basement

The proposal includes the excavation to create an additional sub-basement level under part of the application site. The proposed basement would not extend under the whole of the site and would be used as a plant room.

City Plan Policy CM28.1 does not restrict the size or the depth of basements within the Core CAZ. Part C (c) of the policy states that basement development to non-residential development adjoining residential properties where there is potential for an impact on those adjoining properties outside Core CAZ; will not involve the excavation of more than one storey below the lowest original floor level. Therefore, as the site is located within the Core CAZ, the excavation of more than one basement level complies with this section of the policy.

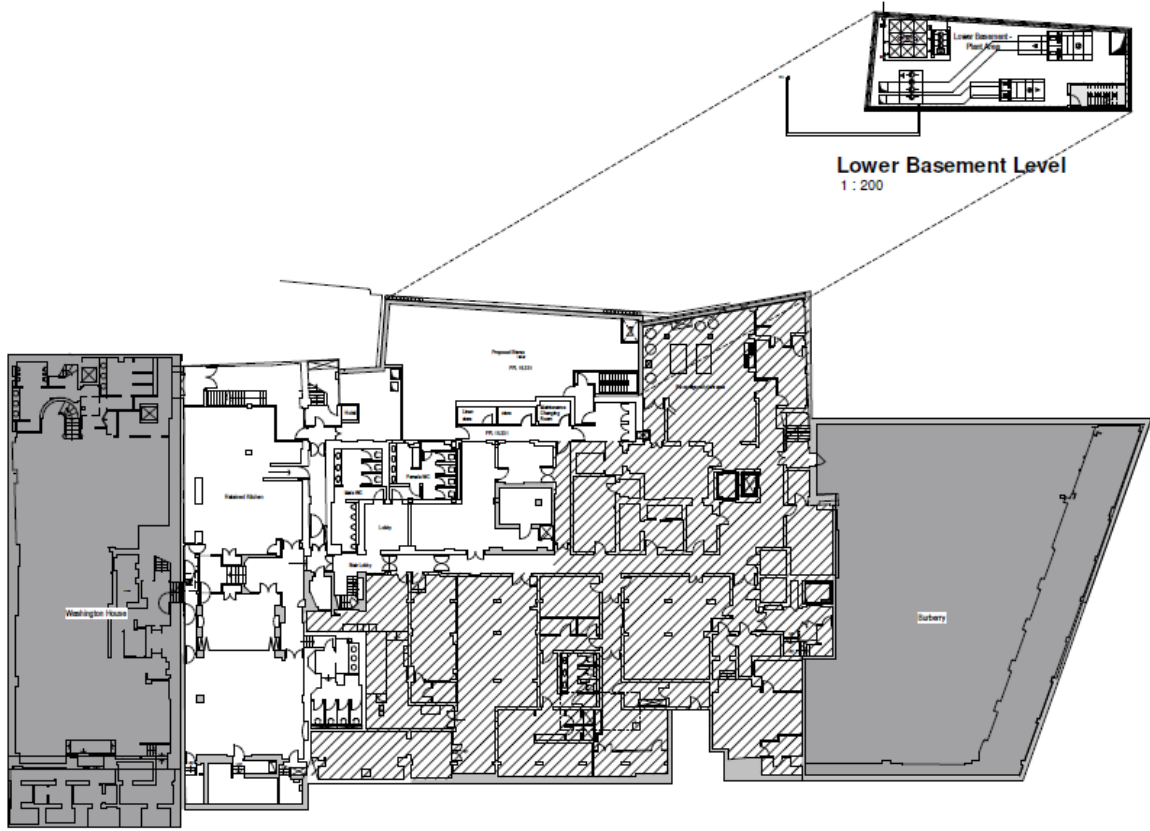
Policy CM28.1 requires that basement development be accompanied by a detailed structural methodology statement and a signed proforma Appendix A which demonstrates that the applicant will comply with relevant parts of the COCP. **T** A condition is recommended to secure full compliance with the COCP.

The applicant has submitted a structural methodology statement which has been reviewed by Building Control officers who advised that the structural approach appears satisfactory.

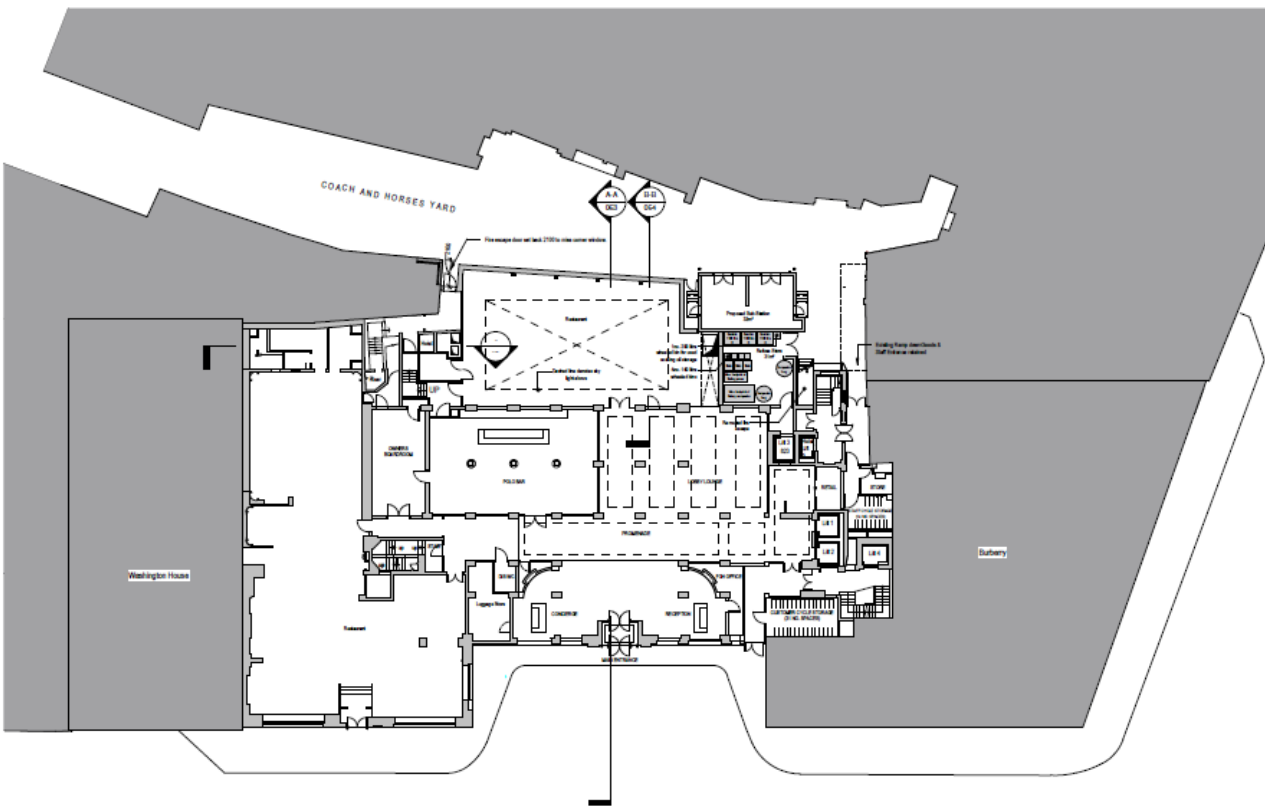
Hours of building and excavation work will be secured by condition.

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

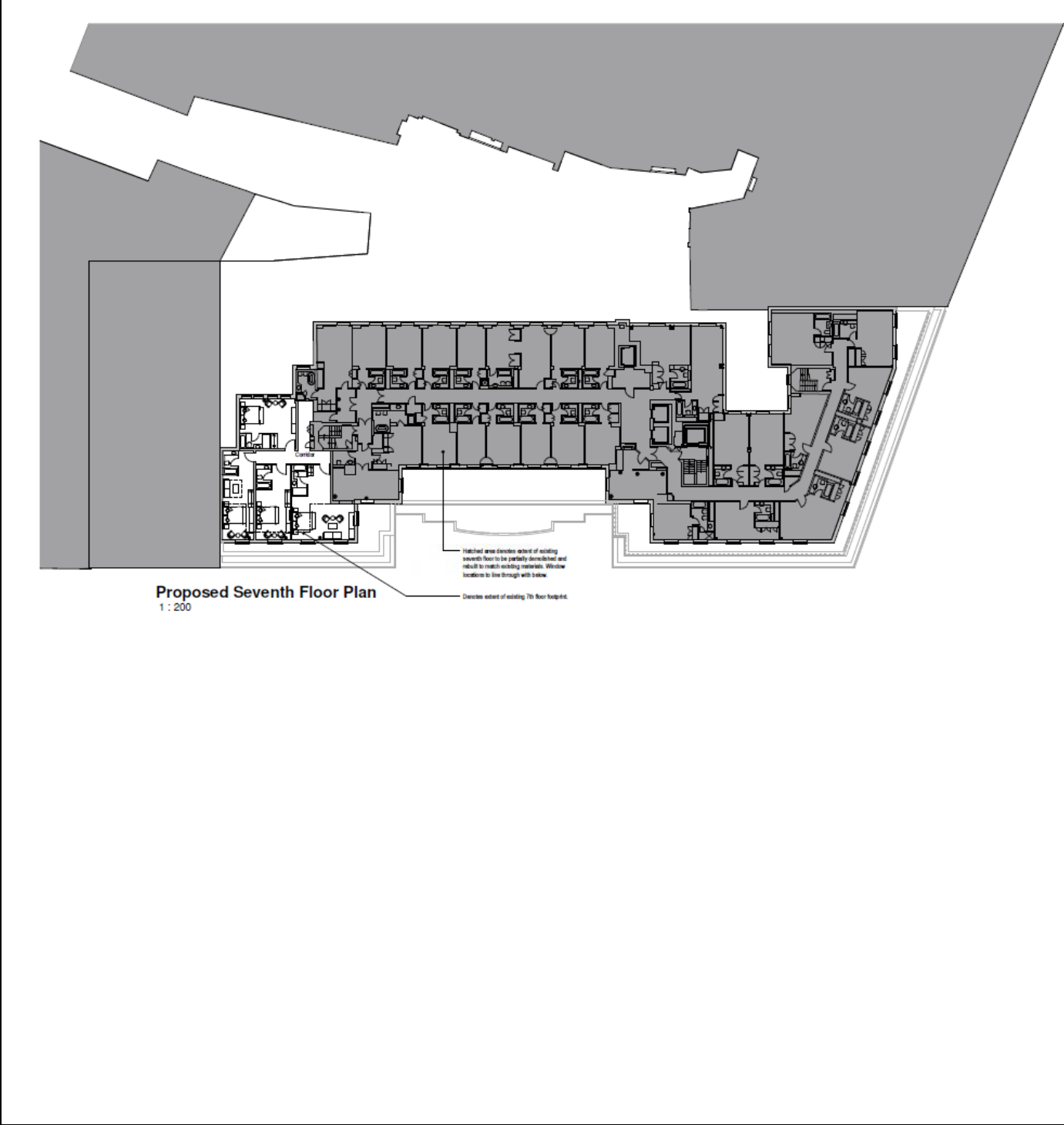
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

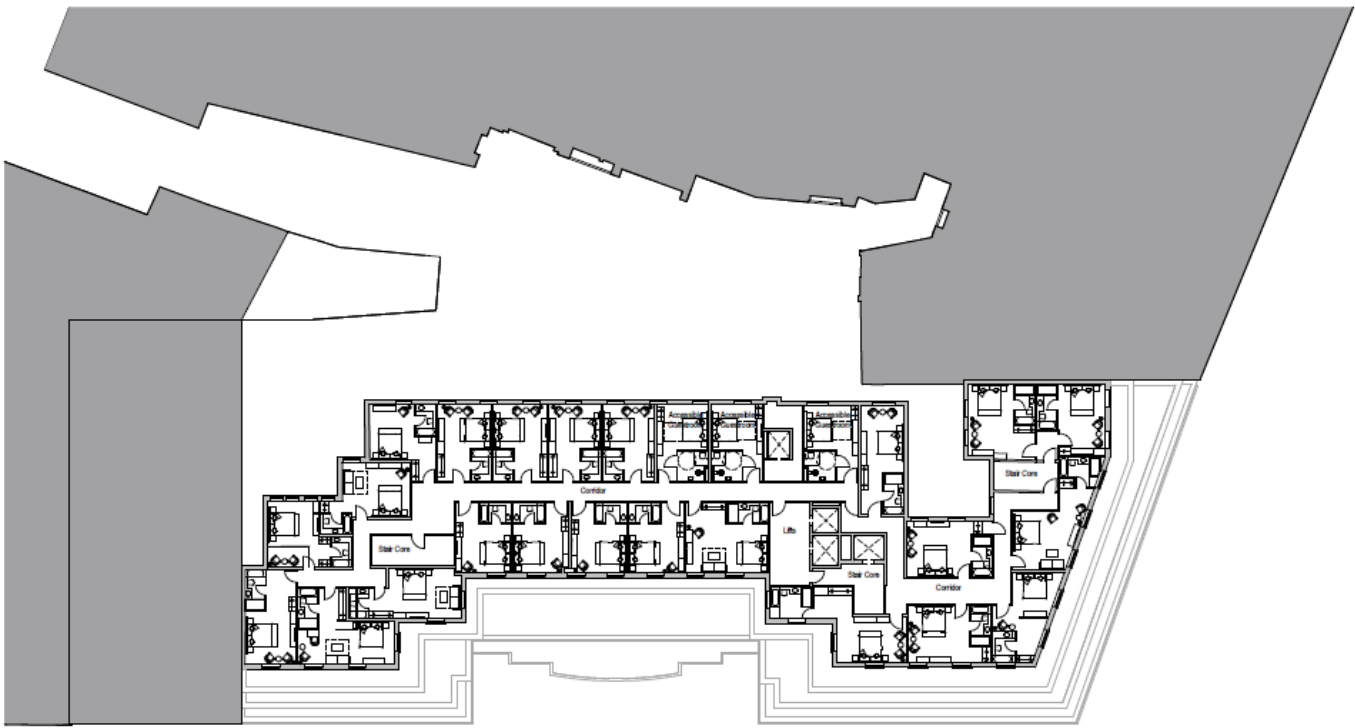


Proposed Basement & Lower Basement Plan
1 : 200



Proposed Ground Floor Plan
1 : 200





Proposed Eighth Floor Plan

1 : 200

DRAFT DECISION LETTER

Address: 37 Conduit Street, London, W1S 2YF,

Proposal: Erection of a ground floor rear extension, demolition and re-build of the 6th and 7th floors, and extensions to form 8th floor. Extension at basement level and formation of second basement level. Internal alterations to form new guest rooms, restaurant/bar facilities, function rooms and ancillary facilities.

Reference: 17/10621/FULL

Plan Nos: 050 Rev B, 051 Rev I, 052 Rev D, 053 Rev D, 057 Rev C, 058 Rev C, 059 Rev E, 060 Rev F, 061 Rev B, 062 Rev D, 063 Rev D, 064 Rev A, 065

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 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. (R11AC)

- 3 You must provide each cycle parking space shown on the approved drawings prior to first use of the eighth floor hotel rooms. 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 2016 (R22FA)

- 4 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)

- 5 (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;

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 6 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)

- 7 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(s) 5 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)

- 8 You must provide the waste store shown on drawing 051 Rev I before first use of the eighth floor. You must clearly mark it and make it available at all times to everyone using the waste

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store. 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)

- 9 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 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)

10 Pre Commencement Condition.

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 of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application (C11CC)

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. (R11AC)

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

Reason:

To protect the environment of people in neighbouring properties, 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)

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

- 13 All kitchen extracts must terminate at roof level.

Reason:

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

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

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With reference to condition 10 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

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

You are urged to give this your early attention

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

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

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

(I76AA)

- 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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

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

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

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

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

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

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 09 October 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	2 Barton Street, London, SW1P 3NG		
Proposal	<ol style="list-style-type: none"> 1. Demolition and rebuilding of ground floor extension and excavation of a new basement level beneath the rear extension. Widening of existing front dormer window and associated works. 2. Underpinning of the garden boundary wall to No. 1 Barton Street; removal of the trellis screen on the garden boundary wall and infilling with new brickwork to match existing. 3. Removal and replacement of soldier course and creasing tiles for a 2.398m length of the top of the rear garden boundary wall and addition of 0.55m to the wall between Nos. 2 and 3 Barton Street. 		
Agent	Mr David Taylor		
On behalf of	Ms Marina Lund		
Registered Number	18/03465/FULL 18/03466/LBC 18/06397/LBC	Date amended/ completed	27 April 2018
Date Application Received	27 April 2018		
Historic Building Grade	Unlisted. Nos 1 and 3 Barton St are Grade II star listed.		
Conservation Area	Smith Square		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Grant conditional listed building consent. 4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letters for applications 2 and 3 above.

2. SUMMARY

2 Barton Street is a single-family dwelling comprising of lower ground, ground and three upper floors. The building is not listed but is located within the Smith Square Conservation Area. To the rear of the site is a small courtyard with a rear extension to the immediate rear and side of the garden.

The proposals seek to demolish and rebuild the existing rear extension and excavate and extend the existing lower ground floor level to form a new basement level. The proposals also include work to boundary walls with Nos. 1 and 3, which are both Grade II star listed buildings.

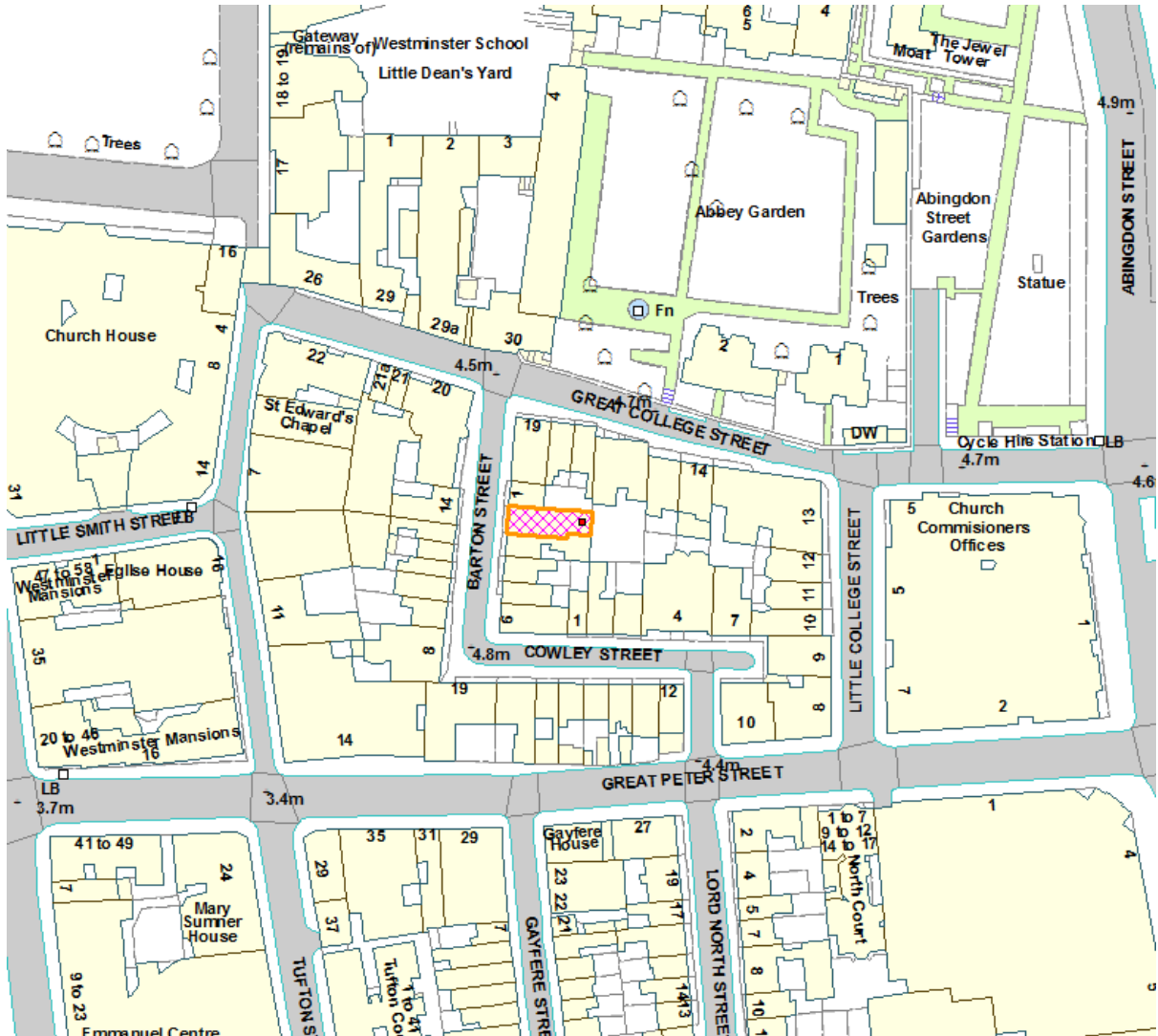
The key issues for consideration are:

- The land use implications on the surrounding area;
- The impact of the proposal on the amenity of surrounding residents;
- The impact of the proposed alterations on the character and appearance of the building and adjoining Grade II star listed buildings and the Smith Square Conservation Area.

Objections have been received from Councillor Flight and nearby residents largely on the grounds of amenity including the impact of building works on adjacent residents; the impact on the adjacent listed buildings, and structural issues.

The proposed works are considered acceptable in land use, design and heritage terms and in terms of policy as set out in the Westminster City Plan (November 2016) and Unitary Development Plan (2007) policies, as well as national policy in the National Planning Policy Framework (2018).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COUNCILLOR FLIGHT

Raises objection regarding the potential noise, dirt and general inconvenience from the proposed works. Main concern is regarding the resident at No. 1 in terms of the impact of the works.

HISTORIC ENGLAND (Listed Builds/Con Areas)

- Authorisation to determine application as seen fit received 21 August 2018.

HISTORIC ENGLAND (Archaeology)

- Any archaeological interest should be conserved by the imposition of conditions requiring a written scheme of investigation, prior to any demolition or development taking place.

ENVIRONMENT AGENCY (Thames Region)

- No comment raised as advised that the site is covered by the Flood Risk Standing Advice (FRSA).

THORNEY ISLAND SOCIETY

- Potential damage to adjoining Grade II star listed buildings.
- Basement extension into the garden is deeper than the existing basement and may affect foundations of adjoining buildings.
- Basement may affect the hydrology of an area that is already prone to flooding.
- Large trees in adjoining garden (16 Great College Street) may have roots extending into the garden of No. 2.

THAMES WATER

- The applicant is to incorporate within their proposal a non-return valve or other suitable device to avoid the risk of backflow at a later date.

HIGHWAYS PLANNING MANAGER

- Unacceptable but could be made acceptable.
- Reduction in vertical depth between the roof of the vault and the surface of the public highway.

BUILDING CONTROL

- Structural statement is considered acceptable.

ARBORICULTURAL SECTION

- No objection subject to a condition to secure landscaping details.

ENVIRONMENTAL HEALTH

Any comments to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 16

Total No. of replies: 11

No. of objections: 11

No. in support: 0

Objections raise the following issues:

Amenity

- Large glazed roof panel to the extension would mean loss of privacy.
- Raised party walls would obscure sunlight to the rear of No. 1.
- Replacement of the opaque panel with brickwork would reduce light to No. 1.

Design

- Design of two outbuildings not in keeping with the conservation area.
- No application for listed building consent has been submitted for works to No. 3.
- Internal works would impact on No. 3.

Construction

- Existing properties would suffer from proposed development.
- Noise and dust pollution.
- Disruption caused by construction traffic.

Basement

- Works are providing a second basement.
- Impact on drains and water table and possible flooding of adjoining properties.
- Excavation works impact on tree roots of tree in adjoining property.
- Proposed basement is contrary to policy.
- Proposed basement would affect fragility of adjoining listed buildings.

Other considerations

- Unnecessary basement extension to provide a media room.
- No ventilation equipment is proposed.
- No details provided for means of access for building equipment or traffic management.
- Basement would require adequate ventilation but none is provided.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

No. 1 Barton Street

HISTORIC ENGLAND:

Authorisation to determine application as seen fit received 21 August 2018.

HISTORIC ENGLAND (ARCHAEOLOGY):

Authorisation to determine application received 22 June 2018 subject to conditions to secure a written scheme of investigation.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

No. 3 Barton Street

HISTORIC ENGLAND

Authorisation to determine application for listed building consent as seen fit received on the 21 August 2018.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

2 Barton Street is a late Victorian townhouse in use as a single-family dwelling, within a terrace of Georgian properties in a residential area. The building is arranged over lower ground, ground and three upper floors and has a small courtyard garden to the rear with a single storey extension to the immediate rear and side of the site. No. 2 has a flying freehold with No. 3 whereby the ground floor entrance hallway is set beneath the first floor and above the lower ground floor of No. 3.

The building is set within the Smith Square Conservation Area. It is an unlisted building of merit as identified in the Smith Square Conservation Area Audit (2005). The application site adjoins Grade II* listed buildings on either side, at Nos. 1 and 3.

6.2 Recent Relevant History

15/08756/FULL

Retention of railing at roof level.

Application Permitted 3 December 2015

13/01278/FULL

Use from school boarding house to three separate residential dwellings and associated alterations (site comprises No. 2, 4 and 5 Barton Street).

Application Permitted 9 April 2013

13/01279/LBC

Use from school boarding house to three separate residential dwellings and associated alterations (site comprises No. 2, 4 and 5 Barton Street).

Application Permitted 9 April 2013

7. THE PROPOSAL

Planning permission is sought for the demolition and rebuilding of the ground floor extension and excavation of a new basement level. Works also include widening of the existing front dormer window including associated works. The works to No. 2 also involve works to the boundary of Nos. 1 and 3.

As a result listed building consent applications have been submitted for works to the boundary/party walls with Nos. 1 and 3. Works involve the underpinning of the garden boundary wall to No. 1 and replacement of an existing screen on the garden boundary wall and infilling with new brickwork to match existing brickwork. The removal and replacement of soldier course and creasing tiles for a 2.398m length of the top of the rear garden boundary wall and addition of 0.55m to the wall between Nos. 2 and 3.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals are in relation to the improvement of the single family dwelling house and in land use terms are acceptable in terms of Policy S14 of the Westminster City Plan (November 2016).

Objectors to the application have raised concerns that the rebuilt extension is larger than the existing arrangement and encroaches into the area of undeveloped land. There is a modest change to the volume of the extension with the existing measuring 40sqm and the proposed extension 37sqm. This also results in a change to the garden volume with the existing being 18sqm and the proposed providing 21sqm of new garden area. The proposal seeks to create a more traditional layout with the extension abutting the rear elevation of the property and leading into a garden area. The proposals appear larger than the existing arrangement through the re-ordering of the external space to provide a more usable layout but there is no substantial increase to the volume proposed.

8.2 Townscape and Design

The main design issues are the impact of the proposals on the character and appearance of the Smith Square Conservation Area and special interest and setting of the adjoining Grade II star listed buildings.

Front elevation

It is proposed to widen the existing dormer windows on the front elevation. There is no consistent pattern to the front dormers along this part of the terrace but a number of adjoining properties do have single, relatively wide dormers. The existing dormer on No. 2 has a door leading onto a balcony area. The proposed widening of the dormer will accommodate double doors and the detailed design is not dissimilar to the existing design. In design terms the proposed alterations to the dormer on the front elevation is

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considered acceptable. A simpler existing railing to the top of the bay is proposed which is acceptable in design terms.

It is proposed to alter the existing door opening to the front lower ground floor light well area and reinstate the stained glass to windows within the front door. Other works consist of like for like repair and reinstatement works and are welcomed in design terms.

Rear extension

Policy DES 5 of the UDP states that extensions will normally be acceptable if they are confined to rear elevations and are in scale with the building and surroundings.

The existing rear extension, was approved in 2013 (13/01278/FULL and 13/01279/LBC) is located to the immediate rear of the garden area and there is a link corridor between the main house and rear extension, which creates a small internal courtyard garden. The existing extension occupies an area of 40sqm and provides a garden area of approximately 18sqm. The demolition of the existing rear modern extension is uncontentious in design terms. It would be replaced with an extension at ground floor level, which would extend across the full width to the rear of the property, with the secondary volume extension set back slightly from the main part of the extension. The main volume of the proposed extension would be taller than the existing due to the change in levels but would not exceed the height of the boundary walls with Nos. 1 and 3. The new extension would provide an area of 37sqm and a courtyard garden area of 21sqm.

The rear of this terrace has a range of extensions of varying depths, heights and designs and there is no consistent pattern with regards to the extensions to the rear. As highlighted above the proposed extension would be designed with a secondary set back volume and the existing link corridor extension would be removed, leaving a more traditionally laid out courtyard garden area, with the new extension being contained within the garden walls. The removal of the existing extension and its reconfiguration is acceptable in design terms.

Works to the boundary walls

No. 2 is an unlisted building of merit. However as works are proposed to the boundary walls with Nos. 1 and 3, which are both listed Grade II star, the applicant has submitted listed building consents for works to the respective properties. Historic England have been consulted on the proposals to both Nos. 1 and 3 and have authorised the City Council to determine the applications accordingly.

No. 1 Barton Street

There is an existing trellis set in front of a polycarbonate screen on the boundary between Nos. 1 and 2. A treatment, which is found on both sides of this panel when viewed from Nos. 1 and 2. The area which is proposed to be infilled measures approximately 2.4 (w) x 1.8 (h) and is located nearest to the building line of both properties. It is proposed to remove this existing boundary treatment and infill this area with brickwork to match existing in terms of height and appearance. A listed building consent application has been submitted to address the works on the Grade II star listed building.

Subject to conditions requiring the works to match existing the proposed alteration to the boundary wall is considered acceptable.

No. 3 Barton Street

It is proposed to raise a section of the boundary wall by 0.5m but this will stop short of the rear elevation of the Grade II star listed building. Existing pipes on this elevation would not be affected by the proposals. The residential occupier of No. 3 had raised concerns over the impact of these works on the listed façade. The proposed raised boundary wall would be in matching brickwork and detailing to the existing wall along this boundary. In design and listed building terms this is considered acceptable.

No. 2 has a flying freehold with No. 3 whereby the ground floor entrance of No. 2 is located beneath the upper floor and over the lower ground floor of No. 3. It is proposed to replace an existing small casement with a new oriel window just above the secondary volume of the extension to the rear and in the area of the site set below No 3, which is listed Grade II star. The detail in this location and the impact on historic fabric is a key consideration. The applicants have provided additional information and have explained that the lintol would be replaced with a loadbearing brick arch. The localised nature of these works suggests that the works can be done without harm to the listed building and subject to conditions to secure appropriate detailing and methodology for the works, this is therefore considered acceptable.

Lower ground/basement extension

The proposal includes a new basement level under the proposed rear extension and the lowering of the existing lower ground floor level by approximately 0.26m. The lowering of the lower ground floor including that of the vault floor is modest and does not impact on the hierarchy of the internal floor levels. The Highways Planning Manager had raised concerns that the drawings appeared to show the ceiling of the vault roof being altered which would be contrary to Policy TRANS 19 of the UDP (2007). However there are no changes to the vault roof, which would transgress the requirements of TRANS 19.

The proposed basement extension is a single storey extension with a floor to ceiling height of 2.5m and extends into the garden area by approximately 5.7m, but would be located wholly beneath the proposed ground floor extension. No external manifestations are proposed to the basement. The reconfiguration of the ground floor extensions allow for a more traditional garden to be provided. In design terms the proposed basement extension is considered acceptable.

The site is located within a Tier One Archaeological Priority Area and the application is supported by an Archaeological Assessment. This has been assessed by Historic England's Archaeology section who have advised that there is potential for post medieval, prehistoric and paleo-environmental remains with alluvial deposits associated with the former River Tyburn on the eastern half of the site. The existing basement (lower ground floor level) is thought to have removed much of the archaeology, which would have survived on the western half of the site. On this basis and in order to

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protect any surviving archaeological remains Historic England (Archaeology) have recommended a condition to secure a written scheme of investigation. This will be secured by condition.

Roof level works

There is an existing tall access hatch at roof level and this is to be replaced with a modest low-level access hatch and a new lantern rooflight. Both new structures are at low level and are set in from the roof edge. In design terms the replacement of the existing access hatch is an improvement on the existing situation and welcomed. Similarly the proposed lantern rooflight due to its height and location is not considered to have an adverse impact on the conservation area.

Impact on adjoining Grade II star listed buildings

With regards to the impact on adjoining listed buildings, the applicants have provided further information to clarify the impact of the works on historic fabric. The existing boundary walls are to be retained, but built up to either side using detail to match the existing. A new oriel window would be created just above the secondary volume of the extension to the rear and in the area of the site set below no 3 which is listed Grade II*. The detail in this location and the impact on historic fabric is a key consideration. The applicants have provided information which suggests this can be done without harm to the listed building and subject to conditions to secure appropriate detailing and methodology for the works, this is therefore considered acceptable.

A number of concerns have been expressed in relation to the basement works and their potential impact on the special architectural and historic interest of adjoining buildings and there is also significant demolition and steelwork proposed within the application property. A structural statement has been provided which sets out how works will be done to avoid harm to listed fabric. This includes drawings of the proposed steel frame structure through the building. The structural engineers have advised that the frame in the middle of the original structure is to replace the spine wall and is not going to take a bearing on the Party Wall nor remove its original fabric and as such would not cause harm to the listed buildings or their special interest.

8.3 Residential Amenity

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

Changes are proposed to the boundary walls with Nos. 1 and 3 in order to contain the new extension. A daylight and sunlight statement has been submitted with the application proposals. This demonstrates that the proposed extension would not have a material impact on Nos. 1 and 3 in terms of a material loss of light to both properties.

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No. 1 is a single family dwelling. The nearest affected windows on the rear elevation of No. 1 are two windows which serve the ground floor living room and there is a door which provides access from this room into the rear garden area.

The existing boundary wall with No. 1 comprises of a section of wall measuring approximately 2.4 (w) x 1.8 (h) which is made up of an existing trellis set in front of a polycarbonate screen on the boundary between Nos. 1 and 2. This treatment is on both sides of this panel when viewed from Nos. 1 and 2. Further along this boundary is a brickwork painted boundary wall running the length of the remainder of the garden to both properties. In order to contain the proposed extension the area accommodating the trellis is to be replaced with brickwork to the same detail. Whilst the proposed bricking up of the wall nearest the building line of both properties would represent a noticeable change it is not considered to be one which would cause a material sense of enclosure or loss of light to warrant refusal on these grounds; it is a conventional boundary treatment.

No. 3 is a single family dwelling. No. 2 has a flying freehold with No. 3 whereby the ground floor entrance of No. 2 is located beneath the upper floor and over the lower ground floor of No. 3. A section of the boundary wall with Nos. 2 and 3 is to be raised by 0.5m but this will stop short of the rear elevation of No. 3. There is a small window which comes off a half landing and a window over the flying freehold, which serves a small bathroom. Neither windows would be affected by the proposed extension in terms of a material sense of enclosure or loss of light to warrant refusal on these grounds.

A condition is recommended to ensure that the roof of the proposed extension is not used for sitting out or any other amenity purposes.

At roof level an existing access hatch is to be replaced with a low level access hatch and a new lantern rooflight. However due to their size and location do not raise amenity concerns. A condition is also recommended to ensure that the roof is not used for amenity purposes.

8.4 Transportation/Parking

The proposed works in themselves do not have a direct impact in terms of changing the highway network. However, the scale of the proposed works may create a noticeable change in terms of construction traffic to and from the site although for a temporary period whilst building works are taking place.

Objections from the adjoining residents have been received concerning the disruption and noise due to the proposed works and associated construction traffic to and from the site. Particular concern has been raised on the impact of these works on the occupants immediately adjoining the application site. In light of this a condition requiring the applicant to adhere to the Code of Construction Practice (CoCP) is recommended. This will enable construction traffic and works to be undertaken with the minimal disruption to the residents within this part of Barton Street.

8.5 Economic Considerations

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

8.6 Access

The access arrangements remain unchanged.

8.7 Neighbourhood Plans

There is no Neighbourhood Plan either adopted or nearing adoption for this area.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Basement

Policy CM28.1 requires the submission of a structural methodology statement in relation to the proposed excavation works, together with a signed proforma Appendix A which demonstrates that the applicant will comply with the relevant parts of the council's Code of Construction Practice (CoCP). The applicant has complied with both of the above.

The proposal consists of excavating and extending the existing basement level into the garden area by approximately 5.7m and with a floor to ceiling height of 2.5m. The proposed extension of the basement level is a single storey basement and not a double basement as has been indicated by comments received concerning this part of the proposals. The proposed basement will be located entirely beneath the proposed extension.

The policy text of policy CM28.1 states that the most appropriate form of basement extension will be no more than one storey, with an approximate floor to ceiling height of 2.7m floor below the lowest part of the original floor level. The proposed basement complies with both aspects of these requirements as set out in the policy text.

The submitted drawings show that the proposed basement is located under part of the party wall with No. 1 but will be set inside of the party wall on the applicant's side with No. 3. Both residential occupiers of No. 1 and No. 3 have raised concerns over the structural integrity of the proposed basement on their Grade II star listed buildings. Particular concern is raised over the potential for damage and cracking to occur to both buildings. The City Council has consulted both Building Control and Historic England for comments.

Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework (NPPF) July 2018 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

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

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

In this regard and in line with policy CM28.1 the applicant has submitted a structural method statement. This statement has been assessed by Building Control who advised that the structural approach and consideration of local hydrology is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using RC underpinning with RC retaining wall which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable. As highlighted above objections have been received from two adjoining occupiers raising concerns about structural damage to their properties as a result of the proposed basement.

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.

As highlighted above the method of excavation has been considered by Building Control officers who advised that the structural approach and consideration of local hydrology appears satisfactory. We are not approving this report or conditioning that the works

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shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control. A condition requiring more detailed site investigations to be carried out in advance of construction works commencing, together with the written appointment and agreement of a competent contractor to undertake the works is not therefore considered reasonable.

Parts B and C of Policy CM28.1 requires the provision of soft landscaping and a permeable surface in order to offset the impact of the proposed basement extension. Part C also requires the basement development to leave a margin of undeveloped garden land (between 0.5 – 2m) proportionate to the scale of development and the size of the affected garden around the entire site boundary except beneath the existing building. This may be reduced on smaller sites, provided that flood risk, in particular surface water run-off, can be adequately dealt with on site. In this case the proposed basement is sited entirely beneath the footprint of the building and in this regard there is no requirement to maintain a margin of undeveloped land. The proposal however does provide a permeable surface within the garden area comprising of paviers laid over sand and an element of soft landscaping. In consultation with the City Council's Arboricultural officer a condition is recommended to secure soft and hard landscaping details.

Code of Construction Practice

A condition is recommended to ensure that the development complies with the CoCP, which will require the developer to provide a Construction Management Plan (CMP) and funding for the Environmental Inspectorate to monitor the construction phase of the development.

Since the adoption of Policy CM28.1 the requirement to submit a construction management plan has been replaced with the CoCP. The CoCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster. The key issues to address as part of the CoCP and production of a CMP are liaison with the public, general requirements relating to the site environment, traffic and highways matters, noise and vibration, dust and air quality, waste management and flood control. Subject to conditions limiting the hours of work in relation to the proposed excavation works and requiring the applicant to adhere to the council's Code of Construction Practice, the proposed basement extension complies with the requirements of Policy CM28.1.

Comment has been made that a media/gym is inappropriate for a house of this type. This is a matter of judgement and the use of accommodation within a new basement extension does not dictate whether it should be acceptable or not. Moreover, the

basement extension is assessed in line with policy and in relation to any other works, which may be required to facilitate its operation, such as mechanical plant etc.

Trees

There are two trees (a lime tree and sycamore tree) within the rear garden of 16 Great College Street. Concerns have been raised that the impact of the proposals would cause damage to the existing tree roots.

Trial excavations have been carried out within the existing outbuilding to the rear at the garden, to determine the extent of the boundary wall foundations. The foundations were found to be 1.1m deep.

The submitted Tree Constraints Plan shows the Root Protection Areas of T1 and T2 as modified shapes, on the assumption that the boundary wall is restricting root growth onto the application site. Normally trial holes excavated to determine whether a structure is acting as a barrier to root growth should be excavated 200-300mm below the underside of the foundations, in order to determine if there are any roots at a greater depth. These trial holes were excavated only to the base of the foundations. However, the existing building itself would also be acting as a barrier to root growth, and in this it is reasonable to conclude that the trees are rooting favourably in the garden in which they are located. The Arboricultural officer has stated that on the basis that the boundary wall is retained in situ without underpinning, which is the case in this instance the proposed works are unlikely to cause harm to the trees' roots.

The replacement of the existing outbuilding with a garden that includes soft landscaping will improve the potential rooting environment at the end of the garden nearest to the trees, which may result in the tree roots growing in the garden in the future.

Comment has been raised that the extension and basement will occupy a greater portion of the garden than the existing outbuilding resulting in a reduction of the garden size. However the proposed extension and garden area is comparable to the existing arrangement in terms of volume. As the proposal introduces softer landscaping in an otherwise built up and hard landscaped courtyard garden the Arboricultural officer has welcomed the inclusion of the proposed landscaping the details of which are to be secured by condition.

Pre commencement conditions

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and

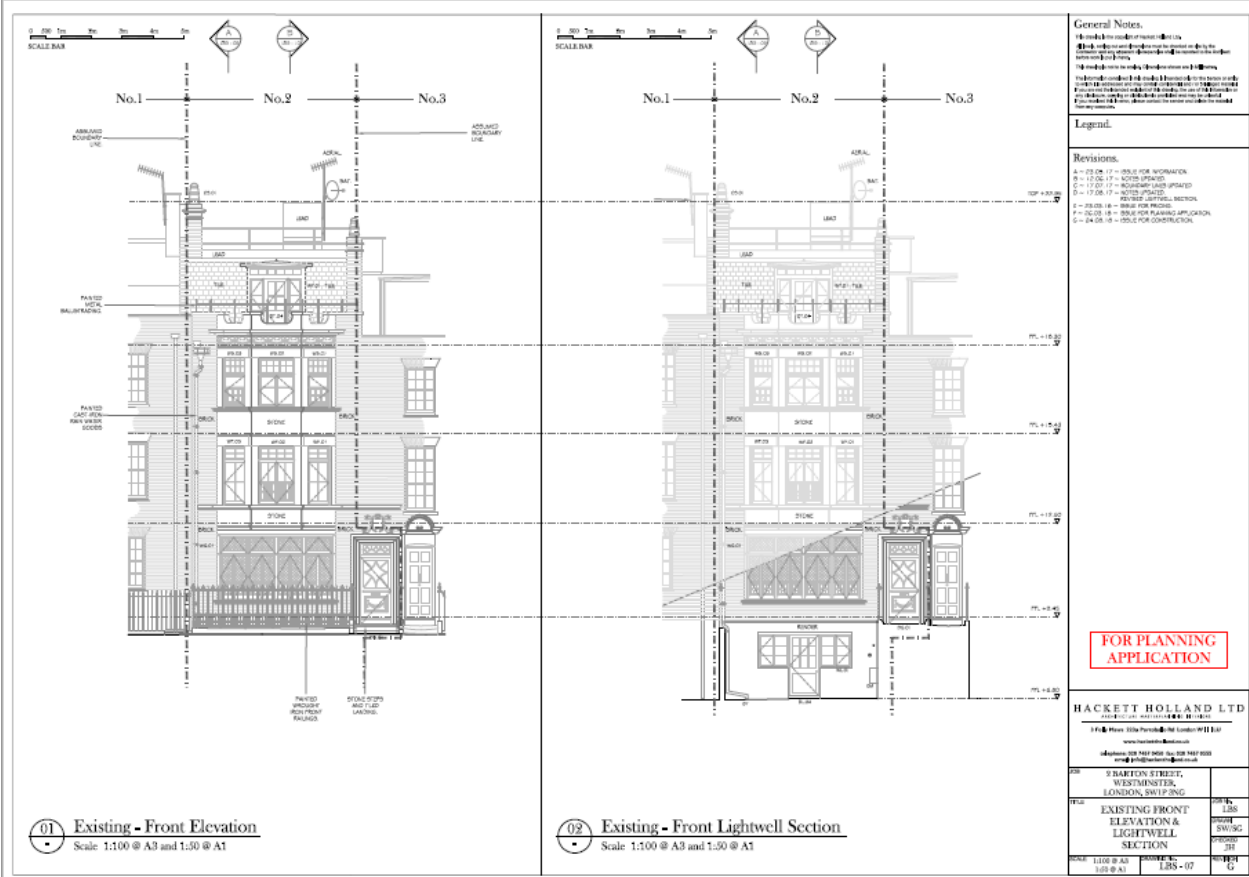
Item No.
2

construction phases of the development. The applicant has agreed to the imposition of the condition.

(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: LOUISE FRANCIS BY EMAIL AT lfrancis@westminster.gov.uk
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9. KEY DRAWINGS



General Notes.
 1. All work to be done in accordance with the Building Regulations and the relevant Approved Documents.
 2. The contractor shall be responsible for obtaining all necessary permissions and consents.
 3. The contractor shall be responsible for the safety of the site and the public.
 4. The contractor shall be responsible for the protection of the existing structure.
 5. The contractor shall be responsible for the disposal of any waste materials.

Legend.

Revisions.

1	12.08.17	ISSUE FOR INFORMATION
2	12.08.17	NOTES UPDATED
3	12.08.17	REVISIONS MADE
4	17.08.17	NOTES UPDATED
5	17.08.17	REVISED APPROVAL METHOD
6	28.08.18	REVISION FOR PROPOS
7	02.09.18	ISSUE FOR PLANNING APPLICATION
8	24.08.18	ISSUE FOR CONSTRUCTION

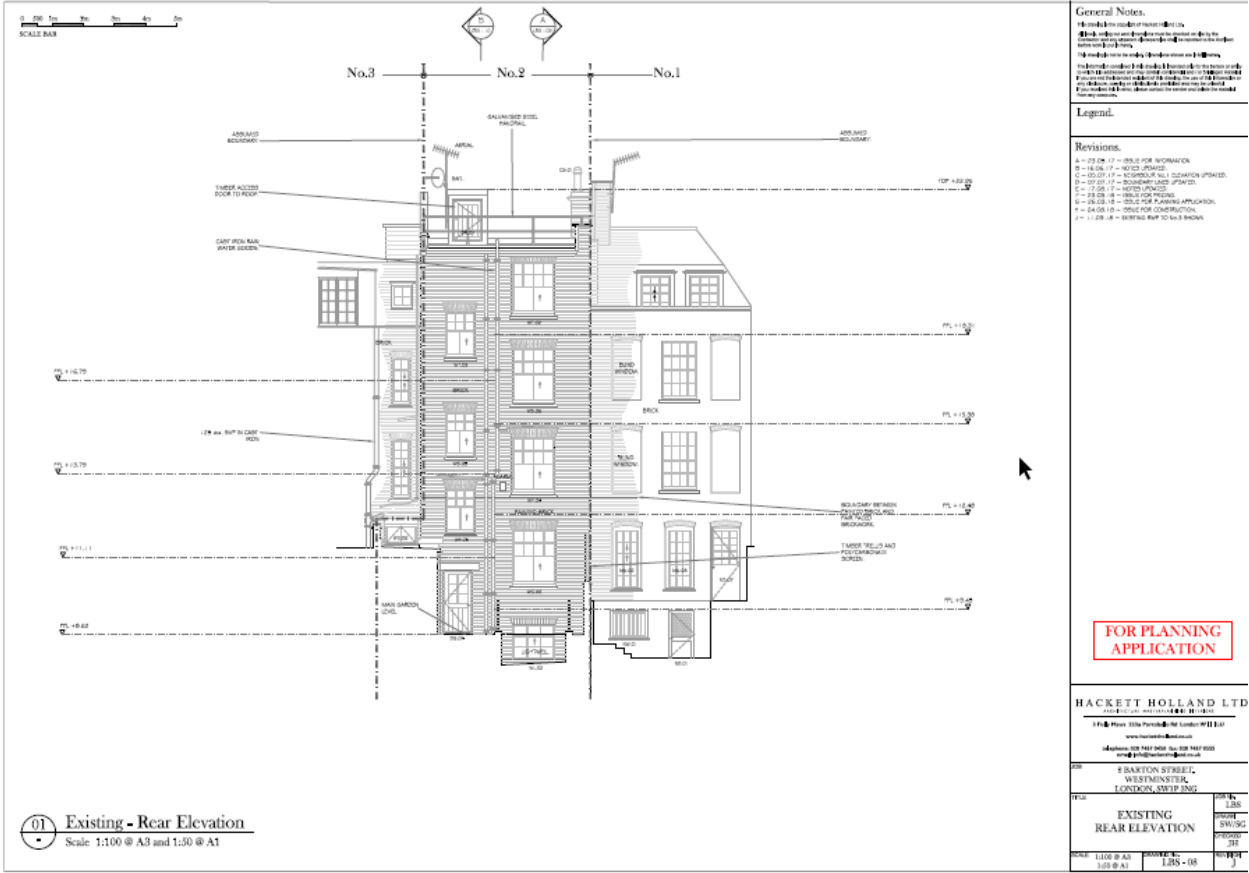
FOR PLANNING APPLICATION

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DR	5 BARBTON STREET, WESTMINSTER, LONDON, SW1P 3NG	DATE	1.8.18
TITLE	EXISTING FRONT ELEVATION & LIGHTWELL SECTION	PROJECT	SW0/05
SCALE	1:100 @ A3 1:50 @ A1	PROJEC	3/17
		DESIGNED BY	1.8.18 - 07
		CHECKED BY	G

01 Existing - Front Elevation
 Scale 1:100 @ A3 and 1:50 @ A1

02 Existing - Front Lightwell Section
 Scale 1:100 @ A3 and 1:50 @ A1



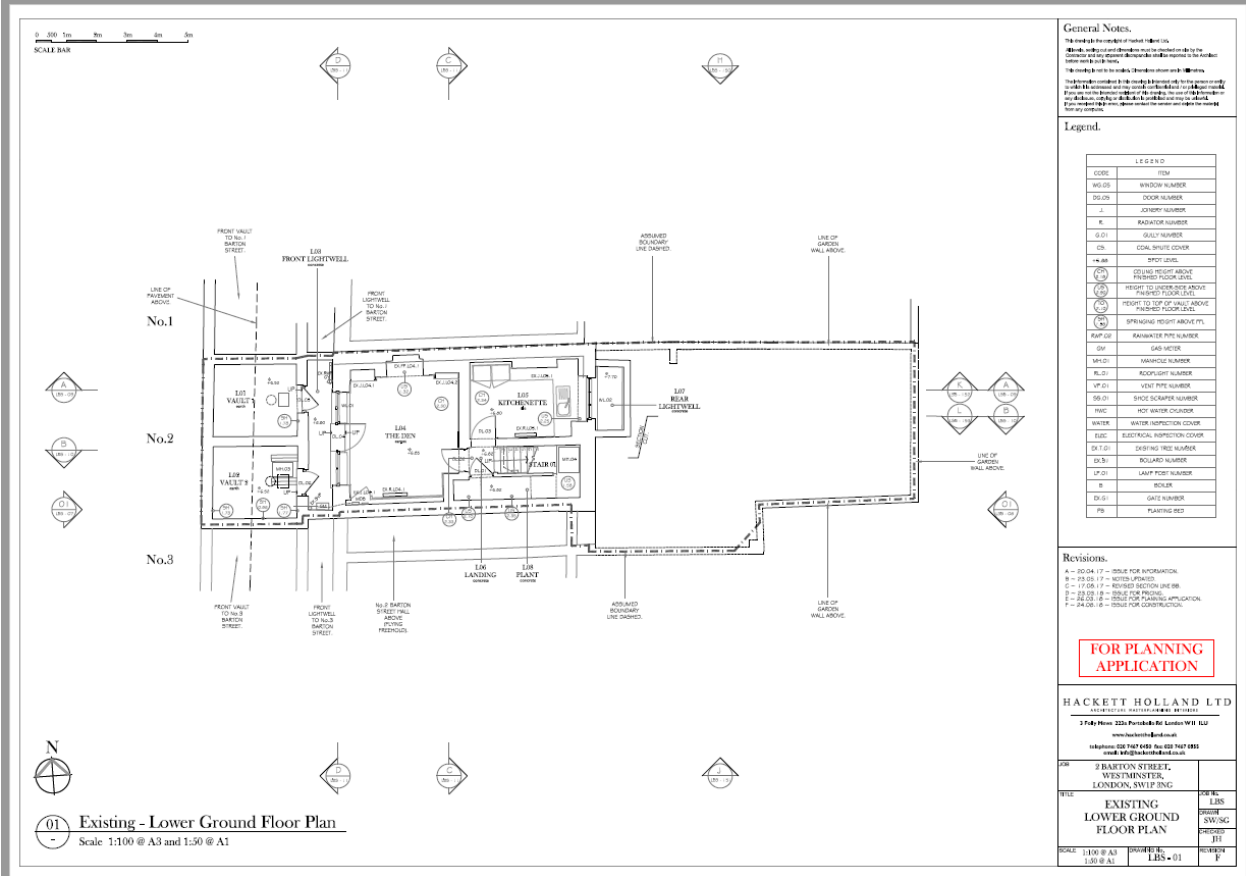
General Notes.
 1. The drawings are made to the best of our knowledge and belief.
 2. The drawings are not to be used for any purpose other than that for which they are intended.
 3. The drawings are not to be used for any purpose other than that for which they are intended.
 4. The drawings are not to be used for any purpose other than that for which they are intended.

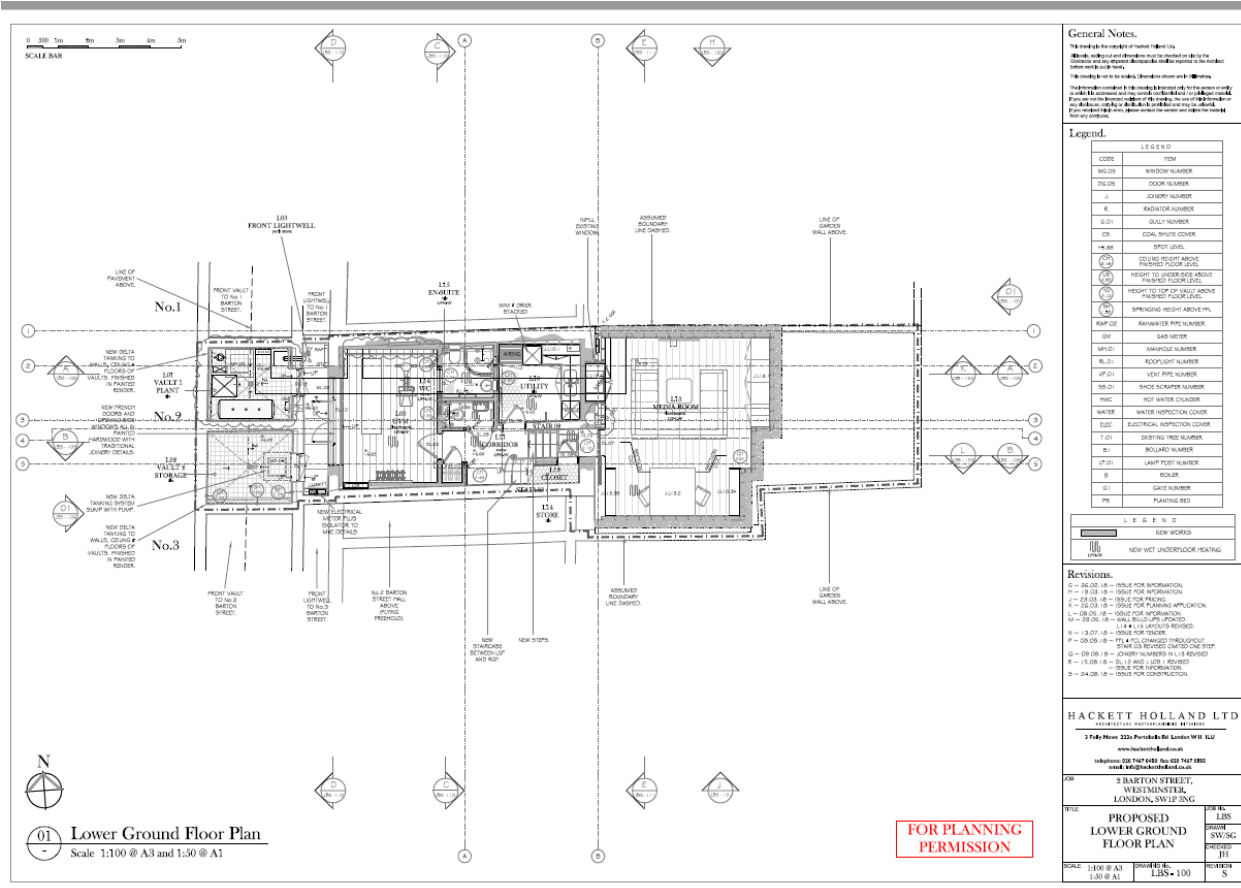
Legend.

Revisions.
 1 - 22.08.17 - REVISED FOR INFORMATION
 2 - 23.08.17 - REVISED UPDATES
 3 - 23.08.17 - TO CORRECT ALL COORDINATE UPDATES
 4 - 23.08.17 - BOUNDARY LINES UPDATES
 5 - 23.08.17 - REVISED UPDATES
 6 - 23.08.18 - REVISED FOR PROPOSAL
 7 - 24.08.18 - REVISED FOR PLANNING APPLICATION
 8 - 24.08.18 - REVISED FOR CONSTRUCTION
 9 - 1.09.18 - REVISED FOR CONSTRUCTION

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PROJECT	2 BAXTON STREET, WESTMINSTER, LONDON, SW1P 3JG	
DATE	1.09.18	SCALE
	EXISTING REAR ELEVATION	PROJECT SW/SG
SCALE	1:100 @ A3 1:50 @ A1	DATE
	1.09.18	1





General Notes.
The work shall be in accordance with the Building Regulations and the Building Control Authority's requirements. The work shall be in accordance with the Building Regulations and the Building Control Authority's requirements. The work shall be in accordance with the Building Regulations and the Building Control Authority's requirements.

Legend.

CODE	ITEM
W6.00	WINDOW NUMBER
D6.00	DOOR NUMBER
J	JOB NUMBER
R	RADIATOR NUMBER
S.01	SCAFF NUMBER
CS	COAL HEAT EXCHANGER
SPOT LEVEL	
ESLING HEIGHT ABOVE FINISHED FLOOR LEVEL	
HEIGHT TO UNDER-SOIL ABOVE FINISHED FLOOR LEVEL	
HEIGHT TO TOP OF VALVE ABOVE FINISHED FLOOR LEVEL	
SPRINGING HEIGHT ABOVE FFL	
RAMP 02	RAVINAIDER PIPE PLANKER
SMV	GAS METER
MPS01	MANHOLES NUMBER
R.01	ROOFLIGHT NUMBER
VP.01	VENT PIPE NUMBER
SS.01	SHOE SCRAPER NUMBER
HWIC	HOT WATER CIRCULATOR
WATER	WATER INSPECTION COVER
ELCC	ELECTRICAL INSPECTION COVER
T.01	EXISTING TREE NUMBER
B	BOLLARD NUMBER
LP.01	LAMP POST NUMBER
B	BENCH
G1	GATE NUMBER
FRS	FLIGHTING RED

Legend

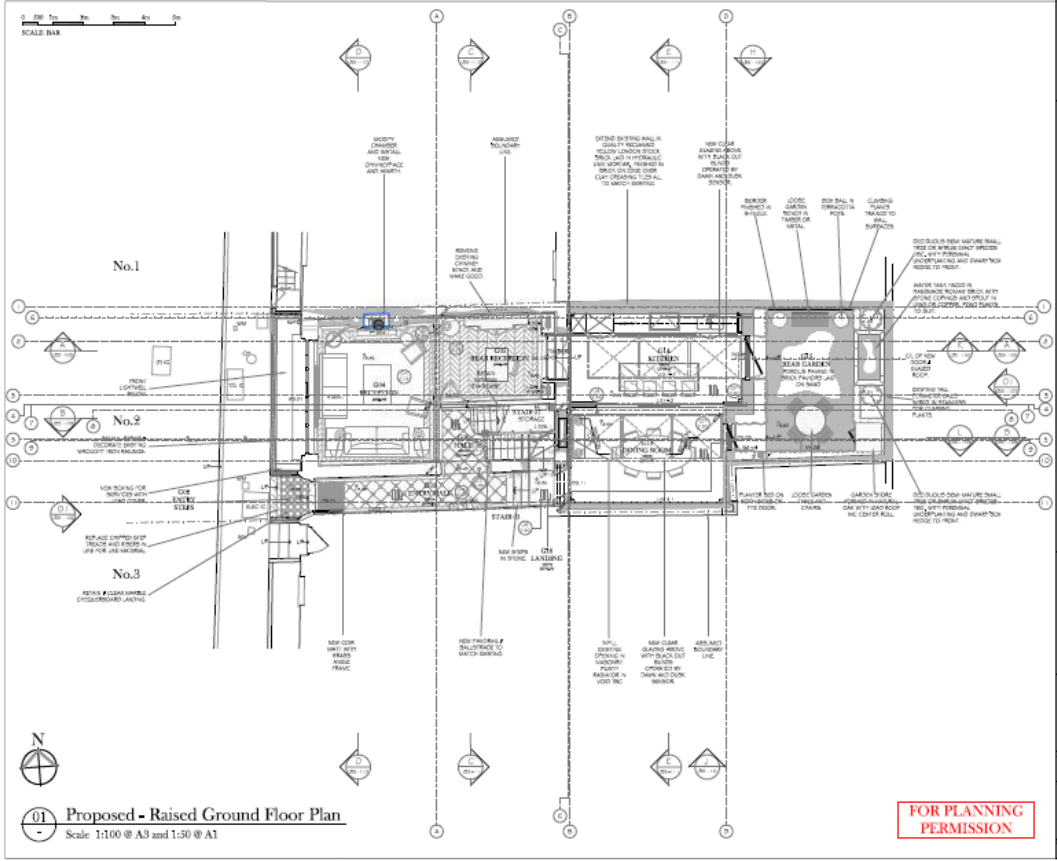
NEW WORK	
NEW VET UNDERLOOR HEATING	

Revisions.
 0 - 00.00.18 - ISSUE FOR INFORMATION
 1 - 01.00.18 - ISSUE FOR INFORMATION
 2 - 02.00.18 - ISSUE FOR PERMITS
 3 - 03.00.18 - ISSUE FOR PERMITS APPLICATION
 4 - 04.00.18 - ISSUE FOR INFORMATION
 5 - 05.00.18 - ISSUE FOR INFORMATION
 6 - 06.00.18 - ISSUE FOR INFORMATION
 7 - 07.00.18 - ISSUE FOR INFORMATION
 8 - 08.00.18 - ISSUE FOR INFORMATION
 9 - 09.00.18 - ISSUE FOR INFORMATION
 10 - 10.00.18 - ISSUE FOR INFORMATION
 11 - 11.00.18 - ISSUE FOR INFORMATION
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5 BARTON STREET,
 WESTMINSTER,
 LONDON, SW1P 3NG

DATE	DESCRIPTION	BY	CHECKED
18.01.18 @ A3	PROPOSED LOWER GROUND FLOOR PLAN	LIBS	LIBS
18.01.18 @ A1	PROPOSED LOWER GROUND FLOOR PLAN	SW/SG	SW/SG
		LIBS	LIBS



General Notes.

1. All work to be done in accordance with the Building Regulations and the Building Control Authority's requirements.
2. All work to be done in accordance with the Building Regulations and the Building Control Authority's requirements.
3. All work to be done in accordance with the Building Regulations and the Building Control Authority's requirements.

Legend.

LEGEND	
0000	FLOOR
0010	WINDOW NUMBER
0020	DOOR NUMBER
0030	JOINT NUMBER
0040	ROOF NUMBER
0050	GLASS NUMBER
0060	GLASS SYSTEM NUMBER
0070	ROOF LEVEL
0080	CEILING HEIGHT NUMBER
0090	ROOF TO TOP OF WALL ABOVE FINISHED FLOOR LEVEL
0100	SPRINGING POINT ABOVE FFL
0110	WALL NUMBER
0120	WALL HEIGHT
0130	WALL-HOLE NUMBER
0140	ROOFLIGHT NUMBER
0150	NEW PIPE NUMBER
0160	SPACE NUMBER
0170	ROOF NUMBER
0180	ROOF NUMBER
0190	ELECTRICAL INFLECTION COVER
0200	GLASS NUMBER
0210	GLASS NUMBER
0220	GLASS NUMBER
0230	GLASS NUMBER
0240	GLASS NUMBER
0250	GLASS NUMBER
0260	GLASS NUMBER
0270	GLASS NUMBER
0280	GLASS NUMBER
0290	GLASS NUMBER
0300	GLASS NUMBER

Revisions.

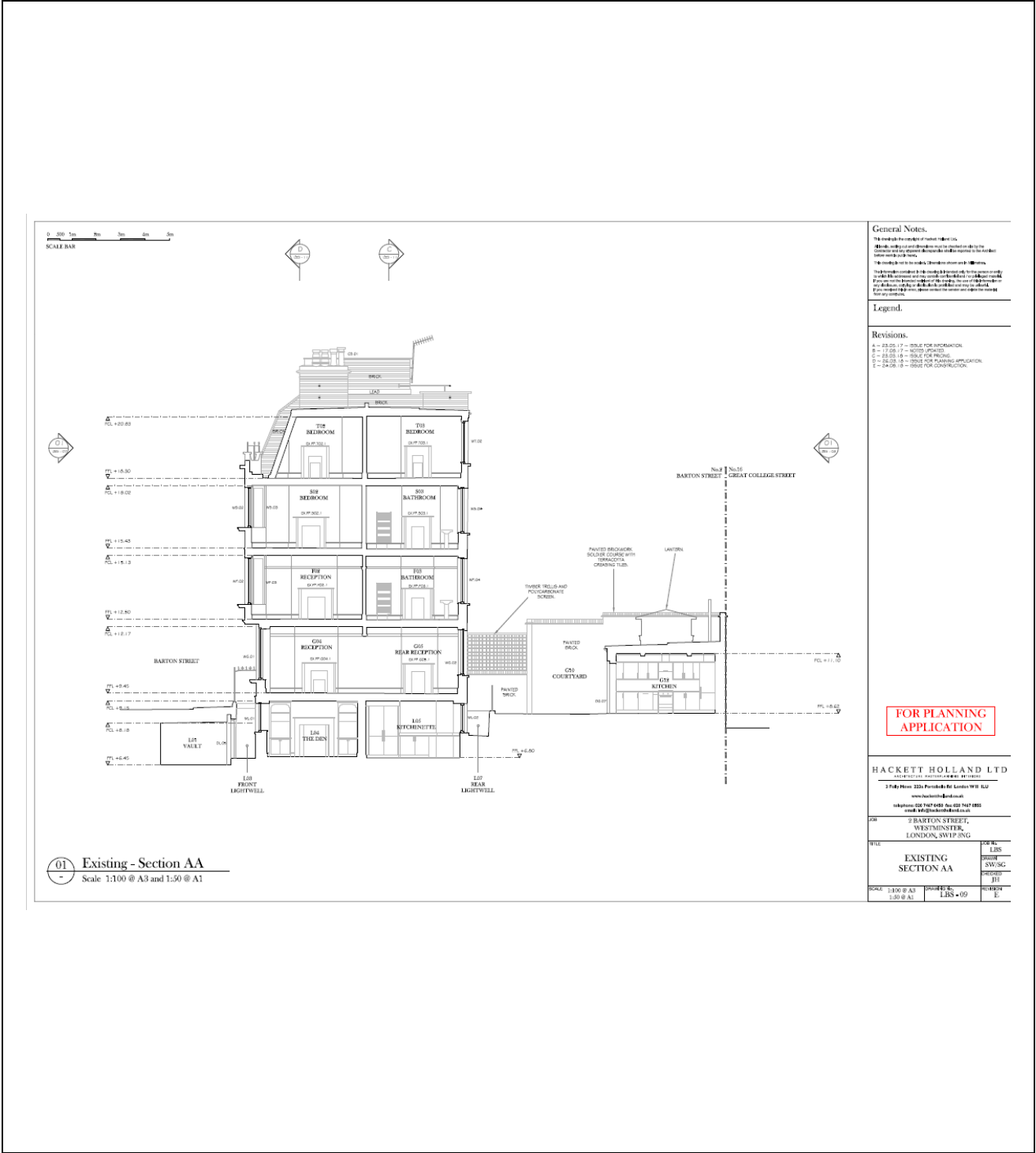
- 1 - 15.02.18 - ISSUE FOR INFORMATION
- 2 - 15.02.18 - ISSUE FOR PERMITS
- 3 - 15.02.18 - ISSUE FOR PERMITS
- 4 - 15.02.18 - ISSUE FOR PERMITS
- 5 - 15.02.18 - ISSUE FOR PERMITS
- 6 - 15.02.18 - ISSUE FOR PERMITS
- 7 - 15.02.18 - ISSUE FOR PERMITS
- 8 - 15.02.18 - ISSUE FOR PERMITS
- 9 - 15.02.18 - ISSUE FOR PERMITS
- 10 - 15.02.18 - ISSUE FOR PERMITS

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 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

PROPOSED RAISED GROUND FLOOR PLAN

Scale: 1:100 @ A3 and 1:50 @ A1

FOR PLANNING PERMISSION



General Notes.
 1. This drawing is the property of Hackett Holland Ltd.
 2. It is to be used only for the purposes for which it is issued and no other use without the written consent of Hackett Holland Ltd.
 3. It is to be used only in conjunction with the other drawings of the project and no part of it is to be used in isolation.
 4. It is to be used only in conjunction with the other drawings of the project and no part of it is to be used in isolation.
 5. It is to be used only in conjunction with the other drawings of the project and no part of it is to be used in isolation.

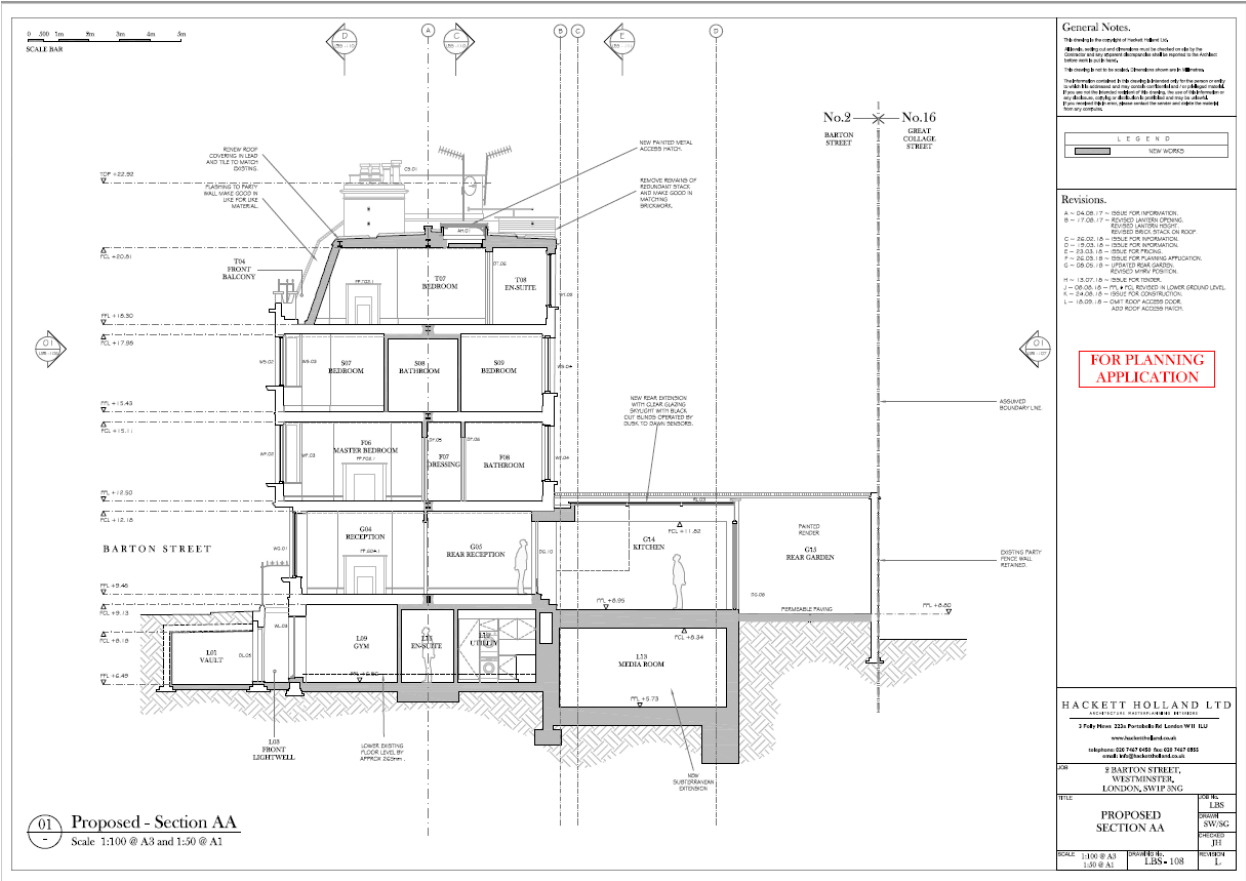
Legend.

Revisions.
 R1 - 23.02.17 - ISSUE FOR SUBMITTAL
 R2 - 27.02.17 - ISSUE FOR PERMIT
 R3 - 28.02.17 - ISSUE FOR PERMIT APPLICATION
 R4 - 24.02.18 - ISSUE FOR CONSTRUCTION

FOR PLANNING APPLICATION

HACKETT HOLLAND LTD INCORPORATED IN ENGLAND	
1 Park House, 225A, Parkside Rd, London W8 5LQ	
www.hackettholland.co.uk	
Telephone: 020 7497 6451 Fax: 020 7497 6855	
email: info@hackettholland.co.uk	
2 Barton Street, Westminster, London, SW1P 3NG	
DATE	23.02.17
FILE	EXISTING SECTION AA
SCALE	1:100 @ A3 1:50 @ A1
DATE	23.02.17
FILE	EXISTING SECTION AA
SCALE	1:100 @ A3 1:50 @ A1

01 Existing - Section AA
 Scale 1:100 @ A3 and 1:50 @ A1



General Notes.
 The work shall be completed in accordance with the conditions of the contract documents and the contract documents shall be deemed to be incorporated into the contract documents.
 The contractor shall be responsible for obtaining all necessary permissions and consents for the proposed works.
 The contractor shall be responsible for the safety of the public and for the safety of the workers.
 The contractor shall be responsible for the safety of the building and for the safety of the workers.
 The contractor shall be responsible for the safety of the building and for the safety of the workers.
 The contractor shall be responsible for the safety of the building and for the safety of the workers.

- Revisions.**
- A = 24.08.17 - ISSUE FOR INFORMATION.
 - B = 17.08.17 - REVISED DRAWING (REVISED FRONT FACED GL ROOF).
 - C = 26.08.18 - ISSUE FOR INFORMATION.
 - D = 12.03.18 - ISSUE FOR INFORMATION.
 - E = 12.03.18 - ISSUE FOR PERMITS.
 - F = 26.08.18 - ISSUE FOR PLANNING APPLICATION.
 - G = 08.08.18 - REVISED DRAWING (REVISED WINDOW POSITION).
 - H = 18.02.18 - REVISED DRAWING (REVISED WINDOW POSITION).
 - I = 08.08.18 - REVISED DRAWING (REVISED WINDOW POSITION).
 - J = 08.08.18 - REVISED DRAWING (REVISED WINDOW POSITION).
 - K = 08.08.18 - REVISED DRAWING (REVISED WINDOW POSITION).
 - L = 08.08.18 - REVISED DRAWING (REVISED WINDOW POSITION).

FOR PLANNING APPLICATION

HACKETT HOLLAND LTD
 ARCHITECTS AND INTERIORS
 3 Fels Place, 222a Portland Rd, London W1F 4LJ
 www.hackettholland.co.uk
 Telephone: 020 7497 6400 Fax: 020 7497 6885
 email: info@hackettholland.co.uk

FOR: 3 BARTON STREET, WESTMINSTER, LONDON, SW1F 5NG

TITLE: PROPOSED SECTION AA

SCALE: 1:100 @ A3, 1:50 @ A1

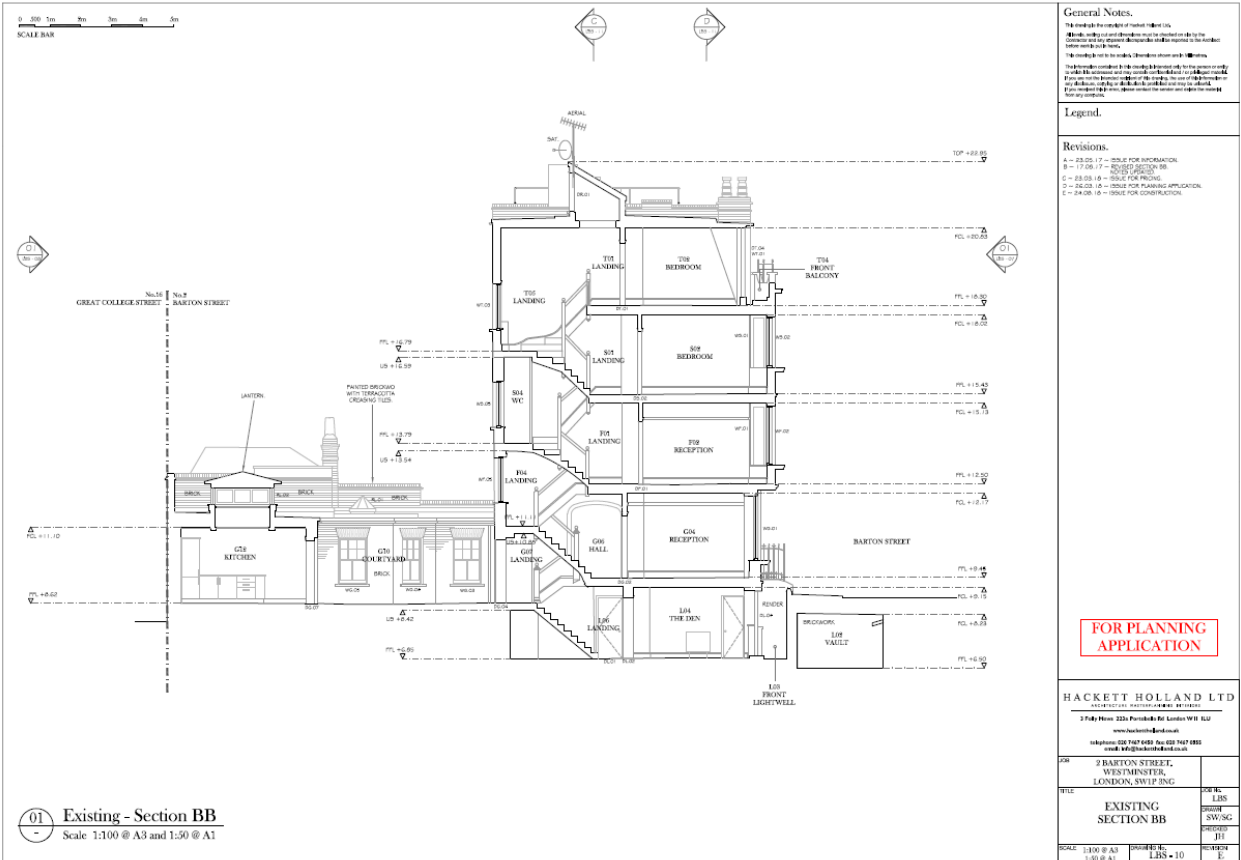
DATE: 18.08.18

BY: LRS

CHECKED BY: JHS

DESIGNED BY: JHS

DRAWN BY: L

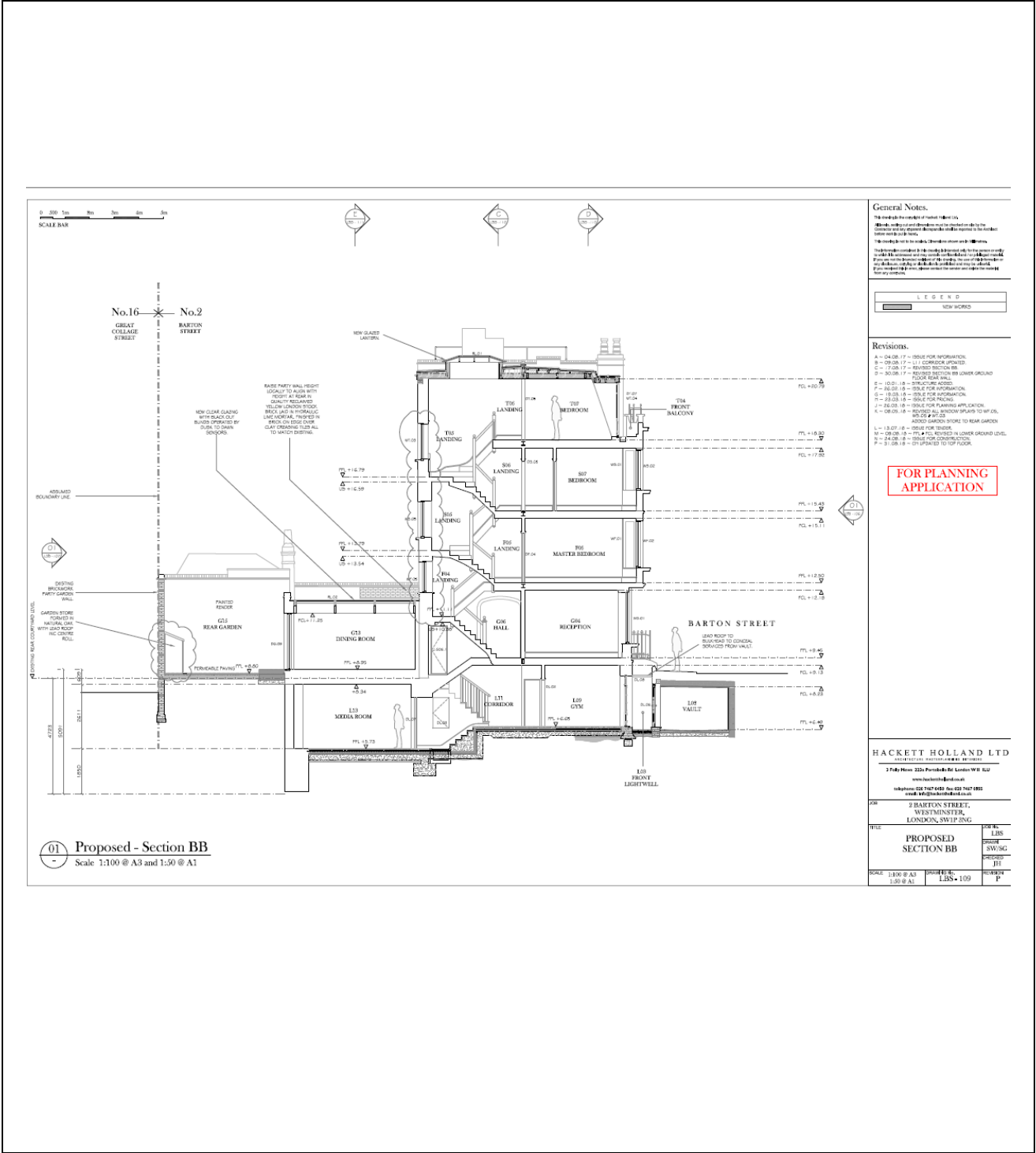


General Notes.
 The drawings are intended to be used for information only. It is the responsibility of the client to ensure that the drawings are used for the correct purpose and that all necessary permissions are obtained before construction begins.
 The drawings are not to be used for construction without the consent of the architect.

Legend.
 Revisions:
 A - 23.03.18 - ISSUE FOR INFORMATION
 B - 17.06.17 - REVISED SECTION BB
 C - 23.03.18 - ISSUE FOR PRICING
 D - 24.03.18 - ISSUE FOR PLANNING APPLICATION
 E - 24.03.18 - ISSUE FOR CONSTRUCTION

FOR PLANNING APPLICATION

HACKETT HOLLAND LTD <small>INCORPORATED IN ENGLAND AND WALES</small>		
2 FLYING DUTCHMAN, 200A, WESTMINSTER, LONDON W6 0LP <small>www.hackettholland.com</small>		
FOR	2 BARTON STREET, WESTMINSTER, LONDON, SW1P 3NG	DATE LRS
BY	EXISTING SECTION BB	PROJECT SW/SG
SCALE	1:100 @ A3 1:50 @ A1	REVISION BT
	PROJECT NO. LRS + 10	PREPARED BY JL



General Notes.

The work shall be in accordance with the Building Regulations and the Building Act 2003.

The drawings shall be in accordance with the British Standards Institution (BSI) standards.

The drawings shall be in accordance with the Building Regulations and the Building Act 2003.

The drawings shall be in accordance with the Building Regulations and the Building Act 2003.

LEGEND

[Symbol]	NEW WORK
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- Revisions:**
- A - 04.06.17 - ISSUE FOR INFORMATION
 - B - 09.06.17 - L1 CORRIDOR UPATED
 - C - 17.06.17 - REVISED SECTION BB
 - D - 30.06.17 - REVISED SECTION BB LOWER GROUND FLOOR REAR WALL
 - E - 01.07.17 - REVISED SECTION BB
 - F - 26.07.17 - ISSUE FOR INFORMATION
 - G - 26.07.17 - ISSUE FOR INFORMATION
 - H - 26.07.17 - ISSUE FOR INFORMATION
 - I - 08.08.17 - REVISED SECTION BB LOWER GROUND FLOOR REAR WALL
 - J - 08.08.17 - REVISED SECTION BB LOWER GROUND FLOOR REAR WALL
 - K - 08.08.17 - REVISED SECTION BB LOWER GROUND FLOOR REAR WALL
 - L - 13.07.18 - ISSUE FOR REVISION
 - M - 08.08.18 - ISSUE FOR REVISION LOWER GROUND LEVEL
 - N - 24.08.18 - ISSUE FOR CONSTRUCTION
 - O - 21.08.18 - ISSUE FOR CONSTRUCTION

FOR PLANNING APPLICATION

01 Proposed - Section BB
Scale: 1:100 @ A3 and 1:50 @ A1

HACKETT HOLLAND LTD
ARCHITECTS

2 Fife House 225 Parkside Rd London W11 6JF
www.hackettholland.com
info@hackettholland.com 020 7471 8888
enq@hackettholland.com

2 BARTON STREET,
WESTMINSTER,
LONDON, SW1P 3NG

TITLE	PROPOSED SECTION BB	SHEET	LBS
DATE	1:50 @ A1	PROJECT NO.	SW18G
SCALE	1:50 @ A1	DATE	18/08/18
		DESIGNER	JH
		CHECKED	LS
		APPROVED	P

DRAFT DECISION LETTER

Address: 2 Barton Street, London, SW1P 3NG

Proposal: Demolition and rebuilding of ground floor extension and excavation of a new basement level beneath the rear extension. Widening of existing front dormer window and associated works.

Reference: 18/03465/FULL

Plan Nos: LBS-00 Rev. E, LBS-98 Rev. C, LBS-99 Rev. D, LBS-01 Rev. F, LBS-02 Rev. G, LBS-03 Rev. H, LBS-04 Rev. G, LBS-05 Rev. G, LBS-06 Rev. G, LBS-07, Rev. G, LBS-08 Rev. J, LBS-09 Rev. E, LBS-10 Rev. E, LBS-11 Rev. F, LBS-100 Rev. S, LBS-101 Rev. Q, LBS-102 Rev. Q, LBS-103 Rev. P, LBS-104 Rev. N, LBS-105 Rev. L, LBS-106 Rev. K, LBS-107 Rev. G, LBS-108 Rev. L, LBS-109 Rev. P, LBS-110 Rev. J, LBS-111 Rev. L, LBS-150 Rev. G, LBS-151 Rev. H, LBS-152 Rev. K, LBS-53 Rev. K, LBS-200 Rev. D, LBS-201 Rev. D, , LBS-202 Rev. D, LBS-203 Rev. D, LBS-204 Rev. D, LBS-205 Rev. D, LBS-206 Rev. D, LBS-207 Rev. E, LBS-208 Rev. D, LBS-209 Rev. D, LBS-210 Rev. D, LBS-317 Rev. A, Daylight and Sunlight Statement prepared by Dixon Payne dated 27 July 2017 (rs/ROL.17/1), Design and Access Statement dated 18 March 2018, Flood Risk Assessment Issue A prepared by Monson dated 26/01/18, Planning and Heritage Statement dated April 2018 prepared by Montagu Evans, Historic Environment Assessment prepared by Museum of London Archaeology (MOLA) dated December 2017 and Tree Protection Relating to 2 Barton Street (Ref: CC/1294 AR3732) prepared by Challice Consulting Ltd Arboricultural Consultancy Ltd dated 04 July 2018.

For information purposes: Planning Feasibility Report (Incorporating Construction Method Statement) Project No. 21417 Rev. E dated 06 April 2018 prepared by Lucking and Clark LLP and Appendix A - Checklists.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

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

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

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

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

Reason:

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

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

Reason:

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

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

- a) pyramidal rooflight;
- b) new dormer window;
- c) new doors; and
- d) roof level access hatch.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Smith Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES

Item No.
2

6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

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

- 6 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. 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 approved sample. (C27DB)

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

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

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

- 9 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)

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

Reason:

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

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

Reason:

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

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

If you remove any trees or find that they are dying, severely damaged or diseased within 12 months of planting them, you must replace them with trees of a similar size and species.
(C30CB)

Reason:

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

13 **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 Historic Environment Record, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London, EC4Y 2YA.
- (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)

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 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 4 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact: , Thames Water Utilities Ltd, Development Planning, Maple Lodge STW, Denham Way, Rickmansworth, Hertfordshire, WD3 9SQ, Tel: 01923 898072, Email: Devcon.Team@thameswater.co.uk
- 5 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 6 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)
- 7 With reference to condition 9 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to

starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

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

- 8 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.
- 9 You are advised that should the extended part of the basement level accommodating the media room require mechanical ventilation then this may require planning permission for any external air conditioning equipment and the submission of an acoustic report. You should also seek to site any mechanical plant within the building in the first instance or if this is not possible within a discreet external location and in accordance with any acoustic assessment and mitigation that may be required.
- 10 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)
- 11 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 12 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.
- 13 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 14 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)

- 15 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)

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

DRAFT DECISION LETTER

Address: 1 Barton Street, London, SW1P 3NG,

Proposal: Underpinning of the garden boundary wall to No. 1 Barton Street; removal of the trellis screen on the garden boundary wall and infilling with new brickwork to match existing.

Reference 18/03466/LBC

Plan Nos: LBS-00 Rev. E, LBS-98 Rev. C, LBS-99 Rev. D, LBS-01 Rev. F, LBS-02 Rev. G, LBS-03 Rev. H, LBS-04 Rev. G, LBS-05 Rev. G, LBS-06 Rev. G, LBS-07, Rev. G, LBS-08 Rev. J, LBS-09 Rev. E, LBS-10 Rev. E, LBS-11 Rev. F, LBS-100 Rev. S, LBS-101 Rev. Q, LBS-102 Rev. Q, LBS-103 Rev. P, LBS-104 Rev. N, LBS-105 Rev. L, LBS-106 Rev. K, LBS-107 Rev. G, LBS-108 Rev. L, LBS-109 Rev. P, LBS-110 Rev. J, LBS-111 Rev. L, LBS-150 Rev. G, LBS-151 Rev. H, LBS-152 Rev. K, LBS-53 Rev. K, LBS-200 Rev. D, LBS-201 Rev. D, , LBS-202 Rev. D, LBS-203 Rev. D, LBS-204 Rev. D, LBS-205 Rev. D, LBS-206 Rev. D, LBS-207 Rev. E, LBS-208 Rev. D, LBS-209 Rev. D, LBS-210 Rev. D, LBS-317 Rev. A, Daylight and Sunlight Statement prepared by Dixon Payne dated 27 July 2017 (rs/ROL.17/1), Design and Access Statement dated 18 March 2018, Flood Risk Assessment Issue A prepared by Monson dated 26/01/18, Planning and Heritage Statement dated April 2018 prepared by Montagu Evans, Historic Environment Assessment prepared by Museum of London Archaeology (MOLA) dated December 2017 and Tree Protection Relating to 2 Barton Street (Ref: CC/1294 AR3732) prepared by Challice Consulting Ltd Arboricultural Consultancy Ltd dated 04 July 2018., , For information purposes: Planning Feasibility Report (Incorporating Construction Method Statement) Project No. 21417 Rev. E dated 06 April 2018 prepared by Lucking and Clark LLP and Appendix A - Checklists.

Case Officer: Zulekha Hosenally

Direct Tel.

020 7641 2511

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 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)

Item No.
2

Reason:

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

- 3 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

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

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

Reason:

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

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the

Item No.
2

Unitary Development Plan, and paragraph 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes: , * any extra work which is necessary after further assessments of the building's condition; , * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control. , , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. , , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (159AA)

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

DRAFT DECISION LETTER

Address: 3 Barton Street, London, SW1P 3NG,

Proposal: Removal and replacement of soldier course and creasing tiles for a 2.398m length of the top of the rear garden boundary wall and addition of 0.55m to the wall between Nos. 2 and 3 Barton Street.

Reference: 18/06397/LBC

Plan Nos: LBS-00 Rev. E, LBS-98 Rev. C, LBS-99 Rev. D, LBS-01 Rev. F, LBS-02 Rev. G, LBS-03 Rev. H, LBS-04 Rev. G, LBS-05 Rev. G, LBS-06 Rev. G, LBS-07, Rev. G, LBS-08 Rev. J, LBS-09 Rev. E, LBS-10 Rev. E, LBS-11 Rev. F, LBS-100 Rev. S, LBS-101 Rev. Q, LBS-102 Rev. Q, LBS-103 Rev. P, LBS-104 Rev. N, LBS-105 Rev. L, LBS-106 Rev. K, LBS-107 Rev. G, LBS-108 Rev. L, LBS-109 Rev. P, LBS-110 Rev. J, LBS-111 Rev. L, LBS-150 Rev. G, LBS-151 Rev. H, LBS-152 Rev. K, LBS-53 Rev. K, LBS-200 Rev. D, LBS-201 Rev. D, , LBS-202 Rev. D, LBS-203 Rev. D, LBS-204 Rev. D, LBS-205 Rev. D, LBS-206 Rev. D, LBS-207 Rev. E, LBS-208 Rev. D, LBS-209 Rev. D, LBS-210 Rev. D, LBS-317 Rev. A, Daylight and Sunlight Statement prepared by Dixon Payne dated 27 July 2017 (rs/ROL.17/1), Design and Access Statement dated 18 March 2018, Flood Risk Assessment Issue A prepared by Monson dated 26/01/18, Planning and Heritage Statement dated April 2018 prepared by Montagu Evans, Historic Environment Assessment prepared by Museum of London Archaeology (MOLA) dated December 2017 and Tree Protection Relating to 2 Barton Street (Ref: CC/1294 AR3732) prepared by Challice Consulting Ltd Arboricultural Consultancy Ltd dated 04 July 2018., , For information purposes: Planning Feasibility Report (Incorporating Construction Method Statement) Project No. 21417 Rev. E dated 06 April 2018 prepared by Lucking and Clark LLP and Appendix A - Checklists.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Condition(s) and Reason(s)

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

Item No.
2

Reason:

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

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

Reason:

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

- 3 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

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Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary

Item No.
2

Development Plan, and paragraph 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - , * any extra work which is necessary after further assessments of the building's condition;
 - , * stripping out or structural investigations;
 - and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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Agenda Item 3

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 October 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	First To Third Floor, 64-65 Long Acre, London, WC2E 9SX,		
Proposal	Use of part ground, first, second, third and new internal mezzanine floors as eight residential dwellings (Class C3); installation of footbridge across internal light well at second floor level, plant machinery and internal lift; associated external alterations, including changes to fenestration.		
Agent	Camberwell & Metropolitan		
On behalf of	Technosite Limited		
Registered Number	18/04254/FULL	Date amended/ completed	22 May 2018
Date Application Received	22 May 2018		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

Grant conditional permission, including a condition to secure the following benefits: i) mitigation of the potential increased demand for on street residents car parking
--

2. SUMMARY

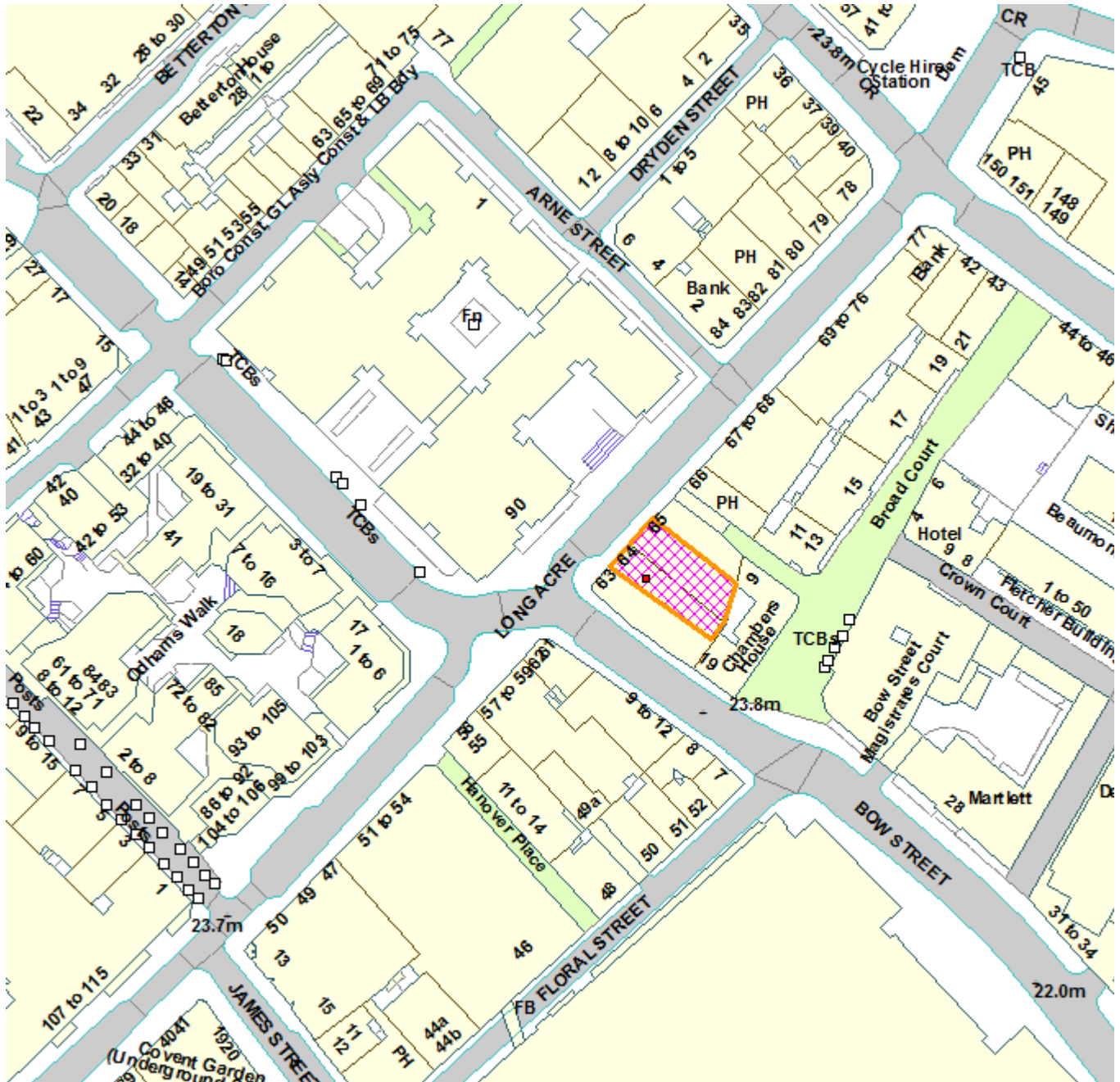
<p>The application site is comprised of the first to third floors of 64 and 65 Long Acre, with entrances at ground floor level. The buildings are unlisted and located within the Covent Garden Conservation Area and Core Central Activities Zone (Core CAZ). The basement and part ground floor levels of the building are currently in commercial use, a language school (Class D1) is situated over the first to third floors at no.64 and first and second floors at no. 65, with a residential unit at third floor level at no. 65.</p> <p>Planning Permission is sought for use of part ground, first, second, third and two new internal mezzanine floors as eight residential dwellings (5 x 1 bed and 3 x 3 bed). Associated works to the building include the installation of a footbridge across the internal lightwell at second floor level, plant machinery and alterations to the fenestration.</p>

The key issues for consideration are:

- Loss of social and community infrastructure
- the principle of new residential accommodation
- Increase in on-street parking stress

As set out in the report, the proposed development is considered acceptable in land use, design, highways and amenity terms subject to the proposed conditions including a Grampian condition to secure mitigation for the increased pressure on on-street residential car parking.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION

- No objection to change of use to residential but would prefer a mix of residential (Class C3) and small office use (Class B1)
- Tight control on short term rental is requested as this could reduce the stock of permanent housing and harm the amenity of permanent residents.

ENVIRONMENTAL HEALTH

- Objection
- Arrangements for means of escape in case of fire appear to be inadequate.
- Concern that the rooms shown on the mezzanine level are not provided with openable windows for ventilation.
- Concerns that one of the rooms may not be provided with adequate natural light and that one of the rooms is a "Remote Room".
- Conditions relating to sound insulation and plant machinery recommended.

HIGHWAYS PLANNING MANAGER

- Objection
- No off street parking would be provided and it is considered that the proposals would increase pressure on the existing on-street parking to an unacceptable level.
- Inadequate cycle parking provision.

WASTE PROJECT OFFICER

- No objection
- The proposed storage arrangements for waste and recyclable materials are in line with the requirements of the City Council.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 28
Total No. of replies: 1
No. in support: 1

One letter of support from commercial occupier of ground and basement levels 65 Long Acre (Pret a Manger).

- The redevelopment of the site would bring broader public benefits including the repair of the building's failing infrastructure and prevention of the vacant building being occupied by squatters.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is comprised of the first to third floors of 64 and 65 Long Acre, with entrances at ground floor level. The buildings are unlisted and located within the Covent

Garden Conservation Area and Core Central Activities Zone (Core CAZ). The basement and part of the ground floor are currently in commercial use with Ryman Stationary located at no. 64 and Pret A Manger located at no. 65. The lawful use of the first to third floors at no.64 and first and second floors at no. 65 is a language school (Class D1) last occupied by Edgware Academy. There is an existing residential unit at third floor level at no. 65.

The language school occupier vacated the property in September 2015. The building was illegally occupied by squatters in January 2018 and has been temporarily occupied on a not-for-profit basis to prevent further anti-social activity since.

6.2 Recent Relevant History

There is no recent relevant history.

7. THE PROPOSAL

The proposals involves the change of use of the language School (Class D1), a small amount of retail space a ground floor level and the reconfiguration of the existing residential unit, to provide eight residential dwellings. (5 x 1 bed and 3 x 3 bed).

Internally the works include the installation of a passenger lift between ground and first floor levels and the installation of two mezzanine floors. Externally, the works are primarily minor in nature and located to the rear. These include changes to the fenestration and installation of a footbridge across the internal lightwell at second floor level. Plant machinery is also proposed at main roof level and on the fire escape above third floor level.

	Existing GIA (sqm)	Proposed GIA (sqm)	Net Floor Area (Sqm GIA)
Language School (Class D1)	536.61	0	-536.61
Residential (Class C3)	59.72	649.14	+589.42
Sandwich Shop (Class A1)	1.24	0	-1.24
Total	597.57	649.14	+51.57

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Social and Community Use (Class D1)

UDP Policy SOC1 and City Plan Policy S34 seek to protect and improve social and community facilities in Westminster. UDP Policy SOC 1 (D) states that all community facilities will be protected. Under SOC 1(E), schemes involving the redevelopment or change of use of community facilities are required to include adequate replacement facilities. Where the facility is surplus to the needs of the existing provider, any new

development should include an alternative community facility. Where adequate replacement facilities are not proposed, the City Council will normally refuse planning permission.

City Plan Policy S34 states that; 'all social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider. In all such cases, the council will need to be satisfied that the overall level of social and community provision is improved and that there is no demand for an alternative social and community use for that floorspace. In those cases where the council accepts a loss or reduction of social and community floorspace the priority replacement use will be the priority use for the area.'

The language school occupier (Edgware Academy) vacated the property in September 2015, after trading was considered to be commercially unviable. The applicant has provided marketing particulars dated April 2016 and other evidence that the property has been marketed for Use Class D1 purposes by Ashwell Rogers (letting agents) and Robin Calver (chartered surveyors). A schedule has also been provided, showing that at total of 17 parties showed interest in the property between 1 October 2015 and January 2017 (11 for Use Class D1 purposes). The applicant asserts that no offers were received during this period due to the size, inefficient layout and condition of the property and argues that there is no demand for an alternative, commercially viable, social and community use for the floorspace being offered at the premises. It is noted that the property was illegally occupied by squatters in January 2018 and has been temporarily occupied on a not-for-profit basis to prevent further anti-social activity.

Based on the evidence provided, the City Council is satisfied that there is no demand for an alternative community use in this location. It is also considered that language schools offer very little "social" benefit to the local community and are essentially commercial enterprises. In these circumstances, a departure from the policy requirement to protect existing social and community uses is considered justifiable. The priority replacement use within the Core CAZ is office floorspace (Use Class B1), however given the increased emphasis for the Council to achieve and exceed its borough housing targets, the principle of residential accommodation as a replacement is again considered justifiable.

It is noted that the Covent Garden Community Association (CGCA) have not objected to the proposals but would prefer a mixed of residential (Use Class C3) and small office use (Use Class B1). The CGCA's concerns about short-term letting is also noted and it is recommended that an informative is attached, reminding the applicant that planning permission is required 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).

Loss of Retail (Class A1)

The applicant states that 1.24sqm of A3 floorspace will be lost at ground floor level associated with the sandwich shop at no.65 "Pret-a-Manager". Whilst the lawful use of the unit has not been established, this type of operation usually falls within Use Class A1.

City Plan Policy S21 seeks to protect A1 retail throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let. However, given the small amount of floorspace in question, it is considered that the loss would not impact the viability of the unit and is acceptable in this instance.

Creation of Residential Accommodation (Class C3)

City Plan Policy S14 states that the council will work to achieve and exceed borough housing targets set out in the London Plan and that the number of residential units on developments sites will be optimised.

The mix of the proposed units is as follows: 5 x 1 bed and 3 x 3 bed which provides 37.5% family sized accommodation (3 or more beds), which is in accordance with UDP policy H5. In terms of floor area, the residential units would all provide a good standard of accommodation, consistent with the guidance in the technical Housing Standards- Nationally Described Space Standard (2015).

Environmental Health have raised concern that the main living area in flat 2C (on the second floor) may not receive adequate natural light. The application is supported by a daylight and sunlight study based on the numerical tests laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a good practice guide" by PJ Littlefair 2011. The study finds that 17 of the 23 rooms exceed the minimum recommended Average Daylight Factor (ADF). The 6 rooms that fail are all bedrooms, which are considered to be less important (in terms of levels of natural light) than living/kitchen rooms. Accordingly, it is considered that the flats will receive an acceptable amount of natural light, not uncommon for such a dense urban environment.

The proposed dwellings all have windows facing into internal lightwell, which are in close proximity to one and other. The drawings show that the windows at first and second level will have obscure glazing to prevent direct overlooking between the dwellings, it is recommended that this is secured by condition. Environmental Health initially raised concerns about ventilation and overheating, as future occupants may consider it necessary to keep the internal lightwell windows closed to prevent noise and disturbance. Comfort cooling is now proposed, which will prevent overheating if the occupiers choose to keep windows closed.

Conditions have been added to ensure that the design and structure of the development shall be of such a standard that it will protect residents within the same building and in adjoining buildings from noise and vibration from the development.

On balance, the proposed dwellings would provide an acceptable standard of accommodation.

8.2 Townscape and Design

The application site 64 and 65 Long Acre consists of two buildings of differing character. 64 Long Acre is a four storey building that was purpose built as a motor car depot in 1912-13. The buildings design accords with that of the buildings on the corner, No. 63

Long Acre and No. 18 Bow Street. The front elevation is of red brick and includes a glazed shop front at ground floor level with a separate doorway providing access to the application site and upper floors. The façade includes decorative stucco columns and detailing around the upper windows, including the impressive arched first floor window. The widows are similar at second and third floor levels, although they are four panes wide at the lower and only three at the upper. The fourth floor includes a circular window set within the gable.

65 Long Acre is a five storey building including a mansard, built in a traditional Georgian style. The front elevation is constructed in London stock brick, pierced by three windows at each storey (first, second and third) with three dormers at fourth floor level. The metal framed windows have limited detailing and the buildings design overall accords with that of the neighbouring No.66. The ground floor includes a modern glazed shop front and doorway (blocked) to the upper floors. The rear of both buildings are much altered and add little to the overall character of the conservation area. The proposed works consists of:

Enlargement of Windows in Light Well – The proposed windows are slightly larger, but within the lightwell and completely enclosed. Accordingly, it is considered that the works are of no harm to the character of the building or conservation area.

Enlargement of Three Roof Lights (North East Elevation) – The roof lights are located to the rear and surrounded by other roof lights. Enlargement will not harm the character of the building or conservation area.

Installation of Footbridge in Light Well and Formation of Associated Doors- The works would be completely enclosed within the lightwell and are not considered harmful to the character of the building or conservation area.

Addition of Two Roof Lights (Main Roof Level) – The proposed roof lights would be located to the back of the main roof, which already includes numerous AC units. The roof lights would not be visible from street level and are not considered harmful.

Plant – Air conditioning units are proposed on the roof of no. 64 Long Acre and the rear fire escape above third floor level. There are a number of existing air conditioning units on the roof of no. 64, which serve adjacent buildings. The proposed units on the roof of no.64 would be visible from limited views at street level. Accordingly, an amending condition is recommended to ensure that full width screening is provided to reduce the impact of the plant. The plant to the fire escape would not be visible from street level and is not considered harmful. Subject to this condition, it is considered that the proposed plant machinery is acceptable in design and conservation terms.

8.3 Residential Amenity

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

The site is surrounded by a number of residential properties. The rear windows of the , property are in close proximity to a number of residential windows at Chambers House

on Broad Court. In order to prevent direct overlooking and loss of privacy, a condition is recommended to ensure so that the rear windows of the kitchen/ living room areas in flats 1C (first floor) and 2D (second floor) will not be clear glass and will have limited opening. Subject to this condition, it is considered that the proposals would not lead to an unacceptable degree of overlooking or loss of privacy to surrounding properties.

Given the position of the proposed plant and its scale and massing, it is considered that there will be no significant loss of light or sense of enclosure to surrounding residential or commercial properties.

The applicant has submitted an acoustic report demonstrating that the proposals can meet the City Council's policies for noise and this has raised no objection from the City Council's Environmental Health Manager or neighbouring properties. The City Council's standard noise conditions have been attached. Additionally, a condition is recommended to ensure that the enclosures referenced in the applicant's acoustic report are provided before the plant machinery is used.

A condition is recommended to ensure that the roofs of the buildings are not used for sitting out or for any other purpose.

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

8.4 Transportation/Parking

The Highways Planning Manager recommends refusal of the application due to lack of off-street parking

Policy TRANS23 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.

Council's most recent day time parking survey (2015) indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 200m radius of the development site is 79% (based on only 61 out of the available 77 bays being occupied). Accordingly, if just one of the proposed residential dwellings requires on-street parking, this would take the area over the 80% threshold, and the highways planning manager has objected on this basis. However, given the benefits of providing new residential accommodation and the proximity of excellent public transport links, it is considered that on balance the residential use is acceptable in highways terms subject to appropriate mitigation for the potential increased pressure on on-street parking locally. The applicant has agreed to meet the costs of providing a scheme to mitigate on-street parking demand for the additional residential units. This is likely to be lifetime membership of a car club for the additional residential units on site (i.e. 7 units).

The London Plan requires 1 cycle parking space per 1 bed residential unit and 2 spaces for all others. The plans include space for bicycle storage within the individual units, in accordance with this requirement. Whilst a communal bike store on the lower levels of the building would be preferable, this is considered to be acceptable given the

constraints of the site. A condition is recommended to ensure that the proposed cycle parking is retained.

8.5 Economic Considerations

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

8.6 Access

Access will remain from doors at 64 and 65 Long Acre respectively. A new passenger lift will be installed between ground and third floor levels at 65 Long Acre.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The proposed storage arrangements for waste and recyclable materials are considered to be in line with the requirements of the Council. A condition is recommended to ensure that the proposed arrangements are made permanently available and used for no other purpose.

8.8 Neighbourhood Plans

No neighbourhood plan is in place for this area.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

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

8.11 Planning Obligations

The estimated Mayor's CIL payment is: £3,723.22

The estimated WCC CIL payment is: £33,701.28

8.12 Environmental Impact Assessment

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

8.13 Other Issues

Building Regulations

Environmental Health have raised concern that the arrangements for means of escape in case of fire appear to be inadequate, one of the rooms is a "Remote Room" and that

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the mezzanine level windows should be openable to allow for purge ventilation. Whilst these concerns are noted, they are matters to be considered under the building regulations and are not a material planning considerations.

Pre commencement condition

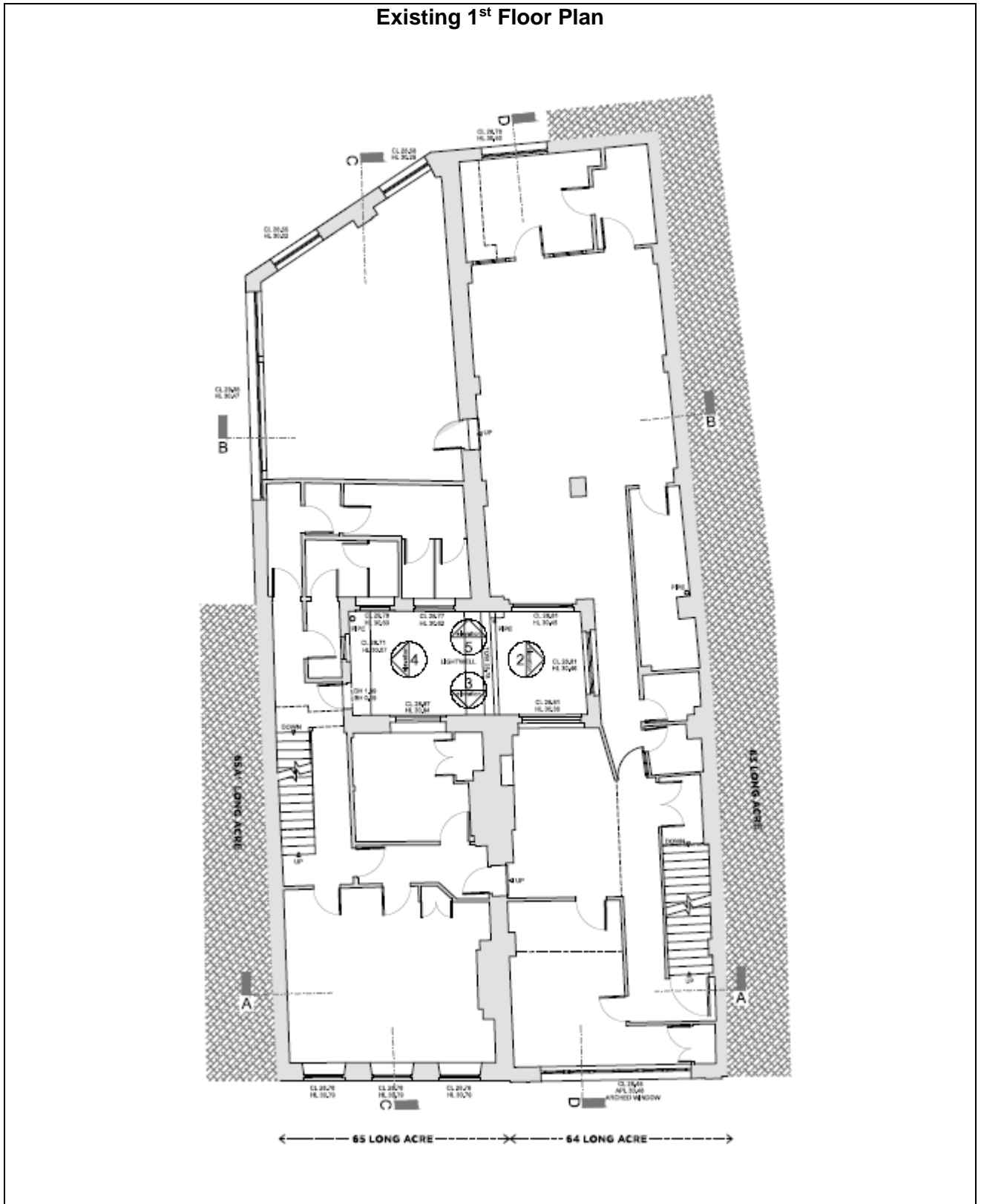
Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

A notice has been served relating to the proposed imposition of a pre-commencement condition to secure the mitigation against the pressure on on-street parking spaces caused by the development, as already discussed in Section 8.4 of this report. Any substantive response received will be reported verbally.

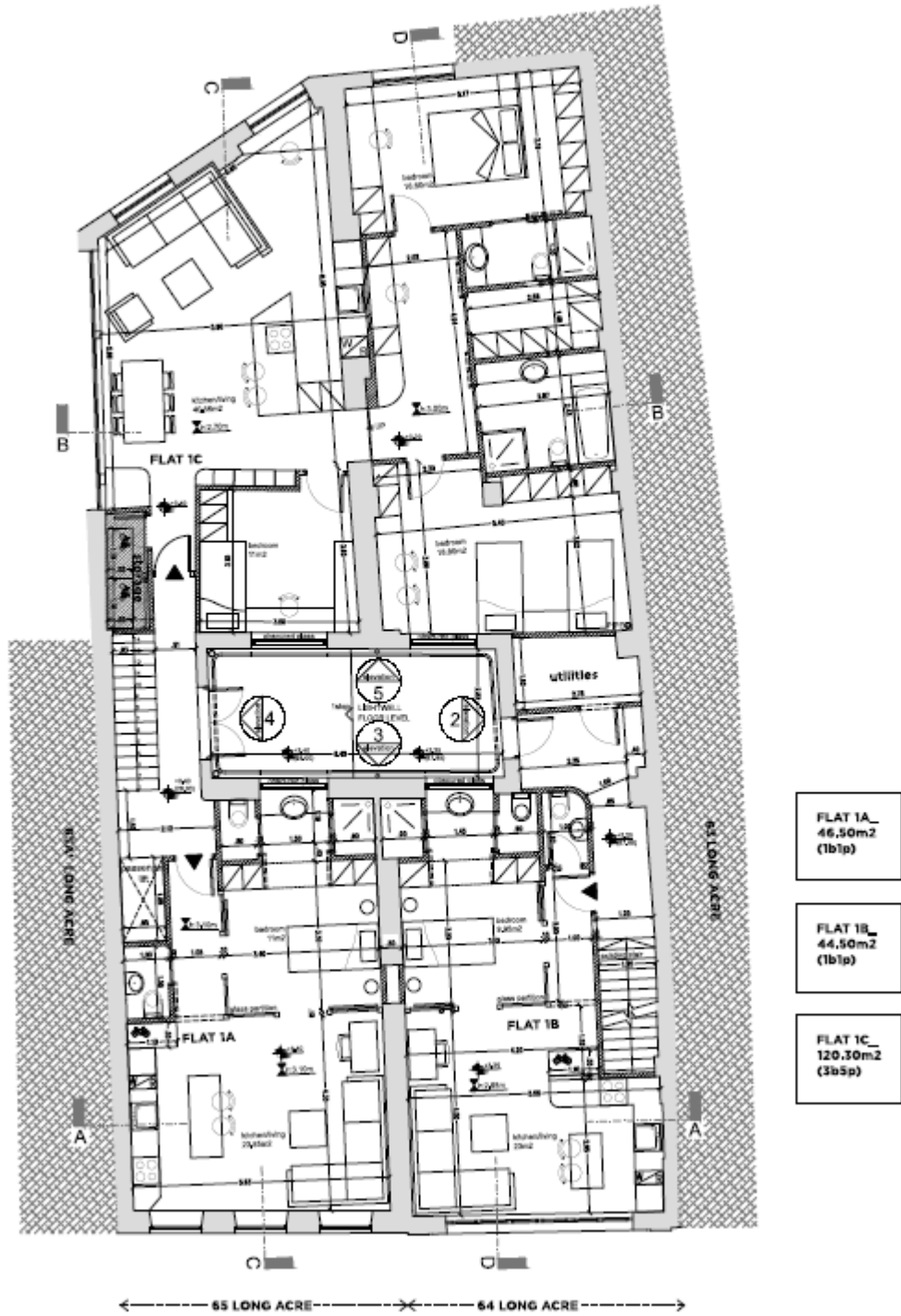
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council’s website)

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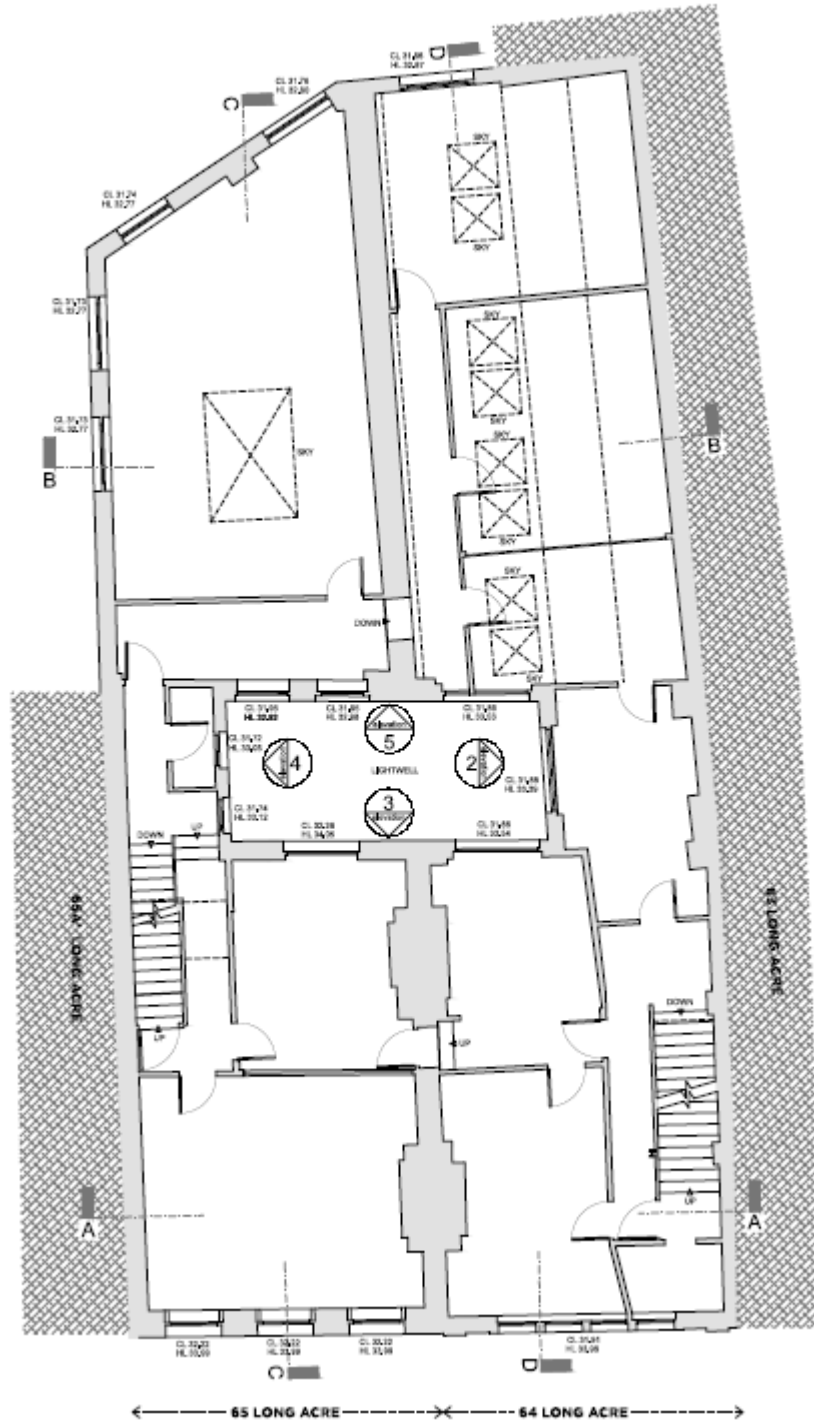
9. KEY DRAWINGS



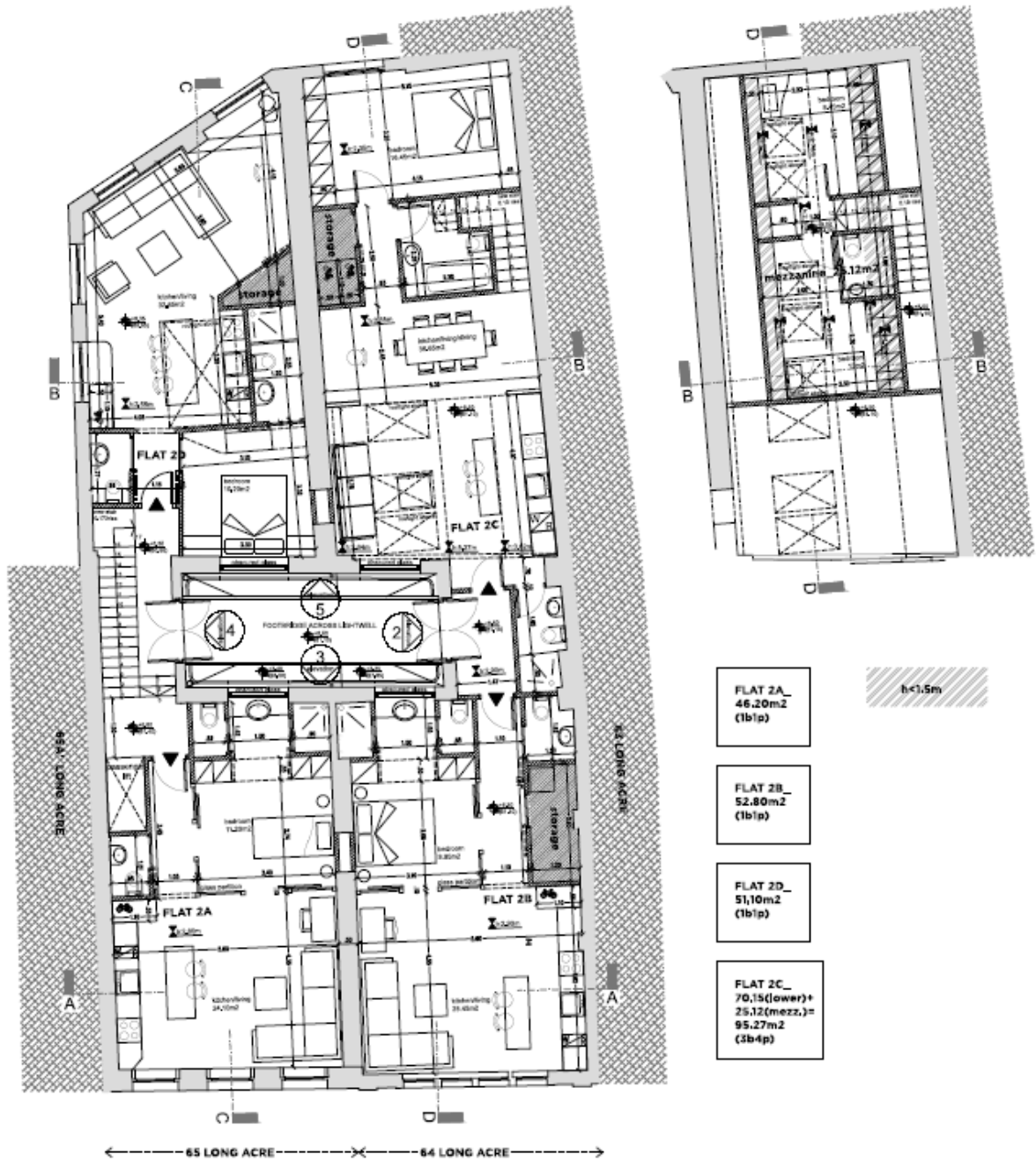
Proposed 1st Floor Plan



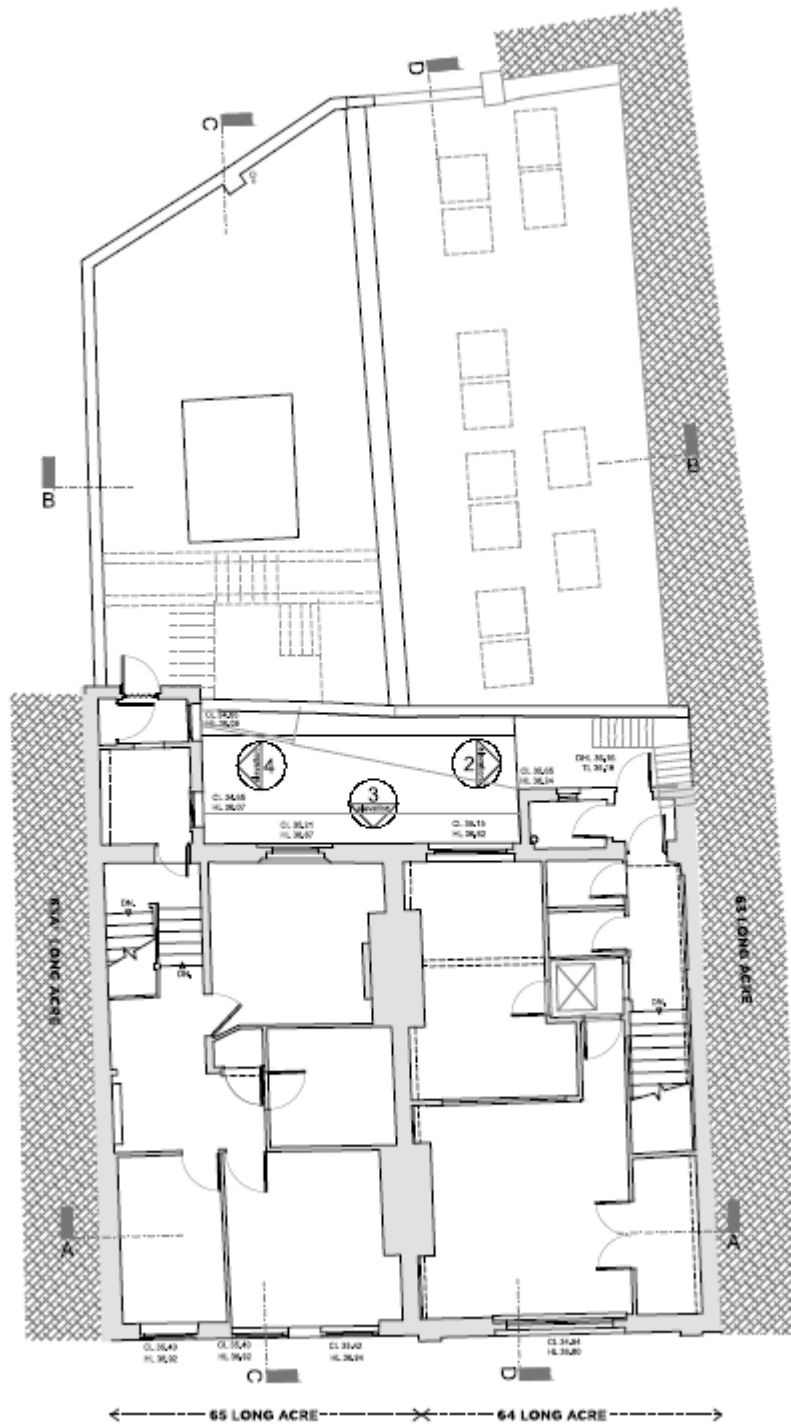
Existing Second Floor Plan



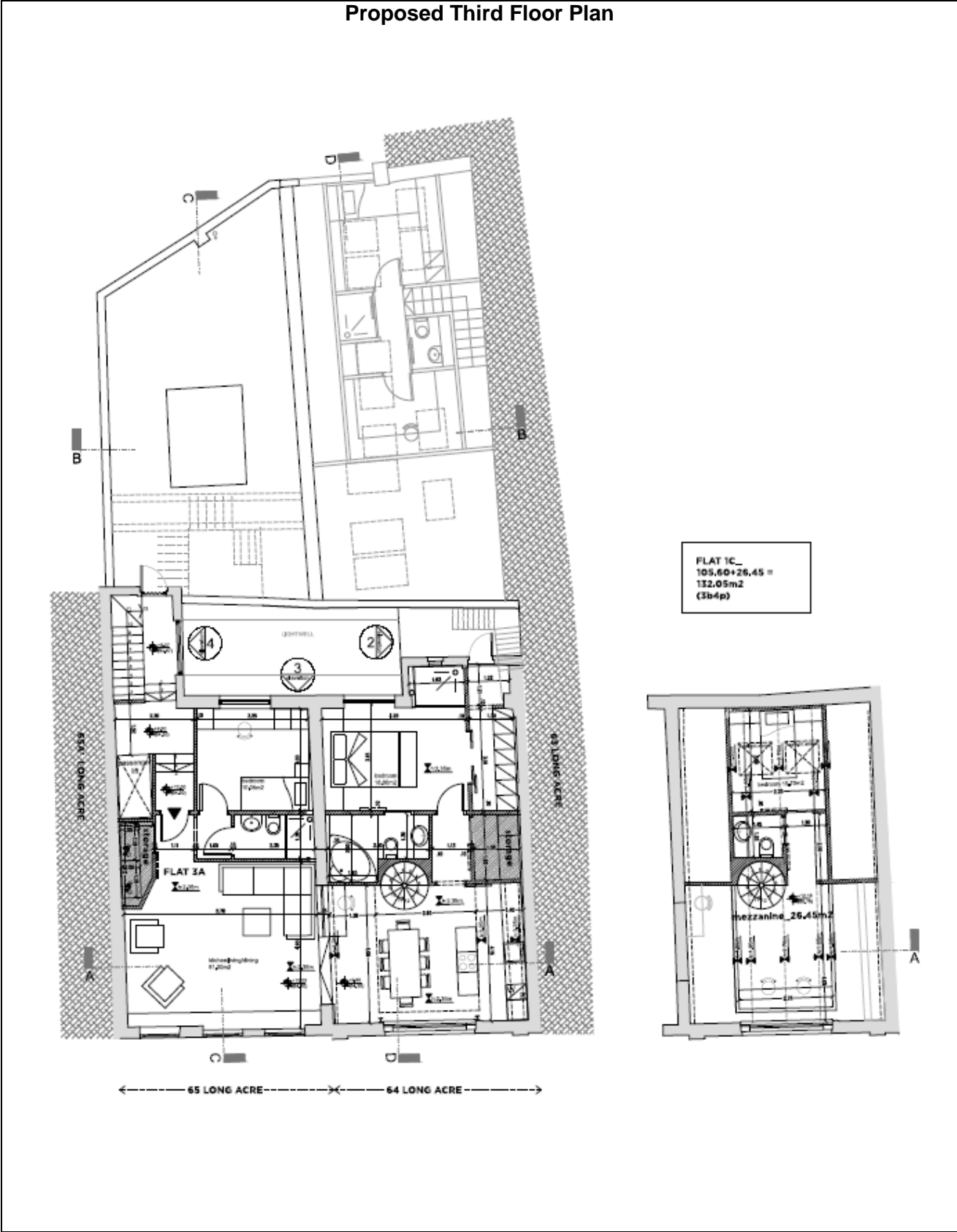
Proposed Second Floor Plan



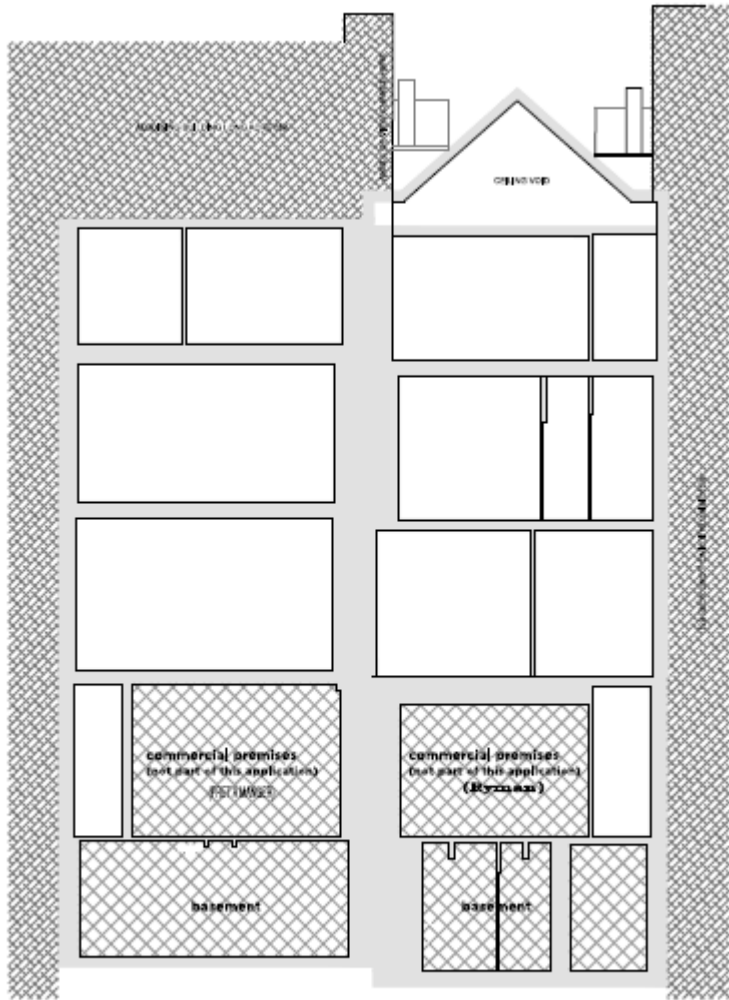
Existing Third Floor Plan



Proposed Third Floor Plan

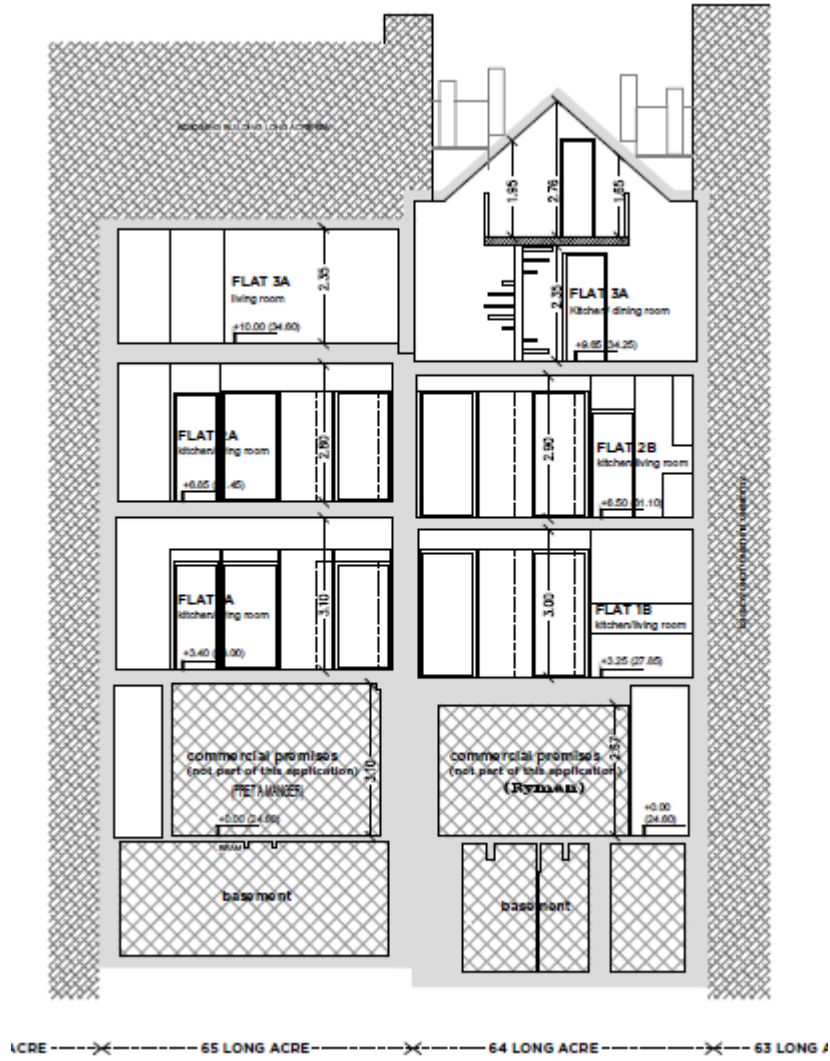


Existing Section A-A (Front)

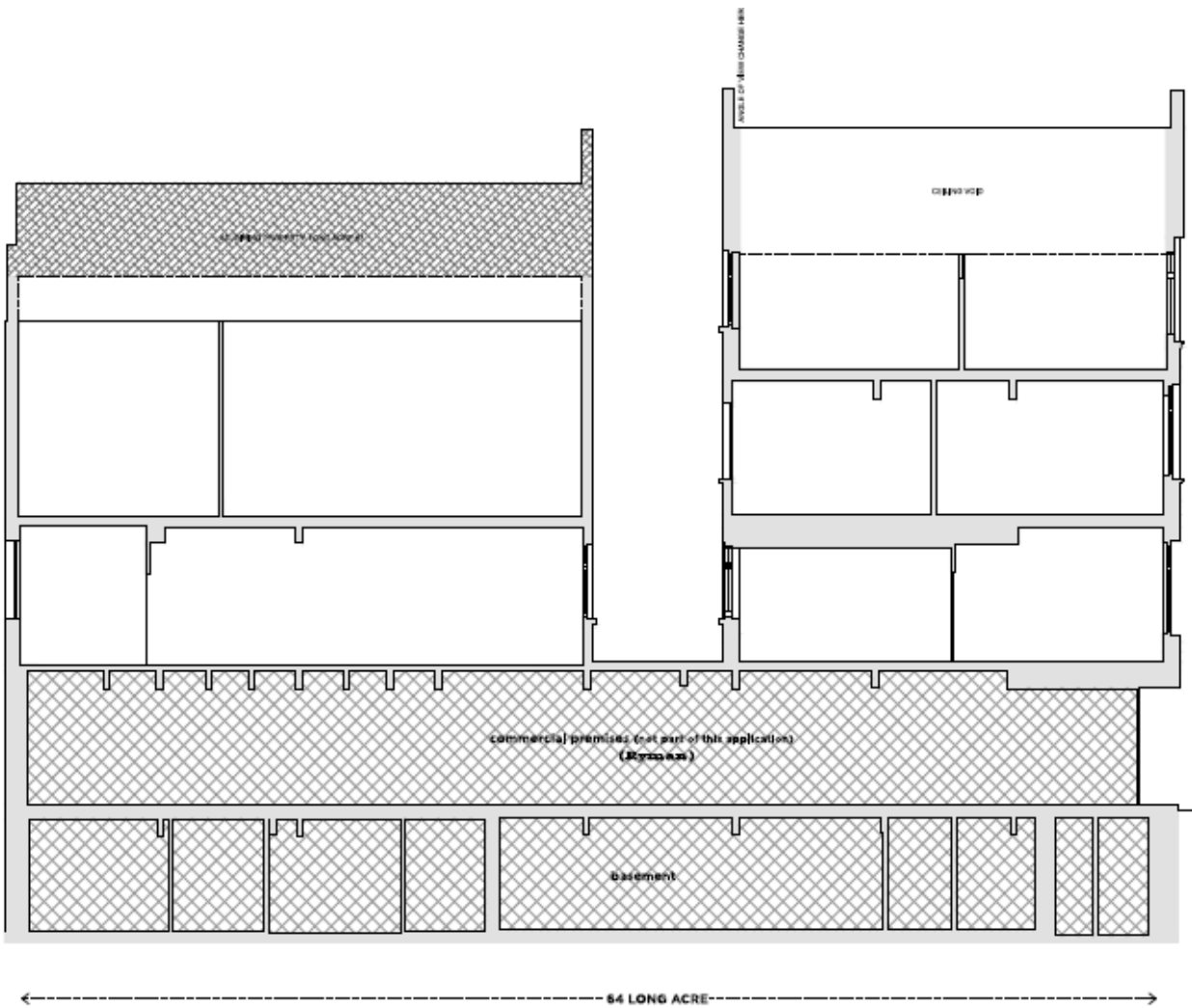


6 ACRE ---X--- 65 LONG ACRE ---X--- 64 LONG ACRE ---X--- 63 LONG ACRE

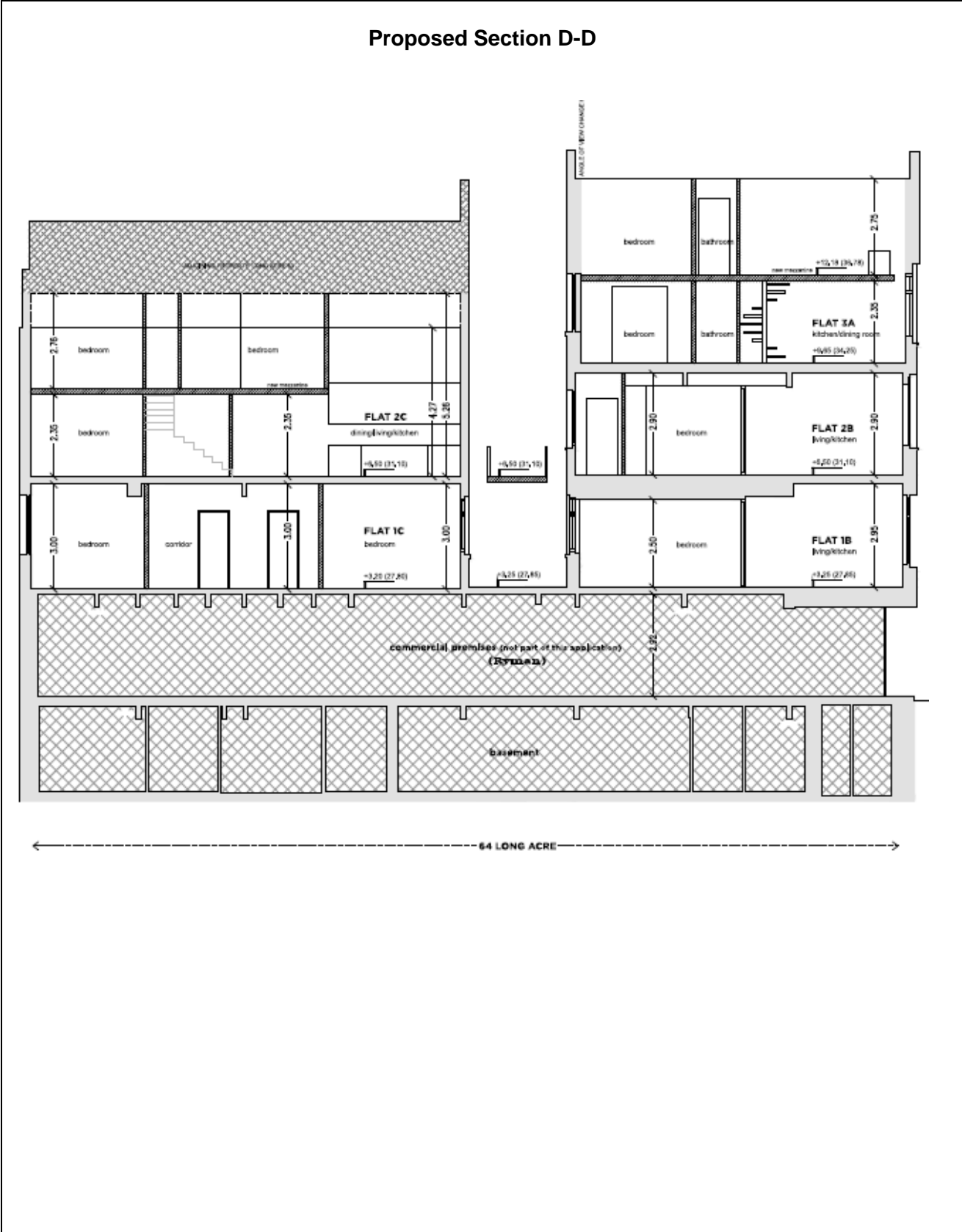
Proposed Section A-A (Front)



Existing Section D-D



Proposed Section D-D



DRAFT DECISION LETTER

Address: First To Third Floor, 64-65 Long Acre, London, WC2E 9SX,

Proposal: Use of part ground, first, second, third and new internal mezzanine floors as eight residential dwellings (Class C3); Installation of footbridge across internal lightwell at second floor level, plant machinery and internal lift: External alterations, including changes to fenestration.

Reference: 18/04254/FULL

Plan Nos: A.01; A.02; A.04; A.06 Rev. B; A.08 Rev. B; A.10 Rev. B; A12 Rev. C; A.14 Rev. C; A.16; A.18; A.20; A.22; A.24; A.26 Rev. B; A.28 Rev. A; A.30; Report 13527-NIA-01-RevD dated 14 September 2018.

For Information:

Planning, Design and Access Statement dated 22 May 2018; Appendices to Planning, Design and Access Statement dated 22 May 2018; Daylight and Sunlight Study dated 24 April 2018; Addendum to the Planning, Design and Access Statement dated 23 July 2018.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

- 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.

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

Reason:

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

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

Reason:

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

- 4 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

-Windows, including roof lights,

You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

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

- 5 Notwithstanding what is shown on the approved drawings you must apply to us for approval of details of the following part of the development:

- Full width screening for plant machinery on roof of 64 Long Acre (Elevation and Section drawings at 1:50 and 1:10 including specifications),

You must not install the plant machinery on the roof of 64 Long Acre until we have approved what you have sent us. You must then install the full width screening according to the approved drawings. You must then maintain the screening for as long as the plant machinery is in situ.

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 Covent Garden 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)

- 6 Notwithstanding what is shown on the approved drawings you must apply to us for approval of details of the following part of the development:

-Acoustic enclosures for plant machinery on roof of 64 Long Acre (Elevation and Section drawings at 1:50 and 1:10 Including Specifications),

You must not use the approved plant machinery on the roof of 64 Long Acre until we have approved what you have sent us. You must then install the acoustic enclosures according to the approved drawings. You must then maintain the acoustic enclosures for as long as the plant machinery is in situ.

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 Covent Garden Conservation Area and to protect the environment of people in neighbouring properties. This is as set out in S25, S28 and S29 of Westminster's City Plan (November 2016) and ENV 13, DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest,

shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

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

Reason:

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

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 11 The glass that you put in the windows at first and second floor levels in the rear elevation must not be clear glass and the windows shall be fitted with devices to limit the extent of opening. 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 parts 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)

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- 12 You must not use the roofs of the buildings 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, 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)

- 13 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.

- 14 You must provide the waste store shown on drawings A06 Rev. B, A08 Rev. B and A10 Rev. B before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the residential accommodation. 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 and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

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

Reason:

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

- 16 **Pre Commencement Condition.**

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Occupation of the flats hereby approved shall not commence until we have approved appropriate arrangements to secure the following.

-A scheme to mitigate on-street parking demand for the additional residential units proposed.

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

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 3 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 4 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)

- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 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>
- 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 Under condition 16, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure Car club membership for future residents, as set out in the letter dated 25 September 2018 from Ian Corrie. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)

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

Agenda Item 4

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 October 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	14-16 Great Portland Street, London, W1W 8QW		
Proposal	Erection of an additional storey at fourth floor level at the rear on the Margaret Court frontage and widening of the link building within the central lightwell at first to fourth floor levels to extend existing office (Class B1) floorspace. External alterations including the creation of terraces at second, third, fourth and roof levels (all for use in association with enlarged office (Class B1) floorspace). Installation of screened plant at new roof level and creation of a new frontage and pedestrian access onto Margaret Court. Use of basement and rear ground floor unit as a restaurant (Class A3).		
Agent	GL Hearn Ltd		
On behalf of	14-16 GPS Limited		
Registered Number	18/02029/FULL	Date amended/ completed	21 March 2018
Date Application Received	12 March 2018		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		

1. RECOMMENDATION

Grant conditional permission.

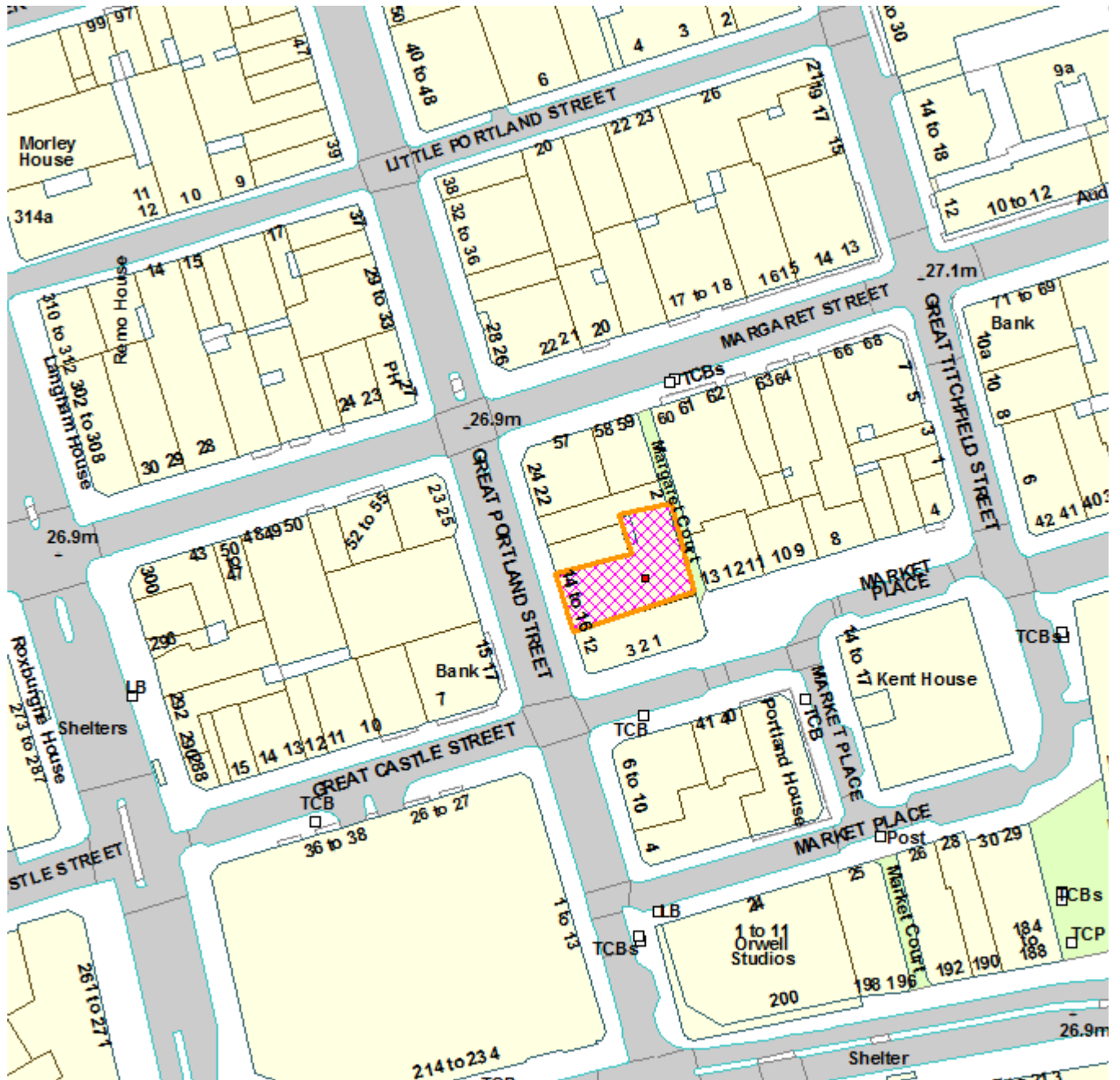
2. SUMMARY

<p>The application site comprises an unlisted building located within the East Marylebone Conservation Area and the Core Central Activities Zone (Core CAZ). Permission is sought to make a number of alterations and extensions to the upper floors to provide additional office (Class B1) floorspace and to convert the existing rear ground and the majority of the basement into a new restaurant (Class A3) accessed from Margaret Court to the rear of the site. A retail unit will be retained at ground floor level fronting onto Great Portland Street.</p> <p>The key issues for consideration are:</p>
--

- Whether the alterations and extensions to the building preserve or enhance the character and appearance of the East Marylebone Conservation Area.
- Whether the loss of retail floorspace would be detrimental to the character and function of an area or would harm the vitality and viability of a shopping frontage or locality.
- Whether the introduction of this new entertainment use in this area would give rise to any harm to residential amenity or harm to the character and function of the area.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the London Plan, Unitary Development Plan (UDP) and the Westminster City Plan (City Plan). Furthermore, the proposal is considered to not harm the character and appearance of the East Marylebone Conservation Area. For these reasons, it is recommended that conditional planning permission be granted.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION:
Any response to be reported verbally.

HIGHWAYS PLANNING:
No objection subject to conditions.

WASTE PROJECT OFFICER:
No objection subject to details of waste storage being secured by condition.

ENVIRONMENTAL HEALTH:
No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:
No. Consulted: 62
Total No. of replies: 0
No. of objections: 0
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises an unlisted building located within the East Marylebone Conservation Area and the Core CAZ. It is located outside of the West End Special Retail Policy Area (WESRPA) and outside of the West End Stress Area. The building spans between Great Portland Street and Margaret Court. Above ground floor level, the building is in two parts, linked by a metal-framed glazed structure.

The building is currently vacant with works to implement previous permissions to extend and alter the upper floors to create additional office (Class B1) floorspace taking place. Prior to these works commencing, the ground and basement floors were occupied as a large stationary shop (Class A1).

There are very few residential properties within the immediate vicinity of the site, with the nearest being on the upper floors of Nos. 58-59 Margaret Street, at the corner of Margaret Street and Margaret Court which is to the north of the application site.

6.2 Recent Relevant History

16/00879/FULL

Erection of an additional storey at fourth floor level at the rear on the Margaret Court frontage, widening of the link building within the central lightwell at first to fourth floor levels; external alterations including the creation of terraces at second, third, fourth and roof levels, installation of screened plant at new roof level and creation of a new frontage and pedestrian access onto Margaret Court; in association with the use of the basement

and grounds floors for retail purposes (Class A1) and first to fourth floors as offices (Class B1).

Permitted – 28 July 2016

16/12145/FULL

Variation of condition 1 of planning permission dated 28 July 2016 (RN: 16/00879/FULL) for the erection of an additional storey at fourth floor level at the rear on the Margaret Court frontage, widening of the link building within the central lightwell at first to fourth floor levels; external alterations including the creation of terraces at second, third, fourth and roof levels, installation of screened plant at new roof level and creation of a new frontage and pedestrian access onto Margaret Court; in association with the use of the basement and grounds floors for retail purposes (Class A1) and first to fourth floors as offices (Class B1). NAMELY, to vary the approved drawing numbers to amend the material on the permitted Margaret Court elevation to a high quality lightweight Zinc. Permitted – 8 February 2017. Non-material amendments to this permission were approved on 30 January 2018 (Ref: 18/00477/NMA).

7. THE PROPOSAL

The application seeks permission to use the pavement vaults and an area at front basement level as ancillary office floorspace in the form of plant and cycle storage and to use the remainder of the basement and the rear ground floor as a restaurant (Class A3) measuring 338 sq.m. Associated with this change of use is the opening up of the ground floor rear frontage onto Margaret Court in the form of fixed glazed units above traditional stallrisers. A full height extract duct to remove cooking odours is proposed within the central lightwell of the building. A 185 sq.m retail unit will be retained at ground floor level fronting onto Great Portland Street.

On the upper floors, the narrow link between the two halves of the building within the central lightwell is proposed to be widened and a fourth floor rear roof extension with plant above is proposed, all to enlarge the existing office (Class B1) floorspace.

Finally, replacement windows are proposed throughout and a more traditional shopfront is proposed on the Great Portland Street frontage.

There is not a known operator for the proposed restaurant but it is proposed to operate between:

- 08.00 – 00.00 (Monday – Thursday);
- 08.00 – 01.00 (the following morning) (Friday – Saturday); and

A summary of the proposed land use changes is set out in Table 1 below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	997	1,315	+318
Shops (Class A1)	664	185	-479
Restaurant (Class A3)	0	338	+338
Total	1,661	1,817	+177

Table 1: Existing and proposed land use table.

The application originally sought to change the use of the now retained retail unit fronting onto Great Portland Street into a coffee shop (*Sui Generis*). Following concerns from officers in respect to the cumulative loss of 644 sq.m of Class A1 floorspace where no evidence of long-term vacancy had been demonstrated, the applicant has revised the scheme to retain a 185 sq.m retail unit at ground floor level fronting onto Great Portland Street.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Increase in office floorspace

The proposed alterations to the upper floors of the building and the conversion of part of the basement floor to plant / cycle storage ancillary to the office floorspace on the upper floors are identical to that approved by the City Council in July 2016. The provision of an additional 318 sq.m of office floorspace and the rationalisation of the floor plates to improve the quality of the floorspace provided is welcome within the Core CAZ, in accordance with City Plan Policy S6, S18 and S20.

The proposed increase in floorspace (of all uses) over the existing building floorspace is below the 30% threshold set out within the City Council's mixed use policy (City Plan Policy S1) and therefore there is no requirement to provide any residential floorspace.

Loss of retail floorspace and Proposed new restaurant

City Plan Policy S21 states that existing retail will be protected throughout the City except where the Council considered that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let. UDP Policy SS5 states that A1 uses at ground, basement or first floor levels in the Core CAZ will generally be protected; that non-A1 town centre uses (such as restaurants) will only be granted where the proposal would not be detrimental to the character and function of an area or to the vitality and viability of a shopping frontage or locality; that proposals must not lead to (or add to) three or more consecutive non-retail uses; and proposal must not cause or intensify an existing over-concentration of entertainment use in a street or area.

As the site is located within the Core CAZ but outside of the West End Stress Area and the floorspace of the proposed restaurant is between 150 sq.m and 500 sq.m, it is an entertainment use that is generally permissible under UDP Policy TACE 8 provided it would not have an adverse effect: (i) Upon residential amenity or local environmental quality; and (ii) On the character or function of the area. The proposed new restaurant is also required to be assessed against City Plan Policy S24 that states, '*New entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area*'.

If one counts the Margaret Court frontage as being a shopping frontage, the proposed new restaurant will not result in more than three non-A1 uses being located consecutively. It is not considered that the application site forms part of the same frontage as Market Place and therefore the proposal would not result in more than three non-A1 units being located consecutively.

Whilst no marketing information has been submitted to demonstrate that the retail unit is 'long term vacant' for the purposes of City Plan Policy S21, there are considered to be benefits of the proposal that outweigh this policy conflict. The north side of Market Place is characterised by entertainment uses that compliment the primary retail frontages of the International Shopping Centre (i.e. Oxford Street, Bond Street and Regent Street) by providing cafe and dining opportunities for shoppers. The proposed new restaurant would not only add to and compliment this existing offer but would open up the rear of the building onto Margaret Court which would be beneficial to the street scene and the security of pedestrians walking along this alleyway through adding natural surveillance.

Given that the area surrounding the site is mixed in character and that a retail unit measuring 185 sq.m will be retained on Great Portland Street, thereby maintaining the retail offer on this street, it is not considered that the proposed restaurant would be detrimental to the character and function of the area or to the vitality and viability of this locality.

Furthermore, in an area with very few residents, it is considered that the introduction of a modestly sized entertainment use in this area would not give rise to any harm to residential amenity or harm to the character and function of the area.

8.2 Townscape and Design

The existing building is an attractive structure which makes a positive contribution to the appearance of the street and surrounding conservation area. The main façade is of Portland stone with metal framed windows; the rear façade (to Margaret Court) is of white glazed brick also with metal framed windows.

Permission has previously been granted for various alterations and extensions, and in principle the alterations remain acceptable in design and heritage asset terms. In terms of their location and detailed design the extensions will be mostly visible from the upper floors of surrounding properties rather than from the street. Nevertheless, from any vantage point the alterations will suit the appearance of the building and maintain the character and appearance of the surrounding conservation area. It is proposed to use facing material to match the existing building.

At street level the existing windows facing Margaret Court are to be altered and will create a much more active frontage on the currently under-utilised passageway. The detailed design of the windows with high stall-risers is characteristic of windows in the surrounding area and will reinforce this attractive and distinctive local characteristic. The alterations accord with City Plan policies S25 and S28, and UDP policies DES1, DES 5, DES 6 and DES 9, and are acceptable in design and heritage asset terms.

8.3 Residential Amenity

Sunlight and Daylight

The applicant has submitted a Daylight / Sunlight Report assessing the impact of the proposed roof extension at rear fourth floor level on daylight / sunlight received by the residential properties to the north at Nos. 58-59 Margaret Street. The proposed development is not predicted to result in a material loss of daylight or sunlight to these residential windows and therefore the development is fully compliant with the BRE Guide (2011), UDP Policy ENV 13 and City Plan Policy S29.

8.4 Transportation/Parking

Clearly, off-street servicing is not possible on this site but there are two loading zones located on Market Place with a maximum capacity for 11 goods vehicles. The Highways Planning Manager advises that the submitted Servicing Management Plan contains a number of sound overarching principles to minimising the impact of servicing on the function of the highway but recommends that a more detailed Servicing Management Plan be secured by condition.

In order to minimise the impact of the proposed restaurant on the local highway network, it is recommended that a condition be imposed preventing a delivery service from operating from the restaurant.

20 cycle parking spaces are proposed at front basement level, accessed from Great Portland Street via a lift. This level of provision is policy compliant and a condition is recommended securing this provision and access for staff working in all parts of the building.

8.5 Economic Considerations

The economic benefits of the additional office floorspace are welcome, as are any economic benefits deriving from the proposed new restaurant.

8.6 Access

Level access will be provided to the new restaurant.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed at rear roof level. The applicant has provide an acoustic report that demonstrates that there is no impediment to the installation of plant in this location, subject to conditions requiring further details to be submitted for the City Council's approval once the plant has been selected and requiring the acoustic enclosure shown on the proposed drawing to be installed and retained in situ. Environmental Health has no objection to the proposed plant or the extract arrangements for the proposed restaurant.

Refuse /Recycling

In response to the comments from the Waste Project Officer, the applicant has provided amended drawings showing waste storage within a basement lightwell (accessed by a platform lift) for the restaurant. Subject to this refuse store being secured by condition, these are acceptable.

8.8 Neighbourhood Plans

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

The submission version of the Mayfair Neighbourhood Plan has been submitted by Mayfair Neighbourhood Forum to the council for consultation and an independent examiner is due to be appointed shortly.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

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

8.11 Planning Obligations

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

The estimated CIL payments are:

- £12,779 (Mayoral CIL).
- £42,062 (Westminster CIL).

8.12 Environmental Impact Assessment

The development is of insufficient scale to require assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

8.13 Other Issues

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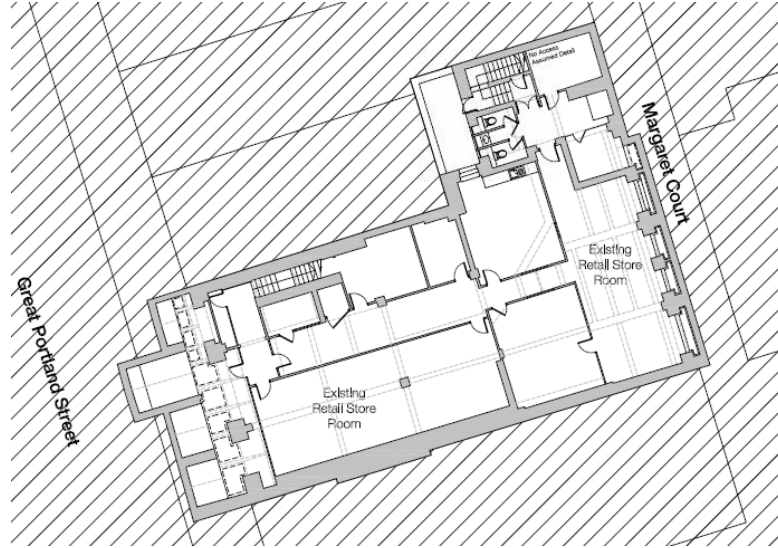
None.

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

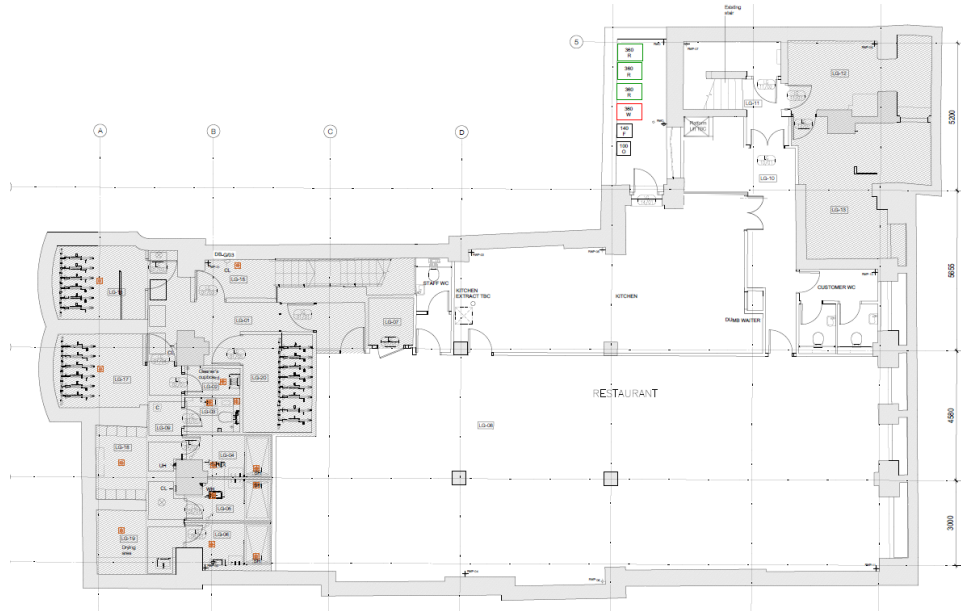
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

9. KEY DRAWINGS

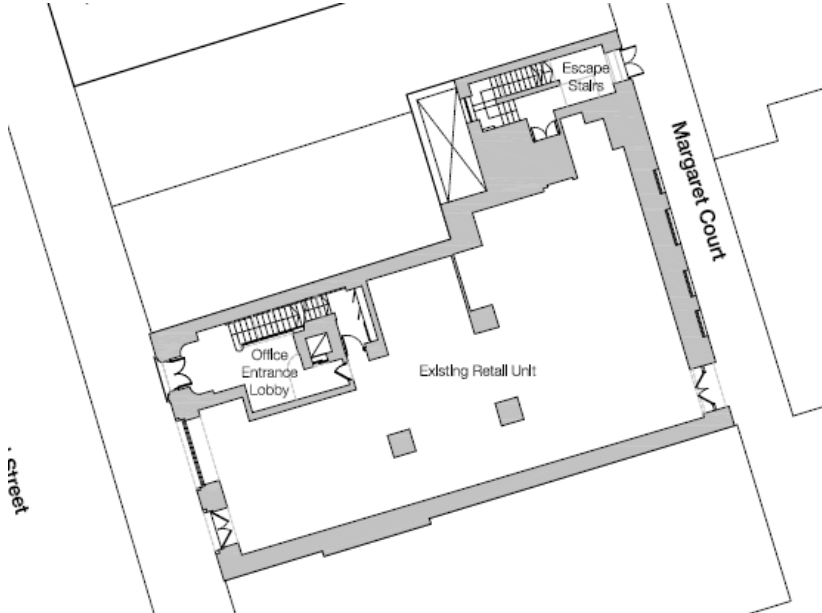
Existing basement plan:



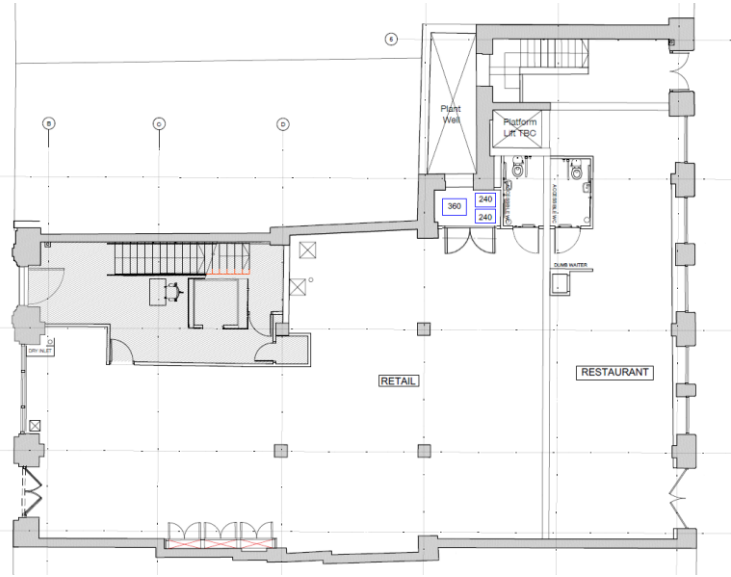
Proposed basement plan:



Existing ground floor plan:



Proposed ground floor plan:



Existing rear (Margaret Court) elevation:



Proposed rear (Margaret Court) elevation:



DRAFT DECISION LETTER

Address: 14-16 Great Portland Street, London, W1W 8QW

Proposal: Erection of an additional storey at fourth floor level at the rear on the Margaret Court frontage and widening of the link building within the central lightwell at first to fourth floor levels to extend existing office (Class B1) floorspace. External alterations including the creation of terraces at second, third, fourth and roof levels (all for use in association with enlarged office (Class B1) floorspace). Installation of screened plant at new roof level and creation of a new frontage and pedestrian access onto Margaret Court. Use of basement and rear ground floor unit as a restaurant (Class A3).

Reference: 18/02029/FULL

Plan Nos: 29023_(SK)_017, 29023_(SK)_018, 29023_(20)_101, 29023_(20)_102, 29023_(20)_103, 29023_(20)_104, 29023_(20)_105, 29023_(20)_106, 29023_(20)_200, 29023_(20)_201, 29023_(20)_202, 29023_(20)_203, 29023_(20)_204, 29023_(20)_205, 29023_(20)_206 and 29023_(20)_207.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

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 residents and the area generally as set out in S29 of

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

- 4 You must apply to us for approval of detailed drawings of the following parts of the development - new ground floor windows and doors to Margaret Court. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

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

- 5 You must 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 East Marylebone 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)

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

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

January 2007. (R26BE)

- 7 Contrary to anything shown on or implied by the approved drawings, all terraces must be guarded by black-painted metal railings and maintained in that colour for the life of the development.

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

- 8 With the exception of the two double doors, the shopfront to the restaurant (Class A3) hereby approved shall be fixed (i.e. non-opening).

Reason:

In the interests of public safety, 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 East Marylebone Conservation Area and to safeguard the amenity of occupiers of noise sensitive properties and the area generally, as set out in S25, S28, S32 and S41 of Westminster's City Plan (November 2016) and ENV 6, DES 1, DES 5, TRANS 2, TRANS 3 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must provide each cycle parking space shown on the approved drawings prior to occupation of the restaurant (Class A3) or extended office (Class B1) hereby approved. These cycle parking space shall be made available for all staff working in the building. Thereafter the cycle spaces must be retained and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

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

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 11 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 10 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

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Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 12 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 nuisance and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25, S28, S29 and S32 of Westminster's City Plan (adopted November 2016) and ENV 6, ENV 7, 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.

- 13 You must provide the waste store and platform lift shown on approved Dwg No. 29023_(SK)_017 prior to the commencement of the restaurant (Class A3) use hereby approved. You must store restaurant waste in this location and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.

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)

- 14 If you provide a bar and bar seating with the restaurant (Class A3) hereby approved, it must not take up more than 15% of the floor area of the restaurant. You must use the bar to serve restaurant customers only, before, during or after their meals.

Reason:

To ensure that the proposed use does not harm the amenity of nearby residents and will protect the character of the area, as required by TACE 8 of our Unitary Development Plan that we adopted in January 2007 and S24 and S29 of Westminster's City Plan (November 2016).

- 15 Customers shall not be permitted within the restaurant (Class A3) hereby approved except during the following hours:

- Between 08.00 and 00.00 (Monday - Thursday);
- Between 08.00 and 01.00 (the following morning) (Friday - Saturday); and
- Between 08.00 and 23.00 (Sunday and Bank Holidays).

Reason:

To ensure that the proposed use does not harm the amenity of nearby residents and will protect the character of the area, as required by TACE 8 of our Unitary Development Plan that we adopted in January 2007 and S24 and S29 of Westminster's City Plan (November 2016).

- 16 Prior to the commencement of the restaurant (Class A3) use hereby approved, the high level extract shall be completed in its entirety in accordance with the approved drawings and this high level extract shall be retained in situ for the life of the development.

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)

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

Reason:

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

- 18 Prior to the commencement of the restaurant (Class A3) use hereby approved, you shall submit a detailed Servicing Management Plan for our approval. You shall not commence the restaurant (Class A3) use hereby approved until we have approved what you have sent us and the restaurant shall operate in accordance with the approved Servicing Management Plan for the life of the development.

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)

- 19 You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 20 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)

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 For the purpose of Condition 18, although the submitted Servicing Management Plan contains a number of sound overarching principals on minimising the impact of servicing on the highway, additional site specific detail is required.

An updated Servicing Management Plan should clearly 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 Servicing Management Plan 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.

- 3 Conditions 10, 11 and 12 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. (182AA)
- 4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

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

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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.

- 5 You are reminded that this permission does not relate to the use of any of Margaret Court for al fresco dining in association with the restaurant hereby approved. A separate planning application would be required for this change of use. However, the very narrow width of Margaret Court means it is unlikely that permission would be granted for tables and chairs in this location.

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Agenda Item 5

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 October 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	10 Duchess Street, London, W1G 9AB		
Proposal	Variation of conditions 12, 14, 15, and 22 of planning permission dated 25 July 2015 (RN: 15/06130/FULL) for the 'use for a temporary period of 16 years as a school (Class D1), installation of 2 No. louvres within existing window openings in east elevation and internal alterations' - NAMELY, to allow the reduction of the number of teachers at the entrance from 2 to 1, to extend the age range of pupils by including the 'senior' years from the junior school at 36 Portland Place, increase the number of pupils from 175 to a maximum of 210, extending the time the school is used in evenings, Saturdays and outside term time, and allowing a corresponding increase in the hours that plant serving the louvres can be used.		
Agent	Osel Architecture		
On behalf of	Ms Faulkner		
Registered Number	18/06463/FULL	Date amended/ completed	1 August 2018
Date Application Received	1 August 2018		
Historic Building Grade	Grade II		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

<p>Planning permission was granted in November 2015 for the use of the building as a school (for a temporary period of 16 years). It is occupied by L'Ecole Internationale Franco-Anglaise (EIFA), an independent, international school providing English-French bilingual education. The school caters for students aged 18 months to 18 years old, across two sites: the junior school is nearby at 36 Portland Place and 10 Duchess Street is used as the senior school.</p> <p>The original application for the school had given rise to approximately 40 objections, mostly from local residents in the adjacent mansion block immediately to the west, 2 Mansfield Street, concerned about the potential noise and disruption caused by school pupils and</p>

traffic generation. The application was approved by the Planning Applications Sub-Committee, subject to a number of safeguarding conditions. The school opened in April 2016 and they currently have 106 pupils (The current permission allows for up to 175.) It should be noted that the junior school at 36 Portland Place, which was permitted in March 2013, is not subject to any restrictions on opening hours nor capacity.

Conditions to be varied:

Permission is now sought to vary some of the conditions, in the light of experience as to how the school has been operating. The school has undertaken its own consultation with the local community prior to submitting the current application. The relevant conditions which they seek to amend are as follows:

Condition 12 – required that the use be carried out in accordance with a student management plan, in particular there must be a minimum of two teachers outside the premises 30 minutes before the school day commences and 30 minutes after the school day ends. The school now wishes to reduce the number of teachers at the entrance from two to one, arguing this is unnecessary as there is a long period from 8.00am to 8.40am that allows for a staggered flow of pupils. Therefore, there is never a rush of pupils arriving and blocking the pavement in the morning. The opening time of 8.00am will remain, so that pupils shouldn't need to wait outside. As well as having one teacher, there is also a member of staff at the reception just inside the entrance. Even with the younger pupils that permission is being sought for (see below), one teacher at the door is considered to be sufficient.

Condition 14 – restricts the use of the property only as a secondary school. They would now like to include the 'senior' years of the junior school, to allow better use of Duchess House and their junior school at Portland Place. The current age range is 12 – 18 years and they would like to extend this to 8 – 18 years.

Condition 15 – states there will be a maximum of 175 school children allowed on the premises, between the hours of 07.45 hours and 17.30 hours, Mondays to Fridays only, during term times, and not at all on Saturdays, Sundays, Bank Holidays and other public holidays outside term time.

The school would now like to increase the maximum number of pupils to 210, to allow the current junior years to progress as a cohort up through the school. 10 Duchess Street has 10 classrooms, each of which can hold a maximum of 20 pupils, plus a music room which can hold 10 pupils - a potential maximum of 210 pupils. Although there are only 106 pupils at the moment, there is expected to be a gradual increase and they would like the option of allowing a maximum capacity.

The school has sought advice to find out if the building will require additional fire safety measures. The fire consultants reviewed the building and its current fire strategy and confirmed that increasing to 210 pupils is within the remit of the current fire strategy and no additional safety measures are required. It is understood that no school is allowed to open until a full OFSTED inspection is conducted prior to opening, together with the Fire Brigade,

building control and Health and Safety consultants inspections and certification. Risk assessments and fire risk assessments are conducted by professional consultants every year. The school is confident that it meets all relevant regulations.

Information submitted by the school shows that 49% of the pupils walk/cycle to the school, 20% use public transport, 18% use the school mini bus and only 13% arrive by car/taxi/car pool. This information is based on the current 106 pupils, and shows that 87% of pupils travel by sustainable modes. The statistics are reinforced by the school's knowledge that the majority of their pupils live locally within Westminster. It is believed that based on the above statistics and the implemented travel management plan and monitoring, these figures will not change much even with an increase in the number students.

The school also wishes to extend the time the building can be used in the evenings, on Saturday mornings and during the half terms and summer vacations. Examples of the likely uses for extending the buildings hours include the following:

Weekdays until 21.00 hours:

- Parents Evenings by year group rather than the whole school;
- Educational seminars;
- Exam students extended work/tuition (one on one extra lessons);
- Language courses for parents and adults.

Saturdays 08.00-13.00:

- Greater use of current specialised facilities for small learning groups, especially Information and communications technology (ICT) coding, language work;
- Open morning (once a term);

Summer & Half terms:

- Day revision courses.
- One-week day time holiday club.

They would also like the opportunity to use the building occasionally for local social and community events, such as those involving the Marylebone Association.

Condition 22 – Extending the time the building can be used will require extending plant use during those times.

Assessment:

The above amendments are all considered to be acceptable. There have been no complaints about how the school has operated: even one of the objectors to the current application comments that *"it was the group's [2 Mansfield Street Residents' Association] pleasure to report after two years of the success of the scheme in the area and that there was little if any impact on residents in terms of noise, rubbish and traffic from pupils, parents or staff"*. The increase of 35 pupils is small and the overall number of 210 is considered to be modest. Similarly it is not considered unreasonable to allow extended use of the building

during weekday evenings, Saturday mornings and school holidays, within reasonable limitations to safeguard residential amenity. It is therefore proposed to amend condition 15 to allow the following opening times:

- During term times, between 07.45 hours and 21.00 hours, Mondays to Fridays and between 08.00 – 13.00 hours on Saturdays;
- During half terms, between 07.45 and 18.00 hours Mondays to Fridays only; and
- During the school's summer vacation/holiday, between 07.45 and 18.00 hours Monday to Friday only, for a period of up to three weeks,
- and not at all on Sundays, Bank Holidays and other public holidays.

The school is a social and community facility and they would like to occasionally use the building for local community uses, as well as purely educational activities, during the extended hours being sought. Council policy S34 of the City Plan (Social and community infrastructure) protects and encourages such uses, subject to adequate safeguards, specifically stating that "*new social and community facilities will be encouraged throughout Westminster*". The National Planning Policy Framework (NPPF, 2018) also states that

"It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should ... give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications", and

"make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision...".

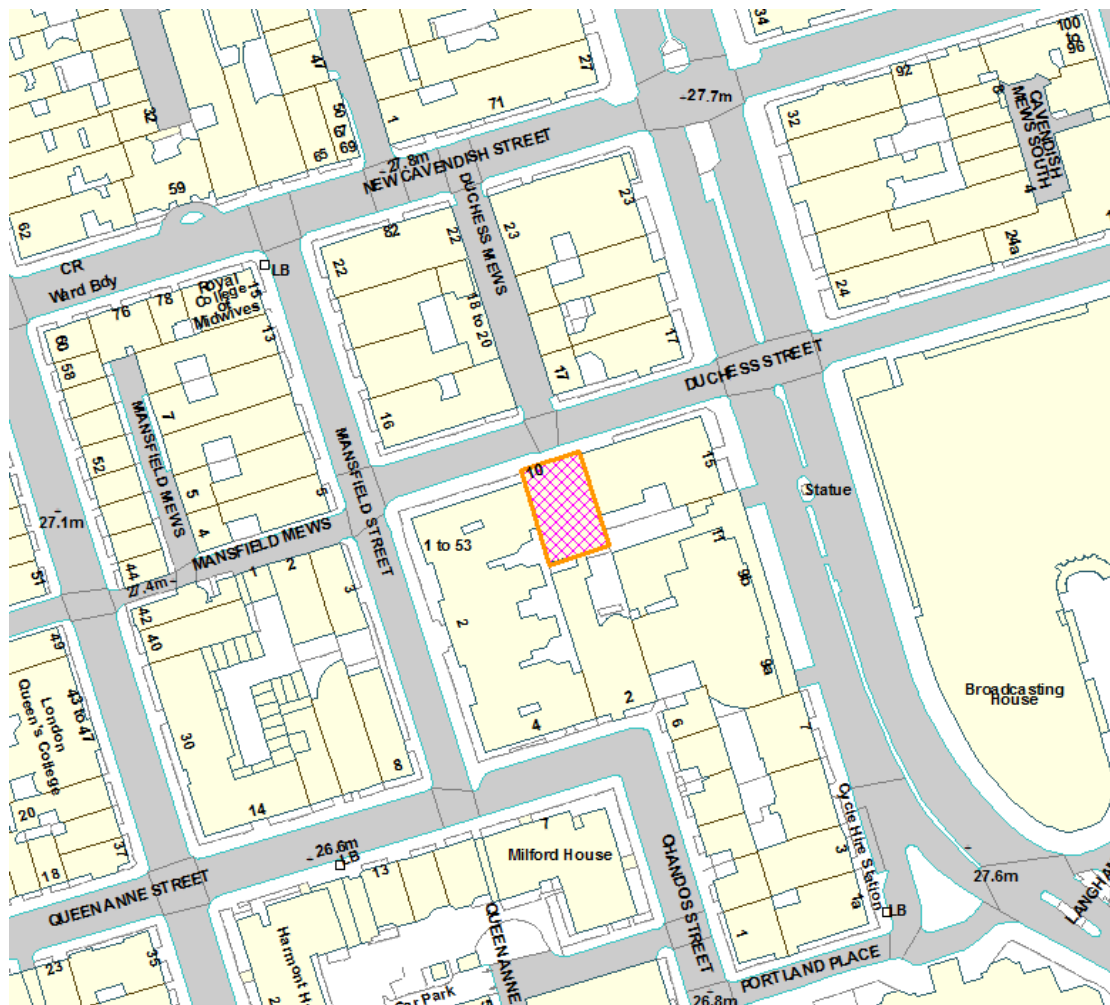
Subject to separate community uses being limited, it is considered that these would be ancillary to the main use of the building as a school (and would fall within Class D1 anyway).

There have been a number of representations in support of the proposals, presumably from parents of pupils at the school. The majority are residents within Westminster. However, there have also been two objections from residents in the mansion block next door, concerned about the increase in the number of pupils, the reduction in teachers at the entrance, and the use of the school by businesses during the extended hours in the evening. As the school has been operating for two years, the requirement for two teachers at the entrance has been tested and found to be excessive and so long as there is at least one teacher supervising the children, this would appear to be acceptable. As commented above, the increase in pupils is considered to be modest.

With regard to use of the school by businesses during the extended hours, the school has confirmed that this is not their intention. Whilst it may be used for occasional community events, this is considered to comply with Council policy S 34, that encourages facilities for social and community activities.

One objector refers to new louvres being proposed, thinking these are necessary to accommodate the increased capacity. However, this is a reference to the original planning application, the description of which did include two louvres (which have been installed). The applicant has confirmed that no new external works are proposed. Extending the operating hours of the plant to accommodate the extended opening hours of the building is considered to be acceptable in principle. However, an additional condition requires the submission of a supplementary acoustic report, demonstrating that the plant will comply with the noise limitations specified by UDP policy ENV 7, during these extended hours.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION - No response to date.

HIGHWAYS PLANNING - No objection.

PROJECTS OFFICER (WASTE) - No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. consulted: 94; No. of replies: 42:

40 in support of the proposals;

two objections - one or both on the grounds of the increase in the number of pupils, the reduction in teachers at the entrance, the use of the school by businesses during the extended hours in the evening;

one objector mistakenly believes there are new louvres being proposed as part of the increased capacity - however, no additional works are proposed [2 No. louvres were part of the original planning application].

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This is a grade II listed building that lies in the Central Activities Zone and the Harley Street Conservation Area.

6.2 Recent Relevant History

15/06130/FULL

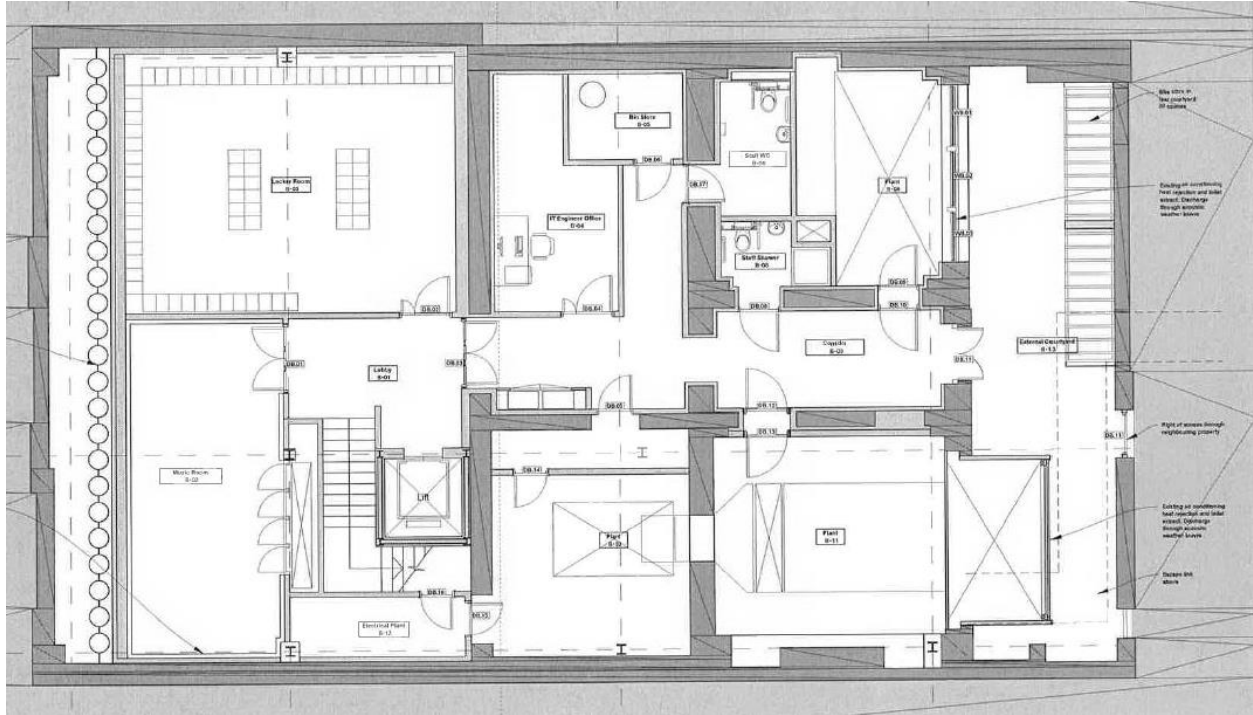
November 2015 – permission granted for use of the building for a temporary period of 16 years as a school (Class D1), installation of 2 No. louvres [for air inlet and air discharge] within existing window openings in east elevation and internal alterations.

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

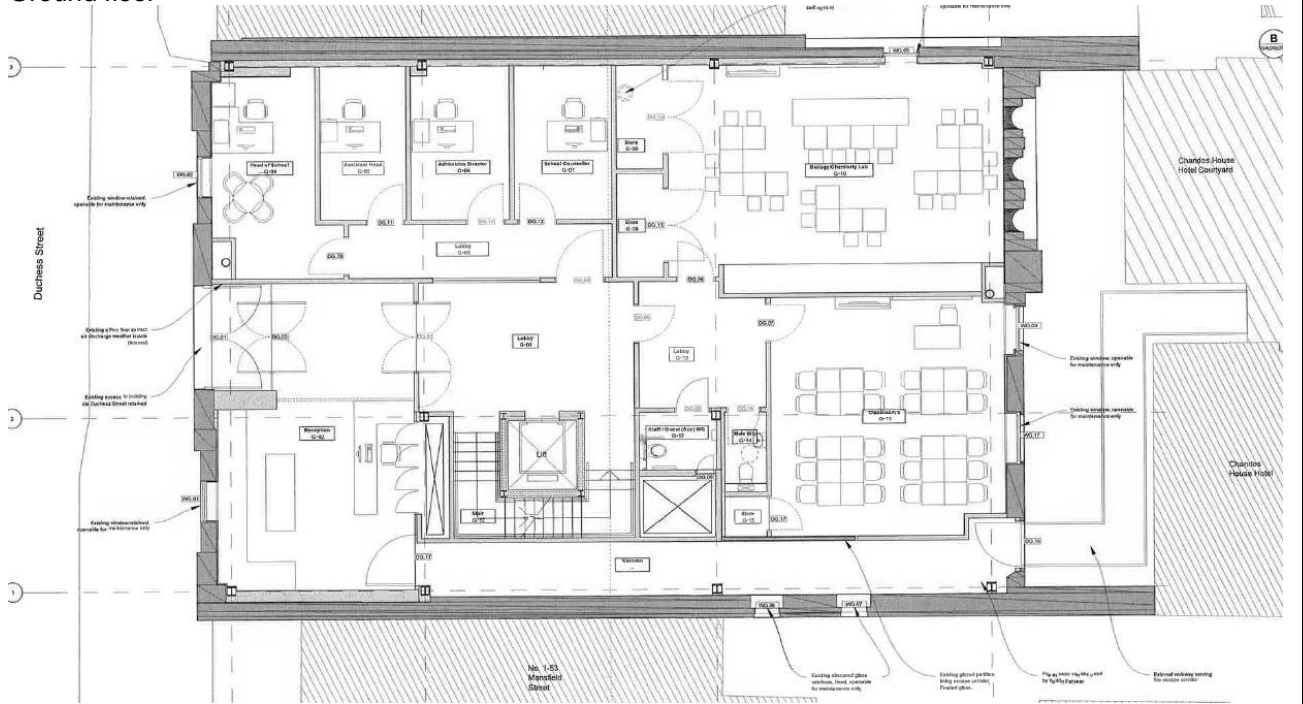
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

7. KEY DRAWINGS

[Plans of the layout from the original application]
Basement



Ground floor



DRAFT DECISION LETTER

Address: 10 Duchess Street, London, W1G 9AB

Proposal: Variation of Conditions 12, 14, 15, and 22 of planning permission dated 25 July 2015 (RN: 15/06130/FULL) for, 'Use for a temporary period of 16 years as a school (Class D1), installation of 2 No. louvres within existing window openings in east elevation and internal alterations' - NAMELY, to allow the reduction of the number of teachers at the entrance from two to one, to extend the age range of pupils by including the 'senior' years from the junior school at 36 Portland Place, increase the number of pupils from 175 to a maximum of 210, extending the time the school is used in evenings, Saturdays and outside term time, and allowing a corresponding increase in the hours that plant serving the louvres can be used.

Reference: 18/06463/FULL

Plan Nos: Location plan

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:
 * between 08.00 and 18.00 Monday to Friday;
 * between 08.00 and 13.00 on Saturday; and,
 * not at all on Sundays, bank holidays and public holidays.
 Noisy work must not take place outside these hours. (C11AA)

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. (R11AC),

- 3 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)

- 4 You must provide a minimum of 20 cycle parking spaces in the rear courtyard as 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 of the Further Alterations to the London Plan March 2015.

- 5 (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 educational 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 educational 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. (R47AB)

- 6 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)

- 7 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. (R49BA)

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

Reason:

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

contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 9 You must provide the waste store shown on drawing GA (00) 002 Rev P6 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the school. 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)

- 10 The use hereby approved must be implemented in accordance with the 'School Travel Plan' dated July 2015 (reference M14107-02E STO). At the end of the first, third and fifth school years, following the commencement of the use, you must apply to us for approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems, especially in relation to cycle parking and whether further measures are required if demand exceeds spaces available. After the fifth year you must submit reports to the Council monitoring the effectiveness of School Travel Plan every three years, including details of any remedial measures which are required, such measures to be implemented within three months of the Council's approval of the monitoring report.

Reason:

In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2, TRANS 3 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007.

- 11 You must not cook raw or fresh food on the premises. (C05DA)

Reason:

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

- 12 The educational use hereby approved must be carried out in full accordance with the EIFA 'Student Management Plan' dated July 2015. There must be a minimum of one teacher outside the premises 30 minutes before the school day commences and 30 minutes after the school day ends, and as far as reasonably practicable students walking to Regents Park during school time shall do so via Portland Place.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 13 All windows to the school shall be kept closed when there are students on the premises, and any existing windows or areas of glazing with obscure glass shall have that obscure glass retained.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, ENV 13 and SOC 1 of our Unitary Development Plan that we adopted in January 2007.

- 14 You must use the property only as a school for pupils between the ages of 8 - 18 years old (including ancillary educational activities for pupils and parents). You can also use it for social and community functions within Class D1 a maximum of once a week (during the hours specified in condition 15). You must not use it for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use within Class D1 because it would not protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007.

- 15 There shall be a maximum of 210 school children allowed on the premises at any one time. The school can be used for teaching and ancillary educational activities and social and community functions within Class D1, between the following hours: , , During term times, between 07.45 hours and 21.00 hours, Mondays to Fridays and between 08.00 - 13.00 hours on Saturdays;, During half terms, between 07.45 and 18.00 hours Mondays to Fridays only; and, During the school's summer vacation/holiday, between 07.45 and 18.00 hours Monday to Friday only, for a period of up to three weeks, , , and not at all on Sundays, Bank Holidays and other public holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007.

- 16 Apart from the parking and retrieval of cycles, the rear courtyard (nor the flat roof at rear second floor level) shall be used at any time except for maintenance purposes or in the event of an emergency.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, ENV 13 and SOC 1 of our Unitary Development Plan that we adopted in January 2007.

- 17 Apart from arrival and departure at the beginning and end of the school day, when leaving and returning on supervised visits off-site and in the event of an emergency or fire drill practice, students must remain within the premises, including at lunch times.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, ENV 13 and SOC 1 of our Unitary Development Plan that we adopted in January 2007.

- 18 Apart from the collection of rubbish, all servicing must take place between 09.00 and 16.00 hours on Monday to Friday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.
- 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)
- 19 The building must be used in accordance with the details approved by the City Council as local planning authority on 12 April 2016 under reference 16/02750/ADFULL, or in accordance with any other alternative sound insulation works to the basement music room as submitted to and approved by the City Council.
- 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 adjoining buildings from noise and vibration from the development.
- 20 Within three months of the start of the first school term, you must apply to us for approval of details of a supplementary acoustic report demonstrating that the premises are sufficiently insulated to comply with the Council's noise criteria as set out in Condition 5 of this permission, or including details of remedial measures that are required to ensure compliance. In the event that additional insulation remedial measures are required, they must be implemented within three months of the Council's approval of the supplementary acoustic report, with written confirmation of this within one month of completion of the remedial measures. At the end of the first, third and fifth school years, following the commencement of the use, you must apply to us for approval of reports monitoring the effectiveness of the sound insulation and setting out any changes you propose to make to the Plan to overcome any identified problems, which again must be implemented within three months of the Council's approval of those details, with written confirmation provided within one month of completion of those measures. After that you must submit reports monitoring the effectiveness of the sound insulation every three years, including details of any remedial measures which are required, such measures to be implemented within three months of the Council's approval of the monitoring report.
- Reason:
To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, ENV 13 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)
- 21 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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 22 The new plant/machinery serving the new louvres on the eastern flank elevation hereby permitted shall not be operated except between 07.30 and 21.30 hours, Mondays to Fridays and between 07.30 and 13.30 hours on Saturdays.

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. (R46CB)

- 23 The school must be operated in accordance with the details approved by the City Council as local planning authority on 23 March 2016 under reference 16/00523/ADFULL for the Community Liaison Panel/Residents' Liaison Group, or in accordance with any other alternative community liaison proposals as submitted to and approved by the City Council.

Reason:

To protect the environment of people in neighbouring properties as set out in S29, S32 and S34 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, ENV 13 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 24 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 8 of this permission during the extended hours the plant is allowed to operate as set out in condition 22. You must not use the plant for these extended hours 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)

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 condition 11 you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. But you can reheat food by microwave or convection oven as long as you do not need extractor

equipment. If you want to remove this condition you will need to send us full details of all the extractor equipment needed to get rid of cooking fumes. We will also consider the design and effect on neighbouring properties of any new ducts.

- 3 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and,
 - * any work needed to meet the building regulations or other forms of statutory control.Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)
- 4 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 5 The Council would welcome any encouragement and advice that you can give to the pupils and their parents/carers or others driving them to use the main roads rather than the residential side streets to get to School and when they leave for home. You are reminded of the need to ensure that when students are taken to Regents Park during school time the route should be along Portland Place and Park Crescent, as shown in Appendix A of the Student Management Plan.
- 6 Your attention is drawn to conditions 10 and 20, both of which require the submission of details at the end of the third and fifth years that the school has operated.

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

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Agenda Item 6

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 October 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	2-5 Hertford Street, London, W1J 7RW,		
Proposal	Variation of Condition 10 of planning permission dated 9 May 2017 (RN: 16/04002) (which itself was a variation of planning permission dated 3 March 2016 (RN: 14/12430/FULL)) for, <i>'Use of part first floors, second and third floors as a private members club use in connection with the existing private members club (sui generis). Alterations to the fenestration of the property to include the introduction of new window openings; creation of new plant areas at second and third floor levels; alterations to the roof form and installation of an awning over the terrace at third floor level. Internal alterations at all floor levels'</i> ; NAMELY, to allow the third floor terrace to be open to customers between the hours of 07.00 and 00.30 daily.		
Agent	Daniel Rinsler & Co		
On behalf of	5 Hertford Street Ltd.		
Registered Number	18/02776/FULL	Date amended/ completed	10 April 2018
Date Application Received	7 April 2018		
Historic Building Grade	Grade II		
Conservation Area	Mayfair		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Grant conditional permission subject to the completion of a deed of variation to the original legal agreement dated 3 March 2016. 2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then: <ol style="list-style-type: none"> 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

5 Hertford Street is a Private Members Club which has occupied the majority of a street block bounded by Shepherd Market, Trebeck Street, Shepherd Street and Hertford Street since July 2012.

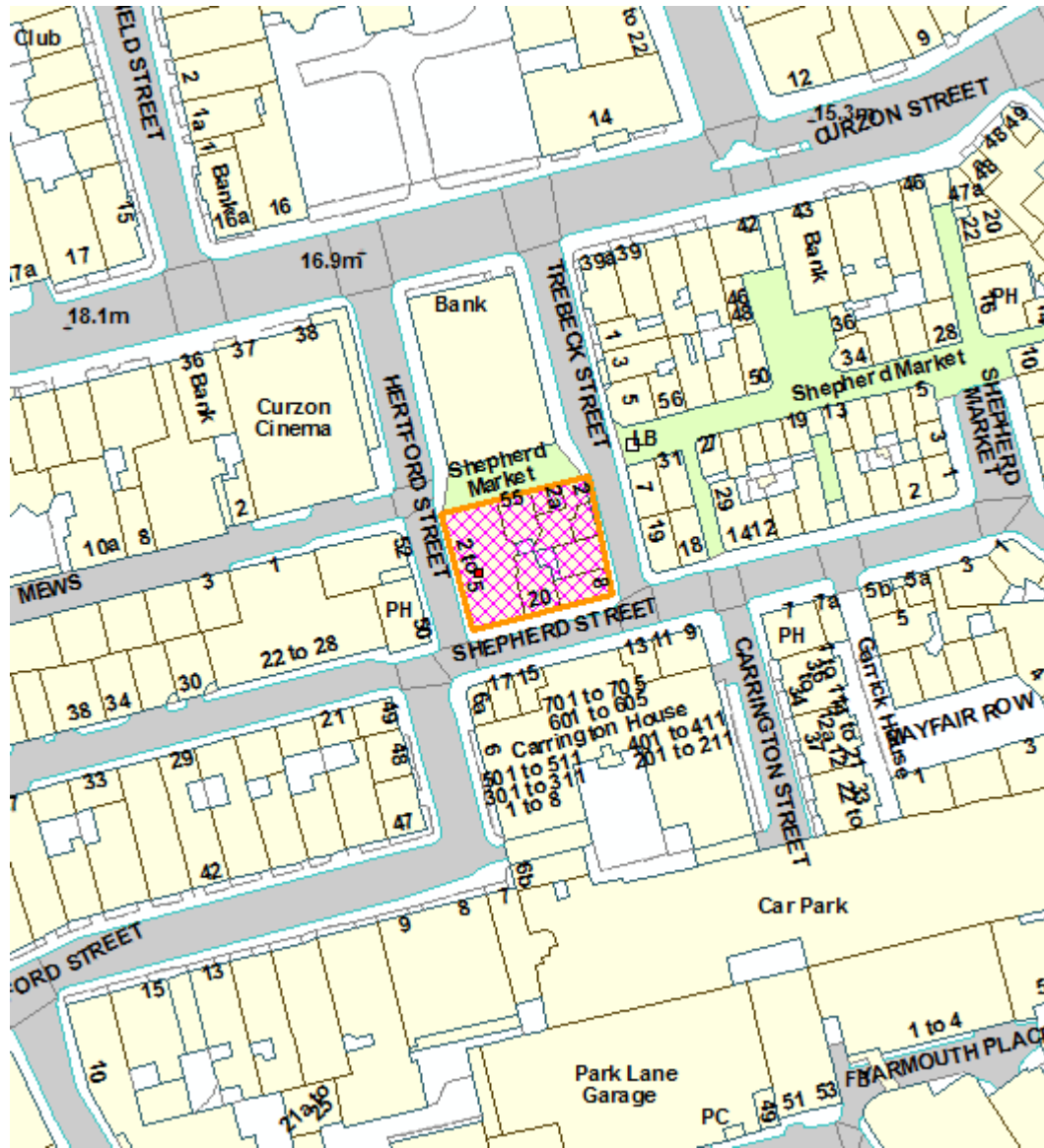
The club has a small 3rd floor terrace on the Shepherd Market frontage at the junction with Hertford Street. The hours of use of the terrace are restricted from 07.00 to 23.00 daily. On the 9 May 2017 permission was granted for the use of the terrace from 07.00 to 00.30 daily for a temporary period of 1 year. The temporary permission was granted to enable the position to be monitored. This application seeks to vary Condition 10 of permission dated 9 May 2017 (RN: 16/04002/FULL) to allow the terrace to be used from 07.00 to 00.30 permanently.

The key issue is the impact that allowing the later terminal hour would have on residents' amenities.

The area is mixed use in character including a number of residential properties. In response to consultations 52 letters of support has been received from residents, businesses in the area. Objections have been received on behalf of the owners of No 38 Curzon Street which has 4 flats at 1st and 2nd floors that the use of the terrace until 00.30 on a permanent basis may result in noise nuisance.

For the reasons set out in the main body of the report the proposal is considered acceptable and the application to vary the condition is recommended for approval. This is subject to the completion of a deed of variation to the original legal agreement dated 3 March 2016.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Image of view from 2nd floor apartment 38 Curzon Street

5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S

No objection on the basis that the applicant carries out a noise survey to establish the current background noise levels and that the license is subject to these levels not being breached.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 44

Total No. of replies: 55

No. of objections: 3

No. in support: 52

52 letters of support on some or all of the following grounds;

The Club is a great asset to the area and the later opening hours of the 3rd floor terrace has never caused any nuisance or disturbance

3 letters of objection on behalf of the owners at flats 1-4 38 Curzon Street on some or all of the following grounds:

- An acoustic report is required
- The Acoustic report submitted contradicts the approved Management Plan
- Use of terrace for more than 25 persons and after 23.00 would be to the detriment of residents in close proximity
- Permitting use of the terrace beyond 23.00 would set a precedent for similar applications from other businesses.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

In July 2012, 5 Hertford Street Private Members Club opened, occupying the majority of the lower floors of a street block bounded by Shepherd Market, Trebeck Street, Shepherd Street and Hertford Street. The site was previously occupied by Tiddy Dol's restaurant and had been derelict for a number of years.

6.2 Recent Relevant History

16/04002/FULL

Variation of condition 3 and 10 of planning permission dated 3 March 2016 (RN: 14/12430/FULL) for, 'Use of part first floors, second and third floors as a private members club use in connection with the existing private members club (sui generis). Alterations to the fenestration of the property to include the introduction of new window openings; creation of new plant areas at second and third floor levels; alterations to the roof form and installation of an awning over the terrace at third floor level. Internal alterations at all floor levels'; Namely, to vary opening hours to enable the extended

private members club at first, second and third floors to open between 07.00 and 01.30 the following morning on Mondays to Saturdays and between 12.00 and 00.30 the following morning on Sundays and to permit the use of the basement until 03.30 hours on the morning following Thursday to Saturday and until 3.30 hours on the morning following Sunday prior to a Bank Holiday and to permit the use of the third floor terrace until 00.30 each day for a temporary period of one year.
Application Permitted 9 May 2017

7. THE PROPOSAL

The Private Members Club has an external terrace at 3rd floor level on the Shepherd Market frontage of the building. Use of the terrace was restricted by condition from 07.00 to 23.00. Permission was granted in May 2017 to use the terrace until from 07.00 to 00.30 for a temporary period of one year. This application seeks to vary the condition (No 10 of planning permission dated 9 May 2017 RN: 16/04002) to enable the terrace to be used between 07.00 and 00.30 daily on a permanent basis.

Further to an objection that the application failed to include any noise assessment, an acoustic report has subsequently been submitted in support of the application.

8. DETAILED CONSIDERATIONS

The Members Club has been operation successfully since opening in July 2012. There have been no complaints to either the City Council's noise team or to the Club's Management team regarding the use of the 3rd floor terrace whilst it has been used until 00.30. The Club operates in accordance with an approved Management Plan.

The applicant advises that, *'Any complaints or nuisance would be reported to the Club's Operations Manager and its Membership Secretary. The procedure provide that if any complaints had been received, that would have resulted in full investigation, including review of CCTV footage and reports from staff. Any person with concerns would have been invited into the Club to meet management to ensure that any issues that may have arisen are fully reported and to help understand the Club's robust management controls'*. There have however been no complaints regarding the use of the club or the 3rd floor terrace. In addition to this 52 letters of support have been received which attest that the Club is well run a benefit to the area and that the extended hours of the 3rd floor terrace would cause no nuisance.

An objection was received from the owners of the 1st and 2nd floors of 38 Curzon Street, that the application failed to include any noise assessment to support the notion that the extended hours will not cause any disturbance to existing residents. 38 Curzon Street is situated to the north west of the application premises on the opposite side of Hertford Street. The 1st and 2nd floors have recently been converted into 4 residential flats pursuant to planning permission granted on 7 March 2017 (RN 16/11057/FULL). These flats are being marketed.

Acoustic Report

In response to this objection a Noise Assessment has been carried out and submitted as part of the application. The Noise Assessment sought to quantify background noise levels and readings were taken from the second floor of 51 Hertford Street.

An objection was received from 38 Curzon Street that the acoustic report was misleading as the second floor of 51 Hertford Street is not the closest residential receptor to the terrace because it is below the third floor roof terrace and hidden from it. A request was made that readings should be taken from flats at 38 Curzon Street which have a direct line of sight and are above the 3rd floor roof terrace.

In response to this objection further acoustic readings were taken from the Club's 3rd floor terrace and from Flat 4 on the 2nd floor of 38 Curzon Street. A supplementary Acoustic Technical Note was submitted. The report identifies that the nearest façade/corner of Flat 4, 38 Curzon Street is the Living Room/Kitchen/Dining Room, and that the bedroom windows are slightly further away along the Hertford Street façade and the Market Mews façade. Noise from the terrace at 5 Hertford Street will impact the windows of the Living Room more than the bedrooms.

Objections have been received on behalf of the freeholder and owners of 38 Curzon Street on the following main grounds;

- i) the acoustic report contradicts the club management plan, as the report refers to a maximum of 25 customers on the terrace whilst the management plan refers to a maximum of 29;
- ii) reference to Hertford Street as being busy is incorrect;
- iii) the report failed to provide the actual number of members using the terrace or clarification if the canopy was drawn over the roof terrace during the tests. These are items that contribute to a reduction in noise levels and therefore need to be controlled by condition;
- iv) the report is confused as it refers to noise at flat 4 38 Curzon Street from activity at Shepherd's Tavern a distance of 25m away which tails off at 23.00 hours but concludes the proposal for use of the terrace (which is closer) would not cause a problem;

The objections conclude that use more intensive than 25 persons and beyond 23.00 hours would be detrimental to the amenity of residents who are a short distance from and directly overlooking the roof terrace.

With regards to point i) above, the capacity of the roof terrace is not stipulated within the approved Management Plan. The Management Plan for the Club's operation approved on 16 August 2016 (ref 16/03976/ADFULL) specifically refers to the ground floor decked area on Shepherd Market with a capacity for 29 diners. This has subsequently been superseded by the current tables and chairs permission of 20 January 2017 which allows for 37 seated persons. An earlier planning statement refers to 25 seated patrons on the 3rd floor roof terrace but this is not subject to a condition and the acoustic report technical does not contradict the Management Plan.

The acoustic report includes both a subjective assessment and a noise measurement assessment. Noise readings were taken at the residential receptor (Flat 4 38 Curzon Street) are not noticeably affected by noise levels from the Club's 3rd floor roof terrace. Even when noise on the Club's 3rd floor terrace peaks, there is no corresponding peak and no adverse noise impact noted in Flat 4 of 38 Curzon Street.

Environmental Health are satisfied that the technical analysis demonstrates that use of the terrace would not lead to any unacceptable noise impact to local residents and raise no objection to the application .

The size of the terrace naturally limits its capacity and it is not considered necessary to control this by condition. The use of the terrace is already subject to effective and robust noise management procedures and arrangements as well as Licensing Conditions. The Club has been operating without any complaints since it opened in July 2012 and the extended opening of the 3rd floor terrace until 00.30 has caused no nuisance to people in the area. It is therefore recommended that the condition 10 on permission granted on 9 May 2017, is permitted to enable the terrace to be open to customers between the hours of 07.00 and 00.30 daily on a permanent basis.

(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

DRAFT DECISION LETTER

Address: 2-5 Hertford Street, London, W1J 7RW,

Proposal: Variation of Condition 10 of planning permission dated 9 May 2017 (RN: 16/04002) for, 'Use of part first floors, second and third floors as a private members club use in connection with the existing private members club (sui generis). Alterations to the fenestration of the property to include the introduction of new window openings; creation of new plant areas at second and third floor levels; alterations to the roof form and installation of an awning over the terrace at third floor level. Internal alterations at all floor levels'; NAMELY, to allow the third floor terrace to be open to customers between the hours of 07.00 and 00.30 daily.

Reference: 18/02776/FULL

Plan Nos: 1496-P-01-3-090-102 revD, 1496-P-01-3-100-102 revE. 1496-P-01-3-110-202 revE, 1496-P-01-3-120-203 revE, 1496-P-01-3-130-203 rev E.

Case Officer: Mike Walton

Direct Tel. No. 020 7641 2521

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must not allow more than 700 customers into the premises at any one time.

Reason:

To make sure that this does not cause a nuisance for people in the area. This is as set out in TACE 10 and ENV6 of our Unitary Development Plan that we adopted in January 2007 and S24 and S 32 of the City Plan : Strategic Policies that we adopted in November 2013.

- 3 You must not open the private members club on the basement to customers and you must not allow customers in the basement outside the following times;
- between 07.00 and 01.30 the following morning on Mondays, Tuesdays,
 - between 07.00 and 02.30 the following morning on Wednesdays
 - between 07.00 and 3.30 the following morning on Thursdays, Fridays and Saturdays;
 - between 12.00 and 00.30 the following mornings on Sundays and 12.00 and 3.30 the following morning on Sundays prior to Bank Holidays;

on the ground and first floors to customers and you must not allow customers on the ground

and first floors outside the following times:

- between 07.00 and 01.30 the following morning on Mondays, Tuesdays,
- between 07.00 and 02.30 the following morning on Wednesdays
- between 07.00 and 03.00 the following morning on Thursdays, Fridays and Saturdays
- between 12.00 and 00.30 the following morning on Sundays
- and between 12.00 and 03.00 the following morning on Sundays immediately prior to bank holidays;

on the extended private members club at part first as outlined in red on drawing number 1496-P-01-3-110-202 rev E, and second and third floors on drawings 1496-P-01-3-120-203 rev E, and 1496-P-01-3-130-203 rev E and you must not allow customers on the extended private members club at part first, second and third outside the following times;

- between 07.00 and 01.30 the following morning on Mondays to Saturdays
- and between 12.00 and 00.30 the following morning on Sundays

Reason:

To make sure that this does not cause a nuisance for people in the area. This is as set out in TACE 10 and ENV6 of our Unitary Development Plan that we adopted in January 2007 and S24 and S 32 of the City Plan : Strategic Policies that we adopted in November 2013.

- 4 The use shall be operated in accordance with the 5 Hertford Street Management Plan dated 12 August 2016 approved on 15 August 2016 (RN 16/03976/ADFULL).

Reason:

To make sure that this does not cause a nuisance for people in the area. This is as set out in TACE 10 and ENV6 of our Unitary Development Plan that we adopted in January 2007 and S24 and S 33 of the City Plan: Strategic Policies that we adopted in November 2013.

- 5 You must not play live or recorded music within the area identified on the approved drawings as main entrance to club.

Reason:

To make sure that this does not cause a nuisance for people in the area. This is as set out in TACE 10 and ENV6 of our Unitary Development Plan that we adopted in January 2007 and S24 and S 32 of the City Plan: Strategic Policies that we adopted in November 2013.

- 6 No servicing shall take place outside the hours of 07.00-23.00. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 7 All windows from the kitchens facing into the internal courtyard shall be kept closed and

permanently fixed shut.

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 S 32 of the City Plan : Strategic Policies that we adopted in November 2013.

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

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)

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

Reason:

As set out in ENV6 (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. (R49AA)

- 10 The third floor terrace as shown on drawing number 1496-P-01-3-130-203 rev D shall only be open to customers between the hours of 07.00 and 00.30 daily.

Reason:

To make sure that this does not cause a nuisance for people in the area. This is as set out in TACE 10 and ENV6 of our Unitary Development Plan that we adopted in January 2007 and S24 and S 32 of the City Plan : Strategic Policies that we adopted in November 2013.

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

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

- 13 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:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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 Conditions 8 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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

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Agenda Item 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 October 2018	Classification For General Release	
Report of Director of Planning	Ward(s) involved Lancaster Gate		
Subject of Report	1-4 Gloucester Mews West, London, W2 6DY		
Proposal	Erection of a roof extension to Nos.1-4 Gloucester Mews West to enlarge four existing dwellinghouses.		
Agent	Ben Smith Architecture		
On behalf of	Householders, 1-4 Gloucester Mews West		
Registered Number	18/04329/FULL	Date amended/ completed	1 June 2018
Date Application Received	24 May 2018		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Refuse permission – on design grounds.

2. SUMMARY

The application relates to four unlisted two storey mews properties (No's.1 to 4) located at the south eastern end of Gloucester Mews West, within the Bayswater Conservation Area.

Permission is sought for the erection of a roof extension across all four properties to enlarge the existing dwellinghouses.

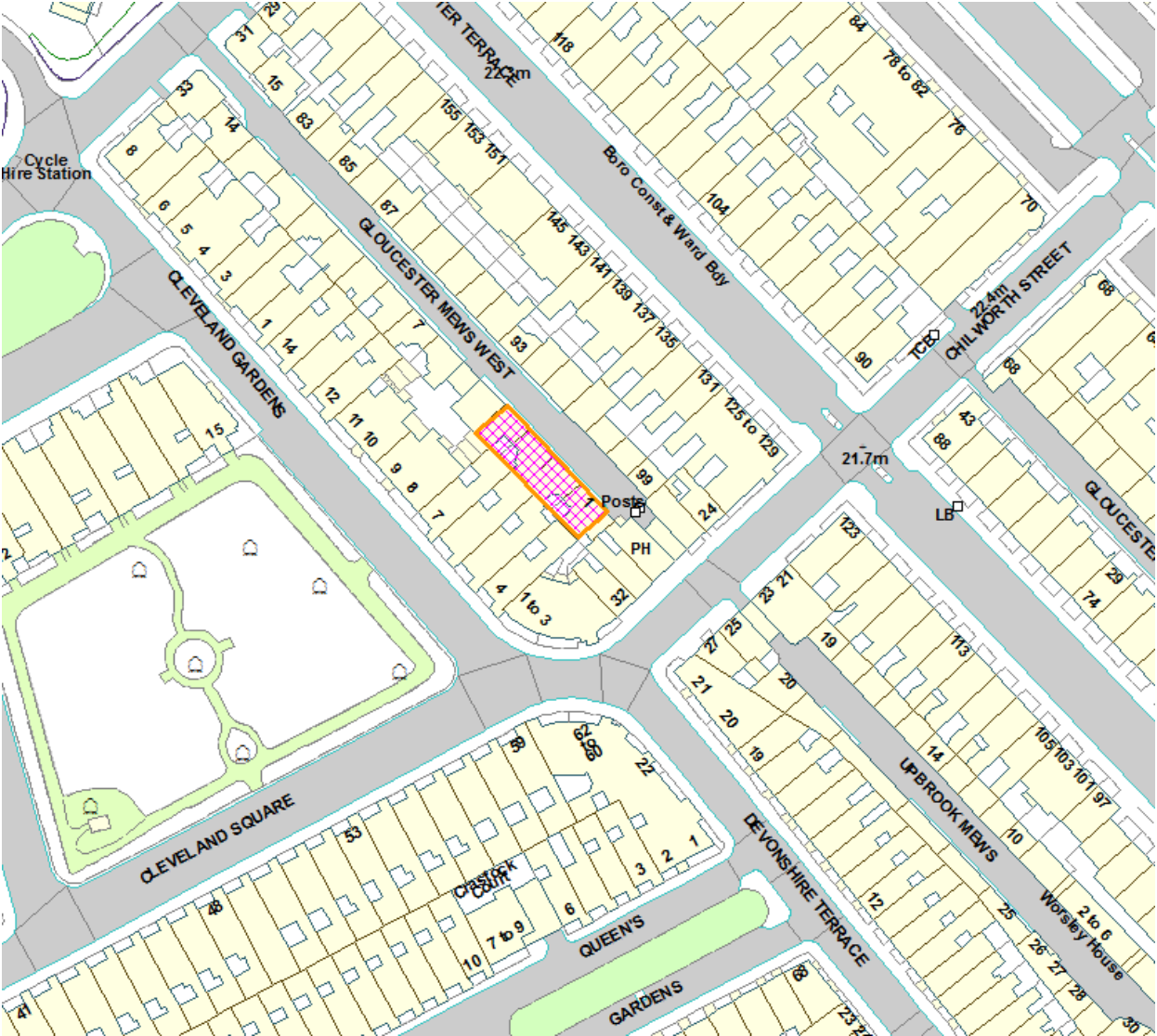
In response to consultation, the application has attracted objection and correspondence in support of the proposal. Councillor Davis has requested that the application be determined by a Planning Applications Sub-Committee.

The key issues in this case are:

- The impact on the amenity of neighbouring residents.
- The impact on the appearance of the buildings and the character and appearance of the Bayswater Conservation Area.

Because of its location, scale, massing and detailed design the roof level extension to the four properties is considered to harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area. The proposed extension would be contrary to Policies DES1, DES6 and DES9 in the Unitary Development Plan adopted in January 2007 (the UDP) and Policies S25 and S28 in Westminster's City Plan adopted in November 2016 (the City Plan). The application is therefore recommended for refusal on design grounds.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation (top) and view looking north across roofs (bottom).

5. CONSULTATIONS

COUNCILLOR DAVIS

Asks that the application be determined at a Planning Applications Sub-Committee.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Objection on amenity, conservation and design grounds. Asks that views of neighbours of nearby properties should be given due weight and those letters of support should be discounted if not from immediate neighbours. Proposal fails to preserve or enhance the character and appearance of the Bayswater Conservation Area. Would be a bad precedent for the remainder of this Mews and for other Mews in vicinity. Substantial harm to amenity, especially through adverse impact on daylight and sunlight to flats at low level in Cleveland Square behind. In design terms, do not agree with applicant's statement that DES6 is outdated, disagree with suggestion that the consented roof extension to pub in Chilworth Street or examples in Westbourne Terrace Mews are comparable or relevance of historical photo of mews. Conditions recommended should the City Council resolve to grant permission.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 89

Total No. of replies: 18

No. of objections: 7

No. in support: 11 emails from 9 respondents.

Objections raised on all or some of the following grounds

Design

- Adverse impact on the setting of adjoining grade II listed buildings.
- Adverse impact on the Bayswater Conservation Area.
- Additional floors adversely affect the architectural character and unity of the group of buildings.
- Proposed development out of scale and out of character compared with existing development in the vicinity.
- Proposed fenestration not uniform.
- Mew buildings were traditionally two storeys in height.
- Visually unsightly form private views from adjacent buildings.
- Poor detailed design/ lack of architectural detail.
- Non-compliant with the NPPF in terms of the harm that would be caused to the heritage assets (neighbouring listed buildings and the conservation area)

Amenity

- Loss of daylight.
- Increased noise disturbance.
- Light pollution.
- Loss of privacy.
- Potential overlooking is roofs used as terraces.

Other Issues

- Support grounds for objection raised by the South East Bayswater Residents Association.
- Concern about possible adverse effects of damp on party wall.
- Increased security threat.
- Adverse structural impact.

The letters of support received raise the following issues:

- Additional floors should be permitted on private residential properties.
- Consider there to be a disparity between which properties can be extended and which cannot.
- Objections on grounds of loss of light are unjustified as there would be no increase in height of the party wall.
- Support increased density.
- Provision of a more diverse and interesting view.
- Development will provide much needed additional space for the four dwellings.
- The design is considered to be appropriate.
- Similar extensions should be permitted along the mews.
- The existing houses are of no architectural merit to warrant their retention in their existing form.
- Many mews houses comprise three storeys or more.
- Note that Upbrook Mews to the south is predominantly three storeys in scale and more vibrant and eclectic.

PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application comprises 4 two storey 1950s mews houses (No's.1-4) located at the south eastern end of Gloucester Mews West. The properties are in use as four dwellinghouses (Class C3). The properties are not listed, but are located within the Bayswater Conservation Area.

6.2 Recent Relevant History

12/03942/FULL (1 Gloucester Mews West)

Alterations to existing dwellinghouse to include the removal of existing roof level tower, erection of two storey infill extension to rear courtyard with parapet, and installation of green roof and roof access via openable roof light.

Application Permitted 10 July 2012

7. THE PROPOSAL

Planning permission is sought for the erection of a roof level extension across all four of the properties to enlarge each of the existing dwellinghouses. The proposed extension would be a single storey in height, set back from the front elevation, but rising sheer from the existing side and rear elevations. The roof extension would have a flat roof. The elevations of the roof extension would be clad in zinc with a standing seam.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The enlargement of the existing dwellinghouse would accord with Policy H3 in the UDP and Policy S14 in the City Plan. Accordingly the proposal is acceptable in land use terms.

8.2 Townscape and Design

With the exception of the 1.97m set back from the existing front elevation, the footprint of the proposed roof extension would follow the existing footprint of the buildings, being designed around the courtyards and external lightwells to the rear of the buildings. The extensions would be pre-fabricated and clad in zinc, with the fenestration being of the same scale as the standing seam zinc panels to the elevations.

The South East Bayswater Residents Association have objected to the scheme on the grounds that the proposal would fail to preserve or enhance the character and appearance of the Bayswater Conservation Area and would set an unacceptable precedent for this mews and other surrounding mews streets. This view is shared by a number of neighbour objectors who consider the development to be out-of-scale and out of character in terms of its appearance compared with existing mews development in the vicinity.

Roof level alterations are permissible under Policy DES6 in the UDP in appropriate circumstances. Part (A) of the policy states roof level alterations and extensions may be refused where any additional floors would adversely affect the architectural character of a building or group of buildings; where buildings are completed compositions, where the buildings form was originally designed to be seen in silhouette and where historically significant or distinctive roof forms would be lost by such extensions. The Bayswater Conservation Area Audit has identified buildings where roof extensions would be unacceptable and the buildings within the application site are identified as such. The Audit goes further in saying that given the limited amount of extensions on unlisted buildings within the area there is now very limited scope for roof extensions, even in the mews areas.

Gloucester Mews West is highly uniform in terms of its scale, form and proportions, with all the buildings being two storeys in height with flat roofs. Therefore, the mews and the buildings within it can be considered as a completed composition with a historic reference to the impact on the skyline, despite the buildings themselves being mid to late 20th Century replacements of the original mews buildings. In this context, the erection of a roof level extension on these buildings is considered to be unacceptable in principle

and contrary to the aims of Policy DES6. Whilst it is noted that the proposal relates to a number of consecutive properties, the roof level extensions would adversely affect the architectural character of the mews as a whole, as the form and character of the mews as existing contributes to its unity as a group.

Mews buildings are traditionally subordinate to the surrounding terraces, historically being service buildings, hence the subservient proportions. Whilst the buildings are now independent dwellings, the historic interpretation of the relationship between Gloucester Mews West and the surrounding grade II listed terraces remains and is considered to positively contribute to the setting of the listed buildings and the character and appearance of the conservation area. By altering the scale of the mews buildings with an additional storey, the buildings would become grander than consciously designed. As such the historic relationship between the mews and principal dwellings would be eroded and the character of the setting compromised.

Whilst the roof extension has been set back from the front building line in order to try to mitigate its visual impact from immediately opposite within the mews, it would be highly prominent in long views along the mews from the north and in a large number of private views from surrounding properties within the mews and surrounding listed buildings. The choice of standing seam zinc cladding would be a facing material that is uncharacteristic of the immediate and wider setting and this would draw further attention to what would be an inappropriate and intrusive roof level addition.

The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (hereafter “the 1990 Act”) requires the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the 1990 Act places a duty upon the decision maker, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character and appearance of the conservation area. Additionally, the NPPF (July 2018) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The proposed roof extension would have a harmful impact on the setting of the identified listed buildings and upon the Bayswater Conservation Area, appearing as a highly prominent and incongruous addition and as such, in accordance with the 1990 Act, it is unacceptable in design terms. The proposal would be contrary to Policies S25 and S28 in the City Plan and Policies DES1, DES6 and DES9 in the UDP.

The proposal is considered to result in less than substantial harm to the significance of the heritage assets, which in this instance is the setting of the surrounding listed buildings and the Bayswater Conservation Area. In accordance with Section 16 of the NPPF (July 2018), noting in particular that under paragraph 196, any harm identified should be weighed against the public benefits of the proposal. The Planning Practice Guidance sets out that public benefits should be of a nature or scale to benefit the public at large and not just a private benefit. It is clear that the proposed development would deliver private benefit in the form of an additional bedroom to each of the four dwellinghouses. However, the overall harm to the architectural composition of the mews and the impact on the wider character and appearance of the area is not considered to be outweighed by this private benefit. Additionally, it has not been demonstrated during the course of the application that the extension is required to secure the optimum viable

use of the building and therefore the identified harm has not been outweighed. The buildings appear to be in continuous residential use and it has not been demonstrated that there has been a period of vacancy. It is therefore concluded that the public benefits of the proposal would be limited and do not amount to the clear and convincing justification for the harm that would be caused to the heritage assets.

Paragraph 118(e) of the NPPF (July 2018) states that *'Planning... decisions should... 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'*. However, in this case the proposed development would not provide new homes; rather it would extend existing homes, and as set out in detail in this section of the report, the proposed roof extension would be inconsistent with the height and form of neighbouring properties and the overall street scene and would inconsistent with local design policies and standards set out in the UDP and City Plan.

8.3 Residential Amenity

Objections have been received from neighbours and the South East Bayswater Residents Association on the grounds that the proposed extension would have an adverse impact on the residential properties on the lower floors of properties in Cleveland Square, which back onto the application site. The proposal would involve parts of the party wall between the site and properties in Cleveland Square being raised by 0.5m, where the buildings on the application site extend to the full depth of their plots. However, given the limited increase in height proposed and the distance to the nearest windows (approximately 10m), it is not considered that the proposed roof extension would result in such a significant loss of daylight or cause such a sufficient increase in enclosure, so as to justify withholding permission on these grounds.

The rear windows of properties in Chilworth Street would be approximately 9m to the south east of the application site. Given the distance between the application site and these neighbouring windows, and as views would remain to either side and above the single storey extension proposed, it is not considered that properties in Chilworth Street would suffer a material loss of daylight or a material increase in enclosure.

The rear windows in properties in Cleveland Square and Chilworth Street face within 90 degrees of north and therefore they already face predominantly north and consequently the proposed development would not result in a material loss of sunlight to these windows.

Within the mews, the set back of the front elevation of the proposed roof extension would be sufficient to ease the relationship with mews houses opposite and prevent the proposed development from resulting in an unacceptable loss of daylight or sunlight or a material increase in enclosure

Concerns have been raised by objectors in relation to the potential for overlooking to be caused to neighbouring windows by the use of the new roofs as roof terraces. No roof terraces are proposed, including in front of the proposed roof extension at second floor

level and had the proposal been acceptable in all other regards, a condition preventing the use of the roofs as terraces would be recommended to address the concerns raised.

The windows proposed to the front elevation would be set back from the existing elevation by 1.97m and would be limited in terms of their size. Given these factors and as there are existing windows at first floor level which afford similar overlooking across the mews, it is not considered that permission could reasonably be withheld on overlooking grounds to the window opposite in the mews.

No windows are proposed to the rear elevation of the proposed roof extension and those in the side elevations are staggered to prevent mutual overlooking between the properties themselves. Views to the rear from these side elevation windows would be oblique and this would prevent significant overlooking towards windows in the rear of properties in Cleveland Square. The window in the side (south east) elevation of No.1 would afford direct views towards windows in the rear elevation of properties in Chilworth Street and had the application been acceptable in all other regards, a condition would have been recommended requiring this window to be obscure glazed and fixed shut to prevent overlooking.

Given their position in the roof of the proposed roof extension and their slender 'slot' like form, it is not considered that the proposed rooflights would give rise to significant overlooking or cause a light nuisance to neighbouring occupiers. As such, the objections raised on these grounds cannot be supported.

In conclusion in amenity terms, it is considered that the proposed roof extension is capable of being considered acceptable and in accordance with Policies ENV5, ENV6 and ENV13 in the UDP and Policies S29 and S32 in the City Plan.

8.4 Transportation/ Parking

The proposed roof extension does not raise any transportation or parking issues as it involves the extension of the existing dwellinghouses and would not increase the number of residential units on the site.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The application does not propose any changes to the existing means of access to these private dwellinghouses.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

8.8 Neighbourhood Plans

Not applicable.

8.9 London Plan

The application does not raise any strategic issues.

8.10 National Policy/ Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF (July 2018) unless stated otherwise.

8.11 Planning Obligations

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

The proposed development would deliver 135m² of additional residential floorspace and would therefore be liable to pay the Westminster and Mayoral CIL. The liability would be approximately £49,904 in respect of the Westminster CIL and approximately £7,581 in respect of the Mayoral CIL. However, given that this is development proposed by householders, it is likely that it would qualify for an exemption from the CIL as a self-build residential extension.

8.12 Environmental Impact Assessment

The application is of insufficient scale to require an environmental impact assessment.

8.13 Other Issues

A number of additional concerns have been raised by objectors. These include concerns about the possible adverse effects of damp on the party walls with neighbouring properties. However, this is a private matter between the respective property owner and a matter that would be resolved via a party wall agreement. As such, it is not a ground on which permission could reasonably be withheld.

One objector has raised concerns that the proposal would result in an increased security threat to neighbouring properties. This is not considered a sustainable ground for objection as the proposed development would not result in any significant improvement in the accessibility of neighbouring buildings from the application site. Consequently, there would be no material change to the existing situation in terms of the security of neighbouring properties.

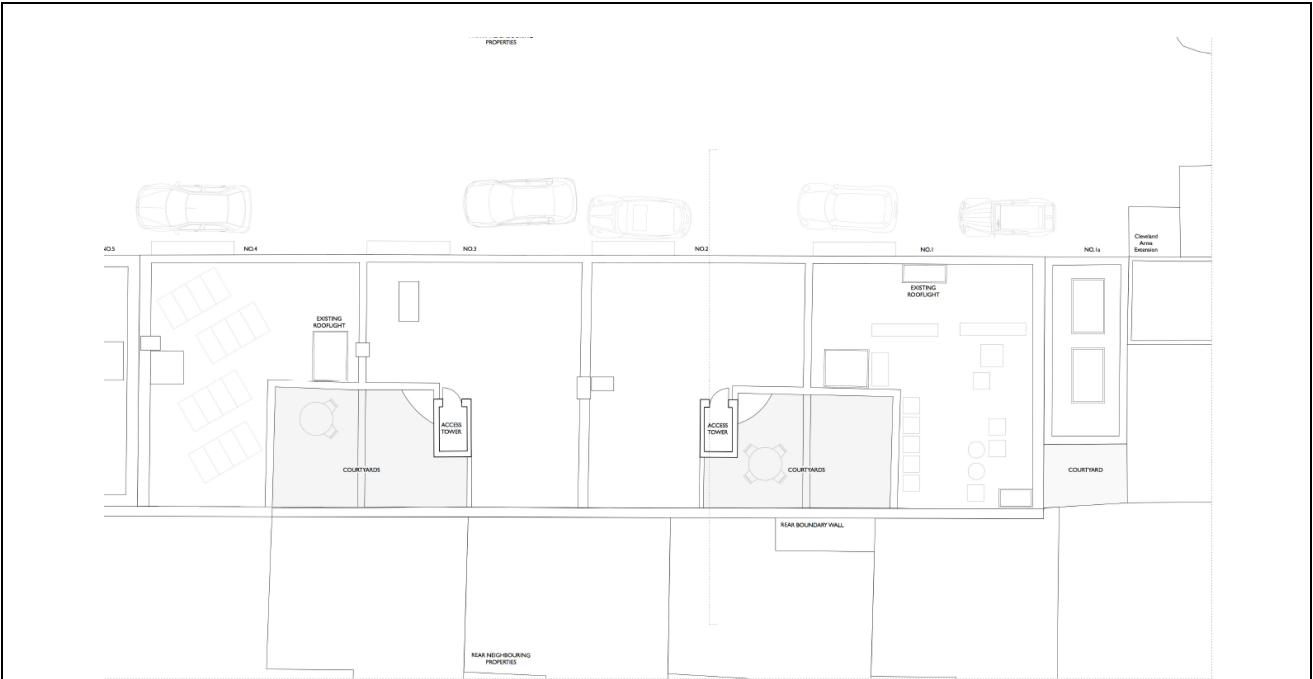
Concern has also been raised about the potential structural impact of the proposal. Roof extensions of the scale proposed can be constructed without any adverse impacts to the structural integrity of the existing building itself and surrounding properties. The detailed structural design of the proposed extension would be designed so that it would accord with Building Regulations and this is therefore not a ground for withholding planning permission. Should structural damage occur, this would be a matter to be resolved under the party wall agreements between the applicants and owners of neighbouring properties.

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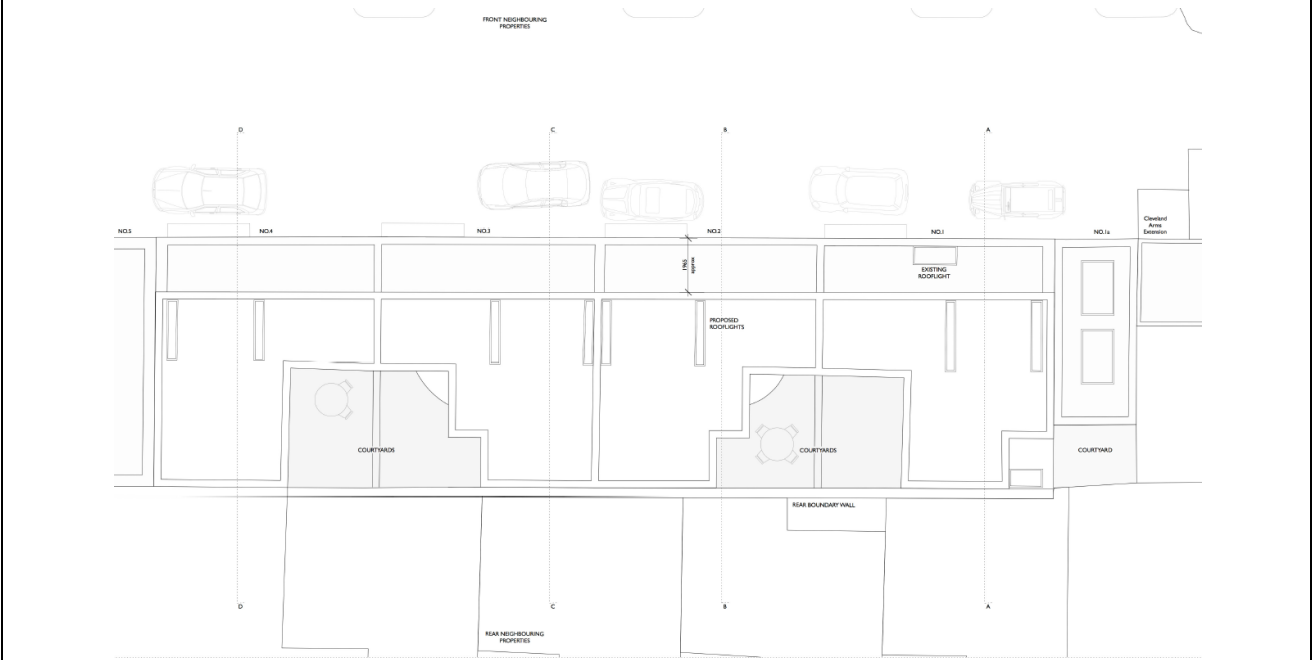
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

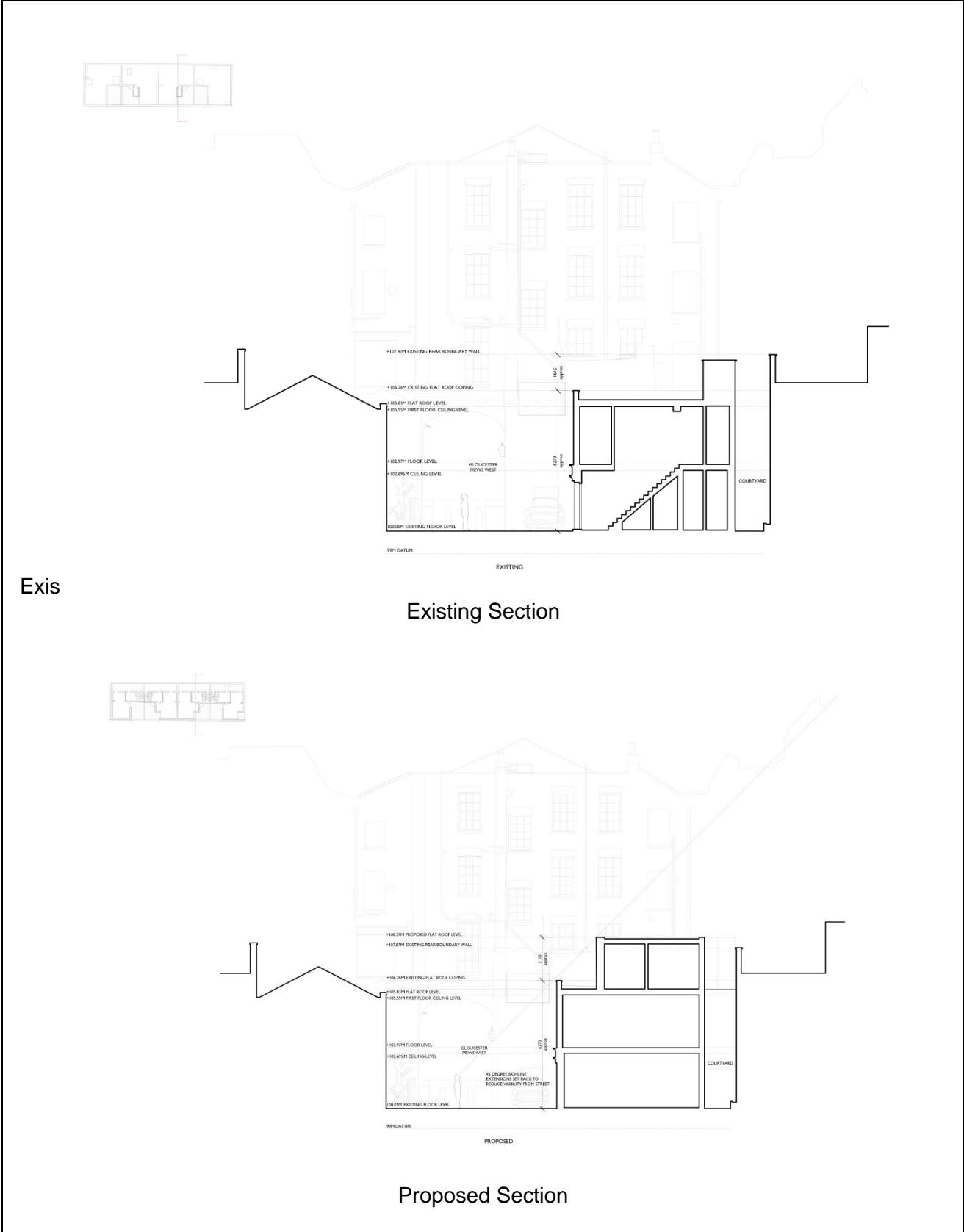
9. KEY DRAWINGS



Existing Roof Plan



Proposed Roof Plan



Exis

Existing Section

Proposed Section

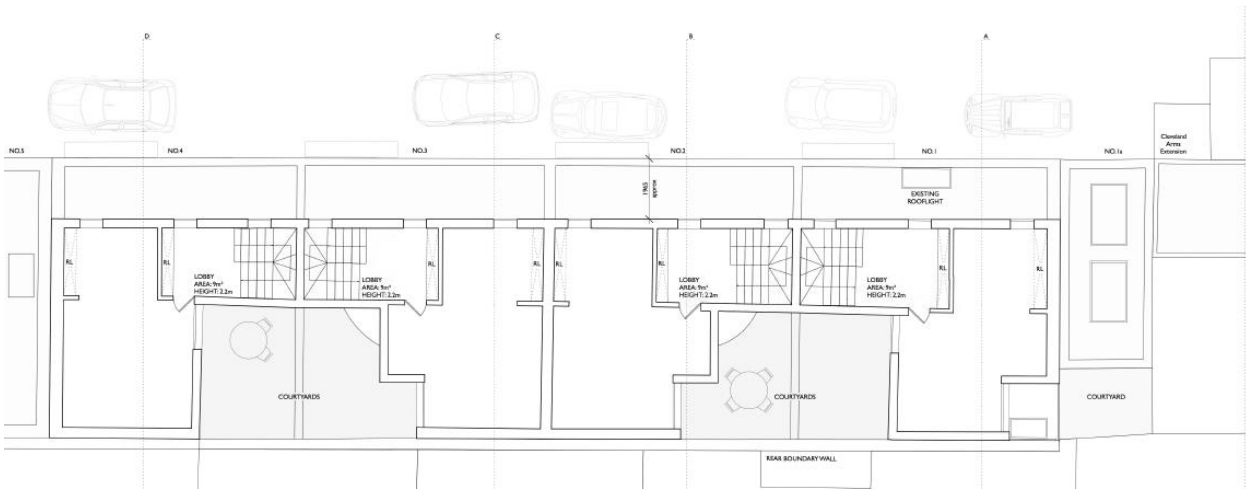


Existing Front elevation

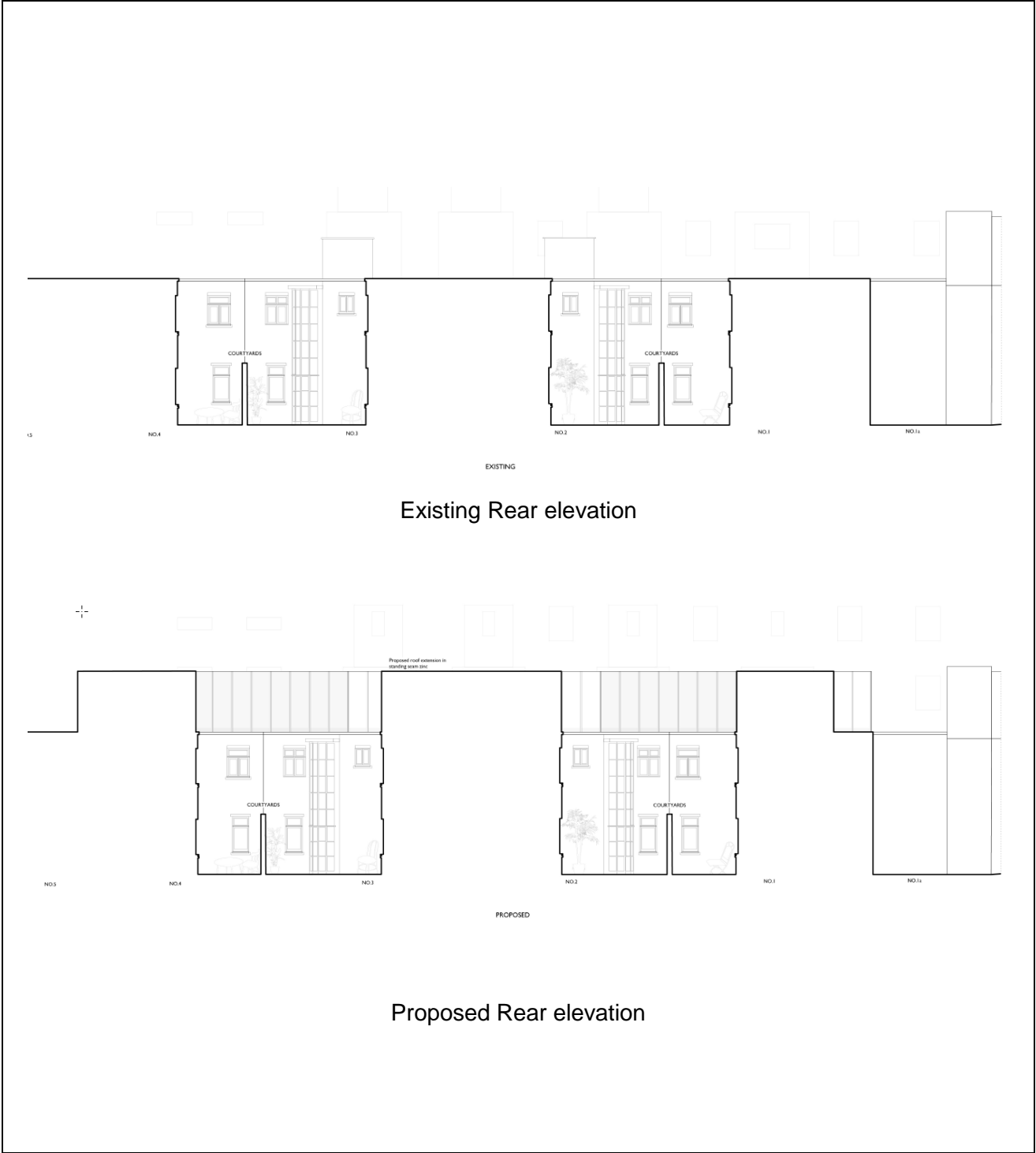


PROPOSED

Proposed Front elevation



Proposed floor plan



Existing Rear elevation

Proposed Rear elevation

DRAFT DECISION LETTER

Address: 1-4 Gloucester Mews West, London, W2 6DY

Proposal: Erection of a roof extension to Nos.1-4 Gloucester Mews West to enlarge four existing dwellinghouses.

Reference: 18/04329/FULL

Plan Nos: 001 (23/05/18); 002 (23/05/18); 201 (01/06/18); 202 (01/06/18); 203 (01/06/18); 301 (01/06/18); 302 (01/06/18); 303 (01/06/18); 304 (01/06/18); 305 (01/06/18); 401 (23/05/18); 402 (23/05/18); 403 (23/05/18); 404 (23/05/18) and Design and Heritage Statement. For information only: 501 (23/05/18) and 502 (23/05/18).

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

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

Because of its height, location, bulk and detailed design the roof level extension to the four dwellinghouses would harm the appearance of these buildings and fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 6, DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X16AD)

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 so far as practicable. 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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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

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Agenda Item 8

Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 October 2018	Classification For General Release	
Report of Director of Planning	Ward(s) involved Little Venice		
Subject of Report	55 Blomfield Road, London, W9 2PD		
Proposal	Amalgamation of 4 flats into a single-family dwellinghouse, demolition of existing two storey infill rear extension and erection of replacement two storey rear extension at lower ground and ground floor levels, alterations to existing half width rear extension, alterations to windows and doors and associated internal alterations to all floor levels.		
Agent	Nash Baker Architects		
On behalf of	Mrs Helle McLain		
Registered Number	18/03392/FULL & 18/03393/LBC	Date amended/ completed	30 July 2018
Date Application Received	25 April 2018		
Historic Building Grade	II		
Conservation Area	Maida Vale		

1. RECOMMENDATION

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

2. SUMMARY

The application site comprises one half of a four storey semi-detached villa pair dating from the mid-19th century. The building is grade II listed and located within the Maida Vale Conservation Area.

Planning permission and listed building consent are sought for the amalgamation of 4 flats into a single-family dwellinghouse, demolition of the existing two storey infill rear extension and erection of a replacement two storey rear extension at lower ground and ground floor levels, alterations to the existing half width rear extension, alterations to windows and doors and associated internal alterations to all floor levels.

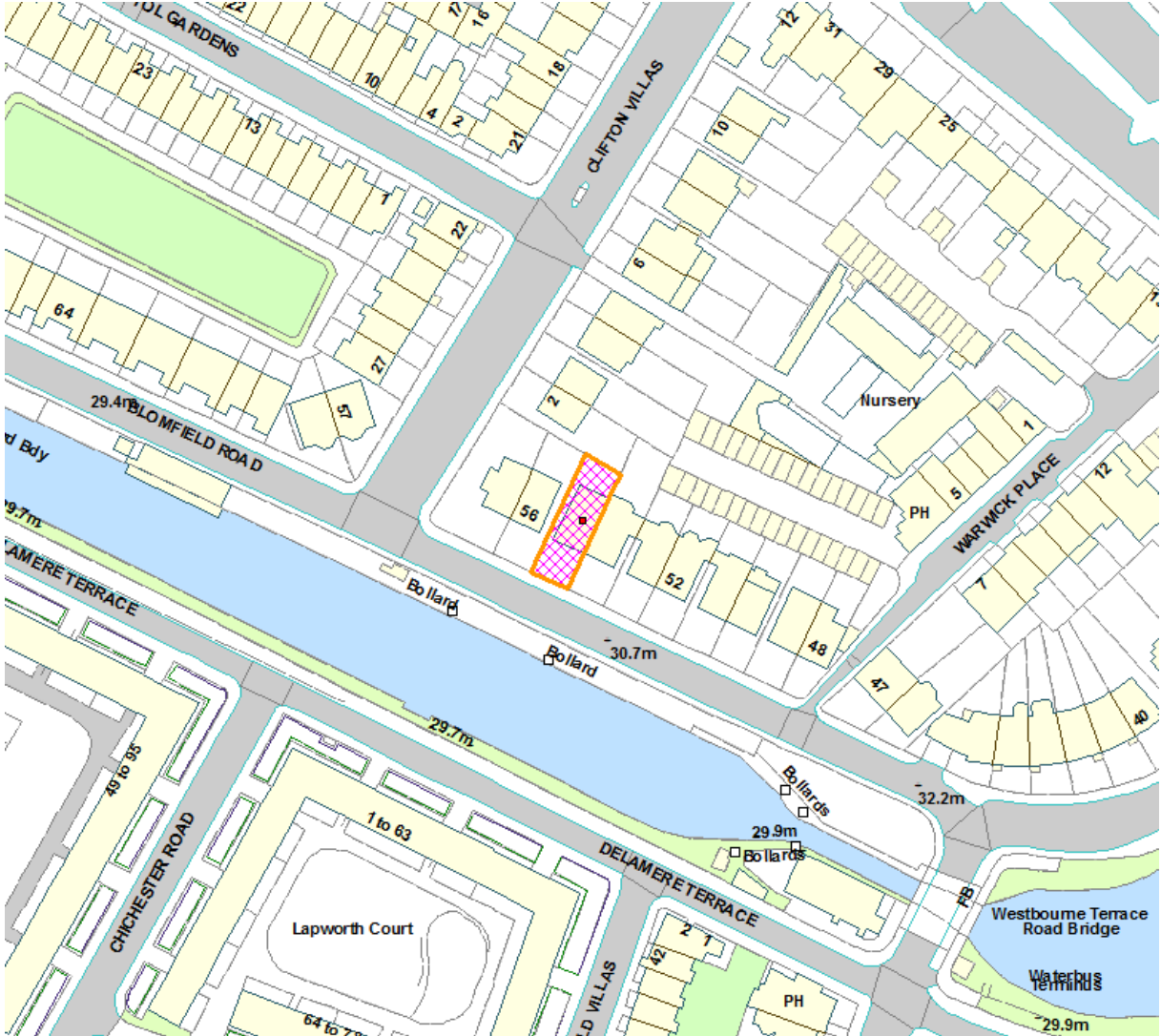
The proposal has attracted objection from the Paddington Waterways and Maida Vale Society and three neighbouring residents on the grounds set out in Section 5.

The key issues in this case are:

- The acceptability of using the building as a single dwellinghouse.
- The impact of the proposed development on the character, appearance and special interest of the listed building and the Maida Vale Conservation Area.
- The impact on the amenity of neighbouring residents.

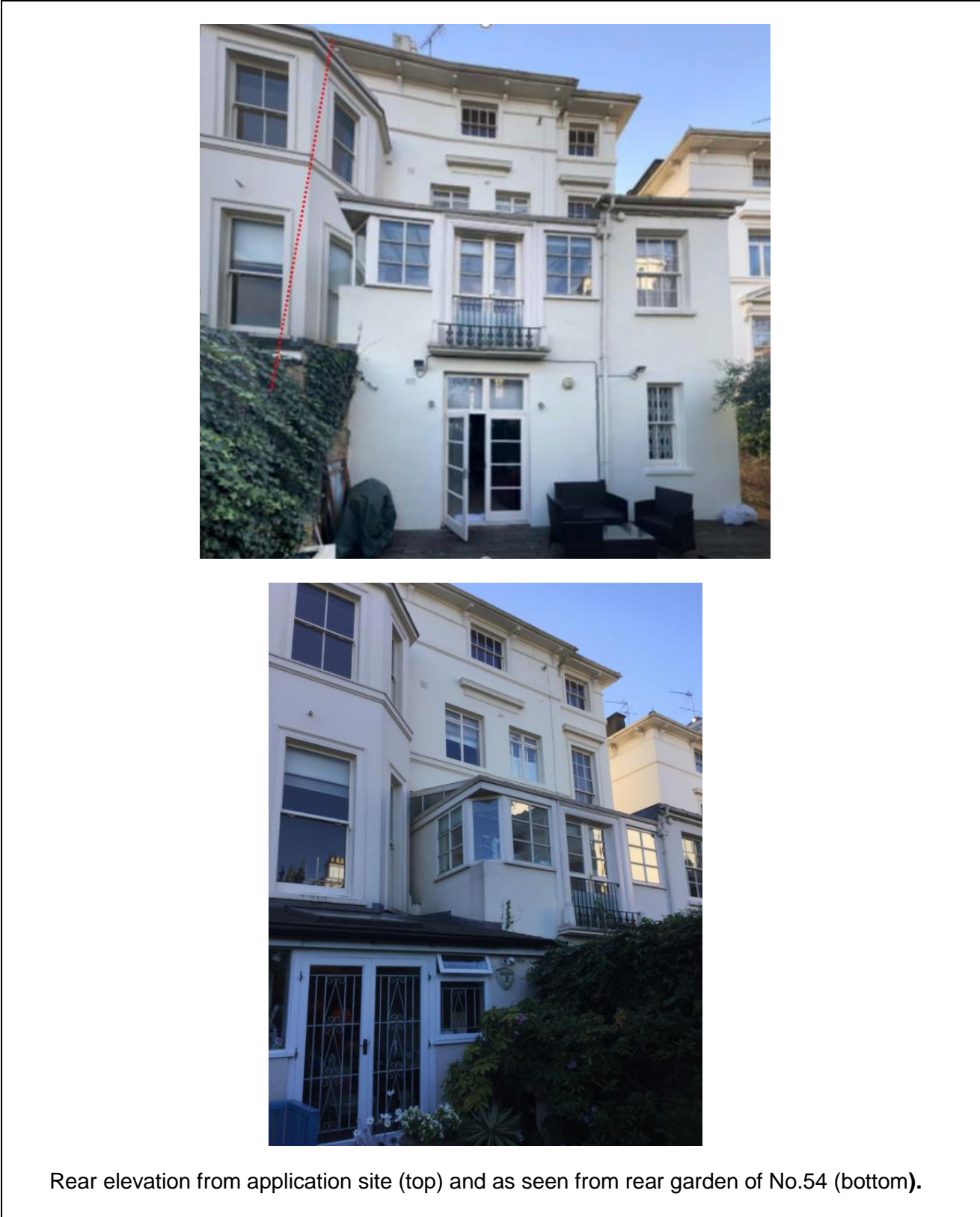
Subject to the recommended conditions, the proposed development is considered to comply with the relevant land use, design and amenity policies in Westminster's City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP). It is therefore recommended that conditional planning permission and listed building consent are granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Rear elevation from application site (top) and as seen from rear garden of No.54 (bottom).

5. CONSULTATIONS

5.1 Consultation on Initially Submitted Scheme (May 2018)

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

Objection. Proposal results in a loss of a family sized unit and 3 further self-contained flats. The proposed rear external fenestration is out of keeping to the host building and the conservation area.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No Consulted: 13.

No of objections: 4.

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

Land Use

- Loss of housing.

Design

- Rear extension is out of character with the area.

Amenity

- Light pollution from proposed rooflight.
- Overlooking from proposed rooflight and side windows.
- Disrupt views from neighbouring properties.

Other

- The Nursery Amenity Company (NAL) has not been consulted.
- Potential noise and inconvenience from construction works.
- Create problems with erection of scaffolding.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5.2 Consultation on Revised Scheme – Amended Detailed Design to Infill Extension (August 2018)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No Consulted: 4.

No of objections: 3.

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

Land Use

- Loss of housing.

Design

- Rear extension is out of character with the area.
- Loss of historical internal features.

Amenity

- Light pollution from proposed rooflight.
- Noise pollution from dining area.
- Loss of privacy.

Other

- The Nursery Amenity Company (NAL) has not been consulted.
- Kitchen food smells.
- Create problems with future erection of scaffolding.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises one half of a four storey semi-detached villa pair dating from the mid-19th century. The building is arranged over basement, ground and two upper storeys. It is of stock brick construction, with stuccoed elevations and has a slate roof. The building and its semi-detached pair are grade II listed and are situated within the Maida Vale Conservation Area. The application site is currently in use as 2x1 bedroom flats and 2x2 bedroom flats.

There is an existing full width two storey extension at the rear of the building and the adjoining villa, forming the other half of this semi-detached pair, has a single storey extension at lower ground floor level with a two storey projecting bay above at ground and first floor levels to its rear elevation.

6.2 Recent Relevant History

04/08336/FULL and 04/08337/LBC

Removal of existing conservatory to rear and replacement with new conservatory.

Replacement of rear casement window with double hung sash window.

Application Permitted

14th December 2004

7. THE PROPOSAL

Planning permission and listed building consent are sought for the amalgamation of 4 existing flats into a single-family dwellinghouse, demolition of the existing two storey infill rear extension and erection of replacement two storey rear infill extension at lower ground and ground floor levels, alterations to the existing half width rear extension, alterations to windows and doors and associated internal alterations to all floor levels.

During the course of the application the detailed design of the rear infill extension at lower ground and ground floor levels has been amended. The side elevation of the extension has also been set back marginally from the neighbouring windows at No.54. The amended scheme has been the subject of further reconsultation with objectors, as set out in Section 5.2.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The Paddington Waterways and Maida Vale Society and neighbour objectors have objected to the loss of residential units proposed. Policy S14 of Westminster's City Plan seeks to optimise housing delivery. The policy states that all residential uses, floorspace and land will be protected and proposals that would result in a reduction in the number of residential units will not be acceptable, except for in three specific exceptional circumstances. These circumstances include where '*...a converted house is being returned to a family-sized dwelling or dwellings...*'. The UDP defines a 'family sized housing unit' as comprising a residential unit containing 3 or more bedrooms.

In this case, the building is currently in use as 2x1 bedroom flats and 2x2 bedroom flats. The proposal would amalgamate all the residential accommodation within the building into a single dwellinghouse containing 5 bedrooms.

Whilst the proposal would reduce the number of units within the building, it would return the building back to a single family dwelling, which was the original use of the building when it was first constructed. As such, it is considered that the application meets the exception test set out in Policy S14 in the City Plan and is therefore acceptable in land use terms and permission could not therefore reasonably be withheld on the land use grounds cited by objectors.

8.2 Townscape and Design

Objections have been raised on design grounds by the Paddington Waterways and Maida Vale Society and neighbouring residents. Their principal concerns relate to the design of the proposed infill extension to the rear at ground and lower ground floor levels. Neighbours have maintained their objections despite the amendments made to the initially submitted scheme.

Following amendment of its detailed design during the course of the application, the replacement two storey rear glazed infill extension at lower ground and ground floor levels is considered to be in sympathy with the character of the building. In terms of its bulk and scale, it would not project beyond the retained closet wing or above it, thus ensuring that it would remain in scale with the closet wing. The proposed infill extension would be metal framed and predominantly glazed, with a mono-pitched obscure glazed roof. This detailed design approach would ensure that it appears as a lightweight addition to the rear of the property that contrasts with the more solid form of the original building. It is considered that this detailed design approach represents a notable improvement on the appearance of the existing, more solid, rear infill extension. A condition is though recommended to secure further details of the framing of the extension to ensure it is appropriately slender so as not to detract from the fine detailing of the existing building.

The proposed alterations to the fenestration is welcomed and returns a single window to the rear elevation at first floor level above the proposed infill extension.

The enlargement of the window at lower ground floor level to the closet wing is considered uncontentious and will be fitted with painted timber sliding sash window to match the window above. The proposed works to the closet wing parapet are uncontentious in design terms and would improve the proportions of this element of the building.

The proposed alterations to the side elevation to relocate a lower ground floor door and block up a small window at ground floor level are not considered to harm to the significance of the listed building and are acceptable in design terms.

The internal alterations throughout the building are considered acceptable and the removal of the existing sub-division, relating to the existing use as four flats, would some improvements to the interior of the building. Overall the internal works would retain the important historic features and fabric within the building and restore elements of its original plan form.

Overall, the proposed development accords with Policies DES 1, DES 5, DES 9 and DES 10 in the UDP and Policies S25 and S28 of the City Plan and is considered acceptable in design and listed building terms.

8.3 Residential Amenity

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

Following amenity concerns with the initial proposal, the rear two storey extension has been amended so that the side elevation of the infill extension adjacent to No.54 Blomfield Road would be set back marginally from the alignment of the side elevation of the existing rear infill extension. A sloping mono-pitched roof has also been introduced (rather than a flat roof as initially proposed), to reduce the height of the infill extension. Additionally, the initially proposed glazing has been omitted from the side elevation and the roof of the extension is proposed to be obscure glazed.

The existing infill extension, which was granted permission and consent in December 2004 is considered to be rather un-neighbourly due to the side windows in the elevation and closest to the rear ground floor bay window of No.54, which results in mutual overlooking. In this context the omission of glazing from the side elevation of the extension now proposed is welcome and represents an improvement in amenity terms upon the existing situation.

The highest point of the proposed extension would be the same as existing infill extension at 6.6m above ground level. The proposed sloping roof would result in the height of the eaves of the extension being 6m above ground level, which is only 0.2m higher than the eaves of the existing infill extension. The side elevation of the proposed extension is to be set in from the alignment of the side elevation of the existing infill extension by 0.25m. This would marginally increase the distance between the proposed extension and the closet window forming part of the ground floor bay window at No.54.

As such, the proposed infill extension would not have a materially greater impact on the neighbouring windows at No.54 than the existing extension in terms of enclosure.

This increase in height will cause an impact to the closest window of the bay window however in this instance due to the other two windows being unaffected by the proposal and the existing arrangement, a refusal recommendation on these grounds could not be justified.

The proposed extension infill extension will have three sliding glazed doors at lower ground floor level and one sliding glazed door at ground floor level with internal glazed frameless balustrade behind. This is in a similar location to the existing Juliet balcony. Therefore, the windows and doors within the infill extension would not cause a material increase in overlooking relative to the fenestration within the existing rear infill extension.

The roof for the proposed infill extension is proposed to be fitted with obscure glass, as per the glass in the existing infill extension, so as to limit light spill. Given the glazed roof would be no larger than the existing glazed roof in the same location, and would not be openable, it is not considered that permission could reasonably be withheld on grounds of light pollution or overlooking.

The raising and levelling of the closet wing by 0.4m will not cause any amenity impacts to the neighbouring residents due to the location of the closet wing and the distance from the nearest residential windows at No.56.

All other aspects of the proposal are considered to be acceptable in amenity terms and are not considered to be contentious. Conditions are recommended to restrict permitted development rights to prevent new windows or doors being formed, so as to protect the amenity of neighbouring residents. A condition is also recommended to prevent the use of the roof of the closet wing as a terrace or for sitting out on to prevent overlooking to neighbouring windows and gardens.

Subject to the recommended conditions, the proposed development is acceptable and would accord with Policies ENV6, ENV10 and ENV13 in the UDP and Policies S29 and S32 in the City Plan.

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

Access to the site will remain the same as the current situation.

8.7 Other UDP/ Westminster Policy Considerations

None.

8.8 Neighbourhood Plans

Not applicable.

8.9 London Plan

The application does not raise any strategic issues.

8.10 National Policy/ Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF (July 2018) unless stated otherwise.

8.11 Planning Obligations

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

8.12 Environmental Impact Assessment

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

8.13 Other Issues

Objection has been raised on grounds that the Nursery Amenity Company has not been consulted, nor has their consent been sought. However, the consent of the Nursery Amenity Company is a private matter between the respective parties with an interest in the land and is not a ground on which permission or consent could reasonably be withheld.

Concern has been raised on grounds of odour from the kitchen proposed at lower ground floor level. However, a domestic scale kitchen extract would not give rise to significant odour nuisance. Furthermore, it is noted in this case that the change of use of the building from four flats to a single dwellinghouse would reduce the number of kitchen extracts present on the building.

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

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

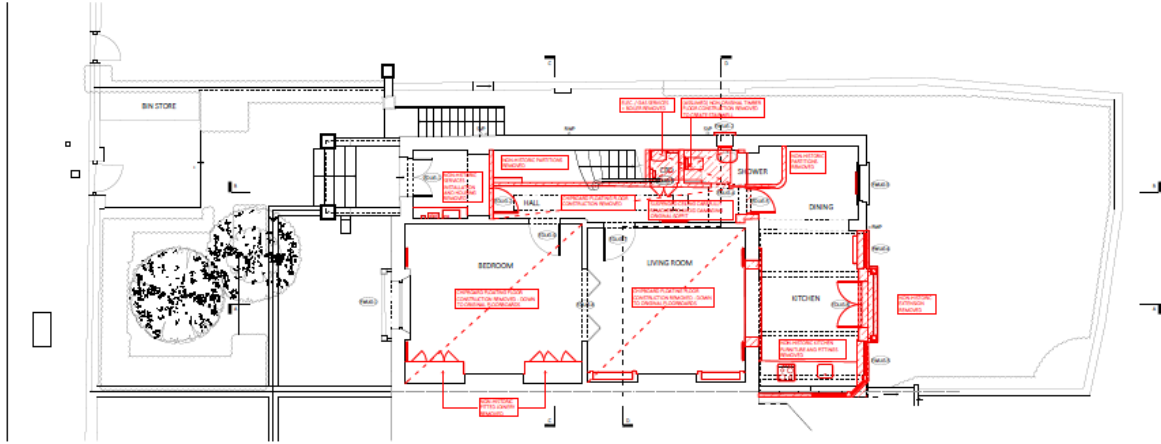
9. KEY DRAWINGS



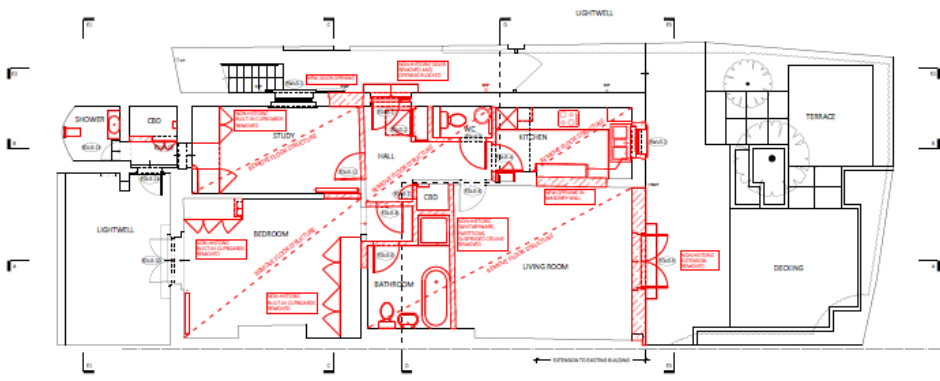
Existing front and rear elevations.



Proposed front and rear elevation

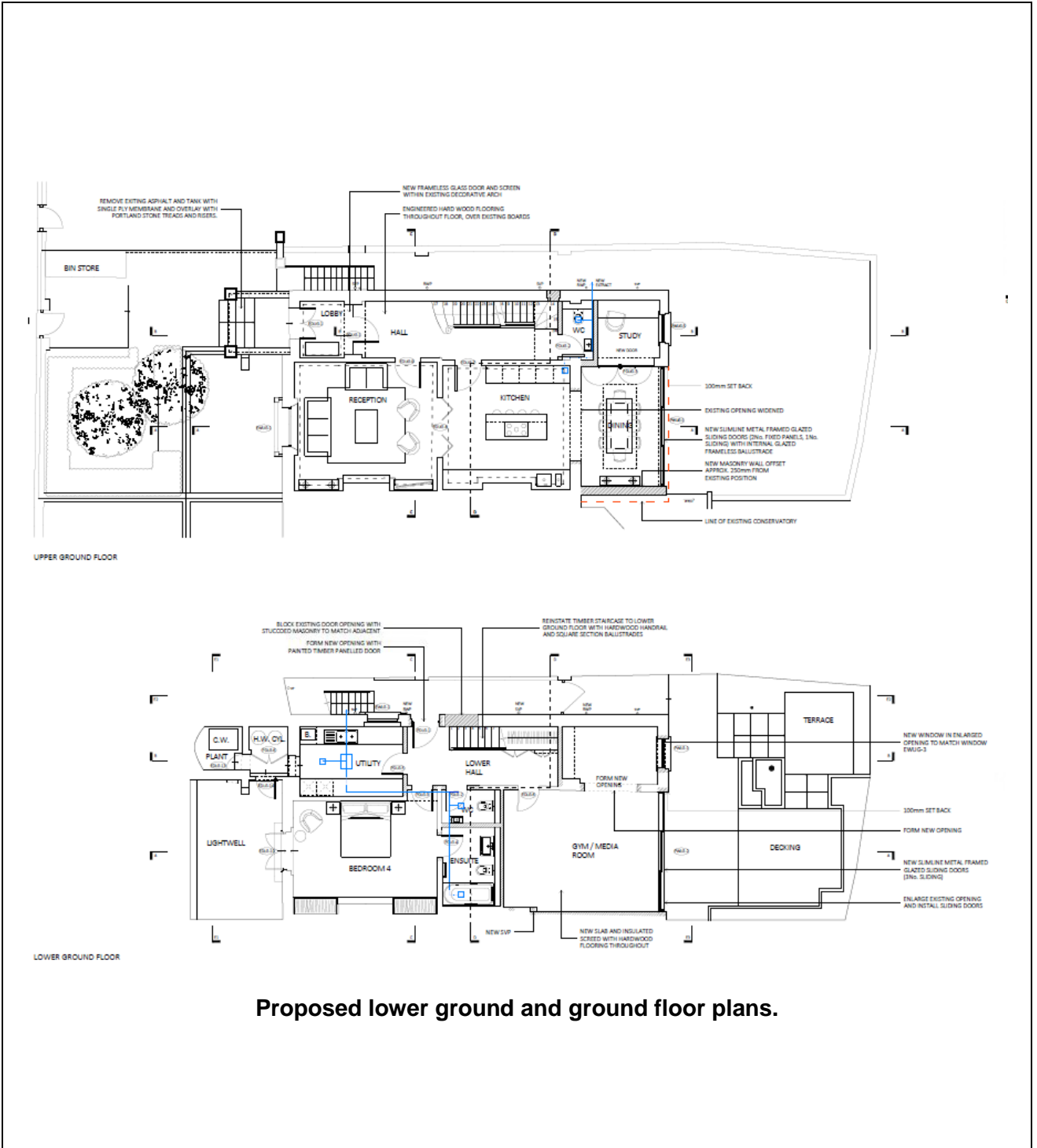


UPPER GROUND FLOOR



LOWER GROUND FLOOR

Existing lower ground and ground floor levels.



Proposed lower ground and ground floor plans.

DRAFT DECISION LETTER

Address: 55 Blomfield Road, London, W9 2PD,

Proposal: Amalgamation of 4 flats into a single-family dwellinghouse, demolition of existing two storey infill rear extension and erection of replacement two storey rear extension at lower ground and ground floor levels, alterations to existing half width rear extension, alterations to windows and doors and associated internal alterations to all floor levels.

Plan Nos: Site Location Plan, 101, 102, 103, 113, 111, 301 Rev A, 302 Rev A, 303 Rev A, 304, 305, 306 Rev A and Planning, Design and Access Statement dated April 2018 (as amended by Rev A drawings), Window Schedule dated 25.04.18 (as amended by revised drawings) and Door Schedule (as amended by revised drawings). For information only: EX-01, SK-05 and Heritage Appraisal dated April 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 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. (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 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 Maida Vale 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)

- 4 Notwithstanding the Window Schedule dated 25 April 2018, the new windows hereby approved (excluding the glazing within the infill rear extension at lower ground and ground floor levels) shall be painted timber framed single glazed windows and shall be retained as such thereafter.

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 Maida Vale 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)

- 5 You must apply to us for approval of detailed drawings at a scale of 1:20 or larger of the following parts of the development:

- (a) Typical elevations and sections of the framing to the elevation and roof infill rear extension at lower ground and ground floor levels in context with the glazing and adjoining masonry walls.
- (b) Typical elevations and sections showing the junction between the elevation and roof of the infill rear extension at lower ground and ground floor levels.

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

Reason:

To 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 Maida Vale 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)

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

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29

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of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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

Reason:

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

- 8 The glass that you put in the roof of the infill lower ground and ground floor rear extension must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

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 **HIGHWAYS LICENSING:**
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.

CONSIDERATE CONSTRUCTORS:

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

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

- 3 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)

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

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

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

DRAFT DECISION LETTER

Address: 55 Blomfield Road, London, W9 2PD,

Proposal: Demolition of existing two storey infill rear extension and erection of replacement two storey rear extension at lower ground and ground floor levels, alterations to existing half width rear extension, alterations to windows and doors and associated internal alterations to all floor levels.

Plan Nos: Site Location Plan, 101, 102, 103, 113, 111, 301 Rev A, 302 Rev A, 303 Rev A, 304, 305, 306 Rev A and Planning, Design and Access Statement dated April 2018 (as amended by Rev A drawings), Window Schedule dated 25.04.18 (as amended by revised drawings) and Door Schedule (as amended by revised drawings). For information only: EX-01, SK-05 and Heritage Appraisal dated April 2018.

Case Officer: Frederica Cooney

Direct Tel. No. 020 7641 7802

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

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

Reason:

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

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

Reason:

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

- 3 Notwithstanding the Window Schedule dated 25 April 2018, the new windows hereby approved (excluding the glazing within the infill rear extension at lower ground and ground floor levels) shall be painted timber framed single glazed windows and shall be retained as such thereafter.

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 Maida Vale 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 apply to us for approval of detailed drawings at a scale of 1:20 or larger of the following parts of the development:

- (a) Typical elevations and sections of the framing to the elevation and roof infill rear extension at lower ground and ground floor levels in context with the glazing and adjoining masonry walls.
 (b) Typical elevations and sections showing the junction between the elevation and roof of the infill rear extension at lower ground and ground floor levels.

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

Reason:

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

Informative(s):

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

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

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

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

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

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