



City of Westminster

Committee Agenda

Title: **Planning Applications Sub-Committee (2)**

Meeting Date: **Tuesday 16th March, 2021**

Time: **6.30 pm**

Venue: **Please note that this will be a virtual meeting**

Members: **Councillors:**

James Spencer (Chairman)
Antonia Cox
Richard Elcho
Matt Noble



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

If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.

If you require any further information, please contact the Committee Officer, Georgina Wills, Committee and Governance Officer.

**Tel: 07870 548348; email: gwills@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 pecuniary interests or any other significant interest in matters on this agenda.

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting.

To register to speak and for guidance please visit:

<https://www.westminster.gov.uk/planning-committee>

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

In the event that you are successful in obtaining a speaking slot at the virtual meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

All committee meetings open to the public are being broadcast live using Microsoft Teams. For information on participating in the virtual Committee please see the following link

<https://www.westminster.gov.uk/stream-council-meetings>

(Pages 5 - 8)

To access the recording after the meeting please revisit the Media link

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|---|--------------------------|
| 1. WESTMEAD, 4 TAVISTOCK ROAD, LONDON, W11 1BA | (Pages 13 - 76) |
| 2. 69 CHILTERN STREET, LONDON, W1U 6NL | (Pages 77 - 102) |
| 3. 17 NEW CAVENDISH STREET, LONDON, W1G 9UA | (Pages 103 - 112) |
| 4. 9 SLINGSBY PLACE, LONDON, WC2E 9AB | (Pages 113 - 158) |
| 5. 13 SOHO SQUARE, LONDON, W1D 3QF | (Pages 159 - 176) |
| 6. 17 LEITH MANSIONS, GRANTULLY ROAD, LONDON, W9 1LQ | (Pages 177 - 192) |

**Stuart Love
Chief Executive
5 March 2021**

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) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) 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)** held on **Tuesday 19th January, 2021**, Please note that this will be a virtual meeting.

Members Present: Councillors James Spencer (Chairman), Matt Noble, Antonia Cox and Richard Elcho

Also Present: Councillor Iain Bott

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 The Chairmen explained that a week before the meeting, all four Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report; together with bundles of the letters or e-mails received in respect of this application containing objections or giving support. 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 Sub-Committee, it did not mean that the issue has been ignored.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 15 December 2020 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 48-56 EBURY BRIDGE ROAD, LONDON, SW1W 8QF

Demolition of the existing building and erection of a new building comprising basement, ground and five upper floors levels to provide a dementia care facility (Use Class C2) comprising suites, communal, staffing and servicing areas.

One Additional representation was received from Integrity International Group (14.1.2021).

One Late representation was received from Loveday & Co. (19.1.2021).

James Cook addressed the committee in support of the application.

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted subject to completion of a Section 106 Legal Agreement to secure the following:
 - i) Provision of all highway works immediately surrounding the site required for the development to occur, including reinstatement of the redundant crossovers and relocation/increase of on-street residential parking, dedication of the highway (as shown on submitted plans) and associated work at the applicant's expense; and for the developer to enter into a 'Way Leave for Street Light' agreement;
 - ii) Provision of a financial contribution of £18,851.44 (index linked) to the Westminster Employment Service;
 - iii) Provision of a financial contribution of £14,600 (index linked) towards the maintenance of the existing tree on Ebury Bridge Road;
 - iv) A Carbon Offset Contribution £122,400 (index linked) payable prior to the commencement of development; and
 - 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 Sub-Committee's resolution, then:
 - a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

 - b) The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Power

2 50 HAMILTON GARDENS, LONDON, NW8 9PX

Extension and lowering of an existing basement, including increasing the size of lightwell to the rear (Hamilton Garden elevation) and provision of new lightwell to the front (Alma Square elevation), alterations to rear access at ground floor, new slate roof incorporating one dormer to each elevation and one skylight and replacement double glazed timber frame windows throughout.

One Additional written representation was received from WCC Tree Section (17.12.20)

RESOLVED UNANIMOUSLY:

That conditional permission be granted,

3 15 WIMPOLE STREET, LONDON, W1G 9SU

Installation of a lift from lower ground floor to second floor in the stairwell.

One Late representation was received from Donald Insall Associates (18.02.20).

Bruce Flatt addressed the Sub-Committee in support of the application.

Councillor Iain Bott addressed the Sub-Committee in his capacity as Ward Councillor in support of the application.

RESOLVED:

(Councillor Antonia Cox -approved, Councillor Matt Noble -approved. Councillor Richard Elcho -refused, Councillor Spencer- refused, which led to a tied vote. Councillor Spencer then used the Chair's casting vote and refused the Application)

That listed building consent be refused.

The Meeting ended at 8.00 pm

CHAIRMAN: _____

DATE _____

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Agenda Annex

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 16th March 2021
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 20/05708/COFUL Westbourne	Westmead 4 Tavistock Road London W11 1BA	Redevelopment of site to provide residential building with plant room (Use Class C3), together with associated landscaping, refuse storage, car and cycle parking and alterations to public realm.	Westminster City Council
<p>Recommendation</p> <p>1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the completion of a Unilateral Undertaking to secure the following obligations:</p> <ul style="list-style-type: none"> i. Provision of affordable housing equating to 41% of floorspace prior to the occupation of any of the market housing. ii. Submission of an early viability review if the works have not been substantially implemented within 24 months of permission being granted. iii. A financial contribution of £47,068 towards Carbon Offset Payments (index linked and payable on commencement). iv. Lifetime Car Club membership (25 years minimum) for the self-contained residential units provided on occupation. v. Highways works to facilitate the proposed development, including reinstatement of and alterations to the existing vehicle access and adjoining footway in Tavistock Crescent and Tavistock Road and associated works (legal administrative and physical) vi. Prior to commencement of development, the provision of an employment training, skills and apprenticeships opportunities for residents of Westminster in relation to the construction phase of the development. vii. Tree planting contribution of £10000 index linked to be used for the purpose of tree planting and maintenance within the vicinity, provided prior to commencement. viii. The costs of monitoring the Unilateral Undertaking. <p>2. If the Unilateral Undertaking has not been completed within 3 months from the date of the Committee's resolution then:</p> <ul style="list-style-type: none"> (a) the Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not (b) If it has not been possible to complete the Unilateral Undertaking within an appropriate timescale, the application shall be reported back to Sub-Committee. <p>3. That Sub-Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning act 1990 for the stopping up of parts of the public highway to enable this development to take place.</p> <p>4. That the Director of Place Shaping and Town Planning, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in connection with the making of the orders and to make the orders as proposed if there are no unresolved objections to the draft orders. The applicant is to cover all costs of the Council in progressing the stopping up orders.</p>				
Item No	References	Site Address	Proposal	Applicant

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 16th March 2021
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

2.	RN(s): 20/00506/FULL Marylebone High Street	69 Chiltern Street London W1U 6NL	Erection of a mansard roof extension and extension of existing rear closet wing at second floor. Excavation/lowering of the existing basement floor level and rear courtyard to basement level and installation of retractable glass roof above at first floor. Installation of new windows to front and rear elevations and a flush walk-on rooflight over one of the existing front lightwells, and associated works, all in association with the continued use of the property as a single-family dwelling (Class C3).	GUPTA
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
3.	RN(s): 20/07771/FULL Marylebone High Street	17 New Cavendish Street London W1G 9UA	Variation of Condition 1 and Condition 2 of planning permission dated 2 February 1998 (RN: 97/05508/FULL) for, use of basement and ground floor for class A3 food & drink purposes and installation of full height extract duct to rear; NAMELY, to vary Condition 1 to allow for the opening hours to change to 08:00 - 22:30 (Monday - Sunday), and to vary the wording of Condition 2 to allow for a food takeaway service to operate for a temporary period of two years, between the hours 08:00 - 22:30 (Monday - Sunday).	Howard de Walden Estate Ltd
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
4.	RN(s): 20/04025/FULL St James's	9 Slingsby Place London WC2E 9AB	Use of the ground floor and basement as a flexible alternative use comprising retail (Class A1), restaurant (Class A3), drinking establishment (Class A4), assembly and leisure (Class D2), and live music venue (Sui Generis).	Longmartin Properties Limited
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
5.	RN(s): 20/06844/FULL & 20/06845/LBC West End	13 Soho Square London W1D 3QF	Demolition of the existing rear extension and erection of replacement new extension with terrace at rear third floor level and creation of a new roof terrace and installation of plant both at main roof level. Use of the building as a residential dwelling (Class C3) with associated internal and external works.	Mr Olive
Recommendation 1. Refuse planning permission – unacceptable in design terms. 2. Refuse Listed Building consent – unacceptable in design terms.				
Item No	References	Site Address	Proposal	Applicant

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 16th March 2021
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

6.	RN(s): 20/07258/FULL Maida Vale	17 Leith Mansions Grantully Road London W9 1LQ	Timber garden room in rear garden.	Ellas And Lockwood
Recommendation Grant conditional permission.				

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 March 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Westbourne	
Subject of Report	Westmead, 4 Tavistock Road, London, W11 1BA		
Proposal	Redevelopment of site to provide residential building with plant room (Use Class C3), together with associated landscaping, refuse storage, car and cycle parking and alterations to public realm.		
Agent	Mr Chris Hicks		
On behalf of	Westminster City Council		
Registered Number	20/05708/COFUL	Date amended/ completed	10 September 2020
Date Application Received	10 September 2020		
Historic Building Grade	Unlisted		
Conservation Area	Outside of a conservation area, however the Aldridge Road and Leamington Road Villas Conservation Area is to the south.		

1. RECOMMENDATION

<p>1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the completion of a Unilateral Undertaking to secure the following obligations:</p> <ul style="list-style-type: none"> i. Provision of affordable housing equating to 41% of floorspace prior to the occupation of any of the market housing. ii. Submission of an early viability review if the works have not been substantially implemented within 24 months of permission being granted. iii. A financial contribution of £47,068 towards Carbon Offset Payments (index linked and payable on commencement). iv. Lifetime Car Club membership (25 years minimum) for the self-contained residential units provided on occupation. v. Highways works to facilitate the proposed development, including reinstatement of and alterations to the existing vehicle access and adjoining footway in Tavistock Crescent and Tavistock Road and associated works (legal administrative and physical) vi. Prior to commencement of development, the provision of an employment training, skills and apprenticeships opportunities for residents of Westminster in relation to the construction phase of the development. vii. Tree planting contribution of £10000 index linked to be used for the purpose of tree planting and
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maintenance within the vicinity, provided prior to commencement.
viii. The costs of monitoring the Unilateral Undertaking.

2. If the Unilateral Undertaking has not been completed within 3 months from the date of the Committee's resolution then:
 - a) the Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however if not
 - b) If it has not been possible to complete the Unilateral Undertaking within an appropriate timescale, the application shall be reported back to Sub-Committee.
3. That Sub-Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning act 1990 for the stopping up of parts of the public highway to enable this development to take place.
4. That the Director of Place Shaping and Town Planning, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in connection with the making of the orders and to make the orders as proposed if there are no unresolved objections to the draft orders. The applicant is to cover all costs of the Council in progressing the stopping up orders.

2. SUMMARY

This application relates to the redevelopment of an existing low rise building currently set over lower ground, ground and first floor levels (plus plant room level), last used as a nursing home (Use Class C2). The site is bounded by Tavistock Crescent to the north, Tavistock Road to the south, an area of open space overlooked by a residential block of flats to the west and a mixed office/ pious building to the east. The site is just outside of the Aldridge Road and Leamington Road Villas Conservation Area, which runs south on the other side of Tavistock Road.

It is proposed to demolish this existing building and construct a 6-storey building (plus plant room) set over lower ground, ground and four upper levels, to provide 65 residential dwellings (Use Class C3), together with associated landscaping, refuse storage, car and cycle parking. The site also includes the open space adjacent to the west. The development includes 41 private units and 24 affordable units (with 10 social rent units and 14 intermediate units).

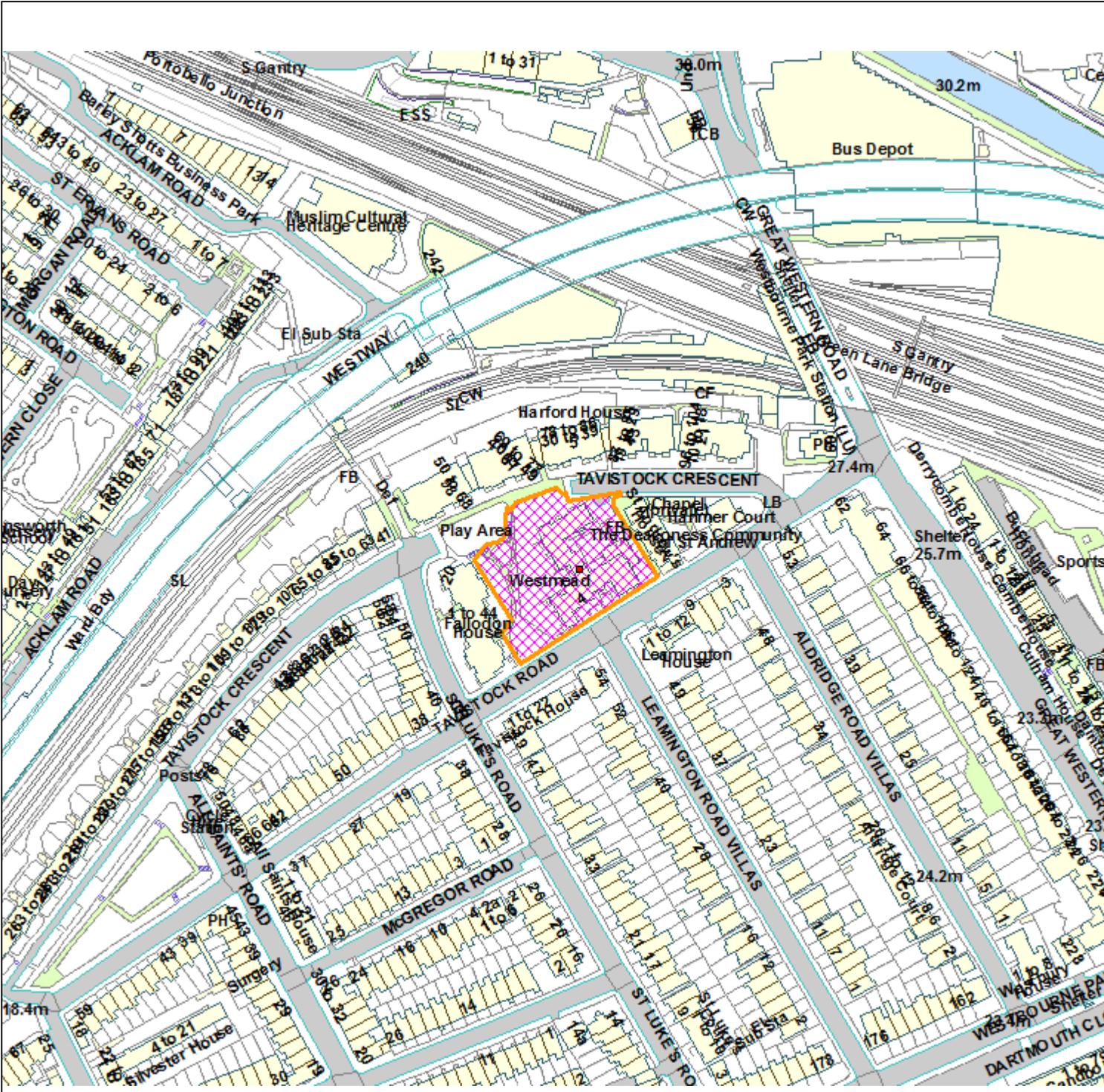
Considerable objection has been received from adjacent residents and from Cllr Hug. These representations are summarised in section 5 of this report.

The key considerations of this case are:

- The acceptability of the proposals in land use terms;
- The impact of the new development on the townscape and the setting of the adjoining conservation area;
- The impact of the development on the amenity of adjacent occupiers;
- The acceptability of the proposed landscaping and open space;
- The impact of the development on the highway network.

The proposed development is considered against current and emerging relevant policies in the Unitary Development Plan, adopted January 2007 (the UDP), Westminster's City Plan adopted in November 2016 (the City Plan) and the emerging City Plan 2019-2040. As set out within this report, the proposals do not strictly accord with all policies, however on balance, given the benefits of the scheme and particular considerations relevant to this application, the development is recommended for approval subject to the conditions set out on the draft decision letter and the completion of an unilateral obligation.

3. LOCATION PLAN



View from Tavistock Crescent South



5. CONSULTATIONS

COUNCILLOR HUG (Westbourne Ward)

- Disappointing the Council has not achieved 50% affordable housing. Not using the Affordable Housing Fund has led to an increase in private flats and increased height and mass.
- Welcome use of Mayor's Affordable Housing fund.
- Recommend design is amended to reduce impact on light of nearby properties, particularly those which are below ground (such as Harford House).
- Welcome the amendments to management of the open space, concerns in relation to the loss of mature trees as a result of the development.
- Most critical concern in relation to parking, given local parking stress, and concern of existing residents, and potential for a car free development.

MAIDA HILL NEIGHBOURHOOD FORUM

Any response to be reported verbally.

NOTTING HILL EAST NEIGHBOURHOOD FORUM

Note that a key goal is to maintain the leafy garden rich nature of area. Regret the proposals to remove trees and suggest parking ramp becomes covered so greenery can be introduced. This will be better for the environment, the health of existing and future residents and more in keeping with the philosophy of the neighbourhood.

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

Raise no objection. Suggest informative in relation to construction works.

LONDON UNDERGROUND

Raise no objection however note that should the developer need a tower crane, London Underground Protection would be needed to advise on its size and location.

HISTORIC ENGLAND

No comment.

THAMES WATER

Comment in relation to waste and water. Request a condition for no piling to take place until a piling method statement to be submitted

NATIONAL GRID

Any response to be reported verbally.

DESIGNING OUT CRIME OFFICER

Any response to be reported verbally.

LONDON FIRE SERVICE

Any response to be reported verbally.

ADULT AND COMMUNITY SERVICES

Any response to be reported verbally.

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WASTE PROJECTS OFFICER

Following the submission of a revised plan, no objection subject to a condition to secure waste and recycling store.

HIGHWAYS PLANNING MANAGER

Raise objection as the development would likely result in on street stress levels increasing over the 80% threshold level, contrary to TRANS 23. Request lifetime car membership is secured for the development along with details of the access ramp to the basement.

ENVIRONMENTAL SCIENCES

Following the receipt of various additional information and revisions, no objection subject to conditions and informatives.

BUILDING CONTROL

Any response to be reported verbally.

ARBORICULTURAL OFFICER

- Objection is raised to the loss of a Norway Maple and a Sycamore Tree. Additional details have been requested in relation to sections and hard landscaping details to ascertain its impact.
- Considers the likely impact of the development to be greater than as presented and further tree loss will be required. Further consideration of construction logistics and implications required.
- Details of the larger area of publicly accessible open space maintenance required.
- Objects to the lack of tree planting proposed.
- The offered off site tree planting contribution should be secured.
- Conditions and informatives suggested should permission be recommended.

WESTMINSTER ECONOMY TEAM

Note that no financial contribution is required.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 805

No. of objections: 107 on behalf of 101 addresses, who raise the following comments:

Land Use:

- Development falls short of the 50% minimum requirement for affordable housing
- Application falls short on London Plan policy context in terms of affordable housing provision or justification as to why not met.
- Loss of community care home.
- A modern care home should be provided.
- Office blocks will become available for housing due to changing work patters to meet housing shortfall without harming green spaces and communities.
- Proposal is too dense.

Design and conservation:

- Loss of views including the impact on viewing corridor from Aldridge and Leamington Road Villas Conservation Area and of the Trellic Tower beyond.
- The building is too large.

- Top storey should be further set back so not visible from the street.
- The building is out of character with the area.
- The design and materials are unacceptable.
- The proposals contravene the original master plan, removing the 'green square' which provides light to residents.
- Front gardens likely to act as dust bin.
- Contrary to Government and local policy to make places better for people

Amenity:

- Due to its height and bulk the building will block light to adjacent occupiers.
- Impact on 'Rights of Light'
- Loss of privacy from overlooking
- The refuse/bin store is located in close proximity to Harford House, who are already significantly affected by the development, and will also be affected by waste vehicles.

Highways:

- Inability to prevent residents from applying for a parking permit, despite support from GLA (the London Plan) and TfL.
- Increased parking stress to levels recognised as unacceptable contrary to Westminster Policies.
- The submitted Transport Statement is impenetrable and includes questionable data and methodology.
- Cycle parking and Car Club Membership is not sufficient to overcome the parking shortfall.
- The cleansing vehicle will have difficulty servicing the bin store and will cause disruption.

Other:

- Three petitions of over 300 signatures were presented to the council in relation to pre-application public engagement by the developer.
- Unjustified redistribution of public land and asset value into private hands, overriding a number of considerations including impact on protected view corridor from adjacent conservation area and on surrounding residents amenity.
- Lack of transparency regarding consultee responses.
- Dubious and inconsistent methodologies used to support key conclusions.
- Conflict of interest between Westminster departments (Westminster builds and Westminster Planning) as determining their own development.
- Should be an independent appraisal of the application proposals.
- Request for S106 money to clean up Leamington House.
- Drawings and visuals are inconsistent and not accurate/ a true representation.
- Consultation letters received after consultation period had expired.
- Trees should be protected, particularly given pollution and poor air quality due to the Westway. They also reduce sound pollution and promote biodiversity
- Loss of trees unacceptable.
- Poor communication by council in pre-application engagement.
- Noise, dust and disruption as a result of building works.
- Building designed Pre-Covid. Has consideration been given to how it will function given risks of Covid, such as mixing in elevators.
- Loss of house price/ inability to sell during construction.
- Who will manage the green space?

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- Impact on drainage

Points of support within objections letters:

- The proposals will reduce anti-social behaviour due to greater surveillance.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application lies outside of a conservation area, however the Aldridge Road Villas and Leamington Road Villas Conservation Area lies to the east and south of the site on the other side Tavistock Road.

The existing building dates from the 1970s and it is of three storeys constructed in yellow brick with a flat roof and uniform fenestration. Owing to the topography of the site, the building appears sunken from Tavistock Road, with the lower level fronting the green space to the west. The site is seen in context with the five storey block of flats on the north side of Tavistock Crescent, which date from the same period and use a comparable material palette.

To the east of the site lies St Andrews House, which is utilitarian in appearance.

To the west of the site there is a small area of open space featuring a number of mature trees, which includes a path which leads up the side of Falloden House to a play area which sits at the end of Tavistock Crescent. To the north of the site on the other side of Tavistock Crescent (part pedestrianised) are the residential blocks known as Hartford House. To the east is the pious building with its associated offices and ancillary accommodation. To the south are residential buildings of various scale and appearance, and Leamington Road Villas road leading off to the south within the conservation area.

To borough boundary with the Royal Borough of Kensington and Chelsea lies to the west in close proximity. The site is therefore also considered to be within the setting of the Colville Conservation Area which is with the Royal Borough of Kensington and Chelsea. The site also lies close to a number of buildings identified within the Aldridge Road Villas and Leamington Road Villas Conservation Area Appraisal as being Unlisted Buildings of Merit; these include the terraces within the conservation area, the Chapel on Tavistock Crescent, the Metropolitan Public House and the former Vicarage at 54 Leamington Road Villas.

6.2 Recent Relevant History

Various application for minor alterations including:

07/07732/COFUL: Installation of Kee-Klamp handrail on flat roof (Council's own development). Application Permitted 18 October 2007.

95/03872/COFUL: Extension of 1 bedroom over existing balcony. Application Permitted 29

June 1995.

94/04616/COFUL: Extension at lower ground floor level to form larger dining room.
Application Permitted 22 September 1994.

93/08042/COFUL: Change of use of managers & assistant managers flats to permit the rooms to be used as a centre for domiciliary care workers. Retrospective application.
Application Permitted 17 February 1994.

7. THE PROPOSAL

Table 1 inclusive of ancillary areas (GIA sqm)

	Existing GIA (sqm)	Proposed GIA (sqm)
Care Home (C2)	2235.6	0
Private Residential (C3)	0	3861
Intermediate Residential (C3)	0	1190
Social Residential (C3)	0	1397
Total	2235.6	6448

It is proposed to demolition this existing care home and construct a 6-storey building (plus plant room) set over lower ground, ground and four upper levels, with a recessed top storey, to provide 65 residential dwellings (Use Class C3). A new ramp is proposed down the eastern side of the site, providing access to a basement car and cycle park. Landscaping is proposed on all frontages, including new private gardens and alterations to the area of open space to the west of the site.

The proposed mix of units is 31 x 1 bed, 21 x 2 bed, 12 x 3 bed and 1 x 4 bed (21% family sized) with 41% of the floorspace for affordable housing, equating to 24 units.

All of the flats which do not have their own front door can be accessed from two points, one from Tavistock Crescent to the north, with the main entrance being on the southern side from Tavistock Road, which features a double height space.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.3 Loss of Care Home (Class C2)

Policy Context:

There are adopted, saved and emerging policies which seek to protect community facilities and specialist housing such as the existing care home on the site.

Policy S15 of the adopted City Plan (Meeting Housing Needs) states that all specialist housing floorspace be protected to meet those specific needs except where the accommodation is needed to meet different residential needs as part of a published strategy by a local service provider. Where this exception applies, changes of use will only

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be to other forms of residential accommodation.

Emerging City Plan policy 10 (Housing for specific groups) Part D relates to specialist housing and states that all existing specialist and supported housing floorspace will be protected from changing to non-specialist or supported residential use except where it is demonstrated that:

1. the accommodation is of poor quality, does not meet contemporary requirements and is not capable of being upgraded; or
2. the use has a demonstrable and significant adverse effect on residential amenity; or
3. it is surplus to requirements as any form of specialist or supported housing; or
4. the accommodation is being adapted or altered to better meet specialist need or to enable residents to remain in their existing property.

The supporting policy text goes on to state the importance of protecting such stock given high land values, giving pressure to change low-value specialist housing to higher value private residential accommodation, which could result in residents not being able to afford to remain in Westminster. It does however confirm that such housing can be lost, if it is of poor quality, requiring considerable improvements, surplus to requirements, and to make optimum use of housing sites as needs change over time as demonstrated by marketing.

Policies SOC 1 of the UDP and S34 of the City Plan, relate to social and community floorspace in more general terms, and similarly seek their protection, except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider. In all such cases the replacement use will be the priority use for the area.

Material considerations:

There are two other applications which form part of the consideration of this scheme. Namely the construction of a purpose built 84 bed new care home at 111 Shirland Road, as approved in August 2017 (referenced 16/10952/COFUL). Residents from within Westmead have now moved into this new facility. Secondly, a current application for the redevelopment of another care home at Carlton Dene, whereby a new Extra-Care Residential Facility with 65 flats and 22 residential flats is proposed (referenced 20/08040/FULL). All of the units are proposed as affordable. Existing residents of the Carlton Dene facility have also been rehoused into the 111 Shirland Road new facility. It is important to note that the Shirland Road development was designed in order to be able to take all of the existing residents from these two existing care homes.

Assessment:

Objections have been received in relation to the loss of the community facility.

The applicant has submitted a report to justify the loss of the care home, and sets out justification of how the proposals meet the above policy requirements, it is summarised as follows:

- The existing care home no longer meets modern standards and requires significant investment to maintain occupation.
- Existing residents are to be offered alternative accommodation in the purpose built replacement accommodation at 111 Shirland Road.
- This re-provision formed part of the wider Council strategy drafted back to 2007 (and

approved in 2012) known as the Specialist Housing Strategy for Older People Programme (SHSOP). The Council's published research shows that there is a need for Extra Care housing, to delay entry to a conventional care home for as long as possible.

- 111 Shirland Road resulted in an uplift of 570sqm of C2 floorspace. While the demolition of Carlton Dene and Westmead care homes will result in the loss of C2 floorspace, there is still a net gain in floorspace and no loss in terms of the number of residential care bedrooms.
- Approval for the closure of Westmead and its redevelopment for General Needs Housing was given at Cabinet Meeting in March 2019.
- As the existing care home was purpose built, and as there is no overall loss of specialist housing, the 18 month marketing period required by the emerging policy for alternative users of the space as required by policy, is not appropriate. To keep the facility open for this timeframe alone would required £1m in capital expenditure.
- Reports into the physical suitability of maintaining the existing building to meet future needs were undertaken by Savills for Westminster in 2009 and 2014. These identified that considerable investment both internally, externally and structurally was required.
- The most appropriate use for the site is as housing which will improve mix and tenure.

It is clear from the requirement of the policies, that a wholistic approach is required in terms of the assessment of applications which relate to the loss of specialist housing such as the existing care home. Such proposals need to be weighed in accordance with a wider programme of delivery of a range of housing types, which have been researched as part of a formal document of evidence to confirm what is required across the borough. This has come about through the councils SHSOP, which has confirmed a requirement for the provision of and development of additional extra care facilities, which will better meet the requirements of the aging population. It does however also confirm that the care facilities do still provide an important function.

Through the development of the Shirland Road new Care home, the existing residents have been able to be rehoused into a modern, purpose built facility. The Carlton Dene redevelopment, will provide a considerable amount of additional floorspace, providing a new extra care facility.

It is also accepted that the existing facility at Westmead is no longer fit for purpose, being out of date, and requiring significant investment in order to bring it up to current standards. While it is noted that there are objections from residents to the loss of the care home, given that there is a clear programme of delivery of both replacement and additional care provision within the locality, it is not considered that the loss of the existing facility in this location can reasonably be restricted, with the requirements of the adopted and emerging policies are largely met. It is also then considered that the most appropriate land use for this site, is for the provision of housing to meet the council's housing needs. The acceptability of the proposed housing is further set out below.

8.1.2 Proposed Residential (Class C3)

Policies S14 (Optimising Housing Delivery), S15 (Meeting Housing Needs) and S16 (affordable housing) of the City Plan and H3 (encourage provision of more housing), H4 (provision of affordable housing), H5 (Providing a range of housing sizes), H8 (hostels and specialist housing), H10 (provision of gardens and community facilities), H11 (controlling housing density) of the UDP are relevant to the consideration of this application. Within the

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emerging City Plan 2019-2040 Policy 8 (housing delivery), 9 (affordable housing) and 10 (housing for specific groups) are also relevant.

Quality of accommodation:

The applicant has undertaken a daylight and sunlight assessment to demonstrate the internal lighting for the proposed residential units are in line with BRE guidelines. This guidance states that different rooms have different requirements in terms of daylight (Average Daylight Factor ADF). For instance, a kitchen has a recommended ADF of 2%, a living room of 1.5% and a bedroom of 1%. The level of light depends on factors such as the size of window, room depth and if the room has multiple aspects.

The submitted study does identify that not all rooms will meet the requirements of the BRE, however it does score well with 89% of the habitable rooms passing the ADF test (164 of the 184 rooms). The worst affected units are located at lower ground and ground floor levels. The figures are low due to their aspect and as they have balconies located above the windows. They are further affected due to them being living/kitchen/dining spaces and therefore have a deeper floorplate thereby reducing the area of the room receiving daylight. The report notes that should you remove the kitchen (the deepest part of the flat), then the living spaces themselves are served well by light (increasing from 72% compliance to 95%). Dual aspect flats have been placed where possible, however due to the shape of the site, less dual aspect flats have been achieved as would usually be desired. While it is noted that not all of the units will meet the requirements, the vast majority do, and on balance, given the advantages of providing balconies, to provide outside amenity space for each flat, the figures are considered acceptable.

All of the units will meet the London Plan and Nationally Described Technical Housing Standards (March 2015).

Seven of the units are designed to be wheelchair accessible in accordance with London Plan policy, which will be secured by condition.

In order to ensure that the new residential accommodation does not suffer from excessive noise from either external or internal noise sources, the Environmental Sciences Office (ESO) has recommended Westminster's standard noise conditions, which are considered acceptable.

During the course of the application an overheating report has been submitted. The ESO has provided comments on this and requested revisions to address concerns of overheating, namely 10 bedrooms which did not meet the CIBSEs Technical Memorandum TM 59 requirement through failure of the night-time temperature assessment, where 26°C must not be exceeded no more than 32 hours. Further concerns were raised that 40 bedrooms, which are proposed to be naturally ventilated through open windows, would not meet internal noise requirements due to external noise. An objection was therefore raised on the grounds of both noise and overheating.

The applicant has subsequently revised the proposals so that all of the flats include mechanical ventilation to meet TM59. While the ESO does not object to the revisions they note that the applicant is advised to ensure that the noise from the use of the mechanical ventilation units does not create or cause unacceptable noise levels within the apartments.

The ESO notes that the applicant will however need to comply with internal noise standards within condition 25 on the draft decision letter.

Density:

Policy H11 within the UDP relates to housing density and recommends 250-500 habitable rooms per hectare in this location (Zone 2). London Plan Policy D3 does not set a range however seeks to optimise the potential of sites, having regard to local context, design principles, public transport accessibility, and the capacity of existing and future transport services, using an assessment of site context and a design-led approach to determine site capacity.

The applicant has provided the following density figures in accordance with the recently adopted London Plan (para 3.3.22):

Site area	= 0.37h		
No. of units	= 65; units per hectare	= 175.7	
No. of hab. rooms	= 191; rooms per hectare	= 516.2	
No. of bedrooms	= 113; bedrooms per hectare	= 305.4	
No. of bedspaces	= 243; bedspaces per hectare	= 656.8	

The density is slightly in excess of what is recommended for this area within the UDP (250-500 habitable rooms per hectare), however, the figure is considered to maximise capacity of the site, while still retaining open space, and being acceptable in design and townscape terms (as addressed elsewhere in this report). Additionally, the site has 'good' level of access to public transport with a PTAL rating of 4, and with the Westbourne Park Underground Station just 170m of the site. Given that the application is for the redevelopment of the site, and Westminster's aims to maximise housing delivery and the delivery of affordable housing, the proposed density is considered acceptable in this instance.

Housing Mix:

The optimisation of housing delivery is a key strategic objective for the Council. Westminster City Plan Policy S15 and UDP Policy H5 require the provision of an appropriate mix of units in terms of size in new housing schemes. A total of 65 flats are proposed with the following mix:

Table 2: Breakdown of the 65 proposed units and tenure split:

No beds	Private	Intermediate	Social	Total
1 bed	22	9	-	31
2 bed	12	5	4	21
3 bed+	7	-	6	13
Total	41	14	10	65

UDP Policy H5 requires at least 33% family-sized (i.e. 3+ bedrooms) of which at least 5% should have five or more habitable rooms but does allow for some flexibility with regard to the overall mix. Paragraph 3.74 of the UDP acknowledges that a lower level of family accommodation may be acceptable in some circumstances. Emerging policy 10 of the City Plan 2019-2040 states 25% of homes should be family sized and 2 bedroom flats should be able to accommodate two double rooms.

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As only 20% of the units have 3 beds or more, this policy has not strictly been achieved. The table above indicates that there is however a good spread of unit sizes over both the affordable and private flats. Policy S14 within the City Plan also states that 'the number of residential units across development sites will be optimised'. While the proposals do fall short of policy H5 and the emerging policy, as a range of housing sizes are provided in the scheme and the benefits of providing more flats to help meet Westminster's Housing target, the proposed mix is considered, on balance, to be acceptable in this instance. It should also be noted that the Housing Manager has supported the proposals, and the viability of the scheme is also a consideration, which will be further discussed below under affordable housing.

Outside Amenity Space:

Policy H10 within the UDP and the London Plan require housing developments to include the provision of amenity space. All of the flats have access to a private balcony or terrace, which is welcomed. The residents will also be able to enjoy the enlarged area of publicly accessible open space adjacent to the site.

8.1.4 Affordable housing

The new residential floorspace prompts a requirement for the provision of affordable housing under the terms of Policy S16 of the City Plan. The City Plan requires housing developments of either 10 or more additional units or over 1,000sqm additional residential floorspace will be expected to provide a proportion of the floorspace as affordable housing. Given that the site is in public ownership, and in accordance with the London Plan, 50% should be affordable housing.

Schemes that do not meet this threshold, or require public subsidy to do so, will be required to submit detailed viability information which will be scrutinised and treated transparently. Comprehensive review mechanisms will be applied to schemes that do not meet the relevant threshold as set out in Part B of Policy H5 Threshold approach to applications, in order to ensure that affordable housing contributions are increased if viability improves over time.

The Draft City Plan 2019-2040 Policy 9 (Affordable Housing) Part E states that 60% of the affordable units will be 'intermediate' affordable housing for rent or sale and 40% will be social rent or London Affordable Rent.

Saved UDP Policy H4 (Provision of Affordable Housing) states that where more than 30% affordable housing is proposed then the tenure mix should be guided by housing needs assessments to ensure that development meets the needs of households. It goes to advise that the Council will maximise provision of additional affordable housing through renewal of its housing assets.

The proposed development will deliver 41% affordable housing by floor area, 40% by habitable rooms and 37% on a unit basis (equating to 24 units). Of the 24 units, 14 (58%) are intermediate (London Living Rent) and 10 (42%) are social rent. This is not therefore in accordance with Policies, which require a 50% provision on this site. Objections have been raised on this ground, including from Cllr Hug.

The proposed mix has been put forward in consultation with Westminster's Housing Manager, to ensure that it meets demand. As such the Housing Manager has confirmed

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that he supports the proposals. As such the proposed mix and tenure is considered acceptable.

In line with policy H5 within the London Plan (Threshold approach to applications), where an application does not meet the threshold requirements (50% in this instance) it must follow the Viability Tested Route. As such the applicant has submitted a viability assessment by Knight Frank. This has been independently assessed by DS2 who have confirmed that the development is delivering in excess of the maximum reasonable amount of affordable housing and therefore the shortfall below the 50% minimum requirement is considered acceptable in this instance. A copy of this assessment by DS2 is set out in the background papers.

In line with London Plan guidance the affordable housing will be secured by a unilateral undertaking which will include clauses for a review mechanism to ensure that the maximum level of affordable housing is delivered. This will be secured to ensure that it is provided prior to occupation of the market housing.

8.2 **Townscape and Design**

Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The relevant policies for the consideration of this application are S25 and S28 of the City Plan and DES 1, DES 4 and DES 9 of the UDP. Within the emerging City Plan 2019-2040 Policy 38 (Design Principles), 39 (Westminster’s Heritage) and 40 (Townscape and Architecture) are also relevant.

Assessment

The current building is not considered to make a positive contribution to the townscape and has a poor relationship with both frontages on Tavistock Road and Tavistock Crescent as

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well as the surrounding built form. As such, the demolition of the existing building and the principle of a redevelopment of the site is considered acceptable in design terms.

The proposed building is a 6 storey block, including a sunken level, with the upper levels recessed. The block has a L-plan with greater width on Tavistock Road and a more formal frontage on Tavistock Crescent than the existing building. Predominantly a brick building with reconstituted stone features, interest is proposed using terracotta coloured railings, soffits and framing. There is a communal entrance on both the Tavistock Road and Tavistock Crescent elevations, with there also being a number of private entrances. Photovoltaic panels are located at roof level. The proposal includes landscaping in the form of open space to the west with the newly enlarged publicly accessible area, and area of landscaped defensible space with ornamental planting, as well as private amenity space for each flat.

In considering the footprint of the building and its siting within the plot, the L-plan and its placement to the east of the site is considered to be a successful solution. This allows for an active frontage to both the front and rear elevations as well as creating a useable open space to the west. The established building lines along Tavistock Crescent and Tavistock Road are reflected in the way the building presents itself to the street and the use of private as well as communal entrances encourages the activation. As such the siting of the building accords with the aims of DES 4.

A number of consultation responses consider the height of the proposed development to be excessive. From Tavistock Road and in views from within the Aldridge Road Villas and Leamington Road Villas Conservation Area the building will appear as 4 storeys plus a recessed 5th storey (with one storey being below street level). Similarly, in views from the east along Tavistock Crescent the building will appear as 4 storeys with a setback top storey. The full height of the building will principally be in views from the west where the 6 storey elevation will be notable. As the terraces within the conservation area to the south are primarily 3 to 4 storeys plus roof level additions and the block of flats to the rear are 5 storeys, the height of the building is not considered to be out of context with the surrounding built form. At present the site has benefitted from the low level of the existing 1970s building, however historic maps show that terraces were present prior to the 1970s and it is likely they would have been comparable in height to the terraces to the south. Consequently, the height of the proposed building is considered to conform to the prevailing story heights of the surrounding buildings in accordance with DES 4 and emerging City Plan policy 40 Part F.

As a block, the mass of the building does depart from the rhythmic form of the terraces and, to a degree, the flats behind. This has sought to be softened by the detailed design within the architecture and the use of materials. However in considering the setting of the conservation area to the south, the building acts as a bookend along a primary road, visually demarcating the end of the terrace when seen from Leamington Road and therefore its mass is not considered to be out of scale for a building providing this sightline and demarcating position. Furthermore, the use of recessed bays on the front elevation and setting back the upper storey creates a readable base, middle and top which punctuates the mass and visually breaks it up.

Objectors note the design of the proposed building is not in keeping with the character of the area. The areas around the site have very defined characteristics, including the terraces

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to the south, 1970 block to the north and the west and the church facilities to the east. This design has sought to respond to this wider character drawing reference to elements found on all three character areas. The verticality of the block and the use of bays respects the terraces, whilst the uniformity to fenestration scale is reflective of the flats. Furthermore, the base brick is reflective of the traditional London stock brick and the yellow bricks found to the north and is considered to transition between these two areas sympathetically. The use of a terracotta colour to provide articulation does depart from prevailing colours in the area but it is considered to compliment the neighbouring palette and helps define the new building into its setting. Therefore, the architecture, detailed design and materials are considered to respond to the local area and as such accords with DES 1 and DES 4 of the UDP 28 of the City Plan and Emerging Policies 38 and 40.

The landscaping proposals are welcomed, and the outlined design is considered to be appropriate for the location, creating a new type of space to complement the existing play space. Similarly, the introduction of sustainability measures such as the photovoltaics are supported.

Impact on heritage assets

A number of consultation comments have raised concerns with the proposed development, stating it is not in keeping with character of the adjacent conservation areas. It can be argued that the existing building is not in keeping with the character of the Aldridge Road Villas and Leamington Road Villas Conservation Area to the south and Colville Conservation Area to the south west. Given these areas have special architectural or historic interest, it is considered to replicate the architecture would not be appropriate for this site. As proposed the building responds to the height of the terraces, their materiality and elements of the architectural detailing in order to sympathetically respond to their character and appearance. It forms a defined block which visually terminates the conservation area, when viewed from Leamington Road Villas and reinstates an active frontage which is considered to compliment the residential character of the conservation area. As such the proposal is not considered to harm the setting of the conservation area, in accordance with DES 9.

The setting of the buildings identified as unlisted buildings of merit are not considered to be compromised by the proposed development. The existing site is fairly urban in setting and plan and the replacement building is not considered to depart from this arrangement.

Concerns have been raised with the height of the building in relation to obstructing existing views of the Grade II Listed Building, Trellick Tower. Firstly, this view is not a locally recognised view and is considered to be fortuitous owing to the low height of the existing building. Nevertheless, the increase in height by 3 storeys, will result in the loss of visibility of the building in some private views, however owing to the height of Trellick Tower, it will remain visible above the proposed building in some existing views. Therefore, whilst it is unfortunate that the view may be lost, it is not a planning grounds on which permission could be withheld.

Accordingly, and given the above, the proposal is considered acceptable in design and heritage terms and would accord with policies S25 and S28 of the City Plan, policies 38, 39 and 40 of the Emerging City Plan 2019-2040 and DES 1, DES 4 and DES 9 of the UDP. As such, the proposal is considered acceptable therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the

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statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

Policy ENV 13 of the UDP and S29 of the City Plan seek to protect the amenity of neighbouring occupiers. Policies ENV5 (Air pollution), ENV6 (Noise pollution) and ENV7 (Noise from plant) are also relevant. Paragraph 9.229 in the UDP sets out how the City Council will assess the impact of development on daylight and sunlight levels received by surrounding light sensitive uses and confirms that the impact of development should be assessed using the Building Research Establishment's (BRE) Guidelines 'Site layout planning for daylight and sunlight', the most recent version of which was published in 2011.

The applicant has submitted in support of the application a daylight and sunlight assessment by eb7 which sets out the surrounding buildings which have been tested.

Objections have been received from local residents on the grounds of loss of light as a result of the proposed development. One objection also notes that the plans which the 3D model within the eb7 report are incorrect and also raises issues in relation to the flat nature of the modelling, not showing the changes in levels of the site. Eb7 have since amended the plans and confirmed that the levels have been considered and that the report is accurate.

8.3.1 Daylight and Sunlight

Daylight

For daylight matters, VSC is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window. This method does not rely on internal calculations, which means that it is not necessary to gain access to affected properties. If the VSC is 27% or more, the Building Research Establishment (BRE) advises that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

The BRE stresses that the numerical values are not intended to be prescriptive in every case and should be interpreted flexibly depending on the circumstances. This is because expectations may be different in rural or suburban situations compared to a more densely developed urban context. The guidance acknowledges that although these values should be aimed for, it may be appropriate in some locations such as in urban areas to use more realistic values. In light of this officers have given weight to an alternative 15% VSC retained value in assessing the impact of the development. This is because of the importance of the development overall in achieving benefits whilst too are material considerations to be weighed in balance. Properties that are affected by reduced daylight that see retained VSC values in the mid-teens are therefore considered to have a reasonable amount of daylight in the context of this particular urban location. This approval is supported by policy D6 of the recently adopted London Plan, which sets out that the design of a development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context.

The applicant has undertaken VSC studies for both with and without balconies. The BRE states "Existing windows with balconies above them typically receive less daylight. Because

the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight. One way to demonstrate this would be to carry out an additional calculation of the VSC and area receiving direct skylight, for both the existing and proposed situation, without the balcony in place. For example, if the proposed VSC with the balcony was under 0.8 times the existing value with the balcony, but the same ration for the values without the balcony was well over 0.8, this would show that the presence of the balcony, rather than the size of the new obstruction, was the main factor in the relative los of light.”

The BRE notes that where room layouts are know, then the no sky contour (NSC) can be calculated. It indicates the area of a room which will receive light directly from the sky. If following the construction of a new development, the NSC moves so that the area of the existing room, which does receive direct skylight, is reduces to less than 0.8 times its former value this will be noticeable to occupants, and more of the room will appear poorly lit. It states that this does however also need to be applied flexibly.

Sunlight:

In terms of sunlight to an existing dwelling, the BRE advises it may be adversely affected if the centre of a main window: receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours (APSH) between 21 September and 21 March; and receives less than 0.8 times its former sunlight hours during either period; and has a reduction in sunlight received over the whole year greater than 4 % of annual probable sunlight hours.

Assessment:

Each of the affected properties will be taken in turn. A full table of existing and proposed VSC results can be found at the end of this report (Appendix A). Because the majority of the surrounding properties have significant projecting balconies, both the with and without balcony figures have been tabulated. The figures shown in this section are only where the window breaches the BRE targets in terms of VSC to windows without balconies and where the NSC also does not meet the BRE guidelines (less than 0.8 its former value).

Harford House:

This 5 storey block is set to the north of the site, has significant protruding balconies, and a lower ground floor, which already has a restricted outlook due to its location below street level.

Daylight:

Table 3: Harford House VSC and NSC figures

Floor	Window	Use	With Balconies			Without Balconies			NSC retained
			Existing	Proposed	% loss	Existing	Proposed	% loss	
LG	W22	KITCHEN	19.9	14.3	-28.1	22.2	16.5	-25.7	0.5
	W24	KITCHEN	18	11	-41.5	21	13	-38.3	0.4
	W27	LIVING	31	21	-31.5	33	24	-29.4	0.7
	W29	KITCHEN	15	6.3	-56.6	23	15	-35.3	0.5
	W32	LIVING	32	23	-28.2	34	25	-26.6	0.7
	W33	RESI	28	20	-29.2	31	23	-26.5	0.7

G	W23	KITCHEN	30	22	-26.8	35	27	-23.0	0.7
	W28	RESI	29	21	-28.2	33	24	-25.2	0.7
	W30	KITCHEN	23	16	-29.6	30	21	-29.1	0.6
	W35	KITCHEN	18	9.4	-46.9	26	17	-33.3	0.6
1	W31	KITCHEN	12	5	-58.7	29	22	-25.2	0.7

Of the windows tested, 72% of the windows serving habitable rooms meet the BRE requirements in terms of VSC, rising to 94% with the balconies removed. 78 of the 84 habitable rooms will meet the NSC targets. The results above show how the VSC figures are significantly reduced through the presence of the balconies, particularly at ground and first floor levels. One of the worst affected rooms has been highlighted in bold, which is a kitchen at lower ground floor level, with a VSC of 13 (without balcony) and an NSC of 0.4 x its former value. While these figures are low and below what would be desirable, VSC figures of around the mid-teens are common in an urban context and are due to the location of this room at lower ground floor level, where any additional bulk is going to have a significant impact.

Sunlight:

The report figures indicate that 33 of the rooms will receive in excess of a 20% loss of APSH. This figure reduces to 1 with the balconies removed. However in terms of the overall sunlight assessment (see above), the report confirms that with the balconies removed, all living rooms are compliant with the BRE targets.

Falldon House

This four storey block is located to the west of the development site, on the other side of the existing area of open space. Similar to Harford House, a number of the windows which overlook the site are impacted overhanging balconies.

Daylight:

Table 4: Falldon House VSC and NSC figures

Floor	Window	Use	With Balconies			Without Balconies			NSC retained
			Existing	Proposed	% loss	Existing	Proposed	% loss	
LG	W12	STAIR	12	8.8	-26.1	13	9.5	-25.2	0.7
	W16	RESI	8.2	2.6	-68.3	27	20	-25.9	0.7
	W22	RESI	8.3	2.5	-69.9	27	20	-25.6	0.7
	W24	RESI	22	16	-28.6	25	18	-26.9	0.7
	W28	RESI	8.5	2.2	-74.1	27	20	-26.7	0.6

It is clear from the table in Appendix A that a large number of windows will be significantly impacted by the development proposals (43 windows failing the BRE VSC test). It is also apparent how much the presence of the balconies impacts the levels of light received by these windows. For instance, with window W22 above, the existing VSC with the balcony is 8.3, which increased to 27 with the balcony removed. The report notes that with the balconies removed the proportion of windows which pass the BRE test raises from c.70% to c.97%, with 130 of the 134 windows which serve habitable spaces being BRE compliant.

It is appreciated that these windows will see significant losses of light, however the existing levels of light are relatively low, below 10 VSC and therefore any additional losses will be expressed as high percentage changes. This is demonstrated in this table where very high percentage losses are demonstrated, such as W16 which will see its VSC (with balcony) reducing from 8.2 to 2.6, a 68.3% loss. For the same window, if the balconies are removed it will retain a good level of light, with a VSC of 20.

With the balconies removed, the worst affected room in terms of retained VSC is W12 which has a VSC of 9.5. However, this window serves a staircase and is therefore not a habitable room and the losses are considered acceptable in this instance.

The report also notes that the assessment is undertaken in the absence of trees. These windows would be considerably affected in terms of their existing levels of light by the trees within the area of open space, which separates them from the development site and do cause considerable shading.

While the impact of the development will be significant, given the above considerations, with relatively good levels of light being retained when considered in line with the BRE guidelines for removing balconies, the separation of the building by the existing area of open space, and the benefits of the scheme, the impacts are on balance considered acceptable.

Sunlight:

The report notes that the site facing elevation is not within 90 degrees of due south and therefore it is not relevant for APSH sunlight assessment under the BRE.

Leamington House

This four storey block is located to the south of the site and features external walkways which run along the front of the building at first, second and third floor levels. The Daylight and Sunlight report notes that from an inspection of estate agent plans and an external inspection, the majority of the affected windows are not habitable spaces such as hallways/bathrooms or serve small kitchens (without dining space) and bedrooms, which are less sensitive.

Daylight

Table 5: Leamington House VSC and NSC figures

Floor	Window	Use	With Balconies			Without Balconies			NSC retained
			Existing	Proposed	% loss	Existing	Proposed	% loss	
G	W12	NON-HAB	28	18	-33.3	28	18	-33.3	0.6
	W13	NON-HAB	33	23	-30.2	33	23	-30.2	0.7

The two rooms in the table above are indicated as non habitable, but do retain good levels of light in the high teens +. The results in Appendix A, do show that there are some considerable VSC losses. This is often due to existing low levels of light with scores below 10 VSC. However, where rooms are habitable, the retained levels of light are considered acceptable, particularly when the balconies are removed with VSC levels of 27 and 29 for the habitable rooms, which is considered as a good level of light within the BRE.

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Sunlight:

None of the rooms facing the scheme are within 90 degrees of due south and an assessment is therefore not required under the BRE guidance.

St Andrews House, 2 Tavistock Road

This four storey building is located in close proximity to the eastern boundary of the site. The building contains a mix of commercial and community uses as well as some convent ancillary sleeping accommodation. The report notes that the bedrooms and studios are located within the northern and southern areas of the building, with the main windows which run along the western facing side of the building being meeting rooms, offices and workspaces, which are non-habitable. There are bedrooms at the northern end of the building which face the site, with heavily recessed windows.

As set out within the BRE guide, given the close relationship of the building with the boundary of the site, the applicant has undertaken a mirror image test, whereby the bulk of the affected building is mirrored onto the application site, setting a baseline context. In this context the windows would see a marked improvement in VSC figures, as the mirrored building would be in very close proximity to these windows when compared to the proposed building.

While the windows in the western side of the building will see an impact in terms of VSC with the proposed building, in the context of the mirror image test, as the development is set back further away from the boundary, the impact in terms of VSC is acceptable. Given their 'bad neighbour' relationship with the boundary, use as either ancillary accommodation or commercial for the non-residential building, and the results of the above mirror testing, the impact on these windows is considered acceptable.

9 Tavistock Road

This four storey property is situated to the south east of the site, which has an oblique view of the site. The report indicates that all the of the windows and rooms tested pass the requirements of the BRE in terms of both daylight and sunlight.

54 Leamington Road Villas

This three storey property, with attic, is located to the south of the site on the junction of Tavistock Road and Leamington Road Villas, which has north facing windows which look over the existing green space and obliquely to the site. The report indicates that all the of the windows and rooms tested pass the requirements of the BRE in terms of both daylight and sunlight.

Open Space:

The proposed public open space to the west of the proposed block is also considered to be of high quality with 97% of space receiving two or more hours of sunlight on the 21st of March assessment date.

Daylight and Sunlight Conclusions:

It is apparent from the data within the submitted daylight and sunlight report and as summarised above, the development will have a significant impact, with some considerable losses demonstrated particularly to Harford and Falloden Houses, which will see very low levels of retained light. However, this is largely as a result of balconies and the lie of the land, with rooms below street level. The BRE notes that their guidelines should be applied

flexibly and having regard to the context of the site. In this location, windows currently have very open aspects due to the existing very low level of development, with a low lying building. As such, any development on this site will have a noticeable and significant impact.

While the losses to surrounding properties are regrettable, they are considered acceptable, given the urban context, current very low level of development on the site and the considerable regeneration and housing benefits that this scheme will deliver.

8.3.2 Sense of Enclosure

Given the low rise nature of the existing building, the proposed replaced development will have a significant impact on the outlook of adjacent residents. Objections have been received on these grounds, with some objectors requesting the top storey to be further set back.

Harford House:

To the north is Harford House, which is set on the other side of Tavistock Crescent, which turns into the area of open space which wraps around the north and west sides of the site. Due to the changes in level, and as the building is only a single storey above the street on this frontage, these residents have an open aspect across the site. The existing single storey building is set some 20m away at the closest point on the other side of Tavistock Crescent with a green buffer from the open space for the residents located further west.

As proposed, the building has five above street level storeys set a minimum of 17m away from Harford House, with the fifth floor set back at an angle to provide a triangular terrace and further separation from Harford House (minimum of 21m). As demonstrated by the daylight and sunlight figures, these residents will experience an impact from the development, however, these residents currently enjoy an unusually open aspect across the low lying building and the open space. The building will increase the sense of enclosure, with the new building frontage facing Harford House. However, it is not considered that this relationship will result in such a negative impact as to warrant refusal, given the separation on the other side of the road, and given that this is a classical relationship in an urban context with buildings facing each other, separated by a roads width.

Falloden House:

To the west Falloden House will also be negatively impacted. This building is staggered with projecting sections overlooking private gardens at ground floor level. These residents are separated by the existing area of open space, which is to be retained (26m at narrowest point). The bulk of the existing care home is slightly higher on the Tavistock Road frontage, with a lower ground and ground floor, with recessed first floor and ancillary rooftop structures which face residents of Falloden House.

The proposed building maintains the majority of its bulk along the Tavistock Road frontage, rising 4 sheer stories with a recessed fifth floor. Due to the 'L' shape of the proposed development, the building frontage facing onto Falloden House sets back to the north, so the southernmost properties adjacent to Tavistock Road will be in closer proximity to the new building (minimum 25m separation at south widening to 36m separation for northern section). The 1.8m recessed fifth floor will reduce its impact slightly on adjacent occupiers. While it is appreciated that there will be an increased sense of enclosure for these occupiers, the building is separated by the area of open space, which will include

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vegetation, which will help to screen the development. The building line is also similar to that of existing. Due to the setting back of the majority of the bulk to the north, the separation by the open space, and vegetation, it is considered that the impact on these residents is considered to be acceptable.

South of Tavistock Road:

There will be considerable additional bulk along the Tavistock Road frontage, with five above street level stories. As previously noted, the fifth floor is to be recessed slightly, to reduce its impact on this frontage. Some of the building will face down Leamington Road Villas and the main part of the building will face onto 9 Tavistock Road to the east, which is a four storey residential block. The impact on these occupiers will be characteristic to the urban setting, given the separation on the other side of the Tavistock Road (c. 20m separation), which is considered to be acceptable.

St Andrews House:

The closest relationship is to the east, however as noted in the daylight and sunlight section, this building is set very close to the boundary with this site (c. 1.7m). Any development would therefore have a negative impact due to the bad relationship of its windows along the boundary of the site. The applicants have undertaken a mirror image test within the daylight sunlight report, to demonstrate how putting the same amount of bulk on the site would relate to this existing adjacent building. It demonstrates that the proposed building has a better relationship, being set away from the boundary (c. 12.5m).

While there will be in impact, the development is not set directly onto the boundary with a significant set back due to the ramp down to the basement parking. The main windows which face the site serve offices and are therefore not used as habitable rooms. These have a 'bad neighbour' relationship with the site, due to their location on the boundary and can therefore be afforded limited protection. Due to this relationship and given the setting back of the proposed building, the proposals are considered to be acceptable in relation to this neighbour.

Sense of Enclosure Conclusion:

In conclusion, while the development will have some significant impacts on adjacent occupiers, the proposals are considered acceptable in line with the above comments.

8.3.3 Privacy

The proposed blocks include windows and projecting and inset balconies on all sides. These will result in a loss of privacy to surrounding occupiers. Similarly, the adjacent residential blocks have windows balconies/terraces and therefore there will be a degree of mutual overlooking as a result of the proposals. In relation to the proposed balconies, the benefits of providing these outside areas for the proposed flats is considered to outweigh the harm from potential noise, disturbance and overlooking. The impact in terms of increased overlooking from windows will be similar to many an urban context and is not considered unacceptable in this location.

8.3.4 Noise from plant equipment

Plant is proposed on the roof, which is to be contained within an enclosure and also within the basement. While no objection has been raised in relation to this, as the plant has not been finalised, Environmental Sciences Officer has requested a condition to secure a supplementary acoustic report to be provided, which will include details of any noise and

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vibration mitigation and compliance with Westminster's standard noise and vibration conditions. Subject to these conditions, it is considered that the plant equipment will be suitably conditioned ~~restricted~~ to safeguard the amenities of adjoining residents.

8.3.5 Amenity Conclusion

While it is appreciated that the development will result in a loss to residential amenity to the surrounding occupiers, given the urban context, and the benefits of providing additional housing to meet the councils housing targets, as well as affordable housing, these impacts are on balance considered acceptable.

8.4 Transportation/Parking

There are three existing parking spaces accessed from Tavistock Crescent for members of staff for the care home, these will be removed as part of the redevelopment. The proposals include the provision of 121 cycle parking spaces and 7 disabled car parking spaces within the lower ground floor, which are accessed from a new ramp which leads down from Tavistock Crescent.

The Highways Planning Manager has raised an objection to the proposed development due to the lack of proposed parking for the new residential units, contrary to Policy TRANS 23 of the UDP. There has also been considerable objection from surrounding residents on the grounds of the lack of parking provision and the resultant impact on existing parking within the area and the impact of servicing the development. They also consider that the development, if allowed, should be secured as car free so that residents cannot apply for a parking permit. Ward Cllr Hug has similarly raised his strong concern in relation to this lack of parking and its impact on the surrounding highway network.

Car Parking Provision

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 addition of even one additional residential unit is likely to have a significantly adverse impact on parking levels in the area and this may lead to a reduction in road safety and operation.

The evidence of the Council's most recent night-time parking survey in 2018 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 84%. TRANS23 includes all legal parking spaces (eg Single Yellow Line, Metered Bays, P&D, Shared Use). With the addition of Single Yellow Line availability, the stress level reduces to 75%.

The evidence of the Council's most recent daytime parking survey in 2018 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 74%. TRANS23 includes all legal parking spaces. During the daytime within the area, the only legal on-street spaces for permit holders are Residential Bays and Shared Use Bays.

Despite the areas already high level of public transport accessibility, with the site having a PTAL level of 4, households with 1 or more car in the Westbourne Ward is 33% (2011 Census figures). This indicates that residents in the area do own cars, along with the fact that during the day Residential Bays have a high level of occupancy. There is no evidence to suggest future occupiers of this development would have different car ownership levels to existing residents of the area.

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65 residential units (the total within the development), based on the ward car ownership level, would be expected to generate 22 vehicles. 7 of these would be able to use the 7 proposed spaces for the new residential units. The remaining 15 vehicles that would need to park on-street in the surrounding area, increasing existing on-street stress levels.

13 extra vehicles during the night and 14 during the day would increase the stress threshold over the 80%. The additional 15 vehicles from the proposed development will exacerbate the day and night-time stress and therefore the proposed new residential units are not consistent with TRANS21 and TRAN23 of the UDP.

Given the level of objection and as the development is contrary to the aforementioned planning policies, the negative impacts resultant of the development must be weighed against any benefits resultant of the scheme and considerations of any mitigation measures which could be imposed to help offset this harm.

In order for the development to be policy compliant, a considerably larger area would be required for car parking, through expanding the car park at lower ground floor level and therefore reducing the number of flats, or through excavating to provide additional space. Both options have implications in terms of the viability of the scheme, through additional costs for excavation or through reducing the number of units on the site. As has been highlighted within the Affordable Housing section of this report (8.1.4), the applicants have undertaken a viability appraisal of the development, which has been independently assessed. Both appraisals confirm that in excess of what is viable is being provided on this site in terms of affordable housing, with this shortfall being absorbed by the council due to the benefits of providing affordable housing. The amount of affordable housing has been also been boosted through securing a grant of £966,00 from the Greater London Authority. The provision of the required 15 additional spaces would come at the cost of a reduced amount of residential units, which would affect the viability of the scheme and reduced affordable housing provision.

The emerging City Plan 2019-2040 states that development should be predominantly car free, but does also seek to ensure that parking stress is not exacerbated above stress levels. It states that in stress areas, mitigation measures will be expected to off-set the impact of increased parking stress. It notes that as a minimum, lifetime car club membership should be provided. The Highways Planning Manager has confirmed that this is considered the strongest mechanism that is likely to reduce car ownership of the future residential occupiers and assist in not increasing on-street parking stress further. This should be secured by a unilateral undertaking, to ensure that it is provided for each of the flats. Many objections have requested that should permission be granted, the development should be 'car free' in accordance with the London Plan, to ensure occupiers cannot apply for a parking permit. While this would address the shortfall in parking, this is not set out within adopted or emerging local policies.

On balance, it is considered that benefits of providing additional residential units, and affordable housing, outweigh the increased parking pressure that the development would likely have on the highway network, subject to the securing of lifetime car club membership for each of the proposed units and the proposed cycle parking.

The proposal includes 1 Electric Vehicle Charing Point per car parking space. This is

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welcomed and consistent with The London Plan requirements and will be secured by condition.

Cycle Parking Provision

121 cycle parking spaces are proposed within the basement for the new residents. Short stay cycle parking is proposed adjacent to the residential entrances. Cycle parking will support sustainable travel option for residents and the provision is consistent with policy and is to be secured by condition.

Vehicle Access Ramp

The basement vehicle area is accessed via a double width (two-way) ramp from Tavistock Crescent. However, the ramp gradient is indicated to be 1:8 and does not include transition zones at the top and bottom. The Highways Planning Manager has requested further details of the ramp design to be secured via condition which is considered reasonable.

Servicing

S42 and TRANS20 requires off-street servicing. The largest regular service vehicle expected to be associated with a residential development in this location is the refuse collection vehicle. It is noted that provision is made for a refuse vehicle to be able to turn in Tavistock Crescent, as part of on-site refuse collection. Further, the site is located within a Controlled Parking Zone, which means that locations single yellow lines in the vicinity allow loading and unloading to occur. Objection has been received from residents in relation to the waste vehicle blocking the road. The Highways Planning Manager notes that this may result in localised congestion and conflict and obstruction to other highway users, including motorists, cyclists and pedestrians on the surrounding highway network, noting the existing situation, an objection has not been raised in this instance.

8.5 Economic Considerations

Westminster Economy Team have indicated that the scheme does not trigger a requirement for a payment towards Westminster Employment Service.

Any economic benefits that the scheme delivers are most welcomed including a clause within the unilateral undertaking for the provision of an employment training, skills and apprenticeships opportunities for residents of Westminster in relation to the construction phase of the development.

8.6 Access

Pedestrian access to the site will remain from Tavistock Road. Cars and bikes are located within the lower ground floor, which is accessed from Tavistock Crescent. Waste and waste vehicles will also service from the Crescent. All flats have been designed to be compliant with Part M Category 2 accessibility Standards. Of the 65 Units, 7 are wheelchair adaptable, spread between the lower ground and third floors and accessed via lifts. These units are to be secured by condition and in line with policy and acceptable.

Objection has been raised in relation to servicing to the rear on the residents who are worst affected by the development (in terms of daylight and sunlight). The applicant has demonstrated that a cleansing vehicle is able to suitably service the building from this frontage, and would appear to already service the existing care home from this frontage.

The servicing from this frontage is considered acceptable.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The Waste Project Officer requested some additional information in relation to waste and recycle storage and for a double door to the bulky waste store. Following the receipt of a revised plan, the proposed arrangement is now acceptable.

8.7.1 Trees, Open Space & Biodiversity

An area of open space is located to the west of the existing care home. This is largely fenced off with much of the land ring fenced into the care homes demise. A publicly accessible path does however lead up from Tavistock Road, between Falloden House and the care home up to an existing play area which is set in the open house between Harford House and Falloden House. Table 6 shows the existing and proposed size of the open space and how much of the area is open to the public.

Table 6: existing and proposed areas of openspace (sqm)

	Total area	Publicly accessible
Existing	1777	641
Proposed	1485	1328
Total	-292	+687

Policy ENV 15 of the UDP states that permission will not be granted for development of public/private open space, unless the proposals are essential and ancillary to maintaining or enhancing that land as valuable open space. It also states the City Council will encourage the enhancement of open space for public use.

ENV 16 of the UDP seeks to protect trees and shrubs, and seeks for new and replacement trees to be secured by conditions.

Policy DES 12 (Part A) of the UDP states development adjacent to open space must safeguard their value, wider setting and ecological value, preserve their historic integrity, protects views, and will not project above the existing tree or building line.

Policy 34 of the Emerging City Plan 2019-2040 relates to Green Infrastructure and seeks to protect open space, increase greening and biodiversity.

An Arboricultural Impact Assessment (AIA) has been submitted with the application, which has been assessed by the Councils Arboricultural Officers. The report notes that there are currently 20 trees on the site, 10 of which are to be removed as a result of the development proposals to facilitate the demolition of the existing building and construction of the new building. There has been considerable objection in relation to the loss of these trees and amendments to the area of open space or 'green square', on both biodiversity and also air quality grounds.

Of the trees which are to be removed the Arboricultural Officer (AO) raises objection on the grounds of the loss of a Norway Maple (tree 1) and a Sycamore (tree 14). The loss of the other trees is acceptable subject to their replacement. The AO has also been in

considerable dialogue with the applicant in relation to the impact of the proposed works on retained trees and in relation to the loss of the 2 trees. In order to ensure the protection of retained trees and in order to ensure that the proposed replacement trees and landscaping is secured, conditions are recommended. In addition, the applicant does not consider that the same quantum of trees can be replanted as have been removed due to underground services and site constraints, therefore a payment has been recommended to secure replacement planting off site. The AO has recommended a sum of £10,000 which would cover the cost of planting and maintaining no fewer than 8 trees, this is to be secured by Unilateral Undertaking.

The loss of the trees on the site is regrettable, however it is noted that efforts have been made to retain as many trees as is practicable. Conditions are recommended on the draft decision letter for the submission of details of landscaping and replacement planting. A condition is also recommended to ensure that the publicly accessible open space is provided prior to the occupation of the development.

As noted in the figures above, while total area of open space is to be reduced, the amount of space which is available for public use is to be doubled, which will benefit both existing and new residents. In order to maximise the potential of the site, the small loss of open space is on balance considered acceptable, particularly given the public benefits of providing a larger, and more useable area of the open space over to the public. Subject to the conditions and unilateral agreement to allow for suitable planting to be provided and the provision of the open space prior to occupation, it is considered that on balance the proposals are acceptable.

A condition is also recommended for the submission of details of bat and bird boxes to be submitted, this is to ensure that the biodiversity can be boosted across the site.

8.7.2 Sustainability

Westminster City Council declared a climate emergency in September 2019 and committed to becoming climate neutral as a borough by 2040. Energy efficiency and low carbon design are therefore key considerations for developments across the borough.

In order to help to achieve this goal, the applicant seeks to achieve compliance with the Passivhaus standard. By targeting Passivhaus, the development is set to significantly exceed the London Plan and Westminster City Council planning energy policies.

The building has been designed to be airtight, highly insulated and to include space heating, hot water and ventilation with heat recovery through a single combined system called an Exhaust Heat Pump Recovery System. The roof will maximise renewable energy generation with Photovoltaic panels, which will generate approximately 39% of the building's total energy requirement.

Despite the above measures taken to ensure the most sustainable, energy efficient building is provided, the scheme needs to comply with the Zero Carbon Homes requirement, as defined by the current London Plan. The remaining regulated carbon emissions associated with the site's residential element are therefore offset through a carbon offsetting contribution to the value of approximately £47,068. This is based on the recommendations of the Greater London Authority of a carbon offset fund of £95/tonne for a period of 30 years. This is to be secured via Unilateral Undertaking.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 in June and July 2019 and it was submitted to the Secretary of State for independent examination in November 2019. The City Plan examination hearings took place between 28 September and 16 October 2020. Following the examination hearings, the Council consulted on the main modifications recommended by the Inspectors between 30 November 2020 and 18 January 2021. However, having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract limited weight at this present time prior to the publication of the Inspector's final report.

8.9 Neighbourhood Plans

The site is located outside of an area with an adopted Neighbourhood Plan, however it is noted that the Notting Hill East Neighbourhood Forum is in the process of preparing one.

8.10 London Plan

This application is considered to be in accordance with the London Plan unless otherwise outlined within this report.

8.11 National Policy/Guidance Considerations

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

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

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

- 1) Method Statement of measures to protect trees on and close to the site
- 2) Auditable system of arboricultural site supervision
- 3) Details of vehicle access ramp
- 4) Contaminated land, however Phase 2 is currently being reviewed by the ESO and will be reported verbally
- 5) City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development

The applicant has agreed to the imposition of these conditions.

8.12 Planning Obligations

The draft 'Heads' of unilateral undertaking are proposed to cover the following issues:

- i. Provision of affordable housing equating to 41% of floorspace prior to the occupation of any of the market housing.
- ii. Submission of an early viability review if the works have not been substantially implemented within 24 months of permission being granted.
- iii. A financial contribution of £47,068 towards Carbon Offset Payments (index linked and payable on commencement).
- iv. Lifetime Car Club membership (25 years minimum) for the self-contained residential units provided on occupation.
- v. Highways works to facilitate the proposed development, including reinstatement of and alterations to the existing vehicle access and adjoining footway in Tavistock Crescent and Tavistock Road and associated works (legal administrative and physical)
- vi. Prior to commencement of development, the provision of an employment training, skills and apprenticeships opportunities for residents of Westminster in relation to the construction phase of the development.
- vii. Tree planting contribution of £10000 index linked to be used for the purpose of tree planting and maintenance within the vicinity, provided prior to commencement.
- viii. The costs of monitoring the Unilateral Undertaking.

The Community Infrastructure Levy helps to fund infrastructure such as transport schemes and schools which the council and local community and neighbourhoods require and helps to accommodate new growth from development. The Levy is spent on area wide needs, apart from 15% (or 25% if a neighbourhood plan is adopted) which goes to the neighbourhood.

The CIL payments associated with the development will be provided on application by Westminster CIL officer, however it is estimated at:

- Westminster - £960,848.45
- Mayoral CIL2 - £192,169.90

8.13 Environmental Impact Assessment (EIA)

The application is not EIA development. It is not considered to meet the threshold and criteria to constitute EIA development and the proposed development does not exceed the threshold set out for its category in Schedule 2 is not actually in one of the "sensitive areas" and is not considered likely to have a significant effect on the environment under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, environmental impacts are assessed where relevant elsewhere in this report.

8.14 Other Issues

8.14.1 Construction impact

Concerns have been raised in relation to disturbance as a result of construction. Given the scale of the proposed development, it will inevitably have an impact on the surrounding environment, however this is not a grounds for refusing planning permission. In order to mitigate the construction impacts the Council has adopted its Code of Construction

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Practice, which requires developments of this nature to submit details of how the construction phase of the development will be managed. This is to be secured by condition. It is also recommended that the applicant is advised of the Considerate Contractors scheme by way of an informative, which also seeks to ensure that developments are undertaken in a way as to reduce their impact and to work with surrounding occupiers. Subject to this condition and informative, the proposals are considered acceptable.

London Underground has noted that should the developer need a tower crane, London Underground Protection would be needed to advise on its size and location. An informative is recommended to advise the applicant of this.

8.14.2 Crime and security

The applicant has met with the Met Police Designing Out Crime Officer prior to the submission of the application, which has been amended in accordance with their comments. Such changes include the provision of defensible planting and suitably high fencing to the open space, to discourage anti-social behaviour. The building has also been amended in line with recommendations to reduce the opportunities for crime and improve security. These provisions are welcome and are secured through approving the proposed drawings.

8.14.3 Statement of Community Involvement

The applicant has submitted a statement of community involvement, which indicates that they have undertaken consultation with stakeholders and local residents, namely two in person exhibitions, a public webinar and two further zoom meetings. Objections have been received in relation to this engagement.

Objections have also been raised that Council could not act reasonably in terms of determining their own application (Councils' Own Development). The Planning Committee treats applications for Council's Own's Development the same way we determine any planning application. This application is being reported to Committee for a decision and this is in accordance with the Town and Country Planning General Regulations 1992 Section 10. It is not considered there is a conflict of interest, as the sub-committee is not the committee responsible (wholly or partly) for the management of any land or buildings to which the application relates to.

8.14.4 Fire safety

The applicant has confirmed that the proposals will meet Part B 'Fire Safety' of the Building Regulations. A Key Fire Safety Principles Report and strategy has been submitted. This is considered acceptable at planning stage, with any further details being scrutinised as part of buildings regulations approvals.

8.14.5 Children's Play Space

The site is not located within an area of identified Children's Play Space deficiency. There is an existing children's play area located to the north east of the site, adjacent to the open space. The planned works to the area of open space will improve access to this existing facility, which is welcomed.

8.14.6 Air Quality

Objections have been raised in relation to air quality, however this is largely due to the loss of the planting. The considerations in relation to the tree loss is discussed in section 8.7 of

this report.

During the course of the application additional information has been provided to the ESO in relation to air quality to demonstrate the predicted concentrations for Nitrogen Dioxide at a range of heights, on a range of facades of the proposed building nearest the Westway. The ESO has confirmed that these are acceptable.

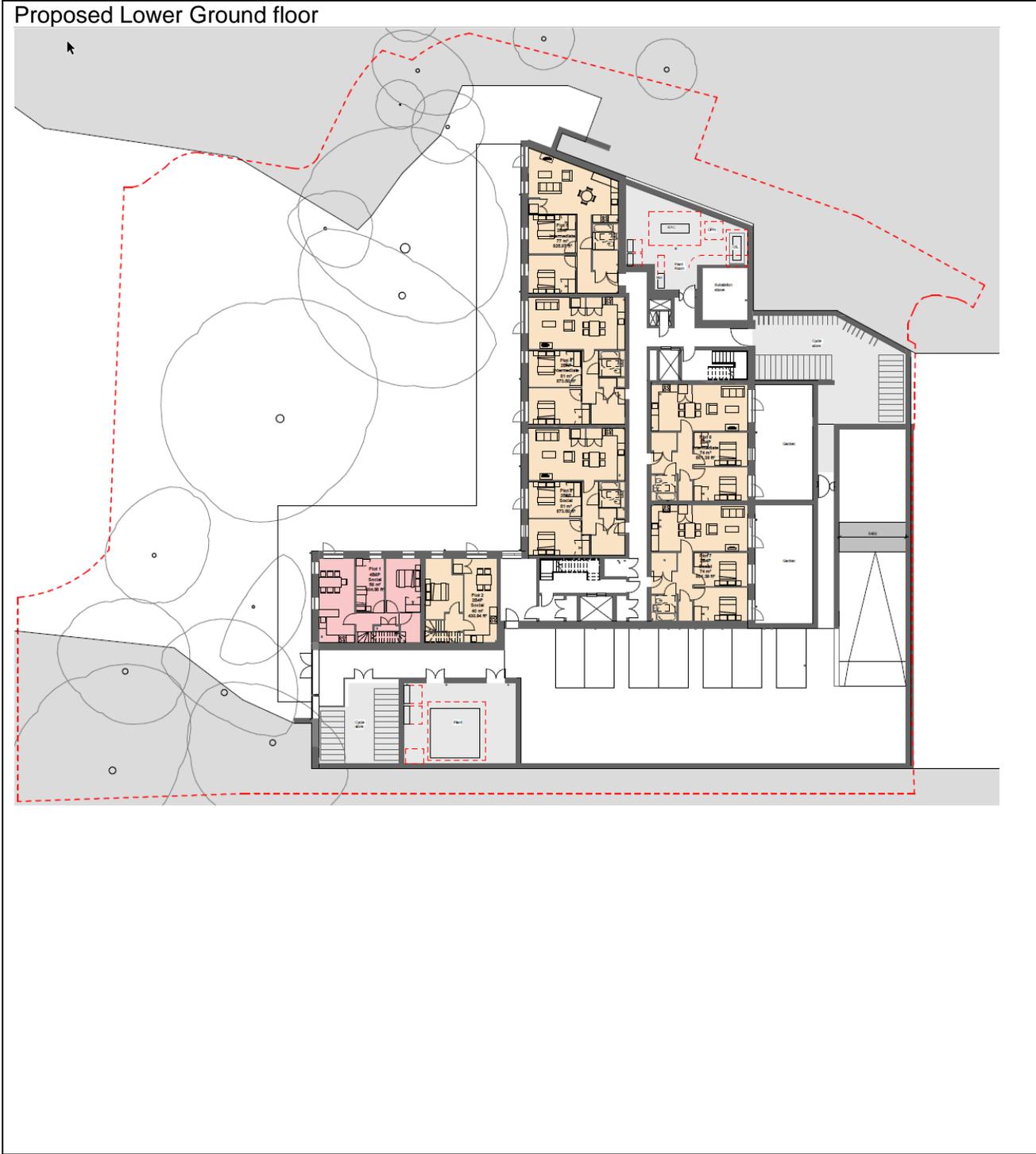
8.14.7 Contaminated Land

The ESO has provided comments in relation to the phase 1 risk assessment provided with the application and recommended the councils standard contaminated land condition to secure these details. A phase 2 study has also been provided, the ESO has reviewed this but considered that further work is required in relation to this phase and therefore does not agree that this part of the councils standard condition can be discharged without the submission of further information. The condition is therefore retained as only part 1 being discharged.

(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: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

Proposed Lower Ground floor



Proposed Ground Floor



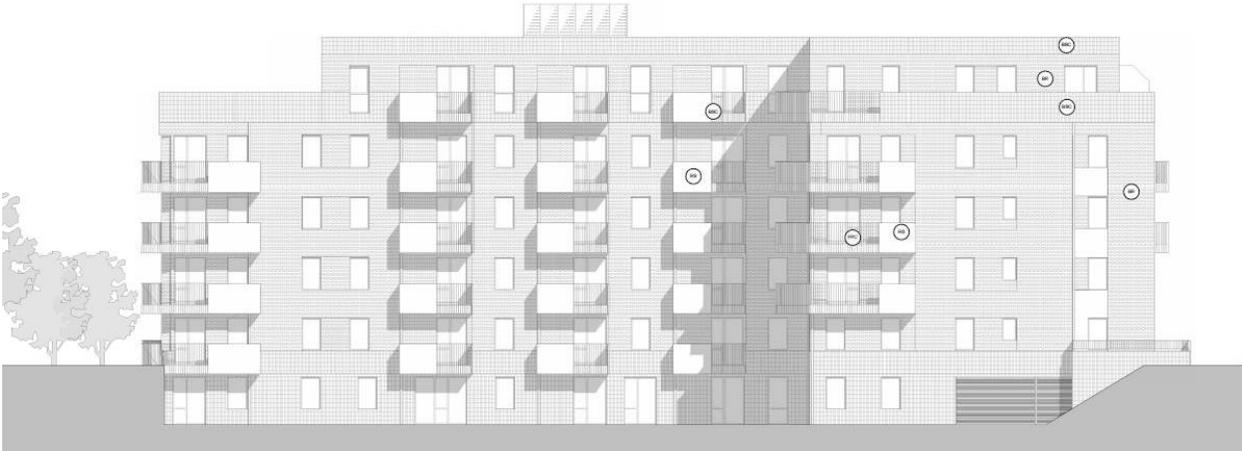
Typical proposed upper floor level (this is third)



Proposed South Elevation (Tavistock Road)



Proposed west elevation



Proposed east elevation



Proposed north elevation



Tavistock bay visual



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DRAFT DECISION LETTER

Address: Westmead, 4 Tavistock Road, London, W11 1BA

Proposal: Redevelopment of site to provide residential building with plant room (Use Class C3), together with associated landscaping, refuse storage, car and cycle parking and alterations to public realm.

Plan Nos: PL0010 P2; PL0011P3; PL0100P7; PL0101P7; PL0102P6; PL0103P6; PL0104P6; PL0105P6; PL0106P4; PL0110P2; PL0111P3; PL0112P6; PL0113P6; PL0114P7; PL0115P6; PL0116 P1; PL0117P3; PL0118P3; PL0119P3; PL0120P0; PL0121P0; PL0130P1; SK0000; SK0007; SK0008; SK0010 P1; SK0024P1; SK0025P2; SK0026P0; SK0101P3; SK0102P2; SK0103P2; SK0104P3; SK0105P3; SK0106P2; JSL3418-100E; 102 landscape proposals including existing services; Arboricultural Impact Assessment & Method Statement V6; Addendum to Energy / Sustainability statement RevA; Overheating report P03 by rps; Phase 1 Preliminary Risk Assessment Report V2 by RPS; Phase 2 Environmental and Geotechnical Site Investigation Report 02 by RPS.

For information only: SK0060 P0; Technical Response. Air Quality Acoustics dated 11.01.21; Daylight and Sunlight Addendum Letter dated 13 November 2020 by eb7; Daylight & Sunlight Report dated 28/08/2020 by eb7; Email from eb7 dated 3 March 2021; Design and Access Statement dated September 2020 by cgl; Air Quality Assessment Rev 1 by rps; Case to justify loss of care home use (C2) Rev 2 by rps; Financial Viability Assessment by Knight Frank dated 7 September 2020; Foul and Surface water drainage assessment 1.2 by rps; Detailed desk study (Stage 2) for potential UXO Contamination report V0 by rps; Utilities Statement P02 by rps; Flood risk assessment 3 by rps; Acoustic Design Statement dated 08/09/2020 by rps; Transport Statement dated September 2020 by rps; Energy and sustainability Statement Rev E by Etude; Preliminary Ecological Appraisal Statement 1 by rps; Built Heritage Assessment dated September 2020 by rps; Planning Statement dated 10 September 2020 by rps; Statement of community involvement dated 9 September 2020 by City of Westminster.

Case Officer: Rupert Handley

Direct Tel. No. 07866036401

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

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

Reason:

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

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

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

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

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

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

Reason:

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

- 3 You must apply to us for approval of 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)

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

Reason:

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

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

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- 6 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 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 **Prior to first occupation of the development**, the photovoltaic panels shall be provided on the roof as shown on the approved roof plan. The PV panels shall be maintained and retained for the lifetime 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)

- 8 **Prior to the occupation of the development**, a suitably qualified independent review of the energy efficiency measures to be provided within the development shall be provided to the Local Planning Authority. This shall confirm that the building has been designed to Passivhaus standards. If another method is used, it must be demonstrated to achieve an equally high standard. All the energy efficiency measures referred to in the review shall be installed and function before first occupation of the building. The features shall be maintained and retained for the lifetime of the development.

Reason:

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

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

Reason:

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

- 10 **Pre Commencement Condition**. You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the

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level of qualifications and experience needed to be registered. The details of such supervision must include:

- identification of individual responsibilities and key personnel.
- induction and personnel awareness of arboricultural matters.
- supervision schedule, indicating frequency and methods of site visiting and record keeping
- procedures for dealing with variations and incidents.

You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

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

- 11 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

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)

- 12 **Prior to the occupation of the development**, the area of open space to the west of the building must be provided, maintained and made publicly accessible thereafter.

Reason:

To increase biodiversity and to secure what is offered in accordance with ENV 15 and DES 12 of the UDP (adopted January 2007) and S35 of the City Plan (adopted November 2016).

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- 13 **Prior to the occupation of the development** details of bird and bat boxes shall be submitted to the Local Planning Authority (LPA) for approval. The boxes shall then be installed and maintained in accordance with these details prior to the occupation of the flats, unless otherwise agreed first in writing by the LPA.

Reason:

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

- 14 **Prior to the commencement of development**, the detailed design of the vehicle ramp shall be submitted to the Local Planning Authority. The ramp shall then be installed in accordance with these details.

Reason:

To make sure that the ramp is suitably designed for vehicles for which it has been designed, to avoid blocking the surrounding streets as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 15 All vehicles must enter and exit the basement in forward gear.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S29, S42 of Westminster's City Plan (November 2016) and ENV 6, ENV 13, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 16 **Prior to occupation of the development**, the car parking spaces within the basement shall have electric vehicle charging points available for use, and thereafter maintained in working order for the lifetime of the development.

Reason:

To provide electric vehicle charging for people using the development as set out in Policy T6 of the London Plan 2021.

- 17 **Prior to the occupation of the development**, the 7 disabled car parking spaces shall be provided for residential occupiers of the development only, with a maximum of 1 space per residential unit. The car parking spaces shall be retained and maintained for the lifetime of the development.

Reason:

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

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18 A minimum of 121 long stay cycle parking spaces shall be provided within the basement and 6 short stay cycle parking spaces shall be provided **prior to the occupation of the development**. The long stay spaces shall only be used by residential occupiers of the building. All the cycle parking shall be maintained and retained for the lifetime of the development.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy T5 of the London Plan (2021).

19 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)

20 All vehicle barriers shall be set back a minimum distance of 6m from the highway (footway) boundary.

Reason:

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

21 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number PL0101 Rev P7. You must clearly mark them and make them available at all times to everyone using the development. (C14FB)

Reason:

Prior to occupation of the development, the separate stores for waste and materials for recycling shown on drawing number PL0101 Rev P7 must be provided. They must be clearly marked and made available at all times to everyone using the development.

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

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

Phase 1: Desktop study – implemented in accordance with the Phase 1 Preliminary Risk

Assessment Report V2 by RPS.

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

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

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

(C18AA)

Reason:

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

- 23 (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

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- 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)

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

Reason:

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

- 25 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 and are not exposed to noise from the substation of more than noise rating 30 dB LAMAX (day) and noise rating 25 dB LAMAX (night). Residential habitable rooms are to achieve a 5 dB(A) improvement on the performance specifications within Document E of the Building Regulations.

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)

- 26 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15

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mins) by more than 10 dB one metre outside any premises.

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

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

Reason:

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

- 27 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 23 and 26 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 28 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 24 and 25 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51BB)

- 29 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

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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)

- 30 The main roof of the development as shown on plan PL0106 must not be used for sitting out or for any other purpose. It can be used for maintenance or in the event of an emergency.

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)

- 31 A minimum of 10% of the residential flats shall be wheelchair accessible.

Reason:

In accordance with Policy D7 of the London Plan (2021).

- 32 The 65 residential units as shown on the drawings hereby approved must be provided **prior to first occupation**, with a minimum of 13 family units (3 bedroom +).

Reason:

In order to build flexibility into the development proposal whilst maintaining optimisation of the site for residential purposes and an appropriate mix of unit sizes, including provision for family sized units, in accordance with policies H3 and H5 of our Unitary Development Plan adopted January 2007 and S14 and S15 of our City Plan Policies that we adopted in November 2016.

- 33 **Prior to the occupation of the development**, confirmation in consultation with Thames Water that either:

- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or
- a development and infrastructure phasing plan has been agreed with Thames Water, to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:

The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

- 34 **No piling shall take place** until a piling method statement detailing the depth, type of piling, methodology including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure and the programme for the works, has been submitted to

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and approved in writing by the local planning authority in consultation with Thames Water. The development shall be carried out in accordance with the approved details.

Reason:

To protect underground strategic water main utility infrastructure, as piling has the potential to impact on local underground water utility infrastructure.

35 Pre Commencement Condition. Prior to the commencement of any:

- (a) Demolition, and/or
- (b) Earthworks/piling and/or
- (c) Construction

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

Reason:

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

Informative(s):

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

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

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

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

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

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 3 In relation to condition 14 the details of the ramp should ensure minimum gradients of 1:8 are provided, including transition zones (1:10 and 1:20 as appropriate), to ensure long term usability and function of the vehicle ramp.
- 4 If a Tower Crane is required for the development, London Underground Infrastructure Protection would need to be advised of the size of the tower crane and where it will be positioned. If it is to the north of the site and it is sufficiently large enough, then LU will need to be consulted to ensure that the collapse radius is kept outside the LU boundary.
- 5 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you (www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide (www.cae.org.uk). If you are building new homes, you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk.

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 6 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: www.westminster.gov.uk/street-naming-numbering (I54AB)

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7 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.

8 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 visit our website at www.westminster.gov.uk/guide-temporary-structures.

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.

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 at www.westminster.gov.uk/contact-us-building-control

9 Thames water note the following: There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Workingnear-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

10 You must ensure that the details you submit to satisfy the tree protection conditions are prepared in conjunction with a construction management plan and site logistics details, as adequate protection of trees on/ adjacent to the site will rely heavily on an appropriate means of construction.

11 Condition 9 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:

- * the order of work on the site, including demolition, site clearance and building work;
- * who will be responsible for protecting the trees on the site;
- * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
- * how you will deal with accidents and emergencies involving trees;
- * planned tree surgery;
- * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
- * how you will remove existing surfacing, and how any soil stripping will be carried out;
- * how any temporary surfaces will be laid and removed;
- * the surfacing of any temporary access for construction traffic;
- * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
- * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
- * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
- * the place for any bonfires (if necessary);
- * any planned raising or lowering of existing ground levels; and
- * how any roots cut during the work will be treated.

12 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

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An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 13 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). For further information please use the following link: www.westminster.gov.uk/private-sector-housing. However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact the Environmental Health Consultation Team (Regulatory Support Team 2) by email at ehconsultationteam@westminster.gov.uk.
- 14 Condition 22 refers to a publication 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You can get a copy of this document at www.westminster.gov.uk/contaminated-land. For further advice you can email Public Protection and Licensing at environmentalsciences2@westminster.gov.uk.
- 15 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
- * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.
- Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.
- It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 16 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

- 17 Condition 24, 25 and 28 requires the submission of sound insulation measures and Noise Assessment Report to predict internal noise levels with the proposed residential units. Your assessment should include a BS8223 façade calculation using the glazing and ventilation specification to demonstrate that the required internal noise levels are achievable. (I93AA)
- 18 Supplementary Acoustic Report content:
- The acoustic survey is to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures.
 - A 24 hour noise survey is required as a minimum and it must be representative of the worst case scenario.
 - Measurements of existing LA90, 15mins recorded one metre outside the window of the nearest affected noise sensitive property (or a suitable representative position), at times when background noise is at its lowest during hours when the plant or equipment will operate. For plant design criteria the background noise level should be reported in terms of the lowest LA90, 15mins during the proposed hours of operation.
 - Measurement of existing LAeq recorded one metre outside the window of the nearest affected noise sensitive property (or a suitable representative position) and reported at LAeq,16 hours day (07:00 - 23:00 hrs) and LAeq, 8hours night (2300 - 0700 hrs).
 - A schedule of all plant and equipment that form part of the application including its location and associated: ducting; attenuation and damping equipment.
 - Manufacturer specifications of sound emissions in octave or third octave detail.
 - A site plan locating the location of most affected noise sensitive receptor location and the most affected window of it.
 - 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.
 - Measurement evidence and any calculations demonstrating that plant can meet the required noise level.
 - The proposed maximum noise level to be emitted by the plant and equipment (if an application is being made to fix the plant noise level).
- 19 Non Road Mobile Machinery:
The applicant is required to ensure that all non-road mobile machinery used during the demolition and/or construction phase meet the appropriate emission standards for use. Further information can be found at the following link: <http://nrmm.london/nrmm>. The environmental sciences team can provide further information and can be contacted at: environmentalsciences2@westminster.gov.uk
- 20 Where the existing background, ambient and maximum noise levels within the residential dwellings are very low, it is expected that the accuracy of the results should be taken into consideration when dealing with the measurement of very low noise levels. Standard Deviation of measurement is a recognised measure of accuracy of results and reasonable consideration should be given to Standard Deviation as well as the capabilities of the instrumentation used for the assessment. It is acknowledged that it is impossible to measure NR criteria which is below existing NR levels. Therefore, it is anticipated that the assessment of condition 25 will include a comparison of 'on/off' conditions and seek to investigate the 'increase' in measured levels with the above points taken into consideration. The assessment of Condition 25 Might also include a

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calculation approach where measurement is impractical or a combination of measurement and calculation may be appropriate. Measurement of condition 25 requires that residents allow the applicant access to carry out acoustic testing to demonstrate compliance with condition 25 through measurement. If access is not made available, the applicant may deploy a calculation approach and base the criteria on reasonable assumptions of the existing acoustic conditions within the residential properties.

APPENDIX A: Daylight results where VSC losses of are in excess of 20% their former value

Floor	Window	Use	With Balconies			Without Balconies		
			Existing	Proposed	% loss	Existing	Proposed	% loss
HARFORD HOUSE								
LG	W6	KITCHEN	11	7.5	-33.6	28	24	-14.5
	W16	KITCHEN	15	8	-47.4	24	17	-29.9
	W17	KITCHEN	12	5.4	-53.8	28	20	-27.1
	W18	LIVING	32	23	-26.4	34	26	-24.7
	W19	LIVING	30	22	-27.4	32	24	-26.4
	W20	LIVING	30	22	-27.7	33	24	-26.6
	W21	KITCHEN	19	12	-36.6	23	16	-31.9
	W22	KITCHEN	20	14	-28.1	22	17	-25.7
	W23	KITCHEN	18	12	-34.8	21	14	-31.4
	W24	KITCHEN	18	11	-41.5	21	13	-38.3
	W25	LIVING	29	20	-32.6	31	22	-30.9
	W26	LIVING	29	20	-30.8	30	22	-29.3
	W27	LIVING	31	21	-31.5	33	24	-29.4
	W28	KITCHEN	11	2.6	-75.5	27	18	-34.1
	W29	KITCHEN	15	6.3	-56.6	23	15	-35.3
	W30	LIVING	31	22	-29.4	34	25	-27.5
	W31	LIVING	31	22	-27.1	32	24	-25.4
	W32	LIVING	32	23	-28.2	34	25	-26.6
	W33	RESI	28	20	-29.2	31	23	-26.5
	W34	RESI	28	20	-28.6	31	23	-26.0
	W35	LIVING	31	23	-25.5	34	26	-24.0
	W36	LIVING	31	23	-25.2	33	25	-23.9
	W38	KITCHEN	14	10	-24.6	23	18	-20.7
	W39	KITCHEN	11	4	-62.3	27	20	-26.4
	W44	KITCHEN	20	14	-28.9	22	16	-26.4
	W50	KITCHEN	7.7	5.3	-31.2	24	21	-14.2
	W51	KITCHEN	13	9	-29.1	21	18	-18.2
GROUND	W8	LIVING	15	11	-26.2	37	33	-10.8
	W9	LIVING	13	9.5	-29.1	37	33	-11.4
	W10	LIVING	15	11	-28.5	37	33	-12.1
	W14	LIVING	15	9.6	-36.0	37	31	-16.2
	W15	LIVING	13	7.7	-42.1	37	31	-17.0
	W16	LIVING	14	8.4	-41.3	37	30	-17.8
	W17	KITCHEN	17	11	-37.4	26	19	-25.7
	W18	KITCHEN	18	13	-26.8	29	23	-23.2
	W19	LIVING	13	6.8	-48.9	37	29	-20.9

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	W20	LIVING	12	5.6	-54.1	37	29	-21.7
	W21	LIVING	14	6.8	-50.4	37	29	-22.6
	W22	KITCHEN	23	16	-30.7	30	22	-26.3
	W23	KITCHEN	30	22	-26.8	35	27	-23.0
	W24	RESI	7.2	2	-72.2	35	27	-22.6
	W25	RESI	26	18	-30.2	32	24	-25.0
	W26	RESI	30	22	-27.0	34	26	-23.7
	W27	RESI	27	19	-30.0	33	25	-24.8
	W28	RESI	29	21	-28.2	33	24	-25.2
	W29	KITCHEN	29	21	-28.5	35	26	-24.6
	W30	KITCHEN	23	16	-29.6	30	21	-29.1
	W31	LIVING	14	6.2	-56.6	37	27	-25.7
	W32	LIVING	13	4.7	-63.6	37	27	-25.5
	W33	LIVING	14	6.1	-57.0	37	27	-25.2
	W34	KITCHEN	17	10	-39.9	29	20	-30.1
	W35	KITCHEN	18	9.4	-46.9	26	17	-33.3
	W36	LIVING	14	5.9	-57.6	36	27	-24.7
	W37	LIVING	13	4.9	-61.4	36	27	-24.7
	W38	LIVING	14	6.6	-54.2	36	28	-24.2
	W39	RESI	26	19	-26.3	33	25	-24.6
	W40	RESI	31	23	-25.5	35	28	-22.3
	W41	RESI	26	18	-29.0	33	25	-23.3
	W42	LIVING	14	6.9	-50.7	36	28	-21.4
	W43	LIVING	12	5.5	-54.9	36	28	-21.2
	W44	LIVING	13	6.6	-50.0	36	29	-20.4
	W46	KITCHEN	17	12	-32.4	28	22	-23.5
	W47	LIVING	12	6.1	-48.7	36	29	-18.3
	W48	LIVING	11	5.4	-50.0	35	29	-17.8
	W49	LIVING	12	6.9	-43.4	35	29	-17.3
	W64	LIVING	11	7.4	-33.3	34	30	-11.0
	W65	LIVING	9.8	6.4	-34.7	33	30	-10.8
	W66	LIVING	11	8.1	-28.9	33	30	-10.2
FIRST	W17	KITCHEN	12	6.6	-44.5	29	24	-18.6
	W18	KITCHEN	12	8.1	-34.1	29	24	-18.5
	W30	KITCHEN	12	5.7	-52.1	29	21	-25.4
	W31	KITCHEN	12	5	-58.7	29	22	-25.2
	W35	RESI	20	14	-26.9	26	19	-24.2
	W36	RESI	20	14	-31.5	26	19	-25.1
	W41	KITCHEN	11	7.8	-29.7	28	23	-17.3
	W42	KITCHEN	12	6.5	-45.4	29	23	-20.0

	W55	KITCHEN	11	7.5	-29.9	27	24	-12.5
SECOND	W15	LIVING	15	11	-25.3	29	35	20.8
	W16	LIVING	16	12	-25.5	39	35	-10.6
	W19	LIVING	15	10	-31.3	39	34	-12.7
	W20	LIVING	14	9.1	-35.0	39	34	-13.2
	W21	LIVING	16	11	-32.7	39	34	-13.4
	W27	LIVING	17	11	-36.4	39	33	-15.8
	W28	LIVING	15	8.9	-40.3	39	33	-15.8
	W29	LIVING	16	10	-37.0	39	33	-15.8
	W30	KITCHEN	20	15	-26.6	30	25	-18.8
	W31	KITCHEN	20	14	-29.9	28	22	-21.8
	W32	LIVING	16	10	-37.5	39	33	-15.8
	W33	LIVING	15	8.9	-40.3	39	33	-15.6
	W34	LIVING	17	11	-35.8	39	33	-15.5
	W38	LIVING	16	11	-32.3	38	33	-13.8
	W39	LIVING	15	9.5	-35.4	38	33	-13.5
	W40	LIVING	16	11	-31.8	38	33	-13.3
	W43	LIVING	15	10	-30.8	38	34	-12.0
	W44	LIVING	14	9.2	-32.4	38	34	-11.7
	W45	LIVING	14	11	-22.7	38	34	-11.3
			With Balconies			Without Balconies		
Floor	Window	Use	Existing	Proposed	% loss	Existing	Proposed	% loss
Leamington House								
Ground	W2	NON-HAB	1.3	0.4	-69.2	15	11	-27.8
	W3	NON-HAB	9	4.7	-47.8	28	24	-16.1
	W4	RESI	9.6	4.9	-49.0	31	27	-15.3
	W5	NON-HAB	9.9	4.6	-53.5	32	27	-16.6
	W6	NON-HAB	9.9	3.9	-60.6	31	25	-19.6
	W7	NON-HAB	8.8	3.4	-61.4	27	22	-20.4
	W8	NON-HAB	1	0.1	-90.0	16	11	-26.9
	W9	NON-HAB	5.3	3	-43.4	18	16	-12.6
	W10	NON-HAB	26	18	-33.5	26	18	-33.5
	W11	NON-HAB	8.6	1.6	-81.4	8.6	1.6	-81.4
	W12	NON-HAB	28	18	-33.3	28	18	-33.3
	W13	NON-HAB	33	23	-30.2	33	23	-30.2
FIRST	W2	NON-HAB	2.3	0.7	-69.6	15	11	-24.8
	W3	NON-HAB	11	7.1	-36.0	30	26	-13.0
	W4	RESI	12	7.6	-35.6	34	29	-12.5
	W5	NON-HAB	12	7.3	-39.2	34	30	-13.7
	W6	NON-HAB	12	6.6	-45.0	33	28	-16.2
	W7	NON-HAB	11	5.8	-45.8	29	24	-17.2

	W8	NON-HAB	1.7	0.3	-82.4	17	14	-20.9
	W9	NON-HAB	6.7	4.7	-29.9	20	18	-10.7
SECOND	W3	NON-HAB	2.7	1	-63.0	13	10	-21.9
	W5	NON-HAB	14	10	-27.0	36	32	-10.3
	W6	NON-HAB	14	9.3	-31.1	35	31	-12.0
	W7	NON-HAB	12	8.3	-31.4	31	27	-12.4
	W8	NON-HAB	9.7	6.6	-32.0	24	21	-12.7
	W9	NON-HAB	9.2	6.6	-28.3	24	22	-10.7
	W10	NON-HAB	2.7	1.1	-59.3	18	16	-14.7
			With Balconies			Without Balconies		
Floor	Window	Use	Existing	Proposed	% loss	Existing	Proposed	% loss
54 LEAMINGTON ROAD VILLAS								
GROUND	W1	RESI	23	16	-30.0			
			With Balconies			Without Balconies		
Floor	Window	Use	Existing	Proposed	% loss	Existing	Proposed	% loss
1-44 FALLODEN HOUSE								
GROUND	W3	RESI	20	15	-25.1	31	26	-16.9
	W4	RESI	8.5	3.9	-54.1	27	22	-18.6
	W7	STAIR	8.3	5.5	-33.7	9.4	6.4	-31.9
	W8	STAIR	12	7.8	-33.3	13	9.3	-29.5
	W11	STAIR	11	7.5	-31.8	12	8.3	-30.8
	W12	STAIR	12	8.8	-26.1	13	9.5	-25.2
	W14	RESI	27	20	-26.7	34	26	-21.5
	W15	RESI	20	13	-36.0	31	24	-23.2
	W16	RESI	8.2	2.6	-68.3	27	20	-25.9
	W20	RESI	24	17	-28.7	30	23	-22.6
	W21	RESI	19	12	-35.8	30	23	-23.0
	W22	RESI	8.3	2.5	-69.9	27	20	-25.6
	W23	RESI	27	20	-25.7	29	22	-24.4
	W24	RESI	22	16	-28.6	25	18	-26.9
	W26	RESI	26	19	-28.0	33	26	-22.5
	W27	RESI	20	13	-36.1	31	24	-23.6
	W28	RESI	8.5	2.2	-74.1	27	20	-26.7
	W32	RESI	23	17	-25.7	31	25	-20.0
	W33	RESI	19	13	-31.7	31	24	-20.3
	W34	RESI	8.3	2.9	-65.1	27	21	-22.2
FIRST	W5	RESI	13	7.6	-41.1	34	29	-15.8
	W6	RESI	14	8.8	-37.6	33	27	-16.5
	W7	STAIR	12	8.2	-29.9	13	8.8	-30.7

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	W11	RESI	25	19	-25.7	33	26	-20.4
	W12	RESI	22	16	-25.5	28	21	-22.7
	W13	RESI	13	6.6	-48.8	36	29	-19.2
	W14	RESI	18	12	-34.6	35	29	-19.2
	W18	RESI	21	16	-26.2	28	22	-21.8
	W19	RESI	11	5.4	-52.6	30	24	-21.1
	W20	RESI	8.8	3.4	-61.4	25	20	-23.2
	W24	RESI	22	16	-28.1	28	22	-22.9
	W25	RESI	13	6.2	-50.4	35	29	-18.7
	W26	RESI	18	12	-32.0	35	29	-18.2
	W32	RESI	18	13	-26.7	35	30	-14.5
SECOND	W4	RESI	16	12	-26.3	35	31	-11.8
	W5	RESI	11	6.9	-34.3	30	26	-14.1
	W13	RESI	15	9.4	-37.3	35	29	-16.2
	W14	RESI	10	5.2	-49.0	29	23	-19.3
	W20	RESI	14	8.6	-37.7	33	28	-16.1
	W21	RESI	10	5.1	-49.0	29	24	-18.1
	W29	RESI	10	4.8	-53.4	29	24	-19.1
	W35	RESI	14	9.2	-32.8	34	29	-13.6
	W36	RESI	10	5.7	-43.0	29	24	-15.3

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 th March 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Marylebone High Street	
Subject of Report	69 Chiltern Street, London, W1U 6NL		
Proposal	Erection of a mansard roof extension and extension of existing rear closet wing at second floor. Excavation/lowering of the existing basement floor level and rear courtyard to basement level and installation of retractable glass roof above at first floor. Installation of new windows to front and rear elevations and a flush walk-on rooflight over one of the existing front lightwells, and associated works, all in association with the continued use of the property as a single-family dwelling (Class C3).		
Agent	ADOVA		
On behalf of	GUPTA		
Registered Number	20/00506/FULL	Date amended/ completed	5 February 2020
Date Application Received	24 January 2020		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY

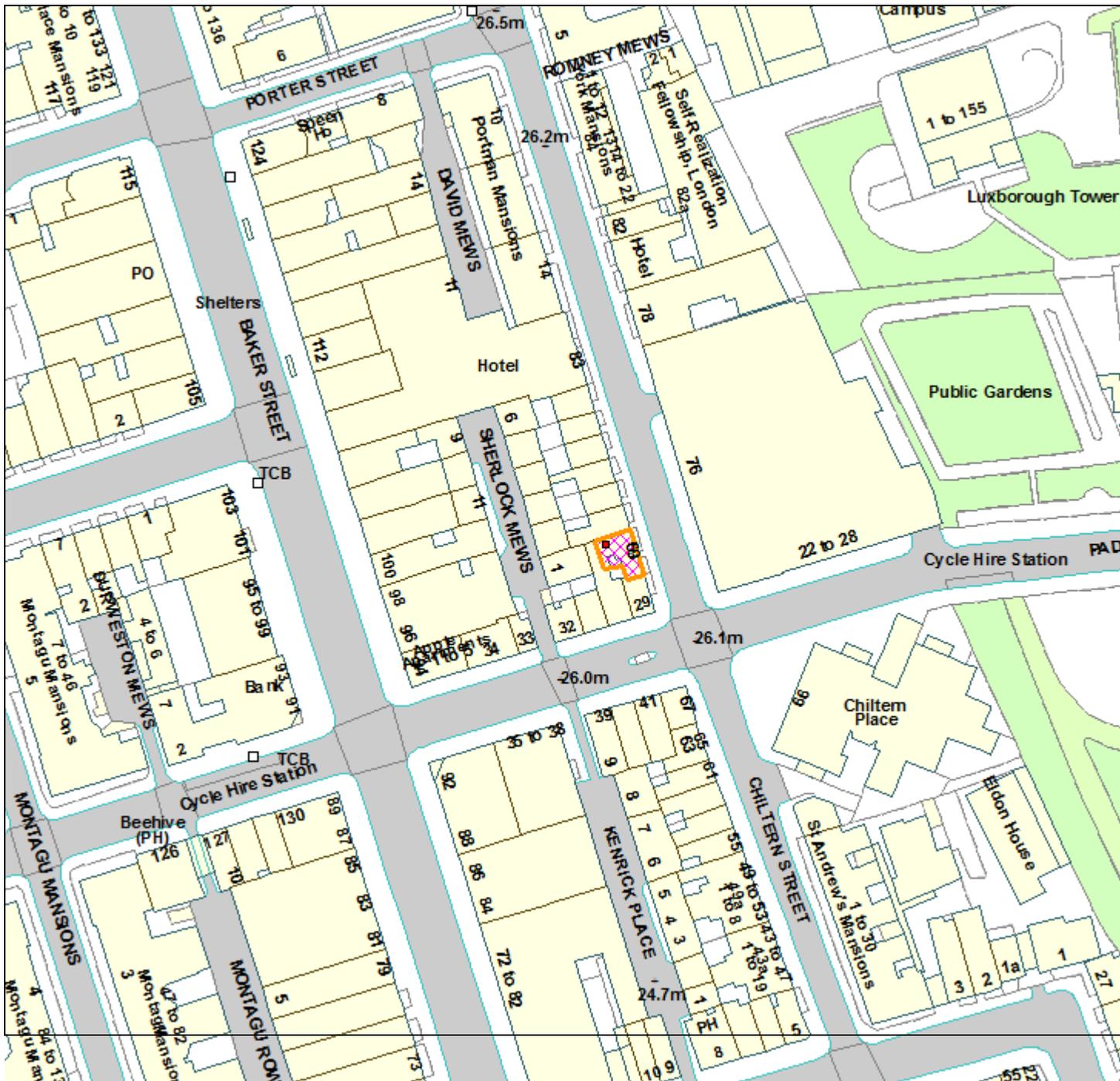
The site is single family dwelling located within the Portman Estate Conservation Area. The building is arranged over lower ground, ground, and two upper floors. The owners seek to enlarge the dwelling through the erection of a mansard roof and small rear extensions at second floor level to deepen the existing closet wing at this level and to provide enhanced amenity space in the form of a courtyard with retractable roof.

The key issues for consideration are:

- The impact of the proposals on the special character of the Portman Estate Conservation Area; and
- The impact of the proposed works on the amenity of the neighbouring residential occupiers.

Following the removal of a previously included terrace from the roof of the proposed extended rear closet wing from the scheme, the proposals are considered to be in accordance with relevant national and local policies with regard to land use and amenity impact, subject to conditions prohibiting the use of a flat roof as amenity space and securing obscure and fixed shut windows in some locations. Furthermore, the proposed alterations to the building will not harm the character or appearance of the Portman Estate Conservation Area. For these reasons, it is recommended that conditional permission be granted.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

HIGHWAYS PLANNING

Objection: Cycle and waste storage not shown on submitted drawings. Clarification sort on works to pavement vaults.

BUILDING CONTROL

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 59

Total No. of replies: 7

No. of objections: 6 (from 4 respondents)

No. in support: 1

Six objections (two people have objected twice) have been received covering some or all of the following grounds:

Amenity:

- Loss of daylight and sunlight,
- Overlooking (from now omitted roof terrace),
- Noise (from now omitted roof terrace),
- Noise from use of basement courtyard (including from the operation of the sliding roof above),
- Overlooking from proposed dormer windows, and

Design and Conservation:

- Substantial structural alterations to the building will be detrimental to both the site and the connected buildings,
- Overdevelopment of the property, and
- Impact on the Conservation Area.

Other:

- Loss of view as result of increase in building at the rear.
- New windows on boundary of site in contravention of party wall act and which allow access to flat roof of property that is not part of the site,
- Precedent set if roof terrace allowed (roof terrace now omitted),
- New glazed roof over basement courtyard will allow access to neighbouring roofs which is a security issue,
- Structural stability of the property as a result of the works, and
- Anticipate deeper excavation for stabilising building required.
- The rear wall is a party wall and therefore should not have a window within it at extended second floor level.

One letter of support has been received stating they consider that the scheme will be of

“... great value to the neighbourhood as it will bring more customers and it will improve the look of the street.”

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site is an unlisted single family dwelling located in the Portman Estate Conservation Area. The property comprises of lower ground, ground, and two upper floors. It is located near the junction of Chiltern Street and Paddington Street, and the rear of the property abuts the rear of 31 Paddington Street.

6.2 Recent Relevant History

None applicable

7. THE PROPOSAL

Planning permission is sought to allow the erection of a mansard roof extension and enlargement of an existing rear closet wing at second floor, excavation/lowering of the existing basement and rear courtyard to basement level and installation of a retractable glass roof above at first floor. Also proposed are the installation of new windows to front and rear elevations and a flush walk-on rooflight over the southern existing front lightwell, all in association with the continued use of the property as a single-family dwelling (Class C3).

The floorspace figures for the development are shown in the table below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential (Class C3)	197	257	+60
Total	197	257	+60

The proposals initially included the use of that new flat roof on top of the closet wing as a balcony. However, following officer site visits to neighbouring properties, it was found this would have caused unacceptable direct overlooking into neighbouring windows, including bedrooms. The applicant therefore agreed to remove this element of the proposal.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Residential use

The application results in a small increase in residential floorspace as a result of the mansard roof extension and enlargement of the existing rear closet wing at second floor. Some additional internal/external space will also be provided at rear basement level as a

result of the installation of the retractable glass roof that will internalise a small lightwell. This is considered acceptable in land use terms and is compliant with Policy H3 of the UDP and Policy S14 of the City Plan, both of which seek to increase the residential floorspace within Westminster.

8.2 Townscape and Design

The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

69 Chiltern Street is an unlisted building in the Portman Estate Conservation Area. It makes a positive contribution to the character and appearance of the conservation area.

Mansard Extension

While the Portman Estate Conservation Area Audit identifies the building as one which is unsuitable for extension at roof level, this is presumably on the basis that the roof extension at no 71 is an unfortunate intrusion into an otherwise unaltered terrace and should not form a precedent. The roofline of no 69, falling between the extension at 71 and the taller building on Paddington Street is now of lesser value in townscape terms because it has been so compromised by the extension at no.71. On this basis, the proposed mansard extension is acceptable in townscape terms.

The building to the south is a full sheer storey taller than the application site, and the building to the north already has a mansard extension. The form (roof slope) is acceptable, as are the proposed materials. The front windows are larger than would ordinarily be acceptable in a mansard storey (they should normally be smaller than those on the lower floors), but on this site the parapet wall is unusually tall, and the windows will read as acceptably proportioned.

To the rear the windows and door openings have been reduced in scale and are now considered to be acceptable in design terms.

New Basement Opening

The widening of the existing double doors into the basement lightwell is now acceptable. The scale of the opening has been reduced and is now the same width as the ground floor window above.

Enclosure of Part of Front Lightwell

Enclosure of lightwells is often contentious. In this case however, both lightwells have had grilles installed within them recently utilising permitted development rights. The south end of the lightwell is already largely roofed, with only a small section of grille remaining. The proposed alteration retains the grille, and adds glazing beneath, creating a hybrid opening which is considered to preserve the appearance of this part of the building. A condition is imposed requiring submission of details of this hybrid grille/rooflight.

Rear Infill

The infill of the existing yard and the creation of an atrium at ground and lower ground with a sliding roof is considered to be acceptable. Whilst this is an unconventional arrangement, these works will be entirely hidden within the footprint of the building and will not impact on the appearance of the conservation area. The existing yard is so small that its loss, in design terms, can be considered to be acceptable.

Rear Extension

The proposed increase in the depth of the second-floor bathroom is contrary to policy (UDP Policy DES 5) which states that rear extensions should terminate at the penultimate floor. However, there is already a small extension at this level. The proposed increase in depth would bring the extension level to the consistent rear building line of the (flat fronted) adjacent terrace. On this basis and as discussed below, it is acceptable in design and conservation terms.

Objections

Of the objections received, two relate to design grounds. One maintains that between the basement works, the yard enclosure and the mansard extension that the works would result in overdevelopment. The other considers that the scale of the extensions at the rear of No.69 is too big.

The works at ground and lower ground floor are all behind the tall boundary wall; their impact on the conservation area is considered to be negligible. The increase in the depth of the second floor bathroom is modest, and results in a consistent building line with the adjacent buildings. The roof extension is acceptable in townscape terms. The objections are therefore not supported in design terms.

As such, the proposal is considered acceptable, mindful of policies DES1, DES5, DES6, and DES9 of the UDP and S25 and S28 of the City Plan; and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

Council records indicate that the site is surrounded by a large amount of residential properties, both in adjacent properties on Chiltern Street and to the rear in the properties on Sherlock Mews. There are also residential properties south of the site which front onto Paddington Street. The building opposite the site at 76 Chiltern Street also has residential properties within it.

Sunlight and Daylight

Objections have been received from the residents in Sherlock Mews and on Paddington Street 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 daylight and sunlight report submitted in support of this application has assessed the impact of the proposals on 29, 30 & 31 Paddington Street, 1 & 2 Sherlock Mews and 74 to 76 Chiltern Street. The objector's properties are included within this assessment.

Daylight

Under the BRE guidelines, the amount of daylight received to a property may be assessed by the Vertical Sky Component (VSC) 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.

In terms of VSC, the report demonstrates that of the 53 windows assessed, all are compliant with BRE guidance. Any losses experienced at the windows assessed are below the 20% identified as being noticeable by BRE, with the highest three losses to residential windows being 10%, 11% and 13%. All other losses are between 1%-8%.

The distribution of daylight within a room is calculated by plotting the 'no sky line' (NSL). The NSL is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value. The report demonstrates that while there are some losses in excess of the BRE guide in respect to NSL, these are only to rooms which are identified as being in non-habitable use as bathrooms/staircases. Whilst an objection has been raised on the grounds that two bedroom windows would see absolute losses of 1% (a percentage loss of 3%), these losses are significantly below the threshold set out within BRE guidelines and would not be noticeable. The 6% loss the objector refers to is to a bathroom window, resulting in a percentage loss of 25%. However, the BRE guide states that windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed and as such these losses are considered acceptable in this instance.

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), the loss is greater than 20% either over the whole year or just during

winter months and the absolute loss of APSH is greater than 4%, 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 to habitable windows in APSH are below 20%, with the highest being 4%. There are shown to be no losses in winter APSH.

The existing amenity space at the rear of 29 Paddington Street has also been assessed within the report. The courtyard in question is identified as receiving no sunlight currently (due to it being very small and in a small corner between the site and the rear of the Paddington Street buildings). The report identifies that this situation will not change as a result of the proposal.

Objections

Objectors have raised concern about the impact of the proposal on daylight and sunlight. The submitted report demonstrates that all windows assessed, which include the objectors' properties comply with BRE guidelines both in terms of daylight (VSC) levels and sunlight (APSH). As noted above, there are minor losses shown in the Daylight Distribution (NSL) section of the submitted report (to three windows) however, these are to two rooms identified as being in non-habitable use and to a bathroom. They would not therefore be identified as being afforded any protection under BRE guidelines.

Sense of Enclosure

While the existing rear area between Chiltern Street, Paddington Street and Sherlock Mews is characteristically small and enclosed, it is not considered that the proposed works would lead to any significant increase in sense of enclosure for any of the surrounding residential properties.

Privacy

The scheme originally included a terrace on the new flat roof on top of closet wing at the rear. This drew objections relating to loss of privacy and increased overlooking from neighbouring residents. Following a site visit to these objectors, it was clear that the terrace would afford direct views into a number of rooms of surrounding properties, including bedrooms. Following officer advice, the applicant has removed this feature from the proposals. As such, these objections are now not relevant. A condition is recommended to be imposed to prevent the flat roof of the closet wing being used for sitting out so as to prevent loss of amenity.

Loss of privacy and overlooking has also been raised by objectors in relation to new windows proposed on both the closet wing and from the dormer windows in the mansard. The applicant has agreed to install obscure glazing and fix shut the new windows in the closet wing, which shall also be secured by condition. In terms of overlooking from the dormer windows, it is not considered that these would create a significant increase in overlooking as they are set behind the existing building line and would only afford obtuse views to the rear of properties on Paddington Street. A Juliet balcony is proposed (where access to the terrace would have been) however, again this is set behind the existing building line. It is located at the furthest point of the property from which there are possible views to neighbouring buildings and as such, it is not

considered that this element will create any unreasonable overlooking. As such, these objections cannot be upheld.

Noise

Objections have been received stating concern over noise from use of the initially proposed terrace and the basement courtyard. Following the removal of the terrace from the application these objections can no longer be upheld. With regards to the objections relating to the use of the basement courtyard, there is already a small courtyard space at the property so noise may already be generated from this space. While the new courtyard will be larger, it will also have a retractable glass roof above it, allowing it to be enclosed at times. Possible noise could therefore be prevented from escaping when the roof is closed, whereas that is not the case now. As this is a single-family dwelling, it would be unreasonable to impose conditions restricting the way in which his courtyard can be used. As such, the objections in relation to noise from this area cannot be upheld. The objector also raises concern regarding noise and vibration as a result of the openable roof opening and closing. There is no information as to if the operation of the roof will be operated mechanically or manually however, standard conditions shall be applied to limit noise and vibration from mechanical machinery, should there be any.

8.4 Transportation/Parking

The Highways Planning Manager has assessed the application and raised objection on the grounds that cycle and waste storage are not shown on submitted drawings. As the proposal is not providing a new residential unit, it would not be considered reasonable to secure such details at application stage or by condition. These points of objection therefore cannot be upheld.

Clarification has also been sought on whether works are proposed to the pavement vaults. The initial drawings were unclear on this aspect however these have been updated and the applicant has confirmed that no such works are taking place. As such, there are no highways concerns with regards to this aspect.

8.5 Economic Considerations

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

8.6 Access

Access to the property will be unchanged by these proposals.

8.7 Other UDP/Westminster Policy Considerations

None applicable.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 in

June and July 2019 and it was submitted to the Secretary of State for independent examination in November 2019. The City Plan examination hearings took place between 28 September and 16 October 2020. Following the examination hearings, the Council consulted on the main modifications recommended by the Inspectors between 30 November 2020 and 18 January 2021. However, having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract limited weight at this present time prior to the publication of the Inspector's final report.

8.9 **Neighbourhood Plans**

None 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.

8.13 **Environmental Impact Assessment**

Not applicable.

8.14 **Other Issues**

Security

Objectors have raised various concerns over security, specifically in relation to how new windows and the glazed roof would allow access across previously inaccessible roofs etc. While these concerns are noted, it would be unreasonable of the Council to withhold permission on these grounds in this instance. The rear area is already accessible from various other windows at surrounding properties. There is however no access to the rear of these buildings from a public street or space, with access only being possible from adjoining private properties.

Views

An objector has stated that the proposal will result in a loss of views as result of increase in building at the rear. The proposed works to the closet wing will bring the building line out to match that of the neighbouring building to the north. The impact upon views is not a planning consideration and as such the objection cannot be upheld.

Basement excavation and structural matters

An objector has raised concern regarding the structural stability of the property as a result of the works and that they anticipate that deeper excavation would be required than is indicated to secure the building and its foundations. They have concerns how any issues with building stability at the site may impact neighbouring properties. In relation to the basement works, the applicant has provided a Structural Engineering report explaining the likely methodology of excavation, as well as the drainage, groundwater regime and structural stability. 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.

Building Control officers raise no objections at this stage based on the details submitted. The report shows that, with the integral professional duty of care, there is no reasonable impediment foreseeable at this stage of the scheme and building regulations will have to be satisfied in due course, including in relation to the concerns raised by the objector in relation to removal of internal walls and chimney breasts. 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. As such, the objections on these grounds cannot be upheld.

Party Wall

Objection has been received relating to a proposed new window on the boundary of the site at the second floor of the closet wing. Windows directly on the boundary of sites cannot be protected by the Council should the property on the other side of this boundary ever wish to extend to the full extent of the site of this level. A condition has been imposed requiring this window to be obscure glazed and fixed shut and therefore the room could continue to be used even if the window were blocked up by development of the adjoining site. The objector states that this window is contrary to the Party Wall Act. However, party wall issues do not fall within the planning system and is a private legal matter. As such, this objection cannot be upheld.

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

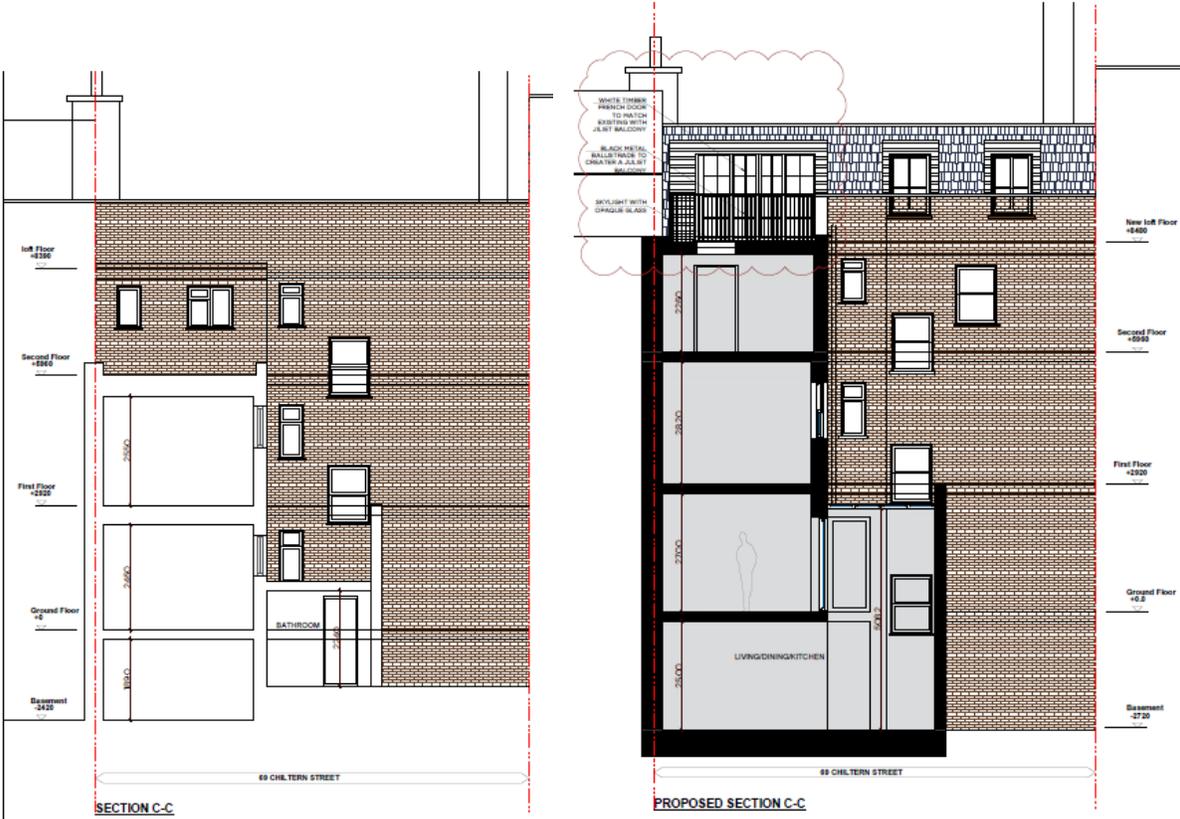
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalm@westminster.gov.uk

9. KEY DRAWINGS

Existing (left) and Proposed (right) Front Elevation



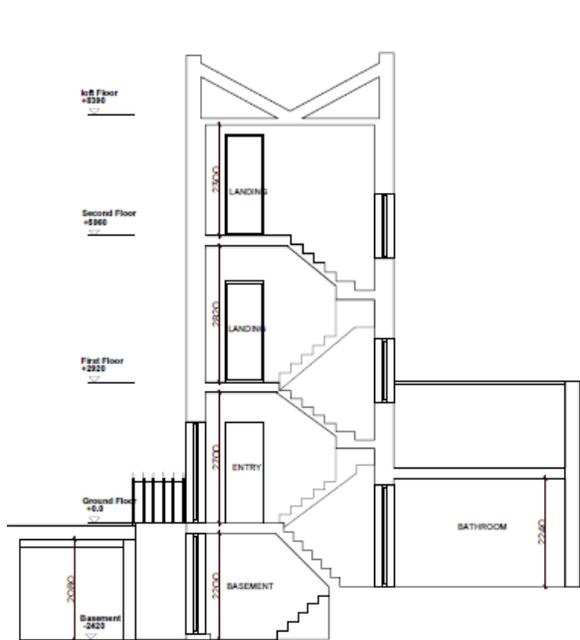
Existing (left) and Proposed (right) Rear Elevation



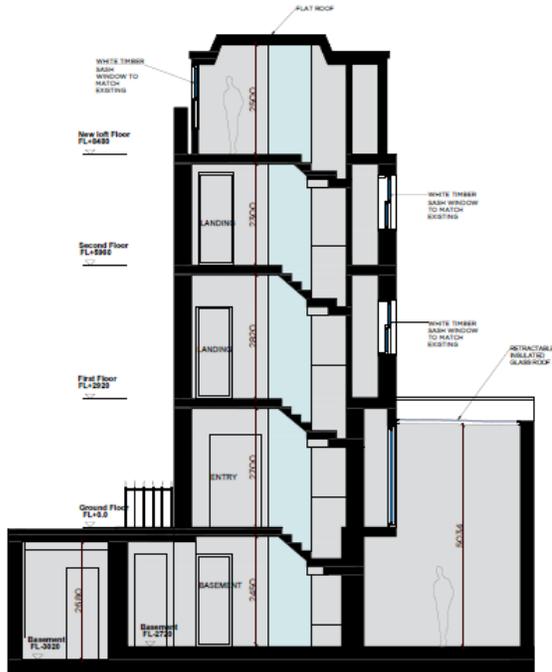
Existing (left) and Proposed (right) Section A-A



Existing (left) and Proposed (right) Section B-B

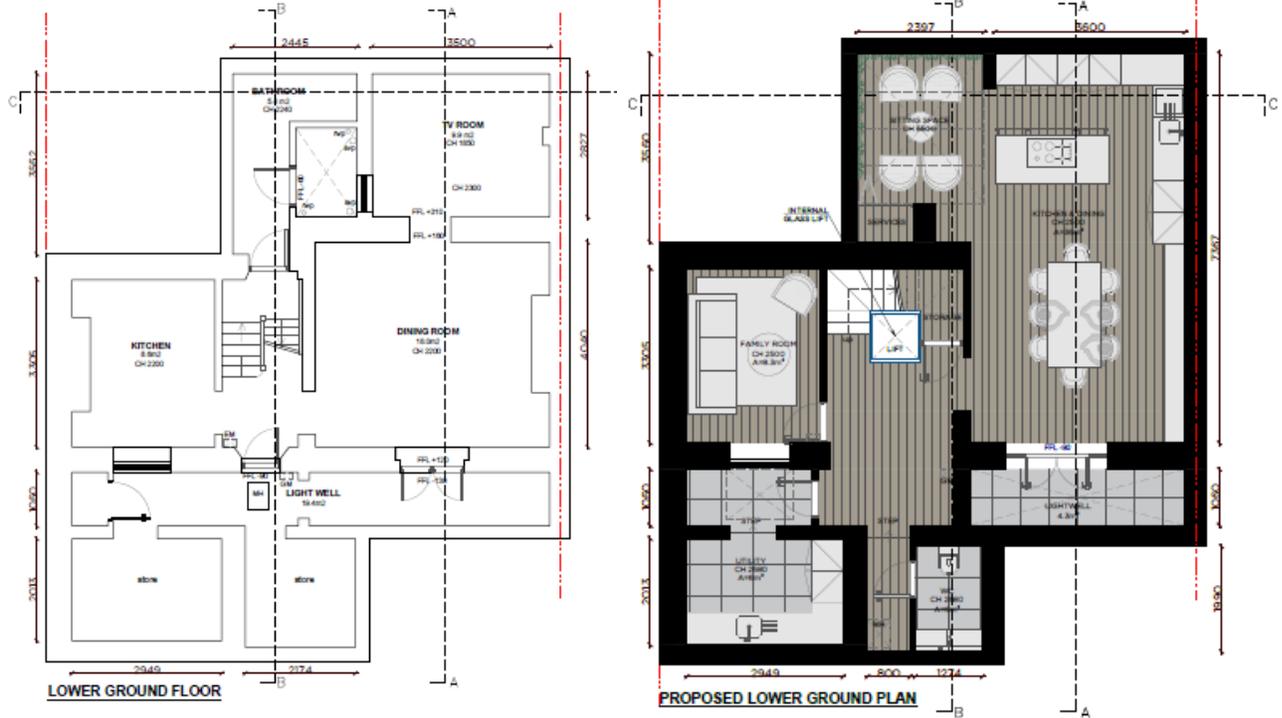


SECTION B-B

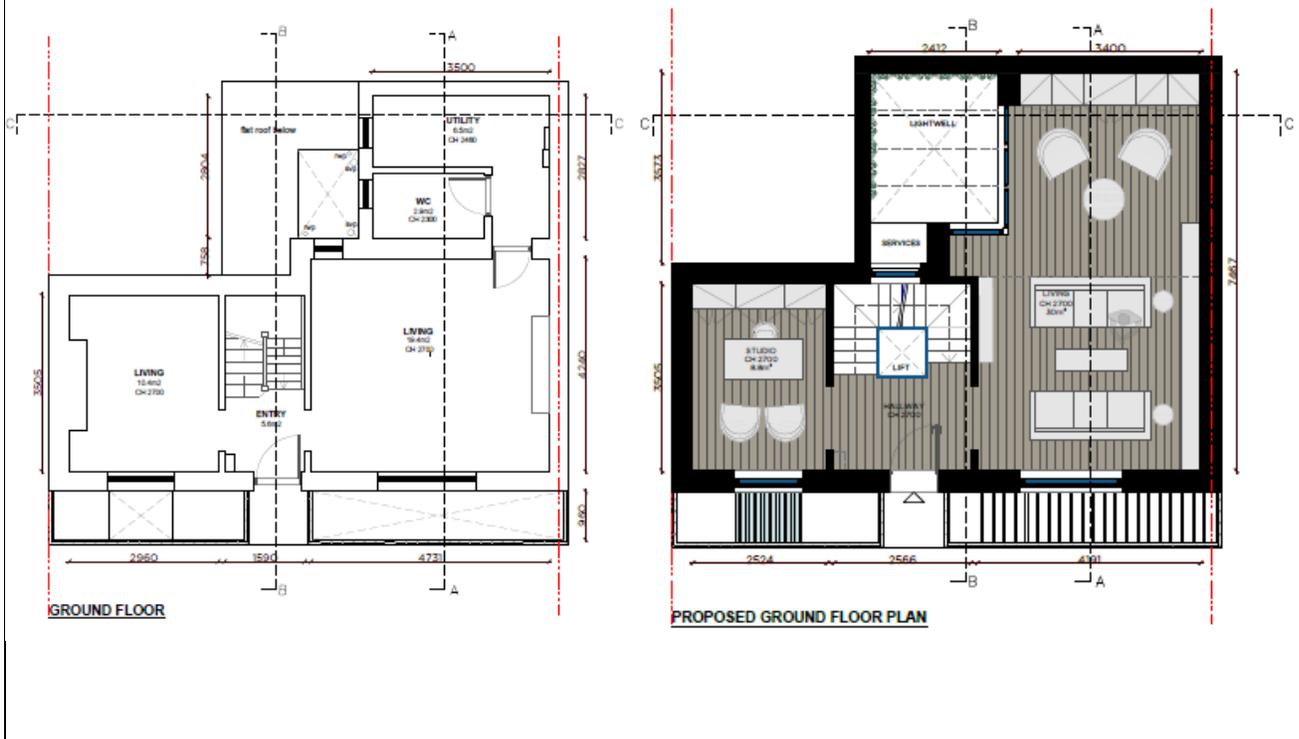


PROPOSED SECTION B-B

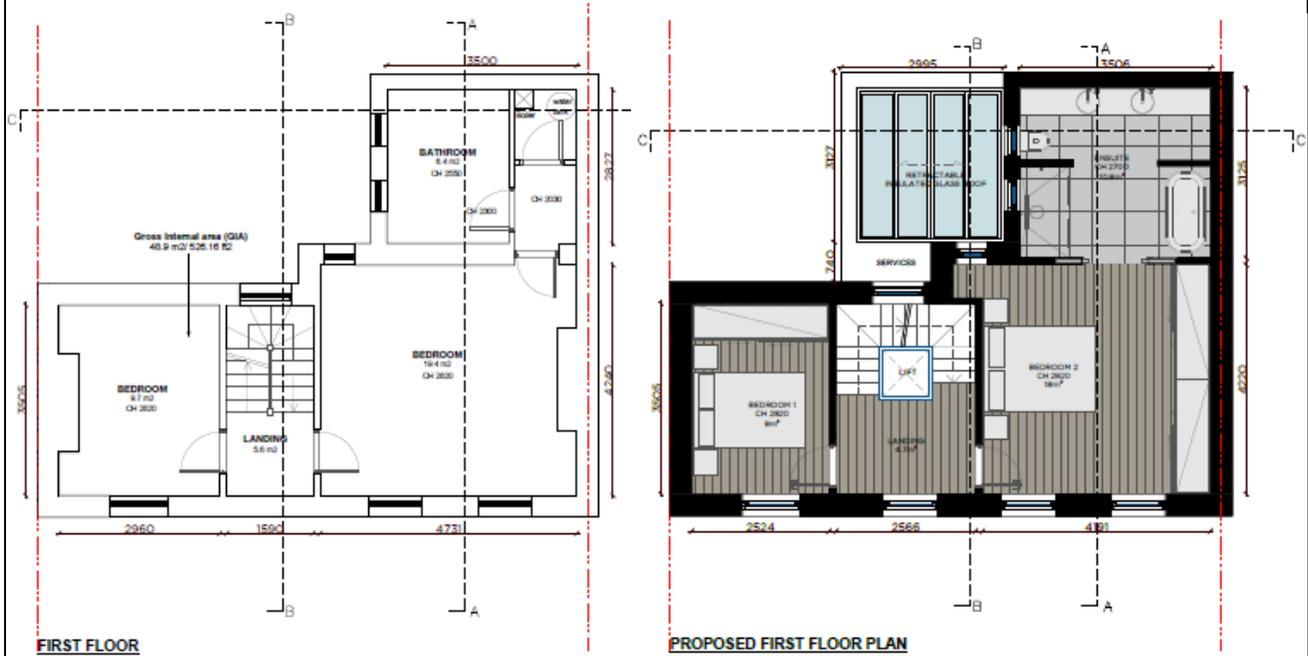
Existing (left) and Proposed (right) Lower Ground Floor Plan



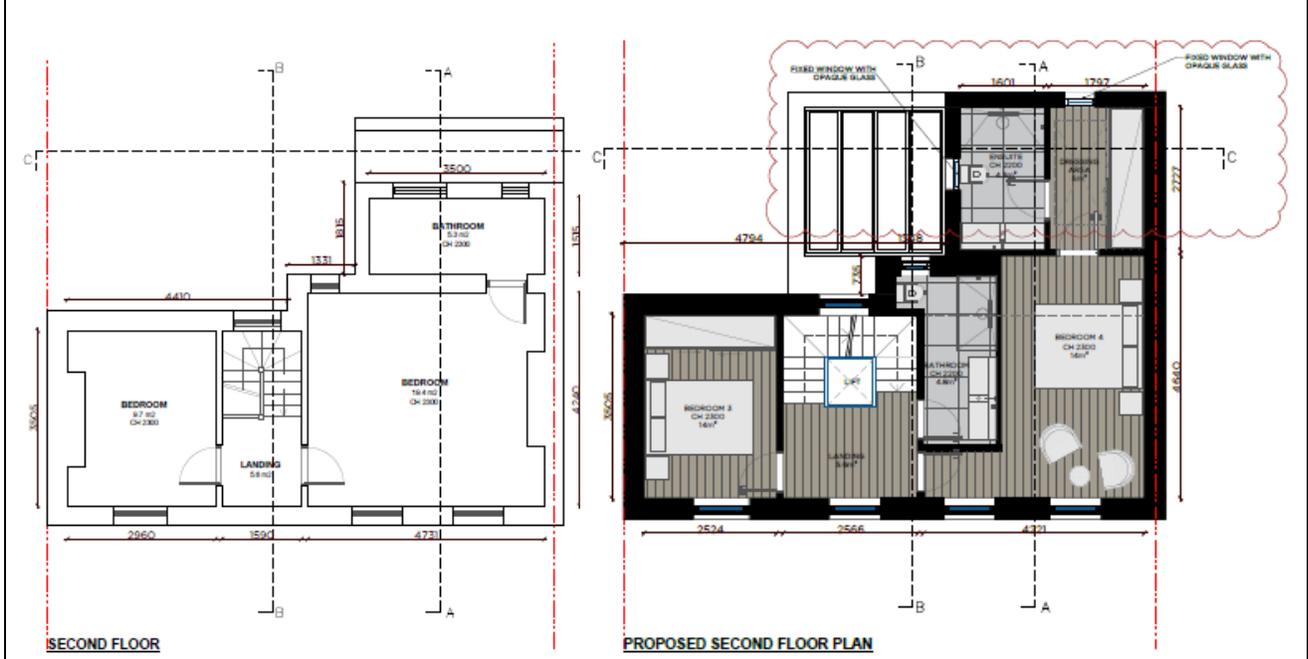
Existing (left) and Proposed (right) Ground Floor Plan



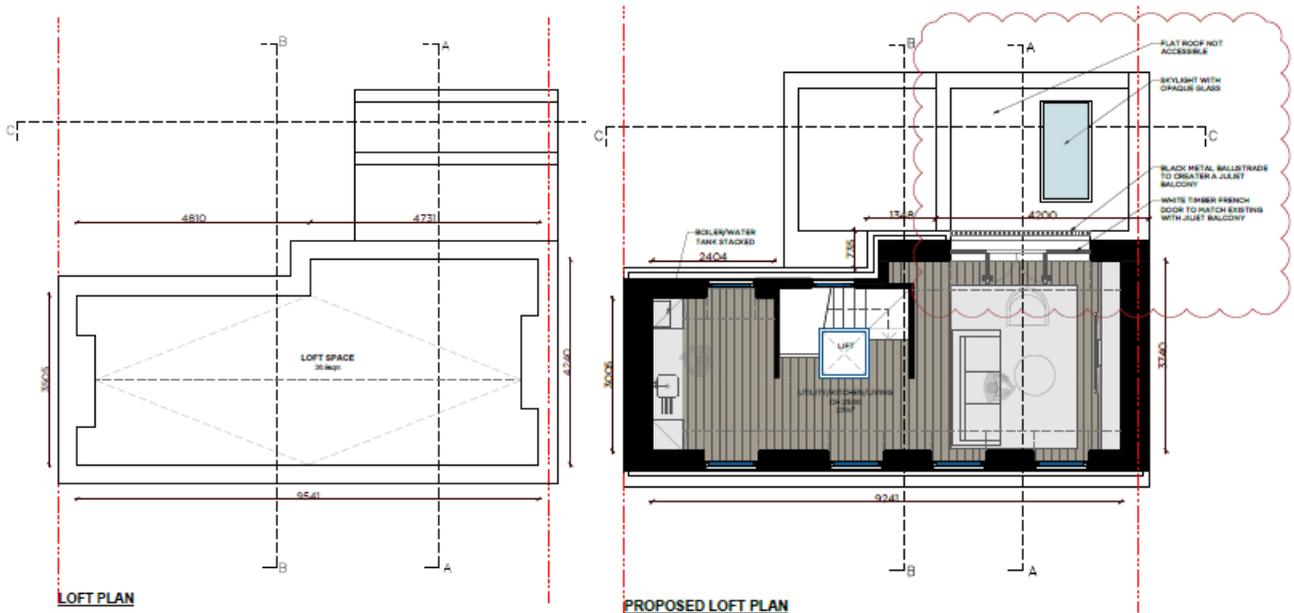
Existing (left) and Proposed (right) First Floor Plan



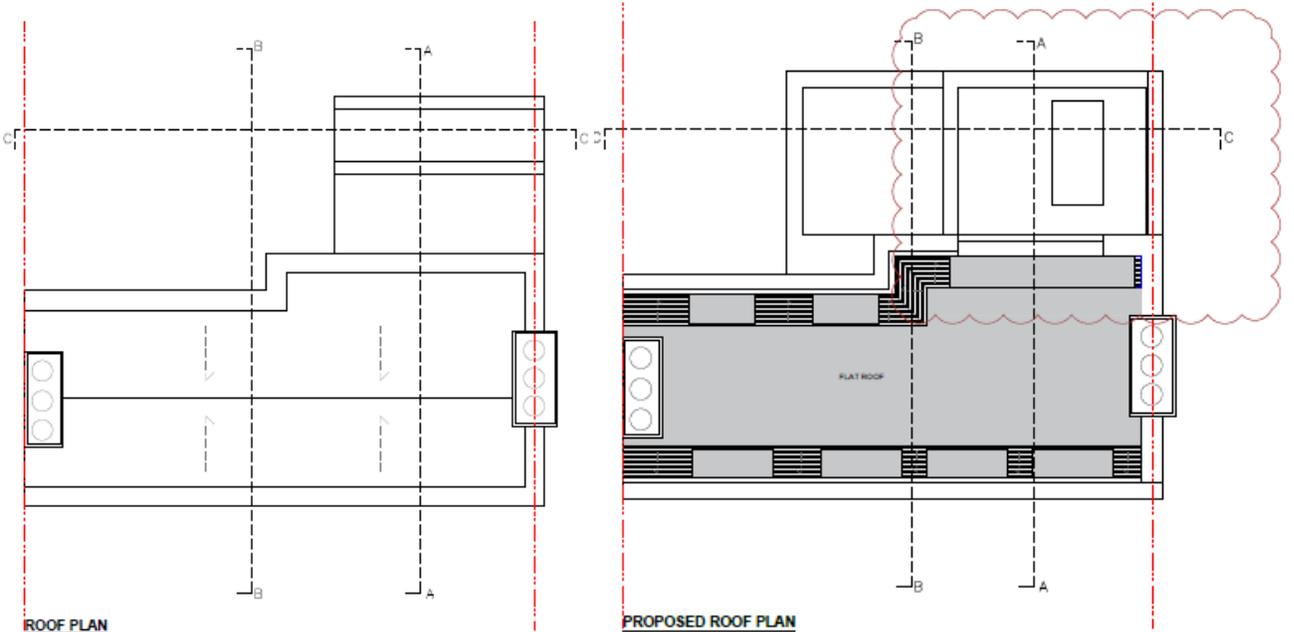
Existing (left) and Proposed (right) Second Floor Plan



Existing (left) and Proposed (right) Loft Plan



Existing (left) and Proposed (right) Roof Plan



DRAFT DECISION LETTER

Address: 69 Chiltern Street, London, W1U 6NL

Proposal: Erection of a mansard roof extension and extension of existing rear closet wing at second floor. Excavation/lowering of the existing basement floor level and rear courtyard to basement level and installation of retractable glass roof above at first floor. Installation of new windows to front and rear elevations and a flush walk-on rooflight over one of the existing front lightwells, and associated works, all in association with the continued use of the property as a single-family dwelling (Class C3).

Reference: 20/00506/FULL

Plan Nos: Demolition Drawings:
06 Rev. 3 ; 07 Rev. 3

Proposed Drawings:
08 Rev. 3 ; 09 Rev. 3 ; 10 Rev. 3 ; 11 Rev. 3

Documents (For information only):
Structural Methodology Statement, Issue 1.1 dated 07/11/2019 (Project No. P4560),
by Michael Alexander Consulting Engineers

Case Officer: Adam Jones

Direct Tel. No. 020 7641
07779431391

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet

police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

Reason:

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

- 4 You must apply to us for approval of photos of samples of the facing materials you will use (including doors, windows, skylights, masonry, roof coverings, etc.), 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.

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

- 5 You must not use the roof of the closet wing at the rear for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for maintenance.

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)

- 6 The new windows within the closet wing at second floor level must be obscure glazed and fixed shut. They must be kept in this way for the life of the development.

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)

- 7 You must apply to us for approval of detailed drawings of the hereby approved grille/rooflight to be installed in the front lightwell. 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 in accordance with the approved drawings.

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

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

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when

background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 9 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)

- 10 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) Demolition, and/or
- (b) Earthworks/piling and/or
- (c) Construction

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The new window on the boundary of the site at the second floor of the closet wing (serving the dressing area) is a bad neighbour window and would not be protected by the Council should the property on the other side of this boundary ever wish to extend to the full extent of the site of this level.
- 3 With reference to condition 10 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition. The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase.

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

Please note: the full text for informatives can be found in the Council's Conditions, Reasons

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& Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 th March 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Marylebone High Street	
Subject of Report	17 New Cavendish Street, London, W1G 9UA		
Proposal	Variation of Condition 1 and Condition 2 of planning permission dated 2 February 1998 (RN: 97/05508/FULL) for, use of basement and ground floor for class A3 food & drink purposes and installation of full height extract duct to rear; NAMELY, to vary Condition 1 to allow for the opening hours to change to 08:00 - 22:30 (Monday - Sunday), and to vary the wording of Condition 2 to allow for a food takeaway service to operate for a temporary period of two years, between the hours 08:00 - 22:30 (Monday - Sunday).		
Agent	Howard De Walden Estate		
On behalf of	Howard De Walden Estate Ltd		
Registered Number	20/07771/FULL	Date amended/ completed	4 December 2020
Date Application Received	4 December 2020		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application involves a basement and ground floor restaurant located on the north side of New Cavendish Street. The unit is currently occupied by 'Galleria' restaurant, although the site is currently being advertised for re-letting. The upper floors of the building are in residential use. The site is within the wider Central Activities Zone (CAZ) area and is located within the Harley Street Conservation Area.

Planning permission for the use of the basement and ground floors as a restaurant was granted in February 1998 and currently operates between the hours of 10:00am to 10:30pm. Condition 2 attached to the 1998 planning permission also enables the provision of a take-away service, but this is restricted between the hours of 10:00am and 6:00pm.

The application is submitted on behalf of the Howard De Walden Estate, who advise that the COVID-

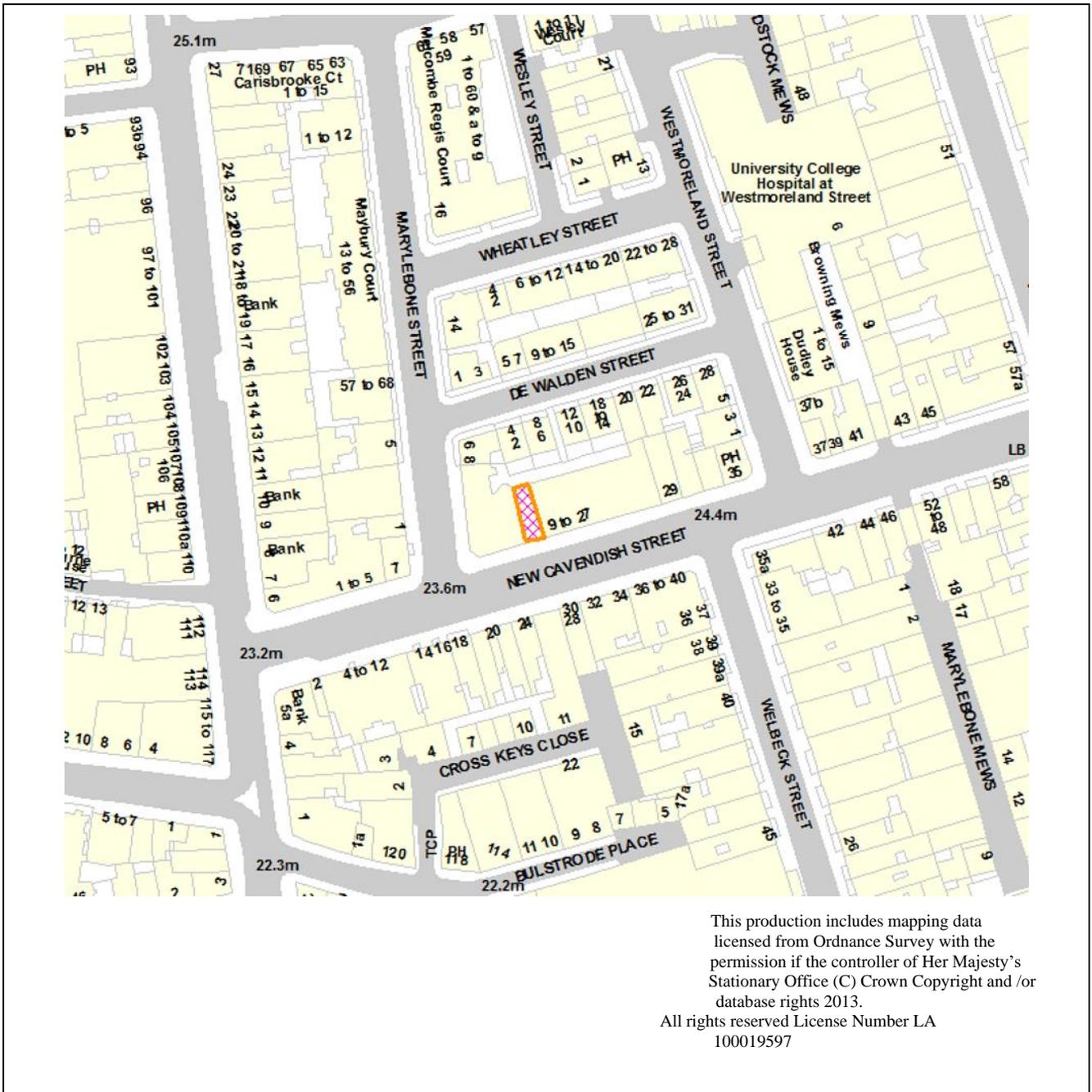
19 pandemic, and restrictions on trading, have significantly impacted hospitality business turnover for many independent businesses around the estate. In order to mitigate the effects of the pandemic, the application is seeking to vary the wording of Condition 1 to allow for the opening hours to be brought forward by two hours to 08:00 daily. The applicant argues that this will allow the existing premises to offer breakfast trade to the current occupier, as well as future occupants, and would allow the unit to survive and thrive in these uncertain times. The applicant also seeks to amend Condition 2 to allow its delivery and takeaway service to operate to these same hours for a temporary period of two years, in order to enable greater flexibility.

Policies ENV 13 of the Unitary Development Plan (UDP) and S29 of the City Plan seek to ensure that development does not harm the residential environment of surrounding properties and result in a material loss of residential amenity. One objection has been received on the basis that the building was not designed to accommodate a restaurant, that insufficient evidence has been submitted to demonstrate that adequate soundproofing will be installed, and that use of a rear courtyard could result in noise nuisance. However, the restaurant use is lawful and has been in existence for some considerable time and therefore additional restrictions relating to internal noise and soundproofing could not be imposed in relation to this application. This part of New Cavendish Street is mixed use in character, comprising a mix of commercial uses on the ground floor, with predominantly residential above. Given the character of the street, and despite the residential flats immediately above, allowing the restaurant to open earlier at 8am rather than 10am as currently permitted is unlikely to result in an adverse impact on residential amenity. To address the concerns raised about noise in the courtyard, a condition is imposed requiring the rear kitchen door, that provides access to the rear courtyard, to remain closed between the extended hours of operation sought (08:00 -10:00).

With regards to offering a takeaway facility, the applicant's argument that this is necessary to enable greater flexibility during the pandemic is acknowledged. At present, given the current lockdown restrictions, the takeaway facility serves as the only function of the restaurant use. This is permitted development under Class DA of the Town and Country Planning (General Permitted Development) Order 2020 which allows restaurants to temporarily provide takeaway food (until 24 March 2021). However, after this date, any level of sales greater than that which could be considered incidental to the restaurant use, would result in a change of use, which would require the submission of a new planning application. At present, the takeaway facility is limited by condition until 6pm. The application seeks to allow the takeaway service to operate from 08:00 until 22.30. It is recognised that the extended hours of the take-away service could result in additional comings and goings and could have an impact on the residents above, particularly as a take-away delivery service is provided. However, given both the size of the restaurant and the character of New Cavendish Street, extending the time period which the restaurant can provide a takeaway service is in principle considered acceptable. Council records also show that no noise related complaints have been received in the past over the current takeaway and delivery facility.

The applicants also argue that nearby restaurant/entertainment uses such as OKA, the adjoining restaurant at 19 New Cavendish Street and The Cavendish at No.35, do not have restrictions on their hours of takeaway and that the restriction imposed in 1988 for takeaway hours is both historic and does not reflect the current climate in which many retail units are struggling to survive without being able to trade as they normally would. This argument is accepted, but given that there are residential flats directly above the restaurant it is considered that the extended hours allowing takeaways in the evening should be limited to 2 years from the date of this permission in the first instance to allow the position to be monitored and reviewed.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

Marylebone Association
No response to date.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 73
Total No. of replies: 1

One letter objection has been received on the following basis:

- The building was not designed to accommodate food and beverage activities at ground floor level.
- The submission does not provide any evidence that adequate soundproofing will be installed to support such activities and will lead to loss of amenity to residents above.
- The proposals will encourage the use of rear courtyard area that will also have a detrimental impact on residential amenity.

PRESS ADVERTISEMENT / SITE NOTICE:
Yes

6. BACKGROUND INFORMATION

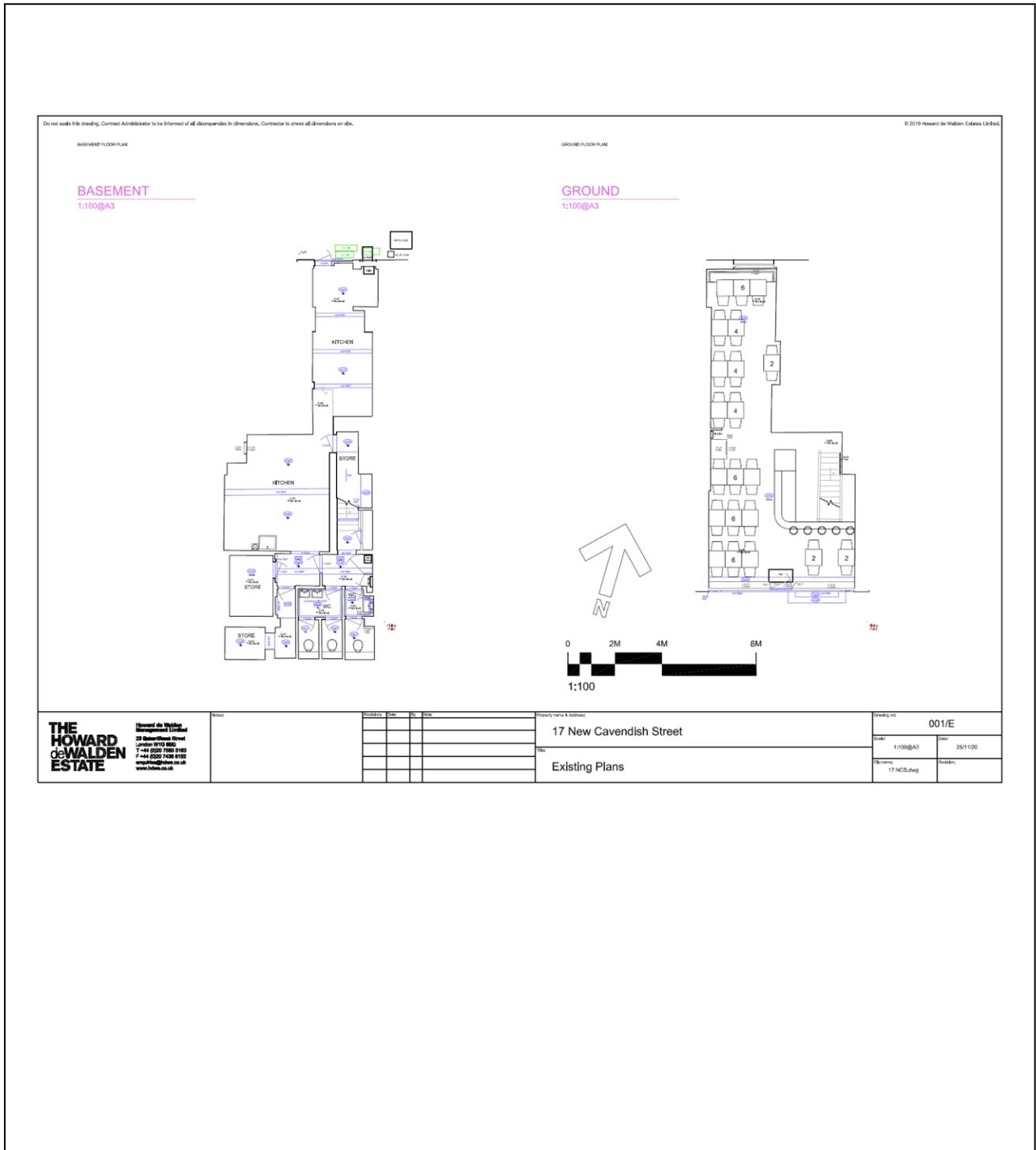
6.1 Recent Relevant History

97/05508/FULL
USE OF BASEMENT AND GROUND FLOOR FOR CLASS A3 FOOD & DRINK
PURPOSES AND INSTALLATION OF FULL HEIGHT EXTRACT DUCT TO REAR.
Application Permitted 12 February 1998

(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: JO PALMER BY EMAIL AT JPALME@WESTMINSTER.GOV.UK

7. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 17 New Cavendish Street, London, W1G 9UA

Proposal: Variation of Condition 1 and Condition 2 of planning permission dated 2 February 1998 (RN: 97/05508/FULL) for, use of basement and ground floor for class A3 food & drink purposes and installation of full height extract duct to rear; NAMELY, to vary Condition 1 to allow for the opening hours to change to 08:00 - 22:30 (Monday - Sunday), and to vary the wording of Condition 2 to allow for a food takeaway service to operate for a temporary period of two years, between the hours 08:00 - 22:30 (Monday - Sunday).

Reference: 20/07771/FULL

Plan Nos: 001/E

Case Officer: Rattan Sehra

Direct Tel. No. 07866039814

Recommended Condition(s) and Reason(s)

- 1 The use hereby permitted shall not be carried on except between the hours of 08:00 to 22:30.

Reason:

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

- 2 You can provide takeaway service from the premises, between the hours of 08.00am - 22.30pm only, Monday to Sunday, for a temporary period until 31st March 2023. Thereafter, the food takeaway hours should revert to between the hours of 10:00am - 18:00pm each day.

Reason:

A food takeaway service is considered acceptable only for a temporary period in recognition of the exceptional circumstances due to the current COVID-19 pandemic. We can only grant a temporary trial period for the takeaway hours so that the potential impact of the proposed hours can be assessed, and to protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and, ENV 6, of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 3 The plant and any associated equipment hereby approved shall be so constructed to ensure that the noise generated will not increase the background noise level (LA90, 15 mins) as measured 1 metre from the nearest window of the nearest affected property by more than 2dB(A). The new plant shall not cause any audible noise or perceptible vibration to be transmitted through the structure of the building and to adjacent buildings.

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)

- 4 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.

- 5 The kitchen door at basement floor level must remain closed between the hours of 08:00 and 10:00 daily, except for means of escape purposes.

Reason:

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

Informative(s):

- 1 You must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.
- 2 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.

- 3 In the case of a restaurant or similar use, the hours of operation specified by this planning permission should be interpreted to refer to the hours during which customers may be present on the premises. The latest time, therefore, refers to the time by which the final customers should have left the premises.

The hours of operation may be further restricted by the Council's Licensing Sub-Committee should the operation also require a licence.

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

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Agenda Item 4

Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 th March 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	9 Slingsby Place, London, WC2E 9AB		
Proposal	Use of the ground floor and basement as a flexible alternative use comprising retail (Class A1), restaurant (Class A3), drinking establishment (Class A4), assembly and leisure (Class D2), and live music venue (Sui Generis).		
Agent	Rolfe Judd Planning		
On behalf of	Longmartin Properties Limited		
Registered Number	20/04025/FULL	Date amended/ completed	30 June 2020
Date Application Received	30 June 2020		
Historic Building Grade	Unlisted		
Conservation Area	n/a		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

<p>Unit 9 Slingsby Place lies within St Martin's Courtyard, which is a mixed-use development including retail, entertainment, office, and residential accommodation, which is bounded by Mercer Street, Long Acre, Upper St Martin's Lane and Shelton Street. The site is located within the Core Central Activities Zone (CAZ) and the West End Stress Area.</p> <p>The proposed development is for the use of the ground floor and basement as a flexible alternative use comprising retail (Class A1), restaurant (Class A3), drinking establishment (Class A4), assembly and leisure (Class D2), and live music venue (Sui Generis).</p> <p>This application was originally reported to Planning Applications Sub-Committee on 8th December 2020. The committee resolved unanimously that the application be deferred on the grounds that:</p> <ul style="list-style-type: none"> • more information on the servicing requirements of the proposed uses be provided; • the applicant demonstrates that they can be accommodated within the current hours of servicing for this development and other servicing taking place in the courtyard; and • more information be provided on the servicing in the light of the objections raised by the

Covent Garden Community Association and comments made by a Ward Councillor.

A Delivery and Servicing Management Plan (DSMP) has subsequently been provided which seeks to allay these concerns.

Proposed Development Servicing Demand

The applicant's original Transport Statement said that an A3 use is likely to have the biggest demand for servicing and in particular if the A3 use was a high-end restaurant. It calculated that a high-end restaurant might require a maximum of 6-8 deliveries per day.

The submitted DSMP suggests that an A3 use in these premises would require an average of 4 deliveries per day, which is an average for an A3 use and not the maximum of 8 that was mentioned in the Transport Statement. The estimated servicing requirements for each of the proposed uses are set out in the table below:

Use Class	Estimated Delivery Servicing Demand
A1	4-5
A3	1-4
A4	4-5
D1	Up to 3
D2 Gym/ Yoga/ Dance Studio	1-3
Live music venue (Sui generis)	1-2

In terms of existing vs proposed, the existing use (A1/D1) would be expected to have between 3-5 deliveries per day on average and the proposed uses are expected to have between 3-5 deliveries per day on average dependent on the use.

Courtyard Demand and Capacity

The DSMP includes information from the applicant as to how many deliveries the existing premises within Slingsby Place receive. The courtyard servicing demands are set out in the table below:

Slingsby Place Unit No.	Use/ Occupier	Daily Servicing Assumption
No.4	Retail/ Eileen Fisher	1
No.5	Retail/ The White Company	1
No.7	Retail/ Pretty Balerinas	1
No.9	A1/ A2/ A3/ A4/ D1/ D2/ Live Music Venue/ Unoccupied	5
No.12	Restaurant/ Dishoom	2
No.13	Restaurant/ Bills	2
No.19	Restaurant/ Unoccupied	3
No.21	Restaurant/ Unoccupied	3
No.23	Restaurant/ Unoccupied	4
No.25	Restaurant/ Della Terra	2
Total		24 per day

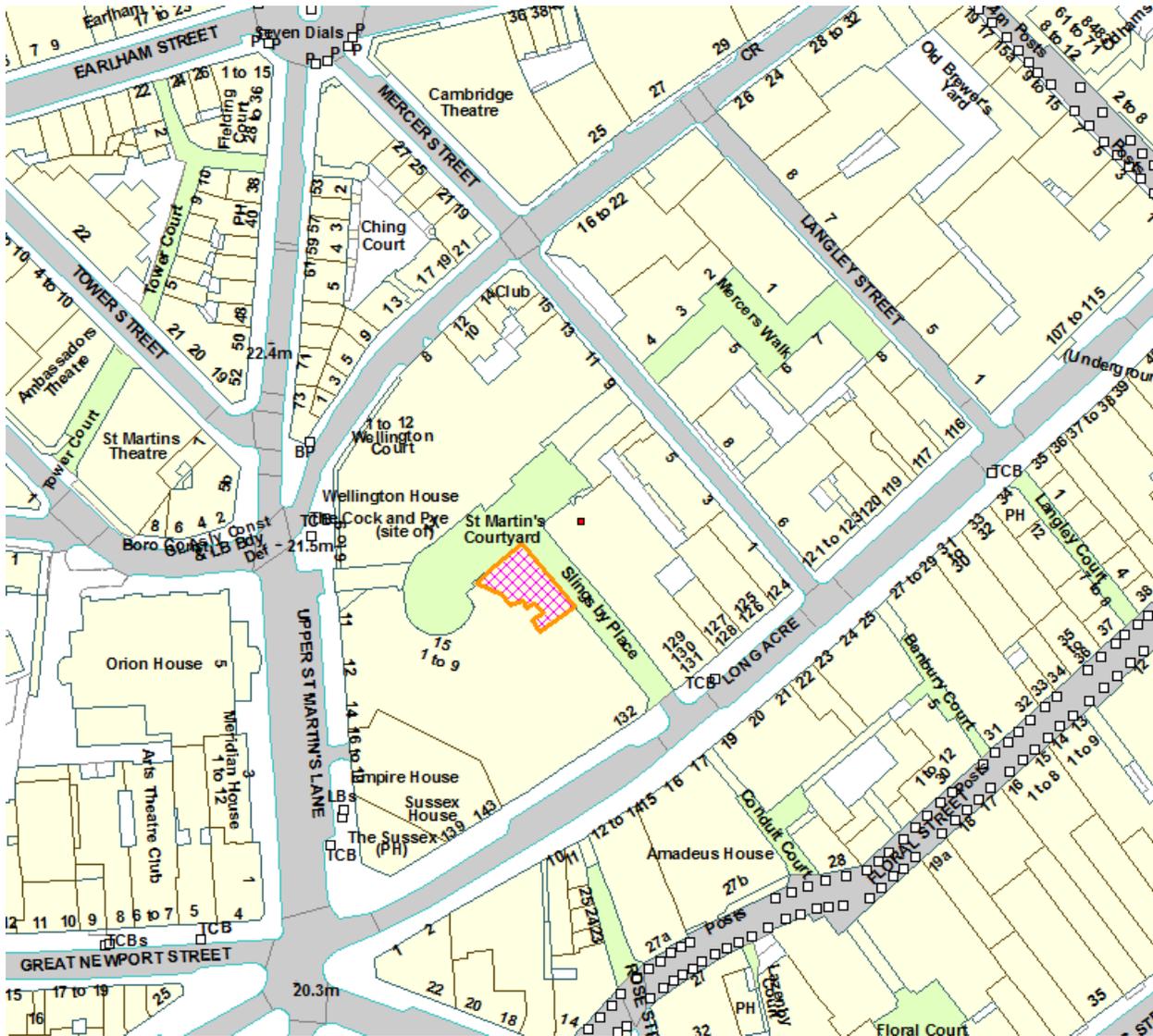
The DSMP has reviewed the courtyard usage and the capacity it has, taking into account the existing uses and also permitted uses which will use the courtyard for servicing. The Courtyards servicing hours are between 7.30 - 11.30am and if a 30 minute slot is allocated for each delivery, this would allow capacity for 40 delivery slots per day (4 hours x 5 loading bays x 2 deliveries in each bay in any given hour).

The DSMP shows that on average there will be 24 delivery trips per day, meaning there are 16 spare slots per day. Therefore, in the event that the proposed uses did generate higher delivery demands for whatever reason (i.e. 8 per day for a high end restaurant), the applicant maintains there is comfortably enough delivery slots available within the servicing hour period between 7.30 - 11.30am.

In summary, the DSMP shows that the average delivery demand for the proposed uses is comparable to the existing and there is capacity to accommodate these uses within the existing servicing hours. The Highways Planning Manger considers this is reasonable and recommends conditions relating to hours of servicing, no servicing on the public highway, and compliance with the submitted DSMP. A condition is also recommended to secure long-stay cycle parking provision.

The minutes and report for the Planning Applications Sub-Committee meeting held on 8th December 2020 are appended to this report for information.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Unit 9 Slingsby Place, St. Martin's Courtyard

5. CONSULTATIONS

The Covent Garden Community Association and council's Highways Planning Manager were consulted with details of the Delivery and Servicing Management Plan (prepared by Caneparo Associates and dated February 2021).

COVENT GARDEN COMMUNITY ASSOCIATION:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

The application can be considered acceptable with the following conditions:

- Condition 3 that restricts servicing to 0730 – 1130am Mon – Sat;
- Condition 4, which aims to ensure that all servicing takes place off the public highway;
- A condition to ensure that the applicant complies with the most recently submitted Delivery and Servicing Management Plan; and
- A condition to secure the long-stay cycle parking.

(Please note: The original consultation responses are set out in the Planning Applications Sub-Committee Report dated 8th December 2020 (Appendix 2 of this report))

6. KEY DRAWINGS

Key drawings are set out in the Planning Applications Sub-Committee Report dated 8th December 2020 (Appendix 2 of this report).

(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: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

DRAFT DECISION LETTER

Address: 9 Slingsby Place, London, WC2E 9AB

Proposal: Use of the ground floor and basement as a flexible alternative use comprising retail (Class A1), restaurant (Class A3), drinking establishment (Class A4), assembly and leisure (Class D2), and live music venue (Sui Generis).

Reference: 20/04025/FULL

Plan Nos: Site Location Plan; Existing Floor Plans and Proposed Floor Plans prepared by Smith CH Architects; Design and Access Statement prepared by Smith CH Architects; Transport Statement (prepared by Caneparo Associates and dated June 2020); Market Agency Letter prepared by Colliers; Delivery and Servicing Management Plan (prepared by Caneparo Associates and dated February 2021).

Case Officer: David Dorward

Direct Tel. No. 020 7641
07866038730

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)

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 servicing must take place between 0730hrs and 1130hrs on Monday to Saturday and not at all on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

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 TRANS 20 of our Unitary Development Plan that we adopted in January 2007.

- 4 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

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 TRANS 20 of our Unitary Development Plan that we adopted in January 2007.

- 5 Customers shall not be permitted within the A1/A3/A4/D2/Live Music Venue (Sui Generis) premises before 0800hrs or after midnight each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 You must provide the separate stores for waste and materials for recycling shown on drawing number SK001. You must clearly mark them and make them available at all times to everyone using the premises.

Reason:

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

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

terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 8 No vibration shall be transmitted to adjoining or other premises and structures through

the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

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

- 9 The Class A1, A3, A4, D2 and Live Music Venue (Sui Generis) use allowed by this permission must not begin until you have fitted self-closing doors at ground floor level. You must not leave these doors open except in an emergency or to carry out maintenance.

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

- 10 Apart from the entrance to the Class A1, A3, A4, D2, and Live Music Venue (Sui Generis) use annotated on the approved drawings, the ground floor windows shall be fixed permanently shut.

Reason:
To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 11 No live or recorded music shall be played in the Class A1, A3, A4, D2 or Live Music Venue (Sui Generis) use that is audible outside of the premises.

Reason:
To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 You must apply to us for approval of a management plan to show how you will prevent customers from causing nuisance for people in the area, including people who live in nearby buildings. You must not start either the Class A3, A4, D2 or Live Music Venue (Sui Generis) use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that either the Class A3, A4, D2 or Live Music Venue (Sui Generis) is in use.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 13 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the Class A1, A3, A4, D2, Sui Generis (Live Music Venue) use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the Class A1, A3, A4, D2, Sui Generis (Live Music Venue) use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- The location of most affected noise sensitive receptor location and the most affected window of it;
 - Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
 - The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive

sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 14 The design and structure of the development shall be of such a standard that it will protect other users 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 30 dB LAeq.

Reason:

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

- 15 In the event that the premises is used for Class D2 purposes, you must use the premises only for a gym, yoga studio, or dance studio.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the City. This is in line with S29 and S32 of Westminster's City Plan (November 2016).

- 16 The Class A1, A3, A4, D2 and Live Music Venue (Sui Generis) use allowed by this permission must be serviced in accordance with the Delivery and Servicing Management Plan (prepared by Caneparo Associates and dated February 2021), unless otherwise agreed in writing by us.

Reason:

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

- 17 The Class A1, A3, A4, D2 and Live Music Venue (Sui Generis) use allowed by this permission must provide the long-stay cycle parking in accordance with the Transport Statement (prepared by Caneparo Associates and dated June 2020), unless otherwise agreed in writing by us.

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 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the ground and basement floor can change between the uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change.
- 3 You must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.
- 4 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

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- 5 Changes to the Town and Country Planning (Use Classes) Order came into force on 1 September 2020 and create a new broad Class E group titled 'Commercial, Business and Service' (as well as other new groups). The uses contained within the new Class E include, retail shops, financial and professional services, restaurants, offices, medical uses, gyms and other indoor sport uses, creches and nurseries. It will not be development to change between these uses once this legislation is in force. This application, which was submitted before 1 September 2020 and refers to the existing use classes at that time, is determined using the existing use classes at the time of submission rather than the new ones.

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.

Item No.
4

Appendices

1. Minutes of Planning Applications Sub-Committee held on Tuesday 8th December 2020
2. Planning Applications Sub-Committee Report dated 8th December 2020



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** held on **Tuesday 8th December, 2020**. This meeting took place virtually.

Members Present: Councillors James Spencer (Chairman), Antonia Cox, Richard Elcho and Matt Noble.

Also Present: Councillor Tim Mitchell (for item 2 only).

1 MEMBERSHIP

1.1 There were no changes to the membership.

1.2 RESOLVED:

That Councillor Richard Elcho be elected as the substitute Chairman for the meeting in the event that the Chairman loses connection or needs to stand down for an item.

2 DECLARATIONS OF INTEREST

2.1 Councillor James Spencer explained that a week before the meeting, all four Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Sub-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 Sub-Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 13 October 2020 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 EATON HOUSE SCHOOL, 3-5 EATON GATE LONDON SW1W 9BA

Replacement of rear lower ground floor and erection of single storey rear extension at 3 Eaton Gate (first floor to mews) and use of roof as external learning areas, erection of single storey rear extension at 5 Eaton Gate (first floor to mews) and use of roof as outdoor learning area, creation of external decks for outdoor learning between 3 and 5 Eaton Gate at the rear of the buildings, at first, second and third floors with associated green wall; erection of lift shaft at the rear; refurbishment of building including new roof, repair of windows, replacement kitchen extract flue to roof level and associated works.

A late representation was received from Eaton House Schools (undated).

Huw May (Applicant) addressed the Sub-Committee in support of the application,

Graham Allison (Applicant's Agent) also addressed the Sub-Committee in support of the application.

RESOLVED (Councillors James Spencer Richard Elcho and Matt Noble in support of recommendation to refuse, Councillor Antonia Cox against recommendation to refuse):

That planning permission and listed building consent be refused on design and listed building grounds, subject to reason for refusal 2 being removed from the draft decision notices due to no objections to the extension 3 at the rear of No 5 in design/historic building terms being raised.

2 9 SLINGSBY PLACE, LONDON WC2E 9AB

Use of the ground floor and basement as a flexible alternative use comprising retail (Class A1), restaurant (Class A3), drinking establishment (Class A4), assembly and leisure (Class D2), and live music venue (Sui Generis).

Additional representations were received from Rolfe Judd (09.11.2020) and the Covent Garden Community Association (18.11.2020).

A late representation was received from the Covent Garden Community Association (undated).

The presenting officer tabled the following additional informative and revisions to conditions 9, 10, 11, 12 and 15.

Informative – Use Class changes 2020/21

Changes to the Town and Country Planning (Use Classes) Order came into force on 1 September 2020 and create a new broad Class E group titled 'Commercial, Business and Service' (as well as other new groups). The uses contained within the new Class E include, retail shops, financial and professional services, restaurants, offices, medical uses, gyms and other indoor sport uses, creches and nurseries. It will not be development to change between these uses once this legislation is in force.

This application, which was submitted before 1 September 2020 and refers to the existing use classes at that time, is determined using the existing use classes at the time of submission rather than the new ones.

Revised Conditions

9. The Class A1, A3, A4, D2 and Live Music Venue (Sui Generis) use allowed by this permission must not begin until you have fitted self-closing doors at ground floor level. You must not leave these doors open except in an emergency or to carry out maintenance

10. Apart from the entrance to the Class A1, A3, A4, D2, Live Music Venue (Sui Generis) use annotated on the approved drawings, the ground floor windows shall be fixed permanently shut.

11. No live or recorded music shall be played in the Class A1, A3, A4, D2 or Live Music Venue (Sui Generis) use that is audible outside of the premises.

12. You must apply to us for approval of a management plan to show how you will prevent customers from causing nuisance for people in the area, including people who live in nearby buildings. You must not start either the Class A3, A4, D2 or Live Music Venue (Sui Generis) use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that either the Class A3, A4, D2 or Live Music Venue (Sui Generis) is in use.

15. In the event that the premises is used for Class D2 purposes, you must use the premises only for a gym, yoga studio, or dance studio.

John Osborn addressed the Sub-Committee in support of the application.

Councillor Tim Mitchell spoke in his capacity as Ward Councillor and representing the views of the Covent Garden Community Association in objecting to the application.

RESOLVED UNANIMOUSLY:

That the application be deferred on the grounds that more information on the servicing requirements of the proposed uses be provided, the applicant demonstrates that they can be accommodated within the current hours of servicing for this development and other servicing taking place in the courtyard and more information be provided on the servicing in the light of the objections raised by the Covent Garden Community Association and comments made by a Ward Councillor.

3 25 CRAVEN STREET, LONDON WC2N 5NT

Demolition of the existing three storey rear extension and erection of a new part-three and part-four storey rear extension, lowering of the existing basement level floor, replacement of an existing side elevation window with two new windows, and internal alterations.

Matt Humphreys addressed the Committee in support of the application.

RESOLVED UNANIMOUSLY:

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

4 2 NORTHWICK CLOSE, LONDON NW8 8JG

Erection of roof extension, erection of replacement rear extension and replacement of the garage door.

The presenting officer tabled the following minor amendment to the report.

The existing building and the other mews buildings in Northwick Close are designated as Unlisted Buildings of Merit and buildings not suited to roof extensions in the St Johns Wood Conservation Area Audit (2008) ("the Audit"). However, section 8.2 ('Townscape and Design' – pages 120-122) of the officer's report does not assess the proposed roof extension against these two designations.

As set out in the officer's report, the proposed roof extension reinstates a historic pitched roof. The proposed roof extension is considered an enhancement to this building and this remains the case despite the Unlisted Building of Merit status of this building and the Audits presumption against roof extensions. On this basis, the principle of this roof extension remains acceptable and the roof extension would not harm the character and appearance of the St John's Wood Conservation Area, this and neighbouring Unlisted Buildings of Merit and would have no impact on the setting of neighbouring listed buildings.

In making this recommendation, consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, notably Sections 16, 66 and 72 and the requirements set out in Chapters 12 and 16 of the NPPF.

The proposal is considered acceptable and consistent with policies DES1, DES5, DES6 and DES 9 of the UDP and S25 and S28 of the City Plan, and a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

The Meeting ended at 8.24 pm.

CHAIRMAN: _____

DATE _____

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 th December 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	9 Slingsby Place, London, WC2E 9AB		
Proposal	Use of the ground floor and basement as a flexible alternative use comprising retail (Class A1), restaurant (Class A3), drinking establishment (Class A4), assembly and leisure (Class D2), and live music venue (Sui Generis).		
Agent	Rolfe Judd Planning		
On behalf of	Longmartin Properties Limited		
Registered Number	20/04025/FULL	Date amended/ completed	30 June 2020
Date Application Received	30 June 2020		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Unit 9 Slingsby Place lies within St Martin's Courtyard, which is a mixed-use development including retail, entertainment, office, and residential accommodation, which is bounded by Mercer Street, Long Acre, Upper St Martin's Lane and Shelton Street. The site is located within the Core Central Activities Zone (CAZ) and the West End Stress Area.

The proposed development is for the use of the ground floor and basement as a flexible alternative use comprising retail (Class A1), restaurant (Class A3), drinking establishment (Class A4), assembly and leisure (Class D2), and live music venue (Sui Generis).

The key issues are:

- The land use implications arising from the proposed flexible alternative uses comprising retail (Class A1), restaurant (Class A3), drinking establishment (Class A4), assembly and leisure (Class D2), and live music venue (Sui Generis).
- The impact of the proposal on the amenity of neighbouring occupiers;

- The impact of the proposals on the surrounding highway network in terms of servicing.

The Covent Garden Community Association (CGCA) and two neighbours raise objections with the proposals relating to residential amenity and servicing.

The proposed flexible/alternative uses comprising A1/A3/A4/D2/ Sui Generis (live music venue) are considered acceptable subject to the recommended conditions controlling aspects of the use/s as well as robust and effective management of the unit. As such, the proposal is considered to comply with the relevant land use and amenity policies in Westminster's City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (UDP), and is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Unit 9 Slingsby Place, St. Martin's Courtyard

5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION:

Object to application in its current form as nearby residential uses are adversely affected by noise and servicing problems. Suggests revisions to make it acceptable.

A3/ D2

Would not object to Restaurant (A3) or Assembly and Leisure (D2) uses provided:

a) Hours of use are restricted to:

- 8am to 10pm Monday to Thursday,
- 8am to 11pm Friday,
- 9am to 11pm Saturday,
- 10am to 9pm Sunday.

Any hours of use beyond this for A3 or D2 would be likely to lead to unacceptable loss of amenity for residents, on top of the activities already present in this space.

b) The front door is kept shut at all times, and

c) The increased servicing load is conditioned to prevent past problems.

Live music venue (sui generis)

Would not object to Sui Generis (Live Music Venue) use, provided that the ground floor was used as a reception area only, by condition, and provided that the conditions requested above for A3 / D2 were also applied.

Drinking Establishment (A4)

The location and context are unsuited to A4 use and we ask that this part of the application be rejected outright.

COVENT GARDEN AREA TRUST:

No response to date.

WASTE PROJECTS OFFICER:

Objection on grounds the indicated waste store is not within the site demise and there is a high concern that waste will end up on the public highway.

ENVIRONMENTAL SCIENCES:

No objection subject to conditions.

HIGHWAYS PLANNING MANAGER:

No response to date.

ADJOINING OWNERS/ OCCUPIERS:

No. consulted: 75

No. of replies: 2

Two objections from a neighbouring resident and an office occupier on some or all of the following grounds:

- Adverse effect on the residential amenity of neighbours, by reason of noise;
- Over-development of the site and ease of access (Too many restaurants and licensed premises within the courtyard and another would lead to more people/ traffic disrupting

- access to the neighbouring office building);
- The type of people using the premises (potentially disruptive) will adversely affect the professional atmosphere of the neighbouring office building;
 - Conditions should control noise and servicing.

SITE/ PRESS NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

St Martins Courtyard is located within Slingsby Place, which is located between Leicester Square, Covent Garden and Seven Dials. The courtyard is occupied by a mix of commercial uses including retail and restaurants uses at basement, ground and first floor levels with offices and residential uses on the upper floors. The site is located within the Core Central Activities Zone (CAZ) and the West End Stress Area.

The courtyard can be accessed via three entrances; Mercer Street, Long Acre and St Martins Lane. The courtyard was created between 2008 and 2011 and there are various permissions from 2007 which relate to this.

Unit 9 is located within a six storey building facing into St Martin's Courtyard. The unit was originally consented and designed and built as a Class A3 restaurant under the permission for the original development of the courtyard. Subsequently permission was granted for a flexible A1 and A1/D1 scheme and is presently occupied by Academy of Flowers which comprises an A1/D1 use. The use predominantly operates as a small shop at ground floor level and a flower arranging/design academy at basement level.

6.2 Recent Relevant History

St Martin's Courtyard has been developed following various permissions between 2008 and 2011 for extensions and alterations to provide a mixed-use site of retail, restaurant, office and residential.

St. Martin's Courtyard

08/00088/FULL: Permission granted on 15 February 2008 for 'Alterations and extensions including infilling the rear lightwell at ground to sixth floor level, two small infill extensions at fifth floor level and an additional storey at sixth floor roof level including areas of enclosed plant, in connection with the provision of new retail (class A1) floorspace at basement and ground floor level, a restaurant (class A3) at basement level, dual/alternative use of the first floor for either retail (Class A1) or office (Class B1) use, and B1 office use at second to sixth floor levels.'

9 Slingsby Place

10/04172/FULL: Permission granted on 21 July 2010 'Dual/alternative use of part ground floor and basement for mixed retail/school of floristry (mixed Class A1/D1) and/or retail (Class A1) use (Unit 12)'

(N.B This decision relates specifically to the application site though the decision notice address is 132-135 Long Acre and the description of development refers to Unit 12).

7. THE PROPOSAL

The proposed development is for the change of use of the ground floor and basement from A1 (retail)/ D1 (school of floristry) to a flexible alternative use comprising retail (Class A1), restaurant (Class A3), drinking establishment (Class A4), assembly and leisure (Class D2), and live music venue (Sui Generis).

The aim of the proposal is to seek greater flexibility for the use of the unit in order to make it more attractive to potential tenants and secure an occupier who will provide a viable use and encourage vibrancy and vitality within the courtyard.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Unit 9 has a small ground floor area GIA of 42.5sqm and a large basement area GIA of 275sqm. The applicant states that this layout with its small ground floor presence and large basement would deter retailers from occupying the unit and is reflective of how the unit was originally conceived as a Class A3 restaurant under the permission for the original development of the courtyard in February 2008 (RN: 08/00088/FULL).

Loss of A1

The unit currently has A1 permission at ground floor whilst the basement is flexible D1/A1. The current tenant; the 'Academy of Flowers' have used the basement for D1 purposes, therefore the loss of retail would only relate to 42.5sqm at ground floor.

On the basis that a retail (A1 use is not implemented, the loss of existing A1 floorspace is contrary to policy S21 of Westminster's City Plan (November 2016) (City Plan) and SS5 of Westminster's Unitary Development Plan (January 2007) (UDP). However, there is a case for the loss of this retail floorspace given that this is fairly new retail floorspace within a back land location (the courtyard was created between 2008 and 2011).

The application is also supported by retail marketing letter from Colliers who consider that retail tenants do not look for units with small ground floors and large basements and that the unit would benefit from an A3 or A4 consent, as opposed to an A1. Officers agree with the applicants assessment that the layout may better lend itself to other non-A1 uses.

Entertainment and Leisure uses in the CAZ

The proposed alternative uses of restaurant, bar or live music venue, will support the West End economy and particularly the night-time economy. The proposal is considered against the development plan Westminster's City Plan, UDP, The London Plan and Mayor's Supplementary Planning Guidance, as detailed below.

With regards to the proposed restaurant, bar, and the live music venue, the Mayor's adopted Culture and Night-time Economy SPG states that 'London has lost 103 nightclubs and live music venues since 2007, a decline of almost a third... [and] figures

show that 1,220 pubs and bars shut between 2001 and 2016 - an average of 76 a year.' In order to address this, the document states that borough's should encourage the provision for night-time activities in order to expand cultural offer. In accordance with the Mayor's SPG, it is considered that the proposed restaurant, bar, and live music venue uses will create greater diversification of uses to flourish within the wider Covent Garden area, and help attract a wider range of visitors.

Unit 9 is approximately 320sqm across the ground floor and basement. UDP Policy TACE 9 and TACE 10, and City Plan Policy S24 for Entertainment Uses all recognise that the entertainment sector plays a vital role in visitor attraction and towards Westminster's local distinctiveness. For proposals between 150sqm and 500sqm of gross floorspace, the Council will generally consider these applications to be permissible provided that residential amenity and the character of the area are not affected, and will assess factors such as opening hours, number of customers and servicing arrangements.

The proposed flexible use would sit alongside other established restaurant/ A3 Uses within the Courtyard which will serve as a significant trade draw that helps sustain the wider retail character and function of this part of the West End Special Retail Policy Area.

City Plan Policy S21 also recognises that restaurant uses are complementary uses which contribute towards meeting the needs of the community and help to maintain activity whilst also enhancing the usefulness of the visit to the shopping centre.

Assembly and Leisure/ Social and Community use

The proposed flexible uses include a Class D2 use, which would typically be classified as an Assembly and Leisure or Social and Community use.

Policy S34 of the City Plan encourages new social and community facilities throughout Westminster. The proposed Class D2 use would comprise a leisure and social use, with the applicant indicating that this is likely to comprise of a gym. A D2 use, such as a gym, would provide a vibrant use within a highly accessible location and would continue to provide an active frontage at ground floor level.

A condition is recommended to secure details of any proposed D2 use prior to its commencement.

8.2 Townscape and Design

No external alterations are proposed.

8.3 Residential Amenity

Objections have been received concerned about the impact of the proposed entertainment uses on the amenity of neighbouring residents in terms of noise and disturbance.

UDP Policy TACE 9 states permission will only be granted for A3 (restaurant) uses in the 'stress area' where the development has; no adverse effect upon residential amenity or local environmental quality and no adverse effect on the character or function of its area.

Neighbouring units to Units 9 are occupied by either office (B1), retail (A1), restaurant (A3). The nearest residential properties are on the upper floors of 11 Upper St Martin's Lane, above existing restaurants, 'Bills' and 'Jamie's Italian' restaurants, which have outdoor seating on the ground floor within the courtyard.

The drawings show an indicative layout for an A3 use and a live music venue, to demonstrate how the space, in particularly the basement, could be utilised effectively. A significant proportion of the proposed floorspace at 7-9 Slingsby Place would be located at basement level, which in itself naturally mitigates any impact of an A3/A4/D2/Live Music Venue use in this location.

The A3 use could fit circa 80 covers which are predominantly at basement level, with a small number at ground floor level. The live music venue has been tested for a capacity of circa 220 persons. Should this use be implemented, the applicant accepts a management system demonstrating how the facility would operate could be secured by condition. Furthermore, as part of the management of St Martins Courtyard, smoking within the Courtyard is prohibited and this would apply to customers of any of the uses which occupy the premises.

Whilst the proposal may introduce another entertainment use within St Martin's Courtyard, this would sit alongside other established A3 Uses within the Courtyard which will serve as a significant trade draw that helps sustain the wider retail character and function of this part of the West End Special Retail Policy Area.

The Covent Garden Community Association have suggested hours of use restrictions for an A3, D2, and live music venue use, with a terminal hour of 9pm on Sunday, 10pm Monday – Thursday, and 11 pm Friday and Saturdays. The proposed terminal hour is midnight daily. The applicant argues that recently consented A3 uses within the Courtyard have longer opening hours than those suggested, with notably the A3 uses at 19-23 Slingsby Place having a terminal hour of midnight daily (RN:18/10789/FULL). Other A3 uses within the Courtyard also have longer opening hours, with the adjacent Bill's Restaurant having a terminal hour of 11pm Thursdays to Saturdays.

As stated above this unit is predominantly located at basement level and is therefore considered to have even less impact than those A3 uses mentioned above. The same hours are therefore recommended as at the A3 uses on the opposite side of St. Martin's Courtyard at 19-23 Slingsby Place.

The Covent Garden Community Association also object to a drinking establishment (A4) use however the amenity impact of this use is considered comparable to a live music venue use.

The proposed flexible uses are considered to be acceptable in this part of the CAZ subject to the recommended noise related conditions that aim to protect the environment of those in noise sensitive properties. These conditions relate to opening hours, servicing, noise breakout from the ground floor of the unit, noise from plant, and effective

management of the unit.

8.4 Transportation/Parking

Servicing

Objectors have raised concerns about servicing and in particular that other nearby units are carrying out servicing in breach of planning conditions, which is having an adverse impact on the amenity of residents. A condition is recommended requiring that all servicing takes place off-street in line with the original development of the courtyard in February 2008 (RN: 08/00088/FULL). On this basis the environment of neighbouring residents should be protected.

8.5 Economic Considerations

The economic benefits associated with an active use of the premises are welcomed.

8.6 Access

The access arrangements remain as existing.

8.7 Other UDP/Westminster Policy Considerations

Plant

The original planning permission for an A3 use within this unit (RN: 08/00088/FULL) provided an area with space for a kitchen extract and the future occupier will be able to link into this existing ducting. The proposal does not propose any new plant.

The closest residential windows to the existing extract riser at roof level are the residential units within the 5th floor above 'Jamie's Italian'. Conditions are recommended to control noise and vibration.

Refuse /Recycling

The Waste Projects Officer objects to the proposal on grounds the indicated waste store is not within the site demise and there is a high concern that waste will end up on the public highway.

The applicant confirms that the site is located within part of a managed estate and all of the other units on the estate/within the courtyard use the shared waste stores (as the existing use Flower Academy also does) which were designed in when the whole courtyard was redeveloped between 2007-2010,

The applicant has also secured planning permission on a number of units across the estate taking this approach. A condition is recommended securing compliance with using the waste stores as shown on the drawings.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 19 June 2019 and 31 July 2019. On 19 November 2019 the plan was submitted to the Secretary of State for independent examination. The Examination in Public took place in September and October 2010. Following the Examination, a letter from the Inspectors was received on 29 October 2020 stating that the draft City Plan was not sound but that a number of 'main modifications' could be made to make Plan sound. These main modifications will be subject to public consultation and, only once responses have been received and considered, will the Inspectors' report be drafted. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will generally continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

8.9 Neighbourhood Plans

The Knightsbridge Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 18 October 2018, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Knightsbridge Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

The Mayfair Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 31 October 2019, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

8.10 London Plan

The relevant land use policies of the London plan are outlined in section 8.1

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

Not applicable.

8.13 Environmental Impact Assessment

Item No.

Not applicable.

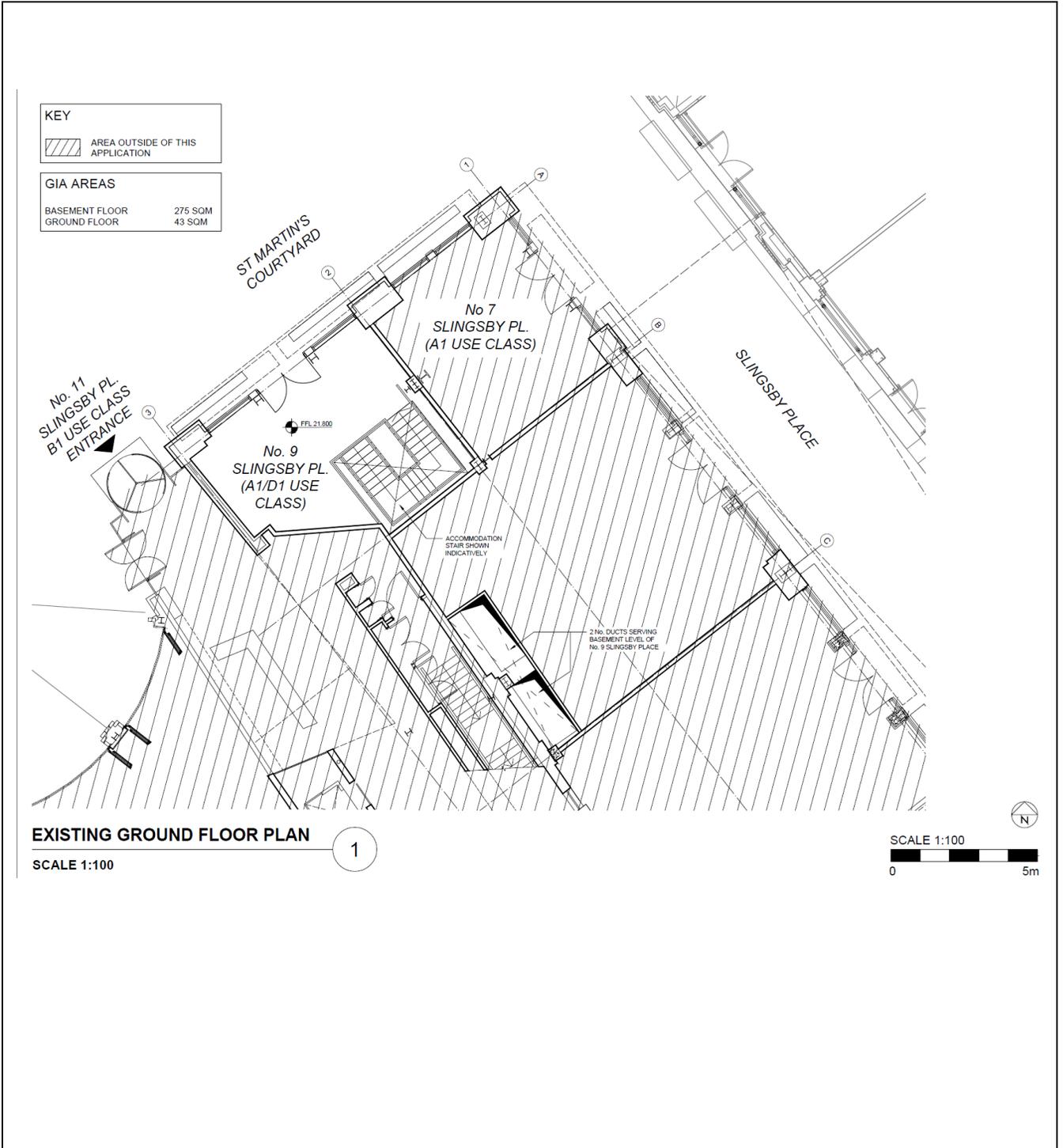
8.14 Other Issues

None

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

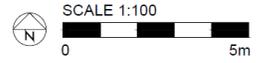
9. KEY DRAWINGS



**PROPOSED GROUND FLOOR PLAN
SHOWING SUI GENERIS / LIVE
MUSIC VENUE USE**

1

SCALE 1:100

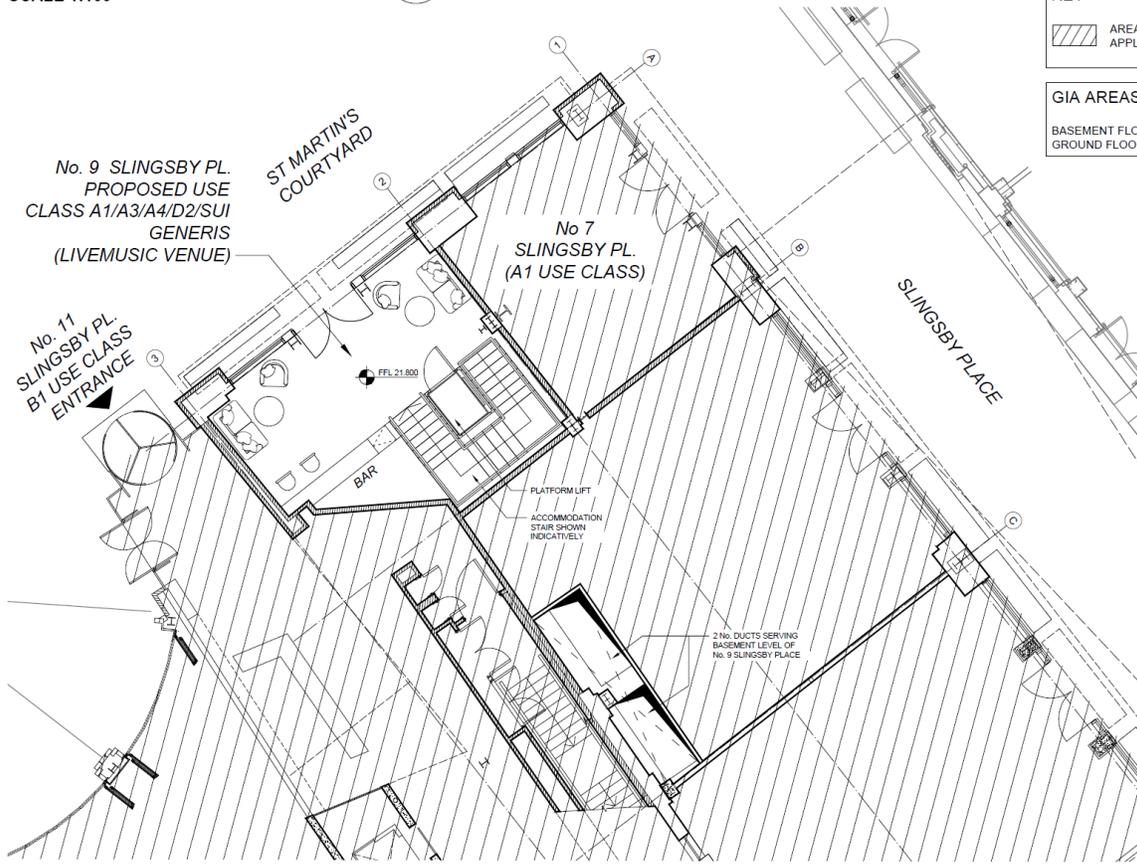


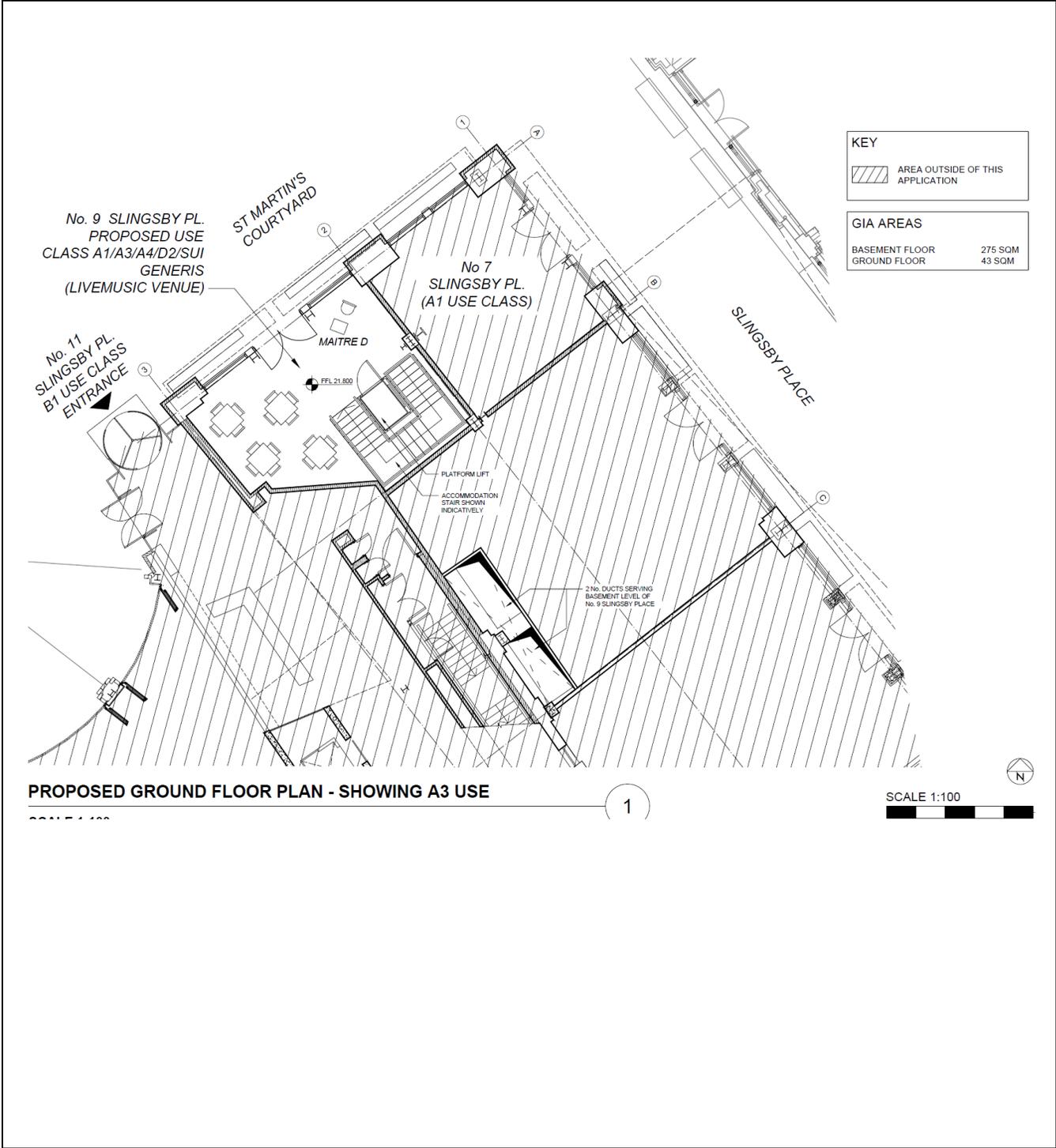
KEY

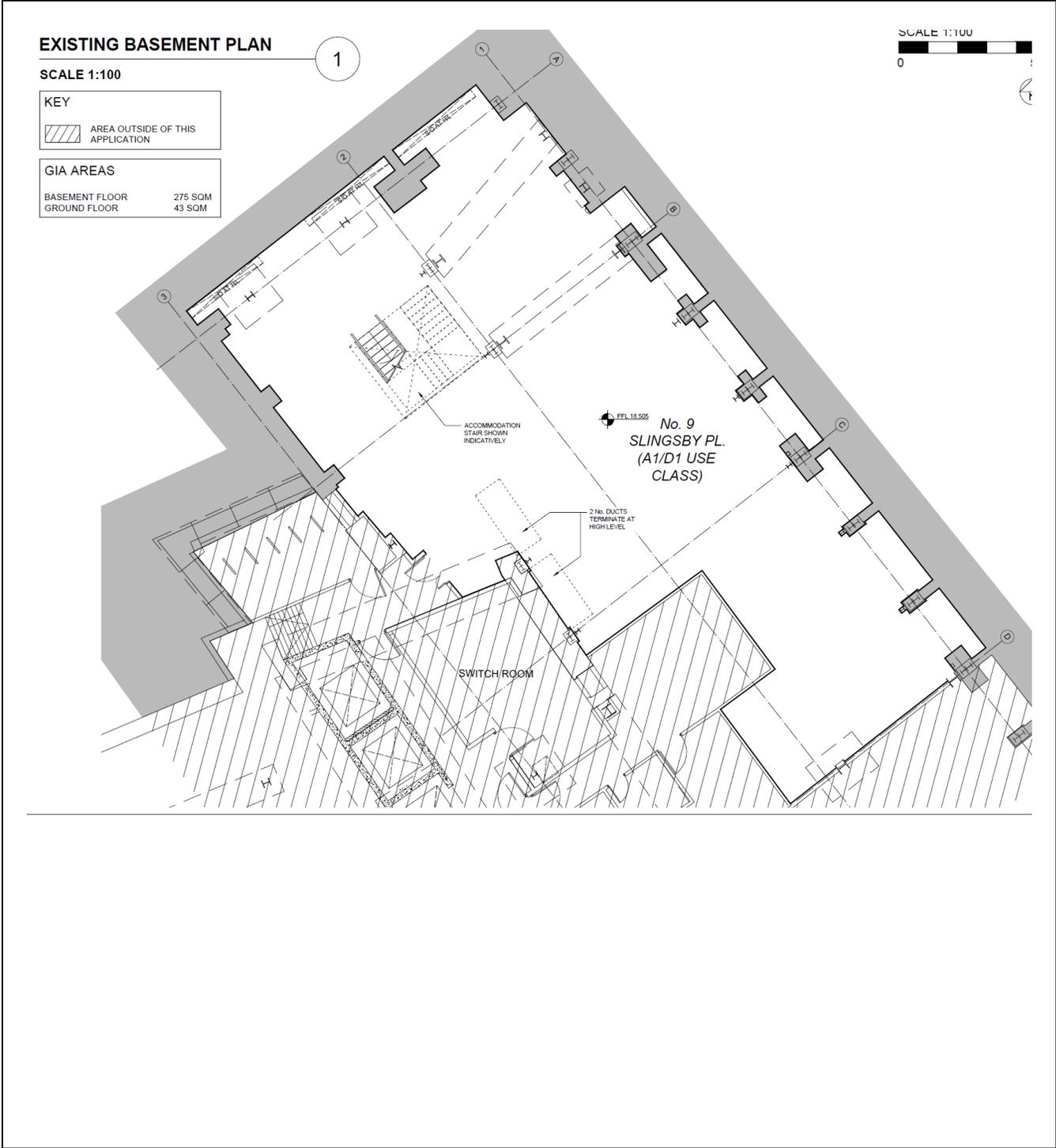
	AREA OUTSIDE OF THIS APPLICATION
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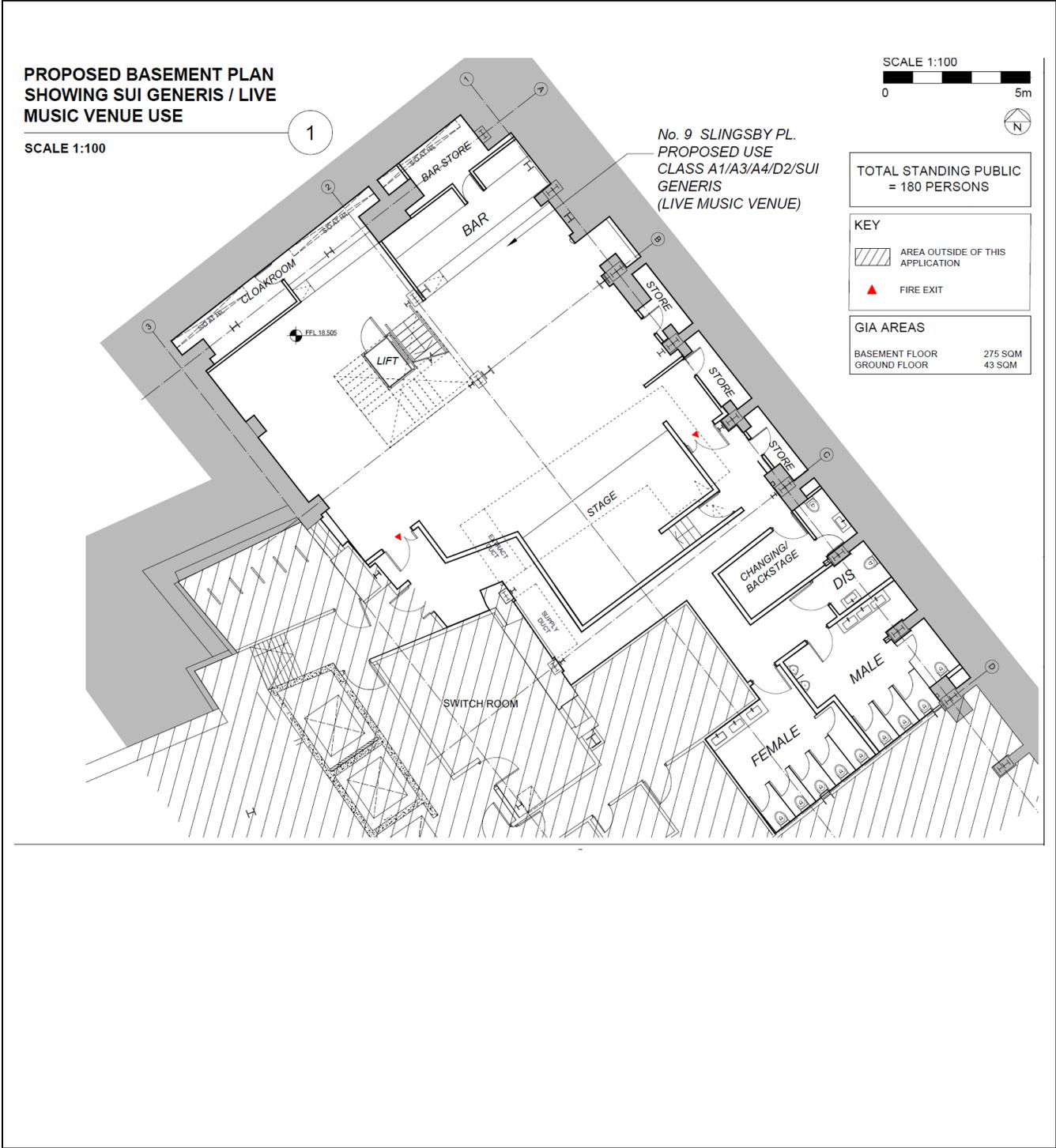
GIA AREAS

BASEMENT FLOOR	275 SQM
GROUND FLOOR	43 SQM





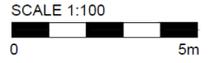




**PROPOSED BASEMENT PLAN -
SHOWING A3 USE**

SCALE 1:100

1



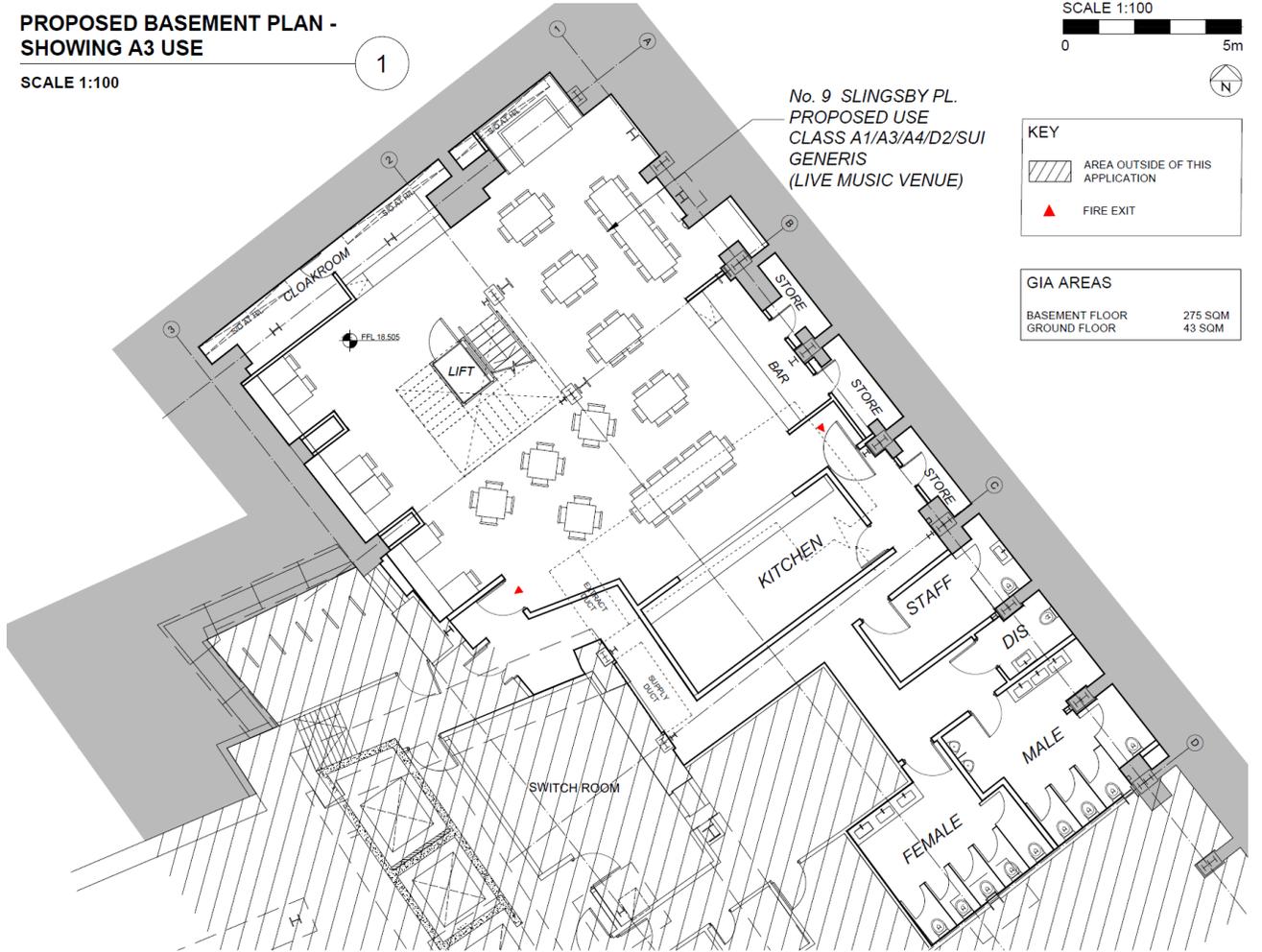
No. 9 SLINGSBY PL.
PROPOSED USE
CLASS A1/A3/A4/D2/SU1
GENERIS
(LIVE MUSIC VENUE)

KEY

- AREA OUTSIDE OF THIS APPLICATION
- FIRE EXIT

GIA AREAS

BASEMENT FLOOR	275 SQM
GROUND FLOOR	43 SQM



DRAFT DECISION LETTER

Address: 9 Slingsby Place, London, WC2E 9AB

Proposal: Use of the ground floor and basement as a flexible alternative use comprising retail (Class A1), restaurant (Class A3), drinking establishment (Class A4), assembly and leisure (Class D2), and live music venue (Sui Generis).

Reference: 20/04025/FULL

Plan Nos: Site Location Plan; Existing Floor Plans and Proposed Floor Plans prepared by Smith CH Architects; Design and Access Statement prepared by Smith CH Architects; Transport Statement-prepared by Caneparo Associates; Market Agency Letter prepared by Colliers.

Case Officer: David Dorward

Direct Tel. No. 020 7641
07866038730

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 servicing must take place between 0730hrs and 1130hrs on Monday to Saturday and not at all on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

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 TRANS 20 of our Unitary Development Plan that we adopted in January 2007.

- 4 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

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 TRANS 20 of our Unitary Development Plan that we adopted in January 2007.

- 5 Customers shall not be permitted within the A1/A3/A4/D2/Sui Generis (Live Music Venue) premises before 0800hrs or after midnight each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 You must provide the separate stores for waste and materials for recycling shown on drawing number SK001. You must clearly mark them and make them available at all times to everyone using the premises.

Reason:

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

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

specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value

of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

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

- 9 The Class A1, A3, A4, D2 and Sui Generis (Live Music Venue) use allowed by this permission must not begin until you have fitted self-closing doors at ground floor level. You must not leave these doors open except in an emergency or to carry out maintenance.

Reason:

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

- 10 Apart from the entrance to the Class A1, A3, A4, D2, Sui Generis (Live Music Venue) use annotated on the approved drawings, the ground floor windows shall be fixed permanently shut.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 11 No live or recorded music shall be played in the Class A1, A3, A4, D2 or Sui Generis (Live Music Venue) use that is audible outside of the premises.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start either the Class A3, A4, D2 or Sui Generis (Live Music Venue) use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that either the Class A3, A4, D2 or Sui Generis (Live Music Venue) is in use. (C05JB)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 and TACE 10 of our Unitary Development Plan that we adopted in January 2007.
(R12AC)

- 13 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the Class A1, A3, A4, D2, Sui Generis (Live Music Venue) use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the Class A1, A3, A4, D2, Sui Generis (Live Music Venue) use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- The location of most affected noise sensitive receptor location and the most affected window of it;
 - Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
 - The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive

sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 14 The design and structure of the development shall be of such a standard that it will protect other users 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 30 dB LAeq.

Reason:

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

- 15 In the event that the premises is used for Class D2 purposes, you must apply to us for approval of the proposed Class D2 use prior to its commencement. You must only use the premises for the agreed Class D2 use or for Class A3, A4, or Sui Generis (Live Music Venue) purposes. You must not use it for any other purpose within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the City. This is in line with S29 and S32 of Westminster's City Plan (November 2016).

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted

Development) (England) Order 2015, the ground and basement floor can change between the uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change.

- 3 You must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.

- 4 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974). British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work. An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

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

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Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 th March 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	13 Soho Square, London, W1D 3QF		
Proposal	Demolition of the existing rear extension and erection of replacement new extension with terrace at rear third floor level and creation of a new roof terrace and installation of plant both at main roof level. Use of the building as a residential dwelling (Class C3) with associated internal and external works.		
Agent	Barton Willmore LLP		
On behalf of	Mr Olive		
Registered Number	20/06844/FULL 20/06845/LBC	Date amended/ completed	28 October 2020
Date Application Received	28 October 2020		
Historic Building Grade	II*		
Conservation Area	Soho		

1. RECOMMENDATION

- | |
|--|
| <ol style="list-style-type: none"> 1. Refuse planning permission – unacceptable in design terms. 2. Refuse Listed Building consent – unacceptable in design terms. |
|--|

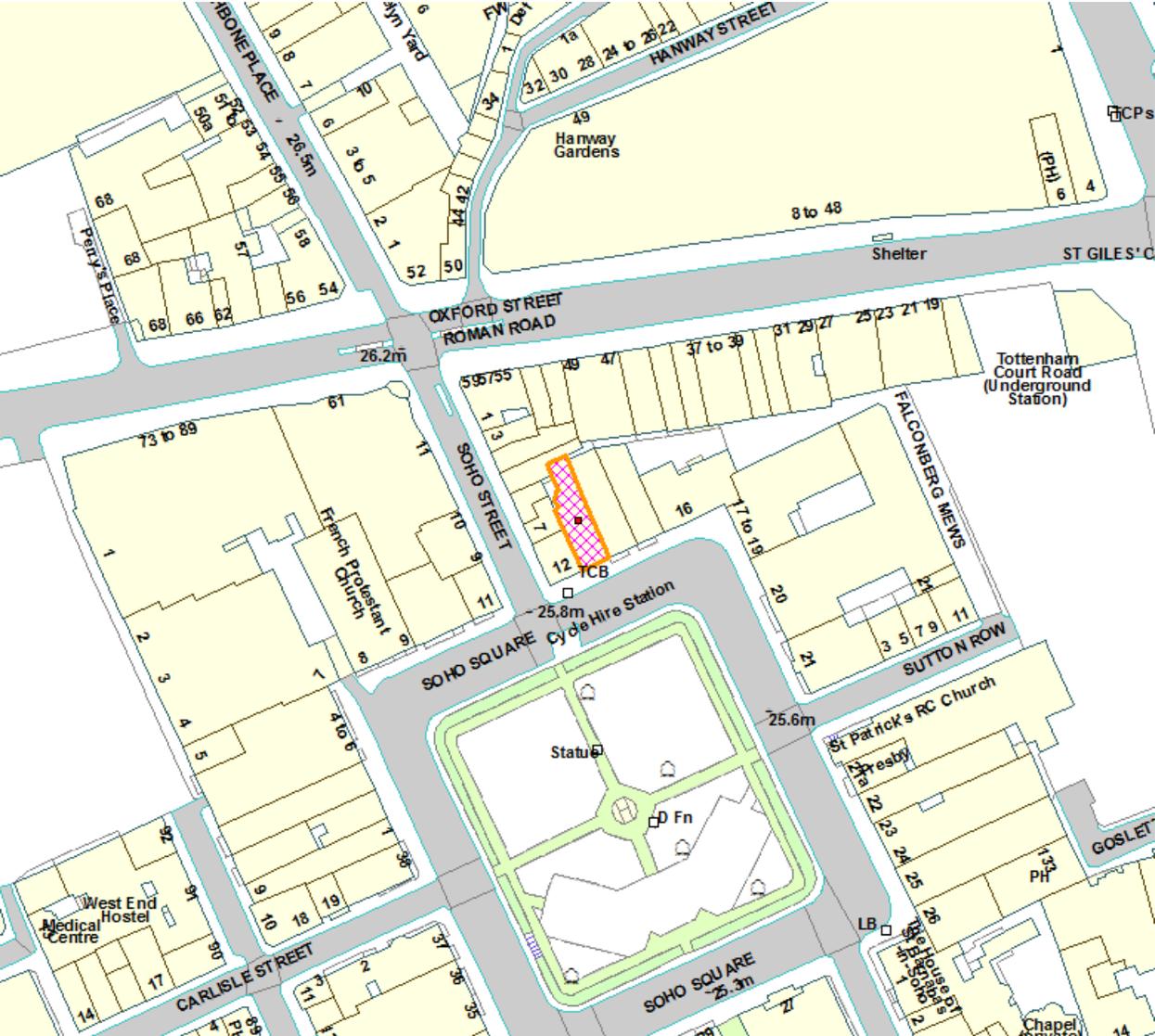
2. SUMMARY

<p>13 Soho Square is a Grade II* listed building located within the Soho Conservation Area and the Core Central Activities Zone. The property comprises of lower ground, ground and first to third floor levels. The building is currently occupied as office accommodation, but works have taken place to implement a 2015 planning permission for residential use and these works may lawfully continue.</p>
--

<p>Consent is sought for the demolition of the existing rear extension with a replacement new extension and a terrace third floor level. Other works include a glass link and removal of part of the existing roof structure to enable the creation of a further roof terrace and to install plant items and a replacement roof lantern. Internal alterations are proposed throughout the building including to the main staircase and incorporating environmental improvements all in connection with the use of the property as a single family dwelling.</p>

The key issue is the impact of the proposals on the special architectural and historic interest of this Grade II-Star listed building and the character and appearance of the Soho Conservation Area. In their architectural concept the alterations are overtly modern and contrast sharply with the historic character of the building. While some modern interventions may be acceptable, cumulatively the alterations are considered to cause unmitigated harm to the building's special interest, and the benefits set out by the applicant of improved environmental performance, do not outweigh that harm. For the reasons set out in the main report, the current proposals are not considered to be acceptable and are therefore recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front Elevation:



Aerial Photograph:



5. CONSULTATIONS

COUNCILLOR LEWIS

Supports the scheme due to the environmental improvements proposed.

COUNCILLOR GREEN

States that it was for the applicant to discuss the proposal with officers.

SOHO SOCIETY

No response.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

HIGHWAYS PLANNING

No objection subject to conditions.

WASTE PROJECT OFFICER

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

13 Soho Square is a Grade II* listed building located in the Soho Conservation Area and the Core Central Activities Zone, the building comprises lower ground, ground and first to third floor levels. Whilst the building is currently used as office accommodation planning permission has been previously granted for the change of use of the building to a single family dwelling and this permission has been implemented due to relevant works being carried out to the property. This has been confirmed through a Certificate of Lawfulness.

6.2 Recent Relevant History

24th February 2015 - Planning permission and listed building consent were granted on the for the following development: *Use of the building as a single family dwelling (Use Class C3), external alterations at all floor levels including the demolition of the existing extension at rear second floor level and creation of a terrace and the installation of plant at main roof level.*

8th September 2017 – Certificate of Lawfulness was granted for the following: *Establish lawfulness of works to enlarge the existing window at rear ground floor and subsequent installation of a new entrance door in connection with the development granted planning permission on 24th February 2015 (RN: 14/12653/FULL) for, 'Use of the building as a single family dwelling (Use Class C3), external alterations at all floor levels including the demolition of the existing extension at rear second floor level and creation of a terrace and the installation of plant at main roof level.*

7. THE PROPOSAL

Consent is sought for the demolition of the existing rear extension at ground to second floor levels and replacement with a new extension of ground to second floor levels with a terrace at third floor level. A glass link is proposed between the original rear wall and the rebuilt rear extension. At main roof level it is proposed to remove part of the existing roof structure to enable the creation of a roof terrace and to install plant items and replacement roof lantern. Internal alterations are proposed throughout the building including to the main staircase and incorporating environmental improvements all in connection with the use of the property as a single-family dwelling.

8. DETAILED CONSIDERATIONS

8.1 Land use

Planning permission and listed building consent were granted on the 24th February 2015 for the *'Use of the building as a single family dwelling (Use Class C3), external alterations at all floor levels including the demolition of the existing extension at rear second floor level and creation of a terrace and the installation of plant at main roof level.'*

A Certificate of Lawfulness was then granted on the 8th September 2017 confirming that the planning permission for works and the change of use of the property to a single family dwelling had been implemented. Therefore, the fallback position is that this implemented planning permission could be completed and the building used for residential purposes.

Whilst the current policy position (City Plan Policy S20) is that the change of use of office accommodation to residential floorspace within the Core Central Activities Zone is unacceptable in principle, given the building could currently be lawfully occupied as a residential unit the proposal is considered acceptable in this regard.

8.2 Townscape and Design

Introductory Text:

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of*

preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 66 of the same Act requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 72 of the same Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Design Consideration:

13 Soho Square is a Grade II-Star listed building in the Soho Conservation Area to which it makes a positive contribution. The list entry notes its origins date from 1677 and that it was rebuilt 1769-69 with further alterations in the mid-nineteenth century. Of the internal features, the staircase and a decorative plaster ceiling are most notable in the list entry. The plan form is historic with later alterations of interest, the structural fabric is also largely historic, and there are various historic joinery items such as panelled window reveals (possibly sealed shutters), and areas of panelling.

The street façade is rendered (painted green) and has an attractive shopfront with dual entrances; the rear of the building is of stock brick and has a large extension. The site is tightly constrained at the rear from where it is only visible from surrounding properties. Residential flats at 47-49 Oxford Street, to the north of the application site, were approved in 2013, and their amenity has an impact on the acceptability of the currently proposed rear roof terrace in terms of a requirement for visual screening. In principle, the considerations are the same as for the previously approved rear terrace although that was a storey lower than that of the current application.

Permission was granted in 2015 for use of the building as a single family dwelling, at that time the associated application for listed building consent was also approved, the works were described as "Internal and external alterations at all floor levels including the demolition of the existing extension at rear second floor level and creation of a terrace and the installation of plant at main roof level."

The approved listed building consent application was accompanied by a Building Investigation report prepared by Demaus Building Diagnostics Ltd. The report helpfully refers to the Survey of London, Volume XXXIII, (1966), which describes the building in the following terms:

"The stucco facing to the front of this house is mid nineteenth-century work of a similar character to No. 12. Internally, the house differs from No. 12 in being entered from the square and in having a bay window at the rear, but there is again a square stone staircase in the centre and both this and its good wrought iron balustrade have been little altered (Plate 127b). The stair rises only to the second-floor level, which is marked by a decorated band. A small enclosed wooden staircase gives access to the floor above and this has a gallery to the main stair compartment, which is finished with a modillion cornice and plain ceiling, the roof light having a frieze of festoons and roundels. Some altered late seventeenth-century balustrading, with panelled newels and twisted balusters, has been re-used above the staircase to the basement. As in No. 12, a decorated plaster ceiling survives in the first-floor rear room, the ornament awkwardly contained in its rectangular panel (Plate 131a). In this room, in the one below and in the front room on the first floor, there are enriched modillion cornices and in both first-floor rooms some wide and narrow wooden panelling survives. Due to extensive alterations and partitioning, no room in the house now gives any clear idea of its eighteenth-century appearance."

The purpose of the report was primarily to establish what lay behind modern internal linings. At roof level, the report identified in paras. 10.4 - 10.6 of the pyramidal roof on the rear bay that:

"The pyramidal or sloping ceilings above the later flat ceiling consist of foilbacked plasterboard fixed direct to the underside of historic, possibly original softwood structural elements. No earlier or original lath and plaster finishes could be identified.... By internal and external inspection of the roof structure, fabric and details over Audio 2, it seems likely that there was a comprehensive overhaul of the roof areas which involved the removal of all earlier elements and materials except for the roof timbers and some ceiling timbers, and the insertion of new machine made tiles, and new plasterboard internal finishes, and incorporating some fibreglass insulation."

As regards the front room (Audio 3) the report notes at para. 11.1 and 11.5 that:

"Audio 3 is generally within the roof space and with generally no very original or early fabric remaining.... The roof structure is probably mostly modern (i.e. post-war) but may incorporate some earlier much altered elements. The plasterboard appears to be fixed directly to the underside of the rafters"

In conclusion the report notes:

"Apart from the primary structural elements, very little historic fabric survives at third floor level and in the roof spaces, all of which appear to have been comprehensively rebuilt in the modern period, most probably in the 1970s."

and that as regards the Survey of London where it comments "Due to extensive alterations and partitioning, no room in the house now gives any clear idea of its eighteenth-century appearance" it is concluded that:

" Whilst this may be largely true, significant elements of earlier, if not original, fabric do survive, and generally, these have not been significantly compromised or damaged by

the more recent additions."

Regarding the alterations, the proposal envisaged comprehensive refurbishment of the building including substantial alterations to the rear extension which was to be reduced by one storey to allow creation of a rear roof terrace at second floor level. Mechanical plant was to be reduced and relocated to an area of flat roof on the main part of the building. The height reduction of the rear extension was a particularly welcome improvement in heritage asset terms.

The current application differs from the approved scheme in several key respects. The main roof is to be altered to form a terrace, the rebuilt rear extension is to remain at its current height with the addition of a terrace, the main staircase is to be altered, and the environmental performance of the building is to be upgraded.

Regrettably, in several aspects the proposal is unacceptable in heritage asset terms and the benefits of improved environmental performance do not outweigh the harm.

In their architectural concept the alterations are overtly modern and contrast sharply with the historic character of the building. This is problematic given that this is a Grade II-Star listed building, which is a category of 'particularly important buildings of more than special interest'. While some modern interventions may be acceptable, cumulatively the alterations would cause unmitigated harm to the building's special interest.

Rear extension

While demolition of this part of the building may allow a better architectural reading of the older canted-bay window, the glass link is an overtly modern addition which on its own may be acceptable. However, the proposed rear roof terrace requires visual screening and now that this no longer on lowered extension, the benefit of the approved scheme is lost and the impact of the terrace on the special interest of the building is worsened because of the screening required and the clutter this creates at roof level. This is not mitigated by the proposed glass link which is in principle the same as previously approved but without the compensating benefit of a reduced height extension.

Main roof terrace

While the previous and current assessments of the roof broadly concur about the age of the roof fabric, it cannot be argued that its form (and some of the fabric) is not historic. Moreover, the main roof area of a building of this type was never intended for use as terrace. Therefore, the alteration as proposed would result in the loss of part of the roof's historic form (the extent of historic fabric lost is unclear) and would introduce a use fundamentally out of character with the building's special historic interest. Furthermore, the access arrangements (including a lift) would be detrimental to the building's historic hierarchy by priding rather grandiose access to an area historically, and normally, out of bounds. The incongruity of the terrace would be exacerbated by the 'tiled floor finish' and structural rooflight over the main staircase.

Main staircase

The existing main staircase is of particular interest and has a delightful balustrade. The modification at ground floor level where it currently runs against the western party wall is a historic alteration of interest in its own right and reflects the changes to the building over time. Through the pre-application process, it has been established that the

relocated part of the staircase seems to be a mixture of different parts and, in any case, its relocation would be technically challenging (if not impossible) and it would be undesirable in heritage asset terms to remove this quirk because it contributes positively to the building's history.

In the context of use as a single family dwelling, it is accepted that the staircase is inconvenient. Nevertheless, it is a material consideration that approval for the use, and associated works, was previously granted without alteration to the staircase. Noting the quality of the main staircase, and its timber counterpart from ground to basement level, the proposed alteration is contentious in heritage asset terms. While, on its own, the proposed staircase alteration may be acceptable given it is wholly additional to the building (i.e. there is no loss of fabric) and its form is likely to resemble the original design, this is another overtly modern intervention in the building.

Environmental performance

There is no objection to sensitive improvements to the building's environmental performance and the support offered by Councillor Lewis is acknowledged. However, none of the upgrading work proposed is reliant on any of the other alterations. Furthermore, there are concerns about internal wall insulation in terms of moisture retention and the consequent impact of timbers bedded into the walls. Be that as it may, the principle of improvements to the building's environmental performance can be a public benefit in terms of the climate change emergency, but none of the upgrading work proposed is reliant on any of the other alterations. Therefore, the improvements cannot outweigh the harm identified elsewhere in the scheme.

Had the scheme been acceptable in all other respects, the internal layout would still have required modification to omit, for example, the proposed double-doors at first floor level where they are simply too large and create a quasi-open-plan effect.

Alterations proposed to the lift shaft would improve the plan-form of the house by removing the intrusion in the front rooms which breaks the continuity of the partition wall, but this benefit is more than outweighed by the harm of the other alterations and the reinstatement of missing features such as chimneypieces is a benefit that is not reliant on any of the other alterations and would/could be delivered by the previously approved scheme.

Conclusion

As such the proposals fail to accord with City Plan policies S25 and S28 and UDP policies DES 1, DES 5, DES 6, DES 9 and DES 10, and the public benefits proposed, comprising improvements to the building's environmental performance, are not dependant on the harmful alterations and this would not outweigh the less than substantial harm that would be caused to the designated heritage asset. Therefore, the recommendation to refuse planning permission and listed building consent is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 **Residential Amenity**

The re-built extension is similar in bulk and massing to the existing and the main amenity

issue arises from the introduction of a terrace at rear third floor level on the roof of the rebuilt rear extension. The previously approved, and implemented, consent for the conversion to a single-family dwelling allowed for the creation of a terrace at rear second floor level. Concern at the time was expressed about the potential for overlooking from this terrace of residential windows to the north of the application site at 47-49 Oxford Street and suitable planting was included on the terrace to protect the privacy of these existing residential windows. A condition was included to ensure the planting was maintained to a height of 1.8m. Planting has again been shown on the current application on the edge of the terrace to prevent overlooking of the neighbouring residential windows. Had the application been recommended for approval a condition would have been recommended to ensure the installation and maintenance of this planting.

8.4 **Transportation/Parking**

The Highways Planning Manager has confirmed they have no objection to the application. Four cycle parking spaces have been shown on the proposed drawings within the rear alleyway at the back of the property. This level of cycle parking accords with the London Plan requirements and would have been secured by condition if the application had been recommended for approval.

Whilst a suitable bin store has been shown on the drawings for the property, the Waste Projects Officer has requested that further details in relation to the separation of waste and size of the bins is provided. If recommended for approval a suitable condition would have been included requiring the submission of this information.

8.5 **Economic Considerations**

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

8.6 **Access**

No changes are proposed to the access arrangements.

8.7 **Other UDP/Westminster Policy Considerations**

Noise

The proposal includes the installation of plant items on the main roof of the property. Policies ENV6 and ENV7 of the UDP and S32 of the City Plan seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance resulting from plant operation. An acoustic report accompanies the application to consider the noise levels from the operation of the proposed plant

The plant is proposed to operate at any time over a 24 hour period given the 24 hour nature of the residential use. Background noise measurements have been recorded for the proposed plant location over a 24 hour period with the lowest background noise measurements recorded of 44dB. Measurements were made to windows at 14 Soho Square at a distance of 6m. Taking into account the 24 hour use of the plant the noise levels from the plant at the nearest sensitive property should be no more than 34 dB.

Expected noise levels at the nearest sensitive property resulting from the plant operation are 32dB.

Environmental Health have assessed the documentation and confirmed that the plant operation will be compliant with the City Council criteria. No acoustic mitigation is required. Had the application been recommended for approval conditions would have been included to control noise and vibration levels from the plant.

Sustainability

Improvements are proposed to the environmental performance of the building to achieve BREEAM Outstanding sustainability rating. These improvements are welcomed and accord with the relevant policies of the City Plan and UDP seeking to improve the sustainability of buildings within Westminster. It is also recognised that the improvements will go beyond emerging City Plan Policy 39 which seeks these proposals to achieve BREEAM Excellent.

Westminster Council has also declared a 'climate emergency' and has made a commitment to becoming a carbon neutral council by 2030 and a carbon neutral city by 2040 and these improvements will contribute towards those goals.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 in June and July 2019 and it was submitted to the Secretary of State for independent examination in November 2019. The City Plan examination hearings took place between 28 September and 16 October 2020. Following the examination hearings, the Council consulted on the main modifications recommended by the Inspectors between 30 November 2020 and 18 January 2021. However, having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract limited weight at this present time prior to the publication of the Inspector's final report.

8.9 Neighbourhood Plans

Not relevant to the determination of this application.

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**

Not relevant.

8.13 **Environmental Impact Assessment**

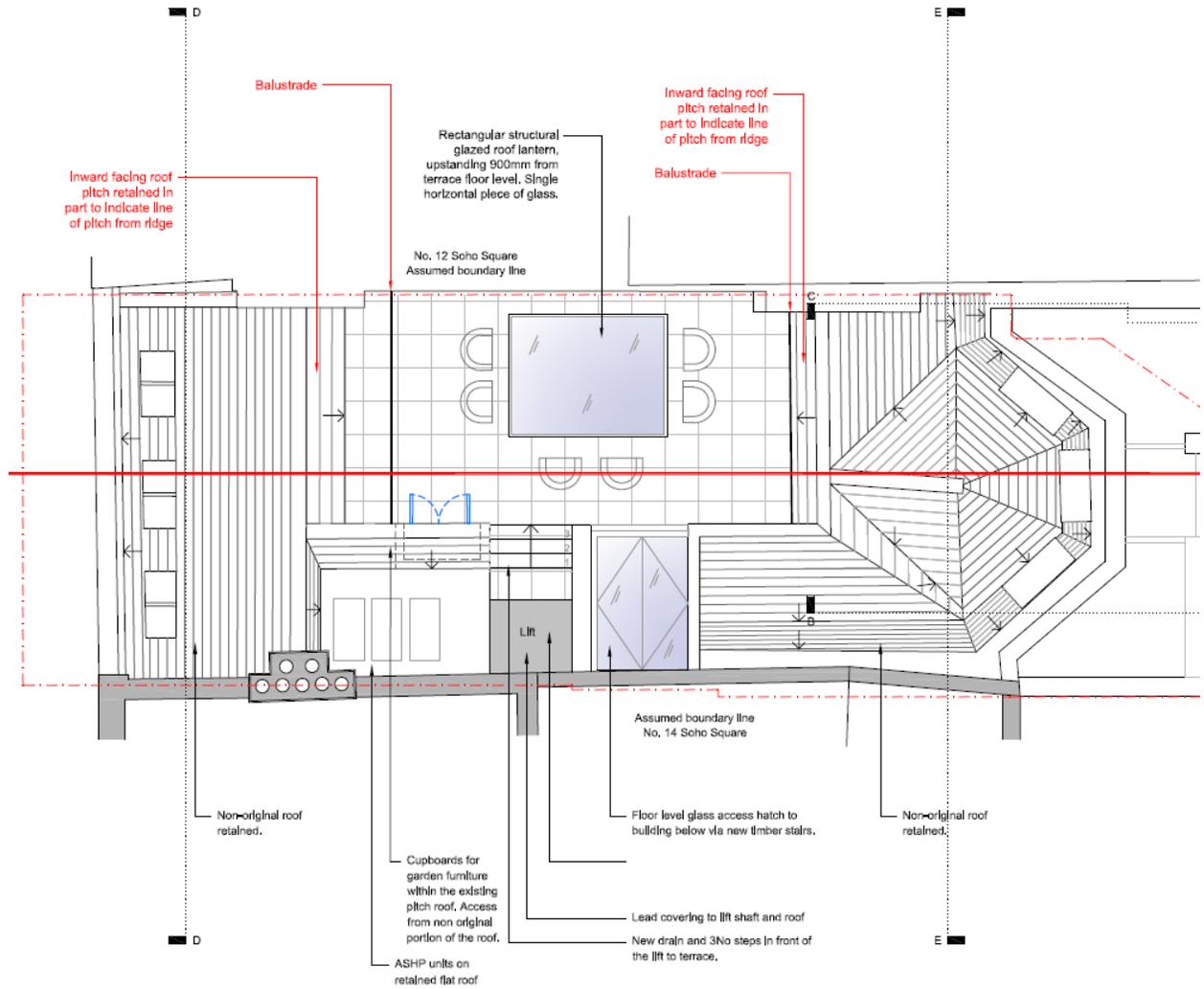
Environmental issues have been covered earlier in the report.

(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: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

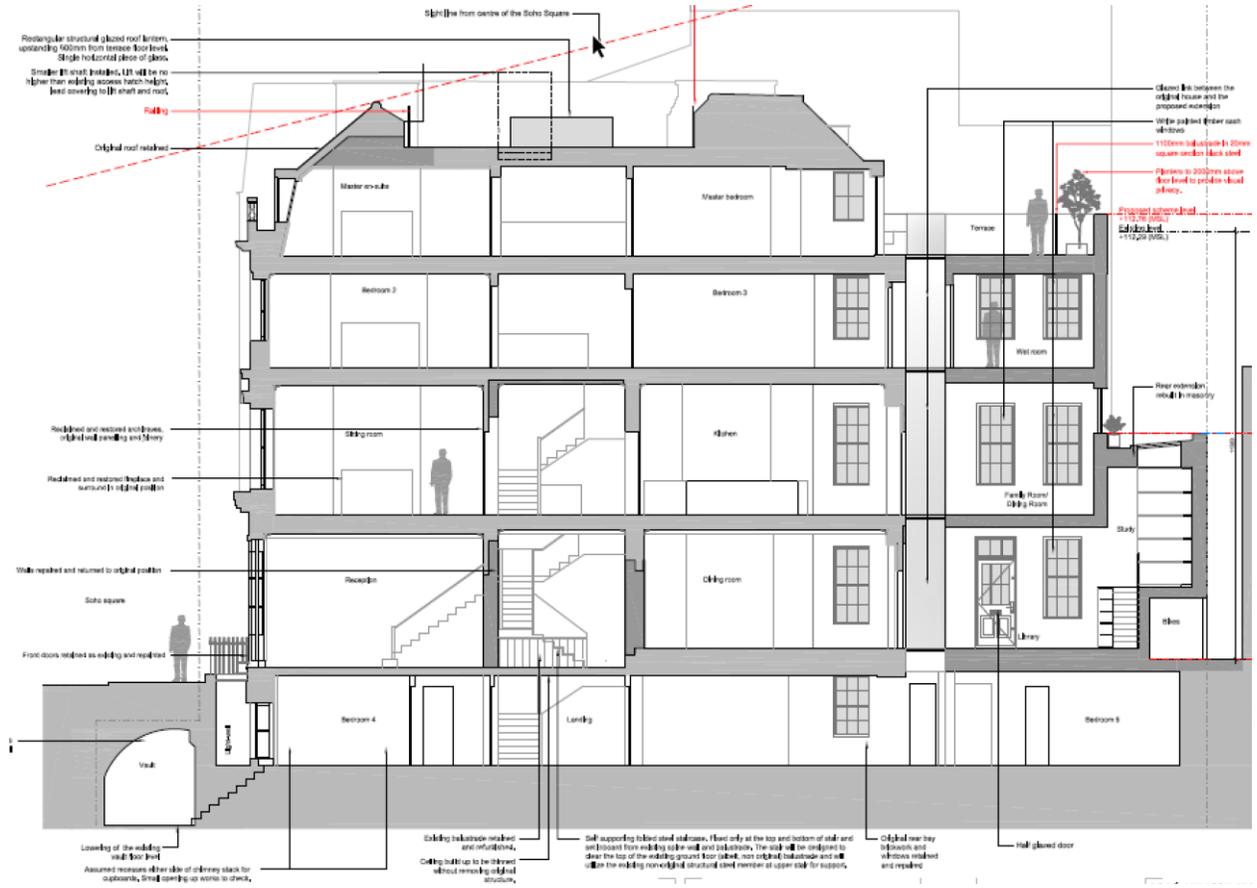
9. KEY DRAWINGS

Proposed Roof Plan:



01 PROPOSED ROOF PLAN
Scale 1:50 @ A1, 1:100 @ A3

Proposed Section:



20/06844/FULL

DRAFT DECISION LETTER

Address: 13 Soho Square, London, W1D 3QF,

Proposal: Demolition of the existing rear extension and erection of replacement new extension with terrace at rear third floor level and creation of a new roof terrace and installation of plant both at main roof level. Use of the building as a residential dwelling (Class C3) with associated internal and external works. (Linked to 20/06845/LBC)

Plan Nos: Sustainability Statement dated 23rd July 2020, Acoustic Report 16213-NIA-01, Drawings: EX.001, EX.002, EX.003, EX.004, EX.005, EX.006, EX.02.100, EX.02.200, EX.02.300, EX.02.400, EX.02.500, PL.001, PL.002, PL.003, PL.004, PL.005 RevA, PL.006 RevA, PL.02.100, PL.02.200 RevA, PL.02.600, PL.02.300 RevB, PL.02.400 RevA, PL.02.500, PL.03.001.

Case Officer: Matthew Giles **Direct Tel. No.** 07866040155

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

- 1 Because of their form and location the alterations to the roof and rear extension would harm the appearance and special architectural interest of this grade II-Star listed building. They would also fail to maintain or improve (preserve or enhance) the character and appearance of the Soho Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5, DES 6, DES 9, DES 10 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. 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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

20/06845/LBC

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Address: 13 Soho Square, London, W1D 3QF,

Proposal: Demolition of the existing rear extension and erection of replacement new extension with terrace at rear third floor level and creation of a new roof terrace and installation of plant both at main roof level. Use of the building as a residential dwelling (Class C3) with associated internal and external works. (Linked to 20/06844/FULL)

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Case Officer: Matthew Giles **Direct Tel. No.** 07866040155

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

- 1 Because of their form and location the alterations to the roof and rear extension would harm the appearance and special architectural interest of this grade II-Star listed building. They would also fail to maintain or improve (preserve or enhance) the character and appearance of the Soho Conservation Area; and because of their cumulative impact and detailed design the internal alterations would harm the special architectural interest of this grade II-Star listed building. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5, DES 6, DES 9, DES 10 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. 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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 th March 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Maida Vale	
Subject of Report	17 Leith Mansions, Grantully Road, London, W9 1LQ		
Proposal	Timber garden room in rear garden.		
Agent	Mr Filippo Adamo		
On behalf of	Ellas And Lockwood		
Registered Number	20/07258/FULL	Date amended/ completed	3 February 2021
Date Application Received	12 November 2020		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Planning permission is sought for the erection of a timber garden room within the rear garden to this ground floor .

The proposal has been amended during the course of consideration to reduce the size of the associated hard standing/patio area.

Nine objections have been received on the grounds of design, amenity and environmental impact, including loss of trees and greenspace, impact on wildlife and increased water run-off.

The key issues in the determination of this case are:

- The impact of the proposals upon the Maida Vale Area Conservation Area;
- The impact of the development on the amenity of neighbouring properties; and
- The impact of the loss of trees.

For the reasons as set out in the report, notwithstanding the objections raised, the proposal is considered to be acceptable in design, amenity and arboricultural terms and is therefore recommended favourably, subject to conditions.

3. LOCATION PLAN



4. PHOTOGRAPHS



View of garden from 17 Leith Mansions

5. CONSULTATIONS

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Any response to be reported verbally

ARBORICULTURAL SECTION

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 31

Total No. of replies: 9

No. of objections: 9 all from Leith Mansions

No. in support: 0

Objections on one or all of the following grounds: -

Design

- Visual impact
- Adverse effect on the character of the area

Amenity

- Noise disturbance
- Light pollution
- Loss of privacy

Other

- Impact on property values
- Loss of green space
- Impact on wildlife
- Increased rain run-off
- Loss of trees
- Increased traffic noise
- Private development in communal gardens should not be allowed
- Environmental impact
- Would set a precedent

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Leith Mansions is a large mansion block located on the south side of Grantully Road between junctions with Biddulph Road and Morshead Road. To the rear are properties

and their rear gardens of Elgin Avenue. The building is not listed but falls within the Maida Vale Conservation Area. There are a number of trees within the rear garden including a Sycamore Tree, tree of Heaven, a number of apple trees, an apricot tree and two elder trees.

6.2 Recent Relevant History

None

7. THE PROPOSAL

The application seeks permission for the erection of a timber garden room, for use as a home-office in the private rear garden to Flat 17.

The application has been amended during the course of consideration to reduce the size of the associated hard standing/patio area.

Because of the COVID-19 emergency it was not possible to conduct a site visit however sufficient site photographs have been provided to enable the application to be fully assessed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The creation of additional floorspace ancillary the existing residential flat is supported by Policy S14 of the adopted City Plan and Policy H3 of the adopted Unitary Development Plan.

8.2 Townscape and Design

The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting.

Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as

relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Historic plans of the area show that both Leith Mansions and also Elgin Mansions to the south side of this site were originally constructed with a continuous series of structures to the end of their rear gardens, both of which faced onto what appears clearly to have been a service lane between the these two sets of mansion blocks. These may have been coal sheds, as suggested by the applicants and appear certain to have been single storey. Whilst most appear to have been demolished over the years, some structures are still apparent in these locations from aerial photographs. There are some short sections of brick wall remaining at the application site which may relate to the structures formerly in this rear garden.

Given the historical precedence for single storey rear garden structures to the site, there is no objection to the principle of the incorporation of a new garden room in this general location to the rear of the garden.

The structure proposed only marginally rises above the height of the rear boundary wall to the site, and is set in appreciably from each side. The patio area adjacent has been reduced in scale through the application process and is now a relatively small feature. A condition is recommended to secure appropriate paving for this patio area. The timber cladding proposed by the applicants for the elevations of the structure is considered to sit comfortably with the brickwork walls and timber fencing apparent from site photos as being to the rear and sides of this section of garden, and the use of timber is considered appropriate for this garden setting.

The application as initially submitted included reference to a 'dark grey synthetic rubber roofing membrane' as the material proposed to the roof, which is not considered to give a high quality appearance or assist in integrating the new structure into its garden setting, particularly noting the many rear window views down onto this garden area from the flanking mansion blocks. As such, an amending condition is recommended to secure a green roof appropriate to this location.

Given the above, and subject to conditions, the proposals are considered acceptable in design terms despite the objections on design grounds. The recommendation is considered in line with s. 72 of the Planning (Listed building and Conservation Areas) Act 1990.

As such, the proposal is considered acceptable, mindful of policies DES1, DES5 and DES9 of the UDP and policies S28 of the City Plan; and therefore, a recommendation to grant conditional permission/ consent [delete as appropriate] would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.

The proposed building is only marginally taller than the surrounding boundary wall/fences (being 2.37m at its highest point compared with the 2.17m height of the wall behind it and the 2.10m of the neighbouring fence to its south west elevation). It will be located over 10m from the nearest residential windows. Because of these factors it would therefore have no significant impact in terms of sense of enclosure or loss of sunlight/daylight to surrounding properties and their gardens. The proposed fenestration to the new garden building looks back to the private garden of the flat to which it is associated. This fact together with the distance to neighbouring properties would mean that no significant increase in overlooking would result and therefore the objections raised on this ground by occupiers of flats within the adjoining block is not supported by officers.

Objections have been received from other flats within Leith Mansions on the grounds that the proposal would result in light pollution and noise disturbance. It is not considered that the garden building would result in a significant increase in noise generation when compared to the existing garden use and its domestic use in association with the enjoyment of the existing flat. Given the nature of fenestration to the garden building and its distance to and relationship with neighbouring properties, it is not considered that it would cause any significant light pollution so as to cause a nuisance to neighbours. However, an informative is recommended to advise the applicant of the need to prevent nuisance from light pollution and the action available to Environmental Health should a nuisance occur.

The proposals would therefore comply with policies ENV13 of the UDP and S29 of the City Plan.

8.4 Transportation/Parking

The proposal would have no implications in terms of transportation or parking

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposal does not involve any changes to access arrangements.

8.7 Other UDP/Westminster Policy Considerations

Trees

In order to facilitate the development, it is proposed to remove several small apple trees

an apricot and two elders. The Sycamore Tree and Tree of Heaven would be retained.

Objections have been received on the grounds that the proposal would result in the loss of trees and green space. The amount of hard standing proposed has been reduced during the course of consideration. The City Council's Arboricultural Manager has assessed the proposal and the submitted tree report. Whilst the loss of the smaller trees is regrettable, they are relatively young and of low amenity value and subject to tree replacement, their loss would be acceptable. Given this and the replacement planting, the objections to the loss of the existing trees is not supported.

With respect to tree protection of the Sycamore Tree and Tree of Heaven, subject to conditions including agreeing any drainage and service routes before site works start, it is considered that the trees can be satisfactorily protected.

Objections have also been received on the grounds of the impact on wildlife, increased rain run-off and the environmental impact of the proposal. It is considered that the amendment to the proposal involving the reduction in hard standing and subject to a condition requiring a green roof to which the applicant has agreed, the impact on wildlife, surface water drainage and the environment in general is acceptable.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 in June and July 2019 and it was submitted to the Secretary of State for independent examination in November 2019. The City Plan examination hearings took place between 28 September and 16 October 2020. Following the examination hearings, the Council consulted on the main modifications recommended by the Inspectors between 30 November 2020 and 18 January 2021. However, having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract limited weight at this present time prior to the publication of the Inspector's final report.

8.9 Neighbourhood Plans

There is no neighbourhood plan covering this area of the City.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

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

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which

must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure a tree protection method statement. The applicant has agreed to the imposition of the condition.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

Not relevant to this application.

8.14 Other Issues

Objections have been received on the grounds that private development in communal gardens should not be allowed. The applicant has stated that they own the freehold of the garden and that its use is exclusive to their flat.

An objection has also been received on the grounds of the impact on property values which is not a planning consideration.

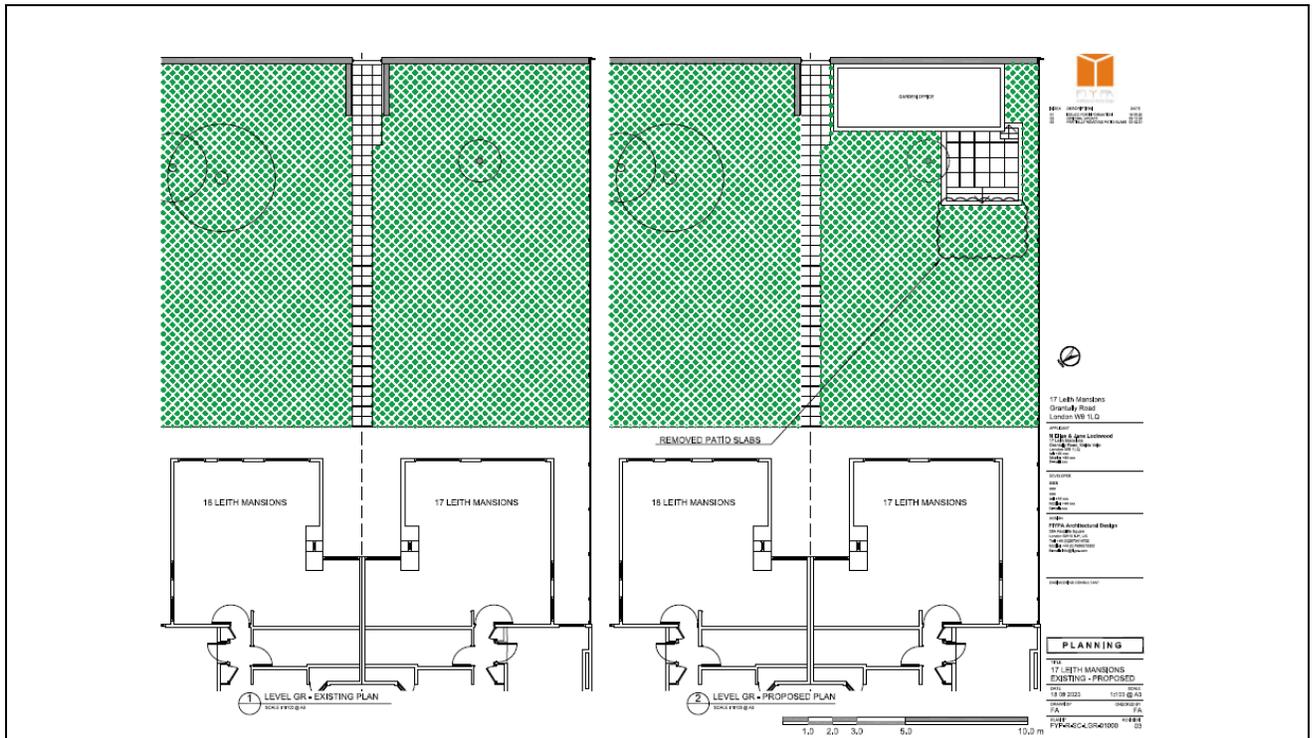
In addition, an objection has been received on the grounds of increased traffic and noise. However, it is not considered that the proposal would result in any increase in traffic or associated noise given the domestic use of the garden room.

A further objection has been received on the grounds that the proposal could set a precedent. This is not a sustainable ground for objection as each application is considered on its individual merits.

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

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

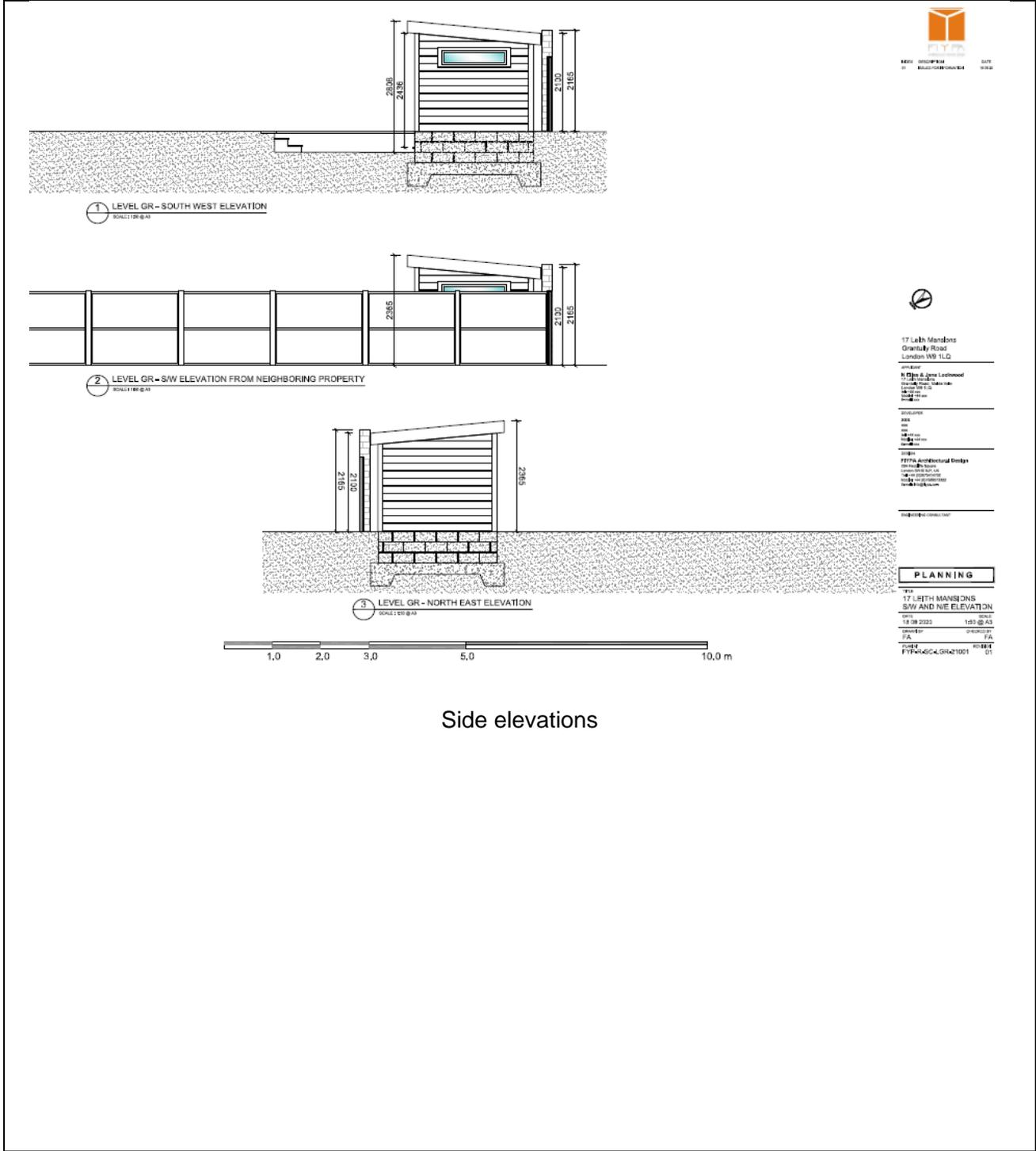
9. KEY DRAWINGS



Existing and Proposed Floorplans showing garden office location within rear garden



Front elevation of proposed building



Side elevations

DRAFT DECISION LETTER

Address: 17 Leith Mansions, Grantully Road, London, W9 1LQ

Proposal: Erection of a temporary wooden structure for exclusive use as a home-office in private garden.

Reference: 20/07258/FULL

Plan Nos: Location Plan; FYP-R-SC_LGR-01000Rev03; FYP-R-SC_LGR-01010Rev03; FYP-R-SC_LGR-21000Rev02; FYP-R-SC-LGR-21001Rev01; Arboricultural Report; Design and Access Statement; Photographs

Case Officer: Richard Langston

Direct Tel. No. 020 7641
07866036470

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)

Reason:

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

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

Reason:

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

- 4 Notwithstanding the submitted drawings, you must apply to us with amended plan, section and elevation drawings showing a green roof above the garden room. You must not start any work on these parts of the development until we have approved what you have sent us. You must then install the green roof as an integral part of the construction of the garden room and according to these drawings, and you must provide, maintain and retain the green roof thereafter

Reason:

To increase the biodiversity of the environment and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area, as set out in S25, S28, S38 of Westminster's City Plan (November 2016) and DES 1, DES 5, ENV 17 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must apply to us for approval of a photograph of a sample of the paving for the patio area shown to the application drawings. 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 the approved sample. (C26DB)

Reason:

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

- 6 You must not use the roof of the building 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. 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)

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

according to the approved details. (C31CC)

Reason:

To protect the trees and the character and appearance of this part of the Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 8 You must apply to us for approval of detailed drawings of a planting scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 5 of planting them, you must replace them with trees of a similar size and species. (C30BB)

Reason:

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

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 With regards to condition 5, the paving should be a natural stone of neutral appearance. You are advised that York stone would be likely to be considered acceptable.

- 3 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance.

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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