



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (3)

Meeting Date:

Tuesday 30th May, 2023

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Ruth Bush (Chair)
Cara Sanquest
Ryan Jude
Amanda Langford



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 Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note that Councillor Ruth Bush was substituting for Councillor Nafsika Butler-Thalassis.

To note any further changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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.

(Pages 5 - 14)

All committee meetings open to the public are being broadcast live using Microsoft Teams. For information on participating in the virtual Committee please see the following link

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

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

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|--|--------------------------|
| 1. LANGFORD COURT, 22 ABBEY ROAD, LONDON, NW8 9DN | (Pages 19 - 50) |
| 2. RUPERT HOUSE, 19 RUPERT STREET, LONDON, W1D 7PA | (Pages 51 - 82) |
| 3. 5, 7, 9, 11, 13, 15, 17 & 19 PASSMORE STREET, LONDON, SW1W 8HR AND 11 & 19 PASSMORE STREET, LONDON, SW1W 8HR | (Pages 83 - 206) |
| 4. 19 VILLIERS STREET, LONDON, WC2N 6ND | (Pages 207 - 230) |
| 5. 42 WIGMORE STREET, LONDON, W1U 2RY | (Pages 231 - 276) |
| 6. 77-78 MARYLEBONE HIGH STREET, LONDON, W1U 5JW | (Pages 277 - 292) |
| 7. 3 BATEMAN STREET, LONDON, W1D 4AE | (Pages 293 - 312) |

**Stuart Love
Chief Executive
19 May 2023**

Order of Business

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

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

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



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (3)** Committee held on **Tuesday 4th April, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Ruth Bush (Chair), Ryan Jude, Amanda Langford and Cara Sanquest

1 MEMBERSHIP

- 1.1 It was noted that Councillor Ruth Bush was substituting for Councillor Nafsika Butler-Thalassis.
- 1.2 A Councillor was required to Chair the evening's meeting and the Sub-Committee

RESOLVED:

That Councillor Ruth Bush be elected Chair of Planning Applications Sub-Committee (3) for that evening's meeting.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Bush explained that a week before the meeting, all four Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Jude declared, in respect of Item 4, that the application site was in his ward. He further declared that he had discussed the application with

residents and expressed a view on it. He would therefore address the Sub-Committee and then stand down and leave the room during the consideration of the application.

2.3 Councillor Bush declared that in respect of Item 4 she had sat on a Planning Sub-Committee which had considered a different application on the same site previously. She also declared that was a Trustee of the Westminster Tree Trust.

2.4 The Chair stated that Councillor Rachael Robathan had an interest in respect of Item 8 on the agenda. She advised that the members sitting on the Sub-Committee were no longer required to apply for a dispensation from the Code of Conduct provided they could declare that they only knew Councillor Robathan through their membership of the Council and saw her at Council and related events. All members of the Sub-Committee advised that they were able to give that declaration in relation to Councillor Robathan.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 6 December 2022 be signed by the Chair as a correct record of proceedings subject to the resolution on Item 4 being amended to read –

“That contrary to the officers’ recommendation the application be refused on the grounds that its use would have a detrimental impact on the character and function of the area. The **details of the** reasons for refusal to be agreed under delegated powers in consultation with the Chair.

4 PLANNING APPLICATIONS

Due to technical issues the Committee Clerk read out the representations of those members of the public who were due to address the Sub-Committee virtually.

1 16 CHARLES STREET, LONDON, W1J 5DR

Alterations to front and rear elevations, including alterations to door and windows to front and rear basement lightwells. Replacement of plant (at roof level and in front and rear basement lightwells) and brick clad riser to rear of building. Alterations to rear terrace including removal of existing pergola and pyramid rooflight below and infilling of existing lightwell. Internal alterations at all levels.

Additional representations were received from two local residents (27.03.23, 28.03.23) and Comm Comm UK (30.03.23).

The planning officer also circulated the following revised/additional conditions for the draft decision letters:

Planning permission 22/03070/FULL:

Additional conditions:

16. You must carry out a sample panel of the proposed soot washing. You must not carry put the remainder of the soot washing until we have approved the sample panel.

Reason

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

17. You must apply to us for further detailed drawings at 1:5 of the following parts of the development:

The detailed appearance of the dry riser cover to the front elevation, including materials.

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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

Listed building consent 22/03071/LBC:

Amended condition 5 (changes in bold and underlined):

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

- a) rooftop plant enclosure
- b) platform lift
- c) pavement vault doors
- d) built in furniture, including banquettes and fan coil unit cabinets
- e) balustrade alterations to secondary stair
- f) paving to rear yard
- g) glazing units and glazing bar profiles to the new sash windows
- h) replacement shelving in display case**
- i) new secondary glazing**
- j) new reflective ceiling structure above principal stair**
- k) new decorative scheme for principal rooms**

l) detailed drawings of the secondary stair showing baluster and handrail profiles at each level.

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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

Additional conditions:

8. You must carry out a sample panel of the proposed soot washing. You must not carry put the remainder of the soot washing until we have approved the sample panel.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

9. You must apply to us for further detailed drawings at 1:5 of the following parts of the development:
 - a) The implementation of the fire curtain works, informed by opening up works.
 - b) The detailed appearance of the dry riser cover to the front elevation, including materials.

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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

Late representations were received from Councillor Paul Fisher (03.04.23) and two interested parties (24.03.23 and 29.03.23).

Alexandre Rossoz addressed the Sub-Committee in support of the application.

Dr Tahoun Ahmed addressed the Sub-Committee in support of the application.

The Committee Clerk read out Rhiannon Baxendell's objection to the application.

The Committee Clerk read out Julia Gasper's objection to the application.

The Committee Clerk read out Mark Edward's objection to the application.

The Committee Clerk read out Councillor Paul Fisher's objection to the application.

RESOLVED UNANIMOUSLY:

- 1) That conditional permission, as amended, be granted.
- 2) That conditional listed building consent, as amended, be granted.
- 3) That the reason for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.

2 37-38 CLARGES STREET, W1J 7EN

Installation of plant within the front lightwell at lower ground floor level; installation of air intake louvres on the front elevation at lower ground floor level; installation of a high level extract duct on the rear elevation and repositioning of an existing air conditioning unit and installation of new screening on the flat roof area at rear first floor level.

Late representations were received from Councillor Paul Fisher (03.04.23) and a local resident (31.03.23).

The Committee Clerk read out Tito Arowobusoye's support of the application.

Ken Cheong addressed the Sub-Committee in objection to the application.

The Committee Clerk read out Councillor Paul Fisher's objection to the application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

3 11 SOHO SQUARE, LONDON, W1D 3QE

Use of the building as a private members club (sui generis) with external alterations including the replacement of windows and doors, installation of plant with screening and a new rooflight at main roof level and plant within a rear lightwell at second floor level.

An additional representation was received from the applicant (undated).

The Committee Clerk read out Jake Allbaugh's support of the application.

RESOLVED UNANIMOUSLY:

That conditional planning permission be granted subject to:

- i) An additional condition requiring the details of the windows and doors to be submitted; and
- ii) An additional informative suggesting that internal cycle parking should be provided.

4 50 EASTBOURNE TERRACE, LONDON, W2 6LG

Details of an operational management plan (OMP) pursuant to Condition 4 (B) of planning permission dated 27th July 2022 (RN:22/00672/FULL).

Additional representations were received from local residents (23.03.23, 28.03.23, 30.03.23).

A late representation was received from a local resident (04.04.23).

The Committee Clerk read out Sam Harper's representation in support of the application.

Amy Rogers addressed the Sub-Committee in objection to the application.

Councillor Jude, in his capacity as ward councillor, addressed the Sub-Committee in objection to the application. He had declared that he had a prejudicial interest in the application and stepped down from the Sub-Committee and left the room during the consideration of this item.

RESOLVED UNANIMOUSLY:

That the details be approved.

5 FLAT 27, SAXON HALL PALACE COURT, LONDON, W2 4JA

Erection of single storey extension at ground floor level to House (known at flat 27).

Thomas Darwall-Smith addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to an additional condition requiring details of the provision of two cycle parking spaces to be provided.

6 4 THE LANE, LONDON, NW8 0PN

Excavation of new basement storey below footprint of existing dwelling extension partially below the garden to the rear and driveway to the front together with new lightwells on the front and rear elevations, erection of side extension and alterations to the garage.

A late representation was received from Simon Levy Associates (25.03.23).

The planning officer tabled the following conditions and informative to be added to the decision notice:

Conditions

Condition 7: The ground floor room labelled “Storage + Bins” on drawings no. 1964 -201 – C shall not be used for the operation of mechanical plant machinery.

Reason: To protect the environment of people in neighbouring properties, as set out in Policies 7 and 3 of the City Plan 2019 – 2040 (April 2021). (R13BD)

Condition 8: You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building or erect any extensions without our permission. This is despite the provisions of Classes A, B and C of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (as amended) (or any order that may replace it). (C21EB)

Reason: 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, 33 and 38 of the City Plan 2019 – 2040 (April 2021). (R21ED)

Condition 9: Prior to commencement of works on the two story side extension located to the south-west of the site, you must submit a proposed second floor plan showing the roof of the extension set back in line with the extension shown at ground and first floor levels.

Reason: 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, 33 and 38 of the City Plan 2019 – 2040 (April 2021). (R21ED).

Informative

In relation to Condition 7, the installation of mechanical plant machinery in this location would be subject to a further application for planning permission.

The Committee Clerk read out Mark Doodes support of the application.

RESOLVED UNANIMOUSLY:

That conditional permission, as amended, be granted.

7 26 ALEXANDER STREET, LONDON, W2 5NT

Alterations to existing residential unit including construction of a new fourth floor mansard with dormer windows to front and rear, plus rooflight. Modifications to third floor front and rear facades and fenestration, including installation of double-glazed timber framed sash windows.

A late representation was received from the South East Bayswater Residents Association (03.04.23).

The planning officer tabled a proposal to amend the drawing numbers and for an additional condition to be added:

Drawing Numbers

22/18/00; 22/18/01; 22/43/01/P Rev A; 22/43/02 Rev A; 22/43/03 Rev C; 22/43/04 Rev A; 22/43/05 Rev A; 22/43/06; 22/43/07; 22/43/08 Rev D; 22/43/09 Rev A; 22/43/10 Rev G F; 22/43/11 Rev D; 22/43/12 Rev A; 22/43/13 Rev C D; Sustainable Design Statement; Vertical Sliding Sash Window Thermal Performance (U value) Calculation Report by Therm Consulting Ltd dated 21 August 2014; Daylight and Sunlight Assessment by T16 Design dated 28.04.22;

For Information Only: Planning/Design & Access Statement;

Condition

Condition 9: In the event the mansard roof is implemented, the additional floorspace it provides must not be occupied until the parapet wall is fully constructed in accordance with drawing nos. 22/43/10 Rev. L and 22/43/11 Rev. D.

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

James Senior addressed the Sub-Committee in support of the application.

RESOLVED (Grant – Councillors Jude, Langford and Sanquest; Refuse – Councillor Bush):

That conditional planning permission, as amended, be granted.

8 32 MAUNSEL STREET, LONDON, SW1P 2QN

Erection of single storey rear extension at first floor level.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

The Meeting ended at 11.06 pm.

CHAIRMAN: _____

DATE _____

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Agenda Annex

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 30th May 2023
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 21/04039/FULL Abbey Road	Langford Court 22 Abbey Road London NW8 9DN	Erection of mansard roof extension with green roof and lift overrun with communal satellite dish, 4 rooftop air source heat pumps within green wall enclosure with bird and bat boxes, in association with the provision of four additional residential flats and associated cycle and waste storage at basement level.	Langford Court Developments Ltd
	Recommendation Grant conditional permission, subject to a Grampian condition to secure lifetime (25 years) car club membership for the future occupiers of the four flats.			
Item No	References	Site Address	Proposal	Applicant
2.	RN(s): 23/01606/FULLM St. James's	Rupert House 19 Rupert Street London W1D 7PA	Use of upper and lower basements and ground floor as a place of worship and community centre.	Aziz Foundation
	Recommendation Grant conditional permission, including a Grampian condition to secure hostile vehicle mitigation measures on the public highway in Rupert Street.			
Item No	References	Site Address	Proposal	Applicant
3.	RN(s): Application 1: 22/07960/FULL – 5 Passmore Street Application 2: 22/07964/FULL – 7 Passmore Street Application 3: 22/07966/FULL – 9 Passmore Street Application 4: 22/07969/FULL – 11 Passmore Street Application 5: 22/07971/FULL – 13 Passmore Street Application 6: 22/07972/FULL – 15 Passmore Street Application 7: 22/07962/FULL – 17 Passmore Street Application 8:	5, 7, 9, 11, 13, 15, 17 and 19 Passmore Street, London, SW1W 8HR Passmore Street London SW1W 8HR	5, 7, 9, 13, 15 and 17 Passmore Street Demolition and rebuilding behind retained front facade and party walls with alterations to front fenestration, provision of a new basement, mansard roof, extensions at rear ground and first floor level and installation of air source heat pump in rear basement lightwell. (Applications 1, 2, 3, 5, 6 and 7) 11 and 19 Passmore Street Alterations to front fenestration, the provision of a new basement, mansard roof, extensions at rear ground and first floor level and installation of air source heat pump in rear basement lightwell. (Applications 4 and 8)	5-19 Passmore Street Limited

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 30th May 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

22/07967/FULL– 19 Passmore Street Knightsbridge & Belgravia			
<p>Recommendation</p> <p>Application 1:</p> <p>1. Grant conditional permission - subject to completion of a legal agreement to secure the following:</p> <ul style="list-style-type: none"> i) ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and ii) cost of monitoring agreement. <p>Application 2:</p> <p>1. Grant conditional permission - subject to completion of a legal agreement to secure the following:</p> <ul style="list-style-type: none"> i) ensuring that the building contract entered by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and ii) cost of monitoring agreement. <p>Application 3:</p> <p>1. Grant conditional permission - subject to completion of a legal agreement to secure the following:</p> <ul style="list-style-type: none"> i) ensuring that the building contract entered by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and ii) cost of monitoring agreement. <p>Application 4:</p> <p>1. Grant conditional permission - subject to completion of a legal agreement to secure the following:</p> <ul style="list-style-type: none"> i) ensuring that the building contract entered by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and ii) cost of monitoring agreement. <p>Application 5:</p> <p>1. Grant conditional permission - subject to completion of a legal agreement to secure the following:</p> <ul style="list-style-type: none"> i) ensuring that the building contract entered by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and ii) cost of monitoring agreement. <p>Application 6:</p> <p>1. Grant conditional permission - subject to completion of a legal agreement to secure the following:</p> <ul style="list-style-type: none"> i) ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and ii) cost of monitoring agreement. 			

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 30th May 2023
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Application 7:

1. Grant conditional permission - subject to completion of a legal agreement to secure the following:
 - i) ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and
 - ii) cost of monitoring agreement.

Application 8:

1. Grant conditional permission - subject to completion of a legal agreement to secure the following:
 - i) ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and
 - ii) cost of monitoring of this agreement.
2. If the S106 legal agreement has not been completed within 3 months of the date of the Committee's resolution, then:
 - a) The Director of Town Planning and Building Control shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director Town Planning and Building Control is authorised to determine and issue the decision under Delegated Powers; however, if not;

The Director of Town Planning and Building Control shall consider whether the permission should be reused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Item No	References	Site Address	Proposal	Applicant
4.	RN(s): 22/05869/FULL St James's	19 Villiers Street London WC2N 6ND	Installation of kitchen extract duct to rear elevation.	K Food London Ltd
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
5.	RN(s): 23/00188/FULL & 23/00189/LBC Marylebone	42 Wigmore Street London W1U 2RY	Alterations to 42 Wigmore Street at front elevation and rear (Welbeck Way) elevation at ground to fourth floor level. Roof terraces at third and fourth floor level for use by the existing office. Reconfiguration of mechanical plant area with associated machinery at fourth floor level. Enlargement of existing glass roof, installation of PV panels and green roof at main roof level. Re-landscaping of front courtyard including installation of green wall. Alterations to Wigmore Street arcade entrance (which forms part of 44-46 Wigmore Street).	Standard Life Assurance Limited

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 30th May 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.			
Item No	References	Site Address	Proposal	Applicant
6.	RN(s): 22/08684/FULL Marylebone	77 - 78 Marylebone High Street London W1U 5JW	Variation of Condition 14 of planning permission dated 7 December 2022 (RN: 22/04052/FULL) for, 'Use of the basement, ground, and part first floor as a restaurant (Class E(b)), installation of air conditioning units within acoustic enclosures at roof level and new full height extract ducting (kitchen extract duct and pizza oven flue) to west elevation'; NAMELY, to extend the opening hours of the restaurant use to customers between 08.00 hours and 23.30 hours on Monday to Thursday, 08.00 hours to 00.00 hours on Friday and Saturday, and 08.00 hours to 22.30 hours on Sundays, bank holidays and public holidays. (Application under Section 73 of the Act).	Big Mamma Group
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
7.	RN(s): 22/03136/FULL West End	3 Bateman Street London W1D 4AE	Use of the ground floor as a drinking establishment (sui generis use) as an extension to the existing bar at 2 Bateman Street.	Simmons Bars
	Recommendation Grant conditional permission.			

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 May 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved. Abbey Road	
Subject of Report	Langford Court, 22 Abbey Road, London, NW8 9DN		
Proposal	Erection of mansard roof extension with green roof and lift overrun with communal satellite dish, 4 rooftop air source heat pumps within green wall enclosure with bird and bat boxes, in association with the provision of four additional residential flats and associated cycle and waste storage at basement level.		
Agent	Mr Simon Baker		
On behalf of	Mr Hamidi		
Registered Number	21/04039/FULL	Date amended/ completed	14 March 2023
Date Application Received	17 June 2021		
Historic Building Grade	Unlisted (Nearest Listed Buildings are 12 Langford Place and 19-21 Abbey Road and Abbey Road Baptiste Church).		
Conservation Area	Outside (Adjacent to the St John's Wood Conservation Area)		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission, subject to a Grampian condition to secure lifetime (25 years) car club membership for the future occupiers of the four flats.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes a roof level extension to create four new residential flats with their energy needs provided by air source heat pumps, together with green roof and wall and associated lift overrun and communal satellite dish. The application has been amended during the course of the application in order to address the Health and Safety Executive Fire escape requirements and to address policy changes with respect to car parking, clean energy and biodiversity.

The St John's Wood Society has raised objection to the principle of a mansard roof extension on this building. Objections have also been received from Langford Court owner/occupiers, residents of Langford Place, Abbey Gardens and other surrounding neighbours, on a number of grounds including principle, design, amenity, parking, cleansing, density and a number of non-planning grounds including structural implications, disruption to services and common parts and property values.

In contrast a number of representations of support to the provision of additional housing have been received from predominantly the wider community .

The key considerations in this case are:-

- The acceptability of the proposed extension in design terms and its impact on the host building and the setting of the St John's Wood Conservation Area and nearby listed buildings.
- The impact on the proposal on the amenity of neighbouring residential properties both within and surrounding the application site.

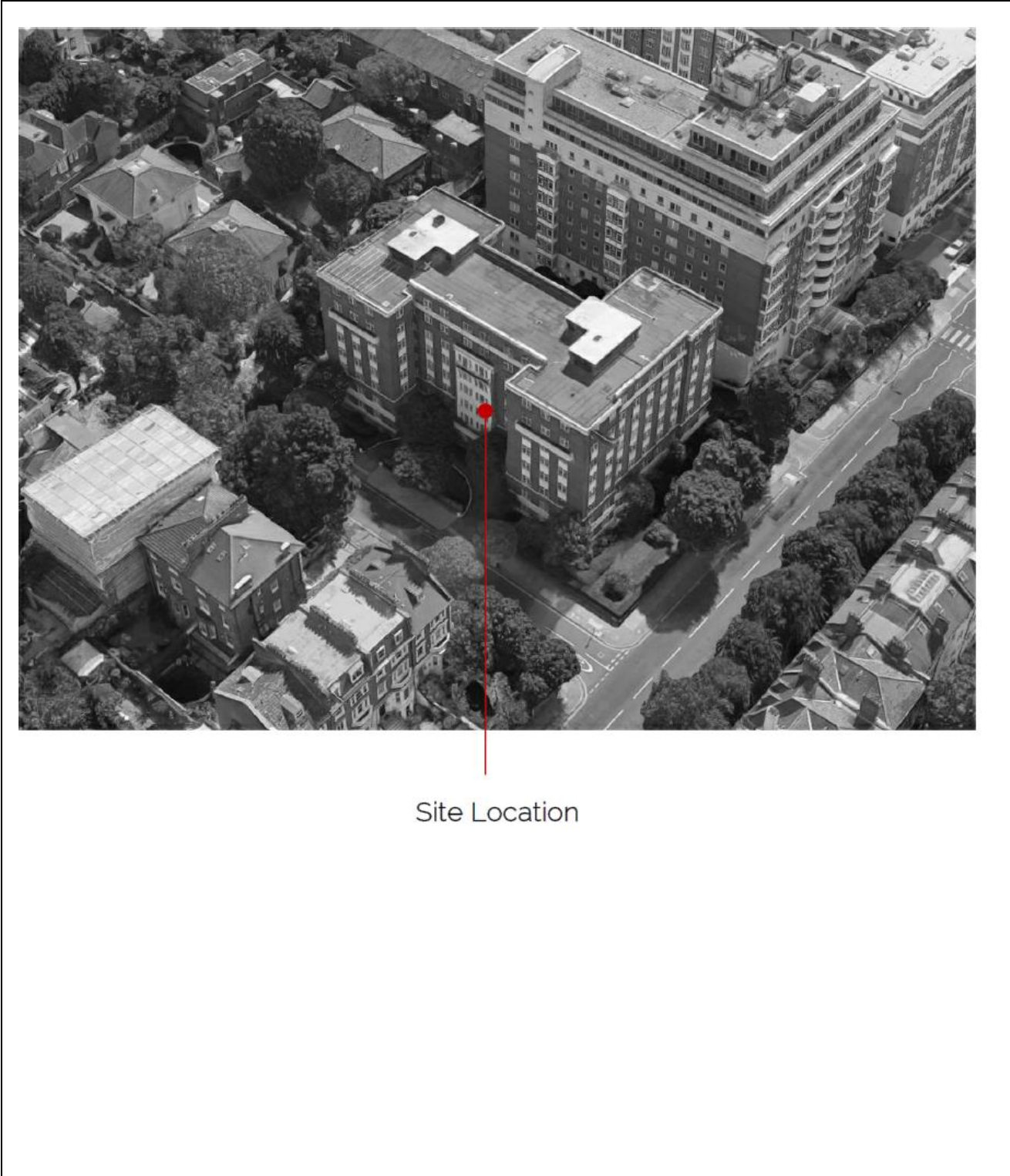
The proposal is considered to be acceptable and meets within the relevant development plan policies and notwithstanding the objections raised, a favourable recommendation is made.

3. LOCATION PLAN



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4. PHOTOGRAPHS





LANGFORD COURT SEEN FROM ABBEY ROAD PHOTO-MONTAGE



5. CONSULTATIONS

5.1 Application Consultations

THAMES WATER

No objection, informative recommended.

HEALTH AND SAFETY EXECUTIVE (HSE)

1st Response 06.01.2022:-Some concern.

2nd Response 01.02.2022:- Some concern.

3rd Response : 09.01.2023:-Concern.

4th Response 04.04.2023: Content.

HIGHWAYS PLANNING (07.07.2022 &10.01.2023)

No objection, subject to details of cycle storage and car club membership for future occupiers.

WASTE PROJECT OFFICER (06.07.2021 &08.11.2021)

No objection, subject to permanency condition.

ENVIRONMENTAL HEALTH (09.11.2021, 13.12.2021, 06.01.2022, 04.01.2023)

No objection, subject to standard noise and vibration conditions.

ARBORICULTURAL MANAGER (29.11.2021, 09.12.2021, 20.12.2022)

No objection, subject to

BUILDING CONTROL

Any response to be reported verbally.

WARD COUNCILLORS FOR ABBEY ROAD

Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY (05.08.2021, 22.11.2021)

Objection. Langford Court has an Art Deco aesthetic and is situated on a prominent site adjacent to the St John's Wood Conservation Area and the listed Nash and Gothic villas on Langford Place. The design and materials of the proposed additional mansard storey will have a negative impact on the Art Deco aesthetic of the existing building and the long views along Abbey Road and Langford Place. Object to these proposals which will also overly dominate the listed villas on Langford Place and will make a negative contribution to the local character and distinctiveness of the area. We also regret the proposed loss of St John's Wood Autos which is a valued local amenity.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

Various re-consultation has taken place during the course of the application.

No. Consulted: 278

Total No. of replies: 72

No. of objections: 53

No. in support: 18

OBJECTIONS

Principle

- Object to principle of development

Land use

- There is no shortage of penthouses.
- No benefits
- Loss of garage
- Huge economic impact
- Poor quality living space for future occupiers

Design

- Mansard roof with dormers wholly inappropriate.
- Detrimental to existing building and adjoining conservation area.
- Added bulk to the roof and unsymmetrical of only one enlarged lift overrun.
- Will change proportions and appearance of the building.
- Disproportion ally large roof extension.
- Dominant in street scape.
- Impact on skyline.
- Proposal has already been refused.
- Decline and loss of character of building.
- Scale, height and impact on the character of and appearance of the conservation area.

Amenity

- Loss of daylight and sunlight to Langford Court.
- Loss of daylight and sunlight to No.20 Abbey Road.
- Loss of light to Abbey Gardens.
- Overshadowing and overlooking to Langford Place.
- Bird/bat boxes not good for humans- bats carry diseases and impact on various pipework including water.
- Impact on mental and physical health
- Daylight and sunlight report out of date.
- Overlooking and sense of enclosure
- Impact on garden to Regents Mews

Environmental

- Negative impact on environment
- The roof is not the correct location for greening.

Transportation

- Query size of garage and manoeuvring space for vehicles.
- Impact on on-street parking.
- Cycle storage is a red herring.
- Exacerbation of parking stress
- No off street car parking

Density

- Overdevelopment

Cleansing

- Existing refuse storage is inadequate, proposed will make it worse.

Construction

- Disruption from works to water tanks and lifts.
- Loss of amenities during construction cold and hot water, hating, tv aerials, lifts.
- Impact of construction on free flow of traffic.
- Disruption during construction.
- Personal safety of living on a construction site.
- Pollution.
- Impact on people working from home.
- Nuisance
- Impact on common parts
- Lifts already break down.
- Impact of construction vehicles on congestion
- Impact on environment
- Impact on lifts during construction
- Impact on old pipes
- Constant construction works in the area over the last few years.

Structural

- Little evidence that existing structure is capable of additional load.
- Building currently subject of a subsidence claim.
- Structural impact especially with new sedum roof.

Other

- Access to the roof for maintenance
- Increase in flats requires more water supply, impact on water pressure.
- Alterations to vents.
- Additional pressure on common parts.
- Many residents did not receive the notice.
- Impact on water and electrical parts.
- Breach of lease for peace and enjoyment of flats
- Impact on value of properties.
- Increase in portorage costs/service charges.
- Insufficient time for consultation
- Assume leaseholders will be able to claim compensation for any damage to homes.
- Owners fail to follow government guidelines.
- Marketability/rental of flats during construction
- Too many applications submitted/revise.
- No community engagement

SUPPORT

- Sympathetic in design and scale
- Sustainable housing
- Will contribute to good quality homes in Westminster.

- Good use of space for new housing of which there is a shortage.
- Greening and biodiversity supported environmentally.
- London Plan policies keen for these sort of developments
- Discouraging car ownership is welcomed.

ADVERTISEMENT/SITE NOTICE: Yes

5.2 Applicant's Pre-Application Community Engagement

The applicant has not provided any evidence of engagement with the local community and key stakeholders in the area prior to the submission of the planning application which is disappointing given the advice and principles set out in our Early Community Engagement guidance.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

Langford Court is an unlisted mansion block of over 100 flats comprising basement, ground and seven upper floors, dating from the 1930's with a commercial garage at the rear of the basement accessed from Langford Place. It is a well-mannered but not exceptional design, typical of the period and with some Art Deco features, faced in red

brick with stone dressings. It has two street frontages, Abbey Road and Langford Place.

The site lies outside of but adjacent to the St John's Wood Conservation Area and the closest designated listed buildings are located at 12 Langford Place, 19-21 Abbey Road and Abbey Road Baptiste Church, all of which are Grade II listed.

Located to the east on the opposite side of the road are St Mark's Court and 11-17 Abbey Road and to the north properties in Langford Place (Numbers 14-20) which are much more domestic in scale and nature and the flank of 24 Abbey Road, to the west is Regents Mews and to the south 20 Abbey Road (13 storey residential block).

7.2 Recent Relevant History

07/07746/FULL

Erection of mansard roof extension with sedum roof and lift overrun with communal satellite dish to provide four additional residential flats, together with use of part basement for parking of cars and bicycles.

Application Permitted 29 November 2007

07/02833/FULL

Withdrawn planning application for "Construction of an additional storey to provide 9 self-contained flats 11.06.2007.

88/05525/FULL

Refusal of planning permission for "construction of an additional storey to provide 9 self-contained flats 05.06.1989-(refusal on parking grounds)

11.01.1978- Planning permission granted for erection of a roof extension to provide two flats.

8. THE PROPOSAL

The application was originally submitted in July 2021 and was identical to the submission of the 2007 permission. However, the applicant needed to evidence how this current proposal had evolved since the 2007 planning permission, to reflect key current policy issues with respect to a number of matters (energy, quantum of flats/optimisation/quality), biodiversity, car/cycle parking, acoustic report, daylight and sunlight report, fire strategy, waste and COCP, loss of mechanics garage). Subsequently, further details were received from December 2021 to April 2022 and a revised Fire statement in December 2022 which was amended again in March 2023. Various re-consultations took place during this time.

Planning permission is sought for a mansard roof extension to provide four new flats. The proposed development comprises of the following key elements:-

- Mansard roof (natural slate, lead dormers, metal framed double glazed windows).
- Lift overruns.
- Air Source Heat Pumps (ASHP) for heating and hot water.
- Green Roof, green wall & bird and bat boxes to lift overrun structure.
- Cycle & Waste storage to ground floor.

The proposal no longer involves the loss of the mechanic's garage.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The provision of new floorspace to create new residential accommodation in a residential area, is acceptable in principle in land use terms under policy 8 (Housing Delivery), subject to meeting the requirements of other relevant policies within our City Plan. As such the objections raised to the need for such accommodation are not supported.

Residential Use

Table 1: Proposed flats.

Flat	Number of bedrooms	Proposed GIA (sqm)	External amenity space	Aspect
Flat 1	3 bedrooms	150m2	9.8m2	Triple
Flat 2	1 bedroom	73m2	None (additional internal floorspace)	Single
Flat 3	1 bedroom	65m2	None (additional internal floorspace)	Single
Flat 4	4 bedrooms	185m2	15.7m2	Triple

Amenity of Proposed Units

The provision of four flats, two of which are family sized, provides for an acceptable mix of residential units. The family sized flats are generous but remain below the 200m2 threshold set out in policy, would be triple aspect and benefit from a private, enclosed external amenity area. The one-bedroom flats would be single aspect and are provided with additional internal floor space as they would not benefit from private amenity space, although they would (along with all flats within the building) have access to the existing communal gardens at ground floor level. All flats would be provided with passive ventilation (openable windows) and clean energy for heating and hot water (ASHP). The associated provision of cycle parking and waste and recycling for all four flats is proposed at ground floor level.

A Condition is recommended (supplementary acoustic report) to ensure that the internal environment for the occupiers of the four new flats is proven to meet our standard requirements for noise levels. This accords with Policy 33. Local environmental impacts.

Overall, the proposed flats are considered to be provided with good quality internal and external living conditions. For these reasons, the proposal is considered to satisfy the requirements of Policy 8. Housing delivery Policy 10. Housing for specific groups and Policy 12. Housing quality, Policy 7. Managing development for Westminster's people, Policy 33. Local environmental impacts and Policy 38(C). Design principles. For this reason, the objections made with respect to the quality of the flats is not supported.

Affordable Housing

The proposal is not of a scale (less than 1,000m² floorspace and less than 10 or more residential units) to trigger a requirement for the provision of affordable housing under Policy 9. Affordable housing of our City Plan.

9.2 Environment & Sustainability

Sustainable Design

The key environmental and sustainable features of the development are set out below:-

- Air Source Heat Pumps (ASHP) for space heating and hot water
- Fabric energy efficiency (insulation etc)
- High efficiency lighting
- Thermal mass and bridging (party floors and walls, corners etc)
- Double glazed windows
- Natural ventilation
- 69.6% reduction in carbon emissions
- Green roof, green wall, bird and bat boxes
- Car club & cycle parking

The proposed development is of satisfactory sustainable design in accordance with Policy 38.

Energy Performance

The proposed development is proposed to achieve an on-site reduction of carbon dioxide of 69.6% beyond building regulation through energy efficiency measures and maximised use of renewable technologies, comprising 15.3% through energy efficient measures and 54.4% through renewable technologies. This is considered acceptable and meets with the requirement of Policy 36. Energy for a non-major application.

Due to the scale of the development (less than 5 units and less than 500m²) a BREEAM assessment was not required.

Circular Economy

Given the nature of the site and number of existing residents within the building and surrounding the site, whilst not required, the applicant has agreed to sign up to our Code of Construction Practice (COCP). The applicant will need to demonstrate the recycling, re-use, and responsible disposal of construction waste in accordance with our COCP and this satisfies Policy 37 Waste management.

Air Quality

The site falls outside of a designed Air Quality Focus area and is not of a scale or nature to require an Air Quality Assessment (AQA) and therefore Policy 32. Air quality is not triggered.

Flood Risk & Sustainable Drainage

The site falls outside of Flood Zones 2 and 3 and is not located within a Surface Water Flood Risk hotspot. Given these factors together with the scale of the development a

Flood Risk Assessment was not required in relation to Policy 35. Flood risk. Notwithstanding this, the proposed green roof will be of benefit.

Light Pollution

Given the nature of the proposal, it is not considered to raise concerns with respect to light pollution in accordance with Policy 33 Local environmental impacts.

Land Contamination

Not applicable

Environment & Sustainability Summary

For the reasons set out above, the proposed development (non-major) is considered to be of satisfactorily sustainable design.

9.3 Biodiversity & Greening

The proposed development incorporates a green (sedum) roof across the entire roof of the mansard, together with a green wall and bird and bat boxes to the lift overrun structure on the roof. This is welcomed and would positively increase the biodiversity of the site in accordance Policy 34. Green infrastructure. Further details of these features are to be required by condition as requested by our Arboricultural Manager. A further condition is recommended to prevent the use of this roof as a terrace for recreational purposes in the interest of safeguarding the amenities of surrounding residential properties particularly No. 20 Abbey Road.

Whilst objections have been received to the provision of bird and bat boxes, on health grounds (associated with bat droppings etc getting into the pipework/water). There is no evidence to justify that this will be an issue, and this is not considered to be a justified reason in which to withhold permission.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA 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 LBCA Act requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded

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familiar local views into, out of, within or across the area, it will not be permitted.

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

Bulk, Height & Scale

The principle of a roof extension to Langford Court is considered difficult to resist, as it lies outside of the conservation area, and is adjoined to the south by No. 20 Abbey Road which is a substantially higher 13 storey building. The buildings to the north and east, which are within the St. John's Wood Conservation Area, are significantly lower than Langford Court at 3-4 storeys. Given the existing height difference, an additional storey of an appropriate form and design to Langford Court is not considered to have a material impact on their setting. Even with the addition of a further storey, Langford Court will continue to provide a transition in terms of height and roofline between 20 Abbey Road and the buildings within the conservation area.

Whilst the St John's Wood Society has raised objection to the roof extension on the basis that it will also overly dominate the listed villas on Langford Place and will make a negative contribution to the local character and distinctiveness of the area. For the reasons set out above, their view is not supported.

Detailed Design

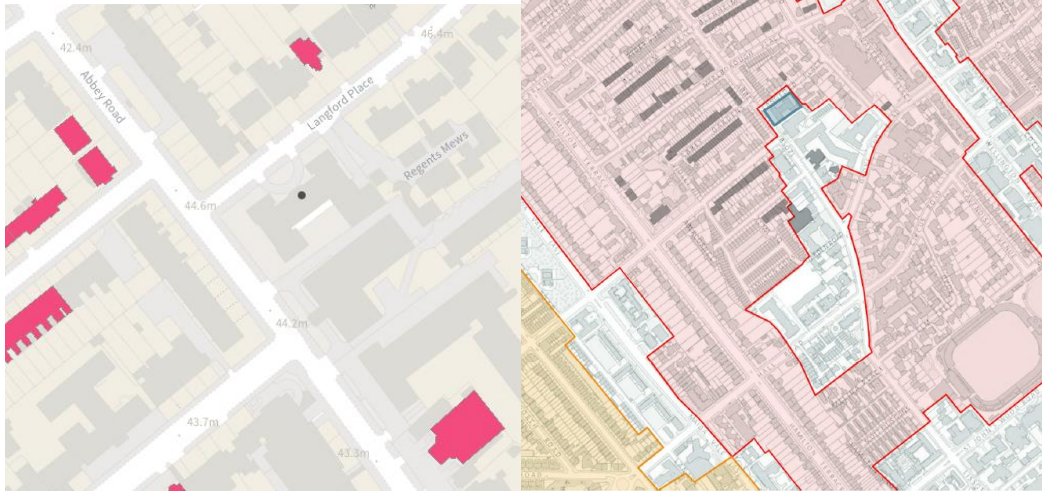
The form and detailed design of the proposed additional storey is considered acceptable and comprises a slate clad mansard with dormers, with steel framed windows to match the existing original windows to the building. A number of similar mansard roof storeys to buildings of a similar period and architectural style can be seen in the vicinity, and the slight set back to all elevations and the sloping form of the roof will reduce its apparent bulk and visual prominence in views from street level. A lift overrun is proposed at roof level. Whilst policy would normally require that this be contained within the envelope of the building, it is considered that as the structure in question is set back from all elevations, and will not impinge significantly on views from street level that this approach is acceptable in this instance. As there are a number of similar structures to other buildings in the vicinity, a refusal on these grounds would be difficult to substantiate.

Whilst the St John's Wood Society has raised objection to the design and materials of the proposed additional mansard storey having a negative impact on the Art Deco aesthetic of the existing building and the long views along Abbey Road and Langford Place and on the basis that it will also overly dominate the listed villas on Langford Place and will make a negative contribution to the local character and distinctiveness of the area. For the reasons set out in this assessment, this view is not supported.

Impact on Heritage Assets

The application site is not listed and is not located within a conservation area. However, it is acknowledged that the site lies adjacent to the St John's Wood Conservation Area and that the closest designated listed buildings are located at 12 Langford Place, 19-21

abbey Road and Abbey Road Baptiste Church, all of which are Grade II listed.



Given the location of the nearest listed buildings and their relationship with the development site and in particular taking into account the existing height difference, an additional storey of an appropriate form and design to Langford Court is not considered to have a material impact on their setting. Even with the addition of a further storey, Langford Court will continue to provide a transition in terms of height and roofline between 20 Abbey Road and the buildings including listed buildings within the conservation area. As such the proposal is considered to preserve the setting of the listed buildings within the vicinity of the site and the setting of the adjacent conservation area. The objections raised on these grounds, are for the reasons set out above, not supported. Consequently, the proposed development is considered to comply with Policy 38. Design, Policy 39. Westminster's heritage, Policy 40. Townscape and architecture and with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Fire Safety

Due to the height of the building and its residential use, the proposal was subject to consultation with the Health and Safety Executive (HSE) as part of Planning Gateway One. Whilst concern was originally raised, following the submission of further information and a number in interim HSE responses, the HSE are now "content" with the proposal from a fire safety perspective for the purpose of the planning application. Full details will subsequently still be required through the Building Regulations. The proposal is therefore considered to satisfy Policy D12. Fire Safety.

Landscaping & Public Realm

Not applicable

Archaeology

The site is not located within an Archaeological Priority Area.

9.5 Residential Amenity

Sense of enclosure and privacy

The building comprises a central core area with two projecting wings with the main frontage facing Langford Place and the rear facing 20 Abbey Road a 13-storey residential block, with the flank of the wings facing Abbey Road and Regents Mews respectively. The existing roof of Langford Court houses two structures which comprise lift motor room, tank room and staircase core measuring 2.1m high and around 49 m² each, and is enclosed by 0.6m high railings.

The proposed mansard roof extension would be set back from the roof edge at a 70 degree angle. The proposed lift overrun would project a further 1.1m in height towards the central part of the roof. The elevation facing the flank of No.20 Abbey Road would retain a distance of between 10-20m, with window to window distances of 20m. In terms of the potential impact on the occupiers of No.20 Abbey Road, given the height of the proposed mansard roof, its 70 degree angle and the distance between the two properties it is not considered that the proposal would result in any significant impact on the amenities currently enjoyed by occupiers of that property block.

Other surrounding properties located on the opposite side of Abbey Road, Langford Place and Regents Mews are much lower than Langford Court and retain distances of 34m and 21-33m and 20m respectively. Given these distances and the height and set back of the roof extension, it is not considered that these surrounding residential properties, including those existing within Langford Court itself, would be significantly affected by the proposal.

Therefore, whilst objections have been raised on these grounds, they do not justify withholding permission.

Daylight & Sunlight

A daylight and sunlight survey submitted in support of the proposal assesses a selection of windows to three surrounding properties, 20, 24 Abbey Road, 12a Marks Court and 7 and 14-20 Langford Place, 2 Regents Mews. This indicates that there will not be any significant reduction in the amount of daylight and sunlight received by surrounding properties in accordance with the Building Research Establishment Guide Site layout planning for daylight and sunlight- a guide to good practice. The original daylight and sunlight Survey based on the 2nd 2011 edition of the BRE guidelines has been subsequently supported by a supplementary letter from the daylight & sunlight consultant stating:- "*In June 2022 the 3rd edition of the BRE guidance was released and although the method for assessing daylight within proposals as changed, the method for assessing the impacts on neighbours has not*". This is correct and as such a new assessment was not required to assess the impact on neighbours as it would have resulted in the same results. The Conclusion remains that there would be no significant loss of daylight or sunlight to neighbours in accordance with the BRE guidelines. The objection raised to the results of the daylight and sunlight survey being out of date are not agreed, Furthermore, notwithstanding the objections on grounds of loss of daylight and sunlight to neighbours, this is not the findings of the report or officers' conclusions and are therefore not supported.

Roof terraces are proposed for each of the family sized units. These are however "hidden", being set behind a high parapet and are therefore not afforded any views to surrounding residential properties. In these circumstances, and given the distance to surrounding properties and the small domestic scale of the terraces, it is not considered

that they would result in any significant overlooking or noise disturbance to neighbours.

Overall, and for the reasons set out above, notwithstanding the objections raised on amenity grounds, the proposal is not considered to result in any significant loss of amenity to existing residents within Langford Court or neighbours surrounding the site. This accords with Policy 7(Managing development for Westminster’s people, Policy 33 Local environmental impacts and Policy 38 Design principles.

Noise & Vibration

The City Council’s Environmental Health team has confirmed that the proposed plant (Air Source heat pumps) is able to comply with our standard noise conditions to protect the noise environment of future occupiers of the flats and existing surrounding residents. Conditions are recommended to ensure ongoing compliance with our noise and vibration standards. This accords with Policy 33. Local environmental impacts.

9.6 Transportation, Accessibility & Servicing

Highway Impact

The provision of four new flats within a residential area is not considered to result in any significant highways impact and no changes to the highway are indicated.

Accessibility

The proposed flats will be access via the existing main entrance to Langford Court and lift access extended to the new floor.

Servicing and Waste & Recycling Storage

No off street servicing is detailed. However, the servicing requirements of the flats (including waste collection) will be subject to the same as the existing flats within Langford Court and will need to comply with on-street restrictions. As such Policy 29. Freight and servicing and Policy 37 Waste management are satisfied.

Cycling & Cycle Storage

Whilst provision is made for some cycle parking within the site at ground floor level. The London Plan policy T5 requires 7 spaces. As such full details are sought by condition to require additional provision, to ensure compliance with Policy 25 Walking and cycling.

Parking

Four new flats are proposed without any off-street car parking, which accords with Policy 27. Parking, which encourages car free living and the use of more sustainable modes of transport, which is necessary to reduce congestion and improve air quality and road safety. A Grampian condition is proposed to secure lifetime (25 years) car club membership for the future occupiers. As car free development is policy compliant and the provision of car club membership is to be secured, the objections raised with respect to the provision of new residential units without car parking are not supported.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

9.8 Other Considerations

A number of concerns have been raised by residents of Langford Court in respect of structural implications, impact on water tanks and lifts and disturbance during construction. These are not planning issues under which the application can be assessed, a response to these concerns has been provided by the applicant. They can see no reason why the existing building could not take the weight of the proposed roof extension; new water tanks are to be provided and the cold water system adapted and upgraded to modern standards. It is intended to upgrade one of the three existing lifts and extend it to serve the new flats. In terms of construction methodology, it is intended to construct the new mansard roof extension over the top of the existing roof, which will remain in place. A new communal satellite dish is to replace those existing and is to be attached to the wall of the lift overrun. The applicant has agreed to sign up to our Code of Construction Practice (COCP) which should go some way to addressing some of these concerns.

Other matters raised with respect to ability to rent/sell flats service charge costs etc, are not matters that can be considered in the determination of this planning application.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

A Grampian condition is recommended to secure lifetime (25 years) car club membership for the future occupiers of the four flats.

The estimated CIL payment is:

WCC CIL £414,996.31
MCIL £49,124.32

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e., conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10-day period following notification by the Council of the proposed condition, the reason and justification for the condition.

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 Grampian condition to secure car club membership and the City Council's Code of Construction Practice. The applicant has agreed to the imposition of the conditions.

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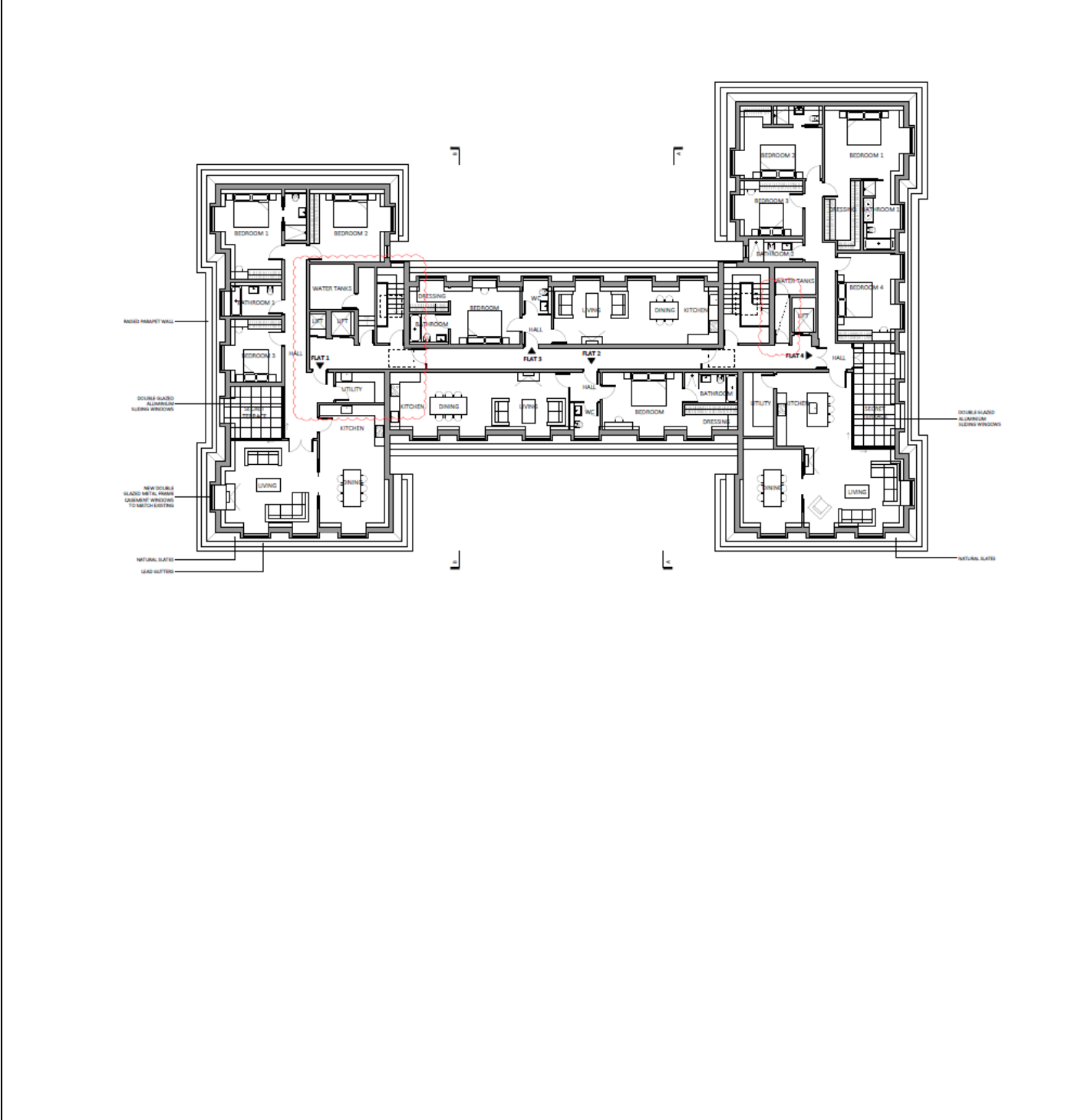
10. Conclusion

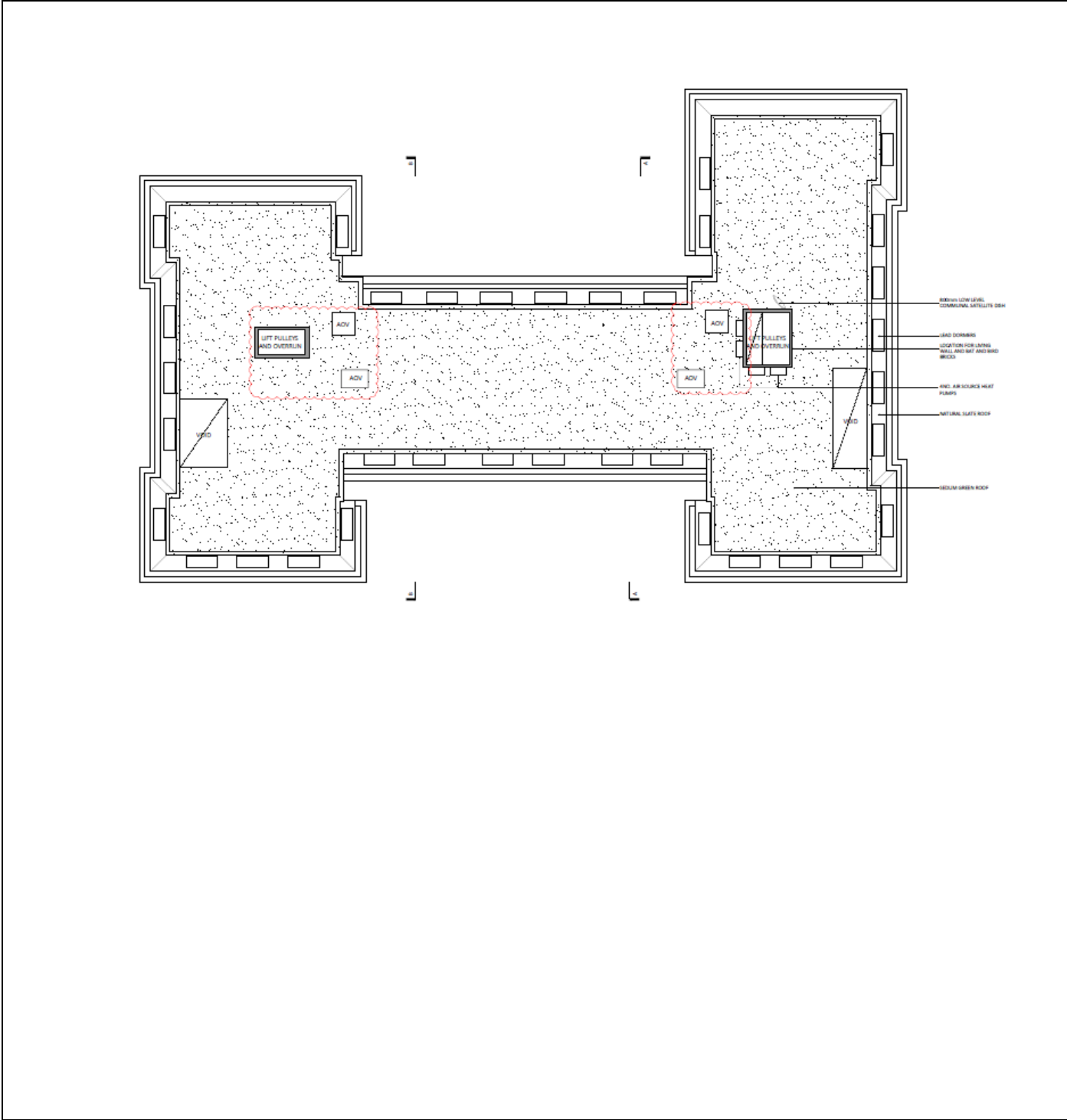
The provision of a mansard roof extension to provide four new flats is considered to be acceptable and would not be harmful to the amenities of neighbours or the setting of the adjacent conservation area and listed buildings in the vicinity and as such, the proposal is considered acceptable, mindful of the relevant policies of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission (subject to a Grampian condition to secure car club membership for the future occupiers of the four flats) would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

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

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

11. KEY DRAWINGS







PROPOSED VISUAL FROM THE JUNCTION OF LANGFORD PLACE AND ABBEY ROAD



PROPOSED VISUAL FROM ABBEY ROAD



AXONOMETRIC VIEW OF PROPOSED MANSARD ROOF

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DRAFT DECISION LETTER

Address: Langford Court, 22 Abbey Road, London, NW8 9DN

Proposal: Erection of mansard roof extension with green roof and lift overrun with communal satellite dish, 4 rooftop air source heat pumps within green wall enclosure with bird and bat boxes, in association with the provision of four additional residential flats and associated cycle and waste storage at basement level. (Re-Consultation on revised scheme with revised 8th floor and roof plans, daylight and sunlight letter and new fire strategy)

Reference: 21/04039/FULL

Plan Nos: 2107_301_Proposed Basement Plan_REV A, 2107_302_Proposed Refuse & Cycle Storage, 2107_302_Proposed Seventh Floor, 2107_303_Proposed Eighth Floor Plan_REV B, 2107_304_Proposed Roof Plan_REV D, 2107_311_Proposed Front (North West) Elevation_REV A, 2107_312_Proposed Side (South West) Elevation_REV A, 2107_313_Proposed Rear (South East) Elevation_REV A, 2107_314_Proposed Side (North East) Elevation, 2107_321_Proposed Section AA_REV A, 2107_322_Proposed Section BB, 2107_050_Site Location Plan, 2107_101_Existing Basement Floor Plan, 2107_102_Existing Seventh Floor Plan, 2107_104_Existing Roof Plan, 2107_111_Existing Front (North West) Elevation, 2107_112_Existing Side (South West) Elevation, 2107_113_Existing Rear (South East) Elevation, 2107_114_Existing Side (North East) Elevation, 2107_121_Existing Section AA, 2107_122_Existing Section BB
2107_Design & Access Statement_REV B, Fire Statement 07.03.2023 by BB7, Letter of Comfort for the Daylight Sunlight Assessment by T16 Design Ltd 5/10/22, Daylight and Sunlight Assessment by T16 Design Ltd, Details of Bauder Sedum Roof, Acoustic Report by KP Acoustics, Energy Assessment by Eight Associates, Image of Satellite Dish, Specification of Satellite Dish, Planning Statement 11 June 2021, Covering Letter 16 June 2021

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641
07866036375

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , onot at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

Reason:

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

- 4 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

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

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

- 6 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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

- 7 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:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 8 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

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)

- 9 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 302 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

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

- 10 You must put up a copy of this planning permission and all its conditions in the shared part of the building on the ground floor for as long as the work continues on site., , You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21JA)

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)

- 11 You must apply to us for approval of details of secure cycle storage for the the four flats (7 spaces) use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the building. You must not use the cycle storage for any other purpose. (C22HA)

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)

- 12 Pre Occupation Condition. You must not use any part of the development until we have approved in writing appropriate arrangements to secure the following., , Mitigation for the potential increased demand for on -street car parking., , In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BB)

Reason:

To ensure that adequate mitigation is provided for the potential increased demand for on street car parking spaces from people living in the residential part of the development and to promote sustainable modes of transportation as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021).

- 13 (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 Environmental Supplementary Planning Document (February 2022), 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)

- 14 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 15 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)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 16 You must apply to us for approval of sound insulation measures (facade/glazing specification) and a Noise Assessment Report to demonstrate that the development will comply with the Council's noise criteria set out in Condition 15 (C49AA); 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. You must then carry out the work according to the details approved before the units/space are occupied and thereafter retain and maintain (C51BB customised wording)

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 Environmental Supplementary Planning Document (February 2022), 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 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the Green roof, green wall and bird and bat boxes 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 reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43AC)

- 18 The residential unit(s) hereby approved shall be constructed to achieve mains water consumption of 105 litres or less per head per day (excluding allowance of up to five litres for external water consumption) using the fittings approach.

Reason:

The site is in an area of serious water stress requiring water efficiency opportunities to be maximised to mitigate the impacts of climate change and enhance the sustainability of the development in accordance with Policy 38(D) in the City Plan 2019 - 2040, Policy SI5 in the London Plan 2021 and our Environmental Supplementary Planning Document (2022).

- 19 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application., , All

features set out in your energy strategy and including the following:- , Air Source Heat Pumps (ASHP) for space heating and hot water, Fabric energy efficiency (insulation etc) , High efficiency lighting, Thermal mass and bridging (party floors and walls, corners etc) , Double glazed windows , Natural ventilation, 69.6% reduction in carbon emissions , Green roof, green wall, bird and bat boxes, Car club & cycle parking , , You must not remove any of these features. (C44AA)

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)

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 THAMES WATER, Waste Comments, With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services.>, , There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes.>, , , , As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the

Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section., , Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided., , Water Comments, The proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or construction within 5m, of strategic water mains. Thames Water request that the following condition be added to any planning permission. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works. Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk., , There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>, , If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/building-water., , On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.,

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)

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

- 5 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)

- 6 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.

- 7 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at jperkins@westminster.gov.uk.

- 8 with respect to the requirements of Condition 12, in order to discharge this condition it is likely that you will be required to provide a Unilateral Undertaken with respect to the provision of Lifetime (25 years) Car Club Membership for the future occupiers of the four new flats at Nil cost.

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.

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 May 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	Rupert House, 19 Rupert Street, London, W1D 7PA		
Proposal	Use of upper and lower basements and ground floor as a place of worship and community centre.		
Agent	Centro Planning		
On behalf of	Aziz Foundation		
Registered Number	23/01606/FULLM	Date amended/ completed	10 March 2023
Date Application Received	10 March 2023		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Neighbourhood Plan	N/A		

1. RECOMMENDATION

Grant conditional permission, including a Grampian condition to secure hostile vehicle mitigation measures on the public highway in Rupert Street.

2. SUMMARY & KEY CONSIDERATIONS

The application involves a basement and sub-basement unit within the Trocadero complex, located on the western side of Rupert Street. The site was last used as a small two-screen cinema which opened in the mid-1980's (the Metro Cinema), under a personal planning permission. The unit has been vacant since 2006 and planning permission is sought for the use of this space as a place of worship and community centre, with a main community hall and prayer space at lower basement level for 250 worshippers and a mezzanine floor at upper basement level which will allow for up to 140 worshippers (a total capacity of 390).

The key considerations in this case are:

- * whether the use is acceptable in terms of land use terms;
- * the impact on residential amenity;
- * the impact on highways;
- * crime, security and safe means of access to the proposed use.

An application was submitted in February 2020 for a place of worship and community use (for 1,000

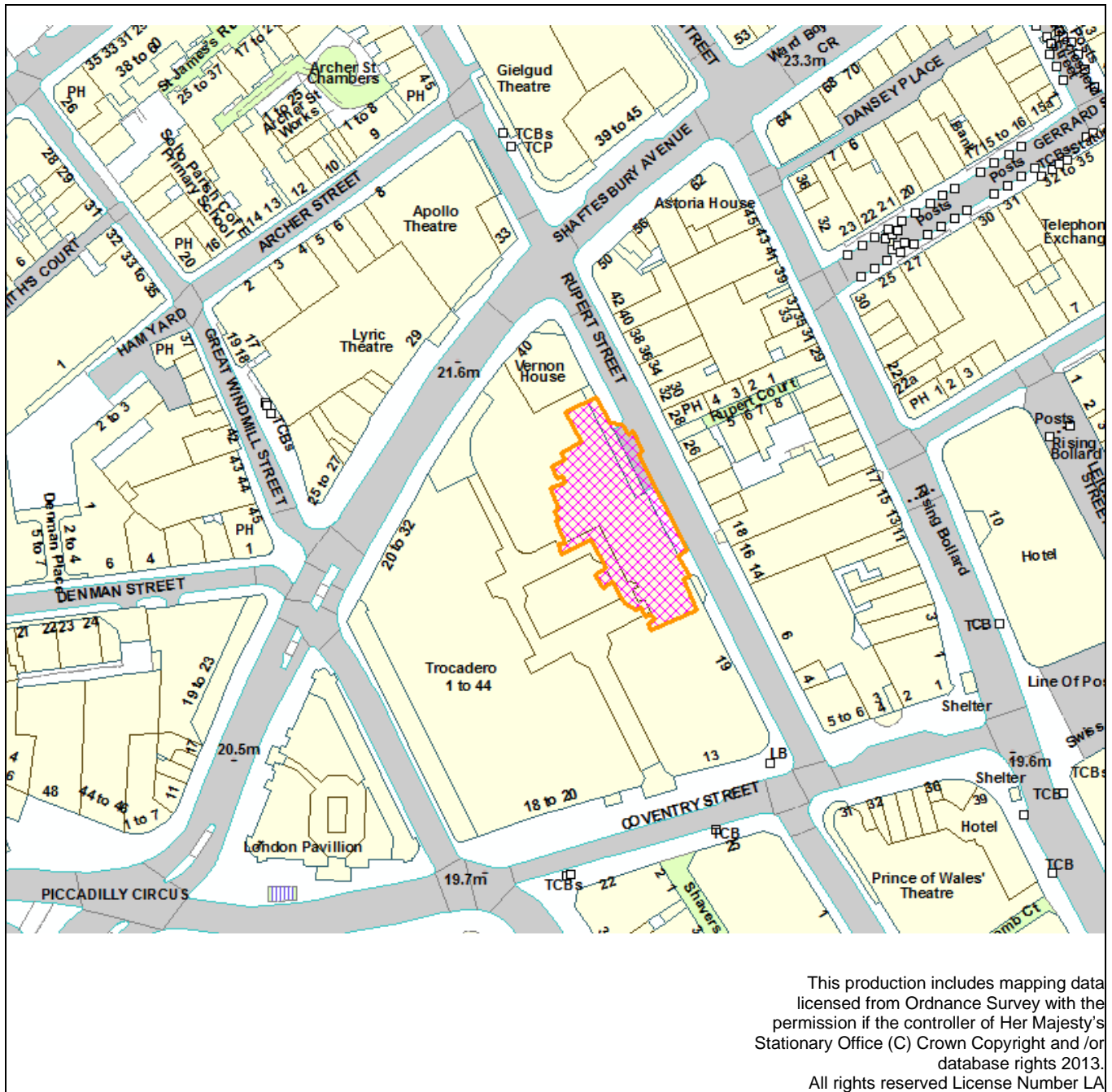
worshippers) which was withdrawn before being determined. It had however been recommended for refusal on the grounds of the impact of customers queuing on the highway, the increase in crime and the inadequate means of escape from the premises.

Policy 17 supports new community facilities throughout Westminster where there is an identified present or future need. Surveys of the three closest Mosques to the site, Soho Mosque, Mayfair Mosque and Goodge Street Mosque have been provided which show that all three operate at full capacity and the applicant therefore argues that the proposal would provide an additional place of prayer to address the shortfall that currently exists within London's West End. The principle of a new community use here has also been agreed following a permission granted in May 2018.

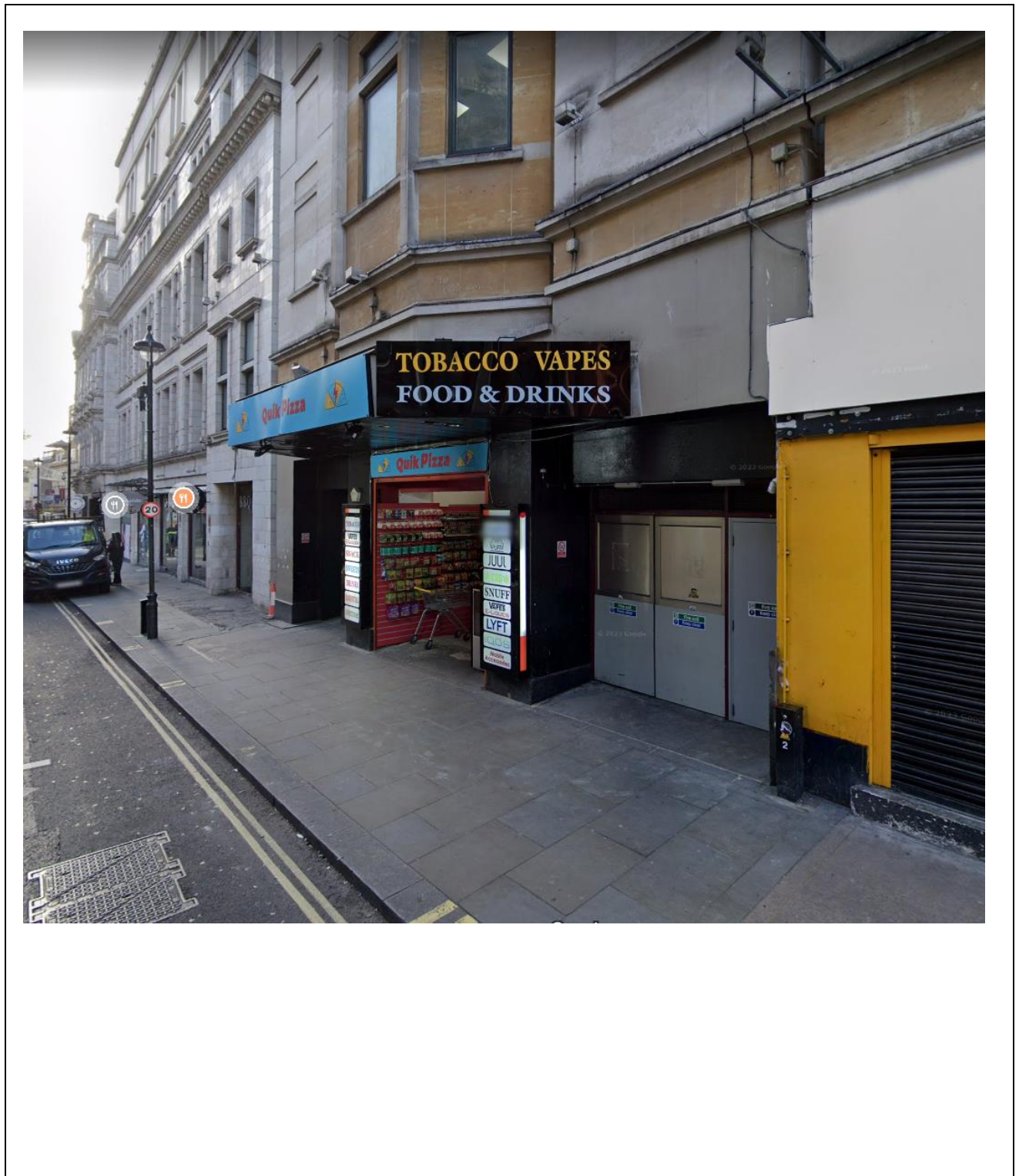
Survey information relating to attendees of the Goodge Street Mosque, which has a greater capacity of approximately 800, and pedestrian surveys of Rupert Street have been provided to demonstrate that queuing is unlikely to occur on Rupert Street when the premises operates at maximum capacity. And a range of security measures, and fire safety measures, are proposed to ensure the safety of users of the site.

Despite concerns raised on noise grounds, given that queuing is unlikely to occur, and that the main hall is located at basement level, any noise associated with the use of the site as a prayer and community centre is expected to be well contained within the building itself and noise breakout is not anticipated. Subject to appropriate conditions, the proposal is considered to comply with relevant adopted City Plan 2019-2040 policies and is therefore recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

METROPOLITAN POLICE

No objections raised.

BRITISH TRANSPORT POLICE

No objections raised.

LONDON UNDERGROUND LIMITED

No comments raised.

TRANSPORT FOR LONDON

No objections raised.

LONDON FIRE AUTHORITY

No objections raised.

CROSSRAIL LINKS LTD (1)

No comments raised.

CROSSRAIL 2 LINKS LTD

No comments raised.

SOHO SOCIETY

Raise no objection to the principle of the use and accept the need to provide space for an Islamic Centre, although the data in the application is not current and figures may have reduced following the pandemic. Objects to the proposed capacity, which should be reduced to 250, on the basis of concerns about public safety, especially given that this section of Rupert Street is already facing the prospect of greater footfall from other uses within the Trocadero site. This could lead to increased pavement congestion and adverse impact on the amenity of neighbouring residents from noise nuisance. Would like to see a condition which guarantees that there will be equality of access to the premises for community use.

HIGHWAYS PLANNING MANAGER

No objections raised.

ENVIRONMENTAL HEALTH

No objections raised.

BUILDING CONTROL

No response to date.

WASTE PROJECT OFFICER

No objections.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 300; Total No. of replies: 5
 No. of objections: 2
 No. in support: 3

Two letters raising concerns on the grounds of:

- * Noise from worshippers as they are entering and leaving, and as they congregate at the entrance
- * The acoustic report refers to high levels of background noise, but Rupert Street is quiet for most of the day.
- * Procedures should be put in place so that worshippers enter and exit quickly without congregating in the street and to not allow amplified music from mobile speakers or mobile phones
- * Pavement congestion on Rupert Street, particularly from bicycles being left on the pavement for the duration of services
- * Noise from construction activities. Trocadero ground floor tenants have shown little adherence to time limits in the past, doing construction at all hours of the day and night (3am)
- * Traffic from cars, motorcycles, bikes, tuktuks. These will be noisy and people will struggle to find where to park them legally while they pop in for quick prayers.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Public exhibition	9.10.19	12	Crime and the safety of those using the facility.
Briefing document & invitation to a meeting sent to Political and Community Stakeholders including Ward Councillors, Shaftesbury, the Soho Society and the Westminster Faith Exchange			

In summary, across the range of engagement undertaken by the applicant the principal issues raised related to crime and the safety of those using the facility.

The applicant's Statement of Community Involvement and other application documents identify that the scheme has been revised in the following ways in response to views and

representations expressed during pre-application community engagement by way of reducing the capacity of the centre from up to 1,000 to 390, developing a revised fire exit, highways and policing strategies.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The application involves a basement and sub-basement unit within the Trocadero complex, located on the western side of Rupert Street. The site was last used as a small two-screen cinema which opened in the mid-1980's (the Metro Cinema), under a personal planning permission. It is understood that one of the screens had a capacity of 195 seats and the second a capacity of 84 (279 total). The unit itself has been vacant since 2006 when the cinema closed and the lower ground floors have been stripped-out and reverted to a shell. The lobby area at ground floor has however been used for a variety of retail uses, including for the sales of theatre tickets.

Whilst the principal pedestrian access to the site is from Rupert Street there is a secondary entrance from Piccadilly Underground Station at basement level.

The site is located within the Central Activities Zone, the West End Strategic Cultural Area and the West End Special Retail Policy Area (WESPRA). The boundary of the

Soho conservation area runs along the centre of Rupert Street, the eastern side of which is in the Chinatown conservation area. In Coventry Street, the Soho conservation area adjoins the Leicester Square conservation area and the Haymarket conservation area. Whilst parts of the Trocadero complex are Grade II listed, the site which forms the subject of this planning application is not part of any of these listings.

The area surrounding the site is one of varied character comprising restaurants and cafes, shops, offices, hotel accommodation, cinemas, casinos, bars, and nightclubs. There is also a significant amount of residential accommodation on Rupert Street including flats at 16A and 22 Rupert Street and at 5-6 Coventry Street.

7.2 Recent Relevant History

The London Trocadero was created in the early 1980s under a Greater London Council permission issued on 22 January 1980. Following this a major scheme of refurbishment works was approved by the City Council on 24 November 1989 which permitted, inter alia, alterations and extensions to allow for an expanded mixed-use complex incorporating retail, restaurant, entertainment, cinema and office uses. This scheme was substantially completed by the end of 1992.

Planning permission was granted on 6 December 1984 (84/03331/FULL) for the use of the basement, sub-basement and ground floor foyer at 19 Rupert Street as a public cinema containing two auditoria. A condition attached to the decision made this permission personal to 'The Other Cinema Ltd'

Planning permission for the partial demolition and redevelopment of the Trocadero for use as a 471 bedroom hotel, eight residential units, retail (Class A1) uses and a restaurant (Class A3), Community Arts Space and provision of a replacement facade on Shaftesbury Avenue and alteration to the existing facade on Rupert Street was granted in October 2008.

Planning permission was granted in July 2010 for the use of part second to seventh floor levels as a 495 bedroom hotel. New retail (Class A1) at ground and first floor level on Shaftesbury Avenue, reconfiguration of the loading bay on Rupert Street and use of part basement, ground and second to fifth floors of 40 Shaftesbury Avenue (Vernon House) for residential purposes (4 x 1-bed, 4 x 2-bed and 1 x 3-bed flats).

Planning permission was refused on 14 July 2011 for the use of part basement and part sub-basement as a restaurant (Class A3) and erection of new full height extract duct behind existing facade. The application was refused on the grounds that the proposal would result in the loss of a cinema (Class D2) without providing a replacement cultural use. An appeal against this decision was subsequently dismissed.

Planning permission was refused on 4 September 2012 for the use of part ground floor (of the former cinema at 19 Rupert Street) as a mini cab booking office (sui generis) on the grounds that the loss of part of the former cinema (Class D2) would not provide a replacement cultural use, thereby being detrimental to the character and function of the CAZ.

Permission granted 10 November 2015 for the use of lower ground, ground and

mezzanine levels as a museum (Class D1) with ancillary retail and cafe floor space at ground floor level, installation of replacement shopfront to Coventry Street elevation and alterations to entrances on Rupert Street elevation and associated external alterations. (This was never implemented.)

Permission granted 24 May 2018 for the use of the basement as a community and arts centre (Class D1) and installation of new entrance door on Rupert Street. (This has not been implemented.)

An application was submitted to the Council in February 2020 for a place of worship and community use (Use Class D1). The application was scheduled to be considered on 27 July 2020 however the application was withdrawn before being determined. It had however been recommended for refusal on the grounds of the impact of customers queuing on the highway, the increase in crime and the inadequate means of escape from the premises.

8. THE PROPOSAL

The application, submitted by the Aziz Foundation, seeks planning permission for the use of the vacant former Metro cinema as a place of worship as a mosque and community centre. External alterations to the Rupert Street frontage are also proposed including new aluminium doors and a new chain link shutter. The signage will also be updated but this does not form part of this application.

Entrance to the application site will be from Rupert Street at street level, via three entry doors, which provide three different routes to the basement level. Two routes provide access to stairs down to the basement, whilst a third route provides access to a lift for those unable to use the stairs.

The application site does have a private access directly from Piccadilly Circus underground station, which provided a secondary means of access in the withdrawn scheme. However, access via the underground is not being proposed as part of this application, or as a means of escape.

The main community hall and prayer space (320m²) at lower basement level will allow for approximately 250 worshippers when used for Friday prayers. This space will not only be used for prayer, but also interfaith events, classes and other community uses. It is understood that bi-fold doors will be utilised to the rear of the community hall to allow for separation when more than one community use is taking place at the same time.

A mezzanine space is provided at upper basement floor level together with toilets and ablution areas. The mezzanine space will allow for up to 140 worshippers. The other rooms on this floor would be used for the provision of ancillary facilities such as storage and plant rooms and a security control room. There is no formal kitchen or catering facilities.

The opening times of the premises as proposed will be between 10:00 and 19:00 hours Monday to Fridays. The applicant has also confirmed that the centre does not propose to hold special events for Ramadan, Eid or funerals. The applicants have advised that four full time staff would be employed at the premises, including a centre manager, an

imam and a caretaker. The anticipated number of visitors and range of activities is set out in the following tables:

RANGE OF ACTIVITIES

Activity	Numbers Attending
Interfaith meetings/gatherings	20-30
Study circles	40-60
Talks	50-100
Award ceremonies (linked to the Aziz Charitable Foundation)	80
Coffee mornings linked with training sessions	50+
Coffee mornings linked to visitors events noted above	40-50
Young Westminster events	30
LGBTQ+ talks	50-100
Exhibitions	40-60
Lectures and courses	50-100

PRAYER TIMES

Prayer times	Duration	Numbers Attending
Mid-day prayer (Zuhar)	15 minutes (midday – early afternoon)	100+
Mid-afternoon prayer (Asr)	10 minutes (times varies)	100+
Sunset prayer (Maghrib)	20 minutes (times varies) (Only from October to March)	150+
Friday prayer (Jummah)	45 minutes (12.30 to 14:00)	200-390

The submitted Design and Access Statement sets out the centre will not be providing dawn prayers as these will fall outside of its opening hours, and that sunset prayers will only take place from October to March.

The applicant has also confirmed that the strict 10am opening and 7pm closing times would apply throughout the year even during religious festivals (for which activities would generally be carried out as early as dawn and as late as sunset).

9. DETAILED CONSIDERATIONS

9.1 Land Use

Loss of existing uses

The former use of the basement and lower ground floors as a cinema ceased in 2006. A condition attached to the decision made this permission personal to 'The Other Cinema Ltd'. Given that this occupier vacated this space in 2006, the site now has a 'nil' use. As such, there is no requirement in planning policy terms to re-provide a cinema or an alternative cultural, entertainment or leisure use on the site.

The lobby area at ground floor of this unit appears to have been used for a variety of retail uses, including for the sales of theatre tickets. It is currently used as a retail kiosk.

These uses appear to have been for temporary limited periods and have not resulted in an established retail use. In any event, the intended use would be in compliance with Policy 14 which requires uses that provide active frontages and serve visiting members of the public at the ground floor throughout the town centre hierarchy.

Provision of new place of worship and community centre

The NPPF places great emphasis on the importance of promoting “an effective use of land in meeting the need for homes and other uses” and states that in order to provide the social, recreational and cultural facilities and services that communities need, planning decisions should “plan positively for the provision and use of shared spaces, community facilities (such as places of worship) and other local services to enhance the sustainability of communities and residential environments” and “support the delivery of local strategies to improve health, social and cultural wellbeing for all sections of the community” (paragraph 93).

Policy S1 of the London Plan states that “development proposals which provide high quality social infrastructure will be supported” and that “new facilities should be easily accessible by public transport, cycling and walking and should be encouraged in high streets and town centres” and that the “co-location of different forms of social infrastructure and the rationalisation or sharing of facilities” should be encouraged.

City Plan Policy 17 states that “new community infrastructure and facilities will be supported where there is an identified present or future need” and 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 1 is also relevant and this supports the future growth and intensification of the CAZ in a manner that balances its many competing functions.

The application site is located within an area of mixed commercial and residential character. The adjacent unit to the south is occupied by Skewer and Beer (a restaurant) and a further restaurant occupies No's 34A (Siirgista Bros). The premises on the corner of Rupert Street and Coventry Street is in retail use (Wizards and Wonders) and there is also a nightclub at 21 Rupert Street (Opium). The building on the opposite side of Rupert Street accommodates a large public house (Waxy O'Connor's) and there are numerous other bars and restaurants on this part of Rupert Street and within the immediate vicinity of the site. There is also a significant residential population nearby, including flats at 16A and 22 Rupert Street.

Whilst no objections have been received to the principle of a place of worship here, a number of objections were submitted to the 2020 application on the grounds that use of this space as a place of worship would conflict with the entertainment/tourism industry in this location and the objectors' feared that once established, the sensitivities around a mosque would gradually take precedence and lead to 'sanitisation' of the area by either planning or licensing restrictions being placed on the entertainment industry in general, and this would be detrimental of Soho's character and function which to a large degree rely on freedom of expression and behaviour generated by this concentration of entertainment uses. Policy 21 of the City Plan does state that “development in the Soho Special Policy Area will reflect its unique character and function and demonstrate how it

respects, protects and enhances the existing scale and grain of the built environment and the unique mixture of uses present there". However, the Trocadero complex falls outside of the designated Soho Special Policy Area. There are also numerous places of worship of different faiths and denominations in Soho and the surrounding area including St James's Church on Piccadilly, St Anne's Church Dean Street, the Radha-Krishna Temple on Soho Street, Orange Street Congregational Church, The French Church of Notre Dame in Leicester Place, the French Protestant Church in Soho Square, the Catholic Church in Warwick Street and St Patricks in Soho Square; and there are others. Therefore, the use of no.19 Rupert Street as a place of worship is considered compatible with the character and function of the area.

In relation to the requirement for a need for the use (under Policy 17) to be demonstrated, the applicant argues that there is currently a significant shortfall in the amount of prayer space for Muslims living and working in the West End, and also those visiting the capital and carried out a survey of the three closest Mosques to the site, Soho Mosque, Mayfair Mosque and Goodge Street Mosque. The results of the survey showed that all three were at full capacity with the Mayfair Mosque having to turn away individuals due to lack of available space. At both the Goodge Street and Soho Mosques, a lack of capacity forces prayer on the street, directly outside of the premises at peak times. The applicant therefore argues that the proposal would provide an additional place of prayer to address the clear shortfall that currently exists within London's West End.

The Soho Society believe that the results of the survey are out of date, as these surveys (in the Design and Access Statement) were undertaken in 2019. However, additional surveys set out in the Transport Statement carried out in 2022 and 2023 in relation to the mosque at Goodge Street indicate that this mosque operates at full capacity.

Policy 17 also refers to community facilities being designed to accommodate a range of community uses wherever possible. The details submitted indicate that the premises will not only be used for prayer, but also interfaith events, classes and other community uses (for example by the National Theatre, Soho Parish School and the University of Westminster) and the anticipated range of activities as set out in Section 8 above. The Soho Society believe that there should be equality of access to the premises for community use and this is dealt with by condition.

9.2 Environment & Sustainability

The refurbishment of the building allows for the installation of a variety of sustainable design features including heat pump technology, smart metering, better insulation and water efficiency and water recycling measures. A BREEAM report has been submitted with the application to identify and quantify the sustainability improvements to the building. This shows the building will achieve an estimated BREEAM Excellent score of 71.62%. This is welcomed.

The incorporation of the proposed sustainable design features ensures the proposal complies with Policy 38 of the City Plan which requires; 'development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design...'

9.3 Biodiversity & Greening

Given the confined nature of the site, the majority of which is at sub-ground level, it is not considered it is possible to provide urban greening in this instance.

9.4 Townscape, Design & Heritage Impact

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

Section 66 of the LBCA 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 LBCA Act requires that “In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Whilst there is no statutory duty to take account of a development’s effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that the setting of a conservation area, “...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.

The application site is 19 Rupert Street which is in the Soho Conservation Area. There are several grade II listed buildings forming part of the block of which the site is a part; on Shaftesbury Avenue at 20-24 (formerly the Trocadero restaurant), on Coventry Street at 18-20 (formerly Scott’s Restaurant and Oyster Bar - the list entry notes that it is “now completely altered internally as part of the Trocadero complex”), and 7-14 Coventry Street which were the Lyons Corner House & Lyons Corner House Extension.

These listed buildings all make a positive contribution to the character and appearance of the Soho Conservation Area in which they, and the site, are located. Similarly, the unlisted Vernon House, at the corner of Shaftesbury Avenue and Rupert Street, also makes a positive contribution to the character and appearance of the Soho conservation area.

The four corners of the block are historic and the listed buildings were, until recently, mostly unified by the 1980s redevelopment which created the Trocadero Centre. It was arranged around an atrium accessed primarily from Coventry Street and Shaftesbury Avenue, access was also possible via a subway connected to Piccadilly Circus Underground Station.

The atrium has been infilled and the layout of all the buildings is now much less interconnected. At street level, public access to the remaining commercial units is from the street rather than from within the building, and the largest uses in the building are now a hotel and cinema. This means that the listed buildings at 20-24 Shaftesbury Avenue and 18-20 Coventry Street are now much more less connected to 7-14 Coventry Street than they were.

The part of the building affected by the application, 19 Rupert Street, is set wholly within the 1980s structure that originally united the buildings forming the Trocadero complex, and the spaces to be converted do not have any historic or architectural interest. The interior compromises an area purpose designed as a shell to accommodate a 'Live Theatre'. In the end it was fitted out as a cinema after permission was granted on 6th December 1984. Since closure of the cinema the space has been stripped-out and reverted to a shell.

The proposed internal alterations are characteristic of the use to which it will be put and will be an attractive addition to the building and will be fitted out with modern linings that are entirely in character with the design intent of the space. In heritage asset terms, the proposed use as a place of worship and community centre is in keeping with the wide variety of uses in the conservation area which includes other similar facilities.

Externally, the existing ground floor frontage is painted, has glazed doors and roller shutter beneath a canopy. The alterations will involve repainting the previously painted surfaces which is acceptable (and permitted development), provision of new doors, a new chain-link roller shutter, and refurbishment of the canopy including new lettering. These alterations to the building are insubstantial and remain in character with the street and surrounding area in terms of their detailed design and materials of construction. Therefore, the character and appearance of the Soho Conservation Area will be maintained, and the setting of the neighbouring Chinatown Conservation Area and nearby listed buildings will be preserved.

As such, the proposal is considered acceptable, mindful of policies 38, 39, and 40 of the City Plan 2019-2040 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.

9.5 Residential Amenity

Concerns have been raised concerning the disturbance resulting from the noise and activity associated with the proposed use including noise from worshippers as they are entering and leaving, and as they congregate at the entrance.

The nearest neighbouring residential flats are located at 16A and 22 Rupert Street, opposite the site, and at 5-6 Coventry Street (on the corner with Rupert Street). There are also additional residential properties further north on Rupert Street. The primary considerations with regard to amenity relate to the levels of noise arising from the activities taking place within the building itself, the numbers of people coming and going to and from the premises and congregating outside the premises, and the hours of operation.

The application is supported by an acoustic report which assesses issues of noise associated with people exiting and entering the prayer centre and noise breakout from the prayer centre. With regard to noise breakout, the applicant contends that the proposed use would be relatively quiet, with no amplified music and low levels of internal noise. The applicant also confirms that an external call to prayer is not proposed. Given that the main hall is located at basement level, any noise associated with the use of the site as a prayer centre is expected to be well contained within the building itself and noise breakout is not anticipated.

There is however potential for noise and disturbance to the nearby dwellings resulting from the number of people coming and going to and from the premises and congregating outside the premises. The Soho Society also believe that the proposed capacity of the mosque should be reduced to 250 to limit the noise nuisance to neighbouring residents.

The acoustic report makes reference to a noise assessment for a community centre in Preston where noise levels associated with a group of 20 people outside a mosque was around 47 LAeq at 10m from the group. As Rupert Street is relatively narrow, the report therefore estimates that a group of 20 people talking outside the mosque would be anticipated to be around 47 LAeq at the closest dwellings (some 10m away). As set out below, it is anticipated that queuing is not expected at Rupert Street for Friday prayers. Whilst some worshippers may congregate outside the premises after prayer, the applicant is of the view that a group of 20 outside the mosque is expected to be around the biggest group likely to be outside the mosque at any one time. Concern has been raised on the grounds that Rupert Street is a quiet street for most of the day and there are not high levels of background noise. A noise report (dated 11 March 2020) by Clarke Saunders submitted in relation to plant items installed at the Trocadero measured minimum ambient noise levels during the daytime of 61dB. Environmental Health agree that these levels are representative of the area and given these existing high background noise here consider that consequently, noise from outside the mosque, during daytime hours, will generally be below ambient noise levels in the area, but suggest that an operational management plan is secured requiring, at the end of Friday prayers, a member of staff to be stationed at exit whose job will be to encourage people to leave the area so as not to cause noise nuisance and/or blockage of the highway.

The applicants have indicated that the opening hours for the premises would be between 10.00 and 19.00 hours daily. Given the high background noise levels in the area during these times it is considered that in this location the comings and goings of people associated with the proposed use of the building even when operating at capacity will not result in a significant disturbance or loss of privacy to nearby residential properties.

Plant

It is understood that there will not be any new plant associated with the proposed development and that it can utilize existing plant within the Trocadero. Consequently, there is unlikely to be any noise impact associated with plant noise.

The applicant has also confirmed that the centre will not provide a formal kitchen or catering facilities. A condition preventing any primary cooking within this space is proposed.

9.6 Transportation, Accessibility & Servicing

Highway Impact

A Transport Assessment (TA) produced on behalf of the applicant identifies the site as being within a highly accessible location in terms of public transport with a Public Transport Accessibility Level (PTAL) of 6 (Excellent). The site is situated in close proximity to Piccadilly Circus Underground Station and can be accessed directly from the station concourse via an existing underground tunnel network (at basement level). However, that access is not being proposed as part of this application.

The TA suggests that some 1% might arrive by car (a maximum of 5 cars on Fridays).

Servicing

In terms of servicing, City Plan Policy 29 states that servicing, collection and delivery needs should be fully met within a development site. It is understood that the premises would be able to share the Trocadero's off-street loading bay off Rupert Street. The applicant estimates that the use will generate minimal servicing with quarterly cleaning supplies, bi-annual stationaries deliveries and fortnightly bin collections, depending on waste produced. The Highways Planning Manager believes that the anticipated number of trips is not expected to pose any significant issue to the operation of the shared loading bay and is acceptable and in line with Policy 29.

Trip Generation

It is accepted that the site is well serviced by public transport and that the majority of the overall trips to the site will either be via public transport, walking or cycling. In order to assess likely modal split, the applicants undertook a survey of the 46 Goodge Street Mosque in December 2022. The Goodge Street location also has a PTAL rating of 6b and is therefore considered comparable. The figures in the Transport Statement suggest that 69% (271) of worshippers will walk the full route to the site, 13% will arrive by bus (51 worshippers) and 11% by tube. Those that travel by underground (42 worshippers) will pass through the tube station, exit to ground level and approach the site via Rupert Street. The applicant argues that there will be a very small number of people driving to the site (1% by car and 1% by motorcycle), but this will be dependent upon the limited availability of on-street parking and willingness to pay high central London parking costs as well as the ULEZ and congestion charges. In reality, despite the concerns raised, it is considered highly unlikely that anyone would choose to drive to this location.

The Highways Planning Manager accepts this methodology, and agrees that all worshippers, whether they come by car, bus, or via the underground would complete the final leg of their journey on foot.

Impact on Rupert Street

The main highways issue therefore is the effect of the development on the western footway of Rupert Street, which is not particularly wide, at 2.8m. There is therefore little space for people to gather without causing an obstruction and potentially causing other pedestrians to need to walk in the carriageway. This was the main concern about the previous application.

The busiest time at the Mosque will be at lunchtime (12:00-14:00) on a Friday when up to a maximum of 390 people will attend Friday prayers. All of these attendees will access the site via the Rupert Street entrance.

In order to demonstrate that both the footpath can accommodate the predicted increase during the maximum usage period, the applicant has undertaken surveys of the Goodge Street Mosque and has also carried out pedestrian surveys of Rupert Street.

Comparison with Goodge Street Mosque

The applicant contends that Goodge Street Mosque operates in a similar way to which the proposed mosque is expected to operate, with relatively swift visits by worshippers in their lunchbreak. The peak congregation at Friday lunchtime is approximately 800 worshippers, approximately double the number proposed at 19 Rupert Street.

Officers have undertaken a site visit to the Goodge Street Mosque and observed that all 800 worshippers do not arrive and depart simultaneously or stay for the entire service. Rather, the congregation arrives gradually, ablutions within the Mosque take place very swiftly and departures after the prayers take place relatively quickly with very few congregating on the street.

The applicant has also undertaken further video surveys of Friday prayers at the Goodge Street Mosque on three Fridays between 12:00 and 14:00: 9th December 2022, 16th December 2022 and 6th January 2023. These dates avoided the school holidays, during which fewer people may have been working in central London. No queuing was observed on any of the survey dates.

The Soho Society believe that the proposed capacity of 390 would result in increased pavement congestion and argue that the capacity should be reduced to 250. However, the results from the Goodge Street survey indicate that no queuing would be expected at Rupert Street for Friday prayers as a result of the significantly lower number of attendees than at Goodge Street, the internal space available within the new mosque and due to the fact that arrivals are expected to be spread across the preceding hour.

Pedestrian surveys on Rupert Street

The applicant has undertaken a pedestrian assessment with pedestrian counts undertaken via video on Friday 25 February 2022, between 12.00 and 15.00, the predicted peak time at the place of worship. The surveys were undertaken in line with the methodology set out in TfL's Pedestrian Comfort Level (PCL) Assessment guidance. Counts were done at the site entrance and along Rupert Street. This reveals that the busiest period on the western footway to be the hour between 13:00 and 14:00, when the proposed mosque will also be at its busiest. These flows equate to around three to four pedestrians per minute. This baseline was then used to undertake a pedestrian comfort assessment for two scenarios, with and without a place of worship.

The tests show that under normal circumstances the additional pedestrian movements could be accommodated with relatively low additional impacts on the Rupert Street footway. In addition, upon entering the site, there are number of internal corridors and stairwells leading to the prayer rooms. This internal route is estimated to be around 50m in total length, providing sufficient space for visitors to queue.

The police have however required the installation of Vehicle Security Barriers (VSB) on Rupert Street. A Hostile Vehicle Mitigation (HVM) scheme would be designed to protect both the front entrance of the site and worshippers if they congregate on street post prayer. On the basis of the Council's experience of other HVM schemes in Westminster, the Highways Planning Manager advises that such bollards would need to be set back 450mm from the kerb edge and would be some 150mm wide themselves, and so 600m or so of the already relatively narrow footway would therefore be lost. This would effectively reduce the footway to some 2.2m in width. This would still be in line with government guidance in maintaining a minimum clear footway width of 2.0m on any footway, which is sufficient to allow e.g. a wheelchair to pass a pushchair, without either of them having to drop into the carriageway. The Highways Planning Manager believes that a limited number of bollards would still retain sufficient footway for the passing and re-passing of pedestrians on this part of Rupert Street. Full details of the HVM scheme would be secured by condition, in consultation with the Metropolitan Police. As these works involve land outside the ownership of the applicant, a 'Grampian' style-condition is required (ie. a negatively-worded condition that prohibits the use from commencing until these works are first carried out.)

Management of worshippers

In order to ensure safety for visitors and avoid congestion on Rupert Street, volunteer marshals will be used to manage arrivals and use of the building during the busiest times, namely Friday prayers and Ramadan. For the first three months of operation, marshals will use "clickers" to count the number of attendees to Friday prayers, and when this reaches 390, the building doors will be closed and any late attendees will not be able to take part in that prayer session.

If attendee numbers are regularly at or close to 390, the marshals will continue to count attendees after the first three months to ensure capacity is not exceeded. If after this time, attendees are much lower, "clicker" counts will only be used at special occasions or particular times of year if numbers are anticipated to be higher.

Cycle Parking

The London Plan requires 1 space per 8 staff long-stay and 1 space per 100 sqm floorspace for visitors (10 spaces). One long-stay space is proposed at basement level in accordance with London Plan standards and this is accessible by lift. Six new Sheffield stands are proposed on Rupert Street, directly opposite the site entrance on a wider section of footway between two loading areas.

The Highways Planning Manager has concerns that the use of this space for cycle parking might conflict with either tables and chairs associated with nearby premises or with utilities plant which there appears to be underground in that location. Given this conflict, the possibility of cycle spaces here needs to be subject to further investigation, and if acceptable would be secured by S278 agreement.

Refuse/Recycling

Sufficient measures for the storage of waste and recycling matters are shown at upper basement level and the Waste Projects Office raises no objections to the proposals.

Accessibility

A lift provides access from the ground floor level on Rupert Street to the basement

washing areas, with separate men's and women's disabled toilets. A second internal lift is provided to the main prayer area.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

9.8 Other Considerations

1. Crime and security

Both the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) set out guidance for creating safe and accessible communities. In particular, paragraphs 97 of the NPPF recommends that planning decisions should promote public safety and take into account wider security and defence requirements by anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Paragraph 130 states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The government has also developed a Publicly Accessible Locations (PAL) strategy, that replaces the former guidance known as the Crowded Places Model.

Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.

London Plan Policy D11 states that development proposals should contribute to the minimisation of potential risks, and development should include measures to design out crime that, in proportion to the risk, deter terrorism, assist in the detection of terrorist activity and help defer its effects.

Policy 38 of the City Plan states that "all development will place people at the heart of design, creating inclusive and accessible spaces and places, introducing measures that reduce the opportunity for crime and anti-social behaviour, promoting health, well-being and active lifestyles through design and ensuring a good standard of amenity for new and existing occupiers."

The last application attracted strong concerns from the Metropolitan Police, primarily due to conflict from queuing and reliance on the use of the subway tunnel as a main exit/entry to the premises which they believed would increase the opportunities for anti-social behaviour and crime, including robbery.

A security statement has been submitted which sets out a range of security measures that have been made to ensure the safety of users of the site, including the provision of

a Security Control Room, CCTV, employment of staff/greeters to monitor arrival of guests, entry points to be fitted with electronic access control (to enable a dynamic lockdown procedure) and entry points designed to forced entry resistance standards. The security statement has been subject to detailed review by the Metropolitan police who now raise no objections to the proposal subject to the incorporation of the measures set out within the security statement, the restriction on capacity and the restriction on hours of use.

2. Means of escape

Whilst the subject of fire safety is covered by Part B of the Building Regulations, the NPPF refers to the fact that planning decisions should “take into account wider security and defence requirements by anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate.” Policy D11 of the London Plan also states that “Development proposals should contribute to the minimisation of potential physical risks, including those arising as a result of fire, flood and related hazards.” The plan advises that new development should incorporate fire safety solutions and represent best practice in fire safety planning in both design and management. The London Fire and Emergency Planning Authority (LFEPA) should be consulted early in the design process to ensure major projects and venues have solutions to fire engineering built-in.

Policy D12 of the London Plan states that in the interests of fire safety and to ensure the safety of all building users, development proposals must achieve the highest standards of fire safety and ensure that they:

- 1) identify suitably positioned unobstructed outside space:
 - a) for fire appliances to be positioned on
 - b) appropriate for use as an evacuation assembly point
- 2) are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
- 3) are constructed in an appropriate way to minimise the risk of fire spread
- 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users
- 5) develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in
- 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

The Plan advises that to ensure that development proposals achieve the highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage, taking into account the diversity of and likely behaviour of the population as a whole. Developments, their floor layouts and cores need to be planned around issues of fire safety and a robust strategy for evacuation from the outset, embedding and integrating a suitable strategy and relevant design features at the earliest possible stage, rather than features or products being applied to pre-determined

developments which could result in less successful schemes which fail to achieve the highest standards of fire safety.

The London Fire Authority raised strong concerns to the last application, particularly as that also relied on an escape strategy via the underground tunnel. This application is supported by a detailed Fire Risk Assessment which sets out the means of escape from the premises and measures to control fire spread. Three means of escape are proposed via existing accesses onto Rupert Street. The strategy is not reliant on using the underground tunnel and the London Fire Authority raise no objections to the proposal. The full details will be dealt with at Building Control stage.

3. Construction noise

An objection has been received to construction noise and the objector comments that Trocadero tenants have shown little adherence to these time limits in the past. A condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highway's authority or by the local authority under the Control of Pollution Act 1974. An informative is also recommended to advise the applicant to join the considerate constructor's scheme. Through the use of the above conditions and informative, it is considered that the impact of the development on surrounding occupiers is being suitably controlled and mitigated as far as practicable under planning legislation.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10-day period following notification by the Council of the proposed condition, the reason and justification for the condition.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure hostile vehicle mitigation measures on the public highway in Rupert Street. The applicant has agreed to the imposition of the condition. The full details of these works would be secured by legal agreement and this would also ensure the provision of a commuted sum is secured to cover maintenance and to fund their removal if that is ever required.

10. Conclusion

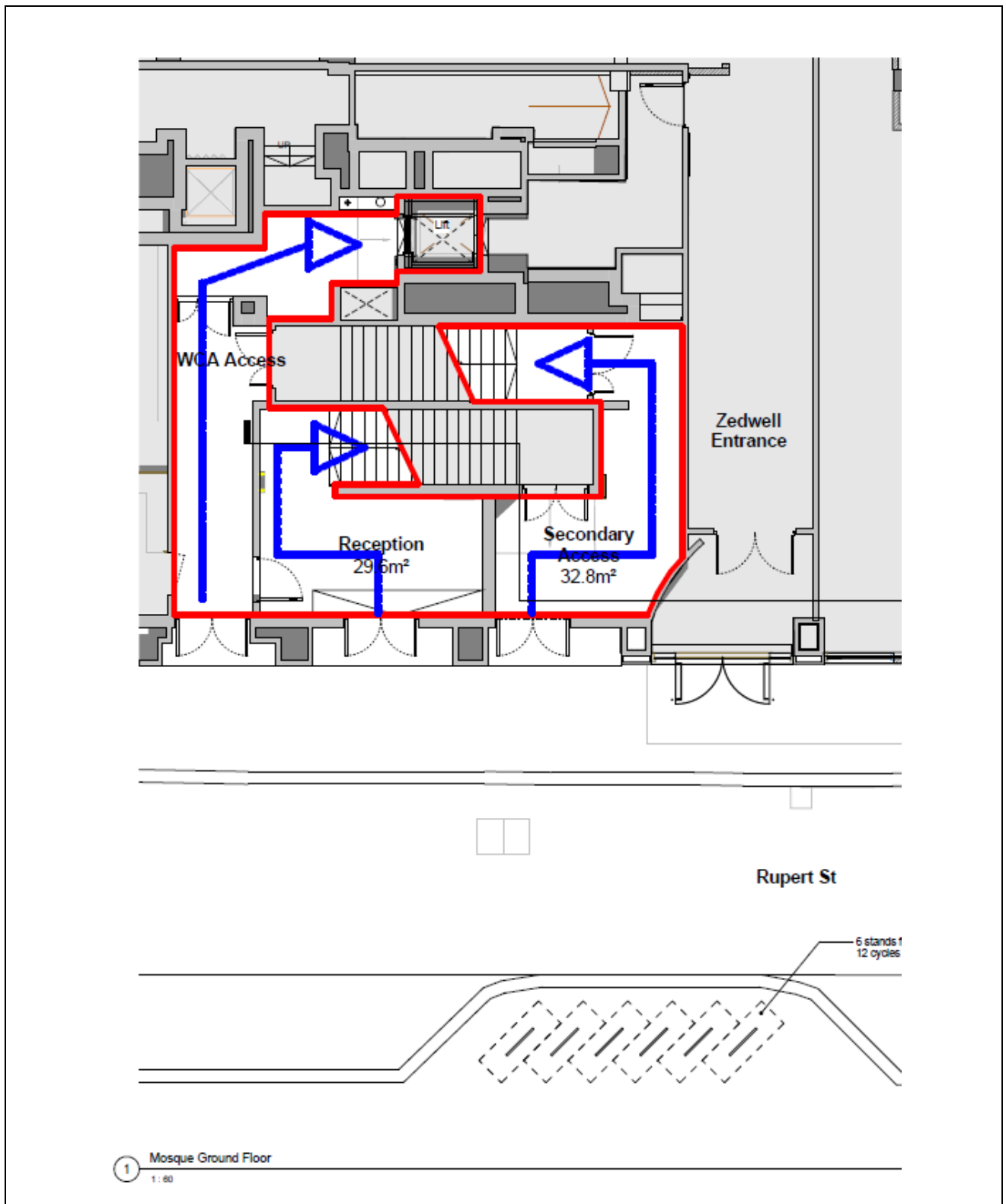
The proposed use of the unit is considered acceptable with regard to the relevant

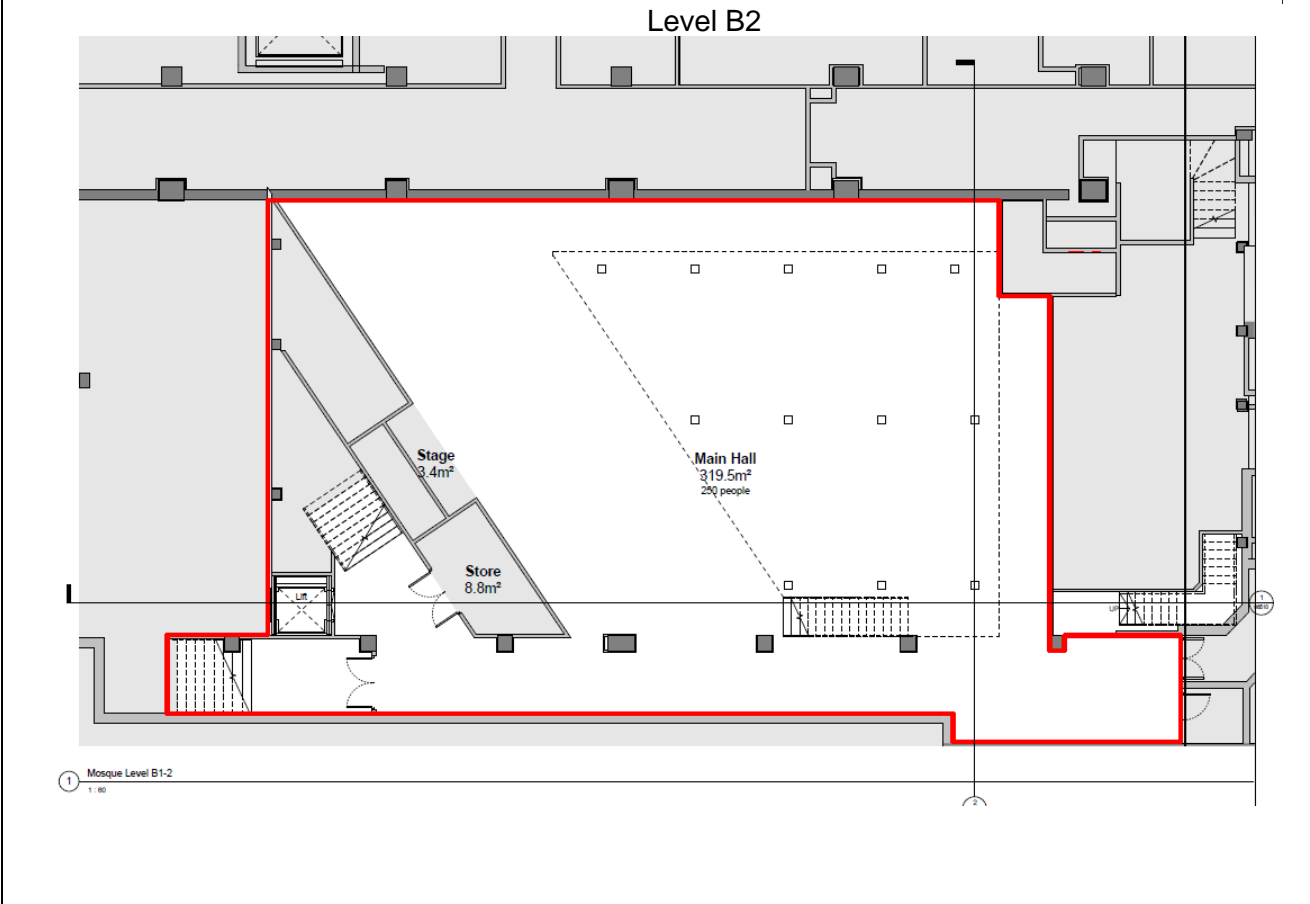
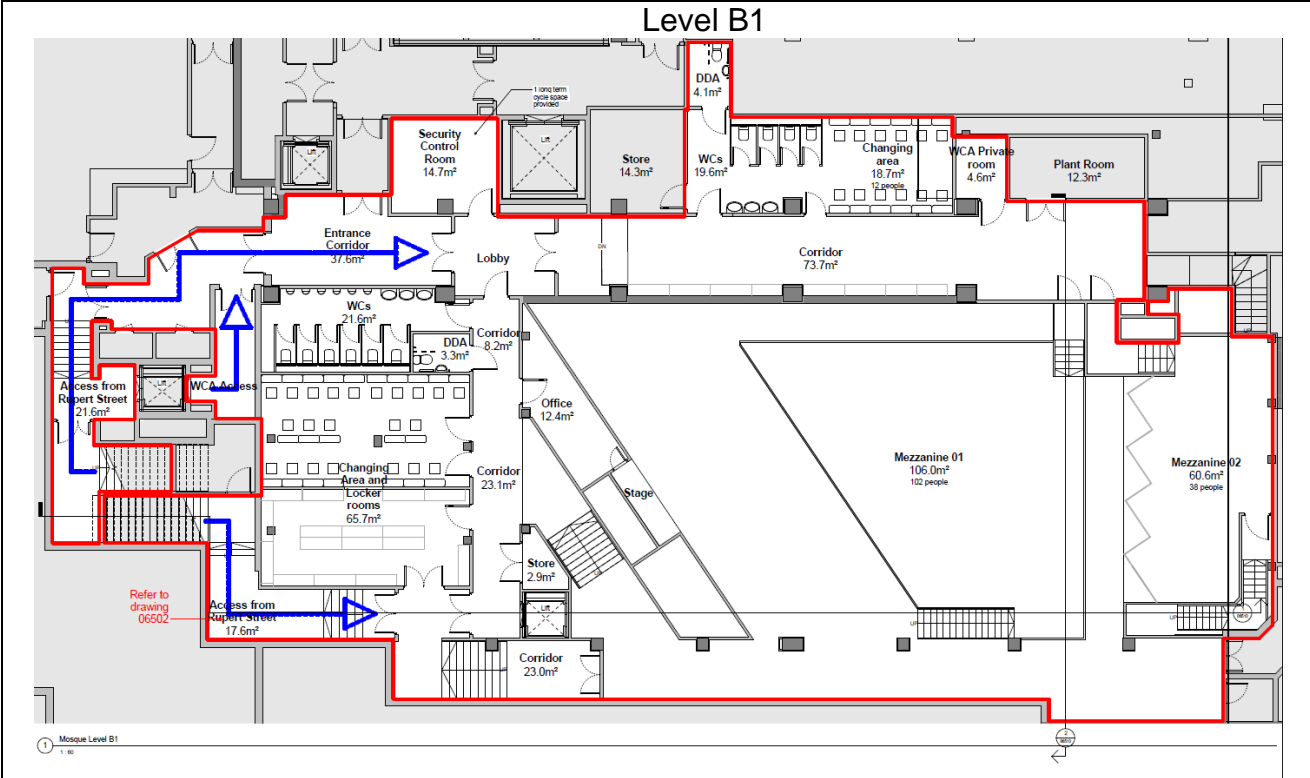
policies of the City Plan and with the inclusion of relevant safeguarding conditions therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

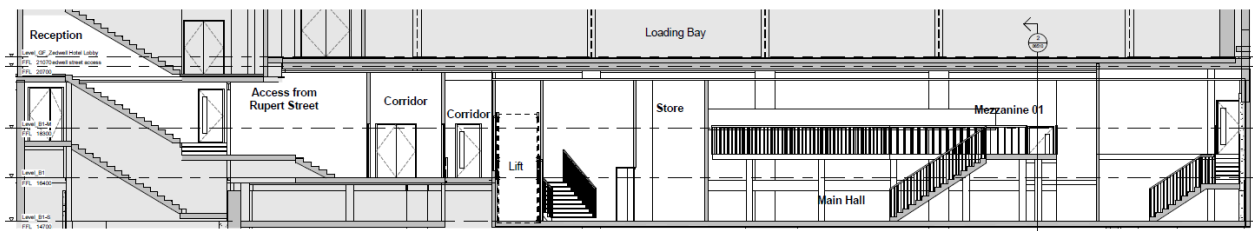
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

11. KEY DRAWINGS

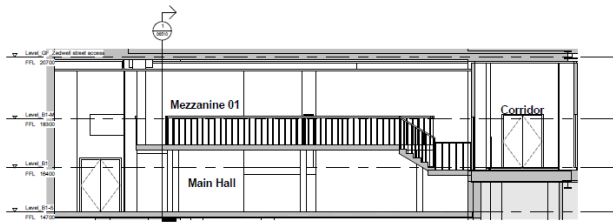




Proposed sections.



Proposed section 1
1:50



Proposed section 2
1:50

Front elevation



Existing elevation



DRAFT DECISION LETTER

Address: Rupert House, 19 Rupert Street, London, W1D 7PA

Proposal: Use of upper and lower basements and ground floor as a place of worship and community centre.

Reference: 23/01606/FULLM

Plan Nos: 0008-CCL-A-06502 Rev P2, 06501 Rev P2, 06500 Rev P2, 08500 Rev P2; 0008-AAM-A-06520 Rev P2, 06510 Rev P2; 2203 CCL-B1-00-DR-A-0600 Rev 00; Security Statement V1.8

Case Officer: Jo Palmer **Direct Tel. No.** 020 7641
07866040238

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 You must not open the premises to visitors/worshippers, and you must not allow visitors/worshippers on the premises, outside the following times: between 10.00 and 19.00 hours on Mondays to Fridays.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets Policy 38 of the City Plan 2019 - 2040 (April 2021). (R07AC)

- 4 You must not allow more than 390 visitors/worshippers into the property at any one time. (C05HA)

Reason:

In the interests of public safety as set out in Policies 25 and 38 of the City Plan 2019 - 2040 (April 2021). (R24BD)

- 5 You must not occupy the premises as a place of worship/community centre until points i) to iii) below have all been complied with:

- i) the works to fit out the premises have been completed in accordance with the Security document entitled Master Version V1.8 ;
- ii) the City Council has been notified in writing that the fit out works are complete;
- iii) access has been arranged to 19 Rupert Street for the Design Out Crime Officer to inspect the new accommodation and has confirmed, in writing, that the accommodation has been completed to their satisfaction.

Thereafter the premises shall operate in accordance with the measures set out in your Security document entitled Master Version V1.8

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets Policy 38 of the City Plan 2019 - 2040 (April 2021). (R07AC)

- 6 **Pre Commencement Condition.** You must not start work on the site until we have, in consultation with the Metropolitan Police, approved in writing appropriate arrangements to secure the following.

- hostile vehicle mitigation measures on Rupert Street

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R19AD)

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

- 8 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)

- 9 You must apply to us for approval of a management plan to show how you will:

- 1) operate the premises to ensure that a range of community uses are provided;
- 2) prevent visitors/worshippers who are arriving and/or leaving the building from causing noise nuisance and/or blockage of the highway. You must not start the place of worship/community use until we have approved in writing what you have sent us.

You must then carry out the measures included in the approved management plan at all times that the place of worship/community use is 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 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 10 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 2203 CCL-B1-00-DR-A-0600 Rev 00 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 premises. (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)

- 11 You must use the property only for a place of worship and community centre. You must not use it for any other purpose, including any within Class F1 of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it). (C05AC)

Reason:

We cannot grant planning permission for unrestricted Class F use because servicing and/or vehicular activity would have an adverse impact on the local highway network and would not meet Policy 29 of the City Plan 2019 - 2040 (April 2021). (R05KA))

- 12 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)

- 13 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 Environmental Supplementary Planning Document (February 2022). (R49BB)

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 In order to discharge Condition 6, a Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 will be required to secure funding of the bollards by the applicant and provision to fund their removal should they not be required in the future. The exact number, location, and specification of the VSBs should first be determined by the completion of a Vehicle Dynamics Assessment (VDA) in consultation with the Metropolitan Police (Counter Terrorism Security Advisor). This should be completed by a Hostile Vehicle Mitigation (HVM) specialist listed on the Register of Security Engineers and Specialists (RSES).

- 3 In relation to the discharge of condition 9 (the operational management plan), you are advised to include details of the following:
 - The provision of publicity advising that no parking is available and to provide information on the good public transport to the site,
 - At end of the Friday prayer session at least one member of staff to be stationed at exit whose job will be to encourage people to leave the area so as not to cause noise nuisance.
 - To ensure that bicycles are not left on the pavement for the duration of services
 - Management of attendees to ensure that the total capacity does not exceed 390

- 4 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, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

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

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Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 May 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Knightsbridge & Belgravia	
Subject of Report	5, 7, 9, 11, 13, 15, 17 and 19 Passmore Street, London, SW1W 8HR		
Proposal	<p>5, 7, 9, 13, 15 and 17 Passmore Street Demolition and rebuilding behind retained front facade and party walls with alterations to front fenestration, provision of a new basement, mansard roof, extensions at rear ground and first floor level and installation of air source heat pump in rear basement lightwell. (Applications 1, 2, 3, 5, 6 and 7)</p> <p>11 and 19 Passmore Street Alterations to front fenestration, the provision of a new basement, mansard roof, extensions at rear ground and first floor level and installation of air source heat pump in rear basement lightwell. (Applications 4 and 8)</p>		
Agent	Mr Paul Watson		
On behalf of	5-19 Passmore Street Limited		
Registered Number	<p>Application 1: 22/07960/FULL – 5 Passmore Street</p> <p>Application 2: 22/07964/FULL – 7 Passmore Street</p> <p>Application 3: 22/07966/FULL – 9 Passmore Street</p> <p>Application 4: 22/07969/FULL–11 Passmore Street</p> <p>Application 5: 22/07971/FULL–13 Passmore Street</p> <p>Application 6: 22/07972/FULL–15 Passmore Street</p> <p>Application 7: 22/07962/FULL –17Passmore Street</p> <p>Application 8: 22/07967/FULL–19 Passmore Street</p>	Date amended/ completed	25 November 2022
Date Application Received	23 November 2022		
Historic Building Grade	Unlisted		

Conservation Area	Outside
Neighbourhood Plan	Not applicable

1. RECOMMENDATION

Application 1:

1. Grant conditional permission - subject to completion of a legal agreement to secure the following:
 - i) ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and
 - ii) cost of monitoring agreement.

Application 2:

1. Grant conditional permission - subject to completion of a legal agreement to secure the following:
 - i) ensuring that the building contract entered by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and
 - ii) cost of monitoring agreement.

Application 3:

1. Grant conditional permission - subject to completion of a legal agreement to secure the following:
 - i) ensuring that the building contract entered by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and
 - ii) cost of monitoring agreement.

Application 4:

1. Grant conditional permission - subject to completion of a legal agreement to secure the following:
 - i) ensuring that the building contract entered by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and
 - ii) cost of monitoring agreement.

Application 5:

1. Grant conditional permission - subject to completion of a legal agreement to secure the following:
 - i) ensuring that the building contract entered by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and
 - ii) cost of monitoring agreement.

Application 6:

1. Grant conditional permission - subject to completion of a legal agreement to secure the following:
 - i) ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and
 - ii) cost of monitoring agreement.

Application 7:

1. Grant conditional permission - subject to completion of a legal agreement to secure the following:
 - i) ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and
 - ii) cost of monitoring agreement.

Application 8:

1. Grant conditional permission - subject to completion of a legal agreement to secure the following:
 - i) ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and
 - ii) cost of monitoring of this agreement.
2. If the S106 legal agreement has not been completed within 3 months of the date of the Committee's resolution, then:
 - a) The Director of Town Planning and Building Control shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director Town Planning and Building Control is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Town Planning and Building Control shall consider whether the permission should be reused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

1. SUMMARY & KEY CONSIDERATIONS

Eight separate applications have been submitted which relate to eight 2-storey dwellinghouses, Nos. 5 to 19 Passmore Street, which form part of a wider terrace of 12 houses. The unlisted properties lie outside of, but adjacent to the Belgravia Conservation Area. Planning permission is sought for the demolition behind their retained front facades and party walls and rebuilding with the provision of new fenestration to the front elevation, a new basement with rear lightwell, a mansard roof, extensions at rear ground and first floor level and the installation of an air source heat pump and PV panels to each

property at 5, 7, 9, 13, 15 and 17 Passmore Street. During the course of consideration of the applications, the amount of demolition has been reduced to nos. 11 and 19 Passmore Street and the proposal now seeks to re-use retrofitting measures previously installed to these properties.

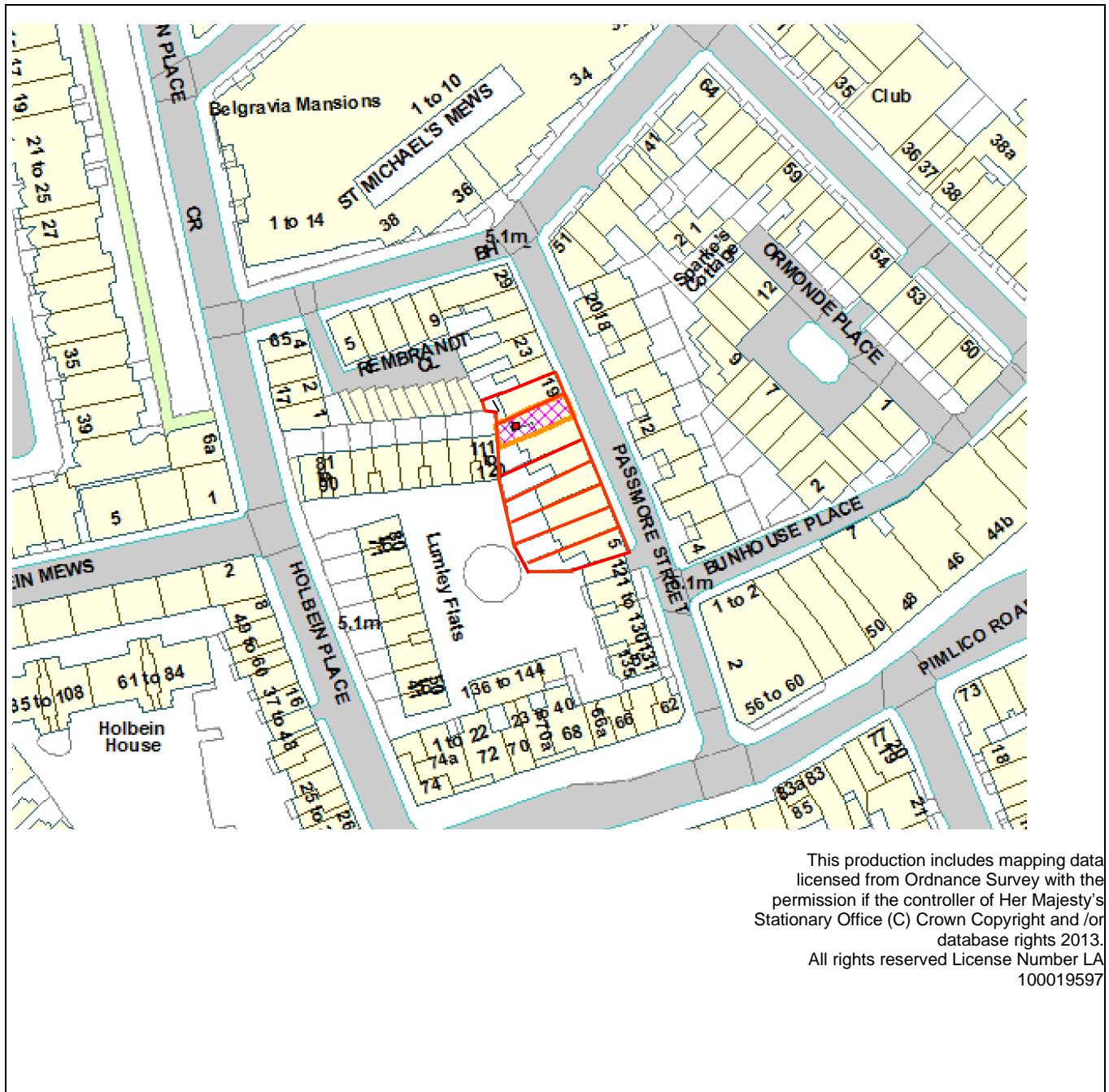
The key considerations in this case are:

- The impact of the proposals on the character and appearance of the buildings and the setting of the adjacent Belgravia Conservation Area.
- The impact on the amenity of neighbouring residential properties.

Objections have been received from Belgravia Neighbourhood Forum and from and on behalf of neighbouring residents primarily on the grounds of the negative impact to the streetscene, harm to residential amenity, the environmental impact of the proposal and impacts of the basement excavation works.

For the reasons set out in the main report, it is considered that the neighbouring residential occupiers would not be unduly harmed and the coherence of the terrace will be preserved. The proposed development would be consistent with the relevant policies set out in Westminster's City Plan 2019-2040 (April 2021). As such, the proposals are considered acceptable in terms of heritage, townscape, design, land use, amenity, environmental and basement development and the applications are recommended for approval subject to a legal agreement to ensure that the eight applications are constructed as a single operation and the conditions as set out in the draft decision letters.

2. LOCATION PLAN (SHOWING THE EIGHT INDIVIDUAL PROPERTIES)



3. PHOTOGRAPHS



Nos. 5 to 19 Passmore Street – front elevation



Rear elevation viewed from Lumley flats forecourt

4. CONSULTATIONS

4.1 Application Consultations

The representations set out below were identical for all eight applications. Thames Water representation related to 19 Passmore Street (Application 8), but is relevant to all applications.

HISTORIC ENGLAND ARCHAEOLOGY

No archaeological requirements.

CROSSRAIL

No comment.

CROSSRAIL 2

No comment.

ENVIRONMENT AGENCY

We recommend that you view our standing advice in full before making a decision on this application.

THAMES WATER:

No objection. Informatives recommended.

BELGRAVIA NEIGHBOURHOOD FORUM:

Objection on the following grounds:

Sustainability:

- Demolition rather than refurbishment and retrofitting. The amount of waste, loss of embodied carbon and energy to be used is very regrettable.
- Lack of access to outside air and natural light, the proposed basements will be energy-hungry.
- Additional excavation associated with new rear lightwell and reduction of small garden space will impact on drainage and biodiversity.

Basement excavation:

- Loss of soil to absorb rainwater and potential damage to the water table.
- Proximity of River Westbourne which adds to the fragility of the ground.
- Lack of claim that surrounding area and adjacent buildings will be affected by flooding.
- Disruption during construction period.

Design:

- This part of Belgravia is distinguished by small artisan dwellings and cottages which reinforce the character of the area.
- 5-19 Passmore Street are amongst the very few remaining cottages of this height and design in the entire area, and to convert them into four storey townhouses would destroy this piece of social history forever.

- No indication that any element of this development will be affordable.

BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported verbally.

THE BELGRAVIA SOCIETY:

Any response to be reported verbally.

ENVIRONMENTAL HEALTH:

Following receipt of revised information, no objection subject to conditions.

BUILDING CONTROL:

The structural method statement is considered acceptable. An investigation of existing structures and geology has been undertaken and is of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using traditional reinforced concrete L-shaped retaining walls with a RC concrete ground bearing basement slab which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ARBORICULTURAL SECTION:

No objection. No trees are proposed to be removed. Conditions recommended to secure tree protection measures and details of the blue and green roofs.

WASTE PROJECT OFFICER:

Following receipt of revised waste details, no objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**Application 1 – 5 Passmore Street**

No. Consulted: 75

Total No. of replies: 3

No. of objections: 3

No. in support: 0

Application 2 – 7 Passmore Street

No. Consulted: 76

Total No. of replies: 3

No. of objections: 3

No. in support: 0

Application 3 – 9 Passmore Street

No. Consulted: 68

Total No. of replies: 3

No. of objections: 3

No. in support: 0

Application 4 – 11 Passmore Street

No. Consulted: 48

Total No. of replies: 3
 No. of objections: 3
 No. in support: 0

Application 5 – 13 Passmore Street
 No. Consulted: 47
 Total No. of replies: 3
 No. of objections: 3
 No. in support: 0

Application 6 – 15 Passmore Street
 No. Consulted: 18
 Total No. of replies: 3
 No. of objections: 3
 No. in support: 0

Application 7 – 17 Passmore Street
 No. Consulted: 19
 Total No. of replies: 3
 No. of objections: 3
 No. in support: 0

Application 8 – 19 Passmore Street
 No. Consulted: 18
 Total No. of replies: 3
 No. of objections: 3
 No. in support: 0

Three letters of objection received, one of which is on behalf of occupiers of 6 residential properties from residents in Passmore Street, which relate to all applications.

Design/townscape and sustainability:

- The proposal is not in accordance with policies 38, 39 and 40 of the City Plan and Policies D3 and HC1 of the London Plan.
- Impact on the character and appearance of the terrace of properties at 5-27 Passmore Street and the setting of the Belgravia Conservation Area.
- The proposal will change the character of the street, the terrace will become overbearing and townscape uniformity will be undermined.
- The existing terrace is of historical significance as it points to the history of Grovesnor workman's cottages and this part of Belgravia's humble history.
- It will unbalance the relationship with the Fox and Hound Public House.
- Basement development contrary to Policies 33 and 45 of the City Plan.

Environment

- The partial demolition and rebuilding of the existing Passivhaus scheme will achieve little improvement in the environmental character of these buildings whilst incurring a great deal of environmental cost.
- Flood risk from basement excavation.

Residential amenity

- The proposal is contrary to policies 7, 33 and 38 of the City Plan and Policies D3 and D6 of the London Plan.
- The proposal will block light to Passmore Street.
- Loss of privacy and overlooking to residents in Passmore Street with the introduction of windows at first and second floor levels.
- Increased sense of enclosure and overshadowing to residents in Passmore Street.
- Noise from air conditioning units (cumulative impacts), assurance required that the proposed mitigation will be sufficient.

Other

- Risk of damage to neighbouring buildings with new basement, lack of evidence of structural stability.
- Lack of cumulative assessment of the proposed works in the Ground Movement Assessments
- Disruption, nuisance and traffic obstruction during construction works.
- Inconsistencies between the Construction Management Plans and Structural Methodology Statements.
- More window cleaning will need to be carried out during the construction period.
- Legal agreement required to secure costs for necessary repairs or a condition securing a risk assessment and mitigation strategy.

PRESS NOTICE/ SITE NOTICE:

Yes

4.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance.

The applicant has submitted a Community Consultation Report, the document sets out the engagement activities undertaken that are summarised below:

- Consultation letters sent to Ward Councillors, local amenities societies, local business organisations and neighbouring residential properties.
- In-person, video conferencing and telephone meetings with some members of the community.
- Summary of responses received: the main issues raised were demolition, impacts of basement excavation, loss of light and the historical significance of the terrace.
- Developer's responses that were redistributed.

5 WESTMINSTER'S DEVELOPMENT PLAN

5.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

5.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

5.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

6 BACKGROUND INFORMATION

6.1 The Application Site

Eight applications have been submitted which relate to 8 individual properties on the west side of Passmore Street, which form part of a wider terrace of 12 houses. The two-storey unlisted properties lie outside of, but adjacent to the Belgravia Conservation Area. All properties are in use as single dwellinghouses.

All properties benefit from a rear outdoor space which back onto the Lumley Flats buildings. To the front the properties form a visually coherent terrace, with various extensions to the rear. Nos. 7, 11, 15 and 19 have a full width extension at ground floor level; Nos. 5 and 9 have a one-storey closet wing and conservatory; and Nos. 13 and 17 have a one-storey closet wing.

Nos. 9 to 19 Passmore Street have photovoltaic panels (PVs) at roof level. Nos. 11 and 19 Passmore Street achieved the first privately rented EnerPhit (the Passive House Certificate for retrofits) criteria in London in January 2015.

6.2 Recent Relevant History

5-27 Passmore Street

In September 2013 planning permission was granted for the installation of solar panels on the roof, green roof on rear extensions and cladding to rear elevation all to increase energy efficiency of nos. 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25 and 27 Passmore Street. (RN: 13/06894/FULL).

In March 2014 planning permission was granted for rendered insulation onto the external brick walls of the non-original rear single storey extensions at Nos. 5-27 Passmore Street (RN: 14/00707/FULL).

5 Passmore Street

No other relevant planning history.

7 Passmore Street

In April 2011, planning permission was granted for the erection of an infill extension at rear ground floor level and alterations to fenestration at rear (RN: 11/01529/FULL).

In May 2011, planning permission was granted for removal of rear chimney stack above roof level in May 2011 (RN: 11/05254/FULL).

9 Passmore Street

No other relevant planning history.

11 Passmore Street

In March 2014, planning permission was granted for the erection of a full width single storey rear extension at ground floor level and replacement of windows and doors (RN:14/00526/FULL).

13 Passmore Street

No other relevant planning history.

15 Passmore Street

In October 2010, planning permission was granted for alterations including the erection of a rear ground floor infill extension (RN: 10/07338/FULL).

In February 2011, planning permission was granted for six solar panels at roof level and the removal of chimney stack (RN: 11/10700/FULL).

In November 2011, planning permission was granted for the retention of eight solar panels at roof level and the removal of chimney stack (RN: 11/ 08027/FULL).

17 Passmore Street

No other relevant planning history.

19 Passmore Street

In March 2011, planning permission was granted for the erection of a full width single storey rear extension at ground floor level and replacement of windows and doors(RN: 14/00530/FULL).

7 THE PROPOSAL

Planning permission is sought for alterations and extensions to eight separate dwellings. At Nos. 5, 7, 9, 13, 15 and 17 demolition is proposed behind the retained front facade and party walls. Works include alterations to the front fenestration, excavation to create a new basement level with a lightwell to the rear, a mansard roof extension, new extensions at rear ground and first floor level and the installation of air source heat pump and PVs. Similar work is proposed to Nos. 11 and 19 Passmore Street except that for these properties an Enerphit proposal and dismantling strategy has been submitted that shows that the recently installed layers of insulation and airtightness membranes would be re-used within the development works proposed.

Table: Existing and proposed land uses.

Location of residential use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
5 Passmore Street	69.2	141.6	+72.4
7 Passmore Street	71	147.6	+76.6
9 Passmore Street	75.8	156.2	+80.4
11 Passmore Street	74.4	158.4	+84
13 Passmore Street	65.5	159.2	+93.7
15 Passmore Street	75.2	159.8	+84.6
17 Passmore Street	70	159.5	+89.5
19 Passmore Street	73.8	157.3	+83.5

8 DETAILED CONSIDERATIONS

8.1 Land Use

The existing properties comprise 2-bedrooms with the exception of 5 Passmore Street which is a one-bedroom dwelling. The applications will increase the floorspace to create eight family sized dwellings which complies with Policy 8 of the City Plan. The proposed dwellings would comprise a playroom/office/exercise space, plant and utility room at basement level, kitchen/dining area and living room at ground floor level, two bedrooms and a bathroom at first floor level and one bedroom with ensuite within the new second floor level.

8.2 Environment & Sustainability

Sustainable design

Policy 36 of the City Plan expects all development to reduce on-site energy demand and maximise the low carbon energy sources to minimise the effects of climate change. Whilst all development proposals should follow the principles of the Mayor's of London energy hierarchy, only major developments are expected to be net zero.

Policy 37 of the City Plan deals with waste management. The Council promotes the Circular Economy. Only referable schemes are required to have Circular Economy Statements but part C of the policy also mentions the requirements to comply with the Code of Construction Practice which deals with construction, demolition and excavation waste and requires a site waste management plan.

Part D of policy 38 of the City Plan requires that development extend the lifetime of buildings and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design. The supporting text states, "As new developments are large consumers of resources and materials, the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition and proposals for substantial demolition and reconstruction should be fully justified on the basis of whole-life carbon impact, resource and energy use, when compared to the existing building. All development should ensure the reduction, reuse or recycling of resources and materials, including water and waste and minimise energy use and emissions that contribute to climate change" (Para. 38.11). However, the requirement for a whole-life carbon impact assessment is only required for major schemes as detailed in the Westminster's Environmental SPD (February 2022).

The Belgravia Neighbourhood Forum and local residents have raised an objection to the amount of demolition rather than refurbishing and retrofitting the buildings.

The proposal involves the demolition behind the front façade and party walls for six of the properties. This would result in the creation of more energy efficient buildings. In order to maximise the process of reclaiming and reuse of exiting materials in each building, the agent has agreed to a condition to secure a reclamation audit. A condition securing a Whole Life Carbon Assessment based on as-built information is also recommended.

A Sustainability Statement has been submitted in support of the eight applications to demonstrate how the proposals meet the requirements of Policy 36 and 38 (Part D) through thermally efficient measures. These measures include upgrading the retained elements of the existing buildings, specifying high levels of insulation to the new elements, installing air source heat pumps and PV panels, and installing efficient low-energy lighting. The provision of three PV panels at roof level will be secured by condition to ensure that the energy benefits of the schemes are achieved.

Nos. 11 and 19 Passmore Street were completely retrofitted in January 2015 to achieve EnerPHit criteria (which is the Passivhaus standard for retrofits). Upon officers' request, the proposals for these two properties have been revised to reduce the amount of demolition which has been limited to allow the properties to be extended. The layers of insulation and airtightness membranes installed in 2015 to achieve EnerPHit standards will be retained, the first floor structure and steel beams will be dismantled and reinstated and the party wall within the rear extension will be dismantled and reused in the re-development. The applicant has confirmed that EnerPHit standard and accreditation will therefore be retained for both properties.

In addition, during the course of consideration of the applications additional information was provided to show that the EnerPHit accreditation could be achieved through the proposals at 5, 7, 9, 13, 15 and 17 Passmore Street. It is recommended that this is

secured by condition.

The Belgravia Neighbourhood Forum commented that the new basement level will likely be energy hungry which will be very negative from a zero carbon and sustainability viewpoint. In policy terms, only major schemes are expected to be net zero. The proposed basement will benefit from a lightwell to the rear of the site for natural light and ventilation. It is not considered sustainable to resist a new basement because of its reliance on artificial lighting given its underground nature. The basement level will not be used as a principal living area and low-energy lighting features will be installed.

Given the reduction in demolition at Nos 11 and 19 Passmore Street and the commitment to achieve Passivhaus certification for all properties, the proposals are considered to provide significant energy benefits for the terrace as they will minimise carbon dioxide emissions and achieve the highest levels of sustainable design and construction in accordance with Policies 36 and 38 of the City Plan 2019 – 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022).

Flood Risk & Sustainable Drainage

The sites are located within Flood Zone 3. A Flood Risk Assessment has been submitted with the application which outlines that the sites benefit from a high standard of protection provided by the defences against the risk of tidal flooding from the River Thames, given their good condition, the low probability of failure and the future upgrade as part of the Thames Estuary 2100 plan. The proposed plans show that no sleeping accommodation will be located at basement level. The information provided is considered satisfactory.

The report also includes measures to reduce surface water discharge from the sites. Peak surface run off will be in part mitigated by the introduction of green and blue roofs and a basement sump and pump system. These measures will be secured by condition.

With regards to the concerns raised by the Belgravia Neighbourhood Forum and local residents about excavation works and the impact on the water table and flooding, this is addressed in section 8.8 of this report.

8.3 Biodiversity & Greening

Policy 34B of the City Plan requires that "developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme".

The Belgravia Neighbourhood Forum objects to the reduction in rear garden spaces.

The rear gardens of Nos. 5, 9, 11 and 19 Passmore Street are entirely hard landscaped. There are several groups of shrubs within Nos 7, 15 and 17 Passmore Street rear gardens. As part of the scheme a number of shrubs are proposed for removal but the Council's arboricultural officer raises no objection.

There are only two on-site trees within the properties, an 8m tall goat willow within the rear garden of 7 Passmore Street and a 5m tall palm tree within the rear garden of 13 Passmore Street. There is also an off-site group of 7m tall palm trees close to the rear boundaries of Nos. 5 and 7 Passmore Street but they do not overhang.

A tree survey covering the eight application sites provides baseline tree data and Arboricultural Impact Assessments have been provided in support of the applications. The Council's Arboricultural officer is satisfied that the distance between the proposed works and the trees is acceptable, subject to securing the proposed tree protection measure by condition for Nos. 5, 7, 9, 13, 15 and 17 Passmore Street.

The introduction of green roofs to the rear closet wing extensions and blue/green roofs on the ground floor extensions for each site is welcomed and it is recommended that final details and their provision is secured by condition.

For the reasons set out above it is considered that the proposed schemes are in line with Policy 34 of the City Plan.

8.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that features that contribute positively to the setting conservation will be conserved and opportunities to enhance the setting of conservation area will be taken.

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.

Assessment

The eight adjoining terrace houses form part of a wider terrace of 12 unlisted houses. Built in the 1950's the buildings have a modest scale and unassuming character. Whilst the buildings have limited architectural value, their uniformity is a notable quality which contributes positively to the streetscape character.

The existing properties exhibit timber framed sash windows, which are not entirely traditional, with the first-floor windows appearing more squat than vertical. The introduction of slightly more traditionally proportioned windows would be an improvement; however, it is acknowledged that the new windows would dilute the uniformity of the terrace given the works would not extend to Nos. 21-27. However, that alone does not justify a refusal on design and townscape grounds.

A number of objections to the proposed mansard extension have been received from neighbouring properties, which include concerns relating to their bulk and the uniformity of the terrace. Whilst the terrace currently presents an unaltered and uniform roof line, the terrace is neither listed nor within a designated conservation area. Policy 40 suggests that a co-ordinated approach to upwards extensions will be considered, i.e. when they are proposed as a group but will be subject to a legal agreement insuring they are constructed simultaneously. An objection was also raised that only part of the terrace is proposed to be extended, and this would unbalance the composition of the terrace. Whilst the proposals do not include no. 21-25, leaving an unaltered section at the northern end of the terrace, a larger part of the terrace will be extended, and in conjunction with the fenestration alterations, the eight properties will continue to be a coherent group. Whilst it would be desirable to extend upward across the entire terrace, due to their leases this is not possible. On balance, in light of the majority of the terrace being extended and with the S106 legal agreement in place, the proposals are considered supportable on townscape and design grounds.

In terms of their detailed design, the proposed flat-topped mansards will feature two modest dormers to the front and one to the rear and are of an appropriate height and scale, which is compliant with policy 40 E (3). Details of the new PV panels to the rear elevation of the roof will be secured by condition.

The mansards are of an appropriate scale and appearance and will provide a consistent roof line along the majority of the terrace. The mansards are subsequently supported on design and townscape grounds.

Currently many of the properties within the terrace exhibit single-storey rear extensions which are of a similar projection but are inconsistent in form and appearance. Proposals include the introduction of a full width ground floor extension with a setback half width extension at first floor level to each property. The extensions would present both additional height and bulk, but not so significant to be detrimental in townscape terms. The consistent approach taken across the terrace will also re-establish a coherent appearance, which is welcome.

Single storey basements extensions are proposed beneath the footprint of each property (5-19), each featuring a modest light-well parallel with the rear building line of the proposed ground floor extension, with a glass bridge over to access the rear garden. The external features of the basements are to the rear of the buildings and are modest. The basements are considered to comply with policy 45 A (4), as detailed in section 8.8 of this report, and supported on design and townscape grounds.

In summary, the elevation alterations, roof, rear and basement extensions, will create a visually appropriately coherent terrace, which will not have a harmful impact on the appearance of the area or on the setting of the Belgravia Conservation Area. However, to achieve this, it is essential that the development to build the mansards and alterations to front facade are undertaken simultaneously across the eight properties.

Archaeology

The 8 sites are located within the Pimlico Archaeological Priority Area. An archaeological desk-based assessment has been submitted in support of the 8 applications. The Greater London Archaeology Advisory Service has been consulted and concluded that the proposals are unlikely to have a significant effect on heritage assets of archaeological interest, so no further assessment is required.

8.5 Residential Amenity

Objections have been received on the grounds of loss of light, overshadowing, sense of enclosure, overlooking and loss of privacy.

Policy 7 of the City Plan relates to managing development for Westminster's people. It 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.

Policies 33 and 38 of the City Plan are also relevant in assessing the impact of the schemes on the environment of the local residents.

Daylight & Sunlight

The applicant has provided a daylight and sunlight report for each application that identifies the nearest residential properties that could be affected by the proposal, namely 4 to 20 Passmore Street and 21 Passmore Street. Given the relationship between the 8 application sites and the windows serving Lumley Flats buildings, it is not considered that the proposals will result in noticeable loss of daylight and sunlight to those windows even if they have not been included within the assessment.

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight – a Guide to Good Practice' (2022), whilst recognising that these Guidelines should be applied flexibly.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with a reduction of over 20% of existing daylight (VSC) levels likely to be noticeable. In conjunction with the VSC test, the BRE guidelines also recommends that the daylight distribution is assessed using the No Sky Line (NSL) test, where internal arrangements are known. If the NSL moves so that the area of the existing room which receives direct skylight is reduced by over 20%, this is likely to be noticeable.

The BRE Guidelines explain that the advice given is not mandatory, that the numerical guidelines should be interpreted flexibly, for example in an historic city centre, or in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable. In special circumstances the Planning Authority may wish to use different target values. Inner city development is one of the examples where a different approach might be justified. This approach is encouraged by the London Plan's Housing Supplementary Planning Guidance which states that 'guidelines should be applied

sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets.' It goes on to state that 'the degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London.'

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of PSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum.

The report shows that windows within 4 to 20 Passmore Street will comply with BRE guidelines for daylight and sunlight.

At 21 Passmore Street, all residential windows will comply with BRE guidelines with regards to VSC and NSL criteria. Two windows will experience Winter APSH losses beyond BRE guidelines, they are located to the rear of the property. One window is a rooflight serving a living room at ground floor level and the other serves a bedroom at first floor level. The annual APSH for both windows will remain compliant with BRE guidelines. The living room is served by 2 other windows that would not experience sunlight losses. The impact to the single-dwellinghouse at 21 Passmore Street in terms of winter APSH is not considered harmful to justify a refusal on loss of sunlight.

Therefore, despite the objections on loss of light and overshadowing it is not considered reasonable to withhold permission on loss of daylight and sunlight.

Sense of Enclosure

An objection on sense of enclosure has been received.

An increase in a sense of enclosure occurs where development would have an adverse overbearing effect that would result in an unduly oppressive living environment. Policy 7 aims to prevent unacceptable impacts in terms of sense of enclosure.

The distance between the properties on the other side of Passmore Street is over 9m. It is not considered that increasing the 8 properties by one storey will cause the occupiers of properties on the opposite side of Passmore Street to feel too shut in.

The closest windows serving Lumley Flats serve Nos 111 to 120. Given the position of 5, 7, 9, 11 and 15 Passmore Street in relation to those windows, the proposed roof, ground and first floor extensions to those sites will not have any significant impact in terms of sense of enclosure.

The rear elevations at 13, 17 and 19 Passmore are the closest to the Lumley Flats windows. Given the orientation of the Lumley Flats windows and the size and position of the roof, rear ground and first floor extensions the proposals are not considered to materially cause a sense of enclosure for those flats.

It is not considered sustainable to withhold permission for the three-storey buildings given the existing relationship with neighbouring properties.

Privacy

Overlooking from the introduction of new windows at new second floor level has been raised as a concern by objectors. There are existing windows to the front and rear elevations of the 8 properties. The new windows to the proposed mansard roof will not project further than the existing windows and they are of typical size. The properties on the opposite side of Passmore Street are over 9m away. Therefore, it is not considered that the second-floor windows will worsen the existing relationship between the properties in terms of overlooking and privacy.

The second and first floor flat roofs to the rear are to provide green and blue roofs only, a condition is recommended to prevent their use as amenity space.

Noise & Vibration

The proposals include the installation of an air source heat pump to the rear lightwell for each property. Following officer comment that the acoustic report should take into consideration the cumulative impacts of the installation of 8 heat pump units, a revised acoustic report has been submitted confirming that the proposed mitigation measure (the installation of an acoustic enclosure) will negate any cumulative impact. The document has been reviewed by an Environmental Health officer who has no objection in terms of noise and vibration subject to the standard noise conditions.

Our standard noise conditions are considered sufficient to address the concerns raised in the objection letter on noise nuisance grounds.

8.6 Transportation, Accessibility & Servicing

Highway Impact

The proposal has no transportation or highways impact.

Waste & Recycling Storage

Following officer comment revised drawings have been submitted during the course of consideration of the application, showing adequate provision for waste and recycling storage for each property. This will be secured by condition.

8.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and

spending.

8.8 Other Considerations

Basement

The proposals involve the creation of a basement level underneath the footprint of each building (including the proposed rear extension) and associated lightwell to the rear outdoor space. City Plan Policy 45 relates to basement developments. It is noted that the site is not located within a Flooding Hotspot area.

Objections from the Belgravia Neighbourhood Forum and local residents to the basement excavation works have been received on the grounds of potential damage to neighbouring buildings, flood risk, lack of cumulative assessment and the fact that it is contrary to Policies 33 and 45. One of the letters of objection specifically requests a legal agreement to secure costs for necessary repairs or a condition securing a risk assessment and mitigation strategy.

Part A. 1-4 of Policy 45

These parts of the policy relate to structural stability; surface water and sewerage flooding; minimising the impact at construction and occupation stages; protecting heritage assets and conserving the appearance of the of the appearance of the existing building, garden setting and the surrounding area.

The applicant has provided a Structural Methodology Statement relating to the basement prepared by an appropriately qualified structural engineer.

The documents have been reviewed by Building Control who advise that the submitted Structural Method Statement is compliant and acceptable. The officer also advised the investigation of existing structures and geology is sufficient in detail. The likelihood of local flooding or adverse effects on water table has been found negligible. The officer confirmed that the proposed basements are well above ground water level so the cumulative effect of these basements will not have adverse effect on water table and therefore no further information is required on this matter.

The new basement construction using a combination of traditional reinforced concrete L-shaped retaining walls with a reinforced concrete cement ground bearing basement slab is considered to be appropriate for this site. The scheme is justified structurally, and the proposal is considered to be viable. From the preliminary structural information provided at this stage, the consulting engineer is considered to be of sufficient experience to give us confidence that all such alterations will address our usual concerns, sufficient detailed structural analysis and design information to be submitted at later stages.

The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through

Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter. That is why no legal agreement or conditions securing additional information in relation to the impact to neighbouring properties can be secured as part of the planning process.

The only external manifestation of the basement is the creation of the lightwell to the rear of each property. It is considered given its size and location that it will not negatively impact the character and appearance of the buildings and the surrounding area.

Part B 1-5

This part of the policy relates to the extent and depth of basements. This includes limiting the extent and depth of basement developments so to reduce both the risks associated with basement development and to mitigate any negative environmental and amenity impacts. Basement developments are typically (unless exceptions apply) limited to a single storey and must not extend more than 50% of the garden land. Where basements shall not reside directly underneath the building footprint, a minimum of one metre of soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement must be provided. In addition, a margin of undeveloped land should be left, proportionate to the scale of the development and the size of the garden, around the entire site boundary.

The entire basement would be under the footprint of the building meaning that there would be no requirement for soil depth above the basement or any margin of undeveloped land and the associated lightwell would meet the requirement that it does not extend underneath 50% of garden land. The proposed basement is only one storey and would not extend under the highway. During the course of consideration of the application, drawings have been provided to confirm that there will be no underpinning necessary beyond the front wall of the main houses.

The basement extension is considered to be acceptable and compliant with City Plan Policy 45. It is not considered reasonable to withhold permission for insufficient information.

Construction works impacts.

Noise and disturbance during the construction works, in particular the excavation works, and associated vehicular obstruction are raised as grounds of objection by local residents and the Belgravia Neighbourhood Forum.

Policy 33 requires projects which have significant local impacts to mitigate their effects during construction through compliance with the Code of Construction Practice.

It is inevitable that the construction of the proposed development will cause noise and disturbance to local residents and businesses. It is considered that through appropriate controls and careful management the impact from construction works can be lessened.

The City Council's Code of Construction Practice (CoCP) and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites and basement excavation works.

The CoCP will require the developer to provide a bespoke Site Environmental Management Plan (SEMP), which will need to be approved by the City Council's Environment Inspectorate team. This would need to include site construction logistics, working hours, environmental nuisance, identification and description of sensitive receptors, construction management, matters relating to dust, noise and vibration from works and local community liaison.

The applicant has submitted an agreed Appendix A for the CoCP and it is recommended that a condition is attached to the eight planning applications requiring that the construction method is agreed with Environmental Services prior to commencement. It is considered that this is the best method to address potential construction disturbance for neighbouring properties.

A condition is also recommended to protect the amenity of the surrounding area by ensuring the core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways' authority or by the local authority under the Control of Pollution Act 1974.

Those conditions are considered sufficient to address the local residents' concerns about nuisance during construction works.

8.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

8.10 Planning Obligations & Pre-Commencement Conditions

The draft 'Heads' of agreement are proposed to the eight applications to cover the following issues:

- i. ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) are carried out as a single operation; and
- ii. the cost of monitoring the agreement.

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10-day period following notification by the Council of the proposed condition, the reason and justification for the condition.

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 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 and the submission of a reclamation audit. The applicant has agreed to the imposition of the conditions.

9 Conclusion

The applications provide the opportunity to provide additional residential floorspace to eight separate properties in line with Policy 8 of the City Plan.

The proposal is considered acceptable in design terms, mindful of policies 38, 39, 40 and 45 of the Westminster City Plan 2019-2040 (April 2021) creating a visually appropriately coherent terrace, achieving more energy efficient buildings and causing no significant harm to the setting of the character and appearance of the Belgravia Conservation Area a designated heritage asset. The proposal would also be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Whilst recognising the concerns raised by the objectors, the proposal is considered acceptable in land use, design, conservation, sustainability, basement policy and amenity terms and compliant with City Plan policies 7, 8, 33, 34, 35, 36 and 38.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk.

10 KEY DRAWINGS



Existing street elevation



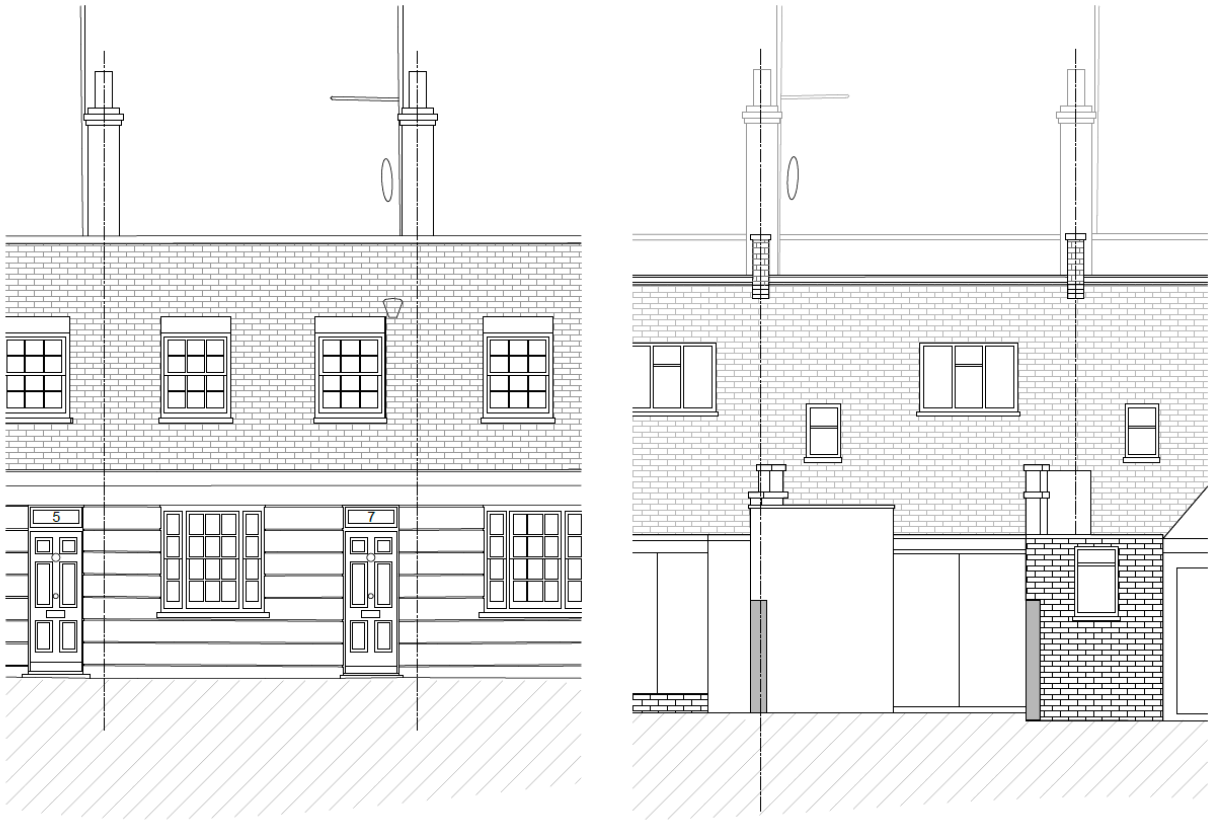
Proposed street elevation



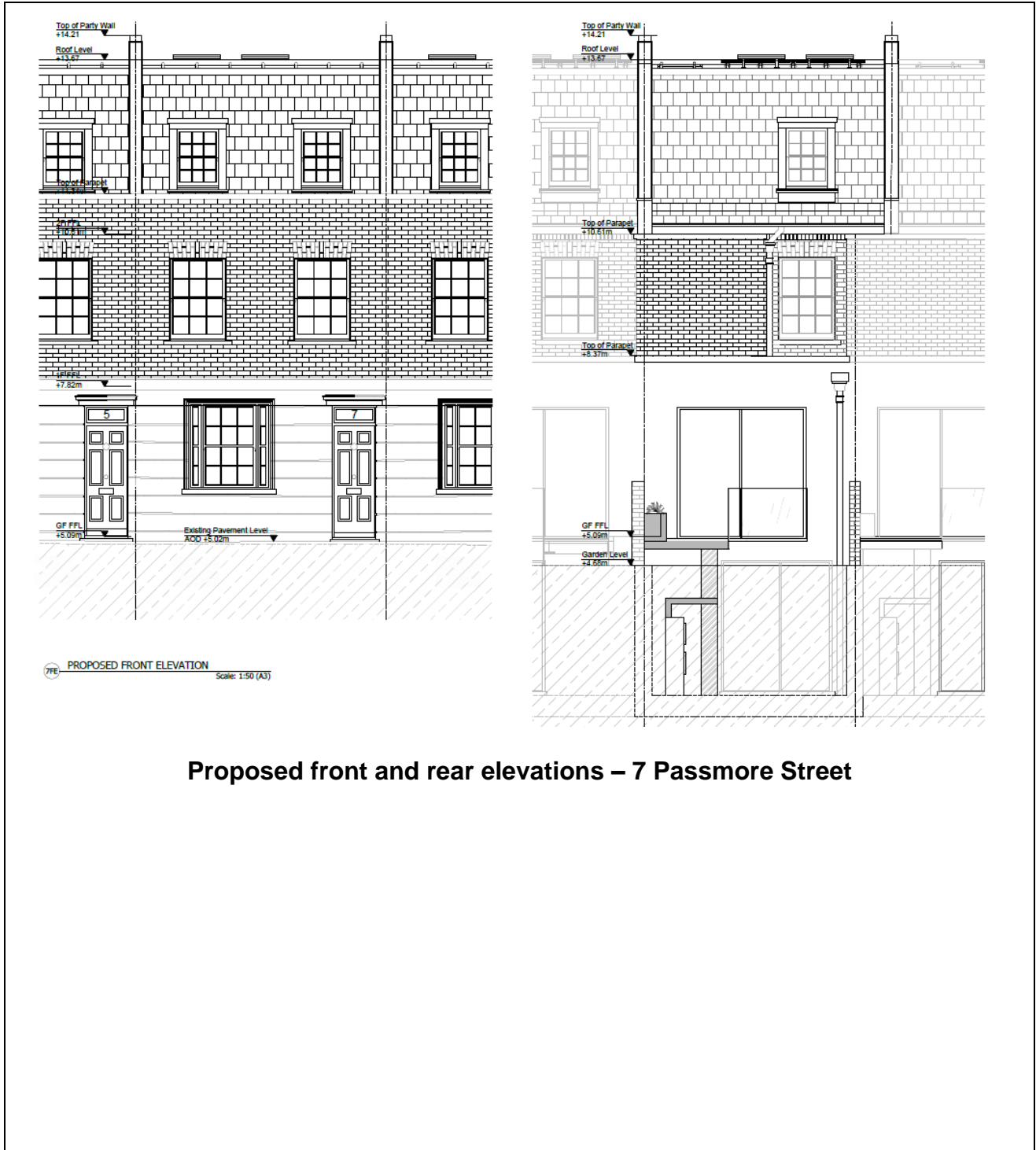
Existing view from the rear of the terrace – 7 Passmore Street highlighted



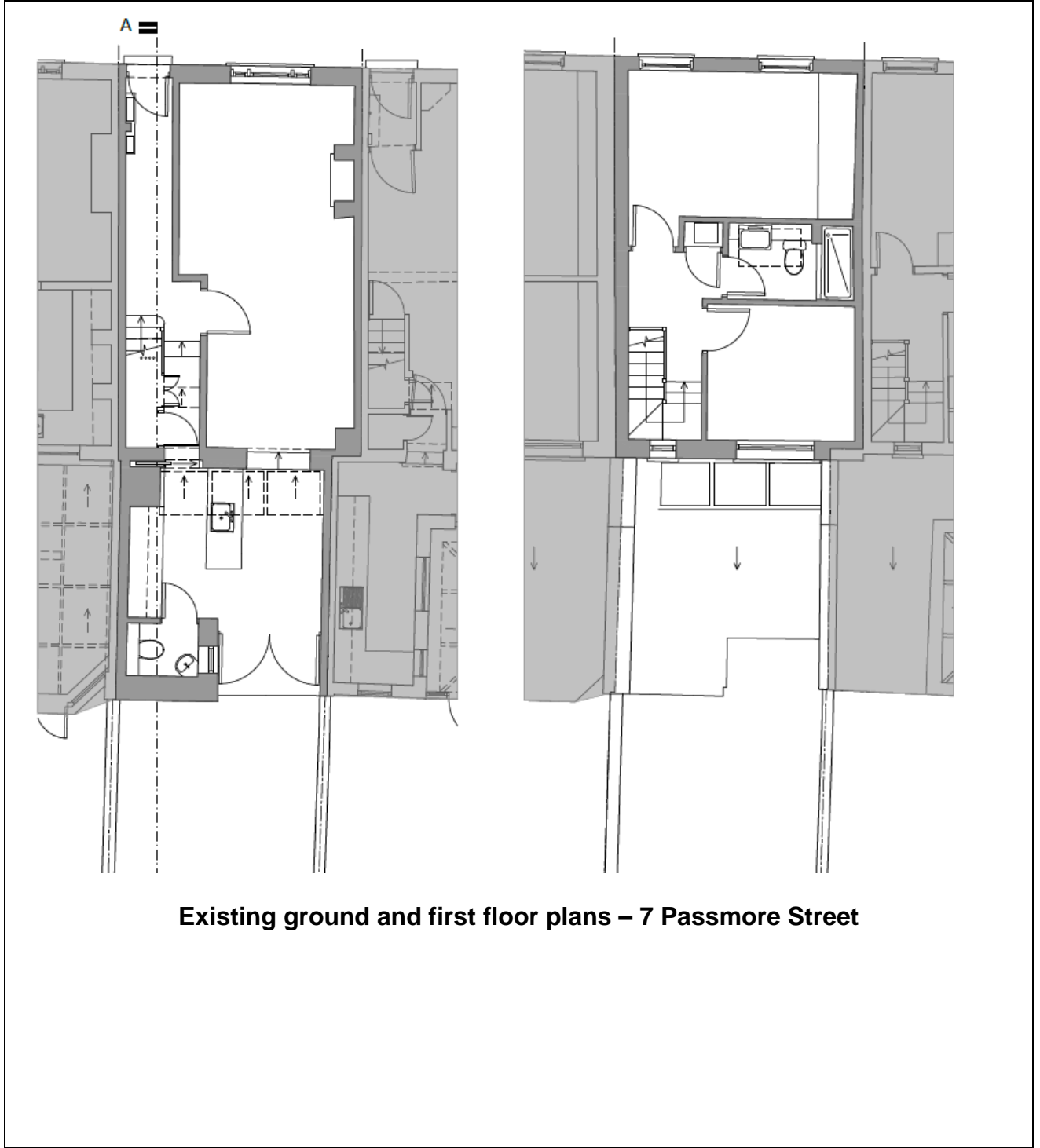
Proposed view from the rear of the terrace – 7 Passmore Street highlighted



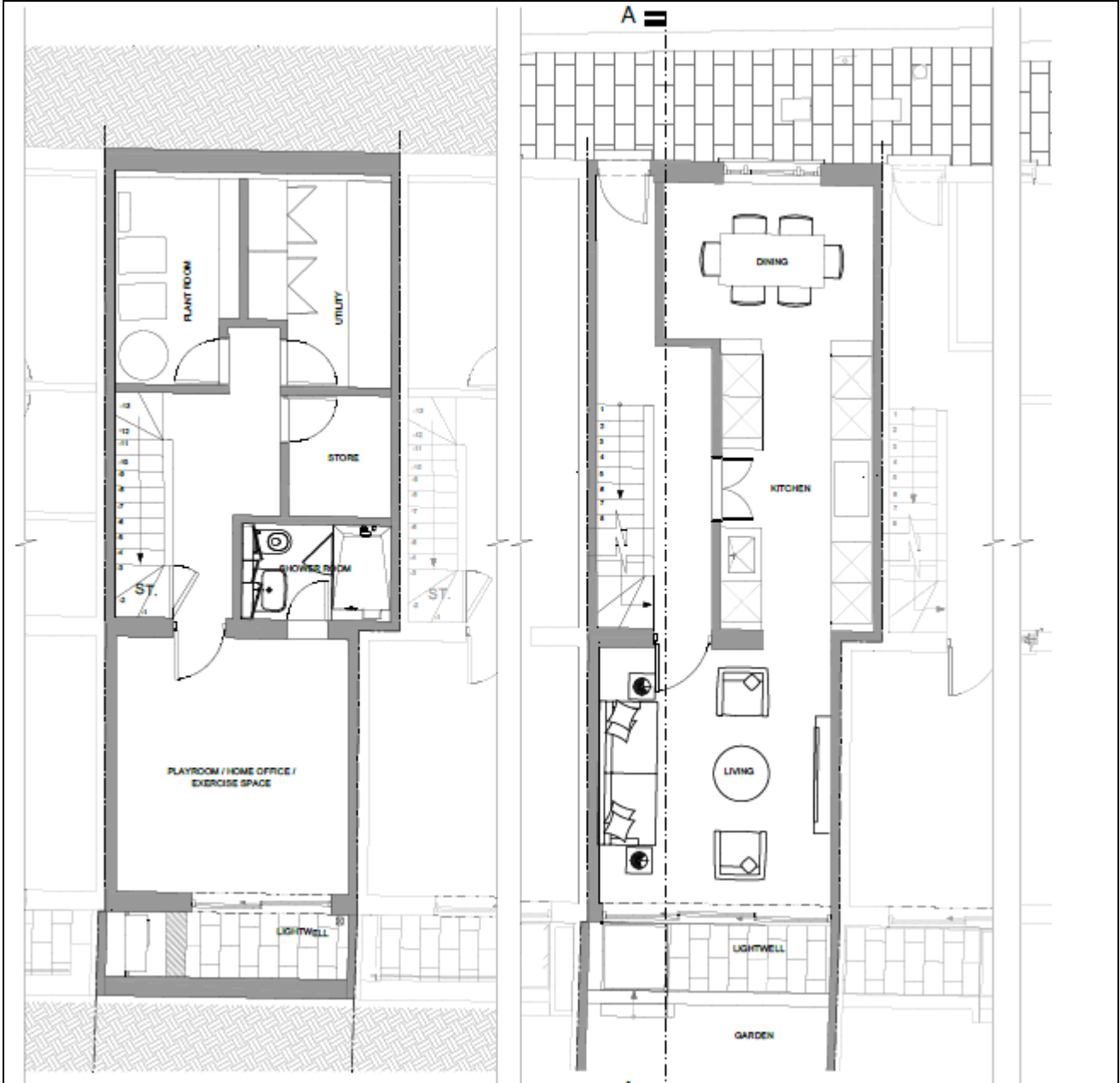
Existing front and rear elevations – 7 Passmore Street



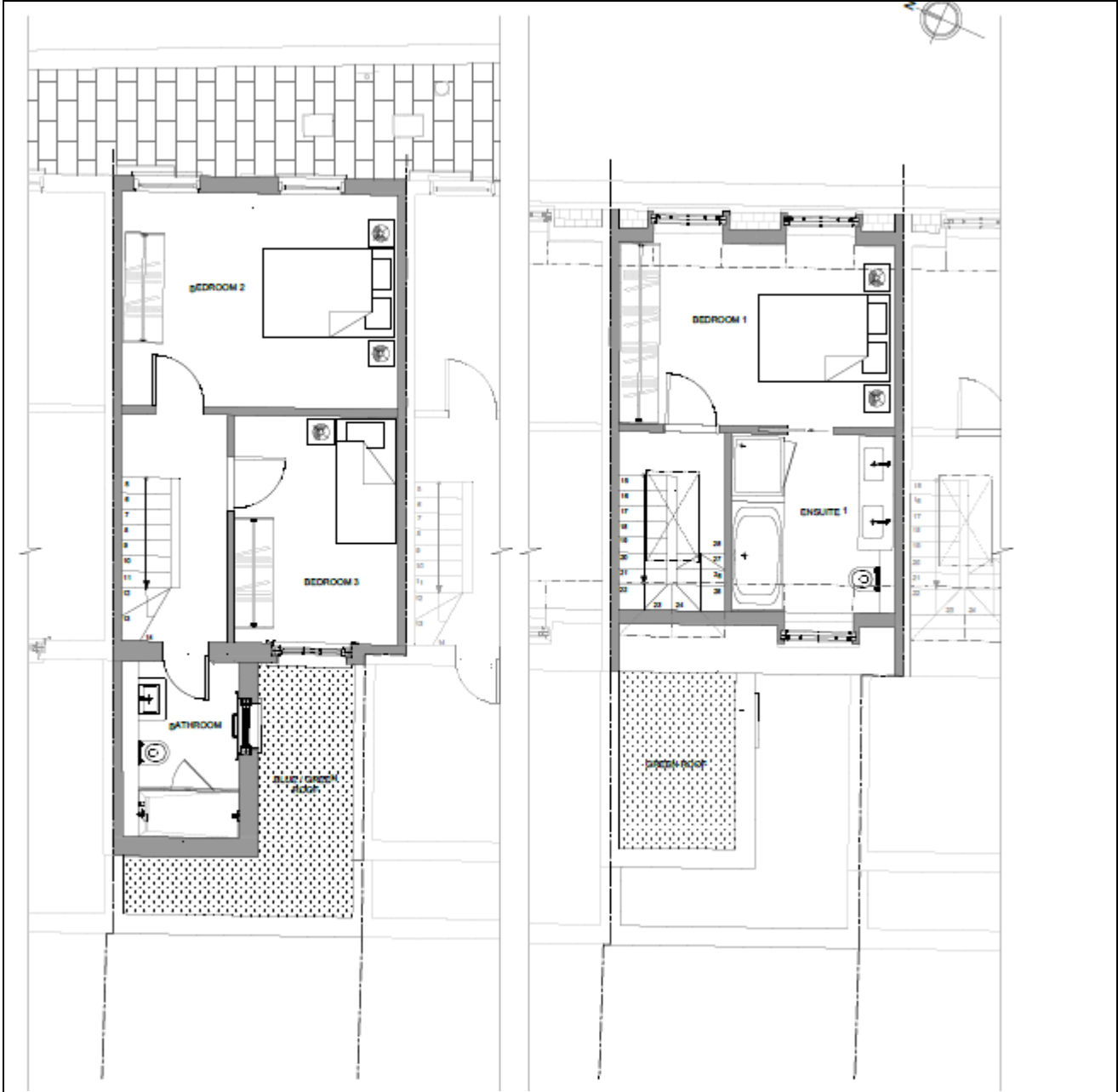
Proposed front and rear elevations – 7 Passmore Street



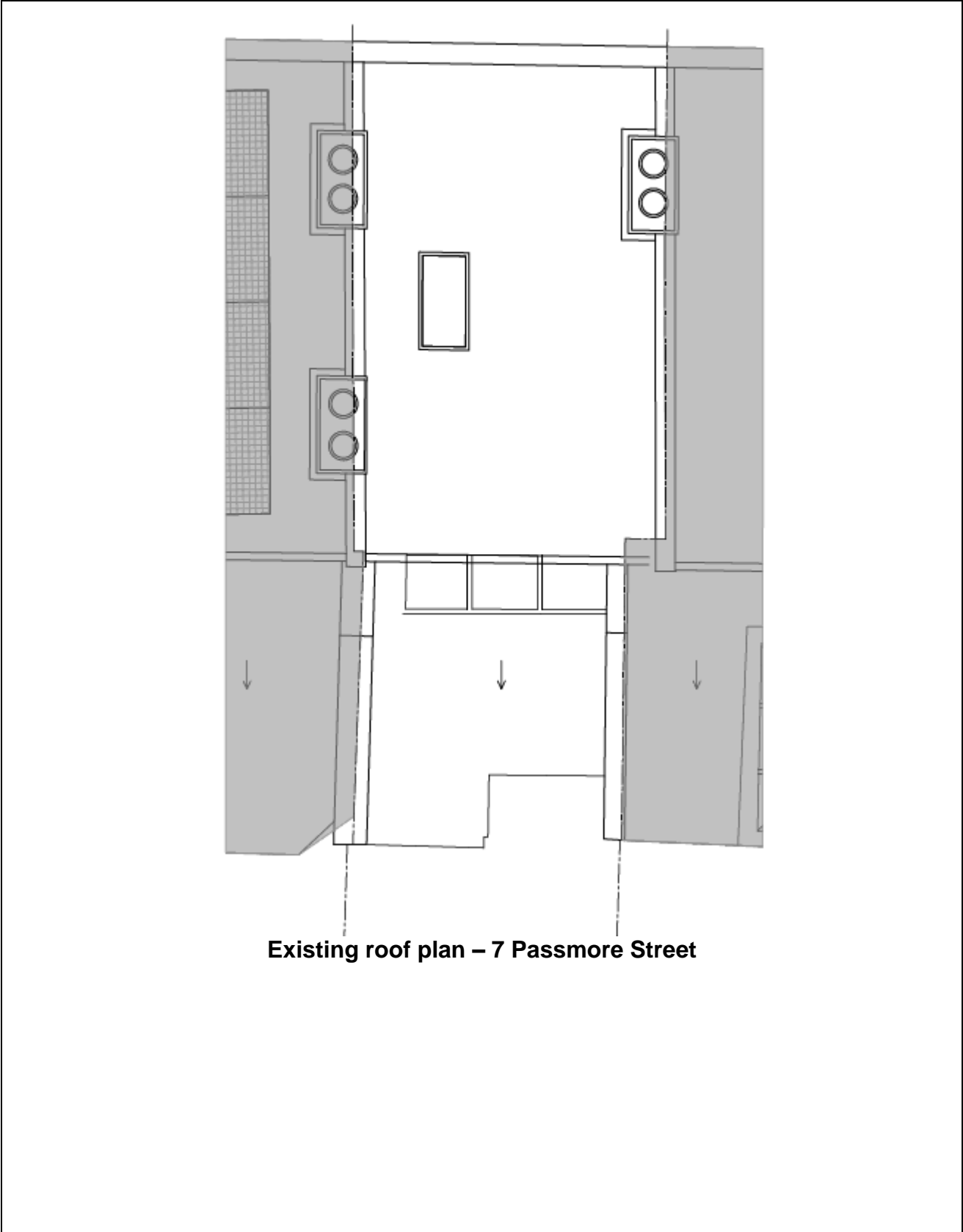
Existing ground and first floor plans – 7 Passmore Street



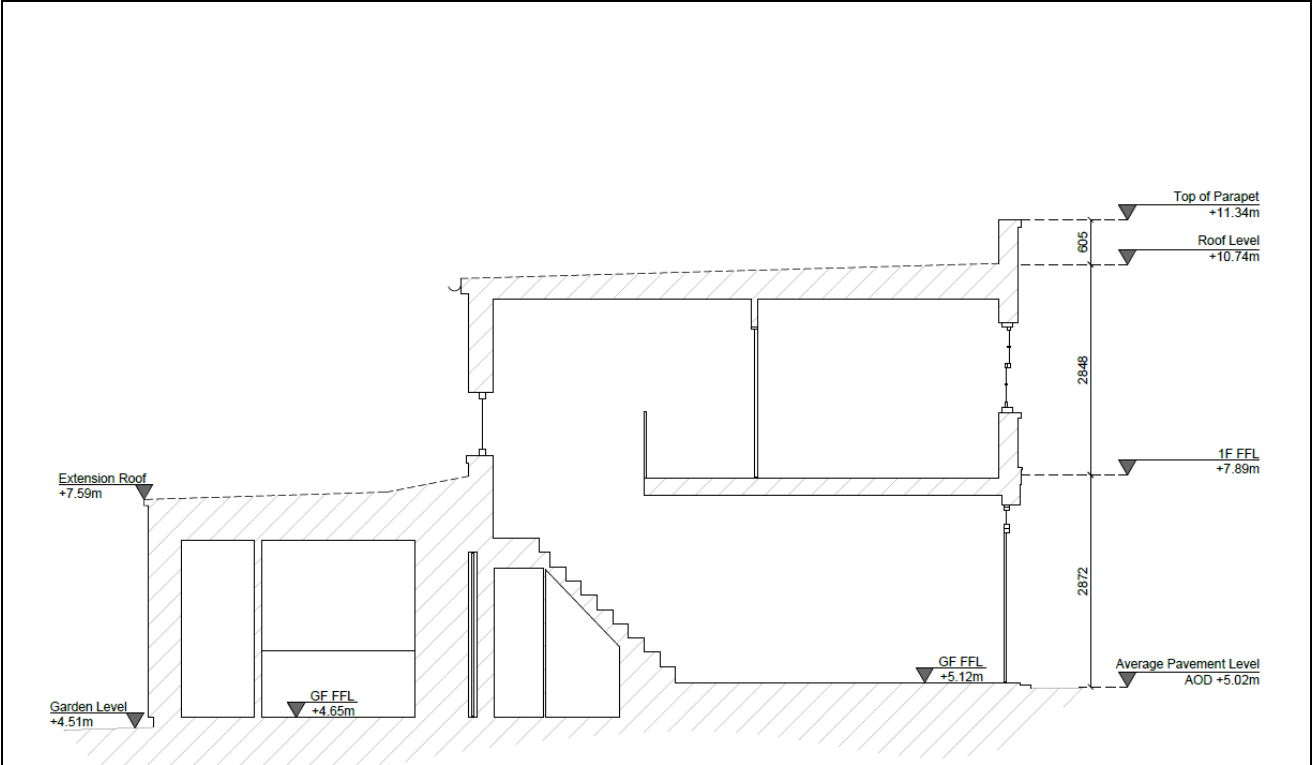
Proposed basement and ground floor plans – 7 Passmore Street



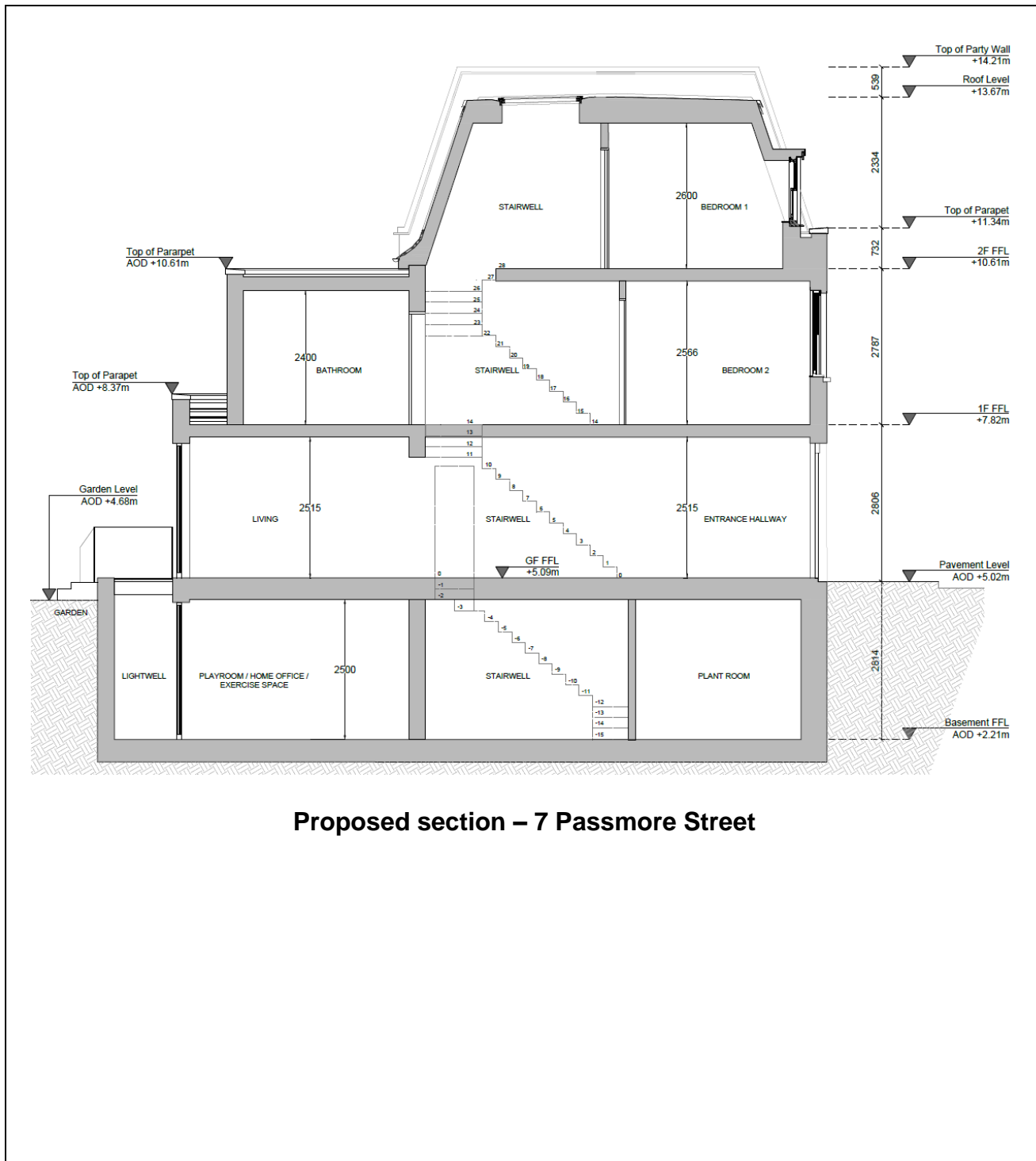
Proposed first and second floor plans – 7 Passmore Street

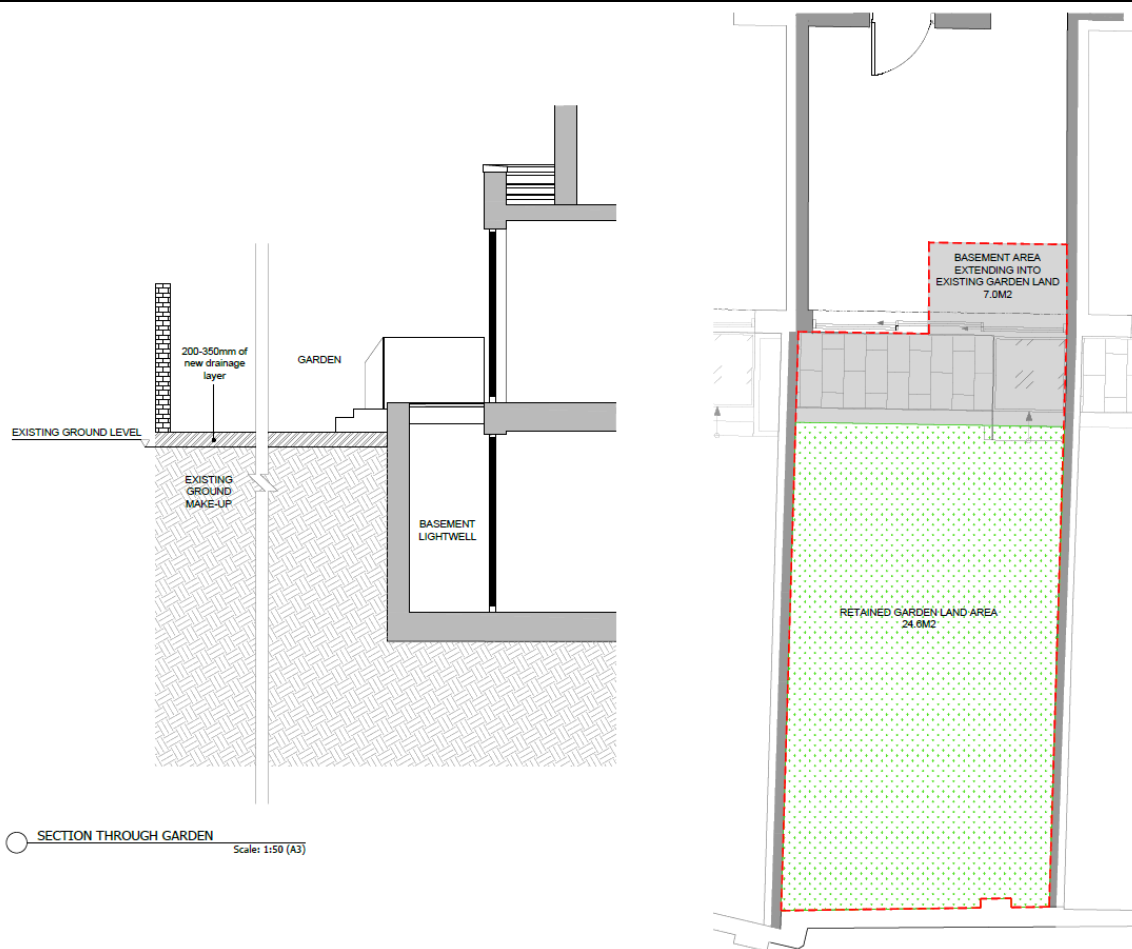


Existing roof plan – 7 Passmore Street



Existing section – 7 Passmore Street





Relationship between proposed basement and existing garden – 7 Passmore Street

DRAFT DECISION LETTER

Address: 5 Passmore Street, London, SW1W 8HR

Proposal: Demolition and rebuilding behind retained front facade and party walls with alterations to front fenestration, provision of a new basement, mansard roof, extensions at rear ground and first floor level and installation of air source heat pump in rear basement lightwell.

Reference: 22/07960/FULL

Plan Nos: Location plan; Site plan; 673-P-D-001; 673-P-D-009; 673-EX-001; 673-EX-009; 673-EX-017; 673-P-001; 673-P-009; 673-P-017; 673-P-025; 673-P-033; 673-P-034 (x2); 673-P-034 Rev. A; 673-P-046; Arboricultural impact assessment and method statement Ref: AAAIA5PA dated 1 September 2022; Tree survey prepared by Arbtech dated 18 August 2022; Appendix A checklist; Noise Assessment for Planning prepared by Inacoustic dated 16th December 2022; Passivhaus EnerPhit Accreditation Ref: 673/05/001 dated 12 April 2023.

For information only : Design and access statement; Phase 1 Desk study from A2 Site investigation ref: 23322-A2SI-05-XX-RP-Y-0001-00 dated 7th October 2022; Interpretative Report from A2 Site investigation ref: 23322-A2SI-05-XX-RP-Y-0003-00 dated 21st November 2022; Factual Report from A2 site investigation ref: 23322-A2SI-XX-XX-RP-X-0002-00 dated 15th November 2022; An archaeological desk-based assessment prepared by Pre-Construct Archaeology dated July 2022; Basement impact review from A2 Site investigation Ref: 23322-A2SI-05-XX-RP-Y-0004-00 dated 21 November 2022; Draft construction management plan; Building Damage Ground Movement Assessment from A2 Site investigation Ref: 23322-A2SI-05-XX-RP-Y-0005-00 dated 21 November 2022; Daylight and sunlight assessment Ref: DR/JB/Pa12 dated 7 October 2022; Flood risk assessment prepared by Herrington Consulting Ltd dated October 2022; Heritage statement dated October 2022; Planning statement dated November 2022; Structural engineer's structural method statement rev. P2 dated 17 November 2022; Community consultation report dated 16 November 2022; 9611-FSD-ZZ-ZZ-DR-S-5050 P1.

Case Officer: Aurore Manceau

Direct Tel. No. 07779567368

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 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 phase 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

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 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 6 You must apply to us for approval of details of the following parts of the development:
- i) windows - elevations and sections scaled 1:10;
 - ii) dormer window details - sections and elevations scale 1:10;
 - iii) details of rooflights - an in-context section showing its upstand; and
 - iv) PV panels- in-context section at 1:10 showing its upstand.

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

Reason:

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

- 7 The mansard must be covered in natural slate and so maintained.

Reason:

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

- 8 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 9 (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 Environmental Supplementary Planning Document (February 2022), 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)

- 10 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 673-P-034 rev.A 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 dwellinghouse. (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)

- 12 **Pre Commencement Condition.** You must carry out a detailed reclamation audit and apply to us for approval of the audit including the following parts :

1. The reclamation audit should identify any building materials and products presenting a high reuse potential. The audit should also list any other reusable building elements. The inventory should present as much information as possible on the dimensions, quantities, conditions, environmental impact, technical characteristics, disassembly

recommendations, etc of the materials and products identified. If an existing concrete frame is present a specialist should investigate the quality of the recycled concrete aggregates and their re-usability potential before full demolition is considered. If windows are present, they should be dismantled first and sent to glass recyclers for clear glass cullet production (minimising contamination).

2. Based on the audit, the design team should demonstrate that any new-built project is designed incorporating at least 20% of the on-site materials identified for re-use, producing 'Dismantling for reuse' specifications.

3. For any materials that are not re-used on-site, but identified as having re-use potential, the design team should advertise the availability of these potentially reusable materials to reclamation professionals (such as the Excess Material Exchange platform led by Enfield Council) and other interested parties who will contribute to the effective circulation of the elements. Meeting minutes from attending a 'Circular Economy surgery' or workshop with such platforms will be sufficient.

4. New developments should be designed for deconstruction, and end of life scenario for each building element should be demonstrated.

5. All proposals, including retrofit of existing building elements, should prioritise sustainable material procurement, sourcing products with high recycled content or construction materials with a circular business model (take-back schemes etc).

You must not start any demolition works until we have approved what you have sent us. You must then carry out the works according to these details.

Reason:

To protect the environment as set out in Policy 37 of the City Plan 2019 - 2040 (April 2021).

- 13 You must submit to us for approval a Whole Life Carbon assessment based on as-built information no later than 3 months post construction.

Reason:

To protect the environment as set out in Policy 37 of the City Plan 2019 - 2040 (April 2021).

- 14 You must provide, maintain and retain the following flood mitigation measures before you start to use any part of the development, as set out in your application.

Green and blue roofs and basement sump and pump system.

You must not remove any of these features. (C44CA)

Reason:

To alleviate and manage flood risk. This is as set out in Policy 35 of the City Plan 2019 - 2040 (April 2021).

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

Three PV panels and air source heat pump.

You must not remove any of these features. (C44AA)

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)

- 16 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green and blue 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)

- 17 You must not use the new first and second floor roofs of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for maintenance.

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)

- 18 You must protect the trees according to the details, proposals, recommendations set out in the Arboricultural Impact Assessment and Method Statement by All Arboriculture. You must undertake the special methods of working and arboricultural supervision according to 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 trees are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 – 2040 (April 2021).

- 19 The development hereby approved shall achieve EnerPhit certification. Post-completion EnerPhit certification issued by an independent third-party assessor, that confirms that the development has been completed in accordance with all Passivhaus performance criteria shall be submitted to us for our approval within three months of first occupation of the development.

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)

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, sitenquiries@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 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.
- 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.
- 6 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards) is carried out as a single operation. (I55AA)
- 7 Details of the blues and green roofs, should include drawings showing the extent of the blue and green roofs and cross sections showing:

- o The blue and green roofs in relation to the supporting roof structures
 - o The drainage layers
 - o The type and depth of planting substrate
- Details should also include:
- o Species
 - o Size or type of proposed plants (e.g: sedum mat, seed mix, planting plugs or plant sizes)
- The biodiversity management plan should include maintenance details.

For advice on Passivhaus, including advice on modelling, finding a qualified Passivhaus designers and tradespeople and how to obtain a post completion certification by an independent certifier, please visit the Passivhaus website:

<https://www.passivhaustrust.org.uk/certification.php/>.

There are public sewers crossing or close to your development. If you are planning significant work near our sewers, it is important that you minimize the risk of damage. We will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes:

www.thameswater.co.uk/developers/large-scale-developments/planning-your-development/working-near-our-pipes

- 8 As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 9 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

If you are planning on using mains water for construction purposes, it is important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

Item No.
3

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

DRAFT DECISION LETTER

Address: 7 Passmore Street, London, SW1W 8HR

Proposal: Demolition and rebuilding behind retained front facade and party walls with alterations to front fenestration, provision of a new basement, mansard roof, extensions at rear ground and first floor level and installation of air source heat pump in rear basement lightwell.

Reference: 22/07964/FULL

Plan Nos: Location plan; Site plan; 673-P-D-002; 673-P-D-010; 673-EX-002; 673-EX-010; 673-EX-018; 673-P-002; 673-P-010; 673-P-018; 673-P-026; 673-P-033; 673-P-034; 673-P-035; 673-P-035 Rev. A; 673-P-046; Arboricultural impact assessment and method statement Ref: AAAIA7PA dated 1 September 2022; Tree survey prepared by Arbtech dated 18 August 2022; Appendix A checklist; Noise Assessment for Planning prepared by Inacoustic dated 16th December 2022; Passivhaus EnerPhit Accreditation Ref: 673/07/001 dated 12 April 2023.

For information only : Phase 1 Desk study from A2 Site investigation ref: 23322-A2SI-07-XX-RP-Y-0001-00 dated 7th October 2022; Interpretative Report from A2 Site investigation ref: 23322-A2SI-07-XX-RP-Y-0003-00 dated 21st November 2022; Factual Report from A2 site investigation ref: 23322-A2SI-XX-XX-RP-X-0002-00 dated 15th November 2022; Design and access statement; An archaeological desk-based assessment prepared by Pre-Construct Archaeology dated July 2022; Basement impact review from A2 Site investigation Ref: 23322-A2SI-07-XX-RP-Y-0004-00 dated 21 November 2022; Draft construction management plan; Building Damage Ground Movement Assessment from A2 Site investigation Ref: 23322-A2SI-07-XX-RP-Y-0005-01 dated 21 November 2022; Daylight and sunlight assessment Ref: DR/JB/Pa12 dated 7 October 2022; Flood risk assessment prepared by Herrington Consulting Ltd dated October 2022; Heritage statement dated October 2022; Planning statement dated November 2022; Structural engineer's structural method statement rev. P2 dated 17 November 2022; Community consultation report dated 16 November 2022; 9611-FSD-ZZ-ZZ-DR-S-5050 P1.

Case Officer: Aurore Manceau

Direct Tel. No. 07779567368

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)

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requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

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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)

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- (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 Environmental Supplementary Planning Document (February 2022), 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)

- 10 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 673-P-035 rev.A 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 dwellinghouse. (C14FC)

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- 12 **Pre Commencement Condition.** You must carry out a detailed reclamation audit and apply to us for approval of the audit including the following parts :

1. The reclamation audit should identify any building materials and products presenting a high reuse potential. The audit should also list any other reusable building elements. The inventory should present as much information as possible on the dimensions, quantities, conditions, environmental impact, technical characteristics, disassembly recommendations, etc of the materials and products identified. If an existing concrete frame is present a specialist should investigate the quality of the recycled concrete aggregates and their re-usability potential before full demolition is considered. If windows are present, they should be dismantled first and sent to glass recyclers for clear glass cullet production (minimising contamination).

2. Based on the audit, the design team should demonstrate that any new-built project is designed incorporating at least 20% of the on-site materials identified for re-use, producing 'Dismantling for reuse' specifications.

3. For any materials that are not re-used on-site, but identified as having re-use potential, the design team should advertise the availability of these potentially reusable materials to reclamation professionals (such as the Excess Material Exchange platform led by Enfield Council) and other interested parties who will contribute to the effective circulation of the elements. Meeting minutes from attending a 'Circular Economy surgery' or workshop with such platforms will be sufficient.

4. New developments should be designed for deconstruction, and end of life scenario for each building element should be demonstrated.

5. All proposals, including retrofit of existing building elements, should prioritise sustainable material procurement, sourcing products with high recycled content or construction materials with a circular business model (take-back schemes etc).

You must not start any demolition works until we have approved what you have sent us. You must then carry out the works according to these details.

Reason:

To protect the environment as set out in Policy 37 of the City Plan 2019 - 2040 (April 2021).

- 13 You must submit to us for approval a Whole Life Carbon assessment based on as-built information no later than 3 months post construction.

Reason:

To protect the environment as set out in Policy 37 of the City Plan 2019 - 2040 (April 2021).

- 14 You must provide, maintain and retain the following flood mitigation measures before you start to use any part of the development, as set out in your application.

Green and blue roofs and a basement sump and pump system.

You must not remove any of these features. (C44CA)

Reason:

To alleviate and manage flood risk. This is as set out in Policy 35 of the City Plan 2019 - 2040 (April 2021).

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

Three PV panels and air source heat pump.

You must not remove any of these features. (C44AA)

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)

- 16 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green and blue 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)

- 17 You must not use the new first and second floor roofs of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for maintenance.

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)

- 18 You must protect the trees according to the details, proposals, recommendations set out in the Arboricultural Impact Assessment and Method Statement by All Arboriculture. You must undertake the special methods of working and arboricultural supervision according to 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 trees are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021).

- 19 The development hereby approved shall achieve EnerPhit certification. Post-completion EnerPhit certification issued by an independent third-party assessor, that confirms that the development has been completed in accordance with all Passivhaus performance criteria shall be submitted to us for our approval within three months of first occupation of the development.

Reason:

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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.

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- 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.

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- 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.
- 6 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards) is carried out as a single operation. (I55AA)

- 7 Details of the blues and green roofs, should include drawings showing the extent of the blue and green roofs and cross sections showing:
- o The blue and green roofs in relation to the supporting roof structures
 - o The drainage layers
 - o The type and depth of planting substrate.

Details should also include:

- o Species
- o Size or type of proposed plants (e.g. sedum mat, seed mix, planting plugs or plant sizes)

The biodiversity management plan should include maintenance details.

- 8 For advice on Passivhaus, including advice on modelling, finding a qualified Passivhaus designers and tradespeople and how to obtain a post completion certification by an independent certifier, please visit the Passivhaus website:
<https://www.passivhaustrust.org.uk/certification.php/>.

- 9 There are public sewers crossing or close to your development. If you are planning significant work near our sewers, it is important that you minimize the risk of damage. We will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes:
www.thameswater.co.uk/developers/large-scale-developments/planning-your-development/working-near-our-pipes

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

If you are planning on using mains water for construction purposes, it is important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

Item No.
3

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

DRAFT DECISION LETTER

Address: 9 Passmore Street, London, SW1W 8HR

Proposal: Demolition and rebuilding behind retained front facade and party walls with alterations to front fenestration, provision of a new basement, mansard roof, extensions at rear ground and first floor level and installation of air source heat pump in rear basement lightwell.

Reference: 22/07966/FULL

Plan Nos: Location plan; Site plan; 673-P-D-003; 673-P-D-011; 673-EX-003; 673-EX-011; 673-EX-019; 673-P-003; 673-P-011; 673-P-019; 673-P-027; 673-P-033; 673-P-034; 673-P-036; 673-P-036 Rev. A; 673-P-046; Arboricultural impact assessment and method statement Ref: AAAIA9PA dated 1 September 2022; Tree survey prepared by Arbtech dated 18 August 2022; Appendix A checklist; Noise Assessment for Planning prepared by Inacoustic dated 16th December 2022; Passivhaus EnerPhit Accreditation Ref: 673/09/001 dated 12 April 2023.

For information only : Phase 1 Desk study from A2 Site investigation ref: 23322-A2SI-09-XX-RP-Y-0001-00 dated 7th October 2022; Interpretative Report from A2 Site investigation ref: 23322-A2SI-09-XX-RP-Y-0003-01 dated 21st November 2022; Factual Report from A2 site investigation ref: 23322-A2SI-XX-XX-RP-X-0002-00 dated 15th November 2022; Design and access statement; An archaeological desk-based assessment prepared by Pre-Construct Archaeology dated July 2022; Basement impact review from A2 Site investigation Ref: 23322-A2SI-09-XX-RP-Y-0004-01 dated 21 November 2022; Draft construction management plan; Building Damage Ground Movement Assessment from A2 Site investigation Ref: 23322-A2SI-09-XX-RP-Y-0005-01 dated 21 November 2022; Daylight and sunlight assessment Ref: DR/JB/Pa12 dated 7 October 2022; Flood risk assessment prepared by Herrington Consulting Ltd dated October 2022; Heritage statement dated October 2022; Planning statement dated November 2022; Structural engineer's structural method statement rev. P2 dated 17 November 2022; Community consultation report dated 16 November 2022; 9611-FSD-ZZ-ZZ-DR-S-5050 P1.

Case Officer: Aurore Manceau

Direct Tel. No. 07779567368

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 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 phase 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

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 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 6 You must apply to us for approval of details of the following parts of the development:

- i) windows - elevations and sections scaled 1:10;
- ii) dormer window details - sections and elevations scale 1:10
- iii) details of rooflights - an in-context section showing its upstand; and
- iv) PV panels - in-context section at 1:10 showing its upstand.

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

Reason:

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

- 7 The mansard must be covered in natural slate and so maintained.

Reason:

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

character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 8 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 9 (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 Environmental Supplementary Planning Document (February 2022), 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)

- 10 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 673-P-036 rev.A 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 dwellinghouse. (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)

- 12 **Pre Commencement Condition.** You must carry out a detailed reclamation audit and apply to us for approval of the audit including the following parts :

1. The reclamation audit should identify any building materials and products presenting a

high reuse potential. The audit should also list any other reusable building elements. The inventory should present as much information as possible on the dimensions, quantities, conditions, environmental impact, technical characteristics, disassembly recommendations, etc of the materials and products identified. If an existing concrete frame is present a specialist should investigate the quality of the recycled concrete aggregates and their re-usability potential before full demolition is considered. If windows are present, they should be dismantled first and sent to glass recyclers for clear glass cullet production (minimising contamination).

2. Based on the audit, the design team should demonstrate that any new-built project is designed incorporating at least 20% of the on-site materials identified for re-use, producing 'Dismantling for reuse' specifications.

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Reason:

To protect the environment as set out in Policy 37 of the City Plan 2019 - 2040 (April 2021).

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Green and blue roofs.

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- 7 Details of the blues and green roofs, should include drawings showing the extent of the blue and green roofs and cross sections showing:

- o The blue and green roofs in relation to the supporting roof structures
- o The drainage layers
- o The type and depth of planting substrate

Details should also include:

- o Species
- o Size or type of proposed plants (e.g: sedum mat, seed mix, planting plugs or plant sizes)

The biodiversity management plan should include maintenance details.

- 8 For advice on Passivhaus, including advice on modelling, finding a qualified Passivhaus designers and tradespeople and how to obtain a post completion certification by an independent certifier, please visit the Passivhaus website: <https://www.passivhaustrust.org.uk/certification.php/>.
- 9 There are public sewers crossing or close to your development. If you are planning significant work near our sewers, it is important that you minimize the risk of damage. We will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes:

www.thameswater.co.uk/developers/large-scale-developments/planning-your-development/working-near-our-pipes

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the

provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

If you are planning on using mains water for construction purposes, it is important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More

Item No.
3

information and how to apply can be found online at thameswater.co.uk/buildingwater.

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

DRAFT DECISION LETTER

- Address:** 11 Passmore Street, London, SW1W 8HR
- Proposal:** Alterations to front fenestration, the provision of a new basement, mansard roof, extensions at rear ground and first floor level and installation of air source heat pump in rear basement lightwell.
- Reference:** 22/07969/FULL
- Plan Nos:** Location plan; Site plan; 673-P-D-004 rev. A; 673-P-D-012 rev. A; 673-P-D-017; 673-P-D-019; 673-EX-004; 673-EX-012; 673-EX-020; 673-P-004 rev. A; 673-P-012 rev. 1; 673-P-020; 673-P-028; 673-P-033; 673-P-034; 673-P-037; 673-P-037 Rev. A; 673-P-046; Arboricultural impact assessment and method statement Ref: AAAIA9PA dated 1 September 2022; Tree survey prepared by Arbtech dated 18 August 2022; Appendix A checklist; Noise Assessment for Planning prepared by Inacoustic dated 16th December 2022; EnerPhit proposal and dismantling strategy ref: 673/11/001 dated 12 April 2023.

For information only : Phase 1 Desk study from A2 Site investigation ref: 23322-A2SI-11-XX-RP-Y-0001-00 dated 7th October 2022; Interpretative Report from A2 Site investigation ref: 23322-A2SI-11-XX-RP-Y-0003-00 dated 21st November 2022; Factual Report from A2 site investigation ref: 23322-A2SI-XX-XX-RP-X-0002-00 dated 15th November 2022; Design and access statement; An archaeological desk-based assessment prepared by Pre-Construct Archaeology dated July 2022; Basement impact review from A2 Site investigation Ref: 23322-A2SI-11-XX-RP-Y-0004-00 dated 21 November 2022; Draft construction management plan; Building Damage Ground Movement Assessment from A2 Site investigation Ref: 23322-A2SI-11-XX-RP-Y-0005-00 dated 21 November 2022; Daylight and sunlight assessment Ref: DR/JB/Pa12 dated 7 October 2022; Flood risk assessment prepared by Herrington Consulting ldt dated October 2022; Heritage statement dated October 2022; Planning statement dated November 2022; Structural engineer's structural method statement rev. P2 dated 17 November 2022; Community consultation report dated 16 November 2022; 9611-FSD-ZZ-ZZ-DR-S-5050 P1.

Case Officer: Aurore Manceau

Direct Tel. No. 07779567368

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 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 phase 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

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 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 6 You must apply to us for approval of details of the following parts of the development:

- i) windows - elevations and sections scaled 1:10;
- ii) dormer window details - sections and elevations scale 1:10;
- iii) details of rooflights - an in-context section showing its upstand; and
- iv) PV panels - in-context section at 1:10 showing its upstand.

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

Reason:

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

- 7 The mansard must be covered in natural slate and so maintained.

Reason:

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

character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 8 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 9 (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 Environmental Supplementary Planning Document (February 2022), 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)

- 10 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 673-P-037 rev.A 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 dwellinghouse. (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)

- 12 **Pre Commencement Condition.** You must carry out a detailed reclamation audit and apply to us for approval of the audit including the following parts :

1. The reclamation audit should identify any building materials and products presenting a

high reuse potential. The audit should also list any other reusable building elements. The inventory should present as much information as possible on the dimensions, quantities, conditions, environmental impact, technical characteristics, disassembly recommendations, etc of the materials and products identified. If an existing concrete frame is present a specialist should investigate the quality of the recycled concrete aggregates and their re-usability potential before full demolition is considered. If windows are present, they should be dismantled first and sent to glass recyclers for clear glass cullet production (minimising contamination).

2. Based on the audit, the design team should demonstrate that any new-built project is designed incorporating at least 20% of the on-site materials identified for re-use, producing 'Dismantling for reuse' specifications.

3. For any materials that are not re-used on-site, but identified as having re-use potential, the design team should advertise the availability of these potentially reusable materials to reclamation professionals (such as the Excess Material Exchange platform led by Enfield Council) and other interested parties who will contribute to the effective circulation of the elements. Meeting minutes from attending a 'Circular Economy surgery' or workshop with such platforms will be sufficient.

4. New developments should be designed for deconstruction, and end of life scenario for each building element should be demonstrated.

5. All proposals, including retrofit of existing building elements, should prioritise sustainable material procurement, sourcing products with high recycled content or construction materials with a circular business model (take-back schemes etc).

You must not start any demolition works until we have approved what you have sent us. You must then carry out the works according to these details.

Reason:

To protect the environment as set out in Policy 37 of the City Plan 2019 - 2040 (April 2021).

- 13 You must submit to us for approval a Whole Life Carbon assessment based on as-built information no later than 3 months post construction.

Reason:

To protect the environment as set out in Policy 37 of the City Plan 2019 - 2040 (April 2021).

- 14 You must provide, maintain and retain the following flood mitigation measures before you start to use any part of the development, as set out in your application.

Green and blue roofs and basement sump and pump system.

You must not remove any of these features. (C44CA)

Reason:

To alleviate and manage flood risk. This is as set out in Policy 35 of the City Plan 2019 - 2040 (April 2021).

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

Three PV panels and air source heat pump.

You must not remove any of these features. (C44AA)

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)

- 16 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green and blue 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)

- 17 You must not use the new first and second floor roofs of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for maintenance.

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)

- 18 The development hereby approved shall achieve EnerPhit certification. Post-completion EnerPhit certification issued by an independent third-party assessor, that confirms that the development has been completed in accordance with all Passivhaus performance criteria shall be submitted to us for our approval within three months of first occupation of the development.

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)

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 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.
- 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.
- 6 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards) is carried out as a single operation. (I55AA)
- 7 Details of the blues and green roofs, should include drawings showing the extent of the blue and green roofs and cross sections showing:
 - o The blue and green roofs in relation to the supporting roof structures
 - o The drainage layers
 - o The type and depth of planting substrate
 Details should also include:
 - o Species
 - o Size or type of proposed plants (e.g: sedum mat, seed mix, planting plugs or plant sizes)

The biodiversity management plan should include maintenance details.

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<https://www.passivhaustrust.org.uk/certification.php/>.
- 9 There are public sewers crossing or close to your development. If you are planning significant work near our sewers, it is important that you minimize the risk of damage. We will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes:
www.thameswater.co.uk/developers/large-scale-developments/planning-your-development/working-near-our-pipes

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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If you are planning on using mains water for construction purposes, it is important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

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

DRAFT DECISION LETTER

- Address:** 13 Passmore Street, London, SW1W 8HR
- Proposal:** Demolition and rebuilding behind retained front facade and party walls with alterations to front fenestration, provision of a new basement, mansard roof, extensions at rear ground and first floor level and installation of air source heat pump in rear basement lightwell.
- Reference:** 22/07971/FULL
- Plan Nos:** Location plan; Site plan; 673-P-D-005; 673-P-D-013; 673-EX-005; 673-EX-013; 673-EX-019; 673-P-005 rev. A; 673-P-013; 673-P-021; 673-P-029; 673-P-033; 673-P-034; 673-P-038; 673-P-038 Rev. A; 673-P-046; Arboricultural impact assessment and method statement Ref: AAAIA13PA dated 1 September 2022; Tree survey prepared by Arbtech dated 18 August 2022; Appendix A checklist; Noise Assessment for Planning prepared by Inacoustic dated 16th December 2022; Passivhaus EnerPhit Accreditation Ref: 673/13/001 dated 12 April 2023.

For information only : Phase 1 Desk study from A2 Site investigation ref: 23322-A2SI-13-XX-RP-Y-0001-00 dated 7th October 2022; Interpretative Report from A2 Site investigation ref: 23322-A2SI-13-XX-RP-Y-0003-00 dated 21st November 2022; Factual Report from A2 site investigation ref: 23322-A2SI-XX-XX-RP-X-0002-00 dated 15th November 2022; Design and access statement; An archaeological desk-based assessment prepared by Pre-Construct Archaeology dated July 2022; Basement impact review from A2 Site investigation Ref: 23322-A2SI-13-XX-RP-Y-0004-00 dated 21 November 2022; Draft construction management plan; Building Damage Ground Movement Assessment from A2 Site investigation Ref: 23322-A2SI-11-XX-RP-Y-0005-00 dated 21 November 2022; Daylight and sunlight assessment Ref: DR/JB/Pa12 dated 7 October 2022; Flood risk assessment prepared by Herrington Consulting Ltd dated October 2022; Heritage statement dated October 2022; Planning statement dated November 2022; Structural engineer's structural method statement rev. P2 dated 17 November 2022; Community consultation report dated 16 November 2022; 9611-FSD-ZZ-ZZ-DR-S-5050 P1.

Case Officer: Aurore Manceau

Direct Tel. No. 07779567368

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 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 phase 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

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 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 6 You must apply to us for approval of details of the following parts of the development:

- i) windows - elevations and sections scaled 1:10;
- ii) dormer window details - sections and elevations scale 1:10;
- iii) details of rooflights - an in-context section showing its upstand; and
- iv) PV panels - in-context section at 1:10 showing its upstand.

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

Reason:

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

- 7 The mansard must be covered in natural slate and so maintained.

Reason:

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

- 8 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 9 (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 Environmental Supplementary Planning Document (February 2022), 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)

- 10 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 673-P-038 rev.A 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 dwellinghouse. (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)

- 12 **Pre Commencement Condition.** You must carry out a detailed reclamation audit and apply to us for approval of the audit including the following parts :

1. The reclamation audit should identify any building materials and products presenting a high reuse potential. The audit should also list any other reusable building elements. The inventory should present as much information as possible on the dimensions, quantities, conditions, environmental impact, technical characteristics, disassembly

recommendations, etc of the materials and products identified. If an existing concrete frame is present a specialist should investigate the quality of the recycled concrete aggregates and their re-usability potential before full demolition is considered. If windows are present, they should be dismantled first and sent to glass recyclers for clear glass cullet production (minimising contamination).

2. Based on the audit, the design team should demonstrate that any new-built project is designed incorporating at least 20% of the on-site materials identified for re-use, producing 'Dismantling for reuse' specifications.

3. For any materials that are not re-used on-site, but identified as having re-use potential, the design team should advertise the availability of these potentially reusable materials to reclamation professionals (such as the Excess Material Exchange platform led by Enfield Council) and other interested parties who will contribute to the effective circulation of the elements. Meeting minutes from attending a 'Circular Economy surgery' or workshop with such platforms will be sufficient.

4. New developments should be designed for deconstruction, and end of life scenario for each building element should be demonstrated.

5. All proposals, including retrofit of existing building elements, should prioritise sustainable material procurement, sourcing products with high recycled content or construction materials with a circular business model (take-back schemes etc).

You must not start any demolition works until we have approved what you have sent us. You must then carry out the works according to these details.

Reason:

To protect the environment as set out in Policy 37 of the City Plan 2019 - 2040 (April 2021).

- 13 You must submit to us for approval a Whole Life Carbon assessment based on as-built information no later than 3 months post construction.

Reason:

To protect the environment as set out in Policy 37 of the City Plan 2019 - 2040 (April 2021).

- 14 You must provide, maintain and retain the following flood mitigation measures before you start to use any part of the development, as set out in your application.

Green and blue roofs and basement sump and pump system.

You must not remove any of these features. (C44CA)

Reason:

To alleviate and manage flood risk. This is as set out in Policy 35 of the City Plan 2019 - 2040 (April 2021).

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

Three PV panels and air source heat pump

You must not remove any of these features. (C44AA)

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)

- 16 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green and blue 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)

- 17 You must not use the new first and second floor roofs of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for maintenance.

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)

- 18 You must protect the trees according to the details, proposals, recommendations set out in the Arboricultural Impact Assessment and Method Statement by All Arboriculture. You must undertake the special methods of working and arboricultural supervision according to 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 trees are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021).

- 19 The development hereby approved shall achieve EnerPhit certification. Post-completion EnerPhit certification issued by an independent third-party assessor, that confirms that the development has been completed in accordance with all Passivhaus performance criteria shall be submitted to us for our approval within three months of first occupation of the development.

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)

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, sitenquiries@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 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.
- 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.
- 6 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) is carried out as a single operation. (I55AA)

- 7 Details of the blues and green roofs, should include drawings showing the extent of the blue and green roofs and cross sections showing:
- o The blue and green roofs in relation to the supporting roof structures
 - o The drainage layers
 - o The type and depth of planting substrate
- Details should also include:
- o Species
 - o Size or type of proposed plants (e.g: sedum mat, seed mix, planting plugs or plant sizes)
- The biodiversity management plan should include maintenance details.
- 8 For advice on Passivhaus, including advice on modelling, finding a qualified Passivhaus designers and tradespeople and how to obtain a post completion certification by an independent certifier, please visit the Passivhaus website:
<https://www.passivhaustrust.org.uk/certification.php/>.
- 9 There are public sewers crossing or close to your development. If you are planning significant work near our sewers, it is important that you minimize the risk of damage. We will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes:
www.thameswater.co.uk/developers/large-scale-developments/planning-your-development/working-near-our-pipes

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

If you are planning on using mains water for construction purposes, it is important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

Item No.
3

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

DRAFT DECISION LETTER

- Address:** 15 Passmore Street, London, SW1W 8HR
- Proposal:** Demolition and rebuilding behind retained front facade and party walls with alterations to front fenestration, provision of a new basement, mansard roof, extensions at rear ground and first floor level and installation of air source heat pump in rear basement lightwell.
- Reference:** 22/07972/FULL
- Plan Nos:** Location plan; Site plan; 673-P-D-006; 673-P-D-014; 673-EX-006; 673-EX-014; 673-EX-022; 673-P-006 re. A; 673-P-014; 673-P-022; 673-P-030; 673-P-033; 673-P-034; 673-P-039; 673-P-039 Rev. A; 673-P-046; Arboricultural impact assessment and method statement Ref: AAAIA15PA dated 1 September 2022; Tree survey prepared by Arbtech dated 18 August 2022; Appendix A checklist; Noise Assessment for Planning prepared by Inacoustic dated 16th December 2022; Passivhaus EnerPhit Accreditation Ref: 673/15/001 dated 12 April 2023.

For information only : Phase 1 Desk study from A2 Site investigation ref: 23322-A2SI-15-XX-RP-Y-0001-00 dated 7th October 2022; Interpretative Report from A2 Site investigation ref.: 23322-A2SI-15-XX-RP-Y-0003-00 dated 21st November 2022; Factual Report from A2 site investigation ref: 23322-A2SI-XX-XX-RP-X-0002-00 dated 15th November 2022; Design and access statement; An archaeological desk-based assessment prepared by Pre-Construct Archaeology dated July 2022; Basement impact review from A2 Site investigation Ref: 23322-A2SI-15-XX-RP-Y-0004-00 dated 21 November 2022; Draft construction management plan; Building Damage Ground Movement Assessment from A2 Site investigation Ref: 23322-A2SI-15-XX-RP-Y-0005-00 dated 21 November 2022; Daylight and sunlight assessment Ref: DR/JB/Pa12 dated 7 October 2022; Flood risk assessment prepared by Herrington Consulting Ltd dated October 2022; Heritage statement dated October 2022; Planning statement dated November 2022; Structural engineer's structural method statement rev. P2 dated 17 November 2022; Community consultation report dated 16 November 2022; 9611-FSD-ZZ-ZZ-DR-S-5050 P1.

Case Officer: Aurore Manceau

Direct Tel. No. 07779567368

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 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 phase 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

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

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

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- (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;

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Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), 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)

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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 Environmental Supplementary Planning Document (February 2022). (R48AB)

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conditions, environmental impact, technical characteristics, disassembly recommendations, etc of the materials and products identified. If an existing concrete frame is present a specialist should investigate the quality of the recycled concrete aggregates and their re-usability potential before full demolition is considered. If windows are present, they should be dismantled first and sent to glass recyclers for clear glass cullet production (minimising contamination).

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Reason:

To protect the environment as set out in Policy 37 of the City Plan 2019 - 2040 (April 2021).

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Reason:

To protect the environment as set out in Policy 37 of the City Plan 2019 - 2040 (April 2021).

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You must not remove any of these features. (C44AA)

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)

- 16 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green and blue 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)

- 17 You must not use the new first and second floor roofs of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for maintenance.

Reason:

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- 18 You must protect the trees according to the details, proposals, recommendations set out in the Arboricultural Impact Assessment and Method Statement by All Arboriculture. You must undertake the special methods of working and arboricultural supervision according to 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 trees are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021)

- 19 The development hereby approved shall achieve EnerPhit certification. Post-completion EnerPhit certification issued by an independent third-party assessor, that confirms that the development has been completed in accordance with all Passivhaus performance criteria shall be submitted to us for our approval within three months of first occupation of the development.

Reason:

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Informative(s):

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

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relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

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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.

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- 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.
- 6 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) is carried out as a single operation. (I55AA)

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<https://www.passivhaustrust.org.uk/certification.php/>.
- 9 There are public sewers crossing or close to your development. If you are planning significant work near our sewers, it is important that you minimize the risk of damage. We will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes:
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As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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If you are planning on using mains water for construction purposes, it is important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

Item No.
3

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

DRAFT DECISION LETTER

- Address:** 17 Passmore Street, London, SW1W 8HR
- Proposal:** Demolition and rebuilding behind retained front facade and party walls with alterations to front fenestration, provision of a new basement, mansard roof, extensions at rear ground and first floor level and installation of air source heat pump in rear basement lightwell.
- Reference:** 22/07962/FULL
- Plan Nos:** Location plan; Site plan; 673-P-D-007; 673-P-D-015; 673-EX-006; 673-EX-015; 673-EX-023; 673-P-007 rev. A; 673-P-015; 673-P-023; 673-P-031; 673-P-033; 673-P-034; 673-P-040; 673-P-040 Rev. A; 673-P-046; Arboricultural impact assessment and method statement Ref: AAAIA17PA dated 1 September 2022; Tree survey prepared by Arbtech dated 18 August 2022; Appendix A checklist; Noise Assessment for Planning prepared by Inacoustic dated 16th December 2022; Passivhaus EnerPhit Accreditation Ref: 673/17/001 dated 12 April 2023.

For information only : Phase 1 Desk study from A2 Site investigation ref: 23322-A2SI-17-XX-RP-Y-0001-00 dated 7th October 2022; Interpretative Report from A2 Site investigation ref: 23322-A2SI-17-XX-RP-Y-0003-00 dated 21st November 2022; Factual Report from A2 site investigation ref: 23322-A2SI-XX-XX-RP-X-0002-00 dated 15th November 2022; Design and access statement; An archaeological desk-based assessment prepared by Pre-Construct Archaeology dated July 2022; Basement impact review from A2 Site investigation Ref: 23322-A2SI-17-XX-RP-Y-0004-00 dated 21 November 2022; Draft construction management plan; Building Damage Ground Movement Assessment from A2 Site investigation Ref: 23322-A2SI-17-XX-RP-Y-0005-00 dated 21 November 2022; Daylight and sunlight assessment Ref: DR/JB/Pa12 dated 7 October 2022; Flood risk assessment prepared by Herrington Consulting Ltd dated October 2022; Heritage statement dated October 2022; Planning statement dated November 2022; Structural engineer's structural method statement rev. P2 dated 17 November 2022; Community consultation report dated 16 November 2022; 9611-FSD-ZZ-ZZ-DR-S-5050 P1.

Case Officer: Aurore Manceau

Direct Tel. No. 07779567368

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 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 phase 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

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 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 6 You must apply to us for approval of details of the following parts of the development:
- i) windows - elevations and sections scaled 1:10;
 - ii) dormer window details - sections and elevations scale 1:10;
 - iii) details of rooflights - an in-context section showing its upstand; and
 - iv) PV panels - in-context section at 1:10 showing its upstand.

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

Reason:

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

- 7 The mansard must be covered in natural slate and so maintained.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City

Plan 2019 - 2040 (April 2021). (R26AE)

- 8 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 9 (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 Environmental Supplementary Planning Document (February 2022), 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)

- 10 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 673-P-040 rev.A 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 dwellinghouse. (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)

- 12 **Pre Commencement Condition.** You must carry out a detailed reclamation audit and apply to us for approval of the audit including the following parts :

1. The reclamation audit should identify any building materials and products presenting a high reuse potential. The audit should also list any other reusable building elements. The

inventory should present as much information as possible on the dimensions, quantities, conditions, environmental impact, technical characteristics, disassembly recommendations, etc of the materials and products identified. If an existing concrete frame is present a specialist should investigate the quality of the recycled concrete aggregates and their re-usability potential before full demolition is considered. If windows are present, they should be dismantled first and sent to glass recyclers for clear glass cullet production (minimising contamination).

2. Based on the audit, the design team should demonstrate that any new-built project is designed incorporating at least 20% of the on-site materials identified for re-use, producing 'Dismantling for reuse' specifications.

3. For any materials that are not re-used on-site, but identified as having re-use potential, the design team should advertise the availability of these potentially reusable materials to reclamation professionals (such as the Excess Material Exchange platform led by Enfield Council) and other interested parties who will contribute to the effective circulation of the elements. Meeting minutes from attending a 'Circular Economy surgery' or workshop with such platforms will be sufficient.

4. New developments should be designed for deconstruction, and end of life scenario for each building element should be demonstrated.

5. All proposals, including retrofit of existing building elements, should prioritise sustainable material procurement, sourcing products with high recycled content or construction materials with a circular business model (take-back schemes etc).

You must not start any demolition works until we have approved what you have sent us. You must then carry out the works according to these details.

Reason:

To protect the environment as set out in Policy 37 of the City Plan 2019 - 2040 (April 2021).

- 13 You must submit to us for approval a Whole Life Carbon assessment based on as-built information no later than 3 months post construction.

Reason:

To protect the environment as set out in Policy 37 of the City Plan 2019 - 2040 (April 2021).

- 14 You must provide, maintain and retain the following flood mitigation measures before you start to use any part of the development, as set out in your application.

Green and blue roofs and basement sump and pump system.

You must not remove any of these features. (C44CA)

Reason:

To alleviate and manage flood risk. This is as set out in Policy 35 of the City Plan 2019 - 2040 (April 2021).

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

Three PV panels and air source heat pump.

You must not remove any of these features. (C44AA)

Reason:

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As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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If you are planning on using mains water for construction purposes, it is important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

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3

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

DRAFT DECISION LETTER

- Address:** 19 Passmore Street, London, SW1W 8HR
- Proposal:** Alterations to front fenestration, the provision of a new basement, mansard roof, extensions at rear ground and first floor level and installation of air source heat pump in rear basement lightwell.
- Reference:** 22/07967/FULL
- Plan Nos:** Location plan; Site plan; 673-P-D-008 rev. A; 673-P-D-016 rev. A; 673-P-D-018; 673-P-D-020; 673-EX-008; 673-EX-016; 673-EX-024; 673-P-008 rev. A; 673-P-016; 673-P-024; 673-P-032; 673-P-033; 673-P-034; 673-P-041; 673-P-041 Rev. A; 673-P-046; Appendix A checklist; Noise Assessment for Planning prepared by Inacoustic dated 16th December 2022; EnerPhit proposal and dismantling strategy Ref: 673/19/001 dated 12 April 2023.

For information only : Phase 1 Desk study from A2 Site investigation ref: 23322-A2SI-19-XX-RP-Y-0001-00 dated 7th October 2022; Interpretative Report from A2 Site investigation ref: 23322-A2SI-19-XX-RP-Y-0003-00 dated 21st November 2022; Factual Report from A2 site investigation ref: 23322-A2SI-XX-XX-RP-X-0002-00 dated 15th November 2022; Design and access statement; An archaeological desk-based assessment prepared by Pre-Construct Archaeology dated July 2022; Basement impact review from A2 Site investigation Ref: 23322-A2SI-19-XX-RP-Y-0004-00 dated 21 November 2022; Draft construction management plan; Building Damage Ground Movement Assessment from A2 Site investigation Ref: 23322-A2SI-19-XX-RP-Y-0005-00 dated 21 November 2022; Daylight and sunlight assessment Ref: DR/JB/Pa12 dated 7 October 2022; Flood risk assessment prepared by Herrington Consulting Ltd dated October 2022; Heritage statement dated October 2022; Planning statement dated November 2022; Structural engineer's structural method statement rev. P2 dated 17 November 2022; Community consultation report dated 16 November 2022; 9611-FSD-ZZ-ZZ-DR-S-5050 P1.

Case Officer: Aurore Manceau

Direct Tel. No. 07779567368

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 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 phase 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

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 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 6 You must apply to us for approval of details of the following parts of the development:
- i) windows - elevations and sections scaled 1:10;
 - ii) dormer window details - sections and elevations scale 1:10;
 - iii) details of rooflights - an in-context section showing its upstand; and
 - iv) PV panels - in-context section at 1:10 showing its upstand.

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

Reason:

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

- 7 The mansard must be covered in natural slate and so maintained.

Reason:

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

- 8 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 9 (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 Environmental Supplementary Planning Document (February 2022), 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)

- 10 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 673-P-041 rev.A 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 dwellinghouse. (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)

- 12 **Pre Commencement Condition.** You must carry out a detailed reclamation audit and apply to us for approval of the audit including the following parts :

1. The reclamation audit should identify any building materials and products presenting a high reuse potential. The audit should also list any other reusable building elements. The inventory should present as much information as possible on the dimensions, quantities,

conditions, environmental impact, technical characteristics, disassembly recommendations, etc of the materials and products identified. If an existing concrete frame is present a specialist should investigate the quality of the recycled concrete aggregates and their re-usability potential before full demolition is considered. If windows are present, they should be dismantled first and sent to glass recyclers for clear glass cullet production (minimising contamination).

2. Based on the audit, the design team should demonstrate that any new-built project is designed incorporating at least 20% of the on-site materials identified for re-use, producing 'Dismantling for reuse' specifications.

3. For any materials that are not re-used on-site, but identified as having re-use potential, the design team should advertise the availability of these potentially reusable materials to reclamation professionals (such as the Excess Material Exchange platform led by Enfield Council) and other interested parties who will contribute to the effective circulation of the elements. Meeting minutes from attending a 'Circular Economy surgery' or workshop with such platforms will be sufficient.

4. New developments should be designed for deconstruction, and end of life scenario for each building element should be demonstrated.

5. All proposals, including retrofit of existing building elements, should prioritise sustainable material procurement, sourcing products with high recycled content or construction materials with a circular business model (take-back schemes etc).

You must not start any demolition works until we have approved what you have sent us. You must then carry out the works according to these details.

Reason:

To protect the environment as set out in Policy 37 of the City Plan 2019 - 2040 (April 2021).

- 13 You must submit to us for approval a Whole Life Carbon assessment based on as-built information no later than 3 months post construction.

Reason:

To protect the environment as set out in Policy 37 of the City Plan 2019 - 2040 (April 2021).

- 14 You must provide, maintain and retain the following flood mitigation measures before you start to use any part of the development, as set out in your application.

Green and blue roofs and basement sump and pump system.

You must not remove any of these features. (C44CA)

Reason:

To alleviate and manage flood risk. This is as set out in Policy 35 of the City Plan 2019 -

2040 (April 2021).

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

Three PV panels and air source heat pump.

You must not remove any of these features. (C44AA)

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)

- 16 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green and blue 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)

- 17 You must not use the new first and second floor roofs of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for maintenance.

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)

- 18 The development hereby approved shall achieve EnerPhit certification. Post-completion EnerPhit certification issued by an independent third-party assessor, that confirms that the development has been completed in accordance with all Passivhaus performance criteria shall be submitted to us for our approval within three months of first occupation of the development.

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)

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 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.
- 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.
- 6 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to ensuring that the building contract entered into by the owners of the buildings at 5 to 19 Passmore Street requires that the construction works (to build the mansards and alterations to front facade) is carried out as a single operation. (I55AA)
- 7 Details of the blues and green roofs, should include drawings showing the extent of the blue and green roofs and cross sections showing:
 - o The blue and green roofs in relation to the supporting roof structures
 - o The drainage layers
 - o The type and depth of planting substrate
 Details should also include:
 - o Species
 - o Size or type of proposed plants (e.g: sedum mat, seed mix, planting plugs or plant sizes)
 The biodiversity management plan should include maintenance details.
- 8 There are public sewers crossing or close to your development. If you are planning significant

work near our sewers, it is important that you minimize the risk of damage. We will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes:

www.thameswater.co.uk/developers/large-scale-developments/planning-your-development/working-near-our-pipes

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the

provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

If you are planning on using mains water for construction purposes, it is important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

- 9 For advice on Passivhaus, including advice on modelling, finding a qualified Passivhaus designers and tradespeople and how to obtain a post completion certification by an independent certifier, please visit the Passivhaus website: <https://www.passivhaustrust.org.uk/certification.php/>.

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

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Agenda Item 4

Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 May 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	19 Villiers Street, London, WC2N 6ND		
Proposal	Installation of kitchen extract duct to rear elevation.		
Agent	Mr Armin Ganguly-Hiebert		
On behalf of	Mr Jae Cho		
Registered Number	22/05869/FULL	Date amended/ completed	
Date Application Received	27 August 2022		
Historic Building Grade	Unlisted		
Conservation Area	Adelphi		
Neighbourhood Plan	N/A		

1. RECOMMENDATION

Grant conditional permission.

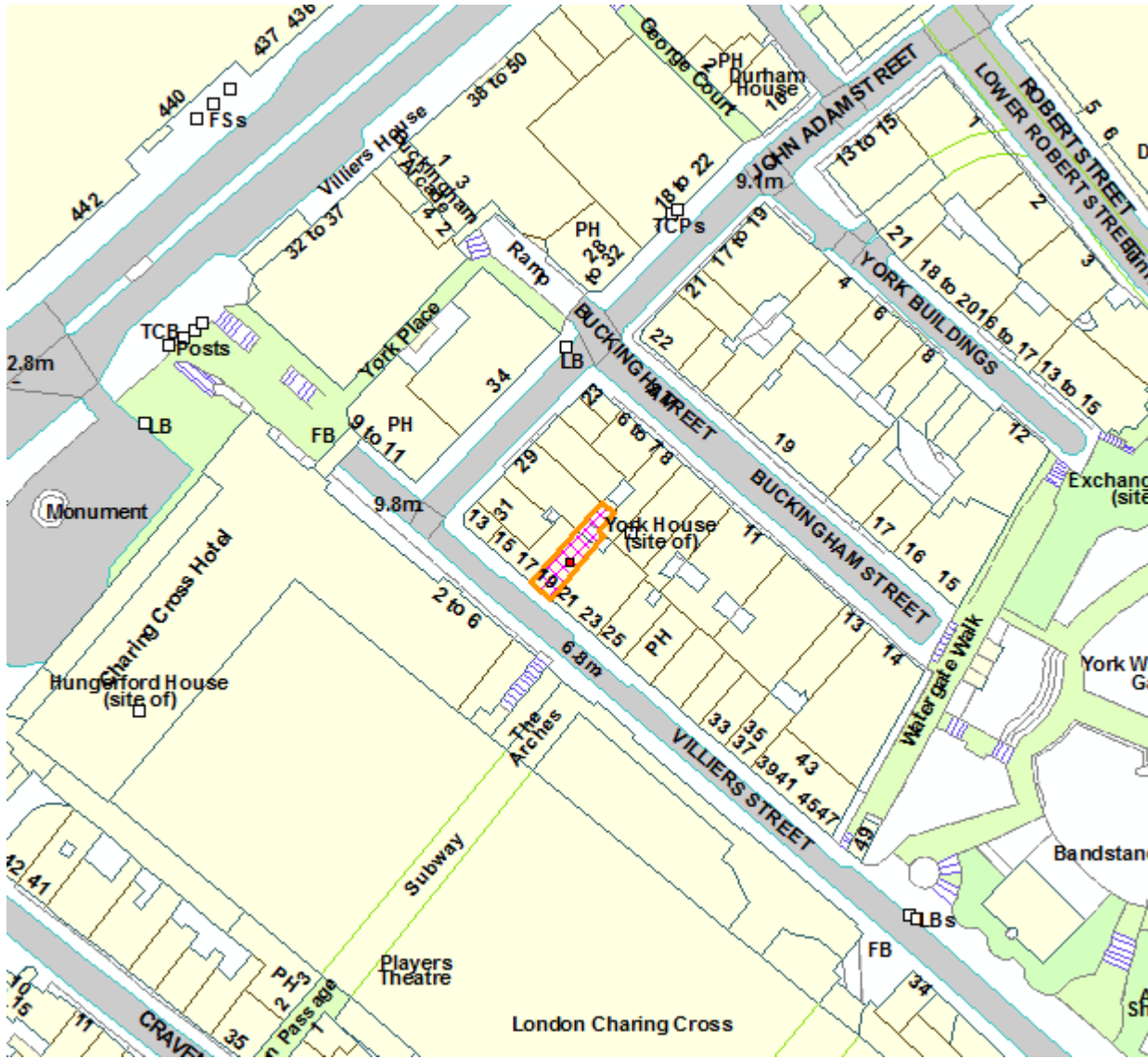
2. SUMMARY & KEY CONSIDERATIONS

<p>19 Villiers Street is an unlisted building of merit located within the Adelphi Conservation Area and Central Activities Zone. The basement and ground floor is occupied by a restaurant with residential flats above.</p> <p>Permission is sought for installation of a full height kitchen extract duct to the rear elevation to serve the restaurant premises. It would replace an existing unauthorised low level rear kitchen extract which is subject to enforcement action.</p> <p>The key issues in the determination of this case are:</p> <ul style="list-style-type: none"> - The impact of the duct on the character and appearance of the Adelphi Conservation Area. - The impact on the amenity of neighbouring residential properties.

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For the reasons set out in this report, the proposed extract duct is considered to accord with the the relevant policies in Westminster's City Plan 2019-2040 (adopted April 2021). As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



19 Villiers Street (BUNSIK)



Rear of 19 Villiers Street (Aerial view)

5. CONSULTATIONS

5.1 Application Consultations

Ward Councillors for St James's (Cllr Tim Mitchell)

The occupier of a flat located above the restaurant has expressed a concern that the duct cladding will age quickly and it might provide an opportunity for vermin to climb up from the ground.

Planning Enforcement Team
No comment

Environmental Health
No objection, subject to conditions

Westminster Society
Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS:

First Consultation: September 2022

No. Consulted: 27

No. of objection: 6 objections (from 4 residents and the Villiers Street Residents Association)

Second Consultation began January 2023

No. Consulted: 27

No. of objection: 3

The objections are summarised as below:

Amenity

- Noise and Odour

- an 'inaccurate representation of the noise pollution to the flats as the noise sensitive receiver identified in the noise assessment report should be the properties closest to the kitchen on the ground floor instead of the unit on the top floor near the duct termination point.
- the proposed extract duct would bring further noise nuisance to the rear of the building which already has mechanical plant equipment serving other commercial uses.
- The revised location for the proposed extract is closer to the windows which would increase the noise and odour nuisance.

- Overshadowing

- The chunky duct would reduce light into some properties.
- The new location for the proposed extract is closer to the windows which would increase the noise and odour nuisance and reduction of light.

-Other matters

- The extract would compromise an existing boiler flue pipe.

- The duct cladding will age quickly and that it might provide an opportunity for vermin to climb up from the ground.
- Inadequate drawing information.

PRESS/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Formal pre-application engagement is not required for a development of this scale although it is encouraged by the City Council for all development. Therefore, whilst details of any pre-application engagement with neighbours that may have taken place have not been submitted, this is not contrary to the expectations of the guidance for development of this scale.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

19 Villiers Street is an unlisted building of merit located within the Adelphi Conservation Area. The building has a restaurant use at basement and ground floor level with residential units above (as part of the wider terrace at 13-25 Villiers Street). The site backs onto the grade II listed 27 and 29 John Adam Street. At the rear of the site there are several extract ducts including a duct at the rear of 31 Villiers Street that was approved in 2014 (RN: 14/01616/FULL).

7.2 The basement and ground floor has been a restaurant since 2010 following planning permission granted in September 2010 at appeal. (RN: 09/02369/FULL). Condition 5 attached to the appeal decision required the submission of details with regard to equipment to control the emission of fumes and smell as insufficient information was provided with the application. There is no planning history relating to the discharge of the condition.

7.3 Recent Relevant History

On 24 December 2009, a planning application (RN: 09/02369/FULL) was refused for “Alterations during the course of construction to a scheme granted planning permission on 8 May 2008 (RN: 07/05508) for the use of 13-25 Villiers Street, 31 John Adam Street and 9 Buckingham Street as residential accommodation (Class C3), and ground floor units on Villiers Street and John Adam Street frontages for retail and restaurant uses (Class A1 and A3) and installation of new shopfronts; namely, use of units 19 and 21 Villiers Street for Class A3 use (cafe and restaurant) and installation of extract duct to rear elevation.” The application was refused on land use grounds.

An appeal was made to the above refusal. The appeal was allowed in September 2010 (RN:10/00026/TPREF). Following the grant of planning permission, the restaurant use commenced but without the discharge of this particular condition.

On 25 April 2022, a planning enforcement investigation (RN: 22/76015/K) was carried out on a potential unlawful low-level extract duct at the application site.

8. THE PROPOSAL

Planning permission is sought for the installation of a full height kitchen extract duct to rear elevation. The duct would measure 400mmx400mm and the duct termination point would be at roof level. Several changes have been made during the course of determination in response to the objections and advice from case officer, including the modifications to the duct’s route, height and size. It was originally intended to clad the duct in GRP brick effect panels, however, this has been removed following fire safety concerns.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposed extract duct is required in connection with the existing use of 19 Villiers Street on the ground floor and basement as a restaurant. The restaurant use is lawful and established through a planning permission granted at appeal.

9.2 Environment & Sustainability

Sustainable Design

The proposal does not raise any sustainable design issues.

9.3 Biodiversity & Greening

The proposal does not increase biodiversity issues.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 72 of the LBCA 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.

Furthermore, the proposals will be assessed against the impact upon the significance of the building and the character and appearance of the Adelphi Conservation Area. Proposals will be assessed against policies 38, 39, and 40 of Westminster's City Plan 2019-40 (April 2021)

Consideration

The proposed route for the duct is at the northern boundary of the site, which appears to be the best available location for an external duct. Whilst the duct, including the cowl at the top of the duct, would not be visible from public vantage points due to the narrow streetscape of Villiers Street, it would be visible to some neighbouring residents.

Following negotiation and advice from the case officer, the height of the duct has been reduced to below that of the chimney stacks, and the duct will therefore not be the

dominant feature on the roof.

In addition, given the application building is located immediately adjacent to the Grade II listed 27 and 29 John Adam Street, the proposals should minimise the visual impact on the setting of the listed buildings, as well as the character and appearance of the conservation area. Whilst a brick effect overclad would have been welcomed, this is not now possible for fire safety reasons. It is therefore recommended that a condition requires the duct work to be painted black which would reduce its visual prominence.

Overall, because the ducting would not be visible from public vantage points, the character and appearance of the conservation area as experienced from the public realm would not be impacted. While the proposed duct would be visible in private views from the rear, with the duct painted black and reduced in height, and given it would be viewed within the context of other larger and more prominent ducting, it would not be harmful to the appearance of the building or the character and appearance of the conservation area as experienced from these private views. The proposal is therefore acceptable in design and conservation area terms.

9.5 Residential Amenity

Policy Context

Policies 7 and 33 of the City Plan seek to protect residential amenity in terms of light, privacy, sense of enclosure and to encourage development, which enhances the residential environment of surrounding properties. Part D of policy 33 states that Development will effectively address the adverse impact of odour through the incorporation of appropriate mitigation measures using a precautionary approach.

Consideration

Objections from five nearby residents and the Villiers Street Residents Association have been received and they raise concerns on potential noise pollution and overshadowing from the proposed extract duct. The objectors suggest that there is an 'inaccurate representation of the noise pollution to the flats' as the noise sensitive receiver identified in the noise assessment report should be the residential flats closest to the kitchen on the ground floor (i.e. the 1st floor flat of 23A Villiers Street) instead of the residential units near the duct termination point on the top floor.

The objectors are concerned that the proposed extract duct would bring further noise nuisance as residential units in this block are already subject to noise from mechanical plant. One of the objectors argues that residential units would be 'sandwiched' by the proposed extract duct and an existing extract from the ground floor unit at 25 Villiers Street (Pret A Manger). The objectors are also concerned that the extract duct would reduce the light received to some properties.

A noise impact assessment and an odour assessment have been submitted to support the application. The Environmental Health team has reviewed the reports and raise no objections to this application on environmental noise or nuisance grounds subject to conditions to control the noise and vibrations from the equipment. In response to concerns from residents about the rear 4th floor residential window being identified as the

closest residential receiver in the noise impact assessment, Environmental Health advise that the main noise source from kitchen extract schemes is from the fan and the fume discharge opening. In this case the fan is to be located internally so the main noise source is the point of discharge with the nearest most affected noise sensitive property being the residential window at rear 4th floor level.

A site visit to the properties of three objectors has been undertaken during the course of this application. It was found that there are existing boiler flues serving the kitchens which would compromise the route of the originally proposed extract duct and it was observed that an existing extract serving 25 Villiers Street is close to some windows of the flats.

The proposals have been revised in response to the concerns about the boiler flues and advice from the case officer. The amended scheme changed the location of the duct so that it would be less visible and would better fit in with the appearance of the building. Despite this new location being marginally closer to some of the windows of the flats, there would be about a 25cm gap, the size of the duct (including its depth) has been reduced from 600 mm x 1200 mm to 400 mm x 400 mm. Given this relatively modest depth, the impact on light and outlook to the flats would be minimal.

A second consultation was carried out and three objections to the amended scheme have been received. The objectors re-stated their concerns about the potential noise and smell nuisance from the extract. The objectors pointed out that the new location for the extract following the amendment is closer to their windows, which would cause unbearable noise and visual pollution, as well as overshadowing.

Whilst the provision of a full height kitchen extract duct in close proximity to residential windows is always regrettable, it is relative common place on mixed use building in central London a 'full height' kitchen extract duct that terminates away from residential windows would always be considered the best option to prevent odour nuisance in environmental health terms. As such this scheme offers confidence that odour nuisance is unlikely to result.

In this case, notwithstanding that the proposed extract would not be ideal in amenity terms as it would run close to the windows of neighbouring residents, the proposed extract is in connection with an established restaurant use. Furthermore, a 'full height' discharging scheme will address the existing enforcement investigation and the complaint regarding the unlawful low-level extract duct at the application site which is known to be causing odour issues. The applicant's acoustic report has demonstrated that when operating the equipment is likely to comply with our standard noise conditions and a condition requiring a post-commissioning noise report would provide further safeguard. A condition requiring the duct to be painted black would limit its visual impact.

9.6 Transportation, Accessibility & Servicing

The proposal does not raise any transport / parking issues.

9.7 Economy including Employment & Skills

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

9.8 Environmental Impact Assessment

The proposal is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.9 Planning Obligations & Pre-Commencement Conditions

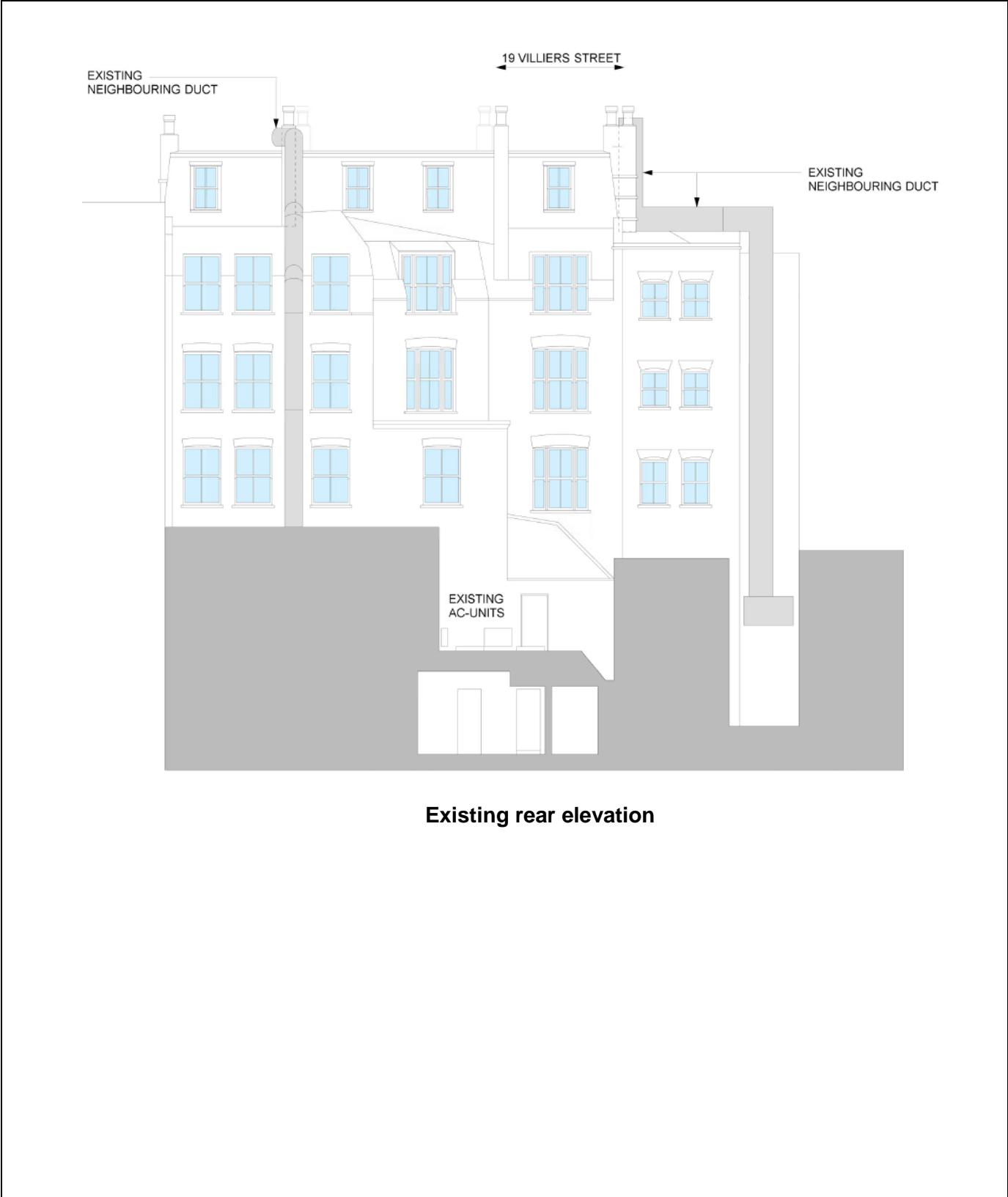
Planning obligations are not relevant in the determination of this application.

10. Conclusion

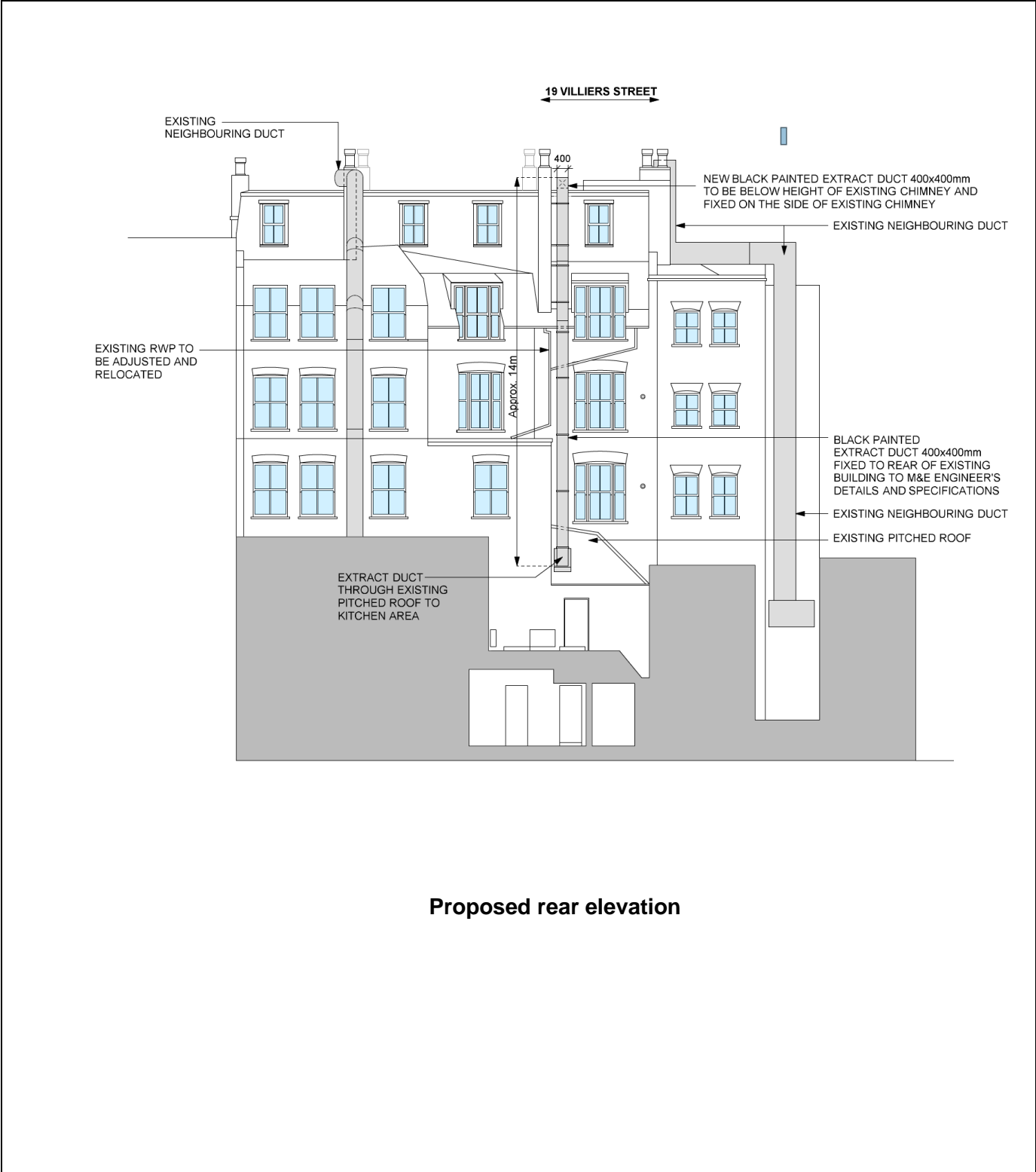
This proposal would add a full height extract to an established restaurant use to address existing complaints and enforcement investigation about the unlawful low-level extract. For the reasons as set out in this report, the proposed extract is considered to accord with the relevant policies in Westminster's City Plan 2019-2040 (adopted April 2021) in terms of design and amenity. As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

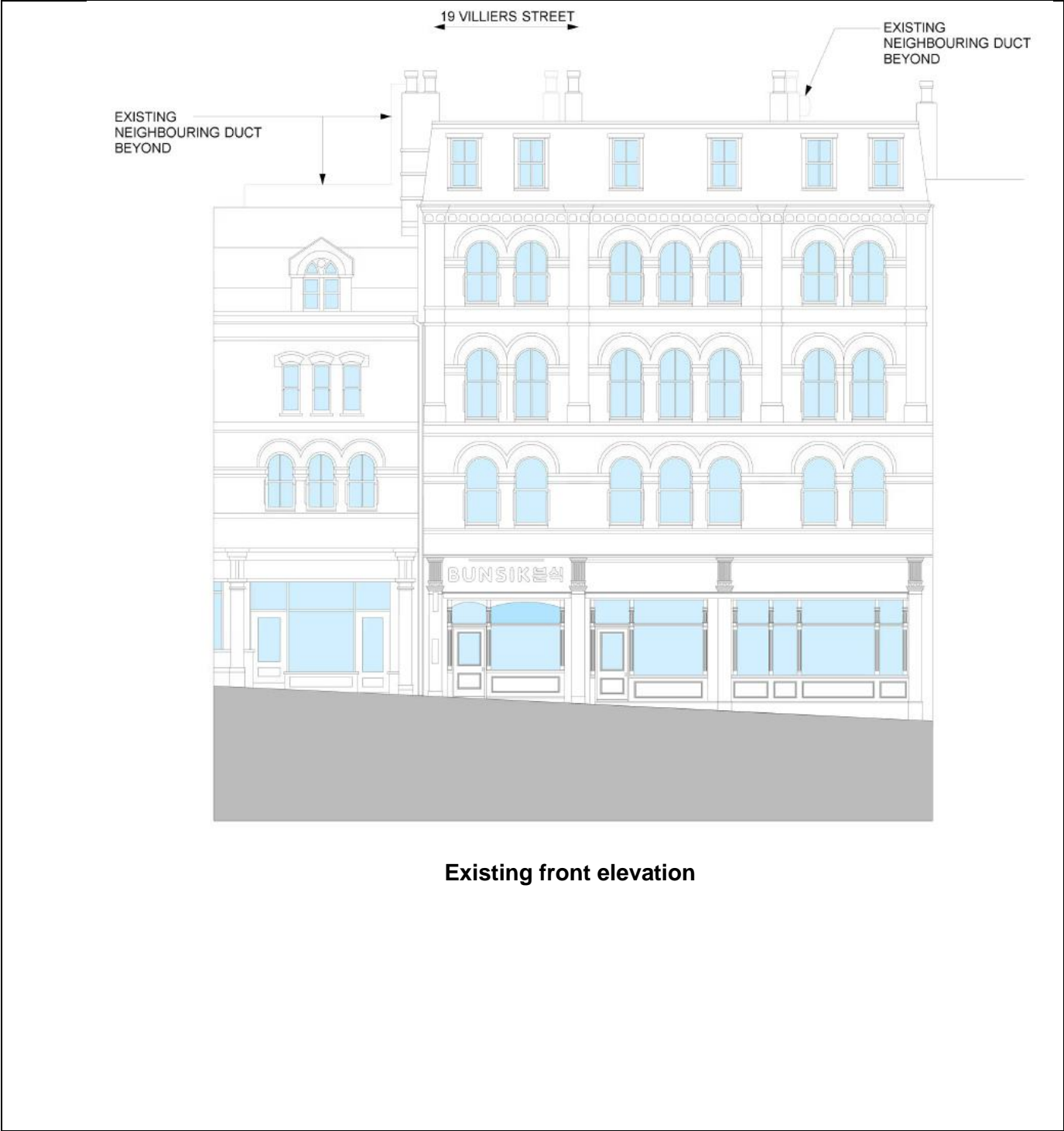
11. KEY DRAWINGS



Existing rear elevation

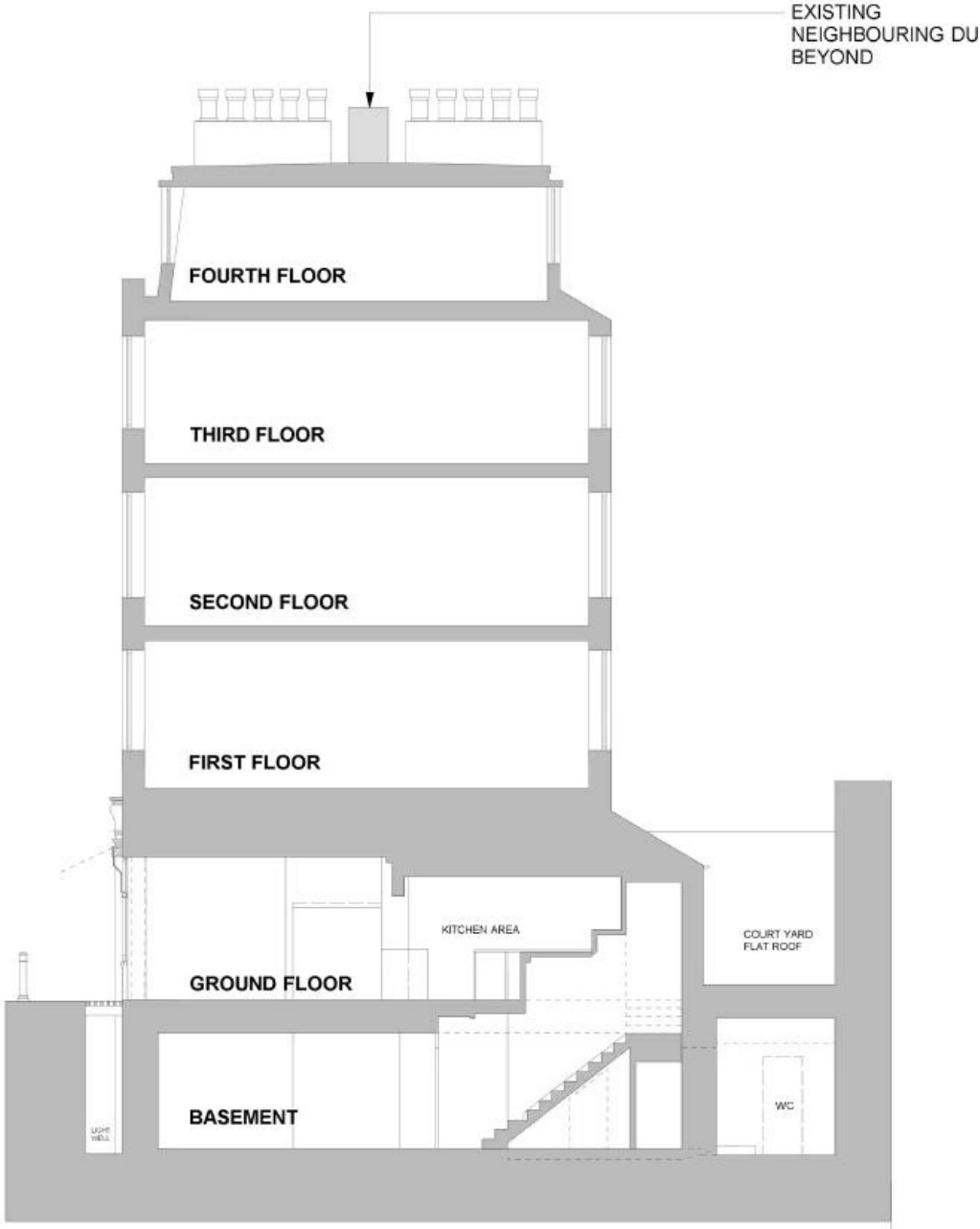


Proposed rear elevation

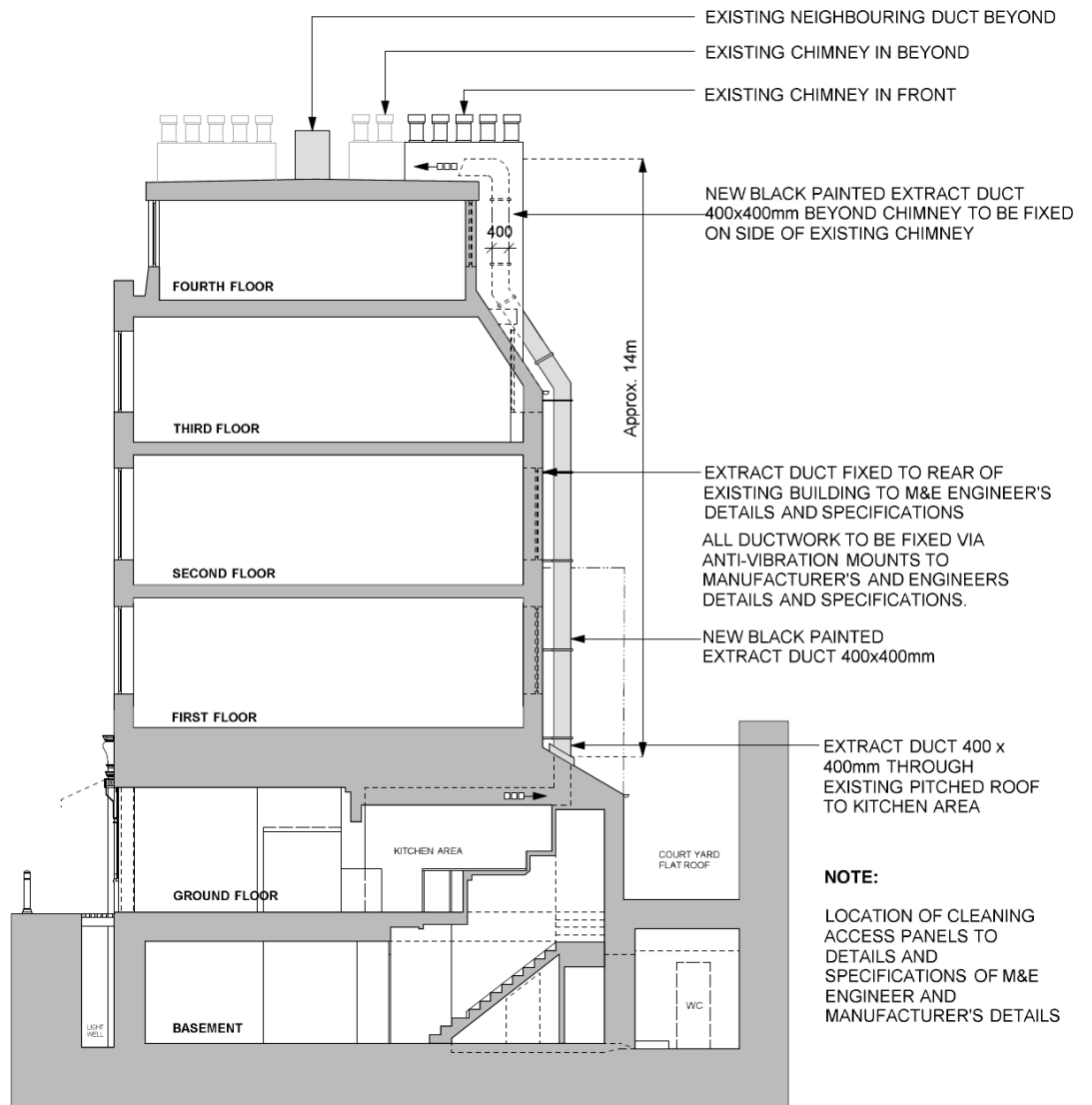




Proposed front elevation



Existing section



Proposed section

DRAFT DECISION LETTER

Address: 19 Villiers Street, London, WC2N 6ND

Proposal: Installation of kitchen extract duct to rear elevation

Reference: 22/05869/FULL

Plan Nos: 19-VS-2022-PT-001, 19-VS-2022-PT-002, 19-VS-2022-PT-006, 19-VS-2022-PT-007, 19-VS-2022-PT-008, 19-VS-2022-PT-009-06, 19-VS-2022-PT-010-06, 19-VS-2022-PT-011-06, Odour Assessment Letter by Lewis Ductwork, Planning Compliance Report dated 16 August 2022,

Case Officer: Morgan Cheung

Direct Tel. No. 07971092759

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.

Reasons:

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)

Reasons:

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 (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)

Reasons:

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 Environmental Supplementary Planning Document (February 2022), 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)

- 4 The plant/machinery hereby permitted shall not be operated except between 07:00 hours and 23:00 hours daily. (C46CA)

Reasons:

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)

- 5 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)

Reasons:

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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 6 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) ^IN; of this permission.

Reasons:

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 Environmental Supplementary Planning Document (February 2022), 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)

- 7 The ducting for the kitchen extract ventilation scheme to prevent odour nuisance shall be as shown in drawing no 19-VS-2022-PT-009-06 dated 16/5/2023.

Reasons:

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

- 8 You must paint the ductwork black within 3 months of the date of its installation and maintain it that colour thereafter.

Reasons:

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

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. **HIGHWAY 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. Kitchen extract ventilation scheme should contain the following elements:
 - i. The kitchen extract duct should be designed to discharge vertically where necessary.
 - ii. All cookline equipment must be placed under the extraction canopy.
 - iii. The general ventilation within the kitchen must be designed to achieve an upper ambient temperature of 25 centigrade and provide sufficient air changes within the workspace in compliance with Building & Engineering Services Association (BESA) guidance DW172 -2018 or as updated.

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- iv. The kitchen extract ducts must be fitted with doors/hatches for cleaning and maintenance, at approximately 2-3 metre intervals or be in compliance with the BESA document TR19 for cleaning and maintenance.
- v. Access to the ducting must comply with the Health & Safety safe access standards.

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 May 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Marylebone	
Subject of Report	42 Wigmore Street, London, W1U 2RY		
Proposal	Alterations to 42 Wigmore Street at front elevation and rear (Welbeck Way) elevation at ground to fourth floor level. Roof terraces at third and fourth floor level for use by the existing office. Reconfiguration of mechanical plant area with associated machinery at fourth floor level. Enlargement of existing glass roof, installation of PV panels and green roof at main roof level. Re-landscaping of front courtyard including installation of green wall. Alterations to Wigmore Street arcade entrance (which forms part of 44-46 Wigmore Street).		
Agent	CBRE Ltd		
On behalf of	Standard Life Assurance Limited		
Registered Number	23/00188/FULL 23/00189/LBC	Date amended/ completed	12 January 2023
Date Applications Received	12 January 2023		
Historic Building Grade	Entrance between 42 -46 Wigmore Street Grade 2 listed		
Conservation Area	Harley Street		
Neighbourhood Plan	None		

1. RECOMMENDATION

1. Grant conditional permission
2. Grant conditional listed building consent.
3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the refurbishment of the existing office building, including rationalisation of plant area and installation of new equipment, creation of two roof terraces, installation PV panels and various green walls, green roof and planting features, the installation of new windows on the main

courtyard elevation of the building. Relandscaping the courtyard is also proposed as well as works to the access archway from Wigmore Street, along with the provision of extensive cycle storage and end of trip facilities at basement level.

The key considerations in this case are:

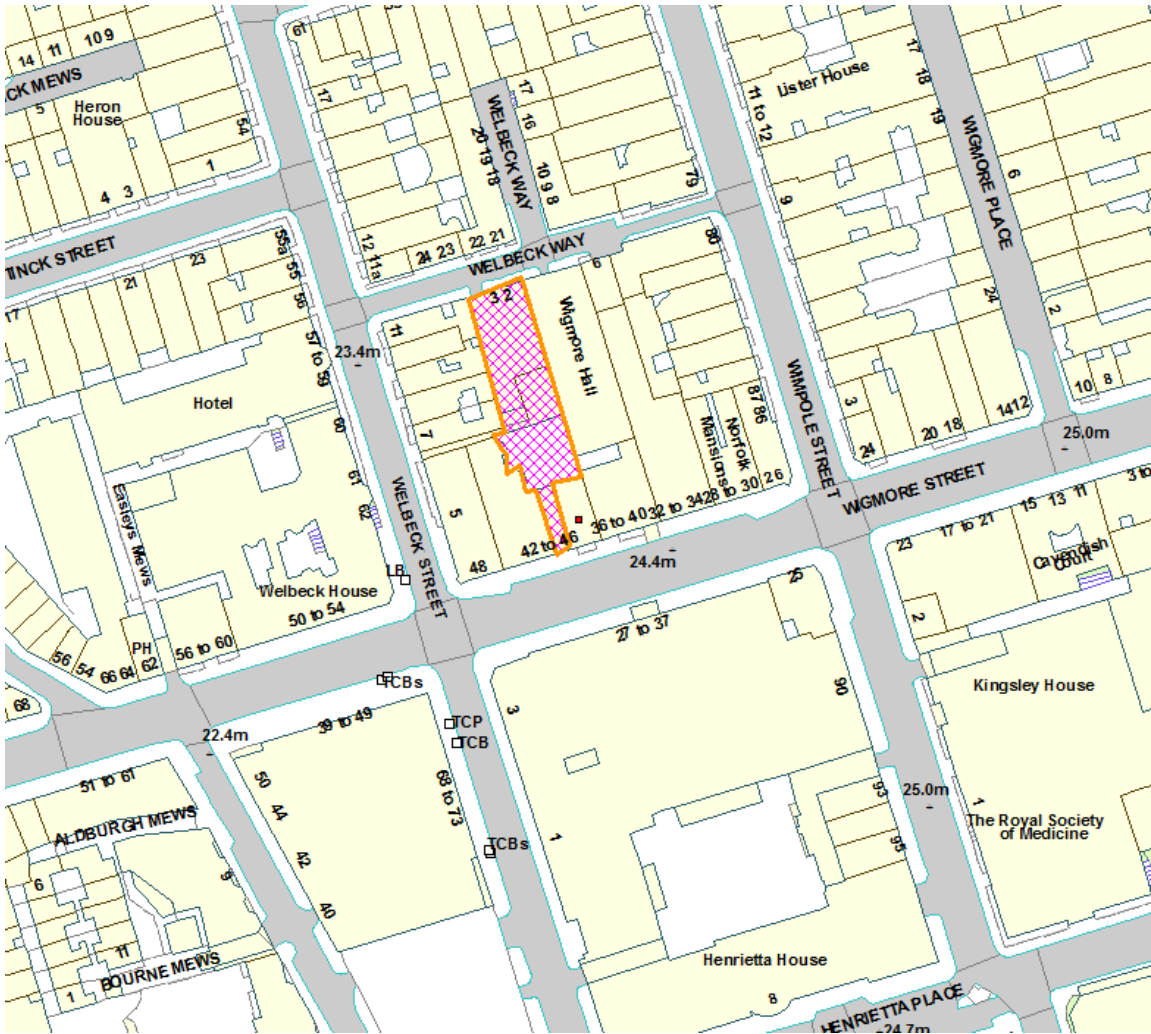
- The acceptability of the proposed changes to the building in design terms.
- The impact of the proposed works on the character and appearance of the Harley Street Conservation Area and the setting of other nearby designated heritage assets, such as the grade II listed buildings adjoining the site.
- The impact on the amenity of neighbouring residential properties.

The proposed alterations are acceptable and suitable interventions and the additional greening at the site is all acceptable in design terms. The works are not considered to be harmful to the character and appearance of the Harley Street Conservation Area and are not harmful to the special interest or character of the listed building.

The applicant has demonstrated that the proposed works will not cause a detrimental loss of daylight and sunlight to surrounding properties. Subject to conditions securing compliance with noise and vibration criteria, the installation of acoustic screening for the mechanical plant, the proposed new machinery is considered acceptable. New terraces are proposed which are considered acceptable subject to the installation of a privacy screening, prohibition of live or amplified music being played on them and restrictions on their hours of use. A condition is also recommended requiring internal blinds to be fitted within an enlarged glazed atrium to prevent light spillage. Subject to these conditions, the proposals are acceptable in amenity terms.

Accordingly, the applications are recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Wigmore Street Elevation (access gates/site indicated)



Internal Courtyard Front Elevation



Welbeck Way Elevation



5. CONSULTATIONS

5.1 Application Consultations

MARYLEBONE ASSOCIATION

Objection:

- conversion of the flat roofs at 3rd and 4th floors to usable terraces for the use of building occupants will have a negative impact on the amenity of neighbouring properties (due to large gatherings and associated noise).
- proposed timber slatted privacy screens at roof level to be poorly considered in the development as a whole. A higher quality solution should be explored.
- impact of the roof level plant equipment with regards noise and venting.

ENVIRONMENTAL SCIENCES

No objection subject to conditions.

HIGHWAYS PLANNING

Concern raised about lack of off-street servicing.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 73 Total No of responses 2

Two objections have been received raising some or all of the following points:

- Previous breaches of historic conditions at the building (use of flat roofs, mechanical plant running beyond approved hours, light pollution from atrium),
- Use of flat roofs as terraces contrary to permission granted for the building which did not allow their use for sitting out,
- Noise from previous use of flat roofs (unlawfully) during summer for parties,
- Noise from use of proposed terraces will be disturbing, especially in summer,
- Loss of privacy from proposed terraces,
- Time restrictions requested for mechanical plant, and
- Light pollution from the lightwell.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The applicant has not submitted a Statement of Community Involvement however, the Early Community Engagement guidance only expects such engagement to take place where the proposal may have a significant impact on residential amenity or other noise sensitive receptors. The applicant has set out within their Planning Statement that they have engaged in local stakeholders.

They set out that flyers setting out the proposals were posted to 65 residential neighbours and business addresses at the start of June 2022 and that no responses were received to these. The flyers were also issued to the Marylebone Forum, the Marylebone Association, and Marylebone Ward Councillors. The only response from these stake holders that the applicant advises of is from the Marylebone Association which is listed as being supportive however, it is noted that the Marylebone Association

have registered an objection to the proposals that have been submitted.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The application site is part of a group of buildings at 42 Wigmore Street and is accessed via a passageway from Wigmore Street which leads into a paved courtyard area with some soft landscaping. The access passageway is part of a Grade II Listed Building, the rest of the site is not listed with the exception of part of the basement (the car park area) beneath 44-46 Wigmore Street which is also Grade II Listed.

The building can be accessed from the south from Wigmore Street and from the north from Welbeck Way. The building is a vacant office (Class E) building.

7.2 Recent Relevant History

Planning permission was granted at the site on 27 September 1991 (RN: 89/00170/FULL) for "Redevelopment of 2-3 Welbeck Way, and redevelopment of 42-48 Wigmore Street behind retained street facades; refurbishment and extension of remaining buildings all to provide B1 (business) A1 (retail) space and improved facilities for the Wigmore Hall, and 9 basement car parking spaces." This was implemented.

Variations to this scheme (listed as during the course of construction) were permitted by planning permission dated 09 April 1998 (RN: 97/0A281/FULL)

The 1991 permission was the subject of a legal agreement which relates solely to the construction phase of the development. The permission includes a number of conditions which are relevant to the proposals, in that they secure the provision and retention of certain features at the site. Condition 4 secures waste storage, Condition 5 secures car parking spaces and Condition 6 secures parking access/loading and unloading areas. Additionally, Condition 8 secured the installation and retention of obscure glazing under the eaves of the upper sloping glass roof on the west side of the building, and the submission of a glazing sample, while Condition 9 required the submission of details of an internal fixed louvre screen under the sloping glazed roof sufficient to prevent overlooking to 7-11 Welbeck Street. However, there is no record that the details required to discharge Conditions 8 and 9 were submitted. While there was no evidence on site that the requirements of Condition 9 had been complied with, all of the sloping roof was fitted with obscured glass. In order to safeguard the amenity of neighbouring occupiers, Condition 12 prevents the use of the main and lower roofs for sitting out. The current proposal includes the use of these lower roofs as terraces. Condition 5 of the planning permission dated 09 April 1998 restricts the operational hours of the existing mechanical plant at the site.

8. THE PROPOSAL

The proposals involve refurbishment of the existing office building. The front elevation of the main building (which fronts the courtyard) will be renovated, small changes are also proposed at the Welbeck Way elevation.

Roof terraces are proposed at third and fourth floor levels. The proposed 3rd floor terrace is on an existing flat roof, the 4th floor in an area currently occupied by plant. Existing plant will be reconfiguration and reduced in size.

The proposals include the relocation of an internal stair core of the building with an enlarged glass roof. PV panels and green roof are proposed at the main roof level, along with the re-landscaping of the front courtyard including installation of green wall.

Alterations are proposed to the Wigmore Street arcade entrance (which forms part of 44-46 Wigmore Street). Cycle storage and changing facilities and waste storage facilities are proposed internally at basement level.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposals will see an increase of approximately 7sqm (GIA) of office (Class E) floorspace on the site as a result of internal layout changes and utilisation of additional space at basement level for back of house and support functions. The principle of this increase in office floorspace is acceptable and supported by the City Plan.

9.2 Environment & Sustainability

Policy 38D of Westminster's City Plan (Design principles) covers sustainable design, while policy 36 covers Energy Performance.

The proposals include the installation of PV panels and the reduction in the amount of mechanical plant on site which are welcomed. Green walls and other greening features are also proposed and are welcomed. The scheme accords with Policies 36 and 38 of the City Plan and the Environmental SPD.

9.3 Biodiversity & Greening

City Plan policy 34 B states that developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme.

Policy 34 G requires that developments achieve biodiversity net gain, wherever feasible and appropriate. Opportunities to enhance existing habitats and create new habitats for priority species should be maximised. Developments within areas of nature deficiency should include features to enhance biodiversity, particularly for priority species and habitats.

The proposals include the provision of PV panels and some area of green roof on the main rooftop. Planting on the proposed terraces as well as landscaping in the courtyard and the introduction of green walls (in the tunnel and within the courtyard) are all also proposed. These features are all welcomed, encouraged and supported by the City Plan. These features shall all be secured by condition.

9.4 Townscape, Design & Heritage Impact

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 ('the LBCA Act') 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 LBCA 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 LBCA 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.

42 Wigmore Street is situated within the Harley Street Conservation Area to which it makes a positive contribution. It harmonises with the neighbouring buildings at 44-46 and the Wigmore Hall, which are grade II listed buildings.

The application site is part of a group of buildings accessed via a passageway from Wigmore Street which leads into a paved courtyard area with some soft landscaping. The building is predominantly brick-faced, with sash windows and decorative metalwork. It shares these details in common with the other buildings surrounding the courtyard, and it also has a modern frontage to Welbeck Way.

The proposed alterations to the building's courtyard façade, which is modern part of the building, have addressed concerns raised at pre-application stage by greatly reducing the amount of demolition involved and by refining the design to better reflect the existing character and appearance of the building and its surroundings. The alterations now envisage altering the central bay of the facade by flattening it, by introducing larger windows including a Palladian window at second floor level, and by adding decorative metal balconies inspired by Regency designs. Alterations to the modern Welbeck Way entrance involve installation of glass doors, and in the historic Wigmore Street façade the existing modern gates are to be replaced with new ones to a different detailed design. There is no objection to changing the doors or gates in design or heritage asset terms.

Enhancements to urban greening include introduction of a large area of living-wall where currently there is just a timber slatted screen (along the eastern boundary) and ground-planted wire climbers. These are acceptable in design and heritage asset terms. Similarly, replacing the double-glazing (which is failing) with new double-glazed windows, installation of rooftop p/v panels, and the proposed general landscaping alterations, are all acceptable in design and heritage asset terms.

The alteration to the roof terraces, including erection of some slatted-timber screening, have a neutral impact on the building's appearance as does the reconfigured mechanical plant and atrium roof glazing. An objection to the slatted screening on the basis that it is, *"...poorly considered in the development as a whole" and that "A higher quality solution should be explored"*, has some merit but it is an adequate solution, in terms of its appearance, with regard to providing privacy in the context of nearby residential properties.

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

9.5 Residential Amenity

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

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

Council records indicate that the closest residential properties are located at 7-11 Welbeck Street, on the western side of the site. There is also a residential property opposite the site at 24 Welbeck Way.

Daylight & Sunlight

The applicant has submitted a daylight and sunlight assessment which has been carried out with reference to the recommended Building Research Establishment (BRE) guidelines (2022). The BRE guidelines states that bathrooms, toilets, storerooms, and circulation space need not be analysed as these rooms are non-habitable rooms and do not have a requirement for daylight. The guidelines state that the tests may also be applied to non-domestic buildings where there is a reasonable expectation of daylight. The BRE guide explains that this would normally include schools, hospitals, hotels and hostels, small workshops and some offices. The BRE guide is not explicit in terms of which types of offices it regards as having a requirement for daylight.

The daylight and sunlight report assesses the impact of the development on windows at the closet properties to the site namely; 7, 8, 9 and 10 Welbeck Street. The study shows that the scheme would be fully compliant with BRE guidelines in terms of both Daylight (Vertical Sky Component and Daylight Distribution) and Sunlight. This aspect of the application is considered acceptable.

Noise & Vibration

The proposals include the reconfiguration of a mechanical plant area with associated machinery at fourth floor level. An acoustic report has been submitted in support of this part of the development assessing the noise impact on surrounding noise sensitive receptors. This report has been assessed by Environmental Sciences Officers who have advised that, subject to the necessary screening being installed (an acoustic screen that shall be secured by condition) and that the plant operates in low noise mode at all times (which they have requested be secured by way of a bespoke condition), the proposals are likely to comply with Council noise and vibration criteria.

Objectors have noted that the existing mechanical plant at the site, which is restricted in its operational hours by way of a historic condition, has previously been run beyond those hours. They are concerned that the operation of plant will result in noise nuisance and request that if permission is granted the hours of operation are again restricted to the hours on the 1988 permission (namely 07.00 – 20.00 condition 5). The acoustic report details plant running on a 24 hour basis. Environmental Sciences Officers have assessed the acoustic report and advise that the plant operating on a 24hour basis is

likely to comply with the City Council's noise criteria and raise no objection to the application. Subject to appropriate conditions, the plant is considered to be acceptable.

Noise and Overlooking from Terraces

The proposals seek to utilise the existing flat roof at rear third floor to provide a new terrace space, and to rationalise the existing mechanical equipment enclosure at rear fourth floor to provide space for a new terrace in this location. As noted above, Condition 12 of the permission granted in 1991 (RN: 89/00170/FULL) prohibits the use of these flat roof areas for sitting out etc. but, should these terraces be permitted, that condition would be superseded.

Objections have been received from neighbours and the local amenity society regarding the impact of the proposed terraces on amenity in relation to noise disturbance, and some concerns about overlooking. They cite incidents where the existing flat roofs were unlawfully used which created noise disturbance.

With regards to privacy and potential overlooking a 2m high timber screen is proposed around both the terraces. It is considered that the screening will prevent any overlooking.

The proposal is to use the terraces for the office accommodation between 08.00 and 20.00 hours on Mondays to Fridays. Subject to a condition that restricts the use to these hours and prevents any music being played on the terraces the provision of the two small terraces are considered acceptable and would not result in noise nuisance to neighbouring residential properties.

Overlooking from New Atrium

An existing glazed atrium on the building has frosted glazing preventing overlooking to the rear of the residential properties on Welbeck Street. The applicant is proposing that the new glazed atrium is not fully obscure glazed, but rather has a section of fritted glass through the central portion which, when combined with the privacy screening for the third-floor terrace, would prevent overlooking. The very top most portion of the new atrium would be unobscured glazing which is uncontentious in terms of risk overlooking. Subject to securing details of the fritted glass to ensure it suitably prevents overlooking, this approach is considered acceptable.

Light Pollution

The enlargement of the glass roof raises concerns over increased light spill. City Plan Policy 33 B states: "Developments must be designed to minimise the detrimental impact of glare and light spill on local amenity, biodiversity, highway and waterway users."

Objections have been received raising concerns about this and noting that nearby residents are already negatively impacted by light pollution at night from the existing atrium. The applicant has advised that the atrium will be fitted with a lighting sensor that will turn the lights on when movement is detected, and then switch them off after a predetermined time when no movement is detected. It is recommended that this detail is secured by condition.

In addition to this, given that the atrium proposed will be larger than existing a condition is recommended which requires an internal automated blind system to be fitted within the new atrium. Such a system would automatically close the installed blinds between sunset and sunrise each night, reducing any impact of light pollution. Details of this system and the installation will be secured by condition.

Subject to these conditions, the objections on the issue of light pollution are considered to have been overcome.

9.6 Transportation, Accessibility & Servicing

The Highways Planning Manager has assessed the application and provided the following comments.

Servicing and Waste & Recycling Storage

Waste storage is indicated on the proposed drawings. The provision and retention of this storage area shall be secured by condition.

The Highways Planning Manager refers to Policy 29 requiring off-street servicing and freight consolidation. The scheme will not however result in an intensification of the office use on the site or a change to servicing arrangements, consequently it is not considered that a servicing management plan should be secured by condition.

Cycling & Cycle Storage

The application indicates 38 cycle spaces are proposed along with 12 foldable bicycle lockers. The provision of space for folding bicycle lockers is generally not an acceptable alternative to conventional cycle parking, however the proposal is heavily supported in this case as the lockers will serve as an addition to the minimum required and the long term spaces quantum is over the minimum required. It is noted the scheme also includes short stay cycle parking within public ground floor areas. This provision is welcomed and considered a positive addition and will support wider Council climate change, air quality improvement and Net Zero strategies. Substantial end of trip facilities (changing rooms, drying rooms, etc.) are also provided which is welcomed. The provision of these cycle parking spaces and end of trip facilities shall be secured by condition.

Parking

The application indicates the removal of the existing 9 car parking spaces at basement level, which is consistent with Policy 27 and welcomed.

9.7 Economy including Employment & Skills

The development is of insufficient scale to require an employment and skills plan. The refurbished office accommodation is welcomed.

9.8 Other Considerations

None.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

The proposals involve the refurbishment of the existing office accommodation. The office will also be provided with external amenity space for use by the office occupiers and cycle parking and end of trip facilities for cyclists are also provided. Relandscaping the existing courtyard and providing additional greening on site is also proposed and welcomed.

Subject to conditions securing compliance with noise and vibration criteria and the installation of acoustic screening for the mechanical plant, as well as the installation of a privacy screen and restricting the hours of use for the roof terraces, the proposals are acceptable in amenity terms.

As such, the proposal is considered acceptable, in accordance with City Plan (2019-2040) policies and therefore, a recommendation to grant conditional permission and consent would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

11. KEY DRAWINGS

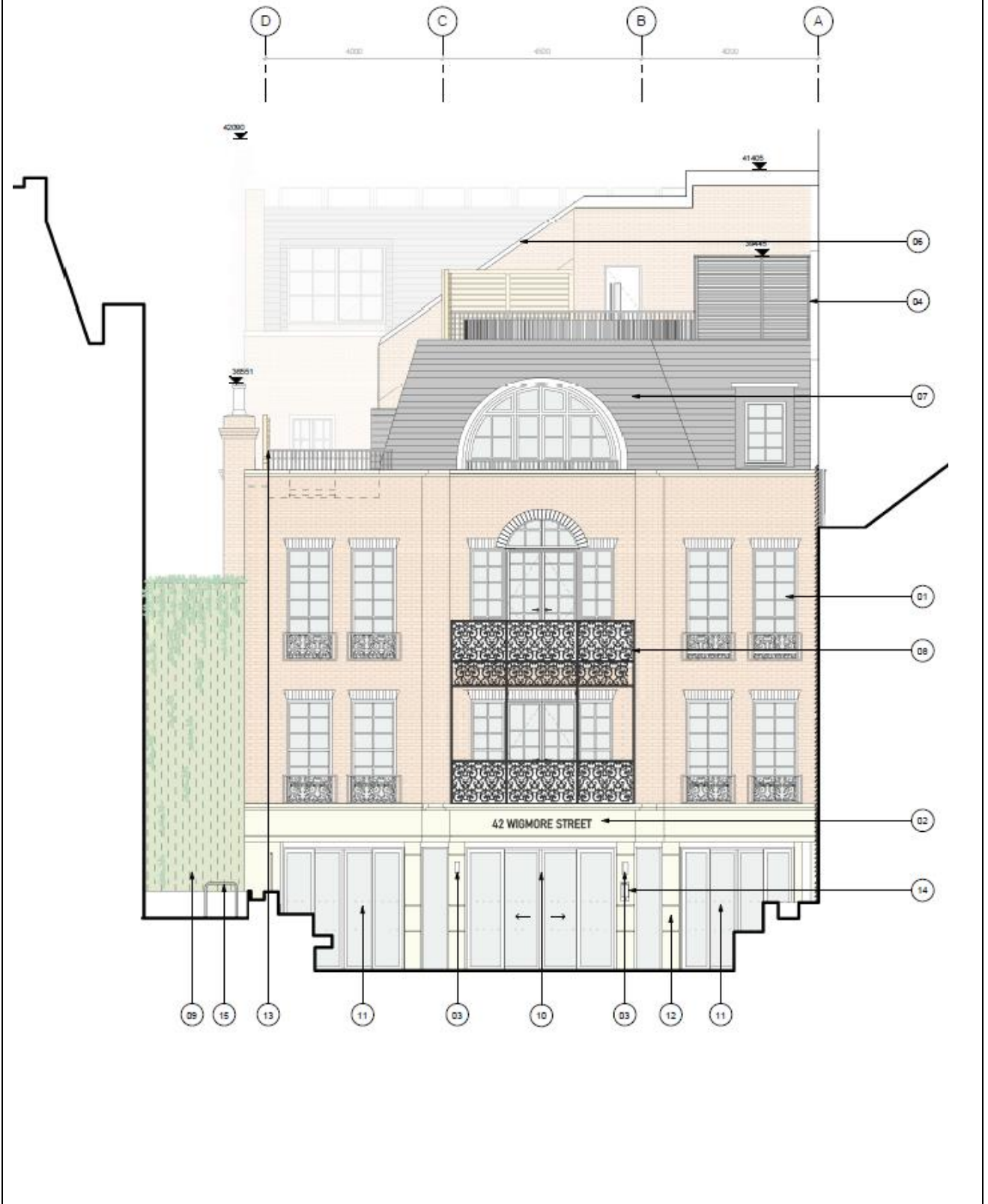
Existing (left) and Proposed (right) Wigmore Street Elevation



Existing Front (courtyard) Elevation



Proposed Front (courtyard) Elevation

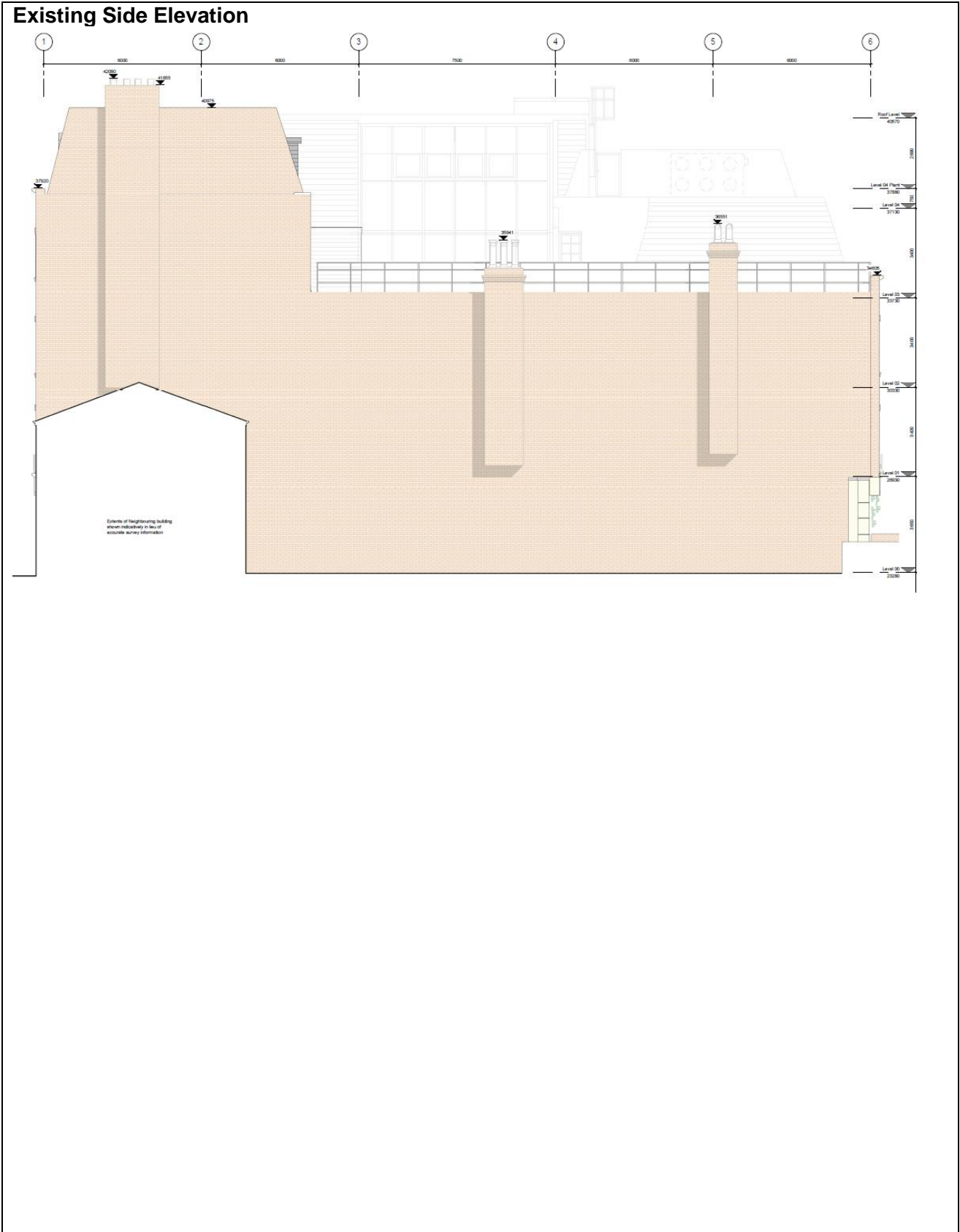


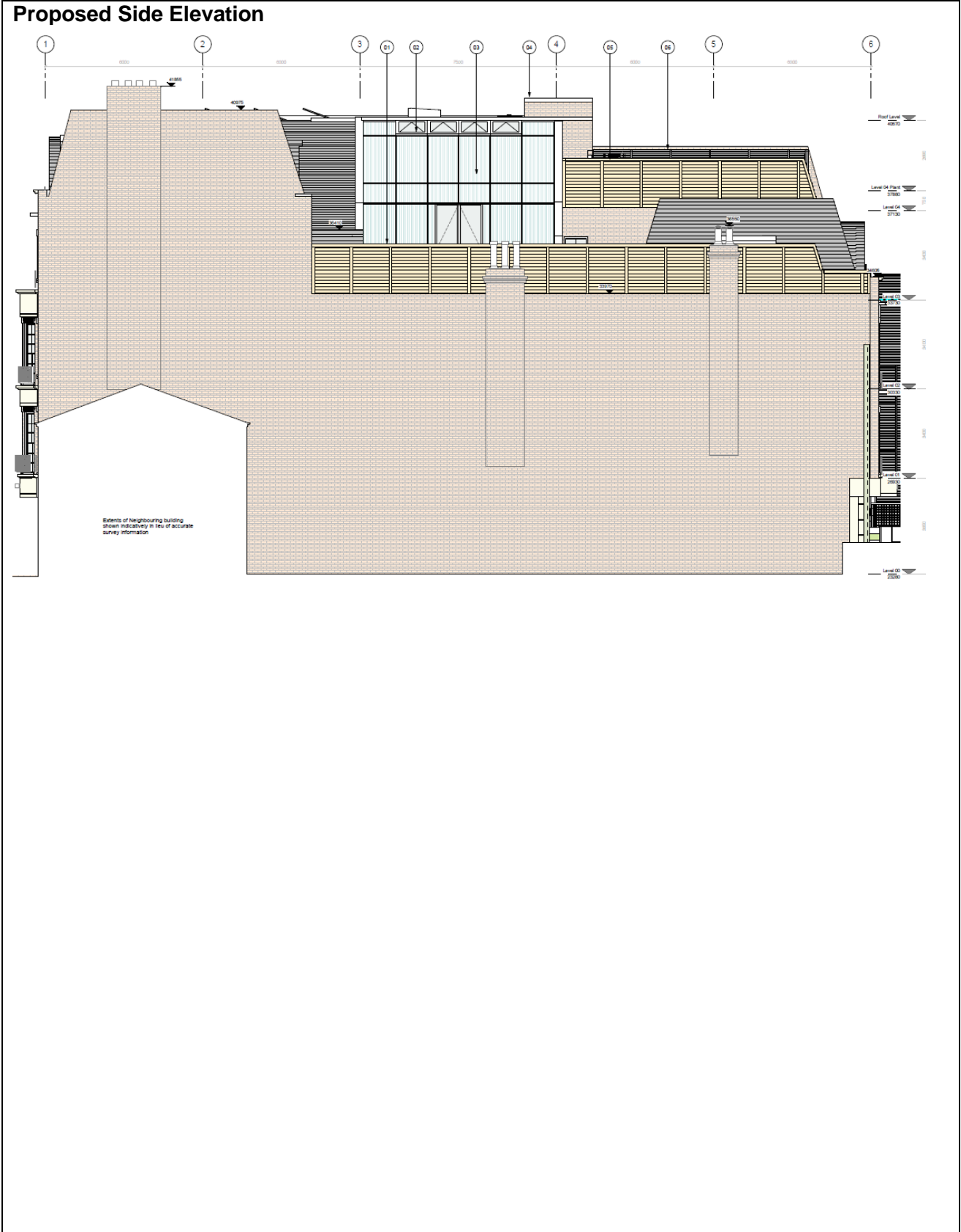
Existing Rear (Welbeck Way) Elevation



Proposed Rear (Welbeck Way) Elevation

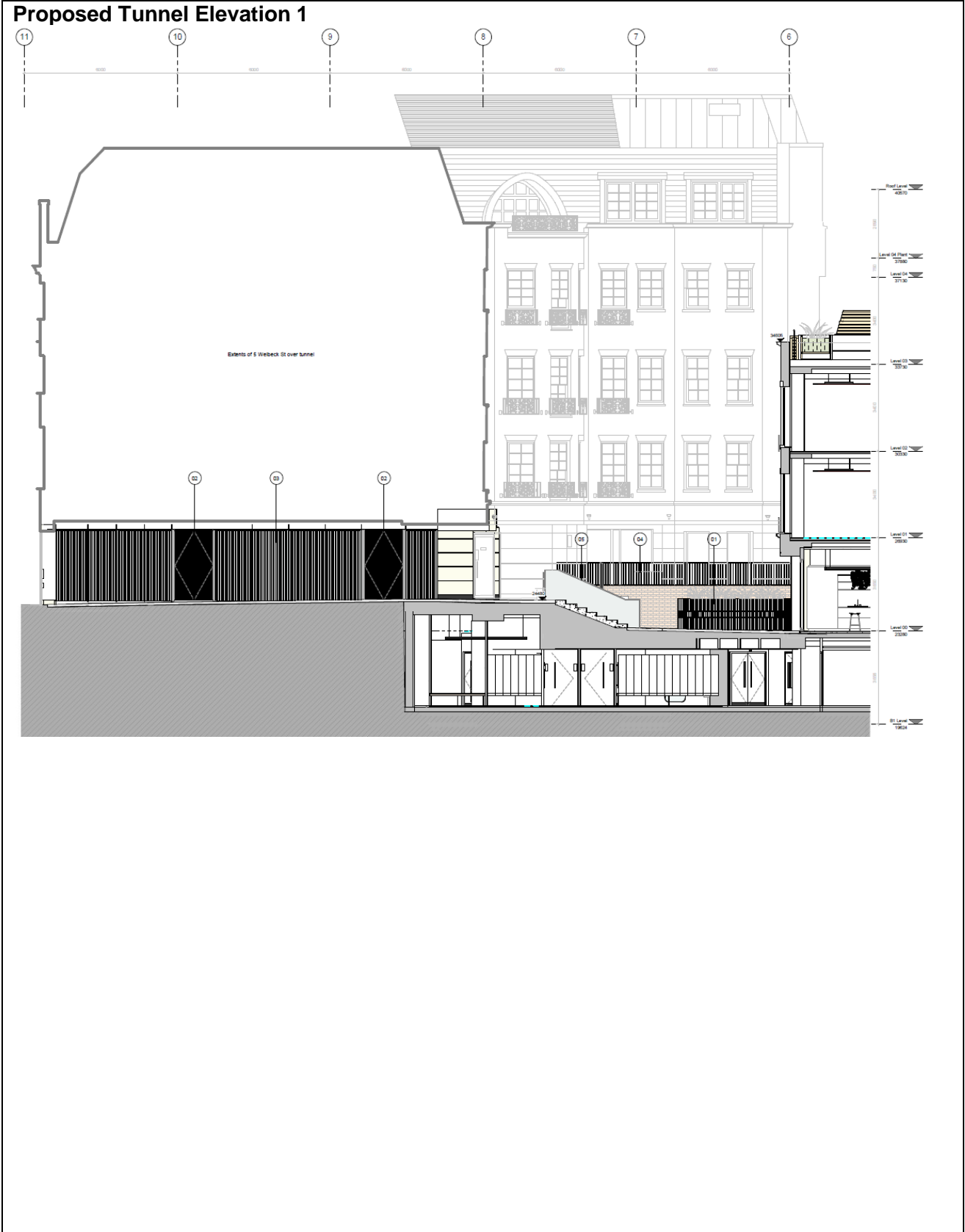






Existing Tunnel Elevation 1

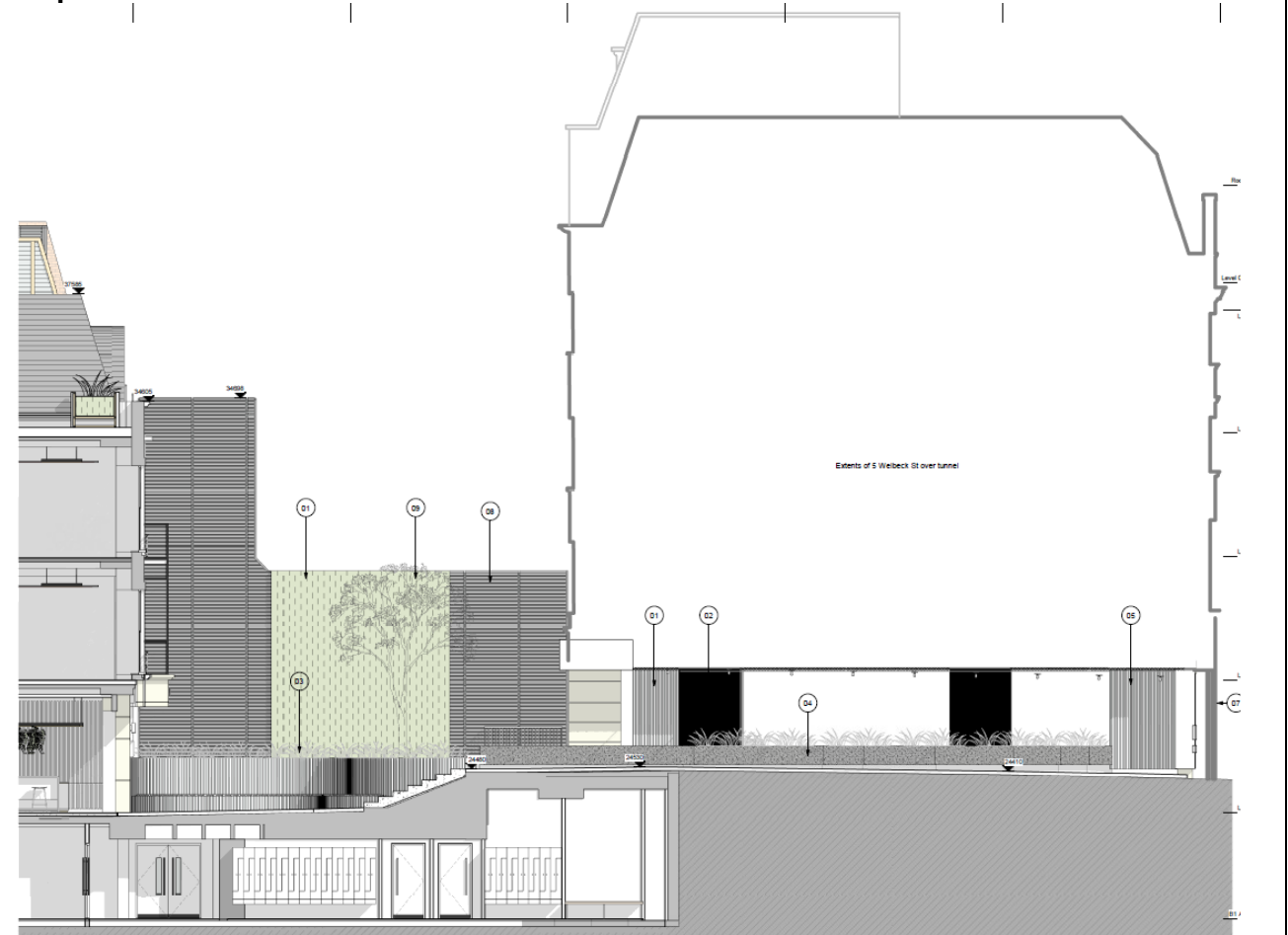




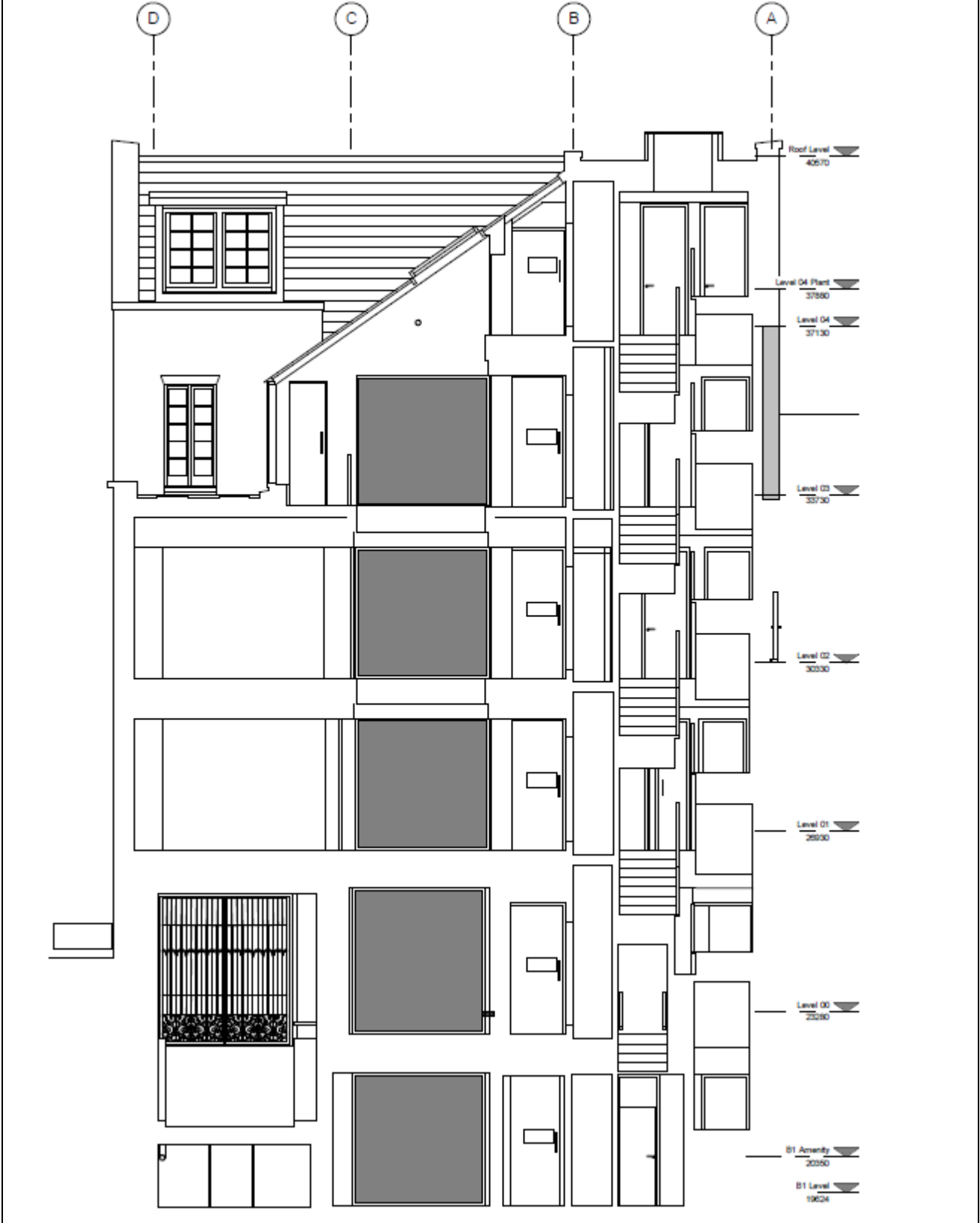
Existing Tunnel Elevation 2



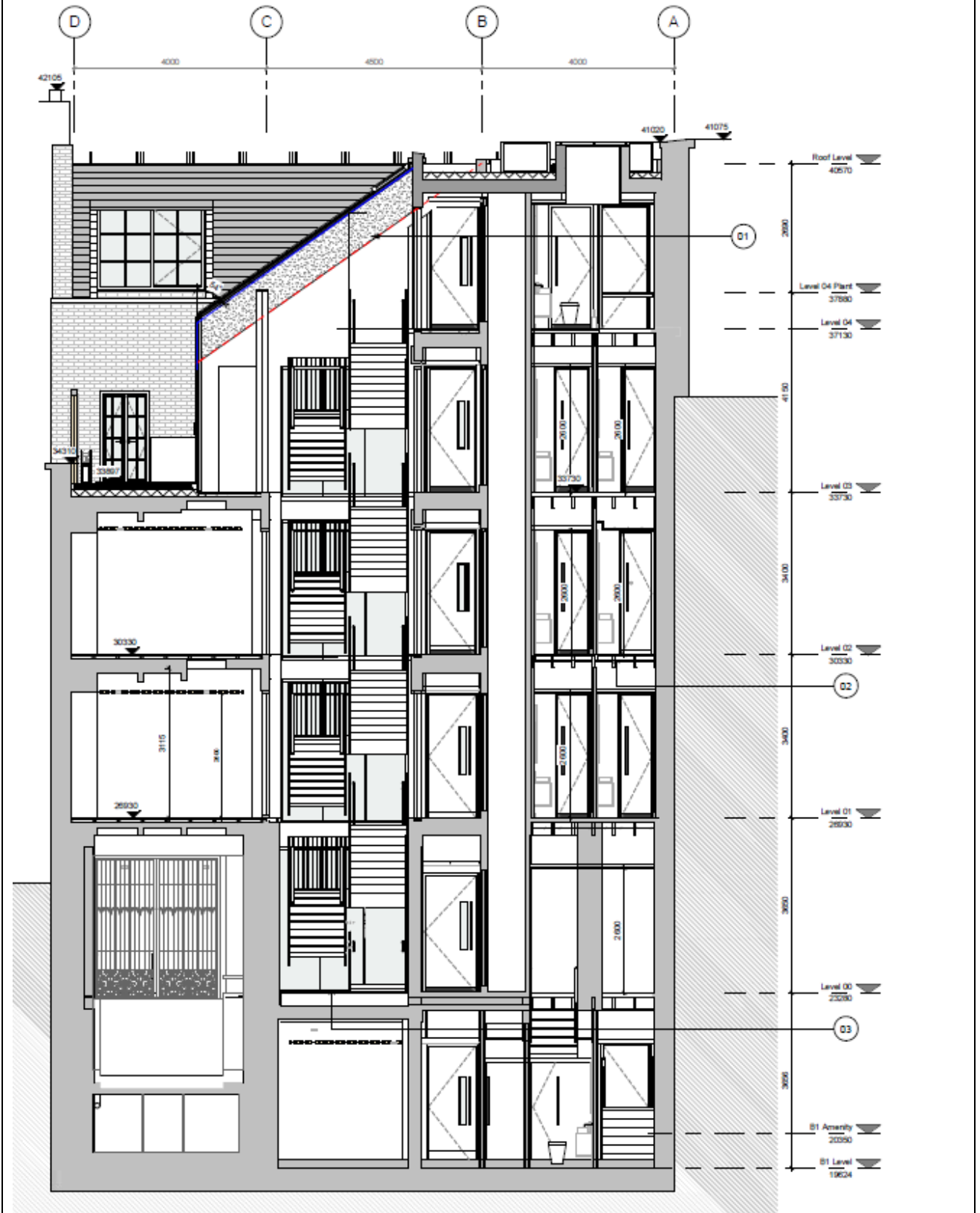
Proposed Tunnel Elevation 2



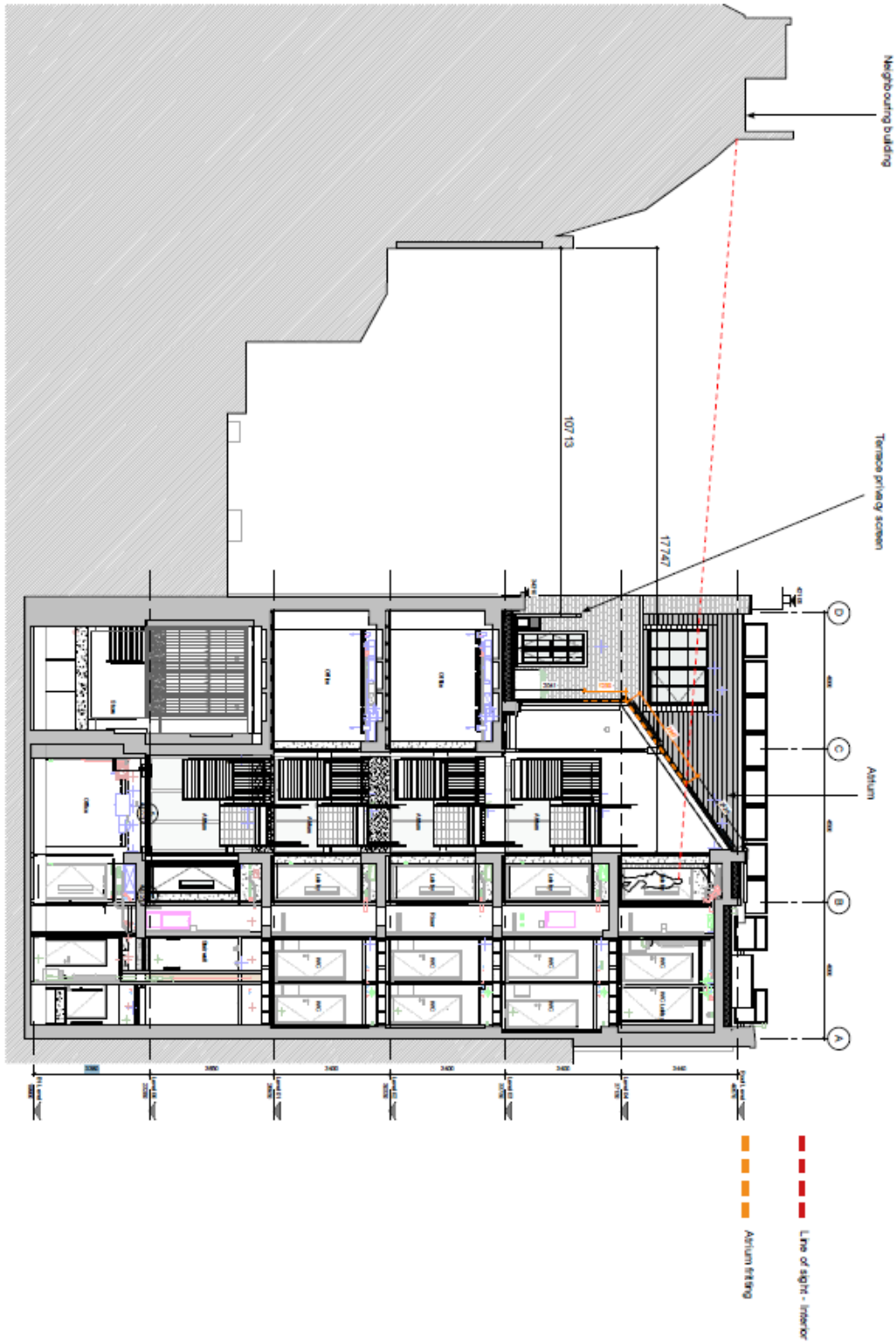
Existing Section B-B



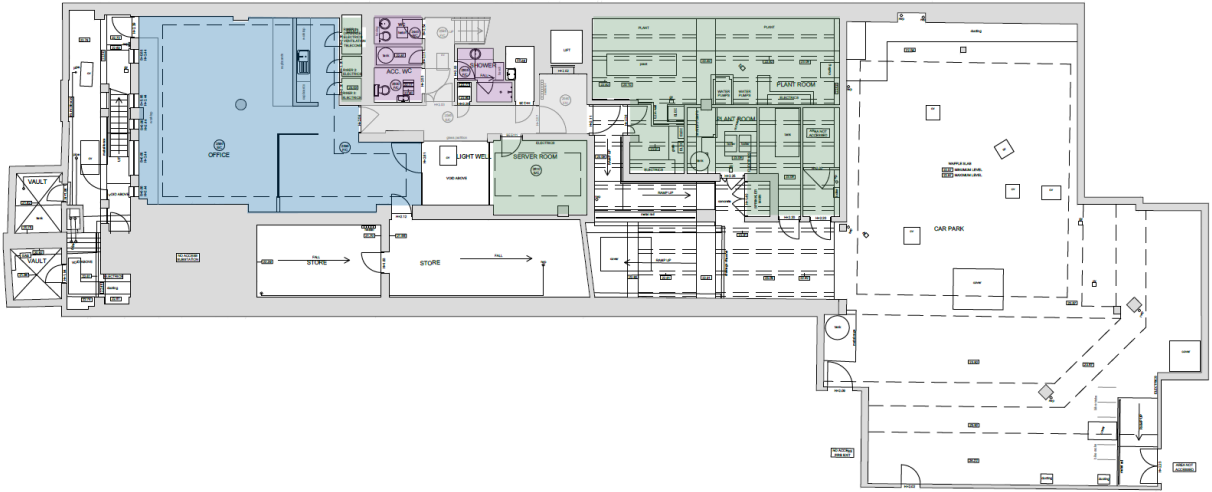
Proposed Section B-B



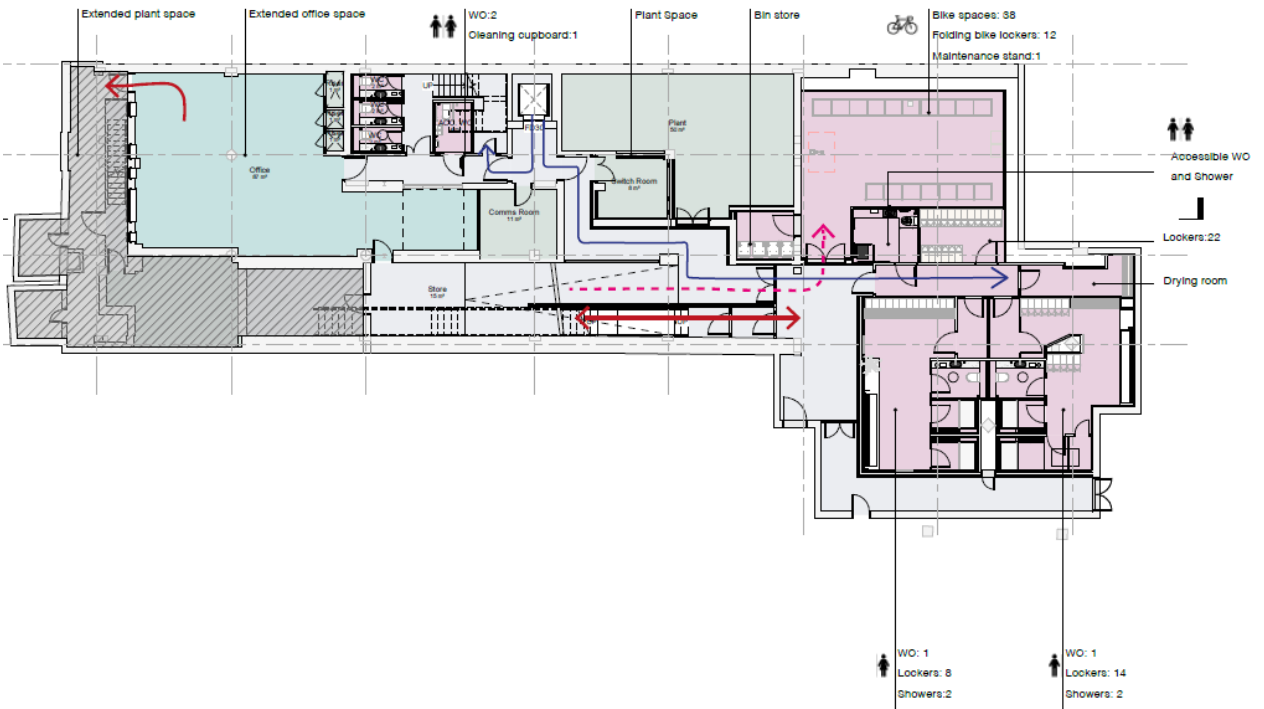
Proposed Section B-B Demonstrating Line of Sight



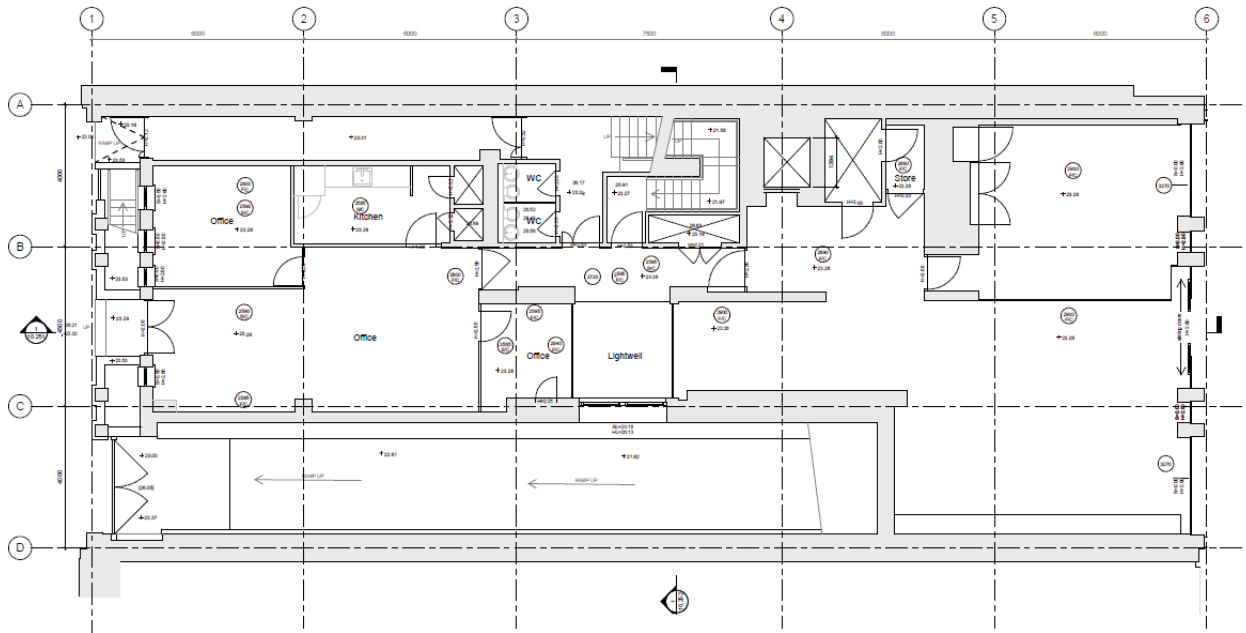
Existing Basement



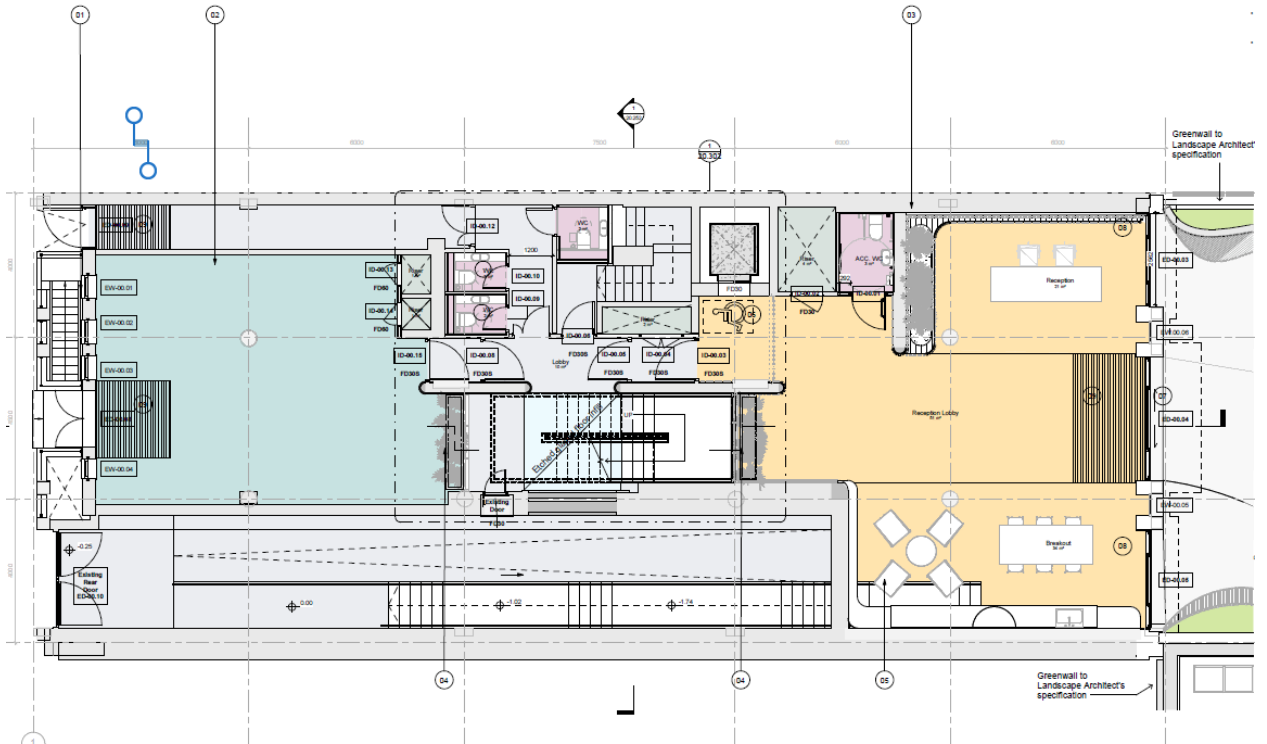
Proposed Basement



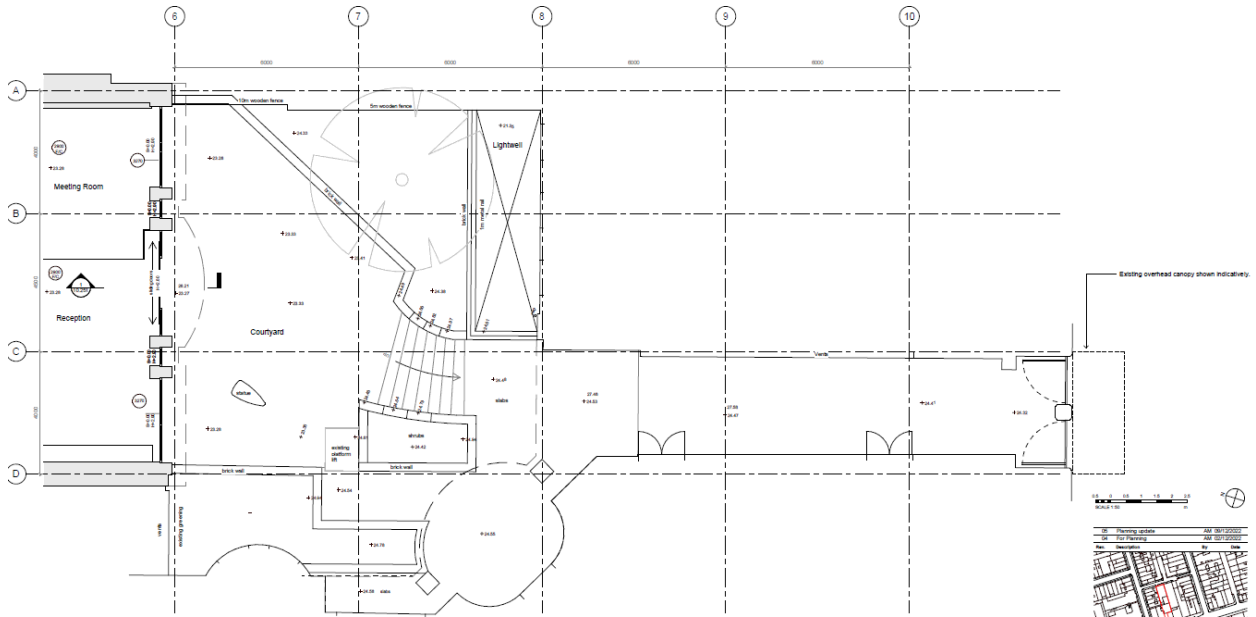
Existing Ground Floor A



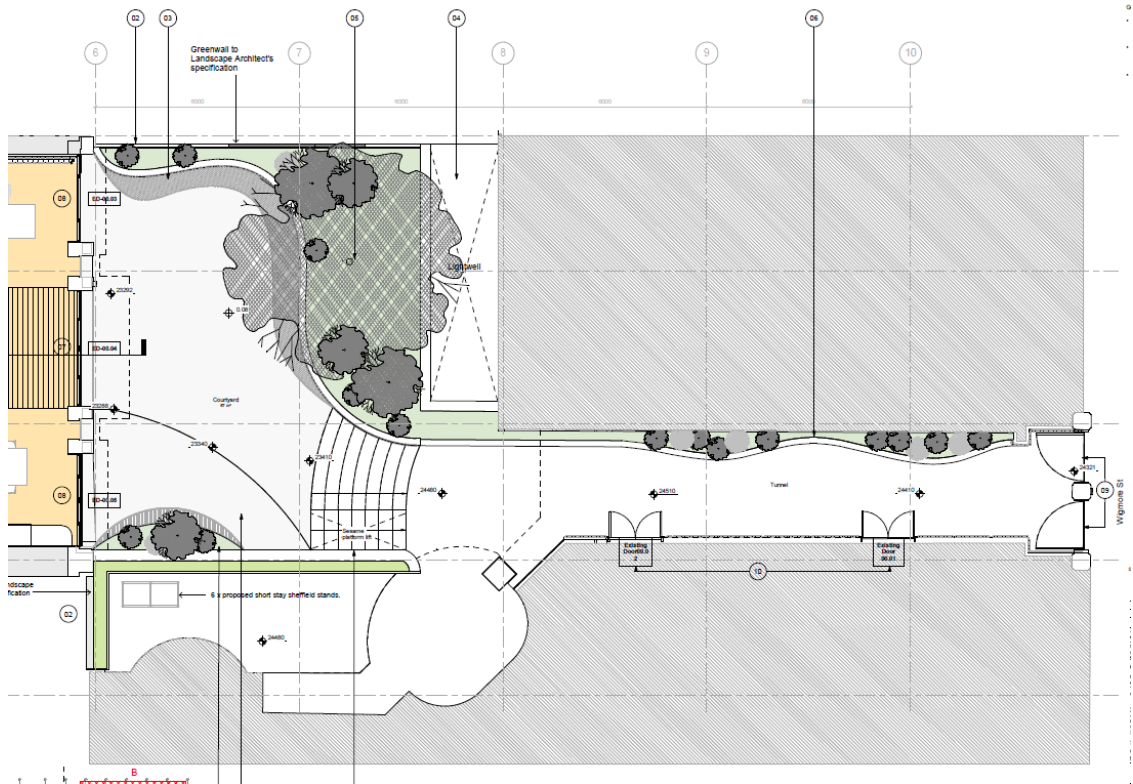
Proposed Ground Floor A



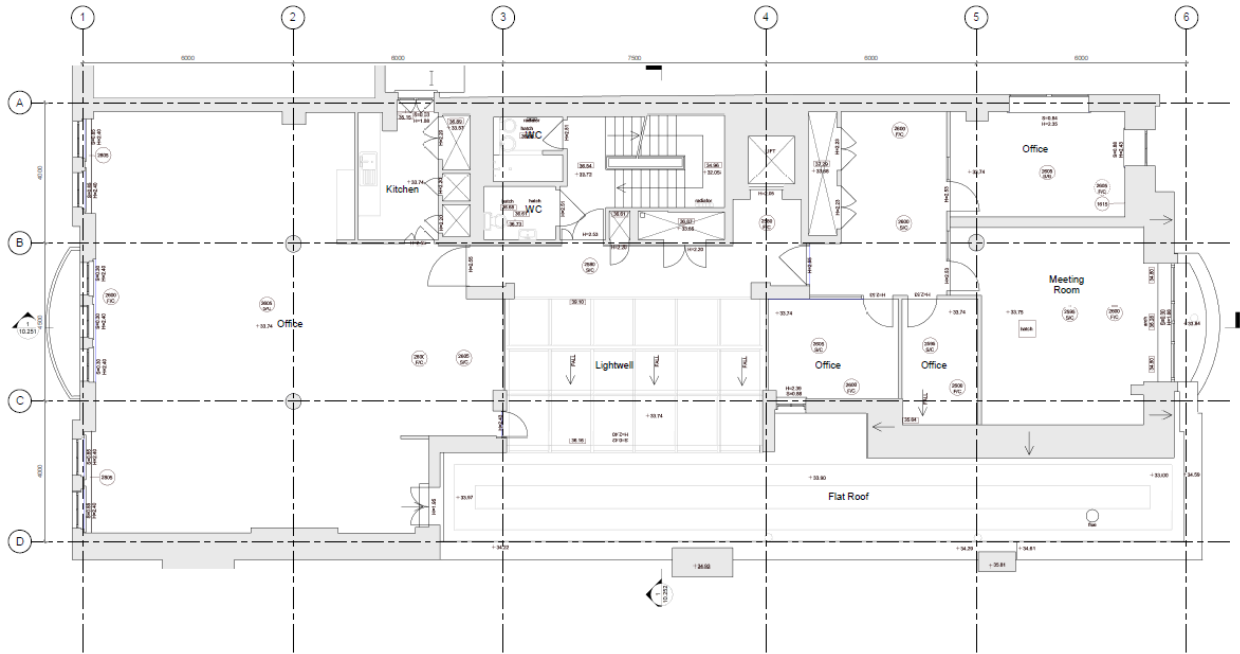
Existing Ground Floor B (Courtyard)



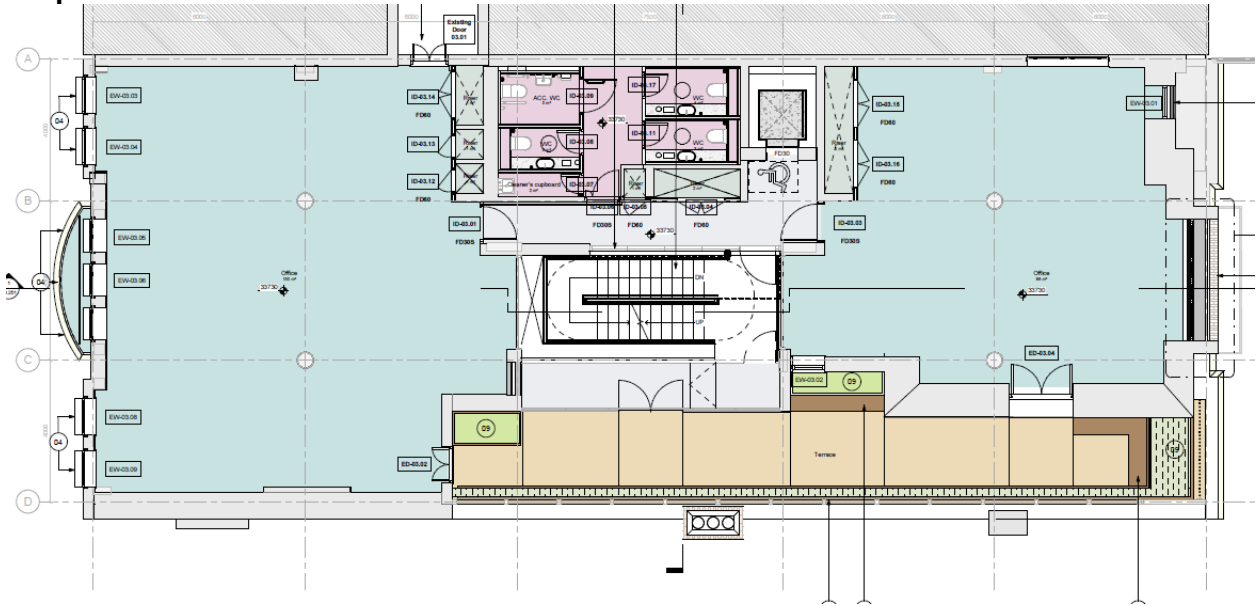
Proposed Ground Floor B (Courtyard)



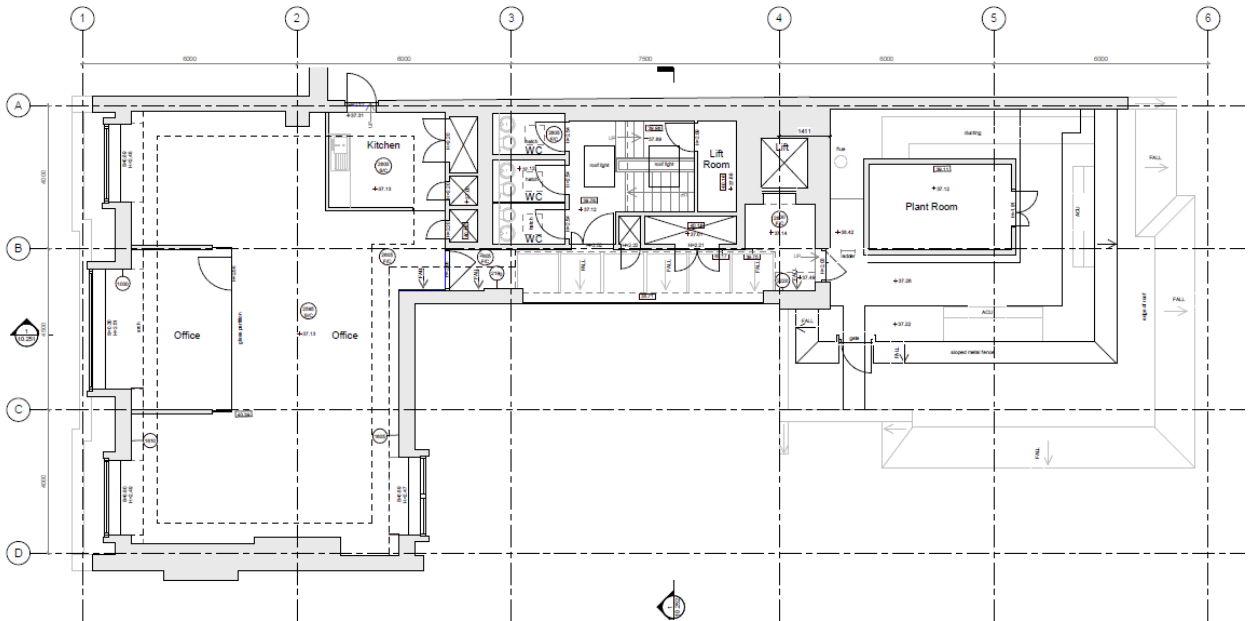
Existing Third Floor



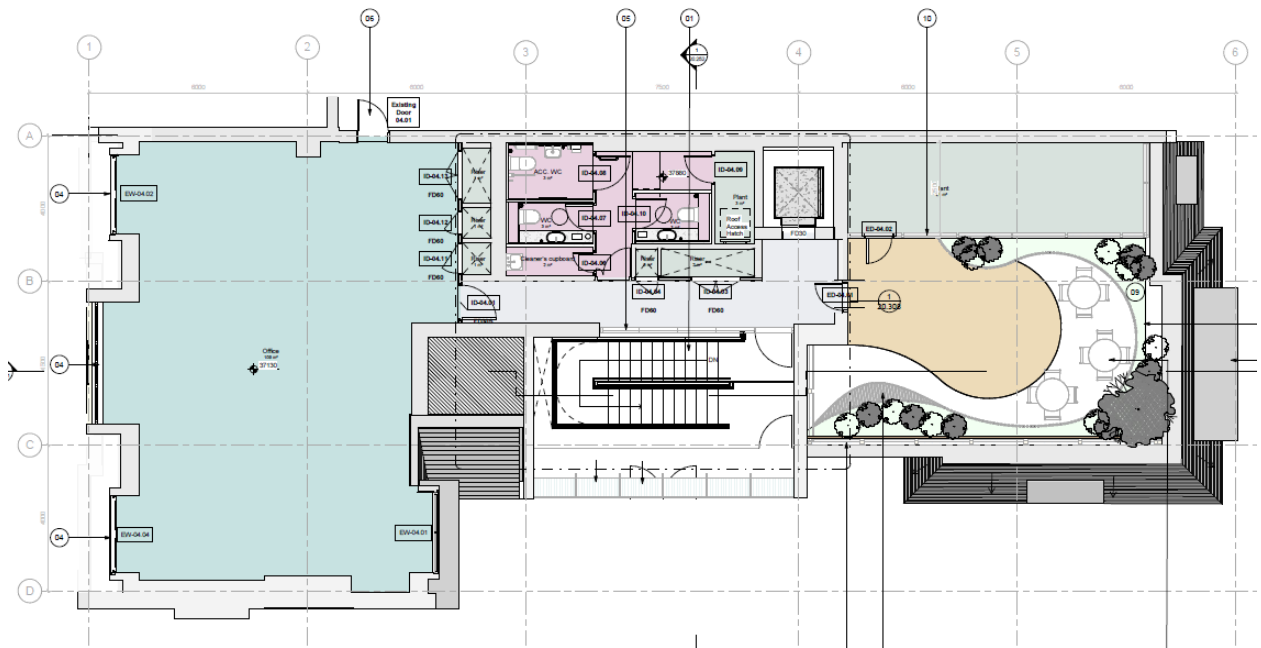
Proposed Third Floor



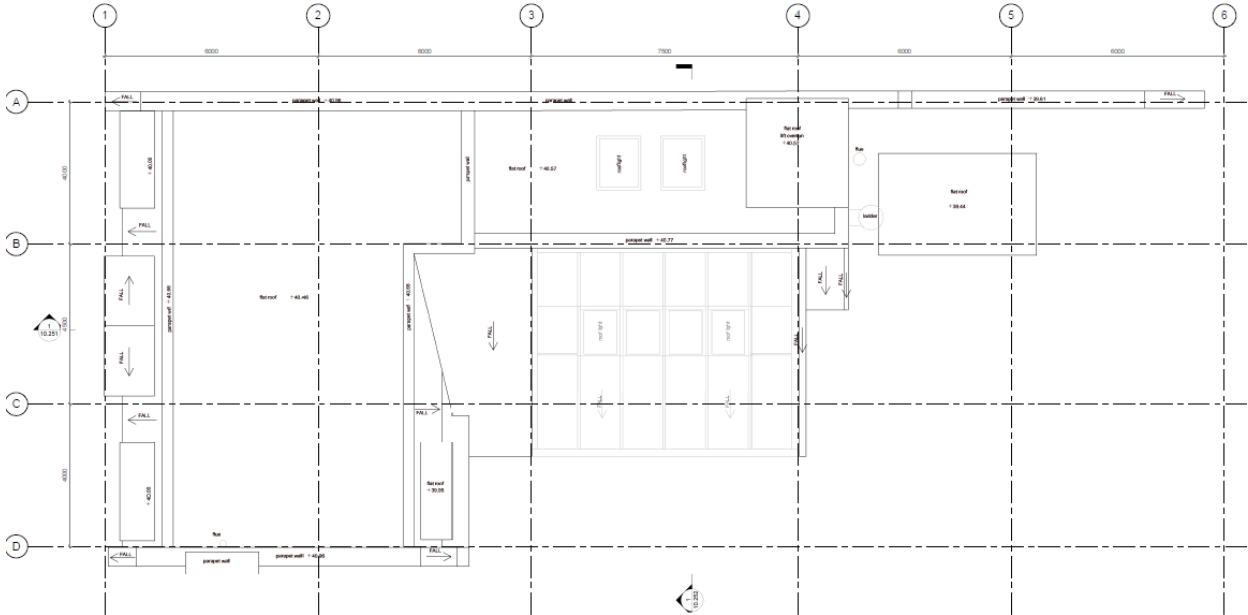
Existing Fourth Floor



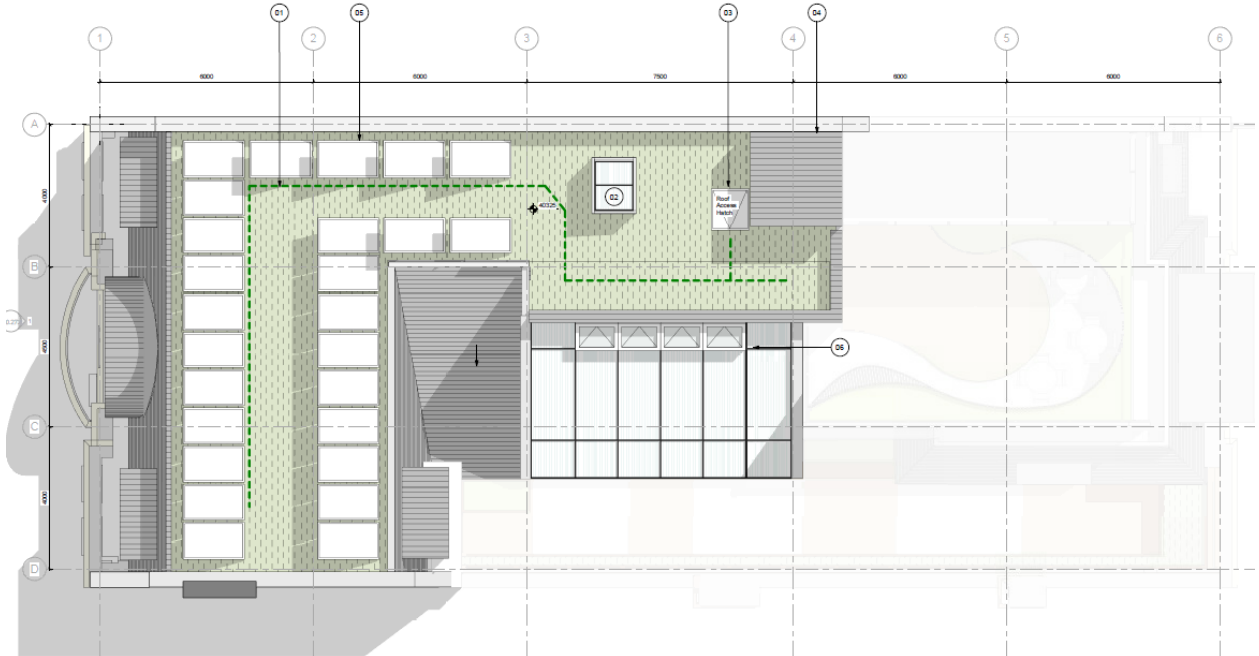
Proposed Fourth Floor



Existing Roof Plan



Proposed Roof Plan



Item No.
5

DRAFT DECISION LETTER - 23/00188/FULL

Address: 42 Wigmore Street, London, W1U 2RY

Proposal: Alterations to 42 Wigmore Street at front elevation and rear (Welbeck Way) elevation at ground to fourth floor level. Roof terraces at third and fourth floor level for use by the existing office. Reconfiguration of mechanical plant area with associated machinery at fourth floor level. Enlargement of existing glass roof, installation of PV panels and green roof at main roof level. Re-landscaping of front courtyard including installation of green wall. Alterations to Wigmore Street arcade entrance.

Reference: 23/00188/FULL

Plan Nos: 2114-BG- ZZ- ZZ- DR- A- 20.271 Rev. 04 ; 2114-BG- ZZ- ZZ- DR- A- 20.272 Rev. 04 ; 2114-BG- ZZ- ZZ- DR- A- 20.273 Rev. 02 ; 2114-BG- ZZ- ZZ- DR- A- 20.274 Rev. 02 ; 2114-BG- ZZ- ZZ- DR- A- 20.275 Rev. 02 ; 2114-BG- ZZ- ZZ- DR- A- 20.276 Rev. 02 ; 2114-BG- ZZ- ZZ- DR- A- 20.277 Rev. 02 ; 2114-BG- ZZ- 00- DR- A- 20.203 Rev. 06 ; 2114-BG- ZZ- 00- DR- A- 20.204 Rev. 06 ; 2114-BG- ZZ- 01- DR- A- 20.205 Rev. 06 ; 2114-BG- ZZ- 02- DR- A- 20.206 Rev. 05 ; 2114-BG- ZZ- 03- DR- A- 20.207 Rev. 06 ; 2114-BG- ZZ- 04- DR- A- 20.208 Rev. 06 ; 2114-BG- ZZ-B1- DR- A- 20.201 Rev. 05 ; 2114-BG- ZZ-B1- DR- A- 20.202 Rev. 06 ; 2114-BG- ZZ-RF- DR- A- 20.209 Rev. 06 ; 2114-BG- ZZ- ZZ- DR- A- 20.251 Rev. 03 ; 2114-BG- ZZ- ZZ- DR- A- 20.252 Rev. 03 ; Noise Impact assessment by Clarke Saunders, report reference AS12218.220512.NIA, dated 14/12/22.

Case Officer: Adam Jones

Direct Tel. No. 020 7641
07779431391

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

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

- 4 (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 Environmental Supplementary Planning Document (February 2022), 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)

- 5 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 6 You must install the acoustic attenuation measures shown on the approved drawings before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place. (C13DB)

Reason:

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

- 7 The hereby approved mechanical plant must operate in low noise mode at all times.

Reason:

(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)

- 8 Notwithstanding the provision within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) or any equivalent class in any order that may replace it, the terraces hereby approved may only be used by office occupants, and only between the hours of 08.00 and 20.00 hours Mondays to Fridays and not at all on weekends or bank holidays.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 9 You must not play live or amplified music on the hereby approved terrace at any time.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 10 You must install the terrace screening shown on the approved drawings (ensuring that it is of a solid construction with no gaps through the timber slatting) at both third and fourth floors before you use the terraces. You must then maintain the screening in that form for as long as the terraces remain in place.

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)

- 11 You must provide each cycle parking space and associated facilities for cyclists shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose. (C22IA)

Reason:

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

- 12 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on the approved drawings 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 office building.

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)

- 13 You must apply to us for approval of detailed drawings of the following parts of the development:
1) an example of each different new sash window and glazed external door.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed 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 Harley Street Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

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

- Rooftop PV panels.

You must not remove any of these features.

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)

- 16 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 roof,
- Planting on third and fourth floor terraces,
- Green walls, and
- landscaping in the courtyard.

You must not remove any of these features.

Reason:

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

- 17 You must apply to us for approval of a sample (of at least 20cm x 20cm) and manufacturers specification of the following parts of the development:

- the fritted glass for the atrium.

You must not start any work on these parts of the development until we have approved what

you have sent us. You must then carry out the work according to these details.

Reason:

To 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)

18 You must apply to us for approval of details of the following parts of the development:

- drawings showing internal automated blinds fitted within the new atrium (including sections and side elevations) and demonstrating that the blinds will be operated on a timer set to ensure the blinds are fully extended (closed) between sunset and sunrise daily.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details prior to anyone occupying the building and maintain them in the approved form at all times.

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

19 You must install lighting in the atrium and stairwell which is controlled by occupancy/movement sensor and that ensures that the lights will be switched on when movement is detected, and will switch off after a predetermined time when no movement is detected. you must maintain such a system at all times.

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

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 Conditions 4, 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)

DRAFT DECISION LETTER - 23/00189/LBC**Address:** 42 Wigmore Street, London, W1U 2RY**Proposal:** Alterations to 42 Wigmore Street arcade entrance and associate works.**Reference:** 23/00189/LBC

Plan Nos: Demolition Plans:
 2114-BG- ZZ-XX-DR- A- 15.371 Rev. 02 ; 2114-BG- ZZ-XX-DR- A- 15.372 Rev 01 ;
 2114-BG- ZZ-XX-DR- A- 15.374 Rev. 01 ; 2114-BG- ZZ- 00- DR- A- 15.303 Rev. 02
 ; 2114-BG- ZZ- 00- DR- A- 15.304 Rev. 01 ; 2114-BG- ZZ- 01- DR- A- 15.305 Rev.
 01 ; 2114-BG- ZZ- 02- DR- A- 15.306 Rev. 01 ; 2114-BG- ZZ- 03- DR- A- 15.307
 Rev. 01 ; 2114-BG- ZZ- 04- DR- A- 15.308 Rev. 02 ; 2114-BG- ZZ- 05- DR- A-
 15.309 Rev. 01 ; 2114-BG- ZZ-B1- DR- A- 15.301 Rev. 01 ; 2114-BG- ZZ-B1- DR-
 A- 15.302 Rev. 01.

Proposed Plans:
 2114-BG- ZZ- ZZ- DR- A- 20.271 Rev. 04 ; 2114-BG- ZZ- ZZ- DR- A- 20.272 Rev.
 04 ; 2114-BG- ZZ- ZZ- DR- A- 20.273 Rev. 02 ; 2114-BG- ZZ- ZZ- DR- A- 20.274
 Rev. 02 ; 2114-BG- ZZ- ZZ- DR- A- 20.275 Rev. 02 ; 2114-BG- ZZ- ZZ- DR- A-
 20.276 Rev. 02 ; 2114-BG- ZZ- ZZ- DR- A- 20.277 Rev. 02 ; 2114-BG- ZZ- 00- DR-
 A- 20.203 Rev. 06 ; 2114-BG- ZZ- 00- DR- A- 20.204 Rev. 06 ; 2114-BG- ZZ- 01-
 DR- A- 20.205 Rev. 06 ; 2114-BG- ZZ- 02- DR- A- 20.206 Rev. 05 ; 2114-BG- ZZ-
 03- DR- A- 20.207 Rev. 06 ; 2114-BG- ZZ- 04- DR- A- 20.208 Rev. 06 ; 2114-BG-
 ZZ-B1- DR- A- 20.201 Rev. 05 ; 2114-BG- ZZ-B1- DR- A- 20.202 Rev. 06 ; 2114-
 BG- ZZ-RF- DR- A- 20.209 Rev. 06 ; 2114-BG- ZZ- ZZ- DR- A- 20.251 Rev. 03 ;
 2114-BG- ZZ- ZZ- DR- A- 20.252 Rev. 03.

Case Officer: Adam Jones**Direct Tel. No.** 020 7641
07779431391**Recommended Condition(s) and Reason(s)**

- 1 The works 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:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).
 (R27AC)

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are

required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must apply to us for approval of detailed drawings of the following parts of the development:
 - 1) an example of each different new sash window and glazed external door.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Harley Street Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF.

In reaching this decision the following were of particular relevance:

Item No.
5

Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 May 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Marylebone	
Subject of Report	77 - 78 Marylebone High Street, London, W1U 5JW		
Proposal	Variation of Condition 14 of planning permission dated 7 December 2022 (RN: 22/04052/FULL) for, 'Use of the basement, ground, and part first floor as a restaurant (Class E(b)), installation of air conditioning units within acoustic enclosures at roof level and new full height extract ducting (kitchen extract duct and pizza oven flue) to west elevation'; NAMELY, to extend the opening hours of the restaurant use to customers between 08.00 hours and 23.30 hours on Monday to Thursday, 08.00 hours to 00.00 hours on Friday and Saturday, and 08.00 hours to 22.30 hours on Sundays, bank holidays and public holidays. (Application under Section 73 of the Act).		
Agent	Firstplan		
On behalf of	Big Mamma Group		
Registered Number	22/08684/FULL	Date amended/ completed	23 December 2022
Date Application Received	23 December 2022		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		
Neighbourhood Plan	n/a		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY & KEY CONSIDERATIONS

The application premises is located on the eastern side of Marylebone High Street. On 7 December 2022 permission was for the use of a basement, ground and part 1st floor unit as a restaurant. The permission limited the opening hours of the restaurant to the following:

between 08.00 hours and 23.00 hours on Monday to Saturday (not including bank holidays and public holidays) and 08:00 hours and 22:00 hours on Sundays, bank holidays and public holidays.

This application seeks to extend the opening hours to between 08.00 hours and 23.30 hours on Monday to Thursday, 08.00 hours to 00.00 hours on Friday and Saturday, and 08.00 hours to 22.30 hours on Sundays, bank holidays and public holidays.

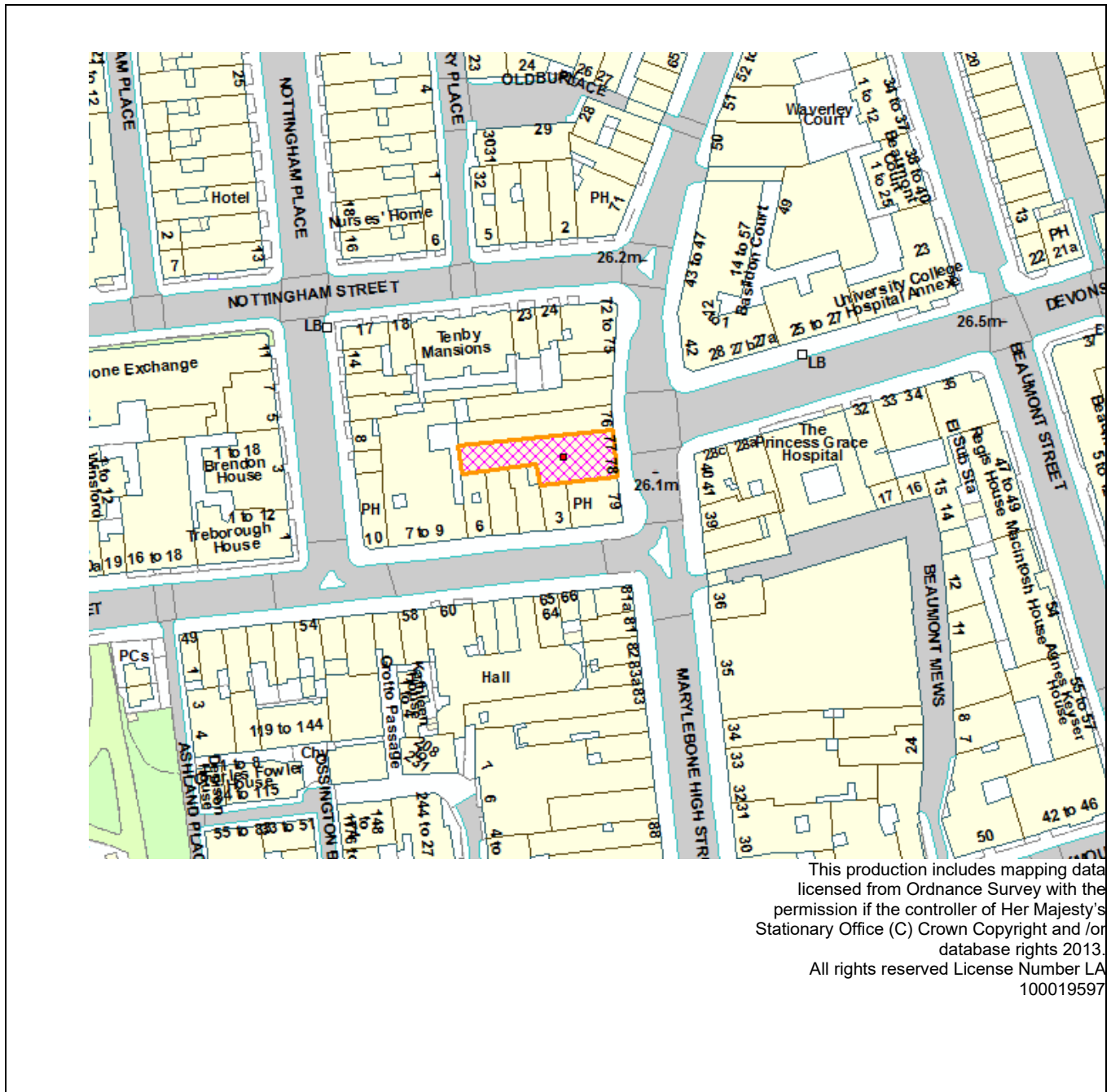
The key considerations in this case are:

- The impact on the amenity of neighbouring residential properties.
- The impact upon the character and function amenity of the wider Marylebone Village.

The proposal seeks to increase the terminal hour by 30 minutes on Sundays to Thursdays and 60 minutes on Fridays and Saturdays. An Operational Management Plan (discussed in detail in the main body of the report) has been submitted in support of the application. The area is mixed use in character comprising a range of commercial uses at ground floor with a mixture of offices and residential on the upper floors, including at the application site. An adjacent Public House has a terminal hour of midnight on Mondays to Saturdays and 23.00 hours on Sundays.

The proposed opening hours of the restaurant do not exceed the neighbouring Pub. Given the character of the area on the basis that the use operates in accordance with the OMP which will be secured by condition the extended opening hours are considered acceptable.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

MARYLEBONE ASSOCIATION: No response

HIGHWAYS PLANNING: No objection

CLEANSING: No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 49

Total No. of replies: 3 Objections received from neighbouring residents who raise the following concerns;

- Loss of amenity, increased noise disturbance
- Adverse impact on the area

5.2 Applicant's Pre-Application Community Engagement

The Early Community Engagement Guidance encourages developers carrying out development to engage with those living adjacent or very close to the site at an early stage prior to the submission of a formal application. The agent has confirmed there has been no discussion between the applicant and neighbours in relation to the current application.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The property is located on the western side of Marylebone High Street between Nottingham Street to the north and Paddington Street to the south and is formed of 77 and 78 Marylebone High Street. The property is an unlisted four storey brick built building located within the Harley Street Conservation Area. The ground and lower ground floors are currently vacant formerly in use as a café-delicatessen with residential flats above.

7.2 Recent Relevant History

On 17 May 2022 permission was granted for use of the basement, ground and part first floor as a restaurant (Class E(b)), installation of air conditioning units within acoustic enclosures at roof level and new full height extract ducting (kitchen extract duct and pizza oven flue) to west elevation (RN 21/08140/FULL)

Condition 14 of this consent required the following:

You must not open the restaurant (Class E) premises to customers, and you must not allow customers on the premises, outside the following times: between 08.00 hours and 23.00 hours on Monday to Saturday (not including bank holidays and public holidays) and 08:00 hours and 22:00 hours on Sundays, bank holidays and public holidays.

On 7 December 2022 permission was granted for Variation of Conditions 1, 6, 8, 10 and 12 of planning permission dated 17 May 2022 (RN: 21/08140/FULL) for, 'Use of the basement, ground, and part first floor as a restaurant (Class E(b)), installation of air conditioning units within acoustic enclosures at roof level and new full height extract ducting (kitchen extract duct and pizza oven flue) to west elevation'; NAMELY, to paint the kitchen extract rather than clad it in brick slips (as required by Condition 6), to include reference to the specific colour that the plant enclosure is required to be painted (Condition 8), and to provide the waste storage and cycle parking details required by Conditions 10 and 12. (Application under Section 73 of the Act). 22/04052/FULL

Condition 14 remained unchanged on this consent.

8. THE PROPOSAL

The application is submitted under S73 of the Act seeking to vary condition 14 on the permission granted on 17 May 2022 (RN 21/08140/FULL) to extend the opening hours to extend the opening hours of the restaurant use to customers between:

08:00 to 23.30 hours on Monday to Thursday,
08.00 to 00.00 hours on Friday and Saturday, and
08.00 to 22.30 hours on Sundays, bank holidays and public holidays.

This would result in an increased terminal hour of 30 minutes on Sundays to Thursdays, 60 minutes on Fridays and Saturdays.

9. DETAILED CONSIDERATIONS

9.1 Residential Amenity

The City Council has planning policies to protect residential amenity. Policy 7 of the City Plan requires that development is neighbourly by; 'protecting and where appropriate enhancing local environmental quality'. Para 7.4 acknowledges that 'development must prevent unacceptable environmental impacts on existing and new users of building or its neighbours.'

Policy 16 considers food, drink and other entertainment premises and recognises that whilst these uses contribute to London's vibrant entertainment sector, they can also have detrimental impacts upon residential amenity if the operation is not managed properly.

Policy 33 states that; 'development should prevent adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds, with particular attention to: minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses'.

The upper levels of the application building are in residential use. In response to consultations three objections have been received from neighbouring residents that the extended opening hours would result in noise nuisance and would be detrimental to the character of the area by the provision of late night venues.

The Public House at 79 Marylebone High Street located immediately adjacent to the application site remains open to customers between 11.00 and 0.00 Monday to Friday, 09.30 to 00.00 on Saturdays, and 09.30 to 23.00 on Sundays.

An acoustic report has been submitted in support of the application. The report sets out the prevailing background noise at the application premises. The report estimates that noise from patrons leaving the restaurant up to the latest proposed opening times would increase the residual sound level by less than 2.7dB. The applicant refers to this being '*not significant*' when assessed in accordance with The Institute of Environmental Management and Assessment's Guidelines for Environmental Noise Impact Assessment. City Council's Environmental Services Officer has assessed the acoustic report and raises no objection commenting that the existing noise climate at the site should ensure that local residents are not disturbed by the proposal.

An Operational Management Plan has been submitted. The OMP details

- the restaurant has a maximum capacity of 175 customers;
- a duty manager/security personnel will monitor the conduct of patrons entering

and leaving the site later into the evening and to prevent congregating outside of the restaurant;

- details of the complaints procedure;
- details of staff training and management.

Subject to a condition which requires the restaurant to operation in accordance with the submitted Operational Management Plan the proposal is considered acceptable.

9.2 Transportation, Accessibility & Servicing

Not relevant.

9.3 Economy including Employment & Skills

The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by allowing the terminal hour of the business to extend by 30 minutes Sunday to Thursday, and by 60 minutes on Friday and Saturday.

9.4 Other Considerations

None.

9.5 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.6 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

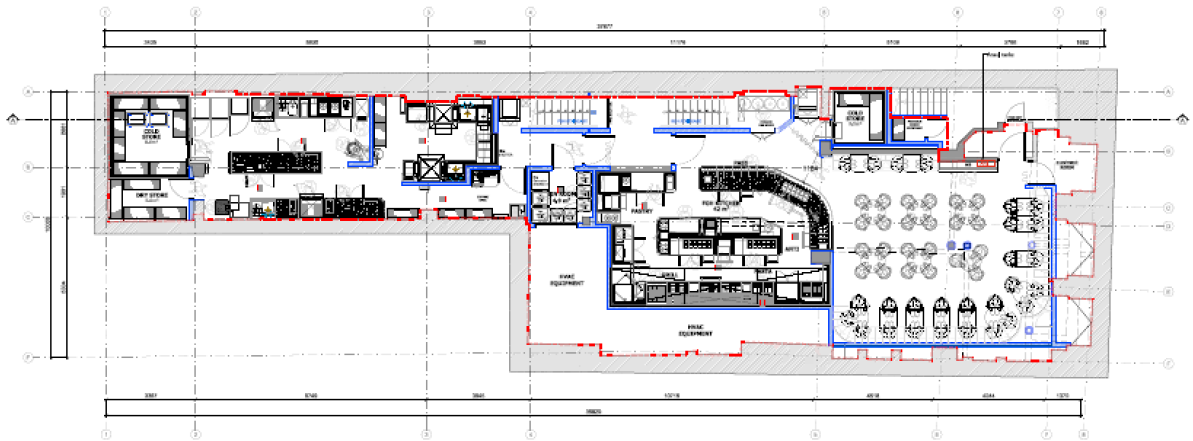
The application is considered to accord with policies 7,16 and 33 of the City Plan 2019-2040 and the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

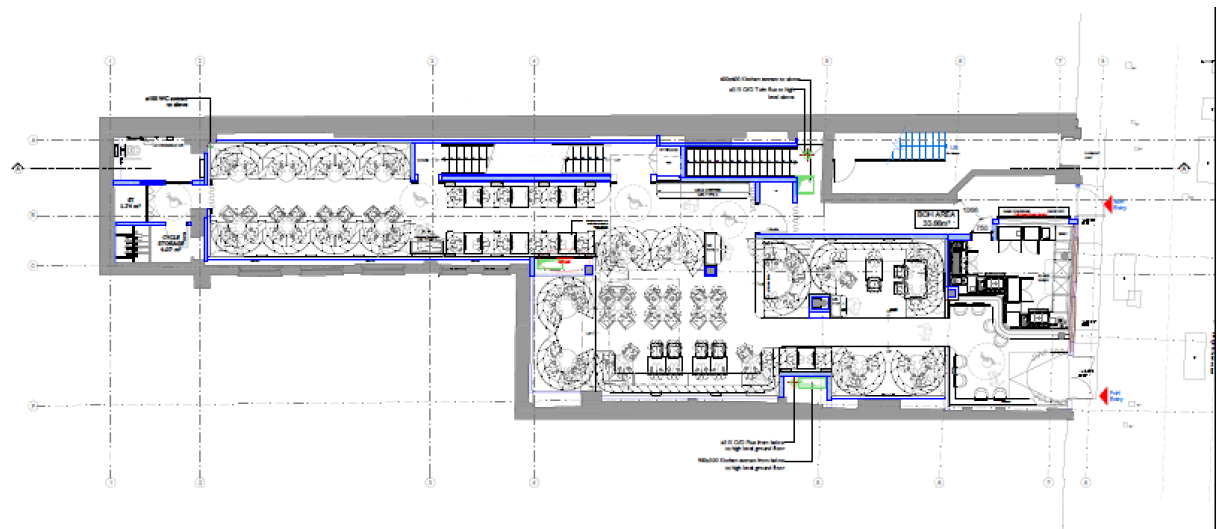
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

11. KEY DRAWINGS

Consented basement floor plan



Consented ground floor plan



DRAFT DECISION LETTER

Address: 77 - 78 Marylebone High Street, London, W1U 5JW

Proposal: Variation of Condition 14 of planning permission dated 7 December 2022 (RN: 22/04052/FULL) for, 'Use of the basement, ground, and part first floor as a restaurant (Class E(b)), installation of air conditioning units within acoustic enclosures at roof level and new full height extract ducting (kitchen extract duct and pizza oven flue) to west elevation'; NAMELY, to extend the opening hours of the restaurant use to customers between 08.00 hours and 23.30 hours on Monday to Thursday, 08.00 hours to 00.00 hours on Friday and Saturday, and 08.00 hours to 22.30 hours on Sundays, bank holidays and public holidays. (Application under Section 73 of the Act).

Reference: 22/08684/FULL

Plan Nos: 21418/SH/ta/je, Operational Management Plan and Service Management Plan received on 16 February 2023, Acoustic Report from ACA dated 16th February 2023 (Report Reference: 211024-R003)

As approved by 22/04052/FULL:
001-767-05 REV E, 001-767-09 REV B, 001-767-10 REV B, 001-767-01 REV F

As approved by 21/08140/FULL:
001-767-05 REV D, 001-767-01 REV B, 001-767-02 REV B, 001-767-03 REV B,
001-767-04 REV B, 001-767-09 REV A, 001-767-10 REV A, DPA-005 REV 00,
DPA-006 REV 00, DPA-007 REV 00, DPA-008 REV 00

Case Officer: Shaun Retzback

Direct Tel. No. 07866 039589

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 (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 Environmental Supplementary Planning Document (February 2022), 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)

- 4 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 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 Harley Street 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 paint the ductwork so that it matches the colour and pattern of the adjacent brickwork. You must then keep it in that colour. (C26HB)

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

- 7 The pizza oven flue must be painted black and maintained in that condition for the life of the development.

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

- 8 The plant enclosure must be coloured dark grey RAL 7043 as shown on drawing number 001-767-05 REV E and maintained in that condition for the life of the development. The plant enclosure must be installed in full in accordance with the approved drawings before you use the machinery. You must then maintain the plant enclosure in the form shown for as long as the machinery remains in place.

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 Harley Street 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 use the basement, ground and part first floors only for; , (i) for the display or retail sale of goods, other than hot food, principally to visiting members of the public; , (ii) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises; , You must not use it for any other purpose, including any other use within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).

Reason:

- (i) The application does not include a transport statement and for this reason we cannot agree to unrestricted use as a creche, day nursery or day centre. This is to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 28 of the City Plan 2019 - 2040.
- (ii) To protect the special retail character of the area as set out in Policy 14 of the City Plan 2019 - 2040.

- 10 Before you commence the use of the basement, ground, and part first floor as a restaurant (Class E(b)), you must provide the separate stores for waste and materials for recycling shown on drawing number 0000-000 REV 03 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 property.

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)

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

Reason:

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

- 12 You must provide each cycle parking space shown on the approved drawings prior to

occupation of the basement, ground, and part first floor as a restaurant (Class E(b)). Thereafter the cycle spaces must be retained and the space used for no other purpose.

Reason:

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

- 13 You must not operate a delivery service from the premises even as an ancillary part of the restaurant (Class E) use hereby approved.

Reason:

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

- 14 You must not open the restaurant (Class E) premises to customers, and you must not allow customers on the premises, outside the following times: between 08.00 hours and 23.30 hours on Monday to Thursday, 08.00 hours to 00.00 hours on Friday and Saturday, and 08.00 hours to 22.30 hours on Sundays, bank holidays and public holidays.

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)

- 15 This permission must be commenced no later than 16 May 2025.

Reason:

This permission authorises amendments to the original planning permission granted on 16.05.2022 (RN: 21/08140/FULL) which must be commenced no later than the above date. (R03HA)

- 16 You must operate the restaurant use allowed by this permission in accordance with the Operational Management Plan and Service Management Plan received on 16 February 2023. You must then carry out the measures included in the servicing management plan at all times that the restaurant is in use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 16 of the City Plan 2019 - 2040 (April 2021). (R05AC)

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.

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 7

Item No.
7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	SUB	Date 30 May 2023	Classification For General Release
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	3 Bateman Street, London, W1D 4AE		
Proposal	Use of the ground floor as a drinking establishment (sui generis use) as an extension to the existing bar at 2 Bateman Street. (Retrospective application)		
Agent	Bidwells		
On behalf of	Simmons Bars		
Registered Number	22/03136/FULL	Date amended/ completed	10 May 2022
Date Application Received	10 May 2022		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Neighbourhood Plan	Soho		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

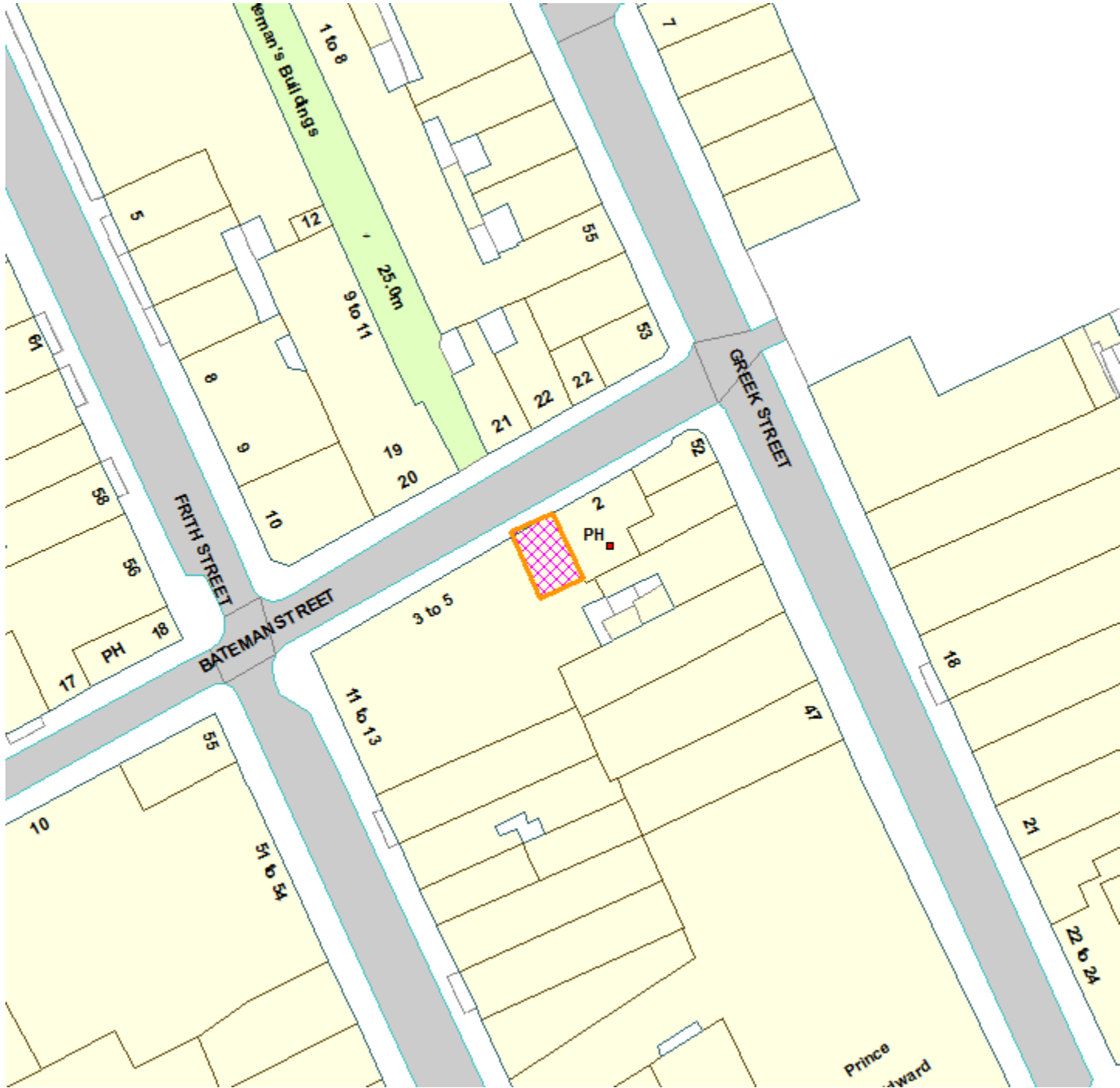
The application proposes the use of the ground floor unit at 3 Bateman Street as a drinking establishment (Suis Generis use) as an extension to the adjacent Simmons Bar located at 2 Bateman Street. The application is retrospective, following physical and functional incorporation of the site at Simmons Bar in January 2021. The application has been submitted following an enforcement investigation which concluded that planning permission was required for the material change of use.

The key considerations in this case are:

- The acceptability of the proposal in land use terms
- The impact on the amenity of neighbouring occupiers.

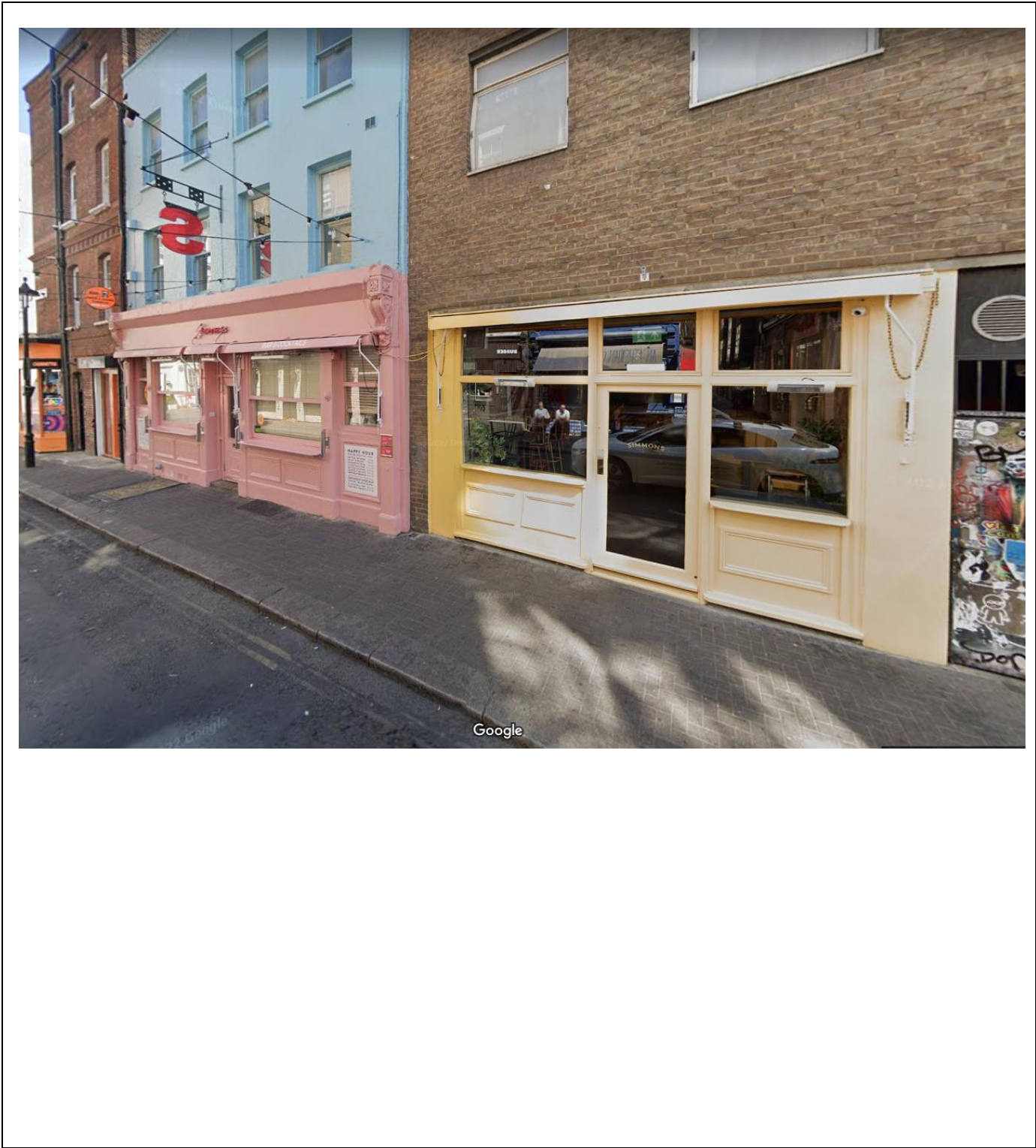
For the reasons set out in the report, it is considered that the proposal, with conditions, is acceptable in land use, amenity and highways terms and neighbouring occupiers would not be unduly harmed. As such, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

SOHO SOCIETY

Objection: The Soho Society objects to the addition of a sui generis drinking premises stating that the area is already oversaturated with similar premises.

The objection also relates to the negative impact the premises would have on crime and antisocial behaviour, stating that the area has the highest crime statistics in Soho.

A further objection is made that the proposed use would not comply with Policy 16.5 of the City Plan given that the proposed bar would not bring about community benefits that a more traditional public house would.

It is also stated that there have been recent issues with amenity and pavement management around the site.

WASTE PLANNING OFFICER

Further details of waste provision and storage required.

HIGHWAYS PLANNING MANAGER

No objections raised.

ENVIRONMENTAL HEALTH

No objections raised.

ADJOINING OWNERS / OCCUPIERS

No. Consulted: 45

No. Responses: 0

SITE NOTICE

Yes

5.2 Applicant's Pre-Application Community Engagement

None undertaken.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The Soho Neighbourhood Plan includes policies on a range of matters including housing, residential amenity, air quality and climate change, traffic and servicing, green infrastructure, pedestrians and cycling and waste and recycling.

It has been through independent examination and was supported by local residents and businesses in a referendum held on 2 September 2021. It was adopted on 8 October 2021. It therefore forms part of the development plan for Westminster for development within the Soho neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. 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 later in this report.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The application site is the ground floor of a five-storey building located on the southern side of Bateman Street. The last use of the ground floor appears to have been as a café/restaurant (for which there was a premises licence) which closed in September 2020. According to council records the upper floors of the building are in a mix of office and residential use.

Next door to the site at 2 Bateman Street is the existing Simmons bar which operates on both the ground and first floor. It has a lawful use as a bar drinking establishment, and records indicate a bar has operated in this location since the 1990s. Simmons Bar has been operating at 2 Bateman Street since November 2015. There is an existing license for Simmons Bar at 2 Bateman Street, however a license for an application to extend Simmons Bar via a new doorway in 3 Bateman Street not yet been granted. This was applied for under RN: 23/00086/LIPV, which attracted over 20 objections in relation to the impact of the extended bar on the amenity of the area due increased noise disruption, antisocial behaviour and crime. Following these objections the licensing application was withdrawn.

The site is located within the Central Activities Zone, the Soho Conservation Area, and West End Stress Area.

Residential accommodation is located on the floors above the site, as well as opposite at 21 and 22 Bateman Street, and at 52 Greek Street. Various Class E establishments are located near the site, including restaurants and cafes. Drinking establishments are located nearby at 18 Bateman Street, 31-32 Dean Street and 7 Greek Street.

7.2 Recent Relevant History

No recent relevant history.

8. THE PROPOSAL

The applicant proposes to use the application site for an extension to the adjacent Simmons Bar at 2 Bateman Street. The application is retrospective, following physical and functional incorporation of the site at Simmons Bar in January 2021. The application has been submitted following an enforcement investigation which concluded that planning permission was required for the material change of use. The application is for a change of use from Class E (café/restaurant) to drinking establishment (40m²). The drinking establishment use would be joined with the ground floor of the neighbouring property to create a single unit (total floorspace 213m²). The opening hours proposed are 1000 to 2330 Monday to Thursday, 1000 to 0000 Friday and Saturday and 1200 to 2230 Sundays. These opening hours are in line with the existing bar at 2 Bateman Street and is controlled by a license.

The application is accompanied with the submission of comprehensive Door Management Policy, Music Policy, Pavement Management Policy, and Dispersal Policy documents, discussed at the end of section 9.1 below.

There are no proposed external alterations to the existing building. It should be noted that if there are to be any advertisement signs attached to the building or within its forecourt, then they may require a separate application for advertising consent.

As set out above, there is not currently a license which covers these changes. However this planning application is determined independently of the licensing process based on the Council's relevant planning policies.

9. DETAILED CONSIDERATIONS

9.1 Land Use Overview

London Plan Policy SD4 concerns the CAZ and seeks to promote unique international, national and London-wide roles of the CAZ, based on an agglomeration and rich mix of strategic functions and local uses. The policy also states that "the unique concentration and diversity of cultural, arts, entertainment, night-time economy and tourism functions should be promoted and enhanced".

Policy HC6 of the London Plan requires boroughs to develop a vision for the night-time economy, supporting its growth and diversification and requires local development plans to promote the night-time economy, where appropriate, particularly in the Central Activities Zone, strategic areas of night-time activity, (which includes the West End) and town centres where public transport such as the Night Tube and Night Buses are available in

order to build on the Mayor's vision for London as a 24-hour City. The policy encourages the diversification of the range of night-time activities, including extending the opening hours of existing daytime facilities and seeks the protection and support of evening and night-time cultural venues such as pubs, night clubs, theatres, cinemas, music and other arts venues. However, the policy also requires the boroughs to take account of the cumulative impact of high concentrations of licensed premises on anti-social behaviour, noise pollution, health and wellbeing and other issues for residents and nearby uses and to seek ways to diversify and manage these areas.

The site lies within the CAZ and the WERLSPA (the West End Retail and Leisure Special Policy Area). City Plan Policy S1.A (Westminster's spatial strategy) seeks to ensure that Westminster will continue to 'grow, thrive and inspire at the heart of London as a world city'. Policy 1 acknowledges the need to balance the competing functions of the Central Activities Zone (CAZ), including those as a retail and leisure destination and home to residential neighbourhoods.

City Plan Policy 2 recognises that the intensification of the WERLSPA will deliver certain priorities, including an improved retail and leisure experience that responds to innovation and change in the sector, along with a diverse evening and night-time economy and enhanced cultural offer. The supporting text (paragraphs 2.7, 2.9 and 2.10) anticipates that the WERLSPA will absorb much of Westminster's future commercial growth, including the development of retail, food and drink uses and entertainment uses; will protect and support the arts, culture and entertainment offer for residents, workers, and visitors and diversify the food and beverage offer whilst, at the same time, minimising negative impacts on residential neighbourhoods. The West End is recognised as home to the largest evening and night-time economy in the UK, supporting as a wealth of cultural uses, pubs, bars, restaurants, nightclubs, cinemas, theatres and other leisure uses.

City Plan Policy 14 concerns town centres, high streets and the CAZ, with their intensification supported in principle for main town centre uses. Uses that provide active frontages will be required at ground floor level, with the WERLSPA to provide a wide mix of commercial uses that support the West End's role as a cultural hub and centre for visitor, evening and night-time economy. Policy 14 goes on to state that town centre uses will be supported in principle through the CAZ with a commercial or mixed-use character, having regard to existing mix of land uses. The supporting text (paragraph 14.5, 14.6 and 14.7) acknowledges that, to ensure their long-term sustainability, town centres will need to provide a mix of commercial uses to create an environment which encourages customers to shop, access services, and spend leisure time, whilst also supporting their role as major employment hubs and visitor destinations., "...town centre uses such as pubs and drinking establishments, exhibition spaces, cultural and leisure uses, can all help support the future success of these key clusters of commercial activity..."

City Plan Policy 16 (A) of the City Plan states that proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate. The definition of entertainment uses within the City Plan glossary includes uses predominantly, or partly used for entertainment purposes including live music venues and other sui generis uses

e.g. nightclubs, casinos and amusement arcades.

Related Policies

To ensure that any detrimental impacts on existing users of an area are avoided, City Plan policy 7 requires new development to be neighbourly by protecting, and where appropriate enhancing local environmental quality and protecting and positively responding to local character and the historic environment. In considering development proposals, the Council will take a balanced approach that considers the specific site location and context as well as the merits of the proposals including the consideration of the wider benefits of a scheme against impacts on the surrounding area.

The Plan recognises that factors such as polluted air, excessive smells, poor waste management, noise and strong vibrations are examples of environmental impacts that have an adverse impact on quality of life and health and well-being. Development must prevent unacceptable environmental impacts on existing and new users of building or its neighbours. It confirms that the Council will place the burden on the applicant to ensure mitigation measures are included to safeguard future local amenity and to ensure that development does not cause existing nearby uses from having to curtail their activities.

Policy 33 of the City Plan requires that development proposals do not have an adverse impact upon the amenity and local environment of existing and future residents and development to prevent the adverse effects of noise and vibration with particular attention to minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses; minimising noise from plant machinery and internal activities and minimising noise from servicing and deliveries.

Also of relevance is the Soho Neighbourhood Plan (2019-2040) Policy 12 which states that proposals for new food uses (Class E), public houses, drinking establishments, take-aways and music venues (Sui Generis) must 'demonstrate that they will not have unacceptable amenity impacts (including in relation to noise, vibration and odours)'.

Loss of café / restaurant use (Class E)

The lawful use of the ground floor is for café / restaurant use, and was occupied most recently as a café. Policy 14 (B) requires that uses that provide active frontages and serve visiting members of the public will be required at the ground floor throughout the town centre hierarchy. However, there is no specific policy to protect cafes/restaurants and it is noted that the use could change to any other use within Class E without the need for planning permission, including indoor sports, health facilities, a creche/day nursery or office.

Proposed use

The proposed bar use accords with the principle of the aforementioned policies in that it would retain an active frontage at ground floor level. It is therefore considered to be acceptable in this location, subject to the impacts of the new entertainment use in terms of scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and provided that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of

the area.

The Soho Society raised strong objections to the principle of a drinking premises in this location given the high concentration of alcohol-based premises nearby. Policy 16 states that “the cumulative impact of multiple food, drink and entertainment uses in a particular area can have a negative impact on the functioning and use of an area and can negatively impact residential amenity. We will therefore prevent the over-concentration of these uses and require proposals to make sure any negative impacts are managed (applying the Agent of Change principle).”

It is acknowledged that there are already several drinking establishments near the application site, including two bars, Thirst Bar and The Little Scarlet Door situated opposite the site at 53 and 12-13 Greek Street, as well as numerous bars and pubs elsewhere on Bateman Street, Frith Street, Greek Street and the wider Soho area.

Whilst there is a high concentration of drinking establishments within the local area, the area is typified by a mix of leisure uses including restaurants and cafés, which are present along Greek Street, Bateman Street and Frith Street. The proposal is also considered a relatively modest expansion, enlarging an already existing establishment rather than adding a new one to the area, therefore lessening its impact on the balance of different uses. The applicant indicates the staff numbers would increase from 21 to 32. The capacity/customer numbers are indicated to be approximately 30 additional customers (total 150 across combined site), which is considered a modest increase. The license for the existing Simmons Bar at 2 Bateman Street allows a maximum of 120 customers (60 at ground floor and 60 at first floor level). A condition will be added ensuring that the site can only operate as an extension to the drinking establishment at 2 Bateman Street rather than operating independently. This will prevent additional harm in terms of noise and disruption that would be associated with a separate independent establishment at 3 Bateman Street, which would require its own servicing and deliveries. It is also noted that the previous use as a café / restaurant would be considered an entertainment use, and therefore the proposed use is not considered a significant departure from what was previously present within the site. It is therefore considered that the proposal would not lead to an unacceptable concentration of drinking establishments.

The Soho Society have also referenced Policy 16 stating that “Simmons as an operator does not have much in common with traditional public houses which have been recognised as having social and community benefits”. Policy 16 does state that “applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate”. However, given the relatively small increase in floor space of 40sqm, it is not considered appropriate in this instance that the council could insist on further local community benefits. Policy 16.5 refers specifically to the protection of public houses – it does not preclude other types of drinking establishments. Furthermore, the nature of the drinking use proposed is considered in keeping with the types of drinking establishments situated within Soho. In terms of community benefits, it is also considered that the proposal would add employment to the local area with 11 new members of staff.

Impact on amenity

There are a number of properties with residential accommodation in close proximity to the site, the amenity of which could be impacted. According to council tax records the upper

floors of the site are in residential use, with residential accommodation also located opposite at 21 and 22 Bateman Street, as well as at 52 Greek Street. The City Council is aware of potential amenity impacts on these properties due to the enlargement of the drinking establishment, with the increased number of up to 30 customers associated with the change potentially leading to further noise and disruption. The Soho Society have also raised concerns in relation to the impact of the proposal on anti-social behaviour and crime.

The council has records of complaints from members of the public in early 2022, in relation to noise generated by customers outside Simmons bar, customers blocking the pavement outside the premises, as well as loud music being played late at night. The Environmental Health team have confirmed that since these complaints the operator has installed a noise limiter to control amplified music and worked with our City Inspectors to better manage the external area. The Environmental Health team made no objection to the proposal. However on their recommendation a condition will be included to restrict the volume of any amplified noise generated. Whilst no immediate neighbours have objected to this application, as set out previously, over 20 objections were received alongside the licensing application for the proposed extension into 3 Bateman Street. These objections raised issues primarily in relation to increased noise disruption, antisocial behaviour and crime.

The current premises license for the existing Simmons Bar, has operational restrictions to reduce the impact on neighbouring amenity in relation to capacity limits, noise and vibration restrictions, the closure of all windows and external doors after 21:00, collection of waste and deliveries at appropriate times, and ensuring that customers do not bring drinks outside after 22:00.

Policy 12 of the Soho Neighbourhood Plan requires applicants to demonstrate their proposals will not have unacceptable amenity impacts, including in relation to noise, vibration and odours. The applicant has demonstrated how the drinking establishment will avoid amenity impacts as well as anti-social behaviour and crime with the submission of comprehensive Door Management Policy, Music Policy, Pavement Management Policy, and Dispersal Policy documents. These documents clearly set out how noise and disruption will be minimised, with restrictions on drinks being taken outside after certain hours, regular checks outside the venue by management and security personal deterring customers from loitering outside the venue, and through the front doors staying closed except for ingress and egress. In addition, the hours proposed are also relatively modest when taking into account the precedent set by other nearby drinking premises with many closing at 0300 on Fridays and Saturdays. The opening hours proposed are 1000 to 2330 Monday to Thursday, 1000 to 0000 Friday and Saturday and 1200 to 2230 Sundays. Conditions will be added to ensure that these opening hours are restricted, as well as restricting the overall capacity to 150 customers, to reduce potential impacts on residential amenity.

It is noted that the café / restaurant previously operating at the site had a license for tables and chairs until 2300. When considering the existing level of harm caused by the numerous late night drinking establishments already present within the area, the nature of the entertainment use previously occupying the site, as well as the management policies set out by the applicant, the increase proposed is not considered to be sufficiently harmful over and above what is already existing to warrant a refusal.

Whilst it is acknowledged that there have been complaints and objections in relation to the site and the impact on neighbouring amenity, taking into account the modest increase of up to 30 customers, the conditions outlined above that will be applied to this decision, as well as the measures set out within the operators management plans, the proposed extension is considered acceptable in terms of its impact on amenity.

9.2 Environment & Sustainability

This application is for a change of use only and does not raise any additional energy/sustainability issues.

Odour

Not relevant in the determination of the application.

9.3 Biodiversity & Greening

Not relevant in the determination of the application.

9.4 Townscape, Design & Heritage Impact

No material external alterations are proposed.

9.5 Residential Amenity

The local environmental impacts are detailed within both Section 9.1 of this report.

9.6 Transportation, Accessibility & Servicing

Highway Impact

Cycle Parking

Long stay cycle parking will support active travel options by staff. Long term staff cycle parking must be secure, accessible and weatherproof. Long stay cycle parking for developments must be met within the development site itself. The London Plan Policy T5 requires 1.5 space per 175m² of drinking establishment use (most comparable use).

While it is disappointing that no cycle parking is proposed for the reconfigured space, it is accepted that the floor space is below the threshold to provide cycle parking.

Servicing

Policy 29 requires off-street servicing and freight consolidation. No off-street servicing is provided for vehicles (nor physically possible) and no internal space is allocated to support servicing activity (including laundry delivery and collection).

Servicing for the existing Simmons Bar is controlled by the current license. It is accepted that the combination of units is likely to reduce the level of servicing vehicles associated with the combined site. However, there may be an increase in dwell time of servicing

vehicles and goods obstructing the highway (footway). On balance, as a reduction, no objection is raised on this element.

Car Parking – Non-residential

The site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. It is accepted the impact of the change of use on parking levels will be minimal, however, see comments Trip Generation.

Trip Generation and Travel Plan

It is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (e.g. walking, cycling). Given the sites proposed uses and location, a travel plan is not required.

Waste

As part of this application the Waste Planning Officer was consulted. They advised that the drawing and the waste detail submitted are not in line with the council waste storage requirements. Three different waste streams are expected from this development which are food waste, general waste and recyclable materials. The three waste streams must be stored separately in different bins. A revised drawing is required to address these requirements. A condition will therefore be added to this decision requiring further details of waste to be submitted.

9.7 Economy including Employment & Skills

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by employing an additional 11 members of staff and in indirect employment opportunities, through the employment of artists, stewards, sounds and lighting specialists for specific events.

9.8 Other Considerations

A further objection was raised by the Soho Society stating that the works were carried out without planning permission in order to influence the outcome of the planning application. It is noted that all planning applications are dealt with equally irrespective of whether the proposal has already been completed.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

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The proposed change of use from café to drinking establishment is considered acceptable in terms of its impact upon residential amenity, the character and mix of uses of Soho and upon local environmental quality. Subject to conditions, the proposed change of use is considered to be compliant with the policies within the adopted development plan.

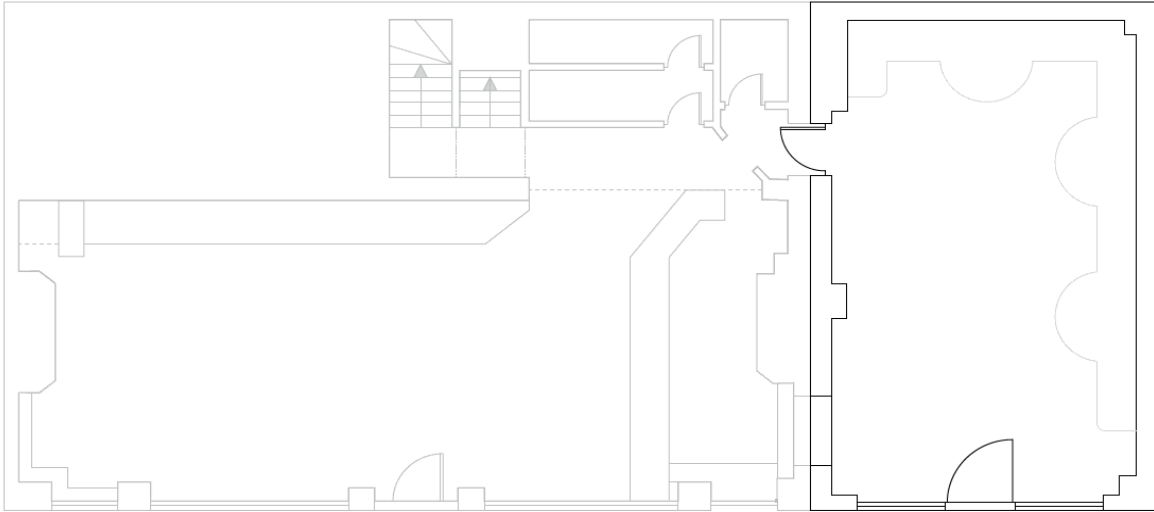
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **ADD PRESENTING OFFICERS NAME** BY EMAIL AT **add presenting officer's email address**.

11. KEY DRAWINGS

3 BATEMAN STREET, LONDON, W1D 4AG
GROUND FLOOR

1:500



2 BATEMAN STREET

3 BATEMAN STREET

DRAFT DECISION LETTER

Address: 3 Bateman Street, London, W1D 4AE

Proposal: Use of the ground floor as a drinking establishment (sui generis use) as an extension to the existing bar at 2 Bateman Street. (Retrospective application)

Reference: 22/03136/FULL

Plan Nos: Ground floor Layout Plan, 1:500

Case Officer: Tristan Goldsmid

Direct Tel. No. 020 7641

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must 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 do so within 60 days of the date of this decision. You must then permanently retain the stores according to these details. You must clearly mark them and make them available at all times to everyone using the property. You must not use the waste and recycling store for any other purpose.

Reason:

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

- 3 Customers shall not be permitted within the premises before 1000 or after 2330 on Monday to Thursday (not including bank holidays and public holidays), before 1000 or after 0000 on Friday and Saturdays, and before 1200 or after 2230 on Sundays, bank holidays and public holidays.

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)

- 4 The ground floor unit hereby approved for a drinking establishment shall be occupied as a single unit in conjunction with 2 Bateman Street and shall not be sub-divided or used independently.

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)

- 5 i. The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night and,
- ii. For any music noise; the indices of Leq and LFMax in the octave bands 31.5 Hz, 63 Hz and 125 Hz should be at least 10 dB below the existing background noise level measured in terms of L90,5mins (31.5Hz, 63Hz, 125Hz) inside the neighbouring premises and,
- iii. For music noise where access to relevant habitable spaces is unavailable; the design of the separating structures should be such that the received music noise level in the habitable spaces, with music playing, should be demonstrated through calculation to not exceed a rating of NR20 (Leq, daytime), NR15 (Leq, night-time) and NR30 (LFMax, night-time).

Reason:

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

- 6 You must carry out the measures included in your music, pavement, door policy and dispersal management plans at all times that the bar 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)

- 7 Waste must not be left on the highway.,

Reason:

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

- 8 No delivery service to operate from the premise.,

Reason:

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

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

Reason:

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

- 10 You must not allow more than 150 customers into the drinking establishment at 2 and 3 Bateman Street hereby approved at any one time.

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 **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.](http://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 If there is a musical amplification system at the premises played above background levels, then a suitable noise limiter must be fitted to comply with the above noise condition (5).
- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 5 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email AskHighways@westminster.gov.uk.
- 6 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 7 The term 'clearly mark' in condition 2 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 8 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).

Please note: the full text for informatives can be found in the Council's Conditions, Reasons

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& 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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