



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (1)

Meeting Date:

Tuesday 22nd March, 2022

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Robert Rigby (Chairman)
Susie Burbridge
Mark Shearer
Tim Roca



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 Governance Officer.

**Tel: 07870 548348; Email: gwills@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

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

To register to speak and for guidance please visit:

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

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

In the event that you are successful in obtaining a speaking slot at the 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

(Pages 5 - 10)

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

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

- | | | |
|----|--|--------------------------|
| 1. | 34 GROSVENOR SQUARE, W1K 2HD | (Pages 13 - 28) |
| 2. | WESTMINSTER SCHOOL PLAYING FIELDS, VINCENT SQUARE, SW1P 2PW | (Pages 29 - 52) |
| 3. | 6 CATHERINE STREET, WC2B 5JY | (Pages 53 - 72) |
| 4. | 43 SPRINGFIELD ROAD, NW8 OQJ | (Pages 73 - 106) |
| 5. | HYDE PARK TOWERS, 1 PORCHESTER TERRACE, W2 3TU | (Pages 107 - 140) |
| 6. | 13-17 MONTPELIER STREET, SW7 1HQ | (Pages 141 - 162) |

Stuart Love
Chief Executive
11 March 2022

Order of Business

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

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

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



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 25th January, 2022**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Robert Rigby (Chairman), Susie Burbridge, Mark Shearer and Tim Roca

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

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

2.2 Councillor Rigby declared that in respect of Item 1 he had sat on a previous Planning Committee which considered the Application. Councillor Mark Shearer and Councillor Tim Roca also made the same declaration.

2.3 Councillor Mark Shearer declared that in respect of Item 1, he knew an individual who worked for the Applicant from his work capacity and commented that this did not preclude him from considering the Application.

2.4 Councillor Shearer also declared that in respect of Item 2, the Applicant owned properties that were situated in his Ward and advised that he met with them on a regular basis. He advised that no discussions had been held about the Application.

2.5 He further declared that in respect of Item 7, the Application site was located in his Ward.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 9 November 2021 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 318 OXFORD STREET LONDON W1C 1HF

Installation of new ground floor shopfronts including 2no. new double height entrances; extensive refurbishment of the existing Portland stone facade; replacement of the existing windows between first and fifth floors with new double-glazed units, and modification of the fifth floor windows to increase their height; infill construction along fifth floor Chapel Place in facsimile of the existing facade to provide additional Class E floorspace; installation of ventilation louvres to the Chapel Place elevation at first to fourth levels; demolition of the sixth and seventh floors and erection of replacement sixth and seventh floors (including the creation of new external terrace areas) and new eighth floor roof extension with external terrace areas, all for use within Class E; and consolidation of roof level plant within a single enclosure and provision of a new building maintenance unit at roof level

Late Representations were received from Concilio (24.01.22) and Councillor Timothy Barnes (24.01.22).

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

RESOLVED:

1. That conditional permission be granted subject to a legal agreement to secure the following:
 - a) A financial contribution of £225,000 towards the Carbon Off-Set Fund (payable prior to commencement of development).
 - b) Undertaking of highways works to Chapel Place, Oxford Street, Old Cavendish Street and Henrietta Place. Highway works be agreed and alterations to traffic orders to have been confirmed prior to commencement of: (i) Works to construct the replacement sixth and seventh floor levels and new eighth floor level; or (ii) The installation of the replacement windows at first to fifth floor levels. If undertaken by the owner (by agreement with the City Council), highway works be completed prior to occupation of any part of the new floorspace at sixth, seventh and eighth floors.
 - c) A financial contribution of £41,000 to support the Westminster Employment Service (payable prior Page 1 to commencement of development).
2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

- a) The Director of Place Shaping and Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Place Shaping and Planning shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers

2 5-7 CARNABY STREET LONDON W1F 9PB

Alterations and extensions to the existing building comprising a rear extension at the third floor level and front and rear extensions at the fourth floor level, the erection of a single storey extension to create a new fifth floor level for additional commercial floorspace, including the creation of new living walls on the front façade of the building and to the upper floor extensions, the creation of new terrace spaces, new fire escape staircase, a new rooftop plant enclosure, green roofs and PV Panels, and other associated works.

A late representation was received from Councillor Timothy Barnes (24.01.22)

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

RESOLVED:

That conditional permission be granted.

3 127-139 KNIGHTSBRIDGE LONDON SW1X 7PA

Demolition of dome and erection of single storey extension for Class E use at first floor level within lightwell. (Site includes 2-12 Brompton Road).

Late representations were received from The Knightsbridge Association (25.01.22) and the Knightsbridge Neighbourhood Forum (24.01.22)

RESOLVED:

1. That conditional permission be granted
2. That an additional informative be included which request the Applicant to allow the residents to use the extension roof as amenity space.

4 ARTHUR COURT CAR PARK QUEENSWAY LONDON W2 5HW

Use of the former car park on the lower ground (basement) and upper ground (ground) floors of the building to self-storage use (Class B8), ancillary office space,

internal car parking, internal and external cycle parking, associated external alterations to the facade, forecourt and pavement.

An additional representation was received from a local resident (19.01.21).

The presenting officer tabled the following changes to Condition 11.

PLANNING APPLICATIONS SUB COMMITTEE

25 January 2022

Item 4 – Arthur Court

Change to Condition 11

Condition should read:

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)

Instead of the published condition:

The design and structure of the building shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Robin Greenwood addressed the Sub-Committee in support of the application.

Gideon Levy addressed the Sub-Committee in objection to the application.

RESOLVED:

1. That conditional permission, as amended, be granted subject to a legal agreement to secure the following:
 - a) Highway works outside the site in Queensway to facilitate access to the development.
2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:
 - a) The Director of Place Shaping and Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Place Shaping and Planning shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have

been secured; if so the Director of Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers

3. That an additional condition be included which requires staff to be on site at all times that the facility is open, and that Condition 5 be amended to allow opening only between 08:00 – 22:00 and requirement that roller shutters are properly maintained.
4. That an informative be included which requires the operators' details to be made available to local residents.
5. That a condition securing the finish of the shopfront matches the magnolia of the existing windows be attached.

5 23 ESSENDINE ROAD LONDON W9 2LT

Use of the lower ground floor as a self-contained flat with associated extensions and alterations including erection of lower ground floor rear extension with green roof, lowering of lower ground floor, new front lightwell, alterations to fenestration including enlargement of lower ground floor windows, new upper ground floor rear balcony and staircase to garden level.

Additional representations were received from WWC Building Control, Growth, Planning and Housing (12.01.22) and (10.01.22) and WWC City Highways Environment and City Management (14.01.22).

RESOLVED (For: Cllrs, Robert Rigby, Susie Burbridge and Mark Shearer; **Against:** Councillor Tim Roca)

That conditional permission be granted

6 1 - 2 ALBION STREET LONDON W2 2AS

Lowering of part of the lower ground floor slab and excavation to provide a swimming pool to the lower ground floor; rebuilding and repair of part of the existing rear facade with new sash windows; first floor rear terrace; use of rear mews upper floors as a separate residential unit with new access from the side elevation; addition of roof lights to both the main house and mews house flat roofs; and associated external alterations and internal alterations including new lift. (Linked with 21/06201/LBC)

Additional representations were received from WWC Building Control, Growth, Planning and Housing (20.01.22) TIGG + COLL Architects (09.12.21) and Horne Littlemore Structural Engineers Ltd (09.12.21)

RESOLVED:

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

7 32 GERRARD STREET LONDON W1D 6JA

Use of basement and ground floors as Adult Gaming Centre (Sui Generis)

Amanda Usher addressed the Sub-Committee in support of the application.

Councillor Tim Mitchell addressed the Sub-Committee in objection to the application.

RESOLVED:

1. That conditional permission be granted.
2. That Condition 2 be amended to restrict opening to 08:00 – 00.00
3. That Condition 3 be amended to change capacity to 50.

The Meeting ended at 9.40 pm

CHAIRMAN: _____

DATE _____

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 22nd March 2022
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 21/07888/FULL	34 Grosvenor Square London W1K 2HD	Variation of conditions 3 and 4 of permission dated 24/11/2020 for 'Alterations in connection with the construction of platform within lightwells fronting South Audley Street to provide space for tables and chairs for use in association with restaurant (Class A3)' Namely to enable the platform to be used for dining until 16 May 2023 (condition 3) and requiring the removal of the platform and the reinstatement of railings and plinth by 16 June 2023 (condition 4) (Application under Section 73 of the Act).	Caprice Holdings Ltd
	West End	Recommendation Grant conditional permission for a temporary period of 1 year		
Item No	References	Site Address	Proposal	Applicant
2.	RN(s): 21/03450/FULL	Westminster School Playing Fields Vincent Square London SW1P 2PW	Installation of drainage scheme and replacement irrigation equipment including water storage tank and pump house to school playing fields.	Westminster School
	Vincent Square	Recommendation Grant conditional permission.		
Item No	References	Site Address	Proposal	Applicant
3.	RN(s): 21/07866/FULL	6 Catherine Street London WC2B 5JY	Use of basement and ground floor as flexible arts centre and installation of extract ducts to ground floor rear roof.	LW Theatres Group Ltd
	St James's	Recommendation Grant conditional permission.		
Item No	References	Site Address	Proposal	Applicant
4.	RN(s): 21/02583/FULL	43 Springfield Road London NW8 0QJ	Demolition of the existing dwelling house and erection of a replacement dwelling house (Class C3) comprising basement, ground, first and second floor levels; installation of plant at basement level, new landscaping to front and rear gardens; and associated works.	Oleg Pavlov
	Abbey Road	Recommendation Grant conditional permission.		
Item No	References	Site Address	Proposal	Applicant

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 22nd March 2022
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

5.	RN(s): 21/00888/FULL Lancaster Gate	Hyde Park Towers 1 Porchester Terrace London W2 3TU	Erection of two penthouse roof extensions and railings on the rear parts of the building (Block A and B) to provide two residential units (Class C3) with basement car and bicycle parking; and proposed internal heat pumps with service outlets at roof level [REVISED DESCRIPTION]	Tyrecard Limited
Recommendation Grant conditional permission				
Item No	References	Site Address	Proposal	Applicant
6	RN(s): Application 1: 21/06227/ADLBC Application 2: 21/06228/ADLBC Application 3: 21/06229/ADLBC Application 4: 21/07149/ADLBC Application 5: 21/07150/ADLBC Knightsbridge And Belgravia	13 - 17 Montpelier Street London SW7 1HQ	Applications 1&2: Details of all new windows showing traditional joinery details and new internal doors, which on the first and second floors should be traditional panelled doors pursuant to condition 7 of listed building consents dated 20 July 2021 Application 3: Detailed drawings of the new shopfronts pursuant to condition 9 of listed building consent dated 20th July 2021 Application 4&5: Detailed method statement for the removal of the paint on the external facade and sample area demonstrating the intended method of removal pursuant to condition 8 of listed building consents dated 20 July 2021	Monte London Ltd C/O savills
Recommendation Applications 1 and 2 (21/06227/ADLBC and 21/06228/ADLBC): Approve details. Application 3 (21/06229/ADLBC): Approve details. Applications 4 and 5 (21/07149/ADLBC and 21/07150/ADLBC): Approve details.				

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 March 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	34 Grosvenor Square, London, W1K 2HD		
Proposal	Variation of conditions 3 and 4 of permission dated 24/11/2020 for 'Alterations in connection with the construction of platform within lightwells fronting South Audley Street to provide space for tables and chairs for use in association with restaurant (Class A3)' Namely to enable the platform to be used for dining until 16 May 2023 (condition 3) and requiring the removal of the platform and the reinstatement of railings and plinth by 16 June 2023 (condition 4) (Application under Section 73 of the Act).		
Agent	DP9		
On behalf of	Caprice Holdings Ltd		
Registered Number	21/07888/FULL	Date amended/ completed	9 March 2022
Date Application Received	18 November 2021		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission for a temporary period of 1 year

2. SUMMARY

34 Grosvenor Square is a mixed-use building comprising a restaurant on basement, ground and first floors with flats on the second to fifth floors. On 24 November 2020, permission was granted for the erection of a platform within a front lightwell for use as external dining area for the restaurant with 13 tables and 26 chairs.

Front basement lightwells are a traditional feature, and an important characteristic, of many conservation areas, including the Mayfair Conservation Area, and the infilling of these lightwells is not normally considered acceptable. It was previously accepted that the creation of this external dining area would aid the restaurant re-opening during the pandemic. In recognition of the unprecedented circumstances, permission was granted with conditions including one which permitted

external dining for a period of one year from the use first commencing and another requiring the removal of the dining platform and reinstatement of the lightwell to its previous position within 13 months of the use commencing. The tables and chairs were first used on 17 May 2021.

The current application seeks to vary the aforementioned conditions to enable the retention of the decking, and its use for 13 tables and 26 chairs, for a further year and the reinstatement of the lightwell within one month of the cessation of this use.

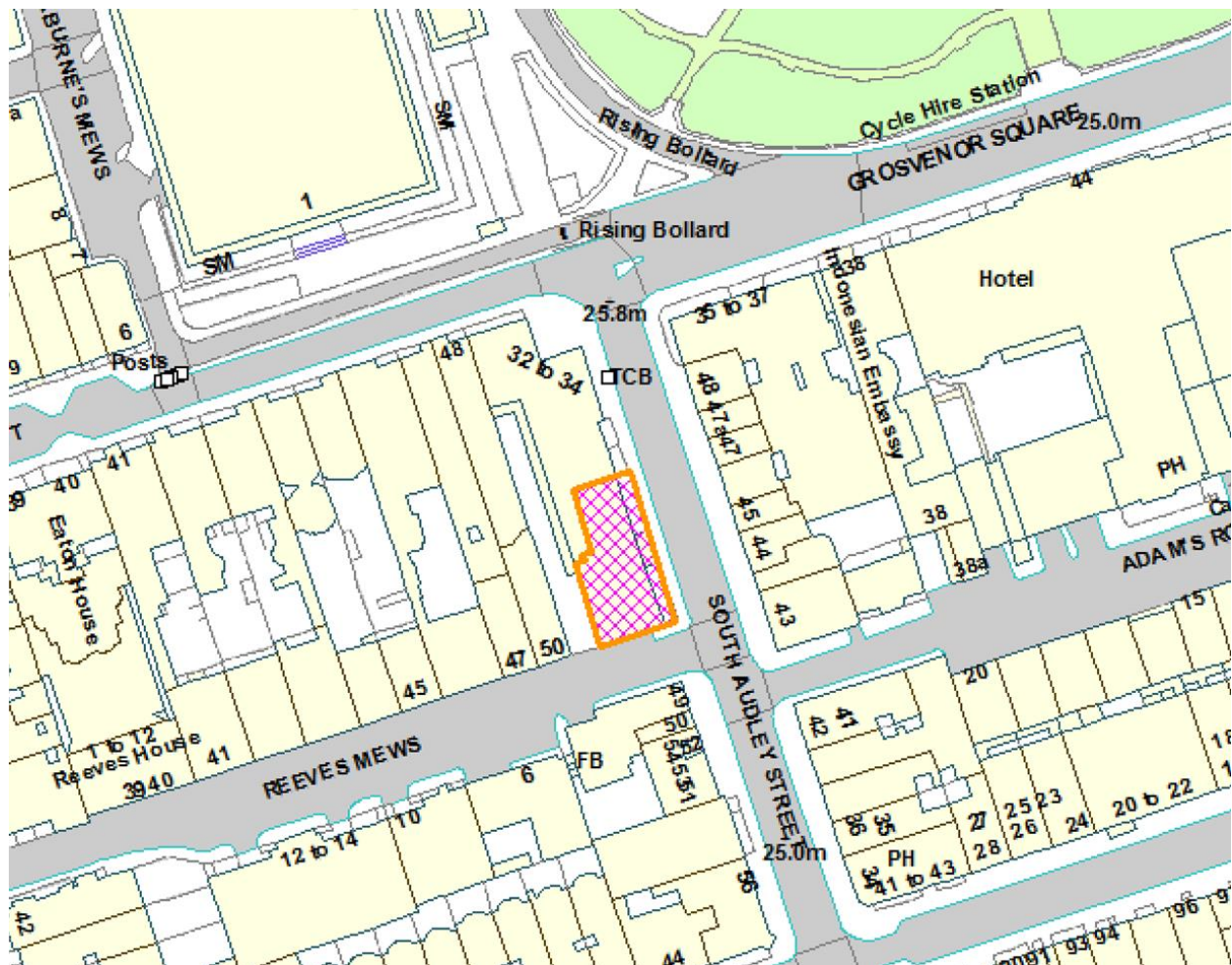
The key issues for consideration are:

- The impact of the use on neighbours' amenity
- The acceptability of permitting the lightwell structure, which is harmful to the appearance of the building and the Mayfair Conservation Area, for a further temporary period of 1 year.

Subject to operational conditions, including a condition which limiting the use of the dining area to between 8am and 10pm, the application is considered acceptable in amenity terms.

In design terms, the retention of the platform and the loss of the front lightwell does detract from the appearance of the building and its setting in the Mayfair Conservation Area, contrary to policies in the City Plan. However, the application is made in the light of ongoing difficulties faced by the hospitality industry during its recovery from the Covid 19 pandemic. Given these exceptional circumstances the application is considered acceptable for a further temporary period.

3. LOCATION PLAN



4. PHOTOGRAPHS





5. CONSULTATIONS

RESIDENTS' SOCIETY OF MAYFAIR & ST. JAMES'S

No response received

MAYFAIR RESIDENTS' GROUP

No response received

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 28 Total No. of replies: 2 (from one respondent)

- The terms of the original permission have not been adhered to as between 28-32 covers have been provided, exceeding the 26 covers permitted
- Applicant does not adhere to obligations in the proposed (new) Operational Management Plan as the awnings are not retracted and the tables and chairs are not put against the wall when the restaurant closes.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 34 Grosvenor Square is a building on basement ground and five upper floors, with frontages on South Audley Street and Reeves Mews. Part of the basement, ground and first floors are in restaurant use, accessed from South Audley Street, and the remainder of the building is occupied as flats. The site lies within the Central Activities Zone (CAZ) and the Mayfair Conservation Area,

The restaurant use, commenced in November 2011, with 108 covers, occupying the basement, ground and a small area at first floor level. Permission was granted, on appeal, on 26 March 2013, to extend the restaurant use to the entire first floor of the restaurant unit, providing an additional 60 covers. A further permission, granted on 24 November 2020, increased the total restaurant capacity to 194 covers, including a maximum of 26 covers on any permitted external dining terrace.

The restaurant opening hours are 08.00 to 01.00 (the following morning) on Monday to Saturday and 08.00 to 23.00 on Sundays.

6.2 Recent Relevant History

On 2.09.2010 permission was granted for use of the lower ground, ground and part first floor as a restaurant (Class A3) and associated alterations including a full height extract duct (RN 10/00743/FULL).

On 26. 03.2013 permission was granted, on appeal, for use of the first floor as a restaurant in connection with an existing restaurant at basement and ground floors and for the installation of new plant at roof level (RN 12/01295/FULL/ Appeal Reference APP/X5990/A/12/2183693).

On 24.05.2013 an Operational Management Plan was approved pursuant to Condition 8 of planning permission dated 26 March 2013 (RN: 12/01295/FULL) 13/04008/ADFULL.

On 01.09.2015 permission was granted for the variation of Conditions 4 and 7 of planning permission granted on appeal dated 26 March 2013 (RN: 12/01295/FULL) to allow the restaurant opening hours and operation of plant as follows: 08.00 to 01.00 (the following morning) on Monday to Saturday and 08.00 to 23.00 on Sundays (RN 15/05750/FULL). Condition 2 on this permission restricted the capacity of the premises to a maximum of 168 covers including 60 covers on the first floor.

On 24 November 2020 permission was granted for 'Alterations including the construction of platform within lightwell fronting South Audley Street to provide space for tables and chairs for use in association with restaurant (Class A3) RN 20/04702/FULL.

Also, on 24 November 2020 permission was granted for the Variation of Condition 2 of planning permission dated 01 September 2015 (RN: 15/05750/FULL) for, 'Use of first floor as restaurant (Class A3) in connection with the existing restaurant at basement and ground floor and new plant at roof level'. NAMELY, to allow the increase the capacity of the restaurant from 168 to 194 (RN 20/04701/FULL). The amended condition limited the restaurant capacity to 194 persons, with no more than 108 covers at ground floor level , no more than 60 covers on the first floor and no more than 26 external dining spaces.

On expiry of any temporary permission for the external dining spaces the capacity of the restaurant will be limited to 168 customers (108 on the ground floor and 60 at first floor level).

7. THE PROPOSAL

The permission of 24 November 2020 permitted the infilling of the front basement lightwell to create an external restaurant dining area (13 tables and 26 chairs). Approved works included the removal of railings and alteration to steps to provide access onto the platform. (20/04702/FULL)

The permission granted on 24 November 2020 RN was subject to various conditions including: .

Condition 3

"You must write to the City Council to notify us when the platform has been erected and the first date that the use of the tables and chairs will commence. The platform may be used for dining for one year from this date, after which the tables and chairs must be removed from the platform and the use of the platform must cease".

Condition 4

“You must reinstate the railings and plinth and complete any works of making good to match existing in materials, design and finished appearance and remove the platform from the lightwell in its entirety within 13 months of the first use of the platform”.

A further condition limits the use of the tables and chairs to between the hours of 08.00 and 22.00 daily.

The use of the external dining area commenced on 17 May 2021.

This application, made under S73 of the Act, and seeks to vary the above conditions to enable the retention of the external dining terrace for another year, until 16 May 2023, and requiring the platform to be removed and the lightwell to be reinstated within one month of the cessation of this use.

The proposed wording of the conditions is as follows:

Condition 3

“The platform may be used for dining until 16 May 2023, after which the tables and chairs must be removed from the platform and the use of the platform must cease.”

Condition 4

“You must reinstate the railings and plinth and complete any works of making good to match existing in materials, design and finished appearance and remove the platform from the lightwell in its entirety on or before 16 June 2023.”

This application initially sought to increase the number of tables and chairs on the dining platform to 18 tables and 36 chairs. However, following the receipt of comments from a local resident that the number of tables and chairs in situ exceed the numbers permitted, the application has been amended. As revised, permission is now sought for 13 tables and 26 chairs on the decking, for a further temporary period one year.

8. DETAILED CONSIDERATIONS

8.1 Land Use

City Plan 2019-2040 Policy 7 (Managing Development for Westminster’s People) seeks to ensure proposals are ‘neighbourly’ by protecting ,and where appropriate enhancing. local environmental quality. Policy 33 (Local Environmental Impacts) seeks to protect the local environment from adverse impacts from developments including from noise pollution. The proposal to continue to use the decking as external dining for an additional year need to be assessed against these policies.

In response to consultations, an objection has been received on the grounds that that up to 32 chairs have been in use, exceeding the permitted number . The application has subsequently been revised to reduce the proposed number of tables and chairs from 18 tables and 36 chairs to 13 tables and 26 chairs, as originally approved. .

No further comments have been received and the objectors does not suggest that the use of the external dining area has resulted in noise disturbance to neighbouring residents, including occupants of flats within the same building.

The previous application was not supported by an Operational Management Plan (OMP). However, an OMP has been submitted as part of the current application which details proposed arrangements for the management of the external dining area including:

- smoking will only be permitted on the western side of the terrace. The eastern side of the terrace is strictly non-smoking;
- all customers wishing to dine outside are clearly told about the 22.00 hour closing time;
- at 21.30 hours, staff will assess which customers need to move inside to ensure the permitted hours of use are adhered to.

The objection received states that the terms of the proposed OMP are not being adhered to , specifically that the ground floor awnings are not being retracted and the tables and are not put against the wall of the restaurant when it closes in the evening, although they confirm that this did happen when the use of the dining terrace commenced. However, there are no conditions on the original permission relating to the use of the awnings or the moving of tables and chairs on the platform, (which is ordinarily a requirement relating to tables and chairs on the public highway to enable the highway to be cleaned). However, the key point is that the permitted hours of use are being strictly adhered to

The applicants have confirmed that the obligations within the new OMP will be complied with. On the basis that use of the platform is limited to a capacity of 13 tables and 26 chairs, that the hours are restricted to 08.00 and 22.00 daily (as previously permitted) and that the use is operated in accordance with the new OMP, it is considered that the proposal would not result in any significant disturbance to neighbouring residents and is acceptable in land use and amenity terms.

8.2 Townscape and Design

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

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

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

34 Grosvenor Square is an unlisted building located in the Mayfair Conservation Area. The ground floor is faced in stone with a fixed canopy over the principal entrance. While it dates from the twentieth century, the multi-paned sash windows, first floor keystones, lightwell and railings reflect details found elsewhere within the conservation area.

The approved development has resulted the removal of two sections of railing and the loss of the open area. The platform, with external dining, is an unusual addition to the streetscape which fails to reflect its character. Lightwells form a common feature within the conservation area and contribute to its character and appearance. The proposals, therefore, fail to respond to Westminster's policies 38, 39 and 40 of Westminster's City Plan 2019-2040 (adopted April 2021) and MD3 of the 'Mayfair Neighbourhood Plan (2018-2038)'.

Given that the works are contrary to the Council's design policies and harmful to the character and appearance of the Mayfair Conservation Area, under normal circumstances the application would not be supported by Officers and would be recommended for refusal. However, the original proposals were made to help the restaurant operation during the COVID-19 pandemic. Over the period of the pandemic the restaurant was closed for three periods; between 20th March 2020 and 1st October 2020; between 5th November 2020 and 3rd December 2020, and between 16th December 2020 and 17th May 2021. The restaurant has remained open since 17th May 2021.

In accordance with Government advice the Council adopted a more pragmatic approach to support businesses through unprecedented times. Despite the clear design policy position, on the basis that the harm to the character and appearance of the Mayfair Conservation Area was temporary and reversible, it was considered that the proposal's contribution to the economic recovery was a clear public benefit which outweighed any temporary harm.

The current application is made on the basis that the retention of the dining will further assist the restaurant's economic recovery and it is recommended, as previously, that permission is granted for a further temporary period. However, an Informative is also recommended to advise the applicant that permission is unlikely to be granted for any further application for the retention of the dining platform given the clear harm to the appearance of the building and the wider Mayfair Conservation Area .

It is recommended that a pragmatic approach is again taken. it is recommended that temporary permission is again granted.

8.3 Residential Amenity (Daylight, Sunlight, Sense of Enclosure)

The provision of the decking has no material impact on the amenity of the occupants of any nearby properties in terms of daylight, sunlight or sense of enclosure.

8.4 Transportation/Parking

Not applicable

8.5 Economic Considerations

As set out within Section 8.2 of this report, the ability of the proposal to assist in the economic recovery of the restaurant during the COVID-19 pandemic is given considerable weight.

8.6 Access

The approved scheme permitted alterations to steps and side railings leading onto the proposed platform. The works are reversible upon expiry of any temporary permission.

8.7 Other UDP/Westminster Policy Considerations

Not applicable

8.8 Westminster City Plan

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

8.9 Neighbourhood Plans

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

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

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

8.12 Planning Obligations

Not applicable

8.13 Environmental Impact Assessment

The development does not require an EIA under the regulations.

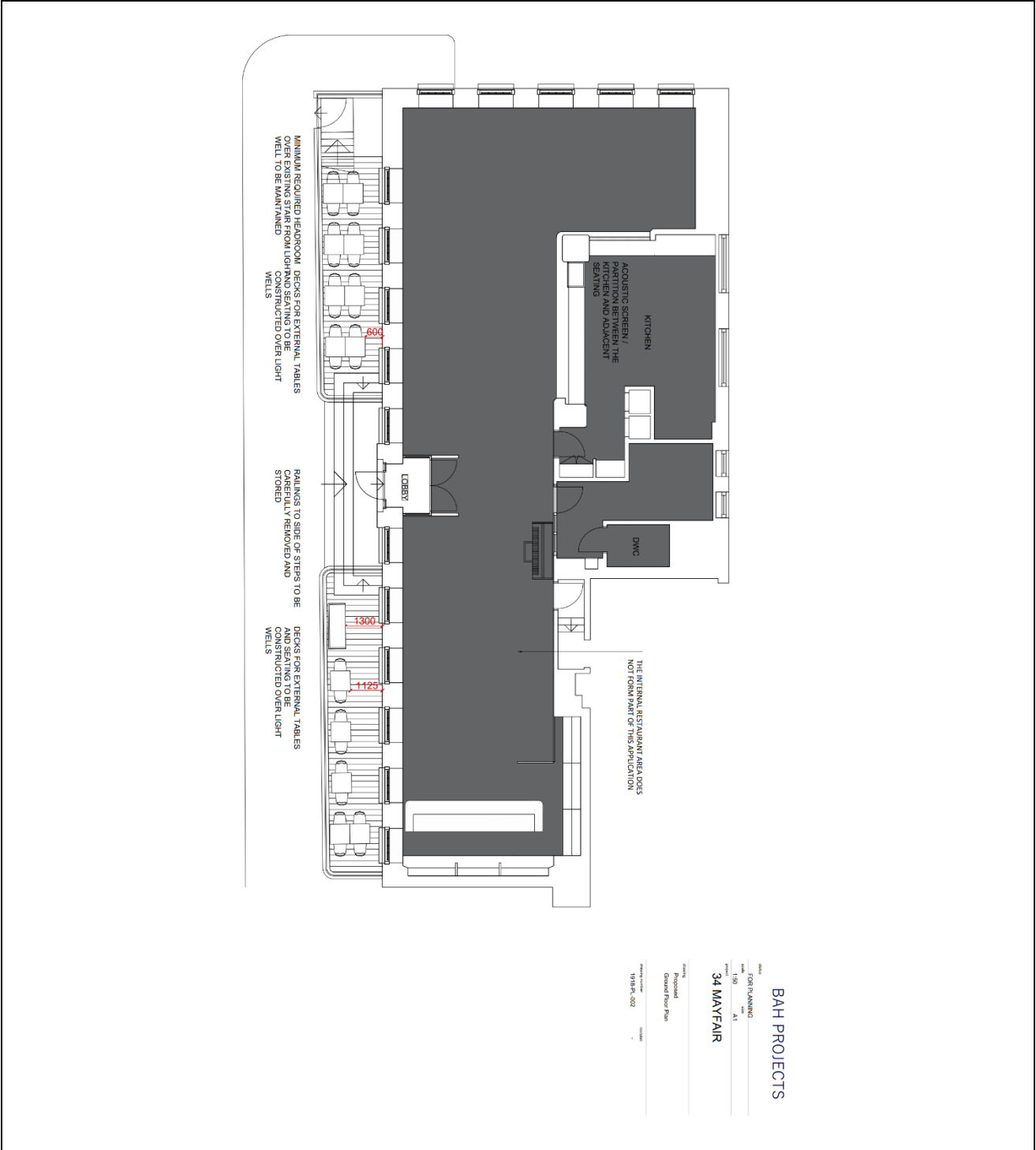
8.14 Other Issues

Not applicable

(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: SARA SPURRIER BY EMAIL AT sspurrier@westminster.gov.uk

9. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 34 Grosvenor Square, London, W1K 2HD

Proposal: Variation of conditions 3 and 4 on permission dated 24/11/2020 for 'Alterations in connection with the construction of platform within lightwells fronting South Audley Street to provide space for tables and chairs for use in association with restaurant (Class A3) Namely to enable the platform to be used for dining until 16 May 2023 (Condition 3) and requiring the removal of the platform and requiring the reinstatement of railings and plinth by 16 June 2023 (Condition 4) (Application made under Section 73 of the Act).

Reference: 21/07888/FULL

Plan Nos: As approved under application RN 20/04702/FULL - 1A3-GA-G-01, Unnumbered drawing titled section exterior drawing dated 4/9/2020, ,Application RN 21/07888/FULL,1918-00-P002; Operational Management Plan received 9 March 2022.

Case Officer: Mike Walton

Direct Tel. No. 020 7641
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 The platform may be used for dining until 16 May 2023 after which the tables and chairs must be removed from the platform and the use of the platform must cease.

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

- 3 You must reinstate the railings and plinth and complete any works of making good to match existing in materials, design and finished appearance and remove the platform from the lightwell in its entirety by 16 June 2023.

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 Mayfair 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 the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved in any other position than that shown on drawing 1918-PL-002

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)

- 5 You can only use the tables and chairs hereby approved within the lightwell between 08.00 and 22.00 hours.

Reason:

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

- 6 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)

- 7 Use of the tables and chairs on the external decking must be carried out in accordance with the Operational Management Plan received on 9/ March 2022. You must then carry out the measures included in the approved management plan at all times that the tables and chairs are in use.

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

- 2 You are advised that permission has been granted in recognition of the exceptional circumstances created by the pandemic. The loss of the front lightwell is considered to detract from the appearance of the building and its setting in the Mayfair Conservation Area, as such it is unlikely that permission will be granted for a further temporary period once this permission has expired.

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

Agenda Item 2

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Vincent Square	
Subject of Report	Westminster School Playing Fields, Vincent Square, London, SW1P 2PW		
Proposal	Installation of drainage scheme and replacement irrigation equipment including water storage tank and pump house to school playing fields.		
Agent	Tony Gallagher (Quod)		
On behalf of	Westminster School		
Registered Number	21/03450/FULL	Date amended/ completed	24 May 2021
Date Application Received	24 May 2021		
Historic Building Grade	Unlisted		
Conservation Area	Vincent Square		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to the open space in Vincent Square, located within the Vincent Square Conservation Area. The site consists of Westminster School's wider playing fields (four football pitches and two cricket squares) and an area within the groundkeeper's garden containing the existing irrigation tanks and pump house.

The applicant states that during periods of rainfall, the sports pitches become unplayable in the winter months and take several days to drain sufficiently. Due to waterlogging, the pitches are considered to be unplayable for 50 days out of the 180 day academic year. In summer months, the irrigation system is considered to be ineffective in terms of both coverage and water storage capacity. The purpose of the proposed drainage and irrigation works, including the installation of a new storage tank and pump house, is therefore to allow the pitches to be used year-round.

The key issues in this case are:

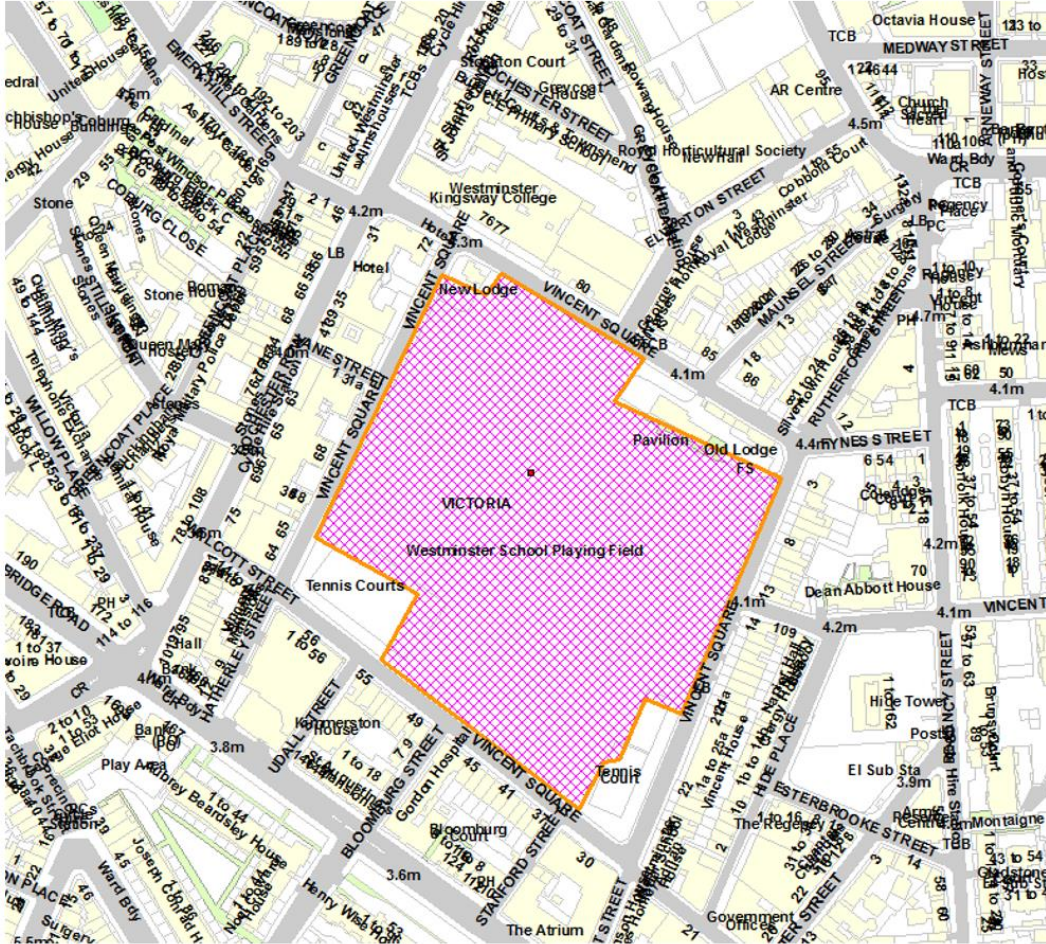
- The impact of the proposals on the character and appearance of Vincent Square and the conservation area;
- The impact of the proposal on the amenity of neighbouring residents;

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- The impact of the proposals on nearby trees;
- The impact of the proposals on Flood Risk.

The proposed development is considered to be acceptable and would accord with policies within Westminster's City Plan 2019 – 2040 (April 2021).

3. LOCATION PLAN



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4. PHOTOGRAPHS



Playing Fields taken from NE corner of Vincent Square



Groundkeepers Lodge



Existing Irrigation Tanks and Pump House in Groundkeepers Lodge garden

5. CONSULTATIONS

CLLR CHALKLEY

Requested that the application goes before the Planning Applications Sub-Committee.

ENVIRONMENT AGENCY

No objection.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection, subject to archaeology condition.

WESTMINSTER SOCIETY

No objection to the works themselves, but would like to see a more comprehensive Construction Management Plan that sets out more clearly the impacts on highways to allay the fears of local residents.

The society notes that there has been no consultation with local residents or amenity groups. If this had taken place before submission of the application then a number of issues could have been addressed with residents.

Disappointed that there has been no consideration of the potential use of the space when not in use by the school. The applicant should investigate the possibility of public access to the play area on the West side of the square at weekends and school holidays for local families.

HIGHWAYS PLANNING MANAGER:

No objection, subject to conditions.

ENVIRONMENTAL HEALTH:

No objection, subject to conditions relating to noise, vibration, Code of Construction Practice (COCP) and Contaminated land.

ARBORICULTURAL SECTION:

No objection, The submitted Arboricultural Impact Assessment and Arboricultural Method Statement are considered acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 520

Total No. of replies: 8

Eight letters have been received from surrounding residents on the following grounds:

Land use

- The proposals will not benefit the wider community or other schools. Public access when not in use by the school should be made available.

Amenity

- The proposals could lead to unacceptable noise and vibration from plant machinery, an acoustic report should be provided.

Environment/Trees

- More information is needed on the impact of the works to nearby trees (mature plane trees).
- The submission documents are unclear about the subterranean impacts of the proposals in terms of the impact of the drainage works on nearby residential properties, the destination of the drained water, whether the drained water will be recycled and what maintenance will be required.
- Question whether the applicant has sufficiently addressed the requirements of London Plan Policy SI13 (Sustainable Drainage) which requires drainage to be designed and implemented in ways that promote multiple benefits including increased water use efficiency, improved water quality and enhanced biodiversity, urban greening, amenity creation and in particular whether the benefits can be describes as “multiple” in this regard.
- Further archaeological investigation is required given the depths of the cellular soakaways shown on the drawings.

Other

- Due to the large amount of information provided, the submission documents are confusing.
- The applicant should conduct a public consultation or public meeting, to engage with the local community.
- The application does not include an insurance/liability study or an overall Risk Analysis.
- Question whether there is a real need for the proposals, and how many days of use per year are actually lost because of poor drainage.
- London’s future climate is uncertain due to global warming, this should be considered in the rainfall modelling.
- The construction works will lead to traffic and noise disruption in the Square, and additional emissions which will impact on air quality.

RECONSULTATION DATED 13 August 2021

Additional information provided: Additional drawings (Irrigation Tanks and Pump House) and Acoustic Report.

No. Consulted:525

Total No. of replies: 5

Five letters of objection received from nearby residential occupiers reiterating their original concerns and on the following additional grounds:

Other:

- The applicant’s consultation event is too late, rushed, poorly advertised and without a meaningful statement of what it is about or how it will be conducted.
- Alternative technology could be used to achieve the same drainage outcome, without having such a large impact on residents ie. drying machinery used in professional sport.
- A traffic study should be undertaken as the associated lorry traffic during construction works will lead to disruption in the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to the open space in Vincent Square, located within the Vincent Square Conservation Area. The site consists of Westminster School Playing Fields (four football pitches and two cricket squares) and an area within the groundkeeper's garden containing the existing irrigation tank and pump house. The site does not include the tennis courts or children's play area, which also form part of the School's wider playing fields, and is bound by mature trees on all sides.

6.2 Recent Relevant History

In 2011, planning permission was granted for the installation of a temporary classroom and associated storage unit on the existing car park until 10 January 2012 to provide accommodation during completion of construction works at 21 Douglas Street (in connection with Westminster Under School).

In 2018, planning permission was granted for the demolition of the existing extension to the cricket pavilion in Vincent Square and formation of two new flanking extensions, including minor external works to the pavilion area.

In 2021, planning permission was granted to vary condition 1 of the 2018 permission, to allow the substitution of the front first floor window with doors and balcony and other minor alterations.

7. THE PROPOSAL

Permission is sought for a new drainage and irrigation scheme to the school playing fields. It will consist of improving the surface of the playing fields, with the introduction of topsoil ameliorated with fine sand. Below ground level, the proposed drainage arrangement consists of a network of perforated drainage pipes, lateral drains connect to larger carrier drains and secondary drainage in the form of slit drains and sand bands. The drainage system will be divided into three zones of varying size, with a cell soakaway installed for each drainage zone, to act as an overflow during periods of heavy rainfall. Retractable sprinklers are also proposed throughout the playing fields for water irrigation.

The three existing water storage tanks and pump house within the garden of the groundkeeper's Lodge are to be replaced with one larger water storage tank and pump house. This will be enclosed by the existing hedgerow and fencing.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals will provide drainage and irrigation systems to the existing playing fields no change of use is proposed.

The Westminster Society and a number of local residents have expressed their disappointment that no provision is being made for public access to the playing fields when not in use by the school (at weekends and evenings).

Policy 17 (Community infrastructure) part B states that where new facilities are provided they should be designed to accommodate a range of community uses wherever possible. The Council will strongly encourage the co-location of facilities and access for appropriate organisations and the local community. Policy 18 (Education and skills) part C states that where new and additional educational facilities are provided, proposals for their use outside of core operation hour for community or recreational use will be supported in principle.

The applicant has stated that residents, the Lords and Commons Lawn Tennis Club and local businesses will continue to benefit from access to the tennis court area and that the pitches are used by other schools for their annual sports days, who will benefit from the proposed works (Burdett-Coutts, St. Matthews, Westminster Harris Academy and Millbank Academy). Whilst it is regrettable that wider use by the community is not being provided, given that it is an existing space and no new facilities are proposed, it is not considered that the application could reasonably be refused on this basis.

8.2 Townscape and Design

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

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

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

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

Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

For the most part, the proposals take place under the surface of the playing fields with the drainage and irrigation equipment remaining beneath a grassed surface area. Section drawings have been provided showing the typical depth of the drainage equipment (i.e. channels, pipes, sand layers) and the irrigation equipment (sprinkler heads) in both its retracted and operating mode. The irrigation sprinklers will be of a minimal size and colour and will therefore be indiscernible in higher level views across the playing fields, particularly when in their non operative mode.

The visual impact upon the playing fields themselves will be limited to those aspects of equipment required for irrigation purposes and will thereby preserve the green and open nature of the square.

To the north-west of Vincent Square an existing water tank and pump house is located adjacent to the grounds keeper's house, New Lodge, behind fencing, shrubs and trees. The proposals involve the replacement of this equipment with a new water tank to supply the irrigation system and a separate pump house structure. These elements will be coloured to blend in with the existing foliage and the tank will occupy the footprint of the existing water storage facilities whilst the separate pumphouse will sit outside of this, but will be largely screened from public view by virtue of its location behind the existing fencing, shrubs and trees.

Given their highly concealed nature, the works are not considered to cause harm to designated heritage assets and will preserve the appearance of the Vincent Square Conservation Area.

As such, the proposal is considered acceptable, mindful of policies 34, 38, 39, and 40 City Plan; and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990."

8.3 Residential Amenity

Policy 7 seeks to protect and where appropriate enhance amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Due to the size, massing and position of the proposed pump house and water storage tank, the proposals will not give rise to any amenity issues with regards to light, privacy or enclosure.

Objectors have raised concern that the proposed plant could cause unacceptable noise and vibration to nearby properties.

Policy 33 (Local environmental impacts) part C states that development should prevent

adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds.

The applicant has submitted an acoustic assessment which demonstrates that the proposed irrigation pumps, are capable of meeting the Council's policies for noise and vibration. Environmental Health raise no objection subject to the imposition of the Council's standard noise and vibration conditions.

8.4 Transportation/Parking

The proposal will not impact on the local highway network (construction impact is addressed in Section 8.7 below).

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

No change to existing access arrangements proposed.

8.7 Other UDP/Westminster Policy Considerations

Trees

Objectors have been raised regarding the impact of the proposed works on nearby trees.

Policy 34 (Green infrastructure) part H states that trees of amenity, ecological and historic value and those which contribute to the character and appearance of the townscape will be protected.

All of the 67 trees surrounding the playing fields, which comprise 65 London Plane trees and 2 Sycamore trees, are protected by virtue of a Tree Preservation Order (TPO) and their location within the Vincent Square Conservation Area.

The applicant has provided an Arboricultural Impact Assessment and Arboricultural Method Statement in support of their application. No trees are required to be removed or pruned to facilitate the works.

The Council's Arboricultural officer raises no objection subject to a condition to ensure that the development is carried out in accordance with the Arboricultural Method Statement.

Flood Risk and Sustainable Urban Drainage Systems (SuDS)

The application site is located in Flood Zone 3 and partially within the Surface Water Flood Risk Hotspot.

Objections have been raised about the impact of the drainage works on nearby residential properties and the destination of the drained water.

The applicant's Surface Water Strategy sets out that through amelioration of the topsoil with sand, and the installation of primary and secondary drainage discharging into soakaways, the proposals will significantly enhance the current surface water drainage arrangements for the site, allowing water to be held within the pitch makeup before infiltration into the subsoil. The surface water network has been designed and modelled for 100 years plus a 40% allowance for climate change.

In accordance with Policy 35 (Flood Risk), the applicant has also provided a site-specific Flood Risk Assessment which demonstrates that the development is safe, does not increase flood risk and does not detrimentally affect third parties. The Environment Agency have reviewed the assessment and have raised no objection to the proposals.

Objectors also state that the proposals do not meet London Plan Policy 13 (Sustainable drainage) part D which states that drainage should be designed and implemented in ways that promote multiple benefits including increased water use efficiency, improved water quality, and enhanced biodiversity, urban greening, amenity and recreation.

Aside from the amenity and recreational benefits of making the playing fields usable all year round, the applicant states that the new drainage system will improve the aeration status of the topsoil. This will in turn result in the increased breakdown of soil organic matter, slowly realising natural soil based organic nutrients to the grass plants, reducing the need for artificial fertilisers and improving water quality. The drainage system will also result in higher wear tolerance of the grass sward, improving grass density/cover and urban greening, especially during the winter months.

A grey water harvesting solution was considered by the applicant and found to be unviable, as the water would drain into the permeable ground before being collected. If any water could be collected, it would likely be in the wetter months of the year when irrigation is not required. Storing water for a period of months would then increase the risk of spraying stagnant, contaminated water on the playing fields.

Overall, the proposals are considered to meet London Plan Policy 13 and City Plan Policy 35.

Archaeology

The site is located in an Area of Special Archaeological Priority and the development could cause harm to archaeological remains. Historic England (Archaeology) have reviewed the applicants desk-based assessment report and an archaeology condition is recommended.

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.

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

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions to secure the provision of investigation reports relating to contaminated land, a written scheme of investigation and the applicant's adherence to the Council's Code of Construction Practice. The applicant has agreed to the imposition of these condition.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

Environmental Impact issues have been covered in section 8.7 above.

8.14 Other Issues

Construction Impact

Objections have been raised regarding noise, disturbance, traffic and air pollution caused during construction works.

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A condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which requires the developer to provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition, excavation and construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works. The key issues to address in the COCP are liaison with the public; general requirements; SEMPs; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues.

The applicant has submitted a Site Waste Management Strategy for the proposals, which aims to reduce construction waste by encouraging reuse, recovery and best practice waste management practises to minimise waste going into landfill. The main waste stream will arise from the primary drainage installation and the removal of turf and topsoil from the sports pitches. Based on the applicants site investigation desk study, which identifies that the excavation arisings are likely to consist of inert and non-hazardous soils/materials, 100% is proposed to be reused. However, in the event that any hazardous arisings are found the waste will be removed by a licenced contractor.

The applicant has provided an Air Quality Assessment, which sets out that subject to mitigation measures (to control and reduce the generation of dust and construction traffic) the proposals would not have an unacceptable impact on local air quality in terms of dust generated during construction works, emissions from construction vehicles and onsite construction plant (Non-Road Mobile Machinery). Mitigation measures will be secured via the CoCP.

Lack of Public Consultation by Applicant

Objectors have raised concern that the applicant did not consult with local residents before the application was submitted. In response to these objections, the applicant has since held a virtual public event on the evening of the 13 October 2022, to present the proposals. The event was attended by 13 residents and Councillor Short. A "pre-event" was also held with the Vincent Square Residents Association on 12 October 2021 to provide information on the purpose of the proposals, a summary of the technical information relating to the proposed drainage and irrigation and the construction mitigation measures.

(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: JULIA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk .
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KEY DRAWINGS

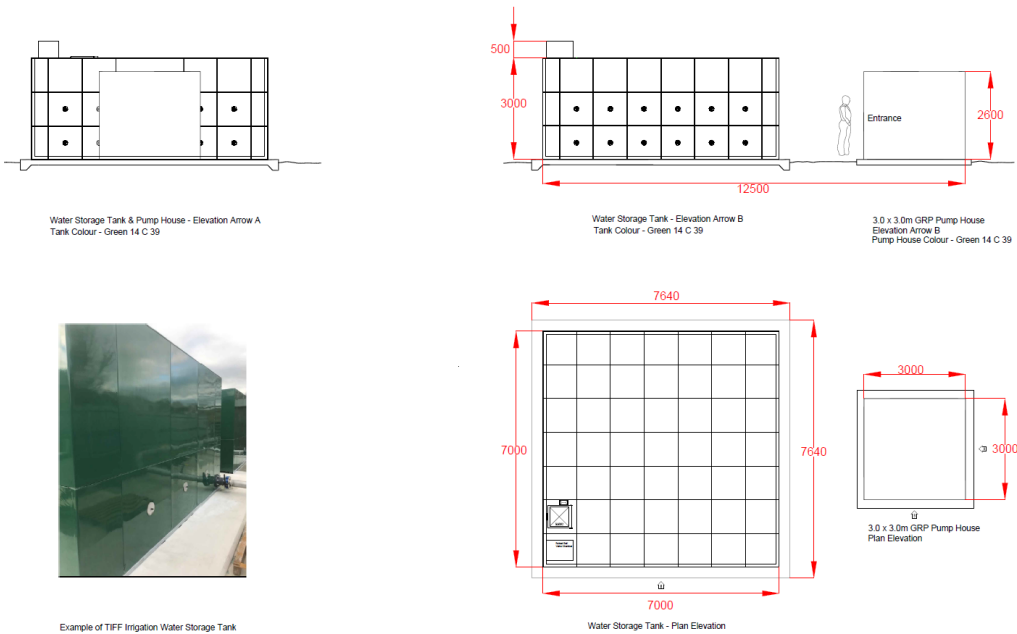
The drawings are organized into two main sections: 'Existing Irrigation Tanks and Pump House' and 'Proposed Irrigation Tank and Pump House'.

Existing Irrigation Tanks and Pump House:

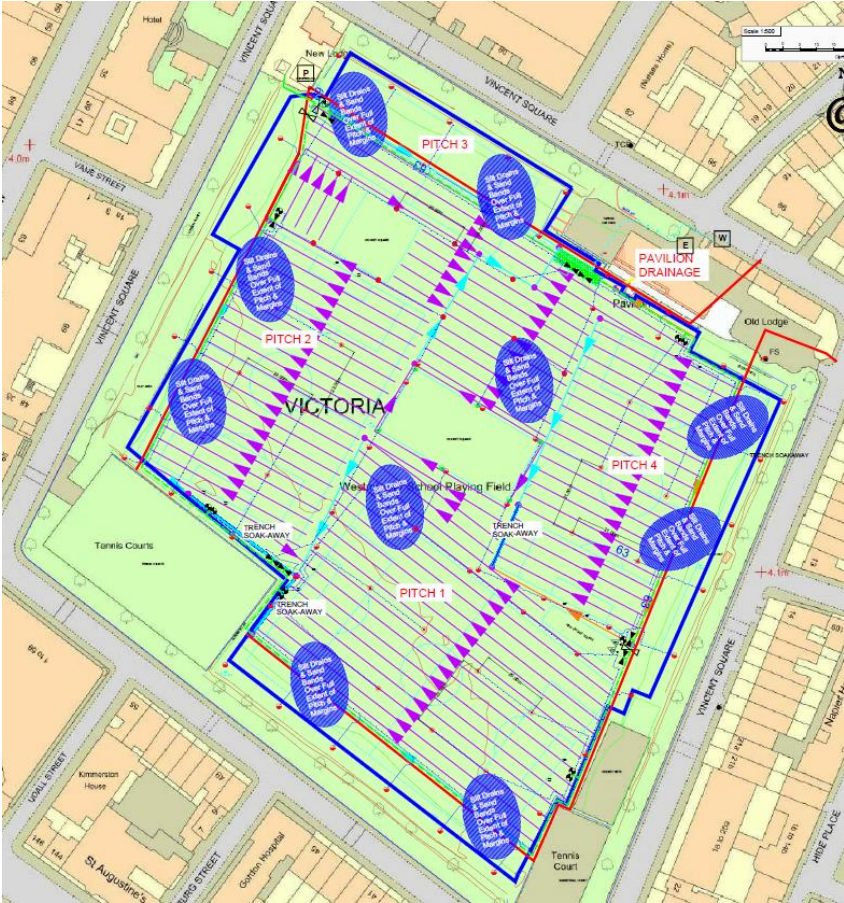
- Plan View:** Shows the layout of existing water storage tanks, a pump house, and a new lodge. The site is bounded by 72 Vincent Square to the north and a carriageway to the west. A north arrow is present. A note indicates 'SITE BOUNDARY FALINGS TREES & SHRUBBERY TO REMAIN'. Section lines A1-A2 and C-D are marked.
- Elevation Arrow C:** Shows the profile of existing water storage tanks, the pump house, and the new lodge, with a carriageway in the foreground.
- Elevation Arrow D:** Shows a side elevation of the existing water storage tank and pump house.
- Section Line A1-A2:** Shows a cross-section through the site, including the carriageway, trees, and the buildings.

Proposed Irrigation Tank and Pump House:

- Plan View:** Shows the proposed layout, including a new 'Proposed Water Storage Tank' and a 'Proposed Pump House'. The surrounding context (72 Vincent Square, carriageway, and lodge) remains the same as in the existing plan view.
- Elevation Arrow C:** Shows the profile of the proposed water storage tanks, pump house, and new lodge.
- Elevation Arrow D:** Shows a side elevation of the proposed water storage tank and pump house.
- Section Line A1-A2:** Shows a cross-section through the site, including the carriageway, trees, and the proposed buildings.

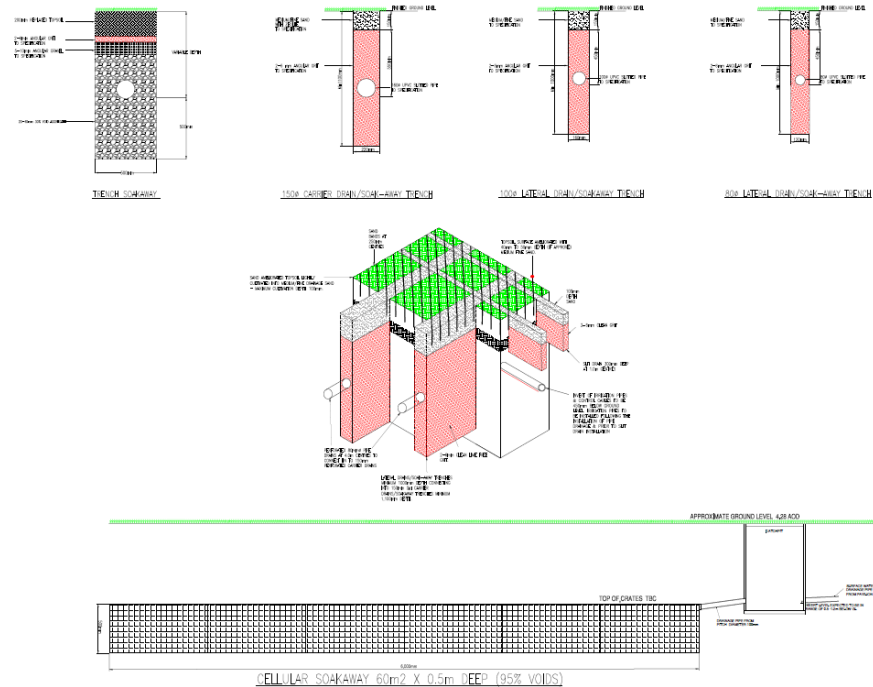


Details of Irrigation tank and pump house

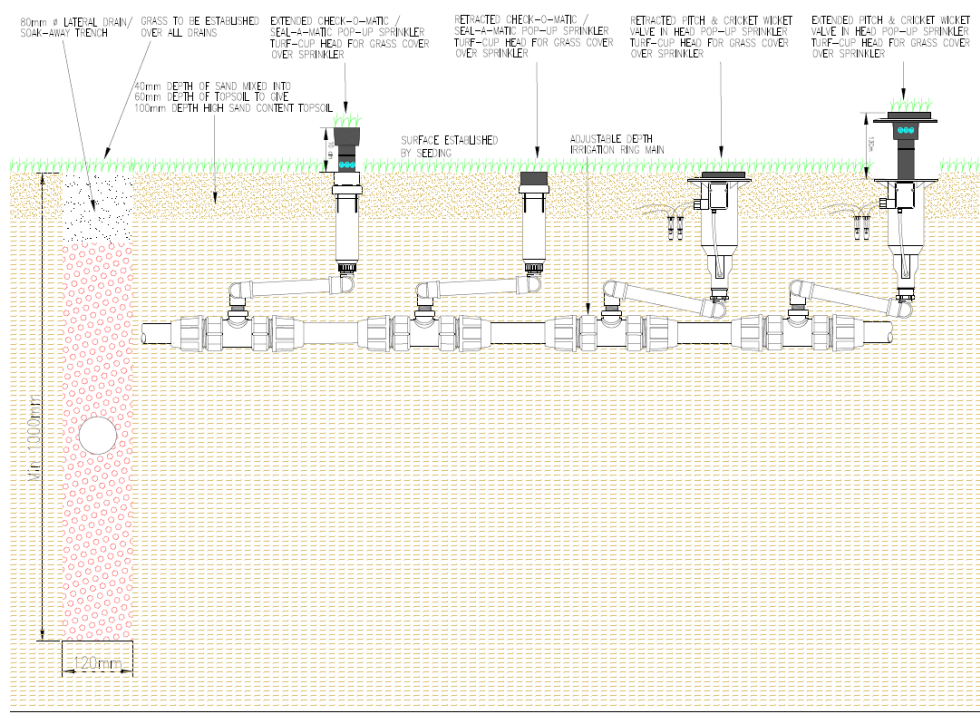


Drainage and Irrigation System Layout

PROPOSED DRAINAGE SYSTEM TYPICAL DETAILS



Proposed Drainage System Typical Details



Pitch Irrigation System Typical Details

Item No.
2

DRAFT DECISION LETTER

Address: Westminster School Playing Fields, Vincent Square, London, SW1P 2PW

Proposal: Installation of drainage scheme and replacement irrigation equipment including water storage tank and pump house to school playing fields.

Reference: 21/03450/FULL

Plan Nos: GTC00658 SK08 Rev. B; GTC00658 SK11 Rev. A; GTC00658 SK03 Rev. I; GTC00658 SK03 + Zones Rev. I; GTC00717 DK09 Rev. B; GTC00658 SK010 Rev. E; GTC00658 SK09 Rev. B; GTC00658 SK07; GTC00658 SK 15 Rev E; GTC00658 SK14 Rev. E; GTC00658 SK16; GTC00658 SK17; GTC00658 SK18; GTC00658 SK19 Rev. A; GTC00658 SK13; Drainage Calculations and Surface Water Strategy Rev. C, dated April 2021; Irrigation Pumps Noise Assessment dated 30 July 2021; Air Quality Assessment Technical Statement, dated 2 December 2021; Arboricultural Impact Assessment Report (Ref: CCL/VNC/AIA/01c), dated 16 February 2022; Arboricultural Method Statement (Ref: CCL/VNC/AMS/01c) dated 16 February 2021; Site Waste Management Strategy; Flood Risk Assessment dated May 2021; CoCP Appendix A Checklist.

For information:

Westminster SUDS Proforma; Assessment of Soakaway Drainage Feasibility Rev. 1 dated May 2021; Construction Management Plan dated May 2021; Planning Statement dated May 2021; Risk Assessment dated 29 January 2021; Response to Comments November 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 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 people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

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

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

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

Reason:

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

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

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 2 and 3 before any demolition or excavation work starts (phase 1 already provided), and for phase 4 when the development has been completed but before it is occupied.

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

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

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate. (C18AA)

Reason:

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

- 5 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:;
- (a) A schedule of all plant and equipment that formed part of this application;;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted

in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 6 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

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

- 7 You must install the acoustic attenuation measures detailed in the Irrigation Pumps Noise Assessment dated 30 July 2021 before you use the machinery. You must then maintain the attenuation measures for as long as the machinery remains in place. (C13DB)

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)

- 8 The works must be carried out in accordance with the Arboricultural Method Statement, Ref: CCL/VNC/AMS/01c dated 16 February 2021.

Reason:

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

- 9 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and,
- A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- B. Where appropriate, details of a programme for delivering related positive benefits.
- C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 HIGHWAYS LICENSING: Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be

considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

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

- 3 With reference to condition 3 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.

- 4 Conditions 5, 6 and 7 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.

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2

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.

7 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.

8 In relation to Condition 9, the written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management procedure) (England) Order 2015.

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

Agenda Item 3

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	6 Catherine Street, London, WC2B 5JY		
Proposal	Use of basement and ground floor as flexible arts centre (sui generis) and installation of extract ducts to ground floor rear roof.		
Agent	Ian blacker		
On behalf of	Ian Blacker		
Registered Number	21/07866/FULL	Date amended/ completed	17 November 2021
Date Application Received	17 November 2021		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

Grant conditional permission.

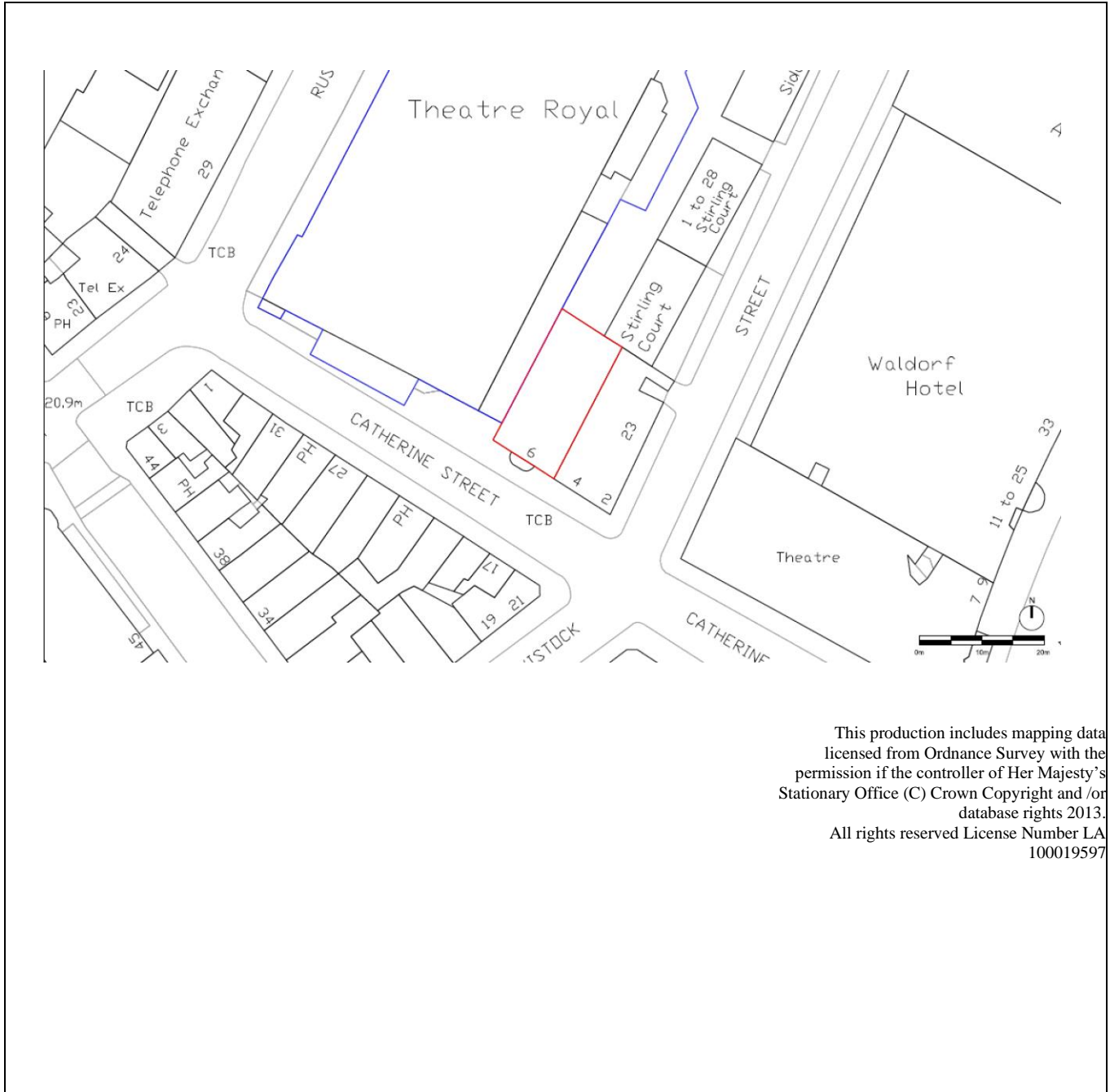
2. SUMMARY

<p>6 Catherine Street is an unlisted building, located adjacent to and connected internally to the newly refurbished Theatre Royal Drury Lane, which is Grade I listed. Vinegar Yard sits in between and was recently covered as part of the theatre's recent refurbishment and turned into an informal food and drink space for the Theatre, now known as 'The Garden'. The basement and ground floors of No. 6 formed part of the application for the refurbishment works to the Theatre and was to be used as a restaurant, however this has remained vacant.</p> <p>Permission is now sought for the use of the basement and ground floors of No. 6 as an arts centre, to be known as 'the Garden Shed'. It is proposed to provide a fully flexible space for a wide range of arts based activities, including rehearsals, live performances, recorded music, films and the hosting of arts related events and exhibitions. External alterations are limited to the installation of two low level extract ducts on the rear ground floor flat roof.</p> <p>The key issue for consideration are:</p> <ul style="list-style-type: none"> The impact of the proposals on the character and appearance of the building, Covent Garden Conservation Area and setting of the Grade I listed Theatre.

- The land use implications of the proposal and its impact on the amenity of surrounding residents.

The introduction of a new arts centre will complement the Theatre Royal and be compatible with the character and function of Covent Garden and the West End Strategic Cultural Area and is therefore considered acceptable in principle. With the imposition of conditions, the proposals are considered acceptable in land use, amenity and design terms, in accordance with the policies set out in Westminster's City Plan 2019-2040 (April 2021).

LOCATION PLAN



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3. PHOTOGRAPHS



4. CONSULTATIONS

THEATRES TRUST

Welcome the proposal. The proposed venue will add to the diversity of performance spaces within the West End, facilitating a range of small-scale and intimate performances alongside events, functions and exhibitions within a 120-seat studio space. It can also host additional rehearsal space, something for which there is clear need. To the basement level will be a further smaller flexible space. There is strong policy basis to support the proposed change of use.

New entrances between 'The Garden' and this venue will help reinforce the relationship between the respective venues and add to the flexibility in terms of how they can be used to supplement each other. Alterations are relatively minor and do not impact on the wider setting and significance of Theatre Royal Drury Lane.

Both venues are accessible, the accessible WC at basement level will need to be Part M compliant.

COVENT GARDEN COMMUNITY ASSOCIATION

This is already a very busy area with the theatre attracting crowds to the area and pedicabs touting for business with loud music from their 'vehicles'. An added maximum occupancy of 380 people in the proposed space and up to midnight will cause disruption to an already very busy area. The space is likely to be used for functions and entertaining which will be disruptive to residents. With a 9am start time it will also bring visitors to the area at a much earlier hour than is usual in Covent Garden. It will also need set up and set down for arts related events, cannot see where this will take place. These activities usually take place at night and are very noisy.

Concern about the disruption caused to the residents, many long term and already suffering from the many changes in the area in terms of people and noise (Covid times excepting) – the proposed venue will only add to this.

Should the application be deemed acceptable request following conditions are attached:

- During a busy event, guests use the two exits (Drury Lane and Catherine Street) to lessen the load on Catherine Street and there are door supervisors to facilitate this.
- Queuing at evening times is not acceptable and all events must be ticket.
- No noise to emanate from the building due to close residential neighbours.
- Standing and smoking must not be allowed outside in Catherine Street.
- Pedicabs must not be allowed to linger and must be moved on by door staff.
- Hours of use restricted from 9am – 10.30pm Monday to Thursday and 9am to – 11pm Friday and Saturday and 10am – 9pm on Sundays.
- Deliveries and servicing should not take place outside the hours of 8am and 8pm on weekdays, 9am – 8pm Saturdays and 10am – 6pm Sundays

COVENT GARDEN AREA TRUST

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

No objection.

WASTE PROJECT OFFICER

No objection.

ENVIRONMENTAL HEALTH

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 70

No. of objections: 2

Two residents from Stirling Court to the rear have raised objections on the following grounds:

Landuse/Amenity

- There are no details concerning how the premises will be properly insulated from the transmission of airborne and impact sound.
- No acoustic insulation has been provided to the walls and doors that separates the performance space and the residential courtyard to the rear.
- Noise break-out has not been properly addressed, especially through the roof cowl.
- It is not clear whether food is to be served which may create odour nuisance.
- The vents will be releasing exhaust fumes directly into the enclosed garden area to the residential flats to the rear which is heavily used.
- Object to the proposed time limits, the centre should stop all activity that could disturb residents at 11.00pm at the latest.

Design

- The proposed roof cowl will project at least 1m above the parapet wall that separates the property with the residential courtyard to the rear which will be a bulky protrusion and unsightly.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

5. BACKGROUND INFORMATION**5.1 The Application Site**

The property is an unlisted, Edwardian building on the eastern side of Catherine Street. It lies adjacent to and is connected to the newly refurbished Theatre Royal Drury Lane, which is Grade I listed. Vinegar Yard sits in between 6 Catherine Street and the Theatre Royal, which provides front and back of house exit routes from the Theatre onto Catherine Street and Drury Lane. It was recently covered as part of the theatre's recent refurbishment and turned into an informal food and drink space for the Theatre, now known as 'The Garden'.

The basement and ground floors of 6 Catherine Street formed part of the application for the refurbishment works to the Theatre Royal and was to be used as a restaurant. The physical works for a restaurant use have been carried out, however, no restaurant has

occupied the premises and it remains vacant. LW theatres are the tenants and operators of the Theatre Royal, together with 'The Garden' (Vinegar Yard) and the basement and ground floors of 6 Catherine Street. The upper floors are in office use, occupied by the Really Useful (Theatre) Group.

The site lies within the Covent Garden Conservation Area, Central Activities Zone (CAZ), the West End Retail and Leisure Special Policy Area (WERLSPA) and the West End Strategic Cultural Area.

5.2 Recent Relevant History

6 Catherine Street

Planning permission was granted for the demolition of the existing and erection of new mansard roof extension; installation of air conditioning plant in yard at rear ground floor level; replacement of windows, entrance screens and doors to create new ground floor entrance; all in connection with continued office use (class B1) on 18 July 2017.

6 Catherine Street and Theatre Royal Drury Lane

Planning permission and listed building consent were granted for use of the ground floor and basement of No. 6 Catherine Street as a restaurant (use class A3), together with associated elevational changes at ground floor level (No. 6 Catherine Street); creation of a new opening between no. 6 Catherine Street and Vinegar Yard; enclosure of the rear part of Vinegar Yard; demolition of a redundant generator shed in Vinegar Yard; installation of exterior plant equipment on the Theatre Royal Drury Lane and Vinegar Yard; and the creation of a publicly-accessible terrace on the Theatre Royal at the corner of Russell Street and Catherine Street. Internal works to the front of house, auditorium, stage area and back of house of the Theatre Royal on 12 December 2017.

A non-material amendment application was granted for amendments to planning permission dated 12 December 2017 (RN: 17/08082), namely, for replacement of one sash window on Russell Street elevation and amendments to the internal Vinegar Yard elevation on 26 September 2018.

Further permissions and listed building consents have subsequently been granted to make minor amendments to the 12 December 2017 permission and consent.

6. THE PROPOSAL

Planning permission is sought for the use of the basement and ground floors of 6 Catherine Street as a flexible arts centre (sui generis), to be known as 'the Garden Shed' which will be operated by LW Theatres and linked internally to 'The Garden', an informal food and drink space in Vinegar Yard and the Theatre Royal.

The Garden Shed is proposed to create a new and unique fully flexible arts space for a wide range of arts based activities, including live performances (comedy, plays, spoken word, dance and music); recorded music and films; hosting of arts related events including book launches, readings, exhibitions and arts displays; and a rehearsal space

for the development of new musicals and plays. It will include a small ancillary bar, dressing rooms and toilets.

	Existing GIA (sqm)	Proposed GIA (sqm)
Restaurant (vacant)	Vacant 404sq	0
Arts Centre (Sui generis)	0	404sqm
Total	404sqm	404sqm

7. DETAILED CONSIDERATIONS

7.1 Land Use/Amenity

Policy context

The importance of arts and performance spaces to London and Westminster's role as an entertainment centre of national and international importance is acknowledged in the policies of both the London Plan and Westminster's City Plan 2019-2040. The policies aim to promote, protect and enhance London's cultural and creative industries, particularly in the West End, which make a major contribution to London's world city status.

Policy 2 of Westminster's City Plan 2019 – 2040 (April 2021) relates to the WERLSPA and aims to provide an improved retail and leisure experience that responds to innovation and change in the sector, and a diverse evening and night-time economy and enhanced cultural offer.

Policy 14 relates to town centres, high streets and the CAZ. Part C. 2. States that the WERLSPA will provide a wide mix of commercial uses that support the West End's role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy.

Policy 15B relates to arts and cultural uses and states that all existing arts and cultural uses and uses of cultural significance will be protected and proposals for enhancement will be supported in principle. Proposals for new arts and cultural uses will be supported in: 1. Strategic Cultural Areas when they complement the existing cultural offer; and 2. the town centre hierarchy; and 3. commercial areas of the CAZ.

Consideration

The applicant states that they seek to create a new fully flexible arts centre to contribute to the revitalisation and long-term viability of the Theatre Royal; as well as support the vitality and viability of Covent Garden, theatreland and the West End generally.

Covent Garden is characterised by cultural uses and is located within the West End Strategic Cultural Area (SCA) which has one of the largest clusters of cultural and entertainment uses in the country. The introduction of a new arts centre will complement the Theatre Royal and be compatible with the character and function of Covent Garden and the WESCA and is therefore considered acceptable in principle.

The ground floor is proposed to be the primary space with a small ancillary bar and will be configured according to the requirements of each individual event (stage, cabaret

tables, standing, gallery or displays) with capacity for 120 seated or 250 standing. The basement will contain a smaller secondary performance space with capacity for up to 80 standing and the provision of dressing rooms, toilets, back of house and plant room.

There are residential occupiers in the neighbouring building (23 Tavistock Street/2-4 Catherine Street), opposite and within the residential blocks of Stirling and Siddons Court, Tavistock Street to the rear. Objections have been raised from CGCA and two residents within Stirling Court on the grounds that the proposal will result in increased noise disturbance to residents, particularly from noise outbreak from the internal activities, and to the proposed opening hours.

The maximum capacity is proposed to be 330 (standing) with opening hours of between 9.00 – 0000 daily. The hours of opening are broadly similar to that consented for the restaurant use for the site (0800-0000 Monday to Saturday 23.30 Sundays) and are therefore considered appropriate. The applicant has submitted an Operational Management Plan which sets out their operating procedures in terms of security, accessibility, public access, servicing, deliveries and maintenance and it is recommended that this is secured by condition.

The applicant has submitted a Noise Assessment in support of their application. This has assessed the potential noise impact of the proposed use to inform their acoustic design of the interior. Acoustic measures are proposed internally, including an acoustic lobby to the ground floor entrance, acoustic treatment to perimeter walls, floors and ceilings; secondary glazing to the Catherine Street elevation and upgrading of the existing skylights, in order to minimise potential noise and vibration from the internal activities through the fabric of the building. The Council's Environmental Health officer is satisfied that with the acoustic measures proposed the use will not result in any significant noise outbreak to the detriment of residents.

Accordingly, it is considered that with appropriate conditions, the scale of the proposed arts centre will not be detrimental to surrounding resident's amenity and is acceptable in this central area of Westminster.

7.2 Townscape and Design

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'in the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, City Plan policy requires development will preserve or enhance the character and appearance of Westminster's conservation areas and features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where

the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

External alterations are limited to the installation of two low level extract ducts/cowls on the rear ground floor flat roof. They will have limited visibility in private views from Stirling Court to the rear and will not have a significant visual impact on the wider conservation area or setting of the listed Theatre. A condition is recommended that the ducts be painted black.

As such the proposals are considered acceptable in design and conservation terms, mindful of policies 38, 39 and 40 of the City Plan and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Building and Conservation Area) Act 1990.

7.3 Residential Amenity

The proposal will not impact on neighbouring residents in terms of light, privacy or enclosure.

7.4 Transportation/Parking

The site has a PTAL rating of 6b which means that there are excellent public transport facilities in the area. Cycle parking is provided in the Theatre Royal for employees. The applicant states that deliveries will take place using existing servicing vehicles to the Theatre which are brought into the venue via the Drury lane entrance into Vinegar Yard. The Council's Highways Planning Manager raises no objection to the application.

7.5 Economic Considerations

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

7.6 Access

Level access is proposed through The Garden, Vinegar Yard which will be linked internally to the Garden Shed. Wheelchair access to the basement rehearsal space will be made available when booking for the rehearsal space, via a lift accessible through a separate door on Catherine Street. Accessible toilet facilities are proposed at ground and basement level.

7.7 Other UDP/Westminster Policy Considerations

Noise/plant

Acoustic dampers are proposed to the air extract and intake vents to the rear ground floor level. Environmental Health Noise Team raise no objection, subject to a condition

requiring post installation noise monitoring to ensure compliance with the Council's standard noise condition.

No primary cooking is proposed as part of the arts centre and it is recommended that this be secured by condition to prevent any odour nuisance.

Refuse /Recycling

Waste and recycling are proposed to be managed in conjunction with Theatre Royal. Waste will be stored at the Drury Lane end of Vinegar Yard. The Councils Waste Project officer raises no objection.

7.8 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.

7.9 Neighbourhood Plans

None relevant.

7.10 London Plan

This application raises no strategic issues.

7.11 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.

7.12 Planning Obligations

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

7.13 Environmental Impact Assessment

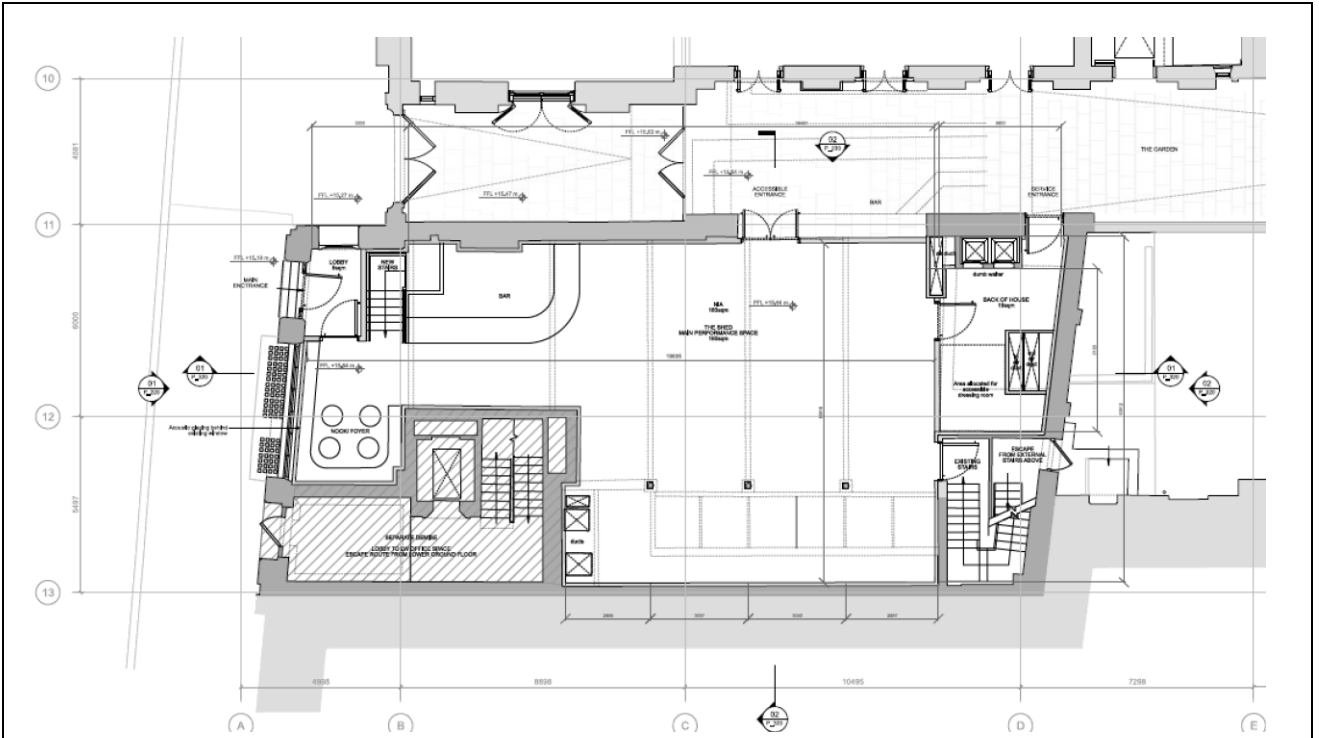
The proposal is not of a scale that requires an Environmental Impact Assessment.

Item No.
3

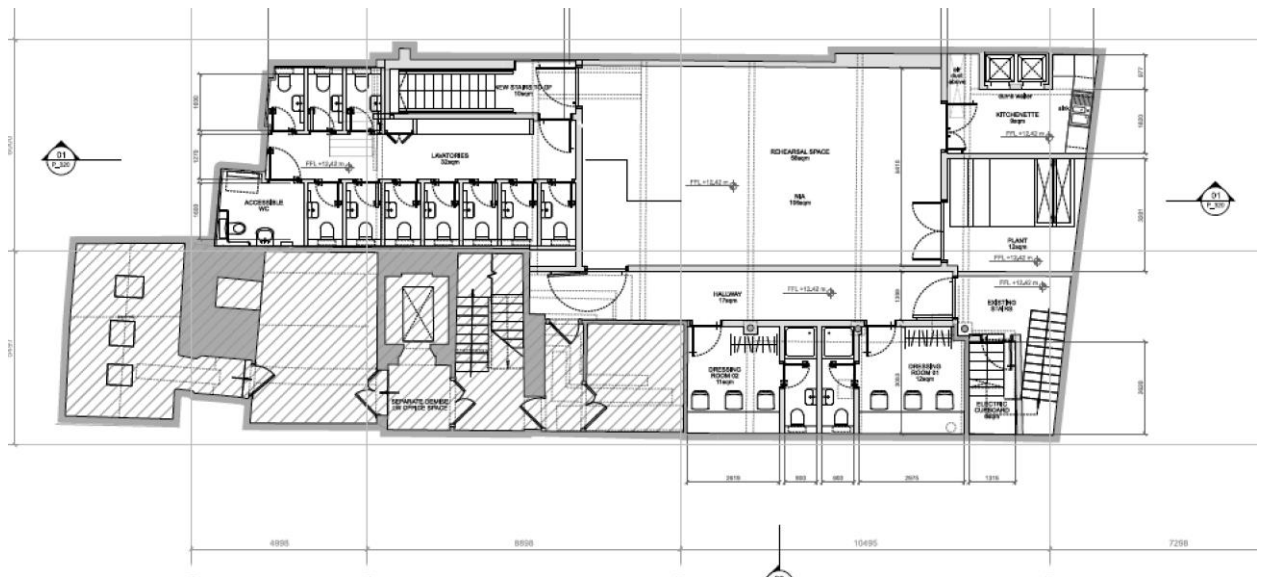
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **JULIA ASGHAR** BY EMAIL AT jasghar@westminster.gov.uk

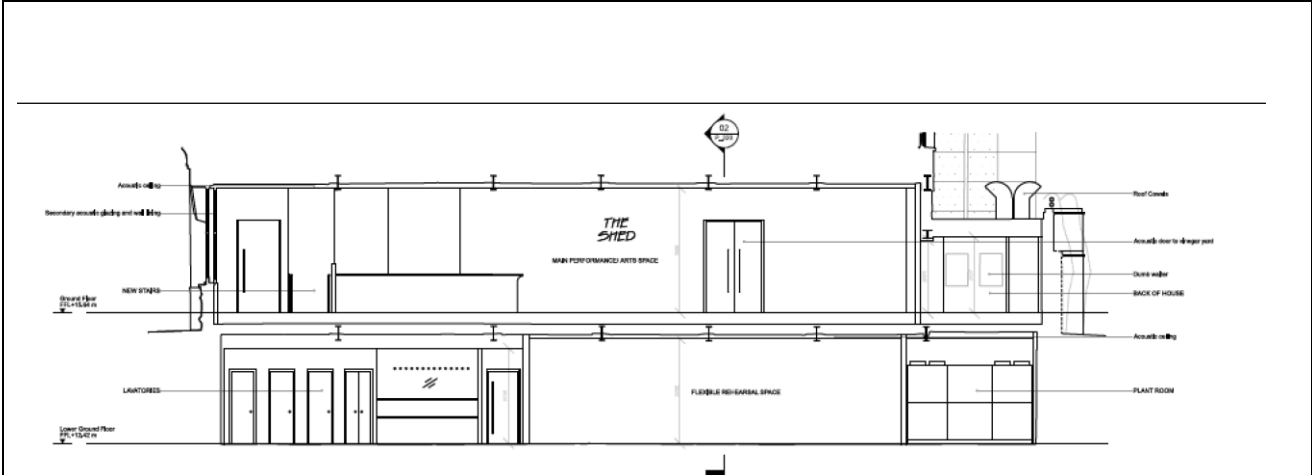
8. KEY DRAWINGS



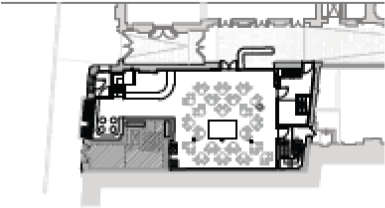
Proposed ground floor



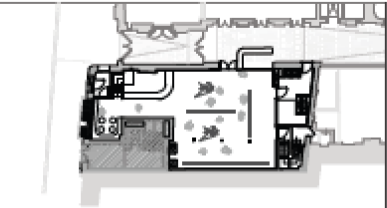
Proposed basement



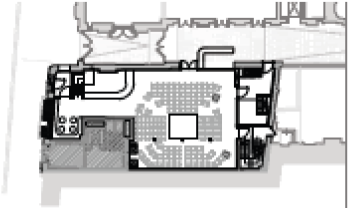
Proposed section



Cabaret Seating, 23 tables 44 guests



Art Gallery, Visitor numbers managed at doors upon entry



Thrust theatre seating, 105 guests

Illustrative layouts

Item No.
3

DRAFT DECISION LETTER

Address: 6 Catherine Street, London, WC2B 5JY

Proposal: Use of basement and ground floor as flexible arts centre (sui generis) and installation of extract ducts to ground floor rear roof.

Reference: 21/07866/FULL

Plan Nos: 21022_P00_001/P00; 21022_P00_002/P00; 21022_P00_110/P00; 21022_P00_111/P00; 21022_P00_112/P00; 21022_P00_120/P00; 21022_P00_121/P00; 21022_P00_122/P00; 21022_P00_210/P00; 21022_P00_220/P00; 21022_P00_230/P00; 21022_P00_310/P00; 21022_P00_320/P00; and 21022_150/P00. Design and Access Statement (Allford Hall Monaghan Morris Architects) dated 9 November 2021; Acoustic Survey (Ian Sharland Ltd) dated 4 November 2021; Operational Management Plan (LW Theatres) Version 2 dated November 2021.

Case Officer: Julia Asghar

Direct Tel. No. 020 7641
07866037964

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 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 Covent Garden 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 finish the ductwork in black. You must then keep it that colour. (C26FA)

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

- 5 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum. (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;, (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and

receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 6 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

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

- 7 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 5 and 6 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

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

8 (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 arts centre 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 arts centre use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include: (a) The location of most affected noise sensitive receptor location and the most affected window of it; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition; (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)

9 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)

- 10 Customers shall not be permitted within the flexible arts centre (sui generis) before 0900 or after 0000 (midnight) each day. (C12AD)

Reason:

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

- 11 You must carry out the measures included in your management plan dated November 2021 (Version 2) at all times that the Arts Centre 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)

- 12 There shall be no primary cooking on site such that you must not cook raw or fresh food on the premises.

Reason:

We do not have enough information to decide whether it would be possible to provide extractor equipment that would deal properly with cooking smells and look suitable. This is as set out in Policies 7, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R05DD)

- 13 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 21022_150/P00 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 arts centre. (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 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Please contact Environmental Sciences by email to environmentalsciences2@westminster.gov.uk if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.
- 4 The City Council supports a scheme to provide a free a recruitment service for businesses. Over 90% of people helped into work have been retained for over 6 months by their employing businesses. The scheme uses Work Place Coordinators to match vacancies and candidates. They have helped over 600 Westminster residents into jobs in Westminster businesses across the City. Further details can be found at www.crossriverpartnership.org. The scheme is supported by Westminster City Council, Cross River Partnership, the Crown Estate, New West End Company and Victoria BID.
- 5 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.
- 6 Under condition 12 you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. However, you can reheat food by microwave or convection oven as long as this does not require extractor equipment.

Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 March 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Abbey Road	
Subject of Report	43 Springfield Road, London, NW8 0QJ		
Proposal	Demolition of the existing dwelling house and erection of a replacement dwelling house (Class C3) comprising basement, ground, first and second floor levels; installation of plant at basement level, new landscaping to front and rear gardens; and associated works.		
Agent	Gerald Eve		
On behalf of	Oleg Pavlov		
Registered Number	21/02583/FULL	Date amended/ completed	21 April 2021
Date Application Received	21 April 2021		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site contains a detached house located on the south side of Springfield Road. The building is located within the St John's Wood Conservation Area and is identified within the Conservation Area audit as an unlisted building of merit.

Permission is sought for the demolition of the existing three storey dwellinghouse and erection of a replacement dwellinghouse comprising basement, ground, and two upper floors, installation of plant at basement level, replacement of front boundary wall, new landscaping to front and rear gardens and associated works. There has been some design amendments, omission of plant and structure from rear garden and refinement to the detailed design during the application.

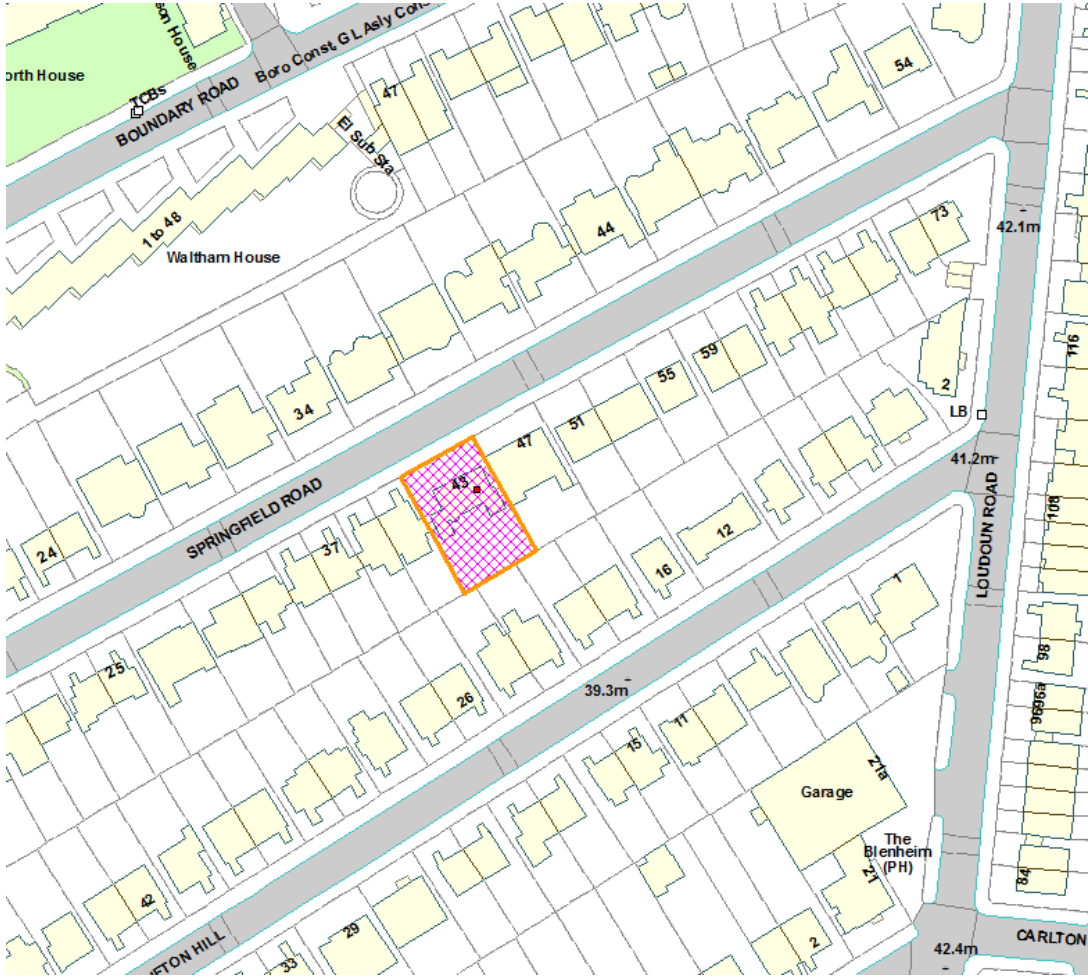
Objections have been received from neighbouring residents on a number of grounds including design, impact on the conservation area, impact on the amenity of neighbours and the impact of excavation works on neighbouring properties and residents.

The key issues in this case are:

- The impact of the demolition of the existing building and the proposed development on the character and appearance of the St John's Wood Conservation Area
- The impact of the development on the amenity of neighbouring residents

Subject to appropriate conditions as set out in the draft decision letter appended to this report, the proposals are considered to comply with the development plan. As such, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation (No 47 Springfield Road to the left and No 41 Springfield Road to the right)



Rear Elevation

5. CONSULTATIONS

ORIGINAL CONSULTATION

ST JOHN'S WOOD SOCIETY:

- Note reduction in bulk to previously consented scheme
- Strong objection to the demolition of an unlisted building of merit
- Positioning of plant is unneighbourly and will result in a harmful impact on amenity

HISTORIC ENGLAND:

Not necessary to be notified.

WASTE PROJECT OFFICER:

Objection – further details required.

HIGHWAYS OFFICER:

Acceptable with conditions.

BUILDING CONTROL OFFICER:

Acceptable.

ENVIRONMENTAL HEALTH OFFICER:

Following further information, no objection subject to conditions.

ARBORICULTURAL OFFICER:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 28; Total No. of replies: 5

Four letters raising objection on all or some of the following grounds:

Design

- Demolition of unlisted building of merit and rebuild would not preserve or enhance the conservation area
- Existing building complements and positively reinforces the neo-Georgian character of Springfield Road. Proposed building would be at odds with this character.
- Lack of details in regard to the size, materials and details of the timber building located on the rear boundary wall.
- Overdevelopment of the plot.

Amenity

- Noise disturbance from air conditioning equipment
- Loss of privacy/ increased overlooking from additional windows
- Loss of light and overshadowing

Basement Excavation

- Detailed Heritage and Structural Reports have been submitted in support of objections raised on behalf of the occupiers of No 47 Springfield Road and Nos.

20 and 22 Clifton Hill (see background papers).

- Not satisfied with the heave analysis, which suggests cross boundary impacts from excavation on listed buildings in Clifton Hill.
- Structural impact on boundary walls and structures has not been submitted and should be provided.
- Ground water falling above the basement should be collected and discharged to the mains sewer in view of existing poor drainage conditions in rear gardens.
- Noise, dust and vibration from basement excavation
- Increase in traffic generation
- Hazardous materials from the use of concrete
- Harm to trees

Other Matters

- 2014 granted permission lapsed and therefore current application should not be seen as a revision
- Lack of proposed planting or greenery on the boundary shared with No 20 Clifton Hill

One letter of support received stating the height of the building is less than previously granted scheme and the basement is reduced. Air conditioning units are acceptable. The terrace on the first floor will not cause privacy or overlooking concerns. Once completed it will positively contribute to the streetscape of Springfield Road.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

RE-CONSULTATION (sent on 12th November 2021 due to amended design to front and rear elevations and omission of externally located plant and associated enclosure)

ST JOHN'S WOOD SOCIETY:

- Note reduction in bulk to previously consented scheme
- Strong objection to the demolition of an unlisted building of merit

HISTORIC ENGLAND:

Any response to be reported verbally

WASTE PROJECT OFFICER:

Objection – further details required.

HIGHWAYS OFFICER:

Any response to be reported verbally.

BUILDING CONTROL OFFICER:

Any response to be reported verbally.

ENVIRONMENTAL HEALTH OFFICER:

No objection subject to conditions.

ARBORICULTURAL OFFICER:

Concern regarding the proximity to the front basement to neighbouring false acacia.
Satisfied that the impact on the oak tree in the rear neighbouring garden is acceptable.
Conditions recommended to secure tree protection details.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 28; Total No. of replies: 2

One letter raising objection on the following grounds:

Basement Excavation

- Submitted Flooding Risk Assessment is out of date and does not take into account recent flooding
- Results in a loss of permeable surfaces compared with the current building
- Risk to heritage buildings has not been adequately assessed

Other Matters

- Extension of time requested to enable professional advice being sought

One letter of support received on the current proposal would make a positive contribution to the streetscape compared to the existing house.

6. BACKGROUND INFORMATION**6.1 The Application Site**

The application site currently comprises a three storey 1950s dwellinghouse located on the south side of Springfield Road. The building is located within the St John's Wood Conservation Area and is identified within the Conservation Area audit as an unlisted building of merit.

6.2 Recent Relevant History

15 November 1951 – Planning permission granted for the erection of a single dwellinghouse on cleared site of Nos 43 and 45 Springfield Road.

10 April 1990 – Planning permission and conservation area consent granted for demolition of the existing garage and erection of new garage and playroom attached to existing house (89/06987/FULL & 90/00115/CAC).

17 October 2014 – Planning permission granted for the demolition of existing dwellinghouse and erection of replacement dwellinghouse (Class C3) comprising basement, lower ground, ground and two upper floors, replacement of front boundary wall, underpinning to side boundary walls, provision of mechanical plant at roof level and new landscaping to front and rear gardens. (14/07083/FULL)

7. THE PROPOSAL

Permission is sought for the demolition of the existing three storey dwellinghouse and erection of a replacement dwellinghouse (Class C3) comprising basement, ground and two upper floors. In association with this, it is proposed to install plant within the rear lightwell at basement level and to replace the existing front boundary walls and provide new landscaping to the front and rear gardens.

The proposal has been amended during the course of the application. As a result, the height and bulk have been reduced and the design has been improved, in order to address urban design and conservation concerns raised by officers and objectors. The air conditioning units and associated structure has been omitted following amenity, design and conservation concerns raised.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The principle of providing residential accommodation on this site, in the form of a replacement dwellinghouse is acceptable in land use terms and accords with Policy 8 in the City Plan. The replacement dwellinghouse would provide a good standard of accommodation that would significantly exceed the minimum standards as set out in Nationally Described Space Standard , as required by policy 12 of the City Plan. Although the proposed dwellinghouse would have a floor area exceeding 200 sqm GIA it replaces an existing dwellinghouse and therefore the size limit within policy 8 (B) is not relevant.

8.2 Townscape and Design

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

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

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

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design

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

Existing Building and Street Scene and Previous Approval:

When Springfield Road was originally laid out in the mid-19th century it incorporated a series of paired villa buildings (two semi-detached houses comprising a unified villa development) in Italianate classical styling. In the earlier and mid 20th century a number of these including the application building were redeveloped for neo-Georgian style buildings, generally detached. The mid-19th century buildings typically incorporate a raised ground floor and higher floor to ceiling heights, whereas the 20th century neo-Georgian style buildings including the current application site typically incorporate ground floor at ground level and a lower floor to ceiling and overall height. An objector notes the existing building as dating from 1952.

The 2014 approval for the redevelopment of the application site (confirmed as lawfully implemented in 2018) was for a new building generally following the height, massing and design approach of the original mid-19th century buildings in Springfield Road.

The existing building on the application site follows in general terms the prevailing appearance of the group of neo-Georgian buildings in Springfield Road due to its brick facing, pitched roof, massing and proportions, and use of sash windows. The other neo-Georgian buildings in the street however are generally of notably higher architectural quality, and the application building is considered of limited quality and character. Its slightly recessed and apparently original side wing considerably weakens any symmetry or harmony to the front elevation, as does the large ground floor window to the side wing, and the positioning of front dormer windows. The fenestration pattern of the rear elevation is not considered attractive, and the later addition two storey rear extension poorly integrated into the building. It is identified in the St John's Wood Conservation Area Audit as an unlisted building of merit, albeit the Audit also erroneously identifies the building as dating from between 1820 and 1849 and it is uncertain therefore whether the building was assessed correctly in the Audit. Overall, and notwithstanding the reference in the Audit, from a detailed assessment officers consider that the building makes a neutral contribution to this part of the St John's Wood Conservation Area.

The St John's Wood Society note their strong objections to the demolition of the building, and with other objectors also expressing concerns regarding the loss of the building. These points, and the relevant policies, guidance and statutory duties set out above are recognised.

Given the considered limited architectural qualities of the existing building, it is considered that the demolition of the building could be supported subject to a suitable replacement building in architectural and sustainability terms.

Proposed Building:

The design approach to the proposed new building has been amended during the course of the application process, including a lowering in height of the building generally and also the garage wing, a reduction in the footprint, the incorporation of an air source heat pump to a rear lightwell and other design refinements to window, doors and the front porch.

The early to mid-20th century buildings in Springfield Road are neo-Georgian in styling and adopt a sheer ground and first floor level with either second floor roof structure incorporating overhanging eaves, or alternatively a mansard to second floor level set back behind a parapet. The building proposed at the application site draws significant design inspiration from the latter, with two floors of sheer brickwork and a tile clad mansard storey set behind a parapet. The building will also incorporate a new basement floor with lightwells and rooflight. The building will generally adopt traditional timber windows, with a classically inspired entrance porch, and in terms of its general styling will integrate appropriately into the Springfield Road townscape.

Height of Building:

The building proposed incorporates sheer brick clad elevations rising through ground and first floor levels, with tile clad mansard to second floor level. The overall sheer elevation height to parapet level is shown as rising to approximately 7.7m above ground level, with mansard above. The other neo-Georgian buildings in the street incorporating two storeys of sheer elevation rising to parapets have elevation heights strongly consistent at around 7.15m - 7.20m. Seen in this context the overall height of the building is inappropriately large and bulky and out of character with the consistency of this building style in the street. As such, an amending condition is recommended to reduce the height of the building overall by 0.3m, with most of this coming from a reduction in height of the main sheer elevations.

It is recognised that objections have been received expressing concerns about the height of the building proposed, including in views from Clifton Hill between the gaps in the properties. Subject to the amending condition related to the height of the building however the building proposed would be acceptably close in scale to other neo-Georgian buildings in the street, and would be shorter in height both than the Victorian villa buildings remaining and the one which would have originally been present to this site. It is also recognised that a notably higher building has lawfully been commenced on site, as set out in the planning history section of the report. As such, subject to the amending condition, it is not considered in this case that the concerns raised by objectors regarding the height of the building are sustainable in this case.

Footprint of Building:

To the front elevation the main building line is set slightly forward of the existing. However, this remains behind the front elevation lines of both adjoining buildings and as such the change is considered acceptable. The proposed garage is approximately 4.4m closer to the front of the site than the existing garage, though 0.75m back from the front elevation line of the new building and approximately 1.3m back from the front elevation line of the adjoining building at no. 41 Springfield Road. This more advanced position will make the garage a more visible structure, however it will remain recessed behind the main buildings flanking both sides, and officers are also mindful of the neo-Georgian

styling of the building and the characteristic pattern in the street where such buildings commonly have garages either similarly recessed or in a number of cases advanced beyond front elevations. The garage has been reduced in height through the course of the application process, and in the context of Springfield Road it is considered acceptable.

The side elevation lines closely follow the existing, which is considered acceptable and will help maintain the existing townscape gaps to this part of the townscape.

The rear elevation line extends notably further than existing. However it has been designed to more closely integrate with the footprint of the adjoining 20th century neo-Georgian building at no. 47 Springfield Road. Whilst extending notably larger than the footprint of the mid-19th century no. 41 Springfield Road, neo-Georgian buildings typically have larger footprints than the Victorian villa buildings, and the greater projection is not considered to represent an unacceptable break in the townscape to the rear. Overall, the footprint of the proposed building is considered acceptable.

Design Approach to Building:

The front elevation is characterised by a central bay slightly projecting forward of the main front elevation line and containing the entrance porch, with a regular fenestration pattern of sash windows which subtly diminish in height to first floor level as is the traditional pattern in the street. Further detailing is provided by the window arches to ground floor, a brick detail band between ground and first floors, and a subtly projecting brick band above the first floor windows (following a similar historic example found at no. 36 Springfield Road). Whilst the overall impression is of a relatively simply detailed building, nonetheless the neo-Georgian buildings in the street adopt a similar design approach with few decorative flourishes and the design approach proposed is considered appropriate.

The brick detailing above ground and above first floor windows continues around side and rear elevations, with the projecting chimney stacks further enlivening the side elevations.

The rear elevation is more heavily fenestrated. However, larger door openings to rear garden level are not uncommon in the area and the ground floor doors are designed to follow the style of the other windows to the building, which will help integrate them into the overall development. The two storey rear bay is considered well integrated into the building, in contrast to the extension on the existing building.

The use of what appear casement windows to first and second floor levels on the side and rear elevations are not considered appropriate in an area where sash windows are a largely universal window design approach, and an amending condition is therefore included to require a reversion to sashes in place of casements. The window designs have also been amended during the course of the application and, as amended by the condition recommended are considered in line with the character of the street and acceptable in design terms. Whilst the dormer to the side facing west elevation is relatively wide, such wide dormers are not uncommonly found to neo-Georgian buildings in the street and mindful of this and the screening effect of the chimney stack in front this dormer, and the others to second floor level, are considered of appropriate design.

The external manifestations of the basement accommodation represent two lightwells with black metal grilles, and a skylight immediately adjacent to the rear elevation, and given their size and integration into the development they would not unacceptably clutter the building or create inappropriate new structures in the setting of the building and its garden grounds.

The concerns raised by objectors regarding a rear garden structure incorporating air conditioning equipment are noted. However, this structure has since been omitted from the application proposals.

The front boundary wall incorporates two vehicular openings following the existing arrangement, with the remainder a relatively low height brick boundary wall with railings above and planting set in behind. The boundary treatment is not considered of appropriate design as currently shown, and it misses the opportunity to integrate more closely to 20th century precedents in the street, and an acceptable approach for these features will be secured by condition.

To protect the appearance of the conservation area, conditions are recommended to prevent the demolition of the existing building, except as part of a continuous programme of development to deliver the replacement building.

The buildings behind this site fronting onto Clifton Hill are grade 2 listed, and for clarity the development proposals are not considered to adversely affect their setting, nor that of any surrounding non-designated heritage assets/unlisted buildings of merit.

Design, Conservation and Sustainability Conclusion:

Mindful of the above, and recognising the limited architectural qualities of the existing building and the merit of the new building proposed, overall, the proposals are considered acceptable in design, conservation and sustainability terms. The recommendation is considered in line with relevant policy, guidance and with the statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

8.3.1 Sunlight and Daylight

The applicant has submitted a daylight and sunlight report in support of the proposed development which is supported by an Addendum Report for the amended design. This demonstrates that the proposed building would not result in a material loss of daylight or sunlight to properties on the opposite side of Springfield Road or to the rear of Clifton Hill.

The applicant's daylight and sunlight report identifies that the proposed scheme would result in a material loss of daylight to two of the windows in the side elevations of the neighbouring dwellinghouses at 41 and 47 Springfield Road.

The window at No 41 that would experience a material loss is located at ground floor level in the side elevation in the middle of the elevation. This window serves a staircase between ground and first floor level and as such the window does not serve a habitable room within the neighbouring property and cannot be afforded significant protection in terms of loss of daylight.

It is understood that the affected window at first floor level in the side elevation of No 47 serves as part of the principal bedroom of this property. However, the bedroom as a whole also receives daylight from unaffected windows in an alternative elevation. Given this and as No. 47 is a large dwellinghouse with a significant number of other habitable rooms that would not suffer a material loss of daylight, it is not considered that permission could reasonably be withheld on this ground.

Given its orientation and distance from neighbouring predominantly south facing windows, the proposed development would not result in a material loss of sunlight to any surrounding residential windows.

In summary, despite the material loss of daylight to two neighbouring windows, the proposed development is acceptable in daylight and sunlight terms for reasons set out in this section of the report and would therefore accord with Policies 7 and 33 of the City Plan.

8.3.2 Sense of Enclosure

The proposed building, although larger than existing, would be set back sufficiently from the boundaries of the site so as not to cause a material increase in enclosure to neighbouring windows and gardens. As such, in sense of enclosure terms the scheme would accord with Policies 7 and 33 of the City Plan.

8.3.3 Privacy

The proposed dwellinghouse would increase the number of windows to the front and rear elevations relative to the existing building on this site. However, due to the distance and proximity to neighbouring properties it is considered these windows would not significantly increase overlooking to windows and gardens of neighbouring properties. Therefore, despite the objections raised on overlooking grounds, it is not considered that permission could reasonably be withheld and therefore the proposal would accord with Policies 7 and 33 of the City Plan.

8.3.4 Noise Disturbance

Following the comments of neighbours and Officers, the proposed plant has been relocated from an enclosure in the garden to be sited within the rear lightwell at basement level. The Environmental Health Officer has reviewed the submitted documents and has raised no objection to the proposal, on environmental noise or nuisance grounds subject to the standard Westminster noise conditions and informatives as well as a condition requiring a post commissioning noise survey being carried out and approved to ensure the plant accords with Westminster policies.

8.3.5 Excavation of Basement

Given the subterranean nature of the proposed basement extension and the limited extent of its external manifestations, the development would not result in a significant impact on the amenity of neighbouring residents.

8.4 Transportation/Parking

The proposed dwellinghouse would have forecourt parking with a garage at ground floor level providing a further parking space. The parking provision is similar to the existing arrangement and therefore considered acceptable.

8.5 Economic Considerations

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

8.6 Access

The property is to remain as a single family dwellinghouse. The property will have level access from the front driveway.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Refuse /Recycling

Whilst the Waste Projects officer objects to the proposals as the details of waste storage aren't in line with the council waste storage requirements, it is not considered reasonable to condition further details given the proposal replaces a similarly large dwelling house.

8.7.2 Trees

The Arboricultural Officer is satisfied that the proposed excavation within the Root Protection Area (RPA) of the Oak Tree in the rear garden of No 41 Springfield Road will not be significantly adversely affected from the basement excavation.

The extent of the basement excavation to the front is the same as granted within the 2014 proposal. However the Arboricultural Officer is concerned by the proximity of the basement excavation to the RPA of the false acacia within the front garden of 41 Springfield Road. This tree was not recorded in the Arboricultural Report submitted within the 2014 application and therefore was not given an assessment previously. The front garden basement excavation requires an incursion of 11% into the RPA which is significant. However the overall reduced size of excavation compared to the fallback position of the granted and implemented scheme of 2014 is welcomed and therefore on balance, it is recommended that a tree protection method statement condition to ensure that trees on and close to the site are appropriately protected throughout construction works.

A further condition is recommended to provide details of hard and soft landscaping in order to improve the appearance of the development and to ensure it contributes to the character and appearance of the conservation area and to biodiversity and the local

environment.

8.7.3 Biodiversity

The application site is within an Area of Wildlife Deficiency. The proposed development includes significant extensions to the rear though these are principally over an existing hard landscaped raised terrace area. In addition, green roofs are proposed to be incorporated at first floor level. The extent of landscaping to the rear garden grounds is shown as being reduced in comparison to the existing. An amending landscaping condition and informative advising that the extent of greenery to the rear garden should be increased from that currently shown is recommended. Subject to this, and the conditions securing these features and amendments, the proposals are considered in line with policies 7 and 34 in the City Plan.

8.7.4 Sustainability

Policy 36(A) of the City Plan states that the City Council expects all development to maximise the use of low carbon energy sources to minimise the effects of climate change. Policy 36(B) states that all development proposals should follow the principles of the Mayor of London's energy hierarchy. Policy 38(D) sets out principles of sustainable design to be incorporated into development.

The submitted Energy and Sustainability Statement states that the proposed new building follows the principles of the Mayor of London's energy hierarchy, and concludes that it would allow for a reduction in energy use of 39.27% over baseline building regulations. This exceeds the targets set in the hierarchy and is in line with policy 36 of the City Plan. The submitted sustainability statement also indicates that the figures given do not include the mechanical ventilation and heat recovery system proposed in association with the basement floor, and it also does not include the sustainability benefits of the solar panels to be secured by condition as the full nature of these is yet to be confirmed as this may depend upon their visual impact on the building, and thus further improvements could be anticipated in the sustainability credentials of the building.

The Construction Sustainability report submitted examined three options with respect to the embodied energy of construction and the resultant CO2 emissions from the building occupation, namely the refurbishment and upgrading of the existing building, the redevelopment of the site according to the previously approved and commenced scheme, and the current application proposals, all considered over a 60 year life cycle. The report concludes that after approx. 50 years, and therefore within the anticipated life cycle of the building prior to major refurbishment, the total emissions from the proposed scheme will be less than the refurbishment option. It also concludes that the emissions from the proposed scheme are significantly less both initially and over a 60 year period than the previously approved and implemented scheme.

Whilst recognising that a more intensive retrofit of the existing building may allow for greater sustainability credentials of the existing building, it is also recognised that this would not include emissions resulting from an expansion in residential accommodation as is currently proposed. It is also recognised that the scheme currently proposed is a considerable improvement on the lawfully implemented scheme which could be progressed on site.

As such, though recognising the concerns raised by objectors on sustainability grounds, in the circumstances of this case the proposals are considered acceptable.

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

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 2021 unless stated otherwise.

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development and demolition work will be approved by a construction contract. The applicant has agreed to the imposition of the condition.

8.12 Planning Obligations

The development would not create more than 1000m² of new residential floorspace (dwelling would increase in size by 502m² from 272m² to 774m² GIA) and is therefore of insufficient scale to require the provision of planning obligations.

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

8.14.1 Basement Excavation

The excavation of basements must be considered against policy 45 of the City Plan.

Part A of Policy 45

Part A 1 and 2 of policy 45 requires basement development to safeguard structural stability and be designed and constructed to minimise construction impacts on the surrounding area as well as minimise surface water and sewerage flooding risks. Objections have been received on the grounds of flooding due to the site being located within a Surface Water Flood Risk Hotspot area. Part A 3 and 4 seek that basement development protects heritage assets and conserves the character and appearance of the host building, its setting and the surrounding area.

An objector is concerned with the accuracy of the SMS and considers that there are certain structural and hydrological impacts which have not been taken into account. The City Council's Building Control Officers have reviewed the applicant's Structural Methodology Statement and Flood Risk Assessment and advise that they include an appropriate level of site investigation and structural detail and are therefore acceptable. The City Council wish to make it clear the applicant's reports are not directly being approved, but instead demonstrate there is no impediment foreseeable at this stage that would prevent the creation of a basement in principle. As the relevant reports have been produced by a professional, they carry a duty of care which should be sufficient to demonstrate that the assessment made is accurate.

Objections from neighbours raised concern about the impact of the noise, dust and vibration that would be generated by the construction works. Though impacts generated by construction works are not typically regarded as material planning matters, the applicant has agreed to abide by the City Council's Code of Construction Practice (CoCP). A condition is recommended to secure this. This requires that measures are put in place to mitigate the construction impacts on neighbours.

It was raised in a comment that access to the site will be difficult due to the narrow private road and a request made that the case officer carefully considers the construction management plan in order to protect the amenity of neighbours. Such matters will be considered by Environmental Sciences and Highways team as part of their agreement to Code of Construction Practice.

The applicant has provided a Flood Risk Assessment due to the site being located within a Surface Water Flood Risk Hotspot as required by policy 45 City Plan. Mitigation measures have been incorporated within the design, including the introduction of a Sustainable Urban Drainage System (SuDS) which states that permeable soil and drainage layers will be incorporated within the scheme in the landscaping. The

basement has been set in from the site boundary aid in terms of drainage and will help reduce the surface water runoff, by reducing the speed the water flows. For this reason, these mitigation measures will be secured by condition.

As discussed within the Townscape and Design section above, the proposal is considered acceptable in regard to its impact on heritage assets.

The basement level is to contain a guest bedroom, cinema room, games room, gym, and storage rooms. A noise report has been provided with the application in relation to proposed plant equipment within the basement. Environmental Sciences have assessed this and raise no objections subject to Westminster’s standard noise and vibration conditions. A post commissioning report has also been requested to ensure that any associated noise meets their requirements to protect the amenity of neighbouring residents.

Part B of Policy 45

The requirements of part B (1) and (2) of policy 45 ensure that basement development does not extend beneath more than 50% of the garden land and leaves a margin of undeveloped garden land around the entire site boundary.

The proposal is to excavate beneath the proposed dwelling house and partially under the driveway to the front and to the rear garden with the introduction of two lightwells. The proposed basement will extend beneath 18% of the garden and therefore does not extend under more than 50% of this garden land and is therefore compliant in this regard. A margin of undeveloped garden land has been retained around the basement under the garden and driveway, in accordance with the policy.

Part B 3 states that basement developments should not comprise of more than one storey beneath the lowest original floor level. In this case, there is no lower ground floor and therefore the proposal to excavate underneath the ground floor and the garden is considered acceptable and in accordance with this part of the policy.

Part B 4 requires a minimum of one metre of soil depth plus 200mm drainage layer to be provided and adequate soil volume over the top cover of the basement. In this instance the proposed extension extends beneath a small part of the rear patio and front garden and does not include the solid and drainage layer. However, these projections are relatively modest (less than 2.0 m from the above ground building) and located beneath areas that would be typically hardstanding and would not include substantial planting. Accordingly, refusal of permission on this basis would not be sustainable.

The requirements of part B 5 of policy 45 are not relevant to the application upon these relating to basements beneath garden land and highways.

In summary of the above, the proposed basement is considered to be fully in accordance with the relevant policy of 45 of the City Plan 2019 – 2040.

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

Item No.
4

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk

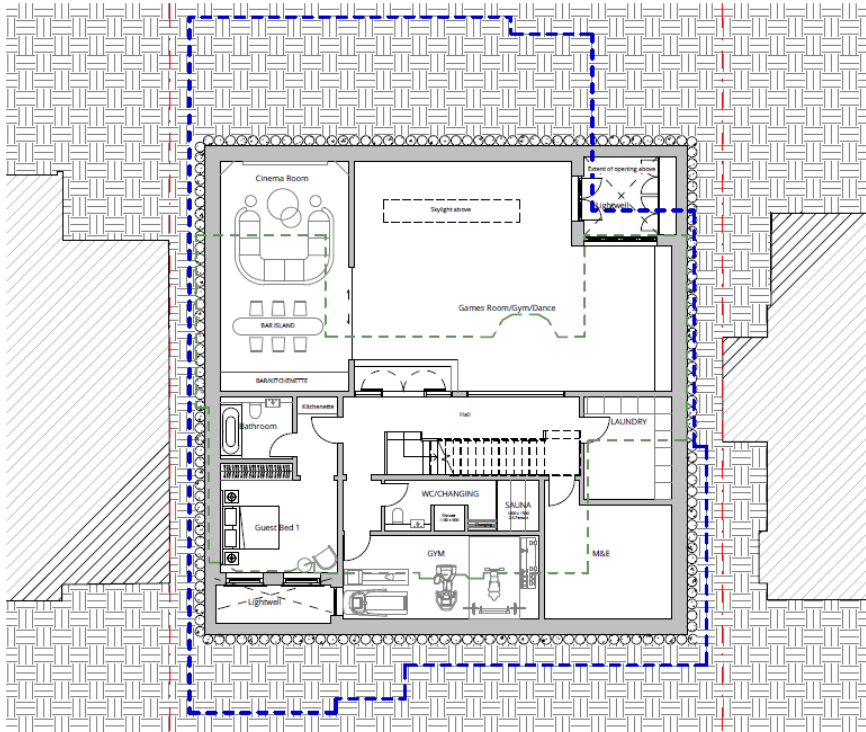
9. KEY DRAWINGS



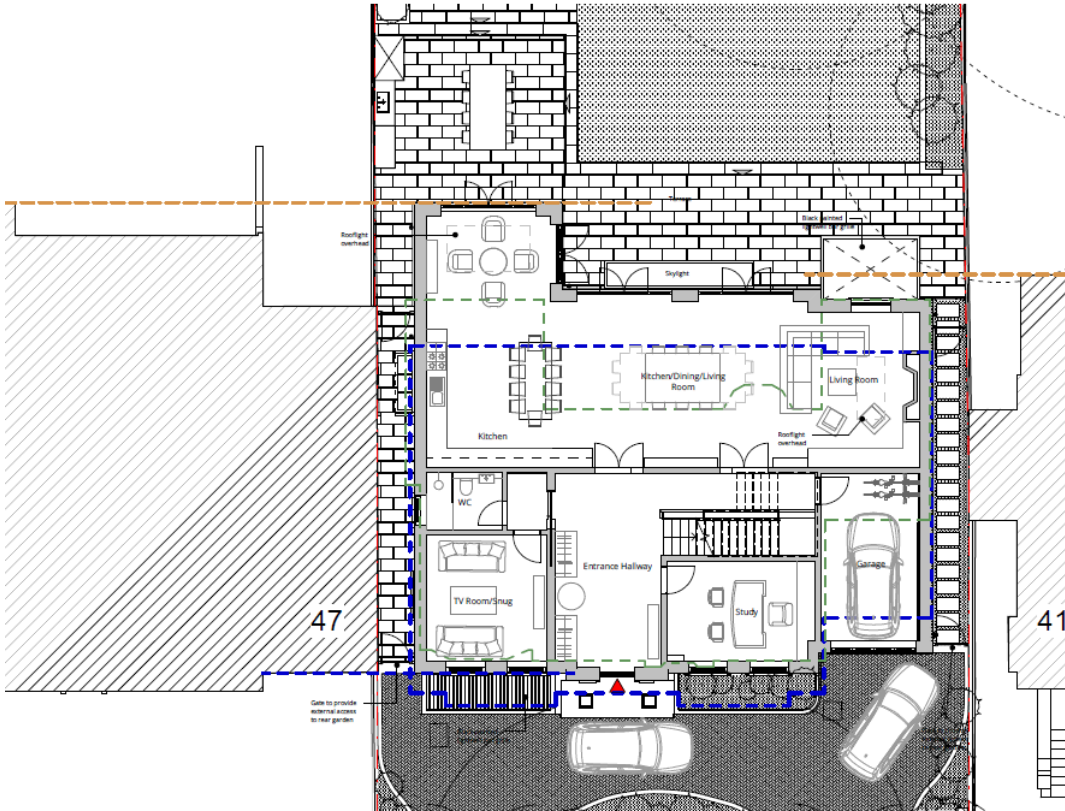
Proposed Front Elevation (red line shows the existing building, blue line shows the previously consented scheme 14/07083/FULL)



Proposed Rear Elevation



Proposed Basement Floorplan



Proposed Ground Floorplan

DRAFT DECISION LETTER

Address: 43 Springfield Road, London, NW8 0QJ

Proposal: Demolition of the existing dwelling house and erection of a replacement dwelling house (Class C3) comprising basement, ground, first and second floor levels; installation of plant equipment; new landscaping to front and rear gardens; and associated works.

Reference: 21/02583/FULL

Plan Nos: Site Location Plan, 002, 010, 011, 012, 013, 020, 021, 022, 023, 024, 030, 031, 032, 033, 100 P2, 200 P3, 201 P4, 202 P3, 203 P3, 204 P3, 220 P3, 221 P3, 222 P4, 223 P3, 224 PL1, 225 P3, 227 P4, 228-1 P4, 228 P4, 231 P2 and Design and Access Statement Rev A.

FOR INFORMATION ONLY: Structural Methodology Statement dated March 2021, Appendix A signed and dated 12 April 2021, Energy and Sustainability Statement dated March 2021, Flood Risk Assessment dated 10 March 2021, Daylight, Sunlight and Overshadowing dated February 2021 and April 2021 and 26 October 2021, Arboricultural Report dated 09 February 2021, Plant Noise Assessment Report dated 02 November 2021, Construction Sustainability Report dated 18 August 2021.

Case Officer: Frederica Cooney

Direct Tel. No. 07866 037206

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 Pre Commencement Condition. Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

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

Reason:

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

4 Pre Commencement Condition. You must not start any demolition work on site until we have approved in writing either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the character of the St John's Wood 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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood 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 not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the St John's Wood 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)

- 7 You must apply to us for approval of samples (and in addition photographs of the samples included with the application) of the facing materials you will use, including glazing and including samples of materials proposed for hard landscaping/paving to front and rear gardens, and elevations and plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials.

Reason:

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

- 8 You must apply to us for approval of a sample panel of brickwork, built on site and in addition with photographs of the sample included with the application, which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved the sample panel in writing. You must then carry out the work according to the approved sample. The external facing brickwork must be formed in complete bricks, and not brick slips (C27DC)

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

- 9 Notwithstanding the submitted drawings, you must apply to us for detailed elevation and section drawings of the new windows and external doors (including details of the relationship of windows and doors to the window and door openings, and also details of glazing bars). You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

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

- 10 Notwithstanding the submitted drawings, you must apply to us for approval of detailed plan, elevation and section drawings of the front boundary wall, railings and gates. 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 St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 11 The external metalwork shall be formed and/or painted in a black colour at the time of installation and shall be maintained in that colour thereafter.

Reason:

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

- 12 Notwithstanding the submitted drawings, you must apply to us for approval of detailed plan, elevation and section drawings of the front boundary wall, railings and gates. 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 St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 13 The external windows and doors shall be formed in glazing and white painted timber framing, with the exception of the front entrance door and front garage door to ground floor level which shall be formed in painted or stained timber framing.

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

- 14 Notwithstanding the submitted drawings, you must apply to us for approval of detailed drawings showing the following alteration to the scheme:-

Vertically sliding sash windows instead of casement windows to the following locations:-

- Rear elevation at first floor level (lighting rooms 'Bedroom 2' and 'ensuite' (as stated on drawing 2033-PL-202-P3))
- East side elevation at first floor level (lighting room 'Dressing Room' (as stated on drawing 2033-PL-202-P3))
- Staircase windows to west side elevation
- Dormer windows to rear and east side elevation at second floor level

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

- 15 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application.

Green roofs above ground floor level

You must not remove any of these features. (C43FA)

Reason:

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

- 16 The grilles to the front and rear lightwells shall be installed prior to the occupation of the new building and according to the details secured under condition 17 of this decision, and shall be retained in-situ thereafter, and shall be formed of black coloured metal.

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

- 17 The sash windows shall operate only in a vertically sliding manner.

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

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

- A) Brickwork detailing (including window arches, including the band above the first floor windows, and including chimney stacks, and also including samples of brickwork for each element of the brickwork facing to the building)
- B) Parapet detailing (including to garage)
- C) Front entrance porch (including confirmation and photograph(s) of samples of materials, and confirmation of colour finish)
- D) Details of lightwell grills and surrounding coping (including section drawings showing the relationship of these features to each other, and their relationship to the adjoining garden and building)

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 and details. (C26DB)

Reason:

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

- 19 Notwithstanding the details shown on drawing 2033-PL-204-P3 ('Proposed Roof Plan'), the dormer windows to main roof level shall be constructed to the size and to the position relative to the main pitched roof structure as shown to the approved section and elevation 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 St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 20 Notwithstanding the submitted drawings, you must apply to us for approval of detailed plan and elevation drawings showing a reduction in height of the side gates to ground floor level flanking each side of the building. 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 St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 21 Notwithstanding the submitted drawings, you must apply to us for approval of detailed drawings showing the following alteration to the scheme:-

Building reduced in overall height by a minimum of 0.3m, including a minimum of 0.2m from the sheer elevations at ground and first floor levels

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

- 22 Notwithstanding the submitted drawings, you must apply to us for approval of detailed drawings and manufacturers specification showing the following features:-

- Solar panels incorporated to side and rear flat roofs

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, and must provide, maintain and retain those energy efficiency measures before you start to use any part of the development.

Reason:

To make sure that the development provides the environmental sustainability features included in your application, and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in Policies 36, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 23 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roofs to include construction method, layout, species and maintenance regime, and the relationship of the planting to the solar panels (as secured under condition 21 of this decision).

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

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

- 24 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

* Solar panels (as secured under condition 21 of this decision)

* Air source heat pump

You must not remove any of these features, without the prior written consent of the Local Planning Authority.

Reason:

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

- 25 You must not put up an extension or alter the appearance of the building, including the installation of new windows and doors, without our permission. This is despite the provisions of Classes A, B, C and D of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015 (or any order that may

replace it).

Reason:

To protect the appearance of the property and the character of the St John's Wood Conservation Area; to prevent an overdevelopment of the site; and to protect the environment of people in neighbouring properties. This is as set out in Policies 7, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 26 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved 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 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.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

- (g) The lowest existing LA90 (15 minutes) 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. (C46BC)

Reason:

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 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. (R46BC)

- 27 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in condition(s) 25 of this permission.

Reason:

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. (R51BC)

- 28 You must protect the trees according to the details, proposals, recommendations and supervision schedule set out in Sections 8-10 of your Arboricultural Report dated 9th February 2021 and your drawings 'Tree Retention and Tree Protection Measures (Site Preparation Phase)' and Tree Retention and Tree Protection Measures (Construction Phase)'. You must install the tree protective barriers and ground protection and you must carry out the proposed arboricultural supervision, monitoring and reporting in accordance with these details. If you need to revise any of these tree protection provisions, you must apply to us for our approval of the revised details, and you must not carry out work the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

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)

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

we agree to in writing).

If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St John's Wood 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)

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 With regards to condition 10, the expectation is that the windows would be slimline double glazing with glazing bars integral to the construction of the window framing, and not with glazing bars stuck onto the glass. In addition, framing should be slender, and the box frames supporting the sashes should be recessed into reveals set within the depth of the elevations and not projecting out into the window opening.
- 3 With regards to condition 12, you are strongly advised to consider the approach to the front boundary in light of the intact original examples found to other C20th neo-Georgian buildings in Springfield Road
- 4 With regards to condition 19, you are advised that it is an expectation that the height of the gates is reduced to 2.2m, and with an appropriate set back from the front elevation, both to help minimise their visual impact
- 5 With regards to condition 21, you are advised to consider each rear flat roof above ground floor and above first floor levels in terms both of their potential for space to incorporate solar panels, and also in terms of their visibility and impact on the appearance of the building from the use of those locations for solar panels

- 6 With regards to the main brick facing for the building, you are strongly advised to consider the shading of the brickwork facing to other neo-Georgian buildings in the street when considering the choice of bricks to submit for approval under the relevant conditions of this decision letter
- 7 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 8 **HIGHWAYS LICENSING:**
Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

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

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 9 When you apply to us for approval of the details of your hard and soft landscaping scheme you should ensure that:
- a. The hard landscaping is permeable to allow natural drainage.
 - b. The scheme maximises soft landscaping includes structural planting such as appropriate standard trees in the front garden.

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

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Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 March 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Hyde Park Towers, 1 Porchester Terrace, London, W2 3TU		
Proposal	Erection of two penthouse roof extensions and railings on the rear parts of the building (Block A and B) to provide two residential units (Class C3) with basement car and bicycle parking; and proposed internal heat pumps with service outlets at roof level [REVISED DESCRIPTION]		
Agent	Montagu Evans		
On behalf of	Tyrecard Limited		
Registered Number	21/00888/FULL	Date amended/ completed	20 August 2021
Date Application Received	15 February 2021		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application site comprises a substantial late 1970s brick-built apartment block of ground plus 3-8 storeys of a stepped or 'ziggurat' form. The building is situated within the Bayswater Conservation Area and fronts onto Bayswater Road and Kensington Gardens, from which it can be clearly seen forming part of the skyline to the north of the park. The neighbouring property at 3 and 5 Porchester Terrace is a grade 2 star listed building.

Permission is sought for the erection of two penthouse roof extensions on the rear part of the building to provide 1x2 bed and 1x3 bed residential units; internal air source heat pumps with service outlets; basement car and cycle parking.

Details of the provision of the air-source heat pumps had not initially been provided, and these were subsequently provided during the course of the application. A full formal re-consultation was carried out as a result of these revisions. Subsequent to this, a further consultation on revised drawings and an addendum to the Daylight and Sunlight Report was also carried out.

The South East Bayswater Residents' Association have objected on grounds of the continued re-

submission for planning permission for this extension, with the prospect of building works at some time in the future which would be disruptive to neighbours; and also on grounds of the affect on property values which are affected by the uncertainty of works which may never happen.

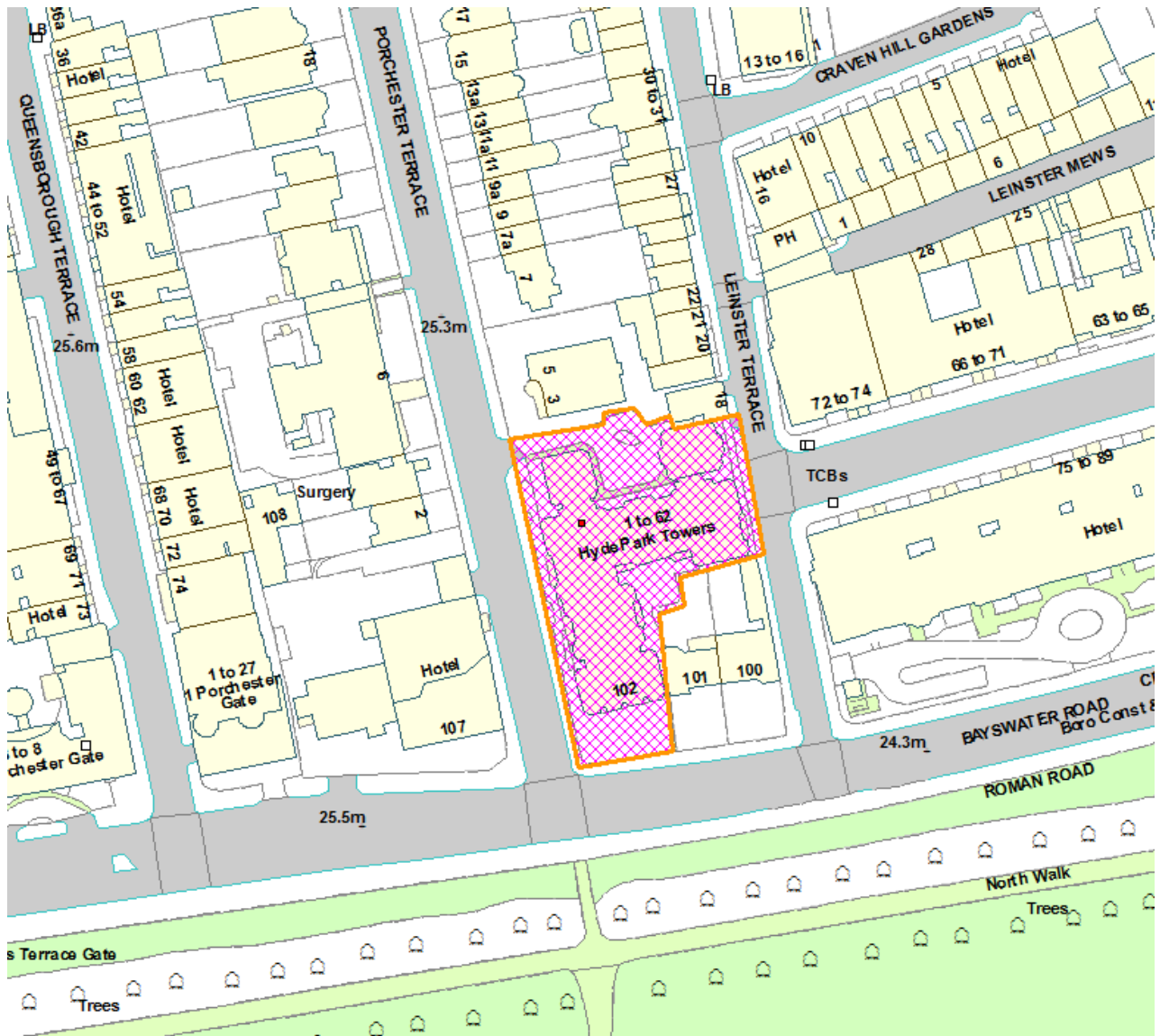
A number of objections have been raised by the occupiers of neighbouring properties on a range of grounds including design, amenity, parking, the impact of construction including structural risk and disruption of services, risk of fire/damage and reduction in security, legal costs, effect on value of property, and existing unresolved issues with the management company.

The key issues in this case are:

- The impact of the proposal on the character and appearance of the Bayswater Conservation Area
- The acceptability of the proposed additional residential units in land use terms
- The impact of the proposal on the amenity of neighbouring residents
- Quality of proposed new residential accommodation for future occupants
- Impact on highways matters, including parking and waste storage

The proposed development is considered to comply with the development plan. The application is therefore recommended for approval, subject to the conditions set out in the draft decision letter appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



North-West Elevation



North Elevation



South-West Elevation

5. CONSULTATIONS

First round of consultation – February 2021

WARD COUNCILLORS (BAYSWATER)

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

We object most strongly to the continued re-application for planning permission for these extensions. Applicants should not be able to keep alive indefinitely the threat of building works at some time in the future to disrupt the neighbours. This also has an effect on property values, which are artificially depressed by the prospect of disruptive work which may never happen. This application should be rejected outright.

HIGHWAYS PLANNING OFFICER

No objection, subject to conditions securing car parking and cycle parking

WASTE PROJECT OFFICER

Details of the waste storage area for the two units are required

BUILDING CONTROL

No objection; full assessment of compliance with Building Control matters, including Fire Strategy will form part of the Building Regulations assessment

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 118

Total No. of replies: 20

No. of objections: 20

No. in support: 0

In summary, the objectors raise the following issues:

AMENITY

- The proposed extensions will negatively impact neighbours' privacy.
- The proposed extensions will block daylight and sunlight.

DESIGN

- The proposed development would harm the character and appearance of the existing building and the Bayswater Conservation Area.

HIGHWAYS

- The proposed flats would result in increased traffic and parking pressure on neighbouring streets.
- Servicing would be a problem because the driveway into the building is rather

narrow

OTHER

- The proposed development has been submitted to the council before and it is being proposed again; it was voted down last time and putting this proposal on the table again is a waste of taxpayers' and the government's resources
- There are existing maintenance problems and the freeholder has always used the lack of funds as an excuse not to repair the building,
- While Flat 62 currently has sole use of the lift to the 7th floor and of the corridor, this area would now be shared.
- The proposed development is not supported by the residents of the building
- The landlord is in breach of their repair and maintenance obligations and residents do not feel confident that they would deal with construction issues that may arise if works went ahead.
- The proposed development may compromise the structure of this building.
- Construction would result in major disruption to services on-site (eg residents will be out without hot water and electricity for long periods during the works, lift use would be restricted due to heavy use during works)
- Risk of Fire/damage & reduction of Security levels (from builders/contractors in and out of the building for potentially over 2 years)
- There will be a loss of privacy and natural light to leaseholders' windows due to the erection of scaffolding across most of the building.
- Noise, disruption and dust levels due to construction works
- Legal costs to leaseholders due to the development
- The proposed development would result in loss of property value for existing flats on-site.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

Second round of consultation – August 2021

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No response to this consultation

HISTORIC ENGLAND

No comments to make

ENVIRONMENTAL HEALTH OFFICER

No objections on noise or nuisance grounds subject to standard noise and vibration conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 118

Total No. of replies: 3

No. of objections: 3

No. in support: 0

In summary, the objectors raise the following issues:

AMENITY

- Object to noise from air source heat pumps despite use of acoustic enclosure
- Re-iteration of previous objections on grounds of loss of light to property

DESIGN

- Re-iteration of previous objections on grounds of inconsistent with the designation of the Bayswater Conservation Area

OTHER

- Re-iteration of previous concerns regarding construction impacts, existing maintenance issues, motivations of freeholder, loss of property value, security, legal costs for leaseholders and fire safety.

SITE NOTICE:

Yes

Third round of consultation – Expiring 8 March 2022

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 127

Total No. of replies:

No. of objections: 1

No. in support: 0

AMENITY

- Re-iteration of previous objections on grounds of loss of light to property; impact on privacy and restricted views

DESIGN

- Re-iteration of previous objections on grounds of inconsistent with the designation of the Bayswater Conservation Area

OTHER

- Re-iteration of previous concerns regarding construction impacts, existing maintenance issues, motivations of freeholder, loss of property value, security, legal costs for leaseholders and fire safety.

Any further responses to be reported verbally.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a substantial late 1970s brick-built apartment block of ground plus 3-8 storeys of a stepped or 'ziggurat' form. The building is situated within the Bayswater Conservation Area and fronts onto Bayswater Road and Kensington Gardens, from which it can be clearly seen forming part of the skyline to the north of the park. To the north, the neighbouring building at 3 and 5 Porchester Terrace is a Grade 2 star listed building.

6.2 Recent Relevant History

19/09821/FULL

Erection of an additional floor at ninth floor level to create a penthouse flat (two-bedroom unit).

Application Permitted 11 February 2020

17/10579/FULL

Erection of two penthouse roof extensions and railings on the rear parts of the building (Block A and B) to provide 2 residential units (Class C3) with basement car and bicycle parking.

Application Permitted 28 February 2018

16/10627/FULL

Erection of an additional floor at ninth floor level to create a penthouse flat (two-bedroom unit).

Application Permitted 24 April 2017

15/01276/FULL

Erection of two penthouse roof extensions on the rear parts of the building to provide 1 x 2 bedroom and 1 x 3-bedroom residential units with basement car and bicycle parking.

Application Permitted 16 April 2015

14/01721/FULL

Erection of additional floor at ninth floor level to create a penthouse flat.

Application Permitted 4 June 2014

13/00748/FULL

Extension of time for the commencement of development granted planning permission on 15 April 2010 (extant permission: RN: 09/08150); namely, erection of two penthouse roof extensions on the rear parts of the building to provide 1 x two-bedroom and 1 x

three-bedroom residential units with basement car and bicycle parking.
Application Permitted 18 March 2013

09/08150/FULL

Erection of two penthouse roof extensions on the rear parts of the building to provide 1 x two-bedroom and 1 x three-bedroom residential units with basement car and bicycle parking.

Application Permitted 15 April 2010

7. THE PROPOSAL

The proposal comprises of the erection of two penthouse roof extensions on the rear part of the building to provide 1x2 bed and 1x3 bed residential units with basement car and cycle parking. Green roofs are proposed to the two extensions.

During the course of the application, the proposal has been amended to also include details of the provision of internal air-source heat pumps with service outlets at roof level. The additional details comprised of revised drawings and also an acoustic report for the proposed air-source heat pumps, for which a full-formal re-consultation of these additional details was subsequently carried out. Subsequent to this, as it was noted that the submitted proposed drawings included a ninth-floor roof extension that was the subject of a separate planning permission, but not yet implemented, the applicant has submitted further drawings that omitted any details of this shown to avoid confusion, and also more accurately reflect what is proposed in this current planning application. In response to officer's request, the applicant also submitted an addendum to the Daylight Assessment. A further consultation on these revised and additional documents was subsequently carried out.

The design of the proposed extensions are almost identical to previous permissions, including under application ref:17/10579/FULL. Prior to this, permission was granted in April 2015 under ref: 15/01276/FULL; in 2010 under ref: 09/08150/FULL, with this permission extended in 2013 under reference 13/00748/FULL. The previous permissions, however had not included air source heat pumps, which are included in the current proposal.

The proposed 2-bedroom unit is to have a gross internal area of 85.03sqm, and the 3-bedroom unit is to have a gross internal area of 105.36sqm.

A separate planning permission exists for a ninth-floor extension to create a 2-bedroom flat to the main roof which was granted in February 2020 under reference 19/09821/FULL.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed residential units are supported in principle by policy 8 of the City Plan. Policy 12 of the City Plan seeks to ensure that all new homes provide high quality

accommodation and stipulates that they should meet or exceed the Nationally Described Space Standards where the units are self-contained. It also states that new-build homes should provide at least 5sqm of private external amenity space, although it is also recognised that this may be impracticable or inappropriate in a densely built environment such as Westminster for some homes within a development.

Policy 10 seeks to ensure that 25% of all new homes across Westminster will be family sized.

The proposed new residential units meet the internal space standards of the Nationally Described Space Standards. As such, the residential accommodation provided would be of an acceptable standard. This is also in accordance with Policies 8 and 12 of the City Plan 2019-2040 (April 2021). The proposal includes the provision of a 3-bedroom unit which is considered to be a family sized unit as set out within Policy 10B.

Part D of Policy 12 states that all new build homes should provide at least 5sqm of private amenity space for each dwelling designed for 1-2 persons or more and, where practicable, a further 1sqm for each additional person the dwelling is designed to accommodate. In this case, it is considered that the provision of private amenity space is not practicable as this would result in privacy issues for neighbouring windows.

Part E of Policy 12 states that where it is not practicable or appropriate to provide any type of external amenity space, additional internal living space equivalent to the external requirement set out in Part D of Policy 12 will be required. In this case, to meet this requirement, a minimum of 7sqm of additional floorspace should be provided for the proposed 2-bedroom unit. The proposed internal floor space for the 2-bedroom flat is to be 85sqm, which exceeds the minimum Nationally Described Space Standards of 70sqm for a 2-bedroom, 4 persons dwelling by 15sqm. Similarly, a minimum of 8sqm of additional floorspace should be provided for the 3-bedroom flat. The proposed internal floor space for the 3-bedroom unit is to be over 105sqm, which exceeds the minimum Nationally Described Space Standards of 86sqm for a 3-bedroom 5 person dwelling by 19sqm, which is more than double 8sqm of private amenity space required for this flat. It is therefore considered that the proposal complies with these parts of Policy 12.

Accordingly, the proposed additional residential units are supported in land use terms

8.2 Townscape and Design

Legislative Requirements and Guidance for Design and Conservation Issues:

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 66 of the same Act requires that "*In considering whether to grant planning*

permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

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

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

In considering the proposals in design and heritage terms, the relevant City Plan 2019-2040 (April 2021) policies are 38, 39 and 40.

Considerations:

Extensions to this part of the building have been approved on several previous occasions. In 1999 and 2004 extensions incorporating high levels of glazing to their elevations though slightly set back further than the current proposals were approved. In 2010, 2015 and 2018 proposals following the footprint and more visually solid brick faced design approach of the current proposals were approved.

The current proposals are considered acceptable in design and conservation terms. They are set back from the Leinster Terrace and Porchester Terrace street facing elevations, thus responding to and respecting the design approach of the wider building which incorporates set backs to its upper floors. Whilst adding greater height and bulk onto the building, nonetheless Hyde Park Towers is a large and imposing block of flats and within that context two single storey extensions onto the lower height rear wings will not unacceptably compromise the character and appearance of the building or Bayswater Conservation Area. The extensions would not be readily visible from the Royal Parks Conservation Area and would not adversely affect its setting.

The design approach follows that of the previous three approvals and is considered acceptable. The extensions will have brick facing to match the existing building, with a rendered band above in red to match the render band of the existing top floor level of the main body of the building, which following that in the previous approvals is considered to give an appropriate capping to the composition. The windows will have white framing to integrate with the existing building, and their size will sit comfortably with the character of the wings below. As with previous approvals, whilst the windows do not match exactly those below, the existing set back floor levels to the main body of the building similarly do not exactly match the floors below, and overall the extensions will incorporate sufficient harmony of design to integrate appropriately with the building.

It is recognised that the extensions will add height and bulk to the building, and that

when seen from Porchester Terrace that height and bulk would be perceived in the same aspect as the Grade 2 star listed building at nos. 3 and 5 Porchester Terrace. Nos. 3 and 5 Porchester Terrace is a three-storey villa building set in its own grounds, and visually separated from Hyde Park Towers by the open service road from Porchester Terrace. The extensions proposed however would be seen as an integral part of an already large building, and would be perceived in context of the much greater mass of the main body of the building to the south side of these rear wings. It is also recognised that a number of higher buildings are located to the west side of this part of Porchester Terrace which are also within the setting of the listed building. Overall, it is not considered that the works would be harmful to its setting.

The sedum roofs are welcomed in terms of their contribution to biodiversity and the greening of the city, and in line with policies 7 and 34 in the City Plan. They are set behind parapets and will not thus clutter the roofline of these extensions, with the vents to roof level also set well back behind parapets to screen their visual impression.

The louvred screens to the air source heat pumps are set into narrow recesses and will be dark in colour (to be secured by condition) and as such will not compromise the character and appearance of the building or surrounding conservation area.

Conclusion on Design and Conservation Issues

Given the above, the proposals are considered acceptable in design and conservation terms, and in accordance with policies 38, 39 and 40 of the City Plan 2019-2040 (April 2021). The recommendation is considered in line with the statutory duties set out in s. 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

Part A of Policy 7 of the City Plan states that development will be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

8.3.1 Daylight/Sunlight/Sense of Enclosure

Objections have been received on the grounds that the proposed extensions will have an impact on daylight and sunlight received by occupants of flats within Hyde Park Towers that have windows facing the development.

The applicant has undertaken a Daylight, Sunlight and Overshadowing Assessment in support of the current application. The report is based on the BRE publication "Site Layout Planning for Daylight and Sunlight" (2011). The initial report concluded that, overall, the proposed development is not expected to cause any significant negative impact to daylight and sunlight to the surrounding properties and amenity spaces. However, it did not assess the impact of the proposed development on the existing residential windows of Hyde Park Towers itself.

The applicants have subsequently undertaken a Daylight Assessment on affected

windows of Hyde Park Towers, within an Addendum to the main report, submitted in February 2022.

The submitted addendum report provides the results of tests on 100 existing windows from ground to seventh floors of Hyde Park Towers.

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide very good levels of daylight. Of the 100 windows identified as eligible for testing (within Hyde Park Towers), 18 were found to have VSC of over 27% and 71 achieved VSC of over 0.8 of its former value, which are in accordance with BRE guidance. However, the remaining 12 windows tested failed to provide a minimum of 0.8 times the former value of VSC.

The following table highlights the values of the 12 windows tested that failed to provide a minimum of 0.8 times their former value of VSC.

Floor	Window ID in report	Existing VSC	Proposed VSC	Compared to former value
1	1.02	3.9	2.4	0.62
1	1.03	3.9	2.4	0.62
1	1.04	6.5	5.1	0.78
1	1.06	4.4	3.2	0.73
3	3.02	6.7	5	0.75
3	3.03	10.2	8.1	0.79
4	4.02	9.1	6.4	0.70
4	4.14	13.3	10	0.75
5	5.06	10.9	7.9	0.72
5	5.12	22.3	15.6	0.70
5	5.14	33.2	14.8	0.45
7	7.01	34.6	24.1	0.70

Of these 12 windows, 9 windows achieved relative VSC of over 0.7 of the former value, which is marginally less than the BRE target of 0.8. However, it should be highlighted that a number of these windows which do not meet the BRE target, are recessed behind balconies, or already affected by the existing massing of the building and therefore have existing low levels of light as the overhanging balconies would be causing shadow anyway.

Two of the remaining windows are located on the first floor and also recessed behind balconies, with very low existing VSC levels of under 4% under the existing condition. In these cases it is considered that there is not a significant reduction to the existing situation to warrant it unacceptable.

The last window affected is located on the fifth floor to the immediate southeast of the north-western roof extension and would directly face the extension. This window would

receive 0.45 times the light it currently receives. However, the room to which this window belongs has other windows with good access to daylight, including a window angled away from the extension immediately adjacent to the affected window which, according to a typical floor plan of flats in the building provided by the applicant, is likely to serve the same room, (which is likely to be a bedroom), as it is an angled continuation of the same window. The Daylight Assessment Addendum highlights that this window received a VSC level that is consistent with windows on the same façade but on lower floors.

The findings of the Daylight Assessment Addendum confirm that there are several windows which fail the tests as set out within BRE guidelines. However, it is noted that this is only a guide with the same tests used for both urban and countryside locations. While the development would affect a number of flats within Hyde Park Tower, on balance, the losses are not considered unacceptable given there are other windows with good access to light and given the urban context of the development site.

The proposed extensions would also have an impact on the existing residents of Hyde Park Towers in terms of sense of enclosure. However, the existing situation comprises of the two existing wings, and the proposal to extend them with one storey each, by virtue of their existing design, would not on balance have an unduly harmful impact on the residents in terms of sense of enclosure, with existing residents already having a similar outlook to that proposed. The proposed extension is set in slightly from the floor below. Given the development has already been deemed acceptable in the past with no significant change in policy test a refusal on this ground would not be sustainable.

In conclusion, it is considered that the proposed development would not result in a material loss of daylight or sunlight, or an increase in a sense of enclosure of neighbouring properties.

8.3.2 Privacy

It is considered that the proposed extensions would not have an adverse impact on neighbouring properties in terms of loss of privacy. The proposed extensions would be set back from the building line below, and any windows facing existing residents would have a mutual impact in terms of overlooking and this would also be similar relationship to that between existing flats. A condition preventing the use of the roof of the extension for sitting out is recommended.

8.3.3 Noise and disturbance

Proposed Air Source Heat Pumps

The application is accompanied by an acoustic assessment for the proposed air source heat pumps. This has been reviewed by the Environmental Health Officer, who is satisfied that they will comply with Westminster's noise criteria and raises no objection, subject to standard noise and vibration conditions, the submission of a post-commissioning noise survey demonstrating compliance with Westminster's noise criteria and the installation of attenuation. A condition is recommended to require the installation of the proposed acoustic enclosure prior to the operation of the air source

heat pumps.

Sound insulation

A condition is recommended requiring adequate sound insulation, to prevent noise nuisance to existing and future occupiers of the building.

Officers are satisfied that the proposal would not materially harm residential amenity of surrounding properties and consider the proposals would be consistent with policies 7, 33 and 38 of the City Plan 2019-2040 (April 2021).

8.4 Transportation/Parking

The application includes a drawing showing the basement car-parking for the building, which indicates the provision of 2 off-street parking spaces; 1 for each proposed unit, within the existing basement car park. During the course of the determination of this application, the City Council's has adopted its new City Plan 2019-2040 on 21 April 2021, which has now replaced the UDP and 2016 City Plan policies. City Plan Policy 27 on parking resists the provision of new car parking. In this case, the spaces indicated in the submitted drawing are within the existing car park for residents of Hyde Park Towers, and no additional car parking is proposed. The applicant has advised that the proposed basement plan is indicative in identifying two spaces that could be leased to future occupants of each of the new residential units; how these are allocated is based on demand for parking by residents. As the proposal does not result in an increase in car parking provision, it is considered that the application is in accordance with Policy 27 of the City Plan.

The application also shows that 5 cycle parking spaces to be provided within the basement. London Plan Policy T5 requires 1.5 spaces per 1-bedroom unit and 2 spaces per 2+ bedroom unit, which should be secure, accessible and weatherproof.

Subject to conditions requiring the provision of cycle parking as shown on the proposed basement plan, the scheme complies with Policy 25 on Walking and cycling and Policy 27 on Parking.

It is noted that objections have been received on highways grounds, namely that the development would result in additional parking pressure. In this case, as discussed above, parking policy 27 resists new car parking provision, and the allocation of existing car parking spaces is a matter between the management company and residents of Hyde Park Towers.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposals would not alter the existing access to the site.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Refuse/Recycling

A condition requiring further details of the waste and recycling storage is recommended as the Waste Project Officer has advised that these will be required. Subject to this condition, the proposed development would provide satisfactory waste and recycling storage.

8.7.2 Greening

Policy 34 on Green infrastructure seeks to enhance the city's green infrastructure. The proposed development includes sedum roofs to both extensions. Subject to a condition requiring these are provided, the proposed development is consistent with Policy 34 of the City Plan and the Environment SPD.

8.7.3 Sustainability and Energy

Policy 36 of the City Plan sets out how the Council will promote zero carbon development, stating that development should reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change. The proposal includes air source heat pumps which are a low carbon source of heat, in accordance with policy 36 of the City Plan and the Environment SPD.

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

None relevant to this application.

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.

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

No pre-commencement conditions have been recommended

8.12 Planning Obligations

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on the applicant's additional floor space figures the estimated CIL payment would be £93,156.01 for Westminster's CIL and £14,150.94 for the Mayor's CIL. (It should be noted though that this amount is provisional and may be subject to relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

8.13 Other Issues

Objectors note the succession of unimplemented permissions for this project since 2008 and consider continued applications unreasonable. However, this is not a material planning consideration and refusal of permission on this basis would be unsustainable

8.13.1 Construction impact

The proposal if implemented is likely to result in noise and other associated disturbance due to construction works. This is part of any such development and permission cannot be withheld on this basis. A condition will be attached to limit construction hours. An informative is also recommended advising the applicants that they may join the Considerate Constructors Scheme, as well as an informative providing details of the Council's 24-Hour Noise Team.

8.13.2 Fire safety

A concern has been raised by objections on grounds of risk of fire damage during construction works from the presence of builders/contractors in the building. This is largely a civil matter between the developer and the residents of the building and not a material planning consideration.

Notwithstanding, this application was made before 1 August 2021. Accordingly, it is not required to include a Fire Statement pursuant to the Town and Country Planning (Development Management Procedure and Section 62A Applications)(England)(Amendment) Order 2021.

The Building Control Officer was also consulted on Fire Safety matters and they have advised that a full assessment of compliance with Building Control matters, including a Fire Strategy, will form part of the Building Regulations assessment.

8.13.2 Civil matters

Legal matters between neighbours regarding this development, are civil matters and are not material planning considerations. Security concerns during construction works, are also civil matters. Matters relating to issues with ongoing maintenance between residents, leaseholders and the freeholder of the building are civil matters and are not material planning considerations for this application.

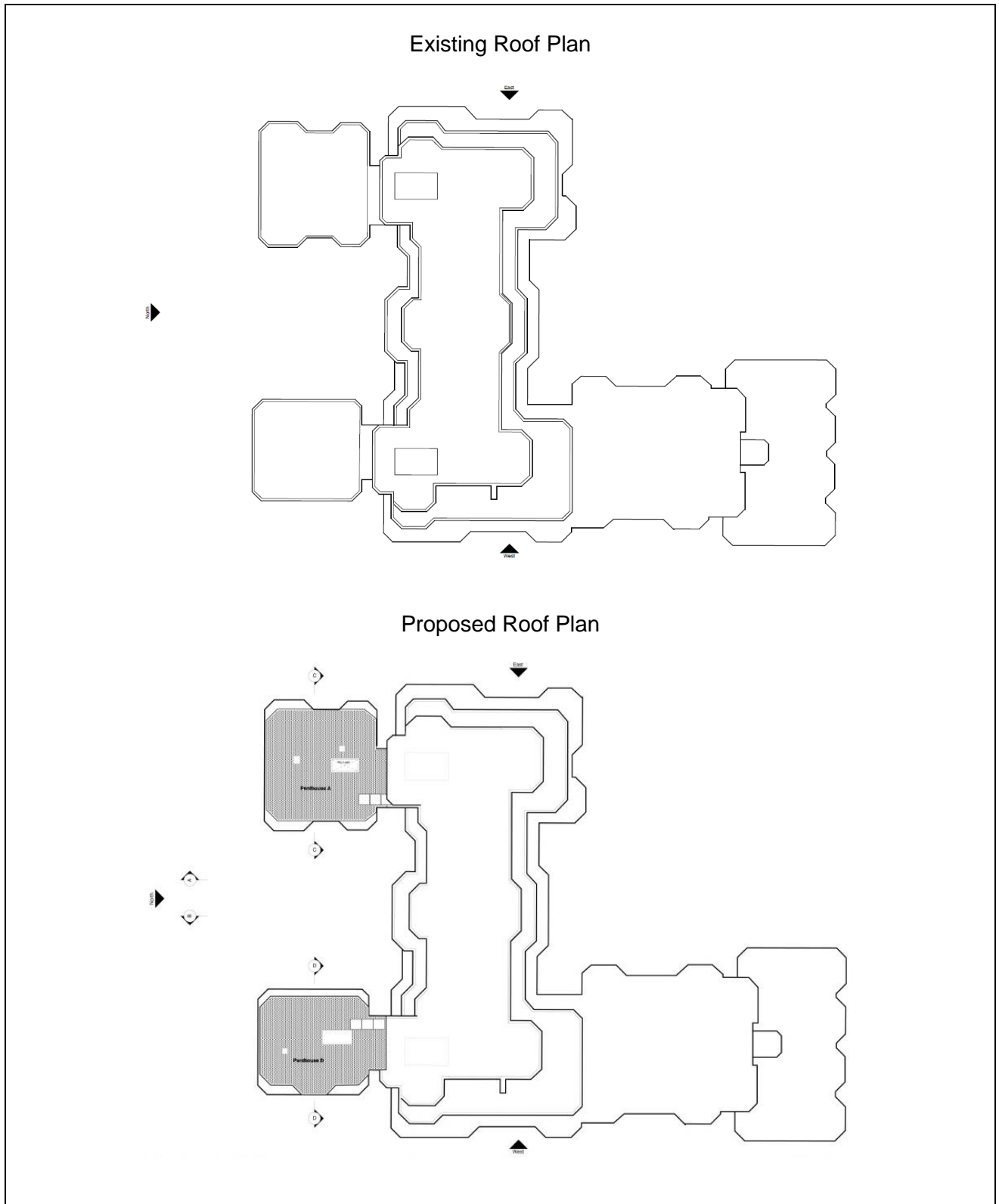
8.13.3 Property Value

The impact of the submission of applications over the years on property value is not a material planning consideration.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT northplanningteam@westminster.gov.uk.

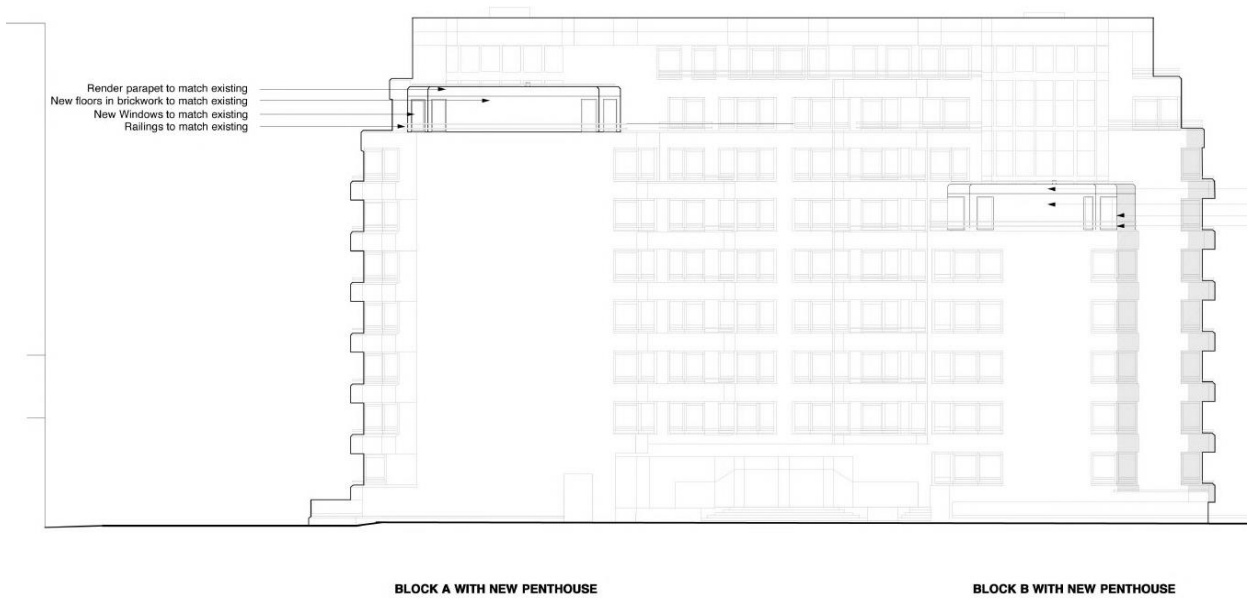
9. KEY DRAWINGS



Existing North Elevation



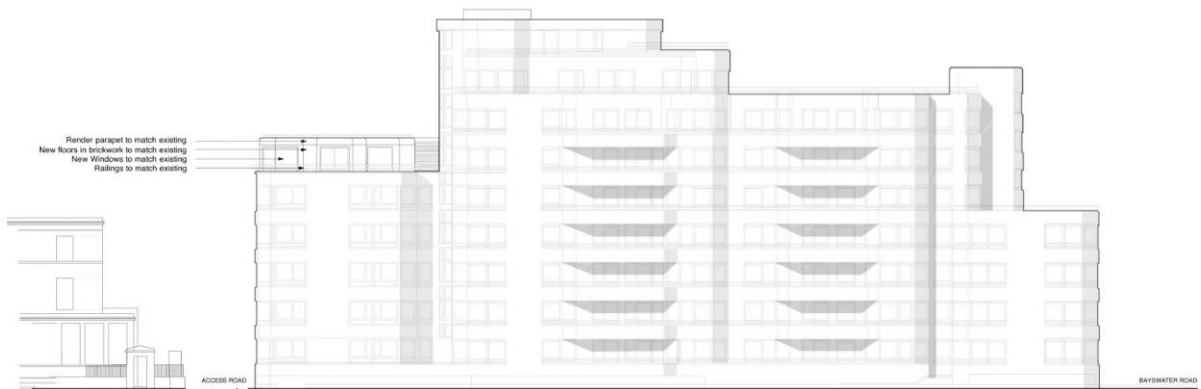
Proposed North Elevation



Existing West Elevation



Proposed West Elevation



Existing East Elevation



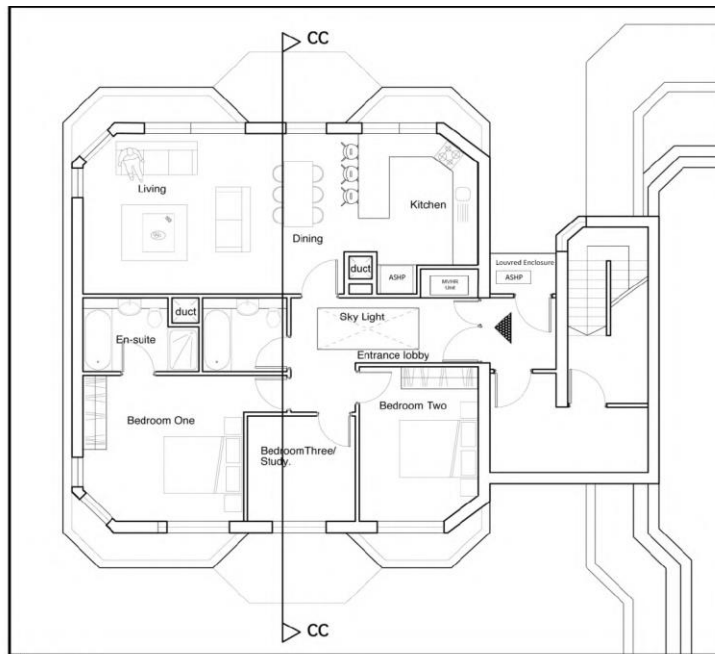
BLOCK A

Proposed East Elevation



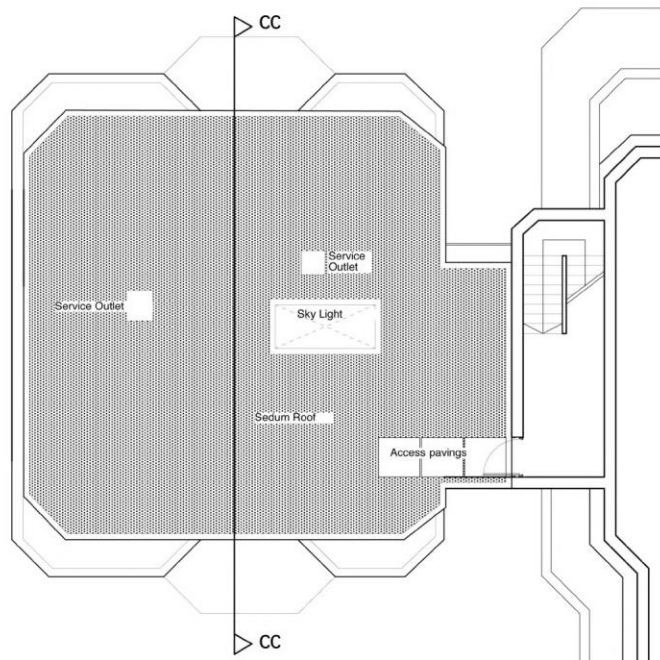
BLOCK A WITH NEW PENTHOUSE

Proposed Floor Plan for Penthouse A

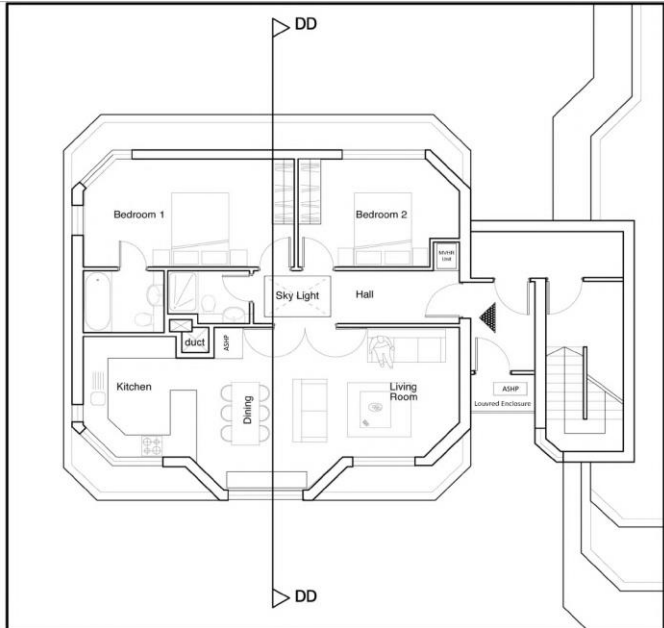


Floor area
105.36 sqm

Proposed Roof Plan for Penthouse A

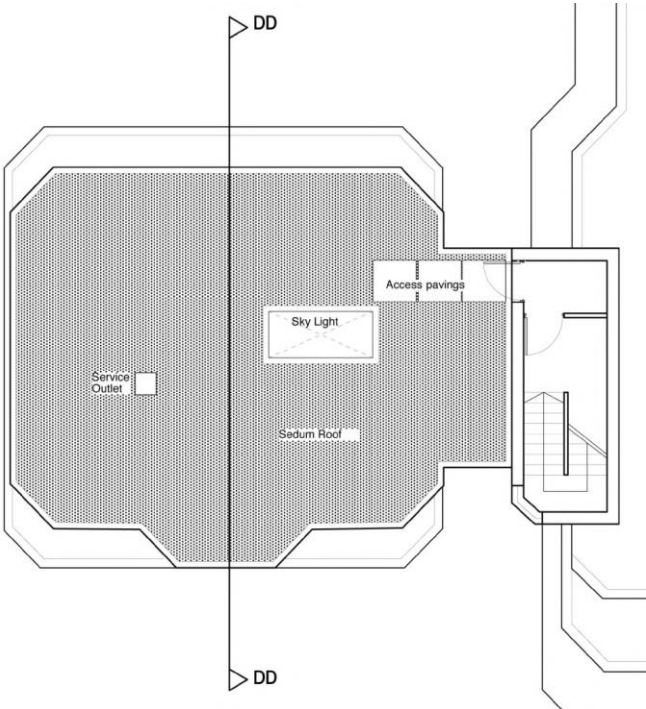


Proposed Floor Plan for Penthouse B



Lower Floor
85.03 sqm

Proposed Roof Plan for Penthouse B



DRAFT DECISION LETTER

Address: Hyde Park Towers, 1 Porchester Terrace, London, W2 3TU

Proposal: Erection of two penthouse roof extensions and railings on the rear parts of the building (Block A and B) to provide two residential units (Class C3) with basement car and bicycle parking; and proposed internal heat pumps with service outlets at roof level [REVISED DESCRIPTION]

Reference: 21/00888/FULL

Plan Nos: Site Location Plan; 118/P/01; 118/PL/007; 118/PL/010.B/Rev D; 118/PL/011.B/Rev C; 118/PL/012.B/Rev C; 118/PL/013.B/Rev C; 118/PL/014.B/Rev C; 118/PL/015.A/Rev B; 118/PL/016.A/Rev B; 118/PL/017.A/Rev B; 118/PL/018.A/Rev B; 118/PL/019.A/Rev B; 118/PL/020.A/Rev B; 118/PL/021.A/Rev B; 118/PL/022.A/Rev B; 118/PL/023.A/Rev B; 118/PL/024.B/Rev B; 118/PL/025.A/Rev A; 118/PL/026. A; 118/PL/027 A; 118/PL/028 A; 118/PL/029 A; 118/PL/030 A; Planning Statement; Daylight, Sunlight & Overshadowing Report by XCO2 dated January 2021; Daylight Assessment Addendum by XCO2 dated 27/01/2022; Energy Statement by XCO2 dated 2021; Sustainability Statement by XCO2 dated January 2021; Environmental Noise Impact Assessment by XCO2 dated June 2021
For Information Only: Design & Access Statement;

Case Officer: Avani Raven

Direct Tel. No. 07866037313

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

- 5 The framing to the windows shall be white in colour.

Reason:

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

- 6 The new railings shall be painted or otherwise treated and permanently maintained in a white colour

Reason:

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

- 7 The render band to the top of the extensions shall be painted and permanently maintained in a colour to match the render band to the top of the elevations on the existing 8th floor level of the building

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

- 8 You must install the louvred enclosures shown on the approved drawings before you use the machinery located behind. You must then maintain the enclosures in the form shown for as long as the machinery remains in place. (C13DB)

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

- 9 You must apply to us for approval of a detailed section drawing or manufacturers image of the design for the new louvred enclosures. These must show that the louvres do not allow direct vision through, and confirm that they will be dark grey or black in colour. 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/images/confirmations. (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 Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 10 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building and would not meet Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

- 11 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roofs to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

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

- 12 You must provide the following environmental sustainability features before you start to use any part of the development, as set out in your application.

Air source heat pump.

You must not remove any of these features, without the prior written consent of the Local Planning Authority.

Reason:

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

- 13 The flat roof areas to the two penthouses shall not be used as a roof terraces or for sitting out and can only be accessed in cases of emergency and for maintenance purposes.

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)

- 14 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)

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

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

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) 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)

- 16 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in condition(s) 16 of this permission.

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)

- 17 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).

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

Reason:

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

- 19 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 residential units. (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)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

2 HIGHWAYS LICENSING:

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

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

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 3 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

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

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior

permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

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

Agenda Item 6

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	13 - 17 Montpelier Street, London, SW7 1HQ		
Proposal	<p>Applications 1 and 2: Details of all new windows showing traditional joinery details and new internal doors, which on the first and second floors should be traditional panelled doors pursuant to condition 7 of listed building consents dated 20 July 2021 (RN: 21/01234/LBC and RN: 20/07401/LBC).</p> <p>Application 3: Detailed drawings of the new shopfronts pursuant to condition 9 of listed building consent dated 20 July 2021 (RN:20/07401).</p> <p>Applications 4 and 5: Detailed method statement for the removal of the paint on the external facade and sample area demonstrating the intended method of removal pursuant to condition 8 of listed building consents dated 20 July 2021 (RN:21/01234/LBC and RN:20/07401/LBC).</p>		
Agent	Mrs Charlotte Jordan		
On behalf of	Monte London Ltd		
Registered Number	Application 1: 21/06227/ADLBC Application 2: 21/06228/ADLBC Application 3: 21/06229/ADLBC Application 4: 21/07149/ADLBC Application 5: 21/07150/ADLBC	Date amended/ completed	14 September 2021
Date Application Received	9 September 2021		
Historic Building Grade	II		
Conservation Area	Knightsbridge		

1. RECOMMENDATION

<p>Applications 1 and 2 (21/06227/ADLBC and 21/06228/ADLBC): Approve details.</p>
--

Application 3 (21/06229/ADLBC):

Approve details.

Applications 4 and 5 (21/07149/ADLBC and 21/07150/ADLBC):

Approve details.

2. SUMMARY

Nos. 13-17 Montpelier Street is a row of three grade II listed, four-storey townhouses which form a detached terrace on the west side of Montpelier Street at the corner with Montpelier Place. The three buildings are linked internally and are in lawful restaurant use.

In 2021, three sets of applications for planning permission and listed building consent were submitted, all for similar development proposals to alter the buildings in connection with the use of the first and second floor levels as residential flats and the continued use of the lower ground and ground floors as restaurant use. The three planning applications were refused on 20 July 2021 on the grounds that the development would intensify the existing restaurant use, causing late-night activity and disturbance in this part of the city and would harm the character and function of the area and neighbouring residential amenity, contrary to policies set out in the City Plan and the Knightsbridge Neighbourhood Plan.

The corresponding listed building consent applications to two of the refused planning applications were granted on the basis that the proposed physical works were acceptable (the listed building consent applications did not relate to the use). One set of applications (planning and listed building consent) were refused on townscape and listed building grounds as this included a rear extension which was considered unacceptable in historic building and conservation terms. Appeals have been lodged against the three refused planning applications and the one listed building consent (which included the rear extension), however, they are not yet valid.

The applications currently under consideration relate to details secured under conditions 7, 8 and 9 attached to the two listed building consents.

Objections have been received, predominately on the grounds that the proposed works will facilitate the buildings use for an expanded and intensified restaurant use which was not granted planning permission, and the resulting amenity impacts. These are not listed building issues. Objections to the design details also oppose the building's change in appearance, however, the shopfront arrangement, windows and doors correspond to works consented by the two approved listed building consents. The applications relate to the details only.

Applications 1 and 2:

Approval is sought for the details of all new windows and internal doors as required by condition 7 of listed building consents dated 20 July 2021 (RNs: 21/01234/LBC & 20/07401/LBC).

The proposed window details are for traditional timber sliding sashes with slim double-glazed units. The proportions, glazing pattern and joinery profiles closely match the existing windows, and will appear as suitable additions to the building, preserving the buildings appearance and significance.

The internal doors intended for the basement and ground floor levels are entirely modern in their design, which given the altered nature of these areas, is considered appropriate. More traditional style, four panelled doors are proposed for the upper floors in order to maintain some of the internal character of the building.

Details of the external doors are not required to be submitted under the condition. An informative is attached to the decision notice advising that the external doors will require planning permission.

The details are considered to accord with the listed building consents and provide satisfactory and acceptable details which would preserve the appearance of the buildings.

Application 3:

Approval is sought for details of the replacement shopfronts as required by condition 9 of listed building consent dated 20 July 2021 (RN: 20/07401/LBC).

The approved scheme included the removal and replacement of the modern shopfront to nos. 13 and 15 Montpelier Street. The existing shopfronts to nos. 13 and 15 feature a run of single paned casement units, with a narrow fan-light above. These are modern additions to the building which do not contribute to the significance of the grade II listed terrace. The traditional design of the replacement shopfronts closely replicates the glazing pattern of the multi-paned shopfront to no. 17, which is of historic value, and is being retained.

Following officer advice, the joinery details of the new shopfronts were amended to appear more in keeping with the retained shopfront at no. 17, including integral glazing bars and moulded profiles.

The details are considered to accord with the listed building consents and provide satisfactory and acceptable details which would preserve the appearance of the buildings. An informative is attached to the decision notice advising that the replacement shopfronts will require planning permission.

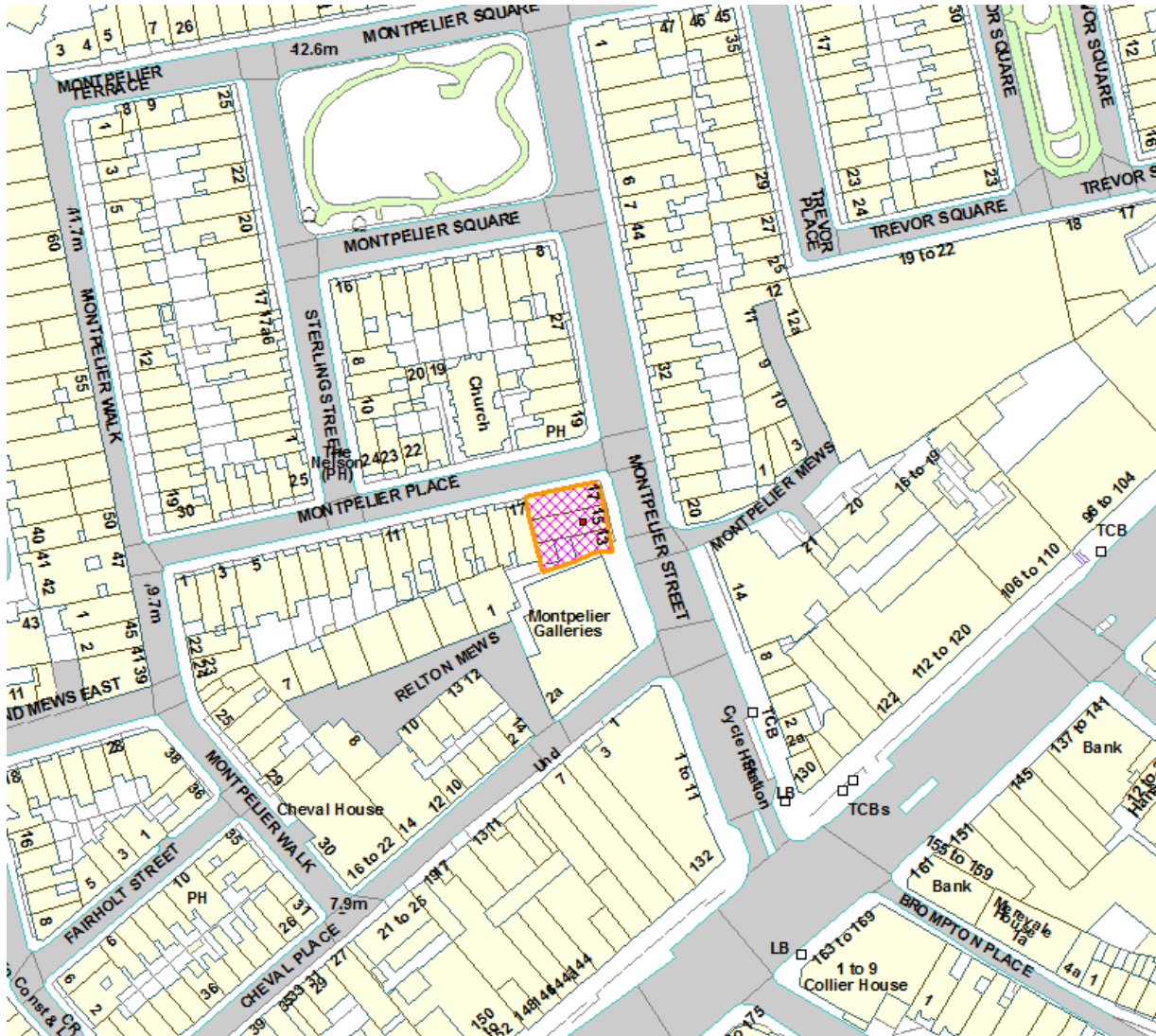
Applications 4 and 5:

Approval is sought for a detailed method statement for the removal of paint on the external façade required by condition 8 of listed building consents dated 20 July 2021 (RNs: 21/01234/LBC & 20/07401/LBC)

Listed building consent has been granted for the removal of the paintwork to no. 13 to restore the appearance of the terrace, which was intended as a set piece. The method of removal proposed is considered appropriate.

The details submitted have been assessed in terms of their suitability and intention to preserve or enhance the appearance and significance of the host listed buildings and are considered acceptable, in accordance with Section 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; Chapters 12 and 16 of the NPPF; policies 38 and 39 of Westminster's City Plan 2019-40 (April 2021) and the guidance contained within Westminster's Repairs and Alterations to Listed Buildings SPG; and policy KBR1 within the Knightsbridge Neighbourhood Plan (December 2018).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WARD COUNCILLORS FOR KNIGHTSBRIDGE AND BELGRAVIA

Verbally requested that the applications go before the Planning Applications Sub-Committee.

KNIGHTSBRIDGE ASSOCIATION

It is not acceptable that the applications have been submitted without formal consultation. The proposed works will facilitate its use for an expanded and intensified restaurant and residential use which was not granted planning permission. It is not appropriate for these works to be considered without full planning permission in place. The validity of the applications is questioned. The applications are incomplete as they do not include façade elevations to explain how each proposed detail relates to the overall scheme. A construction management plan should be required.

Application 1 and 2: A number of the doors are external and do not fall within the remit of the condition. The external doors require planning permission.

Application 3: The existing external raised ground floor terrace will be extended from the southern corner to the northern corner of the site extending the outdoor seating area. Large openable doorways will allow uninterrupted access between the 'nightclub' and external terrace that will negatively impact on the amenity of residents. The intended occupier is entirely inappropriate for the area.

Applications 4 and 5 : The proposal seeks to turn 3 individual houses into one uniform block. The deco style railings to number 15 should be retained. No. 13 should retain its white façade. The three houses have augmented their historical individual character over two centuries and should not be homogenised into one block.

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM

The applications contain a number of external features including external doors and windows which require planning permission. Individually and collectively the proposals will fundamentally change the character of the three listed buildings. It is unclear if changes are proposed to internal walls and features. This is a particularly sensitive site because of its heritage value and the potential impact of intensification on residential amenity. A construction management plan should be required.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

Application 1 (RN:21/06227/ADLBC):

No. Consulted: 0

Total No. of replies: 23

No. of objections: 23

No. in support: 0

Application 2 (RN:21/06228/ADLBC):

No. Consulted: 0

Total No. of replies: 24

No. of objections: 24

No. in support: 0

Application 3 (RN:21/06229/ADLBC):

No. Consulted: 0

Total No. of replies: 21

No. of objections: 21

No. in support: 0

Application 4 (RN:21/07149/ADLBC):

No. Consulted: 0

Total No. of replies: 11

No. of objections: 11

No. in support: 0

Application 5 (RN:21/07150/ADLBC):

No. Consulted: 0

Total No. of replies: 10

No. of objections: 10

No. in support: 0

Objections raised on all or some of the following grounds:

Land Use/Amenity

- The proposed works will facilitate its use for an expanded and intensified restaurant use which was not granted planning permission.
- The residential use was not granted planning permission.
- The existing external raised ground floor terrace will be extended from the southern corner to the northern corner of the site extending the outdoor seating area.
- Large openable glazed doorways will allow uninterrupted access between the 'nightclub' and external terrace that will negatively impact on the amenity of residents.
- The intended occupier and potential night club use is entirely inappropriate for the area.
- The proposal will result in pedestrian congestion.

Design

- The proposal seeks to turn 3 individual houses into one uniform block.
- The art deco style railings to number 15 should be retained.
- No. 13 should retain its white façade.
- The doors will change the external appearance of the building.
- The three houses have augmented their historical individual character over two centuries and should not be homogenised into one block.

Other

- The validity of the applications is questioned as the proposals do not benefit from planning permission.
- The details submitted would require planning permission. It is inappropriate for the proposed works to be considered without the benefit of planning permission.

- Incomplete information submitted to explain how the details relate to the overall scheme.
- Construction impact. A construction management plan should be required.

PRESS ADVERTISEMENT / SITE NOTICE: No (not required)

5.1 Relevant Planning History

20/07400/FULL

Use of first and second floor level as two self-contained residential flats (Class C3), creation of terrace at rear first floor level, opening up blind windows to Montpelier Place and internal alterations in connection with new residential use. Alterations including new openable rooflights on rear first floor flat roof, replacement of existing full height extract ductwork to rear, removal of existing and installation of new air condenser units on rear first floor flat roof and main roof level, shopfront alterations to nos. 13 and 15, new retractable awnings, lowering of front basement vaults and internal alterations in connection with the continued use of the restaurant at lower ground and ground floor level.

Application Refused 20 July 2021 on the following grounds:

The development would intensify the existing restaurant use, causing late-night activity and disturbance in this part of the city and would harm the character and function of the area and neighbouring residential amenity, contrary to Policies 7 and 16 of the City Plan 2019 - 2040 (April 2021) and KBR14 and KBR15 of the Knightsbridge Neighbourhood Plan (December 2018).

An appeal has been lodged, but is not yet valid.

20/07401/LBC

Creation of terrace at rear first floor level; opening up blind windows to Montpelier Place; new openable rooflights on rear first floor flat roof; replacement of existing full height extract ductwork to rear; removal of existing and installation of new air condenser units on rear first floor flat roof and main roof level, shopfront alterations to nos. 13 and 15, new retractable awnings, lowering of front basement vaults; repair works to main roof and internal alterations.

Application Permitted 20 July 2021

21/01233/FULL

Use of first and second floor level as two self-contained residential flats (Class C3), creation of terrace at rear first floor level, opening up blind windows to Montpelier Place and internal alterations in connection with new residential use. Alterations including new openable rooflights on rear first floor flat roof, replacement of existing full height extract ductwork to rear, removal of existing and installation of new air condenser units on rear first floor flat roof and at main roof level, in connection with the continued use of the restaurant at lower ground and ground floor level.

Application Refused 20 July 2021 on the following grounds:

The development would intensify the existing restaurant use, causing late-night

activity and disturbance in this part of the city and would harm the character and function of the area and neighbouring residential amenity, contrary to Policies 7 and 16 of the City Plan 2019 - 2040 (April 2021) and KBR14 and KBR15 of the Knightsbridge Neighbourhood Plan (December 2018).

An appeal has been lodged, but is not yet valid.

21/01234/LBC

Creation of terrace at rear first floor level; opening up blind windows to Montpelier Place; new openable rooflights on rear first floor flat roof; replacement of existing full height extract ductwork to rear; removal of existing and installation of new air condenser units on rear first floor flat roof and main roof level; repair works to main roof and internal alterations.

Application Permitted 20 July 2021

21/01285/FULL

Use of first and second floor level as three self-contained residential flats (Class C3), infill extension at rear first floor level to Montpelier Place elevation, creation of terrace at rear first floor level, opening up blind windows to Montpelier Place and internal alterations in connection with new residential use. Alterations including new openable rooflights on rear first floor flat roof, replacement of existing full height extract ductwork to rear, removal of existing and installation of new air condenser units on rear first floor flat roof and main roof level, in connection with the continued use of the restaurant at lower ground and ground floor level.

Application Refused 20 July 2021 on the following grounds:

1. Because of its position, form, bulk and appearance the first-floor extension would harm the architectural and historic interest (significance) of these grade II listed buildings. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Knightsbridge Conservation Area. This would not meet Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and the advice set out in our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. It would also fail to meet policies KBR1 of the Knightsbridge Neighbourhood Plan (2018).
2. The development would intensify the existing restaurant use, causing late-night activity and disturbance in this part of the city and would harm the character and function of the area and neighbouring residential amenity, contrary to Policies 7 and 16 of the City Plan 2019 - 2040 (April 2021) and KBR14 and KBR15 of the Knightsbridge Neighbourhood Plan (December 2018).

An appeal has been lodged, but is not yet valid.

21/01286/LBC

Erection of infill extension at rear first floor level to Montpelier Place elevation; creation of terrace at rear first floor level; opening up blind windows to Montpelier Place; new openable rooflights on rear first floor flat roof; replacement of existing full height extract ductwork to rear; removal of existing and installation of new air condenser units on rear

first floor flat roof and main roof level; repair works to main roof and internal alterations.

Application Refused 20 July 2021 on the following grounds:

Because of its position, form, bulk and appearance the first-floor extension would harm the architectural and historic interest (significance) of these grade II listed buildings. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Knightsbridge Conservation Area. This would not meet Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and the advice set out in our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. It would also fail to meet policies KBR1 of the Knightsbridge Neighbourhood Plan (2018).

An appeal has been lodged, but is not yet valid.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **JULIA ASGHAR** BY EMAIL AT jasghar@westminster.gov.uk

6. KEY DRAWINGS

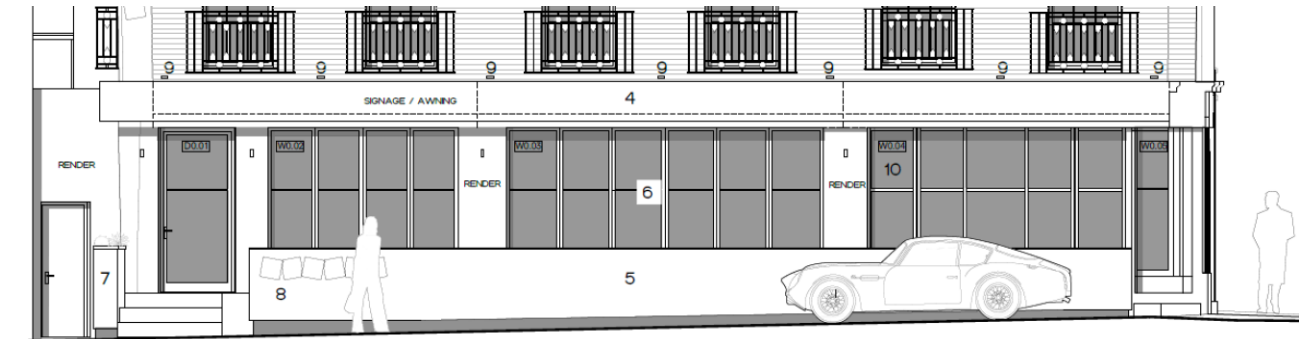
Existing Front Elevation

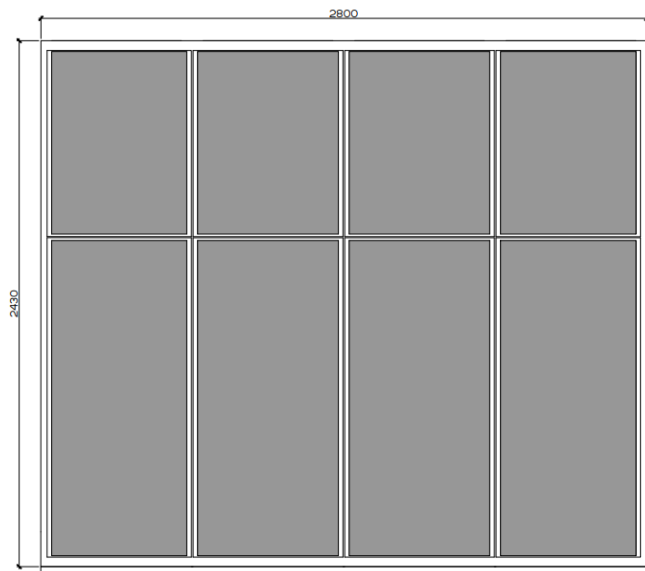


Consented Front Elevation

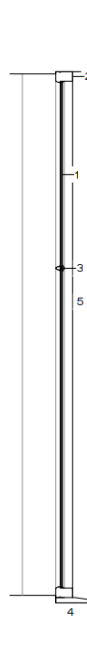


Proposed Shopfront Details:





110 EXTERNAL ELEVATION

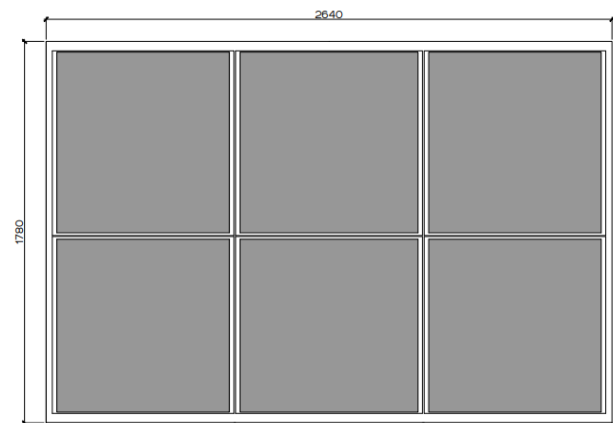
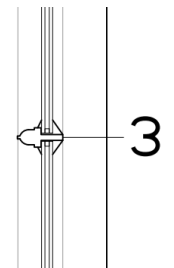


110 SECTION

1. 10MM HD10, 10MM SUPER THIN DOUBLE GLAZING BY HISTOGLASS.
2. TIMBER FIXED WINDOW CONSTRUCTION, PROFILE TO MATCH THAT OF EXISTING SHOP FRONT TO NO.17.
3. TRANSOM HEIGHT TO MATCH THE EXISTING SHOP FRONT TO NO.17.
4. TIMBER WINDOW CILL.
5. WINDOW FRAME TO BE PAINTED WHITE.

N.B. ALL DIMENSIONS ARE TO BE CHECKED ON SITE BY CONTRACTOR.

W0.02



110 EXTERNAL ELEVATION

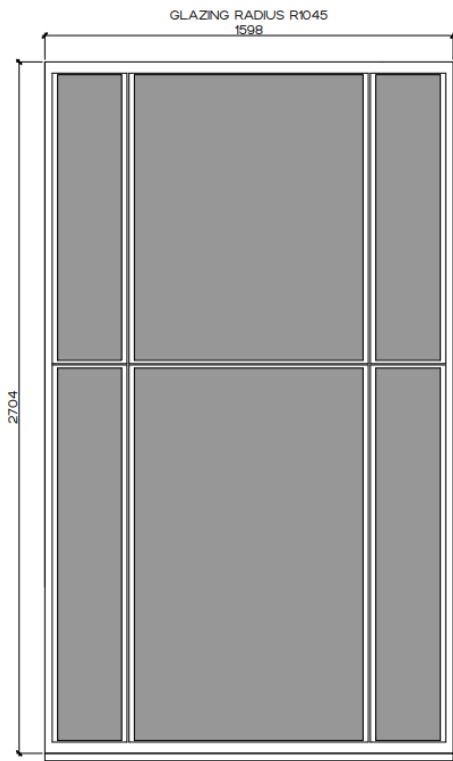


110 SECTION

1. 10MM HD10, 10MM SUPER THIN DOUBLE GLAZING BY HISTOGLASS.
2. TIMBER FIXED WINDOW CONSTRUCTION, PROFILE TO MATCH THAT OF EXISTING SHOP FRONT TO NO.17.
3. TRANSOM HEIGHT TO MATCH THE EXISTING SHOP FRONT TO NO.17.
4. TIMBER WINDOW CILL.
5. WINDOW FRAME TO BE PAINTED WHITE.

N.B. ALL DIMENSIONS ARE TO BE CHECKED ON SITE BY CONTRACTOR.

W0.01



110 EXTERNAL ELEVATION

NEW WINDOWS ON THE FRONT ELEVATION. REFER TO DRAWING 200_450 FOR WINDOW CODES

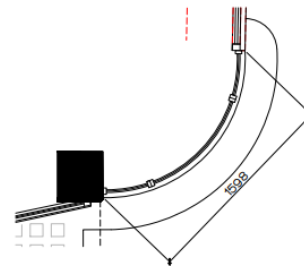


110 SECTION

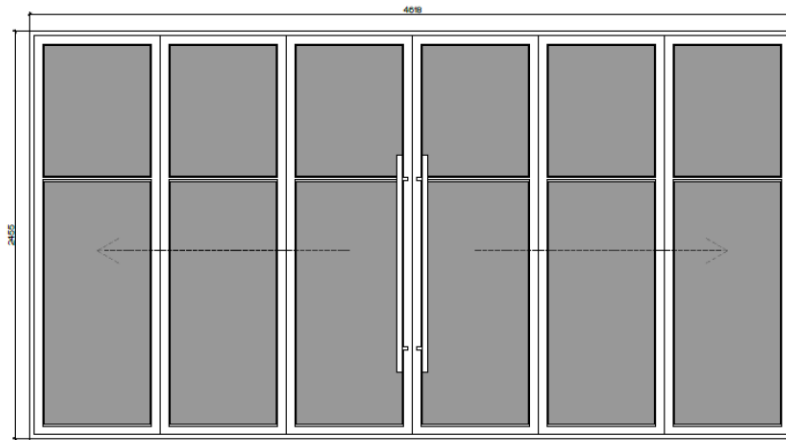
1. 10MM HD10, 10MM SUPER THIN DOUBLE GLAZING BY HISTOGLASS.
2. TIMBER FIXED WINDOW CONSTRUCTION. PROFILE TO MATCH THAT OF EXISTING SHOP FRONT TO NO.17.
3. TRANSOM HEIGHT TO MATCH THE EXISTING SHOP FRONT TO NO.17.
4. TIMBER WINDOW CILL.
5. WINDOW FRAME TO BE PAINTED WHITE.

N.B. ALL DIMENSIONS ARE TO BE CHECKED ON SITE BY CONTRACTOR.

W0.05



120 PLAN



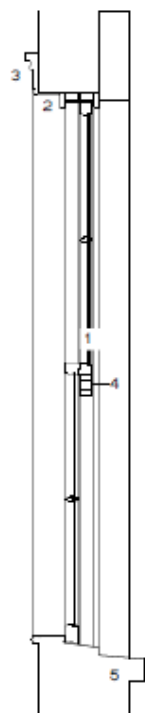
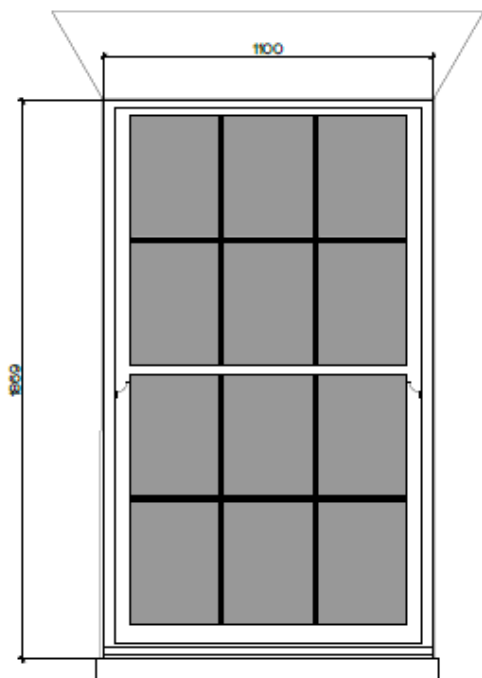
110 EXTERNAL ELEVATION

NEW WINDOWS ON THE FRONT ELEVATION REFER TO DRAWING 200_450 FOR WINDOW CODES



110 SECTION

Typical Proposed Window Details:

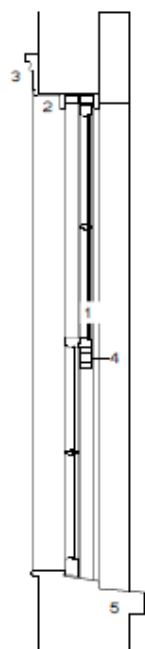
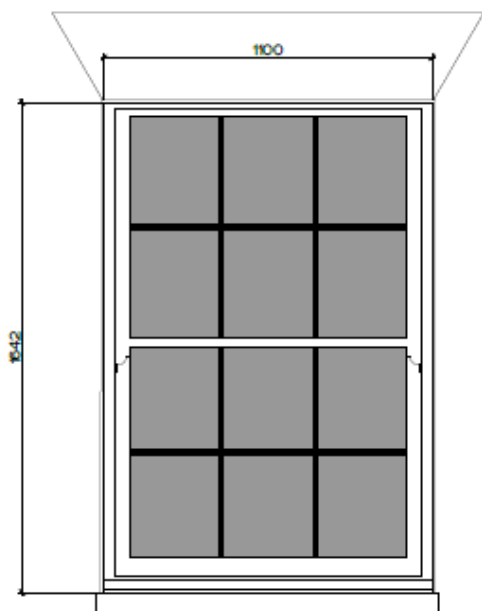


- 1 4MM MONO RT+ HISTOGLASS
- 2 TRADITIONAL TIMBER SASH WINDOW CONSTRUCTION
- 3 TIMBER ARCHITRAVE TO MATCH EXISTING AS PER APPROVED DRAWING 200_510
- 4 SASH HORNS TO MATCH EXISTING
- 5 EXISTING STONE CILL

NB. ALL DIMENSIONS ARE TO BE CHECKED ON SITE BY CONTRACTOR. RECESS ALREADY EXISTS WITHIN ELEVATION

W1.08

110 PROPOSED SECTION



- 1 4MM MONO RT+ HISTOGLASS
- 2 TRADITIONAL TIMBER SASH WINDOW CONSTRUCTION
- 3 TIMBER ARCHITRAVE TO MATCH EXISTING AS PER APPROVED DRAWING 200_510
- 4 SASH HORNS TO MATCH EXISTING
- 5 NEW STONE CILL TO MATCH THE EXISTING CILL AT FIRST FLOOR

NB. ALL DIMENSIONS ARE TO BE CHECKED ON SITE BY CONTRACTOR. RECESS ALREADY EXISTS WITHIN ELEVATION

W2.08

110 PROPOSED SECTION

NEW WINDOWS ON THE NORTH ELEVATION. REFER TO DRAWING 200_451 FOR WINDOW CODES

Typical Internal Doors Details:

TRADITIONAL 6 PANELED TIMBER DOOR

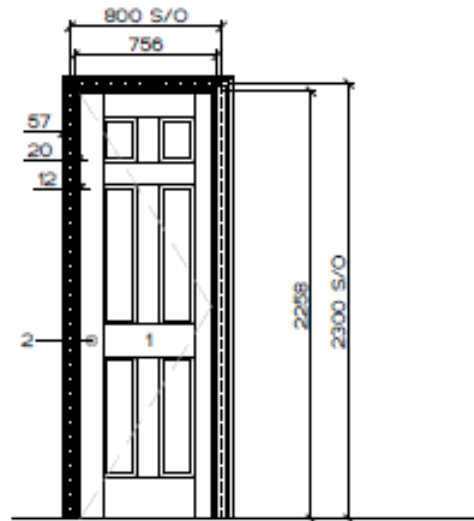
44MM SOLID CORE

FD30

NOTES:

- 1 WHITE PAINTED TIMBER
- 2 REFER TO IRONMONGERY SCHEDULE PLACED AT 940MM ABOVE FFL. THUMB TURN LOCKS REQUIRED FOR BATHROOMS

D1.03
D1.04
D1.05



SINGLE DOOR

TRADITIONAL 4 PANELED TIMBER DOOR

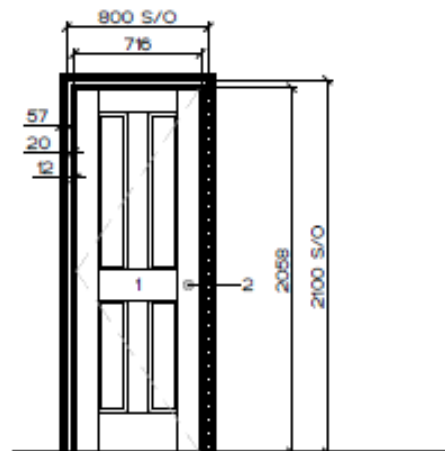
44MM SOLID CORE

FD30

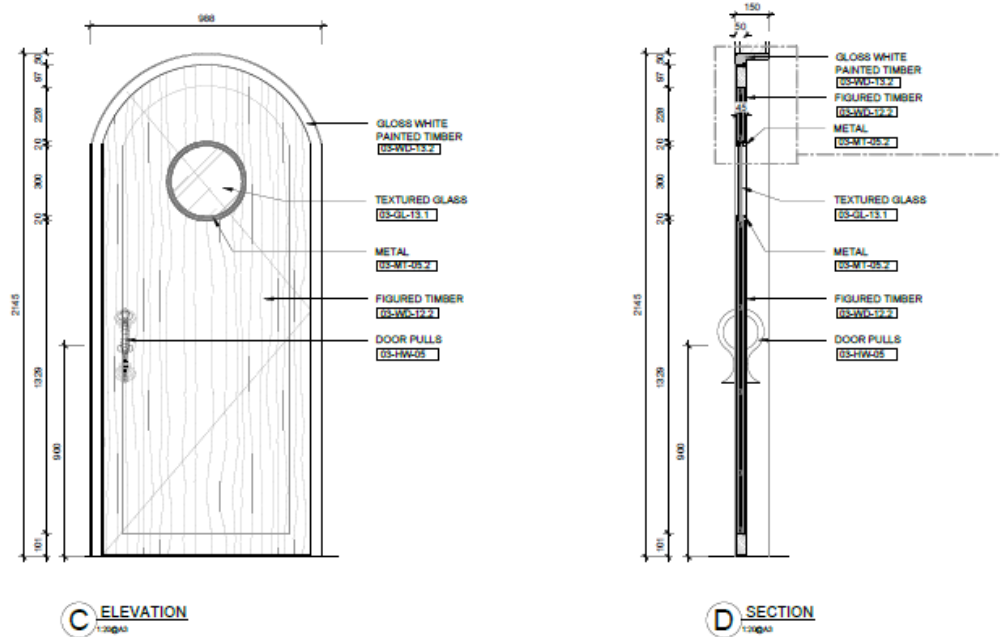
NOTES:

- 1 WHITE PAINTED TIMBER
- 2 REFER TO IRONMONGERY SCHEDULE PLACED AT 940MM ABOVE FFL
- 3 DOORS TO EN-SUITE TO HAVE THUMB TURN LOCK

D2.01
D2.02
D2.03



SINGLE DOOR



Item No.
6

21/06227/ADLBC

DRAFT DECISION LETTER

Address: 13 - 17 Montpelier Street, London, SW7 1HQ,

Proposal: Details of all new windows sections and elevation showing traditional joinery details and new internal doors, which on the first and second floors should be traditional panelled doors pursuant to condition 7 of listed building consent dated 20th June 2021 (RN:21/01234).

Plan Nos: 200_550 REVA; 200_551; 200_552; 200_561 REVA; 200_591 REVA; 200_592 REVC; 200_593 REVB; 200_594 REVC; 200_595 REVA; 200_596; 200_597; 200_598; 200_599.
JW-ID-GF-7001 REVD2 WINE FRIDGE DOOR; JW-ID-GF-7002 REVD2 BOH DOOR 102; JW-ID-LGF-7000 REVD2 KITCHEN DOOR 110; JW-ID-LGF-7001 REVD2 PDR DOOR 111; JW-ID-LGF-7002 REVD2 CLOAKROOM 112; JW-ID-LGF-7003 REVD2 CUBICLE DOOR 113; JW-ID-LGF-7004 REVD2 RESTROOM DOOR 114.

Case Officer: Jennie Humphrey

Direct Tel. No. 07866040589

Unconditional or if an Advert Application only the standard advert conditions

Informative:

1. You are advised that the replacement windows and external doors will require planning permission, before the works can be commenced.

21/06228/ADLBC

DRAFT DECISION LETTER

Address: 13 - 17 Montpelier Street, London, SW7 1HQ,
Proposal: Details of all new windows sections and elevation showing traditional joinery details and new internal doors, which on the first and second floors should be traditional panelled doors pursuant to condition 7 of listed building consent dated 20th July 2021 (RN:20/07401).

Plan Nos: 200_550 REVA; 200_551; 200_552; 200_561 REVA; 200_591 REVA; 200_592 REVC; 200_593 REVB; 200_594 REVC; 200_595 REVA; 200_596; 200_597; 200_598; 200_599.
JW-ID-GF-7001 REVD2 WINE FRIDGE DOOR; JW-ID-GF-7002 REVD2 BOH DOOR 102; JW-ID-LGF-7000 REVD2 KITCHEN DOOR 110; JW-ID-LGF-7001 REVD2 PDR DOOR 111; JW-ID-LGF-7002 REVD2 CLOAKROOM 112; JW-ID-LGF-7003 REVD2 CUBICLE DOOR 113; JW-ID-LGF-7004 REVD2 RESTROOM DOOR 114.

Case Officer: Jennie Humphrey

Direct Tel. No. 07866040589

Unconditional or if an Advert Application only the standard advert conditions

Informative:

You are advised that the replacement windows and external doors will require planning permission, before the works can be commenced.

Item No.
6

21/06229/ADLBC

DRAFT DECISION LETTER

Address: 13 - 17 Montpelier Street, London, SW7 1HQ

Proposal: Detailed drawings of the new shopfronts pursuant to condition 9 of listed building consent dated 20th July 2021 (RN:20/07401).

Reference: 21/06229/ADLBC

Plan Nos: 200_599 REVA; 200_555 REVA; 200_556 REVA; 200_557 REVA; 200_558 REVA.

Case Officer: Jennie Humphrey **Direct Tel. No.** 07866040589

Recommended Condition(s) and Reason(s)

Unconditional or if an Advert Application only the standard advert conditions

Informatives:

You are advised that the replacement shopfronts will require planning permission, before the works can be commenced.

Item No.
6

21/07149/ADLBC

DRAFT DECISION LETTER

Address: 13 - 17 Montpelier Street, London, SW7 1HQ,

Proposal: Detailed method statement for the removal of the paint on the external facade and sample area no larger than 1m3 demonstrating the intended method of removal pursuant to condition 8 of listed building consent dated 20th July 2021 (RN:20/07401).

Plan Nos: Rigby & Rigby Document: Planning Condition 8 - Removal of White Paint to Façade

Case Officer: Jennie Humphrey

Direct Tel. No. 07866040589

Unconditional or if an Advert Application only the standard advert conditions

Item No.
6

21/07150/ADLBC

DRAFT DECISION LETTER

Address: 13 - 17 Montpelier Street, London, SW7 1HQ,

Proposal: Detailed method statement for the removal of the paint on the external facade and samples area no larger than 1m3 demonstrating the intended method of removal pursuant to condition 8 of listed building consent dated 20th July 2021 (RN:21/01234).

Plan Nos: Rigby & Rigby Document: Planning Condition 8 - Removal of White Paint to Façade

Case Officer: Jennie Humphrey

Direct Tel. No. 07866040589

Unconditional or if an Advert Application only the standard advert conditions.