



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (1)

Meeting Date:

Tuesday 8th January, 2019

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Tony Devenish (Chairman)
Timothy Barnes
Susie Burbridge
Tim Roca



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

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



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, 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 Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

(Pages 5 - 8)

4. TREE PRESERVATION ORDER NO. 645 (2018) 51 CLIFTON HILL LONDON NW8 8QE

(Pages 9 - 48)

5. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

1. 4 - 5 BUCKINGHAM GATE, LONDON, SW1E 6JP

(Pages 53 - 174)

2. FLORAL STREET, LONDON WC2

(Pages 175 - 194)

3. MARKET PITCHES STRUTTON GROUND, STRUTTON GROUND, LONDON, SW1P 2HY

(Pages 195 - 210)

4. 80-86 SHAFTESBURY AVENUE & 5 MACCLESFIELD STREET, LONDON, W1D 6AY

(Pages 211 - 224)

5. 32 ALMA SQUARE, LONDON, NW8 9PY

(Pages 225 - 242)

6. 12A CLIVE COURT, 75 MAIDA VALE, LONDON, W9 1SE

(Pages 243 - 264)

7. 245A SHIRLAND ROAD, LONDON, W9 3JW

(Pages 265 -
278)

Stuart Love
Chief Executive
31 December 2018

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CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held at 6.30pm on **Tuesday 4th December, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Timothy Barnes (Chairman), Susie Burbridge, Louise Hyams and Guthrie McKie

Also Present: Councillor Mark Shearer (Item 2)

1 MEMBERSHIP

- 1.1 It was noted that from the membership set out on the agenda Councillor Guthrie McKie had replaced Councillor Tim Roca.
- 1.2 Councillor Barnes was appointed Chairman for the meeting.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Barnes explained that a week before the meeting, all four Members of the Sub-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 Sub-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 Sub-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 Louise Hyams declared that she had previously had a Ward Member briefing on Item 2 but not engaged with residents.
- 2.3 Councillor Guthrie McKie declared that he lived in the Bayswater Ward but not close to the sites being considered tonight.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 13 November 2018 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 APPLICATION 1: 11 BRICK STREET, LONDON, W1J 7DF & APPLICATION 2: 17 BELGRAVE SQUARE, LONDON SW1X 8PG

- 1.1 Use of the building as a private members' casino (Sui Generis) and external and internal alterations including replacement of roof level plant.
- 1.2 Application 2: Demolition of annexe building and replacement with rear extensions to 17 Belgrave Square; excavations to create pool hall extension under garden of 17 Belgrave Square and basement beneath mews property; and associated internal alterations; all in connection with the use of the mews property and 17 Belgrave Square as two single family dwelling houses (Class C3).
- 1.3 A representation from DWD Property and Planning (27.11.18) had been circulated.
- 1.4 Late representations from Councillors Glanz and Lewis and Montagu Evans, on behalf of the applicants and a local resident were tabled at the meeting.

RESOLVED: Application 1: 11 Brick Street (Councillor McKie in favour of granting, Councillors Barnes, Burbridge and Hyams against)

1. That conditional permission be refused due to the adverse impact of the introduction of a casino use on the amenity of the area contrary to City Plan Policy CM47.1 and also contrary to City Plan and Unitary Development Plan policies relating to a large entertainment use and resultant loss of residential floor space. Officers were authorised to approve the detailed reasons for refusal under delegated powers following consultation with the Chairman.
2. Grant conditional listed building consent
3. Agree reasons for granting listed building consent as set out informative 1 of draft decision notice.

Application 2: 17 Belgrave Square and 17 Belgrave Mews West (all in favour)

1. That conditional permission be granted subject to the completion of a legal agreement to secure a contribution to the City Council's Affordable Housing Fund of £1,427,000 (index linked and payable prior to the commencement of development) and the S.106 agreement to also secure the costs associated with the escrow account.

2. That if the S106 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 permissions with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decisions under Delegated Powers; however, if not;
 - b) The Director of Planning shall consider whether the permissions 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 applications and agree appropriate reasons for refusal under Delegated Powers.
3. That conditional listed building consent be granted.
4. That the reasons for granting conditional listed building consent as set out in Informative 1 of draft decision notice be agreed.

2 4 - 5 BUCKINGHAM GATE, LONDON, SW1E, 6JP

- 2.1 Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation to provide a single-storey basement and pool. External alterations for the provision of a new off street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical plant and a pavilion at roof level. Creation of 1 a terrace each at rear second floor level within recessed part of the building and a terrace at roof level fronting Buckingham Gate.
- 2.2 During the course of the presentation officers advised of minor revisions to the description of the proposal as reflected above. A copy of Counsel's opinion, obtained by objectors, was attached.

RESOLVED UNANIMOUSLY: That consideration be deferred for a site visit with a view of seeing how the parking, waste management and servicing issues could be resolved.

3 COLLEGE PARK SCHOOL, GARWAY ROAD, LONDON, W2 4PH

- 3.1 Installation of play equipment within playground area to south west corner of school site adjacent to Monmouth Road and installation of canopy to the south elevation of rear wing of school building.
- 3.2 A representation from 3GM on behalf of the applicant clarifying school numbers dated 28.11.18 had been circulated. Representations from Ward Councillors and local residents were clarified.

RESOLVED UNANIMOUSLY:

That consideration be deferred to enable the school's operating hours to be confirmed and whether issues raised by objectors concerning noise and disturbance could be resolved by discussion by relocation of play equipment and/or noise mitigation measures.

4 27A MONMOUTH ROAD, LONDON, W2 4UT

- 4.1 Demolition of existing raised terrace and erection of single storey rear extension at lower ground floor level with terrace above, erection of single storey side extension at lower ground floor level and associated internal and external alterations to lower ground and ground floors. Replacement of part of garden boundary with No.25 with a new wall, with trellis above.
- 4.2 A batch of drawings and photos on behalf of the applicants had been circulated. A late representation from Councillor Payne was tabled together with representations from local residents.

RESOLVED UNANIMOUSLY:

- 1. That conditional permission be granted.
- 2. That conditional listed building consent be granted.
- 3. That the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter be agreed.

5 186 FERNHEAD ROAD, LONDON. W9 3EL

- 5.1 Excavation of basement floor below existing house with front and rear light wells, erection of rear extension at ground floor level and associated external alterations, including replacement of windows.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

The Meeting ended at 9.30pm.

CHAIRMAN: _____

DATE _____



City of Westminster

Executive Summary and Recommendations

Title of Report: Tree Preservation Order No. 645 (2018) 51
Clifton Hill London NW8 8QE

Date: 8th January 2019



Summary of this Report

The City Council has made a Tree Preservation Order (TPO) to protect one silver birch tree (T1) located in the front garden of 51 Clifton Hill, London NW8 8QE. The TPO is provisionally effective for a period of six months from 16th August 2018 during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 15th February 2018.

The TPO was made because the tree makes a valuable contribution to public amenity and to the character and appearance of the St John's Wood conservation area. The City Council, having been made aware of the proposal to remove the birch tree considers it expedient in the interests of the amenity that a TPO is made, in order to safeguard its preservation and future management.

Three objections to the TPO were received¹.

The City Council's Arboricultural Officer has responded to the objections.

Recommendations

The Sub-Committee should decide EITHER

(a) NOT to confirm Tree Preservation Order No. 645 (2018); OR

(b) Confirm Tree Preservation Order No. 645 (2018) with or without modification with permanent effect.

¹ Names and addresses of the Objectors have been removed from this report.



City of Westminster

Committee Report

Item No:	
Date:	8 th January 2019
Classification:	General Release
Title of Report:	Tree Preservation Order No. 645 (2018) 51 Clifton Hill London NW8 0QE
Report of:	The Director of Law
Wards involved:	Abbey Road
Policy context:	
Financial summary:	No financial issues are raised in this report.
Report Author:	Ashley Darkwah
Contact details	adarkwah@westminster.gov.uk

1. Background

- 1.1 Under current legislation the City Council has the power to make and to confirm Tree Preservation Orders within the City of Westminster. Tree Preservation Order 645 (2018), authorised by the Director of Planning acting under delegated powers on 14th August 2018, was served on all the parties whom the Council is statutorily required to notify and took effect on 16th August 2018.
- 1.2 The purpose of a Tree Preservation Order is to protect the tree or trees concerned in the interest of amenity and, to this end, to control their management and replacement if they must be removed. The presence of a Tree Preservation Order does not prevent works to the tree being undertaken, but the TPO does give the Council the power to control any such works or require replacement if consent is granted for trees to be removed.
- 1.3 Tree Preservation Order 645 (2018) was made following the receipt by the City Council of six weeks notice of intention to remove the Silver Birch Tree (T1) submitted under section 211 of the Town and Country Planning Act 1990 (Trees in Conservation Areas). On receipt of such notice the City Council can either raise no objections to the works or make a Tree Preservation Order.
- 1.4 The tree is located in the front garden of 51 Clifton Hill. It is clearly visible along a considerable length of Clifton Hill and from Abbey Road.
- 1.5 The reasons given for the proposed removal of the tree were:
 - Damage to the front boundary wall at 51 Clifton Hill and to plant a fruit tree as a replacement.
- 1.6 Subsequent to making the TPO the City Council received three objections.

2. Objection 1

- 2.1 On 18th August 2018 the Council's Development Planning Section received a letter from Objector 1, objecting to the TPO on the grounds that:

- The Silver Birch Tree is huge for a front garden
- The roots are cracking the wall and paving stones making the street look messy and unkempt
- The tree blocks all light
- The tree drops seeds and leaves into the garden

3. Response to Objection 1

3.1 The City Council's Arboricultural Officer responded to the objection by letter dated 10th September 2018. The Officer considered that the damage to the front boundary wall and paving can be repaired without removal, and the amenity value of the tree outweighs the reasons given in support of removal of the tree.

3.2 The Silver Birch Tree is a large specimen however it is not unusual to find trees of a similar size in front Gardens in Westminster. The size and form of the tree is well suited to the location. Records show that the tree has not been pruned since 1996, some moderate pruning would help maintain the oval crown shape.

3.3 The Council's head of building control has commented that:

- The damage to the front wall is minor and the wall appears to be no more than 400mm high
- There is limited damage to the footway
- The damage is clearly from contact with the tree
- The wall could easily bridge the tree with the use of lintels or railings
- The footway and the wall could easily be repaired without removing the tree

3.4 The Silver Birch tree is not considered to be a tree that causes excessive shade, dappled light can pass through the canopy. It is agreed that the tree causes some shading of western light to the front of 49 Clifton Hill, however this is not considered to be a significant problem and can be easily managed by pruning.

3.5 The leaves of silver birch trees are small, leaf drop is not considered an excessive problem. The seeds of silver birch trees can be abundant and widely dispersed, this is recognised as inconvenient. However, clearing fallen leaves and seeds is a normal part of garden maintenance.

3.6 The Silver Birch has high amenity value and makes a positive contribution to the Conservation area. On balance, its removal is not considered to be justified on the grounds of damage to the wall, its shading effect, its size or the debris it creates.

4. Objection 2

4.1 On 18th August 2018 the Council's Development Planning Section received a letter from Objector 2, objecting to the TPO on the grounds that:

- The Silver Birch tree is cracking the wall and surrounding gate posts
- The tree will become too large to remain stable

5. Response to Objection 2

5.1 The City Council's Arboricultural Officer responded to the objection by letter dated 10th September 2018.

5.2 The Officer considered that the tree is a large specimen but appears to be in good condition with no signs of structural defects.

5.3 Silver birch trees usually reach heights of between 12-17m in maturity. The height of the tree at 51 Clifton Hill is not a reason to consider it at risk of failure. The tree is already a mature specimen and its future growth rate will be slow. On inspection there were no signs of decay or fungal fruiting bodies or any dieback in the crown that would indicate that the tree was in poor condition.

5.4 The Council's Head of Building Control has commented that:

- The damage to the front wall is quite minor and the wall appears to be no more than 400mm high.
- There appears to be limited deformation of the footway.
- The damage is clearly from contact with the tree.
- The wall could quite easily bridge the tree with the use of lintels or railings.
- The wall and posts could be repaired without the removal of the tree.

5.5 The Tree Preservation Order does not preclude the removal of the tree in the future, if its condition declines. The tree has high amenity value and makes a

positive contribution to the conservation area. On balance, removal is not considered to be justified on the grounds of the damage to the wall or the height of the tree.

6. Objection 3

6.1 On 14th September 2018 the Council's Development Planning Section received a letter from Objector 3, objecting to the TPO on the grounds that:

- The Silver Birch tree is causing damage to the boundary wall at 51 Clifton Hill, a grade II listed structure
- The damage cannot be addressed without substantial works to the front boundary

7. Response to Objection 3

7.1 The City Council's Arboricultural Officer responded to the objection by letter dated 1st October 2018.

7.2 The officer considered that although the tree is causing damage to the boundary wall, it would be possible to repair the wall, and retain the tree.

7.3 The Council's Head of Building Control has commented that the damage to the wall is quite minor and that the wall could easily bridge the tree with the use of lintels or railings.

7.4 If the modifications to the wall are considered to cause harm to the listed structure, the impact of this harm would be weighed against the loss of the Silver Birch Tree. Any application received by the City Council that required the impacts of harm to these heritage assets to be weighed against each other, would be determined in accordance with the National Planning Policy Framework.

7.5 On balance and in view of the amenity value of the silver birch tree, further exploration of the options for repair to allow the retention of the tree is required.

7.6 The making of the Tree Preservation Order does not preclude appropriate management of the tree in the future.

8. Ward Member Consultation

8.1 Ward member comments were sought in this matter and a response has not been received.

9. Conclusion

9.1 In light of the representations received from the objectors it is for the Planning Applications Sub-Committee to decide whether to confirm the TPO, with or without modification, or whether the TPO should not be confirmed.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT ASHLEY DARKWAH, PLANNING AND PROPERTY SECTION, LEGAL SERVICES ON 020 7641 5431 (Email adarkwah@westminster.gov.uk)

Local Government (Access to Information) Act 1985

Appendix 1 - Copy of TPO 645 (2018)

Appendix 2 - Photographs of T1

Background Papers

1. Objection letter 1 dated 18th August 2018
2. Response letter from City Councils Arboricultural officer dated 10th September 2018
3. Objection letter 2 dated 18th August 2018
4. Response letter from City Councils Arboricultural officer dated 10th September 2018
5. Objection Letter 3 dated 14th September 2018
6. Response letter from City Councils Arboricultural officer dated 1st October 2018

TREE PRESERVATION ORDER
TOWN AND COUNTRY PLANNING ACT 1990
CITY OF WESTMINSTER TREE PRESERVATION ORDER 645 (2018)

The Westminster City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order –

Citation

1. This Order may be cited as The City of Westminster Tree Preservation Order 645 (2018)

Interpretation

2. (1) In this Order “the authority” means Westminster City Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall –
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 16th day of August 2018

THE COMMON SEAL OF THE LORD)
MAYOR AND CITIZENS OF THE)
CITY OF WESTMINSTER was)
hereunto affixed by order:)



~~Director of Law~~

PRINCIPAL SOLICITOR



SCHEDULE
SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Silver Birch	51 Clifton Hill London NW8 0QE

Trees specified by reference to an area
(within a dotted black line on the map)

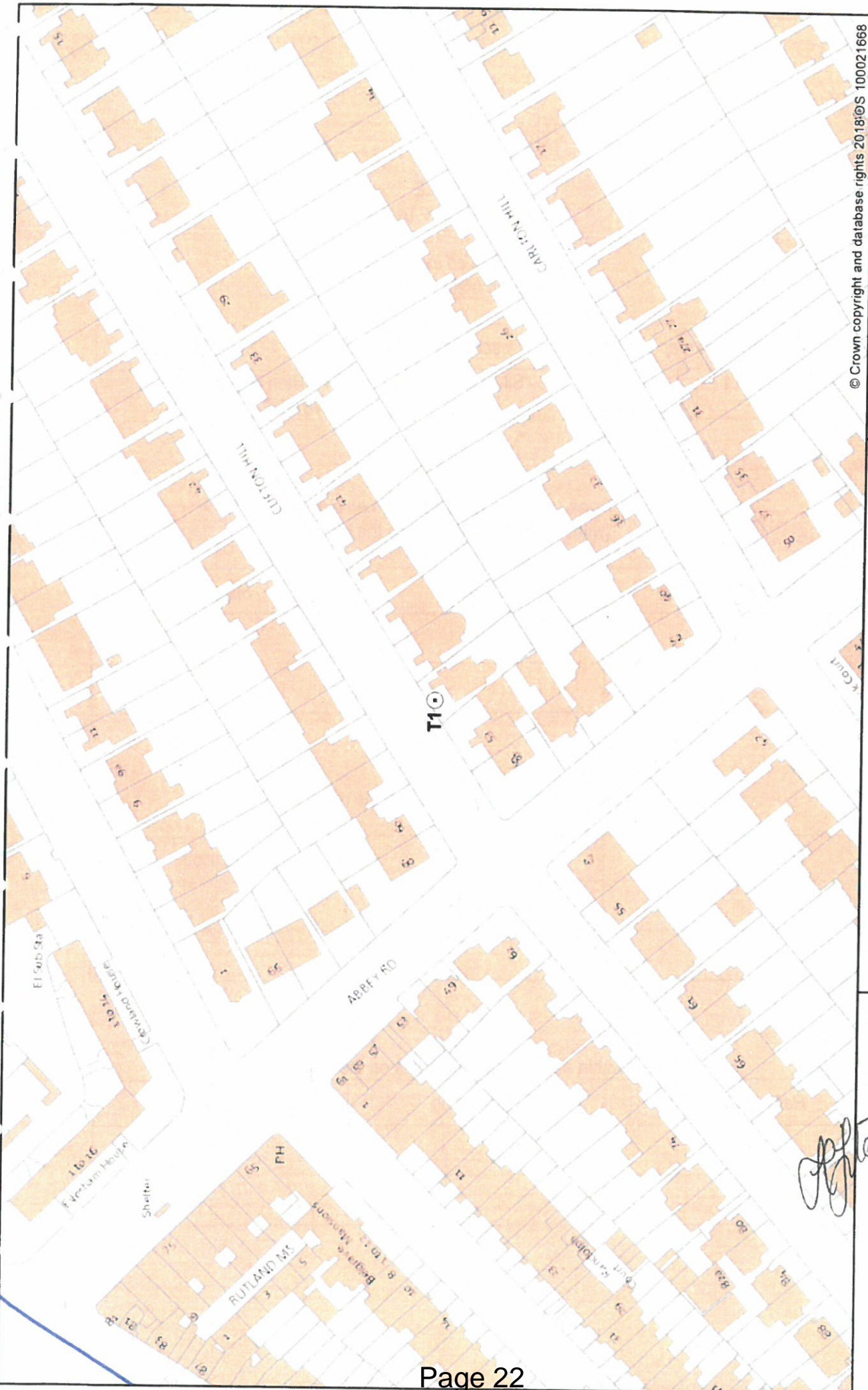
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
none		

Groups of trees
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
none		

Woodlands
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
none		



<p>© Crown copyright and database rights 2018/©S 100021668</p>	
<p>Scale 1:1,250 0 5 10 20 Metres</p>	
<p>City of Westminster Corporate GIS Team</p>	
<p>Tree Preservation Order Westminster No. 645 51 Clifton Hill London NW8 0QE</p>	
<p>Director of Law:</p>	<p><i>[Signature]</i> PRINCIPAL SOLICITOR</p>
<p>Signed:</p>	

DATED 16th August 2018

THE TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)

CITY OF WESTMINSTER

TREE PRESERVATION ORDER 645 (2018)

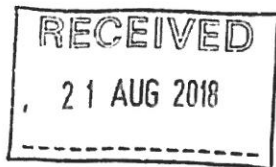
TREE PRESERVATION ORDER
MADE FOR THE PURPOSES
OF SECTION 198 OF THE
TOWN AND COUNTRY
PLANNING ACT 1990
(AS AMENDED)

Tasnim Shawkat
Director of Law
Westminster City Council
Westminster City Hall
Victoria Street
LONDON SW1E 6QP









18th August 2018.

To The Director of Law,

We were very disappointed to hear that the tree in the garden would not be coming down after all. The Silver Birch is number 51 so so high for a front garden, the roots are cracking the wall, paving stones in the front making the street look messy and unkempt. The tree affects us by taking all our light and I am constantly sweeping seeds and tiny leaves from my garden [redacted], which come in to my house everyday through the windows and stepped into the house. I can't see why it can't come down and a replacement tree planted in its place.

Regards



John Walker
Director of Planning

Please reply to: Rosie Dobson (Tree Section)
Direct Line/Voicemail: 020 7641 7761
Email: rdobson@westminster.gov.uk

Your Ref:
My Ref: TPO 645

Date: 10 September 2018

Tree Preservation Order (TPO) Westminster no. 645 (2018)
51 Clifton Hill, London NW8 0QE

Thank you for your letter of 18th August 2018.

I note your objections to the TPO on the grounds that the silver birch tree is huge for a front garden, that the tree is cracking the wall and the paving stones making the street look messy and unkempt, that it blocks all your light and that it drops seeds and leaves into your garden.

In summary it is considered that the damage to the front boundary wall and paving can be repaired without tree removal and that the amenity value of the tree outweighs the reasons given in support of tree removal.

Size of the tree

It is true that the silver birch is a large specimen. However, it is not unusual to find trees of a similar size in similar sized front gardens in Westminster, including other gardens on Clifton Hill. The tree has an upright, oval form which is well suited to the location. Our records indicate that the tree has not been pruned since 1996. Some modest pruning of lateral branches would help maintain the oval crown shape. I do not consider that it is overly dominant or inappropriate for the site.

Damage to wall and paving

You state that the tree is cracking the wall and paving stones making the street look messy and unkempt.

The Council's Head of Building Control has commented that:

- The damage to the front wall is quite minor and the wall appears to be no more than 400mm high. There appears to be limited deformation of the footway.
- The damage is clearly from contact with the tree.
- The wall could quite easily bridge the tree with the use of lintels or railings.

The footway and the wall could be repaired without the removal of the tree.

Blocking light

As a species silver birch has an upright form, with a light and open crown. In comparison to other broadleaved trees, it is not considered to be a tree that causes excessive shade, as dappled light can pass through the canopy.

The silver birch is located to the west of your north-west facing property. Although I agree that the tree does cause some shading of western light to the front of your property, this is not considered to be a significant problem and can be easily managed by sympathetic pruning.

Seed and leaf drop into your garden

The leaves of silver birch trees are relatively small and their leaf drop is not normally considered to be an excessive problem. The small seeds of silver birch trees can be abundant and widely dispersed. This is recognised as inconvenient. However, clearing fallen leaves and seeds is a normal part of regular garden maintenance.

Appraisal

The silver birch tree at 51 Clifton Hill is a mature tree in a prominent location. The size of the tree in relation to the garden and the property is not unusual in Westminster and is not considered to be inappropriate.

The front wall of the property has signs of cracking, caused by the tree. However, the wall could bridge the tree with the use of lintels or railings. The deformation of the footway is limited and could be easily repaired if considered necessary by the Council's Highways Department.

The tree does cause some shading, but its shading effect on your property is limited. Modest pruning would reduce the shading effect. Whilst I acknowledge that the leaf and seed drop into your garden is inconvenient, the problem is not considered to be of such severity as to merit the removal of the tree.

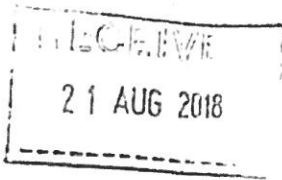
The silver birch has high amenity value and makes a positive contribution to the conservation area. On balance, its removal is not considered to be justified on the grounds of the damage to the wall, its shading effect, its size or the debris it creates.

If the content of this letter is sufficient to allow you to withdraw all or part of your objections to the Order, please let me know. If I do not hear from you within 21 days of the date of this letter, I will assume that you would like your objections to the order to remain.

In this case, this matter will be reported to a Planning Applications Committee, where Councillors will decide whether or not to confirm the Tree Preservation Order. My colleagues in the Legal section will contact you in due course to confirm the Committee date.

Yours sincerely

Rosie Dobson
Arboricultural Officer



four

18.8.18

Ref: AD/30113205

Re: 51 Clifton Hill NW8 0QE
Tree preservation order 645
Silver birch

Dear Ashley Darkwah,

I was very surprised and disappointed to receive the formal notice (dated 16th Aug 2018) to say a tree preservation order has been placed on the silver birch tree at 51 Clifton Hill NW8 especially when a previous notice had been posted to me saying planning had arranged for it to be cut.

51 Clifton Hill,
I look out on to this huge tree, grown to the height of the house. I see a shabby cracked wall which does nothing to match a 'valuable contribution' to the character and appearance of this area. The tree is cracking the wall and surrounding gate posts. And I fear the tree will become too large to remain stable.

I want this tree to be felled and will support all efforts to see this is done. I hope so, in the near future.
Yours faithfully

John Walker
Director of Planning

Please reply to: Rosie Dobson (Tree Section)
Direct Line/Voicemail: 020 7641 7761
Email: rdobson@westminster.gov.uk

Your Ref:
My Ref: TPO 645

Date: 10 September 2018

Tree Preservation Order (TPO) Westminster no. 645 (2018)
51 Clifton Hill, London NW8 0QE

Thank you for your letter of 18th August 2018.

I note your objections to the TPO on the grounds that the silver birch is cracking the wall and surrounding gate posts and that the tree will become too large to remain stable.

Damage to wall and gate posts

You state that the silver birch is cracking the wall and gate posts.

The Council's Head of Building Control has commented that:

- The damage to the front wall is quite minor and the wall appears to be no more than 400mm high. There appears to be limited deformation of the footway.
- The damage is clearly from contact with the tree.
- The wall could quite easily bridge the tree with the use of lintels or railings.

The wall and posts could be repaired without the removal of the tree.

Risk of Tree Failure

You are concerned that the tree will become too large to remain stable and you make reference to the size of the tree as being the height of the house.

Silver birch trees usually reach heights of between 12-17m in maturity. The height of the tree at 51 Clifton Hill is not a reason to consider it at risk of failure. Furthermore, the tree is already a mature specimen and its future growth rate will be slow.

When I inspected the tree I did not note any signs of decay or fungal fruiting bodies or any dieback in the crown that would indicate that the tree was in poor condition. The size and the condition of the tree were not given by the applicant as reasons for tree removal.

The TPO does not preclude the possibility of the silver birch being removed if at a later date this was found to be necessary due to its condition.



Appraisal

The silver birch tree at 51 Clifton Hill is a mature tree in a prominent location. It appears to be in good condition with no visible signs of decay.

The front wall of the property has signs of cracking, caused by the tree. However, the wall could bridge the tree with the use of lintels or railings.

The tree is a large specimen but it appears to be in good condition with no signs of structural defects. The height of the tree alone is not a reason to consider it at risk of failure. The making of the Tree Preservation Order does not preclude the removal of the tree in the future, if its condition declines.

The tree has high amenity value and makes a positive contribution to the conservation area. On balance, its removal is not considered to be justified on the grounds of the damage to the wall or the height of the tree.

If the content of this letter is sufficient to allow you to withdraw all or part of your objections to the Order, please let me know. If I do not hear from you within 21 days of the date of this letter, I will assume that you would like your objections to the order to remain.

In this case, this matter will be reported to a Planning Applications Committee, where Councillors will decide whether or not to confirm the Tree Preservation Order. My colleagues in the Legal section will contact you in due course to confirm the Committee date.

Yours sincerely

Rosie Dobson
Arboricultural Officer

Director of Law
Ref: AD30113205
Legal Services
Ground Floor (G29)
Kensington Town Hall
Hornton Street
London
W8 7NX

Objection to Tree Preservation Order 645 (2018)

We write to raise our objection to the Tree Preservation Order 645 which came into force on the 16th August 2018.

We object to the order because the tree in question is causing significant damage to the existing boundary wall of the property at 51 Clifton Hill, a grade II listed structure. The wall is shown in the documentation submitted with the planning application for the tree's removal, ref no.18/05884/TCA.

The damage to the wall is severe and cannot be addressed without substantial works to the front boundary of the property.

Kind Regards,



John Walker
Director of Planning

Please reply to: Rosie Dobson (Tree Section)
Direct Line/Voicemail: 020 7641 7761
Email: rdobson@westminster.gov.uk

Your Ref:
My Ref: TPO 645

Date: 01 October 2018

Tree Preservation Order (TPO) Westminster no. 645 (2018)
51 Clifton Hill, London NW8 0QE

Thank you for your letter received by the City Council on 14th September 2018.

I note your objection to the TPO on the grounds that the silver birch is causing damage to the boundary wall of 51 Clifton Hill, a grade II listed structure, and that the damage cannot be addressed without substantial works to the front boundary.

In summary it is considered that the silver birch tree has significant amenity value and makes a positive contribution to the character and appearance of the conservation area. Although the tree is causing damage to the boundary wall, it would be possible to repair the wall, albeit in a modified form, and retain the tree.

In your letter of objection you state that the tree is causing significant/severe damage to the wall, which cannot be addressed without substantial works to the front boundary. The Council's Head of Building Control has commented that the damage to the wall is quite minor and that the wall could easily bridge the tree with the use of lintels or railings. There are many instances throughout Westminster where walls are rebuilt leaving gaps which are bridged with railings or using lintels to bridge buttress roots, and these modifications are normally considered acceptable.

You note that 51 Clifton Hill is a grade II listed structure. If the modifications to the wall are considered to cause harm to the listed structure then the impact of this harm would be weighed against the loss of the birch tree. Any application received by the City Council that required the impacts of harm to these heritage assets to be weighed against each other would be determined in accordance with the National Planning Policy Framework.

On balance and in view of the amenity value of the silver birch tree, further exploration of the options for repair and/or rebuilding of the wall to allow the retention of the tree is required. The making of the Tree Preservation Order does not preclude appropriate management of the tree in the future.



City of Westminster

If the content of this letter is sufficient to allow you to withdraw all or part of your objections to the Order, please let me know. If I do not hear from you within 21 days of the date of this letter, I will assume that you would like your objections to the order to remain.

In this case, this matter will be reported to a Planning Applications Committee, where Councillors will decide whether or not to confirm the Tree Preservation Order. My colleagues in the Legal section will contact you in due course to confirm the Committee date.

Yours sincerely

Rosie Dobson
Arboricultural Officer

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 8th January 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	<p>RN(s) : 18/06103/FULL</p> <p>St James's</p>	4 - 5 Buckingham Gate London SW1E 6JP	Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation to provide a single-storey basement and pool. External alterations for the provision of a new off street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of a terrace at rear second floor level within recessed part of the building and a terrace at roof level fronting Buckingham Gate. (Addendum Report)	
<p>Recommendation</p> <p>1. Grant conditional permission subject to completion of a Section 106 Legal Agreement to secure the following:</p> <ul style="list-style-type: none"> i) funding for the provision of a formal footway crossover to access the service bay on Stafford Place. ii) funding for the costs to reconfigure the existing on-street parking bays in both Stafford Place and the cul-de-sac off Buckingham Gate. iii) secure details of the service management plan. iv) An employment and training opportunities strategy during construction and for the hotel use. v) costs of monitoring the agreement. <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <ul style="list-style-type: none"> a) The Executive Director of Growth, Planning and Housing shall consider whether it will be possible or appropriate to issue the permissions with additional conditions attached to secure the benefits listed above. If so, the Executive Director of Growth, Planning and Housing is authorised to determine and issue the decisions under Delegated Powers; however, if not; b) The Executive Director of Growth, Planning and Housing shall consider whether the permissions should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Executive Director of Growth, Planning and Housing is authorised to determine the applications and agree appropriate reasons for refusal under Delegated Powers. <p>3. Grant conditional listed building consent.</p> <p>4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>				
Item No	References	Site Address	Proposal	Resolution
2.	<p>RN(s) : 18/06759/FULL 18/06760/LBC</p> <p>St James's</p>	Floral Street London	<p>1. Installation of planters on the highway and planters at first floor level to the north and south sides of Floral Street, with associated works.</p> <p>2. Installation of screw fixings and associated plant wiring system to south facades of 14 Garrick Street, 27a Floral Street and Carriage Hall</p>	
<p>Recommendation</p> <ul style="list-style-type: none"> 1. Grant conditional permission for a temporary period of 3 years. 2. Grant conditional listed building consent. 3. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter. 				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 8th January 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 18/08309/FULL	Market Pitches Strutton Ground Strutton Ground London SW1P 2HY	Relocation of market stalls to Old Pye Street and north part of Strutton Ground adjacent to Victoria Street for a temporary period of 6 months during resurfacing works. Phase 1 (works at the Great Peter Street/ Greycoat Place end of Strutton Ground): 5 x market stalls relocated towards junction with Victoria Street, 6 x market stalls relocated on Old Pye Street, and 8 x market stalls on Strutton Ground. Phase 2 (works at the Victoria Street end of Strutton Ground): 4 x market stalls relocated on Old Pye Street and 15 x market stalls on Strutton Ground.	
	Recommendation Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992 for a temporary period of 6 months.			
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 18/04902/FULL	80-86 Shaftesbury Avenue & 5 Macclesfield Street London W1D 6AY	Use of the first and second floor of 80 Shaftesbury Avenue as Class C3 (residential) to provide 2x1 bedroom units. Reconfiguration of 4 residential units at 82-88 Shaftesbury Avenue. Reconfiguration of the restaurant unit at 5 Macclesfield Street and the retail unit at 80 Shaftesbury Avenue at ground floor level. Infill of light-well and installation of a new shopfront at 80 Shaftesbury Avenue and minor external alterations. (Site includes 80, 82-88 Shaftesbury Avenue and 5 Macclesfield Street)	
	Recommendation For Committee's consideration: Does the Committee consider that the circumstances of this case are sufficient to justify the loss of office accommodation as an exception to adopted City Plan policy?			
Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 18/09001/FULL	32 Alma Square London NW8 9PY	Excavation of a basement underneath the footprint of the property, with glazed covered lightwells to front and rear gardens.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
	Abbey Road			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 8th January 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

6.	RN(s) : 18/05867/FULL Little Venice	12A Clive Court 75 Maida Vale London W9 1SE	Replacement of existing ground floor door, replacement of existing three ground floor windows and internal alterations at ground floor level to incorporate office space and corridor into Flat 12A.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
7.	RN(s) : 18/08739/FULL Harrow Road	245A Shirland Road London W9 3JW	Erection of a single storey outbuilding at rear garden. (Retrospective application)	
	Recommendation Grant conditional permission.			

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Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 08 January 2019	Classification For General Release	
Addendum Report of Executive Director Growth Planning and Housing		Ward(s) involved St James's	
Subject of Report	4 - 5 Buckingham Gate, London, SW1E 6JP		
Proposal	Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation to provide a single-storey basement and pool. External alterations for the provision of a new off street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of a terrace at rear second floor level within recessed part of the building and a terrace at roof level fronting Buckingham Gate.		
Agent	CBRE Ltd		
On behalf of	Cofingham Limited		
Registered Number	18/06103/FULL 18/06104/LBC	Date amended/ completed	13 December 2018
Date Application Received	19 July 2018		
Historic Building Grade	II		
Conservation Area	Birdcage Walk		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to completion of a Section 106 Legal Agreement to secure the following:</p> <ul style="list-style-type: none"> i) funding for the provision of a formal footway crossover to access the service bay on Stafford Place; ii) funding for the costs to reconfigure the existing on-street parking bays in both Stafford Place and the cul-de-sac off Buckingham Gate; iii) secure details of the service management plan; iv) an employment and training opportunities strategy during construction and for the hotel use; and v) costs of monitoring the agreement. <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p>
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- a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permissions with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decisions under Delegated Powers; however, if not;
- b) The Director of Planning shall consider whether the permissions 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 applications and agree appropriate reasons for refusal under Delegated Powers.
3. Grant conditional listed building consent.
4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

The applications were reported to the Planning Applications Sub-Committee on the 04 December 2018. Committee resolved to defer the applications for a site visit and to clarify servicing of the site, waste collection and taxi drop off. The Committee site visit is to take place prior to being reported to the Planning Applications Sub-Committee on the 08 January 2019.

In order to address the matters raised by committee members the applicant has submitted further information, which is set out below and appended to this report.

Principle of new hotel

Policy S23 of the City Plan relates to new hotel and visitor accommodation. The policy directs new hotel development to various locations including the Core CAZ. Hotels will be directed to streets not of a predominantly residential character. As Members will recall from the presentation to committee on 4 December, late representations referred to the principle of a hotel use in this location in relation to the requirements of S23. The site is within Core CAZ. The surrounding area is considered to be of mixed character – whilst there are several residential units to Stafford Place to the rear of the site and adjacent to it on Buckingham Gate, there are a variety of office, commercial, cultural and residential uses along Buckingham Gate itself. Buckingham Gate is a busy arterial route. In principle, the site is considered an acceptable location for the hotel, given the location and conditions recommended to control servicing and other potential impacts arising from the proposed use.

Servicing

The applicant has now widened the servicing bay doors from 3.1m to 4.5m, which will make it easier for servicing vehicles to enter and exit from the servicing area in a forward gear whilst passing a vehicle parked on the single yellow lines on Stafford Place. This is shown on the swept path drawings in the background papers.

As set out in the supplementary transport statement, servicing of the site is estimated to be between 6-7 trips daily (including refuse collections), Monday to Saturday. This is based on the operation of the applicant's existing hotels of a similar size and nature. The applicant also states that they can split the servicing with approximately 4-5 trips along Stafford Place, and the remainder being

Item No.
1

undertaken along the cul-de-sac from Buckingham Gate. This can be secured through the servicing management plan

The applicant has offered a further restriction to the hours of servicing of the site to between 0830-1830, Monday to Saturday, which would match the existing parking restriction to the rear of the site along Stafford Place. It is therefore proposed to amend condition 11 presented to committee on 4 December 2018 to refer to the revised hours of servicing.

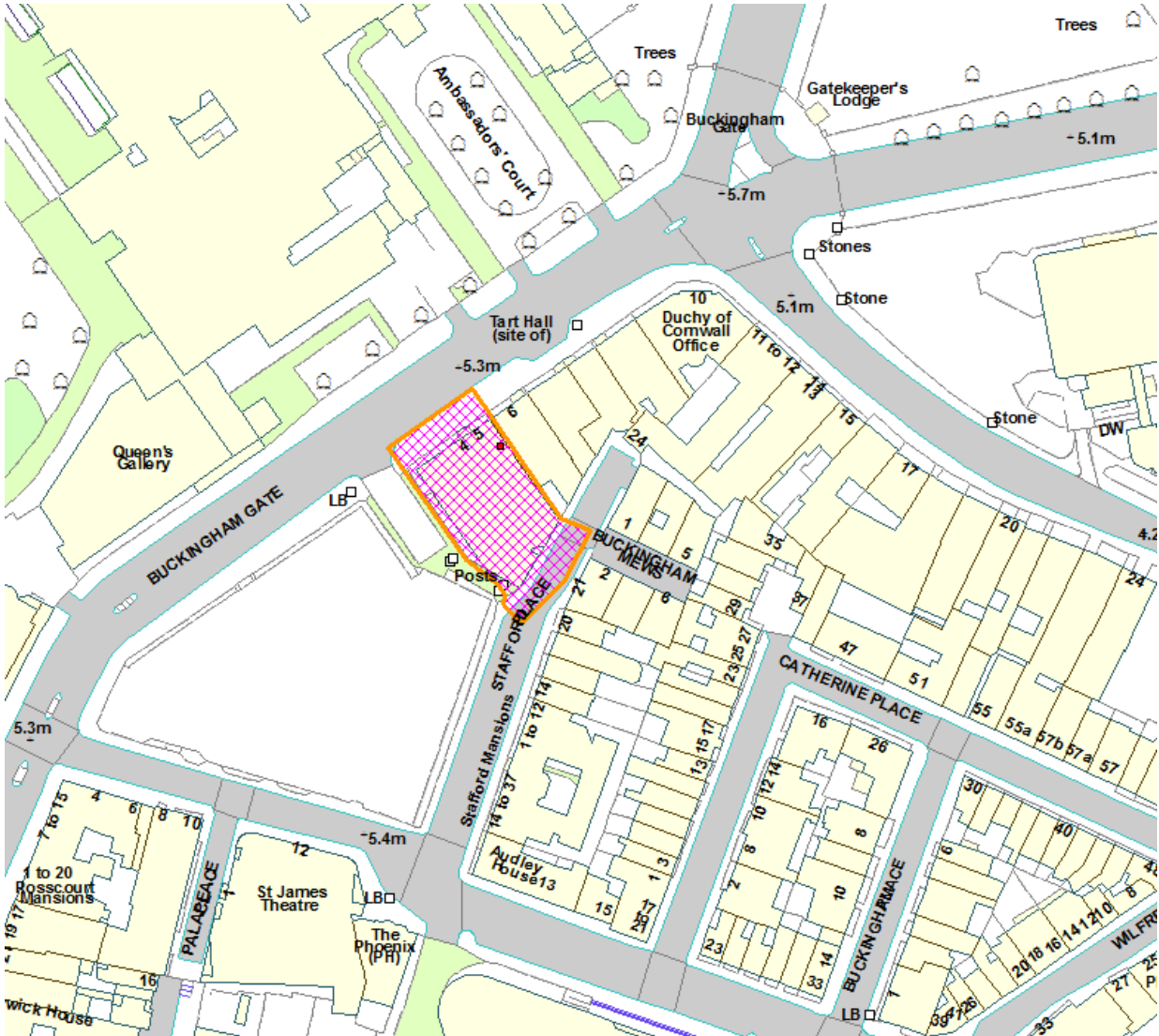
Taxis

The scheme proposes to utilise the existing cul-de-sac off of Buckingham Gate by relocating an existing pay-by-phone parking bay at the southern end in order to allow vehicles to reverse. The principle of using this area has been agreed with the City Council's Highways Planning Manager.

Refuse

Waste and recyclable stores are provided on site and are capable of holding two days' worth of waste. Refuse collection is four times per week (Monday, Wednesday, Friday and Saturday) and will be undertaken by a private contractor within the proposed servicing hours. All waste collection will be undertaken on site within the dedicated servicing bay.

3. LOCATION PLAN



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4. PHOTOGRAPHS



4 - 5 Buckingham Gate

5. CONSULTATIONS

ADDITIONAL REPRESENTATIONS (not listed in the background papers to sub-committee dated 4 December)

THORNEY ISLAND SOCIETY

Object on the basis that the hotel will have a far greater impact on the nature of the area than the permitted residential scheme. Servicing is impractical. The terraces will compromise amenity of existing residents.

4 representations making the following points:

Land use

Should the application be approved then consider the imposition of conditions to control operation of hotel use.

The original committee report did not include any assessment or justification of non compliance with S23. Committee members will need to consider whether this breach of S23 means that the proposal is in overall accord with the development plan.

Loss of employment floorspace is contrary to S23.

Amenity

Terraces are not required for hotels.

The fenestration to the rear will be harmful to nearby residents.

The disturbance caused by the servicing will be harmful to the living conditions of residents.

Design/heritage

There is no assessment of the effect of the proposals on the setting of nearby listed buildings on Stafford Place.

The scheme does not preserve or enhance the conservation area.

Highways

Stafford Place unsuitable for servicing; no servicing has ever taken place from Stafford Place.

RE-CONSULTATION ON 17 December 2018

(The re-consultation took place following amendments to increase the size of the servicing bay doors to the rear of the site from 3.1m to 4.5m.)

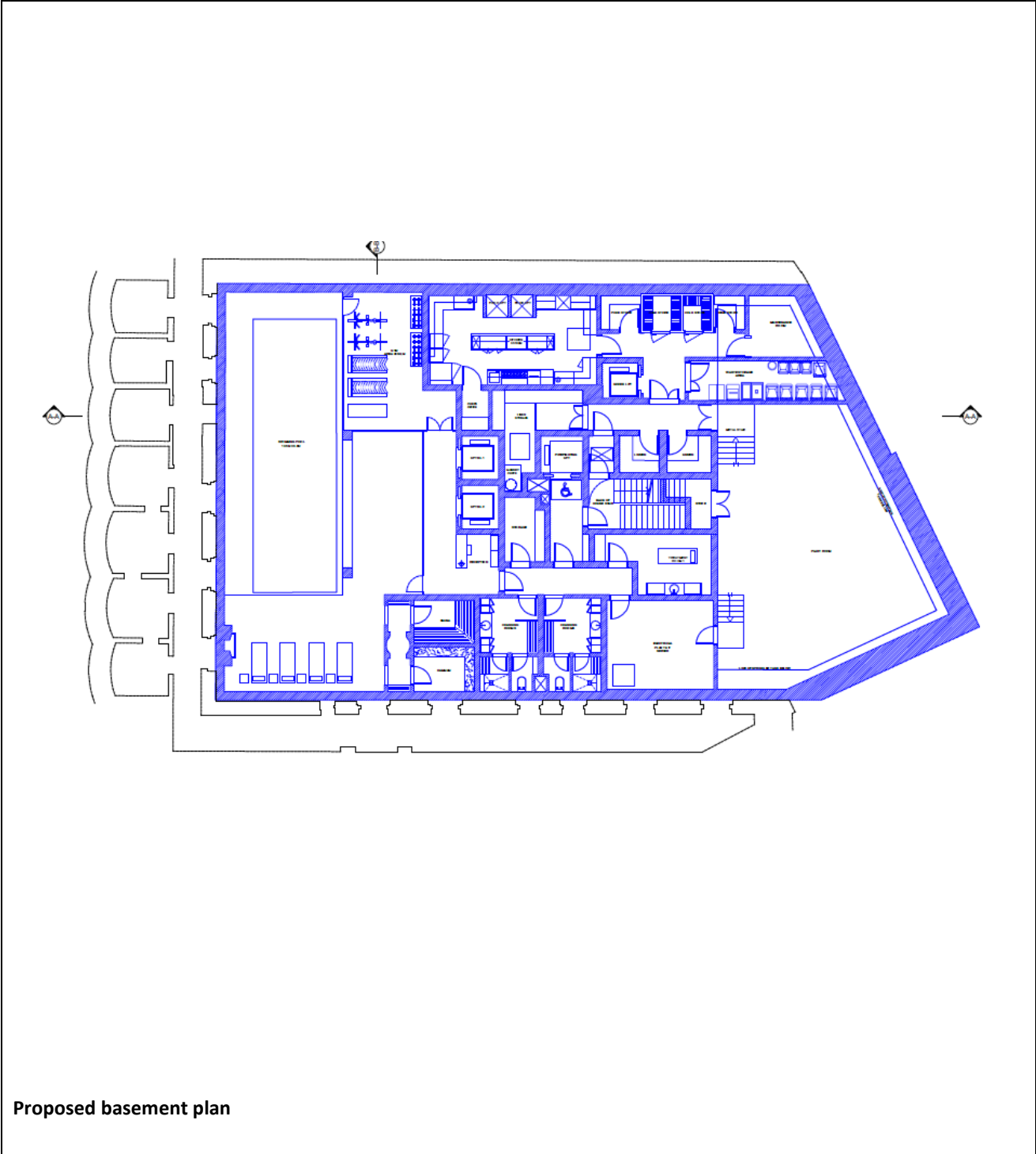
Number re-consulted: 73

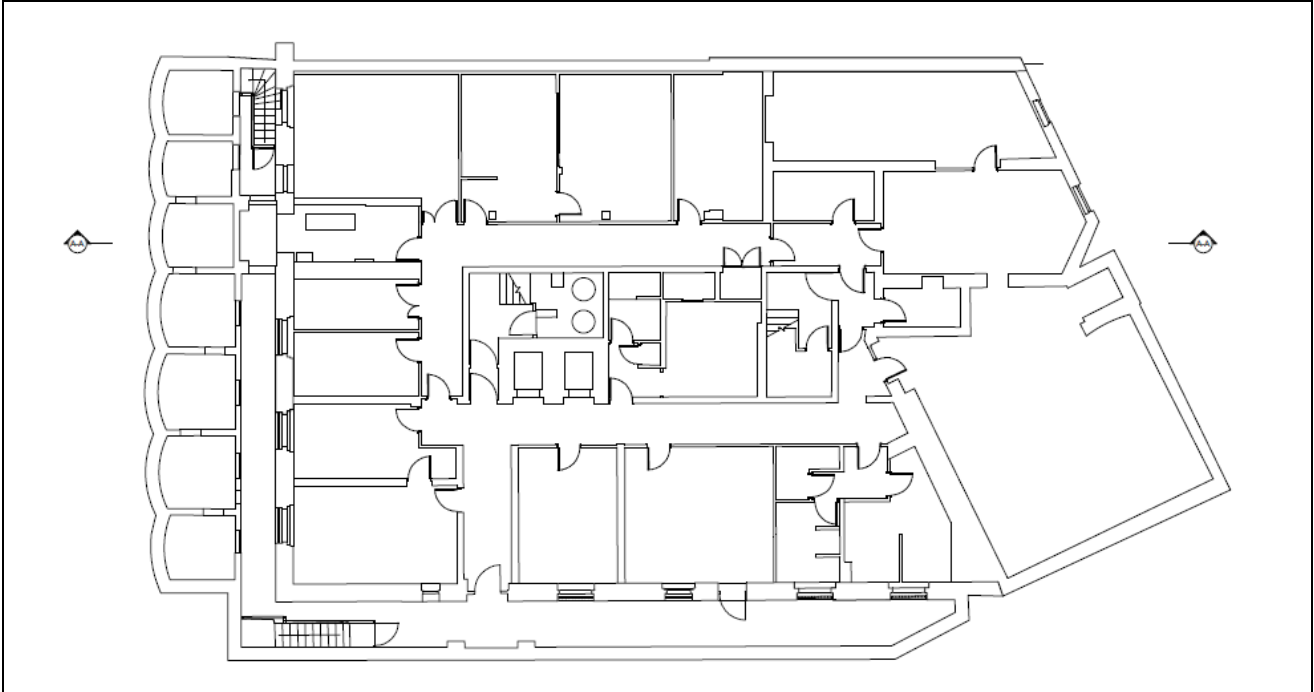
Number of replies: to be reported verbally.

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

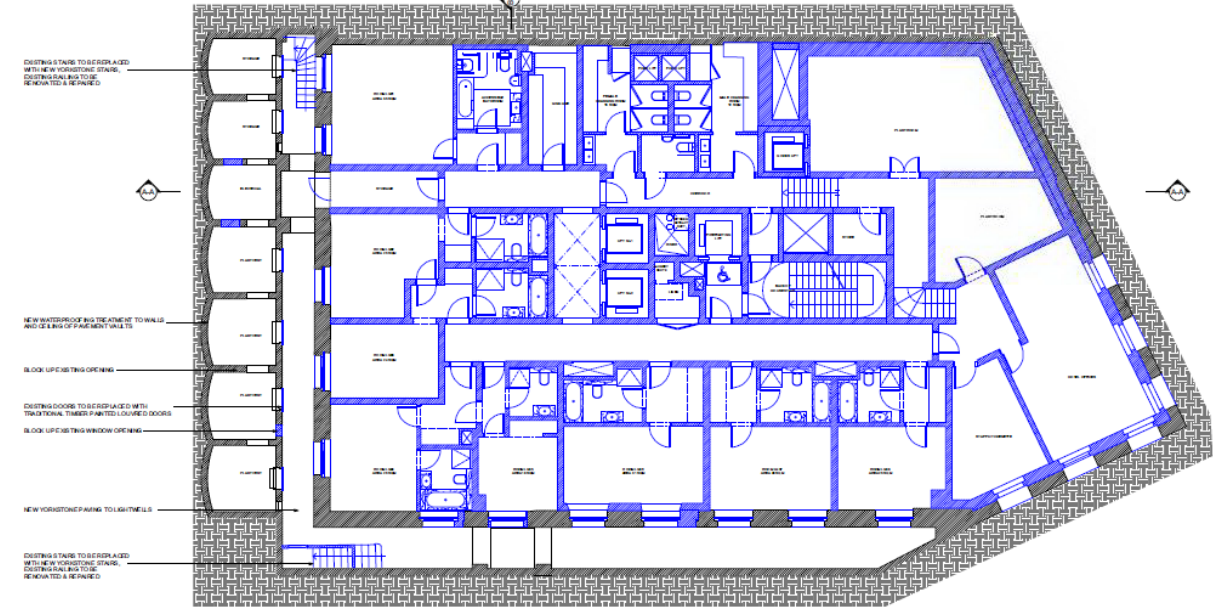
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT lfrancis@westminster.gov.uk

6. KEY DRAWINGS

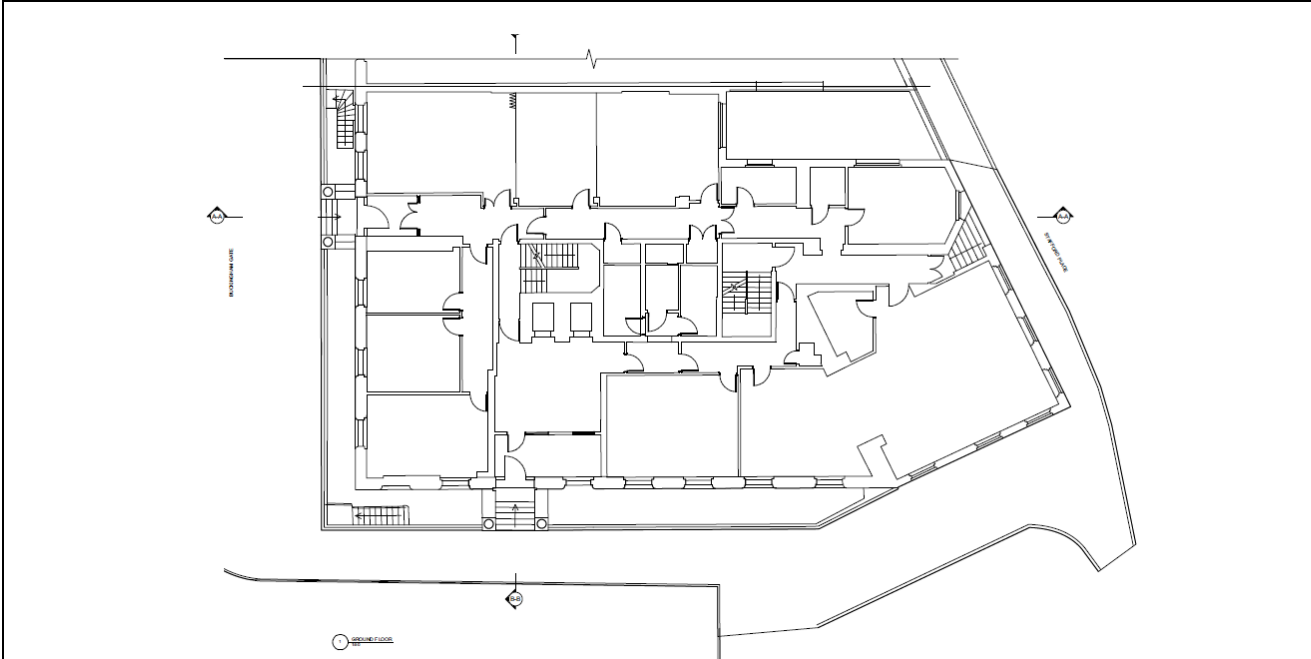




Existing lower ground floor plan

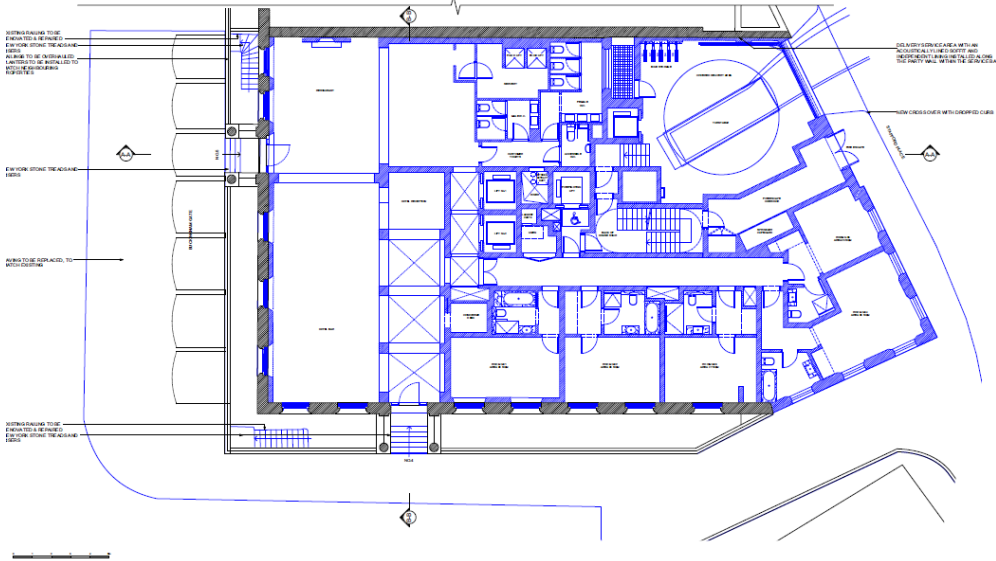
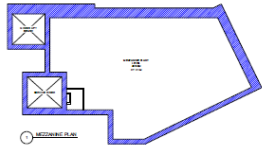


Proposed lower ground floor plan

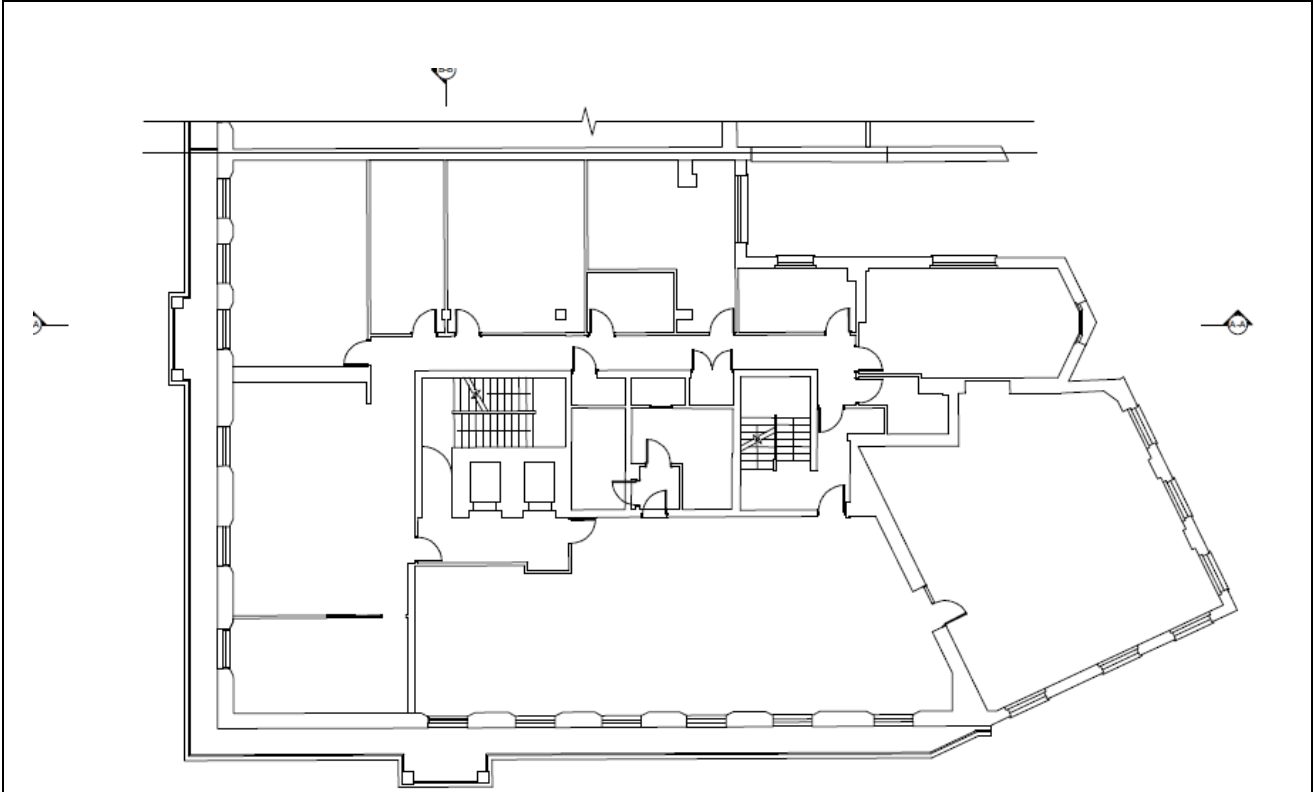


Existing ground floor plan

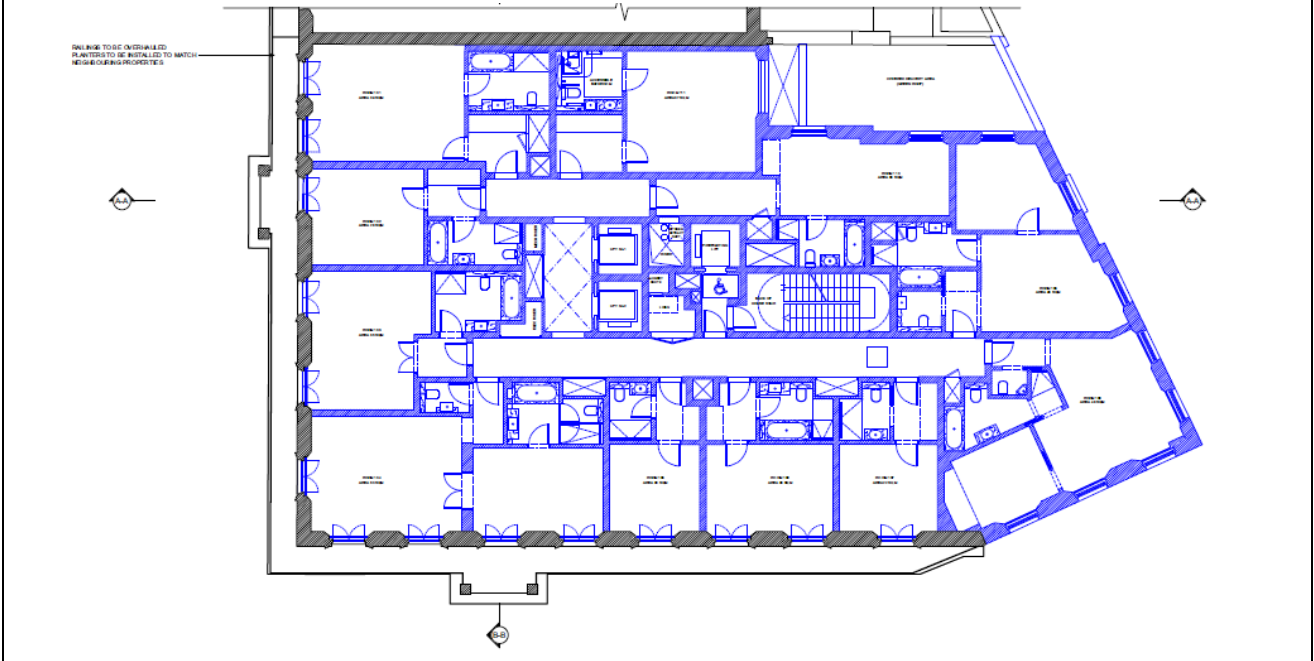
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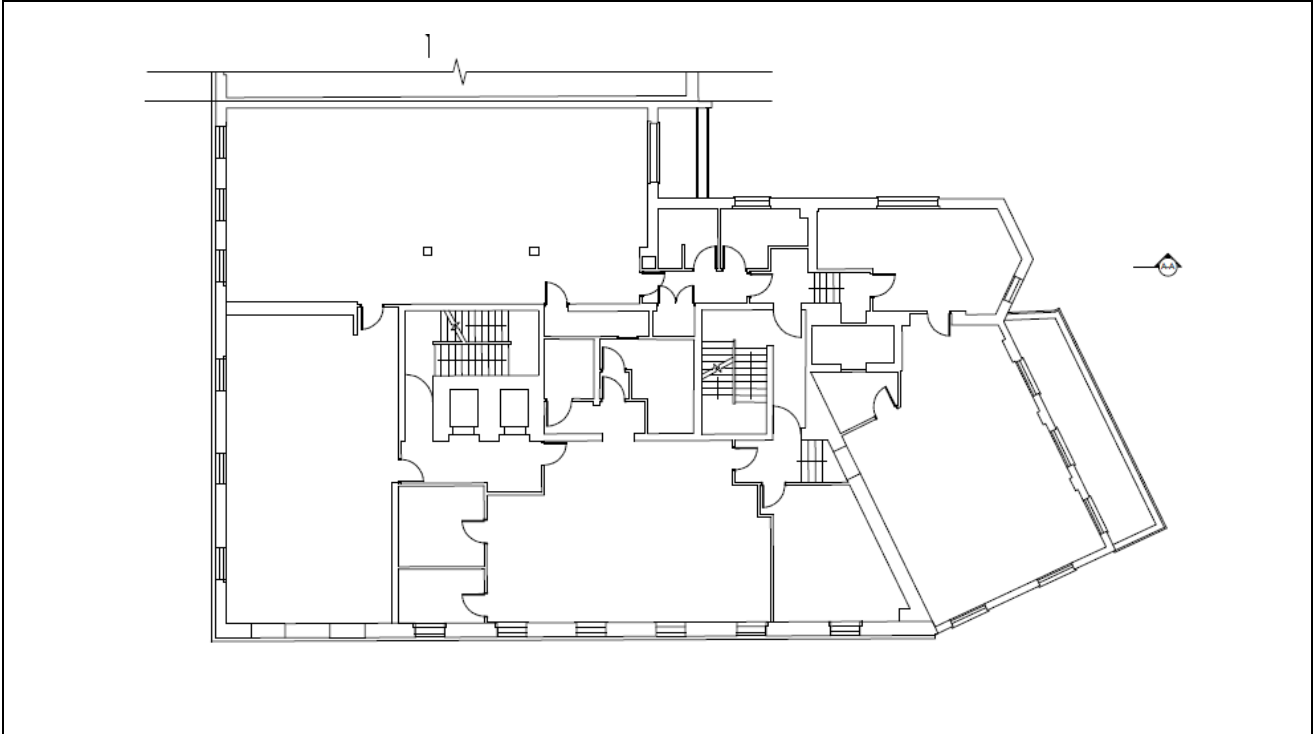
Proposed ground floor plan



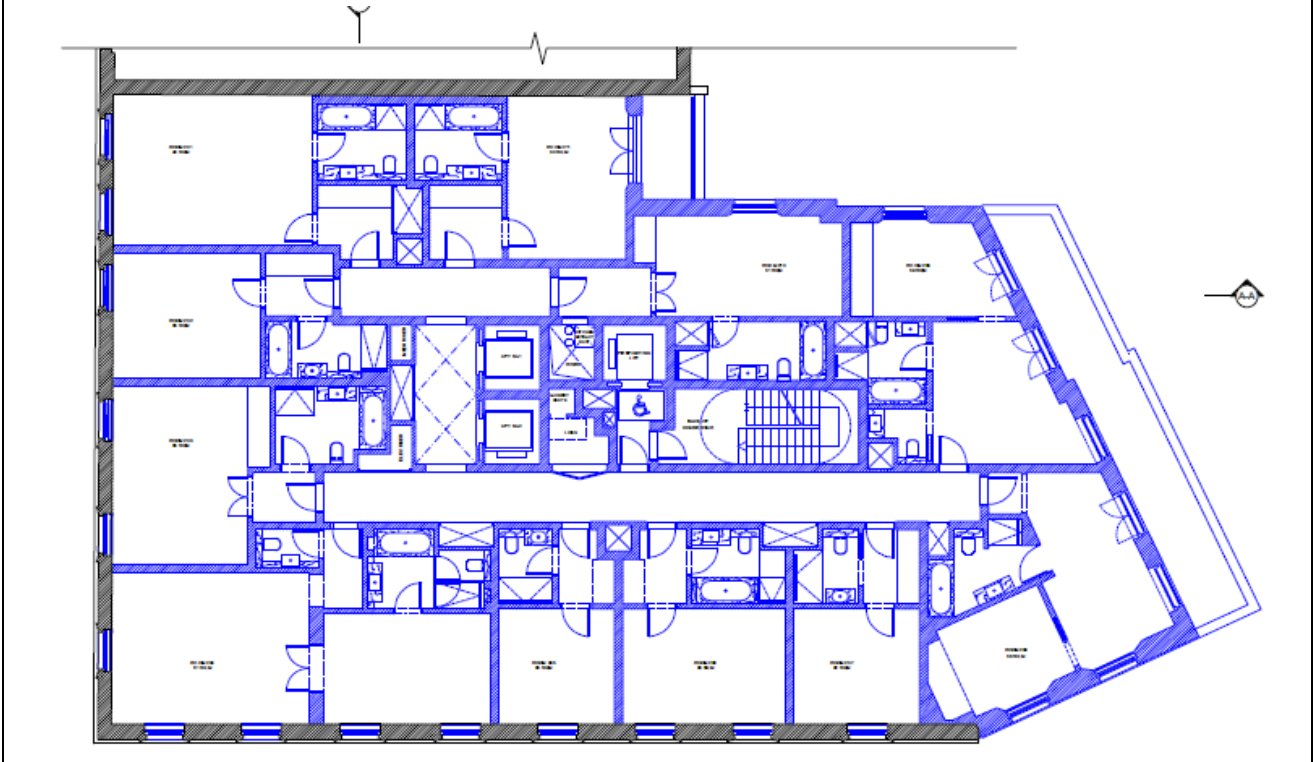
Existing first floor plan



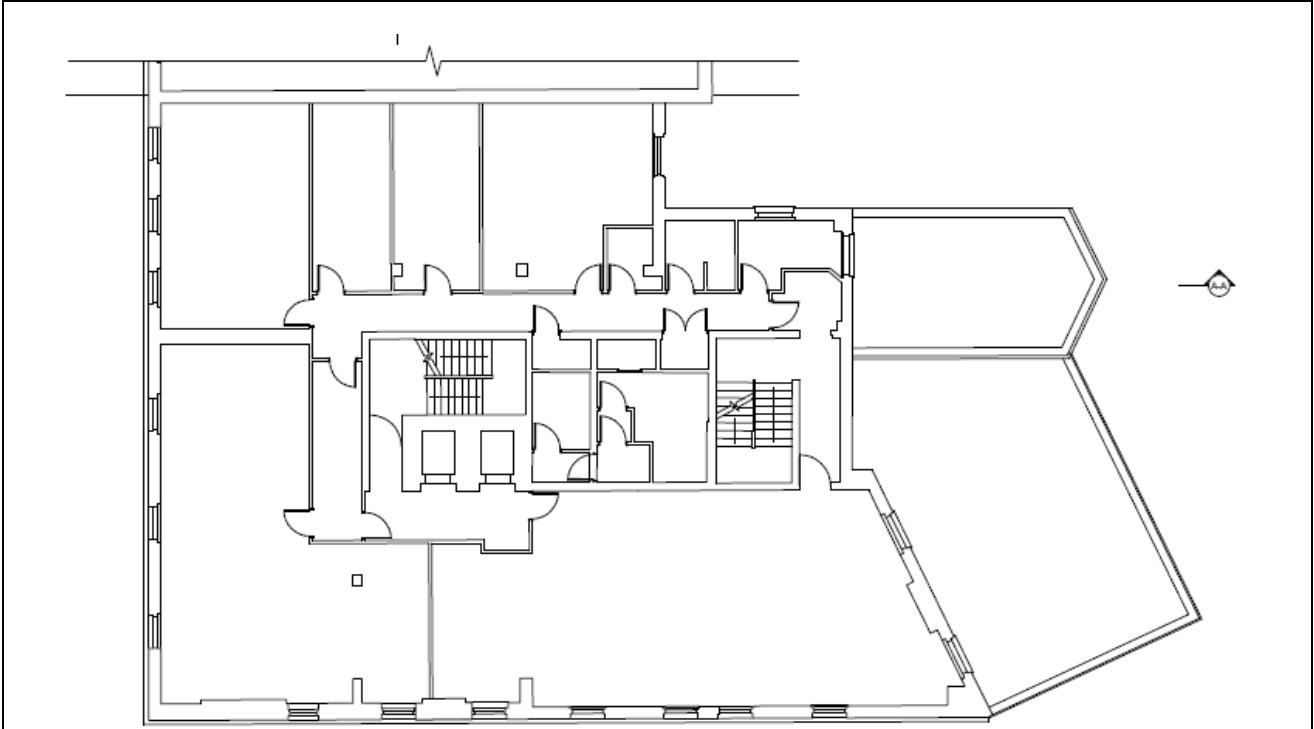
Proposed first floor plan



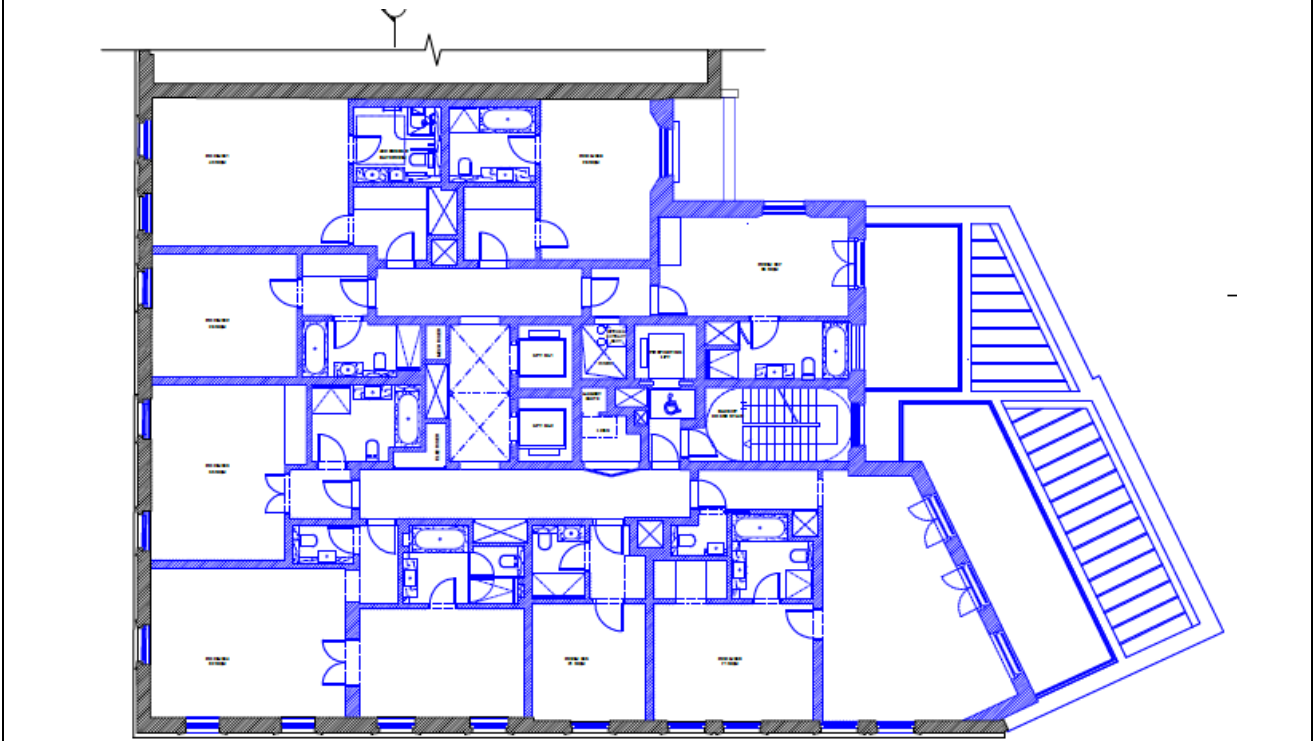
Existing second floor plan



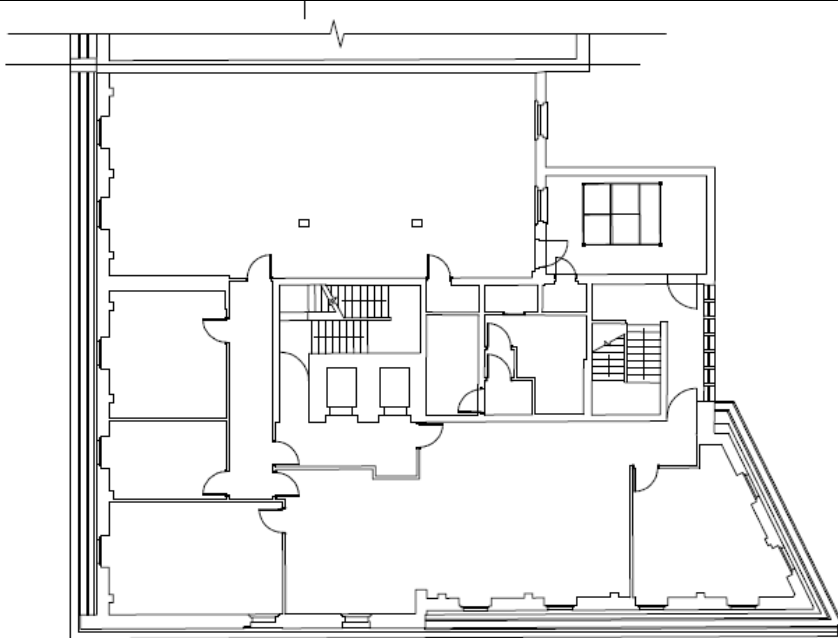
Proposed second floor plan



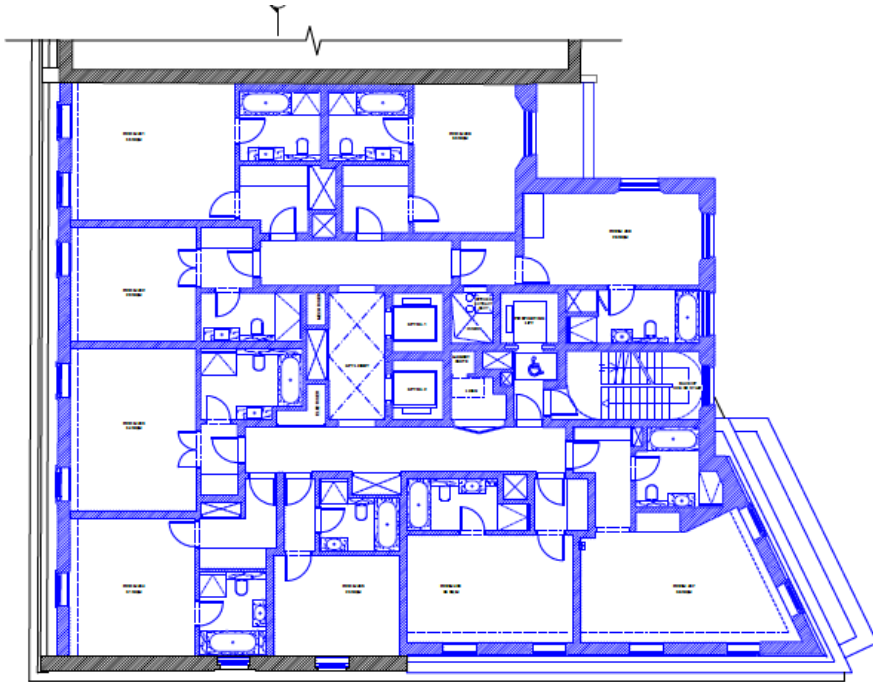
Existing third floor plan



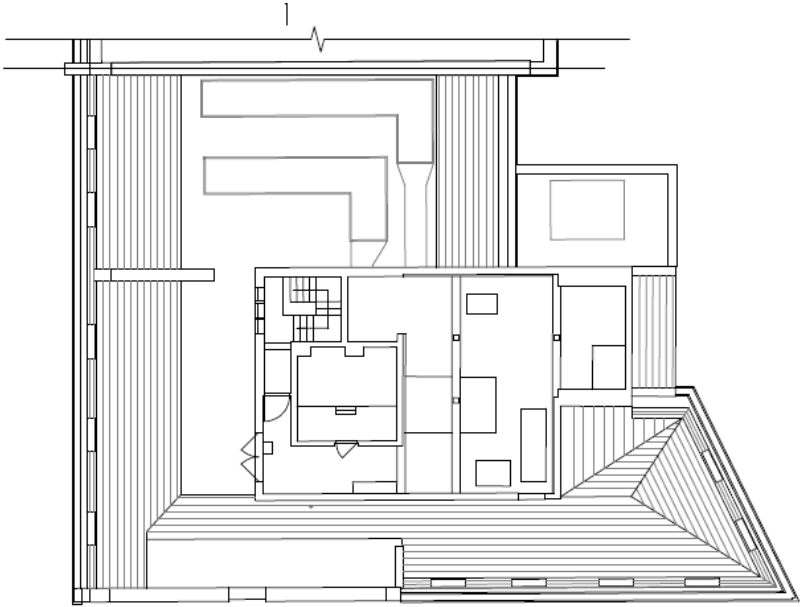
Proposed third floor plan



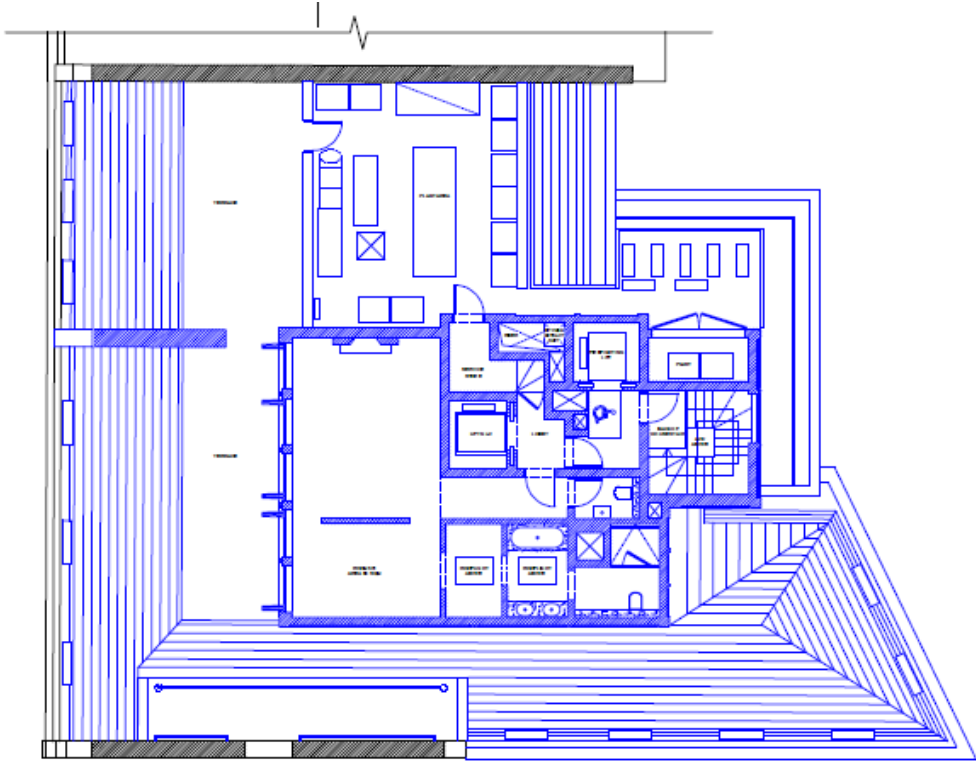
Existing fourth floor plan



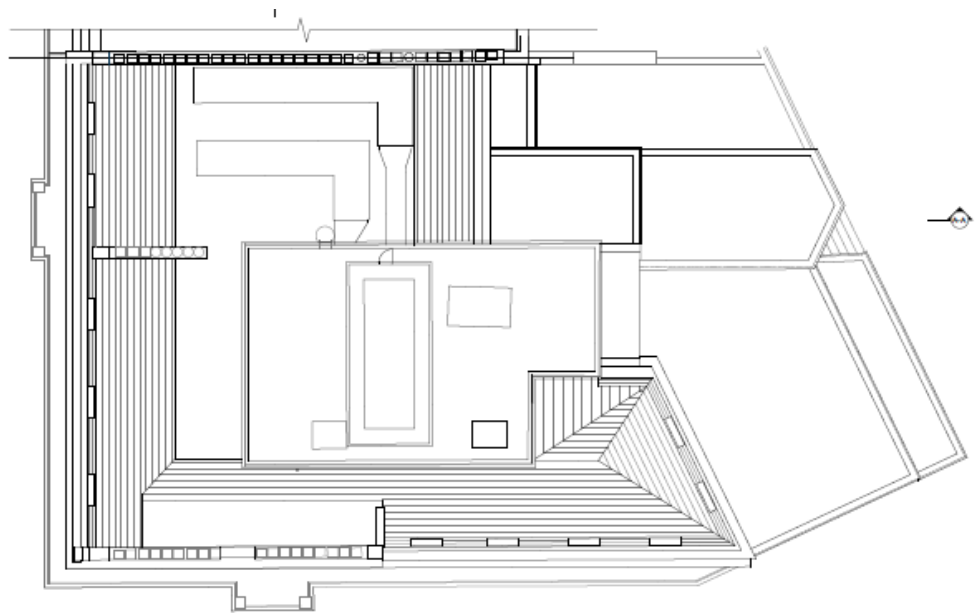
Proposed fourth floor plan



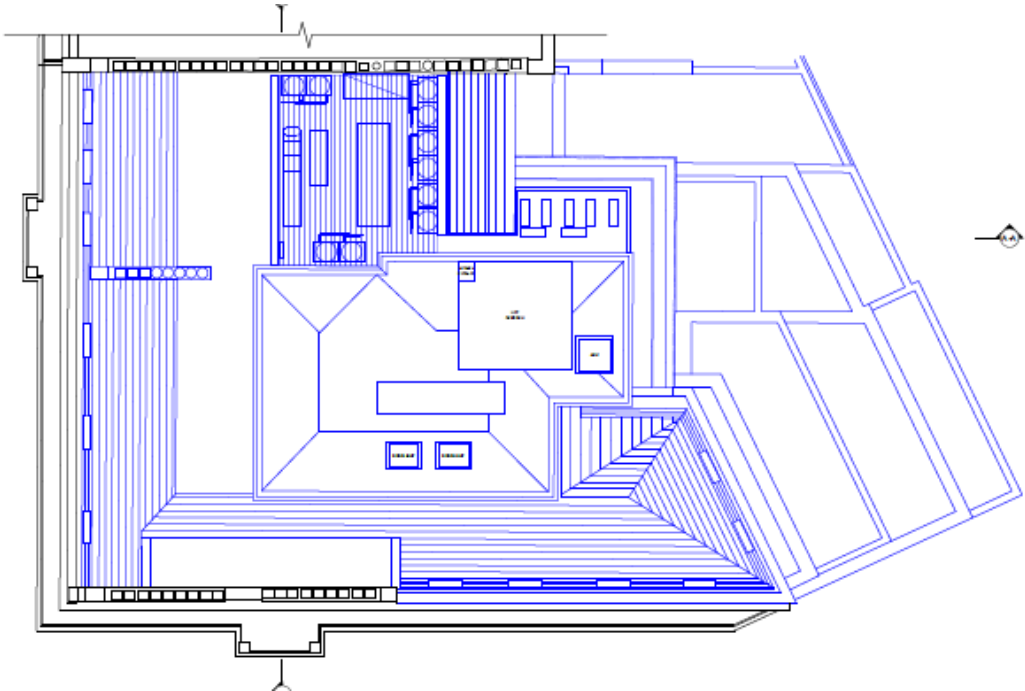
Existing fifth floor plan



Proposed fifth floor plan



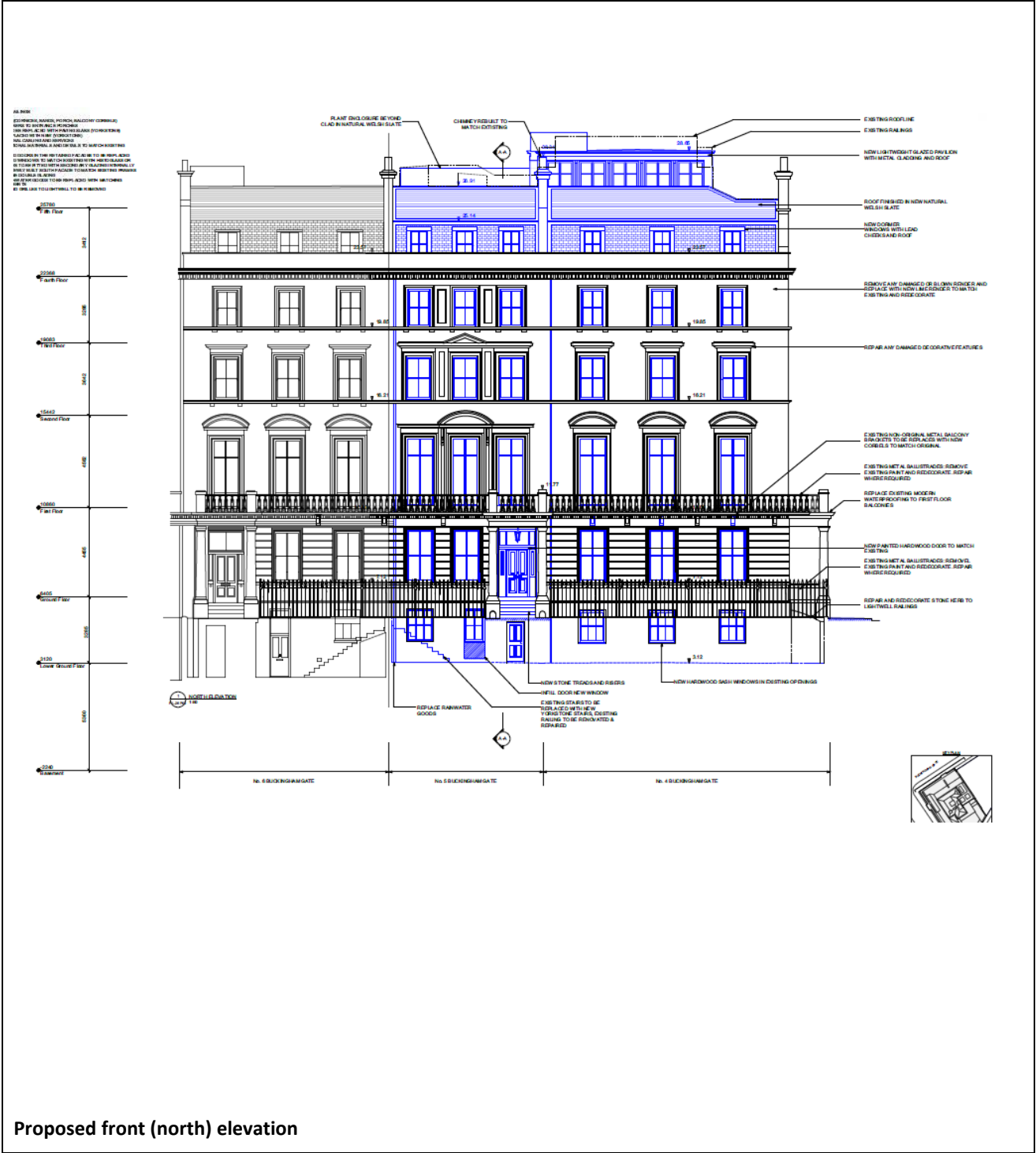
Existing roof plan



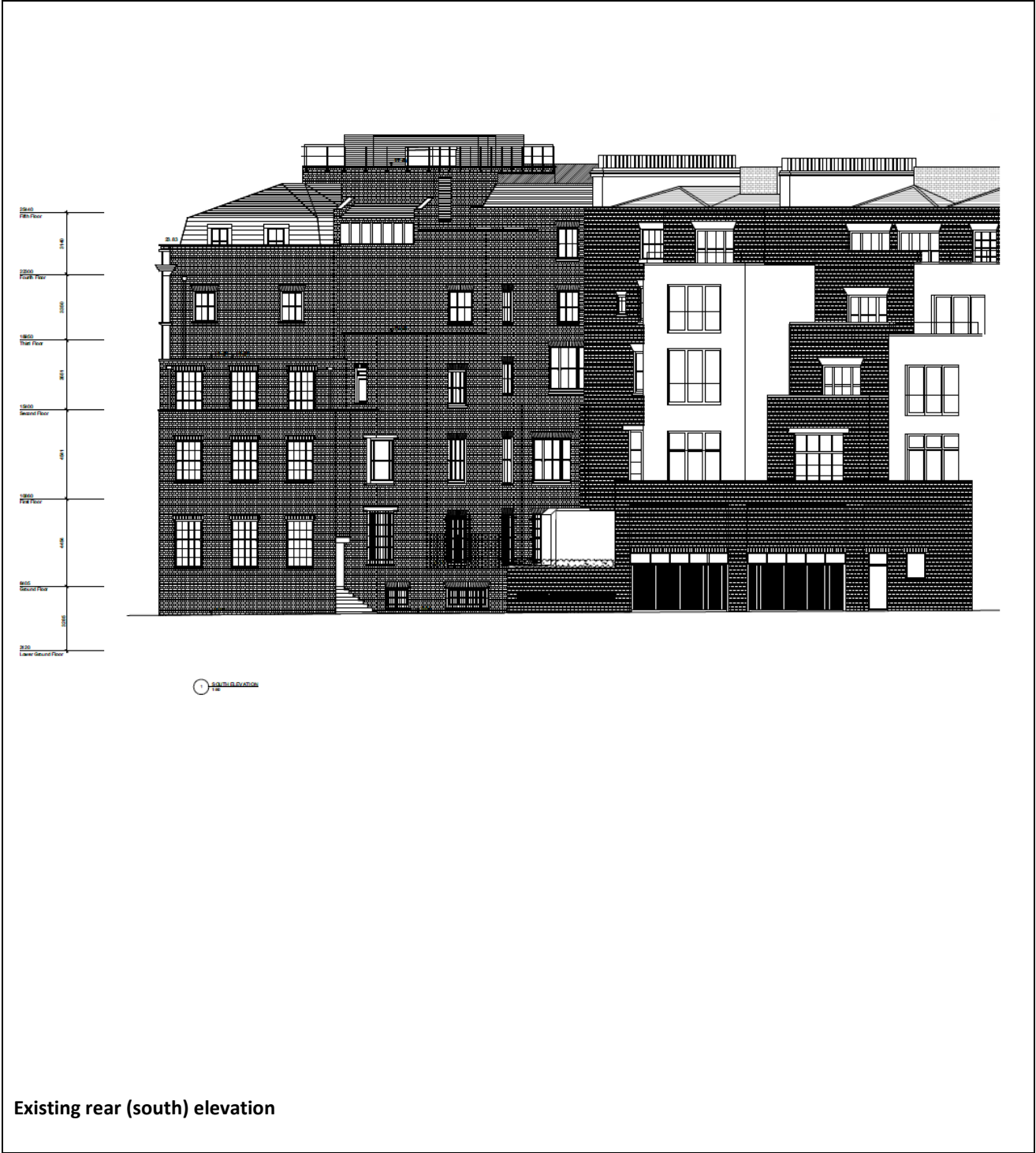
Proposed roof plan

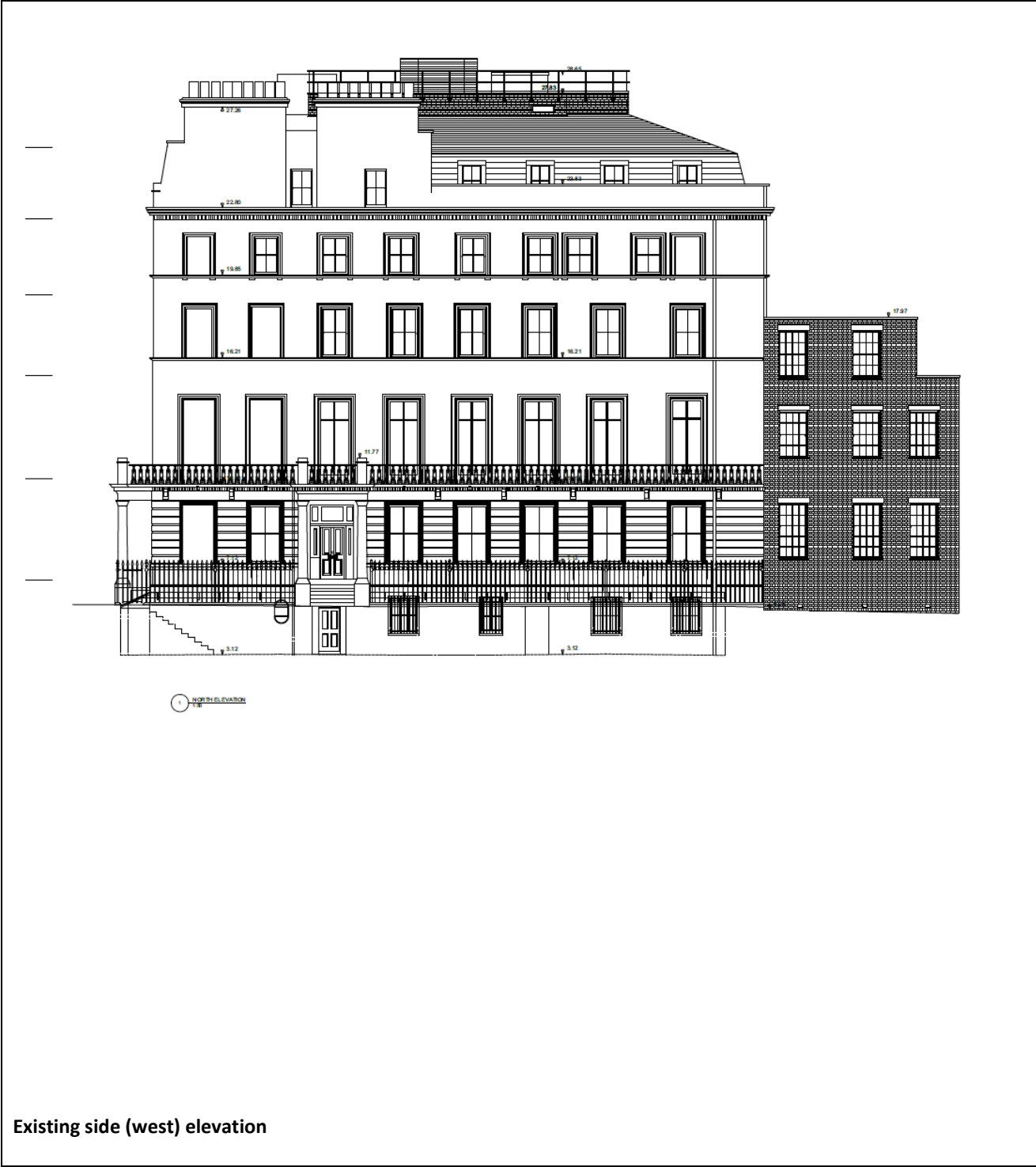


Existing front (north) elevation

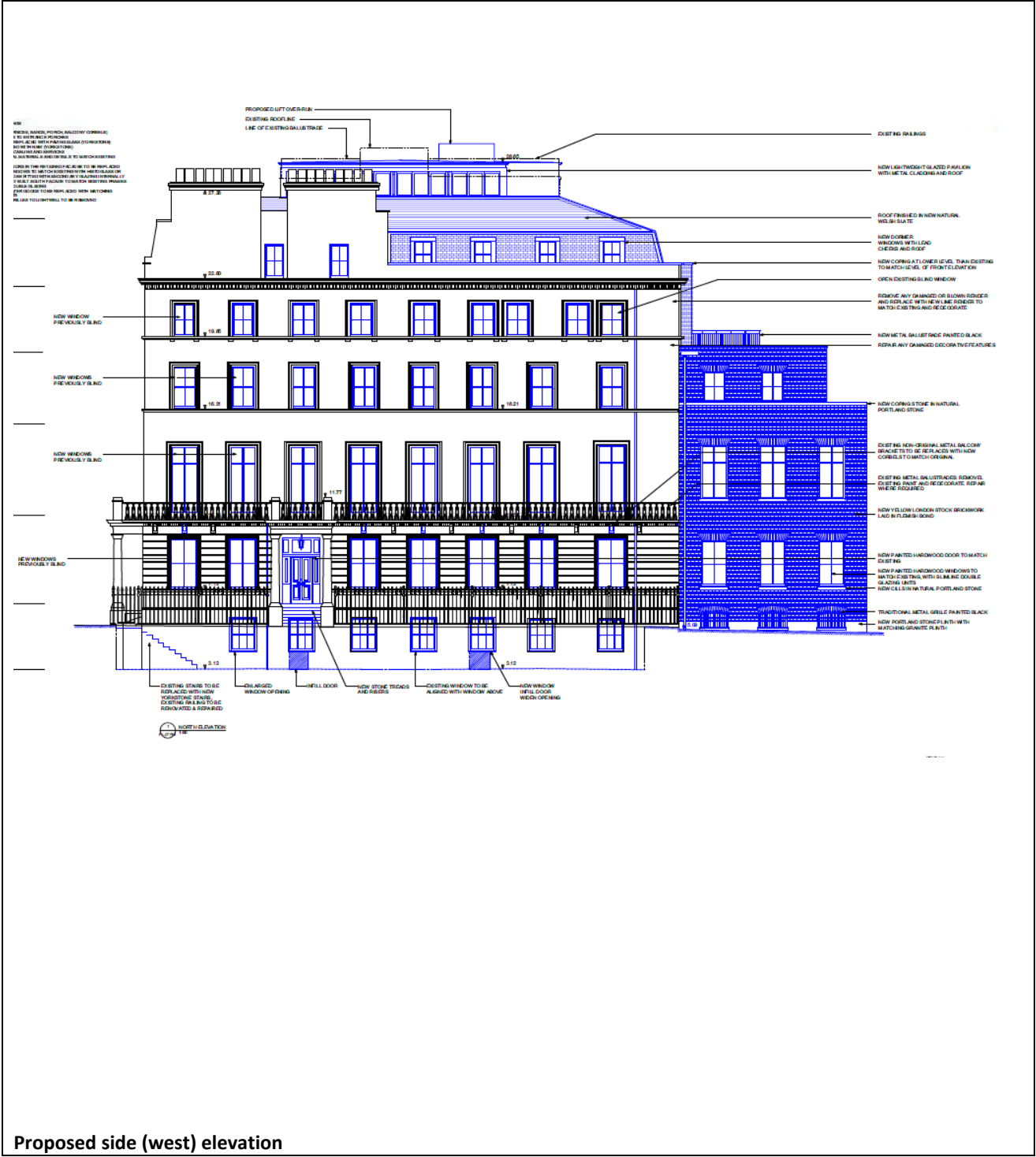


Proposed front (north) elevation

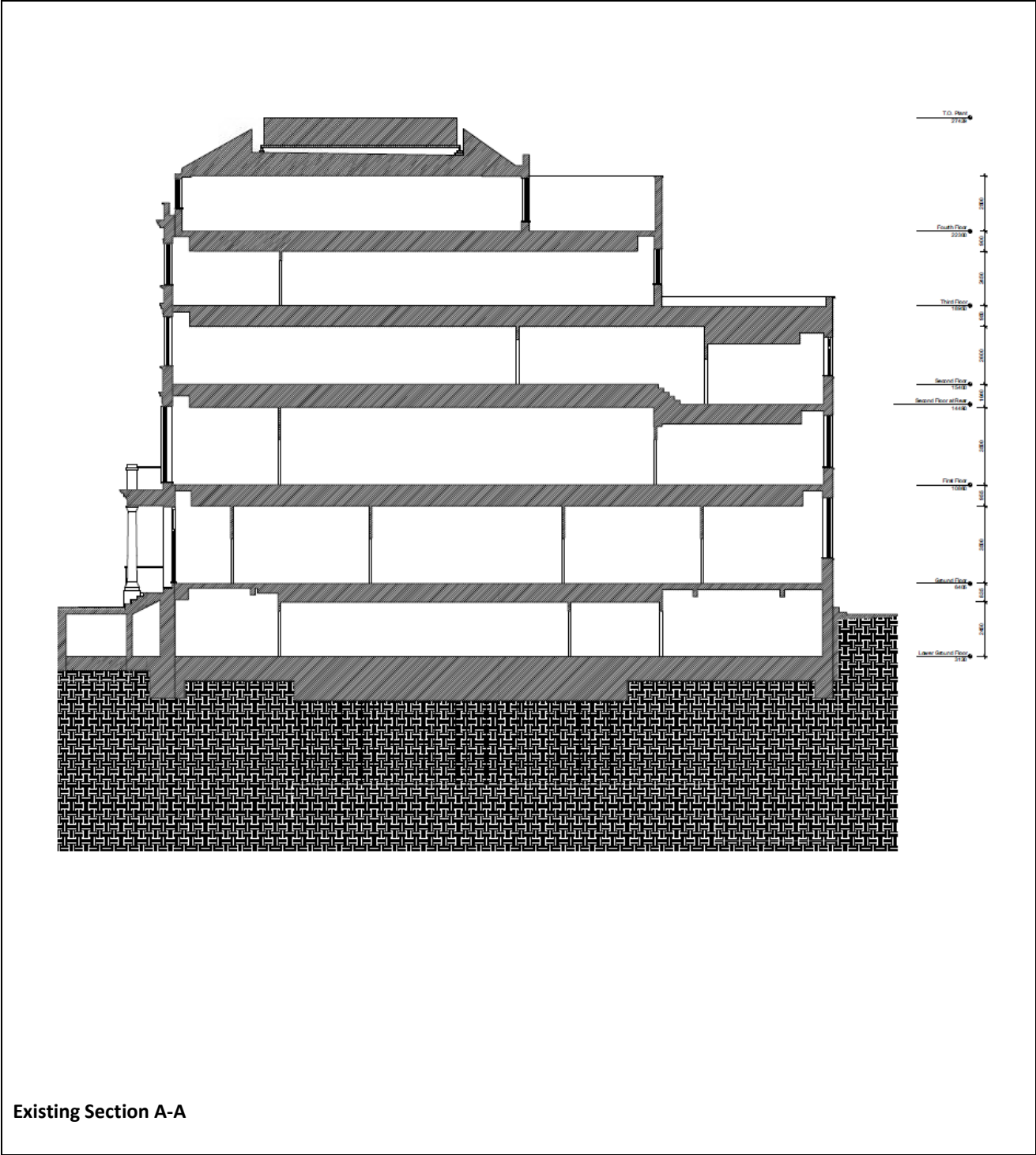


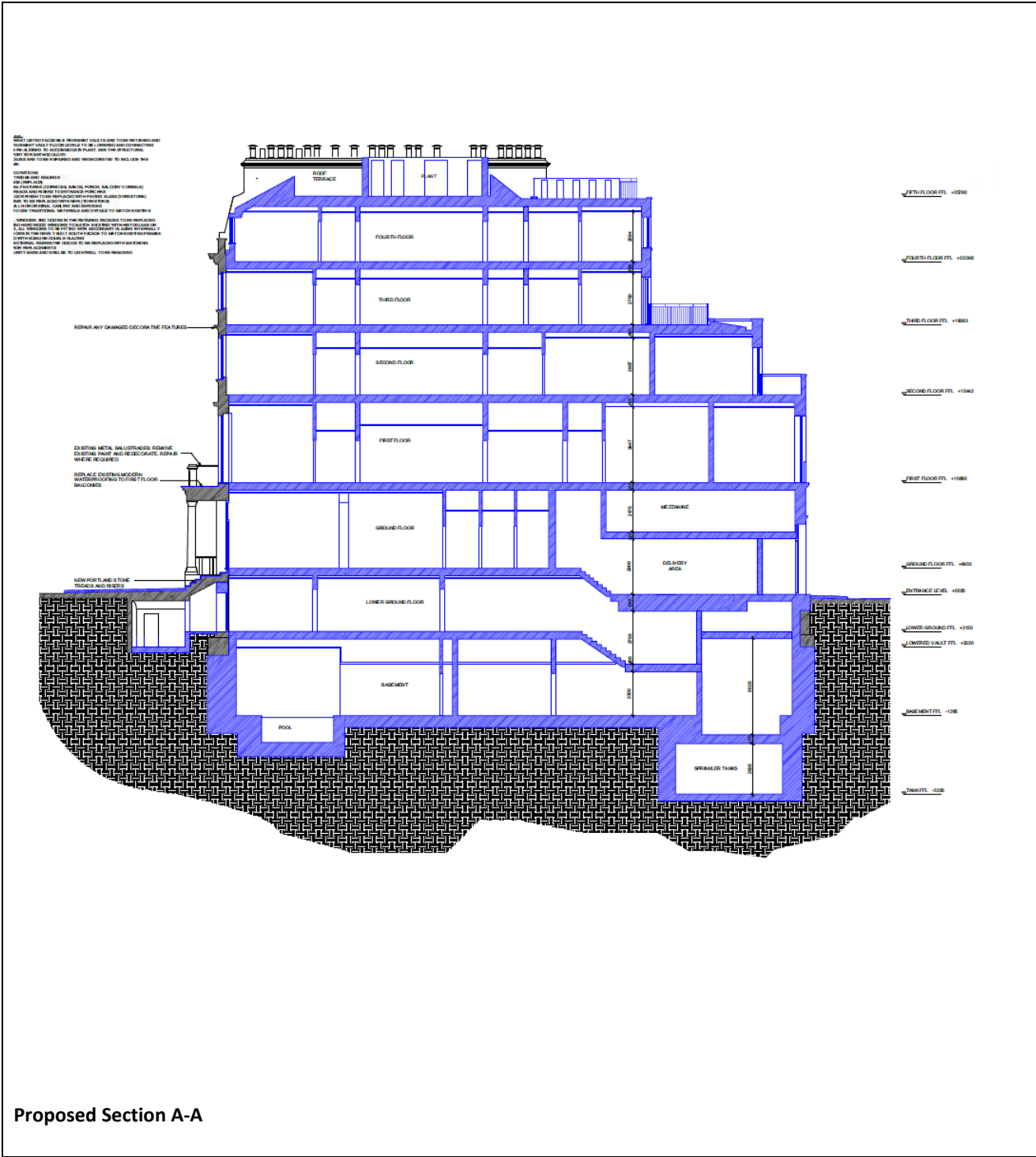


Existing side (west) elevation



Proposed side (west) elevation





NOTE: EXISTING FACED BRICKWORK SHALL BE DEMOLISHED AND RECONSTRUCTED TO MATCH EXISTING CONCRETE WALLS TO ACCORDANCE WITH THE STRUCTURAL AND FINISHING DETAILS.

CONCRETE SHALL BE TYPE III PORTLAND CEMENT CONCRETE WITH 4% STEEL FIBERS. ALL CONCRETE SHALL BE CAST IN PLACE AND CURED PROPERLY.

ALL EXISTING METAL BALUSTRADES SHALL BE REMOVED AND RECONSTRUCTED TO MATCH EXISTING METAL BALUSTRADES.

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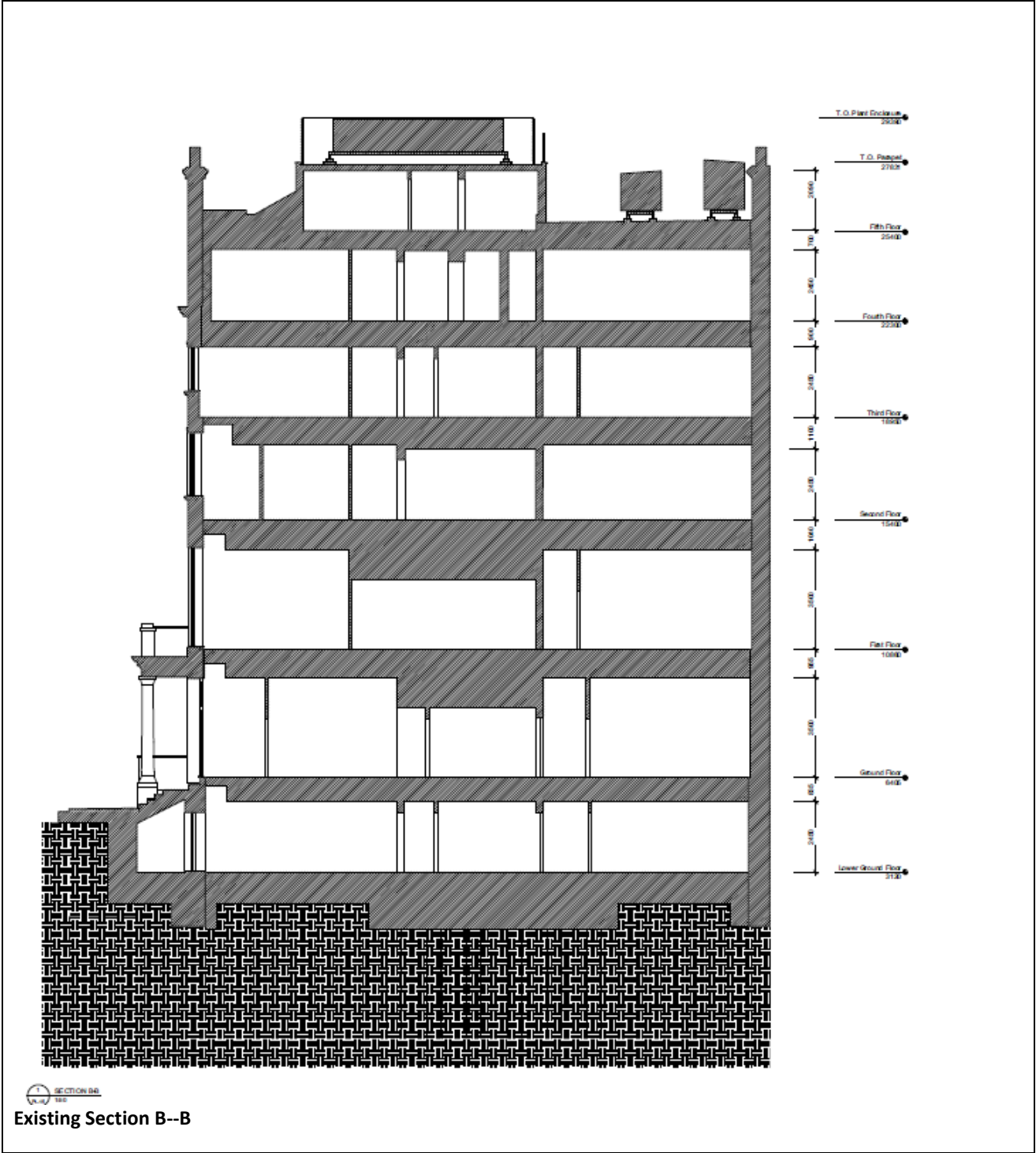
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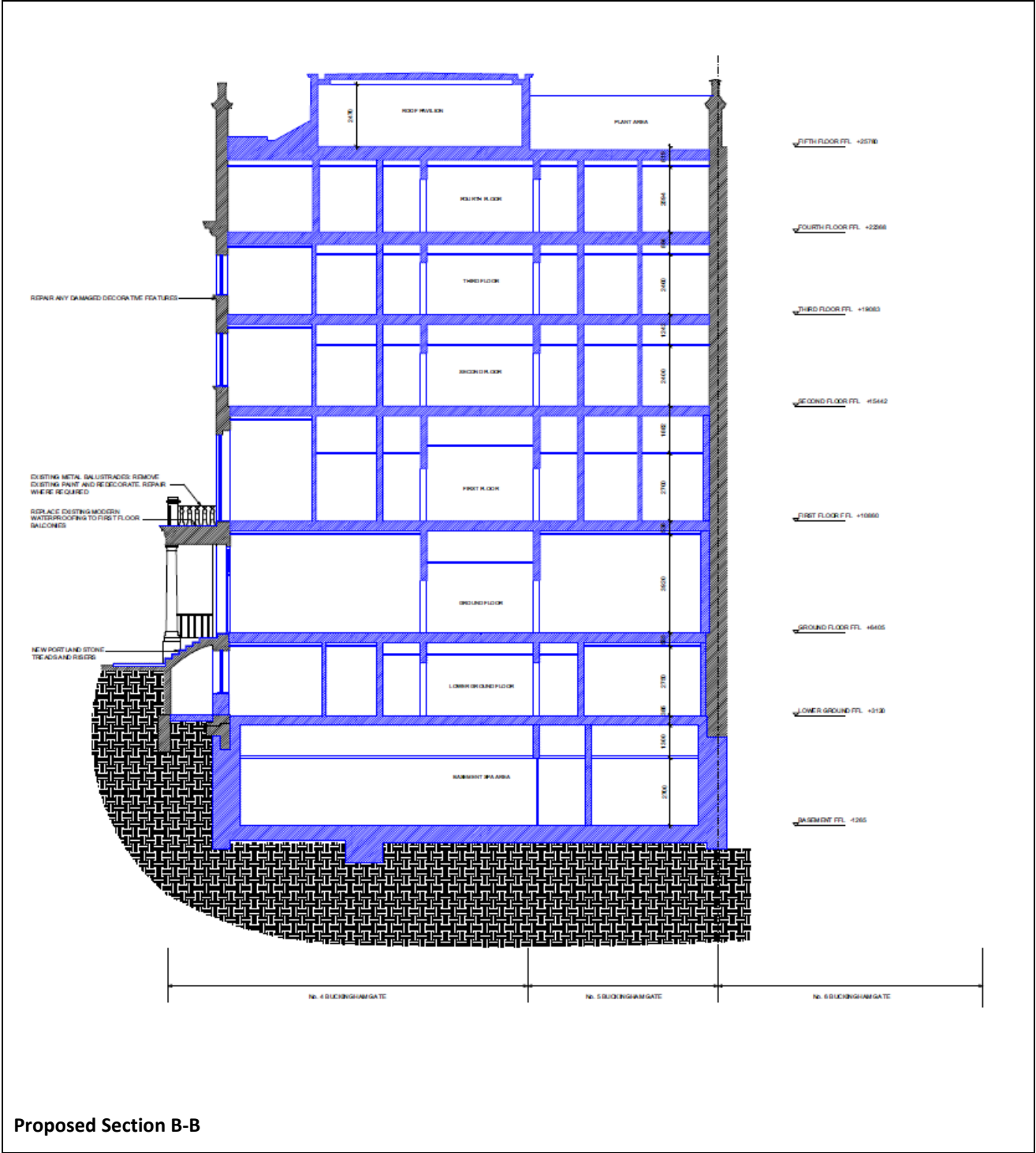
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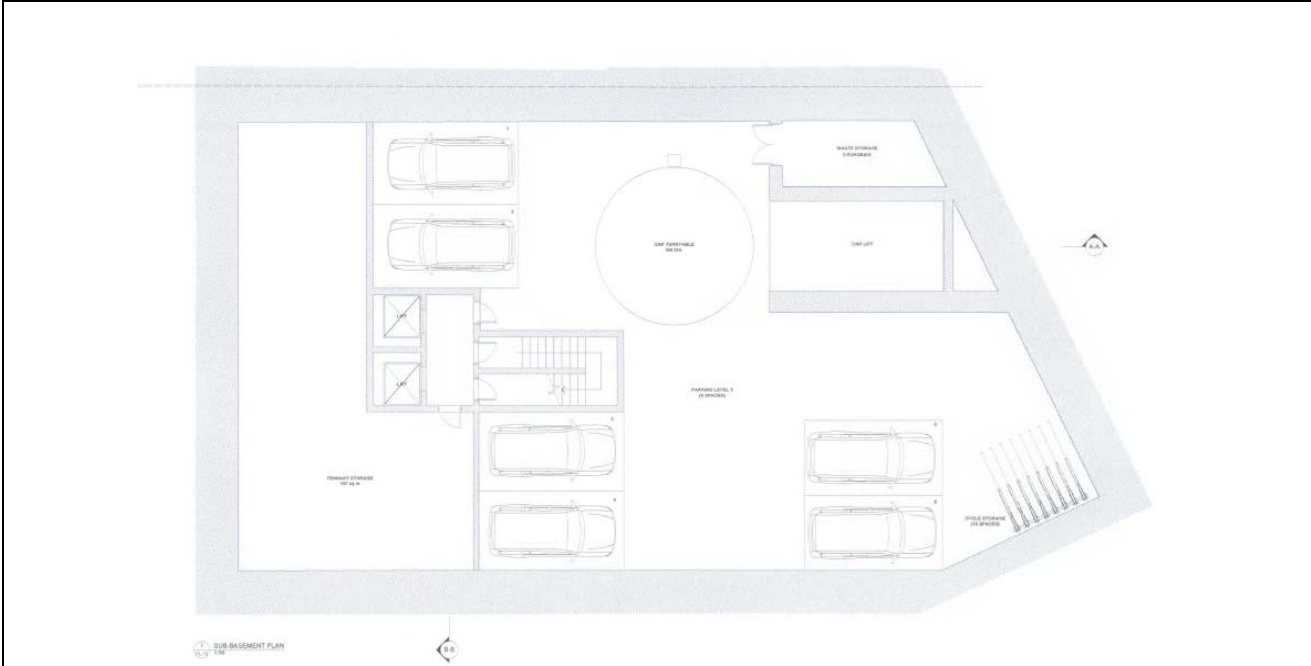
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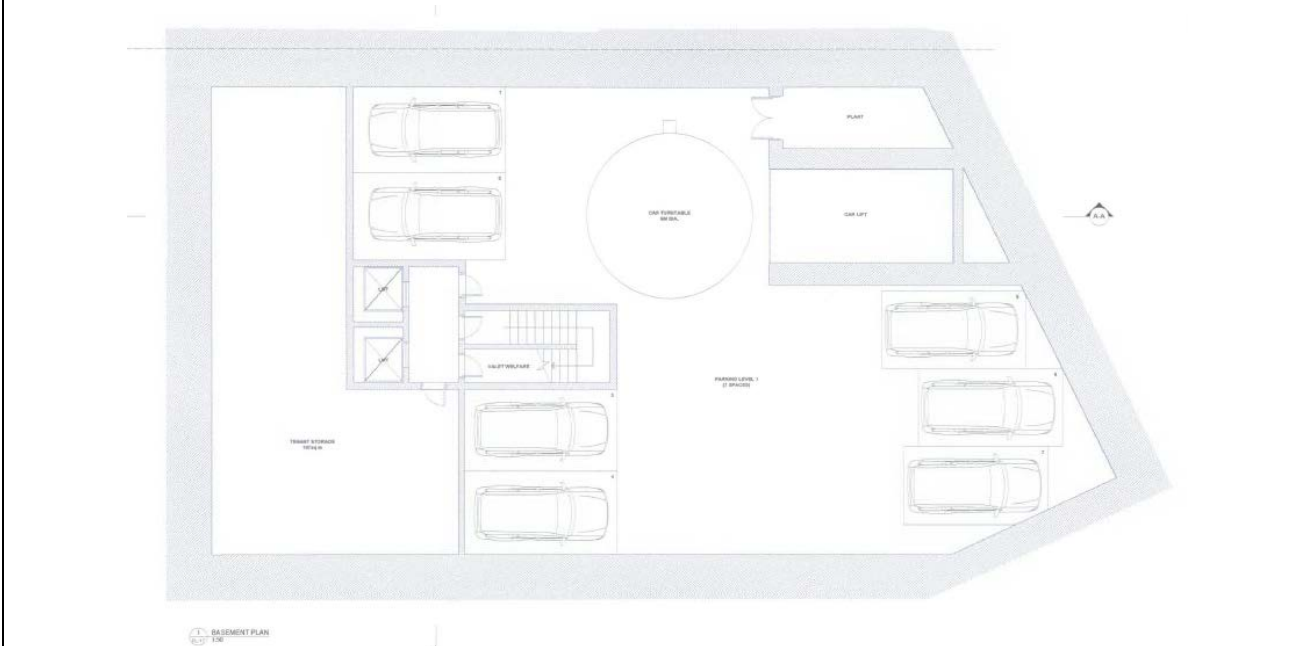




Proposed Section B-B

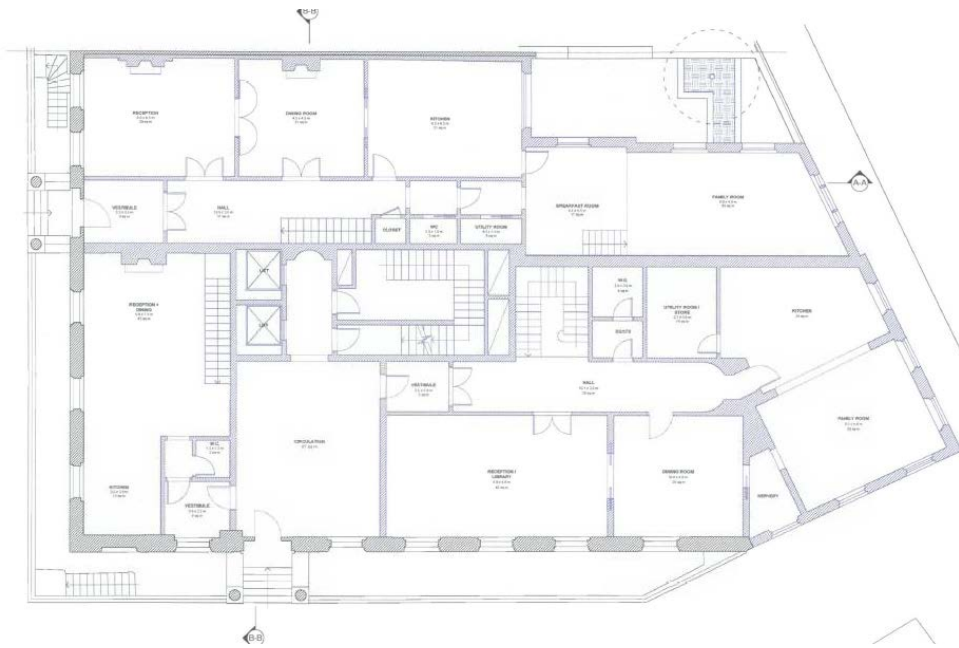


Approved sub-basement plan

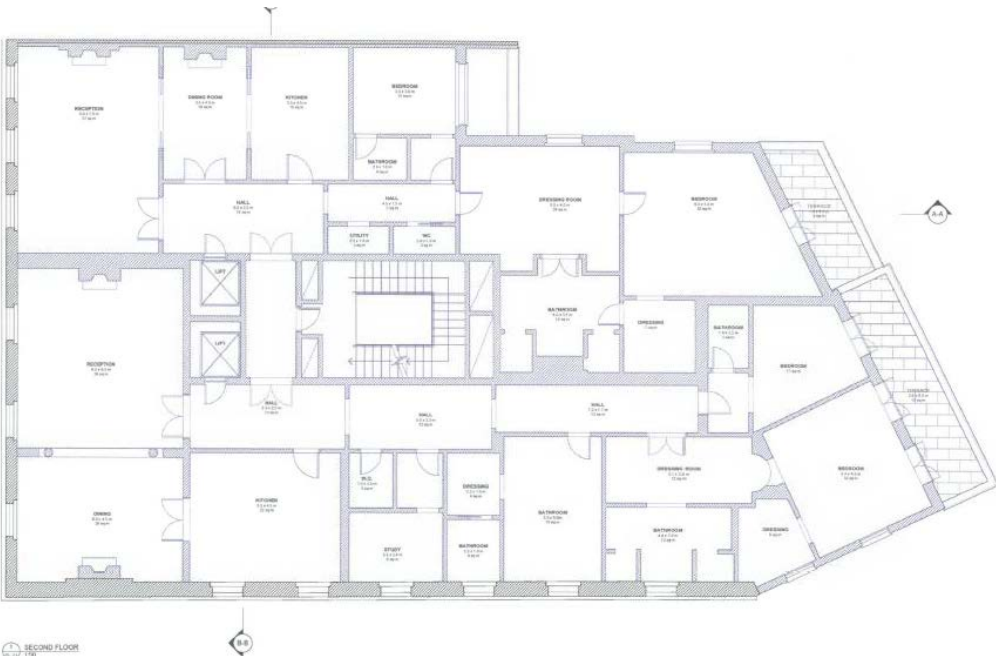


Approved basement plan

Approved 2014 scheme (14/06822/FULL & 14/06823/LBC)
 (Drawings also as approved under 15/05134/FULL & 15/05135/LBC dated 07 September 2015)

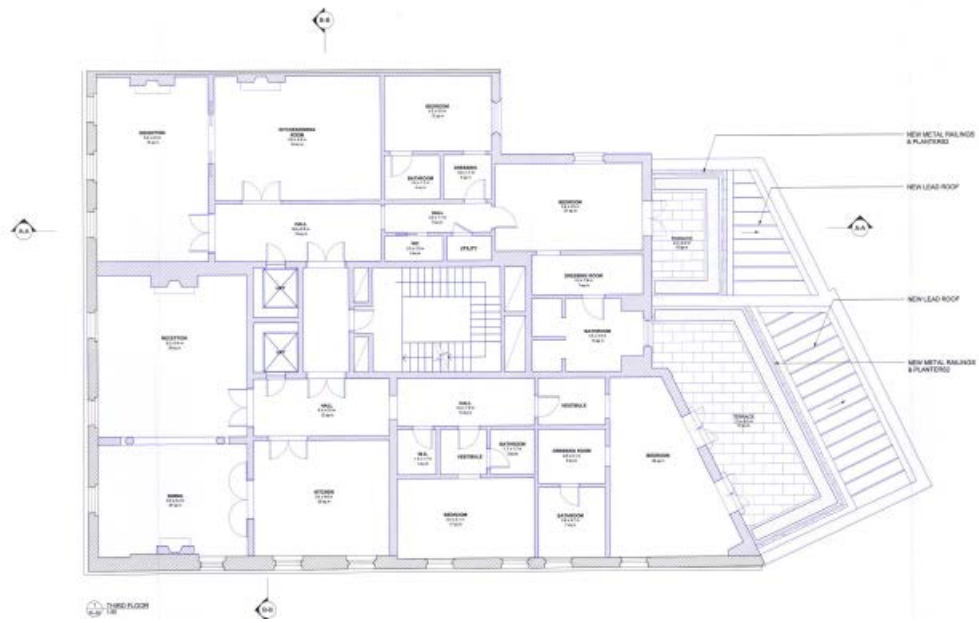


Approved ground floor plan

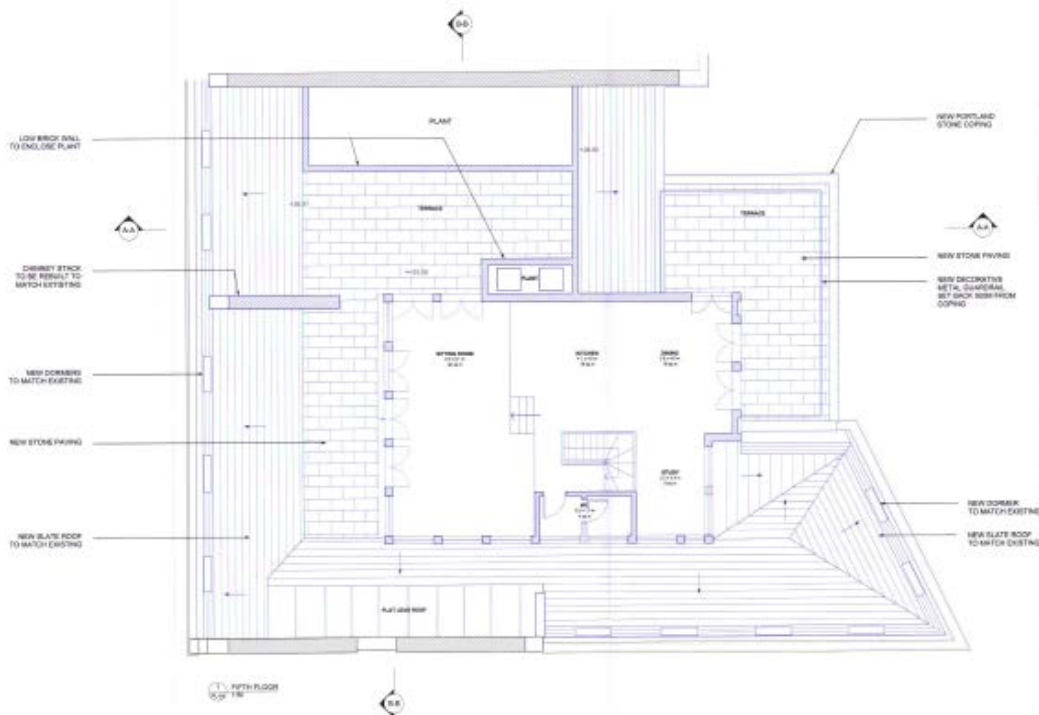


Approved second floor plan

**Approved 2014 scheme (14/06822/FULL& 14/06823/LBC)
 (Drawings also as approved under 15/05134/FULL & 15/05135/LBC dated 07 September 2015)**

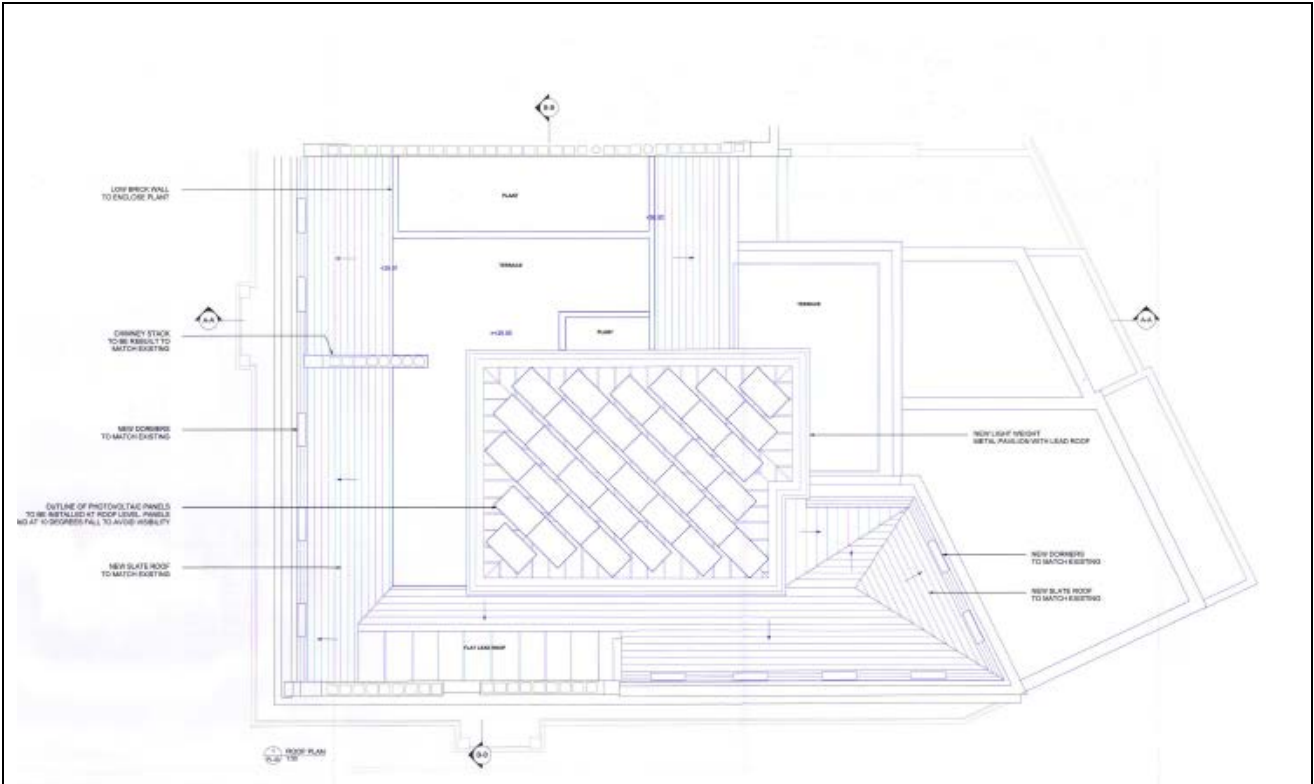


Approved third floor plan



Approved fifth floor plan

Approved 2014 scheme (14/06822/FULL & 14/06823/LBC)
 (Drawings also as approved under 15/05134/FULL & 15/05135/LBC dated 07 September 2015)



Approved roof plan

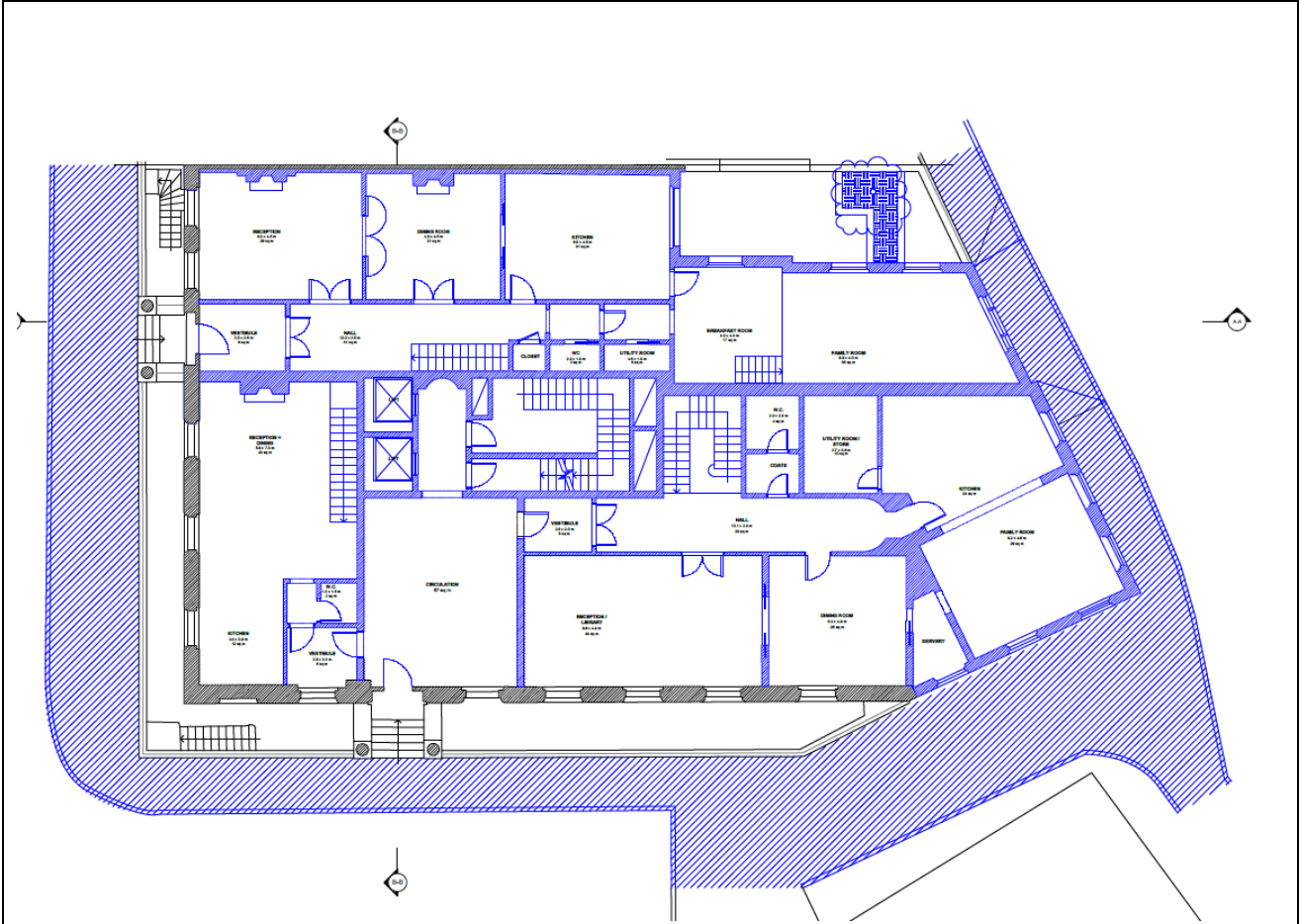
Approved 2014 scheme (14/06822/FULL & 14/06823/LBC)
(Drawings also as approved under 15/05134/FULL & 15/05135/LBC dated 07 September 2015)





Approved rear (north) elevation

Approved 2014 scheme (14/06822/FULL & 14/06823/LBC)
 (Drawings also as approved under 15/05134/FULL & 15/05135/LBC dated 07 September 2015)



Approved ground floor plan (includes new paving and kerb at ground floor level (hatched in blue) to match paving on Buckingham Gate

Approved under 15/05134/FULL & 15/05135/LBC dated 07 September 2015.

DRAFT DECISION LETTER

Address: 4 - 5 Buckingham Gate, London, SW1E 6JP,

Proposal: Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation to provide a single-storey basement and pool. External alterations for the provision of a new off street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of a terrace at rear second floor level within recessed part of the building and a terrace at roof level fronting Buckingham Gate.

Reference: 18/06103/FULL

Plan Nos: PL-01 P01, PL-02 P01, PL-003 P01, PL-004-P01, PL-005 P01, PL-006 P01, PL-007 P01, PL-008 P01, PL-009 P01, PL-010 P01, PL-011 P01, PL-012 P01, PL-013 P01, PL-14 P01, PL-15 P01, PL-03 P01, PL-04 P01, PL-05 P01, PL-06 P01, PL-07 P01, PL-08 P01, PL-09 P01, PL-10 P01, PL-11 P01, PL-12 P01, PL-13 P01, PL-014 P01, PL-015 P01, PL-17-P03, PL-18-P03, PL-19 P03, PL-20 P02, PL-21 P03, PL-22 P03, PL-23 P02, PL-24 P04, PL-25 P01, PL-26 P02, PL-27 P02, PL-28 P04, PL-29 P03, PL-30 P02, Planning Compliance Report (Report 13704-NIA-01 Rev. C dated 18 July 2018 prepared by Clement Acoustics, Noise Exposure Assessment (Report 13704-NEA-01 Rev. A0 dated 06 July 2018 prepared by Clement Acoustics, Ventilation/Extraction System (303515) dated 10/07/2018 prepared by Harley Haddow, Daylight and Sunlight Report for the proposed alterations at 4-5 Buckingham Gate, London, SW1E 6JP (Reference 66765/IM (Rev. B) dated 12 July 2018 prepared by Malcolm Hollis, Energy and Sustainability report dated July 2018, Flood Risk Assessment Issue P01- 16 July 2018, Planning Statement, Transport Statement (Ref: 22662903) dated October 2018 prepared by Steer Davies Gleave, Addendum Planning Report dated December 2018 and Supplementary Transport Assessment dated 13 December 2018.

For information purposes: Accurate Visual Representations (AVR1/3) prepared by Preconstruct Limited dated July 2018, Heritage Statement dated July 2018, Design and Access Statement Rev. A dated October 2018, Structural Method Statement Issue P2- 16 July 2018 (Doc. Ref. 2358-S-SMS-001) prepared by Meinhardt and Site Investigation Report (10260/OT (Rev 0) prepared by Soil Consultants dated 23 July 2018.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Condition(s) and Reason(s)

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

Item No.
1

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 , onot at all on Saturdays, Sundays, bank holidays and public holidays.

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

Reason:

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

- 4 You must carry out the works in accordance with the Structural Method Statement Issue P2- 16 July 2018 (Doc. Ref. 2358-S-SMS-001) or in accordance with other details as submitted to and approved by the City Council.

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

Item No.
1

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

- i) Roof level pavilion;
- ii) Windows and balconies to windows at rear second and third floor level;
- iii) External doors, including garage;
- iv) Decorative metal guard rails; and
- v) Roof level plant equipment (to rise no higher than the adjacent roof ridge line)

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

Reason:

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

6 The railings shall be painted black and retained that colour.

Reason:

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

7 You must apply to us for approval of a sample panel of the following parts of the development:
- Brickwork to all new elevations.

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 sample panels. (C26DB),

Reason:

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

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

Reason:

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

- 9 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

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

- 10 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

Reason:

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

- 11 All servicing must take place between 0830 to 1830 on Monday to Saturday and not on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

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

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

Reason:

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

13 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme.

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

- 14 **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),

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

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

Reason:

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

- 17 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the path between the delivery vehicles and the receiving area and the access doors to the loading bay are designed so as not to cause noise disturbance, and will comply with the Council's noise criteria as set out in Condition(s) 16 and 17 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

You must install the mitigation measures as set out Planning Compliance Report (Report 13704-NIA-01 Rev. C dated 18 July 2018 prepared by Clement Acoustics prior to the operation of the mechanical plant hereby approved. The mitigation measures must be retained and maintained for as long as the units remain operational.

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)

- 19 The full height extract duct discharging at roof level hereby permitted shall not be operated except between 0600 hours and 2300 hours daily.

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)

- 20 Customers shall not be permitted within the ancillary restaurant and bar before 0600 or after 2300 daily.

Reason:

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

- 21 You must not allow more than 130 customers in total into the ancillary restaurant and bar at ground floor level at any one time.

Reason:

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

- 22 You must apply to us for approval of an operational management plan for the hotel. You must not start the use until we have approved what you have sent us. Thereafter you must carry out the use according to the approved plan.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

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

Reason:

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

- 24 You must not use the roof of the extension at rear second and third floor levels as shown on drawings PL-21-P03 and PL-22-P03 for sitting out or for any other purpose. You can however, use the smaller terrace areas set within the recess of the building at rear second and third floor levels for amenity purposes and you can use the roof to escape in an emergency or for maintenance purposes. (C21BA)

Reason:

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

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

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1

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 26 You must provide the waste store shown on drawing PL-17-P03 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the hotel. 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)

- 27 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)

- 28 All servicing and deliveries must take place using the off street loading bay hereby approved on Stafford Place or the cul-de-sac sited adjacent to the site between Buckingham Gate and Stafford Place. No servicing or deliveries for the hotel use hereby approved must take place from the public highway along Buckingham Gate.

Reason:

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

Informative(s):

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

- 2 The servicing management plan is to be secured as part of the Section 106 Legal Agreement.

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

- 4 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.
The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.
If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk
It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 5 You may need separate licensing approval for the ancillary restaurant and bar premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)

- 6 Conditions 16 and 17 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)

- 7 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.

8

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

John Firrell MHCIMA,
Secretary - Considerate Hoteliers Association,
C/o Wheelwright's Cottage,
Litton Cheney,
Dorset DT2 9AR
E-mail: info@consideratehoteliers.com,
Phone: 01308 482313
(I76AA)

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

- 10 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 11 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)

- 12 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 13 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 14 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>
- 15 The Economy Team at Westminster City Council provide support and guidance to developers and contractors in the creation and delivery of employment & skills plans. The Team will provide guidance on local priorities, drafting of employment & skills plans and implementation of activities to deliver commitments. For further information please contact Soyful Alom, Economy Job Broker (salom@westminster.gov.uk)
- 16 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.
- 17 With reference to condition 15 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
- 18 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)
- 19 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the

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building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

- 20 Developing this site is likely to damage archaeological remains. Archaeological work must be carried out in line with condition 14. Please contact English Heritage's Archaeological Officer on 020 7973 3732 to discuss the work which is necessary. (I66AA)

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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DRAFT DECISION LETTER

Address: 4 - 5 Buckingham Gate, London, SW1E 6JP,

Proposal: Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation to provide a single-storey basement and pool. External alterations for the provision of a new off street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of 1no. terrace each at rear second and third floor level within recessed part of the building.

Reference: 18/06104/LBC

Plan Nos: PL-01 P01, PL-02 P01, PL-003 P01, PL-004-P01, PL-005 P01, PL-006 P01, PL-007 P01, PL-008 P01, PL-009 P01, PL-010 P01, PL-011 P01, PL-012 P01, PL-013 P01, PL-14 P01, PL-15 P01, PL-03 P01, PL-04 P01, PL-05 P01, PL-06 P01, PL-07 P01, PL-08 P01, PL-09 P01, PL-10 P01, PL-11 P01, PL-12 P01, PL-13 P01, PL-014 P01, PL-015 P01, PL-17-P03, PL-18-P03, PL-19 P03, PL-20 P02, PL-21 P03, PL-22 P03, PL-23 P02, PL-24 P04, PL-25 P01, PL-26 P02, PL-27 P02, PL-28 P04, PL-29 P03, PL-30 P02, Structural Method Statement Issue P2- 16 July 2018 (Doc. Ref. 2358-S-SMS-001) prepared by Meinhardt

For information purposes: Accurate Visual Representations (AVR1/3) prepared by Preconstruct Limited dated July 2018, Heritage Statement dated July 2018, Design and Access Statement Rev. A dated October 2018, Site Investigation Report (10260/OT (Rev 0) prepared by Soil Consultants dated 23 July 2018.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 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 Birdcage Walk 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 carry out the works in accordance with the Structural Method Statement Issue P2- 16 July 2018 (Doc. Ref. 2358-S-SMS-001) or in accordance with other details as submitted to and approved by the City Council.

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

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

- i) Roof level pavilion;
- ii) Windows and balconies to windows at rear second and third floor level;
- iii) External doors, including garage;
- iv) Decorative metal guard rails; and
- v) Roof level plant equipment (to rise no higher than the adjacent roof ridge line)

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

Reason:

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

- 5 The railings shall be painted black and retained that colour.

Reason:

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

- 6 You must apply to us for approval of a sample panel of the following parts of the development:

- Brickwork to all new elevations.

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 sample panels. (C26DB),

Reason:

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

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

Reason:

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

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

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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. (159AA)

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



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held at 6.30pm on **Tuesday 4th December, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Timothy Barnes (Chairman), Susie Burbridge, Louise Hyams and Guthrie McKie

Also Present: Councillor Mark Shearer (Item 2)

1 MEMBERSHIP

- 1.1 It was noted that from the membership set out on the agenda Councillor Guthrie McKie had replaced Councillor Tim Roca.
- 1.2 Councillor Barnes was appointed Chairman for the meeting.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Barnes explained that a week before the meeting, all four Members of the Sub-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 Sub-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 Sub-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 Louise Hyams declared that she had previously had a Ward Member briefing on Item 2 but not engaged with residents.
- 2.3 Councillor Guthrie McKie declared that he lived in the Bayswater Ward but not close to the sites being considered tonight.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 13 November 2018 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 APPLICATION 1: 11 BRICK STREET, LONDON, W1J 7DF & APPLICATION 2: 17 BELGRAVE SQUARE, LONDON SW1X 8PG

- 1.1 Use of the building as a private members' casino (Sui Generis) and external and internal alterations including replacement of roof level plant.
- 1.2 Application 2: Demolition of annexe building and replacement with rear extensions to 17 Belgrave Square; excavations to create pool hall extension under garden of 17 Belgrave Square and basement beneath mews property; and associated internal alterations; all in connection with the use of the mews property and 17 Belgrave Square as two single family dwelling houses (Class C3).
- 1.3 A representation from DWD Property and Planning (27.11.18) had been circulated.
- 1.4 Late representations from Councillors Glanz and Lewis and Montagu Evans, on behalf of the applicants and a local resident were tabled at the meeting.

RESOLVED: Application 1: 11 Brick Street (Councillor McKie in favour of granting, Councillors Barnes, Burbridge and Hyams against)

1. That conditional permission be refused due to the adverse impact of the introduction of a casino use on the amenity of the area contrary to City Plan Policy CM47.1 and also contrary to City Plan and Unitary Development Plan policies relating to a large entertainment use and resultant loss of residential floorspace. Officers were authorised to approve the detailed reasons for refusal under delegated powers in consultation with the Chairman.
2. Grant conditional listed building consent.
3. That the reasons for granting listed building consent as set out in Informative 1 of draft decision notice be agreed.

Application 2: 17 Belgrave Square and 17 Belgrave Mews West (all in favour)

1. That conditional permission be granted subject to the completion of a legal agreement to secure a contribution to the City Council's Affordable Housing Fund of £1,427,000 (index linked and payable prior to the commencement of development) and the S.106 agreement to also secure the costs associated with the escrow account.

2. That if the S106 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 permissions with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decisions under Delegated Powers; however, if not;
 - b) The Director of Planning shall consider whether the permissions 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 applications and agree appropriate reasons for refusal under Delegated Powers.
3. That conditional listed building consent be granted.
4. That the reasons for granting conditional listed building consent as set out in Informative 1 of draft decision notice be agreed.

2 4 - 5 BUCKINGHAM GATE, LONDON, SW1E, 6JP

- 2.1 Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation to provide a single-storey basement and pool. External alterations for the provision of a new off street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical plant and a pavilion at roof level. Creation of 1 a terrace each at rear second floor level within recessed part of the building and a terrace at roof level fronting Buckingham Gate.
- 2.2 During the course of the presentation officers advised of minor revisions to the description of the proposal as reflected above. A copy of Counsel's opinion, obtained by objectors, was attached.

RESOLVED UNANIMOUSLY: That consideration be deferred for a site visit with a view of seeing how the parking, waste management and servicing issues could be resolved.

3 COLLEGE PARK SCHOOL, GARWAY ROAD, LONDON, W2 4PH

- 3.1 Installation of play equipment within playground area to south west corner of school site adjacent to Monmouth Road and installation of canopy to the south elevation of rear wing of school building.
- 3.2 A representation from 3GM on behalf of the applicant clarifying school numbers dated 28.11.18 had been circulated. Representations from Ward Councillors and local residents were clarified.

RESOLVED UNANIMOUSLY:

That consideration be deferred to enable the schools operating hours to be confirmed and whether issues raised by objectors concerning noise and disturbance could be resolved by discussion by relocation of play equipment and/or noise mitigation measures.

4 27A MONMOUTH ROAD, LONDON, W2 4UT

- 4.1 Demolition of existing raised terrace and erection of single storey rear extension at lower ground floor level with terrace above, erection of single storey side extension at lower ground floor level and associated internal and external alterations to lower ground and ground floors. Replacement of part of garden boundary with No.25 with a new wall, with trellis above.
- 4.2 A batch of drawings and photos on behalf of the applicants had been circulated. A late representation from Councillor Payne was tabled together with representations from local residents.

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted.
2. That conditional listed building consent be granted.
3. That the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter be agreed.

5 186 FERNHEAD ROAD, LONDON. W9 3EL

- 5.1 Excavation of basement floor below existing house with front and rear lightwells, erection of rear extension at ground floor level and associated external alterations, including replacement of windows.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

The Meeting ended at 9.30pm.

CHAIRMAN: _____

DATE _____

Item No.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 04 December 2018	Classification For General Release	
Report of Director of Planning	Ward(s) involved St James's		
Subject of Report	4 - 5 Buckingham Gate, London, SW1E 6JP,		
Proposal	Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation to provide a single-storey basement and pool. External alterations for the provision of a new off street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical plant and a pavilion at roof level. Creation of 1no. terrace each at rear second and third floor level within recessed part of the building.		
Agent	CBRE Ltd		
On behalf of	Cofingham Limited		
Registered Number	18/06103/FULL 18/06104/LBC	Date amended/ completed	19 July 2018
Date Application Received	19 July 2018		
Historic Building Grade	II		
Conservation Area	Birdcage Walk		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to completion of a Section 106 Legal Agreement to secure the following:</p> <ul style="list-style-type: none"> i) funding for the provision of a formal footway crossover to access the service bay on Stafford Place; ii) funding for the costs to reconfigure the existing on-street parking bays in both Stafford Place and the cul-de-sac off Buckingham Gate; iii) secure details of the service management plan; iv) an employment and training opportunities strategy during construction and for the hotel use; and v) costs of monitoring the agreement. <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p>
--



a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permissions with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decisions under Delegated Powers; however, if not;

b) The Director of Planning shall consider whether the permissions 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 applications and agree appropriate reasons for refusal under Delegated Powers.

3. Grant conditional listed building consent.

4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

4-5 Buckingham Gate is a six-storey corner property comprising basement level, ground and four upper floor levels. The building is currently vacant but was previously in office use and occupied by The Mayor's Office for Policing and Crime. The rear of the building backs onto Stafford Place and neighbours residential properties to the rear. The adjoining property at Nos. 1-3 is currently being redeveloped to provide residential flats.

Planning permission and listed building consent are sought for the demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation to provide a single-storey basement and pool. External alterations for the provision of a new off street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical plant and a pavilion at roof level. Creation of 1no. terrace each at rear second and third floor level within recessed part of the building.

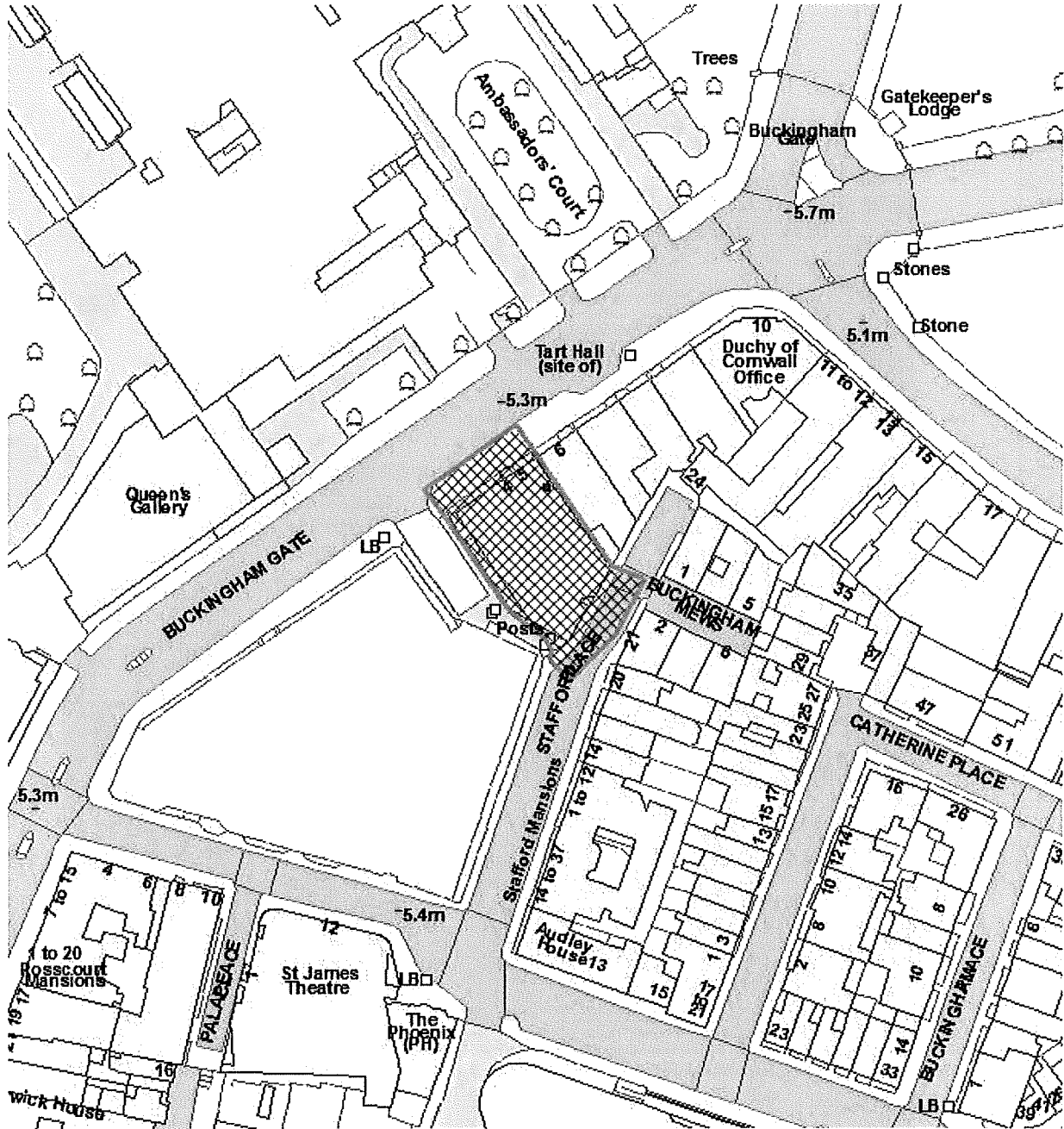
The building is Grade II listed and within the Birdcage Walk conservation area. The site is also located within the Core Central Activities Zone (CAZ).

The key issues for consideration are:

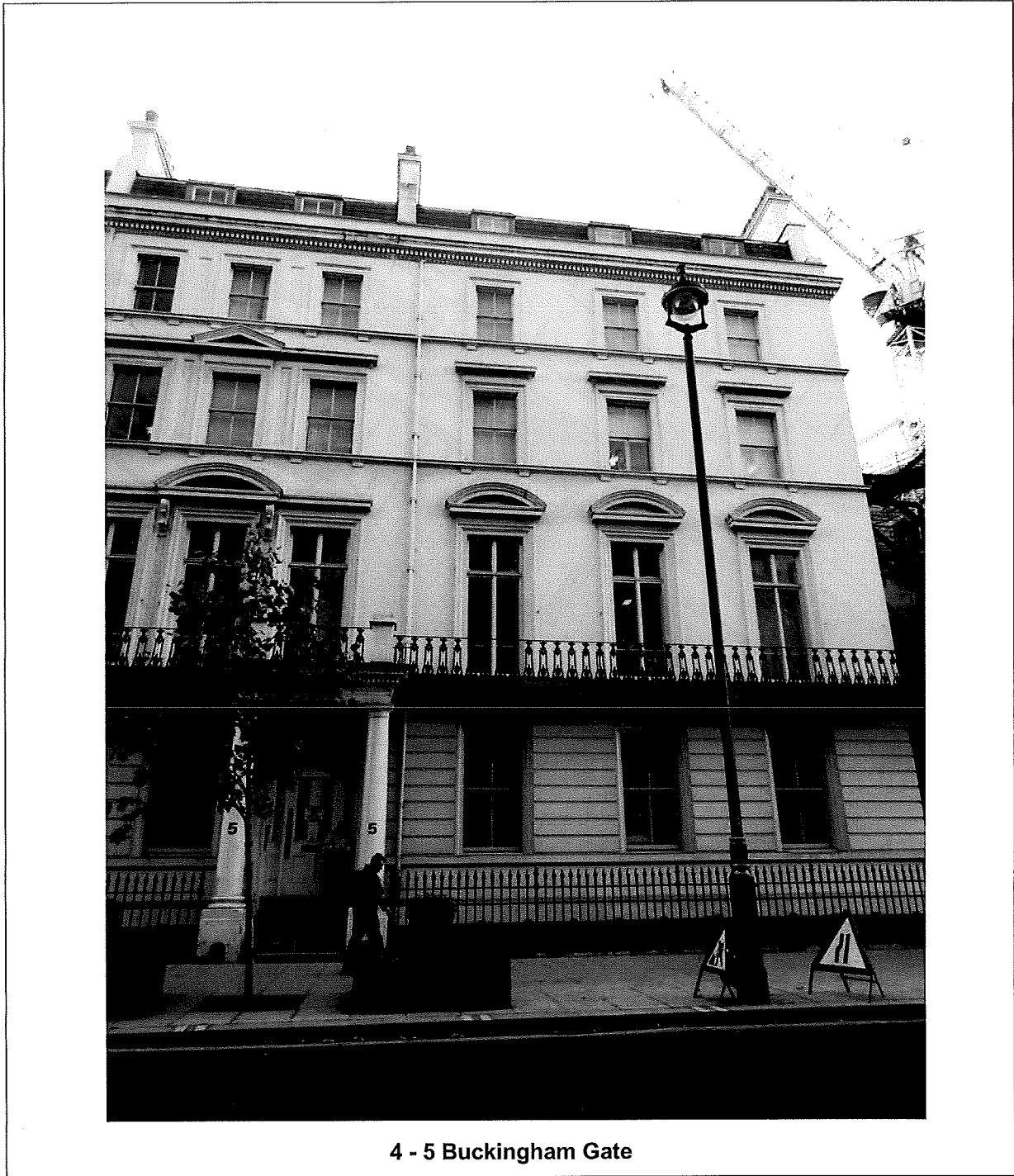
- The land use implications on the surrounding area;
- The impact of the proposal on the amenity of surrounding residents;
- The impact of the proposals on the surrounding highway network; and
- The impact of the proposed alterations on the character and appearance of the building and Birdcage Walk Conservation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

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

3. LOCATION PLAN



4. PHOTOGRAPHS



[REDACTED]

5. CONSULTATIONS

WESTMINSTER SOCIETY:

Objection.

- concentration of hotel uses in the area approaching saturation.
- adverse impact of servicing, increased traffic and use of rear terraces on residential amenity.

BUCKINGHAM PALACE:

Any comments to be reported verbally.

HISTORIC ENGLAND:

Authorisation received (01 August 2018) to allow City Council to determine application as seen fit.

HISTORIC ENGLAND (ARCHAEOLOGY):

- Proposal could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation.
- Recommend a condition to secure a written scheme of investigation.

HIGHWAYS PLANNING MANAGER:

No objection subject to securing via a S106 Legal Agreement

- servicing details via a servicing management plan;
- provision of a footway crossover to access the rear off street service bay; and
- reconfiguration of existing on-street parking bays in both Stafford Place and the cul-de-sac off Buckingham Gate.

TRANSPORT FOR LONDON:

No objection subject to the following:

- End of journey (shower and changing) facilities should be provided for staff who travel to the site by sustainable modes.
- TfL recommend that a Construction Logistics Plan (CLP) to be submitted and approved by the Council prior to construction work taking place on site, in accordance with the London Plan policy 6.14 'Freight'.
- TfL requests that a travel plan should be secured and monitored through a S106 obligation, in accordance with the London Plan policy 6.3 'Assessing Effects of Development on Transport Capacity. The Travel Plan should be produced in accordance with DfT and TfL guidance and that its content is reviewed in accordance with the ATTrBuTE assessment tool.
- The Hotel should not accept coach bookings and this should be secured by condition.

VICTORIA BUSINESS IMPROVEMENT DISTRICT (BID):

- supportive of proposals to increase vibrancy of Victoria.
- Concerns over energy system proposed.
- Inclusion of a loading bay is welcomed but concerns raised over the level of trips generated by the proposed hotel.

WASTE PROJECT OFFICER:

No objection subject to condition requiring the provision of waste and recyclable stores.

ENVIRONMENTAL HEALTH:

No objection subject to noise conditions.

BUILDING CONTROL:

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail.

ENVIRONMENT AGENCY:

No objection.

METROPOLITAN POLICE:

Any comments to be reported verbally.

DESIGNING OUT CRIME:

Any comments to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 73

Total No. of replies: 22

No. of objections: 22

Objections on some or all of the following grounds:

LAND USE

- Change of use to a hotel is unsuitable.
- Saturation of hotels in the area.
- Building more suited to providing low density flats.
- Loss of office space.

AMENITY

- Noise caused by vehicles entering and exiting the loading bay on Stafford Place.
- No peace during the night due to activity from hotel.
- Provision of a rooftop bar and terraces would increase noise and disturbance.
- Residents already experiencing noise and disturbance from existing developments/construction works neighbouring the site.
- Terraces to the rear of the site would face residential properties.
- Noise from terraces to the rear and at roof level.
- Loss of privacy due to location of the balconies to the rear.
- Only Juliette balconies should be permissible to the rear.
- Provision of a roof garden at roof level would improve amenity of the building and wider area.
- Stafford Place is a dead end and a residential street, uncontrolled 24 hour access for servicing and deliveries would cause noise, disturbance and nuisance to residents.
- Rooftop pavilion, mechanical plant at roof level and terraces would be unbearable to residents.
- Pavilion only used as a guest bedroom and not as external amenity space.
- Intense of use of rooms.

DESIGN

- Objection to complete demolition behind the retained front and side facades.
- Impact of proposals on the listed building and conservation area.
- Proposal would affect the setting of the adjoining listed buildings.

HIGHWAYS

- Long term impact of proposal and servicing of the site.
- Access to the loading bay in Stafford Place is along a small narrow road/cul-de-sac.
- Increase volume of traffic along Stafford Place.
- Servicing and deliveries should be at the front of the building on Buckingham Palace Road.
- Increase pressure on existing on street parking.
- Resident bays would be affected by proposals.
- Cars waiting for hotel guests.
- No public access to the rear/south side of the building.
- Vehicle servicing and deliveries should be from 7.30am to 10.30pm.
- Refuse will be collected daily at unspecified times.
- Stafford Place already used as a shortcut.
- Loading bay has a fairly small entrance for delivery vehicles (van size) not suitable for larger vehicles.
- Proposed loading bay would destroy the residential feel of this small cul-de-sac.
- Proposal is impractical as larger vehicles would find it difficult to manoeuvre along the narrow street.
- Ancillary services unclear what these are.
- Deliveries in excess of what has been stated.
- Taxis will be using and parking in Stafford Place.
- Daily collection of waste would impact on residential amenity and would be unsightly.
- Stafford Place will turn quiet single cul de sac into a service road.
- Increase noise, traffic and reduced parking.
- Increased frequency of delivery and servicing for the hotel.
- No provision for on-site facilities for setting down and picking up of visitors.

BASEMENT DEVELOPMENT

- Vibration and cracking and damage to the row of Grade II listed buildings.
- Impact of basement construction on foundations of adjoining buildings.
- Impact of basement works.

OTHER

- Disruption caused by construction works.
- Congestion due to delivery vehicles along Stafford Place with vehicles reversing in and out of the loading bay.
- No proposal to clean/maintain neighbouring housing.
- Waste management proposals.
- Air pollution caused by construction works.
- Cumulative impact of construction works and traffic with No. 1 Palace Street.

Should the application be approved then consider the imposition of conditions to control operation of hotel use.

Item No.

RE-CONSULTATION ON 15 OCTOBER 2018

(The re-consultation took place following amendments to introduce a turntable within the proposed service bay to the rear of the site.)

ADJOINING OWNER/OCCUPIERS:

No. consulted: 23.

No. of objections: 10.

Objections on some or all of the following grounds:

DESIGN

- The hotel would impact on the character of the Birdcage Walk Conservation Area and adjoining listed buildings.

AMENITY

- Noise created by smaller terraces.
- Loss of privacy.
- Noise disturbance from roof top pavilion and terraces.
- Overlooking caused by balconies.

HIGHWAYS

- Even with the inclusion of a turntable within the loading bay it is evident vehicles would still reverse out into Stafford Place.
- Difficulty in enforcing phased deliveries.
- Congestion on Stafford Place due to deliveries to the hotel.
- Entrance to delivery bay appears too small.
- Unclear whether access door to garage would operate silently.
- Increase in traffic to the hotel and people gathering at entrances to the hotel.

OTHER

- Security issues raised by presence of hotel within a residential area.
- Other developments in the area already increasing traffic in the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes



6. BACKGROUND INFORMATION

6.1 The Application Site

4-5 Buckingham Gate is a six storey corner property comprising basement level, ground and four upper floor levels. The building is currently vacant but was previously in office use and occupied by The Mayor's Office for Policing and Crime. The rear of the building backs onto Stafford Place and neighbours residential properties to the rear. The adjoining property at Nos.1-3 Buckingham Gate is currently being redeveloped to provide 72 residential units.

The building is Grade II listed and within the Birdcage Walk conservation area. The site is also located within the Core Central Activities Zone (CAZ).

6.2 Recent Relevant History

15/05134/FULL and 15/05135/LBC

Demolition behind retained front and side facades on Buckingham Gate and redevelopment to provide eleven residential flats including excavation to provide additional basement and sub-basement levels. External alterations including alterations to windows, installation of plant equipment at roof level to provide additional residential accommodation and creation of terraces on Stafford Place frontage at rear second, third and fifth floor level together with vehicular crossover from Stafford Way and associated highway works.

Applications Permitted

7 September 2015

14/06822/FULL and 14/06823/LBC

Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide 11 residential flats including excavation to provide additional basement and sub-basement levels. External alterations including alterations to windows, installation of plant equipment at roof level, an extension at roof level to provide additional residential accommodation and creation of terraces on Stafford Place frontage at rear second, third and fifth floor level.

Applications Permitted

3 November 2014

The adjacent building Nos. 1-3 Buckingham Gate has planning permission and listed building consent for the provision of 72 residential units and associated external and internal alterations and is currently under construction (15/04136/FULL and 15/04347/LBC).

7. THE PROPOSAL

Planning permission and listed building consent are sought for the demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation works include the provision of a single-storey basement to accommodate a swimming pool, spa and gym facilities and associated plant room and ancillary hotel facilities. External alterations include the provision of a new off street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical

plant at roof level and a pavilion at roof level. Terraces are provided at rear second, third and front fifth floor levels.

In 2014 and 2015 planning permission and listed building consent were granted for the demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide 11 residential flats. Excavation works to provide a basement and sub-basement levels. External alterations included alterations to windows, mechanical plant at roof level and an extension at roof level to provide additional residential accommodation. Terraces at rear second, third and fifth floor levels fronting Stafford Place (14/06822/FULL & 14/06823/LBC and (15/05134/FULL & 15/05135/LBC respectively). The 2015 was similar to the 2014 scheme but was amended to include highways works to provide a vehicular crossover from Stafford Way. These works were included as part of the red line relating to the application site. Both the 2014 and 2015 schemes have not been implemented and both have now lapsed.

The proposals in terms of the external alterations are broadly similar to those previously approved. The main changes to the previously approved schemes can be summarised as follows:

- Use of the building as a hotel;
- Alterations to the internal layout to accommodate the proposed hotel use;
- Provision of a rear service yard/ bay and associated highways changes;
- Alterations to the rear and side elevations;
- Provision of mechanical plant at roof level; and
- Omission of the previously approved sub-basement level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The table below shows the existing and proposed floorspace figures (sqm):

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1a)	3133	0	- 3133
Hotel (Class C1)	0	3653	+ 3653
Total	3133	3653	+ 520

Loss of office use

The lawful use of the premises is as offices and although vacant, was until recently occupied by The Mayor's Office for Policing and Crime (MOPAC).

Since the approval of the 2014 and 2015 schemes the City Council formally adopted the latest version of Westminster's City Plan (November 2016), which includes the Special Policy Areas and Policies Map Revision, as well as the previously adopted Basements Revision and the Mixed use Revision. Therefore the policies, which are of particular relevance to the proposals in light of the revised Westminster City Plan are Policy S20 (Offices and Other B1 Floorspace) and Policy CM28.1 (Basement Development).



The aim of Policy S20 is to restrict the change of use from offices to residential within the Core Central Activities Zone, Opportunity Areas and the Named Streets. However, Policy S20 does not preclude the loss of offices to other commercial uses within these areas. The application site is within the Core Central Activities Zone. The proposed use of the building as a hotel (Class C1) would result in the loss of 3,133sqm of office floorspace. However, in accordance with Policy S20 this is considered acceptable in land use terms.

Proposed hotel use

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

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

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

The proposal is for a 53 bedroom hotel which is to be operated by Cofingham Ltd. Cofingham is new British subsidiary of a family owned business, which already operates hotels in Luxembourg and has two boutique hotels in Paris (Hotel D'Aubusson and Hotel Millesime). There are two entrances into the proposed hotel (which utilise the existing access arrangements) at ground floor level, which would provide access to the proposed restaurant/ hotel bar from Buckingham Gate and the side entrance to the concierge desk/ reception as well as the hotel restaurant and bar. The room sizes range from 18 to 65sqm. The hotel and bar area would be open to both non-hotel guests and hotel guests and accommodate a maximum of 130 guests. The hotel will be staffed 24 hours a day, seven days a week. At night time no less than two employees will be on site, with an average of 25 employees on site during the daytime.

The proposed new basement level will provide a swimming pool, spa and gym facilities, a dedicated area for mechanical plant, as well as the hotel's kitchen and storage facilities. At lower ground floor level 8no. hotel rooms are to be provided along with ancillary hotel facilities (changing rooms, hotel office and plant rooms). At ground floor level in addition to the proposed restaurant/bar and hotel reception 5no. hotel rooms are to be provided and to the rear a new on-site loading bay is to be provided. The upper floor levels will provide the remainder of the hotel rooms with a penthouse within a new pavilion and terrace provided at roof level.

All the proposed hotel rooms have windows. Terraces are proposed at rear second, third and fifth floor levels. At rear second and third floor level 2no. rooms each (Rooms

208 and 209 and Rooms 306 and 307) will have access to a terrace. At fifth floor level a terrace is proposed at fifth floor level to the front of the building facing Buckingham Gate.

The hotel will have a hotel manager on duty 24 hours a day and approximately 25 members of staff will be employed by the hotel.

The application site fronts Buckingham Gate and is located opposite Buckingham Palace and the mews. Buckingham Gate is a red route, which is a fairly busy route. In contrast the rear of the site backs onto Stafford Place, which is primarily residential in character and by contrast quieter.

A number of objections have been received from residential occupiers within Stafford Place and the surrounding area. One of the main issues raised is the inappropriateness of use of the building as a hotel and that there is an oversaturation of hotels within the vicinity of the site.

8.2 Townscape and Design

The proposed design alterations take their cue from the approved 2014 and 2015 schemes and whilst largely based on the previously approved schemes, where they do differ, this is in order to accommodate changes in line with the proposed use of the building as a hotel.

Records indicate that the building was largely rebuilt behind the existing Buckingham Gate and side façades in the 1970's. The only remaining features of interest are the front and side elevations. The internal core and floors levels are constructed of concrete and the rear section built as part of earlier renovation works. As a result there is very little in the way of surviving historic features.

Given the interior of the building was rebuilt behind the façade and that the previously approved schemes allowed a total rebuild, the internal works including the new basement are considered acceptable in design and listed building terms.

Rear and side elevation

The rear of the building currently has an awkward mix of extensions. The rear extensions are to be rebuilt using a similar massing to existing, although there is a modest increase in height and depth by an additional 1.3m and 1.13m respectively. These extensions in terms of their built form are identical to the extensions approved under the 2014 and 2015 schemes. The extensions are to be built in materials matching those currently found on the site.

The extensions at rear second and third floor level introduce terrace areas, which will be accessed from a total number of four hotel rooms at these levels. These terraces are to have simple black metal railings around the perimeter and are as previously approved.

The windows on the rear elevation are designed to complement the windows in the original listed building facades. The proposed rear elevation includes four additional windows and doors to that previously approved, but in doing so creates a more ordered



appearance. On the side elevation (west) the unblocking of windows on this elevation is considered acceptable subject to design details.

It is proposed to include off street servicing through the provision of a new loading bay at rear ground floor level. Under the previously approved scheme garage doors were approved to provide access to the sub-basement and basement level car parking areas. The proposed loading bay and its external treatment is considered acceptable in design terms.

The proposals are considered to make a positive contribution to the conservation area, improving the appearance of the Stafford Place frontage.

Roof Level Alterations

At roof level a new roof extension is proposed which replaces the existing unsightly plant enclosure and railing. The principle of an extension at roof level has previously been accepted and is therefore considered acceptable in this instance. However the roof extension associated with the approved residential schemes, in terms of usable floorspace, occupied a larger area to that now proposed and included two large terrace areas, which wrapped around the residential unit at roof level.

The proposed extension, will accommodate a hotel room and is located to the front of the roof area facing Buckingham Gate. The remainder of the extension will accommodate lift/lobby area and back of house staircase. The area to the rear where the terrace was approved is to now accommodate mechanical plant within an enclosure.

As with the approved scheme the verified views confirm that the pavilion will not be visible from street level on either the north or west elevations. Whilst roof level extensions are contentious in this case it replaces an existing taller addition and is considered acceptable in principle.

Notwithstanding the above, the proposed design of the pavilion is important to the overall appearance of the building and therefore a condition is recommended to secure details of the extension. A new plant enclosure is to be provided within the east side of the roof and enclosed by the roof pitch and a low level brick wall. The roof pitch neatly hides the enclosure, making it unnoticeable from street level.

Alterations to the Vaults

Policy TRANS 19 of the Unitary Development Plan (UDP) 2007 aims to limit the extent of new basement vaults under the highway. The City Council will generally restrict the lateral and vertical extent of new or extended basement areas under the adjacent highway so that there remains a minimum vertical depth below the footway or carriageway of about 900 mm and the extent of the new or extended basement area does not encroach more than about 1.8m under any part of the adjacent highway. This is to ensure that services and essential street furniture can be provided, and that adequate space is available between the highway and any basements.

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The lowering of the floor within the vaults is modest and considered acceptable. The openings between the vaults are to be rationalised and maintain a single door width opening between each vault.

8.3 Residential Amenity

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

4-5 Buckingham Gate has two entrances, one fronting Buckingham Gate and the other on the side elevation. The nearest residential property is located adjacent to the application site at No. 6 Buckingham Gate. Other residential properties are located at Nos. 7-9, which comprises of flats. To the rear of the site are other residential properties including Nos. 14-23 Stafford Place, Nos. 1-5 Buckingham Mews, and Stafford Mansions in Stafford Place. The rear of the site also leads into Buckingham Gate, Palace Street and Catherine Place, which are predominately residential in character.

Nos. 1-3 Buckingham Gate has planning permission and listed building consent for the provision of 72 residential units and associated external and internal alterations and is currently under construction (15/04136/FULL and 15/04347/LBC).

Sunlight and Daylight

A daylight and sunlight report has been submitted with the application and the following properties have been assessed:

Located to the east of the site:

6 Buckingham Gate; 22, Stafford Place, 23 Stafford Place and Nos. 1, 3 and 5 Buckingham Mews.

Located south-east of the site:

2 Buckingham Mews.

Located south of the site:

14 Stafford Place, 16 Stafford Place, 18 Stafford Place, 20 Stafford Place and 21 Stafford Place.

Located west of the site:

1 Palace Street

Located north of the site:

Buckingham Palace.

Nos. 21-24 Stafford Place and the properties in Buckingham Mews are two storey buildings. Nos. 14-20 Stafford Place are five storey buildings and Stafford Mansions is 8/9 storeys tall.

The following tests were undertaken:

The Vertical Sky Component (VSC)

For a window to be considered as having a reasonable amount of skylight reaching it, the BRE Guidelines suggests that a minimum VSC value of 27% should be achieved. If the VSC with the new development in place is both less than 27% and less than 0.8 times its former value, then the reduction in light to the window is likely to be noticeable.

A total of 205 windows in the properties named above were tested. All properties tested demonstrated compliance with the BRE standards with the exception of three windows at No.6 Buckingham Gate located at basement and lower ground floor level. At basement level the VSC change is 0.78 times its former value and at lower ground floor level, windows 1 and 2 were 0.76 and 0.68 times its former value.

The basement plan of No. 6 Buckingham Gate (08/05779/FULL and 08/05780/LBC) approved a swimming pool at basement level, a kitchen at rear lower ground floor level leading into a glazed atrium/conservatory to the rear and a formal dining room at rear ground floor level with a void at rear ground floor level over the over the lower ground floor atrium/conservatory. A representation on behalf of No. 6 has stated that there is a dining room/kitchen at rear ground floor level. Whilst the VSC levels for the basement and ground floor level represent a technical breach, the figures for two of the windows tested are only marginally below the requisite criteria. In addition these windows are located within a light well area and are bounded by the boundary wall fronting Stafford Place. Given that the remainder of the single dwelling house satisfies the BRE guidelines it is not considered a refusal is justified on this basis in this instance.

No Sky Line

This describes the distribution of daylight within rooms by calculating the area of the 'working plane', which can receive a direct view of the sky ((0.7m from floor level in offices and 0.85m in dwellings and industrial spaces). The BRE Guidelines state that if following the construction of a new development the No Sky Line moves such that the area of existing room that does not receive direct skylight is reduced to less 0.8 times its former value, the impact will be noticeable to the occupants.

Of 91 rooms tested in the properties identified, all were BRE compliant.

Annual Probable Sunlight Hours (APSH)

Compliance will be demonstrated where a room receives:

- At least 25% of the APSH (including at least 5% in the winter months), or
- At least 0.8 times its former sunlight hours during either period, or
- A reduction of no more than 4% APSH over the year.

The properties tested here were No.6 Buckingham Gate, Nos. 1, 3 and 5 Buckingham Mews, 1 Palace Street and Buckingham Palace. Of the 62 windows tested all were BRE compliant.

Overshadowing

An assessment in terms of overshadowing has been made on No.6 Buckingham Gate. This specifically tested the amenity area at lower ground floor level, which comprises an area of approximately 10.24sqm and showed no change to the existing and proposed lit area and therefore meets the BRE guidelines.

Sense of Enclosure

The proposed extensions follow the same line as that approved under the 2014 and 2015 schemes. Notwithstanding this the proposals do not result in a material sense of enclosure to warrant a refusal of the application proposals.

Privacy

Under the 2014 and 2015 schemes (14/06822/FULL & 14/06823/LBC and 15/05134/FULL & 15/05135/LBC) terraces were approved. The proposed terraces at second and third floor level are identical in terms of size and location to the terraces previously approved.

There are two small terraces, one each at rear second and third floor level, set within the recessed part of the building. These smaller terraces do not have direct views of the Stafford Place properties but overlook the roofs of the Buckingham Mews properties. These are not considered to give rise to overlooking as they are some distance away from the residential buildings fronting Stafford Place, which are located some distance away so as not to cause direct overlooking into these properties. Due to the inset nature of these smaller terraces it is not considered these terraces would adversely affect the adjoining property at No. 6 Buckingham Gate in terms of overlooking.

Two large terraces were approved to the fifth floor level under the 2014 and 2015 schemes, which wrapped around the approved roof top pavilion. In this latest proposal, the fifth floor terrace is smaller and only located to the front part of the roof. The roof top pavilion, which is to accommodate a hotel room does have full openable doors onto the terrace. On officer's advice the opening to the pavilion has been amended and is as per the approved scheme and provides fixed panels and individual door frames/openings onto the terrace. In amenity terms the terrace at fifth floor level is smaller and located to the front of the building overlooking Buckingham Gate. The terrace is not considered to have an adverse impact on residential amenity in terms of overlooking or loss of privacy.

The proposed terrace does have a line of sight towards the mews and the side elevation of Buckingham Palace. Buckingham Palace have not commented on the proposals.

Off-street servicing bay

The proposed servicing of the hotel will take place in an off-street servicing bay with a turntable accessed from Stafford Place to the rear. The expected number of servicing trips per day for the hotel will be 9, whereas the existing office generated 6 daily trips and was not the subject of any conditions controlling servicing of the site.

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The proposed off-street servicing bay is located adjacent to Nos.6-9 Buckingham Place, which is in residential use, at ground floor level.

No.6 gained approval for use as a single dwelling house in 2008. The rear ground floor of No. 6 was approved as a formal dining room leading into a glazed atrium/ conservatory. Representations on behalf of No. 6 have stated that the rear ground floor is in use as a dining room/ kitchen and raise concerns with regards to the proximity of the loading bay and noise arising from its use. The proposed loading bay is to be acoustically lined along the party wall and soffit area to mitigate against noise transference to the neighbouring property.

No. 6 has its own garage at rear ground floor level, which is located adjacent to the ground floor void and to the rear of the entrance hallway. In addition a garage is also provided for a studio flat to the rear of No. 7, which is located adjacent to the entrance hallway of No. 6. The proposed loading bay in comparison to the garages provided at Nos. 6 and 7 is likely to be more used than the adjoining domestic dwellings. However, in terms of noise the actual loading bay would be located adjacent to the rear amenity space and void serving the lower ground floor atrium/ conservatory as opposed to the habitable room. It is not considered that the location of the loading bay would cause material harm to the amenity of the occupiers of the dwelling house at No. 6.

The proposed off-street servicing bay is also located opposite No.21 Stafford Place, which is also in residential use. Although there will be an increase in number of servicing trips compared to the existing hotel use, it is not considered to result in significant harm in terms of disturbance given that servicing will take place off-street compared to the existing situation where servicing is unregulated and would take place on street.

8.4 Transportation/Parking

Servicing and deliveries

Policy S42 of the City Plan and TRANS20 of the UDP require the provision of off-site servicing. The existing building has no vehicular access and no off-street servicing or parking. Servicing and refuse collection is currently undertaken on street.

The site is located along a red route on Buckingham Gate. The footway along Buckingham Gate has been widened and the carriageway of Buckingham Gate has been reduced in width in recent years. There is now one wide lane for south-westbound traffic where there were previously two. This is coupled with double yellow lines and the introduction of an anytime loading restriction. Servicing is not possible from Buckingham Gate.

There is existing on-street parking bays in both Stafford Place and the cul-de-sac off Buckingham Gate. These are within a Controlled Parking Zone (Monday to Friday between 0830 and 1830), which means that single and double yellow lines in the vicinity allow loading and unloading to occur. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle.



The submitted transport statement states the main entrance into the hotel will be from Buckingham Gate, with a secondary access from No. 5. The applicant has stated that the proposed hotel will use the same vehicular access as approved under the residential scheme.

Visitor drop-off will take place within the cul-de-sac adjacent to No. 4. It is proposed that the southernmost parking bay is relocated to the northern end, thereby allowing a 'turning head' to be provided to enable vehicles to enter and exit from and onto Buckingham Gate.

Alterations are proposed to the rear to include an off-street loading bay with a turntable for servicing. In the cul-de-sac off Buckingham Gate there are parking bays and the hotel proposes using this area for taxi drop-off at the front of the hotel within this cul-de-sac. The Highways Planning Manager has welcomed the provision of off street servicing, as this will enable vehicles to enter the loading bay, which will be equipped with a turntable so that vehicles do not have to reverse back into Stafford Place as the turntable would enable them to drive out forwards. Officers consider this is preferable to the existing situation. If the building were to re-open as an office there would be no servicing bay or turntable and the only option would be to service from Stafford Place. The only way of servicing in a vehicle of any size would be to reverse all the way up or back down Stafford Place, which officers consider a less satisfactory situation than the one proposed.

The servicing bay to the rear will be accessed via a new 3.3m crossover. This will also involve the reconfiguration of the existing parking bays along Stafford Place but will not result in the reduction in the current parking bays provided. All costs are to be covered by the applicant.

There have been a number of concerns from residents that the proposed loading bay is not of a sufficient size to accommodate vehicles and that servicing will end up being undertaken on street. The loading bay has been designed to accommodate a 4.6 tonne panel van. Conditions are recommended that all servicing is undertaken within the loading bay and not on street. All deliveries will be pre-booked. The proposed servicing trips per day for the hotel will be 9, whereas the existing office generated 6 daily trips and was not the subject of any conditions controlling servicing of the site.

Transport for London (TfL) as highways authority has been consulted on the proposals, as well as the City Council's Highways Planning Manager.

TfL have raised no objections to the proposals provided that a condition is secured for details of a construction logistics plan prior to construction on site and that a travel plan is secured through a Section 106 Legal Agreement for a travel plan, and no coach bookings are accepted by the hotel.

The Highways Planning Manager has raised no objections to the proposal but as with TfL has requested a Section 106 Legal Agreement to secure funding for the provision of a formal footway crossover to gain access to the servicing bay across the footway in Stafford Place and will need to fund the costs associated with moving a parking bay.

The applicant has agreed to accept a condition relating to the submission of a servicing management plan to be secured as part of any proposed Section 106 Legal Agreement.

Coaches and Taxis

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

TfL and the City Council's Highways Planning Manager request a condition prohibiting the application site from knowingly accepting coach bookings. On this basis, a condition is recommended to restrict the size of party bookings to minimise the risk of coaches attending the site.

Cycle Parking

The London Plan Policy 6.9 requires one cycle space per 20 bedrooms (long stay) and 1 space per 50 bedrooms (short stay). The cycle parking must be within the site, have convenient level access, be secure and weatherproof.

The proposal is seeking to provide five cycle spaces, which will be accommodated within the ground floor servicing bay. The provision of five cycle spaces exceeds that required by policy and is considered acceptable. A condition is recommended to secure the provision of the cycle spaces.

8.5 Economic Considerations

The economic benefits associated with the creation of a new hotel are welcomed. The proposed hotel will employ 50-55 employees, with 25 members of staff (full-time) on site during the daytime. An employment and training opportunities strategy will be secured by condition.

8.6 Access

Access into the building remains unchanged. The only alteration is to the rear elevation to provide an off street servicing bay.

8.7 Other UDP/Westminster Policy Considerations

Sustainability

The applicant has submitted an Energy and Renewables Statement in support of their application. The existing building will incorporate energy efficient mechanical and electrical elements including high performance glazing, heat recovery ventilation, lighting efficiency and low carbon energy technology comprising of Air Source Heat Pumps and

Photovoltaic panels, which will achieve a 22.9% improvement in carbon emissions based on the current Building Regulations (2014) for the hotel.

Victoria Bid have submitted a letter in support of the application proposals but have raised concerns over the energy system proposed. They state that the air quality impact of the Combined Heat and Power (CHP) system on air quality is not covered in the documents; and that abatement equipment should be proposed where the plant is forecasted to worsen air quality. The applicants in consultation with their technical team have stated that the CHP acts as a lead boiler and as such is an internal piece of equipment. The equipment will discharge in accordance with the clean air act (with reference to Institute of Gas Engineers and Managers (IGEM) document 10) as to adequately disperse any flue gases away from the adjacent properties.

The previously approved scheme included proposals for solar panels on the roof but this is not proposed as part of the submitted scheme. The development achieves compliance with the 22.92% reduction in carbon (as identified in the submitted energy report) by the use of other renewable technologies including CHP and air source heat pumps.

Refuse and Recycling

The proposed refuse store is to be located within the new basement level. The waste will be transferred internally from the basement to ground floor adjacent to the inset loading bay during waste collection to transfer wheeled bins from the building out onto Stafford Place where they are to be collected by a private waste contractor.

The Waste Project Officer has raised no objection provided the storage arrangements for waste and recyclable materials, as shown on the submitted plan is secured by condition. A condition is recommended to ensure that no waste should be left or stored on the public highway.

Mechanical Plant

Mechanical plant is proposed at roof level and within the new basement and lower ground floor level. In addition to this provision has been made to acoustically line the proposed servicing bay given the proximity to the adjoining residential dwelling at No. 6. The proposed mechanical plant at roof level, which also includes the kitchen extract is sited within an acoustic enclosure. An acoustic report has been submitted with the application proposals, which has been assessed by Environmental Health. They have confirmed that the report assessment demonstrates compliance with the City Council's planning noise conditions. Subject to conditions controlling noise from the mechanical plant and internal noise levels, the proposal is considered acceptable in noise terms.

Although it is proposed to acoustically line the internal area of the off street servicing bay, comment has been made as to whether the proposed access door to the bay would be within the noise levels governed by the planning noise conditions. Whilst the noise report demonstrates compliance with the City Council's noise conditions it is recommended that details are secured to ensure that the path between the delivery vehicles and the receiving area to be smooth and to ensure that any noise from the access doors to the servicing bay are designed so as not to cause noise disturbance.

8.8 Neighbourhood Plans

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

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

The proposals due to their location are not affected by the Knightsbridge Neighbourhood Plan nor the Mayfair Neighbourhood Plan.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

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 following:

- a) A written scheme of investigation or a programme of archaeological work.
- b) 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 conditions.

8.11 Planning Obligations

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

- i) Funding for the provision of a formal footway crossover to access the service bay on Stafford Place.
- ii) Funding for the costs to reconfigure the existing on-street parking bays in both Stafford Place and the cul-de-sac off Buckingham Gate.
- iii) Secure details of the service management plan.
- iv) Provision of an employment and training opportunities strategy during construction and for the hotel use.

The estimated CIL payment is £123,571.96 Westminster CIL and £37,542.60 Mayor's CIL

8.12 Environmental Impact Assessment

Not applicable.

8.13 Other Issues

Basement excavation

The main change in policy since the 2014 and 2015 schemes is the adoption of Policy CM28.1 of the Westminster City Plan (November 2016). Policy CM28.1 requires the submission of a structural methodology statement in relation to the proposed excavation works, together with a signed proforma Appendix A which demonstrates that the applicant will comply with the relevant parts of the council's Code of Construction Practice (CoCP). The previously approved schemes (2014 and 2015) approved two new levels of basement accommodation.

The proposal will provide a new floor level beneath the existing ground floor level. The proposed basement does not extend beneath the front lightwell and vaults which is welcomed in light of the building being Grade II listed. The proposed basement level is to provide a swimming pool, sauna and gym and back of house hotel facilities including kitchen, storage areas and an area for plant room, with a sub area for the sprinkler tanks.

The policy text of policy CM28.1 states that the most appropriate form of basement extension will be no more than one storey, with an approximate floor to ceiling height of 2.7m floor below the lowest part of the original floor level.

The central part of the new basement level has a floor to ceiling height of 2.7m with a service void factored in at ceiling level. The proposed basement accommodating the swimming pool area has a floor to ceiling height of 5.4m. However, the floor to ceiling height above the pool would be 3.5m. Whilst this is above the requirement set out in the policy text this increase in the floor to ceiling height is only confined to the area occupying the swimming pool in this area. To the rear of the site a floor to ceiling height

greater than 2.7m is provided, however this area occupies the plant room and sprinkler tanks. Whilst this is not strictly compliant with the aims of Policy CM28.1 the areas to the rear provide functions ancillary to the safe functioning of the hotel.

In line with policy CM28.1 the applicant has submitted a structural method statement. This statement has been assessed by Building Control who advised that the structural approach and consideration of local hydrology is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. Objections have been received from neighbouring properties concerning the impact of the proposals on their properties and in context of ongoing development adjoining and surrounding the application site.


The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

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

Code of Construction Practice (CoCP)

Since the adoption of Policy CM28.1 the requirement to submit a construction management plan has been replaced with the CoCP. Objections have been received from neighbours adjoining the application site, especially in light of the ongoing development at Nos. 1-3 Buckingham Gate. Since the adoption of Policy CM28.1 the requirement to submit a construction management plan has been replaced with the CoCP. The CoCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster. The key issues to address as part of the CoCP and production of a CMP are liaison with the public, general requirements relating to the site environment, traffic and highways matters, noise and vibration, dust and air quality, waste management and flood control.



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Subject to conditions limiting the hours of work in relation to the proposed excavation works and requiring the applicant to adhere to the council's Code of Construction Practice, the proposed basement extension complies with the requirements of Policy CM28.1.

Crime and security

The hotel will provide active supervision through its own management of the hotel.

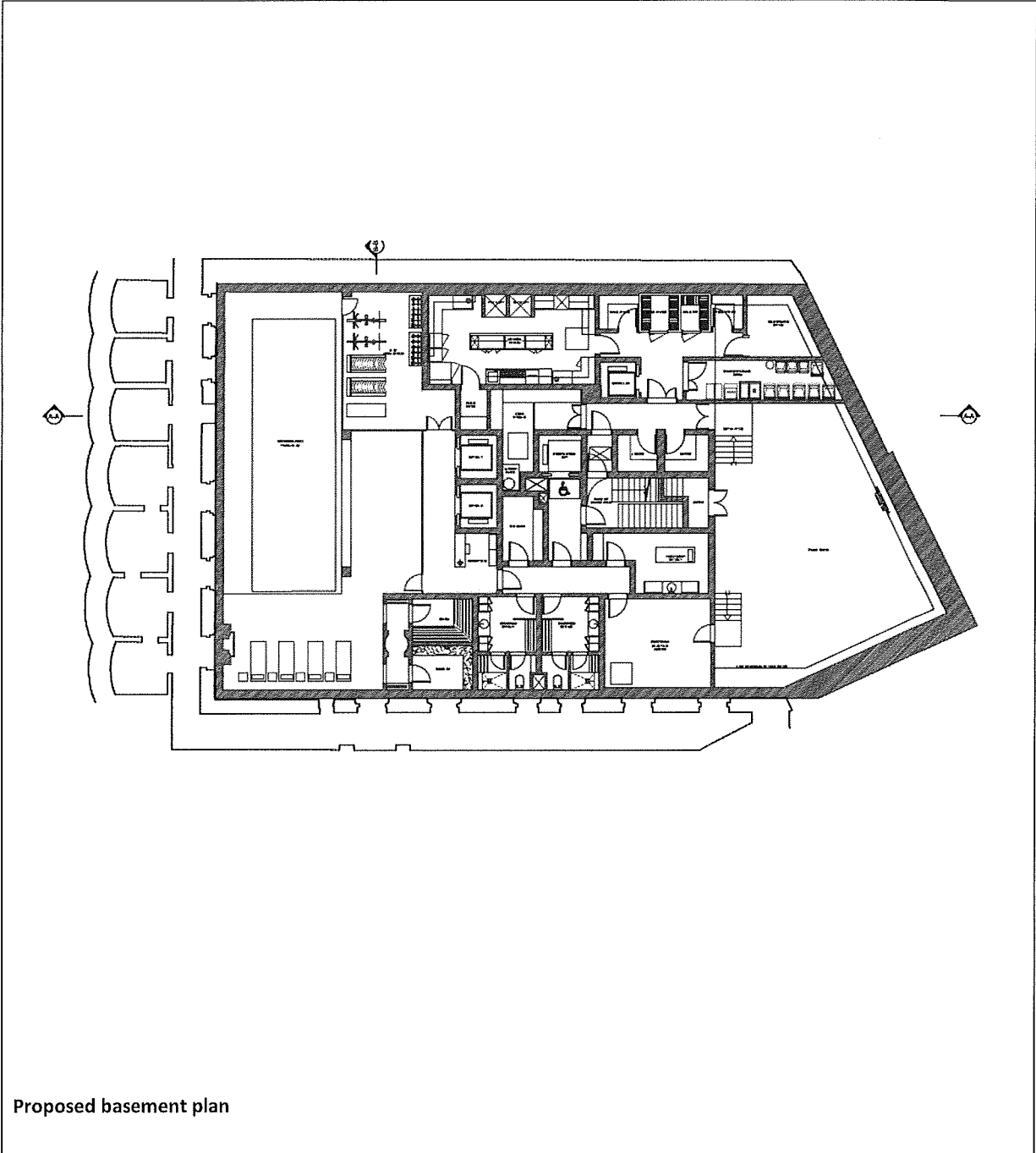
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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



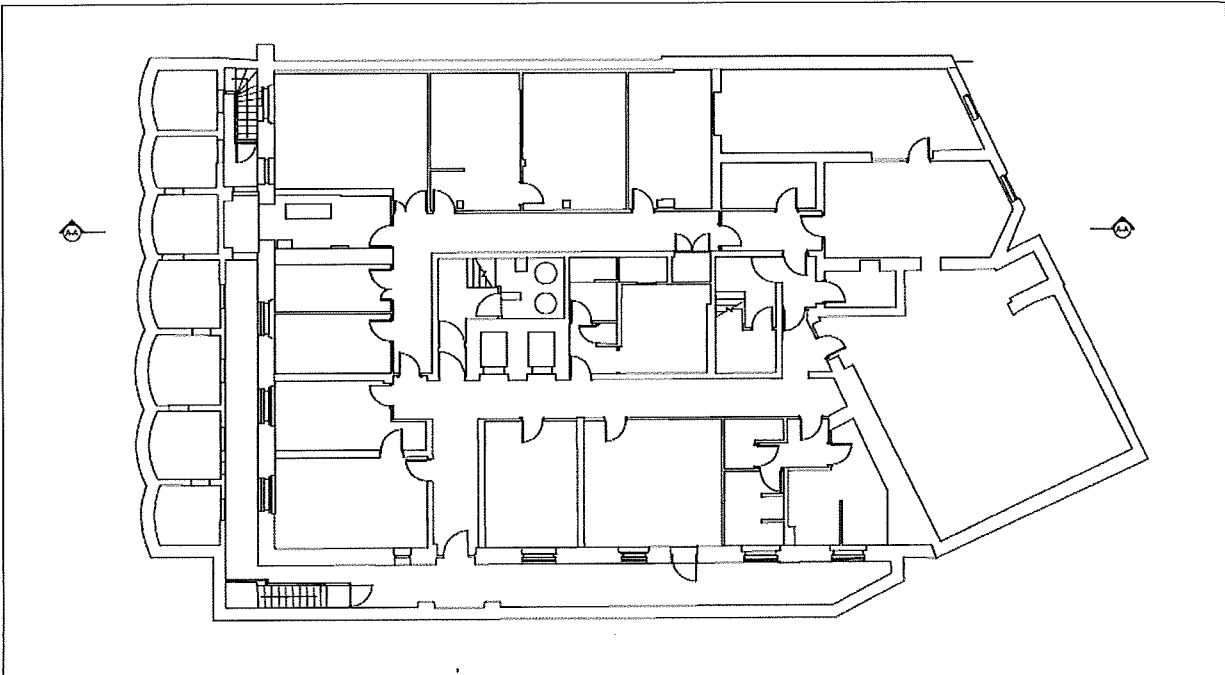
Item No.

9. KEY DRAWINGS

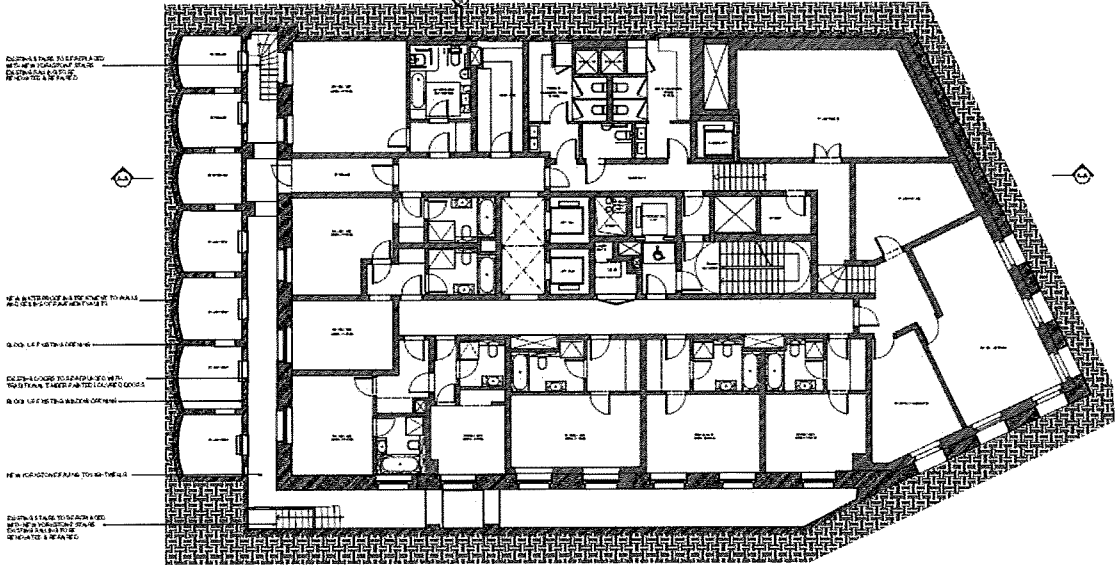


Proposed basement plan



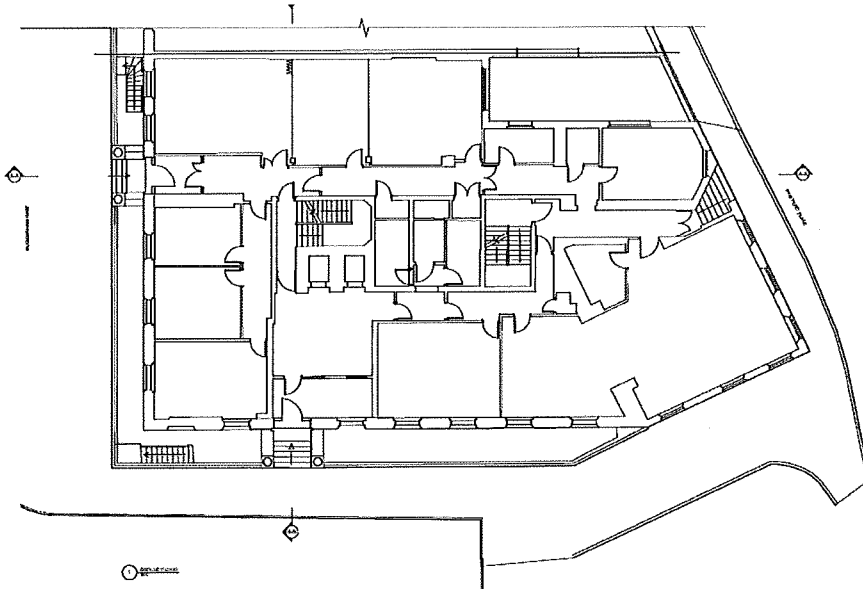


Existing lower ground floor plan



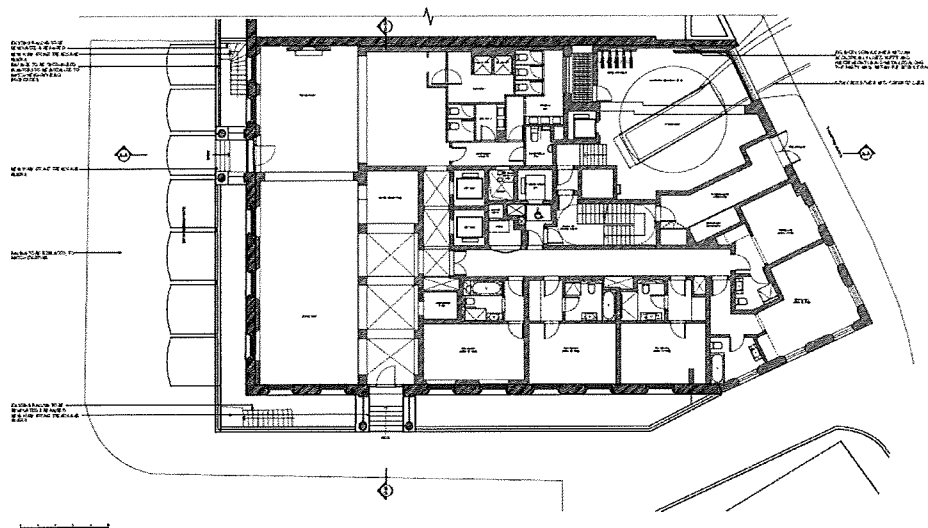
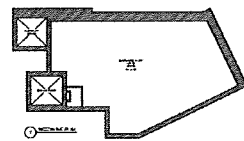
Proposed lower ground floor plan





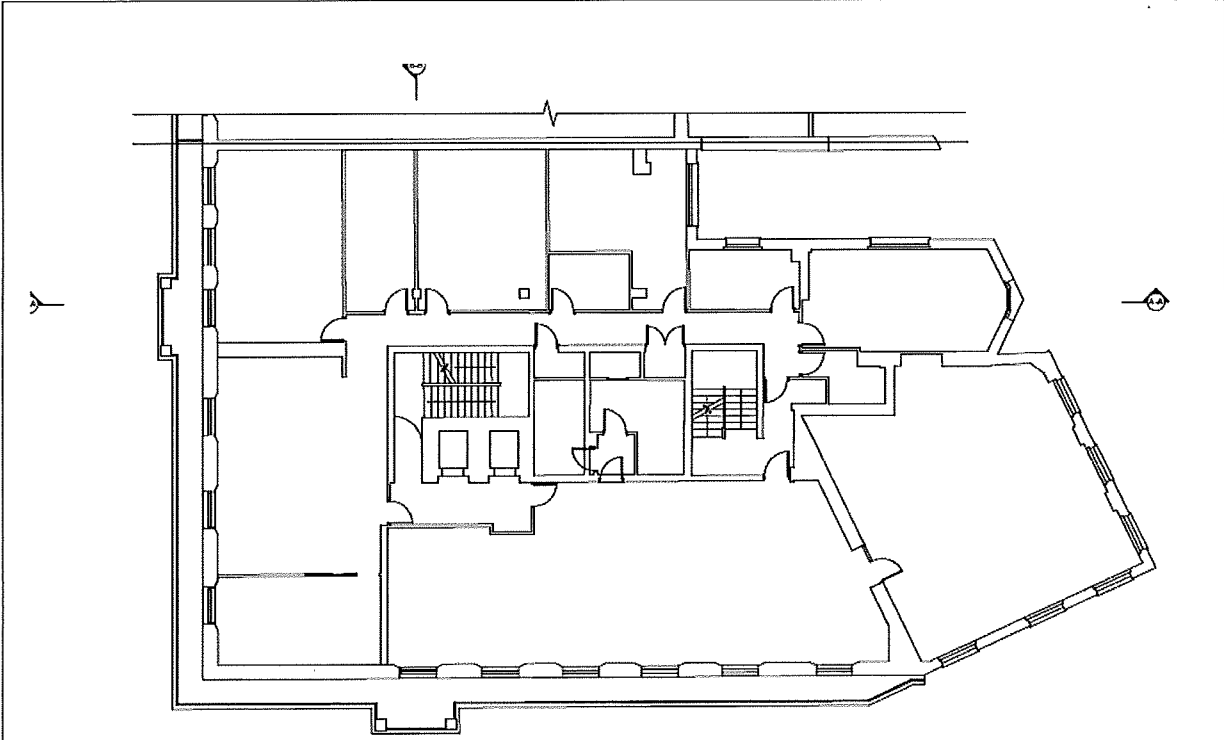
Existing ground floor plan

NOTES:
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BRITISH STANDARDS INSTITUTION (BSI) STANDARDS.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BRITISH STANDARDS INSTITUTION (BSI) STANDARDS.
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BRITISH STANDARDS INSTITUTION (BSI) STANDARDS.
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 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BRITISH STANDARDS INSTITUTION (BSI) STANDARDS.

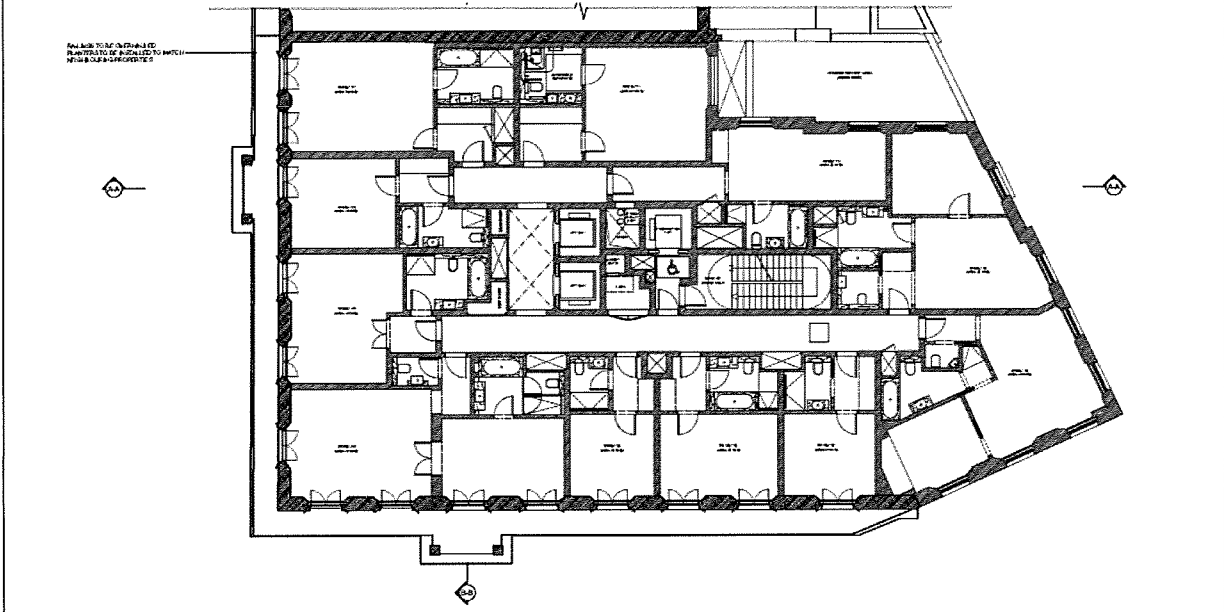


Proposed ground floor plan



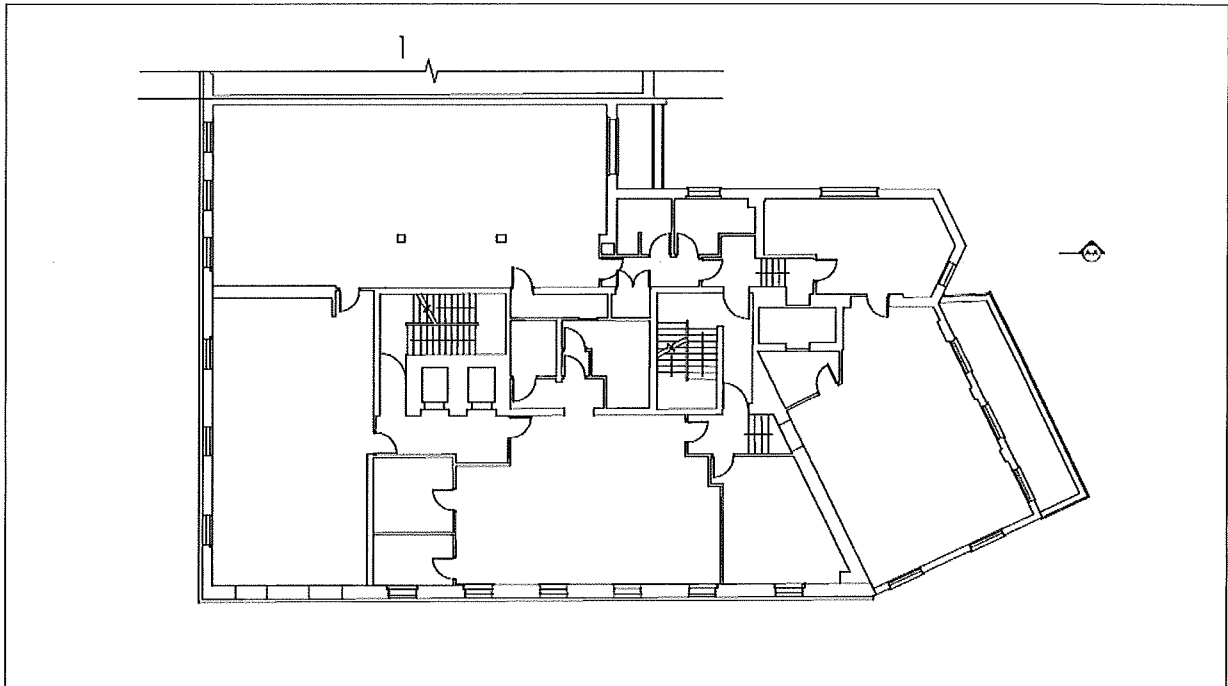


Existing first floor plan

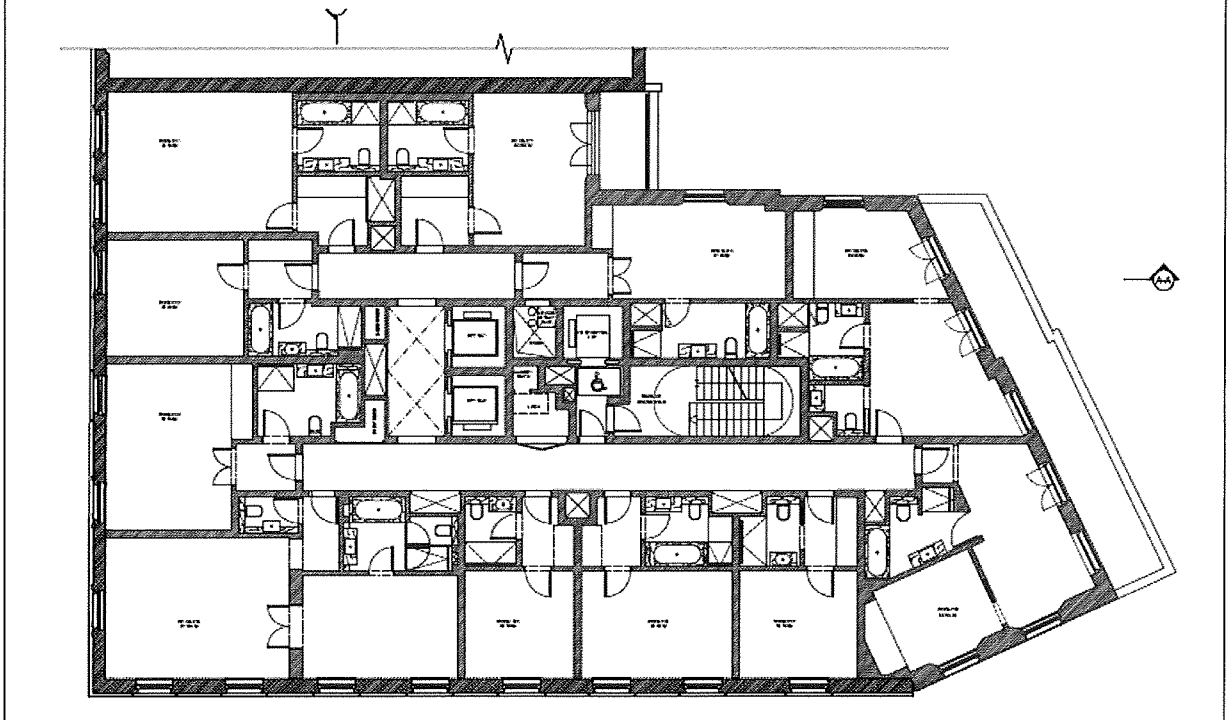


Proposed first floor plan



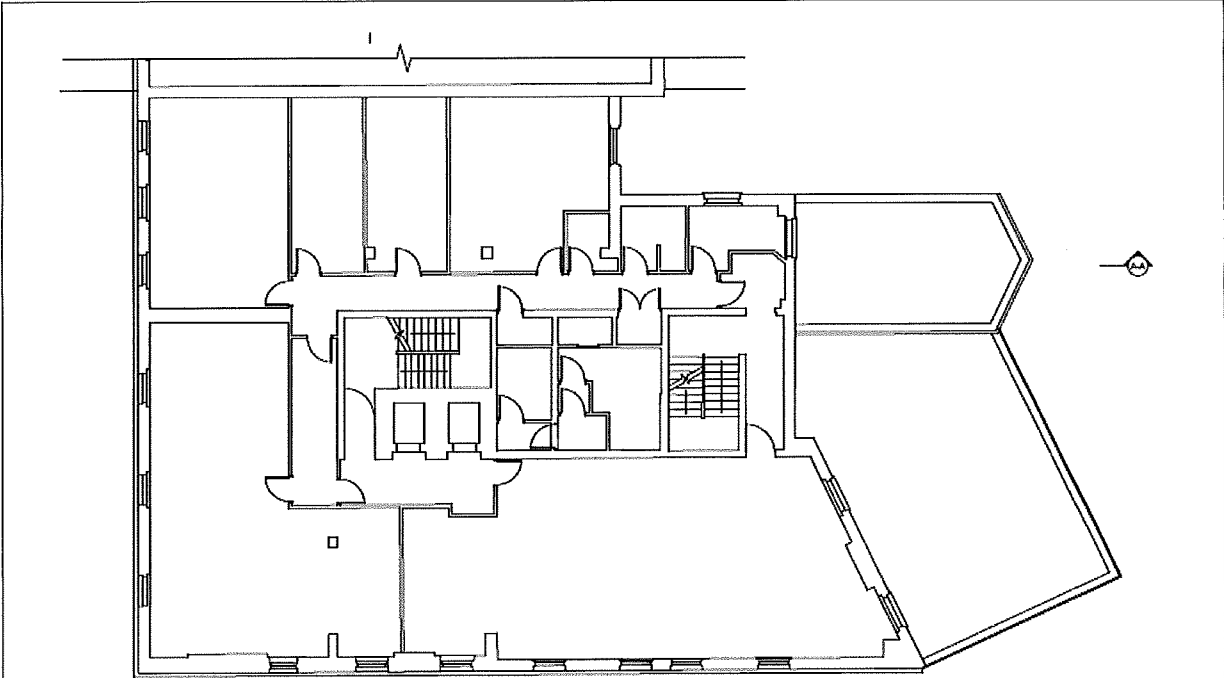


Existing second floor plan

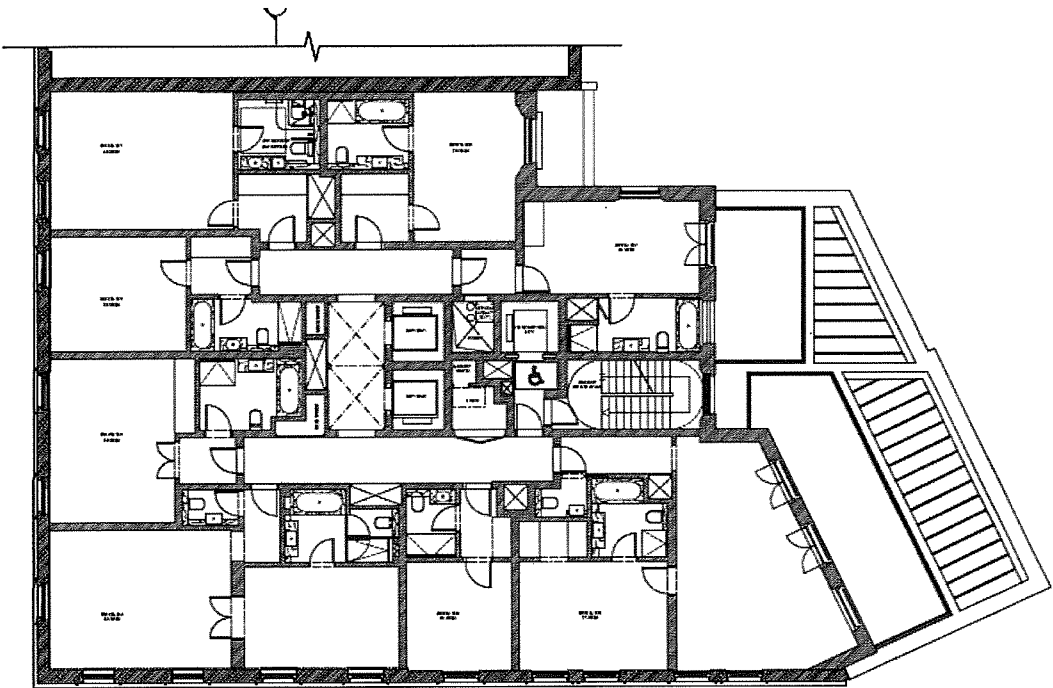


Proposed second floor plan

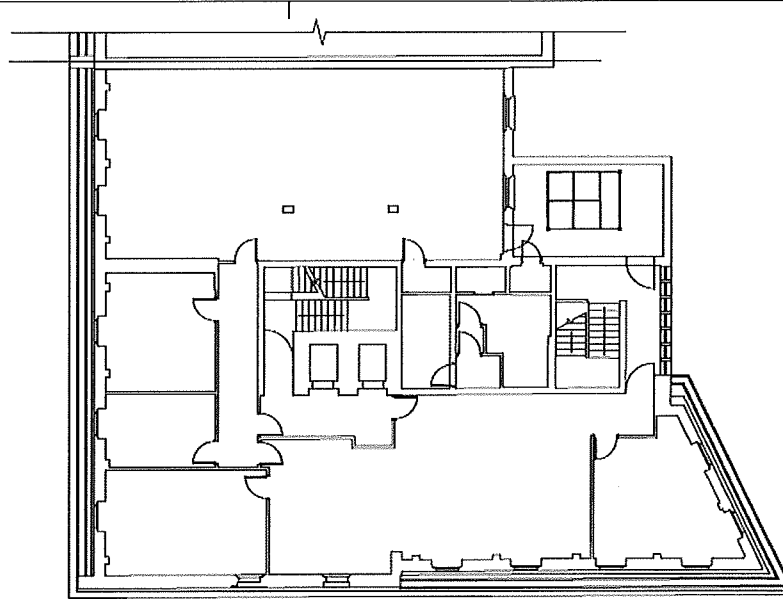




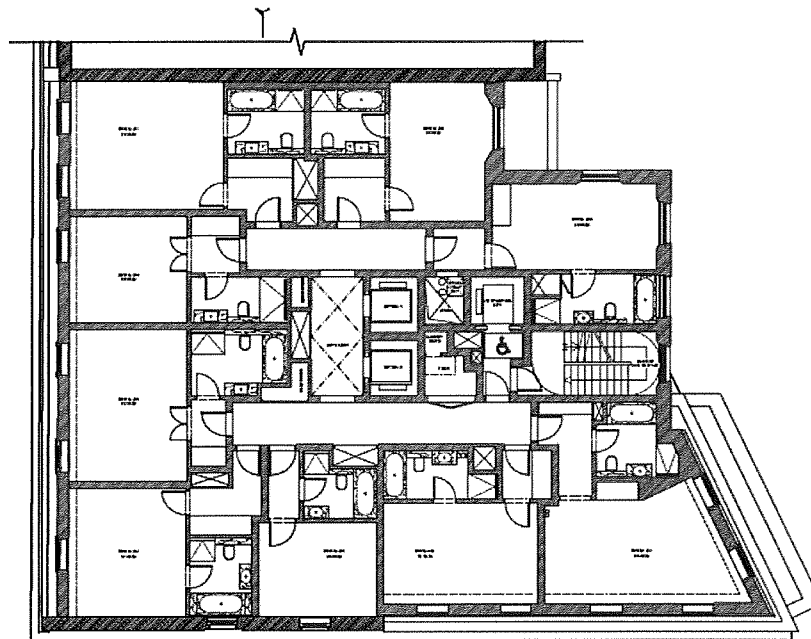
Existing third floor plan



Proposed third floor plan

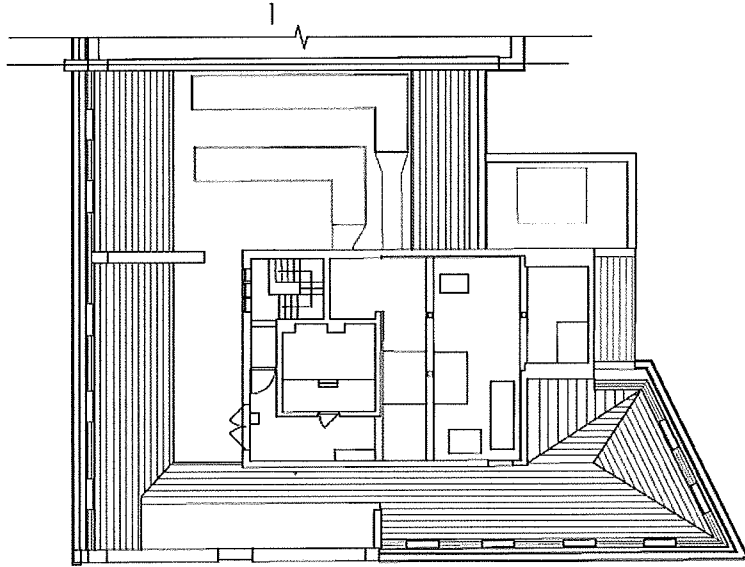


Existing fourth floor plan

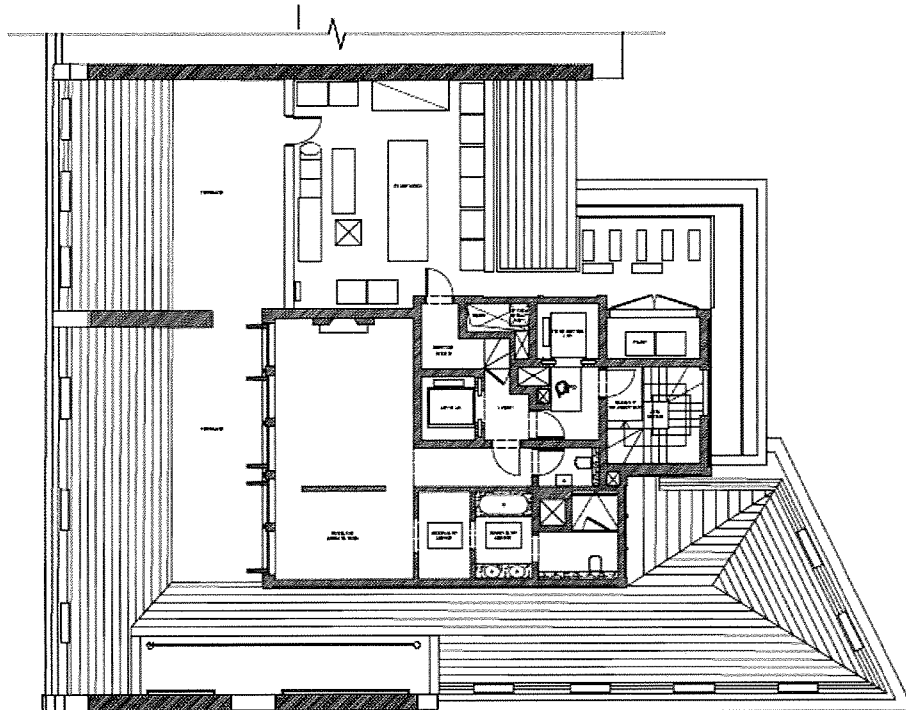


Proposed fourth floor plan

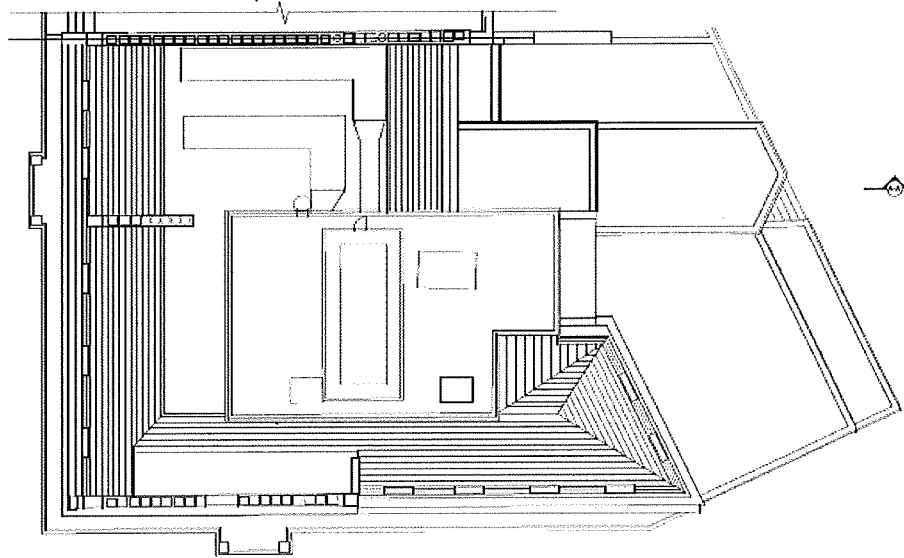




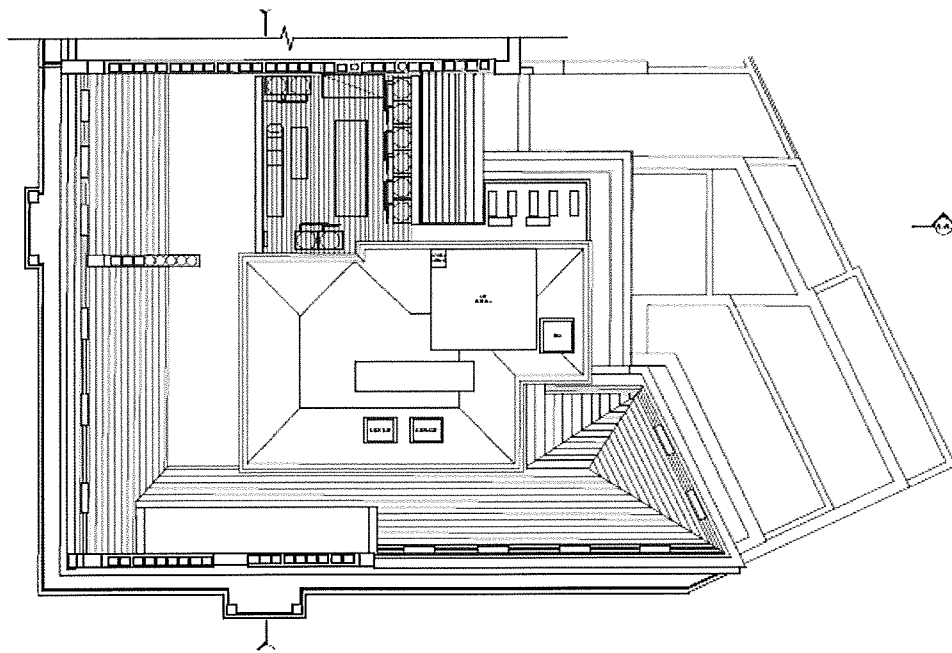
Existing fifth floor plan



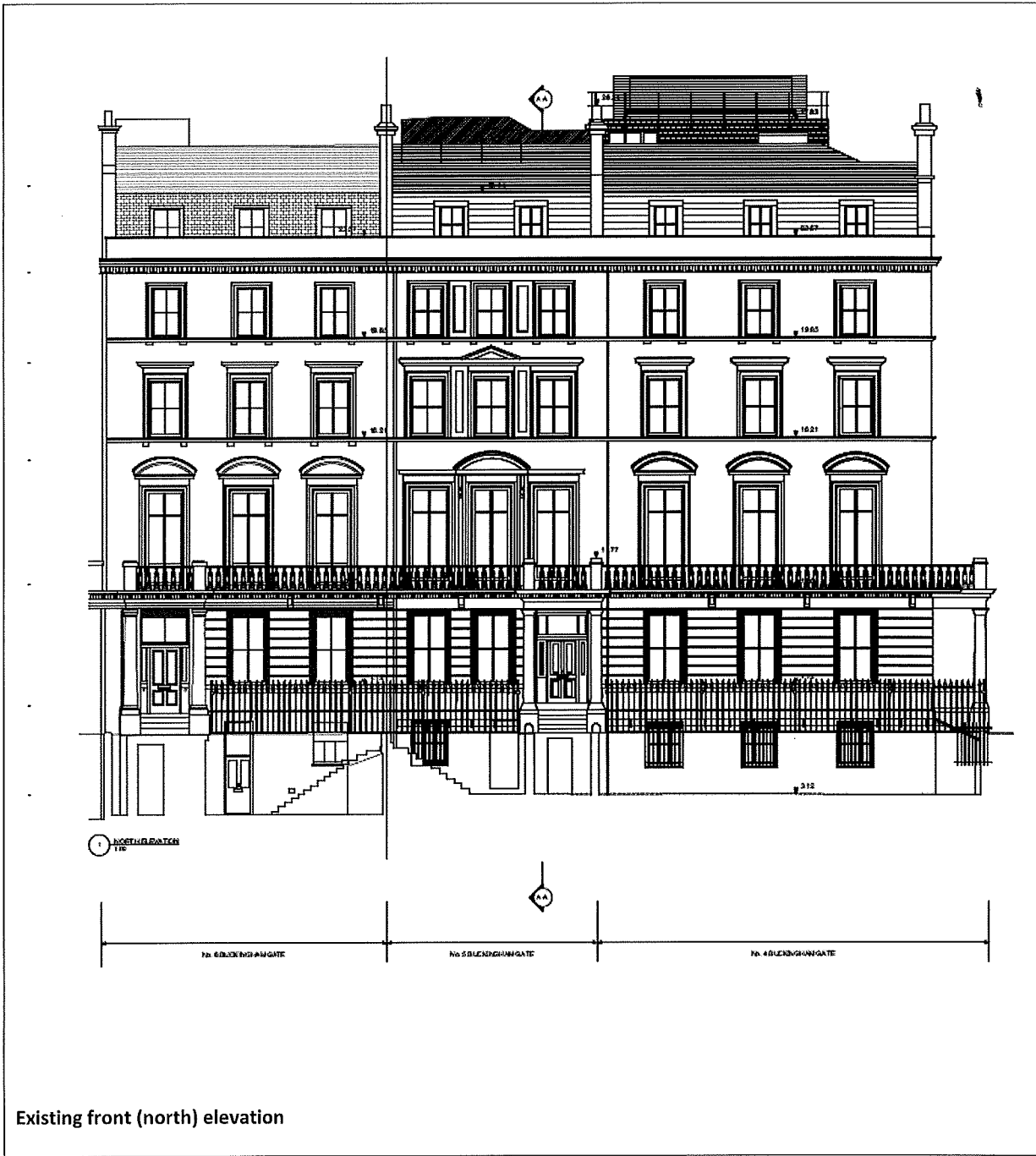
Proposed fifth floor plan



Existing roof plan

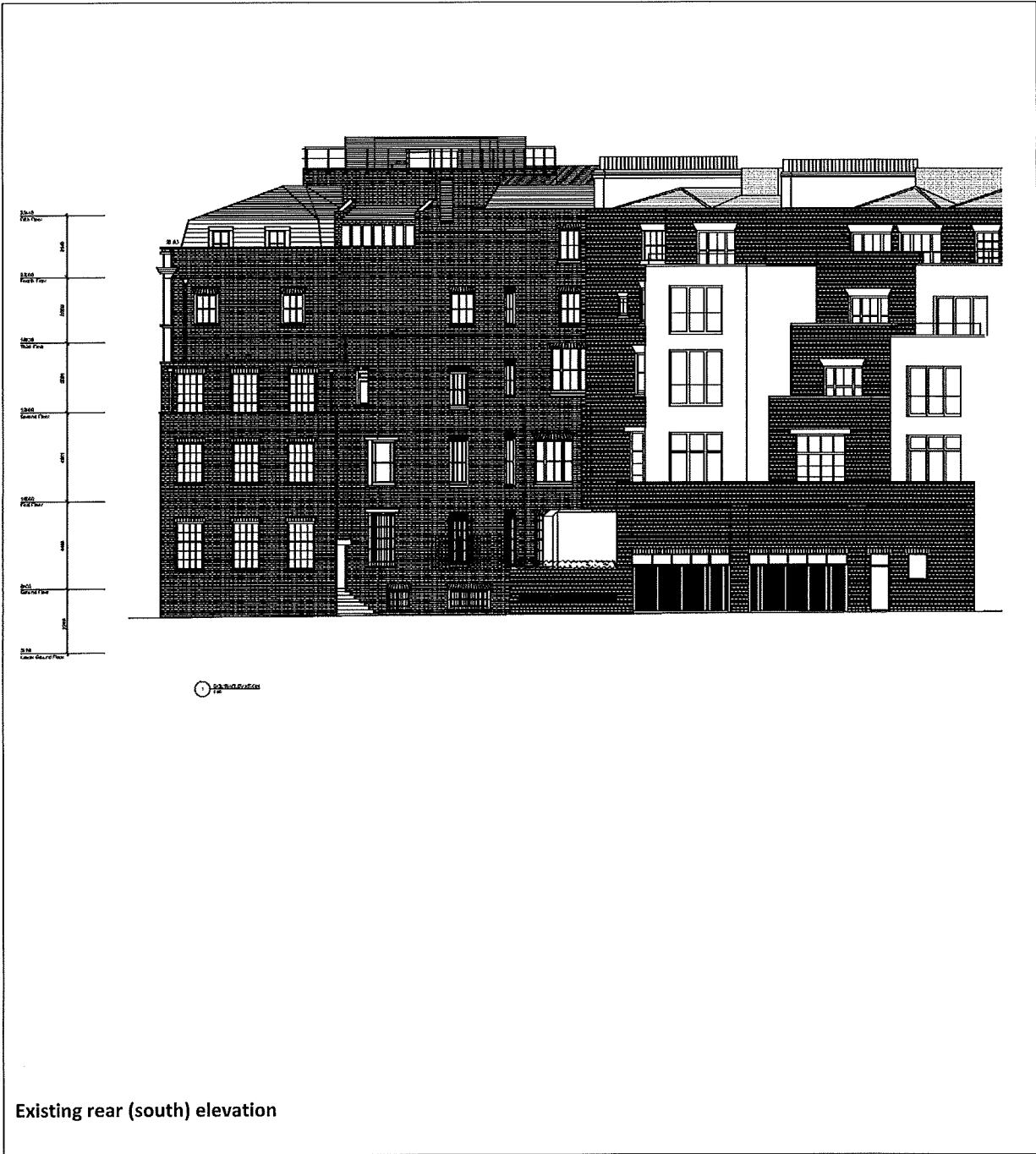


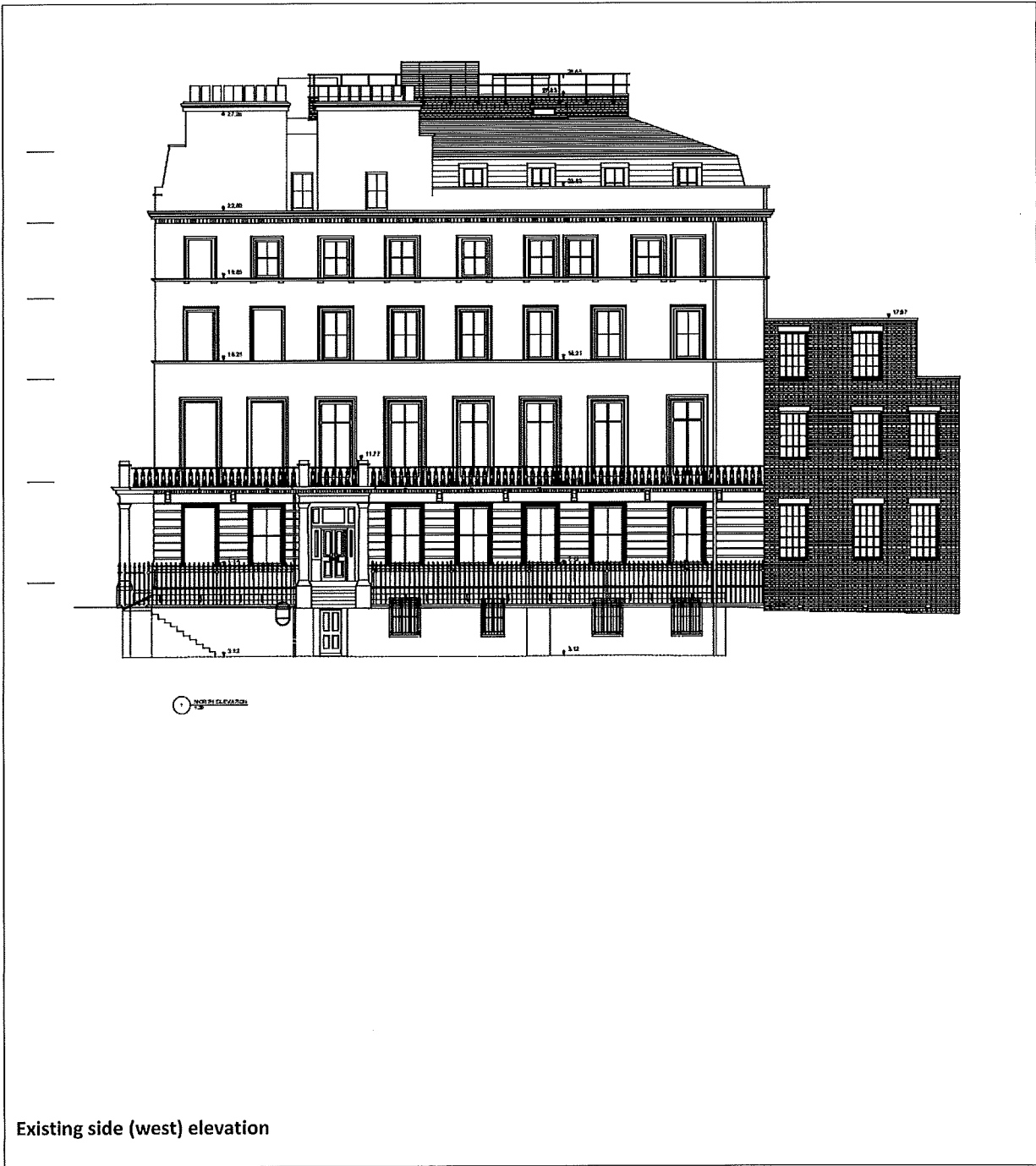
Proposed roof plan

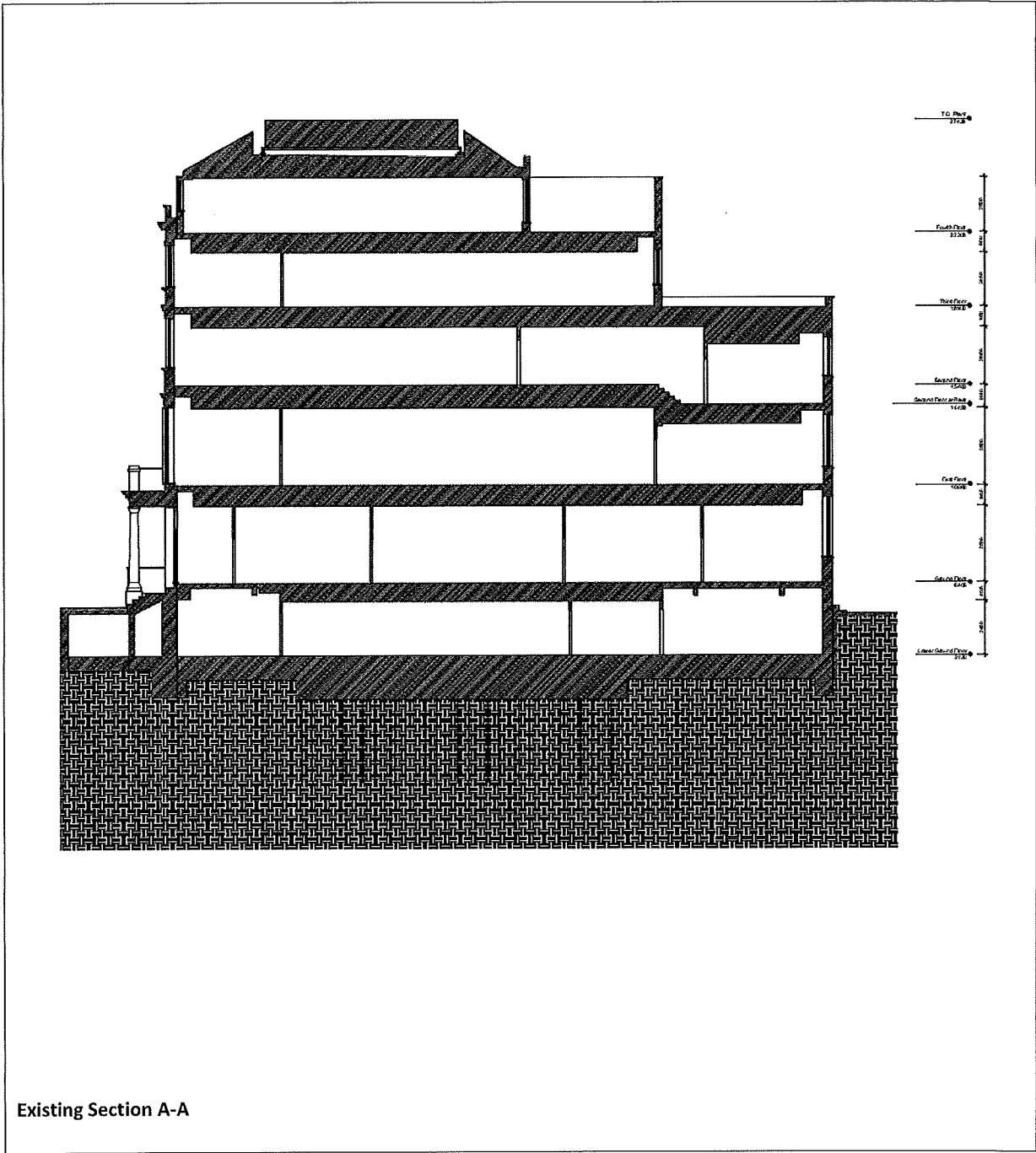


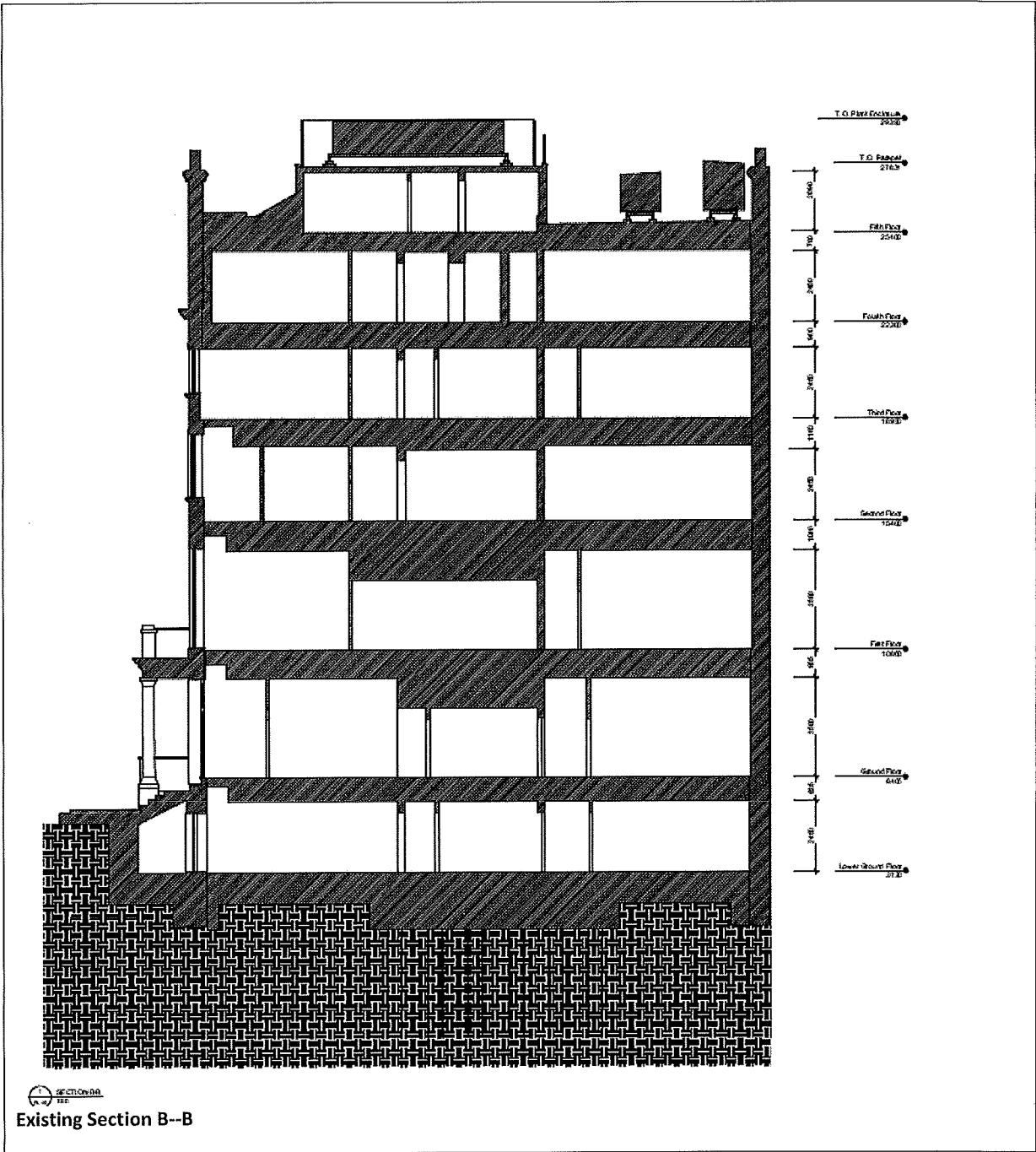
Existing front (north) elevation

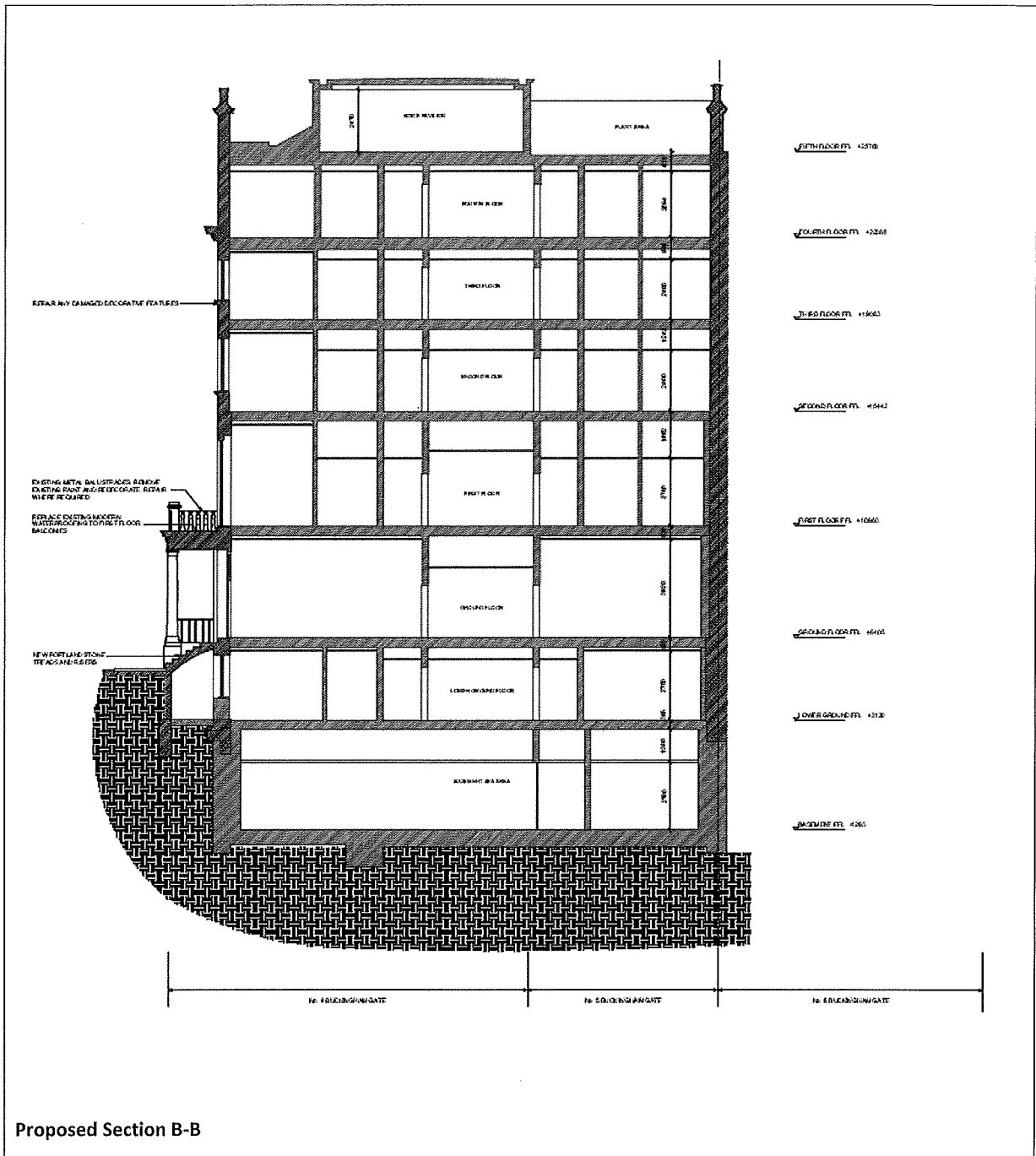


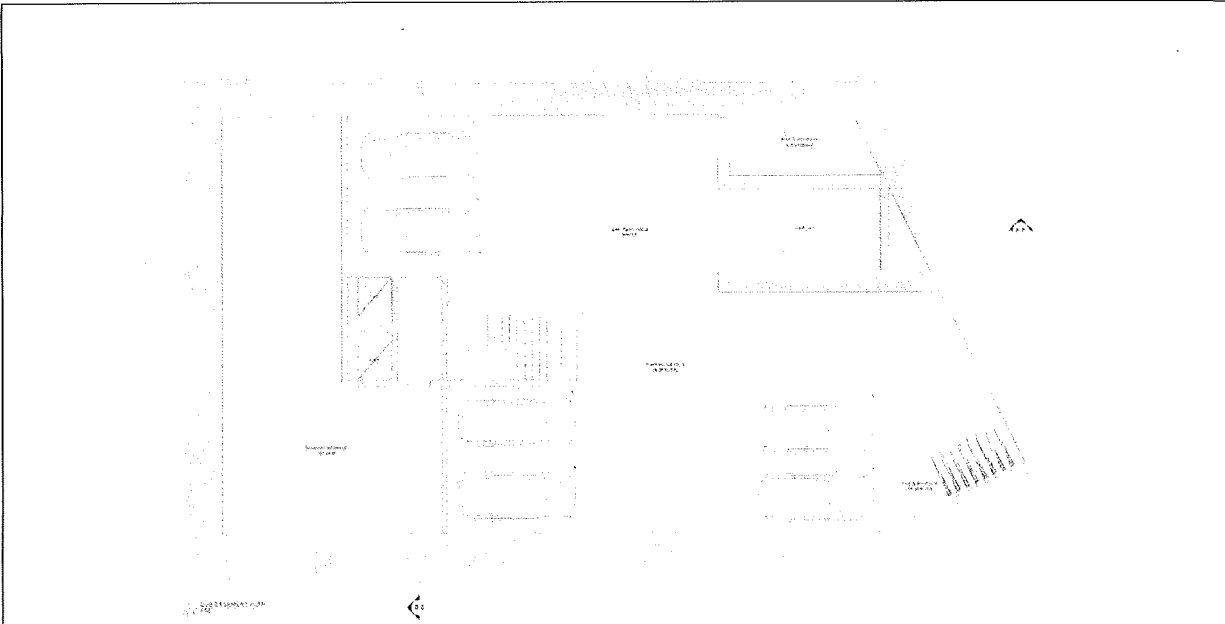




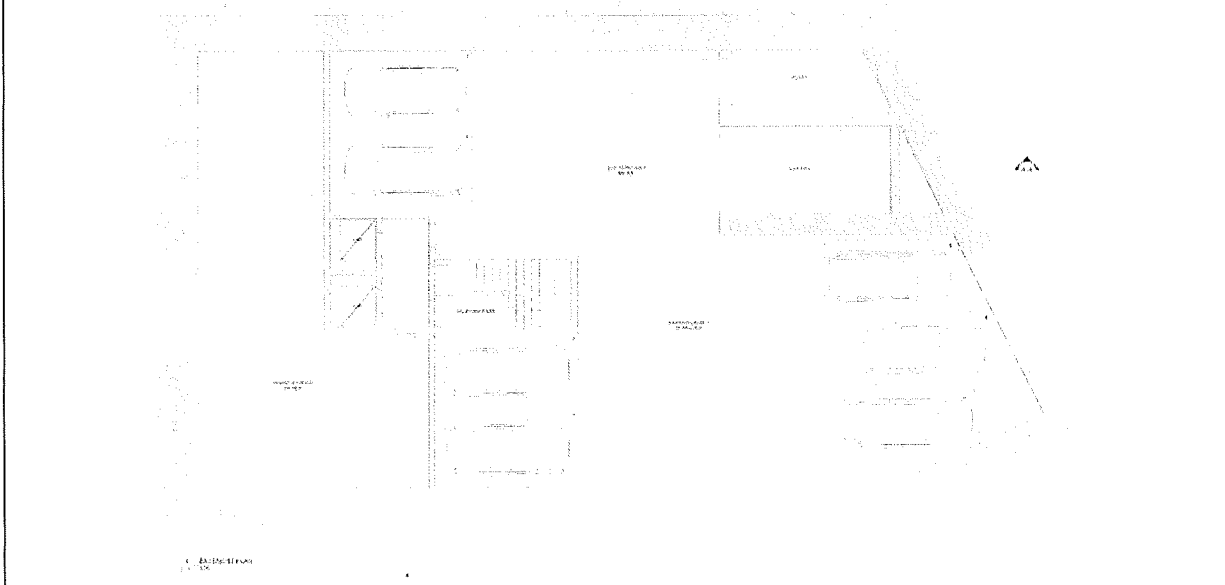






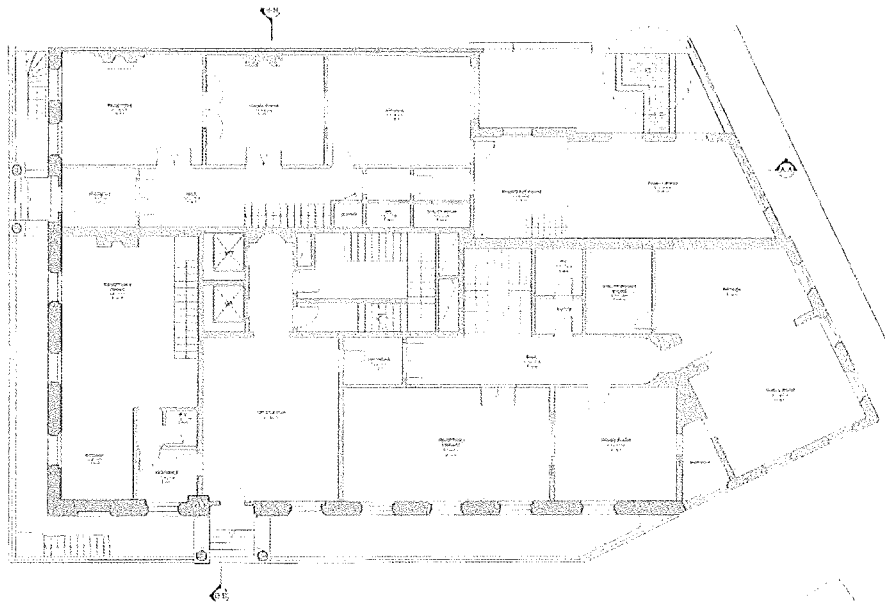


Approved sub-basement plan

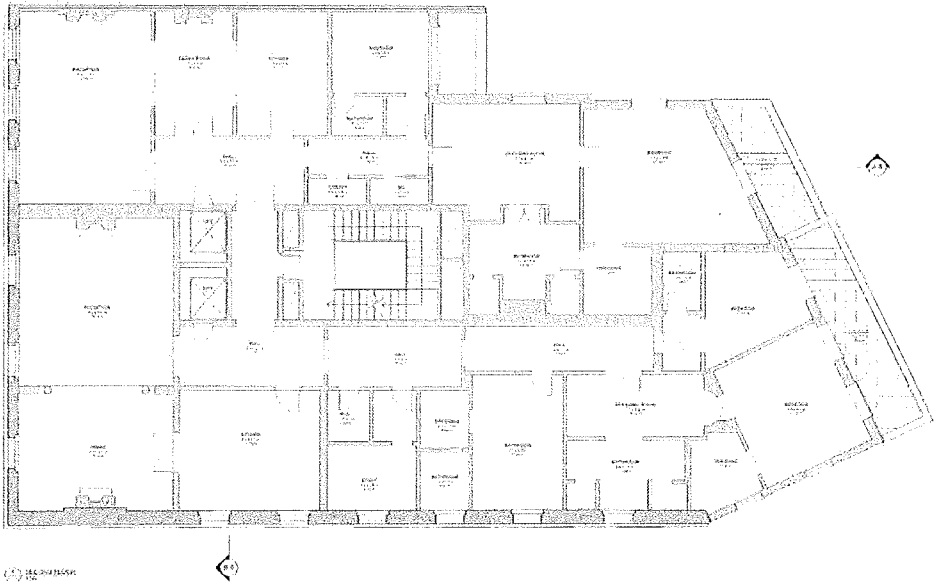


Approved basement plan

Approved 2014 scheme (14/06822/FULL & 14/06823/LBC)
(Drawings also as approved under 15/05134/FULL & 15/05135/LBC dated 07 September 2015)



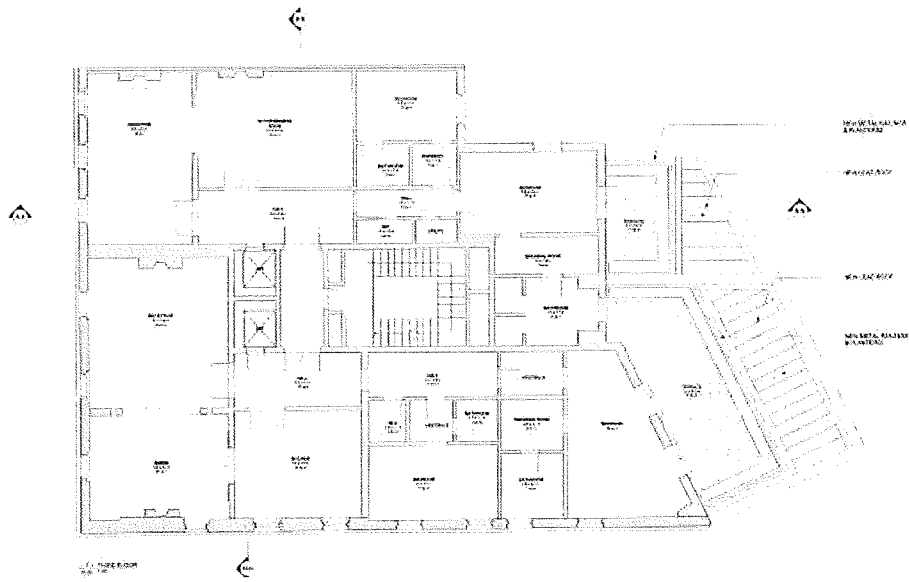
Approved ground floor plan



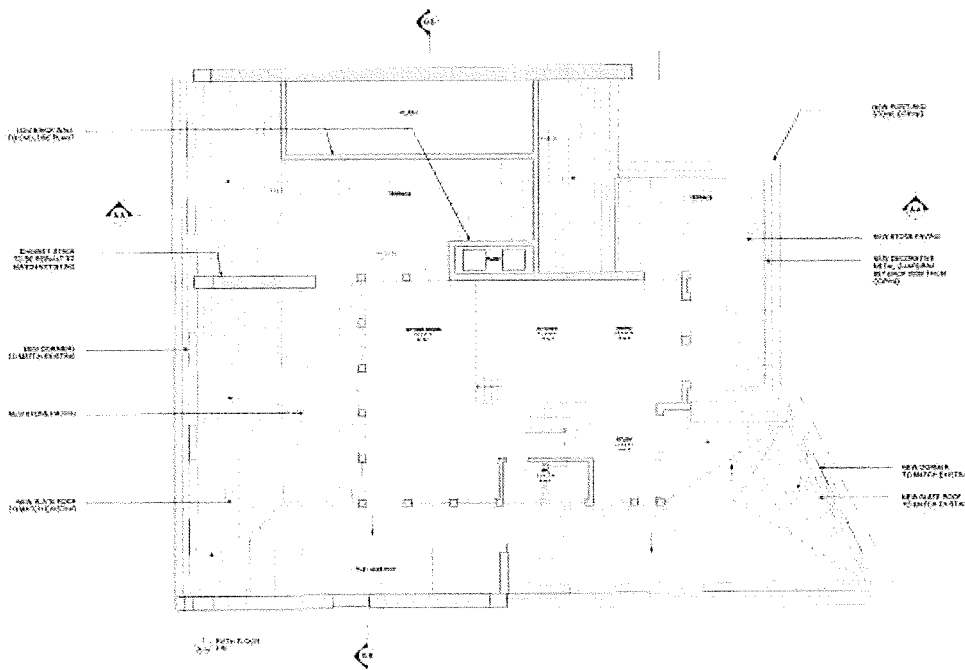
Approved second floor plan

Approved 2014 scheme (14/06822/FULL & 14/06823/LBC)
(Drawings also as approved under 15/05134/FULL & 15/05135/LBC dated 07 September 2015)





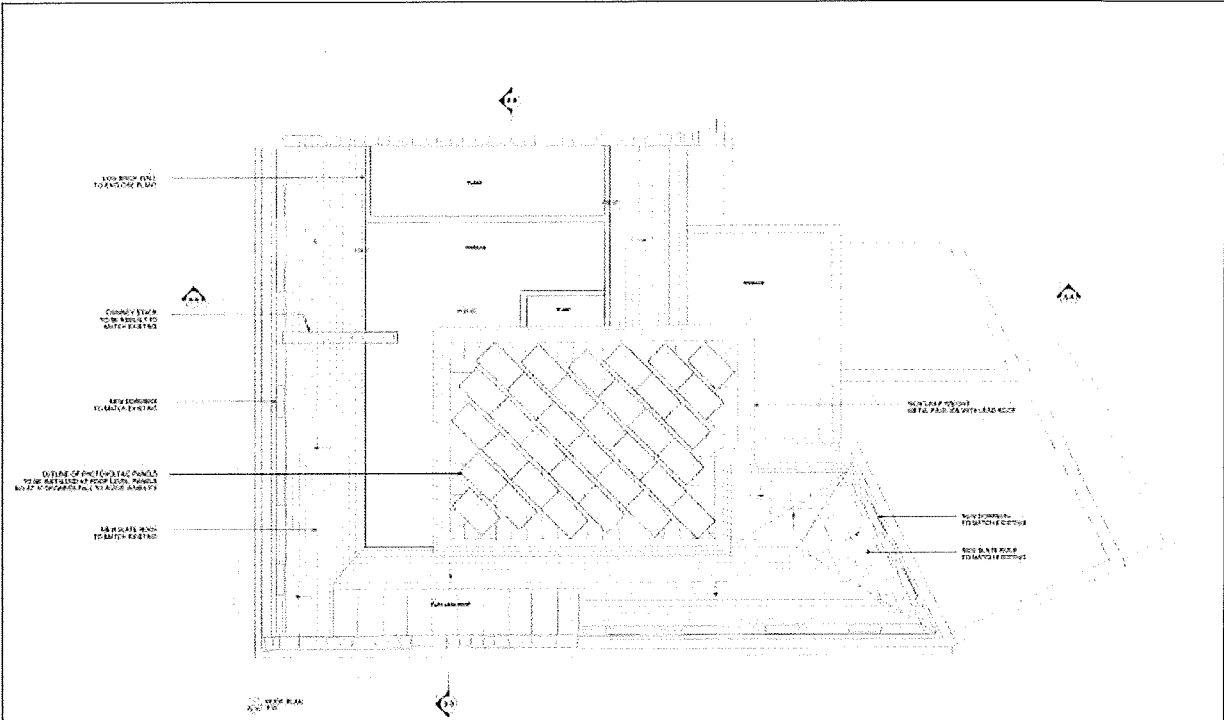
Approved third floor plan



Approved fifth floor plan

Approved 2014 scheme (14/06822/FULL & 14/06823/LBC)
(Drawings also as approved under 15/05134/FULL & 15/05135/LBC dated 07 September 2015)





Approved roof plan

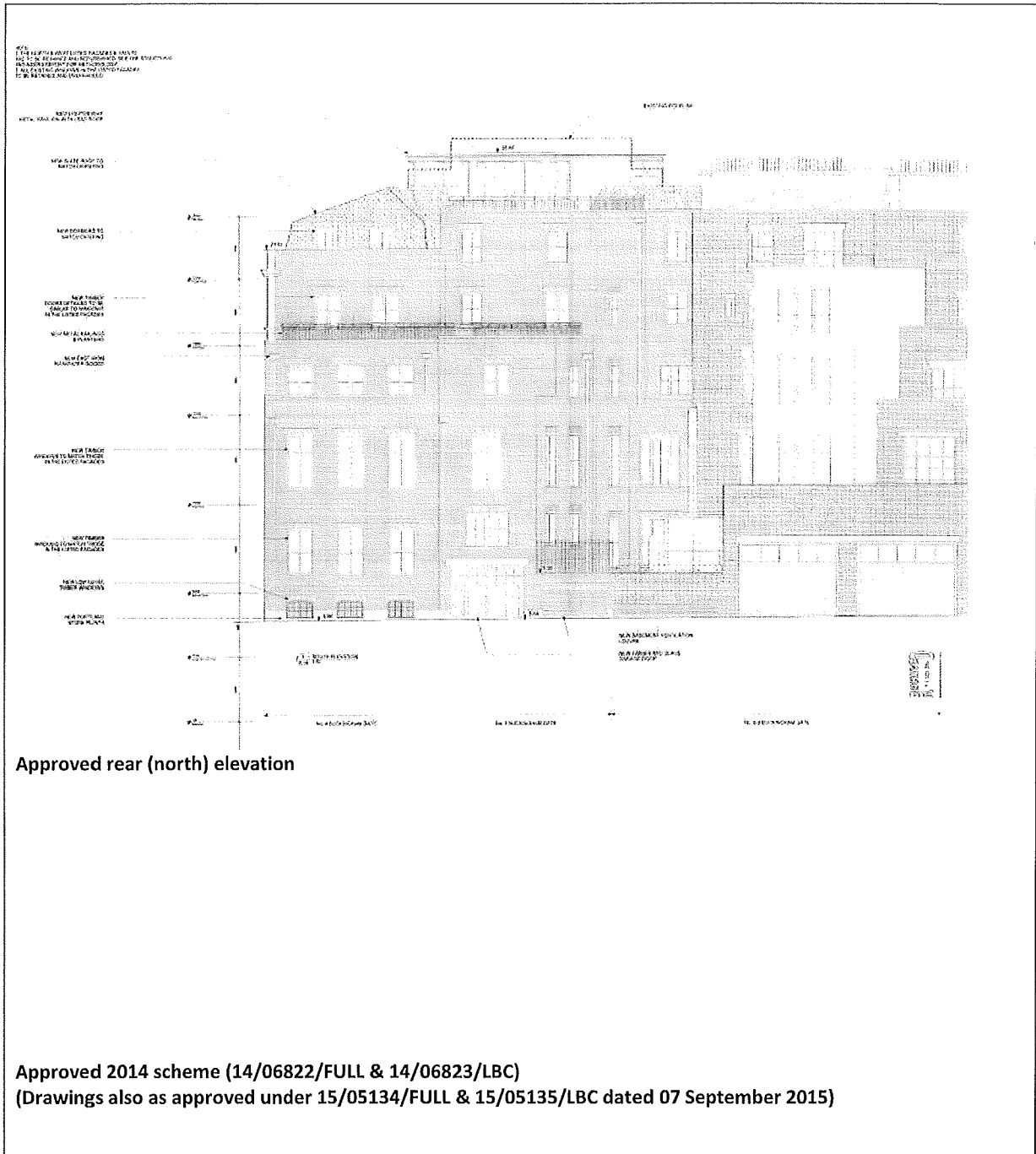
Approved 2014 scheme (14/06822/FULL & 14/06823/LBC)
(Drawings also as approved under 15/05134/FULL & 15/05135/LBC dated 07 September 2015)

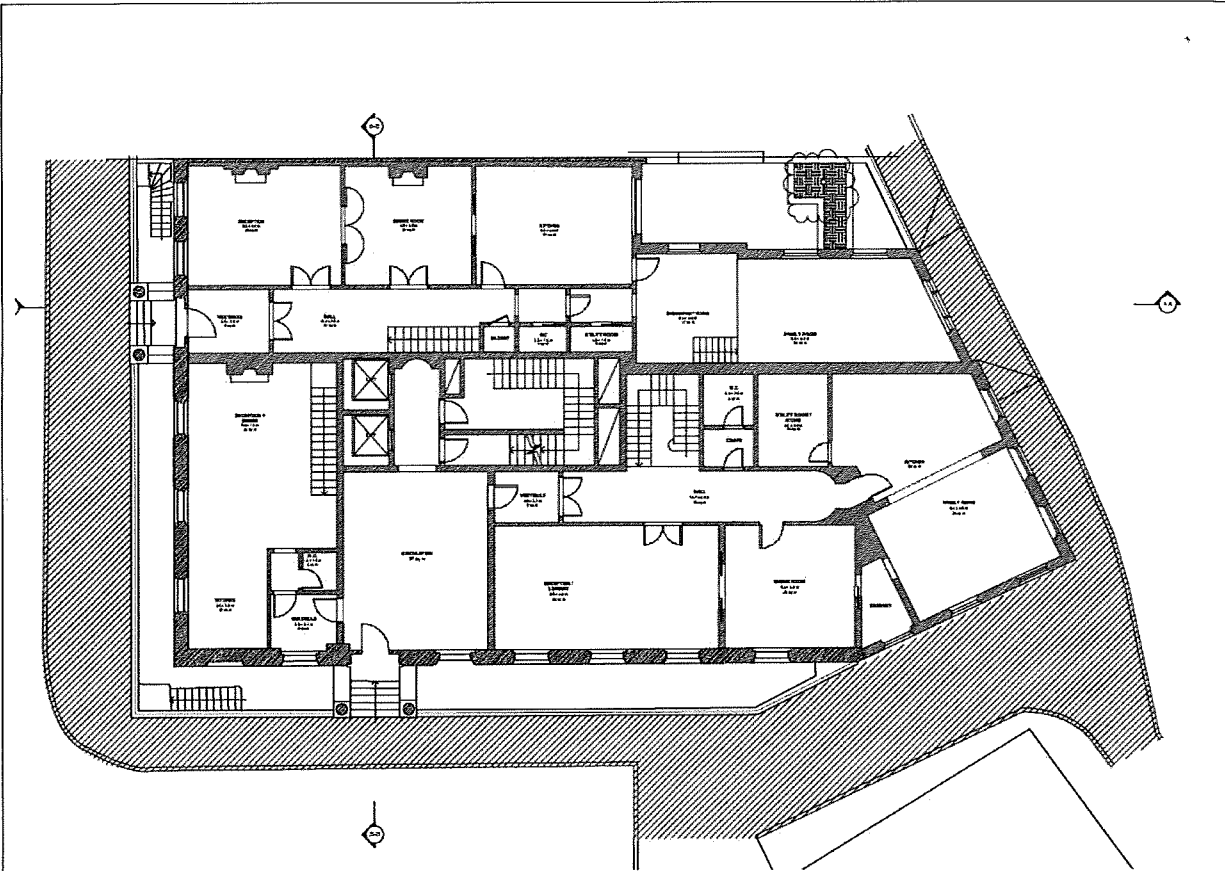




Approved side (west) elevation

Approved 2014 scheme (14/06822/FULL & 14/06823/LBC)
 (Drawings also as approved under 15/05134/FULL & 15/05135/LBC dated 07 September 2015)





Approved ground floor plan (includes new paving and kerb at ground floor level (hatched in blue) to match paving on Buckingham Gate

Approved under 15/05134/FULL & 15/05135/LBC dated 07 September 2015.



DRAFT DECISION LETTER

Address: 4 - 5 Buckingham Gate, London, SW1E 6JP,

Proposal: Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation to provide a single-storey basement and pool. External alterations for the provision of a new off street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical plant and a pavilion at roof level. Creation of 1no. terrace each at rear second and third floor level within recessed part of the building.

Reference: 18/06103/FULL

Plan Nos: PL-01 P01, PL-02 P01, PL-003 P01, PL-004-P01, PL-005 P01, PL-006 P01, PL-007 P01, PL-008 P01, PL-009 P01, PL-010 P01, PL-011 P01, PL-012 P01, PL-013 P01, PL-14 P01, PL-15 P01, PL-03 P01, PL-04 P01, PL-05 P01, PL-06 P01, PL-07 P01, PL-08 P01, PL-09 P01, PL-10 P01, PL-11 P01, PL-12 P01, PL-13 P01, PL-014 P01, PL-015 P01, PL-17-P03, PL-18-P03, PL-19 P02, PL-20 P02, PL-21 P03, PL-22 P03, PL-23 P02, PL-24 P04, PL-25 P01, PL-26 P02, PL-27 P02, PL-28 P03, PL-29 P03, PL-30 P02, Planning Compliance Report (Report 13704-NIA-01 Rev. C dated 18 July 2018 prepared by Clement Acoustics, Noise Exposure Assessment (Report 13704-NEA-01 Rev. A0 dated 06 July 2018 prepared by Clement Acoustics, Ventilation/Extraction System (303515) dated 10/07/2018 prepared by Harley Hadow, Daylight and Sunlight Report for the proposed alterations at 4-5 Buckingham Gate, London, SW1E 6JP (Reference 66765/IM (Rev. B) dated 12 July 2018 prepared by Malcolm Hollis, Energy and Sustainability report dated July 2018, Flood Risk Assessment Issue P01- 16 July 2018, Planning Statement, Transport Statement (Ref: 22662903) dated October 2018 prepared by Steer Davies Gleave, Structural Method Statement Issue P2- 16 July 2018 (Doc. Ref. 2358-S-SMS-001) prepared by Meinhardt.

For information purposes: Accurate Visual Representations (AVR1/3) prepared by Preconstruct Limited dated July 2018, Heritage Statement dated July 2018, Design and Access Statement Rev. A dated October 2018, Site Investigation Report (10260/OT (Rev 0) prepared by Soil Consultants dated 23 July 2018.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Condition(s) and Reason(s)

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

Reason:

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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 , onot at all on Saturdays, Sundays, bank holidays and public holidays.

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

Reason:

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

- 4 You must carry out the works in accordance with the Structural Method Statement Issue P2- 16 July 2018 (Doc. Ref. 2358-S-SMS-001) or in accordance with other details as submitted to and approved by the City Council.

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

- 5 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 where appropriate of



Item No

the following parts of the development:

- i) Roof level pavilion;
- ii) Windows and balconies to windows at rear second and third floor level;
- iii) External doors, including garage;
- iv) Decorative metal guard rails; and
- v) Roof level plant equipment (to rise no higher than the adjacent roof ridge line)

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

Reason:

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

- 6 The railings shall be painted black and retained that colour.

Reason:

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

- 7 You must apply to us for approval of a sample panel of the following parts of the development:
- Brickwork to all new elevations.


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 sample panels. (C26DB),

Reason:

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



Item No


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

Reason:

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

- 9 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

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

- 10 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

Reason:

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

- 11 All servicing must take place between 0700 on Monday to Saturday and 1900 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and



STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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

Reason:

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

13 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme.

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

- 14 **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),

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

Item No.
2

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)

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

Reason:

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


- 17 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the path between the delivery vehicles and the receiving area and the access doors to the loading bay are designed so as not to cause noise disturbance, and will comply with the Council's noise criteria as set out in Condition(s) 16 and 17 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 18 You must install the mitigation measures as set out Planning Compliance Report (Report 13704-NIA-01 Rev. C dated 18 July 2018 prepared by Clement Acoustics prior to the operation of the mechanical plant hereby approved. The mitigation measures must be retained and maintained for as long as the units remain operational.



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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)

- 19 The full height extract duct discharging at roof level hereby permitted shall not be operated except between 0600 hours and 2300 hours daily.

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)

- 20 Customers shall not be permitted within the ancillary restaurant and bar before 0600 or after 2300 daily.

Reason:

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

- 21 You must not allow more than 130 customers in total into the ancillary restaurant and bar at ground floor level at any one time.

Reason:

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

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- 22 You must apply to us for approval of an operational management plan for the hotel. You must not start the use until we have approved what you have sent us. Thereafter you must carry out the use according to the approved plan.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

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

Reason:

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

- 24 You must not use the roof of the extension at rear second and third floor levels as shown on drawings PL-21-P03 and PL-22-P03 for sitting out or for any other purpose. You can however, use the smaller terrace areas set within the recess of the building at rear second and third floor levels for amenity purposes and you can use the roof to escape in an emergency or for maintenance purposes. (C21BA)

Reason:

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

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

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)



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- 26 You must provide the waste store shown on drawing PL-17-P03 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the hotel. 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)

- 27 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)

- 28 All servicing and deliveries must take place using the off street loading hereby approved on Stafford Place. No servicing or deliveries for the hotel use hereby approved must take place from the public highway along Buckingham Gate.

Reason:

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

Informative(s):

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



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

- 2 The servicing management plan is to be secured as part of the Section 106 Legal Agreement.
- 3 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 4 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.
The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.
If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk
It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 5 You may need separate licensing approval for the ancillary restaurant and bar premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 6 Conditions 16 and 17 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)
- 7 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.
- 8 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:
John Firrell MHCIMA,
Secretary - Considerate Hoteliers Association,
C/o Wheelwright's Cottage,

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Litton Cheney,
Dorset DT2 9AR
E-mail: info@consideratehoteliers.com,
Phone: 01308 482313
(I76AA)

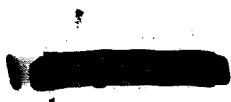
- 9 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

- 10 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil,
Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**


- 11 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)

- 12 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 13 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)



- 14 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>
- 15 The Economy Team at Westminster City Council provide support and guidance to developers and contractors in the creation and delivery of employment & skills plans. The Team will provide guidance on local priorities, drafting of employment & skills plans and implementation of activities to deliver commitments. For further information please contact Soyful Alom, Economy Job Broker (salom@westminster.gov.uk)
- 16 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.
- 17 With reference to condition 15 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
- 18 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)
- 19 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 20 Developing this site is likely to damage archaeological remains. Archaeological work must be carried out in line with condition 14. Please contact English Heritage's Archaeological Officer on 020 7973 3732 to discuss the work which is necessary. (I66AA)

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



DRAFT DECISION LETTER

Address: 4 - 5 Buckingham Gate, London, SW1E 6JP,

Proposal: Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation to provide a single-storey basement and pool. External alterations for the provision of a new off street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of 1no. terrace each at rear second and third floor level within recessed part of the building.

Reference: 18/06104/LBC

Plan Nos: PL-01 P01, PL-02 P01, PL-003 P01, PL-004-P01, PL-005 P01, PL-006 P01, PL-007 P01, PL-008 P01, PL-009 P01, PL-010 P01, PL-011 P01, PL-012 P01, PL-013 P01, PL-14 P01, PL-15 P01, PL-03 P01, PL-04 P01, PL-05 P01, PL-06 P01, PL-07 P01, PL-08 P01, PL-09 P01, PL-10 P01, PL-11 P01, PL-12 P01, PL-13 P01, PL-014 P01, PL-015 P01, PL-17-P03, PL-18-P03, PL-19 P02, PL-20 P02, PL-21 P03, PL-22 P03, PL-23 P02, PL-24 P04, PL-25 P01, PL-26 P02, PL-27 P02, PL-28 P03, PL-29 P03, PL-30 P02, Structural Method Statement Issue P2- 16 July 2018 (Doc. Ref. 2358-S-SMS-001) prepared by Meinhardt

For information purposes: Accurate Visual Representations (AVR1/3) prepared by Preconstruct Limited dated July 2018, Heritage Statement dated July 2018, Design and Access Statement Rev. A dated October 2018, Site Investigation Report (10260/OT (Rev 0) prepared by Soil Consultants dated 23 July 2018.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511


Recommended Condition(s) and Reason(s)

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

Reason:

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

- 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

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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 Birdcage Walk 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 carry out the works in accordance with the Structural Method Statement Issue P2- 16 July 2018 (Doc. Ref. 2358-S-SMS-001) or in accordance with other details as submitted to and approved by the City Council.

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

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

- i) Roof level pavilion;
- ii) Windows and balconies to windows at rear second and third floor level;
- iii) External doors, including garage;
- iv) Decorative metal guard rails; and
- v) Roof level plant equipment (to rise no higher than the adjacent roof ridge line)

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

Reason:

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

- 5 The railings shall be painted black and retained that colour.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation



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Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 You must apply to us for approval of a sample panel of the following parts of the development:
- Brickwork to all new elevations.

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 sample panels. (C26DB),

Reason:

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

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

Reason:

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

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.

Agenda Item 2

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 January 2018	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved St James's	
Subject of Report	Floral Street, London, WC2		
Proposal	<ol style="list-style-type: none"> 1. Installation of planters on the highway and planters at first floor level to the north and south sides of Floral Street, with associated works. 2. Installation of screw fixings and associated plant wiring system to south facades of 14 Garrick Street, 27a Floral Street and Carriage Hall. 		
Agent	Mrs Natalie Rowland, Gerald Eve LLP		
On behalf of	Mr A Hicks, Capital and Counties		
Registered Number	18/06759/FULL and 18/06760/LBC	Date amended/ completed	14 August 2018
Date Application Received	10 August 2018		
Historic Building Grade	14 Garrick Street, 27a Floral Street and Carriage Hall – all Grade II		
Conservation Area	Covent Garden		

1. RECOMMENDATION

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

<p>This proposal relates to the western section of Floral Street between Garrick Street and James Street which is in the Covent Garden Conservation Area and the Core Central Activities Zone. This section has retail units at ground floor levels and a mix of office and residential uses at upper floors. It is proposed to install a combination of planters on the highway, first floor window boxes and climbers on both sides of the pavement.</p> <p>The main objectives of the greening of the street are to improve the attractiveness of the street to support retail activities and to provide environmental benefits.</p> <p>Letters of support from the Covent Garden Area Trust, local residents and businesses have been received. Objections have also been received from the Covent Garden Community Association and</p>

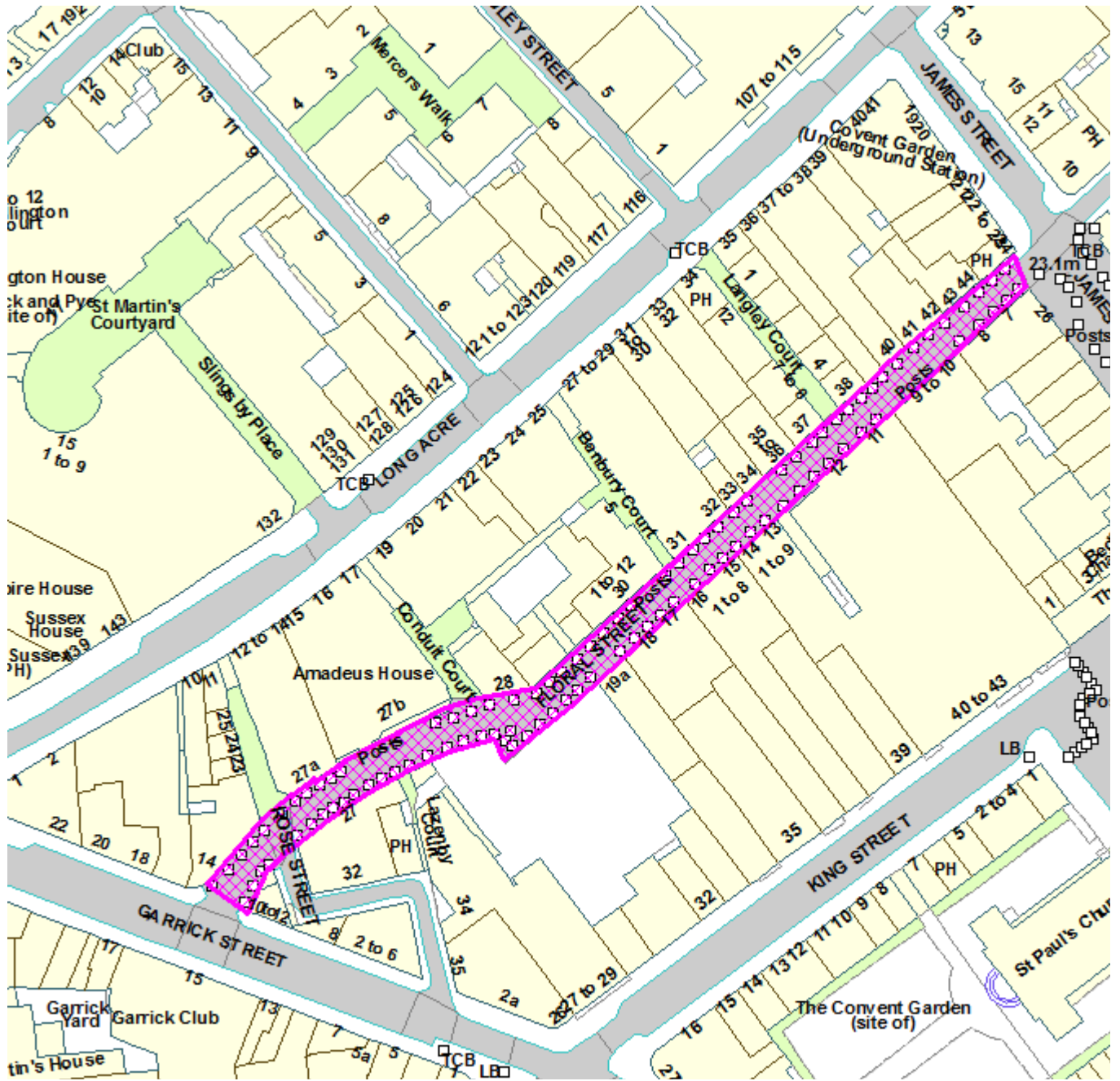
local residents on grounds of accessibility in particular for disabled people and people with pushchairs, pedestrian movement and street clutter.

The size of the planters have been reduced to increase the width of clear pavement on the northern side of the street in order to respond to the objections raised.

Whilst it is recognised that the clear pavement requirement set out in the Westminster Way SPD is not met, on balance it has been demonstrated that people using a wheelchair or mobility scooter will be able to use the pavement and the benefits associated to the scheme are considered sufficient to justify an exception in this case. A temporary permission is recommended to monitor the impacts of the scheme on pedestrian movement and accessibility.

The proposals are considered to be acceptable in design, highways, amenity and sustainability terms. The application is recommended for approval for a limited period of 3 years.

3. LOCATION PLAN



4. PHOTOGRAPHS



North pavement



South pavement

5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION: The principle of greening is welcome but objection to the reduction in width of the safest part of the pavement which will affect the safety of all users and of the most vulnerable in particular. The amenity society shows the creation of a slalom route and refers to the Council's 1.8m requirements of clear pavement. The amenity society suggests solutions (placing planters on the same line as bollards and using narrower planters).

COVENT GARDEN AREA TRUST: The improvement of the appearance of the street is welcome but some modifications to the scheme at ground floor level would meet the needs of the objectors: reducing the depth of larger planters and alter position and shape of the planters.

ARBORICULTURAL SECTION: No objection subject to conditions with regards to maintenance and cleansing.

HIGHWAYS PLANNING MANAGER: Concern that the scheme introduces unnecessary clutter contrary to the spirit of the Westminster Way. Contrary to policies TRANS3 and TRANS2.

WASTE PROJECT OFFICER: Objects as the pavement is too narrow, pedestrian will be forced to use the motor carriageway and pavement will not be available for street cleansing maintenance.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 206

Total No. of replies: 17

No. of objections: 4

No. in support: 13

Objections received on the following grounds:

- narrow pavement constrained by existing bollards, below existing Highways' England recommendations – the situation will be exacerbated
- space insufficient for wheelchairs users and people with pushchairs – would force users into or far too close the flow of traffic and would put disabled residents at a disadvantage
- clutter – impact on directness of movement and pedestrians congestion
- safety as existing traffic feels dangerous despite the 20mph limit
- 1.8m of clear pavement needed
- using mobility scooter on cobbles is unpleasant
- box plants around Carriage Hall removed after complaints the pedestrians had to walk in the road
- Christmas lighting scheme not appropriate

Support received raising the following points:

- improve the public realm and bring street to life as street seems to have been forgotten
- improve experience of visitors and encourage more visitors in the street
- environmental benefits - absorb emissions from vehicles and improve sustainability
- healthier district

- contribute to the greening of the city
- street will feel safer
- planting on the piazza and at the end of Floral Street adds to sense of pride and well-being and talks of the general care of the place
- access concerns could be alleviated with changes of shape
- street pedestrianised as the next step?

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Floral Street runs parallel with Long Acre to the north and King Street to the south and lies within the Covent Garden Conservation Area. The street is within the Core Central Activities Zone and the West End Stress Area. The proposals relate to the western section of Floral Street running between Garrick Street and James Street. This section of the street encompasses ground floor retail units with a mixture of office and residential accommodation above. There are four listed buildings of varying architectural styles within this section of Floral Street.

6.2 Recent Relevant History

None directly relevant.

7. THE PROPOSAL

The proposal involves the installation of a combination of pavement planters, first floor window boxes and wires and screw fixings to buildings to enable climbers. The applicant requested to withdraw the lighting from the scheme, the description of the application has been amended accordingly.

Following officers' concerns and the objections received a mock-up has been installed on site and a revised scheme has been submitted showing a reduction of the planters on northern pavement of Floral Street to allow a minimum of 1.2m of clear pavement.

Permission is sought for 85 planters on the highways and 53 first floor level boxes. On the southern side of the street it is proposed to relocate 10 of the existing bollards.

It is hoped that the greening of Floral Street will enliven its frontage encouraging footfall to support its retail provision and create a sense of place. The other objectives are improving the air quality and to create a greener street which will support the new Environmental Masterplan for the area prepared by the applicant and will help to achieve the low emission neighbourhood ambition.

8. DETAILED CONSIDERATIONS

8.1 Townscape and Design

The proposed works are assessed against the National Planning Policy Framework (NPPF), specifically chapter 16, policies S25 and S28 of the City Plan: Strategic Policies (2016), policies DES 1, DES 5, DES 9 and DES 10 of our Unitary Development Plan (2007) and the guidance contained within Westminster's 'Repairs and Alterations to Listed Buildings' SPG.

Encompassing a mix of historic, traditional and modern buildings, the overriding architectural character of Floral Street is one of medium scaled warehouse style buildings. The proposals also effect three listed building, 14 Garrick Street, 27a Floral Street and Carriage Hall.

Planters will be fibre glass to provide the best conditions for the planting and enable easy maintenance, the colour of the planters is yet to be confirmed but likely to exhibit a brass tone and finish, a material sample will be secured by condition.

By using predominantly evergreen ornamental planting with seasonal shrubs and climbing plants, the planting should maintain a vibrancy throughout the year.

From a conservation and design perspective the greening of Floral Street has the potential to positively enhance its streetscape. The scheme appears to provide an adequate level of planting at both ground and first floor levels to create a positive visual effect without appearing over cluttered or fragmented. In order to maintain the aesthetic quality of the scheme the maintenance strategy submitted will be secured via condition.

In relation to the listed buildings, the wires and fixings are visually discreet. The fixings will be installed through mortar joints, resulting in very little impact upon the historic fabric and are easily reversible. The pavement mounted planters will not be physically attached to the buildings. The impact upon the listed buildings is not considered to be harmful.

8.2 Residential Amenity

Policies ENV 13 of the Unitary Development Plan (UDP) and S29 of the City Plan seek to protect residential amenity and environmental quality, ENV 13 specifically seeks to ensure properties do not suffer from sense of enclosure or loss of daylight/sunlight. The wires on the buildings will direct the growth of the climbers and the maintenance strategy ensures that the scheme will not affect residential amenities.

8.3 Economic Considerations

The scheme is expected to improve the attractiveness of this section of Floral Street supporting the retailers with higher levels of footfall. Any economic benefits generated are welcome.

8.4 Access

Several local residents and the Covent Garden Community Association objected on the grounds of restricted pavement width of Floral Street and the impact of the scheme on pedestrian movement in particular people using wheelchairs and pushchairs.

The Highways Planning Manager has raised concerns over the proposals being contrary to the principle of the Westminster Way SPD. Where possible an unobstructed footway width of 2m is sought to allow easy pedestrian passage. The footway on Floral Street is already narrower than this, and there are concerns that any further narrowing would encourage a situation where some pedestrians would be forced or encouraged to walk outside the bollards.

Floral Street has a modest pavement width on both sides which is narrowed by existing bollards. The removal of the bollards has been considered but cannot be achieved as they have been installed to protect the buildings and the basements, they also act as a pedestrians protection from traffic.

It is recognised that given the restricted pavement width it will not be possible to achieve the 2m clearance required by the Westminster Way. Due to existing pinch points in some sections of the street the pavement clearance is below 1.5m.

The applicant demonstrated that due to the existing width of the southern footway and the presence of bollards access to wheelchair users is already restricted with pinch points of less than 800mm (universal wheelchair dimensions, from the Accessibility Code Part 1, is 860mm). Therefore the applicant revised the scheme on the northern side of the street only to respond to officers' concerns and local residents' objections. One planter has been relocated and all the planters (except the round planter in Conduit Court) have been reduced in size in order to retain an accessible route along the northern footway. 14 planters have been reduced to 350mm, 22 planters are now 300mm and 5 have been decreased to 200mm. The minimum pavement clearance is now 1.2m instead of 1m originally proposed and wherever it is possible a 1.8m clearance will be accommodated.

In addition the applicant proposes the creation of two dressed level setts (to provide a level surface) between both sides of the street to facilitate crossing of the pedestrians.

On the southern footway it is proposed to relocate 10 existing bollards in order to achieve a minimum of 1m of clear pedestrian space.

It is regrettable that the Westminster Way recommendations are not achieved but the width constraints in this location are recognised. A 1.2m minimum width on the northern side of the street will allow for wheelchair users and people with pushchairs a comfortable access along the northern footway, however the distance will not allow for two wheelchairs users to pass each other. On balance the benefits expected in terms of support to retail activity, greening of the city, helping biodiversity and contribution to improving local air quality (as detailed in other sections of this document) are considered to justify a departure from a standard approach to furniture on public highways. A temporary permission will allow the Council to monitor the impacts of the scheme on pedestrian movement and accessibility.

It is recommended that the proposed relocation of the bollards and installation of two level crossing points are secured via pre-commencement conditions.

8.5 Other UDP/Westminster Policy Considerations

Sustainability/Biodiversity

The planters, window boxes and climbers will make a positive contribution to create a greener city. The proposal is considered to contribute to the reduction of air pollution and help enhance biodiversity in accordance with policies S31 and S38 of the City Plan.

The choice of species is suitable for the location but plant in planters require frequent watering and aftercare, and the planters themselves require frequent cleaning and maintenance to ensure that a high quality appearance is maintained. The submitted Maintenance schedule will be secured via condition to ensure that cleansing and maintenance is carried out.

8.6 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.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

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 provision of two dressed level setts to roadway on Floral Street and the relocation of 10 bollards on the southern pavement of Floral Street prior to the installation of planters on the public highways. The applicant has agreed to the imposition of the condition.

8.9 Planning Obligations

Via informative the applicant will be informed that a legal agreement is likely to be accepted to secure the relocation of the bollards and the creation of two walkways prior to the installation of the planters.

8.10 Environmental Impact Assessment

The proposals are of insufficient scale to require an environmental assessment.

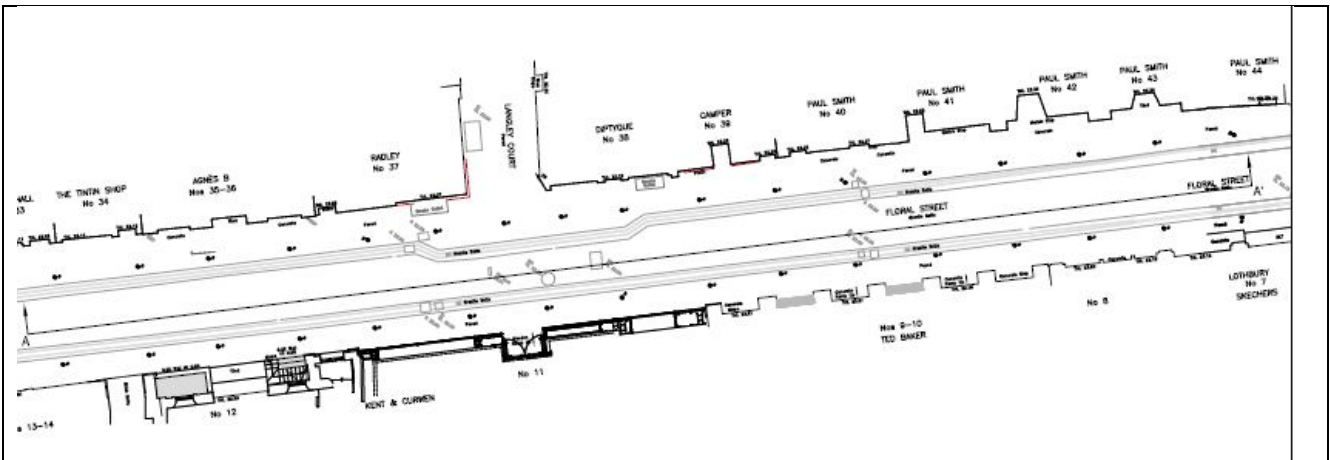
8.11 Other Issues

One objection letter mentions that the proposed Christmas lighting scheme is inappropriate for a narrow street as Floral Street. However this application relates to the greening of the street and no lighting is proposed.

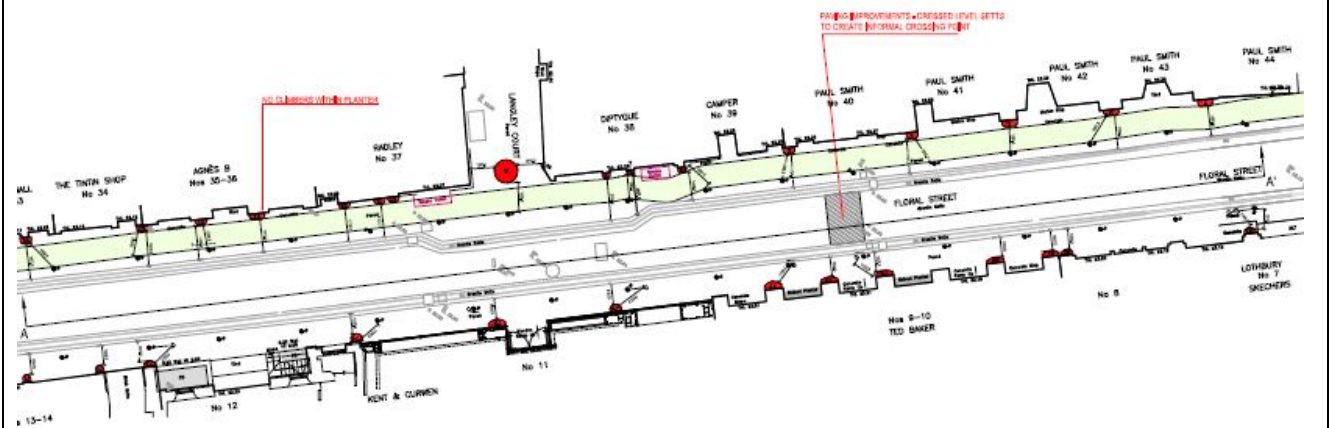
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

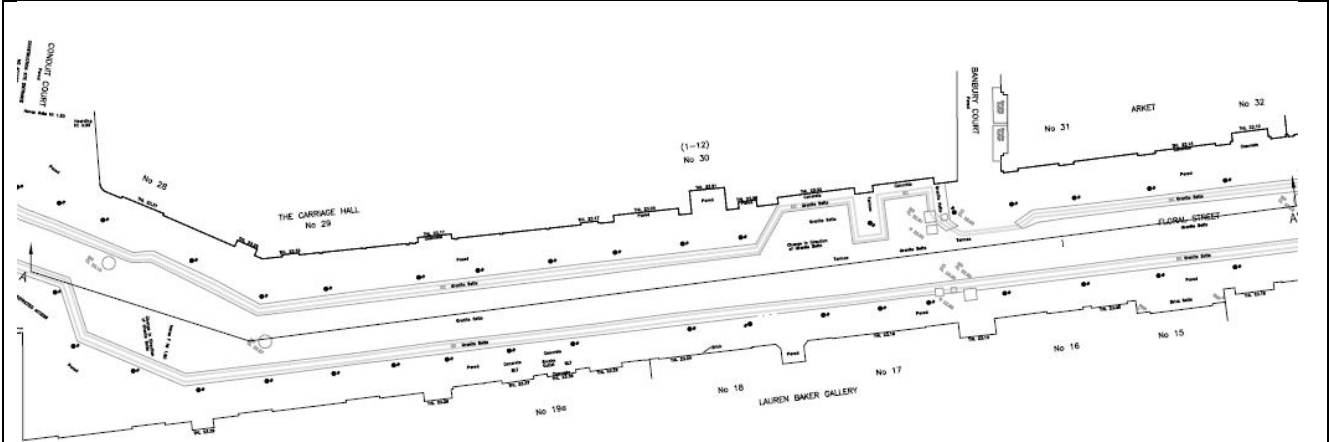
9. KEY DRAWINGS



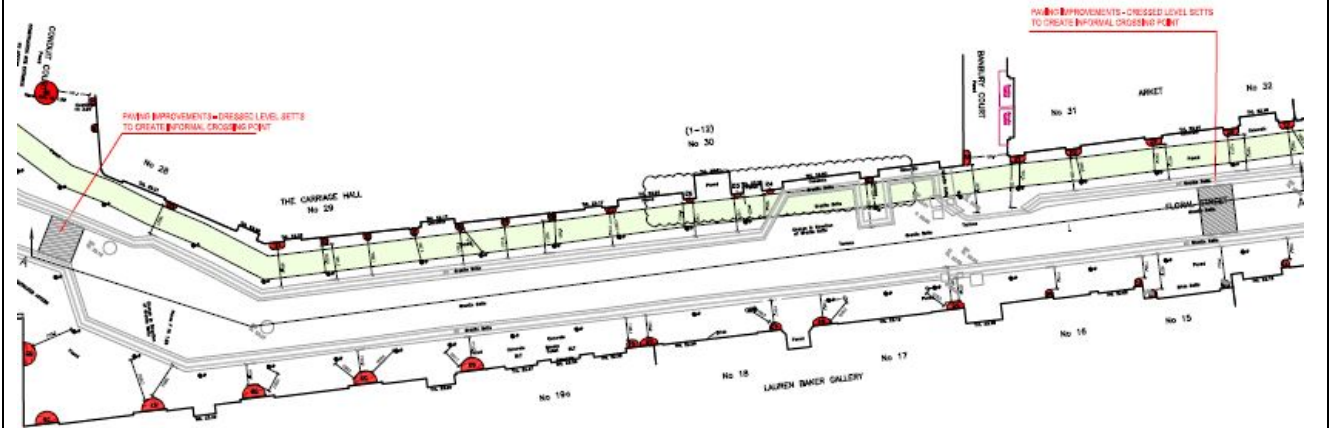
Existing East section



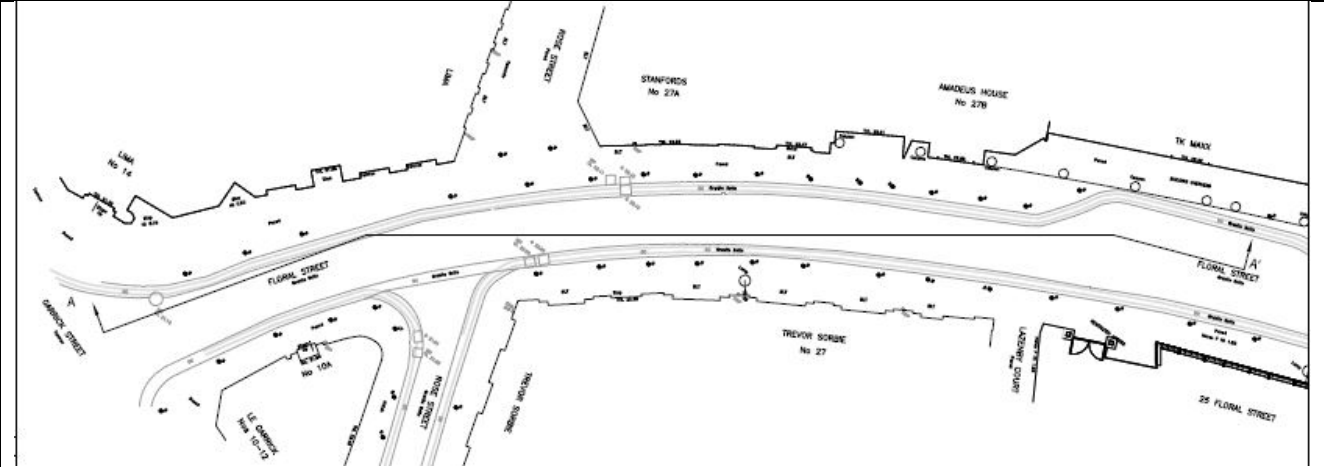
Proposed East section



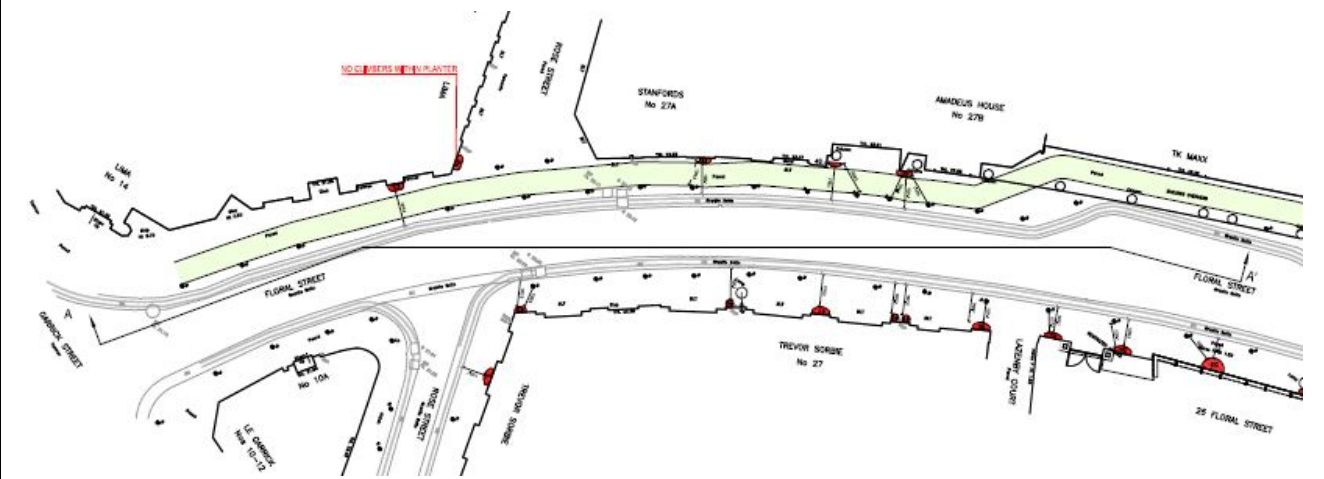
Existing middle section



Proposed middle section



Existing West section



Proposed West section

DRAFT DECISION LETTER**Address:** Floral Street, London, ,**Proposal:** Installation of planters on the highway and planters at first floor level to the north and south sides of Floral Street, with associated works.**Reference:** 18/06759/FULL**Plan Nos:** 90-LP001 rev.B; 90-LP002 rev.B; 90-LP003 rev.B; 90-LP004 rev.B; 90-LP005 rev.B; 90-LP006 rev.B; 90-LP007; 90-LP021; 90-LP022; 90-LP023; 90-LP021; 90-LP025; 90-LP026; 90-LP027; 90-LE101; 90-LE102; 90-LD101 rev.B; 90-LD103 rev.B; 90-LD104 rev.B; Maintenance schedule P2007611 RP 02 01 Rev R00 dated July 2018 prepared by BDP., , For information only: Design and access statement.**Case Officer:** Aurore Manceau**Direct Tel. No.** 020 7641 7013**Recommended Condition(s) and Reason(s)**

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of 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 planters hereby approved may remain in place for no longer than 3 years following their installation. After that you must remove them and return the land to its previous condition. (C03CA)

Reason:

So that we can assess the effect of the planters in terms of their contribution to the 'greening' of the street in line with policy S38 of the City Plan (November 2016) and make sure it meets policies S41 of Westminster's City Plan (November 2016) and TRANS2 and TRANS3 of our Unitary Development Plan that we adopted in January 2007. (R03CB)

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

Reason:

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

- 5 You must apply to us for approval of a material sample of the planters. 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 material sample.

Reason:

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

- 6 The maintenance and cleansing of the planters must be carried out in accordance with the submitted Maintenance Schedule P2007611 RP 02 01 Rev R00 prepared by BDP dated July 2018.

Reason:

To make sure that the appearance of the site is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area and to protect the planting. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and DES 1, paras 10.108 to 10.128 and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 7 You must not commence development until we have approved in writing appropriate arrangements to secure the following:

Item No.
2

- i) provision of dressed level setts to carriageway to create two informal crossing points on Floral Street;
- ii) relocation of 10 bollards on the southern pavement of Floral Street.

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

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.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The planters at first floor levels should have the appropriate oversailing licence where necessary and the planters on the highway should have the appropriate licence under the Highways Act 1980.
- 3 Under Condition 8 we are likely to accept a legal agreement under Section 106 of the Town and County Planning Act to secure the relocation of the 10 bollards and the creation of 2 walkways within Floral Street as indicated within the drawings submitted before the installation of any planters on the public highways, all associated costs of which must be covered by the applicant

Please look at the template wordings for planning obligations (listed under 'Supplementary Planning Guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.

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: Floral Street, London, WC2

Proposal: Installation of screw fixings and associated plant wiring system to south facades of 14 Garrick Street, 27a Floral Street and Carriage Hall.

Reference: 18/06760/LBC

Plan Nos: 90-LP001 rev.B; 90-LP002 rev.B; 90-LP003 rev.B; 90-LP004 rev.B; 90-LP005 rev.B; 90-LP006 rev.B; 90-LP007; 90-LP021; 90-LP022; 90-LP023; 90-LP021; 90-LP025; 90-LP026; 90-LP027; 90-LE101; 90-LE102; 90-LD101 rev.B; 90-LD103rev.B; 90-LD104 rev.B. For information only: Design and access statement; Heritage Statement dated July 2017.

Case Officer: Aurore Manceau

Direct Tel. No. 020 7641 7013

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

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

Reason:

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

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

Reason:

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

3 You must apply to us for approval of a material sample of the planters. 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 material sample.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation

Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 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 Covent Garden 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)

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Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 January 2018	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved St James's	
Subject of Report	Market Pitches, Strutton Ground, London, SW1P 2HY		
Proposal	Relocation of market stalls to Old Pye Street and north part of Strutton Ground adjacent Victoria Street for a temporary period of 6 months during resurfacing works. Phase 1 (works at the Great Peter Street/ Greycoat Place end of Strutton Ground): 5 x market stalls relocated towards junction with Victoria Street, 6 x market stalls relocated on Old Pye Street, and 8 x market stalls on Strutton Ground. Phase 2 (works at the Victoria Street end of Strutton Ground): 4 x market stalls relocated on Old Pye Street and 15 x market stalls on Strutton Ground.		
Agent	Westminster City Council		
On behalf of	Westminster City Council		
Registered Number	18/08309/FULL	Date amended/ completed	2 October 2018
Date Application Received	28 September 2018		
Historic Building Grade	Unlisted		
Conservation Area	Broadway And Christchurch Gardens		

1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992 for a temporary 6 month period.

2. SUMMARY

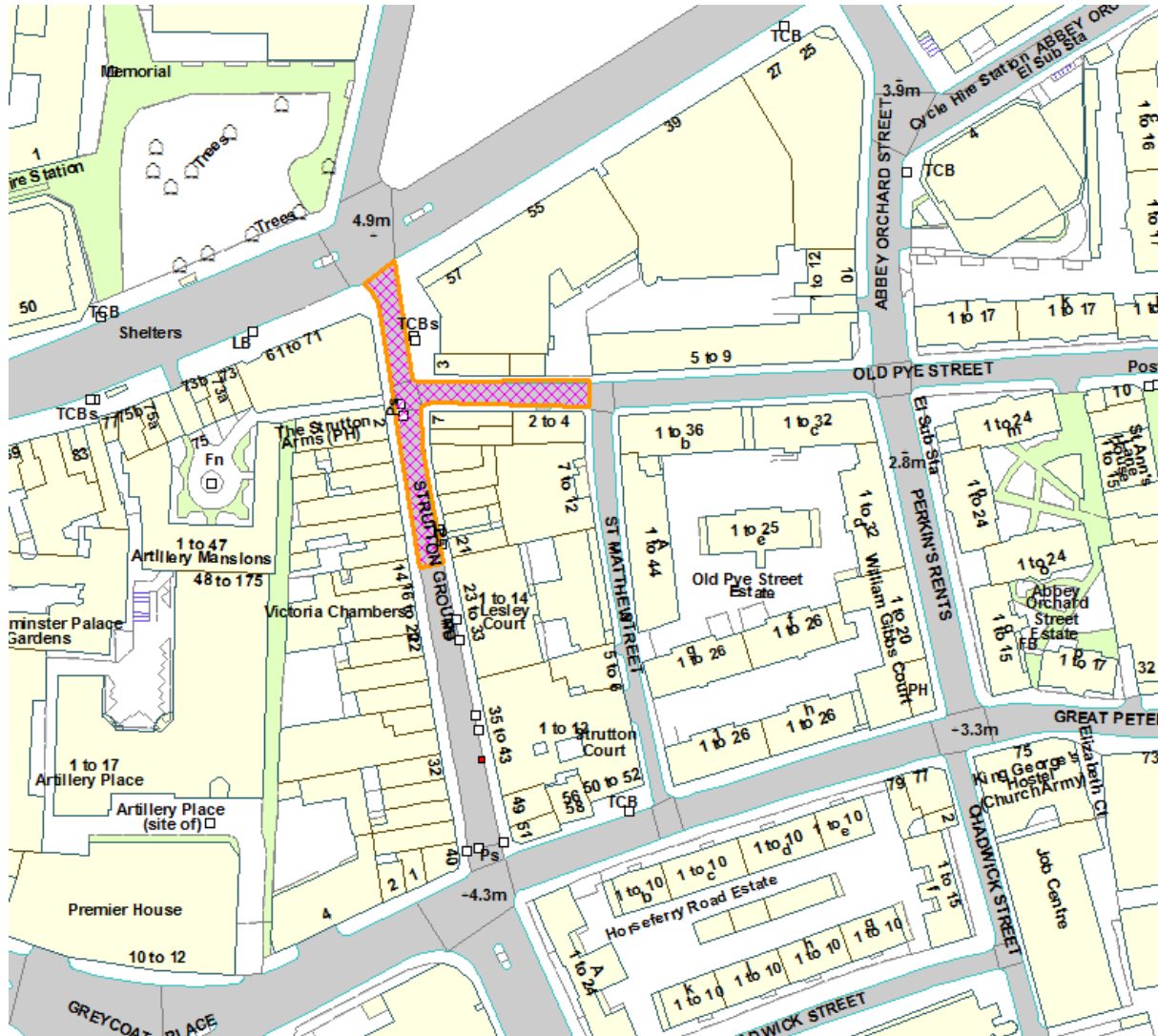
Westminster City Council is seeking to temporarily relocate Strutton Ground Market Stalls to the west part of Old Pye Street and the north part of Strutton Ground. The temporary relocation of the market stalls is required to facilitate public realm works/ resurfacing on Strutton Ground, which are estimated to take 6 months from start to finish.
--

The key issues are:

- The impact on the amenity of neighbouring residents;
- The impact on the surrounding highway network.

The proposed relocation of market stalls is considered acceptable on a temporary basis whilst works take place to improve the Strutton Ground public realm.

3. LOCATION PLAN



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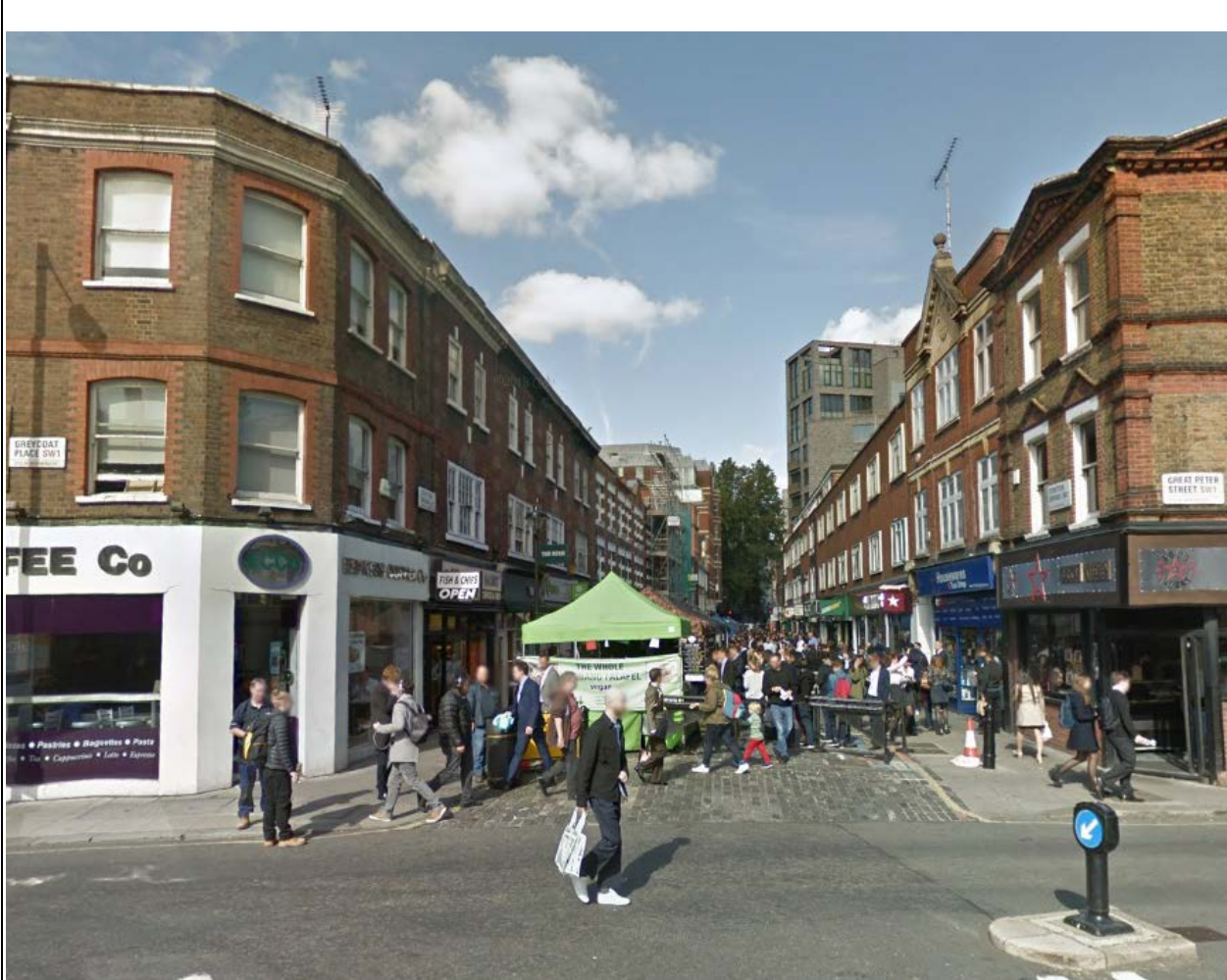
4. PHOTOGRAPHS



Strutton Ground (junction with Victoria Street)



Old Pye Street (looking towards junction with Strutton Ground)



Strutton Ground (Junction with Greycoat Place and Great Peter Street)

5. CONSULTATIONS

THORNEY ISLAND SOCIETY:

No objection. This seems a sensible solution to keeping the market running while the resurfacing work is done.

VICTORIA NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

No objection. Highways licensing will make the necessary arrangements to suspend parking places and to make temporary traffic orders to change the direction of traffic flow.

WASTE PROJECTS OFFICER:

Objection - the drawings do not indicate waste storage for the proposed temporary market, no waste management strategy was submitted, and the proposed market will obstruct collection of waste for some properties on Old Pye Street.

ENVIRONMENTAL HEALTH:

No objection. The stalls are also required to contact Environmental Health direct to register food businesses and to make sure that all ventilation and other equipment meet standards.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS:

No. Consulted: 245

Total No. of replies: 3

No. of objections: 2

No. in support: 1

Objections

One objection from a neighbour on the following grounds:

- Increase in rubbish and noise along Old Pye Street;
- People sitting on entrance steps of buildings along Old Pye Street to eat.

One objection on behalf of the street traders of Strutton Ground on following grounds:

Water

- Traders need clarification on whether they would have access to water.

Stall Arrangements

- The 4 isolated pitches in Old Pye Street are an issue as this will have an effect on the livelihoods of the traders
- Footfall will be reduced for those in Old Pye Street (particularly during Phase 2 of the works)
- Traders are being asked to relocate on a weekly basis for a 12 week period
- Works should be carried out at a faster rate to allow these pitches to return to Strutton Ground quicker within 2 – 3 weeks

Vehicle Access

- Traders will continue to need access to Strutton Ground to unload during works
- Any restricted access could cause highway issues in surrounding streets

Support

One letter of support on following grounds:

- The proposal will have the most minimal effect on people's livelihoods.

PRESS ADVERTISEMENT/ SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to land on both Strutton Ground and Old Pye Street. Strutton Ground is a narrow cobbled street between Victoria Street and Great Peter Street/ Greycoat Place. Old Pye Street connects to Strutton Ground at its northern end near the junction with Victoria Street.

The site lies within the Broadway and Christchurch Gardens Conservation Area and the Pimlico Central Activities Zone.

Strutton Ground is host to Strutton Ground Market, which is a small street market held on the stretch of Strutton Ground between its junction with Old Pye Street and Great Peter Street/ Greycoat Place. The Market is open weekdays and mainly caters for local residents and the office population in the local area, selling food, groceries, books, and clothing. The market is organised and regulated by Westminster City Council.

The Market is flanked either side by three storey terrace buildings which comprise of mostly Class A retail uses at ground floor level and a mix of commercial and residential uses on the upper floors.

6.2 Recent Relevant History

None relevant.

7. THE PROPOSAL

The proposal seeks to temporarily relocate Strutton Ground Market Stalls to the west part of Old Pye Street and the north part of Strutton Ground. The temporary relocation of the market stalls is required to facilitate public realm works/ resurfacing on Strutton Ground, which are estimated to take 6 months from start to finish.

The public realm works are to be undertaken in two phases leaving half of Strutton Ground vacant during each phase.

Phase one of the public realm works will start at the southern end of Strutton Ground towards Great Peter Street/ Greycoat Place. During phase one the market stalls are to be arranged as follows:

- 5 x market stalls relocated towards the northern end of Strutton Ground;
- 6 x market stalls relocated towards the western end of Old Pye Street; and
- 8 x market stalls to remain in their original locations on Strutton Ground.

Phase two will be at the northern end of Strutton Ground towards Victoria Street. During phase two the market stalls are to be arranged as follows:

- 4 x market stalls relocated towards the western end of Old Pye Street; and
- 15 x market stalls to remain in their original locations on Strutton Ground.

There are normally 22 market stalls on Strutton Ground however in order to make the proposal work, the four traders who currently occupy double pitches will reduce to a single pitch, to accommodate 19 stalls in total.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal is to temporarily relocate existing Strutton Ground Market Stalls. Given the temporary nature of the relocated stalls, their scale, and proximity to their original locations, the proposals are not considered to have an adverse impact on the character of the area.

8.2 Townscape and Design

The proposal does not raise any design issues.

8.3 Residential Amenity

The Market is intended to operate in the same manner. The majority of stalls arrive around 9am to set up set up and then start to pack away from 2pm.

An objection has been received from a resident in Old Pye Street who is concerned that the proposals will lead to an increase in rubbish, noise, and people sitting in entrance steps of building s along Old Pye Street to eat.

Whilst there are residential properties near the relocated Old Pye Street stalls, the majority of residential occupiers live towards the other end of the street, on the other side of its junction with St. Matthew Street. Although there may be some additional disturbance for residents, the proposals are considered acceptable given the stalls temporary nature and proximity to their original locations. The stalls would only be in place on weekdays and are normally removed by 3pm. A condition is recommended requiring that all relocated stalls are removed and no servicing takes place after 5pm.

8.4 Transportation/Parking

The Highways Planning Manager has no objection to market stalls being temporarily relocated into a combination of Old Pye Street and Strutton Ground.

At this stage, it is unclear what is proposed in terms of diverting the traffic that currently uses the west end of Old Pye Street and north end of Strutton Ground. Highways licensing will decide on matters and make the necessary arrangements to suspend parking places and to make temporary traffic orders to change the direction of traffic flow.

8.5 Economic Considerations

The proposals seek to keep the relocated stalls close to their original location, which aims to minimise the impact that this temporary disruption may have on the livelihoods of stall holders.

Concerns have been raised that the livelihood of traders located on Old Pye Street may be adversely affected, particularly during phase two of the public realm works when 4 stalls would be isolated. Whilst the concerns from the street traders are understood, this is not considered a material reason for refusal. The applicant is encouraged to ensure that all public realm works are complete as quick as possible in order that disruption to traders is kept to a minimum.

8.6 Access

Access to all properties and businesses will be maintained throughout the works.

8.7 Other UDP/Westminster Policy Considerations

Refuse/ Recycling

The Waste Project Officer raises concern on the grounds the proposals do not indicate waste storage for the proposed temporary market, no waste management strategy was submitted, and the proposed market will obstruct collection of waste for some properties on Old Pye Street.

Due to space confinements it is not possible to provide waste storage on street. The existing market does not have any waste storage and it is intended that waste is managed in a similar manner to how it is at present. Market waste is to remain on the stall with the collection taking place at the end of the market hours direct from the stall.

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.

8.11 Planning Obligations

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

8.12 Other Issues

Emergency Access

The applicant has briefed London Fire Brigade on the proposals and they have not raised any comments in respect of emergency access.

Water

Market traders have raised concerns as to whether they will have access to water. The applicant advises that current trial holes have shown that water is not possible at this stage however further investigation is taking place and this might be possible when the footway is under construction at the later stage of the Public Realm works.

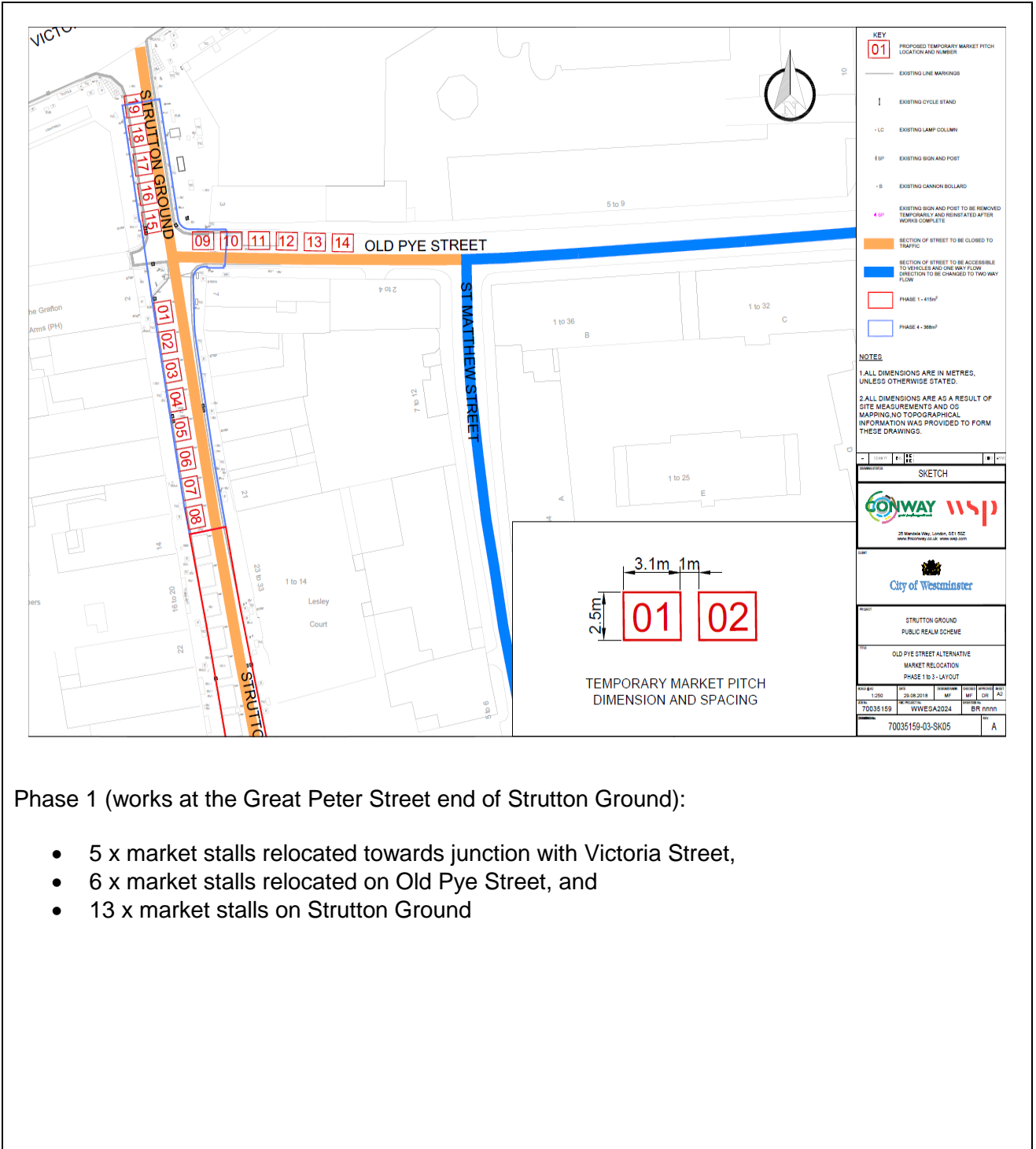
Highways Licensing

The relocated market stalls must have a street trading licence.

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

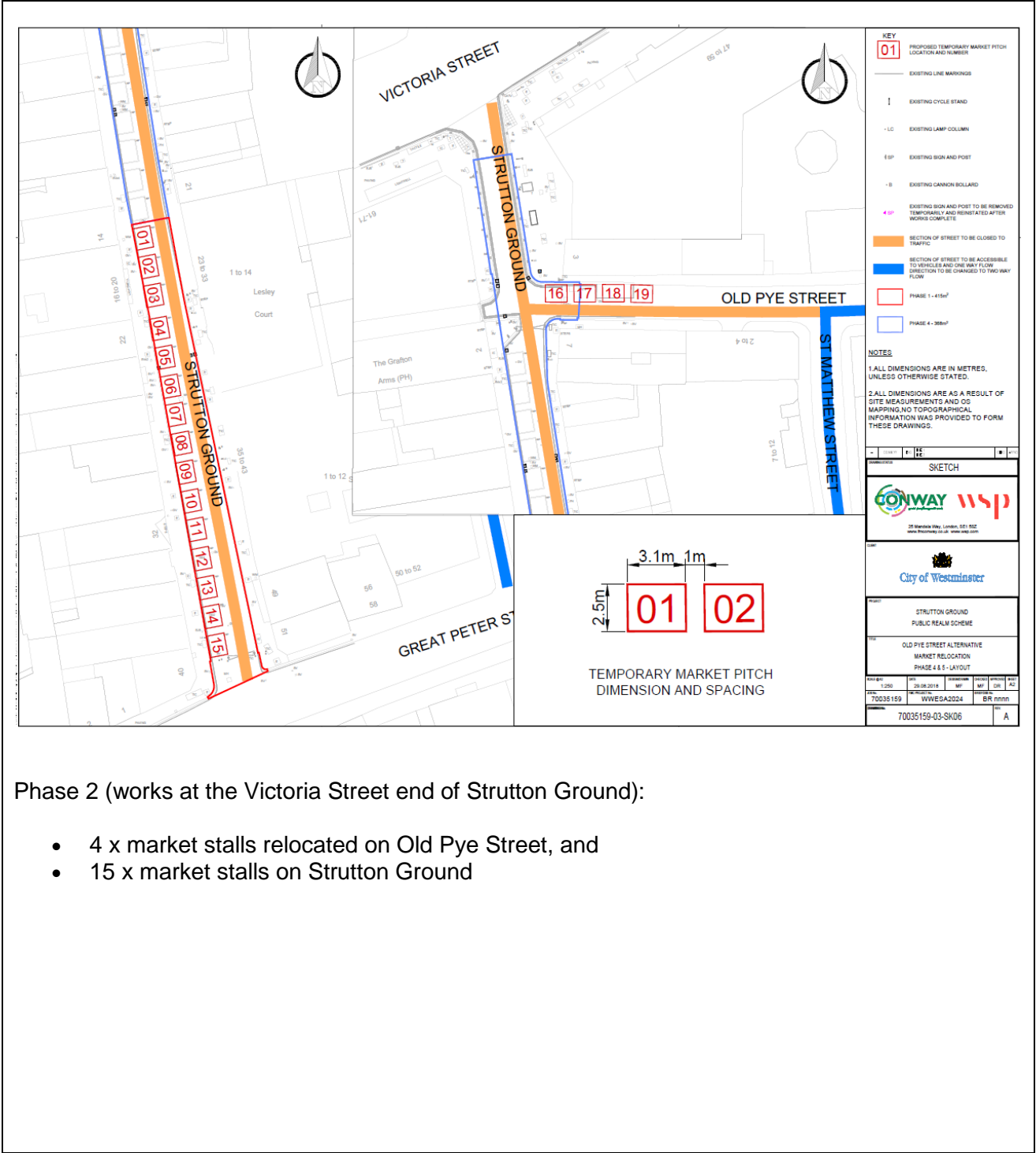
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT LFRANCIS@WESTMINSTER.GOV.UK

9. KEY DRAWINGS



Phase 1 (works at the Great Peter Street end of Strutton Ground):

- 5 x market stalls relocated towards junction with Victoria Street,
- 6 x market stalls relocated on Old Pye Street, and
- 13 x market stalls on Strutton Ground



Phase 2 (works at the Victoria Street end of Strutton Ground):

- 4 x market stalls relocated on Old Pye Street, and
- 15 x market stalls on Strutton Ground

DRAFT DECISION LETTER

Address: Market Pitches Strutton Ground , Strutton Ground, London, SW1P 2HY

Proposal: Relocation of market stalls to Old Pye Street and north part of Strutton Ground adjacent Victoria Street for a temporary period of 6 months during resurfacing works. Phase 1 (works at the Great Peter Street/ Greycoat Place end of Strutton Ground): 5 x market stalls relocated towards junction with Victoria Street, 6 x market stalls relocated on Old Pye Street, and 8 x market stalls on Strutton Ground. Phase 2 (works at the Victoria Street end of Strutton Ground): 4 x market stalls relocated on Old Pye Street and 15 x market stalls on Strutton Ground.

Reference: 18/08309/FULL

Plan Nos: Location Plan; Market Relocation Layout Plans

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

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 The relocated market stalls on Old Pye Street and Strutton Ground allowed by this permission can continue for a period of 6 months starting from the date that they are relocated. After that the land must return to its previous condition and use.

Reason:
We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S29 of Westminster's City Plan: Strategic Policies which we adopted in July 2016 and ENV 6 and ENV 13 of the Unitary Development Plan, adopted January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 3 You can use the relocated market stalls on Strutton Ground and Old Pye Street between 0900 and 1700 Mondays to Fridays and not at any other times. Outside these hours these areas of Strutton Ground and Old Pye Street shall be clear of all materials, produce, waste, spillages and equipment connected with the market.

Reason:

In order to reserve details of the days/ times for the operation of the market with the chosen market operator in order to safeguard the amenities of nearby residents as set out in S29 and S32 of Westminster's City Plan: Strategic Policies which we adopted in July 2016 and ENV6 and ENV13 of our Unitary Development Plan that we adopted in January 2007.,

- 4 No deliveries or loading and unloading of items associated with the market stalls shall be made between the hours of 1700 hours and 0900 hours Monday to Friday.

Reason:

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

- 5 No live or recorded music shall be played in the Market Stalls.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards.

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Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)

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

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

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Agenda Item 4

Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 January 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved St James's	
Subject of Report	80-86 Shaftesbury Avenue And 5 Macclesfield Street, London, W1D 6AY,		
Proposal	Use of the first and second floor of 80 Shaftesbury Avenue as Class C3 (residential) to provide 2x1 bedroom units. Reconfiguration of 4 residential units at 82-88 Shaftesbury Avenue. Reconfiguration of the restaurant unit at 5 Macclesfield Street and the retail unit at 80 Shaftesbury Avenue at ground floor level. Infill of light-well and installation of a new shopfront at 80 Shaftesbury Avenue and minor external alterations. (Site includes 80, 82-88 Shaftesbury Avenue and 5 Macclesfield Street)		
Agent	Rolfe Judd Planning		
On behalf of	Shaftesbury Chinatown Plc		
Registered Number	18/04902/FULL	Date amended/ completed	12 June 2018
Date Application Received	12 June 2018		
Historic Building Grade	Unlisted		
Conservation Area	Chinatown		

1. RECOMMENDATION

For Committee's consideration:

Does the Committee consider that the circumstances of this case are sufficient to justify the loss of office accommodation as an exception to adopted City Plan policy?

2. SUMMARY

The application site comprises three buildings; 80 Shaftesbury Avenue; 82-88 Shaftesbury Avenue and 5 Macclesfield Street, these properties are located on the southern side of Shaftesbury Avenue within the Chinatown Conservation Area and Core Central Activities Zone.

The buildings all comprise basement, ground and three upper floors with internal connections between the properties at various levels. The basement and ground floors of 82-88 Shaftesbury Avenue are in use as a restaurant (Class A3) and are not included within the scope of the application. The first floor of this property has lawful use as either office, non-residential institution

(D1) or residential accommodation and is currently in use as a flat, the second and third floors are also used as flats.

5 Macclesfield Street is used as a restaurant at basement and ground with residential flats on the upper floors. 80 Shaftesbury Avenue is currently used as a restaurant at basement (associated with 5 Macclesfield Street), retail at ground floor and the upper floors have various approved or long-standing uses for residential, office, retail or financial / professional services. Currently the first and second floors are used for office purposes, with a residential flat at third floor level.

The proposals include minor works to the properties including the infilling of a small internal lightwell, replacement of the shopfront at 80 Shaftesbury Avenue, alterations to the ground floor frontage of 5 Macclesfield Street on the Dansey Place elevation, and installation of new windows at all levels. It is also proposed to re-configure the ground floor restaurant and retail uses and to change the use of the first and second floors of 80 Shaftesbury Avenue to provide two residential flats.

The key issue for consideration is:

- The loss of office floor space within the Core Central Activities Zone.

The proposal would result in the loss of office accommodation on the first and second floors of 80 Shaftesbury Avenue within the Core Central Activities Zone where the conversion of office floorspace to residential accommodation is resisted. Committee's views are sought as to whether sufficient justification has been demonstrated to allow an exception to policy in this instance.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Shaftesbury Avenue
frontage



Corner of
Shaftesbury Avenue
And Macclesfield
Street



5. CONSULTATIONS

SOHO SOCIETY

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

HIGHWAYS PLANNING

Objection – lack of available on-street parking.

WASTE PROJECT OFFICER

No objection subject to conditions.

CROSSRAIL 2

Do not wish to comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 27

Total No. of replies: 1

No. of objections: 0

No. in support: 1

Letter of support on the following grounds:

Refurbishment of the property is welcomed and should improve the security of the building.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the corner of Shaftesbury Avenue and Macclesfield Street on the southern side of Shaftesbury Avenue and includes 80-86 Shaftesbury Avenue and 5 Macclesfield Street. The buildings are unlisted and located within the Chinatown Conservation Area, Core Central Activities Zone (Core CAZ) and the West End Stress Area.

6.2 Recent Relevant History

80 Shaftesbury Avenue

Planning permission was granted in July 2014 for the alternative use of the rear first floor for retail (Class A1), financial and professional services (Class A2) and office (Class B1) purposes and the dual/alternative use of the rear second floor for either retail (Class A1) or office (Class B1) use. It appears that the office use was implemented for both the rear first floor and rear second floor.

Planning permission was granted in December 2005 for the alternative use of first floor rear for (Class A1) retail, (Class A2) financial and professional services or continued (Class B1) office purposes.

82 Shaftesbury Avenue

Planning permission was granted in August 2015 for the triple/alternative use of the front first floor for use as either office (Class B1), medical (Class D1) or as a residential studio (Class C3).

The officers report for this decision sets out that in 2015, the first floor was part in office (B1) use, part residential (C3) use with the second and third floors in residential (C3) use. Residential use of the rear first floor was considered to have been long-standing since 1991.

7. THE PROPOSAL

At ground floor level, the existing property comprises three existing units, being one restaurant premises to Macclesfield Street, a retail unit to Dansey Place and a retail unit to Shaftesbury Avenue. The proposal would result in a reconfigured extended restaurant unit fronting Macclesfield Street and Dansey Place with an extended retail unit to Shaftesbury Avenue. The existing entrance to the upper floors of 80 Shaftesbury Avenue will be removed and all access to the upper floors of the buildings is to be provided through the existing entrance and core of 82-88 Shaftesbury Avenue. A new shopfront is proposed to the retail unit on Shaftesbury Avenue and new timber sash windows are proposed to the upper floors of the building.

The lawful use of the upper floors of 82-88 Shaftesbury Avenue is as six residential flats.

The upper floors of 80 Shaftesbury Avenue comprise, first, second and third floor levels. The third floor appears to have established use as a residential flat (being registered for Council Tax since 1993) whilst the first and second floors have been split into 'front' and 'rear' rooms. The permission that was granted in July 2014 permitted the triple / alternative use of the rear first floor for either retail (Class A1), financial / professional services (Class A2) or, office (Class B1), and the rear second floor for either retail (Class A1) or office (Class B1). The front element of the first and second floors would appear to have lawful use as office accommodation and both front and rear of the first and second floors in the property are rated for Business Ratings purposes as office accommodation. It is important to note that under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the rear first and rear second floors can change use between the permitted uses listed above until July 2024.

Permission is sought for the change the use of the commercial floorspace at first and second floor levels within 80 Shaftesbury Avenue to provide two-one bedroom, residential flats. The access to the new flats will be via the existing access/stair core in 82-88 Shaftesbury Avenue. However, as a result of the reconfiguration of the stair core, there would be a small loss residential floorspace to three of the existing residential flats, but this would be confined to the entrance hallway of each of the flats.

1. Land use table.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Restaurant (A3)	204	220	+16
Retail (A1)	40	41	+1
Office (front first and second floors)	52	0	-52
Office/retail/financial and professional services (rear first floor)	24	0	-24
Office/retail (rear second floor)	24	0	-24
Residential (80 Shaftesbury Avenue)	49	169	120
Total	344	430	+86

The increase in floorspace within 80 Shaftesbury Avenue is provided by the infilling of the small internal lightwell and the removal of the existing staircore.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office floorspace

As set out above, there is 52sqm of lawful office floorspace over the front first and front second floor levels, with flexible office floorspace at rear first and rear second floor level comprising 48sqm. Therefore the proposals could result in the loss of 52sqm and the potential loss of a further 48sqm (total 100sqm) of office floorspace within the Core Central Activities Zone.

Policy S20 of the City Plan states that; 'inside the Core Central Activities Zone, Opportunity Areas and the Named Streets, changes of use from office to residential or replacement of office floorspace with residential floorspace will only be acceptable where the council considers that the benefits of the proposal outweigh the contribution made by the office floorspace.' The policy further states that when considering proposals for change of use from office to residential consideration will be given to the degree to which housing and employment targets are being achieved; the extent to which the office floorspace contributes to meeting Westminster's business and employment needs; and the extent to which the type, size and tenure of housing proposed meets or exceeds Westminster's needs. Consideration could also be given to significant benefits to a heritage asset or townscape but this should be considered in the context of the priority to retain office floorspace.

The reasoned justification for this is that the City Council is seeking to reverse a significant reduction in office floorspace that resulted from planning consents to convert to residential between 2010 and 2015. The applicant is not seeking to argue that the proposal is acceptable due to the City Council meeting office floorspace targets, indeed the policy justification states that; 'After employment capacity has recovered in line with

the employment targets and an appropriate balance of uses is re-established, commercial floorspace will still be the priority in the Core CAZ, Named Streets and Opportunity Areas, and loss of offices to housing will only be acceptable where the benefits outweigh the dis-benefits, as assessed in the wider context of the prioritisation of the core commercial areas for commercial uses and activities.'

The applicant argues that the existing office floorspace has a negligible contribution to Westminster's office stock, by virtue of its size and layout, which, in their view does not 'suit traditional office uses'. It is also noted the office accommodation is provided in small rooms of approximately 20sqm and the applicant states small office accommodation of this type is increasingly difficult to let, although no marketing information has been submitted to support this claim. The applicant has stated that they have struggled to secure a long term user of the office floorspace and this has resulted in short term letting of the office floorspace. They have stated that the knock-on impact of the short term letting is a lack of 'ownership' of the common parts.

The applicant has also stated that rough sleepers have been using the existing recessed entrance, and have been able to enter the hallway, attracted by the poorly controlled access from street level. They have also stated that the existing staircase is narrow, which hampers deliveries to the office occupiers.

The issue with regard 'ownership' and maintenance of the common areas in the property is considered a management issue and should be for the freeholder to maintain the common parts as opposed to people who have leased a certain part of the building. Also, this issue will also arise with the proposed residential use of the building as the freeholder will still be liable for maintenance of the common parts.

With regard rough sleepers in the doorway, they are unlikely to be attracted by the commercial uses in the building and more likely the recessed entrance providing a form of shelter. This could be easily addressed by removing the recessed entrance (which is part of these proposals) without the need to change the use of the building.

The applicant has stated that residential use is a better use for the upper floors, which will also result in an increase in size of the existing flat at third floor level and argue that this outweighs the loss of the office floorspace. Committee's views are sought on whether the loss of office accommodation is justified in these circumstances.

Residential floorspace

The provision of new residential floorspace is welcomed in principle and complies with Policies H3 of the UDP and S14 of the City Plan, which seek to maximise the amount of land or buildings in residential use. The proposal results in the creation of two-one bedroom units.

The two new residential units equate to 57sqm and 56sqm and are dual aspect with frontages to Shaftesbury Avenue to the north and Dansey Place to the south. These unit sizes accord with the minimum sizes as detailed in the London Plan without being excessively large and being dual aspect will ensure a good level of internal light and the ability to naturally ventilate the units.

An acoustic report has been submitted to ensure that the new residential units would comply with the internal noise standards set out in the UDP, as a result of internal and external noise sources. Information has been provided relating to the acoustic mitigation treatment between the existing (and extended restaurant) and the new residential at first floor level. Environmental Health have no objection to the mitigation treatment for the separating floor and consider this acceptable to meet the City Council criteria with regard internal noise levels. Details have also been provided of the acoustic mitigation required to ensure appropriate protection from external noise sources which are again considered acceptable with Environmental Health. Suitable conditions would be applied to any consent to ensure these measures were installed to the specification detailed and maintained in this manner.

As the windows of the units would have to be shut to meet the internal noise level criteria it is also proposed to install a mechanical ventilation system. Details of this have been provided including potential noise outbreak and relevant conditions to control noise level would have been attached to any approval.

Policy H5 of the UDP requires that in new developments, 33% of the residential units should be family sized (three bedrooms or more), whilst Policy S15 of the City Plan also requires that 'residential developments will provide an appropriate mix of units in terms of size, type and affordable housing provision to contribute towards meeting Westminster's housing needs, and creating mixed communities'. There are two new units proposed in this development, neither of which is family sized, however, as the site is in a very busy, central location with no external space and the proposal only creates two new residential units the application is considered acceptable in this regard.

As the increase in residential floor space does not exceed 1000sqm or 10 additional residential units, there is no policy requirement to provide affordable housing provision, as set out in Policy S16 of the City Plan.

Restaurant floorspace

The existing restaurant over the basement and ground floor levels of 5 Macclesfield Street is proposed to extend into the rear unit on Dansey Place, which will create additional 16sqm of restaurant floorspace, resulting in a total of 220sqm. The extended entertainment unit of this type and size located within the Core CAZ and West End Stress Area would be considered against Policies TACE9 of the UDP and S24 of the City Plan.

Policy S24 of the City Plan requires that, 'new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.'

Policy TACE9 of the UDP states that permission for restaurant uses will generally be permissible, where the proposed development will have no adverse impact on residential amenity or local environmental quality, and no adverse effect on the character or function of its area. Where necessary, conditions will be imposed to control capacity, hours of operation, amenity and servicing arrangements.

The existing restaurant at 5 Macclesfield Street is not controlled by planning conditions, but is licensed to be open between the hours of 11:00 and 00:00 Monday to Saturday and 11:00 and 23:30. The applicant has confirmed that they would accept a condition restricting the extended restaurant opening hours to the same as the existing licence. These opening hours are in line with the UDP which states that no customers will be allowed to remain on the premises after midnight on Sundays to Thursdays, and after 00.30 on the following morning on Friday and Saturday nights.

The existing restaurant has 200 covers and this is not proposed to change as a result of the increase in floorspace. The applicant has agreed to a condition limiting the number of covers. A condition would also have been proposed stating that no music can be played in the premises which is audible externally or within adjoining properties.

There is an existing high level extract duct and this is will be retained for the extended restaurant use.

The increase in restaurant floorspace is modest, but this extension in floorspace allows the City Council to bring the restaurant under planning control. The principle of the extended restaurant premises is therefore considered to be in accordance with UDP Policy TACE9 and City Plan Policy S24.

Retail / Financial and Professional Services

The proposal will result in an increase in retail accommodation at ground floor level. It will also allow the increase in the retail frontage along Shaftesbury Avenue resulting from the removal of the entrance to the upper floors of 80 Shaftesbury Avenue. The provision of new retail floorspace accords with the stipulations of Policies S6, S7 and S21 of the City Plan and SS4 of the UDP which seek to encourage retail growth within the Core CAZ and to enhance the offer and status of the West End Special Retail Policy Area.

The 2014 consent allowed for the rear first floor and the rear second floor to be potentially used for retail purposes (48sqm). The potential loss of retail floorspace on the upper floors, which is not associated with the retail unit on the ground floor and which shares a stair core with other commercial and residential uses is considered acceptable in land use terms. The rear first floor room could also potentially be utilised as financial and professional services floorspace which means a potential loss of 24sqm, this is also acceptable as the accommodation shares a stair core with multiple other uses and is unaffiliated with any ground floor use.

8.2 Townscape and Design

80 Shaftesbury Avenue and 82-88 Shaftesbury Avenue form part of what is known as Cooper House, an Edwardian building of red brick, with traditional details, including columns, cornices and sash windows. The shopfront at 82-88 Shaftesbury Avenue is of a traditional form while that at 80 Shaftesbury Avenue is a fully openable modern design.

5 Macclesfield Street is a much simpler design, comprises entirely of red brick and white six-pane sash windows. It also incorporates a two storey arch that forms the entrance to Dansey Place. None of the buildings are listed but all of them are considered to make a

positive contribution to the character and appearance of the Chinatown Conservation Area.

The three properties are all inter-connected internally, with multiple cores and lightwells.

The existing shopfront to 80 Shaftesbury Avenue is harmful to the host building and both the Chinatown and Soho Conservation Areas (the boundary of which is along Shaftesbury Avenue). The proposed replacement shopfront is an improvements in terms of its effect on the character of the conservation area.

The replacement windows are of matching appearance to the existing and are acceptable. Drawings have been provided showing sill and glazing bars in detail. The double glazed units are very thick (29.6mm) but are considered to be acceptable on this occasion because they are at first floor and above, they match throughout the building and the double glazed units are individually puttied into glazing bars.

The altered ground floor treatment to the Dansey Place elevation of 5 Macclesfield Street involves the blocking up of two doors and the insertion of one new door, adjacent to the retained shop window. These doors make a neutral contribution to the character and appearance of the conservation area. Retaining the form of the blocked doorways would help to prevent the creation of an overly blank frontage within Dansey Place. This requirement could be dealt with by condition on any approval.

The infill of the small lightwell between 80 Shaftesbury Avenue and 82-88 Shaftesbury Avenue will not impact on the conservation area.

The proposed works are considered to be acceptable in design and conservation terms.

8.3 Transportation/Parking

The City Council would normally expect where appropriate and practical the provision of off-street parking to accompany residential development proposals. However, it is recognised that in this situation this would not be practical. Policy TRANS23 stipulates that the City Council will normally consider there to be a serious deficiency where additional demand would result in 80% or more of potential parking spaces being occupied. City Council survey data shows that occupancy of on-street residential parking spaces is 78% in the day and 92.7% in the night-time. Even including metered parking bays and single yellow lines (on which residents can park over-night) the occupancy remains over the threshold level of 80% and therefore the Highways Planning Manager objects to the proposal. Given the close proximity of this site to excellent public transport facilities and that the proposal only creates two new residential units it is considered that the lack of parking in this instance is likely to be acceptable.

The applicant has indicated that any cycle storage would need to be within the residential units due to a lack of communal facilities within the building. This argument is accepted as the residential core only contains the communal stair and there is no potential for cycle storage. The Highways Planning Manager has requested cycle storage be conditioned within the residential units, however this is not considered necessary for cycle storage within flats and the condition is not considered appropriate.

Economic Considerations

Any economic benefits generated are welcomed.

8.4 Access

There is existing level access to the restaurant unit at 5 Macclesfield Street and this will be retained as part of the proposal. On 80 Shaftesbury Avenue there is only stepped access into the retail unit as the entire block is on a slanting plinth due to the topography of the street. The applicant contends that they are unable to provide level access to the retail unit due to the existing concrete plinth.

The residential units are currently accessed via an internal stair and this arrangement would not change.

8.5 Other UDP/Westminster Policy Considerations

The proposed waste / recycling storage facilities are acceptable and had the application been recommended for approval a condition would have been recommended to secure this provision in perpetuity.

8.6 London Plan

This application raises no strategic issues.

8.7 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.

8.8 Planning Obligations

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

8.9 Other Issues

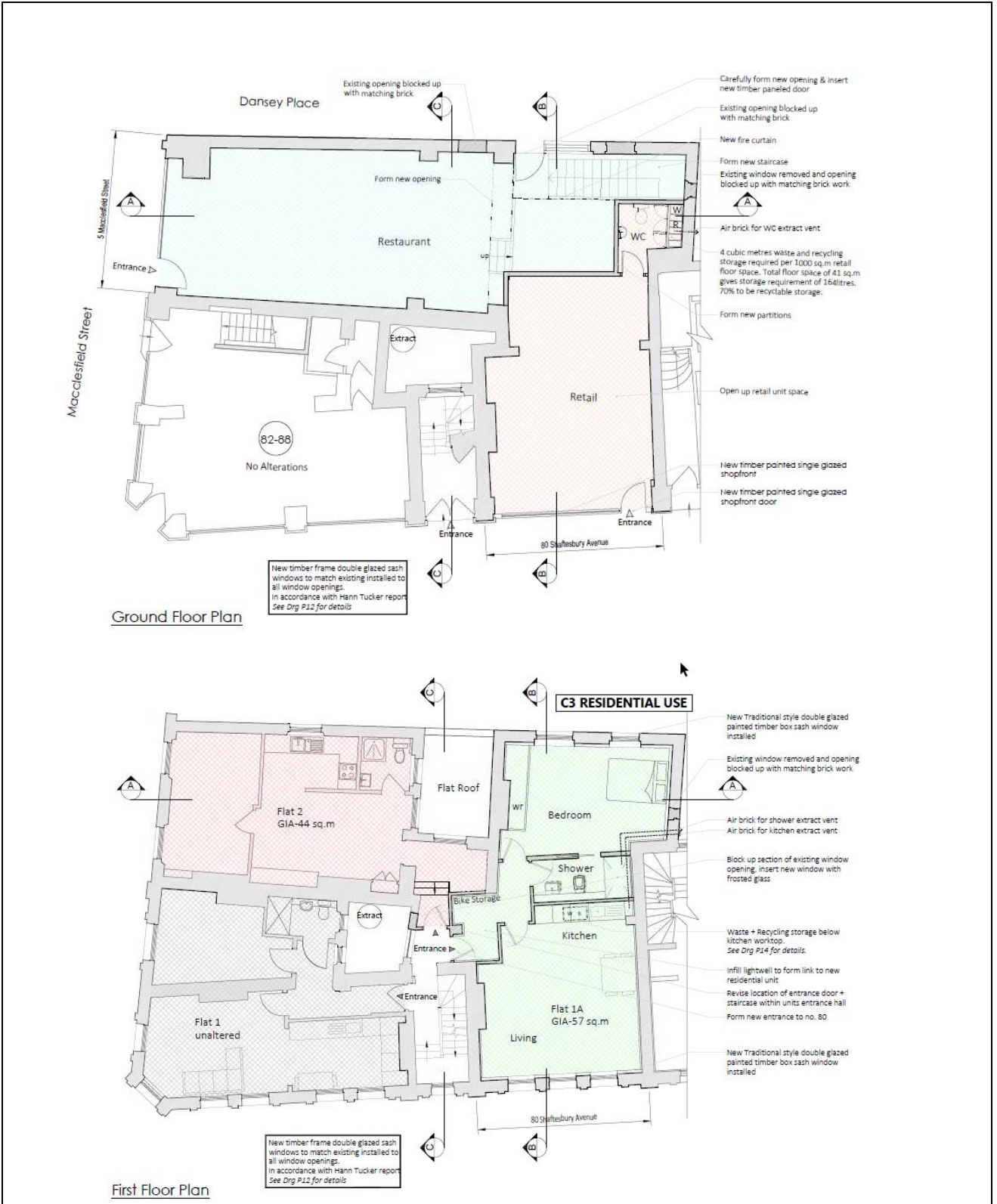
A letter of support has been received to the application from the occupier of the third floor flat in 80 Shaftesbury Avenue. They state that the change of use of the commercial floorspace to residential will improve the security of their flat as fewer people will be able to access the block. These comments are noted but the existing arrangement of mixed uses on the upper floors of a property is not uncommon in Central London. The occupier has also commented on the removal of the existing recessed entrance which will discourage people from sleeping in the entrance. These comments of support are noted.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

9. KEY DRAWINGS



CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 January 2019	Classification For General Release	
Report of Executive Director of Growth, Planning and Housing		Ward(s) involved Abbey Road	
Subject of Report	32 Alma Square, London, NW8 9PY		
Proposal	Excavation of a basement underneath the footprint of the property, with glazed covered lightwells to front and rear gardens.		
Agent	Mr Simon Graham		
On behalf of	Mr Goodman		
Registered Number	18/09001/FULL	Date amended/ completed	22 October 2018
Date Application Received	22 October 2018		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to a mid-terraced three-storey building plus lower ground which forms part of a terrace grouping on the southern side of a communal garden. No. 32 Alma Square is an unlisted building of merit within the St John's Wood Conservation Area. Planning permission is sought for the excavation of a single storey basement beneath the existing building footprint and to excavate part of the front and rear garden to create respective lightwells covered by floorlights.

Objections have been received from neighbouring residents on a number of grounds including the design, impact on the conservation area and the impact of excavation works on neighbouring properties and residents.

The key issues in this case are:

- * The impact of the proposal on the appearance of the host building and the character and appearance of the St. John's Wood Conservation Area
- * The impact of the proposal on the amenity of neighbouring residents.

Subject to appropriate conditions as set out in the draft decision letter appended to this report, the redevelopment proposals are considered to comply with the relevant design, conservation, amenity

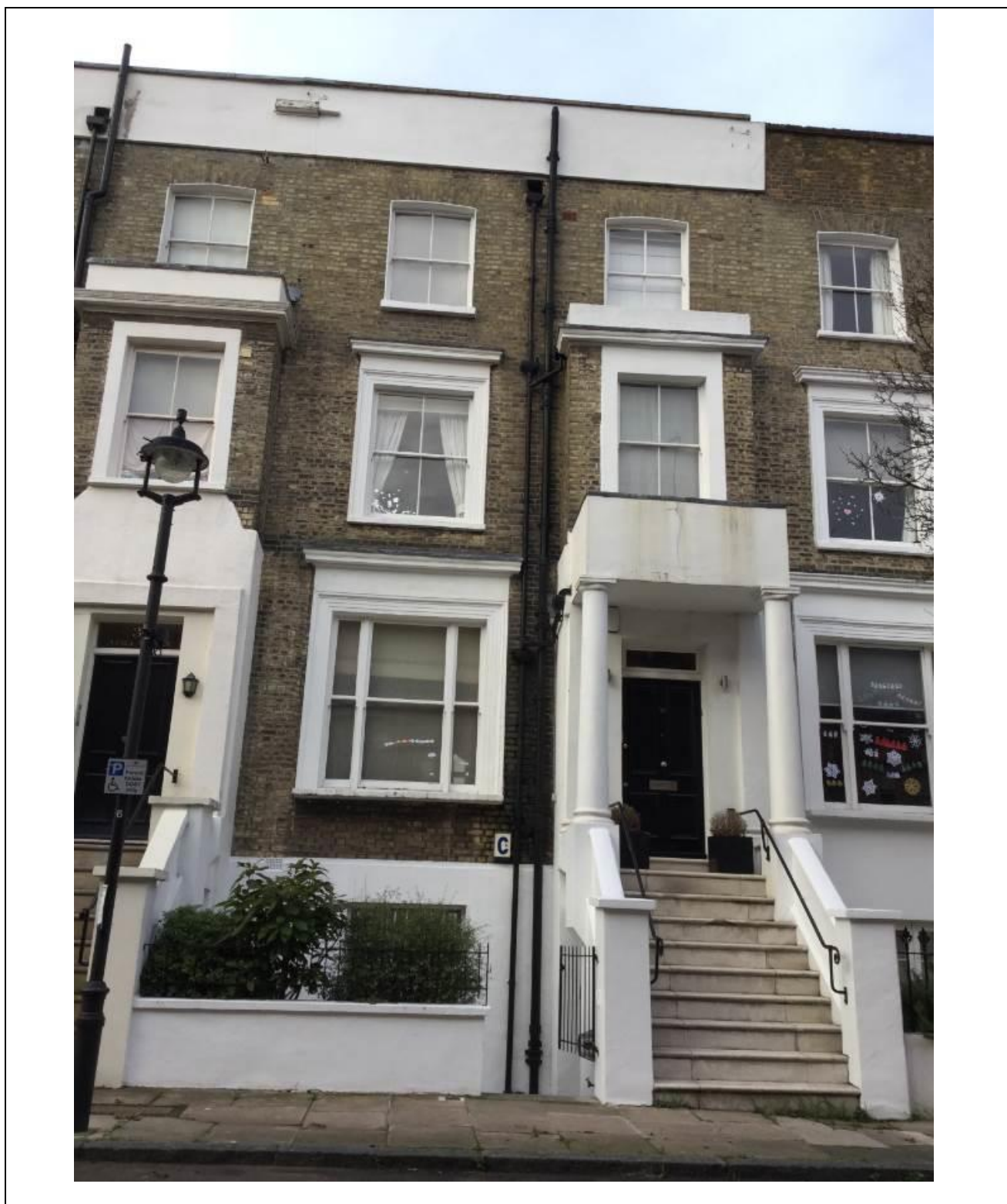
and transportation policies in Westminster's City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (UDP). As such, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

THAMES WATER:

No objection.

ST JOHN'S WOOD SOCIETY:

Notes that the Alma Square residents have raised a number of objections and requests the case officer fully investigate these objections.

BUILDING CONTROL:

Proposals considered to be acceptable, an informative should be attached to remind the applicant to obtain a Technical Approval from the City Council's highways engineers before beginning excavation.

ENVIRONMENTAL HEALTH:

No objection raised subject to recommended informatives.

ARBORICULTURAL OFFICER:

No objection raised subject to conditions and informatives.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 79; Total No. of replies: 12

Twelve objections (from seven addresses) raised on all or some of the following grounds:

Amenity:

- Concerned by impact to access to the communal gardens to the rear whilst works are undertaken
- Noise and vibration from construction works
- Noise from proposed cinema room

Other:

- Construction will increase the risk of subsidence
- Affect the water table levels and increase the chances of flooding
- Construction work will be noisy, dusty and disruptive
- Construction vehicles will cause congestion
- Transport of fill to landfill sites will be environmentally damaging
- Set a precedent
- Queries the lack of specific data relating to the history of Alma Square
- Undermines the sense of place
- Does not indicate how the substantial carbon footprint of this proposal will be minimised
- Does not consider how the basement is to be ventilated or any noise attributed to its ventilation
- Suggests approvals for basements should lapse after 12 months unless substantial construction work is underway

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a three storey plus lower ground floor mid-terrace property located on the southern side of the Alma Square Gardens. The property is an unlisted building of merit and is situated within the St John's Wood Conservation Area. The property is in use as a single dwellinghouse.

6.2 Recent Relevant History

13/08262/FULL

Excavation and construction of a new basement underneath the footprint of the property with glazed covered lightwells to front and rear gardens.

Application Permitted 25 February 2014

7. THE PROPOSAL

The application proposed to excavate underneath the existing building to create a new basement level and also excavate part of the front and rear garden to create respective lightwells covered by floorlights.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The addition of an increased amount of residential floorspace is considered acceptable in principle under housing Policy H3 of the UPD which was adopted in January 2007.

8.2 Townscape and Design

The external manifestations of the proposed basement would be limited to the formation of a discreet lightwell covered by a glass rooflight at the front and rear. The front lightwell would project from the front elevation by approximately 1.1 metres and would be 3 meters wide. The lightwell and associated rooflight would be discreet in size and form and would be flush with the paving. Whilst the front elevations within this terrace grouping are relatively uniform, there are a variety of smaller features including different forms of hardstanding and styles of doors, windows and railings. The addition of a floorlight would not be incongruous, nor would it be an imposing or dominant feature in the context of the surrounding buildings and wider streetscene and it is considered to have a neutral impact on the character of the St John's Wood Conservation Area.

The proposed rear floorlight would be slightly larger than its counterpart at the front, but the impact would also be minimal. This too would be flush with the hardstanding and would project some 1.2 metres from the existing rear elevation and be 4 metres wide. There is a significant degree of variety to the rear of the garden enclosures at lower ground level, including a variety of boundary fence and hardstandings. The impact of the rooflight would be minimal.

There is no objection to the principle of a basement level for this building in this location and given the proposed basement would have limited external manifestations and the additional floorspace will be at a subterranean level, the additional bulk of the proposed extension would not be readily perceivable at ground level in either public or private views of the site. In this context, the principle and design of a basement in this building and location is acceptable.

The proposal at No. 32 is acceptable in design terms and would not harm the appearance of the building or character and appearance of the St John's Wood Conservation Area. Subject to the recommended conditions, the proposal is considered to accord with Policies S25 and S28 in the City Plan and Policies DES 1, DES 5 and DES 9 in the UDP.

8.3 Residential Amenity

Given the subterranean nature of the proposed basement extension and the limited extent of its external manifestations, the development would not result in a significant impact on the amenity of neighbouring residents.

The proposed floorlights will provide natural light to the bedroom and cinema room in the basement level. An objector has queried how the basement will be ventilated and the noise potentially produced by the plant. However, the drawings do not show any plant and/or associated external manifestations.

An objector has raised concerns about the level of noise pollution from the proposed cinema room within the basement. However, the cinema would be of a domestic scale and located below ground. Accordingly, it is not anticipated that it would result in excessive noise levels for the occupiers of neighbouring properties.

On this basis, the proposal is considered to comply with Policy ENV13 of the UDP and Policy S29 of Westminster's City Plan.

8.4 Transportation/Parking

The proposal does not involve an increase in residential units or loss of vehicle/cycle parking and as such is not contrary to policies TRANS 23 and TRANS 10 of the UDP.

8.5 Economic Considerations

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

8.6 Access

Not applicable.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Development

The proposals are considered to be in accordance with policy CM28.1 of the City Plan (July 2016) for the reasons set out as follows:

Part A. 1-4

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology proposed, which has also been submitted with the application within a structural statement prepared by an appropriately qualified structural engineer. These documents have been reviewed by Building Control who advise that the structural methodology proposed is appropriate for the ground conditions found on this site. Objections on structural matters have been received, however these cannot be sustained.

In terms of construction impact, the applicant has provided a signed proforma Appendix A confirming that they agree to comply with the City Council's Code of Construction Practice (CoCP). A condition is recommended to ensure that the applicant complies with the COCP and that the construction works are monitored for compliance by the Environmental Inspectorate at the applicant's expense.

Objections have been received on flooding and surface water drainage grounds. However, this site is not located within a surface water hotspot. The flood risk has also been investigated within the Basement Impact Assessment and this indicates the property lies within a flood risk Zone 1 and therefore no flood risk assessment needs to be provided as part of the application.

Part A. 5-6

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement and general disturbance associated with construction activity. The proposed hours of working condition states that no piling, excavation and demolition work is undertaken on Saturdays. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours outside of the prescribed hours.

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

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

responsive to those with comments or complaints will often help soothe the development process.

While the comments from the neighbours are noted, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible.

A condition is recommended requiring evidence to be submitted of compliance with the CoCP. This must be submitted before work starts on site, subject to which the proposals are considered acceptable.

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

Part B. 1 & 2

The surrounding trees would not be unduly impacted by the proposed basement works. The largest, mature trees in the communal rear garden are a considerable distance away and would not be impacted. The nearby street tree on the front pavement closet to the front entrance is at risk of construction damage. However, this can be controlled by a tree protection condition. Therefore the proposal is acceptable.

Part B. 3

The proposals include natural lighting by the two lightwells which will serve a cinema room and a bedroom. Therefore, this is considered acceptable.

Part B. 4 & 7

The only external manifestations of the basement to the front would be the lightwell, which is not considered to have a significant impact in terms of sustainable urban drainage. To the rear of the application site, there will be hard and soft landscaping to provide drainage.

Part B. 5 & 6

The proposals are considered to be discreet and will not negatively impact on the conservation area (see also Section 8.2 of this report).

Part C. 1

The proposals are directly under the footprint of the property with the addition of a small lightwell to the front and rear. It does not extend under more than 50% of this garden area. This part of the policy is therefore considered to have been met.

Part C. 2

As the basement is below the footprint of the above ground building, no soil layer is necessary.

Part C. 3

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

Part D

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

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 and to secure the tree protection works mainly to the street tree. The applicant has agreed to the imposition of these conditions.

8.11 Planning Obligations

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

The proposed basement scheme provides an uplift of 65m². This is below the 100m² of new floorspace above which the requirement to pay CIL is triggered.

8.12 Environmental Impact Assessment

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

8.13 Other Issues

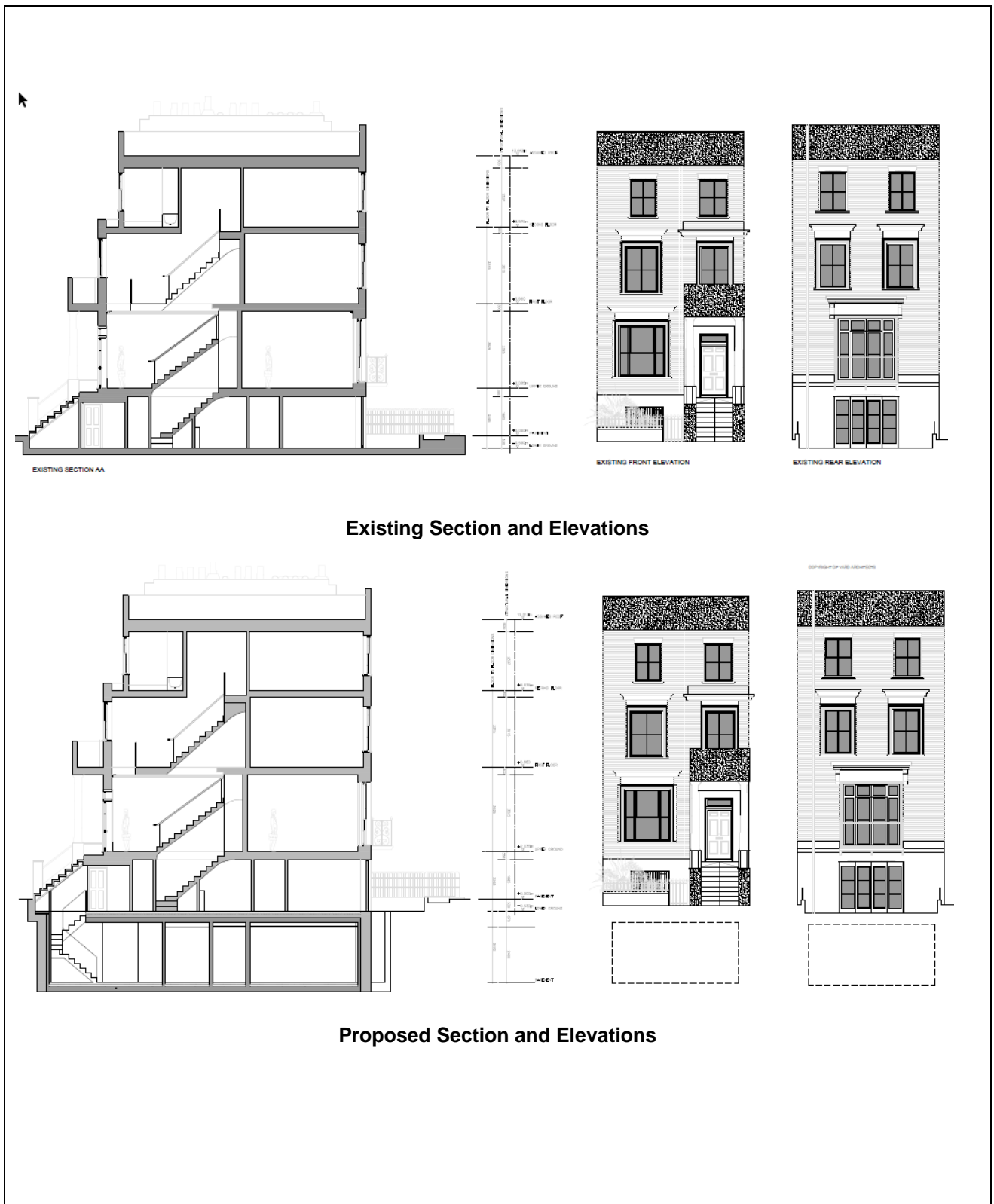
Objections have been raised on the grounds on noise and disruption during the course of works and construction traffic occupying parking spaces and result in congestion. As has been noted in the basement excavation section of this report, the applicant has agreed to sign up to the City Council's Code of Construction Practice which seeks to ensure that development is carried out with as minimal impact to neighbouring properties as possible. It is also recommended that the City Council's standard hours of working condition is attached so as to minimise disruption as far as possible. Under planning law, permission could not reasonably be withheld on these grounds.

An objection has been received in terms of the proposal setting a precedent within the Alma Square Gardens area. However, each case is considered on its own merits with regards to the provisions in the development plan, nature of the proposed development and the characteristics of the development site.

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

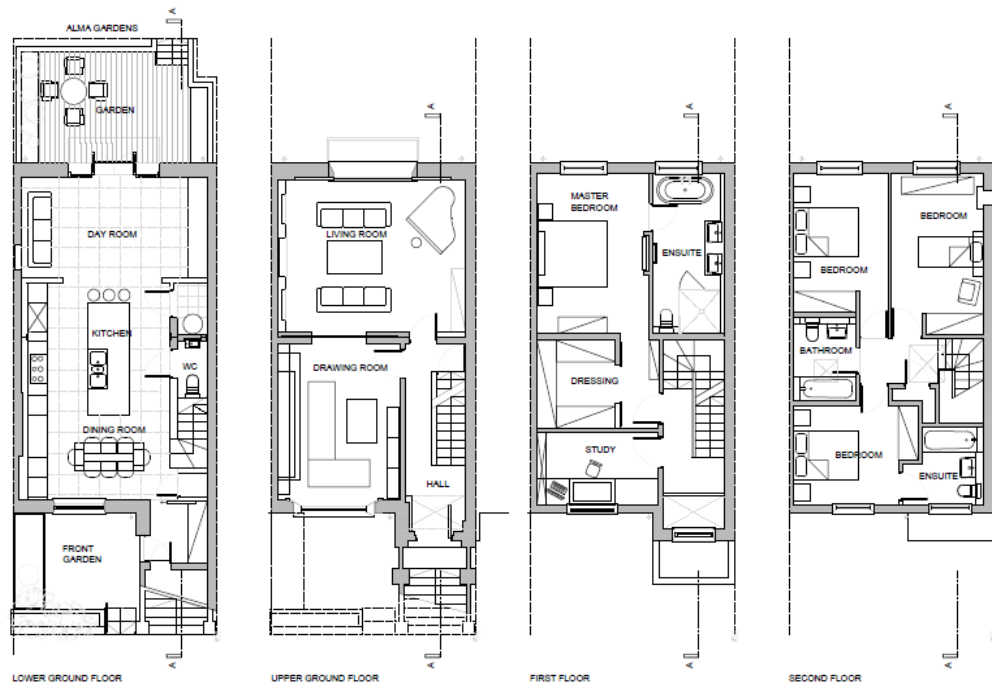
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT northplanningteam@westminster.gov.uk

9. KEY DRAWINGS

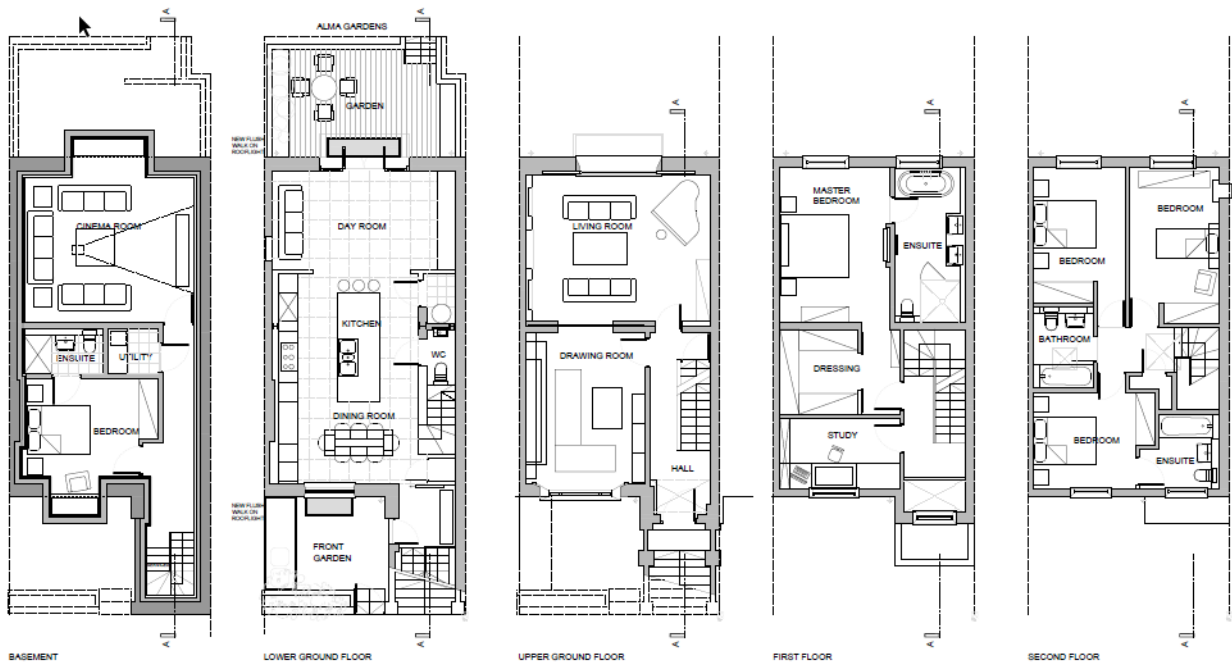


Existing Section and Elevations

Proposed Section and Elevations



Existing Floorplans



Proposed Floorplans

DRAFT DECISION LETTER

Address: 32 Alma Square, London, NW8 9PY

Proposal: Excavation of a basement underneath the footprint of the property, with glazed covered lightwells to front and rear gardens.

Reference: 18/09001/FULL

Plan Nos: Site Location Plan, EX-02 Rev P1, EX-01 Rev P1, PP-02 Rev P1, PP-01 Rev P1.
For information only: Basement Impact Assessment dated August 2013 and Construction Management Plan.

Case Officer: Frederica Cooney

Direct Tel. No. 020 7641 7802

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 **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 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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 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.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, in particular the street tree to the front of the property. 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. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details.

Reason:

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

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 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

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

- 4 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
 - * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

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

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

- 5 The proposed rooms in the basement are acceptable on proportionality grounds if used with upper storeys as part of a single dwellinghouse.

Please note that if the room is used for staff accommodation this would not be considered as a

dwellinghouse use but would be regarded as separate use. The proposals are then likely to fail the Housing Health and Safety Rating System test under the Housing Act 2004 due to the lack of natural light and reasonable views from these rooms and may therefore be liable for enforcement action by the Environmental Health Residential Enforcement Team.

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

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Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 January 2019	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	12A Clive Court , 75 Maida Vale, London, W9 1SE		
Proposal	Replacement of existing ground floor door, replacement of existing three ground floor windows and internal alterations at ground floor level to incorporate office space and corridor into Flat 12A.		
Agent	Alberto Ochoa		
On behalf of	Mr Kimon De Ridder		
Registered Number	18/05867/FULL	Date amended/ completed	19 September 2018
Date Application Received	12 July 2018		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Clive Court is mansion block of 154 self-contained flats that is located on the southern side of Maida Vale. The building is unlisted and it lies in the Maida Vale Conservation Area. Planning permission is sought for the replacement of an existing external ground floor door, replacement of three ground floor windows, and internal alterations at ground floor level to incorporate the existing office space and corridor into Flat 12A.

The design of the scheme has been revised during the course of the application and additional information related to fire safety has been provided. The revised scheme and the fire safety documents has been the subject of further consultation (See Section 5).

A total of 61 objections and 12 letters of support have been received throughout the lifetime of the application.

The key considerations are:

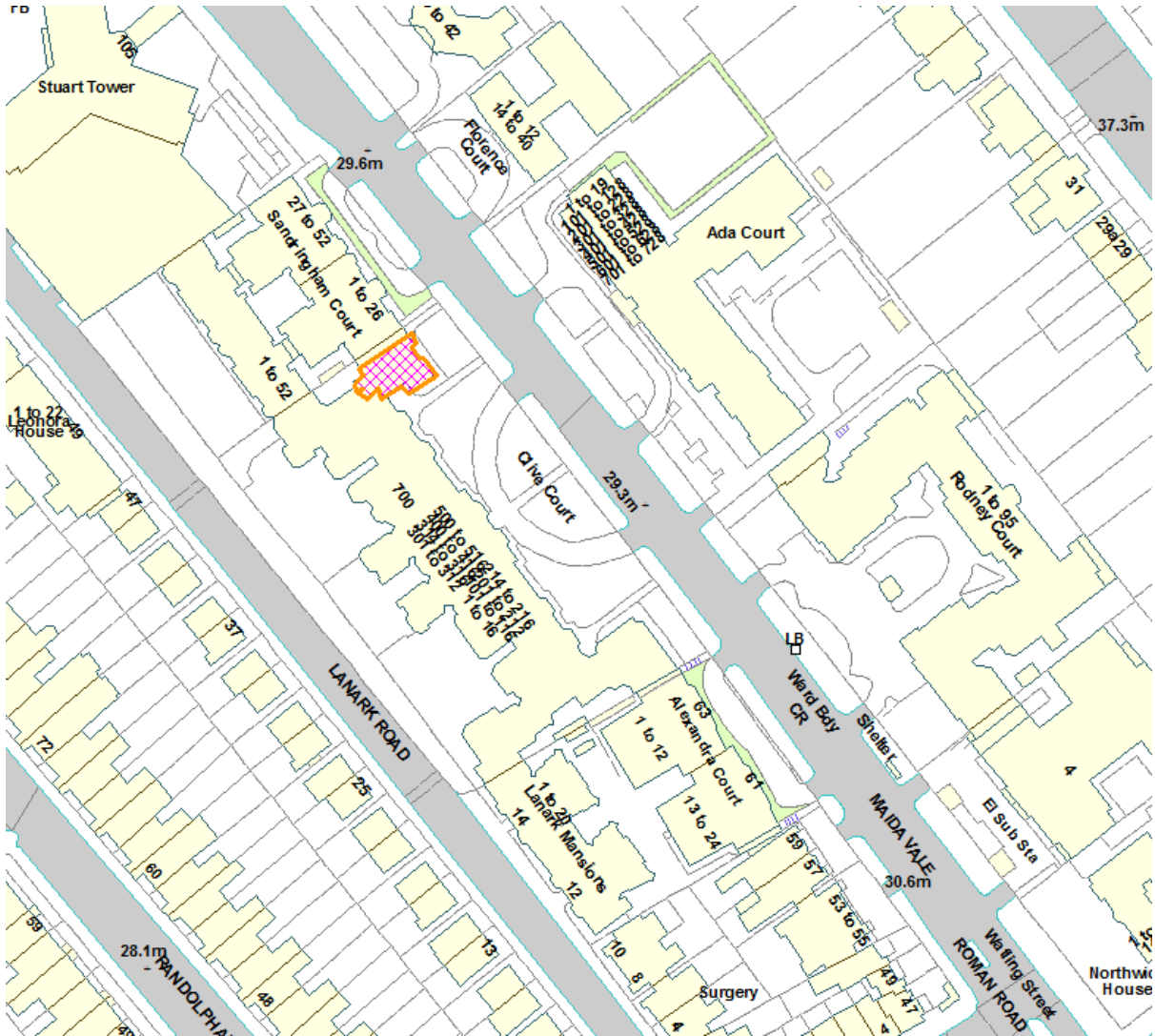
- The impact of the proposal on the architectural and historic significance of the mansion block and

the character and appearance of the Maida Vale Conservation Area.

- The impact of the proposal on the amenity of neighbouring residents.
- The impact of the proposal on the fire precautionary arrangements of Clive Court.

The proposal is considered to accord with the relevant land use, design and amenity policies in the City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP). The application is therefore recommended for approval, subject to the conditions set out in the draft decision letters appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Existing Entrance Doors



Street View



Windows on Northern Side



Communal Floorspace

5. CONSULTATIONS

5.1 Consultation on Originally Submitted Scheme (July 2018)

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

There are no detailed drawings of the proposed windows. The replacement windows should match the profile of what is existing.

LONDON FIRE AND CIVIL DEFENCE AUTHORITY

No response received.

PLANNING ENFORCEMENT MANAGER

No response received.

BUILDING CONTROL MANAGER

No response received.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 180

Total No. of replies: 45

No. of objections: 35

No. in support: 10

35 objections raising some or all of the following grounds:

Fire Safety

- The internal communal area to which the application relates is used as a fire escape. The use of this area as a fire escape is essential to the safety of occupants of the building.
- The internal communal area to which the application relates is labelled as 'Ancillary Office' on the plans but this is incorrect. No certificate of Lawfulness has been submitted to demonstrate its lawful use as an office.
- The proposal would prevent elderly wheelchair bound residents from exiting the building in the event of a fire.
- To comply with building regulations the applicant should submit an up to date Fire Risk Assessment and Fire Action Plan.

Accessibility

- The proposal would alter the pedestrian access to the building.
- The removal of the entrance to the building will confuse elderly residents, particularly those with Alzheimer's.
- Chains have been placed across a within the front amenity space at Clive Court blocking an entrance.

Residential Amenity

- The expansion of the existing flat on the application site would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as result of noise and disturbance.
- The proposed internal works to add the existing communal area to flat 12A would impact flats that share the same corridor.

Design

- The proposal would have a negative impact on the design and appearance of the existing building and the Maida Vale Conservation Area.

Land Ownership

- The legitimacy of the process under which the area of communal space was sold to the applicant has been queried. The competence of the managing agent has been questioned.
- The proposal breaches the leases of many of the occupier of the property as their leases allow full rites of access to the common areas.

Land Use

- It is unclear if the area on the plans labelled as 'Ancillary Office' is a commercial office or a place used by the landlord and associated staff members to carry out administrative work in relation to the running of the building.

Consultation

- Many of the occupiers of Clive Court were not consulted on the application.

Quality of the submission

- The plans submitted by the applicant appear vague and do not give accurate measurements of the site.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5.2 Consultation on Revised Scheme - amendments included the replacement of external doors with new doors (rather than conversion to new window as initially proposed) and correction of errors in existing drawings. (September 2018)

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:
No objection.

LONDON FIRE AND CIVIL DEFENCE AUTHORITY
No response received.

PLANNING ENFORCEMENT MANAGER
No response received.

BUILDING CONTROL MANAGER
No response received.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 191
Total No. of replies: 26
No. of objections: 25
No. in support: 1

25 objections raising some or all of the following grounds:

Fire Safety

- The proposal could create an increased fire safety risk on the application site.
- The quality and suitability of the existing fire precautionary arrangements including the existing fire escape routes has been questioned.
- The accuracy of the Safety Risk Assessment and the Fire Safety Consultancy Report provided by the applicant have been questioned.
- The person who wrote Fire Safety Consultancy Report is an employee of a company to which the applicant is also employed. It is suggested that this causes a conflict of interest. The professional credentials of the author of the Fire Safety Consultancy Report are unclear.
- It has not been demonstrated that the proposal complies with building regulations.

Design

- The proposal would visually unbalance the existing building and be inappropriate to its architectural and historic significance. The proposal would have a negative impact on the design and appearance of the existing building and the Maida Vale Conservation Area.

Accessibility

- The proposal would alter the pedestrian access to the building, particularly for people with reduced mobility

Consultation

- This is the first time that many of the occupiers of Clive Court have been consulted on the proposal.

Land Ownership

- The conduct of the Managing Agent during and after the sale of the land to which the application relates has been queried.
- The proposal contradicts the leases of residents of Clive Court.

Crime

- The proposal would make Clive Court more vulnerable to crime.

5.3 Consultation on Fire Safety Consultancy Report and Fire Exit Plan (December 2018)

LONDON FIRE AND CIVIL DEFENCE AUTHORITY

No objection with the proposals in relation to the fire precautionary arrangements. Currently the whole block is served by a single 24 hour porter entrance centrally located to the block on Maida Vale. In addition to the main central entrance and staircase, the building is further served by dedicated fire escape routes and staircases to the upper floors together with final fire exits at ground floor level to the north and South of the building. The proposal relates to the ground floor ancillary space and the double doors leading from it directly to the outside. Clive Court has adequate means of escape independent of the ancillary space to which the application relates.

BUILDING CONTROL MANAGER

No objection in principle to the proposal but additional action is required from the applicant before works can commence. A Full Plans Building Control Application is required. Details of the fire resisting construction of the new habitable floor space and details of the fire escape routes should be submitted. These actions can be required as a pre-commencement condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 191

No. of objections: 1

No. in support: 1

The objection letter was addressed to the London Fire Brigade.

Any additional responses to be reported verbally.

6. BACKGROUND INFORMATION

6.1 The Application Site

Clive Court is a block of 154 self-contained flats that is located on the southern side of Maida Vale. The building is unlisted and it lies in the Maida Vale Conservation Area.

The application site is a ground floor flat and the adjoining communal space that is located in the northern wing of Clive Court.

6.2 Recent Relevant History

None.

7. THE PROPOSAL

Planning permission is sought for the replacement of an existing ground floor door, replacement of three existing ground floor windows and internal alterations at ground floor level to incorporate the existing office space and corridor into Flat 12A.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal involves the enlargement of the existing ground floor flat by annexing an area of communal corridor and a communal room to the flat. The communal room is labelled as 'Ancillary Office'. This communal room is not considered to be in B1 office use, rather it is an ancillary room for the existing flats so therefore it is in C3 use. The proposal does not increase the amount of land in C3 use; rather it simply allocates communal C3 land to an existing flat. For these reasons the proposal is acceptable in land use terms and would accord with Policy S14 of the City Plan (November 2016) and Policy H3 in the UDP (2007).

8.2 Townscape and Design

The relevant policies for consideration of this case are DES 1, DES 5, and DES 9 of the adopted UDP 2007, and S25 and S28 of the adopted City Plan 2016.

Clive Court is an unlisted mansion block, located within the Maida Vale Conservation Area. Permission is sought to incorporate an area into Flat 12A, with associated works such as blocking up the existing opening on the south-east front elevation. Permission is also sought to replace three windows on the rear elevation.

The area proposed to be incorporated into the flat historically has functioned as an entrance to the building. This is evident by the consciously designed hearth, rebated entrance door and detailing such as a decorated underside, all of which retain the impression of this space as an entrance way. There is further interest in this as it is symmetrical with the entrance on the south side of the building. Therefore, the design intention and the appearance of the building as a whole contributes to the character and appearance of the building.

Initially it was proposed to introduce a window which was flush with the external elevation. However and following officer advice the door has been set back within the building, maintaining the external appreciation of the entrance and the symmetry with the south side. Additionally the detailed design of the fenestration reflects the existing doors and the traditional design of the fenestration on the building. Therefore, the proposal is considered to respect the character and appearance of the host building and the mansion block as a whole.

To the rear it is proposed to replace the existing single glazed timber windows with aluminium. Given that these windows are in a highly screened location, facing an external passage, the change in material is not considered to adversely affect the

appearance of the building. Furthermore this material will be able to achieve the level of detailing currently present in the windows and therefore the detail design can be replicated.

The works are considered to comply with UDP policies DES 1, DES 5, DES 9 as well as City Plan policies S25 and S28, preserving the character and appearance of the Maida Vale Conservation Area.

8.3 Residential Amenity

Policies ENV 13 of the UDP and S29 of the City Plan seek to protect residential amenity and environmental quality.

The proposed window overlooks the communal garden at the front of Clive Court and the public highway beyond it. The proposed windows overlook a communal bike store and fire escape. As two of the windows serve a W.C. they are likely to be obscure glazed.

The existing flat has 3 bedrooms and the proposal would allow the flat to have 4 bedrooms. The proposal would add another bedroom to the flat, but the flat would remain a residential unit for a single household. As it is only adding one bedroom to the application site the proposal is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of people coming and going from the application site and occupying the site.

The proposal does not increase the size or height of the existing building so therefore it is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material negative impact as a result of a loss of outlook, or a loss daylight/sunlight, and nor would it create a sense of enclosure.

For these reasons, the proposal is considered to be in accordance with policies ENV 13 of the UDP and S29 of the City Plan.

8.4 Fire Safety

Objections have been received on the grounds that the proposal would remove a fire exit from the building and therefore be detrimental to the fire safety of the occupants. Residents of Clive Court have stated that the area of communal space to which the application relates is a dedicated means of escape in the event of a fire. Residents expressed concern that a Fire Safety Assessment was not submitted by the applicant and a Fire Safety Consultancy Report and Fire Exit Plan were later submitted by the applicant.

A Fire Safety Inspecting Officer from the London Fire Brigade assessed the document submitted by the applicant and conducted an onsite assessment. It is the Fire Safety Inspecting Officer's understanding that the ground floor ancillary space and doors to which the application relates previously served as an entrance to the residential block of apartments. It served as an entrance at a time when the whole block had 3 staffed entrances – North, Central and South. Currently the whole block is served by a single, centrally located, 24 hour porter entrance that faces Maida Vale.

In addition to the main central entrance and staircase the building is further served by dedicated fire escape routes and staircases to the upper floors together with final fire exits at ground floor level to the North and South of the building. This is independent of the ground floor ancillary space and the double doors leading from it directly to the outside.

Those persons needing to escape from the ground floor can use the exits provided to the south, central or north. It is acknowledged that there are bike racks located to the exterior courtyard to the north. In the Fire Safety Inspecting Officer's view, it is considered that provided the bikes are stored within the bike racks and provided the area is kept free of other objects, this provision would not hinder persons using the route in an emergency.

It should be noted that the building has a stay put strategy in case of fire, which means that whilst the flat of origin would evacuate there is no simultaneous evacuation at that time for the building as a whole.

The Fire Safety Inspecting Officer considered that given the current layout of the building, the proposed changes under the planning application do not affect the existing means of escape provision or building's alternate fire escape routes and fire exits both in relation to the ground and upper floors. The Fire Safety Inspecting Officer is satisfied with the proposal in relation to the fire precautionary arrangements.

The Building Control Manager has no objection to the principle of the proposal but requires that before works to the proposal commence that a Full Plans Building Control Application is submitted. Details of the fire resisting construction of the new habitable floor space and details of the fire escape routes are also required. It is recommended that these details are secured through a pre-commencement condition.

An objection has been received stating that there is evidence that the consultant who produced the Fire Safety Consultancy Report had a pre-existing professional relationship with the applicant so therefore the contents of the report cannot be trusted. It should be noted however, that the Fire Safety Inspecting Officer from the London Fire Brigade provides an impartial view on planning applications and the Inspector raised no objections to the documents submitted by the applicant.

8.5 Transportation/Parking

There are no proposed changes to parking provision on the application site.

8.6 Economic Considerations

No economic considerations are applicable for a development of this size

8.7 Access

Although the proposal would result in a loss of a communal door on the northern side of the application site, residents of Clive Court can still access the building via the main entrance, which is also on the northern side of the building.

Objectors raised concerns about chains that are blocking a pathway within the front amenity space of Clive Court. The area where the chains are located are outside of the red line of the application site so therefore they are not part of the consideration of this proposal.

8.8 Other UDP/Westminster Policy Considerations

8.8.1 Crime Prevention

The replacement of the existing external doors is not considered to cause an increase in crime on the application site. The proposal does not create a new point of entry to the building.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

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

8.11 Planning Obligations

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

8.12 Environmental Impact Assessment

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

8.13 Other Issues

After the City Council received objections on the grounds that not all the residents of Clive Court had received consultation letters, additional consultation letters were printed on 24.09.2018 and sent out to 191 addresses.

The applicant has amended the plans to include additional details of the design of the proposal amended inaccuracies in the existing plans have been corrected. The residents of Clive Court have been consulted on these amended plans.

Under Article 14 of the Town & Country Planning (Development Management) Procedure Order 2015 the applicant is required to serve notice on everyone who has a freehold interest or a leasehold interest (with at least 7 years left to run) on the land or building to which the application relates. When the proposal was first submitted the applicant had not served notice on those with an interest in the land within the red line of the application site. The applicant has since served the correct notice on those with an interest in the land and submitted a copy of Ownership Certificate B to the Local Planning Authority.

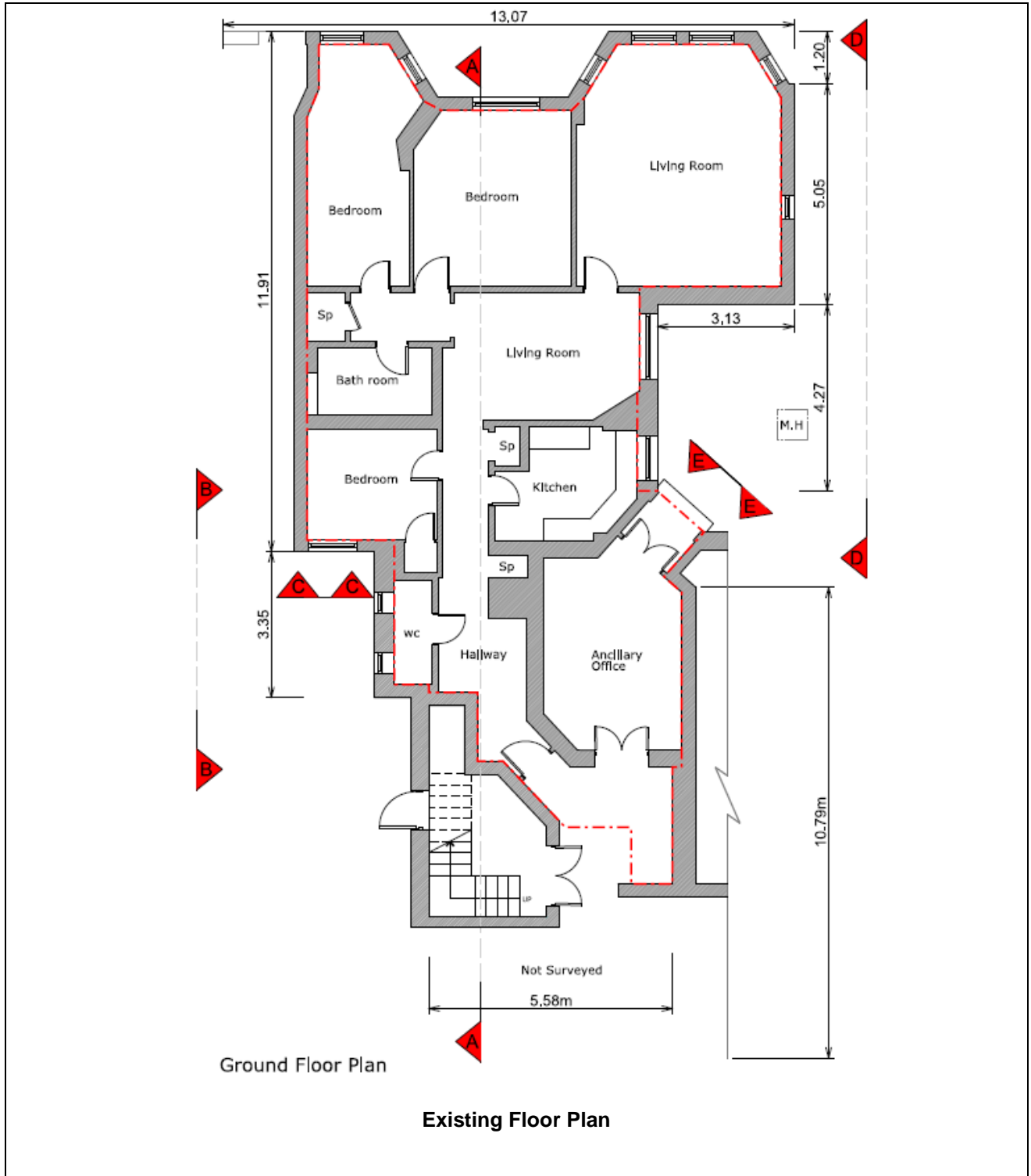
The following issues have been raised by objectors but they are not material planning considerations:

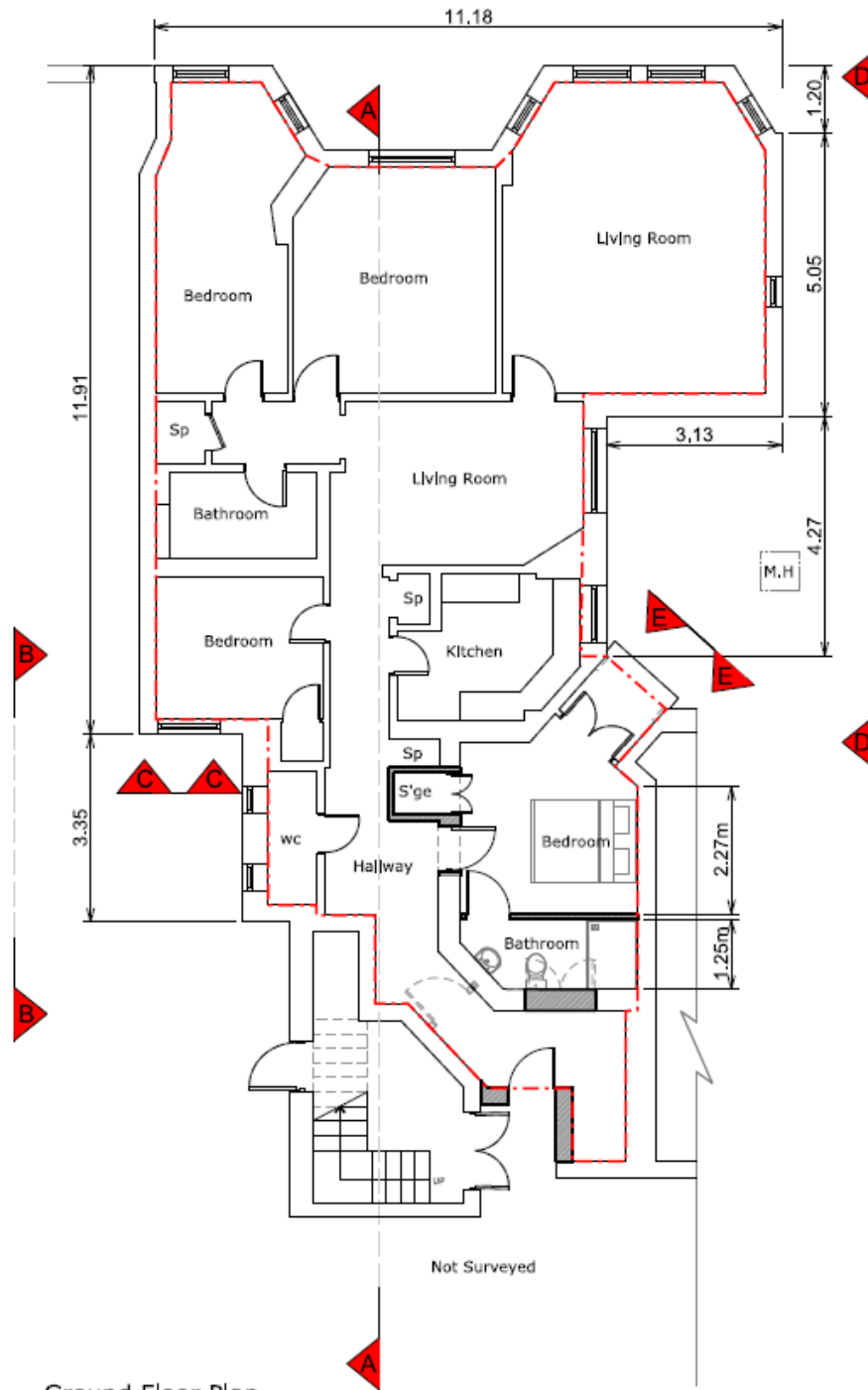
- The circumstances under which the area of communal space was sold to the applicant.
- The lease enfranchisement process at Clive Court.
- Potential breaches of the leases of residents in Clive Court caused by the proposal.

(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: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk

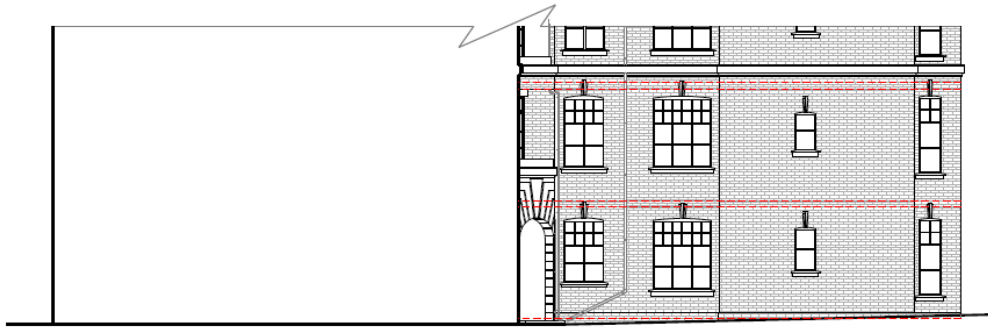
9. KEY DRAWINGS



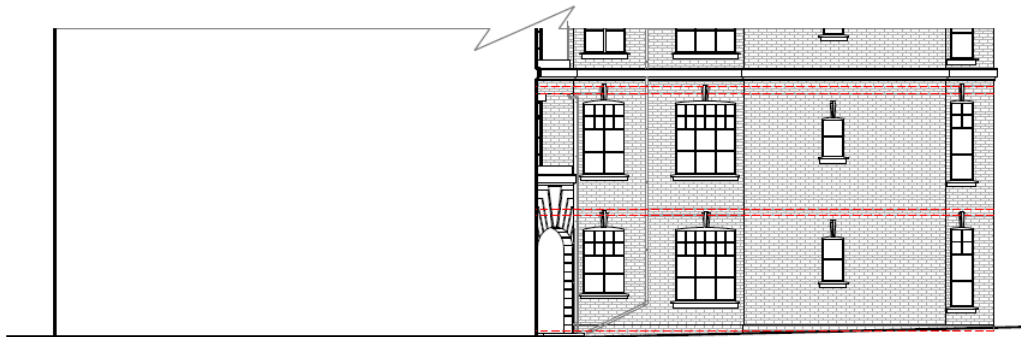


Ground Floor Plan

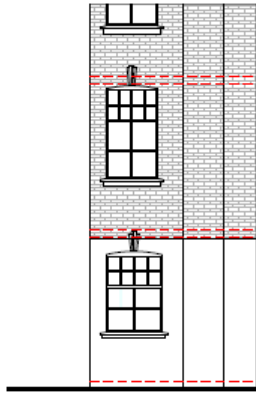
Proposed Floor Plan



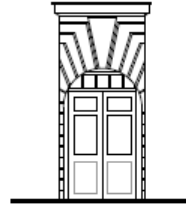
Existing Elevation D



Proposed Elevation D

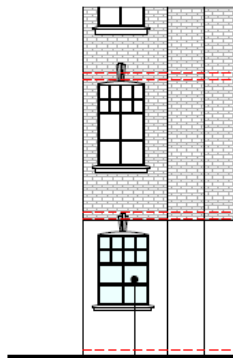


Side Elevation C



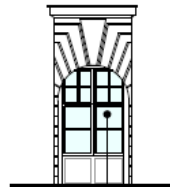
Opening Ancillary Office E

Existing Elevations C and E



Side Elevation C

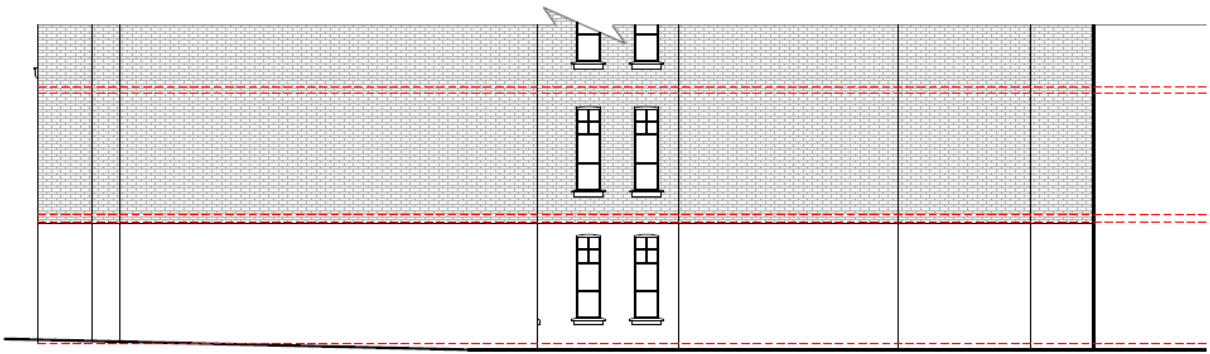
Aluminum windows divisions and dimensions to match the existing



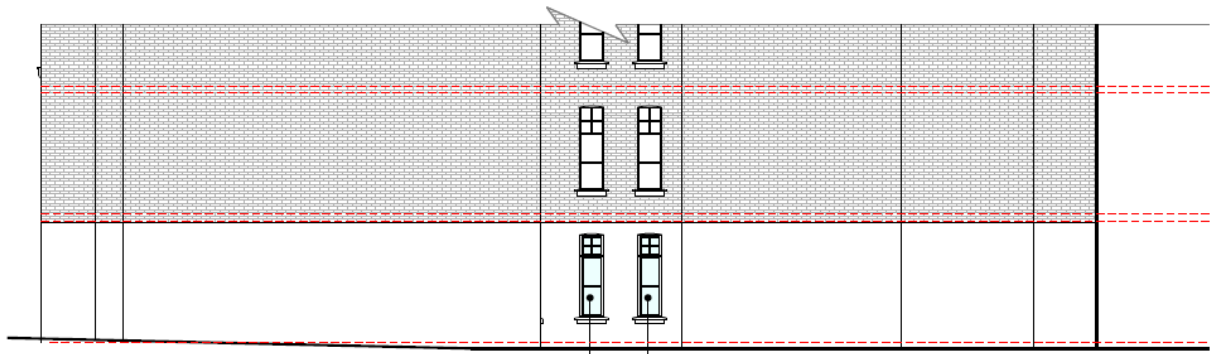
Opening Proposed Bedroom E

Timber door and Crittal window, divisions to mimic the existing

Proposed Elevations C and E



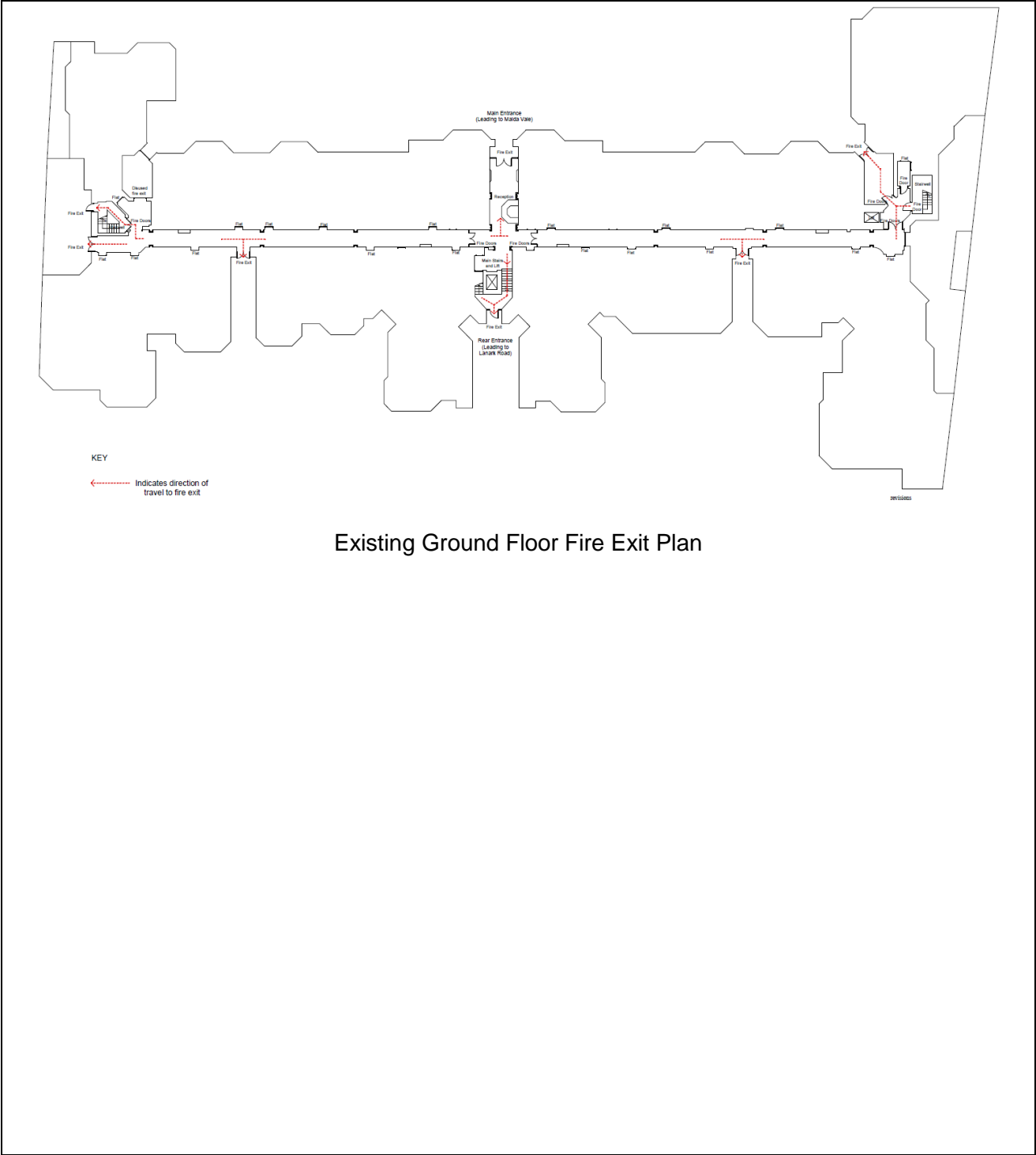
Existing Elevation B



Side Elevation B

Aluminum windows divisions and dimensions to match the existing

Proposed Elevation B



Existing Ground Floor Fire Exit Plan

DRAFT DECISION LETTER

Address: 12A Clive Court , 75 Maida Vale, London, W9 1SE

Proposal: Replacement of existing ground floor door, replacement of existing three ground floor windows and internal alterations at ground floor level to incorporate office space and corridor into Flat 12A.

Reference: 18/05867/FULL

Plan Nos: Site Location Plan, Block Plan, 540 – 01 rev. B, 540 – 02 rev. B, 540 – 03 rev. B, 540 – 04 rev. B, 540 – 05 rev. B, 540 – 06 rev. B, 540 – 07 rev. B, 540 – 08 rev. B, Combined Fire/Health and Safety Risk Assessment Clive Court Maida Vale London W9 1SE report date: 13 Jun 2018

Case Officer: William Philps

Direct Tel. No. 020 7641 3993

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

Reason:

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

- 4 **Pre-Commencement Condition.** Prior to the commencement of the development hereby approved, the applicant shall submit to the local planning authority evidence that the approved development does not prejudice a fire escape route from this building. The development shall not commence until the local planning authority has issued its written approval of these details. The development must be carried out in accordance with the approved details

Reason:

In the interests of public safety, as set out in S29 of Westminster's City Plan (November 2016).

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.
- 2 The approval of details application required by condition 4 should demonstrate the following:
1. That a Full Plans Building Control Application has been made.
 2. The new habitable space is separated from the common parts with a minimum of 60 minute fire resisting construction.
 3. The external escape route is suitably lit with emergency lighting, signage installed and kept free from obstructions. The final exit should be easily accessible with simple fastenings.
 4. The escape stairs and route are to be kept free of rubbish such as the bins.

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 8 January 2019	Classification For General Release	
Report of Executive Director of Growth, Planning and Housing		Ward(s) involved Harrow Road	
Subject of Report	245A Shirland Road, London, W9 3JW		
Proposal	Erection of a single storey outbuilding at rear garden (Retrospective application).		
Agent	Miss Acelya Turkan		
On behalf of	Mr Atif Ali		
Registered Number	18/08739/FULL	Date amended/ completed	12 October 2018
Date Application Received	12 October 2018		
Historic Building Grade	Unlisted		
Conservation Area	None		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Retrospective permission is sought for the erection of a single storey outbuilding for use as a storage shed at the back of the rear garden of a lower ground floor flat. The application site is unlisted and located outside of any conservation areas.

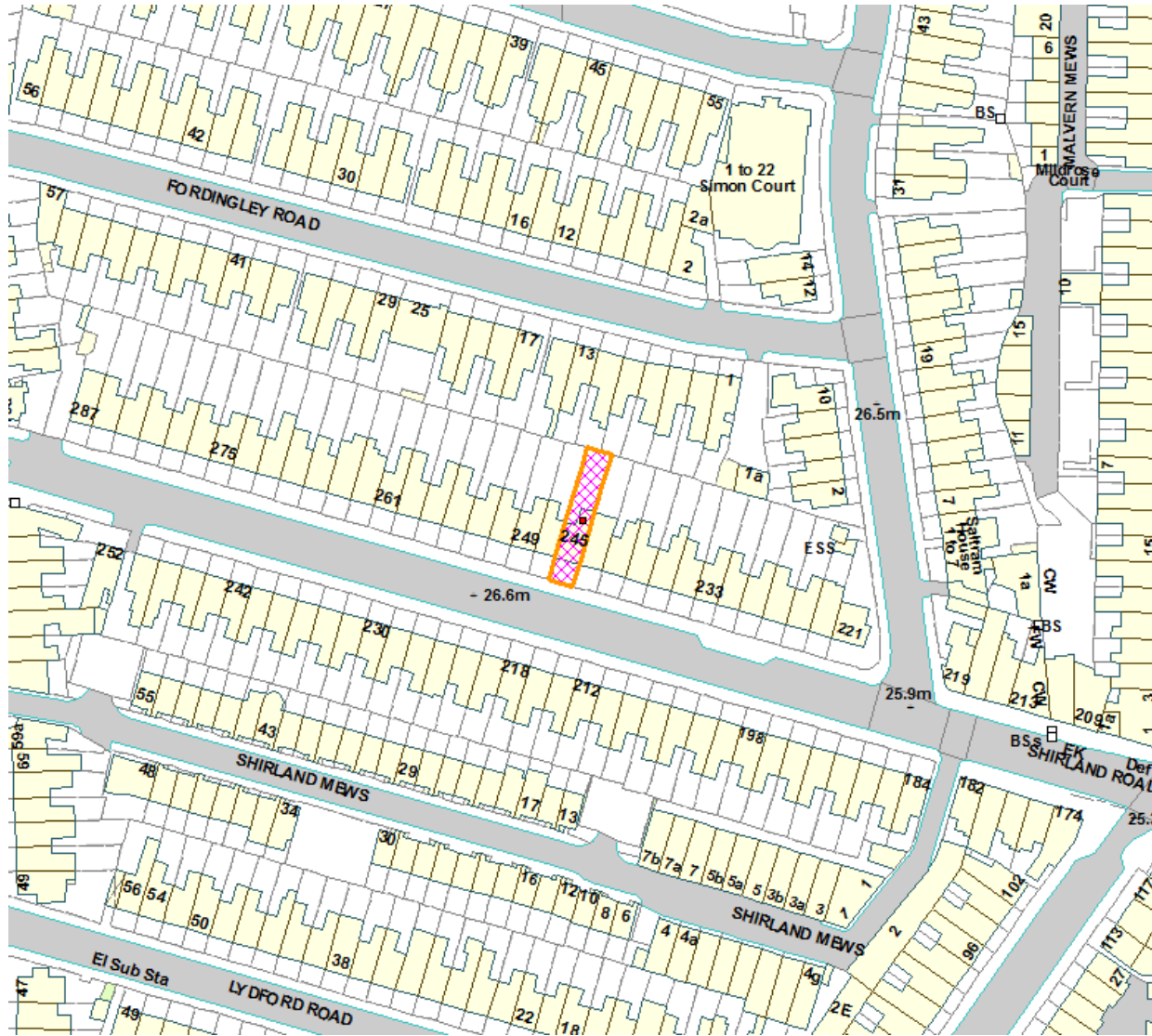
Objection has been received from a neighbouring resident related to land use, design and drainage.

The key issues in this case are:

- The impact of the proposal on the appearance of the building and this part of the City.
- The impact of the proposal on the amenity of neighbouring residents.

For the reasons set out in this report and subject to the recommended conditions, the proposal is considered to be acceptable in land use, design and amenity terms. The proposal accords with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and in Westminster’s City Plan adopted in November 2016 (the City Plan) and is, therefore, recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation of 245 Shirland Road



Rear Elevation of 245 Shirland Road



Rear Garden of 245A Shirland Road

5. CONSULTATIONS

WARD COUNCILLORS FOR HARROW ROAD

Any response to be reported verbally.

NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

MAIDA HILL NEIGHBOURHOOD FORUM

Any response to be reported verbally.

PLANNING ENFORCEMENT TEAM - DEVELOPMENT PLANNING

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14

Total No. of replies: 1

No. of objections: 1

No. in support: 0

In summary, the objector raises the following issues:

Land Use

- The outbuilding will be used for purposes other than those incidental to the use of the flat
- The outbuilding provides more floor space than any one of the bedrooms at flat 245A

Design

- The overall look of the outbuilding is not aesthetically pleasing
- The glass windows reflect multi-coloured light

Other

- The outbuilding has drains connected to the main sewage via a pump located outside of the building
- There is a 4-inch drain pipe within the outbuilding intended for foul waste
- The outbuilding is connected to power
- Rainwater from the roof of the outbuilding disperses into the rear garden of 245A

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site contains a three-storey mid-terrace building on the north side of Shirland Road. The building is not listed and is located outside of a conservation area.

The building is in use as separate flats. The current proposal relates to the lower ground floor flat and rear garden (254A).

6.2 Recent Relevant History

No relevant planning history.

7. THE PROPOSAL

Retrospective planning permission is sought for the erection of a single storey outbuilding at the back of the rear garden for use as a storage shed ancillary to the use of the residential flat.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The shed is used for storage associated with this flat and is therefore in accordance with policy H3 of the UDP.

The objector is concerned that the shed may be used for purposes that are not incidental to the enjoyment of the dwelling. However, the applicant has indicated that the shed is used for storage and any change from this would require planning permission. As such, it is considered that the ancillary use of the outbuilding is sufficiently controlled by the Town and Country Planning Act 1990 (as amended) and the development control process in general.

8.2 Townscape and Design

The relevant policies for consideration of this case are DES 1 and DES 5 of the UDP and S28 of the City Plan.

The rear garden of the application site is generously sized at approximately 75 sq.m – 16 sq.m (21.3%) of which is currently occupied by the outbuilding. The structure measures approximately 5.2m x 3.1m and has a curved roof with a maximum height of 2.37m. The rear garden has been partially excavated at the back and a concrete slab has been installed underneath the outbuilding, effectively lowering the height of the outbuilding to 2.07m when measured from the existing garden level. The rear boundary wall reaches a height of 2.3m with additional fencing atop, whilst the side boundary walls reach a height of 1.4m when measured from the existing garden level. The curved roof of the outbuilding intersects the side boundary walls just below their tops. Prior to the erection of the outbuilding, a concrete retaining wall was installed along the rear and side boundary walls.

Given the above, the outbuilding has been comfortably accommodated at the back of the rear garden, against the rear high boundary wall and side boundary walls, without an unacceptable loss of rear garden space. Because of its siting and scale, the structure appears subservient to the host building and its garden setting.

In terms of its detailed design, the front elevation is clad in timber, with two small round windows and a central round doorway opening. The roof is finished in felt and has two rainwater pipes extending down from either side of the roof and draining into the two flower beds. The use of timber cladding for the front elevation is welcomed as timber is considered to be an appropriate material for a garden structure. Although the design and shape of the outbuilding could be considered unique or unusual, the scale and design of its fenestration is not considered to detract from the host building, it being a subservient garden structure. Further, the structure is only visible in rear-facing private views and the overall design approach is considered to have a limited impact on the character and appearance of the surrounding area.

Given the above and the building's location outside of any conservation areas, the outbuilding is not considered objectionable on design grounds. The outbuilding complies with policies DES 1 and DES 5 of our UDP and policy S28 of Westminster's City Plan and is, therefore, acceptable in design terms.

8.3 Residential Amenity

Policy ENV 6 and ENV 13 of the UDP and S29 of the City Plan seek to protect residential amenity and environmental quality.

Given the outbuilding's size, scale and location at the back of the long rear garden, adjacent to the rear high boundary wall, it is considered that the outbuilding would not result in a material loss of daylight/sunlight or privacy of adjoining properties. Nor would there be any significant increase in a sense of enclosure, overlooking or overshadowing to neighbouring properties. Furthermore, the ancillary use of the outbuilding is unlikely to result in significant additional noise disturbance above that resulting from the use of the rear garden in general.

Given the above, the outbuilding accords with policies ENV 6 and ENV 13 of the UDP and policy S29 of the City Plan and is, therefore, acceptable in amenity terms.

8.4 Transportation/Parking

The proposals do not impact existing parking arrangements for this private dwelling, nor do they give rise to impacts on the surrounding highway network.

8.5 Economic Considerations

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

8.6 Access

The proposals do not alter the existing access arrangements for this private dwelling.

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 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

No neighbourhood plans are relevant to the determination of this application.

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.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

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

8.14 Other Issues

Regarding the objections related to connections to main sewage and power, no such connections were apparent during a site visit conducted by the planning officer. No toilet and/or shower had been installed within the outbuilding, nor were there any functioning lights within it. Photographs were later provided to the officer by the objecting neighbour which seemingly indicated that work had been done to the existing underground services during the resurfacing of the rear garden and construction of the outbuilding. However, follow-up conversations with the applicant confirmed that no such connections existed within the outbuilding.

It was later confirmed by the applicant that a surface water pump had been installed within the concrete hard standing adjacent to the outbuilding as a way to remove excess surface water from the site. This was done on advice from a consultant who had suggested that surface water flooding could be an issue at the site, which is located within the West Kilburn Surface Water Flood Risk 'Hotspot'.

Whilst acknowledging that the outbuilding is likely too small to come under Building Regulations, at less than 15 sq.m internal floor area, it is considered that the principle of connecting the outbuilding to existing sewage and power lines is not itself a reason for refusing the application on planning grounds.

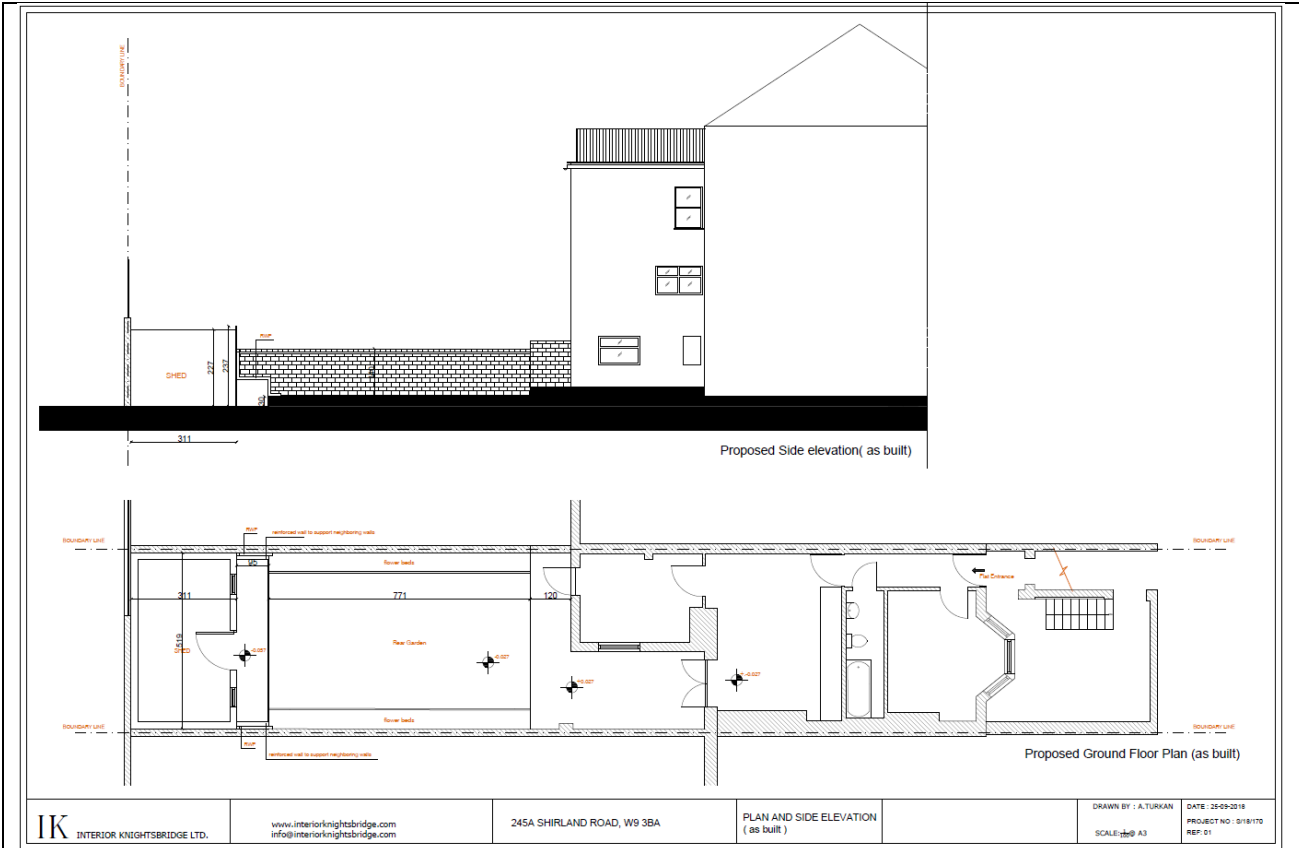
Regarding the objection to the means of rainwater drainage, it is acknowledged that the current design is not ideal. At present, flashing at the joint between the curved roof and the side boundary walls creates a sort of natural flow of rainwater toward the drainage pipes installed on the front façade of the outbuilding. These pipes then funnel water down and into the existing nearby soil beds. However, given that the outbuilding adjoins the side boundary walls near their top, there is potential for rainwater to overflow and wash into neighbouring gardens. As such, a condition has been recommended requiring the approval of details for the installation of two rainwater gutters along its roof and adjacent to the side boundary walls.

Subject to the recommended condition, it is considered that the outbuilding is unlikely to result in significant drainage or flooding issues at the site or within neighbouring properties and, therefore, permission could not be reasonably refused on drainage grounds.

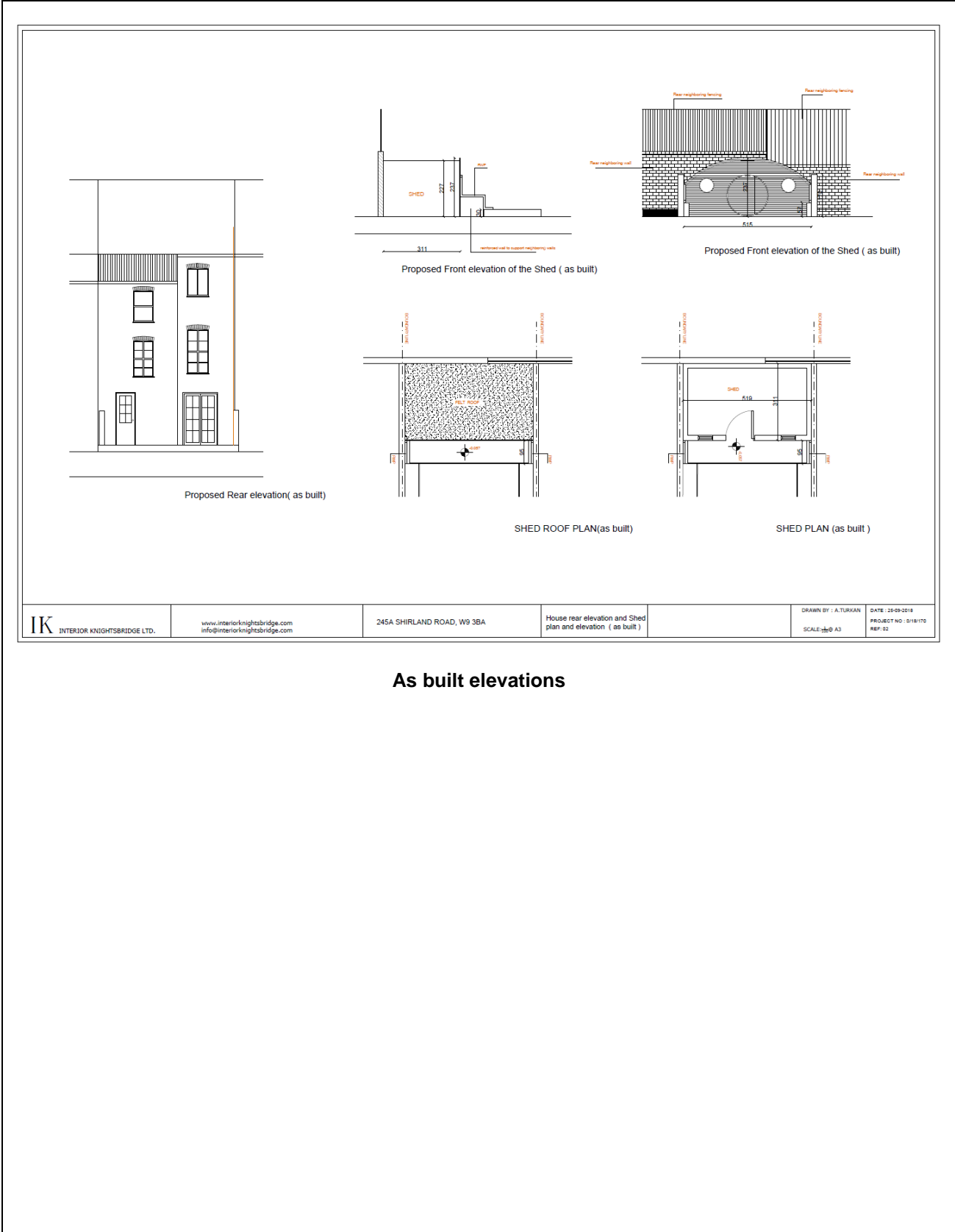
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk.

9. KEY DRAWINGS



As Built Side Elevation (top) and Site Plan (bottom)



IK INTERIOR KNIGHTSBRIDGE LTD.	www.interiorknightsbridge.com info@interiorknightsbridge.com	245A SHIRLAND ROAD, W9 3BA	House rear elevation and Shed plan and elevation (as built)	DRAWN BY : A.TURKAN SCALE: 1:50 @ A3	DATE : 25-09-2018 PROJECT NO : 01/18/170 REF: 02
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As built elevations

DRAFT DECISION LETTER

Address: 245A Shirland Road, London, W9 3JW

Proposal: Erection of a single storey outbuilding at rear garden.

Reference: 18/08739/FULL

Plan Nos: Site Location Plan; S/18/170-01; S/18/170-02.

Case Officer: Aaron Henecke

Direct Tel. No. 020 7641 6204

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must apply to us for approval of detailed drawings showing the installation of rainwater gutters to both sides of the roof of the outbuilding that are independent of the garden boundary walls within 2 months from the date of this permission.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings within 6 months from the date of this permission. (C26UB)

Reason:

To protect the environment of people in neighbouring properties and maintain the appearance of this part of the City, as set out in S28 and S29 of Westminster's City Plan (November 2016) and DES1 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.

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- 2 You are reminded that you must apply to us for further planning permission to use the outbuilding for any other purposes than those considered incidental to the enjoyment of the existing flat at 245A Shirland Road, London, W9 3JW.

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.