



City of Westminster

Committee Agenda

Title:

Planning (Major Applications) Sub-Committee

Meeting Date:

Tuesday 5th March, 2019

Time:

6.30 pm

Venue:

Room 18.01 - 03, 18th Floor, Westminster City Hall, 64 Victoria Street, London SW1E 6QP

Members:

Councillors:

Gotz Mohindra (Chairman)
David Boothroyd
Ruth Bush
Peter Freeman

Murad Gassanly
Jim Glen
Selina Short



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

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



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

**Tel: 020 7641 7513; Email: gwillis@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note that Councillor Selina Short has replaced Councillor Elizabeth Hitchcock

To not any further 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 about specific applications at planning committee meetings.

To find out more visit www.westminster.gov.uk/planning-committee.

1. 87A ST JOHN'S WOOD TERRACE, LONDON, NW8 6PP

(Pages 3 - 8)

(Pages 11 - 46)

**Stuart Love
Chief Executive
22 February 2019**



CITY OF WESTMINSTER

MINUTES

Planning (Major Applications) Sub-Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 5th February, 2019**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Gotz Mohindra (Chairman), Geoff Barraclough, Peter Freeman, Murad Gassanly, Jim Glen, Elizabeth Hitchcock and Guthrie McKie.

1 MEMBERSHIP

- 1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Gotz Mohindra 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 Mohinda then made the following further declarations as they related to the specific applications on the agenda:

Item 1: That he had attended a pre-application meeting on 20 January 2018 and had sat on the Committee that considered a previous application for this site.

Item 2: That he had attended a pre-application meeting on 17 August 2018.

- 2.3 Councillor Murad Gassanly declared that in respect of item 1, he had sat on the Licensing Sub-Committee that had considered a licensing application on this site.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 22 January 2019 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 DEVELOPMENT SITE AT 74-77 WELBECK STREET AND 28-40 MARYLEBONE LANE -WELBECK STREET CAR PARK, WELBECK STREET, LONDON, W1G 0BB

Demolition of the existing building and redevelopment to provide a new building comprising three basement levels, lower ground floor, ground floor level and first to ninth floor levels consisting of hotel (Class C1) with publicly accessible restaurant/bar (Class A3/A4) at ground floor, bar and roof terrace at ninth floor, function/events space at basement levels 2 and 3; and roof level swimming pool, roof level plant and associated works.

A late representation was received from The Howard de Walden Estate (01.02.2019).

The presenting officer tabled the following amendments to paragraph 8.14 of the report and to condition 19 (**in bold text**):

Paragraph 8.14

Basement

The proposal includes the excavation to create three additional basement levels. Policy CM28.1 requires that basement development be accompanied by a detailed structural methodology statement and a signed proforma Appendix A which demonstrates that the applicant will comply with relevant parts of the COCP. These have been submitted.

As the site is a commercial building in the Core CAZ Part B of the policy applies. This means there is no restriction on the depth or extent of the basement excavation provided it complies with the relevant stipulations of the policy. This requires all basement developments to have regard to the site specific requirements and a structural methodology statement to be submitted in support of the development. This documentation has been submitted to the City Council.

Condition 19

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

RESOLVED UNANIMOUSLY:

1. That subject to referral to the Mayor of London, conditional permission be granted, subject to amendments to condition 19 as set out above and a Section 106 agreement to secure:
 - i. A financial contribution of £194,937 (index linked and payable on commencement of development) toward the funding of Crossrail (minus any relevant Mayoral Community Infrastructure Levy paid);
 - ii. An employment and training strategy for the demolition, construction and operational phases of the development;
 - iii. Highway works including removing the existing crossovers and any associated works to accommodate the development;
 - iv. Payment of cost of monitoring the agreement (£500 per head of term).
2. That if the Section 106 legal agreement has not been completed within 6 weeks, then:
 - a. The Executive Director 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 Growth Planning and Housing is authorised to determine and issue the decision under Delegated Powers; however, if not, then;
 - b. The Executive Director 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 Growth Planning and Housing is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2 DEVELOPMENT SITE AT LAND BOUNDED BY DRURY LANE, DRYDEN STREET, ARNE STREET AND, SHELTON STREET, LONDON

Removal of existing third and fourth floor levels and roof top structures and partial demolition of Shelton Street elevation (third floor only); construction of new floor space and internal reconfiguration resulting in part five and part six storey buildings with roof top plant enclosure, to provide flexible commercial use including retail (Class A1), financial and professional services (class A2) restaurant (class A3), office (class B1) and / or assembly and leisure (class D2) at basement and ground floor level and office use (Class B1) at part basement/ground, first to fifth floor level; refurbishment of external elevations; roof terraces, plant, cycle parking and facilities for access and servicing.

A late representation was received from the Covent Garden Area Trust, Covent Garden Community Association and Seven Dials Trust (02.02.2019) and a local resident (05.02.2019).

The presenting officer tabled the following amendments to conditions 4, 12, 15 and 31:

Condition 4 (removal of requirement for an Employment and Training Strategy as the development is not of sufficient scale):

(Pre Commencement Condition). You must not start work on the site until we have approved in writing appropriate arrangements to secure the following.

(i) Carbon offset payment;

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Condition 12: (Applicant's request to open at 0700)

Customers shall not be permitted within any restaurant (class A3) premises before 0700 or after midnight each day. (C12AD)

Condition 15:

No music shall be played such as to be audible outside the premises to the nearest noise sensitive, residential receptor.

Condition 31:

You must apply to us for approval of details of the biodiversity living roof together with a management plan, which shall include:

- o a depth of a range between 100 to 150mm of substrate;
- o details on the diversity of substrate depth across the roof to provide contours of substrate. This could include substrate mounded in areas with the greatest structural support to provide a variation in habitat;
- o details on the diversity in substrate type and sizes;
- o details on bare areas of substrate will allow self colonisation of local windblown seeds and the opportunity for solitary bees to nest;
- o details on the range of native species of wildflowers and herbs planted to benefit native wildlife (it is recommended that this be seeded and plug planted). A living roof should not rely on one species of plant life, and species such as Sedum (which are not native) should not be relied on;
- o locations of log piles/flat stones provided as insect breeding and refuge areas;
- o opportunities for bird boxes;
- o details of the management regime to be employed on the roof.
- o The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

You must not occupy the development until we have approved what you have sent us. The development shall be carried out in accordance with the details so approved and shall be maintained for the life of the development.

RESOLVED (Councillors Gotz Mohindra, Geoff Barraclough, Peter Freeman, Murad Gassanly, Jim Glen and Elizabeth Hitchcock in favour and Councillor Guthrie McKie against):

That conditional permission be granted, subject to amendments to conditions 4, 12, 15 and 31 as set out above and amendments to the servicing condition restricting hours to 08:00 to 20:00 and to the condition in respect of the staircase enclosure next to 12 Dryden Station to incorporate window openings.

PART B

The report below (item 3) is not available for public inspection because the public will be excluded while it is being considered. This report is exempt from disclosure by virtue of the Local Government Act 1972, Schedule 12A Part 1, paragraph 7 (as amended), in that it contains information relating to action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

3 NEW PALACE YARD, LONDON, SW1

Installation of new outer gates and railings.

The presenting officer tabled the following amendments:

Reason for condition 5:

So that we can assess the effect of the structure on the public highway and space available for pedestrians, and because the gates and railings are considered to have a harmful impact on the setting of adjacent listed structures and World Heritage Site. The gates and railings are therefore only acceptable on a temporary basis.

Informative

For any structures to be positioned within, or work on, the Highway, you will need to secure permission under the Highways Act (Section 278 agreement) from the Highway Authority for the relevant works. All costs, including administrative, legal, design, physical construction and ongoing maintenance, will be at the expense of the applicant and not the Highway Authority. This will include all costs associated with relocating existing street furniture and utility services to accommodate the scheme.

RESOLVED UNANIMOUSLY:

That conditional permission be granted for a temporary period of 5 years, subject to an amended reason for condition 5 and additional informative as set out above, and a further informative expressing the Committee's concerns about highway safety because of the reduction in width of the pavement.

The Meeting ended at 7.40 pm.

CHAIRMAN: _____

DATE _____

CITY OF WESTMINSTER

PLANNING APPLICATIONS SUB COMMITTEE – 5th March 2019

SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 17/02394/FULL 17/02395/LBC Abbey Road	87A St John's Wood Terrace London NW8 6PP	Alterations and extensions, including demolition and reconstruction of rear extensions, excavation of basement floor, removal of tree, alterations to front boundary wall, installation of mechanical plant, erection of cupola at roof level, use of part of garden to rear of No.8 Ordnance Hill, and internal works to all floor levels in connection with the use of the building as five residential apartments (2x3 bed, 2x2 bed, and 1x1 bed flats).	
Recommendation 1. Grant conditional permission subject to the completion of a section 106 legal agreement to secure the following a) Financial contribution of £70,000 towards the Affordable Housing Fund (payable on commencement of development and index linked) b) Monitoring cost of £500 for the above clause 2. If the Section 106 legal agreement has not been completed within four weeks of the Committee resolution then: a) The Executive Director for Growth, Planning and Housing shall consider whether the permission can be issued with additional condition 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 be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is 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 reason for refusal under Delegated Powers. 3. Grant conditional listed building consent 4. Agree reasons for granting conditional listed building consent as set out in Informative 1 attached to the draft decision letter.				

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Agenda Item 1

Item No.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS MAJOR COMMITTEE	Date 5 March 2019	Classification For General Release	
Report of Executive Director of Growth Planning and Housing		Ward(s) involved Abbey Road	
Subject of Report	87A St John's Wood Terrace, London, NW8 6PP		
Proposal	Alterations and extensions, including demolition and reconstruction of rear extensions, excavation of basement floor, removal of tree, alterations to front boundary wall, installation of mechanical plant, erection of cupola at roof level, use of part of garden to rear of No.8 Ordnance Hill, and internal works to all floor levels in connection with the use of the building as five residential apartments (2x3 bed, 2x2 bed, and 1x1 bed flats).		
Agent	Montagu Evans		
On behalf of	Belgravia Commercial Investments		
Registered Number	17/02394/FULL 17/2395/LBC	Date completed	4 December 2018
Date Application Received	16 March 2017		
Historic Building Grade	Grade II		
Conservation Area	St John's Wood		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to the completion of a section 106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> a) Financial contribution of £70,000 towards the Affordable Housing Fund (payable on commencement of development and index linked). b) Monitoring cost of £500 for the above clause. <p>2. If the Section 106 legal agreement has not been completed within four weeks of the Committee resolution, then:</p> <ul style="list-style-type: none"> a) The Executive Director of Growth Planning and Housing shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Executive Director of Growth Planning and Housing is authorised to determine and issue such a decision under Delegated Powers, however, if not b) The Executive Director of Growth Planning and Housing shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that
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would have been secured; if so, the Executive Director of Growth Planning and Housing is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

3. Grant conditional listed building consent
4. Agree reasons for granting conditional listed building consent as set out in Informative 1 attached to the draft decision letter.

2. SUMMARY

This proposal relates to the conversion of this 1830-1840 listed Chapel building, which is currently vacant, but last used as Class B1 offices into 5 residential flats and associated alterations, which include demolishing the later buildings at the rear and replacement with a new 3 storey extension and the excavation to create a new basement level which accommodates 5 car parking spaces, plant and a swimming pool.

Permission and listed building consent were granted for the use as a single house in 2010 which was implemented before the expiry of the three year time limit. Approval has also been given for a conversion into 5 flats in 2014 but this has now lapsed. This 2014 permission was accompanied with a legal agreement which secured a financial contribution of £800,000 towards the Council's affordable housing fund as the scheme exceeded the 1,000m² threshold above which the provision of affordable housing is required.

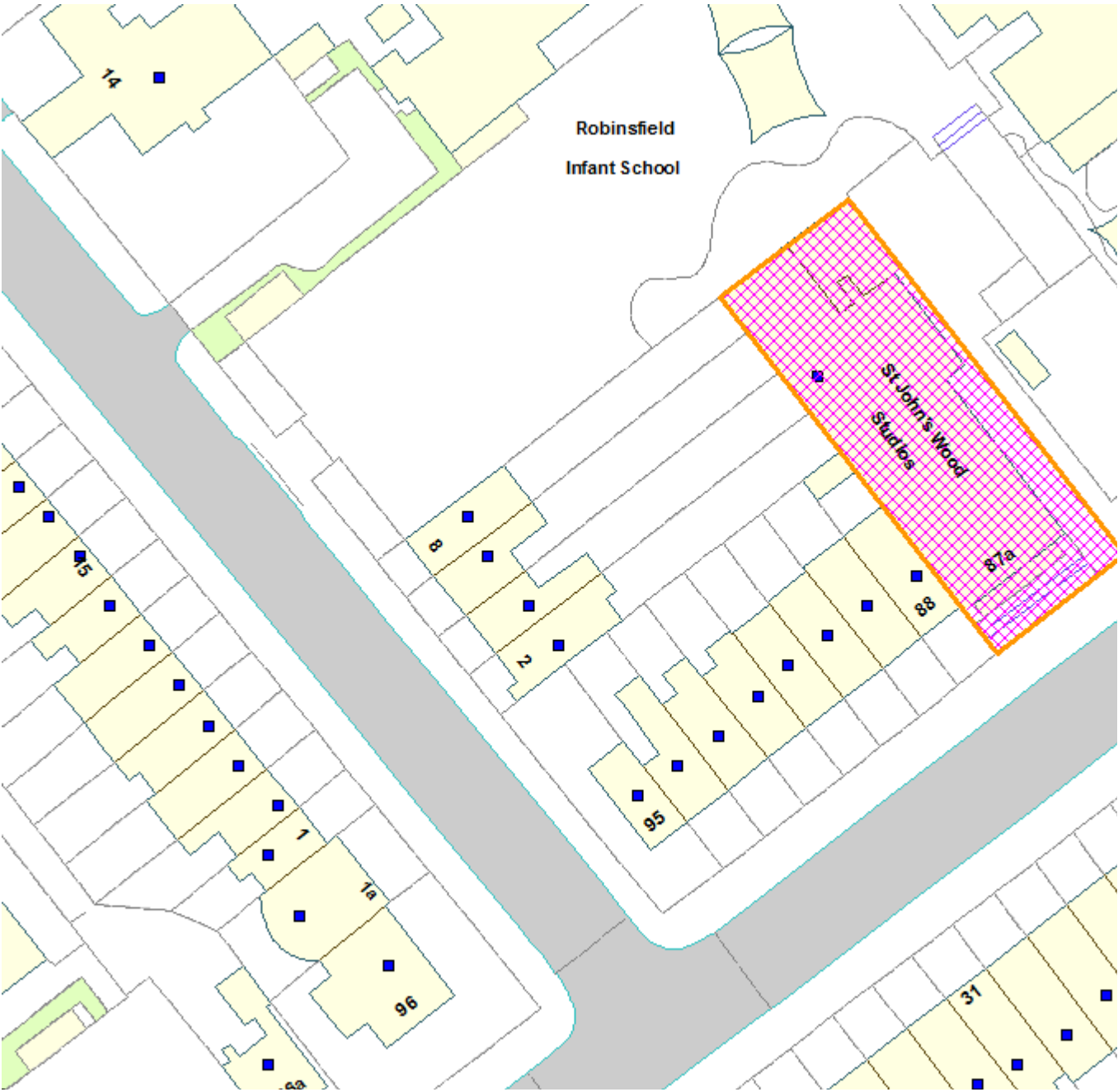
This latest proposal mirrors the 2014 approved scheme for 5 flats. The applicant states that following the introduction of the Community Infrastructure Levy (CIL), and the fact that land values have decreased and construction costs have increased, it is no longer possible to make any contribution to the affordable housing fund on viability grounds. This position has been independently tested by Council's own viability consultants, who advise that the maximum this scheme can viably contribute is now £70,000. The applicant has now agreed to this figure.

The key issues in this case are:

- Is the financial contribution the maximum amount this scheme can contribute in the light of the advice received by the independent viability consultant.
- The acceptability of a residential conversion into 5 flats.
- The acceptability of the proposed works and new extension on the special architectural and historic interest of this listed building and on the character and appearance of this part of the St. John's Wood Conservation Area.
- The impact of the proposal on the amenities of nearby residents and the adjacent school.
- The provision of a basement in the light of the adopted basement development policy.

Subject to conditions, the proposal is considered acceptable in land use, design and amenity terms. It is accepted that the 5 flats being proposed are generous in terms of their size; however, approval for a similar scheme has been granted in the past, and the applicant has an implemented permission for a very large single house. In respect of affordable housing, in the light of the independent viability consultant's advice, a financial contribution of £70,000 to the Affordable Housing Fund is the maximum quantum of affordable housing that this scheme can reasonably provide.

3. LOCATION PLAN



4. PHOTOGRAPHS

Front elevation looking east along St. John's Wood Terrace.

5. CONSULTATIONS

WARD COUNCILLORS:

Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY:

Any response to be reported verbally.

AFFORDABLE HOUSING SUPPLY MANAGER:

Any response to be reported verbally.

HISTORIC ENGLAND:

Do not consider it necessary for this application to be referred to them.

ENVIRONMENT AGENCY (THAMES REGION):

Any response to be reported verbally.

THAMES WATER UTILITIES LTD:

Any response to be reported verbally.

BUILDING CONTROL:

Structural method statement is considered acceptable. An investigation of existing structures and geology have 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 piled walls with internal reinforced concrete retaining walls which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered acceptable.

HIGHWAYS PLANNING MANAGER:

Proposed level of cycle parking is inadequate and there is a shortfall of 4 cycle parking spaces to meet the London Plan and further details of cycle parking needs to be secured via condition. Request condition to secure vehicle signalling, maximum of 1 car parking space per unit and electric charging points.

PROJECT OFFICER (WASTE):

Objection – requests a revised ground floor plan.

ARBORICULTURAL OFFICER:

No objections, tree protection details have been submitted approved, so long as these are part of the approved documents and if the approved drawing is not included in this latest submission recommend change the wording of the planning condition.

ENVIRONMENTAL SERVICES:

Initial objection. A CHP is planned and therefore an Air Quality Assessment along with an Air Quality Neutral Assessment is required. Applicant's acoustic report is old but accept design criteria that plant and machinery operate 10 dB below the lowest background noise levels, recommend full land contamination land condition.

Following receipt of additional information on Air Quality, Environmental Services raise no objection, but repeat request for a full land contamination condition.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 81.

Total No. of replies: 2.

Two comments from a neighbouring residents raising all or some of the following issues:

- No change to the window in the party wall between Nos.87A and 88 at first floor level. The existing window is obscured and complaint with fire and security requirements.
- Existing window on the western elevation which has been blocked up internally last 25 years, the proposal show this window will now serve a bedroom rather than a staircase and object that this window will now look over private patios of five adjoining properties.
- This new window will breach the fire separation in the party wall between 87A and 8 St John's Wood Terrace and therefore must have obscure glass and currently not shown on the submitted drawings.
- No objections to the modification of the Juliette balconies.

ADVERTISEMENT/ SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to the Grade II former Congregational Chapel building (circa 1830-1840) located on the north side of St. John's Wood Terrace next to Robinsfield School within the St John's Wood Conservation Area .It is a landmark building and described in the Conservation Audit as a striking feature in the street. Included within the red line of the application site is part of the rear garden of No 8 Ordnance Hill.

The building is currently vacant and in a deteriorating condition. It has been the subject of many alterations to its interior over the years and much of its original interior was lost some time ago. The building was extended at the rear in the 1930's and again in the 1990's. The building has been previously used as a squash club and a television recording studio The original bell turret/ cupola was removed in the 1930's but the building retains its classical front façade with its portico front and giant Corinthian columns. In the list description, the building is described as being included for group value only.

There have been a number of recent approvals for the conversion into residential use. In 2011 approval was granted for use as a single house, which the applicant has carried out sufficient work to lawfully implement and therefore 'keep the permission alive'. In 2014 approval was granted for use as 5 flats; however, this permission and consent has now lapsed without implementation.

The application site lies outside the Central Activities Zone and the character of the surrounding area is residential.

6.2 Recent Relevant History

10/02018/FULL and 10/02019/LBC

Extension of time for the commencement of development granted planning permission and listed building consent on 7 August 2008, namely the conversion and refurbishment into a single house , basement level extension, alterations to front boundary wall, installation of plant at roof level and associated internal and external alterations. Applications permitted 4 May 2010 and have now lapsed.

10/08917/FULL and 10/08918/LBC

Alterations and extensions, including demolition and reconstruction of rear extensions, excavation of basement floor, alterations to front boundary wall, installation of mechanical plant, erection of cupola at roof level and internal works to all floor levels in connection with the use of the building as a dwelling house.
Applications Permitted and Implemented 10 November 2011

13/07331/CLOPUD

Confirmation that permission dated 10 November 2011 (RN: 10/08917/FULL) for alterations and extensions, including demolition and reconstruction of rear extensions, excavation of basement floor, alterations to front boundary wall, installation of mechanical plant, erection of cupola at roof level and internal works to all floor levels in connection with the use of the building as a dwelling house, has lawfully commenced and that it is lawful to complete the outstanding works.
Application Permitted 20 December 2013

14/04123/FULL

Alterations and extensions, including demolition and reconstruction of rear extensions, excavation of basement floor, removal of tree, alterations to front boundary wall, installation of mechanical plant, erection of cupola at roof level, use of part of garden to rear of No.8 Ordnance Hill, and internal works to all floor levels in connection with the use of the building as five residential apartments (2x3 bed, 2x2 bed, and 1x1 bed flats).
Applications Permitted 7 August 2014

The above 2014 permission was subject to a Section 106 legal agreement to secure a financial contribution in lieu of on-site affordable housing provision of £800,000 to the Council's affordable housing fund. At that time Sub-Committee resolved that £800,000 was the maximum amount the scheme could viably support.

Copies of the November 2011 and 2014 planning permissions, including the legal agreement and the committee reports are reproduced in the background papers.

7. THE PROPOSAL

This proposal is identical to the 2014 lapsed scheme for a conversion into 5 flats. The proposed mix of units comprises a 2 bed duplex on part basement and ground floors (302m²), a 1 bed flat (153m²) on part of the ground floor, a 2 bed flat at first floor level (219m²), a 3 bed duplex flat on part first and second floors (393m²) and another 3 bed duplex flat on the rest of the second floor and extending into the roof space (218m²). The proposal includes the demolition of the later extensions at the rear and the erection of a new three storey extension. A basement is proposed under the footprint of the existing chapel and the new extension at the rear, other works include the restoration of the facades of the listed building including the reinstatement of the cupola.

The main difference in design terms, is the replacement of the Juliette balconies with projecting balconies with glass balustrades on the rear elevation to the new three storey extension at the rear. The site also includes a strip of garden land at the rear of 8 Ordnance Hill.

Table 1 – Existing and Proposed Floorspace

Land use	Existing GIA	Proposed GIA	Difference (m ²)
Offices (Class B1)	1516	0	-1,516
Residential (Class C3)	0	1862	+1,862
Total			+346

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of Office Use

This is not an area where existing office floorspace is protected and the City Council has already accepted the conversion of the building to a large single house in 2008 and 2011. The 2011 permission was implemented and remains the fall-back position. Furthermore, an identical scheme for use of the building as five flats was granted in 2014, albeit this has now lapsed. In this context, the loss of the existing office use of the site is not objectionable in land use terms.

8.1.2 Residential Use

The scheme proposes 3x3 bedroom units and therefore exceeds the current policy requirement of 33% of units to be family sized, as required by Policy H5 in the UDP.

It is accepted that all the units are much larger than the London Plan minimum sizes for 1 bed, 2 bed and 3 bed units. The units are generous in terms of their size; however, this mix was previously considered acceptable by Committee in 2014 and the proposed mix of units would better optimise the residential use of the site than the extant 2011 scheme for use of the whole site as a single dwellinghouse. Accordingly, the mix proposed is considered to be consistent with Policy S14 in the City Plan.

Additionally, the main chapel building itself does limit the amount of residential units that can reasonably be provided, with a single unit proposed on the ground floor and the rest of the ground floor space used to create an entrance and access to an atrium at the rear which serves the new three storey block at the rear that accommodates three units.

Four of the five flats will have their own amenity space either in the form of access to the garden space and/ or balconies/ roof terraces.

8.1.3 Affordable Housing

Although this scheme is for less than 10 units, it does exceed 1,000m² threshold and therefore under the Council's adopted policies and Interim Affordable Housing Guidance Note there is a requirement for the provision of affordable housing.

The 2014 approval for 5 flats secured a financial contribution of £800,000 to the Council's Affordable Housing fund. At that time, the Sub-Committee accepted it was not possible to provide affordable housing either on site or off site in the vicinity. A policy compliant financial contribution in lieu of on-site affordable housing provision in 2014 was £1,040,000. It was agreed that the maximum amount the scheme could viably support was £800,000 and this was agreed by the Sub-Committee and secured in a legal agreement.

This current proposal has been reviewed in the light of the current adopted policies, the London Plan and the advice in the revised NPPF. Also since the last approval in 2014, the City Council has introduced its Community Infrastructure Levy (CIL), which a private residential conversion of this nature would be liable to pay.

The applicant advises that with the introduction of CIL it is no longer possible to make any affordable housing contribution, as such a financial contribution would make the scheme unviable. The applicant has submitted a viability report to support its case.

The current scheme would deliver 1862m² of GIA residential floorspace and this would generate a policy requirement for 320m² of affordable housing floorspace, which equates to four units on site.

Under the Council's current policies, the expectation is for affordable to housing to be provided on-site. If this is not feasible and the applicant has no off site properties which can be converted to provide affordable housing, then a financial contribution in lieu of on-site affordable housing provision may be considered. In respect of a financial contribution, the current policy compliant figure would be £2,091,520.

The applicant's viability report has been the subject of an independent assessment by Council's own viability consultants Lambert Smith Hampton. There has been a considerable debate between the two sets of viability consultants regarding the benchmark land values and the value of the fall-back position of the use of the site as a single house. This has resulted in a second viability assessment during the course of the application.

Following these protracted negotiations, the Council's viability consultants have confirmed that given the CIL payment that the development would be liable to pay, the

Item No.
1

maximum payment in lieu that this scheme can now support is £70,000. It is recognised that this is significantly less than a policy complaint sum; however, in light of the independent viability assessment, this contribution is considered acceptable.

8.2 Townscape and Design

In historic building terms, the proposed works are very similar to the 2014 permission and consent. However, the current proposal has to be assessed in the light of the adopted City Plan design policies S25 and S28 and the advice set out in the revised NPPF in relation to designated heritage assets, which came into force last year.

At the rear of the building, it is proposed to demolish the existing brick built additions, with their replacement with a modern three storey extension that will house 3 flats. There are no objections to this extent of demolition as these are later additions to the chapel and their removal is in fact welcomed.

There are no design objections to the scale, height and use of materials (stock bricks, re-constituted stone window reveals, powder coated aluminium glazed windows). It is considered however that the vertical cantilevered balcony balustrades are too modern, and it is recommended that an amending condition be imposed to seek a simpler metal railing design.

The proposal includes a single storey basement under the footprint of the existing chapel building and the new building at the rear to accommodate a basement car park, plant and swimming pool and this will not harm the special architectural and historic interest of the Chapel building.

There are no objections to the proposed demolition works inside to the existing building and the works to reinstate the lost cupola and refurbishment of the main front façade are most welcomed. This building has been vacant for a significant period and is deteriorating. The aim of this proposal is to restore and enhance this existing listed chapel building and it is considered that this proposal will secure the optimum viable use of the building, which in turn will enhance and contribute positively to the street scene and this part of the St John's Wood Conservation Area. Conditions are recommended to ensure that the restoration works, including the reinstatement of the cupola, take place prior to any residential occupation of the building.

The proposal therefore accords with policies S25 and S28 in the City Plan and policies DES5, DES6, DES9 and DES10 in the Unitary Development Plan and the advice set out in the NPPF.

8.3 Residential Amenity

This proposal follows the height and footprint of the 2014 consented scheme with the exception of the projecting balconies on the rear elevation of the new three storey extension.

It is not considered that the proposal will result in any material loss of sunlight or daylight to adjoining residential properties or to the adjoining school playground. It is accepted

that there will be an increased sense of enclosure, but this will be within acceptable limits.

In terms of the impact on privacy, the main roof terrace on the roof of the rear extension would be screened and therefore would not cause any material loss of amenity. The sliding screens in the rear extension only permit a certain area of glazing to be open at any one time. The projecting balconies will afford views over the playground of the adjoining school, but it is not considered that this will result in such loss of amenity to warrant refusal of permission.

Two comments have been received from neighbouring residents in respect of the opening up of an existing blocked up window on privacy grounds. A condition is recommended to require this side window to be obscure glazed.

In light of the considerations set out above, the proposals are considered to be acceptable in amenity terms and would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/ Parking

A car ramp is proposed to the east side of the building to access the basement car park with 5 off street car parking spaces, which includes a disabled bay accessed from the existing crossover. The Highways Planning Manager does not raise objections to the car park, but requires details of the signal system to be used to give priority to incoming traffic and this will be reserved by condition.

The Highways Planning Manager has also requested a condition to secure 4 additional cycle parking spaces in line with London Plan Policy 6.9 and there is the capacity in the basement car park area to provide more cycle parking.

A condition is recommended to secure that at least two car spaces have electric charging points.

8.5 Economic Considerations

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

8.6 Access

The main pedestrian access is via the stepped access off St. John's Wood Terrace, but there is a secondary level access, entrance door and lobby from the basement car park which leads to a lift serving all floors.

8.7 Other UDP/ Westminster Policy Considerations

8.7.1 Noise

Environmental Sciences raise no objection in principle to the scheme; however, they note that the applicants acoustic report is now 9 years old. All mechanical plant must be designed to operate 10dB below the lowest measured background noise level.

Therefore, it is recommended that a condition to require a supplementary acoustic report demonstrating compliance with Policies ENV6 and ENV7 in the UDP is imposed, in addition to the standard noise conditions.

8.7.2 Air Quality

Environmental Sciences initially objected as no air quality assessment report had been submitted. The applicant has now submitted report which has overcome the initial objection from Environmental Sciences and there are therefore no concerns with the scheme in terms of its impact on air quality.

8.7.3 Land Contamination

Environmental Services raised concerns about possible contamination and more testing is required especially within the proposed garden areas. This will be reserved by a pre-commencement condition.

8.7.4 Waste and Recycling

A condition is recommended to secure amended refuse and recycling provision to meet the requirements of the Project Officer (Waste).

8.7.5 Trees

There a number of trees bordering the eastern boundary of the site owned by the school. One tree in the northern corner of the site was previously removed because of its poor condition and this scheme includes a suitable replacement tree (a semi-mature Ginkgo tree) in the north-east corner of the site.

Tree protection measures are proposed to protect the trees to be retained and new landscaping is proposed to the front of the Chapel. The Arboricultural Officer raises no objections, subject to appropriately worded conditions, as set out in the draft decision letter.

8.7.6 Sustainability

This proposal represents a significant improvement in the energy efficiency of the existing building. The flats in the new extension will be targeting the maximum energy savings possible, whereas the flats in the listed chapel will be targeting a BREEAM refurbishment 'Excellent' rating.

The proposal includes a Combined Heat and Power (CHP) system and the applicant's energy report identifies that the building will achieve a 42% reduction in CO2 emissions through the use of the proposed CHP system. A condition will secure the provision of these energy saving measures.

8.7.7 Basement Development

Since the last approval in 2014, the Council has now adopted its basement development policy CM28.1 in the City Plan. Therefore, this latest application needs to be reviewed in the light of this new policy.

The proposed basement follows the footprint of the existing chapel and the new extension at the rear which replaces the demolished parts of the existing building. The proposed basement accommodates the car park, plant and ancillary swimming pool is single storey.

In respect of Part A of the policy, the proposal takes account of the site specific ground conditions, drainage and water environment as set out in the applicants Structural and Hydrology reports. Building Control are satisfied with the applicant's approach in respect of the basement works taking place without undermining the existing listed building, affecting ground water conditions and can be constructed without adversely adjoining buildings and land. An attenuation tank is proposed to reduce surface water run-off from the site.

In respect of the impact of construction on neighbouring residents and the adjoining school, the applicant has signed the pro-forma for the Council's Code of Construction Practice (CoCP) indicating their agreement to carry out the development in accordance with the CoCP. This will be secured by condition.

The application site is not located within an archaeological priority area.

In respect of Part B, the proposal provides a satisfactory landscaping scheme, a replacement tree and existing trees will be protected during the construction works; the basement will be mechanically ventilated and Environmental Health raise no objections of air quality grounds; and conditions are recommended to ensure that the plant complies with the Council's noise conditions.

As the basement is within the building footprint and limited to a single storey it will not unbalance the existing building's hierarchy of spaces.

In respect of Part C it does not extend into the garden and as it follows the existing footprint there is no requirement to leave a margin of undeveloped garden land.

Part D which relates to basement developments under the adjacent highway does not apply to this 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, the representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

There is no Neighbourhood Plan which covers this area.

8.10 London Plan

This proposal does not raises 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 pre-commencement conditions, namely to require compliance with the City Council's Code of Construction Practice during the demolition/ excavation and construction phases of the development, and to secure further land contamination assessment of the site. The response from the applicant is awaited and will be reported verbally to the Committee.

8.12 Planning Obligations

If the Committee agree to grant permission, a legal agreement will be required to secure the financial contribution of £70,000 to the Affordable Housing fund in lieu of on-site provision, which will be index linked and payable on commencement of development. The legal agreement will also secure Section 106 monitoring costs.

The estimated CIL payment is £996,000 for Westminster's CIL and £90,600 for the Mayoral CIL.

8.13 Environmental Impact Assessment

Environmental Impact issues have been covered in sections 6 of this report...

8.14 Other Issues

None relevant.

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

Item No.
1

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

9 KEY DRAWINGS

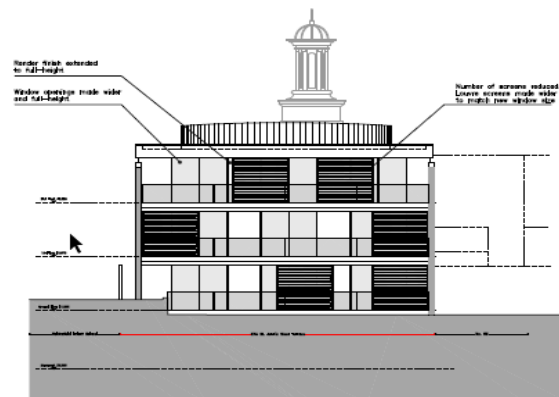
Existing Elevations



20'

2 South Elevation
SCALE 1/8"=1'-0"

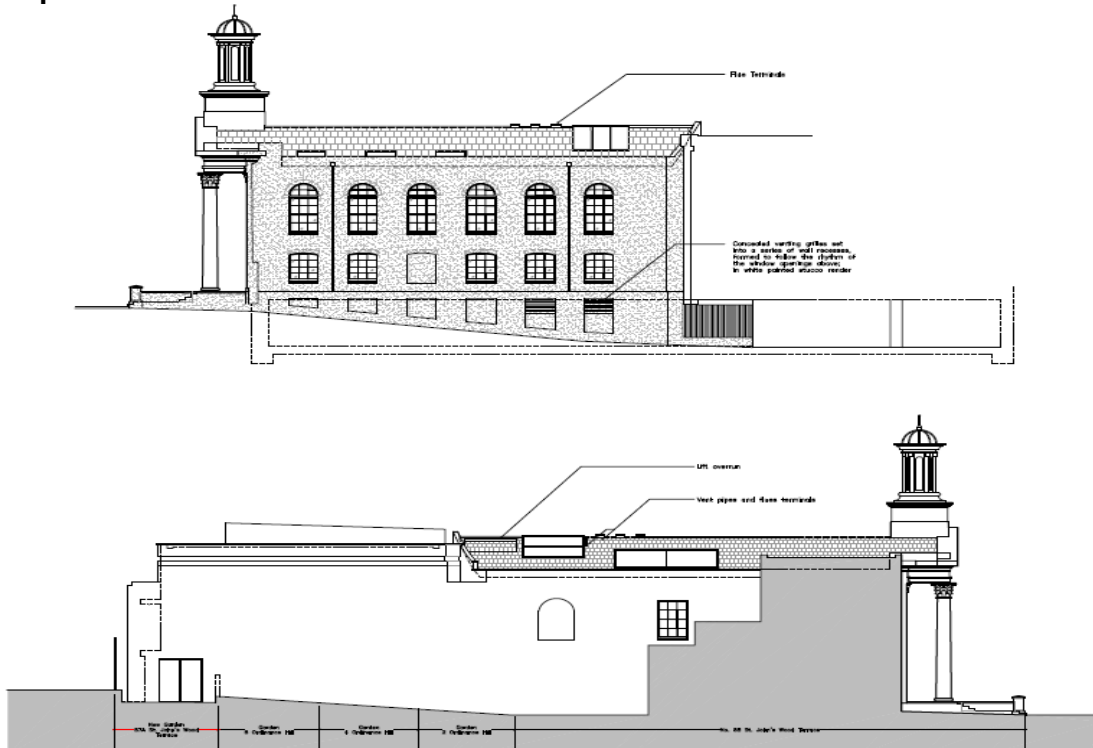
Proposed Elevations

1 North Elevation
SCALE 1/8"=1'-0"2 South Elevation
SCALE 1/8"=1'-0"

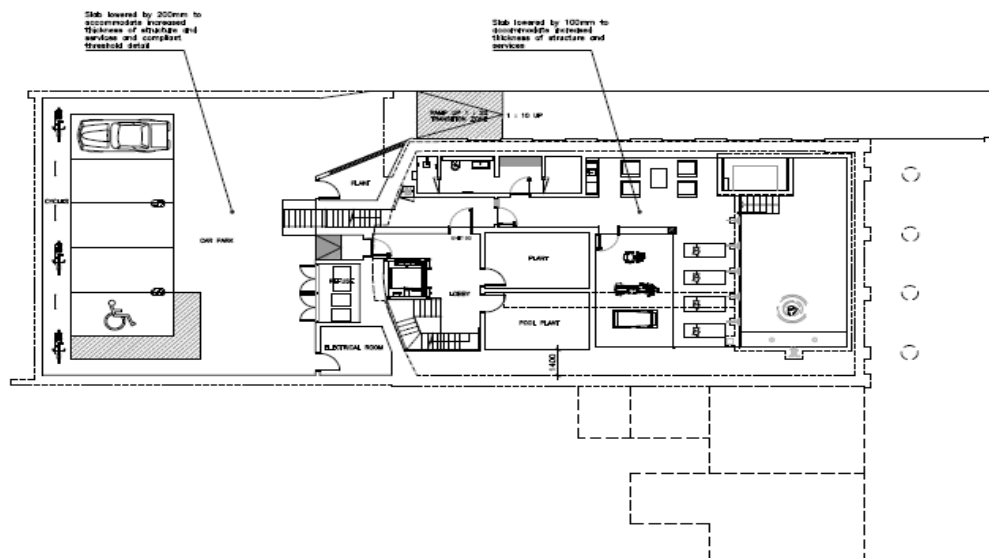
3D Pererspective Image of Proposal



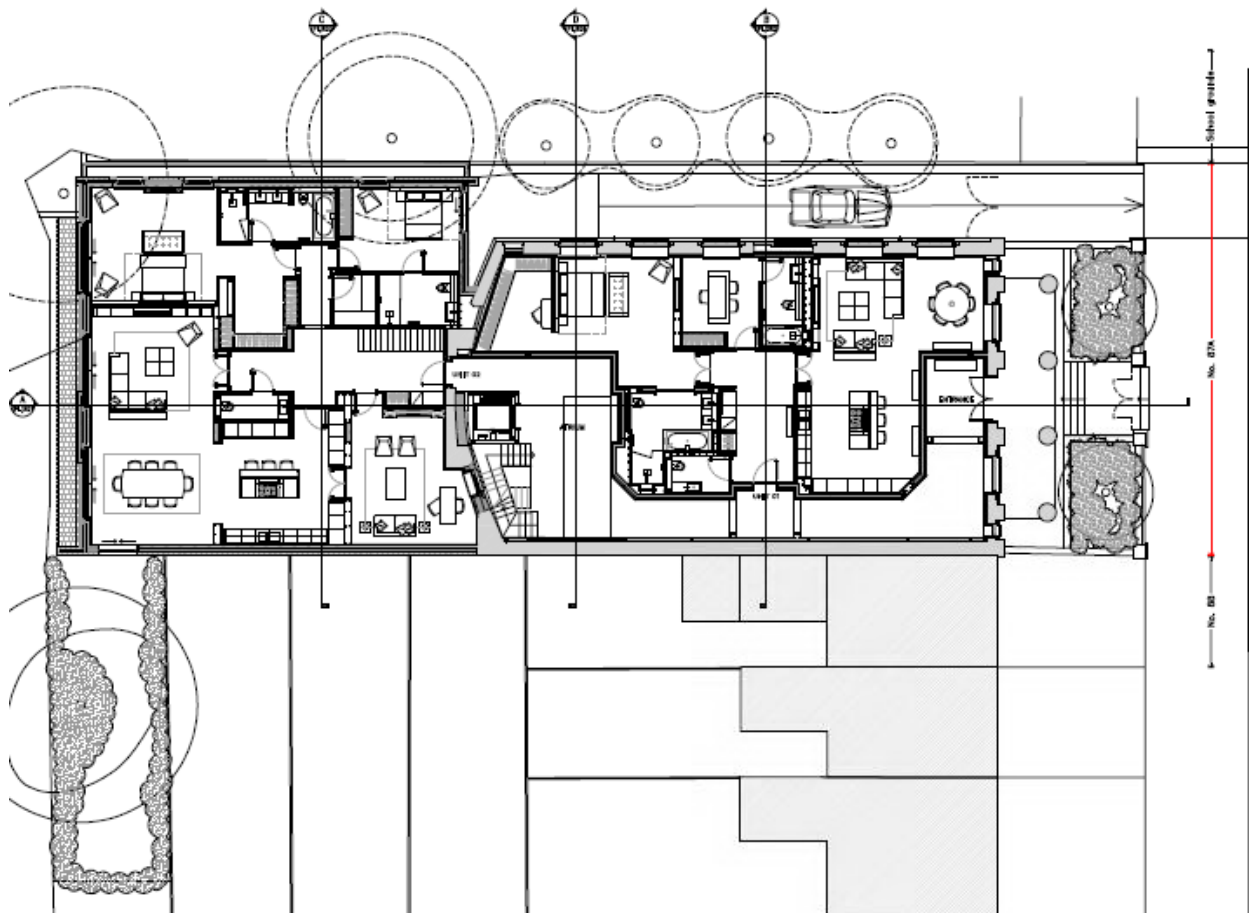
Proposed Side Elevations

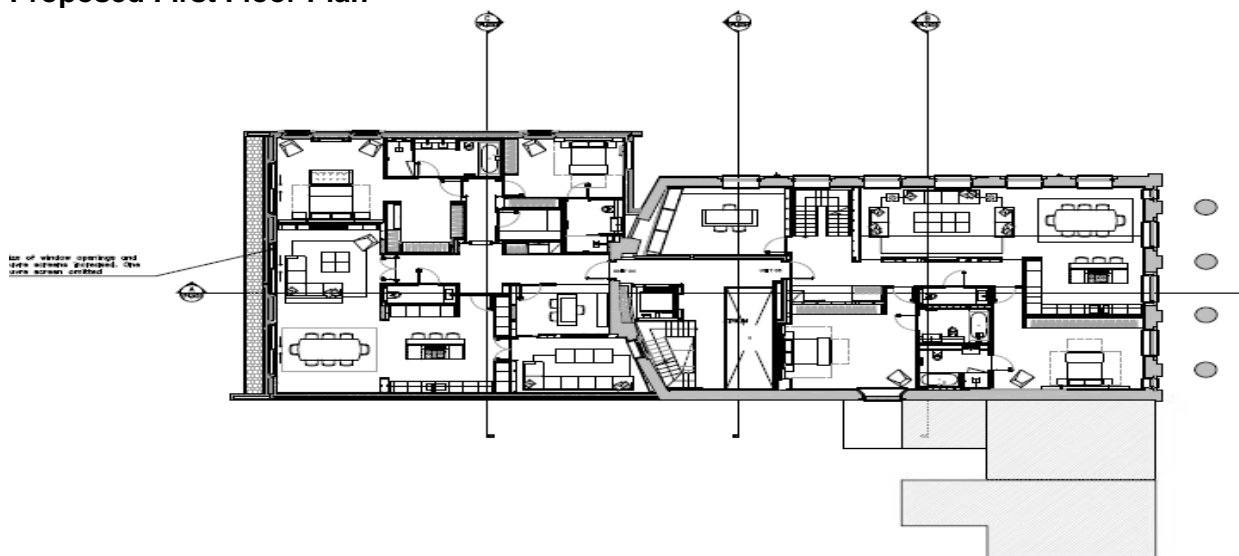
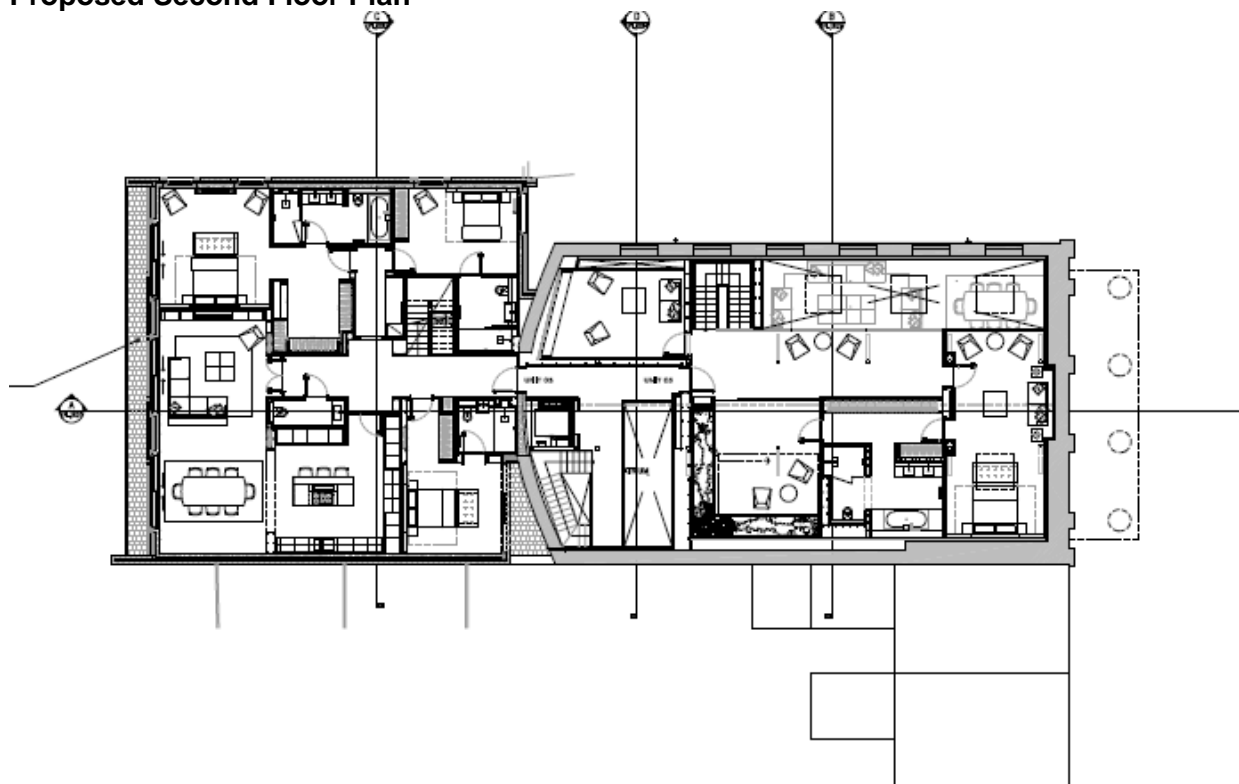


Proposed Basement Plan

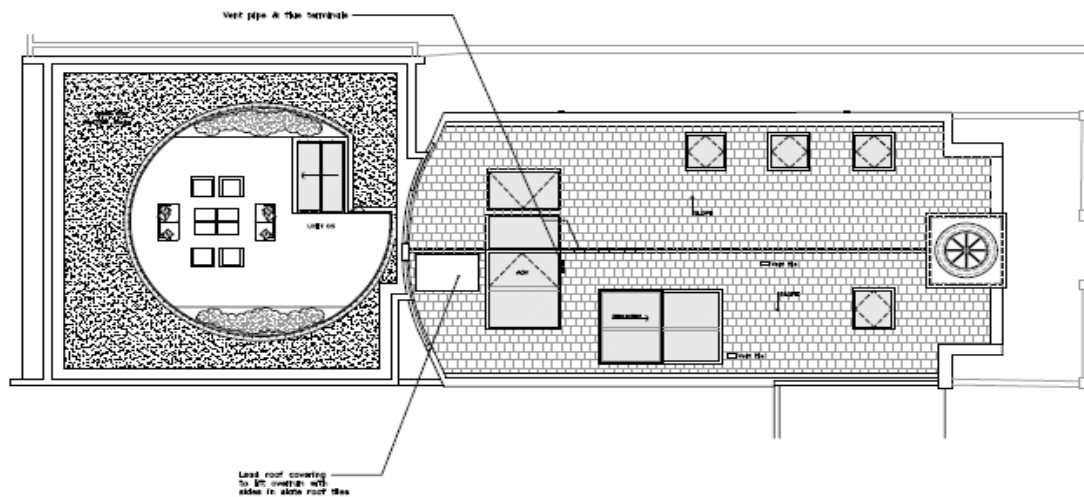


Proposed Ground Floor Plan

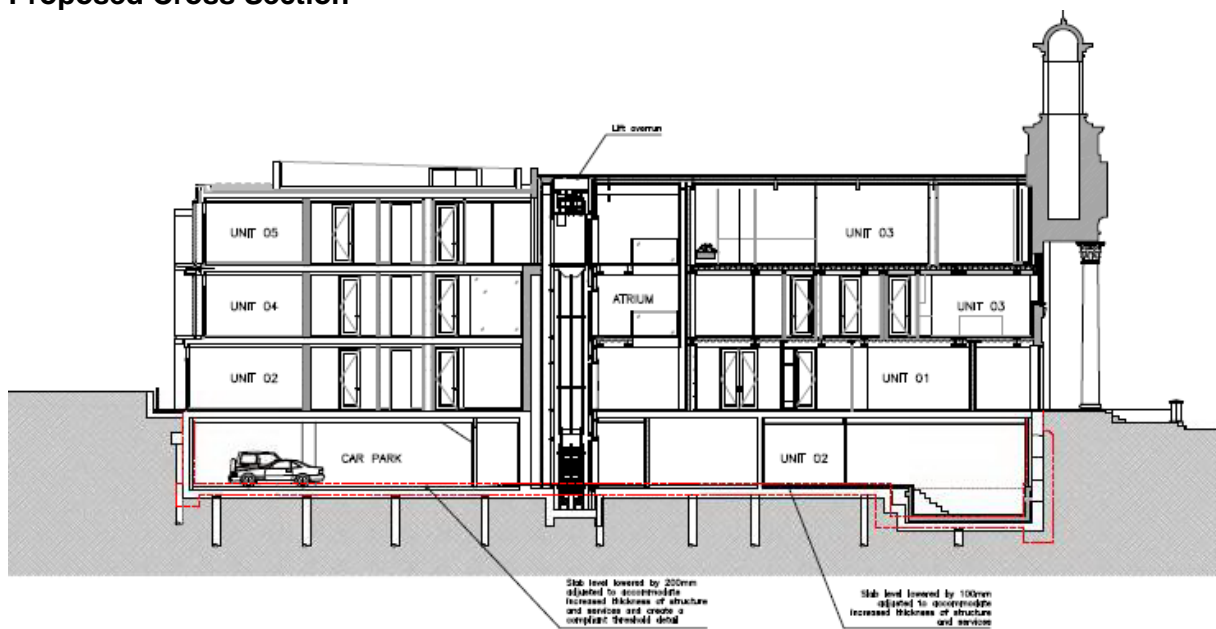


Proposed First Floor Plan**Proposed Second Floor Plan**

Proposed Roof Plan



Proposed Cross Section



DRAFT DECISION LETTER

Address: 87A St John's Wood Terrace, London, NW8 6PP,

Proposal: Alterations and extensions, including demolition and reconstruction of rear extensions, excavation of basement floor, removal of tree, alterations to front boundary wall, installation of mechanical plant, erection of cupola at roof level, use of part of garden to rear of No.8 Ordnance Hill, and internal works to all floor levels in connection with the use of the building as five residential apartments (2x3 bed, 2x2 bed, and 1x1 bed flats).

Plan Nos: Existing drawings: (01)-S-001 rev 1; (01)-P-0G0 rev 1; (01)-P-001 rev 1; (01)-P-002 rev 1; (01)-P-003 rev 1; (01)-E-001 rev 1; (01)-E-002 rev 1; (01)-X-001 rev 1; (01)-X-002 rev 1., Demolition drawings: (02)-P-0G0 rev 2; (02)-P-001 rev 2; (02)-P-002 rev 2; (02)-P-003 rev 2., , Proposed drawings: (PL)-S-001 rev 1; (PL)-P-0B0 rev 2; (PL)-P-0G0 rev 3; (PL)-P-001 rev 3; (PL)-P-002 rev 3; (PL)-P-003 rev 3; (P)-E-001 rev 3; (P)-E-002 rev 3; (P)-E-110 rev 1; (PL)-X-001 rev 2; (PL)-X-002 rev 3. Covering Letter dated 16th March 2017; Planning Statement March 2017; Heritage Statement March 2017; Energy Statement March 2017; Transport Statement; Plant Noise Assessment - 08/0382/2/R1; (01)-S-001; EAM/87SJWT/AMS/01b; Hydrology Assessment; Basement Development Statement; Site Investigation Report.

Case Officer: Amanda Coulson

Direct Tel. No. 020 7641 2875

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

- 4 The new facing brickwork must match the existing original brickwork present to the retained external elevations of the rear extensions to the main chapel building in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings.

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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, 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 not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace and projecting balconies hereby approved.

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

- 6 The works to reinstate the circular cupola to roof level (as shown on the approved drawings) must be carried out before the occupation of the dwellings.

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

January 2007. (R26FD)

- 7 All new outside rainwater and soil pipes must be made out of metal and painted black.

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

- 8 All new windows shall be formed of white painted timber, and new external metalwork shall be painted and permanently maintained in a black colour.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, 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 detailed drawings (including section details at min 1:20 of the following parts of the development:

- (a) all new windows in the main (former chapel) building showing them to be single glazed.
- (b) detailed drawings of the reinstated cupola at a scale of 1:20.

You must not start any work on these parts of the development until we have approved what you have sent us. You must carry out the development in accordance with the drawings we approve.

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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, 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 a detailed section drawing showing the relationship of the floor slab to the windows to the front elevation at first 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 this drawing.

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

- 11 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 five flats. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

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

Reason:

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

- 13 (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)

- 14 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)

- 15 You must provide each car parking space shown on the approved drawings and each car

Item No.
1

parking space shall only be used for the parking of vehicles of people living in this development, and 2 of the 5 spaces shall be fitted with electric charging points. Details of the traffic signalling system shall be submitted to and approved by the City Council prior to the occupation of the development. The development shall be carried out in accordance with the approved details and you shall not remove the signalling system.

Reason:

To provide parking spaces for people using the development as set out in TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 16 You must apply to us for approval of details of secure cycle storage for the residential use and incorporate at least four additional cycle spaces. 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)

- 17 For the avoidance of doubt, the glass that you put in the windows in the side elevation facing 88 St Johns Wood Terrace must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.

Reason:

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

- 18 The external elements of the new lift overrun shall be clad in lead.

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

- 19 The new vents to main roof level shall match the colour of the existing ridge tiles to the existing building.

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

- 20 You must apply to us for approval of detailed elevation and section drawings of the new vents to lower ground floor level to the east elevation of the building, including details of their design and colour. 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.

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

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

- balcony deck materials/colour

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 development in accordance with the drawings we approve.

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

- 22 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public

records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 23 You must apply to us for approval of details drawings of a hard and soft landscaping scheme for the site, to include a replacement tree to the rear of the site as shown on Drawing (PL)-P-0G0 1. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the landscaping according to these approved drawings within 6 months of completing the development (or within any other time limit we agree to in writing).

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St John's Wood 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)

- 24 You must carry out the sustainability and energy saving measures as set out in your Energy Report prior to the occupation of the residential units and you must not remove these features unless agreed in writing by the City Council as local planning authority.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

Item No.
1

- 25 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

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

- Replacement of the glass balustrades to the rear projecting balconies with metal railings.

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 St Johns Wood 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)

- 27 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 13 and 14 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 28 The tree protection measures as set out in the approved Arboricultural Report must be installed

prior to any demolition, site clearance or building works taking place. The tree protection measures must follow the recommendations in section 7 of the British Standard BS5837:2012 and the tree protection measures must be retained whilst the building works are taking place .

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 3 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>.

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

5 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to affordable housing contribution. (I55AA)

6 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

7 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).

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

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

CIL forms are available from the planning on the planning portal:
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

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

Item No.
1

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.

- 9 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.

- 10 With reference to condition 25 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

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

You are urged to give this your early attention

- 11 You should include environmental sustainability features in your development. For more advice on this, please look at our supplementary planning guidance on 'Sustainable buildings'. This will make sure that the development causes as little damage as possible to the environment. However, if the features materially (significantly) affect the appearance of the outside of the building, this is likely to need planning permission. (I91AA)

DRAFT DECISION LETTER

Address: 87A St John's Wood Terrace, London, NW8 6PP,

Proposal: Demolition of the rear of the building, creation of new extension comprising basement, ground, first and second floors, in connection with the use of building as five residential apartments, internal and external alterations to listed building, together with associated works.

Plan Nos: Existing drawings: (01)-S-001 rev 1; (01)-P-0G0 rev 1; (01)-P-001 rev 1; (01)-P-002 rev 1; (01)-P-003 rev 1; (01)-E-001 rev 1; (01)-E-002 rev 1; (01)-X-001 rev 1; (01)-X-002 rev 1., Demolition drawings: (02)-P-0G0 rev 2; (02)-P-001 rev 2; (02)-P-002 rev 2; (02)-P-003 rev 2., , Proposed drawings: (PL)-S-001 rev 1; (PL)-P-0B0 rev 2; (PL)-P-0G0 rev 3; (PL)-P-001 rev 3; (PL)-P-002 rev 3; (PL)-P-003 rev 3; (P)-E-001 rev 3; (P)-E-002 rev 3; (P)-E-110 rev 1; (PL)-X-001 rev 2; (PL)-X-002 rev 3. Covering Letter dated 16th March 2017; Planning Statement March 2017; Heritage Statement March 2017; Energy Statement March 2017; Transport Statement; Plant Noise Assessment - 08/0382/2/R1; (01)-S-001; EAM/87SJW/AMS/01b; Hydrology Assessment; Basement Development Statement; Site Investigation Report.

Case Officer: Amanda Coulson

Direct Tel. No. 020 7641 2875

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

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

Reason:

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

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

Reason:

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

- 3 The new facing brickwork must match the existing original brickwork present to the retained external elevations of the rear extensions to the main chapel building in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings.

Item No.
1

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

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

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

- 5 The works to reinstate the circular cupola to roof level (as shown on the approved drawings) must be carried out before the occupation of the dwellings.

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

- 6 All new outside rainwater and soil pipes must be made out of metal and painted black.

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

- 7 All new windows shall be formed of white painted timber, and new external metalwork shall be painted and permanently maintained in a black colour.

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

Item No.
1

- 8 You must apply to us for approval of detailed drawings (including section details at min 1:2) of the following parts of the development:

a) all new windows in the main (former chapel) building showing them to be single glazed.

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

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

- 9 You must apply to us for approval of a detailed section drawing showing the relationship of the floor slab to the windows to the front elevation at first 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 this drawing.

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

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

Reason:

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

- 11 The external elements of the new lift overrun shall be clad in lead.

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

Item No.
1

2007. (R27AC)

- 12 The new vents to main roof level shall match the colour of the existing ridge tiles to the existing building.

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

- 13 You must apply to us for approval of detailed elevation and section drawings of the new vents to lower ground floor level to the east elevation of the building, including details of their design and colour. 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.

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 St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and 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 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.