



City of Westminster

Committee Agenda

Title: **Planning Applications Sub-Committee (1)**

Meeting Date: **Tuesday 2nd April, 2019**

Time: **6.30 pm**

Venue: **Rooms 18.01 & 18.03, 18th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Tony Devenish (Chairman)
Susie Burbridge
Tim Roca
Peter Freeman

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 a pass, 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: gwills@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.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on specific applications at planning committee meetings.

To register to speak and for guidance please visit:

www.westminster.gov.uk/planning-committee

In the event that you are successful in obtaining a speaking slot please read the guidance, in order to familiarise yourself with the process prior to attending the meeting.

1. 50 EASTBOURNE TERRACE, LONDON, W2 6LG

(Pages 5 - 10)

2. 6 BARK PLACE, LONDON, W2 4AX

(Pages 15 - 58)

3. 40-42 WILLIAM IV STREET, LONDON, WC2N 4DD

(Pages 59 - 76)

4. 154 TACHBROOK STREET, LONDON, SW1V 2NE

(Pages 77 - 96)
(Pages 97 - 112)

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|----|--|------------------------------|
| 5. | PRIORY HOUSE, FLAT 22, 12 RAMPAYNE STREET,
LONDON, SW1V 2QT | (Pages 113 -
124) |
| 6. | REGENT STREET LONDON | (Pages 125 -
132) |
| 7. | WINFIELD HOUSE, OUTER CIRCLE, REGENTS PARK,
LONDON NW1 4RT | (Pages 133 -
152) |
| 8. | 49-51 CARNABY STREET, LONDON, CITY OF
WESTMINSTER W1F 9PY | (Pages 153 -
168) |
| 9. | 31 NEW CAVENDISH STREET, LONDON, W1G 9TT | (Pages 169 -
182) |

**Stuart Love
Chief Executive
22 March 2019**

Order of Business

At Planning Applications Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Ward Councillor(s) and/or MP(s)
vi) Council Officers response to verbal representations
vii) Member discussion (including questions to officers for clarification)
viii) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 12th March, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Timothy Barnes, Susie Burbridge, Peter Freeman and Guthrie McKie

1 ELECTION OF CHAIR

1.1 Councillor Barnes was nominated and elected to chair the meeting.

2 MEMBERSHIP

2.1 It was noted that Councillor Barnes substituted for Councillor Devenish and Councillor McKie for Councillor Roca.

3 DECLARATIONS OF INTEREST

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

3.2 There were no declarations of interests.

4 MINUTES

4.1 RESOLVED:

That the minutes of the meeting held on 12 February 2019 be signed by the Chairman as a correct record of proceedings.

5 PLANNING APPLICATIONS

The Chairman explained that any deputations received, should relate to material planning issues. He advised that the time allocated for each deputation was a total of 3 minutes and after all speakers had finished speaking and officers had responded to any new issues raised, Members would debate the Application before a vote was taken.

1 9 HOLLES STREET, LONDON, W1G 0BN

Use of the part ground, first and second floor as a food court (sui generis) comprising elements of restaurant, bar and hot food takeaway, use of part ground floor as a gym (Class D2), external alterations at second floor level to include a retractable roof, installation of plant at roof level and associated works.

Additional representations were received from Councillor Jonathan Glanz (05.03.19) Memorandum from Premises Management Environmental Services (04.03.19)

The Presenting Officer tabled the following amended conditions and informative:

Revised Condition 11

You must apply to us for approval of a management plan to show how you will prevent customers who are **entering and** leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the food court, comprising elements of restaurant, bar and hot food takeaway until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the food court, comprising elements of retail, restaurant, bar and hot food takeaway is in use.

Revised Condition 13

~~No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building.~~

All servicing (for the food court and gym use) must take place off-street.

Revised Condition 15

You must not operate a delivery service from the premises **food court** even as an ancillary part of the use.

Revised Condition 16

You must apply to us for approval of details of secure cycle storage for the food court use **(23)** and secure cycle storage for the gym use **(2)**. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

New Condition 20

You must use the part ground floor (highlighted pink on plan 3439-FBA-00-00-DR-A-00_00-001 P9) only for gym purposes. You must not use it for any other purpose, including any within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to additional condition to reserve further details of servicing. Officers to check whether glass compactor is included and if not, reserve it in the Operational Management condition.

2 138 SHAFTESBURY AVENUE, LONDON, W1D 7EA

Variation of Condition 3 of planning permission dated 30 July 2018 (RN 18/05021/FULL) for the use of the ground, first and basement levels as restaurant (Class A3) and offices (Class B1) at second floor level including installation of plant and duct equipment at rear; NAMELY, to allow an ancillary delivery service for a temporary period of one year.

The Presenting Officer tabled the applicant's Delivery Service Management Measures.

The Presenting Officer also tabled the following amended conditions and informative:

Revised Condition 3

You must carry out the Delivery Service in accordance with the measures detailed in Section 5 of 138 Shaftesbury Avenue Transport Statement Prepared by Odyssey dated October 2018 at all times a delivery service is being operated from the restaurant.

Revised Condition 10

You must carry out the development in accordance with waste storage details approved on the 11 May 2018 (RN:18/02126) or in accordance with other waste storage details submitted to and approved by the City Council prior to starting work on this part of the site. You must then clearly mark the waste store and make it available at all times to everyone using the premises. You must not use the waste store for any other purpose.

Revised Condition 11

You must carry out the development in accordance with cycle storage details approved on the 11 May 2018 (RN:18/02126) or in accordance with other cycle storage details submitted to and approved by the City Council. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Revised Condition 13

You must carry out the measures detailed in the Operational Management Plan approved on the 11 May 2018 (RN: 18/02126) or in accordance with another

Operational Management Plan submitted to and approved by the City Council detailing points i, ii, iii, iv and v below at all times that the restaurant is in use.

- i) how you will prevent customers who are leaving the building from causing nuisance for people in the area;
- ii) prevent customers queuing on the street;
- iii) manage customers who wish to smoke,
- iv) prevent customers from taking their drinks outside, and
- v) ensure deliveries and refuse are not stored on the highway and are carried out in a sensitive manner to ensure noise is minimised within agreed hours.

Revised Condition 15

You must carry out the development in accordance with the extract flue screen approved on the 11 May 2018 (RN:18/02126) or in accordance with other methods of visual screening of the extract flue submitted to and approved by the City Council prior to starting work on this part of the site.

Mr Tim Humphries addressed the Sub-Committee and spoke in support of the Application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted for 6 months temporary period with amended conditions as tabled.

3 28 BLOMFIELD ROAD, LONDON, W9 1AA

The application was withdrawn from the agenda by officers – conflicting drawings in respect of the proposed rear extension.

4 FLAT 1 88 SUTHERLAND AVENUE, LONDON, W9 2QR

Erection of single storey rear extension at lower ground floor level and use of roof as a terrace with associated screening/trellis; installation of stair from rear upper ground to garden level; alteration to front windows; erection of garden shed.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

5 380-384 HARROW ROAD, LONDON, W9 2HU

Variation of Condition 1 of planning permission dated 21 May 2014 (RN: 13/09224/FULL) for the 'Redevelopment of the rear of 380-384 Harrow Road (Nos. 16-22 Chippenham Mews) to provide 4x3 bedroom three storey dwelling houses (Class C3) with basement floors (to Nos.16, 18 and 20 only) and ground floor garages'. NAMELY, to amend the detailed design of the front elevations including alterations to window proportions, entrances, garages, party wall upstands, dormer cladding, soldier course and Juliet balconies and amendments to ground levels within the garages of No's 16,18 and 20 Chippenham Mews.

RESOLVED UNANIMOUSLY:

That conditional permission be refused on grounds of the three integral garages not being readily accessible, thereby leading to a loss of off-street residential parking and a reduction in highways safety.

The Meeting ended at 7.45pm

CHAIRMAN: _____

DATE _____

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CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 2nd April 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	<p>RN(s) : 18/09733/FULL</p> <p>Hyde Park</p>	<p>50 Eastbourne Terrace London W2 6LG</p>	<p>Variation of Condition 1 of planning permission dated 15 November 2016 (RN: 16/07359/FULL) for demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop) / A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floor space at part ground and all upper stories, erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews.</p> <p>AMENDMENTS NAMELY, to provide an additional floor of Class B1 office accommodation beyond the approved; alterations to the proposed massing, terraces, green roof, solar panels and external facades; minor internal reconfiguration of the proposed retail (A1/A2/A3) and office (B1) floorplates including ancillary spaces.</p>	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to Deed of Variation of the original S106 legal agreement dated 2 January 2019 to secure the following planning obligations:</p> <p style="margin-left: 20px;">a) Obligations set out in the original legal agreement:</p> <p style="margin-left: 40px;">i) Provision of car parking on an unallocated basis. ii) Highways works surrounding the site necessary for the development to occur, including vehicle crossovers, changes to on-street restrictions and footway repaving. iii) Employment and Training Strategy for the construction and operational phases of the development. iv) Crossrail planning obligation</p> <p style="margin-left: 20px;">b) Additional obligations:</p> <p style="margin-left: 40px;">i) A financial contribution of £200,437 to the Affordable Housing Fund to offset shortfall in residential floor space on the site. ii) A financial contribution of £22,515 to the Carbon Off-Set Fund to offset the shortfall in on-site carbon reduction.</p> <p>2. If the Deed of Variation has not been completed within 3 months from the date of the Committee's resolution then:</p> <p style="margin-left: 20px;">a) The Executive Director for Growth Planning and Housing shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Executive Director for Growth Planning and Housing is authorised to determine and issue such a decision under Delegated Powers; however, if not</p>				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 2nd April 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

b) The Executive Director for Growth Planning and Housing shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Executive Director for Growth Planning and Housing is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 19/00194/FULL Lancaster Gate	6 Bark Place London W2 4AX	Erection of two rear dormer windows.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
3.	RN(s) : 18/03910/FULL St James's	40-42 William IV Street London WC2N 4DD	Use of part ground and basement floors as drinking establishment (Class A4).	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 19/00460/FULL Tachbrook	154 Tachbrook Street London SW1V 2NE	Erection of a two-storey rear infill extension at basement and ground floor levels; alterations to the existing railings at roof level; and installation of replacement of windows, including formation of a bay window at basement level.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 18/10458/FULL 18/10459/LBC Tachbrook	Priory House, Flat 22, 12 Rampayne Street London SW1V 2QT	<ol style="list-style-type: none"> 1. Installation of an extractor fan in bathroom window at fifth floor. 2. Installation of an extractor fan in bathroom window at fifth floor and installation of level access shower. 	
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CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 2nd April 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent.			
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 19/00477/ADV West End	Regent Street London	Display of non-illuminated suspended kinetic display measuring 45 m x 17 m above Regent Street, at junction of Glasshouse Street / Vigo Street / Regent Street for a temporary period from 14 May until 9 June 2019.	
	Recommendation Refuse advertisement consent			
Item No	References	Site Address	Proposal	Resolution
7.	RN(s) : 18/07067/FULL 18/07068/LBC Regent's Park	Winfield House Outer Circle Regents Park London NW1 4RT	Demolition of existing boundary railings and the erection of replacement 2.5 m railings to Outer Circle.	
	Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.			
Item No	References	Site Address	Proposal	Resolution
8.	RN(s) : Application 1: 18/10880/FULL Application 2: 18/10854/FULL West End	49-51 Carnaby Street London City Of Westminster W1F 9PY	1) Alterations to the shopfront facing Kingly Court in connection with continued use of part of the ground floor as retail (Class A1) or dual/alternative use as either a restaurant/cafe (Class A3) or drinking establishment (Class A4). 2) Alterations including a new entrance door and full height extract duct in connection with the continued use of the basement as retail (Class A1) or dual/alternative use as either a restaurant/cafe (Class A3) or drinking establishment (Class A4) or night-club use / live performance venue (Sui Generis).	
	Recommendation 1. Grant conditional permission 2. Grant conditional permission			
Item No	References	Site Address	Proposal	Resolution

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 2nd April 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

9.	RN(s) : 18/10605/FULL Marylebone High Street	31 New Cavendish Street London W1G 9TT	Use of lower ground and ground floor as an Estate Office and key storage facility (Sui Generis) for temporary period of 3 years	
Recommendation Grant conditional permission for a temporary period until 30 April 2022				

Agenda Item 1

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Hyde Park	
Subject of Report	50 Eastbourne Terrace, London, W2 6LG		
Proposal	<p>Variation of Condition 1 of planning permission dated 15 November 2016 (RN: 16/07359/FULL) for demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop) / A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floor space at part ground and all upper stories, erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews.</p> <p>AMENDMENTS NAMELY, to provide an additional floor of Class B1 office accommodation beyond the approved; alterations to the proposed massing, terraces, green roof, solar panels and external facades; minor internal reconfiguration of the proposed retail (A1/A2/A3) and office (B1) floorplates including ancillary spaces.</p>		
Agent	Gerald Eve		
On behalf of	CSHV IUK ET Propco Limited		
Registered Number	18/09733/FULL	Date amended/ completed	30 January 2019
Date Application Received	14 November 2018		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

<p>1. Grant conditional permission, subject to Deed of Variation of the original S106 legal agreement dated 2 January 2019 to secure the following planning obligations:</p> <p>a) Obligations set out in the original legal agreement:</p> <p>i) Provision of car parking on an unallocated basis.</p>

- ii) Highways works surrounding the site necessary for the development to occur, including vehicle crossovers, changes to on-street restrictions and footway repaving.
- iii) Employment and Training Strategy for the construction and operational phases of the development.
- iv) Crossrail planning obligation

b) Additional obligations:

- i) A financial contribution of £200,437 to the Affordable Housing Fund to offset shortfall in residential floor space on the site.
- ii) A financial contribution of £22,515 to the Carbon Off-Set Fund to offset the shortfall in on-site carbon reduction.

2. If the Deed of Variation has not been completed within 3 months from the date of the Committee's resolution then:

a) The Executive Director for Growth Planning and Housing shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Executive Director for Growth Planning and Housing is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Executive Director for Growth Planning and Housing shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Executive Director for Growth Planning and Housing is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

Following the grant of planning permission on 15 November 2016 for the redevelopment of the site for mixed residential and commercial use, the current application seeks minor material amendments to the original permission.

The Hyde Park Estate Association have raised concerns in amenity terms to the impact of the proposed additional floor. Paddington BID continue to support the proposal on the basis that the revised scheme provides for a much stronger 'architectural gateway' and SEBRA and PRACT both support the proposal, having originally been concerned over the corner element at the junction of Praed Street and Eastbourne Terrace. Representations have been received raising objection on a range of grounds, including loss of daylight and potential for overlooking. There have also been representations in support that have been received, which cite the upgrade the development will bring to the area, particularly in terms of the retail offer.

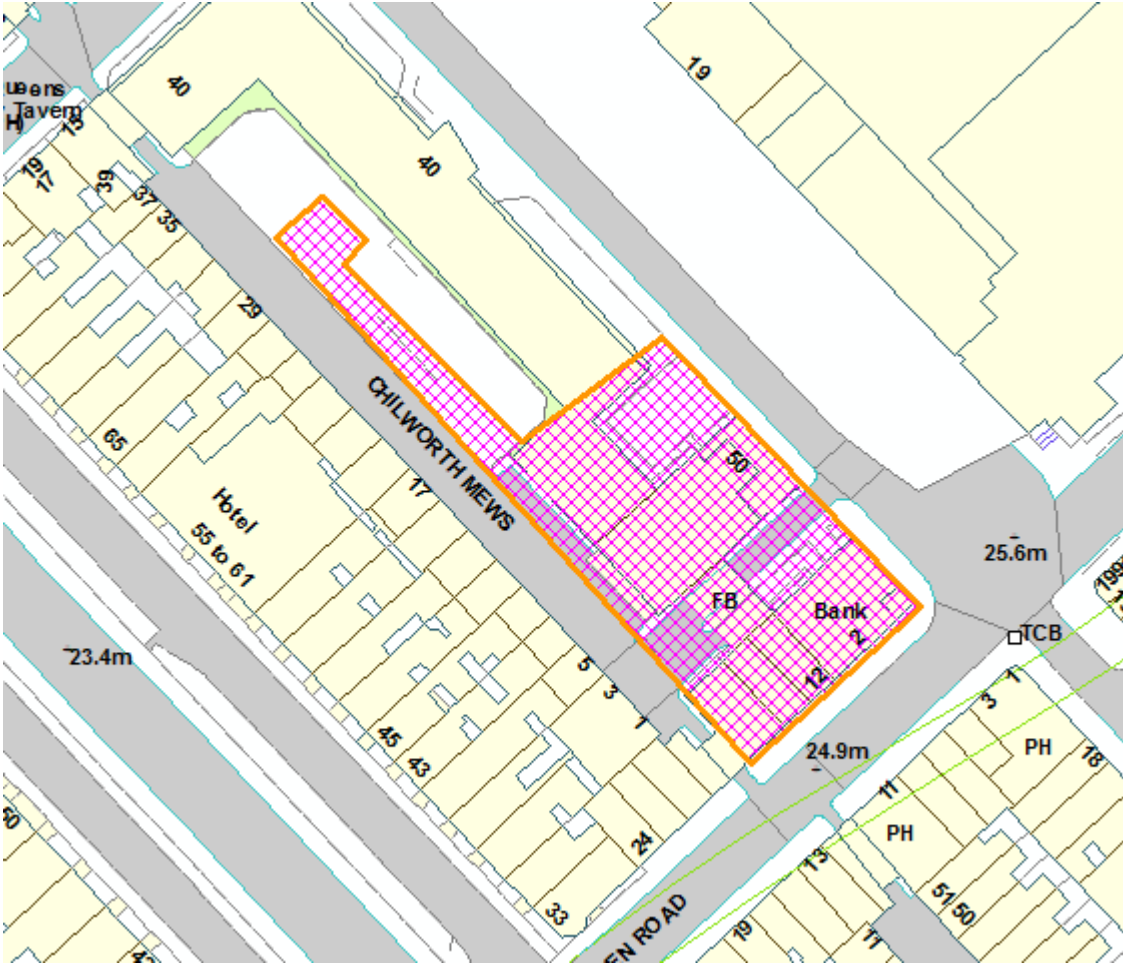
The key issues in this case are:

- The acceptability of the provision of additional office floor space in land use terms.

- The impact of the amended scheme on the appearance of this part of the City and the setting of the neighbouring Bayswater Conservation Area and listed buildings.
- The impact on the amended scheme on the amenity of neighbouring residents.

Notwithstanding the objections received, the revised scheme is considered acceptable as it would be consistent with the principles of the extant permission and would accord with the relevant development plan policies. As such, it is recommended that permission be granted, subject to a Deed of Variation of the original S106 legal agreement to secure the original obligations, together with additional obligations set out in Section 1 of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation at junction of Praed Street, Craven Road and Eastbourne Terrace (top) and rear of site in view along Chilworth Mews (bottom).

5. CONSULTATIONS

5.1 Consultation on Originally Submitted Scheme (November 2018)

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

HYDE PARK ESTATE ASSOCIATION

Objection. Whilst HPEA have no fundamental objection to the proposal, the addition of the extra floor will clearly cause significant loss of light for neighbours and on these grounds, we will object.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION (SEBRA)

Comment, corner element is more prominent and could be improved. Conditions suggested (hours of servicing of all uses, no loading to Eastbourne Terrace, Exclude A2 use, No large retail unit, and construction management plan.

PADDINGTON RESIDENTS ACTIVE CONCERN TRANSPORT

As per SEBRA's comments.

CROSSRAIL

No objection, subject to conditions requiring details of detailed design and construction method statements and concurrent working arrangements.

DESIGNING OUT CRIME OFFICER

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection, subject to conditions

HIGHWAYS PLANNING MANAGER

Undesirable, but could be made acceptable with suggested conditions.

HISTORIC ENGLAND

No comment.

LONDON UNDERGROUND LIMITED

No comment.

NETWORK RAIL

Any response to be reported verbally.

PADDINGTON BUSINESS IMPROVEMENT DISTRICT (BID)

Support. Revised scheme creates a much stronger and stunning architectural gateway to Paddington and Eastbourne Terrace. Provision of new high quality office

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accommodation is embraced and will generate a healthy varied office spaces within POA.

PROJECT OFFICER - WASTE

Further details required with respect to width of service lift doors.

THAMES WATER

Any response to be reported verbally.

TRANSPORT FOR LONDON

Comment. Suggest reduction in car parking an increase in cycle parking to meet with London Plan policies.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 836; No. of Reponses: 5 (3 objections, 2 support).

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

- Loss of daylight and privacy to Westbourne Terrace flats and gardens.
- No benefit to local residents
- No benefit to architectural interest of the area which is surrounded by listed buildings.

Two emails of received supporting the proposed development for the following reasons:

- Excellent solution to addressing run down look with the corner improving the aesthetic look and feel of the area
- Mixed use is well considered.

ADVERTISEMENT/ SITE NOTICE

Yes.

5.2 Re-consultation on Revised Scheme – Revision to enlarge the plant enclosure, raise the parapets to the terraces, reduce glazing to façade and alter the façade (February 2018)

WARD COUNCILLORS (HYDE PARK)

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

HYDE PARK ESTATE ASSOCIATION

No objection to principle of development. Consider that additional floor will cause significant daylight loss to neighbours and therefore object on this ground.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION (SEBRA)

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No objection to the variation, subject to any comments from residents of Chilworth Mews.

PADDINGTON RESIDENTS ACTIVE CONCERN TRANSPORT
Any response to be reported verbally.

ARBORICULTURAL MANAGER
Any response to be reported verbally.

BUILDING CONTROL
Any response to be reported verbally.

DESIGNING OUT CRIME OFFICER
Any response to be reported verbally.

ENVIRONMENTAL SCIENCES
No objection subject to recommended conditions

HIGHWAYS PLANNING MANAGER
Any response to be reported verbally.

HISTORIC ENGLAND
No comments.

LONDON UNDERGROUND LIMITED
Any response to be reported verbally.

NETWORK RAIL
Any response to be reported verbally.

PADDINGTON BUSINESS IMPROVEMENT DISTRICT (BID)
Any response to be reported verbally.

PROJECT OFFICER - WASTE
Any response to be reported verbally.

THAMES WATER
Any response to be reported verbally.

TRANSPORT FOR LONDON
No comment. Note that the applicant is in correspondence with London Underground.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS
No. of Consultations: 836; No. of Responses: 4 responses (2 objections, 1 withdrawal of earlier objection and 1 support).

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

- Loss of light to east facing windows in properties in Westbourne Terrace.
- Increased overlooking to properties in Westbourne Terrace.

- Loss of light to neighbouring properties due to greater height and volume now proposed
- Loss of view towards Paddington Station through the gap between the two existing buildings.
- Developer should implement originally approved scheme and not seek incremental return at the expense of amenity of neighbours.

One email withdrawing original objection as concerns have been addressed by amendments and one email supporting the scheme due to the improvement it will deliver to the quality of retail units in the area.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

No.50 Eastbourne Terrace is an 8 storey (plus basement) 1960's building located centrally on the site, with 2-3 storey linked buildings to the northern and southern parts of the site. The existing buildings are in use as offices with retail uses at ground level (Classes A1 and A2). The site occupies a prominent corner plot at the junction of Eastbourne Terrace and Craven Street, opposite Paddington Station and benefits from three street frontages, to Eastbourne Terrace, Craven Road and Chilworth Mews, all with differing characters.

To the north of the site is an office building, 40 Eastbourne Terrace, and to the rear of the site is Chilworth Mews, a primarily residential mews. The buildings on site are not listed and are located outside of a conservation area. However, the site borders the Bayswater Conservation Area and a number of designated heritage assets are located in close proximity, including Paddington Station (Grade I) on the opposite side of Eastbourne Terrace, the Hilton hotel (Grade II) located to the front of the station in Praed Street and terrace properties along Westbourne Terrace (Grade II).

The site is located within the Paddington Opportunity Area (POA), the North Westminster Economic Development Area (NWEDA) and the Praed Street District Shopping Centre.

6.2 Recent Relevant History

16/07359/FULL

Demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop) / A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floor space at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews.

Application Approved 15 November 2016

The current application seeks permission to make minor material amendments to the above planning permission, which was granted subject to a Grampian condition (Condition 13) to secure planning obligations necessary to make the application acceptable. Condition 13 was worded as follows:

“You must not start work on the site until we have approved appropriate arrangements to secure the following.

- i. Unallocated parking;*
- ii. All highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving;*
- iii. Employment and Training Strategy for the construction phase and the operational phase of the development; and*
- iv. Crossrail Planning Obligation.”*

18/08770/NMA

Amendments to planning permission dated 5 December 2016 (RN: 16/07359) for demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop) / A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floor space at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews; NAMELY to split condition 3 into two stages: demolition and construction,

Application Approved 9 November 2018

18/10743/ADFULL

Approval of details of appropriate arrangements to secure unallocated parking, highways works including vehicle crossover, on street restrictions and footway repaving, employment and training strategy and crossrail obligation pursuant to Grampian Condition 13 of planning permission dated 15.11.2016.

Application Approved 2 January 2019

As part of the above approval of details application, a S106 legal agreement was completed on 2 January 2019 to secure appropriate arrangements to deliver the planning obligations required by Condition 13.

7. THE PROPOSAL

Since the granting of permission for the redevelopment of this site in November 2016, the site has come into new ownership and the current owners are seeking permission for minor material amendments to the extant permission under this S73 application. The current application proposes the following principal amendments:

1. Provision of an additional floor to the office building.

2. Additional massing to the rear of the office building.
3. Reconfiguration of the office and retail floor space within the building.
4. Revised location of the external terraces to the office building.
5. Increase in overall Class B1 office floor space.
6. Reduction in the quantum of retail floor space.

The scheme has been revised during the course of the application to enlarge the roof level plant enclosure, raise the parapets to the terraces, reduce the glazing to the façade and to alter the façade, to which full re-consultation was carried out.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Land Use Overview

The buildings are currently in office use (Class B1) at upper levels with retail accommodation at ground floor level. A comparison of the existing, extant development and proposed land uses are set out below:

Use	Existing GIA	Extant PP GIA	Proposed GIA	+/- Existing /Proposed
B1 Office	6529m ²	8476m ²	9979m ²	+3,450
Retail (A1/A2/A3)	1,092m ²	1,165m ²	988m ²	-104
Residential	N/A	853m ²	945m ²	No change - extant scheme measured incorrectly.
Total	7621m ²	10,494m ²	11,912 m ²	

Office Use

The increase in office floor space in this location within the CAZ, POA and NWEDA is welcome in principle. It would support the vitality, function and character of the area and is in accordance with Policies S1 (mixed-use in the CAZ), S3 (POA) and S12 (NWEDA) in the City Plan. Revisions to the office external amenity area are also proposed and assessed under the amenity section of this report.

Retail Use

As in the case of the extant permission, the scheme now proposed includes the re-provision of a retail frontage onto Craven Road in the form of three retail units across ground and lower ground floor level (for use as either Class A1, A2 or A3 use). The provision of three small/ medium sized retail units together with the upgraded standard of retail accommodation and appearance of the units and frontage is considered to make a strong contribution to the wider retail area. The units will be attractive and suitable to a range of occupiers.

Item No.
1

The quantum of retail floor space is proposed to be reduced by 104m² at lower ground floor level when compared to that secured under the extant permission. The applicant has indicated that this has come about following reconfiguration of the lower ground floor to accommodate plant to service the building, cycle parking, and a corridor to service the retail units. Given the improvements to the overall functionality of the development, as the minimal amount of floor space to be lost would be at lower ground floor level (with a slight increase in retail floor space proposed at ground floor level), the proposed amendments to the retail accommodation is considered to be acceptable and would improve the vitality, function and character and appearance of the shopping area.

The conditions imposed on the extant permission relating to operational management plan, restriction on bar area and hours of operation are included again. An additional condition is recommended at the request of the Highways Planning Manager to prevent a delivery operation from retail units.

Residential Use

No changes are proposed to any aspect of the proposed seven residential mews houses. The applicant has however indicated that the residential floor space (853m²) identified under the extant permission had not been measured correctly and this is now correctly identified as 945m².

Mixed Use Policy

The current scheme would provide an additional 3,346m² of commercial floorspace (office and retail floorspace) when compared to the quantum of existing floorspace on site and an additional 1,503m² when compared to the extant permission. As the new additional floorspace represents a 44% increase on the existing office floorspace on the site, part 3(B) of Policy S1 in the City Plan is applicable. This requires a proportionate increase in residential floorspace on the site, in accordance with the formula set out in the policy, to ensure an appropriate mix of use is maintained within the CAZ.

The quantum of residential floorspace required under this mixed-use policy is 1,059m². The proposal includes the provision of seven houses, which provide 945m² of residential floorspace. However, this falls slightly short of the policy requirement by 115m². Given the modest nature of the shortfall, it is considered to be appropriate to mitigate the inconsistency with Policy S1 by way of a payment of £200,437 to the Affordable Housing Fund and the applicant has agreed to the provision of this financial contribution. Cumulatively the on-site residential accommodation and the payment in lieu would satisfy the requirements of Policy S1.

Land Use Summary

The provision of the additional commercial floorspace, relative to the approved scheme, within the POA, NWEDA and CAZ is welcomed in land use terms and consistent with adopted policy. However, this is subject to the recommended financial contribution to the Affordable Housing Fund in lieu of the shortfall in residential floor space on-site, as required by Policy S1 in the City Plan.

8.2 Townscape and Design

Item No.
1

The site benefits from planning permission for the demolition of the existing buildings on site and redevelopment to provide a six storey L-shaped building to Eastbourne Terrace and the erection of seven residential townhouses to Chilworth Mews. In design terms, the application proposes to vary this permission principally to add an additional floor level, rationalise the massing to the rear, set back the corner feature on the corner of Eastbourne Terrace and Craven Road and install additional features that allow 'greening' of the building through the introduction of landscaping.

The principle of the demolition and the redevelopment of the site in general form, footprint and design proposed was been established by the 2016 permission, which remains extant.

In design terms, no changes are proposed to the seven residential mews houses fronting Chilworth Mews therefore, consideration is principally given to the proposed amendments to the building fronting Eastbourne Terrace and Craven Road.

It is proposed to add an additional floor level of the same footprint as the penultimate level to the building on Eastbourne Terrace/Craven Road. The developed design reflects the consented top storey; continuing the vertical elements of the top level to create a visually taller top storey. This approach forms a unified volume to the upper levels, which addresses the perceived visually mass and works as an appropriately scaled 'top' to the base and middle of the building.

To the north, the setting back of the northern corner improves the hierarchy as the massing of the upper levels becomes subservient to the body of the building below. The introduction of a secondary tower on the northern end works to 'bookmark' the building and the Eastbourne Terrace elevation.

In association with the additional floor level, the massing to the rear has been reorganised so that instead of a taller central element the mass has been lowered and spread across the entire rear elevation. This has been treated in lightweight materials and includes setbacks to soften the high-level massing. The design approach is reflective of the front elevation in terms of the bay treatments. This approach is welcomed as, like with the front elevation, the rear has a defined base, middle and top, which due to the use of materials is less visually prominent.

The consented scheme included a prominent corner feature on the corner of Eastbourne Terrace and Craven Road. Whilst this feature was lower than the Grade II listed Hilton Hotel corner turret, it would have been prominent in views along Craven Road from the west. In order to accommodate an additional sixth floor, the corner feature and fifth floor level have been set back on the Craven Road elevation by a single bay resulting in the view of the Hilton Hotel being uninterrupted and the proposed tower feature less visible in this key view, preserving the setting of the Grade II listed building.

The principles of the proposed façade design are consistent with the approved scheme. The composition of the façade has been maintained as a series of bays and volumes, which are reflective of historic terraced houses in the area. There have been minor changes to the proposed fenestration on the principal elevations, including the introduction of narrow openings on the side return following the recession of the corner feature; however, these are in keeping with the architectural composition of the building.

The materials are in keeping with the consented scheme, nevertheless conditions requiring the submission of further details are recommended.

Additional 'greening' of the building is proposed in the form of fixed planters to the terraces and additional green roofs. This is welcomed as it gives a visual richness to the building and visually softens the architectural grid. Additional public art locations are also being proposed, including the north elevation, adjacent to 40 Eastbourne Terrace and the flank elevation in Chilworth Mews. Public art is welcomed and would be in accordance with DES7 in the UDP as it assists in integrating the development into the wider setting.

The applicant has provided indicative views within the Design and Access Statement. In terms of the townscape impact and the impact upon the setting of designated heritage assets, the proposed buildings will have a limited impact. In the views from the west, which are all from within the Bayswater Conservation Area, the scale of the building will be readily appreciated however the building will not compete with the Grade II listed Hilton Hotel due to its scale and the recessive top storey. From the north and south, the building will be appreciated in the context of the other office buildings, whilst from the east, the building will be appreciated in the background of the listed buildings and therefore the office building is not considered to be visually detracting on approach from these directions. With regard to impact of the mews houses on the setting of the Bayswater Conservation Area, given the buildings are respectful of the characteristic scale, form and detailed design of the existing mews buildings and they will reintroduce a double fronted street scene the setting of the Conservation Area is considered to be preserved.

The proposal is considered to accord with design policies S25 and S28 of the City Plan and DES 1, DES 4, DES 9 and DES 10 of the UDP.

Conditions 4, 5, 6 and 7 in the draft decision letter appended to this report seek further design details such as sample of facing materials, fabricated sample panels, design details and the public art. These conditions are largely as per the previously approved scheme, although Conditions 4, 5 and 6 have been slightly revised at the request of the applicant to split the requirement for design details into two parts; namely for the office and residential parts of the scheme. This request is considered to be reasonable. The required fabricated panels have been reduced from 3m panels to 1m panels. Condition 7 requires full details of the public art, which is currently only shown indicatively proposed in two locations on the building in Eastbourne Terrace and Chilworth Mews.

8.3 Residential Amenity

Daylight and Sunlight

The extant permission was assessed to establish its impact on the level of daylight and sunlight reaching neighbouring windows, particularly those servicing residential properties. This assessment did indicate some deviances above the tolerances set out in the Building Research Establishment (BRE) guidelines for daylight and sunlight assessment. However, overall despite these limited material losses, the proposed development was considered acceptable on the basis that satisfactory daylight and sunlight would be retained by surrounding properties.

A further assessment of the daylight and sunlight impact of the amended scheme has been undertaken given that it proposes additional bulk and height to accommodate the proposed additional floor and additional massing to the rear. The assessment of the current scheme is compared with both the existing building on the site and the extant permission in order to understand fully the potential impact on the amenity of neighbouring occupiers.

The proposed development would have no significant impact on the daylight and sunlight received by the following properties. With any minor losses or gains of Vertical Sky Component (VSC) falling within the tolerances set out in the BRE guidelines (i.e. the losses are less than material):

- Hilton Hotel
- 197, 199 Praed Street
- 5-15 Chilworth Mews
- 13-19 Craven Road
- 18-24 Craven Road
- 33-51 Westbourne Terrace

The following properties, which are in hotel or tourist hostel use, would see some minor additional material impact, but would maintain good daylight levels (i.e. VSC levels above 20%). Furthermore, they are not offered significant protection from loss of daylight and sunlight loss given the transient nature of the occupation of the buildings:

- Pride of Paddington Hotel, 1-3 Craven Road (1 additional window affected)
- Metro hotel 7-9 Craven Road (1 additional window affected)
- Ascot Hotel 11 Craven Road (1 additional window affected)

With respect to residential properties that are affected, these are set out and considered in the following paragraphs.

No.5 Craven Road will have four rather than three windows that would be materially affected and will see a reduction in daylight of above 20%, but will retain good daylight levels of between 20 and 24% VSC. As such, despite the losses that would occur to this property, it would remain well daylit and permission could not reasonably be withheld on the basis of the impact on this property.

Nos.1-3 Chilworth Mews would be the most significantly affected residential property by the amended scheme. Eight windows would see a reduction in daylight of between 20-27% of their current VSC level, resulting in retained VSC values of between 9.97 and 16.92 VSC. This is compared to retained VSC values of between 11.90 and 17.84 in the extant scheme. These windows serve a single residential property. The four first floor windows serve one large open plan kitchen/ dining and living area and the four windows at second floor level serve two bedrooms. Whilst regrettable, the difference between the impact of the extant permission and this revised scheme is not considered to be so significant as to warrant withholding permission.

Overall the impact of the current proposal on daylight and sunlight of surrounding properties is very similar to the extant permission is considered to remain acceptable.

The proposal does not raise any significant new issues with respect to sunlight.

Sense of Enclosure

The proposed main office building would maintain a distance of 22m from Chilworth Mews properties, with properties in Westbourne Terrace significantly further to the west of the site. Given the height of the proposed development and distance to and relationship with surroundings residential properties it is not considered to result in any significantly detrimental increase in sense of enclosure to neighbouring windows.

Privacy

The further consideration given to the location and nature of the amenity terraces for office workers is welcome in principle and this has brought about further improvements with respect to their relationship with neighbouring residential properties.

The proposed office terraces have not changed in quantum from the approved scheme; however, the location of the terraces has been further considered and it is now proposed that they are located at 3rd, 5th and 6th floor level (the terrace formally proposed at 4th floor level has been omitted), with permanent perimeter planters introduced to provide better screening. In addition, other areas of flat roof at third and fifth floor level are now proposed as non-accessible green roofs to increase the greening of the building and add visual amenity. The green roof to the main roof continues to be proposed. These improvements are to be secured by condition.

Overall, the impact of the development on its neighbours is very similar to that of the extant permission and the amendments do not raise any significant amenities new issues on which to come to a different conclusion. The proposal is accords with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/ Parking

No significant change is proposed to the servicing requirements of the development compared to the extant permission and servicing would take place within the rear off street loading bay accessed via Chilworth Mews as per the extant permission.

Provision for 134 cycles has been provided in accordance with the London Plan to reflect the increase in office floorspace. All other transport matters remain in line with that proposed under the extant permission, including the provision of parking for the residential properties (within the curtilage of 40 Eastbourne Terrace) and cycle storage. Whilst Transport for London have requested a reduction in car parking, the proposed car parking remains the same at the extant planning permission and has the support of the Highways Planning Manager. As such, this revised application does not raise any new transportation considerations and the comments from Transport for London are not supported.

8.5 Economic Considerations

The economic benefits of the redevelopment of this prominent site within the POA are welcomed, subject to the assessment of the planning merits of the proposed development as set out in this report.

8.6 Access

The proposed development makes provision for access for all to all of the proposed uses within the development.

8.7 Other UDP/Westminster Policy Considerations

Plant

Mechanical plant is to remain at lower ground floor level and at roof level in accordance with the extant permission. The standard noise and vibration conditions are proposed to be imposed and Environmental Sciences officers are content that these conditions will ensure the proposed mechanical plant would not cause noise or vibration nuisance to neighbouring noise sensitive occupiers.

Refuse /Recycling

No significant changes are proposed to this element of the scheme and the Project Officer (Waste) has only made comment on the width of service lift doors.

Biodiversity

The proposed scheme provides for additional green roofs and permanent planters, which will encourage biodiversity and improve the contribution of the development to biodiversity in this part of the City.

Sustainability

The applicant has submitted a revised energy strategy during the course of the application. This indicates that the development will achieve only 31.87% reduction in carbon emissions compared to the extant permission, which delivered a 37.8% reduction relative to the baseline. As a 35% reduction is required by London Plan policy, the applicant is required to provide a Carbon offset contribution to mitigate the shortfall in on-site reductions of carbon emissions. Based on a shortfall of 7.9 tonnes of carbon emissions per annum at £95 per tonne (the per tonne figure set out in the Draft London Plan), a financial contribution of £22,515 to the Carbon Off-setting Fund is required. The applicant has agreed to provide this contribution.

8.8 Westminster City Plan

Westminster's Development Plan

Westminster Unitary Development Plan was adopted in January 2007 and Westminster's City Plan Strategic Policies was adopted in November 2016. Both documents were relevant at the time of the determination of the original permission.

The City Plan 2016 and UDP policies referred to in the consideration of this application are considered consistent with the NPPF unless stated otherwise.

City Plan 2019-2040- Working draft 10, November 2018

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

8.9 Neighbourhood Plans

Not applicable, as there are no neighbourhood plans covering this part of the City.

8.10 London Plan

The current London Plan was adopted in March 2016 and this was the plan in place at the time of the determination of the original extant permission on 13 November 2016. This March 2016 plan remains the adopted version of the London Plan.

A draft new London Plan was published by the Mayor for consultation in December 2017, the consultation period ended on 2 March 2018. The examination in public ("EIP") of the new London Plan opened on 15 January 2019 and is continuing at the current time. The draft London Plan is a material consideration in planning decisions. The significant given to it will gain more weight as it moves through the process towards adoption.

It is not considered that the new London Plan contains any policies that would warrant coming to a different conclusion to that made in the determination of the extant permission in November 2016. The development is not GLA referable as it is of a scale that falls below the thresholds above which development becomes referable to the GLA.

8.11 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered 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 pre-commencement conditions (Condition 3 – Compliance with the Code of Construction Practice). The applicant has agreed to the imposition of this condition.

8.12 Planning Obligations

As this application varies an earlier permission, which was the subject of a S106 legal agreement dated 2 January 2019. A Deed of Variation is required to ensure that the following obligations, which were secured in conjunction with the extant scheme, continue to be secured in conjunction with the amended scheme that is the subject of the current application:

1. Unallocated parking;
2. All highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving;
3. Employment and Training Strategy for the construction phase and the operational phase of the development; and
4. Crossrail Planning Obligation.(£279, 240)

In addition to the above, this amendment application also requires the following to be additional planning obligations to be secured (for the reasons set out earlier in this report) under the Deed of Variation:

- A financial contribution of £200,437 to the Affordable Housing Fund to offset shortfall in residential floor space on the site.
- A financial contribution of £22,515 to the Carbon Off-Set Fund to offset the shortfall in on-site carbon reductions.

The estimated additional CIL payment based on the proposed uplift in floorspace proposed under the current application is:

- Mayoral CIL2: £253,265.
- Westminster CIL: £240,964.

These contributions are in addition to the estimated CIL payments based on the floorspace in the original permission:

- £687,557 (Combined Mayoral and Westminster CIL).

8.13 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

8.14 Other Issues

Construction Impact

The applicant has agreed to comply with the City Council's Code of Construction Practice. As such, Condition 3 seeks to secure this. It is however split into two parts (demolition and excavation/ construction) at the applicant's request, as it is envisaged that different contractors will carry out demolition work and the excavation/ construction.

Statement of Community Involvement (SCI)

Item No.
1

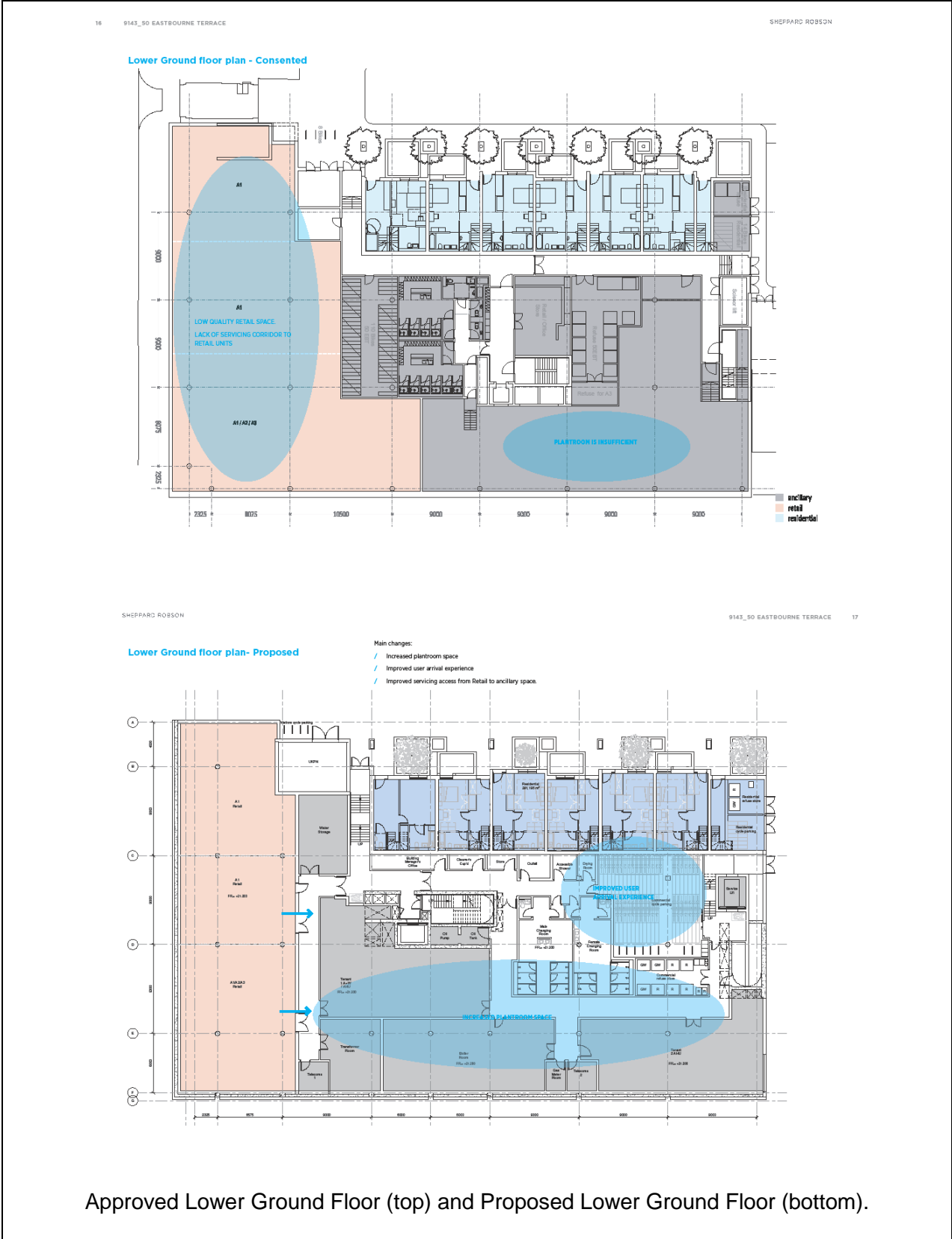
The applicant has submitted a SCI, which sets out the consultation with the local community. This has included drop in sessions, letter drops and individual meets with residents and businesses, amenity societies and Ward Councillors.

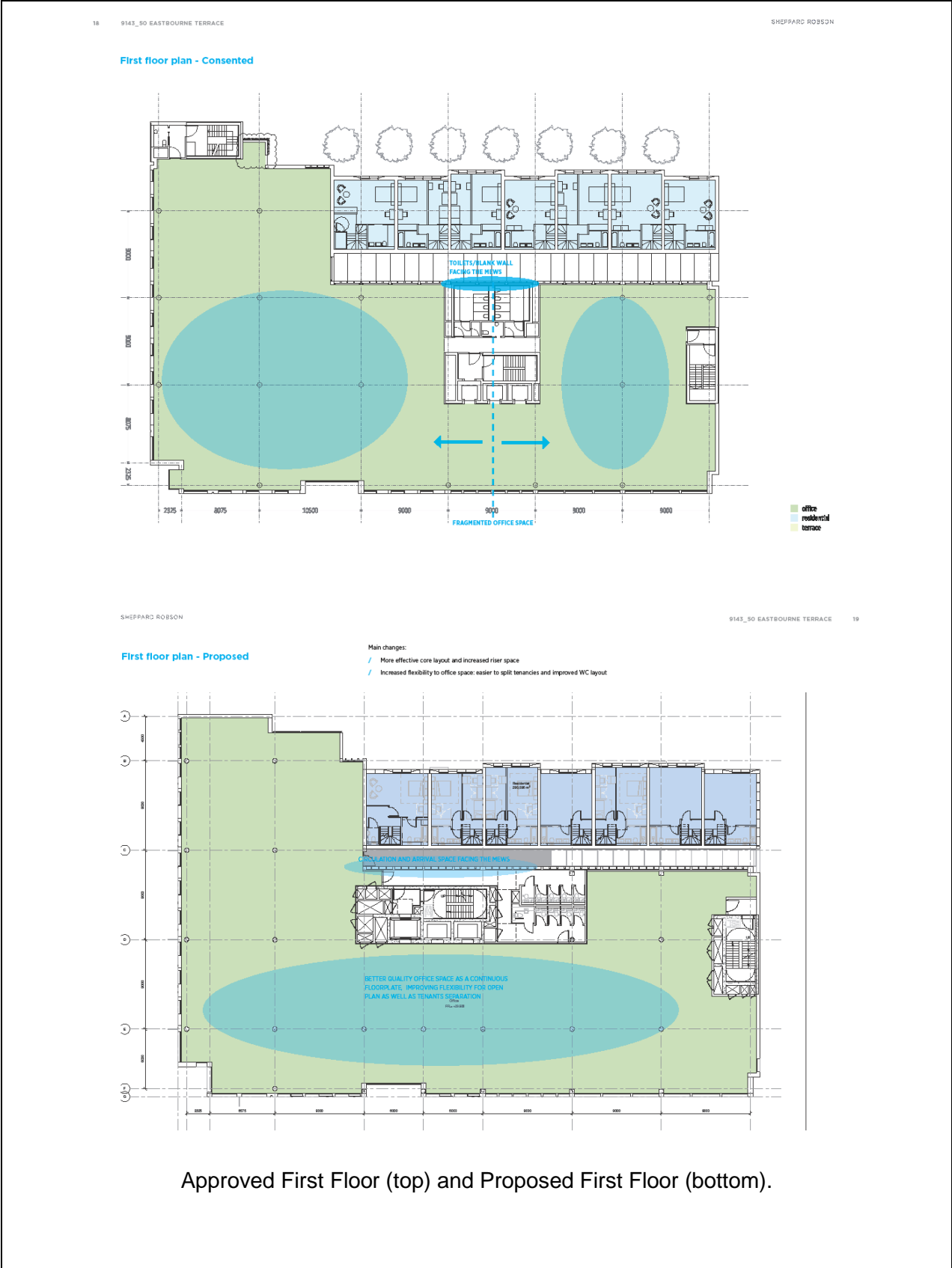
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

9. KEY DRAWINGS







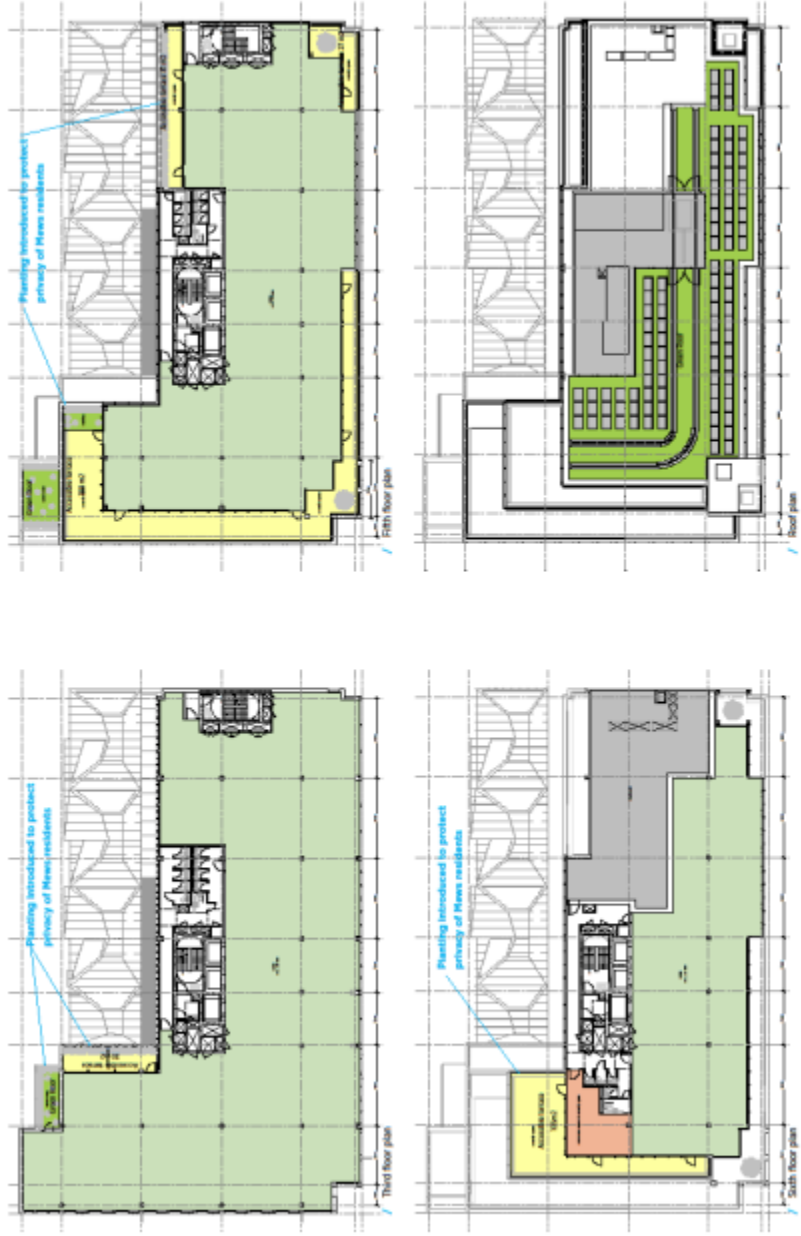


Approved Office Upper Floors.

943_00 EASTBOURNE TERRACE 37

SHEPARD ROBINSON

Proposed- Office Plans & Amenity space



Proposed Office Upper Floors.

42 9143_50 EASTBOURNE TERRACE

SHEPPARD ROSSON

Corner view Eastbourne Terrace/Craven road - Consented



SHEPPARD ROSSON

9143_50 EASTBOURNE TERRACE 43

Corner view Eastbourne Terrace/Craven road - Proposed



Approved montage from Eastbourne Terrace and Craven Road junction (top) and as proposed (bottom).

48 9143_50 EASTBOURNE TERRACE

SHEPPARD ROBSON

View to rear of building within Chilworth Mews - Consented



SHEPPARD ROBSON

9143_50 EASTBOURNE TERRACE 49

View to rear of building within Chilworth Mews - Proposed

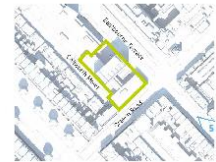


Approved montage from Chilworth Mews (top) and as proposed (bottom).

SHEPPARD ROBSON

9143_50 EASTBOURNE TERRACE 51

View along Spring Street - Consented



52 9143_50 EASTBOURNE TERRACE

SHEPPARD ROBSON

View Along Spring Street - Proposed



Approved montage from Craven Road looking east (top) and as proposed (bottom).

DRAFT DECISION LETTER

- Address:** 50 Eastbourne Terrace, London, W2 6LG,
- Proposal:** Variation of Condition 1 of planning permission dated 15 November 2016 (RN: 16/07359/FULL) for demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop)/ A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews. NAMELY, to provide an additional floor of Class B1 office accommodation beyond the approved; minor alterations to the proposed massing, terraces, green roof, solar panels and external facades; minor internal reconfiguration of the proposed retail (Classes A1/A2/A3) and office (Class B1) floorplates including ancillary spaces.
- Plan Nos:** **ORIGINAL PLANS AND DOCUMENTS (RN: 16/07359/FULL):** FP ET EX LLG 20000; FP ET EX L00 20001; FP ET EX L01 20002; FP ET EX L0220003; FP ET EX L03 20004; FP ET EX L04 20005; FP ET EX L05 20006; FP ET EX L06 20007; FP ET EX L07 20008; FP ET EX LR 20009; FP ET EX LM 21000; FP ET EX LM 21001; FP ET EX LM 21002; FP ET DE LM 21000; FP ET DE LM 21001; FP ET DE LM 21002; FP ET DE LR 20009; FP ET EX LM 22000; FP ET EX LM 22001; FP ET EX LM 22002; FP ET EX LM 22003; FP ET PA L00 01000; FP ET PA L00 01001; FP ET PA L00 01002 A; FP ET PA L00 01003; FP ET PA LLG 20000; FP ET PA L00 20001 A; FP ET PA L01 20002 A; FP ET PA L02 20003; FP ET PA L03 20004; FP ET PA L04 20005; FP ET PA L05 20006; FP ET PA L06 20007; FP ET PA LM 21000 A; FP ET PA LM 21001 A; FP ET PA LM 21002 A; FP ET PA LM 21003 A; FP ET PA LM 21004 A; FP ET PA LM 21005 A; FP ET PA LM 22000 A; FP ET PA LM 22001 A; FP ET PA LM 22002 A; FP ET PA LM 22003 A; FP ET PA LM 22004 A. Design and Access Statement dated July 2016; Heritage Statement dated July 2016; Floor areas dated 22 July 2016; Planning Statement dated July 2016; Transport Assessment dated 28 July 2016; Noise Assessment by EEC dated 9 June 2016; Sunlight and Daylight Assessment revised October 2016; Statement of Community Involvement dated July 2016; Sustainability Statement dated 29 June 2016; Energy Statement dated 6 July 2016 and BREEAM Pre-Assessment dated 16 June 2016. **AS AMENDED BY THE DRAWINGS AND DOCUMENTS HEREBY APPROVED:** Gerald Eve Covering Letters; Point 2 Daylight and Sunlight letter and report. 50ET-SRA-XX-ZZ-DR-A-02-001 P01, 50ET-SRA-XX-LG-DR-A-02-099 P01, 50ET-SRA-XX-00-DR-A-02-100 P01, 50ET-SRA-XX-01-DR-A-02-101 P02, 50ET-SRA-XX-02-DR-A-02-102 P02, 50ET-SRA-XX-03-DR-A-02-103 P02, 50ET-SRA-XX-04-DR-A-02-104 P02, 50ET-SRA-XX-05-DR-A-02-105 P02, 50ET-SRA-XX-06-DR-A-02-106 P02, 50ET-SRA-XX-RF-DR-A-02-107 P02, 50ET-SRA-XX-ZZ-DR-A-02-200 P02 50ET-SRA-XX-ZZ-DR-A-02-201 P02, 50ET-SRA-XX-ZZ-DR-A-02-202 P02, 50ET-SRA-XX-ZZ-DR-A-02-203 P02, 50ET-SRA-XX-ZZ-DR-A-02-300 P02, 50ET-SRA-XX-ZZ-DR-A-02-301 P02, 50ET-SRA-XX-ZZ-DR-A-02-302 P02, 50ET-SRA-XX-ZZ-DR-A-02-303 P02, 50ET-SRA-XX-ZZ-DR-A-02-304 P02.

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641 2929

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

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

Reason:

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

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

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

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

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

Reason:

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

- 3 A. Prior to the commencement of any demolition the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein
- B. Prior to any excavation or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

To protect the environment of residents and the area generally as set out in S29 of

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Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

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

- 5 You must apply to us for approval of 1m x 1m fabricated sample panels of the following parts of the development:

- i) typical facade bays on the office building.
- ii) typical facade bays of the mews buildings.

The sample(s) should demonstrate the colour, texture, face bond, pointing, component interfaces and means of construction (including any typical expansion/movement joints). You must not start any work on the relevant parts of the development until we have approved the sample panels.

You must then carry out the work according to these approved sample(s).

Reason:

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

- 6 A You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - typical bay details to all new facades on the office building to indicate the following:

- i) windows;
- ii) external doors;
- iii) interfaces with windows;
- iv) interfaces with landscaping;
- v) interfaces with architectural metalwork;
- vi) ventilation and other services terminations at facade and roof;
- vii) railings and balustrades;
- viii) integral lighting.
- ix) shopfront's and awnings
- x) signage strategy
- xi) rainwater goods

B: You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - typical bay details to all new facades on the mews buildings to indicate the following:

- i) windows;
- ii) external doors;
- iii) interfaces with windows;
- iv) interfaces with landscaping;
- v) interfaces with architectural metalwork;
- vi) ventilation and other services terminations at façade and roof;
- vii) railings and balustrades;
- viii) integral lighting.
- ix) rainwater goods

You must not start any work on the relevant parts of the development until we have approved details/samples., You must then carry out the work according to these approved detailed/sample(s).

Reason:

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

- 7 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 8 You must apply to us for approval of a drawing demarking where paraphernalia associated with the terraces is to be located. The paraphernalia must then only be located in these areas.

Reason:

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

- 9 Notwithstanding details shown on the approved drawings no street furniture shall be located within the recessed corner at ground floor level.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

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

- 10 You must only put structures such as satellite or radio antennas on the rear elevation or within the roof terraces of the mews buildings.

Reason:

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

- 11 You must not paint any outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

Reason:

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

- 12 The Building Maintenance Units hereby approved shall, when not in use, be stored within the roof top plant room.

Reason:

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

- 13 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

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

- 14 In the event that the corner retail unit on Eastbourne Terrace and Craven Road is used as a Class A3 restaurant, an Operational Management Plan shall be submitted for approval. You

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must not start the restaurant use until we have approved what you have sent use. You must then carry out the measures included in the plan at all times the restaurant is in use.

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 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 15 In the event that the corner retail unit on Eastbourne Terrace and Craven Road is used as a Class A3 restaurant, if you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

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 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 16 In the event that the corner retail unit on Eastbourne Terrace and Craven Road is used as a Class A3 restaurant, customers shall not be permitted within the restaurant before 07.00 or after 00.00 on Monday to Saturday (not including bank holidays and public holidays) and before 08.00 or after 22.30 on Sundays, bank holidays and public holidays. (C12BD)

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 TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 17 You must not use the office terraces hereby approved outside of the hours of 08.00 and 21.00 Monday to Friday.

Reason:

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

- 18 Notwithstanding the outline servicing plan submitted, you must apply to us for approval of a detailed Servicing Management Plan in relation to the commercial premises. You must not occupy the commercial premises until we have approved what you have sent us and abide by the terms of the Servicing Management Plan at all times.

Reason:

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

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

Reason:

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

- 20 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 21 Any structure including canopies and awnings over the footway shall maintain 2.6m vertical clearance from the footway surface at all time and not extend any closer than 1m to the kerb edge.

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)

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

Reason:

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

- 23 You must apply to us for approval of details of the following parts of the development:-

i) Installation of 20% active and 20% passive electric vehicle charging point for the approved seven residential carparking spaces.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details and maintain them for the lifetime of the development.

Reason:

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To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 24 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. The details must include:
- i) Show and indicate the bin compactor, storage location of waste cooking oil on the plan;
 - ii) The storage bins must be shown and indicated on the plan, and mark the recyclable materials bin as R, food waste bin as O and mark the general waste bin as W;
 - iii) Provide a waste route diagram showing how the occupiers of the A1/A2/A3 units will access the commercial waste store located in the basement;
 - iv) If a cardboard bailer is required, provision for this equipment should be included within the commercial waste store.

You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the . (C14EC)

Reason:

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

- 25 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

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submission of a noise report must include:

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

Reason:

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

- 26 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)

- 27 The plant/machinery hereby permitted shall not be operated except between 07.00 hours and 23.00 hours daily.

Reason:

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

implementation of the planning permission. (R46BB)

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

Reason:

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

- 29 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

Green Roofs

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

Reason:

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

- 30 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 6 months of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

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

- 31 No servicing of the development shall take place between 20.00 and 07.00 daily.

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

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Unitary Development Plan that we adopted in January 2007. (R22CC)

- 32 In the event that the corner unit on Eastbourne Terrace and Craven Road is used as a restaurant, you must not sell any take-away food or drink from the approved Class A3 unit even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Conservation Area. This is in line with S25 of Westminster's City Plan (November 2016) and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 33 A. The flat roofs annotated as "green roofs" to 3rd, 5th and roof levels shall be installed as living green roofs and shall only be used for maintenance and for escape in the case of an emergency.
B. The flat roofs annotated as office amenity terraces, shall not be occupied until the permanent planters have been installed and have being planted with soft landscaping,. They shall thereafter be maintained as such.

Reason:

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

- 34 This permission must be commenced no later than 15 November 2019.

Reason:

This permission authorises amendments to the original planning permission granted on 15.11.2016 (RN 16/07359/FULL) which must be commenced no later than the above date. (R03HA)

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.

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This permission is governed by a Deed of Variation of the original S106 legal agreement dated 2 January 2019 between the applicant and us under Section 106 of the Town and Country Planning Act 1990 to secure the following planning obligations:

a) Obligations set out in the original legal agreement:

- i) Provision of car parking on an unallocated basis.
- ii) Highways works surrounding the site necessary for the development to occur, including vehicle crossovers, changes to on-street restrictions and footway repaving.
- iii) Employment and Training Strategy for the construction and operational phases of the development.
- iv) Crossrail planning obligation

b) Additional obligations:

- i) A financial contribution of £200,437 to the Affordable Housing Fund to offset shortfall in residential floor space on the site.
- ii) A financial contribution of £22,515 to the Carbon Off-Set Fund to offset the shortfall in on-site carbon reduction.
(I55AA)

- 3 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)
- 4 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. 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)
- 5 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your

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proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 7 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 8 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)
- 9 Condition 19 requires the submission of a servicing management plan. The plan should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this case. It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations.
- 10 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)
- 11 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 12 In the event that the corner retail unit on Craven Road and Eastbourne Terrace is used as a restaurant, you must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use

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(from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)

- 13 Conditions 25, 26,27,28 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)
- 14 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.

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

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

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

16 THAMES WATER ADVICE

There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 17 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the ground / lower ground floor retail unit on the corner of Craven Road and Eastbourne Terrace floor can change between the A1, A2 and A3 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

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 2

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Lancaster Gate	
Subject of Report	6 Bark Place, London, W2 4AX		
Proposal	Erection of two rear dormer windows.		
Agent	Mr Haslam		
On behalf of	Ms Blair		
Registered Number	19/00194/FULL	Date amended/ completed	16 January 2019
Date Application Received	10 January 2019		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is two storey mid terrace property located within the Bayswater Conservation Area. The building is unlisted and is in use as a single dwellinghouse. The application seeks permission for the erection of two dormer windows in the rear roof slope.

Objections have been received from adjoining occupiers on a range of design and amenity grounds, which are summarised in Section 6 of this report.

The key considerations in this case are:

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

Despite the objections raised, and subject to the recommended conditions as set out in the draft decision letter appended to the report, it is considered that the proposed dormer windows are acceptable in design and conservation and amenity terms and would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 ('the UDP') and Westminster's

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City Plan adopted in November 2016 ('the City Plan'). As such, the application is recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front Elevation



Rear Elevation



5. CONSULTATIONS

WARD COUNCILLORS (LANCASTER GATE)

Any response to be reported verbally

BAYSWATER RESIDENTS ASSOCIATION

Objection. Support the objections of local residents in Caroline Place and Lombardy Place; in particular to a large dormer window at roof level; concur with the following concerns expressed by local residents:

- It appears that there are no similar dormer windows in the immediate area except one which was conditioned to have obscured glass to prevent overlooking of neighbours. Therefore, the present proposal would create a precedent and alter the character and unity of the Bark Place terrace.
- The local residents are concerned about overlooking of their houses and gardens if a large dormer is allowed.
- Bark Place is on a higher ground level to Caroline Place and therefore a large dormer on no 6 will be more dominant and obtrusive to neighbours.
- We would suggest that a planning officer site inspection is undertaken to view the potential effect of the proposal from Caroline/Lombardy Place.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 49.

Total No. of replies: 12.

No. of objections: 12.

No. in support: 0.

Twelve emails received raising objection on all or some of the following grounds:

Design

- Allowing the dormer windows would completely destroy the architectural character and unity of the terrace;
- The rear of this terrace, presently contributes to a clear skyline viewed from Caroline Place (Orme Court side) and from Caroline Place (through the gap between 4 and 5 Caroline Place houses);
- It would be visually intrusive and unsightly when seen from public and private view.
- The use of leadwork is not appropriate; it would damage the look of the red tiled roofline in the terrace; The proposed leadwork suggested on page 7 and 12 of the Design and Access Statement, is incorrectly described as 'traditional to the area'. The houses have red-tiled roofs. The addition of 2 lead grey-coloured dormer windows will look totally out of place and out of character on any red tiled roof,
- Dormer windows are very unsightly, 2 would be even worse and allowing them will permanently spoil this so far well and much appreciated preserved area
- The size and the location of the proposed windows are a concern; the street at the Bark Place side is much higher than is on the Caroline Place side, as Lombardy Place slopes downwards. This means that the rear of the houses in Bark Place dominate the skyline. Dormer windows would increase this dominance
- Mock-ups of the terrace from various different views have been submitted to demonstrate the impact the proposal would have on the character of the area

- If dormer windows are permitted it will set a dangerous precedent in this terrace it will not be long before all the houses in Bark Place will be applying to make such changes and would have a negative impact on the conservation area, spoiling the architectural integrity of these special 1960s houses – the Mansfield Estate.
- The proposed dormer extension is for a full-width dormer; although there are other dormers in the area they are not normally full width – a full width dormer would be out of character

Amenity

- The dormers will directly overlook neighbouring gardens and houses, thereby affecting privacy for neighbours.
- All gardens in the surrounding streets will be overlooked.
- The dormers will overlook bedrooms and living rooms at the rear of house in Caroline Place and this should not be permitted.
- Due to Lombardy Place sloping downwards, the rear of the houses dominate the skyline which would seriously impact on the privacy and amenity of the neighbouring houses. The houses in Caroline Place and Lombardy Place all have their bedrooms on the garden side and the overlooking is increased greatly by the dormer windows proposal as this means those dormer windows will look down at an angle into the first floor bedrooms of Carline Place, including into my bedroom.
- Whilst there are some mature trees within the network of gardens, these cannot be relied on as privacy screening between neighbours.
- The dormers would lead to loss of light.

Other Matters

- Most of properties in the same estate have similar rooms within the roof space without the need for dormer windows.
- Page 7 of the Design and Access Statement states that the current floor space is unfit for purpose. It has been used in its current form quite successfully for many years.
- The application states that these 2 windows would ‘match a dormer window adjacent.’ However, it is noted that the dormer window on 2 Lombardy Place was built initially without permission, with permission being granted retrospectively with strict restrictions on the opening of the window and requiring opaque glass in order to preserve the privacy of the neighbourhood. It is misleading to bring this window up as a precedent and was probably only finally agreed to as it is at the end of the terrace and not really visible to most of the surrounding houses and gardens.
- Page 34 of the Design and Access Statement says rooflights already overlook the neighbouring homes and gardens. Whilst this is true, they are not unsightly.
- The examples cited in the Design and Access Statement are not comparable to the current dormer proposed (in terms of both design and amenity impact).

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted two storey mid-terrace property in use as a single dwellinghouse. It is located on the eastern side of Bark Place, within the Bayswater Conservation Area. The property has an existing conservatory extension, although permission was recently granted to replace this conservatory with a single storey rear extension (RN: 18/05090/FULL). The rear (east facing) roof slope currently contains two rooflights.

The property is attached to 2 Lombardy Place, which forms the northern end of the terrace within which the application site is located. This neighbouring property has an existing dormer window to its east facing roof slope, which was granted permission in October 2002 (RN: 02/05891/FULL).

6.2 Recent Relevant History

6.2.1 The Application Site

18/03585/FULL

Erection of full width single storey rear extension at ground floor level and full width rear dormer window extension. (Revised description)

Application Withdrawn 13 June 2018

18/05090/FULL

Erection of full width single storey rear extension at ground floor level.

Application Permitted 7 December 2018

6.2.2 No.2 Lombardy Place

02/05891/FULL

Erection of dormer window on back elevation of roof.

Application Approved 28 October 2002

A planning enforcement investigation was opened in February 2003 to investigate allegations that the dormer under construction was materially different from that approved in 2002. However, the investigation was closed and no action taken on the basis that the dormer was in accordance with the October 2002 permission.

6.2.3 No.4 Lombardy Place

15/09362/FULL

Erection of side extension and rear dormer window, together with amendments to fenestration to front and rear elevations.

Application Refused 7 December 2015

The above application relates to the building directly behind the application site in Lombardy Place. The dormer window forming part of this scheme was refused on grounds that its size, bulk, location and choice of materials harmed the appearance of the building and the character and appearance of the conservation area. A subsequent appeal against the City Council's decision was dismissed on 21 March 2016 and the

Inspector supported the decision to withhold permission on design grounds. The Inspector made the following assessment of the proposed dormer:

“The rear dormer would be set back from the eaves and below the ridge with a flat roof. The roofs of the three houses in the terraced group are pitched with a front facing gable at the opposite end of the terrace. The roof is uninterrupted, apart from the roof lights which are not obtrusive. The rear dormer would be visible in the street scene, primarily from Caroline Place, and consequently would stand out as a discordant feature which would not be in harmony with the terraced group as a whole. The flat roofed design and its size in relation to the roof would not reflect the character of the area and would be an unacceptable visual intrusion. This is contrary to policy DES6 of the UDP which resists roof alterations that would adversely affect the architectural character or unity of a building or group of buildings, or where it would be visually intrusive.”

7. THE PROPOSAL

Planning permission is sought for the installation of two dormer windows to the rear roofslope. The dormers are proposed to be positioned so they align with existing fenestration below at first floor level. The dormer windows would also match the first floor level windows in terms of their design and proportions. The dormers would be set down below the ridgeline by 1.1m and positioned 0.3m above the eaves. To either side, the dormers would be set in 0.6m from the boundary with the roofs of the two neighbouring properties on either side. The proposed dormers would provide additional habitable floorspace within the existing loft space at second floor level, which is currently served by rooflights to the front and rear roof slopes.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The provision of additional floorspace to enlarge the existing dwellinghouse is acceptable in land use terms and this would accord with Policy H3 in the UDP and Policy S14 in the City Plan.

8.2 Townscape and Design

The Bayswater Conservation Area Audit states that the unbroken roof lines make a distinctive contribution to the townscape within the Bayswater Conservation Area. However, it is noted that the Audit does not identify the application property, or the wider estate of which it forms a part, as buildings where extensions at roof level would be unacceptable in principle.

In terms of context, the adjoining property at No.2 Lombardy Place has an existing dormer to the rear which is clad in lead and was granted permission in 2002 (see Section 6). There are no other dormers on this particular stretch of Bark Place, or to the rear of Caroline Place. However, there are other dormer extensions to the rear of similar properties in the wider vicinity, including at Nos.8 and 12 Bark Place, No.3 Lombardy Place, and Nos.1, 8, 13, 15 and 22 Caroline Place. Planning history records for all of

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these properties confirm that these dormers are either lawful by virtue of being permitted development at the time at which they were constructed or planning permission was granted for them. The most recent of these cases was the planning permission granted in October 2013 at No.13 Caroline Place, which included the erection of a dormer window on the rear elevation (facing Poplar Place). On this stretch of Poplar Place, there were already two other dormers at Nos.8 and 15 Caroline Place.

An application for the erection of a side extension and rear dormer window and amendments to the fenestration to the front and rear elevations was refused on 7 December 2015 at No.4 Lombardy Place. A subsequent appeal against the City Council's decision was dismissed on 1 March 2016 (see Section 6). The Inspector concluded that the rear dormer would be visible in the street scene, primarily from Caroline Place, and consequently would stand out as a discordant feature which would not be in harmony with the terraced group as a whole. However, this was in the context of the particular circumstances of No.4 Lombardy Place, which is located within a short terrace where there are no other existing dormers

In the case of the current application, the proposed dormers would be seen in context with the existing dormer of similar form and detailed design at No.2 Lombardy Place and consequently they would not appear as a discordant feature at roof level within this particular terrace. The existing dormer at No.2 Lombardy Place is readily visible from the street in Lombardy Place and the proposed dormers would be less prominent in street views than this existing dormer irrespective of the screening afforded during periods of the year by the existing tree to the rear of No.2 Lombardy Place.

The proposed dormers would also be visible in limited views from Caroline Place. However, currently the existing rooflights are visible from these locations and these present some limited existing clutter at roof level. In these views the relationship with the existing dormer at No.2 Lombardy Place would be less apparent than from Lombardy Place, but nevertheless, the dormer at No.2 Lombardy Place can still be seen. Given that the relationship to the existing dormer at No.2 Lombardy Place can be appreciated in these street views, on balance, it is not considered that the impact on the character and appearance of the conservation area in them would not be so significant so as to reasonably warrant withholding permission.

The proposed dormers would also be readily visible in private views from neighbouring properties in the immediate vicinity of the rear of the application site. However, given the consistency of the detailed design with the existing dormer at No.2 Lombardy Place, it is not considered that in these views the character and appearance of the building or the conservation area would be harmed.

In terms of the detailed design of the proposed dormers, they are considered to be appropriately scaled and positioned within the rear roof slope so as to minimise their prominence and ensure they relate to the fenestration found on the floors below. Their design is also consistent with that of the existing dormer at No.2 Lombardy Place, ensuring a coherency of design in terms of roof level alterations within this terrace.

It is proposed to clad the dormers in lead, as per the existing dormer at No.2 Lombardy Place. Objections have been raised on the basis that lead is not an appropriate cladding material as the roofs of these buildings are finished in red tiles. However, the 'Roofs: A

Guide to Alterations and Extensions on Domestic Buildings' Supplementary Planning Guidance document recommends that lead is the most appropriate cladding material for the cheeks and roofs of dormers. Whilst the dormers could be clad in red clay tiles, this would be likely to significantly increase the bulk of the proposed dormers and it is for this reason that leadwork is preferred for dormer cladding, even where the prevailing roofing material differs in terms of its colour and finished appearance, as is the case here. Given these considerations the use of lead to clad the dormer is acceptable in design terms. A condition requiring the cheeks and roof of the dormer to be clad in lead recommended.

In conclusion in design terms, given the existence of existing lawful roof level alterations within the same terrace it is considered that the principle of the addition of dormers at roof level in this particular location is acceptable and consistent with Policy DES6 in the UDP. The scale and detailed design of the proposed dormers are appropriate for the reasons set out above and would ensure that the prominence of the dormers would be minimised. Consequently, the proposed dormers would not harm the appearance of the building or the character or appearance of the Bayswater Conservation Area and would accord with Policies DES 1, DES 6 and DES9 in the UDP and Policies S25 and S28 in the City Plan. They would also be consistent with the guidance provided in the SPG on Roofs: A Guide to Alterations and Extensions on Domestic Buildings' and the Bayswater Conservation Area Audit (2000).

8.3 Residential Amenity

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

Objection has been received on grounds of loss of light to neighbouring properties. The nearest properties to the application site are those neighbouring in the same terrace at No.2 Lombardy Place and No.5 Bark Place, and the property to the rear at No.4 Lombardy Place. Given their position relative to the relatively small bulk of the dormer windows at roof level, the proposed development would not cause a material loss of daylight or sunlight to neighbouring properties in the same terrace. The property to the rear at No.4 Lombardy Place is over 10 metres away from the location of the proposed dormers and at this distance the dormers would not cause a material loss of daylight or sunlight. Furthermore, the dormers would not have any significant overshadowing impact on neighbouring gardens.

In terms of sense of enclosure, much like the considerations in terms of the impact on daylight and sunlight, as the additional bulk proposed would be at roof level, set back from the existing eaves of the roof slope, the additional bulk of the proposed dormers would not give rise to a significant increase in enclosure to any neighbouring windows.

Concerns have also been expressed on grounds of increased overlooking and loss of privacy. Whilst the dormers would introduce new, more prominent windows at roof level on the application property, they would replace existing rooflights which afford similar views over neighbouring gardens towards neighbouring windows. Furthermore, the proposed windows would be located immediately above existing windows at first floor

level which afford nearly identical elevated views towards neighbouring properties. Given these considerations and as the nearest neighbouring window opposite the location of the proposed dormers is over 10 metres away in the side elevation of No.4 Lombardy Place, it is not considered that the proposed dormer windows would give rise to such a significant increase in overlooking to neighbouring windows and gardens so as to reasonably warrant withholding permission.

In summary in amenity terms, despite the objections raised, it is considered that the impact on the amenity of neighbouring residents would not be so significant as to warrant withholding permission and the proposed dormers would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/ Parking

Not applicable.

8.5 Economic Considerations

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

8.6 Access

No change to existing arrangements.

8.7 Other UDP/ Westminster Policy Considerations

Not applicable

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, all representations received are being 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

There are no neighbourhood plans covering the area in which the application site is located.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/ Guidance Considerations

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

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council. However, in this case no pre-commencement conditions are proposed, and therefore not been necessary to seek the applicant's agreement to the conditions set out in the draft decision letters.

8.12 Planning Obligations

Planning obligations are not relevant in the determination of this application. In addition, the proposed development is CIL liable.

8.13 Environmental Impact Assessment

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

8.14 Other Issues

As set out in Section 6, the planning permission for the erection of a dormer window on the rear slope of No.2 Lombardy Place was granted in 2002. In granting permission no conditions attached this application requiring the dormer windows to be obscure glazed or fixed shut. Similarly, there are no annotation on the approved drawings suggesting that the windows will be obscured or fixed shut. The drawings do show that the room that the proposed dormer serves to be a bathroom and therefore it is probable that the windows would be obscure glazed for privacy reasons. Nevertheless, the objections received stating that the dormer windows at No.2 Lombardy Place are required to be obscured and fixed shut are incorrect

One objection suggests that the proposal is for a full width dormer which would be out of character. As set out in the earlier sections of this report, the proposal is not for a full width dormer, but for two small dormers.as set out in section 7 of this report.

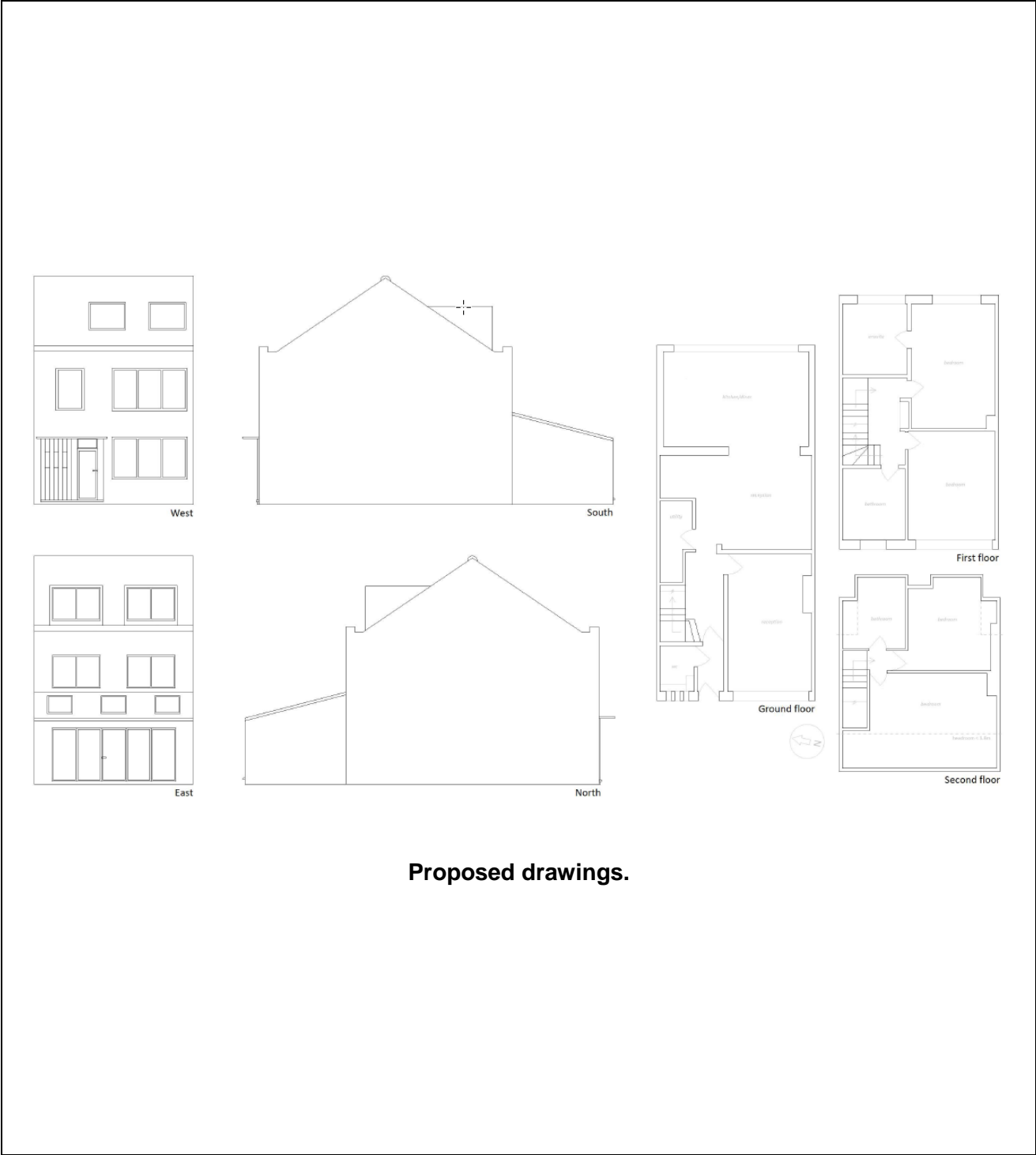
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

9. KEY DRAWINGS



Existing drawings.



Proposed drawings.

DRAFT DECISION LETTER

Address: 6 Bark Place, London, W2 4AX,

Proposal: Erection of two dormer windows to rear roof slope.

Plan Nos: Existing Site Plan, JH001 and JH002.

Case Officer: Avani Raven

Direct Tel. No. 020 7641 2857

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

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

- 4 The cheeks and roofs of the dormers hereby approved shall be clad in lead and retained in this material thereafter.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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 **HIGHWAYS LICENSING:**

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

CONSIDERATE CONSTRUCTORS:

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

BUILDING REGULATIONS:

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

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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.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward involved St James's	
Subject of Report	40-42 William IV Street, London, WC2N 4DD		
Proposal	Use of part ground and basement floors as drinking establishment (Class A4).		
Agent	Rolfe Judd Planning		
On behalf of	Shaftesbury Covent Garden Ltd		
Registered Number	18/03910/FULL	Date amended/ completed	11 May 2018
Date Application Received	11 May 2018		
Historic Building Grade	Unlisted		
Conservation Area	Trafalgar Square		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

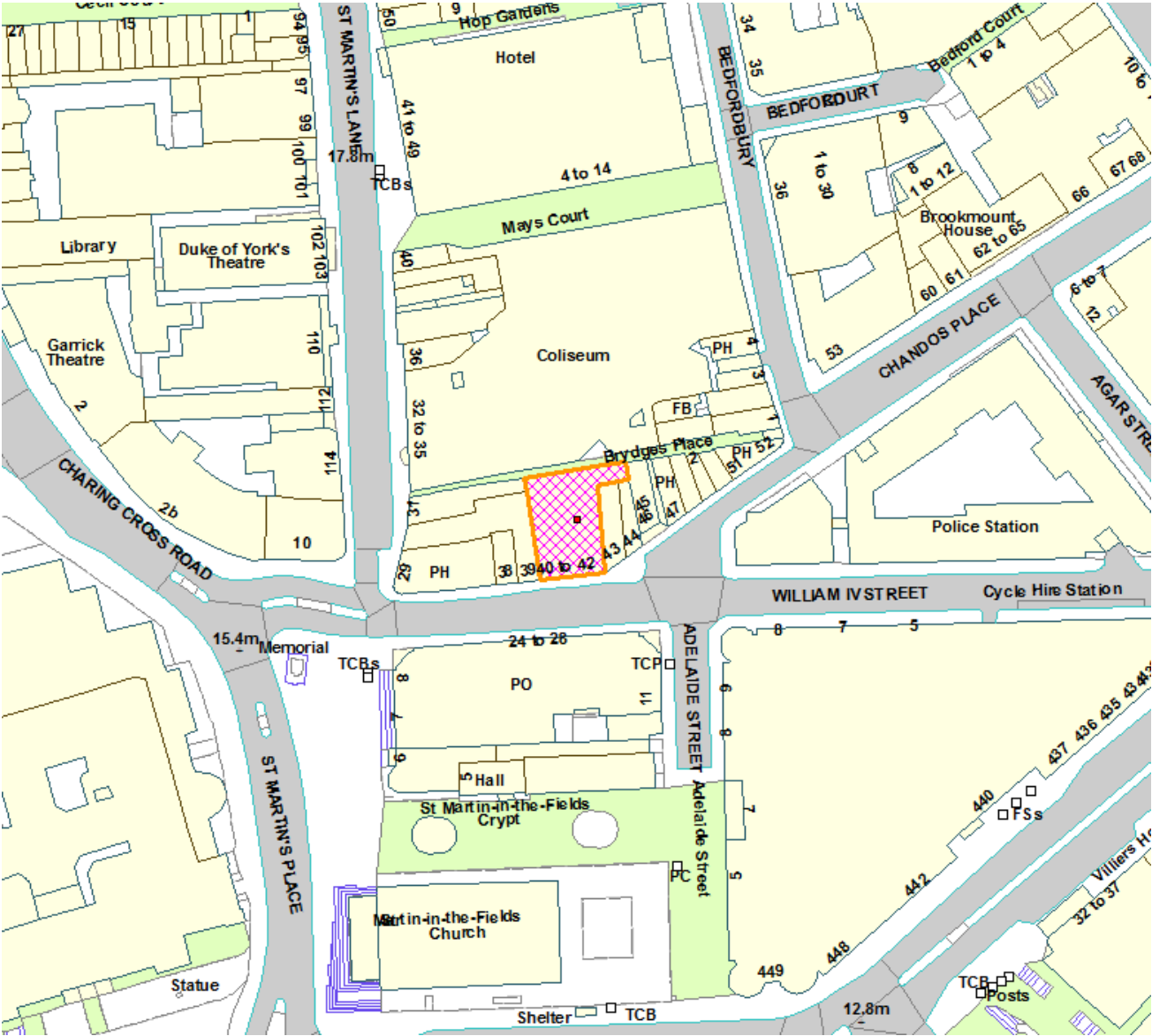
40-42 William IV Street is an unlisted building of merit comprising seven storeys located within the Trafalgar Square Conservation Area, Core Central Activities Zone and the West End Stress Area. Permission is sought for a change of use at part ground and basement levels from restaurant (Class A3) to drinking establishment (Class A4).

The key issues in this case is:

- *The impact of the proposals on neighbouring residential amenity;
- *The impact of the proposals on the character and function of the area

The proposed development is considered acceptable in land use, design and amenity terms and would accord with policies within National Planning Policy Framework (2019), The London Plan (2016), The Draft New London Plan, The Mayor’s draft “Culture and the Night Time Economy” Supplementary Planning Guidance (2017), Westminster’s City Plan (2016) and Unitary Development Plan (2007). As such, it is recommended that conditional planning permission is granted.

LOCATION PLAN



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3. PHOTOGRAPHS



Photograph from William IV Street

4. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION:

12/06/2018

- Objection to A4 use at this location (including dual use).
- The applicant states the unit has a long-standing use of A4, however the unit has not had A4 permission for more than six years and there is now a higher density of adjacent residential units.
- There is already a high number of bars in the immediate area, with noisy and disruptive customers crowding outside. The proposals would add to this cumulative effect.
- To protect the amenity of local residents, any permitted use must specify that meals must be served (not drinks only).

12/11/2018

- Continues to object and support the views of local residents.
- The association does not feel that the changes make to the application will alleviate their concerns.

COVENT GARDEN AREA TRUST:

- Any response to be reported verbally.

METROPOLITAN POLICE (DESIGNING OUT CRIME OFFICE)

- No objection subject to a condition is recommended to ensure that prior to occupation a "Secure by Design" accreditation is obtained for the building.

HIGHWAYS PLANNING MANAGER:

- No objection.
- The proposal is unlikely to have a significant impact on on-street car parking in the area.
- The proposed use is not expected to generate a significant increase in servicing trips over that which could be generated by the existing use.
- Conditions requiring cycle parking and waste storage recommended.

PROJECT OFFICER (WASTE):

- No objection
- A condition is recommended requiring a revised plan indicating proposals for the storage of residual waste, food waste and recyclable materials.

ENVIRONMENTAL HEALTH

- No objection subject to conditions recommended relating to internal transfer of noise, noise limiter and external noise nuisance.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 30

No. of objections: 5

Objections have been received from and on behalf of the residents/leaseholders of 40-42 William IV Street raising some or all of the following grounds:

LAND USE

- The proposals are within the West End Stress Area, where harm is being caused, and loss sustained to residential amenity. The proposals would add to the cumulative impact and current A4 Saturation in the area.
- The Council encourages restaurant use where customers are seated and served and where the impact on residential amenity is generally low.
- The proposals are not in accordance with City Plan Policy S24 and UDP Policies TACE 9 and 10.
- The addition of another pub in the area would create a strip of pubs and would reduce diversity in the area.
- The basement area has never been used by customers for any purpose and has been used as a kitchen/storage. The planning history also suggests that the premises has never had permission to be a bar.

AMENITY

- Strongly object the use of the building as a bar/drinking establishment as the previous bar use was disruptive to adjacent residents in terms of late night noise/early morning noise, cigarette smoke and anti-social behaviour.
- The building was not designed for the purpose of a drinking establishment and lacks sound insulation. In the past the sound and vibrations of large gatherings, music and revelling has travelled up through the building. It is believed that noise travels through the building via ducting within the east elevation and the quadrangle void.
- Numerous complaints relating to noise the current extraction system have been made to the Council (RN: DP/PET17/64470/4) but no action was taken as the restaurant had closed. Any additional plant associated with the use could exacerbate existing extraction noise problems. The proposal does not address any noise problem which currently exist, in violation of conditions laid down by previous permissions (RN: 10/08381/FULL, 09/05395/FULL, 02/00772/FULL)
- Existing waste collection arrangements already cause disturbance to nearby residents, as they involve the transference of glass bottles to recycling lorries late at night. This would be intensified with the change of use. It would be helpful if bottle collections were conducted outside the normal hours of sleep.
- Any new A4 drinking establishment would potentially increase the capacity of the premises, with consequent public nuisance and crime and disorder implications.
- Patrons of the pub would congregate outside to smoke/drink, causing noise disturbance.

HIGHWAYS

- Deliveries have been made as early as 3am until around 10am, early deliveries were often left in the pavement, blocking it and fire exits. Parking restrictions are regularly ignored by delivery drivers, having two businesses operating would

double the number of bin collections if they use different companies to collect their waste.

OTHER

- If there are two businesses with machinery causing noise it will be extremely difficult to identify the one business creating the problem.
- The window cleaners employed by the last tenant used metal ladders and created a lot of noise at around 05:00 hours, a condition should be imposed to protect “normal hours of sleep”.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

40-42 William IV Street is an unlisted building of merit comprising seven storeys located within the Trafalgar Square Conservation Area, Core Central Activities Zone and the West End Stress Area. The basement, ground and first floors were last used as a restaurant (Class A3), operated by “Les Deux Salons”, and are currently vacant. The upper floors of the building are in residential use as flats.

5.2 Recent Relevant History

In March 1993, planning permission was granted for use of basement, ground and first floors for Class A3 purposes (Food & Drink) or Class A2 purposes (Financial & Professional Services) remainder of the building for continuing office use (RN: 92/03629/FULL).

In May 1995, planning permission was granted for the conversion of four floors of offices and one attic into 3 flats & 2 maisonettes, provision of a new entrance canopy & provision of new windows at front and rear roof level (RN:95/00572/FULL). In November 1995, the permission was amended to include alterations to the rear roof to provide terrace, alterations to rear windows and relocation of extract duct (RN: 95/06988/FULL).

In March 2002, permission was granted for the installation of acoustically-lagged ductwork to central lightwell at second floor level (to extract air from the bar rooflight and vent it out to Brydges Place) and two additional condensers on the flat roof over third floor level (RN: 02/00772/FULL). This application was associated with a bar (‘Pitcher and Piano’) on basement, ground and first floor levels.

In January 2011, permission was granted for the retention and reconfiguration of 11 air conditioning units and four refrigeration units to the rear flat roof at third floor level with associated screening. Retention of alterations to front elevation at ground floor level including external lighting (RN: 10/08381/FULL). This application was associated with the most recent occupant of the unit “Les Deux Salons” (Class A3).

In May 2017, following complaints from nearby residents the Council commenced an enforcement investigation into a potential breach of condition relating to the plant machinery. A Planning Enforcement Inspector subsequently visited the property and

found that the restaurant had stopped trading and there was no evidence of a breach of planning Control at that time. Accordingly, the planning enforcement file was closed.

6. THE PROPOSAL

The proposals involve a change of use at part ground and basement levels from restaurant (Class A3) to drinking Establishment (Class A4). The entrance to the drinking establishment would be via an existing entrance on William IV Street. Internally, it is proposed to install a stair from ground to basement levels. No external changes are proposed.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Restaurant (Class A3)	334	0	-334
Drinking Establishment (Class A4)	0	334	+334
Total	334	334	0

7. DETAILED CONSIDERATIONS

7.1 Land Use

NPPF (2019)

The NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

The London Plan (2016)

London Plan Policy 4.6 states that boroughs and other stakeholders should support the continued success of London's diverse range of arts cultural, professional sporting and entertainment enterprises and the cultural, social and economic benefits that they offer to its residents, workers and visitors.

The Mayor encourages a supportive approach to planning these diverse night time activities in appropriate locations. LDFs should recognise and address the opportunities and challenges posted by the strategically important clusters of night time activities in appropriate locations. The plan states that the strategic cluster in Covent Garden/ Soho, which the applicant site is located in, makes a particular contribution to London's world city offer as well as meeting Londoner's needs.

Draft New London Plan

The current 2016 London Plan is still the adopted Development Plan, but the Draft New London Plan is a material consideration in planning decisions. The significance given to it is a matter for the decision maker, but it gains more weight as it moves through the

process to adoption. The Draft New London Plan has undergone initial public consultation and is expected to soon undergo an Examination in Public.

Policy HC6 B. (Supporting the night-time economy) states that boroughs should: 1) promote the night-time economy, where appropriate, particularly in the Central Activities Zone, strategic areas of night-time activity, town centres, and where public transport such as the Night Tube and Night Buses are available... 4) address the cumulative impact of high concentrations of licensed premises and their impact on anti-social behaviour, noise pollution, health and wellbeing and other impacts for residents, and seek ways to diversify and manage these areas.

Policy HC7 A. (Protecting Public Houses) states that boroughs should: 2) support proposals for new public houses to stimulate town centre regeneration, cultural quarters, the night-time economy and mixed-use development, where appropriate.

Mayor of London's draft "Culture and the Night Time Economy": Supplementary Planning Guidance (April 2017)

The SPG states that the Mayor, boroughs and other agencies should recognise, improve and manage the country's largest concentration of night-time activities in Soho/Covent Garden and that boroughs should develop sensitive mixed use policies to ensure that housing does not compromise CAZ strategic functions.

Westminster's City Plan (2016) and Unitary Development Plan (2007)

City Plan Policy S6 (Core Central Activities Zone) of Westminster's City Plan (2016) states that the Core CAZ is an appropriate location for a range of commercial and cultural uses and complementary residential use. Within the West End Stress Area, new entertainment uses will only be allowed where the council considers that they are small-scale, low-impact and they will not result in an increased concentration of late-night uses.

City Plan Policy S24 states 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.

Objectors state that there is already a high number of pubs in the immediate vicinity and the addition of another drinking establishment would reduce the areas diversity of uses.

Policy SS5 of our UDP aims to encourage a balanced mix of appropriate street-level activities, whilst maintaining and safeguarding their residential communities.

Policy SS5(C) states that proposals for non-A1 uses must not:

1. Lead to, or add to, a concentration of three or more consecutive non-A1 uses.
2. Cause or intensify an existing overconcentration of A3 and entertainment uses in a street or area.

The drinking establishment would add an additional unit to an existing concentration of three or more consecutive non-A1 uses on the street. However, the ground and basement have a lawful entertainment use and there would be no increase in floorspace,

with a substantial amount of A3 retained at ground and first floor levels (546sqm). It is considered that the proposals would not be detrimental to the balance of street-level activities in the area and would not intensify an existing overconcentration of entertainment uses.

The proposed A4 floorspace is 334 sqm and given the application site is within the West End Stress Area and as such UDP Policy TACE 10 is relevant in assessing the proposals. The policy aims to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the city, while acknowledging that they provide services to people living in, working in and visiting the City and contribute to its role as an entertainment centre of national and international importance. The policy states that permission will be granted for such proposals only in exceptional circumstances. Para 8.95 states that the exceptional circumstances taken into account may include:

- a) a general reduction in adverse effects on residential amenity and local environmental quality when compared with the existing activity on site:
- b) the retention of a use which has a long-standing association with the area, or makes a major contribution to its character or function.

In relation to part a), objections have been received from residents on the upper floors of the application site and from the Covent Garden Community Association on amenity grounds, with objectors stating that the premises has previously caused disruption in terms of late night/ early morning noise, cigarette smoke, anti-social behaviour and highlighting the potential for an A4 to increase disruption and add to cumulative impact in the stress area.

The existing restaurant use does not have any planning controls which relate to its operation such as hours or number of covers. In response to these objections the applicant has provided a Draft Operational Management Plan which sets out guidelines that any future tenant will be required to follow. These include:

- The bar will be open to customers between 12:00 – 23:30 hours Monday to Thursday, 12:00 – 00:00 Friday to Saturday and 12:00 to 22:00 on Sunday.
- There will be no external drinking allowed;
- Notices will be prominently displayed at exists requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- At the close of business each day the premises are open for the purpose of the licence the licensee shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its' junction with the kerb edge, is swept and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
- The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction to the public highway;

Conditions are recommended to ensure that the drinking establishment is operated in accordance with the submitted management plan and that prior to occupation a "Secure

by Design” accreditation is obtained for the building as recommended by the Designing Out Crime Officer.

Objectors also state they have made numerous complaints relating to noise nuisance emanating from the existing extraction system associated with the A3 restaurant use and that the proposals do not address this problem. Concern is raised that the proposals could further exacerbate existing noise from plant machinery and lead to noise transfer through the building to the residential flats above.

The proposals do not include the installation of plant machinery. Despite this, the applicant has provided an indicative ventilation strategy plus Environmental Noise Survey and Plant Noise Assessment Report which demonstrates that, if plant machinery is required it should be capable of meeting the Council’s the Council's standard noise and vibration conditions. The installation of plant machinery would need to be subject to a further application. The A3 premises is currently vacant and the existing plant and machinery in connection with that operation is not in use, however if this situation changes and results in nuisance, the Council’s Enforcement Team can take action.

In terms of internal noise transfer, the proposed drinking establishment would be separated from the residential flats above by the ground and first floors. Environmental Health have raised no objections on noise nuisance grounds, subject to a condition requiring a noise limiter to be fitted to any musical amplification system and the Council’s standard conditions to prevent internal noise transfer.

Objections have also been received relating to disturbance from servicing, particularly late at night and when bottles are being collected. The applicant has confirmed that servicing will take place on William IV Street where the bar entrance is located. The proposed use is not expected to generate a significant increase in servicing trips over that which could be generated by the existing A3 Use. To ensure that late-night disturbance to residents is minimised, a condition is recommended to ensure that no servicing will take place between 23:00 and 08:00 hours daily.

It is considered that subject to the recommended conditions, including an additional condition to prevent primary cooking on the premises, the proposed A4 use within the basement would not result in unacceptable adverse effects on residential amenity and local environmental quality when compared with the existing situation.

In relation to part b) the applicant states that the site has been vacant for over a year, despite extensive national/international marketing, and that dividing the unit and returning it to Class A4 use would make the building more attractive to potential occupiers. William IV Street is part of a distinct and diverse district, characterized by specialist shops and night-time activities. It is considered that the proposals would support a strategic area of night-time activity of international/national significance and would be in keeping with the established character and function of the area. Accordingly, the proposals are considered to be in accordance with the NPPF, The London Plan, The Draft New London Plan, The Mayor’s draft “Culture and the Night Time Economy” Supplementary Planning Guidance, the City Plan and the UDP.

7.2 Townscape and Design

No external alterations are proposed.

7.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties. Given that no external alterations are proposed, there would be no implications in terms of light, privacy, sense of enclosure or overlooking over the existing arrangement.

Noise and disturbance is addressed in section 8.1 of this report. Subject to conditions, the proposals are considered to be in line with policies S29 and ENV13.

7.4 Transportation/Parking

No car parking is proposed. However, the site is within a Controlled Parking Zone and has a good level of public transport accessibility. It is therefore considered that a unit of this size is unlikely to have a significant impact on on-street car parking in the area.

No details of cycle parking have been provided. A condition is recommended to ensure that cycle parking is provided in accordance with London Plan standards.

Servicing is addressed in section 8.1 of this report.

7.5 Economic Considerations

No economic considerations are applicable for a development of this size

7.6 Access

Access would be from an existing entrance on William the IV Street. It is proposed to install a staircase from ground to basement level. The applicant has confirmed that would be wide enough to accept a platform/ stair lift should it be required by a future tenant or to comply with the Building Regulations.

7.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

A condition has been attached to ensure that the applicant must submit details of how waste is going to be stored on the site and how materials for recycling will be stored separately.

7.8 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 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being 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.

7.9 Neighbourhood Plans

Not applicable.

7.10 London Plan

Addressed in Section 8.1 of this report.

7.11 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.

7.12 Planning Obligations

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

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

7.13 Environmental Impact Assessment

The application is of insufficient scale to trigger the requirement of an EIA.

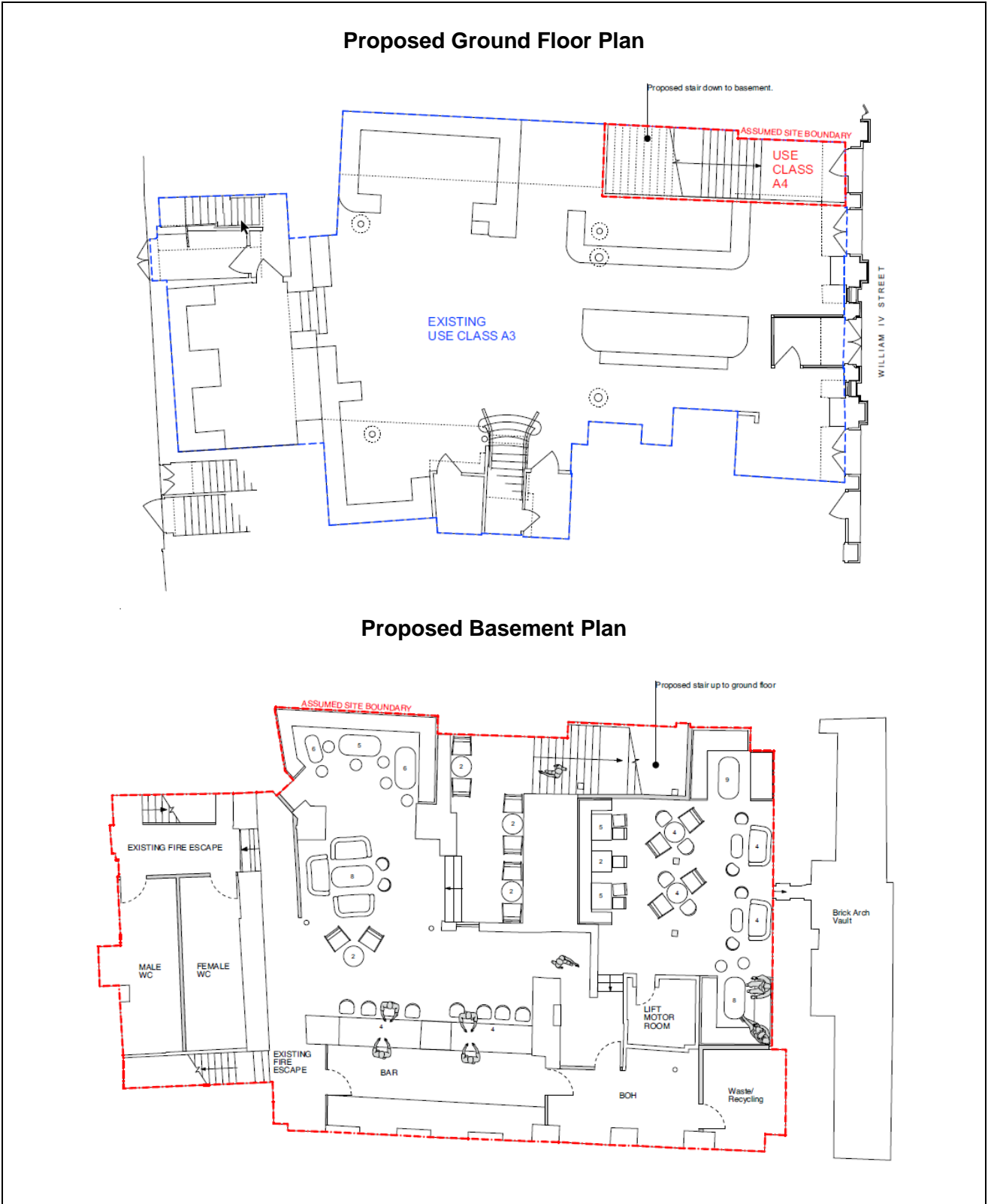
7.14 Other Issues

Not applicable.

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

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

8. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 40-42 William IV Street, London, WC2N 4DD,
Proposal: Use of part ground and basement floors as drinking establishment (Class A4).
Reference: 18/03910/FULL
Plan Nos: 000; 101 Rev. D; 102 Rev. D; 201.

For Information:

Cover Letter dated 11 May 2018; Design and Access Statement dated May 2018; 25992/PNA1.Rev 1 dated 18 October 2018; Supplementary Planning Note dated February 2019; 103 Rev. D; 104 Rev. D; 105 Rev. D; 106 Rev. D; 107 Rev. D; 108 Rev. D.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

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 Customers shall not be permitted within the drinking establishment premises before 12:00 hours or after 23:30 hours Monday to Thursday, before 12:00 hours or after 00:00 hours Friday to Saturday and before 12:00 hours or after 22:00 hours on a Sunday.

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 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 4 All servicing must take place between 08:00 and 23:00 on Monday to Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

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

- 5 You must carry out the measures included in your Draft Operational Management Plan dated March 2019 at all times that the drinking establishment is in use, unless a revised Operational Management Plan is submitted for approval by the City Council. The approved Operational Management Statement must thereafter be followed by the occupants for the life of the development.

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 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 You must not allow more than 90 customers into the property at any one time. (C05HA)

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 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 7 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night., , For music noise, the indices of Leq and LFmax in the octave bands 31.5 Hz, 63 Hz and 125 Hz shall be at least 10 dB below the existing background noise level measured in terms of L90,5mins (31.5Hz, 63Hz, 125Hz) inside the neighbouring premises.

Reason:

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

- 8 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the drinking establishment use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the drinking establishment use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) The location of most affected noise sensitive receptor location and the most affected window of it;; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;; (f) The proposed maximum noise level to be emitted by the activity.

Reason:

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

level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 9 You must not use the drinking establishment (Class A4) until you have sent us details of the noise limiter fitted to the musical amplification system and we have approved these details in writing. The device must be commissioned to ensure emitted music noise is acceptable when assessed within neighbouring residential properties, so that it complies with the noise criteria set out in condition 9 and 10 of this permission. You must not make any adjustments to the device unless we approve this in writing. Any loudspeakers in the drinking establishment shall be wall or floor mounted only, and all must incorporate appropriate anti-vibration supports to prevent transmission of music through the building structure.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 10 Prior to occupation a "Secured by Design" accreditation shall be obtained for the drinking establishment and thereafter all features are to be permanently retained.

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 11 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the drinking establishment. You must not use the waste store for any other purpose. (C14CD)

Reason:

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

- 12 You must apply to us for approval of details of secure cycle storage for the drinking establishment use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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

- 13 There shall be no primary cooking on site such that you must not cook raw or fresh food on the Class A4 premises.

Reason:

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

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 **HIGHWAYS LICENSING:**, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560., , **CONSIDERATE CONSTRUCTORS:**, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk., , **BUILDING REGULATIONS:**, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>
- 3 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 4 In relation to condition 10, you must seek the advice of the Metropolitan Police Service Designing out Crime Officers (DOCOs) to achieve accreditation. The services of MPS DOCOs

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are available free of charge and can be contacted via docomailbox.nw@met.police.uk or 02087333465.

- 5 In relation to condition 11, you should refer to the City Council Recycling and Waste Storage Requirements, sections 2.3.1 and 3.1.

- 6 In relation to condition 13, you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. However, you can reheat food by microwave or convection oven as long as this does not require extractor equipment., , Any application to remove or vary the condition must submit details of extraction which shall consist only of either a 'full height' system or in limited circumstances where all cooking equipment is electric only an 'approved recirculation' scheme (any extraction scheme proposing 'low-level' external discharge to get rid of cooking fumes will not be accepted as being suitable as per Westminster Environmental Health requirements for new premises wishing to provide an extensive hot food operation).

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward involved Tachbrook	
Subject of Report	154 Tachbrook Street, London, SW1V 2NE		
Proposal	Erection of a two-storey rear infill extension at basement and ground floor levels; alterations to the existing railings at roof level; and installation of replacement of windows, including formation of a bay window at basement level.		
Agent	John Simpson Architects		
On behalf of	Mr Clive Aslet		
Registered Number	19/00460/FULL	Date amended/ completed	13 March 2019
Date Application Received	22 January 2019		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

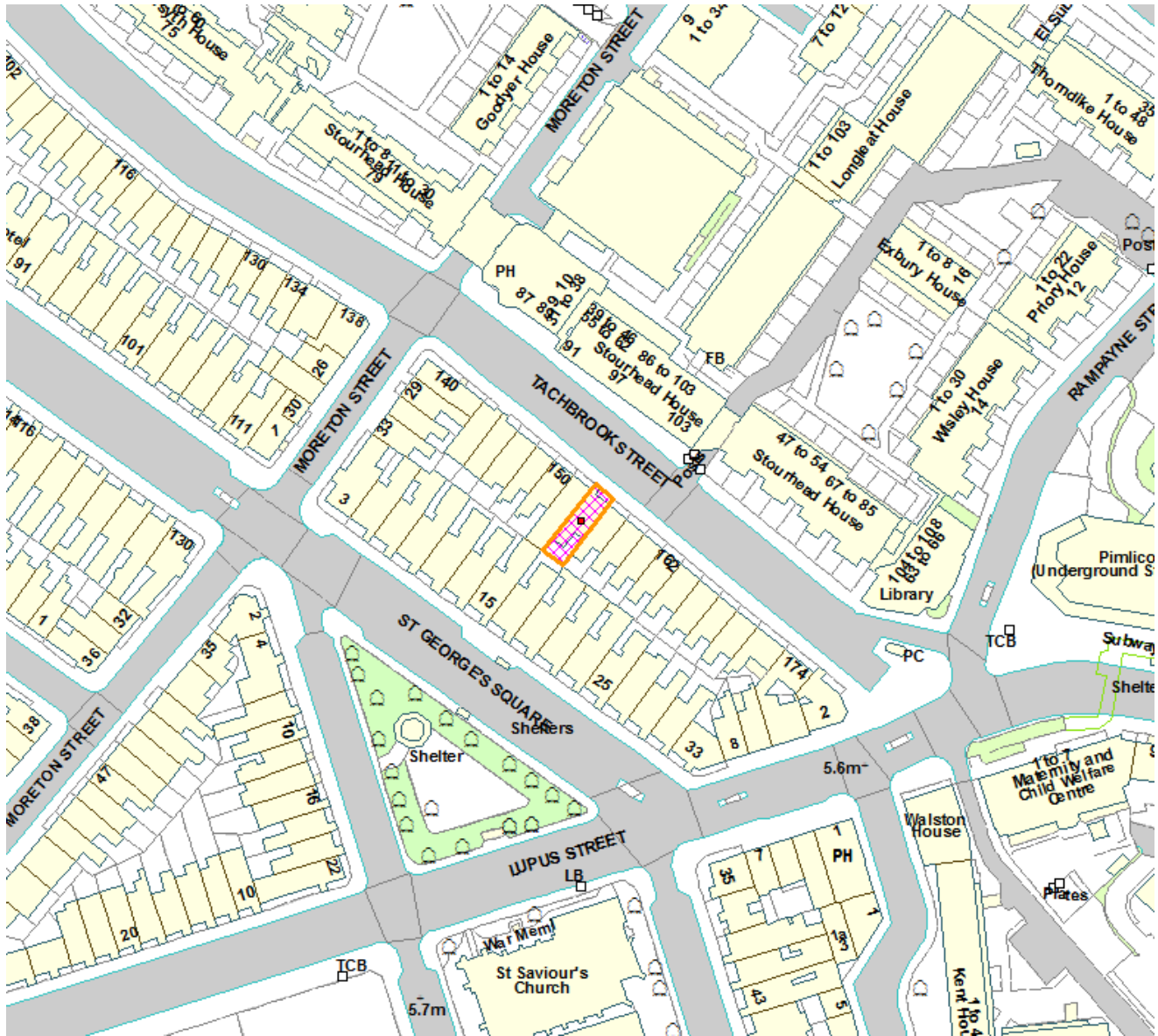
1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

<p>154 Tachbrook Street is an unlisted, mid-terraced townhouse located within the Pimlico Conservation Area. It is in use as a single-family dwelling house. The applicant seeks permission to erect a two-storey rear infill extension at basement and ground floor levels, alterations to the existing railings at roof level, and the installation of replacement of windows, including the formation of a bay window at basement level. Since submission, the applicant has revised the design of the infill extension to incorporate a parapet wall and to introduce obscure glazing to parts of the new windows.</p> <p>The key issues in this case are:</p> <ul style="list-style-type: none"> - the impact of the proposed development on the character and appearance of the building and the Pimlico Conservation Area; and - the impact on the amenity of neighbouring residents. <p>For the reasons set out in this report, the proposed development is considered to accord with relevant policies within the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). As such, it is recommended that planning permission is granted, subject to the conditions set out in the draft decision letter.</p>

3. LOCATION PLAN



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4. PHOTOGRAPHS



Photograph from Tachbrook Street



Photograph of rear from 17 St Georges Square

5. CONSULTATIONS

WESTMINSTER SOCIETY:

Any response received to be reported verbally.

PIMLICO FREDA:

Any response received to be reported verbally.

PIMLICO NEIGHBOURHOOD FORUM:

Any response received to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 23

Total No. of replies: 3

Three neighbouring residents have raised objection on some, or all, of the following grounds:

Residential Amenity

- Increased sense of enclosure / overbearing;
- Loss of light, including loss of reflected light;
- Loss of privacy;
- Increased noise disturbance;

Other

- The submitted site plan is inaccurate as it does not show the existing extensions to numerous properties in the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

154 Tachbrook Street is an unlisted, mid-terraced townhouse located within the Pimlico Conservation Area. The building comprises basement, ground, two upper floors and a mansard. It is in use as a single-family dwelling house.

6.2 Recent Relevant History

None relevant.

7. THE PROPOSAL

The applicant seeks permission to erect a two-storey rear infill extension at basement and ground floor levels, alterations to the existing railings at roof level, and the installation of replacement of windows, including the formation of a bay window at basement level.

Since submission, the applicant revised the design of the infill extension to reduce the pitch of the rear infill extension and incorporate a parapet wall to overcome officer design concerns and to introduce obscure glass panels to parts of the new windows to overcome officer concerns with privacy.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application property is a single-family dwelling house and the additional residential floorspace created would enlarge this existing house. This raises no land use issues.

8.2 Townscape and Design

The two-storey rear extension would partly infill the space between the closet wing at the application property and the adjacent closet wing to 156 Tachbrook Street. The extension would result in the creation of a small lightwell between it and the main building. It would also be set back from the rear building line of the existing closet wing. In this form, the extension would not dominate the rear elevation, being subservient to both the existing closet wing and main building. Following the revision to the extension's design to incorporate a parapet, the extension would reflect the design and style of the existing building and would be compatible with its surroundings. The use of matching brick for the extension and timber for its openings is proposed and a condition is recommended to secure this. The City Council has granted permission for similar two-storey infill extensions elsewhere on the terrace, including at 158 and 160 Tachbrook Street.

The applicant also proposes a new bay window at basement level; it would modestly project from the existing closet wing and would have a lead roof and timber windows. As it is in a discreet basement level location and of a modest scale, it would not detract from the appearance of the building or area. Whilst the extension and bay window would reduce the size of the garden, it would still be comparable in size to others elsewhere on the terrace and the terrace opposite.

At roof level, the applicant proposes to reduce the height of the existing railings enclosing the roof terrace. This would improve the appearance of the building as the existing railings are overly large and incongruous. The proposal also includes the replacement of the existing door onto the roof terrace with three new full height openings (one door and two windows). Given the current appearance at this level, these works also would not harm the character of the building or conservation area and are therefore acceptable in design terms. The proposed replacement windows elsewhere on the building are also acceptable in terms of their design and materials.

The application is considered compliant with section 16 of the National Planning Policy Framework (NPPF) and by the Council's own policies in the City Plan and Unitary Development Plan (UDP); in particular to this case, policies S25 and S28 of the City Plan and DES 1, DES 5, DES 6 and DES 9 of the UDP.

8.3 Residential Amenity

The buildings on this part of Tachbrook Street are in close proximity to those on St George's Square. Directly to the rear of the site is 17 St George's Square, which comprises six residential flats. Adjoining buildings, 152 and 156 Tachbrook Street, are also in residential use.

Policies S29 of the City Plan and ENV 13 of the UDP aim to safeguard the amenity of residents from the effects of new development with regard to overlooking, sense of enclosure and loss of daylight and sunlight. Policy ENV 6 of the UDP relates to noise pollution and aims to ensure development does not cause harm in terms of noise disturbance.

Neighbouring residents within 17 St George's Square have objected on the grounds of increased sense of enclosure, loss of light, loss of privacy and increased noise disturbance.

Sense of Enclosure

The gap between the existing rear elevation of the closet wing and the rear of 17 St George's Square is approximately 5.5 metres, and the existing buildings are tall five storey townhouses. Consequently, the residents, particularly those whose flats are located on the lower floors, currently endure a high degree of enclosure.

The proposed two-storey rear infill extension would be at basement and ground floor levels. The ground floor element would be partially visible from the basement flat at 17 St George's Square - above the existing garden wall. This flat has their principle living room and kitchen at the rear, which contain glazed doors that lead to a rear courtyard. It would also be directly opposite the ground floor flat at 17 St George's Square, and the residents there would view the extension primarily from their bedroom, which is located within the rear closet wing of that flat. From these properties, the residents would view the proposed extension in the context of the existing closet wing and main building.

An increase in a sense of enclosure occurs where development would have an adverse overbearing effect that would result in an unduly oppressive living environment. While it is understandable that these residents would raise concern regarding the proximity of this new extension, given it would be lower than, and slightly set back from the rear of, the existing closet wing, the increase in a sense of enclosure would not be significant.

For those in the basement flat at 17 St George's Square, the garden wall would remain the dominant feature that limits outlook and so the extension would only be noticeable in small proportion of the effected room. Where it would be visible, particularly in the courtyard, these residents would view the extension within the context of larger closet wing and main building. The residents of the ground floor flat would be at the same level as the top floor of the proposed extension and would also view it within the context of the existing buildings. Overall the development would have an effect, on balance however, this would not be so significant to justify refusing permission.

Sunlight and Daylight

In circumstances where losses of light may result, officers normally expect the applicant to support their planning application with a daylight and sunlight assessment. This would assess natural lighting in accordance with the Building Research Establishment (BRE) guidelines: 'Site Layout Planning for Daylight and Sunlight'. The applicant has not produced one in this instance but given the existing context and the scale of the development, one is not necessary.

In terms of measuring daylight (diffuse light), the vertical sky component (VSC) and no-sky line (NSL) would be used. VSC represents the amount of visible sky that one would see from the midpoint of a window and the NSL measures the proportion of a room where one would see visible sky. In this case, given the main building is three stories higher than the proposed extension, the objecting residents would not experience an increase in the amount of unobstructed sky. Sunlight (direct sunshine), is measured by annual probable sunlight hours which is calculated in a similar way to VSC, and for this reason, sunlight levels would not be affected either.

An objector has also raised concern regarding a loss of reflected light (direct sunshine that 'bounces' off buildings). There are no methodologies to measure this type of light, but there should be little reduction in direct sunlight that reaches into the gap between these buildings. The resulting reflected light may take a different form from the existing situation, but it would be unreasonable for this to be a reason to refuse consent.

Privacy

Given the close proximity of the existing buildings, there is already a high degree of mutual overlooking. Since submission, the applicant has revised the proposal so that the glazing to the new windows to the extension at ground floor level are obscure on the lower panes. This measure will prevent the potential harmful views from the proposed extension to the neighbours' flats opposite and officers recommend a condition to ensure this is secured. A rear bathroom window at second floor level would be enlarged, and a condition will require obscure glazing is used. The condition also requires that the bottom panes of the windows referred to above be fixed shut. The roof terrace is extant, so its alteration would not result in a harmful increase in overlooking.

Noise Disturbance

The existing close proximity between the buildings on Tachbrook Street and St George's Square means that noise reverberates within the gap. The objectors report that this noise can disturb them, and they state the proposals would worsen this. The applicant proposes to continue to use the building as a single-family dwellinghouse, and so the level of activity within the building would be similar to the existing situation. In addition, given the extensions involve building in the rear yard are; there would be a reduction in the space available for external activities and the noise associated with those.

8.4 Transportation/Parking

The proposed extensions would provide additional floorspace to an existing residential unit and therefore there would be no increase in the number of households. As such, the proposals would not affect the local highway network or availability of on-street parking.

8.5 Economic Considerations

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

8.6 Access

The proposal does not alter access arrangements.

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 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being 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

None relevant.

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 consistent with the NPPF unless stated otherwise.

8.12 Planning Obligations

Planning obligations are not relevant in the determination of this application. As the additional floorspace would be less than 100sqm, the application is not liable for Mayoral or City Council CIL.

8.13 Environmental Impact Assessment

The application is of insufficient scale to trigger the requirement of an EIA.

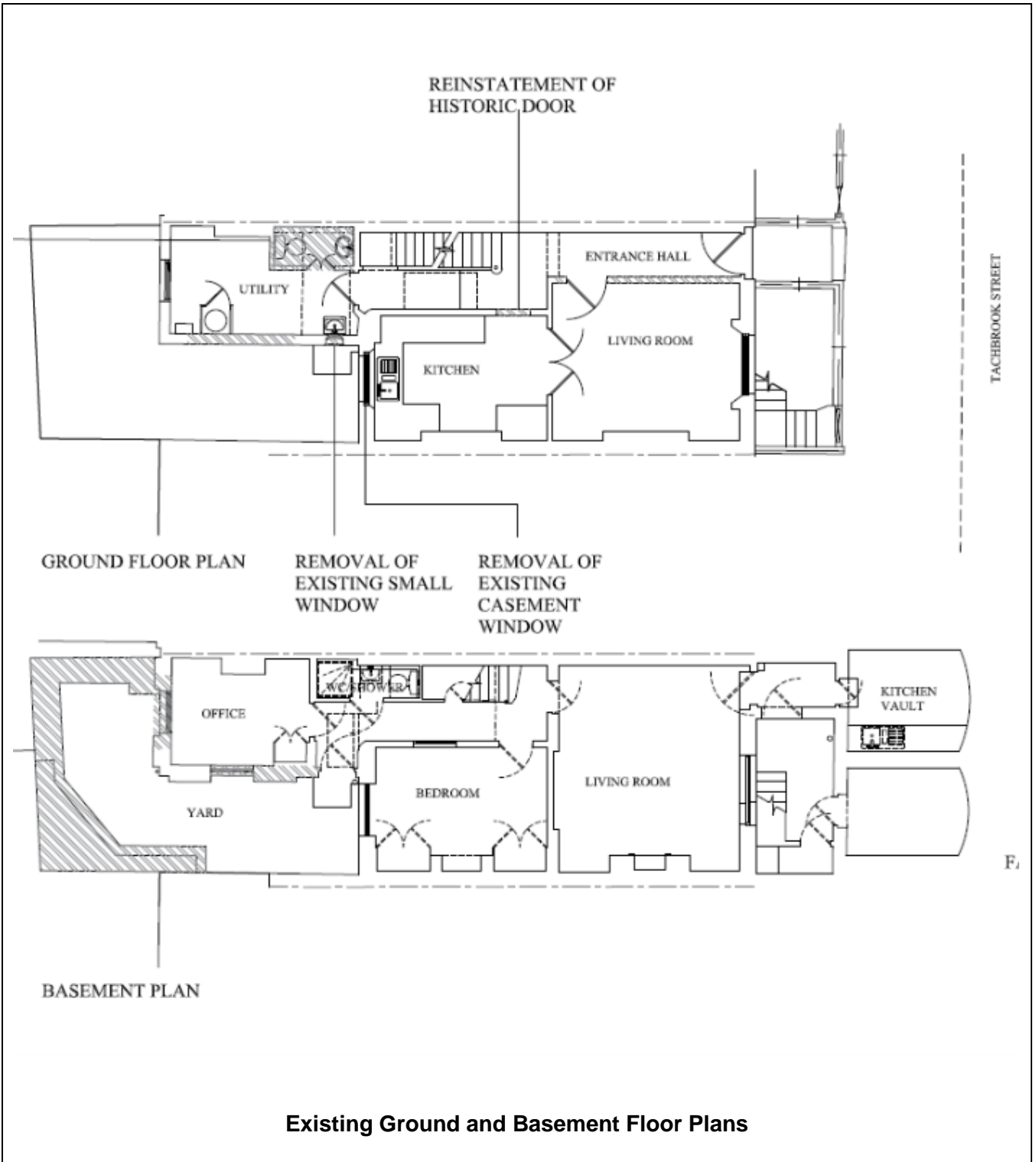
8.14 Other Issues

An objector has raised concern that the submitted site plan does not accurately reflect the area, as existing extensions to buildings are not shown. The purpose of the site plan is to identify the application building within its wider context, which the submitted plan does. These are often Ordinance Survey maps, or are based on such maps, and are not always up to date. Officers do not expect that applicants carry out their own survey of the wider area and as such the submitted site plan is acceptable.

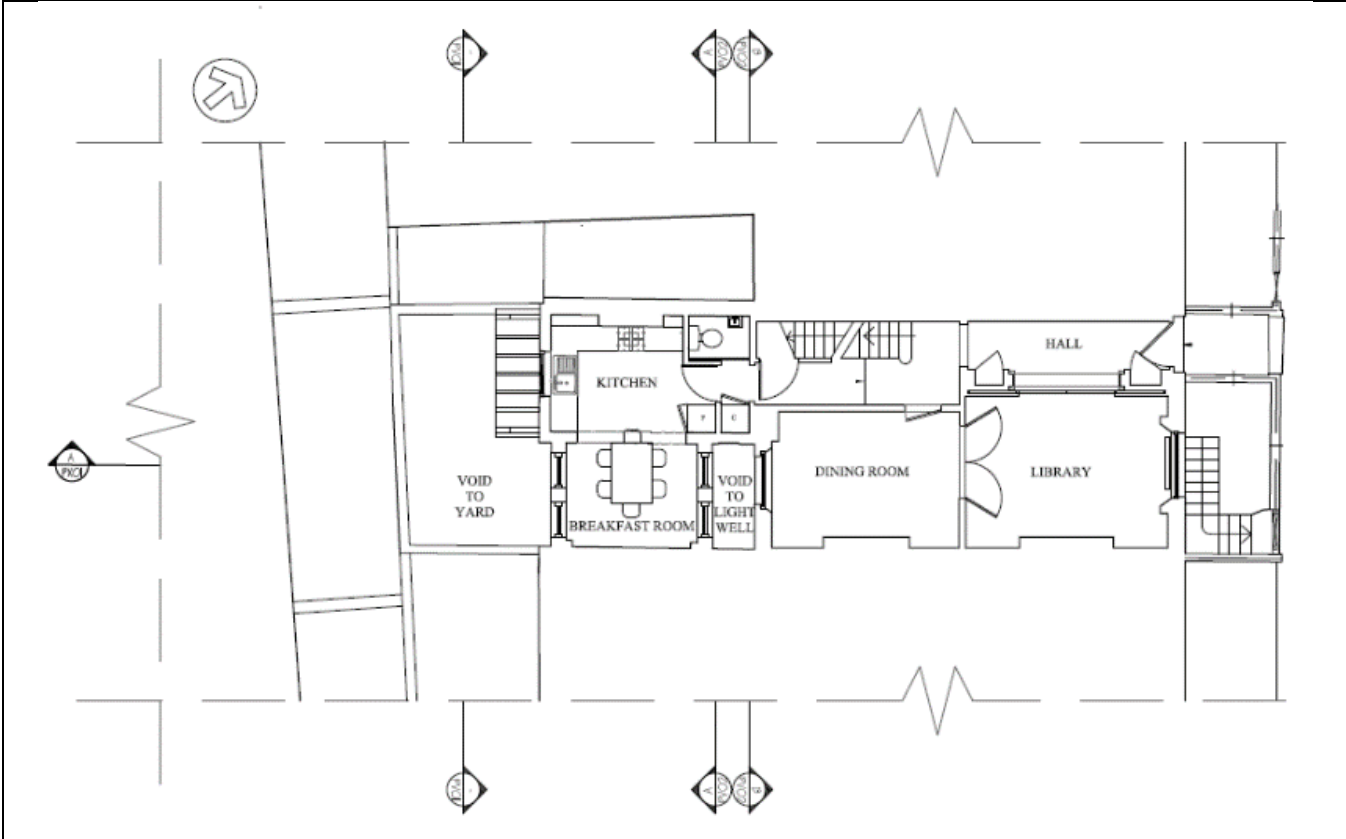
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

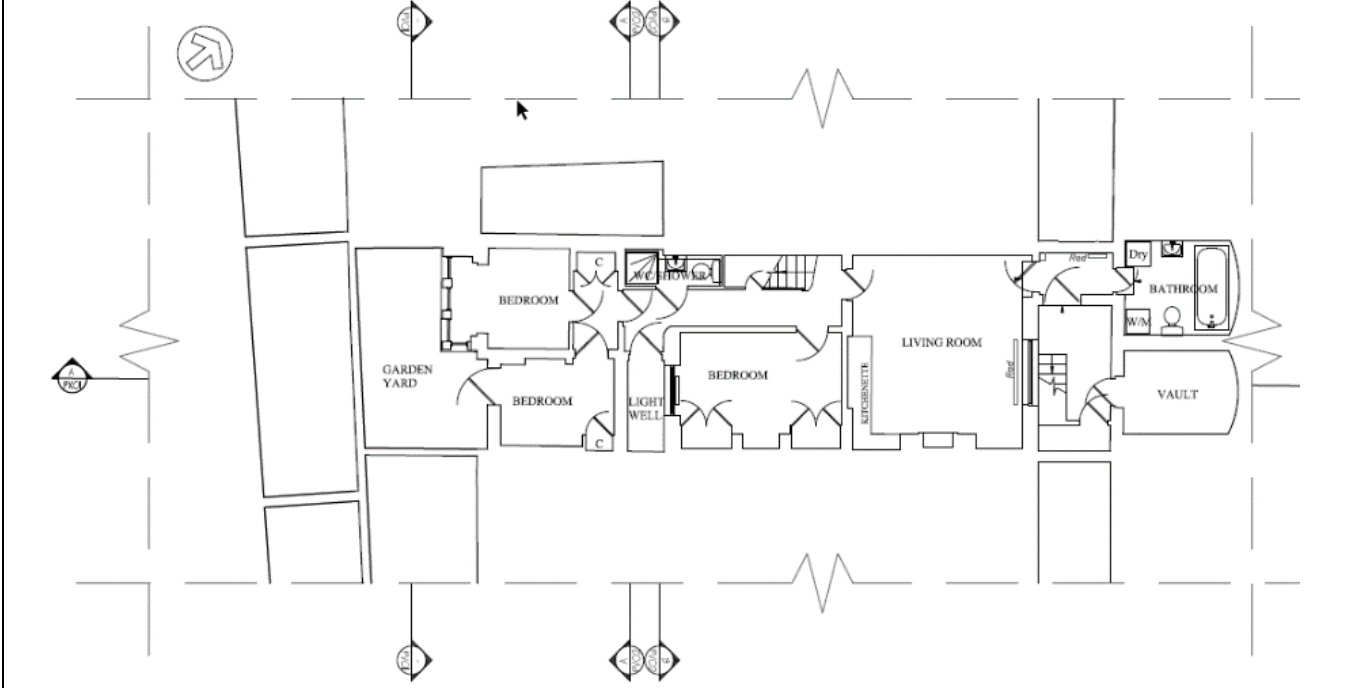
9. KEY DRAWINGS



Existing Ground and Basement Floor Plans



Proposed Ground Floor Plan



Proposed Basement Plan



Existing rear elevation



Proposed rear elevation

DRAFT DECISION LETTER

Address: 154 Tachbrook Street, London, SW1V 2NE

Proposal: Erection of a new infill extension at rear basement and ground floor levels, remodelling railings on the top floor, repair and replacement of windows.

Reference: 19/00460/FULL

Plan Nos: Site Location Plan; PL05B; SL01A; SL02A; SX01; PL01B; PL02C; PL03B; PL04B; PX01C; PV01D; PV02A.

For Info Only:

Design and Access Statement (ref: TBK1713/DOC002A).

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico 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 All new windows frames must be timber and painted white and you must keep them that colour.

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

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

- i) Windows
- ii) Doors; and
- iii) Railings.

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

Reason:

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

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

Reason:

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

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

Reason:

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

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.

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 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward involved Tachbrook	
Subject of Report	Priory House, Flat 22, 12 Rampayne Street, London, SW1V 2QT		
Proposal	1. Installation of an extractor fan in bathroom window at fifth floor. 2. Installation of an extractor fan in bathroom window at fifth floor and installation of level access shower.		
Agent	Mr John Quinn		
On behalf of	Ms Anne Austen		
Registered Number	1. 18/10458/FULL 2. 18/10459/LBC	Date amended/ completed	11 December 2018
Date Application Received	11 December 2018		
Historic Building Grade	II		
Conservation Area	Lillington Gardens		

1. RECOMMENDATION

- | |
|---|
| 1. Grant conditional permission.
2. Grant conditional listed building consent. |
|---|

2. SUMMARY

Priory House, 12 Rampayne Street is a Grade II listed building within the Lillington Gardens Conservation Area. Planning and listed building consent are sought for the installation of an extractor fan to bathroom window and internal alterations to Flat 22 which is located at fifth floor level.

Ordinarily proposals such as this are considered 'de minimis', not requiring the benefit of planning permission. Notwithstanding this, an application has been submitted and the Council can therefore proceed to determination.

One letter of objection from a neighbour has been received on the grounds it will harm the appearance of a listed building. The objector points out that window are of dark grey colour but the extractor is white which will appear incongruous. The neighbour also states that mechanical ventilation is not required as the window is openable and that the vent would allow for less natural light into the bathroom. The letter also mentions the discrepancy in the proposed elevation drawing and the photograph submitted obscured by a tree.

Revised drawing has been submitted during the course of the application to more accurately represent the vent. Officers have advised the agent that a darker colour vent would overcome the concerns raised by the neighbour, but we have been advised that the manufacturer only has a white option.

The proposed external works are considered minor in nature. The applicant is proposing an extractor fan which would be installed within one narrow window pane. It is not considered reasonable to withhold permission on the grounds of the colour of the vent. It is a standard uPVC white fan unit measuring 16cm x 16cm. The works proposed are reversible in nature and the location at the high level of the building. It is considered that the proposals will not unacceptably harm the appearance of the building or the Lillington and Longmoore Gardens Conservation Area.

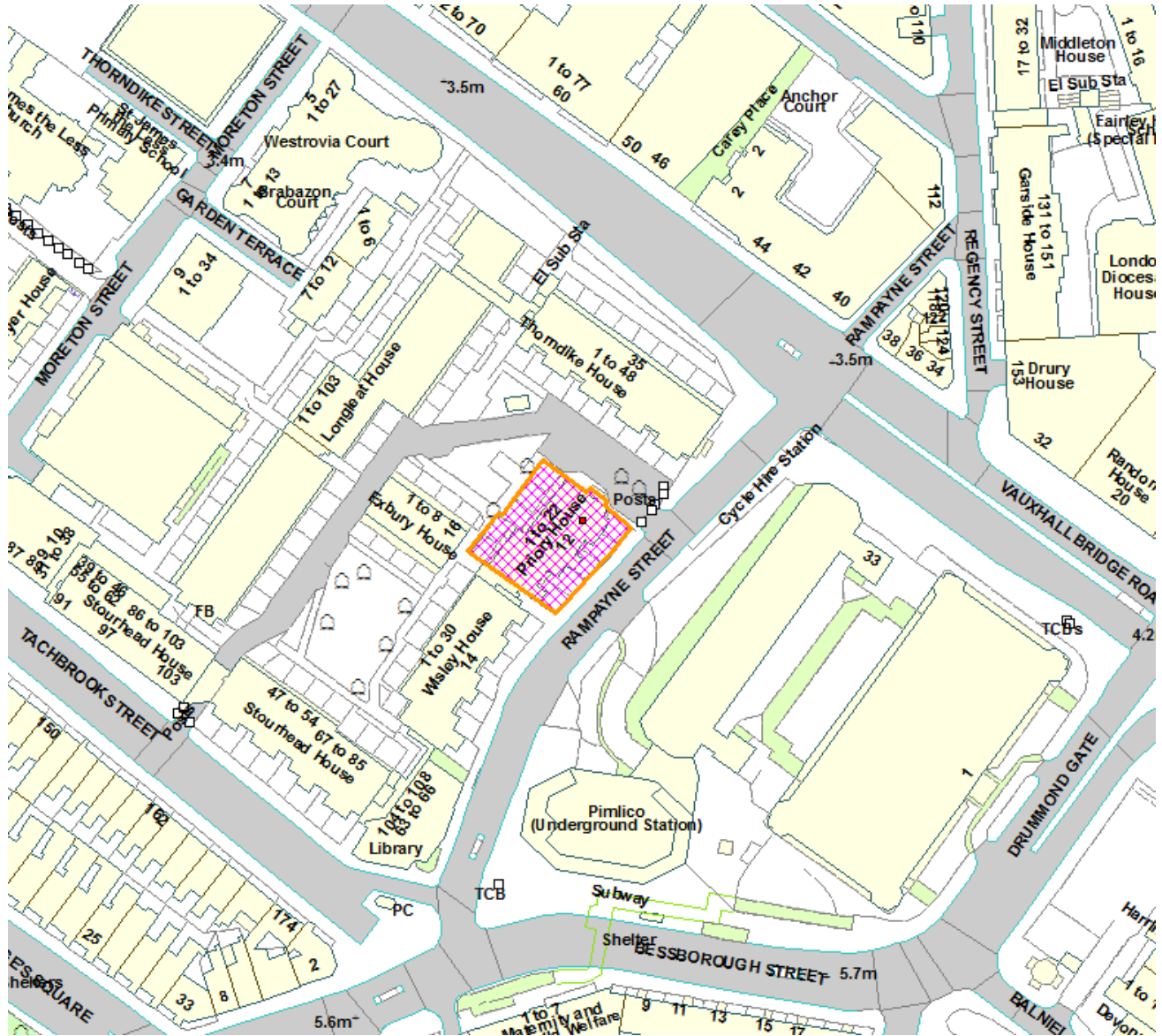
The extractor will be inserted in the lower pane of a bathroom window, it is not considered that reduction of natural light within the bathroom itself is a sustainable reason to withhold permission.

This is a simple solution to be installed to meet the needs of the flat occupier who desires improved ventilation in their bathroom. Whilst it is noted that the existing window is openable, it is not considered sustainable to refuse permission on the basis that there is already an option to ventilate the room.

The proposed internal alterations to the bathroom do not raise concerns as the interiors of the flats at the Lillington and Longmoore Estate are not considered contributors to the architectural and historic significance of the listed blocks.

For these reasons the works proposed under these applications are acceptable in design and listed building terms and in accordance with policies in the NPPF encouraging the enhancement of heritage assets, with strategic policies S25 and S28 in Westminster's City Plan, with UDP policies DES 1, DES 5, DES 9 and DES 10 and with our supplementary planning guidance the 'Lillington and Longmoore Gardens Conservation Area Audit' and 'Repairs and Alterations to Listed Buildings'.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Photograph from Rampayne Street (window location identified)

5. CONSULTATIONS

WESTMINSTER SOCIETY: Any response to be reported verbally.

PIMLICO FREDA: Any response to be reported verbally.

PIMLICO NEIGHBOURHOOD FORUM: Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 69

Total No. of replies: 1

One letter of objection has been received raising the following grounds:

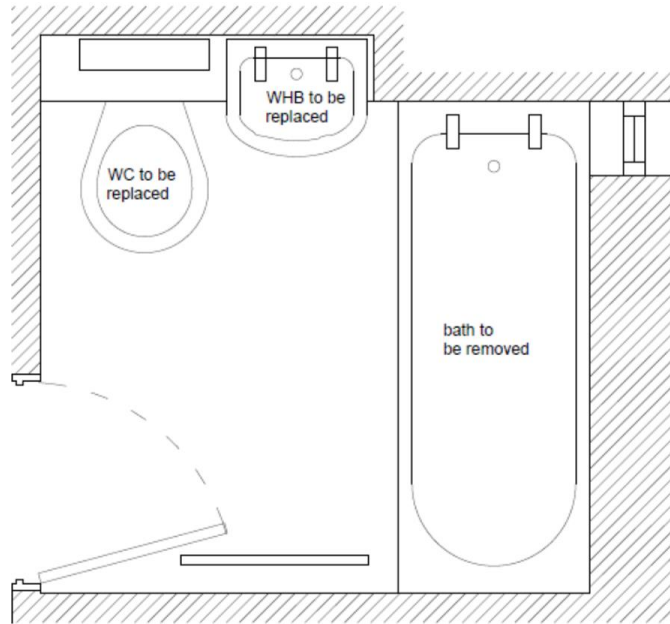
- Alters the appearance of Grade II listed façade.
- Windows are dark grey aluminium and the extractor is brilliant white – will appear terrible and unacceptable.
- No other mechanical vent to bathroom on Rampayne Street elevation.
- Mechanical ventilation not required to the bathroom as the window is openable
- Reduction of natural light to the bathroom.
- Proposed elevation drawing does not properly depict the vent.
- Property obscured by tree foliage in the supporting document.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

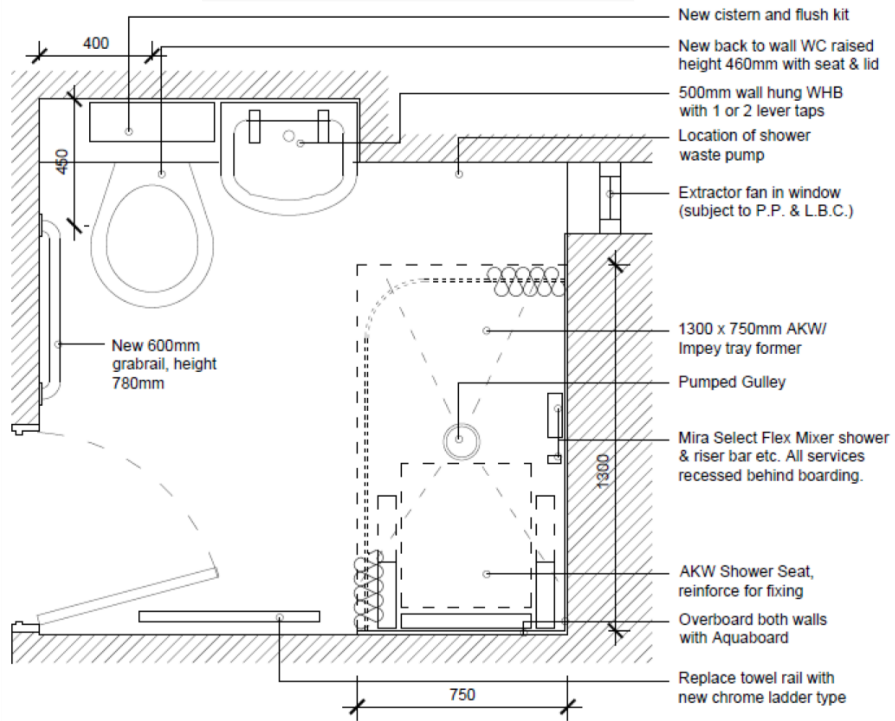
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

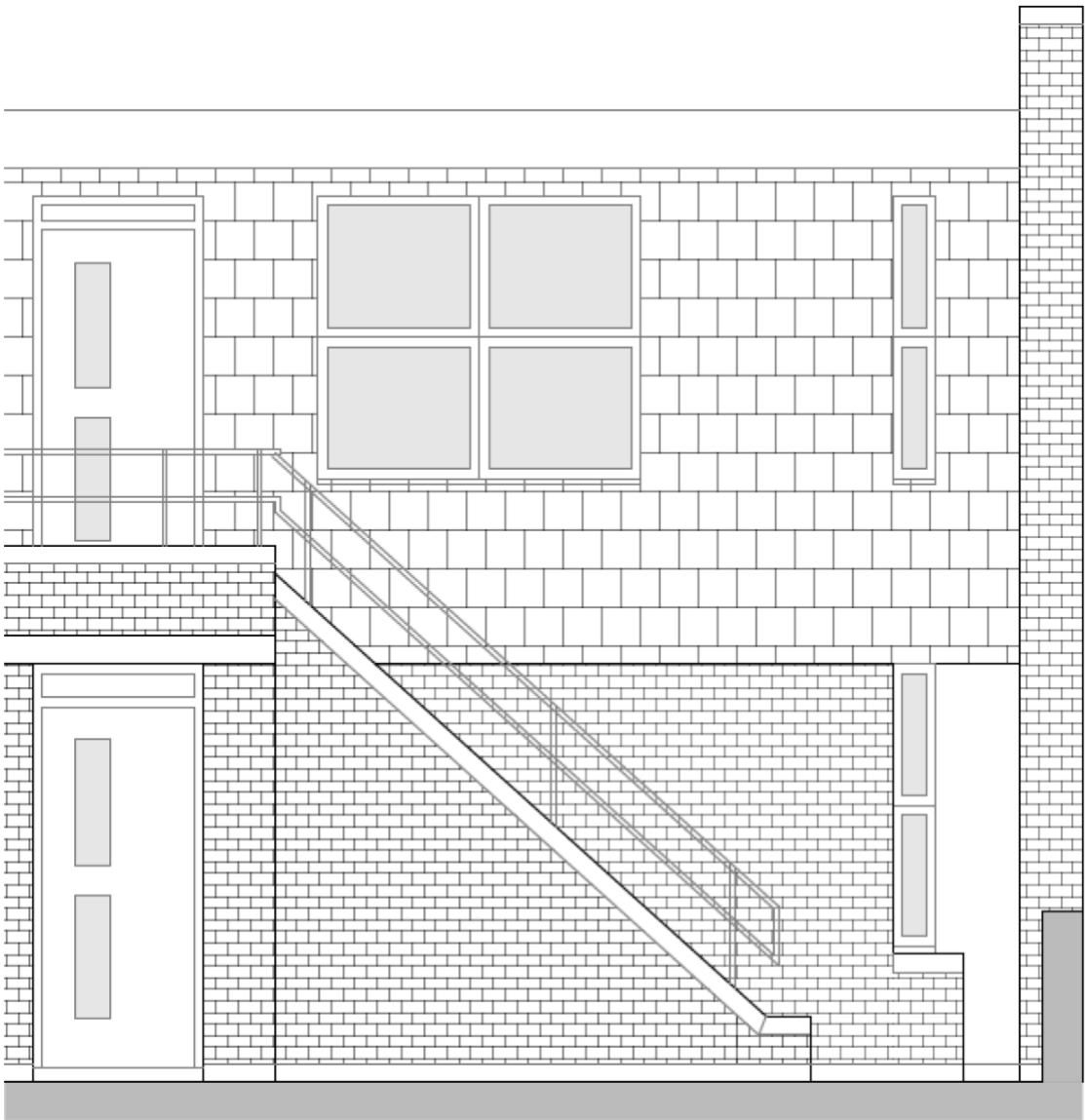
6. KEY DRAWINGS



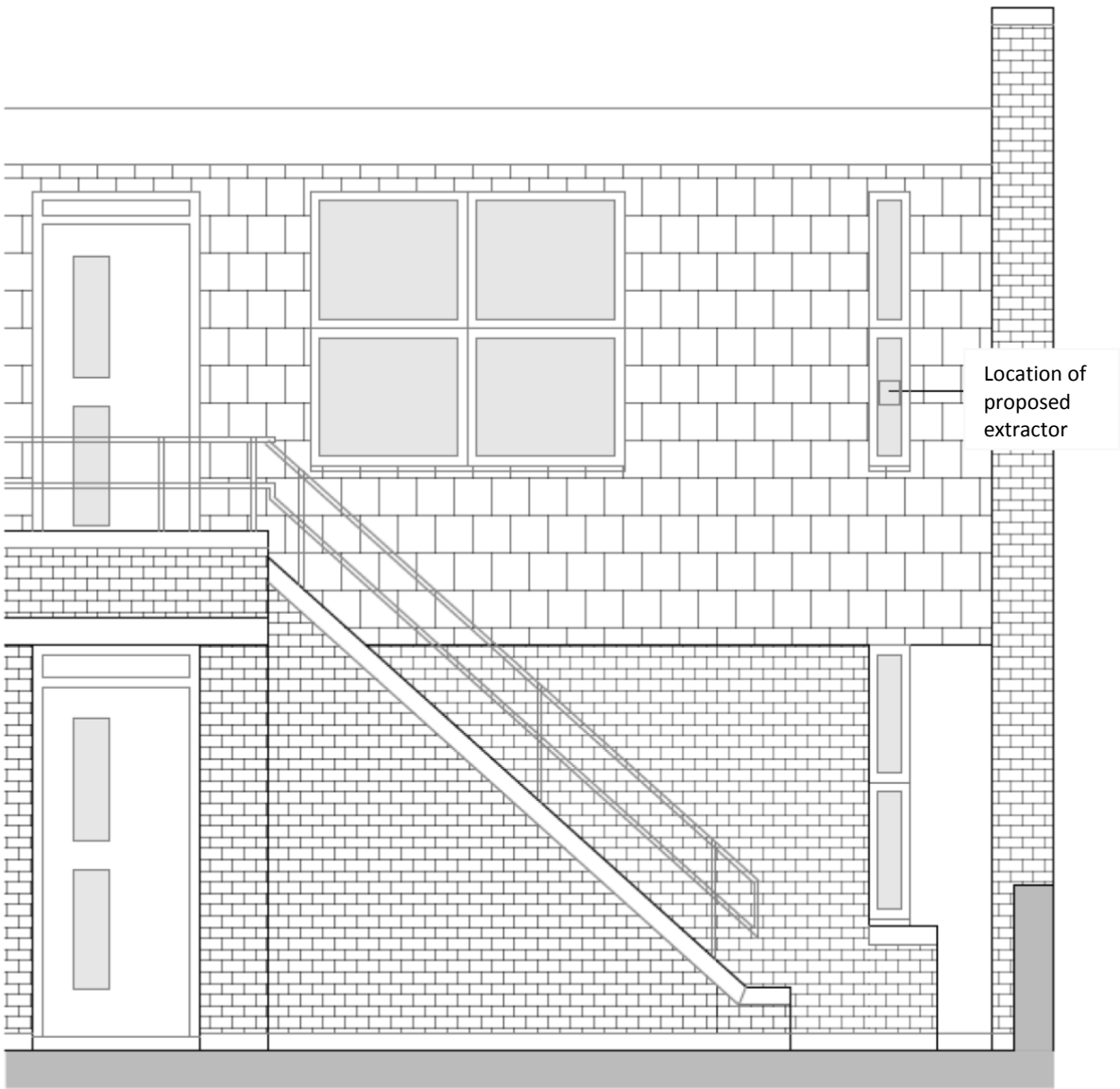
Existing floor plan



Proposed floor plan



Existing elevation



Proposed elevation

DRAFT DECISION LETTER

Address: Priory House, Flat 22 , 12 Rampayne Street, London, SW1V 2QT

Proposal: Installation of an extractor fan in bathroom window at fifth floor.

Reference: 18/10458/FULL

Plan Nos: P-01; P-02; P-03 A; P-05; Manufacturers specification for Lo-Carbon Centra/SELV.

Case Officer: Aurore Manceau **Direct Tel. No.** 020 7641 7013

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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.

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Item No.
5

DRAFT DECISION LETTER

Address: Priory House, Flat 22 , 12 Rampayne Street, London, SW1V 2QT

Proposal: Installation of an extractor fan in bathroom window at fifth floor and installation of level access shower.

Plan Nos: P-01; P-02; P-03 A; P-05; Manufacturers specification for Lo-Carbon Centra/SELV.

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 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 Pimlico 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:

Item No.
5

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)

Agenda Item 6

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 APRIL 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved West End	
Subject of Report	Regent Street, London		
Proposal	Display of non-illuminated suspended kinetic display measuring 45 m x 17 m above Regent Street, at junction of Glasshouse Street / Vigo Street / Regent Street for a temporary period from 14 May until 9 June 2019.		
Agent	Mr Jonny Schofield		
On behalf of	London Design Festival		
Registered Number	19/00477/ADV	Date amended/ completed	23 January 2019
Date Application Received	23 January 2019		
Historic Building Grade	2		
Conservation Area	Regent Street		

1. RECOMMENDATION

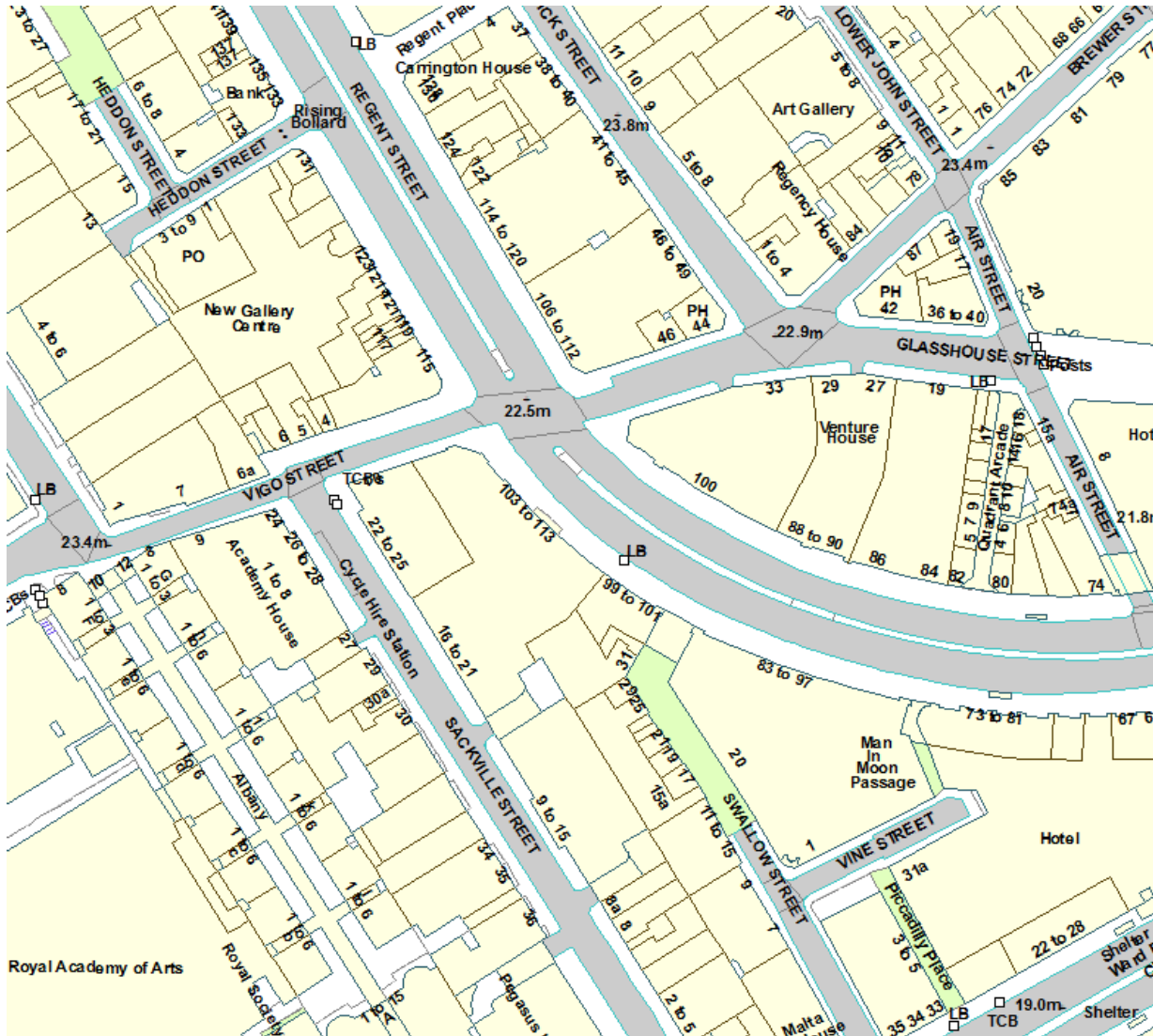
Refuse advertisement consent

2. SUMMARY

Regent Street is one of the most important historic streets in Westminster, and it is of national importance. It is a conservation area in its own right. It is also a highly commercial street and a balance needs to be struck between its commercial role and its heritage significance. The display of advertisements across the street, including banners and structures, should be on a limited, temporary basis so that for a large majority of the time the architectural splendour of Regent Street can be fully appreciated. It is also considered that any installation in Regent Street should relate to the street itself. Regent Street should not be used to display advertisements which have no relationship to the street.

The current application seeks consent for a temporary display linked to the launch of the London Design Festival in May. The festival itself takes place in September. Whilst this is a significant event, it is considered that its launch does not justify the installation of this large structure for three weeks in Regent Street. The structure is considered harmful to the character and appearance of the Regent Street Conservation Area and the settings of the listed buildings which line the street.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Top – View looking North along Regent Street towards junction with Glasshouse Street and Vigo Street (left)

Bottom – View looking South along Regent Street. Glasshouse Street on left.

5. CONSULTATIONS

Soho Society
Residents Society Of Mayfair & St. James's
Mayfair Residents Group

No replies received

Highways Planning - Development Planning – No Objection provided the structure has a matt, non-reflective finish.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The proposed location is within the Central Activities Zone and the Regent Street Conservation Area, and is surrounded by grade 2 listed buildings in Regent Street.

6.2 Relevant History

Until recently only a few temporary consents have been granted for the display of adverts suspended across Regent Street, with the exception of Christmas decorations which have been approved each year. In 2006 an advertisement consent was granted, for a period of three years, for the display of temporary banners for three displays a year, lasting up to ten days at a time; that is a total of 30 days each year.

However, since then banner displays have been permitted for longer periods. In 2016 banners were allowed from:

1. 8th July 2016 and 31st August 2016
2. 23 April 2016 to 04 May 2016

A total of 67 days.

In 2017 banners were allowed:

- a. 21st June 2017 until the 23rd July 2017.
- b. 15th September 2017 until the 9th October 2017

A total of 58 days.

In 2018 banners were allowed:

1. 20 May 2018 to 30 September 2018

A total of 134 days.

7. THE PROPOSAL

This is a proposal by the Architecture Social Club on behalf of the London Design Festival. It is for a temporary display of a 55 m long kinetic tensile 'artwork' in relation to the launch of the 2019 Festival in May.

The proposed artwork is suspended from existing anchor points on the building facades, so there is no requirement for listed building consent for the fixings.

All cables, and decoration extents, including anticipated deflections, will be above the minimum highway clearance of 5.7 m. The artwork consists of a double curvature cable net structure that supports 407 individual pixels that are intended to move in the wind. The net is formed from 4 mm wire cable on a 550 x 1050 mm grid.

The pixels are 180 mm long and consist of a twisted aluminium stem with a concave wire mesh wind catcher at one end, and a convex one at the other end to create a propeller-like effect. The pixels are supported on a pivot that allows free rotation around the 4mm cable net.

8. DETAILED CONSIDERATIONS

8.1 Townscape and Design

Regent Street is one of the most important historic streets in London, created for the Prince Regent by John Nash in the 1820's. South of Oxford Circus it is owned by the Crown Estate. It was redeveloped from the end of the 19th century until the 1920's and all of the buildings are now listed grade 2. It is also an important commercial street in the West End, and so it is important to establish a balance between the heritage of the street and its modern commercial status. The City Council and the Crown Estate have similar, longstanding, guidelines for the display of signs and the design of shopfronts in the street.

The display of advertisements across the street has a huge impact on the appearance of the street. Whilst adding colour and interest, such displays are highly prominent in street views, obscuring the strong architectural character of the buildings and of the street as whole.

It is considered that a careful balance has to be struck between the type and duration of displays across the street, and the need to allow people a full appreciation of the street's unique architectural qualities. The 30 days a year previously agreed (in 2006) is considered to represent a reasonable balance.

The current display is an interesting form and will certainly be eye-catching. It could be acceptable for a temporary period if there is sufficient justification for it in terms of its relationship to an event and to its location in Regent Street.

However, in this case it is considered that it is not justified. The display would be for three weeks at the time of the launch of the festival rather than the festival itself which is not until September. It is also unclear why Regent Street has been chosen as an appropriate place for the advertisement sculpture. If this display was considered acceptable in principle then a less sensitive location outside Regent Street might be found which did not harm the conservation area and the setting of adjacent listed buildings. Oxford Street might be considered an acceptable alternative location.

8.2 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 took place between

Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being 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.

8.3 Neighbourhood Plans

Regent Street forms the eastern boundary of Mayfair. 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 draft plan which currently has no material weight recognises the importance of Regent Street in both heritage and commercial terms. Two relevant sections of the plan state:

Regent Street and Mount Street

1.14 Regent Street and Mount Street are the two successes of Mayfair in terms of public realm improvements. Through careful, thoughtful, and beautiful design improvements, the retail offer has been able to develop and grow to become high-quality, international destinations in their own right.

Maximising the positive impact of retail on the area

4.1.25 Shopfronts, including signage, canopies, lighting and outdoor furniture, contribute as much to the quality of the public realm in and around retail areas as the built form. It has the most visual impact, and therefore must be closely and carefully considered.

8.4 London Plan

This application raises no strategic issues.

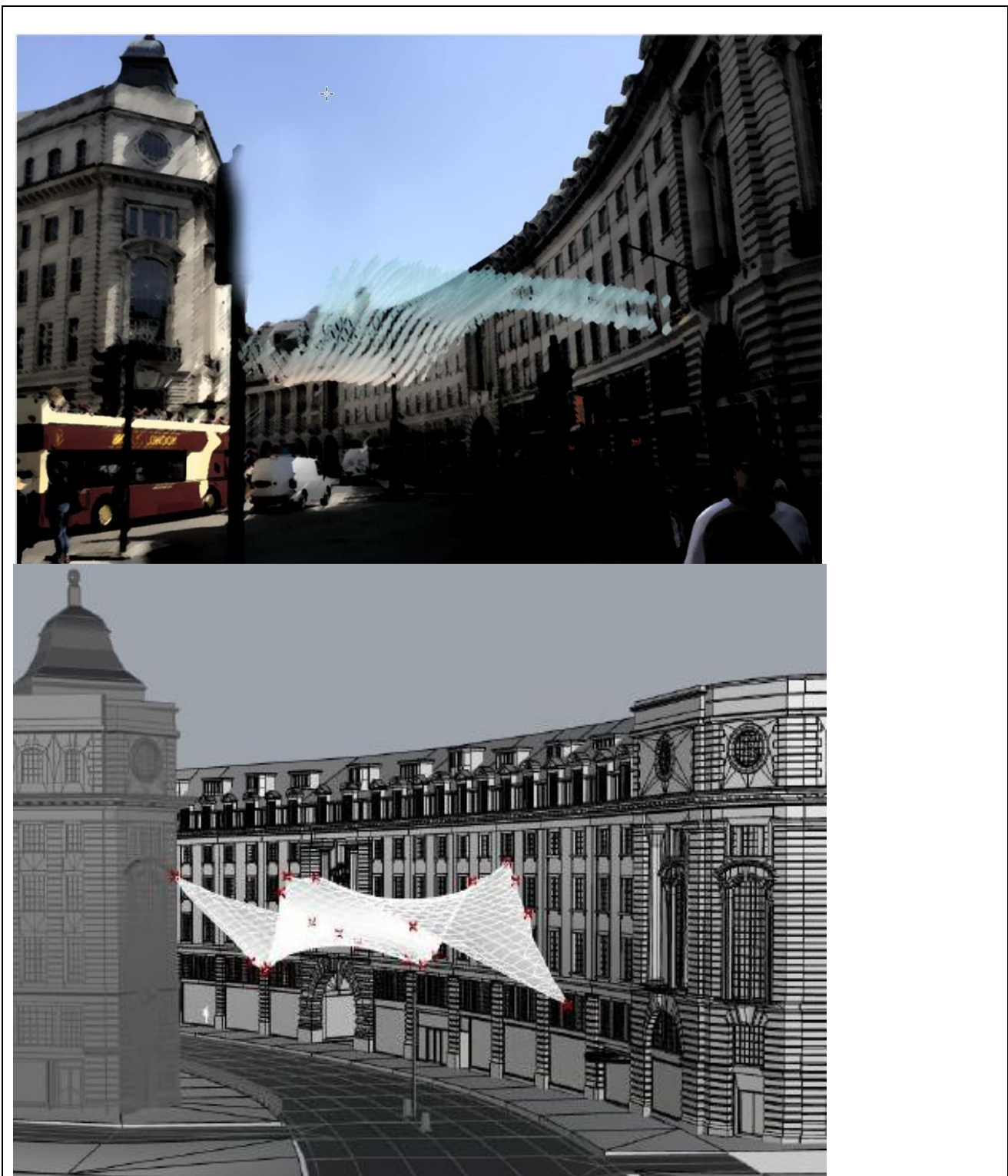
8.5 National Policy/Guidance Considerations

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.

(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: MICHAEL WALTON BY EMAIL AT mwalton@westminster.gov.uk .

9. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Regent Street, London W1

Proposal: Display of non-illuminated suspended kinetic display measuring 45m x 17m above Regent Street, starting from crossing of Glasshouse Street / Vigo Street / Regent Street towards Piccadilly Circus for a temporary period from 14 May until 9 June 2019.

Reference: 19/00477/ADV

Plan Nos: Report by Price and Myers - London Design Festival 2018, Regent Street, TRACE (dated 10.09.18); 3 unnumbered plans of the installation

Case Officer: Robert Ayton

Direct Tel. No. 020 7641 2978

Recommended Condition(s) and Reason(s)

Because of its size, design and location, the advertisement would harm the appearance of the Regent Street, the settings of adjacent listed buildings, and the appearance (amenity) of the area. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Regent Street Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 8, DES 9 and DES 10 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (X15AD)

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.

Item No.
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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Regent's Park	
Subject of Report	Winfield House, Outer Circle, Regents Park, London, NW1 4RT		
Proposal	Demolition of existing boundary railings and the erection of replacement 2.5 m railings to Outer Circle.		
Agent	Embassy Of The United States		
On behalf of	Embassy Of The United States		
Registered Number	18/07067/FULL and 18/07068/LBC	Date amended/ completed	30 October 2018
Date Application Received	20 August 2018		
Historic Building Grade	II		
Conservation Area	Regent's Park		

1. RECOMMENDATION

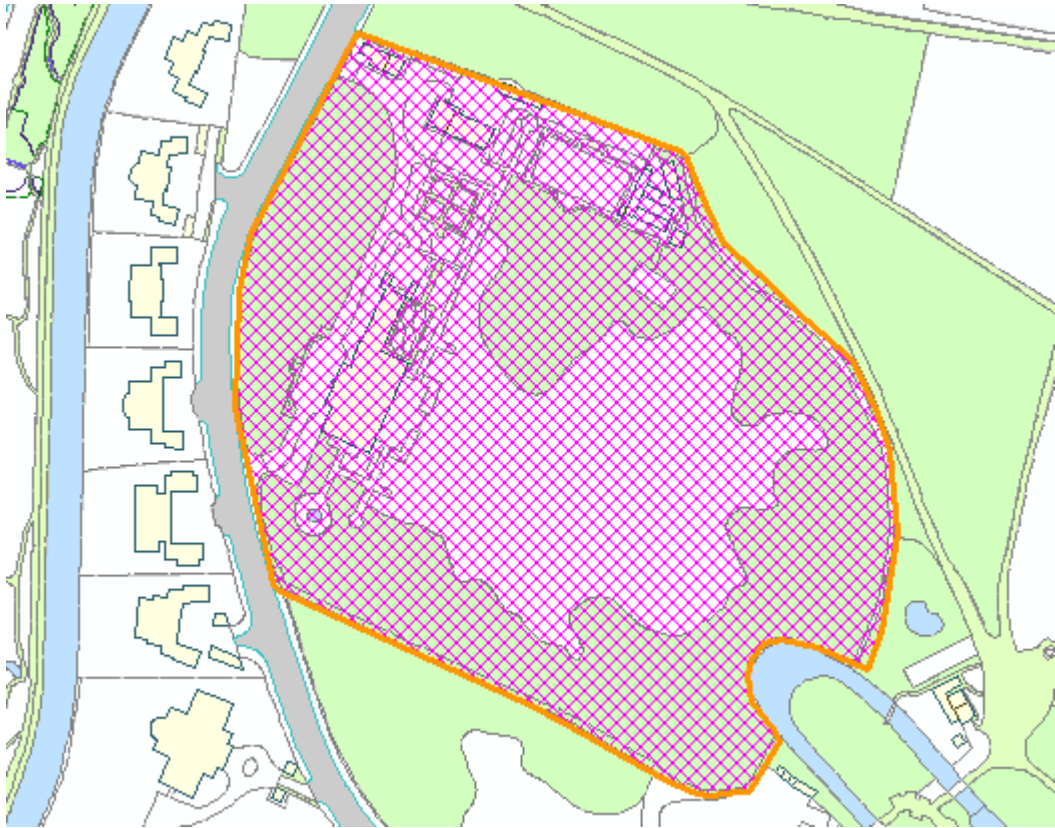
<ol style="list-style-type: none"> 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.
--

2. SUMMARY

<p>Planning permission and listed building consent are sought to replace the existing boundary railings with railings measuring 2.5 metres in height and to alter the existing decorative railings around the entrance gates. An objection was received from the St. Marylebone Society on design and heritage grounds. The application was subsequently amended and reconsulted on and the St. Marylebone Society responded neutrally. An objection was also received from the Regent's Park and Primrose Hill Group and this is summarised in Section 5 of the report.</p> <p>The key issues in this case are:</p> <ul style="list-style-type: none"> • The impact on the special interest of the Grade II listed building. • The impact of the proposal on the character and appearance of the Regent's Park Conservation Area and the Grade I listed Historic Park and Garden of Special Historic Interest.

The proposed development is considered to comply with relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). The applications for planning permission and listed building consent are therefore recommended for approval subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Existing Entrance Gates.

Existing Decorative Piers.



Existing Railings.



Where the existing front boundary railings meet the higher side and rear railings.

5. CONSULTATIONS

5.1 Consultation on Initially Submitted Scheme (September 2018)

WARD COUNCILLORS (REGENT'S PARK)

Any response to be reported verbally.

THE ST MARYLEBONE SOCIETY

Objection. The parkland setting is part of the Grade I listed character and security fencing should be much more sensitively done.

HISTORIC ENGLAND

On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

FRIENDS OF REGENTS PARK & PRIMROSE HILL

Any response to be reported verbally.

ARBORICULTURAL MANAGER

Amendments to the Tree Report required.

DESIGNING OUT CRIME ADVISOR

Any response to be reported verbally.

REGENTS PARK CONSERVATION AREA ADVISORY COMMITTEE

Any response to be reported verbally.

CROWN ESTATE PAVING COMMISSION

Any response to be reported verbally.

THE GARDENS TRUST

Do not wish to comment on the proposals at this stage.

THE ROYAL PARKS

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Outer Circle is not actually public highway as it is within the Royal Park and is closed overnight. Nevertheless, there are no issues with the proposed fence, which appears to follow the line of the existing one, albeit that it is higher.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8.

Total No. of replies: 1.

No. of objections: 0.

No. in support: 0.

Neutral: 1.

In September 2017 the Crown Estate Paving Commission (CEPC) undertook a trial resurfacing project where the footpath that runs parallel to these railings was reconstructed; a concern is that the proposed works to demolish and install the replacement railings will be detrimental to the back edging of the footpath.

It will be necessary for the CEPC to grant and issue a licence to the applicant as the works will entail occupation of the CEPC managed and maintained footpath.

ADVERTISEMENT/ SITE NOTICE

Yes.

5.2 Re-consultation on Revised Scheme - Amended Detailed Design Of Railings (February 2019)

WARD COUNCILLORS (REGENT'S PARK)

Any response to be reported verbally.

THE ST MARYLEBONE SOCIETY

Railings look very high and should be screened to be more in keeping with the setting within the World Heritage Park landscape.

FRIENDS OF REGENTS PARK & PRIMROSE HIL

Any response to be reported verbally.

ARBORICULTURAL MANAGER

Subject to satisfactory revisions to the tree report and tree protection plan, no objections are raised.

DESIGNING OUT CRIME ADVISOR

Any response to be reported verbally.

REGENTS PARK CONSERVATION AREA ADVISORY COMMITTEE

Any response to be reported verbally.

CROWN ESTATE PAVING COMMISSION

Any response to be reported verbally.

REGENT'S PARK AND PRIMROSE HILL

Unhappy about the 2.5 metre height of the railings. Could a fence set within the grounds be considered? Appreciate the amended design of the railings, which are more in keeping with those within the park.

THE GARDENS TRUST

Any response to be reported verbally.

THE ROYAL PARKSG

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8.

Total No. of replies: 0.

No. of objections: 0.

No. in support: 0.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

Winfield House is a Grade II listed building located in the north west side of Regent's Park and is used as the US Ambassadors residence. Regents Park is included on the English Heritage Register of Historic Parks and Gardens of Special Historic Interest at Grade I. The area is also designated as a conservation area, Metropolitan Open Land and a site of Metropolitan Importance for Nature Conservation.

6.2 Recent Relevant History

18/05920/FULL

Illumination of a flagpole.

Application Permitted 22 August 2018

7. THE PROPOSAL

The application proposes the removal of the existing railings to the north western boundary of the Winfield House with the Outer Circle and their replacement with new higher railings. The existing railings are approximately 1.5 metres in height, whilst the proposed railings would be 2.5 metres in height. The existing railings are a later addition to the site and have historically been reinforced. A number of sections of the railings have deteriorated significantly in terms of their condition. There is also a need to replace the railings in order to enhance security to Winfield House and its grounds.

During the course of the application the detailed design of the railings has been amended, with the revised design being reflective of the railings found in the immediate setting of Regent's Park.

The north and south gates are considered to be of special interest and are contemporary with the principal listed building. The application has been amended to retain the gates as existing and to extend the height of the decorative piers in order to preserve these features in the context of the security improvements.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application does not raise any land use issues.

8.2 Townscape and Design

Section 66 of the Planning (Listed Building Conservation Areas) Act 1990 places a duty upon the decision maker, in the exercise of planning functions, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The 1990 Act also requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Additionally, the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The pertinent policies contained in the adopted City Plan are S25 and S28. The relevant policies in the adopted UDP are set out in Chapter 10, Urban Design and Conservation. The most applicable policies are DES 1 that sets out principles of urban design and conservation, DES 7 relating to alterations boundary walls and railings, DES 9 that concerns the impact of development on conservation areas and DES10 which relates to works affecting listed buildings.

The special interest of Winfield House derives partly from its historic association with being the residence of the American Ambassador, its architectural design as a Neo-Georgian Townhouse and its relationship with the parkland setting, of which the railings and entrance gates contribute. It is noted that the existing boundary railings are a later addition to the site, however the existing gates, entrance piers and railing sections are considered to be contemporary with the date of the house, being circa 1936.

The existing railings are subserviently scaled, allowing for the landscaping within the site to be visually prominent. Sections are in a state of disrepair and have historically been reinforced. There has also been movement as a result of the mature trees adjacent to the railings and therefore sections need to be removed to address the trees and their roots. In this context the principle of removing the existing railings, which are a later addition to the site is acceptable in design and heritage terms.

The height of the proposed railings is noticeably taller than the existing and being 2.5 metres in height will be visually prominent in the street scene. The height proposed follows a security assessment of the property and this has determined that 2.5 metres is the lowest height to achieve the required level of security, in association with the other measures in place.

Officers have discussed with the applicants alternative locations for proposed railings to reduce their visual prominence, including within the landscaped area and to the rear of the garden area; however, alternative options would not provide the same level of security as replacing the railings in their current location.

The St. Marylebone Society have raised an objection to the proposal on the basis that railings are not sensitive to the parkland setting. It is recognised that the increased in height of the railings will create a more defensive appearance when viewed from inside the park. The railings will not appear domestic in scale, but rather will be interpreted as a barrier to the building behind. This will result in harm to the character and appearance of the conservation area and the setting of the designated heritage assets.

However, a number of the Regent's Park villas located on the west side of the Outer Circle do have taller railings to the rear of their sites, albeit these are set back and separated from the road by a grass verge. Regent's Park itself does contain railings of 2.5 metres in height or taller at principal entrances and therefore the introduction will not be wholly uncharacteristic in the wider setting of the park. Furthermore, the detailed design of the railings has been amended during the course of the application to better reflect the railings found in Regent's Park. The railings have a straight spandrel with a spearhead finial. They will be affixed to a floating rail (to address the impact of tree roots) and have a double horizontal rail approximately a third of the way up and a single rail below the finial. This design is considered to be appropriate for its location within a historic park and garden, conservation area and setting of a listed building.

The entrance gates and piers are to be retained as existing. The decorative piers and railings immediately to the side of the gates are to be retained but adapted to achieve the required height. Drawings have been submitted to show how these features can be adapted, however a condition requiring a specific methodology is recommended to ensure the existing fabric of special historic and architectural interest is preserved.

As noted above, the proposed railings do cause harm to the designated heritage assets including the Regent's Park Conservation Area and the Historic Park and Garden. However, the harm caused to the significance of the heritage assets is considered to be less than substantial. In accordance with section 15 of the NPPF, noting in particular that under paragraph 196, any harm identified should be weighed against the public benefits of the proposal. During the course of the application it has been demonstrated that the security provision to the American Ambassador's residence has been reviewed and the amendments to the front boundary are required to ensure an appropriate level of security is provided that is proportionate to the lawful use of the site. Following amendment, the detailed design of the proposed railings is more reflective of those within the wider setting than the existing and the decorative historic elements will be retained. In this context, the public benefits of the scheme, which include creating a secure environment, are considered to outweigh the identified harm and as such the proposals are considered to be acceptable in design and heritage terms.

8.3 Residential Amenity

The application does not raise any amenity issues.

8.4 Transportation/ Parking

The application does not raise any transportation or parking issues.

8.5 Economic Considerations

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

8.6 Access

The amendments to the existing gates and railings would not have any adverse impacts on the accessibility of the site.

8.7 Other UDP/ Westminster Policy Considerations

The proposed fencing requires excavation within the root protection areas of the trees adjacent to the front boundary of Winfield House. Some tree pruning is required to facilitate the development. No trees are proposed to be removed. All of the trees are protected by virtue of their location within the Regent's Park Conservation Area.

The tree surgery proposed to three trees (T2, T7 and T13), which is required to facilitate the development, is not objectionable. Excavation is required at 3 metre centres for the posts which will support the new railings, although this can be adapted in the event that tree roots are found in these locations. Excavation is proposed to be 1000mm in depth and 300mm in diameter, undertaken by air spade/ by hand. Following advice from the Arboricultural Manager the applicant's arboricultural assessment has been amended to state that 'no roots of 25mm or more, clusters of smaller diameter roots will be severed without prior notification to the City Council under the terms of section 211 of the Town and Country Planning Act 1990', and this approach is supported.

The arboricultural supervision proposal has been amended following advice from the Arboricultural Manager and reports of each supervisory visit are to be submitted to the City Council within 5 working days of each visit. It is recommended that this is secured by condition.

Subject to the recommended conditions, the works to the trees are considered to be acceptable and would accord with Policies ENV16 and ENV17 in the UDP and Policy S35 and S38 in the City Plan.

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 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the representations received are being 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

There are no neighbourhood plans relevant to this site.

8.10 London Plan

The application does not raise any strategic issues.

8.11 National Policy/ Guidance Considerations

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

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council. However, in this case no pre-commencement conditions are proposed, and therefore not been necessary to seek the applicant's agreement to the conditions set out in the draft decision letters.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

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

8.14 Other Issues

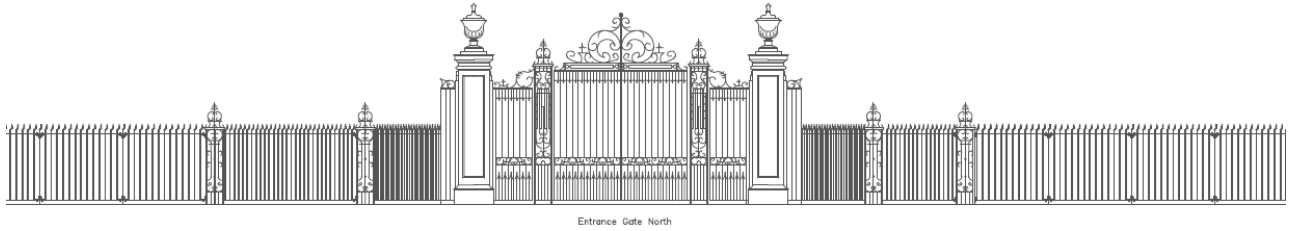
A responder noted recent works which have been carried out adjacent to the site by the Crown Estates Paving Commission and noted that the proposed works may cause damage. Whilst this is not a material planning consideration, the applicants have been advised to contact the CEPC to discuss the works during the course of the application. The Applicants have also been advised of the need to obtain a license from the CEPC as they will be accessing the site from their land.

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

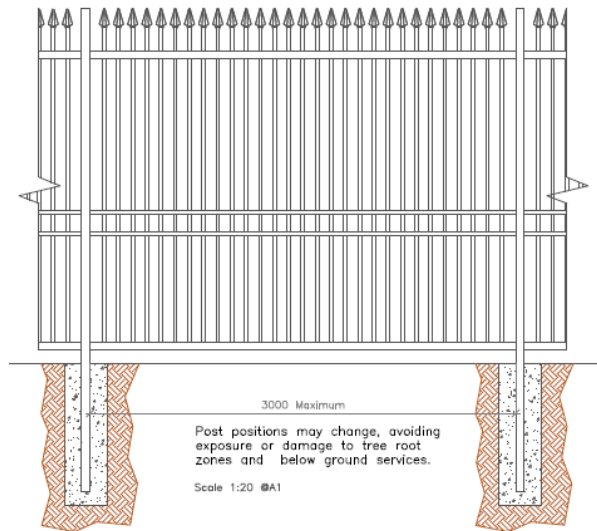
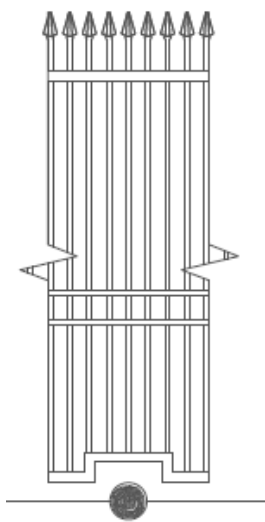
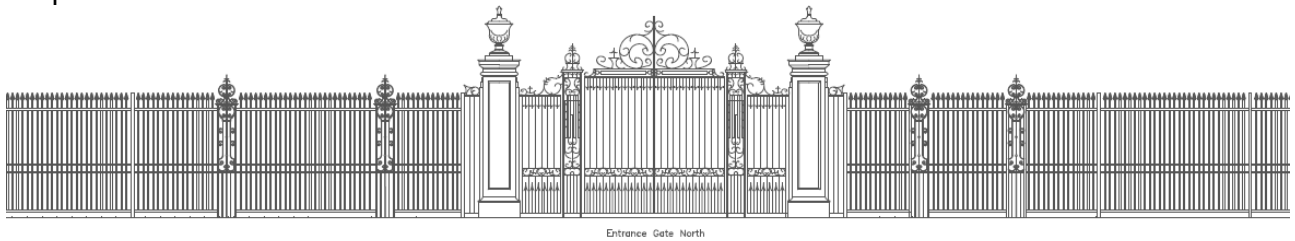
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT OGIBSON@WESTMINSTER.GOV.UK.

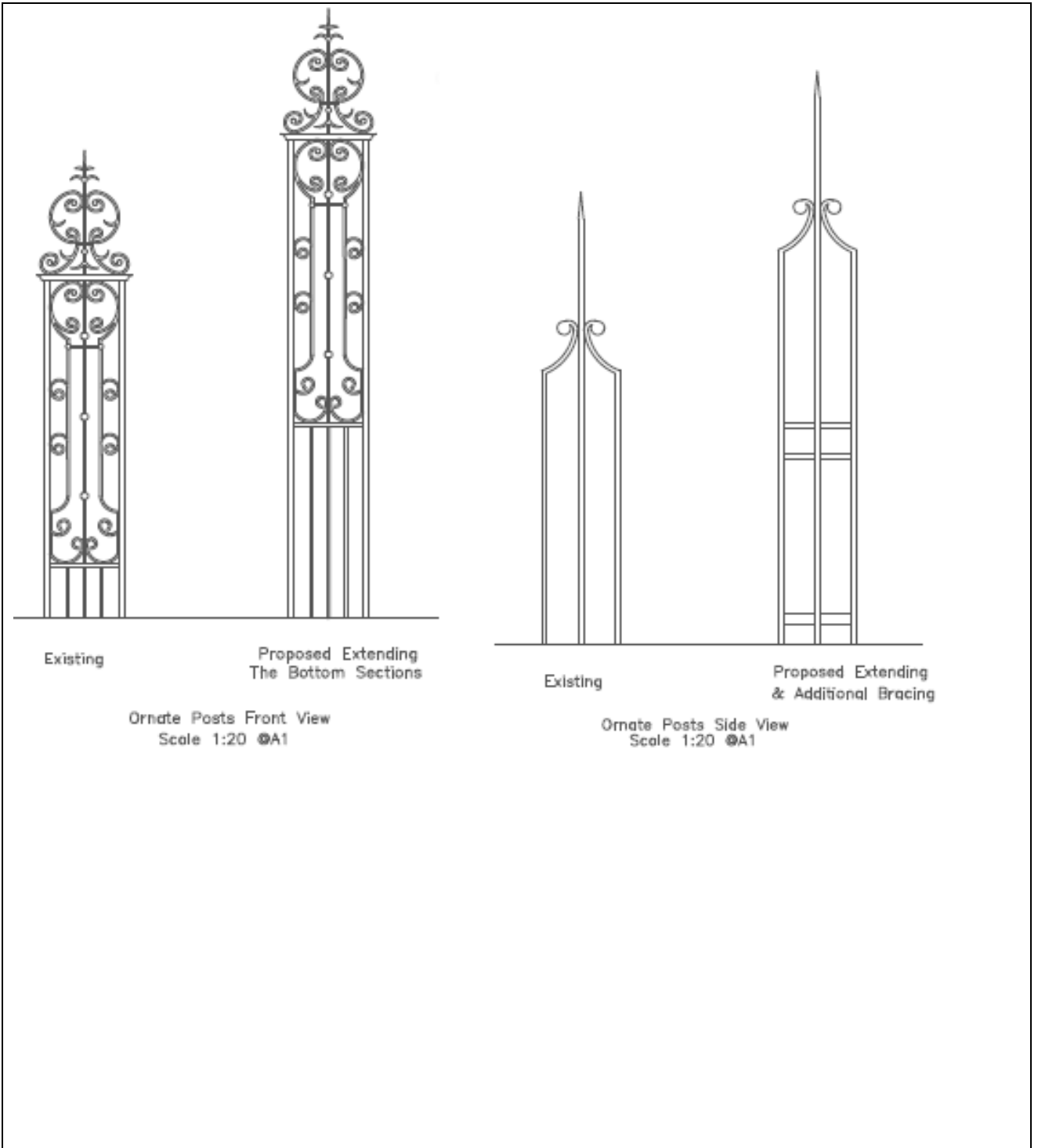
9. KEY DRAWINGS

Existing



Proposed





Existing

Proposed Extending
The Bottom Sections

Ornate Posts Front View
Scale 1:20 A1

Existing

Proposed Extending
& Additional Bracing

Ornate Posts Side View
Scale 1:20 A1

DRAFT DECISION LETTER

Address: Winfield House, Outer Circle, Regents Park, London, NW1 4RT,

Proposal: Demolition of existing boundary railings and the erection of replacement 2.5 m railings to Outer Circle.

Reference: 18/07067/FULL

Plan Nos: 001 Rev 001; 002 Rev 003; 003 Rev 002; 006 Rev 002; 1701069-P-10 Rev A; 170106-P-12 Rev A; Arboricultural Report 170106 PD 11 Rev B (dated March 2019).

Case Officer: Rebecca Mason

Direct Tel. No. 020 7641 7540

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),

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- 3 All new work to the gates and railings 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 Regent's Park 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 protect the trees proposed to be retained as shown on plans 1701069-P-10 Rev A and 170106-P-12 Rev A and in accordance with the methods set out on those plans and the tree report reference 170106 PD 11 Rev B (dated March 2019). You must also carry out the arboricultural supervision as specified in your tree report 170106 PD 11 Rev B (dated March 2019).

If you subsequently need to revise any of the approved tree protection or arboricultural supervision provisions, you must apply to us for our approval of the revised details, and you must not carry out work the relevant part of the development until we have approved the revised details of protection and/ or supervision that you send us. You must then carry out the work according to the approved revised protection and/ or supervision 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, 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 HIGHWAYS LICENSING: Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your

neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560.

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

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

- 3 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)

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: Winfield House, Outer Circle, Regents Park, London, NW1 4RT,

Proposal: Demolition of existing boundary railings and the erection of replacement 2.5 m railings to Outer Circle (Linked to 18/07067/FULL).

Reference: 18/07068/LBC

Plan Nos: 001 Rev 001; 002 Rev 003; 003 Rev 002; 006 Rev 002; 1701069-P-10 Rev A; 170106-P-12 Rev A; Arboricultural Report 170106 PD 11 Rev B (dated March 2019).

Case Officer: Rebecca Mason **Direct Tel. No.** 020 7641 7540

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 All new work and improvements to the gates and railings 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 Regent's Park Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of a methodology of the following parts of the development
- alterations to the existing decorative gate piers.

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

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

- 4 You must not disturb existing ornamental features. 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.

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 Regent's Park 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 are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>
- 3 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,

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* 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.

Agenda Item 8

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved West End	
Subject of Report	49-51 Carnaby Street, W1F 9PY		
Proposal	<p>1) Alterations to the shopfront facing Kingly Court in connection with continued use of part of the ground floor as retail (Class A1) or dual/alternative use as either a restaurant/cafe (Class A3) or drinking establishment (Class A4).</p> <p>2) Alterations including a new entrance door and full height extract duct in connection with the continued use of the basement as retail (Class A1) or dual/alternative use as either a restaurant/cafe (Class A3) or drinking establishment (Class A4) or night-club use / live performance venue (Sui Generis).</p>		
Agent	Applications 1 + 2 Rolfe Judd Planning		
On behalf of	Applications 1 + 2 Shaftesbury AV Ltd		
Registered Number	1)18/10880/FULL 2)18/108544/FULL	Date amended/ completed	24 December 2018
Date Application Received	24 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Grant conditional permission 2. Grant conditional permission
--

2. SUMMARY

<p>These applications relate to a basement and ground floor shop unit situated on the western side of Carnaby Street. The existing retail unit is occupied by Ben Sherman clothing who wish to retain a shop unit on Carnaby Street but require less floorspace than currently exists.</p>
--

Application 1 seeks to subdivide the ground floor into two separate units. The intention is to create a small unit of 47 m² at the rear ground floor fronting onto Kingly Court for flexible/alternative purposes as either continued use as retail (Class A1) or use as restaurant/café' (Class A3) or drinking establishment (Class A4). The unit will be accessed from Kingly Court.

Application 2 seeks to subdivide the basement from the ground floor again for dual alternative purposes as either continued use as retail (Class A1) restaurant/ café' (Class A3), or drinking establishment (Class A4) also as a nightclub or live performance venue (Sui Generis). The basement will be accessed from a door in the alleyway leading between Carnaby Street and Kingly Court.

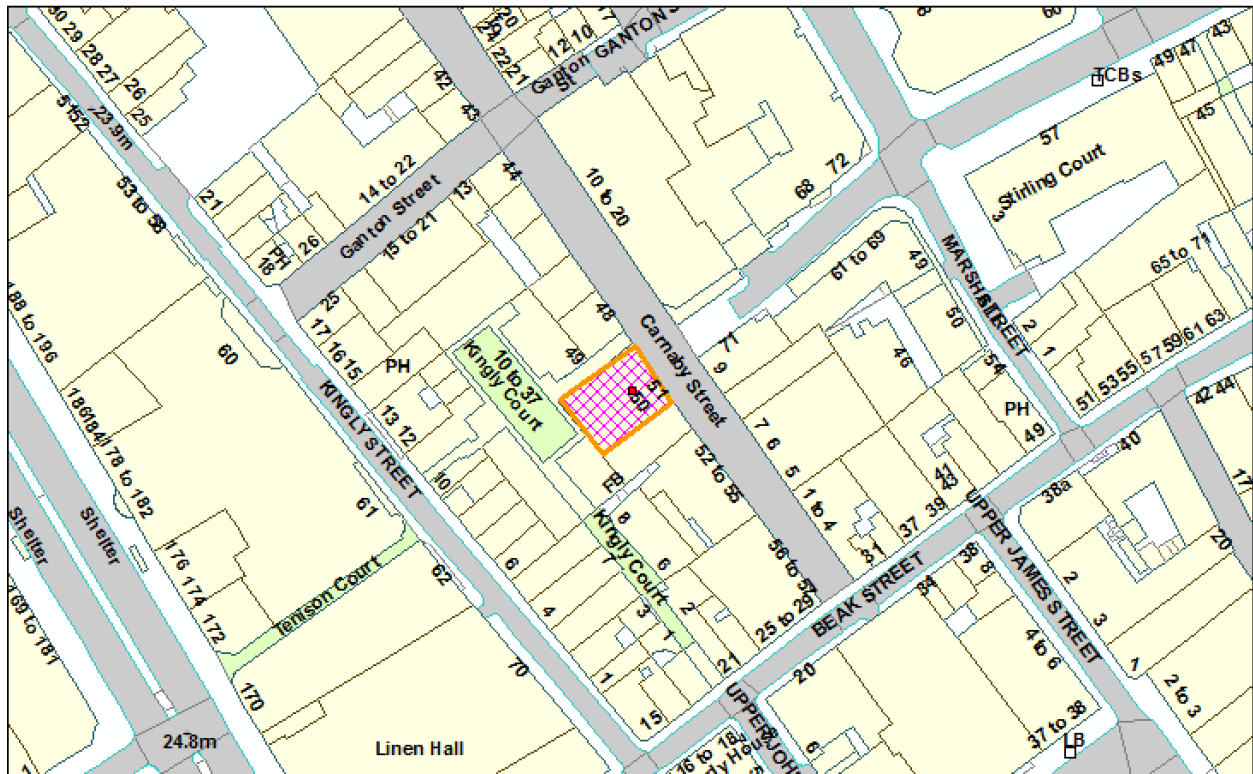
The key issues for consideration in both cases are:

Loss of retail and the impact of the proposed uses on the character and function of the area and on residential amenity.

There is a land use policy presumption set out in City Plan policy S21 to protect retail (Class A1) especially at ground floor level. In the case of both applications, the front section of the ground floor would remain in retail use (A1). The retail character of Carnaby Street would not be diluted. Loss of retail floorspace is considered acceptable.

The proposals will enable the applicant to have the flexibility to change between the alternative uses (Class A1,A3,A4 or nightclub live performance venue) as circumstances dictate in the future. The uses are considered appropriate to the character and function of Kingly Court and the Soho Conservation Area.

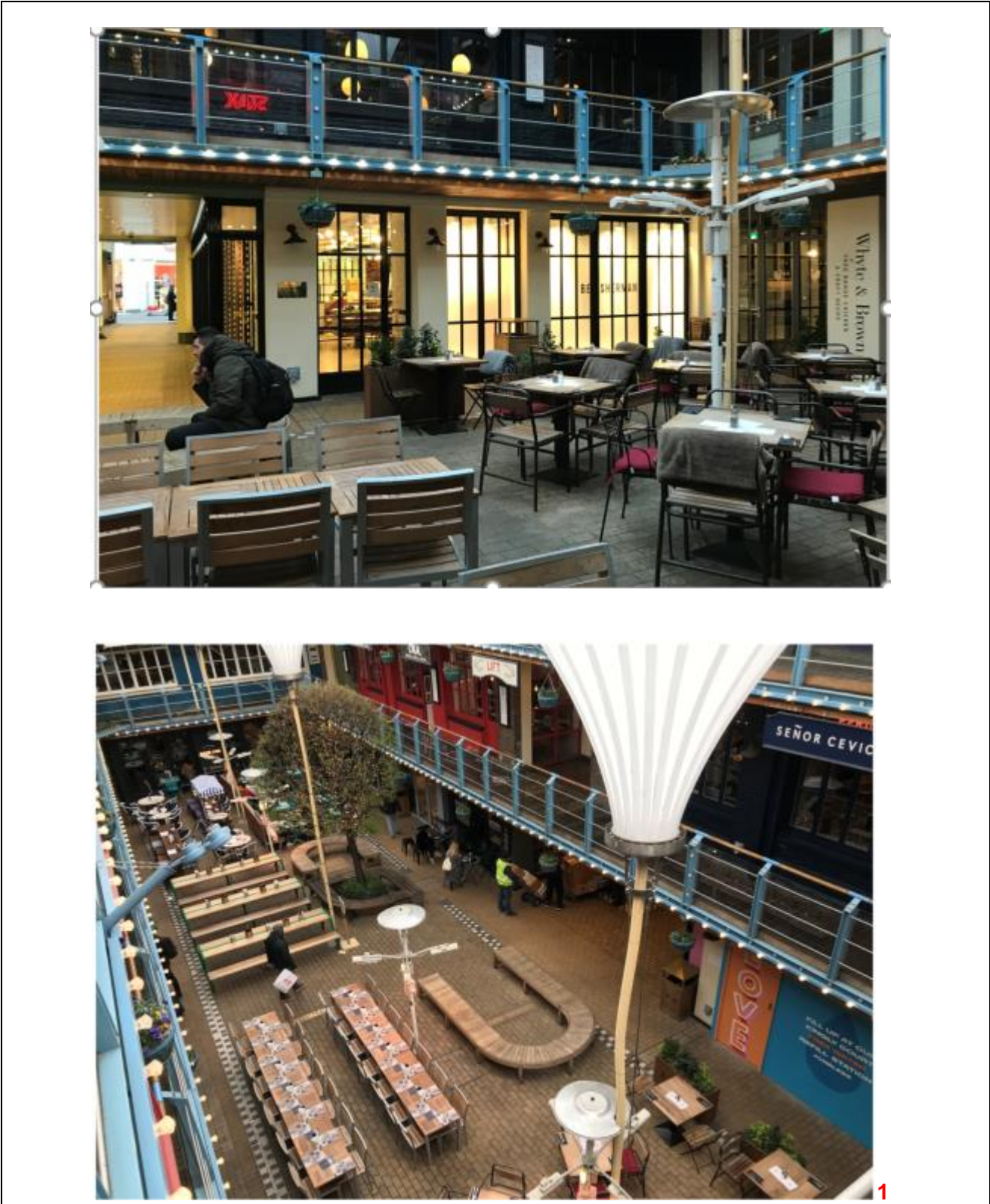
3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

Application 1

SOHO SOCIETY

No response received.

HIGHWAYS PLANNING

No objection.

WASTE PROJECT OFFICER

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 44

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 2

SOHO SOCIETY

No response received.

HIGHWAYS PLANNING

No objection.

WASTE PROJECT OFFICER

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 42

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application premises comprises basement, ground and 4 upper floors situated on the western side of Carnaby Street within the Core Central Activities Zone and the West End Stress Area. The basement and ground floors are in retail use with offices above. Carnaby Street links Beak Street to Great Marlborough Street situated within the Soho Conservation Area.

The site fronts onto Carnaby Street with a secondary frontage onto Kingly Court. Carnaby Street is a shopping street with primarily commercial offices occupying the upper floors. Kingly Court comprises three storey buildings primarily in use as restaurant café (Class A3). It operates as a food court between Carnaby Street and Regent Street.

The area is mixed use in character. There are few residential properties in the vicinity of the site, the nearest residential is at Marshall House Marshall Street which is a block of 23 flats situated to the east of the site. There are 10 flats at 68 Broadwick Street which is also east of the application premises.

6.2 Recent Relevant History

None directly relevant to the application premises. A number of openable shopfronts have been permitted within Kingly Court. The most recent being at 4 Kingly Court on 9 January 2017 (RN 16/11028/FULL) and units G7 and G8 permitted on 9 January 2017 (RN 16/11028/FULL)

7. THE PROPOSAL

Application 1

The proposal seeks to split the ground floor unit which has frontages onto Carnaby Street and Kingly Court, by erecting an internal partition to create a small unit facing onto Kingly Court. This unit which measures 47 m² is proposed to be used as flexible retail (Class A1), restaurant (Class A3), or as a drinking establishment (Class A4).

The application includes replacement of the shopfront fronting onto Kingly Court. The application seeks to remove the existing shopfront and replace it with bi-fold doors.

Application 2

Alterations including a new entrance door and full height extract duct in connection with the continued use of the basement as retail (Class A1) or dual/alternative use as either a restaurant/cafe (Class A3) or drinking establishment (Class A4) or night-club/ live performance venue (Sui Generis).

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Retail Use

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The proposals could result in the loss of the existing retail unit at rear ground floor and basement levels. Policy S21 of the City Plan states that 'existing A1 retail will be protected throughout Westminster except where the Council considers that the unit is not viable, as demonstrated by long term vacancy despite reasonable attempts to let'. The supporting text advises that this approach will ensure that the needs of customers and retailers across the city are met through the retention of the number of shops and overall amount of retail floorspace.

As the site is located within the Core Central Activities Zone the relevant policy from the UDP relating to the loss of retail floorspace is Policy SS5. This also seeks to resist the loss of retail floorspace within the Core CAZ, and outside of the Prime Shopping Frontages. The policy aims to encourage a balanced mix of appropriate street level activities, whilst maintaining and safeguarding residential communities.

Policy SS5 (A) states that A1 uses at ground, basement or first floor level in the CAZ and CAZ Frontages will be protected.

The existing basement and ground floor retail unit has a total floorspace of 348 m². This comprises 185 m² at ground floor level and 163m² in the basement. Application 1 would potentially result in the loss of 47m² of retail floorspace at the rear ground floor level leaving 138 m² of retail floorspace at the front part of the ground floor level, and a further 163m² in the basement (301m² in total). Application 2 will result in the loss of 163 m² at basement level. The application involves the provision of access and staircase from the side alley but includes the removal of an existing staircase to the basement at the front of the unit. This application will result in the retention of a ground floor unit of 185 m².

Taken together if any of the alternative uses other than retail were to be implemented a retail unit of 138m² at the front facing onto Carnaby Street would be retained. The current occupier Ben Sherman have confirmed that the current store is too big for their requirements. They will however still occupy the front section of the retail unit. They consider this to be sufficient for their needs. An active retail use will therefore be retained on Carnaby Street. The loss of both the small rear section of the ground floor as proposed in application 1 and in the basement as per application 2 both individually and cumulatively are considered acceptable as a significant retail unit would be retained on Carnaby Street. The applications would not harm the retail character and function of Carnaby Street and the wider Soho Conservation Area.

Proposed Alternative Uses

Policy Background

The applications need to be assessed against the City Council's policies which relate to entertainment uses. Saved UDP policies TACE 8 to TACE 10 UDP deal with entertainment uses and aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the city, while acknowledging that they provide services to people living in, working in and visiting the City and contribute to its role as an entertainment centre of national and international importance.

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The TACE policies are on a sliding scale in which developments where TACE 8 is applicable are generally permissible, and TACE 10 only permissible in exceptional circumstances.

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.'*

Restaurant/cafe (Class A3)

The ground floor restaurant/ café proposed as part of application 1 would occupy a unit of only 47 m2. As such UDP policy TACE 8 and City Plan policy S24 are applicable. The policy presumption is that permission would normally be granted where policy TACE 8 has been identified. The basement is a larger unit that the ground floor comprising 163m2. UDP policy TACE 9 is applicable which requires the applicant to demonstrate that the use is applicable. A restaurant/ café compliments the trend in the delivery of small catering establishments within Kingly Court. The restaurant/ café is appropriate to the character of this part of Soho and will add to Kingly Court as a catering destination. Use of both the units for restaurant café purposes both individually and cumulatively are considered appropriate adding to the establish character of Kingly Court.

Drinking establishment (Class A4)

The provision of a drinking establishment within the stress area of 47 m2 in the case of application 1 and 163 m2 in the case of application 2 needs to assessed against UDP policies TACE 9 and TACE 10 (and City Plan Policy S24) respectively. Policy TACE 9 requires the applicant to demonstrate that the proposal is acceptable. Policy TACE 10 is a stricter criteria and permission will only be granted in exceptional circumstances. The maximum capacity of the ground floor unit is 35 persons. There are other bars within Kingly Court. The option to use the rear ground floor as a drinking establishment would again be wholly in accordance with the character of Kingly Court.

The larger basement of 163 m2 would obviously result in a more intensive use than the ground floor unit. The new basement unit will be accessed via a door in a passageway between Carnaby Street and Kingly Court. This is remote from any residential properties.

The proposed opening hours for all the alternative uses are as follows:

08:00- 00 (midnight) Sunday;
08:00 – 02.00 Monday to Wednesday
08:00- 03.00 Thursday to Saturday

These hours are consistent with other uses in the Kingly Court Area for example Disrepute, Cahoots, and Jinjuu Soho

The size of the premises limits the capacity of the drinking establishment to 120 persons. Given the capacity of the premises it is highly unlikely that the use would result in queueing on Carnaby Street. A condition is proposed preventing music that is played within the premises being audible externally or within adjoining properties.

Use as a drinking establishment is considered to compliment the other existing operators within Kingly Court. Although the use is relatively small, given that the application is speculative with no users identified it is recommended that the use operates in accordance with an appropriate Operational Management Plan (OMP) to ensure that there is no detriment to the established character of Kingly Court or harm to residential amenity.

Night-club/ live performance venue (Sui Generis)

The impact that the proposed nightclub/ live performance venue would have on the area and residential amenity is similar to a drinking establishment set out above. Again, subject to the imposition of appropriate conditions these uses are considered acceptable. The proposed night club/live performance will add to the diversification of uses within Kingly Court. These uses are also considered appropriate to the area.

8.2 Townscape and Design

50 Carnaby Street is an unlisted building in the Soho Conservation Area. It dates from the mid twentieth century, and consists of pale brick with steel windows and concrete spandrel panels. At ground floor a modern shopfront is faced in glazed brick.

The building is identified in the Soho Conservation Area Audit as a 'neutral' building, that is, a building which neither contributes to nor detracts from the character and appearance of the conservation area. No. 50 also has elevations to Kingly Court and the passageway.

Application 1

The principal change, in design terms, is the installation of an openable shopfront to the Kingly Court Elevation. While openable shopfronts are often unacceptable because of their impact on the appearance of the host building, in this context it is considered acceptable. Kingly Court is a completely enclosed area with many other openable shopfronts, and a great deal of outside seating. The proposed shopfront does not detract from the appearance of the host building.

Application 2

Also proposed are changes to the modern shopfront within the passageway to create a new access to the basement. These changes are acceptable in design terms.

A rear extract duct is proposed. The duct, which will be located in close proximity to an existing duct will not be visible from the public realm. The location of the duct is considered acceptable provided that it is coloured to minimise its impact on the appearance of the building in high level views from surrounding buildings.

8.3 Residential Amenity (Sunlight and Daylight/ Sense of enclosure)

Not applicable

8.4 Transportation/Parking

Servicing the units will be undertaken between the hours of 07.00 and 11.00 Mondays to Saturdays either from Kingly Street or Carnaby Street. The Highways Planning Manager raises no objection to the proposed servicing arrangements. It is recommended that the hours of servicing for both the units are secured by condition.

8.5 Economic Considerations

The economic benefits of the applications are welcomed.

8.6 Access

Application 1 - access into the premises is proposed via Kingly Court internal entrance via the proposed bi folding doors.

Application 2 – access into the premises is via the new ground floor entrance door at Kingly Court passageway where customers are able to use the lobby staircase or an accessible internal platform lift.

8.7 Other UDP/Westminster Policy Considerations

Application 1 will involve limited cooking. Any cooking and reheating of food within the rear ground floor unit shall operate by electricity only. An extract duct will not be required to deal with cooking fumes. A re-circulation system is proposed. It is recommended that the details of the system are secured by condition.

Application 2 involves the erection of a full height extract duct to enable cooking fumes from the premises. The proposed duct will run internally from the basement level and will exit via a first floor level at the rear and will terminate at roof level.

An acoustic report has been submitted as part of the application. Environmental Health raise no objection to the application subject to the normal conditions that govern the operation of plant. The proposed high level duct will adequately disperse cooking fumes from the basement.

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 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being 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

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The Mayor's adopted Culture and Night-time Economy SPG states that London has lost 103 nightclubs and live music venues since 2007, a decline of almost a third and figures show that 1,220 pubs and bars shut between 2001 and 2016 an average of 76 a year. The provision of night time activities are encouraged in order to expand the cultural offer.

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

Not applicable:

8.12 Environmental Impact Assessment

Not applicable

8.13 Other issues

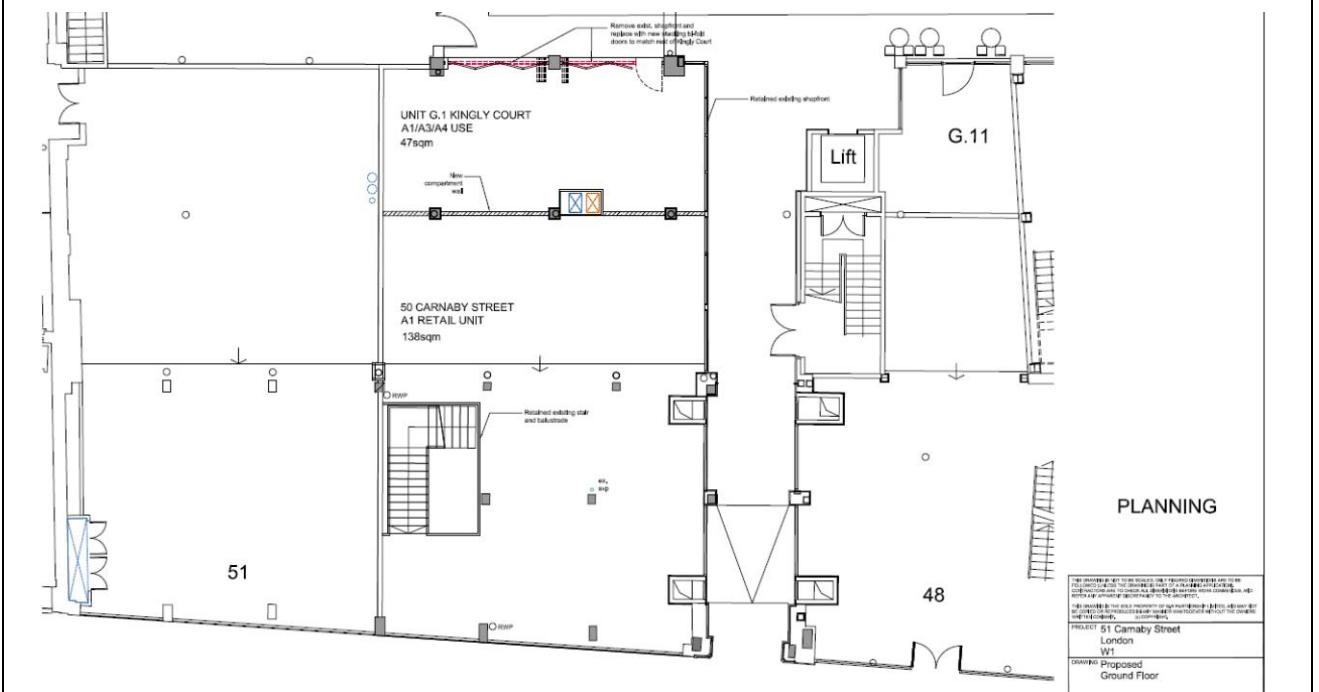
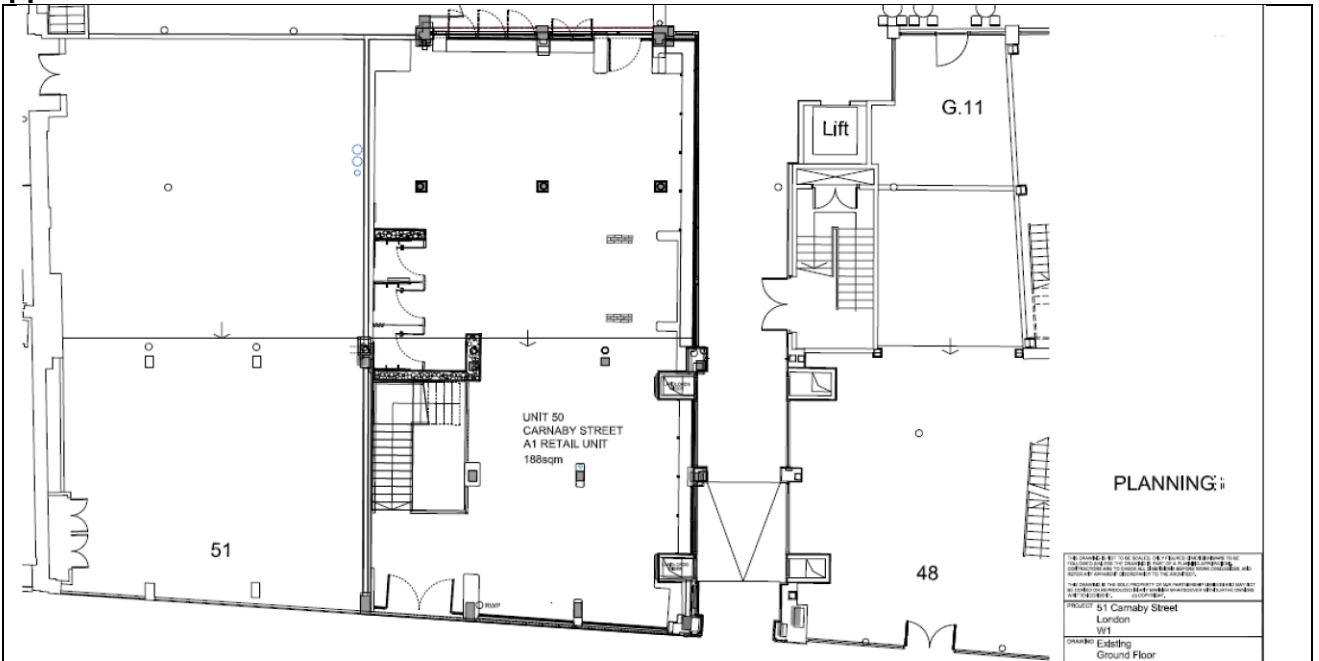
Management of Kingly Court

Shaftesbury have a 24/7 security team working on the estate at all times with an office located on the second floor of Kingly Court. There are 14 CCTV cameras covering the public areas of the courtyard upper walkways and passageways. This provides security on site.

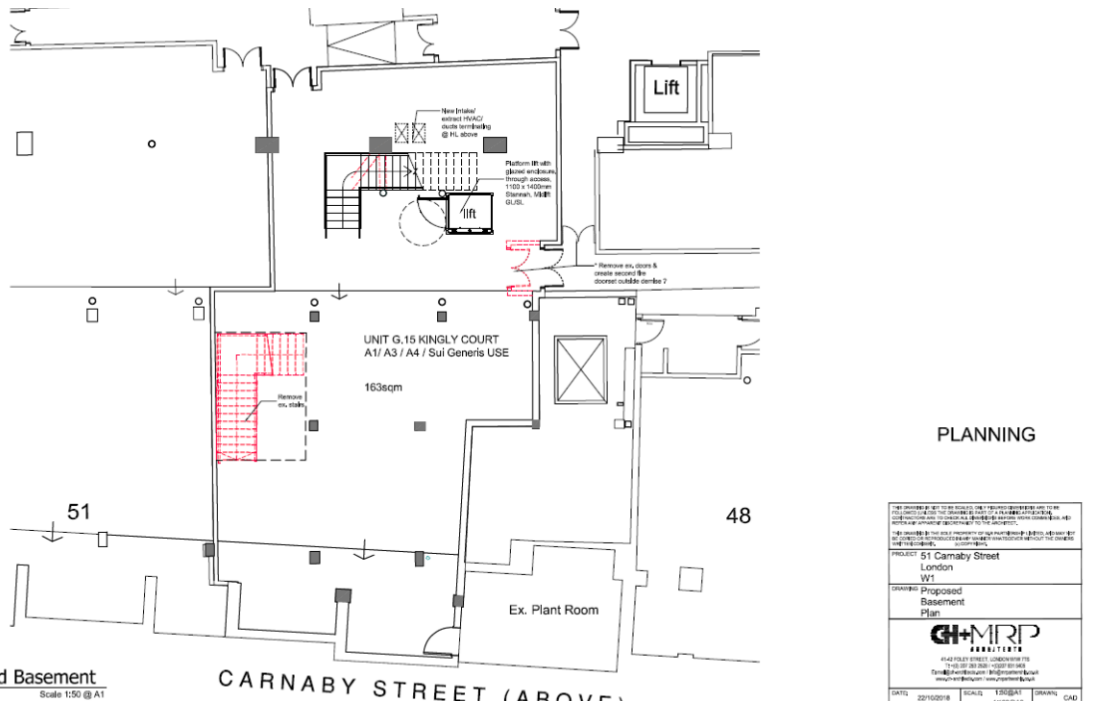
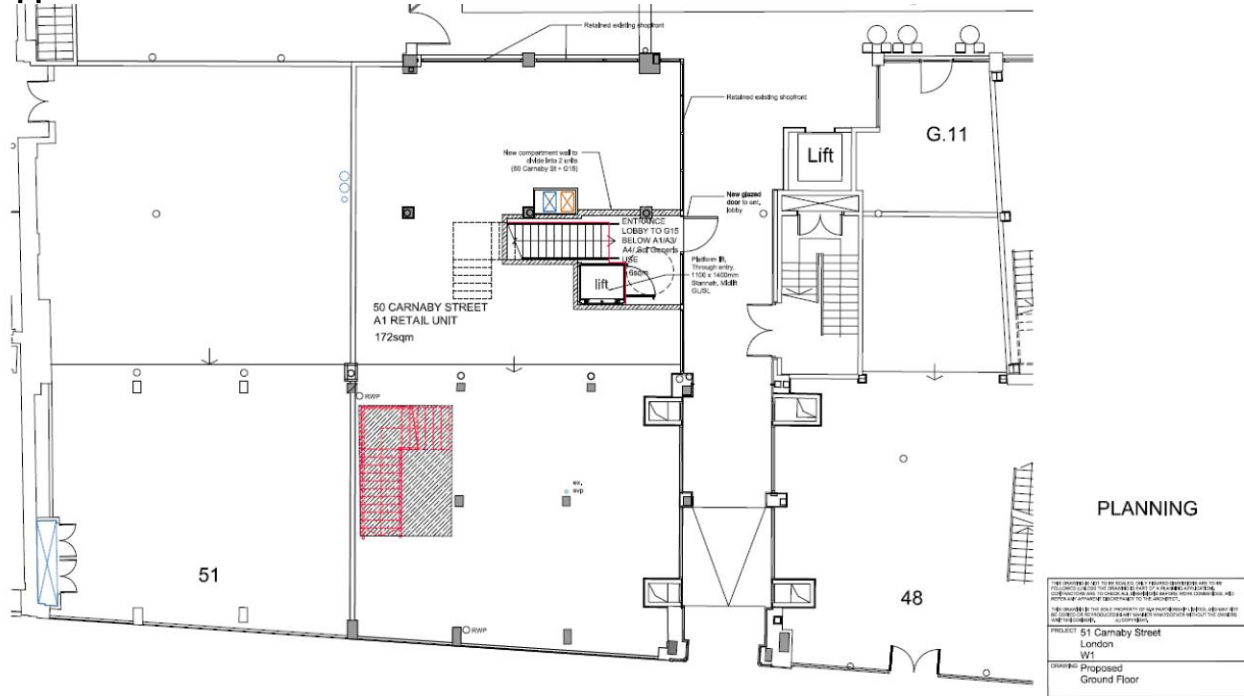
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MICHAEL WALTON BY EMAIL AT mwalton@westminster.gov.uk .
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9. KEY DRAWINGS
Application 1 18/10880/FULL

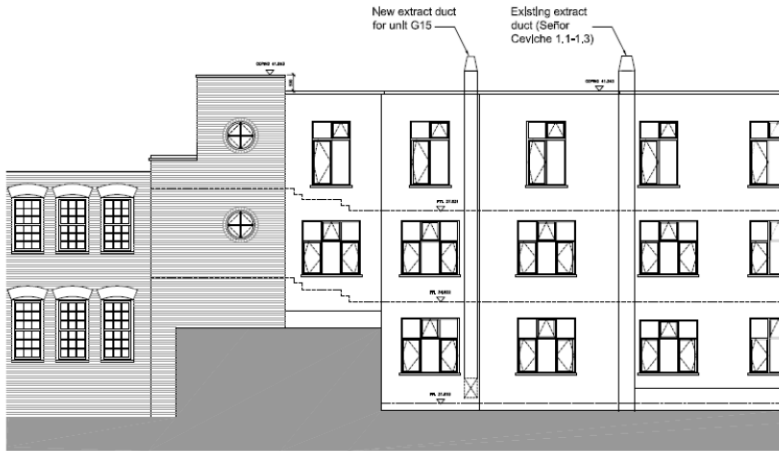


Application 2 18/108544/FULL



Proposed Basement
Scale: 1:50 @ A1

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081
Proposed Rear Elevation
 Scale 1:50 @ A1

PLANNING

<small> THE DRAWING IS SET TO BE PRINTED ON A 297mm x 420mm A1 SHEET. THE DRAWING IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY DAMAGE TO THE DRAWING OR FOR ANY LOSS OF INFORMATION. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY DAMAGE TO THE DRAWING OR FOR ANY LOSS OF INFORMATION. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY DAMAGE TO THE DRAWING OR FOR ANY LOSS OF INFORMATION. </small>	
PROJECT:	51 Carnaby Street London W1
DRAWN:	Proposed Rear Elevation

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Agenda Item 9

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Marylebone High Street	
Subject of Report	31 New Cavendish Street, London, W1G 9TT		
Proposal	Use of lower ground and ground floor as an Estate Office and key storage facility (Sui Generis) for temporary period of 3 years.		
Agent	Howard De Walden Estate		
On behalf of	Howard De Walden Estates Ltd		
Registered Number	18/10605/FULL	Date amended/ completed	2 April 2018
Date Application Received	14 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission for a temporary period until 30 April 2022

2. SUMMARY

The application premises is a shop unit (Class A1) located on the north side of New Cavendish Street, situated on Marylebone High Street CAZ frontage. The unit is vacant having previously been in retail use for the sale of medical equipment.

The application is submitted on behalf of the Howard De Walden Estate who wish to use the premises as an Estate Office and key holding facility for a temporary period of 3 years whilst their existing offices at 23 Queen Anne Street are being refurbished. After which time the property would revert to its lawful Class A1 use.

The key issues in this case are:

* land use considerations regarding the temporary loss of retail (Class A1) and the acceptability of the use as an Estate Office (Sui Generis).

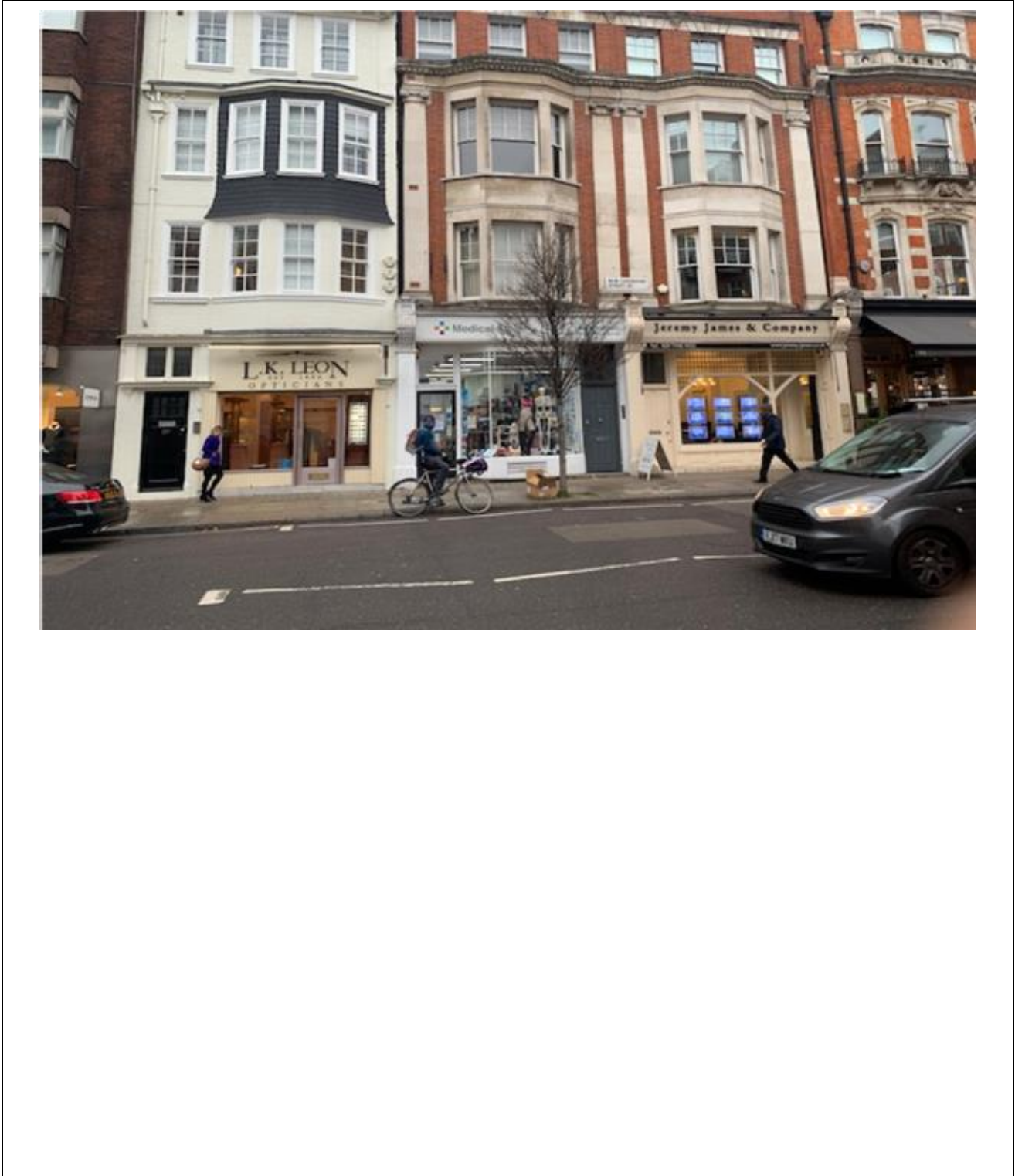
Loss of the retail use in this location is contrary to Council's adopted land use policies in the UDP and the City Plan. The loss of retail will however be temporary and the proposed Estate Office will provide a recognised service facility for the Howard De Walden. In the circumstances despite the normal policy presumption to protect retail the application is considered acceptable.

3. LOCATION PLAN



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4. PHOTOGRAPH



5. CONSULTATIONS

Marylebone Association
No comment

Highways Planning Manager
No objection subject to conditions

Waste Project Officer
Details of refuse/recycling storage required

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 63
Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a basement and ground floor shop located on the north side of New Cavendish Street, most recently the shop was occupied for the sale of Medical equipment. The retailer has subsequently re-located to 37B New Cavendish Street which fronts onto Westmoreland Street. The upper floors of the building are in residential use.

The site is part of the Marylebone High Street District Centre as designated within the Unitary Development Plan, and within the wider Marylebone and Fitzrovia Central Activities Zone (CAZ) area, as defined in the City Plan (adopted November 2016). The site is located within the Harley Street Conservation Area.

6.2 Recent Relevant History

None relevant

7. THE PROPOSAL

The proposed scheme involves a temporary change of use of the lower ground and ground floors from retail (Class A1) to an Estate Office including a key storage facility (Sui Generis) for a period of 3 years. The Howard De Walden Estate are due to refurbish their existing Estate Office at 23 Queen Anne Street and will be relocating to offices in Baker Street for a temporary period of 2 years, whilst this refurbishment takes place.

Use of the application premises as proposed will ensure the Estate retains a formal high street presence in the Marylebone Area. The intention is that the ground floor will provide a display advertising property lettings. The lower ground floor level, will be used for the storage for the Estates keys. No external alternations are proposed. On expiry of any temporary permission, the premises would revert to their lawful retail use (Class A1).

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of retail floorspace

The proposal would result in the loss of 130.2 sqm (GIA) of retail floorspace at ground floor and lower ground floor level. The site was designated on the secondary frontage of the Marylebone High Street Centre. As such Policy SS6, C, of the UDP seeks to ensure that any loss of retail is not harmful to the character and function of the District Centre. The site is designated in the City Plan as being on the CAZ frontage. City Plan policy S21 seeks to protect existing retail uses throughout Westminster except where the Council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let. The applicant does not contend that the retail unit is not viable. Its loss would be contrary to established land use policies. However, the change of use would only be temporary. Furthermore, the requirements of the Howard De Walden Estate are acknowledged and in these circumstances the loss of retail is considered to be acceptable.

Proposed Estate Office

The Estate Office would be open between the hours of 08.00 - 18.30, Monday to Friday and will not be operating on weekends or public/bank holidays. These proposed opening hours are similar to those for the current retail unit and the level of activity associated with the proposed Estate Office is likely to be comparable to that of the lawful retail use on the site. The use is considered appropriate to a shopping street.

8.2 Townscape and Design

No external alterations are proposed.

8.3 Residential Amenity (Daylight Sunlight and Sense of Enclosure)

Not applicable

8.4 Transportation/Parking

The proposed temporary use will not result in a significant change in trip generation or pressure on existing on street car parking facilities. There will be increased servicing requirements. The application does not raise any adverse highways issues.

8.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed.

8.6 Access

No changes are proposed to the existing access arrangements.

8.7 Other UDP/Westminster Policy Considerations

8.7 1 Refuse /Recycling

Refuse collections in New Cavendish Street is well served for refuse collections with these taking place daily between 10.00am and 12.00pm. In addition, there are weekly collections of recyclable waste on Thursdays between 7.00am and 2.00pm.

The Council's Waste Project Officer has requested that any permission is subject to a condition requiring storage of waste and recyclable materials to be approved.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Not applicable

8.11 Environmental Impact Assessment

Not applicable

8.12 Other issues

Not applicable

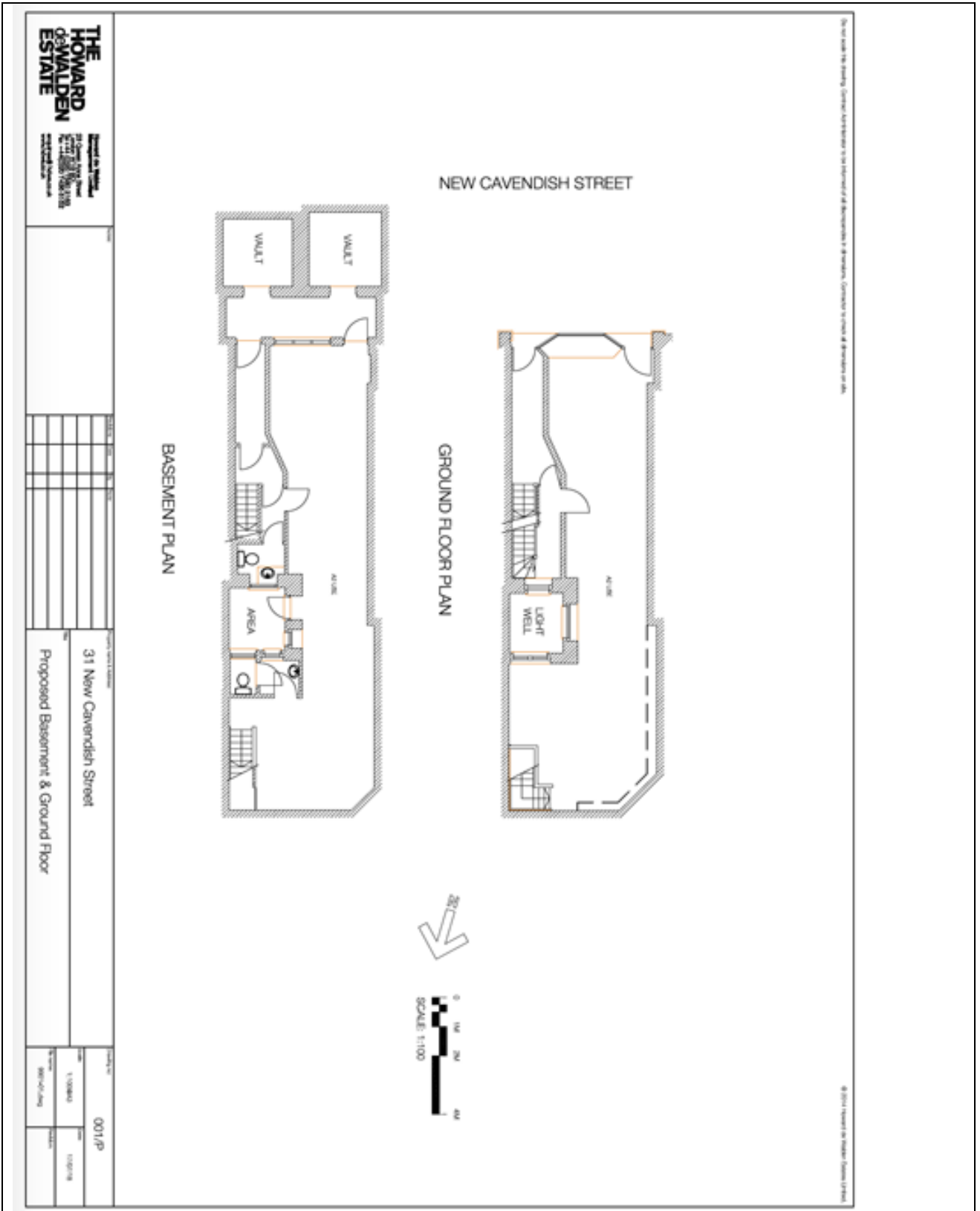
(Please note: All the application drawings and other relevant documents and

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Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MICHAEL WALTON BY EMAIL AT MWALTON@WESTMINSTER.GOV.UK
--

9. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 31 New Cavendish Street, London, W1G 9TT,

Proposal: Use of lower ground and ground floor as an Estate Office (Sui Generis) and key storage facility for temporary period of 3 years.

Reference: 18/10605/FULL

Plan Nos: 001/P

Case Officer: Rattan Sehra

Direct Tel. No. 020 7641 6913

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 Prior to the commencement of the use, you must apply to us for approval of details of how waste and recyclable materials are to be stored on the site. You must then provide the stores for waste and materials for recycling in accordance with these approved details within 1 month of receiving an approval of the submitted details. You must clearly mark the stores and make them available at all times to everyone using the lower ground floor and ground floor of the Estate Office.

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)

- 3 The use of the lower ground floor and ground floor shall be limited to an Estate Office and key collection facility (Sui Generis) use as shown on drawing number 001/P and in accordance with the submitted application.

Reason:

In granting this permission the City Council has had regard to the special circumstances of this case and would need to consider any other use in light of the relevant policies in Westminster's City Plan (November 2016) and our Unitary Development Plan that we adopted in January 2007.

- 4 The Estate Office (Sui Generis) and key storage facility use allowed by this permission can continue until 30.04.2022. After that the ground floor and lower ground floor of the building we have approved for Estate Office (Sui Generis) and key storage facility use must return to its previous use as a retail shop (Class A1).

Reason:

The use is not as set out in SS6; of our Unitary Development Plan that we adopted in January 2007. Use for more than a limited period would be harmful to the objectives of the Plan. (R03AB)

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

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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.

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