



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (3)

Meeting Date:

Tuesday 11th December, 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
Jim Glen



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, Georgina Wills, Committee and Governance Officer.

**Tel: 020 7641 7513; Email: gwillis@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.

(Pages 5 - 10)

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

1. 16-19 MONTPELIER MEWS, LONDON, SW7 1HB

(Pages 15 - 40)

2. 72 CHESTER SQUARE, LONDON, SW1W 9DU

(Pages 41 - 66)

3. 3 RED LION YARD, LONDON, W1J 5JR

(Pages 67 - 76)

4. 1 DENNING CLOSE, LONDON, NW8 9PJ

(Pages 77 - 98)

PART 2 (PRIVATE)

RECOMMENDED: That under Section 100 (A) (4) and Part 1 of Schedule 12A to the Local Government Act 1972 (as amended), the public and press be excluded from the meeting for the following item of business because it relates to a claim to legal professional privilege which could be maintained in legal proceedings and it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Item	Grounds	Para. of Part 1 of Schedule 12A of the Act	
5 & 6	The Reports involve the likely disclosure of exempt information relating to financial or business affairs.	Para. 3	
5.	OPEN SPACE AT REAR OF 115-137 SUTHERLAND AVENUE LONDON, W9 2QJ		(Pages 99 - 122)
6.	81 HAMILTON TERRACE LONDON, NW8 9QX		(Pages 123 - 138)

Stuart Love
Chief Executive
4 December 2018

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CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (3)** held on **Tuesday 23rd October, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Iain Bott (Chairman), Geoff Barraclough, Angela Harvey and Selina Short.

Also Present: Councillor Tim Mitchell (for item 7 only).

1 MEMBERSHIP

- 1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Iain Bott explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Bott also declared that in respect of item 6, that he was a friend of someone who had made a representation and who had subsequently withdrawn their objection.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 9 October 2018 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 1 WOODSTOCK STREET, LONDON, W1C 2AB

Continued use of the basement and ground floor as a restaurant (Class A3).

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

2 CASTLE BUILDINGS, CASTLE LANE, LONDON, SW1E 6DR

Dual/alternative use of the Mews Building, 2-4 Castle Lane for office and training purposes (flexible Class B1 /Class D1 use) for a temporary period of 12 months.

A late representation was received from the applicant, Bounce Back Foundation (17.10.2018).

The presenting officer tabled the following amendment to condition 5:

Condition 5 (revised wording)

You must provide the cycle parking area shown on the approved drawing number 068 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.

RESOLVED UNANIMOUSLY:

That conditional permission be granted, subject to an amended condition 5 as set out above and an additional condition restricting the hours of use from 08:30 to 18:30 Monday to Friday and from 09:00 to 17:00 on Saturday.

3 10 RYDER'S TERRACE, LONDON, NW8 0EE

Erection of new pitched roof with rooflights at main roof level and replacement of lantern light with two rooflights in roof of rear ground floor extension.

RESOLVED (Councillors Iain Bott, Angela Harvey and Selina Short in favour and Councillor Geoff Barraclough against):

That conditional permission be granted.

4 48 PRINCES GARDENS, LONDON, SW7 2PE

Variation of condition 9 of planning permission dated 18 October 2007 (RN 07/04116/FULL) for alterations and extensions, including replacement windows, timber garage doors to the ground floor mews frontage, rear extensions and terraces at first and second floor levels of 46-48 Princes Gardens; use of buildings as 15 self-contained residential units with parking for eight cars in the mews buildings; introduction of plant area at roof level; Namely, to provide six car parking spaces

within the garages instead of eight and reprovide two spaces for residents on Princes Gardens.

A late representation was received from a local resident (17.10.2018).

The presenting officer tabled the following amended condition 14:

Condition 14 (revised wording)

Within one month of the date of this decision, you must apply to us for approval of details of cycle parking for this development. The submitted information should take into account the cycle parking that needs to be relocated as a result of the communal boiler installation. You must carry out the development in accordance with the approved details and within two months of the date of this decision. Thereafter the cycle parking must be retained as approved.

RESOLVED (Councillors Bott, Barraclough and Harvey in favour and Councillor Short in abstention):

1. That conditional permission be granted, subject to an amended condition 14 as set out above and to a Section 106 legal agreement to secure:
 - i) Two car parking spaces on Princes Gardens for residents of 46-48 Princes Gardens;
 - ii) Monitoring costs.
2. That if the Section 106 legal agreement has not been completed within six weeks of the date of this resolution, then:
 - a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

5 48 PRINCES GARDENS, LONDON, SW7 2PE

Retention of flues and installation of ventilation grilles to garage doors fronting Princes Gate Mews in association with installation of internal gas fired water heater.

A late representation was received from a local resident (17.10.2018).

RESOLVED (Councillors Bott, Barraclough and Harvey in favour and Councillor Short in abstention):

That conditional permission be granted, subject to an additional condition requiring the approval of the design of the ventilation grilles.

6 69 CAMBRIDGE STREET, LONDON, SW1V 4PS

Erection of lower ground and ground floor rear extension and associated alterations including rear ground floor terrace and modifications to front lightwell fenestration.

A late representation was received from a local resident (17.10.2018).

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

7 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.

Councillor Tim Mitchell addressed the Committee in his capacity as a Ward Councillor to raise some concerns about the application.

RESOLVED UNANIMOUSLY:

1. a) Application 1:

That planning permission be refused on the grounds of unacceptable sense of enclosure for neighbouring properties and that the reasons for refusal be delegated to officers, subject to the agreement of the Chairman.

b) Application 2:

That conditional listed building consent be granted, subject to an informative advising the applicant that the consent cannot be implemented without planning permission.

c) Application 3:

That conditional listed building consent be granted, subject to an informative advising the applicant that the consent cannot be implemented without planning permission.

2. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letters for applications 2 and 3 above be agreed.

The Meeting ended at 7.40 pm.

CHAIRMAN: _____ **DATE** _____

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CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 11th December 2018
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 18/05866/FULL Knightsbridge And Belgravia	16-19 Montpelier Mews London SW7 1HB	Demolition of existing buildings and construction of a four storey building with basement to provide eight residential units (3 x 1-bedroom, 3 x 2-bedroom and 2 x 3-bedroom) (Class C3). Provision of air-conditioning units on the first floor external roof of the proposed building.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 18/06328/FULL 18/06329/LBC Knightsbridge And Belgravia	72 Chester Square London SW1W 9DU	Erection of new mews building in Ebury Mews East; alterations to the rear of main house, including infill within the existing courtyard; extension to rear closet wing at second floor level; extension to roof; single storey basement excavation to create plant room; new entrance portico and internal alterations, in connection with enlargement of 72 Chester Square.	
	Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.			
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 18/08800/FULL West End	3 Red Lion Yard London W1J 5JR	Temporary use of 3 Red Lion Yard as a site office (Class B1) until 31st December 2022, in association with construction works with the adjacent Audley Square House.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 18/06360/FULL Regent's Park	1 Denning Close London NW8 9PJ	Excavation of a basement below existing dwelling with lightwell to NW elevation, roof extension to NW elevation, insertion of windows and doors at rear and side elevations, demolition of garden wall at entrance to create larger entrance to car parking, new glazed roof to conservatory, new glazed roof above car parking erection of canopy to front elevation.	

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 11th December 2018
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Recommendation Grant conditional permission.			

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 11th December 2018
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

CONFIDENTIAL ITEMS

The following items are due to be published on the “confidential” part of the agenda as the reports involve the likely disclosure of exempt information relating to financial or business affairs.

Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 1. 18/07435/TPO 2. 18/07435/TPO Little Venice	Open Space At Rear Of 115-137 Sutherland Avenue London W9 2QJ	1. 1 x silver birch (T4) and 1 x London plane (T9): fell 2. 1 x cherry (T1) and 1 x sycamore (T3): fell	
	Recommendation Application 1: Grant consent Application 2: Refuse consent			
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 18/05055/TPO Abbey Road	81 Hamilton Terrace London NW8 9QX	Lime - Cut the entire tree to ground level	
	Recommendation Refuse consent			

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 December 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	16-19 Montpelier Mews, London, SW7 1HB		
Proposal	Demolition of existing buildings and construction of a four storey building with basement to provide eight residential units (3 x 1-bedroom, 3 x 2-bedroom and 2 x 3-bedroom) (Class C3). Provision of air-conditioning units on the first floor external roof of the proposed building.		
Agent	Daniel Watney LLP		
On behalf of	Cheval Property Management Ltd		
Registered Number	18/05866/FULL	Date amended/ completed	12 July 2018
Date Application Received	12 July 2018		
Historic Building Grade	Unlisted		
Conservation Area	Knightsbridge		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

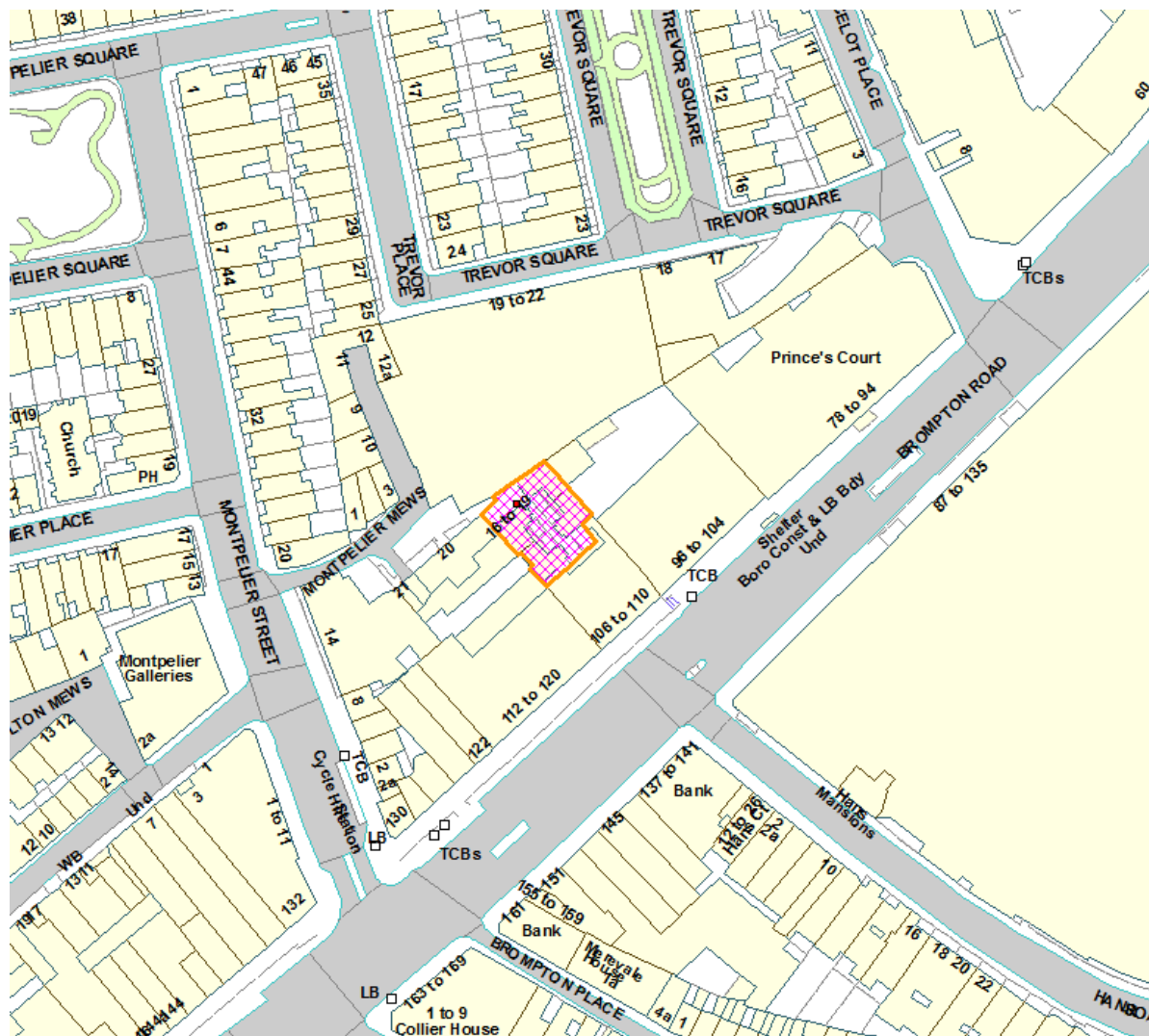
The application relates to a site in an enclosed corner of Montpelier Mews within the Knightsbridge Conservation Area. Permission is sought to demolish the existing four two-bedroom semi-detached houses and construct a four storey building with basement to provide eight residential units (3 x 1-bedroom, 3 x 2-bedroom and 2 x 3-bedroom) (Class C3). The application includes the provision of air-conditioning units on the first floor external roof of the proposed building.

The key issues for the application are:

- The impact on the amenity of neighbouring properties;
- The impact on the character and appearance of the Conservation Area.
- The impact of the proposals on the surrounding highway network.

The proposed development is considered acceptable in land use, design, highways and amenity terms and would accord with policies within the Unitary Development Plan (UDP), Westminster's City Plan: Strategic Policies (City Plan) and the Knightsbridge Neighbourhood Plan (KNP). As such, it is recommended that conditional planning permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View of 16-19 Montpelier Mews in the foreground with 17-22 Trevor Square behind and 20-21 Montpelier Mews on the left.

5. CONSULTATIONS

ENVIRONMENT AGENCY

Any comments to be reported verbally.

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM

Any comments to be reported verbally.

KNIGHTSBRIDGE ASSOCIATION

Concern that proposals are an overdevelopment and will seriously harm the character of the mews and of this part of the Knightsbridge Conservation Area. Development proposals would lead to problems caused by size and number of construction vehicles and an unacceptable increases in vehicular servicing and accessing the additional residential units.

WASTE PROJECT OFFICER

No objection, subject to condition to secure a revised plan indicating proposals for the storage of residual waste and recyclable materials. (Revised lower ground floor plan has been submitted).

HIGHWAYS PLANNING MANAGER

No objection, subject to details of cycle parking. (Cycle parking rack specifications have subsequently been submitted). Any additional on-street parking generated by the proposal can be absorbed into the surrounding street network.

ENVIRONMENTAL HEALTH

No objection, subject to standard conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 64

Total No. of replies: 2

No. of objections: 2

Two letters of objection from residents on Montpelier Mews raising concerns on the following grounds:

Design

- Proposed bicycle store is 'surprisingly dull' and number of bikes is excessive.
- Impact of additional traffic movements on the character of the conservation area.
- 'Cuckoo' in the mews 'nest' as can only be accessed via a narrow 3m wide opening.

Amenity

- Noise from mechanical plant.
- Pollution from additional vehicles.

Highways

- Increase in traffic, taxis and delivery vans obstructing free access throughout the mews.

Other

- Impact of construction vehicle movements on the mews, particularly with such restricted access.
- Disruption from estimated 18 months of construction process and cumulative effect with other developments which come forward.
- Construction Method Statement can only go so far.
- Waste storage will be in basement of site.
- Half of the mews is privately demised and how will unimpeded access to these properties be maintained.
- No room to park or access properties during construction.
- Why can't the existing buildings not be refurbished and maintained.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to a group of four two-storey modern 'mews' dwellings set around a series of semi-private / shared courtyard spaces. They dwelling were built in the 1980s in an enclosed corner of Montpelier Mews. This site located in the Core Central Activities Zone (CAZ), the Knightsbridge Conservation Area and in the Knightsbridge Neighbourhood Forum Area. The former Harrods depository is located to the north of the site.

6.2 Recent Relevant History

Planning permission was granted in September 1987 (RN: 86/04546/FULL) for the demolition of existing buildings demolition of existing buildings and new mixed development for retail, offices and four houses and one maisonette at 112 - 120 Brompton Road and 14-18 Montpelier Mews.

7. THE PROPOSAL

Planning permission is sought to demolish the existing four two-bedroom semi-detached houses and construct a four storey building with basement to provide eight residential units (3 x 1-bedroom, 3 x 2-bedroom and 2 x 3-bedroom) (Class C3). The application includes the provision of air-conditioning units on the first floor external roof of the proposed building. A standalone cycle store is proposed within Montpelier Mews.

The proposals would result in an increase in residential (Class C3) floorspace at the site as set out below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential (Class C3)	339.50	848	+508.5

8. DETAILED CONSIDERATIONS

8.1 Land Use

Residential use

Policy S14 states that the council will work to achieve and exceed its borough housing target set out in the London Plan. Residential use is the priority across Westminster except where specifically stated. The additional residential floorspace is therefore welcomed in policy terms.

The existing and proposed units and percentage of family-sized units are set out below.

	No. of bedrooms			Total No. of units	% family-sized
	1-bed	2-bed	3 bed		
Existing units		4		4	0%
Proposed units	3	3	2	8	25%

Unitary Development Plan policy H5 seeks to ensure that an appropriate mix of unit sizes is achieved in all housing developments. At 25% the proposed mix of residential units falls short of the policy requirement for a third to be family sized (3 or more beds), however due to the constraints presented by the site and the form of the proposed building, it is not feasible to accommodate any further three bedroom units, it is recognised that the proposed mix would be an improvement on the existing situation.

The flats are consistent with the minimum residential space standards for new development as set out in the Technical Housing Standards - Nationally Described Space Standard (2015). Each unit benefits from private amenity space in the form of a balcony, with the exception of the family unit at lower ground floor which benefits from a private garden. The quality of accommodation proposed is considered acceptable.

8.2 Townscape and Design

The application relates to a group of four two-storey modern 'mews' dwellings in an enclosed corner of Montpelier Mews, within the Knightsbridge Conservation Area. The buildings are not listed, nor are they of any real architectural merit.

There are no listed buildings close enough to be affected by the site. The existing buildings' primary contribution to the surrounding conservation area is one of neutrality,

sitting quietly between the much larger buildings which otherwise now characterise the surrounding area.

The principle of the redevelopment of the site, demolishing the existing buildings would cause no harm to the character or appearance of the conservation area and is considered acceptable.

The proposed new development would be notably larger than the existing, comprising of five storeys from lower ground to third floors. From the north, four above-ground storeys would be presented to Montpelier Mews, whilst to the south, the lower ground floor also would be visible so presenting five storeys to view.

The proposed building has been designed to sit below the eaves of the adjacent 20 Montpelier Mews, a further modern building which dominates the southern side of the mews and which is the main visual screen for the site. The lower height ensures that the proposed building sits comfortably within the corner plot, surrounded by taller developments.

The building would be constructed in brick in a simple modern style with large punched windows. The proposed eight flats within are laid out to face southwards with fewer windows facing north and none facing east. The communal stair would be placed to the north-east corner facing the former Harrods Depository and slightly projecting from the northern wall line to enclose a new entrance courtyard which would be concealed behind a full height privacy screen. The proposed screen would be constructed of metal fins to ensure adequate ventilation to the plant area behind. The proposed finish of the fins is to be anodised aluminium to match the proposed window frames.

Whilst the proposals would represent a significant increase in scale and bulk when compared with the existing houses, its position set well within a gap back from the main mews and largely screened by the larger, surrounding buildings, means that it would have a largely neutral effect on the character and appearance of the conservation area. The design of the building is also considered to be of a high quality appropriate to the current context of the site.

Subject to the proposed conditions, the proposals would comply with relevant local and national policies and guidance, in particular DES1, DES 5, DES 9 of the UDP, KBR1 and KBR9 of the KNP, and Chapters 12 and 16 of the NPPF (2018).

8.3 Residential Amenity

Policies S29 of the City Plan and ENV 13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure, outdoor space and encourage development which enhances the residential environment of the surrounding properties.

Sense of Enclosure/ Privacy

The application site is enclosed by buildings in office use to the south and east, at Montpelier House and One Hundred Brompton, and residential flats to the north and west at 17-22 Trevor Square and 20-21 Montpelier Mews, the latter of which the proposed development will adjoin.

The drawings indicate that the northern-most aspect of the proposed development will be approximately 3m from 17-22 Trevor Square at its nearest point, however this will be the fins of the rear screen which will be approximately 4m higher than the ground floor level of the outside area at 17-22 Trevor Square.

Although this will result in increased enclosure to the external access walkway at this point, the two closest windows within the neighbouring building serve a single bedroom, and it is apparent from photographs taken at a site visit that the larger of these windows will look directly past the new development, glimpsing the screen only obliquely. The other window though having a direct outlook towards the screen is smaller and appears to act in supplementing the larger window in providing outlook to the bedroom. No objections have been received from the occupier of this flat.

Two windows on the top (third floor) level of the proposed development will face towards the southern most aspect of 17-22 Trevor Square, however given the angle and set back between the two sites these are not considered to raise significant concern in terms of privacy. It is considered that there would not be an unacceptable sense of enclosure or loss of privacy concerns arising as result of the proposed development that would be sufficient to justify refusing permission.

Sunlight and Daylight

The submitted Daylight and Sunlight information concludes that the proposals will comply with the BRE's vertical sky component (VSC) guidelines, and are compliant with the BRE guidelines in all other regards (with any transgressions falling within the guideline's permissible values), with the exception of two windows serving a single bedroom of a flat on the ground floor (as viewed from the rear) of the development at 17-22 Trevor Square.

These windows would experience VSC losses beyond the levels recommended in the BRE guidelines at 23% and 34%. The reductions are only marginally below what is permissible under the BRE guidelines and appear to largely arise as a result of the fact that one of the windows is located very close to the site boundary meaning that it currently receives a good share of light from across the application site, and the other window is set beneath a balcony, which blinkers the available light from above.

In terms of NSL, the bedroom served by these windows will satisfy the suggested numerical targets set out in the BRE guidelines, with the NSL result showing a fractional change in visible sky only. The proposals are fully complain in terms of sunlight.

On balance given the benefits of providing a net increase of four residential units this marginal daylight loss, which will not prejudice the use of the room as a bedroom, is considered acceptable. No objections have been received from the affected occupier.

Subject to conditions, the proposals are considered to be in line with policies S29 of the City Plan and ENV13 of the UDP.

8.4 Transportation/Parking

Objectors state that the proposals would lead to increased traffic in the area, with taxis and delivery vans obstructing free access throughout the mews.

Policy KBR29 states that proposals that are likely to generate significant transport movements should demonstrate no significant adverse impacts on:

- a. air quality
- b. road safety
- c. the pedestrian environment and movement
- d. cycling infrastructure;
- e. disabled access; and
- f. the street network

Policy TRANS 23 states that where the on street parking threshold in an area is over 80% then this will result in an unacceptable level of deficiency and increase parking stress in the area. The day time parking occupancy of residential parking bays within a 200m radius of the site is 73%. The night time parking occupancy of residential parking bays within a 200m radius of the site is 60%.

Parking pressures in this area is therefore below the stress level and therefore the development is not inconsistent with the aims of the City Council's policy TRANS 23 (B) and (D). The Highways Planning Manager considers that the any additional on street parking generated by the four additional units is likely to be absorbed into the surrounding street network.

Additional information has been sought with regard to cycle parking. Fourteen cycle parking spaces are proposed in a dedicated bike store, which meets the requirements of the London Plan in this regard. A conditions is recommend to secure the cycle store.

The proposed development is accessible to a number of local facilities and transport connections. Montpelier Mews is a private road and not a public highway. Given that the development would only result in the creation of a net additional four units, the proposals are not considered to detrimentally impact on the operation of the local road network or highway safety during operation or result in a material increase in trips to result in a harmful impact upon amenity sufficient to withholding planning permission.

8.5 Economic Considerations

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

8.6 Access

The development has been designed to conform with Part M of the Building Regulations and would be DDA compliant.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday

12th November 2018 and will close on Friday 21st December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

The Knightsbridge Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 18 October 2018, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Knightsbridge Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

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

8.12 Planning Obligations

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

The estimated CIL payment is £371,311.95, which is made up of £334,371.59 Mayoral CIL and £39,940.36 Westminster CIL.

8.13 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report. The applicant has agreed to the addition of a biodiverse roof at main roof level. As well as providing benefits to local biodiversity it will also mitigate surface water run-off. It is recommended that details of the roof treatment and maintenance be secured by condition.

8.14 Other Issues

Construction Impact

Objections have been raised on the grounds of noise, disturbance, issues of access and pollution created by the construction impact.

Policy KBR22 of the Knightsbridge Neighbourhood Plan states that proposals should be designed in a way that minimises their impacts on amenity, public health and the environment through dust and emissions, light pollution, noise and vibration during deconstruction and construction.

Concerns have been raised by objectors relating to disruption resulting from the movement of construction vehicles during the building works.

The Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all major developments from September 2016. As the proposals are for change of use and refurbishment of the building, it is considered that the number of construction vehicles will be less than could be expected for a major development. The application does not fit into the Council's Code of Construction Practice scheme given the extent of works proposed.

Informatives have been added to encourage the applicant to join the nationally recognised Considerate Constructors Scheme and to keep neighbours informed about unavoidable disturbance such as noise and traffic disruption.

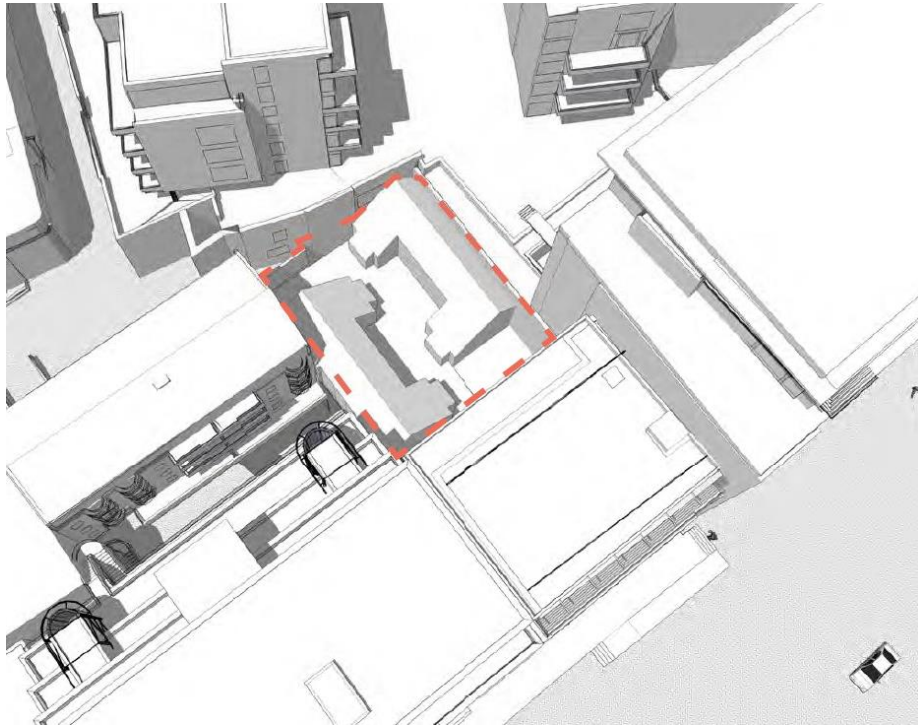
A condition has been added restricting any building work which can be heard at the boundary of the site to between 08.00 and 18.00 Monday to Friday, between 08.00 and 13.00 on Saturday and not at all on Sundays, bank holidays and public holidays. Piling, excavation and demolition work is restricted to between 08:00 and 18:00 Monday to Friday and will not be carried out on Saturdays, Sundays, bank holidays and public holidays.

Accordingly, the proposals are considered to be in accordance with KBR22 of the KNP.

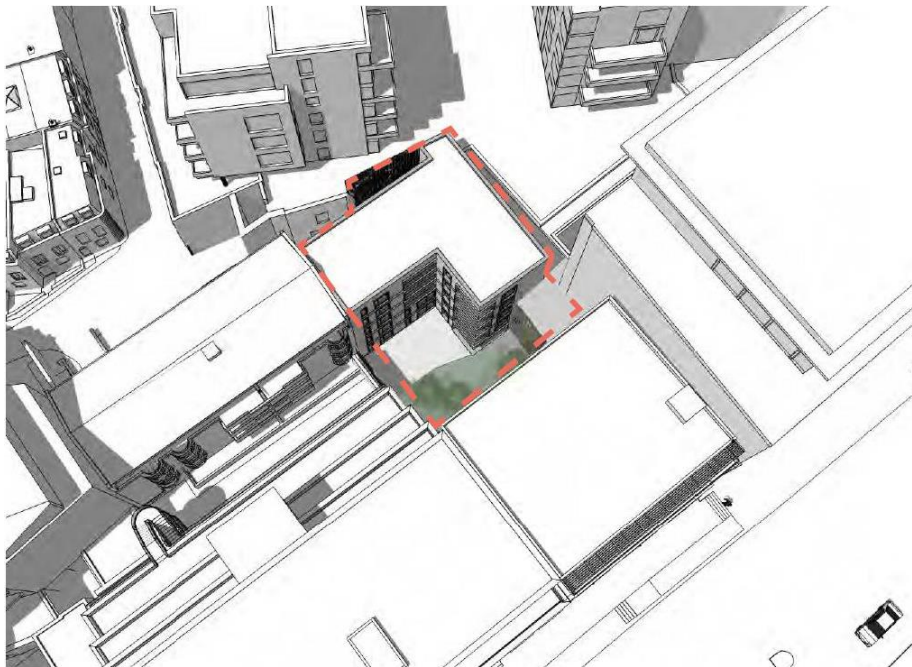
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk.

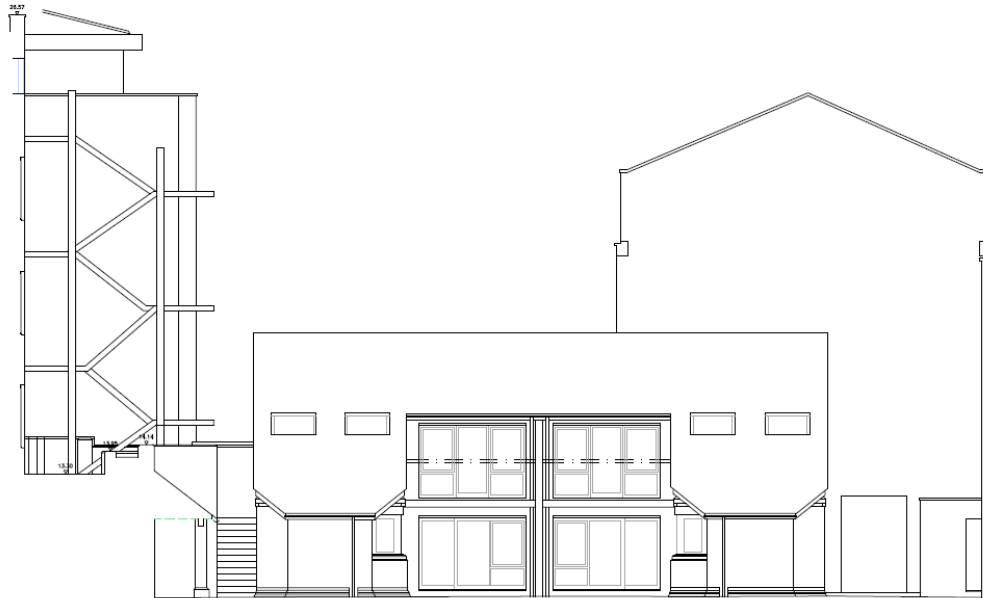
9. KEY DRAWINGS



Existing view of 16-19 Montpelier Mews



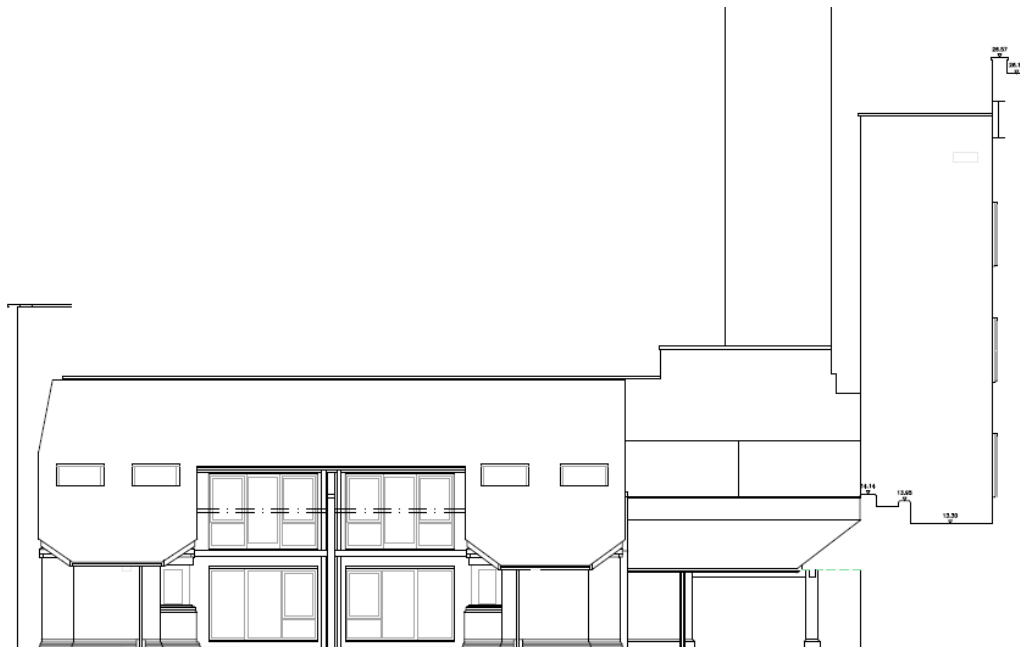
Proposed view of 16-19 Montpelier Mews



Datum 7.00m

East Elevation Montpelier Mews

Existing East Elevation



Datum 7.00m

West Elevation Montpelier Mews

Existing West Elevation

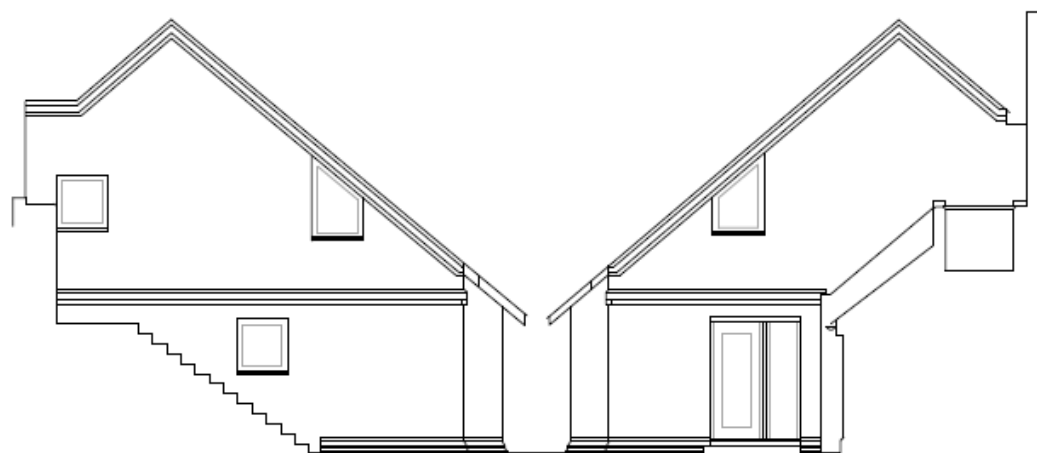


Datum 6.00 A.C.D.

Datum 7.00m

North Elevation Montpelier Mews

Existing North Elevation

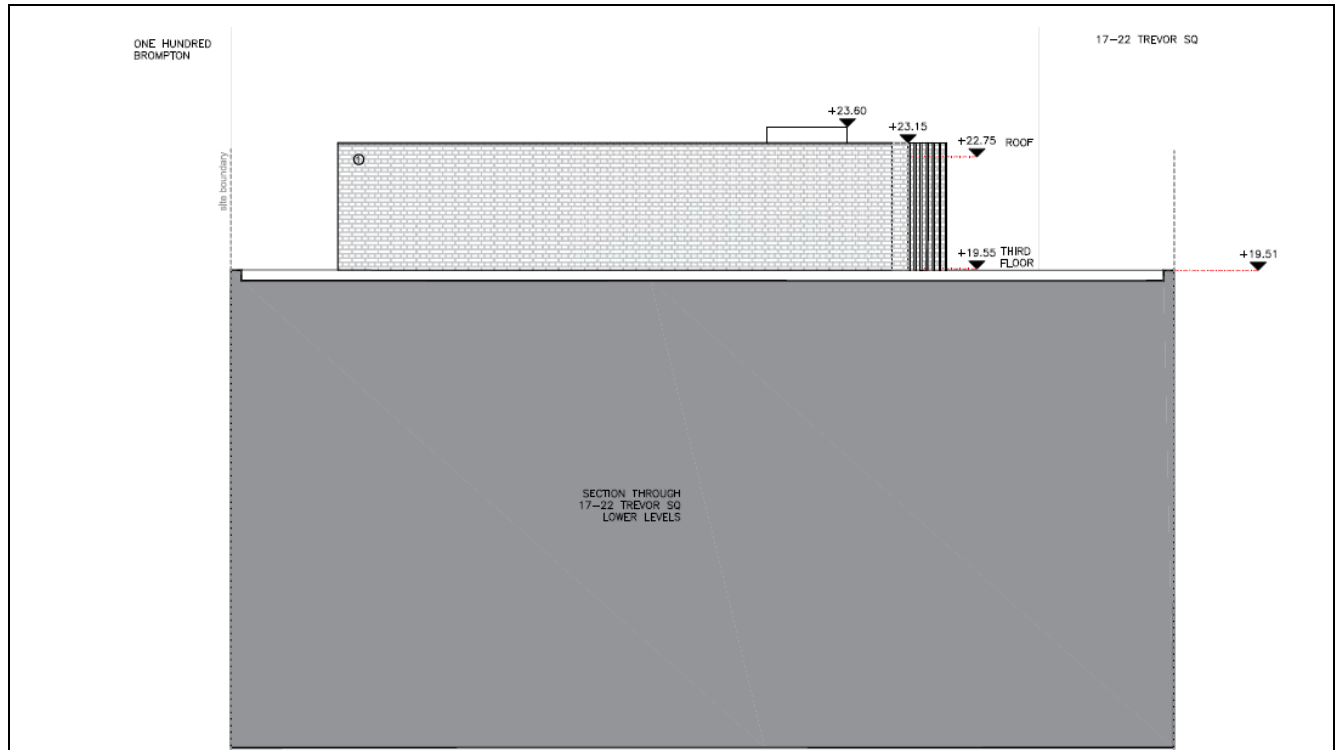


Datum 7.00m

South Elevation Montpelier Mews

SCALE BAR IN mm

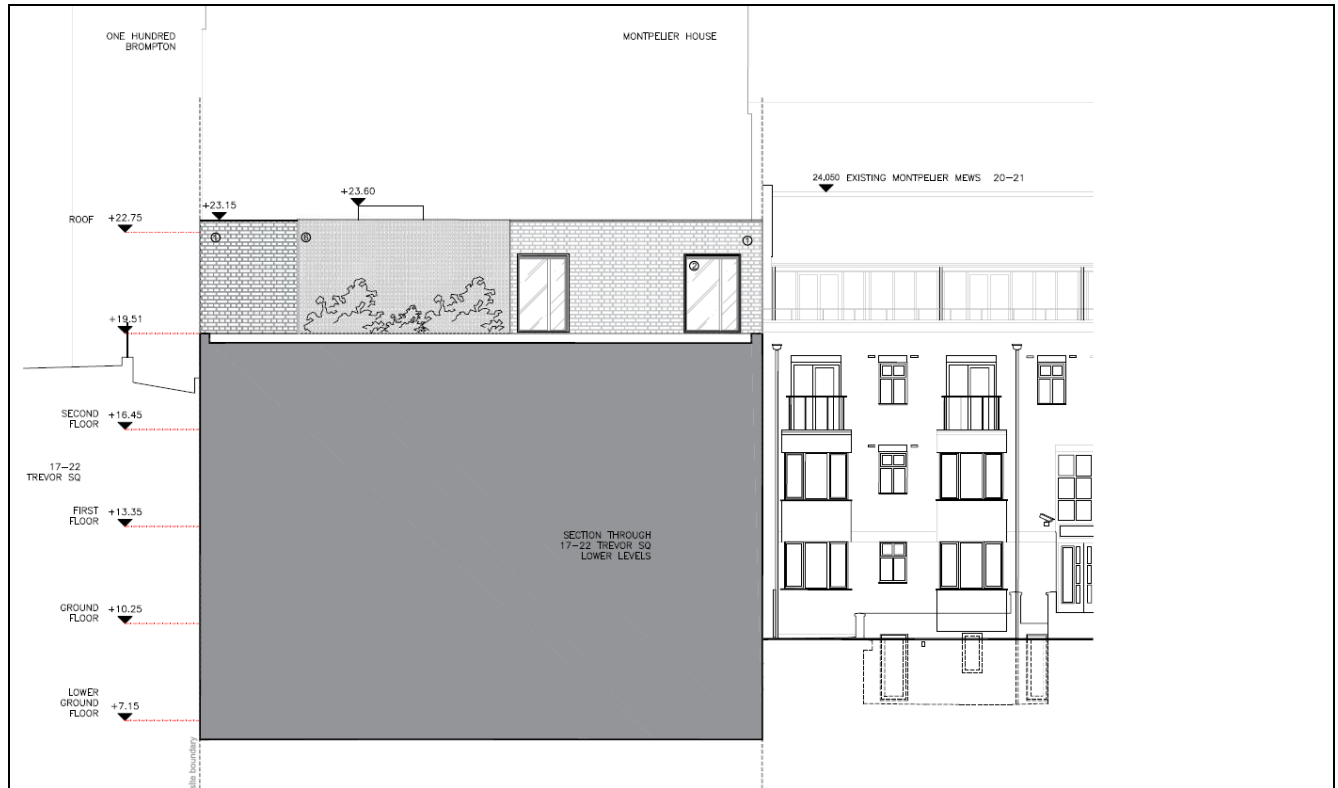
Existing South Elevation



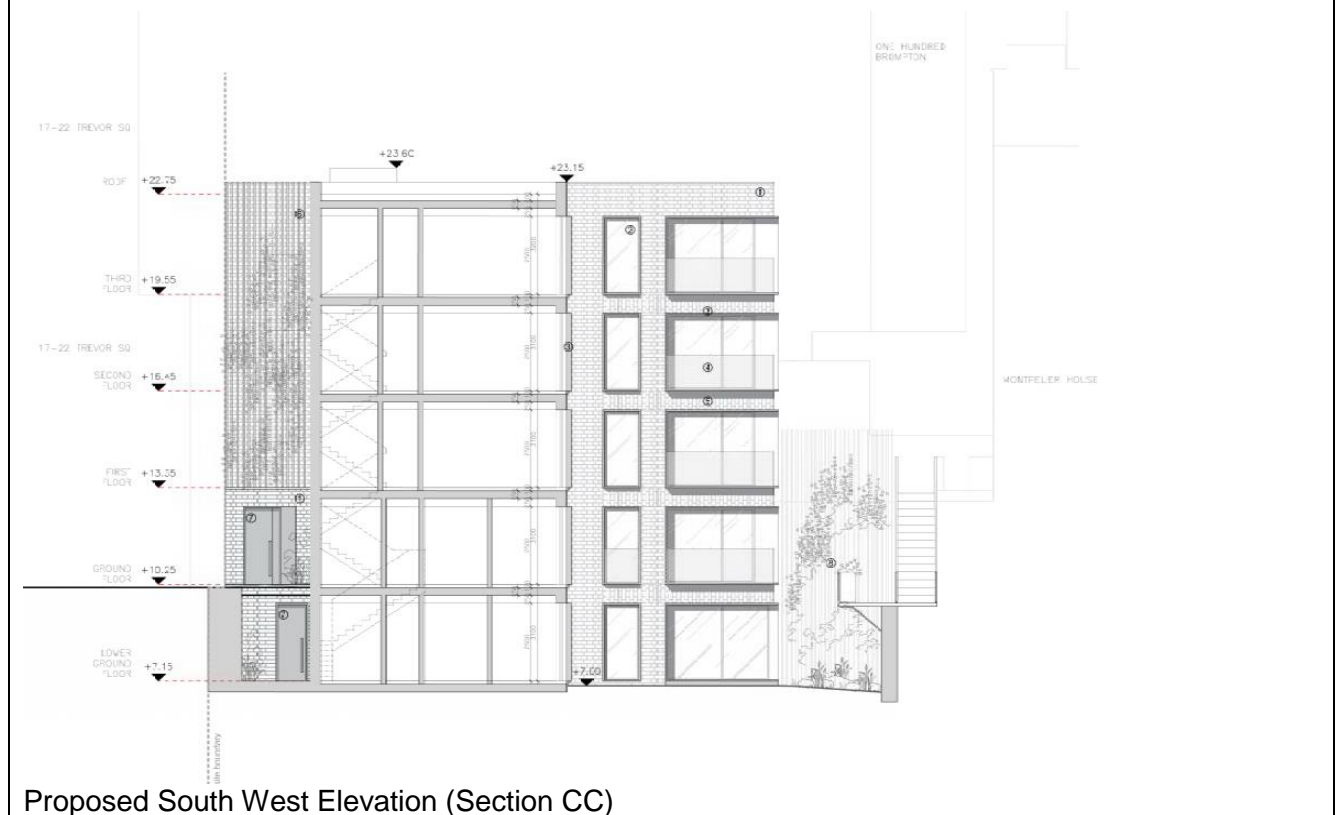
Proposed North East Elevation



Proposed South East Elevation



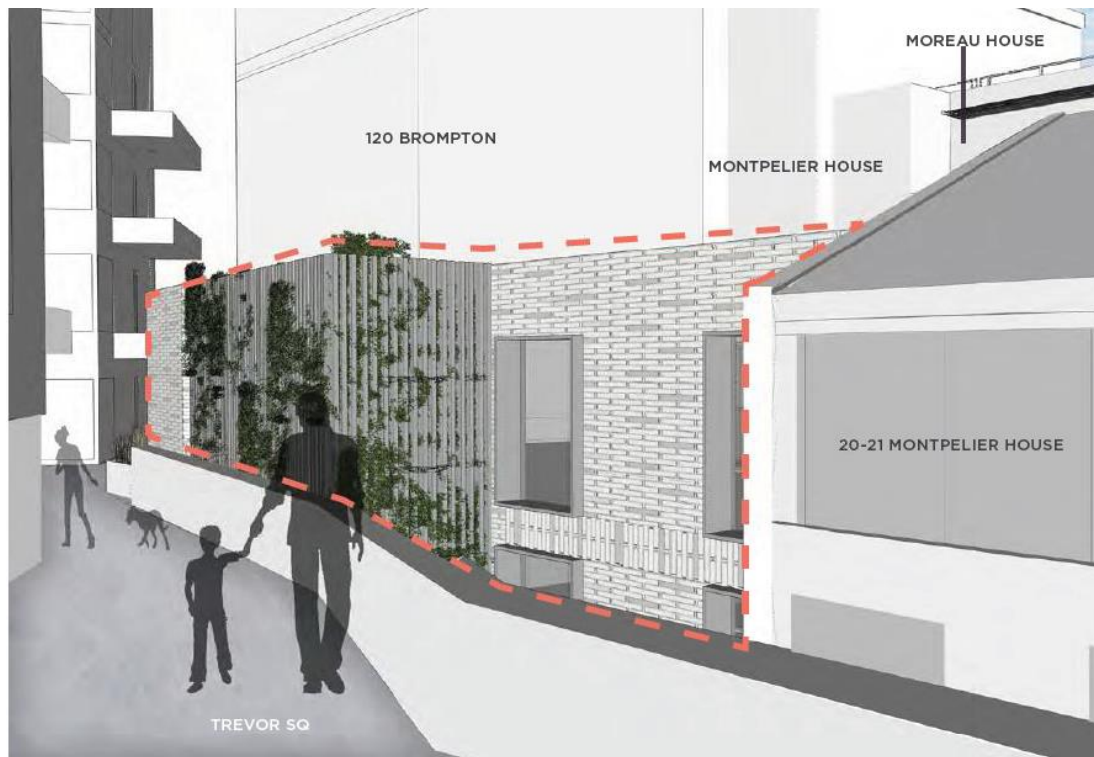
Proposed North West Elevation



Proposed South West Elevation (Section CC)



Existing View from 17-22 Trevor Square



Proposed View from 17-22 Trevor Square



CGI of proposed rear of 16-19 Montpelier mews (indicative)



CGI of proposed front of 16-19 Montpelier Mews (through gap) with bike store in front (indicative)

DRAFT DECISION LETTER

Address: 16-19 Montpelier Mews, London, SW7 1HB,

Proposal: Demolition of existing buildings and construction of a four storey building with basement to provide eight residential units (3 x 1-bedroom, 3 x 2-bedroom and 2 x 3-bedroom) (Class C3). Provision of air-conditioning units on the first floor external roof of the proposed building. [Site includes 16-19 Montpelier Mews]

Plan Nos: (01)-P-S00 Rev. PL; (01)-P-S01 Rev PL; (03)-P-0B0 Rev. PL1; (02)-P-0G0 Rev. PL; (02)-P-001 Rev. PL; (02)-P-002 Rev. PL; (01)-E-001 Rev. PL; (01)-E-002 Rev. PL; (01)-E-003 Rev. PL; (01)-P-001 Rev. PL; (01)-P-0G0 Rev. PL; (01)-P-002 Rev. PL; (PL)-E-002 Rev. PL; (PL)-E-001 Rev. PL; (03)-P-001 Rev. PL; (03)-P-0G0 Rev. PL; (03)-P-0B0 Rev. PL; (03)-P-004 Rev. PL; (03)-P-002 Rev. PL; (03)-P-003 Rev. PL; (PL)-X-01 Rev. PL; (PL)-X-02 Rev. PL; (PL)-X-03 Rev. PL; (PL)-E-003 Rev. PL; Environmental Noise Survey Report dated 25 January 2018, prepared by Noico Limited; Daylight and Sunlight Report dated 24 April 2018, prepared by EB7; Bike rack specifications; (for information only) Construction Approach dated September 2018, prepared by Cheval Property Management Ltd.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

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 **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)

- 4 You must apply to us for approval of a written and photographic schedule of the facing materials you will use, including glazing, cross-referenced against versions of the approved elevations and roof plans annotated to show where each of the materials would be used. 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 Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

(a) Typical bay studies, including windows and privacy screen (drawn elevations, plans and sections at 1:10).

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 details. (C26DB)

Reason:

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

- 6 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 2016 (R22FA)

- 7 You must provide the waste store shown on drawing (03)-P-0B0 Rev. PL1 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the residential units. 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)

- 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 (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)

- 10 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

Installation of a biodiverse roof at main roof level of the proposed building, including sections to show construction of base, substrate depth, species list, maintenance regime and works to accommodate the supporting structure within the proposed new roof structures and associated piping/irrigation etc.

You must not occupy the development until we have approved what you have sent us. You must then carry out the work according to these details and retain the biodiverse in perpetuity and in accordance with the maintenance regime.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With reference to Condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. You are urged to give this your early attention.
- 3 Conditions 8 and 9 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)
- 4 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.
- 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 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.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 December 2018		Classification For General Release
Report of Director of Planning			Ward(s) involved Knightsbridge And Belgravia
Subject of Report	72 Chester Square, London, SW1W 9DU		
Proposal	Erection of new mews building in Ebury Mews East with terrace above, incorporating ac unit, alterations to the rear of main house, including infill within the existing courtyard, extension to rear closet wing at second floor level, extension to roof, single storey basement excavation to create plant room, new entrance portico and internal alterations, in connection with the enlargement of 72 Chester Square.		
Agent	Leconfield Property Group		
On behalf of	Mr Jai Waney		
Registered Number	18/06328/FULL & 18/06329/LBC	Date amended/ completed	26 July 2018
Date Application Received	26 July 2018		
Historic Building Grade	Grade II		
Conservation Area	Belgravia		

1. RECOMMENDATION

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

2. SUMMARY

72 Chester Square is a Grade II listed building located within the Belgravia Conservation Area. Planning permission and listed building consent are sought for the erection of a new mews building in Ebury Mews East, alterations to the rear of the main house, including infill within the existing courtyard, extension to rear closet wing at second floor level, extension to roof, single storey basement excavation to create plant room, new entrance portico and internal alterations.

The key issues in this case are:

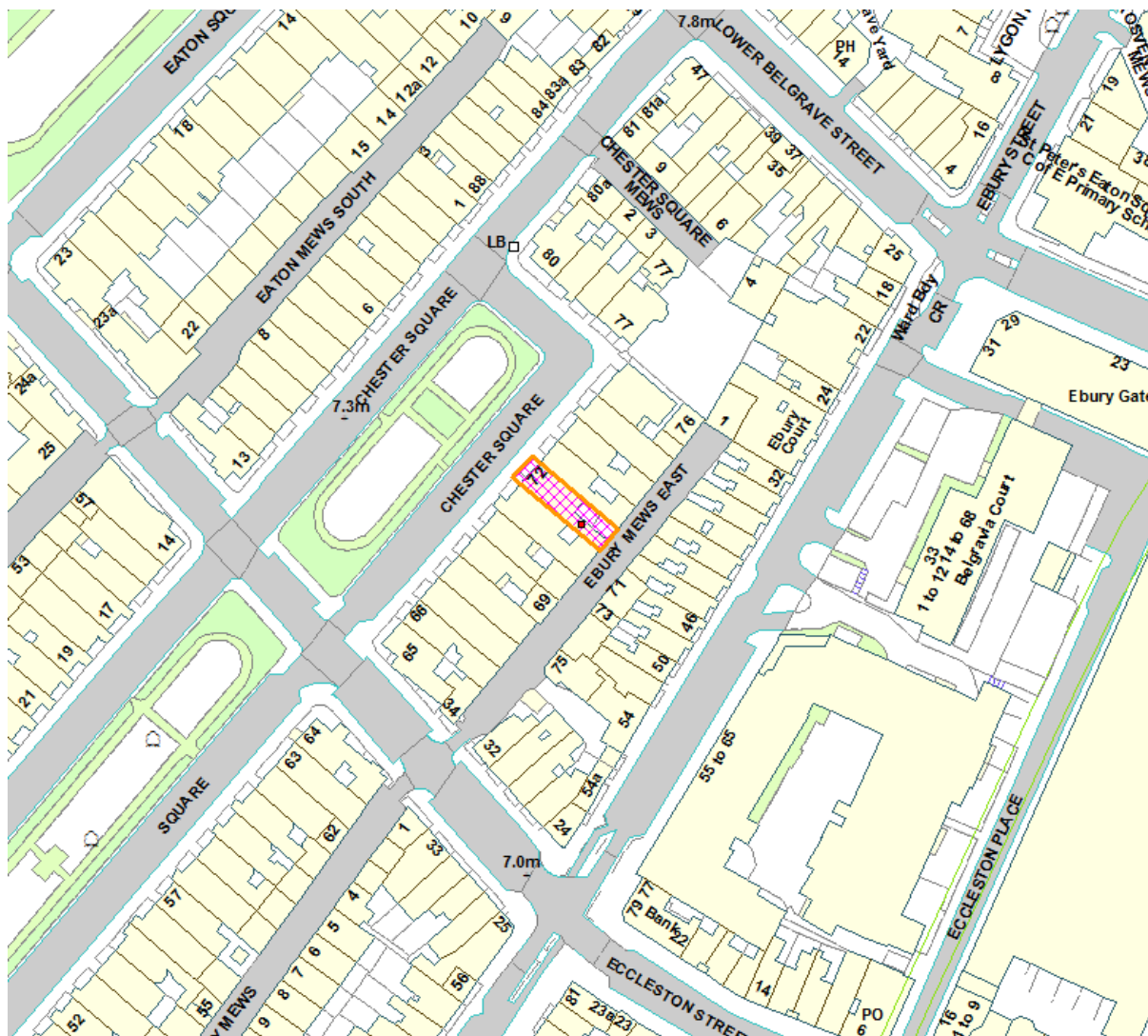
*The impact of the scheme on the special interest of the listed building and the character and appearance of the conservation area and;

*The impact of the scheme on the amenity of the neighbouring properties.

Two objections have been received from residents in Ebury Mews East on grounds including loss of privacy, loss of daylight and sunlight and increased noise, disruption and disturbance. Whilst the objections are noted it is considered that a reason for refusal could not be sustained on this occasion. Conditions are recommended to minimize the impact of the proposals on the amenity of the neighbours.

The proposal is considered acceptable in design and amenity terms and would accord with policies within the Unitary Development Plan (UDP) and Westminster City Plan: Strategic Policies (City Plan). As such, it is recommended that conditional permission and consent are granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

HISTORIC ENGLAND

Any response to be reported verbally.

BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported verbally.

BELGRAVIA NEIGHBOURHOOD FORUM

Any response to be reported verbally.

THE BELGRAVIA SOCIETY

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objections subject to conditions.

WASTE PROJECT OFFICER

No objections. The existing waste arrangement should be adequate.

HIGHWAYS PLANNING MANAGER

If there is no condition requiring the retention of the car parking space then an objection would not be raised to the application.

BUILDING CONTROL

The structural method statement is considered to be acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 26

Total No. of replies: 2

Two objections from neighbours within Ebury Mews East raising the following:

AMENITY

Overlooking/loss of privacy;

Second floor would increase the bulk and height of the property hemming in the property facing the scheme;

Loss of sunlight and daylight;

HIGHWAYS

Increase in traffic, making access and parking more difficult;

Request that if building work is carried out that parking and deliveries be confined to Chester Square;

OTHER

Increase in noise by potential increase in family unit;

Basement excavation would result in increased noise, dust, vibration, implications on soakaway waters and flooding; and

Request works do not start before 8am or finish after 4pm and not on weekends.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site comprises a Grade II listed building located to the north of the square with Ebury Mews to the rear. The property is a mid-terraced second-rate townhouse over lower ground, ground and four upper floors. It is a six-storey dwellinghouse which includes a lower ground to fourth floor accommodation. The site lies in the Belgravia Conservation Area.

The surrounding area is predominately residential in nature and there have been recent examples of properties being extended in a similar way to that proposed including No. 57 Chester Square which was allowed on appeal in 2017.

6.2 Recent Relevant History

Construction of new ground floor front entrance portico with railings above granted permission on 12 February 2015 (14/12844/FULL and 14/12845/LBC)

Demolition of existing roof structures and coverings, construction of new roof structure and coverings and internal alterations granted permission on 18 January 1995 (94/06802/FULL and 94/06803/LBC)

7. THE PROPOSAL

Permission and consent is sought for the erection of a new open portico to the front elevation, which would replicate others and was granted planning permission and listed building consent in 2015 but is currently unimplemented.

A new mews building is sought to the rear which would be linked to the main dwellinghouse by a two storey link replacing the existing lower ground and ground floor rear wing which extends to the full depth of the site. The mews building would extend across the full width of the with a lower glazed flat roof and lightwell to the rear of the main house.

Roof terraces are created at first floor and second floor levels. A new external spiral staircase is proposed to link the roof terrace of the mews building and the first floor terrace. A second stair will provide access from the winter garden at the rear of the main house to the first floor terrace of the mews link.

To the rear of the main house, a new closet wing extension attached to and replacing the lower projections of the existing closet wing would provide a lift up to second-floor half-landing level, accessed internally at the half-landings of the main staircase.

A subterranean plant room is proposed beneath the modern extensions to the rear. The existing lower ground floor level would be also be extended beneath the mews house. At roof level, the existing roof would be extended in mansard form. Internal alterations include the erection and removal of partitions. This includes the re-formation

of the wall which divides the hallway from the family room and rationalisation of the entrance hall at ground floor level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals do not raise land use issues and it would remain in use as a single family dwelling.

8.2 Townscape and Design

The stuccoed front elevation is flat apart from a projecting stone and cast-iron balcony at first floor beneath which is the usual front area protected by cast-iron railings and crossed by a Portland stone entrance bridge to the front door. The adjacent house, No.71 projects slightly from the application site's wall line as part of the overall composition of the terrace. Several of the houses on this terrace now feature projecting open porticos, added over the past decade creating a strong architectural pattern.

To the front elevation, the proposed open portico would match those built to a number of other properties on the terrace. Due to the strength of the pattern now established to this highly designed composite elevation, it is considered that this proposal would equally be acceptable on this site. The slight step in the terrace's wall line seen between Nos. 72 and 71 has been well handled by the submitted design, and the new portico would sit comfortably alongside those of the rest of the terrace.

To the rear, the proposal is more extensive but it should be noted that a nearly identical scheme incorporating the erection of mews building, comprising of lower ground, ground and first floor levels, with a terrace above, basement and rear extensions was allowed on appeal by the Planning Inspectorate at 57 Chester Square in 2017.

The current scheme proposes a similar three-storey plus roof terrace mews building proposed to the rear of the yard, which would replace the rear vault and modern extension. The principle of a new mews building in this location is considered to be acceptable, given that it is now the only gap on this terrace. The proposed form and design of the proposal is acceptable due to the established pattern of development to the rear of the terrace; the proposal is largely identical to that built recently next door at No.73 and there are other examples of the same.

The new mews building would be linked to the main house by a two-storey link extension replacing the existing lower ground and ground floor rear wing. It is considered that the combination of the proposed rear extensions would be significant, but are effectively identical to those approved and/or built to Nos. 73 and 57, which have proven to be successful.

The rear of the building consists of its original closet wing which rises up to the main parapet and is typically plainer than the front elevation being built of brick and having an almost vernacular character. To first floor level the closet wing includes a shallow additional lobby projection, lit by an arched casement window, which internally is separated from the half-landing by a smartly proportioned archway.

The impact of the proposed lift extension would be more significant, but nonetheless would be identical to that approved and partly built to Nos. 57 and 73. The extension to the closet wing to accommodate a lift to second floor level was allowed on appeal to No. 57 Chester Square and has set a strong precedent. The Planning Inspector noted in his decision that there were a number of properties that have altered the closet wings and he considered it to represent a relatively modest element on the rear elevation of No. 57 Chester Square. He concluded that the height of the closet wing was subservient to the listed building and that it was in keeping with the height and scale of other examples in the area. Therefore, no objections would be raised in terms of the impact on the historical character of the listed building.

The proposed plant room beneath the extensions to be formed as a sub-basement would have no external manifestations and would therefore would not add to the occupied volume of the dwellinghouse. As such, it is considered to be acceptable in design and conservation terms.

Overall, the proposal would be considered to preserve and, in some places, enhance the special architectural and historic interest of the listed building and conservation area. Therefore, the proposal would be considered to comply with policies S25 and S28 of the City Plan and DES 1, DES 5, DES6, DES9 and DES10 of the UDP and the advice set out in our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

8.3 Residential Amenity

Policy ENV13 of the UDP 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. Similarly, Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development. Objections have been received from residents within Ebury Mews East on grounds of increased sense of enclosure, loss of light and loss of privacy.

Sunlight and Daylight

In terms of the proposed mews building to the rear, it would have the same separation distance as the mews buildings to neighbouring properties along the terrace.

The sunlight and daylight report has assessed the impact on Nos. 71 and 73 Chester Square and 40, 42, 44 and 71 Ebury Mews East. The report concludes that the proposed development would have a low impact on the light received by these neighbouring properties.

No.71 Chester Square would see a loss in daylight to five windows within the rear lightwell below the recommendations of the BRE Guidelines. Those losses are proportionally high in percentage terms due to the existing levels being low in real terms. It is unlikely that the loss of daylight to those rooms would be perceived by the occupier. The resulting levels are not uncommon for windows located within lightwells. Given the

losses are to a small proportion of rooms within what is a large dwelling it is not considered reasonable to withhold permission on grounds of loss of light.

No.73 Chester Square would see a loss in sunlight to three windows (a pair French doors and a fanlight) to the same opening, which accesses the rear first floor terrace. These windows serve circulation space off a staircase and as such it would not be reasonable with withhold permission due to the losses.

The remainder of surrounding properties, including those on the opposite side of Ebury Mews East would not experience losses more than that recommended by the BRE guidelines. The application is considered acceptable in daylight and sunlight terms.

Sense of Enclosure

No. 73 Chester Square, which has recently been redeveloped, has built a mansard roof extension, infill closet wing extension at second floor, a new entrance porch, an extension in the courtyard, and a mews building. The adjoining neighbouring property No. 71 Chester Square already features a mews building, albeit a storey lower, with link to the main building.

The proposed mews would be the same height as the mews recently built at No. 73 Chester Square and lower in height to the mews building at No. 71. The prevailing character along the mews is of two and three storey mews houses and extensions to the main buildings on both Chester Square and Ebury Street. The closet wing extension would extend further beyond the rear of No.71, its projection would not be significant.

It is considered that, given the existing form of development along the mews and to the rear of the main buildings on Chester Square, the proposals it would not lead to an unacceptable relationship with neighbours in term of increases sense of enclosure.

Privacy

The level of overlooking from the main dwellinghouse would not be considerably different from the existing situation. The proposed mews building and roof terrace would be located approximately 4.5m from the opposite side of the mews, which are the most directly affected properties from this part of the development. There is already an established rear building line with similar relationships to that proposed along the mews. It should be noted that No. 42 Ebury Street is an office and therefore there would be no overlooking into any habitable rooms.

There would be an element of overlooking from the terrace above the mews building. Terraces above mews buildings are a common feature along Ebury Mews East. The application includes a setback in the terrace of approximately 1m from the front edge of mitigate the level of overlooking across the mews. The resulting relations within the mews is considered acceptable.

It would be difficult to demonstrate loss of privacy to adjoining properties Nos. 71 and 73 Chester Square as they also contain terraces and there would be some mutual overlooking. It is not considered that the proposal would not result in a harmful level of overlooking or loss of privacy to neighbours given the existing context.

8.4 Transportation/Parking

The rear garden area accessed from Ebury Mews East not large enough for the practical use of parking a car measuring only 2.2m x 3.8m. The history of the site shows no record of a condition to secure this area for parking provision. The proposal would not result in a loss of off-street parking and the proposal would comply with saved policy TRANS23 of the UDP.

8.5 Economic Considerations

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

8.6 Access

The proposal would not alter the existing access arrangements.

8.7 Other UDP/Westminster Policy Considerations

Noise and Plant

A noise assessment has been submitted with the application to demonstrate that the acoustic measures proposed from the plant in the new basement and within the vaults would meet the noise criteria set out in policies ENV6 and ENV7 of the UDP.

Environmental Health raise no objections. The Councils standard conditions are recommended to ensure the plant does not negatively impact neighbours in terms of noise and vibration.

One of the objections raised concern over the increase in the noise from the enlarged family unit. The mews building would be an extension to the main dwellinghouse and cannot be sub-divided to create a separate unit of accommodation without the benefit of planning permission. Notwithstanding this, the extension and outdoor areas for use in connection with the single family dwelling are unlikely to result in sufficient disturbance to neighbours to justify withholding permission on the grounds of noise.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

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.

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

8.11 Planning Obligations

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

The floorspace increase would be below the threshold and would be exempt from paying the Mayoral and Council CIL charges.

8.12 Other Issues

Basement

The scheme involves excavation works to create a lower ground floor to the proposed mews property and the creation of a plant room under part of the existing lower ground floor courtyard. Two objectors have expressed strong concerns to the excavation of the new basement, the construction noise, vibration, dust and disruption in the mews.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the 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 March 2012 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.

The applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred.

The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as 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.

Policy CM28.1 of the City Plan clearly states that basement to existing residential buildings are acceptable when they do not extend beneath more than 50% of the garden land, when they leave a margin of undeveloped garden land proportionate to the scale of development and the size of the affected garden, and provide a minimum of 1m soil depth. Given the modest size of the existing garden land in this case, the excavation works which include a relatively modest plant room and single storey below the mews building, it is considered to be in accordance with policy CM28.1.

The application is supported by a construction method statement which considers these aspects of the site and concludes that the excavation is feasible. The Building Control Officer has considered the report and advised that the findings are acceptable and of sufficient detail to ensure that the adjacent properties would be safeguarded during construction. Further investigation and information would be required for the purposes of Building Regulations but the submitted information is sufficient to address the requirements of the NPPF.

Construction impact

In terms of the impact of construction on the amenity of neighbours and the operation of the local highway network, whilst it is recognised that there would inevitably be an element of disturbance to residents particularly during construction of the new basement, the applicant would be required to adhere to the Council's Code of Construction Practice. The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. The Code of Construction Practice was adopted in July 2016 and the applicant is required to sign up to it, which has been agreed. Compliance is monitored by the Environmental Inspectorate. A condition is recommended requiring the applicant to provide evidence of compliance with the CoCP before starting work.

The standard condition to control hours of building work is recommended which includes specific restrictions for basement excavation work which can only be carried out between 08:00 and 18:00 Monday to Friday and not at all on Saturdays, Sundays and bank holidays. Furthermore, to address the concern raised by one of the objectors, the agent has agreed that the deliveries would be via Chester Square. This will need to be agreed separately under the Council's Code of Construction Practice.

(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: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk

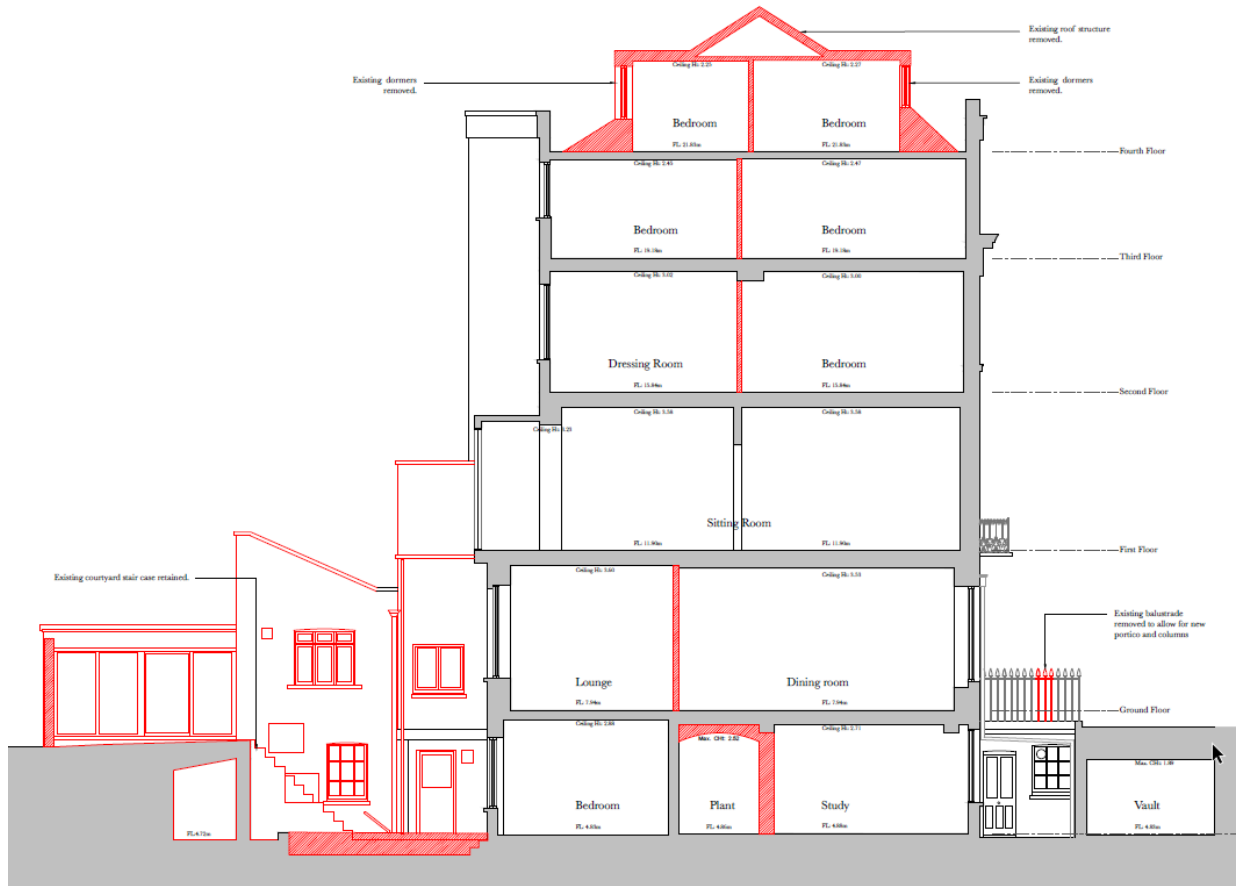
9. KEY DRAWINGS



Existing front elevation



Proposed front elevation



Existing section





Existing rear elevation



Proposed rear elevation

DRAFT DECISION LETTER

Address: 72 Chester Square, London, SW1W 9DU,

Proposal: Erection of new mews building in Ebury Mews East; alterations to the rear of main house, including infill within the existing courtyard; extension to rear closet wing at second floor level; extension to roof; single storey basement excavation to create plant room; new entrance portico and internal alterations, in connection with enlargement of 72 Chester Square.

Reference: 18/06328/FULL

Plan Nos: LBP01, SP01-E, SP02-P, EL_01E, EL_02E, EL_03E, EL_04E, EL_05E, GA_01E, GA_02E, GA_03E, GA_04E, GA_05E, GA_06E, GA_07E, SC_01E, SC_02E, SC_05E, EL_01P - 01, EL_02P - 02, EL_03P - 03, EL_04P - 04, EL_06P, GA_01P, GA_02P, GA_03P, GA_04P, GA_05P, GA_06P, GA_07P, SC_01P, SC_02P, SC_03P, SC_04P, EL_01D, EL_02D, EL_03D, EL_04D, GA_01D, GA_02D, GA_03D, GA_04D, GA_05D, GA_06D, GA_07D, SC_01D, SC_02D, SC_05D.

For information only: Planning statement, daylight and sunlight study, construction method statement, noise assessment.

Case Officer: Nosheen Javed

Direct Tel. No. 020 7641 2858

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 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 Belgravia 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)

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

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

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

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

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

Reason:

To protect the environment of 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)

- 4 You must apply to us for approval of a detailed written and photographic schedule of the facing materials you will use, including sample panels prepared on-site for our inspection. Your submission must include annotated versions of the approved elevations / plans (as applicable) which demonstrate / locate the use of each of the proposed materials. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 Belgravia 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 **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)

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

Reason:

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

- 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)

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 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.
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 Conditions 7 and 8 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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: 72 Chester Square, London, SW1W 9DU

Proposal: Erection of new mews building in Ebury Mews East; alterations to the rear of main house, including infill within the existing courtyard; extension to rear closet wing at second floor level; extension to roof; single storey basement excavation to create plant room; new entrance portico and internal alterations.

Reference: 18/06329/LBC

Plan Nos: LBP01, SP01-E, SP02-P, EL_01E, EL_02E, EL_03E, EL_04E, EL_05E, GA_01E, GA_02E, GA_03E, GA_04E, GA_05E, GA_06E, GA_07E, SC_01E, SC_02E, SC_05E, EL_01P - 01, EL_02P - 02, EL_03P - 03, EL_04P - 04, EL_06P, GA_01P, GA_02P, GA_03P, GA_04P, GA_05P, GA_06P, GA_07P, SC_01P, SC_02P, SC_03P, SC_04P, EL_01D, EL_02D, EL_03D, EL_04D, GA_01D, GA_02D, GA_03D, GA_04D, GA_05D, GA_06D, GA_07D, SC_01D, SC_02D, SC_05D.

For information only: Heritage Statement.

Case Officer: Nosheen Javed

Direct Tel. No. 020 7641 2858

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

- 3 You must apply to us for approval of a detailed written and photographic schedule of the facing materials you will use, including sample panels prepared on-site for our inspection. Your submission must include annotated versions of the approved elevations / plans (as applicable) which demonstrate / locate the use of each of the proposed materials. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 Belgravia 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 further information (as set out below) of the following parts of the development:

- (a) New / altered windows, doors and rooflights (including roof glazing) (detailed elevations and sections at 1:5)
- (b) New / altered staircases, balustrades and railings (detailed elevations, plans and sections at 1:20);
- (c) Typical external profiles of new extensions, including dormers (detailed elevations and sections at 1:20).

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

Reason:

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

- 5 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 7 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 Belgravia 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.
- Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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

CITY OF WESTMINSTER				
PLANNING APPLICATIONS SUB COMMITTEE	Date 11 December 2018		Classification For General Release	
Report of Director of Planning			Ward(s) involved West End	
Subject of Report	3 Red Lion Yard, London, W1J 5JR			
Proposal	Temporary use of 3 Red Lion Yard as a site office (Class B1) until 31st December 2022, in association with construction works with the adjacent Audley Square House.			
Agent	DP9			
On behalf of	Mr John Caudwell			
Registered Number	18/08800/FULL	Date amended/ completed	15 October 2018	
Date Application Received	15 October 2018			
Historic Building Grade	Unlisted			
Conservation Area	Mayfair			

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is located within Red Lion Yard, a cul-de-sac accessed off Waverton Street. There are a number of residential properties within Red Lion Yard. The application site comprises ground and three upper floors and although currently vacant is a lawful residential unit. Permission is sought for the temporary loss of this residential unit to be used as a site office (Class B1) in connection with the development at the former Audley Square Garage. Internal alterations are also proposed to create an opening at first floor level between 4 Red Lion Yard (which is part of the Audley Square site) and the application site. The former car park at Audley Square has now been demolished and access to the proposed site office will be via the rear of 4 Red Lion Yard, which will be accessible from the Audley Square Garage construction site.

City Council policies seek to protect all residential uses, floorspace and land, and proposals that would result in a reduction in the number of residential units will not be acceptable. The loss of the residential floorspace is therefore contentious and an objection has been received from a neighbouring occupier to the loss of the residential unit (as well as on other grounds).

As set out above, access to the proposed site office in No. 3 will only be via 4 Red Lion Yard: this building forms part of the Audley Square garage site and the rear elevation of the building has been exposed following the demolition of the former car park buildings. This building will also be used as

office accommodation in connection with the development, but as No. 4 was part of the application site, its use as site offices benefits from permitted development rights. An opening will be made at rear ground floor level of No.4 giving access to the wider development site, and an opening will be made in the party wall at first floor level between Nos. 3 and 4. Therefore, access to the office floorspace will be from the Audley Square construction site and not from Red Lion Yard itself.

Site accommodation is also planned on the public highway. However, following discussions with WCC Licensing, the amount of accommodation is limited because of access rights, etc., which means that additional space is required. By utilising 3 Red Lion Yard, along with No.4, the amount of free-standing site accommodation can be reduced in line with the advice from the highways team. It is not considered practicable to have free-standing structures on the site itself, which will be subject to extensive excavations.

The site office at No.3 will accommodate up to 20 members of staff and the applicants have requested that the temporary period is until 31 December 2022, when the Audley Square development is projected to be completed. The introduction of office floorspace inside the Core CAZ is in line with policy S20 of the Westminster City Plan.

An objection has been received on the grounds that a temporary consent should not be granted as there are no assurances that the development at Audley Square garage will be built or completed. In the event that the development is not completed, 3 Red Lion Yard should still revert back to residential at the end of the temporary period. Furthermore, the applicants have entered into an Unilateral Undertaking, which includes a clause "from the commencement of demolition the owner shall use its best endeavours to carry out any demolition works authorised by the planning permission expeditiously and shall thereafter complete the development as soon as reasonably practicable". As the buildings have been demolished on site, the applicants are legally obliged to complete the development as consented.

The objector also states that it is likely that access to the site office will be via Red Lion Yard, rather than via the construction site. A condition is recommended restricting access to the site office to be only via Audley Square (but allowing emergency escape via Red Lion Yard). It is unlikely that there will be any deliveries to the site office, but an additional condition restricting all deliveries to be only from Audley Square is recommended. An objection has also been received to the impact the office floorspace will have on the amenity of the existing residential properties in Red Lion Yard, but with the conditions that are proposed, there is no reason to believe that the use itself will cause loss of amenity.

An objection has been received relating to the use of Red Lion Yard for car parking for the office occupiers. Red Lion Yard is a private road and therefore is not controlled by parking regulations. It is likely the occupiers of the office floorspace will travel by public transport and as the applicant has indicated that there is no parking provision for the office occupiers, it is not considered the objection on these grounds is sustainable.

The loss of residential floorspace is contentious. However, as the loss is for a temporary period, it is considered that the temporary loss is acceptable in these circumstances. The redevelopment of the car park site will take up to four years, with the excavation of five basement levels and eight-nine upper floors. Conditions to ensure that the residential use is reinstated at the end of the temporary period are considered to protect the long term use of the residential floorspace.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 30

No. of objections: 1 letter of objection raising the following:

Land use

- loss of residential floorspace

Amenity

- impact on residential amenity within Red Lion Yard

Parking

- office occupiers likely to use Red Lion Yard for parking

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. Land use table

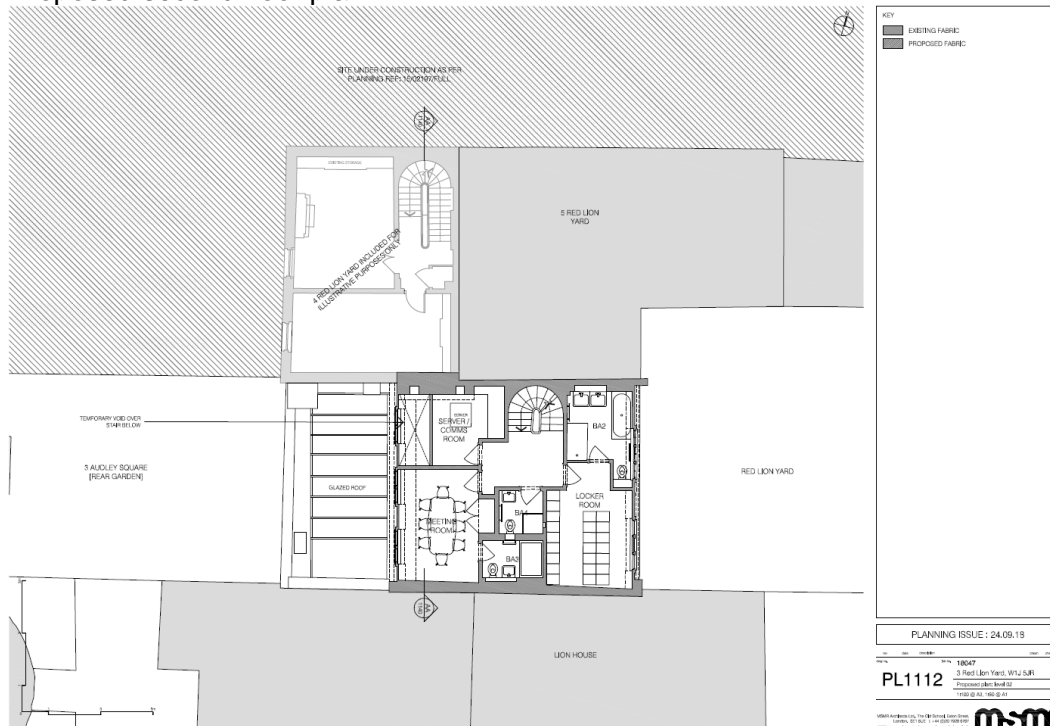
	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential	312	0	- 312
Office	0	309	+309
Total	312	309	- 3 *

* The proposed office floorspace is smaller to accommodate a temporary void over the proposed temporary stair. This will be reinstated at the end of the temporary period.

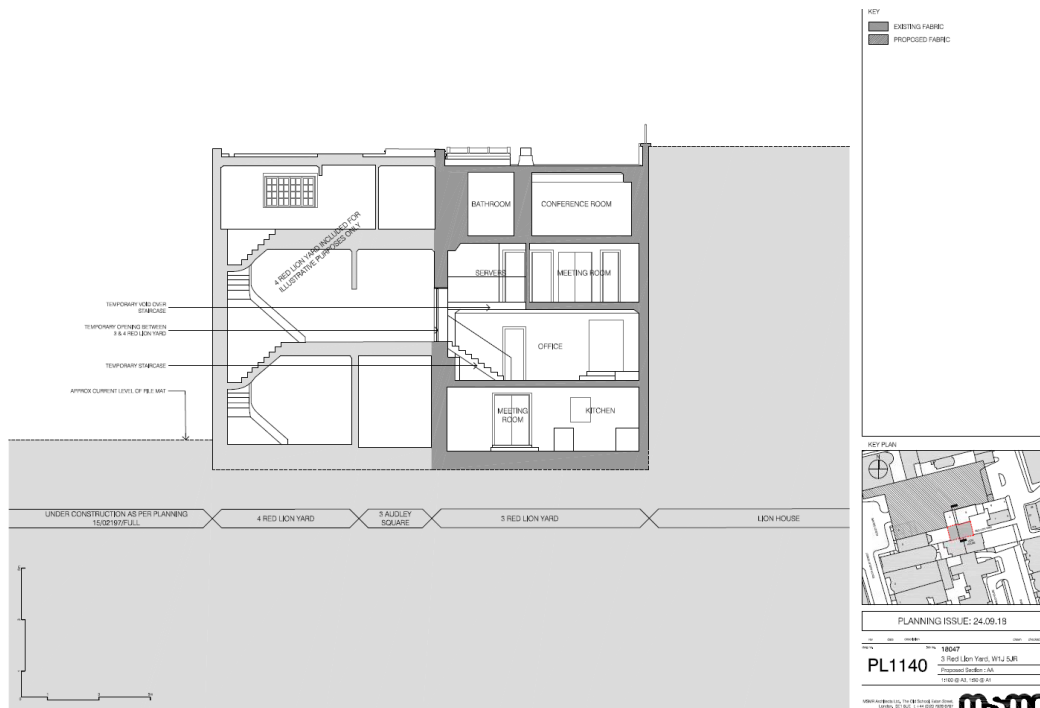
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

Proposed second floor plan



Proposed section between 4 Red Lion Yard and 3 Red Lion Yard



DRAFT DECISION LETTER

Address: 3 Red Lion Yard, London, W1J 5JR

Proposal: Temporary use of 3 Red Lion Yard as a site office (Class B1) until 31.12.2022, in association with construction works with the adjacent Audley Square House.

Reference: 18/08800/FULL

Plan Nos: PL1110, PL1111, PL1112, PL1113, PL1114, PL1140

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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 The office (Class B1) use allowed by this permission can continue until 31.12.2022. After that the land must return to its previous condition, including the blocking up of the gap created in the

Item No.
3

party wall with 4 Red Lion Yard, and re-instatement of the off-street parking within the garage and use. (C03AA)

Reason:

To prevent the permanent loss of residential floorspace in line with Policy H1 of the Unitary Development Plan and Policy S14 of Westminster's City Plan that we adopted in November 2016.

- 4 You must not use the Red Lion Yard to enter or exit the temporary office accommodation at 3 Red Lion Yard. You can however use Red Lion Yard 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)

- 5 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded within Red Lion Yard. You may accept or despatch such goods only if they are unloaded or loaded within Audley Square. (C23BA)

Reason:

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

Informative(s)

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

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date: 11 th December 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	1 Denning Close, London, NW8 9PJ		
Proposal	Excavation of a basement below existing dwelling with light well to north west elevation, roof extension to north west elevation, insertion of windows and doors at rear and side elevations, demolition of garden wall at entrance to create larger entrance to car parking, new glazed roof to conservatory, new glazed roof above car parking erection of canopy to front elevation.		
Agent	Miss Avital Wittenberg		
On behalf of	Mr Abraham Haim		
Registered Number	18/06360/FULL	Date amended/ completed	2 August 2018
Date Application Received	27 July 2018		
Historic Building Grade	Unlisted		
Conservation Area	Outside of, but adjacent to St John's Wood Conservation Area		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

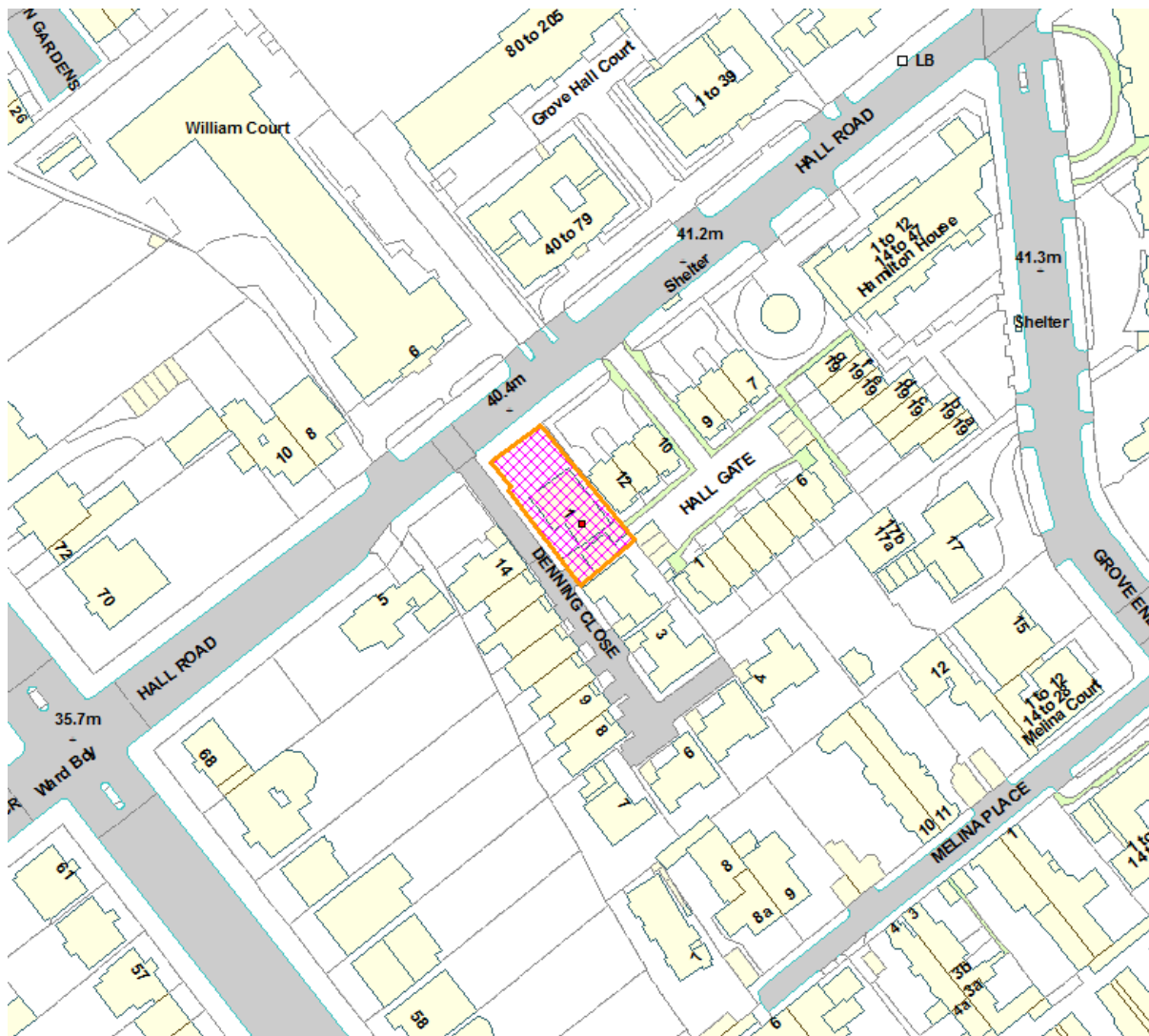
Permission is sought to excavate beneath this unlisted house and part of its garden to create a basement, extensions at ground, first floor and roof levels, together with external alterations including a canopy to the front entrance, new fenestration and a glazed roof to the carport, accessed from an enlarged entrance. Representations of objections have been received from four neighbours on a number of grounds including over development, lack of design and highway safety. Furthermore, the St John's Wood Society and a significant number of the objectors raise concern as to the potential impact of construction on residents, given the nature and size of Denning Close. The key issues in this case are:

- The impact of the basement
- The impact of construction

The proposed development is considered to accord with relevant policies of our Unitary Development Plan and City Plan and the applicant has agreed to sign up to our Code of Construction Practice

which sets out the standards and procedures to which developers and contractors must adhere to when undertaking construction. As such, the application is recommended favourably.

3. LOCATION PLAN



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4. PHOTOGRAPHS

1 Denning Close set behind boundary wall. Trees in the front garden visible



Front of 1 Denning Close taken from within the front garden



Side elevation of 1 Denning Close



5. CONSULTATIONS

ST JOHN'S WOOD SOCIETY

Comment. Potential for light pollution from conservatory. Concerns remain regarding the difficult access to the site and loss of amenity to neighbours during construction. We recommend that a condition to restrict Saturday working.

BUILDING CONTROL

No objection. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. As the new construction provides support to the highway an informative should be included to remind the applicant to obtain a Technical Approval from the City Council's highways engineers before beginning excavation.

HIGHWAYS PLANNING

No objection subject to conditions to secure car and cycle parking. The proposal does not represent an increase in residential units or loss of parking as such the proposal satisfies policy TRANS23. The existing vehicular access and car parking space is retained.

ARBORICULTURAL MANAGER

No objection, subject to conditions.

ENVIRONMENTAL SCIENCE

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

Initial neighbour consultation:

No. Consulted: 16

Total No. of replies: 6

No. of objections: 6 objections from 4 addresses

No. in support: 0

Five letters of objection have been received from four objectors on one or more of the following grounds.

Land use

- Over development

Highways

- Larger entrance to car park will endanger residents and pedestrians.

Construction impact

- Amenity disturbance during the course of works
- Criminal damage to private property during course of other basement works.

- Noise and harm to private road/pavement.
- Aiding and abetting trespass and criminal damage.
- There is a lack of detail within the application regarding how vehicles associated with basement development will access the site.
- The works carried out at No.14 Denning Close have had harmful impact on the residents of Denning Close and a further permission would compound the harm.
- Access details for vehicles and mitigating measures should be agreed prior to planning permission being granted in the form of a CMP/SEMP.
- Criminal damage and disruption resulting from previous planning permissions at 5 and 14 Denning Close.
- Loss of parking and vehicle access at Denning Close during works.

Second Neighbour consultation carried out to include the whole basement in the description of development and not just lightwell section

No. Consulted: 18

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Two letters of objection have been received on the following grounds.

Highway Safety

- Enlarged entrance to No.1's car park would damage the pavement and raise health and safety issues as pedestrians use the pavement.

Construction impact

- Amenity disturbance during the course of works
- Traffic and parking issues during the course of construction as has occurred during the course of the works at No. 14.
- Use of the pavement would be considered trespass and criminal damage.
- Heavy goods and delivery vehicles associated with No. 14 Denning Close damaging the pavement, tarmac, walls and cars parked in Denning Close.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No.1 Denning Close is an unlisted building, which is located outside of but adjacent to (the west and south) the St John's Wood Conservation Area. It is a detached two storey single family dwelling which sits behind a large boundary wall with the entrance and parking accessed through the west of the site. Within the gardens of the property there are a number of trees, most notably at the boundary along Hall Road.

Denning Close is a private road providing access to the properties within the Close.

Recent Relevant History

Planning permission was granted on 27th February 2018 for 'Excavation below part of existing ground floor to form a basement extension to existing dwellinghouse.' (RN: 17/10516/FULL)

Withdrawal of planning application on 25th June 2018 for 'Excavation to create a basement, a garden at basement level and a side extension at basement level. Insertion of windows and doors at rear and side elevations, demolition of garden wall at entrance to create larger entrance to car parking, roof extension, new glazed roof to conservatory, new glazed roof above car parking, and extension of car park roof to create canopy.' (RN: 18/03673/FULL)

7. THE PROPOSAL

Permission is sought for the excavation of a single storey basement level with light well to the north west of the existing building to provide ancillary rooms to the main living accommodation at ground and first floor levels, the rooms are to be non-habitable. The basement is below the north western section of the building. In addition to the basement, permission is sought for extensions at first floor and roof level to the north west of the site to provide an additional 17sqm of habitable accommodation at first floor level.

To the south west elevation the proposal includes widening the existing vehicle entrance at the front of the property, a new glazed roof to the car port and a canopy between the car port and front door. To the rear of the property an existing glazed conservatory is being replaced with a glazed conservatory which features a hipped roof rather than a pitched roof. There are alterations to windows on the northwest and southwest elevations and the removal of and insertion of a new window to the north east elevation which is obscure glazed.

The table below sets out the existing and proposed floorspace to this single family dwelling house.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Use (resi)	405	549	144
Total	405	549	144

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed basement, extensions and alterations are an addition to the existing dwelling house and are proposed to be used as ancillary space including as a play room and gym. The works are in accordance with H3 of the UDP (adopted 2007) and S14 of the City Plan adopted (November 2016) which seek to optimise housing and supports the enlargement of existing housing.

8.2 Townscape and Design

The building is a mid to later 20th century property of limited architectural character in its own right, though with a good degree of harmony resulting from the consistency of detailing and materials with the other buildings in Denning Close.

With regard to the extension at first floor level, onto the roof terrace on the north side of the building. It is recognised that this would take the building line forward at first floor level notably beyond the line of the front elevation of the neighbouring building to the east side (as the ground floor level already does to this building).

The existing first floor level currently projects marginally beyond the front elevation of the neighbouring building. There is not a, consistent built line to the buildings fronting onto Hall Road from the south side of the street. Additionally the building line is obscured by the heavy tree cover to the gardens on the north sides of these buildings. In this context the principle of the extension is considered acceptable.

This north elevation contains a significant degree of glazing, however seen in context with this modern building it is considered to be appropriate in design terms. Though the roof pitch above this element of the building rises in height above the existing and previously approved, nonetheless the roof structure proposed is in scale with the building as a whole and the pitched roof design in character with the building.

The conservatory structures to the rear of the building which are proposed to be rebuilt are slightly larger than existing however they are of similar styling to the existing which is considered to integrate successfully with the design of this building, and is considered acceptable in design terms.

Though the glazing to the roof of the car port area diverges from the standard pattern to the street of these areas having solid roofs, the work is not considered unsympathetic to the styling of this modern building and as such is considered acceptable. The more slender brick piers to the frontage of this car port are also not considered to compromise the character of the building, and though the car entrance will be increased in width nonetheless to a street where most buildings incorporate garages or large gated openings to the front parking area this is considered acceptable.

The canopy above the entrance frontage is also in character with the building to a street where such structures above ground floor level are not uncommon.

Though a relatively large section of the garden to the north west of the building will be excavated, given the heavy tree cover and high boundary walls to the garden the works will not be readily visible except from angled views from upper floors of the adjoining property to the east. In these views, this area will represent a more sunken courtyard below garden level such as are not uncommonly found in St John's Wood from the floor level below ground floor. Overall, this work is considered acceptable.

The new doors and windows proposed are generally in character with the building and though representing a generally more glazed approach to the elevations, particularly the north facing elevation, nonetheless the works are considered acceptable in context with this modern building.

The proposals therefore are considered in line with policies DES 1, DES 5 and DES 6 in the UDP and S28 in the City Plan, and they are considered acceptable in design terms.

Basement

The proposal includes the excavation of a single storey basement beneath the north west section of the property and part of its garden which is approximately half of the existing building, the relevant policy of Westminster's City Plan is therefore CM28.1 - Basement Development.

A

The applicant has submitted the Pro-forma attached to Appendix A of the City Council's Code of Construction Practice to demonstrate they will comply with the relevant parts of the Code of Construction Practice and awareness of the need to comply with other public and private law requirements governing development of this kind.

The applicant has provided a structural engineer's report explaining the likely methodology of excavation, the impact on adjacent properties. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The site is not within a flood risk zone or in an archaeologically significant area.

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.

This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course.

B

The proposed drawings show that the garden areas will be retained as existing apart from the lightwell to the northwest of the building and the City Council's Tree Officer is satisfied that the excavation works will not harm the trees on site. The new basement will be naturally ventilated and lit from the lightwell. The drainage in the surrounding gardens will remain as existing. The proposed light well is directly adjacent to the host building and of a depth and width that are appropriate given the scale of the property. The lightwell is not on the primary elevation of the building and due to the large garden walls will not be readily visible from the surrounding streets, the character of the building and surrounding area will therefore not be harmed. Details of a suitable pumped drainage system have been provided and are acceptable.

C

The basement is below part of the existing building and small section of the garden, therefore the works are in accordance with parts 1. and 2. of part C as the extension will not extended below more than 50% of garden land, there will be no soil depth above the basement and the existing garden will act as the margin of undeveloped land. One storey is proposed and the site is not within a conservation area or listed. The site is located adjacent to the St John's Wood Conservation Area but as the works are largely subterranean with the only external manifestation the lightwell to the northwest of the building, it is therefore considered that the works will not harm the setting of the conservation area, therefore the works are in accordance with 3. of part C.

Part D of CM18.1 is not relevant as the works are not below the adjacent highway.

Objections have been received from neighbouring properties on the grounds that the works will harm the amenity of neighbouring residential properties throughout the construction period, that the applicant has not submitted a Construction Management Plan and that the proposed works will damage Denning Close in a similar way to previous basement works in the Close.

Under Policy CM 28.1 applicants are not required to provide a Construction management plan as details of how the works will be carried out and the impact on neighbours is now managed and controlled through our Code of Construction Practice.

Basement and construction impact

The applicant has submitted a signed Pro forma Appendix A demonstrating that they will sign up to the Code of Construction Practice (CoCP). The standard Code of construction practice condition has been recommended. The purpose of the code is to monitor, control and manage construction impacts on sites. The code sets out the standards and procedures to which developers and contractors must adhere to when undertaking construction of major projects. This will assist with managing the environmental impacts and will identify the main responsibilities and requirements of developers and contractors in constructing their projects

The objections regarding construction disturbance to neighbours and lack of a construction management plan, damage to the street/pavement, cars and trespassing are therefore not planning reasons to withhold permission.

The proposal is in accordance with CM 28.1 of the City Plan and is therefore acceptable on basement grounds.

There have been significant neighbour objections and concerns raised regarding the potential disturbance to residents and harm to Denning Close during the proposed works. The objections refer to works that have been carried out at Numbers 5 and notably 14 Denning Close, issues raised relate to vehicle access, damage to roads, pavements, walls and property.

The principle of a basement in this location has previously been approved by committee in January 2018 and was subject to the CoCP condition allowing the City Council to monitor the works. The applicant has again agreed to the CoCP condition and the city council does therefore not consider the harm caused to the road and pavement within

Denning Close during the course of previous works as a reason to withhold planning permission. Denning Close is a private road and therefore harm to the road is a private legal matter.

8.3 Residential Amenity

Sunlight and Daylight

The excavation of the basement, alterations and insertion of windows, alterations to the front elevation and carport and the replacement conservatory would not harm the sunlight/daylight received by neighbouring residential properties due to the location of the works and the relationship to surrounding properties.

To the northwest elevation, the built line of the property is being brought forward at first and roof levels. However, given that the property is set significantly away from the neighbouring property to the northeast and the relatively minor increase in the size of the building, the works would not result in a loss of daylight/sunlight for the neighbouring property.

Sense of Enclosure

The works at basement, and ground floor level will not increase the bulk or mass of the building and therefore not harm the sense of enclosure for neighbouring properties. The extension to the northwest elevation will bring the first floor and roof levels beyond the front elevation of the neighbouring property facing Hall Road. However, given the separation distance between the properties, the increased depth would not be so great as to increase the sense of enclosure for the residents of the neighbouring property on Hall Road which would maintain the existing outlook towards the large front gardens on Hall Road. Additionally no neighbours have raised objection to the extension.

Privacy

The application site is semi-detached property set behind large boundary walls. The alterations to windows will allow the occupants to look out to their own garden areas but due to the distance from neighbouring properties will not increase overlooking towards neighbouring residents. To the northeast elevation a new window has been added to allow light to the internal staircase, following officers concerns this window has been revised to be obscure glazed and non opening to prevent overlooking towards the adjoining property on Hall Road.

The works are in accordance with ENV13 of the UDP and S29 of the City Plan and are therefore acceptable on amenity grounds.

8.4 Transportation/Parking

The proposal does not represent an increase in residential units or loss of parking as such the proposal is not contrary to TRANS23. The existing vehicular access and car parking space are retained and no additional cycle parking is required.

An objection has been raised to the widening of the vehicle gate on the grounds of pedestrian safety. There is an existing dropped curb allowing vehicles to cross the pavement and park in the carport, the widening of the gate would provide additional

pedestrian visibility for drivers when existing the car port. How pedestrians cross the dropped curb would not change from the existing situation and the objection on pedestrian safety is not supported.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The pedestrian access to the site will remain as existing. While the vehicle access to the site will be made wider than the existing, the location will remain as existing and it is not anticipated that the widened access will impact the use of the vehicle access and cross over. An objection has been raised on the grounds of pedestrian safety which has been addressed in section 8.4 of the report.

8.7 Other UDP/Westminster Policy Considerations

Not applicable

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

Not applicable to this location.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

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

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

The application is of insufficient scale to require an Environmental Impact Assessment. Where relevant environmental issues have been addressed in the earlier sections of this report.

8.14 Other Issues

Trees

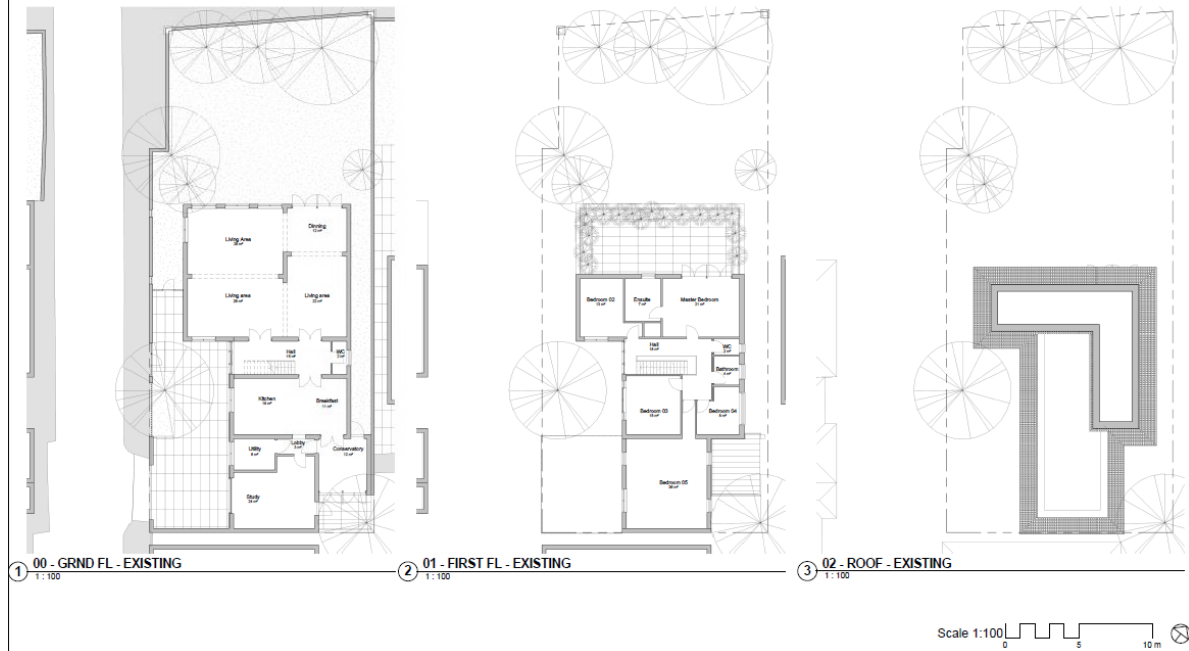
Following revisions to the proposal to reduce the extent of excavation proposed within the garden, the City Council's Tree Officer is satisfied that the proposed development will not be harmful to the trees on site, subject to the recommended conditions.

(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: MAX JONES BY EMAIL AT mjones@westminster.gov.uk.

9. KEY DRAWINGS

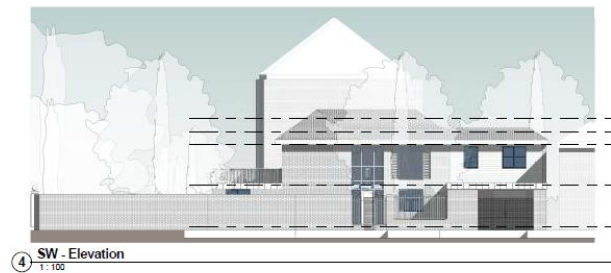
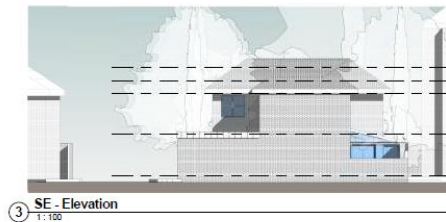
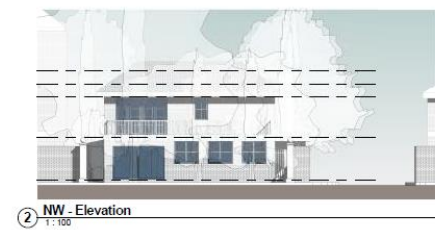
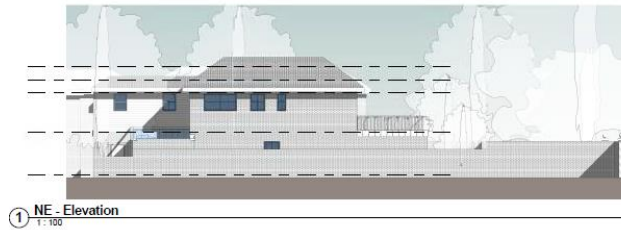
Existing floor plans



Proposed floor plans



Existing elevations



Scale 1:100 0 5 10 m

Proposed elevations



Scale 1:100 0 5 10 m

DRAFT DECISION LETTER

Address: 1 Denning Close, London, NW8 9PJ

Proposal: Excavation of a basement below existing dwelling with lightwell to NW elevation, roof extension to NW elevation, insertion of windows and doors at rear and side elevations, demolition of garden wall at entrance to create larger entrance to car parking, new glazed roof to conservatory, new glazed roof above car parking erection of canopy to front elevation.

Reference: 18/06360/FULL

Plan Nos: Site location plan, DC17-PL-A201 Rev C, DC17-PL-A201B, DC17-PL-A203 Rev A, DC17-PL-A101, DC17-PL-A202 Rev A, DC17-PL-A102, Lighting / Ventilation / Sewer Strategy

Case Officer: Max Jones

Direct Tel. No. 020 7641 1861

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 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 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),

- 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 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 6 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

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

- 7 You must apply to us for approval of detailed drawings of a planting 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 planting within one planting season of completing the development (or within any other time limit we agree to in writing)., If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30BB)

Reason:

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

- 8 When you apply to us for approval under condition 6 (C31CC) you must include the following: , i) a methodology to carry out initial excavations of the basement footprint where it is closest to the trees a) by hand and b) under arboricultural supervision. You must include details of precautions which will be taken to prevent soil slippage along this part of the excavation., ii) a schedule of arboricultural supervision, to be carried out by a suitably experienced and qualified arboricultural consultant, with provision to report back to the LPA within 5 days following each visit., iii) A Tree Protection Plan incorporating site set-up details, showing storage and site facilities and access routes for vehicles, pedestrians, plant, materials and spoil.

Reason:

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

- 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

To protect the privacy and environment of people in neighbouring properties. 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:**, 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, sitenquiries@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 contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

- 4 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)

- 5 You will require technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (0207 641 2541) in Engineering & Transportation Projects to progress the applicant for works to the highway.

- 6 Should your proposed building work fall within 3 metres of these pipes we recommend you email us a, scaled ground floor plan of your property showing the proposed work and the complete sewer layout to, developer.services@thameswater.co.uk to determine if a building over / near to agreement is required., , Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.
- 7 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk. , , Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. , , You are urged to give this your early attention

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

BACKGROUND PAPERS - 1 Denning Close, London, NW8 9PJ 18/06360/FULL

1. Application form
2. Response from Building Control - Development Planning, dated 13 August 2018
3. Response from Medium Redevelopments And Infrastructure, dated 6 August 2018
4. Response from St John's Wood Society, dated 20 August 2018
5. Letter from occupier of 2 Denning Close, London, dated 29 August 2018
6. Letter from occupier of 10 Denning Close, London, dated 15 August 2018
7. Letter from occupier of 9 Denning Close, London, dated 20 August 2018
8. Letter from occupier of 2 Denning Close , Hall Road , dated 23 August 2018
9. Letter from occupier of 4 Denning Close, Hall Road, dated 5 September 2018

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