



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (3)

Meeting Date:

Tuesday 23rd January, 2024

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Nafsika Butler-Thalassis (Chair)
Ryan Jude
Patrick Lilley
Louise Hyams



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, Katherine Stagg, Committee and Governance Officer.

**Email: kstagg@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting. To register to speak and for guidance please visit:

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

Please note that you must register by 12 Noon on the Friday before the Committee meeting. In the event that you are successful in obtaining a speaking slot at the hybrid meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

All committee meetings open to the public are being broadcast live using Microsoft Teams. To access the recording after the meeting please revisit the Media link. Please note that the link is only available 90 days after the meeting.

(Pages 5 - 10)

- | | | |
|-----------|---|------------------------------|
| 1. | 84 NEWMAN STREET, LONDON, W1T 3EU | (Pages 15 - 36) |
| 2. | 82-83 MARGARET STREET, LONDON, W1W 8LH | (Pages 37 - 86) |
| 3. | 2 MELINA PLACE, LONDON, NW8 9SA | (Pages 87 -
118) |
| 4. | 17-19 ROCHESTER ROW, SW1P 1JB | (Pages 119 -
176) |
| 5. | FLAT 30, CHELSEA GATE APARTMENTS, 93 EBURY
BRIDGE ROAD, LONDON, SW1W 8RB | (Pages 177 -
200) |

**Stuart Love
Chief Executive
12 January 2024**

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 5th December, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Ryan Jude, Patrick Lilley and Louise Hyams

Apologies for Absence: Councillor Nafsika Butler-Thalassis

1 MEMBERSHIP

1.1 Apologies for absence were received from Councillor Nafsika Butler-Thalassis.

1.2 A Councillor was required to Chair the evening's meeting and the Sub-Committee

RESOLVED:

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

2 DECLARATIONS OF INTEREST

2. 1 Councillor Ryan Jude explained that a week before the meeting, all 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 also declared an interest on Item 7 that the application was in his ward but he had had no previous discussions on the application.

2.3 Councillor Patrick Lilley declared an Interest on Item 1 that the application was in his ward but he had not had any discussions on the application.

3 MINUTES

RESOLVED: That the minutes of the meeting held on 3rd October 2023 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

The Sub-Committee heard the applications in the following order: 7, 1&2, 4, 5, 6.

1 1-2 BARRETT STREET, LONDON. W1U 1AX

Demolition of 1 Barrett Street behind retained façade and retained structural ground floor and demolition of 2 Barrett Street to structural frame and floorplates. Erection of replacement building over basement, ground and five upper floors at 1 Barrett Street and erection of replacement facades and new fifth floor to 2 Barrett Street with roof level plant/plant screen, photovoltaic panels and green roof. Use of part basement and part ground floor level as restaurant (Class E). Flexible use of the first floor as a restaurant (Class E) or office (Class E). Use of part basement, part ground and second to fifth floor as offices (Class B1 E).

The Presenting Officer tabled the following amendment to the draft decision letter:

Additional Condition

The development hereby approved shall achieve a BREEAM rating of 'Excellent' or higher or an equivalent independent measure of energy performance and sustainability. Where the performance of the development is measured using BREEAM, it shall achieve not less than the total credits for each of the Energy, Materials and Waste categories in the BREEAM Pre-Assessment hereby approved.

A post completion certificate (or equivalent certification) confirming that the development has been completed in accordance with the required BREEAM rating and has maintained or exceeded the approved total credit scores for each of the Energy, Materials and Waste categories, shall be submitted to us for our approval within three to nine months of first occupation of the development. (C44BC)

Reason

To ensure the development minimises operational carbon dioxide emissions and achieves 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). (R44BE)

Chris Brown, representing Rolfe Judd Planning, addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY

That conditional permission be granted subject to a s106 legal agreement to secure

- i) replacement residential floorspace at 21-22 Barret Street and 24 James Street
- ii) s106 monitoring costs

That if the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

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

2 21-22 BARRETT STREET AND 24 JAMES STREET, MARYLEBONE, LONDON, W1U 1EL

Demolition and redevelopment of 21 Barrett Street to provide a drinking establishment with expanded food offer on the basement and ground floors, in association with the basement and ground floors of 22 Barrett Street and 24 James Street, (Sui generis) ; use of the first to fourth floors at 21 Barrett Street and 24 James Street as six flats (4 x 1 bed flats and 2 x 2 bed); alterations to 22 Barrett Street including installation of opening shopfront; replacement of all windows on James Street facade; installation of new plant to the rear and alterations to the second means of escape. (Application linked via land use swap with 1-2 Barrett Street).

RESOLVED UNANIMOUSLY

That conditional permission be granted subject to a S106 legal agreement to secure:

- i) the relocation of the office floorspace to Site 1 (1-2 Barrett Street)
- ii) highway works
- iii) S106 monitoring costs

That if the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

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

That conditional permission be granted subject to an additional condition requiring servicing management plan with informatives requiring hours of servicing to be agreed and for the applicant to investigate the provision of on-street cycle parking.

3 11 STRAND, LONDON, WC2N 5HR

Withdrawn from the agenda.

4 144 PRAED STREET, LONDON, W2 1HU

Replacement of mansard roof with sheer brickwork extension, new mansard roof extension & roof top plant enclosure to provide additional Hotel Accommodation (Class C1). Alterations to façade fenestration and shopfronts to the building, installation of green wall to side (north east), and associated works.

1. Additional representations were received from WCC Highways Planning (23.11.23), WCC Sustainability (27.11.23), WCC Building Control (24.11.23) and the Presenting Officer who submitted a Memo (30.11.23) and a Revised Draft Decision letter, setting out the following amendments to the recommendation and draft decision letter

Grant conditional permission, subject to a s106 Legal Agreement to secure:-

- i) Highways works to facilitate the development.
2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:-
 - a) The Director of Town Planning and Building Control shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of 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 refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Town Planning and Building Control is

authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Deleted/Revised Conditions:-
 - Revision to Condition 6- to refer to revised drawing number.
 - Revision to Condition 13- to require details of a modular green wall.
 - Revision to Condition 14 to require provision of cycle parking (revised drawing Proposed basement 099 Rev A (30.11.2023))
 - New Condition 15- No doors to open over the highway.
4. Revised drawings on Decision letter:-
 - Proposed basement 099 Rev A (30.11.2023)
 - Proposed ground floor 100 Rev C (30.11.2023)

Molly Purcell, representing Icen Projects, addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY

That conditional permission be granted, subject to a s106 Legal Agreement to secure:

- Highways works to facilitate the development.

5 68 WESTBOURNE PARK VILLAS, LONDON, W2 5EB

Replacement of roof and erection of rear and side dormers, alterations to fenestration including replacement of windows, installation of plant machinery within enclosure at roof level and associated external alterations.

Late representations were received from Landmark Chambers (1.12.23).

Antonin Jullier addressed the Sub-Committee in objection to the application.

RESOLVED THAT THE APPLICATION BE REFUSED: (Refused: Councillors Jude and Lilley: Agreed: Councillor Hyams)

Reason: on the grounds of inappropriate design and harm to the character and appearance of the surrounding Westbourne Conservation Area

6 TEMPLAR COURT, 43 ST JOHN'S WOOD ROAD, LONDON, NW8 8QJ

Variation of condition 1 (and in turn condition 9) of planning permission dated 21st December 2021 (RN:21/03579/FULL) for the Erection of a single storey roof extension above the existing circular parapet to provide one self-contained flat (Class C3) with associated roof terrace. Namely, extend the front terraces on both sides of the consented extension to the front of the building.

Late representations were received from Grove End House Leaseholders and Tenants Association (29.11.23) and Councillor Geoff Barraclough (1.12.23).

Myra Grunberg, representing Grove End House Leaseholders and Tenants Association, addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

7 42 QUEEN'S GARDENS, BAYSWATER, LONDON.W2 3AA

Internal and external refurbishment of the property including Installation of five air source heat pumps to be fixed to the walls of the internal courtyard. Installation of secondary glazing. New roof lights and external render repairs.

Additional representations were received from Historic England (27.11.23) and SEBRA (30.11.23).

Luca Holden, representing AtkinsRéalis, addressed the Sub-Committee in support of the application.

Claire Nangle, Interim Director of Corporate Property (WCC), addressed the Sub-Committee in support of the application.

Stephen Petri addressed the Sub-Committee in opposition to the application.

RESOLVED UNANIMOUSLY:

That Conditional Permission be granted under Regulation 3 of the Town and Country Planning General Regulations 1992 (Council's Own Development) and Conditional Listed Building Consent subject to an additional condition requiring a post-commissioning report for plant and an informative requesting Corporate Property to actively pursue internally sound proofing the building.

The Meeting ended at 8.58 pm

CHAIR: _____

DATE: _____

Agenda Annex

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 23rd January 2024
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s) : 23/05695/FULL West End	84 Newman Street London W1T 3EU	Use of the basement, first, second and third floors to an HMO use (sui generis) a house in multiple occupation	LIVING TAPES LIMITED
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
2.	RN(s) : 23/03130/FULL 23/03131/LBC West End	82-83 Margaret Street London W1W 8LH	Alterations including opening of laundry building within the central courtyard at ground floor level, excavation to lower sections of the existing lower ground floor accommodation. Erection of an infill extension at lower ground floor level with courtyard above. Erection of a replacement roof to east wing. Erection of dummy mansard to the rear of All Saints House to screen new plant. Alterations to access arrangement. All in connection with the use of part lower ground, part ground and part ground upper floors as 24 units for short to medium stay temporary visitor accommodation (sui generis); use of part lower ground as a gym (Class E); use of part lower ground, part ground and part first floor as an event space (Sui Generis), use of part ground floor as lounge/co-working space (Class E) and provision of plant ancillary to the building at basement level.	Unity Group
	Recommendation 1 Grant conditional permission subject to a legal agreement to secure the following: <ol style="list-style-type: none"> a) Arrangement to secure access to the first floor chapel for non-fee paying, general members of the public for a minimum of 1 day per month for 12 months a year. b) Ensure occupants of the short to medium stay visitor accommodation are permitted to stay for a maximum of 90 days. c) The costs of monitoring the S106 legal agreement. 2. If the S106 legal agreement has not been completed within 3 months of the date of this resolution then: <ol style="list-style-type: none"> a) The Director of Town Planning & Building Control shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Town Planning & Building Control is authorised to determine and issue the decision under Delegated Powers; however, if not; b) The Director of Town Planning & Building Control shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Town Planning & Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. 			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 23rd January 2024
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>3. Grant conditional listed building consent.</p> <p>4. Agree the reasons for granting conditional listed building consent as set out in informative 1 of the draft decision letter.</p>			
Item No	References	Site Address	Proposal	Applicant
3.	<p>RN(s) : 22/03593/FULL</p> <p>Abbey Road</p>	<p>2 Melina Place London NW8 9SA</p>	<p>Alterations to the existing building including side and rear extensions at ground and first floor, rebuilding of rear extension and creation of basement and lightwells and associated works.</p>	<p>Mr Fabien Pinault/ Forward Planning and Development Ltd</p>
	<p>Recommendation Grant conditional permission.</p>			
Item No	References	Site Address	Proposal	Applicant
4.	<p>RN(s) : 23/05475/FULL</p> <p>Vincent Square</p>	<p>17 - 19 Rochester Row London SW1P 1JB</p>	<p>Refurbishment, alteration and extension of the existing Class E building to include erection of a rear infill, replacement of fourth floor and erection of new roof pavilion, provision of external roof terraces, provision of plant equipment, altered façade and other associated external works.</p>	<p>Rochester Row Limited</p>
	<p>Recommendation</p> <p>1 Grant conditional permission, subject to completion of a S106 legal agreement to secure the following obligations:</p> <ul style="list-style-type: none"> a) Undertaking of all highway works immediately surrounding the site required for the development to occur prior to occupation of the extensions, including the relocation of the existing on-street Electric Vehicle Charing Unit outside the building on Rochester Row and the provision of a minimum of 4 on-street cycle parking stands in the vicinity of the development. All of the above to the Council's specification and at full cost (administrative, legal and physical) of the developer. b) Dedication as highway of the area where the building line is set back from the existing line prior to occupation of the extensions, and subject to a detailed plan of the area and any minor alterations, all as agreed with the Council and at full cost of the developer. c) The costs of monitoring the S106 agreement. <p>2. If the S106 legal agreement has not been completed within 3 months from the date of the Committee's resolution then:</p> <ul style="list-style-type: none"> a) The Director of Town Planning & Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning & Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not b) The Director of Town Planning & Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Town Planning & Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. 			
Item No	References	Site Address	Proposal	Applicant

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 23rd January 2024
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

5.	RN(s) : 23/04689/FULL Knightsbridge & Belgravia	Flat 30 Chelsea Gate Apartments 93 Ebury Bridge Road London SW1W 8RB	Erection of a single storey extension on the fifth floor terrace area of the existing duplex residential apartment.	Mr. & Mrs. Mark & Victoria Western
Recommendation Grant conditional permission.				

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 23 January 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	84 Newman Street, London, W1T 3EU		
Proposal	Use of the basement, part ground, first, second and third floors to an HMO use (Sui Generis) a house in multiple occupation		
Agent	HTP Architecture LLP		
On behalf of	Living Tapes Limited		
Registered Number	23/05695/FULL	Date amended/ completed	16 August 2023
Date Application Received	16 August 2023		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		
Neighbourhood Plan	Fitzrovia West Neighbourhood Plan		

1. RECOMMENDATION

Grant conditional planning permission.
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2. SUMMARY & KEY CONSIDERATIONS

<p>The application proposes the change of use of the basement and first to third floors from vacant office use to be used as a house in multiple occupation (HMO) whilst providing a semi-independent support service to local authority care leavers, for people aged 16-25, who have left their residential placements. The first, second and third floors will have similar layouts, with a total of 14 bedrooms provided throughout the floors and each floor having its own communal dining/kitchen area, a shared living/lounge area and shared bathroom facilities. The basement provides a leisure and TV room as well a meeting room, a laundry room and a supervisor's room. The HMO will be staffed full time by core staff who will be responsible for the day to day running of the premises. In addition to this, other staff will attend the premises to carry out keywork sessions with young people to provide them with semi-independent living skills on topics such as financial management, household management and self-management. No external works are proposed.</p>
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The key considerations in this case are:

- The acceptability of the loss of the existing Office accommodation in this location within the CAZ,
- The acceptability of the proposed residential accommodation in terms of its, size, mix and accessibility.

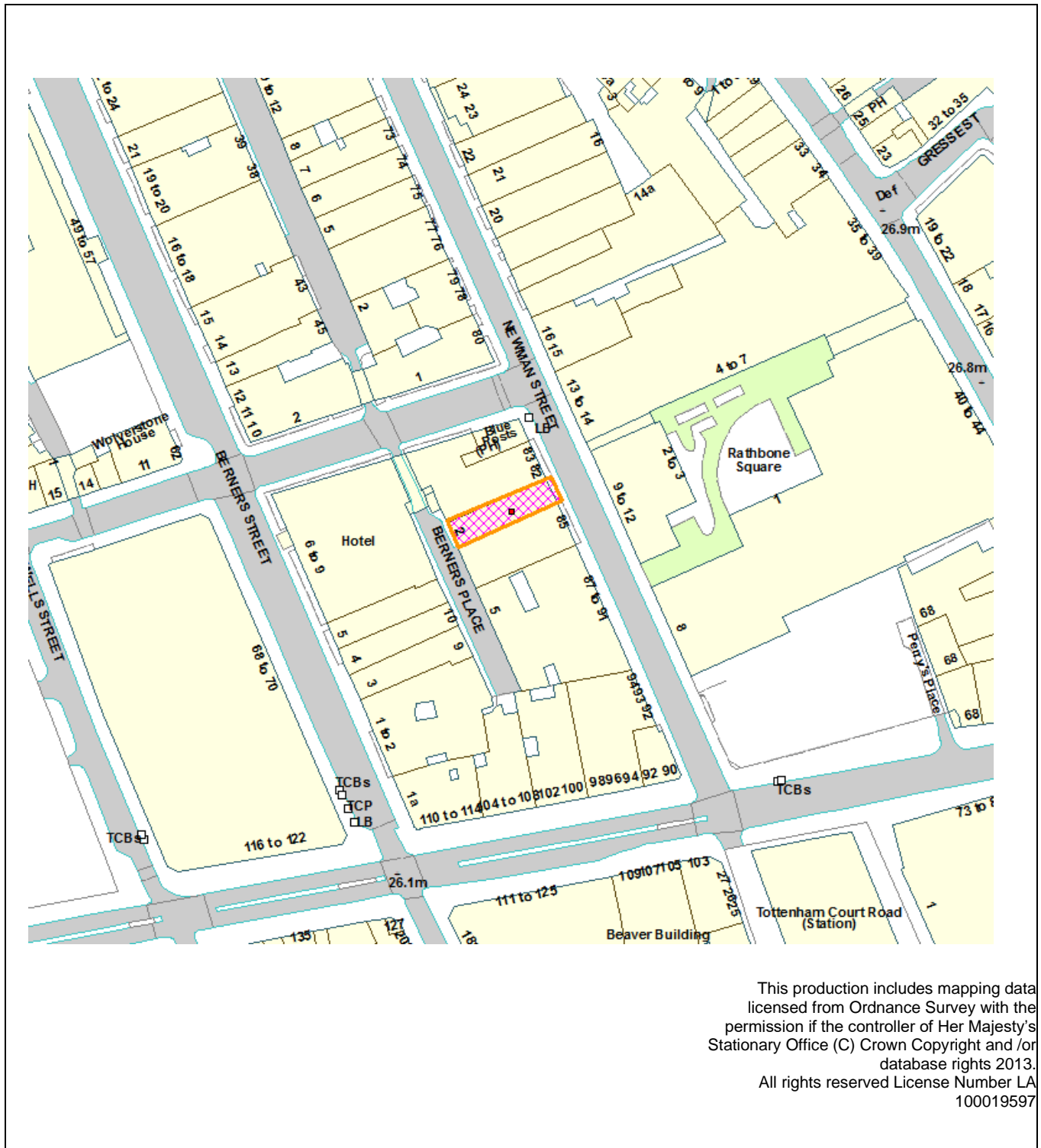
The loss of the existing office use is contrary to Policies E1 and SD4 of the London Plan and City Plan Policy 13 Part D as this area of the CAZ is not predominantly residential in nature and the building was not originally built for residential use.

The proposed HMO is acceptable under London Plan Policy H12 and Westminster City Plan 2019-2040 Policy 10, and subject to the operation of the premises being in line with the details set out in the submitted management plan, which will be secured by condition, the use is acceptable.

While there is a policy conflict with the loss of the office space in this location, officers consider that there is a strong argument to be made that the benefits of the proposed use outweigh the policy conflict.

Given that there appears to have been little interest in the office space, which has been marketed for a number of years unsuccessfully, and that there are benefits deriving from the proposed HMO (providing supported living for young people leaving local authority care, including providing them with essential life skills, etc.) which are supported by both the London Plan and Westminster City Plan, as well as the contribution this would make to the housing delivery targets, it is considered that these would outweigh the loss of the office space in this instance. It is therefore recommended that permission be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

FITZROVIA WEST NEIGHBOURHOOD FORUM

Any response to be reported verbally.

HIGHWAYS PLANNING

No objection subject to conditions.

ENVIRONMENTAL SCIENCES

No objection subject to conditions.

ADULT AND COMMUNITY SERVICES

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 56; Total No. of replies: 0

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. While the application does not meet the criteria where the applicant is required to follow this process, they have been encouraged to do so. Their engagement exercise has therefore been kept proportional to the scale of the proposals.

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
Consultation letter outlining proposals posted to five identified residential addresses in close proximity to the site.	17 th April 2023	n/a	One response received – highly supportive in principle on the basis of the scheme being “...socially useful...”. This support was noted as being subject to seeing application details and consultation with developer during any construction phase that falls outside of the planning process.

The applicant's Statement of Community Involvement and other application documents identify that the scheme has not been revised following the comments received as these were supportive in principle.

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 Fitzrovia West Neighbourhood Plan includes policies on a range of matters including promotion of regeneration, provision of housing, entertainment uses, community facilities, provision of small business units, provision of active frontages, open spaces, environmental performance, and servicing.

The plan 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 Fitzrovia West 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 (December 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The application site is located in the Central Activities Zone (CAZ). The building comprises basement, ground, and five upper floors. The existing fourth and fifth floors

are in residential use as two self-contained flats, while the rest of the building is in office (Class E) use (including, it is believed, the ground floor).

7.2 Recent Relevant History

Planning permission was granted on 01 December 2009 (09/07581/FULL) for “*Erection of new second, third, and fourth storeys at rear for office (Class B1) use and erection of new fourth, fifth and sixth storeys on Newman Street frontage and rear extension at fifth floor to provide 2x2 bed flats with associated roof terraces and plant room.*” An almost identical scheme was granted on 26 October 2010 (RN: 10/07104/FULL) with an altered detailed design. This permission appears to have been implemented as the approved plans reflect the as existing building.

8. THE PROPOSAL

This application seeks planning permission for the change the use of the basement, first, second and third floors of the building from Office Use (Class E) to a House in Multiple Occupation (HMO) (Use Sui Generis). As this will sleep more than 6 people (sleeping 14), it comprises a large HMO (as opposed to a small HMO which sleeps not more than 6, and is Class C4).

The intended user of the HMO is Krossroads, who are a semi-independent service providing support for young people 16+ who are leaving local authority care (including Westminster) by providing affordable accommodation in central London. They aim to provide quality care to young people in safe, nurturing, caring and homely environments.

At this site they are seeking to provide shared accommodation which has been sourced within the remit of the Local Housing Allowance rate so as to alleviate financial pressures on local authorities top up costs and to offer continuity of service and staffing for the young people they support during their transition from the 16+ semi-independent service that Krossroads offers.

The first, second and third floors will have as similar layout and will comprise a total of 14 bedrooms across the floors, together with each floor having communal spaces consisting of a dining/kitchen area with a separate living/lounge area. The basement area will provide additional HMO accommodation and comprise a leisure and TV room, a laundrette/ironing room together with a meeting room and a supervisor’s office and day room.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class E)	590	0	-590
HMO (Sui Generis)	0	590	+590
Total	590	590	0

No external works are proposed as part of this application.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Loss of Existing Office (Class E) Use

The existing use of the basement to third floors is offices (Class E). The floors subject to this application are just the basement, first, second and third floors. The ground floor is intended to remain as existing and in Class E use and is not part of this application. The fourth and fifth floors are occupied as two residential flats and are also not part of this application.

Given national and international importance of office accommodation within Westminster to local and strategic economic and employment targets, both the recently adopted London Plan and Westminster City Plan have been worded to increase strategic importance of office accommodation. This is evident within E1 and SD4 of the London Plan and Policy 13 of Westminster's City Plan.

The London Plan Policy E1 supports the redevelopment, intensification and change of use of surplus office space to other uses including housing, provided that the scope for the re-use of otherwise surplus large office spaces for smaller office units and/or lower cost and affordable workspace has been explored. Surplus office space includes sites and/or premises where there is no reasonable prospect of these being used for business purposes. As stated in the supporting text, evidence to demonstrate surplus office space should include strategic and local assessments of demand and supply, and evidence of vacancy and marketing (at market rates suitable for the type, use and size for at least 12 months, or greater).

London Plan Policy SD4 identifies the unique international, national and London-wide roles of the CAZ, based on an agglomeration and rich mix of strategic functions and local uses, and identifies that these should be promoted and enhanced. It also identifies that the nationally and internationally significant office functions of the CAZ should be supported and enhanced by all stakeholders, including the intensification and provision of sufficient space to meet demand for a range of types and sizes of occupier and rental values

The Planning Policy Team advised at pre-application stage that they consider HMOs are residential uses and therefore a type of '*residential development*' as they contribute to our housing targets (as per paragraph 10.1 of the City Plan) and fall within the definition of '*specialist housing*' (as per the Glossary definition in the City Plan).

City Plan Policy 13 Part D seeks to protect office use in the Central Activities Zone (CAZ) when the proposed use is a residential one. The Policy states that the loss of office use to a residential one will only be acceptable "... *in those parts of the CAZ that are predominantly residential in character and where the proposal would reinstate an original residential use.*"

The City Plan 2019-2040 (April 2021) Glossary does not describe how to identify an area which would be considered as predominantly residential in character, however it does identify that predominantly commercial neighbourhoods are: "*Areas of the Central*

Activities Zone where the majority of ground floor uses comprise of a range of commercial activity."

Newman Street comprises a mix of commercial uses at ground floor along this portion of the street (between Oxford Street and Eastcastle Street). While the upper floors containing some residential uses (for example the upper floors of the new Rathbone Place development that are opposite the site are all in residential use), the majority of upper floor uses appear to be commercial. On this basis, it is considered that the area is a predominantly commercial neighbourhood based on the definition identified above. The first part of Policy 13 Part D would therefore not be met.

Given that the building appears to have been purpose built as commercial accommodation, it is not considered that the second part of the policy (reinstating an original residential use) would be met either.

The applicant advises that the office part of the property had been empty for a long period and, despite marketing since April 2019, there has been no interest in occupation. An Officer site visit in October 2023 confirmed that the office floors are unoccupied. While this is noted, the policy does not take into consideration such vacancy and no marketing assessment has been provided with this current application.

On the basis of the above, the loss of the existing use would not comply with Policies E1 and SD4 of the London Plan and City Plan Policy 13 Part D.

Proposed HMO (Sui Generis) Use

The proposals are for the use of basement, part ground, and all of first, second and third floors as a HMO (Sui Generis).

In terms of planning policy, London Plan Policy H12 supports the provision of supported and specialised housing which meets an identified need. Section 1 of this policy identifies care leavers (which the proposed use will provide for) as requiring a possible form of specialised accommodation.

Westminster City Plan 2019-2040 Policy 10 addresses the provision of housing for specific groups. Part D of the policy relates to specialist housing and states that:

"The council supports the provision of well-managed new housing which meets an identified specialist housing need."

Para. 10.7 of the City Plan sets out that the "... encouragement of new, accommodation that meets an identified need is therefore particularly important to ensure inclusivity and maintain Westminster's rich diversity."

The Fitzrovia West Neighbourhood Plan Policy PR2 part 5 states:

"In order to sustain and expand the diversity of the local population, adequate provision should be made for accommodation to meet the needs of all age groups and those with special needs;"

The principle of a HMO is generally considered acceptable in this location. Given that the accommodation is specifically for care leavers, this meets the identified specialist housing need requirement in Policy 10 of the City Plan given the definitions set out in the London Plan.

Para. 10.11 of the City Plan states that:

“Where new specialist housing is proposed, a management plan will be required and secured via legal agreement or planning condition to ensure the new use does not have negative impacts on the amenity of neighbouring residents. The management plan will address parking pressures, noise and other potential impacts on neighbouring residents or vulnerable uses, such as schools.”

The submission documents set out that the HMO is intended to be occupied by Krossroads, who provide a semi-independent service for people aged 16-25 who are leaving local authority care (including for Westminster) and who have left their residential placements.

The first, second and third floors will have similar layouts, with a total of 14 bedrooms provided throughout the floors (4 on the first floor, 5 on both of the other floors). Each floor will have its own communal dining/kitchen area, a shared living/lounge area and shared bathroom facilities. The basement provides a leisure and TV room as well as a meeting room, a laundry room and a supervisor’s room.

The applicant has submitted a detailed Management Plan for the HMO with this application. The plan sets out that when referrals to accommodation are received to Krossroads from local authorities (including Westminster), all referrals are risk assessed against other residents within the HMO. This risk assessment will consider matching the young persons with other residents to minimise disturbance, and the young persons’ history and readiness for more independent living. Where no risks are identified the young person is invited to interview for further assessment and to identify their capability to live in a more independent environment, to identify any skills that may be required for further development, and to identify what level of keywork support may be required. It goes on to set out the moving in process for the young person should they be accepted, and the support from staff and social works provided for this process.

The Management Plan sets out that the site will be staffed 24/7, 365 days a year with core staff, split on a shift structure. The day shift will have two staff between the hours of 08:00-20:00, and the night shift, between 20:00-08:00, will also have two staff. The core staff will be responsible for the day to day running of the premises.

In addition to this, there will be staff attending the premises carrying out keywork sessions with young people to provide them with semi-independent living skills on topics such as financial management (budgeting, opening bank accounts, etc.), household management (cooking, household management and maintenance, cleaning, etc.) and self-management (using public transport, form filling, making appointments, personal care, etc.). Keyworkers will be responsible for the recording of keywork sessions and support plans as well as providing progress reports to social workers.

The young people living at the site will be free to come and go as any other young adult

would be, as well as having the knowledge that they have a support network available at the site.

The Management Plan also details that all residents will receive a handbook on arrival which will outline the rules and regulations of the placement at the site as well as the support that they can expect from the core staff and keyworkers. Consequences for anti-social behaviour and noise will also be set out in the handbook.

The submitted Management Plan is detailed in how the HMO will be managed and, where possible, impacts on existing surrounding occupiers will be minimised. The Management Plan shall be secured by way of a condition to ensure that the premises are operated in line with this document.

Environmental Sciences Officers have assessed the proposals and advise that they have no objections to the proposed accommodation subject to a condition to ensure that future occupiers are not exposed to noise levels beyond those set out in Council guidance.

The applicant notes that as the majority of the young people at this site will be coming out of care and be either in education or claiming universal credit, there will be no requirement for vehicles and no provision is therefore made for any. The Highways Planning Manager accepts that the majority of trips associated with the proposed use of the site (excluding servicing activity) will be via public transport or other sustainable modes (e.g. walking, cycling). Taking into consideration the proposed quantum of use a travel plan is not required.

Subject to the conditions identified above, the proposed use as a HMO in this location is considered acceptable and in accordance with London Plan Policy H12 and Westminster City Plan 2019-2040 Policy 10

Land Use Balance

While the loss of the existing office use is contrary to Policies E1 and SD4 of the London Plan and City Plan Policy 13 Part D, the proposed HMO is acceptable under London Plan Policy H12 and Westminster City Plan 2019-2040 Policy 10, and officers consider that there is a strong argument to be made that the benefits of the proposed use outweigh the policy conflict.

There appears to have been little interest in the office space which has been marketed for a number of years unsuccessfully, although this has not been demonstrated with a marketing report that has been independently assessed. However, given that there are significant benefits of the proposed HMO (providing supported living for young people leaving local authority care, including providing them with essential life skills, etc.) which are supported by both the London Plan and Westminster City Plan, as well as the contribution this would made to the housing delivery targets, it is considered that these would outweigh the loss of the office space in this instance.

9.2 Environment & Sustainability

The proposal is not considered to raise environmental or sustainability implications.

9.3 Biodiversity & Greening

There is no provision of additional biodiversity or greening as the proposals do not include any external works.

9.4 Townscape, Design & Heritage Impact

No external works are proposed. There are therefore no townscape, design and heritage considerations.

9.5 Transportation, Accessibility & Servicing

Highway Impact

The Highways Planning Manager has assessed the proposals and provided comment on the following topics.

Servicing and Waste & Recycling Storage

Policy 29 of the City Plan requires off-street servicing and freight consolidation. A limited off-street servicing area is retained. The site is located within a Controlled Parking Zone, which means that single and double (where restrictions permit) yellow lines allow loading and unloading to occur. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. This will service the proposal in a similar fashion to the existing use on site.

Given the nature and size of the proposal it is not expected that the site will generate an increase in servicing or have a significant adverse impact on the function of the surrounding public highway.

Waste storage is shown on the proposed drawings and shall be secured by condition.

Cycling & Cycle Storage

Cycle parking for staff will help reduce reliance on less sustainable transport modes. Cycle parking provision under the London Plan (LP) for C4 equates to 1 space per 1-person bedroom. Given the proposed number of bedrooms at the site, the proposed provision of 14 spaces is considered acceptable. This provision shall be secured by condition.

Parking

No car parking is provided as part of the proposals. Policy 27 of the City Plan supports development without car parking provision. The site has a high level of public transport accessibility and is also within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls.

Given size and nature of the proposal combined with the areas public transport accessibility and parking restrictions it is considered that the proposal is unlikely to have a significant impact on on-street car parking.

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

9.7 Other Considerations

None.

9.8 Environmental Impact Assessment

The proposed development 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

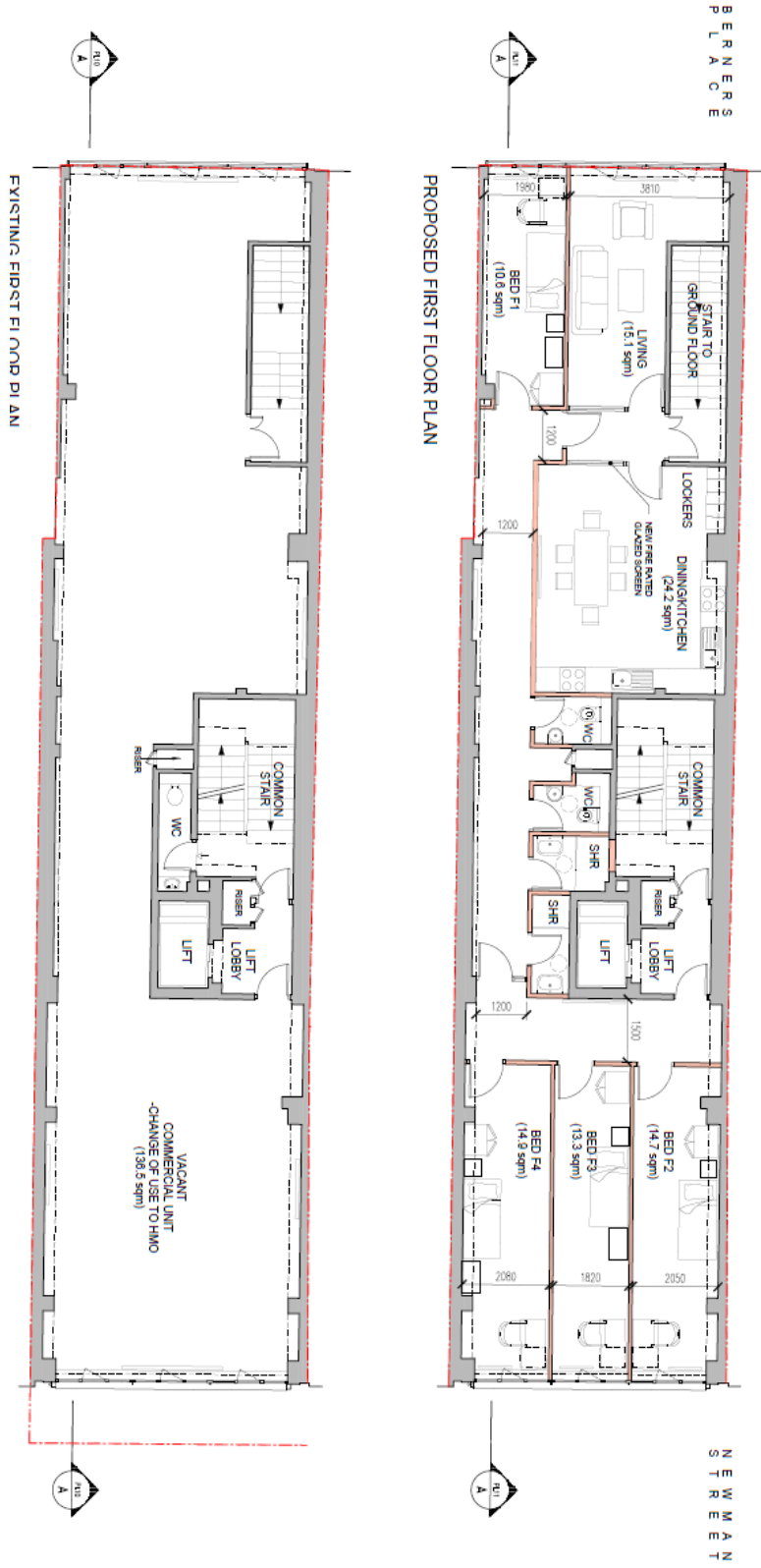
This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy. While the loss of the existing office use is contrary to Policies E1 and SD4 of the London Plan and City Plan Policy 13 Part D, the proposed HMO is acceptable under London Plan Policy H12 and Westminster City Plan 2019-2040 Policy 10. Given the apparent lack of interest in the existing office space and the benefits of the proposed HMO (providing supported living for young people leaving local authority care, including providing them with essential life skills, etc.) which are supported by both the London Plan and Westminster City Plan, and the contribution this would made to the housing delivery targets, it is considered that these would outweigh the loss of the office space in this instance.

It is recommended that planning permission is granted, subject the conditions listed at the end of this report, which are necessary to make the development acceptable.

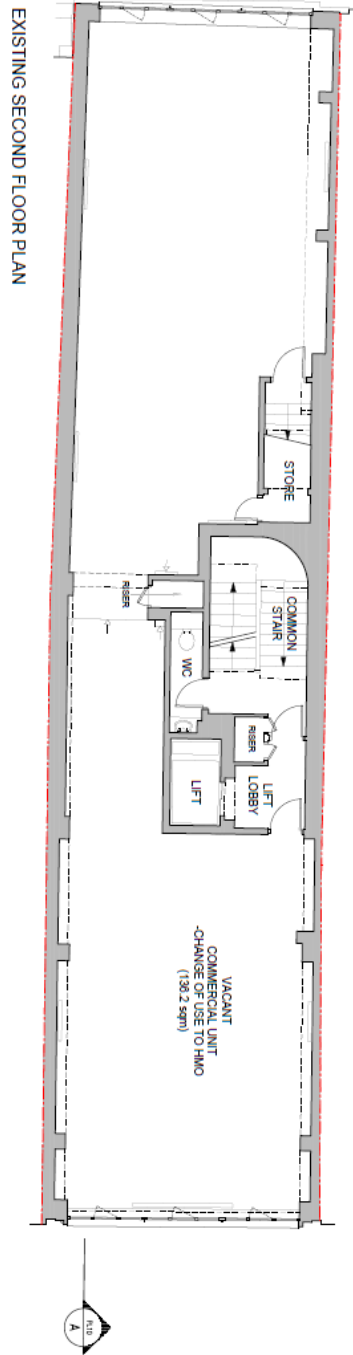
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

Existing and Proposed First Floor Plan



Existing and Proposed Second Floor Plan



Existing and Proposed Third Floor Plan



DRAFT DECISION LETTER

Address: 84 Newman Street, London, W1T 3EU,

Proposal: Use of the basement, part ground floor, first, second and third floors to an HMO use (Sui Generis) a house in multiple occupation

Reference: 23/05695/FULL

Plan Nos: PL02_01 ; PL03_01 ; PL04_04 ; PL05_03 ; PL06_04 ; Document titled “ Krossroads (London) Management Plan & Statement of Purpose; 84 Newman Street, London, W1T 3EU”, dated 09 August 2023.

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 You must carry out the measures included in the approved “Krossroads (London) Management Plan & Statement of Purpose; 84 Newman Street, London, W1T 3EU”, dated 09 August 2023” at all times that the HMO use (Sui Generis) 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, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 3 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 HMO (Sui Generis) .

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)

- 4 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)

- 5 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)

- 6 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 This permission does not allow any work which would change the outside appearance of the property. (I18AA)
- 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)

- 4 This building is a House in Multiple Occupation. Under the HMO Licensing Scheme, the building requires an increased level of fire precaution and is subject to the City of Westminster Standards for Multiple Occupation. Please use the following link for further information concerning the requirements of the Houses in Multiple Occupation Licensing Scheme Housing Act 2004: www.westminster.gov.uk/private-sector-housing.

The applicant should contact the Residential Environmental Health Officer for the area for information concerning the requirements of the Houses in Multiple Occupation Licensing Scheme Housing Act 2004.

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 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 23 January 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	82-83 Margaret Street, London, W1W 8LH		
Proposal	Alterations including opening of laundry building within the central courtyard at ground floor level, excavation to lower sections of the existing lower ground floor accommodation. Erection of an infill extension at lower ground floor level with courtyard above. Erection of a replacement roof to east wing. Erection of dummy mansard to the rear of All Saints House to screen new plant. Alterations to access arrangement. All in connection with the use of part lower ground, part ground and part ground upper floors as 24 units for short to medium stay temporary visitor accommodation (sui generis); use of part lower ground as a gym (Class E); use of part lower ground, part ground and part first floor as an event space (Sui Generis), use of part ground floor as lounge/co-working space (Class E) and provision of plant ancillary to the building at basement level.		
Agent	DP9		
On behalf of	Unity Group		
Registered Number	23/03130/FULL & 23/03131/LBC	Date amended/ completed	11 May 2023
Date Application Received	11 May 2023		
Historic Building Grade	Grade II		
Conservation Area	East Marylebone		
Neighbourhood Plan	Fitzrovia West Neighbourhood Plan		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a legal agreement to secure the following:</p> <ul style="list-style-type: none"> a) Arrangement to secure access to the first floor chapel for non-fee paying, general members of the public for a minimum of 1 day per month for 12 months a year. b) Ensure occupants of the short to medium stay visitor accommodation are permitted to stay for a maximum of 90 days. c) The costs of monitoring the S106 legal agreement. <p>2. If the S106 legal agreement has not been completed within 3 months of the date of this</p>

resolution then:

a) The Director of Town Planning & Building Control shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Town Planning & Building Control is authorised to determine and issue the decision under Delegated Powers; however, if not;

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

3. Grant conditional listed building consent.

4. Agree the reasons for granting conditional listed building consent as set out in informative 1 of the draft decision letter.

2. SUMMARY & KEY CONSIDERATIONS

82 Margaret Street is a Grade II listed building of basement, ground floor and five upper storeys located within the East Marylebone Conservation Area. The site, although now vacant, was last occupied by the administrative arm of the Jesus Fellowship Community Trust (JFCT), with an attached Church community centre and Chapel and 'a church residential hostel use.

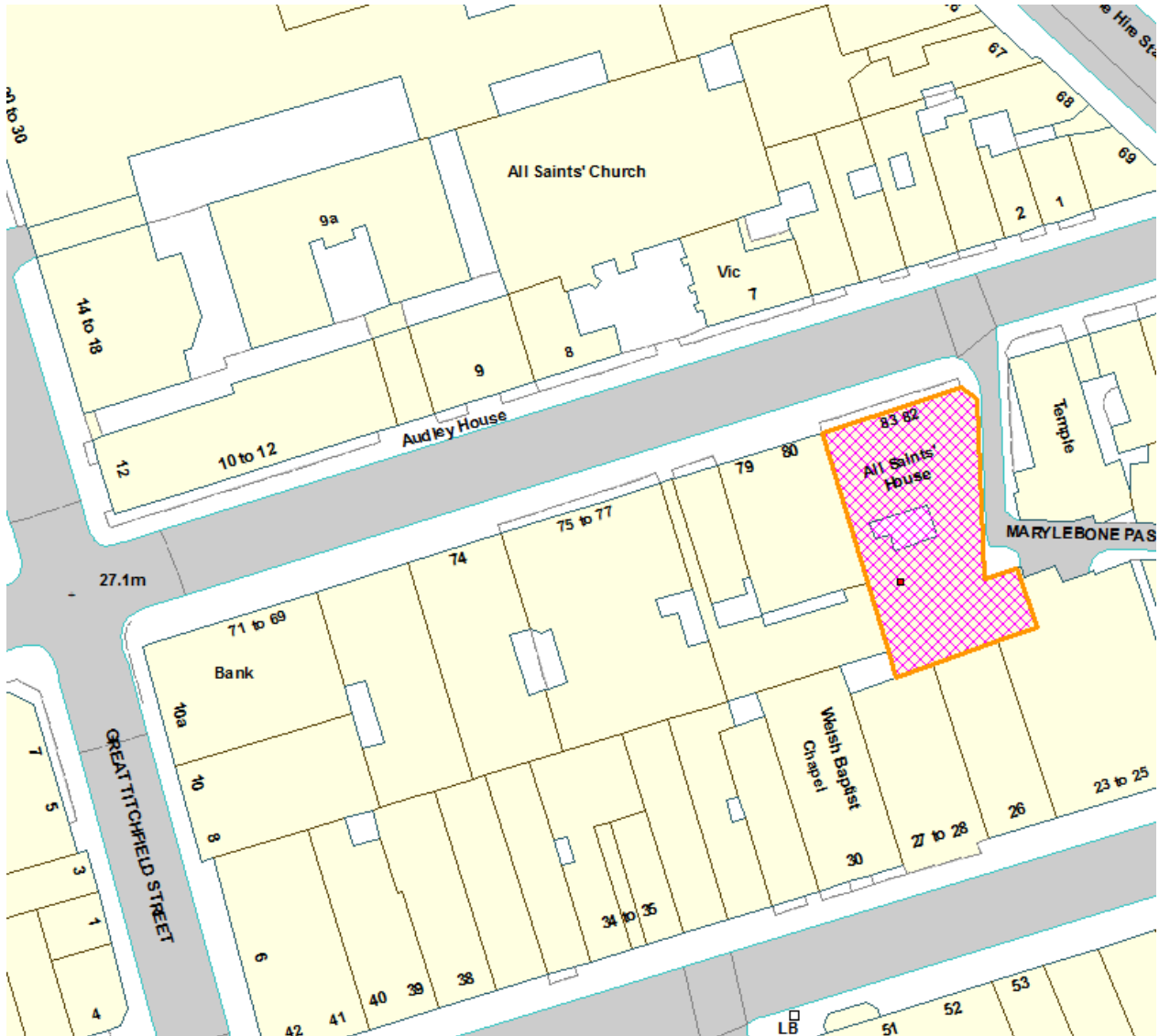
Permission is sought to alter the existing buildings to provide 24 serviced apartments, a gym, a lounge/co-working space and an event space and associated works including the replacement/addition of mechanical plant.

The key issues for consideration are:

- The acceptability of the loss of the existing social and community use/floorspace;
- The acceptability of the uses sought in this location and their impact on local amenity;
- The acceptability of the lack of an active ground floor use nor active frontage; and
- The acceptability of the proposed alterations to the listed building and their impact on the character of the East Marylebone Conservation Area.

As set out in the main report, the previous organisations that occupied the premises for social and community purposes have either disbanded or relocated and there is therefore no longer a demand at this site for the services they provide – in this respect the proposal is considered to comply with the relevant policy. The proposed serviced flats are a type of visitor accommodation that is encouraged in the area generally. However, it must be restricted to 90 days to prevent it being used as permanent residential accommodation, which would trigger housing policies, including a requirement for affordable housing. The configuration of the building and its listed status mean that it is not practical to provide an active frontage for visiting members of the public, which would normally be sought within the town centre. Therefore it is considered that the proposal is acceptable in land use, design, sustainability, highways and amenity terms. As such, the applications are recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Margaret Street frontage



Marylebone Passage frontage



Overview of Centre Courtyard of the site



5. CONSULTATIONS

5.1 Application Consultations

AMENITY SOCIETY (Fitzrovia Neighbourhood Association):
Any response to be reported verbally.

AMENITY SOCIETY (Fitzrovia West Neighbourhood Forum):

- Welcome the restoration of this listed building and particularly in opening the chapel for public access.
- Consider the alterations to the building to be acceptable.
- Objection regarding the use classification of the upper floors and consider that whilst elements of the proposals appear to be like a hotel, the serviced apartments are in effect residential accommodation and that the proposal should provide affordable housing in line with the development plan and there should be fewer, larger flats.
- Considers that the consultation statement is misleading as 4 of the 7 people who attended the consultation were opposed to the introduction residential accommodation on site.

HISTORIC ENGLAND

Authorisation granted - Do not wish to comment.

20th CENTURY SOCIETY - Any response to be reported verbally.

THE VICTORIAN SOCIETY - Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY - Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY - Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDING

Any response to be reported verbally.

THE GEORGIAN GROUP - Any response to be reported verbally.

HISTORIC ENGLAND (ARCHAEOLOGY) - No archaeological requirements

FIRE HEALTH & SAFETY EXECUTIVE - Not necessary to comment.

BUILDING CONTROL - No objection

ENVIRONMENTAL HEALTH - No objection.

WASTE PROJECT OFFICER - No objection.

HIGHWAYS PLANNING MANAGER - No objection.

ADJOINING OWNERS / OCCUPIERS

No.of original consultees: 60; No. Replies: 0

SITE & PRESS 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 and listed building consent applications 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 below:

- A consultation website (<https://82-83margaretstreet.com>) was created and was live from 16th November 2022 until it expired in December 2023 (one year after the domain was purchased). The planning agent advises that it may be reinstated so the project team can continue to receive comments and take these into consideration when evolving the proposals.
- West End ward members from Westminster City Council were emailed with the purpose of inviting them to a site visit and meeting.
- Recognised amenity societies, neighbourhood forum and other organisations who may be interested in the proposals were invited to engage with the consultation process.
- The Applicant ensured that members of the project team were able to discuss the plans with residents and businesses who wished to be involved in the application process. This was achieved through the targeted delivery of a flyer to an area of addresses in close proximity to the site, which directed people to the website, online webinar and public exhibition. The applicant's communication consultant knocked on doors in the immediate vicinity of the site to gauge support for the proposals. A freephone number was issued to residents within the flyer to ensure those without internet access could still provide comments, ask any questions, and request printed copies of the consultation materials.
- The project team hosted a digital webinar and an in-person exhibition to ensure the local community had different options to engage with the team directly. The exhibition was held at the site - 82-83 Margaret Street W1W 8T on 29th November from 15.00 – 19.00. The webinar was held on 23rd November from 18.00 – 19.00 on Zoom. The planning agent advises that there was one attendee, from the FitzWest Neighbourhood Association.

In terms of engagement with the public consultation process, the following statistics have been cited:

- 401 website views
- 626 flyers distributed to the local area

- 3 briefings with stakeholders
- 7 people attending the public exhibition.
- A live webinar with recording uploaded to website
- 2 signed letters of support
- 8 responses to the survey
- Social media ads reached 9759 people with 227 click-throughs

The applicant believes that stakeholders were broadly supportive of the proposals, recognising that the current site is in need of investment and welcoming the sustainability credentials and proposed design; however, some concerns/comments were made as summarised below:

Theme	Feedback	Applicants Response
Heritage	<p>All Saints Convent Chapel is Grade II listed, and as such, a key consideration for stakeholders and the wider community was how the application would affect the chapel.</p> <p>Residents wanted to ensure that any changes would not damage the heritage of the chapel. The main chapel space at first floor level will be used as an event and community space for both residents and the wider community.</p>	<p>Internally the building looks tired and is in need of refurbishment and updating, so the building can be repurposed for modern use.</p> <p>The main chapel space will be used primarily as an events space and available to hire for further community use and for other events. [Although the Statement of Community Involvement referred to the chapel space being available for free community use on a regular basis, (four times a month), this appears to have been an error and is not being offered.]</p>
Architecture & Design	<p>Those who engaged with the consultation wanted to see minimal changes to the exterior of the property.</p>	<p>To improve the quality of the visitor accommodation at 5th floor level, we are proposing some modest changes at roof level. We are looking to introduce a minor extension and a small area of mansard to the rear of All Saints House.</p> <p>The new mansard will sit behind the existing ridge lines facing Margaret Street and Marylebone Passage and will therefore be almost totally out of view from street level.</p> <p>It will be designed to match the materiality of the existing building, to neatly fit onto the existing structure.</p>

Improved Building Access & Wellness Garden	There was strong support for action taken to improve the public realm and the improved access to the All-Saints Convent Chapel. Support was also received in relation to the wellness garden.	<p>The wellness courtyard is a central part of our proposals. We want to create a tranquil green space to be used by residents of the serviced apartments and the wider community. The plans will sensitively bring together all uses of the building in one place.</p> <p>The courtyard will include extensive planting to encourage biodiversity and support wellness. We are in discussion with local group Wild West End to see how we can best make this courtyard a space for local wildlife.</p> <p>[This is no longer part of the proposals, because of the heritage requirement to retain the laundry building that occupies most of the courtyard.]</p>
Construction	Local residents were especially keen to understand the construction process and timelines, and whether construction would disrupt local residents and businesses.	All construction will be undertaken sensitively to ensure disruption is kept to a minimum. Complying with Westminster City Council's guidance and the Considerate Constructors scheme.

Sustainability	Those who engaged with the campaign were keen to understand the sustainability aspirations and the whole-life carbon implications of the proposals. Particularly, they wished to understand the changes to the roof to allow for solar thermal collectors, to ensure this change would maintain the design and heritage of the site.	<p>Sustainability is at the heart of our redevelopment proposals. We have committed to undertaking an exemplary approach to energy, centred around retaining as much of the building as possible.</p> <p>The proposals seek to sensitively upgrade the fabric of the buildings and introduce energy efficient systems throughout.</p> <p>Replacement of the existing glazing with high-performing double glazing to reduce heat loss</p> <p>Upgrades and replacements made to existing roofs and building fabric to reduce heat loss</p> <p>Introduction of solar thermal collectors to the new mansard area. [Due to the limited roof space available and implication on the listed building, this technology was considered not to be feasible and does not form part of the proposal.]</p> <p>Encouragement of natural ventilation and introduction of monitoring systems to manage and reduce site energy demands</p>
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The Fitzrovia West Neighbourhood Forum considers that the consultation statement is misleading as 4 of the 7 people who attended the consultation were opposed to the introduction residential accommodation on site. Whilst this may be the case, given no residential accommodation is proposed as explained in the land use section, it is not relevant to the development proposal.

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) (December 2023) 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 Fitzrovia West Neighbourhood Plan includes policies on a range of matters including promotion of regeneration, provision of housing, entertainment uses, community facilities, provision of small business units, provision of active frontages, open spaces, environmental performance, and servicing.

The plan 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 Fitzrovia West 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 National Planning Policy Framework (NPPF). They are considered to remain consistent with the policies in the NPPF (September 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The site comprises a vacant Grade II listed building of basement, ground floor and five upper storeys located on the south side of Margaret Street, which is to the north of Oxford Street.

It is an imposing Victorian building which was built as a convent affiliated to All Saints Church situated on the other side of Margaret Street and occupied for that purpose by the All Saints Sisters of the Poor until the 1990s.

Although now vacant, the building was last occupied by the administrative arm of the Jesus Fellowship Community Trust (JFCT), an evangelical Christian organisation. According to its website, in May 2019 the Jesus Fellowship church closed following a vote of its members, who also voted to close the Trust in December 2020. Since December 2020, the JFCT has existed solely as a residuary body winding up the administrative affairs of the Jesus Fellowship church. Part of the building was also occupied by the organisation Joining Communities Together (JCT), who carried out social work but have since relocated to alternative premises. (See their letter in the

background papers).

The building had an attached Church community centre and Chapel and 'a church residential hostel' use on the upper floors totalling 1,719 sqm GIA. The residential accommodation was to be used for purposes ancillary to the Church centre, occupied by 20-25 people as a single religious community sharing meals and communal worship/prayer. It was anticipated that 3-4 of the hostel residents would run the Church centre. The remaining residents lived in the religious community but had secular employment. Accommodation was also provided for up to six short-term guests and others connected to the Church and in need of short-term accommodation (not 'homeless' persons).

The area is predominantly characterised by commercial premises; however, records show that there are residential units at 84 Margaret Street, adjacent, as well as at 2, 4, 6 and 7 Margaret Street (opposite), at 30 and 38 Eastcastle Street and at 73 Wells Street, together with larger residential developments on the east side of Wells Street.

In terms of planning designations, the site lies within the Central Activities Zone (CAZ), West End Retail and Leisure Special Policy Area (WERLSPA), the East Marylebone Conservation Area and is in an area covered by the Fitzrovia West Neighbourhood Plan.

7.2 Recent Relevant History

04/08406/FULL

Use of building as church centre and chapel with ancillary residential accommodation (sui generis); and replacement of ground floor roof lantern with roof terrace [which was when the property was jointly occupied by JCFT and JCT].

Application Permitted 3 March 2005

04/08407/LBC

Replacement of lantern light with flat roof terrace; new flue outlet on side elevation; and internal alterations to rooms including removal of walls, new walls and new kitchen.

Application Permitted 3 March 2005

06/05379/FULL

Alterations to residential and church centre including infilling courtyard lantern light and extending terminal hour of church centre to allow opening between the hours of 09.00 to 23.00 daily.

Application Permitted 16 November 2006

06/05380/LBC

Alterations to rooms, removal of walls, new walls, sanitary fittings, new kitchen and replacement of lantern light with flat roof.

Application Permitted 16 November 2006

23/03131/LBC

Alterations including opening of laundry building within the central courtyard at ground floor level, excavation to lower sections of the existing lower ground floor accommodation. Erection of plant within an enclosure to the rear of All Saints House.

Alterations to access arrangement. Provision of plant ancillary to the building at basement level. Internal alterations throughout. (Linked with 23/03130/FULL)

8. THE PROPOSAL

In terms of physical alterations, the main aspects of the proposal are as follows:

- Lowering part of existing lower ground floor by 600mm
- Erection of an infill extension with the courtyard at lower ground floor level
- Installation of air condition equipment with acoustic enclosure within lower ground floor lightwell
- Blocking up of existing window to lightwell
- Installation of window in place of door to lightwell
- Enlargement of courtyard at ground floor level
- Installation of doors in place of windows to provide courtyard access
- Creation of opening to ground floor laundry building to increase accessibility between both sides of the ground floor courtyard.
- Installation of replacement door to flat roof at second floor level and installation of perimeter railings
- Installation of plant enclosure, lift overrun at main roof level
- Internal alterations throughout.

The proposal seeks to change the use of the existing buildings to provide 24 serviced apartments, a gym, a lounge/co-working space and an event space. The following table summarises the proposed floorspace by land use:

Use	Proposed Area
Visitor Accommodation - serviced apartments (Sui Generis)	1,139 sqm GIA
Gym (Class E)	157 sqm GIA
Lounge/co-working space (Class E)	34 sqm GIA
Event Space (Sui Generis)	191 sqm GIA
Plant/Back of House/Storage	198 sqm GA

9. DETAILED CONSIDERATIONS

9.1 Land Use

Policy Context

The balance of competing interests within the CAZ is underlined by City Plan Policy 1(A)(4) that states that Westminster will continue to grow, thrive and inspire at the heart of London as a World City by 'Balancing the competing functions of the Central Activities Zone (CAZ) as a retail and leisure destination, visitor attraction, global office centre, and home to residential neighbourhoods'.

As the site is located within the WERLSPA, City Plan Policy 2 is also applicable. This

states, 'The intensification of the WERLSPA over the Plan period will deliver the following priorities:

- A. Significant jobs growth through a range of commercial-led development including retail, leisure, offices and hotel use..."
- B. An improved retail and leisure experience that responds to innovation and change in the sector, including the transformation of the Oxford Street District.
- C. A diverse evening and night-time economy and enhanced cultural offer...'

City Plan Policy 14 supports the intensification of the CAZ to provide additional floorspace for main town centre uses in principle, subject to any impact on townscape and heritage. The general aim is to enhance and diversify high streets as places to shop, work and spend leisure time. The supporting text to City Plan Policy 14 highlights the objective of growth and diversification. It recognises that there may be a contraction of traditional retail and that to ensure the long-term sustainability it is important that centres can adapt to changing consumer demands and behaviours, and the challenges posed by online retail. The City Plan also envisages, alongside retail growth, a balanced mix of complementary leisure, entertainment, food and drink and cultural and employment offer to help the West End grow, not only as a global shopping destination, but also as an enhanced leisure and employment destination.

City Plan Policy 15(G) states that, 'New hotels and conference facilities will be directed to:

1. Commercial areas of the CAZ; and
2. Town centres that are District Centres or higher in the town centre hierarchy'.

The supporting text for Policy 15 at paragraph 15.13 also provides guidance on how proposals for new hotel facilities will be assessed, stating that such assessment will, '... take into account the site location, relationship to neighbouring uses, scale of accommodation and facilities proposed (the number of bedrooms and nature of other services the hotel offers), highways and parking.' Para. 15.14 adds, 'There is a need to ensure a balance between hotel and residential uses so that they can all function well, while also ensuring a good quality of life for residents

City Plan Policy 16(A) states, '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'.

Policy 17 A states that 'facilities will be supported where there is an identified present or future need... New facilities will be of a nature and scale to meet identified need and be sufficiently flexible to meet the requirements of providers as they may change over time and 17 B requires the facility to be designed to be flexible to serve the community.' Supporting text in paragraph 17.1 and 17.2 states that such facilities can be either publicly or privately owned and/or operated and that they are integral to supporting

people's everyday lives, being used by residents, workers and visitors, and are a vital resource to support successful places and communities.

City Plan policy 17C allows the loss of social and community floorspace where it can be demonstrated that:

- “1. the loss or relocation is necessary to enable service provision to be reconfigured, consolidated, upgraded, or delivered more effectively as part of a published strategy to improve services and meet identified needs; or
2. there is no demand for an alternative social and community use for that facility or floorspace, evidenced by vacancy and appropriate marketing for at least 18 months.”

Where a reduction in community floorspace is deemed acceptable, policy 17D permits the introduction of other ancillary uses where they support the continued function of the main community use.

Under policy 17 E, within designated town centres, where the loss of community facilities is deemed acceptable, replacement uses with an active frontage will be prioritised. For other sites in the CAZ, including this site, which is not in a designated town centre, other town centre uses will be supported in principle. In all other cases, residential use will be preferred. The definition of designated town centres includes the WERLSPA.

Policy B1 of the Fitzrovia West Neighbourhood Plan states, ‘Applications for redevelopment of existing buildings which include small business units designed for SMEs, start-ups or organisations occupying low-cost units will be supported where the redevelopment involves provision of an equivalent or increased number of such units. Applications for development of buildings for commercial use in excess of 2,500 sqm. gross floor area shall include where possible a range of unit sizes and types suitable for small, start-up and independent businesses.’

Policy B2 of the Fitzrovia West Neighbourhood Plan states that 'retail, commercial, business, hospitality and other service uses are included in Use Class E. Applications involving uses falling into Use Classes E, F1 and F2 will be supported where they meet the following criteria:

- Provide attractive and vibrant street frontages and window displays particularly at street level;
- Maintain and enhance a high standard of design reflecting local character and location particularly in relation to heritage assets, such as shop fronts;
- Facilitate the movement of pedestrians by conforming with all City Council guidance and regulations on design, lighting, advertising and tables and chairs on pavements'

PR3 (1) states that ‘the provision of new tourism and entertainment uses.....will be supported so long as there is no loss of residential floorspace or adverse effects on local amenity. They should be located in the West End Retail and Leisure Special Policy Area (WERLSPA)’, where the application site is located. PR3 (3) states that planning applications for tourism and entertainment uses including all aspects of the night-time economy should fully respect the amenity of residents and other users in terms of noise,

additional traffic generation, servicing arrangements and timing and the location of flues, air extracts and heating/cooling provision’.

Policy PR4 of the Fitzrovia West Neighbourhood Plan states development proposals for new community, health and sports facilities with access arrangements to meet the needs of all user groups and sections of the population will be supported.

Whilst the Fitzrovia West Neighbourhood Forum have referred to the proposed use as having elements of hotel use, they believe that the proposed accommodation is actually residential, and that as proposed this is contrary to the housing policy PR2 in the Fitzrovia West Neighbourhood Plan. Policy PR2 is concerned with protecting existing housing and encouraging good quality new residential accommodation, including affordable housing. However, as set out below, the proposal is considered to be a type of visitor accommodation rather than permanent residential accommodation and thus there is no policy requirement for affordable housing

Assessment

Social & Community Uses

The loss of the church centre and chapel with ancillary residential has to be considered against exceptions identified with Policy 17 C part 1 or part 2 (set out above) where the loss of the existing community facilities and floorspace is permitted.

With regards to part 1, it is accepted that there is no demand for the existing accommodation from the JFCT, which has disbanded. A letter from the JCT confirms that that charity has recently adopted a more focused ‘outreach’ approach as service imperatives have changed for the provision of homelessness services. The move is to working in multi-agency partnerships, where JCT staff visit clients in multiple locations which they are already visiting - day centres etc – enables the charity to assist more clients, minimises service duplication and reduces costs. The JCT has agreed a partnership with the All-Saints Church, also on Margaret Street, and relocated to that site earlier this year, as its main Westminster base. It anticipates entering into similar partnerships with three other churches in the borough. The JCT has also confirmed that, due to its changing operational focus, the accommodation in All Saint’s House was not ultimately suitable for its operational needs due to its complex layout and large size, ‘as well as being co-located with residential premises’.

It is therefore considered that the proposal satisfies part 1 of policy 17C. Given this, there is strictly no requirement to satisfy part 2, (the policy refers to either part 1 or part 2 being applicable) but the application is supported by a letter from Gerald Eve (February 2022) detailing their involvement with the marketing of the ‘Battle Centre’ (which the building is also known as) in early 2021. The letter confirms that, initially a ‘small number of potential special purchasers’ was targeted, followed by a formal marketing campaign over two months from July 2021, which culminated in an informal bids process. Gerald Eve considers this to be a ‘typical marketing period for such an asset given its wide exposure’ within the traditional and alternative sectors. Of the 31 separate inspections carried out (with approximately 20% inspecting the premises more than once), nearly

80% were based on development for private residential uses, student accommodation or serviced apartments. There was also interest expressed in the front building alone.

In general, the building configuration and level of capital expenditure required were seen as the main reasons for the low level of interest. Two inspections were from the educational /religious sector although these were not interested in the residential accommodation or were not in a position to relocate. With regards to the religious use, the prospective occupiers rejected it based on mixed uses within the building and had no use for the residential elements. With respect to the educational use, a teaching/Theological College were considering use of the building as a 'potential' move from Oxford to London with the intention to use the residential elements as student accommodation. This was explored at length, but it was established that they had other assets that would need to be sold first, and the strategy of relocation to London had not been formalised (or even tabled) with their Trustees or academics. It was therefore shown to be a theoretical exercise.

Whilst this period of marketing does not conform with the 18 month period required by of 17 (C) part 2 it does add to the view the existing community use is likely to be surplus to requirements. However, given Policy 17 C only requires the Applicant to satisfy either part 1 or 2, it is not considered it would be reasonable to resist the loss of the existing social and community floorspace in this instance.

Whilst the majority of the existing social and community floorspace is to be lost, the proposal does provide an event space, a gym and an amenity/co-working space underneath the All Saints Convent Chapel which also has a potential social and community function. These uses are considered to be 'social and community' uses. No information has been provided demonstrating present or future need, but in this location the likely provision of such uses by the private sector would be in response to perceived demand and would not be objectionable; however, the detailed consideration of each of the proposed uses are fully considered below.

Provision of an Event Space

The All Saints Convent Chapel space will be available for hire by both occupiers and members of the public on a pre-booked basis only. The All Saints Convent Chapel will be used for a wide range of events including:

- Community events
- Art exhibitions
- Fashion shows
- Marriages (subject to separate approval of premises)
- Civil partnerships (subject to separate approval of premises)
- Baby naming ceremonies
- Proposals
- Celebrations
- Dance performance
- Film screening
- Live or recorded music performance
- Product or book launches
- Corporate hire (for example meetings, seminars, presentations, workshops)

The opening hours of the premises will be from 07:30 to 23:30 Monday to Saturday and Sundays before bank holidays and from 07:30 to 23:00 on all other Sundays. In the event that licensable events are taking place, a Temporary Event Notice will be applied for, and the opening hours will reduce to from 10:00 daily and will terminate 30 minutes earlier than the typical opening hours being applied for.

The event space capacity will be limited to 60 people.

Event catering facilities will be provided on site in the small kitchen located in the amenity space underneath the All Saints' Convent Chapel. The equipment will be configured for conference and banqueting style catering with facilities for heating and refrigeration of pre-prepared food. No commercial primary cooking will take place on site.

The Fitzrovia West Neighbourhood Forum requested further operational information in relation to the event space. During the course of the application, the Applicant updated the submitted operational management plan to provide further detail, as outlined above, which was reconsulted upon. No further comments were subsequently received on this element of the proposals.

Given that the application site is located within a primarily commercial part of the CAZ, there is a general policy presumption that the proposed event space, which includes an entertainment element, is generally appropriate. Although located in a predominantly commercial area, there are no entertainment uses on this section of Margaret Street. As such, it is not considered that the proposal would result in an over-concentration of entertainment uses in the vicinity of the site nor would it be harmful to the character of the area.

Internal reconfigurations are proposed to the existing stair in order to install a lift between lower ground floor level and first floor level to ensure that the event space is fully accessible to all in accordance with policy.

As stated above, the site is in a commercial area and there is therefore less potential that the use would have a detrimental impact on the living conditions of neighbouring residents nor upon local environmental quality. However, to ensure that the limited residential properties and other occupants are not unduly impacted by the proposal, conditions are recommended to ensure that the use is operated in a well-managed way without any detriment to the locality. These conditions include the following:

- The submission of an updated Operational Management Plan to provide additional procedures to ensure customers remain in the premises until taxis arrive, management of customers wishing to smoke, include details of measures to ensure live or recorded music is not audible in nearby premises or indeed within the serviced apartments proposed within the development site, measures to manage customers utilising the communal terrace.
- Ensuring no music is played within the ground floor courtyard of the site;
- Ensuring windows to the event space are closed from 21:00 daily;

- Ensuring no patrons take drinks outside;
- Restricting the hours of operation to between 07:30 to 23:30 Monday to Saturday and Sundays before bank holidays and from 07:30 to 23:00 on all other Sundays
- Limiting the maximum combined capacity of the event space to 60 people at any one time (excluding staff);
- Restricting primary cooking being carried out on-site (other than within the serviced apartments).

Subject to these conditions, the introduction of an event space on-site is considered to be acceptable as it would be neither harmful to residential amenity nor the prevailing character and function of the area.

Provision of employment floorspace

The co-working spaces underneath the All Saints Convent Chapel are available to members of the public who wish to join on a membership basis to use the space for working on a Monday to Friday basis from 07:30 to 18:30. However, they will also be accessible as an amenity space for occupiers of the visitor accommodation to work, socialise, entertain and dine.

Access by members of the public who have workspace membership will be managed via access controlled doors.

This aspect of the proposal increases the suitability of the site to accommodate start up or other small businesses without the extensive overhead which are typically required when creating a new business and therefore is welcome in this predominantly commercial area within the CAZ.

Given the small scale of the co-working/amenity accommodation and the proposed hours it is available for visiting members of the public, it is not considered that it would have any adverse amenity or traffic implications.

Provision of a Gym

The gym at basement level is available to members of the public who wish to join the gym on a membership basis but will also act as an amenity for occupiers of the visitor accommodation.

The operator will provide bespoke one-2-one personal training sessions for occupiers of the serviced apartments and members of the public who have booked a personal training session. The operator will also offer small group (4-6 people) training sessions for occupiers and members of the public who are gym members.

The limited size of the gym and its changing facilities mean that the facility will only be open to members of the public who are gym members when they are attending a scheduled class or personal training session booked with the operator. The operator is

expected to offer classes and personal training sessions between the hours of 06:30 to 18:30 on a daily basis, 7 days per week. Access by gym members will be controlled by access controlled doors.

Given the location of the site and the high level of local transport accessibility, it is considered that it is easily accessible to all potential users. Given the hours of use proposed and the small size of the gym it is not considered that members of the public entering/exiting the premises will create a nuisance for people in the area. Further conditions are recommended to limit the hours of gym to those other than occupants of the visitor accommodation onsite to between 06:30 and 18:30 daily, ensuring music is not perceptible within neighbouring properties and ensuring that all windows are closed after 21:00 daily. Subject to these conditions, it is not considered that a fitness facility at lower ground floor level would have a material impact on the amenity of neighbouring occupants, including the effect of any traffic generated.

Provision of Visitor Accommodation

The proposal includes short to medium stay temporary visitor accommodation (sui generis) in the form of 24 self-contained units. This accommodation will be open and accessible to occupiers 24 hours a day, 7 days a week. Staff will be present for guests to check in on arrival and check out on departure and will ensure that this process takes place with minimal disturbance to neighbouring occupiers.

A housekeeping team will visit twice daily to clean and maintain the lobby and amenity spaces on the ground floor and clean common parts of the building.

Housekeeping services (room cleaning, changing of towels and bedlinen, provision of toiletries, removal of waste) will be provided weekly for all serviced apartments as standard. A daily housekeeping service will be available on request (at extra charge to the occupier).

Maintenance staff will attend the property weekly to carry out routine planned preventative maintenance and will also attend as required to carry out any unplanned maintenance and repairs. Out of hours emergency support would also be provided to attend to any urgent issues.

The Fitzrovia West Neighbourhood Forum raise concerns regarding the use classification of the upper floors and consider that the units fall within residential use within Class C3 of the Use Class order; they request that the proposal should provide affordable housing in line with the development plan and that there are fewer but larger units that would provide better quality housing accommodation. Given the intended nature of the proposed units, officers believe that the units are serviced accommodation and not permanent residential use. The proposed use is aimed for visitors and is a sui generis use. To ensure that the units remain accessible to visitors only and do not become more permanent in nature, it is considered necessary to require the Applicant to enter into a S106 legal agreement to limit customers to a maximum stay of 90 days. As such, comments relating to the provision, size and quality of permanent residential accommodation or affordable housing are not relevant to this proposal.

Given the transient nature of the proposed guests, the development plan policies relating to a hotel are considered to be the most appropriate policies to assess the acceptability of the proposed visitor accommodation.

As detailed above, the application site is located in a predominantly commercial area within both the WERLSPA and the CAZ. Therefore, the principle of visitor accommodation in this location is acceptable.

The Applicant has set out measures with the submitted OMP to ensure people coming to and leaving the premises are carried out in a sensitive manner. It is not considered that the facilities proposed, due to their nature, will be harmful to residential amenity.

Lack of ground floor use serving visiting members of the public nor active frontage

The proposed ground floor accommodation would not provide an active frontage nor serve visiting members contrary to Policy 14 (b) and 17 (e) of the City Plan and Policy B2 of the Fitzrovia West Neighbourhood Plan.

Given that the site is located within the WERLSPA and the CAZ this would normally be unacceptable; however, in this case the lack of the use serving visiting members of the public would not be considered to be detrimental to the character and function of the area for the following reasons:

- Whilst the previous permission allowed the presence of a tea room as part of the social and community use, given this was ancillary to the community use, no condition required it to function in that manner.
- The ground floor is raised and therefore does not have a typical relationship with the street.
- The ground floor does not have a 'shop window' display.
- The locality is not characterised by retail or retail type units.
- The provision of traditional shopfront would be harmful to the special interest of the listed buildings.

Implications of Use Class Order

The government introduced changes to Town Centre Uses in the Use Classes Order which came into effect from 01 September 2020. This places gyms and co-working facilities within a wide range of other uses within Class E. Due to the limited information with regards to the increased flexibility, it is considered necessary to restrict the Class E use by condition to the uses specified only.

9.2 Environment & Sustainability

Policy 36 of the City Plan requires that all development aims to reduce on-site energy demand and maximise the use of low carbon energy sources. An Energy Statement has been submitted in support of the proposal.

Overall, the whole development has undergone electrification with no fossil fuel used on site to meet any of the regulated and unregulated loads. A combination of efficient lighting, ventilation, heating/cooling and hot water systems are proposed.

Additionally, improved fabrics U values and air permeability have been proposed for the building to lower its on-site regulated carbon emissions.

Individual high efficiency air source heat pumps providing heating and hot water are proposed which will replace the gas boiler system which currently exists.

Given the listed nature of the site and due to the limited roof space available, it is not considered that the inclusion of PV panels is appropriate in this instance.

For the most part, overheating risk will be mitigated through passive design measures in line with the cooling hierarchy including the additional of secondary glazing to reduce solar glare. However, some of the units of visitor accommodation are single aspect, south facing and front on to the rear of the site which contains function space such as communal courtyard, event space and a gym which, although mitigated through conditions detailed above, can be the source of some noise if windows are open, so it is not possible to rely solely on fresh air ventilation. As such, some comfort cooling is proposed. The cooling system proposed will be ran by three outdoor condensing units operating as a communal system, in contrast to the standard air-conditioning approach of individual condensing units for individual serviced apartments. This communal approach benefits from load diversity, significantly less equipment, operational carbon and lower embodied carbon.

The design also includes a water saving strategy to reduce on site water consumption.

Having regards to the above, and the listed status of the building, it is considered that the efforts to reduce on-site energy demand and to make the proposal as sustainable as possible has been maximised.

Policy 38E of the City Plan relates to sustainable design and requires that non-domestic developments of 500 sqm of floorspace (GIA) or above will achieve at least BREEAM "Excellent" or equivalent standard. The agent has advised that the BREEAM Pre-assessment included in the original submission achieved 70.94% (marginally above 70% Excellent level), but was based on the original scheme which had a far greater level of demolition and new fabric than the current scheme, and on the understanding the chapel was the only listed element of the building. They now advise that a 'Very Good' rating is a more realistic target (informed by Sustainability consultants Webb Yates) that is achievable following the incorporated amendments following discussions with officers. It is recommended that this is secured by condition.

9.3 Biodiversity & Greening

City Plan Policy 34 requires developments, 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. Opportunities to incorporate biodiversity features should be maximised and it a management plan is required to ensure its long term resilience.

The application submission includes documents which introduces a green roof to the existing first floor flat roof within the courtyard area; however, this is not shown on the latest revised drawings. An amending condition is imposed requiring the installation of

an intensive green roof in this location. Subject to this condition, it is considered that opportunities for green have been maximised when considering the competing needs of the site, whilst respecting the significance of the listed buildings.

A condition has been imposed required detailed drawings of the biodiversity features and a management plan to ensure their ongoing upkeep.

Whilst initial proposals included planting in the courtyard, the heritage requirement to maintain the small laundry building that occupies most of this space means that those proposals have had to be omitted.

9.4 Townscape, Design & Heritage Impact

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."*

The proposals have been subject to significant negotiation and consequent revision to make it a more conservation lead set of proposals. The demolition has been reduced and the plan form is retained to a greater extent than earlier proposals. The scheme as it stands is, on balance acceptable, in listed building and design terms subject to conditions.

Having regard to the above, it is not considered that the proposal will be harmful to the listed building nor the East Marylebone Conservation Area and therefore, the recommendation to approve permission is 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

Policy 7 of the City Plan 2019-2040 seeks to protect and, where appropriate, enhance amenity by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Policy S33 of the City Plan 2019 - 2040 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'

It is considered that visitor accommodation is a sensitive use. Given the relationship between the proposed courtyard and the windows to this accommodation with a direct outlook to the courtyard, it is necessary to restrict the hours of use to between 08:00 and 22:00 daily.

The proposal includes a new plant enclosure to the rear of the roof of the main part of the building fronting onto Margaret Street. Given the relationship between the small additional bulk proposed within the application site and neighbouring residential properties is not considered to give rise to any amenity issues.

Subject to the imposition of suitable conditions, Environmental Health has no objection from an environmental nuisance perspective, agreeing that the plant is capable of complying with the relevant criterion within Policy 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022).

9.6 Transportation, Accessibility & Servicing

Car Parking and Trip Generation

Policy 27 supports development without car parking provision. The Highway Planning officer advises that the site has a high level of public transport accessibility and is also within a Controlled Parking Zone. Given this and the nature and small size of the proposal, he considers that the proposal is unlikely to have a significant impact on on-street car parking. He also considers that the majority of trips associated with the use of the site as proposed will be made by public transport or other sustainable modes such as walking or cycling. Further conditions have also been imposed to limit the permissible uses to those described in the description of development as other Class E uses, given the limited information that has been provided, as other uses may have a different or unacceptable impact on the local highway/pedestrian network.

Servicing

City Plan Policy 29 requires the servicing, collection and delivery needs of a development to be fully met. Policy 29 does also make an allowance for development where it is not possible to fully meet these needs within the site itself and states (part D) that in this situation the needs 'must be met in such a way that minimises adverse effects on other highway and public realm users, and other residential or commercial activity'.

Off-street servicing is not provided within the application site currently nor does it form part of the development proposal. It is considered that the provision of off-street servicing would not be possible without substantial harm to the listed building. The application is supported by a Delivery and Service Plan (DSP) which contains measures that should help to minimise the impact of the proposed development on the highway network and its users. The proposed arrangement should help deliveries be moved off-

street quickly and waste would not need to be left on-street awaiting collection and therefore is considered acceptable in this instance.

Cycle Parking

The Highways Officer considers that the cycle parking requirement for the proposal utilising the most comparable uses identified within London Plan Policy T5 should provide two long stay cycle parking space with a further one short stay cycle parking space within the site but accessible clear of the public highway.

The proposal includes provides two long term stay spaces at lower ground floor level which has been secured by condition; however, it is not considered possible in this instance to provide short term stay spaces within the site given constrained nature of the site and without causing detrimental harm to the listed building.

Waste

The applicant has indicated waste storage in accordance with the Council's waste storage requirement which is welcome.

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 procurement and spending. Further, 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 bringing the building back into use. Although dependent on the types of events taken place, the proposal is anticipated to create a number of jobs. The increase in jobs supported by this site will help to promote opportunities for local employment and will lead to increased spending in existing nearby shops and services and other town centre uses.

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

The NPPF identifies that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 57 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Having regard to the tests set out above, the following planning obligations are considered to be necessary to make the proposed development acceptable in planning terms and are to be secured via a S106 legal agreement, as set out in the officer recommendation in Section 1:

- Arrangement to secure access to the first floor chapel for non-paying, general members of the public for a minimum of 1 day per month for 12 months a year.
- Ensure occupants of the short to medium stay visitor accommodation are permitted to stay for a maximum of 90 days.
- The costs of monitoring the S106 legal agreement.

As detailed in the land use section, these planning obligations are considered necessary to secure benefits for the local community as required under City Plan Policy 16 and to ensure the visitor accommodation does not become permanent in nature.

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 conditions requiring site investigation to find out if the building or land are contaminated and ensuring that the Applicant signs up to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of the condition.

10. Conclusion

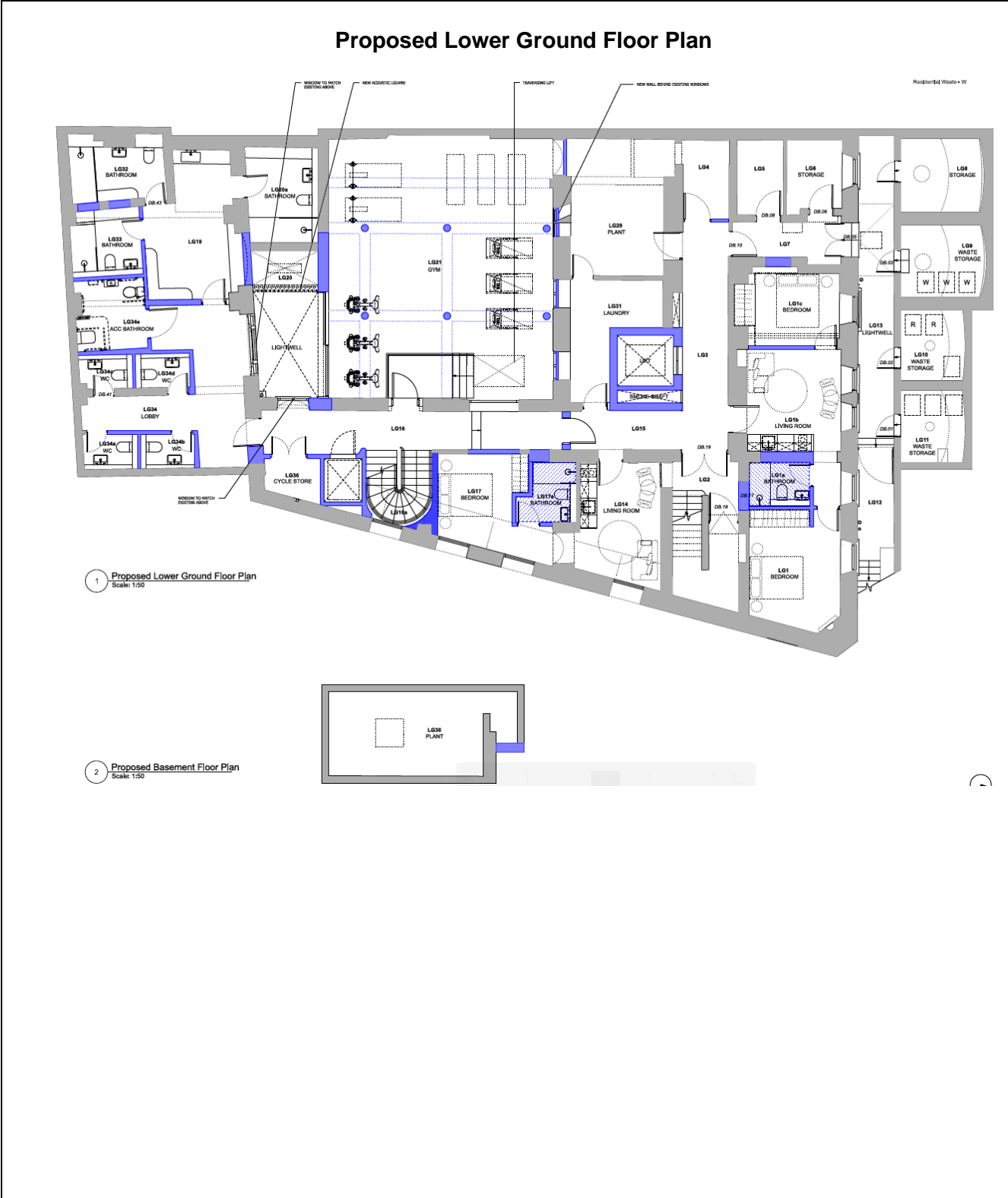
Whilst recognising the concerns raised by the Fitzrovia West Neighbourhood Forum, the proposal is considered acceptable in land use, design, conservation, sustainability, highways and amenity terms. The proposed alterations and extensions are considered to protect the character and appearance of the Conservation Area and the special interest of this Grade II listed building.

As such, the proposal is considered acceptable, mindful of policies 1, 7, 14, 15, 16, 17, 18, 24, 25, 27, 29, 33, 34, 36, 37, 38, 34, 36, 38, 39, 40 and 43 of the City Plan 2019-2040 and policies B1, B2, PR1, PR3 and PR4 of the Fitzrovia West Neighbourhood Plan and therefore, a recommendation to grant conditional planning permission and listed building consent would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

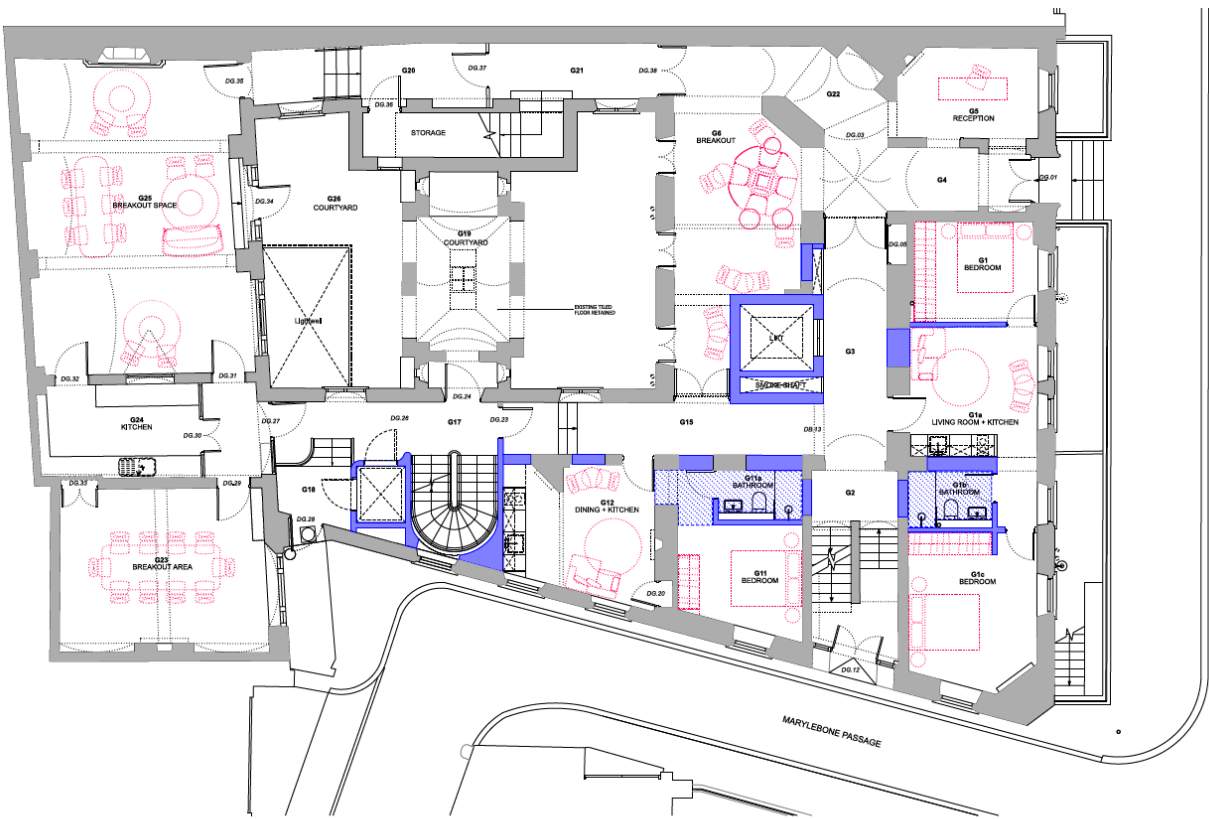
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT PQUAYLE@WESTMINSTER.GOV.UK

11. KEY DRAWINGS



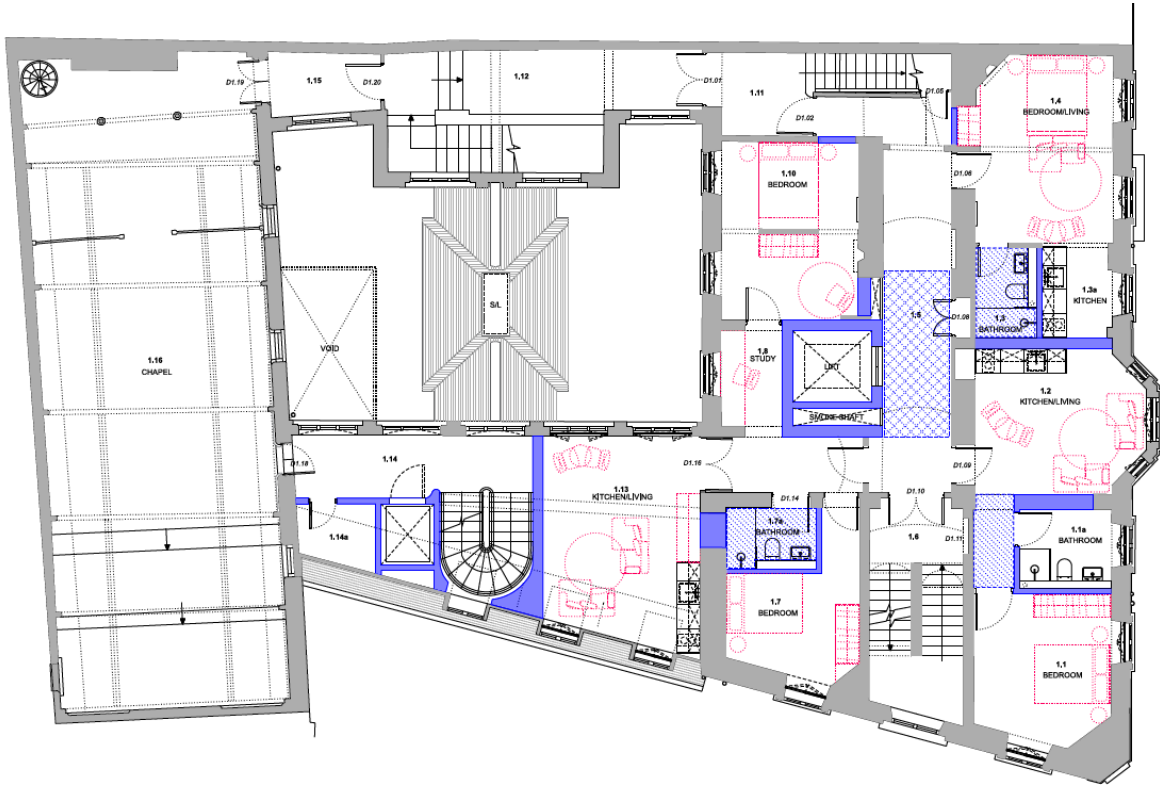
Proposed Ground Floor Plan



1 Proposed Ground Floor Plan
Scale: 1:50

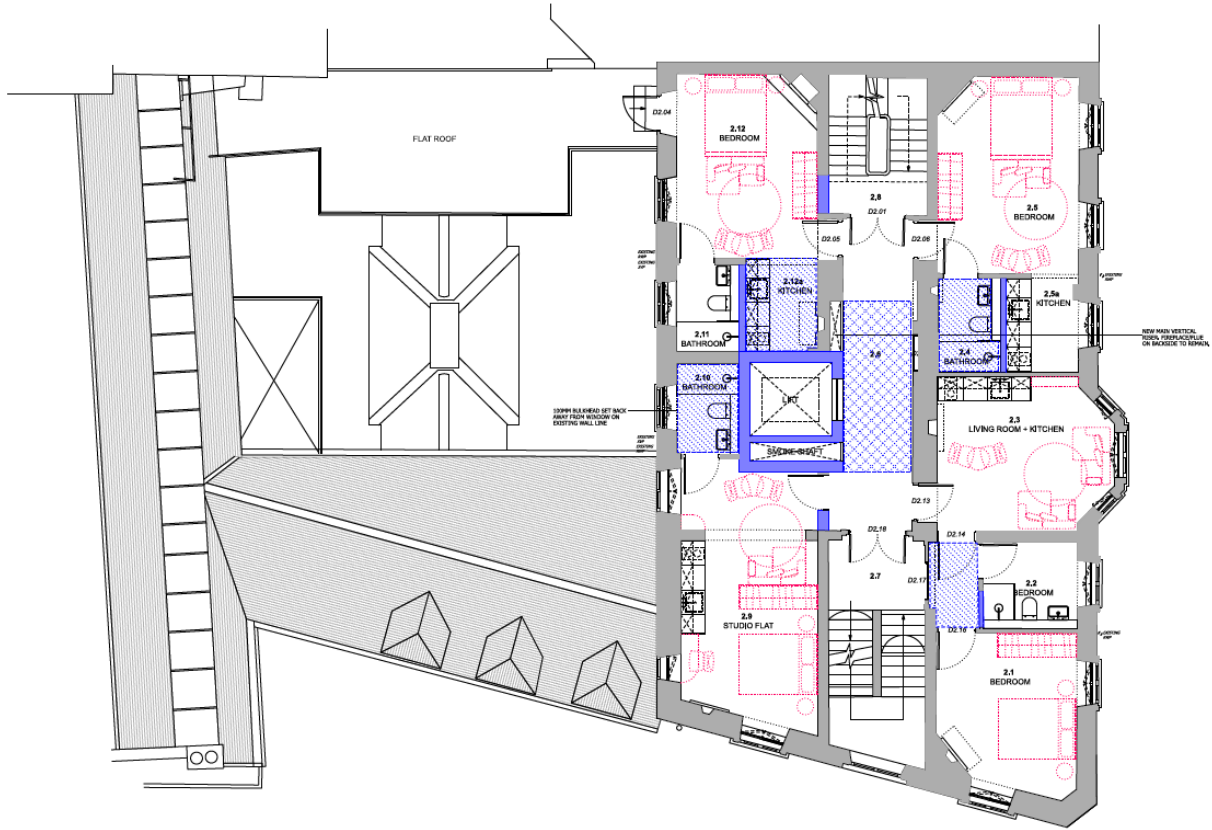


Proposed First Floor Plan



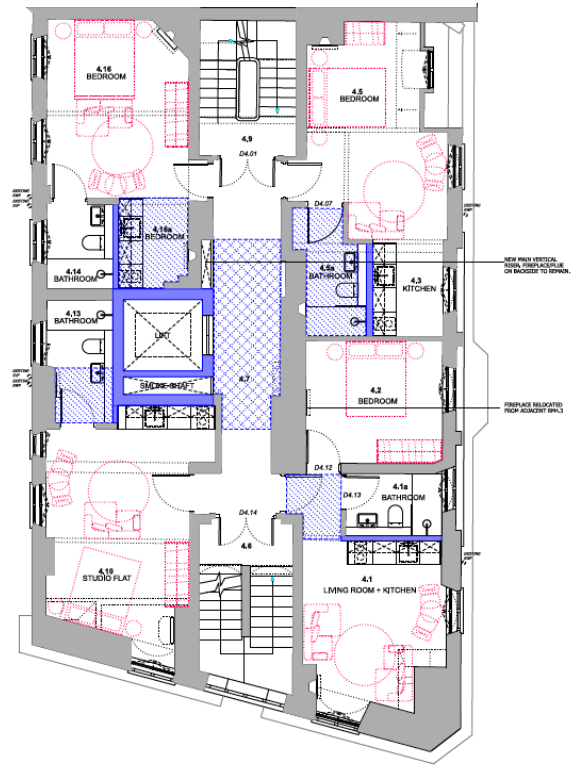
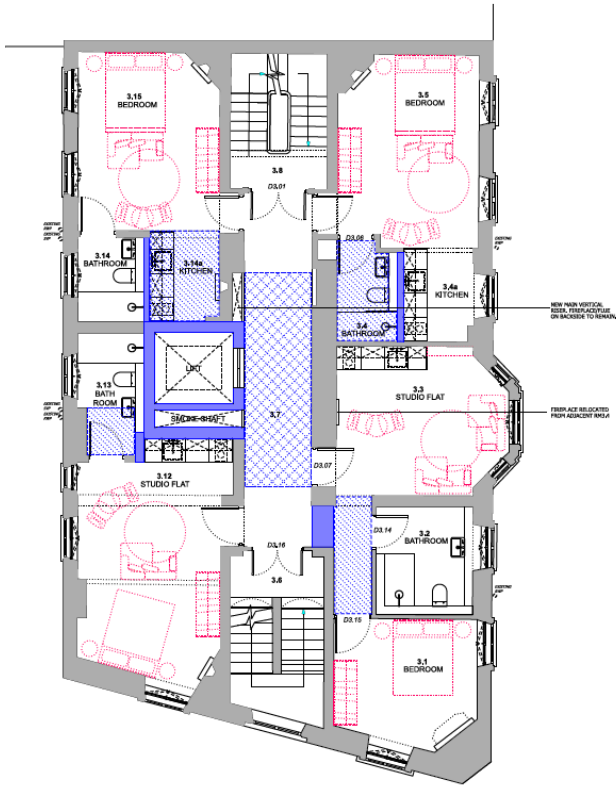
1 Proposed First Floor Plan
Scale: 1/50

Proposed Second Floor Plan



1 Proposed Second Floor Plan
Scale: 1:50

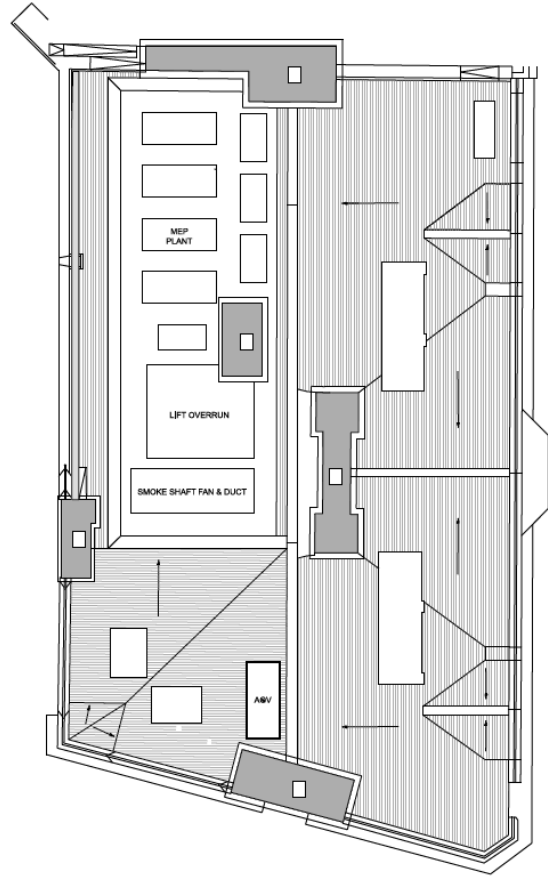
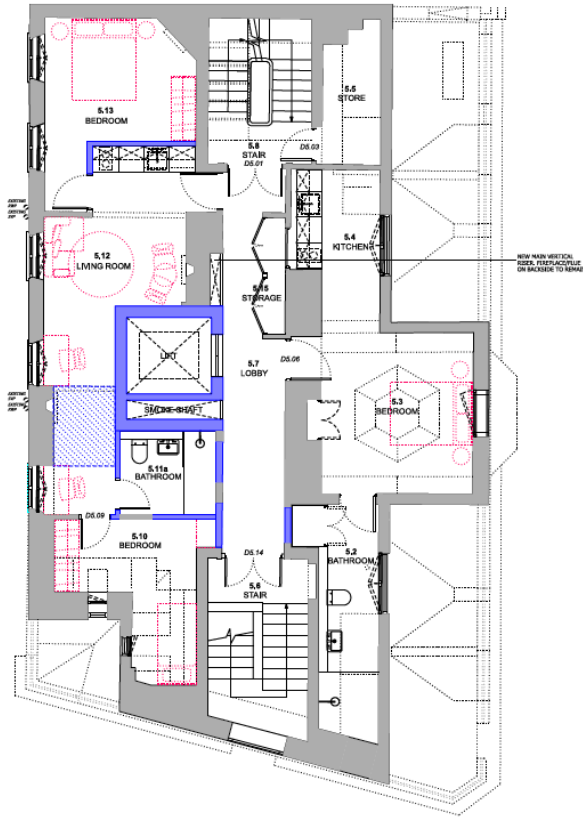
Proposed Third and Fourth Floor Plans



1 Proposed Third Floor Plan
Scale: 1:50

2 Proposed Fourth Floor Plan
Scale: 1:50

Proposed Fifth Floor and Roof Plans



1 Proposed Fifth Floor Plan
Scale: 1:50

2 Proposed Roof Plan
Scale: 1:50

DRAFT DECISION LETTER – PLANNING PERMISSION

Address: 82 Margaret Street, London, W1W 8LH,

Proposal: Alterations including opening of laundry building within the central courtyard at ground floor level, excavation to lower sections of the existing lower ground floor accommodation. Erection of an infill extension at lower ground floor level with courtyard above. Erection of a replacement roof to east wing. Erection of dummy mansard to the rear of All Saints House to screen new plant. Alterations to access arrangement. All in connection with the use of part lower ground, part ground and part ground upper floors as 24 units for short to medium stay temporary visitor accommodation (sui generis); use of part lower ground as a gym (Class E); use of part lower ground, part ground and part first floor as an event space (Sui Generis), use of part ground floor as lounge/co-working space (Class E) and provision of plant ancillary to the building at basement level.

Plan Nos: Drawings: 22051-101 P1, 22051-101 P2, 22051-102 P1, 22051-102 P2, 22051-103 P1, 22051-103 P2, 22051-104 P1, 22051-104 P2, 22051-105 P1, 22051-105 P2, 22051-106 P1, 22051-106 P2, 22051-120 P3, 22051-121 P3, 22051-122 P3, 22051-130 P3, 22051-131 P3, 22051-132 P3, 22051-133 P3, 22051-210 P1, 22051-211 P1, 22051-212 P1, 22051-213 P1, 22051-214 P1, 22051-215 P1, 22051-220 P1, 22051-221 P1, 22051-222 P1, 22051-230 P1, 22051-231 P1, 22051-232 P1, 22051-233 P1, 22051-234 P1, 22051-951 P1, 22051-978 P1.

Document titled '82-83 Margaret Street Servicing Management Plan' dated April 2023; Operational Management Plan

Case Officer: Damian Lavelle

Direct Tel. No. 07779431364

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 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 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 Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 3 You must apply to us for approval of specification details and photographs 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 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 Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 4 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development:

- 1, new windows and roof lights including key junctions with existing or adjoining fabric and details of open ability
- 2, new external doors, including key junctions with existing or adjoining fabric
- 3, railings, including key junctions with existing or adjoining fabric
- 4, detailed study of the 'laundry' with detailed drawings of proposals, including key junctions with existing or adjoining fabric and proposed openings
- 5, plant screens/louvres

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved drawings (C26DB)

Reason:

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

- 5 You must 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 this part of the Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26DE)

- 6 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 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 Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 7 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 Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 8 All new doors, windows and roof lights must be capable of being openable or must have the ability to provide natural ventilation

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 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)

- 10 **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)

- 11
- i. The lower ground floor accommodation referred to as 'Gym' on drawings 22051101 P2 must not be used for any other purpose other than as a fitness facility, including any 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.
 - ii. The ground floor accommodation referred to as 'Breakout', 'Breakout space' and 'Breakout Area' on drawings 22051-102 P2 must not be used for any other purpose other than as for occupiers of the visitor accommodation to work, socialise, entertain and dine or as a co-working space for members of the public who wish to join on a membership basis including any 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:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, in accordance with Policies 16, 17, 18, 24, 26, 28, 29, 25, 32, 33, 34 and 37 of the City Plan 2019 - 2040 (April 2021)

- 12 The visitor accommodation hereby approved shall be operated in accordance to the layout shown on the approved drawings.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policies 7 and 27, 28, 29 and 33 of the City Plan 2019 - 2040 (April 2021).

- 13 You must apply to us for approval of an updated Operational Management Plan to provide additional procedures to ensure customers utilising the event space remain in the premises until taxis arrive, management of customers wishing to smoke, include details of measures to ensure live or recorded music does not cause a nuisance and achieves the criteria required under condition 14, measures to manage customers utilising the communal terrace and ensure that the detailed operational elements do not conflict with the requirements of other conditions listed on this decision notice. You cannot occupy the building until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times for

all of the uses hereby permitted for the lifetime of the development.

Reason:

To make sure that the use will not cause nuisance for people in the area nor occupants of the development. This is as set out Policies 7, 15 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 14 The design, structure and building fabric of the building shall be of such a standard that it will protect residents or occupants of other noise sensitive receptors (including those with the visitor accommodation hereby approved) within the same building or in adjoining buildings from noise and vibration from the development, so that:
- i) 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 LAmax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens.
 - ii) the received noise value in the habitable spaces (including the visitor accommodation units), with music/entertainment occurring, should achieve a value of 10 dB below that measured/assessed without music/entertainment events taking place, at the quietest time of day and night, measured/assessed over a period of 5 minutes and in the indices of Leq & LFMax in the octave bands of 63 Hz & 125 Hz. The limits of NR30 (day), NR25 (night) and NR40 (LFMax, night time) should be used to demonstrate that the intrusive noise would be effectively inaudible.
 - iii) Maximum noise levels generated by the proposed new development in terms of LFmax should be demonstrated not to exceed the NR 15 curve inside the adjoining residential dwellings and other noise sensitive properties which include the visitor accommodation hereby approved. This includes noise from all sources (including amplified sound, music, and impact noise from gym activities).

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents or occupants of the visitor accommodation hereby approved of with 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)

- 15 Notwithstanding the annotation on the approved drawings, the areas of flat roof at second floor level referred to as 'flat roof' must not be used for sitting out or for any other recreational purpose.

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)

- 16 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if

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

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

Phase 1: Desktop study - full site history and environmental information from the public records.

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

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

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

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)

- 17 (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)

- 18 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)

- 19 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 14 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

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

- 20 Servicing of the development shall be carried out in accordance with the approved Servicing Management Plan (SMP) titled '82-83 Margaret Street Servicing Management Plan' dated April 2023, unless carried out in accordance with an alternative SMP which has been submitted and approved by the City Council.

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)

- 21 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained, and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 22 You must apply to us for approval of details of a post construction stage report which demonstrates that the development meets a 'Very Good' and targets an "Excellent" rating under BREEAM UK Refurbishment and Fit-Out (RFO) 2014. This report shall be submitted to us within 6 months of the occupation of any part of the building. If you use another method, you must achieve an equally high standard.

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 23 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.

- Air Source Heat Pumps (ASHP)

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)

- 24 Notwithstanding the detail shown on the approved drawings, you must amend your proposal to include an intensive green roof in the area referred to a 'flat roof' on drawing number 22051-104 P2. You must apply to us for approval of a detailed planting scheme and an associated biodiversity management plan to this intensive green roof. You must not start work on these parts of the development until we have approved in writing what you have sent us. You must install the planting scheme in accordance with the approved details and carry out the measures in accordance with the approved biodiversity management plan before you start to use the building for the uses hereby approved

Reason:

To increase the biodiversity of the environment and to improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Mayfair Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021).

- 25 The event space hereby permitted shall only be accessed by customers between 07:30 to 23:30 Monday to Saturday and Sundays before bank holidays and from 07:30 to 23:00 on all other Sundays.

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)

- 26 Other than occupants of the visitor accommodation hereby approved, the gym space hereby permitted shall only be accessed by customers between 06:30 and 18:30 Monday - Sunday.

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)

- 27 Other than staff, no more than 60 people are permitted within event space 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)

- 28 Other than occupants of the visitor accommodation hereby approved, no more than 10 customers are permitted within the gym space 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 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 29 Except for cooking taking place within the 24 visitor accommodation units, raw or fresh food

shall not be cooked on the premises.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 30 The windows to both gym space and to the event space must be closed from 08:00 to 21:00 daily.

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)

- 31 No live or recorded music is permitted to be played within the ground floor courtyard of the site.

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)

- 32 No patrons are permitted to take drinks outside including the external courtyard.

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)

- 33 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 22051-101 P2 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

Reason:

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

Informative(s):

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

addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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

When a contractor is appointed, they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 3 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.
- 4 With reference to condition 10 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.

- 5 Under condition 29 you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. However, you can reheat food by microwave or convection oven as long as this does not require extractor equipment.
- 6 Condition 16 refers to a publication 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You can get a copy of this document at www.westminster.gov.uk/contaminated-land. For further advice you can email Public Protection and Licensing at environmentalsciences2@westminster.gov.uk.

- 7 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 8 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

DRAFT DECISION LETTER – LISTED BUILDING CONSENT

Address: 82-83 Margaret Street, London, W1W 8LH,

Proposal: Alterations including opening of laundry building within the central courtyard at ground floor level, excavation to lower sections of the existing lower ground floor accommodation. Erection of an infill extension at lower ground floor level with courtyard above. Erection of a replacement roof to east wing. Erection of dummy mansard to the rear of All Saints House to screen new plant. Alterations to access arrangement. Internal alterations throughout.

Plan Nos: Drawings: 22051-101 P1, 22051-101 P2, 22051-102 P1, 22051-102 P2, 22051-103 P1, 22051-103 P2, 22051-104 P1, 22051-104 P2, 22051-105 P1, 22051-105 P2, 22051-106 P1, 22051-106 P2, 22051-120 P3, 22051-121 P3, 22051-122 P3, 22051-130 P3, 22051-131 P3, 22051-132 P3, 22051-133 P3, 22051-210 P1, 22051-211 P1, 22051-212 P1, 22051-213 P1, 22051-214 P1, 22051-215 P1, 22051-220 P1, 22051-221 P1, 22051-222 P1, 22051-230 P1, 22051-231 P1, 22051-232 P1, 22051-233 P1, 22051-234 P1, 22051-951 P1, 22051-978 P1.

Document titled '82-83 Margaret Street Servicing Management Plan' dated April 2023

Case Officer: Damian Lavelle

Direct Tel. No. 07779431364

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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:

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 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 Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 4 You must not disturb existing original fireplaces, floor boards, doors, ceilings unless changes are shown on the approved drawings. (C27MA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 5 Notwithstanding what is shown on the drawings the removal or alteration of doors and ceilings is not approved until a detailed explanation, justification and comprehensive door schedule for each door/ceiling location is submitted for approval by the City Council .

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 6 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development:

- 1, new windows and roof lights including key junctions with existing or adjoining fabric and details of open ability;
- 2, new doors, including key junctions with existing or adjoining fabric ;
- 3, railings, including key junctions with existing or adjoining fabric;
- 4, detailed study of the 'laundry' with detailed drawings of proposals, including key junctions with existing or adjoining fabric and proposed openings;
- 5, conservation strategy and restoration/conservation detail for the chaplet including method statements and reports;
- 6, floor build ups including key junctions with existing or adjoining fabric and threshold junctions; and
- 7, coordinated and accurately detailed services and distribution including key junctions with existing or adjoining fabric.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved 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 East Marylebone 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: 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.

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Agenda Item 3

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 23 January 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Abbey Road	
Subject of Report	2 Melina Place, London, NW8 9SA		
Proposal	Alterations to the existing building including side and rear extensions at ground and first floor, rebuilding of rear extension and creation of basement and lightwells and associated works.		
Agent	Mrs Faye Wright		
On behalf of	Mr Fabien Pinault		
Registered Number	22/03593/FULL	Date amended/ completed	23 October 2023
Date Application Received	30 May 2022		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission

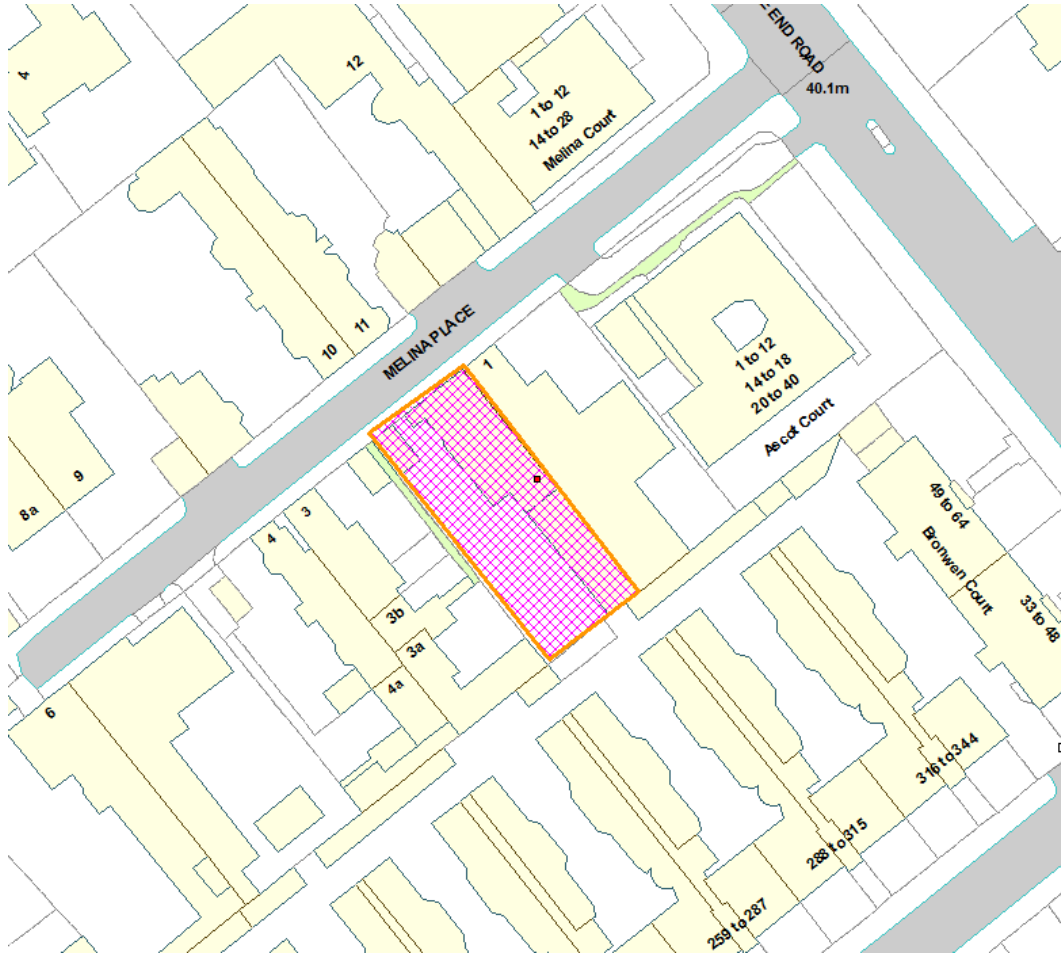
2. SUMMARY & KEY CONSIDERATIONS

<p>Permission is sought for the excavation of a basement with lightwells, and extensions to the rear and side of this semi-detached single family dwellinghouse. The building is not listed but lies within the St John's Wood Conservation Area. The proposals were amended during the application to reduce the size of the basement, to make design changes and to respond to the arboricultural officer's concerns. The revised proposals were subject to further consultation with neighbours.</p> <p>Representations of objection have been received from neighbours and St Johns Wood Society primarily on the grounds of harm to trees and the impact of basement and construction works on residents in Melina Place which is a cul-de-sac.</p> <p>The key considerations in this case are:</p>
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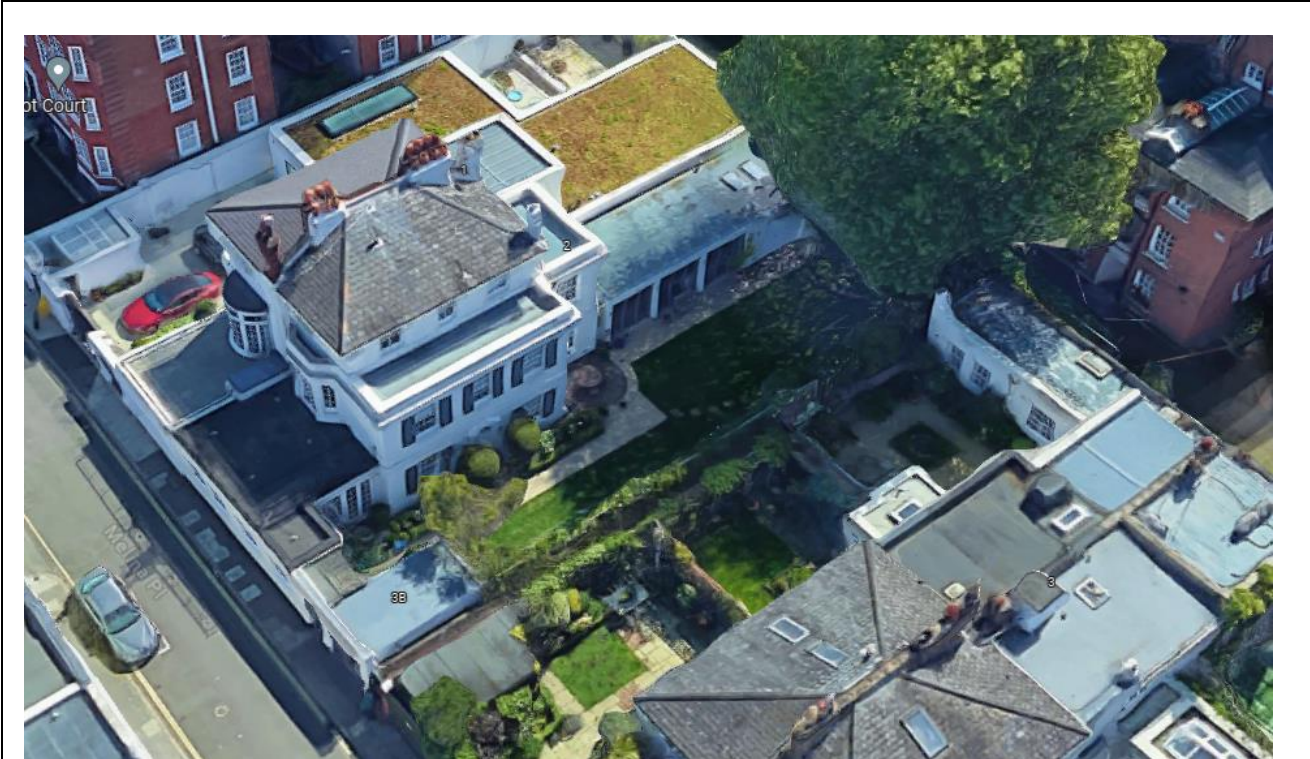
- The acceptability of the proposed works in design terms.
- The impact of the proposal on the character and appearance of the St Johns Wood Conservation Area.
- The impact on the amenity of neighbouring residential properties.
- Impact of the proposal on trees.

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

3. LOCATION PLAN



4. PHOTOGRAPHS



Aerial view of 2 Melina Place



View of front of property from Melina Place



View from garden of property showing existing rear extension

5. CONSULTATIONS

5.1 Application Consultations

ORIGINAL CONSULTATION DATED 27 JUNE 2022

ST JOHN'S WOOD SOCIETY

Objection raised. The proposal does not comply with the City Council's basement policy and lightwells are oversized. The society requests that all Melina Place residents are consulted on a Construction Management Plan to ensure that their amenity is protected as much as possible during excavation and construction, given that access to 2 Melina Place is via a narrow cul-de-sac which also provides the sole means of access for all other residents of Melina Place. An additional request is made that there is a restriction on hours of working on Saturdays, as restricted for works at 12 Melina Place, given the secluded, quiet, residential nature of Melina Place. Concerns also raised on tree grounds.

ARBORICULTURAL SECTION

Objections originally raised on tree protection grounds but as a result of revisions no further objections area raised. For completeness the comments are set out below:

1st Memo 22.07.2023

Objection and recommend refusal of planning permission on the grounds of the likely loss of or significant damage to the London Plane Tree (T1)

2nd Memo 13.10.2023

Objection still on the likely loss of or significant damage to the London Plane Tree (T1)

3rd Memo 24.11.2023

Objections continued to be raised and recommend refusal of planning permission on the grounds of likely loss of or damage to T1 and the inadequacy of the information provided to demonstrate the likely impact of the proposal on the tree.

4th Memo 18.01.2023

Comments made that the trial excavation demonstrates no roots from London plane have been found where proposed lightwell located however further trial pits required along full length of proposed basement. Also, full details of tree protection required because of extent of construction in rear garden.

5th Memo 19.10.2023

Further to the receipt of additional information, no objection subject to conditions.

LEAD LOCAL FLOOD AUTHORITY

No response received.

ENVIRONMENTAL HEALTH

Objection.

Means of escape from bedrooms required to pass directly through kitchen in order to escape. Natural lighting and ventilation to basement habitable rooms only acceptable on the basis they are part of a single family dwelling. Ground floor staff bedroom should be

provided with openable window for ventilation. Pre-commencement land contamination condition requested.

BUILDING CONTROL

No objection. The Construction Method Statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be 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 a combination of Contiguous plies and RC underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 102
Total No. of replies: 5
No. of objections: 5
No. in support: 0

5 objections received on some or all of the following grounds:-

Principle of basement:
- overdevelopment

Trees:
- concern regarding loss of ornamental cherry tree
- impact on London Plane tree

Construction Impact:
- request restriction on Saturday construction works
- no Construction Management Plan submitted with application
- concern regarding basement construction disruption in cul de sac including traffic congestion, parking and access
- impact of basement construction on small cul de sac

Other:
- consultation procedure - a number of properties within Melina Place state they were not consulted

PRESS NOTICE/ SITE NOTICE:
Yes

RECONSULTATION DATE 25 OCTOBER 2023
Revisions made in relation to reduction in size of basement size, detailed design, sustainability credentials, drainage strategy, arboricultural details and omission of garden pergola.

ST JOHN'S WOOD SOCIETY
Objection still continued to be raised and the society comments that the basement still

does not appear to accord with the basement policy. That this is a poorly constructed and confusing application which does not adequately highlight the proposed amendment. In addition a reiteration of the concerns with regards to access and construction impact to neighbours is made. The original requests for no Saturday working are continued to be made.

The society comment that they are grateful that the arboricultural manager has been consulted and continues to be involved to ensure that no trees of amenity value are harmed or lost as a result of the proposed works and assurance need to be made that the comments of the arboricultural officer have been fully addressed.

LEAD LOCAL FLOOD AUTHORITY

No objection subject to condition

BUILDING CONTROL

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 102

Total No. of replies: 3

No. of objections: 3

No. in support: 0

3 objections received (from neighbours who also responded to the original consultation) on some or all of the following grounds:

Design:

- Impact on character of Conservation Area and existing architectural and historic character of the area

Amenity:

- Privacy and overlooking
- Impact on light and overshadowing especially from first floor extension

Environment:

- Impact on water table

Construction Impact:

- Saturday working should not be allowed in order to protect residents from construction impact
- Construction impact
- Traffic impact during construction
- No construction Management Plan
- Structural Impact of basement

Other

- The residents of No6 state they were the only property in Melina Place not consulted

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. No community engagement was carried out with regards to this proposal however the applicant did engage with officers through its pre-application advice service.

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) (September 2023) 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 (September 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

2 Melina Place is an unlisted semi-detached house comprising a ground and two upper floors situated within St John's Wood Conservation Area. The property has a garden to the side and rear containing a number of trees. The property is located on the south side of Melina Place, a cul-de-sac off Grove End Road. To the southern boundary of the site is situated 3a Melina Place which is in the same ownership as 2 Melina Place and have unobstructed views of each other. The cul-de-sac consists of a number of detached and semi detached single family dwellings the occupiers of some of which have submitted objections to the proposals. The site is within the Maida Vale Surface Water Flooding Hotspot.

7.2 Recent Relevant History

No relevant history.

8. THE PROPOSAL

Planning permission is sought for works to extend the house involving the following;

- Excavation of basement largely under the existing main building and part of the garden including the creation of lightwells to the side of the main building,
- Demolition and rebuilding of the single storey rear extension at ground floor level including a green roof,
- Extension to rear first floor level to line up with building line of No1 at that level,
- Side extension at ground floor level including replacement of existing garage and pergola structure between main house and garage,
- Semi circular rotunda extension to side elevation.

The application has been amended during the course of consideration. The amendments involved the reduction in basement size, change to detailed design, omission of the garden pergola and amendments to sustainability credentials, drainage strategy and arboricultural details.

Other amendments made include the reduction in the size of the basement to allow the addition of a margin of undeveloped land along the south west boundary, the reduction in depth of the basement and the amendment of the Flood Risk Assessment to omit the proposed drainage attenuation tank.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposal would extend this single family dwellinghouse This would accord with Policy 8 of the City Plan.

9.2 Environment & Sustainability

Sustainable Design and Energy Performance

A sustainability report has been submitted with this householder application. The proposal has been designed following the Energy Hierarchy set down by the London Plan and a Lean Clean, Green approach to assessing energy and thermal comfort needs has been adopted. This shows the development is set to achieve an overall improvement in regulated emissions of 34% over the Part L 2021 of Building Regulations standard and a reduction in overall emissions at over 30%. Passive design measures include large areas of glazing to the main living areas within the new extension to optimise internal daylight and introducing useful thermal gain whilst avoiding the peak Southern sun, glazing to bedroom and bathroom areas being reduced to reducing heat losses, replacement glazing with low g value to minimise internal heat gains from the key southern elevation, use of semi reflective blinds to assist in reducing unwanted solar gains, the use of low energy lighting, taking advantage of the existing brick structure and solid floors to assist in the regulation of heat within internal spaces, and the green roof installations which will assist local evaporative cooling.

Photovoltaic panels are proposed on a section of the rear ground floor extension. These renewable energy features are welcomed subject to details being acceptable in design and conservation terms. A condition is recommended requiring their provision and the approval of their detailed design.

It is considered that the proposal meets the requirements of Policy 36 and 38 (Parts D, E and F).

Flood Risk & Sustainable Drainage

The site is located within a surface water flooding risk hotspot. A Flood Risk Assessment (FRA) and SuDS Report has been submitted with the application. The City Council as the Local Flood Authority were consulted on the application however although they state that due to its size, location and type of development the application did not meet the threshold requirements for them to respond and there was no know local flood risk to the proposed development they suggested a condition that the development is in accordance with the submitted FRA.

SuDS measures are proposed to reduce the surface water runoff from the site as much as is practical. These include a green roof and permeable paving. The FRA originally proposed a geocellular attenuation tank located under the garden lawn however the FRA has been amended to omit this because it was located within the root protection area of the Plane tree located to the rear of the site. Because the extensions are largely replacements of existing ones and apart from lightwells and a small area the basement is beneath the existing footprint of the building, there is not a substantial increase in the area occupied by development within the site therefore the green roof and permeable paving is considered to ensure the development meets Policy 35 of the City Plan.

Land Contamination

The City Councils Environmental Health Team have stated that there is the potential for contamination in the made ground and from historical land uses adjacent to the site and have consequently advised that a Pre-commencement Contaminated Land condition be imposed 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.

9.3 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 proposal includes the installation of a green roof on top of the replacement rear extension. It is considered that the proposal meets Policy 34B of the City Plan for a development of this scale.

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 be clearly and convincingly justified and should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, 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.

Section 58B of the Act requires in relation of certain specified heritage assets that special regard be had to the desirability of preserving or enhancing the asset or its setting. Specified assets include, amongst others, scheduled monuments, gardens or other areas of land included in a register maintained by the Historic Buildings and Monuments Commission for England, and World Heritage Sites.

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 states that features that contribute positively to the significance of the setting of a conservation area will be conserved and opportunities will be taken to enhance conservation area settings, wherever possible.

The building is unlisted building of merit which makes a positive contribution to the character and appearance of the conservation area. Whilst set behind a tall boundary wall which fronts the street, the building is a valuable historic building.

Extensions

This two storey rear extension will add an additional bay to the host building in a matching style. This will largely match the massing of the adjacent building and it is therefore considered acceptable.

The single storey rear extension has been set back level with the host building and has an improved relationship with the corner of the host building.

The introduction of a semi-circular rotunda on the side elevation is considered acceptable.

The replacement extensions to both sides of the main house are considered adequately subservient. Details of new external windows and doors, rooflights and the pergolas have been secured by condition. A sample of the Portland stone cladding for the extension has also been secured by condition to ensure that it will complement the stucco finish on the main house.

Basement

The external manifestations for the new basement, which has been reduced in size from what was originally proposed, include a lightwell behind the garage and a lightwell flanking the main entrance to the house. These are considered to be discreetly sited and

not to harm the appearance of the building or the townscape.

Street Facing Elevation

The proposal to remove one window and replace with render is considered acceptable and helps to improve the relationship of the building with the street.

Conclusion

For the reasons above, the proposals are considered to comply with City Plan policies 38-40 and are acceptable in design and townscape terms.

9.5 Residential Amenity

Policy 7 of the City Plan seeks to protect surrounding residences from unacceptable loss of daylight/ sunlight, sense of enclosure, loss of privacy and noise. Policy 33 aims to minimise local environmental impacts of development. Policy 38C of the City Plan requires that all development, introduces 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.

Daylight & Sunlight and sense of enclosure

An objection to the second consultation has been received on the grounds of the impact on light and overshadowing especially from the first floor extension.

Impact to 1 Melina Place

The first floor extension would line up with the height and projection of the first floor of the neighbouring property, No 1 Melina Place, therefore would result in no significant loss of sunlight/daylight or increased sense of enclosure to that property. Its limited size and distance from other properties would mean that it would also have no significant impact on other neighbouring properties.

Impact to 3 Melina Place

The replacement rear extension would abut the rear extension of No1 for its entire length along the boundary between the two properties and would be below the rear boundary height. The replacement garage would be marginally higher than the existing garage building however because of the distance to the nearest windows facing the development at No 3 Melina Place and the limited height increase it would cause no significant loss of sunlight/daylight or increased sense of enclosure to this property.

Privacy

An objection has been received on the grounds of the proposals impact on privacy and overlooking.

The windows to the ground floor extensions would be within existing fenestrated elevations and largely replicate the existing situation facing into the garden of the property. The window to the first floor extension would simply replicate the existing window at rear first floor level albeit in the new building line projecting approximately 2 metres further back. The proposal is not considered to result in any significant increase in overlooking or loss of privacy to neighbouring properties.

9.6 Transportation, Accessibility & Servicing

The proposal has no transportation or highways impact.

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

Basement

A number of objections from neighbours and St John's Wood Society have been received in relation to the construction impact of the proposals. Specifically, these objections and comments include a request for a restriction on Saturday construction works (as was imposed on the permission for works including a basement at 12 Melina Place in 2016), an objection to no Construction Management Plan being submitted, concern regarding construction disruption in a cul-de-sac including traffic congestion, parking and access.

Policy 45 of the City Plan relates to basement development.

Part A is concerned with flooding, construction impact, structural matters and design and heritage impact. A structural statement has been submitted with the application. Building Control have assessed this and stated that it is acceptable. They have also confirmed that the amended reduced size basement is also acceptable in terms of its structural impact. The Construction Method Statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be 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 a combination of Contiguous piles and RC underpinning which is considered to be appropriate for this site. The proposals are considered to comply with Part A,1 of the policy and the objections received on the construction method and flooding can therefore not be sustained.

Part A,2 of the policy seeks to safeguard adjacent properties during the course of construction. As noted above a number of objections from neighbours and St John's Wood Society have been received in relation to the construction impact of the proposals.

A signed pro forma Appendix A, in relation to the City Council's Code of construction Practice has been submitted with the application. A condition requiring evidence that any implementation of the scheme will be bound by the council's Code of Construction Practice is recommended. This has been the method to reduce the potential amenity impacts of basement construction works since the council's adoption of the (CoCP) at the end of July 2016. The objections received on the grounds of congestion, noise and access during construction works can be monitored and controlled through the CoCP and this is considered the most appropriate method for this application as opposed to

the Construction Management Plan requested by some objectors.

It is also recommended that the Council's standard condition regarding construction noise is added to any permission. This includes a restriction preventing piling, excavation and demolition work on Saturdays. This together with the CoCP is considered the most appropriate way of controlling noisy works and preventing disturbance within anti-social hours. The proposals comply with Part A,2 of the policy.

As addressed in the design and heritage section of this report, the proposals are considered acceptable in conservation and design terms and the lightwells are discreet. The proposals comply with Part A 3-4 of the policy.

Part (B) Policy 45 relates to the design and scale of basement excavation development. 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 St Johns Wood Society have raised concerns that the proposed basement does not fully comply with the council's basement policy.

The proposed basement is to be excavated largely beneath the footprint of the building. Where it extends beyond the footprint it has the required 1.2m of soil and drainage depth provided above the basement slab. Although the depth of the basement storey would be marginally greater than the approximate 2.7m floor to ceiling height recommended in the supporting text of Policy 45 at approximately 3.7-3.9m, this depth is to help practically achieve the required soil and drainage layer and will accommodate internal mechanical ventilation and servicing. The internal floor to ceiling height of the whole basement will be 2.7m. In this case is considered to comply with the basement policy. The basement would be below less than 50% of the garden. The basement would be located beneath the footprint of the building at the boundary with No 1 Melina Place and front boundary where no margin of undeveloped land would be required. A margin of undeveloped land is maintained along the boundary with the access passage to 3a Melina Place where one of the lightwells is situated and it would be located over 15 metres from the rear boundary. The proposal does not encroach on the highway. No archaeology report is required as the site is located outside of an Archaeological Priority Area. The proposals are considered to comply wholly with Part B of the policy.

The proposals are therefore considered to be consistent with the council's basement policy.

Trees

There are two trees in the garden of 2 Melina Place, a large mature London plane tree and a small to medium sized cherry tree. These trees are protected by virtue of being within the St Johns Wood Conservation Area. The cherry tree is proposed to be

removed to facilitate the proposal and the London plane is intended to be retained.

The originally proposed scheme was considered unacceptable by the City Council's Arboricultural officer due to the likely impact on the mature plane tree. However, following the significant reduction in size of the basement and the provision of details of tree protection methods proposed during construction the arboricultural officer raises no objection subject to tree protection conditions. It is considered the proposal is acceptable in terms of its impact on trees subject to any permission including these conditions.

Objections have also been made at the loss of an ornamental cherry tree as a result of the proposal. The arboricultural officer has stated that the proposed removal of this tree is regrettable but could be considered acceptable due to its relatively small size and limited wider amenity value.

Other Issues

An objection was received that several properties in Melina Place were not consulted on the proposals. As a result, the initial consultation was extended to cover the other properties in Melina place. These properties were also included in the second consultation for the amended proposals.

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.

The estimated Westminster CIL payment is £120,626.57, whilst the estimated Mayoral CIL payment is £14,278.92 (prior to any relief). Note that these figures exclude any discretionary relief or other exemptions that may apply and are estimates based on the floorspace identified in the submitted drawings and documents. The actual CIL liability will be calculated by our CIL & S106 Team post determination of the application using the process set out in the Community Infrastructure Levy Regulations 2010 (as amended).

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 conditions to secure the following

- Applicant adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development

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- Arboricultural Method Statement and Tree Protection Plan
- Site investigation for land contamination.

The applicant has agreed to the imposition of the condition.

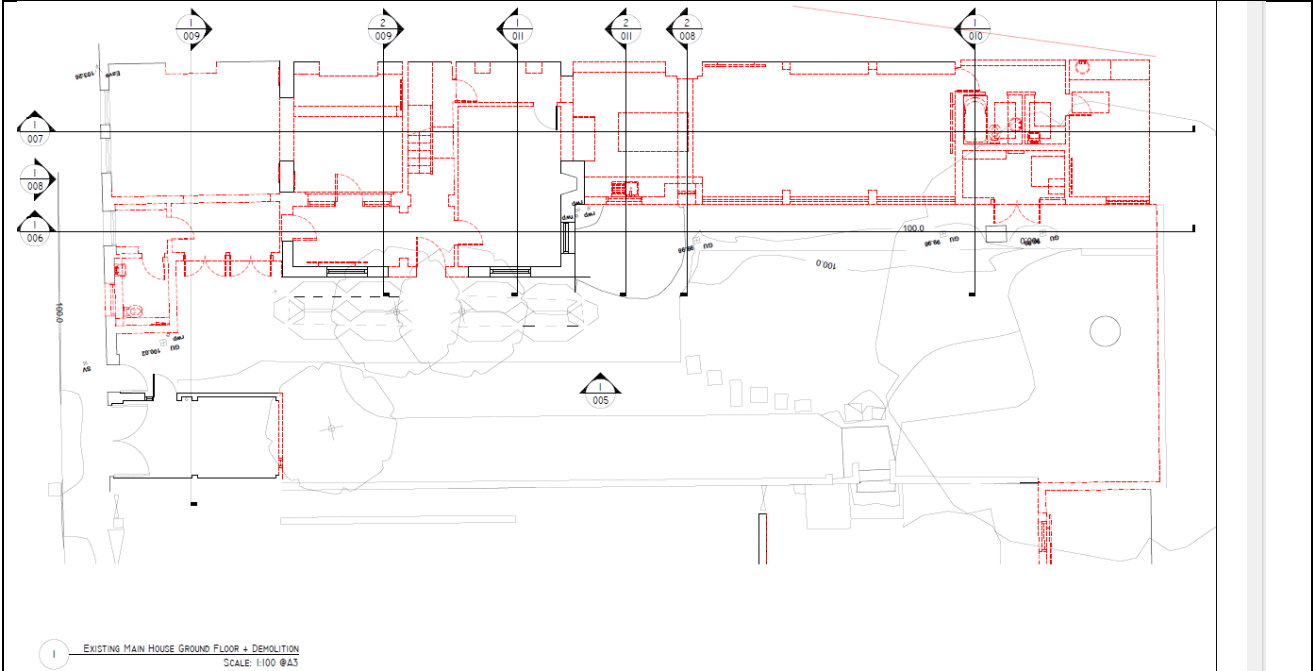
10. Conclusion

Whilst recognising the concerns raised by the objectors, the proposal is considered acceptable in amenity, design, conservation, sustainability and arboricultural terms. The proposed extensions and alterations are considered to protect the character and appearance of this building and of the St John's Wood conservation area.

As such, the proposal is considered acceptable, mindful of policies 7, 8, 34, 36, 38, 39, 40 and 45 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.

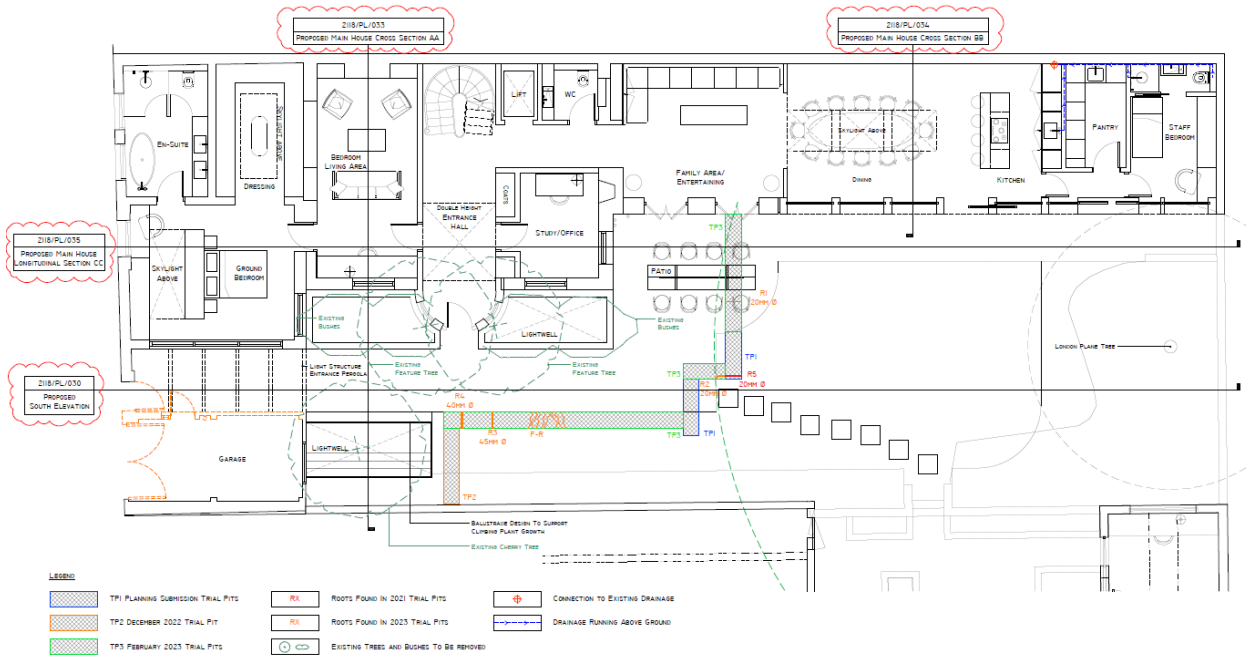
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk



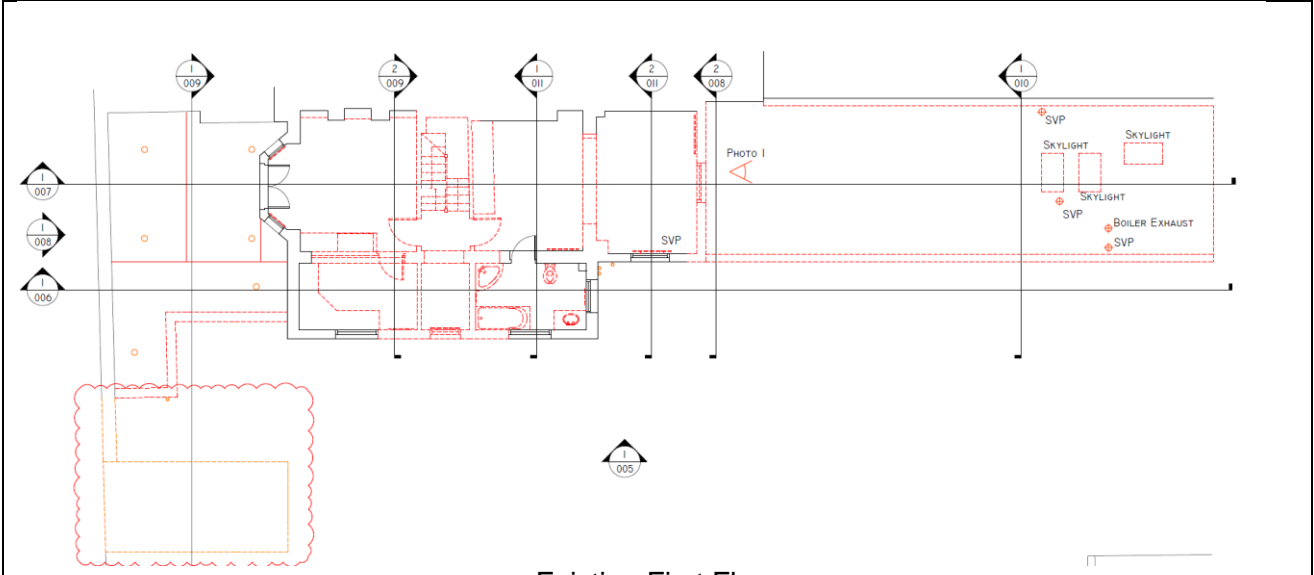
1 EXISTING MAIN HOUSE GROUND FLOOR + DEMOLITION
SCALE: 1:100 @A3

Existing Ground Floor

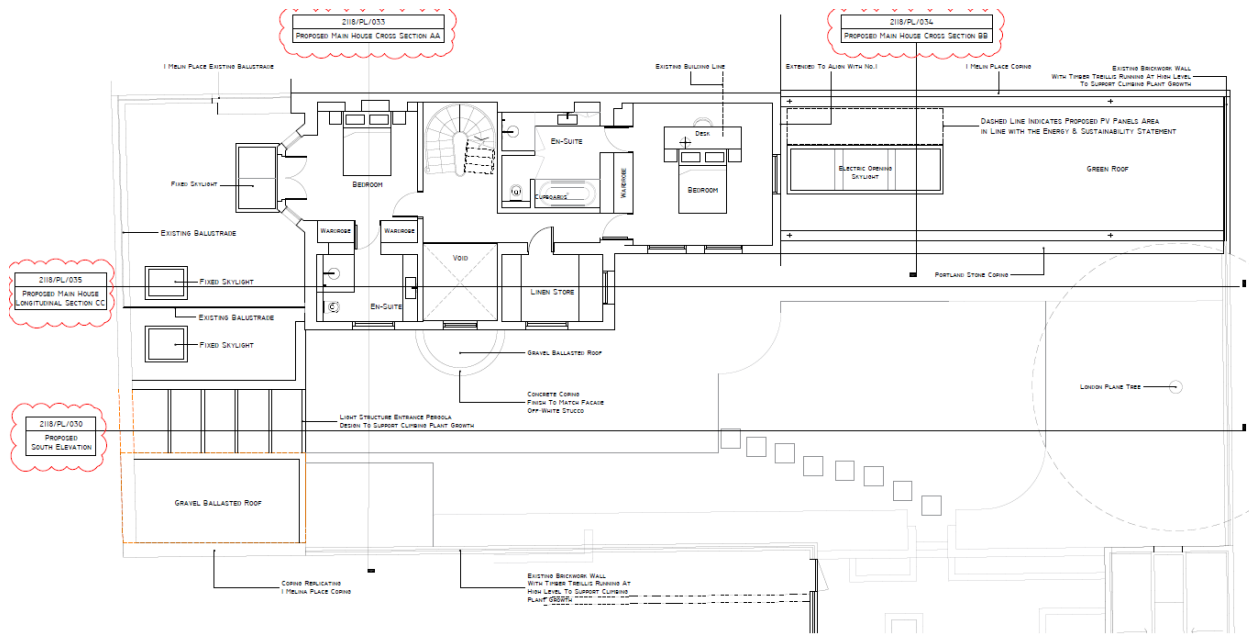


1 PROPOSED MAIN HOUSE GROUND FLOOR PLAN
SCALE: 1:100 @A3

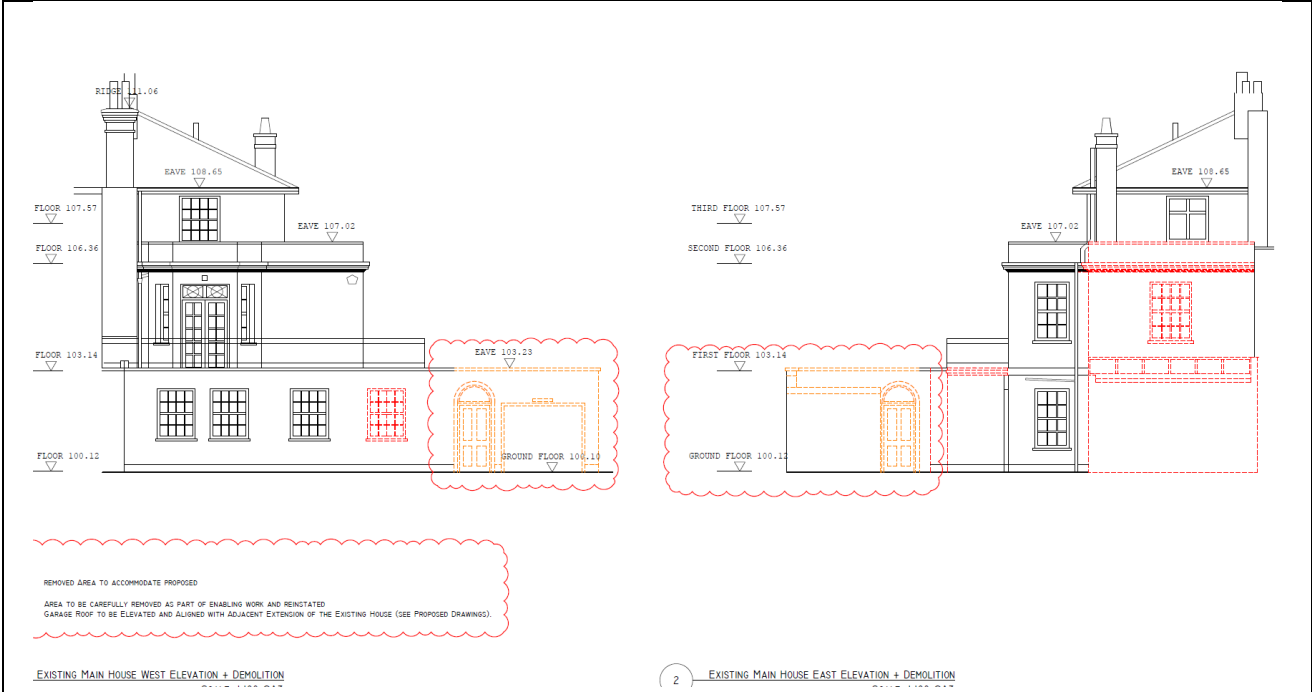
Proposed Ground Floor



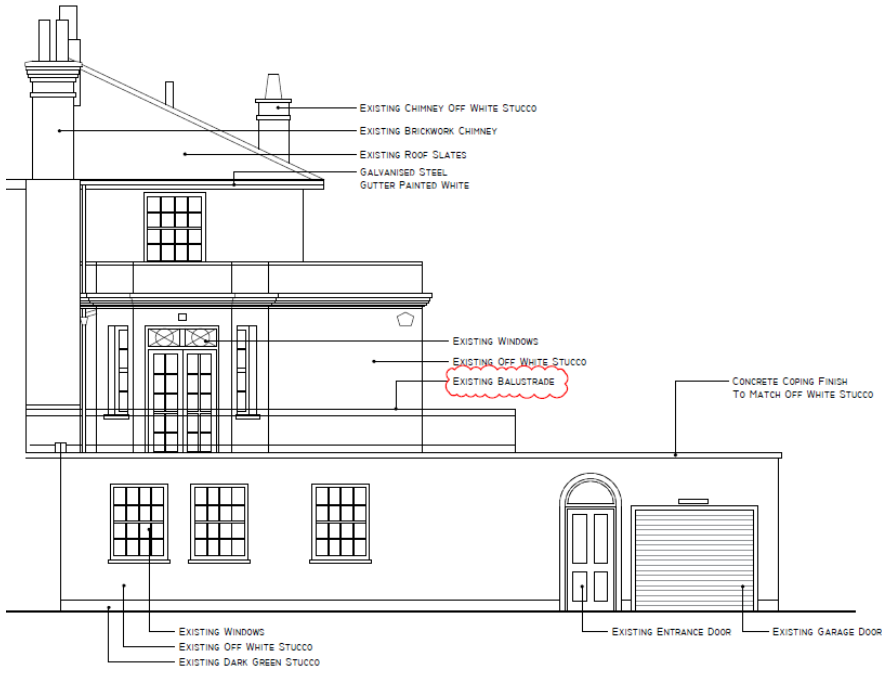
Existing First Floor



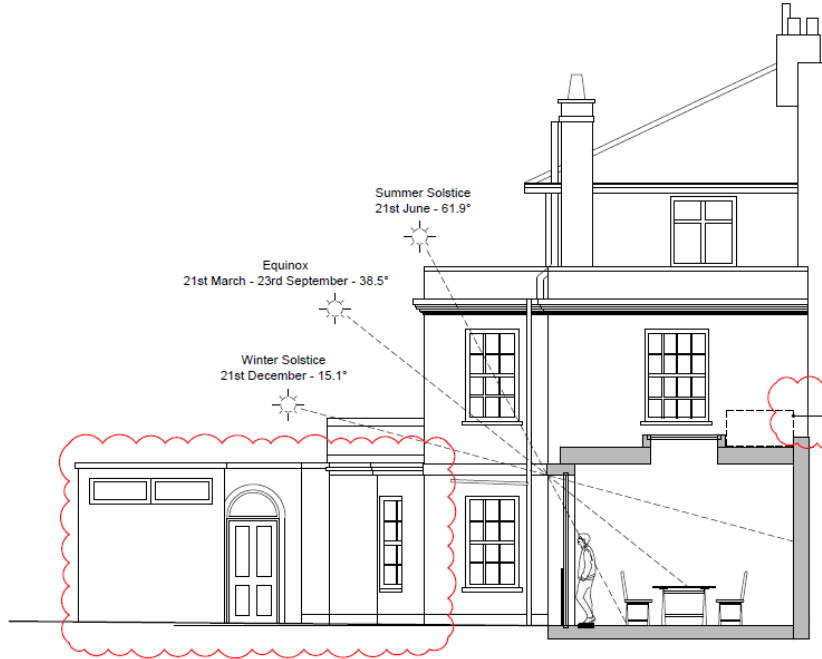
Proposed First Floor



Existing West and East Elevations



Proposed West Elevation



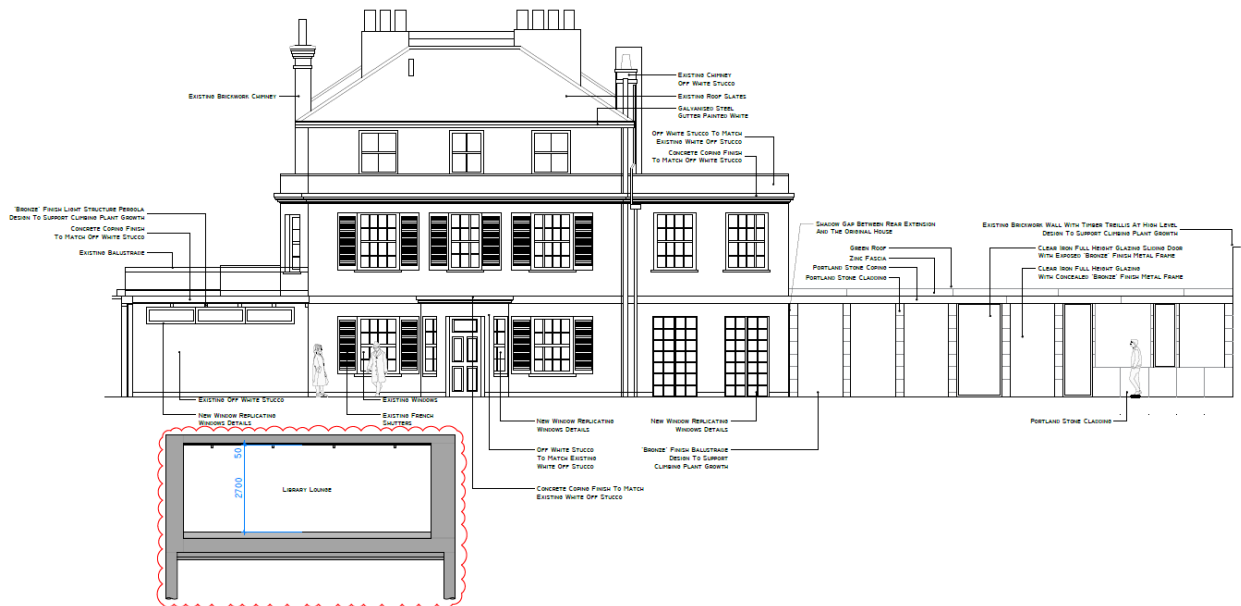
Note: Equinox and solstice angles are based on a location of latitude 51°-London-

1 PROPOSED MAIN HOUSE EXTENSION CROSS SECTION BB THROUGH ROOFLIGHTS
SCALE: 1:100 @A3

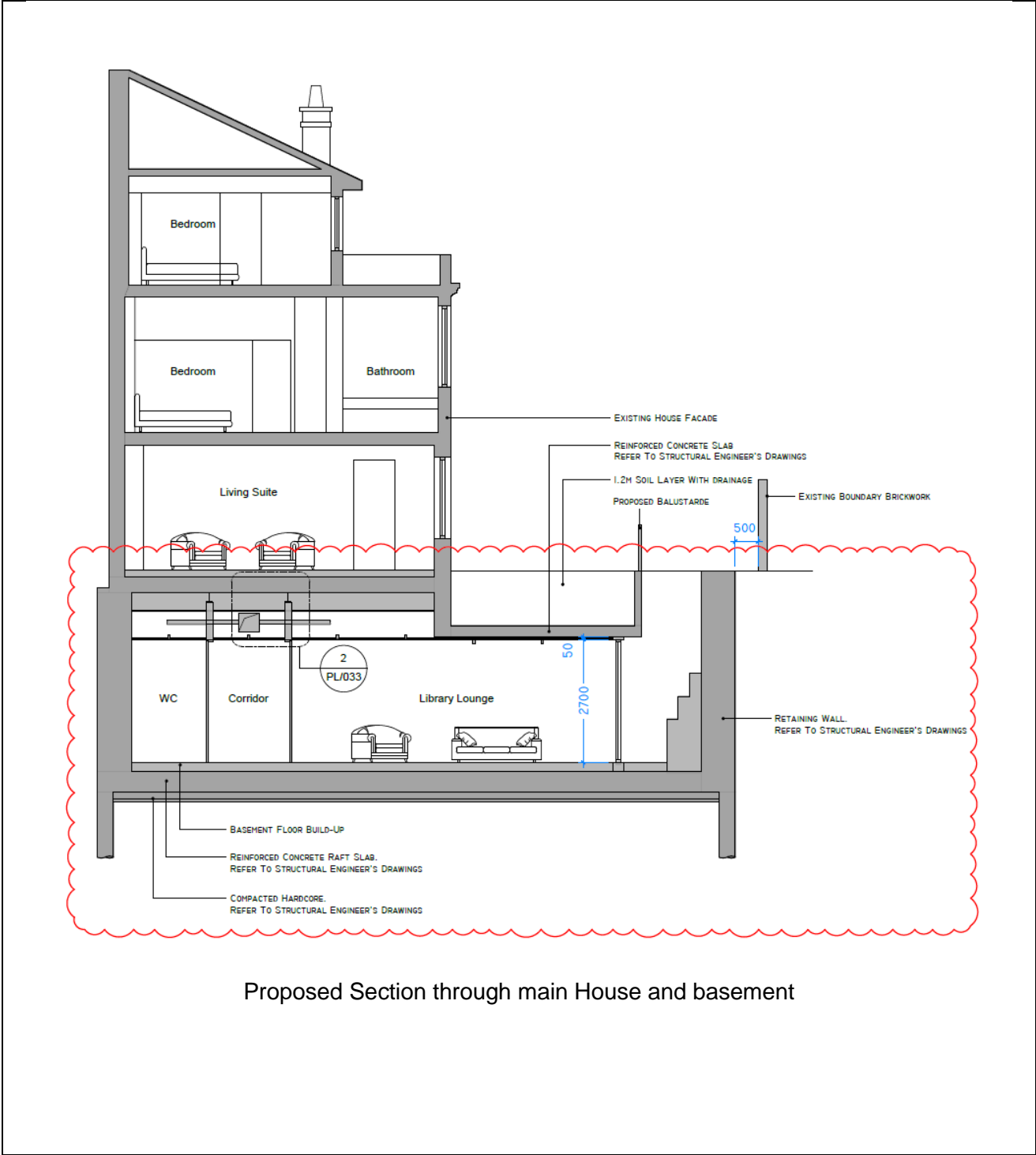
Proposed Section also showing east elevation



Existing South Elevation



Proposed South Elevation



DRAFT DECISION LETTER

Address: 2 Melina Place, London, NW8 9SA

Proposal: Alterations to the existing building including side and rear extensions at ground and first floor, rebuilding of rear extension and creation of basement and lightwells and associated works.

Reference: 22/03593/FULL

Plan Nos: 2118/PL100; 2118/PL110; 2118/PL001A; 2118/PL002B; 2118/PL003A; 2118/PL005; 2118/PL006B; 2118/PL007B; 2118/PL008B; 2118/PL009A; 2118/PL010B; 2118/PL011B; 2118/PL020F; 2118/PL021L; 2118/PL022F; 2118/PL023D; 2118/PL030E; 2118/PL032A; 2118/PL033D; 2118/PL034A; 2118/PL035; Design and Access Statement; Planning Statement; Basement Impact Assessment (for information only), Construction Method Statement (Trees) MS01 P3 dated 03.10.2023; Energy and Sustainability Statement dated 28th November 2023; Flood Risk Assessment and SuDs Report;

Case Officer: Richard Langston

Direct Tel. No. 020 7641
07866036470

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

Reason:

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

- 5 You must apply to us for approval of photographic samples of the Portland stone facing material and glazing that you will use. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials.

Reason:

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

- 6 You must apply to us for approval of plans and elevations 1:20 / sections 1:10 of the following parts of the development - any new external windows and doors, rooflights and the entrance pergola. You must not start any work on these parts of the

development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

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

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

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)

- 8 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof 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 protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

- 9 You must apply to us for approval of the PV panels on the roof of the ground floor rear extension. 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 and you must provide, maintain and retain these energy efficiency measures before you start to use any part of the development, as set out in your application., , 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) and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021)

- 10 All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment SuDs Report unless otherwise first approved in writing by the Local Planning Authority.

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Reason:

To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 35 of the City Plan.

- 11 You must not use the roof of rear ground floor extension of the roof of the first floor rear extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 12 You must apply to us for approval of an arboricultural method statement and tree protection plan explaining the measures you will take to protect the trees on and close to the site. The information you submit to satisfy this condition must be site specific and must be informed by and include the construction methodology, site setup and sequencing detailed within the Construction Method Statement MS01 P3 dated 03.10.2023 provided by geostructural solutions. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details.

Reason:

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

- 13 You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:., o identification of individual responsibilities and key personnel., o induction and personnel awareness of arboricultural matters., o supervision schedule, indicating frequency and methods of site visiting and record keeping, o procedures for dealing with variations and incidents., You must include a specification to send a written report to the tree officer within 5 days of each visit by the arboricultural consultant., You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

Reason:

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

we agree to in writing)., , If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CC)

- 14 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied., , Phase 1: Desktop study - full site history and environmental information from the public records., , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

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)

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 Please be advised that the photo of the Portland stone sample should demonstrate that the proposed stone is not too 'shelly' (not have lots of inclusions) in comparison with the stucco facing on the existing main house.

- 3 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
- 4 You must get planning permission for any tanks, equipment, lift motor rooms, railings or other additions to the property. (I21AA)
- 5 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 6 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil , Forms can be submitted to CIL@Westminster.gov.uk , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 7 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

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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.

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 23 January 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Vincent Square	
Subject of Report	17 - 19 Rochester Row, London, SW1P 1JB		
Proposal	Refurbishment, alteration and extension of the existing Class E building to include erection of a rear infill, replacement of fourth floor and erection of new roof pavilion, provision of external roof terraces, provision of plant equipment, altered façade and other associated external works.		
Agent	DP9		
On behalf of	Rochester Row Limited		
Registered Number	23/05475/FULL	Date amended/ completed	13 November 2023
Date Application Received	7 August 2023		
Historic Building Grade	Unlisted		
Conservation Area	Outside of a conservation area, adjacent to the Vincent Square Conservation Area		
Neighbourhood Plan	None relevant		

1. RECOMMENDATION

1. Grant conditional permission, subject to completion of a S106 legal agreement to secure the following obligations:

- a) Undertaking of all highway works immediately surrounding the site required for the development to occur prior to occupation of the extensions, including the relocation of the existing on-street Electric Vehicle Charing Unit outside the building on Rochester Row and the provision of a minimum of 4 on-street cycle parking stands in the vicinity of the development. All of the above to the Council's specification and at full cost (administrative, legal and physical) of the developer.
- b) Dedication as highway of the area where the building line is set back from the existing line prior to occupation of the extensions, and subject to a detailed plan of the area and any minor alterations, all as agreed with the Council and at full cost of the developer.
- c) The costs of monitoring the S106 agreement.

2. If the S106 legal agreement has not been completed within 3 months from the date of the Committee's resolution then:

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

2. SUMMARY & KEY CONSIDERATIONS

17-19 Rochester Row is an unlisted 1980s building with elevations to Rochester Row, Rochester Street and Greycoat Street. It is within the setting of the Vincent Square Conservation Area (the boundary runs down the centreline of Rochester Street to approximately half the depth of the site) and the Church of St. Stephen and the Royal Horticultural Society New Hall, which are both listed Grade II*. The application building is used for offices (Class E). The site is within the Central Activities Zone.

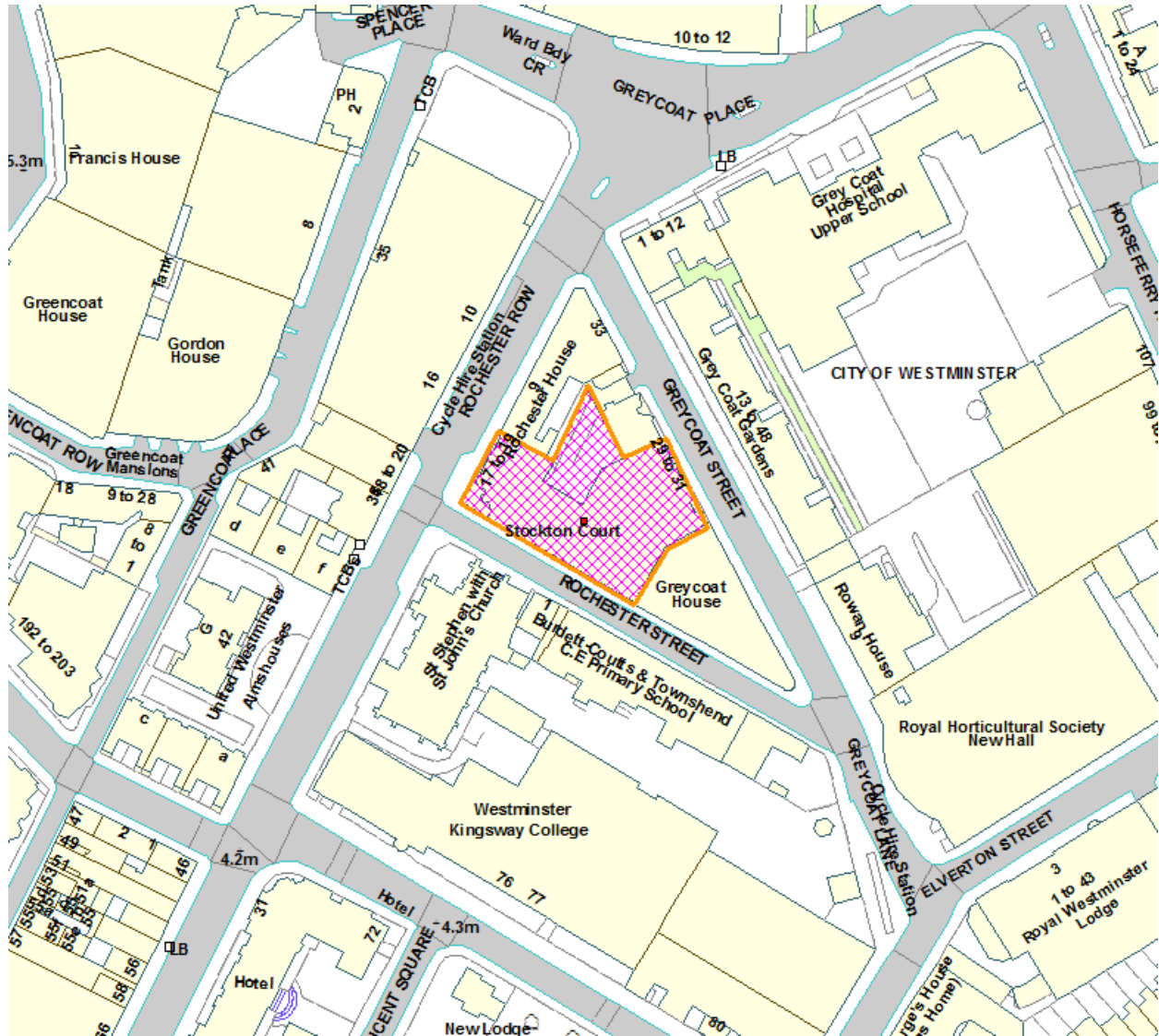
The application proposes the refurbishment, alteration and extension of the existing office (Class E) building. This includes the erection of a rear infill extension, the replacement of the fourth floor and erection of new roof pavilion on top, provision of external terraces, provision of new plant equipment, altered façades and other associated external works.

The key considerations in this case are:

- The acceptability of the proposal in land use terms.
- The acceptability of the energy performance of the proposed building.
- Whether the development has delivered sufficient greening/ biodiversity net gain.
- The acceptability of the proposed building in design terms.
- The impact of the proposed building setting of the Vincent Square Conservation Area and the setting of nearby listed buildings;
- The impact on the amenity of adjacent occupiers.
- The acceptability of the development in highways and access terms.

This report explains the proposed development is overall consistent with Westminster's City Plan 2019-2040 (April 2021) and the London Plan (March 2021). As such, the proposals are considered acceptable in land use, sustainability/ energy, heritage, townscape, design, amenity and highway terms and the application is recommended for approval subject to the completion of a S106 legal agreement and the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Rochester Row (above) and Rochester Street (below)





View on Rochester Row



View on Greycoat Street



View of building from rear courtyard



Aerial photograph

5. CONSULTATIONS

5.1 Application Consultations

THORNEY ISLAND SOCIETY:

Were consulted in advance of the application, and agree the external changes are an improvement. Concern is raised regarding the roof terraces: part of the space could be used for photovoltaic panels and social activity on them could generate harmful noise. Suggests reducing the size of the roof terraces and limiting their use from 8am to 8pm, and not at all on the weekends.

WESTMINSTER SOCIETY:

Had the benefit of being consulted in advance of the application, and are supportive of the design. Support the reuse of the building and retention of office use. The increased massing is slight and acceptable. The external appearance of the building will be improved as will its environmental performance. The removal of the undercroft will reduce anti-social behaviour. The applicant has taken steps to minimise overlooking from roof terraces, although the planting proposals and the screening they provide should be reconsidered and the use of timber screens considered.

HISTORIC ENGLAND (GREATER LONDON ARCHAEOLOGICAL ADVISORY SERVICE):

The site is within a tier III Archaeological Priority Area and the proposal comprises only relatively minor groundworks, and therefore is not of an archaeological concern.

LEAD LOCAL FLOOD AUTHORITY:

No objection, subject to conditions being attached to ensure acceptable drainage strategy is implemented and flood mitigation measures are carried out.

ENVIRONMENTAL HEALTH:

No objection to the plant proposal on noise nuisance grounds. Subject to conditions, the proposed equipment could operate without harm to neighbouring residents. The revised operations for the roof terrace will mean neighbouring residents are not unduly harmed in terms of noise.

HIGHWAY PLANNING:

Supported issues include waste management, trip generation and loss of car parking. Cycle parking arrangement could be improved if fewer lockers for folding bicycles are provided in favour of more standard cycle parking spaces, although the scheme is policy compliant in terms of long stay provision. Short stay provision is proposed on-street, unclear why it could not be on-site. Servicing would be maintained on-street which is undesirable. Alterations to the facades and entrance require a legal agreement to cover the relocation of an electric vehicle charging point on the highway and dedication of areas as highway.

ARBORICULTURAL OFFICER:

No objection, subject to ensuring details and a suitable plan for the planting is submitted to and approved by the Council.

WASTE PROJECT OFFICER:

The waste bins within the waste storage area should be labelled on the drawings to ensure compliance with Council waste and recycling guidance.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 277
 Total No. of replies: 4 (from 3 parties)
 No. of objections: 2
 No. neither objecting nor supporting: 2 (from 1 party)

In summary, the two neighbouring residents object on the following summarised grounds:

Amenity

- Overlooking from the roof terraces (to those opposing on Greycoat Street and Rochester Row)
- Noise disturbance from the roof terraces (proposed hours of 07:00 to 23:00 are excessive, and will impact on neighbours – should be managed appropriately).

Other

- Uncertainty regarding the height of the proposed building and whether photovoltaic panels are included.
- Timescales for comment on the planning application are too short.
- The public consultation (the applicant carried out) did not sufficiently detail the proposals on Greycoat Street

In summary, a representative of six neighbouring flats has made two comments on the proposal neither objecting nor supporting but raising the following points:

- Stockton Court would be left unchanged and, in that context, the new alterations proposed would be incongruous, and consideration should be given to also updating the Stockton Court frontage so that it would match the proposal.
- Insufficient justification and discussion in the Daylight and Sunlight report is given to the impact on the occupiers of Stockton Court.
- Access to and from the residents car parking must be maintained.

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
Letter to neighbouring	Feb 2023	To 56 neighbours, informing of strip out

occupiers		works
Meeting	April 2023	Westminster Society
Meeting	April 2023	Greycoat School
Meeting	May 2023	Ward Cllrs Harvey and Short
Meeting	May 2023	Church of St Stephens
Meeting	May 2023	Burdett Coutts school
Meeting	June 2023	Thorney Island Society
Newsletter to neighbouring occupiers	June 2023	To 394 addresses to provide overview of proposals to neighbours directing people to various ways to engage
Meeting	June 2023	Five neighbouring residents
Consultation website	June 2023	258 unique visits, 7 people provided feedback
Social media adverts	June 2023	1,276 clicks, one comment received
Webinars	June 2023	Five neighbouring residents attended
Public exhibitions	June 2023	12 people attended, 3 feedback forms given back

In summary, the applicant's survey of those who engaged with them found:

- Of those who expressed a view, commenters agree the building is in need of refurbishment.
- Most agree the proposals are in-keeping with a surrounding area, a minority disagreed.
- Most agree the development will help contribute to the economy of the area, a minority disagreed.
- All agreed keeping most of the building's structure, alongside other sustainability enhancements, are welcomed.
- Most agree the enhancement to the office reception and removal of the undercroft will help design out anti-social behaviour, a minority disagreed.

Other issues raised include:

- There is also anti-social behaviour occurring around the Greycoat Street entrance.
- The building could be converted to residential use, and/ or other uses introduced which serve the public.
- Some find the design generic and underwhelming.
- The replacement of the mansards makes the building more prominent.
- Concern about overlooking from rear extension.
- Concern about overlooking and noise from roof terrace.
- More photovoltaic panels could be put on the roof if less of it was used as a roof terrace.

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:

- Revision to the Greycoat Street façade to address anti-social behaviour there.

- Revision to the upper levels to reduce their prominence.
- Revision to the privacy treatment to the rear windows to help further mitigate overlooking.
- Proposes set back for terraces, management of areas and planting for screening.

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) (September 2023) 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 (September 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

17-19 Rochester Row is an unlisted building with elevations to Rochester Row, Rochester Street and Greycoat Street. It is within the setting of the Vincent Square Conservation Area (the boundary runs down the centreline of Rochester Street to approximately half the depth of the site) and the Church of St. Stephen and the Royal Horticultural Society New Hall, which are both listed Grade II*, and other nearby listed buildings.

The application building is used for offices (class E). While separate for the purposes of these proposals, the building is part of a wider development that also contains six residential flats at 31 Greycoat Street, which is a building known as Stockton Court. This residential building and 17-19 Rochester Row share the same design. While these different buildings have separate pedestrian entrances, they share a vehicular entrance

and a car parking area located within a courtyard. Another residential property, 33 Greycoat Street (at the corner of Rochester Row and Greycoat Street), has windows which looks into this courtyard area.

The site is located within an area defined by the following constraints:

- Within the setting of heritage assets (listed buildings and the Vincent Square Conservation Area)
- Within the Central Activities Zone (CAZ)
- Within Flood Zone 3 and the Elverton Street Surface Water Flood Risk Hotspot
- Within a Tier III Archaeological Priority Zone
- Within an area identified as Open Space deficient

7.2 Recent Relevant History

None relevant.

8. THE PROPOSAL

The application proposes the refurbishment and extension of the building. This includes:

- Alteration to the facades.
- Erection of a rear infill extension.
- Replacement of fourth floor and erection of new roof pavilion on top.
- Provision of external roof terraces.
- Provision of green roofs and other areas of planting.
- Provision of plant equipment, including Air Source Heat Pumps.
- Provision of Photovoltaic Panels.
- Alterations to access arrangements, including the courtyard.
- Upgrade of internal areas and facilities, including cycle and waste stores.

These proposals aim to achieve a comprehensive refurbishment and extension of the site to provide an enlarged and upgraded office building. The proposals retain much of the existing building, including the frame, floors and parts of the facades, but with the proposed new extensions and alterations the building will have a new character.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (class E)	5,253	6,132	879

During the course of the application, and following office advice, the applicant revised the proposal in the following summarised ways:

- Updated roof terrace management plan changing the proposed management of the roof terraces, including reducing hours of use to between 08:00 and 20:00 Monday to Friday and 08:00 and 18:00 on Saturday
- Updated sections to show distances to adjacent occupiers, and
- Updated acoustic information to assess noise.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposals involve increasing office floorspace, as set out in the table above. City Plan Policies 1, 13 and 14 support office growth and modernisation to provide at least 63,000 new office-based jobs in the city, alongside other forms of commercial growth. Policy 13 explains this new and improved office floorspace is supported in principle within parts of the CAZ with a commercial or mixed-used character.

London Plan Policies SD1, SD4 and E1 support growth of office floorspace in the CAZ and opportunity areas and the provision of new and refurbished office space which will improve the quality, flexibility, and adaptability of London's office stock.

The new office floorspace proposed in this location is welcomed in respect to the above policies. Rochester Row has a mixed-use character area. 17- 19 Rochester Row is at the northern end of the street, where there are a mix of residential, commercial and other uses. While 17- 19 Rochester Row is outside of the Victoria Opportunity Area (a predominately commercial area), it opposes the properties from 10 to 38 Rochester Row (evens) which are within it. Also, the site is close to the Victoria Street CAZ Retail Cluster (which extends down Artillery Row) and the Strutton Ground Local Centre.

The uplift in floorspace will contribute toward the office-based jobs growth target and the proposal also represents an improvement in terms of quality over the existing office floorspace, which is currently below modern standards. The proposals include providing new outdoor space for office occupiers, new landscaping and new facilities, including for cycle parking. The building will also be more energy efficient. Overall, the proposals will create a higher quality office environment and thereby will improve the office offer in the area, and this is welcomed.

9.2 Environment & Sustainability

Energy Performance and Sustainable Design

City Plan Policy 36 requires development to follow the energy hierarchy, as set out in the London Plan. The energy hierarchy includes:

1. be lean: use less energy and manage demand during operation
2. be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
3. be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
4. be seen: monitor, verify and report on energy performance.

While all development must follow the energy hierarchy and reduce carbon emissions, neither the City Plan nor the London Plan require non-major development to achieve net-zero regulated carbon emissions, nor do they set a minimum on-site reduction beyond Building Regulations, and Westminster's validation requirements do not require an Energy Strategy be submitted to support developments of this scale. Nonetheless,

the applicant has provided an Energy Strategy, and it has set out the carbon savings beyond Building Regulations that they can achieve, as explained in the below table.

Table: Regulated carbon dioxide savings from each stage of the energy hierarchy.

	Regulated Carbon Dioxide Savings	
	Tonnes CO ₂ per Annum	%
Be Lean: Savings from energy demand reduction	10.8	29.1
Be Clean: Savings from heat network	0.0	0
Be Green: Savings from renewable energy	2.7	7.3
Cumulative on-site savings	13.4	36.4

The overall target of achieving an on-site regulated carbon emissions reductions for major development is 35% beyond Building Regulations. Therefore, were this application a major development, it would have achieved that target given it will provide 36.4% savings in regulated carbon emissions. This is challenging to achieve, as acknowledged in the Greater London Authority’s energy guidance. However, the applicant has made significant efforts to reduce emissions through the energy hierarchy, as set out below, and is targeting a BREEAM rating of ‘outstanding’.

Be Lean:

In the 'Be Lean' stage, the applicant has integrated passive design principles to enable the building to be less reliant on heating, cooling, ventilation and air conditioning systems and minimise dependence on artificial lighting.

The design of the façades will maximise passive solar gains in wintertime, whilst minimising excessive solar gains in summertime. The amount of glazing as well as the shading of neighbouring building has been considered and informed the glazing to wall ratio to limit excessive solar gain through the windows. The applicant has also considered the building fabric – the altered facades and new extensions provide an opportunity to have a highly insulated structure to help passively regulate internal temperatures. Similarly, given the existing structure is concrete, thermal mass has been considered and the proposal is to expose the concrete soffits to activate the thermal mass and dampen the daily cooling peaks.

In relation to active design measures, the applicant proposes energy efficient lighting, ventilation and heat recovery as well as heat pumps. Theses energy efficient systems will help reduce energy demand, providing low energy usage lighting with effective lighting controls, efficient ventilation systems which will include a system to ensure energy can be extracted from the exhaust air to help heat the supply air (thereby reducing additional heating need) and heat pumps will be used for water demand.

Be Clean:

In the 'Be Clean' stage, there is no existing district heating network in close proximity to the site. The site is approximately 400m away from existing Pimlico District Heating Undertaking (PDHU). However, there is a proposed district heating network which would be in close proximity to the site and the applicant notes that they could potentially connect to it in the future.

Be Green:

In the 'Be Green' stage, the applicant proposes to use Photovoltaic Panels and Heat Pumps (although Heat Pumps are not a wholly renewable energy source as electricity is required to run them, the renewable component is recognised in heating mode as ambient heat energy is extracted and rejected to the air). Heat pump technologies will be used to meet 100% thermal loads, using roof mounted air source heat pumps and a dedicated high efficiency water source heat pump. The applicant has also carried out studies on the potential of photovoltaic technologies integration into various parts of the roofs and conclude the proposed panels are the maximum that is feasible. However subject to further study, Westminster's Sustainability Officer considers there could be the potential for additional panels above the plant area. While these areas can be more challenging to locate panels (because they would be above plant equipment) this can sometimes be done. Therefore, a condition is recommended to ensure the applicant further studies whether it will be possible to install additional panels in this case (and to install them if it is possible and are acceptable in other respects).

Circular Economy and Whole-Life Cycle Carbon Emissions

London Plan Policy D3 and SI 7 promotes circular economy outcomes and states developments should aim to be net zero-waste and promotes a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible. City Plan Policy 37 states the council will promote the Circular Economy and contribute to the London Plan targets for recycling and for London's net self-sufficiency by 2026.

The justification for City Plan Policy 38 explains the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition and proposals. This is also echoed in the Council's Environmental SPD.

The applicant proposes a deep retrofit and extension of the building. Some demolition is proposed, but this will allow improvements to the energy performance of the building, an upgrade its exterior and interiors, will allow the extension of the building, will allow improvements in terms of biodiversity, and will provide commercial benefits including additional jobs. In accordance with the aforementioned policies, the upgrade and reuse of existing buildings is a sustainable approach and can help meet carbon reduction targets by avoiding the higher carbon footprint associated with constructing entirely new buildings. Therefore, the applicants approach to redeveloping this site is supported.

While not a validation requirement for development of this scale, the applicant has provided a Circular Economy Strategy and this is welcomed. The key targets of the Circular Economy Strategy include the substantial structure retention and the

implementation of Waste Management Plans during demolition, construction, and operation. This includes waste diversion rate of 95% for non hazardous demolition, construction and excavation waste and a 65% of municipal waste recycling rate – in line with Greater London Authority targets. It also explains that the development is balancing material efficiency with long-term flexibility and adaptability, giving preference to sustainably manufactured materials and products with high recycled and/or highly recyclable content, and promoting material information transparency through preference of products with Environmental Product Declarations (EPDs).

The applicant's Circular Economy Strategy also considers the Whole Life-cycle Carbon (WLC) emission impact of the development (again, this is not a validation requirement and the applicant was not required to have provided this). WLC emissions are the carbon emissions resulting from the materials, construction and the use of a building over its entire life. A WLC assessment provides a true picture of a building's carbon impact on the environment.

The analysis shows that the proposed design can achieve a WLC emission [A-C (exc.B6-B7)] performance of 5,362 tonnes of CO₂e or 876 kgCO₂e/m² GIA. In terms of upfront embodied carbon [A1-A5], the performance will be 2,968 tonnes of CO₂e or 485 kgCO₂e/m² GIA. This represents a LETI band C for both WLC and upfront figures (and is very close to band B for the upfront figure). Compared to the GLA benchmark for office developments, the figures represent a significant improvement.

Flood Risk & Sustainable Drainage

The site is inside Flood Risk Zone 3 and is within the Elverton Street Surface a Surface Water Flooding Hotspot. Flood Risk Zone 3 indicates a risk of tidal flooding from the Thames, although this part of London is protected to a very high standard by the Thames tidal flood defences such that there is up to a 1 in 1000 (0.1%) chance in any year flood event.

In accordance with City Plan Policy 35, the applicant has provided a Flood Risk Assessment. The applicant has also provided a Drainage Strategy.

In terms of flood risk from the Thames, this has been assessed as low given the flood defences. The applicant has also assessed modelling in the event of a breach of the flood defences. In relation to present-day modelling the site would not be breached, but in the 2100 epoch it would be flooded. The assessment also identifies a medium risk of sewer flooding and a low risk of surface water flooding and other flooding sources. The assessment outlines various measures proposed to manage this flood risk. This includes ensuring floor levels are above the modelled breach level, ensuring safe access and egress, having a flood warning and evacuation plan, including non-return valves amongst other measures.

Surface Water Flood Risk Hotspots are areas where parts of it are susceptible to surface water flooding and/ or where new developments can lead to increased risks of flooding in the vicinity through water run-off. Therefore, City Plan Policy 35 also encourages new development to incorporate Sustainable Drainage Systems (SuDS) to help alleviate the risk of flooding and reduce water run-off, and the applicant has submitted a drainage strategy. The main objectives of the strategy is to demonstrate that the development will

not increase the risk of flooding on or off the site, that the drainage system will be sustainable and resilient, and that the water quality and amenity value of the receiving watercourses will be protected or enhanced. The proposed drainage system will principally consist of the following elements:

- A rainwater harvesting system, which will collect and store rainwater from the roof for non-potable uses such as irrigation.
- Green roof/ planting to provide rainwater attenuation.

The Lead Local Flood Authority have assessed this strategy along with the Flood Risk Assessment, and following clarifications from the applicant, raise no objection to it subject to the inclusion of conditions relating to the drainage scheme and to ensure that development is carried out as set out in the Flood Risk Assessment.

Environment & Sustainability Summary

Overall, the applicant has provided more detail regarding the environmental impact of their development than is strictly required of them, which is welcomed. The submission demonstrates the development will result in an acceptable environmental impact. The developer has chosen to minimise demolition and propose an altered and extended building whose carbon emissions through its operations will be notably improved over Building Regulation requirements, which is welcomed. The applicant is targeting a BREEAM 'Outstanding' score, which indicates higher than required sustainability ambitions, which again is welcomed. The submission has also assessed WLC emissions which shows these emissions will be significantly below the GLA baseline benchmark over its lifetime and the applicant has demonstrated that their proposals will follow circular economy principles. The proposal will also not result in an increased flood risk and will provide a suitable drainage strategy. Given this, the proposal adheres to the aforementioned City Plan and London Plan policies which relate to the environment and sustainability.

9.3 Biodiversity & Greening

City Plan Policy 34 states that, wherever possible, developments will 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. Developments should also achieve a biodiversity net gain, wherever feasible and appropriate. London Plan Policy G5 also requires development to contribute to the greening of London and sets an 'Urban Greening Factor' target score of 0.3 for commercial developments.

The applicant proposes numerous new green elements within the site, including a courtyard level planting and roof level green roofs, hedges, perennial planting and climbing plants. The applicant calculates this would result in an Urban Greening Factor of 0.3 – achieving the London Plan target. This is a very significant improvement where there is no planting on site currently. In central London where sites are largely built over, achieving a high score is more difficult – particularly given that a balance must be struck between the competing elements located at roof level, including on-site renewables and amenity areas. In these circumstances, the increased greening is welcomed. While the planting is welcomed, and the applicant has provided details of which plants they are considering, a condition is recommended to ensure details the planting and its

maintenance is provided for in a biodiversity plan is provided.

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 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.”*

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 states that features that contribute positively to the significance of the setting of a conservation area will be conserved and opportunities will be taken to enhance conservation area 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 be clearly and convincingly justified and should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, 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 most relevant City Plan policies in terms of design, townscape and heritage are 38, 39, 40 and 43. These seek to ensure high quality, sustainable and inclusive urban design that responds to Westminster's context by positively contributing to Westminster's townscape and streetscape. These seek to protect or improve heritage assets, including their setting. And these seek to ensure new buildings are sensitively designed, having regard to the prevailing scale, heights, character, building lines and plot widths, materials, architectural quality, and degree of uniformity in the surrounding townscape.

Design, Townscape and Setting of Heritage Assets

The existing building is a late 1980s building. It comprises a basement, ground and four upper levels plus plant rooms on top. The building's facades are brick with regular bays. The fourth and part of the third floors are mansards, and the roof top plant areas are also concealed by mansards.

The site is adjacent to the Vincent Square Conservation Area. It is also adjacent to a prominent building within that conservation area, the grade II* listed Church of St Stephen on Rochester Row. The site is also within the setting of the Royal Horticultural Society New Hall which is also grade II* listed and is on Greycoat Street, and to a lesser extent is within the setting of other listed buildings in the area.

The proposals involve the replacement of the bay windows; the retention and extension of the existing brick pillars between the bays; new tint applied to the existing brickwork; a new replacement fourth floor with a straighten façade but with a set back from the main building line; a new pavilion on top, which would be similar in height to the existing plant rooms; new plant and lift core structures also on the roof; a rear infill extension; a new entrance to replace the existing set back entrance on the corner of Rochester Row and Rochester Street and other ground level alterations to the facades.

As the applicant set out in their submission, pre-planning application discussions were held between the applicant and officers. These discussions resulted in improvements to the design of the bays and a reduction in the scale of the extensions.

While not significantly higher, the proposed building will be bulkier than existing because of the straightened facades and extensions. Although, the fourth floor and pavilion on top would be set back. The result is that the massing of the extended building will appear comfortable when viewed from surrounding public vantage points in the area, and therefore the massing will not negatively affect the setting of the Church of St Stephen, the adjacent conservation area or the other listed buildings.

The brick pillars are retained and bays will be located in the same positions (albeit extended in parts). The windows will be larger but the building will not appear overly glazed. The brick will be tinted giving it a lighter appearance which will not be harmful to the appearance of the building. The proposals include larger windows also at the ground floor where this will result in the frontage being better activated. The roof top pavilion will be distinct from the other parts of the building, exhibiting part glazed and part timber clad elevations – timber cladding will also be used for the plant screen at this level. Given the significant setbacks, these elements will be largely screened from public vantage points and therefore will not impact upon the setting of nearby heritage assets. To the rear, the extensions largely comprise louvred glazing and metal panels – and given its location, this would have no effect of heritage assets and will be appropriate to the design of the building.

A commenter on the application notes that the proposals will leave the residential element of the wider development (31 Greycoat Street, Stockton Court), and therefore there could be an impact on the appearance of the Greycoat Street as there will be reduced consistency between the buildings there. While the comment is understood, the context on the relevant side of Greycoat Street is already mixed and therefore adding a new building design will not be unduly harmful.

For the reasons above, and subject to details of the fall protection atop the roof enclosures and material samples of the exterior materials, the proposals are considered acceptable in design, townscape and heritage terms and will comply with the legislation and policies listed above.

Archaeology

City Plan Policy 39 requires applicants to assess the archaeological potential/ implications of developments and propose the conservation of deposits wherever possible. The site is within the Tier III Pimlico Archaeological Priority Area and the applicant has provided a desk-based archaeological assessment.

The Pimlico Archaeological Priority Area covers a former wetland and whilst most of this landscape was probably not favoured for settlement, small settlements probably existed on 'gravel islands' above the marsh. From the 1720s the Chelsea Water Company built a complex network of canals and channels eventually covering 100 acres from which water was pumped by windmills, horsemills and later steam engines to create Pimlico.

Historic England's Greater London Archaeological Advisory Service (GLAAS) explains that a tier III Archaeological Priority Area indicates a lower likelihood of remains of significance (as compared to tier I and II), and given the proposals involve only relatively minor groundworks, the development will not be of concern in terms of archaeology in this case.

9.5 Residential Amenity

City Plan Policies 7 and 33 seek to protect residential amenity, including in terms of light, privacy and sense of enclosure and encourage development which enhances the residential environment, quality of life and health and wellbeing.

Some of the buildings within the immediate vicinity of the site are non-residential. Residents do reside within the following nearby buildings however:

- 13-48 Greycoat Street (Greycoat Gardens)
- 31 Greycoat Street (Stockton Court)
- 33 Greycoat Street
- 27 Greycoat Street (Greycoat House)
- 16-20 Rochester Row (Emanuel House)
- 38 Rochester Row

The non-residential buildings nearby the site include:

- Burdett Coutts School, Rochester Street
- Church of St Stephen, Rochester Row



Plan showing location of neighbouring properties (blue residential, orange non-residential)

Sunlight and Daylight

The applicant has carried out an assessment on the neighbouring properties based on the various numerical tests laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice". The BRE guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in a dense urban environment, more obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE explains their guidelines are intended for use for rooms in adjoining dwellings where light is required, and principally seeks to protect light to main habitable rooms (i.e. living rooms) in residential dwellings, and it accepts that bedrooms are of less importance. The BRE also confirms that the guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of natural light. In this case, that could include the nearby school and church, although they will have a lower expectation of natural light when compared to permanent dwellings. Offices and retail shops are normally artificially lit spaces and would therefore have a little expectation of natural light.

A commenter on the application has considers the applicant's Daylight and Sunlight report does not provide sufficient commentary regarding the lighting impact. However, what is required in the applicant's assessment are the figures which set out the impact in accordance with BRE guidelines, which the applicant has done. The below considers whether those impacts are acceptable.

Daylight

The BRE methodologies for the assessment of daylight values is the 'vertical sky component' (VSC) and 'no sky line' (NSL).

VSC measures the amount of light reaching the outside face of a window. Under this method, a window achieving a VSC value of 27% is well lit. If, because of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss could be noticeable.

NSL measures the proportion of a room that will receive light. If, because of the development, the proportion of the room that receives light reduces by 20% or more, the loss could be noticeable.

33 Greycoat Street

33 Greycoat Street is the residential block of flats on the corner of Rochester Row and Greycoat Street. Its rear windows look into the rear courtyard area. The applicant's analysis indicates there will be seven breaches of the VSC measure and six breaches of the NSL measure, as set out in the tables below.

Table: VSC Breaches at 33 Greycoat Street

Floor	Window/ Room	Room Use	Existing VSC	Proposed VSC	Loss	% Loss
G	W1 / R1	Bedroom	9	6.4	2.6	29
G	W4 / R3	Hallway	6.7	5.2	1.5	23
G	W5 / R3	Hallway	5.7	4.6	1.1	21
1	W1 / R1	Bedroom	12.4	9	3.4	28
2	W1 / R1	Bedroom	16.5	12.1	4.4	27
2	W2 / R2	Living/ Kitchen	17.6	13.6	4	23
3	W1 / R1	Bedroom	22	16.7	5.3	24

Table: NSL Breaches at 33 Greycoat Street

Floor	Room	Room Use	Existing NSL (sqm)	Proposed NSL (sqm)	Loss (sqm)	%Loss
G	R1	Bedroom	7	5.5	1.5	21
G	R2	Living/ Kitchen	3.1	2.4	0.7	22
1	R1	Bedroom	9.5	5.2	4.3	46
1	R3	Hallway	3	0.2	2.8	92
2	R1	Bedroom	7.2	3.1	4.1	57
2	R2	Living/ Kitchen	33.9	25.8	8.1	24

The above VSC table omits the results for the windows to the first floor communal hallway because both the existing and proposed VSC levels are either 0 or within 0.2 of 0, which indicates that in both the existing and proposed situation there would be no (or effectively no) daylight received. In addition, given these windows are to a communal hallway, they serve a non-habitable space.

The VSC table shows that seven windows at ground, first and second floors will have a VSC decrease of between 21% to 29%. This indicates that the daylight in these rooms will be noticeably less, but because these decreases are close to 20%, the potential impact will be minor (given these losses are only just over the 20% threshold that the BRE guide indicates could be noticeable). In terms of NSL, there will be instances of larger losses, indicating a more significant impact to the proportion of the room where daylight will penetrate. However, to fully understand the daylighting impact, we need to look at both the NSL and VSC measures together. In this case, four of the rooms affected by NSL breaches contain windows which will also suffer a VSC breach.

Two of the VSC breaches and one of the NSL breaches are to the communal hallway at ground and first floor which are non-habitable spaces and therefore not of significant importance to the internal lighting environment of the flats. Four of the windows are to bedrooms and three of these rooms will also suffer NSL losses. Taken together, this indicates there is likely to be a noticeable loss to these three bedrooms. Although considering the severity of the VSC losses, these losses will be relatively minor. In addition, the BRE guide acknowledges bedrooms are of lesser importance when compared to the main habitable space of a flat.

There is a second floor living room that breaches the BRE guide both in terms VSC and NSL. The window to that living room that breaches the VSC measure is not the sole window to that room, planning records indicate that it is the smallest of four windows to that room. The other windows will not suffer losses in excess of 20%, even though they all do face toward the proposed development. The affected window will have a VSC decrease of 23% and the room will have a NSL decrease of 24%. While these breaches indicate a noticeable daylight loss, it will only be slightly noticeable given the losses are only slightly above the 20% threshold. This affected flat also contains rooms which look toward the Rochester Row which will not be impacted by the development.

Overall, it is likely that some of the windows/ room within 33 Greycoat Street will experience a minor degree of noticeable daylight loss, but given the circumstances described above, it is not considered that this impact will be detrimental to the relevant flats.

31 Greycoat Street (Stockton Court)

31 Greycoat Street is the residential block of flats built as part of the development that constructed the application building and is known as Stockton Court. Its rear windows look into the rear courtyard area. The applicant's analysis indicates there will be five breaches of the VSC measure and 10 breaches of the NSL measure, as set out in the tables below.

Table: VSC Breaches at 31 Greycoat Street

Floor	Window/ Room	Room Use	Existing VSC	Proposed VSC	Loss	% Loss
G	W1 / R1	Unknown	9.8	7.7	2.1	22
G	W2 / R2	Unknown	8.2	6.3	1.9	24
1	W4 / R4	Unknown	11.3	8.8	2.5	22
2	W4 / R4	Unknown	15.8	12.3	3.5	22
3	W4 / R4	Bedroom	22.3	17.2	5.1	23

Table: NSL Breaches at 31 Greycoat Street

Floor	Room	Room Use	Existing NSL (sqm)	Proposed NSL (sqm)	Loss (sqm)	%Loss
G	R1	Unknown	3	2.2	0.8	26
G	R2	Unknown	4.5	2.1	2.4	52
1	R1	Unknown	4.8	3.5	1.3	27
1	R3	Unknown	5.1	3.7	1.4	27
1	R4	Unknown	6.7	2.8	3.9	58
2	R1	Unknown	8.1	6.2	1.9	24
2	R3	Unknown	9	6.3	2.7	30
2	R4	Unknown	9.7	3.8	5.9	61
3	R3	Unknown	16.5	12.1	4.4	27
3	R4	Bedroom	10.2	5.3	4.9	49

In terms of VSC, the table shows five losses between 22% and 24%. While above the 20% threshold, and so the BRE guide indicates these losses could be noticeable, they are only slightly above this threshold and so this indicates a relatively minor impact. There is a greater impact in terms of the NSL measure as 10 rooms will breach the BRE guidelines and four of those will be involve losses greater than 30%.

The layout of this building is not known fully. An officer has visited a third floor flat in this building. In that flat, the living room enjoyed the larger rear window (W1), and it was dual aspect - so enjoyed light and outlook from the Greycoat Street. It is unclear if the other flats are laid out in the same way. Nonetheless, it is known that the rear windows include windows to the communal staircase which will reduce the number of habitable rooms affected.

Taking VSC and NSL together, the windows/ rooms suffering a breach in both is limited to ground floor W1/R1 and W2/R2, first floor W4/R4, second floor W4/R4 and third floor W4 / R4. At ground floor, if laid out similarly to the upper floor flat, W1/R1 may be a living room window, ground floor W2/R2 is may be a hallway and W4/R4 on first, second and third floor may be bedrooms. These are also the rooms with the largest NSL losses.

While it is unfortunate that the room uses and layouts are not known for certain, it is likely that much (if not most) of the rooms affected will be bedrooms and/ or living rooms. Although it is understood that the flats are dual aspect and if laid out like the upper floor flat, the living rooms will enjoy another daylight source. If that is not the case for some of the rooms experiencing losses, taking the VSC and NSL together indicates a minor to moderate impact in terms of daylight loss. In context where the proposed development does not propose a significantly taller building than the existing and where it will be

comparable to the height of other development within the area, and given the BRE guidelines stresses figures should be interpreted flexibly if new buildings are to match the scale of existing buildings, it is not considered that these losses are so significant that they justify withholding planning consent on these grounds.

13-48 Greycoat Street (Greycoat Gardens)

13-48 Greycoat Street is a mansion block called Greycoat Gardens, located to the east of the site on the opposing side of Greycoat Street. The applicant's analysis shows there will be no breaches of the VSC measure but indicates there will be 10 breaches of the NSL measure, as outlined in the table below.

Table: NSL Breaches at 13-48 Greycoat Street

Floor	Room	Room Use	Existing NSL (sqm)	Proposed NSL (sqm)	Loss (sqm)	%Loss
LG	R15	Kitchen	4.8	3.6	1.2	26
LG	R16	Living Room	6.8	5	1.8	26
LG	R18	Bedroom	4.4	3.4	1	23
G	R15	Unknown	11.1	8.1	3	27
G	R17	Kitchen	5.4	4.1	1.3	23
G	R18	Living Room	7.8	5.9	1.9	25
G	R20	Bedroom	5.8	4.5	1.3	22
1	R16	Unknown	3.4	2.6	0.8	23
1	R19	Living Room	11.5	9.1	2.4	21
2	R16	Unknown	10.3	7.3	3	29

The table shows that 10 rooms at lower ground, ground, first and second floors will have a NSL decrease of between 20% to 29.9%. This could mean that the daylight in these rooms is noticeably less, but because these decreases are under 30%, the potential impact will be minor (given these losses are only just over the 20% threshold that the BRE guide indicates could be noticeable). In this case, the windows that serve these affected rooms will not have a VSC decrease more than BRE guidelines. Overall, and taking the VSC and NSL results together, the daylighting impact on these rooms will not be detrimental to the occupiers of these flats.

27 Greycoat Street (Greycoat House)

27 Greycoat Street is a residential block of flats and adjoins the southern part of the site. The applicant's analysis shows there will be no breaches of the VSC measure or the NSL measure – which indicates there will be no noticeable daylight impact to the flats within this building.

16-20 Rochester Row (Emanuel House)

16-20 Rochester Row is residential block of flats, with commercial units on the ground floor, and it opposes the site on Rochester Row. The applicant's analysis shows there will be no breaches of the VSC measure or the NSL measure – which indicates there will be no noticeable daylight impact to the flats within this building.

38 Rochester Row

38 Rochester Row is understood to contain residential flats and it opposes the site on Rochester Row. The applicant’s analysis shows there will be no breaches of the VSC measure or the NSL measure – which indicates there will be no noticeable daylight impact to the flats within this building.

Sunlight

The BRE methodology for the assessment of sunlight is Annual Probable Sunlight Hours (APSH). It is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room. Sunlight is influenced by orientation (north facing windows will rarely receive sunlight) and so only windows with an orientation within 90 degrees of south are assessed. BRE guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be reduced by 20% or more of their previous value in each period.

The applicant’s assessment found no breaches of the sunlight criteria for the residential flats at 13-48 Greycoat Street, 16-20 Rochester Row, 38 Rochester Row and Greycoat House. There will be losses of sunlight more than the BRE guidelines at 33 Greycoat Street and 31 Greycoat Street, and these losses are summarised below:

Table: Summary of sunlight breaches at 33 Greycoat

Building	No. rooms BRE complaint	No. BRE breaches
31 Greycoat Street (Stockton Court)	6	8
33 Greycoat Street	21	6

Given the daylighting results for 31 and 33 Greycoat Street (as outlined above) and their orientation, it is to be expected that there will be breaches of the APSH measure of sunlight. These will happen to the same rooms experiencing daylight losses, except in 3 circumstances.

The total and winter APSH results vary, although the existing winter sunlight is already less than 5% in all the non-complaint rooms, except for one, meaning the breaches are primarily a result of a loss in total APSH. Some rooms on the lower floors already have low total APSH, particularly within 33 Greycoat. Because of the circumstances set out in the daylight section, it is not considered that the impact will be detrimental to the residents occupying the affected rooms, however.

Sense of Enclosure

An unacceptable increase in a sense of enclosure occurs where development will have an adverse overbearing effect that will result in an unduly oppressive living environment.

The proposed building is bulkier than the existing building on the site. Although comparable in height to the existing highest parts of the building, the removal of the mansards and straightening of the facades, together with the replacement massing at

roof level and to new extension to the rear, parts of the building will be closer to neighbouring residents. The main impact could be to those within 31 and 33 Greycoat Street as these buildings are closest and have rear windows which look into the rear courtyard. To a lesser extent residents opposing the site on the opposite side of Greycoat Street and Rochester Row will also appreciate the increased massing.

For the residents within 31 and 33 Greycoat Street, the main enclosure impact will be from the rear extension which will reduce the openness of the courtyard area. The rear elevation will be extended approximately 5.5 metres toward 31 Greycoat Street. The rear windows of 31 Greycoat Street look directly toward this extension. A gap of between 10 and 18 metres will be retained, the closest windows at 31 Greycoat Street to the proposed extension could serve living rooms – although, as described above, those could living rooms also benefit from outlook on the other side over the street. In any case, these windows already look into an enclosed courtyard, and the extension 5.5 metres toward them, plus the relatively modest increase in height of the building, will not result in a detrimental increase in enclosure to those rooms. The other windows a likely serve either bedrooms or non-habitable spaces, but are further away, and therefore the impact on these spaces will also not be detrimental. For those within 33 Greycoat Street, the rear extension will be adjacent to its windows (rather than in front of them), which will mean that massing will be seen at more oblique angles in the rooms there. Further, most rear windows at 33 Greycoat Street serve bedrooms and hallways (with the main living space of most of the flats facing toward Rochester Row or Greycoat Street).

The increased bulkiness at roof level will also be apparent from both 31 and 33 Greycoat Street. However, these elements will be set back from the building line, reducing the enclosure impact than would otherwise be the case. Overall therefore, while the rear courtyard will be further enclosed, given the position of the extensions, given the scale of the extensions, given the existing enclosure in the courtyard and given the likely layouts of the adjacent flats, it is not considered that the overall living environments of the flats will suffer an unduly oppressive living environment as a result of the development.

For the residents in opposing buildings on Rochester Row and Greycoat Street, the impact will be from the increased bulk at third, fourth and roof levels. The distance between the buildings on either side of Rochester Row is approximately 16.5 metres and the distance on Greycoat Street 15.5 metres, which is a relatively sizable distance. Given this, and that the additional bulk will be no closer than the existing lower floors of the building, and that the overall height of the building is not significantly higher than the existing, there will not be a detrimental enclosure impact to these residents.

In relation to those within 27 Greycoat Street, which adjoins the site to the south, the windows there do not look toward the proposed extensions and therefore there will not be a harmful impact on the residents there.

Overlooking and Noise from Roof Terraces

The proposal includes two small roof terraces at fourth floor level, one facing Rochester Street and another facing Greycoat Street, a larger roof terrace a floor above around the pavilion structure. The new building will also contain additional windows, including rear windows closer to neighbours than those which already exist. This will create additional opportunities for the workers at the application building to overlook the neighbours. Two

neighbouring residents have objected on the grounds the roof terraces will harm the enjoyment of their homes in terms overlooking and noise disturbance.

As explained above, 31 and 33 Greycoat Street are the closest buildings that contains residents. In terms of the roof terraces, the impact on these residents could be from the use of the main roof level as a roof terrace. However, this roof terrace will be set back from the edge of the courtyard, which lessens the potential views people on the terrace will be able to obtain. The edge of the terrace along the courtyard will include planting of approximately 2 metres in depth. Similarly, this is implemented for this roof terrace, and the other roof terraces, with a set back and planting in front on both Rochester Row and Greycoat Street where opposing neighbours are located. This will help alleviate the overlooking impact on these neighbours. The applicant has provided additional drawings to help demonstrate this. In any case, those on the opposing sides of the street are a relatively distant, which will also help alleviate the harmful overlooking.

In relation to the rear extension and the closer windows which will be installed, the applicant has proposed the use of vertical slats to the windows to help reduce the level of overlooking. The applicant has analysed the potential overlooking impact from these windows which assess the potential impact. Given the slats proposed, and that the new windows replace existing ones with a similar view (albeit approximately 5.5 metres further back), it is not considered the impact will be detrimental to the occupiers of those flats.

In terms of noise disturbance, roof terraces used in connection with offices are not generally used at anti-social times, and so the roof terraces are unlikely to give rise to a significant impact on neighbours in terms of noise. Although, the applicant had originally proposed to be allowed to use the terraces late into the evening because there may have been infrequent occasions that the occupiers would have wished to use the terraces outside of normal office hours. As noted by Environmental Health and commenters on the application, this would have been harmful to neighbours, and so the applicant has reduced the proposed hours of use of the terrace to between 08:00 and 20:00 Monday to Friday and 08:00 and 18:00 on Saturday. Environmental Health now agrees these times, and the other proposed management of the terraces, will mean neighbours are not unduly harmed in terms of noise. In order to ensure that this is the case conditions are recommended in order to ensure these hours and to ensure that no music is played on the roof terrace.

Noise & Vibration from Plant Equipment

City Plan Policies 7 and 33 seek to manage amenity and environmental impacts in the city, including in relation to noise and vibrations from plant equipment. The City Council's Environmental SPD sets out criteria for which noise and vibration impacts should be considered against.

The application includes plant equipment to be located in in parts of the basement and at roof level. The application includes an acoustic report which the Environmental Health team have assessed. Environmental Health raises no objection to the proposal, subject to conditions which are recommended on the draft decision notice to control these aspects of the development.

Light Pollution

City Plan Policy 33 requires development to be designed to minimise the detrimental impact of glare and light spill on local amenity, biodiversity, highway and waterway users. In this case, to ensure the external lighting, principally on the roof terraces, does not cause harm to neighbours of the local environmental quality, a condition is recommended to ensure a lighting strategy is submitted to and approved by the City Council.

Impact on Non-Residential Buildings

The Church of St Stephen and Burdett Coutts School on Rochester Row and Rochester Street respectively are non-residential buildings. While these uses will have a lower expectation that their natural light, privacy and outlook is protected as compared to residential flats, development could still impact their amenity.

The applicant's daylight and sunlight report assessed the impact on these buildings. The school will experience some breaches of the VSC and NSL measures at ground and first floor levels. The daylight and sunlight report notes that there is an internal mezzanine level, which creates low ceilings and small windows which therefore mean the windows are more sensitive to changes. The report also notes absolute VSC changes are also relatively low. In terms of sunlight, there would be no breaches. While the losses in daylight to the school indicates the impact could be noticeable, the lower floors of this school appear to already rely upon artificial lighting in the rooms at ground and first floors – this is because of the small windows, deep rooms and existing poor levels of light. Given lighting will be used most of the time anyway, it is unlikely that students or staff will notice a significant difference as a result of the development.

In relation to the church, one window/ room will experience a loss in daylight in excess of BRE guidelines for both the VSC and NSL measure. It is the smaller of the two arched windows which face the development site, which serves a chapel. The larger arch window, to the main part of the church, will not experience a loss in excess of BRE guidelines. There will be no breaches in terms of sunlight. Given the larger window, which is to the chancel, will not suffer a loss in excess of BRE, and that other windows to the nave will also be unaffected, the overall lighting environment of the church will not be noticeably different.

In relation to privacy, enclosure and noise, for the reasons set out above in relation to the other properties on opposing sides of the street to the development, it is not considered that the development will have an unduly negative impact on the school or church in these respects.

9.6 Transportation, Accessibility & Servicing

Accessibility

City Plan Policy 38 states that all development will place people at the heart of design, creating inclusive and accessible spaces and places.

The existing and proposed building allow level access to all floors. However, the main

entrance is to be significantly improved. Currently, the main entrance includes steps, and so those requiring level access must use a secondary entrance adjacent to the main entrance which includes a ramp. Inclusive design should ensure that everyone can use the same entrance wherever possible. The new entrance achieves this. To deal with the level change, the new relocated entrance and reception area includes an incline which leads up to the lifts. This is a significant improvement over the existing arrangement and is welcomed. It also removes the undercroft where the applicant and neighbours have reported anti-social behaviour occurring.

Servicing

City Plan Policy 29 and London Plan Policy T7 expect off-street servicing to be provided in new developments. In this case, the existing building is serviced on-street. While there is vehicular access to the courtyard from Greycoat Street, this area is currently used for car parking and not servicing. The applicant explains that there is a headroom restriction of 2 metres into the courtyard and therefore does not allow vans to enter the site.

The application proposes to maintain the existing on-street servicing arrangement. The Highway Planning Manager raises some concern regarding this, noting that a larger building will mean that the servicing activity will increase. However, to create a usable off-street servicing area via the existing access road, the applicant would need to propose the alteration (or potential removal of) an existing residential flat within Stockton Court which is above the vehicle entrance – but Stockton Court is outside of the scope of the application, and in any case, such a proposal could have unacceptable implications in other respects. Other conceivable changes to create an alternative access would likely require significantly more intervention into the building (and could require increased demolition).

Given that the existing building is serviced on-street, and the application is supported by a draft Servicing Management Plan which outlines how the extended and altered building could be serviced successfully on-street, which includes some freight consolidation and outlines processes which the Highway Planning Manager welcomes, the lack of off-street servicing is not opposed in this instance – subject to a condition to ensure a final Servicing Management Plan is submitted to and approved by the City Council.

Waste & Recycling Storage

City Plan Policy 37 requires development to provide appropriate facilities for the storage of separate waste streams which are safe and convenient. The application includes details of a waste and recycling store at basement level, and an operation waste plan. These stores will ensure that waste is not left out on the highway, and are therefore welcomed. However, the drawings do not include labels for the individual bins within the store, as required by the Council's waste storage guidance, and therefore a condition is recommended to ensure that drawings are provided which show this.

Cycling & Cycle Storage

London Plan Policy T5 and Chapter 8 of the London Cycle Design Standards (LCDS) set cycle parking standards. In terms of long-stay cycle parking, were the building entirely

new, the London Plan would require 90 spaces for the building. Although, considering just the uplift in office floorspace (which reasonably ought to be the floorspace the standards are applied to) the requirement is 12 spaces. The applicant proposes 91 spaces. The Highway Planning Manager is concerned about the provision of 9 of these spaces being for folding bicycles, preferring to see these be spaces for normal bicycles. However, given the proposal exceeds the standards, it must be supported in terms of long stay cycle parking.

In terms of short stay cycle parking spaces, four spaces are required and the applicant proposes these on-street. The Highway Planning Manager queries why these cannot be provided for on-site, however a short-stay space ought to be available for visitors without the need for a security pass and given there is no outside space except within the courtyard, which requires a security pass to enter, it is understandable why the applicant cannot provide these on site. Therefore, it is recommended that the legal agreement includes provision for additional on-street spaces to be provided in the vicinity of the building.

Car Parking

The existing building includes off-street car parking for the offices within the courtyard (alongside the existing residential car parking spaces). The proposal will remove the office car parking spaces, except for a disabled person car parking bay, and will retain the residential car parking spaces. The applicant's submission is supported by details demonstrating that the existing residential car parking area will still be accessible to the residents cars.

The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those on-street parking controls. The impact of the development on parking levels within the area will be minimal and a car parking free development (except for a disabled persons car parking bay) is consistent with City Plan Policy 27 and London Plan Policy T6.1.

Building line and Other Highway Alterations

The new relocated entrance to the office building will be moved to an area directly in front of an existing Electric Vehicle Charging Point located on the pavement on Rochester Row. This charger already restricts the pavement, and it would be unsafe to allow a new entrance in in front of it while it remains in that position. Therefore, the charging point will be relocated, and the legal agreement will require the developer to take on the cost for this to happen. Because the proposal involves alterations to the building's facades and building line, the legal agreement is also required to ensure dedication as highway the small area where the building line is set back from the existing line.

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.

Based on the assumption of 11.3 sqm GIA per employee (as set out in the GLA published London Employment Sites Database 2021 report), the new office floorspace proposed is expected to generate 78 jobs. The increase in jobs supported by this site will help to promote opportunities for local employment and will lead to increased spending in existing nearby shops and services and other town centre uses.

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

The NPPF identifies that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 57 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Having regard to the tests set out above, the following planning obligations are considered to be necessary to make the proposed development acceptable in planning terms and are to be secured via a S106 legal agreement, as set out in the officer recommendation in Section 1:

- a) Undertaking of all highway works immediately surrounding the site required for the development to occur prior to occupation of the extensions, including the relocation of the existing on-street Electric Vehicle Charing Unit outside the building on Rochester Row and the provision of a minimum of 4 on-street cycle parking stands in the vicinity of the development. All of the above to the Council's specification and at full cost (administrative, legal and physical) of the developer.
- b) Dedication as highway of the area where the building line is set back from the existing line prior to occupation of the extensions, and subject to a detailed plan of the area and any minor alterations, all as agreed with the Council and at full cost of the developer.

The estimated Westminster CIL payment is £132,600, whilst the estimated Mayoral CIL payment is £163,540. Note that these figures exclude any discretionary relief or other exemptions that may apply and are estimates based on the floorspace identified in the submitted drawings and documents. The actual CIL liability will be calculated by our CIL & S106 Team post determination of the application using the process set out in the Community Infrastructure Levy Regulations 2010 (as amended).

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 condition relating to a biodiversity details and management plan. The applicant has agreed to the imposition of the conditions.

10. Conclusion

As set out in this report, the proposals will result in numerous public benefits. These include:

- The provision of additional office based jobs, helping Westminster meet its targets for jobs growth target as set out in the City Plan.
- The provision of upgraded office floorspace to help better meet the needs of modern office occupiers, including provision of amenity spaces and upgraded facilities such as cycle parking.
- Improved environmental performance of the building, reducing operational carbon emissions that will be associated with the building, while also minimising upfront carbon emission associated with the development through the retention of much of the existing structure.
- Improved greening and biodiversity, which will also help mitigate surface water flood risk through rainwater attenuation.

The proposals will not cause harm to the setting of heritage assets, and the altered and extended building will have an acceptable appearance. However, there will be some impact on adjacent occupiers given there will be some impact on the lighting conditions for those residents who reside within the flats at 31 and 33 Greycoat Street, as well as some increase in a sense of enclosure. However, for the reasons set out in this report, those impacts are not considered significant enough to warrant refusal on those grounds. With appropriate management of the roof terraces, and the set backs the applicant has proposed, it is not considered that the roof terraces will be detrimental to neighbours in terms of overlooking or noise disturbance.

Overall, this report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has also considered the weight to be attributed to the public benefits and harm that would arise from the scheme. Having regard to this assessment, it has found that the proposed development is acceptable.

Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021. It is recommended that planning permission is granted, subject the conditions listed at the end of this report and the legal agreement as set out above, which are necessary to make the development acceptable.

(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: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk

11. KEY DRAWINGS



Computer generated images of proposed development





View along Rochester Row (existing above, proposed below)





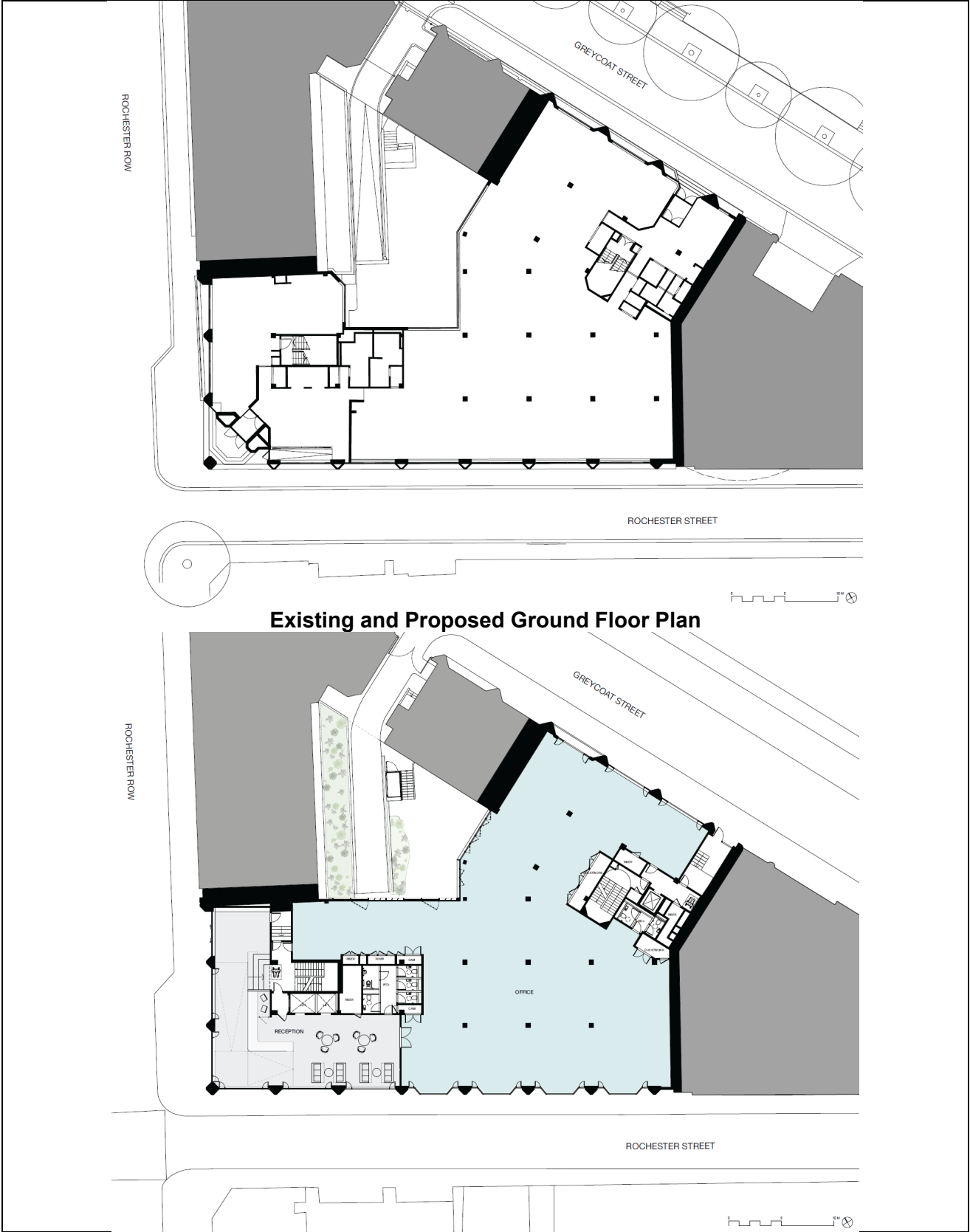
View along Greycoat Street (existing above, proposed below)





View along Rochester Street (existing above, proposed below)









1 Existing Rochester Row (West) Elevation
Scale: 1/100

Existing and Proposed Rochester Row Elevation



1 Proposed Rochester Row (West) Elevation
Scale: 1/100



1 Existing Rochester Street (South) Elevation
Scale: 1/100

Existing and Proposed Rochester Row Elevation



1 Proposed Rochester Street (South) Elevation
Scale: 1/100

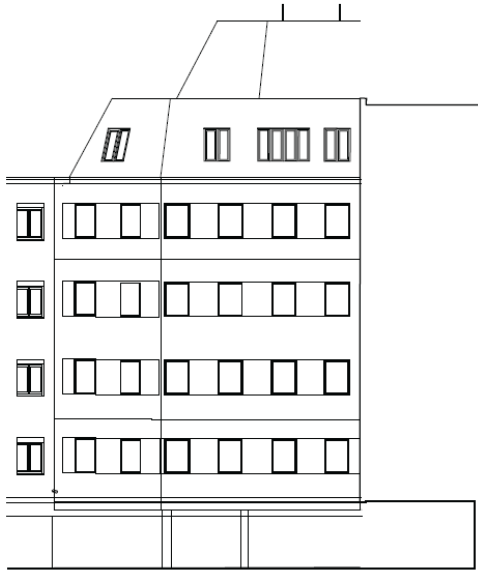


1 Existing Greycoat Street (North) Elevation
Scale: 1/100

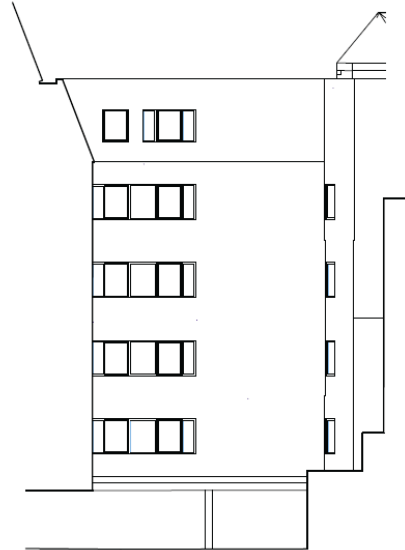
Existing and Proposed Greycoat Street Elevation



1 Proposed Greycoat Street (North) Elevation
Scale: 1/100

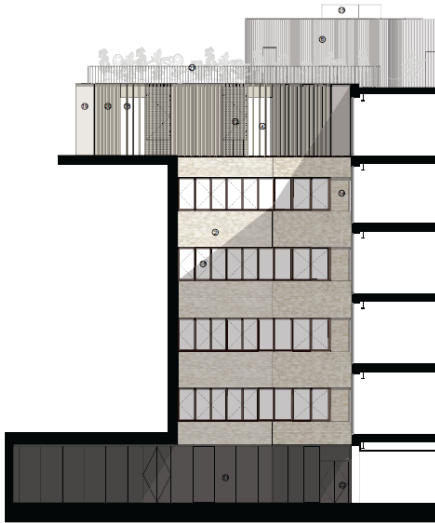


1 Existing Courtyard (West) Elevation
Scale: 1:100

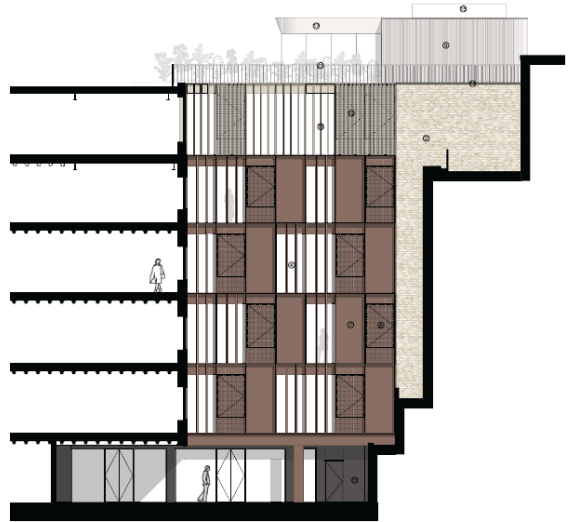


2 Existing Courtyard (North) Elevation
Scale: 1:100

Existing and Proposed Courtyard Elevations



1 Proposed Courtyard (West) Elevation
Scale: 1:100



2 Proposed Courtyard (North) Elevation
Scale: 1:100

DRAFT DECISION LETTER

Address: 17 - 19 Rochester Row, London, SW1P 1JB

Proposal: Refurbishment, alteration and extension of the existing Class E building to include erection of a rear infill, replacement of fourth floor and erection of new roof pavilion, provision of external roof terraces, provision of plant equipment, altered façade and other associated external works.

Reference: 23/05475/FULL

Plan Nos: Site Plans; Location Plans.

Existing Drawings:

1198_PL_EX-B1 rev P1; 1198_PL_EX-00 rev P1; 1198_PL_EX-01 rev P1;
1198_PL_EX-02 rev P1; 1198_PL_EX-03 rev P1; 1198_PL_EX-04 rev P1;
1198_PL_EX-05 rev P1; 1198_PL_EE-01 rev P1; 1198_PL_EE-02 rev P1;
1198_PL_EE-03 rev P1; 1198_PL_EE-04 rev P1; 1198_PL_EE-10 rev P1;
1198_PL_EE-11 rev P1; 1198_PL_EE-12 rev P1; 1198_PL_ES-AA rev P1.

Demolition Drawings:

1198_PL_DE-B1 rev P1; 1198_PL_DE-00 rev P1; 1198_PL_DE-01 rev P1;
1198_PL_DE-02 rev P1; 1198_PL_DE-03 rev P1; 1198_PL_DE-04 rev P1;
1198_PL_DE-05 rev P1; 1198_PL_DE-10 rev P1; 1198_PL_DE-11 rev P1;
1198_PL_DE-12 rev P1; 1198_PL_DE-13 rev P1.

Proposed Drawings:

1198_PL_GA-B1 rev P1; 1198_PL_GA-00 rev P1; 1198_PL_GA-01 rev P1;
1198_PL_GA-02 rev P1; 1198_PL_GA-03 rev P1; 1198_PL_GA-04 rev P1;
1198_PL_GA-05 rev P1; 1198_PL_GA-RF rev P1; 1198_PL_GE-01 rev P1;
1198_PL_GE-02 rev P1; 1198_PL_GE-03 rev P1; 1198_PL_GE-04 rev P1;
1198_PL_GE-10 rev P1; 1198_PL_GE-11 rev P1; 1198_PL_GE-12 rev P1;
1198_PL_GS-AA rev P1; 1198_PL_SK-11 rev P2.

Documents:

Operation Waste Management Strategy dated August 2023; Acoustic Technical Note dated 12 November 2023; Operation Management Plan for roof terraces dated November 2023; Drainage Strategy Report dated 18 December 2023 and response to LLFA dated 18 December 2023; Flood Risk Assessment dated 1 August 2023; Flood Warning and Evacuation Plan dated 4 August 2023.

Documents for information only:

Design and Access Statement dated 3 August 2023; Heritage, Townscape and Visual Impact Assessment dated August 2023; Planning Statement dated August 2023; Circular Economy Statement dated July 2023; Energy Statement dated July 2023; Sustainability Statement dated July 2023; BREEAM pre-assessment; Daylight and Sunlight Report dated 26 July 2023; Transport Assessment dated August 2023; Archaeological Desk-based Assessment dated 31 July 2023; Fire Strategy dated 4 August 2023; Statement of Community Involvement dated August 2023; Structural Methodology Statement dated 2 August 2023; Indicative Planting Strategy dated

July 2023; Draft Append A checklist.

Case Officer: Joshua Howitt

Direct Tel. No. 07866038007

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

Reason:

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

- 6 Notwithstanding the approved drawings and documents, you must apply to us for approval of further information about the following parts of the works:

- Detailed design of new maintenance access at the roofs of the plant and staircase / lift enclosure to the rear of the roof and the access and community room enclosure to the front of the roof.

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

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 structures such as canopies, fences, loggias, trellises or satellite or

radio antennae on the roof terraces, unless these are shown on the approved drawings

Reason:

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

- 8 You must use the premises only as offices. You must not use them for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended in September 2020 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted Class E use because a loss of office accommodation in this location would undermine the provision of an appropriate mix of uses that support the vitality, function and character of the Central Actives Zone and the Victoria Opportunity Area. The office accommodation also contributes to meeting the business and employment needs of the City. An unrestricted Class E could also harm the amenity of neighbouring occupiers, local environmental quality and the highway network. This would not meet Policies 1, 2, 4, 13, 16, 28, 29 and 33 of the City Plan 2019 - 2040 (April 2021).

- 9 You must carry out the measures included in your roof terrace management plan dated November 2023 at all times that the extensions are in use.

Reason:

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

- 10 No music shall be played within the building such as to be audible outside the premises. No music shall be played on the roof terraces.

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)

- 11 The roof terraces shall only be used between 08:00 and 20:00 hours Monday to Friday and between 08:00 and 18:00 on Saturdays, and you must ensure no more than 40 persons (total) occupy them at any one time.

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)

- 12 You must apply to us for approval of a lighting strategy for any external lighting, including timings. You must not turn on any external lighting until we have approved

what you have sent us. You must then only use the external lighting in accordance with the approved lighting strategy.

Reason:

To ensure a satisfactory appearance and to minimise light pollution to neighbouring residents, as set out in Policies 7, 33, 38, 39 and 40 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 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)

- 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 plant/machinery hereby permitted shall not be operated except between 07:00 hours and 23:00 hours daily. (C46CA)

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the Environmental Supplementary Planning Document (February 2022). (R46CC)

- 16 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 13 to 15 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

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. (R51BC)

- 17 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).

- 18 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the building. (C14ED)

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

- 19 All areas for servicing within the building, including holding areas, access corridors and the service lift in the loading area, must be retained for this purpose for the life of the development and used for no other purpose.

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)

- 20 You must apply to us for approval of a Servicing Management Plan prior to the occupation of the building hereby approved. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. The approved Servicing Management Plan shall be adhered to thereafter unless an alternative Servicing Management Plan is submitted to and approved by the City Council.

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)

- 21 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated 03 August 2023 before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R20AD)

- 22 The development hereby approved shall achieve a BREEAM rating of 'Excellent' or higher or an equivalent independent measure of energy performance and sustainability. Where the performance of the development is measured using BREEAM, it shall achieve not less than the total credits for each of the Energy, Materials and Waste categories in the BREEAM Pre-Assessment hereby approved.

A post completion certificate (or equivalent certification) confirming that the development has been completed in accordance with the required BREEAM rating and has maintained or exceeded the approved total credit scores for each of the Energy, Materials and Waste categories, shall be submitted to us for our approval within six months of first occupation of the development. (C44BC)

Reason:

To ensure the development minimises operational carbon dioxide emissions and achieves 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). (R44BE)

- 23 A. You must apply to us for approval of a feasibility study exploring whether the development can support the inclusion of additional photovoltaic panels. You must not start occupying the extensions until we have approved what you have sent us.

B. If the study approved under part A. indicates the installation of additional photovoltaic panels is feasible, you must apply to us for approval of detailed drawings, sectional drawings and other information to demonstrate the additional photovoltaic panels will not harm the appearance of the building or townscape. You must then must provide, maintain and retain the additional photovoltaic panels as approved before you start occupying the extensions.

Reason:

To make sure that the development provides the maximum amount of environmental sustainability features feasible and 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 36, 38 and 40 of the City Plan 2019 - 2040 (April 2021).

- 24 The development hereby approved shall be constructed to achieve or exceed the BREEAM 'Excellent' standard for the 'Wat 01' water category or equivalent.

Reason:

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

- 25 **Pre Commencement Condition.** You must apply to us for approval of details of a biodiversity management plan in relation to green roof and terrace planting. You must not start any work until we have approved in writing what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building. (C43CA)

Reason:

To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

- 26 The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. a timetable for its implementation
- II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect.
- III. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect.
- IV. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason:

To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 35 of the City Plan.

- 27 Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 28. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the

findings submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy 35 of the City Plan.

- 28 All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated 18 December 2023, Ref. P451300-WW-XX-XX-RP-C0002 P03), unless otherwise first approved in writing by the Local Planning Authority.

Reason:

To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 35 of the City Plan.

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 Please be advised that any details submitted to discharge condition 6 must include any access ladders to the sides of these structures to allow maintenance workers onto the roofs, in addition to fall protection at the edges of the roofs of these enclosures. Any submitted details will need to demonstrate that the fall protection atop the roof enclosures is not visible in surrounding high level views and does not result in high level visual clutter. Ideally, it should be formed of fold-down, fold-up and lock in place railings and / or a clip-in man safe system to ensure this.
- 4 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 5 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
- * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to

be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 6 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
- * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
- * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
- * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
- * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 8 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.

- 9 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).
- 10 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.
- 11 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.
- 12 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that

has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 13 This permission is governed by a legal agreement under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- a) Undertaking of all highway works immediately surrounding the site required for the development to occur prior to occupation of the extensions, including the relocation of the existing on-street Electric Vehicle Charing Unit outside the building on Rochester Row and the provision of a minimum of 4 on-street cycle parking stands in the vicinity of the development. All of the above to the Council's specification and at full cost (administrative, legal and physical) of the developer.
 - b) Dedication as highway of the area where the building line is set back from the existing line prior to occupation of the extensions, and subject to a detailed plan of the area and any minor alterations, all as agreed with the Council and at full cost of the developer.
 - c) The costs of monitoring the S106 agreement.

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

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Agenda Item 5

Item No.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 23 January 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Knightsbridge & Belgravia	
Subject of Report	Flat 30, Chelsea Gate Apartments, 93 Ebury Bridge Road, London, SW1W 8RB		
Proposal	Erection of a single storey extension on the fifth floor terrace area of the existing duplex residential apartment.		
Agent	Mr Richard Shaw		
On behalf of	Mr. & Mrs. Mark & Victoria Western		
Registered Number	23/04689/FULL	Date amended/ completed	17 July 2023
Date Application Received	7 July 2023		
Historic Building Grade	Unlisted		
Conservation Area	Outside		
Neighbourhood Plan	No		

1. RECOMMENDATION

1. Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

Chelsea Gate Apartments is an unlisted building located outside of a conservation area. Built in the late 1990s the building comprises of residential flats. The application proposal relates to Flat 30, which is arranged over fifth and sixth floor level of Chelsea Gate Apartments. The proposed extension is located on part of an existing terrace, which overlooks the communal garden of Gatliff Close, which serves residential flats.

The key considerations in this case are:

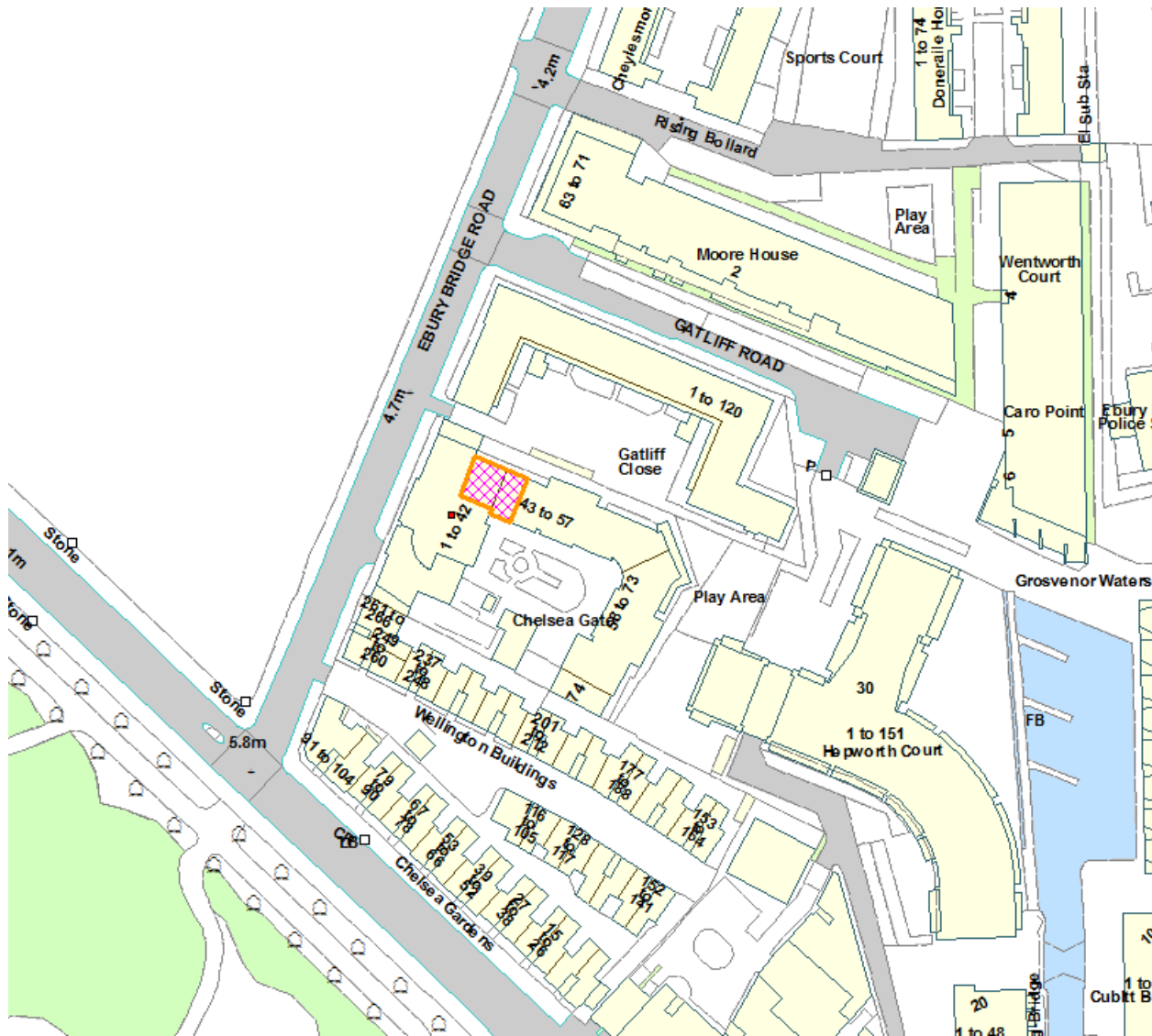
- The impact on residential amenity.
- The impact of the proposed extensions on the character and appearance of the building and

wider conservation area.

Objections have been received from and on behalf of residents within Gatliff Close, concerning loss of light to windows within the flats and to the existing communal garden area.

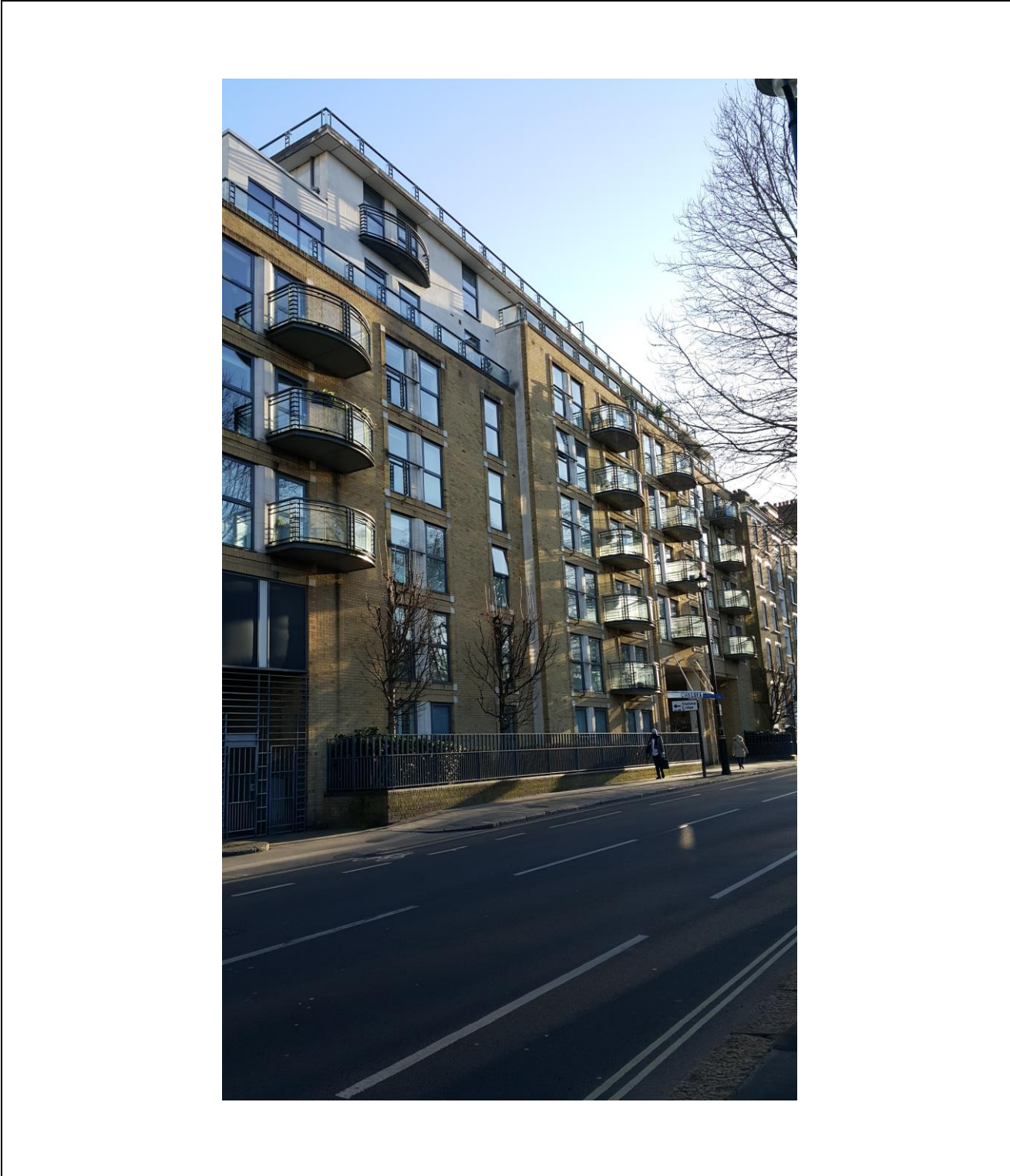
As set out in this report the proposed development would accord with relevant policies in the City Plan (2021). The application is therefore recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

FIRE HEALTH AND SAFETY:

Satisfied with the fire safety design relating to the project description to the extent that it affects land use planning.

WESTMINSTER SOCIETY:

Any comments to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 188.

Total no. of responses: 2

No. of objections: 2.

No. in support: 0

Amenity

- Loss of light to the opposing flats and communal garden space at Gatliff Close.

SITE NOTICE and PRESS NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The Council's Early Community Engagement Guidance (February 2022) encourages developers to communicate with local stakeholders and communities through online or leaflet methods. 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) (September 2023) 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 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 (September 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

Chelsea Gate Apartments is located on Ebury Bridge Road, adjacent to Gatliff Close and Grosvenor Waterside, and opposite Chelsea Barracks. The building is within close proximity to the boundary with the Royal Borough of Kensington and Chelsea.

Built in the late 1990s the building comprises of residential flats. The application proposal relates to Flat 30, which is arranged over fifth and sixth floor level and has access to its own roof terrace at fifth floor level. The application site overlooks the communal garden and residential flats of Gatliff Close.

The building is not listed and is located outside of a conservation area.

7.2 Recent Relevant History

18/06817/FULL: Erection of single storey extension at fifth floor level to Flat 36 granted conditional permission on the 30 November 2018.

01/04850/FULL: Erection of an extension on roof terrace at fifth floor level granted conditional permission on the 8 November 2001.

8. THE PROPOSAL

Planning permission is sought for the erection of a single storey extension on part of the fifth-floor terrace area of the existing flat.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Policy 8 (Housing Delivery) of the City Plan 2019-2040 (April 2021)

The proposal seeks to provide additional residential accommodation. In land use terms there is no objection to the new extension in terms of providing additional residential floorspace.

9.2 Townscape, Design & Heritage Impact

Legislative & Policy Context

Key considerations in assessing the proposals will be impact upon the appearance of the building and the surrounding area. The proposals are assessed against the National Planning Policy Framework (NPPF 2023), specifically Chapter 12, as well as policies 38 and 40 of Westminster's City Plan 2019-40 (April 2021).

Chapter 12 (Achieving well-designed places) emphasises the need for development to be sympathetic to the local character and surrounding built environment and landscape setting.

Policy 38 Design Principles (A) states that new development will incorporate exemplary standards of high quality, sustainable and inclusive urban design....(B) respond to Westminster's context by positively contribution to Westminster's townscape and streetscape.

Policy 40 Townscape and Architecture, states that (A) Development will sensitively designed, having regard to the prevailing, scale, heights, character, building lines and plot widths, materials, architectural quality, and degree of uniformity in the surrounding townscape. (B) goes on to state that: Spaces and features that form an important element in Westminster's local townscape or contribute to the significance of a heritage asset will be conserved, enhanced and sensitively integrated within new development.

The design of the proposed extension is similar to the extension approved to Flat 36 in 2018 (18/06817/FULL). The proposed extension is a single storey extension onto the existing fifth floor terrace area serving Flat 30. The proposed extension will be formed in stonework to match the existing building, and will be relatively modest measuring 4.9m x 4.7m x 3m. It will incorporate a glazed skylight and aluminium framed doors onto the existing terrace area. The extension will be set in approximately 0.4m from the edge of the roof and would retain approximately 5m depth of the terrace area.

Given the proposed materials would match the existing elevation at fifth floor level and given the modest scale of the extension, it will not have an adverse impact on the character and appearance of the building and is considered acceptable in design terms.

9.3 Residential Amenity

Policy 7 (Managing development for Westminster's people) states that development will be neighbourly by (A) Protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Two objections have been received from residents of Gatliff Close on the grounds that the proposed extension will cause a loss of light to the lower ground floor flats and to the communal garden space.

Daylight & Sunlight

The side elevation of Chelsea Gate Apartments fronts onto the communal garden space of Gatliff Close. Gatliff Close is a residential block of flats, which wraps around the communal garden space. The flats are arranged over five levels, with the front entrances to the building overlooking the communal garden space. The entrances to the flats are off walkways and each flat has a single window to one side of the entrance door. The walkway at each level is protected by the balcony overhang above and metal railings. The lower ground floor flats are located at a half level, with the upper most part of the flat at the same level as the communal garden and are set back from the communal garden by a walkway with fencing to the perimeter the communal garden in front of the lower ground floor flats.

The distance between the side elevation of Chelsea Gate Apartments and the rear elevation of Gatliff Close is approximately 28m. The distance between the top of the proposed extension to the lower ground and ground floor elevation of Gatliff Close are approximately 34m and 33m away respectively. The applicant has submitted a drawing to show the relationship between the proposed extension and the windows of Gatliff Close facing the application site so that this relationship can be better understood.

During the course of the application, the applicant also provided a daylight and sunlight report which has assessed 15 windows located directly opposite the proposed extension in Gatliff Close. The report assesses the impact on these properties against the Vertical Sky Component (VSC) measure of daylight and Annual Probable Sunlight Hours (APSH) measure of sunlight. These are measures included in Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice".

In terms of daylight, the VSC measures the amount of daylight reaching the outside face of a window. Under this method, a window achieving a VSC value of 27% is well lit. If, because of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss could be noticeable. The report has not assessed the No Sky Line (NSL) measure of daylight, which is another measure of daylight.

In terms of Sunlight, it is influenced by orientation (north facing windows will rarely receive sunlight) and so only windows with an orientation within 90 degrees of south are assessed. BRE guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be reduced by 20% or more of their previous value in each period.

Of the windows assessed, none would suffer levels of light loss in excess of the BRE 20% threshold for the VSC and APSH measures. This indicates that the windows will not experience a noticeable loss of daylight or sunlight (which is to be expected given modest size of the proposed extension and distance to it). Notwithstanding these results, the windows affected are unlikely to be the main habitable space (i.e. living rooms) of the flats. It is understood that the flats are laid out such that the kitchens (along with the front doors of the flats) face toward the communal garden and proposed extension.

In relation to overshadowing of the communal gardens, while it could have been helpful

if the applicant's report had assessed this, given the modest size of the extension, given the context of the existing building and given the distance between the Chelsea Gate Apartments building and Gatliff Close, it is evident that there will not be a significant impact on the communal area. Because Gatcliff Close lies to the north of Chelsea Gate Apartments, that building already overshadows the communal garden but the addition of this modestly size extension, which is set back and behind a parapet, will not detrimentally worsen this impact.

Sense of Enclosure

The extension is set in approximately 0.4m from the edge of the parapet and is located approximately 28m from the building face of Gatliff Close. The proposed extension will occupy part of the existing terrace area but would retain half of the existing terrace nearest to the neighbouring window (approximately 6m away), which is located on the same level as the application site. Given the location and distances involved the proposed extension will not cause a material sense of enclosure to the adjoining flats.

Privacy

There are no windows on the side elevation of the new extension which could overlook the communal gardens or the flats within Gatliff Close. The extension is located on part of the existing terrace and is located approximately 6m from the window within the adjoining flat. The proposed extension would therefore not cause a material loss of privacy or overlooking.

9.4 Economy including Employment & Skills

The development is of insufficient scale to require an employment and skills plan.

9.5 Other Considerations

None.

9.6 Environmental Impact Assessment

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

9.7 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

The proposed extension provides a modest addition to the existing flat. This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has also

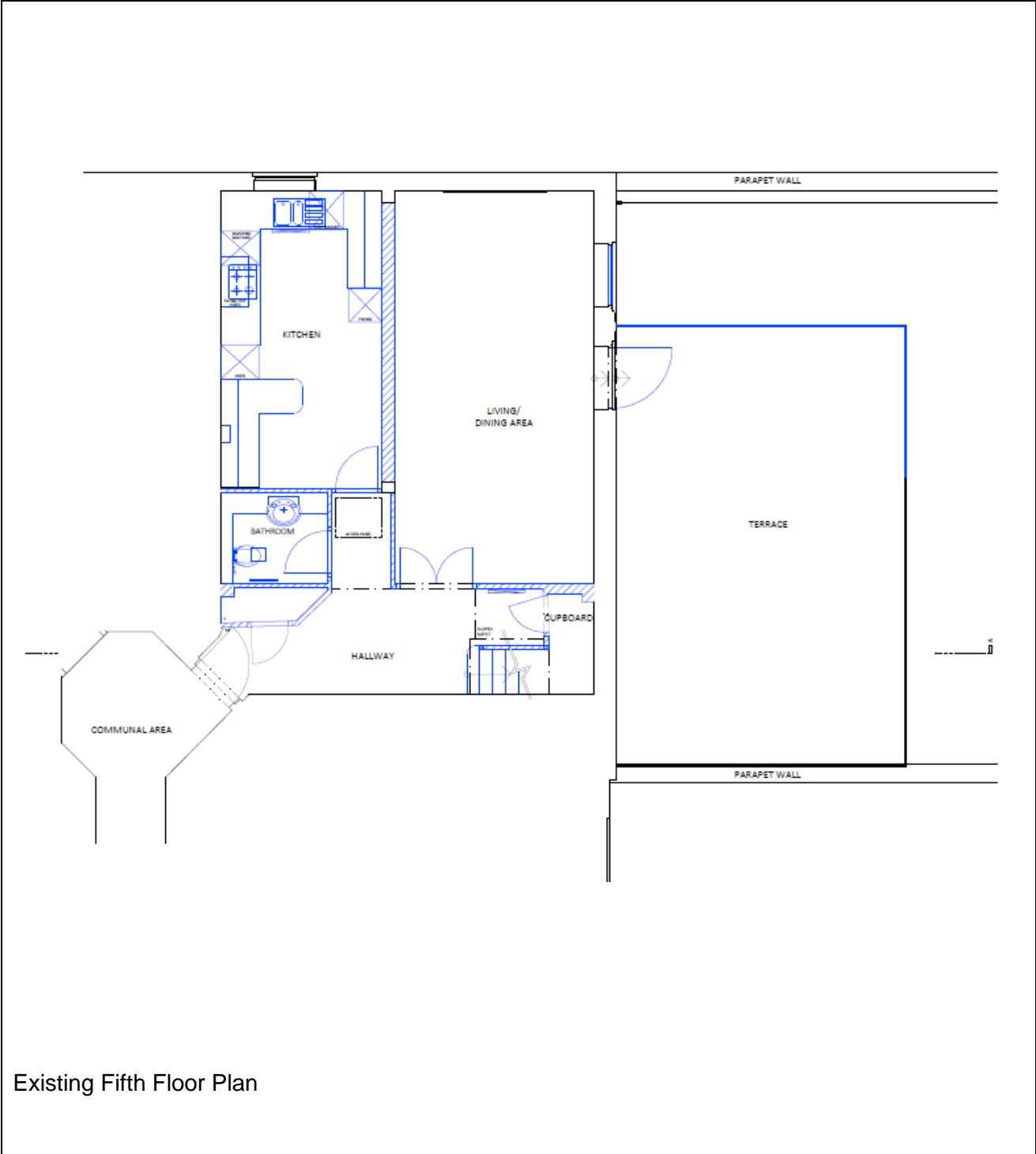
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considered the weight to be attributed to the public benefits and harm that would arise from the scheme. With regard to this assessment, it has found that the proposed development is acceptable.

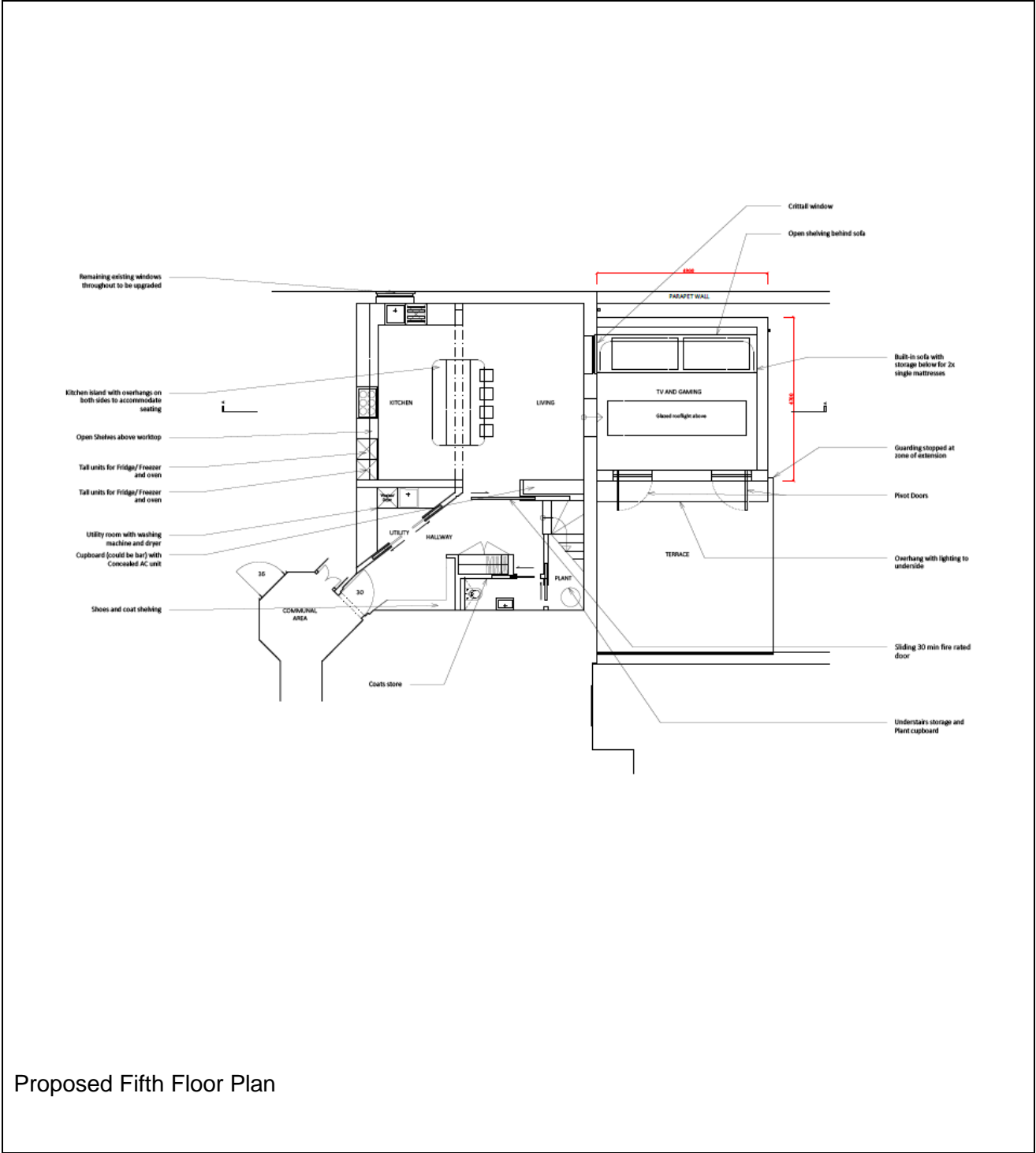
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JOSHUA HOWITT BY EMAIL AT JHOWITT@WESTMINSTER.GOV.UK

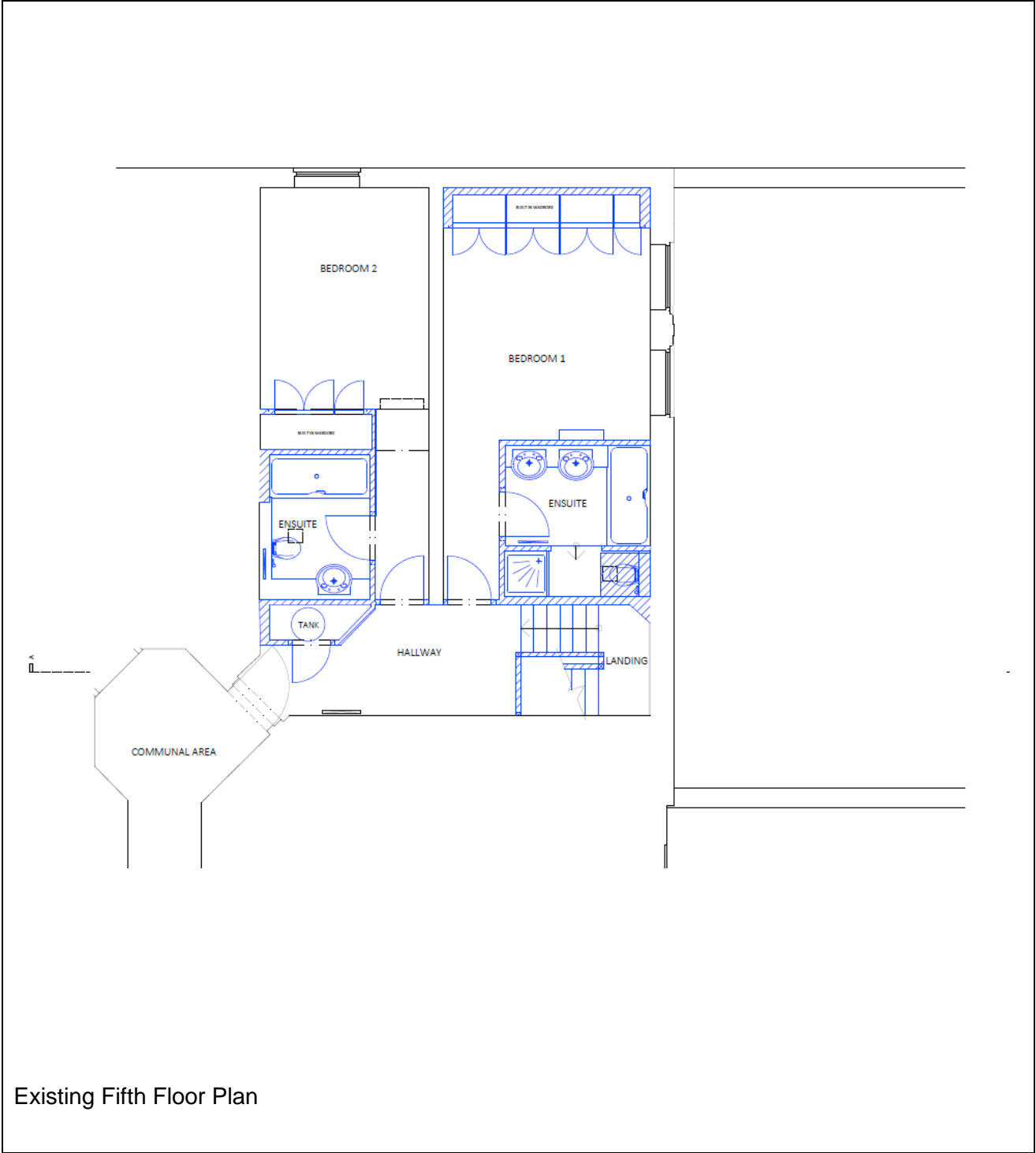
11. KEY DRAWINGS



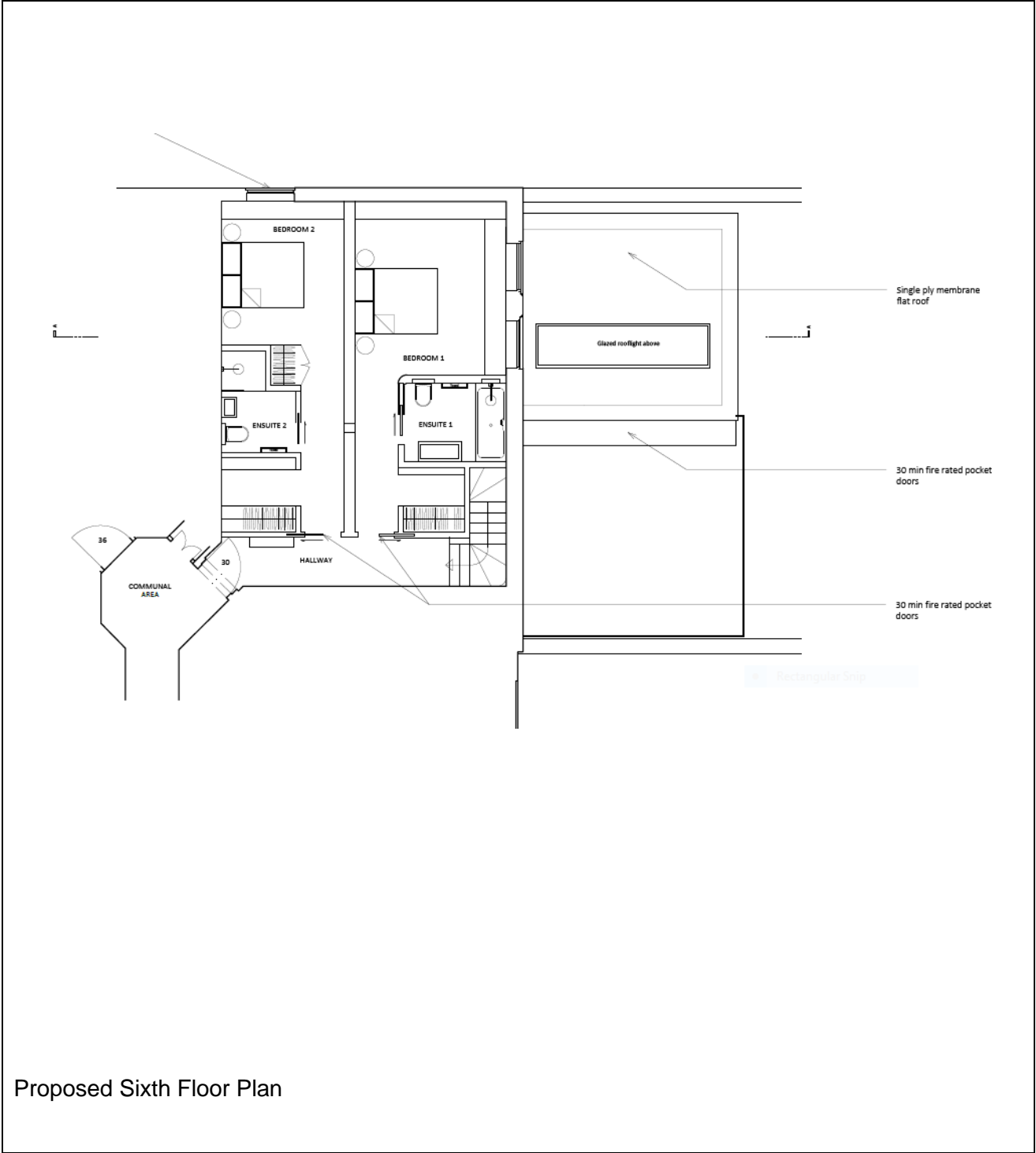
Existing Fifth Floor Plan



Proposed Fifth Floor Plan

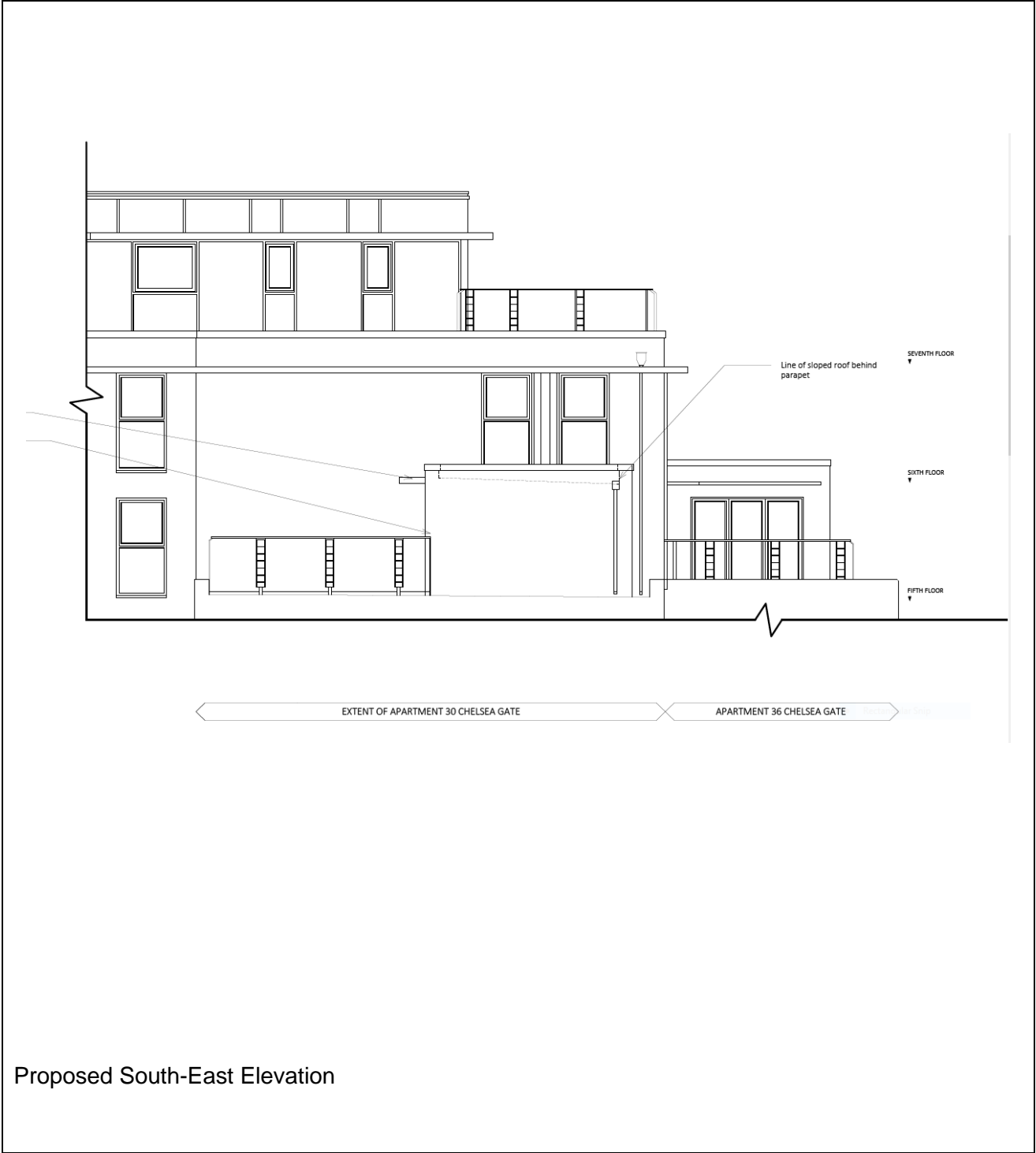


Existing Fifth Floor Plan

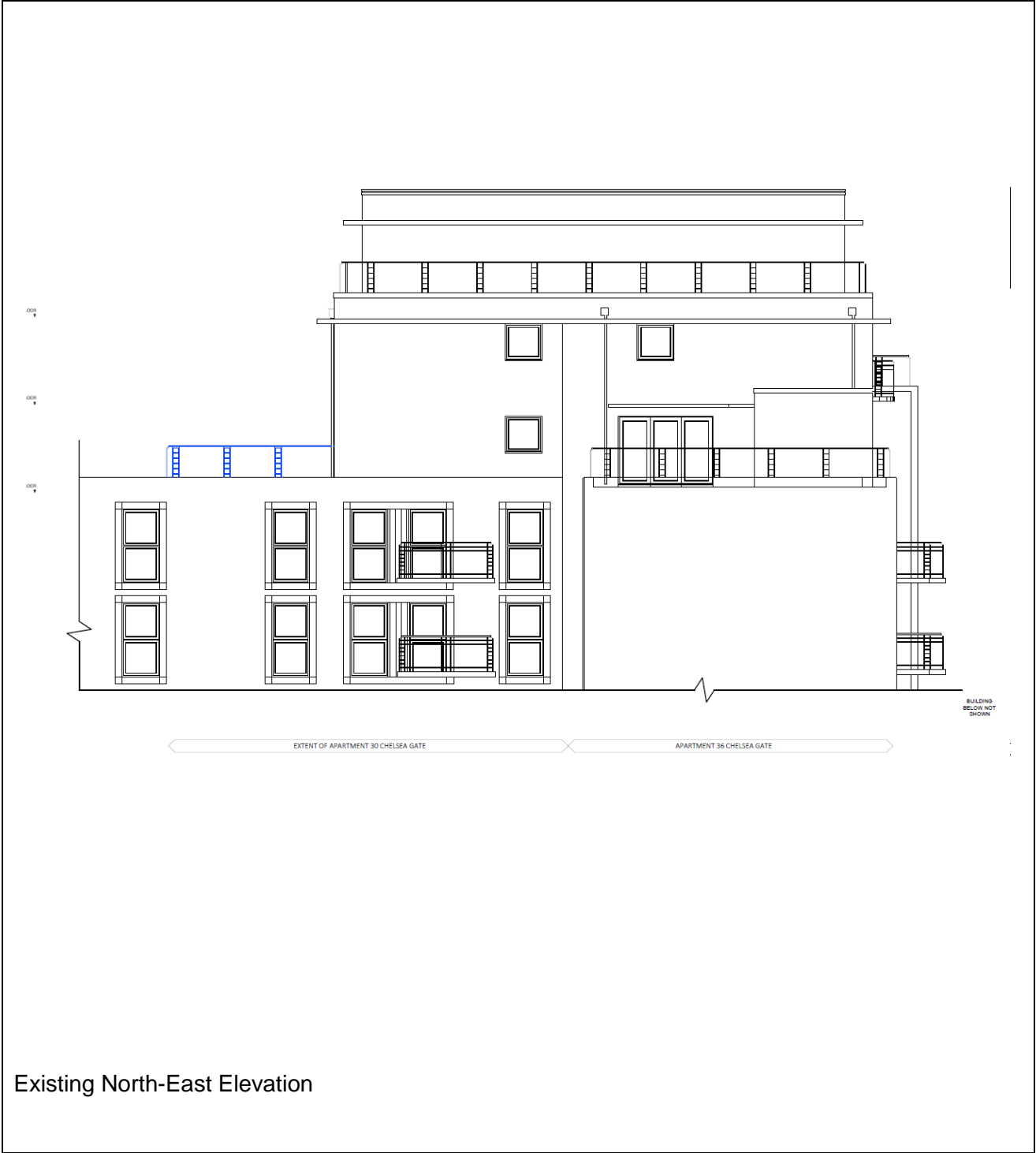


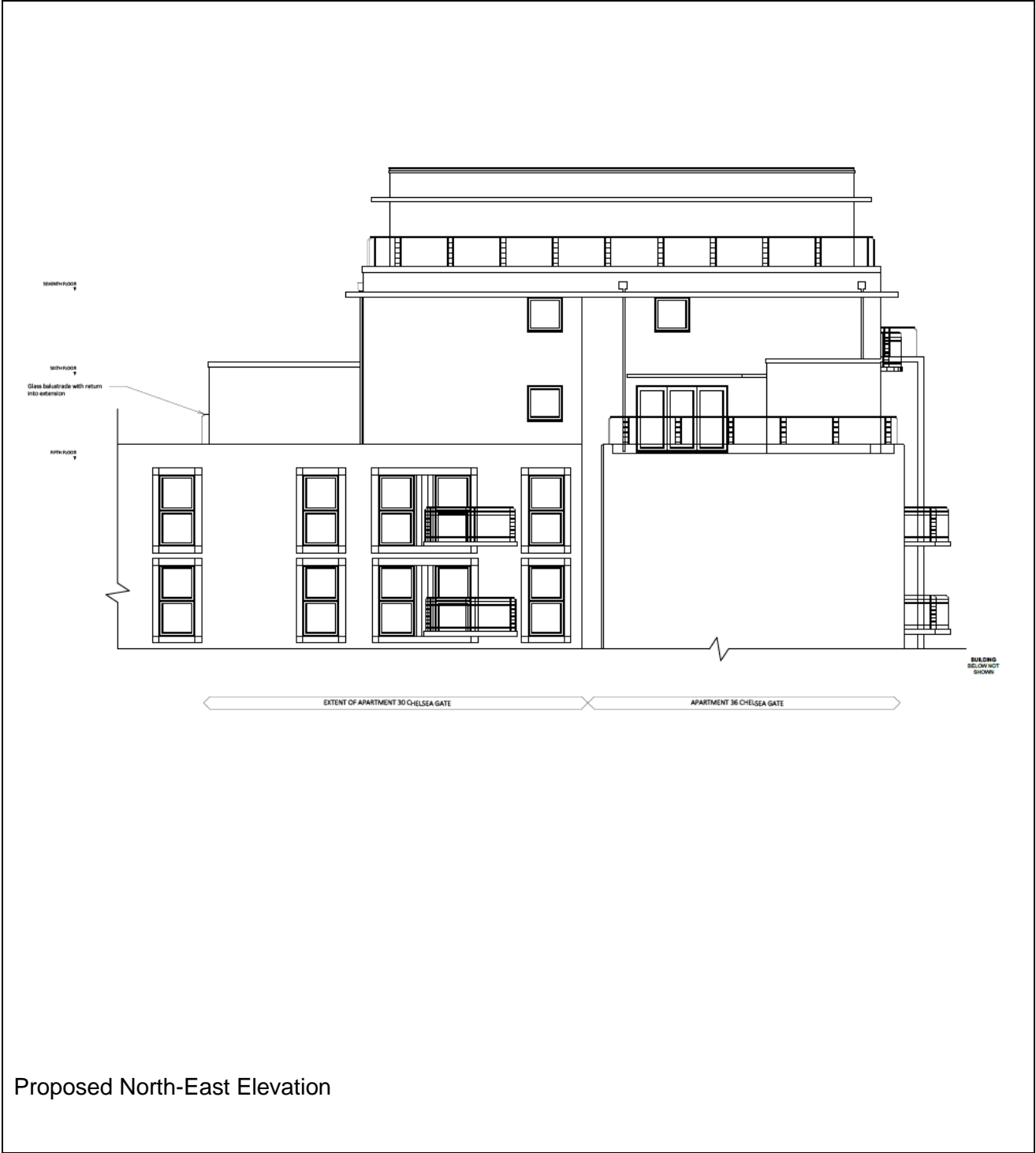
Proposed Sixth Floor Plan



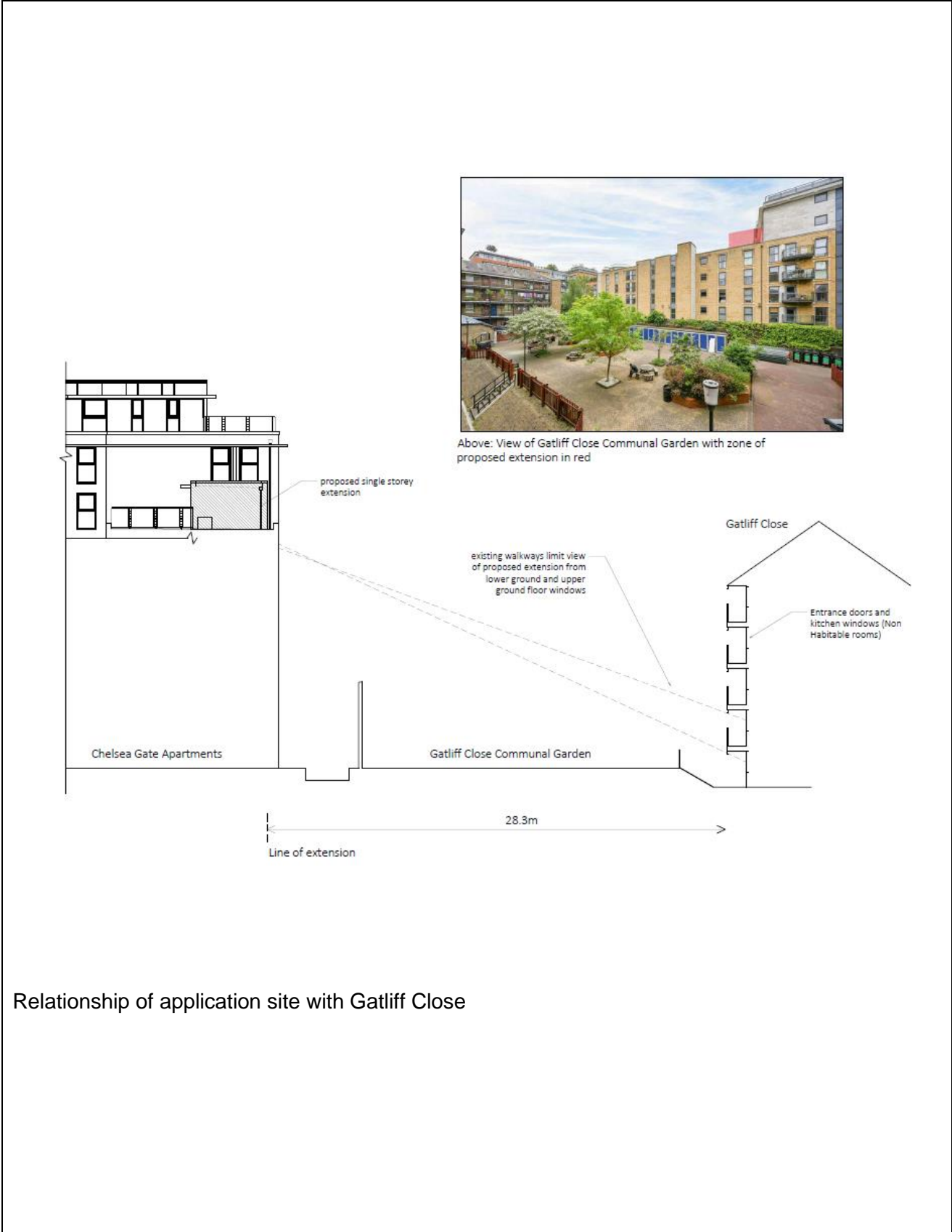


Proposed South-East Elevation

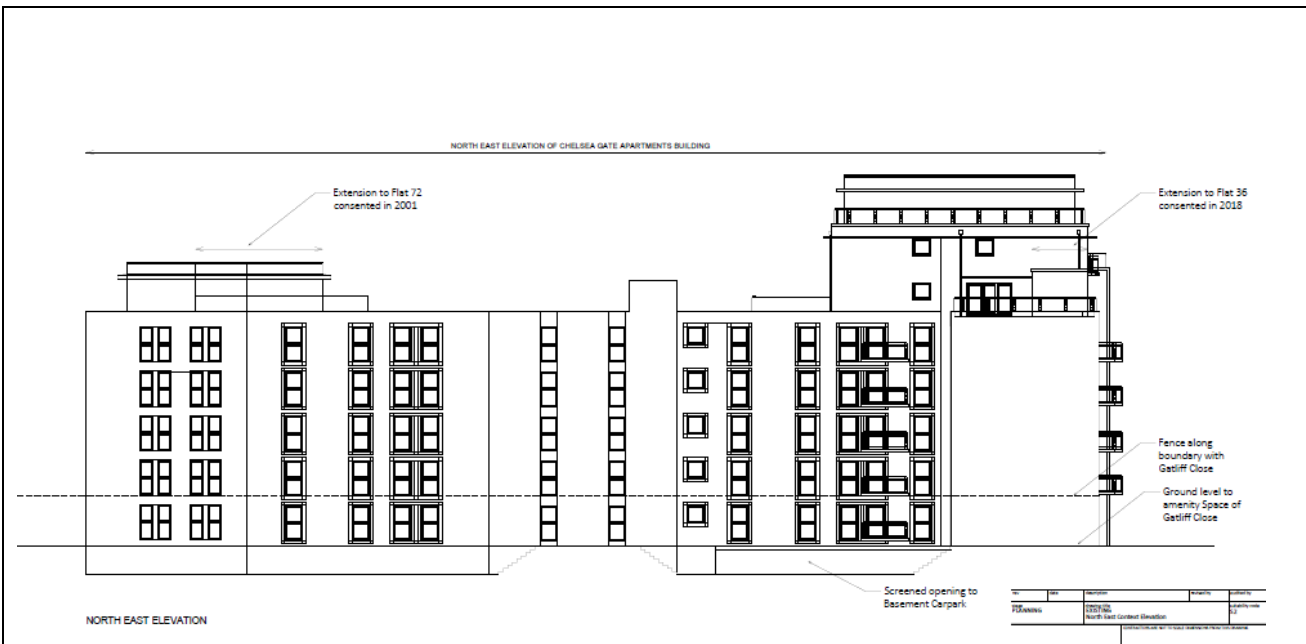




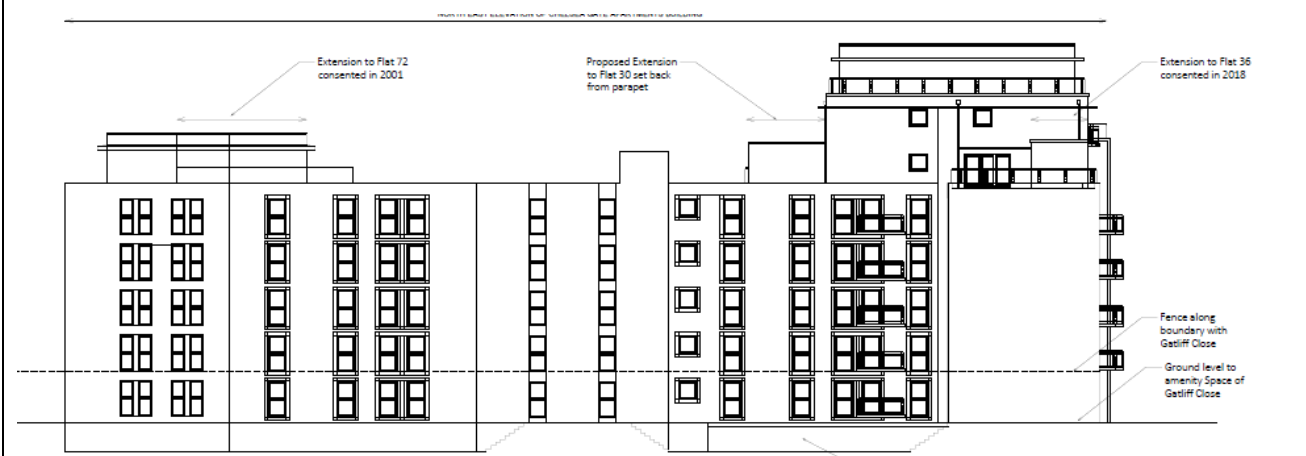
Proposed North-East Elevation



Relationship of application site with Gatliff Close



Existing Side elevation of Chelsea Gate Apartments



Proposed Side elevation of Chelsea Gate Apartments

DRAFT DECISION LETTER

Address: Flat 30, Chelsea Gate Apartments, 93 Ebury Bridge Road, London, SW1W 8RB

Proposal: Erection of a single storey extension on the fifth-floor terrace area of the existing duplex residential apartment.

Reference: 23/04689/FULL

Plan Nos: 637-CWA-ZZ-XX-DR-A-30000 Rev. P2, 637-CWA-ZZ-XX-DR-A-30001 Rev. P2, 637-CWA-ZZ-XX-DR-A-30002 Rev. P2, 637-CWA-ZZ-XX-DR-A-30003 Rev. P2, 637-CWA-ZZ-XX-DR-A-30004 Rev. P2, 637-CWA-ZZ-XX-DR-A-30005 Rev. P2, 637-CWA-ZZ-637, 637-CWA-ZZ-XX-DR-A-30006 Rev. P2, 637-CWA-ZZ-XX-DR-A-30007 Rev. P2, 637-CWA-ZZ-XX-DR-A-30008 Rev. P2, 637-CWA-ZZ-XX-DR-A-31001 Rev. P3, 637-CWA-ZZ-XX-DR-A-31002 Rev. P2, 637-CWA-ZZ-XX-DR-A-32001 Rev. P3, 637-CWA-ZZ-XX-DR-A-32002 Rev. P3 (Proposed south-east elevation with context), 637-CWA-ZZ-XX-DR-A-32003 Rev. P3 (Proposed north-east elevation with context), 637-CWA-ZZ-XX-DR-A-32004 Rev. P3, 637-CWA-ZZ-XX-DR-A-32005 Rev. P3, 637-CWA-ZZ-XX-DR-A-33001 Rev. P2, 637-CWA-ZZ-XX-DR-A-33002 Rev. P02 and Daylight and Sunlight Assessment (Issue No. 1) dated December 2023.

For information only: 221281-CON-ZZ-05-DR-S-10105 Rev. P02, 221281-CON-ZZ-06-DR-S-10106 Rev. P02, 221281-CON-ZZ-ZZ-DR-S-4021 Rev. P02, Fire Safety Strategy Fire Statement (1048_FS01.1_30 Chelsea Gate Revision 1), Design and Access Statement dated July 2023 and Sustainability Statement.

Case Officer: Zulekha Hosenally

Direct Tel. No. 07866037615

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

- 4 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

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

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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