



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (1)

Meeting Date:

Tuesday 17th August, 2021

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Robert Rigby (Chairman)
Susie Burbridge
Peter Freeman
Guthrie McKie



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda Committee members will attend the meeting in person at Westminster City Hall.

The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams.

Admission to the public gallery is by a pass, issued from the ground floor reception from 6.00pm.

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



If you require any further information, please contact the Committee Officer,

**Georgina Wills: Committee and Councillor Coordinator
Tel: 07870 548 348; Email: gwillis@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any 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.

To Follow

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 hybrid 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>

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

- | | |
|---|--------------------------|
| 1. TAXI HOUSE 11 WOODFIELD ROAD LONDON W9 2BA | (Pages 9 - 70) |
| 2. 56 WESTBOURNE GROVE LONDON W2 5SH | (Pages 71 - 96) |
| 3. 77 ASHLEY GARDENS THIRLEBY ROAD LONDON SW1P 1HG | (Pages 97 - 144) |
| 4. 8-14 MEARD STREET LONDON W1F 0EQ | (Pages 145 - 164) |
| 5. 69 WESTMORELAND TERRACE LONDON SW1V 4AH | (Pages 165 - 186) |
| 6. 31 PONSONBY PLACE LONDON SW1P 4PS | (Pages 187 - 198) |

**Stuart Love
Chief Executive
6 August 2021**

Order of Business

At Planning Applications 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.

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 17th August 2021
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 21/02892/FULL Westbourne	Taxi House 11 Woodfield Road London W9 2BA	Variation of Condition 1 (approved plans and documents) of planning permission dated 3 July 2020 (RN: 19/04487/FULL) for: Demolition of existing buildings and structures and construction of a new mixed-use development comprising hotel and associated facilities (Class C1), flexible workspace (Class B1a / B1c), retail and food and beverage (Class A1 / A3), events space (Sui Generis) and a replacement street cleaning depot (Sui Generis) with associated new public realm and highways improvements. (site includes Taxi House, Waterside House and Westminster Street Sweepers Depot). Namely, internal design changes to the lower amenity levels and the addition of a new floor level positioned between the previous level 03 and level 04, variation of building heights, increase in hotel rooms from 286 to 332 with the maximum number of storeys increasing from 11 to 12, within the maximum building height of +69.350 AOD.	The Collective (Taxi House) Ltd
<p>Recommendation</p> <p>1. Grant conditional permission, subject to: -</p> <ul style="list-style-type: none"> a) the completion of a Deed of Variation to the original S106 legal agreement (as amended by 20/04322/MOD106) b) a new additional planning obligation to secure a carbon off-set contribution of £656,000 (index linked and payable on commencement), as required to be amended in the event of further reductions in carbon emissions being evidenced. c) An additional financial contribution of £100,956.72 towards the Westminster Employment Service (index linked and payable on commencement of development) <p>2.If the s106 agreement 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) the Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of benefits that would have been secured; if so the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. <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>				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 17th August 2021
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	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.			
Item No	References	Site Address	Proposal	Applicant
2.	RN(s): 20/07997/FULL Bayswater	56 Westbourne Grove London W2 5SH	Replacement shopfront and architectural mouldings; replacement of all windows with double-glazed timber windows; replacement of rear conservatory and restaurant refurbishment; demolition of existing rear extensions at mezzanine and 1st floors and replacement with two storey rear extension to form an additional residential unit (Class C3); provision of amenity space for flats; installation of two rear conservation rooflights; replacement of existing restaurant extraction duct to the rear with new duct; replacement of 2 x existing air-conditioning units with 2 x new air-conditioning units; and general internal refurbishment and upgrade [Addendum report]	Claxton Ltd.
Recommendation Grant conditional permission				
Item No	References	Site Address	Proposal	Applicant
3.	RN(s): 21/02057/FULL 21/02058/FULL Vincent Square	77 Ashley Gardens Thirleby Road London SW1P 1HG	Application 1: Installation of an air condensing unit within a bespoke attenuation enclosure on the main flat roof of the building for 77 Ashley Gardens Application 2: Installation of an air condensing unit within a bespoke attenuation enclosure on the main flat roof of the building for 79 Ashley Gardens Addendum Report	Abdelelah A Mahfouz
Recommendation 1. Grant conditional permission for applications 1 and 2 subject to the submission of a signed S106 Grant conditional permission for applications 1 and 2 subject to the submission of a signed S106 unilateral undertaking to secure the following: a) That planning permissions granted on appeal under RNs: 18/01433/FULL and 18/01434/FULL shall not be implemented in the event of the current permissions being granted and subsequently carried out. 2. If the signed unilateral undertaking has not been provided within six weeks of the date of the Committee's decision: a) The Director of Place Shaping and Town Planning shall consider whether the permissions can be implemented subject to conditions to ensure that the extant permissions 18/01433/FULL and 18/01434/FULL shall not be implemented if it is not possible and appropriate, the Director of Place				
Item No	References	Site Address	Proposal	Applicant

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 17th August 2021
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

4.	RN(s) : 21/02628/FULL West End	8-14 Meard Street London W1F 0EQ	Use of part ground and basement floors as leisure facility (Sui Generis).	Westminster Meard Street Limited
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
5.	RN(s) : 20/04509/FULL Churchill	69 Westmoreland Terrace London SW1V 4AH	Rear extension at first floor level and the creation of roof terrace at second floor level in connection with enlargement of the upper maisonette (Flat A).	Mr Mauro Terrinoni and Ms Daniela Petti
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
6.	RN(s): 21/00616/FULL Vincent Square	31 Ponsonby Place London SW1P 4PS	Replacement of rear first floor window with a door.	Spence
	Recommendation Grant conditional permission.			

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 th August 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Westbourne	
Subject of Report	Taxi House, 11 Woodfield Road, London, W9 2BA		
Proposal	Variation of Condition 1 (approved plans and documents) of planning permission dated 3 July 2020 (RN: 19/04487/FULL) for: Demolition of existing buildings and structures and construction of a new mixed-use development comprising hotel and associated facilities (Class C1), flexible workspace (Class B1a / B1c), retail and food and beverage (Class A1 / A3), events space (Sui Generis) and a replacement street cleaning depot (Sui Generis) with associated new public realm and highways improvements. (Site includes Taxi House, Waterside House and Westminster Street Sweepers Depot). Namely, internal design changes to the lower amenity levels and the addition of a new floor level positioned between the previous level 03 and level 04, variation of building heights, increase in hotel rooms from 286 to 332 with the maximum number of storeys increasing from 11 to 12, within the maximum building height.		
Agent	Miss Victoria Orbart		
On behalf of	The Collective (Taxi House) Ltd		
Registered Number	21/02892/FULL	Date amended/ completed	30 April 2021
Date Application Received	30 April 2021		
Historic Building Grade	Unlisted		
Conservation Area	Outside		

1. RECOMMENDATION

1. Grant conditional permission, subject to:-
 - a) the completion of a Deed of Variation to the original S106 legal agreement (as amended by 20/04322/MOD106)
 - b) a new additional planning obligation to secure a carbon off-set contribution of £656,000 (index linked and payable on commencement), as required to be amended in the event of further reductions in carbon emissions being evidenced.
 - c) An additional financial contribution of £100,956.72 towards the Westminster Employment Service (index linked and payable on commencement of development)

2.If the s106 agreement 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) the Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of benefits that would have been secured; if so the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

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 seeks a variation of the planning permission granted in July 2020 for the redevelopment of the site to provide new buildings of 4,5,6, and 11 stories in height to accommodate a mixed-use development for Hotel, Offices, Retail, restaurant and event space, the re-provision of Westminster Street Cleansing depot, together with new Public Realm with soft landscaping and tree planting.

Following design development, the applicant is now seeking minor material amendments to the original permission. The key amendments involve an increase in the quantum of floorspace by the insertion of additional floor levels to a number of the buildings resulting in an increase of 46 hotel rooms and involving an increase in height of some buildings by up to 1.375m.

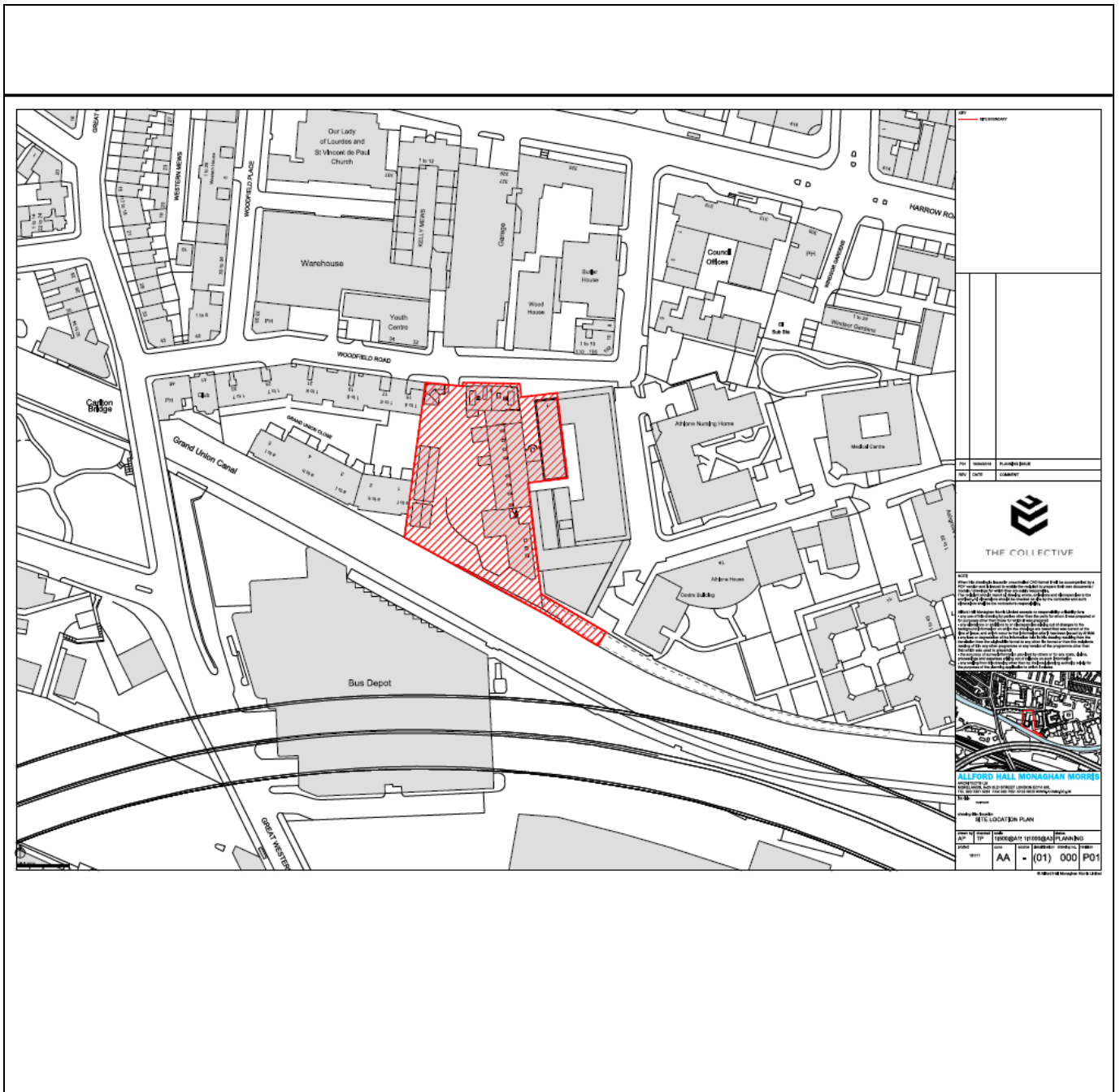
The application has brought about representations of objection from the Maida Hill Neighbourhood and Westbourne Forums and seven local residents. The key concerns suggest that the proposal is a backward step to the original planning permission, which had been amended by the applicant following resident's concerns, to reduce the height of buildings and control the intensity of the hotel use through control over the number of rooms/bedspaces to 286 to minimise transient population in the area.

Whilst the proposed amendments to these aspects of the development are regrettable, especially given the above, they are not considered to result in any significant further impact on resident's amenities to warrant withholding permission.

The increase in floorspace /hotel rooms is not considered significant given the scale of the mixed use scheme and in the absence of any significant change in highways and transportation terms. The amendments to the height of the buildings, whilst regrettable, especially given the reduction in height during the course of the original permission, does not result in any significant further impact on the amenities of surrounding residents.

Notwithstanding the objections raised, the amendments sought are considered to be acceptable and in accordance with our development plan policy and are not considered to result in any significant adverse environmental impacts. Given this and in the absence of any reasons not to grant this fresh permission a favourable recommendation is made subject to the completion of a Deed of Variation of the original S106 legal agreement together with an additional obligation to secure a carbon off-set contribution and an increased contribution to Westminster employment service, following the more stringent requirement of our new City Plan and increase in floorspace.

3. LOCATION PLAN



4. PHOTOGRAPHS











5. CONSULTATIONS

THAMES WATER

Any response to be reported verbally.

CADENT GAS

Any response to be reported verbally.

LONDON FIRE AND CIVIL DEFENCE AUTHORITY

Any response to be reported verbally.

GREATER LONDON AUTHORITY

Authorisation to proceed to determine the application without further reference to the GLA.

TRANSPORT FOR LONDON

Objection.

Non- compliance with London Plan cycle parking policy as follows. It is accepted that adequate provision is to be made within this number for all uses except the 'hotel'. Given the applicant has amended the proposal under the 20/04308/NMA to allow for stays over 90 days in half the rooms the use will operate like 'student accommodation' rather than a traditional hotel. Under the London Plan (2021) table 10.2 studio accommodation has a cycle parking ratio of 1 space per unit, this ratio should be applied. This would bring the total of long stay cycle parking spaces required for the 'hotel' to 332 spaces. The 131 spaces provide an unacceptable shortfall of 201 long stay spaces.

NB/ Cycle storage subsequently increased.

HISTORIC ENGLAND (LISTED BUILDINGS AND CONSERVATION AREAS)

No comment

HISTORIC ENGLAND (ARCHAEOLOGY)

Any response to be reported verbally.

ENVIRONMENT AGENCY

Any response to be reported verbally.

NATURAL ENGLAND

No comment.

CANAL AND RIVER TRUST

No comment.

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

No objection.

BRENT

No objection.

WARD COUNCILLORS FOR WESTBOURNE (COUNCILLOR BOOTHROYD, HUG AND QURESHI)

Any response to be reported verbally.

MAIDA HILL NEIGHBOURHOOD FORUM

Objection.

- The number of rooms was a key concern for local residents insuring the original consultation, because of the associated noise, traffic and deliveries. This resulted in a concession by The Collective reducing this. We are therefore very disappointed to see this concession withdrawn and indeed the total number potentially rising significantly. This invites cynicism.
- The height of the building on Woodfield Rd, and the removal of the recessed top floor, will increase the impact on residents and their feeling of being overlooked.
- The arch from Woodfield Rd down to the canal has got lower, making the public space less visible to passers-by. We had already advocated for this to be higher. So that is disappointing, and will reduce the usage of the space and sense of safety while increasing the risk of anti-social behaviour in a sensitive area.
- As far as we can tell the increase in rooms has been achieved by squashing existing rooms. They were already small and with not very high ceilings. Any further reduction could have an impact on the community as residents spend less time in their rooms and more either in community spaces or travelling to and from the hotel. It needs to stay liveable, rather than being a rabbit hutch.
- Concerned about anything that reduces the size and accessibility of the public space, E.g., re-siting of waste.
- The Collective's business model has proven robust to the pandemic and therefore trust that they will not seek to use this as an excuse to ignore input that residents made over an extended and demanding consultation period.

WESTBOURNE FORUM

Objection.

- Densification of the hotel increases the transient population to the area with the potential harm to the local community.
- We would like to recall the response of the planning committee: "It is however considered necessary to restrict the capacity of the hotel to 286 guests in order to prevent any significant increase in hotel guests and potential intensification of hotel use of the site that maybe harmful" (Director of Place Shaping and Town Planning Report 28 January 2020). This amendment is in contradiction with Policy 15H from the Westminster Plan.
- The amendment includes adding an extra storey on the entrance building on Woodfield Road, from 4 to 5 storeys this would create a taller street frontage on this narrow street.
- Concerned that the modification would include reducing the height of the porch entrance on Woodfield Road from 4.20m to 3.975m. This entrance corridor is already very deep compared to its height and reducing it, would create an even darker passage.

THE SAFER NEIGHBOURHOOD PANEL FOR WESTBOURNE WARD

Any response to be reported verbally

NORTH PADDINGTON SOCIETY

Any response to be reported verbally

NOTTINGHILL EAST NEIGHBOURHOOD FORUM

Any response to be reported verbally

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Any response to be reported verbally

ST JOHN'S WOOD SOCIETY

No comment. We defer to the opinions of Historic England, ward councillors, the amenity society and neighbourhood forum.

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

QUEEN'S PARK COMMUNITY COUNCIL

Any response to be reported verbally

SOUTH EAST BAYSWATER RESIDENT'S ASSOCIATION

Any response to be reported verbally

HARROW ROAD LOCAL AREA RENEWAL PARTNERSHIP (LARP) CO-ORDINATOR

Any response to be reported verbally

PADDINGTON ARTS

Support.

- The site currently makes little contribution to the local area. This application builds upon the consented scheme, creating much needed activation and animation of the site for visitors and residents in the local area.
- The changes sought in the application are very minor and appropriate in the context of the consented development. We understand the additional rooms are fundamental to ensure the delivery of the development and we support their inclusion.
- The new rooms being delivered alongside the range of commercial spaces will bring a much-needed vibrancy to the site and local area.
- Full confidence in the operational plan for the building.
- Look forward to working with the Collective as part of their Community Investment Programme to strengthen our own offering, improving the cultural offer to local people and wider Westminster.

HIGHWAYS PLANNING MANAGER

No objection.

PROJECT MANAGER WASTE

No objection, subject to condition.

PUBLIC PROTECTION AND LICENSING ENVIRONMENTAL SCIENCES

No objection, following receipt of further information with respect to air quality.

ARBORICULTURAL MANAGER

Any response to be reported verbally

ECONOMY TEAM /INCLUSIVE LOCAL ECONOMY AN EMPLOYMENT

Based on the total net uplift floorspace and on the Inclusive Local Economy Policy (2019), this scheme needs to provide: An Employment & Skills Plan and a Financial Contribution of £ 463,203.72

BUILDING CONTROL

Any response to be reported verbally

PROPERTY

No objection.

DESIGNING OUT CRIME

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 736

Total No. of replies: 7

No. of objections: 7

No. in support: 0

Principle

- Despite major local objections, this original application was given the go-ahead.
- The Collective had published, before the previous planning application, that after serious consultation with locals and neighbours that they would decrease the size and number of rooms to that which they applied for. Now they seem to want to play us ? by reneging on this "consultation" where they pretend to placate us then re-apply with their original plans ?
- This is the 2nd planning application, plots next to each other, passed by Westminster Planning Committee which have gone against public opinion, and which are more than double the size of adjoining buildings!
- After extensive local consultation, the number of rooms and height of the building on Woodfield Road in the original scheme was reduced. Concerned parties were, to some extent, content to see their views listened to. This new application - as a 'minor variation' - makes a complete mockery of that planning process. The scheme is now back to its original number of rooms and overwhelming height on Woodfield Road. My objections and concerns therefore remain exactly as they were then - that the scheme is trying to squeeze every last room and bit of space on the site with no concern for the increased traffic and noise on Woodfield Road or how out of scale the new building is with its neighbours, much of which is residential.
- Our local community made our concerns about the size, scale and impact of the hotel very clear during the lengthy consultation for the original planning

application. We accepted the decision of the Planning Committee believing this to be the end of the matter, and we reconciled ourselves to coping with a huge hotel on our doorstep.

- But it seems all the effort and energy of consultation was pointless as The Collective owners are now ignoring what we said and what they agreed, along with the planning decision of January 2020.
- The addition of 46 rooms (16% increase), an extra floor on one of the Woodfield Road buildings and the other changes, aren't minor amendments.
- Residents in the area have been continually ignored over other similar developments such as Hathaway House.
- The developers have bided their time, no doubt hoping to get away with these controversial changes. I feel very strongly about this proposal, but even I have had to force myself to send in another objection because I am tired and busy, and I really didn't want to revisit these plans yet again. There are many complicated documents to read and understand, and we are all still coping with the events of the past year so while I do not believe that anyone who objected last time has changed their mind, it doesn't surprise me that only a few have managed to put in a comment on the planning portal. I hope the Planning Committee will not take the lack of comments as an indication of approval.
- It seems we were misled into believing the consultation meant something the first time around. This tactic of re-applying also undermines the planning process - making it less likely that local people will get involved in consultations in the future.
- As a direct neighbour of the LTDA land, and someone who objected to the Collectives original plan of such a size and scale, I am disappointed to see that it is now being applied for again, with the suggestion these are "minor amendments" .
- Planning Committee should put Westminster residents first and reject this new proposal.
- I object to the new proposed changes and feel they should honour their original plan.
- It is hard to see why the planners bother consulting locally at all.
- Please don't!

Design

- The developers should not be allowed to add any height to any section
- This hotel is already far too big for its location. We really cannot cope with it growing even more.
- The extra floor and pushing out of the street front block will give a more imposing structure impacting on all surrounding residents.

Amenity

- This building is too big and will adversely affect neighbouring homes' privacy and light and add noise pollution.
- Planned 15% increase in the hotel room allocation will seriously impact the noise levels in the community.
- Hathaway House took away a substantial portion of the morning sunlight to Grand Union Close , this enormous development will do exactly the same.
- It will completely overshadow our garden and Car Park.

- The originally proposed Woodfield Road frontage of Taxi House Hotel was already overbearing in scale given its position on this narrow cobbled street. We thought ALL the hotel buildings should have been lower, and on Woodfield Road all top storeys should have been set back because of the sense of enclosure. The applicant's only previous concession was to set-back one section and now we are going back to where we started.
- The extra floors and rooms will be overlooking our homes and gardens, obscuring the already limited daylight and sunlight we have. Creating extra noise and interfering with our privacy.

Transport/Highways

- Planned 15% increase in the hotel room allocation will create additional traffic burden on what is already a busy road at park times.
- There is already a chronic lack of street parking in the area and along Woodfield Road, since the terrible decision was made a few years ago to make the single lane road a two way system the road is increasingly congested and ever more dangerous.
- No suitable infrastructure for this development which is not something the area needs, wants or requires. But then neither were the million pound flats in Hathaway House, or the former police station (we would rather have our police station back).
- Development is far too big, and we do not have space for the associated traffic and footfall.
- The owners want provision for potentially another 92 guests (these are double rooms). A larger transient population coming and going will add to the already negative impact on pollution, traffic, noise and diminish the sense of community and belonging in our neighbourhood. The proposed hotel was viable the last time around, can the owners not just be content with what they already have instead of trying to squeeze even more from the site, and from the community.
- The impact of having more residents than originally proposed would severely impact on the already struggling traffic of the cobbled road of Woodfield Road with taxi, take-away food drop offs etc.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site

The site 7-11 Woodfield Road comprises several buildings of up to three stories and with a part basement. It is occupied by The Licensed Taxi Drivers Association (LTDA) as their head office with associated car parking, known as "Taxi House", however they are due to relocate to new premises in Southwark in 2020. A small building on the site is owned by Westminster City Council and operated as a City Council Street Sweepers Depot. A further building known as Waterside house is an office building. Due to neighbouring buildings to the east and west and the canal to the south the only vehicular and pedestrian access to the site is from Woodfield Road.

Surroundings

The site is bound to the east by the recently developed Hathaway House, which comprises of residential flats, offices and healthcare. To the west lies the residential properties of Grand Union Close and their central communal parking and amenity area. North of the site on the opposite side of Woodfield Road lie residential properties and some office use. Woodfield Road, which is a cobbled road is comprised of residential properties together with social and community uses including Paddington Arts Centre and further west are two public houses. Woodfield Road has direct access to Harrow Road and Great Western Road. Harrow Road District Shopping Centre is also within the vicinity.

To the south the site is bound by the Paddington Branch of the Grand Union Canal (the towpath lies to the south of the canal only), the Westbourne Park Bus Garage, elevated A40 Westway and further south, the Concrete Batching Plant, beyond which are the railway lines running into and from Paddington Station. Harrow Road District Shopping Centre is also within the vicinity located around 185m north of the application site.

Westbourne Park London Underground Station and Westbourne Park Bus Garage are located west within walking distance and the site has a Public Transport Accessibility Level (PTAL) rating of 5. Woodfield Road is restricted to vehicles of a maximum of 7.5 tons. The site is in Flood zone 1 (low risk of flooding)

The borough boundary with the Royal Borough of Kensington and Chelsea also lies along part of Great Western Road.

Proximity of Heritage considerations

None of the buildings within the site are listed and the site lies outside of any conservation area. The site is not designated as an area or site of special archaeological priority and potential. The closest heritage considerations within Westminster are Harrow Road Police Station (Grade II) located 60m north and a number of surrounding conservation areas which are 200m or further away from the application site. Within the adjoining Royal Borough of Kensington and Chelsea, Trellick Tower (Grade II*) is around 370m away and a number of conservation areas lie further away. A more detailed description of heritage assets is set out in the design section of this report.

Land use designations

The site lies within the designated North West Westminster Special Policy Area (NWWSPA) within our Unitary Development Plan (UDP) and within the North Westminster Economic Development Area (NWEDA) within Westminster's City Plan (the City Plan). The adjacent Grand Union Canal is part of the Blue-Ribbon Network and Site of Importance for Nature Conservation (SINC) The area is designated as an area of play space deficiency and priority area for additional play space.

6.2 **Recent Relevant History**

Original permission

Conditional planning permission was granted on 03.07.2020 for the demolition of

existing buildings and structures and construction of a new mixed-use development comprising hotel and associated facilities (Class C1), flexible workspace (Class B1a / B1c), retail and food and beverage (Class A1 / A3), events space (Sui Generis) and a replacement street cleaning depot (Sui Generis) with associated new public realm and highways improvements. (Site includes, Taxi House, Waterside House and Westminster Street Sweepers Depot).(19/04487/FULL)

This is subject to a S106 agreement which secured the following obligations:

- i. Provision and management of the public realm areas within the application site, which for the avoidance of doubt extends to the canal side and provides public access along the canal side to link up with the public access provided by the adjacent site at Hathaway House, to Elmfield Way, including associated street furniture, paving, landscaping, drainage, service diversions.,
- ii. Allow public access to the public realm areas via a walkways agreement that shall be submitted for approval.,
- iii. Prior to commencement, the developer to enter into a property arrangement/agreement with the City Council as Westminster Property Department, which for the avoidance of doubt, must include, but not limited to the following:., a) Provision of a new Westminster Street Sweepers depot on terms acceptable to the City Council as depot owner and operator., b) The retention of the existing street cleansing depot and the ability for it to function and operate unabated during the construction of the development, until the new street cleansing depot is built, fully fitted out and ready for use., c) The provision of a new street cleansing depot on site, fully fitted out and ready for use, and the relocation of operations from the existing depot, all at the developers cost.,
- iv. Submission of a finalised Community Investment Programme (CIP) for approval.,
- v. Provision of not less than 20% of Class B1 office space as affordable workspace at rent maintained below the market rate for that space and managed by a workspace provider.,
- vi. Provision of highways works surrounding the site necessary for the development to occur, including but not limited to; new crossover to servicing bay, existing crossover returned to footway, repaving of footway adjacent to the development in Woodfield Road, amendments to parking bays and on-street restrictions.,
- vii. Provision of street tree outside of site on adjacent side of Woodfield Road or if this is not practical, elsewhere within the vicinity of the site.,
- viii. A financial contribution of £362,247 towards the Westminster Employment Service (index linked and payable on commencement of development).,
- ix. Provision of an Employment and Skills Plan for approval and adherence with the approved plan.,
- x. Monitoring costs of £500 for each of the above clauses.,

Previous Amendments to original permission & S106 legal agreement

A Non-Material Amendment and S106 modification were agreed on 18.08.2020 under reference 20/04308/NMA & 20/04322/MOD106. The application amended the requirement under condition 34b) that prevented any guests staying for more than 90 days. A proposed strategy was put forward by making two applications in tandem; a S96A Non-Material Amendment to revise the wording of Condition 34b) and a Section 106 modification application to the existing legal agreement dated 03.07.2020 to secure an additional obligation, which would sit alongside condition 11 (Operational Management Plan for all uses) and provide an additional level of comfort for the City

Council.

Condition 34 now requires:-, The hotel shall operate in accordance with the following unless otherwise agreed by us in writing:-,

- a) No more than 286 bed spaces,
- b) "Records of all bookings must be provided to the City Council on an annual basis and at any other time upon specific written request and must clearly stipulate bookings of a guest for 90 or more days in any calendar year".,
- c) No conference facilities,
- d) No coach bookings/parties.

The modification to the S106 legal agreement dated 03.07.2020 included a new additional obligation as set out below:-

"The hotel shall not be occupied until a Hotel Management Strategy (HMS) has been submitted to the LPA for approval. The Hotel Management Strategy shall as a minimum set out detailed proposals for the following (including the those already set out in your draft HMS):,

- The overall objectives of the HMS including that the Hotel is required to be used solely in accordance with the Planning Permission.
- An obligation for the Hotel operation to share booking records with the LPA on an annual basis or at any time upon specific written request by the LPA, of any bookings of a guest for 90 or more days in any calendar year.
- Details of the hotel booking system and check in/check out process,
- Confirmation that no Assured Shorthold Tenancies will be granted by the hotel operator (or an assignee) to any hotel guests.
- Confirmation that no hotel guests will be apply for residents parking permits".,

Collectively the strategy was considered appropriate mechanisms to provide comfort to the City Council, that the use will operate within a hotel use (Class C1) for the lifetime of the development. And sufficiently detailed to prevent a hostel/residential use of the site and the benefits that such uses would ordinarily bring to those occupiers. It is also robust enough to enable monitoring of the hotel use to enable the City Council to use its enforcement powers, should it be considered that there is a material change of use of the site.

Development Schemes in the vicinity of the site

Hathaway house, 7D Woodfield Road, W9

Planning permission was granted on 01.02.2017 for redevelopment of the site to provide buildings of ground and 4 storeys and ground and 3 storeys, for mixed use comprising B1, D1 Healthcare, and 74 residential units (including 19 affordable units), with associated car parking, Cycle parking and hard and soft landscaping. (16/02091/FULL). This permission has been implemented and construction works are nearing completion. The development will provide a number of planning obligations including: -Affordable housing; public access to 2m depth canal side; financial contributions to public realm; public art, play space, carbon offset, employment and training; highways work; carpark strategy and car club.

Harrow Road Police Station, 325 Harrow Road, W9

Planning permission was granted on 02.04.2015 for the redevelopment of the site at 325 Harrow Road, comprising the retention, refurbishment, and conversion of the Grade II Listed Building and cell blocks to accommodate 25 residential units; demolition of the ancillary outbuildings to the rear of the main building, and the erection of two buildings comprising ground, first, second and third floors to accommodate 38 residential units (63 residential units in total); creation of a basement car park accessed via Woodfield Road to the rear of the site to provide 32 spaces; and provision of 144 cycle parking spaces, refuse facilities, hard and soft landscaping and associated works. Following various amendments, the permission has been implemented and the development has been completed. (14/10440/FULL- as amended).

7. THE PROPOSAL

Background

What type of application is this?

Section 73 of the Town and Country Planning Act 1990 allows applications to be made to amend proposals that have planning permission. Central Government Guidance on this matter was issued in March 2014- Flexible options for planning permissions. The guidance advises that:-

“There is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved”.

The guidance also advises that the application should be considered against the :

“Development plan and material considerations under section 38(6) of the 204 Act, and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of planning permission”.

The Proposal

This current application is a S73 application which seeks permission for Minor Material Amendments to the July 2020 permission (As Amended).

The applicant has stated that the application relates to design amendments that have emerged during design development and that *“These amendments have been included to maximise buildability, optimise the proposals, reduce time on site whilst retaining approved design strategies and intent previously approved by WCC”.*

A summary of the key proposed amendments is set out below:-

Layout and use

- Increase in hotel floorspace to create an additional 46 hotel rooms
- Changes to floorspace of uses
- Internal layout changes to hotel
- Relocation of refuse store location
- Revised cycle storage provision including shared community and hotel guest

- cycle hub/workshop and rental bike provision
- Insertion of addition level of floorspace to a number of buildings

External Design

- Reduction in footprint of the building in various locations including basement footprint.
- Variations to heights of buildings
- Design articulation of flank wall to Woodfield Road
- Revised courtyard layout and rooflights including relocation of attenuation tank within canal side hard landscape.
- External amenity space at level 9 relocated to level 10
- Additional green/brown roofs to 2nd, 3rd and 7th floors

8. DETAILED CONSIDERATIONS

Given the nature of this application as a S73 application to make Minor Material Amendments to an extant permission, this report sets out an assessment of the amendments sought only and does not reassess the core /principle issues relating to the extant permission, although does assess the relevance of any change in policy since the original decision, taking into account, the City Council adoption of its new development plan in April 2021 "City Plan 2019-2040, the publication of the new London Plan on 2nd March 2021 and the revised NPPF on 20th July 2021.

8.1 Land Use

The mix of land uses remains unchanged, but with an increase in hotel floorspace and a reduction in retail floorspace.

Table 1 – Approved & Proposed land use (Internal m2)

	Approved	Proposed	Change
Hotel/hotel rooms	9547m2 (286 rooms)	10729m2 (332 rooms)	1182m2 +46 rooms
Back of House	2635m2	1637m2	-728m2
Office floor space	837m2	859m2	+22m2
Flexible workspace	237m2	239m2	+2m2
Retail/restaurant	433m2	243m2	-190m2
Performance/events	123m2	123m2	None
Street Sweepers Depot	463m2	462m2	+2m2
Total	14005m	14292m2	287m2

NB/ Hotel floorspace includes all ancillary use, pool, gym etc & proposed areas include a reduction in basement footprint and overall small reduction to each floorplate on all levels together with insertion of additional floor to each four buildings.

Mixed use

This application seeks to amend an extant permission for which the principle of a hotel-led mixed-use development has already been established at this site within the North Westminster Economic Development Area (NWEDA). As such the loss of the existing London Taxi Drivers Association office use (& their relocation to premises in Southwark)

and replacement with mixed use for hotel, office, flexible workspace, retail/restaurant, performance and events space as well as the re-provision of the Street Cleansing Depot remain acceptable.

Furthermore, the proposed land use mix remains acceptable and in accordance with policy 13 (Supporting Economic Growth), 15 (Visitors), 16 (Food, Drink & Entertainment), 17 (Community Infrastructure and facilities) of our current City Plan (April 2021).

The original planning permission secured through a S106 legal agreement, the re-provision of the street sweepers depot and associated property arrangement/agreement with the City Council as Westminster Property Department. As such, this application would require a Deed of Variation of that legal agreement to ensure that this application is linked to that obligation.

With respect to the hotel use the original planning permission was varied to ensure that the hotel would be operated in a specific way.

This includes the following secured under condition 34:-

- a) No more than 286 bed spaces, (Nb/, see below proposed change to this)
- b) "Records of all bookings must be provided to the City Council on an annual basis and at any other time upon specific written request and must clearly stipulate bookings of a guest for 90 or more days in any calendar year".,
- c) No conference facilities,
- d) No coach bookings/parties.

And the following obligation:-

"The hotel shall not be occupied until a Hotel Management Strategy (HMS) has been submitted to the LPA for approval. The Hotel Management Strategy shall as a minimum set out detailed proposals for the following (including the those already set out in your draft HMS):

- The overall objectives of the HMS including that the Hotel is required to be used solely in accordance with the Planning Permission.
- An obligation for the Hotel operation to share booking records with the LPA on an annual basis or at any time upon specific written request by the LPA, of any bookings of a guest for 90 or more days in any calendar year.
- Details of the hotel booking system and check in/check out process, o Confirmation that no Assured Shorthold Tenancies will be granted by the hotel operator (or an assignee) to any hotel guests.
- Confirmation that no hotel guests will be apply for residents parking permits".,

These requirements would remain under this proposed amendment application, apart from the restriction on bedspaces which is proposed to increase from 286 to 332 bedspaces.

The increase of 46 rooms/bedspaces equates to a 16% increase in hotel bedspaces. However, this is not considered to significantly change the mix of uses within the development and appropriate mechanisms remain in place to provide comfort to the City

Council, that the use will operate within a hotel use (Class C1) for the lifetime of the development.

In connection with this, the number of larger rooms are increased. Originally the proposed room sizes ranged from 14m² to 25m². They are now proposed to range between 12m² and 31.7m². Under the original permission 89% of units were 14-15.9m² and 16-19.9m², with 11% between 18-19.9m² and 20+m². Under this proposal around 38% are of the larger sizes between 17.2m² and -31.7m² (including wheelchair accessible). This does not raise any concerns in land use terms.

The other uses and associated benefits they bring remain in place under this amendment application and include 20% of flexible office and light industrial floorspace as affordable floorspace and a community investment programme for public use of areas of the development including flexible events/performance space for community use and nil cost (performance spaces, use of wellness facilities, public access to events).

In relation to the community investment programme, the applicant has indicated that they are keen to enhance their offer to the local community and are now proposing an additional £200,000 of community benefits including an extra £150,000 towards the local Enterprise, Innovation and Community Fund (to be released as annual £30,000 grants) alongside specific contributions towards local sustainability and education projects. This is welcomed.

The public realm with public access and canal-side access along the canal and link to Hathaway House and Elmfield Way together with replacement and new tree planting, soft landscaping and greening are retained under this proposal in accordance with policy 34 (Green Infrastructure).

Overall, the planning benefits of the scheme (social, economic, regenerative) remain under this proposal & include:-

- New public realm with public access
- Canalside access along the canal and link to Hathaway House and Elmfield Way
- Replacement and new tree planting and soft landscaping and greening
- Flexible /affordable workspace (20% affordable)
- Flexible events/performance space for community use and nil cost (performance spaces, use of wellness facilities, public access to events)
- Community Investment Programme.
- Employment opportunities during construction and operation including local training initiatives.
- 360 new jobs in construction and £280k local expenditure
- 295 new jobs in the operation of the development (150 associated with the hotel)
- £19m expenditure by hotel guests and £18, gross value added by the hotels.
- New replacement street cleaner's depot future proofed for electrical vehicles.
- Investment into the area

The applicant has stated their proposed Community Investment Programme CIP (which is to be finalised and secured as part of a planning obligation "maintains the contribution of £150,000 towards an Enterprise, Innovation and Community Fund which will provide

grants of £15,000 per annum to the local community, to promote economic opportunities and entrepreneurialism and the current commercial offer which includes an extensive affordable workspace arrangement alongside this fund will provide a significantly positive impact on the local economy.

Change in legislation

Class E (Commercial, Business and Service) of the Use Classes Order 1987 (as amended) was introduced on 1st September 2020. It amalgamates a number of uses that previously fell within Classes A1, A2, A3, B1, D1 and D2; shops, restaurants, financial and professional services, indoor sport, recreation or fitness, health or medical services, creche, nursery or day centre principally to visiting members of the public, an office, research and development, or any industrial process that can be carried out in any residential area without detriment to amenity. Under Class E, the use of a building can flip flop back and forth between any of these uses without the need for planning permission, on the basis that it is not development and does not therefore require planning permission.

Office uses as defined within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) ("the Use Classes Order") are those that are capable of being accommodated in a residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Accordingly, the proposed office use should not harm the amenity of future nearby residents. The proposed retail/restaurant uses were considered to be of a suitable size, location and use so as not to cause harm.

However, other uses within Class E may have different and potentially more harmful amenity impacts than the proposed office, retail/restaurant uses. For example, creche, day nursery, gym and some sport uses (or a combination of these uses) may be open early or late at night and have large numbers of people congregating on and around the site. Furthermore, the applicant has not provided any information to demonstrate that the potential impact of these other uses within Class E would be adequately mitigated in the event of a change of use. Accordingly, a condition is attached to prevent changes of use within Class E without the consent of the City Council.

For the reasons set out above, the proposal is acceptable in land use terms.

8.2 **Townscape and Design**

Legislation

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.”

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 those 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.

Background

In granting permission for the original development, it was considered that the redevelopment of unlisted buildings outside of a conservation area was acceptable and would have no impact upon strategic views, no adverse impact on the character and appearance of surrounding conservation areas, no adverse impact on the setting of the Grade II listed former police station and was considered to enhance the setting of the canal.

Given that the site lies within the north-west quadrant of Westminster and in this particular townscape context, it was considered that the higher building could be treated as an exceptional case and given the existing townscape quality and bearing in mind the wider townscape context, it was concluded that the proposed tower would not have any significantly harmful impacts upon the character and appearance of the area and instead was capable of defining a site which has regenerative benefits to the wider area.

In design and townscape terms the proposed development was considered acceptable. And whilst acknowledged that it introduces a greater density, height and mass to the site, it was achieved in a way which minimised townscape harm.

Proposed revisions to Height, Massing and Detailed Design

Following design development, a number of amendments to the height, massing and detailed design are proposed together with some reductions in the footprint of the building/s in various locations including the basement. The key changes arise from a reduction in floor to floor heights, which has resulted in a proposal to insert an additional level of floorspace within some of the buildings, with some increases and decreases in height of elements, but with no increase in the overall maximum height of tower.

Table 2: Approved and Proposed Development heights AOD

Building	Approved	Proposed	Change	Comment
Tower overall maximum	69.350	69.350	No change	Increase
Tower- south/canal/ step back	44.950	44.075	-0.875m	n/a

Tower- middle	57.550	58.325	+0.775m	n/a
Pavilion	38.700	38.375	- 0.325m	n/a
Link building /Grand Union Close main	51.250	52.625	+1.375m	n/a
Link Building/Grand Union Close/set back storey	54.600	55.475	+0.875m	Set back remains
Woodfield Road West	48.100	46.925	-1.175m	All floors remain sheer
Woodfield Road Central	51.250	52.625	+1.375m	All floors remain sheer
Woodfield Road East	51.250	52.625	+1.375m	Height to eaves increased Top floor (now 5th floor) remains set back.

With respect to the tower building, the building would change from an 11 to 12 storey building (Increase from basement, ground and 9 upper floors to 10 upper floors) and whilst some minor increase in height of the lower elements (less than 1m), there would be no increase in the overall height of the building and it would remain at its originally approved height (69.340AOD), with consequential repeat of the approved fenestration to accommodate the additional floor and relocation of the amenity space from 9th to 0th floor level. As such, the proposed would not result in any significant change to its appearance when compared to the approved building and consequently no impact on strategic views, no adverse impact on the character and appearance of surrounding conservation areas, no adverse impact on the setting of the Grade II listed former police station or the setting of the canal.

Woodfield Road buildings would also be amended in a similar way, with a reduction in floor to floor height and the insertion of an additional floor to two buildings (east and central buildings), The eastern building would increase from ground and 4 upper floors to 5 upper floors, its eaves height would be increased to create a sheer storey to the new inserted floor, but the top floor would remain set back, within an overall height increase of 1.375m.

The central building would increase from double basement, ground and 4 upper floors to 5 upper floors and an increase in height by 1.125m with all floors remaining sheer as in the original permission. Its exposed flank to the west, resultant from the reduction in the height of the adjoining building (western building) is proposed to contain recessed brick panels to add design articulation which is welcomed.

The transition or link building (links Woodfield Road buildings to the Tower) would increase from basement, ground and 6 upper floors to 7 upper floors and an increase in height of 1.375m.

In the case of the western building (adjacent to Grand Union Close, it would reduce in height by 1.175m remaining as ground and 3 upper floors.

The changes in footprint, height and fenestration in comparison to the approved scheme are not significant in design and townscape terms and would not unduly impact on the proportions of the buildings, the overall quality of their design or their townscape impact.

The reduction in the height of the pedestrian entrance into the development from 4.20m to 3.975m, has brought about objection from the Maida Hill & Westbourne Forums on grounds that the view down to the canal would be less visible to passers-by and would make it darker and increase potential for anti-social behaviour. The reduction of just over 20cm in height is considered to be minor and does not raise design concerns with respect to the appearance of the development from Woodfield Road. The amendment is not considered to result in any significant change in visibility of the canal or the potential for anti-social behaviour. As in the case of the original planning permission a Secure by Design Certification is required by condition.

The incorporation of additional green roofs within the development are welcomed and soften and add attractive greening and visual interest to the development. And the revised courtyard layout and rooflights are minor in nature and do not raise design concerns.

None of these changes raises any design concerns and arguably reflects a design refinement albeit creating additional floorspace. Overall, the proposed design changes are acceptable and reflect a process of design development and in purely aesthetic terms, most of the proposed changes would not change the nature of the impacts and simply be a different arrangement of the same consented elements,

As such, the proposal is considered acceptable, mindful of policies 38;39,40,41,43 City Plan 2019-2040 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

Physical impact

A secondary daylight and sunlight assessment has been undertaken with respect to the proposed amendments. This indicates that there would be both a number of small improvements and small further losses of daylight and sunlight when compared to the original planning permission. However, Overall, however, it is not considered that impact of this current proposal would result in any significant change to the impact of the original planning permission for the reasons set out below.

Representations of objection have been received by the Naida Hill and Westbourne Forums and local residents on ground that's the additional height of some buildings of up to 1.375m, the change to the set-back storey to the eastern building on Woodfield Road and the additional fenestration would result in a further loss of amenity to residents. However, for the reasons set out in the following paragraphs, whilst some change would result, there would be no significant detrimental impact on local residents when compared to the original planning permission, to warrant withholding permission on this ground.

Sunlight and Daylight

In granting planning permission for the original development, it was both acknowledged and accepted that several existing surrounding properties would see a reduction in daylight and sunlight following construction of the development compared to that which they currently receive. But that not all of the reductions were significant and that even once the development was constructed, that surrounding properties would continue to receive satisfactory levels of daylight and sunlight and the impact was not considered significant.

It was acknowledged that the most affected property would be Hathaway House, which was under construction at the time of the consideration of the original planning permission, but which is not completed and occupied. But that whilst a number of residential units would see a reduction in daylight and sunlight above the guidelines set out in the BRE guide, it is likely that any development of this site, due to its proximity to adjacent residential properties would result in some loss of daylight and sunlight to these residential units, especially given the design and location of the properties close to the application site. The benefits of the proposal including regeneration benefits was weighed in this context and despite the limited loss of daylight and sunlight identified it was not considered to be a sustainable reason for refusal in isolation given the wider general regeneration benefits of the redevelopment.

In support of this minor material amendment application, the applicant has submitted an Addendum Daylight and Sunlight and Overshadowing Report. The report sets out the existing situation (current site) compared to the now proposed development (this application), but also compares the impact of the originally approved development (the original planning permission) with the now proposed development (this application).

Overall, the development now proposed would generally result in a similar impact on daylight and sunlight to surrounding properties when compared to the original planning permission. The amendments to the original development result in both improvements to the impact on daylight and sunlight to some surrounding properties as well as some further losses in other cases. A full assessment of the current proposal compared to the existing site was undertaken. However, the improvement and reductions set out below relate only to windows which would not receive daylight to the value of 27 VSC, as this was considered the most straight forward way of indicating the differences. These are summarised below:-

Daylight

3-5 Union Close

Thirteen windows would see further very insignificant minor reductions in daylight of between 0.01-0.05 VSC. Twenty five windows would see insignificant minor improvements in daylight of between 0.01 and 0.93 VSC.

15-25 Woodfield Road

Ten windows would see further very insignificant minor reductions in daylight of between 0.01-0.20 VSC.

331-333 Harrow Road/Kelly Mews

This window would see a very insignificant minor improvement in daylight of 0.08 VSC.

327-329 Harrow Road

Five windows would see further very insignificant minor reductions in daylight of between 0.08 -0.24 VSC. Two windows would see very insignificant minor improvements in daylight of between 0.09-0.20 VSC.

325 Harrow Road

Five windows would see further very insignificant minor reductions in daylight of between 0.06-0.73 VSC.

10 Woodfield Road

Twelve windows would see further very insignificant minor reductions in daylight of between 0.06-0.33VSC.

Hathaway House

Fifty three windows would see further very significant minor reductions in daylight of between 0.02-1.11VSC. Nine windows would see very insignificant minor improvements in daylight of between 0.04-3.51VSC.

Sunlight

In terms of sunlight, only Hathaway House would see some changes to sunlight. However, in granting planning permission for Hathaway House, it was accepted that due to its proximity to this site, it was likely to be affected by any future development. However, the impact is not considered to be significantly different to the impact of the original planning permission. Furthermore, as set out in the officer's report relating to the original planning permission, it was acknowledged that any development of this site, due to its proximity to adjacent residential properties would result in some loss of sunlight to these residential units, especially given the design and location of the properties close to the application site. Despite the limited loss of sunlight identified it is not considered to be a sustainable reason for refusal in isolation given the wider general regeneration benefits of the redevelopment.

Overshadowing

This current development continued to meet with the BRE Guidelines with respect to the sunlight received by the adjacent gardens/amenity spaces between 3-5 Grand Union Close and 15-25 Woodfield Road.

Given the minor amendments to the impact of the proposed development on the daylight and sunlight received by surrounding residential properties, officers remain of the view that the impact of the development in daylight and sunlight terms is not significant and remains acceptable.

Sense of Enclosure & Privacy

These matters among others were carefully considered under the original planning permission. The proposed amendments to the height of the various buildings are set out above in table 2. Taking into consideration the approved height and scale of the buildings, together with the additional height now proposed; 1.375m to Woodfield Road and Grand Union Close, as well as the distance to surrounding residential properties,

officers are of the view that the proposed increase in height would not result in such a significant increase in sense of enclosure.

Whilst the insertion of additional floors of accommodation increases the fenestration on the buildings, the mitigation measures secured under the original permission, including the hotel fenestration within reveals and fixed shut and obscure glazed glazing remains under this current proposal and is controlled by condition/s.

Woodfield Road properties

It is acknowledged that the building facing Woodfield Road properties was under the original permission revised during the course of the application following resident's concerns with the building reduced in height and set-back. A set-back remains under this proposal, however the overall height is proposed to be increased by 1.375m. Whilst it is disappointing that there has been a flip flop in the proposed height of buildings, the amendment must be assessed in planning terms and on the basis of whether any significant harm would arise from this. Compared to the original permission it is not considered that the overall additional height would have any significant further impact on neighbouring residents in which to withhold permission on this ground. The additional fenestration matched with the approved fenestration, set within reveals comprises of glazed windows with side vertical fixed metal panel with ventilation behind. Furthermore, as in the case of the original permission in order to further minimise the potential for noise and light escape and feeling of overlooking it is proposed again to require the glazing to be fixed shut and obscure glazed. Subject to this, the proposal is considered to be acceptable in amenity terms

Grand Union Close (3-5 Grand Union Close and 15-25 Woodfield Road)

15-25 Woodfield Road and 3-5 Grand Union Close are part of the same development. The Woodfield Road properties front Woodfield Road and their rear elevation faces the front elevation of 3-5 Grand Union Close, which are located to their rear. Between the two lies their communal landscaping and car parking area.

The four-storey element of the proposed development to be attached to the flank of 15-25 Woodfield Road and align with its rear elevation, is proposed to be reduced in height by 1.175m. The six-storey element of the proposed development which is set back from the boundary with this neighbour extends between the four-storey element on Woodfield Road and the taller eleven storey element to the rear, which attaches to the flank of 3-5 Grand Union Close, this building is proposed to be increased in height by 1.375m.

The basement, lower ground and upper ground floors of the flank of the hotel would continue to be set back from and predominantly screened by the boundary with this adjoining site, the upper five floors would be further set back, providing an area of green roof at first floor level. This set back provides for a view radius distance of 18-21m to the communal landscaping/car parking area of this adjacent site. The taller element of the hotel building towards the rear where it adjoins Grand Union Close does not extend beyond the footprint of this neighbour.

The reduction in height of the Woodfield Road element of the building is welcomed, it is regrettable that an increase in height of the central link building is proposed, where it faces the communal landscaping/car parking area of this adjacent site (the windows to this adjacent property do not directly face the proposed development). However, given

the minor increase in height of the building proposed 1.375m compared to the original permission it is not considered that the overall additional height would have any significant further impact on neighbouring residents in which to withhold permission on this ground.

The additional fenestration matched with the approved fenestration, is further set back from the elevation within deep reveals. The fenestration comprises of glazed windows with side vertical fixed metal panel with ventilation behind and glazed ceramic planters

Furthermore, as in the case of the original permission in order to further minimise the potential for noise and light escape and feeling of overlooking it is proposed again to require the glazing to be fixed shut and obscure glazed. Subject to this, the proposal is considered to be acceptable in amenity terms.

Hathaway House

The closest part of the development to Hathaway House is the 5-storey building on Woodfield Road, which extends to the rear at 3 storeys (housing the depot) and the two storey (upper and lower ground floor) pavilion building.

Given the minor increases in height of some elements of the development and some reductions in other areas, as set out in table 2 above, it is not considered that the proposed development would have any further significant impact on Hathaway House.

The relationship of the development and its fenestration/material/and measures to mitigate overlooking/ light pollution /sense of enclosure remain acceptable.

Two small terraces proposed at level 9 are relocated to level 10 which, due to their location, height and relationship with neighbours are considered to remain acceptable, subject to a condition to restrict their hours to 09.00-21.00 daily. All other flat roofs are to be prevented from use, apart from maintenance and escape in emergency.

Operational

A key consideration in this proposal relating to the operational impact of the development is the potential impact 46 additional hotel room/bedspaces and associated comings and goings to and from the site in highways and transportation terms and also on residential amenity.

Both the Maida Hill Forum and Westbourne Forum together with local residents have raised objection on the ground that additional rooms increase transient population and is potentially harmful to the local community. They also state that the intensity of the site for hotel use was a key concern for residents under the original planning permission and are disappointed that the applicant has gone back on their reduction in rooms during the course of the original application to now proposing more.

A condition (no.34) of the original planning permission controls the number of room/bedspaces to 286 to ensure that any future proposed change would have to be assessed and considered under a new planning application, to ensure that any increase in numbers would not be harmful.

A supplementary transport assessment has been submitted to evidence the anticipated intensity of use and the City Council's Highways Planning manager has advised that the proposal is not significantly different to the original permission in Highways terms. Given this, and notwithstanding the objections raised, it is not considered that the increase in intensity of the hotel aspect of the development would result in any further significant impact in environmental terms to warrant withholding permission on operational amenity grounds.

8.4 **Transportation/Parking**

The original planning permission controls, under condition 34, the use of the hotel to no more than 286 bedspaces. This current proposal seeks to increase the number of hotel rooms/bedspaces by creating 46 additional rooms (increase from 286 to 332 or 16%) and to amend the size mix of units. A Transport Assessment Update has been submitted in support of the proposal in association with the floorspace set out in Table 1 and taking into account the original planning permission as amended by the non-material amendment and S106 modification, as set out in under the relevant history section of this report. The conclusion of the report is that due to more up to date and relevant transport data (that was not available at the time of the original permission), that the hotel would generate fewer trips than originally anticipated and as such this proposal for 332 rooms would generate less trips than was considered under the original permission.

The City Council's Highways Planning Manager has advised that the proposal is not hugely different to the original permission and that the development remains acceptable from a highways point of view given the number of taxis that used to attend Taxi House and that this development is largely car-free and that the servicing impact would be insignificant.

As originally submitted, this application sought to reduce the provision of cycle parking within the site. However, following concerns raised by officers in light of our Highways Planning Manager & TFL objections, additional provision has been made for an additional 50 cycle parking spaces at lower ground floor level through the reconfiguration of back of house areas.

Subject to the above, the principle of the increase in rooms and unit size mix is considered acceptable. However, as is the case with the original planning permission, a maximum bedspace capacity (now 332) would be secured by an amendment to condition 34, in order for the City Council to retain control over any future intensification of the hotel use of the site, which could be harmful in transport and or amenity terms. All other transport and highways conditions and obligations would remain as per the original permission.

8.5 **Economic Considerations**

The economic considerations are set out throughout this report.

8.6 **Access**

Any access considerations are set out throughout this report.

8.7 Other UDP/Westminster Policy Considerations

Energy/Sustainability

The adoption of the City Council's City Plan 2019-2040 and London Plan 2021 introduced a greater emphasis on energy, sustainability and biodiversity, when compared to the City Plan 2016, UDP and earlier London Plan, which were all relevant at the time of the assessment of the original planning permission.

Policy 36 (Energy) of our city Plan 2019-2040 promotes zero carbon development and expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change. Major development should be net zero carbon and demonstrate through an energy strategy how this target can be achieved (following the principles of the Mayor of London's energy hierarchy). Only where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site, any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment.

As such a further consideration of these aspects of the development have been undertaken and the applicant has submitted an Energy and Sustainability Strategies Addendum Note.

The development is now expected to achieve a 60% reduction in carbon emissions (35% minimum target) and a BREEAM excellent rating by reducing operational emissions from all regulated uses (i.e. heating, lighting, hot water and ventilation), by proposing the following:-

- Energy efficient building fabric and services including lighting, variable speed drives to pumps and fans, water saving technologies (low flow shower & taps) & air permeability
- Central Hot water system
- Air source heat pumps for heating and cooling and hot water
- Mechanical ventilation with heat recovery system and mixed mode ventilation
- Maximum solar gain for daylight and to minimise energy use
- U values exceeded
- Reduction in surface run off (Drainage strategy designed for 1 in 100 -year storm + 40% climate change)
- Cycle parking
- All waste streams including recycling
- Greening, within the public realm including tree and shrub planting and additional roofs as living roofs.

The strategies for both domestic water and heating/cooling remain consistent with the original permission. Gas (previously only proposed for kitchen use) has been removed entirely from the proposal which is welcomed.

The City Council's replacement Street Sweepers Depot is designed to accommodate electric carts. Construction and demolition waste and recycling/reuse are considered under the Code of Construction Practice, which is required by condition.

Whilst the proposal achieves a 60% reduction in Carbon emissions it does not achieve net Zero carbon. As such a carbon off-set contribution of £656,000 is required and would be allocated to projects that will reduce carbon emissions elsewhere in Westminster. The level of contribution payable would be amended to reflect any further reductions in carbon emissions being evidenced, given the applicants intention to continue to seek further reductions through ongoing design processes.

In this particular case, there are two material considerations, the extant planning permission which was granted under a different policy requirement (35% reduction in carbon emissions) and the now adopted City Plan 2019-2040 which puts a greater emphasis on reduction of carbon emissions (net zero carbon emissions). As such, the proposal set out above, which provides a greater reduction in carbon emissions than the original planning permission, is considered to be acceptable given these two factors. The applicant has indicated that they intend to further refine their strategy for the site and make the building more energy efficient if at all possible. As such they will seek further on site carbon reductions as the design progresses to seek to get closer to net zero and therefore to reduce the payable contribution.

Air Quality

In addition to the expectation of zero carbon development, is the requirement under policy 32 (Air Quality) for development to be at the very least Air Quality Neutral and further, for major developments within opportunity areas such as this, to demonstrate how local air quality can be improved across the proposed development as part of an air quality positive approach. Following additional clarifications from the agent during the course of the application, the City Council's EH officer has confirmed that the air quality neutral calculation demonstrates that the development meets the relevant benchmarks for both transport and building emissions and consequently does not raise any objection to this current proposal. In addition, the applicant has set out in their revised CIP a "commitment to local air quality initiatives in/around the site to improve air quality for visitors and local people" £20,000. This is welcomed and they have been advised to liaise with officers in EH to feed into this and advise on current projects that may benefit from such a contribution.

Greening/Trees/Biodiversity

City Plan Policy 34 (Greening) requires developments to contribute to the greening of Westminster by way of Incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the development.

The original development set out a soft landscaping strategy which details proposed replacement tree planting as part of the soft landscaping of the proposed development. The introduction of new soft landscaping and trees, green roofs, walls and planters and a new street tree. These remain under this current proposal but with additional provision of green roofs to reflect the greater emphasis on greening and under the current City Plan policy.

The site is currently of low ecological value but with significant opportunities to improve this and it is considered that the proposal meets with this aspiration with significant greening and biodiversity net gain in the proposed development.

Fire Strategy

The applicant has stated that as part of the design development and consultation with the London Fire Brigade (including a meeting on 15.04.2021) that “enhancements” have been made to the fire strategy submitted as part of the original planning permission. This includes a reduction in travel to the south core of the main hotel building and access to the fire-fighting lifts, evacuation lifts and stair cores is now provided at upper ground floor level. The building is to be served by two fire-fighting cores and be provided with a commercial standard sprinkler system and each core served by a wet fire main and fire main inlets and fire hydrants located at suitable points in the locality of the development.

8.8 **Westminster City Plan**

At the time of determination of the original planning permission in July 2020 Westminster’s Unitary Development Plan adopted in January 2007 and Westminster’s City Plan Strategic Policies adopted in November 2016 were relevant. At that time the City Council was working on a complete review of its City Plan, and it held limited weight in the determination of the that application.

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

This application has therefore been considered under this current development plan.

8.9 **Neighbourhood Plans**

Not applicable. The development plan for Westminster comprises the City Plan 2019-2040 (April 2021) and the London Plan (March 2021). The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF.

8.10 **London Plan**

The original application was referred to the Mayor of London under category 1B (Floorspace over 15,000m²) and 1C (Building over 30m in height) of the Mayor of London Order 2008. For consistency and for the avoidance of doubt, the mayor was consulted on this S73 (Minor Material Amendment) Application. The mayor gave authorisation to proceed to determine the application without further reference to the GLA.

8.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2021 unless stated otherwise.

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the pre-commencement conditions set out in the draft decision notice. All such conditions were imposed on the original planning permission. The applicant has agreed to the imposition of the condition.

8.12 Planning Obligations

The original planning permission in July 2020, as amended, secured a number of planning obligations which must be linked to this current application through a Deed of Variation.

Additionally, this current application brings about a requirement for an additional planning obligation to secure a Carbon Offset payment of £656,000.

The City Council's Economy team has confirmed that the revised proposal (changes to the floorspace) requires a larger financial contribution of £ 463,203.72 towards the Westminster Employment Service (index linked and payable on commencement of development) when compared to that secured as part of the original planning permission (£362,247). An increase in £100,956.72.

New obligation/s

- Carbon Off-set contribution of £656,000 (index linked and payable on commencement), as required to be amended in the event of further reductions in carbon emissions being evidenced.
- Additional financial contribution of £100,956.72 towards the Westminster Employment Service (index linked and payable on commencement of development)

Original obligations to be secured by a Deed of Variation

- i. Provision and management of the public realm areas within the application site, which for the avoidance of doubt extends to the canal side and provides public access along the canal side to link up with the public access provided by the

- adjacent site at Hathaway House to Elmfield Way, including associated street furniture, paving, landscaping, drainage, service diversions.
- ii. Allow public access to the public realm areas via a walkways agreement that shall be submitted for approval.
 - iii. Prior to commencement, the developer to enter into a property arrangement/agreement with the City Council as Westminster Property Department, which for the avoidance of doubt, must include, but not limited to the following:
 - a) Provision of a new Westminster Street Sweepers depot on terms acceptable to the City Council as depot owner and operator.
 - b) The retention of the existing street cleansing depot and the ability for it to function and operate unabated during the construction of the development, until the new street cleansing depot is built, fully fitted out and ready for use.
 - c) The provision of a new street cleansing depot on site, fully fitted out and ready for use, and the relocation of operations from the existing depot, all at the developers cost.
 - iv. Submission of a finalised Community Investment Programme (CIP) for approval.
 - v. Provision of not less than 20% of Class B1 office space as affordable workspace at rent maintained below the market rate for that space and managed by a workspace provider.
 - vi. Provision of highways works surrounding the site necessary for the development to occur, including but not limited to; new crossover to servicing bay, existing crossover returned to footway, repaving of footway adjacent to the development in Woodfield Road, amendments to parking bays and on-street restrictions.
 - vii. Provision of street tree outside of site on adjacent side of Woodfield Road or if this is not practical, elsewhere within the vicinity of the site.
 - viii. A financial contribution of £362,247 towards the Westminster Employment Service (index linked and payable on commencement of development).
 - ix. Provision of an Employment and Skills Plan for approval and adherence with the approved plan.
 - x. Hotel Management Strategy (HMS)
 - xi. Monitoring costs of £500 for each of the clauses.

Table 3:- Expected CiL contributions

CIL	Approved scheme	Proposed scheme
Westminster	£ 631,402.97	TBC
Mayoral	£1,478,361.25	TBC

8.13 Environmental Impact Assessment

The original application was not EIA development, and neither is this S73 application . 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**

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: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk

9. KEY DRAWINGS

TAXI HOUSE - Woodfield Road Bay Study/Elevation

The image displays architectural drawings for a building titled "TAXI HOUSE - Woodfield Road Bay Study/Elevation". On the left is a perspective elevation of a three-story building with a brick and stone facade. On the right is a detailed elevation drawing with vertical sections on either side. A red line on the right-hand drawing indicates the approved height. Below the drawings are technical details, a legend, and a title block. The title block includes the logo for "THE COLLECTIVE" and the drawing number "18111 A (00) 601 P05".

AS APPROVED AND AS PROPOSED – RED LINE ON RIGHT HAND DRAWING DENOTES APPROVED HEIGHT

Drawing 18111 AA (00) 601 P05 to the left and P06 (latest) to the right



WOODFIELD ROAD AS APPROVED LOOKING WEST



WOODFIELD ROAD AS PROPOSED LOOKING WEST



WOODFIELD ROAD AS APPROVED LOOKING EAST



WOODFIELD ROAD AS PROPOSED LOOKING EAST& FLANK TO CONTAIN BRICK PANELS)

TAXI HOUSE - Additional Green Roofs



Drawing 18111 AA (00) 113 P06



Drawing 18111 AA (00) 113 P10 (latest) with additional green roofs (outlined in red)

DRAFT DECISION LETTER

- Address:** Taxi House, 11 Woodfield Road, London, W9 2BA
- Proposal:** Variation of Condition 1 (approved plans and documents) of planning permission dated 3 July 2020 (RN: 19/04487/FULL) for: Demolition of existing buildings and structures and construction of a new mixed-use development comprising hotel and associated facilities (Class C1), flexible workspace (Class B1a / B1c), retail and food and beverage (Class A1 / A3), events space (Sui Generis) and a replacement street cleaning depot (Sui Generis) with associated new public realm and highways improvements. (site includes Taxi House, Waterside House and Westminster Street Sweepers Depot). Namely, internal design changes to the lower amenity levels and the addition of a new floor level positioned between the previous level 03 and level 04, variation of building heights, increase in hotel rooms from 286 to 332 with the maximum number of storeys increasing from 11 to 12, within the maximum building height of +69.350 AOD.
- Reference:** 21/02892/FULL
- Plan Nos:** 18111_A_(00)_001P06; 100P14;101P13: 102P13;103P12;104 P11;105P10; 106P10; 107P10; 108P10;109P09: 110P09;111P12; 112P09;113P10;200P10; 201P09;202P08;203P08;300P10;301P10;302P11:303P12;304P08; 305P08;306P07; 307P08; 60001P04; 60102P06; 60203P04;60304P03;604P01. 18111_A_(00)001; 100;101;102;103;104;105;106;107;108;109;110;111;112;113;200;201;202;203;300; 301;302;303;304;305;306;307;600;601;602;603;604 ORIGINAL PLANS AND DOCUMENTS (19/04487/FULL), 18111_A_(01)_000 Site Location Plan P01, 18111_A_(01)_001 Existing Site Plan P01, 18111_A_(01)_200 Existing Elevation - North Woodfield Road P01, 18111_A_(01)_201 Existing Elevation - West Grand Union Close P01, 18111_A_(01)_202 Existing Elevation - South Regents Canal P01, 18111_A_(01)_203 Existing Elevation - East Hathaway House P01, 18111_A_(12)_001 Demolition Plan P01, 18111_A_(00)_001 Proposed Site Plan P05, 18111_A_(00)_100 GA Plan Basement Plan P06, 18111_A_(00)_101 GA Plan Lower Ground Plan P08, 18111_A_(00)_102 GA Plan Upper Ground Plan P08, 18111_A_(00)_103 GA Plan Level 01 P07, 18111_A_(00)_104 GA Plan Level 02 P07, 18111_A_(00)_105 GA Plan Level 03 P07, 18111_A_(00)_106 GA Plan Level 04 P07, 18111_A_(00)_107 GA Plan Level 05 P07, 18111_A_(00)_108 GA Plan Level 06 P06, 18111_A_(00)_109 GA Plan Level 07 P06, 18111_A_(00)_110 GA Plan Level 08 P06, 18111_A_(00)_111 GA Plan Level 09 P07, 18111_A_(00)_112 GA Plan Level 10 P06, 18111_A_(00)_113 GA Plan Level Roof P06, 18111_A_(00)_200 Proposed Elevation North Woodfield Road P08, 18111_A_(00)_201 Proposed Elevation East Grand Union Close P06, 18111_A_(00)_202 Proposed Elevation South Regents Canal P06, 18111_A_(00)_203 Proposed Elevation West Hathaway House P07, 18111_A_(00)_300 Proposed Section AA P06, 18111_A_(00)_301 Proposed Section BB P06, 18111_A_(00)_302 Proposed Section CC P07, 18111_A_(00)_303 Proposed Section DD P07, 18111_A_(00)_304 Proposed Section EE P07, 18111_A_(00)_305 Proposed Section FF P07, 18111_A_(00)_306 Proposed Section GG P06, 18111_A_(00)_307 Proposed Section HH P07, 18111_A_(00)_600 01 Tower Bay Study P03, 18111_A_(00)_601 02 Woodfield

Road Bay Study P05, 18111_A_(00)_602 03 Union Close Facade Study P03, 18111_A_(00)603 04 East Building Bay Study P02
 Design and Access Statement (May 2019) and Addendum (September 2019), prepared by AHMM, Planning Statement (May 2019), prepared by DP9, Landscape Statement (May 2019) and Addendum (September 2019), prepared by Fabrik [note they provided a combined November 2019 version too), Operational Management Plan (May 2019), prepared by the Collective, Townscape, Heritage and Visual Impact Assessment (May 2019) and Addendum (September 2019), prepared by Tavernor Consultancy, Transport Assessment (May 2019) and Addendum (September 2019), prepared by Caneparo Associates, Delivery and Servicing Plan (May 2019), prepared by Caneparo Associates, Draft Travel Plan (May 2019) , prepared by Caneparo Associates, Outline Construction Logistics Plan (May 2019), prepared by Caneparo Associates, Updated Daylight, Sunlight and Overshadowing Assessment (September 2019), prepared by Point 2 Surveyors, Energy Strategy (September 2019), prepared by Hoare Lea, Sustainability Strategy (September 2019), prepared by Hoare Lea, Historic Environment Assessment (including Archaeological Desk-Based Assessment) (May 2019), prepared by MOLA, Air Quality Assessment (September 2019), prepared by Hoare Lea, Noise and Vibration Assessment (May 2019), prepared by KP Acoustics, Update Note on Noise and Vibration Impact Assessment (September 2019), prepared by KP Acoustics, Wind Microclimate Assessment (May 2019), prepared by BMT, Ventilation / Extraction Statement (May 2019), prepared by Hoare Lea, Preliminary Light Pollution Assessment (May 2019), prepared by Hoare Lea, Draft Construction Sequencing Plan, prepared by Constructure, Statement of Community Involvement (May 2019) and Addendum (September 2019), prepared by Kanda Consulting, Regeneration Statement (Economic Impact Assessment) (May 2019) and Addendum (September 2019), prepared by Volterra, Geotechnical / Basement Impact Assessment (including Ground Investigation Report) (May 2019), prepared by Constructure, Updated Flood Risk Assessment & Drainage
 1ST AMENDMENT- PART SUPERSEDED BY 20/04308/NMA & 20/04322/MOD106, Site location plan; The Collective letter 03.07.2020
 FURTHER PART SUPERSEDED BY 21/02892/FULL, Design and Access Statement ('DAS') Addendum including Appendix;, o Townscape, Heritage and Visual Impact Assessment ('THVIA') Addendum;, o Transport Assessment Update;, o Daylight, Sunlight and Overshadowing Report Addendum;, o Statement of Community Involvement ('SCI') Update; and, o Energy and Sustainability Strategies Addendum Note., Air Quality Addendum Report prepared by Hoare Lea.

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641
07866036375

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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 **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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 4 No properties shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:

As requested by Thames Water as Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents

- 5 No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:

As requested by Thames Water as 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

- 6 Prior to use of the development you shall submit for our approval a detailed internal and external lighting scheme for the development to show its impact on surrounding residential properties, Site wide/sky glow and Ecology (Grand Union Canal and Bats). This must include details of the following:- , A. Number and position of lighting , , B. Design and appearance including dimensions of the light fixtures and fittings, , C.Manufacturers specification, , D.Level, extent and colour of Luminaries, , E. Energy efficiency, , F. Hours of use , , G. Staff operational management of lighting. , , The agreed lighting strategy shall be installed and thereafter operated and maintained in accordance with the agreed details.

Reason:

To ensure that there are no adverse impacts on residents' amenity or the ecology of the canal in accordance with policy 7, 31 and 33 of the City Plan 2019 - 2040., ,

- 7 Prior to the commencement of the development hereby approved, a survey of the condition of the waterway wall and a method statement and schedule of works identified shall be submitted to and approved in writing by the Local Planning Authority. The repair works identified shall be carried out in accordance with the agreed method statement and repairs schedule by a date to be confirmed in the repairs schedule. Following the completion of the works and prior to first occupation, a further survey of the waterway wall shall be carried out, and the details submitted to the LPA, to demonstrate that any necessary repair works have been carried out and that no additional damage to the wall has occurred.

Reason:

To ensure that the structural integrity of the Grand Union Canal is retained in accordance with policy 31 of the City Plan 2019 - 2040.

- 8 Prior to the occupation of the development hereby permitted, full details of measures to ensure the continued enjoyment of the adjacent moorings, such as facilities, security and privacy enhancements, shall be submitted to and approved in writing by the Local Planning Authority, and implemented as agreed.

Reason:

To ensure that there are no adverse impacts on the adjacent moorings from the approved

development in accordance with policy 31 of the City Plan 2019 - 2040.

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

Reason:

To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 10 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 11 You must apply to us for approval of an operational management plan for All proposed uses of the development. This must include details of the following:- , a) Hours of the operation, staff and customers., b) Details of all servicing to use the internal loading bay accessed from Woodfield Road including hours of servicing, staffing process, internal storage locations, scheduling of deliveries., c) No home deliveries option., d) Procedure to minimise impact on residential amenity and environmental quality., e) Details of public access and access control arrangements , f.)Capacity, covers, ancillary bar, control of smoking areas, door supervision, queuing, take away, contact details for complaints., g) operation in accordance with waste strategy, h) Details of how you will prevent coach party bookings and prevent coaches from attending the site. , You must not start any the uses 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 any of the uses are in operation (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area including the general public's use of the public realm. This is as set out in policy 7, 16, 33 of the City Plan 2019 - 2040 (April 2021)

- 12 You must apply to us for approval of a Servicing Management Plan for the servicing of the development itself. The plan should identify process, storage locations, scheduling of deliveries and staffing. In particular this should give further comfort over how the developer would ensure that :- , a) No more than two servicing vehicles would arrive at any one time., b) The doors to the servicing area would only be opened prior to vehicles' arrival (so that, vehicles did not arrive and have to wait on the highway for the doors to open, and block the carriageway) and closed at all other times, apart from when vehicles are arriving or leaving the servicing area. , c) Freight is consolidated as far as possible., d) Servicing only takes place between 07.00-19.00 Daily and avoids peak times., The plan must be approved prior to occupation of any part of the development and

followed/maintained for life of development, unless revised strategy is approved (in writing) by the Local Planning Authority.

Reason:

To ensure that all of the uses within the building are appropriately serviced in accordance with policy 29 of the City Plan 2019 - 2040 (April 2021)

- 13 You must provide the waste and recycling store shown on drawing 101 P13 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the development;. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 14 (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 in writing 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 in writing 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 written 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 15 (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 IN; 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 in writing 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 IN; 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 in writing 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 written approval by the City Council. Your submission of a noise report must include:; (a) The location of most affected noise sensitive receptor location and the most affected window of it;; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (d) The lowest existing LA90, 15 mins measurement

recorded under (c) above;, (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;, (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R47AC)

- 16 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 17 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. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

- 18 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria:, , (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) 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 in an emergency situation., , (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. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 19 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) of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 20 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 21 All servicing must take place between 07.00-19.00 daily. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 22 The following uses shall only be operated within the following hours:-, , a) Office/workshops - 06.00-22.30, b) Retail/Restaurant - 07.00-22.30, c) Performance/event space (Sui Generis) - 09.00-22.30, d) Public Realm- 06.00-22.30, e) Hotel use by visiting members of the public (non-hotel guests) 07.00-22.30

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 23 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied., , Phase 1: Desktop study - full site history and environmental information from the public records., , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

To make sure that any contamination in the building or of the ground 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 Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18BB)

- 24 The office/workshop floorspace shall be provided and operated in accordance with the following unless otherwise agreed by us in writing:-, , a) A minimum of 50% of the floorspace shall be used as workshop space, , b) a Minimum of 20% of the Class B1 floorspace shall be provided as affordable workspace.

Reason:

To provide a range of flexible floorspace to contribute to providing a variety of tenants needs, including local start-ups and small and medium enterprises within the NWEDA in accordance with policies 5,13,18 of the City Plan 2019 - 2040 (April 2021).

- 25 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. 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 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 that are part of the planting scheme that we approve, 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. (C30CC)

Reason:

To improve the appearance of the development and its contribution to biodiversity and

the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 26 You must plant new trees to replace those which are shown to be removed. The replacement trees must be planted in the first planting season after you complete the development. You must apply to us for our approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of the same size and species to the one originally planted.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

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

Reason:

To 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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 29 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development: i) each window type; ii) external doors; iii) typical lintels, cills and reveals; iv) treatment to soffit and side walls of main entrance archway off Woodfield Road; v) location and size of movement joints; vi) step backs in façade; vii) interfaces with windows; viii) interfaces with landscaping; ix) interfaces with architectural metalwork; x) ventilation and other services terminations at façade and roof; xi) gates; xii) handrails, railings and balustrades; xiii) integrated planters; xiv) integral lighting; xv) location and appearance of BMU. You must not start any work on these parts of the

development until we have approved what you have sent us., You must then carry out the work according to these approved drawings.

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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 30 You must apply to us for approval of detailed drawings including details of finishes to the proposed rooftop plant. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 31 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R37AC)

- 32 When not in operation the BMU shall be returned to its parked position.

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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 33 You must not paint any outside walls of the building without our written 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 (as amended) (or any order that may replace it). (C26WC)

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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 34 The hotel shall operate in accordance with the following unless otherwise agreed by us in writing:- , a) No more than 332 bedspaces, b) Records of all bookings must be provided to the City Council on an annual basis and at any other time upon specific written request and must clearly stipulate bookings of a guest for 90 or more days in any calendar year, , c) No conference facilities, d) No coach bookings/parties,

Reason:

To protect the environment of people in neighbouring properties and to ensure the appearance of the development is suitable and would not harm the appearance of this part of the city. This is in line with Policies 7, 33, 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R13CD)

- 35 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application., , a. bird and bat boxes/structures, , You must not remove any of these features. (C43FA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 36 You must apply to us for approval of details of a security scheme for the development which evidences Secure By Design accreditation 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 according to the approved details before anyone moves into the building. (C16AC)

Reason:

To reduce crime in accordance with Policies 38 and 43 of the City Plan 2019 - 2040 (April 2021). (R25GC)

- 37 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the living and intensive roofs to include construction method, layout, species and maintenance regime., , You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 38 No development shall take place, until the following plan has been submitted to and approved in writing by the City Council as local planning authority in liaison with Transport for London:- , a) Delivery and Service Plan, b) Construction Logistic Plan, , You must not start work until we have approved what you have sent us. You must then carry

out the development in accordance with the approved details.

Reason:

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

- 39 No tables and chairs shall be placed outside of the restaurant, retail or office premises hereby approved within the hard or soft landscaping of the public realm without our written approval. You must apply to us for approval of the location, number, appearance, hours of use and location of storage for any tables and chairs and associated non-fixed structures, such as enclosure around tables and chairs or sun shades, that you propose to place within the hard or soft landscaping comprising the public realm. You must not place the table and chairs or associated structures outside the premises until we have approved what you have sent us. You must then place the tables and chairs in the locations we approve in accordance with the details of their use and appearance that we approve.

Reason:

To prevent obstruction to pedestrian movement across the site, protect the amenity of the public realm and ensure that the appearance of the tables and chairs and associated structures are appropriate in accordance with policies 3,5,15, 24,25,33, 38,43 of the City Plan 2019 - 2040 (April 2021)., , ,

- 40 You must apply to us for approval of a Public Realm strategy for the public realm area. This must include details of the following:-, a) Details of type and hours of public events, b) Details of maintenance, c) Details of street cleaning, d) Details of drainage, lighting, street furniture, crowd control, pedestrian flow, smokers, development evacuation, signage, telecommunication, wayfinding., , You must not occupy any part of the development until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times., (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area including the general public's use of the public realm. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 41 Apart from level 10 external terraces which can be used between 09.00 and 21.00 hours daily, you must not use the remaining roofs of the buildings for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for maintenance purposes. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 42 The glass that you put in the west and north elevation of the buildings facing Grand Union Close and Woodfield Road must not be clear glass, and you must fix it permanently shut.

You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 43 You must carry out the development accordance with the submitted Fire Strategy, unless otherwise agreed in writing us or as required to meet up to date fire safety measures,

Reason:

As requested by the Greater London Authority, to protect the safety of people using the buildings , as set out in policy 7 of the City Plan 2019 - 2040 (April 2021), ,

- 44 A minimum of 10% of the hotel rooms must be wheelchair accessible.

Reason:

As requested by the Greater London Authority, to make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in policy 38 and of the City Plan 2019 - 2040 (April 2021).

- 45 You must apply to us for approval of a post construction monitoring of the performance of the heat pump system. , , "The developer is required to:, . monitor the performance of the heat pump system post-construction. , . submit a Heat pump monitoring report to the LPA annually, for the first 5 years after development occupation, to outline the performance of the heat pump system and compare this to the performance approved during planning., . undertake remedial works as required to ensure the heat pump system performance during occupation is achieving the expected performance approved during planning., . where required submit evidence to the LPA on any remedial works undertaken."

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 46 The Retail, Restaurant and the Office/workshop units shall not be used for any other uses, and only the use shown on the approved plans, You must not use them for any other purpose, including for any other use within Class E, Part A, Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it) without the approval of the Local Planning Authority.

Reason:

To protect neighbouring residents from noise nuisance, avoid blocking surrounding

streets, to ensure that sustainable transport modes are used, to prevent sensitive air quality receptors from occupying the site and or uses that would have a significant adverse effect on air quality, as set out in policies 16, 7, 33, 32,24,25,29,28 of the City Plan 2019 - 2040 (April 2021).

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 This permission is governed by a Deed of Variation to the original legal agreement dated 03.07.2020 between the applicant and us under Section 106 of the Town and Country Planning Act 1990 to secure the following:
 - a) the completion of a Deed of Variation to the original S106 legal agreement (as amended by 20/04322/MOD106)
 - b) a new additional planning obligation to secure a carbon off-set contribution of £656,000 (index linked and payable on commencement), as required to be amended in the event of further reductions in carbon emissions being evidenced.
 - c) An additional financial contribution of £100,956.72 towards the Westminster Employment Service (index linked and payable on commencement of development,

The obligations of the original planning permission are set out below:-

 - i. Provision and management of the public realm areas within the application site, which for the avoidance of doubt extends to the canal side and provides public access along the canal side to link up with the public access provided by the adjacent site at Hathaway House to Elmfield Way, including associated street furniture, paving, landscaping, drainage, service diversions.
 - ii. Allow public access to the public realm areas via a walkways agreement that shall be submitted for approval.
 - iii. Prior to commencement, the developer to enter into a property arrangement/agreement with the City Council as Westminster Property Department, which for the avoidance of doubt, must include, but not limited to the following:
 - a) Provision of a new Westminster Street Sweepers depot on terms acceptable to the City Council as depot owner and operator.
 - b) The retention of the existing street cleansing depot and the ability for it to function and operate unabated during the construction of the development, until the new street cleansing depot is built, fully fitted out and ready for use.
 - c) The provision of a new street cleansing depot on site, fully fitted out and ready for use, and the relocation of operations from the existing depot, all at the developers cost.
 - iv. Submission of a finalised Community Investment Programme (CIP) for approval.
 - v. Provision of not less than 20% of Class B1 office space as affordable workspace at rent maintained below the market rate for that space and managed by a workspace provider.
 - vi. Provision of highways works surrounding the site necessary for the development to occur, including but not limited to; new crossover to servicing bay, existing crossover returned to footway, repaving of footway adjacent to the development in

Woodfield Road, amendments to parking bays and on-street restrictions., , vii. Provision of street tree outside of site on adjacent side of Woodfield Road or if this is not practical, elsewhere within the vicinity of the site., , viii. A financial contribution of £362,247 towards the Westminster Employment Service (index linked and payable on commencement of development)., , ix. Provision of an Employment and Skills Plan for approval and adherence with the approved plan. , , x. Monitoring costs of £500 for each of the above clauses. , , (I55AA)

- 3 THAMES WATER ADVICE, Waste Comments, Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided., , Following initial investigations, Thames Water has identified an inability of the existing SURFACE WATER infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position for surface water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No properties shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents." The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval., , Water Comments, Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing 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" The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval., , Supplementary Comments, , Wastewater: Based on the info received; FLOOD RISK ASSESSMENT & DRAINAGE STRATEGY, REF : 010219A, DATE : May 2019, STATUS

PLANNING APPLICATION the Foul water discharging by gravity to combined sewer in Woodfield Road via 150mm connection at the entrance to the site. This discharge is within sewer threshold hence capacity for Foul exists., Thames Water expects all Surface Water to be directed to the local watercourse following London Policy 5.13 The surface water drainage strategy for this development should follow policy 5.13 of the London Plan., 1. Rainwater harvesting (including a combination of green and blue roofs) 2. Infiltration techniques and green roofs 3. Rainwater attenuation in open water features for gradual release 4. Rainwater discharged direct to watercourse (unless not appropriate) 5. Rainwater attenuation above ground (including blue roofs) 6. Rainwater attenuation below ground 7. Rainwater discharge to a surface water sewer or drain 8. Rainwater discharge to a combined sewer, , Thames Water, Development Planning,, Thames Water,, Maple Lodge STW,, Denham Way,, Rickmansworth,, WD3 9SQ, Tel:020 3577 9998, Email: devcon.team@thameswater.co.uk

- 4 ADVICE FROM CADENT , ****PLEASE NOTE** - the below information is related to Low and Medium Pressure Assets. You may be contacted separately by our engineers regarding High/Intermediate Pressure Pipelines.** , Considerations in relation to gas pipeline/s identified on site: , , Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance. , , If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays., , If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required., , All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. , , Email: plantprotection@cadentgas.com Tel: 0800 688 588 , , Plant Protection, Cadent Gas Ltd, Block 1, Floor 1, Brick Kiln Street, Hinckley LE10 0NA, T 0800 688 588 , plantprotection@cadentgas.com, cadentgas.com
- 5 "The applicant/developer should refer to the current Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained, and liaise with the Trust's Work's Engineer: <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice.>", "Any access to, or oversailing, the Canal & River Trust's land or water during the construction must be agreed in writing with the Canal & River Trust before development commences. Please contact Bernadette McNicholas in the Canal & River Trust's Estate Team at Bernadette.McNicholas@canalrivertrust.org.uk for further information." , , "Any surface water discharge to the waterway will require prior consent from the Canal & River Trust. Please contact Chris Lee from the Canal River Trust Utilities Team (Lee.Chris@canalrivertrust.org.uk)."
- 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)

- 7 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 8 The term 'clearly mark' in condition 13 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 9 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 10 This site is inside an 'area of nature deficiency' as set out in Policy 34 of our City Plan 2019-2040 that we adopted in April 2021. So, you should include environmental features that enhance biodiversity, particularly for priority species, when designing the development and any open areas pursuant to the requirements of any relevant conditions attached to this planning permission.
- 11 When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. (I81DA)
- 12 You are encouraged to set up a neighbour liaison group including details of emergency site /contractors numbers the proposed demolition and construction works so as to inform and discuss how best to minimise the effect of demolition and construction work on neighbours and the local community.

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

Agenda Item 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 August 2021	Classification For General Release	
Addendum Report of Director of Place Shaping and Town Planning		Ward(s) involved Bayswater	
Subject of Report	56 Westbourne Grove, London, W2 5SH		
Proposal	Replacement shopfront and architectural mouldings; replacement of all windows with double-glazed timber windows; replacement of rear conservatory and restaurant refurbishment; demolition of existing rear extensions at mezzanine and 1st floors and replacement with two storey rear extension to form an additional residential unit (Class C3); provision of amenity space for flats; installation of two rear conservation rooflights; replacement of existing restaurant extraction duct to the rear with new duct; replacement of 2 x existing air-conditioning units with 2 x new air-conditioning units; and general internal refurbishment and upgrade.		
Agent	Mr Stephen Wax		
On behalf of	Minaides		
Registered Number	20/07997/FULL	Date amended/ completed	8 July 2021
Date Application Received	15 December 2020		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

This application was reported to the Planning Applications Sub-Committee on 22nd June 2021, with an officer recommendation to grant conditional planning permission. Members deferred making a decision on the application, instead requesting that the rear extension to the restaurant be re-designed with non- openable doors and with sound insulation to prevent noise.

This element of the proposal has since been revised from a conservatory style rear extension with fully glazed openable bi-folding doors, to a brick extension with fixed shut windows (and door access only for emergency escape and access to waste store) and an insulated & living green roof. In addition, the second floor rear roof is also now proposed as a living green roof.

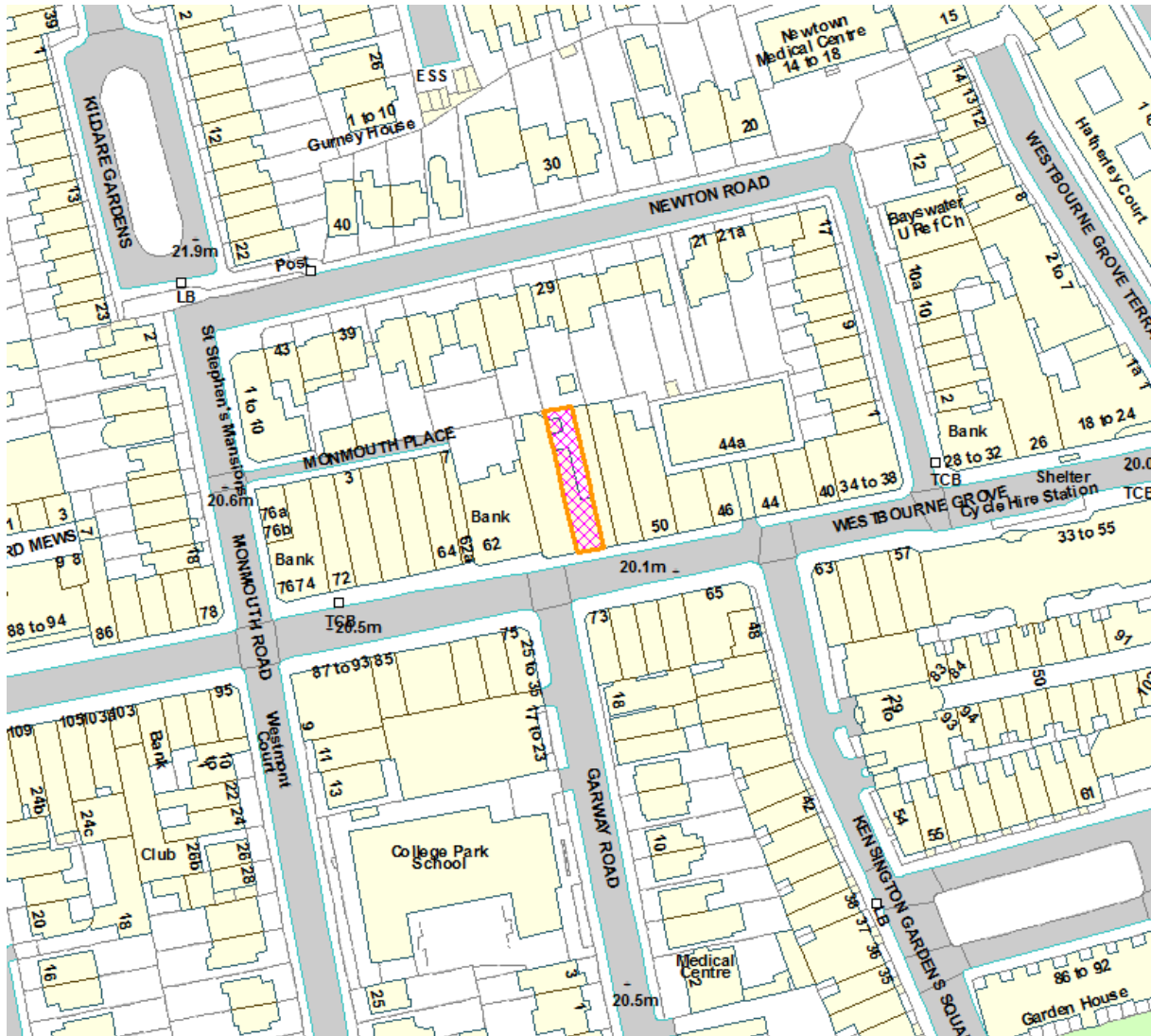
Since the date of committee two further representations of objection have been received by local residents on grounds of noise disturbance, impact on daylight and sunlight and land ownership issues.

The revised design of the conservatory, with a reduced level of glazing and more solid, brick, elevations together with sound attenuation to the roof, together with living green roofs to this extension and the first floor extension, is considered acceptable in design and townscape and amenity terms.

An objection has been raised with respect to ownership of land and suggesting that some of the development to which this application relates is on private land belonging to another party. The applicant has disputed this. However, this is a private matter between the parties involved.

Notwithstanding the objections raised on amenity grounds, which are considered to have been addressed fully in the original report to committee (attached as a background paper), the proposals are considered to accord with the relevant policies in the City Plan 2019-2040 (adopted April 2021) and the new NPPF. The application is therefore recommended for approval, subject to the conditions set out in the draft decision letter appended to this report, which has been updated following the discussion at committee. Accordingly, the application is reported back to committee for determination.

3. LOCATION PLAN

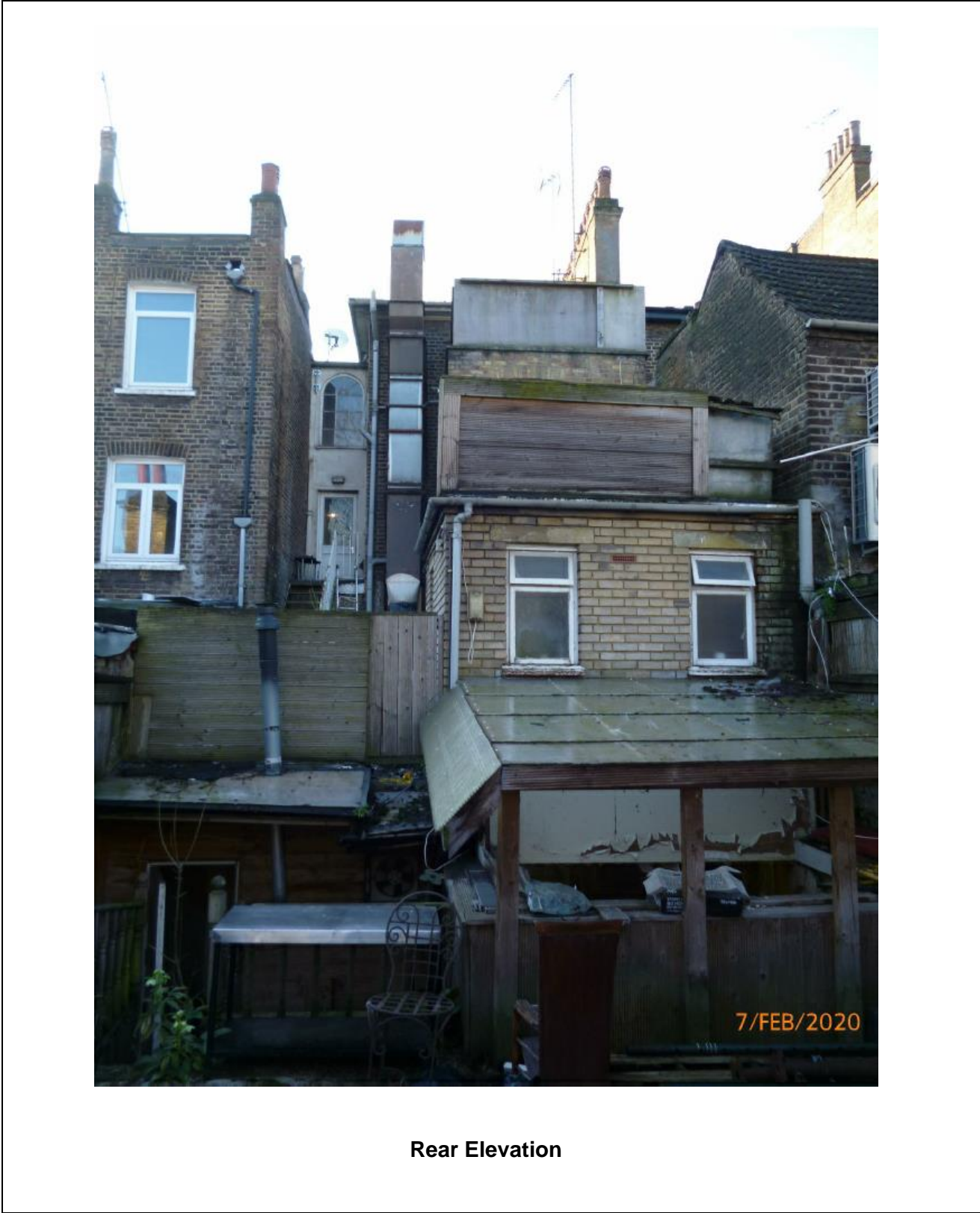


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4. PHOTOGRAPHS



Front Elevation



Rear Elevation

5. CONSULTATIONS

ORIGINAL REPRESENTATIONS AS DETAILED IN REPORT TO COMMITTEE OF 22.06.2021

First round of consultation – December 2020

WARD COUNCILLORS (BAYSWATER)

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS' ASSOCIATION

Object to the proposal until satisfied with a number of relevant points and policies

- Would prefer wooden double-glazed sash windows in the rear as well as front as more appropriate for the Westbourne Conservation Area.
- Why is existing ventilation high level duct being removed; if there is to be a restaurant (as shown on fascia) will not get a premises licence to sell alcohol and late-night refreshments without proper ventilation etc?
- Will noise and fumes effect upper floor flats with no duct and with large opening rear windows at rear.
- On page 6 [of Design and Access Statement] - a very strange contrary bullet point No. 8 re solid roofto maximise natural light- we want solid roof for restaurant.
- The rear visual on page 7 looks totally different to that on page 5.
- On large, proposed shopfront details we welcome traditional style design but fan light over residential entrance door looks strange.
- Also do not like or understand need for powder coated metal grilles.
- Why are windows below in obscure glass as spoils shop front - we trust not connected with any extract ventilation as if so, needs a noise report and hours of etc controlled
- Trust refuse and recycling arrangements good for flats and restaurant and on latter hours of collection times controlled so as not to disturb residents above and other local residents
- As not shown on drawings assume no canopy proposed and we note no letter boxes or street numbers shown.
- Also, not keen on any use of front terrace as would end up full of clutter, parasols etc.
- As only one extra flat, no need for one off street parking space but will accept car club membership and cycle racks

BAYSWATER RESIDENTS' ASSOCIATION

Any response to be reported verbally.

ENVIRONMENTAL HEALTH OFFICER

Object to the application on the grounds that the applicant has not provided sufficient information to show how cooking heat, fumes, odours and possible products of combustion arising from the restaurant kitchen will be adequately removed, dispersed and diluted in a manner that is not likely to give rise to nuisance and which meets the requirements of the WCC Guidelines for commercial kitchen extract ventilation systems. It is noted that an acoustic report has been submitted; however further details are required with respect to the type and location of the proposed new plant, especially if the scheme is likely to include the relocation of a commercial kitchen extract duct.

HIGHWAYS PLANNING OFFICER

No car parking proposed, and so lifetime car club membership is recommended. The proposed cycle parking and provision of waste storage should be secured by condition. It is noted that there are some works proposed to the vaults as part of refurbishment works, which may affect the structure supporting the highway. However, there is no objection raised in highways terms, but an informative is recommended advising the applicant that technical approval will be required prior to commencement of development.

Cycle parking is welcomed and should be secured by condition.

No concerns raised with regards to servicing for the site as there it would continue in a similar fashion.

WASTE PROJECT OFFICER

No objection. The provision of waste and recyclable materials as shown on the submitted drawings to be permanently available. No waste should be left on the public highway.

ARBORICULTURAL OFFICER

Raise no objections subject to conditions requiring tree protection measures to be in place prior to any works on site, - including any demolition, clearance and construction, - and details of a landscaping scheme to be agreed and implemented.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 13

Total No. of replies: 3

No. of objections: 3

No. in support: 0

Objections have been received on some or all of the following grounds:

AMENITY

- the 2-storey extension will overlook neighbouring properties.
- overlooking from the new raised amenity garden.
- loss of light to neighbouring garden.
- The information submitted with the Daylight and Sunlight report is misleading as it does not correctly show this window and therefore a request is made for Councillors to visit this flat to see the reality.
- concern that the new duct is going to be noisy and result in odours.
- Noise pollution and disturbance from the use of the conservatory which has bi-folding opening doors on all sides.
- the proposed development will severely impact on noise sensitive businesses in the locality from the use of the restaurant, the extension to the restaurant and the new raised amenity garden.

DESIGN

- The full glass conservatory is not in harmony with the conservation area and there is no precedent that exists at the rear of Westbourne Grove.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

Second round of consultation – March 2021**WARD COUNCILLORS (BAYSWATER)**

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS' ASSOCIATION

Pleased to see that many of the earlier points have been addressed. It is however difficult to fully assess the revisions and the effect on the adjoining neighbours and the Westbourne Conservation Area.

Primary concern remains the effect on the neighbouring properties and the residents in terms of loss of light, potential overlooking, light pollution and noise or odours from the proposed large restaurant etc

BAYSWATER RESIDENTS' ASSOCIATION

Any response to be reported verbally.

ENVIRONMENTAL HEALTH OFFICER

No objections on noise or nuisance grounds subject to standard noise and vibration conditions, as well as the installation of attenuation measures for the air-conditioning units.

HIGHWAYS PLANNING OFFICER

Original comments are reiterated.

WASTE PROJECT OFFICER

Original comments reiterated.

ARBORICULTURAL OFFICER

Original comments reiterated.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 15

Total No. of replies: 7 ; including 3 from neighbours who had written previously (2 replies of which are from same addressee on this occasion); 1 received on behalf of an affected neighbour; and 3 from additional neighbours

No. of objections: 7

No. in support: 0

The objections reiterate many of the original concerns noted above. The objections further raise some or all of the following grounds:

AMENITY

- The amendments have changed little apart from to the roof – proposals will still impact on local businesses in terms of noise and pollution.
- Loss of sunlight and daylight, with the submitted daylight and sunlight assessment still does not adequately set out the difference between the existing situation and that resulting from the proposed development.
- Daylight/ sunlight assessment may be intentionally technical and difficult so as to confuse members of the public (as a side point the report is also dated 17 February and precedes the amended plans received on 11 March 2021;

- The submitted noise survey dated March 2021 takes no account of neighbouring buildings. The conclusions relate only to the application building.
- No odour assessment has been submitted to accompany the application, despite there being many habitable room windows in close proximity to proposed extract flues.
- Overlooking to neighbouring properties.
- The proposed development is considered contrary to Westminster's City Plan (2016) policy S29 in amenity terms.
- The application seems to imply the restaurant has outside dining space to the rear; this would be noisy.
- A glass conservatory at the back of the building with opening doors on every side will create a major noise issue to the surrounding residents if these are openable.
- The noise assessment does not take account of the cumulative effect of all the restaurant's operating at the same time nor the echo/ courtyard effect in essentially a square behind. We also know that in practice with lack of maintenance, the limits are never observed. It is left to residents to check and control this constantly.
- Noise from the restaurant and amenity garden
- The creation of a new extraction at the rear and the 2 new air-conditioning units has the potential to result in unacceptable noise.

LAND USE:

- Another restaurant does not with current council policy.

DESIGN

- The proposed development is considered to be contrary to Westminster's City Plan (2016) policies S25 and S28.
- The development bears no architectural relationship whatsoever to the host building.
- The Westbourne Conservation Area Audit (2002) notes that virtually all unlisted buildings in the conservation area are nonetheless buildings of merit, and in this regard the audit seeks to retain the character and appearance of these; and the proposals don't marry with this with the he proposed rear extension being of a utilitarian appearance with a flat roof, window forms and external materials that are wholly inappropriate to a conservation area and a building in close proximity to many listed buildings;
- The SPD on Development and Demolition in Conservation Areas makes specific reference in Para 1.3 to rear extensions; it is considered that the proposed development is contrary to this guidance as the form scale and appearance of the extension does not complement the appearance of the existing building or neighbouring buildings which include listed buildings. It is noted that the planning application is not accompanied by a Heritage Appraisal.

QUALITY OF ACCOMMODATION PROPOSED

- Proposal is not in compliance with London Plan standards which strongly encourage a minimum ceiling height of 2.5m for at least 75% of the gross internal area of residential units and with no internal storage.

- The site is within an area of open space deficiency and the proposed amenity area on the site is wholly unsuitable for three flats in terms of size and quality.

PARKING/CYCLE STORAGE

- is the bicycle storage area at mezzanine level practical and accessible;
- the proposed development would have a significant adverse impact on parking stress in the area, contrary to TRANS23 of the UDP.

OTHER

- A new external staircase is proposed as part of the proposed works, yet no mention is made of this in the development description.
- Policies D12(A) and D5 of the New London Plan (2021) require that development proposals be accompanied by a Fire Safety Strategy and an Inclusive Design Statement. Neither of these documents have been submitted to accompany the planning application in question.
- If the flats, existing and new are used for Air B&B accommodation this will be unacceptable, causing even more disturbance.
- For residents it is not always clear that an application has been changed and that the initial objections may not be taken into account in relation to the revised application. I.e., further Objection needs to be submitted.

a

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

ADDITIONAL REPRESENTATIONS RECEIVED AFTER REPORT OF 22.06.2021 WERE PUBLISHED AND CIRCULATED TO MEMBERS PRIOR TO THE COMMITTEE MEETING (BLUES):

SOUTH EAST BAYSWATER RESIDENTS' ASSOCIATION

The proposals at the rear of site could affect SEBRA members and others in terms of noise, odour, light pollution etc.

I am not clear as to the size of the rear extension to the 'restaurant' compared with existing previous 'restaurant' which closed many years ago.

Controlling the future use could be anything within the new Class legislation. I note under Condition 8, the hours of customers within the 'restaurant' are controlled (0700 to 2300) but what is position if premises are used as another use in E Class e.g. Retail, Health Club?

I also note no hours of operation proposed for the new full height extract duct, plant and A/C units. Would it be a good idea to control the hours of use, in order to protect the residential amenity of adjacent and nearby residential units, or would that be dealt with under Condition 4? Likewise, would delivery and refuse and recycling collections etc be dealt with in this condition?

LATE REPRESENTATION RECEIVED AFTER REPORT OF 22.06.2021 WAS PUBLISHED AND CIRCULATED TO MEMBERS AT THE COMMITTEE MEETING (REDS):

One objection from local resident, issues raised summarised below:

- I am writing on behalf of several residents on Newton Road.
- In the 27 years since I've lived on Newton Road, there has never been a restaurant, drinking place or conservatory with outdoor space in any business establishment that backs onto Newton Road which is a very quiet residential street, and everybody enjoys the peace and tranquillity of their gardens.
- This proposal would pose a real threat to our privacy as people could see into the backs of our houses and our gardens-it could be extremely noisy as the proposed structure has full bi-fold opening doors on all sides as well as windows and the sound would also be amplified from the buildings surrounding the proposed extension/ conservatory- there is a very real threat that diners would step out of the conservatory for a smoke causing a nasty smell-there is also the threat of smells coming from poor ventilation and extraction from the restaurant itself.
- There is absolutely no precedent for this building which will be an absolute disaster-the conservatory is located 3 meters -direct line-away from a bedroom window at the back of the first floor flat of 58 Westbourne grove-even with fully enclosed sound proofed structure the noise of diners will destroy the peace and basic living qualities. The planning process has been flawed.
- I tried on several occasion to speak to the case officer and managed to finally after leaving her numerous messages; I suggested she come round to my house to see what the development would mean for us and our neighbours -she said she could not and that I should send her photos instead.
- I was not informed of this meeting until Thursday of last week despite being an objector of record and only heard about it from my neighbours and then emailed the council.
- This whole proposal is ill thought through -very detrimental to the neighbourhood and the planning process has been at best haphazard and at worst chaotic with no due process observed.
- The people on whom this will have the greatest impact in Newton Road are several residents who are in their early 90s and in poor health; they spend a lot of time in summer sitting in their garden and this proposal could ruin the last years of their lives.
- I ask the council to refuse this permission on all the grounds I have specified

REPRESENTATIONS RECEIVED FOLLOWING CONSULTATION ON REVISED DOCUMENTS 12 JULY 2021:

SOUTH EAST BAYSWATER RESIDENTS' ASSOCIATION
Any response to be reported verbally.

ENVIRONMENTAL HEALTH OFFICER
No objection, subject to standard noise and vibration conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED
No. Consulted: 17
Total No. of replies:2
No. of objections: 2
No. in support: 0

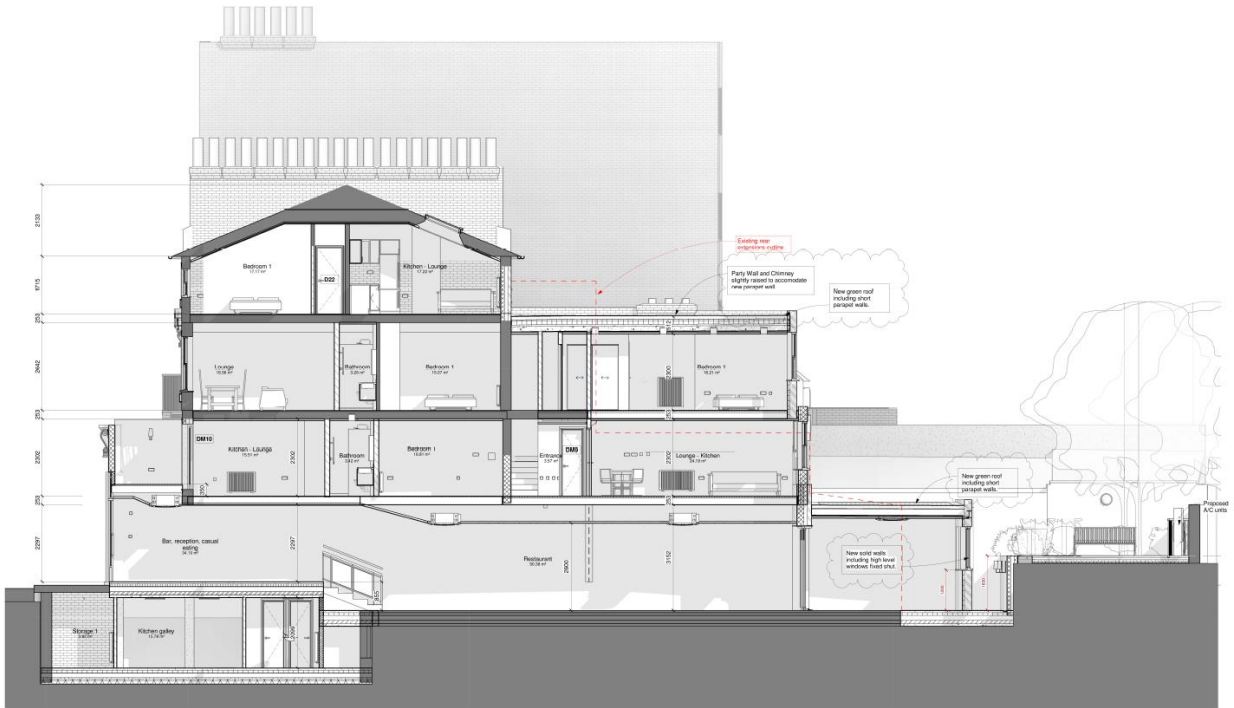
Issues raised are summarised below:-

- While I am pleased to see that some of our concerns have been addressed by the recent changes to this application I would like to say that I am still concerned that the existence of doors for fire escape purposes and to put the bins out may still mean that we get a lot of new noise
- I would ask that the council make it clear that this door should not be used to allow staff to go out and have a cigarette or a break to have a chat I still feel that this development is not a good idea for all the reasons I previously stated, and I shall be policing it very actively if it goes ahead
- Noise pollution: The newly proposed rear structure with 4 large windows and an opening door, is not in any shape or form going to protect the surrounding residents; the windows are still large noise concern and does not adequately deal with the issue; a detailed drawing for those windows including a satisfactory sound report are essential to satisfy our concerns; our windows are less than 3m away from this structure and so we are concerned; an opening door described as for fire escape or staff use only must not be allowed; it is worthless to sound insulate this structure and allow an opening door; how can this stop the noise from diners from going out if staff forgot to shut the door behind them? This door is impossible to monitor; there is no need whatsoever to introduce a fire exit door when there is another door to the same area 4 steps away (D04).
- Day and Light: there are serious misrepresentation and misleading evidence documented within the current and all the previous drawings of this proposal; several drawings show the existing structure incorrectly, including showing ply wood panels on top of the rear extension between no. 58 and 56 showing them as permanent structures when they are temporary; this should not be relied on when considering the impact on daylight and sunlight.
- Other matters: The Land Registry Title Plan for 56 Westbourne Grove confirms that the submitted proposed block plan (drawing no SW318-20- Rev E) shows that the application area infringes on adjoining land at 58 Westbourne Grove by estimated 3 feet in some parts; This application is seeking planning permission on land that doesn't belong to the applicant; and no notification was sent to the adjoining neighbour

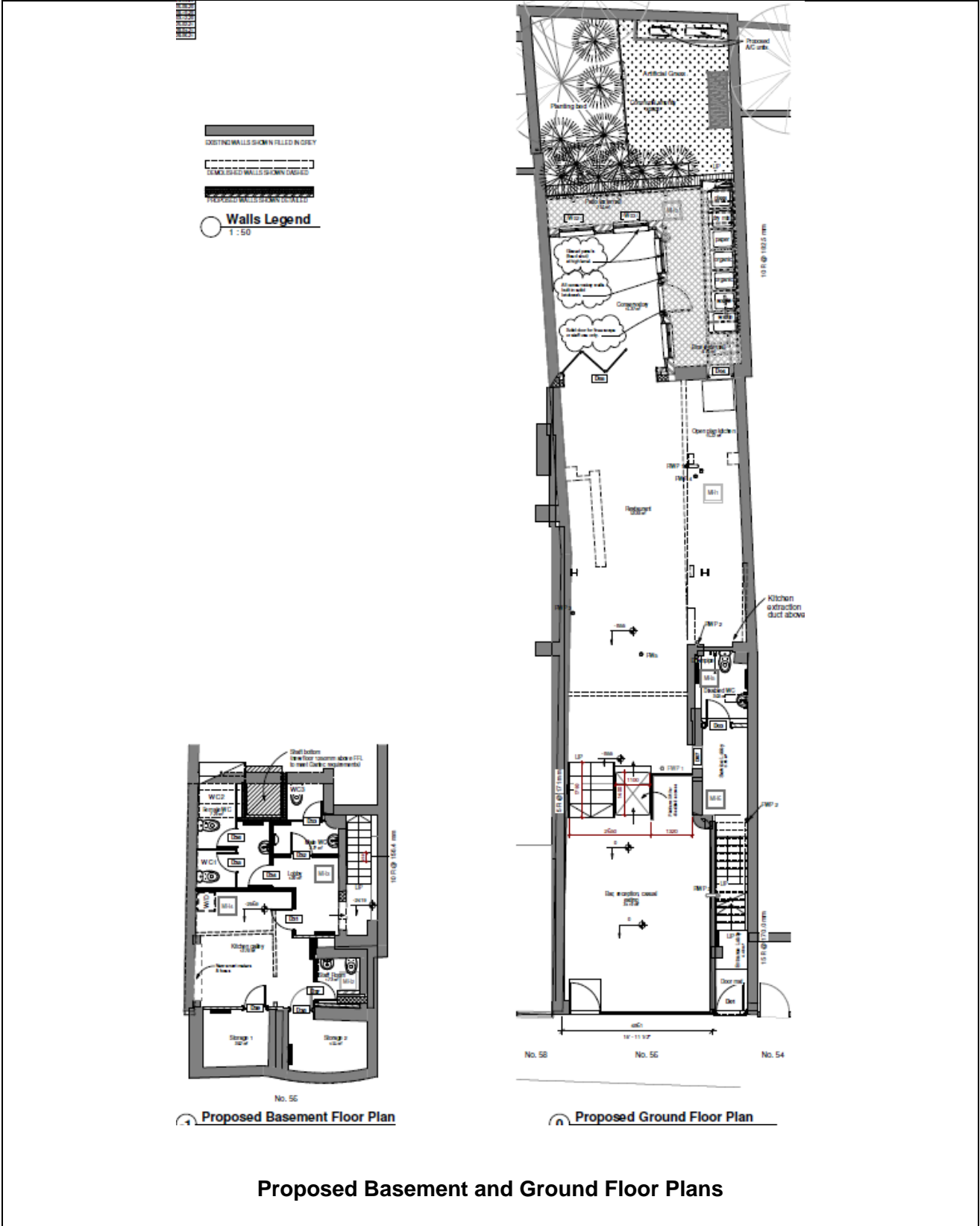
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT, PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk

Proposed Front and Rear Elevations



Proposed sections



DRAFT DECISION LETTER

Address: 56 Westbourne Grove, London, W2 5SH

Proposal: Replacement shopfront and architectural mouldings; replacement of all windows with double-glazed timber windows; replacement of rear conservatory and restaurant refurbishment; demolition of existing rear extensions at mezzanine and 1st floors and replacement with two storey rear extension to form an additional residential unit (Class C3); provision of amenity space for flats; installation of two rear conservation rooflights; replacement of existing restaurant extraction duct to the rear with new duct; replacement of 2 x existing air-conditioning units with 2 x new air-conditioning units; and general internal refurbishment and upgrade [REVISED DESCRIPTION]

Reference: 20/07997/FULL

Plan Nos: SW318/01 Rev A; SW318/04; SW318/10 Rev A; SW318/20 Rev E; SW318/21 Rev G; SW318/33 Rev A; SW318/39; SW318/16 Rev F; SW318/11 Rev C; SW318/12 Rev D; SW318/13 Rev F; SW318/15 Rev E; SW318/22 Rev H; SW318/23 Rev I; SW318/24 Rev H; SW318/25 Rev G; SW318/26 Rev I; SW318/41 Rev C; SW318/14 Rev D; SW318/19 Rev C; Design & Access Statement dated July 2021; Simon Pryce Arboriculture Report dated 3 December 2020; Daylight & Sunlight Internal Illuminance & Overshadowing Analysis by Richard Staig dated February 17 2021; ; Appendix C: ENV-08777 1 of 3 Rev A; ENV-08777 2 of 3 Rev A; ENV-08777 3 of 3 Rev A; , Appendix F: Restaurant kitchen proposed extraction system; FUJITSU Air Conditioning Brochure - Simultaneous Twin, Triple & Quad Systems; Specifications for Model: AUYG12LVLB/AUYG14LVLB/AUYG18LVLB/AUYG24LVLB/; Results of a double 24-hour Noise Level Survey Carried out at the Front and Rear of the Building by Emtec Products Ltd dated 10 March 2021; Appendix G - Green roof specifications and benefits; , For Info Only: B-01; B-02 Rev A; B-03 Rev B; B-04 Rev B; TW-01; SEBRA comments and replies to Application; Comments on Objection; undated cover letter responding to matters raised at planning committee

Case Officer: Avani Raven

Direct Tel. No. 020 7641
07866037313

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

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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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 Customers shall not be permitted within the restaurant premises before 07.00 hours or after 23.00 hours each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 4 Prior to the operation of the restaurant use hereby approved, a detailed Operational Management Plan for the restaurant use shall be submitted to and approved by the City Council as local planning authority , , Details within the Operational Management Plan shall include the following information (but not exclusively), , 1. Customer opening hours, 2. How outside areas to the rear will operate and be managed, 3. General measures to mitigate noise disturbance to local residents by restaurant staff and customers, 4. Mitigation measures ensuring that disposal of waste/recycling to the bin storage areas for the restaurant, as shown on drawing no. SW318/21 Revision G do not result in noise disturbance to local residents, , You must not occupy the restaurant premises until we have approved what you have sent us. You must then operate the use in accordance with the details approved at all times.

Reason:

To protect the environment of people in neighbouring properties. This is as set out in Policies 7, 16, 33 and 38 of the City Plan 2019 - 2040 (April 2021).

- 5 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 Westbourne Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 You must apply to us for approval of photographs and annotated plans of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 You must apply to us for approval of detailed drawings of the following parts of the development - elevations and sections at a scale of 1:10 of the windows. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (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 Westbourne Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 8 You must apply to us for approval of the final painted colour of the proposed new flue. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 9 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the flat roof above the shopfront at mezzanine level.

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 Westbourne Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 10 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 the tree protection measures as set out in the Simon Pryce Arboriculture Report dated 3 December 2020 are in place. The development shall then be undertaken in accordance with the approved details.

Reason:

To protect the trees and the character and appearance of this part of the Westbourne Conservation Area. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R31DD)

- 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 in writing what you have sent us. You must then carry out the landscaping and planting within 1 year of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees that are part of the planting scheme that we approve, 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. (C30CC)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Westbourne Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

- 12 (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 in writing 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 in writing

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 written 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 13 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 14 The design and structure of the development shall be of such a standard that it will

protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

- 15 Prior to the operation of the air-conditioning units located in the rear garden, you must install the acoustic enclosures in accordance with the acoustic report entitled 'Results of a Double 24-hour Noise Level Survey' by Emtec dated 10 March 2021, and as shown in drawing no. SW318/21 Rev G which must be retained for as long as the plant equipment is in operation.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 16 The rear garden area annotated as 'Communal Amenity' on drawing no. SW318/21 Rev G, may only be used by residents of the flats within 56 Westbourne Grove and must not be used by any patrons of the restaurant.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 17 Only restaurant staff shall have access to the rear patio/bin area as shown on drawing SW318/21 Rev G. The conservatory windows and doors shall remain closed after 22:00 each day, and must remain closed until 07:00 the following day.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 18 You must not use the roofs of the rear extensions for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance purposes. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 19 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 20 The provision for the storage of waste and recyclable materials for the development, as shown on drawing no. SW318/21 Revision D for the restaurant use and drawing no. SW318/22 Revision F for the new residential unit is to be made permanently available and used for no other purpose.,

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 21 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 22 You must not leave any waste on the highway.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 23 You must use the commercial floor space at part ground/ part basement for retail/ offices or a medical/health facility (as defined under Class Ea, c, e, g) only. You must not use it for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 2020 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted Class E use because it would harm the amenity of neighbouring occupiers and would not meet Policies 7, 14 and 33 of the City Plan 2019 - 2040 (April 2021).

- 24 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. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

- 25 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. (C49AA)

Reason:

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 as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49AB)

- 26 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application., , Green roofs to the rear conservatory extension and rear flat roof area at second floor level as shown in drawings SW318/22 Rev H and SW318/23 Rev I, , You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please 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
- 3 You are advised that the further details of the Operational Management Plan (OMP) should include details of the opening hours of the restaurant use; details relating to the closure of doors and windows to the conservatory extension, hereby approved, by 22:00 hours at the latest each day; how the outside areas to the rear of the property will operate, including no restaurant customers being permitted outside; hours during which staff may be using outside areas; and mitigation measures from noise disturbance from disposal of waste and recycling materials (e.g. glass) during late hours. This list is not exclusive and the OMP should also include any other activities that may be deemed to cause noise or any other type of disturbance to neighbouring properties, including residents of surrounding properties and those within 56 Westbourne Grove.
- 4 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.
- 5 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:., , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises),., , This applies to both new and existing residential accommodation. Please see our website for more information: www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-enforcement/short-term-lets., , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 6 The applicant will need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Louisa Augustine (laugustine@westminster.gov.uk) in Westminster Highways Infrastructure and Public Realm to progress the applicant for works to the highway.
- 7 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: 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.**

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

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Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 August 2021	Classification For General Release	
Report of Director of Planning		Ward(s) involved Vincent Square	
Subject of Report	77 and 79 Ashley Gardens, Thirleby Road, SW1		
Proposal	<u>Application 1:</u> Installation of an air condensing unit within an attenuation enclosure on the main flat roof of the building for 77 Ashley Gardens <u>Application 2:</u> Installation of an air condensing unit within an attenuation enclosure on the main flat roof of the building for 79 Ashley Gardens. (ADDENDUM REPORT)		
Agent	TJR Planning		
On behalf of	Mr Yaser Bin Mahfouz and Mr Sheikh Abdelelah Bin Mahfouz		
Registered Numbers	21/02057/FULL and 21/02058/FULL	Date amended/ completed	30 March 2021
Date Application Received	30 March 2021		
Historic Building Grade	Unlisted		
Conservation Area	Westminster Cathedral		

1. RECOMMENDATION

1. Grant conditional permission for applications 1 and 2 subject to the submission of a signed S106 unilateral undertaking to secure the following:
 - a) That planning permissions granted on appeal under RNs: 18/01433/FULL and 18/01434/FULL shall not be implemented in the event of the current permissions being granted and subsequently carried out.

2. If the signed unilateral undertaking has not been provided within six weeks of the date of the Committee resolution, then:
 - a) The Director of Place Shaping and Town Planning shall consider whether the permissions can be issued with additional conditions to ensure that the extant permissions 18/01433/FULL and 18/01434/FULL shall not be implemented. If this is possible and appropriate, the Director of Place

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

b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that a signed unilateral undertaking has not been provided within the appropriate timescale and/ or that appropriate conditions cannot be attached as stated under (a) to ensure that the extant permissions 18/01433/FULL and 18/01434/FULL shall not be implemented; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

1. SUMMARY

These applications seek to install two air conditioning units within an acoustic enclosure on the northern section of the main roof. The applications were reported to the Planning Applications Committee on 28th July 2021, where it was resolved that the applications be deferred for a Members Site Visit and be reported back to the Planning Applications Sub-Committee on 17th August 2021.

Since the last report was published, a further objection has been received which raises concerns about the suitability of the roof structure to site the acoustic enclosure. A letter has also been submitted from the installer of the roof garden decking, which states it was not built to withstand so much weight or withstand vibration from machines.

The applicant has confirmed that the acoustic enclosure would sit on the roof structure below the level of the existing roof garden's decking. It is proposed that an area of decking would be removed and the enclosure would sit on the roof structure below. As such the height of the enclosure would measure 2.45m from the roof level below the roof garden's decking, which would also be below the height of the adjacent chimney stack. A condition is recommended requiring detailed drawings to show the acoustic enclosure in context with the building's roof structure including roof garden decking (condition 11).

The applicant advises that this would be similar to the adjacent existing water tank, which also sits on the roof structure below the raised roof garden decking. The applicant also advises that there would be a separation distance of 600mm between the existing water tank and acoustic enclosure to enable movement around this part of the roof garden.

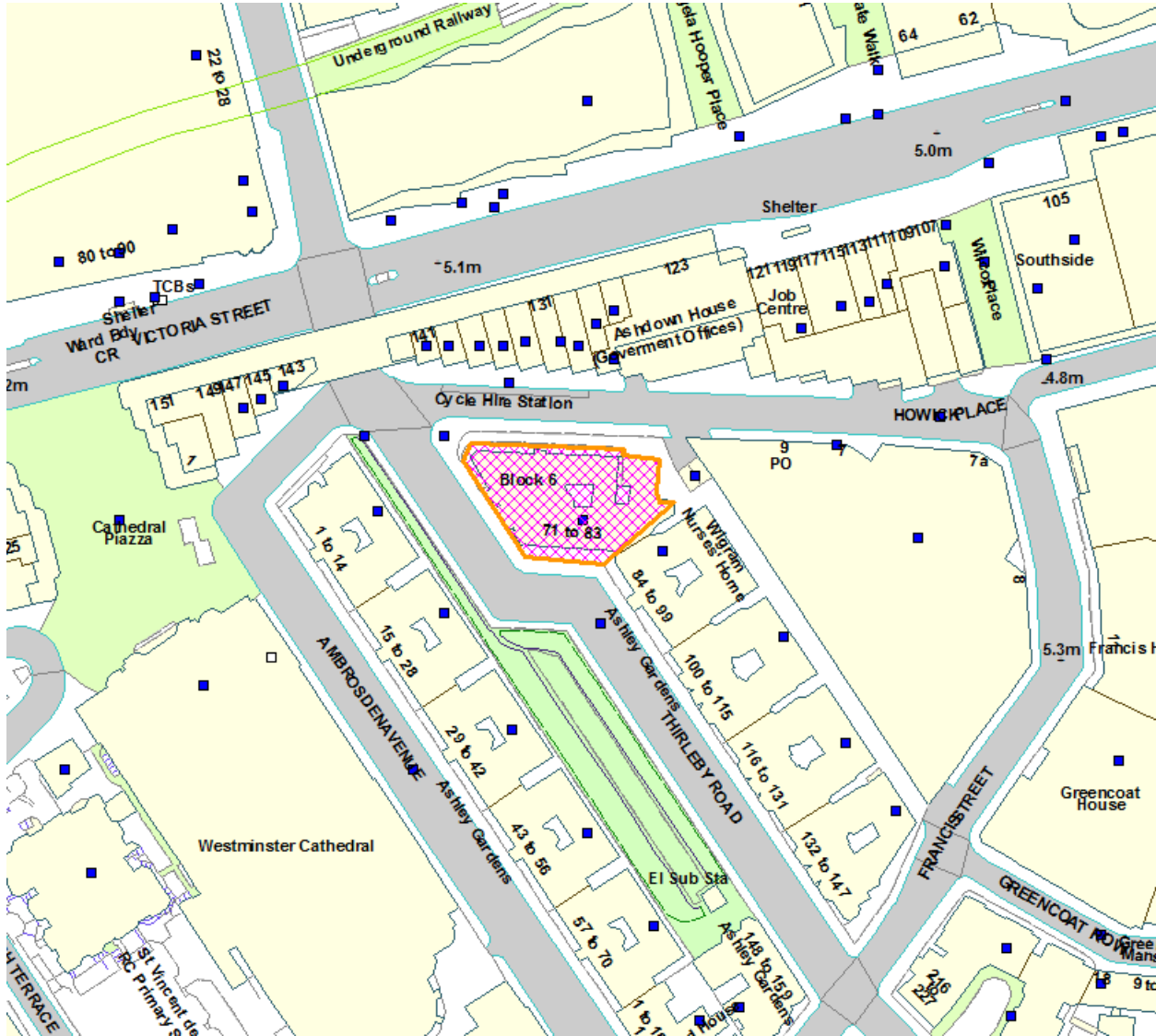
The council's Environmental Sciences officer has reviewed the concerns raised in respect of the roof structure and advises that the post-commissioning survey required by condition 9 should be amended to also provide details of a vibration survey.

Condition 9 (as amended):

- You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise **and vibration** survey and we have approved the details of the survey in writing. The post-commissioning noise **and vibration** survey must demonstrate that the plant/ machinery complies with the noise **and vibration** criteria set out in conditions **6, 7 and 8** of this permission.

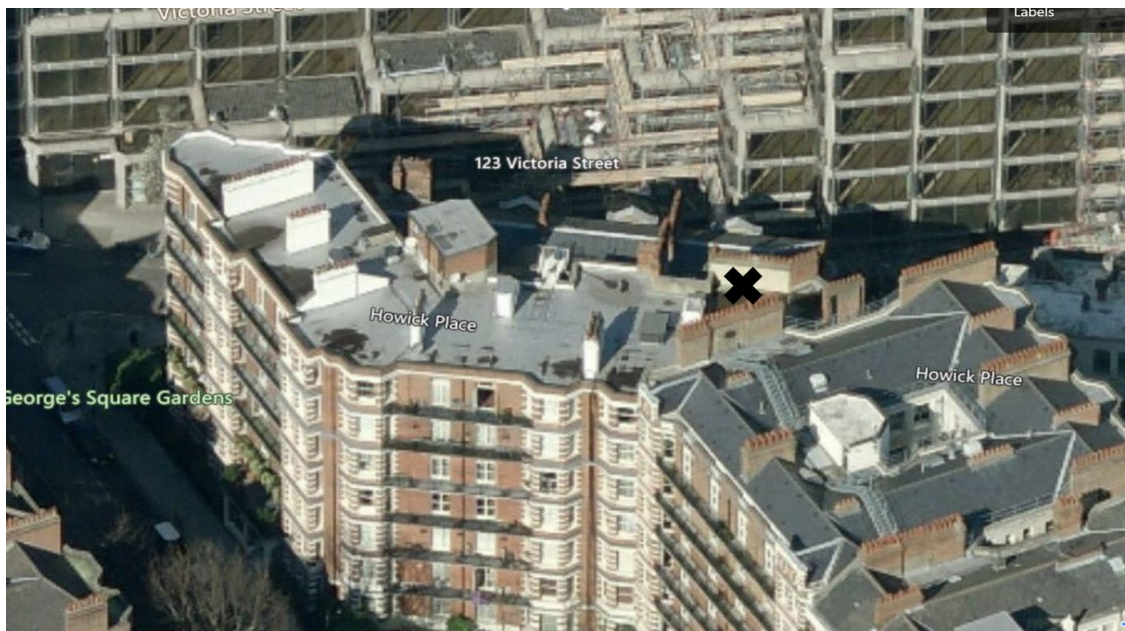
For the reasons set out in the original report to committee dated 28 July 2018, the proposal is considered to comply with the Council's policies set out in our adopted City Plan 2019-2040 and the applications are recommended for approval. The original report is included in Appendix 1.

2. LOCATION PLAN

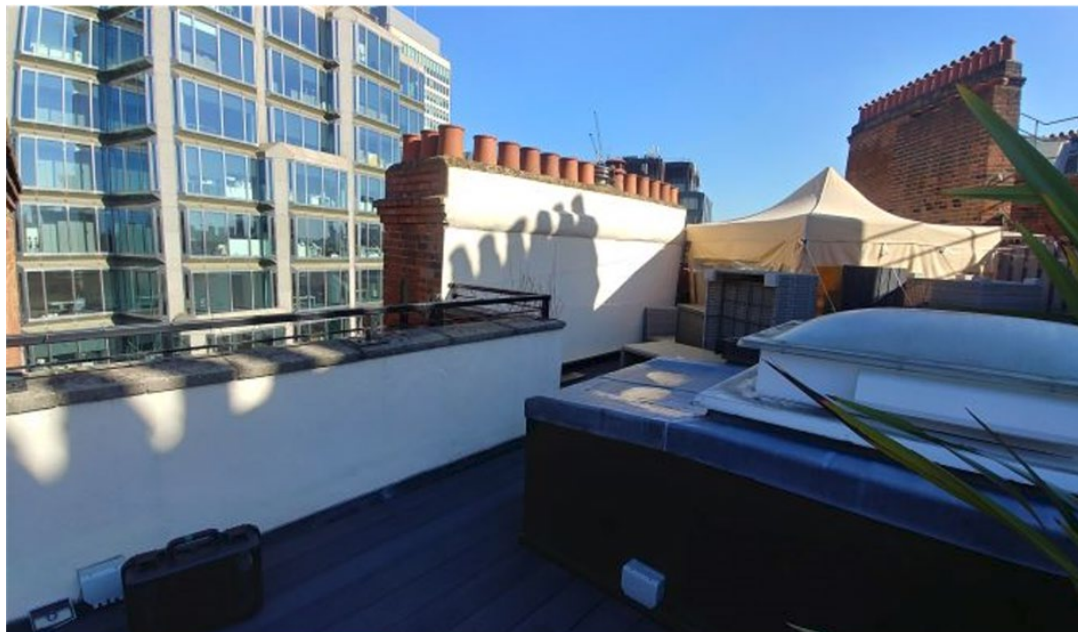


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3. PHOTOGRAPHS



Aerial view of 71 to 83 Ashley Gardens showing roof. The location of proposed plant indicated with a cross



Proposed location of plant is in front of chimney stack

4. CONSULTATIONS

ADDITIONAL REPRESENTATIONS RECEIVED FOLLOWING THE PLANNING APPLICATIONS SUB COMMITTEE MEETING ON 28TH JULY 2021

CLLR SHORT:

Forwarded email on behalf of adjoining owner/ occupier showing nearest surrounding residential windows.

ADJOINING OWNER/ OCCUPIER:

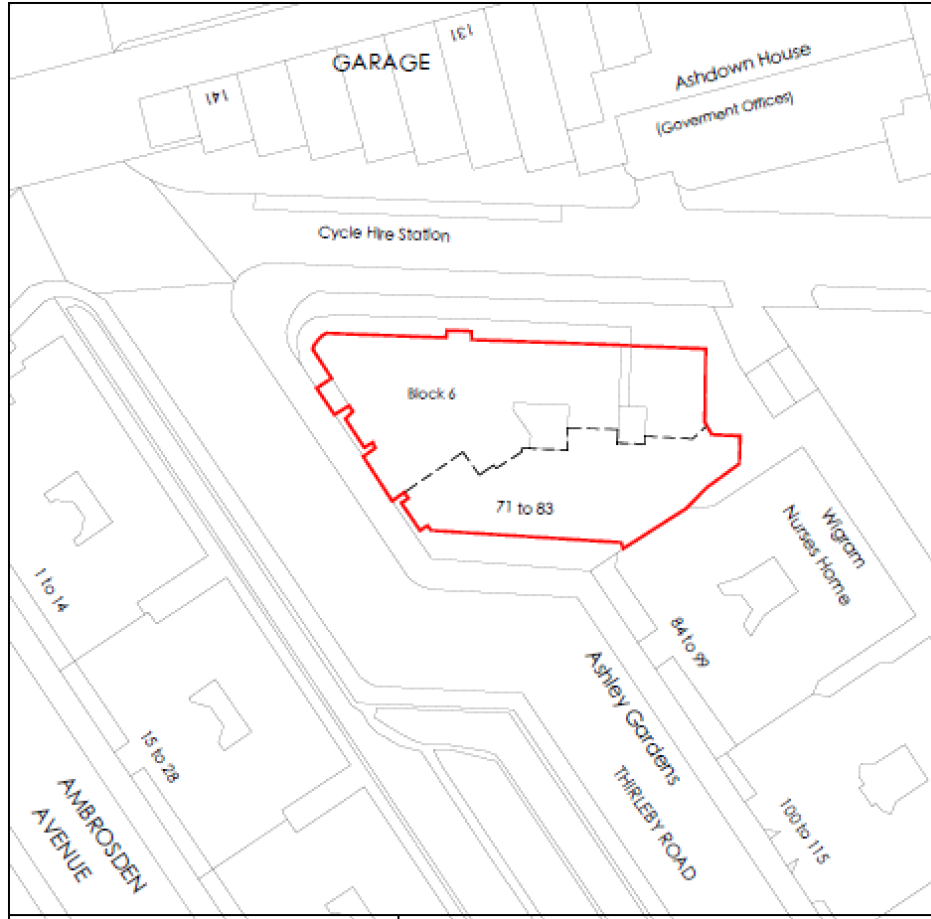
Objection on the following grounds:

- The application contains inaccurate and misleading information in relation to the roof structure;
- the physical structure of the roof is not suitable to site the units as the freestanding decking, was not designed to take heavy weights and to do so would be unsafe and potentially lead to collapse as well as risk movement in high winds;
- Altering the decking structure would compromise resident's guarantees and put at risk the waterproofing membrane;
- The unit is large and at this size it will be visible from the street (Howick Place) and from a large number of flat windows on the upper floors of Blocks 3 and 4

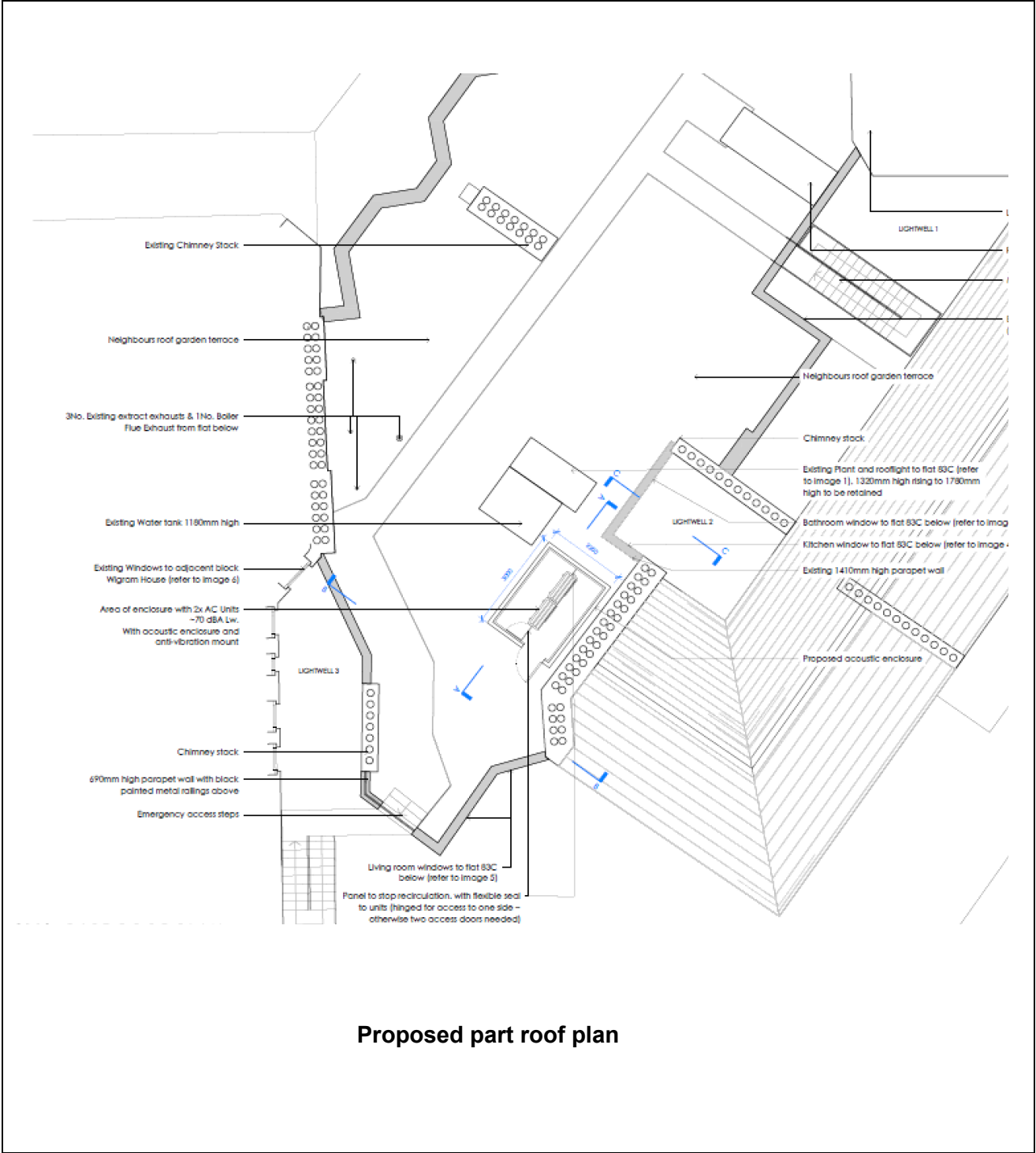
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

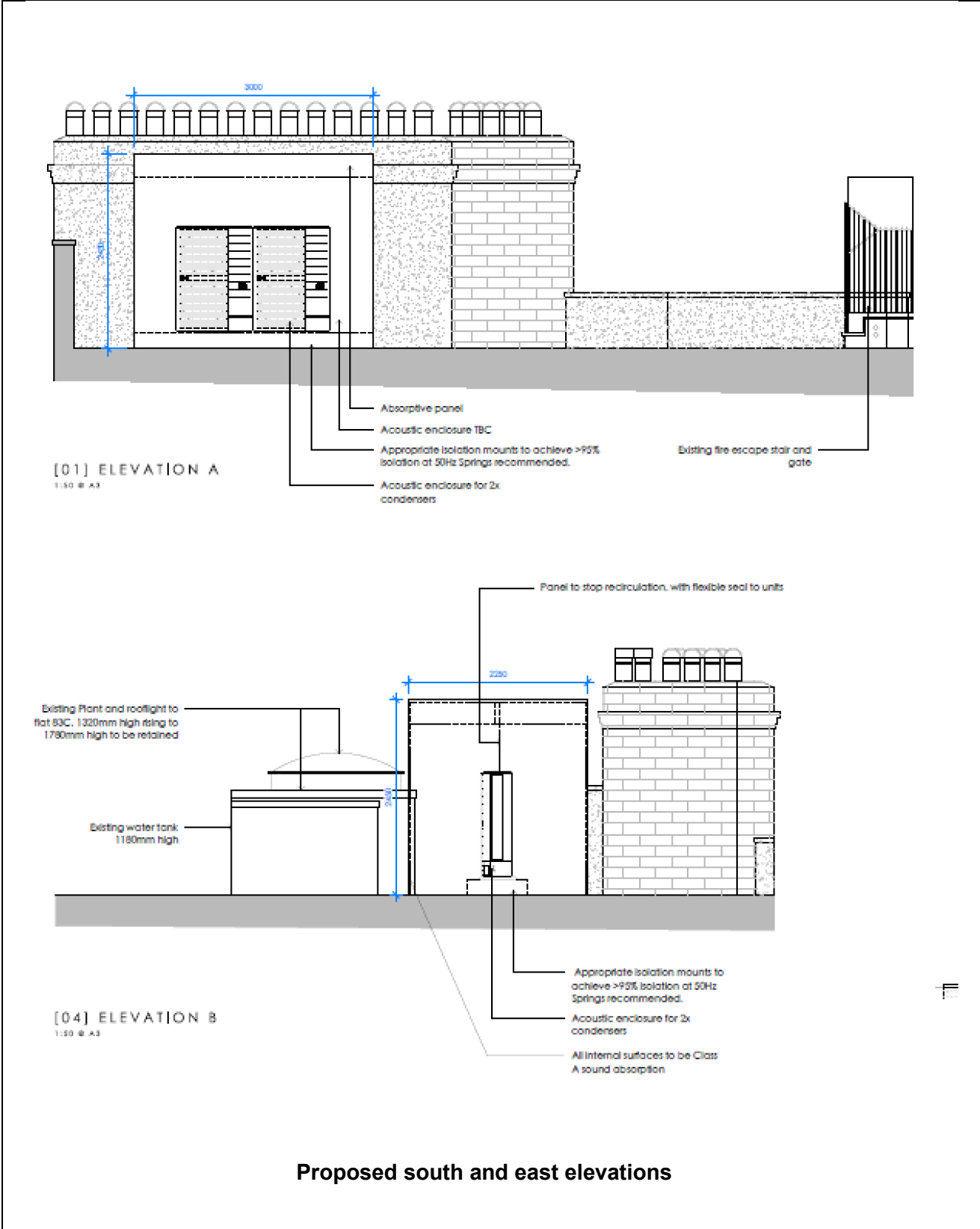
8 KEY DRAWINGS

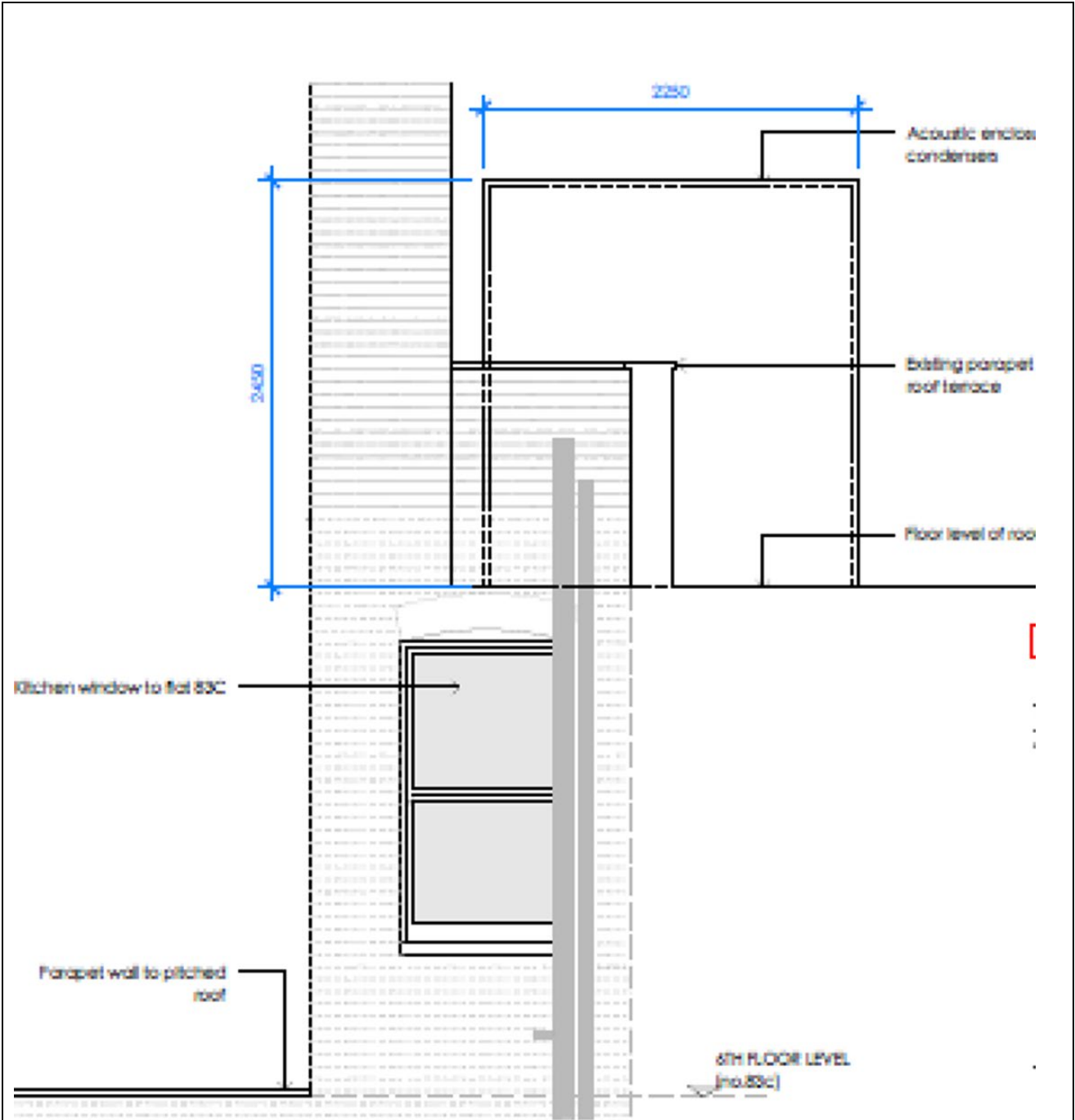


Proposed Block Plan



Proposed part roof plan





[03] ELEVATION C

Proposed section within lightwell

DRAFT DECISION LETTER

Address: 79 Ashley Gardens, Thirleby Road, London, SW1P 1HG

Proposal: Installation of an air condensing unit within a bespoke attenuation enclosure on the main roof of the building.

Reference: 21/02058/FULL

Plan Nos: Location Plan, 850 rev: P, 125 rev: P and Acoustic report by Sustainable Acoustics dated 29/03/21

Design and Access Statement submitted for information only

Case Officer: Nosheen Javed

Direct Tel. No. 07866037836

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021).

- 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 Westminster Cathedral Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 The plant enclosure shall be finished to match the painted render of the chimney stack or in a slate grey colour and shall be maintained in that colour thereafter.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westminster Cathedral Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of detailed drawings showing the following alteration to the scheme – revised plans and elevations/sections at 1:20 or 1:10 showing the routes for any external pipework associated with the condenser unit/s in context of its surroundings. You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

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 Westminster Cathedral Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB).

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R48AB)

- 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 in writing 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 in writing 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 written 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. (C46AC).

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 8 The plant hereby permitted shall only be operated in low noise mode between **23:00 hours – 07:00 hours**

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected,

including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 9 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise and vibration survey and we have approved the details of the survey in writing. The post-commissioning noise and vibration survey must demonstrate that the plant/ machinery complies with the noise and vibration criteria set out in conditions 6, 7 and 8 of this permission.

Reason:
 Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 10 You must install the bespoke acoustic enclosure, as specified in the Acoustic Report prepared by Sustainable Acoustics dated 29 March 2021, prior to the operation of the condenser unit hereby approved. The acoustic enclosure accommodating the condenser unit must remain in place for as long as the condenser unit remain operational.

Reason:
 To protect the appearance of the Westminster Cathedral Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 11 You must apply to us for approval of details of the following parts of the development:
 - i. Acoustic enclosure shown in context with the roof structure (1:20 scaled 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 these details.

Reason:
 To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westminster Cathedral Conservation Area; and to ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment. This is as set out in Policies 7, 33 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019).

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 3 Conditions 6, 7, 8 and 9 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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

DRAFT DECISION LETTER

Address: 77 Ashley Gardens, Thirleby Road, London, SW1P 1HG

Proposal: Installation of an air condensing unit within a bespoke attenuation enclosure on the main roof of the building.

Reference: 21/02057/FULL

Plan Nos: Location Plan, 850 rev: P, 125 rev: P and Acoustic report by Sustainable Acoustics dated 29/03/21

Design and Access Statement submitted for information only

Case Officer: Nosheen Javed

Direct Tel. No. 07866037836

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021).

- 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 Westminster Cathedral Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 You must apply to us for approval of detailed drawings at 1:50 or 1:20 of the following parts of the development - proposed works in the lightwell. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westminster Cathedral Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of detailed drawings showing the following alteration to the scheme – revised plans and elevations/sections at 1:20 or 1:10 showing the routes for any external pipework associated with the condenser unit/s in context of its surroundings. You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

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 Westminster Cathedral Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB).

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R48AB)

- 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 in writing 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.
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 - (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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 8 The plant hereby permitted shall only be operated in low noise mode between **23:00 hours – 07:00 hours**

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 9 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise and vibration survey and we have approved the details of the survey in writing. The post-commissioning noise and vibration survey must demonstrate that the plant/ machinery complies with the noise and vibration criteria set out in conditions 6, 7 and 8 of this permission.

Reason:
Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 10 You must install the bespoke acoustic enclosure, as specified in the Acoustic Report prepared by Sustainable Acoustics dated 29 March 2021, prior to the operation of the condenser unit hereby approved. The acoustic enclosure accommodating the condenser unit must remain in place for as long as the condenser unit remain operational.

Reason:
To protect the appearance of the Westminster Cathedral Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 11 You must apply to us for approval of details of the following parts of the development:
 - i. Acoustic enclosure shown in context with the roof structure (1:20 scaled 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 these details.

Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westminster Cathedral Conservation Area; and to ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment. This is as set out in Policies 7, 33 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019).

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
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CITY OF WESTMINSTER

MEMORANDUM

TO: Committee Officer
LOCATION: 64 Victoria Street

FROM: Director of Planning
BEING DEALT WITH BY: David Dorward
TELEPHONE: 07866038730
DATE: 28 July 2021

PLANNING APPLICATIONS SUB-COMMITTEE

Item 2: 77 & 79 Ashley Gardens, Thirleby Road, SW1

Committee Report Corrections/ Typos

Summary, 5th para, 1st sentence:

Mistakenly refers to January 2021 and is amended as below:

‘Permission was granted at appeal in January 2020 for the installation of air condenser unit within an acoustic enclosure on the central section of the roof within a roof pocket of the enclosed communal stairwell each for flat 77 and flat 79 Ashley Gardens’.

Para 8.13 (Unilateral Undertaking), 1st sentence:

Mistakenly refers to January 2021 and is amended as below:

‘The permissions granted at appeal in January 2020 remain extant and capable of implementation’.

Para 8.13 (Unilateral Undertaking), 3rd sentence:

Refers to para 56 of the NPPF, this is now 57 in the new NPPF which came out last week:

‘The unilateral undertaking is necessary to avoid potential harm to the living conditions of residents which could arise from both schemes and accords with the tests set out in paragraph 57 of the NPPF’.

for Director of Place Shaping and Town Planning

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 July 2021	Classification For General Release	
Report of Director of Planning		Ward(s) involved Vincent Square	
Subject of Report	77 and 79 Ashley Gardens, Thirleby Road, SW1		
Proposal	<u>Application 1:</u> Installation of an air condensing unit within an attenuation enclosure on the main flat roof of the building for 77 Ashley Gardens <u>Application 2:</u> Installation of an air condensing unit within an attenuation enclosure on the main flat roof of the building for 79 Ashley Gardens		
Agent	Ms Tracey Rust		
On behalf of	Mr Yaser Bin Mahfouz and Mr Sheikh Abdelalah Bin Mahfouz		
Registered Numbers	21/02057/FULL and 21/02058/FULL	Date amended/ completed	30 March 2021
Date Application Received	30 March 2021		
Historic Building Grade	Unlisted		
Conservation Area	Westminster Cathedral		

1. RECOMMENDATION

<p>1. Grant conditional permission for applications 1 and 2 subject to the submission of a signed S106 unilateral undertaking to secure the following:</p> <p>a) That planning permissions granted on appeal under RNs: 18/01433/FULL and 18/01434/FULL shall not be implemented in the event of the current permissions being granted and subsequently carried out.</p> <p>2. If the signed unilateral undertaking has not been provided within six weeks of the date of the Committee resolution, then:</p> <p>a) The Director of Place Shaping and Town Planning shall consider whether the permissions can be issued with additional conditions to ensure that the extant permissions 18/01433/FULL and 18/01434/FULL shall not be implemented. If this is possible and</p>

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

- b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that a signed unilateral undertaking has not been provided within the appropriate timescale and or that appropriate conditions cannot be attached as stated under (a) to ensure that the extant permissions 18/01433/FULL and 18/01434/FULL shall not be implemented if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

1. SUMMARY

The application site comprises Nos. 71 to 83 Ashley Gardens which is an unlisted mansion block on Thirleby Road. The site is located within the Westminster Cathedral Conservation Area and identified as an unlisted building of merit within the conservation area audit.

Planning permission is sought for the installation of two air conditioning units on the northern section of the main roof. The units are to be housed within an acoustic enclosure. The proposal also includes associated service runs adjacent to existing pipework. The condenser units would serve flat nos. 77 and 79 Ashley Gardens.

At roof level there are three roof terraces which provide amenity space for nos. 83A, 83B and 83C. The mansion block has two deep central internal lightwells to provide light and ventilation to rooms that face onto the lightwell.

The key issues in this case are:

- *The impact of the roof modifications/acoustic enclosure on the character and appearance of the Westminster Cathedral Conservation Area; and
- * The impact of the air conditioning units on the amenity of neighbouring residents by reason of noise and vibration.

Permission was granted at appeal in January 2021 for the installation of air condenser unit within an acoustic enclosure on the central section of the roof within a roof pocket of the enclosed communal stairwell each for flat 77 and flat 79 Ashley Gardens. The permissions granted at appeal are extant, however it is understood that there is a dispute with leaseholders within the building which prevents the permissions from being implemented. In light of this the current applications propose two condenser units in a different location on the roof of the building.

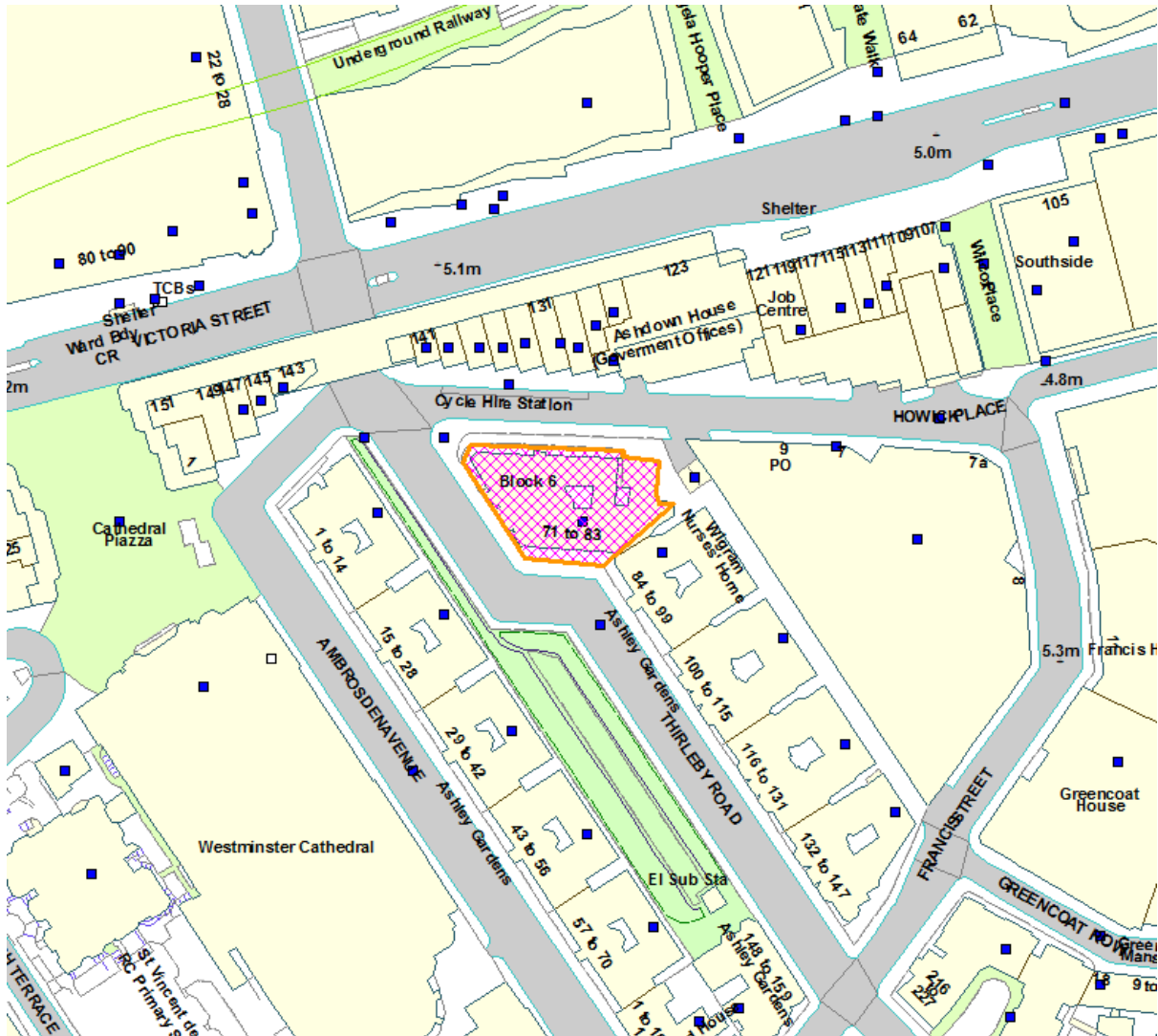
Objections to the air conditioning units have been received from residents within Nos. 71 to 83 Ashley Gardens, residents associations and ward councillors. They are primarily concerned about the impact of noise and vibration from the condenser units. Environmental Health raise no objections to the applications on environmental noise or nuisance grounds subject to conditions including our standard noise conditions and a post-commissioning test which Environmental Health will attend in order to assess the noise level within the nearest residential property. The objections received also raise other objections to the proposal including the impact on the Westminster Conservation Area and the impact of noise from the air conditioning units on roof terraces. These objections from neighbouring residents do not justify a refusal of planning permission for the reasons set out in the main report. The proposal

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is therefore considered to comply with the Council's policies set out in our adopted City Plan 2019-2040 and the applications are recommended for approval.

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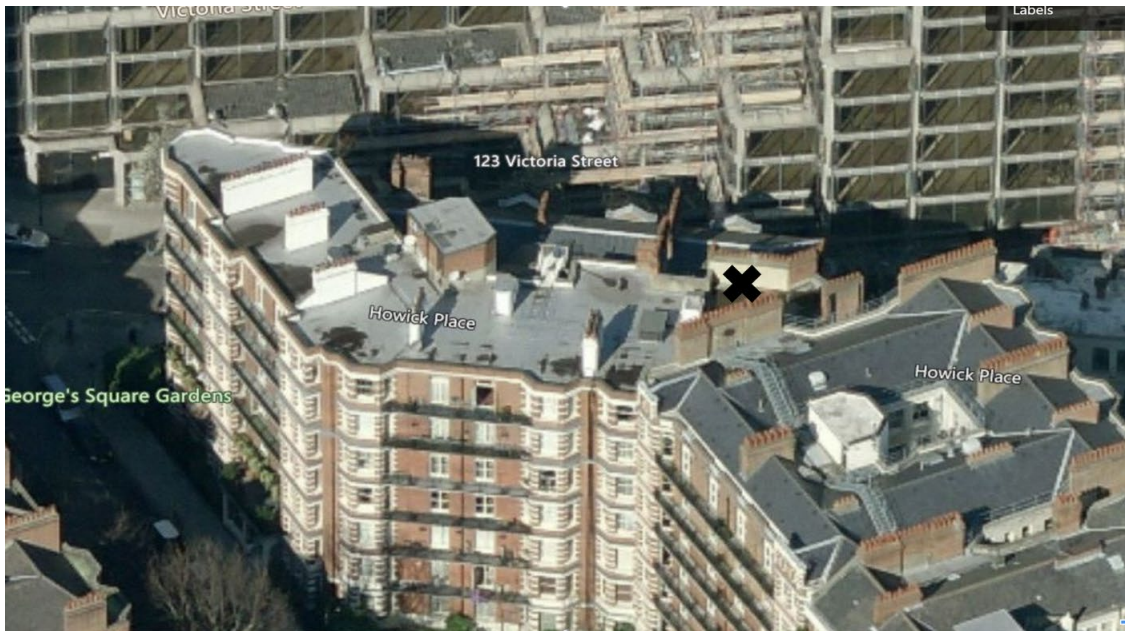
2. LOCATION PLAN



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3. PHOTOGRAPHS



Aerial view of 71 to 83 Ashley Gardens showing roof. The location of proposed plant indicated with a cross



Proposed location of plant is in front of chimney stack

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4. CONSULTATIONS

ENVIRONMENTAL HEALTH:

No objection on environmental noise or nuisance grounds subject to conditions.

WESTMINSTER SOCIETY:

Any response to be reported verbally by officers.

COUNCILLOR SHORT

COUNCILLOR CHALKLEY

COUNCILLOR HARVEY

Object to the proposed air condenser units and the applications should be reported to committee for a decision.

THE CATHEDRAL AREA RESIDENTS GROUP (CARG)

CARG objected to the previous applications for air conditioning units for these properties on the grounds that the plant would be incompatible with the Victorian and early Edwardian residential buildings. This scheme would result in a proliferation of this type of equipment and would harm the heritage environment. Furthermore, the impacts of both air conditioning units should be considered together as they will operate in tandem. The noise survey is pre-covid and new readings are required for these proposals. The new position of the units is likely to result in disturbance to neighbours in particular during warm nights when windows are open. The planning permission to install gardens on the roof of block 6 had a condition imposed so that no building should be erected and the current applications would contravene that condition.

MORPETH MANSIONS RESIDENTS ASSOCIATION

Air-conditioning units are entirely out of place, unnecessary, noisy anti-social and environmentally unacceptable on the traditional Cathedral Area Victorian and Edwardian mansion blocks. The construction of these traditional mansion blocks is such as to offer proper fresh air ventilation, cool interiors, and shaded parts to enable the buildings to remain perfectly temperate during British summers. The air condensing units would be used on warmer nights and would impact on open habitable room windows and would interrupt the quiet nature of the residential area.

VICTORIA NEIGHBOURHOOD FORUM:

Any response to be reported verbally by officers.

ADJOINING OWNERS/OCCUPIERS

No. consulted (on both applications): 20

No. Responses: 7 (from three addresses).

The letters of objection for both applications can be summarised as follows:

Amenity:

- The noise and vibration would detrimentally impact the top floor flat and the bedroom windows of Nos. 83b and 82A Ashely Gardens;
- Disturbance and harm to the rooftop gardens;
- The proposal would result in noise disturbance to other bedrooms at 6th floor level in Block 6;

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- Wigram House is now occupied and several bedrooms on the top floor would be directly impacted by the noise from the condensing units;
- The condensing units would cause disturbance during hot evenings in the summer to roof gardens and open windows;
- The applications are un-neighbourly;

Design:

- Not in keeping with the Victorian block and would detract from the Westminster Cathedral Conservation Area;

Other:

- The acoustic report has been commissioned pre-covid and uses measured levels taken mid-week from two years ago and does not take account of the lower post-covid ambient noise levels; Neighbours should be given time to commission a further noise survey;

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

The Application Site

The application site comprises Nos. 71 to 83 Ashley Gardens which is an unlisted mansion block on Thirleby Road. The site is located within the Westminster Cathedral Conservation Area and is identified as an unlisted building of merit within the Conservation Area Audit. Thirleby Road is residential in character.

Nos. 71 to 83 Ashley Gardens has a flat roof and there is access onto the roof via an internal communal stairwell and an external staircase enclosure at roof level. The entrances to flats 83A, 83B and 83C Ashley Gardens are located adjacent to this communal stairwell. At roof level there are three roof terraces which provide amenity space for nos. 83A, 83B and 83C. The mansion block has two internal lightwells to provide light and ventilation to rooms that face onto the lightwells.

Recent Relevant History

Permission was refused on 29 January 2019 for installation of air conditioning units located on the central section of the roof within a roof pocket of the enclosed communal at 77 and 79 Ashley Gardens (RNs 18/01433/FULL and 18/01434/FULL) on the following grounds:

The proposed air condenser units by virtue of their location and given their close proximity to adjoining residential flats and together with the cumulative impact with both proposed plant to serve Flat 77 and 79 Ashley Gardens, the proposals would cause harm to the amenities of neighbouring residential occupiers as a result of increased noise and vibration.

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The proposal is considered an un-neighbourly form of development and would not meet policies S29 and S32 of Westminster's City Plan (adopted November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007 as well as paragraphs 170 and 180 of the NPPF.

The Council's decisions were subsequently appealed by the applicants and were allowed by the Planning Inspector on 21 January 2020. These permissions are extant, however, it is understood that there is a dispute with leaseholders within the building which prevents the permissions from being implemented. In light of this the current applications propose two condenser units in a different location on the roof of the building.

As part of the appeal proposal the appellant submitted a signed Unilateral Undertaking, the effect of which is to ensure that only one of the air conditioning plant schemes can be brought forward. (given that permission had been granted for air conditioning plant in June 2017 – see below). The Inspector took the view that the Unilateral Undertaking is necessary to avoid potential harm to the living conditions of residents which could arise from both schemes and accords with the tests set out in paragraph 56 of the NPPF.

Permission granted on 27 June 2017 for installation of air conditioning units at roof level with associated acoustic housing, including re-routing of existing services and installation of cabling al permission at 77 and 79 Ashley Gardens (RNs 17/03314/FULL and 17/03306/FULL). These permissions have now lapsed.

Permission granted 1 November 2011 for construction of an extension (to house a toilet) and installation of glass balustrade and timber screens at roof level all in connection with the use of part of the existing flat roof as a terrace for use by flats 83a, 83b and 83c. This permission was varied on 11 November 2013 to include the installation of planters to the roof of the building in lieu of glass balustrades. The permission has been implemented. (RNs 13/07725/FULL and 11/05106/FULL)

6. THE PROPOSAL

Permission is sought for the installation of two air condenser units located on the north section of the main roof of Nos. 71 to 83 Ashley Gardens with associated service runs adjacent to the existing pipework. Two separate applications have been submitted each for a single condenser unit. Application 1 is made on behalf of flat 77 Ashley Gardens (third floor) whereas Application 2 is made on behalf of flat 79 Ashely Gardens (fourth floor). The two flats are located two floors below the proposed location of the air condenser units.

The proposed two air condenser units would sit adjacent to each other within the same attenuation enclosure which the applicant advises has been specifically designed to meet the standards of Fujitsu (the plant manufacturer). The enclosure is sited towards the north section of the main roof of the building adjacent to a chimney stack and lightwell 2. The attenuation enclosure would sit lower than the height of the stack. There is an existing water tank and roof light to No. 83C (which serves a bathroom) which are sited close to the proposed air condenser units. Both applications also include associated service runs and pipework which would be grouped together with the existing pipework and then connected to the flats two floors below.

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7. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal would not change the use of the dwellings and therefore there are no land use implications arising from the proposal.

8.2 Townscape and Design

Section 72 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.

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) require 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.

No 71-83 Ashley Gardens differs from other mansion blocks on Thirleby Road as it comprises seven stories with a flat roof. The surrounding mansion blocks are eight storeys in height with steeply pitched roofs. The roofline of the application site is characterised by tall chimney stacks, which are visible from street level. A lift motor room and railings for the means of escape are located centrally at roof level and the lift motor room is visible from the upper storeys of adjacent buildings. Any roof level development would need to be assessed in relation to its impact on the Westminster Cathedral Conservation Area and the application site.

A single enclosure containing two air condenser units is proposed between / adjacent to an existing enclosure and the chimney stack on the northern section of the roof. Given the height and siting of the proposed acoustic enclosure, it is not considered that the proposal would be overtly visible to detract from the character of the conservation area or harm long views from surrounding properties.

Whilst objections have been raised by residents of Ashley Gardens and amenity groups to the proposed plant being incompatible to the Victorian and early Edwardian building, it is considered by reason of the size, siting, height and modest scale of the proposed enclosure, that it would not cause visual harm to the building. There are already roof terraces, other enclosures/extensions on the roof of Ashley Gardens and, as such, the

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proposed enclosure would not be considered visually obtrusive. Furthermore, the Planning Inspector allowed an appeal for air condenser units within the lightwell, albeit in a different location to that currently proposed, and he did not raise concerns to the principle of the plant or the enclosure and nor did he consider that it would harm the historic nature of the building within the conservation area. It should also be noted that there were also unimplemented planning permissions for the installation of air conditioning units at roof level with associated acoustic housing set behind a chimney on the southern side which were extant at the time the appeal permissions were granted but have since lapsed.

In light of the above, the proposed rooftop plant enclosure is not considered to harm the appearance of this building or the visual amenity of the conservation area and is considered acceptable in design and conservation area terms. Therefore the proposal would be in compliance with Chapter 12 of the NPPF and policies 39-41 of the Westminster City Plan 2019 - 2040 (April 2021) as well as the supplementary planning documents 'Roofs: A Guide to Alterations and Extensions' and the 'Westminster Cathedral Conservation Area Audit'. A condition is recommended requiring detail drawings of the associated service routes with the condenser units in context and to ensure that the plant enclosure is in keeping with the chimney stack, a condition is also proposed to secure the finishing to match.

8.3 Residential Amenity (Noise and Vibration)

Impact on noise sensitive properties

The key issue with these applications is the impact of the air condenser units on noise sensitive properties in terms of noise and vibration.

Policy 33 (C) of the City Plan 2019-2040 advises development should prevent adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds, with particular attention to:

1. minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses;
2. minimising noise from plant machinery and internal activities;
3. minimising noise from servicing and deliveries; and
4. protecting the relative tranquillity in and around open spaces.

The application is accompanied by a Plant Noise Assessment report dated 29 March 2021 prepared by Sustainable Acoustics. This report states that a noise survey of current ambient and background noise levels was undertaken between 26 February 2021 and 1 March 2021. The report identifies the nearest noise sensitive properties to be the flat below (No. 83C) on the top floor of Ashley Gardens, the windows in the side of Wigram House and the properties on the opposite side of Thirleby Road. The roof terrace area for flat 83C and the roof terrace opposite for flat 83B have also been considered in the assessment.

The noise survey indicates that the applicant property is in an area where existing ambient noise levels are either below or exceed WHO Guideline Levels. The design noise criteria for the mechanical plant should therefore be 5dB and 10dB below the representative lowest background noise level dependent on the location of the nearest

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noise sensitive residential windows. To achieve the design criteria at 1m outside the nearest noise sensitive window, the plant noise assessment report proposes a number of mitigation measures including placing the air condenser units inside an acoustic enclosure lined with a sound absorptive material with acoustic seals on the enclosure access door. Furthermore, it is proposed to mount the two condenser units on anti-vibration mounts with a high vibration isolation efficiency to mitigate the potential risk of structure-borne noise.

Environmental Health conclude that based on the calculations using the heating mode, the installation of the specified mitigation measures and predicted noise levels, the proposed plant installation should comply with Policy 33(C) of the City Plan 2019-2040. Environmental Health therefore have no objections to these applications on environmental noise or nuisance grounds subject to conditions. The following noise conditions are therefore attached to the draft decision notice: the council's standard noise conditions, the plant shall only operate in low noise mode between 23:00 hours – 07:00 hours, a post-commissioning report to be secured and that the attenuation enclosure is installed to the manufacturer's specification. Environmental Health have advised that they will attend the post-commissioning test and assess the noise levels within the nearest noise sensitive properties. It is considered that with these conditions in place there will be no adverse impact in noise terms to nearest noise sensitive properties including to windows to flat 83C, which are below roof level within the light-well, to windows within Wigram House and to the rooflight to 83C which it is understood serves a bathroom.

Concerns have been raised about the timing of the noise survey carried out to support the Noise Assessment Report. An objector considers that the acoustic report has been commissioned pre-covid and uses measured levels taken mid-week from two years ago and does not take account of the lower post-covid ambient noise levels. The noise survey was undertaken between 26th February and 1st March 2021 which was during the national lockdown restrictions as such it would be expected that ambient noise levels would be lower than under typical conditions. The applicant's Noise Assessment Report considers that assessing the proposal against the recorded background noise levels will provide a robust worst-case as it is unlikely that lower background noise levels would have occurred during the lockdown period. Environmental Health has not raised any concerns in this regard and on this basis the timing of the noise survey is considered acceptable.

It is noted that objector's have made a request to commission their own noise survey. Given that Environmental Health consider the applicant's noise survey to be acceptable the commissioning of a further noise survey by objectors to the scheme is not considered necessary to allow the determination of this application.

Impact on roof terraces

The roof of Ashley Gardens provides amenity space for Nos. 83a, 83b and 83c. Objections have been received from the users of these terraces who are concerned about the noise impact from the proposed plant on the terraces. The council does not have a specific policy that seeks to protect private amenity areas from noise intrusion, however, Policy 33 of the City Plan 2019-2040 seeks to minimise noise impacts and prevent noise intrusion to residential developments and sensitive uses.

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The applicant's Noise assessment Report demonstrates that the noise produced by the proposed unit would be below the background noise levels even in close proximity to the Unit (the nearest roof terrace boundary is approximately 4m from the proposed enclosure). Officers are satisfied that a proper assessment has been made with regard to the impact from the plant noise on the roof terraces and that the proposed development would not cause noise disturbance to the users of the roof terrace gardens.

8.4 Transportation/Parking

There are transportation issues raised.

8.5 Economic Considerations

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

8.6 Access

There is no change proposed to the existing access under these applications.

8.7 Other UDP/Westminster Policy Considerations

The proposed enclosure would have no impact on any neighbouring residential property in terms of daylight, sunlight or impact on outlook.

8.8 Westminster City Plan

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

There are no neighbourhood plans for this area which carry weight in the consideration of these applications.

8.10 London Plan

This applications raise no strategic issues.

8.11 National Policy/Guidance Considerations

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

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8.12 Planning Obligations

Planning obligations are not relevant in the determination of these applications.

8.13 Other Issues

Unilateral Undertaking

The permissions granted at appeal in January 2021 remain extant and capable of implementation. The appellant has submitted a draft unilateral undertaking, the effect of which is to ensure that only one of the air conditioning plant schemes can be brought forward. The unilateral undertaking is necessary to avoid potential harm to the living conditions of residents which could arise from both schemes and accords with the tests set out in paragraph 56 of the NPPF. It is anticipated that the unilateral undertaking will be signed prior to the committee meeting.

Other

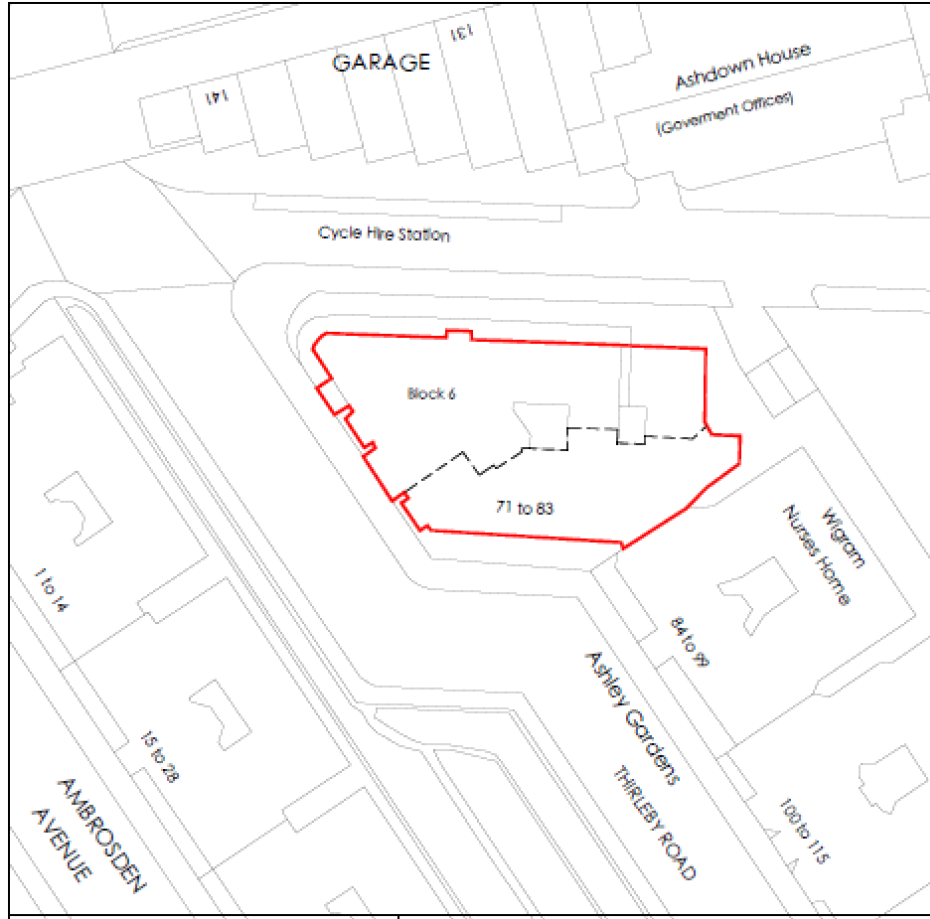
CARG raise the issue that condition 5 of the planning permission to install roof gardens on the roof of block 6 of Ashley Garden prohibited further structures on the roof to be installed unless they were indicated on the approved drawings. This is a standalone planning application that is considered on its own merits. Officers have taken a view that the proposed development is acceptable in terms of conservation and design for the reasons set out in section 8.2 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: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

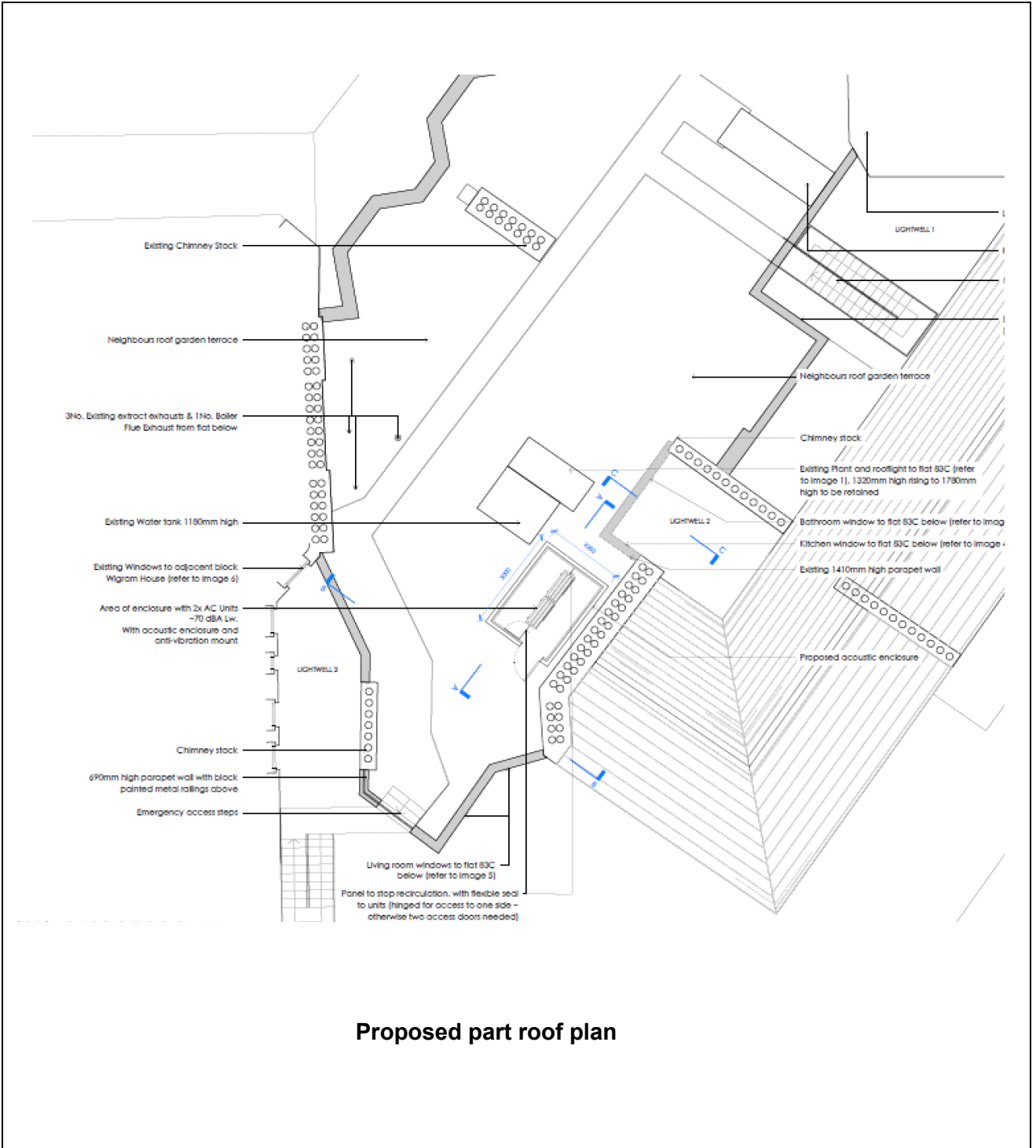
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9 KEY DRAWINGS



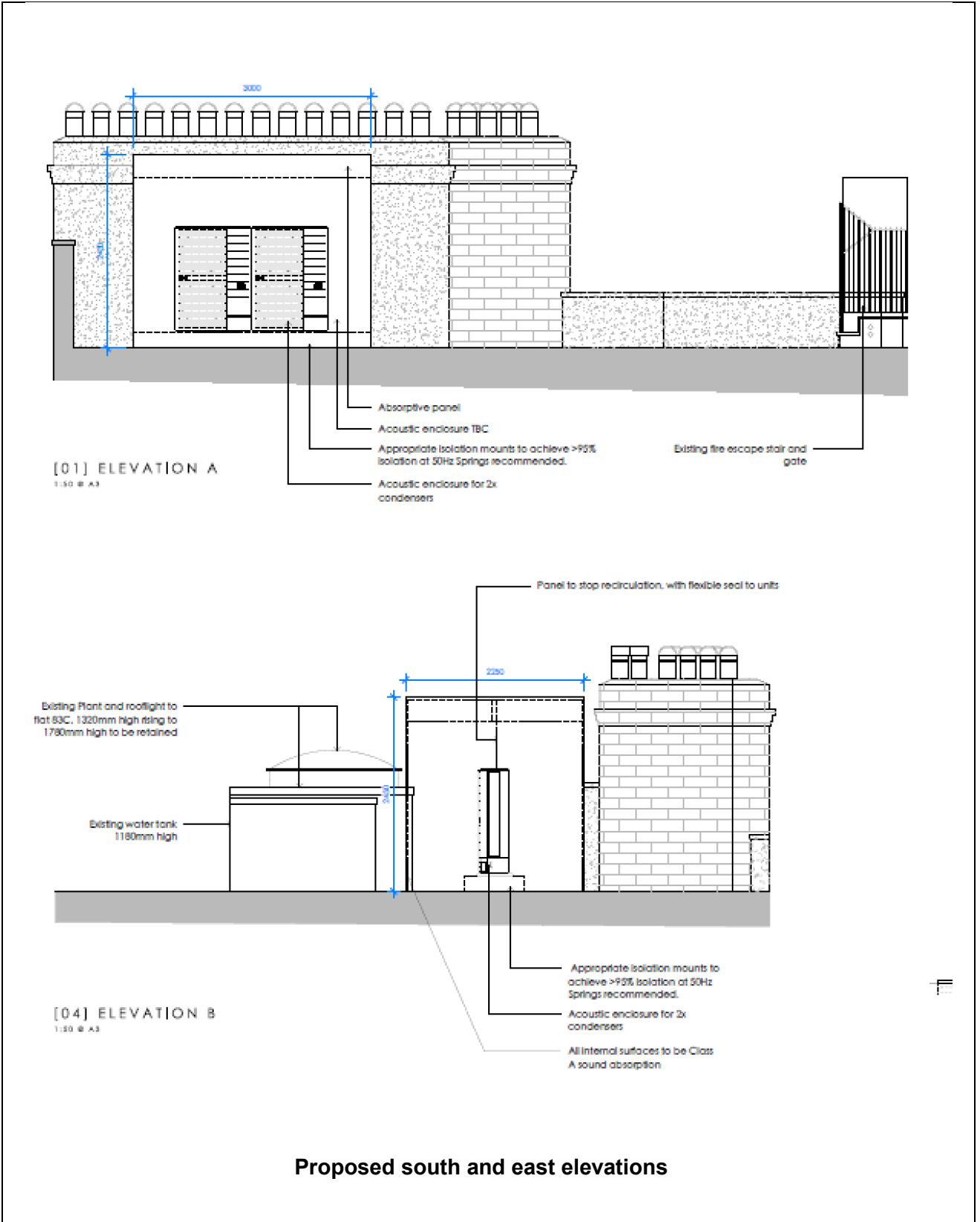
Proposed Block Plan

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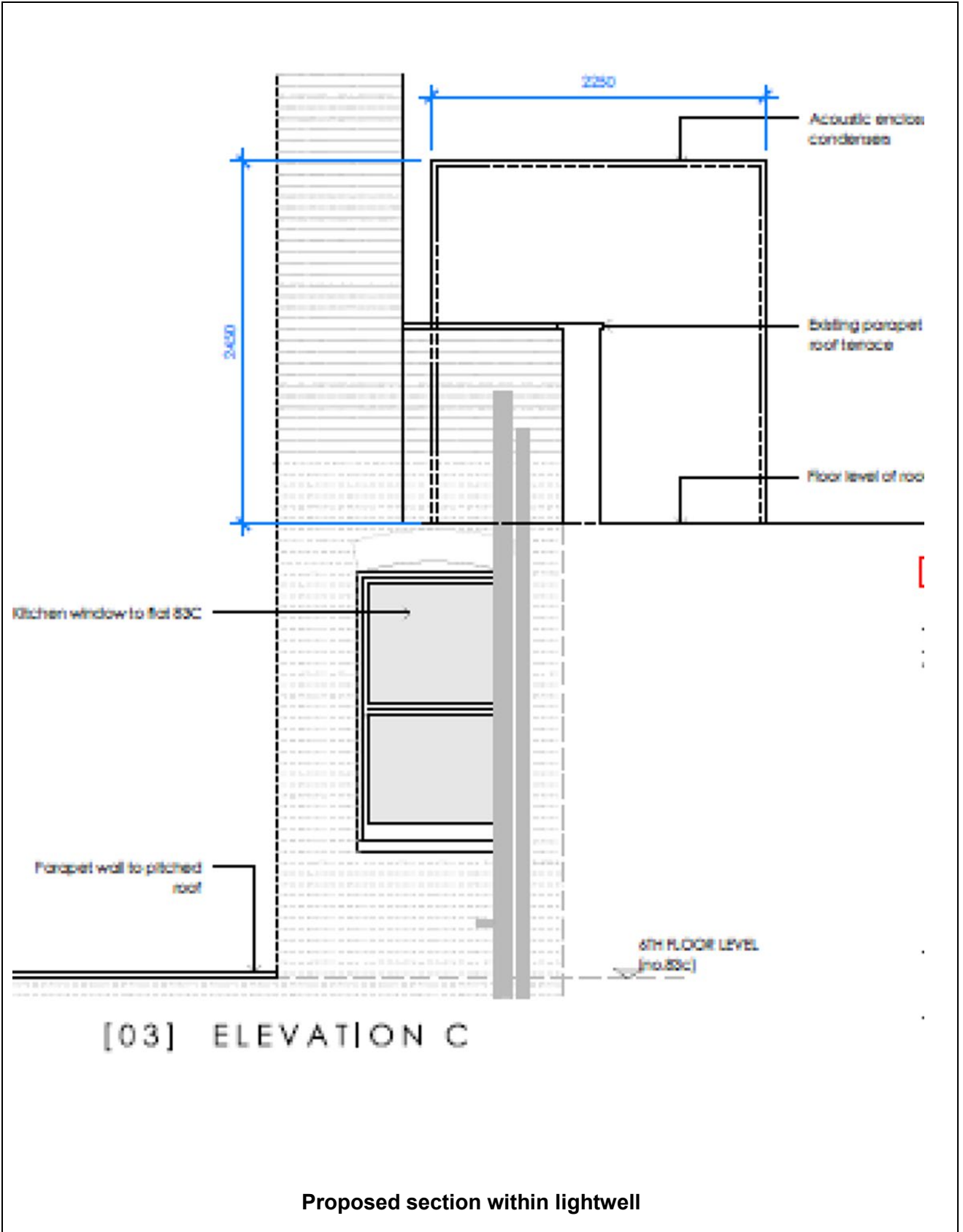


Proposed part roof plan

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DRAFT DECISION LETTER

- Address:** 79 Ashley Gardens, Thirleby Road, London, SW1P 1HG
- Proposal:** Installation of an air condensing unit within a bespoke attenuation enclosure on the main roof of the building.
- Reference:** 21/02058/FULL
- Plan Nos:** Location Plan, 850 rev: P, 125 rev: P and Acoustic report by Sustainable Acoustics dated 29/03/21

Design and Access Statement submitted for information only

Case Officer: Nosheen Javed

Direct Tel. No. 07866037836

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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021).

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- 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 Westminster Cathedral Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 The plant enclosure shall be finished to match the painted render of the chimney stack or in a slate grey colour and shall be maintained in that colour thereafter.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westminster Cathedral Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of detailed drawings showing the following alteration to the scheme – revised plans and elevations/sections at 1:20 or 1:10 showing the routes for any external pipework associated with the condenser unit/s in context of its surroundings. You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

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 Westminster Cathedral Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB).

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R48AB)

- 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

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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 in writing 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 in writing 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 written 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. (C46AC).

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 8 The plant hereby permitted shall only be operated in low noise mode between **23:00 hours – 07:00 hours**

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected,

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including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 9 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in condition(s) of this permission.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels.

- 10 You must install the bespoke acoustic enclosure, as specified in the Acoustic Report prepared by Sustainable Acoustics dated 29 March 2021, prior to the operation of the condenser unit hereby approved. The acoustic enclosure accommodating the condenser unit must remain in place for as long as the condenser unit remain operational.

Reason:

To protect the appearance of the Westminster Cathedral Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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- 3 Conditions 6, 7, 8 and 9 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (182AA)
- 4 The applicant shall liaise with the Council's Environmental Health team regarding the date and time of the post-commissioning test to allow officer's to attend and assess the noise within the nearest noise sensitive premises during the post-commissioning test.

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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DRAFT DECISION LETTER

- Address:** 77 Ashley Gardens, Thirleby Road, London, SW1P 1HG
- Proposal:** Installation of an air condensing unit within a bespoke attenuation enclosure on the main roof of the building.
- Reference:** 21/02057/FULL
- Plan Nos:** Location Plan, 850 rev: P, 125 rev: P and Acoustic report by Sustainable Acoustics dated 29/03/21

Design and Access Statement submitted for information only

Case Officer: Nosheen Javed

Direct Tel. No. 07866037836

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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021).

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- 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 Westminster Cathedral Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 You must apply to us for approval of detailed drawings at 1:50 or 1:20 of the following parts of the development - proposed works in the lightwell. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westminster Cathedral Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of detailed drawings showing the following alteration to the scheme – revised plans and elevations/sections at 1:20 or 1:10 showing the routes for any external pipework associated with the condenser unit/s in context of its surroundings. You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

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 Westminster Cathedral Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB).

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R48AB)

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(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 in writing 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.

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(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 written 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 8 The plant hereby permitted shall only be operated in low noise mode between **23:00 hours – 07:00 hours**

Reason:

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Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

9

You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in condition(s) of this permission.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels.

- 10 You must install the bespoke acoustic enclosure, as specified in the Acoustic Report prepared by Sustainable Acoustics dated 29 March 2021, prior to the operation of the condenser unit hereby approved. The acoustic enclosure accommodating the condenser unit must remain in place for as long as the condenser unit remain operational.

Reason:

To protect the appearance of the Westminster Cathedral Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

3

ITEM 3 - APPENDIX 1

Conditions 6, 7, 8 and 9 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly.

- 4 The applicant shall liaise with the Council's Environmental Health team regarding the date and time of the post-commissioning test to allow officer's to attend and assess the noise within the nearest noise sensitive premises during the post-commissioning test.

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 17 August 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	8-14 Meard Street, London, W1F 0EQ		
Proposal	Use of part ground and basement floors as leisure facility (Sui Generis).		
Agent	DP9		
On behalf of	Pitch Golf		
Registered Number	21/02628/FULL	Date amended/ completed	4 May 2021
Date Application Received	22 April 2021		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises 12 flats ('Royalty Mansions') on the first to fourth floors of the building fronting Meard Street, approved gym and office uses on the basement and ground floors and offices on the first to fourth floors of a separate block to the rear. The building has recently been partially extended and refurbished, to provide the gym and additional office floorspace, pursuant to permissions granted in 2018 and 2019. This application seeks to change the use of the approved gym area at basement and part ground floor to a leisure facility, accessible only to members, to train and develop their golfing skills in a dedicated, managed space, with on-site instructors, while also providing space to play casually and socially.

The key issues for consideration are:

- The impact on neighbouring residential amenity of the proposed use, and
- The loss of the approved gym use.

The proposals are considered to be in accordance with relevant national and local policies with regard to land use, transportation and amenity impact. This is subject to strict conditions controlling the operation of the proposed use. For these reasons, it is recommended that conditional permission be granted.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Objection - Concern over music and dancing which creates a nightclub like environment which would be inappropriate in Meard Street - request a condition to prevent music and dancing and that the closing hour on Wednesday to Saturday is reduced to 22:00.

HIGHWAYS PLANNING TEAM

Objection – Cycle storage not provided. Concern raised over servicing.

WASTE PROJECT OFFICER

Objection - Waste details submitted are not in line with the council waste storage requirements.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 48 Total No. of replies: 6

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

Three objections have been received, including one objection from the Meard and Dean Street Residents Association (MDSRA), on all or some of the following grounds:

- Closing time of 23:30 is too late,
- Condition to ensure that the unit is empty by 22:00,
- Closing times on Wednesday to Saturday to be reduced to 22:00,
- Concern over smoking and congregating outside on the street,
- Concern business has a strong social element, different to that described in the application, as the website (for the applicant's current site in The City) describes various activities including dancing, corporate events, social gatherings, team socials, corporate events, etc.,
- Concern large area of proposed basement given over to a bar and casual seating with additional seating for the golf bays,
- Appears to be no bays set aside for individual practice,
- Believe the correct category of planning permission has not been sought,
- Request for conditions to secure food/drink/social element is ancillary to the golf activity, prohibition on music and dancing, only able to market the space for golf related events and controls to ensure users leave quietly and do not congregate or smoke in the streets,
- Differences between application and what was presented to residents prior to submitting the application (such as longer opening hours),
- Corporate events are inappropriate in this location as Meard Street is recognised as being "...Soho's most residential street...",
- Believe submitted documents agree that corporate events are inappropriate,
- Request for prohibiting members and staff from using or being a passenger in any motorised vehicle in Meard Street, and that taxis must drop and pick up from Wardour Street or Dean Street and not enter Meard Street, and
- Re-wording of the initially submitted Operational Management Plan requested.

Three comments in support of the application have been received. These include

comments from existing members of Pitch (who are also Westminster residents) contesting that they have never seen dancing at the current site which is used for “*serious golf*” and “*social golf*” and it is not a venue which could be considered a night club or similar.

The supporting comments also express their belief from experience with late night entertainment venues in Westminster outside of stress areas that issues do not arise from the venue itself but from how it is run and, as such, have no doubt that this unit would be run to the highest standard and not cause such issues.

The supporters also note that while residents have the right to comment to seek to protect themselves from poor operators, it must be remembered that this is a street in central London and in a stress area. It is also noted by supporters that should the operation of the unit be poor then complaints can be lodged and the premises license for the unit reviewed accordingly.

It is noted that one supporter does state that they believe that the initially proposed closing time of 23:30 is too late.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the north side of Meard Street, mid-way between Wardour and Dean Streets, within the Soho Conservation Area, the Central Activities Zone (CAZ) and the West End Retail and Leisure Special Policy Area (WERLSPA). The site includes 12 flats (first to fourth floors) within Royalty Mansions which fronts onto Meard Street. The basement and ground floors and a separate block at the rear of the site (first to fourth floors) have recently been refurbished/extended to provide a gym (though the use has yet to commence), and offices (Class E).

6.2 Recent Relevant History

27 February 2018: Permission granted for the demolition of the rear ground, first and second floor office accommodation and replacement with a full width rear extension at first to fourth floors to provide Office (Class B1) floorspace. Change of use of basement to part gym (Class D2) and part office (Class B1) and change of use of part ground floor to retail (Class A1), office (Class B1) and gym (Class D2). Replacement shopfronts at ground floor level on Meard Street and amendments to the rear of the existing residential flats in Royalty Mansions (Class C3) and associated works (17/09109/FULL). This has been implemented.

26 June 2019; Permission was granted for the use of part ground floor as offices (B1) accommodation. This area was the part of the building approved for retail use under the February 2018 permission (19/03540/FULL). This has been implemented.

04 August 2020: Retrospective permission was granted for retention of 3 condenser units and the installation of associated acoustic/visual screening on roof of 4th floor of the office building (20/00669/FULL).

7. THE PROPOSAL

Planning permission is sought to allow the use of the basement and part of the ground floor as a sui generis leisure facility which will be occupied by Pitch Golf. Pitch use the latest technology to allow its members to train and develop their golfing skills in a dedicated, managed space, with on-site instructors. Attendees are members of Pitch and book a time slot to attend to play. The small ground floor area will provide the front of house welcome/reception area, while all other activities will take place at basement level.

The facility is focused on one-to-one and small group tuition, with some corporate events hosted which would be provided through an individual or corporate membership. Pitch's model comprises of a series of golfing 'bays' – either One-to-one bays to facilitate one-to-one tuition or practice by individual members and more 'social' bays to allow small groups (usually between 4 – 6 people) the opportunity to play/practice/learn in a group setting. The proposals also include a small ancillary bar which will be table service only, with service directly to the golfing bays or the seating areas located around the basement area. There will be no cooking facilities within the premises.

The floorspace figures for the proposal are set out in the table below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Vacant/permitted gym (Class E)	646	0	-646
Leisure Facility (Sui Generis)	0	646	+646
Total	646	646	0

There are no external alterations and no additional air-conditioning.

8. DETAILED CONSIDERATIONS

8.1 Land Use

When the gym was permitted in 2018 it fell within Class D2. Following changes to the Use Class Order in September 2020, Class D2 no longer exists and a gym use now falls within Class E (along with a range of other uses such as restaurants, office, creches, retail etc.). However, condition 26 of the permission granted in February 2018 (17/09109/FULL) removes the right to move between other uses within the same use class and restricts the unit to only be used as a gym.

As the operation of the approved gym has not commenced, the fallback position must be considered, i.e., what was the use prior to the permission being granted for a gym and would there reasonably be an opportunity to use the unit in this form again, and/or to implement the development proposed in doing so.

Prior to the permission being granted in February 2018 (17/09109/FULL), the basement and ground floor of 8-14 Meard Street was a long vacant photographic laboratory which, at the time was light industrial, Class B1c. This use now also falls within Class E of the new use class order. However, the photographic laboratory was also protected by a restrictive condition on a historic planning permission. As such, there would be no option to implement the proposed use, or other uses, via a fallback position as both the previous and currently approved uses are restricted to single types of operation.

The applicant advises that despite a marketing campaign running since 2019, an operator has not been forthcoming for the approved gym use. As the approved gym has not been yet bought into use, it would be difficult for the Council to protect a use which had not begun.

The proposed Sui Generis leisure facility (Pitch Golf) will be accessible only to members to train and develop their golfing skills in a dedicated, managed space, with on-site instructors. Attendees are members of Pitch and book a time slot to attend to play. The ground floor area will provide the front of house welcome/reception area, while all other activities will take place at basement level.

City Plan Policy 1 Part A4 seeks to secure a balance of the competing functions of the CAZ as a retail and leisure destination, visitor attraction, global office centre and home to residential neighbourhoods.

City Plan Policy 2 seeks intensification of the WERLSPA through a range of commercial-led developments including leisure uses and through an improved leisure experience that responds to innovation and change in the sector.

City Plan Policy 14 Part C2 states that *"The WERLSPA will provide a wide mix of commercial uses that support the West End's role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy"*

The principle of a commercial use attracting visiting members of the public at this location has already been accepted by way of granting the relatively recent planning permission for the approved gym in February 2018 (17/09109/FULL). Additionally, the site was historically in commercial use prior to this, albeit one that would likely not have attracted visiting members of the public.

The applicants advises that the proposed opening hours of the unit are as follows:

- Monday 11:00 - 21:00,
- Tuesday 10:00 - 21:00,
- Wednesday 11:00 - 23:00,
- Thursday 11:00 -23:00,
- Friday 11:00 -23:00,
- Saturday 10:00 - 23:00, and
- Sunday 10:00 - 18:00,

These hours have been the subject of much discussion and negotiation during the course of the application in response to Officer concerns and furthered by the comments received on the application raising similar concerns. The terminal hours for Wednesdays, Thursdays, Fridays and Saturdays have been reduced by 30 minutes

(originally proposed as closing at 11:30pm) in response to these concerns.

The Soho Society and a number of objectors have raised concerns regarding the initially proposed terminal hour stating the original time of 23:30 was too late, requesting a terminal hour of 22:00, and another requesting that a condition be imposed to ensure the unit is empty by 22:00. While the applicant has been pushed to reduce the terminal hour to 22:00, they advise that a terminal hour earlier than 11pm would have a significant impact on their business model, in that the final bookable slot for members to attend would have to be moved to a time which is too early in their opinion.

The permitted gym has terminal hours of 22:00 on Monday to Friday (not including bank holidays and public holidays) and 21:30 on Saturday, Sundays, bank holidays and public holidays, and the hours now proposed by the applicant represent an additional hour of operation. Given that this use is likely to have less impact than the approved gym (which would probably have regular group classes), they are considered acceptable in this instance and the objections in relation to the lateness of the hour cannot be upheld.

The applicant has submitted an Operational Management Plan (OMP) with the application which sets out how they intend to operate the premises. The key aspects in this are:

- The ground floor concierge desk will be manned at all times during opening hours,
- Member entry is by card entry system,
- Guests of member's will be required to provide contact details on entry,
- Additional ground floor staff will be used during corporate events to help smooth running of the event and ensure timely and quiet entry/exit,
- Basement bar will be strictly table service only,
- Sessions are only booked in advance online, helping to avoid overconcentration of users at certain times (unlike a gym which were to offer classes to large groups),
- Servicing and waste collection will take place on Richmond Mews (to the rear of the building, as secured by condition of the permission to redevelop the site),
- Commitment to no noise being audible outside the facility,
- Use of CCTV cameras at entrances (orientated away from neighbouring residential properties),
- A 'no smoking on Meard Street' policy,
- Provision of contact details to local residents and businesses to raise and deal with concerns, and
- 'Two strike' policy for members who cause disturbance on Meard Street. Two strikes would see a members membership revoked.

The details set out in the OMP are comprehensive and cover a large range of possible issues which could arise from the operation of the use. Operation of the unit in accordance with this OMP shall be secured by condition to ensure any possible impact on residential amenity is minimised.

The proposed drawings and the OMP include details of proposed acoustic glazing which is to be installed around the stairs which connect the ground floor to the basement. With the inclusion of the doors in this arrangement it will serve to significantly reduce any possible noise rising up from basement to the ground floor. Such an installation is welcomed and shall also be secured by condition. An objector had requested a range of

changes and rewording to the submitted OMP. While some of these are not deemed reasonable, the applicant has amended the OMP in line with some of the requests of the objector (such as stipulating the CCTV will be orientated away from neighbours).

The already permitted gym use included conditions requiring that no music from that use would be audible outside the site (which the applicant has committed to in their OMP) and conditions ensuring that noise impacts from sound systems is limited by way of a sound limiter to ensure internal noise transmission is not an issue. A condition was also imposed to ensure that the permitted gym unit had a self-closing door fitted at the entrance to prevent noise break out should the door be left open. These conditions shall again be added to the permission for this sui generis use to minimise possible impact on amenity.

The applicants advise that the anticipated capacity of the unit will be up to a maximum of 90 people at any one time. Given that the approved gym had an approved capacity of 80 people but that the nature of the proposed use is considered to have less of an impact, the small increase in capacity is considered acceptable and shall be secured by condition

The Highways Planning Manager has advised that they do not consider that the proposals would lead to a significant increase in the requirement for servicing. While they consider servicing from Richmond Mews at the rear of the site is not ideal (due to vehicles having to reverse), they recognise that it is the only reasonable option for the site as well as being in line with the requirements for the larger site set out by condition under permission granted in February 2018 (17/09109/FULL).

A small ancillary bar is located in the basement for use by members and guests. The bar will be operated on a strict table service basis, with most drinks taken to the bays. The focus of activity within the unit is on playing and practicing golf. Therefore, the bar area is a small part of the overall operation and ancillary. The nature of the basement area is not considered to be club-like or bar-like in nature with the inclusion of this small bar area.

The Soho Society and objectors have raised concerns regarding music and dancing which creates a nightclub like environment, that the business would have a strong social element beyond what is described in the application, concern that the website for the applicant's current site in The City describes various activities including dancing, corporate events, social gatherings, team socials, corporate events, etc.. They also raise concern regarding the large area of proposed basement given over to a bar and casual seating with additional seating for the golf bays and that there appears to be no golf bays for 1-1 practice (increasing the social aspect).

The applicant has addressed these concerns by providing a clearer colour coded proposed drawing showing the 1-1 golf bays, as these were always proposed. Regarding the issues over the statements made on the website, they advise that these are generic historic marketing claims which were developed at the beginning of the development of the Pitch concept. However, the brand has matured in the five years since it was set up and such activity does not occur, nor is it in line with the concept they implement.

Objectors have requested conditions relating to these concerns about the dancing and the use being entertainment focused. They have requested conditions to secure

food/drink/social element as ancillary to the golf activity, a prohibition on music and dancing, that the occupiers are only able to market the space for golf related events and controls to ensure users leave quietly and do not congregate or smoke in the streets. The latter of these two requests would fail to meet the tests of a suitable planning condition (in that they do not relate to activities on the site and would be deemed unreasonable). However, the applicant has committed to manage people leaving and direct them away from the site and discourage them from congregating and smoking outside. A prohibition on music and dancing would also be unreasonable, especially given the measures already set out above which will minimise any impact on residential amenity (acoustic glazing around the stairs, self-closing doors, sound limiters, and ensuring no music can be heard outside the site). The request to secure the food/drink/social element as ancillary to the golf activity is impractical to impose given that some of the golf bays are designed to be social and that the offer from the bar has been stated as being ancillary from the outset. As such, these aspects of the objections cannot be upheld.

An objector has questioned if the correct category of planning permission has been sought i.e., is a sui generis use appropriate for the use, in light of the perceived 'entertainment' and social elements of the use. Officers consider that sui generis is an appropriate use for the operation proposed here, and therefore do not believe that the objection is sustainable.

An objector states that they consider corporate events are inappropriate in this location as Meard Street is recognised as being "...*Soho's most residential street...*". They also believe that the submitted documents agree with their views that corporate events are inappropriate. Officers do not recognise the claim made by the objector that Meard Street is recognised in such a way and would consider Meard Street to be a mixed use street which is highly typical of the CAZ containing a range of commercial uses (a number of offices, restaurants, a shop) as well as residential properties. While the objector may interpret the applicant's documents in a way that they argue concludes that corporate events are not suitable, officers do not agree. Given the limited capacity of the unit and the operational restrictions to be put in place and the site's location with the CAZ, corporate events of the anticipated scale for the site would not be unsuitable. The objections on these grounds therefore cannot be upheld.

One objector has requested that should permission be granted, it be prohibited for members of Pitch and staff to use or be a passenger in any motorised vehicle in Meard Street, and that taxis must drop and pick up from Wardour Street or Dean Street and not enter Meard Street. Given that the majority of Meard Street is pedestrianised (with the exception of a small portion at the eastern end), this scenario is unlikely to happen anyway. Regardless of this, such prohibitions by condition would not meet the necessary tests for conditions and so be considered unreasonable. As such this aspect of the objections cannot be upheld. Vehicular access would also be a separate matter for the Council as the highways authority.

An objector has expressed their concern over differences between the application submitted and the details that were presented to residents prior to submitting the application (such as longer opening hours being applied for). It would be unreasonable to withhold permission if the applicant has amended the scheme between discussing it with local residents and submitting an application to the Council. Therefore, this

objection cannot be upheld.

On balance and subject to the range of conditions set out above, it is considered that the proposed use is acceptable in this location.

8.2 Townscape and Design

There are no external alterations proposed as part of this application.

8.3 Residential Amenity

Amenity issues in relation to the proposed use have been covered above

8.4 Transportation/Parking

Transport issues in relation to the proposed use have been covered above.

The Highways Planning Manager has assessed the application and raised objection that there is no cycle storage provided within the unit. They advise that the unit needs to provide a minimum of 5 or 6 cycle spaces for staff. While the redeveloped site granted in the February 2018 permission (17/09109/FULL) included cycle storage for the gym use, this was indicatively located within the unit itself. It would therefore be necessary to ensure that the necessary cycle provision is secured in this application. Details of the necessary storage shall be secured by condition.

8.5 Economic Considerations

Any economic benefits generated by the proposal are welcomed, and would be in compliance with City Plan Policy 2, which seeks intensification of the WERLSPA through a range of commercial-led developments including leisure uses.

8.6 Access

Access to the unit will be unchanged by the proposals. Entry will be at ground floor level from Meard Street, with a lift and stairs internally providing access to the basement area.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The Waste Project Officer has objected to the application on the grounds that, while a waste storage area is shown on the proposed drawings, the waste details submitted are not in line with the Council's waste storage requirements. Three different waste streams are expected from this development which are general waste, food waste and recyclable materials. The three waste streams must be stored separately in different bins. Details of suitable waste storage will be secured by condition.

8.8 Westminster City Plan

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

The development plan for Westminster comprises the City Plan 2019-2040 (April 2021) and the London Plan (March 2021). The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2021 unless stated otherwise.

No pre-commencement conditions are proposed.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

Environmental Impact issues have been covered above.

8.14 Other Issues

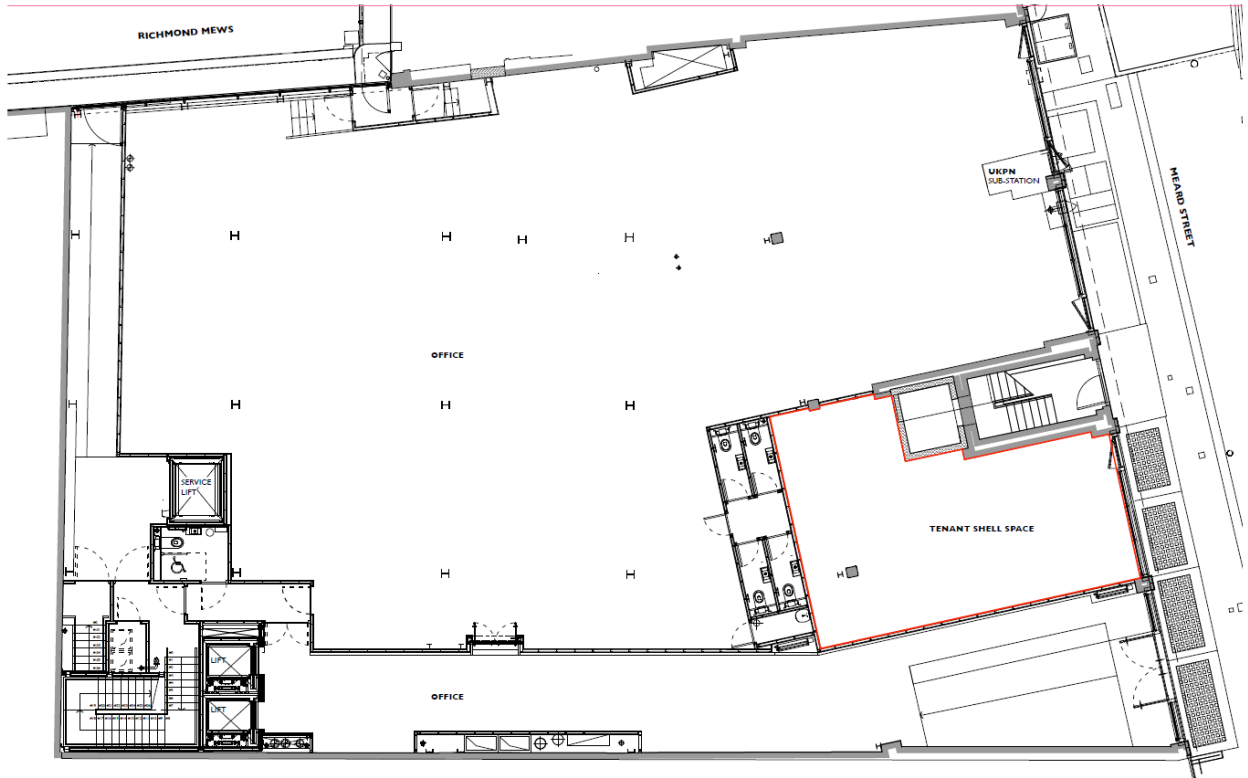
None

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

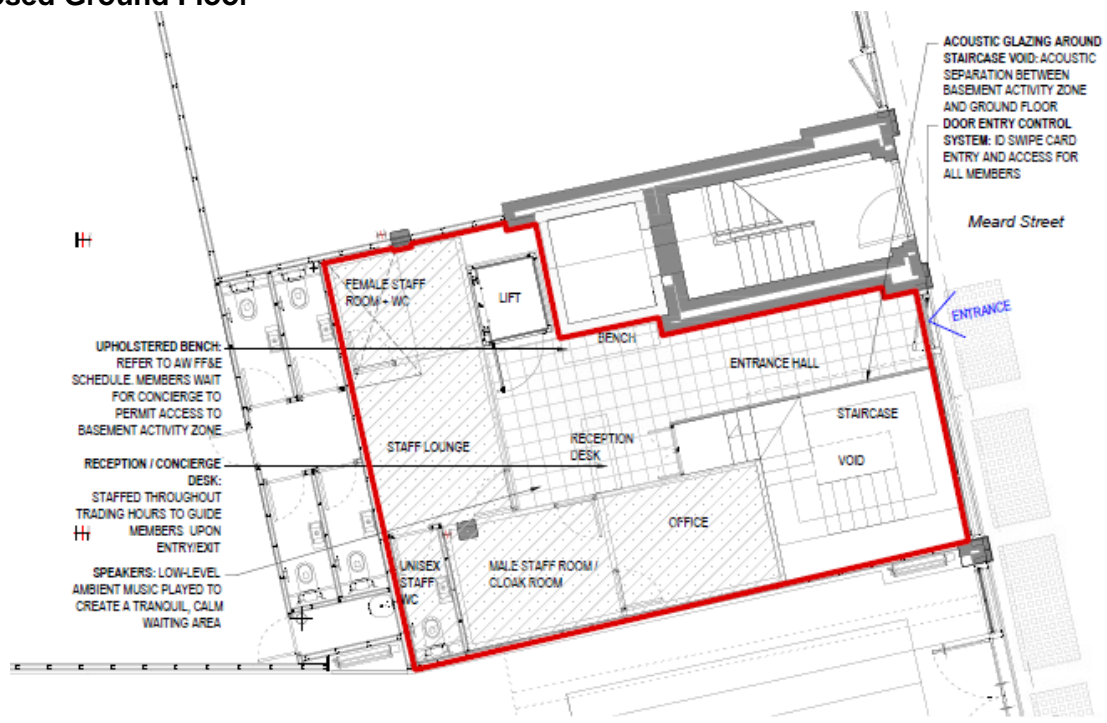
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

9. KEY DRAWINGS

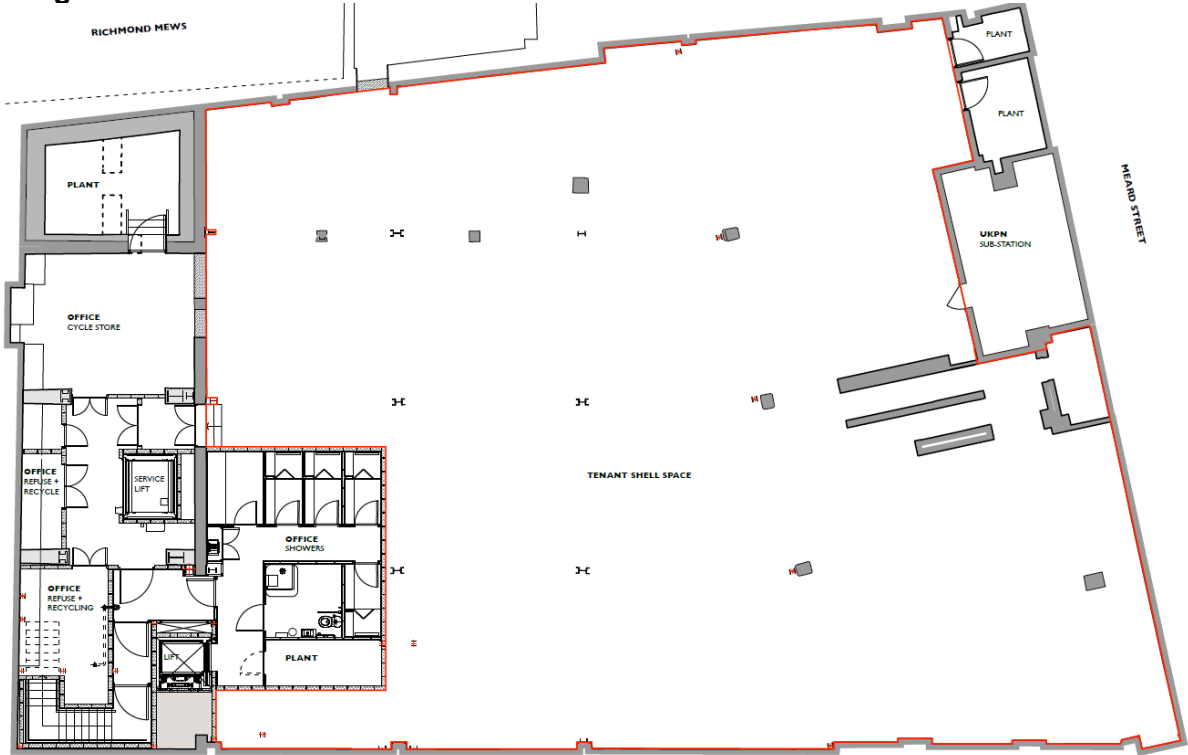
Existing Ground Floor/Unit Demise



Proposed Ground Floor



Existing Basement Floor/Unit Demise



Proposed Basement Floor (colouring showing 1-1 practice bays/social play bays)



DRAFT DECISION LETTER

Address: 8-14 Meard Street, London, W1F 0EQ,

Proposal: Use of part ground and basement floors as leisure facility (Sui Generis).

Plan Nos: Drawings:
302-PL-GF-02 Rev. B ; 302-PL-B-02 Rev. B

Other Documents:
Document titled "Operational Management Plan: Pitch, 8 - 14 Meard Street" dated July 2021

Case Officer: Adam Jones

Direct Tel. No. 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 Customers shall only be permitted within the leisure facility (Sui Generis) premises between the following hours:
 - o Monday 11:00 - 21:00,
 - o Tuesday 10:00 - 21:00,
 - o Wednesday 11:00 - 23:00,
 - o Thursday 11:00 -23:00,
 - o Friday 11:00 -23:00,
 - o Saturday 10:00 - 23:00, and
 - o Sunday 10:00 - 18:00,

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 3 You must operate the approved leisure facility (Sui Generis) in accordance with the details set out within the approved document titled "Operational Management Plan: Pitch, 8 - 14 Meard Street", dated July 2021.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 4 The leisure facility (Sui Generis) use allowed by this permission must not begin until you have fitted the Acoustic Glazing around the staircase void at ground floor level as shown on the approved drawings. You must maintain this Acoustic Glazing for as long as the use remains in active.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 5 No music from the leisure facility (Sui Generis) use shall be audible outside the site.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 6 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

- 7 (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 IN; 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 in writing 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 IN; 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 in writing 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 written approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
 - (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R47AC)

- 8 For music noise, the design of the separating structures between the proposed leisure facility (Sui Generis) and residential flats should be such that the received music noise level in the residential habitable spaces, with music playing, should be 10 dB below the existing ambient and maximum noise levels in the residential habitable spaces when music is not playing, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq and LFmax in the octave bands 63 Hz and 125 Hz; The overall music noise level in terms of LAeq,5mins should be at least 10 dB below the existing background noise level in terms of dB LA90,5mins.

A Sound Limiter shall be installed and set by a competent acoustic engineer so that it maintains compliance with the above criteria. All amplification equipment within the leisure facility (Sui Generis) including music generating equipment and announcement equipment shall be routed and controlled through the sound limiter. The operational panel of the noise limiter shall be secured by key or password so that only persons with management responsibility have access. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R47AC)

- 9 The leisure facility (Sui Generis) use allowed by this permission must not begin until you have fitted self-closing doors at the entrance from Meard Street. You must keep these doors in place for the lifetime of the permission and not leave these doors open except in an emergency or to carry out maintenance.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 10 You must not allow more than 90 customers into the leisure facility (Sui Generis) at any one time.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 11 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not occupy the leisure facility (Sui Generis) use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark them and make them available at all times to everyone using the leisure facility (Sui Generis). You must not use the waste and recycling store for any other purpose. (C14GB)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 12 You must apply to us for approval of details of secure cycle storage for the leisure facility (Sui Generis) use. You must not occupy the leisure facility (Sui Generis) until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the leisure facility (Sui Generis). You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 13 There shall be no primary cooking within the leisure facility (Sui Generis) such that you must not cook raw or fresh food on the premises.

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R05ED)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission does not allow any work which would change the outside appearance of the property. (I18AA)
- 3 You are reminded that a number of conditions from Planning Permission dated 27 February 2018 (RN: 17/09109/FULL) apply to this unit, including restrictions on the location and times of servicing of the unit (Condition 36).
- 4 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 5 The term 'clearly mark' in condition 11 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 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)

- 7 Under condition 13 you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. However, you can reheat food by microwave or convection oven as long as this does not require extractor equipment.

Any application to remove or vary the condition must submit details of extraction which shall consist only of either a 'full height' system or in limited circumstances where all cooking equipment is electric only an 'approved recirculation' scheme (any extraction scheme proposing 'low-level' external discharge to get rid of cooking fumes will not be accepted as being suitable as per Westminster Environmental Health requirements for new premises wishing to provide an extensive hot food operation). For further information please contact the Environmental Health Consultation Team (Regulatory Support Team 2) by email to ehconsultationteam@westminster.gov.uk.

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

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 th August 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Churchill	
Subject of Report	Flat A, 69 Westmoreland Terrace, London, SW1V 4AH		
Proposal	Rear extension at first floor level and the creation of roof terrace at second floor level in connection with enlargement of the upper maisonette (Flat A).		
Agent	Kokorelia Architects		
On behalf of	Mr Mauro Terrinoni and Ms Daniela Petti		
Registered Number	20/04509/FULL	Date amended/ completed	16 July 2020
Date Application Received	16 July 2020		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

69 Westmoreland Terrace is an unlisted building located within the Pimlico Conservation Area. The adopted conservation area audit identifies the site as an unlisted building of merit, which is considered to make a positive contribution to the character and appearance of the conservation area. The building fronts on to Westmoreland Terrace to the east and the rear backs onto Turpentine Lane to the west.

The building comprises a basement, ground, and three upper floor levels (including mansard) and is subdivided into two flats. This application relates to Flat A, which is an upper maisonette comprising of ground, first, second and mansard levels.

Permission is sought for a rear extension at first floor level and the creation of roof terrace at second floor level in connection with the enlargement of the upper maisonette (Flat A).

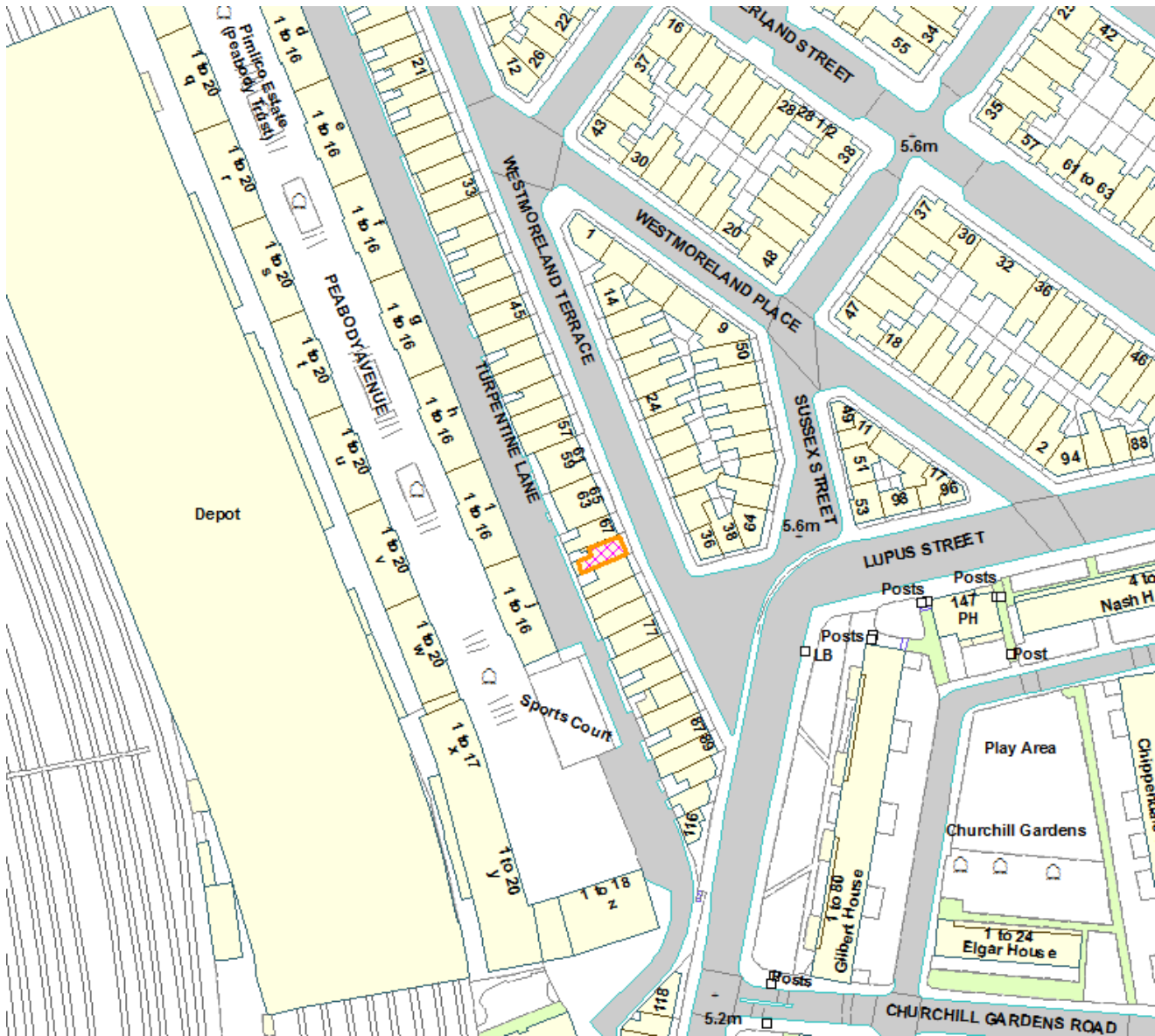
The key issues are

- The impact of the proposals on the character and appearance of the conservation area; and
- The effect on the amenity of neighbouring residential properties; and

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5

Objections have been received from neighbouring properties primarily on design and amenity grounds. The application is considered to comply with City Plan policies in both design and amenity terms and is recommended for approval, subject to the conditions set out in the draft decision notice.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation



Rear elevation

5. CONSULTATIONS

COUNCILLOR GASSANLY:

Concerned about changes occurring in the Conservation Area, particularly to the rear of this terrace row backing on to Turpentine Lane. The application should be carefully scrutinised before a decision is made including carrying out a site visit.

WESTMINSTER SOCIETY

Any response to be reported verbally.

PIMLICO FREDA

Any response to be reported verbally.

PIMLICO MEIGHBOURHOOD FORUM

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 30

Total No. of replies: 15

No. of objections: 15 (15 objection letters from 12 adjoining owner/ occupiers)

Objections have been received on some or all of the following grounds:

DESIGN

- The proposals do not follow the pattern of existing rear extensions in terms of depth, width, height, and detailed design; and
- would set a precedent.

AMENITY

- Extensions would result in a loss of light; and
- Increased sense of enclosure to terrace.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

69 Westmoreland Terrace is an unlisted building located within the Pimlico Conservation Area. The adopted conservation area audit identifies the site as an unlisted building of merit, which is considered to make a positive contribution to the character and appearance of the conservation area. The building fronts on to Westmoreland Terrace to the east and the rear backs onto Turpentine Lane to the west.

The building comprises a basement, ground, and three upper floor levels (including mansard) and is subdivided into two flats. This application relates to Flat A, which is an upper maisonette comprising of ground, first, second and mansard levels.

6.2 Recent Relevant History

None

7. THE PROPOSAL

Permission is sought for a rear extension at first floor level and the creation of roof terrace at second floor level in connection with the enlargement of the upper maisonette (Flat A).

Amendments were made during the course of the application. The application originally proposed to extend/ widen the existing closet wing at third floor level to enlarge an existing third floor terrace. Officers were concerned about the design impact and this element was removed on officer advice.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application proposes a rear extension to provide additional living accommodation for a residential maisonette. Policy 8 of the City Plan 2019-2040 (adopted April 2021) (“the City Plan”) sets out that residential use is a priority unless otherwise stated. The provision of additional residential floorspace is acceptable in land use terms.

8.2 Townscape and Design

69 Westmoreland Terrace is identified as an unlisted building of merit in the adopted Pimlico Conservation Area Audit, and is considered to make a positive contribution to the character and appearance of this part of the conservation area. Public views of the rear of the site are available from Turpentine Lane, where the conservation area boundary meets that of the Peabody Avenue Conservation Area. The site therefore also forms part of the setting of the adjacent Peabody Conservation Area.

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 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, City Plan policy requires development will preserve or enhance the character and appearance of Westminster’s conservation areas and features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible.

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.

Objections have been received on the grounds that the proposals do not follow the pattern of existing rear extensions in the surrounding area in terms of depth, width, height, and detailed design.

The 19th century townhouses on the west side of Westmoreland Terrace generally retain one- two storey massing at the rear, fronting on to Turpentine Lane. The group of buildings further north of the proposal site, from no. 57 northwards, are remarkably consistent in terms of their rear treatment, generally possessing 1.5 storey full depth massing to the rear with terraces above, albeit with a few isolated anomalies. The proposal site, however, is distinguished from this group, separated by nos. 61- 63 which have been entirely rebuilt. The proposal site does not therefore read as part of this continuous pattern of development. In contrast, the group within which no. 69 is read is not consistent in terms of its rear treatment and does not form a rhythmic pattern of development. The buildings south of no. 71 also appear to have been rebuilt. In this part of Turpentine Lane therefore, there is not a consistent treatment to the rear of the Westmoreland Terrace townhouses.

At present, the lower ground and ground floor storeys to no. 69 extend the full depth of the site, reflective of the general pattern of development within the group to the north as described above. The proposals involve extending the building full depth at first floor level to match the footprint of the existing ground floor storey below, with a second floor terrace above. The proposal site is viewed alongside no. 71 immediately to the south which has been extended with an uncharacteristically tall and bulky three storey (plus basement) addition, which appears to predate the current policy framework that seeks to resist bulky additions of this nature. In this context, and given the clear visual separation from the consistent (lower) massing to the north, the proposed extension to no. 69 is not considered to cause harm to the character and appearance of the conservation area. The extension incorporates one sash window opening to the rear and is to be rendered and painted to match the palette of the existing building. This aspect of the proposals is therefore considered compliant with City plan policy 38 (Design Principles) and is considered acceptable in design terms.

The proposals also involve the use of the flat roof above as a terrace with associated screening. Whilst the proposed terrace will result in visual clutter visible from public vantage points, it is acknowledged that screens such as that proposed are a characteristic feature of buildings on the east side of Turpentine Lane. The proposed screen is therefore not considered harmful to the character and appearance of this part of the conservation area and the proposed terrace is considered acceptable. The imposition of a condition to secure further details regarding the appearance of the screen is recommended.

Permission was also initially sought to widen the existing closet wing at high level to enlarge an existing third floor terrace. This aspect of the proposals was resisted in design terms because the original closet wings remain clearly legible to the upper levels of these unlisted buildings of merit, indicative of their historic form and scale. Widening the closet wing to no. 69 at high level would almost entirely obscure the original principal

rear building line when viewed from street level and the original form of the closet wing would no longer be legible, detracting from the high level uniformity of the group. Following negotiations therefore, this aspect of the proposals has been omitted and the closet wing is retained at its current width in the revised drawings received.

Minor alterations proposed to the existing rear fenestration are considered uncontentious subject to the imposition of a condition to secure further details.

As such, the revised proposal is considered acceptable, and therefore, a recommendation to grant conditional permission would be compliant with Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021), the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

Objections have been received from a number of surrounding residential occupiers including the adjoining property at 71 Westmoreland Terrace on the grounds that the proposals would result in a loss of light to their rear first floor terrace, increase sense of enclosure and overshadowing.

Policy 7 of the City Plan seeks to ensure proposals are neighbourly by protecting and enhancing amenity, preventing unacceptable impacts such as in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking as well as protecting local environmental quality.

The first floor rear extension will be built on the existing first floor terrace with a new terrace provided above at second floor level.

A daylight, sunlight and overshadowing assessment has been carried out for the surrounding properties, that are adjacent to the development. The properties investigated under this assessment are:

- 67 Westmoreland Terrace (Four flats)
- 69 Westmoreland Terrace (Basement Flat)
- 71 Westmoreland Terrace (Single family dwelling house)

Daylight

The applicant has carried out an assessment on surrounding properties based on the various numerical tests laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice".

The BRE guidelines suggest that a 27% Vertical Sky Component (VSC) is indicative of a 'good level' of daylight. The BRE guidelines state that daylight levels may be adversely affected if the VSC measured at the centre of an existing main window is less than 27% and more than a 20% reduction in its former value. Should windows achieve sufficient levels of VSC they are seen as compliant in terms of daylight.

The VSC results show that the majority of the surrounding properties would receive no to negligible impact.

Two windows within 71 Westmoreland Terrace would experience more than a 20% reduction in VSC. These windows are at first floor level and serve a WC and study.

The WC window would experience a reduction of 32% of its former value and the study window would experience a reduction of 28%. The existing light levels received by these windows is low with both receiving less than 27% VSC, with levels measuring 6.95% (WC) and 18.98% (Study) respectively. As such given the existing low levels of VSC, any reduction would be perceived as high in percentage terms. The study is also served by another window in the rear elevation which is unaffected by the proposals.

Despite these transgressions, given that both windows already receive low levels of light and that the study is also served by another window, it is not considered sufficient to justify withholding planning permission on the grounds of loss of daylight.

Sunlight

In respect of sunlight, the BRE guide suggests that if a living room has a main window facing within 90 degrees of due south then the sunlighting of the existing dwelling may be adversely affected if it receives less than 25% of annual probable sunlight hours or less than 5% of annual probable sunlight hours between September and March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of APSH.

All relevant windows which face within 90 degrees of due south have been tested.

Two windows within 67 Westmoreland Terrace would be affected. Both windows appear to serve the same room and while the use of this room is unknown, given the location of the windows on the rear elevation, it is unlikely that they would serving the main living room of one of the flats within no.67.

One of these windows would receive a major adverse impact to its winter sunlight hours and the other would receive a minor adverse impact to its annual sunlight hours and major adverse impact to its winter sunlight hours. However, both will still achieve at least 25% annual sunlight hours as recommended by the BRE Guidance.

Overshadowing

The overshadowing results show that the proposed development will have no impact on the amount of overshadowing experienced by the terrace amenity area of 71 Westmoreland Terrace and only a negligible impact on the terrace amenity area of 67 Westmoreland Terrace.

Sense of enclosure

Objections have been received from the neighbour at 71 Westmoreland Terrace on the grounds the first floor extension would result in an increased sense of enclosure to their amenity space. The terrace highlighted by the neighbours at 71 as being impacted is south-west facing, and will be unchanged in terms of daylight/sunlight received and levels of overshadowing as shown in the submitted daylight/sunlight report.

The proposed first floor rear extension to the closet wing extension is going to be noticeable from the rear study window at first floor level and living window at 71 Westmoreland Terrace, as well as from the ground floor window at 67 Westmoreland terrace. The resulting relationship with the raised closet wing is not an uncommon form of development across the city and along parts of this terrace itself. While the proposal may be considered unneighbourly given that it increases bulk on the boundary, on balance it is not considered that the proposals would not lead to an unacceptable increased sense of enclosure and refusal for this reason could not be sustained.

Roof terrace

The proposed terrace at second floor level would measure the same size as the existing first floor level terrace and would be in a similar location albeit at a higher level. It is considered that the terrace would not increase noise to the surrounding residential units or result in a loss of privacy to neighbouring occupiers in this location.

On balance, the proposals are acceptable in amenity terms and are considered to comply with Policy 7 of the City Plan.

8.4 Transportation/Parking

The enlargement of this maisonette would not have a material impact on traffic generation or on-street parking pressure in the area.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access arrangements will remain unchanged

8.7 Westminster City Plan

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.8 Neighbourhood Plans

The Pimlico Neighbourhood Forum has submitted a proposed Neighbourhood Plan to Westminster City Council. The council is now seeking views and comments from

residents and interested stakeholders on the proposed Plan, in line with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The draft Neighbourhood Plan is afforded little weight.

The development plan for Westminster comprises the City Plan 2019-2040 (April 2021) and the London Plan (March 2021). The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

8.11 Planning Obligations

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

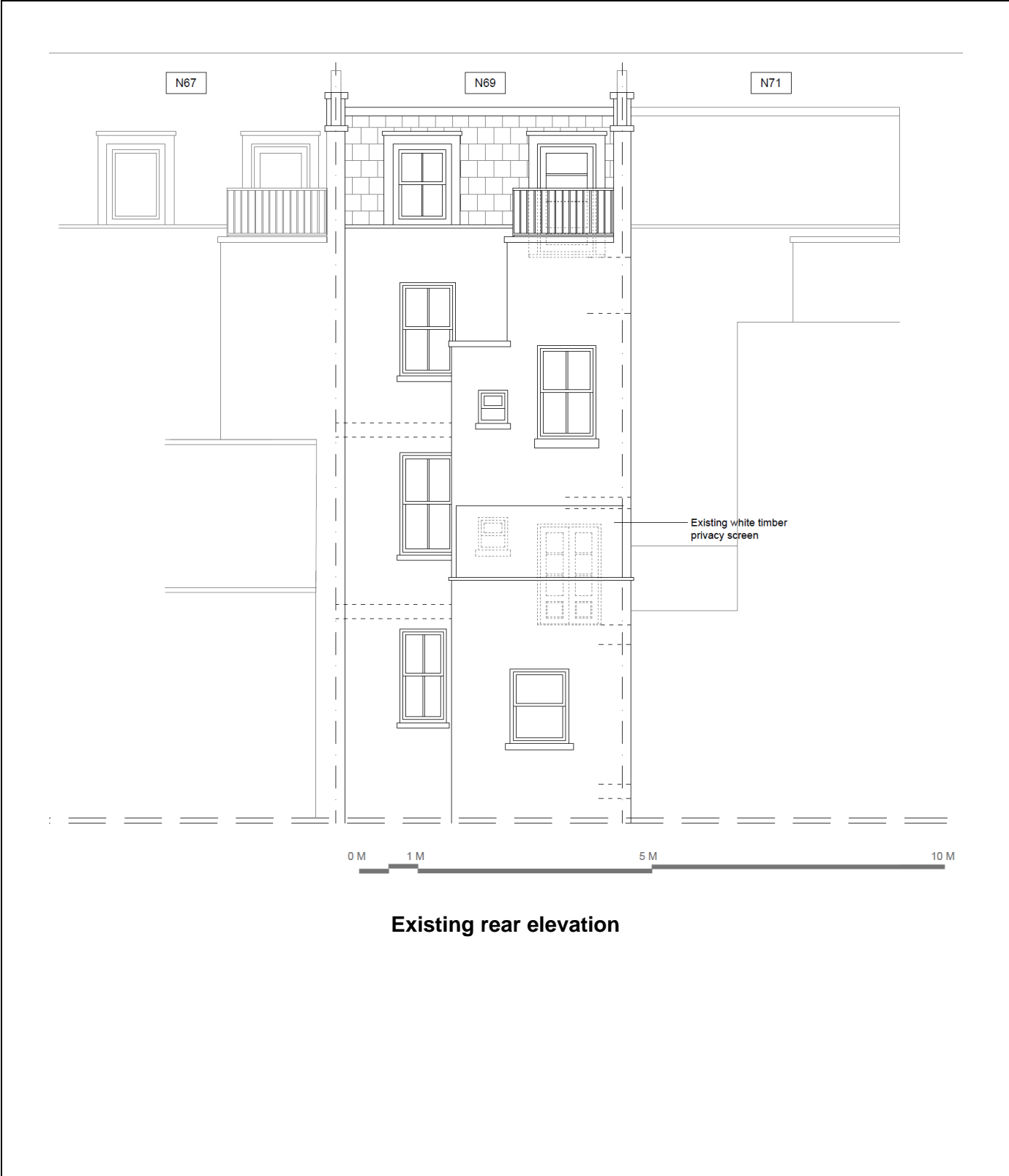
8.12 Environmental Impact Assessment

An Environmental Impact Assessment is not required for a scheme of this size.

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

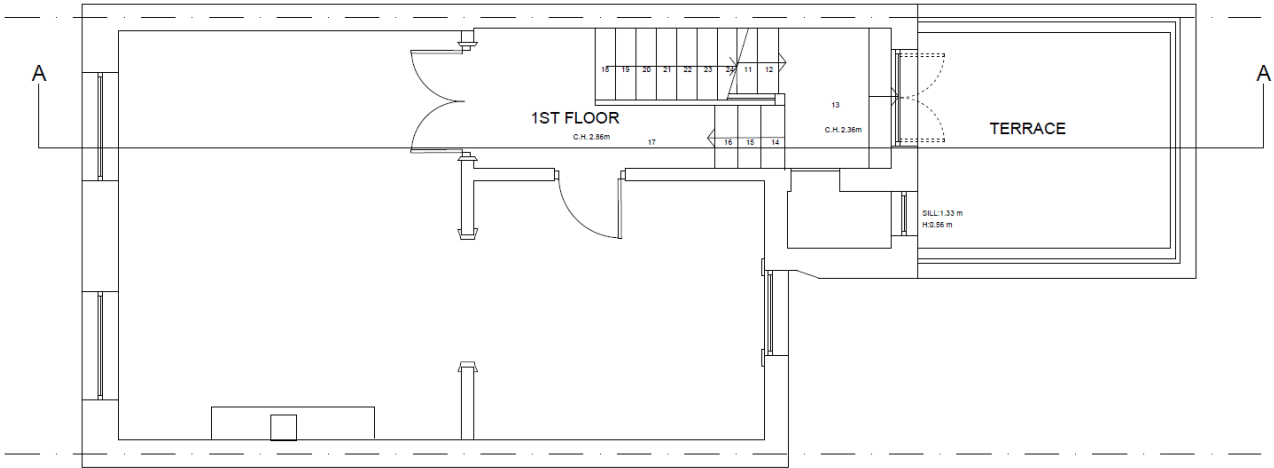
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

9. KEY DRAWINGS

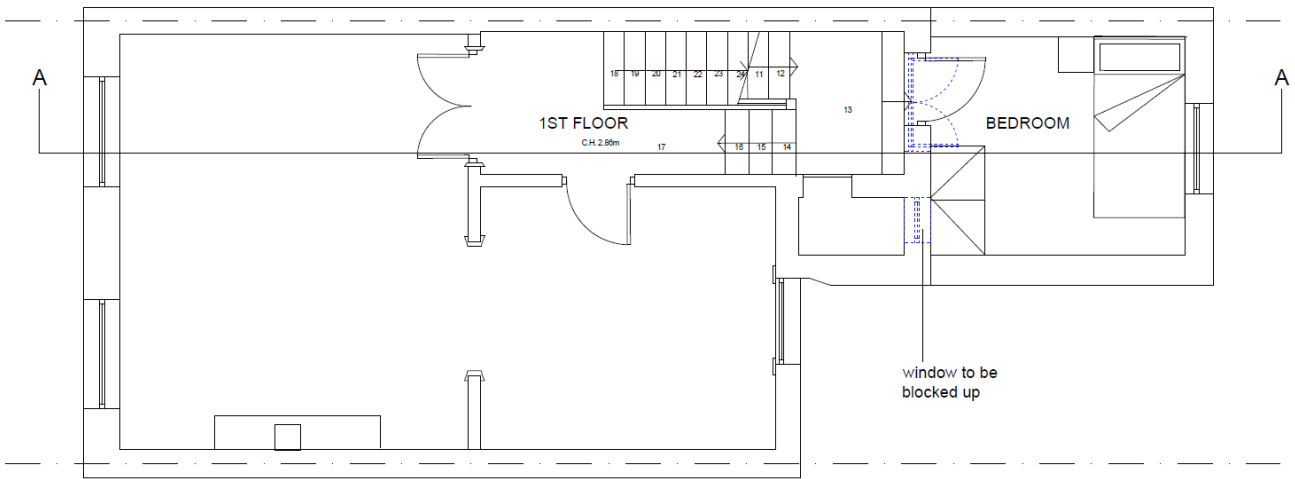




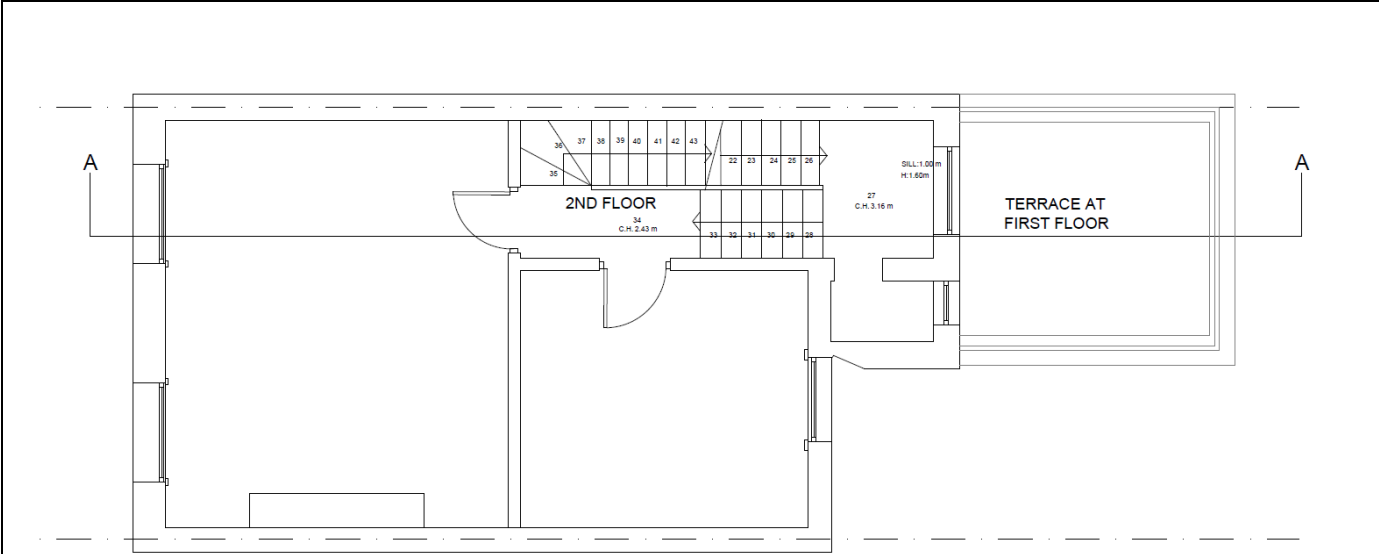
Proposed rear elevation



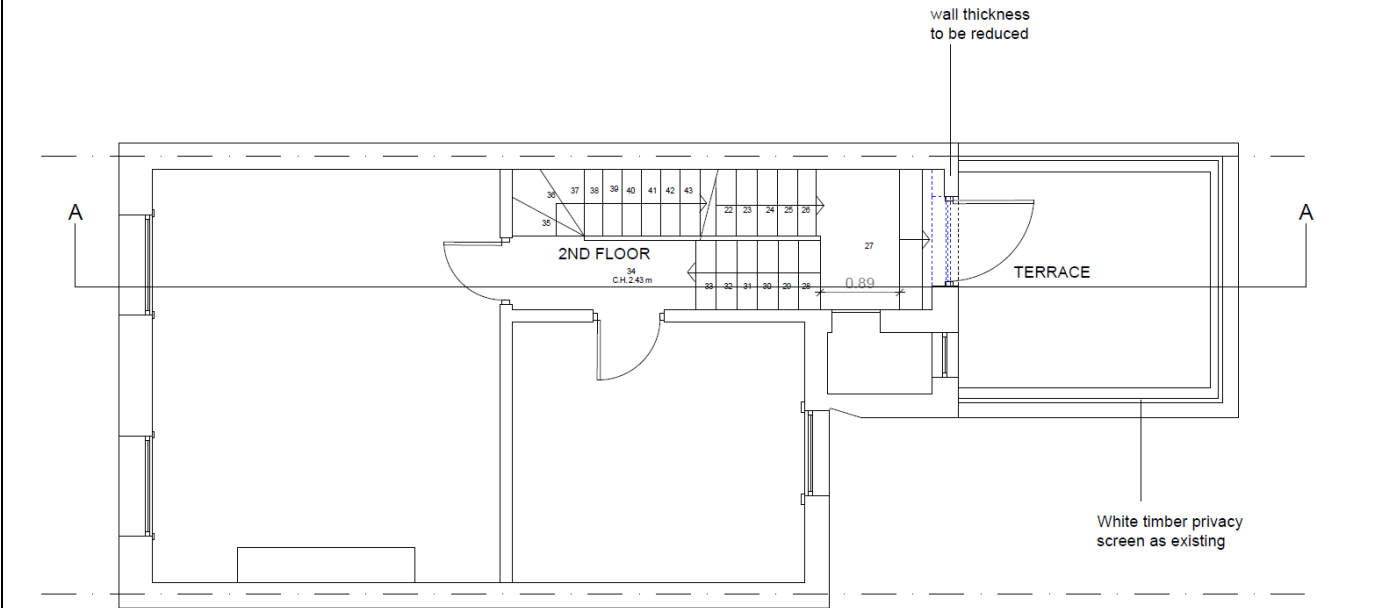
Existing first floor plan



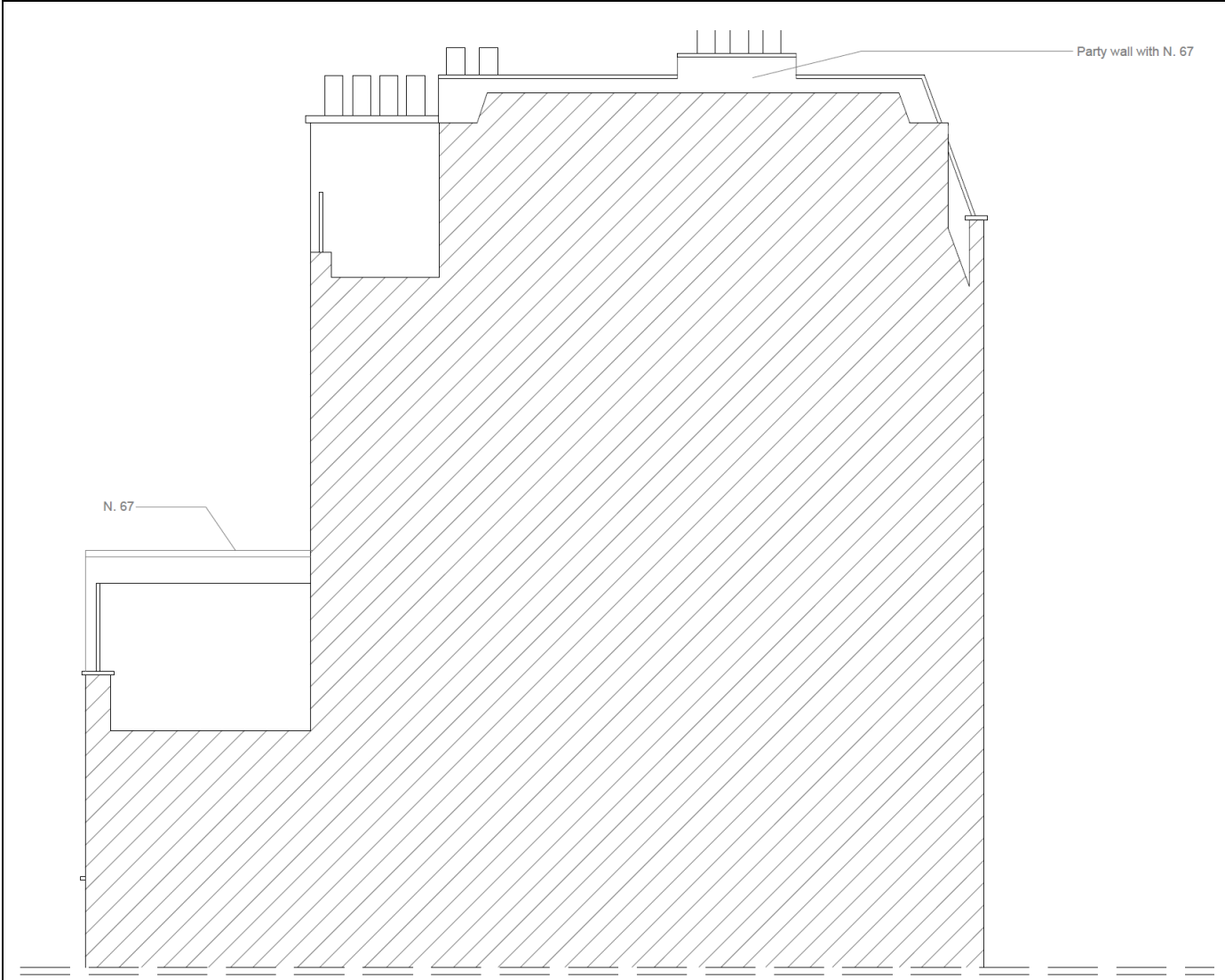
Proposed first floor plan



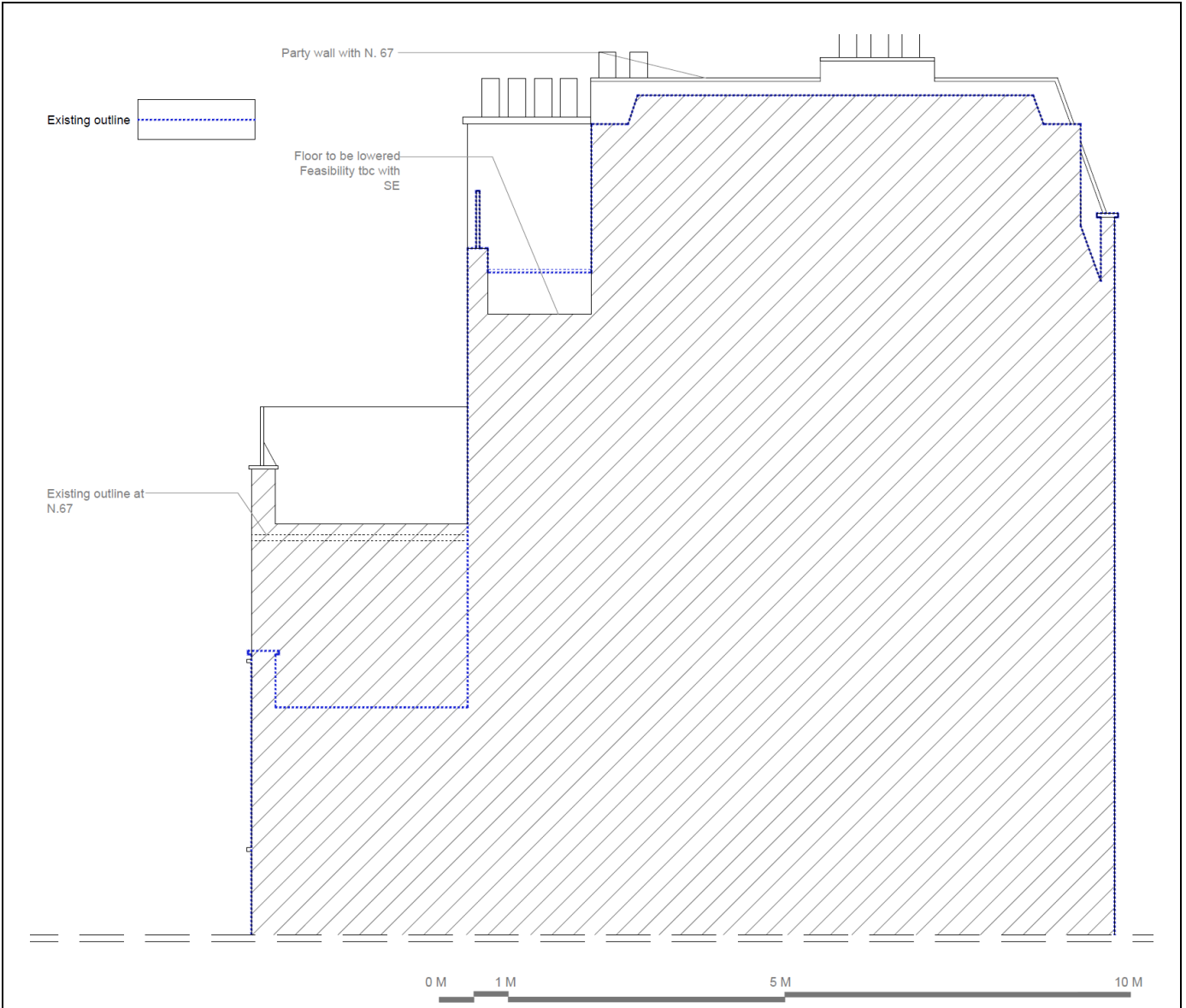
Existing second floor plan



Proposed second floor plan



Existing side elevation



Proposed side elevation

DRAFT DECISION LETTER

Address: 69 Westmoreland Terrace, London, SW1V 4AH

Proposal: Rear extension at first floor level and the creation of roof terrace at second floor level in connection with enlargement of the upper maisonette (Flat A).

Reference: 20/04509/FULL

Plan Nos: AP100 Rev R00; AP101 Rev R00; AP102 Rev R00; AP103 Rev R00; AP104 Rev R00; AP110 Rev R00; AP111 Rev R00; AP112 Rev R00; AP113 Rev R00; AP120 Rev R00; AP200 Rev R00; AP201 Rev R01; AP202 Rev R01; AP203 Rev R04; AP204 Rev R00; AP210 Rev R04; AP211 Rev R00; AP212 Rev R03; AP213 Rev R01; AP220 Rev R02; Site location plan.

Case Officer: Seana McCaffrey

Direct Tel. No. 07866037773

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 neighbouring occupiers. This is as set out in Policies 7

and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of details of the following parts of the development:
- i. Privacy screen (1:20 scaled drawings)
 - ii. New external doors and windows (1:10 and 1:5)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 The extension shall be finished with a scored/ lined render painted white to match the existing rear ground floor wall in terms of its detailed design and finished appearance.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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Agenda Item 6

Item No.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 th August 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Vincent Square	
Subject of Report	31 Ponsonby Place, London, SW1P 4PS		
Proposal	Replacement of rear first floor window with a door.		
Agent	Smith & Newton Architects		
On behalf of	Spence		
Registered Number	21/00616/FULL	Date amended/ completed	2 February 2021
Date Application Received	2 February 2021		
Historic Building Grade	Unlisted		
Conservation Area	Millbank		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

31 Ponsonby Place is a mid-terrace single family dwelling house located within the Millbank Conservation Area. The property comprises of lower ground, ground, first, second and third/ roof levels. It is located on the northern side of Ponsonby Place and backs on to the Chelsea College of Art and Design.

Planning permission is sought for the replacement of a rear first floor window with a door. The aim is to make access to the first floor flat roof easier for maintenance purposes. The applicant advises that there has been a series of issues with the first floor flat roof and the homeowner wants to be able to maintain it better. The applicant states that the existing window is midway up the half landing level stairs and is awkward to squeeze through. A replacement door is the applicant's preferred option.

Objectors raise concerns on the grounds that the first floor roof could be used as a terrace and this would lead to overlooking and loss of privacy to neighbouring windows and gardens. Concerns have also been raised that the addition of a door leading to a flat roof without railings would create a safety risk with danger of falling; and that the addition of a door and any paraphernalia associated with a terrace use would be out of character with the terrace and would harm the conservation area.

In design terms, the application proposes the reinstatement of the original aperture on the right hand side of the main rear elevation at first floor level and installation of a Georgian style door, however

detailed drawings of the door have not been provided. The proposals raise no design concerns in themselves and the proposed door would maintain the appearance of the building and preserve the character of the Millbank Conservation Area. A condition is recommended requiring detailed drawings of the door, to be timber framed and with slimline double glazing and integral glazing bars. The proposal is considered to be compliant with design Policies 38 and 39 and 40 of the City Plan 2019 - 2040 (April 2021).

In amenity terms, Policy 7 of the City Plan seeks to ensure proposals are neighbourly by protecting and enhancing amenity, preventing unacceptable impacts such as in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking as well as protecting local environmental quality. The applicant has stated that the aim of the proposal is solely to enable easier access to the existing flat roof area for maintenance purposes. This proposal does not include any other physical works such as railings around the roof edge, which would enable the use of the flat roof as a terrace. There are no existing roof terraces along this terrace row of properties and the applicant has been advised that the creation of a roof terrace would not be considered acceptable. A condition is attached to ensure that access to the flat roof is for maintenance or emergency purposes only.

Concerns have been raised that the proposal may pose a safety risk however it is not considered that this reason for refusal could be sustained.

Notwithstanding the objections raised, the proposal is considered to be acceptable and in accordance with development plan policy and is not considered to result in any significant adverse amenity or design impacts, subject to the recommended conditions.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation



Existing first floor window

5. CONSULTATIONS

CUNCILLOR CHALKLEY:

Requests that the application is determined by committee.

WESTMINSTER SOCIETY:

Any response received to be reported verbally.

NEIGHBOURING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. consulted: 18

No. of responses: 3

Three letters of objection from both adjoining occupiers raising the following concerns:

- overlooking and loss of privacy to neighbouring windows and gardens;
- addition of a door would create a safety risk with danger from falling; and
- addition of a door and any paraphernalia associated with a terrace use would be out of character in this terrace and would harm the conservation area.

PRESS ADVERTISEMENT/ SITE NOTICE:

Yes.

6. Recent Relevant History

16/10067/FULL

Permission was granted in May 2017 for alterations at main roof level including raising the roof height and installation of rooflights in connection with converting the third floor into habitable accommodation.

13/09659/FULL

Permission was granted in December 2013 for the construction of a two storey infill extension to the rear of the property.

13/05975/FULL

Permission was granted in October 2013 for alterations to roof of existing rear lower ground floor extension; alterations to windows and doors; alterations to front lightwell.

09/02183/FULL

Permission was granted in May 2015 for installation of window at rear basement level.

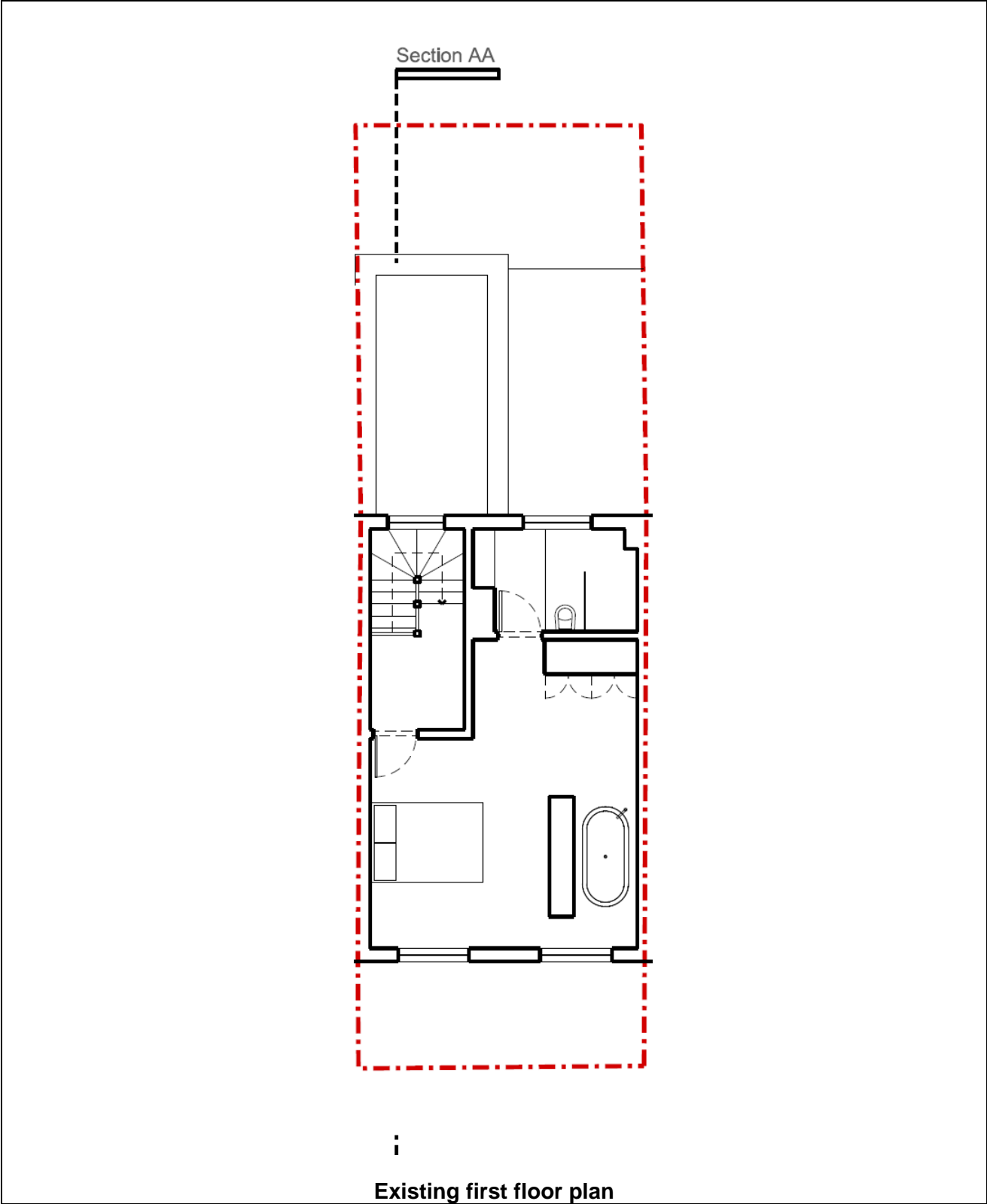
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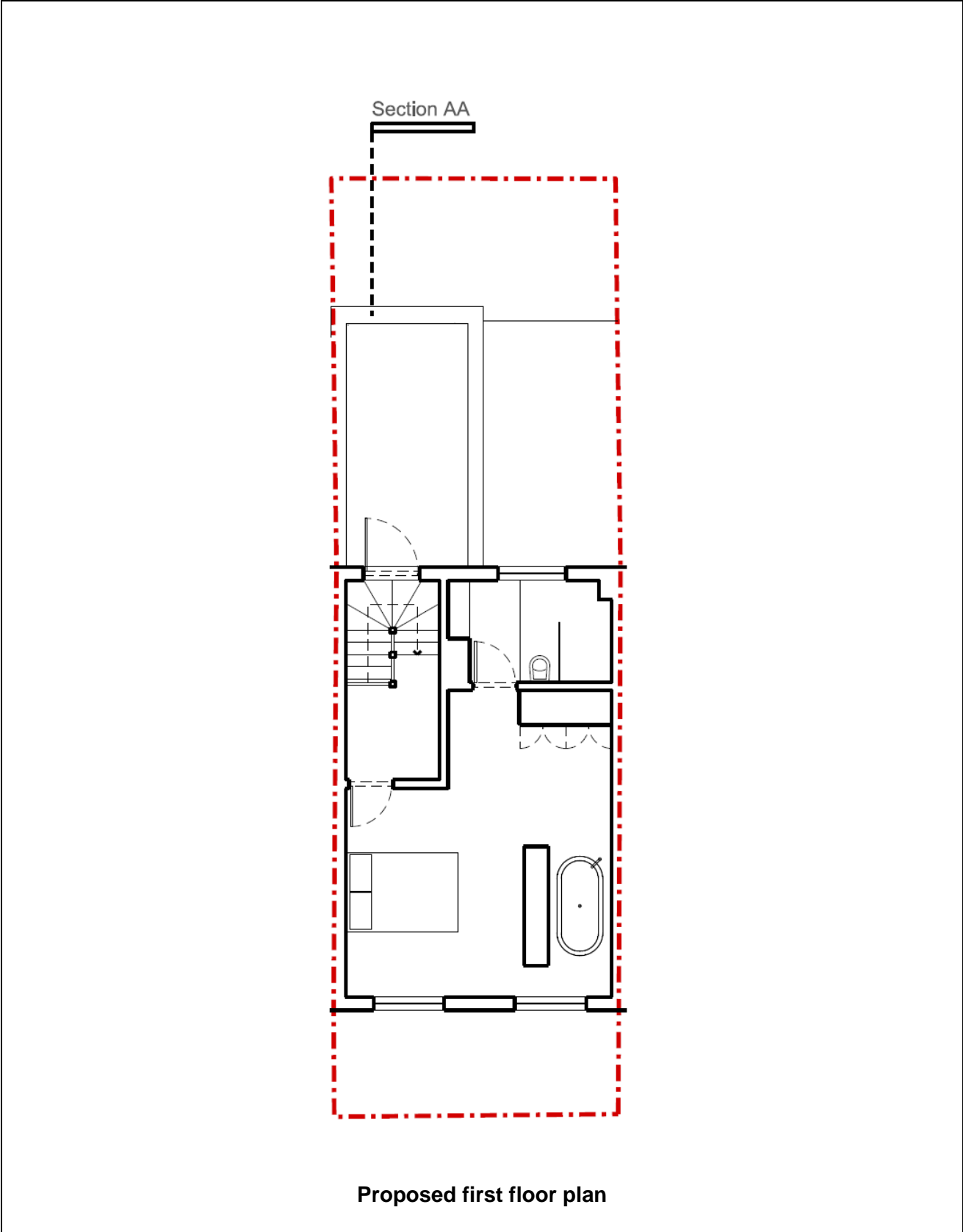
Permission was granted in July 2006 for the erection of a single storey extension at rear basement level for use in connection with existing single family dwelling and formation of steel staircase within front basement lightwell.

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

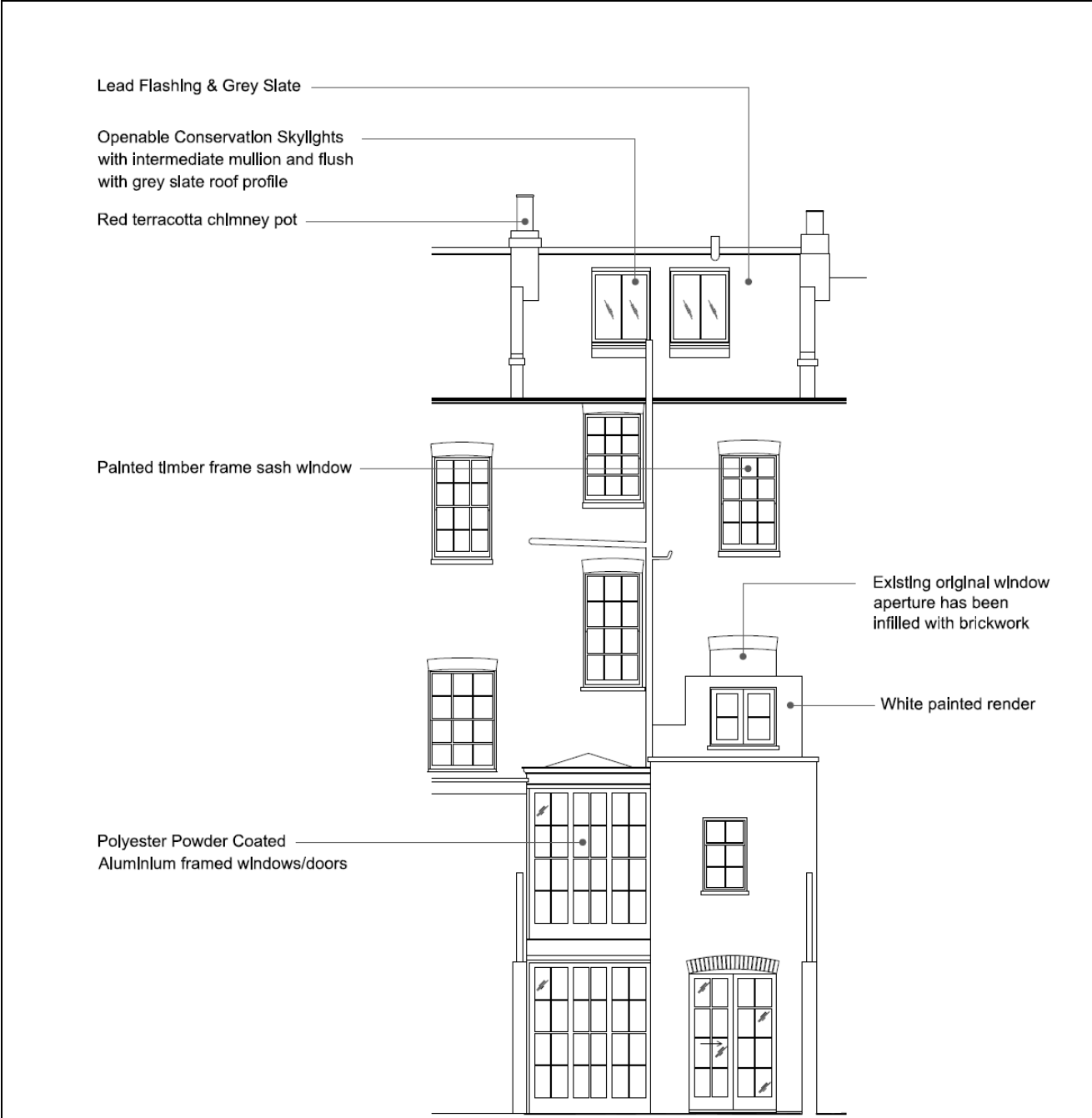
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk.

6. **KEY DRAWINGS**

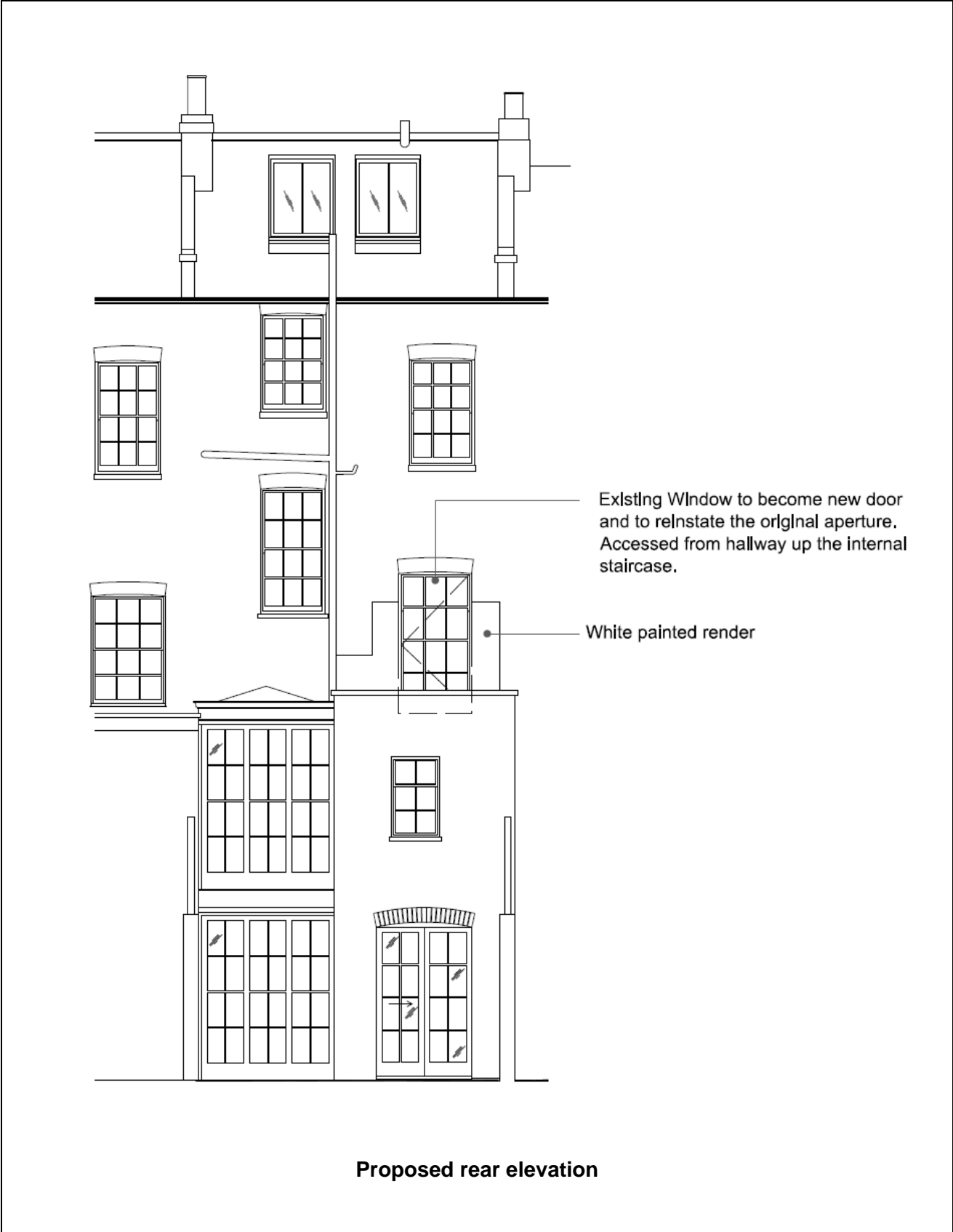




Proposed first floor plan



Existing rear elevation



DRAFT DECISION LETTER

Address: 31 Ponsonby Place, London, SW1P 4PS
Proposal: Replacement of rear first floor window with a door.
Reference: 21/00616/FULL
Plan Nos: 0173-04-0101 Rev 02; 0173-04-0250 Rev 02; 0173-04-0550 Rev 03.

Case Officer: Seana McCaffrey **Direct Tel. No.** 07866037773

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 Millbank Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 You must apply to us for approval of detailed drawings at 1:10 and sections at 1:5 of the following parts of the development - the new single door. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Millbank Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must not use the first floor flat roof, as shown on drawing number 0173-04-0550 Rev 3, for sitting out. You can however use the roof to escape in an emergency or for maintenance purposes only.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised in respect of Condition 4 that the replacement single door should be timber framed with traditional joinery profile, slimline double glazing, integral glazing bars, concealed trickle vents and no external weather bars.

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.