



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 6th August, 2019

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Robert Rigby (Chairman)
Louise Hyams
James Spencer
Matt Noble



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
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

(Pages 5 - 12)

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

1. DEVELOPMENT SITE AT 29, 31, 33, 35, 37, 39, 41 AND 43 OXFORD STREET AND 16, 17-19 SOHO SQUARE, LONDON W1D 2DR

(Pages 17 - 44)

2. CAR PARK, 12 - 13 WELLS MEWS, LONDON, W1T 3HE

(Pages 45 - 80)

3. FLAT 7, 52 QUEEN'S GARDENS, BAYSWATER, LONDON, W2 3AA

(Pages 81 - 104)

4. 15 WARWICK WAY, LONDON, SW1V 1QT

(Pages 105 - 122)

5. FLAT 4, 149 CAMBRIDGE STREET, LONDON, W1V 4QB

(Pages 123 - 140)

**Stuart Love
Chief Executive
26 July 2019**

Order of Business

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

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

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



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** Committee held on **Tuesday 16th July, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Robert Rigby (Chairman), Lousie Hyams, Matt Noble and Peter Freeman

1 MEMBERSHIP

- 1.1 It was noted that Councillor Freeman had replaced Councillor Spencer.

2 DECLARATIONS OF INTEREST

- 2.1 The Chairman 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 emails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Robert Rigby declared that in respect of items 5 and 7 he had sat on a Planning Sub-Committees, which had considered applications on the same sites previously.
- 2.3 Councillor Hyams declared that in respect of item 7 the application site was located in her Ward.

3 MINUTES

- 3.1 **RESOLVED:**

That the minutes of the meeting held on 18 June 2019 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

5 SECOND FLOOR, 25 - 26 ALBEMARLE STREET, LONDON, W1S 4HX

Dual / alternative use of the second floor as either office accommodation (B1) or a private members' club use (sui generis) in connection with the existing private members' club on basement, ground and first floor levels.

Late representations were received from Oswald's (12/07/19), Councillor Jonathan Glanz (12/07/19) and The Residents' Society of Mayfair & St James's (15/07/19).

RESOLVED UNANIMOUSLY:

That conditional planning permission be granted.

6 15 LANCELOT PLACE, LONDON, SW7 1DR

Variation of condition 1 of planning permission dated 23 February 2016 (RN: 15/09276/FULL) for the: Demolition of the existing buildings, redevelopment of site comprising two buildings at ground and two upper levels and excavation of part two/ part three storey basements, to create 1 x 5 bedroom unit and 2 x 1 bedroom units with associated roof gardens and terraces, car parking and cycle parking (site includes 15 Lancelot Place and 1 Trevor Walk). Namely, to allow the addition of walk-on rooflight to the rear courtyard of the southern building, replacement of three rear elevation windows with a single larger window, provision of higher balustrade to the north building, raising of the main roof to both buildings, removal of green roofs to first floor, installation of satellite dish, provision of a lift overrun to the south building, reduced height of lift overrun to the north building, alterations to facades, provision of lift pits, internal layout changes, and associated works.

An additional representation was received from Hodgkinson Design (10/07/19).

Late representations were received from Portland Private Office (31/05/19), Esskay Management Services (15/07/19), Four Communications (10/07/19), Formation Architects (Undated), Turley (16/07/19) and one local resident (16/07/19).

The presenting officer tabled the following amendments to the conditions and an additional informative:

Condition 2

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;
- not at all on Saturdays; Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours.

Condition 5

You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace unless otherwise shown on the approved drawings.

Condition 9

The obscure glass (as annotated) on the rear elevations shall be maintained as such and you must not change it without our permission; for the avoidance of doubt this includes the dressing room window at rear second floor.

Condition 19

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

- 1) Highways alterations, including the alterations to on-street restrictions;
- 2) Maintenance and Management Plan for the car stacker.

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

Condition 20

The blue/green roof as shown on the approved drawings shall be installed and maintained for the life of the development.

Reason

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

Informative

Under condition 19, we are likely to accept a legal agreement or a deed of variation (to the legal agreement dated 8 March 2017) to secure the highways alterations required as part of the application and a maintenance and management plan regarding the car stacker as set out in the application documents. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.

Laura Jenkinson addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

That conditional permission, as amended, be granted subject to the inclusion of a reference to green walls in condition 20.

7 78 ST JAMES'S STREET, LONDON, SW1A 1LF

Application 1: Installation of additional plant rooms and replacement plant at roof level, creation of an auditorium at the lower ground floor level together with the in-fill of the atrium space to provide access to the upper floors of the building. Associated alterations to Little St James's Street entrance.

Application 2: Alterations at roof level including the installation of plant rooms and the creation of a pavilion rooftop extension and terrace area, along with other alterations including creation of an auditorium at the lower ground floor level together with the in-fill of the atrium space to provide access to the upper floors of the building. Associated alterations to Little St James's Street entrance.

Late representations were received from Drew Planning & Development (03/07/19), Howes Percival (15/07/19), BentallGreenOak (11/07/19) and Councillor Mark Shearer (15/07/19).

The presenting officer tabled the following additional conditions:

Applications 1 and 2 – listed building consent

Additional conditions

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

Reason

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

5. You must apply to us for approval of:

- A) A method statement of facade cleaning
- B) Following approval of the method statement a 1m2 area of sample cleaning shall be provided for inspection on site and approval.

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

Reason:

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

Application 2 – roof extension (planning permission)

- 10. The plant screen shown on the approved drawings adjacent to the terrace shall be maintained in situ for as long as the terrace remains in place.

Reason:

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

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

Reason:

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

- 12. Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 17063-SQP-01-B2-DP-A-PL02001. You must clearly mark them and make them available at all times to everyone using the building.

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.

Alexander Morris addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

Application 1:

- 1) That conditional permission and conditional listed building consent, as amended, be granted.
- 2) That the reasons for approving conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

Application 2:

- 1) That conditional permission and conditional listed building consent, as amended, be granted subject to condition 9 being amended to restrict the use of the terraces on the fifth and sixth floors to users of the building between the hours of 0800 and 1900 Monday to Friday.
- 2) That the reasons for approving conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

8 BELGRAVIA COURT, 33 EBURY STREET, LONDON, SW1W 0NY

Erection of 2 storey porters lodge comprising ground floor and basement, including louvres to ventilate plant equipment within roof space of the lodge. Installation of new boundary railings and landscaping works. Associated alterations to entrances of the main buildings.

Late representations were received from White & Sons (21/06/19), Orbus Software (07/07/19) and Councillor Flight (16/07/19).

The presenting officer tabled the following amendments to the conditions and reasons:

Reason for condition 8:

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

Reason for condition 3 – reference to conservation area to be removed.

The following additional condition is recommended:

12. You must apply to us for approval of details and specification of the following parts of the development – the green wall. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details.

Reason

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

Mary Leigh addressed the Sub-Committee in support of the application.

Gareth Evans addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

That conditional permission, as amended, be granted.

9 17 CHESTER SQUARE, LONDON, SW1W 9HS

Excavation of a basement beneath the footprint of the dwelling, and associated plant in the rear lightwell and internal alterations.

RESOLVED UNANIMOUSLY:

- 1) That conditional permission and conditional listed building consent be granted.
- 2) That the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

10 23 SUTHERLAND PLACE, LONDON, W2 5BZ

Removal of front balcony structure and replacement with new balcony structure and associated works, and repair works to front porch.

Late representations were received from two residents (11/07/19), 12/07/19, 14/07/19, 15/07/19, 16/07/19), Councillor Maggie Carman (12/07/19) email from Senior Building Control (16/07/2019) and Hodgkinson Design (16/07/19).

The presenting officer tabled the recommended conditions for the draft planning application (Ref: 18/05319/FULL) with the following amendments:

REMOVE Conditions 4 and 5 from the draft decision notice for Ref: 18/05319/FULL as the applicant has submitted these details.

REMOVE Conditions 3 and 4 from the draft decision notice for Ref: 18/05320/LBC as the applicant has submitted these details.

ADD the following documents to the decision notice for both 18/05319/FULL and 18/05320/LBC have been amended to take account of the additional drawings P102 and P103 and email from agent dated 10 July 2019.

Chris Pring addressed the Sub-Committee in support of the application.

Anna Thew addressed the Sub-Committee in objection to the application.

Martin Lugg addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

- 1) That conditional permission and conditional listed building consent, as amended, be granted.
- 2) That the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

The Meeting ended at 8.37pm.

CHAIRMAN: _____

DATE _____

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 6th August 2019
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s): 19/00514/FULL 19/00519/LBC West End	Development Site At 29, 31, 33, 35, 37, 39, 41 And 43 Oxford Street And 16, 17-19 Soho Square London W1D 2DR	Part demolition of Nos 29, 31, 33, 37, 39 Oxford Street and demolition 41 and 43 Oxford Street and 17-19 Soho Square and redevelopment of the site, including retention of facades of Nos 29, 31, 33, 37 and 39 Oxford Street, retention of 35 Oxford Street with alterations and alterations to the ground floor level and basement level of No. 16 Soho Square to provide a new building comprising 2 basement levels, ground and 6 upper floor levels plus a plant level and a level for a rooftop pavilion. Use of building for retail (Class A1) at basement level 2, basement level 1, part ground floor level and part first floor level; café (Class A3) at part ground floor level and part rooftop level; flexible office or retail (Class A1 or Class B1) at second floor level; office (Class B1) at part first floor level, and third to sixth floor levels; and associated works including plant, cycle storage and associated facilities at basement level 2 and the provision of a roof garden at roof and plant levels; and other works associated with the development.	
<p>Recommendation</p> <p>1. Grant conditional permission subject to referral to the Mayor of London and subject to a S106 legal agreement to secure:</p> <ul style="list-style-type: none"> i) The re-provision of two residential units (Class C3) at 98 New Bond Street or in another site in the vicinity of the site to prior to the occupation of any of the office floorspace on site. ii) costs relating to highways works around the site to facilitate the development iii) the applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway. <p>vi) A financial contribution towards employment, training and skills of £ 129,802.04 (index linked) payable on commencement of development.</p> <ul style="list-style-type: none"> iv) An access management plan for the roof garden v) The costs of monitoring the S106 legal agreement. <p>2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution then:</p> <ul style="list-style-type: none"> a. The Director of 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 Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not b. The Director of 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 Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. 				

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 6th August 2019
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>3. The Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of the highway required to enable the development to take place.</p> <p>4. Grant conditional listed building consent</p> <p>5. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>			
Item No	References	Site Address	Proposal	Resolution
2.	RN(s): 19/03311/FULL West End	Car Park At 12 - 13 Wells Mews London W1T 3HE	Erection of a single storey extension at fourth floor and single storey extension at part fifth floor level, including external plant and taller lift over-run. Infill of existing internal lightwell, installation of new ground floor frontage, creation of a terrace at fifth floor level overlooking Wells Mews, use of existing flat area at rear third floor and fourth floors as terraces, all in connection with the use of the ground and upper floors for office (Class B1) purposes.	
Recommendation Grant conditional permission				
Item No	References	Site Address	Proposal	Resolution
3.	RN(s): 19/02228/FULL 19/02229/LBC Lancaster Gate	Flat 7 52 Queen's Gardens Bayswater London W2 3AA	Erection of a rear mansard roof extension at first floor level, amalgamation of flat 7 and closet wing storerooms, and associated works.	
Recommendation <ol style="list-style-type: none"> 1. Grant conditional permission and conditional listed building consent 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter. 				
Item No	References	Site Address	Proposal	Resolution
4.	RN(s): 19/00522/FULL Warwick	15 Warwick Way London SW1V 1QT	Use of part ground, first, second and third floors as two residential units (Class C3); erection of extensions at rear second floor and main roof level and external alterations to front and rear.	g
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
5.	RN(s): 18/05122/FULL Warwick	Flat 4 149 Cambridge Street London SW1V 4QB	Erection of extension at rear second-floor level with rooflights above; new steel balustrade to existing terrace and replacement of existing window with French doors, in connection with the enlargement of Flat 4.	
Recommendation Grant conditional permission.				

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 6th August 2019
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 6 August 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	No's 29- 31, 33, 35, 37- 39, 41 and 43 Oxford Street, and 16, 17-19 Soho Square W1		
Proposal	Part demolition of Nos 29, 31, 33, 37, 39 Oxford Street and demolition 41 and 43 Oxford Street and 17-19 Soho Square and redevelopment of the site, including retention of facades of Nos 29, 31, 33, 37 and 39 Oxford Street, retention of 35 Oxford Street with alterations and alterations to the ground floor level and basement level of No. 16 Soho Square to provide a new building comprising 2 basement levels, ground and 6 upper floor levels plus a plant level and a level for a rooftop pavilion. Use of building for retail (Class A1) at basement level 2, basement level 1, part ground floor level and part first floor level; café (Class A3) at part ground floor level and part rooftop level; flexible office or retail (Class A1 or Class B1) at second floor level; office (Class B1) at part first floor level, and third to sixth floor levels; and associated works including plant, cycle storage and associated facilities at basement level 2 and the provision of a roof garden at roof and plant levels; and other works associated with the development.		
Agent	DP9		
On behalf of	King Sloane Properties Ltd		
Registered Number	19/00514/FULL 19/00519/LBC	Date amended/ completed	14 February 2019
Date Application Received	24 January 2019		
Historic Building Grade	35 Oxford Street Grade 2 listed, Other buildings unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

1. Grant conditional permission subject to referral to the Mayor of London and subject to a S106 legal agreement to secure:

- i) The re-provision of two residential units (Class C3) at 98 New Bond Street or in another site in the vicinity of the site to prior to the occupation of any of the office floorspace on site.
 - ii) costs relating to highways works around the site to facilitate the development
 - iii) the applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway.
 - vi) A financial contribution towards employment, training and skills of £ 129,802.04 (index linked) payable on commencement of development.
 - iv) An access management plan for the roof garden
 - v) The costs of monitoring the S106 legal agreement.
2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution then:
- a. The Director of 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 Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b. The Director of 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 Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. The Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of the highway required to enable the development to take place.
4. Grant conditional listed building consent
5. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter

2. SUMMARY

The site comprises 6 adjacent buildings at the eastern end of Oxford Street, (No's 29-31,33,35,37-39,41 and 43) the ground floor of No 16 Soho Square and No 17-19 Soho Square. Falconberg Mews which separates the rear of these buildings also forms part of the site.

The proposals are the latest in a series of large developments at the eastern end of Oxford Street which have transformed and regenerated the area. The proposal involves the creation of a large

office building which extends across the site including infilling Falconberg Mews. The new building includes retail uses on Oxford Street and a café in Soho Square and at roof level. The 7th and 8th floor roof areas will be used as a landscaped publicly accessible roof garden.

The facades of the Oxford Street buildings will be partially retained, except for No's 41 and 43 which will be demolished and replaced. No's 16-17 Soho Square will also be completely redeveloped.

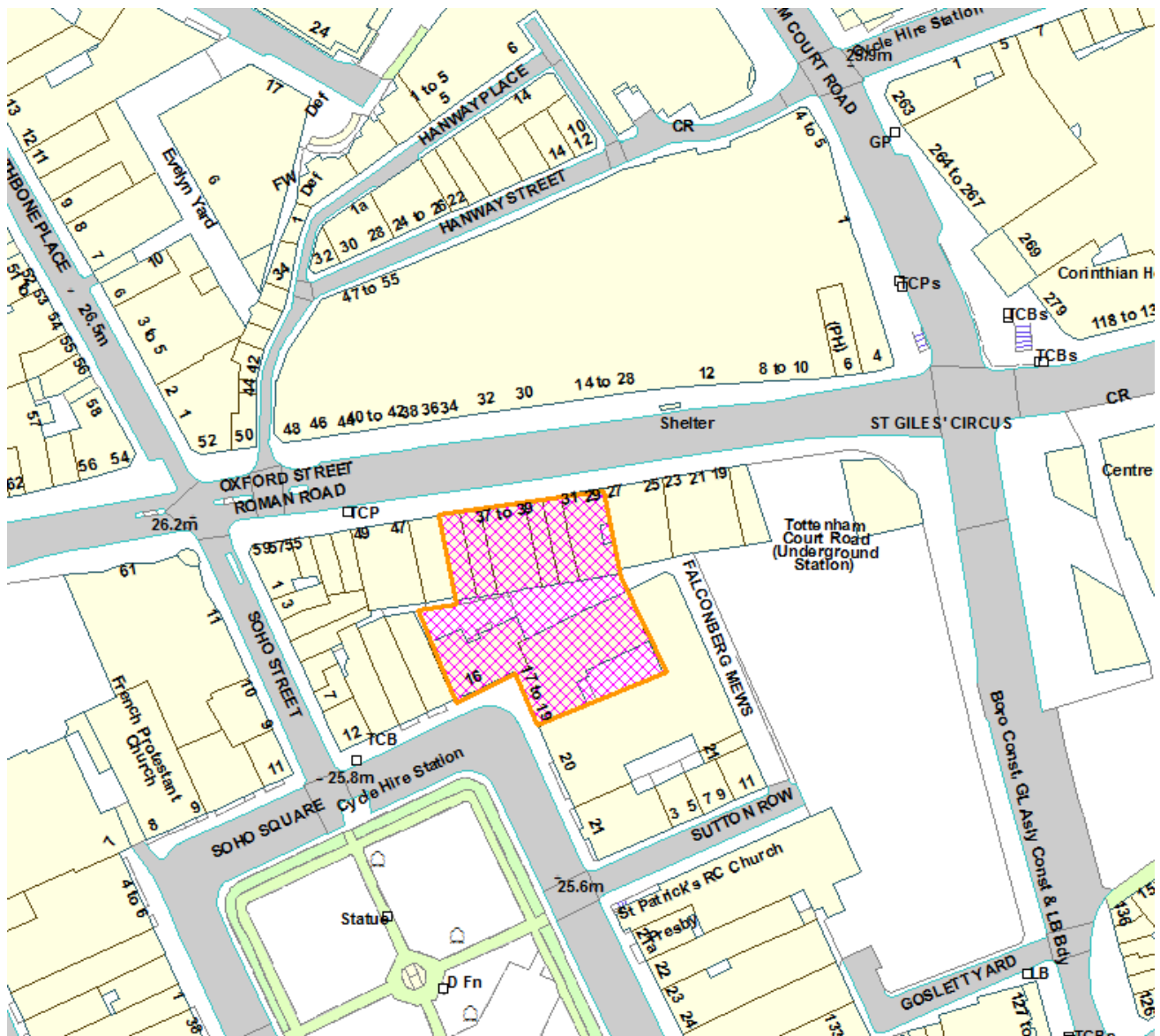
The key issues for consideration are:

- The impact in land use terms;
- The acceptability of the scheme in townscape and design terms
- Whether the provision of a new roof garden adequately compensates for the loss of Falconberg Mews.

The scheme will result in the provision of improved modern flexible office floorspace which adds to the office stock in the West End and Central Activities Zone providing new employment opportunities. The office floorspace along with the provision of modern deeper retail floorspace on Oxford Street is welcomed in land use terms, in accordance with policies in the London Plan, Westminster's Unitary Development Plan (UDP) and Westminster City Plan (City Plan). The provision of a new accessible roof garden is considered to be a public benefit that adequately compensates for the loss of part of Falconberg Mews. The scheme is also considered acceptable in amenity and transportation terms.

Whilst there are design merits to the scheme the proposals do not fully comply with all urban design and conservation policies. It is however considered that the public benefits outweigh the less than substantial harm to the heritage assets. It is therefore recommended that conditional permission and listed building consent be granted subject to a legal agreement as set out in the recommendation.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5 CONSULTATIONS

GREATER LONDON AUTHORITY:

Stage 1 response received:

Land Use : The principle of development is supported. The uplift in retail floorspace within the West End International Centre is strongly supported. High-quality office floorspace in this highly-accessible location in the CAZ is supported, as is the provision of a publicly accessible roof terrace. Further information on the re-provision of two existing residential units to 98 New Bond Street should be provided and their relocation secured within the S106 agreement.

Heritage : No harm is caused to the strategic view - protected vista 2B.1 of Westminster World Heritage Site from Parliament Hill as the proposal would not be visible. Overall, the proposal causes less than substantial harm to the Soho Conservation Area and 35 Oxford Street, which is outweighed by the high-quality design of the development, the economic benefits of the improved office space and the publicly accessible roof terrace.

Other issues : Further information is requested on energy, water, urban greening and transport issues.

HISTORIC ENGLAND:

Objection; the loss of No's 41-43 Oxford Street is unacceptable, the buildings make a positive contribution to the Soho Conservation Area;
the replacement building appears incongruous in its setting;
the loss of Falconberg Mews would cause harm to the conservation area;
the public benefits do not outweigh the less than substantial harm.

CROSS LONDON RAIL LINKS LTD (1)

No objection subject to conditions

CROSS LONDON RAIL 2 LINKS LTD

No objection subject to conditions

SOHO SOCIETY

Welcome and support the overall proposals for the scheme and the provision of a new publicly accessible roof garden; request that the roof garden is managed to ensure reasonable priority for local residents in the vicinity to use it; objection to the loss of 41-43 Oxford Street, -the facades are retained; request that the applicant funds monitoring of a delivery service plan to ensure that this is adhered to once the scheme is operational.

HIGHWAYS PLANNING MANAGER

No objection, comment that the development will require the stopping up of Falconberg Mews. Any permission should be subject to conditions requiring approval of a Servicing Management Plan and Cycle parking.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 204
Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6 BACKGROUND INFORMATION

6.1 The Application Site

The site is located at the eastern end of Oxford Street and the north eastern corner of Soho Square. It comprises 6 buildings on Oxford Street (No's 29-31,33,35,37-39,41, and 43) the ground floor of No 16 Soho Square and No 17-19 Soho Square. Falconberg Mews lies in the centre of the site separating the Oxford Street and Soho Square Square buildings.

The site is within the West End Special Policy Retail Area, Oxford Street is designated as being a Primary Shopping Frontage. The site lies within the Core CAZ and is adjacent to the Tottenham Court Road Opportunity Area. The site lies within the Soho Conservation Area.

To the north of the site the Oxford Street buildings are in retail (Class A1) use on the ground and lower ground floors with primarily offices on the upper floors, although there are 2 x residential flats at No 43 Oxford Street. The Oxford Street buildings are late Victorian and early Edwardian Architecture and are considered to make a positive contribution towards Oxford Street. No 35 Oxford Street is a Grade 2 listed building.

To the south the site fronts onto Soho Square and comprises a 1970's building of basement, ground and six upper floors. A café occupies the ground floor with offices (Class B1) above.

Falconberg Mews is a vehicular cul de sac in the centre of the site accessed from the east. It is a service yard but is limited in its function due to a pinch point at the entry. As a result the service yard has become a passive space and has a history of crime and anti- social behaviour.

The surrounding area is commercial in use, with a mixture of retail and office uses and some isolated residential dwellings.

6.2 Recent Relevant History

The existing development on Soho Square was granted planning permission in 1972 (ref: 71/35272/FULL). There have been a number of minor applications relating to a number of buildings on the site.

7 THE PROPOSAL

The scheme involves partial demolition and retention of facades of No's 29-31, 33, and 37-39 Oxford Street, total demolition of No's 41 and 43 Oxford Street and No's 17-19 Soho Square. No 35 Oxford Street which is grade 2 listed is primarily retained. The replacement new building across the site comprises 2 x basements, ground and six upper floors with a 7th floor plant area, an 8th floor pavilion which allows access onto a public roof garden at 7th and 8th floor levels. 16 Soho Square is to be retained with alterations proposed to the ground floor for new retail.

The proposal seeks to provide retail (Class A1) floorspace at upper basement, ground and first floors facing onto Oxford Street and the ground floor of 16 Soho Square. The 2nd floor is to be used flexibly for either retail (Class A1) purposes or as offices (Class B1). The part ground and first floor of the replacement 16-17 Soho Square and the 3rd to 6th floors of the whole development would be used as offices (Class B1). The lower basement will provide cycle storage, changing facilities, waste storage and plant. The new building will provide large floorplates and builds over and would result in the partial stopping up of Falconberg Mews.

8 DETAILED CONSIDERATIONS

The existing and proposed floorspace figures are set out in the table below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (class A1)	2540	4554	+2014
Café (class A3)	0	81	+81
Office (class B1)	4767	5189	+422
Flexible Office / Retail (Class B1/A1)	0	1569	+1569
Residential (class C3)	81	0	-81
TOTAL	7,388	11393	+4005

8.1 Land Use

Residential

The site is primarily in commercial use. There are however two existing residential units at 2nd to 4th floor levels at No 43 Oxford Street. This residential comprises a 1 x bedroom flat at 2nd floor level and a 2x bedroom maisonette at 3rd and 4th floor levels. The total residential floorspace is 81 m2.

City Plan Policy S14 seeks to optimise housing delivery. The policy states that residential use is the priority across Westminster except where specifically stated. All residential uses, floorspace and land will be protected.

In recognition of this the applicant advises that residential will be re-provided at 98 New Bond Street ensuring that there is no net loss of residential. The normal practice would be that an application for replacement residential, which forms part of a land use swap would be

considered simultaneously with the scheme proposing a loss of residential. In this case an application for the provision of replacement residential has not been submitted. Whilst this is a departure from the normal procedure the applicant is fully aware of the requirement to provide replacement residential prior to the implementation of this redevelopment scheme. It is recommended that the provision of adequate replacement residential is secured as part of a S106 legal agreement. The agreement will require an appropriate residential development to be approved prior to the implementation of this permission and that the office accommodation is not occupied until the replacement residential has been provided and is ready for occupation.

Offices

The site lies within the Core CAZ where City Policy S6 identifies as being an appropriate location for a range of commercial and cultural uses.

The proposed development is office led proposal and the provision of significant new office accommodation is one of the applicant's key drivers for the scheme. The office reception/entrance will be at 17-19 Soho Square, the first floor of the replacement building at 17-17 Soho Square will be used as offices along with the 3rd to 6th floors of the whole development. The 2nd floor is to be used flexibly as either offices or retail. The proposed development will provide up to 6,758 m² of office (Class B1) floorspace. If the 2nd floor is used as offices this would result in an increase in offices of 1991 m².

Commercial developments are directed to the Core CAZ, Paddington, Victoria and Tottenham Court Road Opportunity Areas, Named Streets and the North Westminster Economic Development Area. New office floorspace is encouraged within the Core CAZ to enhance Westminster's strategic role in London's office sector, and support London's global competitiveness.

City Plan policy S20 states:

'The council will work to exceed the target of additional B1 office floorspace capacity for at least 58,000 new jobs (774,000 sq. m B1 office floorspace) between 2016/17 and 2036/37, an average of 2,900 new jobs per annum. The provision of increased commercial offices accords with the City Council's strategic objectives and policies. An office led scheme is considered to be appropriate to the site and this part of the West End. The scheme will contribute to the Core CAZ being a competitive business location. The increase in employment and jobs as part of the scheme is in accordance with City Plan and London Plan policies would be a benefit. The improved quality and increase in quantum of office floorspace is supported in land use terms.

The provision of a significant quantum of commercial offices accords with the City Council's strategic objectives and policies. An office led scheme is considered to be appropriate to the site and this part of the West End. The scheme will contribute to the Core CAZ being a competitive business location. The applicant states that the proposed development has the potential to provide 413 full time employees when applying 12m² per full time employee as set out in the Employment Densities Guide. This equates to 10% of Westminster's average target of 3,850 employees per annum. The significant increase in employment and jobs as part of the scheme is in accordance with City Plan and London Plan policies and would be a benefit.

In their stage 1 response the GLA advise that the proposed office-led mixed use development would support the strategic functions of the CAZ and other London Plan policies and is supported.

Mixed Use

Policy S1 is applicable for development within the Core CAZ, the Named Street, and Opportunity Areas, which includes net additional B1 office floorspace. Residential is required where the increase in office floorspace is more than 30 % of the existing building (for all uses). In this case the increase in offices of 422 m2. If the option to use the 2nd floor area fronting onto Oxford Street is also taken up as offices the increase would be 1,991 m2. This is an increase of 27% in relation to the existing building. There is therefore no policy requirement to provide residential.

Retail

City Plan policy S7 seeks to support the West End Special Retail Policy Area through recognising the unique status and offer of the West End through improving retail space and accommodating for appropriate retail growth, including the provision of A1 retail along the Primary Shopping Frontages at least at basement, ground floor and first floor levels.

There is a strong policy basis for improved retail floorspace at basement, ground and first floor levels within the WERSPA. The site is located within the CAZ at the eastern end of Oxford Street, which has been identified as being in need of improvement to follow the rest of Oxford Street to the west.

Retail will be provided at upper basement of the whole site and at ground and first floors facing onto Oxford Street with flexibility to provide retail at second floor level. The development proposes up to 4,554m2 of retail floorspace an increase of 2014 m2. The increase could be 3,583 m2 if the option to use the 2nd floor for retail purposes is taken up. The applicants advise that the retail floorspace has the potential to provide up to 300 jobs, based on employment density guidelines.

The existing retail provision on Oxford Street comprises poor quality fragment units, characterised by lower-end retailers typically souvenir shops or similar. The proposed replacement retail floorspace on Oxford Street has increased depth by extending over the current Falconberg Mews, creating a deeper floorplate for larger units, with generous floor to ceiling heights. The new retail has the potential to attract high profile flagship retailers which characterise the western end of Oxford Street. The improved retail floorspace will harness the increased footfall of the future entry and exit to the Elizabeth Line, which is set to drive footfall to an even greater degree than the 500,000 approximate visits to Oxford Street at present.

The retail units on Oxford Street will be complemented with high quality shopfronts, which result in a continuous frontage through the removal of office entrances from Oxford Street. The new shopfronts are proposed in line with the character of the retained buildings. This would result in the provision of double height shopfronts for 29-31 Oxford Street, 33 Oxford Street, 35 Oxford Street, 37-39 Oxford Street, and within the proposed redeveloped buildings at 41-43 Oxford Street.

On Soho Square, it is proposed to provide two smaller retail units, which the applicant advise would be targeted to independent retailers, synonymous with the character of Soho.

The creation of improved and high-quality retail floorspace at the eastern end of Oxford Street is full in compliance with the City Plan and would be a significant benefit of the proposed development. The GLA strongly support the uplift within the West End International Centre.

Café

The ground floor on Soho Square will include a café unit which forms part of the courtyard and lift access to the roof garden. A small café is also proposed at 8th floor roof level within the pavilion structure leading onto the roof garden. The total floorspace is 81 m²

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses including restaurants. The TACE policies are on a sliding scale whereby developments where TACE 8 is applicable would be generally permissible and where TACE 10 (gross floorspace exceeds 500 m²) is applicable only in exceptional circumstances.

City Plan policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, relationship to any concentrations of entertainment uses and the cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. The proposal states that new large- scale entertainment uses of over 500 m² floorspace will not generally be appropriate within Westminster.

The site lies within the West End Stress Area. A café of 81 m² is assessed against UDP policy TACE 8. The provision of a small café would result in the provision of service uses that are not considered out of context for the size of the site. The proposed hours of opening are 8am to 7.30pm daily. No primary cooking is proposed. The number of covers would be limited to 45. It is recommended that the capacity and opening hours are secured by condition. Subject to these conditions this aspect of the development is considered acceptable as the café use would be neither harmful to residential amenity or to the character and function of the area.

Roof Garden

The scheme includes use of the roof as a publicly accessible roof garden provided over the two roof levels, with access from Soho Square through a dedicated lift core. The proposed roof garden has been designed by landscape architects MRG and comprises planting, along with a food and drinks kiosk. Users of the roof garden will be under no obligation to purchase anything to use the space.

The roof gardens will have a maximum capacity of 200 persons at a time. It is proposed that the hours of use would be restricted to between 10am and 7pm daily. Following the applicants consultation with local groups, including the Soho Society, they advise that the intention is to offer access to local residents as an amenity within Soho, allowing locals to use the space as a retreat. The Soho Society request that the roof garden is managed to ensure reasonable priority to local residents.

The applicant advise that the space will also be accessible to office tenants, and will be offered to local organisations, such as the New West End Company and local schools etc for events on a certain number of days per year. It is intended that access will be controlled through a Membership system which would be free for anyone to join. It is proposed that access details are agreed through an Access Management Plan which will be secured as part of the Section 106 agreement.

All maintenance and running costs will be met by the development. The applicant anticipates that funding will stem from office service charges, café service charges, and private events held on the roof gardens.

The provision of a publicly accessible garden is a public benefit that is compensates for the loss of Public Highway, developing over Falconberg Mews which is currently synonymous with crime and anti- social behaviour.

8.2 Townscape and Design

The site

The site lies within the Soho Conservation Area, with frontages on Oxford Street and Soho Square and includes Falconberg Mews which lies between the two. The buildings on Oxford Street form one of the most attractive historic terraces in Oxford Street, and they make a positive contribution to the character and appearance of the Soho Conservation Area. There is a presumption to retain these. No 35 Oxford Street is a grade 2 listed building, the others are unlisted. The building on Soho Square, nos.18-19, is modern and not of particular interest. Falconberg Mews is an historic space, dating back to the 18th century, with buildings of some interest on its north side. The south side is modern and not of interest. However, the mews is not attractive in its current state and it is subject to much anti-social behaviour.

The Oxford Street buildings

Nos.29-31

Architect: Stanley Gordon Jeeves, built 1924.

A flat two-bay front in terracotta with giant pilasters and Art Deco detailing.

No.33

Architect: Edward Keynes Purchase, built c.1908.

Narrow fronted building with carved stone detailing and an ornamental Queen Anne gable.

No. 35 (Grade 2)

Architect: Gilbert and Constanduros, built 1909.

A narrow five storey building with an ornamental gable with contrasting bands of peppermint and cream coloured faïence. A good example of Edwardian commercial architecture in Flemish mannerist style.

Nos.37-39

Architect: Delissa Joseph, built 1914.

Richly modelled high quality facade, with giant order ionic columns. Pevsner noted it for its "Selfridge pattern of giant columns, but for only three bays".

No.41

Architect: Frederick E Williams, built 1910.

Another narrow fronted building with a single canted bay of three storeys and large dormer in mansard type roof.

No. 43

This is a probably Georgian house, one of two surviving in the terrace, but it has been much altered over the years. The facades rendered and entablatures added over each window. It is not included as a building of merit in the Soho Conservation Area Audit.

The proposals

The current scheme has been subject to extensive negotiations with officers. This proposal involves the creation of a large office building which extends across the whole site, including infilling Falconberg Mews. The facades of the Oxford Street buildings would be retained except for nos. 41 and 43. These would be replaced by a new facade. The new building would extend above the retained facades, but these upper floors are set back to reduce their visual impact from Oxford Street. The new floors are set furthest back behind nos. 33 and 35, where they are approximately 10 metres behind the retained front facades.

Demolition - Oxford Street

The unlisted Oxford Street buildings are important because of their facades make such a positive contribution to the conservation area, and the demoltion behind retained facades is acceptable in principle. Nos. 33 (unlisted) and 35 (listed grade 2) are similar, single plot width buildings, both with gabled facades. The proposals do not involve full demolition behind their facades, and they are treated in a similar manner, as a pair. The extent of demolition in both buildings has been negotiated so that the party walls are retained, albeit with large openings to the new floor space adjacent. There are few features of interest internally in no. 35 and the proposed demolition and alteration is considered acceptable.

The demolition of nos. 41 and 43 is more contentious and Historic England have objected to their loss. These are arguably the least interesting buildings in the terrace but they do add to the architectural variety and picturesqueness of the group. The applicants argue that with the proposed floor levels of the new building it is not practical to retain these facades. It is not possible to reconcile the proposed higher floor levels with the existing facades. The architects have designed a new modern façade which seeks to relate to the retained facades to the east. The new façade is three bays wide, and five storeys high. Its composition makes reference to the proportions of the facades at nos. 29-31 and 37-39. It is clad in glazed ceramics, with deep chamfered columns farming the bronze coloured window bays.

Historic England and the Soho Society are correct in their support for the retention of these buildings, however, it is considered that their retention would create significant problems for the creation of the new office floor space. The proposed facade is considered to be a high quality modern design which does relate well to its neighbours and, on balance, the harm caused by the loss of the two buildings can be justified in this case.

The mansard roofs at nos. 29-31 and 37-39 would be demolished and the new building rises behind the retained facades. The upper floors are set back to reduce their visual impact from street level. These upper floors are visible in some Oxford Street view points but these are limited in extent. The greatest visibility is from west of Soho Street where the flank (west) wall of the upper parts of the building at nos. 37-39 is visible above the new building at nos. 41-43. However, in the context of the taller building at the east end of the street above the Tottenham Court Road Station, it is considered that this visual impact is acceptable. New shopfronts are proposed in all the buildings which is beneficial. The existing shopfronts are of poor quality and not worthy of retention.

Falconberg Mews

Falconberg Mews is an historic public space, which remains public highway. The proposal to demolish the buildings on the north side and build on the mews is highly contentious in urban design and conservation terms. Such proposals are normally considered unacceptable in principle. However, the mews is a very unappealing space at present. Its approach is also relatively unattractive, enclosed on the east side by the rear of the Tottenham Court Road Station. The proposal seeks to overcome the harm caused by the loss of the space by providing new, attractive public space on the roof of the new building. This is a highly unusual proposal which would not normally be considered acceptable. However, there may be a reasonable justification for accepting this proposal, because of the particular nature of this mews.

Soho Square

The existing post war building at nos. 18-19 would be demolished and replaced by a new building which has been designed to relate sensitively to its context. It is faced in brickwork above a two storey stone base, which aligns with that of no. 20 to the south. The fenestration pattern echoes that of no. 20 and earlier, Georgian, buildings in Soho Square. At roof level is a modern, recessed floor, at the same level as the mansard of no.20.

The upper floors of the new building are visible to a degree from Soho Square (from the western side) but they are seen in the context of existing large buildings, including 20 Soho Square and Centre Point in the background. The impact on the settings of the (lower) listed buildings on the north east side of the Square is not considered to be harmful.

The ground floor frontage includes an office reception, café and an arched entrance to the courtyard. The roof level garden is accessed from a lift at the rear of the courtyard. It is considered that the two storey base is not fully resolved in terms of its architectural relationship to its neighbours and further design refinement should be required by condition if planning permission is to be granted.

The roof level garden is set on two levels with an upper garden for activities and social events, and a more private lower garden which is more densely planted. This could be regarded as a significant public benefit, the first in Soho, which needs to be weighed in the balance of harm and benefits of the scheme as a whole.

The Protected Vista

The site is on the edge of the GLA's London View Management Framework protected vista from the summit of Parliament Hill to the Palace of Westminster. The viewing corridor cuts across approximately two thirds of the site, leaving around a third to the east outside of the development plane. Only a small part of the proposed roof is above the level of the Development Plane and this incursion into the view is very limited and it is considered that the vista is not harmed.

Conclusion on design issues

The proposal needs to be considered in the context of the on-going regeneration of the east end of Oxford Street, which is transforming this end of the street and delivering public benefits. Although the proposal is harmful to heritage assets, primarily because of the demolition of the Oxford Street facades and the loss of Falconberg Mews, it is considered that overall there are public benefits to outweigh the harm identified. The proposal is considered to comply with the City Council's urban design and conservation policies, including S25 and S28 of

the City Plan and DES1, DES4, DES9, DES10, DES14, DES15 of the Unitary Development Plan.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use. Policy ENV 6 seeks to protect noise sensitive properties from noise disturbance.

Daylight and Sunlight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant, Point Surveyors has carried out the necessary tests using the methodology set out in the BRE guidelines on 15 and 16 Soho Square, 34-38 Oxford Street / 55 Hanway Street and 52 Oxford Street. The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution (no sky line) available to windows in these properties. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90 degrees of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight.

The Daylight and Sunlight study shows that there are no breaches to the BRE guidelines at 15 Soho Square, 34-48 Oxford Street / 55 Hanway Street and 52 Oxford Street

With regards to 16 Soho Square the daylight study shows that in total 41 of the 52 windows tested will meet the BRE recommendations. There would be reductions in the VSC levels in excess of the 20% guideline to 11 bedroom windows. The bedrooms would retain an absolute VSC level of at least 15% which is not uncommon for a dense city centre location. No objections have been received in response to consultations and all living room windows tested comfortably meet the BRE guidelines. In addition each of the 14 southerly- orientated habitable rooms tested for sunlight will satisfy the BRE recommendations.

The increase in bulk and mass of the development is therefore considered acceptable in amenity terms and would not adversely and materially harm living conditions for residents.

Overlooking/ loss of privacy

Landscaping around the perimeter of the 7th and 8th floor roof gardens will ensure that there is no direct overlooking into any of the surrounding properties. In particular residential flats at No's 15 and 16 Soho Square. The development will not result in any significant overlooking and there would be no loss of privacy. The provision of roof gardens with a maximum capacity of 200 persons could result in an increase in noise levels to the adjacent residential. The landscaping and planting will act as something of a sound barrier, plus the hours of use would be restricted to 10am to 7pm. Subject to conditions that secure full details of the planting/ landscaping and restrict the hours of use it is not considered that noise from the new publicly accessible roof garden would have an adverse impact on neighbouring residents amenity.

8.4 Transportation/ParkingCar Parking

No car parking is proposed, which is welcome.

Cycle Parking

The proposed development will provide 118 long stay cycle parking spaces, comprising 108 cycle parking spaces for the office use, 9 cycle parking spaces for the retail use and 1 cycle parking space for the café'. The cycle parking will be located in the basement accessed via a lift at the eastern entrance to the site from Falconberg Mews. The Highways Planning Manager advises that the cycle parking is acceptable, it is recommended that the cycle parking is secured by condition.

Servicing

UDP policy TRANS 20 require off-street servicing which is not proposed. It is proposed that servicing will take place from on-street, shared between the Soho Square, Oxford Street and Falconberg Mews frontages. Given the difficulties in getting vehicles of any size into and out of the Mews and the issues there would be with creating a servicing bay off Oxford Street or Soho Square, this is an acceptable solution.

The transport statement submitted with the application forecasts that the development would result in some 15 extra servicing vehicles a day than existing. The Highways Planning Manager has confirmed that this is acceptable subject to compliance with a Servicing Management Plan. The SMP will be secured by condition.

Stopping-Up

The most contentious issue in highways terms is the stopping-up of part of Falconberg Mews, which is public highway. However, while it widens out at the western end, this part of the Mews is extremely difficult for a vehicle of any size to access as there is a narrow right-angled bend to negotiate. Vehicle tracking provided by the applicant illustrates that it is very difficult to access and it seems from observation that vehicles tend to stay out of this part of the Mews and either reverse into or out of the north-south section or make a three (or more) point turn within the north-south section if they can.

The Mews does not serve any practical purpose for vehicular traffic, furthermore all of the buildings fronting this part of the Mews are part of this application site. Stopping-up would also address concerns with regard to anti-social behaviour within the Mews.

There are buildings to the west which have a pedestrian access / fire escape onto the Mews. This is catered for within the scheme by a corridor to the west of the site which would provide for an emergency access onto Soho Square, rather than into the Mews

8.5 Economic Considerations

The Proposed Development would deliver high quality, modern office floorspace within the core CAZ. The provision of new and deeper retail units aligns with the vision for the West End Retail and Leisure Special Policy Area.

The applicant estimates that there are currently 354 employees on the site at present. The proposed development has the potential to provide the opportunity for 623-642 full time employees at the site, depending on the 2nd floor being used for office or retail use. This would result in a net increase of 266-285 employees.

The proposed development will therefore provide significant economic benefits.

8.6 Access

London Plan Policy 7.2 and draft London Plan Policy D3 require that all new development achieves the highest standard of accessible and inclusive design. These policies seek to ensure that all new development can be used easily and with dignity by all. Level access is provided across floorplates, linked by lifts to all levels, as well as to the roof terrace. Where changes in level are unavoidable, for example at the floors of the retained listed building, platform lifts and short staircases have been added to provide access. The application meets London Plan Policy 7.2 and draft London Plan D3.

8.7 Other UDP/Westminster Policy Considerations

Noise/plant

Plant is located at 2nd basement level and in a dedicated plant enclosure at 7th floor roof level. At this stage the exact plant is unknown. As it will all be located in a dedicated acoustic plant enclosure it is likely that the plant is capable of complying with the City Council's noise standards; as set out in Policy ENV6 and ENV7 of the UDP. Appropriate conditions are attached to the draft decision notice, including a condition requiring a post commissioning report to be submitted and approved to demonstrate that the plant will operate at acceptable noise levels.

Refuse /Recycling

Policy ENV12 requires the provision of suitable facilities for waste storage and recycling in new developments. A Waste Management Strategy seeks to maximise recycling and sustainability, where practicable. Dedicated refuse storage and recycling storage room is provided in basement level 2. Appropriate conditions to secure the arrangements are attached

Sustainability

The London Plan states that developments should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

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

3. Be green: use renewable energy

London Plan Policy 5.1 and 5.2 expects an overall reduction in carbon dioxide emissions by 60% by 2025, and it is expected that under guidance from the GLA, London boroughs will take measures to meet this target. Policy 5.2 requires development to follow an energy hierarchy and seek to reduce carbon dioxide emissions, with a current target for non-domestic Development to minimise emissions by 35% against Part L of the Building Regulations 2013.

The applicant has submitted an energy statement prepared by Hoare Lee which demonstrates how the proposed development will comply with relevant carbon reduction and planning policy. The development aims incorporate extensive energy efficient measures into the design to reduce energy demand. These are summarised as follows

- Target fabric performance that exceeds the Part L 2013 requirements.
- • Apply high efficiency gas boiler to supply space heating (91% efficiency).
- • Reduce cooling demand through high glazing performance in office and retail areas.
- • Where areas are mechanically ventilated, the units have acting heat recovery (85% efficiency).
- • Hot water for WCs to be provided by electric point of use systems.
- • Hot water for the changing facilities (showers) will be provided by a dedicated gas boiler (91% efficiency)

City Plan Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

A number of technologies have been considered and the following have been applied to the energy strategy for the Proposed Development:

- Space heating and cooling provided by Air Source Heat Pumps (ASHP) for all treated areas to provide a saving of 15% carbon emissions;
- Hot water for changing facilities to be provided by ASHPs; and
- Overall, the targeted improvement over the Part L 2013 baseline is 35.3% which complies with London Plan policies.

It is considered that the Proposed Development achieves a high level of environmental and economic sustainability and carbon reduction and therefore accords with the Development Plan.

Employment and skills

The City Council published an interim guidance note in May 2019 on the interpretation of policy S19. Policy S19 contains scope for financial contributions collected through Section 106 agreements to be used to secure the aims of the policy. Financial contributions will be used to support the Westminster Employment Service by:

-Helping residents access a wide range of opportunities in a range of employment sectors. For example, retail, hospitality, facilities management connecting to the end use of a development.

-Supports developers to deliver their agreed targets through a service with a proven track record. In the past 2 years the Westminster Employment Service has delivered over 1500 jobs for Westminster residents.

The note sets out how contributions will be calculated according to the type of development proposed. In this case, the commercial floorspace (office and retail uses) attracts a contribution of £ 129,802.04

The applicant has agreed to these contributions.

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. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

There is no neighbourhood plan adopted for this area.

8.10 London Plan

The proposal is referable to the GLA as the development exceeds 30m in height and part of the proposed roof is above the development plane within the GLA's London View Management Framework protected vista from the summit of Parliament Hill to the Palace of Westminster.

The GLA's have provided their stage 1 response summarised as follows:

Principle of development: The uplift in retail floorspace within the West End International Centre is strongly supported. High-quality office floorspace in this highly-accessible location in the CAZ is supported. A proportion of flexible workspace for SMEs should be secured by condition. Further information on the re-provision of two existing residential units to 98 New Bond Street should be provided and their relocation secured within the S106 agreement.

Strategic views: No harm is caused to protected vista 2B.1 of Westminster World Heritage Site from the Parliament Hill as the proposal would not be visible.

Heritage: Overall, the proposal causes less than substantial harm to the Soho Conservation Area and 35 Oxford Street, which is outweighed by the high-quality design of the development, the economic benefits of the improved office space and the publicly accessible roof terrace. The setting of the Statue of Charles II and the central timber framed arbour/tool shed are enhanced by the demolition and replacement of 17-19 Soho Square.

Urban design: The Council should secure key details of facing materials and detailing by

condition.

Inclusive design: The internal layouts and circulation spaces are sufficiently generous and inclusive; the proposed platform lift to provide access to the retained 35 Oxford Street due to floor level changes should be secured by condition.

Environment: The Energy Hierarchy has broadly been followed but applicant should consider additional PV. A surface water drainage strategy for the proposed development must be submitted and further information on the reduction in water consumption should be provided. The applicant should provide further green roofs, brown roofs and green walls to enhance the urban greening of the site. The applicant should provide the UGF for the development with the aim of meeting the target of 0.3 for commercial developments as set out in draft London Plan Policy G5.

Transport: Further information is required to understand how the development meets Healthy Streets, Vision Zero and cycle parking policy standards. A Pedestrian Comfort Level assessment should also be completed by the developer.

8.11 National Policy/Guidance Considerations

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

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

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions to secure the following:

- i) The applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development.
- ii) A written scheme of archaeological investigation.
- iii) A desktop study, site investigation, remediation strategy and validation report to assess the risk of contaminated land and how it is treated before development can begin.

The applicant has accepted the conditions.

8.12 Planning Obligations

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy

contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

The Council's own Community Infrastructure Levy was introduced on 1 May 2016. The Westminster CIL payable will be approximately £ 902,207.75 along with Mayoral CIL for Crossrail 2 (MCIL 2 introduced in April 2019) of £.1,563,633.06. These figures are provisional and may be subject to any relief or exceptions which may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

In addition, for reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- i) The re-provision of two residential units (Class C3) at 98 New Bond Street or in another site in the vicinity of the site to prior to the occupation of any of the office floorspace on site.
- ii) costs relating to highways works around the site to facilitate the development
- iii) the applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway.
- vi) A financial contribution towards employment, training and skills of £ 129,802.04 (index linked) payable on commencement of development.
- iv) An access management plan for the roof garden
- v) The costs of monitoring the S106 legal agreement.

8.13 Environmental Impact Assessment

It is not considered that the proposal warrants an Environmental Statement (ES) under the EIA Regulations (2011). The applicant has submitted various studies relating to the principal environmental issues raised by the development including noise, archaeology, energy and recycling. The issues raised can reasonably be dealt with by conditions attached to the permission. The principal environmental effects requiring further clarification or work through conditions and mitigation are examined in the relevant sections of this report.

8.14 Other Issues

Archaeology

The site is within a Tier 2 archaeological priority area. In line with Policy DES11, an archaeological mitigation strategy has been prepared and agreed in principle with officers. The archaeological investigation can be secured by condition.

Construction impact

City Plan policy S29 requires projects which have significant local impacts to mitigate their effects during construction through compliance with the Code of Construction Practice.

The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. The new Code of Construction Practice was adopted in July 2016 and is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all major developments and schemes involving basement excavation. In recognition that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these, the Council's approach is for a condition to be imposed requiring the applicant to provide evidence of compliance with the CoCP before starting work. Compliance is monitored by the Environmental Inspectorate.

A condition is also recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

Basement

The proposals involve the excavation of a 2nd basement. The applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred.

The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MICHAEL WALTON BY EMAIL AT mwalton@westminster.gov.uk

9 KEY DRAWINGS







REV DATE		CONTRACT NO.		NAME	DATE	LOCATION
1	01/01/2018	01/01/2018	01/01/2018	01/01/2018	01/01/2018	01/01/2018
2	01/01/2018	01/01/2018	01/01/2018	01/01/2018	01/01/2018	01/01/2018
3	01/01/2018	01/01/2018	01/01/2018	01/01/2018	01/01/2018	01/01/2018
TO BE REMOVED		TO BE REINFORCED		PORTAL REINFORCED WITH CONNECTION OF NEW REINFORCEMENT		
TO BE REMOVED		TO BE REINFORCED		PORTAL REINFORCED WITH CONNECTION OF NEW REINFORCEMENT		
PORTAL REINFORCED WITH CONNECTION OF NEW REINFORCEMENT		PORTAL REINFORCED WITH CONNECTION OF NEW REINFORCEMENT		PORTAL REINFORCED WITH CONNECTION OF NEW REINFORCEMENT		

VIEW 3: OUTSIDE NO. 26 OXFORD STREET



PROPOSED

VIEW 9: OUTSIDE NO. 8 SOHO SQUARE, LOOKING EAST



PROPOSED

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 6 August 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Car Park At, 12 - 13 Wells Mews, London, W1T 3HE,		
Proposal	Erection of a single storey extension at fourth floor and single storey extension at part fifth floor level, including external plant and taller lift over-run. Infill of existing internal lightwell, installation of new ground floor frontage, creation of a terrace at fifth floor level overlooking Wells Mews, use of existing flat area at rear third floor and fourth floors as terraces, all in connection with the use of the ground and upper floors for office (Class B1) purposes.		
Agent	DP9		
On behalf of	AG Berners Street B.V.		
Registered Number	19/03311/FULL	Date amended/ completed	30 April 2019
Date Application Received	30 April 2019		
Historic Building Grade	Unlisted		
Conservation Area	None		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The building comprises of a small basement area, ground and three upper floors, all of which are used as a public car park operated by NCP (Berners Street Car Park) access is from Berners Street.

Permission is sought use of the car park as offices (Class B1). The scheme includes alterations to the Wells Mews façade, 4th and 5th floor roof extensions and the creation of roof terraces..

The key issues for consideration are:

- The land-use implications including the loss of the existing car park;
- The impact of the proposals the character and appearance of the area;
- The impact on neighbouring residential amenity.

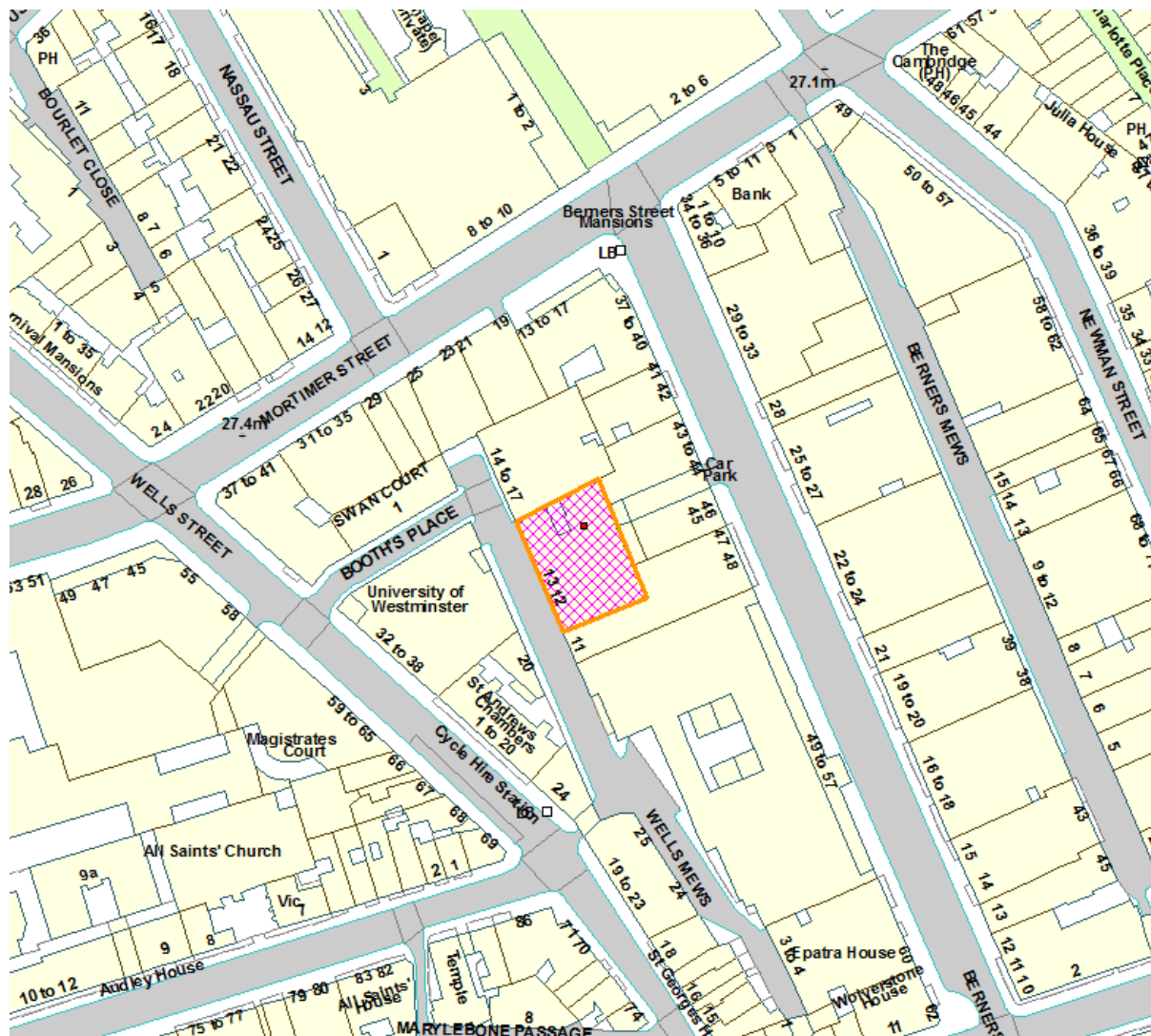
Given both the occupancy of the existing car park and the availability of off-street public car parking in the vicinity of the site the loss of the existing car park is considered acceptable. Use as offices on

Item No.
2

this site within the Core Central Activities Zone is also acceptable. The alterations and extensions . are acceptable in design terms. The increased bulk and mass and proposed terraces would not result in a material loss of amenity to nearby residents.

The application is therefore considered acceptable in amenity terms and overall complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

No response to date

ENVIRONMENTAL SCIENCES

No objection subject to conditions

WASTE PROJECT OFFICER

No objection subject to condition

HIGHWAYS PLANNING

No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 103

Total No. of replies: 5

No. of objections: 5

Five objections (2 from the same neighbour) have been received on some or all of the following grounds:

Amenity:

- Loss of daylight,
- Loss of privacy/ overlooking,
- Noise nuisance
-

Other:

- Rights of Light issues,
- Applicants claim that letters were sent to local residents and business prior to submission is not correct,
- Impact from noise and disruption during construction,
- Increase in anti-social behaviour caused by increased use of existing building, and
- The cumulative impact of overdevelopments in the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application premises is located on the east side of Wells Mews towards the northern end, where it meets Booth's Place. The building comprises of a small basement area, ground and three upper floors, all of which are used as a public car park operated by NCP. The building is not listed or within a Conservation Area. The site is within the Core Central Activities Zone.

The car park is known as Berners Street car park is accessed from Berners Street. This access tunnel is on under separate ownership and does not form part of this application site. The lease for this tunnel is due to expire, leaving access to the building only from

Wells Mews. Further to this, permission has been granted for the redevelopment of 45-46 Berners Street (Michelle House) which would involve the removal of the vehicular access to the car park. Large timber doors fronting onto Wells Mews are a secondary access to the car park .

The car park provides 96 parking spaces is operated in a valet style due to the absence of car ramps, relatively small floor plate sizes and presence of a single car lift.

6.2 Recent Relevant History

A certificate of lawfulness was granted at the application site on 23 October 2009 (RN: 09/07084/CLEUD) confirming the use of part ground to third floors as a public car park

Planning permission was granted at 45-46 Berners Street (Michelle House) (RN: 18/04936/FULL) to the rear of the site to allow redevelopment of the site to provide a nine storey building. The use of this building will be office (Class B1) on first to seventh floors and a triple / alternative use of the basement and ground floor as retail (Class A1) / restaurant (Class A3) / showroom uses (Sui Generis). This scheme includes the infill of the existing car park access tunnel from Berners Street to this site at ground floor.

7. THE PROPOSAL

Planning permission is sought for alterations and extensions in connection with the use of the premises as offices (Class B1). The works include erection of extensions at 4th and 5th floors, infill of the existing internal lightwell to create the access core. The works include alterations to the Wells Street frontage a terrace at 5th floor level overlooking Wells Mews and rear 3rd and 4th floor terraces.

The land use figures for the proposal are summarised in the table below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Car Park	2049	0	-2049
Office (Class B1)	0	2650	+2650
Total	2049	2650	+601

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Public Car Park

UDP policy TRANS 25, part C, states that the City Council will usually permit the loss of public off-street parking, subject to a number of factors. These factors are:

1. *“the need to reduce traffic levels and encourage more sustainable modes of transport*
2. *the average and peak usage of the car park*
3. *the availability of alternative, nearby public car parks*
4. *the impact on local on-street parking facilities*

5. *the impact on traffic and local residential amenity*
6. *any other factors considered relevant."*

A Transport Statement and a dedicated Car Park Study has been submitted as part of the application which considers the above points which has been assessed by the Highways Planning Manager.

According to the submitted data the Wells Mews car park is underutilised with an occupancy of 46% (44 out of 96 parking spaces occupied) weekdays and 15% at weekends. There are 5 car parks in the vicinity of the site that have been the subject of occupancy surveys. The two car parks closest to the application site are Poland Street and Clipstone Mews the peak/maximum occupancy levels of these were 58% (101 out of 174 parking spaces occupied) and 88% (142 out of 162 parking spaces occupied) respectively. There are 3 other sites within 800m of the site with an additional total of 783 spaces of which 415 were occupied at peak/maximum equating to 53% occupancy. These car parks have sufficient capacity to accommodate vehicles displaced from the application site.

The pressure on on-street car parking in the area is high, however given the availability of off-street public car parking in the vicinity of the site and the limited number of spaces occupied at the application site is not considered that a refusal under TRANS 25 part C could be substantiated. On this basis the loss of the existing car park is considered acceptable in this instance.

Proposed Office Use

Policy S20 of the City Plan identifies the need for significant additional office floorspace (Class B1) within Westminster to retain and enhance Westminster's strategic role in London's office sector and support London's global competitiveness.

The Core CAZ is identified as a suitable location for office floorspace in Policies S6 and S20 of the City Plan as offices contribute to the unique and varied mixed use character of the Core CAZ which will ensure the continued vitality, attraction and continued economic success of Central London. The scheme will provide 2650sqm (GIA) of new office (Class B1) floorspace. The provision of additional office floorspace in this location is therefore acceptable in principle.

City Plan Policy S1 sets out the circumstances in which development proposals which include an increase in Class B1 office floorspace trigger a requirement to provide new residential accommodation.

As the net increase in floorspace of all uses (601sqm GIA) is less than 30% of the total existing building floorspace (30% being 614.7sqm GIA), no residential is required to offset the increase in office floorspace.

An objection has been received that use as offices would result in noise nuisance. The area is however mixed use in character and use of the premises as offices is considered wholly appropriate on this site within the CAZ.

8.2 Townscape and Design

12- 13 Wells Mews is an unlisted purpose built garage dating from the early 1920s. The site is located outside of a conservation area but the boundary of the East Marylebone Conservation Area runs immediately opposite the proposal site. The main design implications of the proposals involve the addition of a sheer storey at fourth floor level, a set back storey including a plant enclosure at fifth floor level with a lift overrun above, alterations to the ground floor frontage, infill of the inner lightwell and the creation of terraces at third, fourth and fifth floors.

The existing building is four storeys in height and is flanked by a taller five storey building immediately to the north at no. 14- 17 Wells Mews. Permission has recently been granted for upwards development at the rear of the site at nos. 43- 44 and 45- 46 Berners Street, the latter of which has been implemented. The proposed scheme consists of an additional sheer storey at fourth floor level, which relates sensitively to the palette and appearance of the building and does not exceed the height of the principal frontage of 14- 17 Wells Mews. In this context, the proposed sheer storey extension will appear proportionate to the scale and appearance of the existing building and its context.

Following advice from officers, the proposed fifth floor extension has been set well back from the front of the building in order to minimise its visual impact from street level. The proposed zinc clad fifth storey will have a very limited visual impact on street level views and given the taller buildings which front on to Berners Street, will not appear uncharacteristically tall in private views. Following negotiations with the applicant, the design of the upwards extension has been amended to include the heightening of the southern gable, to ensure this attractive feature remains prominent in the context of this roofscape. Details of this aspect of the proposals are to be secured through condition. The minor projection of the lift overrun is centred on the roof and will also have very limited impact on public and private views. Overall therefore, the proposed roof extensions are considered compliant with DES 6 of the UDP and are recommended for approval in design terms.

The proposed terraces located at the rear of the site will only be visible from private vantage points. There are many terraces in the immediate vicinity of the site at the rear and they are characteristic of this area. Subject to the imposition of a condition requiring the terrace railings to be black painted metal, this aspect of the proposals is considered acceptable. The proposed infill of the inner lightwell is also considered uncontentious in design terms.

The proposals also involve alterations to the ground floor frontage, involving the removal of the existing garage doors and the installation of glazing. This aspect of the proposals has been subject to design negotiations. The original proposals for fully glazed openings at ground floor level was considered uncharacteristic of the frontages in this mews and lacked visual interest. Following negotiations with the applicant, the design has been amended to show metal framed glazing reflective of the industrial character of this building, which is considered appropriate. The attractive decorative tiling at ground floor is to be retained. The proposed alterations are therefore considered compliant with DES 5 of the UDP and are recommended for approval.

Overall, the proposals are considered compliant with DES 5 and DES 6 of the UDP and are acceptable in design terms.

8.3 Residential Amenity

Council records indicate that the site has few residential properties surrounding it. The only residential in Wells Mews appears to be at number 20 which contains 2 flats. This is located to the south of the site on the opposite side of the street. Behind this, fronting onto Wells Street, is a block of flats at 1-20 Wells Street (St Andrews Chambers). Booths Place (located at the northern end of Wells Mews forming the connection with Wells Street) has a residential block of 4 flats (Swan Court). 23-25 Mortimer Street appears to be in residential use. This building partially backs onto the northern most end of Wells Mews.

Sunlight and Daylight

Objections have been received from the residents at 1 Swan Court (Booths Place) regarding a loss of light. The application includes a daylight and sunlight report which assesses the impact in accordance with the Building Research Establishment's (BRE) guidelines: 'Site Layout Planning for Daylight and Sunlight'.

UDP Policy ENV13 aims to protect and improve residential amenity, including safeguarding daylight and sunlight levels. Policy S29 of the City Plan aims to improve the residential environment of Westminster.

The application daylight and sunlight report assesses the impact of the development on properties at 20 Wells Mews, 1 Booths Place (Swan Court), 1-20 Wells Street (St Andrews Chambers). 23-25 Mortimer Street, and the 6th floor of the University of Westminster building (which the consultant believes to be in residential use).

Daylight

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

The report demonstrates that the windows assessed will experience only small losses in daylight all below the 20% threshold identified by BRE guidance. The most significant reductions in VSC (10.9%) is to a first floor window at 20 Wells Mews (from 15.6% to 13.9 %) This loss will not be noticeable.

Sunlight

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

during winter months, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

The sunlight assessment demonstrates that any losses in APSH are below 20%, with the highest being 6.7% to a first floor bedroom window and the same amount to a second floor living room window (four windows serve each living room) at Swan Court.

The highest loss in winter APSH is 20% loss to a ground floor window at 23-25 Mortimer Street. This window is one of three which appears to serve the same room. It should also be noted that percentage loss is high due to a small reduction in already small absolute levels of winter APSH (from 5 to 4). The window experiences a loss of only 5.6% in APSH annually and with its low base levels of APSH, it is considered that the loss is acceptable in this instance. The next highest loss in winter APSH is 16.7%, to a second-floor bedroom window at Swan Court, which is within BRE guidelines.

Objections

All the objectors have raised concern about the impact of the proposal on the flats at Swan Court. The submitted report demonstrates that all windows at Swan Court comply with BRE guidelines both in terms of daylight (VSC) levels and sunlight (APSH). The objections are not therefore sustainable.

One objection refers to the impact on rights of light. This is however a private matter and permission could not reasonably be withheld on this basis.

Sense of Enclosure

It is not considered that the proposed fourth and part fifth floor extensions will create any significant increase in sense of enclosure. The fifth floor is significantly set back from the main facades of the building and the distances to nearby residential properties are considered to be reasonable, if not larger than other service style streets such as this. Swan Court is located approximately 25m from the site while the distance between the site and 20 Wells Mews is approximately 9.3m

Proposed Terraces (Overlooking, Privacy and Noise)

The proposals include the creation of three new roof terraces. One of these is located at the rear of the building at third floor and a second at rear fourth floor, both on small existing flat roof areas. There are no residential properties located to the rear of the site, it is not considered that these terraces will cause any loss of amenity to the area.

It is also proposed to create a fifth floor terrace at the front of the building. Objections have been received on the grounds of a loss of privacy and increase in overlooking from this front terrace from residents at Swan Court. As noted above, the site and Swan Court are located some 25 m apart. Given both the distance and orientation between the buildings use of the 5th floor terrace at the application site would not result in a loss of privacy.

Objections have also been received on the grounds that use of the terrace will cause noise disturbance. A condition is recommended restricting use of the terrace to between 08:00-21:30 Monday – Friday and not at all on weekends. Subject to this condition use

of the terrace is considered acceptable and would not result in disturbance and a loss of residential amenity.

8.4 Transportation/Parking

The issue of the loss of the existing car park has been discussed in the land use section 8.1 of this report.

Cycle Parking

The application refers to the provision of 40 cycle parking spaces. This complies with London Plan standards. The Highways Planning Manager advises that this is acceptable. It is recommended that the cycle parking is secured by condition.

The Highways Planning Manager has advised that impact of the proposal on car parking levels (on street) in the area is likely to be minimal due to the good accessibility to public transport the site benefits from.

The proposed office use is unlikely to result in significant servicing requirements. A Servicing Management Plan (SMP) will ensure that there is no adverse impact on the highway. It is recommended that an SMP is secured by condition.

8.5 Economic Considerations

The economic benefits of the scheme are welcomed.

8.6 Access

The site already benefits from level access from Wells Mews. The proposal will maintain this and provide disabled access throughout the site by the provision of lifts. As described above, the current access from Berners Street is to be lost as a result of the permission granted for development at 45-46 Berners Street (Michelle House) (RN: 18/04936/FULL).

8.7 Other UDP/Westminster Policy Considerations

Plant

The application is accompanied by an acoustic report. Environmental Health have confirmed that the proposed plant installations at the roof and in the basement are likely to comply with the relevant noise criterion within UDP Policy ENV 7. In order to achieve this the acoustic screening will be required at roof level, the installation of which shall be secured by condition.

The Environmental Health officer has advised that as the specific equipment to be installed is not yet decided (this will be decided by the future tenants), a supplementary acoustic report will be required to be submitted to the Council for assessment prior to its installation to demonstrate that compliance with the criteria is achieved. This shall be secured by condition.

Refuse /Recycling

The Waste Project Officer has assessed the application which originally did not provide sufficient detail regarding the storage of waste on site. This objection was also raised by the Highways Planning Manager. However, following the provision of additional details from the applicant, the Waste Project Officer has advised they have no objection to the proposed waste storage on the site. This provision shall 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 are no adopted neighbourhood plans for the area.

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 considered to be required for this application.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

Not applicable.

8.14 Other Issues

Construction Impact

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

A scheme of this scale would not usually be required to comply with the Code of Construction Practice (it is a level 3 application) and would be subject to a standard condition applied to limit the hours of noisy work on the site. It is not considered reasonable to withhold permission on the grounds of this objection given the size of the scheme, and this objection cannot be upheld.

Crime and Security/Anti-social Behaviour

An objection has been raised on the grounds that the proposal will result in an increase in anti-social behaviour. It is not considered that an office use would create an increase in anti-social behaviour and would be less likely to attract such issues when compared to a car park. Office uses provide opportunities for neutral surveillance in the area as a result of a greater presence of people in the building and arriving. It is therefore not considered reasonable to withhold permission on these grounds.

Applicants not sending letters to neighbours before hand

One objector has raised objection on the grounds that, while the applicant claims that letters were sent to 109 local residents and businesses prior to submitting the application, however no such letter was received. While the objector's concerns are noted, the planning system does not allow the Council to withhold permission on such grounds. It is at the applicant's discretion if they choose to engage with neighbours prior to submitting a planning application in any form (which is strongly encouraged by the Council) and not a requirement of the planning system. For this reason, the objection cannot be upheld.

Overdevelopment of the area and Cumulative Impact

An objection has been raised on the grounds that the proposal is overdevelopment of the area and will have a cumulative impact on residents in the area. As set out above the proposal is considered to accord with the development plan.

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

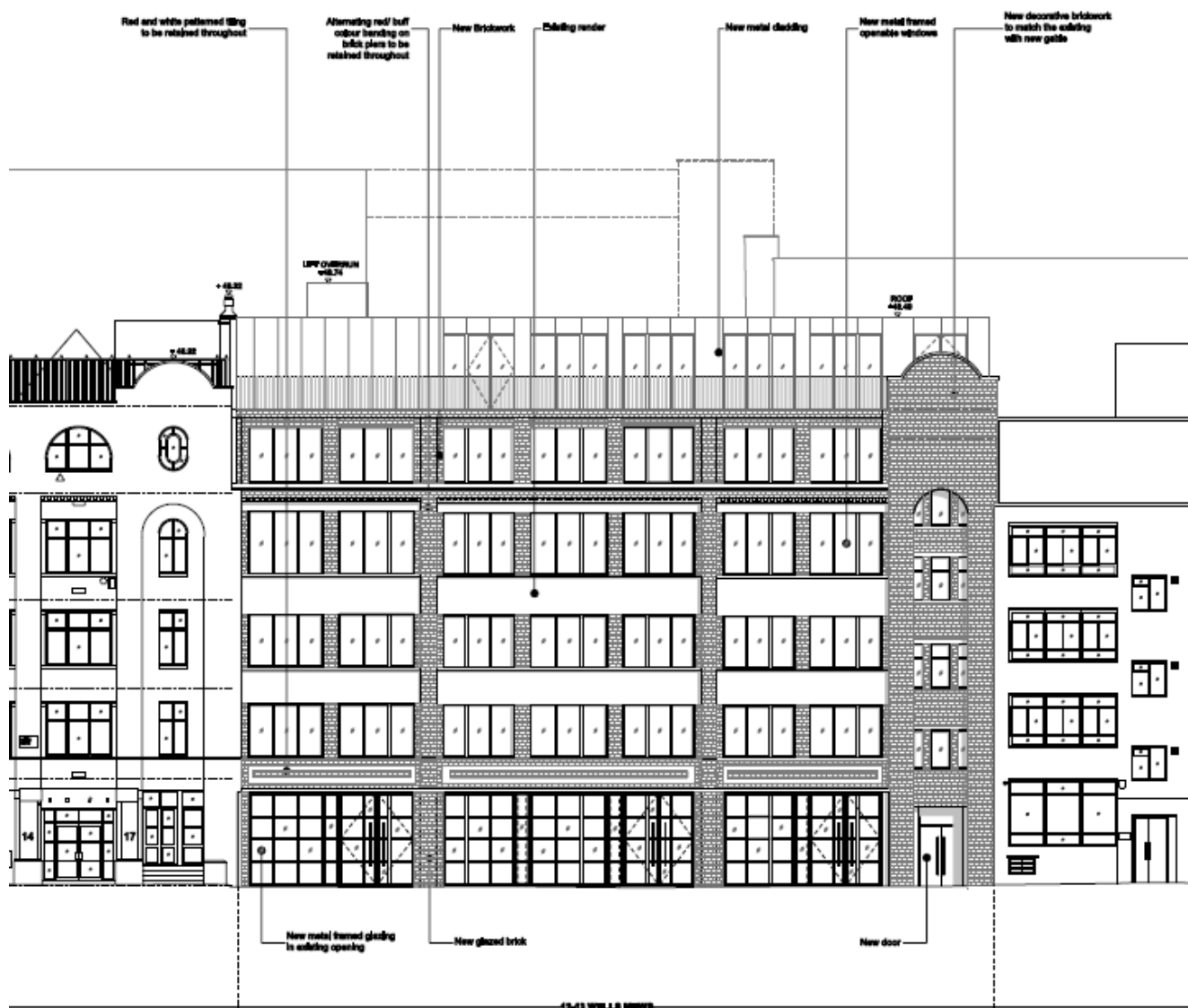
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

9. KEY DRAWINGS

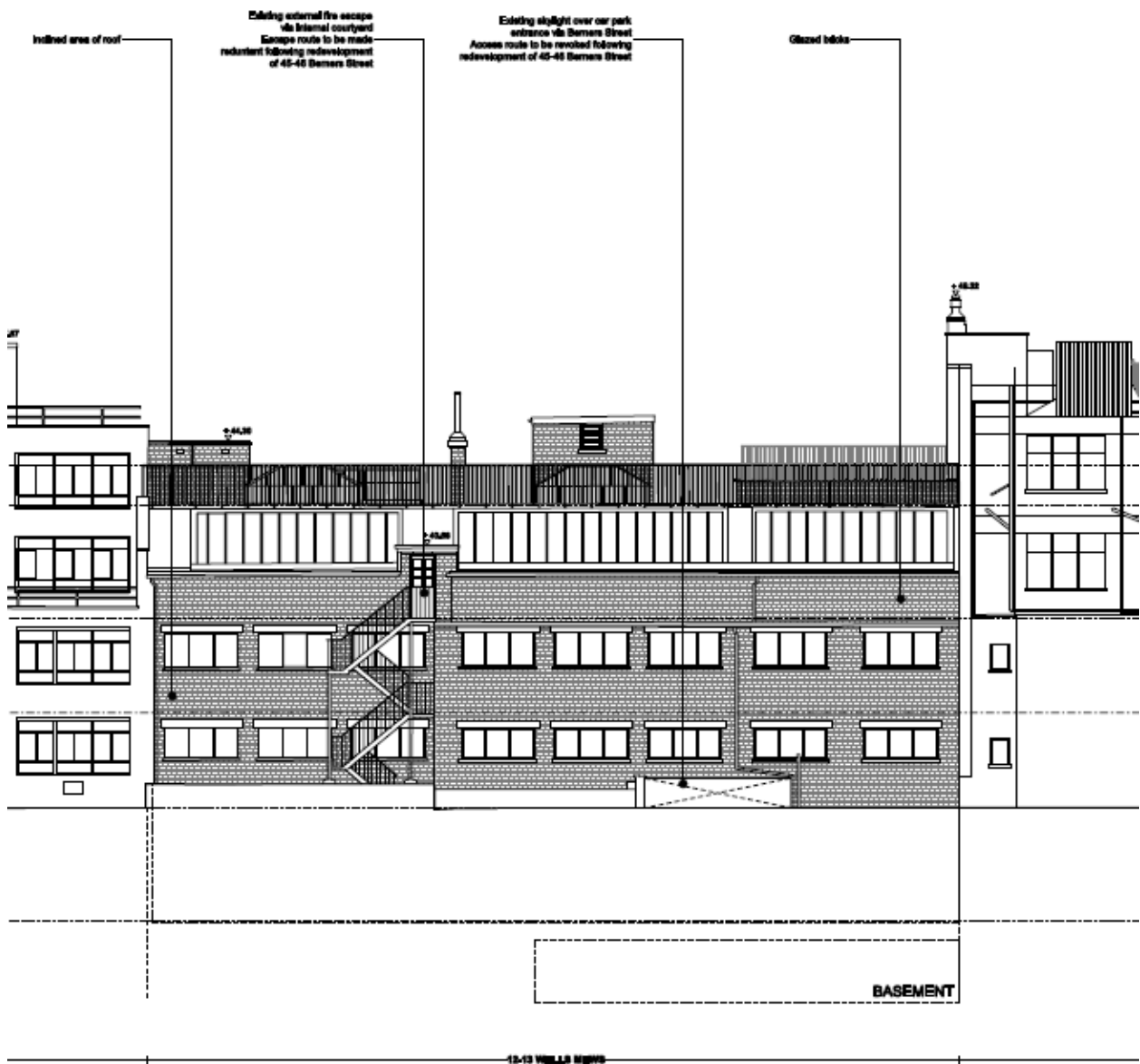
Existing Front Elevation



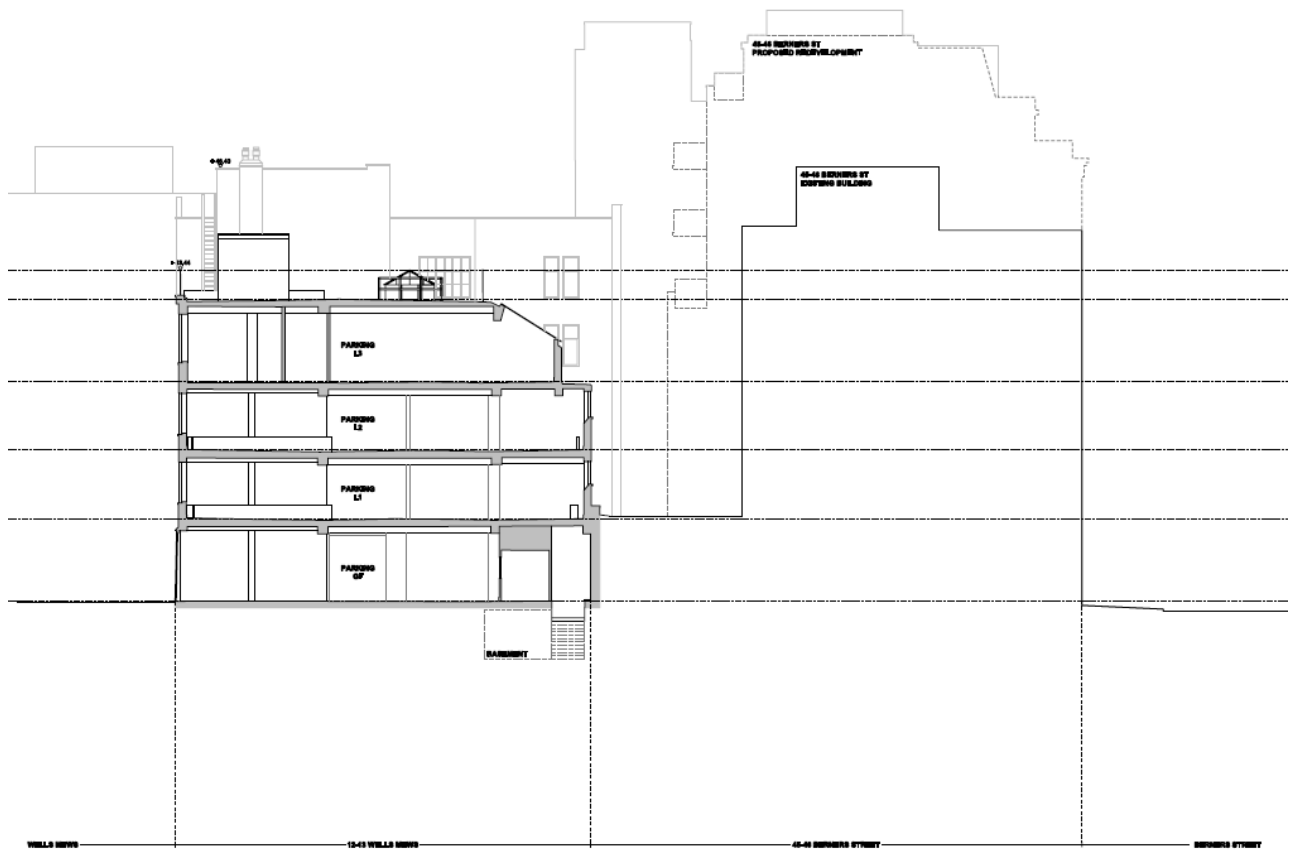
Proposed Front Elevation



Existing Rear Elevation

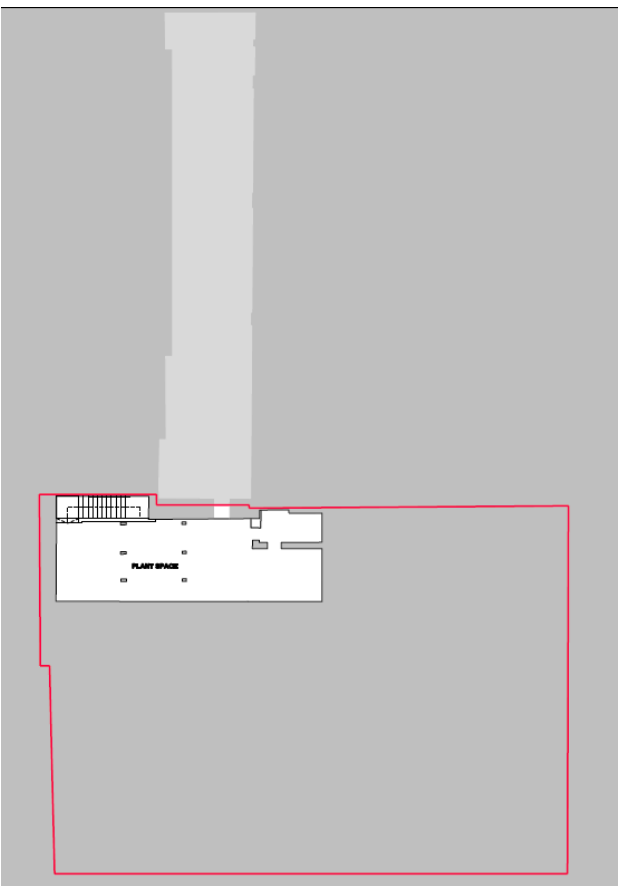
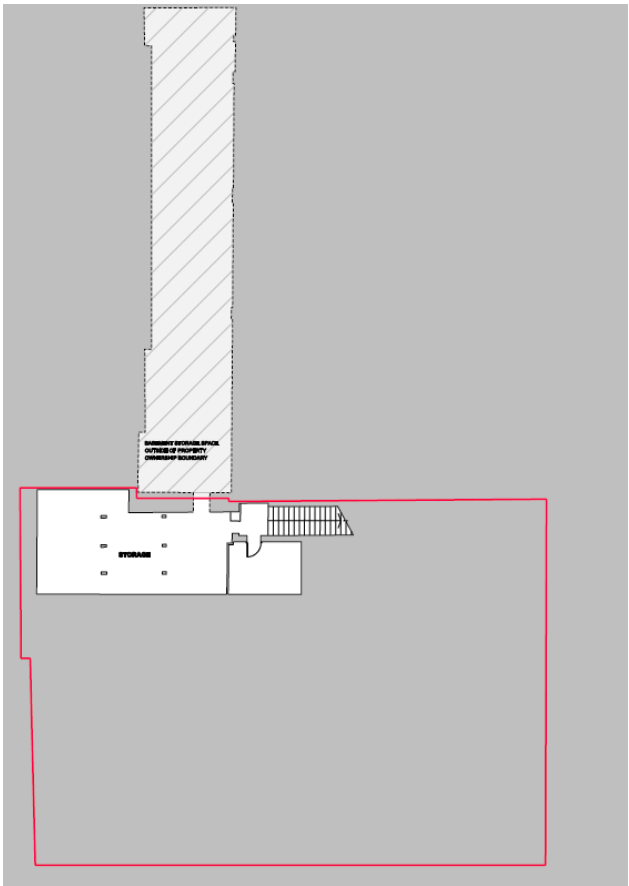


Existing Section B-B

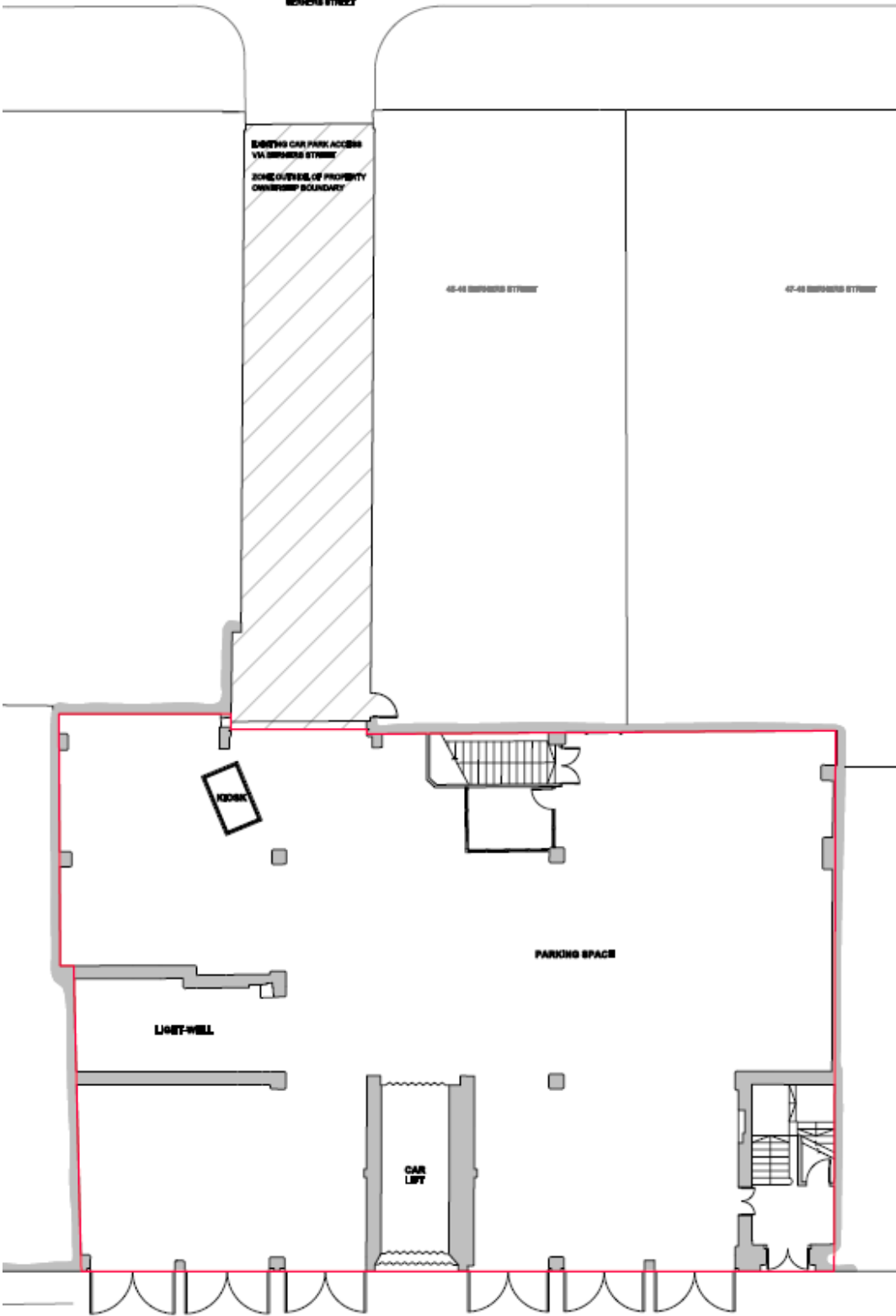


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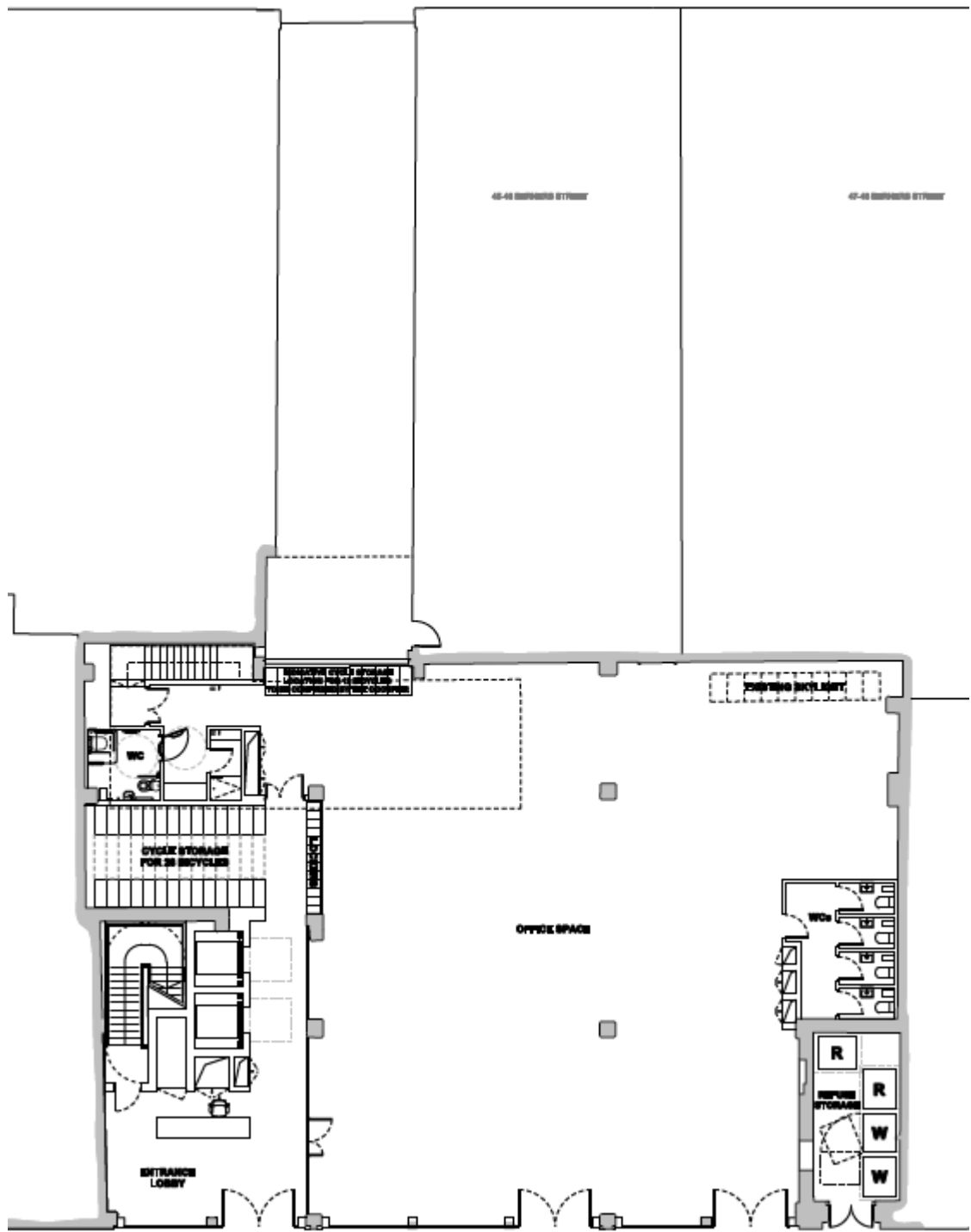
Existing (Left) and Proposed (Right) Basement Plan



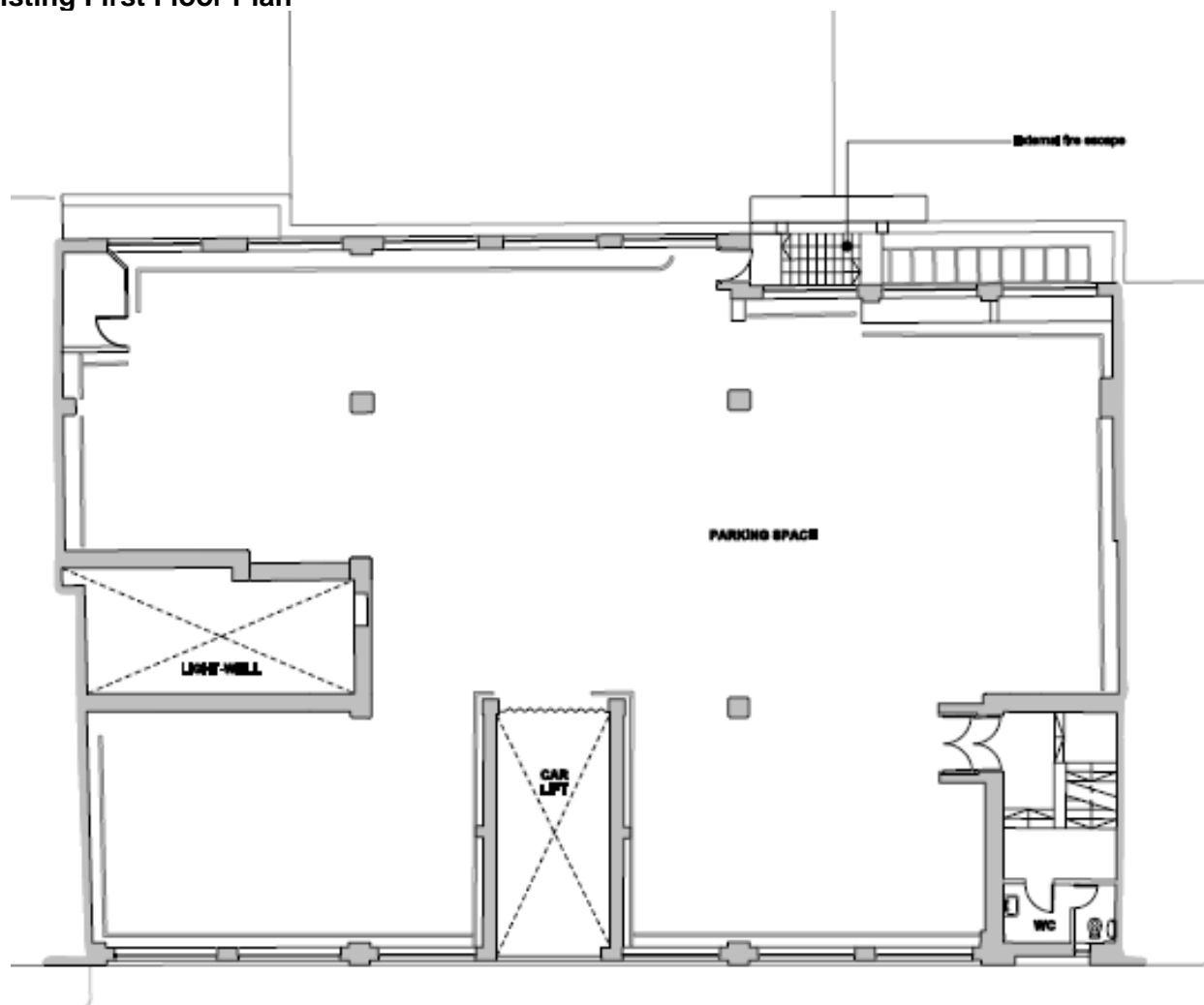
Existing Ground Floor Plan

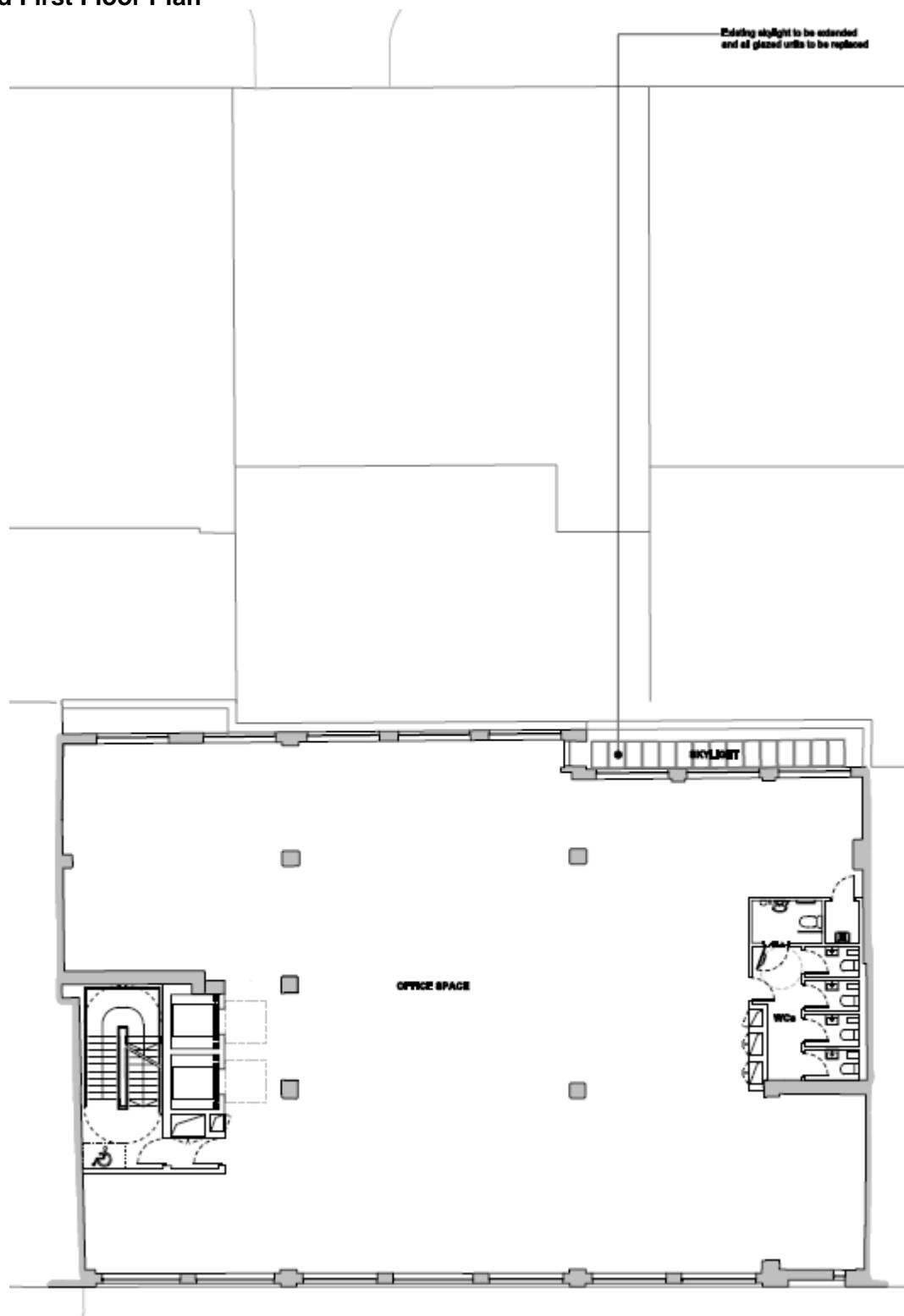


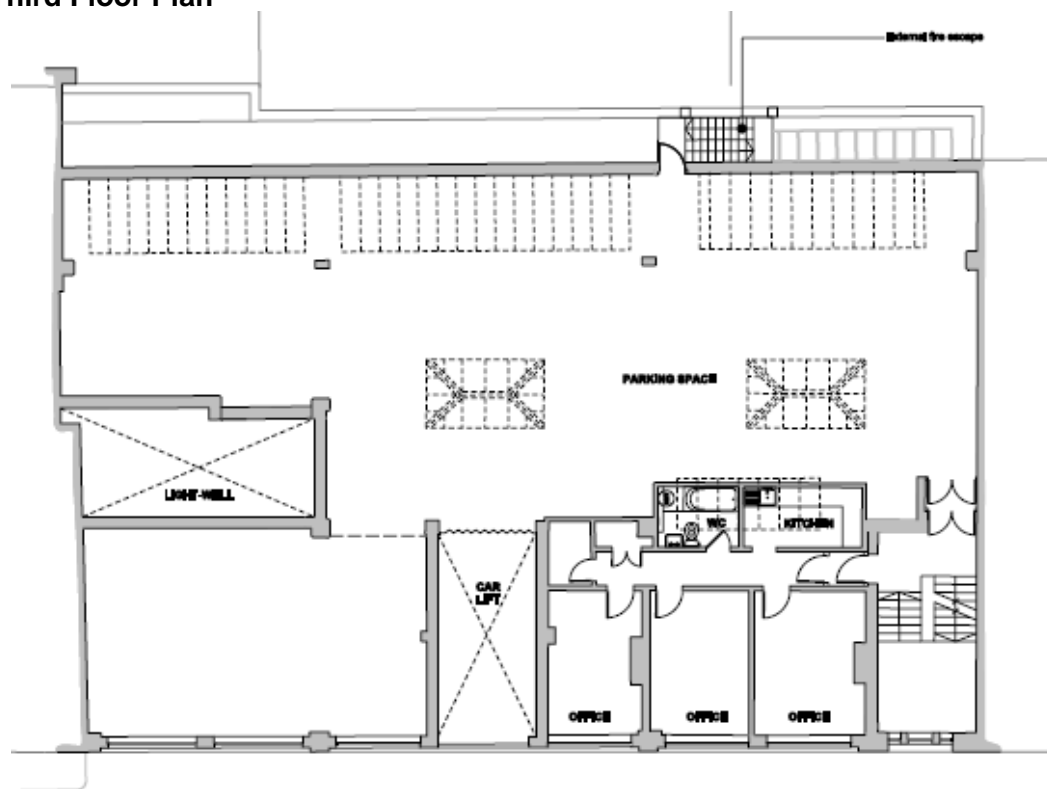
Proposed Ground Floor Plan

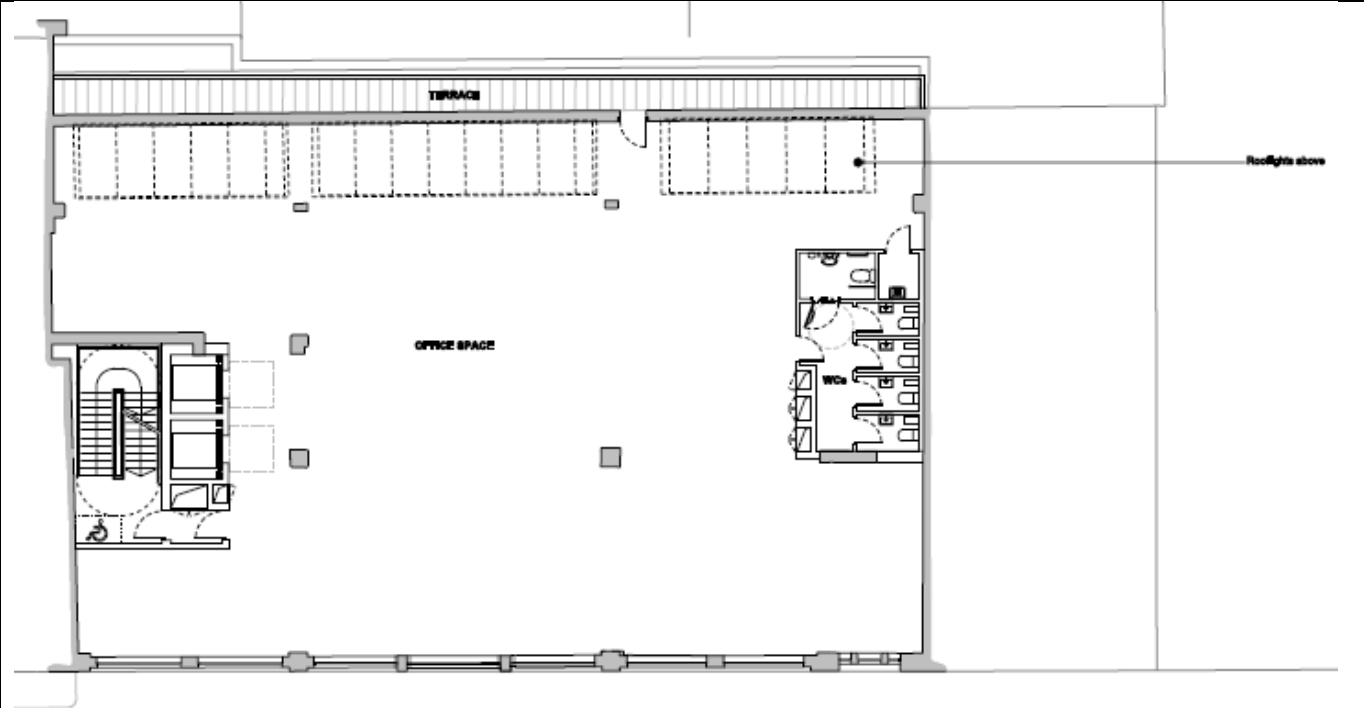


Existing First Floor Plan

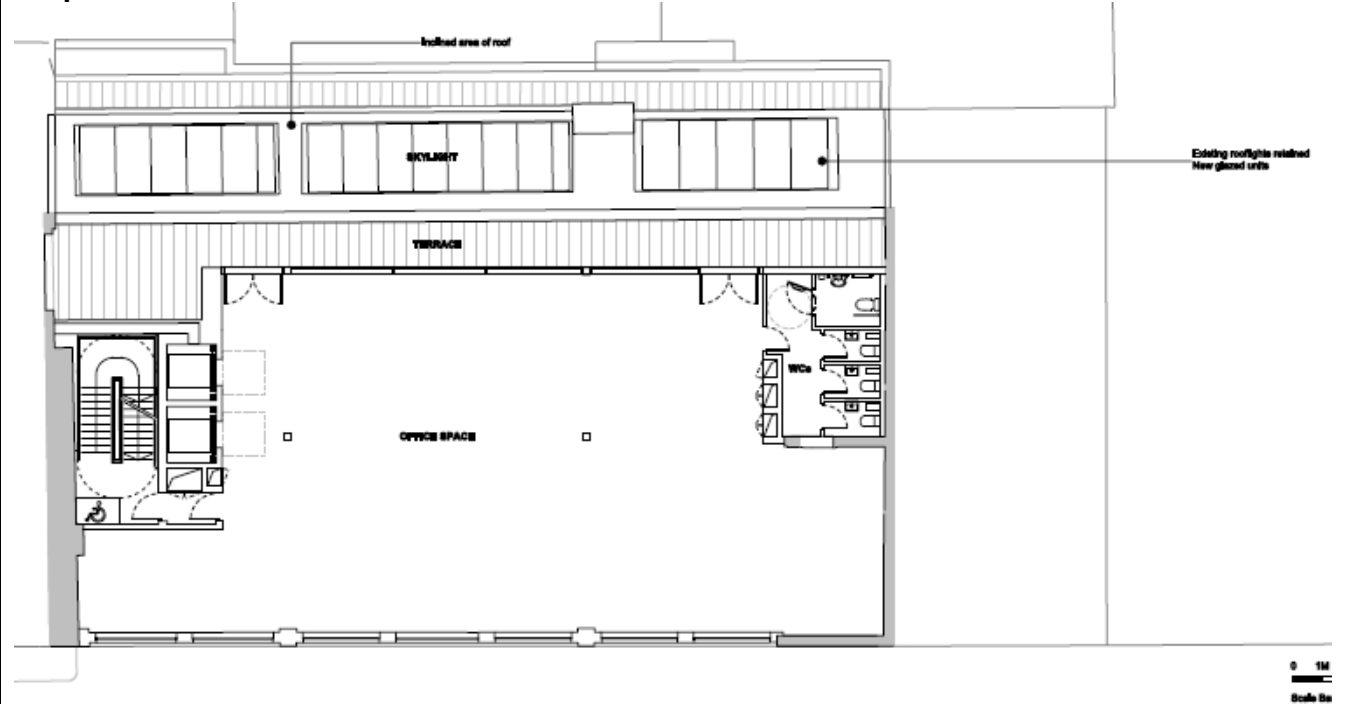


Proposed First Floor Plan

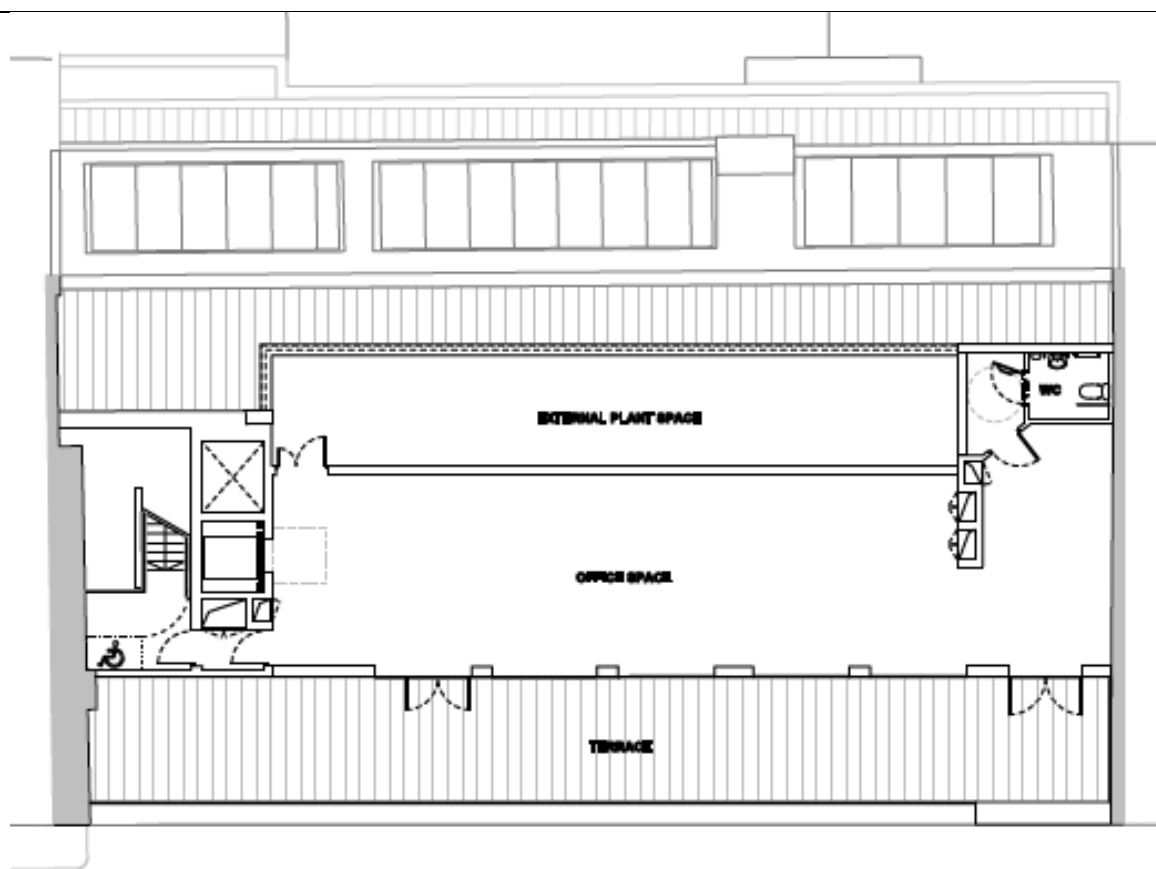
Existing Third Floor Plan**Proposed Third Floor Plan**



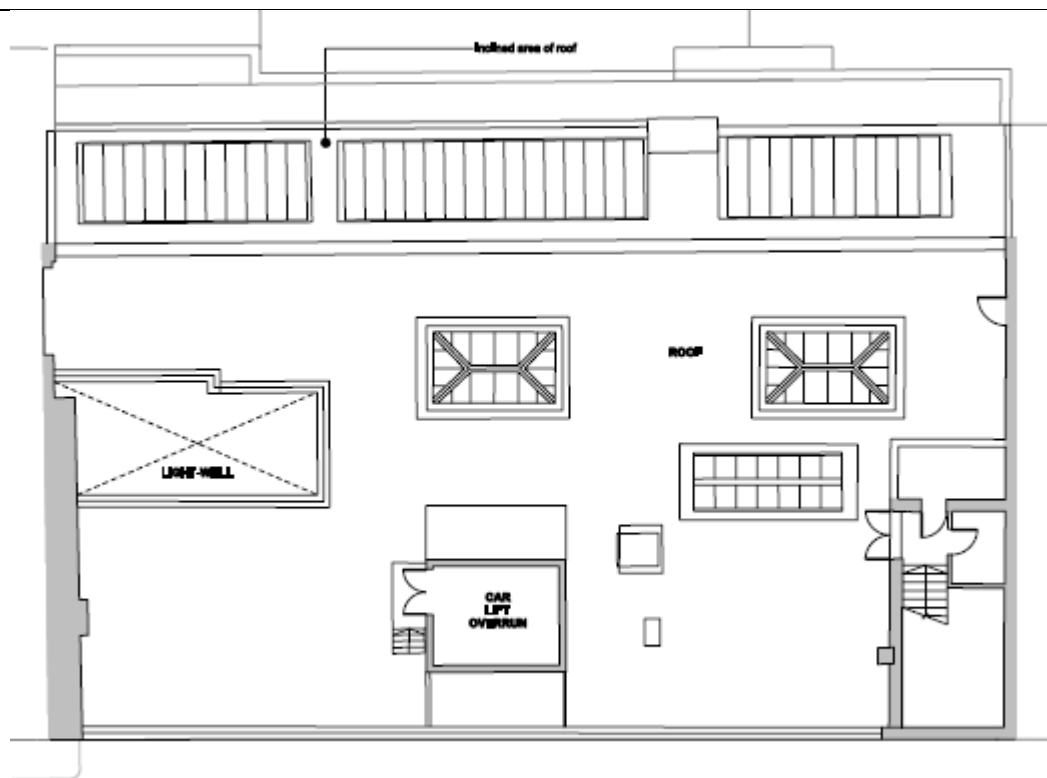
Proposed Fourth Floor Plan



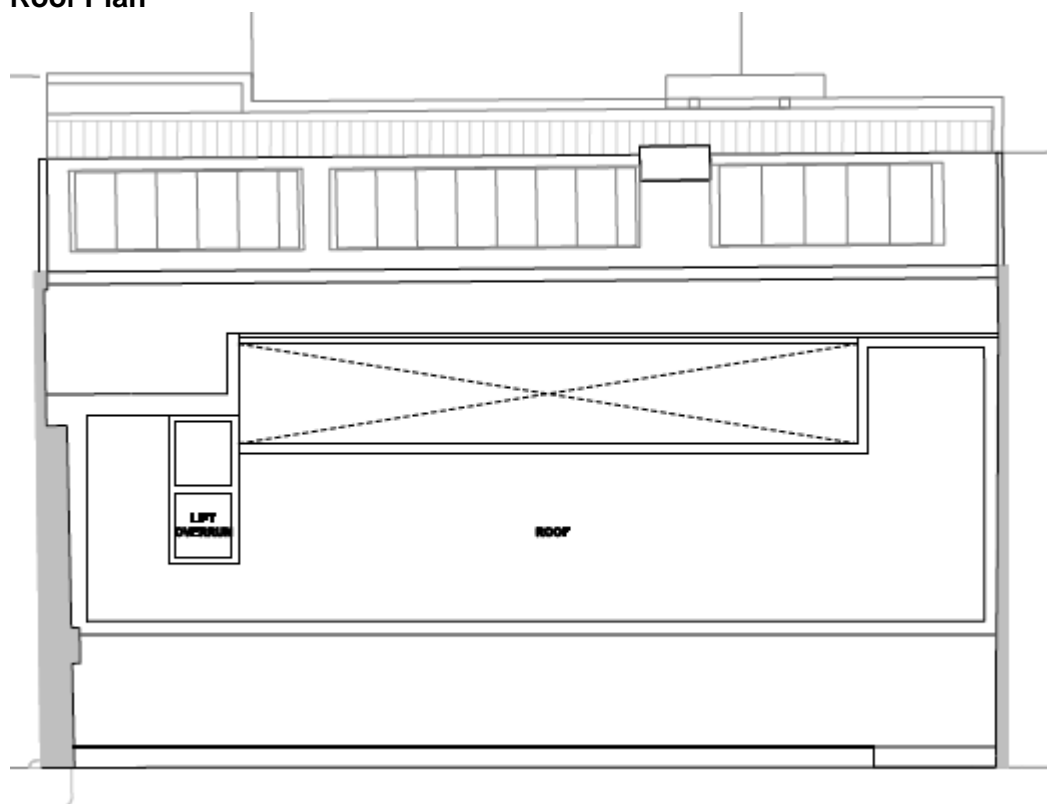
Proposed Fifth Floor Plan



Existing Roof Plan



Proposed Roof Plan



DRAFT DECISION LETTER

Address: Car Park At, 12 - 13 Wells Mews, London, W1T 3HE,

Proposal: Erection of a single storey extension at fourth floor and single storey extension at part fifth floor level, including external plant and taller lift over-run. Infill of existing internal lightwell, creation of a terrace at fifth floor level overlooking Wells Mews, use of existing flat area at rear third floor and fourth floors as terraces, all in connection with the use of the ground and upper floors for office (Class B1) purposes

Reference: 19/03311/FULL

Plan Nos: P199/- ; P200/- ; P201/- ; P202/- ; P203/- ; P204/- ; P205/A ; P206/A ; P400/A ; P401/- ; P500/- ; P501/- ; Servicing Management Plan dated April 2019 by Caneparo Associates for 12-13 Wells Mews, Fitzrovia, City of Westminster

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

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

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

1. New external windows and doors (1:5 and 1:20)
2. Rebuilt southern gable (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 drawings. (C26DB)

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

- 6 The roof level railings and terrace railings hereby approved shall be black painted metal and maintained that colour.

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

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

Reason:

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

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

Reason:

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

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

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping

equipment;

(c) Manufacturer specifications of sound emissions in octave or third octave detail;

(d) The location of most affected noise sensitive receptor location and the most affected window of it;

(e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

(f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

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

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

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

Reason:

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

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

Reason:

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

- 11 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 9 and 10 of this permission. You must not install the plant until we have approved what you have sent us.

Reason:

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

- 12 You must provide the waste store shown on drawing P200/- before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the office (Class B1). 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)

- 13 You must apply to us for approval of details of secure cycle storage for the office (Class B1) use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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

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

Reason:

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

- 15 You must operate the office (Class B1) use in accordance with the details set out in the approved Servicing Management Plan, unless otherwise agreed in writing by the Council Planning Department.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and COM 5, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 16 The approved terraces may only be used by tenants of the associated office (Class B1) space, and between the following hours:
- 08:00-21:30 Monday - Friday and not at all on weekends

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 Conditions 9 and 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 6 The term 'clearly mark' in condition 12 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 7 With regards to condition 13, you will need to provide details showing the proposed 40 spaces are laid out appropriately and are accessible for cyclists wishing to use the facilities.

Item No.
2

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date: 6 th August 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Flat 7, 52 Queen's Gardens, Bayswater, London, W2 3AA		
Proposal	Erection of a rear mansard roof extension at first floor level, amalgamation of flat 7 and closet wing storerooms, and associated works.		
Agent	Mrs Nicole Wilson		
On behalf of	Mrs Susan Wimpenny		
Registered Number	19/02228/FULL 19/02229/LBC	Date amended/ completed	25 March 2019
Date Application Received	25 March 2019		
Historic Building Grade	Grade II		
Conservation Area	Bayswater		

1. RECOMMENDATION

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

2. SUMMARY

52 Queens Gardens is a Grade II listed building located in the Bayswater Conservation Area. The property is 6 stories with a small courtyard to the rear enclosed by a mews type building to the rear.

Permission is sought for the erection of a mansard extension at first floor level and the lateral connection of the existing storage areas at first floor landing and second floor level with the existing ground floor flat. The works are in association with the enlargement of the existing ground floor one bedroom flat to create a three-bedroom flat.

During the course of the application alterations have been made to the internal layout of the flat at ground floor to remove the subdivision of the main room, the annotation showing a terrace has been removed and the dormers have been reduced in size.

The application has attracted 7 objections from neighbouring residential properties.

The key issues are:

- Loss of daylight/sunlight
- Harm to listed building and Bayswater Conservation Area

The proposed works deliver a new family sized dwelling and are in accordance with the relevant Unitary Development Plan and City Plan policies and therefore considered acceptable. The works are recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

View of the rear of 52 Queens Gardens and Craven Hill Mews



View of mansards along Craven Hill Mews from existing roof of the ground floor flat to the rear of 52 Queens Gardens



Ground and lower ground floor windows at the rear of 52 Queens Gardens. Taken from the existing windows of the ground floor flat facing back towards the main building.



First floor half landing studio/storage room and second floor storage space as viewed from the existing roof of the ground floor flat to the rear of 52 Queens Gardens



5. CONSULTATIONS

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 55

Total No. of replies: 7 objections on one or more of the following grounds.

Design

- Harm to the appearance of the listed building
- Harm to the conservation area

Amenity

- Overlooking
- Loss of daylight/sunlight

Highways/Parking

- Increased traffic and pressure on parking

Other

- Construction noise

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The building is Grade II Listed and lies within the Bayswater Conservation Area. The building is subdivided into residential flats. A six storey terraced building occupies the part of the site fronting Queens Gardens. Flat No. 7 is located at ground floor level at the rear of the site. The site includes two storage areas at first floor and second floor landing level.

Recent Relevant History

None relevant

7. THE PROPOSAL

Planning permission and listed building consent are sought for extensions to Flat 7 comprising of the erection of a first floor mansard at the rear of the building and the integration of two existing storage areas at first and second floor landing level within the closet wing of the main building to form a 3 bedroom dwelling. The proposal also includes associated internal works.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Use (resi/office/etc)	45	85	+40
Total	45	85	+40

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policies H3 of the UDP and S14 of the City Plan encourage the provision of additional residential floor space and the extension of existing residential properties. The additional accommodation would therefore be in accordance with these policies.

The new unit comprises of an existing flat at ground floor, a space at first floor landing level currently used as storage (previously a studio flat), a storage space at second floor landing level and the new mansard extension to first floor level.

The entrance, bathroom, kitchen and living space are located at first floor level with three bedrooms at the ground floor and a study/storage space at second floor level. The existing entrance to the ground floor flat would retain a dummy door to the communal staircase with a new stud wall on the inside.

Given a family space sized unit is being created the proposals are in accordance with S15 of the City Plan which allows the amalgamation of flats to create family sized dwellings. The flat is marginally below the nationally described space standards for a 3-bedroom 4 person flat, if the new dwelling is classified as a 3 storey property. However the accommodation is considered to be of good quality and given the restrictions of the site due to the listed status, the accommodation is considered acceptable.

One objection has been received on the grounds of over development of an already dense residential terrace. The works are an extension to an existing residential dwelling and not the creation of a new dwelling, residential extensions are supported by the above policies H3 S14 and therefore the objection is not considered sustainable as a reason for refusal of the application.

8.2 Townscape and Design

52 Queen's Gardens forms part of a terrace of mid nineteenth century listed Grade II buildings within the Bayswater Conservation Area. The application relates to the ground floor rear apartment partially located at the rear of the main building. The proposals involve the joining of the ground floor apartment with a store room above and proposes a roof extension to the rear building creating a maisonette apartment. The lower ground floor flat below is not part of the application. The rear building is part of a row of similar buildings to the rear of the main terrace fronting Queens Gardens and which adjoins Craven Hill Mews where almost all the buildings have a roof extension of some form. The only exception being the immediate neighbour to the application site.

The principle of a roof extension on this rear building is considered acceptable, in this case, given the extent of roof extensions in Craven Hill Mews. The proposal copies the heights, materials and lines of those to Craven Hill Mews, to which it is stylistically linked, with clear common façade detailing. Previously proposed internal arrangements were considered unacceptably harmful to the plan form of the ground floor apartment, however the proposals have been amended following negotiation and are now considered acceptable in listed building and design terms, subject to condition. The proposal is considered to conform with DES 1, DES 5, DES 6, DES 9, DES 10 of the City Councils Unitary Development Plan and the City Council SPG Roofs, Repair and alteration to Listed Buildings.

Objections have been received on the grounds that the proposed works would harm the appearance of the listed building and the Bayswater Conservation Area. As stated above the mansard proposed must be viewed in the context of the adjoining buildings and Craven Hill Mews. In this context the mansard matches the dimensions and appearance of the dominant nearby mansard forms. Conditions have been attached to the decision notice to secure details of the timber sash windows to be installed. The alterations to the interior of the building have been reduced in their scale so that they are now relatively minor alterations to an already altered building.

The objections to the application on grounds of harm to the listed building and Bayswater Conservation Area are not considered as reasons for refusal of the application.

8.3 Residential Amenity

Sunlight and Daylight

The applicant has provided a daylight/sunlight report which assesses the impact of the proposal on neighbouring windows. An objection was received on the grounds that the windows assessed did not include those relating to other flats within 52 Queens Gardens itself. The report has been revised to include the flats at the rear of 52 Queens Gardens and therefore this objection has been overcome.

Objections have been received on the grounds of the impact of the proposal. The submitted Daylight and Sunlight Report concludes that all neighbouring windows that have a requirement for daylight and sunlight pass the relevant BRE diffuse daylight and direct sunlight tests. In terms of the vertical sky component no windows would experience a loss of light greater than 0.2 times the existing levels. The works are therefore in accordance with BRE guidelines regarding what is an acceptable/noticeable loss.

The works are in accordance with ENV 13 of the UDP and S29 of the City Plan and therefore acceptable on amenity grounds.

Sense of Enclosure

The proposed mansard is set behind the parapet on the north west elevation and pitches away from the main building therefore not presenting a sheer elevation when viewed from the windows at the rear of the main building. To the south east the mansard is set significantly back from the parapet and pitches back towards the main building with two dormers punctuating into it. While the mansard would be noticeable from the lower

ground and ground and first floor windows at the rear of 52 Queens Gardens, given the existing situation and the height of the surrounding buildings it is not considered that the mansard would increase the sense of enclosure for neighbouring residential properties.

Privacy

At ground floor level there is an existing window overlooking the courtyard and back towards the windows on the rear of the main building, the window is currently obscure glazed and fully openable. Given the window is not being moved or increased in size it is beyond the councils remit to condition the window to be obscure glazed or fixed shut. In the flank of the closet wing there are three windows proposed, given the size and location of the windows they would not offer direct views into the neighbouring properties.

At mansard level two new dormer windows are proposed facing towards the rear elevation of a property facing Craven Hill Gardens. The closest part of that property has a blank wall facing the application site. The nearest windows are approximately 9 metres from the proposed mansard windows which are set back from the property's rear parapet. It is not considered that these windows would create an unacceptable level of overlooking.

8.4 Transportation/Parking

The works do not increase the number of units and therefore does not raise any transport or parking issues.

A condition has been added to the permission to secure cycle and waste storage facilities.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to the property would be from the communal area of the building as existing. The main access to the site would remain as existing from the ground floor street entrance.

8.7 Other UDP/Westminster Policy Considerations

None

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the

NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

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

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

8.11 Planning Obligations

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

8.12 Other Issues

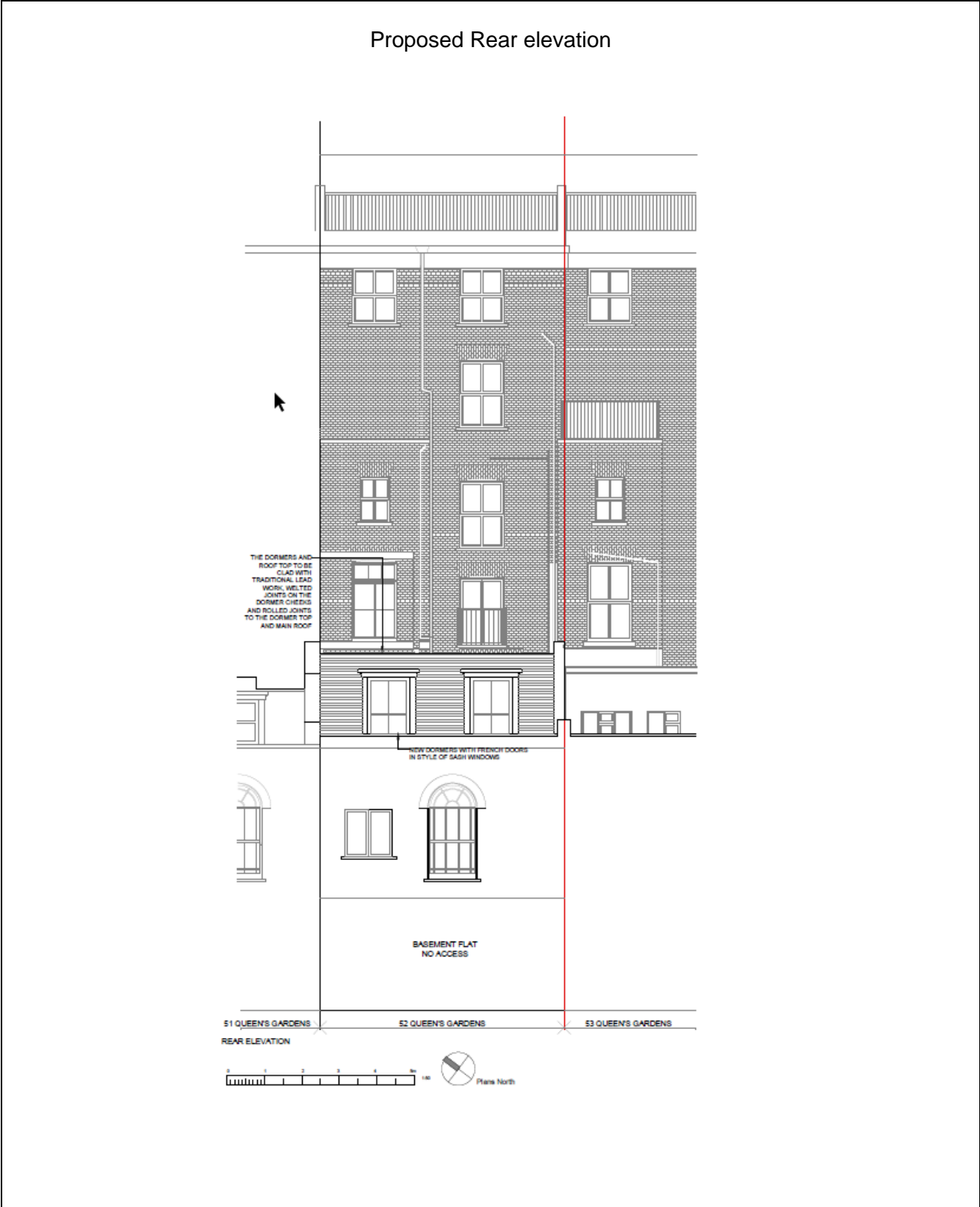
Objection has been received on the grounds that including the risk of the spread of fire and a restriction of air flow due to the mansard extension. The applicant will be required to make a building control application to ensure the building is in accordance with fire regs. It is not considered the air flow to neighbouring residential buildings would be restricted by the mansard extension.

Objections have been received on the grounds that the works would result in disturbance to neighbouring residential properties. A condition has been attached to the permission restricting the hours of work. Disruption during the course of construction works is not considered as a reason for refusal of planning permission.

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

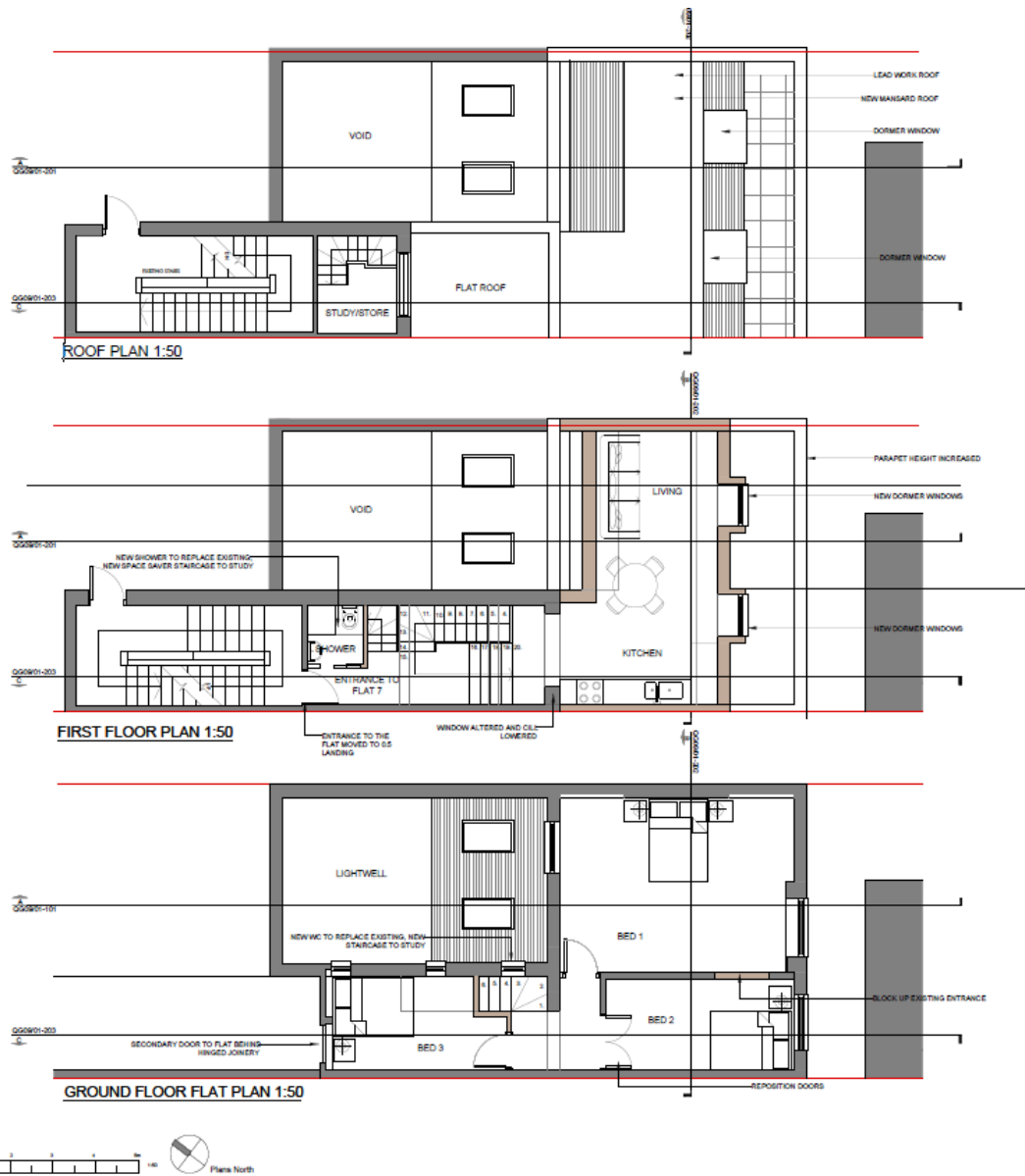
9. KEY DRAWINGS



Proposed Section B-B



Proposed floor plans



DRAFT DECISION LETTER

Address: Flat 7, 52 Queen's Gardens, Bayswater, London, W2 3AA

Proposal: Erection of a rear mansard roof extension at first floor level, amalgamation of flat 7 and closet wing storerooms, and associated works. (Linked to 19/02229/LBC)

Reference: 19/02228/FULL

Plan Nos: Site location plan, A1/100 Rev A, A1/102 Rev A, A1/103 Rev A, A1/201 Rev C, A1/200 Rev C, A1/202 Rev C, A1/203 Rev C

Case Officer: Max Jones

Direct Tel. No. 020 7641 1861

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is

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

- 4 You must not use the roof of the building or the proposed extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

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

- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

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

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

- 7 You must apply to us for approval of samples and specification details 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 8 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development - new dormers, roof sections (inc party wall) and windows. 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 approved documents. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and

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paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 9 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the flat. (C14EC)

Reason:

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

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 **HIGHWAYS LICENSING:**
Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560.

CONSIDERATE CONSTRUCTORS:

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

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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>

DRAFT DECISION LETTER

Address: Flat 7, 52 Queen's Gardens, Bayswater, London, W2 3AA

Proposal: Erection of a rear mansard roof extension at first floor level, amalgamation of flat 7 and closet wing storerooms, and associated works. Internal alterations (Linked to 19/02228/FULL).

Reference: 19/02229/LBC

Plan Nos: Site location plan, A1/100 Rev A, A1/102 Rev A, A1/103 Rev A, A1/201 Rev C, A1/200 Rev C, A1/202 Rev C, A1/203 Rev C

Case Officer: Max Jones

Direct Tel. No. 020 7641 1861

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

- 4 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

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

- 5 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5); of the following parts of the development - , a, new dormers, b, roof sections (including through the party walls); , c, floor coverings, d, new bathroom services, including drainage showing the interface with existing original fabric and construction, , , 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 approved documents (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)

- 6 You must not disturb existing original floor boards, shutters, unless changes are shown on the approved drawings. (C27MA)

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

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

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

Please note: the full text for informative 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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**BACKGROUND PAPERS - Flat 7, 52 Queen's Gardens, Bayswater, London, W2 3AA
19/02228/FULL**

1. Application form
2. Letter from occupier of 51 Queens Gardens, flat 2, dated 5 April 2019
3. Letter from occupier of Flat 7, 53 Queens Gardens, London, dated 15 April 2019
4. Letter from occupier of 52 Moreton Street, London, dated 18 April 2019
5. Letter from occupier of 52 Queens Gardens, London, dated 22 April 2019
6. Letter from occupier of 52 Queen's Gardens, Flat 4, dated 24 April 2019
7. Letter from occupier of FLAT 3, 53 QUEEN'S GARDENS, dated 25 April 2019
8. Letter from occupier of Flat A, 53 Queens Gardens , dated 29 April 2019

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Agenda Item 4

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date: 6th August 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Warwick	
Subject of Report	15 Warwick Way, London, SW1V 1QT,		
Proposal	Use of part ground, first, second and third floors as two residential units (Class C3); erection of extensions at rear second floor and main roof level and external alterations to front and rear.		
Agent	MG Architects Ltd.		
On behalf of	Mr Michael Peng		
Registered Number	19/00522/FULL	Date amended/ completed	1 February 2019
Date Application Received	24 January 2019		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENION

Grant conditional permission.

2. SUMMARY

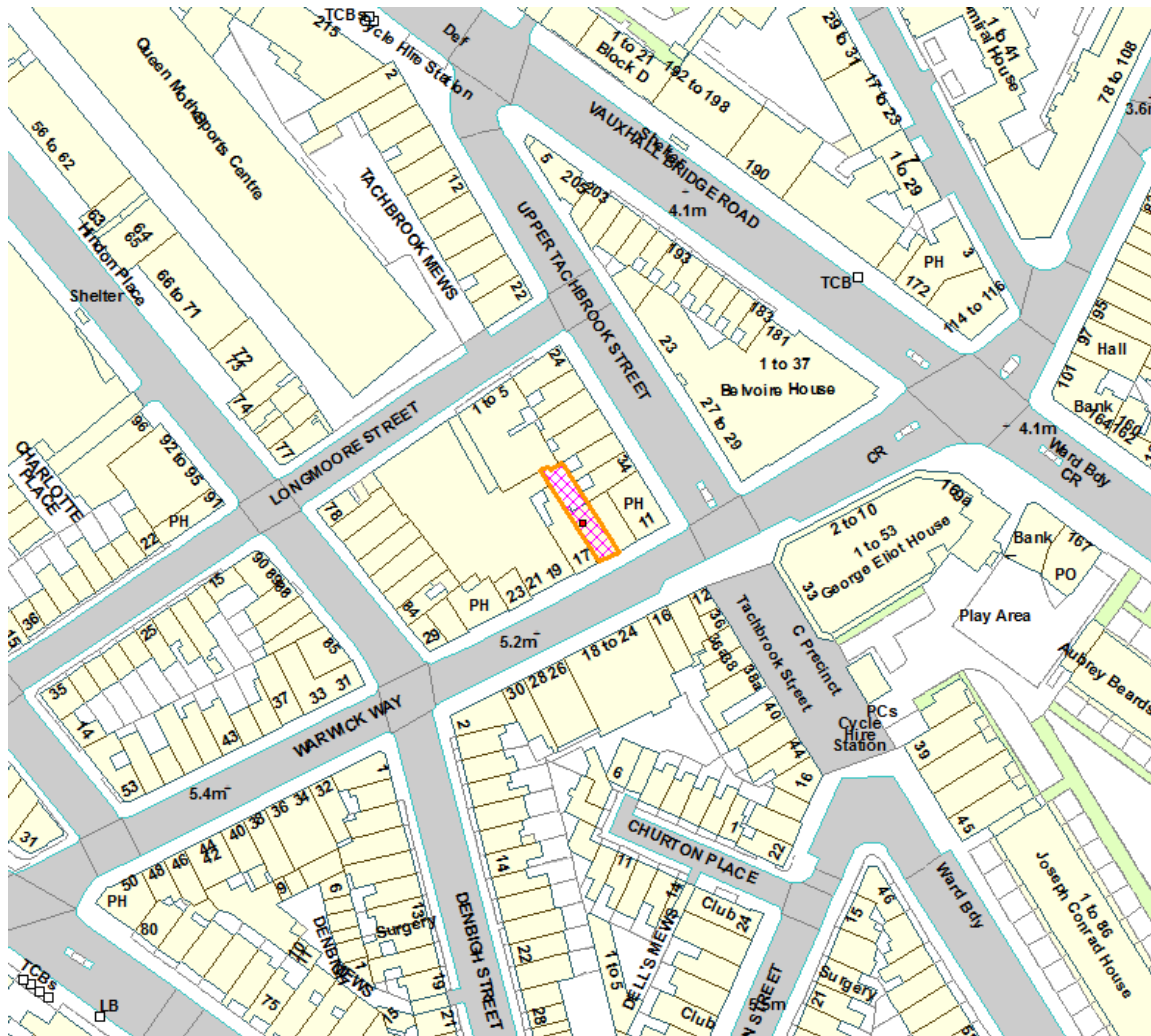
15 Warwick Way is an unlisted property located within the Pimlico Conservation Area and Warwick Way/Tachbrook Street District Centre. Permission is sought for the erection of a mansard roof extension and extension at rear second floor level in connection with the use of part-ground and the upper floors of the building as two residential flats (1 x 1 bed and 1 x 3 bed).

The key issues for consideration are:

- The land use implications of the proposal;
- The impact of the proposed works on the character and appearance of the existing building and the Pimlico Conservation Area.
- The impact of the proposal on the amenity of surrounding residents.

The proposed development is considered to be acceptable in land use, conservation, design and amenity terms and would accord with policies within the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan). As such, it is recommended that conditional planning permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WESTMINSTER SOCIETY

Any response to be reported verbally.

WASTE PROJECTS OFFICER

No objection, subject to condition. The applicant will need to confirm the bin capacities for the storage of residential waste and recyclable materials for the unit.

HIGHWAYS PLANNING MANAGER

Objection, the proposals will add to existing on-street parking stress. If the proposals are recommended for approval, conditions are recommended to secure provision of lifetime Car Club Membership and the provision of cycle parking.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 32

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Oxfam (the current tenant within the application property) have objected to the proposals on the following grounds:

LAND USE:

- Some of the information provided by the applicant is incorrect: the entire building is leased by Oxfam and none of it is in residential use.
- The proposals would result in a reduction of A1 floorspace, a reduced shop frontage and awkward shaped retail unit.
- If a change of use to residential is granted for the upper floors, it is recommended that a suitable extension is provided at ground floor level to re-provide lost ancillary space.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

15 Warwick Way is an unlisted building located within the Pimlico Conservation Area. It falls within the core frontage of the Warwick Way/Tachbrook Street District Centre. The building comprises basement, ground and two upper floors, with a rear yard which backs onto properties on Longmoore Street to the north and Denbigh Street to the east.

The building is currently in retail use (class A1) with the lower ground and ground floors used as retail space open to the public, the first floor as ancillary space (storage and staff facilities) and the second floor is currently unused.

6.2 Recent Relevant History

No recent relevant planning history.

7. THE PROPOSAL

Permission is sought for the erection of a mansard roof extension and full width extension at rear second floor level in connection with the use of part ground, first, second and third floors as two residential units (1 x 1 bed and 1 x3 bed).

At ground floor level shopfront alterations are proposed to allow the creation of a new entrance for the residential units above. To the rear new windows are proposed at all levels, along with the removal of downpipes and the external fire escape stair.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Retail Floorspace (Class A1)

Objections have been received on behalf of Oxfam who are the existing tenants within the retail unit. They state that the entire building is in retail (class A1) use and that the proposals would result in the loss of retail floorspace, a reduced shop frontage, the creation of an awkward shaped retail unit and loss of important ancillary areas for the storage/ staff facilities currently located on the upper floors of the building.

City Plan Policy S21 states that existing A1 retail will be protected throughout Westminster except where the council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let.

UDP Policy SS6 relates to District Centres and protects retail uses at ground floor level. The policy goes on to state that at basement and first floor level, A2, A3 and other non-A1 uses will only be permitted if the proposal would not harm the vitality or viability, or character or function of the parade, frontage or centre; have a detrimental effect on the environment or residential amenity; unacceptably intensify an existing use or existing concentration of uses; or jeopardise the long-term A1 use of the ground floor.

The applicant states that the first and second floors are a vacant residential unit currently used as retail storage space to the existing retail unit. However, Council records indicate and the occupier has confirmed that the entire building has been in long term retail use. An on-site inspection has confirmed that the first floor is currently used for storage/ the sorting of clothes and staff facilities, whilst the second floor is not currently in use.

The existing retail unit at basement and ground floor level will be retained. The proposals would result in the loss of 8sqm of retail floorspace at ground floor level to accommodate a new separate residential access. However, the retained unit would measure approximately 117 sqm which is considered to be a viable retail unit and comparable to a number of other retail units along Warwick Way in terms of floorspace, layout and shopfront size.

It is considered that the use of the upper floors for residential use would not jeopardise the long-term use of the ground and basement floors as retail and the proposals would not harm the vitality or viability, or character and function of the unit, parade, frontage or centre.

It should also be noted that there are measures set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 that would allow the change of use of the upper floors from Class A1 to up to 2 flats.

Provision of Residential Accommodation (Class C3)

Policy S14 of the City Plan and H1 of the UDP seek to optimise Housing delivery. Policy H5 of the UDP seeks an appropriate mix of unit sizes with 33% of housing units in housing developments to be family sized.

The proposals would provide two residential units (1 x 1-bed and 1 x 3-bed) which is welcomed. The proposed residential units will meet the technical housing standards, nationally described space standard. Conditions are recommended to ensure that the design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development.

Accordingly, the proposals are considered acceptable in land use terms.

8.2 Townscape and Design

The application site is noted in the Pimlico Conservation Area Audit as being neither suitable nor unsuitable for a roof level addition. The acceptability of the works are therefore to be determined on a case by case basis. In this instance there are other mansards on the street and a further addition is not considered to harm the character of the street or that of the host building. The design of the dormers have been revised on officer's advice, so that they appear less bulky and leave a greater amount of roof covering visible.

At the rear the fenestration is to be completely altered, downpipes removed and a new shear section installed at second floor level up to the existing rear building line in order for the mansard to be erected above. These works are considered acceptable in design terms, as they are confined to the rear and will not adversely impact on the building or conservation area. The removal of the existing external fire escape stair is also considered a benefit.

The shopfront will be altered to allow two doorways, one for the retail unit and the other for the residential flats above. This is a common arrangement and is found on other shopfronts within the street and as such is considered acceptable. The details of the new shopfront are limited and therefore a condition is recommended to ensure these are provided before work starts on this part of the proposals.

The proposals are considered to be acceptable in design and conservation terms.

8.3 Residential Amenity

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

The proposed roof extension will be in the form of a mansard and the extension at rear second floor level will not extend beyond the existing rear building line. The scale and massing of the extensions are comparable to a number of extensions in the immediate vicinity and the resulting relationship is not uncommon in Pimlico. It is considered that the proposals will not lead to an unacceptable loss of light or cause a sense of enclosure.

A number of new windows are proposed to the rear of the property at all levels and dormer windows to the front. It is considered that the windows would not cause an unacceptable loss of privacy over the existing situation.

The proposals are considered to accord with policies S29 of the City Plan and ENV13 of the UDP.

8.4 Transportation/Parking

No off street car parking is proposed as part of the development. Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency.

The Council's most recent day time parking survey (2015) indicates that the parking occupancy of residential parking and shared use bays within 200m radius of the site is 83%. With the addition of Single Yellow Line availability at night, the stress level reduces to 39% at night. The development would add to existing on-street parking stress and would not be consistent with TRANS 23. However, given the benefits of providing new residential accommodation and proximity to excellent public transport links, it is considered that on balance the proposals are acceptable in highways terms and it would not be sustainable to refuse the application for this reason. It is not considered reasonable to secure Car Club Membership on a scheme of this size.

The London Plan requires 1 cycle parking space per 1 bed residential unit and 2 spaces for all larger residential units. A condition is recommended to ensure that details of cycle parking are provided.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to the residential accommodation on the upper floors is proposed from a new entrance at ground floor level on Warwick Way.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

A condition is recommended to ensure that the applicant provides a revised plan indicating proposals for the storage of waste and recyclable materials.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

Not applicable.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

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

8.12 Planning Obligations

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

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

8.13 Environmental Impact Assessment

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

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8.14 Other Issues

None relevant.

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

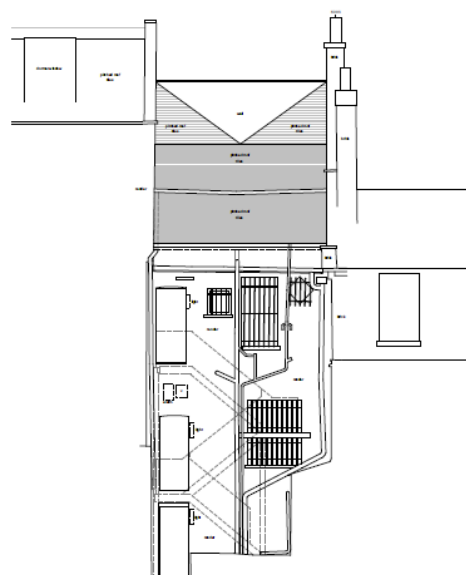
<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGAR BY EMAIL AT jasgar@westminster.gov.uk</p>
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9. KEY DRAWINGS

Existing Front and Rear Elevations



Front elevation, as existing, scale 1:50

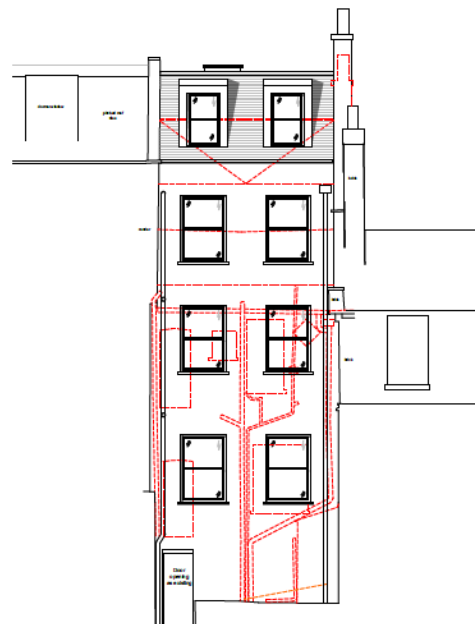


Rear elevation, as existing, scale 1:50

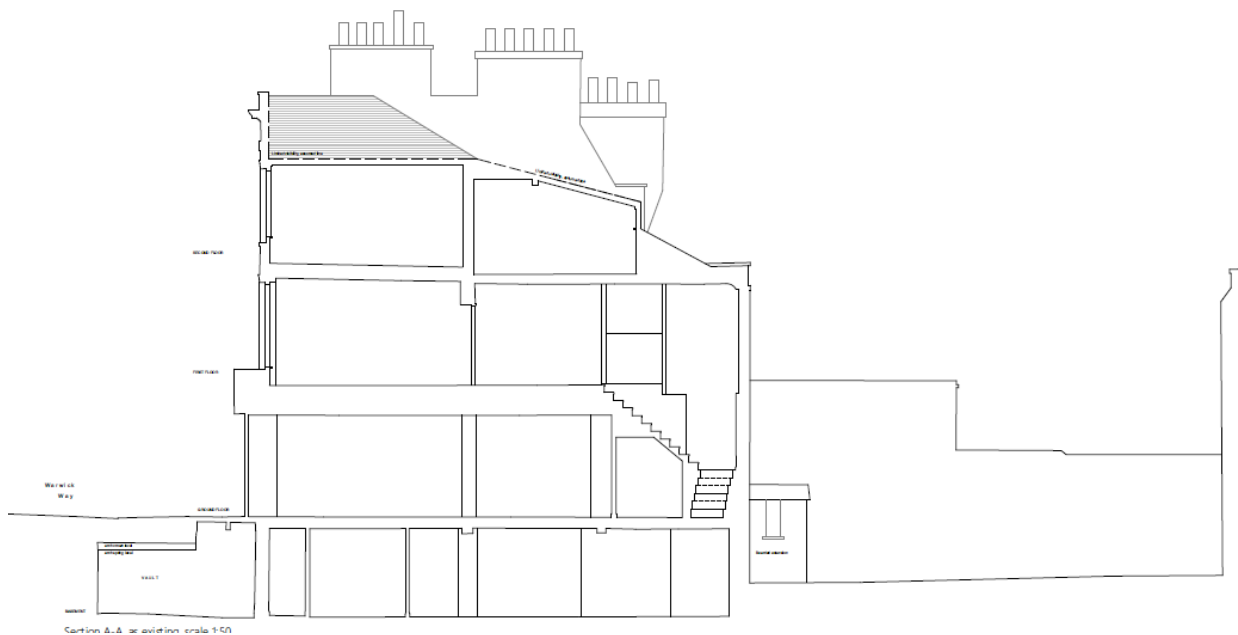
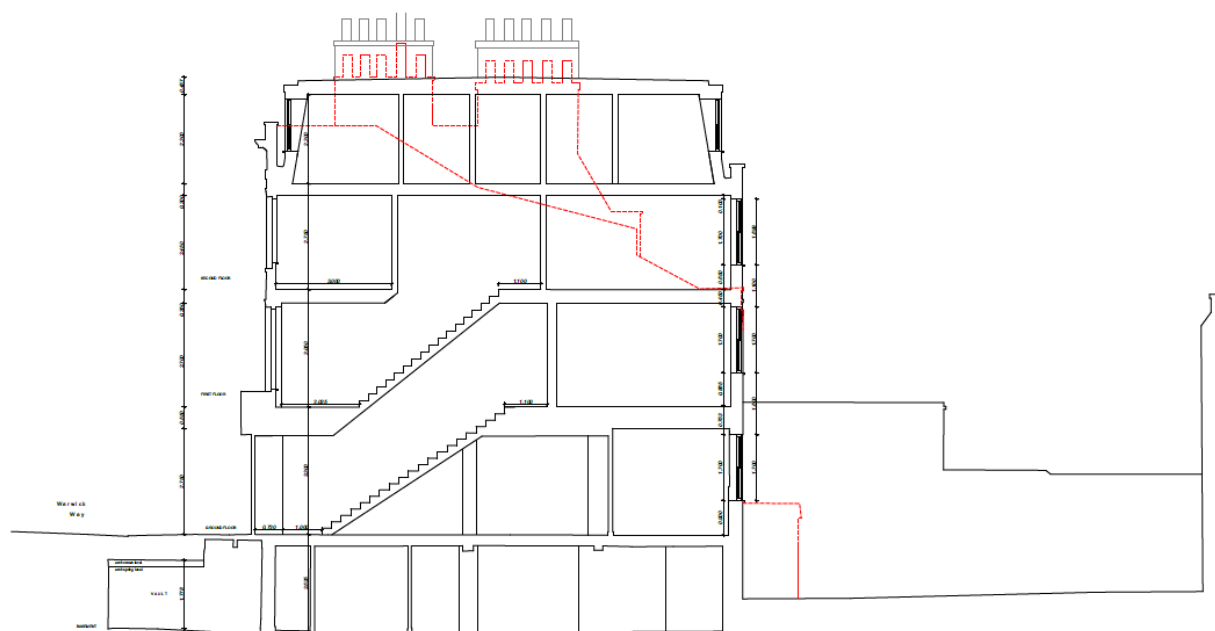
Proposed Front and Rear Elevations



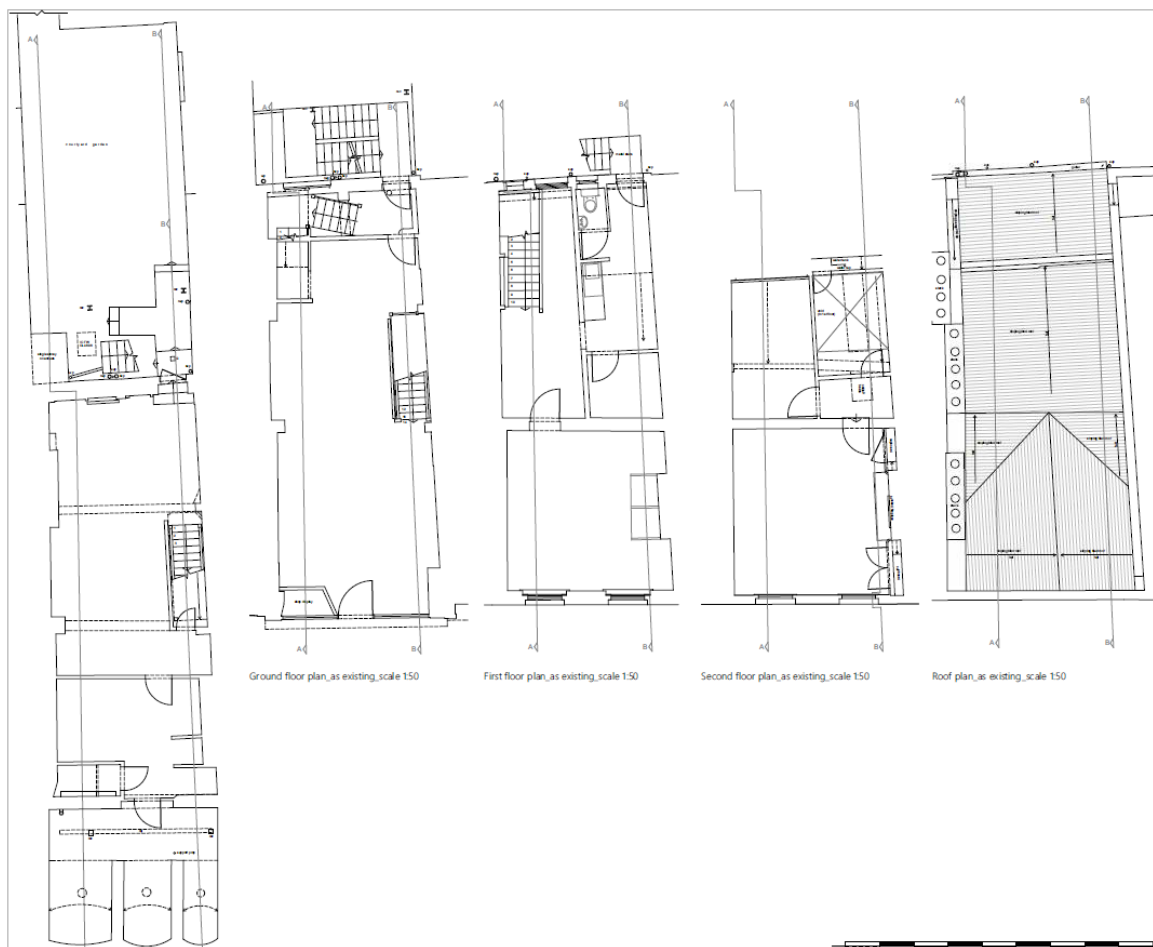
Front elevation, as proposed, scale 1:50



Rear elevation, as proposed, scale 1:50

Existing Section A-A**Proposed Section A-A**

Existing Floorplans



[illegible]

DRAFT DECISION LETTER

Address: 15 Warwick Way, London, SW1V 1QT,

Proposal: Use of part ground, first, second and third floors as two residential units (Class C3);erection of extension to roof and rear of property and external alterations to front and rear (Description Amended)

Reference: 19/00522/FULL

Plan Nos: 949/01; 949/02; 949/06 Rev. A; 949/ 07 Rev. A; 949/08 Rev. B.

For Information:

Flood Risk Assessment dated January 2019; Design and Access Statement dated January 2019; Addendum Planning Statement dated June 2019. ,

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

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

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Reason:

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

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

Reason:

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

- 4 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:
 - i) Windows (including dormers and their surrounds)
 - ii) Shopfront

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

Reason:

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

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure

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and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

- 6 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

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

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

Reason:

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

- 8 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the building. (C14EC)

Reason:

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

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:
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BUILDING REGULATIONS:
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Agenda Item 5

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 6th August 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Warwick	
Subject of Report	Flat 4, 149 Cambridge Street, London, SW1V 4QB		
Proposal	Erection of extension at rear second-floor level with rooflights above; new steel balustrade to existing terrace and replacement of existing window with French doors, in connection with the enlargement of Flat 4.		
Agent	Mr Theo Creber		
On behalf of	Mr & Mrs Mills		
Registered Number	18/05122/FULL	Date amended/ completed	18 June 2018
Date Application Received	18 June 2018		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

1. Grant conditional permission

2. SUMMARY

149 Cambridge Street is a five-storey unlisted building located in the Pimlico Conservation Area. The application relates to Flat 4, a three-bedroomed flat located on the second and third floors of the building.

Planning permission is sought for the construction of an extension at rear second floor level with new balustrade to existing terrace and alterations to the fenestration. This application seeks to address the reasons for refusal for similar works on a scheme refused in September 2017 and subsequently dismissed on appeal in May 2018.

Three letters of objection have been received from residents within 70 Charlwood Street on amenity grounds.

The key issues for consideration are:

- The impact of the proposals upon the character and appearance of the building and the Pimlico Conservation Area; and
- The impact of the proposals on the amenity of neighbouring residents.

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The proposals are considered acceptable in design, conservation and amenity terms in accordance with Westminster's City Plan and Unitary Development Plan (UDP) policies and are recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation of 149 Cambridge Street



Rear elevation of 149 Cambridge Street



5. CONSULTATIONS

WESTMINSTER SOCIETY

No objection.

PIMLICO FREDA

Any response to be reported verbally.

PIMLICO NEIGHBOURHOOD FORUM

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 50

Total No. of replies: 3

No. of objections: 3

No. in support: 0

Three letters of objection have been received from residents within 70 Charlwood Street on the following grounds:

Amenity

- Loss of sunlight, daylight and overshadowing to residential properties in Charlwood Street.

PRESS ADVERTISEMENT / SITE NOTICE: YES

6. BACKGROUND INFORMATION

6.1 The Application Site

149 Cambridge Street is a five-storey unlisted building located in the Pimlico Conservation Area and Pimlico CAZ. It is an end of terrace property on the north eastern side of Cambridge Street at the junction with Charlwood Place.

The building was historically built as single-family dwelling, but has since been divided into residential flats. The application relates to Flat 4, which is a three-bedroomed flat located on the second and third floors of the building.

6.2 Recent Relevant History

17/06915/FULL

Erection of second floor rear extension with window in side elevation, replacement of window with new timber framed glazed double doors and steel balustrade to rear second floor terrace, in connection with enlargement of Flat 4.

Application Refused 27 September 2017

The application was refused on the grounds of design (the principle of a second-floor rear extension) and overlooking. The applicant appealed the decision (17/00431/TPREF) and the Inspector concluded that, whilst the development would be contrary to UDP Policy

DES 5 (B), that the extension would be modest in size and subordinate to the proportions of the building. This would result in a flush treatment to the rear wall at second floor level and would not be out of keeping with the accretion of extensions at the rear of properties in the vicinity. Whilst the development would be seen from adjacent dwellings, it would not be readily perceived from the public realm, notwithstanding the flank wall being visible over the lower adjacent building in Charlwood Street with a return frontage to Cambridge Street

However, the Inspector also concluded that the design of the rear and side windows proposed would contrast 'starkly' with the traditional shape and nature of windows at the rear of the host and neighbouring buildings. Moreover, the insertion of a window in the flank wall of the building would be uncharacteristic of the area and result in overlooking. The appeal was therefore dismissed on design and amenity grounds.

7. THE PROPOSAL

	Existing GIA (sqm)	Proposed GIA (sqm)	+/- (sqm)
C3	42	49	+6
Total	42	49	+6

Permission is sought for the construction of a single-storey infill extension at rear second floor level which would project approximately 2.08m from the rear building line. The extension would effectively replace the existing corner terrace on the building and lie flush with the existing rear projection at this level, with three new rooflights proposed above. It will create approximately 6sqm of additional internal floor area to facilitate the creation of an open-plan living/kitchen/dining room and study space at second floor level.

The window to the remaining terrace is proposed to be replaced with a set of timber-framed, double-glazed French doors.

8. DETAILED CONSIDERATIONS

8.1 Land Use

There are no land use changes associated with this application.

8.2 Townscape and Design

Proposals for extensions to existing housing are acceptable in principle by way of Policy H3 (E) of the Council's Unitary Development Plan (adopted in 2007).

The surrounding locality is significantly built-up in nature, with several rear closet wing projections found to the immediate rear of the site. The existing closet wing already extends up to the penultimate level, such extensions are generally resisted by Policy DES

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5 (B) of the UDP. The proposed extension will result in a full width extension at this level, and whilst such an extension would normally be resisted, it will be flush with the existing rear building line, appropriately proportioned with the existing building scale and will not be readily perceived from the public realm. On balance therefore, the proposed extension is not considered to significantly detract from the host or adjacent properties or significantly add 'bulk' to the existing property and as such it is not considered that the development could reasonably be resisted in design and conservation terms.

In terms of the rear fenestration details, following officer advice, the scheme has been amended to install only one timber-framed window to the new extension as opposed to two, which officers considered to be considerably out of keeping with the overall rear elevation. The revised fenestration details to the rear elevation are now considered to be in keeping with those of the host building.

The proposed balustrading would be of the same design and height as the existing balustrade and would replace the loss of the connecting bridge structure between the two rear terraces.

Overall, the proposed development is not considered to detract from the host or adjacent properties and would not harm the character and appearance of the Pimlico Conservation Area, in accordance with Policies DES 1 and DES 9 of the UDP and S25 and S28 of Westminster's City Plan (adopted in 2016). Furthermore, given the considerations made above, the second-floor rear extension is considered to be justified in terms of Policy DES 5 of the UDP.

8.3 Residential Amenity

The site is located in a residential area, with the surrounding properties largely divided into flats. Three letters of objection have been received on the grounds of loss of sunlight, daylight and overshadowing to residents within Charlwood Street.

The proposed extension will be within close proximity (approximately 4m) to the rear windows within 66, 68 and 70 Charlwood Street.

The previously refused scheme in September 2017 which was subsequently dismissed on appeal (as detailed above) for an identical scaled extension, did not include loss of light or overshadowing in the reasons for refusal.

Undoubtedly, the proposed extension will result in some overshadowing/enclosure to the rear of Nos. 68 and 70 Charlwood Street, however, given its limited projection of approximately 2m and the existing built up nature to the rear of these properties, it is not considered that a refusal on the ground of loss of light, sense of enclosure or overshadowing could be sustained.

The extension will replace an existing terrace. No windows are proposed on the flank wall (western elevation) of the extension and the proposal therefore raises no issues in terms of loss of privacy or overlooking. The proposal is therefore considered acceptable in amenity terms in accordance with Policies ENV 13 of the UDP and S29 of the City Plan.

8.4 Transportation/Parking

The proposal is not considered to have any impact on the existing highway network or parking levels.

8.5 Economic Considerations

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

8.6 Access

Access to the property will remain as existing.

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 Neighbourhood Plans

None applicable to this site.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

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

8.12 Planning Obligations

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

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8.13 Environmental Impact Assessment

Not applicable for a scheme of this size.

8.14 Other Issues

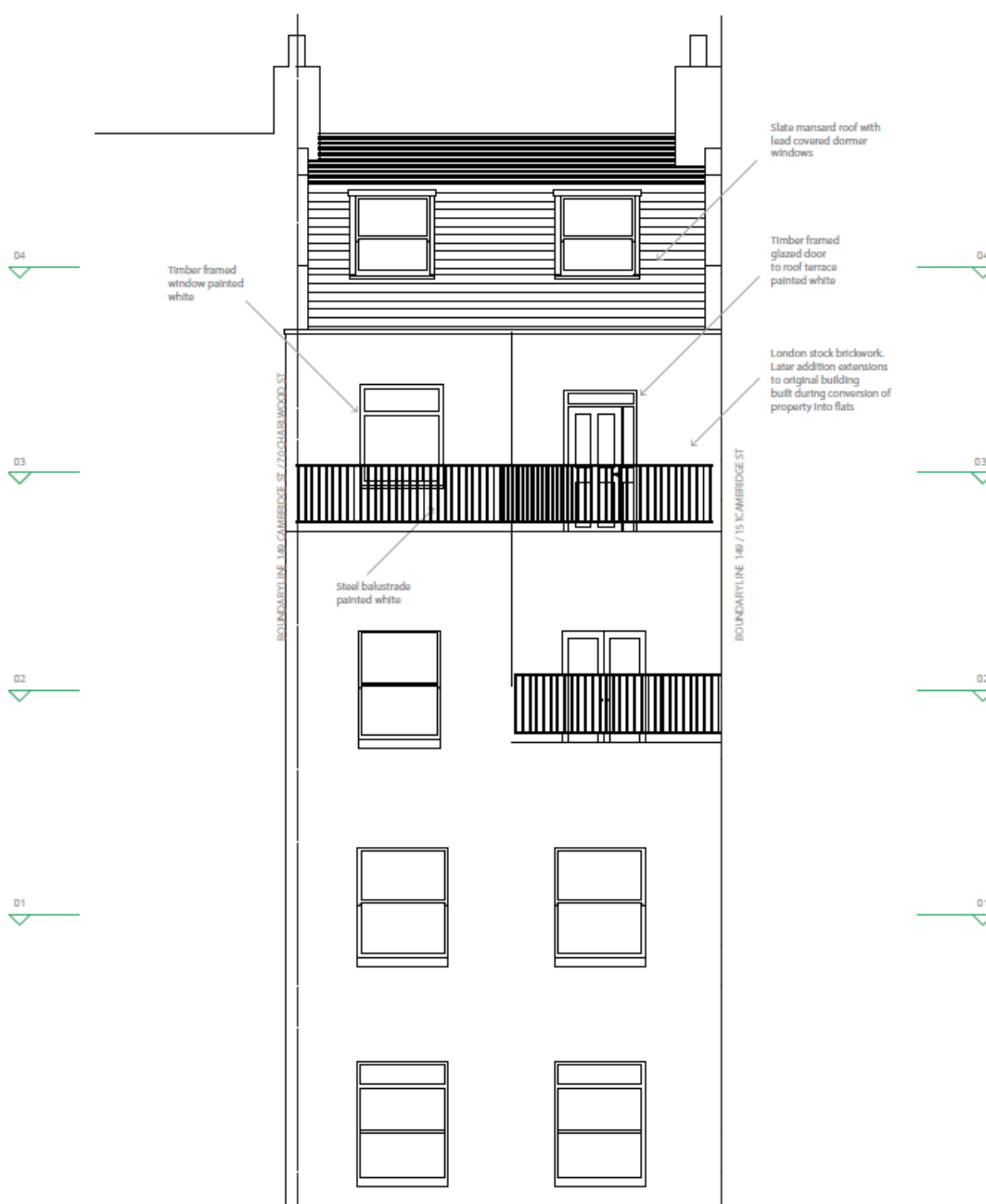
None.

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

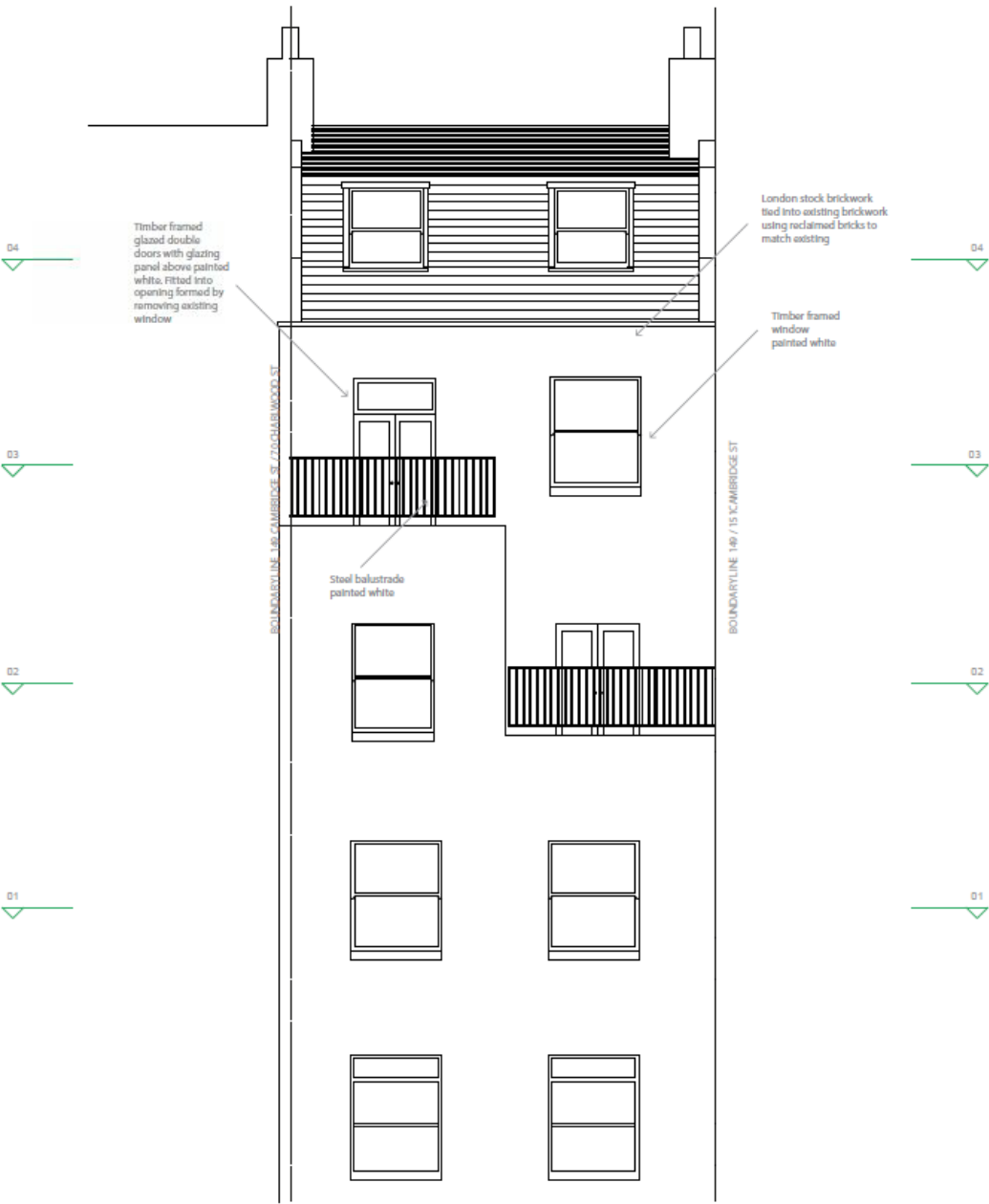
<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT JASGHAR@WESTMINSTER.GOV.UK</p>

9. KEY DRAWINGS

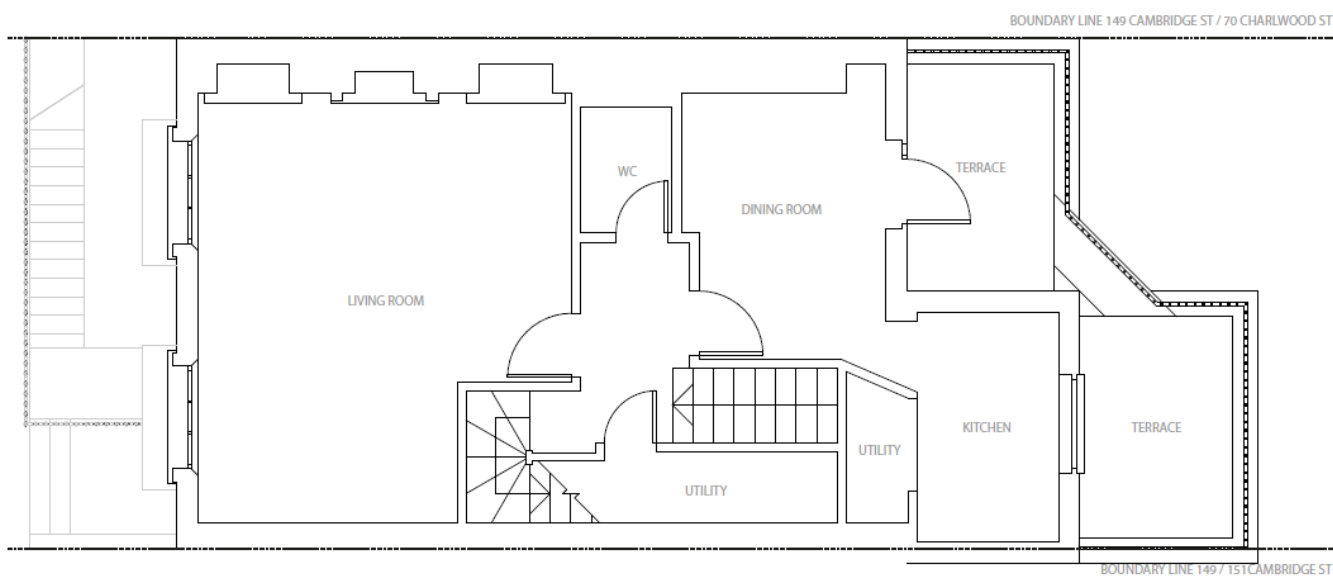
Existing Rear Elevation



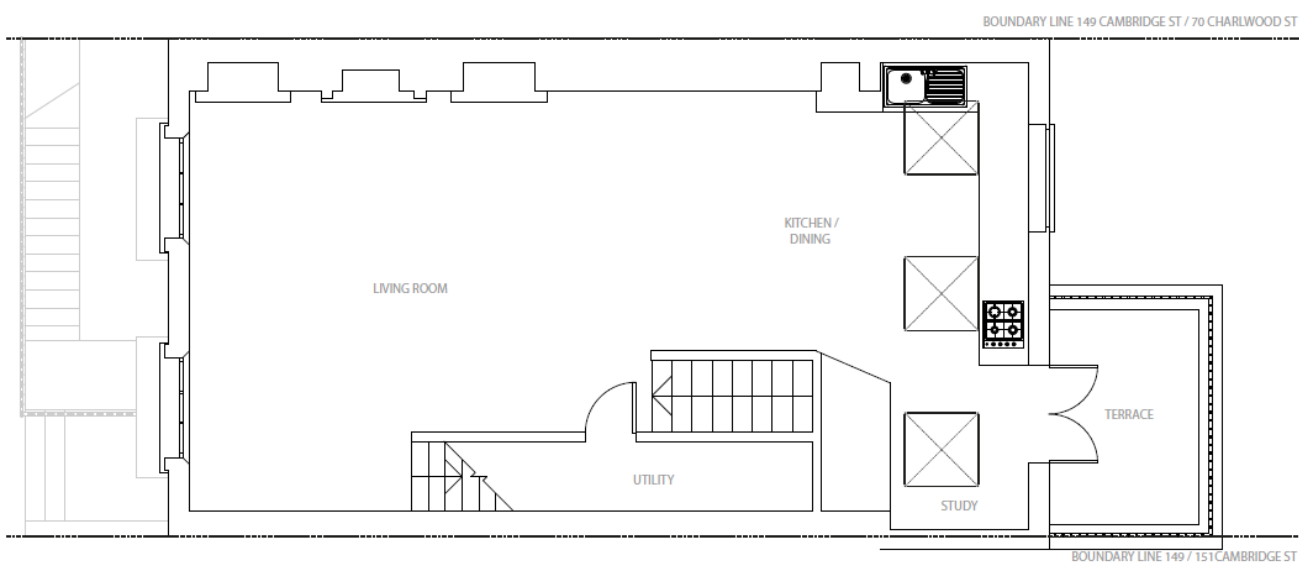
Proposed Rear Elevation



Existing second floor plan



Proposed second floor plan



DRAFT DECISION LETTER

Address: Flat 4, 149 Cambridge Street, London, SW1V 4QB

Proposal: Erection of second-floor rear extension and steel balustrade to rear second floor terrace, and replacement of existing window and door to rear elevation with new timber framed sash window and timber framed glazed double doors in connection with the enlargement of Flat 4.

Reference: 18/05122/FULL

Plan Nos: Site Location Plan, Block Plan, P01, P02, P03 Rev 2, P04 Rev 1, P05 Rev 1, P06, P07 Rev 4, P08 Rev 1, P09 Rev 1, P10 Rev 1, P11 Rev 1, P12 Rev 2. Information Only: E01, E02, E03, E04, E05, E06, E07 Rev 1, E08, E09, E10, E11, E12, P03 Rev 1 (superseded), Planning History Document, Design and Access Statement.

Case Officer: Hayley White

Direct Tel. No. 020 7641 7327

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 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 , onot 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)

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Reason:

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

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

Reason:

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

Informative(s):

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