



City of Westminster

# Committee Agenda

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

Meeting Date: **Tuesday 30th 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. 60 WIMPOLE STREET, LONDON, W1G 8AG**

**(Pages 15 - 34)**

**2. 14A DUFOUR'S PLACE, LONDON, W1F 7SN**

**(Pages 35 - 52)**

**3. 1 DORSET CLOSE, LONDON, NW1 5AN**

**(Pages 53 - 70)**

**4. 93 WARRINGTON CRESCENT, LONDON, W9 1EH**

**(Pages 71 - 86)**

**Stuart Love  
Chief Executive  
19 July 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 9th July, 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 Eoghain Murphy

#### **1 MEMBERSHIP**

1.1 It was noted that there were no changes to the membership.

#### **2 DECLARATIONS OF INTEREST**

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

#### **3 MINUTES**

3.1 That the minutes of the meeting held on 11 June 2019 be signed by the Chairman as a correct record of proceedings.

#### **4 PLANNING APPLICATIONS**

##### **1 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.

Additional representations were received from C&C Regal London in the form of a brochure of the proposals (undated) and DP9 (4.7.2019).

Late representations were received from Central & Cecil (5.7.2019), Building Control Surveyor (4.7.2019) and Arboricultural Officer (26.6.2019).

The presenting officer tabled the following amendments to the draft decision letter:

- Structural report and tree and landscaping details/drawings added/revised.
- Delete condition 26 (tree protection). Protection of street trees outside of the application site to be secured under the S106 legal agreement.
- Additional Informative (3) *For the avoidance of doubt the tree protection methodology and tree surgery in that document are not approved. Tree protection methodology including details of arboricultural supervision and monitoring will need to be dealt with via the section 106 legal agreement.*

The presenting officer also tabled a revised officer recommendation as follows:

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 or London affordable rent.
  - 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.~~  
**Not to occupy more than 25% of Building 2, before practical completion of Building 1. Not to occupy the remainder of Building 2 until legal transfer of Building 1 to Central & Cecil**
- 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.

3. If the S106 legal agreement has not been completed within six weeks from of 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.

Jim Pool (DP9) addressed the Committee in support of the application on behalf of the applicant.

**RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted subject to any views of the Mayor of London and

2. 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 or London affordable rent.
    - 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 more than 25% of Building 2, before practical completion of Building 1. Not to occupy the remainder of Building 2 until legal transfer of Building 1 to Central & Cecil.
  - 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.
3. The revisions to the draft decision letter as tabled and set out above.
4. If the S106 legal agreement has not been completed within six weeks from of 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.

## **2 388-396 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.

Guy Bransby addressed the Sub-Committee in support of the application.

George Jackson addressed the Sub-Committee in objection of the application.

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

That conditional permission be granted.

## **3 222 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.

The application was withdrawn from the Agenda by officers prior to the meeting.

## **4 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.

An additional representation was received from Innovative Aged Care (3.7.2019).

Late representations were received from Councillor Andrew Smith (9.7.2019), Councillor Margot Bright (9.7.2019), SEBRA (6.7.2019) and Bayswater Residents Association (6.7.2019)

James Cook addressed the Sub-Committee in support of the application.

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted.

**5 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 rooflights, additional air-conditioning plant and addition of lift overruns.

Late representations were received from the owner of Apartment 36 Bentinck Close (8.7.2019 x2)

Pippa Nisbet addressed the Sub-Committee in support of the application.

**RESOLVED:**

That conditional permission be granted.

**6 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.

Councillor Geoff Barraclough addressed the Sub-Committee in his capacity as one of the Ward Councillors and in support of the application.

Emily Mackay and Christopher Osborne addressed the Sub-Committee in support of the application.

**RESOLVED UNANIMOUSLY**

That conditional permission be granted.

**7 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.

The application was withdrawn from the Agenda by officers prior to the meeting.

The Meeting ended at 7.50 pm

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

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# Agenda Annex

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 30th July 2019  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s): 19/00416/FULL  Marylebone High Street	60 Wimpole Street London W1G 8AG	Demolition of existing two storey building and link to rear, replacement three storey link and four storey building to rear including mansard storey incorporating plant, infill extension at basement level and part ground floor level, fourth floor rear extension to main building, all to provide additional Class D1 medical floorspace, demolition of existing roof to main building, replacement roof structure incorporating plant and lift overrun, alterations to front entrance and associated works.	
	<b>Recommendation</b> Grant conditional permission.			
2.	RN(s): 19/00318/FULL  West End	14A Dufour's Place London W1F 7SN	Use of basement for dual/alternative office (Class B1a) or a health and fitness facility (Class D2) (Site includes part of 16A Dufour's Place).	
	<b>Recommendation</b> Grant conditional permission.			
3.	RN(s): 19/03307/FULL  Bryanston And Dorset Square	1 Dorset Close London NW1 5AN	External alterations including replacement of windows, installation of rooflights, maintenance balustrade and installation of ventilation extract ducting at roof level.	
	<b>Recommendation</b> Grant conditional permission.			
4.	RN(s): 19/02590/FULL 19/02591/LBC  Little Venice	93 Warrington Crescent London W9 1EH	Replace the existing first floor central window with double doors and use of flat roof as balcony.	
	<b>Recommendation</b> <ol style="list-style-type: none"> <li>1. Grant conditional permission</li> <li>2. Grant conditional listed building consent.</li> <li>3. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.</li> </ol>			

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# Agenda Item 1

Item No.
<b>1</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 30 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>60 Wimpole Street, London, W1G 8AG</b>		
<b>Proposal</b>	Demolition of existing two storey building and link to rear, replacement three storey link and four storey building to rear including mansard storey incorporating plant, infill extension at basement level and part ground floor level, fourth floor rear extension to main building, all to provide additional Class D1 medical floorspace, demolition of existing roof to main building, replacement roof structure incorporating plant and lift overrun, alterations to front entrance and associated works.		
<b>Agent</b>	Howard De Walden Management Limited		
<b>On behalf of</b>	Howard De Walden Management Limited		
<b>Registered Number</b>	19/00416/FULL	<b>Date amended/ completed</b>	28 January 2019
<b>Date Application Received</b>	21 January 2019		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Harley Street		

## 1. RECOMMENDATION

Grant conditional permission
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## 2. SUMMARY

<p>The application site is located within the Harley Street Special Policy Area on the west side of Wimpole Street close to the junction of New Cavendish Street. The application site is bounded by mixed residential and medical property to the south and a wholly residential property (in use as flats) to the north on Wimpole Street, and a residential property immediately at the rear on Marylebone Mews, to the west of the site. The building comprises a mid-terrace building consisting of basement, ground, plus four upper storeys. Consent has been granted on a previous application for the use of the third and fourth floor for medical purposes (Class D1). The entire building is now lawfully in use for medical purposes.</p> <p>Planning permission is sought for the demolition of existing two storey building and link to rear, replacement three storey link and four storey building to rear including mansard storey incorporating plant, infill extension at basement level and part ground floor level, fourth floor rear extension to main</p>
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building, demolition of existing roof to main building, replacement roof structure incorporating plant and lift overrun, alterations to front entrance and associated works.

One objection has been received on behalf of a neighbouring resident regarding noise concerns, specifically from the new plant and lift.

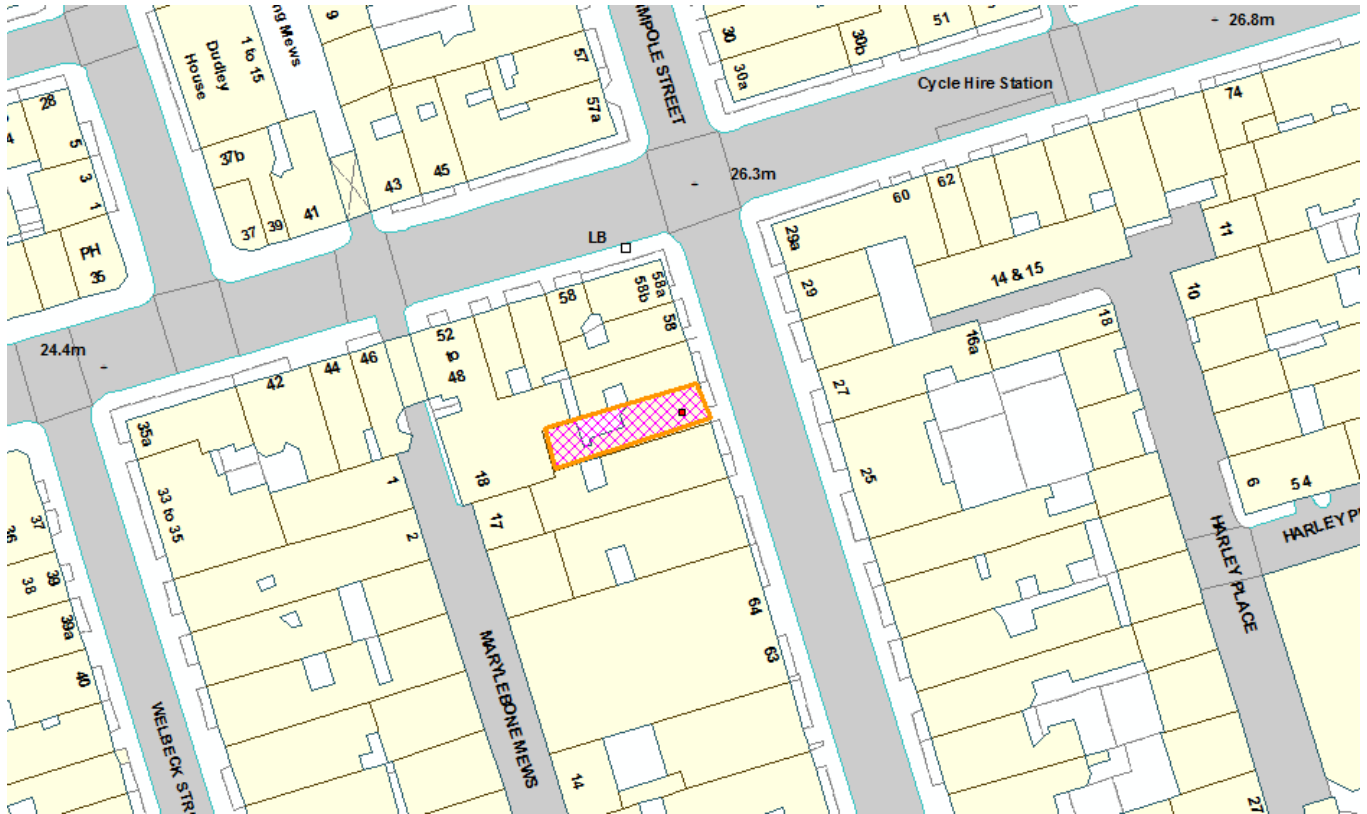
The key issues for consideration are:

- The impact of the proposals upon the amenity of neighbouring residents;
- The impact of the works upon both the special interest of the neighbouring listed building and the Harley Street Conservation Area.

For the reasons set out in the main report, the proposal is considered acceptable and is in line with the policies within the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan).



### 3. LOCATION PLAN



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4. PHOTOGRAPHS



5 Mar 2019 at 15:32:15



## **5. CONSULTATIONS**

### **MARYLEBONE ASSOCIATION**

Concerns regarding the potential impact upon overlooking and harm to the heritage of the neighbouring listed building at 61 and 62 Wimpole Street.

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

No. of original consultees: 33; No. of objections: 1

One objection has been received from neighbouring properties. The objections relate to:

- Loss of amenity due to increased noise from plant and the lift.

PRESS ADVERTISEMENT AND SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site comprises the basement, ground, plus four upper storeys of this unlisted building located within the Harley Street Conservation Area.

The application site is in medical use on the basement to second floors and was previously in use as a 3 bedroom flat on the third and fourth floors. The property formed part of a land use swap application with 14 Wimpole Street permitted in April 2019, with medical use approved on the third and fourth floors of the current site (putting the whole building into medical use). The land use swap has partly been implemented, with works having commenced at 14 Wimpole Street. The occupants of the medical use at basement, ground to second floor levels have recently vacated.

### **6.2 Recent Relevant History**

29 April 2019 – permission granted for the use of third and fourth floor for medical purposes (Class D1). (Land Use Swap with 14 Wimpole Street).

## **7. THE PROPOSAL**

Permission is sought for the demolition of existing two storey building and link to rear, and replacing that with a three storey link and four storey building to rear of the site, including a mansard storey that incorporates mechanical plant; an infill extension at basement level and part ground floor level, fourth floor rear extension to main building, demolition of existing roof to main building, replacement roof structure incorporating plant and lift overrun, alterations to front entrance and associated works. The proposal provides additional floorspace for medical purposes.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

As mentioned above, the site was previously subject to a land use swap with 14 Wimpole Street. It is understood that the land use swap, which is subject to a S106

agreement, has been partly implemented. The proposed works will result in an increase of 95.1sqm D1 medical floorspace: this is a welcome addition within the Harley Street Special Policy Area and in accordance with policy CM2.1 of Westminster's City Plan (November 2016).

**8.2 Townscape and Design**

60 Wimpole Street is an unlisted building located within the Harley Street Conservation Area. The building is identified as an unlisted building of merit in the Harley Street Conservation Area Audit, which was adopted by the City Council in 2008. The building is located immediately adjacent to a pair of grade II listed buildings to the south at 61 and 62 Wimpole Street. The site includes a five storey (above basement) townhouse building with a rear closet wing and a two storey wing at the back, separated by a lightwell, with a two storey link between the principal building and rear wing. The main design implications of the proposals involve the demolition of the existing two storey rear wing, the erection of a new four storey building and three storey link (inclusive of basements), the demolition and rebuild of the roof to the principal building to incorporate plant at roof level, the infill of the rear lightwell at basement and part ground floor level and alterations to the front entrance.

The original application also sought permission for an extension to the rear of the main building at fourth floor level to heighten the existing closet wing by an additional storey. This aspect of the proposals was resisted in design terms and subsequently omitted from the scheme. The proposal to add an additional storey to the closet wing was considered contrary to DES 5 of the UDP, which resists extensions above the penultimate level of the original building. The proposed extension resulted in the rear closet wing dominating the scale and appearance of the principal building. It was therefore considered that the closet wing should be retained at its current height, which is now proposed in the revised scheme.

The existing two storey rear wing and link at the rear of the site are of brick construction with white painted timber fenestration and are considered to make a neutral contribution to the appearance of the building and the conservation area. The proposal to demolish this part of the building is considered uncontentious in design terms. Permission is sought for a new four storey building in this position, including basement and mansard storeys, the latter of which incorporates plant. Whilst the proposed scheme represents an increase in height in this area, the proposed four storey building remains proportionate and subordinate to the scale of the principal building and is largely concealed behind the rear and flank walls of 18 Marylebone Mews, against which the new building will abut. These walls are significantly taller than the existing two storey structure and will serve to enclose the replacement four storey to the north and west. There is little consistency at the rear of this group of buildings. The proposed four storey building will therefore relate sensitively to the scale and height of development in this part of the conservation area and would not appear uncharacteristic in this position.

The proposed building and link will represent an increase in height at the boundary wall adjacent to the listed building at no. 61. However, this increase in height is not considered detrimental to the setting of this listed building and is considered acceptable.

Item No.
<b>1</b>

The design of the replacement four storey extension has been subject to negotiations. The original proposal for a fully glazed wall within the new building at first floor level was resisted, because this failed to relate to the traditionally detailed dormers proposed above at second floor level and the pattern of fenestration on the main building. This aspect of the proposals has subsequently been revised and now shows timber sash windows in this location, which is considered appropriate. The proposed palette of brickwork and timber fenestration is considered appropriate, as is the principle of a lightweight glazed link between the principal building and rear wing. The proposed infill at basement level is also considered uncontentious in design terms, given that the open lightwell is largely retained from ground floor level upwards.

The proposal to demolish and rebuild the roof on this unlisted building is considered acceptable, given that the new roof form will appear similar to the existing from the front and rear and retain the appearance of a traditional roof, in keeping with the roofscape of this group. Internally, the new roof will conceal plant and a lift overrun which will not be visible from any public and private vantage points and are also considered acceptable. The imposition of conditions requiring the submission of a slate sample and detailed drawings of the rebuilt dormers to the front and rear of the main building are recommended.

One comment has been received from the Marylebone Association which refers to the potential impact of the proposed roof level works on the fabric of the neighbouring building. The proposed drawings show that the existing party wall, which separates the demolished roof structure from the roof of the adjacent listed building, is retained and extended rearwards in brickwork to accommodate the new roof form. The proposed drawings do not show any alterations which would harm the fabric of the adjacent building at roof level. Based on the drawings submitted, the potential for damage to the adjacent building is not considered to be a sustainable reason for refusal on planning grounds and this comment cannot be supported in design terms.

To the front elevation, minor alterations are proposed including a replacement front door, replacement basement entrance door and the installation of an entrance ramp. The existing entrance steps are of poor quality and the principle of creating a ramped access is acceptable subject to materials and detail. The imposition of a condition requiring further details of the entrance ramp and doors is recommended. Subject to these conditions, the proposed works to the front elevation are considered acceptable in principle.

Overall, the application is considered compliant with DES 5, DES 6 and DES 9 of the UDP and will preserve the setting of the nearby listed buildings, compliant with DES 10. The proposed development will preserve (or enhance) the character and appearance of this part of the conservation area and is therefore recommended for approval in design terms.

### **8.3 Residential Amenity**

The rear of the application site is in close proximity to the rear of the residential properties on Marylebone Mews and to the rear of neighbouring properties at 59 and 61 Wimpole Street.

### **Noise**

One objection has been received on behalf of a neighbouring resident adjacent to the premises in 61 Wimpole Street. They object to the additional background noise, the units operating all night and inconvenience.

The objector commissioned their own acoustic consultant (Gillieron Scott Acoustic Design (GSAD)) to undertake a review of the noise assessment submitted to support this application.

GSAD raised a number of queries relating to the report provided by RBA Acoustics in support of this application: the queries related to how data has been measured by the applicant's acoustic consultant.

The report has been assessed by the Council's Environmental Health Officer who has confirmed that he is satisfied that the applicant's noise assessment is acceptable and that the plant should operate in accordance with the relevant criterion set out within UDP Policy ENV 7. The draft permission includes the Council's standard conditions restricting noise levels and on this basis the objection is not considered to be sustainable.

### **Lift**

The objectors seek reassurances that the lift motor mechanism and operation does not produce and noise or vibration that is perceivable from within their residential dwelling at any time.

The applicant has provided a detailed response confirming that, given the location of the lift shaft within the building, it is very unlikely there will be any noise or vibration that would carry through to a neighbouring property. The proposed lift is set away from the party wall and there is no reason to believe that it will cause a nuisance for the neighbouring properties.

### **Sunlight and Daylight**

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.

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 on windows at 59 and 61 Wimpole Street and 17 and 18 Marylebone Mews. With regards to daylight the report shows that in many cases there would be no change in the vertical sky component. Where there are losses to residential windows, these losses will be very minimal. The maximum loss is 2.2%, which is well below 20% in which the Building Research Establishment (BRE) guidelines refer to as being potentially noticeable. The sunlight assessment shows that in all cases losses in both summer and winter annual probable sunlight hours would be very minor and there are no breaches in BRE guidelines.

### **Privacy**

The Marylebone Association raised a holding objection requesting officers to closely review the potential impact of the redesign of the link and rear building, with their large windows, for potentially overlooking neighbours.

It is considered that there may be an increased amount of potential overlooking between 60 and 59 Wimpole Street from the windows within the link and the medical floorspace at rear first floor level. It is noted that there are flats within 59 Wimpole Street, although no objection has been received from this neighbour. Available plans suggest that there are bathrooms and kitchens in the rear of No. 59.

A staircase is located within the link adjacent to the window at first floor. It is unlikely that this will result in an intense amount of overlooking into 59 Wimpole Street. However, it is considered to be appropriate to have obscure glazing in these windows to ensure no overlooking and ensure that the extension to the rear of 60 Wimpole Street will not result in a negative impact to the residential amenity of the neighbouring property.

### **8.4 Transportation/Parking**

The London Plan requires the provision of 1 cycle space per 90sqm of office (B1) accommodation. This application proposes the increase in floorspace of 74sqm, falling short of the requirement for the provision of additional cycle parking.

### **8.5 Economic Considerations**

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

### **8.6 Access**

Not applicable

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

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 proposal is not CIL liable.

## **8.12 Environmental Impact Assessment**

The scheme is of insufficient scale to require 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: PAUL QUAYLE BY EMAIL AT <a href="mailto:pquayle@westminster.gov.uk">pquayle@westminster.gov.uk</a>
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## 9. KEY DRAWINGS

### Existing plan



Red brick - English bond  
Used on front facade



London stock brick - English bond  
Used on rear and side facades



White painted brick - English bond  
Used on rear and side facades at B1 Level



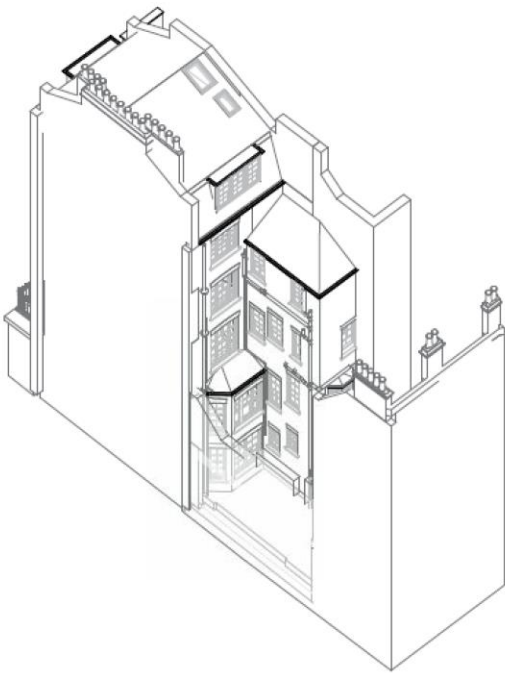
White painted render  
Used on front lightwell



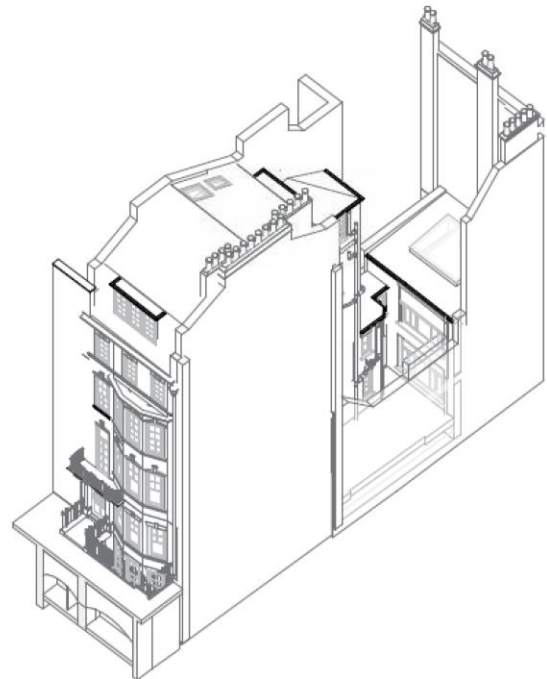
Natural slate roof  
Used on front mansard roof



Lead cladding  
Used on rear roof end dormer



1 Existing Volume - Rear View  
SK01



2 Existing Volume - Front View  
SK01

### Proposed plan



Red brick - English bond  
Used on front facade



London stock brick - English bond  
Used on rear and side facades



White painted render  
Used on front lightwell



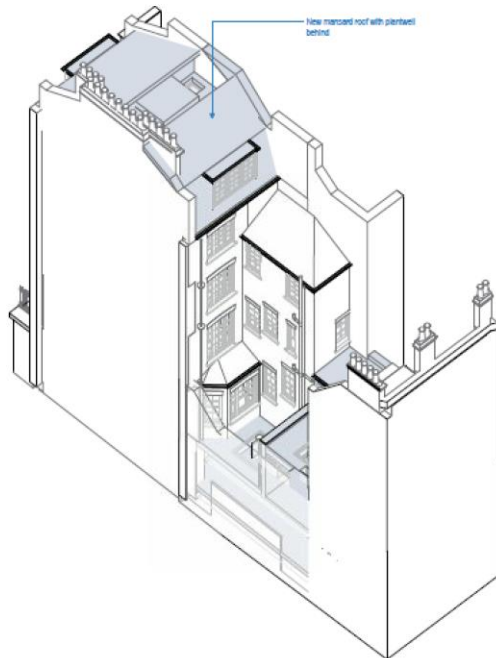
Natural slate roof  
Used on front mansard roof



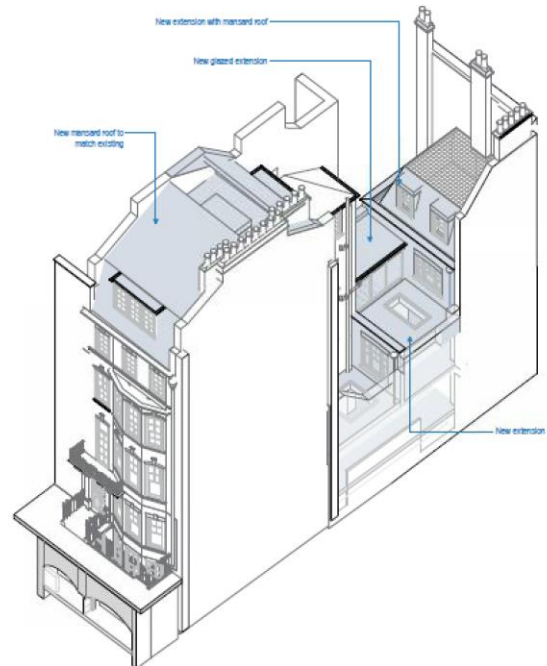
Conservation rooflights  
Used on rear pitched roof



Plateau rooflight  
Used on flat roofs



1 Proposed Volume - Rear View



2 Proposed Volume - Front View

**DRAFT DECISION LETTER**

**Address:** 60 Wimpole Street, London, W1G 8AG

**Proposal:** Demolition of existing two storey building and link to rear, replacement three storey link and four storey building to rear including mansard storey incorporating plant, infill extension at basement level and part ground floor level, fourth floor rear extension to main building, demolition of existing roof to main building, replacement roof structure incorporating plant and lift overrun, alterations to front entrance and associated works (REVISED DESCRIPTION).

**Reference:** 19/00416/FULL

**Plan Nos:** Proposed plans:  
1748-ST-XX-ZZ-DR-A-2254 REV A5, 1748-ST-XX-ZZ-DR-A-2253 REV A5, 1748-ST-XX-ZZ-DR-A-2252 REV A5, 1748-ST-XX-ZZ-DR-A-2251 REV A5, 1748-ST-XX-ZZ-DR-A-2236 REV A5, 1748-ST-XX-ZZ-DR-A-2236 REV A5, 1748-ST-XX-ZZ-DR-A-2231 REV A5, 1748-ST-XX-XX-DR-A-4254 REV A5, 1748-ST-XX-XX-DR-A-4253 REV A5, 1748-ST-XX-XX-DR-A-4252 REV A5, 1748-ST-XX-XX-DR-A-4251 REV A5, 1748-ST-XX-XX-DR-A-SK03 REV A5, 1748-ST-XX-XX-DR-A-3252 REV A5, 1748-ST-XX-XX-DR-A-3251 REV A4

Demolition plans:

1748-ST-XX-ZZ-DR-A-2131 REV A4, 1748-ST-XX-ZZ-DR-A-2136 REV A4, 1748-ST-XX-ZZ-DR-A-2151 REV A4, 1748-ST-XX-ZZ-DR-A-2152 REV A4, 1748-ST-XX-ZZ-DR-A-2153 REV A4, 1748-ST-XX-ZZ-DR-A-2154 REV A4, 1748-ST-XX-XX-DR-A-3151 REV A4, 1748-ST-XX-XX-DR-A-3152 REV A5, 1748-ST-XX-XX-DR-A-4153 REV A5, 1748-ST-XX-XX-DR-A-4154 REV A5, 1748-ST-XX-XX-DR-A-SK02 REV A5, 1748-ST-XX-ZZ-DR-A-2153 REV A5, 1748-ST-XX-ZZ-DR-A-2153 REV A5

**Case Officer:** Shaun Retzback

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

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

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

Reason:

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

- 2 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.

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

Reason:

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

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

Reason:

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

- 4 You must 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

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

- 5 You must apply to us for approval of detailed drawings of the following parts of the development: , , 1. Rebuilt dormers to front and rear of main roof to match size and profile of existing (1:5 and 1:20), 2. New external windows and doors (1:5 and 1:20), 3. New rooflights (1:5 and 1:20), 4. Ground floor entrance ramp (1:5 and 1:20) , , You must not start any work on these parts of the development until we have approved what you have sent us., , You must 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 this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

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

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

Reason:

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

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

- 9 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 according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Harley Street Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

- 10 The roof shall be clad in a natural slate of a dark blue/ grey colour.

Reason:

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

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

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during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application;; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 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 You must provide the waste store shown on drawing 1748-ST-XX-ZZ-DR-A-2251 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the property. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste 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 not use the first floor flat roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency.

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**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)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
  
- 2 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
  - Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
  - This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.
  - Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm). It is now possible for local authorities to prosecute any of the relevant parties with respect to non-compliance with the CDM Regulations after the completion of a building project, particularly if such non-compliance has resulted in a death or major injury.
  
- 3 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. (180CB)



- 4 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.
- 5 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.
- 6 Conditions 11 and 13 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 7 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)
- 8 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

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

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# Agenda Item 2

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2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 30 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>	14A Dufour's Place, London, W1F 7SN,		
<b>Proposal</b>	Use of basement for dual/alternative office (Class B1a) or a health and fitness facility (Class D2) (Site includes part of 16A Dufour's Place).		
<b>Agent</b>	David Bell		
<b>On behalf of</b>	Central London Fitness Limited t/a F45 Training		
<b>Registered Number</b>	19/00318/FULL	<b>Date amended/ completed</b>	25 January 2019
<b>Date Application Received</b>	16 January 2019		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Soho		

## 1. RECOMMENDATION

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

## 2. SUMMARY

<p>The site comprises basement, ground and six upper floors. The floors at ground level and above are in residential use as flats (Sandringham Court and 15 Dufour's Place). The basement is in office (Class B1) use. Dufour's Place is a small cul-de-sac located off Broadwick Street between Marshall Street and Poland Street. It is mixed use in character, with another gym, the rear of Marshall Street Leisure Centre, a Westminster Cleansing Depo, offices, a large amount of residential and some back of house areas for premises fronting on to Marshall Street. Planning permission is sought to allow the use of the basement of 14a and part of 16a Dufour's Place as dual/alternative office (Class B1a) and/or a health and fitness facility (Class D2). The key issues for consideration are:</p> <ul style="list-style-type: none"> <li>• The impact of the possible loss of the existing office (Class B1a) use on the character and function of the area, and</li> <li>• The impact of the possible new health and fitness facility (Class D2) use on the character and function of the area and residential amenity.</li> </ul> <p>Should the current office space be lost and a gym occupy the space instead, the loss of office space to another commercial use would not be resisted. The proposed gym use is considered acceptable subject to a range of conditions to limit the possible impact on amenity and character of the area.</p>
--

These conditions will serve to overcome objections raised with regards to impact of the use on the residential amenity of the area.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## **5. CONSULTATIONS**

### **SOHO SOCIETY**

Objection on the grounds of change of use from B1 office to D2 gym - wish B1 use to stay

### **ENVIRONMENTAL SCIENCES**

No objection subject to conditions

### **HIGHWAYS PLANNING**

Objection - no cycle storage provided and waste storage details not in accordance with Council guidelines

### **WASTE PROJECT OFFICER**

Objection - waste storage details not in accordance with Council guidelines.

### **ADJOINING OWNERS AND OCCUPIERS AND ANY OTHER REPRESENTATIONS**

No. consulted: 188;                      No. responded: 5  
No. of objections:4;                      No. in support: 1

Four objections have been received (three from the same person) on some or all of the following grounds:

#### **Amenity:**

- Impact of proposed use on residential amenity particularly from noise and late opening hours.

#### **Other**

- Security risk if used as health and fitness property open to the public;
- Use of existing fire escape/terrace at rear ground floor;
- Damage to property from installation of gym equipment;
- Impact of proposed use on home insurance and property value; and
- Request for independent structural survey and engineering reports, party wall agreements, sound insulation materials, legally binding obligation to cover issues raised to protect interests and investments.

One letter in support of the application has been received from the Great Portland Estate on the grounds that:

- Permitting the use will help tackle anti-social behaviour issues in Dufour's Place by generating activity and providing natural surveillance;
- Benefits of bringing vacant basement floorspace into use.

SITE AND PRESS NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site is an unlisted building located in the Soho Conservation Area and the Core Central Activities Zone (Core CAZ). The site comprises basement, ground and

six upper floors. The floors at ground level and above are in residential use as flats (Sandringham Court and 15 Dufour’s Place). The application only concerns the basement, which is vacant but was last in office (Class B1) use.

Dufour’s Place is a small cul-de-sac located off Broadwick Street between Marshall Street and Poland Street. It is mixed use in character, with another gym, the rear of Marshall Street Leisure Centre, a Westminster Cleansing Depo, offices, residential and back of house areas for premises located on Marshall Street. Residential premises are located at Sandringham Court (multiple flats), 15 Dufour’s Place (a single flat) , 7 Dufour’s Place (15 flats), and William Blake House (1-6 Dufour’s Place / 8 Marshall Street comprising of multiple flats).

The application site is located at basement level and accessed by external stairs located immediately next to the flat at ground floor level at 15 Dufour’s Place. The basement area is mostly below the flats at Sandringham Court, but also partly below 15 Dufour’s Place.

**6.2 Recent Relevant History**

There is no relevant planning history for the application site.

**7. THE PROPOSAL**

Planning permission is sought to allow the use of the basement of 14A and part of 16A Dufour’s Place for dual/alternative uses, as either continued office use (Class B1a) or as a health and fitness facility (Class D2). No external alterations are proposed. The land use figures for the proposals are shown in the table below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	233	0	-233
Dual/alternative office (Class B1a)/ health and fitness facility (Class D2)	0	233	+233
Total	233	233	0

**8. DETAILED CONSIDERATIONS**

**8.1 Land Use**

**Loss of office use**

The proposals may result in the loss of 233sqm of office (Class B1) floorspace should the unit be used as a health and fitness facility (Class D2). The Soho Society has objected to the loss of the office floorspace. There are no policies which prevent office space being converted to other commercial uses. While the Council now safeguards office floor space, in recognition of Westminster’s role as the most significant business centre in the UK, this only protects office space when the proposed change of use is to residential. Should the current office space be lost and D2 occupy the space instead, the loss of office space in this instance would not be resisted and the objection cannot therefore be sustained.

**Proposed health and fitness facility (Class D2)**

The proposals may result in the creation of 233 sqm of health and fitness facility (Class D2) should this aspect be implemented. Policies SOC1 of the UDP and S34 of the City Plan both encourage the provision of new social and community infrastructure, which includes gyms throughout the city at appropriate sites and where they do not harm residential amenity.

Dufour's Place has a large amount of residential premises within it, as outlined above, including those directly above the site at Sandringham Court and at the ground floor of 15 Dufour's Place.

The proposed unit will be occupied by F45 Training, who provide gym class workouts. The classes are high intensity interval training that last for 45 minutes. Each class has a specific focus and has a maximum capacity of 36 members which limits the scale of the operation and intensity of the use at the site. The classes can only be attended by members who have signed up in advance.

The initial proposed opening hours of the gym were:

- 06:00 - 21:00 on Monday to Friday;
- 07:00 - 18:00 on Saturdays; and
- 09:00 - 18:00 on Sundays.

However, following objections to the proposal the applicant has reduced the proposed opening hours twice. The opening hours are now proposed as:

- 06:00 - 20:00 on Monday to Friday;
- 08:00 - 13:30 on Saturdays; and
- 09:00 - 13:00 on Sundays.

Environmental Sciences have assessed the application and advised that the proposed use and it's potential for noise impact through the building may be of concern, as the original construction was never designed for such a use. They have advised that this concern can be overcome by way of a condition securing a supplementary acoustic report demonstrating that the proposed use will not negatively impact on the amenity of residents living above. Conditions requiring a sound limiter on any sound amplification devices and to set limits on the amount of internal noise and vibration that can travel through the building are also considered necessary in this instance, given that there are residential flats directly above the unit. These conditions will serve to address the objections received on the grounds of amenity impacts from the proposed gym use.

The applicant initially contested that they do not consider the additional information necessary and that their reductions in the proposed opening hours combined with their proposed style of operation will not impact residents. However, high intensity interval workout sessions (such as those operated by F45) are often, but not always, accompanied by loud background music and trainers, as well as the potential frequent dropping of weights and use of other equipment which may produce noises and vibrations capable of travelling through the structure of the building. Furthermore, it must be noted that this will not be a personal permission for F45, so any other gym operator may occupy and operate within the unit in the future. Given the above and the objections received, it is considered that the conditions discussed above are essential to provide an acceptable proposal and the applicant has now agreed to the draft conditions



Officers have had some concerns regarding the potential impact of the increased activity and the impact on residential amenity, in particular on Flat 15 Dufour's Place. This is a ground floor flat with the access stairs to the proposed use located immediately adjacent to some of the windows. Officers have spoken directly to one of the residents of this flat who advised that the windows in question serve a bedroom. The occupier advised verbally that they had no concerns regarding the proposal, hence the absence of any objection from them. Given this, and the relatively small number of visitors to the gym, it is considered that in this instance the increased activity and associated impact on Flat 15 is acceptable. To reduce the possibility of customers waiting outside the premises and damaging the amenity of flat 15, the applicant has revised the proposals to include a waiting area inside. This area shall be conditioned to be retained as such.

There has been a general objection about the gym use having an adverse effect on residential amenity of neighbouring properties, as well as another resident (who lives above the proposed gym) concerned about noise generated by the proposed use. It is considered that with the conditions referred to above, and bearing in mind the other activities within Dufour's Place, that the potential impact will be ameliorated and that the objections are therefore not sustainable.

One letter in support of the application has been received from the Great Portland Estate on the grounds that permitting the proposed D2 use will help tackle the existing anti-social behaviour issues in Dufour's Place, which has an adverse effect on amenity for residential and commercial occupiers. They believe that permitting the D2 use would generate activity in Dufour's Place and provide natural surveillance. They also highlight the benefits of bringing vacant basement floorspace back into use with a use that they consider is appropriate in this location. They also advise they believe that the D2 use would have a minimal impact from generated activity (such as noise) and any impact there is will be offset by the improvements to overall amenity by reducing anti-social behaviour. These comments are noted and are considered to have some validity.

## **8.2 Townscape and Design**

No external alterations are proposed as part of this application. There are no townscape and design issues for consideration.

## **8.3 Residential Amenity**

The impact of the proposal on residential amenity has been discussed in section 8.1 above.

## **8.4 Transportation/Parking**

The Highways Planning manager has assessed the application on the grounds that no cycle storage is proposed. The London Plan Policy requires cycle parking provision of 1 space per 8 staff for (D2) purposes. The application states that there are 8 members of staff and should provide a minimum of 2 spaces. These shall be secured by condition.

**8.5 Economic Considerations**

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

**8.6 Access**

The basement area is currently accessed from an external staircase located in lightwell. This is accessed from Dufour's Place. The proposed use will maintain the same access arrangements. Whilst the lack of provision for disabled access is regrettable, it is acknowledged that the physical constraints of the site make this difficult to overcome.

**8.7 Other UDP/Westminster Policy Considerations**

**Refuse /Recycling**

Both the highways planning manager and the Waste Project Officer have objected on the grounds that any waste storage details provided are not in accordance with the Councils guidance. Details of appropriate waste storage facilities will be 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 Neighbourhood Plans**

There is no relevant neighbourhood plan at the present time.

**8.10 London Plan**

This application raises no strategic issues.

**8.11 National Policy/Guidance Considerations**

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

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

written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

No pre-commencement conditions are needed on this application.

### **8.12 Planning Obligations**

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

### **8.13 Environmental Impact Assessment**

Environmental Impact issues have been covered in section 8.1 above.

### **8.14 Other Issues**

#### **Crime and security**

One objector has raised issues regarding the impact of the proposed gym use on their flat security, particularly in relation to the accessibility of a large terraced area at the rear ground floor. A site inspection has shown that this terrace area in question is only accessible from the fire escape of the basement unit, which is to the rear. The objector advises that this terrace area is only used as a fire escape. The objectors concern is that this area will be used by members of the public using the D2 gym or by staff for breaks/dumping of equipment which would result in a loss of privacy.

This area falls outside the application site as indicated on the red line plan at submission and it is therefore not possible to impose any conditions restricting the use of this area. However, it is possible to ensure that any access at the rear of the unit shall only be used in an emergency or for maintenance purposes. This will serve to address the objectors concerns by limiting access to the rear and thus the terrace area.

#### **Other Points of Objection**

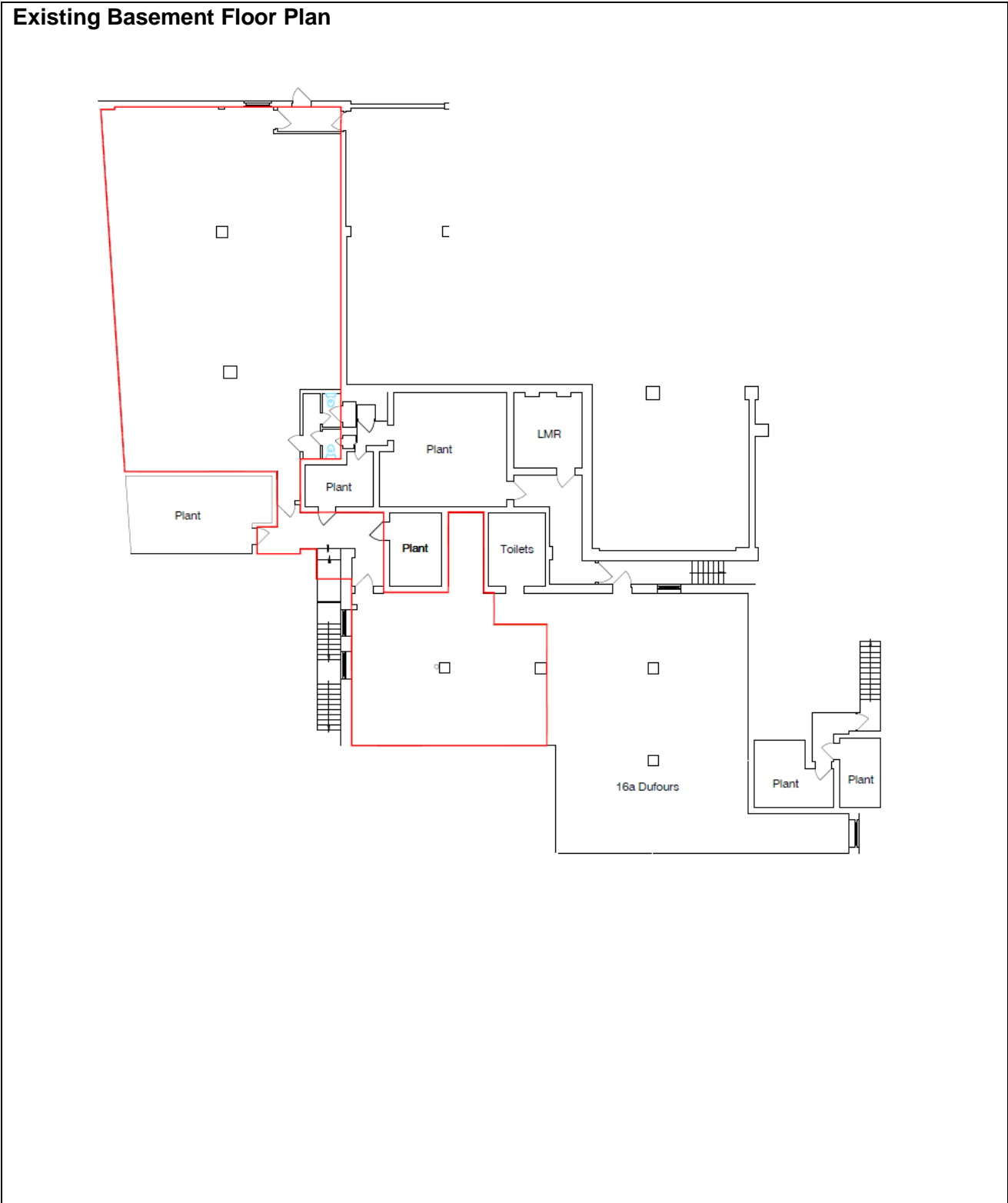
The objector also raised a number of other issues. These were damage to their property as a result of the installation of gym equipment, detrimental impact of the proposed use on property value and home insurance, and a request for a list of documents and agreements (independent structural survey and engineering reports, party wall agreements, sound insulation materials, legally binding obligation to cover concerns raised) to protect the objectors interests and investments.

While the objector's concerns on these topics are noted and recognised, all of these aspects fall outside the planning system and are considered to be private matters. It is therefore not possible to withhold permission on these grounds.

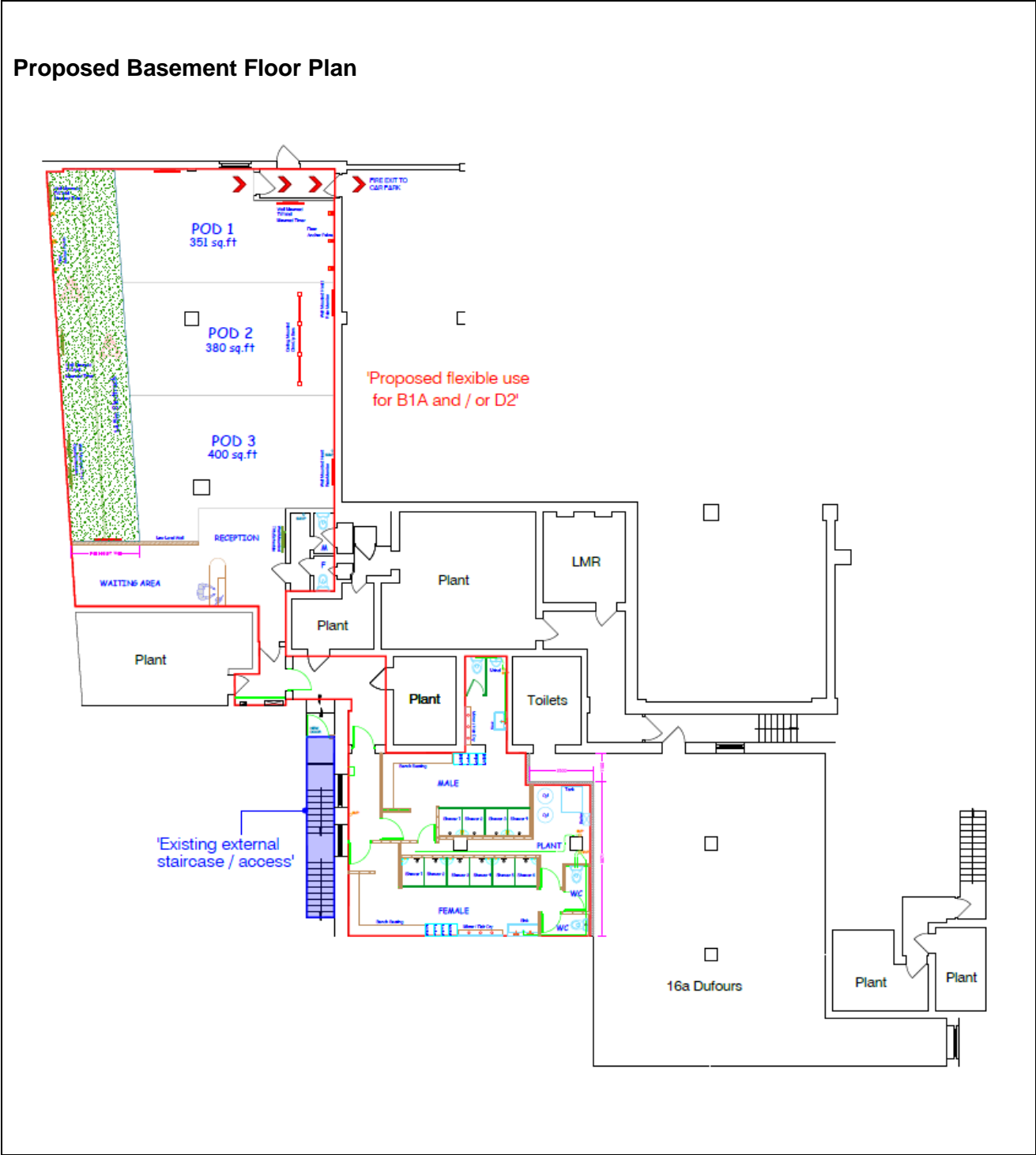
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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



**Proposed Basement Floor Plan**



**DRAFT DECISION LETTER**

**Address:** 14A Dufour's Place, London, W1F 7SN,

**Proposal:** (Site Includes Part of 16A Dufour's Place) Use of basement as a dual/alternative office (Class B1a) and or a health and fitness facility (Class D2)

**Reference:** 19/00318/FULL

**Plan Nos:** FC/F45/DUF-004 Rev H

**Case Officer:** Adam Jones

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

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

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

**Reason:**

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

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

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

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

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

**Reason:**

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

- 3 Prior to commencement of the D2 use, you must apply to us for approval of details of a supplementary acoustic report demonstrating that the D2 use will comply with the Council's noise criteria as set out in the Conditions contained within this permission for amplified music and gym activities. You must not commence the D2 use until we have approved what you have sent us.

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)

- 4 (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 D2 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 D2 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)

- 5 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)

- 6 A Sound Limiter shall be installed and set by a competent acoustic engineer so that it maintains compliance with the criteria in Condition 3. All amplification equipment within the development including music generating equipment and fitness instructor's announcement equipment shall be routed and controlled through the sound limiter. The operational panel of the noise limiter shall be secured by key or password so that only persons with management responsibility have access. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

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)

- 7 Should you implement the D2 use in the area labelled as "Proposed flexible use for B1A and / or D2" on approved drawing FC/F45/DUF-004 Rev\_H, you may use this area only as a gym. You must not use it for any other use within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use within Class D2 as we need to ensure that the precise use would have no harmful environmental or amenity impact, in accordance with policies S34 of Westminster's City Plan (November 2016) and SOC 1 of our Unitary Development Plan that we adopted in January 2007.

- 8 Customers shall not be permitted within the gym (Class D2) premises outside the following hours:  
-06:00 - 20:00 on Monday to Friday;



-08:00 - 13:30 on Saturdays; and  
-09:00 - 13:00 on 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)

- 9 Should you implement the D2 use in the area labelled as "Proposed flexible use for B1A and / or D2" on approved drawing FC/F45/DUF-004 Rev H, you must provide the area labelled as "Waiting Area". You must not use this area for any other purpose while the site is in D2 use.

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 You must apply to us for approval of details of how waste and recycling is going to be stored on the site for the hereby approved D2 use. You must not occupy the D2 use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling store in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the D2 use. You must not use the waste and recycling store for any other purpose.

Reason:

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

- 11 You must apply to us for approval of details of secure cycle storage for the D2 use. You must not occupy the D2 use 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)

- 12 The access to the rear of the unit shall only be used in an emergency or for maintenance purposes.

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 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

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- 13 Should you implement the D2 use in the area labelled as "Proposed flexible use for B1A and / or D2" on approved drawing FC/F45/DUF-004 Rev\_H, you may only allow a maximum of 36 customers in the premises at any one time.

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)

**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 does not allow any work which would change the outside appearance of the property. (I18AA)

- 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).

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

- 5 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)

- 6 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the basement can change between office (Class B1a) and or a health and fitness facility (Class D2) uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will

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become the authorised use, so you will then need to apply for permission for any further change.

- 7 With regards to Condition 11, you will be required to provide a minimum of 2 cycle spaces within the site (the red line for the application).
- 8 With regards to Condition 3, you will need to demonstrate compliance with Conditions 4, 5 and 6.

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

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# Agenda Item 3

Item No.
<b>3</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 30 July 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Bryanston And Dorset Square	
<b>Subject of Report</b>	<b>1 Dorset Close, London, NW1 5AN,</b>		
<b>Proposal</b>	External alterations including replacement of windows, installation of rooflights, maintenance balustrade and installation of ventilation extract ducting at roof level.		
<b>Agent</b>	DP9 Limited		
<b>On behalf of</b>	Lodha Developers Dorset Close Limited		
<b>Registered Number</b>	19/03307/FULL	<b>Date amended/ completed</b>	2 May 2019
<b>Date Application Received</b>	30 April 2019		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Dorset Square		

## 1. RECOMMENDATION

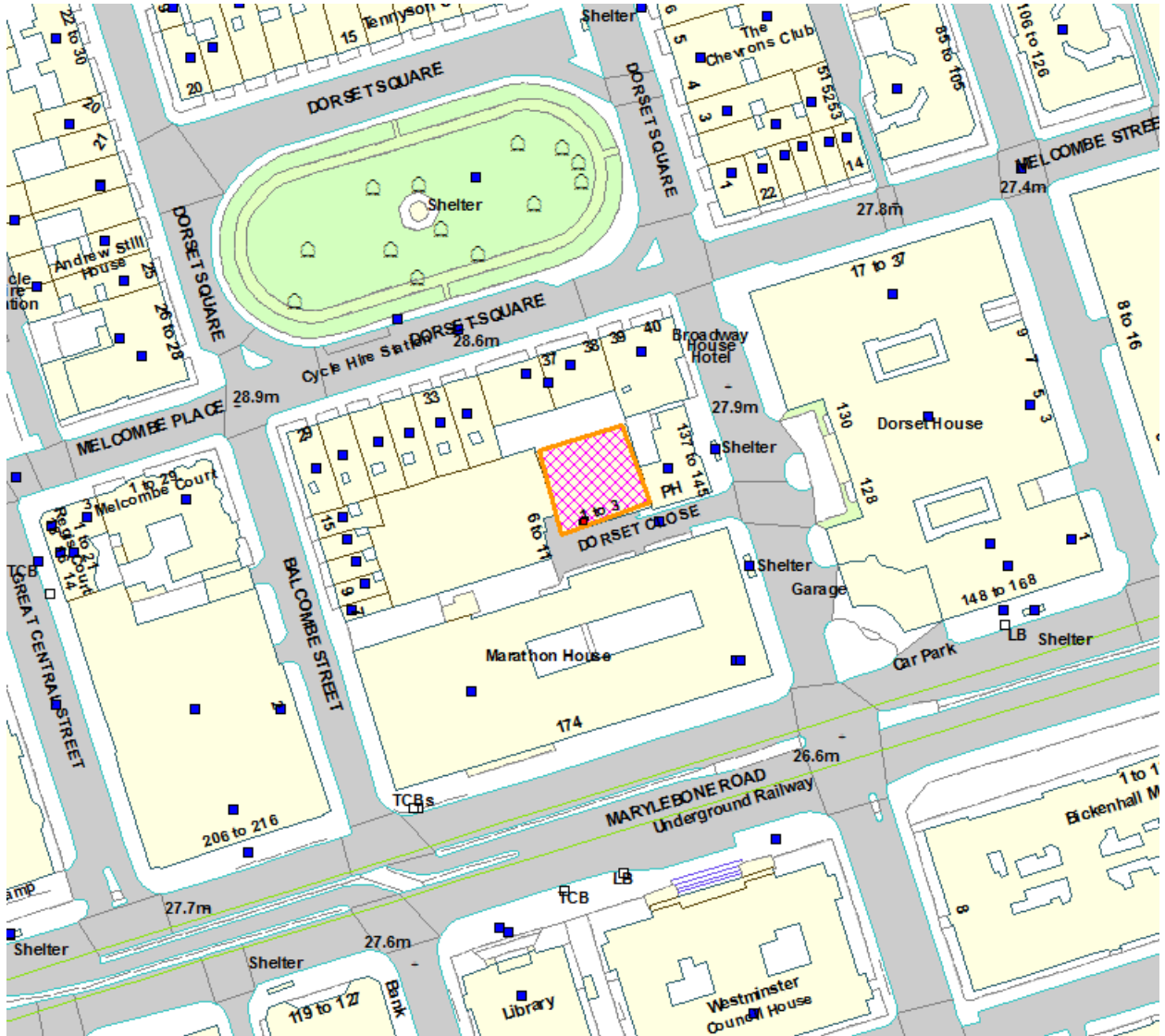
Grant conditional permission.
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## 2. SUMMARY

<p>The application property is a three storey building located on the northern side of Dorset Close. The property is not listed but is located within the Dorset Close Conservation Area. The property contained offices with three flats above until quite recently. It is currently undergoing conversion to 12 affordable flats, pursuant to prior approval application RN: 16/10996/P3JPA.</p> <p>The applicant seeks retrospective permission for several external alterations to this building, including replacement of windows, installation of rooflights, maintenance balustrade and installation of a smoke louvre, an automatic opening vent and rooflights at main roof level.</p> <p>The key considerations are:</p> <ul style="list-style-type: none"> <li>• Impact on the character and appearance of the Dorset Square Conservation Area and nearby listed buildings; and</li> <li>• Impact on the amenity of nearby residents.</li> </ul> <p>Objections to this application have been received, particularly to potential overlooking and noise from the windows.</p>
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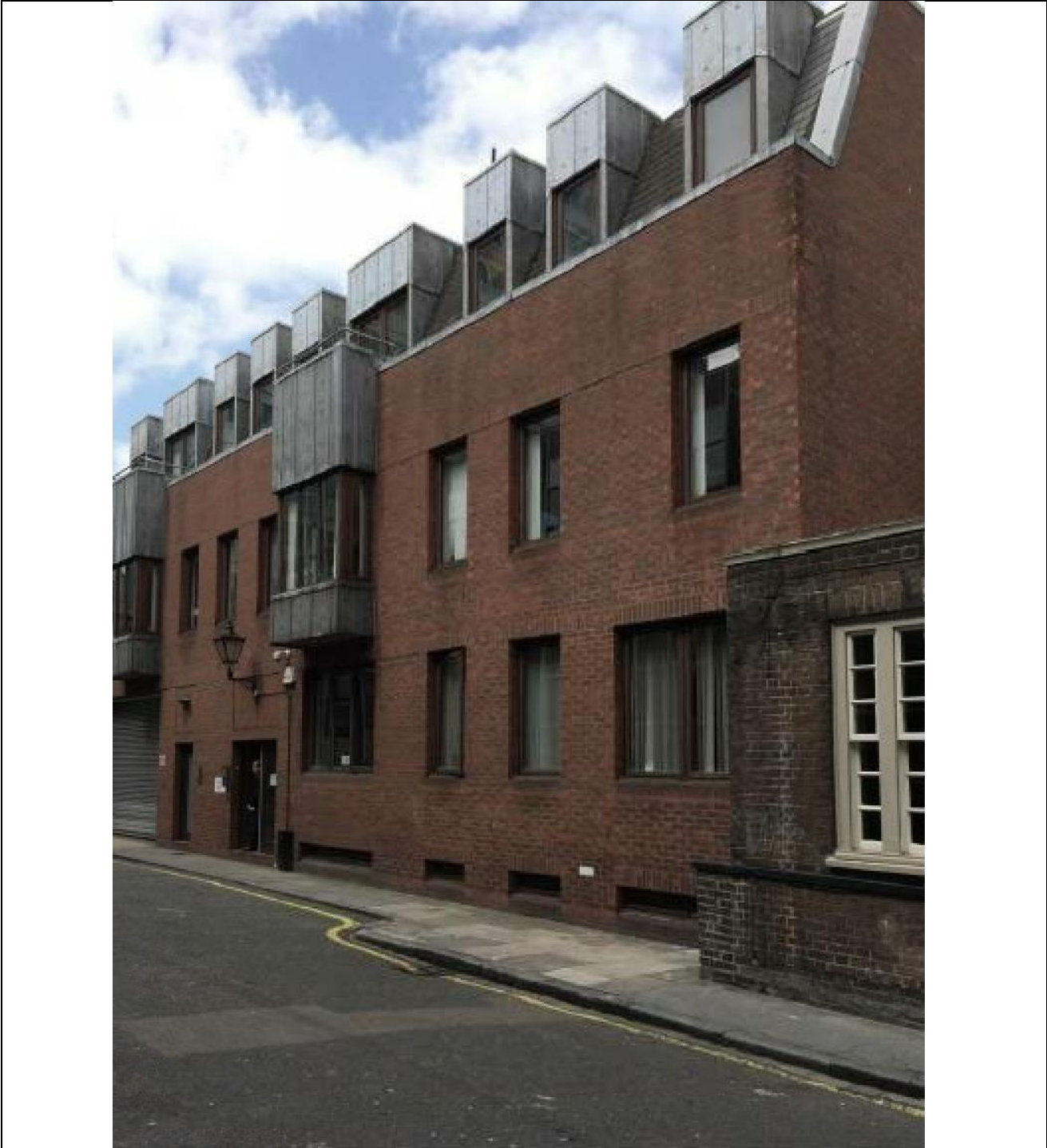
Subject to the recommended conditions, the alterations preserve the character and appearance of the Dorset Square Conservation Area and nearby Grade 2 listed buildings. Whilst the amenity concerns of residents are understood, the alterations do not give rise to a loss of amenity of such magnitude that permission could sustainably be refused. Accordingly, the proposed development has been recommended for conditional approval.

### 3. LOCATION PLAN



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**4. PHOTOGRAPHS**



**Front of Application Site**



## 5. CONSULTATIONS

### WARD COUNCILLORS FOR BRYANSTON AND DORSET SQUARE

Any response to be reported verbally.

### ENVIRONMENTAL HEALTH OFFICER

No objection, subject to conditions.

### THE ST MARYLEBONE SOCIETY

They regret that this is a retrospective application. The owners and residents at the rear feel that they have not been properly consulted by the developer and that the development does not respect their ownership rights and amenity.

Although they do not object to change of use from commercial to residential 'in principle', this site was approved without sufficient consideration or detail. Request that the City Council check and ensure that safeguards are included in any decision to protect the amenity of surrounding residential properties.

Concerned that residents were not consulted on the prior approval change of use application RN: 16/10996/P3JPA.

As a residential use, the activity period is different to an office use. It therefore results in potential negative impacts to privacy and noise nuisance that are materially different to an office use.

Are the areas of glazing clear or opaque?

Light pollution might also be an issue in such close distances. The application building's rear wall is on the boundary/party ownership line and as such the windows face directly into the garden courtyard and windows of the property to the rear. It is not clear from the drawings or D&A statement if the original rear elevation had opening windows.

If the windows are fully opening, residents could exit via these windows into the neighbouring site. If this were a possibility it would present a security problem as well as a privacy issue.

If the rear facade has opening windows this will bring potential noise nuisance across the rear courtyard and directly into neighbouring properties. If the windows are fixed shut and air conditioning is proposed for ventilation this will also bring potential noise nuisance.

An earlier application for the site recognised the above boundary and proximity issues and set the building back from the rear site boundary (see RN: 15/06509/FULL).

A Party Wall agreement would help resolve existing residents' concerns.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 27

Total No. of replies: 5

No. of objections: 3  
No. in support: 2

In summary, the objectors raise the following issues:

- The change of use from office to residential appears to have been done without consideration of the impact on neighbouring properties.
- The application is retrospective;
- Some of what has been built protrudes over the boundary with neighbouring properties.
- The development overlooks neighbouring properties.
- Air-conditioning would cause noise nuisance to residents.
- A previous application (RN: 15/06509/FULL) shows the rear elevation with a two storey solid wall on the boundary which mitigates the issue of overlooking and security issues.
- No consideration has been given to access required to the rear elevation of the application site.
- Views from neighbouring properties have been severely affected by the installation of satellite dishes, elevated roof lights, flues at roof level and on the boundary wall, ventilation extracts and a maintenance balustrade.
- The windows located on the boundary prejudice redevelopment on neighbouring properties.

In summary, the supporters raise the following issues:

- The proposed changes are minor and improve the look of the building and character of the area.
- A noisy plant unit has been removed from the roof, which improves enjoyment of an outside space.
- The developer has been pro-active with engaging with us and keeping us informed.
- A Registered Provider is unable to take control of these affordable units until the current application is approved.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application property is a three storey building located on the northern side of Dorset Close. The property is not listed but is located within the Dorset Close Conservation Area. The property contained offices with three flats above until quite recently. It is currently undergoing conversion to 12 affordable flats, pursuant to prior approval application RN: 16/10996/P3JPA.

The proposal lies outside the Central Activities Zone.

## 6.2 Recent Relevant History

### ***Application Site***

#### 16/10996/P3JPA

Use of existing office (Class B1(a)) to residential (Class C3) use to provide 9 residential dwellings. Application for prior approval under Part 3 Schedule 2 Class O of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Approved – 9 January 2017

#### 15/06509/FULL

Conversion of the existing office use (Class B1) at lower, ground and first floor level and erection of a single storey roof extension to create 12 residential units (Class C3); Works to the appearance of the building, car parking, cycle parking and associated works.

Application Withdrawn – 10 May 2018

### ***1-3 Grosvenor Square***

The 12 units under construction on-site are an off-site affordable housing contribution for the following development at 1-3 Grosvenor Square.

#### 15/07800/FULL

Demolition and redevelopment to provide three basement levels, lower ground, ground and first to seventh floor levels to provide between 43-48 residential units (Class C3) with associated ancillary leisure facilities, car parking, cycle parking, mechanical plant and associated works within the basement levels. Creation of terraces and balconies at various levels and installation of photovoltaic panels and plant with associated screening at main roof level. Use of part of the lower ground and ground floor levels as a restaurant unit fronting Grosvenor Street (Class A3).

Approved – 16 March 2016

## 7. THE PROPOSAL

The applicant seeks retrospective permission for the following alterations to the building on-site:

- Replacement of all windows on the front and rear elevations. The replacement windows include a horizontal glazing bar to prevent falls from the new flats.
- Addition of new zinc metal panelling to dormers and bay windows;
- New slate to mansard roof and replacement of areas of felt roofing on rear elevation with slate;
- Replacement of the front door, garage door and door to the cycle/refuse facilities on the front elevation;
- Installation of flues to front and rear elevations;
- Fall protection railing on first floor roof replaced;
- Redundant plant has been removed from the first floor roof.
- Installation of two satellite dishes, a smoke louvre, an automatic opening vent and rooflights at main roof level.

No change to the land use is proposed.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

Several objectors raise concerns with the conversion of this building from offices to residential. However, this application is for the external alterations noted above and does not propose a change of use of the building. The conversion of this building into residential has already been approved under application RN:16/10996/P3JPA and can take place regardless of the external alterations that are the subject of this application.

### **8.2 Townscape and Design**

The existing building is recognised in the Dorset Square Conservation Area Audit as making a neutral contribution to the conservation area. It therefore contributes little to the significance of the conservation area.

The alterations have largely replaced pre-existing fabric with matching materials or materials of a similar appearance to those they have replaced. The design of the replacement items also matches the features they replaced. The new window frames are constructed of brown aluminium that matches the pre-existing windows. The slate cladding for the mansard replaced a similar type of slate cladding on the pre-existing roof. The zinc cladding to the dormer and bay windows are also of a similar appearance to the zinc cladding they replaced. The new doors have a design almost identical to those they replaced. The fall protection railing on the rear elevation also replaces a pre-existing railing and is discreetly located in any event. Overall, these alterations preserve the character and appearance of this building.

The plant removed from the first floor rear elevation has removed an item of clutter from this elevation and is an enhancement to this building.

The new satellite dishes and vents are located centrally on the main roof. Although they are higher than the vents they replaced, they do not harm the character and appearance of this building by virtue of their central location.

The flues are modestly sized and discreetly located and are uncontroversial in townscape and design terms.

Overall, the alterations preserve the character and appearance of this building and the Dorset Square Conservation Area. The alterations are also considered sufficiently removed from nearby listed buildings, including the Grade 2 listed terrace at 29-40 Dorset Square, so as not to harm their setting. The alterations are consistent with policies S25 and S28 of the City Plan and policies DES 1, DES 5, DES 6, DES 9 and DES 10 of the UDP.

### **8.3 Residential Amenity**

As noted above, objectors are primarily concerned the replacement windows will result in overlooking of properties to the rear and additional noise for the occupants of those properties.

The windows have replaced pre-existing windows of an almost identical size and location. This building also benefits from permission to convert from office to residential and this can take place irrespective of whether these windows are replaced. Accordingly, the replacement windows have not increased potential overlooking of properties to the rear. Whilst objectors concerns are understood, refusal of permission on this basis would not be sustainable. Given the pre-existing situation and extant permission to convert to residential, it would also be unreasonable to impose conditions requiring that these window are obscure glazed.

The applicant has confirmed that the windows do not open outward, over the boundary with 37-38 Dorset Square. The windows are also not fully openable and are located no closer than 8 metres from the rear of 37-38 Dorset Square. Given this and that they serve residential flats, it is not anticipated that they would give rise to significant levels of noise for the occupants of 37-38 Dorset Square. To ensure that these windows are not fully openable, a condition is recommended that requires the fitting of restrictors to these windows.

Air-conditioning for the flats has not been installed and the applicant does not propose installing any new plant for these flats. The Environmental Health Officer has also reviewed the proposal and has no objection on noise grounds, subject to conditions limiting potential noise from the automatic opening vent and smoke louvre.

The satellite dishes, smoke louvre and automatic opening vent are located centrally on the main roof, have a small overall height and profile relative to this building and are located approximately 15 metres from the nearest residential properties in 37-38 Dorset Square. Accordingly, they have not resulted in material losses of light or sense of enclosure for the occupants of nearby residential properties. The other alterations have not increased the size of this building and therefore have had no impact in terms of loss of light and sense of enclosure.

Overall and subject to the recommended conditions, the alterations are consistent with policy S29 of the City Plan and policies ENV 6, ENV 7 and ENV 13 of the UDP.

### **8.4 Economic Considerations**

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

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

None

### **8.6 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 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.

**8.7 London Plan**

This application raises no strategic issues.

**8.8 National Policy/Guidance Considerations**

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

**8.9 Planning Obligations**

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

**8.10 Environmental Impact Assessment**

This development does not trigger a requirement for an EIA.

**8.11 Other Issues**

The issues raised in representations have largely been addressed above. The following is also noted.

Several objectors note that no windows were proposed on the ground and first floor rear elevations facing 37-38 Dorset Square under application RN: 15/06509/FULL. However, that application was withdrawn by the applicant and never approved. As noted above, the applicant has exercised their permitted development right to convert this building from offices to residential. Under the prior approval process for that permitted development right, the City Council is unable to control amenity impacts such as overlooking. As the applicant has been through that process, it would be unreasonable of the City Council to now seek to require that these windows are obstructed.

Several objectors are also concerned that the windows on the boundary with 37-38 Dorset Square would prejudice future development of that site. However, these windows are considered unneighbourly and would be an unreasonable constraint on development of that site. Accordingly, the City Council would not protect these windows and they would not prejudice development on 37-38 Dorset Square. An informative is recommended to remind the applicant of this.

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The St Marylebone Society consider that several neighbouring properties were not notified of the prior approval application that allowed this building to be converted into flats. However, the City Council's records indicate that this application was notified in accordance with the relevant regulations.

Several objectors note that no consideration has been given to maintenance access to the windows at ground and first floor level facing 37-38 Dorset Square. They also note that no party wall agreement has been reached with the applicant. Both of these issues are civil matters and not material planning considerations.

Several objectors are also concerned that the windows at ground floor facing 37-38 Dorset Square will pose a security risk to those properties. A condition that prevents these windows from opening fully is recommended to prevent this.

(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 <a href="mailto:nbarrett@westminster.gov.uk">nbarrett@westminster.gov.uk</a>
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9. KEY DRAWINGS



**Pre-existing Front Elevation**



**Existing Front Elevation**

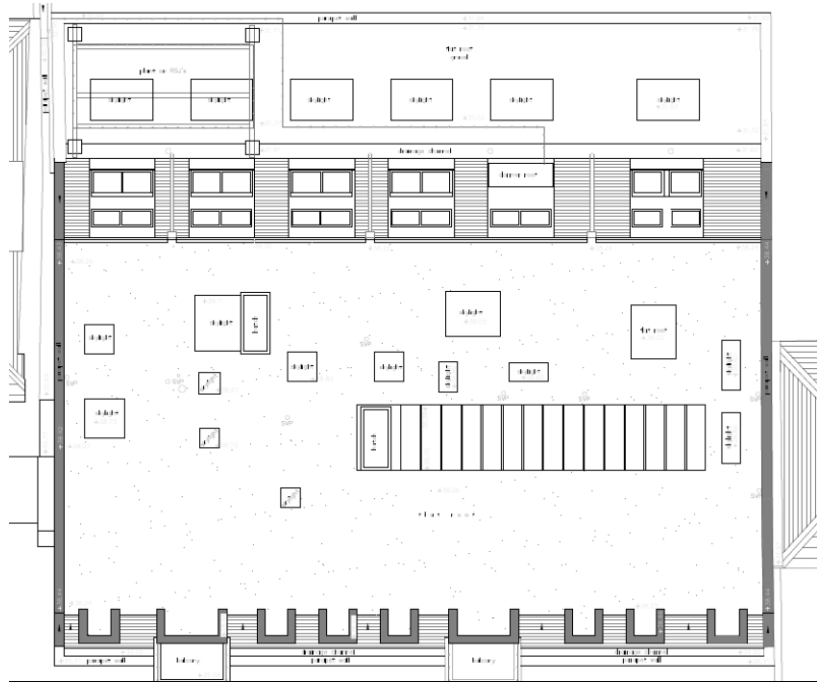




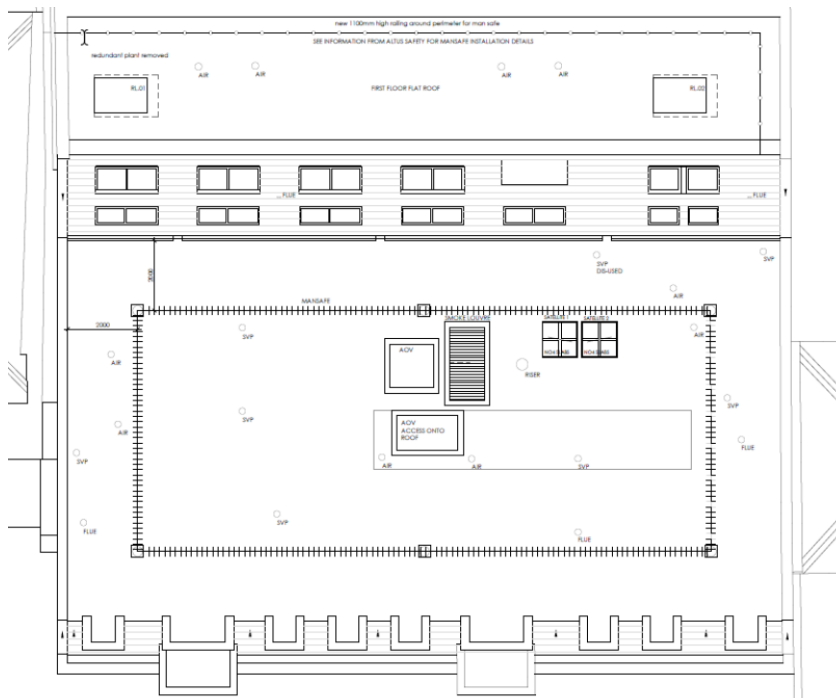
**Pre-existing Rear Elevation**



**Existing Rear Elevation**



**Pre-existing Roof Plan**



**Existing Roof Plan**

**DRAFT DECISION LETTER**

**Address:** 1 Dorset Close, London, NW1 5AN,

**Proposal:** External alterations including replacement of windows, installation of rooflights, maintenance balustrade and installation of ventilation extract ducting at roof level.

**Reference:** 19/03307/FULL

**Plan Nos:** Drawing numbers 502/D/001, 502/GA/104, 502/GA/114 Rev A, 502/D/200, 502/D/210, 502/D/211 Rev A, 502/S/300 Rev A, 502/S/301 Rev A, 502/S/310 Rev B, 502/S/311 Rev C, 504/D/400, Rev C, 502/D/401, Altus Safety – Altus Rail Data Sheet, Design and Access Statement by Gravity Design Associates (dated April 2019), Em-Vent Smoke Vent Brochure by Whitesales Rooflights (dated July 2014); Smoke Vent & Air Supply Mechanical Louvre Brochure by Whitesales Rooflights (dated July 2014)

**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 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

- 3 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

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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)

- 4 Within three months of the date of this permission, you must apply to us for approval of drawings showing the fitting of restrictors to the rear windows at ground and first floor level. The restrictors must be designed to prevent the windows from opening fully and to prevent occupants from exiting the building via the windows. You must then install the approved window restrictors within one month of their being approved and retain them thereafter.

Reason:

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

**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 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.

3 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)

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

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# Agenda Item 4

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 30 July 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Little Venice	
<b>Subject of Report</b>	<b>93 Warrington Crescent, London, W9 1EH</b>		
<b>Proposal</b>	Replace the existing first floor central window with double doors and use of flat roof as balcony.		
<b>Agent</b>	Mr Mark Pender		
<b>On behalf of</b>	Golden Bricks Pubs Limited		
<b>Registered Number</b>	19/02590/FULL & 19/02591/LBC	<b>Date amended/ completed</b>	5 April 2019
<b>Date Application Received</b>	5 April 2019		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Maida Vale		

## 1. RECOMMENDATION

1. Grant conditional permission.
2. Grant conditional listed building consent; and
3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision notice.

## 4. SUMMARY

The application site contains a grade II listed building in the Maida Vale Conservation Area. It is currently in use as a public house with hotel rooms on the second floor.

Permission and listed building consent are sought for the replacement of a window with a door on the front elevation at first floor level to provide access into an existing flat roof which would become a balcony for customers of the public house / dining room at first floor level.

An objection has been received from Councillor Caplan on grounds that the activity on the balcony could have an impact on neighbour's amenity. An objection has also been received from the Paddington Waterways and Maida Vale Society on grounds of the impact on amenity and the possible visual impact of any new structures needed to prevent falls. There have not been any

objections received from neighbours.

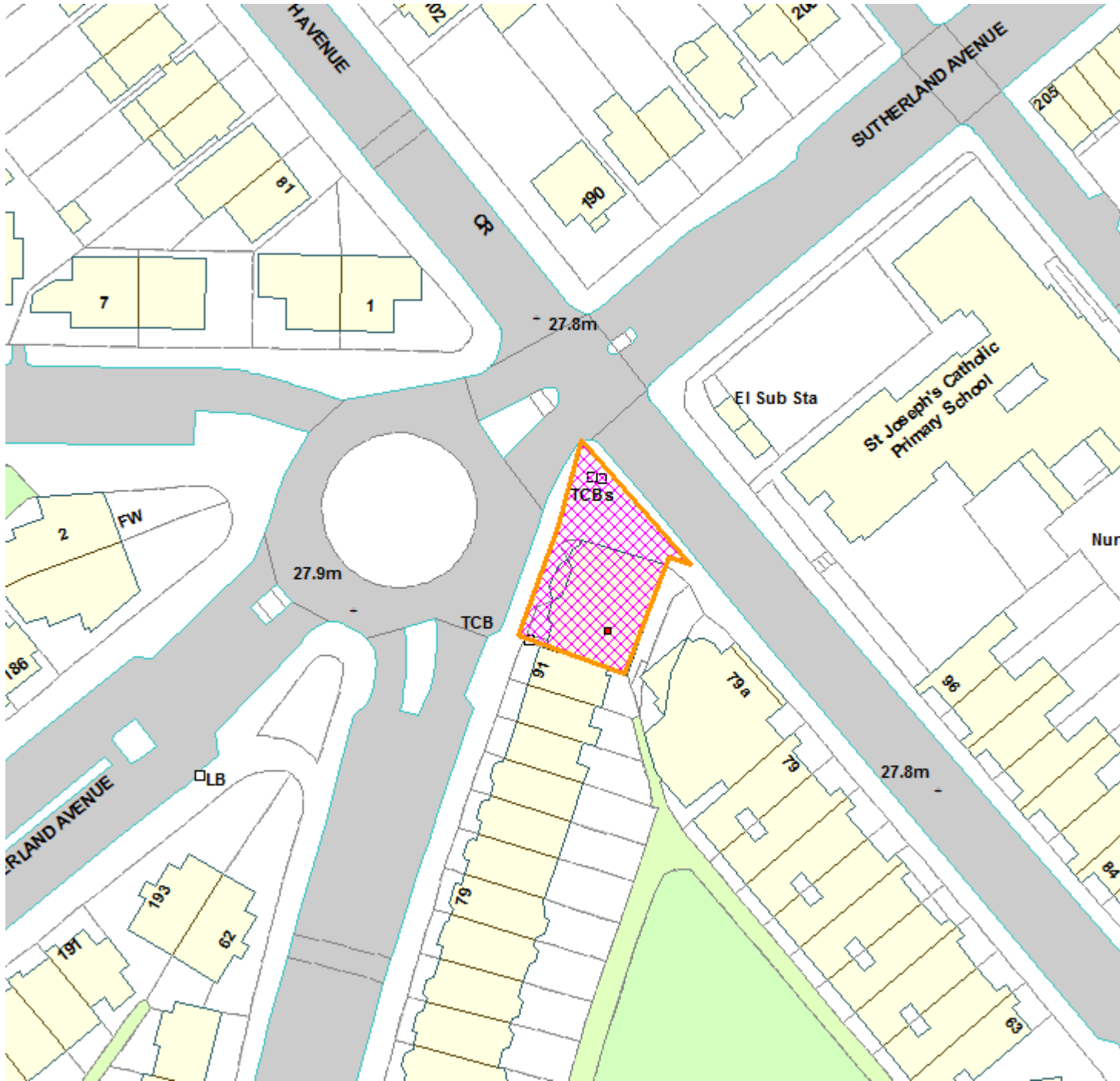
The key considerations are:

- Impact of the proposal on the character and appearance of the listed building and conservation area, and;
- Impact of the proposal on the amenities of neighbouring properties.

Subject to the conditions as set out on the draft decision letter at the end of this report, the proposal is considered acceptable and satisfies the relevant planning policies in our Unitary Development Plan and City Plan. Accordingly, it is recommended that permission and listed building consent is granted.



5. LOCATION PLAN



6. PHOTOGRAPHS



Front Elevation of Application Site

## 7. CONSULTATIONS

### COUNCILLOR CAPLAN

Expresses concern about the impact smokers and drinkers on the balcony may have on neighbours.

### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Objection. We consider that the proposed is harmful to the host building and wider conservation area. The addition of edge protection to prevent users falling from the balcony would be harmful to the host building. The use of the area as a terrace is also likely to cause significant disturbance to neighbouring properties. Please take neighbours' views into consideration.

### WESTBOURNE BLOCK MANAGEMENT LIMITED

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 32

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 8. BACKGROUND INFORMATION

### 8.1 The Application Site

The application site contains a grade II listed end of terrace villa building in the Maida Vale Conservation Area. The building was erected in the mid-19th century formed of three upper storeys faced in white stucco with numerous decorative features at each level. It is currently in use as a public house with hotel rooms on the second floor.

### 8.2 Recent Relevant History

#### 19/02726/FULL

Erection of a roof extension at third floor level to create five additional hotel rooms. (Linked to 19/02727/LBC)

#### 19/02727/LBC

Erection of a roof extension at third floor level to create five additional hotel rooms. (Linked to 19/02726/FULL)

#### 19/02592/FULL

Erection of an extension to the rear and side of the property by extending the existing single storey and remove internal partition. (Linked with 19/02593/LBC)

#### 19/02593/LBC

Erection of an extension to the rear and side of the property by extending the existing single storey and remove internal partition. (Linked with 19/02592/FULL)

## 9. THE PROPOSAL

Planning permission and listed building consent are sought for replacement of a window with a door and use of an area at first floor level as a balcony. The new door would provide access into the balcony.

## 10. DETAILED CONSIDERATIONS

### 10.1 Land Use

No change to land use is proposed.

### 10.2 Townscape and Design

The window that is proposed to be removed is of a casement type and does not appear likely to be an original window. Though there are some original elements remaining at first floor level internally, there are a range of window types in place on the front elevation and as such there is no clear consistency of design detailing to this part of the building. The internal sub-window panel has a decorative detail in place and considered more convincingly to be original. Whilst a feature of some interest it is still retained within the first floor level, given its heavily altered interior it no longer forms part of an intact and consistent decorative scheme. The area of elevation to be removed below the level of balustrade and will not be visible from street level and, given the position of the building facing onto the open roundabout area the alteration will not be visible from any other vantage points. The top of the door opening is at the meeting rail and fanlight frame point of the other openings to this elevation and as such would integrate appropriately in context with the remainder of the front elevation. Further details are sought with regards to its design detailing to ensure that it is appropriate for this listed building.

The decking on the balcony is not considered to be contentious in design and heritage terms. A condition is recommended that requires no furniture which projects above the height of the balustrade is placed on the balcony.

The objection received from the local amenity raised concern over the use of any additional edge protection and how this could be harmful to the host building. The existing balustrade measures 1320mm high when measured from the existing flooring level of the balcony. The proposed decking that will form the flooring of the balcony will be 1100mm below the top the balustrade. Because the balustrade will be 1100mm high to users on the decking, it will therefore be compliant in principle with requirements of the Building Regulations. There is therefore no need for any additional features to protect users from falls. Given this, the concern expressed by the local amenity on society on these grounds is not sustainable.

Overall, in the context of this building, the proposals would preserve the significance of this listed building and the Maida Vale Conservation Area and are considered acceptable and in line with policy and guidance and with the statutory duties set out in s. 66 and s. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **10.3 Residential Amenity**

The area to be used as a balcony is, situated at first floor level on the front elevation and currently contains plant equipment which was approved under decision 07/06318/FULL dated 10th July 2007. The only adjoining building to the application site is no. 91 Warrington Crescent which is subdivided into flats. At first floor level at no. 91 there is bay window projecting from the principle front elevation. The nearest part of the balcony is approximately 6.2 m based of measurements taken from submitted drawing no. 7244/-02B, in order to preserve the privacy of these neighbours the agent has agreed to install a railing on the balcony to prevent users being no closer than approximately 9.5 m from no. 91.

Notwithstanding this, mutual overlooking through bay windows on Warrington Crescent is common. No's 91, 89 and 87 Warrington Crescent each have bay windows which are situated approximately 3000-3500mm part, where one neighbour can look through another neighbour's bay windows.

To prevent users of the balcony causing unacceptable noise disturbance for neighbouring residents, a condition is recommended which limits the balconies use to between the hours of 0900 and 2200 each day of the week. It should also be noted that the balcony sits above an outdoor seating area at the front of the property that already causes a degree of noise impact on neighbouring residents. Given the above, the objection from the local amenity society and the objection from Councillor Caplan is not upheld and the application is regarded being compliant with policy ENV 13 of the UDP and S29 of the City Plan.

### **10.4 Transportation/Parking**

No transportation or car parking considerations are applicable for a development.

### **10.5 Economic Considerations**

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

### **10.6 Access**

Access to the application site is not proposed to be changed.

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

None.

### **10.8 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.

#### **10.9 Neighbourhood Plans**

None relevant to this application.

#### **10.10 London Plan**

This application raises no strategic issues.

#### **10.11 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.

#### **10.12 Planning Obligations**

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

#### **10.13 Environmental Impact Assessment**

No environmental impact assessment was required for this application.

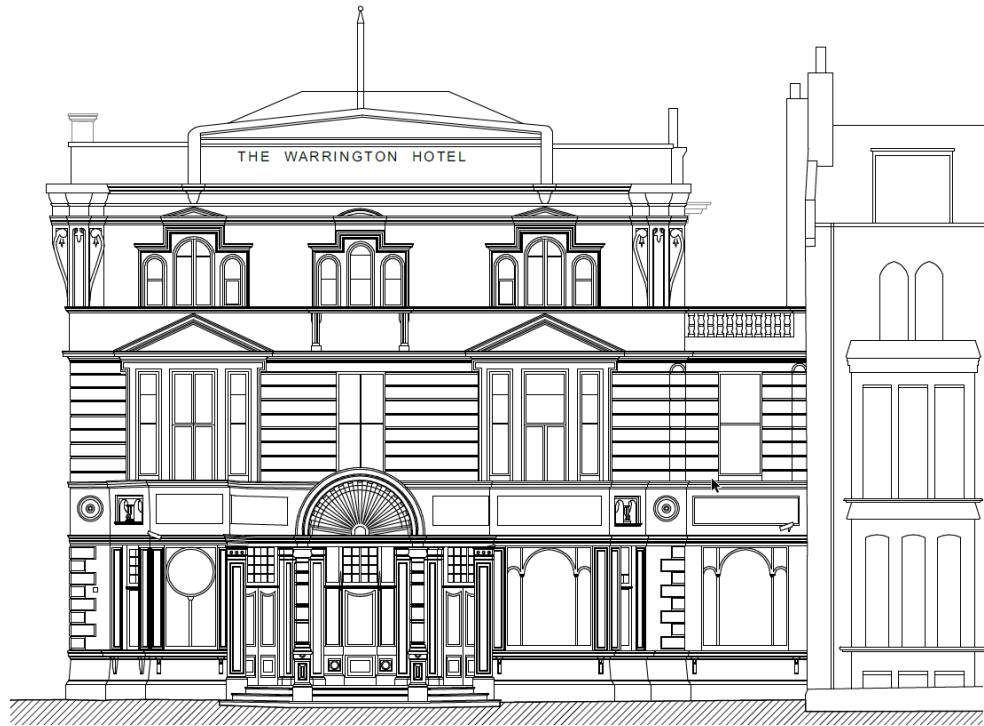
#### **8.14 Other Issues**

This application raises no other issues.

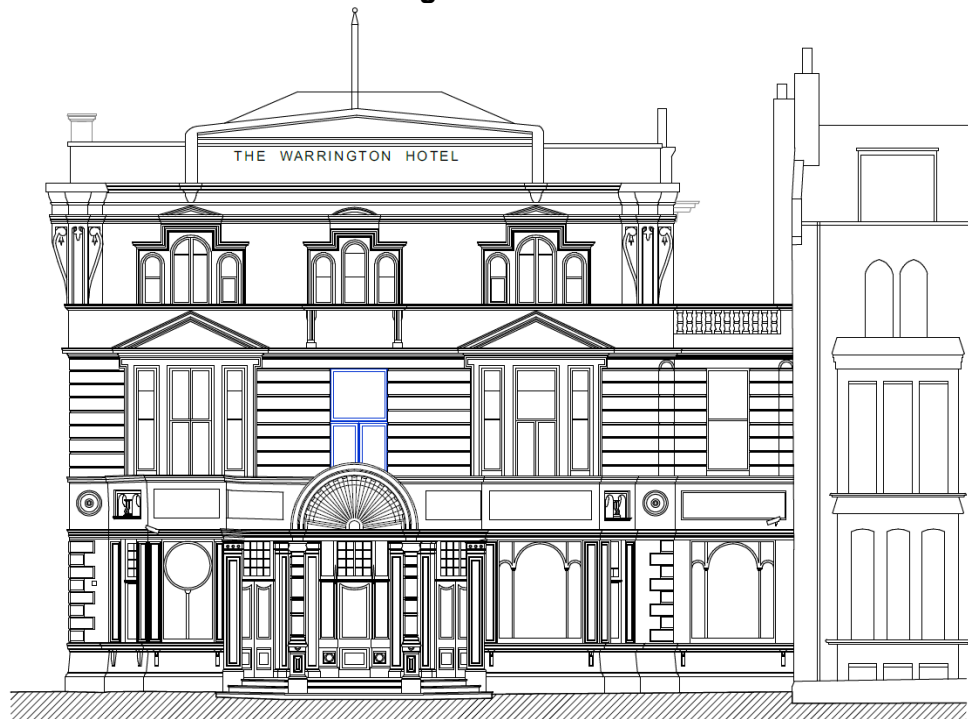
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRET BY EMAIL AT [NBARRETT@WESTMINSTER.GOV.UK](mailto:NBARRETT@WESTMINSTER.GOV.UK)

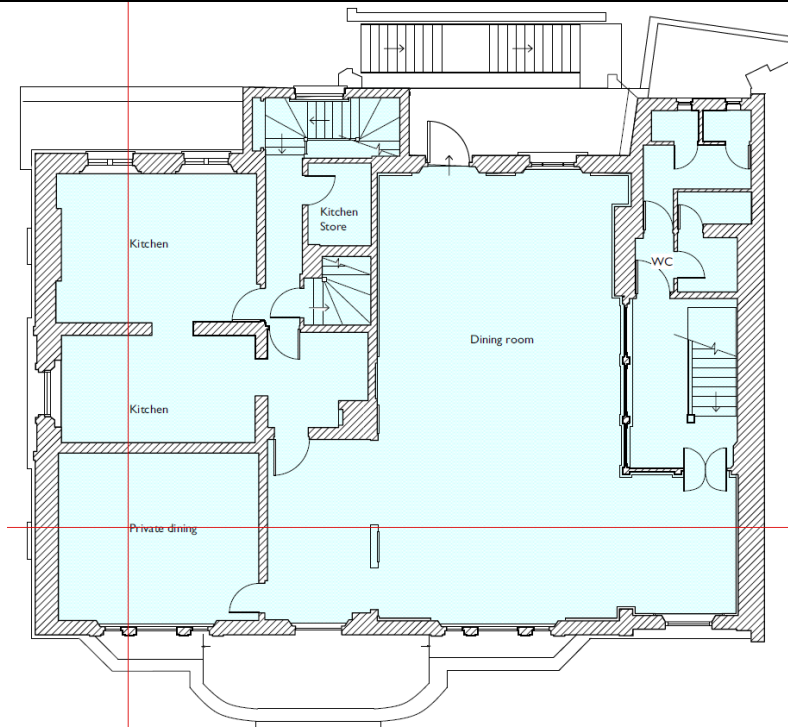
11. KEY DRAWINGS



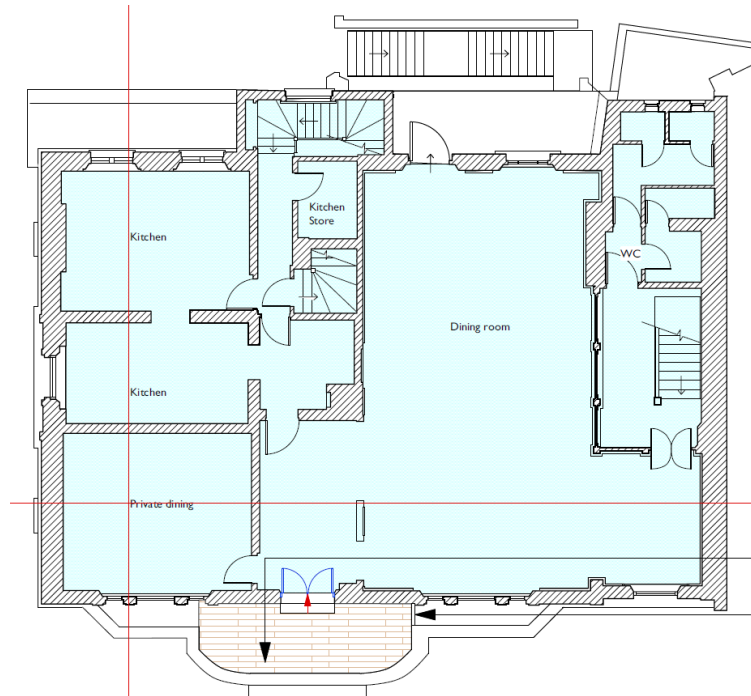
Existing Front Elevation



Proposed Front Elevation



**Existing First Floor Plan**



**Proposed First Floor Plan**



**DRAFT DECISION LETTER**

**Address:** 93 Warrington Crescent, London, W9 1EH

**Proposal:** Replace the existing first floor central window with double doors and use of flat roof as balcony. (Linked with 19/02591/LBC)

**Reference:** 19/02590/FULL

**Plan Nos:** 7244/-01B, 7244/-02B, 7244/-03B, 7244/-04B, 7244/-05B, 7244/-06B, 7244/-07B, 7244/-08B, 7244/-09B, 7244/-10B, 7244/-11B, 7244/-12B, 7244/-13B, 7244/-14B, 7244/-15B, Heritage Statement, Cover Letter and Design and Access Statement.

**Case Officer:** Harry Berks **Direct Tel. No.** 020 7641 3998

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

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

Reason:

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

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

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

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

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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 The new doors and fanlight shall be formed in glazing and timber with a paint finish to match the existing paint finished colour to the existing windows to this location

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 You must apply to us for approval of section and elevation drawings showing the detailing of the new doors and fanlight including the detailing of the mouldings to the framing. 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 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)

- 6 You may only use the terrace between the hours of 09:00 and 22:00. This restriction applies every day of the week (this includes Bank Holidays).

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)

- 7 You must erect the metal railing on the balcony as shown on drawing no. 7244/-10 Rev B, before the balcony is used. This railing must be maintained in this way thereafter without interruption.

**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 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

**Informative(s):**

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

2 **HIGHWAYS LICENSING:**

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

**CONSIDERATE CONSTRUCTORS:**

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

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

- 3 With regards to condition 5, you are strongly advised that the moulding detailing should match existing original examples present in the building.

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

**DRAFT DECISION LETTER**

**Address:** 93 Warrington Crescent, London, W9 1EH

**Proposal:** Replace the existing first floor central window with double doors and use of flat roof as balcony. (Linked with 19/02590/FULL)

**Reference:** 19/02591/LBC

**Plan Nos:** 7244/-01B, 7244/-02B, 7244/-03B, 7244/-04B, 7244/-05B, 7244/-06B, 7244/-07B, 7244/-08B, 7244/-09B, 7244/-10B, 7244/-11B, 7244/-12B, 7244/-13B, 7244/-14B, 7244/-15B, Heritage Statement, Cover Letter and Design and Access Statement.

**Case Officer:** Harry Berks **Direct Tel. No.** 020 7641 3998

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this 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)

- 3 The new doors and fanlight shall be formed in glazing and timber with a paint finish to match the existing paint finished colour to the existing windows to this location.

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 apply to us for approval of section and elevation drawings showing the detailing of the new doors and fanlight including the detailing of the mouldings to the framing. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings. (C26DB)

Reason:

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

- 2 With regards to condition 4, you are strongly advised that the moulding detailing should match existing original examples present in the building.

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

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