

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 January 2019	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	12A Clive Court , 75 Maida Vale, London, W9 1SE		
Proposal	Replacement of existing ground floor door, replacement of existing three ground floor windows and internal alterations at ground floor level to incorporate office space and corridor into Flat 12A.		
Agent	Alberto Ochoa		
On behalf of	Mr Kimon De Ridder		
Registered Number	18/05867/FULL	Date amended/ completed	19 September 2018
Date Application Received	12 July 2018		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Clive Court is mansion block of 154 self-contained flats that is located on the southern side of Maida Vale. The building is unlisted and it lies in the Maida Vale Conservation Area. Planning permission is sought for the replacement of an existing external ground floor door, replacement of three ground floor windows, and internal alterations at ground floor level to incorporate the existing office space and corridor into Flat 12A.

The design of the scheme has been revised during the course of the application and additional information related to fire safety has been provided. The revised scheme and the fire safety documents has been the subject of further consultation (See Section 5).

A total of 61 objections and 12 letters of support have been received throughout the lifetime of the application.

The key considerations are:

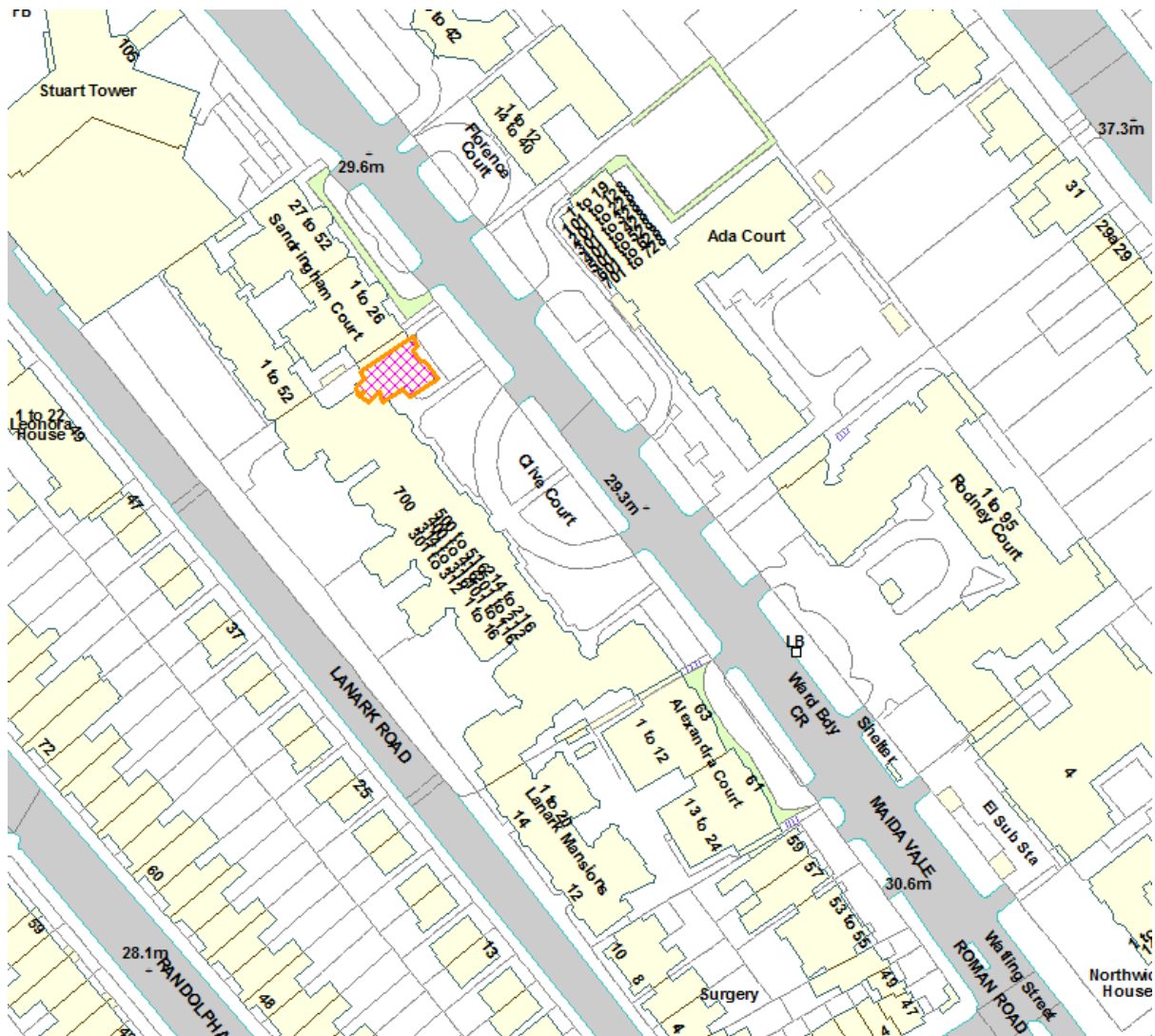
- The impact of the proposal on the architectural and historic significance of the mansion block and

the character and appearance of the Maida Vale Conservation Area.

- The impact of the proposal on the amenity of neighbouring residents.
- The impact of the proposal on the fire precautionary arrangements of Clive Court.

The proposal is considered to accord with the relevant land use, design and amenity policies in the City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP). The application is therefore recommended for approval, subject to the conditions set out in the draft decision letters appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Existing Entrance Doors



Street View



Windows on Northern Side



Communal Floorspace

5. CONSULTATIONS

5.1 Consultation on Originally Submitted Scheme (July 2018)

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

There are no detailed drawings of the proposed windows. The replacement windows should match the profile of what is existing.

LONDON FIRE AND CIVIL DEFENCE AUTHORITY

No response received.

PLANNING ENFORCEMENT MANAGER

No response received.

BUILDING CONTROL MANAGER

No response received.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 180

Total No. of replies: 45

No. of objections: 35

No. in support: 10

35 objections raising some or all of the following grounds:

Fire Safety

- The internal communal area to which the application relates is used as a fire escape. The use of this area as a fire escape is essential to the safety of occupants of the building.
- The internal communal area to which the application relates is labelled as 'Ancillary Office' on the plans but this is incorrect. No certificate of Lawfulness has been submitted to demonstrate its lawful use as an office.
- The proposal would prevent elderly wheelchair bound residents from exiting the building in the event of a fire.
- To comply with building regulations the applicant should submit an up to date Fire Risk Assessment and Fire Action Plan.

Accessibility

- The proposal would alter the pedestrian access to the building.
- The removal of the entrance to the building will confuse elderly residents, particularly those with Alzheimer's.
- Chains have been placed across a within the front amenity space at Clive Court blocking an entrance.

Residential Amenity

- The expansion of the existing flat on the application site would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as result of noise and disturbance.
- The proposed internal works to add the existing communal area to flat 12A would impact flats that share the same corridor.

Design

- The proposal would have a negative impact on the design and appearance of the existing building and the Maida Vale Conservation Area.

Land Ownership

- The legitimacy of the process under which the area of communal space was sold to the applicant has been queried. The competence of the managing agent has been questioned.
- The proposal breaches the leases of many of the occupier of the property as their leases allow full rites of access to the common areas.

Land Use

- It is unclear if the area on the plans labelled as 'Ancillary Office' is a commercial office or a place used by the landlord and associated staff members to carry out administrative work in relation to the running of the building.

Consultation

- Many of the occupiers of Clive Court were not consulted on the application.

Quality of the submission

- The plans submitted by the applicant appear vague and do not give accurate measurements of the site.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5.2 Consultation on Revised Scheme - amendments included the replacement of external doors with new doors (rather than conversion to new window as initially proposed) and correction of errors in existing drawings. (September 2018)

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:
No objection.

LONDON FIRE AND CIVIL DEFENCE AUTHORITY
No response received.

PLANNING ENFORCEMENT MANAGER
No response received.

BUILDING CONTROL MANAGER
No response received.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 191
Total No. of replies: 26
No. of objections: 25
No. in support: 1

25 objections raising some or all of the following grounds:

Fire Safety

- The proposal could create an increased fire safety risk on the application site.
- The quality and suitability of the existing fire precautionary arrangements including the existing fire escape routes has been questioned.
- The accuracy of the Safety Risk Assessment and the Fire Safety Consultancy Report provided by the applicant have been questioned.
- The person who wrote Fire Safety Consultancy Report is an employee of a company to which the applicant is also employed. It is suggested that this causes a conflict of interest. The professional credentials of the author of the Fire Safety Consultancy Report are unclear.
- It has not been demonstrated that the proposal complies with building regulations.

Design

- The proposal would visually unbalance the existing building and be inappropriate to its architectural and historic significance. The proposal would have a negative impact on the design and appearance of the existing building and the Maida Vale Conservation Area.

Accessibility

- The proposal would alter the pedestrian access to the building, particularly for people with reduced mobility

Consultation

- This is the first time that many of the occupiers of Clive Court have been consulted on the proposal.

Land Ownership

- The conduct of the Managing Agent during and after the sale of the land to which the application relates has been queried.
- The proposal contradicts the leases of residents of Clive Court.

Crime

- The proposal would make Clive Court more vulnerable to crime.

5.3 Consultation on Fire Safety Consultancy Report and Fire Exit Plan (December 2018)

LONDON FIRE AND CIVIL DEFENCE AUTHORITY

No objection with the proposals in relation to the fire precautionary arrangements. Currently the whole block is served by a single 24 hour porter entrance centrally located to the block on Maida Vale. In addition to the main central entrance and staircase, the building is further served by dedicated fire escape routes and staircases to the upper floors together with final fire exits at ground floor level to the north and South of the building. The proposal relates to the ground floor ancillary space and the double doors leading from it directly to the outside. Clive Court has adequate means of escape independent of the ancillary space to which the application relates.

BUILDING CONTROL MANAGER

No objection in principle to the proposal but additional action is required from the applicant before works can commence. A Full Plans Building Control Application is required. Details of the fire resisting construction of the new habitable floor space and details of the fire escape routes should be submitted. These actions can be required as a pre-commencement condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 191

No. of objections: 1

No. in support: 1

The objection letter was addressed to the London Fire Brigade.

Any additional responses to be reported verbally.

6. BACKGROUND INFORMATION

6.1 The Application Site

Clive Court is a block of 154 self-contained flats that is located on the southern side of Maida Vale. The building is unlisted and it lies in the Maida Vale Conservation Area.

The application site is a ground floor flat and the adjoining communal space that is located in the northern wing of Clive Court.

6.2 Recent Relevant History

None.

7. THE PROPOSAL

Planning permission is sought for the replacement of an existing ground floor door, replacement of three existing ground floor windows and internal alterations at ground floor level to incorporate the existing office space and corridor into Flat 12A.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal involves the enlargement of the existing ground floor flat by annexing an area of communal corridor and a communal room to the flat. The communal room is labelled as 'Ancillary Office'. This communal room is not considered to be in B1 office use, rather it is an ancillary room for the existing flats so therefore it is in C3 use. The proposal does not increase the amount of land in C3 use; rather it simply allocates communal C3 land to an existing flat. For these reasons the proposal is acceptable in land use terms and would accord with Policy S14 of the City Plan (November 2016) and Policy H3 in the UDP (2007).

8.2 Townscape and Design

The relevant policies for consideration of this case are DES 1, DES 5, and DES 9 of the adopted UDP 2007, and S25 and S28 of the adopted City Plan 2016.

Clive Court is an unlisted mansion block, located within the Maida Vale Conservation Area. Permission is sought to incorporate an area into Flat 12A, with associated works such as blocking up the existing opening on the south-east front elevation. Permission is also sought to replace three windows on the rear elevation.

The area proposed to be incorporated into the flat historically has functioned as an entrance to the building. This is evident by the consciously designed hearth, rebated entrance door and detailing such as a decorated underside, all of which retain the impression of this space as an entrance way. There is further interest in this as it is symmetrical with the entrance on the south side of the building. Therefore, the design intention and the appearance of the building as a whole contributes to the character and appearance of the building.

Initially it was proposed to introduce a window which was flush with the external elevation. However and following officer advice the door has been set back within the building, maintaining the external appreciation of the entrance and the symmetry with the south side. Additionally the detailed design of the fenestration reflects the existing doors and the traditional design of the fenestration on the building. Therefore, the proposal is considered to respect the character and appearance of the host building and the mansion block as a whole.

To the rear it is proposed to replace the existing single glazed timber windows with aluminium. Given that these windows are in a highly screened location, facing an external passage, the change in material is not considered to adversely affect the

appearance of the building. Furthermore this material will be able to achieve the level of detailing currently present in the windows and therefore the detail design can be replicated.

The works are considered to comply with UDP policies DES 1, DES 5, DES 9 as well as City Plan policies S25 and S28, preserving the character and appearance of the Maida Vale Conservation Area.

8.3 Residential Amenity

Policies ENV 13 of the UDP and S29 of the City Plan seek to protect residential amenity and environmental quality.

The proposed window overlooks the communal garden at the front of Clive Court and the public highway beyond it. The proposed windows overlook a communal bike store and fire escape. As two of the windows serve a W.C. they are likely to be obscure glazed.

The existing flat has 3 bedrooms and the proposal would allow the flat to have 4 bedrooms. The proposal would add another bedroom to the flat, but the flat would remain a residential unit for a single household. As it is only adding one bedroom to the application site the proposal is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of people coming and going from the application site and occupying the site.

The proposal does not increase the size or height of the existing building so therefore it is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material negative impact as a result of a loss of outlook, or a loss daylight/sunlight, and nor would it create a sense of enclosure.

For these reasons, the proposal is considered to be in accordance with policies ENV 13 of the UDP and S29 of the City Plan.

8.4 Fire Safety

Objections have been received on the grounds that the proposal would remove a fire exit from the building and therefore be detrimental to the fire safety of the occupants. Residents of Clive Court have stated that the area of communal space to which the application relates is a dedicated means of escape in the event of a fire. Residents expressed concern that a Fire Safety Assessment was not submitted by the applicant and a Fire Safety Consultancy Report and Fire Exit Plan were later submitted by the applicant.

A Fire Safety Inspecting Officer from the London Fire Brigade assessed the document submitted by the applicant and conducted an onsite assessment. It is the Fire Safety Inspecting Officer's understanding that the ground floor ancillary space and doors to which the application relates previously served as an entrance to the residential block of apartments. It served as an entrance at a time when the whole block had 3 staffed entrances – North, Central and South. Currently the whole block is served by a single, centrally located, 24 hour porter entrance that faces Maida Vale.

In addition to the main central entrance and staircase the building is further served by dedicated fire escape routes and staircases to the upper floors together with final fire exits at ground floor level to the North and South of the building. This is independent of the ground floor ancillary space and the double doors leading from it directly to the outside.

Those persons needing to escape from the ground floor can use the exits provided to the south, central or north. It is acknowledged that there are bike racks located to the exterior courtyard to the north. In the Fire Safety Inspecting Officer's view, it is considered that provided the bikes are stored within the bike racks and provided the area is kept free of other objects, this provision would not hinder persons using the route in an emergency.

It should be noted that the building has a stay put strategy in case of fire, which means that whilst the flat of origin would evacuate there is no simultaneous evacuation at that time for the building as a whole.

The Fire Safety Inspecting Officer considered that given the current layout of the building, the proposed changes under the planning application do not affect the existing means of escape provision or building's alternate fire escape routes and fire exits both in relation to the ground and upper floors. The Fire Safety Inspecting Officer is satisfied with the proposal in relation to the fire precautionary arrangements.

The Building Control Manager has no objection to the principle of the proposal but requires that before works to the proposal commence that a Full Plans Building Control Application is submitted. Details of the fire resisting construction of the new habitable floor space and details of the fire escape routes are also required. It is recommended that these details are secured through a pre-commencement condition.

An objection has been received stating that there is evidence that the consultant who produced the Fire Safety Consultancy Report had a pre-existing professional relationship with the applicant so therefore the contents of the report cannot be trusted. It should be noted however, that the Fire Safety Inspecting Officer from the London Fire Brigade provides an impartial view on planning applications and the Inspector raised no objections to the documents submitted by the applicant.

8.5 Transportation/Parking

There are no proposed changes to parking provision on the application site.

8.6 Economic Considerations

No economic considerations are applicable for a development of this size

8.7 Access

Although the proposal would result in a loss of a communal door on the northern side of the application site, residents of Clive Court can still access the building via the main entrance, which is also on the northern side of the building.

Objectors raised concerns about chains that are blocking a pathway within the front amenity space of Clive Court. The area where the chains are located are outside of the red line of the application site so therefore they are not part of the consideration of this proposal.

8.8 Other UDP/Westminster Policy Considerations

8.8.1 Crime Prevention

The replacement of the existing external doors is not considered to cause an increase in crime on the application site. The proposal does not create a new point of entry to the building.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

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

8.11 Planning Obligations

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

8.12 Environmental Impact Assessment

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

8.13 Other Issues

After the City Council received objections on the grounds that not all the residents of Clive Court had received consultation letters, additional consultation letters were printed on 24.09.2018 and sent out to 191 addresses.

The applicant has amended the plans to include additional details of the design of the proposal amended inaccuracies in the existing plans have been corrected. The residents of Clive Court have been consulted on these amended plans.

Under Article 14 of the Town & Country Planning (Development Management) Procedure Order 2015 the applicant is required to serve notice on everyone who has a freehold interest or a leasehold interest (with at least 7 years left to run) on the land or building to which the application relates. When the proposal was first submitted the applicant had not served notice on those with an interest in the land within the red line of the application site. The applicant has since served the correct notice on those with an interest in the land and submitted a copy of Ownership Certificate B to the Local Planning Authority.

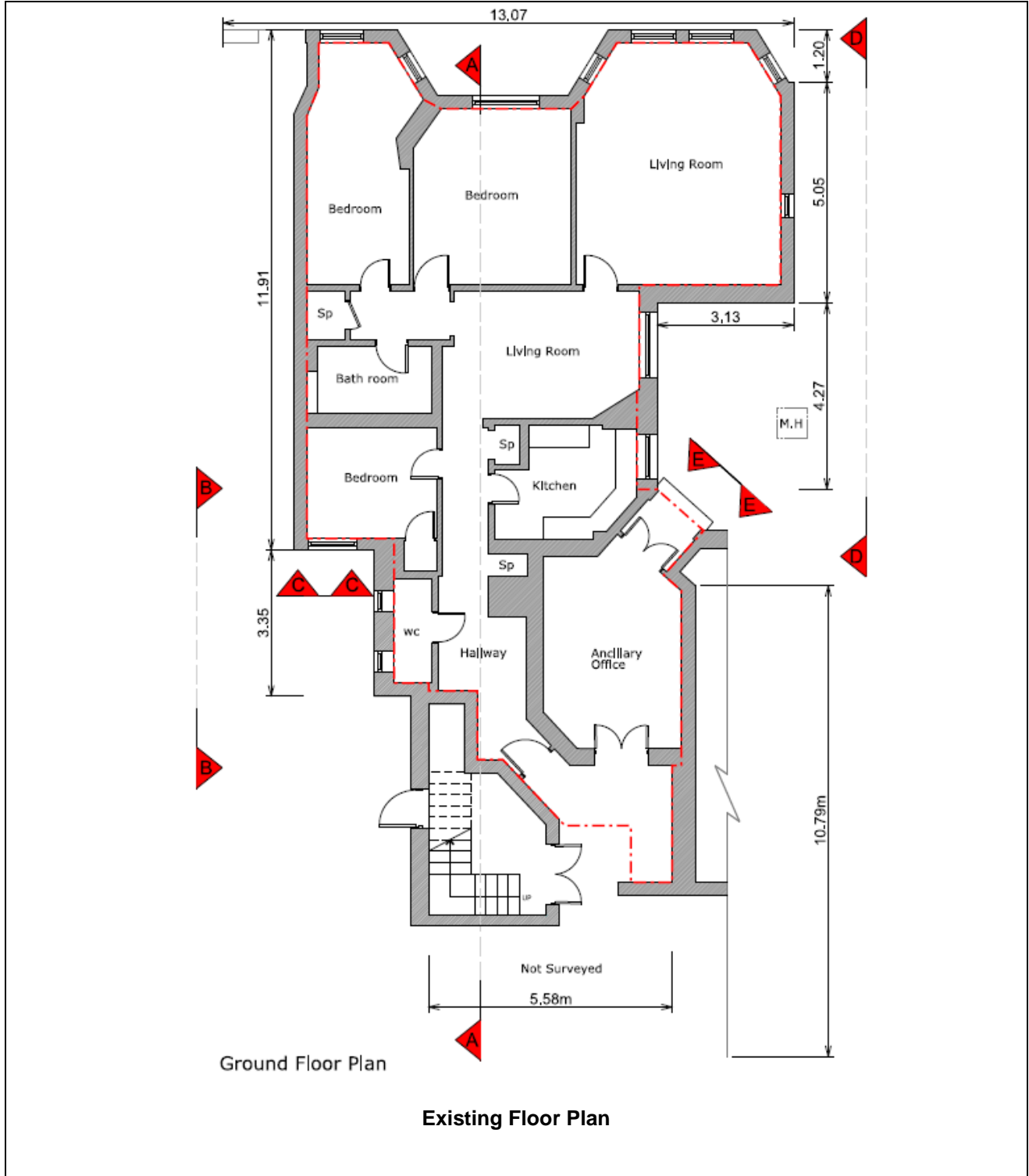
The following issues have been raised by objectors but they are not material planning considerations:

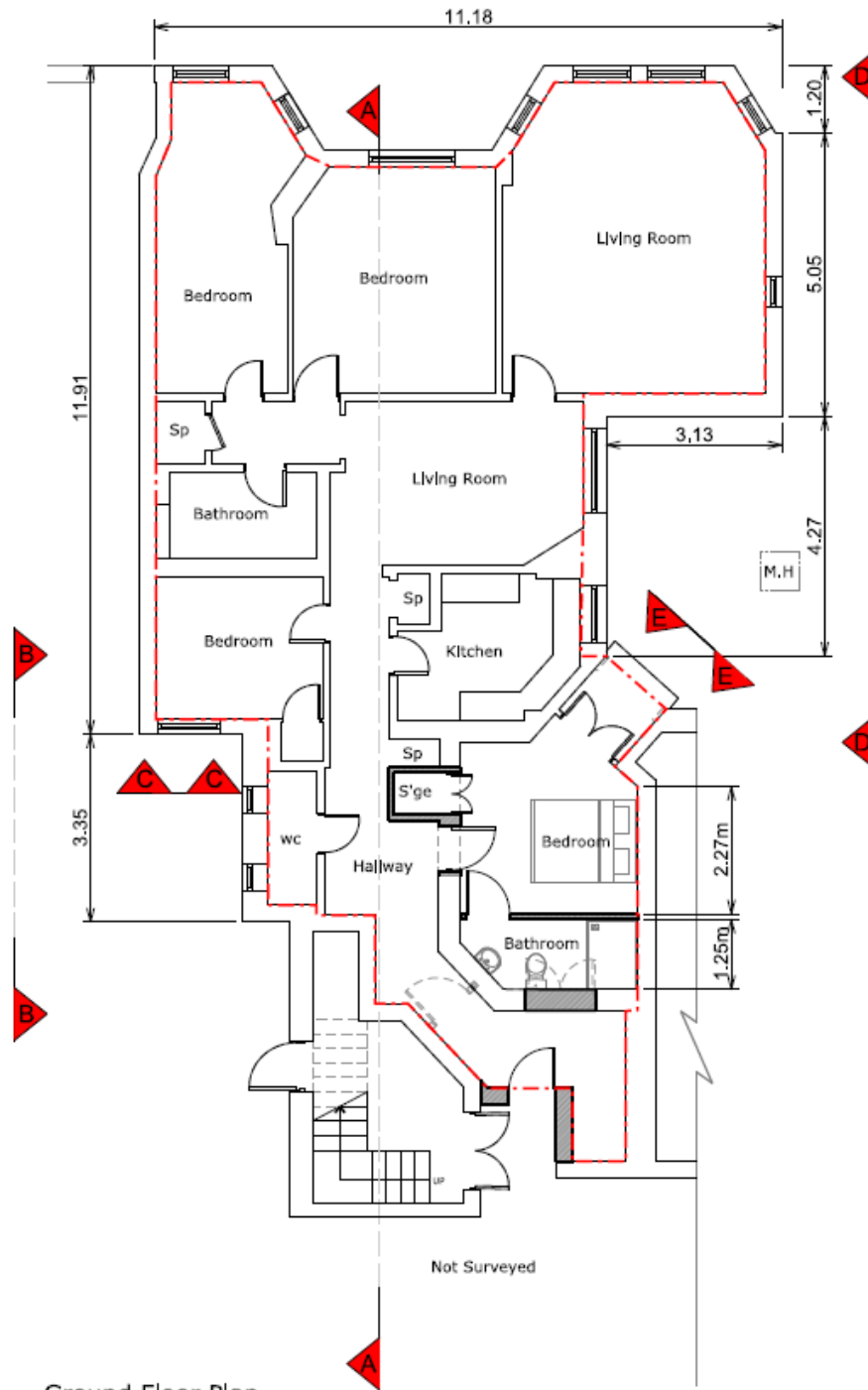
- The circumstances under which the area of communal space was sold to the applicant.
- The lease enfranchisement process at Clive Court.
- Potential breaches of the leases of residents in Clive Court caused by the proposal.

(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 nbarrett@westminster.gov.uk

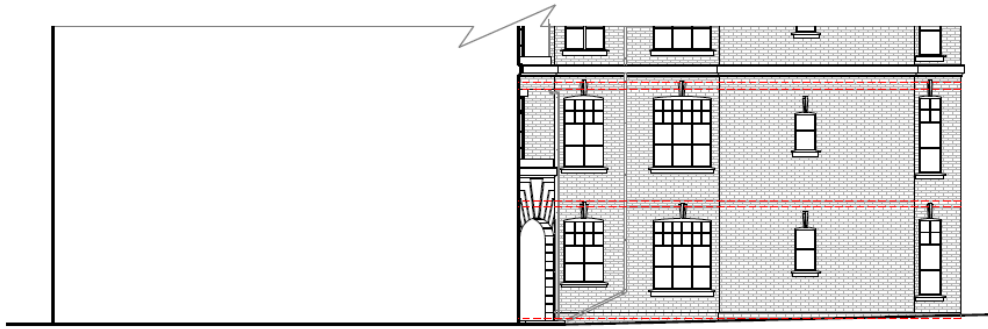
9. KEY DRAWINGS



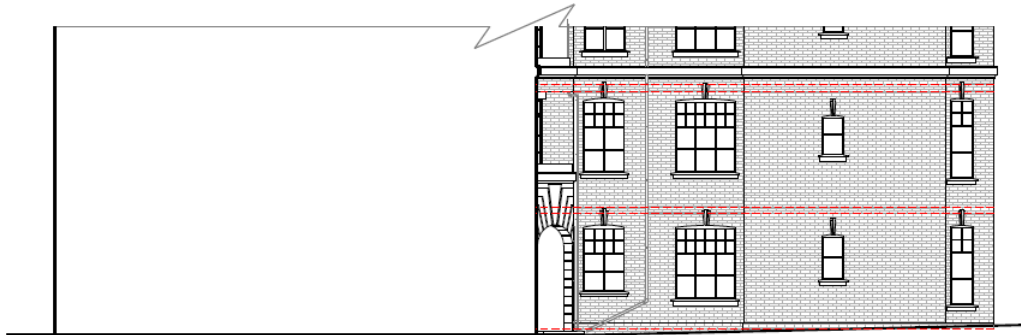


Ground Floor Plan

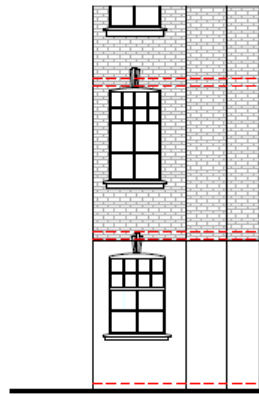
Proposed Floor Plan



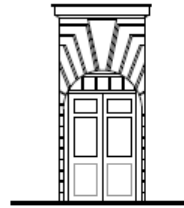
Existing Elevation D



Proposed Elevation D

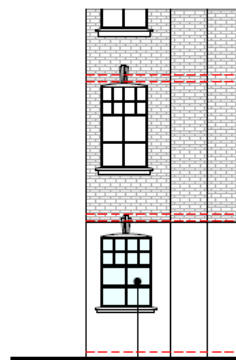


Side Elevation C



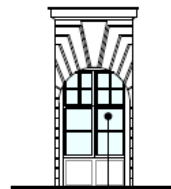
Opening Ancillary Office E

Existing Elevations C and E



Side Elevation C

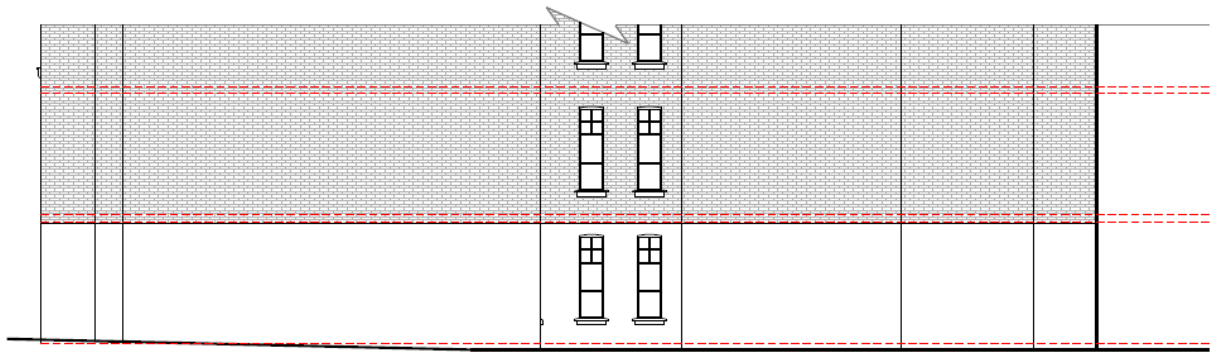
Aluminum windows divisions and dimensions to match the existing



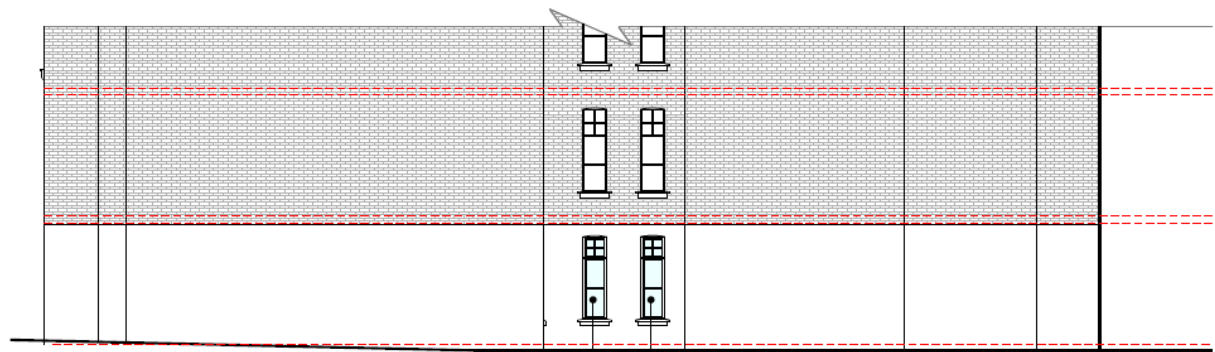
Opening Proposed Bedroom E

Timber door and Crittal window, divisions to mimic the existing

Proposed Elevations C and E



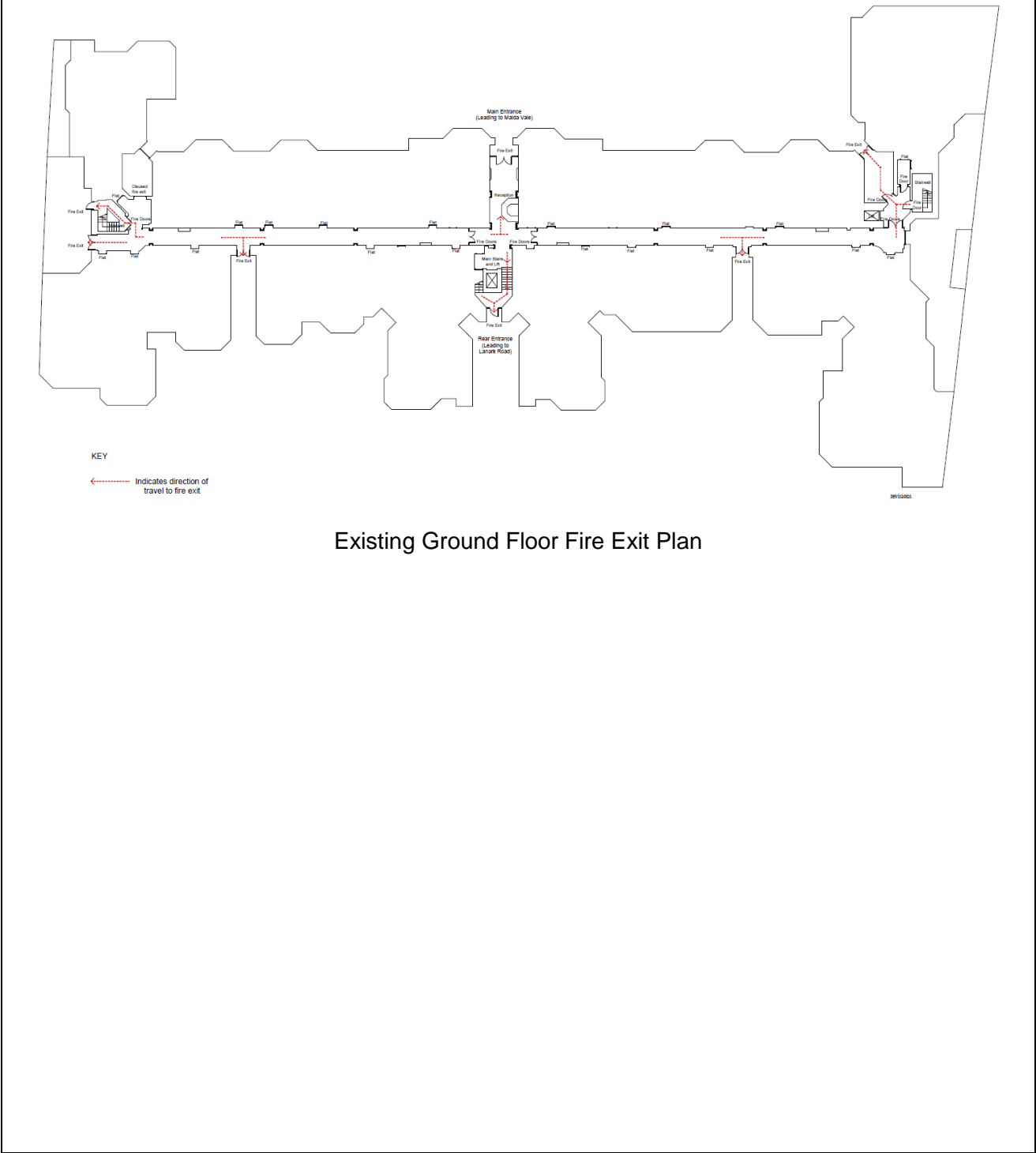
Existing Elevation B



Side Elevation B

Aluminum window divisions
and dimensions to match the
existing

Proposed Elevation B



Existing Ground Floor Fire Exit Plan

DRAFT DECISION LETTER

Address: 12A Clive Court , 75 Maida Vale, London, W9 1SE

Proposal: Replacement of existing ground floor door, replacement of existing three ground floor windows and internal alterations at ground floor level to incorporate office space and corridor into Flat 12A.

Reference: 18/05867/FULL

Plan Nos: Site Location Plan, Block Plan, 540 – 01 rev. B, 540 – 02 rev. B, 540 – 03 rev. B, 540 – 04 rev. B, 540 – 05 rev. B, 540 – 06 rev. B, 540 – 07 rev. B, 540 – 08 rev. B, Combined Fire/Health and Safety Risk Assessment Clive Court Maida Vale London W9 1SE report date: 13 Jun 2018

Case Officer: William Philps

Direct Tel. No. 020 7641 3993

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

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

Reason:

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

- 4 **Pre-Commencement Condition.** Prior to the commencement of the development hereby approved, the applicant shall submit to the local planning authority evidence that the approved development does not prejudice a fire escape route from this building. The development shall not commence until the local planning authority has issued its written approval of these details. The development must be carried out in accordance with the approved details

Reason:

In the interests of public safety, as set out in S29 of Westminster's City Plan (November 2016).

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way 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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.
- 2 The approval of details application required by condition 4 should demonstrate the following:
1. That a Full Plans Building Control Application has been made.
 2. The new habitable space is separated from the common parts with a minimum of 60 minute fire resisting construction.
 3. The external escape route is suitably lit with emergency lighting, signage installed and kept free from obstructions. The final exit should be easily accessible with simple fastenings.
 4. The escape stairs and route are to be kept free of rubbish such as the bins.

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.