



**City of  
Westminster**

# Committee Agenda

Title:

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

Meeting Date:

**Tuesday 14th May, 2019**

Time:

**6.30 pm**

Venue:

**Rooms 18.01 & 18.03, 18th Floor, 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: [gwillis@westminster.gov.uk](mailto:gwillis@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

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

To register to speak and for guidance please visit:

[www.westminster.gov.uk/planning-committee](http://www.westminster.gov.uk/planning-committee).

Please note that you must register by 12 Noon on the Friday before the Committee meeting

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. HOLIDAY VILLA HOTEL, 35-39 LEINSTER GARDENS, LONDON W2 3AN**

**(Pages 27 - 62)**

#### **2. 36 WESTBOURNE PARK ROAD, LONDON W2 5PL**

**(Pages 63 - 100)**

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|----|--|--------------------------|
| 3. | <b>3 NORRIS STREET, LONDON SW1Y 4RJ</b>    | <b>(Pages 101 - 116)</b> |
| 4. | <b>3 NORRIS STREET, LONDON SW1Y 4RJ</b>    | <b>(Pages 117 - 128)</b> |
| 5. | <b>5 WIMPOLE STREET, LONDON, W1G 9ST</b>   | <b>(Pages 129 - 158)</b> |
| 6. | <b>42 DENBIGH STREET, LONDON, SW1V 2ER</b> | <b>(Pages 159 - 172)</b> |
| 7. | <b>7 WIMPOLE STREET, LONDON, W1G 9SN</b>   | <b>(Pages 173 - 190)</b> |
| 8. | <b>30 CHAPEL STREET, LONDON, SW1X 7DD</b>  | <b>(Pages 191 - 216)</b> |

**PART 2 (PRIVATE)**

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

Item	Grounds	Para. of Part 1 of Schedule 12A of the Act
9	The Reports relates to a claim to legal professional privilege which could be maintained in legal proceedings	Par. 5

- |    |   |                          |
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| 9. | <b>HOLIDAY VILLA HOTEL, 35-39 LEINSTER GARDENS, LONDON W2 3AN</b> | <b>(Pages 217 - 222)</b> |
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**Stuart Love  
Chief Executive  
3 May 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:

<b>Order of Business</b>
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 2nd April, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Tony Devenish (Chairman), Susie Burbridge, Peter Freeman and Tim Roca

**Also Present:** Councillor Margot Bright (for item 2 only).

#### 1 MEMBERSHIP

1.1 There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

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

2.2 Councillor Susie Burbridge declared that in respect of item 2, the application site is in her Ward.

#### 3 MINUTES

##### 3.1 RESOLVED:

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

## **4 PLANNING APPLICATIONS**

### **1 50 EASTBOURNE TERRACE, LONDON, W2 6LG**

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. 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.

Late representations were received from the South East Bayswater Residents' Association (26.03.2019, 01.04.2019, and 02.04.2019), Gerald Eve (28.03.2019 and 02.04.2019), two local residents (31.03.2019, 31.03.2019 and 01.04.2019) and K and A Consulting (11.03.2019, 26.03.2019 and 31.03.2019).

The presenting officer tabled the following amendment to condition 28:

#### **Amended Condition 28**

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

Mark Younger addressed the Sub-Committee in support of the application.

#### **RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted, subject to an amendment to condition 28 as set out above, an additional condition preventing the use of the retail floorspace by a supermarket and to a Deed of Variation of the original Section 106 legal agreement dated 2 January 2019 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 onsite carbon reduction.
2. That 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 6 BARK PLACE, LONDON, W2 4AX**

Erection of two rear dormer windows.

Late representations were received from Councillor Andrew Smith, Ward Member (01.04.2019), Sarah Joiner (01.04.2019) and the South East Bayswater Residents' Association (02.04.2019).

Sarah Joiner addressed the Sub-Committee in objecting to the application.

Councillor Margot Bright addressed the Sub-Committee in her capacity as a Ward Member in objecting to the application.

### **RESOLVED UNANIMOUSLY:**

That the application be refused on the grounds of overlooking and the size and design of the two rear dormer windows.

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

Use of part ground and basement floors as drinking establishment (Class A4).

An additional representation was received from Shaftesbury PLC (27.03.2019).

A late representation was received from BA Law Limited (01.04.2019).

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted.

**4 154 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.

An additional representation was received from a local resident (27.03.2019).

A late representation was received from John Simpson Architects (01.04.2019).

Emma Hynes addressed the Sub-Committee in objecting to the application.

**RESOLVED (Councillors Devenish, Burbridge and Freeman in favour and Councillor Roca for deferral for a site visit):**

That conditional permission be granted, subject to an additional condition requiring the bottom pane kitchen windows to be obscurely glazed and fixed shut.

**5 PRIORY HOUSE, FLAT 22, 12 RAMPAYNE STREET, LONDON, SW1V 2QT**

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.

**RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted.
2. That conditional listed building consent be granted.

**6 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.

Application withdrawn by the applicant.



## **7 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.

Additional representations were received from the Highways Planning Manager (22.03.2019) and the Head of Arboricultural Services (20.03.2019).

The presenting officer tabled the following amendment to condition 4 and additional informative 4:

### **Amended Condition 4**

Notwithstanding Tree Report 170106 PD 11 Rev.B dated March 2019, you must apply to us for approval of a revised method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details.

### **Additional Informative 4**

You are advised that the amended tree protection measures required by Condition 4 should ensure that it consistently confirms 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'. Note that at 8.11 the Revision B version of the tree report still refers to 'No tree roots exceeding 50mm in diameter will be severed, without prior agreement of the Local Planning Authority'. You should also reinstate the references to arboricultural supervision, which have been omitted from the Revision B version of the tree report. You should contact the Head of Arboricultural Services, Barbara Milne on 020 7641 2922 if you require further assistance with the amendments required to satisfy Condition 4.

### **RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted, subject to an amended condition 4 and an additional informative 4 as set out above.
2. That conditional listed building consent be granted.
3. That the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

## **8 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).

Late representations were received from The Soho Society (25.03.2019) and Shaftesbury (27.03.2019).

The presenting officer tabled the following decision letters:

Application 1:

- 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 cafe/ restaurant (Class A3), or drinking establishment (Class A4) or night club/ live performance venue (Sui Generis) before 08.00 or after 00.00 (midnight) on Sunday, before 08.00 or after 02.00 the following morning on Monday to Wednesday or before 08.00 or after 03.00 the following morning on Thursday to Saturday.

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 07:00 and 11.00 on Monday to Saturday. 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 The uses hereby approved must be carried out in accordance with the Operational Management Plan received on 9 January 2019. You must then carry out the measures included in the management plan at all times that the premises is in uses as a restaurant/cafe (Class A3), drinking establishment (Class A4) or nightclub/live music venue (Sui Generis)

Reason:

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

- 6 You must not allow more than 120 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 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant/cafe (Class A3), drinking establishment (Class A4) or nightclub/live music venue (sui generis) uses 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 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)

- 8 You must apply to us for approval of details of how waste is going to be stored on the site. You must not use the premises as either restaurant cafe' (Class A3) or drinking establishment (Class A4) or night club/ music live performance venue (Sui Generis) 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 restaurant cafe' (Class A3) or drinking establishment (Class A4) or night club/ music live performance venue (Sui Generis). You must not use the waste store for any other purpose. , ,

Reason:

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

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that

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

- 10 In the event the cafe/ restaurant use (Class A3), or drinking establishment (Class A4) are implemented, you must install the high level duct as shown on the approved drawings before the uses can operate. Thereafter the duct must be maintained in situ for as long as the cafe/restaurant or drinking establishment remains in operation.

Reason:

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

- 11 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)

- 12 You must play play live or recorded music on the premises that is audible outside the premises.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

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

- 14 The extract duct hereby approved as shown on drawing No 3195\_081 shall be treated to match the adjacent building materials.

Reason:

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

**Informatives:**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 3 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)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 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 (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)

- 6 It is a legal requirement to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air. Where this ventilation is provided by mechanical means the regulations require those mechanical ventilation systems to be maintained (including appropriate cleaning) in efficient working order. , B&ES Guide to Good Practice - TR19 Internal Cleanliness of Ventilation systems is a guidance document which can be used for new build, upgrade and maintenance of ventilation systems. Particular attention should be given to; , Section 2 - New ductwork system cleanliness , Section 3 - Design and access to the internal surfaces of the ventilation system , Section 7 - Specific considerations for kitchen extract systems. (This section deals specifically with access to the internal surfaces to the kitchen extract system, cleaning methods and frequency of cleaning). , Where access hatches or panels are required in order to meet the above requirements, these must be incorporated into the design of the ducting and any associated screening or cladding.
- 7 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the part ground floor and basement floors can change between the cafe/restaurant (Class A3), drinking establishment (Class A4),night club / live performance venue ( Sui Generis) 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)
- 8 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 9 Conditions 9 and 11 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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

#### Application 2:

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

- 3 Customers shall not be permitted within the cafe'/ restaurant (Class A3) or drinking establishment (Class A4) premises before 08.00 or after midnight on Monday to Thursday and between midnight and after 00.30 the following Saturday to Sunday mornings, and before 08.00 or after 23.00 on Sundays and Bank Holidays.

Reason:

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

- 4 All servicing must take place between 07:00 and 11.00 on Monday to Saturday. 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 All cooking and reheating equipment must be operated by electricity only with no equipment utilising combustible fuels (e.g. gas, coal, wood etc.).

Reason:

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

- 6 Before the use is commenced you are required to submit a supplementary report for our approval. You must thereafter maintain the recirculation plant and equipment as approved. The supplementary report must include: , (a) A schedule of all plant and equipment installed in association with the re-circulation system., (b) Details of monitoring devices interlocked with the electric cooking equipment, such that cooking is only enabled when all parts of the system are operating., (c) In the working environment the breakout noise not exceeding 55 dB (A) in the kitchen., (d) Details of the whole ventilation scheme in the kitchen that maintains an ambient temperature of not more than 25 centigrade whilst cookline equipment is operating., (e) Details of service / filter replacement and maintenance arrangements.

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

- 7 The re- circulation cooking system hereby approved must have no external discharge

Reason:

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

- 8 You must apply to us for approval of details of how waste is going to be stored on the site. You must not use the premises as either cafe'/ restaurant (Class A3) or drinking establishment (Class A4) 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 cafe'/ restaurant (Class A3) or drinking establishment (Class A4). You must not use the waste store for any other purpose. , ,

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)

- 9 The uses hereby approved must be carried out in accordance with the Operational Management Plan received on 9 January 2019. You must then carry out the measures included in the management plan at all times that the premises is in use as a cafe/restaurant (Class A3),or drinking establishment (Class A4).

Reason:

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

- 10 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant/cafe (Class A3), drinking establishment (Class A4) or nightclub/live music venue (sui generis) uses 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 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)

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

Reason:

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

## **Informatives:**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 3 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)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the rear ground floor can change between the retail ( Class A1), cafe'/ restaurant (Class A3), or drinking establishment ( Class A4)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

**RESOLVED UNANIMOUSLY:**

1. Application 1: That conditional permission be granted, subject to the decision letter as set out above.
2. Application 2: That conditional permission be granted, subject to the decision letter as set out above.

**9 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.

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted for a temporary period until 30 April 2022.

The Meeting ended at 8.10 pm.

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_

# Agenda Annex

CITY OF WESTMINSTER  
PLANNING APPLICATIONS SUB COMMITTEE – 14th May 2019  
PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	<b>RN(s) :</b> 19/02067/FULL & 19/02068/LBC  Lancaster Gate	Holiday Villa Hotel 35-39 Leinster Gardens London W2 3AN	Conversion to 32 flats and associated internal works; rebuilding of mansard roof level; external works, including alterations to rear fenestration.	
<b>Recommendation</b>  1. Grant conditional permission, subject to a section 106 agreement to secure: <ul style="list-style-type: none"> <li>a) A financial contribution of £554,958.00 (index linked and payable on commencement of development) toward the City Council's affordable housing fund; and</li> <li>b) Payment of cost of monitoring the agreement.</li> </ul> 2. If the S106 legal agreement has not been completed within 6 weeks then: <ul style="list-style-type: none"> <li>a) The Executive Director of Growth Planning and Housing shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Executive Director of Growth Planning and Housing is authorised to determine and issue the decision under Delegated Powers; however, if not;</li> <li>b) The Executive Director of Growth Planning and Housing shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Executive Director of Growth Planning and Housing is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</li> </ul> 3. Grant conditional listed building consent; and  4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision notice.				
Item No	References	Site Address	Proposal	Resolution
2.	<b>RN(s) :</b> 18/04625/FULL  Bayswater	36 Westbourne Park Road London W2 5PL	Excavation of basement floor below existing house and front garden with associated front lightwell; demolition of existing front garage and replacement front boundary; replacement of existing three storey wing with enlarged three storey side extension; replacement of existing ground and first floor rear extensions with new extensions at ground and first floor, with a terrace at rear first floor level with 1.8m high privacy screen and addition of railings to rear elevation at first floor level.	
<b>Recommendation</b> Grant conditional permission.				

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 14th May 2019  
 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 19/00867/FULL	3 Norris Street London SW1Y 4RJ	Use of basement, ground and mezzanine floors of 3 Norris Street as restaurant /public house (sui generis).	
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 19/01794/TCH	3 Norris Street London SW1Y 4RJ	Use of an area of public highway measuring 10.6m x 2.95m for the placing of 20 tables, 44 chairs, 4 planters, 2 fabric barriers, a menu board and a space-heater in connection with the operation of the unit at basement, ground and mezzanine floors of 3 Norris Street.	
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 18/06066/FULL & 18/06067/LBC  Marylebone High Street	5 Wimpole Street London W1G 9ST	Use of 5 Wimpole Street and 24 Wigmore Place as a single-family dwellinghouse. Excavation of a basement, demolition of existing roof and erection of replacement mansard roof extension, creation of rear windows and rear ground floor opening and installation of rear access stair to rear first floor of 24 Wigmore Place. Installation of air conditioning units in front pavement vault and at roof level of 5 Wimpole Street and in the mews house garage below the garden staircase, and other associated external and internal alterations to both buildings (Site includes 24 Wigmore Place).	
	<b>Recommendation</b> 1. Grant conditional permission 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.			
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 19/01803/FULL  Warwick	42 Denbigh Street London SW1V 2ER	Use of basement and ground floor for Class A2 purposes (Professional and Financial Services)	
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
7.	RN(s) : 18/10653/FULL & 18/10654/LBC	7 Wimpole Street London W1G 9SN	Use of the building as a single family dwellinghouse (Class C3) and internal alterations, namely the removal of non-original partitions and false floors within the former dental studio rooms.	



CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 14th May 2019  
 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Marylebone High Street			
<b>Recommendation</b> 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out within informative 1 of the draft decision letter.				
Item No	References	Site Address	Proposal	Resolution
8.	<b>RN(s) :</b> 19/00331/FULL & 19/00464/LBC  Knightsbridge And Belgravia	30 Chapel Street London SW1X 7DD	Variation of condition 1 of planning permission dated 23rd September 2014 (RN 14/02800/FULL) for the “Excavation under rear garden to create a basement with swimming pool, demolition of lower ground rear extension, erection of lower ground and ground floor rear extensions, terrace at first floor level, installation of rooflight at main roof level and associated landscaping”. NAMELY, to vary drawings to install new rooflights at second and roof level and relocation of roof access hatch at main roof level, alter the layout at approved basement and lower ground floors and, minor internal alterations at ground, second and third floors, relocate a rainwater pipe on the front elevation, install metal poles in the rear garden to support an artificial green wall along all boundaries, install a new rooflight at third floor level to provide access to the plant room, installation of new steps to the front entrance and front lightwell, replacement of damaged pipe on the boundary wall and installation of mounted wall lights, CCTV and external cooler unit. (Linked to 19/00464/LBC).	
<b>Recommendation</b> 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting conditional listed building consent as set out in informative 1 of the draft decision letter.				

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 14th May 2019  
 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

**CONFIDENTIAL ITEMS**

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

Item No	References	Site Address	Proposal	Resolution
9.	<b>RN(s) :</b> 19/02067/FULL & 19/02068/LBC  Lancaster Gate	Holiday Villa Hotel 35-39 Leinster Gardens London W2 3AN	Conversion to 32 flats and associated internal works; rebuilding of mansard roof level; external works, including alterations to rear fenestration.	
<p><b>Recommendation</b></p> <p>In the context of Counsel’s legal advice for the appeal for application RN: 16/04404/FULL, grant conditional permission for application RN: 19/02097/FULL as per the recommendation for Item 1, under Section 4, Part 1 of the agenda.</p>				

# Agenda Item 1

Item No.
<b>1</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14 May 2019	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director of Growth Planning and Housing		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>Holiday Villa Hotel, 35-39 Leinster Gardens, London, W2 3AN,</b>		
<b>Proposal</b>	Conversion to 32 flats and associated internal works; rebuilding of mansard roof level; external works, including alterations to rear fenestration.		
<b>Agent</b>	Rolfe Judd Planning Limited		
<b>On behalf of</b>	Leeds Property Limited		
<b>Registered Number</b>	19/02067/FULL and 19/02068/LBC	<b>Date amended/ completed</b>	1 April 2019
<b>Date Application Received</b>	19 March 2019		
<b>Historic Building Grade</b>	Grade 2 Listed		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

<p>1. Grant conditional permission, subject to a section 106 agreement to secure:</p> <ul style="list-style-type: none"> <li>a) A financial contribution of £554,958.00 (index linked and payable on commencement of development) toward the City Council's affordable housing fund; and</li> <li>b) Payment of cost of monitoring the agreement.</li> </ul> <p>2. If the S106 legal agreement has not been completed within 6 weeks then:</p> <ul style="list-style-type: none"> <li>a) The Executive Director of Growth Planning and Housing shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Executive Director of Growth Planning and Housing is authorised to determine and issue the decision under Delegated Powers; however, if not;</li> <li>b) The Executive Director of Growth Planning and Housing shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Executive Director of Growth Planning and Housing is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</li> </ul> <p>3. Grant conditional listed building consent; and</p>
--

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

## 2. SUMMARY

The application site is located on the western side of Leinster Gardens. It contains five, seven storey, Grade 2 listed buildings located within the Bayswater Conservation Area. These buildings have been laterally converted historically and are currently used as a single hotel premises (Use Class C1).

Planning permission and listed building consent are sought for conversion of the existing hotel (Use Class C1) into 32 residential units (Use Class C3). To facilitate the proposed conversion, internal alterations, including relocation of walls and reinstatement of party walls are proposed. Reconstruction of the existing mansard roof level and rationalisation of roof top plant are also proposed. Fenestration alterations to the rear elevation are also proposed.

The key considerations are:

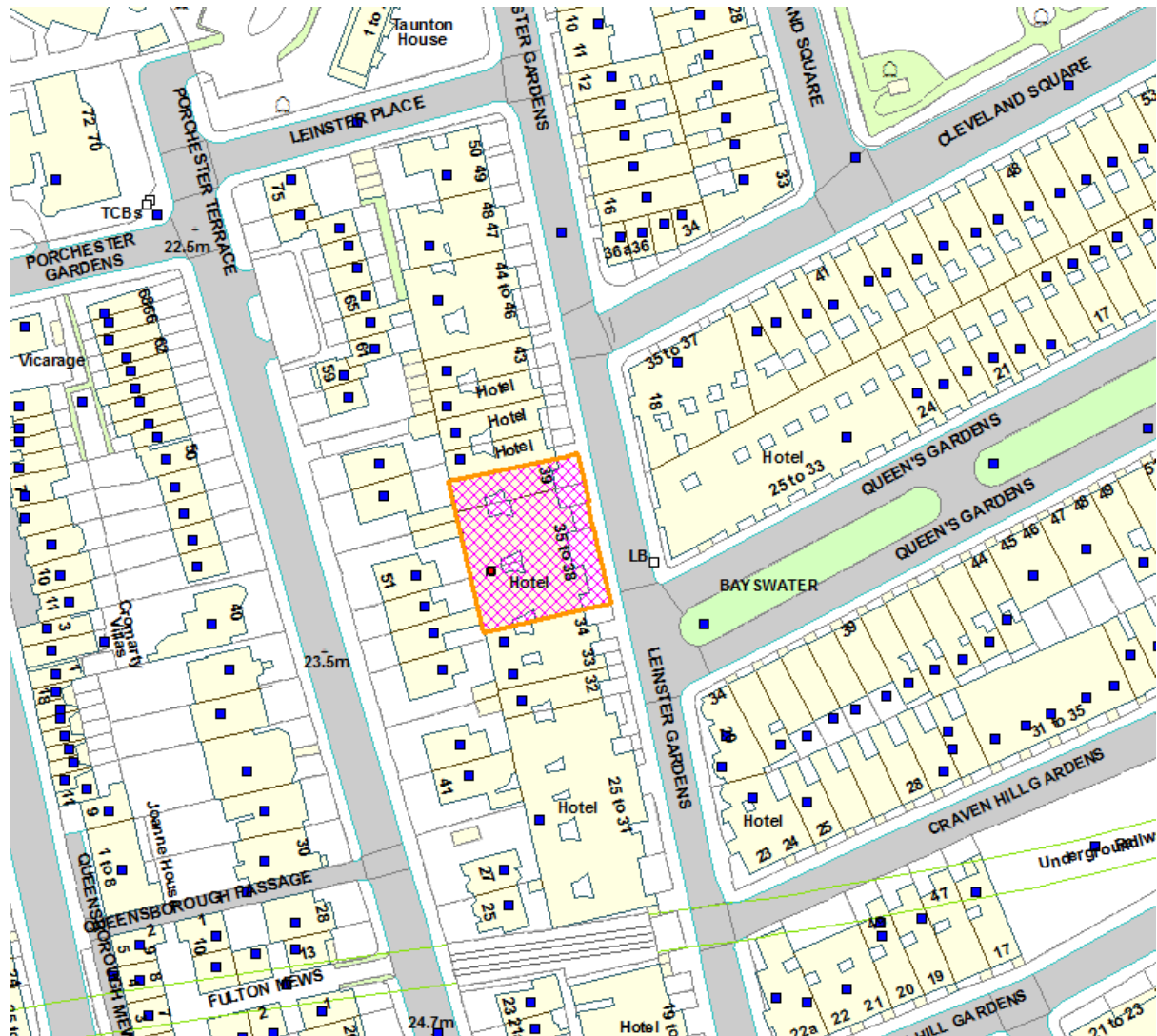
- Provision of residential units and affordable housing contribution in light of the previously refused development;
- Impact on the special architectural and historic interest of this listed building and the character and appearance of the Bayswater Conservation Area; and
- Impact on on-street parking.

Given anticipated parking demand associated with the development and that on-street parking stress levels do not exceed 80%, the proposed development will not result in an unacceptable impact on on-street parking levels.

The applicant has demonstrated that the development cannot accommodate affordable housing on-site or off-site. Since the previous application for this development on this site was decided nearly two years ago, hotel values have increased markedly whilst residential values have decreased. This has significantly impacted the viability position of this development. Officers and the City Council's independent viability consultant consider that the £554,958.00 payment in lieu offered by the applicant is the maximum reasonable affordable housing contribution that this development can make. Given the specific circumstances of this application and that the City Council is soon to formally consult on the revised City Plan, acceptance of this payment in lieu would not set a precedent for similar development elsewhere in Westminster.

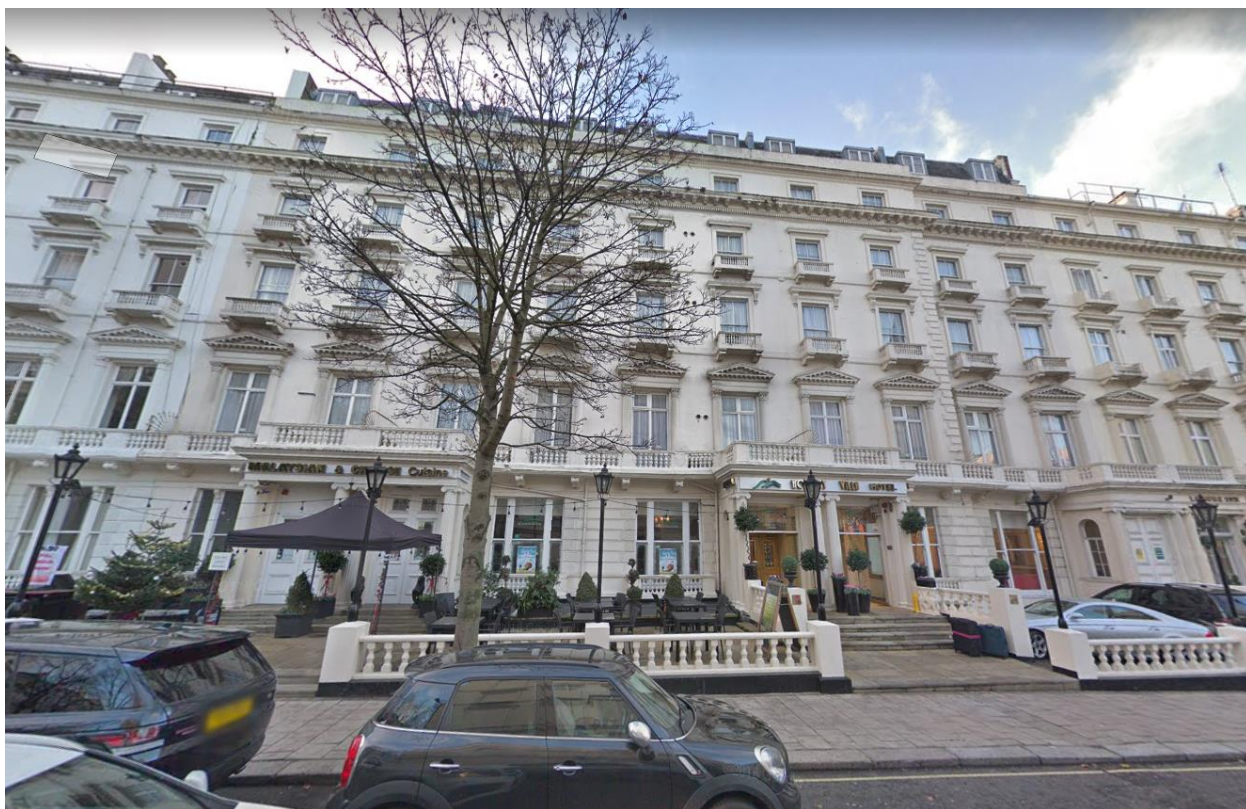
In light of the above, and the development meeting the development plan in all other respects, it is recommended that these applications are approved.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front of Application Site from Leinster Gardens

## 5. CONSULTATIONS

### WARD COUNCILLORS FOR LANCASTER GATE

Any response to be reported verbally.

### WARD COUNCILLORS FOR BAYSWATER

Any response to be reported verbally.

### HISTORIC ENGLAND

Any response to be reported verbally.

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No objection in principle to converting the hotel to residential use and welcome the plan for a mix of smaller units. It makes a change from the over-sized, over-expensive units in developments in this area in recent years.

Note that the Transport report assesses that there will only be about 11 cars between the 32 flats and that therefore there will be no problem accommodating them on existing residents parking. They understand how the applicant arrived at this figure, but consider that a more conservative figure should be used. We believe that the additional parking will be significant and will affect the ease of existing residents being able to park near their homes, particularly on Leinster Gardens and in Cleveland Square.

They consider that the design and access statement is incomplete and raise general concern that the planning application files on the City Council's website are not in a sensible sequence.

### THE GEORGIAN GROUP

No response received.

### SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

No response received.

### TWENTIETH CENTURY SOCIETY

No response received.

### THE VICTORIAN SOCIETY

No response received.

### ANCIENT MONUMENTS SOCIETY

No response received.

### COUNCIL FOR BRITISH ARCHAEOLOGY

No response received.

### ENVIRONMENTAL HEALTH OFFICER

Any response to be reported verbally.

### HIGHWAYS PLANNING MANAGER

Item No.
<b>1</b>

No objection, subject to conditions. Comments discussed below.

**BUILDING CONTROL OFFICER**  
Any response to be reported verbally.

**WASTE PROJECT OFFICER**  
Object. Insufficient waste storage proposed and details vague. Comments discussed below.

**AFFORDABLE HOUSING SUPPLY MANAGER**  
Any response to be reported verbally.

**DESIGNING OUT CRIME OFFICER**  
Any response to be reported verbally.

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

No. Consulted: 43  
Total No. of replies: 1  
No. of objections: 1  
No. in support: 0

In summary, the objector raises the following issues:

- The parking survey is out of date;
- The parking survey does not include other large developments in the vicinity;
- The area of the parking survey is too large;
- The average ratio of cars to units in the survey is too low;
- The development will increase traffic congestion in Leinster Gardens; and
- If approved, the development should include a ban on parking permits for the new flats.

**PRESS ADVERTISEMENT / SITE NOTICE**  
Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site is located on the western side of Leinster Gardens. It contains five, seven storey, Grade 2 listed buildings located within the Bayswater Conservation Area. These buildings have been laterally converted historically and are currently used as a single hotel premises (Use Class C1).

### **6.2 Recent Relevant History**

#### 16/04404/FULL

Conversion to 32 flats and associated internal works; rebuilding of mansard roof level; external works, including alterations to rear fenestration.



Permission was refused on 13 September 2017 for the following reason:

1. The proposed development fails to provide an appropriate on-site affordable housing contribution and the applicant has failed to demonstrate why they cannot provide affordable housing off-site or failing that an appropriate financial affordable housing contribution. Accordingly, the proposed development would be contrary to policy 3.12 of the London Plan (adopted March 2016), policy S16 of the City Plan (adopted November 2016), policy H4 of the Unitary Development Plan (adopted January 2007), the Mayor of London's Affordable Housing and Viability Supplementary Planning Guidance (adopted August 2017) and the Interim Note on the Affordable Housing Policy (April 2015).

This decision has been appealed and is scheduled for a public inquiry starting on 4 June 2019.

16/04405/LBC

Conversion to 32 flats and associated internal works; rebuilding of mansard roof level; external works, including alterations to rear fenestration.

Granted - 13 September 2017

## 7. THE PROPOSAL

Planning permission and listed building consent are sought for conversion of the existing hotel (Use Class C1) into 32 residential units (Use Class C3). To facilitate the proposed conversion, internal alterations, including relocation of walls and reinstatement of party walls are proposed. Reconstruction of the existing mansard roof level and rationalisation of roof top plant are also proposed. Fenestration alterations to the rear elevation are also proposed.

The proposed conversion would result in the following changes to floorspace on-site:

USE	EXISTING GIA (sqm)	PROPOSED GIA (sqm)	CHANGE
Hotel	3695	-	-3695
Residential Units	-	3563	+3563

The proposal would provide the following mix of units:

Unit Type	No. of Units
1 Bed	17
2 Bed	4
3 Bed	9
4 Bed	2
<b>TOTAL</b>	<b>32</b>

The proposed development is identical to that refused permission under application RN: 16/04404/FULL and granted consent under application RN: 16/04405/FULL. However,

the viability position of the development has changed and the application includes an amended affordable housing contribution. This is discussed further below.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **8.1.1 Loss of Hotel Use**

Policy TACE1 of the Unitary Development Plan (January 2007) (“the UDP”) and policy S23 of the City Plan (November 2016) (“the City Plan”) allow for the loss of existing hotels outside the CAZ, CAZ Frontages and the PSPA, in areas of over-concentration of hotels, such as Bayswater and Pimlico where existing hotels are causing adverse effects on residential amenity. The policy application wording notes that “hotels that are not purpose built and do not have adequate provision for servicing, especially for coaches, are more likely to give rise to adverse effects on local resident’s amenity and environmental quality”. Paragraph 8.12 of the UDP identifies that such premises are appropriate candidates for conversion to residential use and that this will be encouraged.

The application site does not have any provision for off-street servicing and nor could this be provided given the impact this would have on the special architectural and historic interest of these grade 2 listed buildings or the character and appearance of the Bayswater Conservation Area. The buildings were originally built as five large townhouses and not as a purpose-built hotel premises. Being listed, the layout and accommodation that can be provided by the premises is compromised by the impact that internal alterations would have on the special interest of the building. As such, the principle of returning the building to permanent residential use is supported in land use terms.

Accordingly, loss of the hotel use is supported by policies TACE 1 of the UDP and policy S23 of the City Plan.

#### **8.1.2 Residential Use**

Policies H3 of the UDP and S14 of the City Plan seek to encourage the provision of more residential floorspace including the creation of new residential units and encourage changes of use from non-residential uses to residential use. Accordingly, the provision of residential flats on this site is supported in principle.

#### Affordable Housing

Policy 3.12 of the London Plan states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regards to several factors, including the need to encourage rather than restrain residential development and the specific circumstances of individual sites. The latter includes development viability.

The proposal would result in new residential floorspace exceeding 1,000 square metres of Gross Internal Area (GIA). As such, policy S16 of the City Plan requires an affordable housing contribution.

Policy S16 requires this affordable floorspace to be provided on-site. Only where the Council considers that this is not practical or viable, affordable housing should be provided off-site in the vicinity. Off-site provision beyond the vicinity will only be acceptable where the Council considers that the affordable housing being offered is greater and of a higher quality than would be possible on or off-site. A financial contribution in lieu will only be acceptable where the above options are not possible.

Based on the total residential floorspace of approximately 3563 square metres GIA and the City Council's Interim Guidance Note on Affordable Housing (November 2013) ("the Interim Note"), there is a requirement for 880 square metres (or 11 units) of affordable floorspace to be provided. This equates to a financial contribution of £4,447,520, should it be accepted that the other options in the policy cascade are not appropriate.

In this instance, the applicant proposes no affordable housing on-site, off-site in the vicinity or off-site within the City. They have instead offered a financial contribution of £554,958.00, contending that any contribution higher than this would make the development unviable. This offer is an increase from the £381,505.00 contribution offered under the previously refused application (RN: 16/04404/FULL).

#### *On-site or Off-site Provision*

Unlike the previously refused application, the applicant has provided evidence to demonstrate that it would not be feasible to provide affordable housing on-site. The viability report that accompanied the application and the City Council's review of the same (discussed in further detail below) conclude that the £554,958.00 financial contribution proposed could translate into a maximum of two affordable units on-site. This would be comprised of one social unit and one intermediate unit. No additional affordable units could be provided on-site without making the development unviable, thereby preventing the entire 32 residential units coming forward.

The applicant has provided a marketing report from Affordable Spaces, an estate agency that specialises in marketing affordable housing units to housing associations and providers. Despite approaching over 90 housing associations and providers, none are interested in taking on these units. Feedback from these housing associations and providers indicates that the small number of units proposed makes them unattractive to these housing associations and providers. Octavia Housing in particular also advised that their pipeline of small affordable units is full and they have no interest in them at the present time. Affordable Spaces and the City Council's own review also note that the high value of these affordable units, the listed status of this building and the high service charge contributions associated with this, make these units unattractive to housing associations and providers.

Given the above, the applicant has demonstrated that an on-site affordable housing contribution would not be appropriate. The above rationale also applies to off-site provision within Westminster and as it relates specifically to this development. It should also be noted that the applicant does not own any other sites within Westminster within which to accommodate these units. Accordingly, the applicant has satisfactorily demonstrated that provision of an affordable housing contribution on-site or off-site would not be possible in this particular instance.

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*Payment in Lieu*

As noted above, the applicant has provided a viability appraisal that demonstrates that the development could provide a financial contribution of £554,958.00 toward the City Council's affordable housing fund. This appraisal has been reviewed on behalf of the City Council by Avison Young (formerly GVA) who also reviewed the viability appraisal submitted with the previously refused application. Avison Young conclude that the £554,958.00 financial contribution offered by the applicant is the maximum that the development can viably provide.

It should be noted that this financial contribution is considerably lower than the £3,344,001.00 contribution that Avison Young concluded as viable under the refused development. However, that assessment took place nearly two years ago. In the intervening period, hotel values have increased markedly whilst residential property values have decreased within Westminster. This impacts the viability assessment in two key ways. The cost of the development (i.e. acquiring the hotel) for the applicant has increased whilst income from the development (i.e. the value of the flats created) for the applicant decreases. This results in the residual sum from the development diminishing from the £3,344,001.00 calculated two years ago, to the £554,958.00 figure calculated today.

Given the above, the £554,958.00 financial contribution offered by the applicant is considered the maximum viable contribution that the development can provide, having regard to guidance within the NPPF and PPG. Accordingly, and having regard to the specific circumstances in this instance, the applicant has overcome the reason for refusing the previous application.

*Precedent*

It is a long-standing principle in planning that each case must be assessed on its merits, having regard to the specific development proposed, the specific circumstances of the site and the state of the development plan at the time the application is considered. As these three factors will be very rarely, if ever, the same for developments on different sites, it is very rare that precedents are set in planning. In this instance, approval of this application in light of the specific circumstances of this application and site would not set a precedent for developers elsewhere seeking to reduce their affordable housing obligations.

It should also be noted that the development plan will change in the very near future. The City Council will soon begin formal consultation on a revised City Plan 2019-2040 that will include new policies on affordable housing provision. Once this consultation begins, weight can be attributed to the revised City Plans policies. As per paragraph 57 of the NPPF, developers will be expected to meet the affordable housing obligations set out in the up to date policies of the City Plan and viability arguments will only be acceptable in exceptional circumstances. As such, the development plan will be different for future applications. Notwithstanding the circumstances of this application, this important change to the development plan in the near future will preclude use of this application as a precedent for developers elsewhere seeking to reduce their affordable housing obligations.

### Residential Mix and Standard of Residential Accommodation

Policy H5 of the UDP requires 'one third' of the units to be family sized units (i.e. with 3 bedrooms or more), as specified in policy H5 of the UDP. In this instance, approximately 34% of the proposed units would be family sized which would be consistent with policy H5 of the UDP.

The proposed flats would all meet the size requirements of the Nationally Described Space Standard (March 2015) and policy 3.5 of the London Plan (March 2016). Accordingly, the proposed flats would provide an acceptable standard of accommodation.

## **8.2 Townscape and Design**

### Roof Level Alterations

The existing mansard structures are a more recent addition to the building, and their reconstruction will not therefore remove historic fabric. The new mansards are to be faced in natural slates, and are designed generally in line with the City Council's guidance on mansard roof extensions, with one exception that the party wall upstands are not fully expressed. Were the development otherwise acceptable, an amending condition would be recommended requiring that the party walls are expressed externally between each building to avoid the appearance of a continuous structure above buildings designed originally as distinct and separate terraced houses. To the front the dormer windows are more appropriately sited lower down the roofslope than the existing, and are more traditionally detailed. To the rear the existing mansard has a particularly unattractive modern rear elevation and the change to a traditional mansard would be a marked improvement.

There are numerous pieces of plant equipment scattered to roof level, and though there are no clear details of when these were authorised, many appear relatively longstanding features of the building. The roofline of the building would be rationalised with a new lift overrun and a single plant enclosure in place, with other equipment removed. The lift overrun and larger plant enclosure are located more towards the north end of roof level and will thus be off axis from the long view west on Queen's Gardens and as such will not likely be visible from street level to the east. To the west they may be visible from several viewpoints on Porchester Terrace though these are generally more glimpsed views and/or through tree cover. Overall, the works will tidy up the roof of the building, which is welcomed in design terms.

### Entrance Doors

The existing entrance doors are generally of poor quality, and their replacement with new entrance doors in a traditional panelled arrangement with fanlight above would notably improve the character of the frontage of the building.

### Front Elevation

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Flues are to be removed to first, second and third floor levels on the front elevation of the building, which is welcomed in design terms and would give a less cluttered appearance to the front elevation.

The front lightwells would be largely restored to more like their original form, which would restore a good sense of the original relationship between building and front garden. Were the development otherwise acceptable, further details of the balustrading for these newly opened areas of lightwell would be secured by condition, as would details of the privacy screens within the lightwells to ensure they are not visible above the top of the lightwells. The new doors facing onto this area are not assured in design, and an amending condition would also be recommended to secure a more appropriate design.

### Rear Elevation

The rear elevation has been heavily altered over the years, with much of its original character significantly altered. The scheme sees the installation of new windows to the rear in a more traditional pattern of white framed sash windows, and would notably improve the appearance of this modernised elevation.

The rear areas of these buildings are also to have lightwells reinstated back to more like their original form, revealing the original rear elevation lines as open to the lightwells, which is welcomed in design terms.

### Internal Alterations

The original staircases are to be retained, and to one section a new staircase would be restored back to a location from where it has been removed in the past. Overall, the party walls between the properties would have a similar degree of openings as at present. Although the works internally are extensive, they are affecting buildings already greatly altered in design terms. Internally, secondary glazing is also proposed to be added to the windows, which is acceptable in itself.

Overall and given the above, the proposed development would preserve the special architectural and historic interest of this listed building and the character and appearance of the conservations area. Accordingly, the proposed development would be consistent with policies S25 and S28 of the City Plan and policies DES 1, DES 5, DES 6, DES 9 and DES 10 of the UDP.

## **8.3 Residential Amenity**

The proposed flats would result in less people coming and going to the site in comparison to the existing hotel. Accordingly, the proposed use would result in less potential noise and disturbance for the occupiers of neighbouring properties from the occupants of the development.

The proposed mansard extension would occupy a similar volume to the existing mansard extension. Accordingly, it would not result in significant or unacceptable losses of light or sense of enclosure.

The fenestration alterations proposed would have a comparable degree of outlook to the existing windows within the hotel. Accordingly, the proposed development would not result in unacceptable loss of privacy through overlooking.

The proposal includes mechanical plant. Conditions are recommended to control mechanical plant noise to protect the occupiers of neighbouring sites amenity.

Given the above, the proposed development would be consistent with policy S29 of the City Plan and policies ENV 7 and ENV 13 of the UDP.

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

SEBRA and the objector is concerned that the proposed development will increase on-street parking stress and traffic congestion within the area. The objector also identifies several concerns with the Transportation Assessment supporting the development.

The Highways Planning Manager has reviewed the proposed development. The proposed development includes no on-site car parking. Census information also indicates that 31% of households within this ward own at least one car. It is therefore likely that approximately one third of this development's residents would own cars (i.e. 11 cars).

Policy TRANS23 of the UDP details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency.

The City Council's most recent day and night time parking surveys indicate that on-street parking occupancy is 68% and 78% respectively. It should be noted that this survey is more up to date than the 2011 information relied upon by the applicant and if anything, shows a reduction in on-street parking demand from the 2011 survey. As such, any additional on-street parking generated by the proposed residential units can be absorbed into the surrounding street network. Therefore, the proposed development would be consistent with policy TRANS23 of the UDP and an objection to parking congestion associated with the development cannot be sustained.

The Highways Planning Manager also notes that at least 47 secured and covered cycle spaces would be required for the proposed flats under policy 3.16 of the London Plan (March 2016). However, only 36 are proposed. Were the development otherwise acceptable, a condition would be imposed to secure the required 47 spaces.

Sufficient on-site waste storage has been provided on-site, consistent with policy TRANS20 of the UDP.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

All flats would be accessible by lift and have been designed to meet Lifetime Homes Standard. Given the constraints of this listed building, the applicant has made adequate provision for access.

**8.7 Other UDP/Westminster Policy Considerations**

None

**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**

This application raises no strategic issues.

**8.10 National Policy/Guidance Considerations**

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

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

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

**8.11 Planning Obligations**

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

As the proposal results in a decrease in floorspace and the existing use is still operational, no CIL payment is applicable.



## 8.12 Environmental Impact Assessment

The development is not of sufficient scale to require an Environmental Impact Assessment.

## 8.13 Other Issues

### 8.13.1 Construction Impact

Given the scale of the proposed development, conditions are recommended to control construction hours and require compliance with the City Council's Code of Construction Practice. Subject to these conditions, the proposed development would adequately mitigate the impact of construction arising from its implementation.

### 8.13.2 City Council's Website

SEBRA's comments with the order documents appear on the City Council's website is noted and will be addressed as part of the ongoing planning review. However, all documents that accompanied the application, including the full design and access statement, were made available on the City Council's website. Accordingly, no further consultation is necessary.

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

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

9. KEY DRAWINGS



Existing Front Elevation



Proposed Front Elevation



Existing Rear Elevation



Proposed Rear Elevation



Existing Lower Ground Floor Plan



Proposed Lower Ground Floor Plan



Existing Ground Floor Plan



Proposed Ground Floor Plan



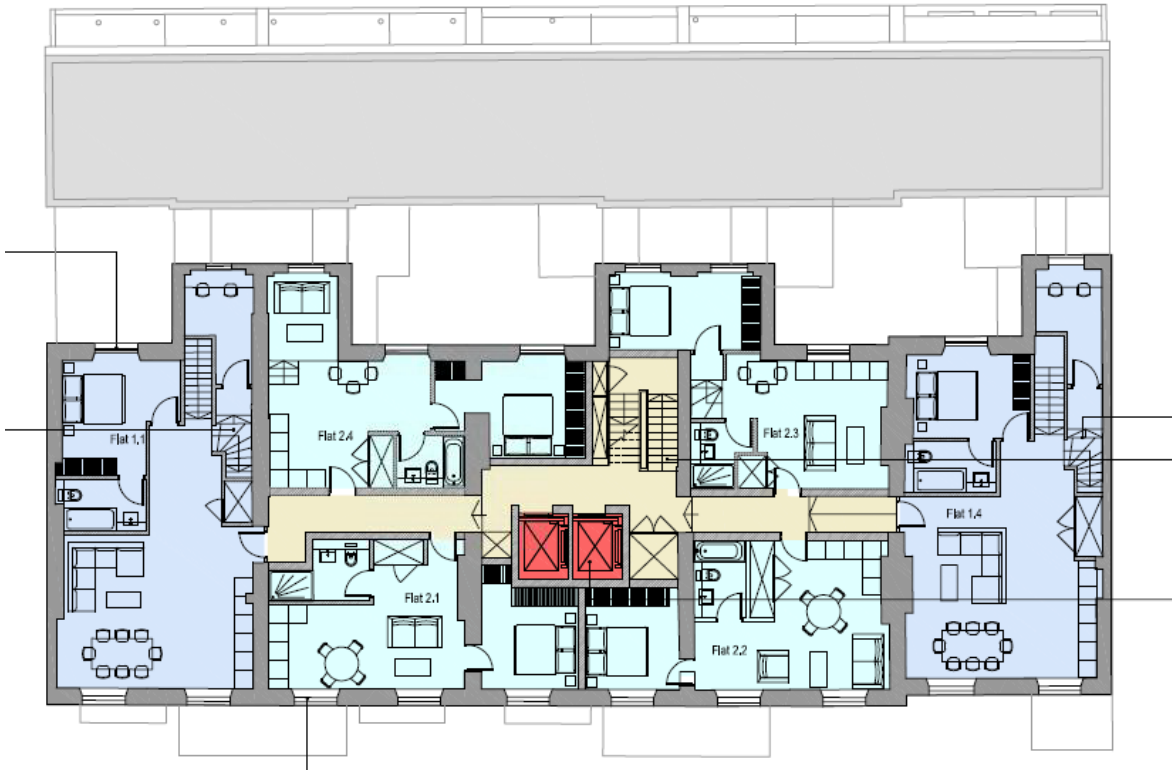
**Existing First Floor Plan**



**Proposed First Floor Plan**



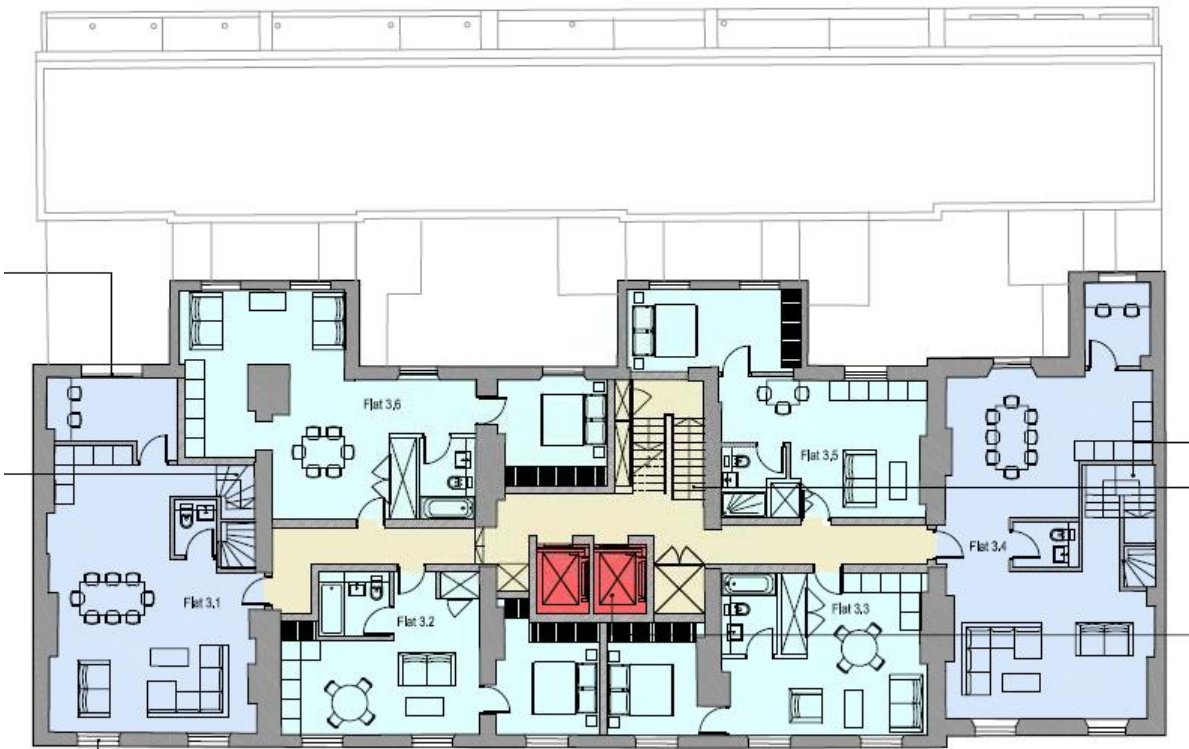
**Existing Second Floor Plan**



**Proposed Second Floor Plan**

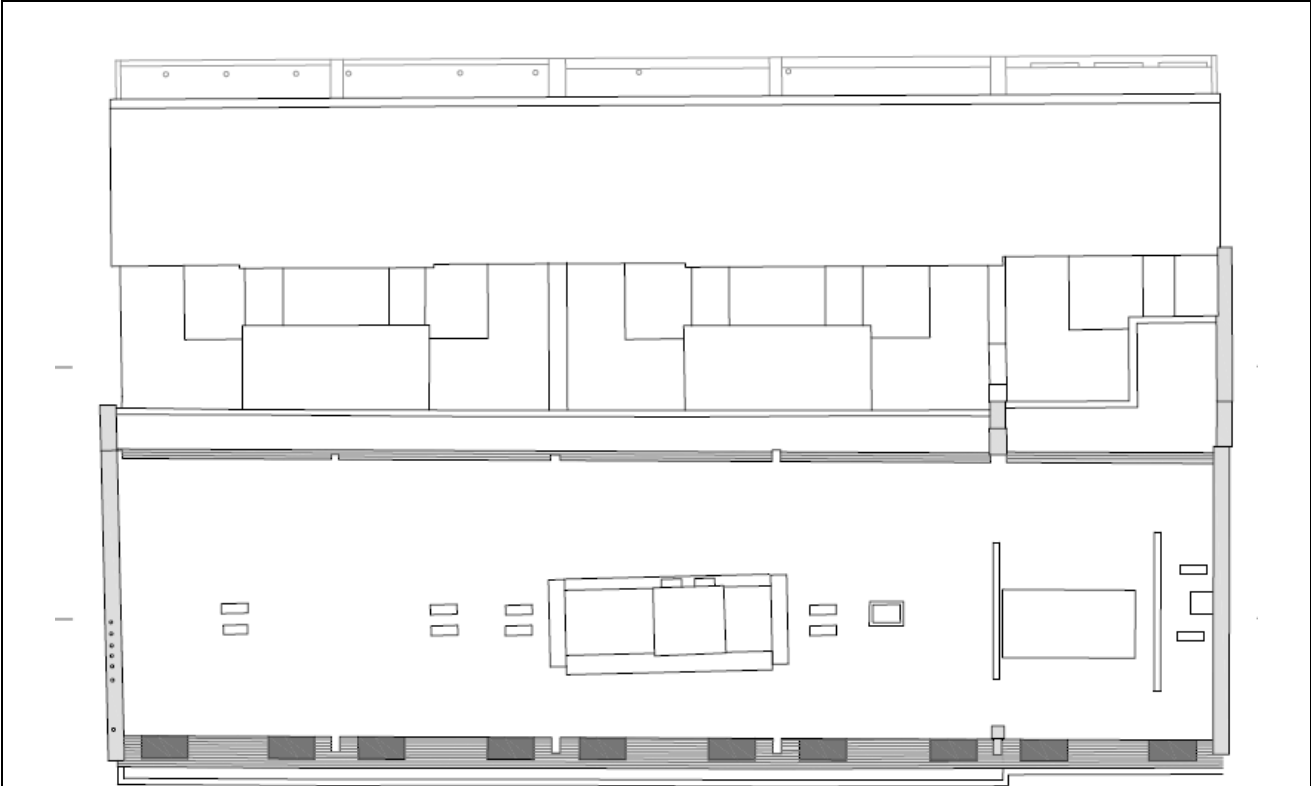


**Existing Third Floor Plan**

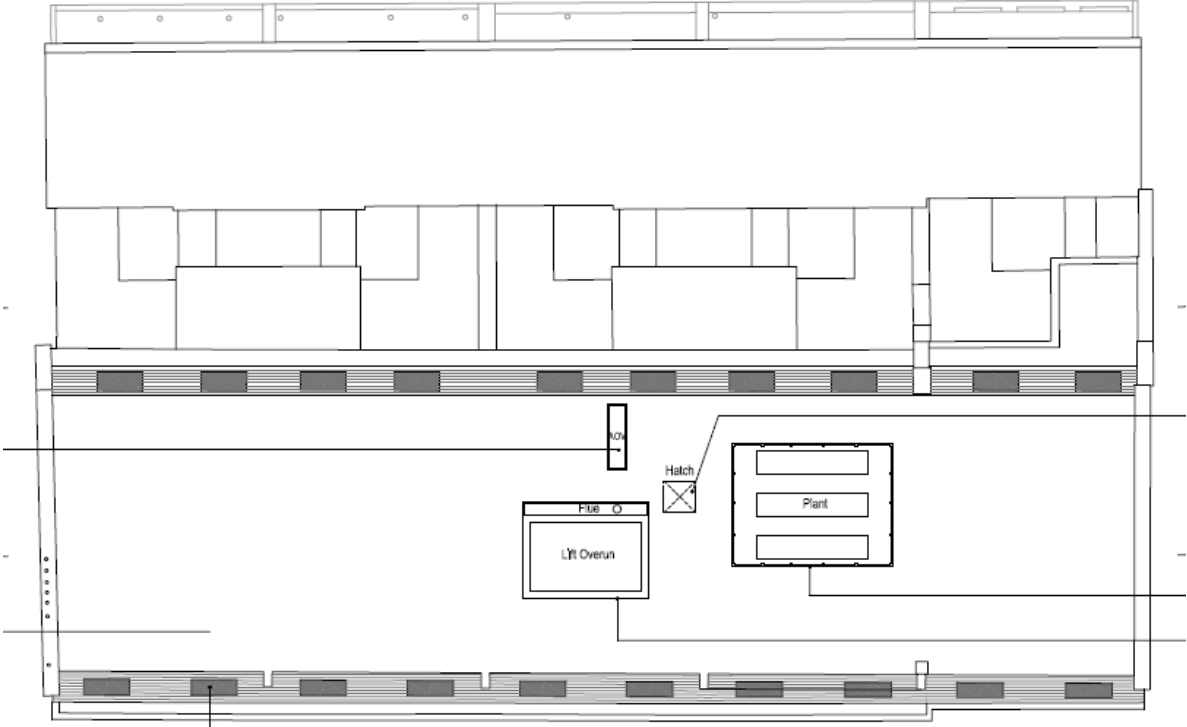


**Proposed Third Floor Plan**





**Existing Roof Plan**



**Proposed Roof Plan**



**Existing Section**



**Proposed Section**

**DRAFT DECISION LETTER**

**Address:** Holiday Villa Hotel, 35-39 Leinster Gardens, London, W2 3AN,

**Proposal:** Conversion to 32 flats and associated internal works; rebuilding of mansard roof level; external works, including alterations to rear fenestration. (Linked to 19/02068/LBC)

**Reference:** 19/02067/FULL

**Plan Nos:** 1422-0100 Rev A, 1422-0101 Rev A, 1422-0102 Rev A, 1422-0103 Rev A, 1422-0104 Rev A, 1422-0106 Rev A, 1422-0107 Rev A, 1422-0200 Rev A, 1422-0201 Rev A, 1422-0202 Rev A, 1422-0203 Rev A, 1422-0204 Rev A, 1422-0205 Rev A, 1422-0206 Rev A, 1422-0300 Rev A, 1422-0301 Rev A, 1422-0302 Rev A, 1422-1107 Rev G, 1422-1110 Rev E, 1422-1125 Rev D, 1422-1126 Rev D, 1422-1143 Rev E, 1422-1151 Rev C, 1422-1154 Rev E, 1422-1162 Rev E, 1422-1200 Rev D, 1422-1201 Rev D, 1422-1202 Rev D, 1422-1203 Rev E, 1422-1204 Rev E, 1422-1205 Rev E, 1422-1206 Rev E, 1422-1300 Rev D, 1422-1301 Rev D, 1422-1302 Rev D, 1422-0900, 1422-0901, 1422-0902, 1422-0903, 1422-0904, 1422-0905, 1422-0906, 1422-0907, 1422-0910, 1422-0911, 1422-0912, 1422-0913

**Case Officer:** Nathan Barrett

**Direct Tel. No.** 020 7641 5943

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

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

Reason:

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

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

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

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

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

Reason:

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

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

- 3 Prior to the commencement of any
- (a) demolition, and/or
  - (b) earthworks/piling and/or
  - (c) construction

on site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

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

- 4 The pitched roofs of the new mansard structures to fifth floor level shall be clad in natural slates, and the dormers shall be clad in lead to sides, cheeks and roofs

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

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

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

- 6 The plant enclosure to main roof level shall be painted or otherwise treated and permanently maintained in a mid to dark grey or black colour, and shall be maintained in that colour thereafter

Reason:

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

- 7 The new windows shall be formed in glazing and white painted timber framing

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

- 8 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:-

Doors to the front elevation at lower ground floor level designed as single width doors without side lights

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

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

- 9 You must apply to us for approval of a sample of the stone you will use to pave the front lightwells and front forecourt. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

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

Party wall upstands externally expressed to the front, rear and roof between each of the original

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buildings comprising nos. 35-39 Leinster Gardens

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

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 Bayswater 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)

- 11 The new party wall upstands shall be faced in render and painted and permanently maintained in a colour to match the colour of the render to the front elevation

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 Bayswater 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)

- 12 You must apply to us for approval of detailed drawings (including confirmation of materials and colour of finish) of the new balustrading to the front forecourt of the building at ground floor level. 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 drawings. (C26DB)

Reason:

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

- 13 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

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 Bayswater 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)

- 14 You must apply to us for approval of plan, elevation and section drawings showing the privacy screens to the front lightwell and their relationship with the height of the front lightwell (including any balustrading adjacent) and with the ground floor entrance porch structures. 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 drawings. (C26DB)

Reason:

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

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

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methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 17 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. 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 flats. (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)

- 18 You must apply to us for approval of details of secure cycle storage for the 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)

- 19 You must not use the roof of the building for sitting out or for any other purpose. You can



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however use the roof to escape in an emergency. (C21AA)

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.
  
- 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://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 are advised that with regards to condition 14, the details should show privacy screens not visible from the pavement outside the site.

**DRAFT DECISION LETTER**

**Address:** Holiday Villa Hotel , 35-39 Leinster Gardens, London, W2 3AN

**Proposal:** Conversion to 32 flats and associated internal works; rebuilding of mansard roof level; external works, including alterations to rear fenestration (Linked to 19/02067/FULL).

**Reference:** 19/02068/LBC

**Plan Nos:** 1422-0100 Rev A, 1422-0101 Rev A, 1422-0102 Rev A, 1422-0103 Rev A, 1422-0104 Rev A, 1422-0106 Rev A, 1422-0107 Rev A, 1422-0200 Rev A, 1422-0201 Rev A, 1422-0202 Rev A, 1422-0203 Rev A, 1422-0204 Rev A, 1422-0205 Rev A, 1422-0206 Rev A, 1422-0300 Rev A, 1422-0301 Rev A, 1422-0302 Rev A, 1422-1107 Rev G, 1422-1110 Rev E, 1422-1125 Rev D, 1422-1126 Rev D, 1422-1143 Rev E, 1422-1151 Rev C, 1422-1154 Rev E, 1422-1162 Rev E, 1422-1200 Rev D, 1422-1201 Rev D, 1422-1202 Rev D, 1422-1203 Rev E, 1422-1204 Rev E, 1422-1205 Rev E, 1422-1206 Rev E, 1422-1300 Rev D, 1422-1301 Rev D, 1422-1302 Rev D, 1422-0900, 1422-0901, 1422-0902, 1422-0903, 1422-0904, 1422-0905, 1422-0906, 1422-0907, 1422-0910, 1422-0911, 1422-0912, 1422-0913

**Case Officer:** Julian Bennett

**Direct Tel. No.** 020 7641 5943

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

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

Reason:

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

- 2 All new work and improvements inside 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. (C27)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraphs 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 The solid elements to the new entrance doors to the front elevation shall be formed in painted timber

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary

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Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 The pitched roofs of the new mansard structures to fifth floor level shall be clad in natural slates, and the dormers shall be clad in lead to sides, cheeks and roofs

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 6 The plant enclosure to main roof level shall be painted or otherwise treated and permanently maintained in a mid to dark grey or black colour, and shall be maintained in that colour thereafter

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 7 The new windows shall be formed in glazing and white painted timber framing

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 8 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

-Doors to the front elevation at lower ground floor level designed as single width doors without side lights.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 9 You must apply to us for approval of a sample of the stone you will use to pave the front lightwells and front forecourt. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

-Party wall upstands externally expressed to the front, rear and roof between each of the original buildings comprising nos. 35-39 Leinster Gardens.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 11 The new party wall upstands shall be faced in render and painted and permanently maintained in a colour to match the colour of the render to the front elevation

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 12 You must apply to us for approval of detailed drawings (including confirmation of materials and colour of finish) of the new balustrading to the front forecourt of the building at ground floor level. 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 drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary

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Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 13 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 16 You must apply to us for approval of plan, elevation and section drawings showing the privacy screens to the front lightwell and their relationship with the height of the front lightwell (including any balustrading adjacent) and with the ground floor entrance porch structures. 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 drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (July 2016), and the City of Westminster

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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 character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and sections 5 and 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You are advised that with regards to condition 16, the details should show privacy screens not visible from the pavement outside the site.

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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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14 <sup>th</sup> May 2019	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> Bayswater	
<b>Subject of Report</b>	<b>36 Westbourne Park Road, London, W2 5PL,</b>		
<b>Proposal</b>	Excavation of basement floor below existing house and front garden with associated front lightwell; demolition of existing front garage and replacement front boundary; replacement of existing three storey wing with enlarged three storey side extension; replacement of existing ground and first floor rear extensions with new extensions at ground and first floor, with a terrace at rear first floor level with 1.8m high privacy screen and addition of railings to rear elevation at first floor level.		
<b>Agent</b>	Mr Matt Richards		
<b>On behalf of</b>	F Mckinnon		
<b>Registered Number</b>	18/04625/FULL	<b>Date amended/ completed</b>	11 December 2018
<b>Date Application Received</b>	31 May 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Westbourne		

**1. RECOMMENDATION**

Grant conditional permission

**2. SUMMARY**

The application site comprises a 3 storey unlisted end-of-terrace dwelling house located within the Westbourne Conservation Area. It is also located within a 'Surface Water Hotspot' as identified within Westminster's Supplementary Planning Document 'Basement Development in Westminster'. Permission is sought for the excavation of a new basement floor below the existing house and the front garden and the formation of a front lightwell, the replacement of the existing side extension with an enlarged side extension, and replacement rear extensions at ground and first floor rear with a roof terrace and associated privacy screen and railings at rear first floor level.

Councillor Payne has objected to the proposal on the grounds of residents' concerns that the excavation under the garden makes the basement excessive in size, that the first-floor roof has not been previously used as a terrace as claimed by the applicant, the potential subsidence risk created by the excavation and the design of the rear extensions not being in keeping with the area.

Objections have been received from neighbours on these grounds and on grounds of the impact on residential amenity in terms of loss of light and an increase sense of enclosure to the neighbouring property at no. 34; impact on trees; and the impact of the development during construction. Support has also been received from local residents on grounds that the proposal would improve the existing property in terms of appearance, being sympathetic to the conservation area and also welcoming the loss of the detached garage.

The key issues for consideration in this case are:

- Whether the proposals preserve or enhance the character and appearance of the conservation area and building;
- Impact of the proposal on the amenity of the neighbouring residents;
- Impact of the proposals on trees; and
- Compliance with Westminster's basement policy

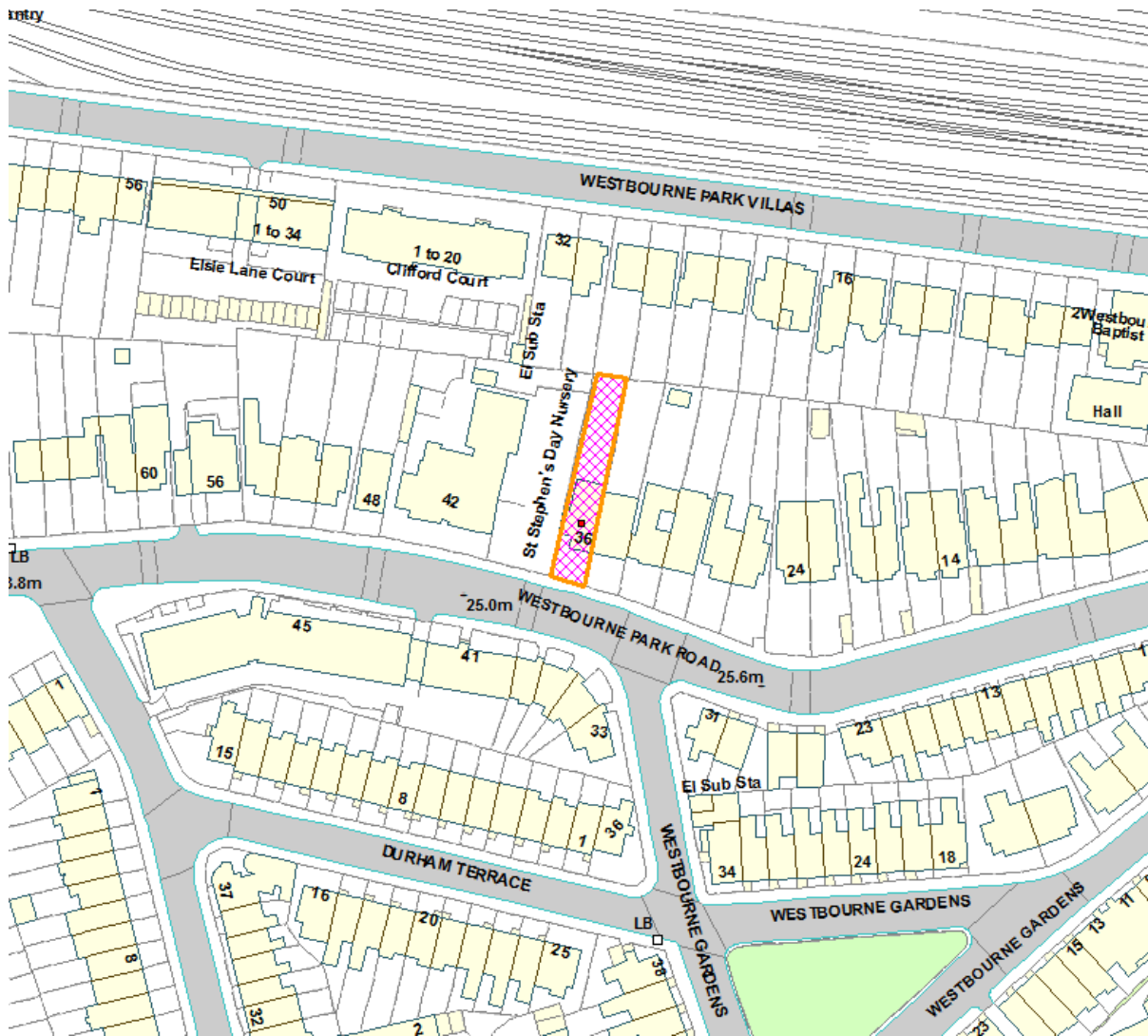
Following advice from Officers, revisions were submitted to the Council and a subsequent further round of consultation undertaken. The revisions consist of

- The description of the proposal has been revised to include the addition of railings to rear elevation at first floor level;
- Reduction in scale of proposed rear extensions; including reduction in width of rear extensions; reduction in height of the ground floor rear extension and reduction in height of two storey side extension
- Reduction in scale of the basement extension to the front to allow for an increased margin of undeveloped land; and proposed front lightwell is now reduced in size;
- Design of doors and fenestration to rear elevation have been revised
- Revised Tree Survey and Impact Assessment; Tree Method Statement; Tree Protection Plan and Tree Constraints Plan
- Revised Structural Method Statement
- Details of permeable hard landscaping

Despite the objections raised, and subject to appropriate conditions as set out in the draft decision letter appended to this report, the proposed development is considered to comply with the relevant policies in Westminster's City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (UDP). As such, the application is recommended for approval.



3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation



Rear Elevation

## 5. CONSULTATIONS

### Consultation on Initially Submitted Scheme – June 2018

#### WARD COUNCILLORS FOR BAYSWATER

Councillor Payne has raised the following concerns and points:

- The proposed basement under the front garden is excessive
- The first floor at the rear has never been used as a terrace
- The plans for the back of the property are in keeping with the area
- Westbourne Park Road has historically had subsidence issues therefore extensive basements need to be avoided as much as possible
- Westbourne Park Road has a policy of allowing garden rooms at the bottom of the garden which would easily house a gym without causing the same disruption as a basement under the front garden

#### BAYSWATER RESIDENTS ASSOCIATION

No response to date

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No response to date

#### BUILDING CONTROL

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of ground water has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The proposals to safeguard adjacent properties during construction are considered to be acceptable. No objection

#### ARBORICULTURAL OFFICER

Objection – Insufficient Information to support the application. Arboricultural Impact Statement does not include an assessment of the impact on two mature plane trees in front garden of adjacent property (38-40 Westbourne Park Road) or an explanation as to how the rear extensions will be rebuilt without harm to the pear tree in rear garden.

#### HIGHWAYS PLANNING OFFICER

No objection

#### THAMES WATER

No objection subject to recommended conditions and informatives relating to surface and ground water drainage.

#### LOCAL FLOOD AUTHORITY

No objection as the development does not provide an increase in impermeable surface although the opportunity to increase SUDs has not been taken.

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

No. Consulted: 30

Total No. of replies: 15

No. of objections: 9 (including 2 from the same resident)

No. in support: 6

In summary, the objections raised on the following grounds:

#### Design

- The proposal is out of character with the conservation area; not respectful of the pattern of the development on adjoining properties
- The proposed first floor rear extension is too large and should be scaled back.
- The proposed basement under the front garden is too large/an overdevelopment of the site
- The proposed design and materials of the fenestration of the proposed extensions is out of character with the area due to its incongruous doors and windows
- Unrendered brick work for extension unsuitable for Conservation Area and reinforces disparity between extension and main house.
- The Planning Statement is not correct where it states that the rear projection of the extension is of a similar depth as the existing projection at No 34; that proposed at No. 36 spans the entire width of the elevation and that at No. 34 is a closet wing on the outside (opposite side from the party wall)
- Metal railings on party wall out of keeping
- 1.8 meter privacy fence on party wall inappropriate and “congested appearance.

#### Amenity

- The proposed terrace should not be permitted;
- the existing flat roof has not been used as a terrace during the last 30 plus years. The use as a terrace would impact neighbours privacy and cause noise disturbance to nearby windows.
- The first-floor rear extension would result in an increased sense of enclosure to rear bedroom windows at no. 34 Westbourne Park Road;
- Loss of light to windows at no. 34
- Flat and is only accessible by a small window and DIY steps showing its use is not established.
- Allowing the terrace would set a precedent
- Terraces should not be permitted on the rear extension; the fact that the existing extension was built at a time when the Council was possibly not so strict on the use of roofs should not be a reason to permit a terrace on a new extension; it should be an opportunity to bring the new building in line with the current Council Policy.

#### Trees / Landscaping

- There are trees in the front garden of no. 38 whose roots may be affected
- The whole of the front garden will be excavated – presumably taking away any green aspect of the front garden in the process

#### Basement excavation

- City Plan Policy CM28.1 require basements leave a margin of undeveloped land- which should be a minimum of 0.5m to site boundaries; the proposal shows less than this at boundary with No 34 in the front garden;
- Site Investigation and Ground Movement Report has not adequately assessed front garden excavation.
- Because the basement needs to be below 1.2m of soil, and there is 2.8m ceiling height, the excavation in the front garden will need to be at least 4.5m, - substantially more than the Site Investigation & Ground Movement Report attached to the planning application. This report (dated 15 May 2018) makes further references to the basement extending to a depth of 3.5m and does not discuss the potential impact of digging a far deeper hole near the façade of no. 34.
- Front garden basement too large for size of garden
- A basement covering the entirety of the front garden will exacerbate surface water flooding
- There is no precedent for front garden extensions in the neighbourhood
- Risk of collapse from excavation

#### Other

- No Construction Management Plan (CMP) has been submitted
- Any consent for a basement should require monitoring devices to be installed at No. 34.
- Disruption during construction of this combined with other projects in vicinity.
- The plans are misleading by showing the retention of the side wall of the bay retained on the party wall position. This will need to be removed and rebuilt if the extension is approved. Request this rebuilt inside party wall line.
- No notices of planning application outside the house in question.
- No engagement with neighbouring occupiers by the applicant.
- Council should report on how objections from previous withdrawn application have been addressed or ignored.

#### Summary of support:

- The property is in a poor state of repair with an unsightly garage at the front; its restoration will improve the urban landscape significantly
- It will bring back into use a property that is currently partially or wholly empty
- This is the type of development that we should be supporting in Westminster
- The proposed development is an improvement; sensitive, respectful and attractive
- Positive that no excavation under the rear garden
- Supportive of creating a family home; the changes make the rooms work for modern living;
- Support reduction in size of terrace.
- This will be a great asset to the conservation area

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**Consultation on revised drawings and documents – February 2019 (including on the revised description)**

WARD COUNCILLORS FOR BAYSWATER

Cllr Payne requests previous objection is included as formal representation.

BAYSWATER RESIDENTS ASSOCIATION

No response to date

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No response to date

BUILDING CONTROL

No response

ARBORICULTURAL OFFICER

No objection following the submission of further information subject to conditions requiring the submission of details and implementation of a landscape scheme and tree protection measures.

HIGHWAYS PLANNING OFFICER

No objection

THAMES WATER

No objection subject to recommended conditions and informatives relating to relating to surface and ground water drainage.

LOCAL FLOOD AUTHORITY

No comments received

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 43

Total No. of replies: 7

No. of objections: 5

No. in support: 2

In summary, the objections raised on the following grounds:

Design

- Object to the design of the first-floor rear extension because it is set against the party line with No. 34 whereas customarily such a closet extension should be on the other side of the rear elevation. i.e. on the outside of the semi-detached pair of houses.

- Insensitive design of the rear extension; building materials out of keeping with the row of terraced and semi-detached houses in the street;
- The metal handrails and railing on the first-floor level party wall replacing the existing trellis is out of keeping

#### Amenity

- Continue to object to the rear roof terrace on privacy and noise grounds
- The flat roof at the back has never been used as a roof terrace in the past 30+ years;
- The proposed extension is significantly larger in depth and height than the existing one and therefore cause loss of light and sense of enclosure to the rear of No. 34 and particularly the first floor rear bedroom.

#### Other

- Absence of construction management plan and lack of engagement with neighbours by the applicant prior to the submission of this application.
- Concerned about the amount of disruption construction works would cause.

#### Summary of support:

- Apart from the objection to the roof terrace, in all other respects the revised application is otherwise vastly improved;
- Support the application on design grounds; an improvement to the existing situation.
- Support improving the appearance and upgrading of this family home.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises one half of a semi-detached villa which due to infill extensions between neighbouring properties has become an end of terrace property. It is an unlisted dwelling house located within the Westbourne Conservation Area. The property has an existing detached garage located at the front. The site is located within a 'Surface Water Hotspot' as identified within Westminster's SPD 'Basement Development in Westminster'. There are trees within the application site, including a Pear tree at the rear, which is in close proximity to the rear building line, and there are two mature London plane trees in the front garden of the adjacent property, 38-40 Westbourne Park Road.

### 6.2 Recent Relevant History

18/00743/FULL



Excavation of basement floor below existing house with lightwell to the front elevation; demolition of existing front garage and associated alterations to boundary walls and gates; demolition of existing side and rear extensions and erection of three storey side extension and full width two storey rear extension.

Application Withdrawn 23 March 2018

38-40 is currently being re-developed to provide two dwellinghouses, granted planning permission under RN 16/07913/FULL on 10 November 2016.

## **7. THE PROPOSAL**

Permission is sought for the excavation of a basement floor below the existing house and front garden with associated front lightwell; the demolition of the existing front garage and replacement of the front boundary; the replacement of an existing three storey wing with enlarged side elevation; the replacement of the existing ground and first floor rear extensions with new ground and first floor rear extensions, with a terrace at rear at first floor level and associated 1.8m high privacy screen along the party wall and addition of railings to rear elevation, at first floor level.

Further details and revised drawings have been submitted during the course of the application, to address concerns raised by the Council's Arboricultural Officer with regard to the impact of the excavation on nearby trees and the Council's Design and Conservation Officer with regards to the detailed design of the proposed extensions. The revisions to the original scheme included a reduction in the width of the rear first floor extension; a reduction in the height of the ground floor extension and the reduction in the height of the side extension. The scale of the proposed basement to the front was also reduced to allow for an increased margin of undeveloped land and the reduction in the size of the front lightwell. The design of the doors and fenestration to the rear elevation have been revised and railings have substituted a parapet wall to the rear elevation of the roof terrace. A revised Tree Survey and Impact Assessment, Tree Method Statement, Tree Protection Plan; Tree Constraints Plan, Structural Method Statement and details of permeable hard landscaping have also been submitted. A formal re-consultation was carried out following these revisions and additional documents being submitted.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

No change of use is proposed. The proposal results in additional residential floorspace, which is considered acceptable in land use terms and in accordance with Policy H3 of the UDP.

### **8.2 Townscape and Design**

It is proposed to demolish part of the existing rear extension and the existing side extension which are to be replaced with new extensions. The existing property has a

'half onion dome' projecting bay to the rear first floor. The loss of this feature is regrettable, however it is not a common feature within the immediate vicinity and therefore its loss may be considered acceptable providing the proposed extensions to the rear are of an appropriate design to the host property and the character of the Westbourne Conservation Area.

The scale and design of the rear extensions as originally proposed were considered to be excessive in height and width, with the parapet rising above the neighbouring extension and the steel framed arched windows having an industrial style. Overall, the impact was unacceptable.

The revised ground floor extension includes a step in the projection of the building line to reflect the position of the main building and a lower parapet height. The revised first floor extension involves a reduction its size so that it is now half width and similar in size to the existing extension at this level. The height of the side extension has been lowered slightly, so that it is now set below the eaves line and therefore more respectful of the roof. These alterations have reduced the size and bulk of the extensions and they are now considered acceptable in design terms.

The design of the windows and doors, including the windows to the side extension, have been revised to be in keeping with the original property and the character of the conservation area. The use of steel windows would be an acceptable deviation from the classical traditional of the Westbourne vernacular, despite the being typified by classical detailing with modest rear elevations. This is subject to the steel being used, rather than another metal, as this would have a different aesthetic.

The proposed screen 1.8m high privacy screen to the terrace adjacent to the boundary with no. 34 at first floor rear level is considered acceptable providing it is of timber. It is recommended that further details of this are reserved by condition should planning permission be granted. The proposed railings to the rear and side elevations are also considered to be acceptable, subject to being of metal and painted black.

The proposed alterations to the front include the removal of the detached garage and proposed landscaping which is a welcome improvement. However, the piers to the front boundary do not reflect a mid-19th century design, which would normally have a wider pier with a pyramidal pier cap. An amending condition is therefore recommended for revised details of the front boundary which will be required to be more reflective of 19th century design.

The extent of the proposed front lightwell has been reduced so that it is the width of the window and is acceptable.

The revised details of the proposed materials have been specified to be traditional stock brick for the proposed rear extensions, which is considered an improvement to the existing rendering, being more in keeping with the conservation area. All windows to the front elevation and upper floors to the rear elevation are to be white timber framed sashes, with the ground floor critall steel. A sample of the steel windows glazing profile is necessary to ensure these are steel and not a lesser design such as aluminium, which would not be acceptable.

Subject to a condition requiring details of the proposed materials to be submitted prior to commencement of works, the proposed extensions to the property and alterations to the front of the property as revised are considered to be acceptable and in accordance with Westminster's UDP policies DES 5, DES 7 and DES 9 and City Plan policies S25 and S28.

### 8.3 Residential Amenity

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

#### 8.3.2 Daylight and Sunlight

In terms of daylight and sunlight; the closest affected residential properties are at 34 Westbourne Park Road and No's 39, 37 and 39 Westbourne Park Road; 38-40 Westbourne Park Road (under construction at the time that this application was submitted) and 42 Westbourne Park Road, which is a care home.

The application is accompanied by a Daylight and Sunlight Assessment, to assess the impacts on these closest neighbouring properties. The report is based on the BRE Guidance: Site Layout Planning for Daylight and Sunlight (2011). The report concludes that, overall, the proposed development is not expected to cause any significant negative impact to daylight and sunlight to the surrounding properties and amenity spaces.

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide very good levels of daylight. Of the 93 windows identified as eligible for testing, all 93 will not experience a change in light exceeding the advisory levels set out within the BRE guidance.

In conjunction with the VSC test, the BRE Guidelines suggest that the distribution of daylight is assessed using the No Sky Line (NSL) test. This test separates those area of the working plan that can receive direct skylight and those that cannot. The BRE Guidelines suggest that this test is undertaken to existing surrounding properties when the internal arrangements are known. The impact of any reduction the BRE Guidelines suggest that if following construction of a new development, the no sky line moves so that the area of the existing room, which does not receive direct skylight, is reduce to less than 0.8 times its former value, this will be noticeable to occupants, and more of the room will appear poorly lit. Of the 66 rooms in neighbouring properties eligible for testing the NSL effect, 100% of the rooms met the criteria set out by BRE Guidelines.

In assessing loss of sunlight to existing buildings, the BRE Guidelines suggest calculating the Annual Probable Sunlight Hours (APSH) at the centre of each window on

the outside face of the wall. If this window can receive more than one quarter of APSH including at least 5%<sup>^</sup> of APSH in the winter months between 21<sup>st</sup> September and 21<sup>st</sup> March, then the room should still receive enough sunlight. Three of the surrounding buildings have windows facing the site and are within 90 degrees of due south; with 27 rooms affected. The APSH method of assessment indicates that 100% of all 27 rooms tested will be adherent to the BRE Guidelines.

The report concludes that the all properties relevant for assessment demonstrate full compliance with VSC, NSL and APSH criteria within the BRE Guidelines.

### 8.3.2 Sense of Enclosure

It is not considered that the development would have a significant impact on adjacent properties in terms of sense of enclosure. The proposed replacement extensions to the rear are to be similar in scale to the existing rear projections, although the proposed first floor extension adjacent to no. 34 would have a greater impact than existing. The depth of the existing 'half onion bay' feature is 1.35m beyond the rear wall of no. 34 and the proposed extension at first floor along this shared boundary is to be 1.7m. However, it's not considered that this slight increase in depth at this level would have an unduly harmful impact in terms of an increased sense of enclosure. The proposed 1.8m tall privacy screen on the party wall with no. 34 Westbourne Park Road to the roof at the rear at first floor level would be taller than the existing trellis fence at this level and would be a solid feature. There are three windows at first floor level at no. 34 Westbourne Park Road which may be directly affected by this. There are two windows which directly face the party wall; one of which is a bathroom window which has obscure glazing and the other is a bedroom window. However, this bedroom has two windows, the other of which is on the rear elevation of no. 34 which has an outlook to the rear gardens. As this window is not the sole window for this bedroom, it is not considered that there would be an unacceptable sense of enclosure to this bedroom. There is a rear elevation window to no. 34 which is to a large bedroom/dressing room. This room is also dual aspect, with there being a large window to the front elevation of no. 34 as well as the rear elevation window. It is not considered that there would be an unacceptable sense of enclosure to this room to warrant a refusal.

### 8.3.3 Privacy

A number of objections have been received with regards to the use of part of the rear ground floor extensions flat roof as a terrace on the grounds of the impact on privacy of neighbouring windows and gardens and the noise impact of such use.

The closest affected windows on the neighbouring property at no. 34 are a bedroom window on the rear elevation on the wall immediately adjacent to the party wall and two windows on the flank wall of no. 34, which face the party wall. One of these two windows is a bathroom window and is obscure glazed and the other is a bedroom window. This bedroom also has a second window on the rear elevation.

The proposed terrace would occupy the part of the new ground floor extension roof which is not glazed. It would be of a similar projection from the main houses rear wall as the existing flat roof and would be 50cm higher. The applicant claims that this roof has been used as a roof terrace and have provided photographic evidence of hard

landscaping, and tables and chairs on the roof to support this assertion. Several objectors have stated in their representations that the flat roof had not been used as a roof terrace for at least 30 years. It is clear however that the means of access to the flat roof i.e. sliding double doors from a first floor bay extension and steps down to the roof) and the means of enclosure i.e. the parapet wall and railings have been there for some time.

However, it is considered that the potential impact of the roof terrace on the privacy of neighbouring properties is mitigated by the privacy screen proposed along the boundary with No. 34 Westbourne Park Road which will be 1.8 metres in height from the roof terrace floor and replace and existing trellis.

It is however recommended that a condition is attached to any permission preventing the use of the first-floor rear extension as a terrace.

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

The proposal does not represent an increase in residential units or loss of parking and is therefore not contrary to UDP policy TRANS23. The City Council's Highways Planning Manager has no objection to the proposal. The development is therefore acceptable in highways terms.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

The proposals would not alter the existing access to this private dwellinghouse.

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

##### **8.7.1 Basement Development**

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

##### *Part A. 1-4*

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology proposed, as set out within a structural methodology statement prepared by an appropriately qualified structural engineer. It should be noted that this document was revised during the course of the application as the original document had assessed the incorrect depth for the proposed basement. This was brought to the attention of the agents by an objection received to the initial documents submitted for this application. As the property is situated within a Surface Water Hotspot Area as identified within Westminster's Basement SPD, a Flood Risk Assessment has also been submitted.

These documents have been reviewed by Building Control Officer who advises that the structural methodology proposed is appropriate for the ground conditions found on this

site. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched, and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using traditional sequenced underpinning with internal RC retaining walls which is considered to be appropriate for this site. The Building Control Officer confirms that the proposals to safeguard adjacent properties during construction are considered to be acceptable.

The Council's Policy Officer who deals with Sustainable Urban Drainage (SUDs) and assesses development proposals which are within areas where there may be flood risk, including within Surface Water Hotspot Areas, has also considered the proposal and the submitted documents. The Policy Officer had originally objected to the proposal as it had not been demonstrated mitigation measures will be incorporated in the design to mitigate the impact of the proposed development. The applicants have responded by providing details of proposed permeable hard-landscaping to the front garden which the Policy Officer has confirmed is considered to be sufficient for basement developments within Surface Water Hotspot Areas.

Thames Water has raised no objection to the proposals subject to a condition requiring a piling method statement to be submitted prior to any piling taking place as the works are in close proximity to underground sewerage utility infrastructure and also informatives relating to the potential requirement of Groundwater Risk Management Permit; the sequential approach to the disposal of surface water and notifying Thames Water if the applicant is planning on using mains water for construction purposes.

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

#### *Part A. 5 & 6*

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

Concerns have also been raised in relation to continual disturbance as a result of other basement developments in the area in the past and that another development will result in further disturbance. The City Council adopted its CoCP in July 2016 and if permission is granted, the applicants will be required to comply with the CoCP. This is a fundamental shift in the way the construction impacts of developments are dealt with relative to the position prior to July 2016. Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The new CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has

been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

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

The concerns of the neighbouring residents are at the heart of why the City Council has adopted its new Policy in relation to basements (CM28.1) and created the new CoCP. While the comments from the neighbours are noted, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible.

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

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

*Part B. 1&2*

The revised Tree Survey and Impact Assessment; Tree Method Statement; Tree Protection Plan and Tree Constraints Plan were submitted following concerns raised by the Council's Arboricultural Manager. There is a pear tree located within the rear garden immediately adjacent to the rear building line of the proposed extension which would be affected by the extensions at the rear and there are two plane trees located within the front garden of 38-40 Westbourne Park Road which also may be affected by the proposed basement. Following the revised information provided, the Arboricultural Manager is satisfied that the details submitted indicate that the proposal would not have an adverse impact on the Root Protection Area of trees, subject to a condition requiring tree protection measures to be implemented prior to commencement of works as standard.

*Part B. 3*

Natural ventilation to the basement level would be provided via the associated lightwell at the front of the property.

*Part B. 4 & 7*

The only external manifestation of the basement would be lightwell to the front, which are not considered to have a significant impact in terms of sustainable urban drainage. The element of the basement which is not subterranean is set in from the boundaries, including a set in of more than 0.5m from the side boundary with no. 34 Westbourne Park Road at the front, to provide drainage.

*Part B. 5&6*

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

*Part C. 1*

The proposed basement does not extend under more than 50% of this garden area. A margin of undeveloped garden land is retained around the proposed basement where it is not located beneath the above ground buildings. This part of the policy is therefore considered to have been met.

*Part C. 2*

Where not subterranean to the footprint of the upper floors of the house, the proposed basement will be below a soil depth/drainage layer of 1.2m.

*Part C. 3*

The proposed basement is to be one storey below the lowest original floor level of the house, and so the proposal is in accordance with this part of the policy.

*Part D*

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

### **8.7.2 Trees**

The Council's Tree Manager could not support the original plans and details relating to trees submitted for the proposal as insufficient information with regards to adequate tree protection measures had been submitted. The trees most affected by the proposed works have been identified to be a Pear tree in the rear garden and the two mature London plane trees in the front garden of no. 38-40 Westbourne Park Road. The revised proposal and the revised Tree Survey and Impact Assessment; Tree Method Statement; Tree Protection Plan and Tree Constraints Plan have been considered by the Arboricultural Manager to be acceptable who raises no further objection, subject to a condition requiring the affected trees to be protected in accordance with the revised Arboricultural Method Statement and Tree Protection Plan and arranging inspection and supervision visits by the Arboricultural Consultant, who will be required to submit monitoring reports to the Council within 5 days of each visit.

A condition requiring further details of a landscaping scheme which includes proposed new tree planting, is also recommended.

### **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**

Not applicable

### **8.10 London Plan**

This application raises no strategic issues.

### **8.11 National Policy/Guidance Considerations**

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

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development; the submission of a Piling Method Statement as required by Thames Water; the submission of samples for proposed building materials for the development; revised details of the proposed piers to the front boundary; details of a proposed privacy screen; details of a landscaping scheme; and requirement to submit revised details of tree protection provisions if found to be required during the carrying out of works. The applicant has agreed to the imposition of these conditions.

### **8.12 Planning Obligations**

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on an additional 136.5sqm of Gross Internal Area (GIA) as stated on the applicant's submitted CIL form, the estimated CIL payment would be £65,076.75 for Westminster's CIL (£400 per square metre in Residential Core £150) and £9,885.54 for the Mayor's CIL (£50 per square metre in Zone 1).

### **8.13 Environmental Impact Assessment**

An Environmental Impact Assessment is not relevant in the determination of this application.

## 8.14 Other Issues

The concerns raised by objectors are largely addressed above. However, the following is also noted.

The submission of a Construction Management Plan is no longer required for planning applications as this will form part of the Code of Construction Practice. These details are required to be submitted to the Environmental Sciences Team after planning permission has been granted. However, a signed draft version of the proforma Appendix A Checklist B (from the Code of Construction Practice) is required and has been with this application. This has been discussed further in section 8.7.1 of this report.

Any Party Wall matters such as the request by an objector for the extension to be built inside the party wall are a civil matter and are not a planning consideration. For any works that involve a party wall, the applicant will be required to ensure development is carried out with regard to Party Wall legislation. The request for the use of monitoring devices would also be a Party Wall matter.

A comment has been received stating that they had not heard about the application or seen any site notice displayed outside the application property. In this case a site notice was posted and a press notice was also published; and following the submission of revised documents a further neighbour consultation has been carried out as well as letters sent to all of those who submitted representations to the original plans. Several representations have been received both objecting and supporting the proposal and it is considered that in this case sufficient consultation has been carried out.

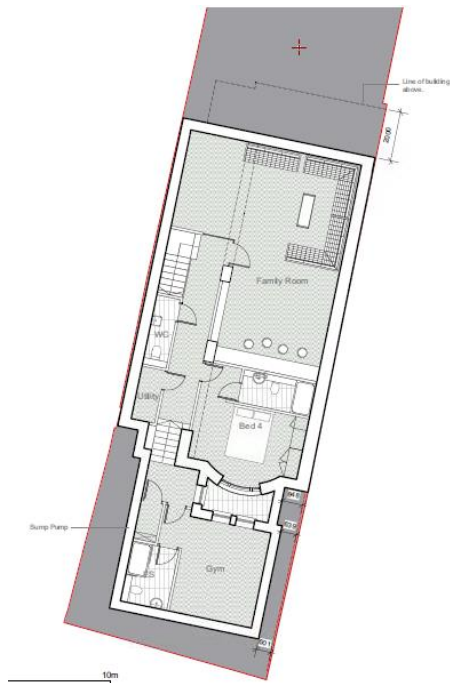
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RICHARD LANGSTONBY EMAIL AT [rlangston@westminster.gov.uk](mailto:rlangston@westminster.gov.uk)

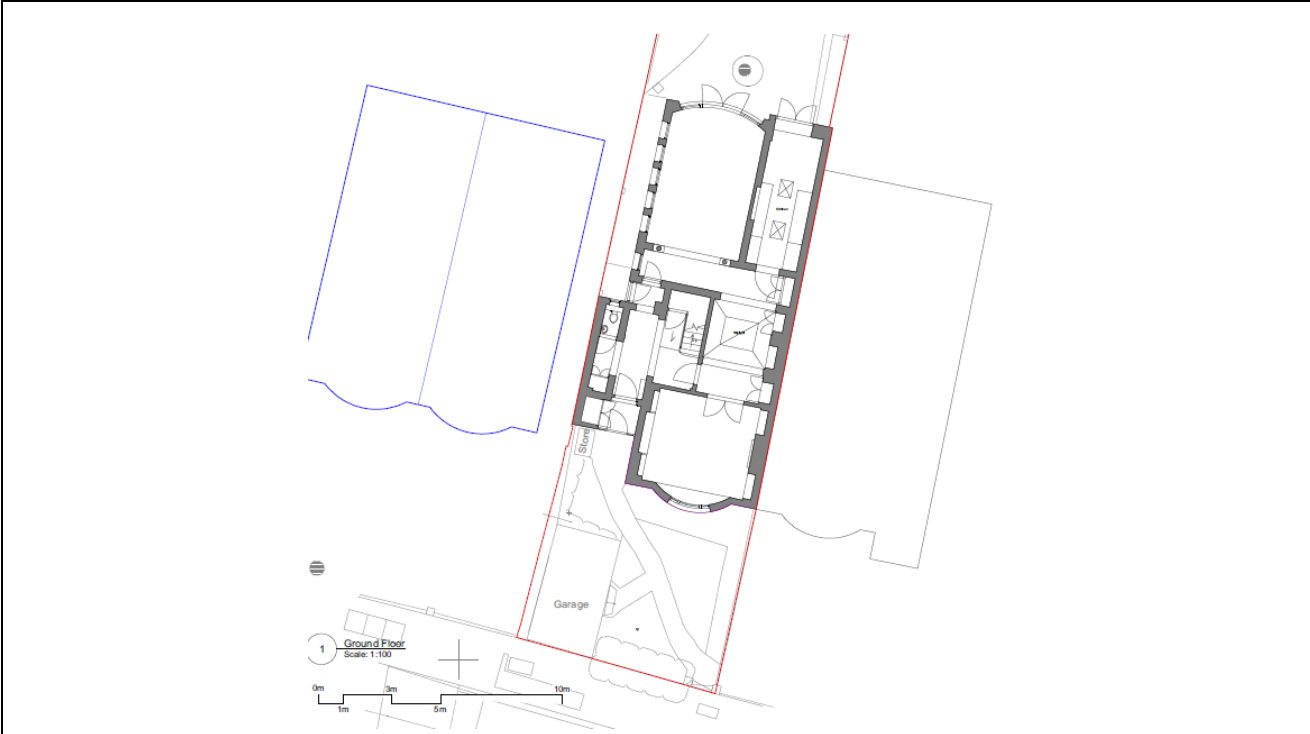
9. KEY DRAWINGS



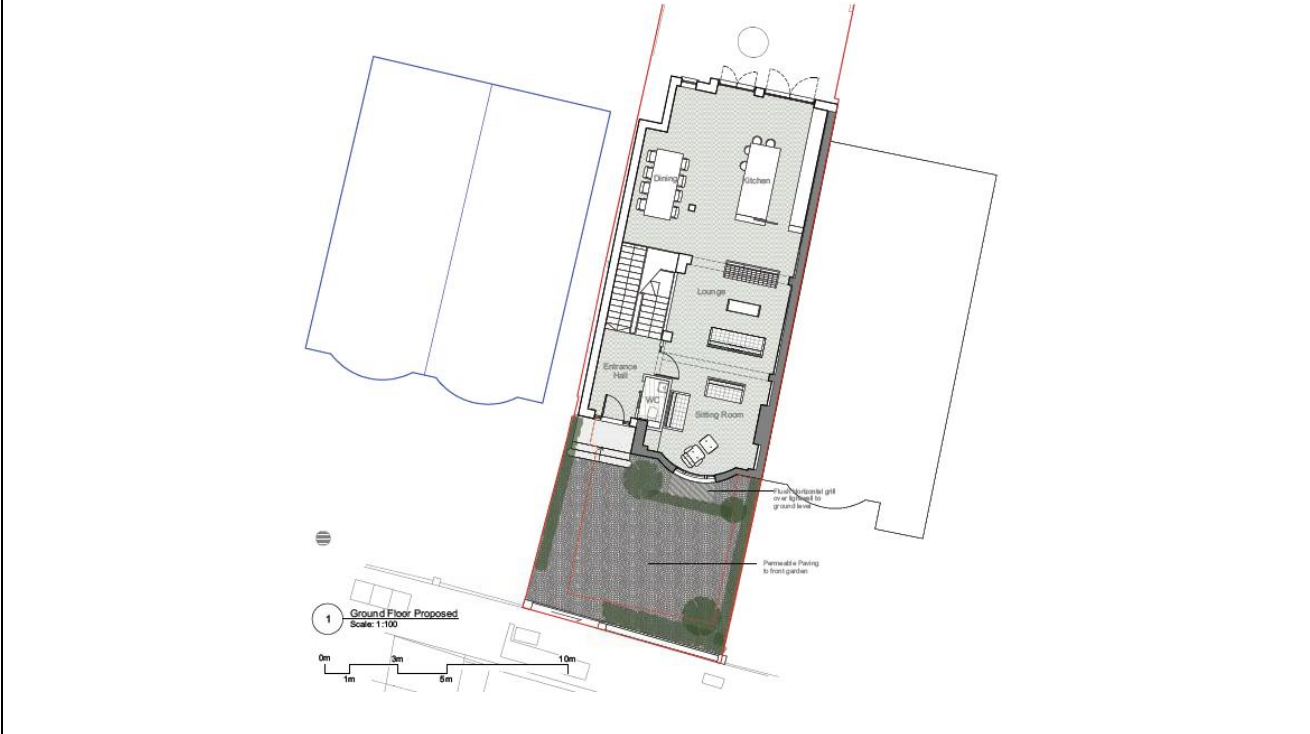
Proposed Site Layout



Proposed Basement



Existing Ground Floor

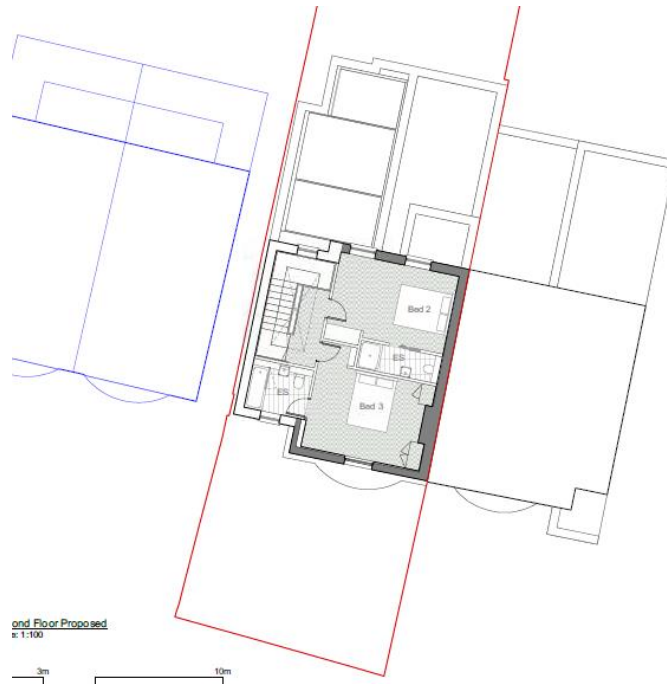


Proposed Ground Floor

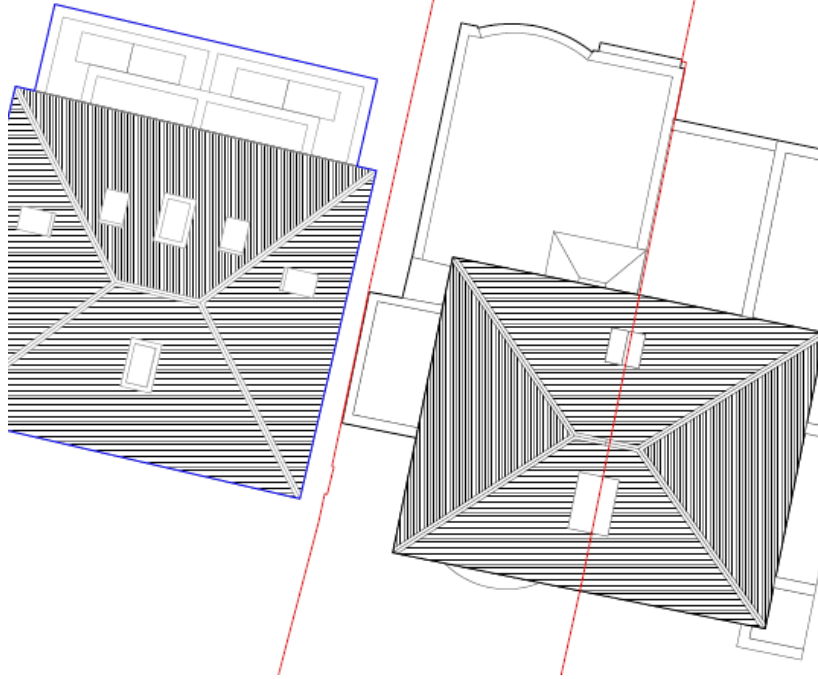




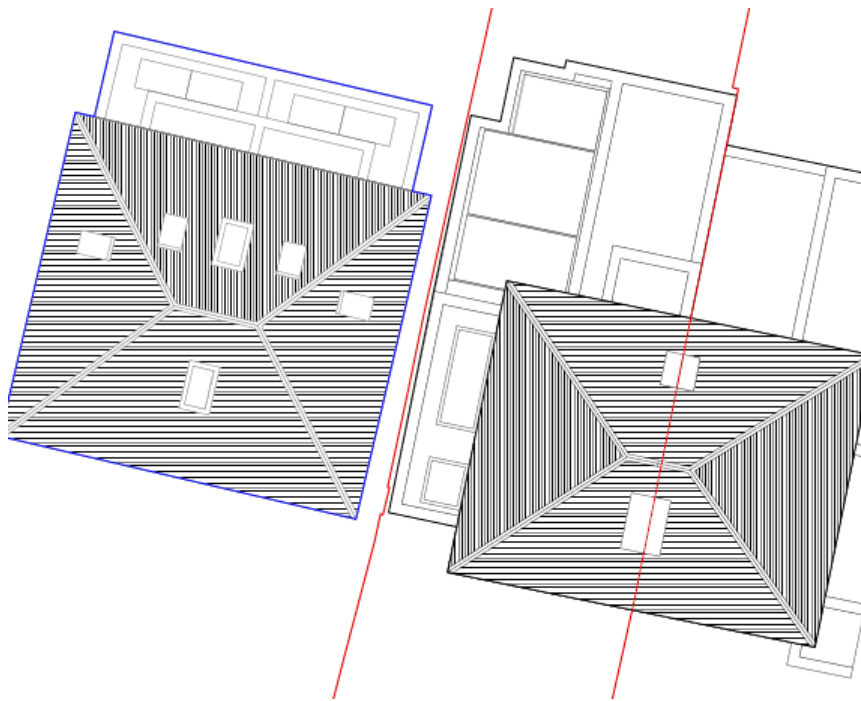
Existing Second Floor



Proposed Second Floor



Existing Roof Plan



Proposed Roof Plan



38-40 as consented by planning permission 16/07913/FULL

36 Westbourne Park Road

34 Westbourne Park Road

32

Existing Front Elevation in context



38-40 as consented by planning permission 16/07913/FULL

36 Westbourne Park Road

34 Westbourne Park Road

32

Proposed Front Elevation in context

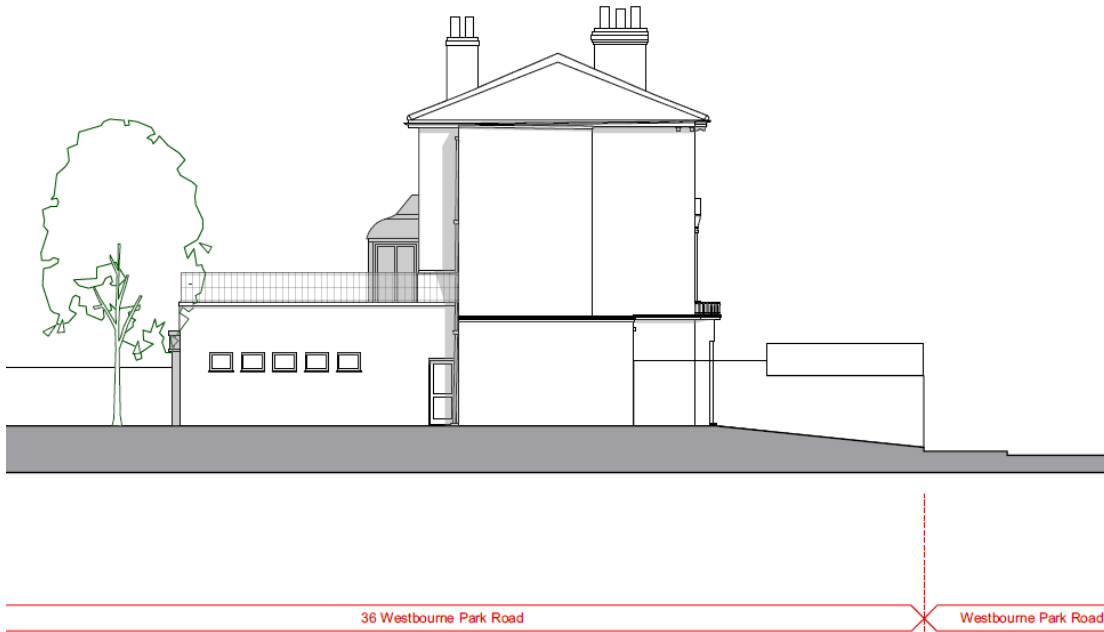




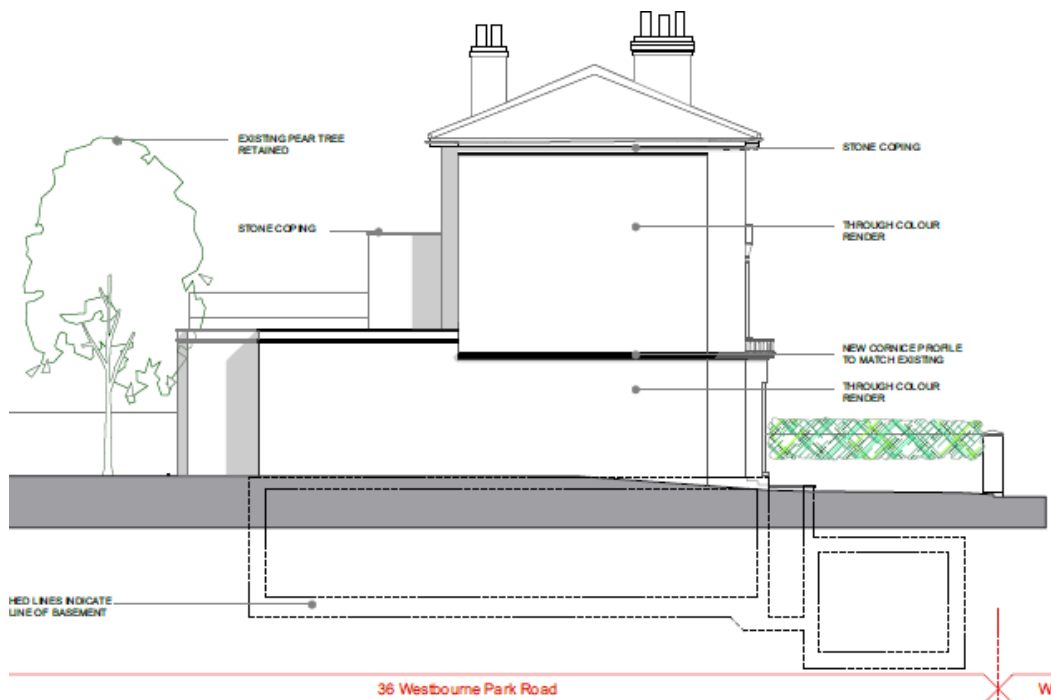
Existing Rear Elevation in Context



Proposed Rear Elevation in Context



Existing West (side) Elevation



Proposed West Elevation



Existing Section A-A



Proposed Section A-A

**DRAFT DECISION LETTER**

**Address:** 36 Westbourne Park Road, London, W2 5PL,

**Proposal:** Excavation of basement floor below existing house and to the front garden with associated front lightwell; demolition of existing front garage; replacement of existing three storey wing with enlarged three storey wing to side elevation; replacement of existing ground and first floor rear extensions with new ground and first floor rear extensions, with a proposed terrace at rear at first floor level with 1.8m high privacy screen and addition of railings to rear elevation a first floor level [REVISED DESCRIPTION]

**Reference:** 18/04625/FULL

**Plan Nos:** 010/P1; 020/P1; 100/P1; 101/P1; 102/P1; 103/P1; 200/P1; 201/P1; 202/P1; 203/P1; 325/P1; 400/P1; 401/P1; 402/P1; 410/P1; 411/P1; 149/P4; 150/P4; 151/P4; 152/P4; 153/P4; 154/P4; 250/P4; 251/P4; 253/P4; 254/P4; 300/P4; Planning Statement; Daylight & Sunlight Report by Point Surveyors (Dated May 2018); Arboricultural Method Statement (9423-KC-XX-YTREE-Method Statement-RevB) by Keen Consultants (Dated November 2018); Tree Constraints Plan (9423-KC-XX-YTREE-TCP01RevA) (Dated 30.08.18); Tree Protection Plan (9423-KC-XX-YTREE-TPP02RevD) (Dated 29.11.18); Tree Survey and Impact Assessment (9423-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-RevC) by Keen Consultants (Dated September 2018); Heritage Statement by Icenii (Dated May 2018); Site Investigation & Ground Assessment Report by Engineeria (Dated July 2018); Flood Risk Assessment by Engineeria (Dated 23.05.2018); Hard Landscaping Scheme; Proposed Structural Scheme - Ground Floor Plan (No. E0534-EEE-00-XX-DR-SK-8901-REV P4); , , For Information Only.; Appendix A Checklists (Checklist B: Code of Construction Practice- Basements); Structural Methodology Statement by Engineeria (Dated 23.05.2018); Design & Access Statement; Letter from Keen Consultants dated 29 November 2018;

**Case Officer:** Avani Raven

**Direct Tel. No.** 020 7641 2857

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

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be

heard at the boundary of the site only:

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

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

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

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

Reason:

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

- 3 Prior to the commencement of any, (a) demolition, and/or, (b) earthworks/piling and/or, (c) construction, on site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

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

- 4 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure and the condition has been required by Thames Water.

- 5 You must apply to us for approval of samples of the facing materials you will use, including a panel of

brickworks with bond and pointing and a sample of glazing bar profiles for the proposed crittall windows and other relevant details including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

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

- 6 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: Revised details of the proposed piers to the front boundary; which should be wider piers with a pyramidal pier cap reflective of a traditional mid-19th century design.,  
You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

- 7 The frames of all new timber framed windows must be painted white and be maintained in 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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 The proposed gates and railings to the front boundary and railings to the rear extension at first floor level shall be of metal and painted black and maintained in 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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 Prior to the use of the flat roof of the ground floor extension for sitting out, you must apply to us for approval of further details of the proposed privacy screen adjacent to the boundary with no. 34

Westbourne Road Villas, including the materials and colour., You must not start on these parts of the work until we have approved what you have sent us You must then carry out the work according to the approved drawings prior to the use of the flat roof for sitting out. Following its installation, the privacy screen we approve pursuant to this condition must be permanently retained. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area; and to protect the privacy and environment of people in neighbouring properties; as set out in S25, S28 and S29 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 and ENV13 of our Unitary Development Plan that we adopted in January 2007.

- 10 You must not use the roof of the first-floor 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)

- 11 You must apply to us for approval of detailed drawings of a planting scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the planting within one planting season of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30BB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Westbourne Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 12 You must protect the trees according to the details in your Arboricultural Method Statement (9423-KC-XX-YTREE-Method Statement-RevB) dated November 2018 and your Tree Protection Plan (9423-KC-XX-YTREE-TPP02RevD). The proposed tree protective fencing and ground protection must be installed according to the examples given on this plan. You must arrange inspection and supervision visits by the Arboricultural Consultant, according to the schedule and timings set out in Section 12.0 of the Arboricultural Method Statement, and the Arboricultural Consultant must send a monitoring report to us within 5 days of each visit. If you need to revise any of these tree protection provisions, you must apply to us for our approval of the revised details, and you must not carry out work the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

**Reason:**

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

- 13 The forecourt area should be implemented and retained for the parking of vehicles associated with the parent property for the lifetime of the development

**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)

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

**Reason:**

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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](http://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 permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil) , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk) , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 5 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)
- 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 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 The applicant is advised that there may be public sewers crossing or close to the development. If a sewer is discovered, it is important that risk of damage is minimised. Thames Water need to check that the development does not reduce capacity, limit repair or maintenance activities, or inhibit the services Thames Water provides in any other way. The applicant is advised to read Thames Water's guide on working near or diverting their pipes <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
- 8 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions., , The applicant is reminded that, if it is proposed to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
- 9 The applicant is advised that 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.
- 10 The applicant is advised that Thames Water require the developer to follow the sequential approach to the disposal of surface water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Waste-water-services>
- 11 If the applicant is planning on using mains water for construction purposes, it's important that they let Thames Water know before starting to use it to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater)
- 12 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.

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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.

**BACKGROUND PAPERS - 36 Westbourne Park Road, London, W2 5PL, 18/04625/FULL**

1. Application form
2. Letter from Cllr Payne, dated 22 July 2018
3. Response from Thames Water Utilities Ltd, dated 11 June 2018 and 15 February 2019
4. Response from Highways Planning - Development Planning, dated 26 June 2018 and 20 February 2019
5. Response from Arboricultural Section - Development Planning, dated 17 July 2018; 16 October 2018; 24 January 2019 and 3 April 2019;
6. Response from Local Flood Authority, dated 7 August 2018 and 5 November 2018
7. Response from Building Control - Development Planning, dated 8 August 2018
8. Letter from occupier of 34 Westbourne Park Road, London, dated 25 June 2018; 5 July 2018 and 4 March 2019
9. Letter from occupier of 22 Westbourne Park Road, London, dated 27 June 2018
10. Letter from occupier of 32 Westbourne Park Road, London, dated 27 June 2018; and 28 February 2019;
11. Letter from occupier of 48 Westbourne Park Road, London, dated 29 June 2018
12. Letter from occupier of 18 Westbourne Park Road, London, dated 1 July 2018
13. Letter from occupier of 33 Westbourne Park Road, London, dated 3 July 2018; and 7 March 2019
14. Letter from occupier of 38 Westbourne Park Road, London, dated 4 July 2018
15. Letter from occupier of 23 Abinger Mews, London, dated 4 July 2018
16. Letter from occupier of 10 St Stephens Gardens, Flat 4, dated 4 July 2018
17. Letter from occupier of First Floor Flat, 132 Elgin Avenue, dated 4 July 2018
18. Letter from occupier of 22a Sunderland Terrace, London, dated 4 July 2018; and 28 February 2019;
19. Letter from occupier of 64 Westbourne Park Road, London, dated 5 July 2018
20. Letter from occupier of 98 Westbourne Park Road, London, dated 5 July 2018
21. Letter from occupier of 13 Abinger Mews, London, dated 9 July 2018
22. Letter from occupier of 15 Pembridge Square, London, dated 28 February 2019
23. Letter from occupier of 70 Westbourne Park Road, London, dated 4 March 2019
24. Letter from occupier of 35 Westbourne Park Road, London W2 5QD, dated 11 March 2019
25. Letter from applicant's agent dated 5 July 2018

# Agenda Item 3

Item No.

3

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14 May 2019	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	3 Norris Street, London, SW1Y 4RJ,		
<b>Proposal</b>	Use of basement, ground and mezzanine floors of 3 Norris Street as restaurant /public house (sui generis).		
<b>Agent</b>	Miss Suzanne Robson (Gerald Eve LLP)		
<b>On behalf of</b>	The Crown Estate		
<b>Registered Number</b>	19/00867/FULL	<b>Date amended/ completed</b>	5 February 2019
<b>Date Application Received</b>	5 February 2019		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Haymarket		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

3 Norris Street is an unlisted building within the Haymarket Conservation Area. The building was built recently as part of the St James's Market redevelopment. The site is also within the Core Central Activities Zone and the West End Stress Area.

Permission is sought for the change of use of the basement, ground and mezzanine levels from restaurant (Class A3) to a composite use of public house with a restaurant element (sui generis).

The neighbouring properties are in use as offices or eating/drinking establishments. Norris Street is fully pedestrianised.

No objections have been received following public consultation.

Although the proposed use is considered a more intense entertainment use than currently exists on site, it is considered acceptable in land use, amenity and highways terms and would accord with policies within the National Planning Policy Framework (2019), the London Plan, Westminster's City Plan (2016) and Unitary Development Plan (2007). As such it is recommended that conditional planning permission is granted.

### 3. LOCATION PLAN



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### 4. PHOTOGRAPHS



3 Norris Street



3 Norris Street – ground floor level



**ST JAMES'S CONSERVATION TRUST**

Any response to be reported verbally.

**WESTMINSTER SOCIETY**

Any response to be reported verbally.

**HIGHWAYS PLANNING**

Undesirable but could be made acceptable.

**WASTE PROJECT OFFICER**

Applicant needs to provide a waste store and confirm the bin capacities for the storage of general waste, food waste and recyclable materials for the unit.

**ENVIRONMENTAL HEALTH**

No objection.

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

No. Consulted: 40

Total No. of replies: 0. Any replies to be reported verbally.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**6. BACKGROUND INFORMATION****6.1 The Application Site**

The application site is 3 Norris Street which is an unlisted building located in the Haymarket Conservation Area, the Core CAZ and the West End Stress Area. It forms part of the redevelopment site of St James's Market which was developed pursuant to a planning permission in 2013 for two new buildings linked at basement level to provide retail and office uses, and associated public realm improvements.

The use at the basement ground and mezzanine levels of No. 3 Norris Street is an A3 use, operating as a restaurant at present.

There are no residential properties in the street block between Jermyn Street, Regent Street, Charles II Street, and Haymarket, the Council's records show that the closest residential property is located around 70m away in Panton Street. The properties that surround the application site are primarily in commercial use with restaurants and retail units at ground floor level.

**6.2 Recent Relevant History**

On 15 May 2013, permission was granted for the "Demolition and redevelopment of 53-54 Haymarket, 56 Haymarket and 1-3 Norris Street, 4-7 Norris Street, 14 St Alban's Street and 1-3 St James's Market and erection of an eight storey building plus basement and roof top plant area, comprising retail (A1 and A3) on part basement and part ground floor with offices (Class B1) above; associated public realm works and basement tunnel link to Regent Street block. Demolition behind retained 14-22 Regent Street, Carlton

Street, part St Alban's Street and part Jermyn Street facades and erection of an eight storey building plus basement and roof top plant area comprising retail (A1 and A3) on part basement, part ground and part mezzanine floors with offices (B1); above: associated public realm enhancements and highway works including pedestrianisation of Norris Street, part of St Alban's Street and creation of new public square at the junction of St Alban's Street, Norris Street and Carlton Street.”.

The scheme has been built out and is largely occupied.

## 7. THE PROPOSAL

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Restaurant use	288.1 sqm	0	-288.1 sqm
Restaurant/public house use	0 sqm	288.1 sqm	+288.1 sqm
Total	288.1 sqm	288 sqm	0 sqm

Permission is sought for a composite public house/restaurant use (sui generis). The floorspace remains the same at 288.1 sqm and no external alterations are proposed.

It is proposed that the pub/restaurant premises will have a capacity for 150 customers in total and will be operated between 0800 to 2300 Monday to Thursday, 0800 to midnight Friday and Saturday and 0800 to 2230 on Sundays and Bank Holidays. The back of house facilities will be located at basement level and it is proposed to use the ground floor level as a public house and the mezzanine for the restaurant element.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The London Plan (2016) encourages a supportive approach to planning diverse night time activities in appropriate locations. the Draft New London Plan is also a material consideration. Policy HCB6 B states that boroughs should promote the night-time economy where appropriate and address their impacts. Policy HC7 A (Protecting Public Houses) states that boroughs should support proposal for new public houses to stimulate town centre regeneration, cultural quarters, the night-time economy and mixed-use development where appropriate.

Both the existing and proposed use are considered entertainment uses, but the pub/vertical drinking element is arguably a more intensive entertainment use than the existing restaurant. The change of use must be assessed against City Plan policy S24 and saved UDP policy TACE 10 (given the site's location within the West End Stress Area and floorspace of over 150sqm). TACE10 has a very restrictive approach to new entertainment uses within the Stress Areas, stating they will only be granted in exceptional circumstances.

The UDP includes a schedule of what exceptional circumstances *may* constitute (though this is not exhaustive) as follows:

- a) a general reduction in adverse effects on residential amenity and local environmental quality when compared with the existing activity on the 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;
- c) the retention of a valued Central London activity which is of national or international importance;
- d) proposals which are shown to be necessary to improve health and safety standards, or access for disabled people;
- e) the provision of restaurants and cafés on the second floor and above in Oxford Street, Regent Street and Piccadilly;
- f) in the Paddington and the North West Westminster Special Policy Area, the achievement of regeneration benefits.

The proposal is not considered to meet any of those criteria. However, it should be noted that although TACE10 still holds weight as a saved policy, the NPPF (2018) and its presumption of sustainable development also applies which requires the planning authority to identify the specific harm caused by the proposals which would make the application contrary to sustainable development objectives. The main consideration therefore is whether there is any demonstrable harm caused by the addition of a bar element in the proposed use.

The floorspace will remain the same at 288.1 sqm however incorporating a drinking establishment would be considered a more intensive use and likely to have a greater impact on amenity than a restaurant. This is a result of generally larger patron capacities and the nature of vertical drinking.

The approved opening hours for the unit are limited to 0800 to 0100 Monday to Saturday and 0900 to 2300 on Sundays and Bank Holidays and the operational management statement approved on 26.10.16 states a maximum capacity of 108 customers on the premises.

The applicant states that their proposed operating hours are from 0800 to 2300 Monday to Thursday, 0800 to midnight Friday and Saturday and 0800 to 2230 on Sundays and Bank Holidays. These proposed opening hours terminate slightly earlier than the existing licence. They are considered acceptable in this commercial area. It is proposed that the premises will have a capacity of 150 customers internally. With the external area (subject to a separate application for outdoor seating 19/01794/TCH) the customers capacity will potentially increase to 209. An Operational Management Plan has been submitted and it deals with, among other things, customers who wish to smoke, taxis, management of the outdoor seating/drinking and servicing arrangements.

No objection has been received from the adjoining properties and the Council's Environmental Health officer has reviewed the proposal and has raised no objection.

Given the relatively small floorspace, the largely commercial location and distance from any residential units, and the proposed conditions restricting operating hours, capacity and securing the operational management plan, any harm can effectively be mitigated.

The proposed entertainment use (sui generis) at this location for the reasons set out above is considered appropriate and in keeping with the 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 City Plan and the UDP.

## 8.2 Townscape and Design

No external alterations are proposed.

## 8.3 Residential Amenity

There are no residential properties within the in the street block between Jermyn Street, Regent Street, Charles II Street, and Haymarket.

Noise and disturbance is addressed in section 8.1 of this report. Subject to conditions the proposal is considered to be in line with policies S29 of the City Plan and ENV13 of the UDP.

## 8.4 Transportation/Parking

The servicing of the unit will be in similar fashion to the existing use, it will take place from the loading bay in No. 1 St James's Market which was designed as a consolidated servicing area for the entire development site. There is service route access through the basement to the application site. This will be secured by conditions that servicing shall be undertaken from the dedicated servicing areas to ensure that it does not cause harm to the local environment.

The Highways Planning Manager points out the lack of cycle parking and suitable waste store, also mentioned by the Council's Waste project officer.

No cycle parking has been shown on the submitted drawings. However, on 21.03.16 details of cycle parking for all the A Class units have been approved (RN: 15/07174/ADFULL) and their retention is secured by condition 6 of the planning permission dated 15.05.2013 for the whole redevelopment. The cycle parking spaces at basement were seen during site visit therefore it is not considered no further condition is required in this instance.

Policies ENV12 of our UDP and S44 of the Westminster City Plan aim to provide the environment and provide suitable storage for waste.

The drawings submitted show a waste area and the details and waste management strategy have been secured by condition 20 of the 2013 permission. Those details have been approved on 22.12.2015 (RN: 15/09951/ADFULL). It is therefore accepted that waste will be stored and collected from within the site and not the highway. Therefore, it is not considered reasonable to request further information in this instance.

The Highways Planning Manager also requests that no delivery service should operate from this location. The premises is an existing restaurant use and there are no current restrictions on delivery. It would therefore be unreasonable to attach such a condition. Notwithstanding this the operation of the unit would be in accordance with the operational

management statement submitted, which will be secured via condition, and there is no mention of a delivery service in the document.

### **8.5 Economic Considerations**

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

### **8.6 Access**

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

Ventilation

The unit benefits from an existing ventilation ducting which vents at roof level. The proposed sui generis will use the existing ventilation system. The Environmental Health officer did not raise any concerns. No additional plant is required.

### **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**

Not applicable

### **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.

### **8.13 Environmental Impact Assessment**

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

#### **8.14 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: LOUISE FRANCIS BY EMAIL AT [lfrancis@westminster.gov.uk](mailto:lfrancis@westminster.gov.uk)

**9. KEY DRAWINGS**









Existing Mezzanine

Proposed Mezzanine

DRAFT DECISION LETTER

**Proposal:** Use of basement, ground and mezzanine floors of 3 Norris Street as restaurant /public house (sui generis).

**Reference:** 19/00867/FULL

**Plan Nos:** GIS\_2018\_1705\_3\_V2; GIS\_2018\_1705\_2\_V2; GIS\_2018\_1705\_1\_V2; GIS\_2018\_1474\_1\_V 1; GIS\_2018\_1706\_3\_V 2; GIS\_2018\_1706\_2\_V 2; GIS\_2018\_1706\_1\_V 2; GIS\_2018\_1474\_2\_V 1; A1-0310; A1-0300; A2-0304; Operational Management Statement. For information only: Planning statement dated 31 January 2018 (Gerald Eve)

**Case Officer:** Aurore Manceau

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

### Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

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

Reason:

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

- 3 Customers shall not be permitted within the bar/restaurant premises before 08:00 hours or after 23:30 hours Monday to Thursday, before 08:00 hours or after 00:00 hours Friday to Saturday and before 08:00 hours or after 22:30 hours on a Sunday and Bank Holidays.

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)

- 4 You must carry out the measures included in your Operational Management Statement at all times that the drinking establishment and restaurant 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 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)

- 5 You must not allow more than 150 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)

- 6 All servicing must take place from the existing loading bay in No. 1 St James's Market and through dedicated back of house routes at basement level.

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)

- 7 No waste to be left on the highway. The waste and recycling storage area shown in drawing A1-0300 must be maintained for the life of the bar/restaurant (sui generis) use.

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.

**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 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
  
- 3 Your proposed use will use the existing ventilation and associated plant, you are advised that noise from the approved machinery is controlled by conditions 3, 4 and 5 of planning permission dated 15 May 2013 (RN: 12/08886/FULL). It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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

# Agenda Item 4

Item No.

4

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14 May 2019	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>3 Norris Street, London, SW1Y 4RJ</b>		
<b>Proposal</b>	Use of an area of public highway measuring 10.6m x 2.95m for the placing of 20 tables, 44 chairs, 4 planters, 2 fabric barriers, a menu board and a space-heater in connection with the operation of the unit at basement, ground and mezzanine floors of 3 Norris Street.		
<b>Agent</b>	Mr Jake Geczy, Gerald Eve.		
<b>On behalf of</b>	The Crown Estate		
<b>Registered Number</b>	19/01794/TCH	<b>Date amended/ completed</b>	18 March 2019
<b>Date Application Received</b>	8 March 2019		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Haymarket		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

3 Norris Street is an unlisted building located in the Haymarket Conservation Area, the Core Central Activities Zone and the West End Stress Area. The site is part of the redevelopment site of St James's Market. The basement and ground floor of 3 Norris Street is operating as a restaurant and there is a current application to change the use of the unit to a composite pub/restaurant (also on this sub-committee agenda). Norris Street is pedestrianised.

Planning permission is sought for the placing of 20 tables, 44 chairs, 12 planters, 6 fabric barriers, one menu board and one space-heater. The site has a history of temporary planning permission for varying amounts of outdoor furniture dating back to 2015.

The key issues in this case are:

- the impact of the proposals on pedestrian movement and cleansing operations
- the impact of the proposals on the amenity of the area generally.
- The most recent temporary consent was granted on 26 November 2018 for the placing of 12 tables, 24 chairs, 4 planters and 1 barrier in an area of the public highway measuring 2.80m x 9.98m.

The new scheme will increase the area to 2.95m x 21.23m and the quantity of outdoor furniture to 44 chairs, 20 tables, 12 planters, 6 fabric barriers, one menu-board and one heater.

In land use terms, the principle of the temporary use of the public highway for outdoor seating in connection with the existing restaurant (or the pub/restaurant if granted planning permission) is acceptable.

The outdoor furniture would be stored inside the unit outside the hours of 08.00 to Midnight except for four planters, which would be secured adjacent to the shopfront and immovable between the hours of Midnight and 08.00.

The proposed tables, chairs and other associated furniture are considered to be acceptable in design terms due to their low height, and they will have a minimal impact on the appearance of the surrounding area.

Policies S41 of the Westminster City Plan (2016), TACE 11 and TRANS 3 of the Council's Unitary Development Plan (adopted in 2007) and the Westminster Way do not permit development where it would not maintain the free and safe passage of pedestrians or would obstruct or endanger pedestrians. The Highways Planning Manager is concerned that the extra tables and chairs on the corner where St Albans Street meets Norris Street, could potentially obstruct pedestrian desire lines.

The junction of Norris Street with St Alban's Street forms a large fully pedestrianised place. The proposed scheme will leave more than several metres of clearway for pedestrians exceeding the 2m requirement set out in the supplementary planning guidance Westminster Way adopted in September 2011 and is not considered to create an unacceptable level of obstruction to movement. In addition, the property directly opposite does not have a similar type of use. Therefore, in this instance the extension of the area for outdoor furniture at the corner is considered appropriate and the use of this corner will contribute to enlivening the public realm.

UDP policy TACE 11 recognises that al fresco eating and drinking is popular and provides opportunities for visitors, residents and workers to experience and contribute to the vibrancy and character of an area. The area is mainly in office use with restaurants and retail at ground floor levels. The extended external seating area providing up to 44 covers would support the attractiveness of this newly redeveloped area by making it more lively. There are no residential properties in the neighbouring buildings and subject to the external seating only being used in the hours set out in the conditions, the application is acceptable in amenity terms.

As set out in this report, the proposed development is considered to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan and is therefore acceptable in land use, design and amenity terms. As such the application is recommended for approval subject to the conditions set out in the draft decision letter.

## 3. LOCATION PLAN



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4. PHOTOGRAPHS



3 Norris Street



## 5. CONSULTATIONS

WESTMINSTER SOCIETY  
Any response to be reported verbally.

WASTE PROJECT OFFICER:  
No objection.

HIGHWAYS PLANNING MANAGER:  
Undesirable but could be made acceptable.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 43  
Total No. of replies: Any replies to be reported verbally.  
No. of objections: 0  
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 Recent Relevant History

#### 18/08733/TCH

Use of an area of the public highway measuring 2.80m x 9.98m for the placing of 12 tables, 24 chairs, 4 planters and 1 barrier in connection with the existing restaurant.  
Application Permitted                      26 November 2018

#### 17/07986/TCH

Use of an area of the public highway measuring 2.8m x 10.53m for the placing of 24 chairs, 12 tables, 4 planters and 1 fabric barrier in association with the ground floor level A3 unit at 3 Norris Street.  
Application Permitted                      23 October 2017

#### 16/08668/TCH

Use of the public highway measuring 2.8m x 10.53m for the placing of 12 tables and 24 chairs, four planters and one fabric barrier in connection with Veneta (3 Norris Street).  
Application Permitted                      14 November 2016

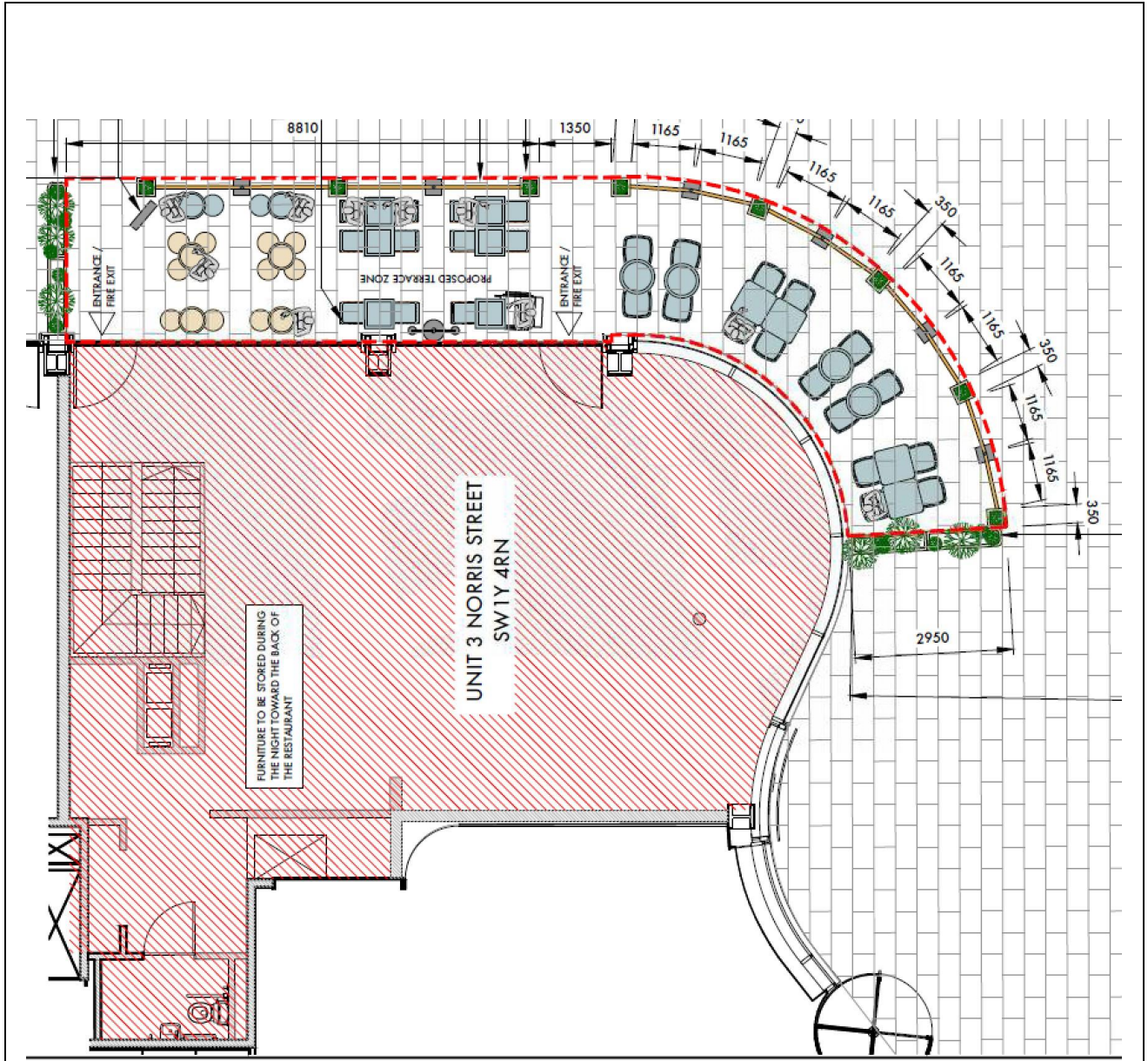
#### 15/05345/TCH

Use of an area of the public highway measuring 2.8m x 10.53m for the placing of 30 chairs, 10 tables, 4 planters and 1 fabric barrier in association with the ground floor level A3 unit at 3 Norris Street.  
Application Permitted                      21 September 2015

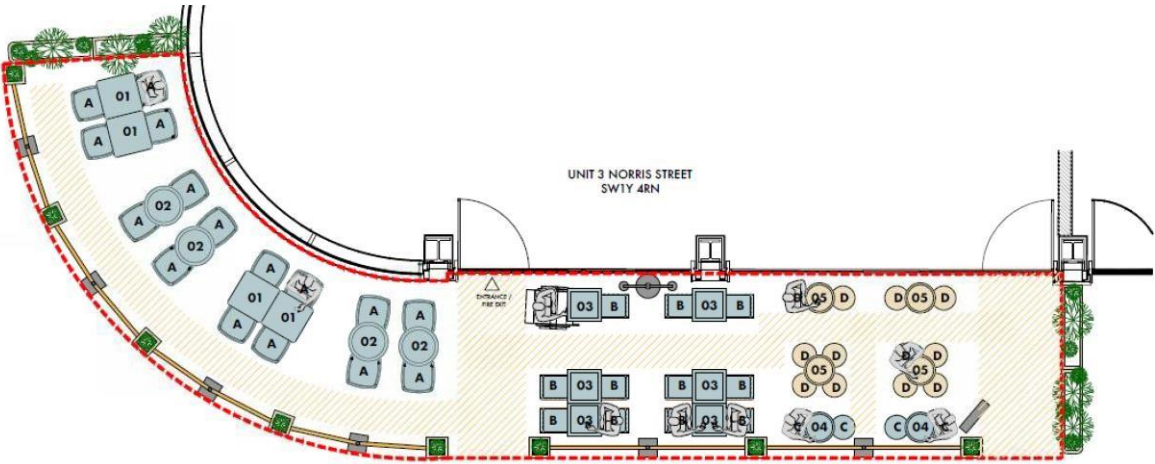
Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT <a href="mailto:lfrancis@westminster.gov.uk">lfrancis@westminster.gov.uk</a>
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7. KEY DRAWINGS



Proposed outdoor seating plan



Proposed outdoor seating plan



**DRAFT DECISION LETTER**

**Address:** 3 Norris Street, London, SW1Y 4RJ

**Proposal:** Use of an area of public highway measuring 10.6m x 2.95m for the placing of 20 tables, 44 chairs, 4 planters, 2 fabric barriers, a menu board and a space-heater in connection with the operation of the unit at basement, ground and mezzanine floors of 3 Norris Street.

**Reference:** 19/01794/TCH

**Plan Nos:** ID-PL-001 Rev. A; ID-PL-002 Rev. A; ID-PL-003 Rev. A; ID-PL-004 Rev. A; ID-PL-005 Rev. A; ID-PL-006 Rev. A; ID-PL-007 Rev. A; ID-PL-008 Rev. A; ID-PL-009 Rev. A; ID-PL-010 Rev. A; ID-PL-012 Rev. A; ID-PL-014 Rev. A; ID-105.

**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 You must not put the tables, chairs and other associated street furniture in any other position than that shown on drawing ID-PL-004 Rev A.

**Reason:**

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

- 3 You can only put the tables, chairs and barrier on the pavement between 8:00 and Midnight, except the four planters, which have been agreed to be kept secured and immovable between the hours of Midnight and 08.00 in the position shown on drawing number: ID-PL-014 Rev A.

**Reason:**

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25BD)

- 4 The tables and chairs must only be used by customers of the basement and ground floor unit at 3 Norris Street. (C25CA)

Reason:

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

- 5 This use of the pavement may continue until 31 May 2020. You must then remove the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 6 You can only put out on the pavement the tables, chairs, barriers, menu board, heater and planters shown on drawing number ID-PL-014 Rev A. No other furniture, equipment or screening shall be placed on the pavement in association with the tables and chairs hereby approved.

Reason:

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

**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 You cannot put tables and chairs in the area unless you have a street trading licence., , If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter., , Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)
  
- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)

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 5

Item No.
<b>5</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date: 14 May 2019</b>	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>5 Wimpole Street, London, W1G 9ST,</b>		
<b>Proposal</b>	Use of 5 Wimpole Street and 24 Wigmore Place as a single-family dwellinghouse. Excavation of a basement, demolition of existing roof and erection of replacement mansard roof extension, creation of rear windows and rear ground floor opening and installation of rear access stair to rear first floor of 24 Wigmore Place. Installation of air conditioning units in front pavement vault and at roof level of 5 Wimpole Street and in the mews house garage below the garden staircase, and other associated external and internal alterations to both buildings (Site includes 24 Wigmore Place).		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	FIJ PTC Limited		
<b>Registered Numbers</b>	18/06066/FULL 18/06067/LBC	<b>Date applications amended/ completed</b>	23 July 2018
<b>Date Applications Received</b>	18 July 2018		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Harley Street		

## 1. RECOMMENDATION

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

## 2. SUMMARY

<p>The application relates to a single family dwelling house on Wimpole Street and a mews building (23 Wigmore Place) which provides ground floor garaging for the main house, with a separate first floor flat. There is access between the buildings, which are currently vacant, via the central garden. Planning permission and listed building consent are sought for the erection of a mansard roof extension to, and the excavation of a basement beneath, the mews building and for alterations to the rear including the formation of new window openings and the introduction of an access stair from the garden to first floor level, with air conditioning units beneath. It is also proposed to install new air conditioning units to the front pavement vaults at 5 Wimpole Street and on the main roof. Internal</p>
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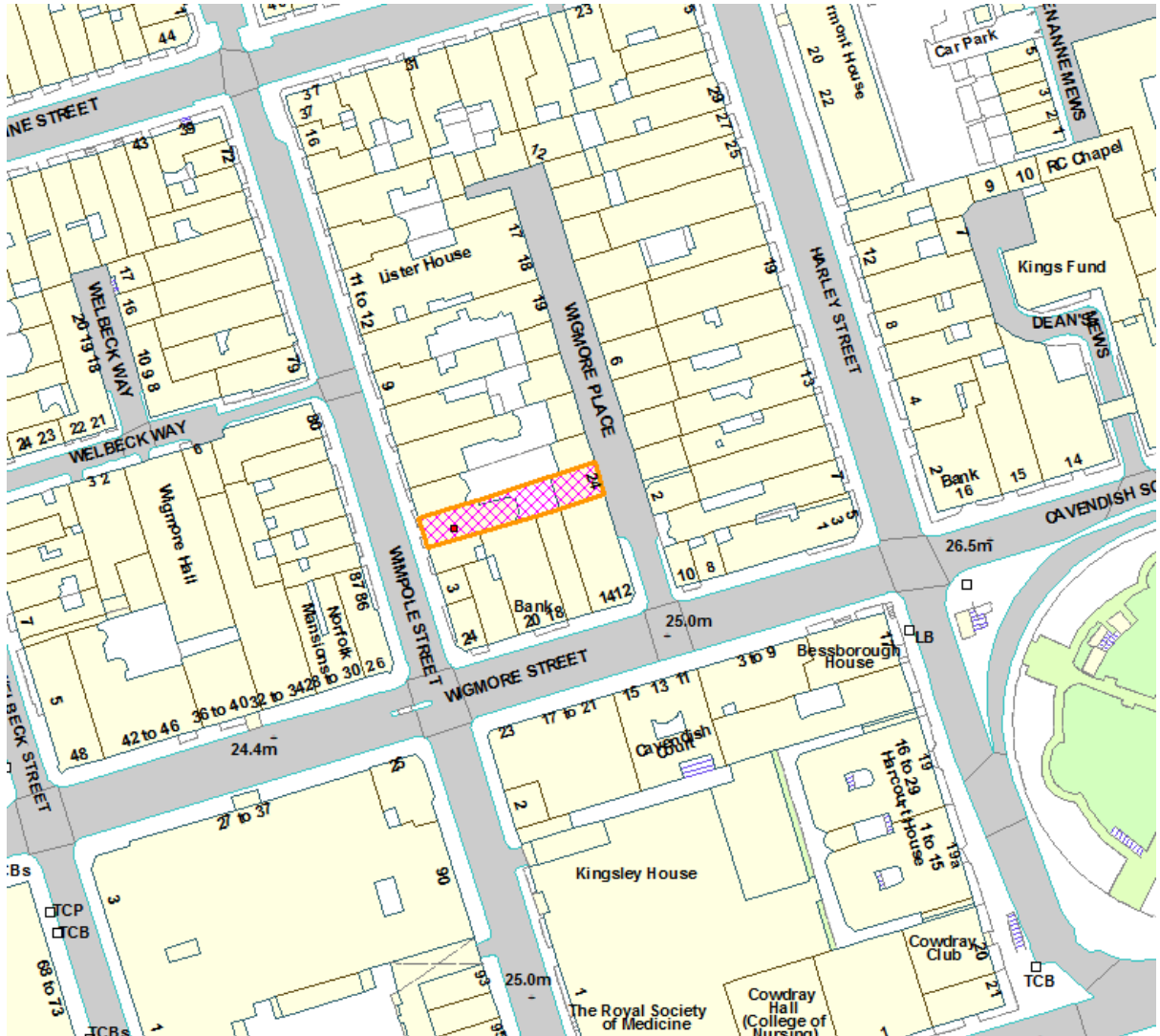
alterations are also proposed to both buildings which would be converted to use as a single dwelling house, with integral garage.

The key considerations are:

- The acceptability of the loss of the existing flat
- The impact of the proposals upon the amenity of neighbouring residential properties, and
- The impact of the proposals on the special interest of the listed buildings and upon the character and appearance of the Harley Street Conservation Area.

Given that that the ground floor garaging within 23 Wigmore Place is demised to the occupants of 5 Wimpole Street, it is considered that the historic link between the townhouse and the mews is still strong. As such, an argument can be made that the proposal involves returning a converted house to a family-sized dwelling. This is one of the exceptions within City Plan Policy S14 to the general policy presumption against the loss of residential units. The revised development is considered acceptable in terms of its impact upon the amenity of neighbouring properties. The scheme complies with Council policies relating to basement development and the works are considered to safeguard the special interest of the listed buildings and to preserve the character and appearance of the Harley Street Conservation Area. The proposals would comply with relevant Unitary Development Plan and City Plan policies and, subject to conditions, the applications are therefore recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Wimpole Street Frontage (left) and Wigmore Place Frontage (right)



## 5. CONSULTATIONS

### HISTORIC ENGLAND:

Authorisation to determine the application as seen fit

### MARYLEBONE ASSOCIATION

Concern regarding:

- Noise disturbance from use of proposed roof terraces (terraces now deleted).
- Long term maintenance of planted screen and its effectiveness in preventing noise disturbance to neighbouring properties and its maintenance (screening now deleted with terraces).
- Loss of domed roof regrettable (now to be retained).

### ENVIRONMENTAL HEALTH

No objection subject to conditions

### ARBORICULTURAL SECTION

No objection subject to conditions

### BUILDING CONTROL

No objection

### THAMES WATER

No objections – request informatives

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 41

Total No. of replies: 9

No. of objections: 9 (a number of the letters received were to both the planning and listed building applications and are duplicate, in part, and from the same neighbours)

Seven objections have been received covering some or all of the following grounds:

#### Amenity:

- Overlooking from proposed roof terraces to neighbouring windows and gardens,
- Noise impact from proposed roof terraces,
- Noise disturbance from the introduction of fully opening windows at the rear of Wigmore Place property,
- Noise impact during construction works
- Potential overlooking from new mansard windows

#### Basement:

- Basement excavation is contrary to policy and planning guidance (damage tree roots, out of context with listed building)
- Basement will cause damage to existing trees, submitted information considered to be insufficient to satisfy no damage will occur,
- Basement has no usable space or windows,
- Undermining of structural integrity of building during excavation of basement

Design and Conservation:

- Full width openings to the rear of Wigmore Place property are uncharacteristic in this location,
- Mansard on Wigmore Place property will alter the character and appearance of the street, revisions suggested to reduce this impact,
- No precedent in the vicinity for roof terraces, (since deleted)
- Loss of existing domed lead roof at rear of 5 Wimpole Street, (now retained)

Other

- Loss of car parking spaces

One objection has subsequently been withdrawn following amendments to the planning application which removed both of the roof terraces from the proposal.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

This application relates to grade II listed buildings in the Harley Street Conservation Area. As set out in detail in Section 8.2 of this report, 24 Wigmore Place is considered to be within the curtilage of 5 Wimpole Street and is therefore also listed. 5 Wimpole Street, on lower ground, ground and three upper floors, is a single family dwelling. The Wigmore Place mews building comprises a ground floor garage, which provide parking for the main house, and a separate first floor flat. There is access between the building via a door into the central garden. Both buildings are currently vacant.

The neighbouring properties to the north, on both Wimpole Street and Wigmore Place are in residential use. Records also indicate that there are residential properties on the upper floors of 4 Wimpole Street, and at 12-14 and 20 Wigmore Street, which back on to the southern side boundary.

### **6.2 Recent Relevant History**

None

## **7. THE PROPOSAL**

Planning permission and listed building consent are sought for various internal and external alterations to the existing building in connection with their refurbishment to provide a single family dwelling house.

To the mews building at 24 Wigmore Place, it is proposed to excavate a single storey basement extension under the existing building footprint, to remove the existing roof and to erect a mansard roof extension, with front and rear dormer windows. At the rear, a full width window opening would be introduced at ground floor level and a new stair link installed between the garden and first floor, adjacent to the boundary with 16 Wigmore Street, with new conditioning units beneath. To the front, minor alterations including the

replacement of a metal roller-type garage door with painted timber doors. The internal layout would be modified.

New air conditioning plant is also proposed within the front pavement vaults at 5 Wimpole Street, and at main roof level. Internal alterations include the removal of an entrance lobby, modifications to the junction with the garden room at ground floor level, the replacement of non-original fireplaces and the extension of chimneybreasts to accommodate services.

The original submission included the creation of roof terraces at the rear of both properties. This aspect of the proposals was the subject of objections from neighbouring occupiers and the local amenity society and, following negotiations, the terraces and associated planted screens have been removed from the proposals.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Residential use

The main house provides 524 sqm of residential floorspace, with 117 sqm in the mews. The proposed basement and roof extensions to the mews building would provide 99.2sqm (GIA) of additional residential floorspace on that part of the site. This increase in residential floorspace is acceptable in land use terms, complying with Policy H3 of the UDP and Policy S14 of the City Plan.

The mews building at 24 Wigmore Street is in the same ownership as the main townhouse at 5 Wimpole Street. Indeed, the ground floor garaging forms part of the same planning unit and serves the occupants of the townhouse with access to this garaging possible from the rear garden. The first floor flat at 24 Wigmore Place, however, has independent access from the mews and, despite being in the same ownership, forms a separate planning unit that pays separate Council tax.

Notwithstanding the increase in residential floorspace proposed, the proposal will result in the loss of a residential unit in the form of the first floor flat at 24 Wigmore Place. In order to achieve and exceed the borough housing targets set out in the London Plan (2016), City Plan Policy S14 states that any proposals resulting in the reduction in the number of residential units will not be acceptable save for three exceptions. One of these exceptions is where a converted house is being returned to a family-sized dwelling or dwellings. The reasoned justification for this policy states, *'Formerly converted houses which would provide family-sized homes will also be an exception because of the shortage of family homes with gardens in the city and the benefits of such 'de conversion' would bring to providing a range of accommodation'*.

Historically, 5 Wimpole Street would have had a mews building providing ground floor stabling and accommodation for staff at first floor level. As such, both 5 Wimpole Street and 24 Wigmore Place could be considered as being a 'converted house' that is being returned to a family sized dwelling, in accordance with one of the exceptions to the loss of residential units within City Plan Policy S14. If this approach is taken more widely, however, this could result in the loss of a large number of mews dwellings that have long

been separated off both physically, functionally and in terms of ownership from their townhouse. This would clearly seriously undermine the City Council's ability to meet its housing targets, with each dwelling lost having to be re-provided elsewhere just to maintain the current number of dwellings in the City. It is not considered that in such circumstances the townhouse and the mews house could reasonably be considered as being a 'converted house' and therefore would not satisfy one of the exceptions within City Plan Policy S14.

The current proposal, however, is considered to be different in that the ground floor garaging already forms part of the demise of the main townhouse and therefore the historic link between the townhouse and the mews is still strong. Furthermore, having a self-contained flat at first floor is not significantly different from the historical situation of ground floor stabling with staff accommodation above. Under these terms, however, no additional family homes with gardens would be provided. An argument can be made that the proposal falls within the exception to the loss of residential units whereby a converted house is being returned to a family-sized dwellings. For these reasons, despite the loss of a residential unit, it is considered that the proposal is in accordance with City Plan Policy S14.

## **8.2 Townscape and Design**

5 Wimpole Street is a grade II listed terraced house of c.1785, listed as a pair with no. 6. The mews building, 24 Wigmore Place, is in the same ownership as the main house and appears to have been since the time of listing. There is access between the two buildings in the form of a door to the garden and the use of the part of the mews (garaging) is ancillary to the use of the main house. For these reasons the mews building is considered to be listed as part of the curtilage of 5 Wimpole Street.

The proposed works to the mews building include the erection of a mansard roof extension with front and rear dormer windows; the installation of doors/windows at rear ground and first floor levels, the creation of new doors in the rear elevation, and the excavation of a new basement.

An objection has been received on the grounds that the proposed roof addition would a 'canyon like' effect in Wigmore Place and design amendments are suggested to lessen its impact. The mews building is flanked by a much taller building to the south, and a building with an existing mansard extension to the north. As the mews building does not date to the same phase of development as the main building, its fabric is of lesser significance and the loss of the roof structure is not considered to be harmful to the building's special interest. The introduction of an appropriately detailed mansard roof would be acceptable in principle.

The mansard would be set back behind the parapet and the roof profile is considered to address concerns regarding 'canyonisation'. The larger setback suggested by the objector would be an uncharacteristic feature and would be undesirable. In these circumstances, the proposed roof extension is considered acceptable in townscape terms, preserving the character and appearance of the Harley Street Conservation Area. For this reason, it is not considered that the objection could be supported. The proposed dormer windows are acceptable in design terms, subject to details.



Objections have also been raised on the grounds that the design of the rear ground floor opening to the mews building is inappropriate. The windows/doors have been the subject of negotiation. They now take the form of a single, wide, set of windows, which would be covered by sliding 'coach doors' which would always cover two window panels. While the ground floor window openings will have a variety of possible configurations, some of them uncharacteristic in a mews building, overall the approach is considered to be acceptable, as there will never be a full width glazed opening and the objectors concerns are considered to be addressed by the revised design. The proposed sliding sash windows at rear first floor are acceptable, subject to detailed design.

The new garage doors facing onto Wigmore Place are consistent with the advice in The City Council's SPGs, Mews and Development and Demolition in Conservation Areas.

Objectors also consider that the proposed basement excavation beneath the mews would cause harm to the hierarchy of spaces, contrary to the Council's policy and planning guidance relating to basement excavation. The mews building dates from considerably later than the host building, and its significance lies mainly in its external appearance. The proposed excavation is for one additional storey under the existing building footprint and the floor to ceiling height is not excessive. Consequently, this aspect of the scheme is not considered to harm the special interest of this listed building and therefore the objections to the new basement cannot be supported.

The most significant proposed works to the main building at 5 Wimpole Street are the internal alterations, including the removal of an entrance lobby on the ground floor, modifications to the junction of the garden room with the main house, the replacement of non-original fireplaces, and the extension of chimneybreasts to accommodate services.

The internal alterations are acceptable in listed building terms. The changes are modest, and respect the historic interiors. The loss of the draft lobby at ground floor would not be resisted. It is a later addition and the reinstatement of the original plan form is, in this case, considered to outweigh the loss of a small amount of Victorian joinery.

The reinstatement of the fireplaces would be a benefit, providing that the replacements are either original fireplaces of the late eighteenth century or scholarly replicas. The detail of the replacement fireplaces should be reserved by condition. Other changes to the plan form are generally welcome, removing later accretions.

The original scheme proposed to replace the domed lead roof to the garden room with a roof terrace. This part of the scheme was the subject of several objections and has now been omitted from the applications.

One objector observes that the loss of any part of a building that contributes to its special interest in contrary to the NPPF, and should be balanced by equivalent benefits. These comments are understood to relate to the loss of the garden room roof. However, they could equally relate to the loss of the mews roof, to the loss of the draft lobby and to the loss of the mews interior at ground floor level, including rough panelling and an inspection pit. As set out above, the garden room roof is now proposed to be retained and the structure of the mews room is not considered to contribute to its special architectural or historic interest and therefore its loss is not harmful to the special interest of this building. The loss of the ground floor interior of 24 Wigmore Street

is, however, considered to cause some small degree of harm to the special interest of the building. However, the historic building benefits of the proposal (including the reinstatement of fireplaces within 5 Wimpole Street and improvements to the mews elevation at 24 Wigmore Place), would provide sufficient historic building benefit to outweigh this small degree of harm. The proposal is considered to result in a net benefit to the special interest of these listed building and therefore there is no residual heritage harm to weigh against any public benefits derived from the proposal. Consequently, it is not considered that this objection can be upheld.

In conclusion, subject to conditions (including securing the beneficial heritage works), the proposals are considered to safeguard the special interest of the listed building and to preserve or enhance the character and appearance of the Harley Street Conservation Area.

### **8.3 Residential Amenity**

Records indicate that the application site is bounded by residential properties to the north, on both frontages. There are also residential uses on the upper floors of 4 Wimpole Street and at 12-14 and 20 Wigmore Street, to the south, and on the opposite side of Wigmore Place.

#### **Overlooking**

The original proposal included the creation of first floor roof terraces at the rear of both buildings. Objections were received from neighbouring occupiers and the Marylebone Association on the grounds of loss of privacy (and noise disturbance) resulting from the use of the terraces. Because no form of privacy screening could be provided which was considered acceptable in design terms, the terraces have been deleted from the scheme.

A condition is recommended to prevent the use of the existing first floor flat roof to the Wigmore Place building for sitting out. This roof was previously inaccessible (but now could be as a result of the new windows and access door to the external stair), and it is considered that its use would result in unacceptable overlooking to neighbouring sites.

One objection has been received raising concern regarding possible increased overlooking from the proposed roof extension to properties on the opposite side of Wigmore Place. The proposed mansard is both set back from the existing building line, and contains three dormer windows (largely matching the existing fenestration pattern on the floor below). The relationship between the buildings is that commonly found within a mews and it is not considered that the provision of traditional sash windows within the roof addition would result in a material increase in the potential for overlooking to the properties opposite. Similarly, it is not considered that the installation of dormer windows to the rear of the extension would result in a material loss of privacy to neighbouring properties.

#### **Noise disturbance**

Objections have been received to the large garden level window/door openings proposed to the rear of the mews building. Objectors are concerned that, when opened,

the noise emanating from the building would result in unacceptable noise disturbance. Whilst officers acknowledge these concerns, it is not considered that any noise emanating from the residential building is unlikely to cause significant losses of amenity to neighbouring residents or would be materially greater than that which could escape via a more traditional window/door arrangement. Consequently, it is not considered that the concerns raised could justify a recommendation for refusal.

### **Sunlight and Daylight**

UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties and to safeguard daylight and sunlight levels to neighbouring buildings. Policy S29 of the City Plan aims to improve the residential environment of Westminster

The application is supported by a detailed daylight and sunlight report (in accordance based on BRE (Building Research Establishment) guidelines. The report assesses the impact of the development on properties at 4 and 6 Wimpole Street, nos. 2, 3, 4 and 23 Wigmore Place, and 12-14 Wigmore Street.

#### Daylight

Under the BRE guidelines, the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky received at the outside face of a window, at its centre point. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

The report demonstrates that the windows assessed will experience only small losses in daylight, all below the 20% threshold identified by BRE guidance. The most significant reduction in VSC (13%) is to ground floor windows at 4 Wigmore Place (from 4.73% to 4.16 %) and at 18-22 Wigmore Street (from 22.04 % to 19.27 VSC%). In both cases, these losses will not be noticeable.

#### Sunlight

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

The sunlight assessment demonstrates that although there would be some reductions in annual sunlight levels (APSH), these would be below the 20% threshold. The most significant reduction would be 17% to the ground floor window at 4 Wigmore Place.

In these circumstances, it is not considered that there would be a material loss of daylight and sunlight received to neighbouring properties

### **Sense of Enclosure**

It is not considered that the proposed mansard roof extension on the Wigmore Place building will result in any significant increase in the sense of enclosure to any surrounding properties.

In conclusion, subject to conditions it is considered that the proposals would comply with UDP policy ENV13 and S29 of the city Plan and that the amenity of neighbouring properties would not be materially affected.

### **8.4 Transportation/Parking**

The existing garage located in the Wigmore Place building is being retained. There will therefore be no loss of off street car parking. One objection has been raised on the grounds that they believe the whole ground floor of the mews building is a garage and it can therefore accommodate many cars, and not one car as stated by the applicant. A site visit to the property, and the submitted existing drawings, show that the objector is incorrect in their assertion as only part of the ground floor is accessible as parking. The rest of the ground floor is separate rooms accessed from the parking area and the access stairs to the first floor flat. While the area for parking is large, it would be considered difficult to fit more than one car in the space. It is not considered that this objection can form any part of a reason to refuse permission for this application.

The proposed ground floor layout of the Wigmore Place building is very open plan. This area is intended to provide both space to park a vehicle and for use as a living area. The retention of the provision of at least one space to park a car in this area will be secured by condition to ensure that there is no loss of off-street car parking.

### **8.5 Economic Considerations**

Any economic benefits generated by the proposals are welcomed.

### **8.6 Access**

There is no change to the access arrangements to either building as a result of these proposals.

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

#### **Plant**

The application is accompanied by an acoustic report. This has been assessed by the Council's Environmental Health officer who has confirmed that the proposed plant installations in the front basement vault and to the roof of the main house, and beneath the proposed rear garden stair to the mews building) is likely to comply with the relevant noise criterion within UDP Policy ENV 7. A number of the proposed units require acoustic enclosures for the noise requirements to be met. The installation of these will be secured by condition.

## **Trees**

UDP Policy ENV 16 states, '*All trees in conservation area and all trees subject to Tree Preservation Orders will be safeguarded*', as well as stating, '*Planning permission will be refused for development likely to result in the loss or damage to a tree...*'.

There are two mature London plane trees which have the potential to be affected by the development, the first in the rear garden of the application site and the second in the rear garden at 6 Wimpole Street.

One objector has expressed concerns, initially shared by the Council's Arboricultural Officer, that the proposed development would have a potential adverse impact on the trees. The information within the submitted Arboricultural Impact Assessment (AIA) was not considered to adequately assess the potential impact of the development. However, following additional investigations and two trial excavations being conducted on site, which were inspected by the Council's Arboricultural Officer, it is considered that the development is unlikely to affect the trees in question. There is, however, a possibility that large structural roots from the London plane trees could be present at greater depths than were exposed by the trial holes (1.3m) and could also be growing beneath the mews building. However, on the basis of the evidence of the site investigations it would be difficult to refuse the application because of the potential impact on the trees. In these circumstances it is recommended that conditions are imposed to secure the submission of a method statement detailing all proposed tree protection measures and details of the foundations for the external staircase and the load spreading permeable surface in the rear garden.

A further objection was received stating that the additional information submitted does not appear to be sufficient to demonstrate no damage will occur to the trees. However, subject to the conditions outlined above, it is not considered that permission could reasonably be withheld.

### **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**

Not applicable

### **8.10 London Plan**

This 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.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development and the submission of a method statement explaining the measures taken to protect the trees on and adjoining the site. The applicant has agreed to the imposition of the condition.

### **8.12 Planning Obligations**

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

### **8.13 Environmental Impact Assessment**

An Environmental Impact assessment is not required for a proposal of this scale.

### **8.14 Other Issues**

#### **Basement**

The proposal includes the excavation of a single storey basement below the Wigmore Place building. The proposed basement development is compliant with the City Plan policy on basement development (Policy CM28.1). As the basement will be wholly beneath the footprint of the existing building, policy requirements regarding landscaping etc. are not applicable. The site is not located in a flooding hotspot area or an area of special archaeological priority.

An objection has been received on the grounds that they are certain that the proposed excavation (and associated demolition of parts of the building) will undermine the structural integrity of the building. The Building Control Officer has assessed the proposed structural methodology statement and considers that the submitted details to be satisfactory. Further details regarding structural integrity of the building and the impacts the construction process will have on this are provided to the Environmental Inspectorate as part of the Code of Construction Practice. The Code is discussed in more detail in the section below. It would not therefore be reasonable to withhold permission on the grounds of this objection.

The applicant has submitted the required Appendix A to indicate its compliance with the Code of Construction Practice. Compliance with this would be secured by condition.

An objection has been received on the grounds that the proposed basement development does not comply with the adopted basement policy or the Supplementary Planning Guidance (SPG) on such development. The objector considers that overall scale of the existing building is fundamental to its character and historic interest. This objection is discussed in section 8.2 above.

The objector also expresses concern that the proposed basement will not provide a usable space as it has no adequate natural lighting. The proposed plans indicate a rooflight, located internally at ground floor level, which is sited below the first floor rooflight on the flat roof and next to the proposed ground floor opening at the rear of the mews building. Although the proposed rooflight is not particularly large, the plans show that the basement is not intended to be used as habitable space. Additionally, as the basement comprises only a small part of a large dwelling house, it is not considered that the relatively poor levels of light achieved would compromise the overall standard of amenity provided to future occupiers. It is therefore not considered this part of the objection can be upheld.

The objector also states that the proposed basement development is contrary to the SPG on basement development which seeks to prevent damage to, and the loss of, trees as a result of such works and also identifies the importance of avoiding root severance as a result of excavation. This matter is discussed in section 8.7 above. With appropriate conditions in place, it is not considered that these concerns could justifiably form the basis of a recommendation for refusal.

### **Construction Impact**

Objectors have raised concern regarding the impact on amenity and the area during the course of construction.

The Council's Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all major developments and schemes involving basement excavation. In recognition that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these, the Council's new approach is for a condition to be imposed requiring the applicant to provide evidence that any implementation of the scheme (by the applicant or any other party) will be bound by the Code.

Furthermore, City Plan Policy S29 states, '*The development of major infrastructure projects and where appropriate, other projects with significant local impacts will need to mitigate, avoid or remedy environmental and local impacts, both in construction and operation, and this will be achieved through compliance with the relevant parts of the Council's Code of Construction Practice*'.

An objector has requested that acoustic baffling be installed to any scaffolding to mitigate any sound from construction works. Another respondent has expressed concern about the potential use of Wigmore Place by construction traffic. Such matters are now

more properly addressed as part of discussions around the Code of Construction Practice and could not justify the refusal of planning permission.

### **Biodiversity**

The revised proposals include a sedum roof on the existing first floor flat roof at the rear of the Wigmore Place property. This feature is welcomed and will be secured by condition.

### **Thames Water**

Thames Water, whilst not objecting to the proposals, have made comments regarding construction details, water pressure and the existence of sewers in the vicinity of the site. These matters will be dealt with by informatives, as appropriate.

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

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



**9. KEY DRAWINGS**

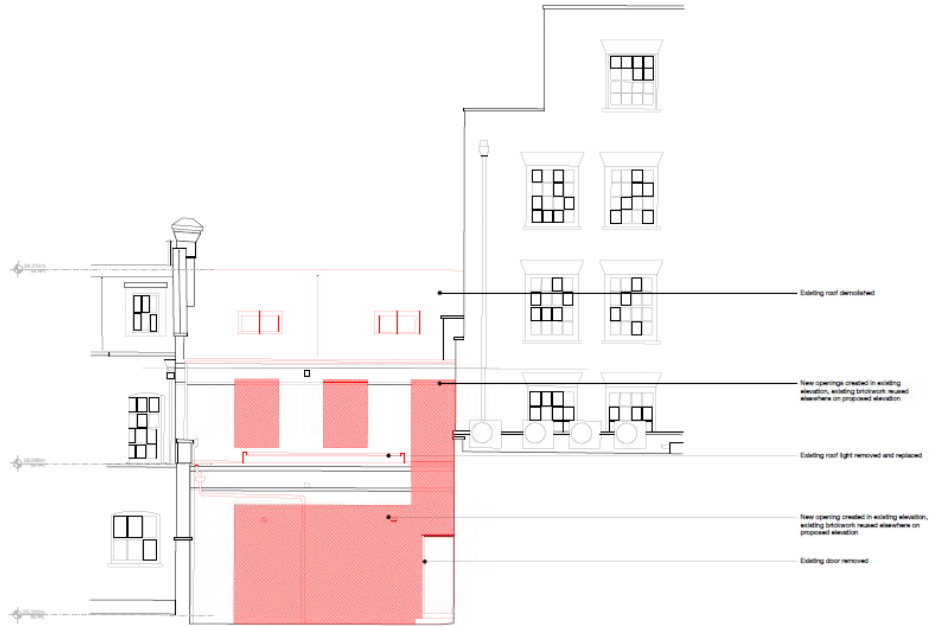
**Existing/Demolition Wigmore Place Front Elevation**



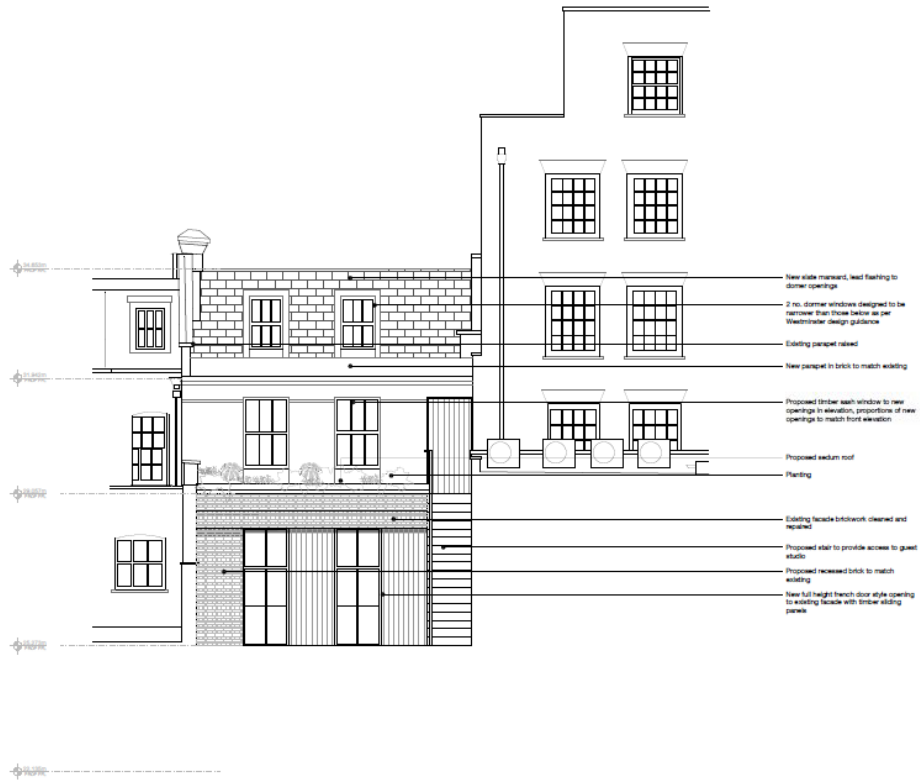
**Proposed Wigmore Place Front Elevation**



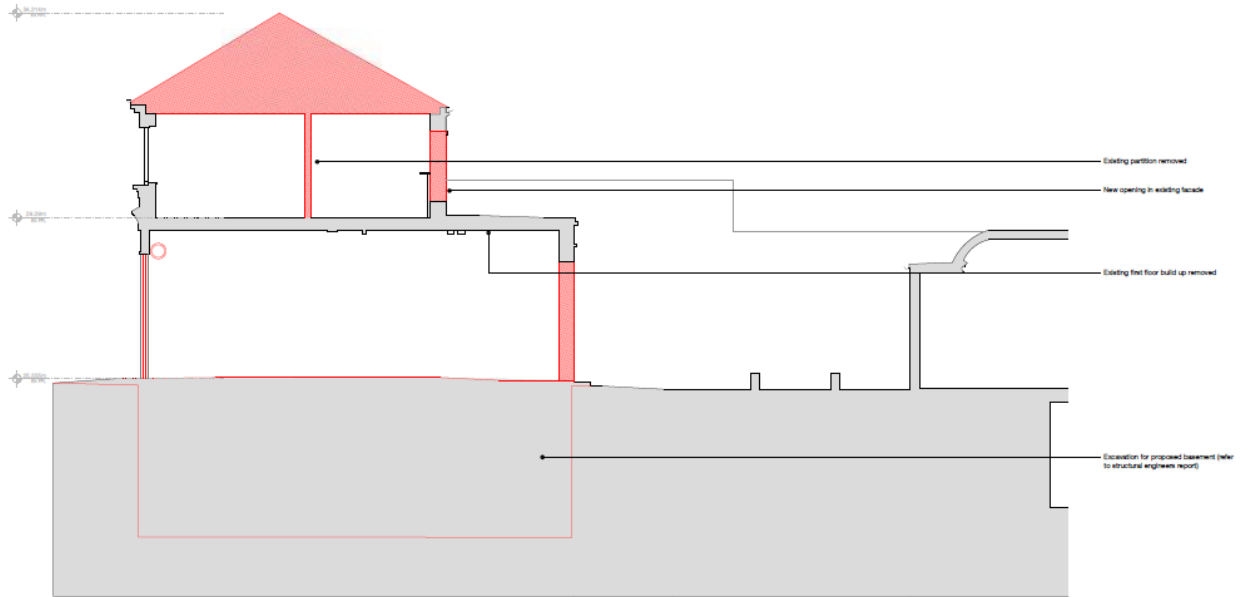
### Existing/Demolition Wigmore Place Rear Elevation



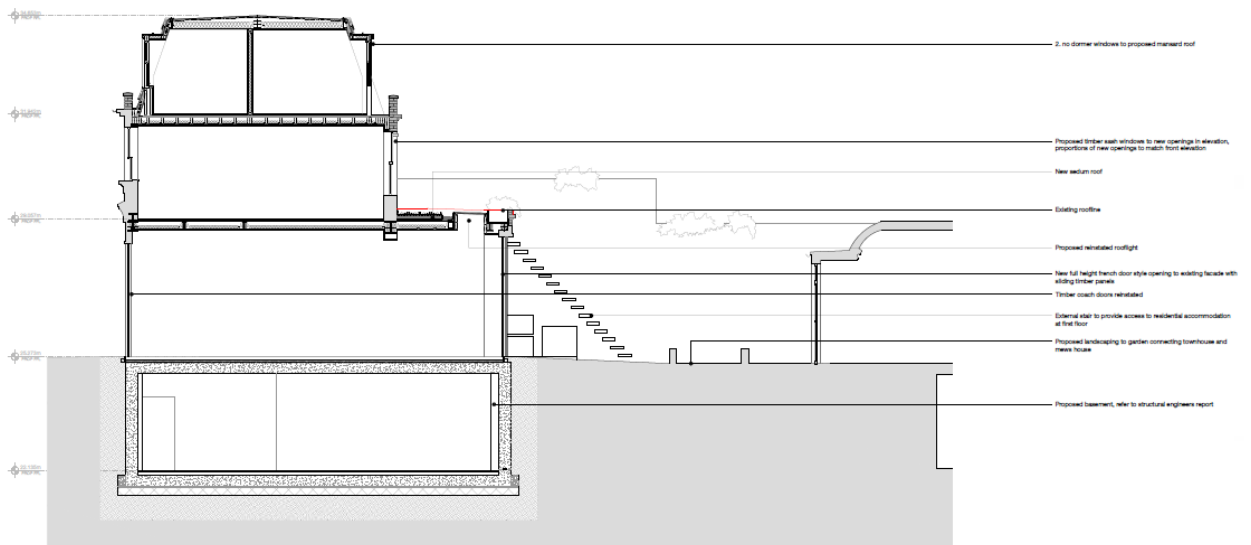
### Proposed Wigmore Place Rear Elevation



### Existing/Demolition Wigmore Place Section 04



### Proposed Wigmore Place Section 04



**DRAFT DECISION LETTER**

**Address:** 5 Wimpole Street, London, W1G 9ST,

**Proposal:** Alterations including excavation of a basement extension, demolition of existing roof and erection of mansard roof extension, installation of rear windows and new access stair from garden to first floor, with new plant beneath, at 24 Wigmore Place; installation of air conditioning units in front pavement vault and at roof level at 5 Wimpole Street and use of the buildings as a single family dwelling house (Class C3) (site includes 24 Wigmore Place)

**Reference:** 18/06066/FULL

**Plan Nos:** Demolition Drawings:  
T1B Rev. A ; T10 Rev. C ; T11 Rev. C ; T12 Rev. C ; T13 Rev. C ; T1R Rev. C ;  
M10 Rev. B ; M11 Rev. B ; M1R Rev. A ; 030 Rev. A ; 031 Rev. B ; 032 Rev. A ;  
033 ; 051 Rev. B ; 053 Rev. A

Proposed Drawings:  
T2B Rev. C ; T20 Rev. D ; T21 Rev. D ; T22 Rev. D ; T23 Rev. D ; T2R Rev. E ;  
M2B Rev. C ; M20 Rev. C ; M21 Rev. D ; M22 Rev. D ; M2R Rev. D ; 040 Rev. A ;  
041 Rev. C ; 042 Rev. D ; 043 Rev. A ; 061 Rev. D ; 063 Rev. D

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

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

- 4 You must not use the flat roof at rear first floor level of the Wigmore Place building for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance.

Reason:

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

- 5 You must apply to us for approval of detailed drawings (at scale 1:20 and 1:5), or other items as listed, of the following parts of the development:
- All new doors and windows,
  - New glazed roof to ground floor reading room,
  - New dormers (construction and materials), and
  - New external stair to mews building.

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

- 6 The new mansard must be covered in natural blue/grey slate.

**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 Harley Street 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)

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

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

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

Reason:

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

- 10 **Pre Commencement Condition.** Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application (C11CC)

Reason:

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

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

Reason:

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

- 12 You must apply to us for approval of details of the foundations for the external staircase and for the load spreading permeable surface in the rear garden. You must not start work on this part of the development until we have approved what you have sent. You must then carry out the work according to the approved details.

Reason:

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

- 13 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application.

- Sedum roof

You must not remove any of these features. (C43FA)

Reason:

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

- 14 You must maintain space to park at least one car in the ground floor area of the Wigmore Place building. This parking space(s) can only be used by people living in this property to park their private motor vehicles.

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)

**Informative(s):**



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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 Conditions 7 and 8 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 4 With reference to condition 10 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk).

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

You are urged to give this your early attention

- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 6 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)

- 7 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

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

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

- 8 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 9 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)
- 10 Please contact Thames Water with any questions or concerns regarding discharge of waste water or sewerage from the site.

Should there be the intention as part of these proposals to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)

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

**DRAFT DECISION LETTER**

**Address:** 5 Wimpole Street, London, W1G 9ST,

**Proposal:** Alterations including excavation of a basement extension, demolition of existing roof and erection of mansard roof extension, installation of rear windows and new access stair from garden to first floor, with new plant beneath, at 24 Wigmore Place; installation of air conditioning units in front pavement vault and at roof level at 5 Wimpole Street; internal alterations (site includes 24 Wigmore Place)

**Reference:** 18/06067/LBC

**Plan Nos:** Demolition Drawings:  
T1B Rev. A ; T10 Rev. C ; T11 Rev. C ; T12 Rev. C ; T13 Rev. C ; T1R Rev. C ;  
M10 Rev. B ; M11 Rev. B ; M1R Rev. A ; 030 Rev. A ; 031 Rev. B ; 032 Rev. A ;  
033 ; 051 Rev. B ; 053 Rev. A

Proposed Drawings:  
T2B Rev. C ; T20 Rev. D ; T21 Rev. D ; T22 Rev. D ; T23 Rev. D ; T2R Rev. E ;  
M2B Rev. C ; M20 Rev. C ; M21 Rev. D ; M22 Rev. D ; M2R Rev. D ; 040 Rev. A ;  
041 Rev. C ; 042 Rev. D ; 043 Rev. A ; 061 Rev. D ; 063 Rev. D

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street 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 detailed drawings (at scale 1:20 and 1:5), or other items as

listed, of the following parts of the development:

- i. All new doors and windows,
- ii. Reuse of garden room sink,
- iii. All new fireplaces (photographs or drawings at 1:5),
- iv. New glazed roof to ground floor reading room,
- v. New service runs,
- vi. New dormers (construction and materials), and
- vii. New stair to mews building.

You must not start any work on these parts of the development until we have approved what you have sent us.

The new fireplaces and surrounds hereby approved shall be installed in their entirety prior to the use of 5 Wimpole Street and 24 Wigmore Place as a dwellinghouse.

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 Harley Street 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 retain the floorboards throughout. Where these are lifted, they must be numbered, photographed and replaced.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 5 The new mansard must be covered in natural blue/grey slate.

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

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

Reason:

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

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 6

Item No.
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6
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14 May 2019	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> Warwick	
<b>Subject of Report</b>	<b>42 Denbigh Street, London, SW1V 2ER</b>		
<b>Proposal</b>	Use of basement and ground floor for Class A2 purposes (Professional and Financial Services)		
<b>Agent</b>	Mr Thaddaeus Jackson-Browne (Lambert Smith Hampton)		
<b>On behalf of</b>	Mr Ash Kashyap, Dexters.		
<b>Registered Number</b>	19/01803/FULL	<b>Date amended/ completed</b>	12 March 2019
<b>Date Application Received</b>	8 March 2019		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Pimlico		

## 1. RECOMMENDATION

Grant conditional permission.
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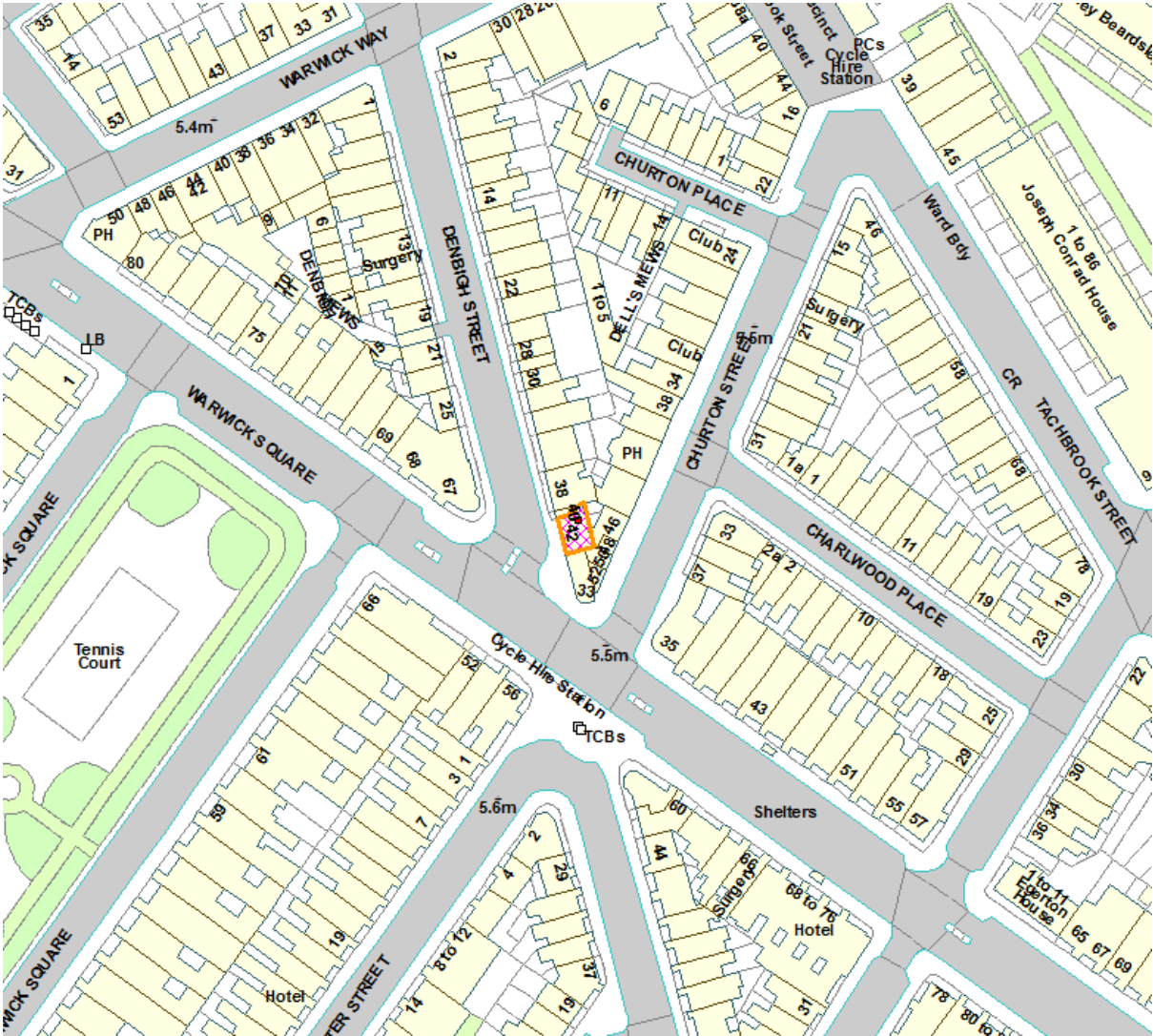
## 2. SUMMARY

The application site comprises the ground and lower ground floors of an unlisted building located in the Pimlico Conservation Area. The property is in retail use at ground floor and basement (vacant) and residential on the upper floors. The site lies outside of the Core CAZ, but lies within the Pimlico CAZ as defined by Westminster's City Plan and the Warwick Way/Tachbrook Street District Centre as defined by the Council's Unitary Development Plan.

This application relates to the basement and ground floors of the property and proposes the change of use to A2 (Professional and Financial Services). The main consideration in this application is the loss of an A1 use in a designated secondary frontage.

Whilst the loss of an A1 use within a secondary shopping frontage is not usually acceptable under current policy, the proposed A2 use is not considered to have any harmful impact on the vitality or viability of the retail character of the street, particularly given the site's location in a secondary frontage. The application is supported by Policies SS5 and SS6 of the Council's Unitary Development Plan (adopted in 2007) and Policies S1, S10 and S21 of Westminster's City Plan (2016).

3. LOCATION PLAN



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4. PHOTOGRAPHS



## 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.

### WASTE PROJECT OFFICER

Suggests a condition to secure refuse storage.

### HIGHWAYS PLANNING MANAGER

No objection subject to conditions regarding cycle storage and refuse storage.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 70

Total No. of replies: Any responses to be reported verbally.

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The mid-terrace 5-storey property sits on the southern end of the peninsula between Denbigh Street, Churton Street to the east and Belgrave Road to the south. The property comprises retail on the ground floor (although currently vacant) and ancillary storage space at lower ground level with residential flats on the upper floors. The previous retail use operating at ground floor level was 'Westminster Carpets and Flooring' but has been vacant since August 2018.

The site lies outside of the Core Central Activities Zone (CAZ), but lies within the Pimlico CAZ as defined by Westminster's City Plan (adopted 2016) and the Warwick Way/Tachbrook Street District Centre as defined by the Council's Unitary Development Plan (adopted in 2007) in which is it designated as a 'secondary frontage'.

### 6.2 Recent Relevant History

#### 95/06836/FULL

Revised application; use of 42a Denbigh street (b and g) only as A3 cafe use with no primary cooking on the premises; new shopfront; opening of front basement area.

Application Permitted 24 July 1997

#### 94/04820/FULL

Removal of condition 3 from consent dated 7/03/91 RN: 904728 to allow continued use of premises within class a3 as a café.

Application Permitted 12 January 1995

90/04728/FULL

Change of use to wine bar.

Application Permitted

7 March 1991

**7. THE PROPOSAL**

	Existing GIA (sqm)	Proposed GIA (sqm)	+/- (sqm)
A1 Use- Retail	106	0	-106
A2 Use- Financial/Professional Services	0	106	+106
Total	106	106	0

This application relates to the basement and ground floors of the property and proposes the change of use from planning use class A1 (retail) to A2 (Professional and Financial Services) and would operate during the hours of 08:00 and 20:00 daily. The basement and ground floors have a gross internal area of approximately 110sqm. Access to the property would be at the front of the premises at ground floor level on Denbigh Street as existing.

**8. DETAILED CONSIDERATIONS**

**8.1 Land Use**

Loss of A1 use

In Westminster’s City Plan (adopted in 2016), Policy S1 supports a mix of uses within the CAZ that supports its vitality, function and character. Policy S21 seeks to protect existing A1 retail throughout Westminster, unless the Council considers that the unit is not viable as demonstrated by long-term vacancy despite reasonable attempts to let. Policy S10 seeks to permit retail and other town centre uses in Pimlico where they are directed towards the Warwick Way/Tachbrook Street CAZ Frontages and the Local Shopping Centres.

Within the Council’s Unitary Development Plan (adopted in 2007), policy SS 6 is relevant. It seeks to refuse proposals in District Centres that would harm the residential amenity or local environmental quality, such as a result of smells, noise, increased late-night activity and disturbance, or increased parking and traffic. Part C of the policy sets out criteria for when non A1 town centre uses would be permitted. The proposal should not harm the viability, vitality, character or function of the district centre. The proposal should not lead to, or add to, an existing concentration of non A1 units in a parade. It should not result in more than 3 non A1 uses located consecutively in a parade; and the proposal should not result in the loss of a local convenience shop. It also requires that the proposal should not cause there to be more than 45% of the total length of the Secondary Frontage in non-A1 use at street level.

Taking the above policies into consideration, the proposed use would not cause significant harm to the residential amenity/environmental quality by means of smells, noise, increased late-night activity and disturbance, or increased parking and traffic.

Also, the proposal would not result in the loss of an A1 unit last used as a local convenience shop or reduce the range of local convenience shops in the centre.

Due to the location of the site, No. 42 Denbigh Street is relatively isolated from the main concentration of A1 uses along Denbigh Street to the north, separated by a series of residential properties at nos. 32-40 Denbigh Street. The adjacent property to the south (No. 33 Belgrave Road) currently operates as a food and wine shop—‘Denbigh Food and Wine’— (A1 Use) between the hours of 07:00- 23:00 daily. The rest of the street level uses along Denbigh Street comprise retail and restaurant uses, with two other A2 uses at Nos. 8 and 26 Denbigh Street. There is another Class A2 unit nearby on Churton Street at No.50 which currently operates as an estate agent.

Given the residential uses adjacent, the proposal would result in a run of more than 3 non A1 uses along this part of the frontage, and will also breach the 45% threshold set out in SS6(c). Whilst there are a variety of street level uses in this part of the Warwick Way/Tachbrook Street district centre, it is not considered that the proposed A2 use would cause any harm to the viability or vitality of the shopping centre, or cause a particular concentration of Class A2 uses.

A letter from the long leaseholder of the application site dated 23 April 2019 states that the premises has been vacant since August 2018, whereby several attempts to let the premises on an A1 use basis have been unsuccessful. The property was advertised and subject to marketing campaigns including a ‘to let’ advertisement board in the window of the property, monthly target mail shots, and exposing the property on commercial portals. However, notwithstanding these attempts, no interest was raised. The letter emphasised that this is thought to be because of the adjacent local convenience store and nearby busier streets fulfil much of the retail demand.

Therefore, notwithstanding the breach in 45% threshold and the loss of A1 retail, the proposed use would return the vacant property into an active frontage which would encourage more customer footfall to the premises and surrounding locality, and in turn would benefit the shopping frontage overall in terms of vitality and viability.

The addition of a new non-A1 use to the frontage is considered to be justified by its positive economic contribution to the shopping frontage and Warwick Way/ Tachbrook Street District Centre, which would be largely in line with the aims of SS6 of the UDP and Policies S1, S10 and S21 of the City Plan.

## **8.2 Townscape and Design**

No external alterations or internal works have been proposed within this application and therefore raise no issue with regards to design and conservation.

## **8.3 Residential Amenity**

The principle of a shop-type premises at ground floor has already been established at the host site, given it has previously operated as an A1 use and is located within a designated district centre. The proposed opening hours would be in line with neighbouring uses and as such, it is not considered that the proposed change of use would generate a significant amount of noise and disturbance during or outside of the proposed opening hours that would be of detriment to the neighbouring residential amenity, particularly to the residential flats on the upper floors at No. 42 Denbigh Street and No. 33 Belgrave Road and to the flats at No. 40 Denbigh Street.

Furthermore, as no internal or external changes are proposed as part of the scheme, the development is not considered to impact the residential amenity in terms of loss of light, privacy, overlooking, outlook or overbearingness.

On this basis, subject to a condition restricting the opening hours between 08:00 and 20:00 daily, the proposal would be in accordance with Policies SS 6, ENV 7 and ENV 13 of the UDP and S29 and S32 of the City Plan.

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

The proposed scheme is not considered to generate any more car traffic than that of the existing use and the property is in short walking distance to bus stops along Belgrave Road and Pimlico Underground Station on Lupus Street. On this basis, the proposal is not considered to negatively impact highways in terms of parking levels and road traffic, in accordance with Policy TRANS 23 of the UDP and S41 of the City Plan.

No off-street servicing is provided for the proposed development. However, the Council's Highways Planning Officer has stated that the proposed use is highly unlikely to generate a higher servicing requirement than that of the existing A1 use or have an adverse impact on the public highway. The site is located within a Controlled Parking Zone, which means that locations single and double yellow lines (where restrictions permit) in the vicinity allow loading and unloading to occur. The largest service vehicle likely to be attracted to the site is associated with refuse collection, which will serve the site in a similar manner to the existing use and surrounding properties. On this basis, the proposal is considered to comply with Policies TRANS 20 of the UDP and S42 of the City Plan and is found acceptable on servicing grounds.

Policy 6.9 (Table 6.3) of the London Plan 2016 and Policy S41 of the City Plan requires secure cycle parking to be provided on site in new developments, in particular a minimum of 2 cycle spaces for a unit of this size. Therefore, at least two secure cycle parking spaces will need to be secured by condition to make the application acceptable in sustainable transport terms.

Subject to a condition securing cycle parking, the Council's Highways Officer raises no objection to the proposal, and the proposal is found acceptable on highways grounds.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

The building would be accessed from the front of the property via the main entrance on Denbigh Street at ground floor level as existing.

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

The proposals are not in line with the Council's recycling and waste storage requirements. To make the proposal acceptable in terms of waste storage, a condition is recommended to be attached that will request plans to confirm the bin capacities for the storage of residual waste and recyclable materials for the unit. Subject to the

recommended condition, the Council's Waste Project Officer raises no objection to the proposal.

#### **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 applicable to this site.

#### **8.10 London Plan**

This application raises no strategic issues.

#### **8.11 National Policy/Guidance Considerations**

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

#### **8.12 Planning Obligations**

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

#### **8.13 Environmental Impact Assessment**

Not applicable for a scheme of this size.

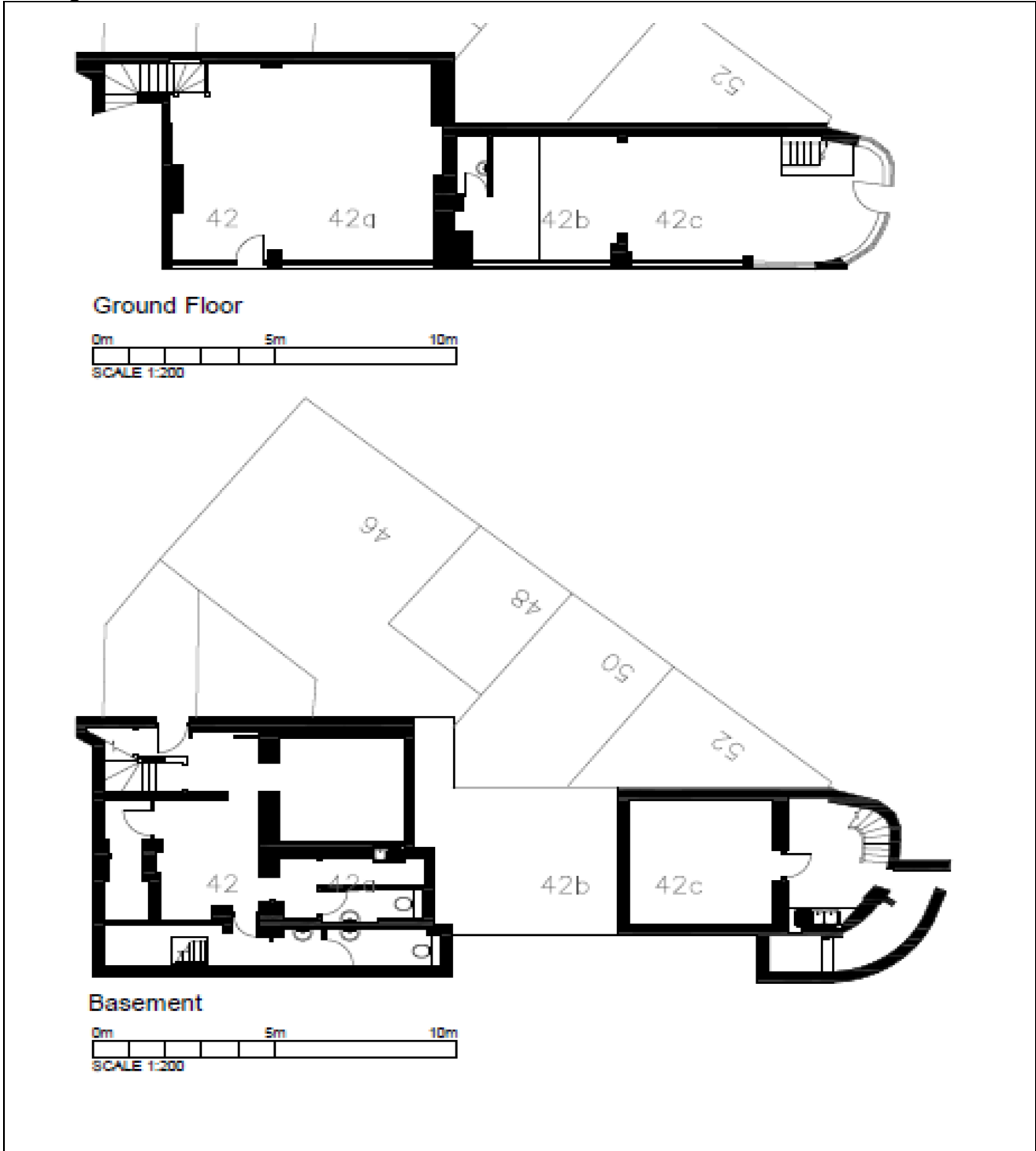
#### **8.14 Other Issues**

None.

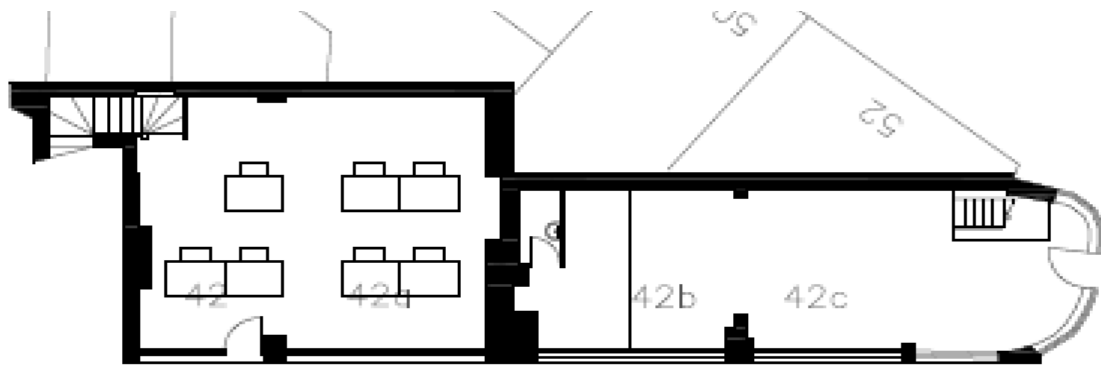
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

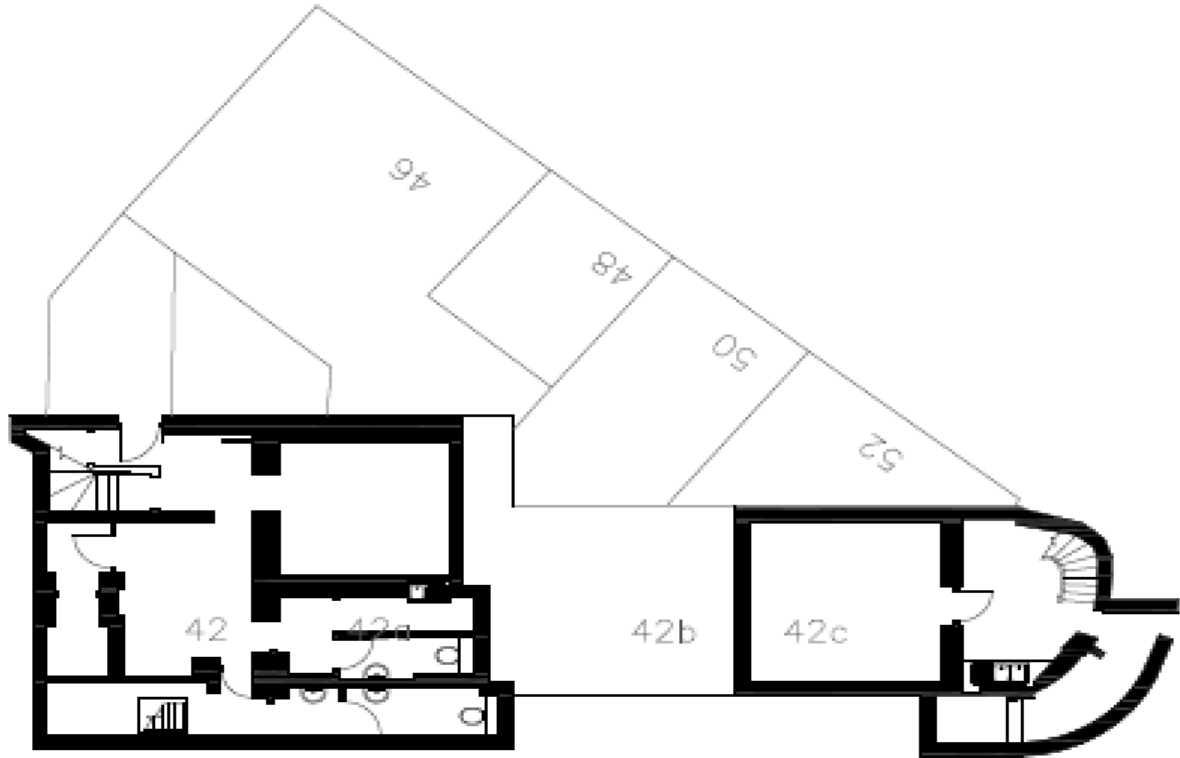
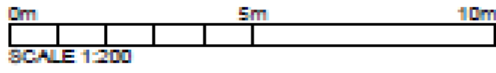
**9. KEY DRAWINGS**  
**Existing Ground and Lower Ground Floor Plan**



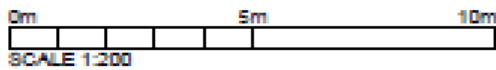
Proposed Ground and Lower Ground Floor Plan



Ground Floor



Basement





**DRAFT DECISION LETTER**

**Address:** 42 Denbigh Street, London, SW1V 2ER

**Proposal:** Use of basement and ground floor as Professional and Financial Services. (Class A2)

**Reference:** 19/01803/FULL

**Plan Nos:** Approved Plans, Proposed floor plans, , For information only, Existing floor plans, Cover Letter dated 7 March 2019, Planning statement dated March 2019, Leaseholder Letter dated 23 April 2019, Email dated 3 April 2019,

**Case Officer:** Hayley White

**Direct Tel. No.** 020 7641 7327

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

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

Reason:

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

- 2 The use hereby permitted shall not be carried on except between 08:00 - 20:00 daily.

Reason:

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

- 3 You must apply to us for approval of details of secure cycle storage for the A2 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)

- 4 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. 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 premises. (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)

- 5 No waste in relation to the site is to be left on the highway at any time.

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)

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

Reason:

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

**Informative(s):**

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

- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
  
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

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

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# Agenda Item 7

Item No.
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<b>7</b>
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14 May 2019	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	7 Wimpole Street, London, W1G 9SN		
<b>Proposal</b>	Use of the building as a single family dwellinghouse (Class C3) and internal alterations, namely the removal of non-original partitions and false floors within the former dental studio rooms.		
<b>Agent</b>	Rolfe Judd Planning		
<b>On behalf of</b>	Mr David Yeo		
<b>Registered Number</b>	18/10653/FULL & 18/10654/LBC	<b>Date amended/ completed</b>	18 December 2018
<b>Date Application Received</b>	18 December 2018		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Harley Street		

## 1. RECOMMENDATION

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

## 2. SUMMARY

7 Wimpole Street is a grade II listed building of 1912-13 located in the Harley Street Conservation Area and the Harley Street Special Policy Area. The property is currently vacant, but most recently was in use as a dentist surgeries at ground, first and second floors, a non-self-contained maisonette at third and fourth floors, and a basement flat.

Permission is sought to use the building as a single family dwellinghouse (Class C3) and undertake internal alterations to remove the non-original partitions and false floors within the former dental studio rooms.

The key issues are:

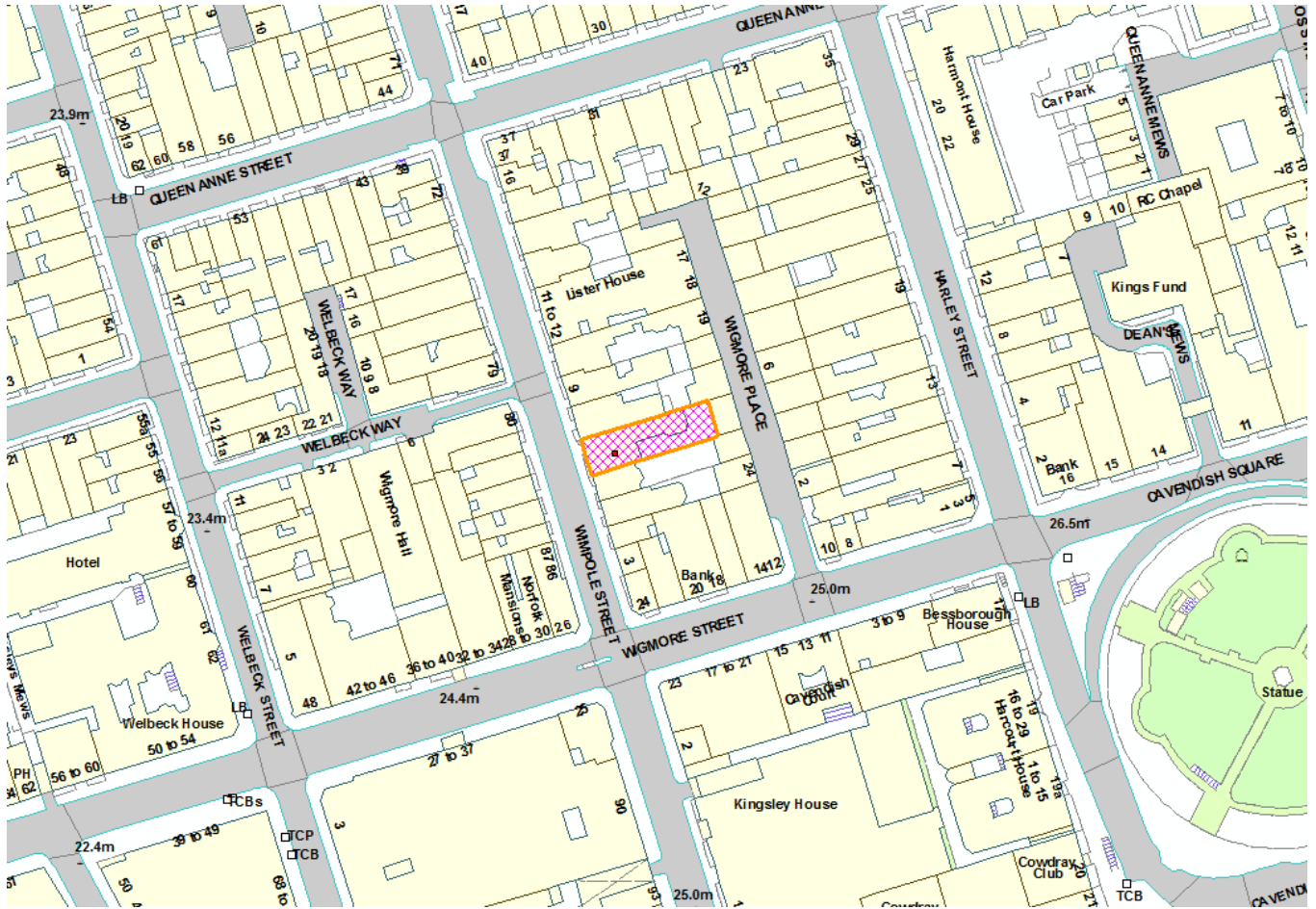
- Whether exceptional circumstances exist in this instance to justify the loss of the medical floorspace on site within the Harley Street Special Policy Area (SPA).
- Whether the special interest of this listed building is preserved by the proposal alterations.

- Whether the loss of one residential unit is acceptable.

To ensure a viable future for this listed building, it is considered that its conversion to a single family dwellinghouse is necessary. This, combined with works proposed that will enhance the special interest of this listed building, are considered to provide the exceptional circumstances to depart from the policy protection for medical floorspace within the Harley Street SPA. Furthermore, reverting this converted former dwellinghouse back to a family sized single family dwellinghouse falls within one of the policy exceptions to the protection of residential units.

For these reasons, it is recommended that conditional permission and consent be granted.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS





## **5. CONSULTATIONS**

MARYLEBONE ASSOCIATION  
No objection

WASTE PROJECT OFFICER  
Acceptable subject to a revised plan to be submitted indicating residual waste storage.

HIGHWAYS PLANNING  
Objection raised to lack of residential car parking.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 29  
Total No. of replies: 1

One objection received from Howard de Walden Estate who raise concerns regarding the loss of medical floorspace within the Harley Street Special Policy Area.

PRESS ADVERTISEMENT / SITE NOTICE  
Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

7 Wimpole Street is a Grade II listed building located within the Harley Street Conservation Area and the Harley Street SPA. The building dates 1912-13 and was built as a large private house.

There is no planning history that unequivocally demonstrated the lawful uses(s) of the building. However, based on the condition of the building and the evidence provided within the letter of objection from the Howard de Walden Estate, it appears that the lawful use of the building is as a basement flat, dental surgeries at ground, first and second floor levels, and a residential maisonette over third and fourth floors.

A communal staircase and common parts link the ground and upper floors of the building. This is not at all unusual, with such arrangements of accessing flats on upper floors through shared access cores being common within the Harley Street Special Policy Area. What is unusual, however, is that the maisonette at third and fourth floor levels is not self-contained from these common parts.

### **6.2 Recent Relevant History**

None relevant

## **7. THE PROPOSAL**

Permission and listed building consent are sought for the change of use of the entire building to a single family sized dwellinghouse (Class C3). Internal alterations are

proposed to remove the non-original partitions and false floors within the former dental studio rooms and other remedial work to make good work carried out to allow the operation of the dental surgeries.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

It appears likely that the ground and upper floors of the building were initially occupied by a dentist who both lived and worked within the building. Over the years, more and more rooms seem to have been sub-let to fellow dentists, with the living accommodation retreating further up the building into the upper floors.

Policy S34 provides protection to all social and community floorspace except where, '*... existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider*'. Furthermore, the site's location with the Harley Street SPA means that medical uses are afforded significant protection, with City Plan Policy CM2.1 only allowing the loss of existing medical facilities, including consultation rooms and related professional and support services, in exceptional circumstances where:

- a) the council is satisfied that the premises have been vacant and actively marketed for medical use for at least 12 months at a reasonable market value and attempts to find an occupier have been unsuccessful;
- b) the character and function of the area as a centre of medical excellence would not be affected;
- c) the change of use is to other priority uses for the SPA including medical and supporting services, or residential.

The Howard de Walden Estate has objected to the application on the ground that the loss of the dentist surgeries is contrary to City Plan Policy CM2.1, undermining the reason for the designation of the Harley Street SPA as a centre of medical excellence.

There are, however, considered to be exceptional circumstances in this instance. As set out above, the maisonette over third and fourth floor is not self-contained and there is no prospect of it becoming self-contained as the insertion of some type of stud wall in this location would cause considerable harm to the special interest of the listed building given the importance of the staircase to the architectural and historic interest of the listed building. The result is that the ground and upper floors of the building would only be capable of being occupied by a medical professional that was content to accept the security and privacy constraints of living in a building shared with other staff and patients.

Changes to the way in which medical practices now operate mean that the people that the building would be attractive to is now so narrow that it is considered to be highly likely that the building would be left vacant indefinitely. This is clearly unwelcome in terms of security, the vibrancy of the area and to ensure that this listed building is properly maintained.

Furthermore, significant weight is given to the heritage benefits of reverting this townhouse to the use for which it was built. This is particularly the case as using the building as a dwelling will facilitate the building's restoration and repair. It is evident that the medical use has resulted in a number of potentially harmful alterations to the property. This application proposes to make good all those alterations and restore the property to its former glory. Such a position is supported by UDP Policy DES 10(C) and UDP Para. 10.131 that simply states, '*The best use for a listed building is that for which it was built*'.

For these reasons, it is considered that there are exceptional circumstances to permit the loss of medical floorspace within the Harley Street SPA in this instance.

An objection has also been raised on the ground that the proposal would result in the loss of one residential unit. This is contrary to aims of City Plan Policy S14 that states that proposals that would result in a reduction in the number of residential units will not be acceptable, save for three exceptions. One of these is where a converted housing is being returned to a family-sized dwelling or dwelling. The proposal would fall within this exception and therefore the loss of one residential unit is policy-compliant in this instance.

## **8.2 Townscape and Design**

The majority of the works required to return the building from its current mix of uses (residential/medical) are to undo harmful works which have been implemented without consent or which predate the listing of the building. The return of the building to use as a single family dwelling is a desirable outcome in heritage terms, and the reversal of harmful works are desirable individually.

The proposed works are modest in their extent - sufficient to allow the use of the building as a house - but do not involve any significant changes to fabric or plan form. It is anticipated that a further application for specific works may come forward in the future from a future occupier.

The removal of the harmful partition in the first floor front room will be a particular benefit, as will the rationalisation of the pipework on the rear elevation of the building. A condition should ensure that new pipework is in black painted metal to match the existing.

The proposal retains those all the elements of the building which make a contribution to its special interest. In particular, the fireplaces with their tiled surrounds are important survivals, and should be particularly protected by condition.

The proposed reversion of the building to use as a single family house, and the associated modest works of alteration will serve to preserve the special architectural and historic interest of the property. Both the proposed reversion of the entire property to residential use as a single private house and the associated modest works of alteration will serve to preserve the character and appearance of the Harley Street Conservation Area. Neither the proposed reversion of the entire property to residential use as a single

family house nor the associated modest works of alteration will harm the significance of the property or that of the conservation area.

### **8.3 Residential Amenity**

The use of the building as a single family dwellinghouse raises no amenity concerns.

### **8.4 Transportation/Parking**

An objection has been received from the Highways Planning Manager regarding the potential of the proposal to increase car parking stress in the vicinity of the site. The proposal involves a net loss of residential units and therefore this concerns is unfounded.

A condition is recommended securing cycle parking provision on site.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

Not applicable

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

A condition securing further details of waste and recyclable material storage is recommended.

### **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 of relevance.

### **8.10 London Plan**

This application raises no strategic issues.

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### **8.11 National Policy/Guidance Considerations**

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

### **8.12 Planning Obligations**

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

The proposal is not CIL liable as no increase in floorspace is proposed.

### **8.13 Environmental Impact Assessment**

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

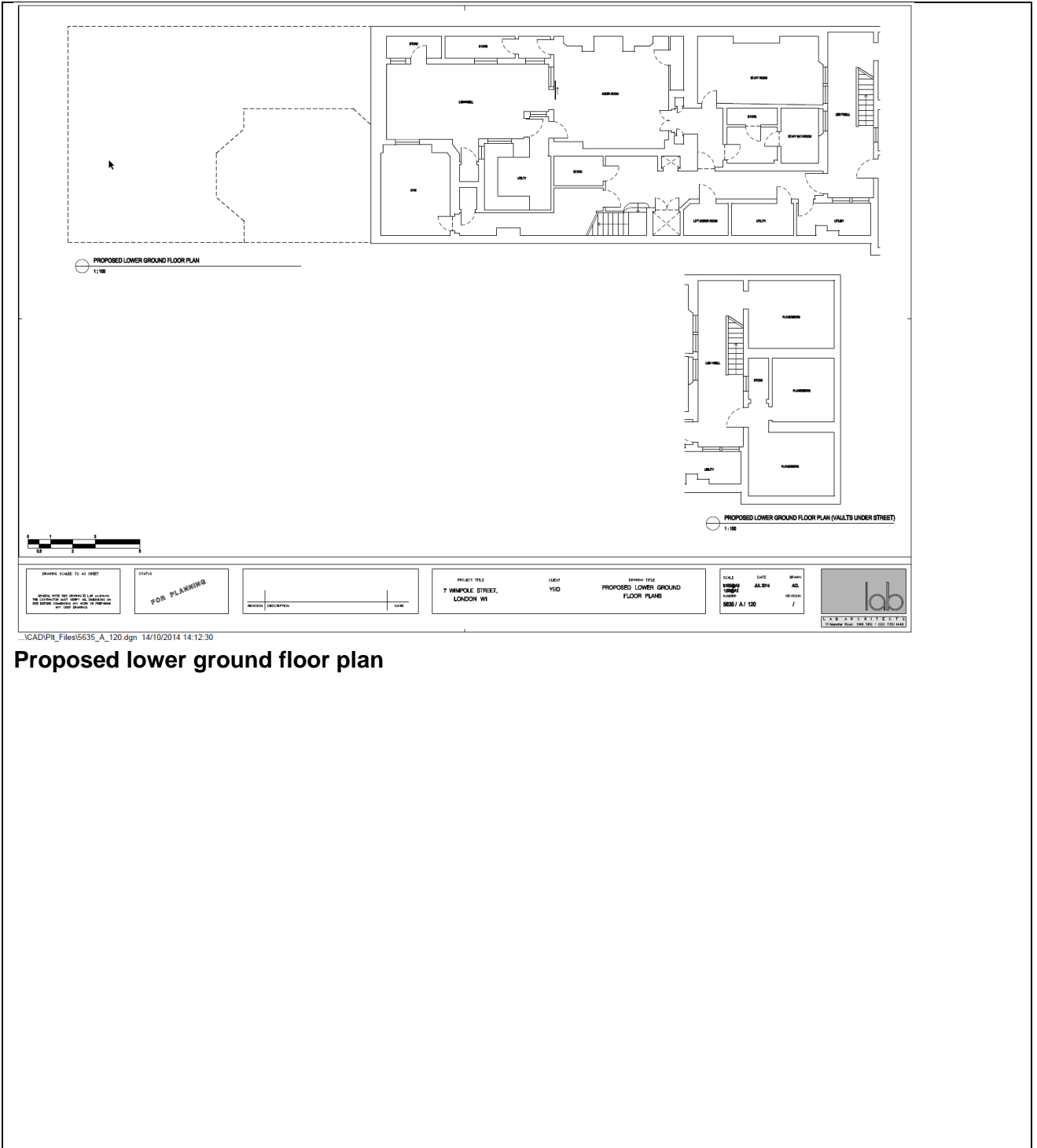
### **8.14 Other Issues**

None

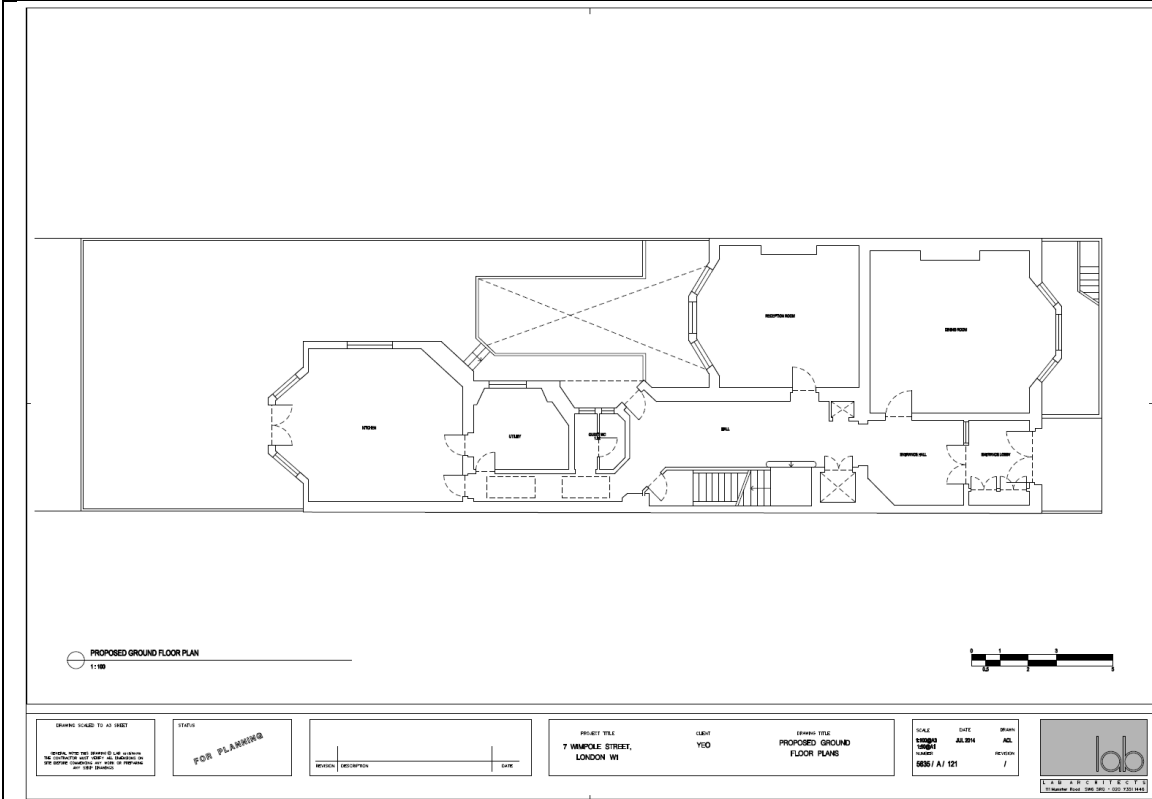
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT <a href="mailto:mhollington2@westminster.gov.uk">mhollington2@westminster.gov.uk</a>
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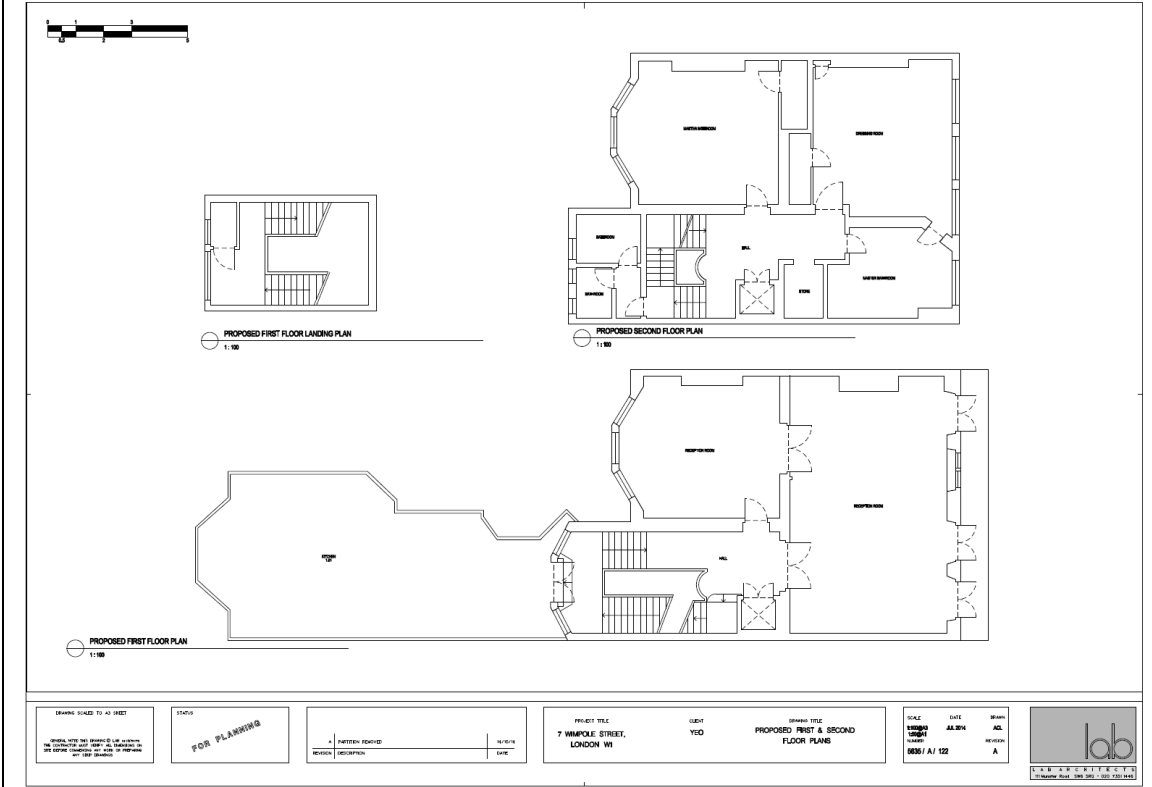
**9. KEY DRAWINGS**



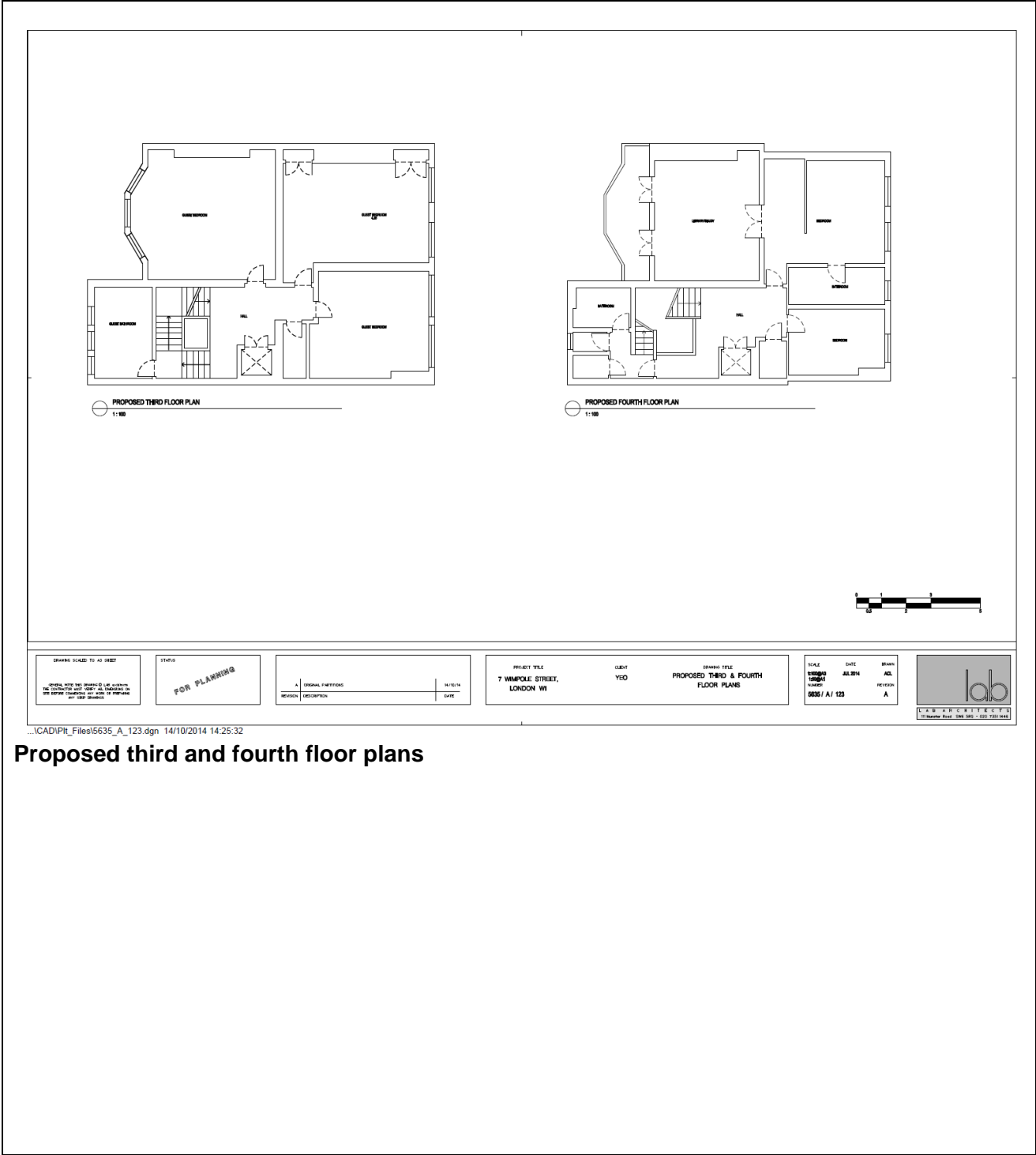
**Proposed lower ground floor plan**



**Proposed ground floor plan**



**Proposed first and second floor plans**



<small>GENERAL NOTE: THE DRAWING IS THE PROPERTY OF LAB ARCHITECTS AND SHOULD NOT BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF LAB ARCHITECTS.</small>	<b>FOR PLANNING</b>	<table border="1"> <tr> <td>REVISION</td> <td>DESCRIPTION</td> <td>DATE</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	REVISION	DESCRIPTION	DATE				<table border="1"> <tr> <td>PROJECT TITLE</td> <td>CLIENT</td> <td>DRAWING TITLE</td> </tr> <tr> <td>7 WIMPOLE STREET, LONDON W1</td> <td>YEO</td> <td>PROPOSED THIRD &amp; FOURTH FLOOR PLANS</td> </tr> </table>	PROJECT TITLE	CLIENT	DRAWING TITLE	7 WIMPOLE STREET, LONDON W1	YEO	PROPOSED THIRD & FOURTH FLOOR PLANS	<table border="1"> <tr> <td>SCALE</td> <td>DATE</td> <td>DRAWN</td> </tr> <tr> <td>1:100</td> <td>JUL 2014</td> <td>ADL</td> </tr> <tr> <td>PROJECT NUMBER</td> <td></td> <td>REVISION</td> </tr> <tr> <td>6836 / A / 123</td> <td></td> <td>A</td> </tr> </table>	SCALE	DATE	DRAWN	1:100	JUL 2014	ADL	PROJECT NUMBER		REVISION	6836 / A / 123		A	 <small>LAB ARCHITECTS</small> <small>10 Northway Street, 2nd Floor, London W1P 0LW</small>
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**Proposed third and fourth floor plans**



**DRAFT DECISION LETTER**

**Address:** 7 Wimpole Street, London, City Of Westminster, W1G 9SN  
**Proposal:** Use of the building as a single family dwellinghouse (Class C3).  
**Reference:** 18/10653/FULL  
**Plan Nos:** 5635/A/120, 5635/A/121, 5635/A/122 REV A, 5635/A/123 REV A

**Case Officer:** Shaun Retzback **Direct Tel. No.** 020 7641 6027

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

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

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

2 You must apply to us for approval of details of how waste and recycling is going to be stored on the site. You must not occupy the dwellinghouse use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling store in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the dwellinghouse. You must not use the waste and recycling store for any other purpose. (C14GA)

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

3 You must apply to us for approval of details of secure cycle storage for the residential 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)

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**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.

**DRAFT DECISION LETTER**

**Address:** 7 Wimpole Street, London, W1G 9SN

**Proposal:** Internal alterations comprising the removal of non-original partitions and false floors within the former dental studio rooms. (Linked to 18/10653/FULL)

**Reference:** 18/10654/LBC

**Plan Nos:** 5635/A/120, 5635/A/121, 5635/A/122 REV A, 5635/A/123 REV A

**Case Officer:** Shaun Retzback

**Direct Tel. No.** 020 7641 6027

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street 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 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

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

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 6 The works approved are only those shown on the drawings listed on this decision letter. (C27NA)

**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 Harley Street 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)

- 7 You must not disturb the fireplaces or tiled fireplace surrounds. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

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

**Reason:**

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

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guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

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# Agenda Item 8

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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14 May 2019	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>30 Chapel Street, London, SW1X 7DD</b>		
<b>Proposal</b>	Variation of condition 1 of planning permission dated 23rd September 2014 (RN 14/02800/FULL) for the "Excavation under rear garden to create a basement with swimming pool, demolition of lower ground rear extension, erection of lower ground and ground floor rear extensions, terrace at first floor level, installation of rooflight at main roof level and associated landscaping". NAMELY, to vary drawings to install new rooflights at second and roof level and relocation of roof access hatch at main roof level, alter the layout at approved basement and lower ground floors and, minor internal alterations at ground, second and third floors, relocate a rainwater pipe on the front elevation, install metal poles in the rear garden to support an artificial green wall along all boundaries, install a new rooflight at third floor level to provide access to the plant room, installation of new steps to the front entrance and front lightwell, replacement of damaged pipe on the boundary wall and installation of mounted wall lights, CCTV and external cooler unit. (Linked to 19/00464/LBC).		
<b>Agent</b>	Ms Liz Shannon (Savills)		
<b>On behalf of</b>	Terrace Development Corporation		
<b>Registered Number</b>	19/00331/FULL 19/00464/LBC	<b>Date amended/ completed</b>	6 February 2019
<b>Date Application Received</b>	17 January 2019		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Belgravia		

## 1. RECOMMENDATION

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

## 2. SUMMARY

The application site is a grade II listed building located in the Belgravia Conservation Area. The building has 5 storeys and is the tallest building in the listed terrace (nos. 28-32 Chapel Street). The property is in use as a single-family residential dwelling (class C3).

The proposals involve some minor alterations to a previously approved scheme for excavation and extensions to the property.

The key issues for consideration are:

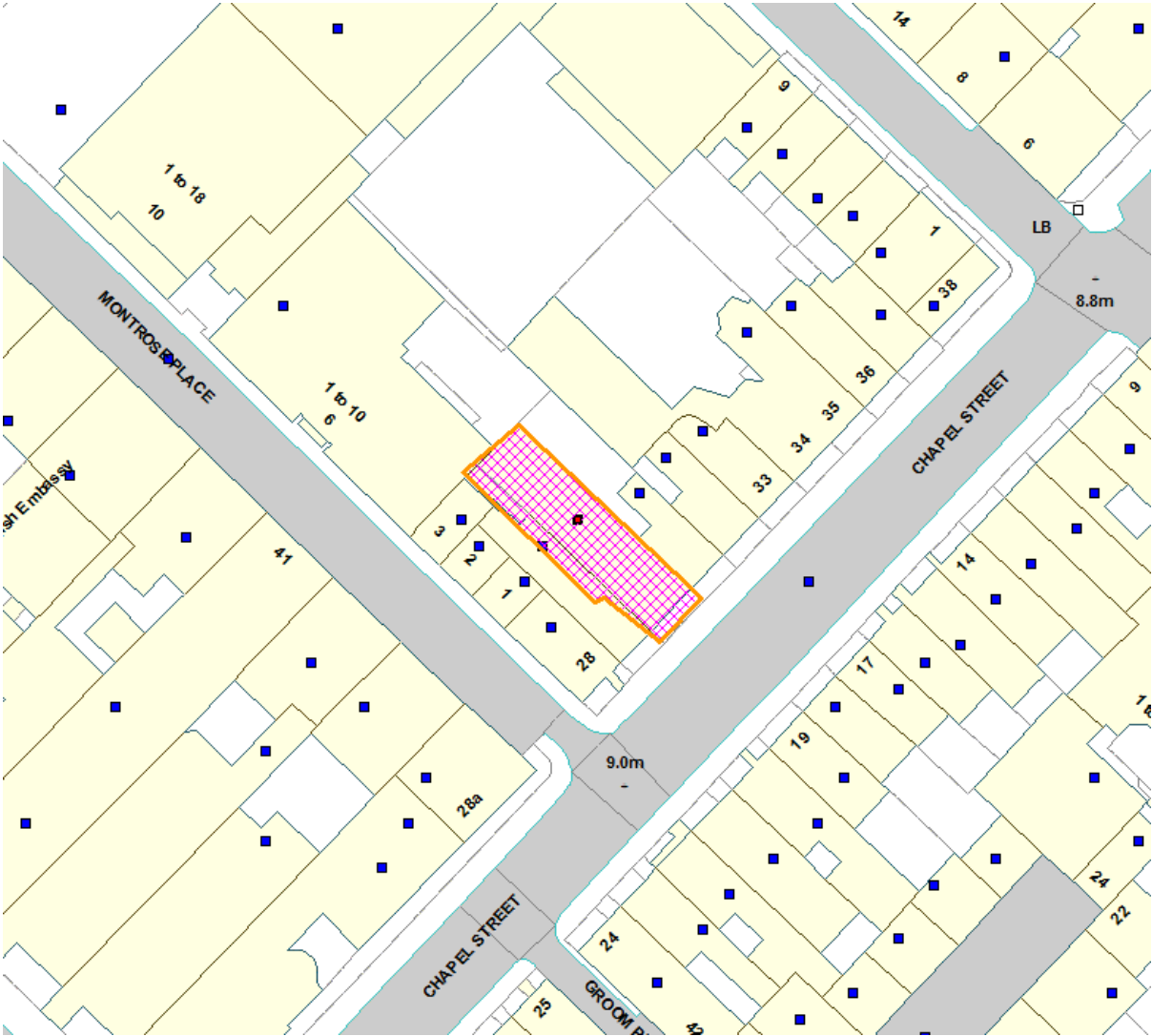
- The impact of the proposals on the appearance of the listed building and character of the Belgravia Conservation Area.
- The impact of the proposals on the amenity of the neighbouring residents.

Several objections have been received from a neighbouring resident, but largely relate to non-planning matters.

The proposals are considered acceptable and comply with Westminster's City Plan (adopted in 2016) and the Council's Unitary Development Plan (adopted in 2007) and are therefore recommended for approval.



3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation, 30 Chapel Street SW1



**View over completed rear garden (timber fence on boundary with no. 29 Chapel St and 3 Montrose Place to the left of the photo)**



Party wall with no. 29 during works – photo taken from application site.



## 5. CONSULTATIONS

### THE BELGRAVIA SOCIETY

Any response to be reported verbally.

### BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported verbally.

### BELGRAVIA NEIGHBOURHOOD FORUM

Any response to be reported verbally.

### ENVIRONMENTAL HEALTH

No objection subject to standard noise and vibration conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 20

Total No. of replies: 1

No. of objections: 1 objection from an adjacent residential occupier comprised of 1 letter and 14 emails of objection (dating 21 November 2018 to 11 April 2019). The letters express the following concerns:

- Trespassing
- Demolishing party wall and consequent damage to the roof of part of No. 29
- New party wall with timber fence– fire hazard and safety issues
- Rain water pipe alterations and damage to front elevation of No. 29
- Loss of gap in party wall for ventilation
- Works undertaken without consent from the adjacent owner or council
- Unclear how site will drain

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

30 Chapel Street is a grade II listed building located in the Belgravia Conservation Area. The building has 5 storeys and is the tallest building in the listed terrace (nos. 28-32 Chapel Street). The property is in use as a single-family residential dwelling (class C3). The site is within close proximity to a number of residential properties both within Chapel Street adjacent and Montrose Place behind. There have been ongoing building works to implement the 2014 planning permission and listed building consent.

### 6.2 Recent Relevant History

23 September 2014 (14/02800/FULL) – planning permission and listed building consent granted for the “excavation under rear garden to create a basement with swimming pool, demolition of lower ground rear extension, erection of lower ground

and ground floor rear extensions, terrace at first floor level, installation of rooflight at main roof level and associated landscaping”.

There have been 4 subsequent planning permissions and listed building consents to vary the originally approved scheme in 2016, 2017 and 2018. These permissions allowed alterations to the layouts at approved basement, lower ground and ground floors, alter the external appearance including the building section of the closet wing wall, reposition the basement stair, alter the third-floor staircase, install new rooflights at the second, third and main roof level, relocate the roof access hatch, install two condenser units and an acoustic enclosure at roof level, and to extend the existing rainwater pipe to the front façade.

The most recent minor material amendment applications for planning permission and listed building consent were granted on 18<sup>th</sup> September 2018 (18/05804/FULL & 18/05859/LBC respectively), namely, to vary the drawings to include alterations on the basement, lower ground, ground, second and third floors.

In 2018 complaints were lodged with Planning Enforcement regarding some unauthorised works to the downpipes on the front elevation and the erection of metal poles and a timber fence in the rear garden.

**6.3 THE PROPOSAL**

	Existing GIA (sqm)	Proposed GIA (sqm)	+/- (sqm)
C3 Residential	533	527	-6
Total	533	527	-6

This application, along with listed building consent application 19/00464/LBC, seeks a further variation of condition 1 of planning permission and listed building consent applications dated 23<sup>rd</sup> September 2014 (14/02800/FULL& 14/02801/LBC). The alterations comprise various alterations including the installation of new rooflights at second floor, third floor and roof level and relocation of the roof access hatch at main roof level, alterations to the layout at approved basement and lower ground floors and minor internal alterations at ground, second and third floors. The retention of the current rainwater pipe arrangement on the front elevation is also sought, along with the retention of the metal poles in the rear garden to support an artificial green wall/timber fence along all boundaries. The replacement of the existing steps to the front entrance and front lightwell, replacement of damaged pipe on the boundary wall and installation of mounted wall lights, CCTV and external cooler unit are also proposed.

As part of the scheme, this application seeks to regularise enforcement matters on the property regarding the replacement of an existing hopper/rainwater pipe on the boundary with No. 29 Chapel Street and the installation of metal posts in the rear garden to support the timber boundary fence/green wall. In 2017 (17/06505/LBC), permission was granted to alter a rainwater pipe that sits on the front elevation of the host property. The original rainwater pipe was shared by No. 29 and No. 30 Chapel Street and the 2017 scheme sought to extend the main run of the existing cast pipe to serve No. 30 only, while the existing run would remain serving No. 29 Chapel Street. However, the approved layout was altered on site during construction works, deviating from the 2017 permission. This application seeks approval of the new layout.

The proposed metal posts and boundary treatment have been constructed without planning permission or listed building consent and therefore the application seeks retrospective approval.

## **7. DETAILED CONSIDERATIONS**

### **7.1 Land Use**

The application does not propose to alter the use of the property, currently in use as a single-family dwelling.

### **7.2 Townscape and Design**

Notwithstanding their inclusion to this application for completeness, the alterations permitted under previous variation of condition applications (quoted above) have not been considered in this application given that they are permitted. Therefore, this application will only consider the newly proposed alterations including the proposed wine cooler unit to the rear lightwell, new boundary treatment, new roof hatch, external lighting, rainwater pipe alterations, staircase alterations to the front, new rooflights, minor internal alterations and new CCTV.

#### **Boundary Treatment**

The proposed boundary treatment comprises of metal posts and timber fencing along the rear boundary edges of the property, measuring approx. 2.8m along the southwest boundary until it adjoins No. 3 Montrose Place where it then falls to approx. 2.5m high. The boundary treatment would extend approx. 3.5m in height from lower ground floor level along the northeast boundary and would be approx. 2m high to the northwest boundary. The boundary treatment comprises green artificial foliage on the surface which completely covers the fencing. In addition, a frameless glass balustrade is proposed at ground floor level fixed to the new external brick wall at the rear, behind the planter to the northeast boundary, and would be approx. 1m in height.

The proposed boundary treatment would be the same height as the existing boundary wall and the section of wall between nos 29 and 30 that has now been demolished. The objector is very concerned regarding the demolition of the section of party wall between nos 29 and 30 in terms of its appearance and other issues including consent for its removal, consequent property damage and rights of access. The main consideration in planning terms is the appropriateness of the proposed boundary treatment in terms of its impact upon the listed building and conservation area. Whilst it is an unusual treatment, it is a very small section of wall that has been removed, and it is not considered that the fence/green wall as built has any harmful impact on the special interest of the listed building. It is visible only in private views from the application site and limited surrounding properties, including limited views from No. 29. It is not considered that it would be reasonable to refuse the scheme on the basis of the timber fence and supporting structure along the boundary.

#### **External Lighting and CCTV**

The external wall-mounted lighting within the front and rear lightwells is found acceptable subject to a condition ensuring that they are down-lit only. Meanwhile, the proposed CCTV is discreetly located within the front lightwell and rear garden.

Subject to the above condition, the proposed external lighting and CCTV are found acceptable in design and conservation terms and are not considered to negatively impact the character and appearance of the listed building or Belgravia Conservation Area.

### **Wine Cooler Unit**

The proposed wine cooler unit is located within the rear lightwell at lower ground level and measures approx. 0.8m in width, 0.3m in depth and 0.6m in height. The unit does not include an enclosure. The unit is small in scale and is effectively hidden from public view in the lightwell on the boundary with No. 31 Chapel St. On this basis, the proposed unit is considered acceptable.

### **Rooflights, Access Hatch and Internal Alterations**

The proposed works are acceptable and do not have any impact on the special interest of the listed building or character and appearance of the Belgravia Conservation Area.

### **Rainwater Pipe**

Whilst the comments of the objector are noted, the appearance of the rainwater pipe is appropriate and is considered to be representative of a usual arrangement within Belgravia. It is not considered to have a negative impact on the character or appearance of the grade II listed terrace or Belgravia Conservation Area and is found acceptable in design and conservation terms.

### **Staircase Alterations**

The proposals seek to replace both the front entrance and front lightwell staircases. The submitted method statement dated 22<sup>nd</sup> March 2019 states that the screed acting as the sub-base beneath the steps are broken and have been found bearing on poor quality loose fill and earth. Installing new steps over the existing defective steps has been found unviable within the method statement due to the sub-base being 'structurally unsound'. On this basis the works propose the complete replacement of both staircases, using Portland Stone for the front entrance staircase and York Stone for the front lightwell staircase. The proposals are acceptable.

In summary, the proposed works are not considered to have a negative impact on the character and appearance of the Belgravia Conservation Area or special interest of the Grade II listed terrace and are in accordance with Policies DES 1, DES 5, DES 6, DES 9 and DES 10 of the Council's Unitary Development Plan (adopted in 2007) and S25 and S28 of Westminster's City Plan (adopted in 2016). The works are therefore found acceptable on design and conservation grounds.

## **7.3 Residential Amenity**

Overall, the proposed works by virtue of their siting, scale and massing, are not considered to have a negative impact on the neighbouring residential amenity in terms of loss of light, loss of outlook, loss of privacy, overbearingness or a sense of enclosure. The proposals are therefore in accordance with Policies ENV13 of the UDP and S29 of the City Plan and are found acceptable in terms of amenity.



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

The proposals would not impact on the existing highways or parking provisions.

#### **7.5 Economic Considerations**

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

#### **7.6 Access**

Access to the property will remain at the front of the property as existing via Chapel Street.

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

##### **Plant**

The submitted acoustic report has outlined that the proposed new cooling unit would emit acceptable levels of noise. The existing minimum background noise levels were found to be 31dBA. Due to the distance between the site and nearest noise sensitive receiver, the resultant highest predicted noise level from the air condensers is predicted to be 31dBA. The resultant noise levels would therefore comply with Policies ENV 6 and ENV 7 of the UDP and are not likely to significantly harm the nearest neighbouring properties in terms of noise and disturbance. The Council's Environmental Health Officer raises no objection to the proposal subject to standard conditions and informatives controlling noise and vibration.

#### **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**

None applicable to this site.

#### **7.10 London Plan**

This application raises no strategic issues.

#### **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.

### 7.13 Environmental Impact Assessment

Not applicable for a scheme of this size.

### 7.14 Other Issues

Numerous objections have been received from a neighbouring resident raising a number of issues outside the bounds of planning control. The matters raised including trespass, potential boundary disputes, party wall notification, fire hazards and health and safety are not matters which we can reasonably take into account in determining this application. Whilst construction works on this site have unfortunately been ongoing for several years and have caused issues for neighbours, we cannot take this inconvenience into account in our consideration of the scheme. The other issues of contention in respect of the rainwater drainage pipe to the front elevation and the merits of the boundary treatment have been discussed elsewhere in this report and we do not consider that the works compromise the special interest of the listed building.

Matters relating to the party wall outside of those considered in this report are civil matters to be agreed between the two affected parties via a Party Wall agreement and are not a material planning consideration.

#### **Serving Notice**

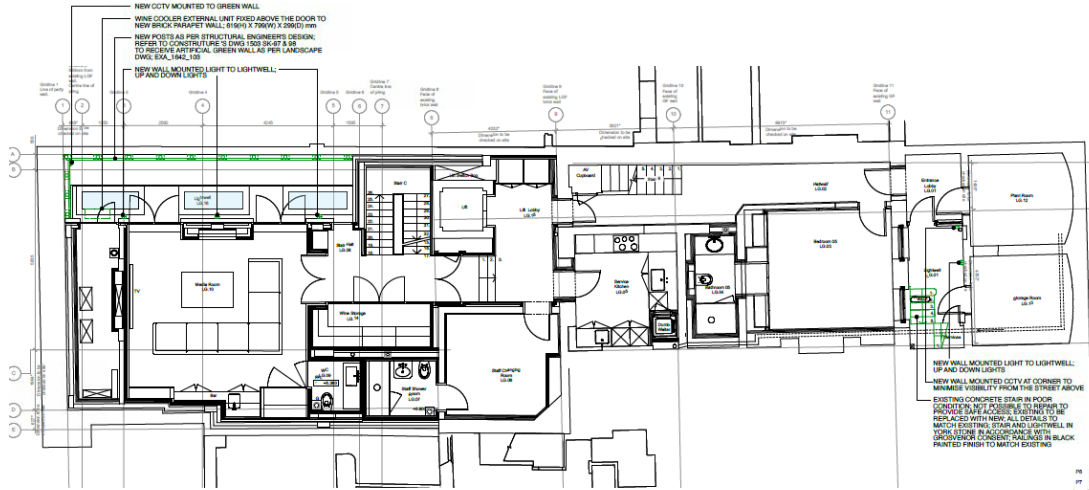
The City Council sent out 20 neighbour notification letters to the appropriate nearby and adjoining owners including No. 29 Chapel Street and 31 Chapel Street. In addition, the applicant correctly signed Certificate B which includes serving notice on all appropriate adjacent properties to which the development shares or abuts a boundary line. In this case, No. 3 Montrose Place, No. 29 Chapel Street and No. 30 Chapel Street were all served notice under Certificate B and we are satisfied that the applicant has discharged their duty in respect of the requirements of the Planning Acts.

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

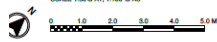
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT [lfrancis@westminster.gov.uk](mailto:lfrancis@westminster.gov.uk)

8. KEY DRAWINGS

Proposed lower ground floor plan



INFORMATIVE PROPOSED LOWER GROUND FLOOR PLAN  
SCALE 1:500 @ A1, 1:100 @ A3



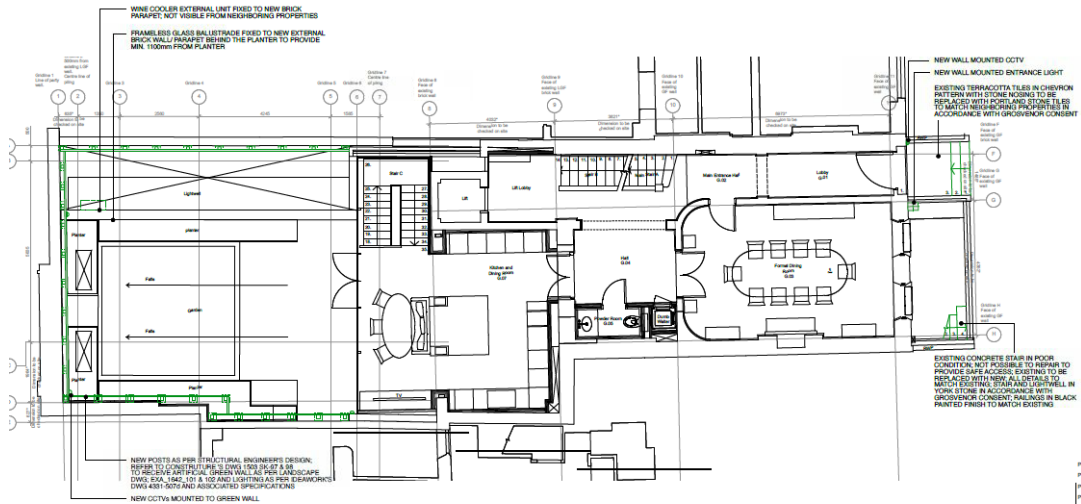
PROPOSED WALL LIGHT

PT	18.04.11	FOR PLANNING (SMA)
PT	18.05.21	FOR PLANNING (SMA)
PT	18.01.18	FOR PLANNING (SMA)
PT	18.01.02	FOR PLANNING (SMA)
PT	18.12.18	FOR PLANNING (SMA)
PT	18.11.18	FOR PLANNING (SMA)
PT	18.07.05	FOR PLANNING (SMA)
PT	18.07.05	DETAILED REVIEW

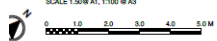
**MorenoMasey**  
+44 20 3142 6554  
morenomasey.com

PROJECT	36 CHAPEL STREET		
CLIENT	TERRACE DEVELOPMENT AGENCY CORP		
ISSUED FOR	DATE	BY	REVISION
INFORMATIVE PROPOSED LOWER GROUND FLOOR PLAN	18.05.21	WJL	1
SCALE	DATE	BY	REVISION
PROJECT NO.	18010	011	P8

Proposed ground floor



INFORMATIVE PROPOSED GROUND FLOOR PLAN  
SCALE 1:500 @ A1, 1:100 @ A3

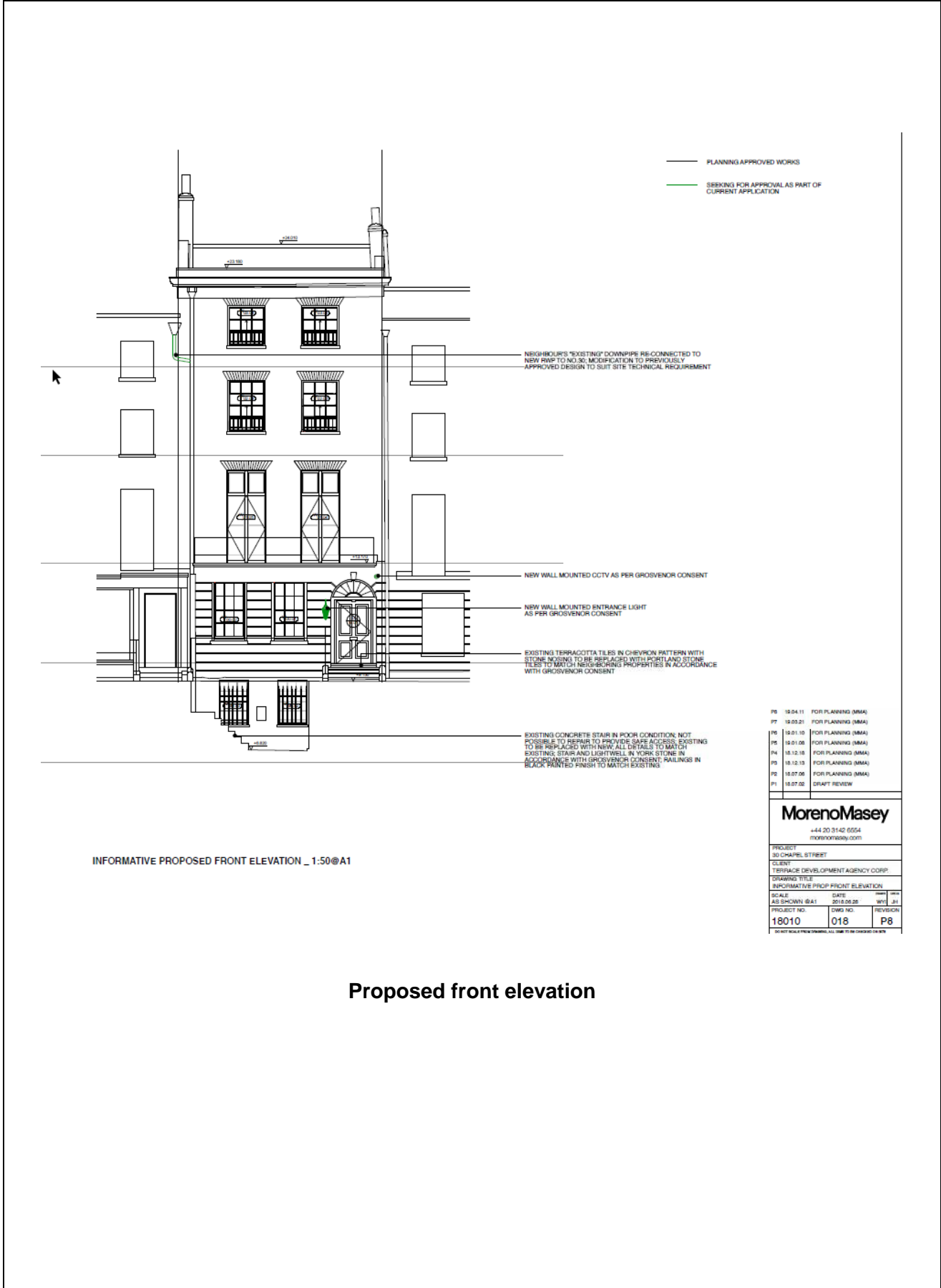


PROPOSED WALL LIGHT AT FRONT ENTRANCE

PT	18.04.11	FOR PLANNING (SMA)
PT	18.01.18	FOR PLANNING (SMA)
PT	18.01.02	FOR PLANNING (SMA)
PT	18.12.18	FOR PLANNING (SMA)
PT	18.11.18	FOR PLANNING (SMA)
PT	18.07.05	FOR PLANNING (SMA)
PT	18.07.05	DETAILED REVIEW

**MorenoMasey**  
+44 20 3142 6554  
morenomasey.com

PROJECT	36 CHAPEL STREET		
CLIENT	TERRACE DEVELOPMENT AGENCY CORP		
ISSUED FOR	DATE	BY	REVISION
INFORMATIVE PROPOSED GROUND FLOOR PLAN	18.05.21	WJL	1
SCALE	DATE	BY	REVISION
PROJECT NO.	18010	012	P8

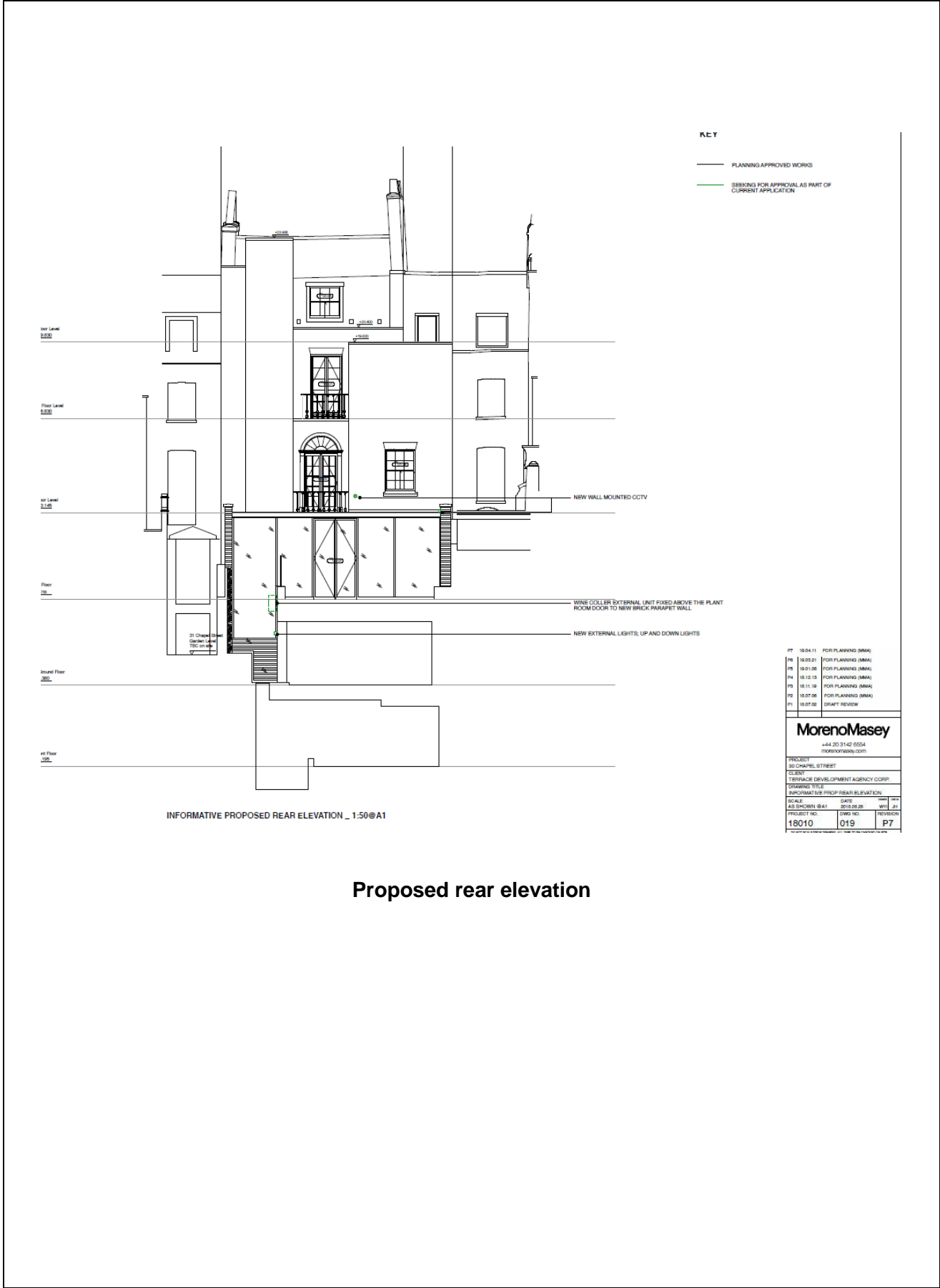


INFORMATIVE PROPOSED FRONT ELEVATION \_ 1:50@A1

P8	18.04.11	FOR PLANNING (MMA)
P7	18.03.21	FOR PLANNING (MMA)
P6	18.01.10	FOR PLANNING (MMA)
P5	18.01.08	FOR PLANNING (MMA)
P4	18.12.15	FOR PLANNING (MMA)
P3	18.12.13	FOR PLANNING (MMA)
P2	18.07.08	FOR PLANNING (MMA)
P1	18.07.02	DRAFT REVIEW

<b>MorenoMasey</b>	
+44 20 3142 6554 www.morenomasey.com	
PROJECT 30 CHAPEL STREET	
CLIENT TERRACE DEVELOPMENT AGENCY CORP.	
DRAWING TITLE INFORMATIVE PROPOSED FRONT ELEVATION	
SCALE AS SHOWN @A1	DAYS 2018.06.28
PROJECT NO. <b>18010</b>	DWG NO. <b>018</b>
	REVISION <b>P8</b>

Proposed front elevation



P7	18.04.11	FOR PLANNING (MMA)
P6	18.02.21	FOR PLANNING (MMA)
P5	18.01.08	FOR PLANNING (MMA)
P4	18.12.15	FOR PLANNING (MMA)
P3	18.11.15	FOR PLANNING (MMA)
P2	18.07.06	FOR PLANNING (MMA)
P1	18.07.02	DRAFT REVIEW

<b>MorenoMasey</b>	
+44 20 3142 0554 morenomasey.com	
PROJECT 30 CHAPEL STREET	
CLIENT ENTRANCE DEVELOPMENT AGENCY CORP	
DRAWING TITLE INFORMATIVE PROPOSED REAR ELEVATION	
SCALE	DATE
AS SHOWN @ A1	2018.02.28
PROJECT NO.	REVISION
18010	019 P7

**Proposed rear elevation**

**DRAFT DECISION LETTER**

**Address:** 30 Chapel Street, London, SW1X 7DD

**Proposal:** Variation of condition 1 of planning permission dated 23rd September 2014 (RN 14/02800/FULL) for the Excavation under rear garden to create a basement with swimming pool, demolition of lower ground rear extension, erection of lower ground and ground floor rear extensions, terrace at first floor level, installation of rooflight at main roof level and associated landscaping from RN 14/02800/FULL. NAMELY, to vary drawings to install new rooflights at second and roof level and relocation of roof access hatch at main roof level, alter the layout at approved basement and lower ground floors and, minor internal alterations at ground, second and third floors, relocate a rainwater pipe on the front elevation, install metal poles in the rear garden to support an artificial green wall along all boundaries, install a new rooflight at third floor level to provide access to the plant room, installation of new steps to the front entrance and front lightwell, replacement of damaged pipe on the boundary wall and installation of mounted wall lights, CCTV and external cooler unit. (Linked to 19/00464/LBC)

**Reference:** 19/00331/FULL

**Plan Nos:** Acoustic report 24835/PNA2 dated 6 February 2019; Landscape General Arrangement Plan EXA\_1642\_010 Rev C1; Metal Planter EXA\_1642\_210 Rev C1; EXA\_1642\_101 Rev C1; EXA\_1642\_102 Rev C1; EXA\_1642\_103 Rev C1; Cooler Unit Specification (PACi Elite Inverter Single Phase); 011/P8; 012/P8; 013/P5; 014/P5; 015/P4; 016/P4; 017/P4; 018/P8; 019/P7; 20/P1; 021/P1; 021/P2

Information Only: Covering letter dated 11 January 2019;  
 CCTV information document; Constructure Method Statement 1503/DOM/AS dated 22.03.19; Drawings: SK98-1, SK98-2, SK98-3, SK-97; Lighting plan- 4331-507d; Front Entrance Steps RF: 1503/DOM/AS; Existing sections- Section E-E, F-F: SS(0)004 Rev 02;  
 Lighting Technical Specification; Sketch Drawing of rear boundary treatment (Rec'd 22-03-19); Heritage Statement dated April 2019.

**Case Officer:** Hayley White **Direct Tel. No.** 020 7641

**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.

Item No.
<b>8</b>

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

## Reason:

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

- 6 Notwithstanding approved drawings, the proposed external lights within the front light-well must be downlighters only and not provide upward light.

## Reason:

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

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

- i) A sample of stone for the front steps- to be provided on site.

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

- 8 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise



sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 9 You must keep to the terms of the detailed drawings of the ground floor extension approved by the City Council as Local Planning Authority on 10 August 2015 under RN: 15/05223/ADFULL, or in accordance with other detailed drawings as submitted to and approved by the City Council.

Reason:

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

- 10 You must keep to the terms of the Tree Protection Method Statement approved by the City Council as Local Planning Authority on 18 June 2015 under RN: 15/03858/ADFULL, or in accordance with an alternative tree protection plan as submitted to and approved by the City Council.

Reason:

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

- 11 You must keep to the terms of the construction management plan approved by the City Council as Local Planning Authority on 23 April 2015 under RN 14/11345/ADFULL, or in accordance with another construction management plan as submitted to and approved by the City Council.

Reason:

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

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
  - , \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
  - , \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be

given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant., , Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm). , , It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 3 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
  - \* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;,\* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;,\* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;,\* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;,\* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
  
- 4 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
  - \* Window cleaning - where possible, install windows that can be cleaned safely from within the building., \*
  - Internal atria - design these spaces so that glazing can be safely cleaned and maintained., \*
  - \* Lighting - ensure luminaires can be safely accessed for replacement., \*
  - Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission)., More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm). , , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
  
- 5 Conditions 8 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
  
- 6 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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

**DRAFT DECISION LETTER**

- Address: 30 Chapel Street, London, SW1X 7DD,
- Proposal: Variation of condition 1 of listed building consent dated 23rd September 2014 (RN 14/02801/LBC) for the Excavation under rear garden to create a basement with swimming pool, demolition of lower ground rear extension, erection of lower ground and ground floor rear extensions, terrace at first floor level, installation of rooflight at main roof level and associated landscaping from RN 14/02801/LBC. NAMELY, to vary drawings to install new rooflights at second and roof level and relocation of roof access hatch at main roof level, alter the layout at approved basement and lower ground floors and minor internal alterations at ground, second and third floors, relocate a rainwater pipe on the front elevation, install metal poles in the rear garden to support an artificial green wall along all boundaries, install a new rooflight at third floor level to provide access to the plant room, installation of new steps to the front entrance and front lightwell, replacement of damaged pipe on the boundary wall and installation of mounted wall lights, CCTV and external cooler unit. (Linked to 19/00331/FULL)
- Reference: 19/00464/LBC
- Plan Nos: Landscape General Arrangement Plan EXA\_1642\_010 Rev C1; Metal Planter EXA\_1642\_210 Rev C1; EXA\_1642\_101 Rev C1; EXA\_1642\_102 Rev C1; EXA\_1642\_103 Rev C1; 011/P8; 012/P8; 013/P5; 014/P5; 015/P4; 016/P4; 017/P4; 018/P8; 019/P7; 20/P1; 021/P1; 021/P2
- Information Only: Covering letter dated 11 January 2019;  
CCTV information document; Constructure Method Statement 1503/DOM/AS dated 22.03.19; Drawings: SK98-1, SK98-2, SK98-3, SK-97; Lighting plan- 4331-507d; Front Entrance Steps RF: 1503/DOM/AS; Existing sections- Section E-E, F-F: SS(0)004 Rev 02;  
Lighting Technical Specification; Sketch Drawing of rear boundary treatment (Rec'd 22-03-19); Heritage Statement dated April 2019.
- Case Officer: Hayley White Direct Tel. No. 020 7641

## Recommended Condition(s) and Reason(s)

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

## Reason:

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

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

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<b>8</b>

Reason:

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

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

Reason:

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

- 6 You must keep to the terms of the detailed drawings of the services, secondary staircase and design of the rear extension approved by the City Council as Local Planning Authority on 08 June 2015 under RN: 15/04485/ADLBC, 10 August 2015 RN: 15/05240/ADLBC and 18 August 2015

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RN: 15/05692/ADLBC, or in accordance with other detailed drawings as submitted to and approved by the City Council.

Reason:

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

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

Reason:

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

- 8 You must apply to us for approval of details of the following parts of the development:
  - i) A sample of stone for the front steps- to be provided on site.

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

Informative(s):

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

received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

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



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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