

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 April 2018	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Blackstone House, London, EC4Y 9BW		
Proposal	Erection of an infill extension between Blackstone House and 1 & 2 Garden Court to create a new atrium connecting the buildings at second, third and fourth floor levels, to provide additional chamber floorspace and to improve the circulation between the buildings, and associated external alterations including installation of rooftop plant to Blackstone House.		
Agent	Indigo Planning Limited		
On behalf of	The Honourable Society of the Middle Temple		
Registered Number	17/08153/FULL	Date amended/ completed	26 February 2018
Date Application Received	11 September 2017		
Historic Building Grade	Blackstone House is unlisted and 1 & 2 Garden Court are grade II listed		
Conservation Area	Strand (City of Westminster) and Temple (City of London)		

1. RECOMMENDATION

Refuse permission – design and increased sense of enclosure.

2. SUMMARY

This application was reported to Planning Applications Sub-Committee on 9 January 2018. Committee resolved that the application be deferred to allow further discussions to take place between the applicant and officers, regarding the technical aspects of the application, and between the applicant and local residents. Following these discussions, the Planning Sub-Committee would conduct a site visit to the application.

On 1 February and 1 March 2018, the applicant held meetings with residents. The applicant reports that residents raised concerns regarding the proposal impacts on residential amenity (loss of light and increased sense of enclosure) together with concerns relating to the existing fire escape staircase outside Aldwych Chambers. On 7 February 2018, the applicant met with officers to discuss the application in light of their conversations with residents. On 8 February 2018, a site visit was conducted with the applicant, members of the Planning Sub-Committee, and the case officer to both the application site and Aldwych Chambers.

On 26 February 2018, the applicant submitted revisions to the City Council. The revisions include the reduction in height of the infill extension on the boundary with Aldwych Chambers by 1.2 metres. The applicant has also revised the internal layout of the building to allow for an internal means of escape for its occupants in the event of fire. The applicant reviewed options for the fire escape in light of the fact that these internal changes would mean it is no longer required as part of their fire strategy. However, the fire escape staircase falls outside of their site and ownership and so they cannot propose to remove it as part of this application. The applicant has attempted to engage the freeholder of Aldwych Chambers regarding potential options for the staircase. The applicant has advised that whilst the fire escape would no longer be required for the occupiers of the application site, it would still form part of a fire escape exit route for occupiers of 20, 21, 22 and 23 Essex Street who access the fire escape staircase via the roof of Blackstone House.

Residents have been consulted on these revisions and 8 additional objections have been received on grounds that the revisions do not overcome their concerns, which were previously reported to Sub-Committee on 9 January 2018. In addition, new concerns are raised regarding the safety of the existing fire escape staircase which residents' state is non-compliant with building regulations, and therefore alternative routes should be found within the other buildings who use the fire escape (20, 21, 22 and 23 Essex Street). This would then allow the fire escape to be removed.

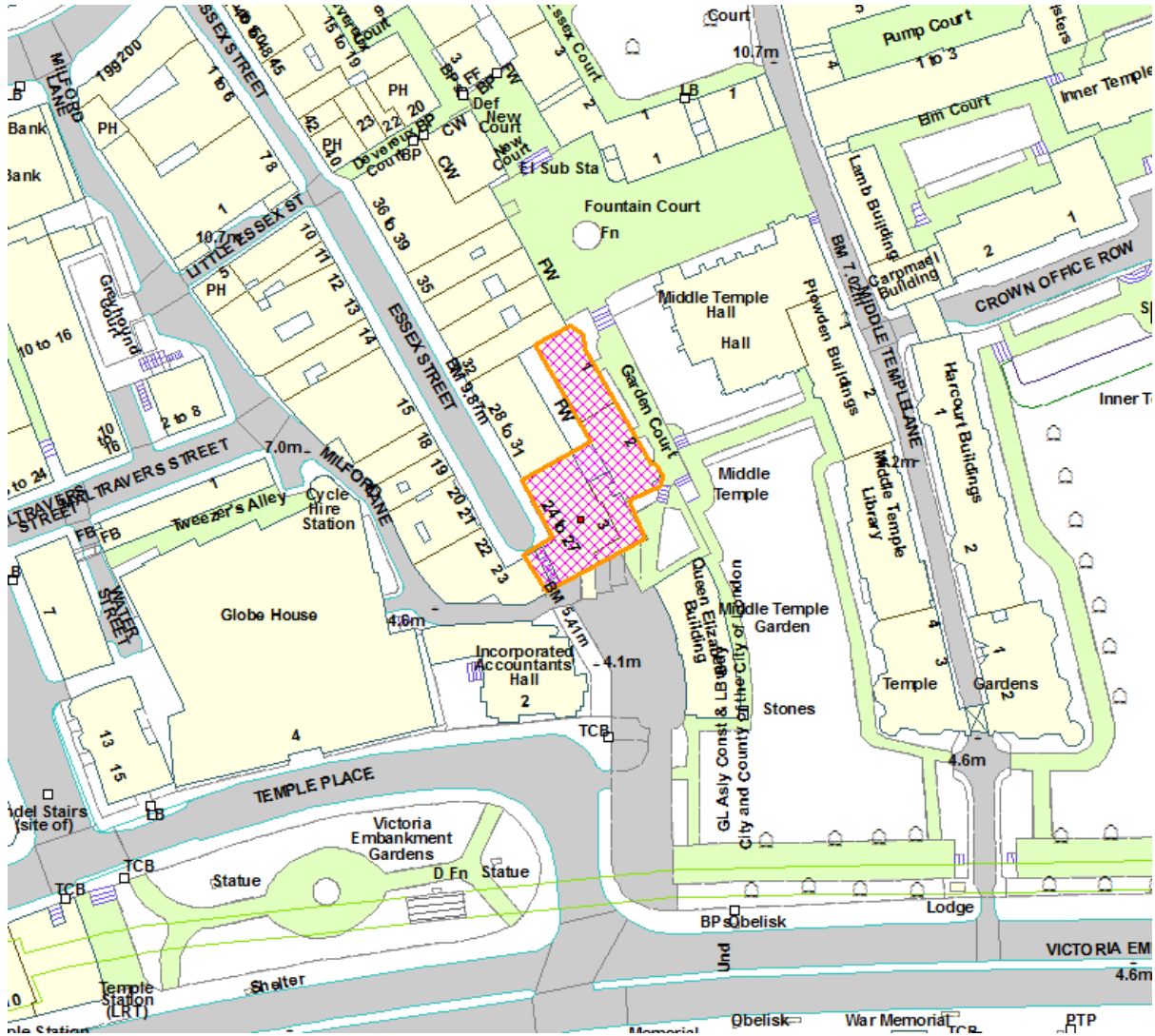
Whilst the applicant's efforts concerning the fire escape staircase are noted, and it is clear that both the applicant and residents would welcome its improvement or removal, only what is proposed in the application can be considered in its determination, and it is not proposed to remove or alter the fire escape staircase. In addition, it is outside of the scope of this planning application to consider the compliance with building regulations of the existing fire escape routes. It is understood that the offending part of the fire escape route is outside of the application site and would not be changed by the proposals.

The revisions do not significantly alter the scale, design or materiality of the extension, nor would it noticeably alter the relationship the extension would have with neighbouring buildings and its surroundings.

Whilst the revisions do reduce the height of the infill extension on the boundary with Aldwych Chambers, because the reduction is limited to 1.2 metres, this is not considered sufficient to avoid an unacceptable increased sense of enclosure for residents living in Aldwych Chambers, Essex Street. The revised proposals would still involve building over two storeys on this boundary and this would still have the effect of further enclosing this already narrow gap. The openness between the Essex Street and Garden Court buildings is limited to the two ends, north and south. The external fire escape staircase compromises the openness to the southern end and the proposed extension would worsen this to an even greater degree, to the detriment of residential amenity.

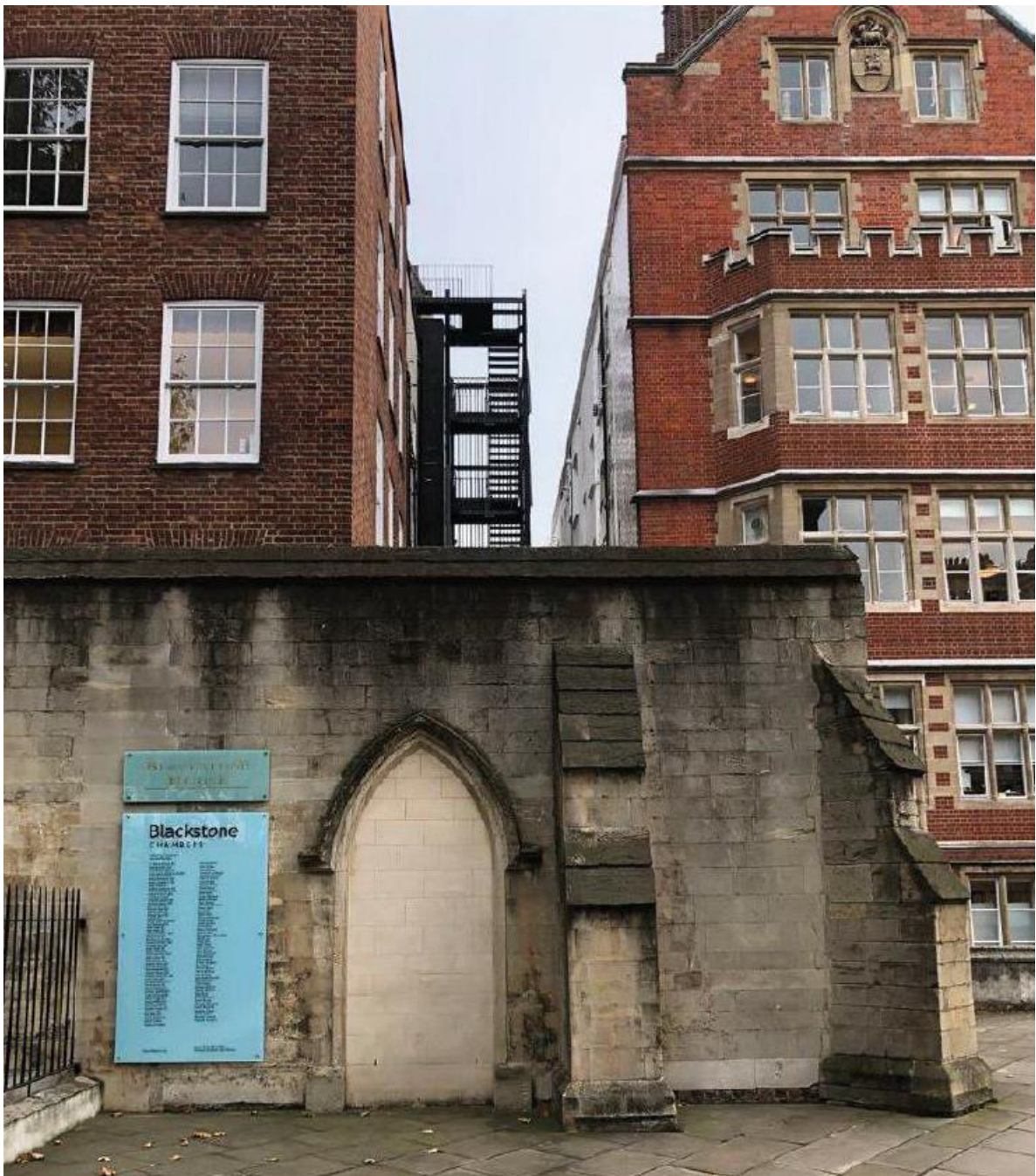
It is recommended that permission be refused for the same reasons as set out in the original report to Planning Applications Sub-Committee on 9 January 2018. The proposed infill extension would harm the character and appearance of Blackstone House and the Strand Conservation Area; and would harm the setting of the Grade II listed 1 & 2 Garden Court, the Temple Conservation Area and the neighbouring Grade II Registered Gardens at Middle Temple Gardens. The extension would also result in a significant increase in a sense of enclosure for residents living in Aldwych Chambers, Essex Street. As such, the proposal fails to meet with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is recommended for refusal for the reasons set in the draft decision notice.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Blackstone House (left) and 1 & 2 Garden Court (right)



**View from fire escape
Blackstone House (right) and 1 & 2 Garden Court (left)**

5. CONSULTATIONS

COMMENTS RECEIVED TO AMENDED PROPOSALS SINCE 9 JANUARY 2018

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 45

Total No. of replies: 8

Objections received on the following grounds:

- The revisions do not satisfactorily address the concerns raised previously which include:
 - o Loss of light and increased overshadowing;
 - o Increased sense of enclosure/ overbearing;
 - o Loss of privacy;
 - o Harm to the character and appearance of the buildings and conservation area;
 - o Noise and disturbance during construction; and
 - o The proposals would provide minimal benefits to the applicant and significant harm to residents.
- Safety concerns regarding compliance of the current fire escape route with building regulations on fire safety, and whilst the proposals will overcome some of these issues, an alternative fire exit routes should identified for occupants of buildings who still may use the fire escape thereby enabling its removal;
- Residents may seek legal recourse to stop the development under right to light legislation;
- The revisions were submitted (26 February 2018) before the applicants' final consultation meeting with residents (1 March 2018).

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form
2. Objections (x2) from the occupiers of Flat 2, Aldwych Chambers, 29 Essex Street dated 6 March 2018 & 14 March 2018
3. Objection from occupier of Flat 7, Aldwych Chambers, 29 Essex Street dated 7 March 2018
4. Objection from occupier of Flat 1, Aldwych Chambers, 29 Essex Street dated 8 March 2018
5. Objection from freeholder of Aldwych Chambers, 29 Essex Street dated 9 March 2018
6. Objection from occupier of Flat 14, Aldwych Chambers, 29 Essex Street dated 10 March 2018
7. Objection from occupier of Flat 15, Aldwych Chambers, 29 Essex Street dated 13 March 2018
8. Objection from occupier of Flat 6, Aldwych Chambers, 29 Essex Street dated 13 March 2018
9. Minutes of Planning Applications Sub-Committee meeting held on 9 January 2018
10. Officer report and representations from Planning Applications Sub-Committee on 9 January 2018

Item No.
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(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

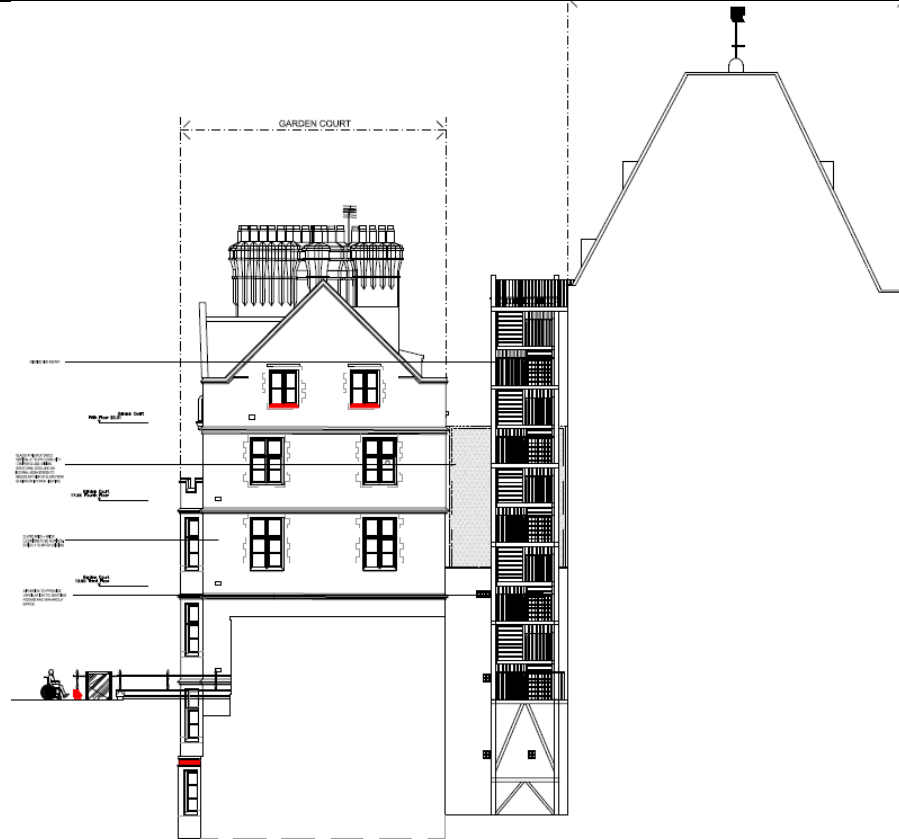
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

7. KEY DRAWINGS

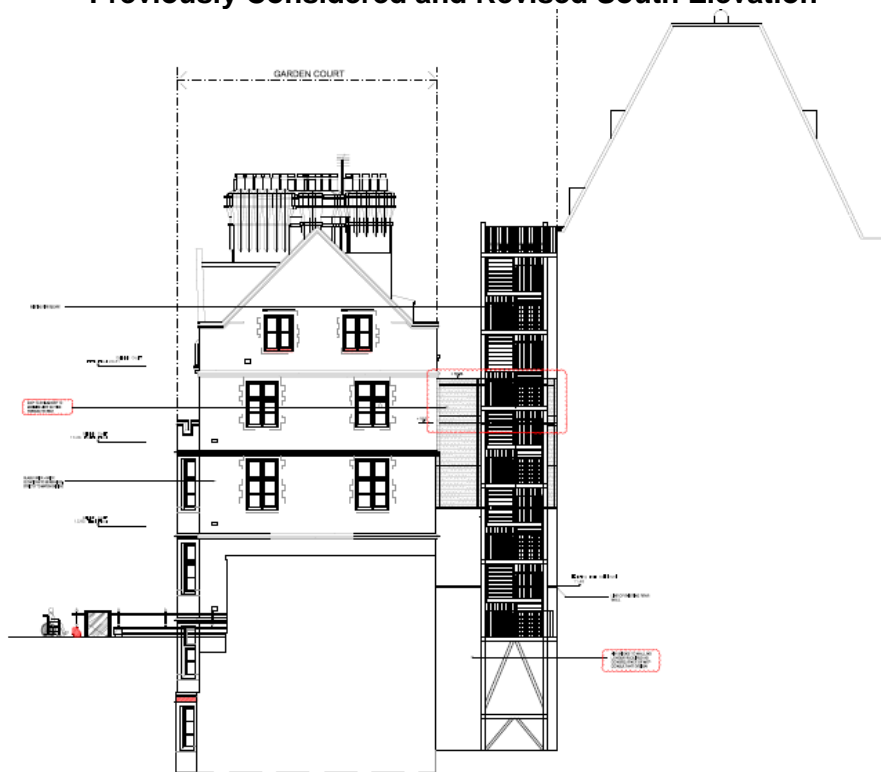


Previously Considered and Revised Section Facing Aldwych Chambers





Previously Considered and Revised South Elevation



DRAFT DECISION LETTER

Address: Blackstone House, 3 Garden Court, Middle Temple, London, EC4Y 9BW,

Proposal: Erection of an infill extension between Blackstone House and 1 & 2 Garden Court to create a new atrium connecting the buildings at second, third and fourth floor levels, to provide additional chamber floorspace and to improve the circulation between the buildings, and associated external alterations including installation of rooftop plant to Blackstone House.

Reference: 17/08153/FULL

Plan Nos: Site Location and Boundary Plan; MS 100; MS 101; MS 102; MS 103; MS 104; MS 105; MS 106; MS 10R; MS 150; MS151; MS152; MS 153; MS 154; MS 160; MS 170; MS 171; MS 172; MS 173; MS 174; MS 175 rev A; MS 176; MS17R; MS 180; MS 181; MS 182; MS 183; MS 184; MS 200; MS 201; MS 202; MS 203; MS 204; MS 205 rev B; MS 206 rev B; MS 20R rev A; MS 220; MS 221; MS 222; MS 223; MS 224; MS 225; MS 600; MS 610; MS 611; MS 700; MS 701 rev A; MS 702 rev A; MS 703; MS 704; MS 705 rev A; Planning Statement (Indigo Planning dated Sept. 17); Design and Access Statement (MoreySmith dated 25/08/17); Additional Design Information Note including Historic Maps and Photos (MoreySmith submitted 01/12/17); Structural Plans; Acoustic Statement and Additional Plant Information Memo note M005-A (Sandy Brown dated 11/10/17); Daylight and Sunlight Report and two Addendum Letters (Malcolm Sims dated 09/08/17, 31/10/17 and 18/12/17); Historic Environment Assessment (MOLA dated Aug. 17); Historic Building Report (Donald Insall Associates dated Sept. 17); Energy and Sustainability Statement (Medland Metropolis dated 09/17); Letter and three Supplementary Letters (Indigo Planning dated 09/17, 31/10/17 and 01/12/17); Letter from Julia Horner (Blackstone Chamber dated 23/11/17) Updated Daylight and Sunlight Report and Addendum Letter (Malcolm Sims dated 16/02/18 and 28/02/18).

Case Officer: Joshua Howarth **Direct Tel. No.** 020 7641 2069

Recommended Condition(s) and Reason(s)

Reason:
Because of its scale, design, materials and its relationship with neighbouring buildings and its surroundings, the infill extension would harm the character and appearance of Blackstone House and the Strand Conservation Area and would harm the setting of the Grade II listed 1 & 2 Garden Court, the Temple Conservation Area and the neighbouring Grade II Registered Gardens at Middle Temple Gardens. This would not meet S28 of Westminster's City Plan (November 2016) and DES 1, DES 5, DES 10 (A) and 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

Reason:
The infill extension would make the people living Aldwych Chamber Street, feel too shut in. This is because of its bulk and height and how close it is to the windows in that property. This would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer during the processing of the application to identify amendments to address the issues identified with the scheme. You did not wish to amend the scheme in the manner suggested. Should you reconsidered your scheme, you are encouraged to consider the submission of a fresh application incorporating the amendments set out in the officer report.

- 2 You have submitted identical applications to the City of London and the City of Westminster as is required of you for cross boundary applications. Whilst the submissions are identical, each planning authority can only authorise or refuse work within their boundaries. This decision only relates to work within the City of Westminster, and does not constitute a decision on the works shown in your submission that are within the boundaries of the City of London.

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.