



City of Westminster

Title:

Planning Applications Sub-Committee (3)

Meeting Date:

Tuesday 14th September, 2021

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Jim Glen (Chairman)
Selina Short
Mark Shearer
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 548348; 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 Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

(Pages 5 - 12)

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

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

To register to speak and for guidance please visit:

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

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

In the event that you are successful in obtaining a speaking slot at the 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. | DEVELOPMENT SITE AT 117 125 BAYSWATER ROAD,
2 TO 6 QUEENSWAY, CONSORT HOUSE AND 7
FOSBURY MEWS LONDON | (Pages 17 - 72) |
| 2. | 36 LINHOPE STREET LONDON NW1 6HU | (Pages 73 - 94) |
| 3. | FLAT 1 WILLIAM COURT 6 HALL ROAD LONDON NW8
9PA | (Pages 95 -
116) |
| 4. | FLAT 2 121 SUTHERLAND AVENUE LONDON W9 2QJ | (Pages 117 -
128) |
| 5. | 49 NEWMAN STREET LONDON W1T 3DZ | (Pages 129 -
152) |
| 6. | 13 - 15 RATHBONE STREET LONDON W1T 1NB | (Pages 153 -
180) |
| 7. | 32 BUCKINGHAM PALACE ROAD LONDON SW1W
0RE | (Pages 181 -
192) |

Stuart Love
Chief Executive
3 September 2021

Order of Business

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

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

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



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (3)** held on **Tuesday 20th July, 2021**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Jim Glen (Chair), Eoghain Murphy, Tim Roca and Selina Short

1 MEMBERSHIP

- 1.1 It was noted that Councillor Roca had replaced Councillor McKie.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Glen explained that a week before the meeting, all four Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Short declared that in respect of item 1 the application site was situated on the border of her ward. With other Councillors and Council officers she had attended a meeting with the developer regarding the application, but she had held no discussions regarding it with any parties.
- 2.3 Councillor Glen advised Councillor Bott had an interest in respect of Item 5 on the agenda. In line with guidance agreed by the City Council's Standards Committee the Majority party members sitting on the Sub-Committee declared that they only know Councillor Bott through their membership of the Majority party and saw him at Council and related events.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 25 May 2021 be signed by the Chair as a correct record of proceedings.

4 TREE PRESERVATION ORDER NO. 676 – 63 CARLTON HILL, LONDON, NW8 0EN

On 17 February 2021 the City Council made a provisional Tree Preservation Order (TPO) to protect four London plane trees (labelled T1-T4 on the TPO plan) located at 63 Carlton Hill, London, NW8 0EN (the Property). The TPO was provisionally effective for a period of six months from the date it was made (17 February 2021) during which time it may be confirmed with or without modification. If not confirmed, the TPO would lapse after 17 August 2021. The TPO was made because the trees made a valuable contribution to public amenity, to the outlook from nearby properties and to the character and appearance of the St John's Wood Conservation Area.

The TPO was made following receipt of six weeks' notice of intent (a S211 notification) to remove London plane (T1) from the rear garden of 63 Carlton Hill. The tree was protected by virtue of its location within the St John's Wood conservation area. The reason given for the proposed removal of the tree was to prevent ongoing damage to property at 65 Carlton Hill, alleged to be caused by roots from the London plane. The City Council considered it expedient and in the interests of amenity that a TPO was made, in order to safeguard its preservation and future management.

In general terms the confirmation of a provisional TPO did not preclude the appropriate management or removal of the protected trees in the future, subject to the merits of a TPO application.

An objection to the TPO had been received from the Owner of 40 Blenheim Terrace, London NW8 0EG.

RESOLVED UNANIMOUSLY:

That the Tree Preservation Order No. 676 (20201) be confirmed without modification with permanent effect.

5 PLANNING APPLICATIONS

Before consideration of the planning applications, the presiding officer informed the Committee that the Government had updated the National Planning Policy Framework (NPPF) today and all the Committee reports referred to the previous guidance. All applications had been re-assessed in the light of the new NPPF.

1 PREMIER HOUSE, 10 GREYCOAT PLACE, LONDON, SW1P 1SB

Partial demolition and remodelling of the principal facades and fifth floor of the building; addition of two storeys for office use and provision of retail, restaurant and gym uses at ground and basement levels. Formation of terraces on sixth and seventh floors for office use and associated plant and cycle parking.

An updated drawing of the proposed front (south) elevation had been circulated to the Sub-Committee.

The presenting officer tabled the following additional conditions:

34. The development shall achieve an 'Excellent' rating under the BREEAM New Construction (2011 edition) (or any such national measure of sustainability for house design that replaces that scheme of the same standard).

Reason: To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021).

35. The BREEAM assessment required by condition 34 must be completed and certified by the Building Research Establishment and a copy of the certificate detailing the award score for the building shall be submitted to us within 16 weeks of first occupation. In the event that this fails to meet the proposed 'Excellent' rating or minimum score (or equivalent) a full schedule of costs and works to achieve such a rating shall be submitted at the same time. In the event that the Council considers it is practicable and reasonable to require the implementation of these remedial works to achieve such a rating such measures, or alternatives to secure off site remedial actions, shall be carried out within six months of any such determination.

Reason: To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021).

The planning officer tabled the following amended condition 32:

32. You must apply to us for approval of a servicing management plan for the retail, restaurant and gym within Class E (a) (retail), (b) (café/restaurant), (c)(i), (c)(ii), (c)(iii), (financial and professional services) and (d) (indoor sport/fitness) hereby approved. The plan must identify the process, internal storage locations, scheduling of deliveries and staffing arrangements, as well as how delivery vehicle size will be managed and how the time the delivered times spend on the highway will be minimised. You must not use this part of the development for the Class E uses hereby approved until we have

approved what you have sent us. Thereafter you must carry out the servicing according to the approved plan and for the life of the development.

Rory Joyce addressed the Sub-Committee in support of the application.

Trevor Morriss addressed the Sub-Committee in support of the application.

Stewart Marshall addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

- 1) That conditional permission, as amended, be granted, subject to:
 - a) the completion of a S106 legal agreement to secure:
 - i) payment for all the highway works immediately surrounding the site required for the development to occur, including reinstatement of the redundant crossovers and associated work to be carried out prior to occupation;
 - ii) a financial contribution of £40,058.75 (index linked and payable of commencement) to Westminster employment Service;
 - iii) a Carbon Offset Contribution of £283,575 (index linked) payable prior to the commencement of development, and
 - iv) cost of monitoring.
 - b) the following additional informatives:
 - i) the applicant be encouraged to organise a residents liaison group during the construction period, and
 - ii) WCC to investigate as part of the highways works to see if it would be possible to incorporate street tree planting (subject to services under the footway).
- 2) If the legal agreement had not been completed within six weeks of the date of the Committee resolution, then:
 - a) The Director of Place Shaping and Town Planning should consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this was possible and appropriate, the Director of Place Shaping and Town

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

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

2 LORDS VIEW ONE, LORDS VIEW, LONDON, NW8 7HJ

Erection of 2 storey extension to provide residential (Class C3) accommodation including terraces and green roofs. Associated works to include refurbishment of the existing exterior and landscaping in connection with the provision of additional parking spaces.

Lance Routh addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to an additional condition requiring electronic charging points to be installed in all new seven parking spaces.

3 2 - 8 RUTLAND GATE, LONDON, SW7 1AY

Partial demolition of existing building; remodelling of fourth floor and roof levels including openable glass roof; alterations to rear terraces at ground and fourth floor level and creation of terrace at fifth floor level; changes to fenestration; installation of plant machinery at basement, lower-ground and main roof levels; excavation to extend basement level 2; and associated external alterations.

A clarification on the floor space and on the name of the property had been circulated to the Sub-Committee by the planning officer.

An additional representation had been received from Councillor Rachael Robathan (14.07.21).

A late representation was received from the owner of 2-8 Rutland Gate (undated).

The presenting officer tabled the following amended condition 5:

Condition 5:

You must apply to use for approval of details of the following part of the development:

-Light fittings, glare shields, cowls and blinds at 6th floor level to the glass roof.

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.

Justin Black addressed the Sub-Committee in support of the application.

Simon Birkett addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

That conditional permission, as amended, be granted subject to an additional condition prohibiting the use of the green roof as a terrace area.

4 1 BOURNE HOUSE, ST VINCENT STREET, LONDON, W1U 4DB

Erection of a new roof pavilion and roof terrace space on Bourne House for use in connection with the office use (Class E) at 1 St. Vincent Street.

An additional representation had been received from the Howard de Walden Estate (15.07.21).

Late representations were received from St. Vincents Rc Primary School (undated), five local residents (undated), the Marylebone Association (undated), Councillor Karen Scarborough (18.04.21 and 19.07.21) and Environmental Health (26.05.21) as the original comments included in the Green Representations related to the previous refused application, although all the comments had been correctly set out in the consultation section of the Sub-Committee report and addressed in the report.

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to condition 7 being amended so that the terrace could only be used between 0900 and 2000 hours on Monday to Friday only.

5 37 GLOUCESTER MEWS, LONDON, W2 3HE

Variation of condition 1 and variation of conditions 4 and 8 of planning permission dated 28 January 2020 (RN 19/08415/FULL); and also Variation of condition 1 of the listed building consent dated 28 January 2020 (RN:

19/08416/LBC: for the extension to rear courtyard at lower ground floor level, replacement of lower ground floor external windows and doors, NAMELY, to amend the design of the windows and doors including the incorporation of double glazing, replace the courtyard tiling, and provide details of waste storage areas.

The presenting officer tabled a minor alteration to the description of the application which should have stated conditions 4 and 8 were being varied not removed.

RESOLVED UNANIMOUSLY:

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

6 23-25 BROOK STREET, MAYFAIR, LONDON, W1K 4HB

Reopening of the front lightwell and reinstatement of the railings at 25 Brook Street, with new access ramp to ground floor entrance.

An additional representation had been received from Handel & Hendrix (15.07.21).

Alex Homfray addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

- 1) That conditional permission be granted.
- 2) That the making of a draft Order pursuant to Section 247 of The Town and Country Planning Act (1990) (as amended) for the stopping up of parts of the public highway to enable the development to take place be authorised.
- 3) That the Director of City Highways, Executive Director of City Management and Communities, or other such proper officer of the Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the Order and to make the Order as proposed if there were no unresolved objections to the draft Order.
- 4) That conditional listed building consent be granted.

- 5) That the reasons for granting listed building consent as set out in Informative 1 of the draft decision notice be agreed.

The Meeting ended at 9.32pm.

CHAIRMAN: _____

DATE _____

Agenda Annex

**CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 14th September 2021
SCHEDULE OF APPLICATIONS TO BE CONSIDERED**

Item No	References	Site Address	Proposal	Resolution
1.	RN(s): 20/03862/FULL	Development Site At 117 - 125 Bayswater Road, 2 To 6 Queensway, Consort House And 7 Fosbury Mews London Lancaster Gate	<p>Variation of condition 1 (Approved drawings) of planning permission dated 27 November 2017 (RN 17/02957/FULL) which was a Variation of Conditions 1 and 6 of planning permission dated 2 March 2017 (RN 15/10671/FULL) for the demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House. to vary the approved drawings to amend the ground floor frontage to allow the existing bureau de change to remain in situ and be part of the scheme temporarily and to extend the spa over all three basement levels rather than two. NAMELY, to vary the approved drawing numbers for Removal of the Building Maintenance Unit (BMU) and re-location of plant at Level 9 to ground and lower ground floors, reconfiguration of Levels 8 and 9; passenger lift access to all floors, lift overruns at roof level; north façade rationalisation; alterations to the external materiality of the building and incorporating a higher percentage of stone in the proposals.</p>	
Recommendation				
<p>Grant conditional permission, subject to:-</p> <ul style="list-style-type: none"> a) the completion of a Deed of Variation to the earlier legal agreement dated 27 November 2017 to link those obligations to this permission b) A new additional planning obligation to secure a carbon off-set contribution of £821,819 (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 £TBC towards the Westminster Employment Service (index linked and payable on commencement of development) d) A new additional planning obligation to make available the servicing turntable within the development for the benefit of those servicing Consort House in accordance with the Servicing Plan and at Nil cost and for the owner of Consort House to use all reasonable endeavours to encourage tenants of exists leases to undertake servicing in this way and to negotiate new leases to require servicing to be undertaken in this way <p>2.If the s106 agreement has not been completed within 3 months from the date of the Committee's resolution then:</p>				

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 14th September 2021
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>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</p> <p>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> <p>3. That Sub-Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning act 1990 for the stopping up of parts of the public highway to enable this development to take place.</p> <p>4. That the Director of Place Shaping and Town Planning, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in connection with the making of the orders and to make the orders as proposed if there are no unresolved objections to the draft orders. The applicant is to cover all costs of the Council in progressing the stopping up orders.</p>			
Item No	References	Site Address	Proposal	Resolution
2.	RN(s): 21/02380/FULL Bryanston And Dorset Square	36 Linhope Street London NW1 6HU	Change of use of building from office (Class E) to educational use (Class F1).	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
3.	RN(s): 21/01948/FULL Abbey Road	Flat 1 William Court 6 Hall Road London NW8 9PA	Conversion of ground floor two-bedroom apartment and basement area to form two 2-bedroom maisonettes. Associated external works including, creation of lightwells with railings, installation of new side windows and door access to the new apartment, and double doors to the rear elevation.	
	Recommendation Grant conditional permission			
Item No	References	Site Address	Proposal	Resolution
4.	RN(s): 21/03794/FULL Little Venice	Flat 2 121 Sutherland Avenue London W9 2QJ	Amalgamation of flats 2 and 4 to create a 4 bedroom family dwelling.	

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 14th September 2021
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Recommendation Refuse permission – loss of flat			
Item No	References	Site Address	Proposal	Resolution
5.	RN(s): 20/08346/FULL West End	49 Newman Street London W1T 3DZ	Partial demolition including rear facades and fourth floor mansard roof; a new brick elevation at fourth floor and mansard roof at fifth floor; rear extension; installation of new shopfront and windows; re-configuration of entrances; repair of retained elevations; extension of the chimney stack; basement excavation; connection of the basement, ground and fifth floors to 50-57 Newman Street in connection with hotel use (Class C1), continued use of the first, second, third and fourth floors as self-contained residential flats (Class C3); private terrace at rear fifth floor level in connection with the hotel use and associated external works.	
Recommendation Grant conditional permission				
Item No	References	Site Address	Proposal	Resolution
6.	RN(s): 21/00847/FULL West End	13 - 15 Rathbone Street London W1T 1NB	Erection of rear second floor extension to existing office building, amendments to existing rear terrace and creation of new terrace space at third floor level on top of new extension, erection of new roof terrace space with associated balustrade and access at main roof level.	
Recommendation Grant conditional permission				
Item No	References	Site Address	Proposal	Resolution
7.	RN(s): 21/00312/FULL St James's	32 Buckingham Palace Road London SW1W 0RE	Use of an area of the highway measuring 9.8m x 1.65m for the placing of 8 tables, 16 chairs and 1 planter in connection with the existing ground floor use.	
Recommendation Grant conditional permission				

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Agenda Item 1

Item No.
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CITY OF WESTMINSTER		
PLANNING APPLICATIONS SUB COMMITTEE	Date 14.09.2021	Classification For General Release
Report of Director of Place Shaping and Town Planning		Ward(s) involved Lancaster Gate
Subject of Report	Development Site At 117 - 125 Bayswater Road, 2 To 6 Queensway, Consort House And 7, Fosbury Mews, London	
Proposal	Variation of condition 1 (Approved drawings) of planning permission dated 27 November 2017 (RN 17/02957/FULL) which was a Variation of Conditions 1 and 6 of planning permission dated 2 March 2017 (RN 15/10671/FULL) for the demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House. to vary the approved drawings to amend the ground floor frontage to allow the existing bureau de change to remain in situ and be part of the scheme temporarily and to extend the spa over all three basement levels rather than two. NAMELY, to vary the approved drawing numbers for Removal of the Building Maintenance Unit (BMU) and re-location of plant at Level 9 to ground and lower ground floors, reconfiguration of Levels 8 and 9; passenger lift access to all floors, lift overruns at roof level; north façade rationalisation; alterations to the external materiality of the building and incorporating a higher percentage of stone in the proposals.	
Agent	DP9	
On behalf of	Bayswater Road (Holdings) Limited	
Registered Number	20/03862/FULL	Date amended/completed
Date Application Received	22 June 2020	June, July 7 November and December 2020 & February & July 2021
Historic Building Grade	Unlisted	
Conservation Area	Within Queensway CA & adjacent to Bayswater CA (east) and Royal Parks CA (south)	

1. RECOMMENDATION

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1. Grant conditional permission, subject to:-
- a) the completion of a Deed of Variation to the earlier legal agreement dated 27 November 2017 to link those obligations to this permission
 - b) A new additional planning obligation to secure a carbon off-set contribution of £821,819 (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 £TBC towards the Westminster Employment Service (index linked and payable on commencement of development)
 - d) A new additional planning obligation to make available the servicing turntable within the development for the benefit of those servicing Consort House in accordance with the Servicing Plan and at Nil cost and for the owner of Consort House to use all reasonable endeavours to encourage tenants of exists leases to undertake servicing in this way and to negotiate new leases to require servicing to be undertaken in this way
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

Permission is sought to vary an earlier 2017 planning permission (as subsequently amended by way of a number of non-material amendments), which granted the redevelopment of the site to provide a new building of ground, triple basement and 9 upper floors for mixed-use purposes. The development has been implemented, demolition undertaken, and construction works well underway. The South East Bayswater Residents Association, Notting hill East Neighbour Forum and 11 residents from Consort House as well as the Consort House Residents Association have raised concerns with respect to design, transportation and amenity matters.

The key issues are:

- The impact of the design changes on the character and appearance of the building and

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1

- conservation area, including the setting of surrounding conservation areas.
- The impact of the plant box to rear access road on servicing of Consort House.
 - The impact of amendments on resident's amenities.

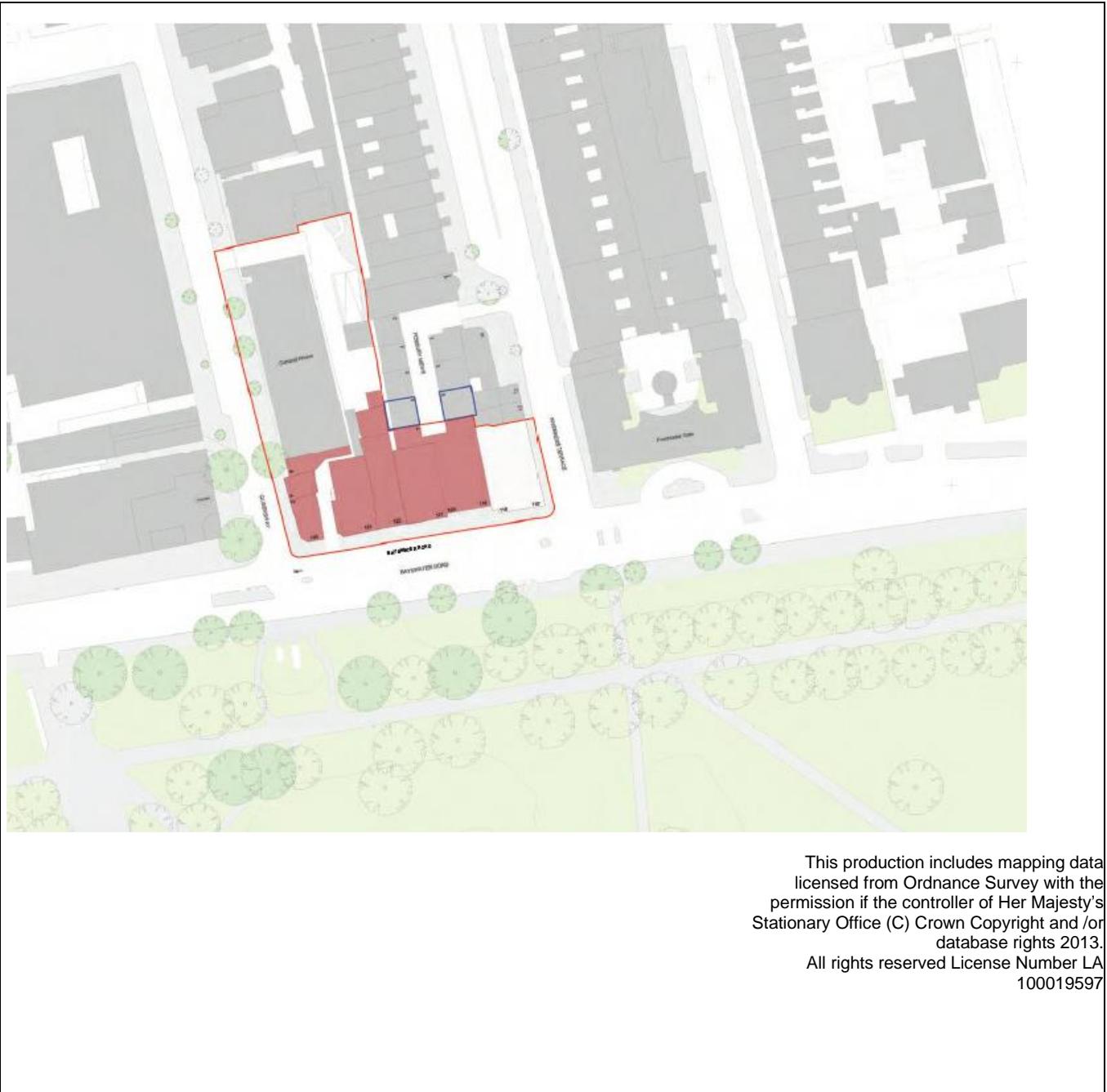
The amendments are overall considered to be acceptable. The design amendments reflect a detailed design development process and are not considered to change the ultimate effect that the development would have on the conservation areas or registered park although it is acknowledged that some of the design amendments diminish the overall merits of the proposed design and give the appearance of a bulkier building, a concern also raised by the Parks and Gardens Trust. Royal Parks whilst not objecting to the proposed internal alterations reiterate their objection to the original scheme.

As in the case of the original permission, it is considered that the overall benefits of the development remain sufficient to outweigh the harm already caused to the conservation area through the demolition of the pre-existing buildings.

Subject to suitable conditions and a Deed of Variation of the earlier legal agreement to link all of the original obligations, including financial contributions towards Affordable Housing and Queensway Streetscape improvements and further obligations including to secure alternative servicing arrangements for Consort House, Carbon Offset contribution, the application is recommended favourably.

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3. LOCATION PLAN



Item No.
1

4. PHOTOGRAPHS



Pre-Demolition

Item No.
1



Construction works well underway

Item No.
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5. CONSULTATIONS

ORIGINAL CONSULTATION JULY & NOVEMBER 2020

GREATER LONDON AUTHORITY

No comment, not of strategic importance.

TRANSPORT FOR LONDON

No comment

Design changes will not affect the highway network or any of the transport elements of the proposal. TfL does not consider there to be any impact on the transport network and associated infrastructure.

LONDON UNDERGROUND LIMITED

No comment. The planning applicant is in communication with London Underground engineers with regard to the development.

THAMES WATER UTILITIES LTD

No objection.

ENVIRONMENT AGENCY

No response.

NHS CENTRAL LONDON

No response.

WESTMINSTER PRIMARY CARE TRUST

No response.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

No comment.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection.

The site is located along a Roman road with potential for roadside features. An archaeological evaluation was undertaken and reported on in January 2020 by Archaeology South East. The results of the evaluation indicated that the development should not impact upon highly significant archaeological remains. The full evaluation report should be submitted in order to recommend discharge of the archaeological condition.

THE ROYAL PARKS

Objection.

After reviewing all the details submitted for this planning application, The Royal Parks in principle do not object to the internal alterations and continue to strongly object to the increased height and encroachments that will negatively impact the Grade 1 listed landscape of Kensington Gardens. Our key concern continues to be the encroachment of the public realm into Kensington Gardens as a part of improvements to the road

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junction with the wider aspirational plans for the public realm heavily impacting upon Grade 1 Listed Crown Land.

FRIENDS OF HYDE PARK & KENSINGTON GARDENS
No response.

LONDON PARKS AND GARDENS TRUST

Objection.

Bringing forward the upper level setback floors erodes the attempt to avoid the building becoming overbearing and dominant in the streetscape and, by token of its close proximity, to dominating the Grade I park opposite. AVRs also demonstrate the loss of design flair as bringing forward the floors results in the loss of shadow lines emphasising the USP of the building which is the curving line of the brise soleil. See in particular AVRs 8, 11 & 12. Generally, the loss of varied materiality and recess has led to a blandness through loss of colour, finish and shadow emphasising the articulation of the facades.

ROYAL BOROUGH OF KENSINGTON & CHELSEA

No objection, subject to informative regarding construction vehicles.

WARD COUNCILLORS FOR LANCASTER GATE

Any response to be reported verbally

BAYSWATER RESIDENTS' ASSOCIATION

Any response to be reported verbally

NOTTINGHILL EAST NEIGHBOUR FORUM

Comment.

Object to shadowing to north, to bulk and height, lack of architectural articulation to balconies being a danger to major pavement, to lack of greening, to lack of garden, lack of trees, to lack of publicly accessible space on virtually any upper level. We also support comments of London Parks and Gardens Trust. The houses and flats that are set to the north are cast into deep shadow, lack of light, and blight.

SOUTH EAST BAYSWATER RESIDENTS' ASSOCIATION

Objection.

Plant noise and associated implications for servicing, design and visual amenity.

Noise concern from new plant to rear to Consort House. Should have condition that a supplementary detailed noise assessment report is carried out to ensure it meets all the specified noise levels etc.

Concerns over proposed increase in height of the lift structures, trust increase in height is not detrimental to the views from Kensington Gardens (Royal Parks) opposite and from other aspects. Lack of design details of proposed metal grills to hide unattractive air conditioning units at back of shop units at of Consort House (units at No's 8 to 24 Queensway).

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Loss of servicing bay at rear of Consort House including refuse storage- essential that servicing from the rear is still provided for all the shops and restaurant units under Consort House and should provide detailed Servicing Management Plan including refuse storage to ensure that the shops and restaurant units under Consort House can be properly serviced from the rear, to avoid servicing from Queensway (particularly with the new Public Realm Improvement Project well underway).

The new internal turntable to servicing bay should not be noisy and measures in place for if it breaks down.

Rely on officers for assessment on details of materials and changes in details of elevations and balconies etc.

No objection to; increase in size of penthouse flat, changes from duplex flats to larger flat on one floor; design changes to entrance foyer of flats and elevation changes to Bayswater Road, removal of BMU unit for window cleaning, changes to north elevation, split of commercial unit subject to sufficient extraction; basement bike racks, subject to not affecting carparking provision.

Welcome the indicative proposals for area under archway leading to rear of Consort House and the Q Car Park. Not clear if these vague indicative proposals form part of application and who is going to implement them (Park Modern the applicant, Bourne Capital or Q Car Park).

ST JOHN'S WOOD SOCIETY
Comment.
Defer to SEBRA

ENVIRONMENTAL HEALTH
Objection.
Further information required with regard to plant and noise, lift overrun, extract grilles.

HIGHWAYS PLANNING
Comment.
Request for additional information/clarifications/justifications relating to substantially altered design of loading bay and introduction of turntable, decrease in vehicle space to the rear of the property (Consort House) and implications for servicing of this development site and or Consort House, reduction in servicing space for servicing for both properties (replaced by plant room), waste storage/collection process removal of cycle parking from the approved development, changes to the access from Queensway and down the rear of Consort House - and whether these within the scope of this planning application.

WASTE PROJECT MANAGER
Objection.
Further detail required on labelling of different waste streams. Waste strategy remains the same and waste storage remains at basements 1 and 3 and ground floor.

BUILDING CONTROL
No objection.

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ARBORICULTURAL MANAGER

Loss of green wall undesirable. Landscaping to Inverness should be reinstated

DESIGNING OUT CRIME

Any response to be reported verbally. No response.

PARKS & GARDENS

No comment.

AFFORDABLE HOUSING SUPPLY MANAGER

Any response to be reported verbally

ADULT & COMMUNITY SERVICES

Any response to be reported verbally

CHILDREN'S SERVICES

Comment. The anticipated child yield arising from new residential units can be accommodated in current primary school capacity, which is expected to continue. There is a deficit in secondary school places which is being addressed by the expansion programme.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 101

Total No. of replies: numerous replies from 12 objectors all within/associated with Consort House, including from the Residents Association of Consort House on behalf of all of the residents of Consort House and three with unnumbered addressed within Consort House.

No. of objections: 12

No. in support: 0

AMENITY

Noise, Heat and Vibrations

- Noise impact/24 hour noise/heat/vibrations on Consort House residents from 2 large chillers to the rear
- Noise assessment location points, not close enough to Consort House residents and is therefore irrelevant.
- Noise Assessment is inadequate and misleading
- Noise report does not clearly show expected changes to background noise levels to rear of Consort House and rear of Fosbury Close.
- The rear of Consort house is currently quiet
- New noise report should be submitted to take account of current and expected noise levels 1m from Consort House and Fosbury Mews.
- Refer to the decision notice Condition 10 issued by the City Council (dated 02.03.17), which refers to noise levels as compared to background noise at a

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point 1 metre outside any window of any residential and other noise sensitive property.

- Consort house residents living standards have been sacrificed to allow big developers to take fullest advantage of their land, providing significant income to themselves and of course to Westminster borough while we are the underdogs who can achieve nothing to maintain their property to the standard we have hitherto enjoyed.
- The original plans should be honoured to preserve the neighbouring residents' quality of life and enjoyment of their own homes.

Daylight /Privacy/Views

- Further impact on daylight, sunlight and privacy, intrusiveness to Consort House from loss of curves replaced with 90 degree corners.
- 4th floor north balcony with 2 doors leading into it from rooms in a proposed flat will be used and not a "a non-trafficable roof"
- The removing of the curvature and the proposed new amended design makes for a larger balcony area than originally approved and is far more imposing and overlooking for the neighbouring residents.

DESIGN

- Changes to the 9th floor and new lift extensions above it (due to lift overrun) increase the overall height, volume and "bulkiness" of the development.
- This development has already been anecdotally objected to as being oversized in the original planning sub-committee public hearing.
- Changes to maintenance access means removal of the green wall on the North facade and changing it to stone. This removes gardens, planters and greenery which would otherwise have positive environmental and visual aspects.
- Change to building facade will make the building less aesthetically appealing
- This is the 10th variation of the original permission - and each one there is an increase in residential floor space. The current proposal shows the building height has been increased from the approved from 62.15 to 62.45 (AOD) plus now the addition of a lift overrun around 1.2m - so the building height is 1.5m higher than approved. The design is altered yet again (value engineering) - at some point the design rational of the approved scheme will be comprised.

TRANSPORTATION/HIGHWAYS

- Due to the new location of the plant and cancellation of maintenance access via Fosbury Mews, there will be increased traffic and noise levels in the back of Consort House.

CONSTRUCTION IMPACT

- Noise from construction work has been intolerable.
- Residents have already endured constant noise, block of daylight, obstruction of view and other disturbance due to the Park Modern development.
- The proposed changes will add more inconvenience and harm to our lives and damage to our property values.

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- It is regrettable that the Council has failed to restrict construction hours during lockdown when most, if not all of us, have been working from home, despite complaints.

AFFORDABLE HOUSING /CIL

- The increase in residential floor space should attract further affordable housing contribution and possible increased CIL.

PROCEDURAL MATTERS

- The current application cannot be lawfully determined due to the changes that had been made to the scheme which affect the operative part of the original consent, making it impossible to use a Section 73 application to make the proposed changes to the scheme. On this matter I refer the Council to the Court of Appeal decision in Finney and Welsh Ministers (2019) EWCA Civ 186.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

RECONSULTATION (FEBRUARY 2021- UPDATED DOCUMENTS AND CLARIFICATIONS INCLUDING: NOISE ASSESSMENT; TRANSPORT ADDENDUM, REVISED DESIGN AND ACCESS STATEMENT, REVISED DESIGN DETAILS AND ASSOCIATED REVISED DRAWINGS)

GREATER LONDON AUTHORITY

No comment, no of strategic importance.

TRANSPORT FOR LONDON

Any response to be reported verbally.

LONDON UNDERGROUND LIMITED

No comment. The planning applicant is in communication with London Underground engineers with regard to the development.

THAMES WATER UTILITIES LTD

Any response to be reported verbally

ENVIRONMENT AGENCY

Any response to be reported verbally

NHS CENTRAL LONDON

Any response to be reported verbally

WESTMINSTER PRIMARY CARE TRUST

Any response to be reported verbally

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

No comment.

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HISTORIC ENGLAND (ARCHAEOLOGY)

No objection.

The site is located along a Roman road with potential for roadside features. An archaeological evaluation was undertaken and reported on in January 2020 by Archaeology South East. The results of the evaluation indicated that the development should not impact upon highly significant archaeological remains. The full evaluation report should be submitted in order to recommend discharge of the archaeological condition.

THE ROYAL PARKS

Comment.

After reviewing all the details submitted for this planning application, with particular note to the revisions made, The Royal Parks in principle do not object to the internal alterations as proposed as these revisions alone do not impact Kensington Gardens. However, The Royal Parks response to the consultation for the proposed scheme as outlined in the 2016 submission still stands and we object to the increased height and encroachments that we feel will negatively impact the Grade 1 listed landscape of Kensington Gardens.

LONDON PARKS AND GARDENS TRUST

Any response to be reported verbally.

FRIENDS OF HYDE PARK & KENSINGTON GARDENS

Any response to be reported verbally

THE GARDENS TRUST

Any response to be reported verbally

ROYAL BOROUGH OF KENSINGTON & CHELSEA

No objection, subject to informative regarding construction vehicles

WARD COUNCILLORS FOR LANCASTER GATE

Any response to be reported verbally

BAYSWATER RESIDENTS' ASSOCIATION

Any response to be reported verbally

SOUTH EAST BAYSWATER RESIDENTS' ASSOCIATION

Overall position remains the same. Do not want design to be downgraded, concerned with plant noise, and principle of relocating plant to servicing bay. Cannot assess merits of other proposed changes to rear of Consort House, as not part of this proposal. No idea of hours of operation of loading bay. Location of plant wrong for Consort House.

ST JOHN'S WOOD SOCIETY

Comment. We support any comments made by SEBRA and other local Residents' associations.

ENVIRONMENTAL HEALTH

No objection, subject to conditions.

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HIGHWAYS PLANNING

Refuse, introduction of external plant area will adversely affect the off-street servicing provision for Consort House. NB/ Legal note has since been received to address this issue.

WASTE PROJECT OFFICER

No objection, subject to condition

BUILDING CONTROL

Any response to be reported verbally

ARBORICULTURAL SECTION

Terrace planting will be omitted from levels 06, 08 and 09 due to these areas being inaccessible for maintenance and cleaning. Soft landscaping is reinstated in the drop off area in raised planters. Whatever landscaping that is installed here will be very limited due to the absence of any soil depth and very little natural light and so this planting scheme will offer minimal amenity, biodiversity or environmental benefits. Overall, the proposals are disappointing with no significant, sustainable greening or soft landscaping proposed.

DESIGNING OUT CRIME

Any response to be reported verbally

PARKS & GARDENS

Any response to be reported verbally.

AFFORDABLE HOUSING SUPPLY MANAGER

Any response to be reported verbally

ADULT & COMMUNITY SERVICES

Any response to be reported verbally

CHILDREN'S SERVICES

The anticipated child yield arising from new residential units can be accommodated in current primary school capacity, which is expected to continue. There is a deficit in secondary school places which is being addressed by the expansion programme.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 101

Total No. of replies: from 10 objectors all within/associated with Consort House, and one with unnumbered addressed within Consort House.

No. of objections: 10

No. in support: 0

AMENITY

- Noise from plant
- Intolerable noise, heat & vibration
- Applicant uses Covid uses an excuse for not submitting valid and independent

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noise testing

- The movement of the air conditioning units to ground level at the back of the development will cause significant noise pollution. They were properly catered for in the original application being sited on the roof. The noise for the apartment will be substantially and unnecessarily increased.
- Plant should remain on the roof
- Only reason for proposal for plant is so that the applicant can add residential floorspace.
- The updated noise assessment report does not include a noise survey at receptor points 1m outside any window at the Consort House facade (6.3m to 9.2m distance from the proposed location of the plant) and the Fosbury Mews facade (1.6m to 3.8m distance from the proposed location of the plant).
- The fill in on the 9th and 10th floor is unacceptable . and to add insult to injury the right angling of the façades and balconies creates further imposition on the privacy of the neighbours especially in consort house.
- The BMUs service the Park Modern development so they should stay there in that building as originally provided for.
- I would like to take this opportunity to request Westminster Council to assess if the current machinery and extraction duct units bolted into Consort House meet the noise and vibration limits.

DESIGN

- In terms of the building facade, the applicant insists on squaring off the facade. Given the scale of the project it will be a real shame if this is permitted. There will be no curvature to soften its already dominating presence. In our opinion it was one of the few redeeming features of a project of this size. This is again for the developer to profit at the cost of the neighbour society.

OTHER

- All of these applications are a waste of time and public resources
- For well over 2 years now, Consort House has had more than its fair share of noise coming in from all directions, incl. from Park Modern and from road work on Queensway. We urge the applicant to draw a line and stick to the approved planning permission so far, certainly not to raise the same proposal repeatedly without seriously addressing our concerns. Enough is enough

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site originally comprised of a street block between Queensway and Inverness Terrace incorporating 117-125 Bayswater Road, Nos.2-6 Queensway, and basement car park to Consort House & No.7 Fosbury Mews. The entire site is located within the Queensway Conservation Area and lies adjacent to both the Bayswater Conservation Area (to the east) and the Royal Parks Conservation Area (to the south). Kensington Gardens, on the opposite side of Bayswater Road, which forms part of the Royal Parks Conservation Area, is listed as a grade I park on the Register of Historic Parks and

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Gardens. The nearest listed buildings are the grade II listed Victorian terraces on Inverness Terrace.

Overall, the site was in mixed-use purposes for retail, restaurant, dentist, hotel, and residential uses. The site along with the length of Queensway and Westbourne Grove is located within the designated Queensway/Bayswater Road Stress Area. Furthermore, most of the Bayswater and the Queensway frontages form part of the Queensway/Westbourne Grove Major (District) Shopping Centre. 119-123 Bayswater Road is designated secondary frontage, with 125 Bayswater Road and 2-6 Queensway are designated as Core frontage

Planning permission has been granted for the redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House. The original permission was subject to a non-material amendment and a Minor Material Amendment in November 2017. This permission was then subject to a number of Non Material Amendments as detailed within the history section of this report. Works are well underway on site.

6.2 Recent Relevant History

Original permission

Conditional planning permission was granted on 02.03.2017 for the Demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House. (15/10671/FULL). This permission is governed by a legal agreement.

1st NMA

Non Material Amendment granted on 22.03.2017. Amendments to planning permission dated 2 March 2017 (RN: 15/10671/FULL) for: Demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House. Namely, changes to the approved dentist layout and consequential adjustments to the residential layouts on the first and second floors of the scheme and to the wording of Condition 5 to reflect these changes. (17/01901/NMA)

First Variation

Permission granted on 27.11.2017 for Variation of Conditions 1 and 6 of planning permission dated 2 March 2017 (RN 15/10671/FULL) for the demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7

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Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House. NAMELY, to vary the approved drawings to amend the ground floor frontage to allow the existing bureau de change to remain in situ and be part of the scheme temporarily and to extend the spa over all three basement levels rather than two. (17/02957/FULL). This permission is governed by a Deed of Variation of the legal agreement dated 02.03.2017 between the applicant and us under Section 106 of the Town and Country Planning Act 1990.

A Deed of Variation of the original S106 legal agreement secures the following:-

- i) to ensure all original obligations are met under this variation
- ii) incorporate a new obligation to secure the completion of the development in its entirety by a long stop date to capture the temporary/interim proposals for the bureau de change on the corner of Bayswater Road and Queensway.

The original agreement relates to:-

- a) A financial contribution of £11m to be paid towards the City Council's affordable housing fund (index linked and on a phased payment scheme as set out below) :
 - 1. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest)
 - 2. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 20th residential unit (whichever is the earliest)
 - 3. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 30th residential unit (whichever is the earliest)
 - 4. £2m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 40th residential unit (whichever is the earliest)
- b) A financial contribution of £2.5m towards the City Council's Queensway and Westbourne Grove Streetscape Improvement Project (index linked and payable on commencement of development).
- c) Provision of Public Art and Tom Harris Memorial (as required by condition 27) to the value of no less than £100,000 (index linked) prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest).
- d) The applicant to comply with the City Council's Code of Construction Practice, provide a Site Environmental Management Plan (SEMP) prior to commencement of development and provide a financial contribution £ 120,000 to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.
- e) Operation of the development in accordance with the Car Parking Strategy (as required by condition 21 and on an unallocated basis).
- f) Highways works immediately surrounding the site required for the development to occur, and to mitigate the impact of the development, including changes to on street restrictions and, reinstatement and creation of vehicle crossovers and associated work prior to the occupation of the development and all the costs associated with the highways works (to include legal, administrative and physical) are to be borne by the Developer.
- g) Dedication of Highway at no cost to the City Council prior to occupation.
- h) The costs of monitoring the S106 legal agreement.

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1st NMA

Non Material Amendment granted on 07.12.2018 for Amendments to planning permission dated 27 November 2017 (RN: 17/02957/FULL) which itself Varied of Conditions 1 and 6 of planning permission dated 2 March 2017 (RN 15/10671/FULL) for the demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House. Namely, to amend wording and trigger for approval of Public Art details under Condition No.27.(18/09147/NMA)

2nd NMA

Non Material Amendment granted on 07.12.2018 for Amendments to planning permission dated 27 November 2017 (RN: 17/02957/FULL) which itself Varied Conditions 1 and 6 of planning permission dated 2 March 2017 (RN 15/10671/FULL) for the demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House. NAMELY, to vary the approved drawings to amend the ground floor frontage to allow the existing bureau de change to remain in situ and be part of the scheme temporarily and to extend the spa over all three basement levels rather than two. Namely, to allow amendments to the southwest corner of the site to exclude temporary retention of bureau de change and allow full demolition and construction in one phase. (18/09217/NMA)

3rd NMA

Non Material Amendment granted on 07.12.2018 for Amendments to planning permission dated 27 November 2017 (RN: 17/02957/FULL) which itself Varied Conditions 1 and 6 of planning permission dated 2 March 2017 (RN 15/10671/FULL) for the demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House. NAMELY to amend its layout so that its space will be over two storeys rather than three. The dentist space at 1st floor level of the scheme (the 2nd storey of the dentist) will therefore be increased so that it provides for three treatment rooms and a staff room. Space that was approved as part of the dentist on the 2nd floor of the scheme will become residential.(18/09972/NMA)

4th NMA

Non Material Amendment granted on 07.12.2018 for Amendments to planning permission dated 27 November 2017 (RN: 17/02957/FULL) which itself Varied Conditions 1 and 6 of planning permission dated 2 March 2017 (RN 15/10671/FULL) for the demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground

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and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House. NAMELY, variation of Condition 3, revised wording regarding the requirement for Code of Construction Practice.(18/10003/NMA)

5th NMA

Non Material Amendment granted on 22.11.2019 Amendments to planning permission dated 27 November 2017 (RN: 17/02957) for variation of Conditions 1 and 6 of planning permission dated 2 March 2017 (RN 15/10671/FULL) for the demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House. Namely, to vary the approved drawings to amend the ground floor frontage to allow the existing bureau de change to remain in situ and be part of the scheme temporarily and to extend the spa over all three basement levels rather than two, NAMELY, reconfiguration of the internal lift cores of the building and the layout of levels 1 - 7 and result in the size of five of the units changing from 4 bed units to 3 bed units.(19/08943/NMA)

6th NMA

Non Material Amendment granted on 18.08.2020 Amendments to planning permission dated 27 November 2017 (RN: 17/02957) for Variation of Conditions 1 and 6 of planning permission dated 2 March 2017 (RN 15/10671/FULL) for the demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House. NAMELY, to vary the approved drawings to amend the ground floor frontage to allow the existing bureau de change to remain in situ and be part of the scheme temporarily and to extend the spa over all three basement levels rather than two; NAMELY, to set back the north-east corner of the proposed development at ground to the fifth floor levels by 500mm to accommodate an appropriate set-back from the rear of Inverness Terrace. (20/05004/NMA)

7th NMA

Non Material Amendment granted on 17.03.2021 Amendments to planning permission dated 27 November 2017 (RN: 17/02957/FULL) for Variation of Conditions 1 and 6 of planning permission dated 2 March 2017 (RN 15/10671/FULL) for the demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House. Namely, to vary the approved drawings to amend the ground floor frontage to allow the existing bureau de change to remain in situ and be

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part of the scheme temporarily and to extend the spa over all three basement levels rather than two, NAMELY to amend wording of condition 24 in order to allow sufficient time for officers to review the sample panel so that the trigger for details to be approved is amended to refer to the construction of the external envelope. Revised wording of condition 24 to require approval of fabricated sample panel before work on the external envelope of the building rather than the super structure.(21/00837/NMA)

8th NMA

Non Material Amendment granted on 17.03.2021 Amendments to planning permission dated 27 November 2017 (RN: 17/02957/FULL) for Variation of Conditions 1 and 6 of planning permission dated 2 March 2017 (RN 15/10671/FULL) for the demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House. NAMELY, to vary the approved drawings to amend the ground floor frontage to allow the existing bureau de change to remain in situ and be part of the scheme temporarily and to extend the spa over all three basement levels rather than two. NAMELY, to amend trigger for requiring design details from prior to work on super structure to prior to work on external envelope (Condition 25).(21/01046/NMA)

CLEUD Application

Certificate Issued on 04.03.2020 To confirm that works undertaken on the site to demolish the buildings has lawfully commenced in accordance with the implementation of planning permission dated 27 November 2017
(RN:17/02957/FULL).(19/09540/CLEUD)

Other Application

Conditional permission granted on 17.05.2021 for Use of part ground floor (entrance only) and Levels B1 (part) to B2 (All) as a healthcare facility (Use Class E) and associated internal works. (21/01042/FULL)

Approval of Details

A number of Approval of Details Applications have been discharged.

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:-

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"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 2014 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 November 2017 permission (As Amended by a number of Non-Material Amendments). The applicant has stated that the application relates to design and other amendments that have emerged during design development. .

This application is for a S73 Minor Material Amendment to the implemented extant permission. During the course of the application, in July 2020 and then again in November 2020, the applicant provided additional information in support of the proposal including revised drawings, updated design and access statement, noise impact assessment, transport assessment, updated energy and sustainability statement and comparative area schedule, together with a response to a number of matters raised by officers.

A further revised noise report was submitted in December 2020 and further revised drawings, Design & Access Statement, Transport Addendum Note and Noise Report in February 2021. Latterly a note on servicing and access and most recently (July 2021), the applicant provided a note prepared by Fenton Whelan's solicitors, BCLP, regarding the use of the rear access and internal turntable in Park Modern (the application site) by the retail tenants in the adjacent Consort House.

The applicant has indicated that the purpose of the application is to consolidate changes which have been incorporated during the design development and five key changes are set out (1-5 below). In addition, officers duly noted additional amendments indicated in the submission which were not explicitly mentioned:

1. Removal of the Building Maintenance Unit and relocation of plant at Level 9 to ground and lower ground floors.
2. Reconfiguration of Levels 8 and 9 to provide additional residential floorspace in place of the relocated plant within extended roof structure.
3. Lift overruns at roof level resultant from passenger lift access to all floors.
4. Alterations to façade.
5. Alterations to proposed external materials to be used on the building.
6. Reallocation of basement Retail floorspace to spa.
7. Alterations to servicing and refuse.
8. Green wall to perforated brick wall to Fosbury Mews.

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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

There is no overall change to the mix of uses proposed to operate within the new building, that being residential, retail, restaurant, spa and dentist. However, there are some amendments proposed to the allocation of the commercial floorspace and an increase in residential floorspace resultant from the relocation of roof top plant and repurposing of this space as residential.

The extant permission comprises of Retail and restaurant (Class E), at ground floor and basement 1 levels. The consolidation of the retail floorspace has resulted in an increase in retail floorspace of 30m² at ground floor level, but a reduction of 198m² at basement level. The applicant suggests that the location of the floorspace at basement 1 level will limit the type of retailers which would be interested in occupying this floorspace and unlikely to be lettable based on current and projected demand. A letter from Levy Real Estate dated June 2020 has been submitted in support of this element of the proposal. This advises that the retail and leisure market has undergone a permanent change in direction drive by e-commerce, changes in consumer requirements and high business rates and that restaurant space are both falling in demand and large floor plates and those at basement are not attractive for much other than storage. It also advises that if with the space requirements of Covid 19, restaurants will take a long term view not to include excessive space.

Instead, the 198m² of floorspace at basement 1 level is to be amalgamated into the proposed Spa (Class E) at basement levels. Given the basement location of the floorspace, recent changes to the Use class order and that these uses all fall within Class E, this is considered acceptable in land use terms.

A slight reduction in the Dentist space of 34m² is not considered to be controversial.

Residential floorspace would increase by 410m² under this proposal, following from the relocation of rooftop plant and repurposing of this space as residential floorspace and associated reconfiguration of levels 8 and 9. No change is proposed to the number of residential units, or the number of family sized units already permitted. The number of 1,2 and 3 bedroom flats also remains the same, however the 6x4 bedroom flats become 3x4 bedroom, 2x5bedrom and 1x6bedroom flats. Taking into account the scale of the proposal, the changes to floor space is considered to be minor in nature and is not

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considered to warrant a further viability review. A contribution of over £11m towards affordable is already secured.

Overall, the changes are considered to be acceptable in land use terms.

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.

However, other uses within Class E may have different and potentially more harmful amenity impacts than the, retail, restaurant, spa and dentist use. 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 or arriving by vehicle. 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 and Policy

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

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

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

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, policy requires that where development will have a visibly adverse effect upon a

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conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

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

Design / heritage background

Permission was originally granted in 2016 for the major redevelopment of the site providing a new building replacing the existing mix of 19th and early 20th century buildings. The principal of redevelopment to this scale was approved, in part, on the basis of the design merits of the proposed new building and the wider public benefits of the scheme outweighing the harm which would be caused through the loss of the existing buildings, and through the scale and bulk of the new building presented.

The approved building would be substantial, particularly when compared with the open landscape character of Kensington Gardens to the south, and the lower traditional townscape to the north and west. Whilst large anomalous buildings such as Consort House and Queens Court to the north, and Porchester Gate to the east, the development would represent a substantial and dominant change to the local townscape.

The proposals and their impacts and merits

The current application proposes a number of design changes to the approved development, amongst other matters. Whilst more minor changes have been approved previously, the current proposals represent the most significant batch of changes since the original approval. As presented, the changes are motivated by a range of regulatory and practical challenges which are typical for the later design stages of a development. Some of these do represent a simplification of the approved designs which overall are considered to diminish the design merits of the scheme, and in places in fact increase the impacts on the surrounding townscape, conservation areas and registered park.

Whilst overall the upper building height is effectively unchanged, the visual effect from Bayswater Road is of a slightly bulkier and apparently taller building. This is due to changes to the proposed balcony and roof edges, meaning that the upper storeys feel less recessive than approved. In views from Bayswater Road the effect is undoubtedly of a bigger building. In longer views from the Kensington Gardens, these effects are also seen, but to a lesser degree, presenting an apparently larger and less refined building than previously approved. However, given the already significant scale and bulk of the approved building, these effects are not considered to change the ultimate effect that the development would have on the conservation areas or registered park.

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Amongst the design changes proposed are changes to the profile and materiality of the prominent horizontally emphasised roof and balcony edges which create some of the distinctly horizontal lines which characterise the proposed building. As now proposed, this would continue to provide a similar balance between vertical and horizontal emphases, but some of the refinement seen with the approved would be lost by the proposal now of thicker and flatter balcony / roof edges. This is regrettable and does diminish the overall merits of the proposed design, producing a subtly greater degree of visual bulk. To the north elevations this change would be seen in particular effect where in views of the rear of the building from Queensway, where these lines previously broke up some of the apparent bulk and mass of the building as it rose above the lower components of Consort House.

Also proposed, and again most evident to the north elevation facing Inverness Terrace and Fosbury Mews, is some flattening of the elevation through the reduction of the depth between projecting and recessed bays, and the removal of the curvature in these recesses. This, coupled with the simplification of the materials proposed in these same areas, removing many of the previously approved bronze-effect metal inset panels, results in a less distinctive and more monotonous set of elevations. This again diminishes the quality of the proposed new architecture from the approved scheme.

The Parks and Gardens Trust has made representation of objection to the proposal on grounds that the design amendments to bring forward the upper level setback floors and loss of caried materiality, results in a loss of design flair and shadow lines of the curves erodes the attempt to avoid the building becoming overbearing and dominant in the streetscape and, by token of its close proximity, to dominating the Grade I park opposite.

The Royal Parks have stated they do not object to the internal alterations as proposed as these revisions alone do not impact Kensington Gardens. However, they go on to state that "*However, The Royal Parks response to the consultation for the proposed scheme as outlined in the 2016 submission still stands and we object to the increased height and encroachments that we feel will negatively impact the Grade 1 listed landscape of Kensington Gardens.*"

At lower levels, changes proposed to the southern, western, and eastern retail frontages are generally innocuous and would not affect the quality of the building proposed. To Fosbury Mews at (comparatively) low level, the revisions to the façade onto the mews is beneficial, presenting a more considered perforated brick elevation. To the rear of Consort House, the changes to provide a new plant area would continue with the intentions of collectively improving this currently problematic area alongside the parallel development of Consort House by another developer.

Overall, the proposed design changes would reduce the design quality of the proposed new building, and would in places increase the impacts which it would have on the surrounding townscape. However, due to the already significant scale and bulk, the effects of this on scale and bulk are of a sufficiently limited degree to avoid causing an overall increase in harm to the conservation areas or adjacent Registered Park. Where the changes are seen, is in reducing the margin of design merit over the harm caused through the loss of the (now demolished) historic buildings on the site which was previously considered to be sufficient to allow approval, alongside the suite of other public benefits. It is considered that those benefits (both design and other) remain

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sufficient to outweigh the harm already caused to the conservation area through the demolition of these buildings.

As such, whilst being mindful of policies 38,39 & 40 the City Plan 2019 - 2040 (April 2021), given the substantial public benefits that would be delivered, the proposal is considered acceptable in terms of its impact on the designated heritage asset(s). Therefore, the recommendation to grant conditional permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

The applicant has submitted an Addendum Daylight and Sunlight Note which indicates that the proposed amendments set out under this application do not result in any significant changes to the massing of the propose development and therefore no significant impact on the amenities of surrounding residential occupiers, when compared to the extant permission.

8.4 Transportation/Parking

Servicing and Refuse

With respect to servicing, the internal servicing/loading bay to the development is to be located at ground floor level and accessed from the rear of the site, via a rear access road running behind Consort House/Queensway. Access is from Queensway via an under-croft beneath Consort House which also provides access to the underground Queensway car park and also to the rear of Consort House/Queensway.

There is an open servicing vehicle bay area adjacent to the access road which is meant to allow off street servicing to Consent House, although it is questionable how frequently it is used by retail operators and has been the subject of sporadic unauthorised use/s.

This proposal seeks to reduce the size of the approved internal servicing/loading bay and install an internal turntable suitable to accommodate an 8m/7.5t box van as in the case of the original permission. This is considered acceptable and will maintain suitable off-street servicing for the development in the interests of highways and amenity.

Additional to this, the proposal seeks to relocate a plant box to the consort house servicing bay area, consequently removing the ability for this area to be used for off—street servicing by Consort House. This raises concern that the proposal would encourage servicing associated with Consort House/ Queensway to be undertaken from on-street on Queensway, which has just undergone streetscape improvements.

Therefore, in order to seek to address officer's concerns the applicant is proposing to make the development's internal loading bay/turntable available for the benefit of those servicing units in Consort House.

The applicant has set out details in a submitted note (July 2021) which suggests that a supplemental agreement/obligation which would be binding on the property/land and the owner of consort house, could require the following:-

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- (a) Require the Owner of the Property (Park Modern) to make available the servicing turntable within the Property for the benefit of those servicing units in the adjacent Consort House in accordance with the Servicing Access Plan; and
- (b) Include a covenant from the owner of Consort House:
 - (i) to use reasonable endeavours to encourage tenants with existing leases of any units within Consort House to service via the route shown on the Servicing Access Plan;
 - (ii) to bind itself and successors in title to service via the route shown on the Servicing Access Plan;
 - (iii) to use reasonable endeavours to negotiate within the leases of any new tenants within units in Consort House a provision requiring that the tenant of that unit to service via the route shown on the Servicing Access Plan; and
 - (iv) unless otherwise agreed in writing by the Council, to enforce the provisions in those leases if requested to do so by the Council.

Officers consider that there are two elements that need to be achieved, off street servicing for the development and alternative off- street servicing for Consort House/Queensway properties. This is in order to keep servicing off street, to mitigate against the lost servicing area to Consort House and to maintain the streetscape improvements to Queensway. The proposed legal obligation is considered to be necessary and appropriate to secure this. Therefore, subject to securing this obligation, the proposal is considered to be acceptable in transportation terms and would overcome the City Council's Highway's Planning Managers concerns.

It is also noted that the applicant and the owner of consort house are looking at an overall scheme for the under croft and access road to improve its appearance. Whilst this does not form part of this proposal, it would be welcomed in principle.

Waste

As part of the internal configuration of the building, a waste management technical note has been updated by WSP, stating that whilst the facilities provided for residential and commercial waste have been updated but remain in line with the principles set out in the extant permission.

8.5 Economic Considerations

The original application was the subject of a viability report that was independently assessed at the time of the determination of that application.

The November 2017 permission secured the combined financial contributions (both S106 and Cil) equated to approx £18.45m. At the time of first reporting the application to committee in April 2016, which was prior to Westminster adopting its Cil, the City Council's independent advisor had advised that £8.5m was the maximum viable amount of affordable housing that the scheme could afford. The final scheme included an additional affordable housing contribution of £2.5m and a Cil requirement of over £4m and it was considered reasonable to consider a bespoke phased payment of affordable housing, which the applicant had indicated, would enable their holding costs to reduce slightly (to fund these additional costs) and deliver the scheme and public benefits.

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8.6 Access

It is now proposed to extend the internal lifts to 9th floor level to ensure fully compliance DDA access. There are no further access issues, other than those mentioned in elsewhere in 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.

Whilst the proposal achieves a 35.7% reduction in Carbon emissions it does not achieve net Zero carbon. As such a carbon off-set contribution of £821,819 is required and would be allocated to projects that will reduce carbon emissions elsewhere in Westminster. 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 which is well underway 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 reduction in carbon and an offset contribution, is considered to be acceptable given these two factors.

Plant

Building Maintenance Unit (BMU)

The applicant has stated that following development of the facade maintenance access strategy, the Building Maintenance Unit (BMU) would not be able to safely access the deep reveals within the building facade. As such, the BMU is no longer proposed and omitted from the proposal. Instead, an alternative facade cleaning strategy is proposed in the form of rope access from roof mounted davits and window cleaning from inside the building. This is uncontentious.

Relocation of 2 dry air coolers from roof to ground floor

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The proposed plant and screen at roof level are to be omitted. Instead, it is proposed that the plant from the roof is relocated to the rear of the building at ground level. Two dry air cooler units are proposed located within a purpose built structure. A Noise impact assessment has been submitted in support of this element of the proposal and the City Council's noise team. In order to ensure that the noise data remains relevant post Covid 19 the City Council's Environmental Health Officer has recommended that additional spot measurements will be required to be undertaken as part of a supplementary acoustic report to be required by condition (No.13). This will require the data to be checked and noise levels agreed by our technical officers to ensure that our standard noise conditions are met for the cumulative impact of all plant across the site, in order to protect the amenities of surrounding residents including those at Consort House and Fosbury Mews.

Kitchen Extract

Insufficient detail has been provided with respect to kitchen extract and as such a condition (No.9) is recommended (as imposed on the original permission) to secure appropriate and satisfactory details prior to any restaurant use being operated. This addresses the queries raised by the City Council's Environmental Health Officer.

Louvres & other plant, lift overrun & substation

Nine louvres and 5 condenser units are proposed at ground floor level to the rear, a substation to basement and a lift overrun to the roof. As specific details have not been provided at this stage, details will be captured and assessed under the supplementary acoustic report required under condition 13 to ensure that these operate in accordance with our standard noise conditions.

The City Council's Environmental Health Officer has confirmed that the numerous technical noise conditions on the original permission remain applicable and no new conditions are recommended. Whilst a number of objections have been received from residents of Consort House on noise grounds, given the technical advice of our Environmental Health Officer, it is not considered that these concerns warrant withholding permission and that the compliance conditions with respect to noise and vibration, including a supplementary acoustic report to evidence compliance with our standard conditions provides suitable comfort and control over this aspect of the development.

Greening/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.

There are no trees on or close to the site. The originally proposed soft landscaping strategy was to create two pedestrian level green walls and a small, landscaped area to the drop off area on Inverness Terrace. One green wall on the existing boundary wall to the rear of 4-8 Fosbury Mews which would face the access road and a further green wall to part of the rear elevation of 7 Fosbury Mews at the head of the mews. A small soft landscaped area was also proposed within the residential drop off area on Inverness Terrace.

The originally proposed north facing ground floor green wall to Fosbury Mews is now proposed as a perforated brick wall. Whilst regrettable in biodiversity terms, it is an

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improvement in design and townscape terms. No other greening is proposed in mitigation. However, it is not considered that the absence of this, would warrant withholding permission on this ground.

8.8 Westminster City Plan

At the time of determination of the original planning permission in 2017 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 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 2019 unless stated otherwise.

8.12 Planning Obligations

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Original Obligations secured

The 27 November 2017 planning permission (RN 17/02957/FULL) is governed by a Deed of Variation of the original legal agreement dated 02.03.2017 ((RN 15/10671/FULL), and secured a number of planning obligations:

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- a) A financial contribution of £11m to be paid towards the City Council's affordable housing fund (index linked and on a phased payment scheme as set out below) :
 - 1. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest)
 - 2. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 20th residential unit (whichever is the earliest)
 - 3. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 30th residential unit (whichever is the earliest)
 - 4. £2m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 40th residential unit (whichever is the earliest)
- b) A financial contribution of £2.5m towards the City Council's Queensway and Westbourne Grove Streetscape Improvement Project (index linked and payable on commencement of development).
- c) Provision of Public Art and Tom Harris Memorial (as required by condition 27) to the value of no less than £100,000 (index linked) prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest).
- d) The applicant to comply with the City Council's Code of Construction Practice, provide a Site Environmental Management Plan (SEMP) prior to commencement of development and provide a financial contribution £ 120,000 to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.
- e) Operation of the development in accordance with the Car Parking Strategy (as required by condition 21 and on an unallocated basis).
- f) Highways works immediately surrounding the site required for the development to occur, and to mitigate the impact of the development, including changes to on street restrictions and, reinstatement and creation of vehicle crossovers and associated work prior to the occupation of the development and all the costs associated with the highways works (to include legal, administrative and physical) are to be borne by the Developer.
- g) Dedication of Highway at no cost to the City Council prior to occupation.
- h) The costs of monitoring the S106 legal agreement.

NB/It Also incorporated an obligation to secure the completion of the development in its entirety by a long stop date to capture the temporary/interim proposals for the bureau de change on the corner of Bayswater Road and Queensway. Although the requirement for this subsequently fell away

New/ Additional/Revised Obligations

This proposal also brings about the requirement for additional obligations :-

- a) the completion of a Deed of Variation to the earlier legal agreement dated 27 November 2017 to link those obligations to this permission
- b) A new additional planning obligation to secure a carbon off-set contribution of £821,819 (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 £TBC towards the Westminster Employment Service (index linked and payable on commencement of development)

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d) A new additional planning obligation to make available the servicing turntable within the development for the benefit of those servicing Consort House in accordance with the Servicing Plan and at Nil cost and for the owner of Consort House to use all reasonable endeavours to encourage tenants of exists leases to undertake servicing in this way and to negotiate new leases to require servicing to be undertaken in this way.

The estimated CIL payment is to be confirmed.

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

Conditions

As this is a Section 73 Minor Material Amendment Application, it has the effect of granting a fresh planning permission. As such all of the original conditions must be attached to this decision. In this particular case, some of the conditions have already been discharged and the wording of those conditions are amended to reflect that. Other conditions have been the subject to a non-material amendment and are also amended to reflect that change. Some conditions are no-longer relevant or duplicate and are therefore proposed to be omitted.

Condition 3 COCP- was subject to a NMA and appropriate arrangements (e.g. completed a S106 legal agreement) are in place with respect to the City Council's Code of Construction Practice, Site Environmental Management Plan (SEMP) and a financial contribution £120,000 to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers has been paid by the applicant.

Condition 21 (Car parking strategy) has been discharged and therefore the wording of condition 21 has been amended to reflect this.

Condition 23 (part- samples of materials), whilst this condition has been partly discharged, the material palette has changed slightly and therefore the original condition is retained.

Condition 24 (fabricated sample panel). A non-material amendment agreed revised wording of condition 24 to require approval of fabricated sample panel before work on the external envelope of the building rather than the super structure. The condition was subsequently discharged. However, as the design and materials have been amended the original condition as amended by the non-material amendment is retained.

Condition 25 (Design details). A non-material amendment agreed revised wording of

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condition 25 to require approval of details before work on the external envelope of the building rather than the super structure. The condition was subsequently discharged. However, as the design and materials have been amended the original condition as amended by the non-material amendment is retained.

Condition 27 (Public Art). A non-material amendment agreed revised wording to require details of the public art prior to the Art being installed, rather than pre-commencement. The original condition as amended by the non-material amendment is retained.

Condition 29 (Archaeology). Part a of this condition has been discharged and the condition is amended to reflect this.

Condition 30 (DSP and CLP for TFL). This has been discharged and the wording of this amended accordingly.

Condition 31 (Below ground works for LUL and Thames Water). This has been discharged and the wording of this amended accordingly.

Condition 41 (Site contamination Phases 1,2,3,4). Phases 1,2,3 have been discharged and the wording of this amended accordingly.

Conditions 4 (Reference to Car showroom, revised ground floor rear elevation to Fosbury Mews), 26 (BMI unit) are no longer necessary and condition 42 (no doors to open over the highway) is a duplicate. As such these three conditions are omitted.

Condition 41 (site contamination replaces condition 4 and 40 (Air Quality) replaces Condition 269, to save renumbering of all of the conditions.

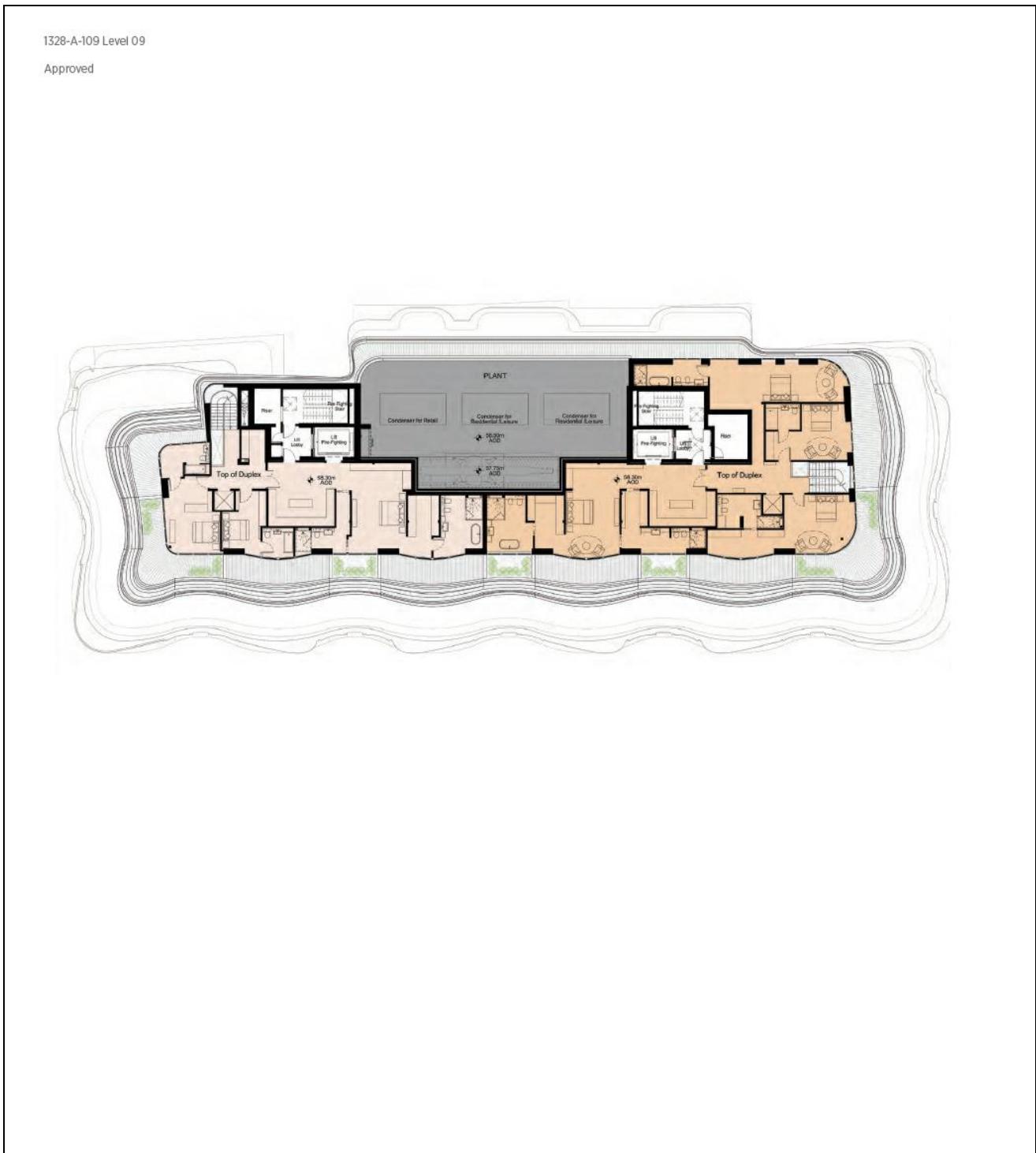
A new condition 40 (Class E restrictions is proposed)

(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 SWHITNALL@WESTMINSTER.GOV.UK

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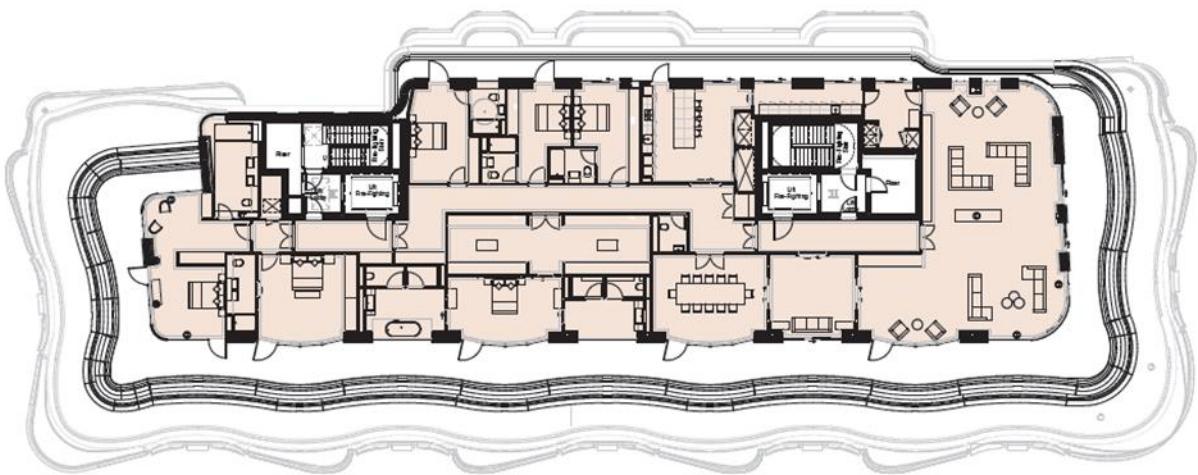
9. KEY DRAWINGS



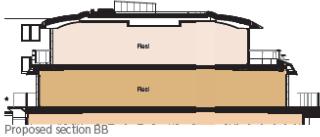
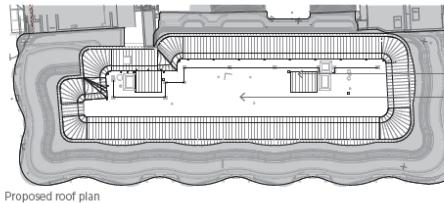
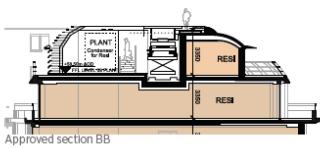
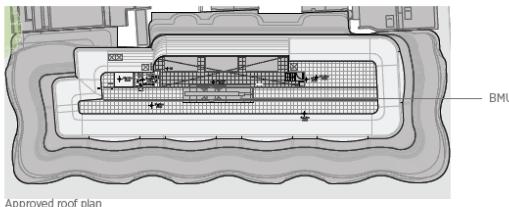
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1328-A-109 Level 09

Proposed



PROPOSED AMENDMENTS



BMU

Lift over-runs minimised
BMU omitted

Lift over-runs minimised
within regulatory limits, and
materials coordinated with
elevation

Louvred rear elevation

Cohesive rear elevation
with fully residential
appearance

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4.2.1 Aesthetic enhancement through BMU removal

The BMU has been omitted from the roof of Park Modern through design development of the facade access strategy.

After careful analysis it was found that the BMU could not enable safe access to the deep reveals in the facade (a key feature of the building design), and that the best way to access the facade was by rope from roof mounted anchor points.

This has enabled an improvement in the roof level, allowing for an increased level of accommodation and an aesthetically cleaner elevation at high level.

4.2.2 Lift access to all floors

Lift access to the top storey is a functional requirement of modern, high-standard residential accommodation. Governed by strict technical regulations (EN-81 among others), every effort has been made to minimise the height of the over-runs, including reviewing and adjusting the adjacent roof level to ensure the visual result is as clean as possible.

The verified views have been scrutinised and used as a means of calculating the required roof level to conceal the over-runs as far as possible in order to create a simple and elegant roof profile. The Townscape Heritage & Visual Assessment that accompanies the application provides further clarification on this point.

	<p>PROPOSED AMENDMENTS</p> <p>4.2.3 Plant relocation The building services plant formerly located at roof level has been moved to Level 00 and Basement B1 at the rear of the development.</p> <p>This results in:</p> <ul style="list-style-type: none"> • an improved rear elevation • improved residential accommodation • better use of the principal views from the development • easier access to the plant from Level 00 (no requirement for crane access) • safer access to the plant (no access at height) <p>4.2.4 Noise assessment to external plant A noise survey has been carried out at the development site and at nearby residential receptors. The proposed air conditioning plant, located in an enclosure in the external loading bay (not the proposed internal loading bay) has been assessed against the Local Authority Guidance and it has been determined that noise requirements will be met based on the set noise emission limits.</p> <p>The external plant area will be acoustically isolated and visually screened, with louvred panels to enable air flow. This type of louvred screen is appropriate to the context of the external loading bay area providing easier access and maintenance to the plant.</p> <p>In January 2021, comments were received from WCC and a new report has been prepared by Hoare Lea Acoustics which responds to queries.</p>
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View from Hyde Park Southwest (Verified View 7)

Approved



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View from Hyde Park Southwest (Verified View 7)

Proposed



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DRAFT DECISION LETTER

- Address:** Development Site At 117 - 125 Bayswater Road, 2 To 6 Queensway, Consort House And 7, Fosbury Mews, London,
- Proposal:** Variation of condition 1 (Approved drawings) of planning permission dated 27 November 2017 (RN 17/02957/FULL) which was a Variation of Conditions 1 and 6 of planning permission dated 2 March 2017 (RN 15/10671/FULL) for the demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House. to vary the approved drawings to amend the ground floor frontage to allow the existing bureau de change to remain in situ and be part of the scheme temporarily and to extend the spa over all three basement levels rather than two. NAMELY, to vary the approved drawing numbers for Removal of the Building Maintenance Unit (BMU) and re-location of plant at Level 9 to ground and lower ground floors, reconfiguration of Levels 8 and 9; passenger lift access to all floors, lift overruns at roof level; north façade rationalisation; alterations to the external materiality of the building and incorporating a higher percentage of stone in the proposals. 2nd RECONSULTATION ON REVISIONS INCLUDING: NOISE ASSESSMENT; TRANSPORT ADDENDUM, REVISED DESIGN AND ACCESS STATEMENT, REVISED DESIGN DETAILS AND ASSOCAITED REVISED DRAWINGS)
- Reference:** 20/03862/FULL
- Plan Nos:** ORIGINAL PLANS AND DOCUMENTS (15/10671/FULL, 1328-A-020 Rev 01, 1328-A-021 Rev 00, 1328-A-022 Rev 00; 1328-A-049 Rev 00, 1328-A-050 Rev 00, 1328-A-051 Rev 00, 1328-A-052 Rev 00, 1328-A-053 Rev 00, 1328-A-054 Rev 00, 1328-A-055 Rev 00, 1328-A-070 Rev 00, 1328-A-071 Rev 00, 1328-A-072 Rev 00, 1328-A-073 Rev 00; 1328-A-097 Rev 01, 1328-A-098 Rev 00, 1328-A-099 Rev 01, 1328-A-100 Rev 01, 1328-A-101 Rev 00, 1328-A-102 Rev 00, 1328-A-103 Rev 00, 1328-A-104 Rev 00, 1328-A-105 Rev 00, 1328-A-106 Rev 00, 1328-A-107 Rev 00, 1328-A-108 Rev 00, 1328-A-109 Rev 00, 1328-A-110 Rev 00; 1328-A-201 Rev 00, 1328-A-202 Rev 00, 1328-A-203 Rev 00, 1328-A-204 Rev 00; 1328-A-251 Rev 00, 1328-A-252 Rev 00, 1328-A-254 Rev 00; 1328-A-300 Rev 00, 1328-A-301 Rev 00; 1328-A-150 Rev 00, 1328-A-151 Rev 00. Planning Statement, Design and Access Statement, Townscape, Heritage and Visual Assessment, Statement of Community Involvement, Transport Assessment, including Operational Management Plan and Framework Travel Plan , Daylight and Sunlight Assessment, Acoustic Assessment, Basement Impact Assessment and Structural Method Statement, Waste Management Strategy, Sustainability Strategy and Energy Assessment, Ventilation Extraction Report, Statutory Utilities Supply Report, Sustainable Urban Drainage System and Flood Risk Assessment, Construction Management Plan, all November 2015.
PART SUPERSEDED BY/TEMPORARILY SUPERSEDED BY (17/02957/FULL):-, 1328-A-049 Rev01; 050 Rev01; 070 Rev01; 073 Rev01; 097 Rev02; 098Rev01;099-T; 099 Rev02; 100-T Rev 01, 100 Rev02; 150-T; 150 Rev01151-

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T;151 Rev01; 201-T Rev 01 ; 202-T; 203-T; 204-T Rev 01 ; 251-T; 251 Rev01; 252-T; 252Rev01; 254-T; 254Rev01Design and Access Statement. SK-149 Ground Floor Comparison Plan; GSA letter dated 12 September 2017.
Further part superseded by 20-03862-FULL , , Design and Access Statement (dated February 2021), Transport Note Addendum (dated 5th February 2021), Noise Assessment Report (Revision 6) (dated 2nd February 2021), Transport Note Addendum (dated 3RD November 2021), Energy Strategy Addendum (Revision 1) (dated 25th September 2020), Waste Management Strategy Memo (dated 16th June 2020), Daylight and Sunlight Letter (dated 4th June 2020), Townscape, Heritage and Visual Impact Assessment (dated 11th June 2020), Planning Statement (dated June 2020),
1328-A-096 Level B3 Mezzanine P01 , 1328-A-097 Level B3 P08 ,
1328-A-098 Level B2 P05 , 1328-A-099 Level B1 P07 , 1328-A-
100 Level 00 P11 , 1328-A-101 Level 01 P08 , 1328-A-102
Level 02 P08 , 1328-A-103 Level 03 P07 , 1328-A-104
Level 04 P07 , 1328-A-105 Level 05 P07 , 1328-A-106
Level 06 P07 , 1328-A-107 Level 07 P04 , 1328-A-108
Level 08 P04 , 1328-A-109 Level 09 P04 , 1328-A-110
Level Roof P03 , 1328-A-201 South Elevation P05 , 1328-A-
202 East Elevation P04 , 1328-A-203 North Elevation P06 , 1328-A-
204 West Elevation P04 , 1328-A-251 Section AA P05 , 1328-A-
252 Section BB P05 , 1328-A-254 Section CC P06 , PARK-AXIS-ZZ-
ZZ-DS-A-0001Design & Access StatementP14

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)

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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 Prior to the commencement of any demolition or construction on site you shall submit an approval of details application to the City Council as local planning authority comprising evidence 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 a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application. , , This is unless you have made other appropriate arrangements (e.g. completed a S106 legal agreement) with the City Council, requiring you to comply with the City Council's Code of Construction Practice, provide a Site Environmental Management Plan (SEMP) prior to commencement of development and provide a financial contribution £120,000 to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.

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 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, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster. You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed., , 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), , This is unless you carry out the development in accordance with the details approved for phases 1,2,3 on 22.10.2018 under 18/08047/ADFULL, in which case you need to provide details of Phase 4.

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

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- 5 You must use the three storey premises to No. 6 Queensway only as a Dentist. You must not use it for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 2015 as amended (or any equivalent class in any order that may replace it). (C10AA)

Reason:

We cannot grant planning permission for unrestricted use within Class E because it would not meet, policies 7,17,24,25, 27,28,29, 33 of the City Plan 2019 - 2040 (April 2021). and because of the special circumstances of this case. (R05BB)

- 6 You must provide the Spa (Class E) before occupation of the residential flats. You must then use the Spa (Class E) shown on the floor plans on basement 1, basement 2 and part basement 3, with access from ground floor level and staircase and lift access through basement 1, only as a Spa open to the general public and retain it in perpetuity. You must not use it for any other purpose, including any within Class E or any other class of the Town and Country Planning (Use Classes) Order 2015 (or any equivalent class in any order that may replace it) without our written consent. (C10AA)

Reason:

We cannot grant planning permission for unrestricted use within Class E because it would not meet, policies 7,17,24,25, 27,28,29, 33 of the City Plan 2019 - 2040 (April 2021). and because of the special circumstances of this case. (R05BB)

- 7 The retail units at ground and basement 1 level shall not be used as a supermarket or other food related retail uses or as a car show room or any other use within Class E. You must not use it for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 2015 as amended (or any equivalent class in any order that may replace it). (C10AA)

Reason:

We cannot grant planning permission for unrestricted use within Class E because it would not meet, policies 7,17,24,25, 27,28,29, 33 of the City Plan 2019 - 2040 (April 2021). and because of the special circumstances of this case. (R05BB)

- 8 Before you begin to operate the non -residential uses, you must apply to us for approval of the, following:-, a) Retail (Class Class E) Operational Management Plan, b) Restaurant (Class E) Operational Management Plan, c) Spa (Class E) Operational Management Plan, d) Dentist (Class F1) Operational Management Plan, e) Operational management plan for the use of the ground floor doors facing Fosbury Mews, , These operational management plans must provide in the case of a,b,c,d, the following details:-, i) Hours of operation, staff and customers, ii) Hours of servicing, process, internal storage locations, scheduling of deliveries and staffing., iii) Hours of plant, iv) Procedures to minimise impact on residential amenity and environmental quality., v) In the case of b) the Restaurant (Class Class E) use, in addition to the details listed above; details of capacity, covers, ancillary bar, control of smoking areas, door supervision, queuing, take away, deliveries, and taxi drop off and collection, contact details for complaints., vi) in the case

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of e) Use of doors to Fosbury Mews, details of nature and hours and frequency of use and details of fire escape strategy in order to minimise the impact on residents of Fosbury Mews., , You must then carry out the uses in accordance with these details approved unless otherwise agreed in writing by us.

Reason:

We cannot grant planning permission for unrestricted use within Class E because it would not meet, policies 7,17,24,25, 27,28,29, 33 of the City Plan 2019 - 2040 (April 2021). and because of the special circumstances of this case.

- 9 You must not begin the Restaurant (Class E) use at ground floor level until you have submitted to us and we have approved full details of the location and appearance and operation of kitchen extract ducting ventilation system to get rid of cooking smells, including details of how it will be built and how it will look and any associated mechanical plant including an acoustic report. You must then operate the use in accordance with the details approved.

Reason:

To protect neighbouring residents within and adjacent to the development from noise and vibration nuisance, and to ensure the appearance is suitable as set out in To protect the environment of people in neighbouring properties as set out in Policies 7, 16, 33, 38,39, and 40 of the City Plan 2019 - 2040 (April 2021). ,

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

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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)

- 11 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the 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

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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)

- 12 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/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)

- 13 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 Conditions 10, 11, 12, of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and 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)

- 14 You must provide the waste store shown on drawings 1328-A-100 REV P07 and 1328-A-099 REV P07 before anyone moves into the property or operates from the building. You must clearly mark it and make it available at all times to everyone using the building; You

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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)

- 15 Notwithstanding that shown on the approved drawings. You must submit to us for approval details of cycle parking for each of the proposed uses clearly annotated for each use. You must then provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 16 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

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

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 18 The projecting canopy and or any other structure over the footway (highway) shall maintain 2.6m vertical clearance from the footway surface at all times and shall not extend closer than 1m to the kerb edge.

Reason:

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

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

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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)

- 20 You must not put planters, tubs, tables, chairs or adverts on the road or pavement. (C24BA)

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)

- 21 Before works commence on site, you must submit for approval a car parking strategy including drawings. This must include the following details:-, a) Location of no less than 67 unallocated residential car parking spaces, b) Disabled access car parking spaces, c) Electrical Vehicle charging points (minimum of 20% active and 20 % passive), d) Access arrangements to the car parking area, , You must provide each car parking space shown on the approved drawings, which shall only be used for the parking of vehicles of people living in the residential part of this development, on an unallocated basis without restriction for all of the residential occupiers of the building and these shall be maintained for such use for the lifetime of the development in accordance with the car parking strategy approved pursuant to this condition. (C22BA), , This is unless you carry out the development in accordance with the details approved on 21.11.2018 under reference 18/08086/ADFULL.

Reason:

To provide parking spaces for people living in the residential part of the development as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021). (R22BC)

- 22 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and in its entirety, subject to the temporary phasing agreed in this application and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Queensway Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

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

- 24 You must apply to us for approval of 3m x 3m fabricated sample panels of the following parts of the development:, i) typical facade bay., , The sample(s) should demonstrate the colour, texture, face bond, pointing and means of construction (including any typical expansion/movement joints). You must not start any work on the external envelope 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 this part of the Queensway Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 25 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - typical bay details to all new facades to indicate the following:, i) windows;, ii) external doors;, iii) cills;, iv) reveals;, v) fascias;, vi)shopfront design strategy to include details of shopfronts and canopy, including indicative locations and design principles for display of signage;, vii) location and size of movement joints;, viii) step backs in façade;, ix) interfaces with windows;, x) interfaces with landscaping;, xi) interfaces with architectural metalwork;, xii) ventilation and other services terminations at façade;, xiii) balconies including method of drainage;, xiv) railings and balustrades;, xv) integral lighting., You must not start any work on the external envelope 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 this part of the Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 26 An air quality assessment and air quality neutral assessment shall be provided to the local planning authority for approval and if the air quality assessment requires it, an air pollution and mitigation plan providing details of the air pollution mitigation measures to be provided to the residential dwellings shall be submitted to and approved by the local planning authority. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain in accordance with the approved details.

Reason:

To ensure the development meets the air quality requirements of policy 32 of the City Plan 2019 - 2040 (April 2021)

- 27 A scheme of public art including a Tom Harris Memorial must be submitted and approved by the City Council. You must not start work on the public art and Tom Harris Memorial

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until we have approved what you have sent us. You must then provide the public art including a Tom Harris memorial according to the approved details, prior to the occupation of or the completion of the sale of the 1st residential unit (whichever is earliest). You must thereafter maintain the approved public art and Tom Harris memorial 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)

- 28 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs and full details of the proposed green walls including construction method, layout, species and maintenance regime. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 planting season of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Queensway 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)

- 29 Pre Commencement Condition., (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us., , (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST., , (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC), , This is unless you carry out the development in accordance with the details approved in relation to part a) on 07.03.2018 under reference 18/00485/ADFUL, in which case you must comply with parts b & c.

Reason:

To avoid damage to any archaeological remains on site as set out Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32AD)

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- 30 No development shall take place, including any works of demolition, until the following plans have been submitted to and approved in writing by the City Council as local planning authority in liaison with Transport for London:-, a) Delivery and Service Plan, b) Construction Logistics Plan, these documents should detail the traffic impact resulting from construction vehicles and delivery and servicing vehicles on Bayswater Road (part of the Strategic Road Network) You must not start work until we have approved what you have sent us. You must then carry, out the development in accordance with the approved details., , This is unless you carry out the development in accordance with the details approved on 26.06.2018 under 18/00820/ADFULL)

Reason:

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

- 31 Before works commence on site, full details of the proposal including all below ground work shall be agreed in writing by us as the local planning authority in liaison with London Underground Limited and Thames Water. You will need to demonstrate that the development, will not have any detrimental effect on the tunnels and infrastructure either in the short or long term., , This is unless you carry out the development in accordance with the details approved on 22.05.2018 under 18/00816/ADFULL

Reason:

To ensure that the proposed works do not have any detrimental impact on the tunnels either in the short or long term on London Underground Limited or Thames Water facilities.

- 32 You must apply to us for approval of details of the ventilation system to get rid of fumes associated with the Spa (Class D2) use, and the Combined Heat and Power Unit (CHP) 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. (C14BB)

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)

- 33 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. Inside bedrooms 45 dB L Amax is not to be exceeded no more than 15 times per nighttime from sources other than emergency sirens.

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)

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

Reason:

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)

- 35 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Conditions; 10, 11, 12 ,13, 33 ,34 of this permission. Particular attention shall be given to the issues of low frequency noise and vibration through Structure-Borne pathways and the design and mitigation shall also ensure that room modes (standing waves) are not created within the new residential dwellings as a result of low frequency noise from the substation. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain in accordance with the approved details.

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)

- 36 Rubbish must only be collected from the off street collection point at the rear of the site and not from the public highway.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 37 The residential properties must not be occupied until evidence in the form of a statement from a suitably qualified engineer to confirm that the Electro Magnetic frequency (EMF) levels associated with the substation are in accordance with current legal requirements and/or, appropriate guidance.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7

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and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 38 The design of the separating wall should be such that the received value in the residential habitable spaces, with music playing, should be 10 dB below that measure without music events taking place, at the quietest time of day and night, measured over a period of 5 minutes, and in the indices of Leq & LMax in the octave bands of 63 Hz & 125 Hz.

Reason:

As set out in Policy 33 of our City Plan 2019 - 2040 (April 2021 in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 39 A scheme of mechanical ventilation should be provided to the residential properties. Details of the scheme must be submitted to and approved by the Local Planning Authority prior to the occupation of the residential units. The approved scheme shall be installed and maintained. The mechanical ventilation system installed shall ensure the internal noise levels of the residential units do not exceed the noise levels outlined in condition 34.

Reason:

As set out in Policy 33 of our City Plan 2019 - 2040 (April 2021 in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 40 The Retail, Restaurant, Spa and Dentist shall not be used for any other uses, and only the use/s 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

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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 of the legal agreement dated 27 November 2017 (RN 17/02957/FULL) which itself varied the original agreement dated 02.03.2017 between the applicant and us under Section, 106 of the Town and Country Planning Act 1990. , , A Deed of Variation secures the following:-, , a) the completion of a Deed of Variation to the earlier legal agreement dated 27 November 2017 to link those obligations to this permission, b) A new additional planning obligation to secure a carbon off-set contribution of £821,819 (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 £TBC towards the Westminster Employment Service (index linked and payable on commencement of development), d) A new additional planning obligation to make available the servicing turntable within the development for the benefit of those servicing Consort House in accordance with the Servicing Plan and at Nil cost and for the owner of Consort House to use all reasonable endeavours to encourage tenants of exists leases to undertake servicing in this way and to negotiate new leases to require servicing to be undertaken in this way., , The earlier agreement relates to:-, , a) A financial contribution of £11m to be paid towards the City Council's affordable housing fund (index linked and on a phased payment scheme as set out below) :, 1. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest), 2. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 20th residential unit (whichever is the earliest), 3. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 30th residential unit (whichever is the earliest), 4. £2m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 40th residential unit (whichever is the earliest), b) A financial contribution of £2.5m towards the City Council's Queensway and Westbourne Grove Streetscape Improvement Project (index linked and payable on commencement of development);, , c) Provision of Public Art and Tom Harris Memorial (as required by condition 27) to the value of no less than £100,000 (index linked) prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest);, , d) The applicant to comply with the City Council's Code of Construction Practice, provide a Site Environmental Management Plan (SEMP) prior to commencement of development and provide a financial contribution £ 120,000 to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;, , e) Operation of the development in accordance with the Car Parking Strategy (as required by condition 21 and on an unallocated basis);, , f) Highways works immediately surrounding the site required for the development to occur, and to mitigate the impact of the development, including changes to on street restrictions and, reinstatement and creation of vehicle crossovers and associated work prior to the occupation of the development and all the costs associated with the highways works (to include legal, administrative and physical) are to be borne by the Developer;, , g) Dedication of Highway at no cost to the City Council prior to occupation;, , h) The costs of monitoring the S106 legal agreement., , NB/incorporate a new obligation to secure the completion of the development in its entirety by a long stop date to capture the temporary/interim proposals for the

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bureau de change on the corner of Bayswater Road and Queensway.

Please note: the full text for informatics 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

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CITY OF WESTMINSTER		
PLANNING APPLICATIONS SUB COMMITTEE	Date 14.09.2021	Classification For General Release
Report of Director of Place Shaping and Town Planning		Ward(s) involved Bryanston And Dorset Square
Subject of Report	36 Linhope Street, London, NW1 6HU	
Proposal	Change of use of building from office (Class E) to educational use (Class F1).	
Agent	Mr David Gurtler	
On behalf of	Mr Steve Vincent	
Registered Number	21/02380/FULL	Date amended/completed 12 April 2021
Date Application Received	12 April 2021	
Historic Building Grade	Unlisted	
Conservation Area	Dorset Square	

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is a terraced unlisted building located within the Dorset Square Conservation Area. Permission is sought for the use of the site as a school (Class F1).

Objections have been received from neighbouring residents on a number of grounds including the impact on amenity and highways. In contrast letters of support have also been received.

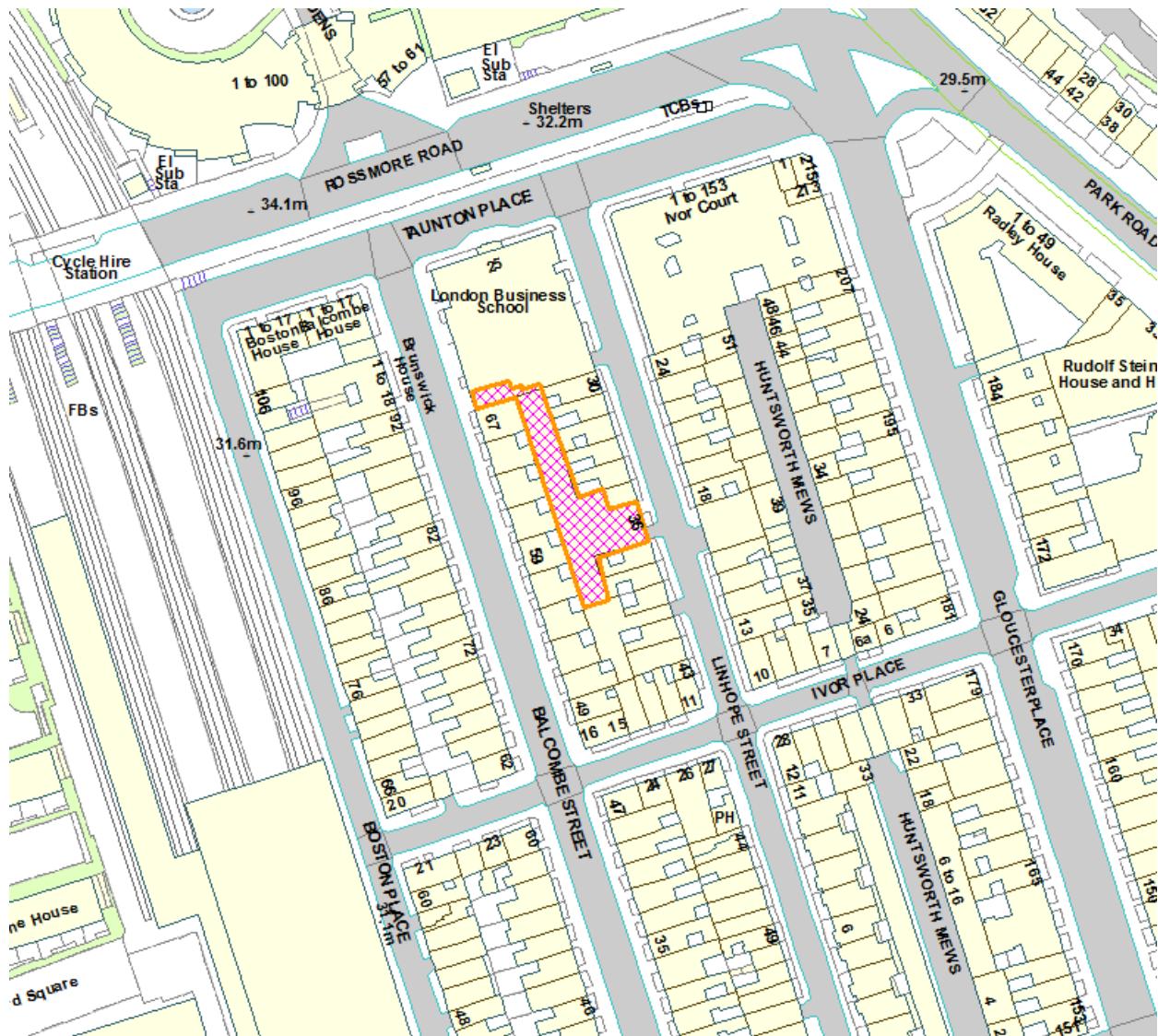
The key issues in this case are:

- The impact on the amenity of local residents
- The impact of the proposals the highway.

Subject to appropriate conditions as set out in the draft decision letter appended to this report, the proposals are considered to comply with the relevant land use, highways and amenity policies in the City Plan 201 – 2040 adopted in April 2021. As such, the application is recommended for approval.

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3. LOCATION PLAN



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4. PHOTOGRAPHS



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5. CONSULTATIONS

WARD COUNCILLORS FOR BRYANSTON AND DORSET SQUARE:
Any response to be reported verbally.

THE ST MARYLEBONE SOCIETY:

Comment. Members are generally very supportive of the school and their proposal to relocate their 6th Form. However, this is an entirely residential street and residents are worried about the possibility of a regular line of idling cars picking up students. Pickup should be from the main site. One resident also worried about possible loitering, and another mentioned the use of Huntsworth Mews as a secluded place for surreptitious smoking since at least the 1940s! But we also note that Francis Holland has made big efforts to stop the idling problem (which efforts will probably have to be repeated at regular intervals).

Since the St Marylebone Society commented on this application, we have been made aware of a number of residents in Linhope Street who have very strong objections to vehicle pickups at 36 Linhope Street, which is a small, residential street with high resident occupancy. Residents feel that 6th Formers should be quite capable of walking from the main school site in Ivor Place, and that all such pickups should be from that site.

Despite the considerable efforts of the school, parents in vehicles tend to sit in their cars with the engines idling, and this means pollution, nuisance, and residents having to confront drivers about their behaviour. They are also worried about the street, which is narrow and one-way south, being blocked at peak times.

DESIGNING OUT CRIME:

Any response to be reported verbally.

ADULT & COMMUNITY SERVICES:

Any response to be reported verbally.

ENVIRONMENTAL HEALTH OFFICER:

No objection.

HIGHWAYS OFFICER:

No objection subject to conditions to secure Operational Management Plan and School Travel Plan to address concerns and minimise pedestrians waiting on highway and lack of cycle parking provision.

WASTE PROJECT OFFICER:

No objection, subject to condition to secure details.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED
No. Consulted: 54; Total No. of replies: 16

Nine letters of objection and three neutral letters raising all or some of the following grounds:

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Amenity:

- Restrict hours of use of the building for maintenance, cleaning, waste disposal
- Noise disturbance from students loitering
- Requests windows remain closed during daytimes
- Overlooking, requests the use of obscured glazing
- Requests under Building Regulations impose conditions for appropriate soundproofing measures are installed

Highways:

- Increase in pressure on car parking at drop off and pick up times
- Increase in traffic at drop off and pick up times
- Increase in pollution from idling vehicles
- Lack of proposed cycle storage

No. in support: 4

Raising no objection to the change of use.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

36 Linhope Street is a three storey unlisted late Georgian terraced building located within the Dorset Square Conservation Area. Currently it is vacant, having previously been used for offices by the London Business School (Class E). The site is located outside of the Central Activities Zone and the North West Economic Development Areas.

The site is within a Controlled Parking Zone. The hours of control are 0830 to 1830 Monday to Friday, with Residential Bays subject to control at all times (24 hours a day, 7 days a week).

6.2 Recent Relevant History

Permission was granted in February 2018 (RN: 17/11308/FULL) for external refurbishment works including insertion of glazing within the garage door, insertion of glazing in main entrance door, reinstatement of cornice to first floor and provision of a cycle stand to front forecourt.

7. THE PROPOSAL

Permission is sought for the change of use of the entire building from an office use (Class E) to an educational use (Class F1) with a floorspace of 793 sqm to be used as part of Francis Holland School to accommodate their sixth form students. It is anticipated that sixth form numbers would increase from 115-140 by 2024 and to 180 by 2027-2030, with a total of 31 staff. The core day is proposed as 08.00-15.30 Monday to

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Friday, with private study proposed outside of those hours. The hours of operation sought are 06.30-18.30 Monday to Friday term time. There are no external areas associated with the site.

Francis Holland School, Regent's Park occupies a number of buildings, operating as an independent school for girls from 11-18 years. The main site is located nearby at 31 Park Road, at the junction of Ivor Place, they also have permission for some temporary small sites at No 11 Ivor Place and 37 Ivor Place which also includes 35 Chagford Street. Both of these permissions granted were for three years and will expire in 2024. At present, they are temporarily using a number of nearby properties for 6th form activities. Replacement permanent premises are sought in order to allow for expansion of the school and to provide adequate permanent facilities for the students.

There are no proposed external changes to the building.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The applicant states that the established use of the application site is for office accommodation (Class E, formerly Class B1) since the 1980's with the site being last occupied by the London Business School.

Loss of office use (Class E)

Outside of the Central Activities Zone and the North West Economic Development Area there is no policy that protects office space. Therefore, the loss of office floor space is acceptable in land use terms.

Creation of Educational Floorspace (Class F1)

The proposed educational use (Class F1) is supported in principle in land use terms. The National Planning Policy Framework (2021) Chapter 8 (Promoting healthy and safe communities) states that it is important that sufficient choice of school places is available to meet the needs of existing and new communities and that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

Policy 18: Education and skills of our City Plan, states that the council will support the provision of new or expanded primary and secondary schools and further education facilities, to meet the needs of a changing population and enhance education provision.

The application site will accommodate a maximum of 180 sixth form pupils and 31 staff which includes future-proofing of the site to 2030. The hours of use for teaching are from 0800 to 1530 Monday to Friday.

The use of the site therefore accords with the NPPF and Policy 18 of the City Plan 2019 – 2040. However, whilst the principle is acceptable, for the reasons set out elsewhere in this report, it is considered that an independent educational use, not linked to Francis

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Holland School, or another use falling within Class F1, has the potential to be harmful to surrounding residential amenity, highways and environmental quality.

Class F1 (Learning, local community uses and non-residential institutions) includes any use not including residential for the provision of education, display of works of art, museum, public library, public reading room, public hall, exhibition hall, for or in connection with public worship or religious instruction or as a law court. These alternative uses have the potential to generate significant comings and goings to the site, which has the potential to cause unacceptable noise and disturbance to local residents as well as highways implications.

For these reasons, a condition (No,2) is recommended to restrict the nature of the use, so that the building can only be used for sixth form students associated with Francis Holland School. This will enable any other alternative uses in the future to have to seek planning permission and for a full assessment of the impact of that use to be undertaken at that time.

8.2 Townscape and Design

There are no proposed external works to the application site.

8.3 Residential Amenity

Physical impact

Given the nature of the proposal, and absence of any proposed physical alterations to the building, there would be no implications in terms of light or sense of enclosure over the existing arrangements.

At first floor level, to the side elevation there are windows that may give rise to obscure views to the rear windows within the adjacent property, No 35 Linhope Street. Therefore, a condition (No.7) is recommended that these windows are obscure glazed and fixed shut so as to ensure there is no loss of privacy. It is noted that an objector has raised this as a concern, and it is considered this condition addresses this.

Operational Impact

The proposal has the potential to cause noise and disturbance to local residents from comings and goings of students arriving and leaving the site and potentially congregating outside the front of the building on Linhope Street whilst waiting to enter the building.

Following officers concerns and those of a number of local residents, the applicant provided an Operational Management Plan for the use of 36 Linhope Street, setting out the following:

- Staff and pupils can enter the building from 0730
- Most pupils will arrive between 0800-0825
- A member of staff will be present between 0750 and 0820 to ensure pupils do not congregate outside the site and to remind parents not to drop off in Linhope Street (all parents have been written to and informed that drop offs must take place at the main site, 31 Park Road)

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- Lessons finish at 1530 and staff will ensure that pupils vacate the area immediately
- Staff and pupils can remain for private study until 1830
- The cleaning team will clean the site between 1600 to 1830
- The site will be secured by school facilities daily at 1830

Environmental Health have raised no objections to the proposal on public nuisance and/or public safety risks associated with this application.

It is considered that due to the proposed hours of use, which although the applicant has proposed for hours of operation until 1830, a condition has been attached in order to ensure the school is locked and secured by 1900 which is considered to give an appropriate time allowance for students, teachers and cleaners to leave the site. Furthermore, this additional 30 minutes in the evening is not considered to cause unacceptable harm to the residential amenity of the neighbours. The number of students attending the site will be restricted to 180 which will also be conditioned (No. 4) in order to ensure the site will not cause unacceptable levels of nuisance to the neighbours. Furthermore, a SMP and OMP are to be secured along with a condition to prevent another educational use, another Class F1 use or an independent use not associated with the Francis Holland School using the site (No. 2). Therefore collectively it is considered that these conditions will minimise any potential impact on the local residents amenities.

Subject to conditions, the proposals are considered to accord with policies 7, 33 of the City Plan 2019 – 2040.

8.4 Transportation/Parking

The proposal does not include any off street car parking or cycle parking.

The City Council's Highways Officer has raised concern about the potential for the use to result in students congregating outside of the premises waiting to enter the site in the morning and the potential impact of this on other pedestrians using the footpath, which could cause an objection and requiring them to wait and or walk in the carriage way. It is anticipated that around 5-6 students will arrive every minute between 08.00-08.25 and there is no scope for queueing outside of the site on the highway without causing an obstruction. In addition, some students are also expected to arrive by vehicle and vehicles stopped temporarily in Linhope Street are likely to result in some limited localised congestion.

In order to address these concerns, which are mirrored by a number of local residents, the applicant has submitted a draft Operational Management Plan (OMP) and a School Travel Plan (STP) which suggests that vehicle activity would remain focused on the main school site and that vehicle use would be minimised and sets out arrival and departure processes to address officer's concern. Whilst both of the documents are welcomed, it is considered that they need to form part of the wider OMP and STP for Francis Holland School's main site/s including vehicular movement, consolidation of servicing requirements and cycle parking. Therefore, conditions are recommended to require revised plans to incorporate all students and all sites of the School.

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It is accepted that with continued engagement and promotion of the STP and provided the OMP is strictly followed and the arrivals and departure process is closely managed by the school, the impact of students on the local highway will be minimised.

Given the limitations of the site to support the use and the reliance on links to the main school site, a condition is recommended to require the use of the site to be only operated in accordance with the submission documents (including year group of students using this site) and only when linked directly to the main school site.

No off-street servicing is provided for the proposed development. However, as the site is located within a Controlled Parking Zone, there is sufficient single yellow lines in the vicinity allow loading and unloading to occur. Notwithstanding this, there are clear options for consolidation with deliveries to the main school site as secured by the Operational Management Plan.

The London Plan policy T5 requires the proposal to provide 23 cycle spaces for the 180 students and 4 cycle parking spaces for the 31 staff.

Only 2 cycle parking spaces are indicated on the submitted drawing, however whilst it is accepted that the site is constrained and cannot accommodate cycle parking. The applicant has suggested they may be able to increase the existing cycle parking provision on the main school site and a condition is recommended to secure this.

For the reasons set out above, the proposal is considered to be acceptable in highways terms subject to conditions to secure a STP, OMP, and cycle parking on the main site.

8.5 Economic Considerations

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

8.6 Access

No change to the existing arrangement, which includes one main entrance door for teachers and pupils from Linhope Street.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The drawings submitted are considered to not be in line with the council recycling and waste storage requirements and therefore a condition is recommended in order to ensure this facility is secured.

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

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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

None relevant.

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 2019 unless stated otherwise.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

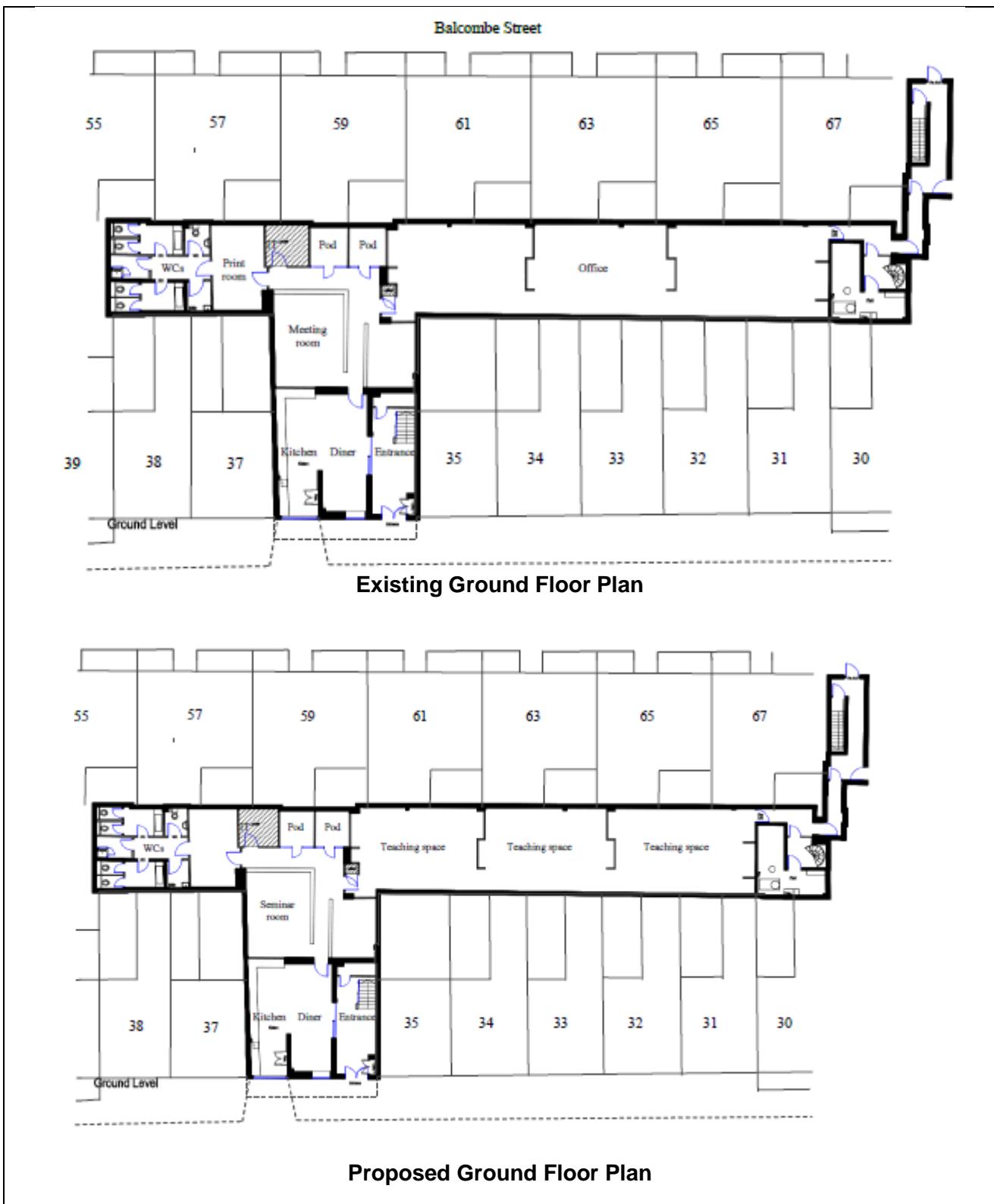
The proposed development is of insufficient scale to require the provision of an Environmental Impact Assessment.

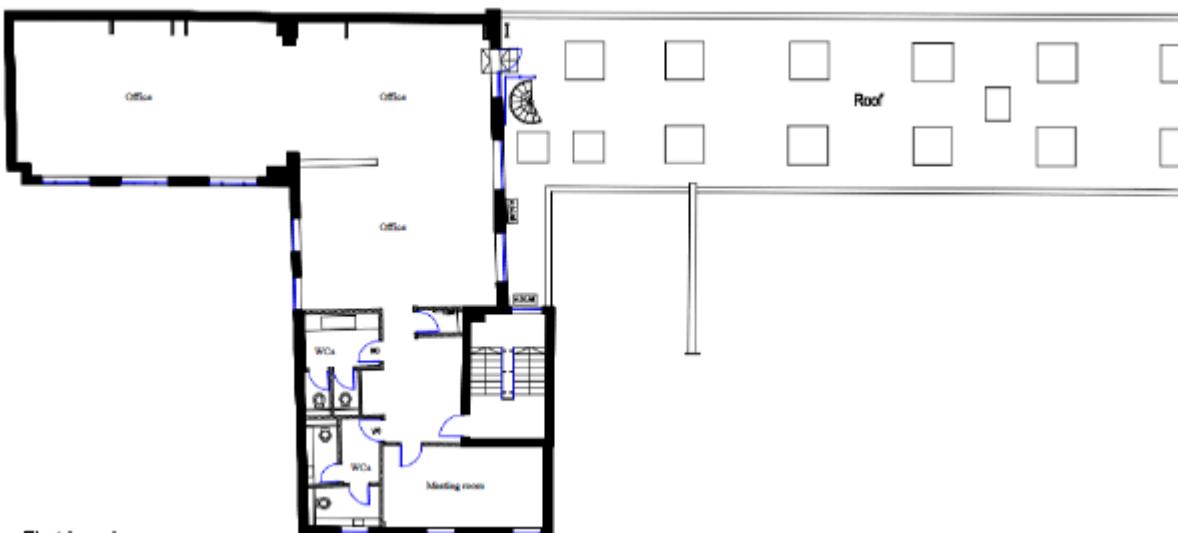
8.14 Other Issues

An objector has requested that under Building Regulations we should impose conditions for appropriate soundproofing measures are installed. A condition (No.6) is recommended to ensure that our standard noise conditions is met to protect residents within the same building or in adjoining buildings from noise.

(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
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9. KEY DRAWINGS



Existing First Floor Plan



Proposed First Floor Plan

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DRAFT DECISION LETTER

Address: 36 Linhope Street, London, NW1 6HU

Proposal: Change of use of building from office (Class E) to educational use (Class F1).

Reference: 21/02380/FULL

Plan Nos: Site Location Plan, APL/00295-001, APL/00295-003, APL/00295-004, APL/00295-005, APL/00295-006, APL/00295-007, APL/00295-008, Planning and Heritage Statement dated March 2021 and Transport Statement dated April 2021.

Case Officer: Frederica Cooney

Direct Tel. No. 020 7641
07866037206

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 You must use the property only for educational facilities for sixth form students associated with and ancillary to Francis Holland School. You must not use it for any other purpose, including any within Class F1 of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it). (C05AC)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 17 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 3 You must not allow students on the premises outside the following times: between 07:30 and 18:30 Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays.

Reason:

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

- 4 The number of students attending the site hereby permitted shall not exceed 180 at any one time.

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)

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- 5 Before you begin to use the new school buildings, you must apply to us for an updated Operational Management Plan for 36 Linhope Street. The Operational Management Plan must include details of:
- (a) Matters previously listed within the OMP submitted on 29 June 2021;
 - (b) Links to the main school site for cycle storage, vehicles and servicing.

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)

- 6 (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 educational 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 educational 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;

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(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)

7

The glass that is in the side elevation windows at first floor level 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 given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

8 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)

Before you begin to use the new school buildings, you must apply to us for approval of a Travel Plan. The Travel Plan must include details of:

- (a) A comprehensive survey of all users of the school;
- (b) Details of local resident involvement in the adoption and implementation of the Travel Plan;
- (c) Targets set in the Plan to reduce car journeys to the school and for drop offs at the main site at 31 Park Road;
- (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the new school buildings are occupied.

At the end of the first and third years of the life of the Travel Plan, you must apply to us for approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

Reason:

In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out Policies 24 and 25 of the 9 City Plan 2019 - 2040 (April 2021). (R45AC)

Before the use hereby permitted is commenced details of proposed cycle provision, both on site and at the main Francis Holland School site (Ivor Pl, London NW1 6XR) shall be submitted to and approved in writing by the local planning authority. The cycle parking facilities shall be provided prior to the occupation of the building and shall thereafter be permanently retained.

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Reason:

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

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 start work on the relevant part of the development until we have approved in writing 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 the stores and make them available at all times to everyone using the school. (C14ED)

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)

1 Informative(s):

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

- 2 likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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:

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BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at

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

Please note: the full text for informatics 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: 36 Linhope Street, London, NW1 6HU

Proposal: Change of use of building from office (Class E) to educational use (Class F1).

Reference: 21/02380/FULL

Plan Nos: Site Location Plan, APL/00295-001, APL/00295-003, APL/00295-004, APL/00295-005, APL/00295-006, APL/00295-007, APL/00295-008, Planning and Heritage Statement dated March 2021 and Transport Statement dated April 2021.

Case Officer: Frederica Cooney

Direct Tel. No. 020 7641
07866037206

Recommended Condition(s) and Reason(s)

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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). (R13BD)

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Agenda Item 3

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CITY OF WESTMINSTER		
PLANNING APPLICATIONS SUB COMMITTEE	Date 14.09.2021	Classification For General Release
Report of Director of Place Shaping and Town Planning		Ward(s) involved Abbey Road
Subject of Report	Flat 1, William Court, 6 Hall Road, London, NW8 9PA	
Proposal	Conversion of ground floor two-bedroom apartment and basement area to form two 2-bedroom maisonettes. Associated external works including, creation of lightwells with railings, installation of new side windows and door access to the new apartment, and double doors to the rear elevation.	
Agent	Mr Patrick Arthurs	
On behalf of	Morley	
Registered Number	21/01948/FULL	Date amended/completed
Date Application Received	25 March 2021	01.09.2021
Historic Building Grade	Unlisted	
Conservation Area	Adjacent to St John's Wood conservation area	

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Planning permission is sought for the conversion of the existing ground floor two-bedroom flat and basement storage area to form two 2-bedroom maisonettes, along with associated external works including formation of front lightwells with railings, installation of new side window and door to access the new apartment, and French doors to the rear elevation.

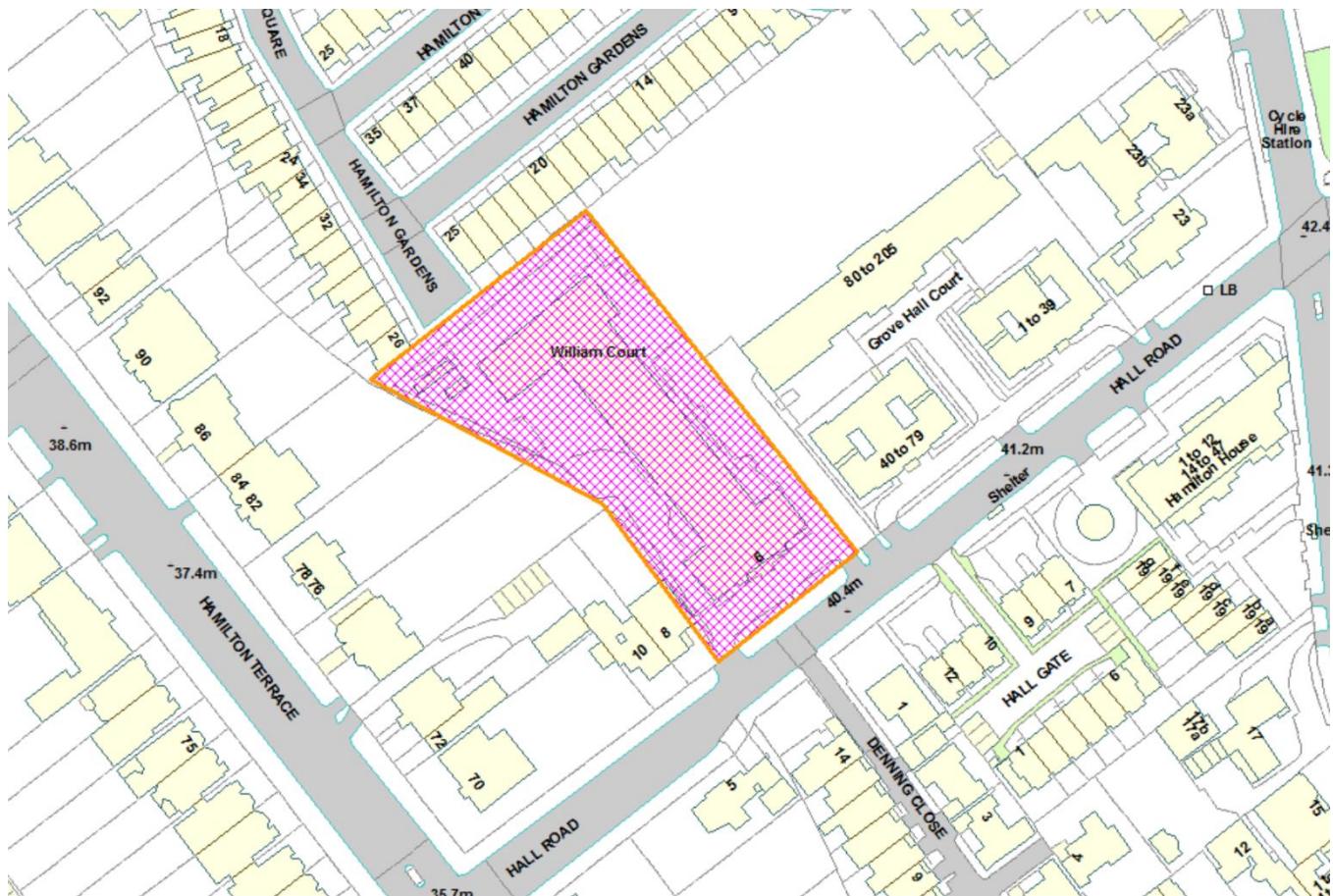
The key issues in this case are:

- The principle of the formation of a new flat and the standard of accommodation being provided.
- Impact on the character and appearance of the property
- Impact on residential amenity

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Despite the objections raised, and subject to the recommended conditions as set out in the draft decision letter, it is considered that the proposed development is acceptable in land use, design and amenity terms, and being compliant with relevant policies within Westminster's City Plan 2019 - 2040 ('the City Plan'). As such, the application is recommended for permission.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation of William Court (above)

Front elevation of existing ground floor flat and location of proposed lightwells (below)





Rear elevation of existing ground floor flat (above) and communal landing spanning east elevation of William Court (below)





Rear elevation and windows of flat 1 and adjacent flat

Another flat to the north-east corner of William Court having implemented French doors to access communal landing (below)



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Front and side elevations of location of new flats (above) and existing basement area in use as storage lockers (below)



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5. CONSULTATIONS

WARD COUNCILLORS FOR ABBEY ROAD:
Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY:

Comment. Raise concern over principle of creation of additional flat and impact on communal space, should assess impact on the character and symmetry of the main entrance and front façade.

HIGHWAYS PLANNING MANAGER:

No objection

WASTE PROJECTS OFFICER:

No objection, subject to condition.

ARBORICULTURAL OFFICER:

No objection recommends condition for tree protection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 86

Total No. of replies: 5

No. of objections: 5

Land Use

- Loss of communal green space.
- Loss of resident storage facilities.

Design

- Asymmetry of front façade from proposed works.
- Loss of planters/green features to front.

Amenity

- Noise and dust from construction work.
- Proposed terrace would cause noise disturbance to residents of basement flat underneath.

Other Issues

- Safety issues from relocation of fire escape staircase.
- Has not undertaken party wall agreement with adjacent basement flat.
- Roots from planters should not damage the floor of the terrace, thereby damaging the ceiling of basement flat.

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes.

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6. BACKGROUND INFORMATION

6.1 The Application Site

William Court is a large mansion block comprising of self-contained flats with a podium level communal garden to the west of the site. It is an unlisted building and lies outside a conservation area and there are no listed buildings in the immediate vicinity. The St John's Wood Conservation Area lies immediately to the west and north of the site. The surrounding area is residential in nature.

This application relates specifically to an existing ground floor, two-bedroom flat situated on the south east corner of the block. It is accessed via a door situated behind the reception area. The basement area in question is currently in use as storage lockers which can be rented by residents of William Court.

6.2 Recent Relevant History

19/02787/FULL – Approved 5 July 2019

Replacement of windows and doors with double glazed polyester powder coated aluminium windows and French doors.

19/02234/FULL – Approved 1 October 2019

Erection of a two-storey single family dwellinghouse (Class C3).

7. THE PROPOSAL

Planning permission is sought for the conversion of the existing two-bedroom flat at ground floor level and basement storage area to form two 2-bedroom maisonettes, with associated external alterations including creation of lightwells with railings, installation of new side windows and door access to the new maisonette, and French doors to the rear elevation.

During the course of the application and on officer's advice, the applicant has omitted the proposed rear ground floor terrace and enclosure. Officers had considered that it would be unneighbourly to other residents.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy 8 of Westminster's City Plan 2019 – 2040 states that it is a key priority to meet housing targets within the City.

As existing, flat 1 is a two-bedroom flat at ground floor level measuring 115sqm, and at basement level is an existing storage area measuring 189sqm. Flat 1 is currently accessed through a door behind the reception area at ground floor level. The basement is currently used as storage lockers which can be used by residents of William Court. There are also plant rooms at basement level.

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It is proposed to form one new unit using the basement area, in total creating 2x two-bedroom maisonettes over ground and basement levels. Flat 1a measures 136sqm and flat 1b measures 131sqm. Both maisonettes have their living spaces at ground floor level and bedrooms at basement level. It is proposed to excavate two lightwells to the front of the building in order to serve the bedrooms at basement level. Flat 1b also has access to a terrace to the rear.

Flat 1a will be accessed through the existing door for flat 1, and a new entrance door is to be formed on the side elevation of the property to access flat 1b.

The nationally described space standards state that the minimum floor area required for a two-storey 2b4p unit is 79sqm, which both units comfortably exceed. The floor-to-ceiling height at basement level is 3m, which is also in accordance with the above guidance.

Whilst it is noted that the basement rooms are only served by the front lightwells in terms of light and ventilation, it is considered to be acceptable in terms of the overall standard of accommodation for each flat. This is considering that there is habitable space at ground floor level which receives adequate light. A condition is recommended for the inside of lightwells to be painted white and maintained as such to provide more reflective light into the windows.

Objectors have raised that the loss of the existing basement storage area is unacceptable. In land use terms, the introduction of one more residential unit is considered to be beneficial and in accordance with the aims of policy 8. The provision of additional storage space to residents is not to be protected in policy terms, additionally, a self-storage company operates in the north-west corner of William Court which can be used by residents.

The proposal is therefore found to be in accordance with the aims of City Plan policy 8 and acceptable in land use terms.

8.2 Townscape and Design

In association with alterations to residential units, external changes are proposed namely the creation of a lightwell on the main elevation and new fenestration.

Objections have been received on design grounds; concern is raised with the change in aesthetic and symmetry of the building, namely the main entrance alongside the impact on the marble steps due to the insertion of the lightwell.

The relevant policies for consideration are 38, 39 and 40 of the City Plan 2019-2040.

The building is a fine example of an early 19th century mansion block, typical within St John's Wood. The main building is set back from the main road and screened at ground floor level by a masonry planter and mature planting. The new lightwell is located around the front and right-hand side of the building and will be concealed by planters and simple railings. The building does have a symmetrical elevation, as cited by the objectors, however owing to the level of screening the alterations at ground floor level are not considered to disrupt the architecture to an extent as to be harmful.

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On the side and rear elevations new windows are proposed and whilst they depart from those above in terms of number, they are considered to be of a scale and design in keeping with the host building and therefore are acceptable in design terms. The insertion of the French doors to the rear is acceptable considering that the 2019 permission allowed for all ground floor flats to insert French doors to access the landing, and this has been implemented by a number of flats throughout William Court.

It is noted that the symmetry of the building will be impacted by the alterations, a concern which is raised in the objections. However, when also considering the benefits of an additional residential unit is proposed and that the alterations will not be highly visible from the street, the works are considered to be acceptable in design terms.

The proposal is considered to accord with policies 38, 39 and 40 of the City Plan and will not harm the setting of the St John's Wood Conservation Area.

8.3 Residential Amenity

Alterations that could have an impact on the amenity of nearby neighbours must be found to be in accordance with policy 7 of Westminster's City Plan 2019 – 2040. This policy requires development to protect, and where appropriate enhance, residential amenity, by preventing unacceptable in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

The originally proposed terrace and planters to the rear has been omitted from the proposal on officer's advice as both elements were considered to be unneighbourly. As such, the objections raised to this are no longer relevant,

The insertion of new windows and door to the side elevation of the property would not lead to any loss of privacy to neighbouring properties.

The proposal is therefore acceptable in amenity terms and found to be in accordance with City Plan policy 7.

8.4 Transportation/Parking

Car Parking

The proposal creates an additional flat within the site. The applicant has indicated that flat 1a would have a dedicated off street car parking space and that flat 1b would be able to apply for an on-street car parking permit.

Policy 27 supports residential development without car parking provision. As such the proposal is considered acceptable and given the one additional flat proposed, it is not considered reasonable to require car club membership.

The proposed physical changes to the external areas of the two units will not have a significantly adverse impact on the existing on-site car parking and vehicle manoeuvring areas.

Cycle Parking

In order to support sustainable travel options by residents. Two cycle parking space are required for the flats in accordance with London Plan Policy T5. As such, during the

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course of the application the applicant has provided revised drawings indicating 4 cycle parking spaces at basement level accessed through the communal stair core. This provision is acceptable.

8.5 Other Considerations

Noise and Plant

It is noted that there are plant rooms at basement level. A condition is recommended so that the internal noise levels within the residential units are below a certain threshold so that future occupiers are not unduly impacted by noise or vibration from this equipment.

Refuse/Recycling

During the course of the application, the applicant has provided a revised plan which indicates sufficient waste storage at within each of the flats.

Trees & soft landscaping

The proposal would result in the loss of existing soft landscaped planters at the front of the building, in order to create the lightwells. However, the planters are fairly small and are not permanent structures and therefore whilst regrettable, it is unreasonable to object to their loss. The applicant is proposing new planters with soft landscaping to the front and side, and this is considered to mitigate against the loss of the existing planters.

There are mature trees (three horse chestnut and one lime) on the frontage of William Court and a group of semi-mature Himalayan birch in driveway of the neighbouring property, Grove Hall Court. None of these trees are directly affected by the proposals.

Overall, the risk of harm to trees during construction work is low, but it is recommended to secure tree protection details through a condition.

Other

The existing podium deck around the base of the building, is also used as a fire escape route. As existing, there is a small staircase adjacent to the side elevation of the ground floor flat, which is to be replaced by the entrance to flat 1b. The existing fire escape staircase is to be relocated further along the landing. Therefore, there would be no loss of fire escape routes as a result of this proposal.

Whilst objection has been raised with respect to construction impact. The usual approach by the City Council is a standard condition that limits the hours of construction work to minimise impact on nearby residents. It is not considered that there are any specific circumstances in this instance which require a deviation from this approach.

8.6 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.

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8.7 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.

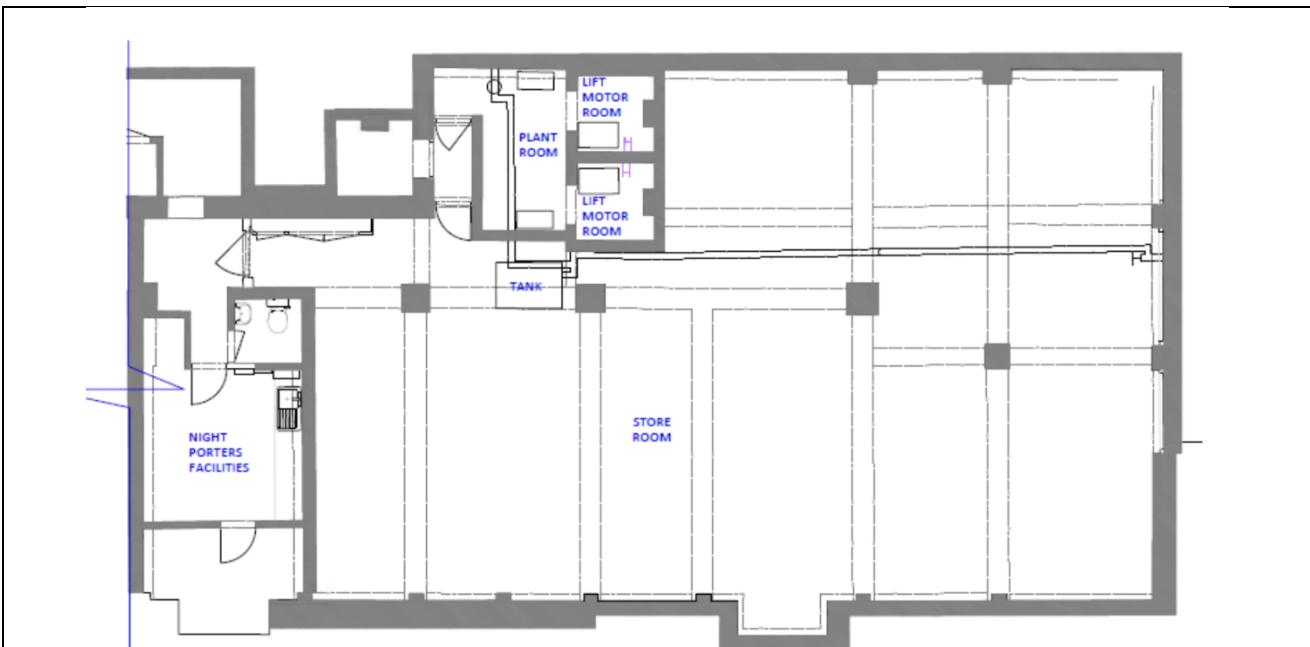
8.8 Planning Obligations

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

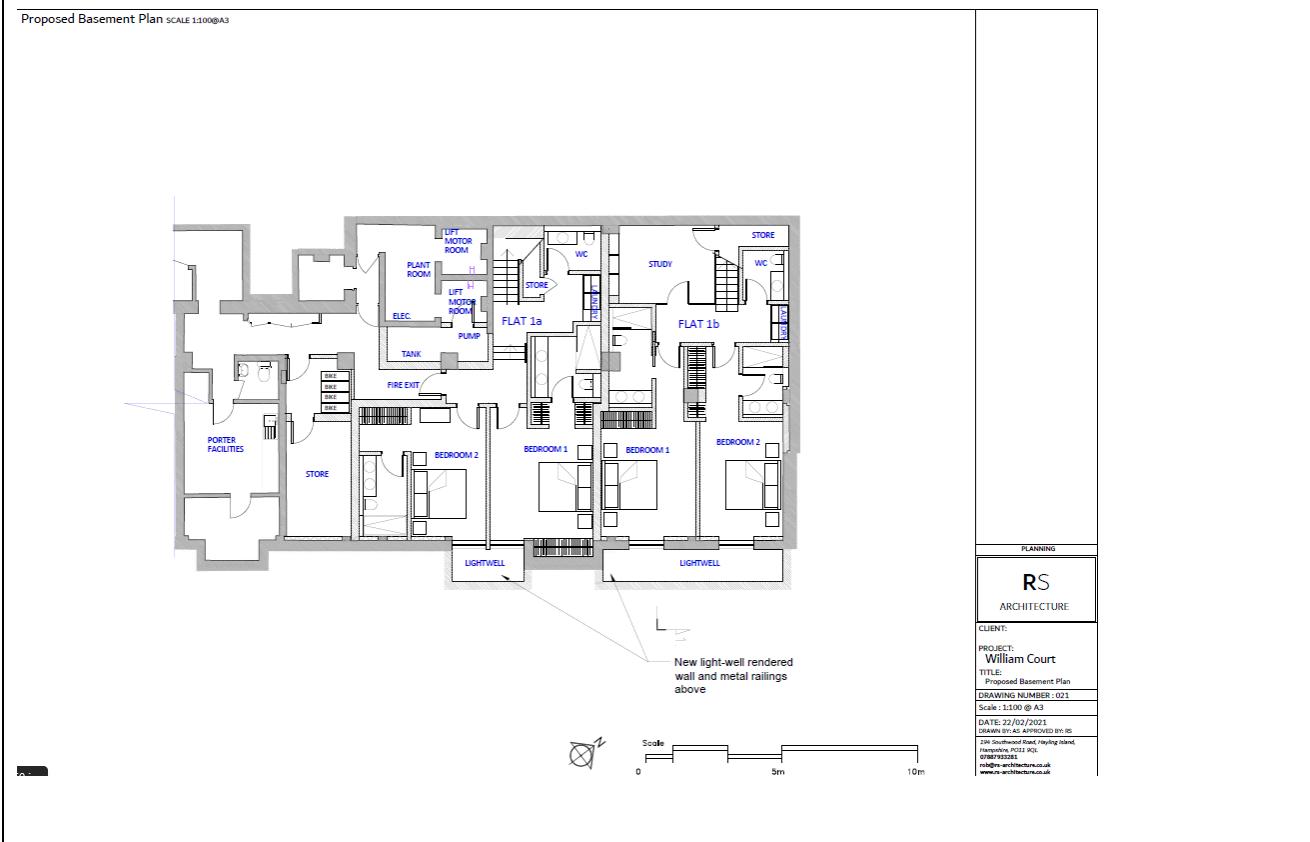
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

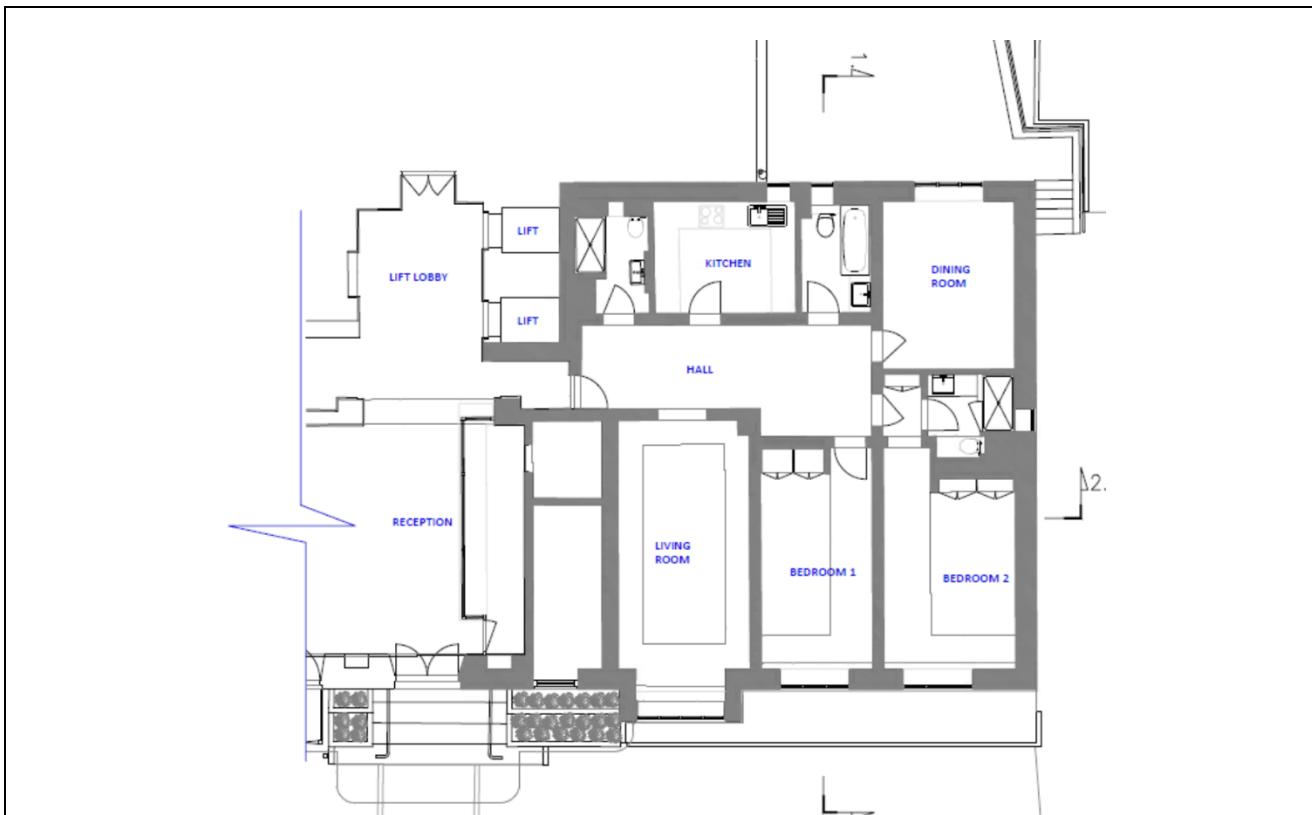
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT, PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk.

9. KEY DRAWINGS

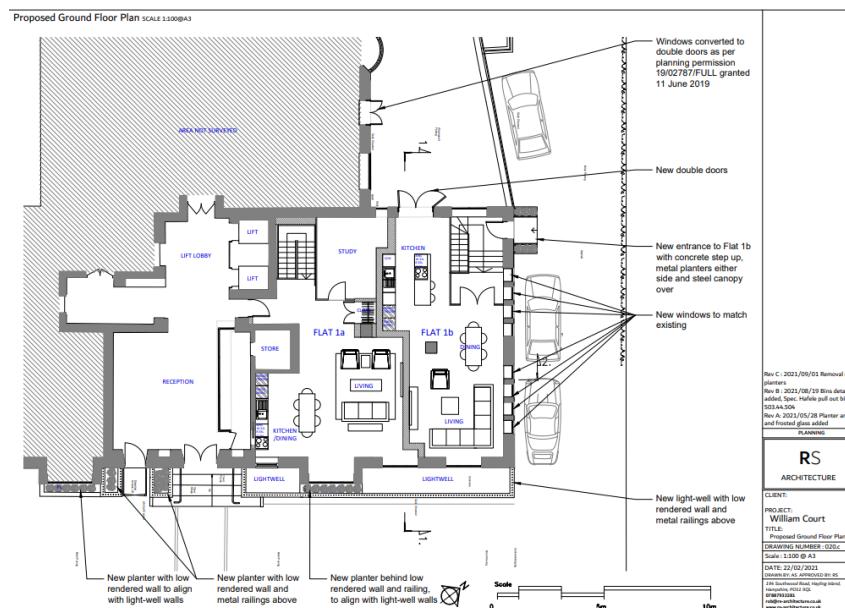


Existing (above) and proposed (below) basement plan





Existing (above) and proposed (below) ground floor plan





Existing front elevation (above) and render of proposed (below)



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3



Existing rear and side elevation (above)

Item No.
3

DRAFT DECISION LETTER

Address: Flat 1, William Court, 6 Hall Road, London, NW8 9PA

Proposal: Conversion of ground floor two-bedroom apartment and basement area to form two two-bedroom maisonettes. Associated external , works including, creation of lightwells with railings, installation of new side windows and door access to the new apartment, and double doors to the rear elevation to access new terrace.

Reference: 21/01948/FULL

Plan Nos: 001; 010; 011; 014; 015; 002A, 020C; 021; 024.B; 025.C; PL01; CoCP Appendix A Signed March 2021; Design and Access Statement dated March 2021; Letter from Ling Engineering dated Feb 2021.

Case Officer: Fergus Wong

Direct Tel. No. 020 7641
07866037255

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 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

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3

conditions to this permission. (C26AA)

Reason:

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

- 4 The new window and door frames should be painted in white and maintained as such thereafter.

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)

- 5 The new railings to the front lightwells should be formed of black painted metal and retained as such thereafter.

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)

- 6 The front lightwells should be painted white internally and maintained as such thereafter.

Reason:

To ensure that the bedrooms at basement level receive adequate light and therefore a satisfactory quality of accommodation, in accordance with policy 12 of Westminster's City Plan 2019 - 2040.

- 7 The design and structure of the building 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)

- 8 **Pre Commencement Condition.** You must apply to us for approval of a method

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

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 9 You must apply to us for our approval of any work you want to carry out on any trees. You must not start any work until we have approved what you have sent to us. The tree work must be carried out according to the approved details. (C31NA)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 10 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 10.021 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

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)

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

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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 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you (www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide (www.cae.org.uk). If you are building new homes, you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk. , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 4 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)

- 5 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).

- 6 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. 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.

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

Agenda Item 4

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CITY OF WESTMINSTER		
PLANNING APPLICATIONS SUB COMMITTEE	Date 14.09.2021	Classification For General Release
Report of Director of Place Shaping and Town Planning		Ward(s) involved Little Venice
Subject of Report		Flat 2 & 4, 121 Sutherland Avenue, London, W9 2QJ
Proposal		Amalgamation of flats 2 and 4 to create a 4-bedroom flat.
Agent		Nick Jenkins
On behalf of		Mr Gore
Registered Number	21/03794/FULL	Date amended/completed
Date Application Received	8 June 2021	8 June 2021
Historic Building Grade		Unlisted
Conservation Area	Maida Vale	

1. RECOMMENDATION

Refuse Permission – loss of residential unit

2. SUMMARY

Planning permission is sought for the amalgamation of flats 2 and 4 to create a 4-bedroom flat across ground and first floors of the property.

The key issue in the determination of this case is:-

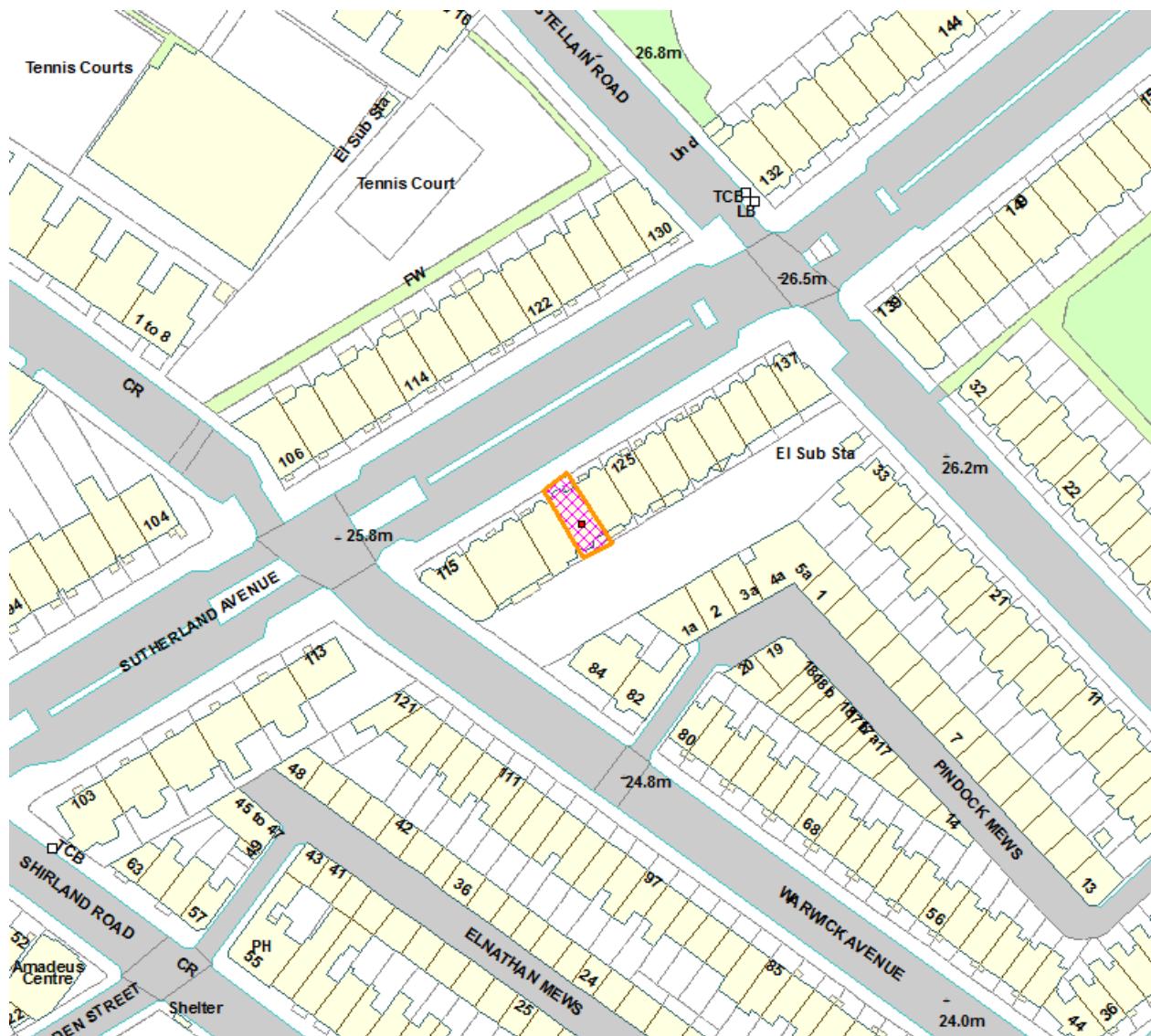
- The loss of a residential unit.

For the reasons set out in this report, the loss of the residential unit which results from the proposal is considered to be contrary to policy and therefore unacceptable.

Councillor Dean supports the proposal and has requested that this application be considered by Committee.

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3. LOCATION PLAN



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4. PHOTOGRAPHS



Front

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no. 121



Rear

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4

5. CONSULTATIONS

COUNCILLOR DEAN -WARD COUNCILLOR FOR LITTLE VENICE
Supports proposal

HIGHWAYS PLANNING TEAM
Any response to be reported verbally

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY
Any response to be reported verbally

WASTE PROJECT OFFICER
Waste details not in line with Council's requirements – request further details.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 19
Total No. of replies: 0
No. of objections: 0
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE:
Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to an unlisted five storey property on the southeast side of Sutherland Avenue within the Maida Vale Conservation Area. The property is split into self-contained flats. Flat 2 occupies the ground floor and part of the first floor and Flat 4 occupies the remainder of the first floor.

There is a communal outdoor amenity area to the rear of the terrace.

6.2 Recent Relevant History

Planning permission was granted in October 2014 for the amalgamation of Flats 2 and 3 at ground and part first floor level to form one single family unit (3-bed maisonette known as Flat 2) and alterations to the existing rear extension at ground floor level and creation of part mezzanine floor.

7. THE PROPOSAL

This application seeks planning permission for the amalgamation of flats 2 and 4 to form a maisonette across ground and first floor levels. No external changes are proposed.

8. DETAILED CONSIDERATIONS

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8.1 Land Use

Policy 8 (Housing Delivery) of the City Plan 2019-2040 states that.

Part C. All existing residential units, uses, floorspace and land will be protected, except where:

1. the reconfiguration or redevelopment of supported or affordable housing would better meet need; or
2. non-family sized housing is being reconfigured to create family sized housing.

The existing Flat 2 which occupies the ground floor and part of the first floor is annotated on the submitted existing drawings to have 2 bedrooms and a playroom. However, planning permission was granted in November 2014 for the amalgamation of another flat within the block (then flat 3) to create the current flat on the basis that although a unit was being lost this met the policy exemption of 2 flats being joined to create a family sized dwelling (3 bedroom). The drawings submitted with that application annotated the room annotated as a playroom in this application as a playroom/bedroom 3. As the existing flat is considered a family sized unit (3 bedrooms) as a result of that 2014 permission, the loss of a further residential unit to allow for its further enlargement cannot be justified under Policy 8 as the existing flat is already family sized. At 107sqm the existing flat is in excess of the minimum space standards in the National Technical housing standards and the London Plan for a 2 storey 3 bed 5 person flat (93sqm) or even a 6-person flat (102sqm).

The applicant has stated that he & his family have lived in Maida Vale for many years and wish to stay local as they work locally in the medical profession, but that 4-bedroom houses are out of reach and 4 bedroom flats in Maida Vale hard to find.

Although the applicants' personal circumstances are acknowledged, the policy intends to achieve a balance between allowing family sized units to be created and protecting the number of residential units within the City.

Chapter 5 of the NPPF recognises the shortage of homes and seeks to support the Government's objective of significantly increasing the supply of homes.

Policy H1 of the London Plan seeks to increase housing supply within the city. Policy H2 recognises the importance of smaller, lower density sites in contributing to the increased supply of homes. Paragraph 4.2.8 of H2 states;

'Where existing houses are redeveloped or subdivided, boroughs may require the provision of family-sized units (3 bed + units) providing sufficient design flexibility is provided to allow the existing footprint of a house to be enlarged in order to meet this requirement. Where the amalgamation of separate flats into larger homes is leading to the sustained loss of homes and is not meeting the identified requirements of large families, boroughs are encouraged to resist this process.'

Flat 4 is 35sqm in floorspace which is slightly below the minimum space requirements of both the National Technical housing standards and the London Plan for a 1 bed flat (37sqm). However, it is only just below that minimum standard and is an existing flat

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which has clearly provided a good level of accommodation over a number of years with good levels of natural light and a reasonable layout. It is not considered that the flat is of such a poor quality as to justify the loss of the residential unit.

Councillor Dean, a Little Venice Ward Councillor, has expressed her support for the application but has not stated the reasons.

8.2 Townscape and Design

The proposal does not involve any external alterations and therefore is considered acceptable in design terms.

8.3 Residential Amenity

No external works are proposed, and the site would remain in use as residential accommodation therefore it is not considered that the proposal would result in any impact on neighbouring residential amenity.

8.4 Transportation/Parking

The proposal would result in a net reduction of one residential unit. The Waste Project Manager has requested details of the proposed waste storage however as the proposal would not increase demand for capacity and does not compromise the existing provision, it is not considered reasonable to require this. Similarly, it is not considered necessary to require details of bike storage provision.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access is not changed by the proposal.

8.7 Other UDP/Westminster Policy Considerations

No other policy considerations.

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

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the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

There are no Neighbourhood Plans in place for this site.

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 2019 unless stated otherwise.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

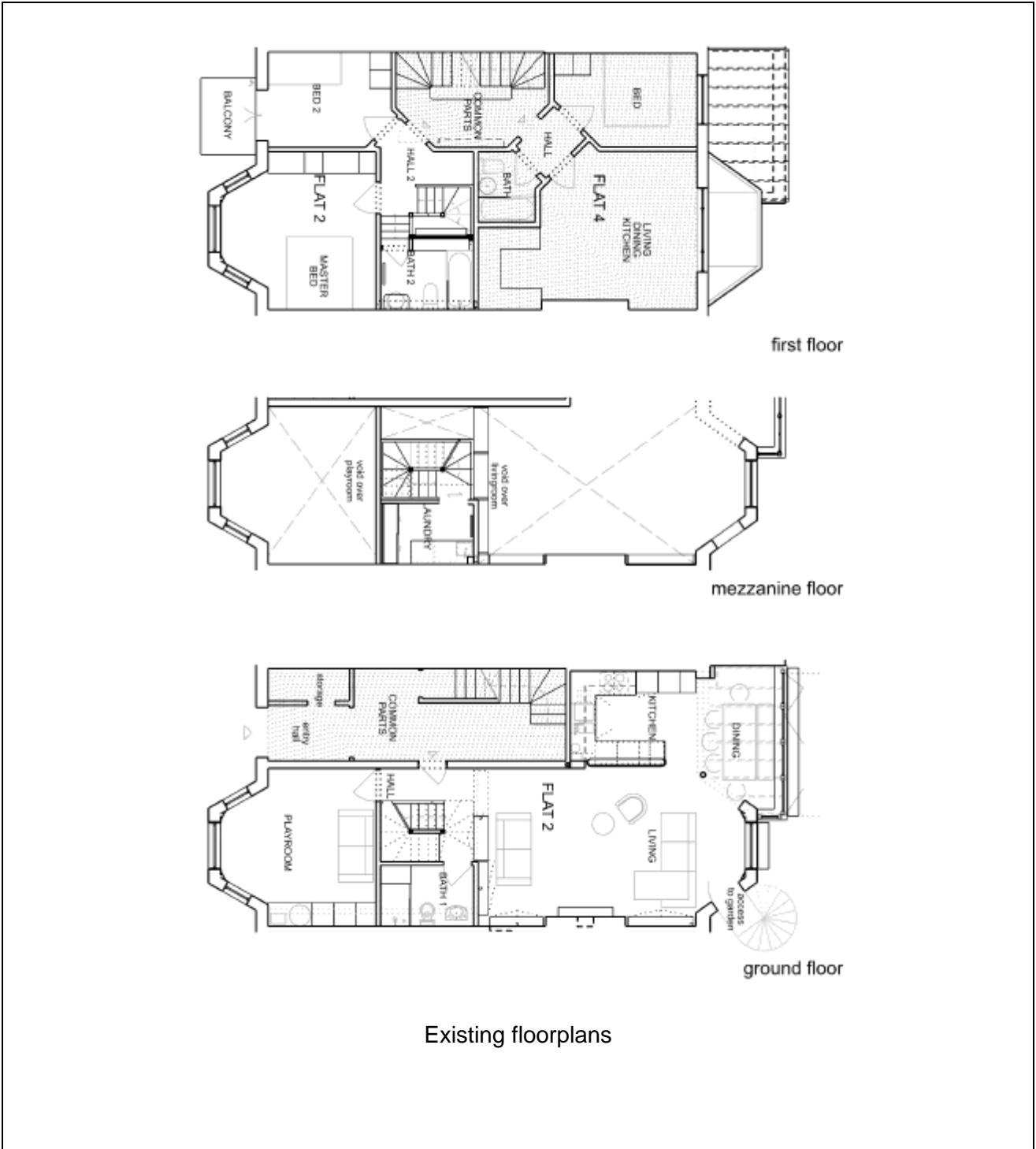
An Environmental Impact Assessment is not required for this application.

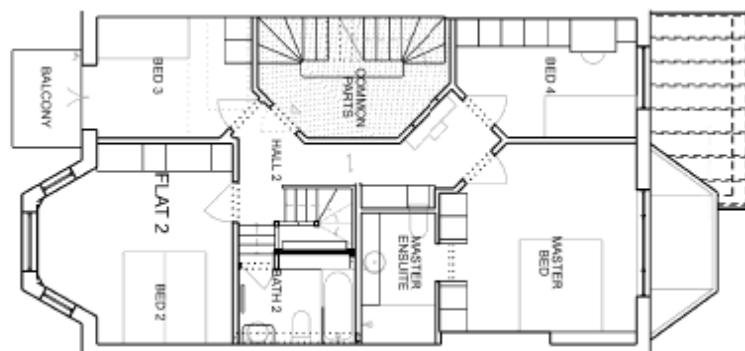
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

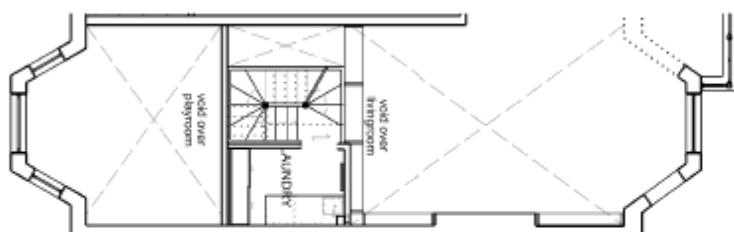
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9. KEY DRAWINGS

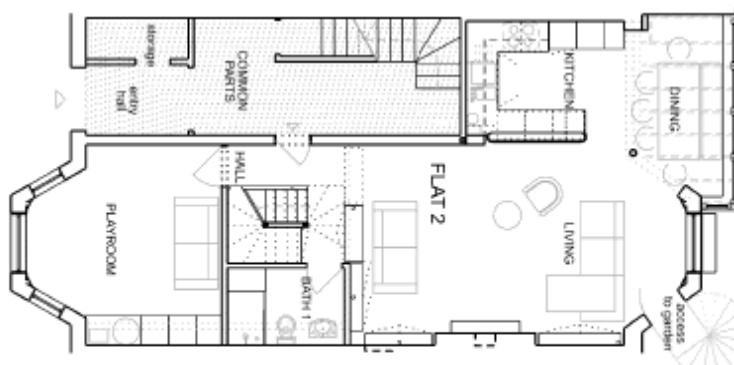




first floor



mezzanine floor



ground floor

Proposed floorplans

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DRAFT DECISION LETTER

Address: Flat 2, 121 Sutherland Avenue, London, W9 2QJ

Proposal: Amalgamation of flats 2 and 4 to create a 4-bedroom family dwelling.

Reference: 21/03794/FULL

Plan Nos: Site location Plan; NZ-D-PE-100-01Rev a; NZ-D-PP-100-01Rev a; Design and Access Statement; Cover letter dated 7 June 21.

Case Officer: Richard Langston

Direct Tel. No. 020 7641
07866036470

Recommended Condition(s) and Reason(s)

Reason:

- 1 Your development would lead to a reduction in the number of residential units. This would not meet Policies 8(C) of the City Plan 2019 - 2040 (April 2021), policies H1 and H2 of the London Plan (adopted March 2021) and Chapter 5 of the National Planning Policy Framework, which seek to optimise housing delivery.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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

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Agenda Item 5

CITY OF WESTMINSTER					
PLANNING APPLICATIONS SUB COMMITTEE	Date 14 September 2021	Classification For General Release			
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End			
Subject of Report	49 Newman Street, London, W1T 3DZ				
Proposal	Partial demolition including rear facades and fourth floor mansard roof; a new brick elevation at fourth floor and mansard roof at fifth floor; rear extension; installation of new shopfront and windows; re-configuration of entrances; repair of retained elevations; extension of the chimney stack; basement excavation; connection of the basement, ground and fifth floors to 50-57 Newman Street in connection with hotel use (Class C1), continued use of the first, second, third and fourth floors as self-contained residential flats (Class C3); private terrace at rear fifth floor level in connection with the hotel use and associated external works.				
Agent	Gerald Eve LLP				
On behalf of	Centrale Investments Limited				
Registered Number	20/08346/FULL	Date amended/completed	29 December 2020		
Date Application Received	29 December 2020				
Historic Building Grade	Unlisted				
Conservation Area	Charlotte Street, West				

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

Permission is sought to link 49 Newman Street to No 50-57 Newman Street adjacent which is under construction for use as a hotel, to provide additional hotel floorspace at lower, ground and 5th floor levels. The scheme also includes upgrading of residential flats on the 1st to 4th floors. Works proposed include the removal of a 4th floor mansard and rebuilt sheer with a new 5th floor mansard extension above and the erection of an infill extension to a rear lightwell up to 4th floor level.

The key issues for consideration are;

- The acceptability of the loss of a café' and increased hotel floorspace in land use terms
- The impact of the proposed works, including removing an existing mansard rebuilding a sheer

extension and erection of a 5th floor mansard above on the appearance of the building and the character and appearance of the Charlotte Street West Conservation Area

- The impact of the additional bulk and mass on residential amenity.

The site lies within the Central Activities Zone (CAZ), the loss of the existing café' and additional hotel floorspace complies with land use policies. In design terms the works are considered acceptable and would preserve and enhance the Charlotte Street West Conservation Area. The works would not result in any adverse impact on residential amenity.

The application accords with development plan policies and accordingly is recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

WASTE PROJECT OFFICER

Objection inadequate refuse details shown

BUILDING CONTROL - DEVELOPMENT PLANNING

Any response to be reported verbally

FITZROVIA NEIGHBOURHOOD ASSOCIATION

No response received

FITZROVIA WEST NEIGHBOURHOOD FORUM

Objection, to loss of café (Class E), breach in party wall and increase in hotel floorspace, Increase in height and loss of buildings integrity within the Conservation Area

Inadequate layout and design of 4 flats, lack of family sized residential.

THAMES WATER

Comment that the development is located within 15 metres of a strategic sewer, request a condition that prevents piling to be carried out prior to a piling method statement being approved by the City Council in consultation with Thames Water.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 81

Total No. of replies: 3

3 Objections received on some or all of the following grounds;

Amenity

Loss of light

Design

Unacceptable alteration in a Conservation Area

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises a mid to late Victorian building of lower ground, ground, and four upper floors which fronts onto Newman Street and Mortimer Street within Fitzrovia. The lower ground and ground floors are in use as a café' (Class E), with 4 x 2 bedroom residential flats the upper floors.

The building is constructed from London stock brick with red dressings flat brick arches and stone shopfront. It has a corner central entrance door to the cafe and an additional door on

Newman Street which provides access to the residential above. The building turns the corner from Newman Street to Mortimer Street both elevations have two bays with a tall corner chimney.

The building is not listed but lies within the Charlotte Street West Conservation Area and is identified in the Conservation Area audit as being a building of merit. The site lies within the Central Activities Zone.

The surrounding area is genuinely mixed use in character with many shops, restaurants bars and office nearby. The adjacent building No 50-57 Newman Street (linked to this application) is currently being redeveloped to provide a 85 bedroom hotel. There is also a well-established residential community within Fitzrovia.

6.2 Recent Relevant History

On 23 April 2020, permission was refused for 'Use of basement and ground floor level as restaurant (Class A3) for the sale of food and drink for consumption on the premises. Installation of new external ventilation duct to the rear'. RN 19/08319/FULL

The application was refused due to loss of retail, and a proposed duct being harmful to the appearance of the building and the Charlotte Street West Conservation Area.

50-57 Newman Street

On 13 December 2018 permission was granted at the neighbouring building for the following development

Demolition and redevelopment to provide a building of three basement levels, ground and part five, part six upper floors for use as a hotel (Class C1) with ancillary restaurant, bar and wellness facilities, including terraces at 4th and 6th floors; plant equipment at 6th floor and roof level and associated works. RN 17/11106/FULL.

The property was acquired by the applicant in late 2019. On 30 March 2020 a Non-Material Amendment was approved which permitted a range of minor design changes including :

- A reduction in hotel bedrooms from 100 to 85 and a revised room layout at floors 1-6
- The creation of a void at 1st basement level
- The reconfiguration of the loading dock space and entrance at the rear
- The repositioning of lifts and staircase
- Reconfiguration of front of house and back of house areas including the restaurant/bar and deli at ground floor level
- Provision of a wellness facility within the basement rather than at ground floor.

7 THE PROPOSAL

Permission is sought for a scheme which will link the application premises to 50-57 Newman Street to provide additional hotel facilities at lower ground, ground and new 5th floor levels. The application also involves reconfiguring and slightly extending four residential units at 1st to 4th floor levels.

The application involves the following physical works:

- Removal of existing 4th floor mansard roof and rebuilding sheer and the erection of a 5th floor mansard above;
- Creation of new openings in the party walls between 49 Newman Street and 50-57 Newman Street at basement, ground and fifth floors
- Excavation 1.35m below the basement floor and install a new basement slab at the level of the basement to the adjacent permitted scheme at 50-57 Newman Street
- Erection of an extension in a rear lightwell to relocate the core providing a staircase and additional floorspace to the existing flats
- Relocation of the entrance to the residential flats, including the provision of a lift from ground to 4th floor level
- Provision of a 5th floor roof terrace for the hotel
- New shopfront

8 DETAILED CONSIDERATIONS

8.1 Land Use

The table below sets out the existing and proposed floorspace figures, Gross Internal Areas (GIA)

Use	Existing	Proposed	Change
Hotel	0	160	+160
Residential (C3)	204	256	+52
Café' E	123	0	-123
Total	327	416	+89

Loss of Café (Class E)

The application involves the loss of a small café at ground and lower ground floor levels. Part of the character of the CAZ is the broad range of town centre uses at ground floor level. The scheme seeks to create a link on the lower floors to the adjacent 50-57 Newman Street to use the lower ground, and ground floors as additional hotel floorspace.

City Plan policy 14 (part G) states that in the parts of the CAZ that are commercial or mixed-use in character, the loss of town centre uses from the ground floor will be resisted. The site is in a mixed-use part of the CAZ (outside the retail hierarchy) and policy 14 part G is therefore applicable. Use of the ground floor as part hotel reception part hotel restaurant would however retain an appropriate town centre use. The policy aims to maintain the continuity of commercial uses at ground floor level. There will be no break in the commercial frontage as a result of this application. The loss of the café is acceptable in land use policy terms.

Proposed Hotel (Class C1)

City Plan Policy 14(A) supports the intensification of the CAZ to provide additional floorspace for main town centre uses, which includes hotel and conference facilities (as defined within the NPPF and London Plan).

As set out above, the proposal seeks to link the application premises to the hotel under

construction at 50-57 Newman Street at lower ground, ground and 5th floors. The lower ground would provide space for an extended gymnasium, there would be an extended restaurant and reception at ground floor level and a larger hotel suite in the proposed new 5th floor mansard. In total the proposal will result in the provision of 160 m2 of hotel floorspace

City Plan policy 15 (Visitor Economy) is applicable. The aim being to maintain and enhance the attractiveness of Westminster as a visitor destination, balancing the needs of visitors, businesses and local communities. New hotels and conference facilities will be directed to commercial areas of the CAZ (Part G of policy 15). Applications for extensions and upgrades to existing hotels will have regard to impacts on the wider area (Part H of policy 15).

An objection has been received from the Fizrovia Neighbourhood forum to the increase in hotel floorspace. The permitted 85 bedroom hotel at 50-57 Newman Street is 6162 m2, the additional 160m2 as part of this application would constitute a 2.5% increase in floorspace. This is a small increase in floorspace that would not result in any significant intensification of the permitted hotel. The applicant considers that the proposal will increase the prominence of the hotel by providing a secondary frontage onto Mortimer Street. Given the character of the area the increase in hotel floorspace is considered to be acceptable in accordance with policy.

Residential (Class C3)

City Plan policy 12 (Housing Quality) seeks to ensure that all new homes and residential extensions will provide a well-designed, energy efficient and high-quality living environment.

The 1st to 4th floors are currently in use as 4 x 2 bedroom flats accessed from Newman Street. The flats on the lower 3 floors all measure 52.8 m2, the flat within the mansard is slightly smaller measuring 45.1m2.

The scheme will retain the 4 x 2 bedroom units, but the flats will be reconfigured with new fireproof partitions added. Access will be from Mortimer Street via a repositioned staircase. An infill extension of a rear lightwell will enable the provision of a lift serving all the flats (but does not extend to the 5th floor hotel accommodation). An objection has been received that the flats will be below the nationally described space standards, furthermore that layout is inadequate lacking in storage space and at least one larger family sized unit should be provided.

The minimum space standard for a 2x bedroom (3 person) flat is 61m2. The size of all four flats will be increased to 58.4m2. Whilst it is acknowledged the proposed accommodation would be marginally below the space standards all the flats are being increased in size with improved lift access and are considered to be an improvement in comparison with the existing accommodation. The provision of a larger family sized unit could only be achieved by reducing the overall number of units which would be contrary to City Plan policy 8 which protects residential floorspace and units. In the circumstances the residential provision is considered acceptable.

8.2 Townscape and Design

Legislation

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that “In

the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

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

Consideration

49 Newman Street is an unlisted building located in the Charlotte Street West Conservation Area. The Conservation Area Appraisal identifies it as a building of merit where a roof extension would not normally be acceptable. The building dates from the later nineteenth century forming a late Victorian property which sits on a small corner plot at the junction of Newman Street and Mortimer Street. It comprises a four-storey building with basement beneath and mansard above. Its faced in yellow stock brick with red brick string courses and stepped window headers brick aprons to the upper floors. The original windows survive to the street facing facades. The ground floor was faced in stone at a later date, likely during the first half of the twentieth century, to provide a formal shopfront and corner entrance.

The proposals include the demolition of the roof, rear facades, internal partitions, staircase and windows. The front facades and floorplates are to remain. An additional storey is proposed to be built in brick match the façade beneath and a new mansard added above. The chimney stack would also be extended. At the rear a small extension is proposed to remove the existing modest open lightwell area with a small terraced above. New shopfronts are also proposed at ground floor level.

The additional storey has been designed in a sympathetic manner in response to the built context. The materials and form of the extension reflect the existing building, while the increase in height will sit appropriately against the taller properties either side. The surrounding context has changed since the adoption of the Charlotte Street West Conservation Area Appraisal. A six-storey building is under construction at 50-57 Newman Street and a seven-storey building has been completed at 2-6 Mortimer Street. The proposed dormer windows would be larger than the windows beneath. This would have a detrimental impact on the hierarchy of the façade and fails to comply to the 'Roofs' SPG. An amending condition is recommended to ensure that the size of the windows are reduced.

Subject to this condition, the proposed extension will have a neutral impact on the character and appearance of the conservation area and will comply with the requirements of policies 38, 39 and 40 of Westminster's City Plan 2019-2040 (adopted April 2021).

The existing rear lightwell is of a modest size and, given the new rear building line at 50-57 and modern character of the mews, it no longer contributes the character and appearance of the conservation area. As such, its infill and proposed roof form at the rear is acceptable in this case. The new facades should be finished in a yellow stock brick to match existing. A condition is recommended regarding the materials proposed to be used.

While the proposed removal of the original windows across the facades is disappointing, the building is not listed, and matching replacements will have no impact on the character and appearance of the conservation area. A condition is recommended regarding the detailed design of the windows to ensure that they match in terms of their material and design.

At ground floor level, the proposals will see the removal of the windows and the sills dropped. New units are proposed which include glazing bars to reflect the windows above. The new units and removal of the clutter, such as the signage and awnings are welcomed. A condition is recommended regarding the detailed design of the new units.

While a fixed panelled door would better reflect the character of the building, given the improvements proposed at ground floor level, the fixed glazing is acceptable in this case.

Objections have been received regarding the impact the proposals will have on the unity of the building and its contribution to the character and appearance of the conservation area. While the height of the building will increase, the window openings of the brick façade will remain unaltered. Existing openings on each floor are uniform in size, unlike earlier terraced properties. As such, the proposals will not impact any legible hierarchy between floors. The building will remain uniform in appearance. The parapet will remain almost a storey lower than that at 1-3 Mortimer Street, 1m lower than that at 50-57 Newman Street and will not reach the height of 2-6 Mortimer Street across the road. Given the taller properties within the immediate vicinity and the uniform nature of its fenestration, the proposals will preserve the character of the building.

This application complies with policies 38, 39 and 40 of the City Plan 2019-2040 and will preserve the character and appearance of the conservation area.

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

8.3 Residential Amenity

Development that could result in a change to the amenity of neighbouring occupiers are assessed against Policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policies 33 and 38 C are also relevant, which seek to make sure that quality of life and health and wellbeing of existing and future occupiers, including considerations such as noise and construction impacts.

Daylight and Sunlight

The proposed additional storey would result in an increase in the buildings height from 42.86m to 46.79m. A Daylight and Sunlight report has been submitted as part of the application which assesses the impact on the following properties:

48 Newman Street, 66 Goodge Street, 45-46 Newman Street, 58-60 Goodge Street, 1 Fitzroy Place.

Daylight

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

The BRE stresses that the numerical values are not intended to be prescriptive in every case and should be interpreted flexibly depending on the circumstances. This is because expectations may be different in rural or suburban situations compared to a more densely developed urban context. The guidance acknowledges that although these values should be aimed for, it may be appropriate in some locations such as in urban areas to use more realistic values. Properties that are affected by reduced daylight that see retained VSC values in the mid-teens are therefore considered to have a reasonable amount of daylight in the context of this particular urban location.

The report submitted indicates that out of 95 windows assessed across all 4 properties, 34 windows would achieve a VSC of greater than 27% and in all the remaining cases any losses would be less than 20%. The scheme complies with BRE guidelines in terms of daylight.

Sunlight

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months (winter PSH). As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, then the loss of sunlight may be noticeable.

Assessment

The daylight and sunlight analysis has been undertaken on the basis that the hotel under construction at 50-57 Newman Street is in place. Objections have been received from 3 flats at 45-46 Newman Street a residential block on the eastern side of Newman Street, situated to the south- east of the site.

The table below shows the daylight impact to 45-46 Newman Street (Objector's property).

Floor	Room	window	Existing VSC	Proposed VSC	Loss	% loss
First	Livingroom	W1 1st	13.5	13	0.5	3.7%
	Livingroom	W2 1 st	12.6	12.4	0.2	1.6%
	Livingroom	W3 1 st	10.2	10.2	0	0%
	Bedroom	W4 1 st	12.4	12.2	0.2	1.6%
Second	Dining room	W1 2 nd	16.1	15.6	0.5	3.1%
	Dining room	W2 2nd	15.9	15.6	0.3	1.9%
	Dining room	W3 2nd	12.4	12.4	0	0%

	Living room	W4 2nd	15.6	15.5	0.1	0.6%
Third	Bedroom	W1 3rd	19.2	18.9	0.3	1.6%
	Bedroom	W2 3 rd	20.2	20.1	0.1	0.5%
	Bedroom	W3 3rd	15.4	15.4	0	0%
	Living room	W4 3rd	19.8	19.8	0	0%

The table above shows there is very minimal impact to daylight (VSC) levels to windows on the 1st to 3rd floor levels, and there would be no impact to windows on the 4th and 5th floors. The study as a whole shows that there will be no breach in BRE guidelines in terms of both daylight (VSC and NSL) and sunlight (APSH) to any of the properties assessed. This aspect of the application is acceptable.

Sense of Enclosure

The rear extension infilling a small lightwell is relatively modest. Given the location of the sites location the increased bulk and mass of the roof extension would not result in any material or harmful increased sense of enclosure to neighbouring properties.

Privacy

Rebuilding the 4th floor and new 5th floor will not result in any additional overlooking to facing properties on Newman Street or Mortimer Street. The scheme includes a small rear 5th floor terrace accessed from the new hotel room. The terrace is in close proximity to the flank elevation of No 1-3 Mortimer Street. Given that the upper floors of this property are use as offices and are not residential it is not considered that permission should be withheld on the basis that there would be overlooking and a loss of privacy.

8.4 Transportation/Parking

The proposal will not generate any additional demand for on- street car parking, or result in increased servicing requirements. The scheme will have no adverse impact on the highway.

8.5 Economic Considerations

Any economic benefits generated by improvements to the hotel are welcomed

8.6 Access

City Plan Policy 38 states that all development will place people at the heart of design, creating inclusive and accessible spaces and places. Infilling the small lightwell next to Berners Mews to provide a new staircase will improve vertical access in the building. The provision of lift access to all the flats at 1st to 4th floors is welcomed in accordance with City Plan and London Plan policies.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The waste project officer has objected to the application as no details of refuse storage has been provided. It is recommended that refuse and recycling details are secured by condition

Sustainability

City Plan Policy 36 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.

The proposals make use of previously developed urban land, which is well served by public transport. The proposals will re-use the embodied energy of the existing building; as opposed to demolishing it and building anew. The application therefore proposes a more efficient use of the land, which is consistent with the aims of sustainable development within the NPPF and City Plan Policy 1.

The Proposed Development would improve the thermal and acoustic performances of the building through the installation of double glazed windows (where existing historic windows cannot be repaired) and improvements to internal building fabric. Thermal performance of the building will also be improved as a result of proposed insulation to the new mansard roof and terrace. This would lead to a reduction in the demand for on site energy usage and is therefore in accordance with City Plan Policy 36.

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

Not applicable

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 2019 unless stated otherwise.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

The development is not of a scale that requires an Environmental Impact Assessment.

8.14 Other Issues

Basement

The scheme involves excavation 1.35 m below the basement floor and installation of a new basement slab at the level of the adjacent permitted scheme at 50-57 Newman Street. The building is not within a flooding hotspot area (as defined by the basement SPG). As the proposal is for a single basement level it complies with all parts of Westminster's basement policy in City Plan policy 45. In order to mitigate construction impacts the Council has adopted its Code of Construction Practice, which requires developments of this nature to submit details of how the construction phase of the development will be managed.

Construction impact

A condition is proposed which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COPC) to ensure that the basement construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupiers during the construction process to ensure that neighbours' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and ensure compliance. A further condition is recommended to control the hours of excavation and building works. Subject to these conditions, it is considered that the potential effects of the construction process will be ameliorated as far as possible and complies with City Plan policy 45.

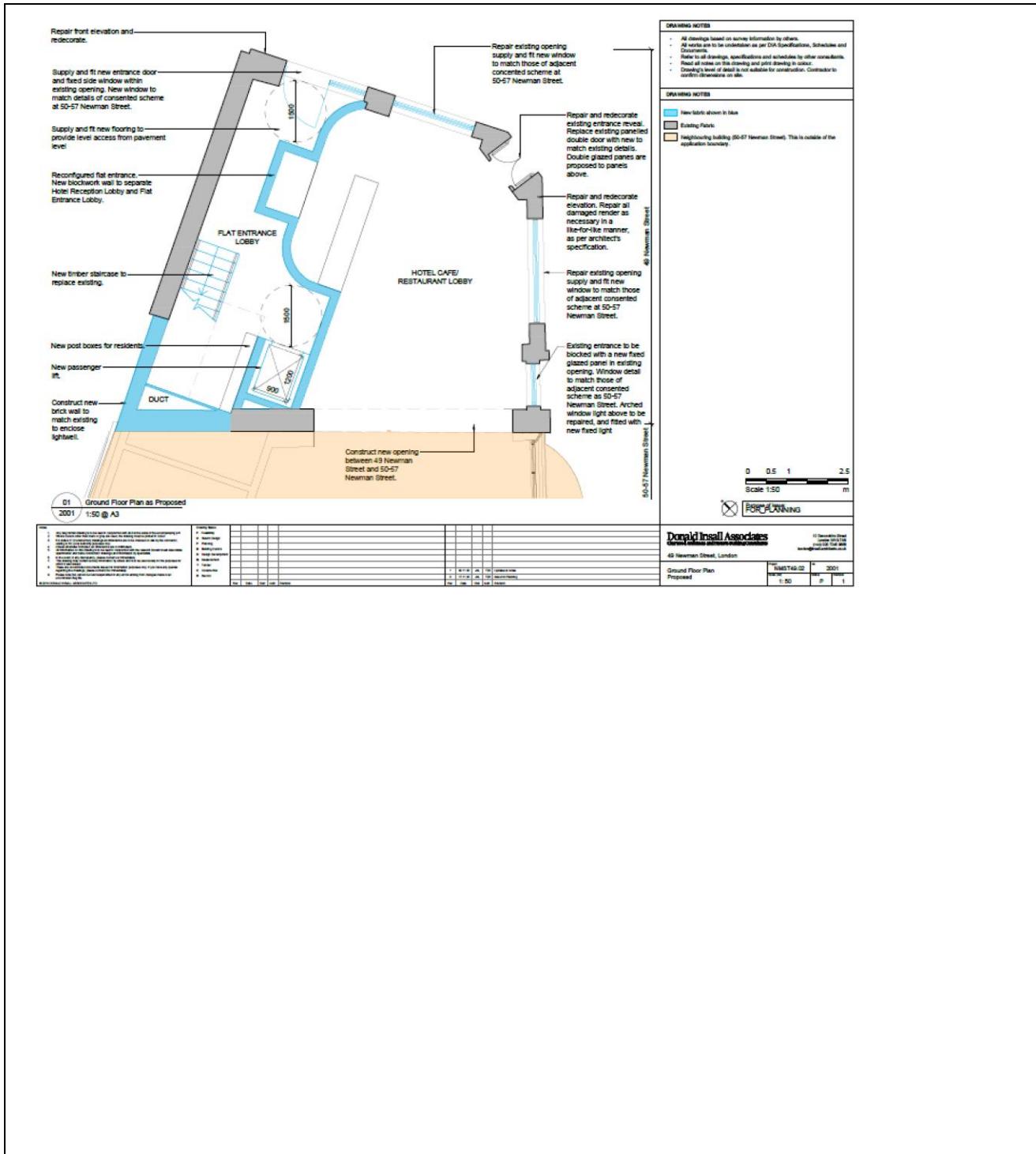
Thames Water

Thames Water advise that the development is located within 15 metres of a strategic sewer. A request is made that permission is subject to a condition which requires a piling method statement to be approved prior to any piling being carried out to prevent damage to subsurface sewerage infrastructure.

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

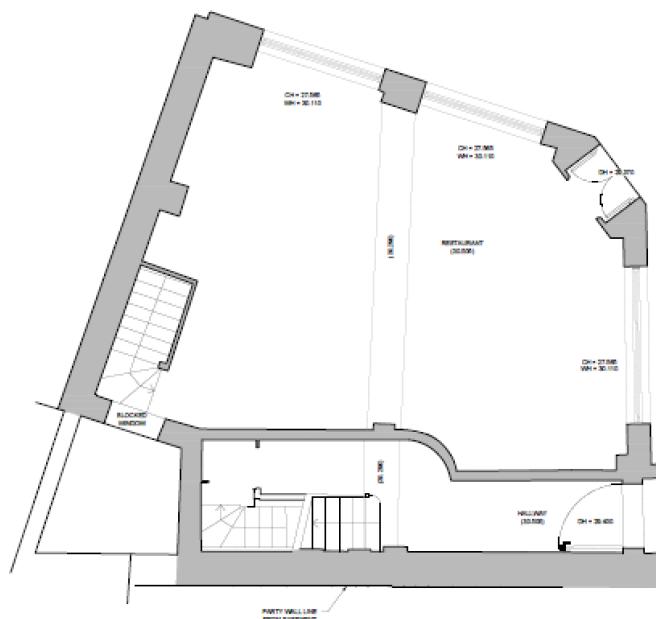
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

9 KEY DRAWINGS



NOTES

- Survey information by others.



GROUND FLOOR PLAN

01 Ground Floor Plan as Existing
1001 1:50 @ A3

0 0.5 1 2.5
Scale 1:50
m

BOROUGH PLANNING

Site Information		Building Description										Planning Reference					
1. Site address:	1001 Newgate Street, London, EC1A 7BB	2. Site area:	27.90m x 30.11m	3. Building area:	200m ²	4. Total floor area:	200m ²	5. Number of floors:	1	6. Building height:	3.00m	7. Building type:	Commercial	8. Building condition:			
9. Building use:	Restaurant	10. Construction material:	Brickwork, concrete, steel frame	11. Structural system:	Steel frame	12. Foundation type:	Reinforced concrete	13. Roofing:	Flat roof	14. External walls:	Brickwork, concrete, steel frame						
15. Internal partitions:	Partitions, doors, stairs	16. Services:	Water, drainage, electricity, gas, telephone, internet	17. Fire safety:	Fire detection, fire extinguishers, emergency exits	18. Sustainability:	None	19. Energy efficiency:	None	20. BREEAM rating:	None	21. LEED rating:	None	22. Other:			
23. Existing building footprint:	27.90m x 30.11m	24. Existing building height:	3.00m	25. Existing building area:	200m ²	26. Existing building condition:	Good	27. Existing building use:	Restaurant	28. Existing building services:	Water, drainage, electricity, gas, telephone, internet	29. Existing building fire safety:	Fire detection, fire extinguishers, emergency exits	30. Existing building sustainability:	None	31. Existing building energy efficiency:	None
32. Existing building footprint:	27.90m x 30.11m	33. Existing building height:	3.00m	34. Existing building area:	200m ²	35. Existing building condition:	Good	36. Existing building use:	Restaurant	37. Existing building services:	Water, drainage, electricity, gas, telephone, internet	38. Existing building fire safety:	Fire detection, fire extinguishers, emergency exits	39. Existing building sustainability:	None	40. Existing building energy efficiency:	None

Donald Insall Associates

Current address and future mailing address

49 Newman Street, London

10 Cavendish Street
London, WC2E 7AE
020 7240 1338
info@donaldinsall.com

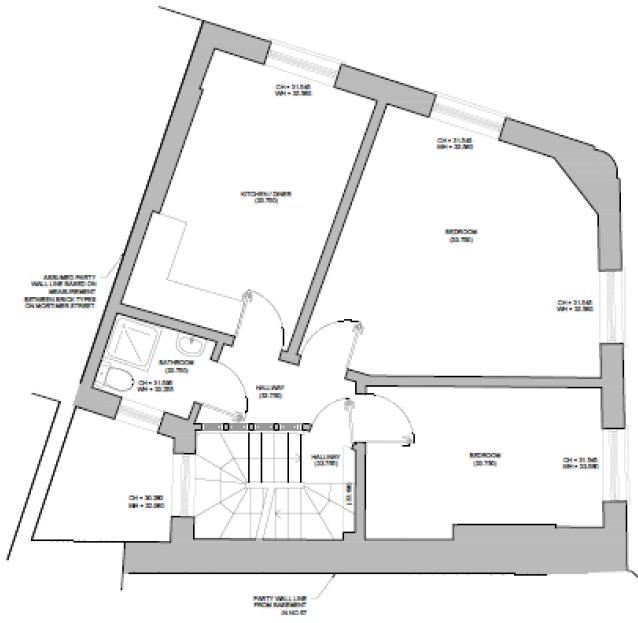
Ground Floor Plan

Existing

1:50

P

0



FIRST FLOOR PLAN

01 First Floor Plan as Existing
1002 1:50 @ A3

0 0.5 1 2.5
Scale 1:50 m

Elevation FOR DRAFFING

Notes		Elevation												Drawing Information	
1	ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE STATED.													01 First Floor Plan as Existing	1002
2	ALL ANGLES ARE INTERNAL UNLESS OTHERWISE STATED.													1:50	P

Donald Insall Associates

General Practice Architects Building Designers

49 Newman Street, London

13 Grosvenor Street
London W1A 1LB

Tel: 020 7436 4444

www.donaldinsall.com

First Floor Plan

Existing

Ref:

RMSDT49.02

Date:

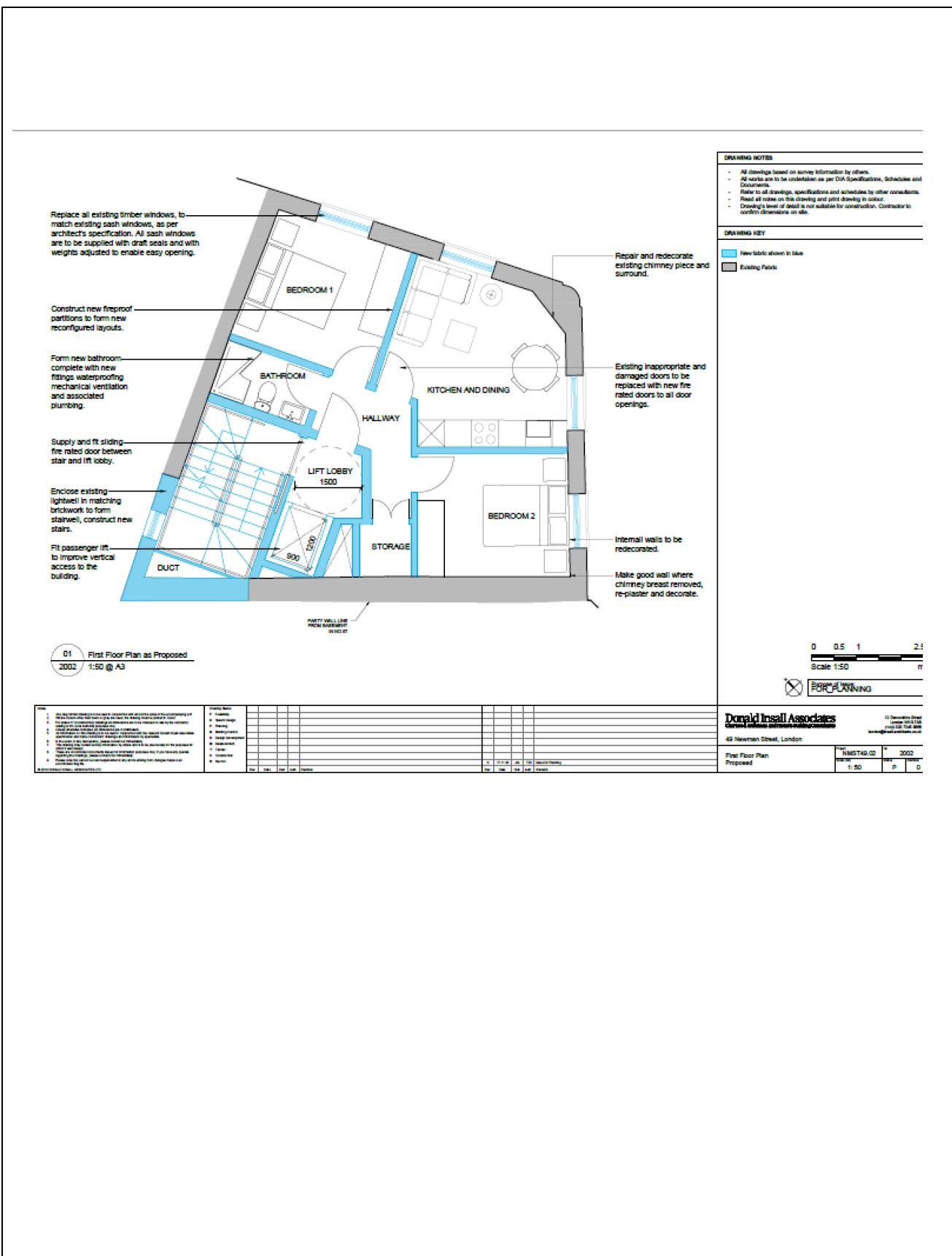
10/02

Version:

P

Page:

0





01 East Elevation as Proposed
2201 1:100 @ A3

01		East Elevation as Proposed												Scale 1:100		Drawing No. 2201	
		After addition to G/F															
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	

DRAWING NOTES																
- All drawings based on survey information by others.																
- All works are to be undertaken as per DIA Specifications, Schedules and Documents.																
- Any other drawings, specifications and schedules by other consultants.																
- Read all notes on this drawing and print drawing in colour.																
- Drawing's level of detail is not suitable for construction. Contractor to confirm dimensions on site.																
Proposed Extension																
1. To be designed to be discretely detailed to be suitable for the existing brick elevation to be extended to 6th floor, including the extension of the chimney stack.																
2. Proposed details to match existing.																
3. New timber window frames to be proposed to the 6th floor. New timber window frames to match details of existing windows.																
4. Lost chimney pots to be reinstated.																
5. New coping stones are proposed to the 5th floor parapet as per the existing curved line.																
External Repairs and Redecoration																
6. Allow for 100% cleaning of brickwork and stone cills as per architect's specification.																
7. Allow for repairing of the brickwork in a like-for-like manner, as per architect's specification.																
8. Replace and repair slipped parget brickwork to window heads.																
9. Clean and repair stone cills, as per architect's specification.																
Proposed Repair to Ground Floor																
10. Repair and reduce the elevation of ground floor as per appropriate specification.																
11. Existing windows at ground floor are to be replaced. The cill levels of existing windows are to be reduced to match the new window heads. The new windows are to be set back from the original window heads and the placing bar pattern introduced to match the details of the new windows above and the consented scheme at 50-57 Newman Street.																
12. Repair or replace damaged brickwork to ground floor cills with new to match existing details. Double glazed panes are proposed to panels above.																
13. Renew all new lead capping to timber surface at low level.																
14. Repair or replace all damaged render as necessary in a like-for-like manner, as per architect's specification.																
15. The existing doors to the residential units along Newman Street is to be replaced with a new fixed glass panel.																

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49 Newman Street, London
East Elevation Proposed
HMS142.02 2001
Scale 1:100 P 0

NOTES

- Survey information by others.



01 North Elevation as Existing
1:100 @ A3

02 East Elevation as Existing
1:100 @ A3

03 West Elevation as Existing
1:100 @ A3

0 1 2 3 4
Scale 1:100
00
BPR PLANNING

<small>01 North Elevation as Existing</small>	<small>02 East Elevation as Existing</small>	<small>03 West Elevation as Existing</small>	Donald Insall Associates <small>General Practitioners and Residential Consultants</small> 49 Newman Street, London W1A 3AA Tel: 0181 437 1000 Fax: 0181 437 1001
<small>01 North Elevation as Existing</small>	<small>02 East Elevation as Existing</small>	<small>03 West Elevation as Existing</small>	<small>01 North Elevation as Existing 1:100 @ A3</small>

DRAFT DECISION LETTER

Address: 49 Newman Street, London, W1T 3DZ,

Proposal: Partial demolition including rear facades and fourth floor mansard roof; a new brick elevation at fourth floor and mansard roof at fifth floor; rear extension; installation of new shopfront and windows; re-configuration of entrances; repair of retained elevations; extension of the chimney stack; basement excavation; connection of the basement, ground and fifth floors to 50-57 Newman Street in connection with hotel use (Class C1), continued use of the first, second, third and fourth floors as self contained residential flats (Class C3); private terrace at rear fifth floor level in connection with the hotel use and associated external works.

Plan Nos: 2000 P rev 1, 2001 P rev 0, 2002 P rev 0, 2003 P rev 0, 2004 P rev 0, 2005 P rev 0, 2006 P rev 0, 2007 P rev 1, 2100 P rev 0, 2101 P rev 0, 2200 P rev 0, 2202 P rev 0,

Case Officer: Mike Walton **Direct Tel. No.** 07866039922

Recommended Conditions and Reasons:

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 You must apply to us for approval of 1:20 and 1:5 drawings of the following parts of the development:

- a) External windows and doors;
- b) Shopfront windows; and
- c) Balcony balustrade.

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

Reason:

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

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Charlotte Street West 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 samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Charlotte Street West 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 detailed drawings showing the following alteration to the scheme reduced size of the dormer windows. 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 Charlotte Street West Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26DE)

7 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)

8 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 20/08346/FULL 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)

9 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

At the request of Thames Water

10 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 lower ground, ground and 5th floors for hotel purposes 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 hotel. You must not use the waste and recycling store for any 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).

Informatives:

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

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

3 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/planning-building-and-environmental-regulations/building-control.

4 We recommend you speak to the Head of Building Control about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 6500 or email districtsurveyors@westminster.gov.uk.

5 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 and to apply online please visit www.westminster.gov.uk/susensions-dispensations-and-skips.

6 With reference to condition 8 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for

basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

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

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

7 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:

Considerate Group
2 Eastbourne Terrace,
London
W2 6LG
E-mail: jk@considerategroup.com
Phone: 020 3865 20528

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Agenda Item 6

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CITY OF WESTMINSTER		
PLANNING APPLICATIONS SUB COMMITTEE	Date 14 September 2021	Classification For General Release
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End
Subject of Report	13 - 15 Rathbone Street, London, W1T 1NB	
Proposal	Erection of rear second floor extension to existing office building, amendments to existing rear terrace and creation of new terrace space at third floor level on top of new extension, erection of new roof terrace space with associated balustrade and access at main roof level.	
Agent	Quod	
On behalf of	Fabrix Capital	
Registered Number	21/00847/FULL	Date amended/completed
Date Application Received	12 February 2021	12 February 2021
Historic Building Grade	Unlisted	
Conservation Area	Charlotte Street, West	

1. RECOMMENDATION

Grant conditional planning permission.
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2. SUMMARY

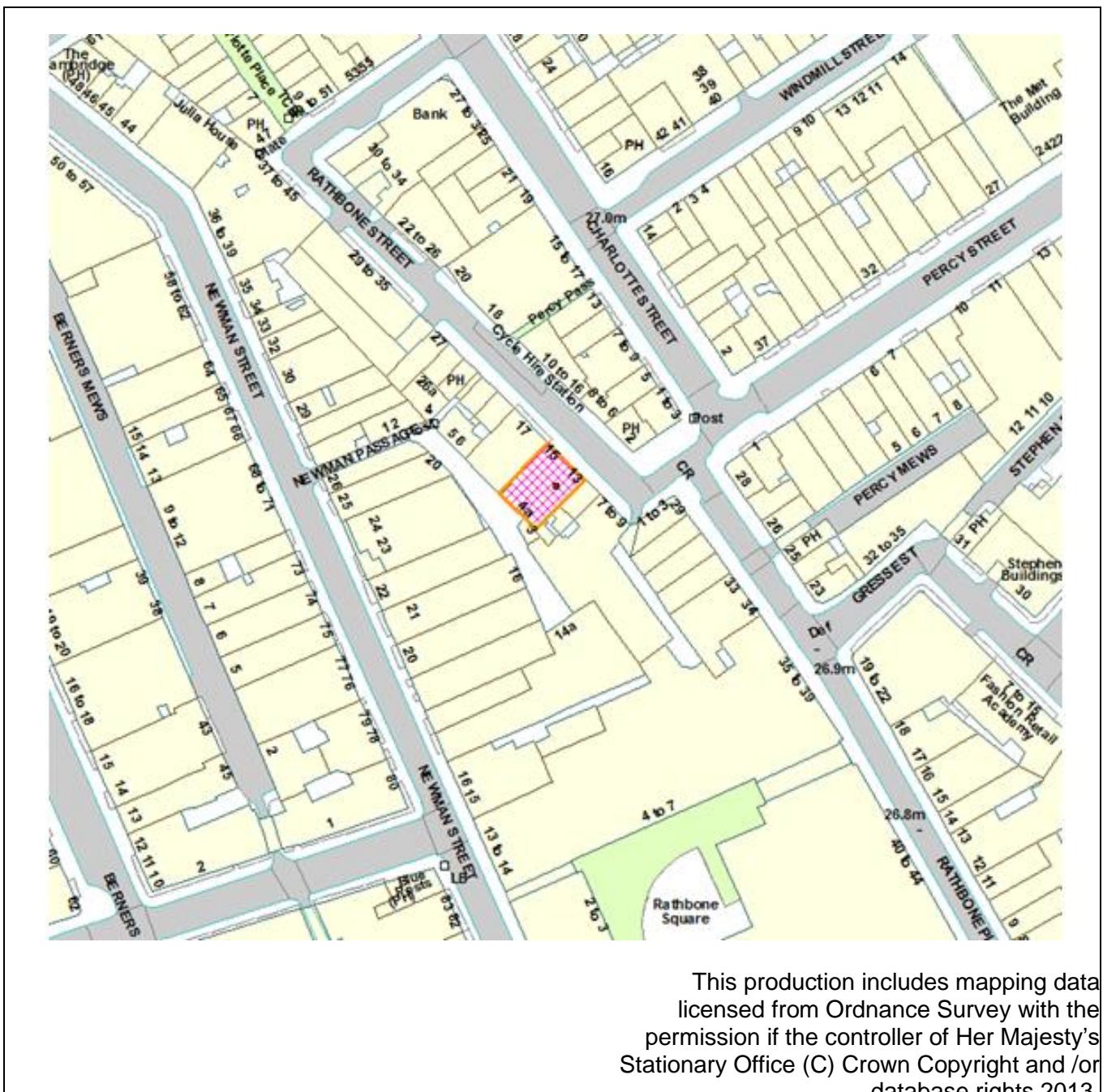
The building is in use as offices (Class E) throughout and comprises of basement, ground and four upper floors. Permission is sought for a rear 2 nd floor extension and the provision of a 3 rd floor terrace and works associated with the provision of a terrace at main roof level.

The key issues for consideration are:

- The impact of the proposed extension and terraces on neighbouring residential amenity; and
- The impact of the proposals on the special character of the Charlotte Street, West Conservation Area.

Following the inclusion of a privacy screen to the proposed 3 rd floor terrace and subject to conditions limiting the use of the terraces it is considered that use of the terraces would not result in a loss of amenity. The proposed alterations to the building will not harm the character or appearance of the Charlotte Street, West Conservation Area. It is therefore recommended that permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



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5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

No response to date – any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 69

Total No. of replies: 22

No. of objections: 14

No. in support: 8

Fourteen objections have been received raising some or all of the following concerns:

- Noise impact from terraces,
- Loss of privacy,
- Loss of daylight and sunlight,
- Noise impact during construction,
- Noise from rooftop plant changes,
- Concern conditions to address noise issues are not enforceable,
- Security risk from new terrace adjacent to an existing terrace, and
- Loss in value to property.

Eight supportive comments have been received from local businesses and workers raising some of all of the following points:

- Support use of rooftops which are otherwise neglected,
- Encourage more amenity space,
- Encourage amenity space for offices (particularly in post-COVID world),
- Encourage greening of buildings in this way,
- Disagreement with noise concerns raised by local residents, and
- Proposals will encourage workers back to the office/city.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the west side of Rathbone Street, just to the north of the intersection with Percy Street and Charlotte Street. The site backs onto Newman Passage. The site is within the Charlotte Street West Conservation Area, the Central Activities Zone (CAZ) and the West End Retail and Leisure Special Policy Area (WERLSPA). The building comprises of basement, ground and four upper floors, the top floor is a mansard roof. The property is used as office floorspace (Class E) throughout.

6.2 Recent Relevant History

Planning permission was granted on 13 February 2001 (RN: 00/08468/FULL) for:

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"External alterations to rear and front elevations, increase in height of existing lift motor room, installation of new plant at roof level and removal of existing air conditioning units at ground, first, second and roof levels."

Planning permission was granted on 15 September 1986 (RN: 86/01943/FULL) for:
"Creation of additional mansard to be used as offices"

Planning permission was granted on 22 June 1984 (RN: 84/00621/FULL) for:
"Change of use of basement & ground floors nos 13-15 from showroom to office use.
Use of no.17 for studio & light industry".

7. THE PROPOSAL

Planning permission is sought to allow the erection of a rear second floor extension to existing the office building. The proposed extension will extend across half the width of the building. The extension will infill half of an existing terrace. The proposal seeks to use the roof of the extension as a 3rd floor terrace. A new terrace with associated balustrade and access is also proposed at the main roof level, on top of the existing mansard roof. The creation of the roof terrace involves a slight change to a plant enclosure.

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

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class E)	856	874	+18
Total	856	874	+18

8. DETAILED CONSIDERATIONS

8.1 Land Use

Office Use (Class E)

The proposals will result in a very modest increase in office floorspace (Class E) of 18 m² (GIA). The additional office floorspace accords with the policy aim of supporting economic growth within the CAZ and West End and Retail and Leisure Special Policy Area as set out in City Plan policies 1 B (Westminster's spatial strategy), 2 (Spatial Development Priorities: West End Retail and Leisure Special Policy Area and Tottenham Court Road Opportunity Area) and 13 (Supporting economic growth)

The application is acceptable in land use terms.

8.2 Townscape and Design

Legislative background

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*

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planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

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

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

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39 of the Westminster City Plan 2019-2040 (April 2021) requires development to conserve features that contribute positively to the settings of conservation areas and take opportunities taken to enhance 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.

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. 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.

Design Assessment

Roof alterations

13-15 Rathbone Street is an unlisted building in the Charlotte Street West Conservation Area to which it makes a positive contribution. It stands on the west side of the street and has a façade of red brick with stone details, and a slated mansard roof which was constructed in the late 1980s. The neighboring property to the north is of similar scale and that to the south is a small, domestic-scale building with timber sash windows and a yellow stock brick façade.

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The nearest listed buildings are in Charlotte Street (11-13) and Newman Street (27, 28, and 29), and the site is partly within two protected vistas. The Rathbone Street frontage of the building is in protected vista 2B.1 (Parliament Hill oak tree to Palace of Westminster), and the Newman Passage side of the building is within the protected vista 2A.2 (Parliament Hill summit to the Palace of Westminster). However, in neither view does the proposal breach the threshold plane.

The site is visible in views along Rathbone Street and there are longer views from the western end of Percy Street in the Borough of Camden. Nevertheless, the proposals in their current form have no impact on the setting of any listed buildings and do not affect the protected vistas.

The conservation area audit notes that, “*The majority of buildings in the area have traditional mansard roofs and many along Newman Street have basements. Buildings are predominantly of brick, adding a richness and coherence to the area*”. Paragraph 3.16 recognises the importance of roof profiles to the character and appearance of the conservation area, and that, “*The majority of buildings have existing mansards or distinctive roof profiles which are designed to be seen against the sky and therefore roof extensions would be inappropriate*”.

The original building had a flat roof to which the existing mansard roof is a later addition. Nevertheless, it is in proportion to the facades below and has appropriate, simple, dormer windows, and the roof is hipped on the southern side to avoid dominating the adjoining building. However, the building is still conspicuously taller than most in the street. Therefore, any alterations at roof level that would increase its height would be visually intrusive and unsightly when seen from street level in the vicinity and in longer public and private views from ground or upper levels.

Following extensive pre-application discussions, proposal for an additional storey of accommodation on the roof have been omitted and a roof terrace is now proposed.

The main roof terrace area is to be set behind a short upstand to the mansard roof guarded with glass balustrades. The use of glass balustrades is atypical and not in keeping with the historic character and appearance of the building or surrounding conservation area. However, black painted metal railings would be appropriate. It is recommended that this is dealt with by an amending condition.

The access enclosure is a sliding box-rooflight over a new staircase. It is no higher than the perimeter safety balustrade and therefore is acceptable in design and heritage asset terms. All furniture on the terrace is kept at or below the 1.1m high perimeter balustrade.

Some roof planters are proposed, and a letter of support comments this will add greenery to the building. It is recognized that the planters are small and would result in only minor improvement to the biodiversity of the area, however given that a significant part of the roof accommodates existing plant it is recognized that there is not the opportunity to provide extensive greening.

Rear Extension

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The proposed extension facing Newman Passage, is simply designed and detailed, it is subordinate to the main building, and fits in well with the character of the street.

Therefore, it is acceptable in design and heritage asset terms. Since submission, the application has been amended to address amenity objections to provide a timber acoustic screen on the boundary of the proposed 3rd floor terrace, the screen is acceptable in design and heritage asset terms.

Subject to the provision of railings at roof level rather than a glass balustrade as set out above, the alterations to the building are considered acceptable in design terms and maintain the character and appearance of the surrounding conservation area. This accords with City Plan 2019-2040 policies 34, 38, 39, and 40.

8.2 Residential Amenity

There are a significant number of residential properties in the vicinity of the site including both the adjacent buildings No's 11 and 17 Rathbone Street and the second and third floors of 6-8 Rathbone Street opposite. At the rear No 23 Newman Street is a residential building that backs onto Newman Passage.

City Plan 2019-2040 Policy 7 (Managing Development for Westminster's People) seeks to ensure proposals are neighbourly by protecting and enhancing amenity, prevent unacceptable impacts such as in terms of loss of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking as well as protecting local environmental quality.

Policy 22 (Local Environmental Impacts) of City Plan 2019-2040 seeks to protect the local environment from adverse impacts from developments such as from pollution, noise and vibration, odour, land contamination and construction impacts.

Daylight and Sunlight and Sense of enclosure

An objection has been received from the occupant of an office building on Newman Street which facing onto Newman Passage to a loss of light. The proposed 2nd floor extension is a small addition to the rear of the building that will project a depth of 3.2m, which will align part of the 2nd with the building line of the lower floors below. Office accommodation is not given the same degree of protection as residential properties in terms of light levels. Notwithstanding this however the application proposes a modest increase in bulk and mass that would have no material impact on daylight, sunlight or increased sense of enclosure to any of the surrounding properties.

The main issue for consideration is the impact of the provision of a rear 3rd floor terrace and roof terrace in terms of overlooking and privacy and potential noise nuisance. 17 Rathbone Street is an adjacent residential building containing 11 flats. Objections have been received from the occupants 17 Rathbone Street (ref section 5 consultation of this report) that the provision of new terraces would result in a significant and material loss of amenity due to both overlooking and noise nuisance.

Privacy

With regards to overlooking the proposed roof terrace would not afford any direct views

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into any of the surrounding buildings. The existing rear 2nd floor terrace which will partially infilled by the extension with a new terrace created at 3rd floor level. Dividing the rear terrace onto part 2nd and part 3rd floor levels will have no meaningful change with regards to overlooking. The one exception being that the new 3rd terrace could afford views into an adjacent 3rd floor flat at 17 Rathbone Street. To ensure that there would be no overlooking into this property the application has been revised since the original submission to include a 1.9m high privacy screen. It is recommended that this is secured by condition. Subject to this it is considered that use of both the new 3rd floor rear and roof terraces would not result in overlooking.

Noise

Strong objections have been received that the provision of additional outdoor terraced areas will result in noise nuisance harmful to the living conditions of residents. The objections refer to noise complaints having been made to the City Council with regards to loud music and unneighbourly behaviour from the application premises dating from June 2019 through to 2020. The objections refer to visits from the Police to establish the source of noise complaints. Objections are now made on the grounds that potential noise nuisance will be significantly exacerbated through the provision of additional outdoor terraces.

The City Council records indicate that there have been noise complaints. Given the history of noise complaints the basis behind the objections is understood. The position is however one in which the existing 2nd floor terrace is lawful with no planning conditions governing how this can be used, including the hours of use. This application offers the opportunity to impose conditions on how the amended 2nd floor and new 3rd and roof level terraces are used. Subject to the imposition of appropriate conditions it is considered given the circumstances, permission could not reasonably be withheld on due to noise nuisance.

A condition is recommended which will limit the hours of use of the terraces to between 07:00 to 21:00 hours daily. Conditions are also recommended that the terraces are only used by the occupiers of office accommodation and preventing the playing of live or amplified music on any of the terraces. Concerns are raised by residents that the conditions are not enforceable. The imposition of conditions of the nature is a common practice and enforcement proceedings would be able to be undertaken if the conditions are not adhered to.

8.3 Transportation/Parking

Not applicable.

8.4 Economic Considerations

Any economic benefits generated by the proposal are welcomed.

8.5 Access

Access arrangements to the site are unchanged by these proposals.

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8.6 Other UDP/Westminster Policy Considerations

Mechanical Plant and Equipment

The application involves the removal redundant pipework and repositioning of an acoustic screen to accommodate the roof terrace. An objection has been received that the changes would add to noise nuisance. The proposal does not involve the addition of any new plant, the objection is not therefore considered to be sustainable.

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

Not applicable.

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.

No pre-commencement conditions are proposed.

8.11 Planning Obligations

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

8.12 Environmental Impact Assessment

Environmental Impact issues have been covered above.

8.13 Other Issues

Construction Impact

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Objectors have been made that construction impacts will result in nuisance. Permission could not reasonably be withheld for this reason. The normal condition controlling the hours of noisy building works is recommended.

Security

An objection has been raised that the proposed 3rd floor terrace located immediately adjacent to a neighbouring residential terrace raises a security risk to the residential flats adjacent. The amended scheme includes a 1.9m screen on the boundary between the respective terraces. It is considered that the proposal will not have any significant impact on security.

Other Objections

An objector has raised stated that the proposals would lead to a possible loss in value of their property. This is not a planning issue, the application cannot be refused for this reason.

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

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

9. KEY DRAWINGS

Existing Front Façade



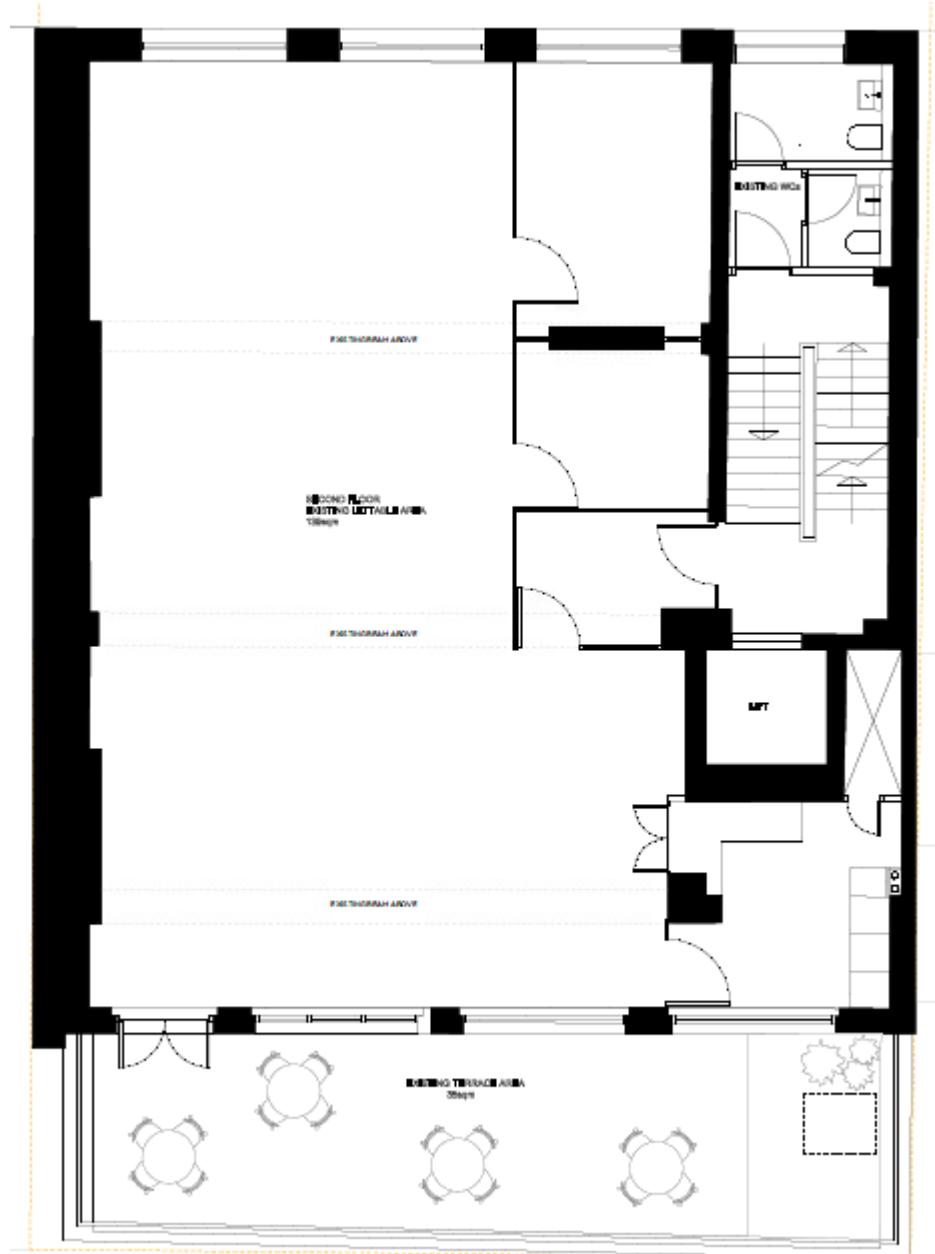
Proposed Front Facade

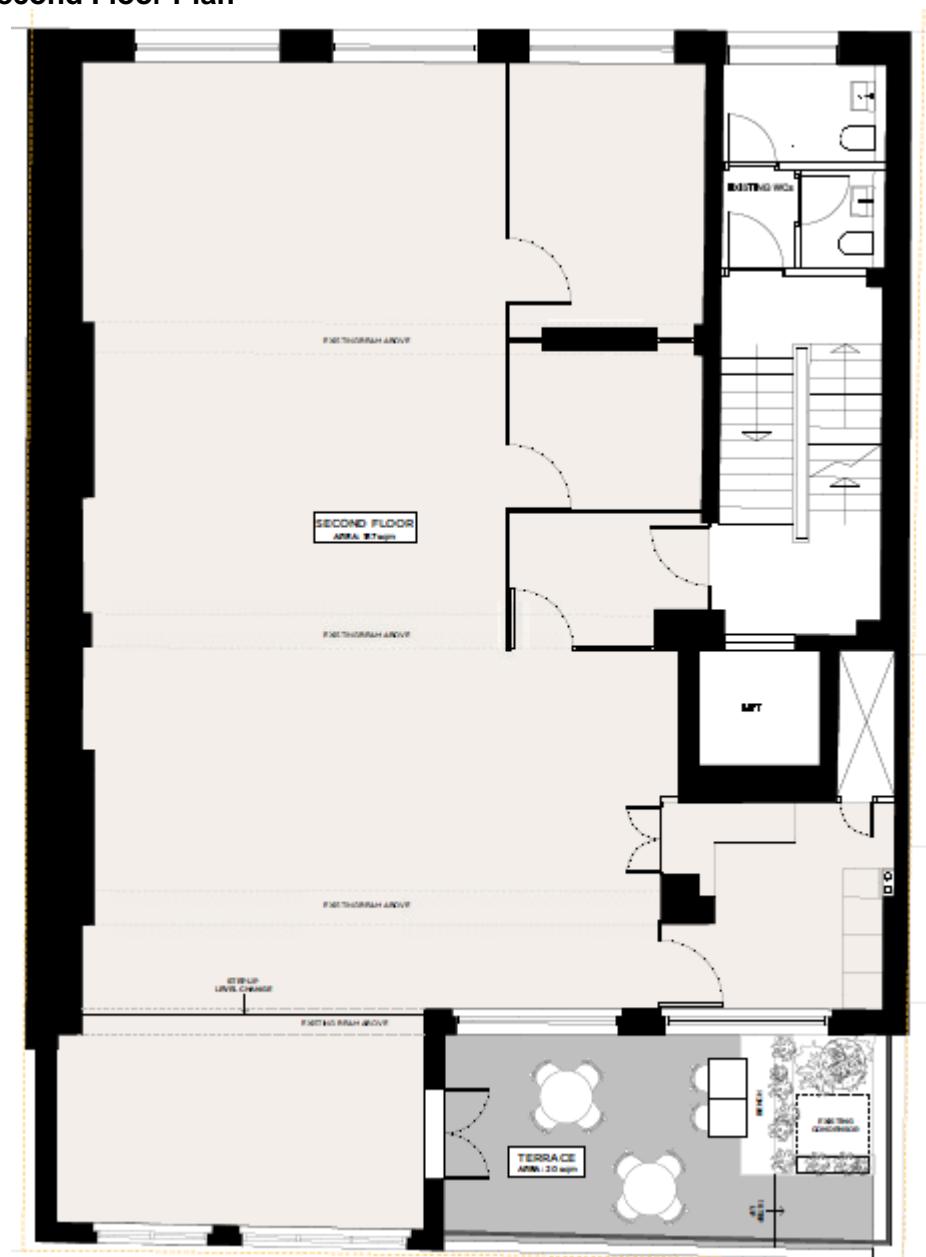
Existing Rear Façade

Proposed Rear Façade

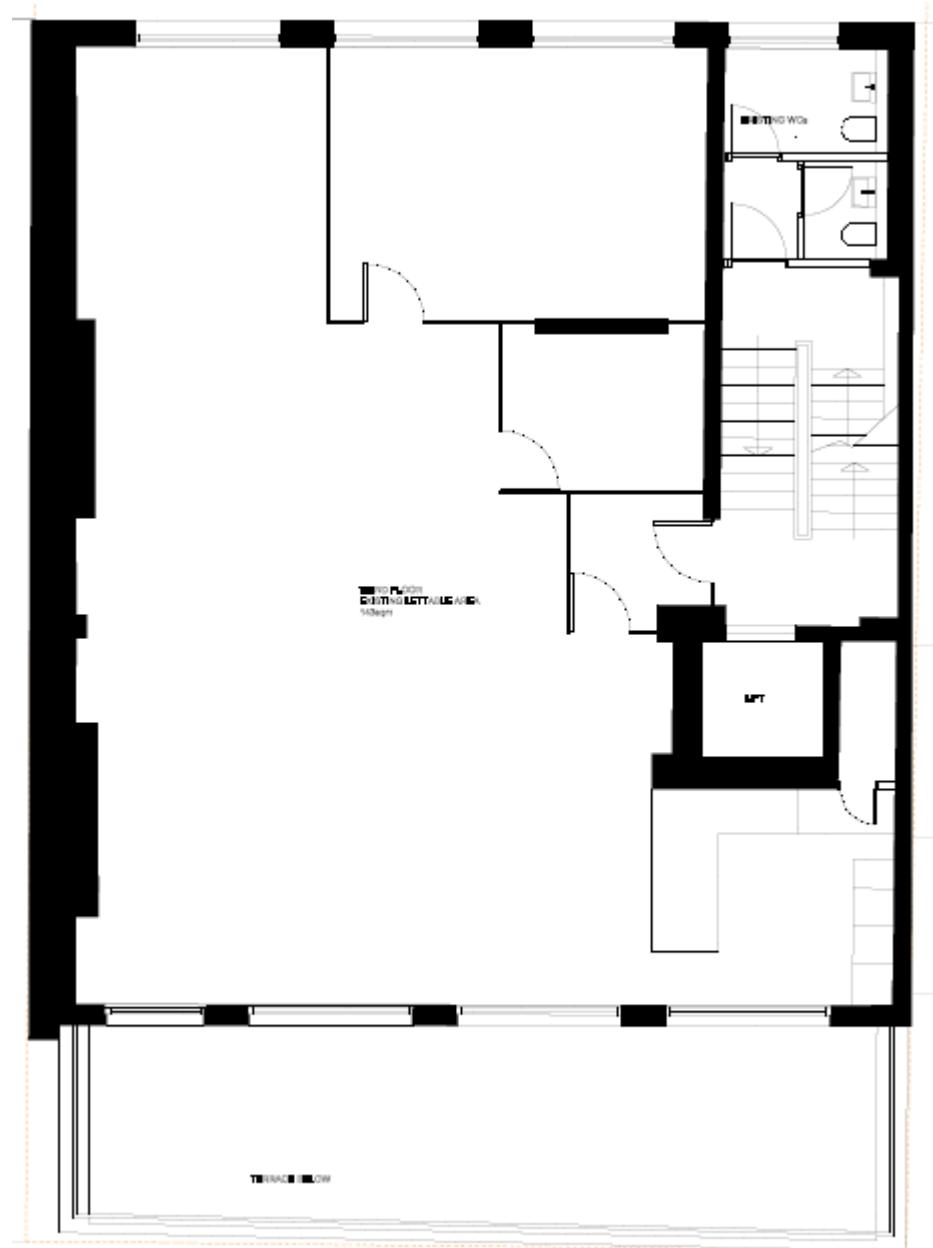
Proposed timber acoustic barrier
Divide between 15 and 17 Rathbone street
At 3rd floor proposed terrace



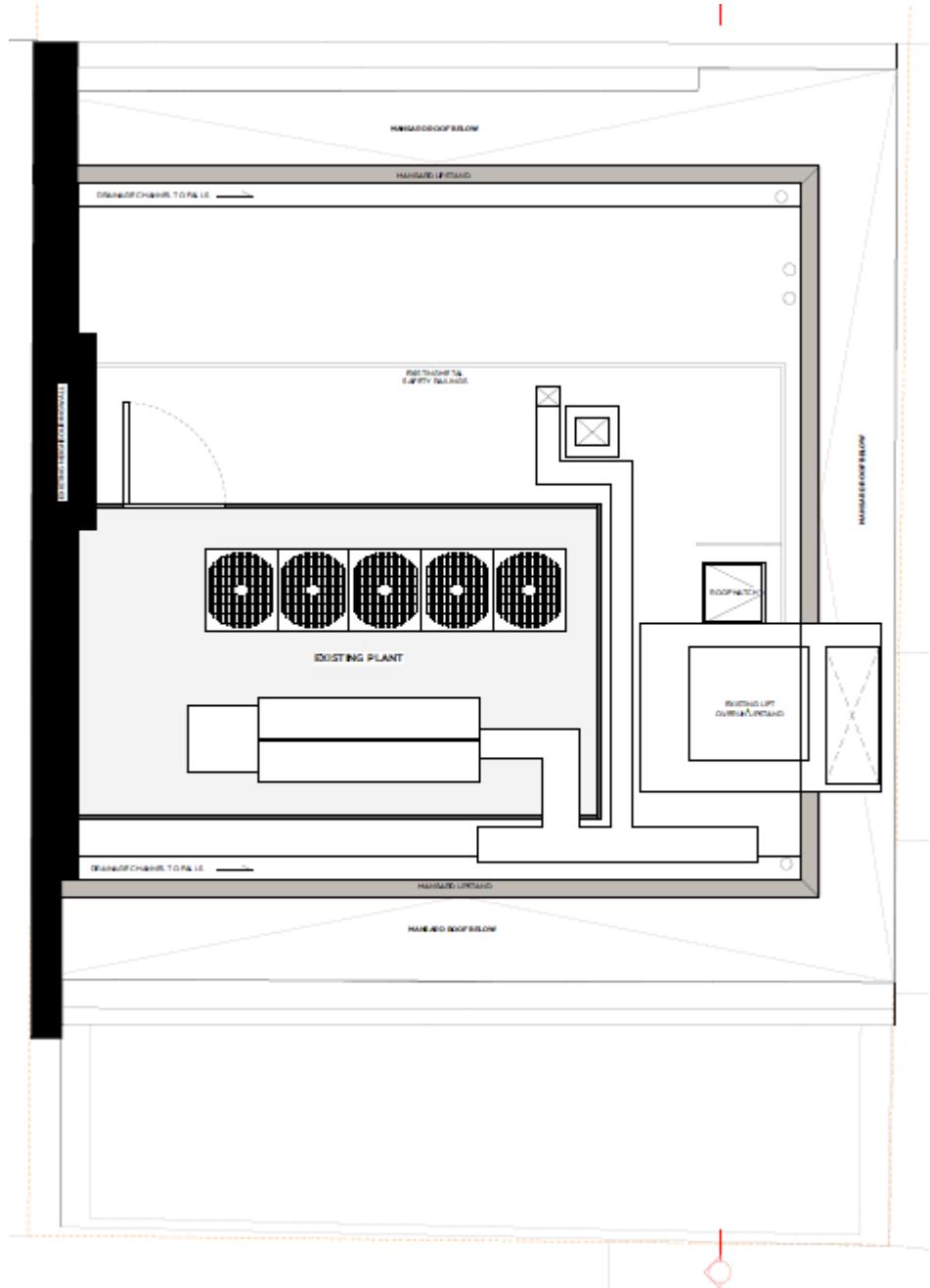
Existing Second Floor Plan

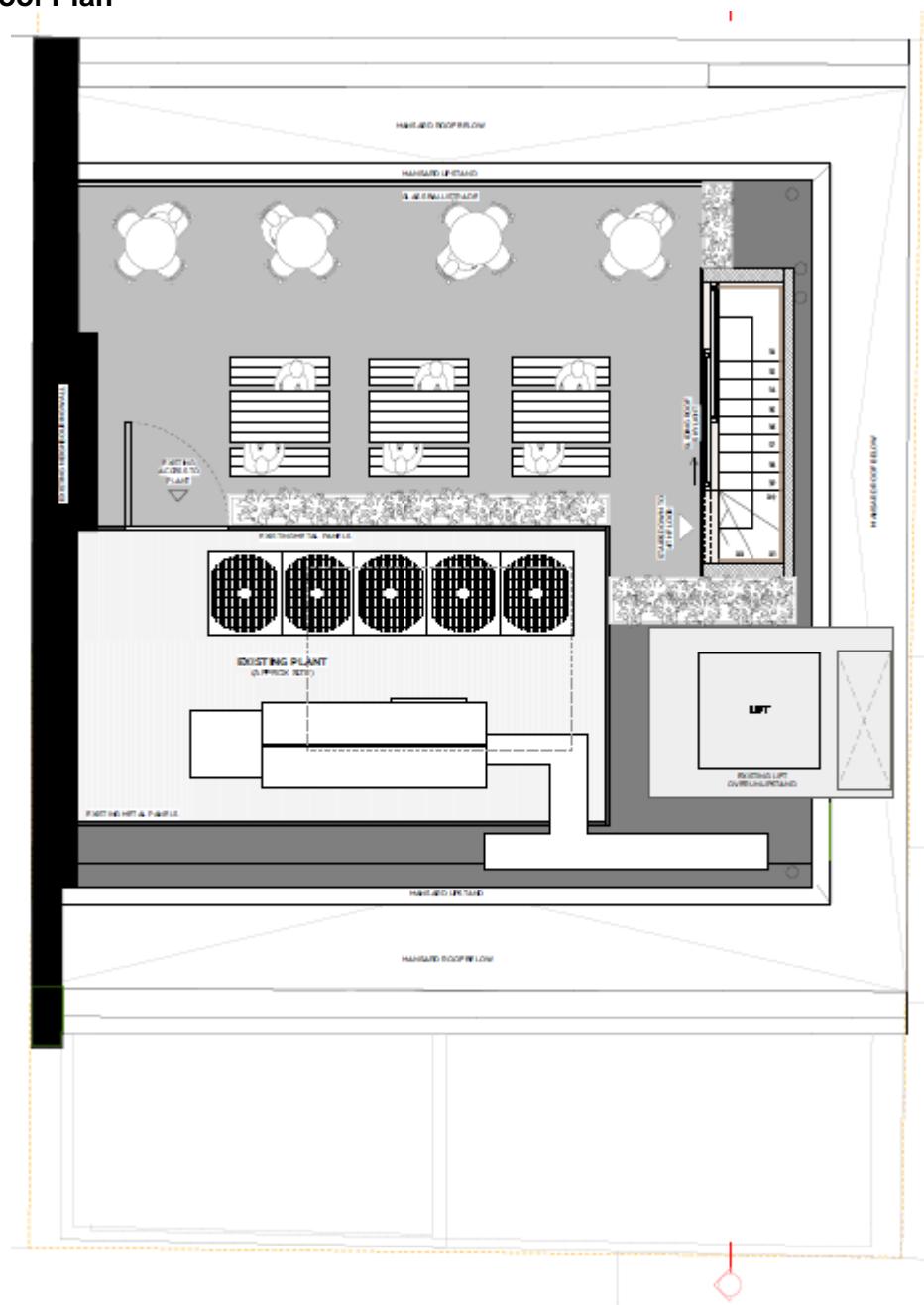
Proposed Second Floor Plan

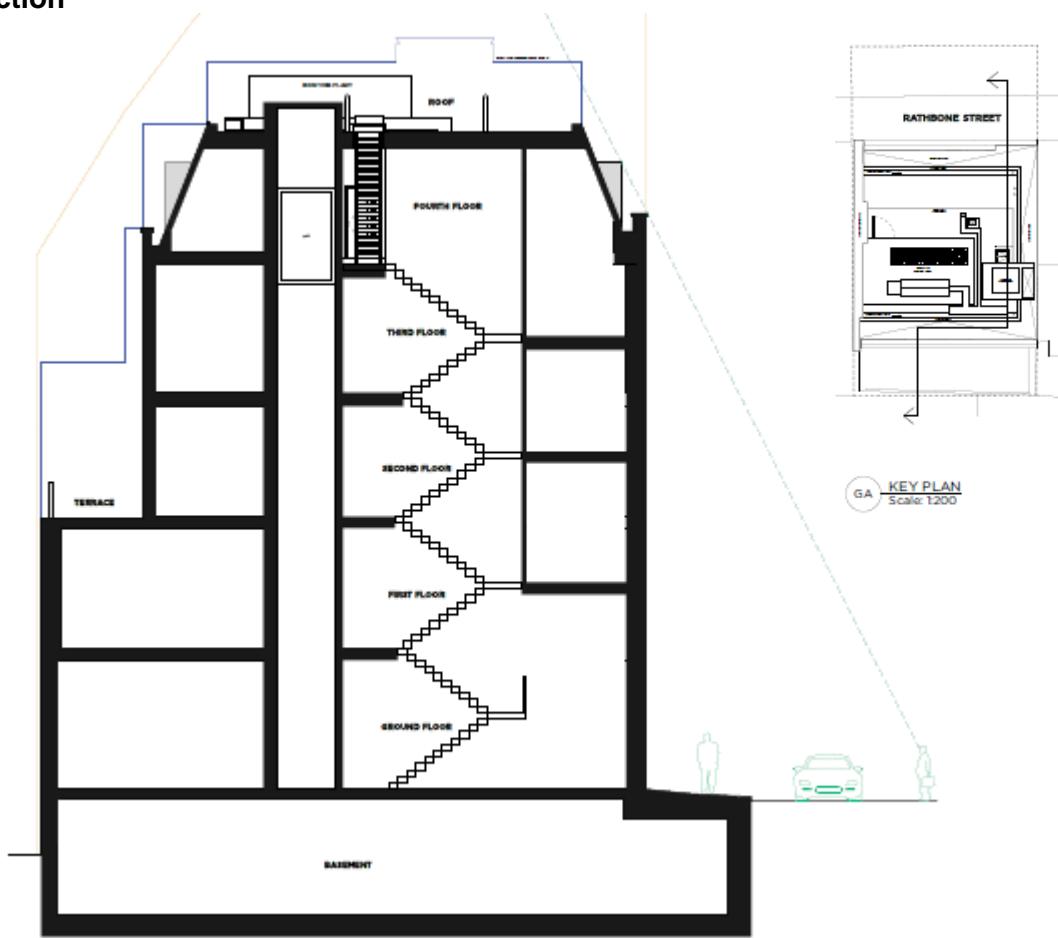
Existing Third Floor Plan

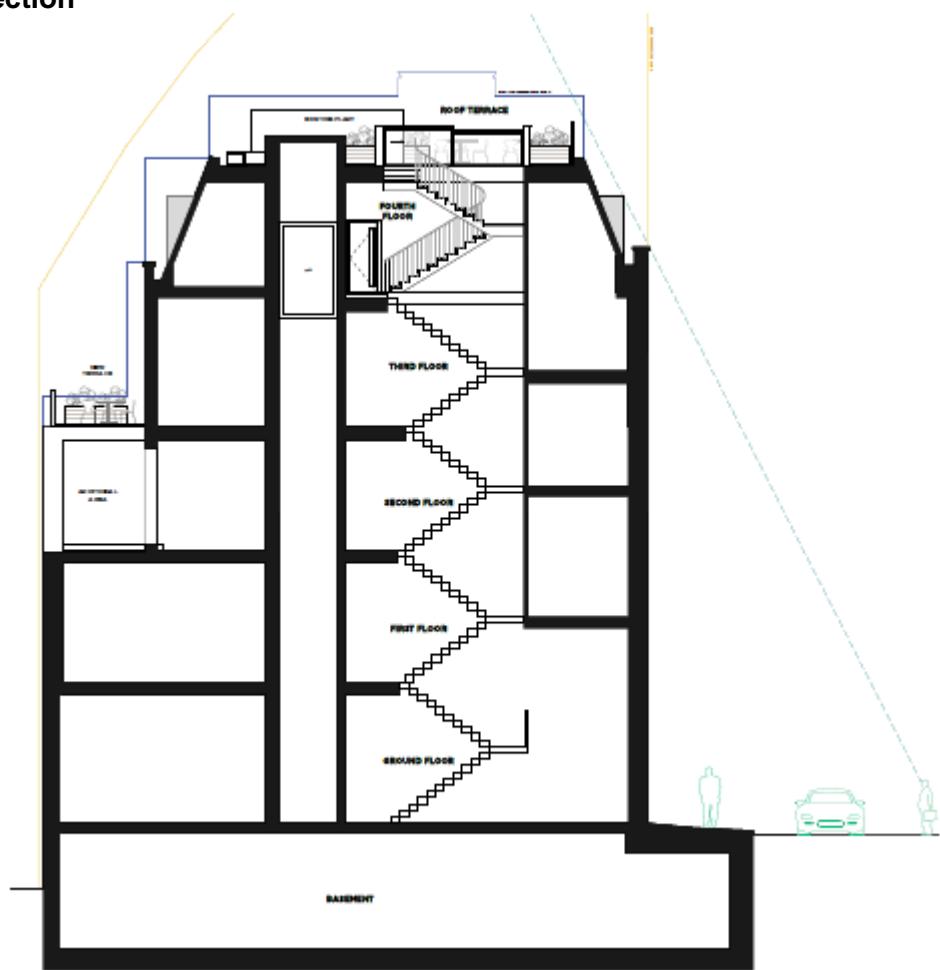


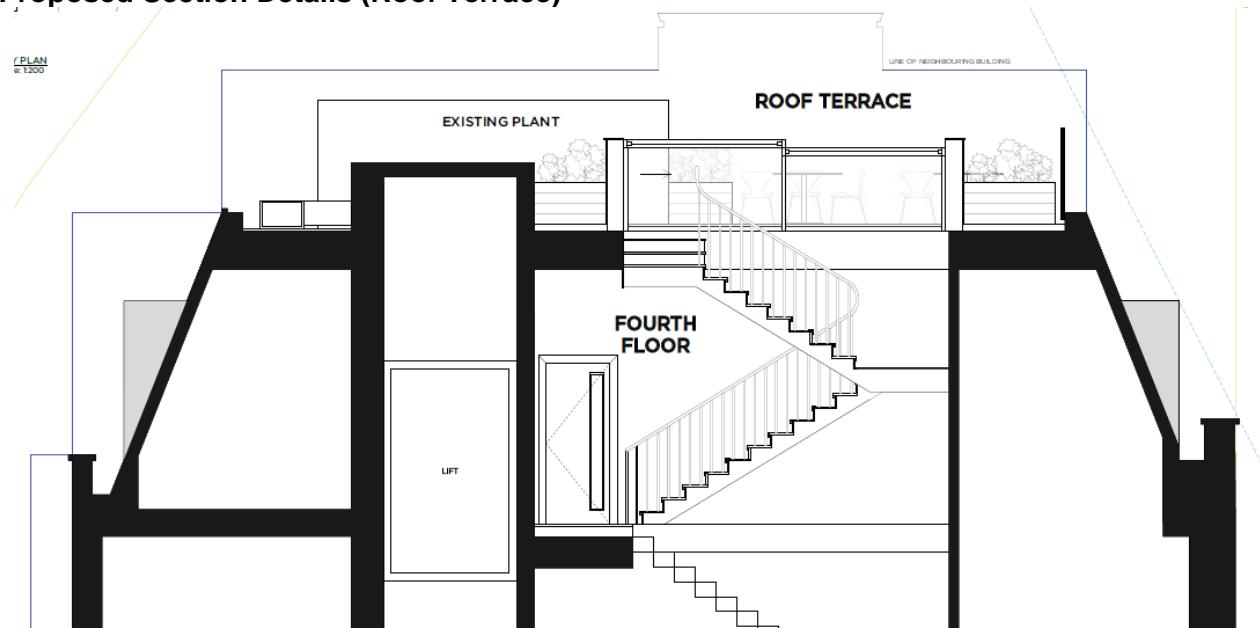
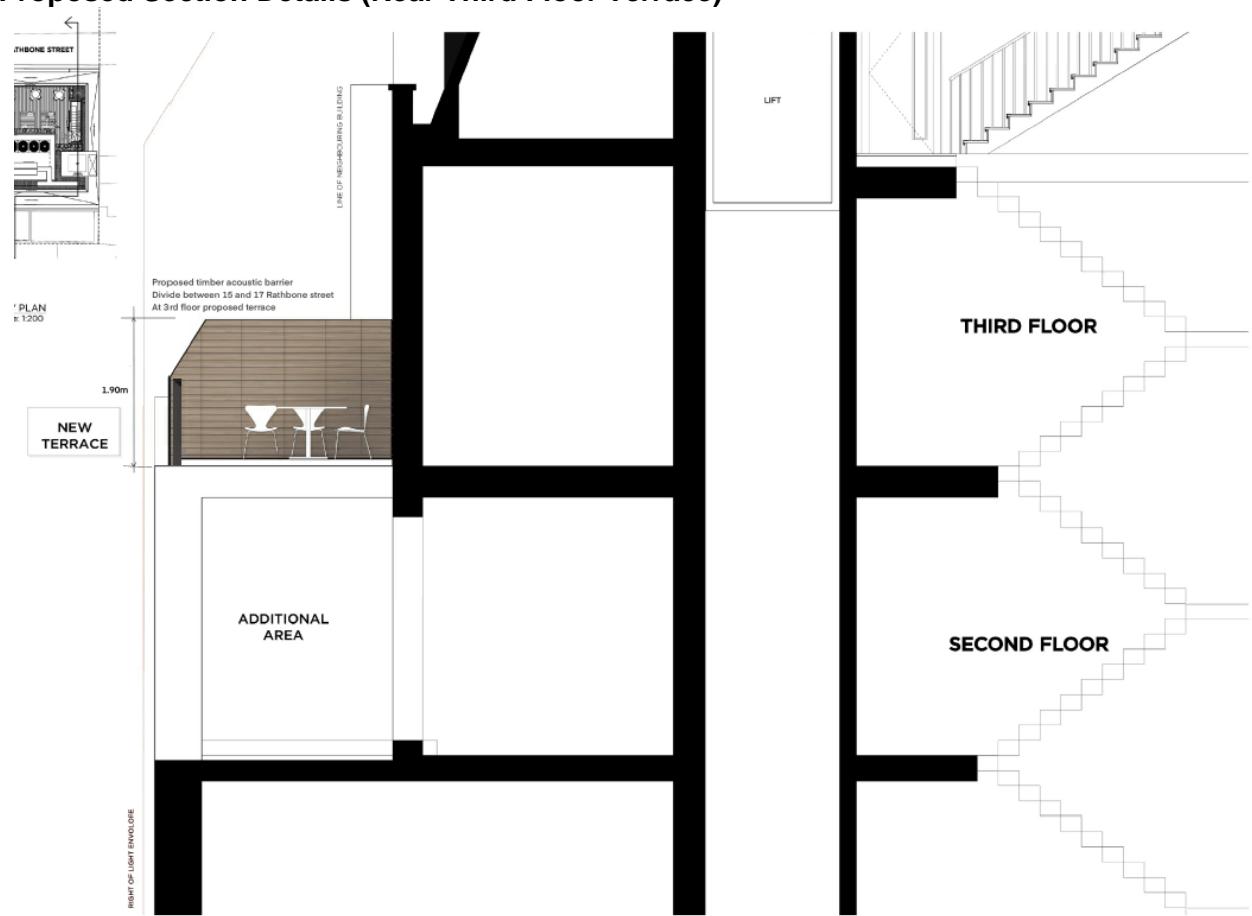
Proposed Third Floor Plan

Existing Roof Plan

Proposed Roof Plan

Existing Section

Proposed Section

Proposed Section Details (Roof Terrace)**Proposed Section Details (Rear Third Floor Terrace)**

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DRAFT DECISION LETTER

Address: 13 - 15 Rathbone Street, London, W1T 1NB

Proposal: Erection of rear second floor extension to existing office building, amendments to existing rear terrace and creation of new terrace space at third floor level on top of new extension, erection of new roof terrace space with associated balustrade and access at main roof level.

Reference: 21/00847/FULL

Plan Nos: EL101 Rev. A ; EL102 Rev. B ; GA102 Rev. A ; GA103 Rev B ; GA104 Rev. A ; GA105 Rev. A ; SE101 Rev. A ; SE102 Rev. A ; SE103 Rev. B

Case Officer: Adam Jones

Direct Tel. No. 020 7641
07779431391

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

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

Reason:

To protect the environment of 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)

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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 Charlotte Street, West 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 roof terrace. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Charlotte Street, West 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(s) to the scheme 1) Omission of glass balustrades to the roof terrace in favour of painted-metal railings. 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 this part of the Charlotte Street, West 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 install the privacy screen at rear third floor rear terrace shown on the approved drawings before you use the new third floor rear terrace. You must then maintain the privacy screen in the form shown for the life of the permission unless otherwise approved in writing by the Local Planning Authority.

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)

- 7 The rear second floor, rear third floor and roof top terraces shown on the approved drawings shall only be used by the occupiers of the office accommodation within the building and only between 07:00 - 21:00 daily.

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)

- 8 You must not play live or amplified music on the rear second floor, rear third floor and roof top terraces shown on the approved drawings at any time.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out

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in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

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 7

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 14 September 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	32 Buckingham Palace Road, London, SW1W 0RE		
Proposal	Use of an area of public highway measuring 9.8m x 1.65m for the placing of 8 tables, 16 chairs and 1 planter in connection with the existing restaurant use.		
Agent	Cotton Thompson Cole Ltd.		
On behalf of	Pizza Pilgrims		
Registered Number	21/00312/FULL	Date amended/completed 26 January 2021	
Date Application Received	19 January 2021		
Historic Building Grade	Unlisted		
Conservation Area	Grosvenor Gardens		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

32 Buckingham Palace Road is identified as an unlisted building of merit and is located within the Grosvenor Gardens Conservation Area and the Central Activities Zone.

In January 2020, conditional planning permission was granted for the use of an area of public highway for the placing of 8 tables, 16 chairs and 2 planters in connection with the restaurant use at ground floor level for a temporary 12 month period. The current application seeks to renew this permission for a further 12 month period. Following complaints from residents, the Council has commenced an enforcement investigation into the unauthorised placing of tables and chairs on the highway, since the expiry of the previous permission in January 2021.

Given that the proposals relate to the placing of tables and chairs upon the public highway, Policy 43 (Public Realm) part D of Westminster's City Plan 2019-2040 (adopted April 2021) is of relevance, as well as Policy 25 (Walking and cycling) which seeks to prioritise pedestrian movement, and Policy 33 (Local environmental impacts) which seeks to prevent harmful impacts upon amenity in terms of noise. The Westminster Way Public Realm Strategy is also of consideration (2011).

Policy 43 part D states that proposals for trading from premises extending into the street (including

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provision of tables and chairs on the highway) will be supported where they do not: 1) harm local amenity, 2) compromise pedestrian movement or traffic conditions; and 3) impede refuse storage and street cleansing arrangements.

Objections have been received from the residential flats above at 34- 38 Buckingham Palace Road on the grounds that customers using the tables and chairs, and those that congregate nearby, cause noise disturbance, anti-social behaviour, and impact on their privacy late into the night.

The application site is located within the Central Activities Zone on a main road with high levels of pedestrians and vehicular activity. The hours sought are 11:00 – 23:00 hours daily. Noise is likely to arise from customers using the tables and chairs plus staff setting up and clearing away daily. To help mitigate disturbance to nearby residential occupiers the applicant has submitted a management plan, which includes the following:

- Tables and chairs will only be used by guests of the restaurant and during the permitted hours.
- There is a no smoking policy for staff and guests outside the front of the restaurant.
- Staff will be trained in licensing and the appropriate way to serve alcohol. No guest will be allowed alcohol past legal trading hours.
- Staff will be instructed to move the tables, chairs and other furniture into and out the restaurant as quietly as possible by ensuring furniture is lifted and not dragged.

Given the number of tables of chairs, hours of operation and the measures set out in the management plan, it is considered that the proposals would not lead to unacceptable noise and disturbance to residents. Conditions are recommended to secure the management plan and ensure that the tables, chairs and planter are only placed on the highway during the hours permitted.

Objectors also state that the proposals will obstruct the pavement, preventing pedestrians (including users of wheelchairs, prams and buggies) from passing safely and easily. They also state that the proposals will obstruct the residential entrance door at 34 Buckingham Palace Road.

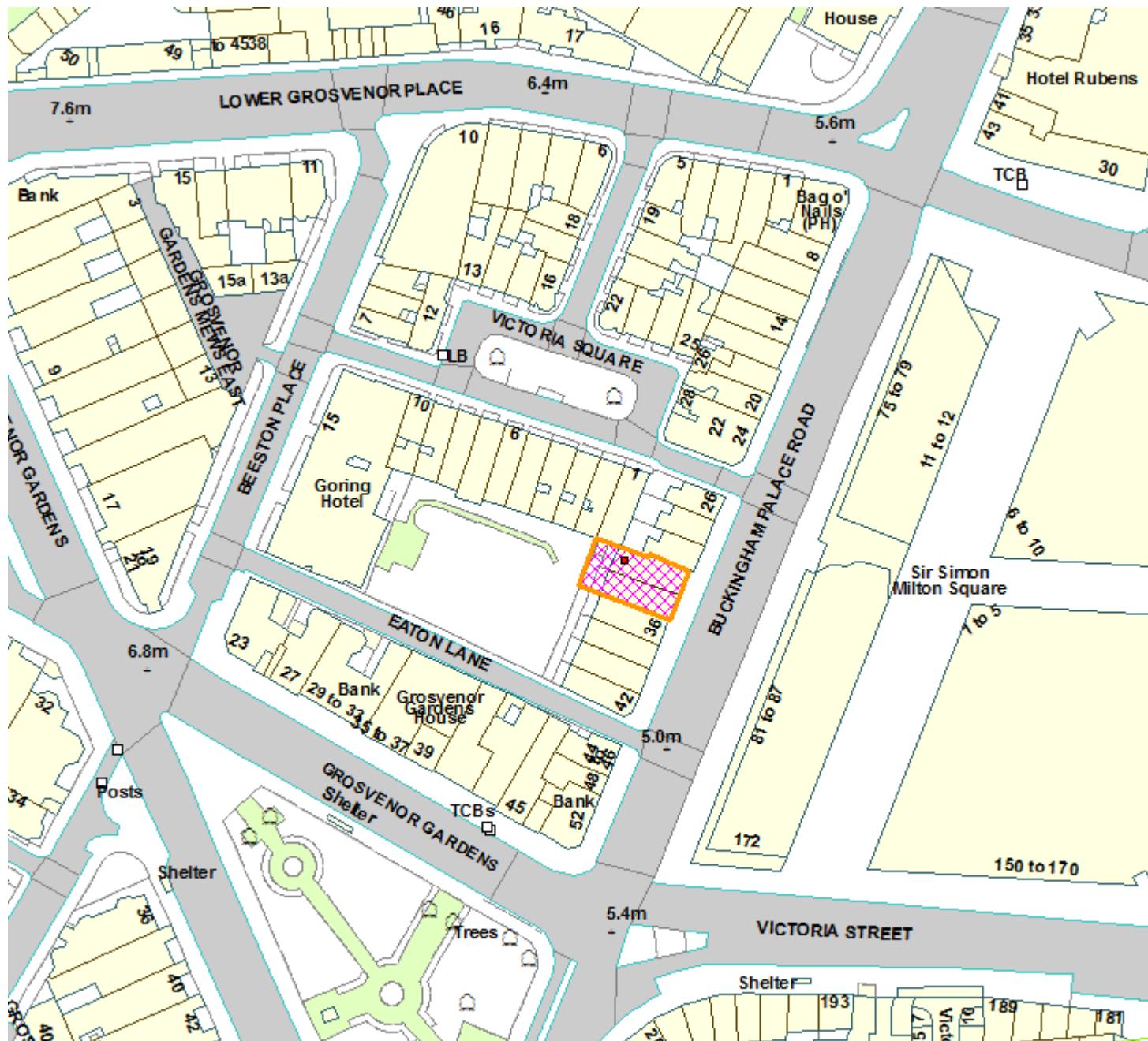
The Westminster Way states that items of furniture such as tables and chairs on the pavement area should provide a minimum 2m clearance of unobstructed footway. The pavement width is 4.6m, and the proposed tables and chairs will project 1.65m from the building frontage, leaving a clearway of 2.95m. The applicant has also removed the planter previously positioned beside the residential entrance. The proposals therefore provide a sufficient pedestrian clearway. Conditions are recommended to ensure that the tables, chairs and planter will only be positioned in accordance with the approved drawings and stored internally when not in use.

The proposal would not have a detrimental impact on the appearance of the host building or the appreciation of this part of the Grosvenor Gardens Conservation Area.

As set out above the proposed tables and chairs are considered to comply with the Council's relevant policies. However, it is clear from the Council's enforcement investigation that the tables and chairs have previously not been positioned in accordance with the approved drawings. Accordingly, it is recommended that permission is only granted for a temporary period of one year so that the impact of the tables and chairs on residents can be monitored. If the applicant does not comply with the recommended conditions it is unlikely that permission will be renewed in future.

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3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation of Application Site

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5. CONSULTATIONS

TRANSPORT FOR LONDON:

No comment, on the condition that the external seating will be positioned in the locations outlined by the submitted plans.

BELGRAVIA RESIDENTS' ASSOCIATION:

Any response to be reported verbally.

THE BELGRAVIA SOCIETY:

Any response to be reported verbally.

BELGRAVIA NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

VICTORIA NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

No objection, conditions recommended to secure hours of operation, management plan and to limit permission to a 12 month period.

WASTE PROJECT OFFICER:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 31

Total No. of replies: 7

No. of objections: 6

No. of neutral: 1

One neutral representation and six objections have been received from nearby residential occupiers on the following grounds:

LANDUSE/AMENITY

- Customers using the tables and chairs in this location, and those who congregate nearby, will continue to cause noise disturbance and impact the privacy of residents late into the night.
- Moving the tables and chairs in and out of the building causes a great deal of noise disturbance.
- The proposals will attract rough sleepers, beggars, street drinkers and associated anti-social behaviour, impacting the security of nearby residents.

HIGHWAYS:

- The proposals will obstruct the main residential entrance door and video panel at no. 34 Buckingham Palace Road. Enough space needs to be given to allow unimpeded access to the residential properties.
- The proposals will obstruct the pavement, preventing pedestrians, wheelchair

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users, prams and buggies to pass along safely and easily.

OTHER:

- Due to the length of time the notification letters took to arrive in the post the deadline for comments should be extended.
- The applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
- The applicant has already been using the highway for the placing of tables and chairs without permission.
- All previous permissions to the premises should be reviewed, especially the illuminated signage.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

5.1 Recent Relevant History

In April 2016, permission was granted for the construction of a mansard roof extension at fourth floor level and use of first, second, third and new fourth floor to provide 23 intermediate affordable housing units (Class C3). Use of the ground and basement floors for retail (Class A1/A3) including replacement shopfronts. External works to the front, rear and side elevations and other associated works.

In November 2017, permission was granted to vary the approved drawings to allow for changes to the scheme to include increasing the height of the mansard roof by 450mm, the lift over run by 250mm and the escape stair by 450mm.

In April 2018, permission was again granted to vary the approved drawings to allow the use of space as (Class A1) in place of the proposed substation, retain height of rear boundary wall with lateral support from construction of new leaf, enlargement of two risers adjacent to lift shaft and addition of third riser in the new stair core, raise the parapet level of wall enclosing the main stair by 450mm to allow for a new access roof light, installation of new automatic opening vent, the walkway, escape stair and locations of service outlets altered, and number of PV panels reduced to reflect electrical demand from the common parts of the building

In November 2019, a non-material amendment was granted to add a screen to a covered basement area in the rear light-well so as to provide WC facilities for concierge and maintenance staff.

In November 2019, advertisement consent was granted for display of an externally illuminated fascia sign measuring 0.25m x 2.17m, externally illuminated projecting sign measuring 0.50m x 0.60m, and internally illuminated menu board measuring 0.77m x 0.46m.

In January 2020, permission was granted for use of area of the public highway measuring 1.65m x 9.8m for the placing of 16 chairs, 8 tables and 2 planters in connection with the ground floor use, for a temporary 12 month period.

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In December 2020, permission was granted for installation of two retractable awnings at front of building.

5.2 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. 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.

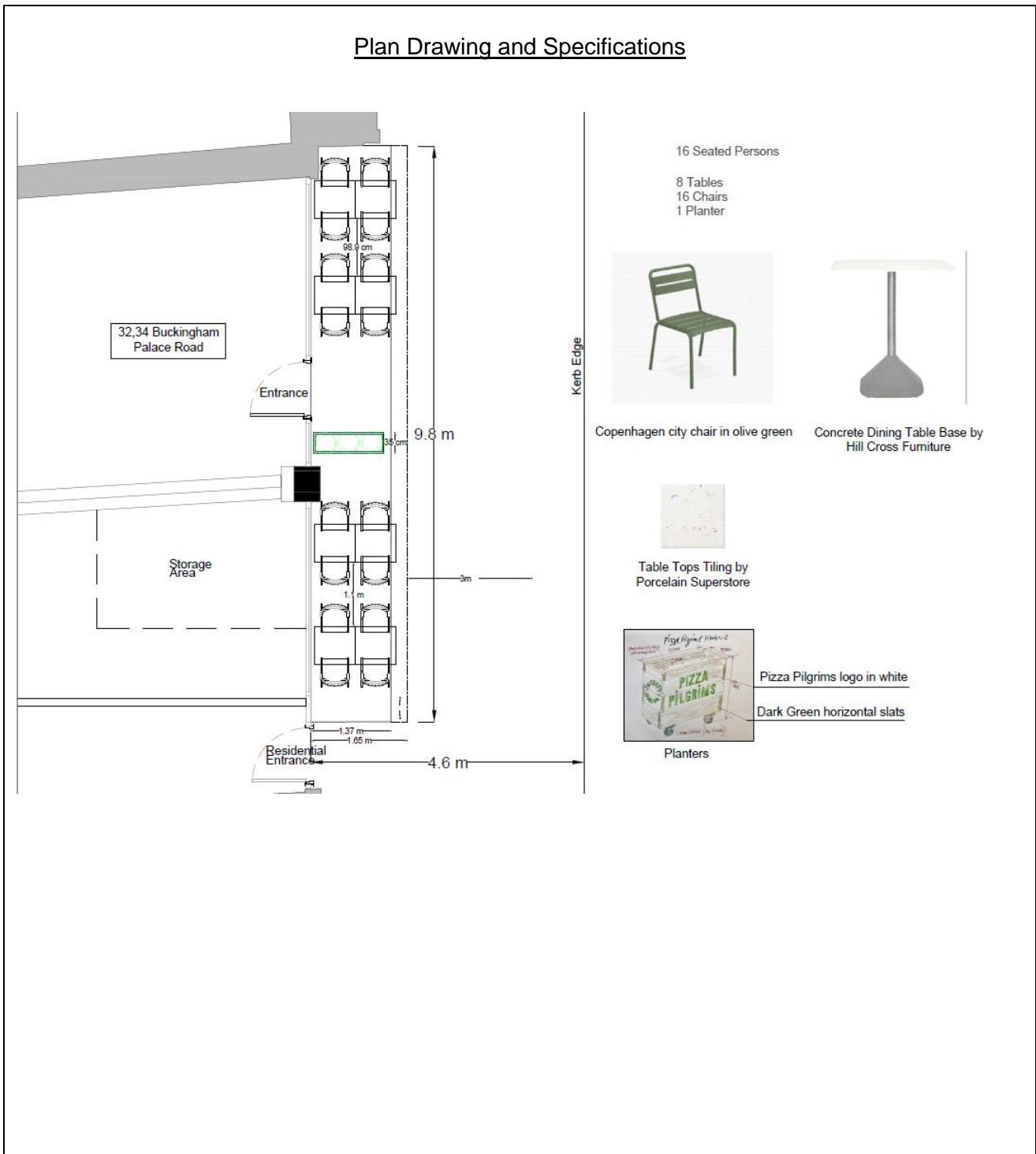
5.3 London Plan

This application raises no strategic issues.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT MWALTON@WESTMINSTER.GOV.UK

6. KEY DRAWINGS



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DRAFT DECISION LETTER

Address: 32 Buckingham Palace Road, London, SW1W 0RE

Proposal: Use of an area of the highway measuring 9.8m x 1.65m for the placing of 8 tables, 16 chairs and 1 planter in connection with the existing restaurant use.

Reference: 21/00312/FULL

Plan Nos: 600 A; 610 F; External Seating Area Management Plan – Revision A dated 27 August 2021.

Case Officer: Ian Corrie **Direct Tel. No.** 07866038370

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 You must not put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved in any other position than that shown on drawing 610 F. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out Policies 25 and 43 of the City Plan 2019 - 2040 (April 2021). (R25AD)

- 3 You can only put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved on the pavement between 1100 and 2300. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set Policies 7, 33 and 43 of the City Plan 2019 - 2040 (April 2021). (R25BE)

- 4 The tables and chairs must only be used by customers of the ground floor restaurant. (C25CA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in Policies 7, 33 and 43 of the City Plan 2019 - 2040 (April 2021). (R25BE)

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- 5 This use of the pavement may continue until 30 September 2022. You must then remove the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets Policies 25 and 43 of the City Plan 2019 - 2040 (April 2021). For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission. (R25DD)

- 6 You can only put out on the pavement the tables, chairs and other furniture/ equipment/ screening shown on drawing 610 F. (C24FA)

Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in Policy 43 of the City Plan 2019 - 2040 (April 2021). (R25EB)

- 7 You must carry out the measures included in your External Seating Area Management Plan – Revision A dated 27 August 2021 at all times that the tables, chairs and other furniture is in use. (C05KA)

Reason:

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

Informative(s):

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

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- 2 You cannot put tables and chairs in the area unless you have a street trading licence, which can be applied for at the following link: www.westminster.gov.uk/tables-and-chairs-licence. If you want to know about the progress of your application for a licence, you can contact our Licensing Service by email to streettradinglicensing@westminster.gov.uk. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter. Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times.
- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)
- 4 You must get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the following advertisements: signs on planter and externally illuminated fascia sign.

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