



City of Westminster

# Committee Agenda

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

Meeting Date: **Tuesday 9th July, 2019**

Time: **6.30 pm**

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

Members: **Councillors:**

Tony Devenish (Chairman)  
Peter Freeman  
Tim Roca  
Eoghain Murphy

**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 the 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. DORA HOUS, 60 ST JOHN'S WOOD ROAD, LONDON, NW8 7HN**

(Pages 17 - 68)

#### **2. 388-396 OXFORD STREET, LONDON, W1C 1JU**

(Pages 69 - 94)

- |    |   |                   |
|----|---|-------------------|
| 3. | 222 STRAND, LONDON, WC2R 1BA                                      | (Pages 95 - 128)  |
| 4. | 74 - 76 PRINCE'S SQUARE, LONDON, W2 4NY                           | (Pages 129 - 162) |
| 5. | 76-82 BENTINCK CLOSE, PRINCE ALBERT ROAD, LONDON, NW8 7RY         | (Pages 163 - 188) |
| 6. | PADDINGTON BOWLING & SPORTS CLUB, CASTELLAIN ROAD, LONDON, W9 1HQ | (Pages 189 - 208) |
| 7. | 90-91 BERWICK STREET, LONDON, W1F 0QB                             | (Pages 209 - 220) |

**Stuart Love**  
**Chief Executive**  
**28 June 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 11th June, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

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

**Also Present:** Councillor Guthrie McKie (Item 1)

#### 1 MEMBERSHIP

- 1.1 It was noted that Councillor James Spencer and replaced Councillor Susie Burbridge.

#### 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 Tim Roca declared a conflict of interest in respect of Item 1, in that the site is located in his ward and that the ward Councillors had expressed support for concerns raised by residents regarding the proposed size of the development. He therefore advised that he would not participate in the consideration of the application and would leave the room during its deliberations.

### **3 MINUTES**

- 3.1 That the minutes of the meetings held on 14 May 2019 and 21 May 2019 be signed by the Chairman as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 413-419 HARROW ROAD, LONDON, W9 3QJ**

Redevelopment of the site to provide a 5-storey building comprising retail (Classes A1/A2) at ground floor and 19 residential units (Class C3) on the upper floors; provision of cycle parking, refuse storage, ancillary space, mechanical plant and other associated works incidental to the development.

Additional representations were received from Councillor Guthrie McKie (5.6.2019).

Late representations were received from Maida Hill Neighbourhood Forum (10.6.2019), Councillor Guthrie McKie (undated), the occupier of Flat 30, 79 Fermoy Road (8.6.2019), Flat 11, 79 Fermoy Road (9.6.2019), Flat 15, 79 Fermoy Road (10.6.2019), Flat 23 Fermoy Road (10.6.2019) and a proposal summary from the applicants (undated)

The presenting officer tabled the following amendment to condition 8 and an additional condition requiring the submission of an air quality assessment for the building's emissions:

Condition 8 on page 53 should refer to an advertisement strategy, rather than signage, as the applicant is permitted to install some signage without advertisement consent under the advertisement regulations. This condition should therefore be amended as follows:

8. *"You must apply to us for approval of an advertisement strategy for the shopfronts on the Harrow and Fermoy Road elevations. You must design and install advertisements on the shopfronts in accordance with the approved strategy.*

**REASON:**

*To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 8 of our Unitary Development Plan that we adopted in January 2007."*

At the request of the Environmental Health Officer, a condition requiring the submission of an Air Quality Assessment for the buildings emissions is also recommended. This condition is set out below:

25. *"An air quality neutral assessment for building emissions must be provided to the local planning authority for approval, prior to occupation of the development. Any mitigation measures required by the assessment to ensure the building emissions are air quality neutral must be set out within the report*

*for approval and must be installed prior to the occupation of the development and permanently retained thereafter.*

**REASON:**

*To ensure that air quality is protected, as required by policy 7.14 of the London Plan (March 2016), policy S31 of Westminster's City Plan (November 2016) and policy ENV 5 of the Unitary Development Plan (January 2007)".*

John Biggs addressed the Committee in support of the application.

Councillor Guthrie McKie addressed the Committee in his capacity as a local Ward Councillor in objection to the application.

**RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted subject to:
  - (i) a S106 legal agreement to secure the following:
    - a) The stopping up of existing highway and dedication of new highway land to the frontage of the site in Harrow Road and Fermoy Road;
    - b) A carbon offset payment of £9,480.00 (index linked and payable on commencement of development); and
    - c) The costs of monitoring the S106 agreement.
  - (ii) The changes to conditions in the draft decision letter as tabled and set out above.
2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:
  - a) The Director of Place Shaping and Town Planning 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 Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
  - b) The Director of Place Shaping and Town Planning 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 Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. 3.
3. That the Committee authorised the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.

4. That the Executive Director of City Management & Communities or another appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

## **2 DRURY HOUSE, 34-43 RUSSELL STREET LONDON WC2B 5HA**

Use of basement, part ground and upper floors as a hotel (Class C1) with ancillary bars at basement and new 7th floor level; two-storey roof extension with roof terrace; refurbishments to external facade including lighting; alterations and relocation of entrance to Russell Street facade; installation of plant at roof level; and associated works.

Additional representations were received from Covent Garden Community Association (4.6.2019) and Gerald Eve (5.6.2019)

Late representations were received from Gerald Eve (10.6.2019) and Apcar Smith Planning (10.6.2019).

The presenting officer tabled the following amendments to conditions 27 and 28:

### **Additional conditions**

#### **Condition 27 'Cycle Store Access':**

Notwithstanding what is shown on drawing A-2201 Rev A, you must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Means of access to the cycle store at ground floor level.

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.

#### **Condition 28 'Internal Activity':**

(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 hotel use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel 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.

The presenting officer tabled the following amendments to conditions 12, 16, 20, 23, 25 and 26:

### **Revised conditions**

#### **Condition 12 'Live Music':**

No live or recorded music shall be played in the hotel use as such as to be audible at a distance of 1m from any neighbouring residential window.

#### **Condition 15 'Cycle parking':**

You must apply to us for approval of details of secure cycle storage for a minimum of 18 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.

#### **Condition 20 'Thames Water':**

No properties shall be occupied until confirmation has been provided that either:

- All combined water network upgrades required to accommodate the additional flows from the development have been completed; or

- A hotel and infrastructure phasing plan has been agreed with Thames Water to allow the hotel to be occupied. Where a hotel and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed hotel and infrastructure phasing plan.

**Condition 23 'Balconies':**

The fifth floor level balconies on the Drury Lane elevation must not be used for sitting out or for any other purpose. You can however use the balconies to escape in an emergency.

**Condition 25 'Coach bookings':**

The operator of the hotel must not knowingly accept bookings from parties using a vehicle with a capacity of 15 or more persons to travel to and from the premises.

**Condition 26 'No music roof terrace':**

No live music or amplified music shall be played on the the hotel roof terrace.

Mr Robert Staffler addressed the Committee in support of the application.

Mr Matthew Firsht addressed the Committee in objection to the application.

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted subject to the changes to conditions as tabled and set out above.

**3 TURNER HOUSE, 16 GREAT MARLBOROUGH STREET, LONDON, W1F 7HS**

Alterations including 7th floor roof extension, alterations to office and retail entrances/shopfronts on Great Marlborough Street; reconfiguration of western lightwell elevation, installation of photovoltaic panels, green roofs, new extract ventilation duct and new plant enclosure at roof level and creation of office and residential terraces. Use of lower ground, part ground and part 1st to part 7th floors as offices (Class B1); use of part ground floor for dual/alternative retail (Class A1) or restaurant (Class A3) purposes; reconfiguration of existing flats and provision of one additional flat; use of basement to provide plant, cycle parking/showers waste storage and car parking (site includes 11 Ramillies Place).

An additional representation was received from the applicant in the form of summary proposals (undated).

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted.

**4 ROMNEY MEWS LONDON**

Variations of Condition 1 and 17 of planning permission dated 1 August 2018 (RN: 18/03593) for: Erection of three-bedroom dwellinghouse (Class C3) over ground to fourth floor level - NAMELY, to enable the installation of a clay-tiled pitched front and rear screen with rear dormer window, acoustic panelling, lead cladding and a glazed access rooflight at roof level to facilitate the use of the roof as a terrace.

The presenting officer tabled the following additional condition:

18. You must fully install the dummy roof slopes at the front and rear of the roof terrace in accordance with the drawings hereby approved before the use of the roof as a terrace commences. You must thereafter retain the dummy roof slopes for as long as the roof is used as a terrace.

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)

Mr Alastair James Thornton addressed the Committee in support of the application.

Mr Philip Parker addressed the Committee in rejection of the application.

**RESOLVED:** (For: Councillors Devenish, Spencer and Freeman; Against: Councillor Tim Roca)

That conditional permission be granted subject to the additional condition as tabled and set out above.

## **5 222 STRAND, LONDON WC2R 1BA**

Use of sub-basement to mezzanine floor levels as a public house (Class A4); installation of a new ventilation system, and new plant equipment at roof level; and extensive internal alterations.

The application with withdrawn from the agenda by officers prior to the meeting.

## **6 6 DANSEY PLACE, LONDON W1D 6EZ**

Use of the ground floor as a substation (sui generis) and installation of new ground floor frontage.

A late representation was received from Shaftesbury (6.6.2019)

Mr Sean Tickle addressed the Committee in support of the application.

Mr Wai Keung Law addressed the Committee in objection to the application.

**RESOLVED:** (For: Councillors Devenish, Spencer and Freeman; Against: Councillor Roca)

That conditional planning permission be granted.

**7 20 WESTBOURNE PARK VILLAS LONDON W2 5EA**

Excavation of basement with rear lightwell, erection of ground floor rear extension and first floor rear extension to square off chamfered bay, alterations to windows, reinstatement of front boundary with new bin store, bike store and re-landscaping to rear garden. All in association with the use of the building as a single-family dwelling.

Late representations were received from the occupier of 22 Westbourne Park Villas (10.6.2019), 18 Westbourne Park Villas (10.6.2019 and 11.6.2019).

Mr Adam Beamish addressed the Committee in support of the application.

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted.

The Meeting ended at 8.22 pm

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

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

# Agenda Annex

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 9th July 2019  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	<b>RN(s) :</b> 19/01284/FULL  Regent's Park	Dora House 60 St John's Wood Road London NW8 7HN	Demolition of the existing building and redevelopment to provide two buildings: Building 1 comprising one basement level, ground and thirteen upper floors containing car parking, plant, affordable sheltered accommodation and market sheltered accommodation (Class C3), ancillary communal areas; Building 2 comprising sub-basement, two basement levels, ground and eleven upper floors containing plant, car parking, residential accommodation (Class C3) and ancillary leisure; reconfigured vehicular and pedestrian access together with landscaping and other works in association with the development.	
<p><b>Recommendation</b></p> <p>1. Grant conditional permission, subject to any views of the Mayor of London and subject to a Section 106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> <li>a) i) Provision of affordable housing in the form of 153 units of sheltered accommodation for the elderly (Class C3) (3 studios, 146 one bedroom, 4 two bedroom) within floors ground to nine of building 1, in perpetuity and at charges made to residents at no higher than target rent levels.</li> <li>ii) option for previous/existing residents to return to building 1 as a first option subject to their needs being met by the new development.</li> <li>iii) 100% nomination rights on first occupancy of the affordable housing units and to all true voids arising after first occupancy.</li> <li>b) Early and Late Statge viabilty reviews</li> <li>c) Not to occupy building 2 until practical completion of building 1</li> <li>d) Highways works to Lodge Road and St John's Wood Road to facilitate the proposed development and including vehicular crossovers and paving.</li> <li>e)             <ul style="list-style-type: none"> <li>i) Car park strategy for building 1 to provide 33 car parking spaces on an unallocated basis.</li> <li>ii) Car park strategy for building 2 to provide 78 car parking spaces on an unallocated basis and to carry out the development in accordance with a car lift maintenance and management plan.</li> </ul> </li> <li>f) A financial contribution of £20,000 towards tree planting to Lodge Road (index linked and payable on commencement of development).</li> <li>g) Lifetime Car club membership for the occupiers of Building 1.</li> <li>h) Provision of Public Art to a minimum value of £60,000</li> <li>i) Carbon Off-set payment £ 268,493.40</li> <li>j) Tree protection methodology including details of arboricultural supervision and monitoring to off site trees.</li> <li>k) The costs of monitoring the S106 agreement</li> </ul> <p>All figures are to be index linked and paid on commencement of development.</p> <p>3.If the S106 legal agreement has not been completed within six weeks from of the date of the Committee's resolution then:</p> <ul style="list-style-type: none"> <li>a) The Director of Place Shaping and Town Planning 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 Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</li> <li>b) The Director of Place Shaping and Town Planning 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 Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</li> </ul>				

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 9th July 2019  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
2.	<b>RN(s) :</b> 18/10493/FULL  Marylebone High Street	388-396 Oxford Street London W1C 1JU	Erection of a single storey roof extension to the Oxford Street frontage and a single storey roof extension to the Duke Street frontage, recladding of all the facades on Oxford Street, Duke Street and Bird Street, in connection with reconfigured retail floorspace (Class A1) over basement, ground and first floor levels, office floorspace at second to seventh floor levels. Increase in height of the existing plant rooms, creation of a terrace at fifth floor level (on Duke Street), installation of new plant and associated works.	
3.	<b>RN(s) :</b> 18/01260/FULL 18/01261/LBC  St James's	222 Strand London WC2R 1BA	Use of sub basement to mezzanine floor levels as Public House (Use Class A4), installation of air conditioning units within existing plant enclosure at roof level, installation of ducts to lightwell, and associated external alterations.	
4.	<b>RN(s) :</b> 19/00868/FULL  Lancaster Gate	74 - 76 Prince's Square London W2 4NY	Use of the building as a 35 room elderly care facility specialising in dementia (Use Class C2), creation of balcony on the rear elevation at first floor level, alterations to the fenestration to match the new internal floor levels, the installation of ramp from the ground floor to the garden. Alterations to roof including insertion of kitchen extract. Installation of a new refuse store, plant enclosure, and bicycle store in the rear garden, new hard and soft landscaping to the garden and all other associated works. Insertion of louvres on front elevation at basement level to serve plant equipment.	
5.	<b>RN(s) :</b> 18/06686/FULL  Regent's Park	76-82 Bentinck Close Prince Albert Road London NW8 7RY	Variation of condition 1 of planning permission dated 01 December 2015 (RN: 15/00496/FULL) for the Roof extension to provide four new residential (Class C3) units (3x3 bed and 1x4 bed) with external terraces and planters. NAMELY, to allow design changes, including changes to flat layout, partial omission of louvres, additional shade structures, changes to cladding and fenestration, removal of planters, installation of green roof, alterations to	

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 9th July 2019  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

			rooflights, additional air-conditioning plant and addition of lift overruns	
<b>Recommendation</b> Grant conditional permission.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
6.	<b>RN(s) :</b> 18/10265/FULL  Maida Vale	Paddington Bowling & Sports Club Castellain Road London W9 1HQ	Installation of new floodlighting to two existing outdoor tennis courts (courts 4 and 5 adjacent to the Club House) with the installation of new perimeter and division fencing	
<b>Recommendation</b> Grant conditional permission				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
7.	<b>RN(s) :</b> 18/08284/ADFU LL  West End	90-91 Berwick Street London W1F 0QB	Details pursuant to Condition 23 of planning permission dated 4 October 2016 (RN: 15/06792/FULL), namely the submission of a Servicing Management Strategy.	
<b>Recommendation</b> Approve details.				

This page is intentionally left blank



# Agenda Item 1

Item No.
<b>1</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 9 <sup>th</sup> July 2019	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> Regent's Park	
<b>Subject of Report</b>	<b>Dora House, 60 St John's Wood Road, London, NW8 7HN,</b>		
<b>Proposal</b>	Demolition of the existing building and redevelopment to provide two buildings: Building 1 comprising one basement level, ground and thirteen upper floors containing car parking, plant, affordable sheltered accommodation and market sheltered accommodation (Class C3), ancillary communal areas; Building 2 comprising sub-basement, two basement levels, ground and eleven upper floors containing plant, car parking, residential accommodation (Class C3) and ancillary leisure; reconfigured vehicular and pedestrian access together with landscaping and other works in association with the development.		
<b>Agent</b>	DP9 Ltd		
<b>On behalf of</b>	Regal WL Ltd		
<b>Registered Number</b>	19/01284/FULL	<b>Date amended/ completed</b>	26 February 2019
<b>Date Application Received</b>	19 February 2019		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside of a conservation area, the St John's Wood and Regent's Park Conservation Areas run along St John's Wood Road and Park Road respectively.		

## 1. RECOMMENDATION

Subject to any views of the Mayor of London, grant conditional permission, subject to a Section 106 legal agreement to secure the following:

- a)
  - i) Provision of affordable housing in the form of 153 units of sheltered accommodation for the elderly (Class C3) (3 studios, 146 one bedroom, 4 two bedroom) within floors ground to nine of building 1, in perpetuity and at charges made to residents at no higher than target rent levels.
  - ii) option for previous/existing residents to return to building 1 as a first option subject to their needs being met by the new development.

iii) 100% nomination rights on first occupancy of the affordable housing units and to all true voids arising after first occupancy.

b) Early and Late Stage viability reviews

c) Not to occupy building 2 until practical completion of building 1.

d) Highways works to Lodge Road and St John's Wood Road to facilitate the proposed development and including vehicular crossovers and paving.

e)

i) Car park strategy for building 1 to provide 33 car parking spaces on an unallocated basis.

ii) Car park strategy for building 2 to provide 78 car parking spaces on an unallocated basis and to carry out the development in accordance with a car lift maintenance and management plan.

f) A financial contribution of £20,000 towards tree planting to Lodge Road

g) Lifetime Car club membership for the occupiers of Building 1.

h) Provision of Public Art to a minimum value of £60,000

i) Carbon Off-set payment £ 268,493.40

j) Tree protection methodology including details of arboricultural supervision and monitoring to off-site trees.

k) The costs of monitoring the S106 agreement

All contributions are to be index linked and paid on commencement of development.

3. If the S106 legal agreement has not been completed within six weeks from the date of the Committee's resolution then:

a) The Director of Place Shaping and Town Planning 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 Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Place Shaping and Town Planning 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 Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

Planning permission is sought by Regal Homes in association with Central and Cecil Housing Trust for the redevelopment of the existing building known as Dora House, which provides affordable housing in the form of sheltered accommodation for the elderly, and the construction of two new buildings to provide a new "Dora House" in building 1 facing Lodge Road and new private residential accommodation in building 2 facing St John's Wood Road.

This applicant has advised that following a review of a similar redevelopment in 2017 that the size and scale of the proposed residential units within Building 2 was no longer viable in current market conditions and did not optimise the housing potential of the site. Architects Squire & Partners were

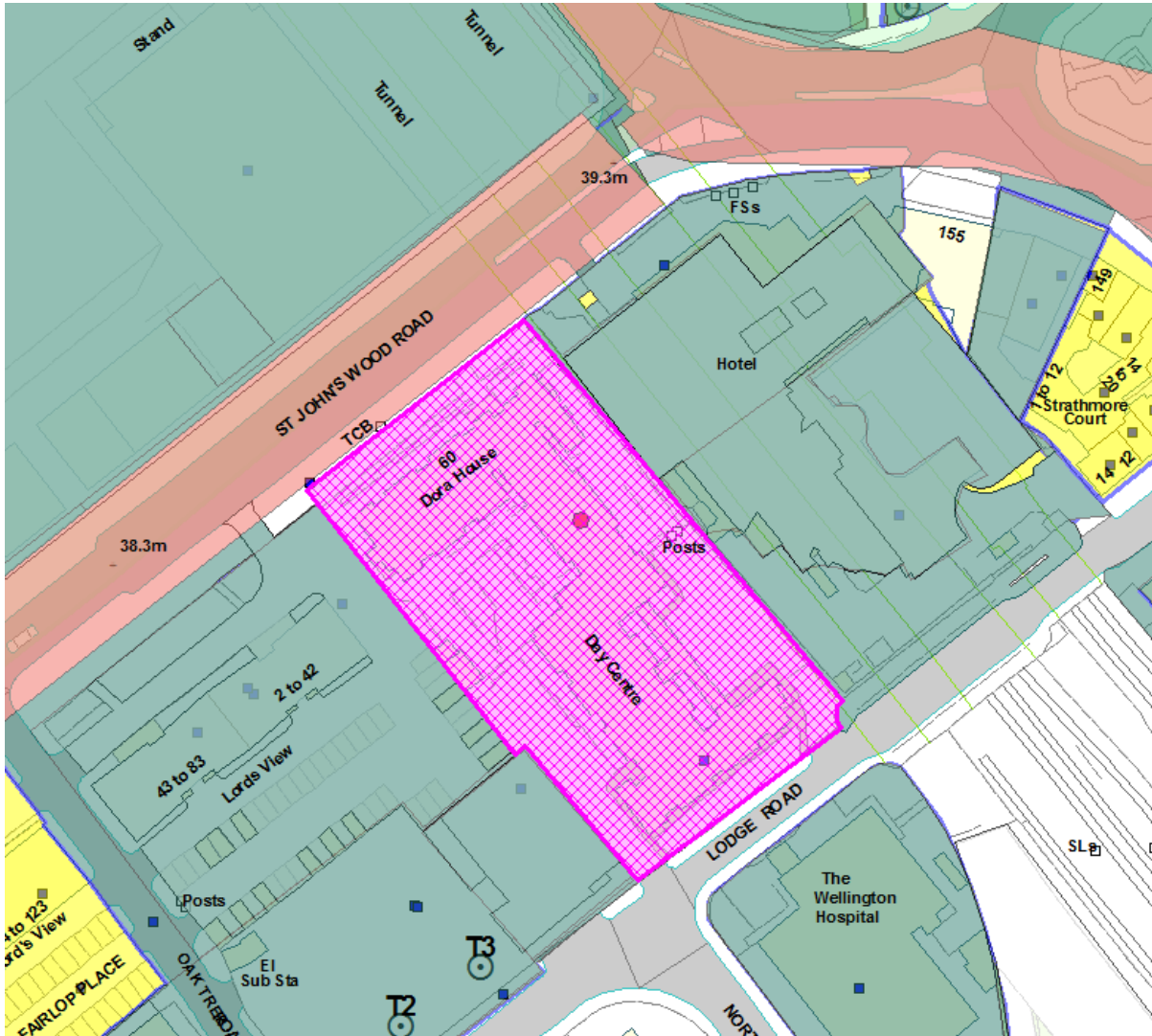
subsequently appointed to redesign the residential building fronting St John's Wood Road (Building 2), the detailed design has significantly changed and floor to ceiling heights were streamlined to enable further floors of accommodation, more than doubling the number of residential flats to be provided, broadly within the height and massing of the building granted in 2017.

Similarly building 1 to Lodge Road has also be streamlined to provide additional affordable sheltered accommodation and some minor revisions to its rear elevation are proposed.

The Greater London Authority (GLA), whilst support the proposal in principle, remain concerned at the quantum of car parking to serve the development and require further clarifications with respect to energy. Ongoing discussions have and continue to take place in order to seek to address these outstanding matters prior to the GLA providing their stage 2 report. The St John's Wood Society support scheme improvements to the 2017 scheme. Three representations of objection have been received from occupiers of Lords View I, concerned mainly with respect to over-development, the cumulative impact with other developments in the vicinity and on highways grounds.

For the reasons set out in this report, the proposal is considered acceptable, meets with the relevant Unitary Development Plan and City Plan policies, and is recommended favourably, subject to conditions and a S106 legal agreement to secure a number of planning obligations.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

**4. PHOTOGRAPHS**



**Existing St John's wood elevation**



**Existing St John's wood elevation**



**Existing Lodge Road elevation**



**Existing Lodge Road elevation**



## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY

Comment. Support principle of development and urban design. The application does not yet comply with the London Plan and draft London Plan. However possible remedies stated could address these deficiencies: The development should be car-free (except for Blue Badge parking) and cycle parking should be increased. The applicant should identify and commit to the delivery of improvements in line with the Healthy Streets indicators and Vision Zero. The closure of the TLRN footway for the duration of construction works is unacceptable. Further information is required on the energy strategy. (Discussions have and continue to take place and a number of original concerns have been addressed)

### HIISTORIC ENGLAND

No comment.

### HISTORIC ENGLAND ARCHAEOLOGY

No objection, subject to condition to require Written Scheme of Investigation to secure a watching brief as a precaution during site investigation works.

### ROYAL PARKS

Any response to be reported verbally.

### THE GARDENS TRUST

Any response to be reported verbally.

### NATURAL ENGLAND

No comment.

### THAMES WATER

No objection, subject to condition and informatives.

### NETWORK RAIL

Original holding objection removed. Discussion of the scheme in more detail is taking place to ensure that the operational railway and the tunnel are protected both during construction works and as a permanent arrangement.

### LONDON UNDERGROUND LIMITED

No comment. Advise to contact Network Rail if they have assets close by,

### TRANSPORT FOR LONDON

Objection. Retain objection to the current level of car parking, as the development should be car-free. St John's Wood Road highway alterations will be subject to a Stage 2 Road Safety audit. A closure of the footway for the duration of construction works is not considered acceptable and this should be reviewed. The applicant should address the above issues satisfactorily before the development becomes acceptable in strategic terms. (A number of original concerns have now been addressed)

### WESTMINSTER PRIMARY CARE TRUST

Any response to be reported verbally

Item No.
<b>1</b>

#### ADULT AND COMMUNITY SERVICES

Any response to be reported verbally

#### HOUSING MANAGER

Support proposal, subject to affordable sheltered units provided in perpetuity, Rents charged at target rents or London Affordable Rents, Council retains 100% nomination rights, at initial letting, and subsequent relets, except for returnees.

#### CRIME PREVENTION

Request for applicant to contact them directly.

#### ENVIRONMENTAL HEALTH

No objection, subject to conditions

#### HIGHWAYS PLANNING

No objection, subject to conditions and S106 obligations to highways works, car park management plan (un-allocated spaces and lift maintenance) and car club membership for the occupants of sheltered accommodation.

#### BUILDING CONTROL

Further structural details required.

#### ARBORICULTURAL OFFICER

Concerns with regard to reduction in soft landscaping and tree planting and retrograde landscaping arrangements.

#### WASTE PROJECT OFFICER (WASTE)

No objection to revised storage arrangements, subject to conditions.

#### ST JOHNS WOOD SOCIETY

Support. Scheme improvements made to the previously consented scheme.

#### ST MARYLEBONE SOCIETY

No comment. Defer to St John's Wood Society.

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

No. Consulted: 905

Total No. of replies: 3

No. of objections: 3

No. in support: 0

Objections from three occupiers of Lords View I on all or some of the following grounds:

- Overdevelopment of site and cumulative impact of high buildings in vicinity
- Height and bulk should be reduced.
- Vehicular access to St John's Wood Road dangerous due to fast traffic from the roundabout
- Traffic congestion. Lodge Road is too narrow for the additional vehicles (cars and delivery vans) to use the street, which is already heavily used by those visiting Lords Cricket Ground and the Regent's Park Mosque.

- Considerable effect on the general amenity of the area and shows a lack of consideration for existing residents.  
This application should be considered with other applications in the vicinity.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The site known as Dora House, 60 St John's Wood Road, is owned & operated by Central & Cecil (C & C) as sheltered accommodation for the elderly (over 55's). The part 8/part 4 storey unlisted building extends to frontages on both St John's Wood Road and Lodge Road. Whilst located outside of a conservation area, the St John's Wood and Regent's Park Conservation Areas run along St John's Wood Road and Park Road respectively.

To the north of the site lies Lords Cricket Ground (Nursery end), to the south, the Platinum Medical Centre which is part of Wellington Hospital. To the east is the Danubius Hotel and to the west lie Lords View 1 and the Royal Mail Sorting Office at 30 Lodge Road.

There are Network Rail lines and London Underground lines (Metropolitan and Jubilee) that run beneath the adjacent Danubius Hotel around 25-40m away. In addition, there is a Thames Water Sewer beneath (10m) the western corner of the site.

The building is currently occupied by property guardians and the applicant has been advised to make a planning application for this temporary use.

### **6.2 Recent Relevant History**

#### Dora House, 60 St John's Wood Road Extant Planning permission for redevelopment

Conditional planning permission was granted on 5th July 2017 (15/09769/FULL) for demolition of the existing building and redevelopment to provide two buildings: Building 1 comprising one basement level, ground and twelve upper floors containing car parking, plant, affordable sheltered accommodation and market sheltered accommodation (Class C3), ancillary communal areas; Building 2 comprising three basement levels, ground and nine upper floors containing plant, car parking, residential accommodation (Class C3) and ancillary leisure; reconfigured vehicular and pedestrian access together with landscaping and other works in association with the development.

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

- a) i) Provision of affordable housing in the form of 139 units of sheltered accommodation for the elderly (Class C3) (3xstudio, 133x1, 3x2) within floors ground to nine of building 1, in perpetuity and at charges made to residents substantially below market levels

- ii) option for previous/existing residents to return to building 1 as a first option
- iii) 100% nomination rights on first occupancy of the affordable housing units and to all true voids arising after first occupancy.
- b) Restriction on building/occupation of Building 2 to coincide with construction of building 1
1. A contract let for demolition and fixed price tender prior to demolition of existing buildings,
  2. A contract for construction let 3 months prior to commencement of Building 1,
  3. Construction of Building 2 will not commence until a contract has been let for the construction of Building 1,
  4. Not to occupy any of Building 2 until Building 1 has been completed up to golden brick,
  5. Not to occupy more than 50% of Building 2 until construction of the 5th floor of Building 1,
  6. Not to occupy more than 80% of Building 2 until completion of the structural frame of Building 1.
- c) Highways works to Lodge Road and St John's Wood Road to facilitate the proposed development and including vehicular crossovers and paving.,
- d) i) Car park strategy for building 1 to provide 33 car parking spaces on an unallocated basis., ii) Car park strategy for building 2 to provide 48 car parking spaces on an unallocated basis and to carry out the development in accordance with a car lift maintenance and management plan.,
- e) A financial contribution of £20,000 towards tree planting to Lodge Road (index linked and payable on commencement of development).,
- f) Lifetime Car club membership for the occupiers of Building 1.,
- g) Provision of Public Art to a minimum value of £60,000,
- h) The costs of monitoring the S106 agreement.
- i) Compliance with Code of Construction Practice,
- j) Restriction in the occupation of all units in building 1 to people aged over 55 with no right to remain for partners under 55 years.

The above application was originally reported to the Planning Applications Committee on 8th March 2016 when the committee resolved to defer making a decision on the application to enable the applicant to address a number of matters including; the height, massing and colour of brickwork of building 2, the provision of soft landscaping across the site, the mix of unit sizes, removal of west facing balconies, confirmation of unallocated parking and details surrounding the mechanism to secure affordable housing and any surplus money from the development. The applicant had sought to address the issues raised by committee, however some revisions made, including the reduction in height and floor space of Building 2 had a knock on effect to the proposal, leading to further revisions including additional private residential units within building 1. The application was therefore reported back to committee for further consideration and

determination on 13<sup>th</sup> September 2016, when it was resolved to grant planning permission subject to completion of a S106 legal agreement. The legal agreement was completed and the decision issued on 5<sup>th</sup> July 2017. (15/09769/FULL)

#### Request for Screening Opinion

Application for Request for Screening Opinion pursuant to Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 to determine whether an Environmental Impact Assessment is required for Demolition of the existing building and redevelopment to provide two buildings: Building 1 comprising one basement level, ground and thirteen upper floors containing car parking, plant, affordable sheltered accommodation and market sheltered accommodation (Class C3), ancillary communal areas; Building 2 comprising two basement levels, ground and eleven upper floors containing plant, car parking,, residential accommodation (Class C3) and ancillary leisure; reconfigured vehicular and pedestrian access together with landscaping and other works in association with the development. Decision was that EIA Not required.(18/10278/EIASCR).

#### 30 Lodge Road (Royal Mail Sorting Office)

On 26.01.2015 the Planning Applications Committee granted conditional planning permission, subject to a S106 legal agreement, for the redevelopment of the existing vacant sorting office and associated hard-standing on site and the erection of 10 storey building comprising 49 residential units and ancillary floorspace (Class C3), provision of 54 car parking spaces, waste management areas, cycle parking and combined heat and power facility within the basement, public realm works and access to car lifts from Lodge Road (15/08211/FULL) The development has been built.

#### Lords View 1, St John's Wood Road

Conditional planning permission was granted on 13.02.2012 for the removal of the existing rooftop plant room and erection of two storey roof extension at eleventh and twelfth floor levels to create 4x3 bedroom flats with terraces, living green roof and solar panels. Re-landscaping in connection with the provision of seven additional car parking spaces (11/12325/FULL).

#### Lords Cricket Ground

The Planning Applications Committee resolved on 27.10.2015 to grant conditional planning permission and listed building consent, subject to a S106 legal agreement for the demolition of the existing Tavern Stand, Allen Stand, Thomas Lord Building, MCC Office Building and Scorers' Box and redevelopment comprising the erection of new stand, new Thomas Lord Building with an expanded basement and relocated public house, new Harris Garden Building, new Scorers' Box, internal and external alterations to the Pavilion, a new shop in the Bowlers' Annexe together with relocation of the floodlight, hard and soft landscaping, servicing facilities and all necessary ancillary and enabling works, plant and equipment.(15/07111/FULL & 15/07112/LBC)

### 36-44 Lodge Road

On 12.08.2013 the Planning Applications Committee granted planning permission, subject to a S106 legal agreement, for demolition of existing structures and development of buildings extending between five and 12 storeys comprising 132 self-contained private and affordable residential flats (85 private and 47 intermediate affordable housing units), ancillary leisure and gym facility, 103 car parking spaces and 258 cycle spaces with associated landscaping and ancillary works.(09/09773/FULL). This was followed by a number of amending applications.

Two identical planning applications have been submitted for the Redevelopment of land at 36 St John's Wood Road for an extra care facility, ancillary medical and rehabilitation facilities, landscaping, car and cycle parking, and the redevelopment of 38-44 Lodge Road for a care home and residential units along with landscaping, car and cycle parking. (Application 1 18/08088/FULL and Application 2 18/08105/FULL). An appeal against non-determination has been submitted in respect of Application 2.

## **7. THE PROPOSAL**

This application follows the grant of planning permission for a similar redevelopment in 2017, at this time the applicant was Central and Cecil. Central & Cecil were established in the 1930's and are a Housing Trust providing housing and care within sites they own & operate throughout Central London, including Dora House, Edna House and Aida House within Westminster. These 1960's buildings are reaching the end of their lifetime and their size, layout and function are outdated and inconsistent with modern ways of older people living. As such C&C are embarking on a programme of asset redevelopment and improvement within Westminster, the first stage of which is the redevelopment of Dora House.

The current applicant (Regal Homes Ltd in collaboration with Central and Cecil) has advised that following a strategic review of the 2017 permission, it was concluded that the size and scale of the proposed residential units within Building 2 was no longer viable in current market conditions and did not optimise the housing potential of the site.

Squire & Partners Architects were subsequently appointed to redesign the residential building at 60 St John's Wood Road (Building 2) and introduces a different design, albeit respecting the consented envelope. The Lodge Road building (Building 1) is by the same architects (Ryder) as the previous permission and maintains much of the design character and appearance previously approved. In both cases additional storeys of floorspace is created by reducing floor-to ceiling heights.

Planning permission is now sought for a new proposed redevelopment of the existing building (Dora House) to provide two new buildings, one to re-provide the affordable sheltered accommodation in a new Dora House and a second to provide private residential accommodation.

Building 1

The Lodge Road building is to re-provide sheltered accommodation for the over 55's. It is designed by Ryder Architects and comprises a single basement level, ground and part 12, part 13 upper storeys to provide 153 units of affordable sheltered accommodation and 17 units of market sheltered accommodation.

Building 2

The proposed St John's Wood Road building is designed by Squire and Partners and comprises a triple basement, ground and 11 upper storeys to provide 112 private flats.

The table below sets out some of the key changes when compared to the extant permission.

	Extant PP Building 1	Proposed Building 1	Extant PP Building 2	Proposed Building 2
Floorspace	15,239m <sup>2</sup>	15,574m <sup>2</sup>	11,499m <sup>2</sup>	12,385m <sup>2</sup>
Storeys	1 basement, ground and part 11/12 upper storeys	1 basement, ground and part 12/13 upper storeys	Triple basement, ground and 9 upper floors	Two level (plus sub-basement) ground and 11 upper storeys
Architecture	Ryder Architects	Ryder Architects with minor revisions	Make Architects	Squire and Partners new design approach
Unit numbers	139 affordable sheltered units 17 private sheltered units	153 affordable sheltered units 17 private sheltered units	44 private flats	112 private flats
Car Parking	33 spaces	33 spaces	48 spaces	78 spaces

The optimisation of the use is broadly within the envelope of the buildings consented. The servicing and access arrangements also remain in accordance with the consented scheme and whilst there is an increase in car parking provision to serve the development this takes place within the site. As such it is not considered that the proposed development comprises of over-development.

**8. DETAILED CONSIDERATIONS**

**8.1 Land Use**

The principle of redeveloping the site to provide additional residential accommodation in the form of both new private self-contained flats and the re-provision of improved and fit for purpose affordable sheltered accommodation for over 55's currently provided within Dora House, remains acceptable in land use terms.

The existing, consented and proposed provision is summarised below:-

<b>Tenure</b>	<b>Existing</b>	<b>Extant PP</b>	<b>Proposed</b>	<b>Uplift</b>
Affordable sheltered	10,813m2 (204 units)	14,326m2 (139 units)	14,602m2 (153 units)	3789m2
Private Sheltered	None	967m2	972m2	972m2
Private flats	None	11,499m2	12,385m2	12,385m2
<b>Total</b>	<b>10,813m2</b>	<b>26,792m2</b>	<b>27, 959m2</b>	<b>17,146m2</b>

Given the differing nature of the two types of residential use, located in different buildings, it is considered appropriate to assess them separately.

Affordable Sheltered Accommodation for the elderly (Class C3) - Building 1

Sheltered accommodation for the elderly is residential accommodation falling within Class C3 (Residential) of the Town and Country Planning Use Classes Order 2015. In this case it is considered a type of specialist provision of affordable housing, as charges made to residents are substantially below market levels. This arrangement would be secured though a S106 legal agreement to ensure affordability in perpetuity.

The existing 204 self-contained units of accommodation comprise of 160 studio flats, 41 one-bedroom flats and two 3-bedroom flats. The building and units have become outdated and the substandard size of units particularly the studios, layout and facilities are inconsistent with modern ways of older people living and are no longer fit for purpose.

This application (as did the extant permission) seeks to provide significantly better quality accommodation for occupiers within a new purpose built building with ancillary facilities and which is designed to be flexible to meet future requirements of its occupants. As such units are fully interchangeable and designed to be able to be reconfigured to alter the layout to meet potential future needs of occupiers.

The principle of the re-provision of affordable sheltered housing units for people over 55 years of age is supported by policies H4 and H6 of the UDP and S15 and S16 of the City Plan and policy 3.8 of the London Plan.

The new building would provide a significant increase in floor space, but due to a significant improvement in the size and quality of the units and introduction of ancillary communal facilities (cafe and lounge areas, external garden, roof terraces, treatment zones, respite and rehabilitation areas, and a studio for exercise classes/events), the proposal would result in an overall reduction in the number of units on site from 204 to 153, but an increase compared to the extant PP(139 units). It is however, considered that the overall reduction in the number of such units on site, is justified by virtue of the increase in floor space in order to provide overall good quality and fit for purpose accommodation that meets the need of Westminster's older population.

The distance between buildings 1 and 2 is just under 20m, with the distance between the closest balconies just under 15m. The occupiers of the sheltered accommodation would therefore be provided with sufficient outlook and privacy. The communal garden has been assessed in respect to sunlight and in accordance with the British Research



Item No.
<b>1</b>

Establishment (BRE) Guidelines, over half of the garden area would receive at least 1-2 hour a day of sunlight. Overall the quality of accommodation proposed is a significant improvement upon that existing and previous occupiers of the existing Dora House, who have or are to be relocated, are to be given the option to return to the new Dora House.

Private Residential Accommodation (Class C3)- Building 2

A total of 13,357m<sup>2</sup> (12,385m<sup>2</sup> flats + 972m<sup>2</sup> private sheltered accommodation) new private residential floor space is proposed, comprising 118 self-contained flats (8 studios, 42x 1bedroom, 44x 2bedroom and 18x3bedroom units) and 17 sheltered accommodation units. All flats would benefit from a private balcony or terrace and associated communal facilities (concierge, drawing room, study, gym and swimming pool at ground floor level).

All proposed residential units would be of sufficient size. The proposal would also provide an appropriate residential mix of unit sizes with 18 of the 112 new private self-contained flats (16%) proposed as family housing. Policies H5 of our UDP and S15 of our City Plan allows flexibility in the provision of 30% family housing and the thrust of the emerging City Plan (2019-2040) is towards a reduction in the requirement of family homes to 25% and the provision of up to 10% studios. Whilst the emerging City Plan holds very limited weight, it provides an insight into the emerging policy. Notwithstanding this, the mix of unit sizes is considered acceptable in this instance.

All proposed residential units would be of sufficient size, satisfying the National Technical Housing Standards and would receive satisfactory daylight and sunlight as set out within the BRE Site Layout Planning for Daylight and Sunlight- a guide to good practice 2011 (second edition. Overall providing a good living environment for future occupiers with a proportion designed to be wheelchair adaptable.

In terms of external amenity space, the flats would be provided with private external amenity space in the form of gardens, balconies or terraces. This provision is welcomed in principle, in terms of providing adequate amenity space.

Play and open space

The proposal would result in 112 private residential units and 170 sheltered units of accommodation. Given the nature of the sheltered units of accommodation for people over 55 years of age, the small number of family sized private residential units proposed (less than 25 family sized homes) and the satisfactory provision of private amenity space, the lack of provision of play and open space and community facilities is acceptable in this instance under policies H10 and SOC6 of our UDP.

Affordable housing

This proposal results in a total uplift of residential floor space on site, of 17,146m<sup>2</sup> (private and affordable). The actual uplift in private residential accommodation is 12,385m<sup>2</sup>, which requires the provision of 35% of floor space) to be affordable housing. For the purpose of calculating the required affordable housing floor space to offset the uplift in residential floor space, the re-provision of the existing affordable housing floor space within Dora House, is not included. (It is of note that if it were to be included then the proposal would deliver 52% affordable housing)

Item No.
<b>1</b>

The applicant is seeking to provide the affordable housing provision in the form of the “bigger and better” new Dora House, providing affordable sheltered housing accommodation for the elderly, which increases affordable housing floorspace on site by 3789m<sup>2</sup>.

Sheltered residential accommodation for the elderly is considered a specialist provision of affordable housing, where charges made to residents are substantially below market levels (as is existing and proposed here). The nature and type of affordable housing proposed here, is supported by our Housing Manager. This is due to the specifics and circumstances of the site, housing need and the acknowledgment of the lack of public subsidy available to bring forward such affordable housing redevelopments.

The proposed uplift of private residential accommodation is now 13,357m<sup>2</sup> (12,385 + 972m<sup>2</sup>), an increase from the previous 12,466m<sup>2</sup>., which requires the provision of 4375m<sup>2</sup> of affordable housing floor space, whereby only 3789m<sup>2</sup> is being provided. However, the financial evidence justifies the provision and is verified by our independent consultants and accepted by our housing manager as being the maximum quantum of affordable housing that the proposal can viably afford.

For the above reasons the affordable housing provision is policy compliant and accords with policy H4 of the UDP and S16 of our City Plan. This floor space will need to be secured in perpetuity as affordable housing, through a S106 legal agreement and to ensure that charges made to residents are substantially below market levels. An early and ate stage viability review is also to be secured.

Officers are suggesting that building 1 is built and made ready for occupation before building 2 is occupied. Whilst the extant permission made provision for an alternative bespoke arrangement to secure the affordable housing, this was due to the special circumstances at the time and on the basis that Central and Cecil ( the applicant to the 2017 extant permission) had not at that time secured a development partner. However, the applicant is now Regal Homes, working with Central and Cecil and in the absence of sufficient justification for this approach, it is considered that our standard approach should prevail.

## **8.2 Townscape and Design**

Dora House is an irregular shaped unlisted building which faces onto both St John’s Wood Road and Lodge Road and lies outside a conservation area. The nearest conservation areas to the site are the St John’s Wood Conservation Area which lies immediately to the north (north of St John’s Wood Road) and the Regent’s Park Conservation Area to the east (east of Park Road). Virtually all the buildings which face onto Lodge Road are post-war in date and unlisted, the exceptions to this being the 1830s grade II listed Church of Our Lady, at the junction of Lodge Road with Lisson Grove and some 290m to the west of the application site; and the 1930s Strathmore Lodge at the junction with Park Road, which is an unlisted building and lies approximately 70m to the east of the application site. To the north of the site on St John’s Wood Road lies Lord’s Cricket Ground, which contains three listed buildings/structures comprising the grade II\* late nineteenth century Pavilion, the grade II 1920s Grace Gates and the grade II 1930s relief sculpture by Gilbert Bayes on the boundary wall (at corner of Wellington Road and St John’s Wood Road). To the east lies the grade II\* listed Church of St John the Baptist (dated 1813-14 and by Thomas

Hardwick); to the east of the church is the grade II listed St John's House, which was built as the curate's house and is contemporary with the church; on the roundabout at the junction of Wellington Road, St John's Wood Road etc. there is the grade II war memorial with sculpture of St George and the Dragon (dated 1925-30 by C L Hartwell). Also to the east of the site, is the recently listed Islamic Cultural Centre and The London Central Mosque, which was listed at grade II\* on 9 March 2018. There are other listed buildings further to the east and north such as the grade I Nuffield Lodge in Regent's Park; and the grade II listed buildings in Cavendish Avenue / Cavendish Close / Wellington Place on the north side of the cricket ground.

Dora House itself is a post-war building of limited architectural merit, with an irregular plan form. It ranges in height between 8 storeys (facing St John's Wood Road) and 4 storeys (facing onto Lodge Road). As with other buildings in St John's Wood Road and Lodge Road the building line is set back from the footway and the property boundary, with areas of soft landscaping between the building and its roadside boundary.

The character and townscape contribution of the two sides to the site differs. In the case of Lodge Road, minimal architectural coherence is a term that could be applied to this road as a whole. As already indicated it is largely faced by buildings of post war date, but added to this, the scale and use of buildings on the street is varied, with the overall effect being a very disjointed street of relatively low townscape merit. The recently completed development at 30 Lodge Road, known as The Compton, is a new addition to the townscape and is a high quality new building, which lies immediately adjacent to the Dora House site. In the case of St John's Wood Road, specifically the south side of the street in the immediate context of the application site, while the architectural quality of the buildings is variable and generally of modest distinction, the buildings are more consistent in their function (mainly residential other than the Danubius Hotel) and have a quite consistent height. Indeed, at present the existing Dora House is the exception to the street façade being lower than its neighbours (this is readily seen in View 14 of the applicant's 'Design and Access Statement'). While most of the buildings in St John's Wood Road are set back from their property boundary, the existing Dora House building line is forward of its neighbours to the west (Lord's View One and Two) and is also forward of the taller element of the Danubius Hotel.

The proposal is to demolish the current building on the site and to divide the site to provide two replacement residential buildings. Building 1 will face towards Lodge Road and will form the re-provided sheltered accommodation; while Building 2 will face towards St John's Wood Road and will be private residential accommodation. The developments will be independent of each other and different architects have been commissioned for the two sites. This application follows on from the previous approval for this site, granted permission on 5 July 2017. This previous permission was very similar to the current scheme, indeed the Lodge Road building (Building 1) is by the same architects as the previous permission and maintains much of the design character and appearance previously approved. Building 2, which faces onto St John's Wood Road, is by different architects to that of the consented scheme and introduces a different design, albeit respecting the consented envelope. It is proposed to address each building in turn and to then consider their merits and impacts both separately and collectively.

### Building 1

This building comprises a basement storey, ground floor and part 12 and part 13 upper storeys. It features a main east-west aligned block and two forward projecting pavilion bays. Both the main block and the bays step up in height from west to east. The top floors of the two projecting pavilion bays are set back from the façade. The new building line maintains the existing one and thus allows a landscaped area to the front of the building, which will also feature a vehicle drop off area.

The front, south-facing, Lodge Road façade features a primary grid and frame of reconstituted stone, with a secondary grid of brickwork making up the other principal facing materials. The stone will have a light, white stone colour and it is proposed to use a light grey brick. The set-back storeys to the projecting pavilions will be clad in bronze-coloured powder-coated aluminium and this same material and finish will be used for most of the other metalwork to the facades. The flanks of the building have a more solid reconstituted stone treatment, although still punctuated by window openings and also featuring a decorative relief treatment to the stone.

The open stone framework to the projecting pavilions contains projecting balconies and planter boxes, all of which will again be finished in bronze-coloured powder-coated aluminium. At ground floor level the stone framework comes to the ground and forms a shallow colonnade behind which are spaces used for a café and a treatment/hairdresser unit, both of which are accessed from the street as well as from within the development. The main entrance is clearly defined and centrally placed with a projecting bronze-coloured metal canopy. Further interest and animation to the ground floor is provided by public art components, initially conceived as decorative lighting pendants within the colonnade and a decorative relief panel in front of the servicing bay area at the western end of the façade.

The rear façade is of a simplified but similar design, with the same restrained material palette. The projecting stone grid does not extend across the whole façade but is deployed as a series of vertical elements associated with bronze-coloured balconies projecting beyond the stonework, creating a greater degree of informality. At ground floor to the rear will be a private walled landscaped garden, which will be a communal facility for residents of the new building. There will be further communal garden / terrace areas at high level including one which will be located at 12<sup>th</sup> floor, which will partly be an external roof terrace and partly an enclosed winter garden; a further small terrace is at 13<sup>th</sup> floor level. The roofs where there are no terraces will mainly be covered with PV panels, although there will be 2 lift overruns and a plant enclosure to the tallest part of the site.

The differences between this building and that approved on 5 July 2017 are quite modest in terms of the design, height and massing. The main change has been the incorporation of an additional storey of residential accommodation, which has been achieved by reducing floor to floor build ups. This has resulted in a very modest overall height increase, in the order of 200mm. Externally the main design change has been to the rear (north) façade where the projecting stone frame has been reduced in extent and the balcony design has been modified to omit planters and introduce a greater solidity. On the roof of the 12-storey part of the building an additional plant enclosure is proposed, which will be set-back from the facades and will be lower than the 13-storey element.

Item No.
<b>1</b>

As was the case with the consented scheme from July 2017 the proposal is considered acceptable in design terms. While the proposed building is substantially taller than the existing building on the site, the proposal should be considered in the context of a very varied area of townscape and a changing context. The proposed building would lie to the east of the redevelopment scheme at 36-44 Lodge Road which is approved to have an 8 storey building (62.30m AOD) and immediately adjacent to 30 Lodge Road, which is recently completed and is a 10 storey building (72.78m AOD). Immediately to the east of the application site is the Danubius Hotel, which is approximately 14 storeys in height (77.89m AOD). Finally on the south side of Lodge Road is Wellington Hospital Platinum Medical Centre, which is approximately 7 storeys in height (58.85m AOD). In this townscape context where there is no prevailing building height and where recent permissions have accepted a larger scale of development, the proposed 12-13 storey building (77.5m - 80.95m AOD) is considered acceptable.

In terms of detailed design and materials, it is considered that the proposal is well resolved with clearly defined components and a visually stimulating design. The materials take their cue from the wider area, but are utilised in a contemporary fashion. In the current townscape of Lodge Road, with its variety of building ages, uses, heights and materials, there is considered scope for innovative architecture which can introduce a new point of interest to the street.

The application has included a series of verified townscape views and this has demonstrated that Building 1 will not have an adverse impact on designated heritage assets (i.e. listed buildings and conservation areas). When viewed from Regent's Park (and within the Regent's Park Conservation Area) the building would not project above the tree line and would appear lower than the Danubius Hotel. A viewpoint and consideration which differs from the consented scheme is the view of the development from Regent's Park, with the London Central Mosque in the foreground (View 6). When the previous scheme was assessed the mosque was an unlisted building, but the Sir Frederick Gibberd and Partners' building (1970-77) has subsequently been listed at grade II\* (date of listing – 9 March 2018). The list description includes the following remarks about the exterior: "...from outside the building is partly screened by trees, but its golden dome and white minaret, both topped with a crescent finial, rise above the tree line, signalling its presence and purpose." In View 6, which is a winter view, this shows that Building 1 will appear between the minaret and the Danubius Hotel, however, it will appear no higher than the Danubius and will largely lie below the tree line. It will not harmfully impact upon the important skyline profile of the mosque. View 15 is another important view of the mosque from within the park, but in this view the profile of the listed building is entirely unaffected with the new development set to one side and screened by trees.

Finally, because the proposed building is lower than Building 2 and sits behind the Danubius Hotel, the views from the north (within the St John's Wood Conservation Area) would be negligible, because where the building can be glimpsed it will appear lower than most of the buildings which face onto St John's Wood Road.

Item No.
<b>1</b>

## Building 2

This building, which will face onto St John's Wood Road, comprises three levels of a basement, a ground floor and eleven upper floors. The building again maintains the same building line as the existing building, thus providing a landscaped area to the front of the building and also providing vehicle access and drop off.

The architectural approach is a relatively simple one, clearly expressing a base, middle and top to the building. The facades have a horizontal emphasis, with expressed bands of concrete set in a two-storey registration, with a buff brick used for other masonry elements. A series of part-recessed and part-projecting balconies with decorative metal railings will provide further relief to the facades. A bronze-coloured finish is proposed for metal elements such as railings, balconies and window frames.

The distinction of the base is subtle, with the projecting balconies to the flank facades not featuring to the lower two storeys, the floor height of the ground floor being slightly greater and to the front façade a greater extent of glazing is introduced. The top of the building features a tenth floor which is expressed as a distinct attic storey, with a different rhythm to the vertical subdivision and recessed balconies with a larger extent of glazing onto them. Above this the eleventh (top) floor is expressed as a roof storey, slightly set-back and clad in bronze-coloured metal with a distinctive angled profile to the front and flank facades. Above this storey are areas of private and communal gardens, as well as plant enclosures.

As with Building 1 there will be landscaped areas to the front entrance, also a series of small sunken private gardens will be located to the rear and set at basement level 1. The floorplate of the building extends to the rear of the boundary plot in the south-east corner of the site to accommodate plant at basement level 1 and an internal swimming pool and gym at ground level. The roof of this low-level projection is used for 3 private terraces, which are set well-back from the boundary wall.

While the height, massing and building lines of this building are broadly similar to the building consented in July 2017, the architecture is very different. The current proposal introduces a greater horizontal emphasis and overall is a less complex façade. As with Building 1 while the height of the consented scheme has been respected, an additional two storeys of residential accommodation have been introduced, by reducing floor-to-floor heights.

This building is also considered acceptable in design terms. Its height and massing respects the consented scheme and integrates with its immediate townscape context. In regard to the architectural approach and choice of materials, it has a quieter and calmer character when compared with the consented scheme, but this complements its neighbours, notably Lord's View One and Two. It is a very well articulated and crafted building and in the profiled roof form, will provide distinction and visual interest.

In terms of the wider townscape impact and the impact upon the setting of designated heritage assets, while visible within the setting of several designated heritage assets, notably the St John's Wood Conservation Area, its scale and detailed design complement the prevailing townscape and have no adverse impact. This assessment is shared by the GLA in their consultation response and Historic England indicated they did not wish to comment.

### Design Conclusion

In conclusion, both buildings introduce greater height to the site, but given the scale of neighbouring buildings and the emerging context of taller buildings in this immediate location, and because the scheme is similar in many respects to the consented scheme, it is considered that the height and massing proposed is acceptable. In the case of Building 1 this is very similar to the consented scheme and its design remains acceptable, while Building 2, although of a quite different appearance compared to the consented scheme, is nevertheless a well resolved design, which responds well to its context.

The proposal is considered to accord with design policies S25 and S28 of our City Plan; and DES 1, DES 4, DES 9, DES 10 and DES 12 of our UDP.

Given these conclusions it is not considered that the changing context of the area and the cumulative impact of this development would comprise over-development.

### Public Art

The provision of public art is proposed to a minimum value of £60,000. Details of the public art are to be required by condition and the provision required under s106 legal agreement.

## **8.3 Residential Amenity**

The applicant has provided a daylight and sunlight report in support of their proposal. This indicates that the proposed development would not result in any significant changes to the impact on surrounding properties, when compared to the extant permission. This is because there are no significant changes to the height, massing and bulk of the proposed buildings 1 and 2.

However, for completeness, an assessment of the impact of this proposed development is set out below in full.

### Lords View 1

Lords View One, a residential block of 125 flats is located directly west and northwest of the site. Its rear elevation as well as its eastern flank contains a number of windows to individual flats. Whilst none of its rear (south facing) windows would see any significant reduction in daylight, all 12 windows located (1 per floor) within the eastern flank of this building would see a significant reduction in daylight and 1 room at lower ground level within this flank would see a reduction in sunlight (annual and winter) above the tolerances of the BRE guidelines. These windows predominantly serve dual aspect rooms. Whilst regrettable, it is considered likely that any significant development of the site would see a reduction in daylight to these flank windows. Given this and the dual aspect of the rooms which these windows serve, the impact is not considered so severe in which to withhold permission on this ground.

Item No.
<b>1</b>

The 10 storey St John's Wood Road Building (Building 2) would be located around 11.5-12.5m away from the side elevation of Lords View I which contains secondary windows (which could be considered unneighbourly in themselves given their side location), and would project further to the rear and front by between 3-7m. The building has been designed with significant fenestration and balconies to all elevations, which is not particularly neighbourly and is disappointing given the footprint and scale of the development. Whilst some windows in the flank of the proposed new building facing the flank of Lords View 1 may be acceptable, the introduction of external terraces is particularly unneighbourly and unacceptable in this location in close proximity to this neighbouring building.

The applicant had been made aware of officer's concerns, but do not accept them, on the basis that the balconies are semi recessed and the flank windows to Lords View 1 are located towards the southern end of the building. Other reasons cited for not omitting these balconies are that they are positive amenity and design features, and their removal would be detrimental to the architectural composition of the building and would have a negative impact on the daylight levels and aspect of the affected rooms. Notwithstanding this justification, officers remain unconvinced by the balconies on the west flank of the building and propose to seek their removal at 2<sup>nd</sup> to 8<sup>th</sup> floor levels, through an amending condition. Given that these are secondary balcony/terraces to the proposed flats, this is not considered to significantly compromise their amenity space.

It is likely that any redevelopment of this site, due to its proximity to Lords View I, would result in some loss of daylight to flank windows to Lords View 1, especially given its location close to the application site.

Given the location of the proposed development, its height and scale and the detailed design, subject to the omission of west facing balconies, it is not considered to result in any significant unacceptable amenity implications for occupiers of this adjoining building.

It is recognised that the proposal is the third such recent development in the immediate area (see history section) and that as a consequence the townscape particularly to Lodge Road will change considerably. The particularly low rise townscape will be replaced with higher buildings rising from 8 storeys up to 12 storeys adjacent to the 14-storey Danubius Hotel. Whilst residents outlook will inevitably change, it is not considered that the cumulative impact will be significantly detrimental to the amenities currently enjoyed by occupiers of these residential flats in terms of sense of enclosure, daylight and sunlight or privacy.

#### Lords View II & Pavilions

These buildings are located a sufficient distance from the application site such that they are not affected by the proposed redevelopment.

#### Strathmore Court and Beverley House, 133 Park Road and 14 Lodge Road

These buildings are located around 65-70m east of the application site and would see no significant reduction in daylight or sunlight and are sufficiently distant of the application site so as not to impact on sense of enclosure or privacy.



### 36-44 Lodge Road

This site has planning permission for a residential redevelopment comprising of buildings of between 5-12 storeys located around 20-25m+ west of the application site (beyond the Post office sorting office) with both north and east facing windows. The proposed development would result in a loss of daylight to some of its windows. Five bedroom windows within its rear elevation (set back element) would see a reduction in daylight however; these bedrooms are 1 of 3 bedrooms within these flats and due to their location, already receive low levels of daylight. In addition, 1 or 2 windows to 7 living/kitchen dining areas within its flank elevation would see a reduction in daylight. However, these flank windows are obscure glazed and the room is served by a number of windows, in many cases including 2 rear facing windows, or front facing windows, which are unaffected.

Other affected windows are rear facing living rooms and bedrooms to ground floor level, 3 living rooms at first, second and third floor levels, and 2 bedrooms to 5<sup>th</sup> floor and a further 2 flank bedroom windows in the other building, all of which have overhangs (projection or balcony above) which already adversely affect the current levels of daylight they receive.

Overall, whilst the loss of daylight is regrettable, it is not considered to be so significant to warrant withholding permission on this ground.

### The Danubius Hotel

The hotel lies directly east of the site and as with the application site extends from St John's Wood Road to Lodge Road, with west facing windows. The unusual design of the building is such that its windows face the boundary with this site and from which it relies on light and air, which is not particularly neighbourly. Notwithstanding the Danubius Hotel's request, given the hotel use, the applicant has not undertaken an assessment of the potential impact of the proposal on the daylight and sunlight currently received by windows serving hotels rooms. Notwithstanding this, the applicant's overshadowing assessment indicates a significant increase in overshadowing to the hotel. Given the design of the hotel building, the orientation of its windows and its proximity to the site, it is inevitably also likely to suffer from a significant loss of daylight and sunlight. However, as a commercial use, hotel rooms are not afforded the same protection as residential properties and as such whilst regrettable, the loss of daylight and sunlight and overshadowing, is not considered a sustainable reason in which to withhold permission.

The proposed Building 2 relies on significant fenestration to all of its elevations, including its eastern flank with the Danubius Hotel. As in the case with its flank with Lords View 1, this is disappointing, however given the commercial hotel use, this would be difficult to sustain as unacceptable. However, the applicant should be aware that given the location of this fenestration is unlikely to be afforded significant protection in the event of any future redevelopment of the hotel.

### Lords Cricket Ground

The Nursery Ground part of Lords Cricket ground, which includes the indoor cricket school and gym, offices, shop and hospitality building, lies directly north of the application site, on the opposite side of St John's Wood Road. The applicant has submitted an assessment of the impact of the proposed development on

sunlight/overshadowing to open space within this part of Lords Cricket ground. This assessment indicates that most of the external area (84%) of this part of the grounds will continue to receive 5 hours or more of sunlight, which is acceptable and in accordance with the BRE guidelines. In terms of overshadowing, the proposal will result in a slight increase in overshadowing to the south and south east corner of Lords Cricket grounds (junction of Wellington Road and St John's Wood Road) during the morning. Furthermore, it is not considered that the impact of this proposal will significantly impact upon any future proposals for the site.

The Comptons, 30 Lodge Road

At the time of the assessment of the extant 2017 permission, this Royal Mail sorting office building was vacant, but had planning permission for residential redevelopment. However, the potential impact of this proposed development on the future occupiers of this building had been considered and Regal Homes, the owner and developer of this adjacent site had written in support of the proposal. This 10-storey residential building has now been built and therefore the daylight and sunlight assessment has taken this into account more fully. The proposal would not have any significant impact on this development when compared to the extant 2017 permission.

Overall, despite the limited loss of daylight and sunlight and increase in overshadowing to some surrounding identified sites, the impact is not considered so significant to justify withholding permission and the proposal is generally compliant with policy ENV13 of our UDP and S29 of our City Plan.

In assessing the development granted under the extant 2017 permission, it was concluded that overall, despite the limited loss of daylight and sunlight and increased overshadowing, to some surrounding identified sites, the impact was not considered to be so significant to justify withholding permission and the proposal was generally compliant with policies ENV13 of our UDP and S29 of our City Plan. There are no material considerations, which would provide reason to come to a different conclusion for this proposal, which would have the same impact.

**8.4 Transportation/Parking**

Building 1

The vehicular and pedestrian entrance is proposed from Lodge Road. An on-site access road and vehicular drop off /collect area with a separate entrance and exit is proposed for residents and allows space for an ambulance and other vehicles to drop or collect residents at the entrance if required and also enables waste to be collected from within the site. To the eastern part of the building, an internal vehicular access ramp leads to a single basement car park for 33 cars.

The provision of 33 car parking spaces for 170 sheltered housing units for the elderly, generally accords with policy TRANS 10 which applies a standard of 1 space per 10 units (although not as a maximum or minimum).

Item No.
<b>1</b>

Given this policy and the ratio of spaces associated with the existing building (30 spaces for 204 units) the provision is considered to be acceptable in this case, on the basis that they are associated with sheltered accommodation for the elderly and are offered on an un-allocated basis which would need to be secured through a s106 legal agreement along with lifetime car club membership for occupiers.

Furthermore, conditions are recommended to secure disabled access spaces and electrical charging points. The City Council's Highways Planning Manager has indicated that a change in the nature of the type of affordable housing from sheltered accommodation for the elderly to general affordable housing would necessitate a reconsideration of the car parking provision. However if planning permission were to be granted, it would be specifically for sheltered accommodation secured through a s106 legal agreement.

Provision is made for 84 standard cycle parking spaces within the basement, together with 10 larger cycle spaces. A further 6 large cycle spaces are proposed at ground floor level. In addition, 162 flats would have the ability to store cycles within their flat. Given the nature of use, this provision is considered acceptable.

Provision for waste and recycling is provided at basement and ground floor levels, however further details are required to ensure that the provision is satisfactory and meets the requirement of our Cleansing Manager.

## Building 2

The vehicular and pedestrian entrance is proposed from St John's Wood Road. An on-site access road and vehicular drop off area with a separate entrance and exit is proposed to provide access to the integral double car lift at ground floor level leading to the basement car park for parking of 78 cars.

The access road also provides access to the separate internal loading bay for off street waste collection. The provision of off street servicing of the building is welcomed in accordance with policy TRANS20 of our UDP. The vehicular access to St John's Wood Road will be designed further as part of a stage 2 Road Safety Audit, to ensure that it meets with the GLA's requirements. As such the concern raised by a resident with respect to road safety is not supported.

The provision of 78 off street car parking spaces for 112 private flats within the basement is considered acceptable in light of policy TRANS23. It is expected that these will be provided on an un-allocated basis and this is proposed to be secured through a s106 legal agreement together with a car lift management and maintenance plan. Furthermore, conditions are recommended to secure disabled access car parking spaces and access to electrical vehicle charging points.

Provision for 198 cycle parking spaces within the basement is acceptable in accordance with the London Plan.

Provision for waste and recycling is provided within the level 1 basement with an internal collection point at ground floor level. However as in the case of building 1, further details are required. In addition, is considered to be sufficient to serve the building.

The Highways Planning Manager has raised the issue of pedestrian accessibility through the site, in so far as it is regrettable that the proposal does not incorporate a pedestrian link from building 1 (sheltered accommodation) on Lodge Road, through the site and grounds of building 2 to St John's Wood Road. However, there is no policy requirement for such an access arrangement. Consequently, residents of Building 1 wanting to get to St John's Wood Road will need to walk via Park Road or Oak Tree Road, which is not unreasonable.

Notwithstanding TFL's objection to the quantum of car parking proposed, for the reasons set out above, the proposed facilities for both buildings 1 and 2 are considered acceptable and satisfy transport policies and our highways planning manager

This is subject to conditions/S106 legal agreement to secure the provision of car parking on an unallocated basis, cycle parking and waste and recycling., lifetime car club membership for occupiers of building 1, a management and maintenance plan for the double car lift to building 2, as well as associated highways works to facilitate the development including vehicular access crossovers to both Lodge Road and St John's Wood Road, the latter of which requires consultation with Transport for London, as St John's Wood Road is part of the Transport for London Road Network.

#### **8.5 Economic Considerations**

The economic considerations raised by this proposal are set out in the land use section of this report.

#### **8.6 Access**

Accessibility considerations are set out throughout the report and specifically within the land use and transportation sections.

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

##### Noise & vibration

London Underground tunnels (Metropolitan and Jubilee) and National Rail over-ground lines, which are used by freight trains, run beneath the adjacent Danubius hotel to the east of the site. However, Environmental Health has confirmed that the proposed residential accommodation at ground floor level and above would not be adversely affected by noise or vibration from these tube and rail lines.

The proposed plant associated with the development would be located within the basement and roof of Building 1 and the basement, roof and ground floor (including the car lift) of building 2. In addition UKPN substations are proposed at ground floor level within both buildings. Environmental Health are satisfied with the proposal, subject to conditions to ensure that any mechanical plant meets the City Council's standard noise conditions to prevent noise disturbance to existing and future residents. Subject to the imposition of conditions the proposal would comply with Policy ENV6 and ENV7 of our UDP and policy S32 of our City Plan

### Trees and soft landscaping

All 19 trees within the boundary of the site are proposed to be removed. These are predominantly small trees and evergreen shrubs including cabbage palm, yew and silver birch trees. None of these trees are of sufficient quality to insist on their retention and therefore their loss is acceptable subject to suitable replacements.

However, there are also a number of trees outside of but in close proximity of the application site. These are 3 mature London Plane trees directly outside of the site on the pavement, along St John's Wood Road, which are owned and managed by TFL, and a Fastigiate Oak on Lodge Road. As such, the protection of these trees will need to be secured through a S106 legal agreement.

The principle of soft landscaping as part of the development from ground to roof level is encouraged in principle in biodiversity terms and the financial contribution of £20,000 for planting of street trees will go some way to mitigate against the modest tree planting within the proposal ( as in the case of the extant 2017 permission). However, unfortunately, due to some changes to the proposed soft landscaping and tree planting, compared to the extant 2017 permission, the proposals are considered to be retrograde and have brought about objection from our arboricultural officer. Discussions are taking place to resolve this and to ensure that the proposed soft landscape and tree planting strategy is equivalent to or an improvement on the extant permission, with respect to the following:-

- Proximity of basement slab/boundary to and protection of London Plane Trees on St John's Wood Road .
- Proposed tree planting and soft landscaping and nature/size of planters, soil volume and depth, quantum of soft landscaping and clarifications

An update on this matter will be reported to committee with a view to satisfying policies DES1, ENV16 and ENV17 of our UPP and policy S38 of our City Plan.

### Sustainability

Policy 5.2 of the London Plan refers to Minimising Carbon Dioxide Emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

City Plan Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation

The application is accompanied by a Sustainability Statement and Energy Strategy, which sets out the sustainability credentials of the building. The applicant proposes a combination of roof mounted Photovoltaic (PV) panels, high efficiency gas fired condensing boilers and air source heat pumps.

The applicant has also provided a commitment to ensuring that the development is designed to allow future connection to a district heating network, although is not linking the energy strategy for two proposed buildings.

Through enhanced energy efficiency standards the development is set to achieve an overall reduction in regulated CO2 emissions and a carbon offset payment of £268,493.40 (based on £60 per tonne over 30 years) is proposed to offset the shortfall.

Furthermore, ongoing discussions are taking place between the applicant and the technical officer of the GLA and any update will be reported verbally.

**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 draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

**8.9 Neighbourhood Plans**

Not relevant to this location.

**8.10 London Plan**

Given the proposed height of the building (over 30m) and number of residential units proposed (over 150), the application has been referred to the Mayor. The Mayor’s Stage 1 letter indicates that whilst the proposal is generally acceptable in strategic terms it does not fully comply with the London Plan 2015 and draft London Plan. Further information/confirmation is required in respect of climate change and transport.

If the City Council resolves to make a draft decision on the application, it must consult the mayor again (stage 2) and allow 14 days for his decision as to whether to direct a refusal, take it over for his own decision to allow the City Council to determine it itself.

**8.11 National Policy/Guidance Considerations**

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

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive

response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

All conditions have and continue to be discussed with the applicant and any further response will be reported to committee.

## **8.12 Planning Obligations**

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010, which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission.

These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced in Spring 2016. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the Council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

For reasons outlined elsewhere in this report, the following matters are required to be secured by way of a S106 legal agreement:-

- a)
  - i) Provision of affordable housing in the form of 153 units of sheltered accommodation for the elderly (Class C3) (3 studios, 146 one bedroom, 4 two bedroom) within floors ground to nine of building 1, in perpetuity and at charges made to residents at no higher than target rent levels.
  - ii) option for previous/existing residents to return to building 1 as a first option subject to their needs being met by the new development.
  - iii) 100% nomination rights on first occupancy of the affordable housing units and to all true voids arising after first occupancy.
- b) Early and Late Stage viability reviews
- c) Not to occupy building 2 until practical completion of building 1.
- d) Highways works to Lodge Road and St John's Wood Road to facilitate the proposed development and including vehicular crossovers and paving.
- e)
  - i) Car park strategy for building 1 to provide 33 car parking spaces on an unallocated basis.
  - ii) Car park strategy for building 2 to provide 78 car parking spaces on an unallocated basis and to carry out the development in accordance with a car lift maintenance and management plan.
- f) A financial contribution of £20,000 towards tree planting to Lodge Road
- g) Lifetime Car club membership for the occupiers of Building 1.
- h) Provision of Public Art to a minimum value of £60,000
- i) Carbon Off-set payment £ 268,493.40
- j) Tree protection methodology including details of arboricultural supervision and monitoring to off-site trees.
- k) The costs of monitoring the S106 agreement

All contributions are to be index linked and paid on commencement of development.

The estimated Mayoral and Westminster City Council CIL payment is £8.5m, based on the following:

- Mayoral CIL £1.75m
- WCC CIL £13.75m
- Anticipated social housing relief of £7m

### 8.13 Environmental Impact Assessment

8.14 Environmental Impact issues have been covered throughout the report.



## 8.15 Other Issues

### Conditions

The applicant has been in discussions with a number of parties with respect to seeking to provide relevant information to enable compliance conditions to be attached to the draft decision rather than pre-commencement conditions (e.g. Code of Construction Practice, Construction Logistics Plan etc. At the time of writing this report it was not possible to agree to this as discussions had not reached conclusions. However any update on this will be reported to Planning Applications Committee and it is also considered appropriate to seek to agree this where appropriate if matters are concluded post resolution and before completion of any s106 legal agreement.

The applicant has also requested that consideration be given to the imposition of an additional condition to allow some flexibility to amend the unit mix/residential layout of building 2 at a later date should this be required, for example a minimum of 100 units and maximum of 112 units. However, officers consider that there are already procedures in place for the applicant to seek amendments to a planning permission, by making an application for a non-material amendment or minor material amendment and that such a condition is not appropriate.

### Building Control

The City Council's building control officer has requested further structural details, in order to fully support the proposal. An update on this will be presented to committee

### Construction impact

The applicant has submitted a Code of Construction Practice Appendix A, confirming their agreement to join and be bound to Westminster's code of Construction Practice. This is to be required by condition.

The City Council's code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites.

### Crime and security

The scheme does not raise any significant issues with regard to crime and security and the applicant is in discussions with the Crime Prevention Design Officer.

### Community involvement

The applicant has provided a statement of community involvement, which indicates that they have engaged with the local community and have undertaken pre-application consultation.

(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: SARAH WHITNALL BY EMAIL AT <a href="mailto:swhitnall@westminster.gov.uk">swhitnall@westminster.gov.uk</a> .
--

## 9. KEY DRAWINGS

### BUILDING 1- Lodge Road

#### 3.1.3 Additional Floor Analysis



Consented Scheme

- Current building rises to a height of ground plus 12 storeys
- Ground floor areas provide space for communal activities with active frontages along both Lodge Road to the south and communal gardens to the north

##### Materiality

- The building has been conceived as a modern interpretation of a mansion block synonymous with the St John's Wood area
- Materials have been chosen which contextualise with its surroundings including reconstituted stone, bronze effect metalwork and light faced brickwork

##### Upper Levels

- Approach to the upper floors includes providing significant areas of outdoor terracing for residents to enjoy
- Plant zones are located within the basement of the building and in roof areas not accessible to residents



Proposed Scheme

- Building increased to a height of ground plus 13 storeys. Additional height achieved by reducing floor to floor build-ups whilst maintaining 2.5m floor to ceiling height in habitable rooms
- Ground floor areas unchanged providing space for communal activities with active frontages along both Lodge Road to the south and communal gardens to the north. Additional height achieved by reducing height within these areas to 3m

##### Materiality

- The approach to materiality across all elevations of the building remains unchanged

##### Upper Levels

- All terraces within the development have been retained and are accessible to residents
- Plant zones has been retained within the basement and in roof areas not accessible to residents albeit plant has been increased due to changes in legislation relating to energy, since planning permission was granted.

## BUILDING 1- Lodge Road

## 3.1.4 North Facade Frame Redesign



Consented Scheme

- Current north facing elevation designed to ensure all residents have access to private amenity space
- Balconies designed with planters to increase privacy as properties overlook adjacent residential developments
- Frame included to support balconies whilst also adding visual interest

**Materiality**

- Use of materiality is in keeping with the south elevation however the design approach is more playful. This enhances the environment between this and adjacent developments



Proposed Scheme

- Frame removed from all areas other than those wrapping the protruding balconies. Frame retained around balconies to provide support, give residents a sense of enclosure and add visual interest to the facade
- Balconies designed with end panels to increase privacy as properties overlook adjacent residential developments. The planters have been removed, due to concerns over maintenance and upkeep of these

**Materiality**

- External frame clad in reconstituted stone as per consented scheme. This retains the concept whilst allowing the savings to be incorporated into delivering more affordable homes on the site
- Balcony elements clad in powder coated aluminium to match window surrounds and spandrel panels

**BUILDING 1- Lodge Road**



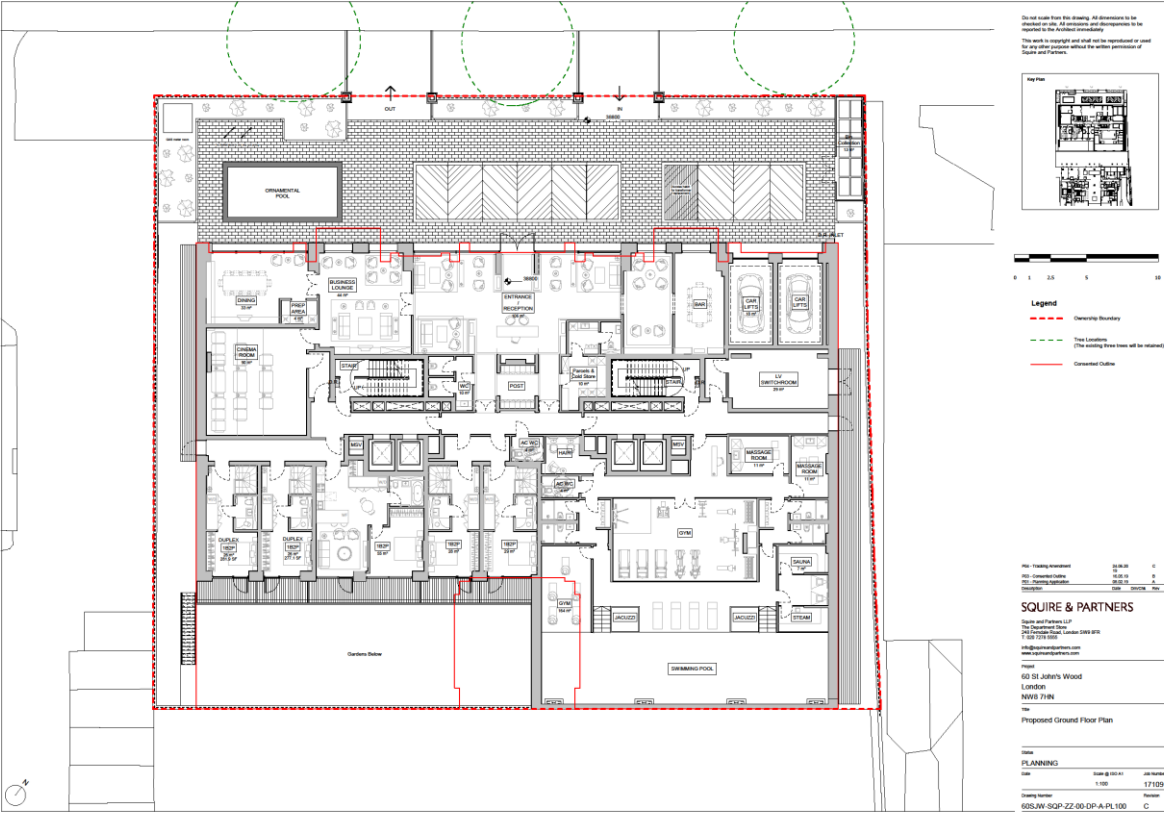


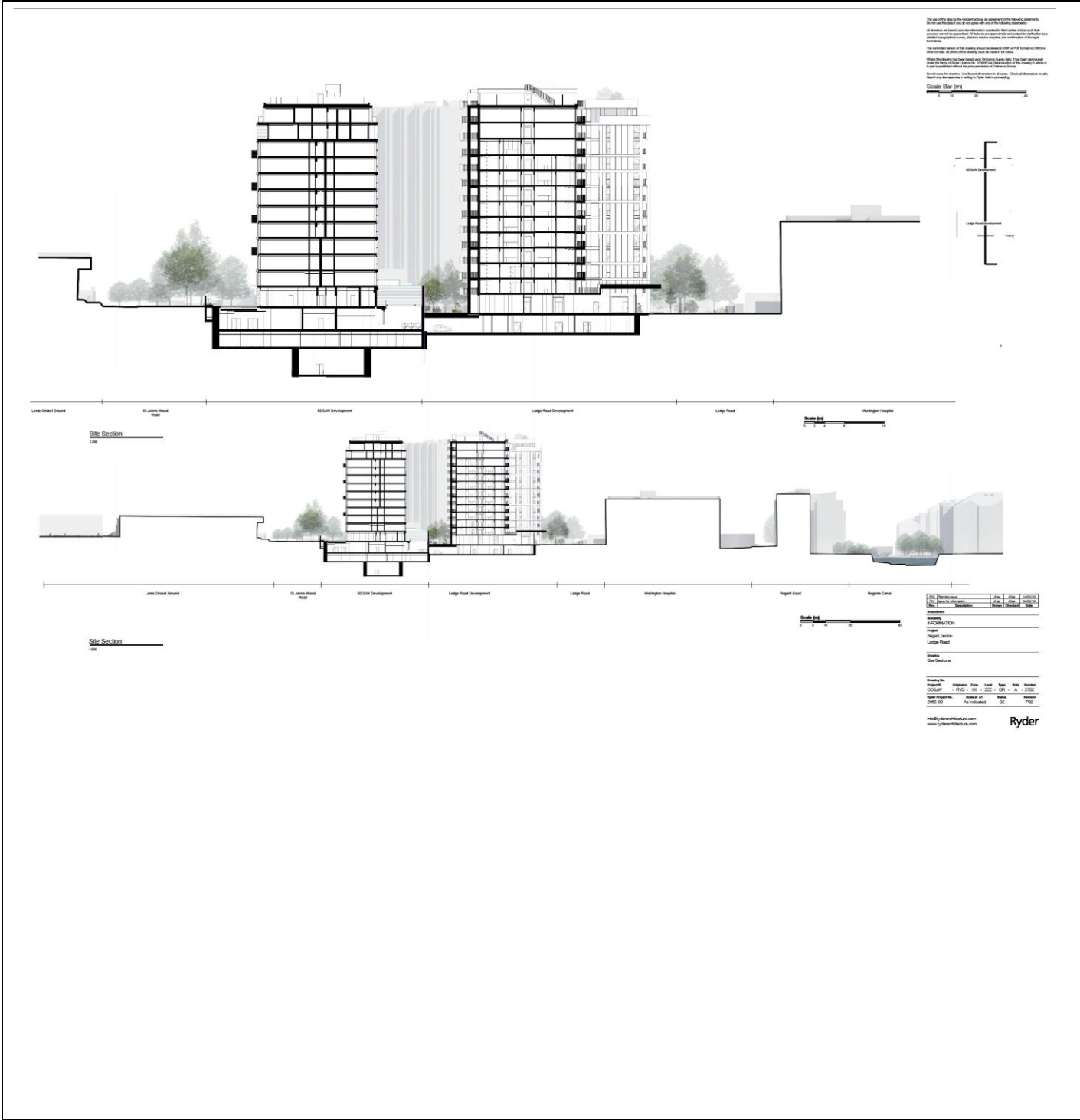
BUILDING 2 – St John’s Wood Road

**5.0**  
Verified Views



**BUILDING 2- St John's Wood Road**







**DRAFT DECISION LETTER**

- Address:** Dora House, 60 St John's Wood Road, London, NW8 7HN,
- Proposal:** Demolition of the existing building and redevelopment to provide two buildings: Building 1 comprising one basement level, ground and thirteen upper floors containing car parking, plant, affordable sheltered accommodation and market sheltered accommodation (Class C3), ancillary communal areas; Building 2 comprising sub-basement, two basement levels, ground and eleven upper floors containing plant, car parking, residential accommodation (Class C3) and ancillary leisure; reconfigured vehicular and pedestrian access together with landscaping and other works in association with the development.
- Reference:** 19/01284/FULL
- Plan Nos:** CCSJW-RYD-XX-ZZZ-DR-A-2001-P03, CCSJW-RYD-XX-ZZZ-DR-A-2002-P02, CCSJW-RYD-XX-ZZZ-DR-A-2701-P02, CCSJW-RYD-XX-ZZZ-DR-A-2702-P02, CCSJW-RYD-XX-099-DR-A-3009-P09, CCSJW-RYD-XX-100-DR-A-3010-P05, CCSJW-RYD-XX-101-DR-A-3011-P02, CCSJW-RYD-XX-102-DR-A-3012-P02, CCSJW-RYD-XX-103-DR-A-3013-P02, CCSJW-RYD-XX-104-DR-A-3014-P02, CCSJW-RYD-XX-105-DR-A-3015-P02, CCSJW-RYD-XX-106-DR-A-3016-P02, CCSJW-RYD-XX-107-DR-A-3017-P02, CCSJW-RYD-XX-108-DR-A-3018-P02, CCSJW-RYD-XX-109-DR-A-3019-P02, CCSJW-RYD-XX-110-DR-A-3020-P02, CCSJW-RYD-XX-111-DR-A-3021-P03, CCSJW-RYD-XX-112-DR-A-3022-P03, CCSJW-RYD-XX-113-DR-A-3023-P02, CCSJW-RYD-XX-114-DR-A-3024-P02, CCSJW-RYD-XX-ZZZ-DR-A-3601-P03, CCSJW-RYD-XX-ZZZ-DR-A-3602-P04, CCSJW-RYD-XX-ZZZ-DR-A-3603-P04, CCSJW-RYD-XX-ZZZ-DR-A-3604-P04, CCSJW-RYD-XX-ZZZ-DR-A-3801-P03, CCSJW-RYD-XX-ZZZ-DR-A-3802-P03, CCSJW-RYD-XX-ZZZ-DR-A-4901-P02, CCSJW-RYD-XX-ZZZ-DR-A-4902-P02, CCSJW-RYD-XX-ZZZ-DR-A-4903-P02, CCSJW-RYD-XX-ZZZ-DR-A-4904-P03, CCSJW-RYD-XX-ZZZ-DR-A-4910-P02, CCSJW-RYD-XX-ZZZ-DR-A-4911-P01, CCSJW-RYD-XX-ZZZ-DR-A-3520-P02, CCSJW-RYD-XX-ZZZ-DR-A-3521-P03, CCSJW-RYD-XX-ZZZ-DR-A-3522-P02, 60SJW-SQP-ZZ-00-DP-A-PL100-C, 60SJW-SQP-ZZ-01-DP-A-PL101-A, 60SJW-SQP-ZZ-02-DP-A-PL102-A, 60SJW-SQP-ZZ-03-DP-A-PL103-A, 60SJW-SQP-ZZ-10-DP-A-PL110-A, 60SJW-SQP-ZZ-11-DP-A-PL111-A, 60SJW-SQP-ZZ-12-DP-A-PL112-A, 60SJW-SQP-ZZ-12-DP-A-PL113-A, 60SJW-SQP-ZZ-B1-DP-A-PL114-B, 60SJW-SQP-ZZ-B2-DP-A-PL115-B, 60SJW-SQP-ZZ-B3-DP-A-PL116-A, 60SJW-SQP-ZZ-ZZ-DE-A-PL400-A, 60SJW-SQP-ZZ-ZZ-DE-A-PL401-A, 60SJW-SQP-ZZ-ZZ-DE-A-PL402-A, 60SJW-SQP-ZZ-ZZ-DS-A-PL650-A, 60SJW-SQP-ZZ-ZZ-DS-A-PL651-A, 60SJW-SQP-ZZ-ZZ-DD-A-PL850-A, 60SJW-SQP-ZZ-ZZ-DD-A-PL851-A, 60SJW-SQP-ZZ-ZZ-DD-A-PL852-A, Design and Access Statement dated February 2019, Air Quality Assessment dated February 2019, Noise and Vibration Impact Assessment dated February 2019, Daylight, Sunlight and Overshadowing Report dated February 2019, Sustainability Statement dated February 2019, Surface Water Drainage Assessment dated February 2019, Ecology Statement dated February 2019, Transport Statement dated 2019, Arboricultural Report: Assessment of trees date February 2019, Written Scheme of Investigation for an Archaeological Watching Brief dated May 2019 (CgMs Ref: CC/25529), Assessment of Impact of Redevelopment on Thames Water

Item No.
<b>1</b>

Assets, Revision 2, dated May 2019 (Report no. 18000001) , Energy Report for Planning, Revision A, dated May 2019, Email dated 29.05.2019 and attachment from DP9 to TfL, Email dated 21.06.2019 and attachments from DP9 to GLA regarding energy, Email dated 27.06.2019 and attachments regarding trees ,

**Case Officer:** Sarah Whitnall

**Direct Tel. No.** 020 7641 2929

**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.
  
- 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 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)

4

Item No.
1

You are required to include specific provisions for securing the following ; , A full SEMP to cover the following: , , a. Site Information:; i. Environmental management structure; ; ii. Location of any potentially sensitive receptors; , , b. Environmental Management:; i. Summary of main works; ii. Public access and highways (parking, deliveries, loading/unloading, site access and egress, site hoardings); iii. Noise and vibration (predictions, managing risks and reducing impacts); iv. Dust and Air Quality (risk rating, managing risks and reducing impacts); v. Waste management (storage, handling, asbestos, contaminated land); vi. Water Resources (site drainage, surface water and groundwater pollution control, flood risk); vii. Lighting; viii. Archaeology and build heritage (if applicable); ix. Protection of existing installations (if applicable); x. Urban ecology (if applicable); xi. Emergency procedures; ; xii. Liaison with the local neighbourhood.; , c. Monitoring:; i. Details of receptors; ii. Threshold values and analysis methods ; ; iii. Procedures for recording and reporting monitoring results; ; iv. Remedial action in the event of any non-compliance.; , , as part of the site environmental management plan or construction management plan required to comply with the Council's Code of Construction Practice referred to in condition 3.

**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),

- 5 The development hereby permitted shall not be commenced until detailed ground movement analysis (in consultation with London Underground), has been submitted to and approved in writing which: , , Provide details of the ground movement , Accommodate the location of the existing London Underground structures and tunnels.; , The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

**Reason:**

To ensure that the development does not impact on existing London Underground Transport infrastructure, in accordance with London Plan 2015 Table 6.1 and Land for Industry and Transport Supplementary Planning Guidance 2012.

- 6 The development hereby permitted shall not be commenced until the following details, have been submitted to and approved in writing (in consultation with Network Rail):- , , 1. Details of the position of the dead bores / tunnels included on the plans and elevations. , , 2. Details of the piling works on site and also any foundation piles and where these will be sited. , , 3. Details of all excavation and earthworks.; , 4. Any increase or decrease of loading on the tunnels both temporary and permanent as well as certified proof that the proposal will have no detrimental impact upon the tunnels.; , 5. Detail of the location and distance of the dead tunnel bores from the site.; , 6. Confirmation of any tower crane working on site with a method statement and risk assessment (RAMS) for the works. , , 7. A RAMs for all works including demolition within 10m of Network Rail Land. , , 8. Drainage plans for the site. , , 9. A BAPA if required between the developer and Network Rail.; , 10. Confirmation that all construction works and all maintenance works can be carried out on the developer's land ownership footprint only without any encroachment onto Network Rail land and without over-sailing Network Rails air-space.; , 11. Network Rail to retain unencumbered rights of access to any existing tunnel shafts.; , 12. Reimbursement to Network Rail of the cost of any remedial works to damage or deterioration of the tunnel structures caused by any development and in this respect Network Rail reserves the right to

carry out any necessary emergency work on the site at the Developer's expense should this become necessary to safeguard the integrity of the tunnel structure.

Reason:

To ensure that the proposed development does not impact on existing Network Rail infrastructure, in accordance with London Plan 2015 Table 6.1 and Land for Industry and Transport Supplementary Planning Guidance 2012.

- 7 No vibration shall be transmitted to adjoining or other premises and structures through building A or B 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)

- 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 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)

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

The design and structure of the development ( Building A and B) 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.

Reason:

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

- 11 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant within buildings A and B will comply with the Council's noise criteria as set out in Conditions 7, 8, 9 ,10 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)

- 12 The development hereby permitted shall not be commenced (including impact piling) until , , a) a Drainage strategy detailing any on and /or off site drainage works has been submitted to and approved in writing by the City Council in liaison with Thames Water. No discharge of foul water from the shall be accepted into the public system until the drainage works referred to in the strategy have been completed., , b) 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 of works) has been submitted to and approved in writing by the Local Planning Authority (in liaison with Thames Water). Any piling must be undertaken in accordance with the terms of the approved piling method statement., , c) measures to minimise groundwater discharges into the public sewer.

Reason:

In order to protect Thames Water infrastructure and the environment.

- 13 Prior to occupation of building 2, a Car lift and maintenance operational plan (to include details of the lifts, maintenance regime and breakdown response times) shall be submitted and approved by the local planning authority. The development shall then be carried out in accordance with the details approved.

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)

Item No.
<b>1</b>

- 14 You must provide each car parking space shown on the approved drawings for both building A and B and each car parking space shall only be used for the parking of vehicles of people living in the relevant building of the development (Building A or B). (C22BA)

Reason:

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

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

Reason:

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

- 16 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)

- 17 A. The provision for the storage of waste and recyclable materials, must be provided accordance with the details shown on drawing numbers CCSJW- RYD-XX-ZZZ-DR- 3520 Revision P01, CCSJW- RYD-XX-ZZZ-DR- 3521 Revision P01 and CCSJW- RYD-XX-ZZZ-DR- 3522 Revision P01, and as set out under this condition., clearly mark the stores and make them permanently available to everyone using the relevant building (Building A or B) and thereafter used for no other purpose., , B. Waste management, storage and servicing must be carried out in accordance with the Design and Access Statement (DAS) section 3.9.1 Refuse and Recycling., , C. Prior to Commencement of development of the relevant building, a chute servicing and management plan must be submitted to the City Council indicating periodical cleaning, servicing and maintenance schedule of the chute system to include details of:, , oThe details must include alternative action plan to store and manage waste collection on site in any event of chute breakdown., , oQuarterly Records and logs of servicing and maintenance of the chutes must be kept for a minimum of two years., , oIn any event of chute breakdown, the chute must be repaired within 28 days. , , D. Two separate chutes (one for waste and the other for recycling) measuring 600mm in diameter must be installed in each cluster of the development., , E. No waste or bins should be left or stored on the public highway pending collection., , ,

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)

Item No.
<b>1</b>

18 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement before you use the building. (C20AB)

Reason:  
To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

19 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and in its entirety and according to the drawings we have approved. (C29BB)

Reason:  
To maintain the setting of the St Johns Wood and Conservation area and Regents Park Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

20 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site., , You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:  
To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

21 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located for , A) Building 1, B) Building 2 , You must not start any work on the relevant parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

Reason:  
To make sure that the appearance of the building is suitable and that it contributes to the setting of the St Johns Wood Conservation Area and Regents Park Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)



You must apply to us for approval of 3m x 3m of fabricated sample panels of the following parts of the development: A) all typical facade bays to building 1, B) all typical facade bays to building 2. The sample(s) should demonstrate the colour, texture, face bond, pointing and means of construction (including any typical expansion/movement joints). You must not start any work on the relevant building until we have approved the sample panels. You must then carry out the work according to these approved sample(s).

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the setting of the St Johns Wood Conservation Area and Regents Park Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 23 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - A) typical bay details to all new facades to building 1, B) typical bay details to all new facades to building 2, to indicate the following: i) windows; ii) external doors; iii) cills; iv) reveals; v) fascias and canopies; vi) indicative locations and design principles for display of any signage; vii) location and size of movement joints; viii) step backs in façade; ix) interfaces with windows; x) interfaces with landscaping and details of planters; xi) interfaces with architectural metalwork; xii) ventilation and other services terminations at façade and roof level, xiii) balconies including method of drainage; xiv) railings and balustrades; xv) integral lighting. You must not start any work on the relevant building until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the setting of the St Johns Wood Conservation Area and Regents Park Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the setting of the St Johns Wood Conservation Area and Regents Park Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 25 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs and full details of the proposed green

Item No.
<b>1</b>

roofs including construction method, layout, species and maintenance regime for :- , A) Building 1, B) Building 2 , , You must not start work on the relevant part of the development (site of building 1 or site of building 2) until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 planting season of completing the relevant building (building 1 or building 2) (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. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the settings of the St Johns Wood and Regents Park Conservation Areas, 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: Strategic Policies adopted November 2013 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)

- 26 **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:

**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)

- 27 **Pre-Construction Condition:-** A scheme of public art must be submitted and approved by the City Council prior to commencement of the construction of the development (excluding demolition). You must not start work on the public art until we have approved what you have sent us. You must then provide the public art according to the approved details, prior to the occupation of the relevant building. You must thereafter maintain the approved public art and keep it on this site. You must not move or remove it. (C37AB)

Reason:

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

- 28 No development shall take place, including any works of demolition, until the following plans have been submitted to and approved in writing by the City Council as local planning authority in liaison with Transport for London:-, , a) Delivery and Service Plan , b) Construction Logistics Plan , , These documents should detail the traffic impact resulting from construction vehicles and delivery and servicing vehicles on St Johns Wood Road (part of the Strategic Road Network). You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

## Reason:

In order to appropriately manage any potential adverse effects on the local road network, as requested by Transport for London.

**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 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:-, , a) i) Provision of affordable housing in the form of 153 units of sheltered accommodation for the elderly (Class C3) (3 studios, 146 one bedroom, 4 two bedroom) within floors ground to nine of building 1, in perpetuity and at charges made to residents at no higher than target rent levels., , ii) option for previous/existing residents to return to building 1 as a first option subject to their needs being met by the new development. , , iii) 100% nomination rights on first occupancy of the affordable housing units and to all true voids arising after first occupancy., , b) Early and Late Statge viability reviews, , c) Not to occupy building 2 until practical completion of building 1???, d) Highways works to Lodge Road and St John's Wood Road to facilitate the proposed development and including vehicular crossovers and paving., e) , i) Car park strategy for building 1 to provide 33 car parking spaces on an unallocated basis., ii) Car park strategy for building 2 to provide 78 car parking spaces on an unallocated basis and to carry out the development in accordance with a car lift maintenance and management plan., f) A financial contribution of £20,000 towards tree planting to Lodge Road (index linked and payable on commencement of development)., g) Lifetime Car club membership for the occupiers of Building 1., h) Provision of Public Art to a minimum value of £60,000, i) Carbon Off-set payment £ 268,493.40 , j) Tree protection methodology including details of arboricultural supervision and monitoring to off site trees. , k) The costs of monitoring the S106 agreement , , All figures are to be index linked and paid on commencement of development.

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.

This page is intentionally left blank

Item No.
<b>2</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 9 July 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>388-396 Oxford Street, London, W1C 1JU,</b>		
<b>Proposal</b>	Erection of a single storey roof extension to the Oxford Street elevation and a single storey roof extension to the Duke Street elevation, recladding of all the facades on Oxford Street, Duke Street and Bird Street, in connection with reconfigured retail floorspace (Class A1) over basement, ground and first floor levels, office floorspace at second to seventh floor levels. Increase in height of the existing plant rooms, creation of a terrace at fifth floor level (on Duke Street), installation of new plant and associated works.		
<b>Agent</b>	JLL		
<b>On behalf of</b>	SRL Scottish Limited Partnership		
<b>Registered Number</b>	18/10493/FULL	<b>Date amended/ completed</b>	17 December 2018
<b>Date Application Received</b>	12 December 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside Conservation Area		

**1. RECOMMENDATION**

Grant conditional permission.

**2. SUMMARY**

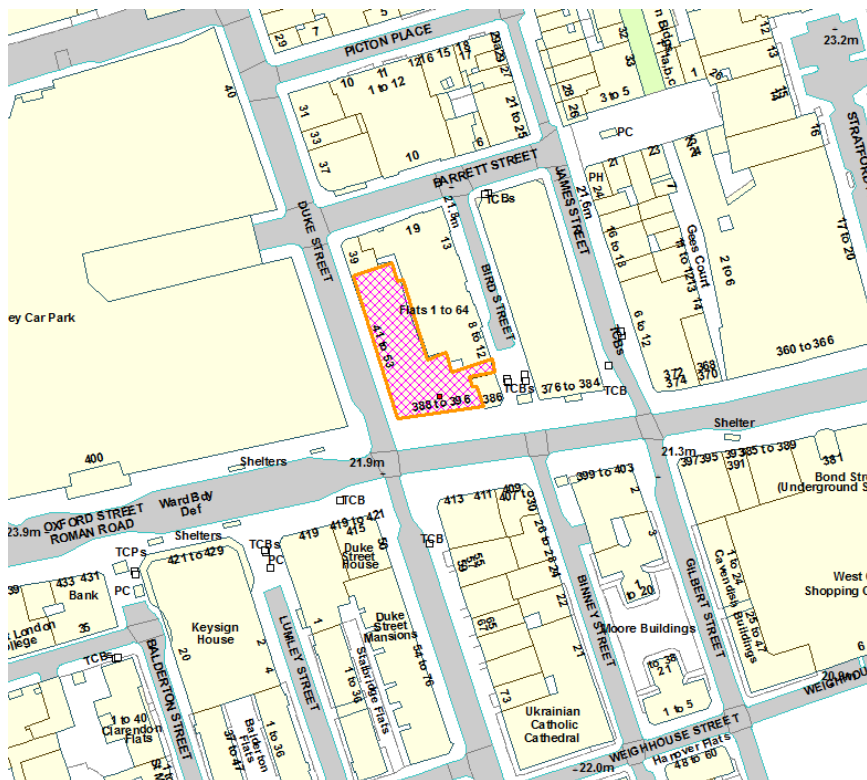
The application site is located on the corner of Oxford Street and Duke Street, a smaller frontage is located on Bird Street, where the site wraps around 386 Oxford Street. The site can be seen in two parts, the Oxford Street frontage comprises basement, ground and six upper floors, plus plant rooms, the Duke Street frontage comprises basement, ground and three upper floors. The building is currently vacant but was previously in use for retail, office and with an educational use at part third floor level. Permission is sought for the erection of a single storey roof extension to both parts of the building, all the facades will be reclad in stone, in connection with the reconfigured retail floorspace and office floorspace. A roof terrace is proposed on the roof of the Duke Street building and this will be designed to incorporate screening to prevent overlooking to the nearest residential at 8-13 Bird Street. New plant is proposed at roof level.

The key issues for consideration are:

- The impact of the proposal on the residential amenity of the flats within 8-13 Bird Street;
- The loss of retail floorspace;
- The appearance of the re-clad facades on the setting of the adjoining Stratford Place conservation area.

The proposal is considered acceptable in amenity, land use and design grounds and is recommended for approval in line with the policies set out in the Unitary Development plan (UDP) and Westminster's City Plan (City Plan).

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.  
All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

No objection, high quality design to the existing building. Concerns from neighbouring residents need to be carefully considered by the council.

### ENVIRONMENTAL HEALTH

No objection.

### WASTE PROJECT OFFICER

No objection.

### HIGHWAYS PLANNING MANAGER

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 99

No. of objections: 9

Nine objections received, two of the seven received are on behalf of the managing agents of 8-13 Bird Street and include the submission of their own daylight and sunlight report. Objections are on all or some of the following grounds:

#### Amenity

- Loss of privacy from the proposed roof terrace.
- Loss of daylight and sunlight.
- Noise from plant.
- Noise from the use of the terrace.

#### Design

- Out of keeping with the area and other buildings.

#### Other

- Loss of view/outlook.
- Disruption during building works.
- Lack of consultation from the applicants.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This is an unlisted building situated outside of a designated conservation area. The building has elevations on Oxford Street, Duke Street and Bird Street and wraps around 386 Oxford Street, which is not part of the proposals. The front part of the building



facing Oxford Street comprises ground and six upper floors, the Duke Street building is lower, comprising ground and three upper floors.

The building is currently vacant but the lawful use of the lower ground, ground and first floors is for retail purposes (Class A1), with offices on the upper floors, apart from part of the third floor which has a lawful use for educational purposes (Class D1), the educational use has a separate entrance on Duke Street.

The nearest residential properties are located within 8-13 Bird Street (Phoenix House), where there are 64 residential units. The flats have windows overlooking Bird Street and to the rear overlooking the application site. The windows over the lower levels of the building are in close proximity to the application site.

The site is located on the International Shopping Frontage and is located within the Core Central Activities Zone (Core CAZ).

## 6.2 Recent Relevant History

Planning permission was granted on 6 February 2014 for the use of third floor for education purposes (Class D1) and alterations to Duke Street entrance to provide separate access to the third floor. This permission was implemented.

### 8-13 Bird Street

Planning permission was granted in June 1996 for the redevelopment of the existing building above ground floor level for retail or restaurant use on the ground floor and 64 residential units on the 9 upper floors with 38 parking spaces in the basement. This permission was implemented.

## 7. THE PROPOSAL

Permission is sought for the erection of a single storey extension to the Oxford Street elevation, this will be set back from the front elevation, a single storey extension is also proposed to the Duke Street elevation. The existing stair and lift enclosure to Duke Street will be extended one storey, this will also provide access to a new roof terrace at fifth floor level of the Duke Street building. The terrace will be positioned towards the front of the building and will be screened to prevent views to the residential windows in Bird Street. The elevation on Bird Street will also be extended by one storey and will extend to its full footprint which will see it being brought forward at seventh floor level. The existing facades will be demolished and they will be reclad in stone. New plant is proposed at roof levels.

Four retail units are proposed over basement, ground and first floor level. With the remaining floorspace to be used for office purposes.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (Class A1)	2270	1991	-279
Office (Class B1)	2030	3456	+1426
Educational (Class D1)	420	0	-420
<b>Total</b>	<b>4720</b>	<b>5447</b>	<b>+727</b>

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### **Retail floorspace**

There are two existing retail units over basement, ground and first floor levels comprising 2270sqm. The proposal will result in a loss of 279sqm of retail floorspace. UDP policy SS3 states that in development schemes on the Primary Shopping Frontages, A1 uses should be provided throughout the basement, ground and first floor levels and there should be no loss of A1 floorspace.

The applicants have provided justification for the loss in retail floorspace:

- The loss is limited to the rear of the existing units;
- The loss is 12% of the existing retail floorspace;
- A need to accommodate a second wheelchair accessible lift to the office floorspace;
- A need to accommodate long stay cycle parking; and
- Improved refuse storage.

Two additional retail units are proposed along the Duke Street frontage and this will allow for a longer retail frontage, which will improve street level activity. The loss of retail floorspace is limited and is as a result of providing enhanced office floorspace, therefore it is considered that the loss of retail is acceptable in these circumstances.

#### **Educational use**

Permission was granted in 2014 for an educational use at part third floor level. This was occupied by the Royal Drawing School. The drawing school left the premises in November 2018 to consolidate their activities within their main Shoreditch campus, as well as their existing studios at Hackney, Chelsea and London Docklands.

Policy S34 of the City Plan states that all social and community floorspace will be protected except where existing provision is being reconfigured, relocated, or upgraded. The planning application for the educational use was made on behalf of the Royal Drawing School and their occupation was relatively short. It is considered on this basis, with the floorspace changing to office floorspace, that the loss of the educational use is acceptable.

#### **Office use**

As a result of the proposals there is an increase of 1426sqm of office floorspace. City Plan Policy S18 states that commercial development will be encouraged and directed to the Core CAZ. The increase in floorspace is in line with this policy.

The uplift in floorspace is less than 30% therefore no residential floorspace is required as a result of this proposal.

### 8.2 Townscape and Design

The existing building is an undistinguished post war commercial building immediately to the east of Selfridges, which is a grade II listed building. It lies outside the Stratford Place Conservation Area which lies to the east and west. The building comprises a seven storey block on Oxford Street and a lower, four storey wing on Duke Street.

The proposal is to retain the existing concrete frame but to replace the facades and to extend at roof level. The proposed additional massing has been set back following negotiations so that the building will complement, rather than compete, with Selfridges building. The proposed parapet line aligns with that of Selfridges.

The new Oxford Street facade comprises a two-storey base, the top of which aligns with the base of Selfridges, but with a stronger vertical emphasis because of the closer bay spacing. Above this are four storeys with two similar layers. Each layer comprises two storey bays with a horizontal window below two vertical windows. The sixth-floor windows and the parapet to the roof terrace above are framed to create vertical bays capped with a horizontal band. The facade is clad in Portland stone. This is a carefully designed and proportioned facade which will enhance this part of Oxford Street and also the setting of Selfridges.

On Duke Street the Oxford Street facade returns for three bays, and then a simpler approach is used, with vertically positioned fenestration for eleven bays. The facade features horizontal and vertical piers which enrich the facade, giving it light and shade. On Bird Street the existing building has a tall circulation wing which is reclad in Portland stone and extended vertically to the height of the building immediately to the north. This is considered acceptable.

This is a high-quality design which will enhance Oxford Street and it is considered to comply with the City Council's urban design and conservation policies, including S25 and S28 of the City Plan and DES 1, DES 5, DES 6 and DES 9 of the UDP.

### **8.3 Residential Amenity**

The front part of the building facing Oxford Street comprises ground and six upper floors. The Bird Street part of the building is one storey taller than the front part of the site. The Duke Street building is lower, comprising ground and three upper floors. There is a lift and stair enclosure at third floor level of the Duke Street building which allows access to the roof. There is an existing pergola type structure at roof level which connects a stair enclosure to the north of the roof of the main Oxford Street building. The rear elevation of the Duke Street building is stepped back from 8-13 Bird Street.

There are a number of residential windows that overlook the application site, some of which are on the boundary of the site. 8-13 Bird Street is a relatively new building, which received planning consent in 1998 and is taller than the application site buildings with many windows looking out over it.

An additional floor level is proposed to the Oxford Street, Duke Street and Bird Street elevations. The proposed single storey extension on the Duke Street building, 'infills' the existing pergola structure. A new roof terrace is proposed at this new roof level. Although part of rear elevation of the Duke Street building will be brought closer to 8-13 Bird Street, this is in an area where there is a blank façade and no residential windows would therefore be materially affected.

Objections have been received on behalf of all the residents in 8-13 Bird Street, in addition to individual objections, on the grounds of loss of daylight and sunlight, increased sense of enclosure and loss of privacy.

The residents of 8-13 Bird Street commissioned their own daylight consultant to review the applicant's submission. The resident's submission indicated some inaccuracies in the submitted report, the applicants subsequently revised their report, a further response on behalf of the applicant has been received.

### **Daylight and Sunlight**

Policy S29 of the City Plan aims to improve Westminster's residential environment. UDP Policy ENV13 aims to protect and improve residential amenity, including the level of sunlight and daylight received to existing properties.

The principal BRE methodology for the assessment of daylight values is 'vertical sky component' (VSC). This measures the amount of light reaching the outside face of a window. This has the advantage of enabling the impact to be assessed without accessing the affected properties. BRE guidelines principally seek to protect light to principal habitable rooms including living rooms, kitchen/dining rooms and, to a lesser extent, bedrooms. Under this method, a window achieving a VSC value of 27% is considered to be well lit. If, as a result of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly, depending on the given circumstances.

In respect of sunlight, the BRE guide suggests that if a living room has a main window facing within 90 degrees of due south then the sunlighting of the existing dwelling may be adversely affected if it receives less than 25% of annual probable sunlight hours (APSH) or less than 5% of APSH between September and March, and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of APSH. BRE guidance advises that a south facing unobstructed window in London would be able to see 1,486 hours of direct sunlight in a year. Putting this in context a window which receives 3% of APSH would be able to receive direct sunlight for 45 hours in a year.

The application is supported by a daylight and sunlight report based on guidance published by the Building Research Establishment (BRE). The report assesses the impact the residential properties within 8-13 Bird Street.

The windows affected by the proposal are to the rear of 8-13 Bird Street, and the majority of these windows are orientated west, with some windows also facing south towards the Oxford Street building. The windows at fourth floor level and above overlook the roof of the Duke Street building. The windows on the lower floors overlook the lightwell between the two buildings. The design of the rear elevation of 8-13 Bird Street includes set backs, balconies, recessed windows, but also includes windows positioned on the boundary of the site. It is considered that the detailed design of the residential building has an impact on the amount of daylight and sunlight received by most of these windows

The applicants have stated that the strict application of the BRE Guidelines is not appropriate when considering dense urban locations as there are more obstructions due to the closer proximity and scale of neighbouring buildings. The BRE guidelines state that their *guidelines are to be interpreted flexibility and in special circumstances the planning authority may wish to use different target values for example in a historic city centre, or where a higher degree of obstruction may be unavoidable if new development are to match the height and proportions of existing buildings.* Appendix F of the BRE Guidelines gives guidance on alternative target values, where the existing obstruction value is higher.

The applicant argues that many of the rooms especially on the lower floors are so poorly lit at present that they rely on supplementary electric lighting and the reduction on sky visibility that will be caused will not therefore change the practical use of the rooms in daylight terms. The objector's report states that where rooms have little light at present, reductions in sky visibility should be kept to within BRE guidelines.

The existing levels of VSC over the first to third floors range from 1.28-12.97%. At fourth to fifth floor level, the figures are marginally better and range from 4.91-24.82%, these levels are below the 27% recommended in the BRE Guidelines.

The percentage losses of VSC (at first to fifth floors) range from 8.67% - 68.9%, with the retained figures ranging from 0.61% - 19.9%. The majority of the windows lose over 20% of VSC (i.e. 36 out of 54 windows). The higher losses are to those windows that have a lower existing level of VSC. Lower levels of VSC makes windows very sensitive to any further reduction, and therefore even modest new massing is likely to result in large percentage changes. For example, losing 1% to a window that has an existing VSC of 2% results in a 50% reduction, therefore exceeding 20%. However, it is unlikely that this would be very noticeable. This is disputed by the objectors who state that a reduction from 2% to 1% is expected to have a noticeable adverse effect.

There are three windows per level located in the setback elevation directly facing the Duke Street building. At second to fifth floor level, these windows serve kitchens and bedrooms and there are losses of VSC over 20% to these windows. The objectors submitted a floorplan indicating the layout of the flats in the building (second to fifth floors) and this shows these flats are dual aspect, with the reception rooms and other bedrooms facing Bird Street which are therefore unaffected by the proposals. In these circumstances the loss of VSC is considered acceptable. The layouts of the flats at first floor level have not been confirmed. However, the existing levels of VSC is low (2.94, 4.01 and 2.82) and the retained levels is also low (1.45, 1.90 and 1.51) and it is not considered that these losses will be very noticeable.

The most affected windows are bedrooms and living rooms located at the southern end of the lightwell, which are in very close proximity to the boundary of the site. The living room windows face south onto the rear of the Oxford Street building, and the bedrooms at second to fifth floors contain two windows, one facing south and one facing west, and these serve deep rooms with relatively small windows.

It is considered that the losses to VSC at first to third floor will not be very noticeable even though the losses to VSC range from 20.61% to 66.01% and this is due to the

existing low levels of VSC (ranging from 1.28 – 4.29) and the retained levels of VSC also being low (0.61 – 1.70).

The objectors have highlighted the windows and the rooms/flats they serve at fourth and fifth floor level would be badly affected by the proposals and the total impact to these windows should be taken into consideration. These windows at fourth and fifth floor levels see more noticeable losses as the levels of VSC is slightly higher (existing levels ranging from 4.91-9.28, retained levels ranging from 1.58 – 6.79) than the lower levels of the building. These rooms are also materially affected in terms of daylight distribution where the living room window loses 59% at fourth and 61% at fifth floor level. As previously mentioned, these living windows face south and these are only able to receive afternoon sun. The fourth floor living room window will lose all of its sunlight (10-0) with the fifth floor living room losing 81.25% (16-3%). The bedroom windows at these levels are also materially affected. The objectors have stated that these flats are badly affected and there would be a major adverse impact. These rooms look out onto a lightwell which is close to the boundary of the site, and it is considered that the design of the 8-13 Bird Street contributes to the existing low levels of light. For these windows, any material increase in mass that changes sky visibility will result in a loss of VSC and APSH that is more than 20% recommended by BRE. Therefore, meeting the BRE recommendations for these windows would require there to be no effective increase in mass to the southern end of development site (Oxford Street block).

The windows in the main rear elevation face almost due west, west facing windows are only able to receive direct sunlight for a limited period towards the end of the day. With regards to the losses of sunlight to other windows, many of the living room windows comply with the BRE guidelines in terms of annual sunlight hours. Two living room windows see a loss of annual sunlight over 20%, one at fourth floor, as mentioned in the above paragraph, and one at second floor level. This second-floor window is located in the setback opposite Duke Street and faces south. It also looks sideways across the set back and therefore is already obstructed by its own building. The loss of summer sunlight is 21.43% which is considered to be a minor transgression, but it will lose all of its winter sun (2-0), resulting in a total loss of annual sunlight of 31.25%. Noting the position of this window it is unlikely that this will be very noticeable.

Of the habitable rooms at sixth to eighth floor level, two will lose VSC over 20% (20.67% and 25.27%) this flat at eighth floor level is dual aspect with windows overlooking Bird Street that are unaffected by the proposal. These minor transgressions are considered acceptable.

Officers have been able to gain access to some of the flats within 8-13 Bird Street, but not those at fourth and fifth floor level set out above.

As set out above, there are losses above the BRE Guidelines in terms of daylight and sunlight and these losses are to those windows that are constrained as a result of the position in the building (on the lower levels), their orientation and the proximity to the boundary with application site. Whilst the proposed reduction in natural lighting levels are likely to result in materially worsened living conditions for the residents of those buildings, the resultant levels would mostly not be unusual in a central urban location such as this. Notwithstanding this, the matter of loss of light to these properties has largely arisen in this case due to the fact that any heightening of the building at the

application site would have a material impact on the neighbouring windows since they have been built so close to the application site. This has the effect of prejudicing any upward extension of the application site as any such extension would lead to light reductions to below the BRE recommendations. The proposals merely intend a single storey upward extension which will bring the building up to the same level as the affected neighbour, and to refuse this because of the impact it would have on recently installed windows placed on, or close to, the shared boundary would not, in the circumstances, be reasonable or equitable. It is also necessary to balance the impact on existing residential amenity against the benefits the proposal will bring in line with other local planning policies; namely the increase of office floorspace within the Core CAZ, the improvements to the design of the building and to the setting of the Grade II listed Selfridges building. Therefore, given that the BRE guidelines are to be interpreted flexibly in appropriate circumstances, the proposals are considered acceptable in daylight and sunlight terms.

#### **Sense of Enclosure**

Objections have been received on the grounds of increased sense of enclosure as a result of the extensions. As set out above, the application site and the residential building are in very close proximity and any increases to the buildings will increase enclosure to the windows on the upper floors. However, this is the same relationship as the windows on the lower floors have with the application site and on this basis it is considered acceptable.

#### **Privacy**

Objections have been received to the increase in overlooking as a result of the proposals.

There are existing windows to the rear of the application site (the Oxford Street and Duke Street buildings) which directly and indirectly overlook the residential windows. New windows are proposed to the rear third floor level (Duke Street). However, as there is already a degree of mutual overlooking, it is not considered that the new windows will have an adverse impact on overlooking.

There is an existing flat roof over the Duke Street part of the application site, which is currently accessible by the occupiers of the building, but it is not considered that the use of the roof for sitting out purposes is lawful. A terrace is proposed at fifth floor level on the Duke Street elevation, this will cover part of the roof facing Duke Street. A wall is proposed to screen the terrace and prevent overlooking to the residential windows. There is a gap in the screening to allow access to remaining part of the roof, which will be used for maintenance purposes only. However, it is considered that the screen should be extended to ensure that there is no overlooking from this level and a condition is recommended to secure this alteration. A condition is also recommended to ensure that the part of the roof allocated for maintenance is not used for sitting out. On this basis it is not considered that there will not be an increase in overlooking from the proposed development.

### **8.4 Transportation/Parking**

#### **Façade alterations**

The existing shopfront on Oxford Street includes a deep recess and it is proposed to reduce the recess and bring the shopfront forward. This is a minor alteration to the frontage and no objection is raised by the Highways Planning Manager.

At second floor and above on the Oxford Street and Duke Street elevations, the new façade will project over the lower floors. A minimum clearance of 2.6m is required for any projections over the highway and this is achieved on both of the frontages (6.3m and 7.3m). These will be subject of an oversail licence and this is a separate procedure to planning and an informative is recommended.

### **Servicing**

No existing off-street servicing exists for the site, and this is not proposed to change as a result of this development. The site is located within a Controlled Parking Zone, which means that loading and unloading can occur where there are single and double yellow lines. There is also a loading pad on Oxford Street adjacent to the site. Given the scale of the proposals the servicing requirements for the proposed development are unlikely to alter significantly.

### **Cycle parking**

There is no existing cycle parking and 40 spaces are proposed and these are located at ground floor level accessed from Duke Street. The Highways Planning Manager has no objection to the location or the numbers proposed and these will be secured by condition.

## **8.5 Economic Considerations**

Any economic benefits generated by the proposals are welcomed.

## **8.6 Access**

Level access is proposed for the retails and office entrance. Lift and stair access is provided to the upper floors.

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

### **Noise**

Objections have been received to the potential noise from the roof terrace. The roof terrace is situated away from the residential windows and the screen, which is required to remove overlooking will also go some way to reduce any potential noise from the terrace. The hours of operation of the terrace will be restricted to normal office hours (08.00 – 20.00) to prevent late night nuisance.

### **Plant**

Two plant rooms are proposed at roof level and these will be fully enclosed. Objections have been received to the proposed plant on the grounds of increased noise. Originally environmental health raised concerns over the submitted acoustic report as background noise levels were not recorded on Sundays. A revised report has now been submitted which includes background noise levels over a seven day period and Environmental Health have now not raised any objection to the plant installation which is likely to comply with the City Council's standard noise conditions.



**Sustainability**

Photovoltaic panels are proposed at roof level, these are welcomed and secured by condition.

**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 draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this 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.

The development is not CIL liable.

## 8.12 Environmental Impact Assessment

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

## 8.13 Other Issues

### Construction impact

Concerns have been raised to impact of the building works. Planning permission cannot reasonably be withheld on these grounds.

Since June 2016, construction impacts are covered by the Code of Construction Practice (COCP) and the Environmental Inspectorate. The COCP categorise developments into three levels, this scheme is a Level 2 development. Level 2 development will require the submission of a Site Environmental Management Plan (SEMP), but after consent is granted. It is important to note that planning have no role in determining what goes into the SEMP nor will it enforce compliance, this will exclusively be dealt with by the Environmental Inspectorate.

Hours of building and excavation work will be secured by condition. Therefore, it is considered that the concerns from objectors about the construction process are fully addressed.

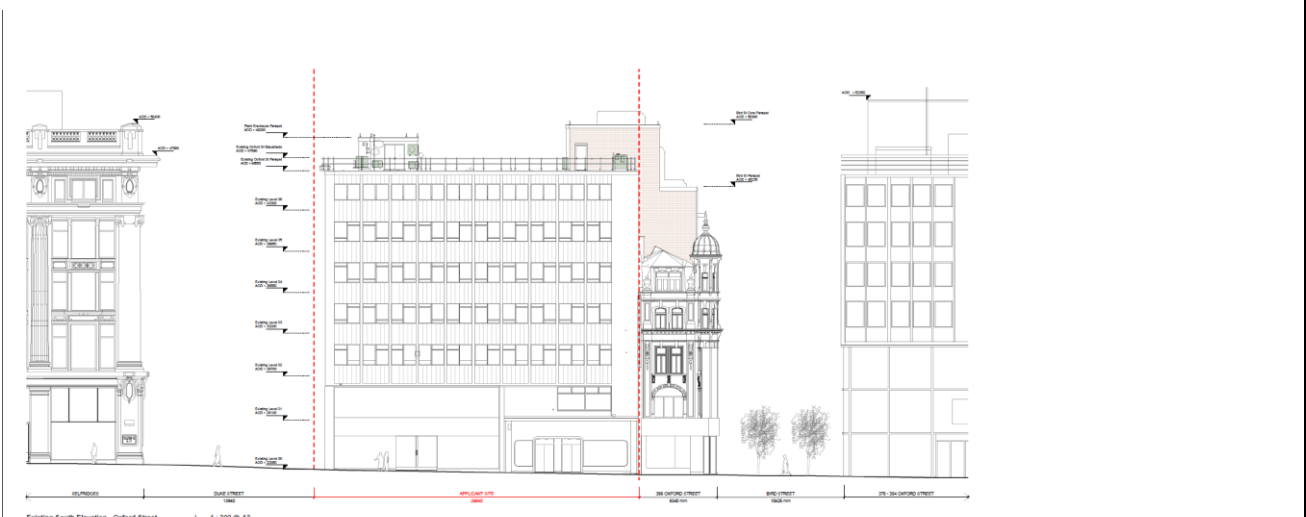
Objections have been received to the submitted statement of community involvement carried out by the applicants. The residents within 8-13 Bird street have confirmed that they did not receive the consultation letter from the applicants inviting them to a public exhibition. This is not under the control of the City Council and although it is unfortunate that the letters were not received, planning cannot be withheld for these reasons.

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

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

9. KEY DRAWINGS

Existing Oxford Street elevation



Existing South Elevation - Oxford Street | 1:200 @ A3

Legend:

- Stone Cladding
- Existing brickwork
- Existing MEP Equipment

Drawing Scale: 0 5 10 m

Key Plan | 1:2000

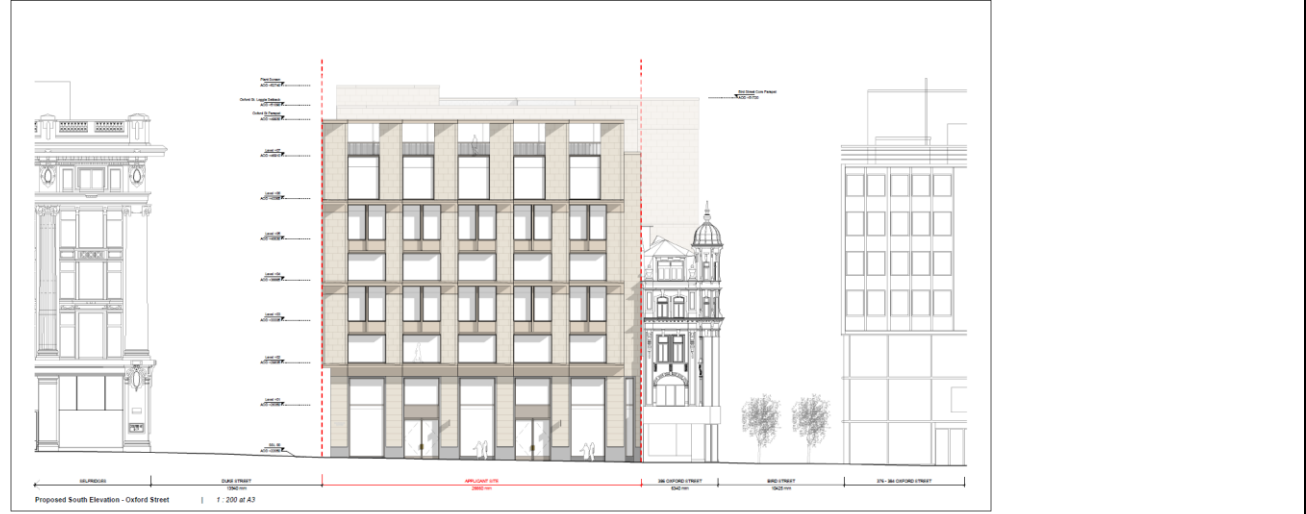
**GRAFTON ARCHITECTS**  
 12-14 Orange Street, Suite 2, Bristol  
 Tel: +44 (0)117 333610  
 info@grafftonarchitects.co.uk

**SELFRIDGES**  
 388 - 396 OXFORD STREET

Rev	Date	By	Check	Stage	Purpose
01	02/11/20			01	01/Previews

Project	Orig	Draw	Level	Type	Rev	Number	Scale	Sheet	Rev
001	001	001	001	001	001	020200	02	02	01

Proposed Oxford Street elevation



Proposed South Elevation - Oxford Street | 1:200 @ A3

Legend:

- Portland Stone
- Reconstituted Stone
- Plinth Stone - Honed Finish
- Plinth Stone - Flamed Finish
- Window System

Drawing Scale: 0 5 10 m

Key Plan | 1:2000

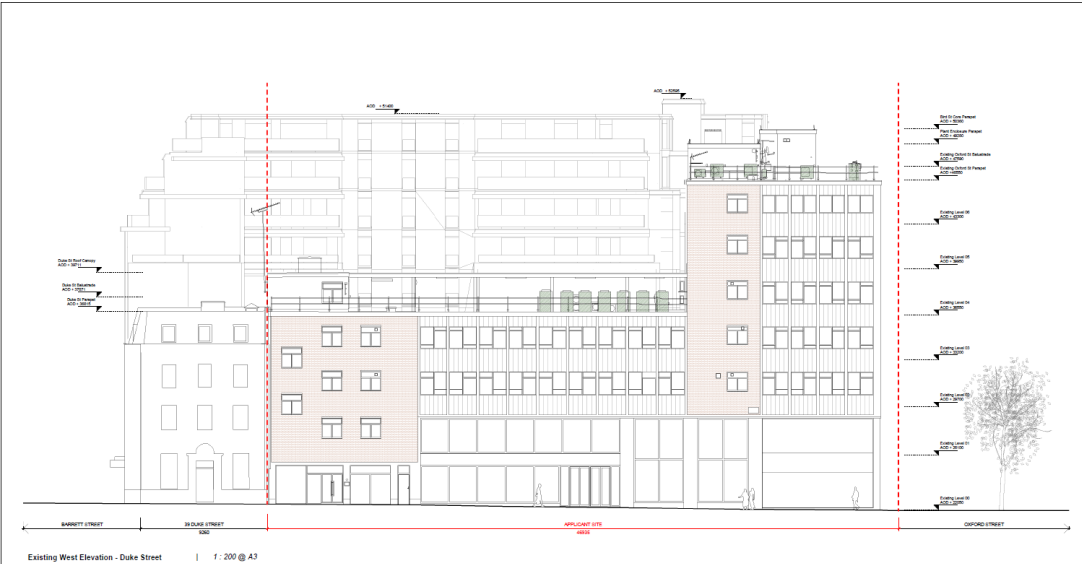
**GRAFTON ARCHITECTS**  
 12-14 Orange Street, Suite 2, Bristol  
 Tel: +44 (0)117 333610  
 info@grafftonarchitects.co.uk

**SELFRIDGES**  
 388 - 396 OXFORD STREET

Rev	Date	By	Check	Stage	Purpose
01	02/11/20			01	01/Previews

Project	Orig	Draw	Level	Type	Rev	Number	Scale	Sheet	Rev
001	001	001	001	001	001	040200	02	02	01

### Existing Duke Street elevation



Existing West Elevation - Duke Street | 1:200 @ A3

Copyright Grafton Architects. All rights reserved. This drawing should not be used to construct any building without the express written consent of Grafton Architects. The drawings are for the client's use only and are not to be used for any other purpose. The drawings are the property of Grafton Architects and shall remain their property. The client shall indemnify and hold Grafton Architects harmless from all claims, damages, costs and expenses, including reasonable legal costs, arising from the use of the drawings for any purpose other than that for which they were prepared.

**Legend:**

- Stone Cladding
- Existing brickwork
- Existing MEP Equipment

**Drawing Scale:** 0 5 10 m

**Key Plan** | 1:2000

**GRAFTON ARCHITECTS**  
12-14 College Green, Dublin 2, Ireland  
Tel: +353 1 571 33 63  
info@graftonarchitects.ie

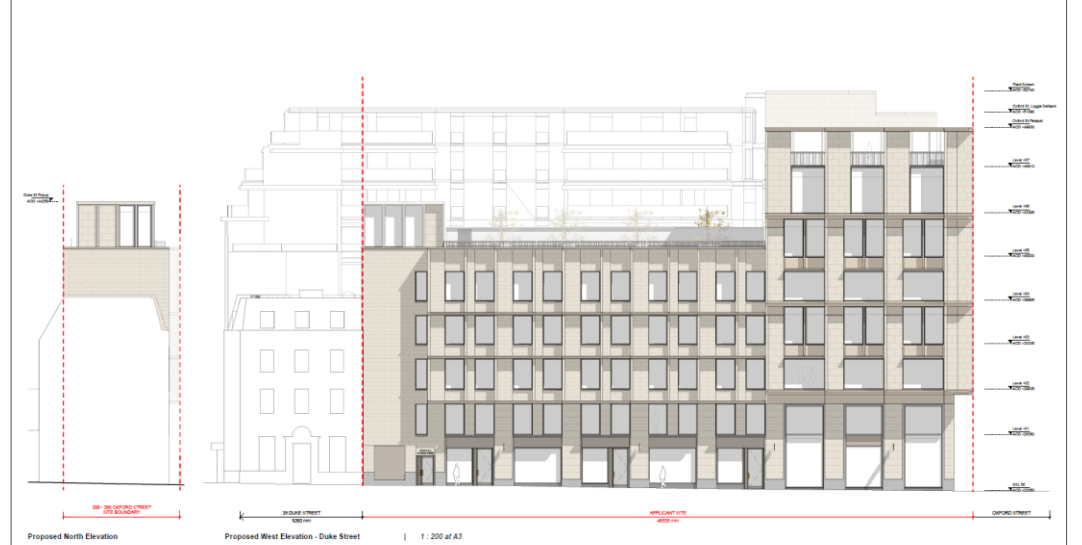
**SELFRIDGES**  
388 - 396 OXFORD STREET

Revision	Date of Issue	By
01	12/11/2018	PP

Title	Sheet Code	Stage	Purpose
EXISTING ELEVATION - DUKE STREET	A3	03	FOR PERMITS

Project	Disc	Level	Type	Area	Number	Disc	Rev
018	004	02	02	04	020201	03	01

### Proposed Duke Street elevation



Proposed North Elevation | Proposed West Elevation - Duke Street | 1:200 @ A3

Copyright Grafton Architects. All rights reserved. This drawing should not be used to construct any building without the express written consent of Grafton Architects. The drawings are for the client's use only and are not to be used for any other purpose. The drawings are the property of Grafton Architects and shall remain their property. The client shall indemnify and hold Grafton Architects harmless from all claims, damages, costs and expenses, including reasonable legal costs, arising from the use of the drawings for any purpose other than that for which they were prepared.

**Legend:**

- Portland Stone
- Reconstituted Stone
- Plinth Stone - Honed Finish
- Plinth Stone - Flamed Finish
- Window System

**Drawing Scale:** 0 5 10 m

**Key Plan** | 1:2000

**GRAFTON ARCHITECTS**  
12-14 College Green, Dublin 2, Ireland  
Tel: +353 1 571 33 63  
info@graftonarchitects.ie

**SELFRIDGES**  
388 - 396 OXFORD STREET

Revision	Date of Issue	By
01	07/08/2019	PP

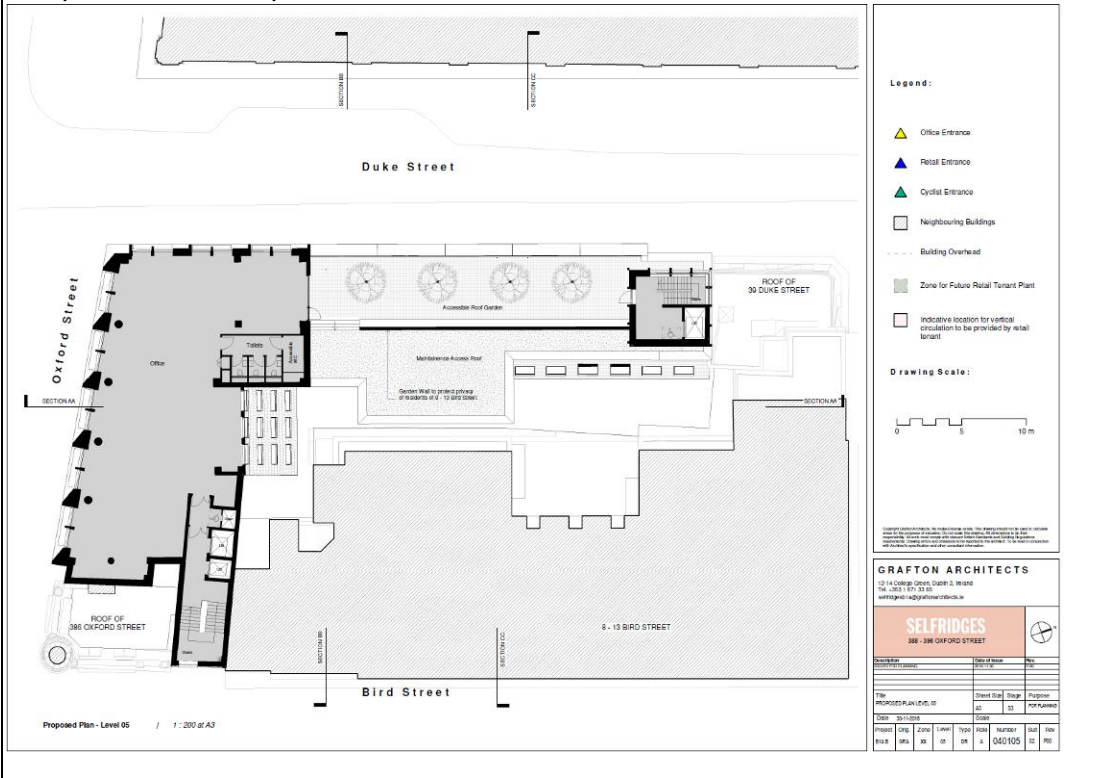
Title	Sheet Code	Stage	Purpose
PROPOSED ELEVATION - DUKE STREET	A3	04	FOR PERMITS

Project	Disc	Level	Type	Area	Number	Disc	Rev
018	004	02	02	04	040201	03	01

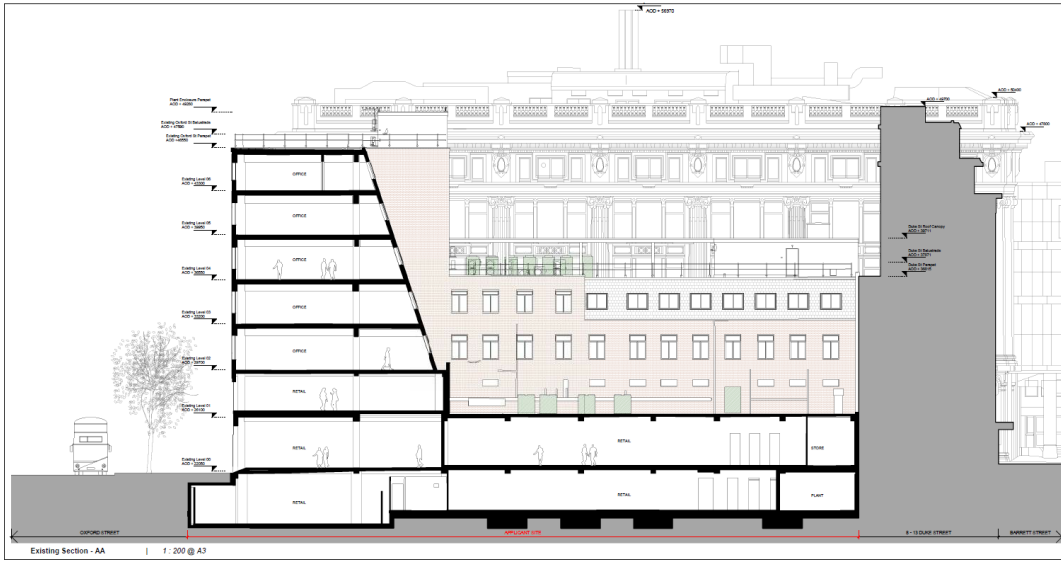
Proposed ground floor plan



Proposed fifth floor plan



Existing section

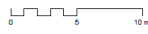


Existing Section - AA | 1:200 @ A3

Copyright Grafton Architects. All rights reserved. This drawing shall not be used to construct any building or structure without the written consent of Grafton Architects. The drawing shall not be used for any other purpose without the written consent of Grafton Architects. The drawing shall not be used for any other purpose without the written consent of Grafton Architects.

- Legend:
- Brick Cladding
  - Slate Roof Tiles
  - Existing MEP Equipment

Drawing Scale:



Key Plan | 1:2000

**GRAFTON ARCHITECTS**  
 12-14 College Green, Dublin 2, Ireland  
 Tel: +353 1 671 3333  
 grafton@graftonarchitects.ie

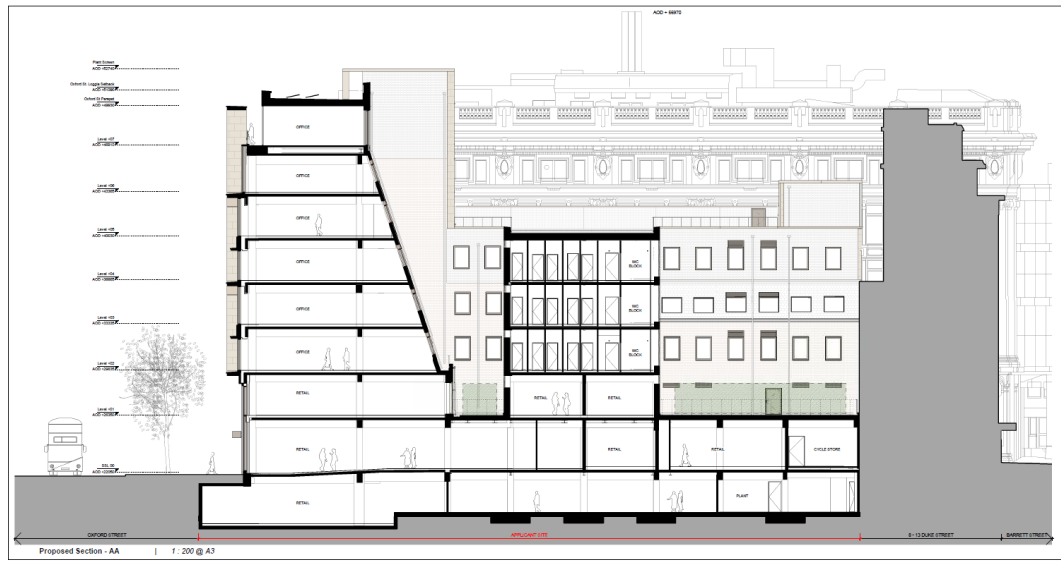
**SELFRIDGES**  
 388-386 OXFORD STREET

Revision	Date of Issue	Rev

File	Sheet	Grid	Stage	Purpose
EXISTING SECTION-AA	A1	S1	01	FOR PERMITS

Project	Orig	Zone	Level	Type	Scale	Number	Sheet	Total	Rev
SELFRIDGES	054	02	02	04	1:200	0203000	01	02	01

Proposed section

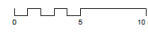


Proposed Section - AA | 1:200 @ A3

Copyright Grafton Architects. All rights reserved. This drawing shall not be used to construct any building or structure without the written consent of Grafton Architects. The drawing shall not be used for any other purpose without the written consent of Grafton Architects. The drawing shall not be used for any other purpose without the written consent of Grafton Architects.

- Legend:
- Portland Stone
  - Reconstituted Stone
  - Retained slate to be cleaned + repaired
  - Retained brickwork to be cleaned + repaired
  - New brickwork to match existing
  - MEP Plant by future retail tenant
  - Glazed Tile

Drawing Scale:



Key Plan | 1:2000

**GRAFTON ARCHITECTS**  
 12-14 College Green, Dublin 2, Ireland  
 Tel: +353 1 671 3333  
 grafton@graftonarchitects.ie

**SELFRIDGES**  
 388-386 OXFORD STREET

Revision	Date of Issue	Rev

File	Sheet	Grid	Stage	Purpose
PROPOSED SECTION-AA	A1	S1	01	FOR PERMITS

Project	Orig	Zone	Level	Type	Scale	Number	Sheet	Total	Rev
SELFRIDGES	054	02	02	04	1:200	0403000	01	02	01

**DRAFT DECISION LETTER**

- Address:** 388-396 Oxford Street, London, W1C 1JU,
- Proposal:** Erection of a single storey roof extension to the Oxford Street elevation and a single storey roof extension to the Duke Street elevation, recladding of all the facades on Oxford Street, Duke Street and Bird Street, in connection with reconfigured retail floorspace (Class A1) over basement, ground and first floor levels, office floorspace at second to seventh floor levels. Increase in height of the existing plant rooms, creation of a terrace at fifth floor level (on Duke Street), installation of new plant and associated works.
- Reference:** 18/10493/FULL
- Plan Nos:** Demolition, B1A B GRA XX 00DR A 030100 S2 P00, B1A B GRA XX 01 DR A 030101 S2 P00, B1A B GRA XX 02 DR A 030102 S2 P00, B1A B GRA XX 03 R A 030103 S2 P00, B1A B GRA XX 04 DR A 030104 S2 P00, B1A B GRA XX 05 DR A 030105 S2 P00, B1A B GRA XX 06 DR A 030106 S2 P00, B1AB GRA XX 07 DR A 030107 S2 P00, ,  
Proposed, B1A B GRA XX 00 DR A 040100 S2 P01, B1A B GRA XX 01 DR A 040101 S2 P00, B1A B GRA XX 02 DR A 040102 S2 P00, B1A B GRA XX 03 DR A 040103 S2 P00, B1A B GRA XX 04 DR A 040104 S2 P00, B1A B GRA XX 05 DR A 040105 S2 P00, B1A B GRA XX 06 DR A 040106 S2 P00, B1A B GRA XX 07 DR A 040107 S2 P00, B1A B GRA XX B1 DR A 0401B1 S2 P01, B1A B GRA XX 08 DR A 040108 S2 P00, B1A B GRA XX ZZ DR A 040200 S2 P01, B1A B GRA XX ZZ DR A 040201 S2 P01, B1A B GRA XX ZZ DR A 040202 S2 P01, B1A B GRA XX ZZ DR A 040300 S2 P01, B1A B GRA XX ZZ DR A 040301 S2 P00, B1A B GRA XX ZZ DR A 040302 S2 P00, ,

**Case Officer:** Helen MacKenzie

**Direct Tel. No.** 020 7641 2921

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

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;

- o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.
- You must carry out piling, excavation and demolition work only:
- o between 08.00 and 18.00 Monday to Friday; and
  - o not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 3 You must apply to us for approval of detailed drawings (Scales 1:20, 1:5 and 1:1) of the following parts of the development:
- a. Typical facade details at all levels
  - b. Shopfronts. 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 detailed drawings. (C26DB)

Reason:

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

- 4 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 5 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),

- 6 (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)

- 7 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)

- 8 You must not use the roof at fifth floor level annotated as 'maintenance access roof' on plan number B1AB GRA XX 05 DR A 040105 S2 P00 for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance purposes.

Reason:

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

- 9 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: , - the relocation of the access door to the roof garden from the Oxford Street building; , - continuation of the visual screen at fifth floor level (to cover the gap leading to the maintenance access roof). , 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 privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 10 You must not use the roof of the extensions on Duke Street and Oxford Street for sitting out or for any other purposes. You can however use the roof to escape in an emergency. (C21BA)

Reason:

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

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

Reason:

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

- 12 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)

- 13 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing numbers 040100 P01 and 0401B1 P01. You must clearly mark them and make them available at all times to everyone using the stores. (C14FB)

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)

- 14 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application. Photovoltaic panels, , You must not remove any of these features. (C44AA)

## Reason:

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

- 15 The terrace at fifth floor must only be used between 08.00 - 20.00 Monday to Friday not at all on Saturdays and Sundays.

## Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 16 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)

### 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 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.**

- 3 You are advised that pursuant to s177 of the Highways Act 1980, the applicant would require a licence to oversail the public highway. The applicant should contact Jeff Perkins in Highways Planning to progress the application for the oversail of the public highway.
- 4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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.

This page is intentionally left blank

# Agenda Item 3

Item No.
<b>3</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 9 July 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>222 Strand, London, WC2R 1BA</b>		
<b>Proposal</b>	Use of sub-basement to mezzanine floor levels as a public house (Class A4); installation of a new ventilation system, new plant equipment at roof level; and associated internal and external alterations.		
<b>Agent</b>	K D Paine & Associates Ltd		
<b>On behalf of</b>	J D Wetherspoon Plc		
<b>Registered Number</b>	18/01260/FULL and 18/01261/LBC	<b>Date amended/ completed</b>	17 January 2019
<b>Date Application Received</b>	<b>13 February 2018</b>		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Strand		

## 1. RECOMMENDATION

<p>1. Grant conditional permission and conditional listed building consent.</p> <p>2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.</p>
--

## 2. SUMMARY

<p>222 Strand is a grade II listed building located within the Strand Conservation Area, opposite the Royal Courts of Justice. The sub-basement to mezzanine floor levels are a vacant bank (Class A2) and the floors above are in use as barrister chambers (Class B1). The site is within the Core Central Activities Zone.</p> <p>The applicant seeks permission and consent for the use of the sub-basement to mezzanine floor levels as a public house (Class A4), installation of a new ventilation system and new air conditioning equipment at roof level and associated internal and external alterations.</p> <p>These applications were on the published agenda for the Planning Applications Sub-Committee meeting on 11 June 2019 but were withdrawn from the agenda to allow the applicant to correct</p>
---

inconsistencies on the submitted drawings. This has now been done and the applications are reported to committee for decision.

The key issues are:

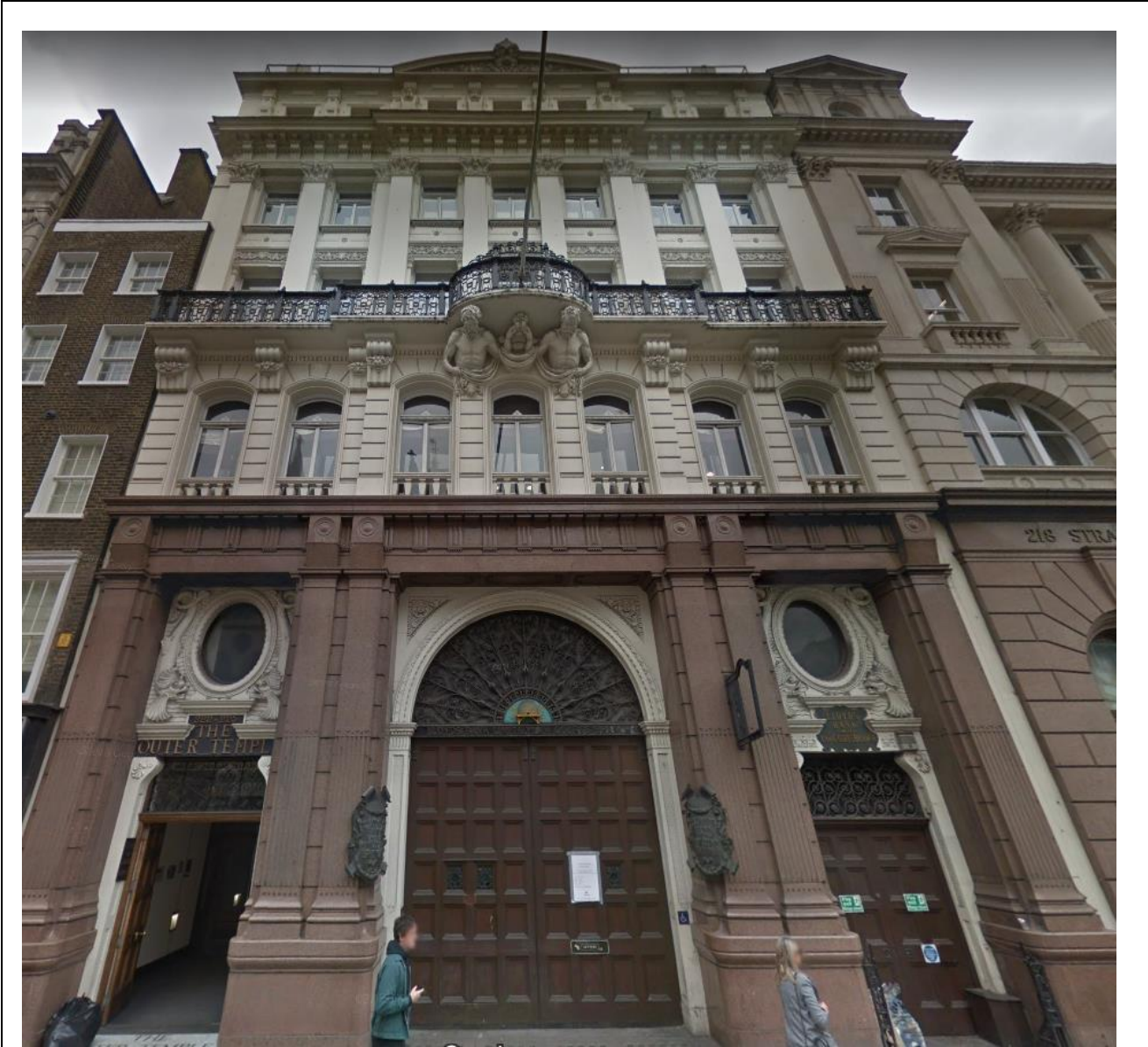
- The impact of the proposed public house upon neighbours' amenity and local environmental quality; and
- The impact of the alterations upon the special interest of the listed building and the character and appearance of the Strand Conservation Area.

As set out in this report, the proposed development accords with the relevant policies in the Unitary Development Plan (UDP), Westminster's City Plan (the City Plan), the London Plan, the New Draft London Plan and the guidance set out in the Mayor's draft Culture and the Night Time Economy SPG. The application is therefore acceptable in land use, design, heritage and amenity terms, and is recommended for approval subject to the conditions set out in the draft decision letters.





4. PHOTOGRAPHS



Front Elevation



Main Hall



**Images of Entrance Vestibule (top) and Basement Vault (bottom)**

## 5. CONSULTATIONS

### WESTMINSTER SOCIETY:

Insufficient information on servicing, opening hours and ventilation.

### HIGHWAYS PLANNING MANAGER:

The applicant will need to submit to the City Council a robust servicing management plan and cycle parking provision should be provided, which should be secured by conditions. No concerns are raised regarding car parking, trip generation and travel arrangements.

### ENVIRONMENTAL HEALTH:

Recommend conditions requiring the proposed air re-circulatory system to comply with WCC guidance document on Kitchen Extracts, and for the proposed plant to comply with WCC standard noise conditions.

### PROJECT OFFICER (WASTE):

The waste and recycling arrangements are acceptable subject to the provision of an on-site waste holding area on the ground floor to avoid bins being left on the public highway before and after waste collections.

### METROPOLITAN POLICE:

Any response received to be report verbally.

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

No. Consulted: 40

No. of replies: 3 letters on behalf of occupiers of upper floors.

Objections received on behalf of Outer Temple Chambers, 222 Strand, summarised as follows:

#### Land use:

- The public house use would be contrary to the development plan which states entertainment uses of this size should only be allowed in exceptional circumstances, and the applicant has not demonstrated these exist in this case.
- The use conflicts with the other uses in the area such as residential, tourism, artistic and cultural uses.
- The letter from a marketing agent to support the applicant's contention the property has been difficult to let contains insufficient evidence and the marketing was not long enough.

#### Amenity:

- The proposal would result in noise disturbance, nuisance and other environmental impacts harmful to residents and other commercial uses, and the applicant has not overcome the Environmental Health Officers Concerns.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

222 Strand is a grade II listed building located within the Strand Conservation Area. This late nineteenth century building is six storeys high, plus two basement levels. The application relates to the sub-basement to mezzanine floor levels, which are a vacant bank (Class A2). The premises were originally built as a restaurant for the Royal Courts of Justice, which are located opposite, but this use was short lived, and the premises have been in use as a bank since 1895. Whilst the exterior is of architectural interest, it is the building's majolica-tiled vestibule by Doulton and the painted tile friezes within the banking hall that are of particular historic interest as well as artistic and aesthetic value.

The building is within the Core Central Activities Zone (Core CAZ). This part of the City is characterised by a mixture of uses including offices, residential, retail, educational and uses associated with the legal profession. The upper floors of the application building are barrister chambers, the building adjacent to the west is retail on ground floor with offices above and the building adjacent to the east is retail on ground floor with four residential flats above. To the rear of the site is 4 Essex Court, within the City of London, which is in use as barrister chambers.

### 6.2 Recent Relevant History

None relevant.

## 7. THE PROPOSAL

The applicant seeks planning permission and listed building consent for the use of the sub-basement to mezzanine floor levels as a public house (Class A4), the installation of a new ventilation system, new air conditioning equipment at roof level and associated internal and external alterations.

Patrons would drink and eat on the ground and mezzanine floor levels, the basements would primarily be back of house areas. The internal alterations include the extension of the mezzanine level over part of the double height main ground floor space, the creation of bars, toilets, a kitchen and other ancillary areas.

Since submission, the applicant has submitted further details including an acoustic assessment and ventilation details and has amended the scheme to provide an air recirculation system for the kitchen.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Bank (Class A2)	2,490	0	- 2,490
Public House (Class A4)	0	2,490	+ 2,490
Total	2,490	2,490	

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Loss of a bank**

Banks provide important services for residents, workers and visitors to the City. However, throughout the country branches have been closing due to an increase in online banking services. Policy SS 5 of the Unitary Development Plan (UDP) relates to the management of shopping and other services within the Core CAZ, it seeks to encourage a balanced mix of appropriate street-level activities and seeks to protect and enhance the attraction of the Core CAZ as a shopping and entertainment destination. It affords no specific protection to banks or other A2 uses. It states that proposals for non-A1 uses must not lead to, or add to, a concentration of non-A1 uses, or cause or intensify an existing over-concentration of A3 and entertainment uses in a street or area.

Between Essex Street and Middle Temple Lane there are 16 ground floor units, nine of which are retail shops (Class A1), three are professional services (Class A2), three are restaurants (Class A3) and one is a public house (Class A4). The loss of the bank would not affect the number of non-A1 uses on the street, but the proposed public house would increase the number of entertainment uses. The policy application section of policy SS 5 states an over-concentration of entertainment uses occurs when the number and size of these uses dominate a street or area and the consequential effects of their operations have a detrimental effect on residential amenity and local environmental quality. Therefore, the loss of bank would be acceptable subject to the acceptability of providing a new public house.

#### **Provision of a public house**

The NPPF supports positive planning for the provision of community facilities including public houses. The London Plan also recognises the important role that public houses can play in the social fabric of communities, meeting local needs, and supporting the night-time economy in the CAZ (London Plan Policies 3.1B and 4.8). The Mayor's Draft New London Plan and draft 'Culture and the Night Time Economy' SPG are also material considerations in planning decisions. These promote the night-time economy, particularly in the CAZ, and state boroughs should support proposals for new public houses, where appropriate (Emerging London Plan Policies HC6 and HC7).

Policy S1 of the City Plan (Mixed Use in the Central Activities Zone) states that within the CAZ the City Council will promote a mix of uses consistent with supporting its vitality, function and character. The justification for policy S1 states mixed use means offices, shopping, entertainment, cultural, social and community and residential uses sharing buildings, streets and localities. The unique and varied use character across the CAZ is fundamental in ensuring the vitality, attraction and continued economic success of Central London.

The objector considers a public house use in this location would conflict with the existing uses in the area. However, a mix of uses, including entertainment uses such as public houses, is appropriate within the CAZ and consistent with the above policy and guidance.

The main land use issue is whether a public house of the scale proposed would accord with requirements of the City Council's entertainment policies.

The proposed public house measures 2,490 sqm (GIA), which constitutes a large entertainment use as defined in Chapter 8 of the UDP. Policy TACE 10 of the UDP states that entertainment uses of this size will only be acceptable in exceptional circumstances. The UDP recognises that larger entertainment uses can have a disproportionate impact on residential amenity and local environmental quality and can contribute to the loss of character, and unacceptably change the function, of an area. They have the greatest potential to generate noise and disturbance in nearby streets and to adversely affect local amenity. However, the Plan acknowledges that there can be considerable variation between the effects of different types of entertainment uses.

The objector does not consider that the applicant has demonstrated that there are exceptional circumstances such to justify this large entertainment use. They contend the use would result in noise disturbance, nuisance and other environmental impacts harmful to residents and other commercial uses.

In allowing a previous appeal against the refusal of permission for an extension to an existing restaurant to create a unit measuring nearly 800 sqm (Appeal Ref: APP/X5990/A/12/2183693 – 34 Grosvenor Square), the Planning Inspector concluded that if the use would not result in any material harm, to residents' amenity and local environmental quality, this in its self was sufficient to constitute exceptional circumstances. The City Council has subsequently adopted this approach in considering proposals for large entertainment uses.

#### *Impact of the proposed use*

The public house would open at 07:00 each day and would close at 00:30 on weekdays and 01:30 on Friday and Saturdays. While the public house would measure 2,490 sqm, the area to be used by pub patrons would in fact be much smaller at approximately 670 sqm (or 27% of the floor area). As a result, the applicant states that the premises would have maximum capacity of 591 patrons, 380 covers). The unit does not benefit from an external area, and therefore patrons wishing to smoke would do so outside the front of the building (no drinking or eating would be allowed outside). There would be no amplified music at the premises.

Policies ENV 6 and ENV 7 of the UDP and policy S32 of the City Plan require developments to contain noise and to demonstrate that any noises emitted by plant and machinery and from internal activities, including noise from music (amplified or unamplified), and human voices, complies with relevant standards. Where appropriate, developments should incorporate design features and operational measures to minimise and contain noise and vibration from developments, to protect noise sensitive properties.

Noise issues of potential concern would be the impact of mechanical plant and the impact of patron/ staff activity inside and outside the premises. The applicant has provided an acoustic report to assess the noise impact. The Council's Environmental Health team have confirmed the report demonstrates that noise from patrons, even at peak times, would not disturb the offices above or residents adjacent as the existing floor and wall construction is sufficient in absorbing sound.



The impacts in terms of noise from plant and the kitchen extract system are discussed in section 8.7 of this report, where it is explained that these elements would not harm the amenity of neighbours or local environmental quality.

In terms of the detailed operation and management of the public house, the applicant has not submitted a formal plan, but they have outlined their procedures for managing the premises. This includes policies on dispersal and neighbourhood relations to ensure patrons do not harm neighbouring residents. The applicant would also operate a no music policy, which will help reduce noise associated with the use, and a condition is recommended to ensure this is the case.

A full Operational Management Plan is recommended to be secured by condition. This plan would have to include acceptable details on, and management of: opening hours and capacity (including peaks of patrons); ingress and egress by patrons; staff arrangements; servicing arrangements; smoking arrangements; maintenance of equipment; and neighbourhood liaison, including details of how complaints would be received and addressed. The operator would then have to adhere to this plan for the lifetime of the public house.

Subject to the above recommended conditions, it is not considered that the development would not have a harmful impact on neighbouring residential and commercial occupiers in the vicinity, and that this constitutes as an exceptional circumstance for the purposes of TACE10.

#### *Impact on the character and function of the area*

The area is characterised by a mixture of uses. Primarily, these are commercial uses including offices and legal uses, as well as retail and entertainment uses such as public houses and restaurants. There are also some residential units in the area. This mixture is characteristic of the Core CAZ, and in this context the proposed public house would not adversely impact on the character and function of the area. The property is located on the busy Strand which is a major thoroughfare in the City, and consequently, the patrons visiting would not result in undue activity in the vicinity. Indeed, it would add to the vibrancy of this part of the City providing a place for workers, visitors and residents alike to drink, eat and socialise.

#### *Other exceptional circumstances*

The applicant has also set out other circumstances which they consider justify the proposals. The applicant notes the property does not benefit from a traditional shopfront which retail operators would normally expect in a retail premise. The building's listed status limits what alterations an owner could realistically make to the building to adapt it to meet the modern needs of retail occupiers. Indeed, the applicant has marketed the property and has received little interest in it, and the marketing agents consider this is due to the lack of an active frontage, restricted layout and limited scope to alter the building.

The applicant notes that these limitations often affect former historic banks, cinemas and theatres which mean it can be difficult to find alternative uses for these buildings. The applicant notes that adapting the space into a public house requires significantly less

alteration than for other uses, and the applicant has experience in adapting historic buildings such as this into public houses. Furthermore, the public house would be a use similar to the premises original intended use as a restaurant.

While the application proposes a large entertainment use, the applicant has demonstrated that there are exceptional circumstances which justify this. The proposal is acceptable in land use terms therefore.

## **8.2 Townscape and Design**

As required by Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the determination of this proposal must pay special regard to the preservation of the listed building and conservation area. This is reflected in the NPPF and by the Council's own policies; in particular to this case, S25 and S28 of the City Plan and DES 1, DES 5, DES 8, DES 9 and DES 10 of the UDP. The Council's 'Repairs and Alterations' SPG is also relevant.

Externally, the proposed works are in connection with new air conditioning units to the main roof level and alterations to a lower roof within a lightwell in connection with the air-recirculatory system. The air conditioning units would be within an existing plant enclosure and so would not harm the character and appearance of the building or area. The other works at lower level are minor and within an enclosed lightwell, and so similarly would not harm the building or area.

Internally, the alterations are more extensive. To provide customer facilities, the basement requires the installation of light-weight partitions within the existing vaulted compartments, but generally the internal plan form and architectural details will be preserved and remain exposed. Similarly, the applicant will require some new openings within the sub-basement, but the applicant would accommodate the service largely within the parameters of the existing structure.

The ground and mezzanine floors, particularly the entrance lobby and banking hall, exhibit significant internal details. These include the decorative tile panels which have various themes including plants and scenes illustrating works by Ben Jonson such as his satirical plays 'Every Man in His Humour', 'The Alchemist', and 'Bartholomew Fair'. While the proposals seek to retain to these, some of the tiles would be obscured and/ or altered to allow the new fittings and partitions. A condition is recommended to ensure that the tiles are retained and conserved.

Of note is the removal of what appears to be contemporary double doors, which would not significantly affect the interior. There may also be a requirement to increase the handrail on the stairs to the first floor. If this proves necessary, a subtle intervention maybe permissible if sensitive to the original fabric and interior design of the building. A condition is recommended to secure details of this.

The proposals also include the installation of a new mezzanine floor within the main hall, occupying approximately half of its floor plan. This work, being a substantial structural intervention, it would have a significant impact on the internal character and fabric of the hall, both physically and visually. However, additional floor space is desirable for additional seating thereby increasing the viability of the unit. The hall exhibits original interior features

which the applicant would retain, the mezzanine would sit above the panelling which exists on the walls and columns, with balustrading spanning between the columns. The overdoors within the main hall would be displaced by the mezzanine floor and so details of its relocation are to be secured by condition. Design details of the mezzanine itself are also to be secured by condition, as are details of its attachment to existing fabric, to ensure its impact is minimalised.

The objector states a heritage statement was not submitted with the application, however one was submitted.

### **8.3 Residential Amenity**

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

The proposed external alterations are limited to air conditioning units within an existing enclosure and minor alterations to a lower level roof. These alterations would not impact on residential neighbours in terms of privacy, overlooking or enclosure. Other impacts, including noise disturbance are discussed in sections 8.1 and 8.7 of this report.

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

#### **Transportation/Parking**

In terms of visitors and staff arriving and departing the site, the Highways Planning Manager has advised that the levels would likely be similar to the previous A2 use. The site is also within a Control Parking Zone which means anyone who does drive to the site would be subject to those controls. In these circumstances, the impact of the public house on car parking levels would be minimal and consistent with policies TRANS21 and TRANS22 of the UDP.

The Highways Planning Manager notes that many trips associated with the site (excluding servicing activity) would be via public transport or other sustainable modes (such as walking and cycling). The provision of cycle parking would help promote cycling, and while the submitted drawings do not show cycle parking, this is to be secured by condition (in line with the London Plan requirements).

#### **Servicing**

Policy S42 of the City Plan and policy TRANS 20 of the UDP state new developments should provide off-street servicing as deliveries and goods left on the highway can create an obstruction to pedestrians and have an adverse impact on the public realm.

This site does not have an off-street servicing area, nor would it be practical to create one. Therefore, the Highways Planning Manager has recommended that a robust Servicing Management Plan be secured by condition. This would need to demonstrate how the proposed development would minimise the impact of the proposed development on the highway network, so as not to have a significantly detrimental impact on other highway

users. This plan will form part of the Operational Management Strategy which will be secured by condition.

### **8.5 Economic Considerations**

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

### **8.6 Access**

The City Plan notes that buildings and spaces must be designed for the needs and convenience of all. There is level access into the building from the street, which allows access into the main hall and bar area. There is also a passenger lift which allows access to the mezzanine floor. Therefore, those with reduced mobility will be able to use the patron areas of the public house which is welcomed.

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

#### **Plant**

There is existing external plant within an enclosure on the main roof of the building, and the proposal seeks to add additional air conditioning units within it. Policy ENV 7 requires the applicant submit an acoustic assessment to demonstrate that the plant operation will comply with noise requirements in relation to the nearest noise sensitive property.

Since submission, the applicant provided an acoustic report which has been assessed by the Council's Environmental Health Officer. Subject to conditions relating to noise and vibration, the new plant would not result in any material loss of amenity.

#### **Kitchen Extract System**

Originally, the applicant proposed the extract system for the new kitchen to discharge at a low level onto Strand through an existing grill. Environmental Health objected to this arrangement. To avoid harmful odours and fumes impacting on neighbours and local environmental quality, the City Council normally requires a full height extract duct to take fumes and odours to a high level. The applicant explored providing this, however they revised the scheme to propose an air-recirculatory system.

Environmental Health advise that subject to certain criteria relating to its operation, this system would ensure that neighbours are not harmed by cooking odours and fumes as it would not discharge odours into the atmosphere. Therefore this is acceptable, subject to conditions to ensure that the operation of this system would be in accordance with the Council's relevant policies and guidance.

#### **Refuse /Recycling**

Refuse would be stored in the basement and transferred to ground level using the lift. The application has been amended to show separate bins for recycling, general waste, food waste and waste cooking oil in accordance with Council protocols.

The waste and recycling arrangements are acceptable subject to the provision of an on-site waste holding area on the ground floor to avoid bins being left on the public highway before and after waste collections.

### **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 draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time

### **8.9 Neighbourhood Plans**

None relevant

### **8.10 London Plan**

This application raises no strategic issues.

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

The City Plan and UDP policies referred to in the consideration of this application are 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 development is not liable to pay CIL.

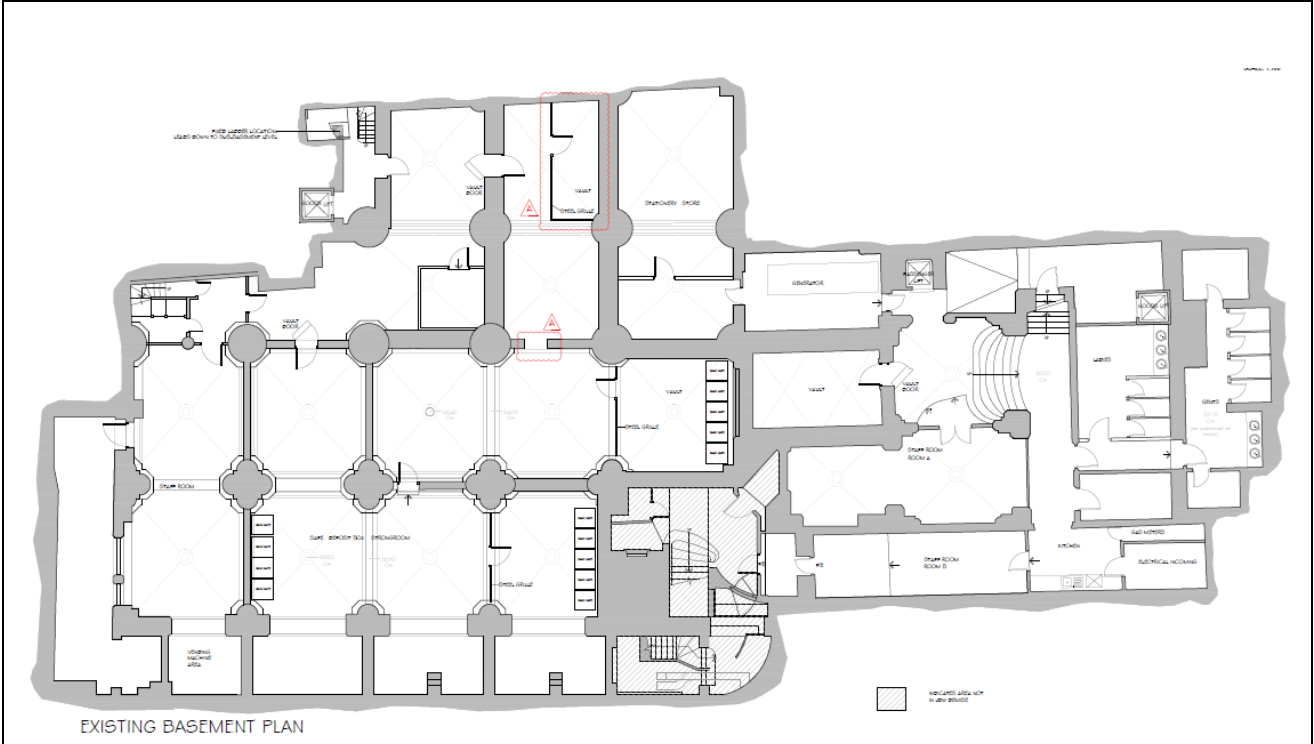
### **8.13 Environmental Impact Assessment**

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

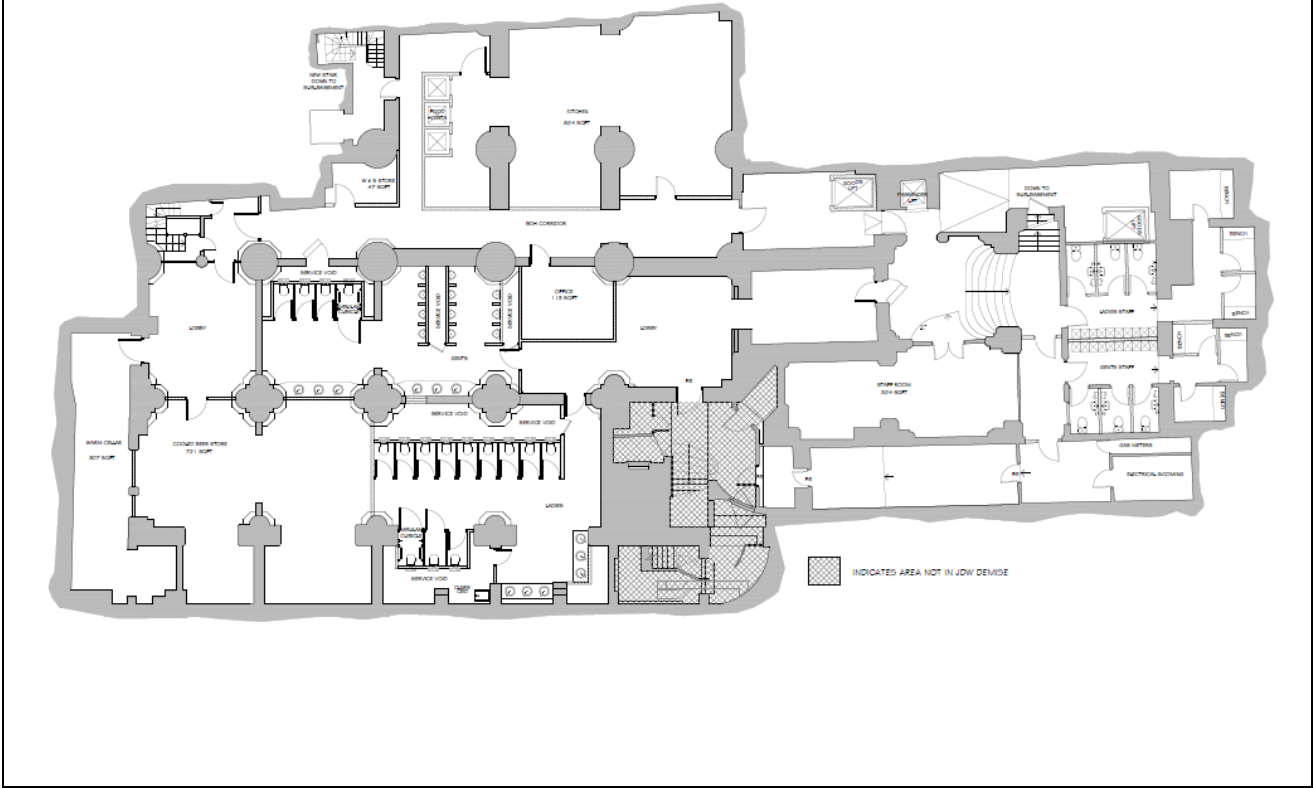
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

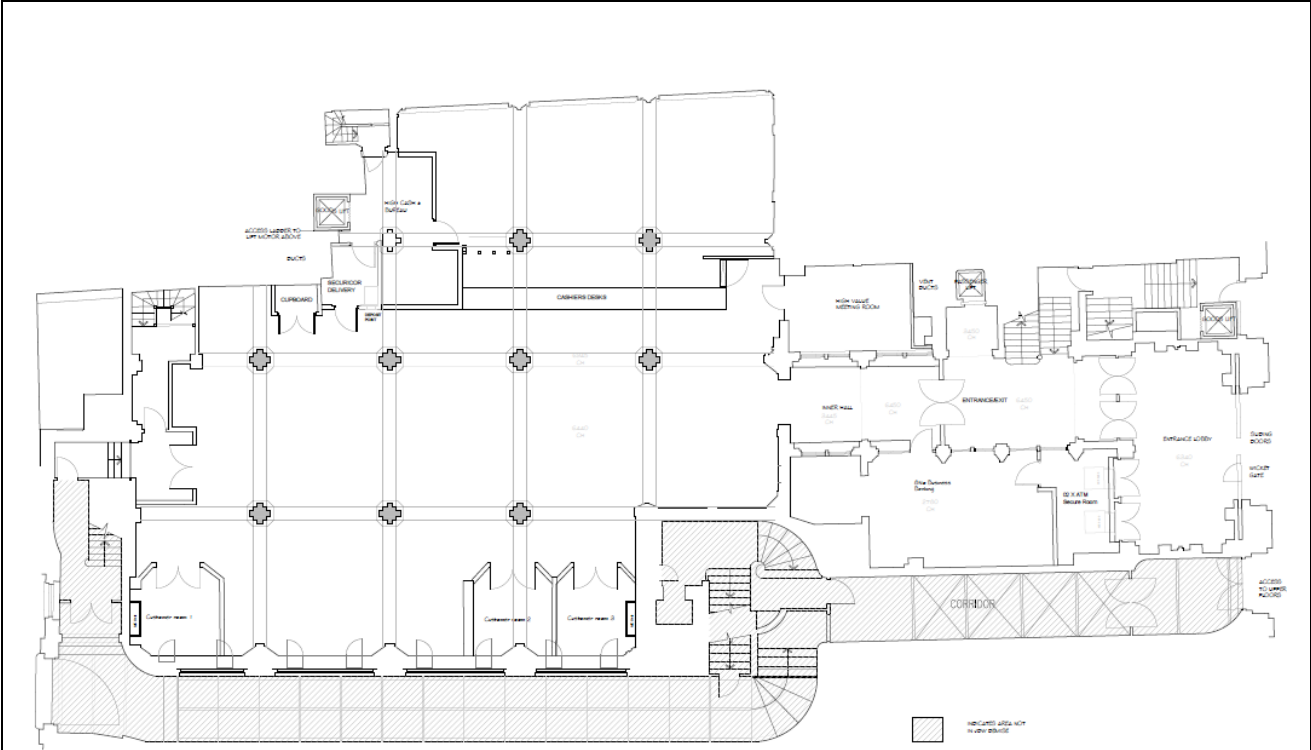
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AMANDA JACKSON BY EMAIL AT <a href="mailto:ajackson@westminster.gov.uk">ajackson@westminster.gov.uk</a>
--



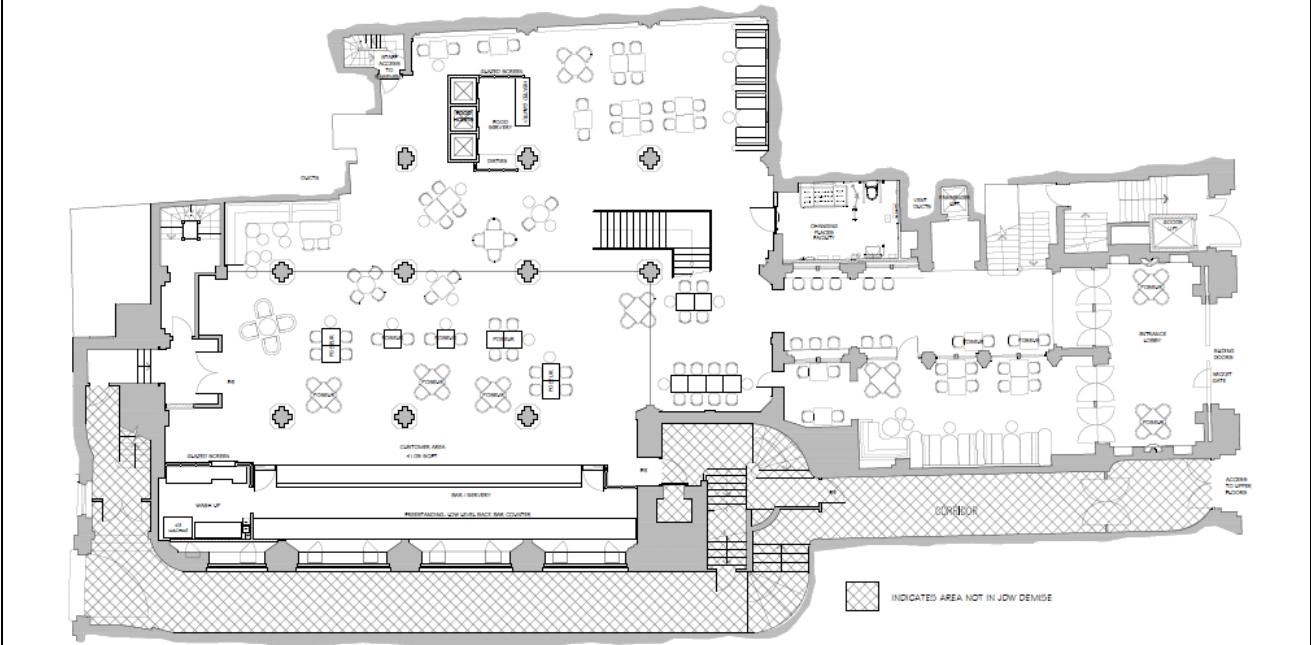


**Existing and Proposed Basement Plan**





**Existing and Proposed Ground Floor Plan**











Images of Proposal

**DRAFT DECISION LETTER – PLANNING PERMISSION**

**Address:** 222 Strand, London, WC2R 1BA

**Proposal:** Use of sub-basement to mezzanine floor levels as a public house (Class A4); installation of a new ventilation system, and new plant equipment at roof level.

**Reference:** 18/01260/FULL

**Plan Nos:** Site Location Plan; PL03 rev A; PL04 rev A; T-101; T-201; T-301; T-401; 100; 101; 102; 103; 106 (Roof Plan); 106 (Sections); PL-620 rev A; T-618; 191; PL103; PL102; PL202; PL203; T303; T302; PL402; PL403.

For Information Only:

Noise Impact Assessment; Policy Position Statement; Design Images; Marketing Letter from CBRE; Design Images; Heritage Statement; Ventilation Statement and Information regarding Reco Air System; Photos.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

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

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

Reason:

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

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

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

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

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

Item No.
<b>3</b>

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 Strand 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 Prior to the Public House opening, you must apply to us for approval of an Operational Management Plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, prevent customers queuing on the street, manage customers who wish to smoke, prevent customers from taking their drinks outside, and manage servicing. With regards to servicing the plan must identify process, internal storage locations, scheduling of deliveries and staffing, and set out how it will be carried out in a sensitive manner to ensure noise and highway impacts are minimised.

You must then carry out the measures included in the approved Operational Management Plan at all times that the Public House (Class A4) is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 5 You must not allow more than 591 customers into the property at any one time.

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)

6 You must not play live or recorded music on your property. (C13IA)

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)

7 Customers shall not be permitted within the Public House premises before 07:00 or after 00:30 on Sunday to Thursday and before 07:00 or after 01:30 on Fridays, Saturdays, and the days before bank holidays and public 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 TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

8 You must not sell any take-away food or drink on the premises and you must not operate a delivery service, even as an ancillary part of the primary Class A4 use.

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)

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 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)

- 10 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)

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



- 12 You must apply to us for approval of details of an on-site waste holding area on the ground floor to avoid bins being left on the public highway before and after waste collections. Prior to the Public House opening, you must provide the holding area on the ground floor and you must provide the separate stores for waste and materials for recycling at sub-basement level shown on drawing numbers PL05 and 191. You must clearly mark them and make them available at all times to staff of the public house.

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)

- 13 You must apply to us for approval of details of secure cycle storage for the Public House 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)

- 14 Prior to the Public House opening, a "Secured by Design" accreditation shall be obtained for the drinking establishment and thereafter all features are to be permanently retained.

Reason:

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

- 15 The kitchen extract ventilation shall be limited to a recirculation system approved by the Local Planning Authority and all cooking and reheating of food within the premises shall operate by electricity only and not by gas or solid fuels such as coal or wood.

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)

- 16 The re-circulation 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)

- 17 Following installation of the recirculation plant and equipment hereby approved, you are required to submit a supplementary report for our approval before the use of the premises as a public house commences. 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.
- (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 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)

**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, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@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 may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 4 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk).

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 – LISTED BUILDING CONSENT**

**Address:** 222 Strand, London, WC2R 1BA

**Proposal:** Use of sub-basement to mezzanine floor levels as a public house (Class A4); installation of a new ventilation system, and new plant equipment at roof level; and extensive internal alterations.

**Reference:** 18/01261/LBC

**Plan Nos:** Site Location Plan; PL03 rev A; PL04 rev A; T-101; T-201; T-301; T-401; 100; 101; 102; 103; 106 (Roof Plan); 106 (Sections); PL-620 rev A; T-618; 191; PL103; PL102; PL202; PL203; T303; T302; PL402; PL403.

For Information Only:  
Design Images; Heritage Statement; Ventilation Statement and Information regarding Reco Air System; Photos.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

**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 Strand 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)

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

Reason:

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

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

- i) Full design and structural details of the mezzanine, including sections, elevations and details of fixings.

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

Reason:

To 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

Item No.
<b>3</b>

Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

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

i) Any alterations to the original staircase in connection with providing additional fall protection.

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

Reason:

To 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 You must not disturb existing original tiles and panelling unless changes are shown on the approved drawings.

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)

9 Notwithstanding what is shown on the drawings, you must apply to us for approval of details to show how all the decorative tile panels in the double-height area (previously use as a banking hall) are to be retained and conserved, and details of a proposal for the conservation and relocation of the overdoors that would be displaced by the mezzanine floor, and details of a proposal for the conservation and relocation of any decorative tile and associated timber panelling that would otherwise be obscured by new internal fittings and partitions in the double-height area.

All the items to be conserved and relocated must be refixed in new locations in the double-height area and be retained as such. You must complete the works according to the details we have approved and you may not commence the use of the premises until the overdoors and decorative tiles and panels have been conserved and relocated in accordance with the details we have approved.

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)

- 10 Notwithstanding anything shown on or implied by the drawings we have approved, you must not paint any of the polished timber joinery. You must retain it with its current finish.

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)

- 11 You must apply to us for approval of details (scale 1:20 and 1:5) of the following parts of the development:

i) Full design details of new furniture, fittings and fixings that are fixed to or directly abut original decorative features, including sections, elevations and details of fixings and or protection to original decorative features.

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 where new furniture, fixtures or fittings are proposed to abut or be fixed to original decorative features

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)

**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

Item No.
<b>3</b>

Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
- \* any extra work which is necessary after further assessments of the building's condition;
  - \* stripping out or structural investigations; and
  - \* any work needed to meet the building regulations or other forms of statutory control

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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



# Agenda Item 4

Item No.
----------

4
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 9 July 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>74 - 76 Prince's Square, London, W2 4NY,</b>		
<b>Proposal</b>	Use of the building to a 35 room elderly care facility specialising in dementia (Use Class C2), creation of balcony on the rear elevation at first floor level, alterations to the fenestration to match the new internal floor levels, the installation of ramp from the ground floor to the garden. Alterations to roof including insertion of kitchen extract. Installation of a new refuse store, plant enclosure, and bicycle store in the rear garden, new hard and soft landscaping to the garden and all other associated works. Insertion of louvres on front elevation at basement level to serve plant equipment.		
<b>Agent</b>	CBRE Planning & Development Team		
<b>On behalf of</b>	FREP3 (Princes's Square) Limited		
<b>Registered Number</b>	19/00868/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>	Bayswater		

## 1. RECOMMENDATION

Grant conditional permission.
-------------------------------

## 2. SUMMARY

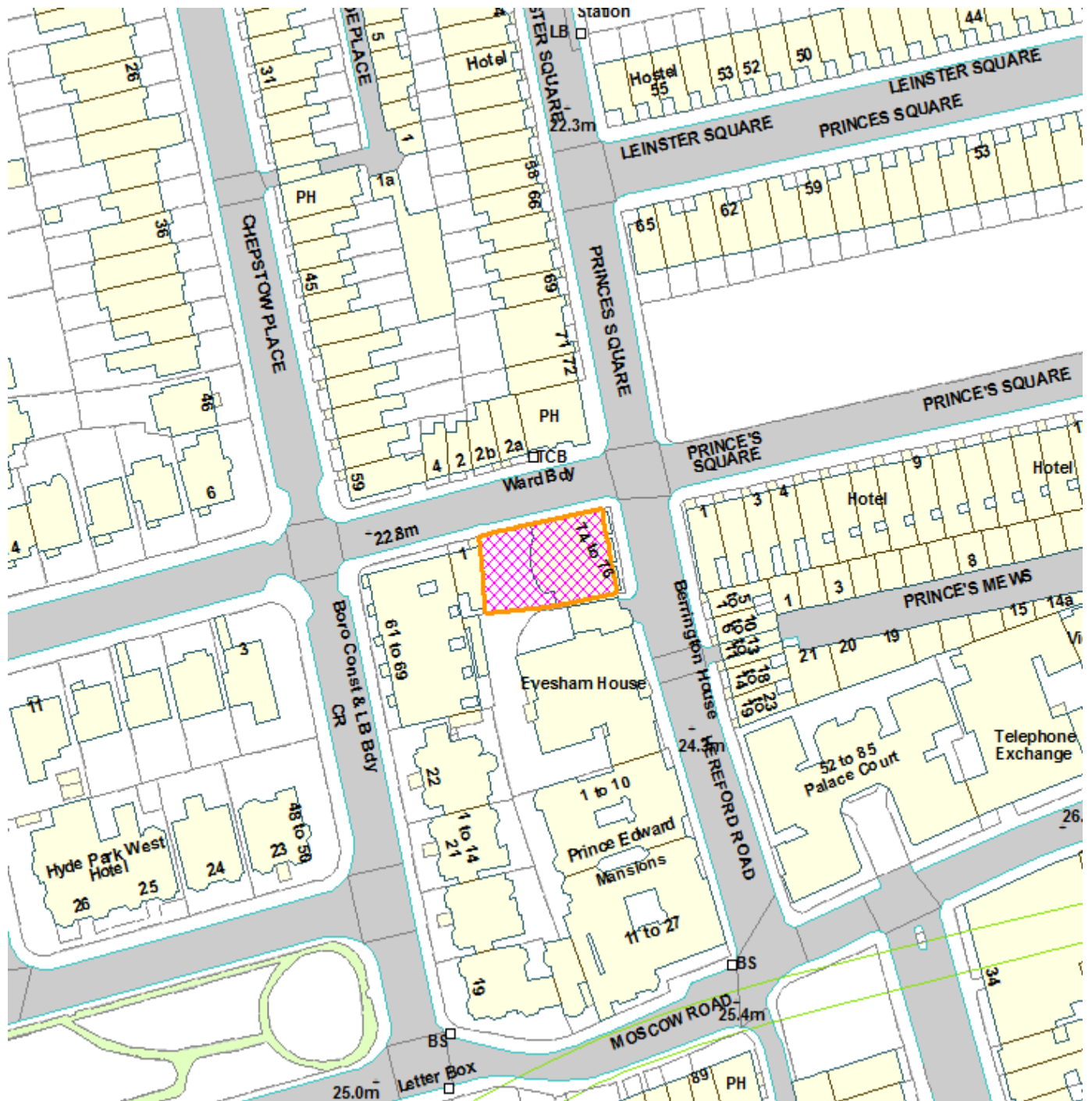
<p>The building is an unlisted six storey building located within the Bayswater Conservation Area and currently divided into 38 serviced apartments. The proposal is to convert the application site into a 35 room elderly care facility specialising in dementia (Use Class C2) with associated external works including the installation of plant equipment.</p>
---

<p>The key issue in this case is the impact of the proposal on the amenity of occupiers of the neighbouring and adjoining residential properties.</p>
---

<p>The proposal is considered to accord with the relevant land use, design and amenity policies in the City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP). The application is therefore recommended for approval, subject to the</p>
---

conditions set out in the draft decision letters appended to this report.

3. LOCATION PLAN



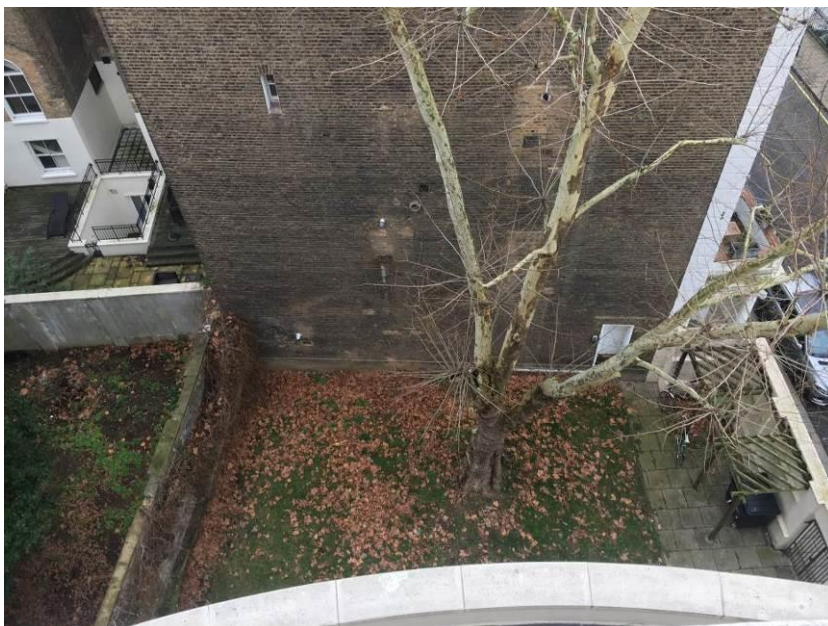
4. PHOTOGRAPHS



Front and Side Elevations



Rear Elevation



**Rear Garden**



**View of the site from the rear window of a flat at Chepstow Place**

## 5. CONSULTATIONS

### 5.1 Consultation on Originally Submitted Scheme (February 2019)

#### WARD COUNCILLORS FOR LANCASTER GATE

Any response to be reported verbally.

#### BAYSWATER RESIDENTS ASSOCIATION

The residents' concerns are principally about the fear of noise and disturbance from a more intensified use of the premises. The applicant's noise report leaves open questions about the type of ventilation ducts where they will be sited and noise levels from a large kitchen and bins and cycle store located in the rear garden and how noise associated with the proposed use will be controlled. There is concern about potential increased noise and disturbance from patients suffering from dementia. The applicant should clarify how these issues will be addressed.

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

#### METROPOLITAN POLICE DESIGNING OUT CRIME OFFICER:

It is considered that crime prevention and community safety are material considerations for the proposal. Conditions are recommended that require the applicant to achieve a 'Secured by Design' accreditation.

#### NHS CENTRAL LONDON:

Any response to be reported verbally.

#### ADULT & COMMUNITY SERVICES

Any response to be reported verbally.

#### HIGHWAYS PLANNING MANAGER

No Servicing Management Plan has been provided. It is unclear how servicing would be managed in such a way as to minimise the impact on other highway users and be undertaken in a safe manner.

The applicant is proposing significant changes to the on-street layout in Dawson Place to accommodate a dedicated ambulance bay, but no evidence of need has been submitted. In addition, the applicant has also not justified the type of traffic order proposed, as opposed to other more common restrictions such as Double Yellow Line.

Provided that the residents of the proposal would not own their own vehicles, it is considered that the proposal would not increase the parking stress levels in the surrounding area.

#### WASTE PROJECTS OFFICER:

Objection to the proposal as details of the bin capacities for storage of general waste, food waste, clinical waste and recyclable materials were not provided.

#### ENVIRONMENTAL HEALTH OFFICER:

The design is reasonable and practicable to enable suitable internal noise levels to be achieved so that future residents have an appropriate standard of accommodation.

**ARBORICULTURAL OFFICER:**

It should be possible to undertake the proposed works without harm to the trees provided suitable precautions are taken. Pre-comment conditions are recommend to secure a tree protection method statement as well as details of the construction of the ramp and terrace as well as the other gardens structures.

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

No. Consulted: 458

Total No. of replies: 26

No. of objections: 22

No. in support: 3

No. neutral: 1

The objections concern the following issues:

- The proposed dementia care home would cause the occupiers of neighbouring and adjoining residential properties to suffer a material loss of amenity as a result of noise and disturbance. There is potential for loud outbursts of noise by the patients. As the facility is open for 24 hours a day there would be the potential for noise generation throughout the night. The noise from ambulance pick up and drop offs, noise generated by delivery and servicing, the noise that would escape from open windows on the application site, the noise from people using the balconies, the noise from people using the bicycle and the refuse storage facilities, and the noise that would be generated by residents using the garden are all of concern.
- Noise from the proposed plant equipment would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of noise pollution.
- The decked terrace to the rear with an access ramp to the garden would mean more noise in comparison to the existing use, especially in the warmer months, as residents would make use of the terrace and garden.
- The accuracy, scope, and methodology of the Noise Impact Assessment has been questioned.
- The exhaust fumes from the proposed large kitchen would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity from odour 24 hours a day.
- The proposed bin store shall contain both domestic and medical waste. This could create odour and encourage vermin.
- The proposal is inconsistent with the residential nature of the surrounding buildings. A rural setting or a much larger site would be more appropriate for a dementia care home than this relatively small site located within an urban, heavily populated area.
- The existing care home at Chelsea Court Place that is cited by the applicant in the supporting documentation as an example facility. It is however a facility for a maximum of 15 residents and is on a busy high street so therefore it is not a valid comparison.
- Dementia suffers experience behaviour changes, which includes losing inhibitions. These behaviour changes would be distressing both for the dementia suffers and local residents.

- The creation of two new balconies on the rear elevation at ground and first floors will result in a further loss of privacy for residents of neighbouring and adjoining properties as a result of overlooking.
- The change from an apartment hotel, with occasional occupancy, to a full-time care home means that there will be residents overlooking neighbouring and adjoining properties 24 hours a day, 365 days a year.
- The new refuse store, plant enclosure, and bicycle store will all reduce garden/open space which is detrimental to the environment, wild life (birds) and air quality.
- The increased volume of deliveries and collections to and from the application site would impact on the safety of pedestrians, particularly as the pavement is very narrow due to the street trees.
- The neighbour consultation letters arrived late and some letters did not arrive at all. They arrived during the school holidays when many residents were away so therefore they did not have the opportunity to submit comments before the consultation deadline.

The comments in support concern the following issues:

- Dementia is a growing problem in Westminster as the population becomes older, and care homes like the one proposed are much needed amenities. Local GPs consider the proposal to be an asset for the community rather than a threat to the peace of the neighbourhood.
- The Chelsea Court Place dementia care facility that is operated by the applicant is run with the utmost professionalism. The existing home has a very calm and dignified ambience.
- The proposed premises will be run well and ethically. It would cause no detriment to the amenity of the neighbourhood. The applicant provides a high ratio of carers to patients and often one to one care, so it is very unusual for patients to be tormented or upset and scream out loud or cause other disturbances. The staff are all specially trained to handle patients' concerns and give them time and understanding to avoid causing any agitation.

The neutral comment concerns the following issue:

- The application documents make no mention of the proposed two mansard windows in the top floor of the property, which would overlook properties to the south. If approved, it should be enforced that these windows are obscure glazed.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 5.2 Consultation on Revised Scheme (May 2019)

### Amendments included:

- Relocation of proposed plant equipment. Insertion of louvres on front elevation at basement level. Insertion of kitchen extract duct at roof level.
- Amended Noise Impact Assessment
- Amended Transport Statement
- Operational Management Plan submitted
- Details of the proposed bike and bin stores provided
- Removal of proposed third floor balcony at rear



- Removal of proposed Juliette balconies at first floor level at rear
- Proposed Fifth floor level rear extension removed

**WARD COUNCILLORS FOR LANCASTER GATE**

Any response to be reported verbally.

**BAYSWATER RESIDENTS ASSOCIATION**

Any response to be reported verbally.

**SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION**

Any response to be reported verbally.

**METROPOLITAN POLICE DESIGNING OUT CRIME OFFICER:**

Any response to be reported verbally.

**NHS CENTRAL LONDON:**

Any response to be reported verbally.

**ADULT & COMMUNITY SERVICES**

Any response to be reported verbally.

**HIGHWAYS PLANNING MANAGER**

No objections with regards to cycle parking, car parking or trip generation.

A Servicing Management Plan (SMP) that demonstrates how the servicing for the proposed development would minimise the impact on the surrounding highway network is required and can be secured through a pre-commencement condition.

**WASTE PROJECTS OFFICER:**

No objection

**ENVIRONMENTAL HEALTH OFFICER:**

No objection. Conditions are recommended concerning restricting levels of noise and vibration from the proposed plant equipment. Conditions are also recommended to ensure that the design and structure of the development shall be of such a standard as to prevent noise transference from the proposed care home to neighbouring properties and also to prevent external noise transference into the care home.

**ARBORICULTURAL OFFICER:**

Any response to be reported verbally.

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

No. Consulted: 458

Total No. of replies: 8

No. of objections: 7

No. in support: 1

The objections concern the following issues:

- The amenity impact on neighbours from noise and disturbance from the proposed use, particularly the impact of the proposed plant equipment and the bike store.
- The accuracy, scope, and methodology of the Noise Impact Assessment has been questioned.
- The proposal would result in the loss of accommodation for working people and families.

The comments in support concern the following issues:

- The need for care facilities for the elderly.
- The noise impact of the proposal has been exaggerated.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The building is an unlisted six storey building located within the Bayswater Conservation Area and currently divided into 38 serviced apartments.

The application site is adjoined by residential flats. The properties in the wider area are primarily either in residential or hotel use.

### 6.2 Recent Relevant History

16/01573/FULL

Conversion of 26 serviced apartments within part of the building to form 17 residential units. Installation of new French doors and new cycle parking and refuse stores in the ground floor courtyard and installation of balustrade to front dormer windows and existing terrace at rear fourth floor.

Application Permitted                      24 May 2016

## 7. THE PROPOSAL

Planning permission is sought for the use of the building as a 35 room elderly residential care home specialising in dementia (Use Class C2), alterations to the fenestration to match the new internal floor levels, the installation of a new ramp from the ground floor to the garden. Installation of a new refuse store, plant enclosure and bicycle store in the rear garden, new hard and soft landscaping to the garden and other associated works is also proposed. Alterations to the roof including insertion of a kitchen extract and the insertion of louvres on the front elevation at basement level to serve plant equipment is also proposed.

**Table 1 – Existing and Proposed Floor Areas**

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Serviced apartments	1931	0	- 1931
Care home for elderly people with Dementia (Use Class C2)	0	1823	+1823

Total	1931	1823	-108
-------	------	------	------

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The proposal is to convert the application site from serviced apartments to an elderly residential care home specialising in care for dementia. 24 hour care will be provided to all residents with a staffing ratio of 2 residents to 1 member of staff. The rooms are provided on a monthly/weekly fee basis and not sold to residents as individual units. The proposed units do not have self-contained facilities for cooking and the care home has shared facilities such as lounges, dining rooms, and a treatment room. For these reasons, the proposed care home is considered to be in class C2 use as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).

The London Plan 2016 (MALP) Policy 3.17 (Health and Social Care Facilities) supports the provision of high-quality health and social care appropriate for a growing and changing population, particularly in areas of under provision or where there are particular needs.

The relevant City Council policies for this proposal are the H 3, H 4, and SOC 4 of the UDP (2007) S14, S15 and S16 of the City Plan (November 2016).

Policy S15 states that specialist housing floorspace will be protected. Serviced apartments are not a form of specialist needs housing that are afforded protection by the City Council's policies. Permission was granted for the conversion of the application site into 17 residential units on 24 May 2016 under application RN: 16/01573/FULL. For these reasons, the loss of the serviced apartments is considered to be acceptable in principle.

Policy S15 states that provision of specialist housing will be allowed where this would contribute towards meeting local housing needs. The Dementia Joint Strategic Needs Assessment (2015) was prepared by Westminster City Council (WCC), Royal Borough of Kensington and Chelsea (RBKC) and the London Borough of Hammersmith & Fulham (LBHF). The Assessment (2015) outlined that WCC has anticipated the percentage increase in the number of people at risk from dementia as being 45% from 2015-2030. This is primarily due to the aging population. It recommends that treatment and care service provision will need to expand proportionately.

Published rates of care home bed provision have identified an average rate in England of 114 beds per 1,000 population aged 75 and over. The provision of care home beds within WCC is just 36 beds per 1,000 population aged 75 and over. This is the lowest figure in England emphasising the relative lack of facilities within Westminster. It is considered that there is a need for dementia care facilities within Westminster and the proposal contributes towards meeting this need.

The supporting text of policy SOC 4 of the UDP states that when it considers development proposals, the City Council will balance the need to meet demand for health services against the effect of the proposals on the surrounding area and nearby

activities. Objections have been received stating that due to its close proximity to neighbouring residential properties, the application site is an inappropriate location for a care home for the elderly and instead the care home should be located in a less densely populated area. However, the City Council considers that the proposal enables residents to remain living within the City of Westminster. The amenity impact of the proposal shall be addressed later in the report.

For the reasons stated above the proposed change of use from serviced apartments to a care home for the elderly is considered acceptable in principle.

## 8.2 Townscape and Design

Paragraph 184 of the NPPF (2018) states heritage assets "should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

In the exercise of planning functions, the City Council must pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas as set out in Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The relevant policies for consideration the proposal are DES 1, DES 5, DES 6, and DES 9 in the adopted Unitary Development Plan 2007, and S25 and S28 set out in the adopted City Plan 2016.

The building on the application site was erected in the 1990s. While it has no great architectural significance, it does appear in harmony with the existing historic buildings in this section of the Bayswater Conservation Area.

Louvres are proposed to be inserted beneath three of the basement level windows on the front elevation to serve the plant equipment. The existing windows directly above, including the window sills, are to be left unaltered. Louvres on the front elevation at basement level are not a characteristic of buildings in the Bayswater Conservation Area. It should be noted however, that the proposed louvres are not easily visible from public views within the conservation area. They can only be seen when standing directly next to boundary railings and looking into the front lightwell. Positioning the louvres in this location has a public benefit because it prevents the installation of excessive amounts of plant equipment in the rear garden, where it could cause the occupiers of neighbouring residential properties to suffer a material loss of amenity as a result of noise and disturbance. In addition, the plant equipment is needed to offer residents of the proposed use an appropriate level of care. Due to their size and position, the proposed louvres, are considered to cause less than sustainable harm to the character and appearance of the conservation area. The harm caused is considered to be outweighed by the public benefit of helping to facilitate the use of the building in a way that meets an important local need without negatively impacting the amenity of neighbouring and adjoining occupiers.

The new lift overrun to roof level has a low profile and rises to a similar height as the existing upstand at roof level. The proposed kitchen extract is small in size and

sensitively located. For these reasons, the proposed alterations to the roof are not considered to appear incongruous on the application site.

The alterations to the windows and doors are in line with the character of the building and subject to conditions concerning their detailed design they are considered acceptable.

To the rear garden, the proposed refuse store and the proposed bike store are set behind the boundary wall and would not be visible from street level as the garden gate is being replaced with a solid timber gate. They are similar in scope to the stores approved under application RN: 16/01573/FULL. Both stores are to be timber clad, which is considered to be appropriate to the architectural significance of the Bayswater Conservation Area. The proposed air handling units are located within the rear lightwell so therefore they will not be readily visible from public or private views within the conservation area. Details of the design of the plant enclosure design shall be secured through condition.

The proposed rear terrace and hardstanding in the garden would not visually over dominate the rear of the property and a significant amount of the garden lawn would remain so therefore these works are considered acceptable in design terms.

There is an existing terrace with a high parapet at the rear at first floor level. A glass balustrade will be added to to the parapet to increase resident's safety. Due to its height and the fact that it is transparent, the proposed balustrade is not considered to add visual clutter to the application site.

The Metropolitan Police has recommend that the proposed use achieves a 'Secured by Design' accreditation, which is discussed later in the report. The external works to the site required to achieve this are CCTV, lighting, and non-climbable entrance gate for the rear garden. To ensure that these works are not harmful to the character of the conservation area, details of their design shall be secured through condition

For the reason stated above the proposal is considered acceptable and in line with City Council policy and guidance. The recommendation is considered in line with the statutory duties set out in s.66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF (2018).

### **8.3 Residential Amenity**

Polices ENV5, ENV6, ENV7, ENV 10, ENV 13 and SOC 4 of the UDP and S29, S31, S32 of the City Plan seek to protect residential amenity and environmental quality.

Policy S29 states that the City Council will resist proposals that result in an unacceptable material loss of residential amenity.

The applicant has submitted an Operational Management Plan (OMP) that sets out how the care home will be run with particular regard to neighbour amenity. Compliance with the OMP shall be enforced through condition.

The application documents contain references to the existing care home run by the applicant at Chelsea Court Place. Objectors state that as the care home at Chelsea Court Place is smaller in size and in a busier location, it is not a valid comparison in terms of the amenity impact. It should be noted however, that the City Council has assessed the current proposal on its own merits

#### Noise and Disturbance

Policy ENV 6 requires that where a development adjoins other buildings the applicant should demonstrate that the development will be designed and operated to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties. The supporting text of this policy lists the noise sensitive properties that are to be protected. These include all residential properties and hotels.

Objections have been received stating that the behaviour of the dementia suffers occupying the site would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of noise and disturbance. It should be noted however, that a high standard of care is to be provided on the application site, with a ratio of one member of staff for every two patients. Staff take responsibility for ensuring residents experience comfort 24 hours a day and do not become distressed and exhibit the types of behaviour that would disturb the occupiers of neighbouring properties. In addition, it shall be enforced through condition that the design and structure of the development shall be of such a standard that it will protect residents within adjoining buildings from noise and vibration from the care home use.

Concern was also expressed that the installation of the ramp would increase the amount of noise and disturbance generated from the garden. It is not considered however, that the creation of the ramp would increase the amount of space in the garden to such an extent that it would materially increase the number of people who could use it. Concern was also expressed about the noise and disturbance from the balconies on the application site. The scheme has been amended so that the proposed third floor level rear balcony and the proposed first floor level rear Juliette balconies have been removed from the scheme. A small first floor level terrace is proposed and the existing fifth floor level balcony is retained. When using the outdoor amenity spaces, residents will be accompanied at all times by carers, so therefore there would be no material noise impact on neighbour amenity.

Objections have been received stating that the use of the proposed bike store early in the morning and late at night would cause the occupiers of nearby residential properties to suffer a material loss of amenity from noise and disturbance.

However, within the Operational Management Plan there are measures to prevent this. The measures are as follows:

- Access to the bike store will be restricted outside the hours of 7am and 7pm.
- The bike store will be monitored and kept tidy by the management team on a daily basis to ensure that any bikes can be easily accessed to avoid any undue noise and disturbance.

- A sign will be attached to the door of the bike store which reminds people to be quiet when accessing the bike store.

These measures are considered to be reasonable and practical and would address the amenity issue.

Policy ENV7 requires that the applicant demonstrates that any proposed plant and machinery will be designed and operated so that any noise emitted will achieve the necessary standards in relation to the existing external noise level at the nearest noise sensitive properties.

There is proposed plant equipment located in the rear garden, plant located internally at basement level that vents through louvres on the front elevation, and a kitchen extract at roof level. The applicant submitted a Noise Impact Assessment by RBA Acoustics Reference: 9109.RP01.EBF.4 rev. 4 dated 13 May 2019. The accuracy, scope, and methodology of the Noise Impact Assessment have been queried by objectors. The Environmental Health Officer has appraised the Assessment, paying regard to the queries from objectors, and has found no issues with it. The Environmental Health Officer considers that the proposal complies with the criteria set out in ENV 7. Conditions to control noise and vibration levels have been recommended. For these reasons it is considered that the proposed plant machinery would not cause the occupiers of neighbouring and adjoining noise sensitive properties to suffer a material loss of amenity from noise and disturbance.

Objections have been received on the grounds that noise and disturbance from ambulances coming and going from the application site would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity. A high level of care would be provided on application site and the number of residents is not so great that the frequency of ambulance visits would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity.

For the reasons stated above, it is considered that the occupiers of neighbouring and adjoining properties would be protected from noise and disturbance 24 hours a day.

#### Odour

Policy ENV 5 promotes measures to reduce the emission of odours from developments. Policy S31 requires that developments will minimise emissions of air pollution from both static and traffic generated sources.

The proposed kitchen extract system is located at roof level. The Environmental Health Officer considers that due to its design, height, and position, the proposed kitchen extract system would not cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of odour.

Objections have been received concerning odour and the risk of vermin from the proposed bin store because it contains both domestic and clinical waste. The proposal has been amended so that the clinical waste is now stored internally at basement level. The domestic waste is stored in the rear garden, but it is considered to be suitably secured and collections are frequent enough, that it would not cause the occupiers of

neighbouring and adjoining properties to suffer a material loss of amenity as a result of odour and nor would vermin be attracted to it.

#### Privacy

Due to their size, height and position, the level of overlooking from the proposed rear elevation windows is no worse than what is existing. The proposed first floor terrace would overlook the front elevation windows of the properties on Dawson Place and any overlooking of the rear elevation windows at Chepstow Place would be at a significant distance and indirect, so therefore it does not cause neighbours to suffer a material loss of privacy.

An objection has been received stating that the existing use is only occasionally occupied, but the proposed use will be fully occupied so therefore there will be a material increase in the amount of overlooking of neighbouring properties. It is considered however, that there is no reason why the existing use could not be fully occupied and the number of people occupying the proposed use would not increase to such an extent that neighbours would experience a material loss of privacy.

#### Sunlight and Daylight and Sense of Enclosure

Due to their size, height, and position, the proposed structures in the rear garden are not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of a loss of daylight/sunlight or a sense of enclosure, and nor would they have an overbearing impact on these properties.

### **8.4 Transportation/Parking**

#### Cycle Parking

The draft London Plan requires 1 space per 5 FTE staff (long stay) plus 1 space per 20 (short stay) bedrooms for care homes/Secure accommodation. For the 35 C2 units within the site, this would equate to a total of 12 cycle parking (9 long stay and 3 short stay) spaces. A total of 12 cycle parking spaces are proposed within the site so the requirement has been met.

#### Trip Generation

It is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (e.g. walking, cycling). Trip generation modelling indicates that the proposed development will not have a significantly detrimental impact on the safety or operation of the highway.

#### Travel Plan

Given the sites proposed uses and location, a travel plan is not required.



### Car Parking

TRANS 21 of the UDP is relevant. The proposal is considered to be in C2 use rather than C3 use so therefore policy TRANS23 of the UDP is not relevant. Given the nature of the proposed use the occupants would not own cars so therefore the proposal would not materially increase on street car parking stress in the surrounding area.

### Servicing

The relevant policies are S41, S42, of the City Plan and TRANS3 and TRANS20 of the UDP.

Policies S42 and TRANS20 require new developments to be provide for on-site servicing. The Transport Assessment indicates that all will occur on-street, on the opposite side of the carriageway to the site. This means goods (including food and laundry) will need to be transported across the carriageway to the site.

The applicant has provided an Operational Management Plan which contains some servicing information. While the information that is provided is helpful it does not demonstrate that that servicing (including the transfer of deliveries) would be managed in such a way as to minimise the impact on other highway users and be undertaken in a safe manner. An objection has been received from a neighbour concerning the highways safety impact of the servicing. For these reasons, it is necessary for the applicant to submit for assessment and approval a Servicing Management Plan (SMP) that demonstrates how the servicing for the proposed development would minimise the impact on the surrounding highway network, so as not to have a significantly detrimental impact on other highway users. The applicant has agreed for an SMP to be secured as a pre-commencement condition.

## **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

## **8.6 Access**

There are no concerns related to access of the site.

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

### Refuse/Recycling

The relevant policies are in S44 of the City Plan and ENV 12 of the UDP.

There is no objection to the proposed storage arrangements for waste and recyclable materials in the rear garden or the clinical/medical waste storage in the basement. The storage arrangements are in line with the requirements of the City Council. In order to ensure the continued provision of waste and recycling storage for the facility, it shall be enforced through condition that the stores are maintained in the positions shown on the approved plans throughout the lifetime of the development.

## Trees

As the site is in a conservation area the relevant policies are S25, S28 and S38 of the City Plan and DES 1 (A), ENV 16 and ENV 17 the UDP.

There is a mature London plane (T3) growing within the rear garden that is covered by Tree Preservation Order No. 283 (1980). The Arboricultural Officer expressed concern that the proposal would create a significant increase in hard surfacing within the tree's Root Protection Area (RPA) and there is potential for damaging activity both from individual and cumulative elements. Details of the foundations of the proposed structures (bike store, bin store, condenser enclosure, terrace and ramp) and details on how the existing and proposed hard surfacing will link together and the type of hard surfacing (to allow water infiltration) must be submitted for approval before works commence. In addition, details of a method statement explaining the measures that will take to protect the trees on and close to the site shall be secured through a pre-commitment condition. The applicant has agreed to these pre-commencement conditions.

An objection has been received stating that the proposal would reduce the garden/open space on the application site which is detrimental to the environment, wild life and air quality. It is considered however, that as the proposal retains both the mature London plane and a significant proportion of the lawn, the proposal would not have a material negative ecological impact on the application site or the wider area.

### **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 draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this 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 pre-commencement conditions to secure the applicant's adherence to the provision of a tree protection method statement, the construction details of the structures in the rear garden, and a Servicing Management Plan. The applicant has agreed to the imposition of these conditions.

### **8.11 Planning Obligations**

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

### **8.12 Environmental Impact Assessment**

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

### **8.13 Other Issues**

#### Crime and security

Policy S29 of the City Plan concerns minimising opportunities for crime.

The Metropolitan Police have commented that the proposed use should gain a 'Secured by Design' accreditation before first being occupied. A meeting was held with the Metropolitan Police and the applicant, and it was established that a 'Secured by Design' accreditation can be achieved for the use. The external works required to the site to achieve this are CCTV, lighting, and non-climbable entrance gate to the rear garden. The applicant has agreed to condition requiring that prior to the first occupation of the use a 'Secured by Design' accreditation shall be obtained.

Neighbour objections have been received on the grounds that people with dementia can have behaviour changes, which includes losing their inhibitions. Controlling the how people enter and exit the application site is covered by 'Secured by Design' so this minimises the risk of a resident leaving the facility unattended. Accordingly this objection to the development is not considered sustainable.

#### Consultation Process

Responses to neighbour consultation process have been received stating that the consultation letters arrived late, with some not arriving at all, and the first consultation process taking place partly in the school holidays. It should be noted however, that two rounds of neighbour consultation have taken place and for both rounds extra-time was allowed for neighbours to respond. In addition, for the first neighbour consultation process, two site notices were erected, and an advert was placed in the local newspaper.

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

Item No.
----------

<b>4</b>
----------

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT <a href="mailto:nbarrett@westminster.gov.uk">nbarrett@westminster.gov.uk</a>
--

9. KEY DRAWINGS



Existing Front Elevation



Proposed Front Elevation



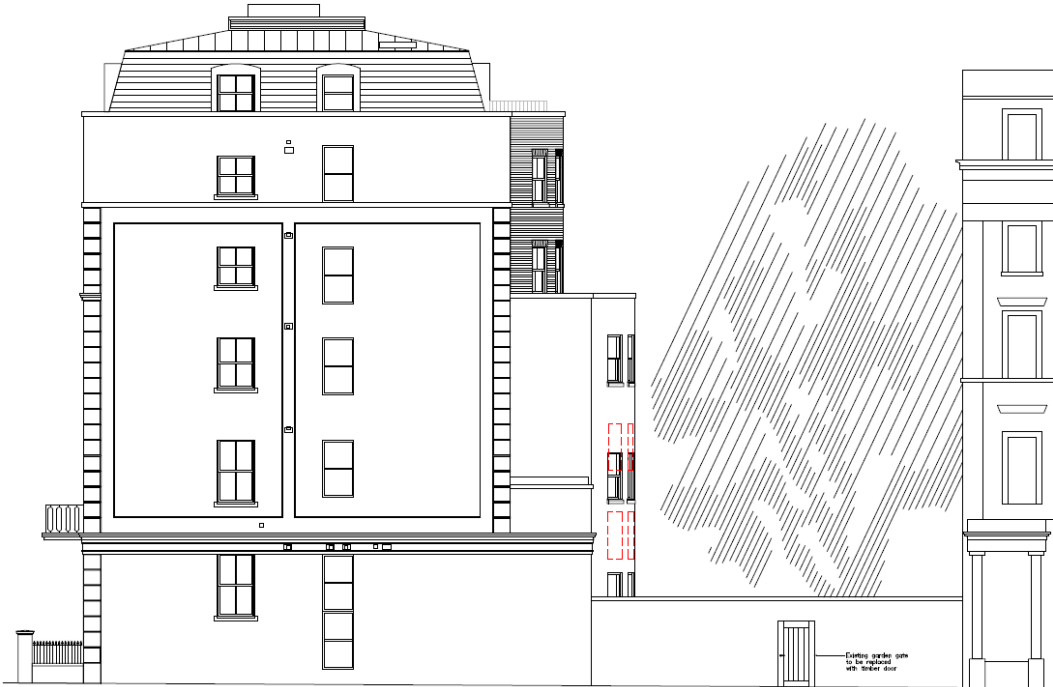
**Existing Rear Elevation**



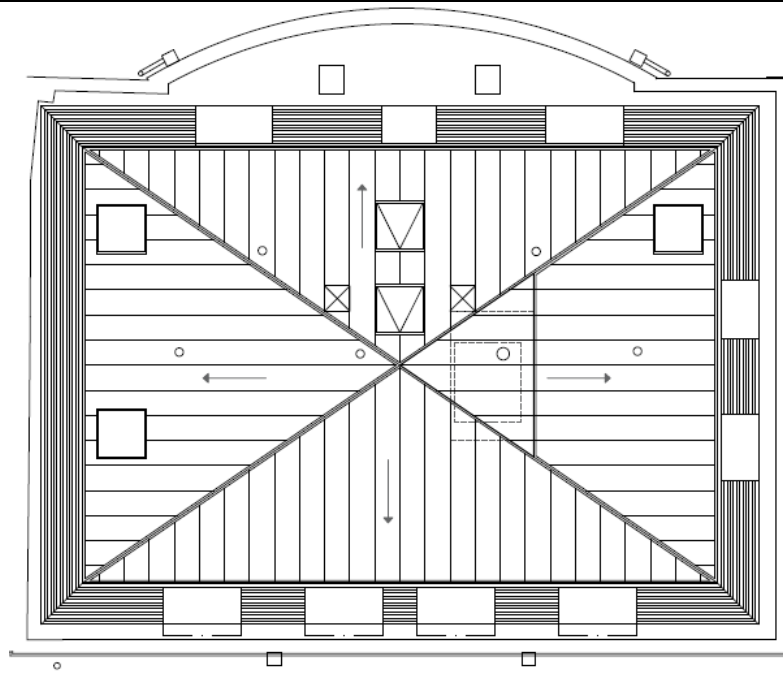
**Proposed Rear Elevation**



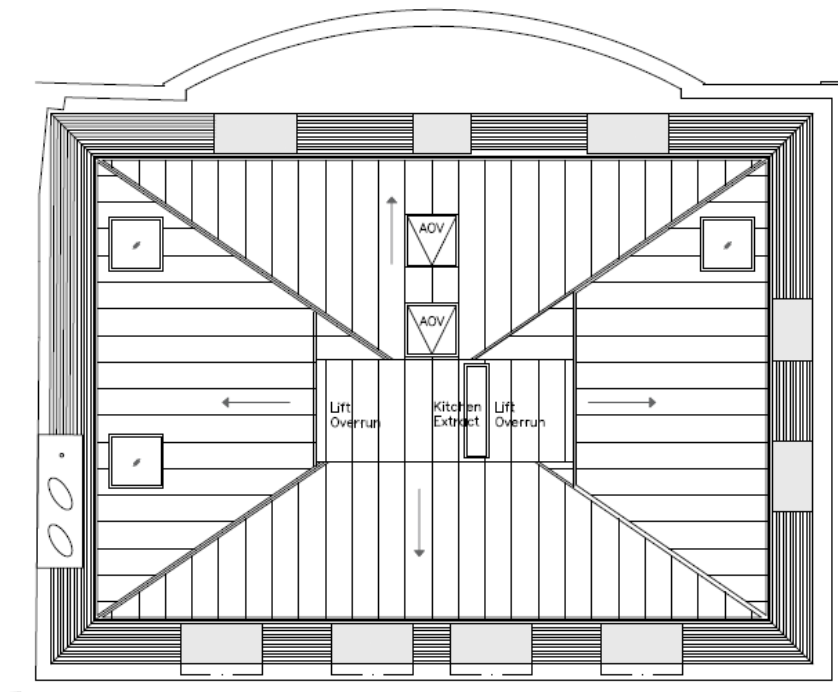
**Existing Side Elevation**



**Proposed Side Elevation**

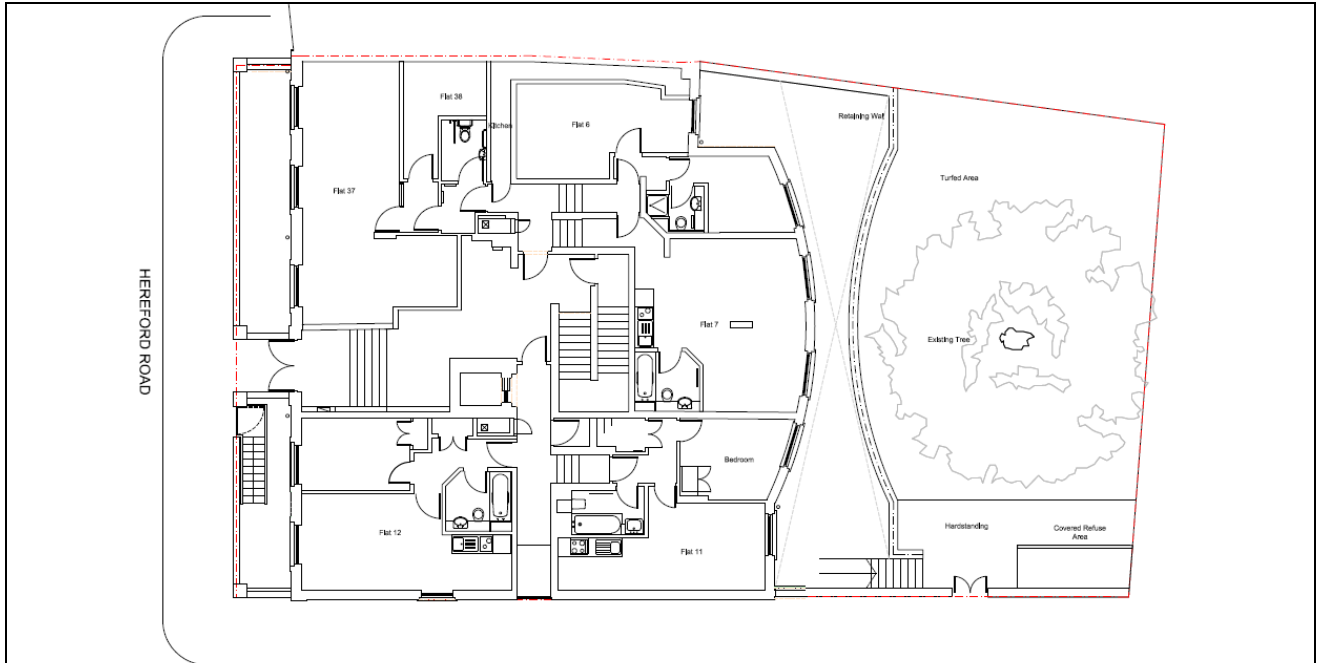


**Existing Roof Plan**



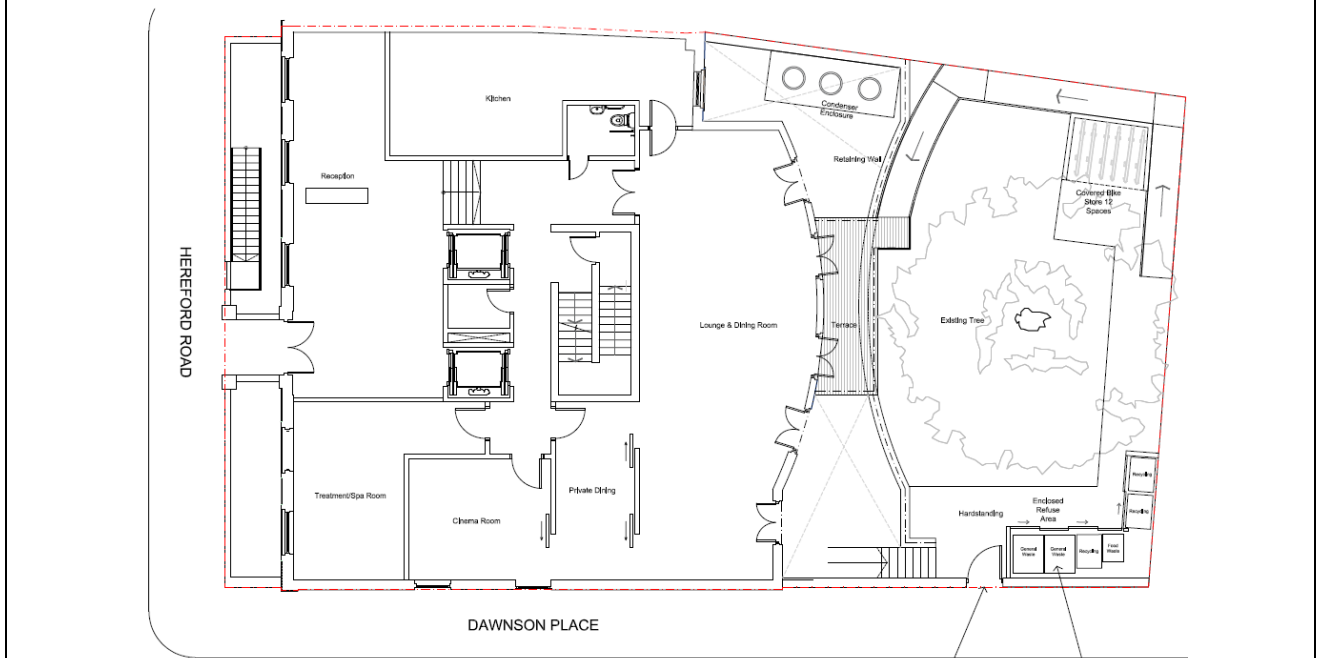
**Proposed Roof Plan**





DAWSON PLACE

Existing Site Plan



DAWSON PLACE

Existing garden gate to be replaced with timber door  
Refuse Area  
General Waste - two 1,100L bins  
Recycling - three 720L bins  
Food Waste - one 300L bin

Proposed Site Plan

**DRAFT DECISION LETTER**

- Address:** 74 - 76 Prince's Square, London, W2 4NY,
- Proposal:** Use of the building to a 35 room elderly care facility specialising in dementia (Use Class C2), creation of balcony on the rear elevation at first floor level, alterations to the fenestration to match the new internal floor levels, the installation of ramp from the ground floor to the garden. Alterations to roof including insertion of kitchen extract. Installation of a new refuse store, plant enclosure, and bicycle store in the rear garden, new hard and soft landscaping to the garden and all other associated works. Insertion of louvres on front elevation at basement level to serve plant equipment.
- Reference:** 19/00868/FULL
- Plan Nos:** (01)-S-001 rev. PL, (01)-S-003 rev. PL, (01)-P-0B0 rev. PL, (01)-P-0G0 rev. PL, (01)-P-0G1 rev. PL, (01)-P-001 rev. PL, (01)-P-002 rev. PL, (01)-P-003 rev. PL, (01)-P-004 rev. PL (01)-P-005 rev. PL, (01)-P-006 rev. PL, (01)-E-001 rev. PL, (01)-E-0002 rev. PL, (01)-E-003 rev. PL, (01)-X-001 rev. PL, (03)-S-001 rev. PL02, (03)-P-001 rev. PL01, (03)-P-0B0 rev. PL05, (03)-P-0G0 rev. PL02, (03)-P-002 rev. PL01, (03)-P-003 rev. PL01, (03)-P-004 rev. PL01, (03)-P-005 rev. PL01, (03)-E-001 rev. PL05, (03)-E-002 rev. PL04, (03)-E-003 rev. PL04, (03)-P-006 rev. PL02, (03)-P-0G0\_Bike Store rev. PL, (31)-E-001 rev. PL02, Operational Management Plan - Version 2 Updated June 2019, Design & Access Statement 74-76 Prince's Square by Darling Associates dated January 2019, Planning Statement 74-76 Princes Square dated January 2019, 74-76 Princes Square pre-application consultation report dated January 2019, Arboricultural Report by APArboriculture ref: APA/AP/2019/027 dated: 04.03.2019, Transport Statement Proposed Elderly Care Facility Specialising in Dementia at 74-76 Princes Square dated: March 2019, Noise Impact Assessment reference: 9109.RP01.EBF.4 prepared: 13.05.2019 revision number: 4
- Case Officer:** William Philps **Direct Tel. No.** 020 7641 3993

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

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

## Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
  - 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 Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 The new external metalwork shall be formed in black coloured/painted metal and maintained in that colour thereafter.

Reason:

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

- 5 The new external windows and doors shall be formed in glazing and white painted timber framing.

Reason:

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

- 6 You must apply to us for approval of detailed drawings of the new front lightwell staircase. You

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

Reason:

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

- 7 You must apply to us for approval of detailed plan, elevation and section drawings of the condenser enclosure in the rear garden, including annotations of the facing materials and their finishes. The section and elevation drawings must show the features in relation to the northern and southern garden walls to the site. You must not start any work on this part 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 You must put up the condenser enclosure to the details secured by condition 7 of this approval 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 The elderly care facility use hereby approved must operate in accordance with the details set out in the Operational Management Plan 74-76 Princes Square for the lifetime of the development unless otherwise agreed in writing by the City Council.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 10 (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)

- 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 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.
- Reason:  
As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)
- 13 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.
- Reason:  
As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)
- 14 Prior to commencement of development a Servicing Management Plan (SMP) is required to be approved and then followed/maintained for the life of development, unless a revised strategy is approved in writing by the Local Planning Authority. The plan must identify process, internal storage locations, scheduling of deliveries and staffing as well as a clear process for managing vehicle sizes. The SMP must thereafter be maintained and followed by the occupants for the life of the development.
- 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)
- 15 Prior to the first occupation of the use hereby approved, you must provide cycle storage in line with the details depicted on drawing numbers (03)-S-001 rev. PL02 and (03)-P-0G0\_Bike Store

rev. PL. The cycle storage must be maintained and retained throughout the lifetime of the development. 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)

- 16 **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 the trees and the character and appearance of this part of the Bayswater Conservation Area. 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. (R31DC)

- 17 **Pre Commencement Condition.** You must provide details of the construction of the ramp (and terrace) from the ground floor to the garden, refuse store, plant enclosure and bicycle store and footpath in the rear garden, including section drawings of foundations. The foundations of these structures should either be 'no-dig- construction or should be informed by trial excavations in order to avoid tree roots. You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C31CC)

Reason:

To protect the trees and the character and appearance of this part of the Bayswater Conservation Area. 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. (R31DC)

- 18 Prior to the first occupation of the use hereby approved you must apply for the approval of details of the following features that support the attainment of a 'Secured by Design' accreditation:
- a. The location and detailed design of the external CCTV.
  - b. The location, detailed design and Lux levels of the external lighting.
  - c. The detailed design of the gate that provides access from the highway at Dawson Place to the rear garden.

You must then carry out the work according to these details. These features must be maintained and retained throughout the lifetime of the development unless approved in writing by the Local Planning Authority. Prior to the first occupation of the use a 'Secured by Design' accreditation shall be obtained and thereafter all features related to this accreditation are to be permanently retained.

Reason:

To minimise the opportunities for crime, to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area, and to ensure that the proposed works do not harm the amenity of the occupiers of neighbouring and adjoining properties. This is as set out in S25, S28 and S29 of Westminster's City Plan (November 2016) and ENV 10, 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.

- 19 The provision for the storage of waste and recyclable materials, as shown on drawing numbers (03)-S-001 rev. PL02, (03)-P-0B0 rev. PL05, and (03)-P-0G0\_Bin Store rev. PL is to be maintained, retained, and made permanently available throughout the lifetime of the development and used for no other purpose.

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)

#### **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 Condition 16 requires you to submit a method statement for works to a tree(s). It is worth considering providing two tree protection plans to cover different phases of the development (e.g. works to the building and works to the rear garden).
- 3 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting



work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 5 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public.

Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. [www.opsi.gov.uk/SI/si1992/Uksi\\_19923004\\_en\\_1.htm](http://www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm)

The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>:

BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances

BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)

- 6 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)

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.

This page is intentionally left blank

# Agenda Item 5

Item No.

5

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 9 July 2019	<b>Classification</b> For General Release	
<b>Report of</b> Executive Director Growth Planning and Housing		<b>Ward(s) involved</b> Regent's Park	
<b>Subject of Report</b>	<b>76-82 Bentinck Close, Prince Albert Road, London, NW8 7RY</b>		
<b>Proposal</b>	Variation of condition 1 of planning permission dated 01 December 2015 (RN: 15/00496/FULL) for the Roof extension to provide four new residential (Class C3) units (3x3 bed and 1x4 bed) with external terraces and planters. NAMELY, to allow design changes, including changes to flat layout, partial omission of louvres, additional shade structures, changes to cladding and fenestration, removal of planters, installation of green roof, alterations to rooflights, additional air-conditioning plant and addition of lift overruns		
<b>Agent</b>	JLL		
<b>On behalf of</b>	Coinsun Ltd		
<b>Registered Number</b>	18/06686/FULL	<b>Date amended/ completed</b>	17 August 2018
<b>Date Application Received</b>	8 August 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application building is a seven-storey block of 40 flats built in the 1920s. The application site is not located within a conservation area and does not contain a listed building. It does abut the St John's Wood Conservation Area to the south, which includes the neighbouring block of flats (Park View).

The applicant proposes several amendments to a single storey roof extension to provide four flats that was approved under application RN: 15/00496/FULL. The proposed amendments include

- Revisions to the internal layout of the approved flats;
- Omission of louvres on eastern elevation facing Prince Albert Road and northern elevation

facing MacKenna Street;

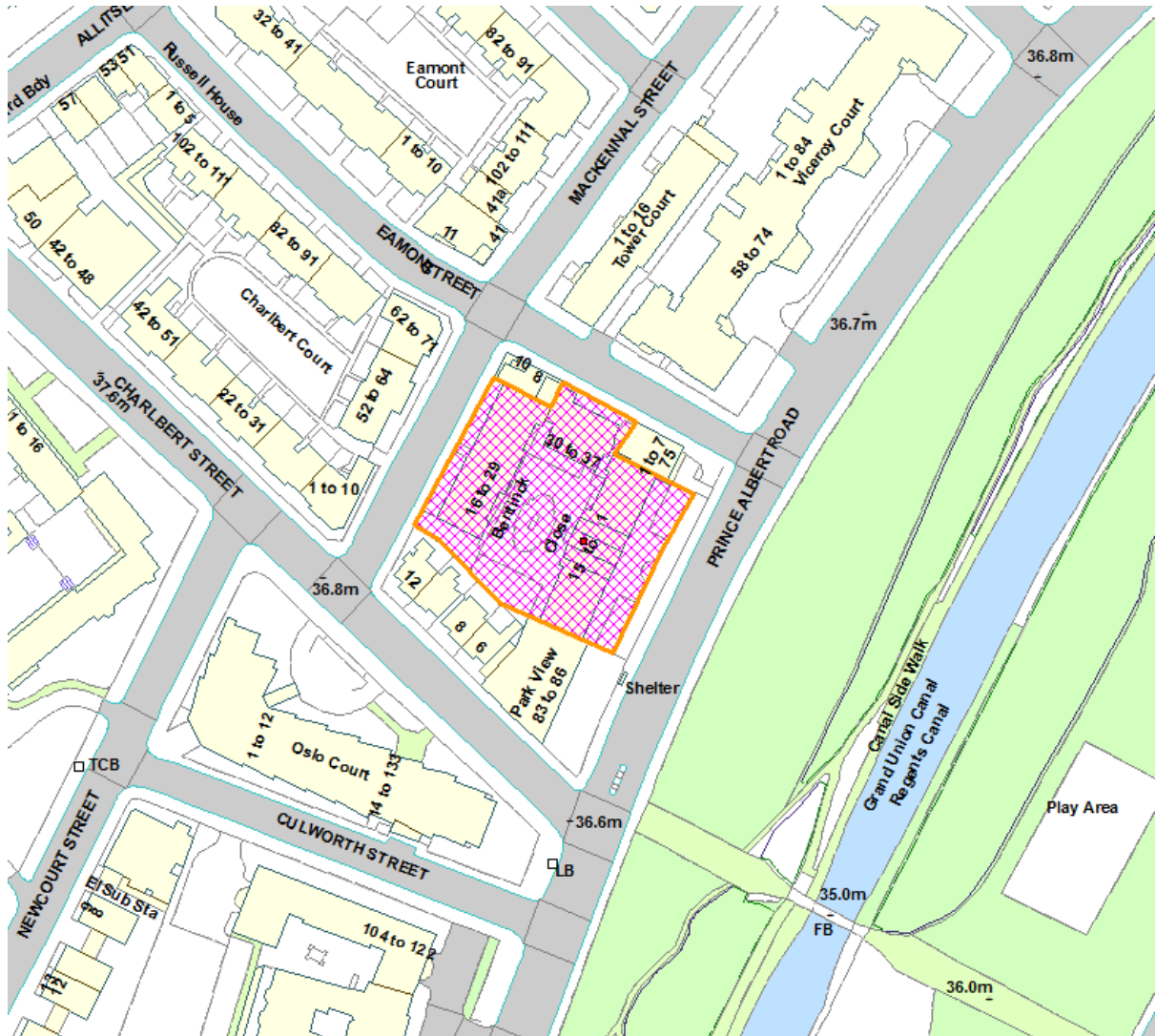
- Alteration to size and position of windows to all flats and louvred screening to all elevations;
- Reduction and reconfiguration of roof lights;
- Replacement of planters with green roof on all elevations;
- Introduction of glass parapet to windows on east elevation;
- Extent of canopy structure reduced for Flat 4;
- Photovoltaic panels layout revised;
- Introduction of external service riser ducts;
- Addition of lift overruns;
- Terracotta louvres replaced with aluminium louvres on horizontal shadings;
- Glazing enclosure to existing service staircase replaced with glass louvres on west elevation; and
- Reduction in number of parking bays at basement level from 6 to 5.

The main issues for consideration are:

- Impact of the proposed extension on the character and appearance of the existing building and the setting of the adjacent St John's Wood Conservation Area; and
- Impact of the proposed extension on the amenity of existing residents on and off the application site.

Subject to recommended conditions, the amendments proposed would not harm the character and appearance of the existing building or the setting of the adjacent St John's Wood Conservation Area. Whilst the amenity concerns of residents are understood, the proposal does not give rise to a loss of amenity of such magnitude that permission could sustainably be refused. Accordingly, the proposed development has been recommended for conditional approval.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and / or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



**Application site as seen from pedestrian bridge over Regents Canal**

## 5. CONSULTATIONS

### RESPONSES TO INITIAL ROUND OF CONSULTATION THAT EXPIRED ON 5 OCTOBER 2018

#### WARD COUNCILLORS FOR REGENT'S PARK

No response received.

#### ST JOHN'S WOOD SOCIETY

There appear to be over 30 variations contained within this application. They cannot ascertain the extent or significance of the variations relative to the previously approved application. Note that residents have raised objections and we request that a new application is submitted so that we can properly assess what is being applied for.

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

No. Consulted: 233

Total No. of replies: 3

No. of objections: 3

No. in support: 0

In summary, the objectors raise the following issues:

- The extra floor will result in loss of light to properties within Charlbert Court, to the rear of the application site;
- The additional air-conditioning units will cause noise and vibration and be a disturbance to other flats
- A terrace would be located immediately adjacent to a skylight and will result in noise and disturbance for the flat below.
- The revised position for the parapet edge and increased extent of canopy will result in additional shadowing for the flats below.
- The introduction of a glass parapet would allow persons sitting in the new apartments to look into apartments on opposite side of courtyard a floor or two lower.
- The omission of louvres would allow for overlooking of other flats.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

### RESPONSES TO ADDITIONAL ROUND OF CONSULTATION THAT EXPIRED ON 2 NOVEMBER 2018. THIS ADDITIONAL CONSULTATION WAS UNDERTAKEN FOLLOWING AMENDMENT OF THE DESCRIPTION OF DEVELOPMENT TO MORE ACCURATELY DESCRIBE WHAT IS PROPOSED

#### WARD COUNCILLORS FOR REGENT'S PARK

No response received.

#### ST JOHN'S WOOD SOCIETY

They indicate that they do not understand why we are being consulted again on these variations as there still appear to be over 30 variations contained within this application. They cannot ascertain the extent or significance of the variations relative to the

previously approved application. We note that residents have raised objections and we request that a new application is submitted so that we can properly assess what is being applied for.

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

No. Consulted: 233  
 Total No. of replies: 0  
 No. of objections: 0  
 No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is located on the western side of Prince Albert Road. It contains a seven storey block of 40 flats built in the 1920s. This building has a U-shaped plan form set around a landscaped courtyard. It is of brick and stone clad concrete frame construction, with a flat roof with rooftop plant rooms and chimneys. The basement level also contains plant rooms, as well as cycle space/storage, plus underground parking for 16 cars.

The application site is not located within a conservation area and does not contain a listed building. It does abut the St John's Wood Conservation Area to the south, which includes the neighbouring block of flats (Park View).

### 6.2 Recent Relevant History

#### 15/00496/FULL

Roof extension to provide four new residential (Class C3) units (3x3 bed and 1x4 bed) with external terraces and planters.

Application Permitted 1 December 2015

This permission has been implemented.

## 7. THE PROPOSAL

The applicant seeks a variation to condition 1 (approved drawings) of planning permission RN: 15/00496/FULL to allow for several amendments to the approved development. The proposed amendments include the following:

- Revisions to the internal layout of the approved flats;
- Omission of louvres on eastern elevation facing Prince Albert Road and northern elevation facing MacKenna Street;
- Alteration to size and position of windows to all flats and louvred screening to all elevations;
- Reduction and reconfiguration of roof lights;
- Replacement of planters with green roof on all elevations;



- Introduction of glass parapet to windows on east elevation;
- Extent of canopy structure reduced for Flat 4;
- Photovoltaic panels layout revised;
- Introduction of external service riser ducts;
- Addition of lift overruns;
- Terracotta louvres replaced with aluminium louvres on horizontal shadings;
- Glazing enclosure to existing service staircase replaced with glass louvres on west elevation; and
- Reduction in number of parking bays at basement level from 6 to 5.

The applicant also initially proposed additional comfort cooling plant for they approved flats. This has now been removed to address concerns raised by the objectors. The louvre design facing Prince Albert Road and the pigeon net have also been amended to address concerns raised by officers.

## **8. DETAILED CONSIDERATIONS**

The development approved under application RN: 15/00496/FULL has been implemented and is a material consideration when assessing this application. There have also been no significant policy changes since that application was decided and that relate specifically to the changes proposed by the applicant. The extant permission is therefore a viable fallback position and it is considered appropriate in this instance to consider only the impact of the changes proposed.

### **8.1 Land Use**

The proposed amendments do not change the number or size of flats. Accordingly, the proposed development would remain consistent with policy H3 of the UDP and S14 of the City Plan.

### **8.2 Townscape and Design**

Whilst the proposal includes several amendments, they are relatively modest in townscape and design terms and would not significantly alter the design intent of the approved development.

The replacement of planters with glass balustrades removes clutter from the affected elevations and improves the proportions of the additional storey relative to those below. Removal of these planters and the louvres from the Prince Albert Road and MacKenna Street elevations also lends the extension a more lightweight appearance that makes it appear less dominant than the approved development. Accordingly, this amendment is considered an improvement to the approved development.

The increased height of the lift overruns is regrettable, although they would be centrally located on the roof. Accordingly, they would not be visible from street level and would be less visible from neighbouring properties than the elevations submitted would suggest. On balance, this amendment would not harm the character and appearance of the existing building and the surrounding area.

The amendments to the layout and number of rooflights proposed would not be visible from surrounding sites. Similarly, the amended layout of photovoltaic panels would also not be visible from surrounding sites. Accordingly, these amendments are uncontentious in design terms.

The fenestration alterations proposed are minor and would be largely screened by the remaining louvres. Replacement of the terracotta horizontal louvres with aluminium would also be discreetly located and largely not visible from surrounding sites. Accordingly, these amendments are uncontentious in design terms.

Overall, the proposed amendments would not harm the character and appearance of the host building, surrounding area or the St Johns Wood Conservation Area. The proposed amendments would be consistent with policies S25 and S28 of the City Plan and policies DES 1, DES 5, DES 6 and DES 9 of the UDP.

### **8.3 Residential Amenity**

An objector is concerned that the proposed amendments will result in loss of light to neighbouring properties and flats within the application site. However, the proposed amendments would not result in a development that is materially larger or bulkier than that already approved. Accordingly, the proposed amendments would not result in unacceptable loss of light or increased sense of enclosure for the occupants of neighbouring residential properties and flats within the application site.

An objector is also concerned that the proposed amendments will result in loss of privacy for neighbouring properties and flats within the application site. They are particularly concerned that the glass balustrades that will replace the approved planters will allow for additional overlooking or other flats on the application site. However, existing flats on the application site are already overlooked by other flats within the existing development and the approved development already overlooks these existing flats. Accordingly, it is not anticipated that the addition of glass balustrades will significantly increase overlooking of flats on-site given the existing situation and what has already been approved.

As noted above, the applicant has removed the additional plant that was of concern to the objectors. Accordingly, the proposed amendments would not result in additional noise for the occupants of other flats on-site.

An objector is also concerned that the removal of planters will result in terraces being increased in size, thereby allowing for additional views into and potential noise for the occupants of the existing flats. This objector is also concerned that a terrace will be increased in size adjacent to a skylight that serves their property. However, the applicant does not propose increasing the size of terraces. It is also noted that the terrace adjacent to the skylights of concern to the objector would be in an almost identical position to what has been previously approved. Accordingly, the proposed terraces would not result in a material loss of privacy in comparison to what has already been approved.

Given the above, the proposed development would be consistent with policies S29 of the City Plan and ENV 6, ENV 7 and ENV 13 of the UDP.

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

The proposed amendments would reduce the number of parking spaces available to the flats from six to five. This level of parking provision would remain consistent with policy TRANS 23 of the UDP.

The proposed amendments do not result in any further transportation and parking considerations.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

The proposed amendments do not include any changes to the approved access arrangements.

#### **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, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

#### **8.9 London Plan**

This application raises no strategic issues.

#### **8.10 National Policy/Guidance Considerations**

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

**8.11 Planning Obligations**

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

The proposed amendments do not trigger a Mayoral or Westminster CIL payment.

**8.12 Environmental Impact Assessment**

The development is not large enough to trigger a requirement for an Environmental Impact Assessment.

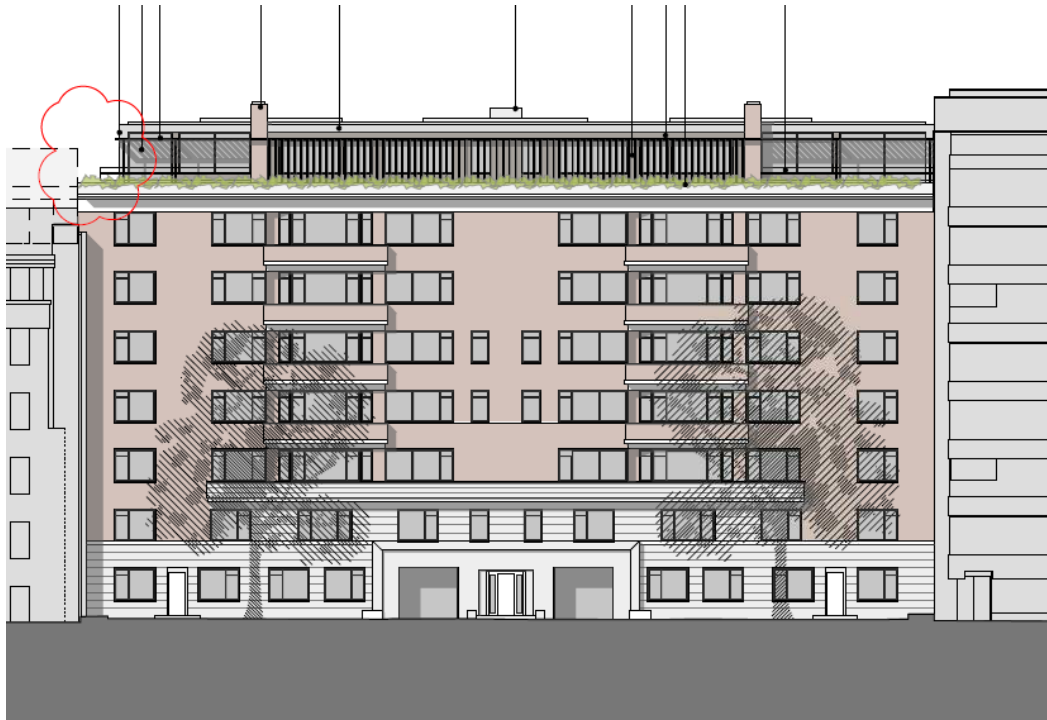
**8.13 Other Issues**

None.

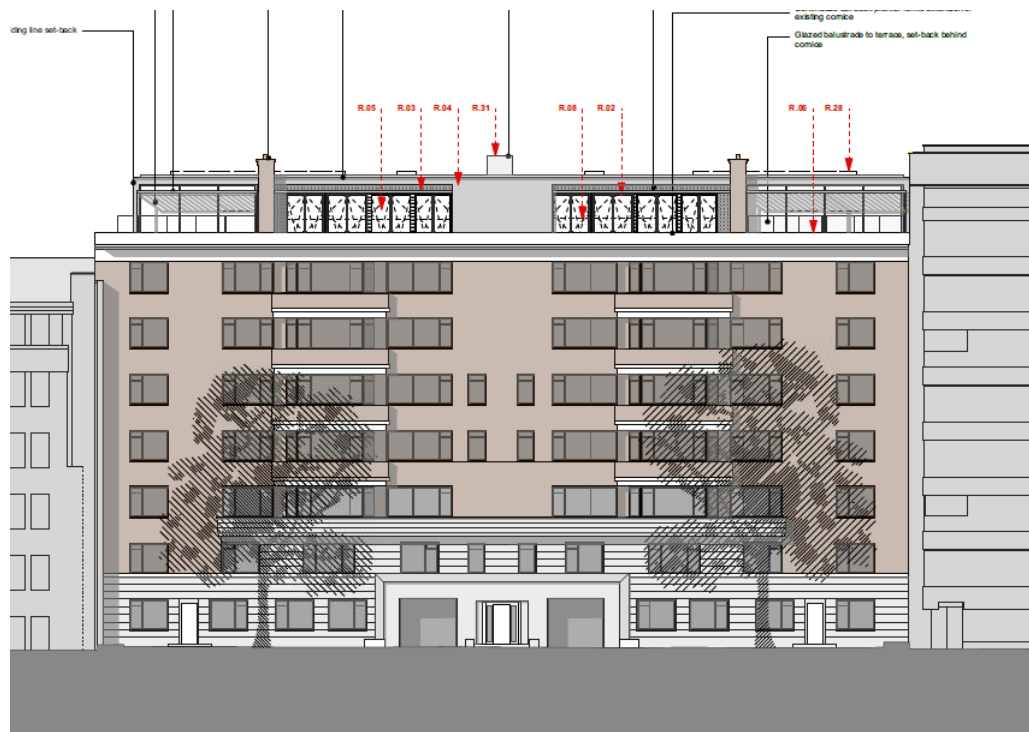
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

9. KEY DRAWINGS



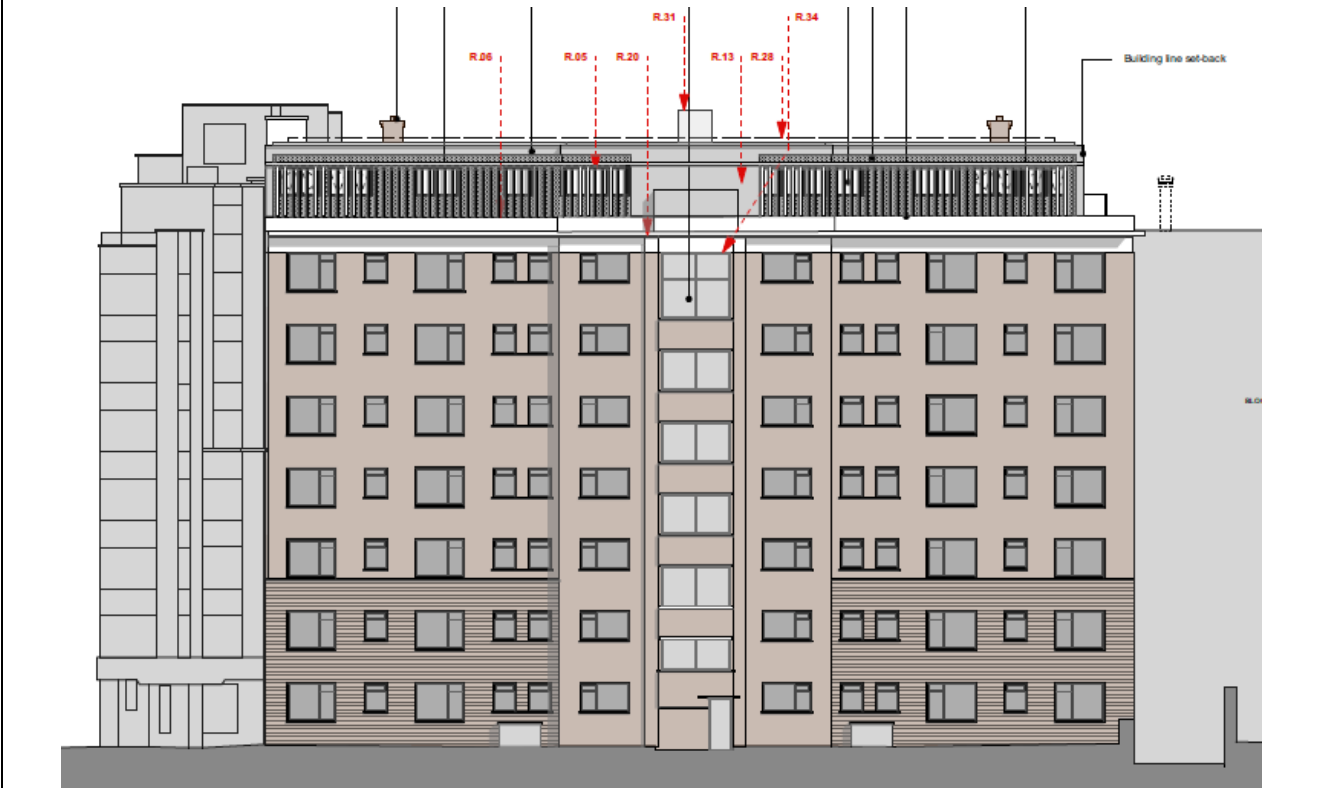
Approved Eastern (Prince Albert Road) Elevation



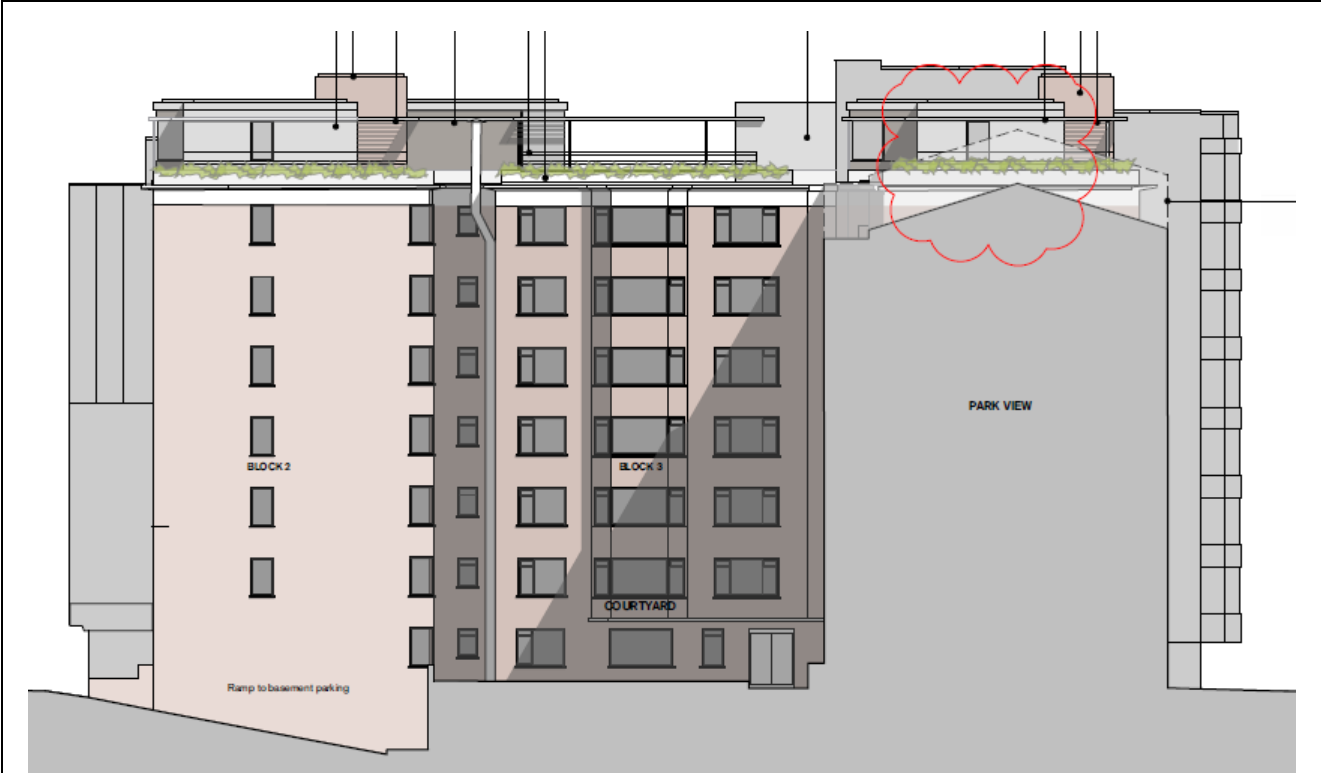
Proposed Eastern (Prince Albert Road) Elevation



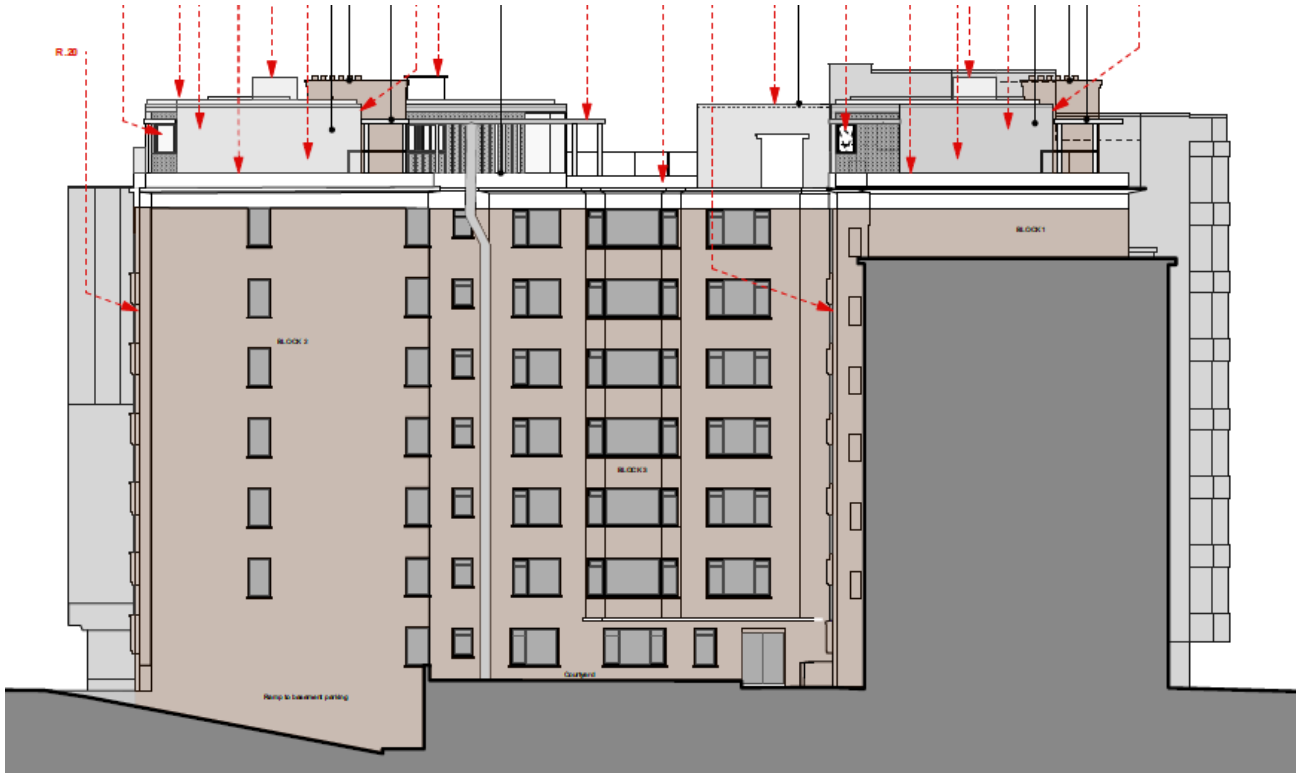
**Approved West Elevation to MacKenna Street**



**Proposed West Elevation to MacKenna Street**



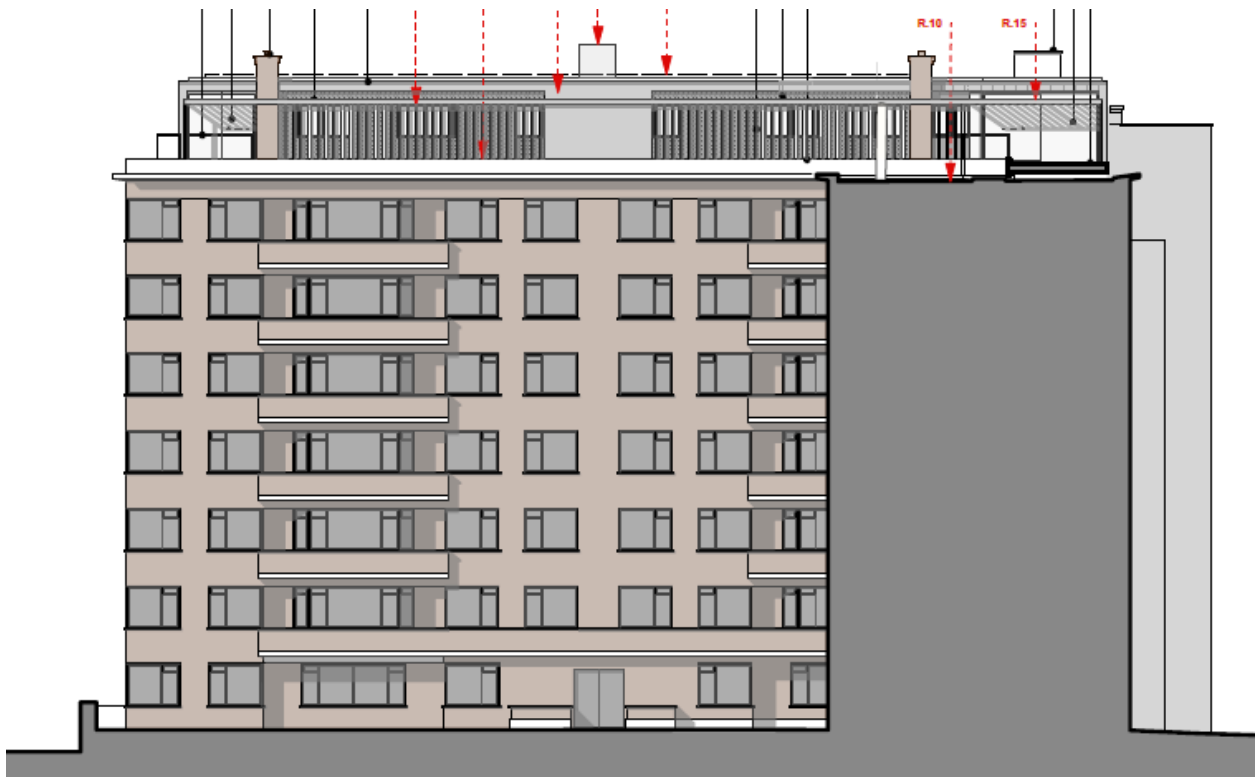
**Approved Southern Elevation**



**Proposed Southern Elevation**

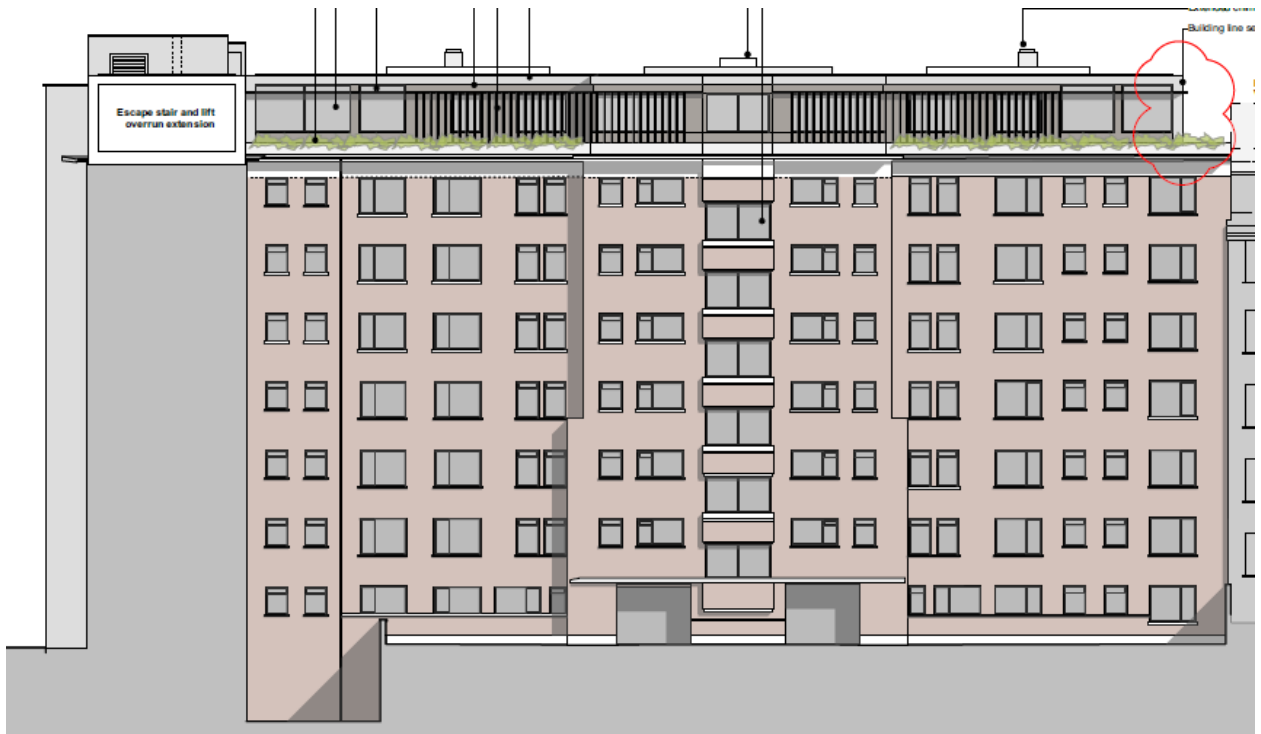


Approved East Elevation to Courtyard

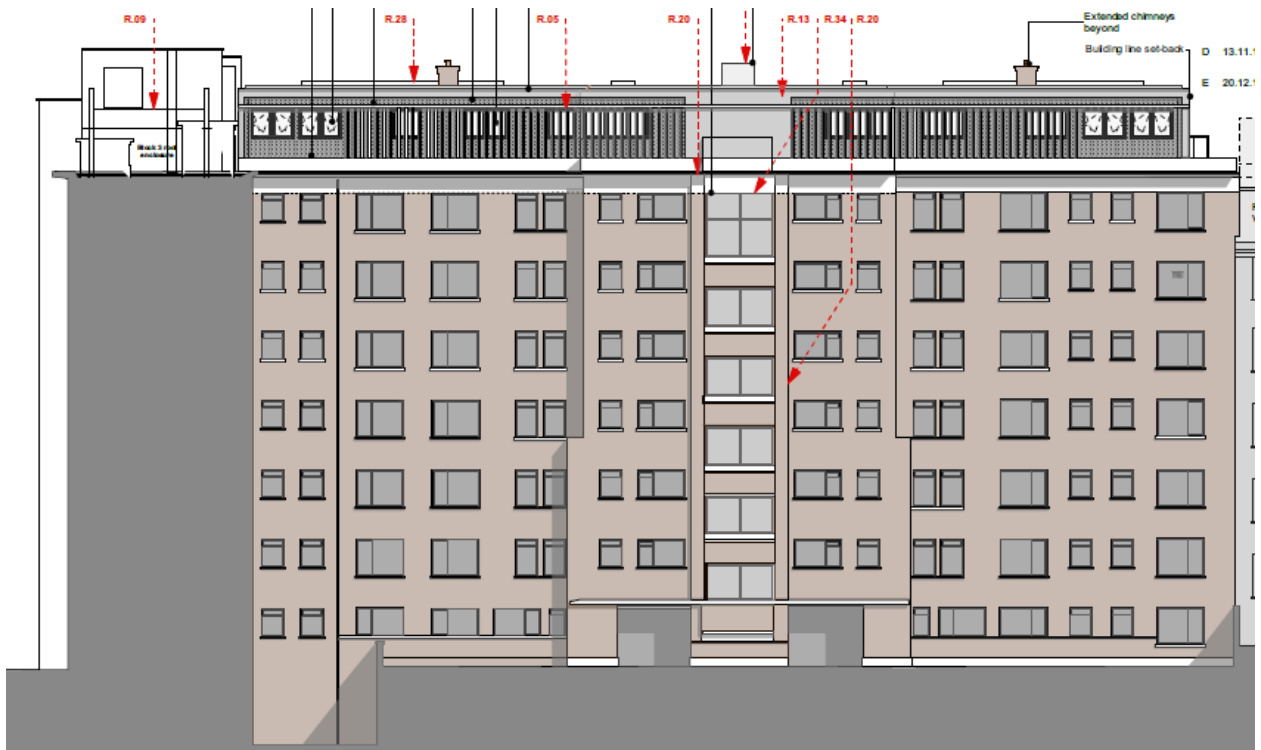


Proposed East Elevation to Courtyard

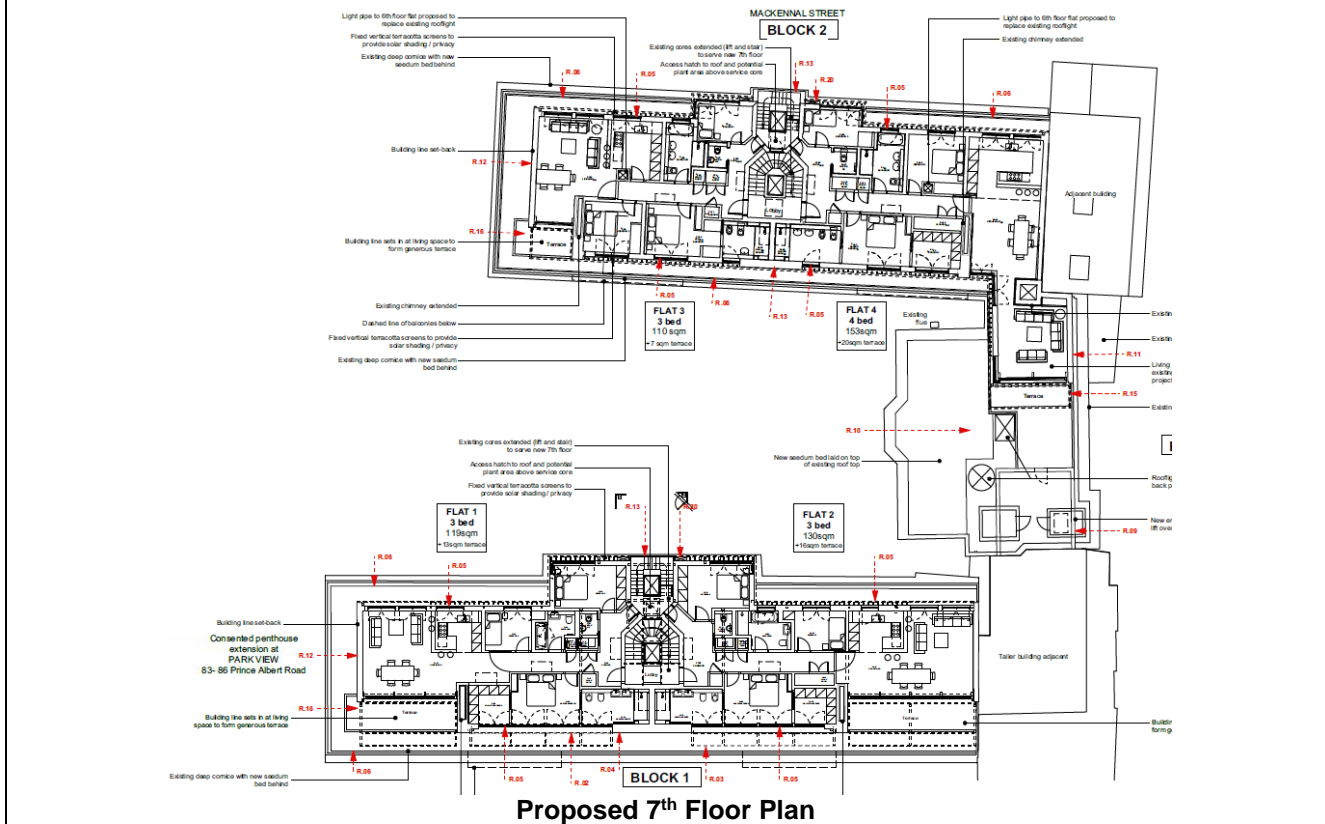
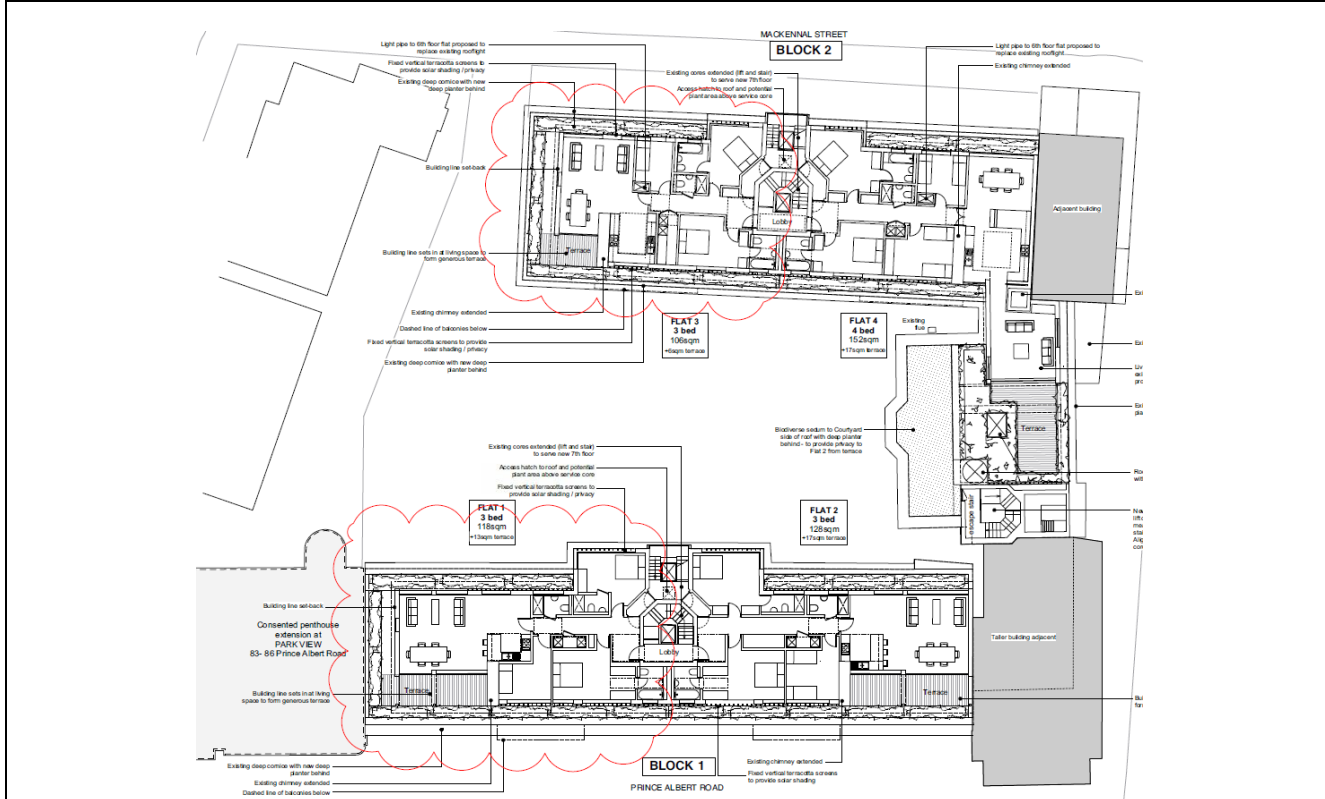


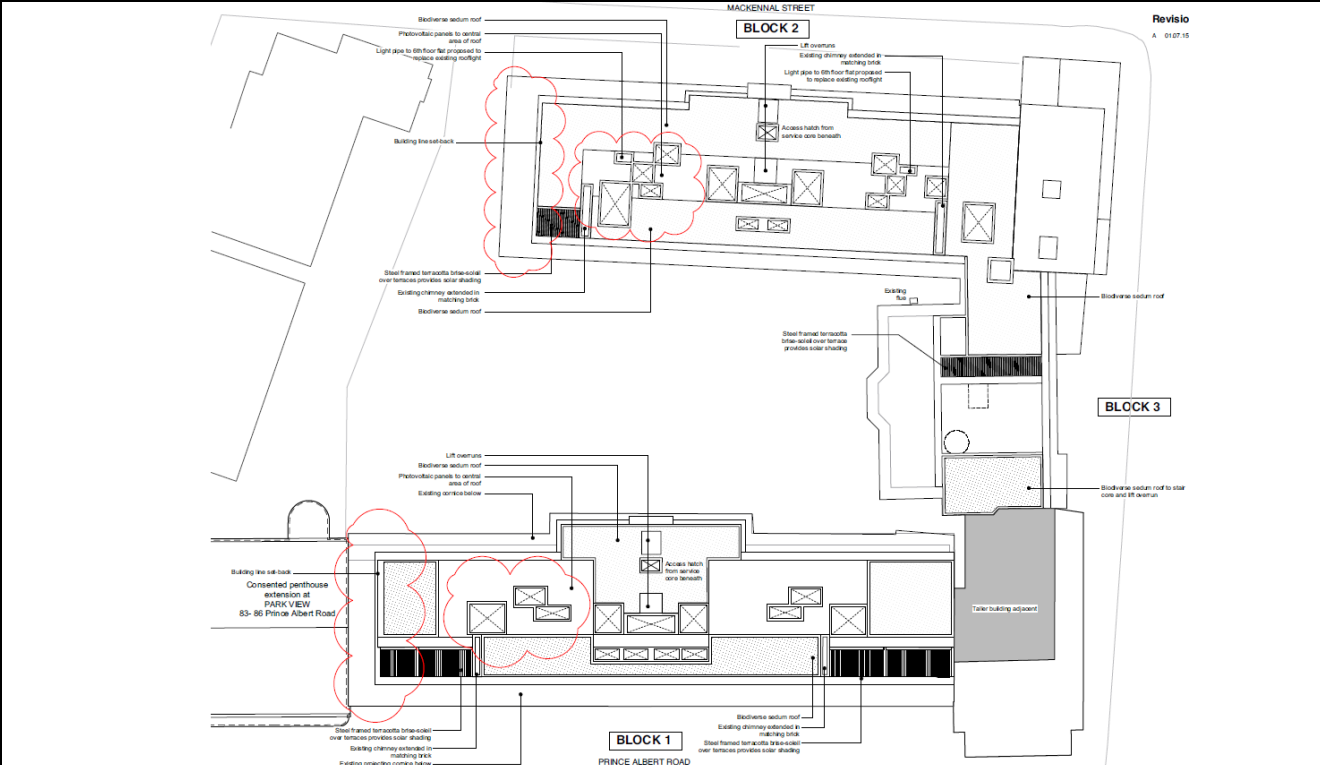


Approved West Elevation to Courtyard

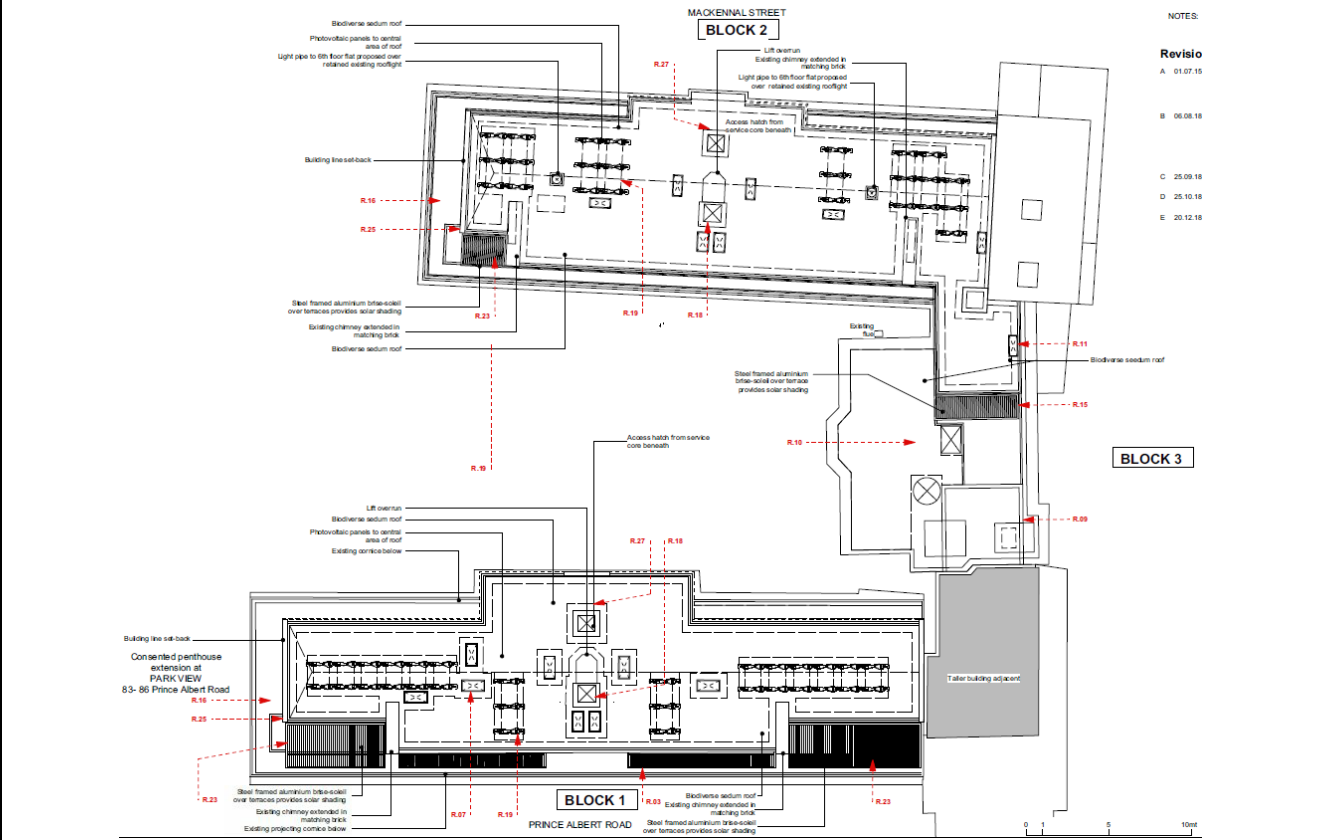


Proposed West Elevation to Courtyard





**Approved Roof Plan**



**Proposed Roof Plan**

Revisio  
A 01.07.15

NOTES:  
Revisio  
A 01.07.15  
B 06.08.16  
C 25.09.16  
D 25.10.16  
E 20.12.16

**DRAFT DECISION LETTER**

**Address:** 76-82 Bentinck Close, Prince Albert Road, London, NW8 7RY

**Proposal:** Variation of condition 1 of planning permission dated 01 December 2015 (RN: 15/00496/FULL) for the Roof extension to provide four new residential (Class C3) units (3x3 bed and 1x4 bed) with external terraces and planters. NAMELY, to allow design changes, including changes to flat layout, partial omission of louvres, additional shade structures, changes to cladding and fenestration, removal of planters, installation of green roof, alterations to rooflights, additional air-conditioning plant and addition of lift overruns

**Reference:** 18/06686/FULL

**Plan Nos:** Drawing numbers 302.PL-001, -002 Revision A, -003 Revision A, -004 Revision A, -005 Revision A, -006 Revision A, -007 Revision A, -009 Revision A, -010, -011, -013, -014, -015, -016, -017, -018, -019, -020, -021, -025, -026; Planning Statement by JLL (January 2015); Daylight and Sunlight Report by eb7 (13 January 2015); Sustainability and Energy Statement by Max Fordham (20 January 2015); Daylight/Sunlight Addendum by eb7 (10 November 2015)

As amended by drawing numbers 302.PL.002 Rev E, 302.PL.003 option 1 Rev E, 302.PL.004 option 1 Rev D, 302.PL.005 Rev E, 302.PL.006 Rev B, 302.PL.007 Rev C, 302.PL.008 Rev B, 302.PL.009 option 1 Rev D, 302.PL.010 option 1 Rev C, 302.PL.011 Rev B, 302.PL.026 Rev B.

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

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 5 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

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

- 6 You must apply to us for approval of detailed elevations and sections (Scale 1:20) showing the design of the vertical fins including their supporting framework and their integration with the design of the main body of the extension.

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

- 7 The development shall be carried out in complete accordance with the drainage strategy approved under application RN: 18/08527/ADFULL unless otherwise agreed in writing with the local planning authority.

Reason:

The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

- 8 The development shall be carried out in complete accordance with the construction management plan approved under application RN: 18/08527/ADFULL unless otherwise agreed in writing with the local planning authority.

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)

- 9 You must not occupy the residential units until we have approved appropriate arrangements to secure the following.

-Five on-site car parking spaces to be maintained for the exclusive use of the residential units.

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

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)

- 10 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)

11 (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)

- 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)

- 13 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.

Reason:

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

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

Reason:

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

- 15 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) 11 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)



- 16 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 13 of this permission. 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 work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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

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

Reason:

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

- 18 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

**Informative(s):**

- 1 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 3 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/asbestos/regulations.htm](http://www.hse.gov.uk/asbestos/regulations.htm) (I80AB)
- 4 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
  - \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
  - \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](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.
- 5 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at

[www.hse.gov.uk/pubns/indg244.pdf](http://www.hse.gov.uk/pubns/indg244.pdf). (I80DB)

- 6 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.
- 7 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)
- 8 Approval for this residential use has been given on the basis of façade sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation i.e. windows kept closed and ventilation scheme utilised.

- 9 The supplementary acoustic report relating to plant must include:
- (a) A schedule of all plant and equipment installed;
  - (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 all most affected noise sensitive receptor locations and the most affected windows;
  - (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) The lowest existing L A90 (15 minutes) measurement as already established.
  - (g) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning condition.
- 10 Under condition 9, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure six on-site car parking spaces. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.

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

# Agenda Item 6

Item No.
----------

6
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 09 July 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Maida Vale	
<b>Subject of Report</b>	<b>Paddington Bowling &amp; Sports Club, Castellain Road, London, W9 1HQ,</b>		
<b>Proposal</b>	Installation of new floodlighting to two existing outdoor tennis courts (courts 4 and 5 adjacent to the Club House) with the installation of new perimeter and division fencing.		
<b>Agent</b>	S.F.P.A.D. Limited		
<b>On behalf of</b>	Paddington Sports Club Limited		
<b>Registered Number</b>	18/10265/FULL	<b>Date amended/ completed</b>	4 December 2018
<b>Date Application Received</b>	4 December 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Maida Vale		

## 1. RECOMMENDATION

Grant conditional permission.
-------------------------------

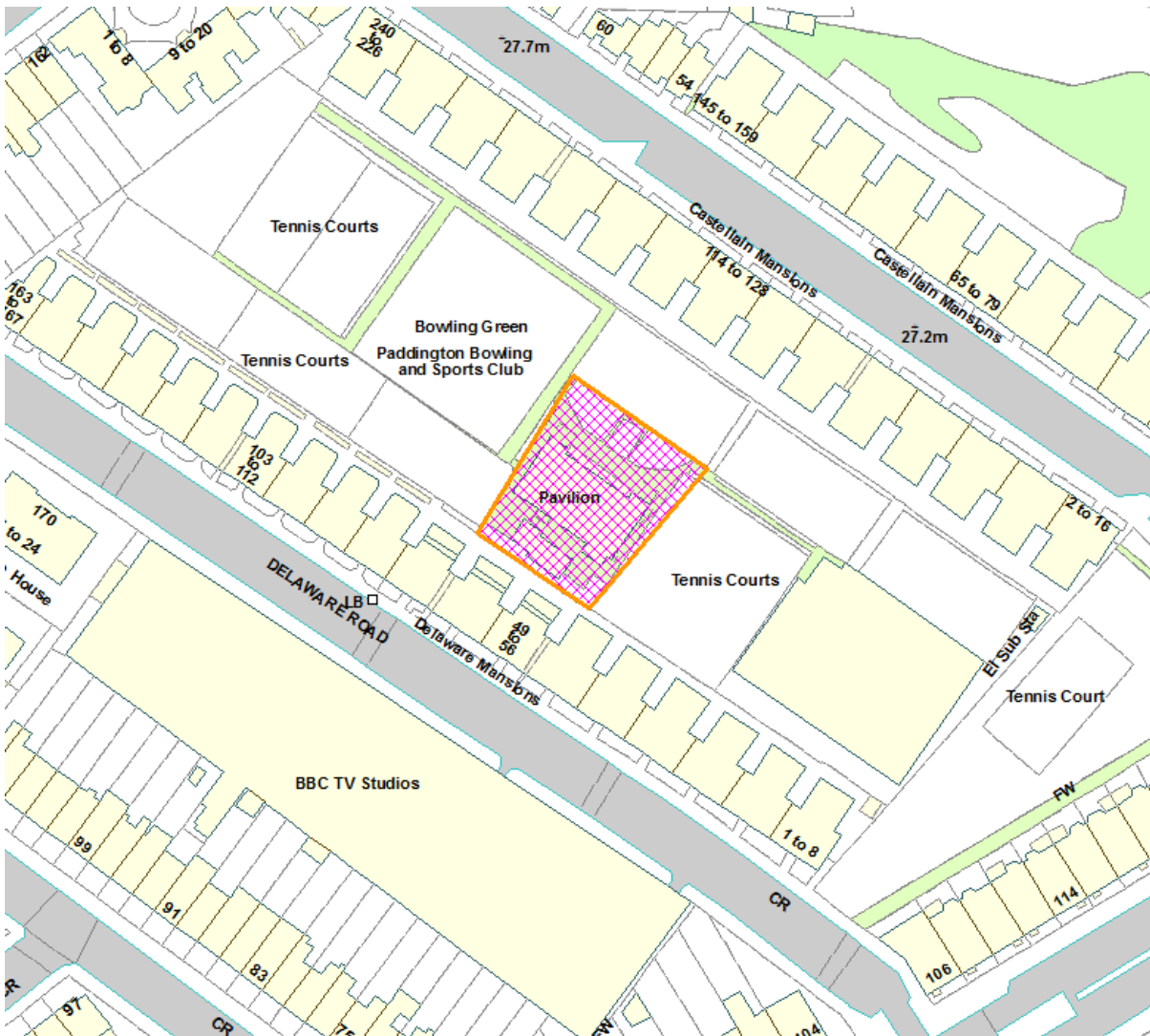
## 2. SUMMARY

The Paddington Bowling and Sports club is located on land bound by houses and flats on Delaware Road, Elgin Avenue, Castellain Road and Sutherland Avenue within the Maida Vale Conservation Area. Planning permission is sought to install floodlighting to two existing tennis courts.

The key issue in this case is the impact of the proposal on the amenity of occupiers of the neighbouring and adjoining residential properties.

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

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



**South facing view of Courts 4 and 5 towards Delaware Mansions**



**North facing view of Courts 4 and 5 towards Castellain Mansions**



**View from ground floor rear closet wing window at Delaware Mansions**



**View from ground floor rear elevation window at Delaware Mansions**



## 5. CONSULTATIONS

### 5.1 Consultation on Originally Submitted Scheme (December 2018)

#### WARD COUNCILLORS FOR MAIDA VALE

Any response to be reported verbally.

#### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Concerned about the amenity impact of the lights. Improvement in terms of neighbour privacy impact and noise.

#### ENVIRONMENTAL HEALTH OFFICER

No objection.

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

No. Consulted: 156

Total No. of replies: 166

No. of objections: 8

No. in support: 157

No. neutral: 1

PRESS ADVERTISEMENT / SITE NOTICE: Yes

#### The objections concern the following issues:

- By extending the hours that the courts are in use, the proposal would cause disruption to the occupiers of neighbouring and adjoining residential properties. Families with young children live in the local area.
- The proposed floodlights would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of light pollution.
- Noise from the existing floodlit courts is already loud and disruptive. Those using the court shout loudly to each other.
- The installation of barriers would block the daylight/sunlight received from the windows of the adjoining properties.
- The City Council should look at developing additional sports facilities elsewhere.
- Paddington Sports Club should install acoustic barriers throughout the complex to address the existing noise levels.

#### The comments in support concern the following issues:

- Paddington Sports Club (PSC) has been involved in many community projects and is providing a valuable service to the local community. It is one of the few affordable clubs in central London with a diverse membership. Improving the club's capabilities encourages social interaction and a sense of community.
- During the summer the community can use all the courts until late. The proposed floodlights would allow both children and adults to be involved in the sport. It allows members to play tennis throughout the year. The new lights would not allow for tennis to be played any later in the winter than it already is in the summer months. Children can play tennis after school in the winter months.

- The club is a good neighbour. It has strict rules about noise and hours of play. PSC have been reaching out to neighbours to listen to their concerns regarding the proposal and have taken into consideration how to mitigate noise and light spill.
- Maida Vale and London in general would benefit a lot by having more high-quality sports facilities. There are no public indoor courts in the area, so floodlighting is the only option for people who want to play tennis all year round.
- Other Tennis Clubs in Central London make use of floodlighting.
- PSC proposes to introduce new environmentally friendly method of lighting which also radically reduces light spill in comparison to older types of floodlighting technology.
- The proposal increases the opportunity for people to exercise and enables them to live healthy lives both physically and mentally. This will counteract the rising cases of obesity, particularly among children, which are notably prevalent in Westminster. The proposal allows for after work activities to combat Winter depression syndrome.
- PSC is a safe place where teenagers can meet new friends and develop self-esteem.
- The proposed fencing and hedging would reduce the noise impact of the proposal.
- Planning permission will entitle the Club to Lawn Tennis Association matching funds for tennis infrastructure.
- PSC has been open since 1928 and has a rich history of tennis being played during the summer evenings.

The neutral comment concerns the following issue:

- Support the hedging and soundproofing but have concerns about the floodlights.
- The existing flood lights are visible and bright at night.
- The proposed floodlights would cause light pollution and they are visible from nearby properties. The floodlights should be switched off when not in use.

## 5.2 Consultation on Revised Scheme (April 2019)

### Amendments included:

- Proposed hours of use of outdoor lighting from 16:00 to 20:00 hours.
- Amended outdoor lighting scheme.
- Amended outdoor lighting design assessment.
- Removal of proposed timber fence and hedge on the southern boundary

### KAREN BUCK MP

- An objector says that the club has bribed people to write in support of the application by incentivising them with tickets to a professional tennis tournament.
- The objector says that plenty of the courts are already floodlit. Most of the Tennis Clubs' members do not live near the application site.

### WARD COUNCILLORS FOR MAIDA VALE

Any response to be reported verbally.

### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

The changes to the scheme are noted. Please take neighbours' views into consideration.

### ENVIRONMENTAL HEALTH OFFICER

No objection.

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

No. Consulted: 156  
Total No. of replies: 17  
No. of objections: 17  
No. in support: 0  
No. neutral: 0

**The objections concern the following issues:**

- Allowing the tennis courts to be open later would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of noise and disturbance. It would affect families with young children. The existing noise pollution is already considerable.
- The proposed floodlights would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of light pollution.
- The overwhelming majority of the comments supporting this proposal are from club members who do not have live with the amenity impacts of the proposal.
- The timber fence and hedge should not be removed from the scheme as they provide mitigation against light pollution.
- PSC constantly fails to manage noise pollution from its night time activities, particularly the events conducted at the bar area. Allowing people to play later on the courts would increase the number of people in the bar area.
- The Club is encouraging people to write in support of the application through a promotional campaign offering a trip to New York.
- Previous applications to install lighting to courts 6, 7, 8 have been refused.
- There should be no change to the surface of the courts.
- The proposal would impact the value of neighbouring and adjoining properties.
- There are other floodlit and indoor courts nearby that people can use instead so therefore the proposal is unnecessary.
- There are technical issues with Westminster's website and people have been unable to submit comments.

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

The Paddington Bowling and Sports club is located on land bound by houses and flats on Delaware Road, Elgin Avenue, Castellain Road and Sutherland Avenue. The application site is unlisted and located within the Maida Vale Conservation Area.

Paddington Sports Club currently has 10 outdoor tennis courts, 5 of which have floodlighting.

**6.2 Recent Relevant History****07/01007/FULL**

Extend the operating time of floodlights at tennis courts 2 and 3 from 20.00- 22.00 hours.

Application Refused 11 April 2007

05/02668/FULL

Renewal of permission dated 19 June 2003 (RN: 03/02701/FULL) namely, for the retention of 6.3m high floodlights to tennis courts Nos. 2 and 3 for use until 20.00 hrs  
Application Permitted 9 June 2005

03/06597/FULL

Erection of floodlights to tennis court No 's 6, 7 and 8 until 2200 hours.  
Application Refused 16 October 2003

03/02701/FULL

Renewal of permission dated 19 June 2003 (RN 03/02701) namely, for the retention of 6.3m high floodlights to tennis courts Nos. 2 and 3.  
Application Permitted 19 June 2003

01/07719/FULL

Erection of 6.3m high floodlights to tennis courts Nos. 2 and 3.  
Application Permitted 9 May 2002

01/01939/FULL

Installation of flood lighting to tennis courts Nos.2, 3 and 8 for use between the hours of darkness and 10.00 p.m.  
Application Withdrawn 5 July 2001

**7. THE PROPOSAL**

Installation of new floodlighting to two existing outdoor tennis courts (Courts 4 and 5 which are adjacent to the Club House). The proposed hours of use of the lighting is from 16:00 to 20:00 hours daily. Originally it was proposed that the hours of use for the lights were until 21:00 hours but following discussions with officers it was amended.

Originally the proposal included the erection of timber fencing with an acoustic barrier and evergreen hedging along the southern boundary of the application site but following discussions with officers these elements were removed.

**8. DETAILED CONSIDERATIONS****8.1 Land Use**

The relevant policies for consideration of the proposal are SOC1 of the Unitary Development Plan 2007, and S34 as set out in the adopted City Plan 2016.

The aim of policy SOC1 is to protect and improve the range of community facilities in Westminster. The proposed floodlights would allow Courts 4 and 5 to be used until 20:00 hours in the winter months. This would improve the capacity of Paddington Sports Club and allow a greater number of people of all ages to play tennis. The proposal is therefore considered to be acceptable in principle in land use terms.

Policy SOC1 (B) states that community facilities will be required not to harm the amenity of the surrounding area. Objectors have stated that because of the perceived amenity

impact of the proposal, the City Council should develop additional sports facilities on other sites. The amenity impact of the proposal is addressed elsewhere in the report.

## **8.2 Townscape and Design**

Paragraph 184 of the NPPF (2018) states heritage assets "should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

In the exercise of planning functions, the City Council must pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas as set out in Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The relevant policies for consideration of the proposal are DES 1, DES 5, DES 9 in the adopted Unitary Development Plan 2007, and S25 and S28 set out in the adopted City Plan 2016.

Permission is sought to install flood lighting to the courts located adjacent to the club house and behind the buildings fronting Delaware Road. Given the presence of similar structures, which are not uncharacteristic to find in association with a sports use, the floodlights are not considered to be out of keeping with the character and appearance of the setting.

On the previously permitted applications for flood lighting on this site, a condition was imposed requiring the floodlights to be painted green. In order to maintain the aesthetic of the site and to prevent visual cluttering, this condition is recommended on this application.

The proposed replacement chain link fences are of the same height as the existing ones so therefore they are uncontentious in design terms.

The proposal will preserve and enhance the character and appearance of the Maida Vale Conservation Area and is considered to be in accordance with the relevant UDP and City Plan policies. The recommendation is considered in line with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF (2018).

## **8.3 Residential Amenity**

The relevant policies for consideration of the proposal are ENV 6, ENV 10, ENV 13 of the Unitary Development Plan 2007, and S29 and S32 as set out in the adopted City Plan 2016.

### **Nosie and Disturbance**

In the all the tennis courts at PSC are used as long as the amount of daylight permits, which in the Summer months can be up until 22:00 hours.

Tennis Courts 1, 2, 3, 9, and 10 all have existing floodlights. In a statement provided by the applicant it says that courts 1, 9, and 10 are used until 22:00 hours and courts 2 and

3 are used until 20:00 hours. Permanent permission was granted on 09.06.2005 for floodlights to be used on tennis courts 2 and 3 until 20:00 hours (RN: 05/02668/FULL). Permission was granted on 29.09.1982 for to the use of floodlights on Courts 9 and 10 from 16:00 hours to 22:00 hours. There is no record of planning permission being granted for the floodlights at Court 1.

The proposed floodlights would allow Courts 4 and 5 to be used until 20:00 hours in the winter months. Objections have been received stating that extending the hours of use would cause the occupiers of neighbouring and adjoining residential properties to suffer a material loss of amenity as a result of noise and disturbance. Courts 4 and 5 can already be used as late as 22:00 hours in the summer months, but currently the occupiers of neighbouring and adjoining properties receive respite from this in the winter months.

The Environmental Health Officer commented that there have been a few complaints about noise from persons playing tennis but no noise constituting a statutory nuisance has been witnessed. PSC has also advised that the numbers of people on the courts will be limited with no tennis coaching taking place. Courts 3 and 4 are positioned at a similar distance from the nearest residential windows as courts 2 and 3. The proposed hours of use for the lighting is the same as what has been approved for courts 2 and 3.

Objectors have commented that previously permission has been refused for the installation of flood lighting on other courts at PSC. It is noted that permission has been refused for floodlighting at Courts 2, 3, 6, 7, and 8, but this was because it was proposed for the lighting to be used until 22:00 hours rather than 20:00 hours.

The amenity impact from noise and disturbance from the proposal on the residential occupiers is considered to be less impactful than the existing situation in the summer months. There are already 5 courts in use in the evenings in the winter months, and the cumulative noise impact of having an additional 2 courts in use until 20:00 hours is not considered to be materially worse than what is existing. As there is no record of activity on the tennis courts causing a statutory nuisance and the proposal allows a greater number of people to make use of this community facility, it is considered that on balance the noise impact of the proposal is acceptable.

When discussing the history of the application site, the Environmental Health Officer stated that there have also been noise complaints related to loud music being played at events. The noise impact from events and from the club house is also an issue that has been mentioned by objectors. It is considered however, that the impact of noise from events and noise from the use of the club house is outside the scope of the current proposal.

### **Light Pollution**

Objections have been received on the grounds that the proposal would cause the occupiers of neighbouring and adjoining residential properties to suffer a material loss of amenity as a result of light pollution through their windows into habitable rooms.

The proposed floodlights are designed to eliminate glare and stray light. The LED fittings have a mounting height of 7 metres and they will be facing downwards towards the court

surface at a tilt angle of 14 degrees and they do not aim or point directly at the facades of the neighbouring and adjoining residential properties.

The proposed lighting scheme relies on a new generation of LED fitting that keeps obtrusive light to a minimum. The 'Guidance Notes for the Reduction of Obtrusive Light' by the Institution of Lighting Professionals contains advice on limiting obtrusive light from exterior lighting installations. For the purpose of the assessment the application site is considered to be in an urban zone. In an urban zone the maximum amount of light intrusion into a window should be 25 LUX (lumens over square metre) before 23:00 hours. The proposed LED floodlights casts approximately only 1 LUX of light over adjacent residential properties. The impact of the light intrusion is considered to be in accordance with the guidance and therefore would not have a material negative amenity impact.

The light from the floodlights would be viewable when residents look out of their windows. But the light from the existing floodlights at PSC would also be visible and as would the lights emitting from the rear windows of neighbouring buildings. The experience of looking out the window when the proposed floodlights are turned on would not be materially different to what is existing.

It shall be enforced through condition that the lights are turned off on or before 20:00 hours daily.

For the reason stated above the proposal is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of light pollution.

### **Sense of Enclosure and Sunlight and Daylight**

The proposal originally included the erection of a fence and a hedge along the southern side of the Courts 4 and 5 on the boundary with Delaware Mansions. There are ground floor windows on the rear elevation of this section of Delaware Mansions that face onto Courts 4 and 5. Following an onsite assessment by Officers, it was found that many of these windows serve habitable rooms. It was therefore considered that the proposed fence and hedge would cause the occupiers of the ground floor flats at this section of Delaware Mansions to suffer a material loss of outlook. An objection was received stating that the fence would reduce the daylight/sunlight received by these windows. It is noted that comments were submitted in favour of the fence on the grounds that it would reduce noise from Courts 4 and 5. The Environmental Health Officer however, assessed the proposal and found no evidence that the fence would in fact mitigate against noise and disturbance. It was agreed with the applicant that the fence and hedge should be removed.

There is already a 3.6-metre-high chain link fencing on the perimeter of Courts 4 and 5. The proposed replacement chain link fence is of the same height as the existing fence and it is set further away from the boundary with Delaware Mansions than the existing one. For these reasons the proposed fence is not considered to cause the occupiers of the neighbouring and adjoining residential properties to suffer a material loss of amenity as a result of a loss of outlook or a loss daylight/sunlight, and nor would it have an overbearing impact on these properties.

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

The proposal would allow a greater number of people to use PSC in the winter months, but this number would be no greater than the number who currently use it in the summer months. The proposal is therefore not considered to have any impact on parking or transportation to and from the application site.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

No changes to the access of the application site are proposed.

#### **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, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this 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.



No pre-commencement conditions have been recommended.

### **8.11 Planning Obligations**

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

### **8.12 Environmental Impact Assessment**

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

### **8.13 Other Issues**

#### **Consultation Process**

Objectors have stated that they believe that many of the people who submitted comments of support for the proposal do not live near Paddington Sports Club. It should be noted however, that anyone is allowed to comment on a planning application, regardless of whether they live near the application site or even if they live outside of the City of Westminster.

It has also been stated by objectors that Paddington Sports Club has encouraged its members to comment in support of the proposal by promising them prizes such as a trip to New York. The City Council however, has seen no evidence of a direct link between the encouragement to submit messages of support for the planning application and the offer of prizes. Even if such evidence was discovered it would not be a material planning consideration.

There have been reports of technical issues with City Council's website causing people to be unable to submit comments, although the City Council has no record of this issue. It should be noted however that for both consultations, the City Council has accepted comments by email and allowed people to comment past the original deadlines.

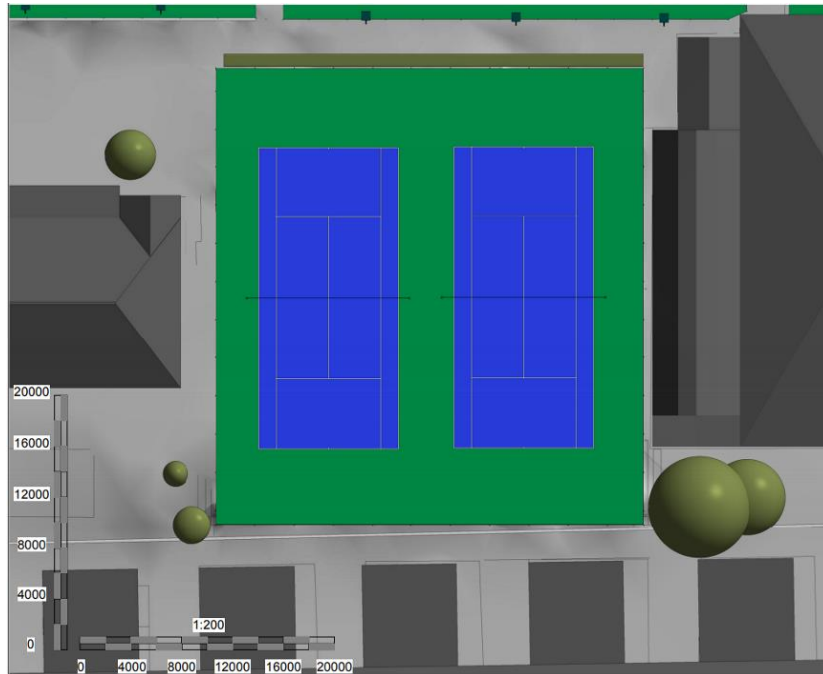
#### **Surface of the courts**

There has been an objection stating the surface of the courts should not be changed. The proposal makes no changes to the surface of the courts.

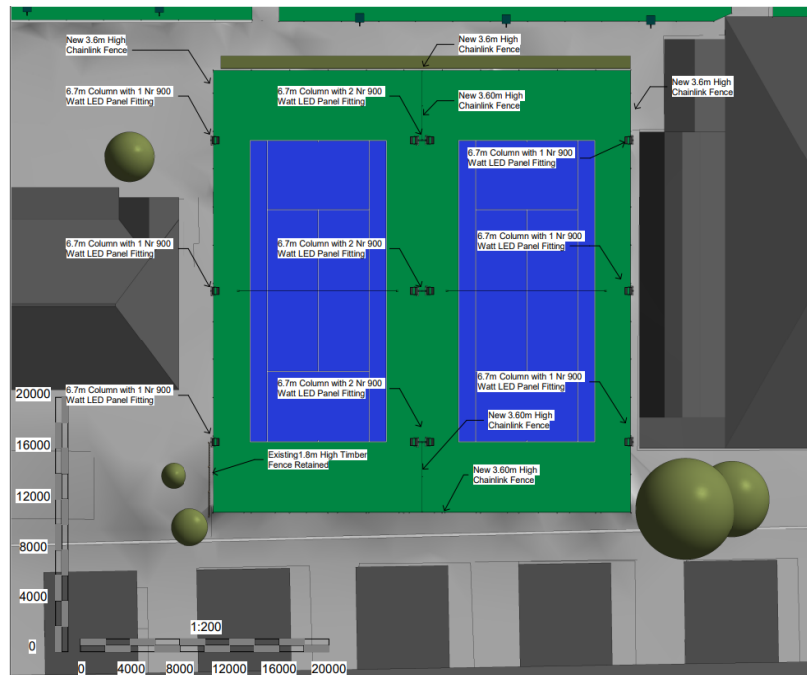
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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)

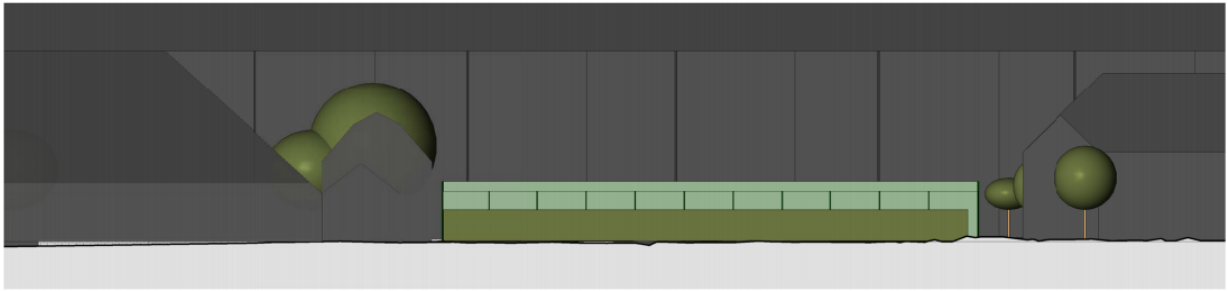
9. KEY DRAWINGS



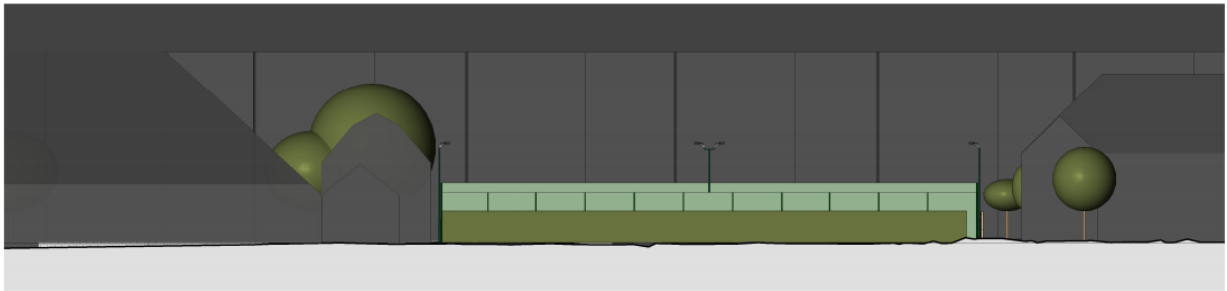
Existing Plan



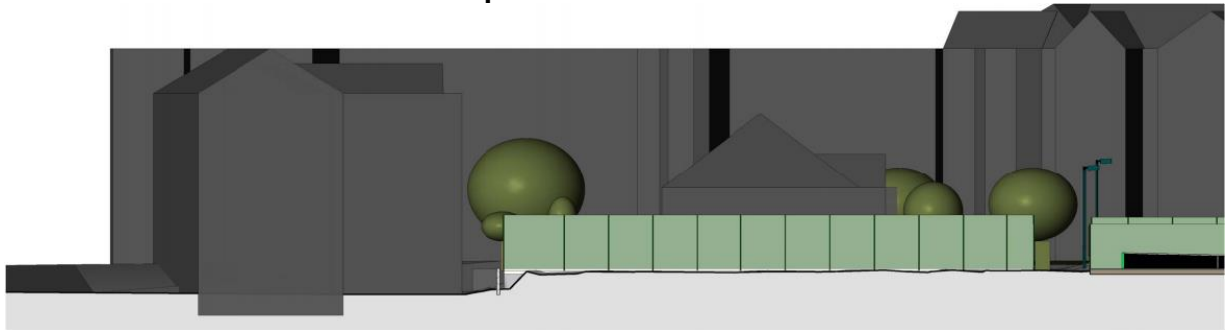
Proposed Plan



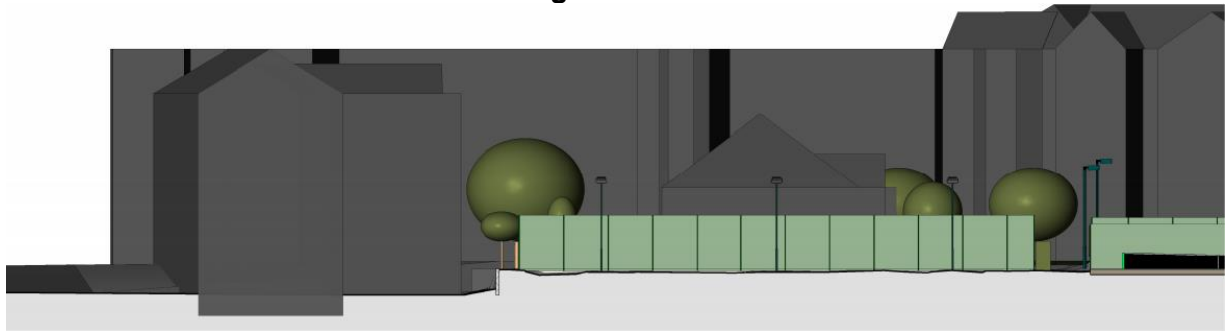
**Existing North Elevation**



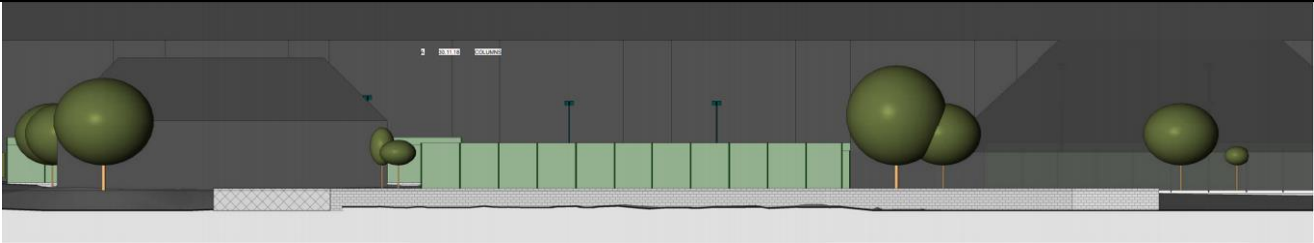
**Proposed North Elevation**



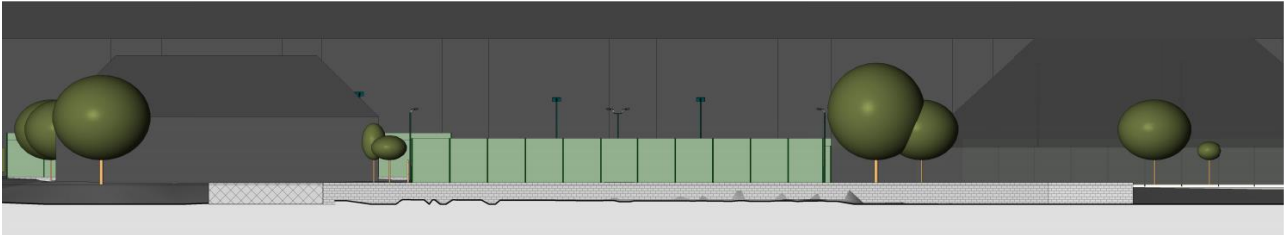
**Existing East Elevation**



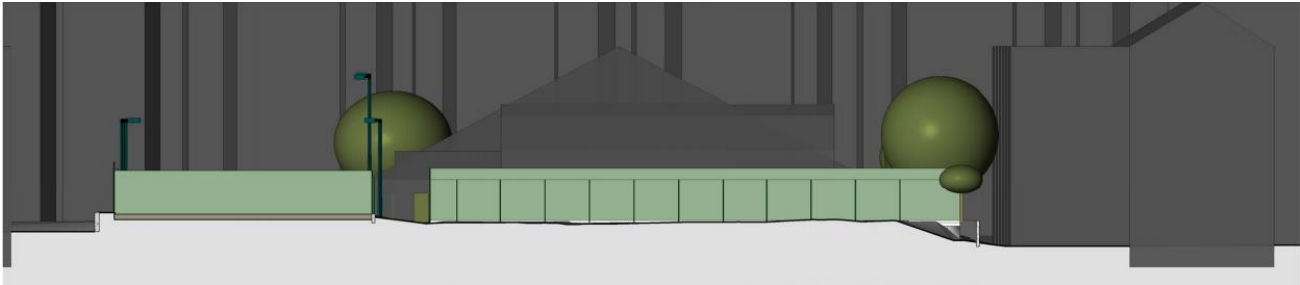
**Proposed East Elevation**



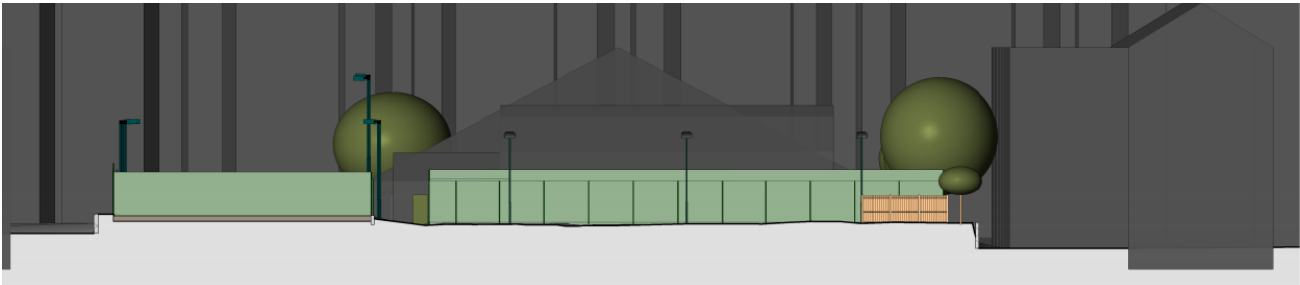
**Existing South Elevation**



**Proposed South Elevation**



**Existing West Elevation**



**Proposed West Elevation**

**DRAFT DECISION LETTER**

- Address:** Paddington Bowling & Sports Club, Castellain Road, London, W9 1HQ,
- Proposal:** Installation of new floodlighting to two existing outdoor tennis courts (courts 4 and 5 adjacent to the Club House) with the installation of new perimeter and division fencing, timber acoustic barrier and evergreen hedging.
- Reference:** 18/10265/FULL
- Plan Nos:** 2018 CAS 043 010 A rev. A, 2018 CAS 043 011 A rev. A, 2018 CAS 043 012 A, 2018 CAS 043 013 B rev. B, 2018 CAS 043 014 A rev. A, 2018 CAS 043 015 A rev. A, 2018 CAS 043 016 A, 2018 CAS 043 017 A rev. A, 2018 CAS 043 018 A, 2018 CAS 043 019 A, 2018 CAS 043 020, S.F.P.D. Outdoor Light Design for Paddington Sports Club Floodlight Two existing Tennis Court NRS 4 - 5 No Timber Fence & Hedge to Southern Boundary 12/04/2019, Letter from Sports Facility Planning & Design Limited dated 12 April 2019, Letter from Signify dated 24 March 2019, PSC Management Plan (Additional Information for Planners), Design and Access Statement Proposed Development at Paddington Sports Club Dated 30.11.2018 Issue 03, Paddington Sports Club Statement in Support of Planning Consent Application for LED Floodlighting on Courts 4 and 5

**Case Officer:** William Philps

**Direct Tel. No.** 020 7641 3993

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

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- 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 Maida Vale 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 Notwithstanding details shown on the approved drawings, the floodlights hereby permitted shall be painted green (RAL 6005) and maintained as such.

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

- 5 The floodlights hereby approved shall only be used between the hours of 1600 to 2000 hours and should be turned off on or before 2000 hours.

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 10, and ENV 13 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 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)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

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.

This page is intentionally left blank



# Agenda Item 7

Item No.
<b>7</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 9 July 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>90-91 Berwick Street, London, W1F 0QB,</b>		
<b>Proposal</b>	Details pursuant to Condition 23 of planning permission dated 4 October 2016 (RN: 15/06792/FULL), namely the submission of a Servicing Management Strategy.		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	Berwick Street Securities Limited		
<b>Registered Number</b>	18/08284/ADFULL	<b>Date amended/ completed</b>	27 September 2018
<b>Date Application Received</b>	27 September 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

Approve details.

## 2. SUMMARY

90-91 Berwick Street comprises a podium block with a residential tower element (Kemp House). Planning permission was granted on the 20 February 2015 for the following development:

'Partial demolition and rebuilding of existing podium levels with additional part single and part two storey extensions; front extension of part of the west elevation to Hopkins Street; replacement facades and new shopfronts; all in association with continued use of parts of the basement and ground floor on Berwick Street for shops (Class A1), financial and professional services (Class A2) and food and drink (Class A3) and new retail unit at northern end of Hopkins Street, use of remainder of podium (as extended) for hotel (Class C1) and residential (Class C3) purposes (maximum of 16 units) together with associated roof terraces (including for use by existing Kemp House residents); green roofs, landscaping, car and cycle parking, servicing, plant and ancillary works.'

This permission has been subsequently amended a number of times including on the 4 October 2016 when consent was granted to vary conditions on the approval to allow for minor material changes to the approved scheme. Permission is now sought to discharge Condition 23 of the planning permission from October 2016. This condition required that prior to the occupation of the

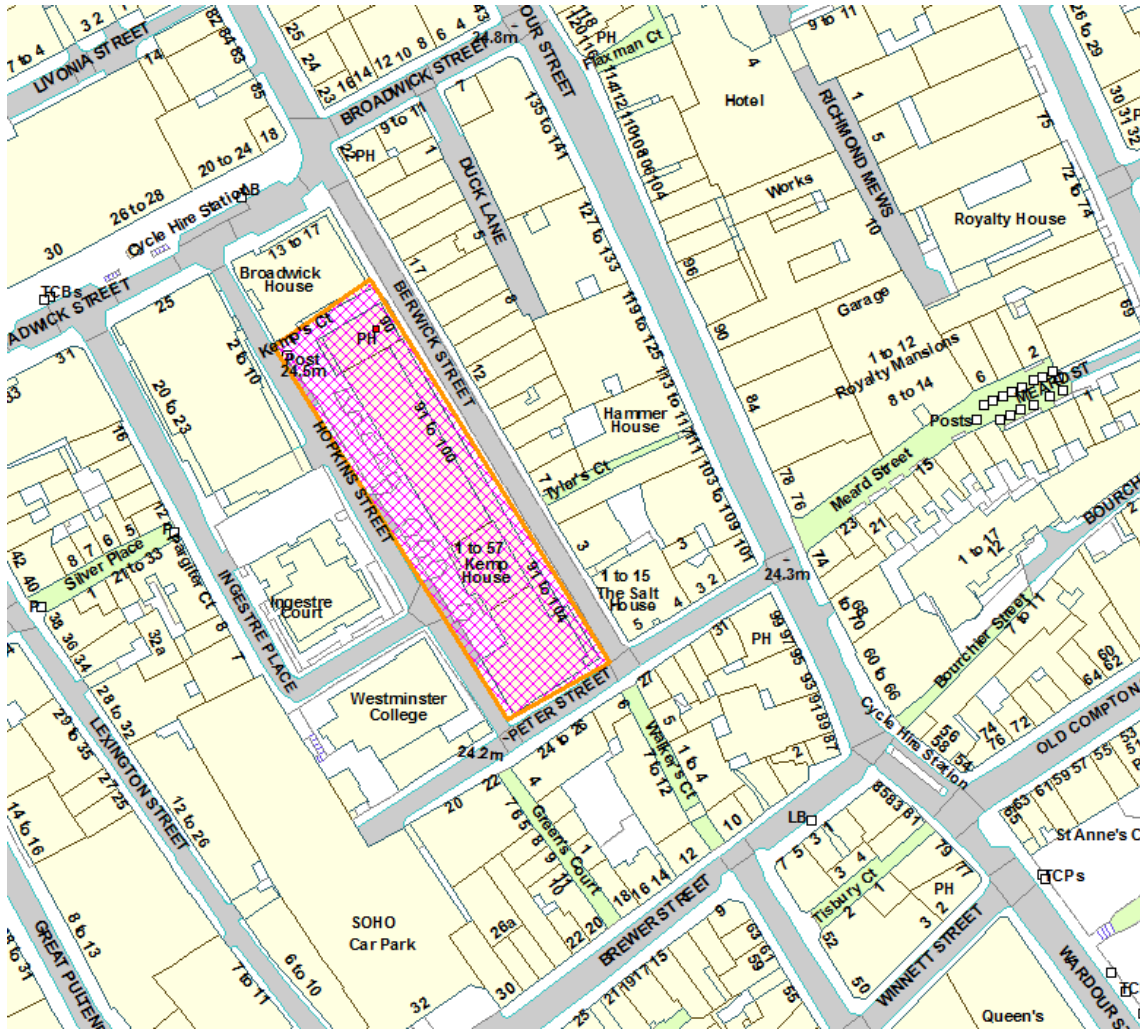
development a detailed servicing management strategy will be submitted for the City Council's approval.

The key issues for consideration are:

- The acceptability of the submitted plan to minimise noise and disturbance to nearby residents.
- The acceptability of the submitted plan to minimise disruption to the local highways network.

A number of objections have been received, but it is considered the submitted servicing management strategy is acceptable and it is recommended that the condition be discharged.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

**4. PHOTOGRAPHS**

View north along Hopkins Street:



View south along Hopkins Street:



## **5. CONSULTATIONS**

### **SOHO SOCIETY**

Objection – supports the comments of the Kemp House Residents Association and would prefer larger numbers of smaller delivery vehicles as opposed to larger vehicles.

### **HIGHWAYS PLANNING**

No objection.

### **KEMP HOUSE RESIDENTS ASSOCIATION**

Objection on the following grounds:

- Information provided is not up-to-date and doesn't fully consider the local circumstances of the application site.
- Servicing Plan may result in pavements and streets being blocked to the detriment of pedestrians and traffic movements.
- Concern over the level of monitoring both by site management and the City Council.
- Potential for noise disruption to residential occupiers resulting from early deliveries (before 07:00).
- Potential future issues with new night time venues in the area resulting in additional traffic movements.
- Potential changes to road layouts in the future may affect the long-term suitability of the Servicing Plan.

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

No. Consulted: 73

Total No. of replies: 2

No. of objections: 1

Objections on the following grounds:

Previous Co-Op supermarket servicing arrangements resulted in obstruction to the local roads.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

90-91 Berwick Street is an unlisted building situated in the Core Central Activities Zone and the Soho Conservation Area. The site comprises a podium block with a residential tower element above (Kemp House). Construction works are on-going to implement a 2015 planning consent for the creation of new retail, restaurant, residential and hotel functions in the podium section of the building.

### **6.2 Recent Relevant History**

Planning permission was granted on 20 February 2015 for the partial demolition and rebuilding of existing podium levels with additional part single and part two storey extensions; front extension of part of the west elevation to Hopkins Street; replacement facades and new shopfronts; all in association with continued use of parts of the basement and ground floor on Berwick Street for shops (Class A1), financial and professional services (Class A2) and food and drink (Class A3) and new retail unit at northern end of Hopkins Street, use of remainder of podium (as extended) for hotel (Class C1) and residential (Class C3) purposes (maximum of 16 units) together with associated roof terraces (including for use by existing Kemp House residents); green roofs, landscaping, car and cycle parking, servicing, plant and ancillary works.

Planning permission was granted on 4 October 2016 for the variation of Conditions 1 and 30 of planning permission dated 20 February 2015 (RN: 13/12007) for the partial demolition and rebuilding of existing podium levels with additional part single and part two storey extensions; front extension of part of the west elevation to Hopkins Street; replacement facades and new shopfronts; all in association with continued use of parts of the basement and ground floor on Berwick Street for shops (Class A1), financial and professional services (Class A2) and food and drink (Class A3) and new retail unit at northern end of Hopkins Street, use of remainder of podium (as extended) for hotel (Class C1) and residential (Class C3) purposes (maximum of 16 units) together with associated roof terraces (including for use by existing Kemp House residents); green roofs, landscaping, car and cycle parking, servicing, plant and ancillary works. Namely, to amend the approved drawings so as to allow the provision of an additional 17 hotel bedrooms (providing a hotel of 110 hotel bedrooms) and to expand the food and drink offer to hotel guests on a 24 hour basis rather than just serving breakfasts.

## **7. THE PROPOSAL**

The current application seeks to discharge Condition 23 on the permission dated 20 February 2015. The condition stipulates the following:

*'Prior to the occupation of the development, you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the development. All servicing shall be undertaken in accordance with the approved strategy.'*

A Servicing Management Strategy has been submitted for consideration.

## **8. DETAILED CONSIDERATIONS**

The approved development included the provision of a servicing bay at the rear of the Endurance public house to the north of the development site accessed off Hopkins Street and another on-street servicing bay on Hopkins Street. The development also included an internal servicing corridor which allows direct access to the retail units from the servicing bay and it was considered this would encourage the occupiers to utilise this bay as opposed to other on-street loading / unloading bays in the vicinity. There were several existing small on-street servicing bays which were removed as part of the proposal and it was noted that large vehicles associated with the Co-op supermarket were unable to use these spaces and instead serviced from Peter Street to the south of

the site. A transport assessment was submitted as part of the original application which considered that future servicing requirements of the proposed development would be broadly similar to the existing building.

The original planning committee report asked members to consider; ‘the potential improvements to Hopkins Street by providing an enlivened frontage would outweigh the reduction in the provision of street level parking and servicing spaces’. This was considered to be the case by members and the application was granted subject to the submission of the SMP detailing how the provided servicing areas would be utilised. The reason for the imposition of the condition was in order to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties.

### **8.1 Transportation and Amenity**

The objection from the Kemp House Resident’s Association (KHRA) states that they consider out of date information has been used in the submitted Servicing Management Plan. This seems to be a reference to the inclusion of data from the original planning consent which is used to assess the previous servicing requirements to the building occupiers to inform the potential servicing requirements of future occupiers. As the development has now been granted it is not necessary to re-consider the number of deliveries which may be associated with the development but just the management of the approved servicing arrangements.

The KHRA have commented on a number of statements made in the Servicing Management Plan and consider these should be included as planning conditions on any consent. However, this is unnecessary, as the original condition states; ‘all servicing shall be undertaken in accordance with the approved strategy’. It is not necessary to condition certain aspects as the original condition itself requires servicing arrangements to accord with the approved document.

Swept path analysis has been provided to demonstrate that both servicing bays can accommodate delivery vehicles up to 8.3m and this has been confirmed by the Highways Planning Manager. The provision of the servicing bay in Hopkins Street was considered in relation to the original planning permission with regard its acceptability in highways and amenity terms. The KHRA have again objected to the principle of a servicing bay in this location due to pedestrian obstruction and possible damage to the building but this bay has been approved and the principle of its provision has already been deemed acceptable.

The KHRA have requested that the hours of servicing be restricted to between 07:00 and 22:00 in order to prevent noise nuisance to neighbouring residential occupiers. The applicant has agreed to this and an amended Servicing Management Plan has been provided to state these hours of servicing.

KHRA is concerned about the use of the servicing bays by other businesses in the vicinity which will lead to additional on-street servicing. The use of the bays will be monitored by on-site building management and City of Westminster parking enforcement to ensure the bays are only utilised by appropriate users. If the bays are in use, then there are another two designated loading bays on Broadwick Street to the north of the development site. Additionally, the previous servicing arrangements did not include



capacity for the 8.3m delivery vehicles that serviced the Co-op with servicing happening from the street on Peter Street. The new arrangements providing larger servicing bays are considered an improvement on that situation.

## 8.2 Other UDP/Westminster Policy Considerations

Comments have also been made by the KHRA in relation to vehicles parking illegally and making inappropriate driving manoeuvres. This is not relevant to the Servicing Management Plan for the new development and would be an issue for the police and parking enforcement against individual drivers.

The applicant has confirmed that an Estates Manager will be appointed who will be employed on-site and will be responsible for the following:

- Controlling and scheduling loading bay vehicle access by users for the off-street facilities;
- Being responsible for day to day management of the bay including cleanliness;
- Keeping a record of servicing bay movements and compliance with the loading strategy; and
- Liaison with neighbours including the Kemp House Residents Association.

The KHRA have also commented on potential future traffic restrictions in the area such as making Hopkins Street one way. There is no current scheme to provide this and therefore it does not need to be considered as part of the submitted SMP. Additional comments have been received raising concerns that other developments in the area including the Soho Estates scheme around Walker's Court to the south of the Co-Op supermarket will result in additional highways pressure. Whilst it is noted there is a large amount of development in the vicinity, this application solely relates to the servicing arrangements of the approved uses in the re-developed building. The location of the servicing bays have been agreed and it is the management of these bays which is now being considered. The additional developments taking place within the area will not have a material impact upon the detail included within the Servicing Management Plan.

The Soho Society have objected to the application supporting the comments made by the KHRA but also commenting on whether larger vehicles should be restricted and only smaller delivery vehicles allowed which are electric. Whilst the City Council has several policies seeking environmental improvements as part of redevelopment works and seeks to promote the increase in use of electric vehicles there is no policy basis to formally require a development to be solely serviced by electric vehicles and the objection on these grounds is not therefore considered sustainable. The Soho Society also commented on the suitability of delivery vehicles leaving the site turning south on Marshall Street to meet Beak Street due to the narrowness of the road. This issue was raised with the applicant and the SMP amended so vehicles now turn south on Lexington Street to join Beak Street as most other delivery vehicles would do and is considered a much more appropriate route.

## 8.3 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 draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

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

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

**DRAFT DECISION LETTER**

**Address:** 90-91 Berwick Street, London, W1F 0QB,  
**Proposal:** Details pursuant to Condition 23 of planning permission dated 4 October 2016 (RN: 15/06792/FULL), namely the submission of a Servicing Management Strategy.  
**Reference:** 18/08284/ADFULL  
**Plan Nos:** Servicing Management Strategy (June 2019)

**Case Officer:** Matthew Giles

**Direct Tel. No.** 020 7641 5942

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

**Informative(s)**

- 1 This permission fully meets condition(s) 23 of the planning permission dated 15/06792/FULL. (I11AA)

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.

This page is intentionally left blank