

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB-COMMITTEE</b>	<b>Date</b> 13 <sup>th</sup> June 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>15-18 Picton Place And 27-29A James Street, Marylebone, London, W1U 1DX</b>		
<b>Proposal</b>	Demolition of existing mansard roof, erection of a new sheer storey extension at fourth floor level and a new two storey mansard roof in association with the creation of 5 flats, reconfiguration of all fourth floor flats within 29 James Street, 27 James Street, 17-18 Picton Place and 14-16 Picton Place. External alterations including the restoration of the front facades along James Street and Picton Place and restoration of shop fronts.		
<b>Agent</b>	Afterhourstudio Architects		
<b>On behalf of</b>	Mr Torki AlHumaidan		
<b>Registered Number</b>	16/00577/FULL	<b>Date amended/ completed</b>	29 July 2016
<b>Date Application Received</b>	22 January 2016		
<b>Historic Building Grade</b>	All Buildings Unlisted		
<b>Conservation Area</b>	Stratford Place		

## 1. RECOMMENDATION

Grant conditional permission including a condition to secure arrangements to mitigate the impact of the development on on-street parking demand in the area.

## 2. SUMMARY

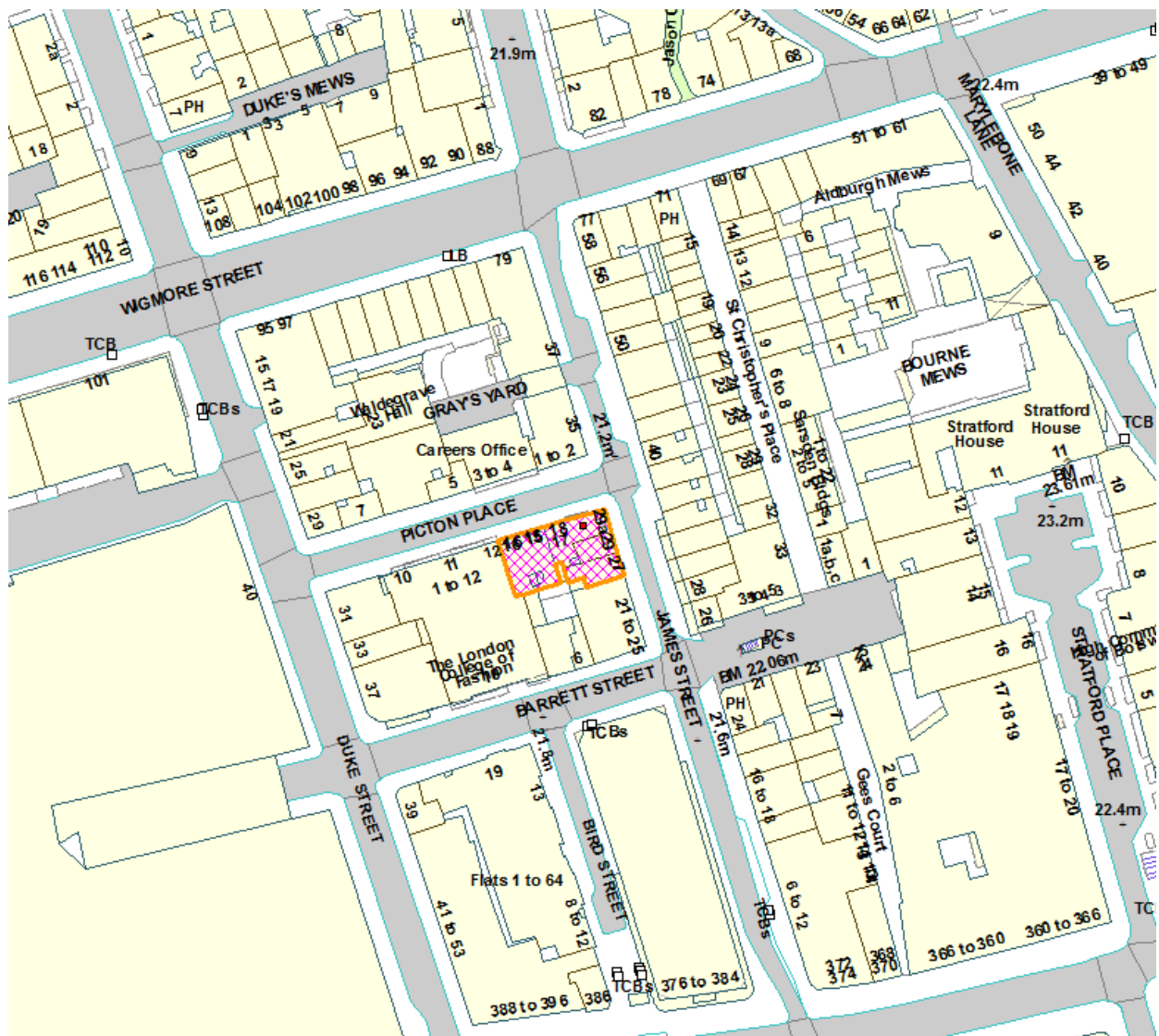
The application site is a group of unlisted buildings located within the Stratford Place Conservation Area. The buildings are situated on the corner of James Street and Picton Place. Permission is sought to allow the demolition of the existing mansard roof (at fourth floor), erection of a new sheer storey extension at fourth floor level and a new two storey mansard roof in association with the creation of 5 flats, as well as external alterations including the restoration of the front facades and shop fronts. The proposals have been revised, including the omission of a proposed lift at the rear of 29 James's Street and redesign of the mansard roof.

The key issues for consideration are:

- The impact of the proposed additional residential units on parking demand;
- The impact of the proposed extension on amenity; and
- The impact of the extension on the conservation area.

The proposed alterations and extensions are not considered to be harmful to the character and appearance of the Mayfair Conservation Area. The proposal will also not result in any material harm to the amenity of adjoining and surrounding residents. The proposal is considered acceptable in land use, design, conservation and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and the Westminster City Plan. For these reasons it is recommended that conditional planning permission be granted.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

Objects on the grounds of over-development, loss of daylight/sunlight and views.

### ST CHRISTOPHER'S PLACE

Any response to be reported verbally

### HIGHWAYS PLANNING

Objects on the grounds of no cycle storage provided, no waste storage indicated and no off street car parking provision

### CLEANSING

Initial objection on the grounds of no waste storage provision indicated subsequently overcome by revision.

### ENVIRONMENTAL HEALTH

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 117

No. of objections: 5

No. of support comments: 2

Objections were received on some or all of the following grounds:

#### Amenity:

- Loss of daylight and sunlight
- Loss of outlook
- Increased overlooking/loss of privacy
- Accuracy of the Daylight and Sunlight report
- Noise from lift motor

#### Design:

- Overdevelopment of the site
- Precedent
- Impact on conservation area
- Layout and density of the building

#### Highways:

- Increase in parking demand
- Traffic generation

#### Other:

- Construction impact
- Structural concerns
- Notification process
- Layout and density of the building

Two letters of support were received from residents within the application site on some or all of the following grounds:

- General improvements to the buildings
- Impact of existing larger buildings on neighbouring properties

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Re-consultation was undertaken following the site address being corrected.

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site is a group of unlisted buildings located in the Stratford Place Conservation Area. They are situated on the corner of James Street and Picton Place which is within the Core Central Activities Zone (Core CAZ)

The existing properties all consist of basement, ground and first to fourth floors with a mix of retail (Class A1) and restaurants (Class A3) at basement and ground floors. The upper floors are in use as 14 residential flats (Class C3).

### **6.2 Recent Relevant History**

None

## **7. THE PROPOSAL**

Permission is sought to allow the demolition of the existing mansard roof (at fourth floor), erection of a new sheer storey extension at fourth floor level and a new two storey mansard roof in association with the creation of 5 flats. The proposal also includes a range of external alterations including the restoration of the front facades along James Street and Picton Place and the restoration of the shop fronts of all the units. The scheme has been revised to amend the internal layouts of the proposed new flats, the design of the mansard roof and to omit a lift that was proposed on the rear façade.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Provision of New Residential Units and Floorspace**

The proposal will result in the creation of an additional five residential units. These units will lead to an increase of 373 sqm (GIA) to the group of properties. The increase in residential units and floorspace is acceptable in principle and in accordance with UDP Policy H3 and City Plan Policy S14 which both seek to encourage the provision of additional housing.

City Plan Policy S15 states: *“Residential developments will provide an appropriate mix of units in terms of size, type, and affordable housing provision to contribute towards meeting*

*Westminster's housing needs, and creating mixed communities.* "There are no family sized units (3 or more bedrooms) provided as part of this proposal; however, considering the limited size of the floorplates, and the absence of any amenity space on the site, it is considered that the mix proposed (shown in Table 1) is acceptable.

The proposed new residential units will be of the sizes outlined below in Table 1. The size of all these proposed new flats meet the minimum space standards set out in The London Plan and are therefore considered to be acceptable in terms of their size. The flats A – D have been re-designed to be duplex in nature, with the living areas located at fifth floor and the bedrooms at sixth floor to address officer concerns regarding the quality of the initially proposed accommodation. These flats, and the studio flat, now all offer dual aspect accommodation.

*Table 1: Size of proposed new residential (Class C3) units*

<b>Flat</b>	<b>Type</b>	<b>Total Size (sqm GIA)</b>	<b>Bedroom size (sqm GIA)</b>
A	1 Bedroom 2 Person	60.2	15
B	2 Bedroom 3 Person	70	12.5, 9.6
C	1 Bedroom 2 Person	59	15.4
D	1 Bedroom 2 Person	58	19.7
E	Studio 1 Person	38	n/a [studio]

The proposal will result in the existing flats at fourth floor increasing in size. These increases are set out in Table 2, below. These increases in size of the existing flats are considered acceptable in principle and in accordance with City Plan Policy S14.

*Table 2: Existing and proposed sizes of existing residential (Class C3) units*

<b>Flat</b>	<b>Existing Size (sqm GIA)</b>	<b>Proposed Size (sqm GIA)</b>	<b>Increase (sqm GIA)</b>
Flat 3, 29 James Street,	54.9	60.5	5.6
Flat 3, 27 James Street	65.2	74	8.8
Flat 4, 17-18 Picton Place	54	68	14
Flat 4, 15-16 Picton Place	66.3	80.5	14.2

The proposal does not fall within the criteria as set out in the Council's Policies which would require the provision of affordable housing.

In light of the above, the application is considered acceptable in land use terms.

## **8.2 Townscape and Design**

The existing building forms a substantial corner plot with higher buildings on either side. It is a building identified as being unsuitable for a roof extension in the Stratford Place Conservation Area Audit. Part of the reason for this designation relates to the fact that the building already has a mansard roof, and a further extension of the roof form would not be

acceptable as full double mansards are normally resisted by the City Council. However, the proposal is to replace the existing mansard with a sheer storey at floor at fourth floor in near facsimile to the levels below, with a new enlarged mansard above. The design of the mansard is such that a full double mansard effect has been avoided, by incorporating the bedrooms into the shallower secondary roof pitch.

Many of the buildings in the immediate vicinity of the site are five stories and above and given this context the additional floor is not considered, on balance, to harm the appearance of the façade or the wider conservation area. The proposed mansard accords with the Council's Supplementary Planning Guidance (SPG) on Roofs and has been the subject of much negotiation. There are still some modifications required to the design of the larger dormers to the rear elevation, to ensure that they match the smaller size of those to the front elevation, which will be addressed by an amending condition. The proposals for the renovation and restoration of the shopfronts are acceptable in design terms subject to acceptable detailed design.

Objections have been received on design grounds citing *'proposed sheer storey and two-storey mansard extension of this completed composition would over-develop the buildings, stretching their domestic scale out of proportion. Whilst the extensions are successfully contained between the two adjoining buildings - these are of a differing scale and character'*. Other objections state that the layout and density of the proposed building is excessive and that the design is of a poor quality and would lead to a loss of visual amenity/aesthetics. It should be noted however that the double dormer effect has been minimised by the removal of the roof lights to the front. On balance, the proposed scheme is not considered to harm the domestic scale of the buildings or harm the wider Conservation Area and therefore the design objections are not considered to be sustainable.

The proposals are considered, on balance, to be acceptable in design terms and to accord with the City Councils SPG *'Roofs: A guide to alterations and extensions on domestic buildings'* and *'development and demolition in conservation areas'* 2007 policies DES 1, DES5, DES6 and DES 9 of the Westminster Unitary Development Plan and S28 of the Westminster City Plan.

### **8.3 Residential Amenity**

Policy S29 of the City Plan relates to health, safety and wellbeing and states that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP aims to safeguard residents' amenities, and states that the City Council will resist proposals which result in a material loss of daylight/sunlight, increase in the sense of enclosure to windows or loss of privacy or cause unacceptable overshadowing to neighbouring buildings or open spaces.

#### **Sunlight and Daylight**

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used.

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1,486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. If the level of sunlight received is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

Five objections have been received in relation to a loss of daylight and/or sunlight from a number of neighbouring properties. One objection has come from within the application site itself (Flat 1, 27 James Street), while the others have come from residents of 2-4 Picton Place, opposite the site. One letter has been received from Edwards Planning Consultancy on behalf of the leaseholders of flats 1 – 11 within 2-4 Picton Place, along with individual objections from residents of Flat 10 and Apartment 2 within 3 Picton Place. The Marylebone Association has also objected on these grounds, asking that the Council assess the impact of the proposal on any affected windows.

A daylight and sunlight report, and two addendums assessing a number of windows not initially included in the main report, has been submitted as part of the application. This assesses the impact of the development on residential properties at Nos. 28 to 42 James Street, Nos. 1 to 4 Picton Place, Nos. 10 to 12 Picton Place, Nos. 6 to 10 Barrett Street, the rear windows at Nos. 15-18 Picton Place and the rear windows at Flat 1, 27 James Street. This is a comprehensive assessment of the windows for properties surrounding the application site. While the reports assess all the windows facing the application site, some of these have been identified as being in commercial use. The Council does not seek to protect amenity for commercial uses except in specific circumstances.

The reports demonstrate that a number of windows at the surrounding properties will experience small losses in daylight. The maximum loss in VSC is 20% (the threshold above which losses in daylight may be noticeable), to one window in Picton Place (overhung by a balcony to the flat above) and five windows in properties in the rear of Barrett Street properties at the rear of the site. However, these windows already experience low baseline levels of VSC and as a result, any change in massing to the application site will create a disproportionate percentage change with only small absolute changes. Losses in APSH during summer and winter months are shown to be small and within BRE guidelines. The report demonstrates that all windows and rooms in the surrounding tested properties will be compliant with BRE guidelines for daylight and sunlight with the proposal in place.

All of the objectors' properties have been assessed as part of the daylight and sunlight assessments submitted by the applicant and found to be within the BRE guidelines. As a result, these aspects of the objections cannot be upheld.



The letter from Edwards Planning Consultancy on behalf of the leaseholders of flats 1 – 11 within 2-4 Picton Place identified omission in the report (subsequently assessed and outlined above) and raises questions over the guidance documents used to create the daylight and sunlight report. The objection states that the 1991 version of the BRE guidelines have been used and that these have since been outdated by the 2011 guidelines. The applicant draws attention to the City Council UDP Policy ENV13 which also refers to the 1991 guidance and, also, that the methodology used from the guidance document in 1991 is unchanged in that of 2011. Therefore they feel their assessment is still valid. The Council would agree that the assessment provided is sufficient. Subsequently, this aspect of the objection cannot be upheld.

### **Sense of Enclosure and Loss of Outlook**

The application will result in an increase in height and bulk of the application site. However, only one of the proposed three stories is sheer; the predominantly mansarded nature of the proposal and the overall increase in height of the building is equivalent to just over one additional storey, and it is not considered to create such a significant increase in sense of enclosure for surrounding properties that would justify a refusal.

The objection from Edwards Planning Consultancy covers the grounds of loss of outlook to the flats at 2-4 Picton Place as a result of the additional storeys and the close proximity of the buildings. While it is recognised that there will be an increase in height and bulk as a result of the proposal it is not considered that this would cause a significant loss of outlook and it would therefore be unreasonable for the Council to withhold permission on these grounds. Accordingly the objections are not considered to be sustainable.

### **Overlooking**

Two objections have been received on the grounds of an increase in overlooking as a result of the proposed sheer storey extension and mansard windows from the residents of 3-4 Picton place, opposite the application site. The objections outlines that the application building is located approximately 12 metres away from the objectors' property. It should be noted that this property is a four storey building with a stepped back fifth floor.

There is already mutual overlooking between the properties. There will be a small increase in this mutual overlooking as a result of the sheer extension at fourth floor level which replaces the existing mansard. There will also be an increase in overlooking as a result of the additional fifth floor mansard. However, as these windows are set back behind the main building façade, the increase in overlooking would be minimal. Furthermore, the distance between the properties is considered to be around that of an average street in this area. As a result, these aspects of the objections cannot be upheld.

### **Amenity of Proposed Units**

The layout of the proposed new residential (Class C3) units at fifth and sixth floor have been revised to address concerns about their reduced outlook and are now considered to be acceptable in amenity terms. All of the proposed units now provide dual aspect accommodation and all, aside from the studio flat, are duplex with the bedrooms on the sixth floor within the mansard roof, lit by rooflights.

## 8.4 Transportation/Parking

The Highways Planning Manager has assessed the application and raised comment on the following aspects of the application.

### Car Parking

UDP Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. The addition of even one additional residential unit is likely to have a significantly adverse impact on parking levels in the area and this may lead to a reduction in road safety and operation.

No off street parking has been provided as part of the application. The lack of car parking provision is not consistent with TRANS23 of the UDP. This policy requires, where appropriate and practical, adequate parking spaces to be available to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. Stress levels are considered to have occurred when occupancy of on-street parking bays has exceeded 80%.

The Highways Planning Manager advises that, on the basis of the most recent parking surveys, the on-street parking occupancy of ResPark bays within a 200m radius of the site is 81% during the daytime and 64% during the night time. However, TRANS23 includes all legal parking spaces (e.g. Single Yellow Lines, Metered Bays, P&D, and Shared Use) and so with the addition of Single Yellow Line availability at night, the stress level reduces to 29%. As the day time parking levels are above stress levels the highways planning manager has objected to the application.

Two objections have also been received from neighbouring residents in relation to the increase in demand for car parking spaces.

However, the potential increased pressure on parking needs to be balanced against the policy presumption to provide additional housing. The proposal creates 5 additional residential units which are welcomed by the Council. Therefore it is considered that permission could not reasonably be withheld for parking reasons. In light of this, the Highways Planning Manager has advised that lifetime car club membership is considered the strongest mechanism that is likely to reduce car ownership of the future residential occupiers and subsequent demand on parking. The applicant has agreed to enter into a legal agreement to secure this provision which will be secured through Grampian condition. As a result, the objection on the grounds of increase in parking demand is not considered to be sustainable.

### Cycle Storage

The London Plan requires 1 cycle parking space per 1 bedroom residential unit and 2 cycle parking spaces per 2+ bedroom units. The proposal would therefore require 8 cycle parking spaces. The proposals do not include any provision for cycle storage and the Highways Planning Manager objects to this. However, considering the constraints of the site, there is not considered to be any scope for this to be provided.

## **Traffic Generation**

One objection has been raised with regards to the proposed development leading to an increase in traffic generation. As the proposal only provides five additional residential (Class C3) dwellings, it is considered the only impact with regard to the highway and traffic generation will be on car parking (discussed above). While the objector gives the example of supermarket delivery vans, this is not comparable with what is being proposed and as such not relevant. It would be unreasonable to withhold permission on this basis and therefore this aspect of the objection cannot be upheld.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

There is currently no lift access within the site and the constraints mean that a lift is not considered to be a feasible option. Existing residents have to use the existing stairs and the new residents would need to do the same .

### **8.7 Other UDP/Westminster Policy Considerations**

#### **Plant Noise**

There is no mechanical plant proposed as part of this development. There has however been an objection in regards to noise form the initially proposed new lift and associated mechanics. The lift has subsequently been removed from the proposal entirely so this aspect of the objection cannot be upheld.

#### **Refuse /Recycling**

The Highways Planning Waste Manager initially raised objection to the application on the basis that no waste storage was shown for the proposed residential units however, following revisions to the proposals, adequate waste storage is now shown. This storage will be secured through condition.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

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

## 8.10 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which makes it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, if the obligation does not meet all of the following three 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.

The total estimated CIL payment is: £204,190.82

- o £26,927.35 of this is Mayoral CIL
- o £177,263.47 of this is Westminster CIL.

## 8.11 Environmental Impact Assessment

Not applicable

## 8.12 Other Issues

### Construction impact

The Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all major developments from September 2016. The publication of the Code represents a fundamental shift in the way the City Council deals with the construction impacts of developments. Before September 2016, developments of this scale used legal agreements to fund the Environmental Inspectorate (EI) and required Site Environmental Management Plans to be submitted to and approved by the City Council.

In recognition that there is a range of regulatory measures available to deal with construction impacts and that planning is the least effective and most cumbersome of these, the new approach is for a condition to be imposed requiring the applicant to provide evidence that any implementation of the scheme (by the applicant or any other party) will be bound by the Code. A scheme of this scale would not usually be required to comply with the Code through condition (it is a level 3 application) however, in light of a number of objections received regarding the impact on amenity during construction (as a result of noise, dust, hours of work etc.), such a condition is recommended. The applicant has volunteered to undertake the development within the code and the Environmental Inspectorate has agreed to oversee the development accordingly. The hours that noisy construction are permitted to occur on site will also be restricted through condition as is the normal practice of the Council.

An objection has also been raised on the grounds that the scaffolding around the site during construction will make the properties vulnerable to burglaries etc. This aspect is considered to be covered under the Code of Construction Practice and it would be considered unreasonable for permission to be withheld on these grounds. Therefore, all objections in relation to impacts during construction cannot be upheld.

## Structural Issues

An objection has been received citing concern regarding structural issues to the existing building arising as a result of the proposed works. Such concerns are not dealt with under the remit of the planning system and are dealt with under Building Control regulations. It would therefore be unreasonable to withhold permission on these grounds and this part of the objection cannot be upheld.

## Process of Notification by the Applicant

One objection has been received on the grounds that, as a long leaseholder of one of the flats within the site on the day 21 days prior to the date of the application, the objector was not served notice of the development by the applicant under Article 11 of the Town and Country Planning Act (Development Management procedure) (England) Order 2015.

While the incorrect certificate (certificate A) was initially submitted by the applicant, the correct one (certificate B) was submitted shortly after. Certificate B lists the objector's flat as one of the properties notified by the applicant on 08 April 2016. The applicant has also subsequently confirmed in writing that they have undertaken the notification process as required and in line with the details shown on the correct certificate. Despite this, the objector still states that they were not notified by the applicant. The Council considers that it would be unreasonable to withhold permission on such grounds as the applicant has both amended the administrative error (the wrong certificate being submitted) and confirmed to the Council that the objector in question was notified of the development in accordance with the necessary procedures. Therefore, the Council considers the applicant has taken all reasonable steps to notify the necessary people and this aspect of the objection cannot be upheld. Furthermore, the tenant is clearly aware of the application, having objected to it, and it is not considered that he has been prejudiced during the processing of the planning process.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Marylebone Association, dated 22 August 2016
3. Letter from occupier of (Ref:- SZP/TGS/091860/00003), 5 Fleet Place, dated 22 September 2016
4. Letter from occupier of Apartment 2, 3 Picton Place, Marylebone, dated 28 August 2016
5. Letter from occupier of 3 Picton Place, Flat 10, London, dated 1 September 2016
6. Letter from occupier of Edwards Planning Consultancy, 83 Clock House Road, dated 30 September 2016
7. Letter from occupier of First Floor Flat, 27 James Street, dated 21 August 2016
8. Letter from occupier of 27 James Street, London, dated 5 January 2017
9. Letter from occupier of 27 James Street, London, dated 15 March 2017

(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](mailto:pquayle@westminster.gov.uk)

10. KEY DRAWINGS

Existing (top) and proposed (bottom) James Street Elevation



EXISTING ELEVATION ALONG JAMES STREET  
Scale 1/32 @ A1



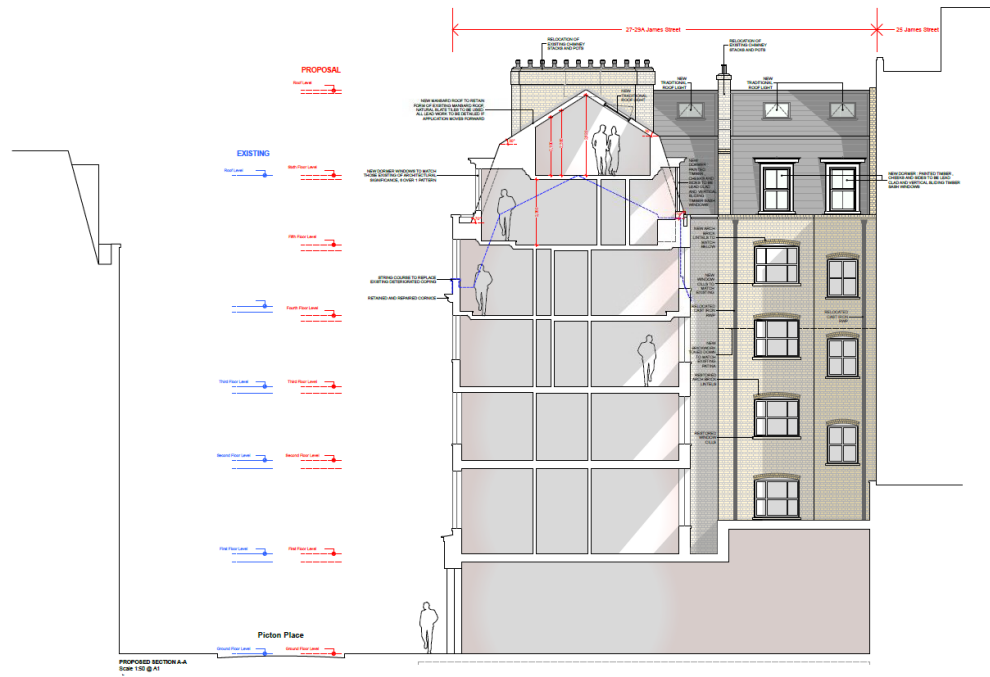
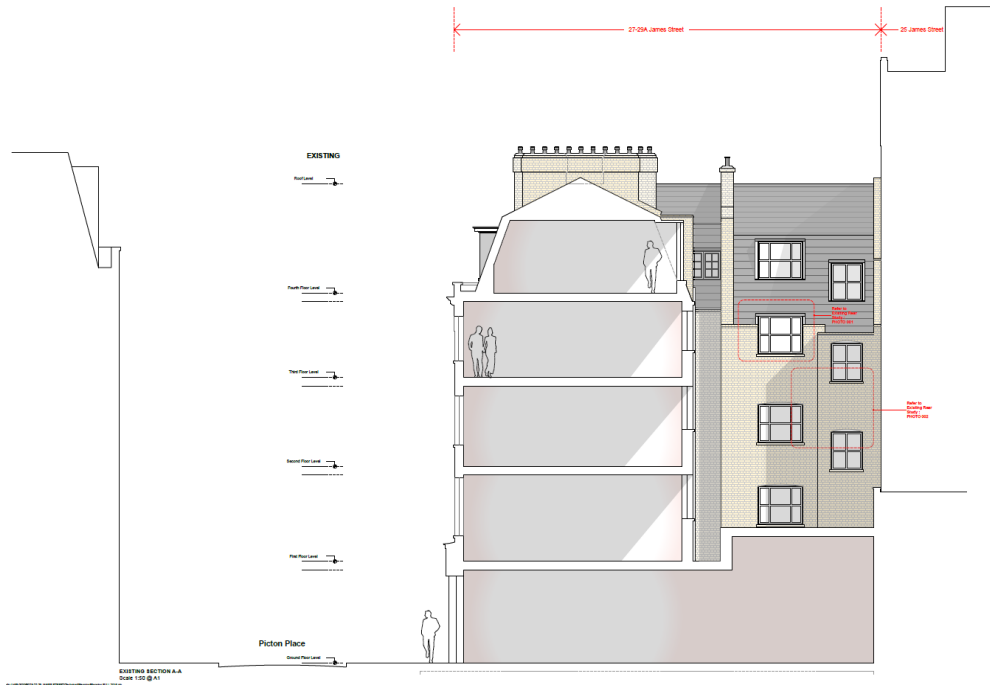
PROPOSED ELEVATION ALONG JAMES STREET  
Scale 1/32 @ A1

Please refer to drawing No. P31 Shop Front

### Existing (top) and proposed (bottom) Picton Place Elevation

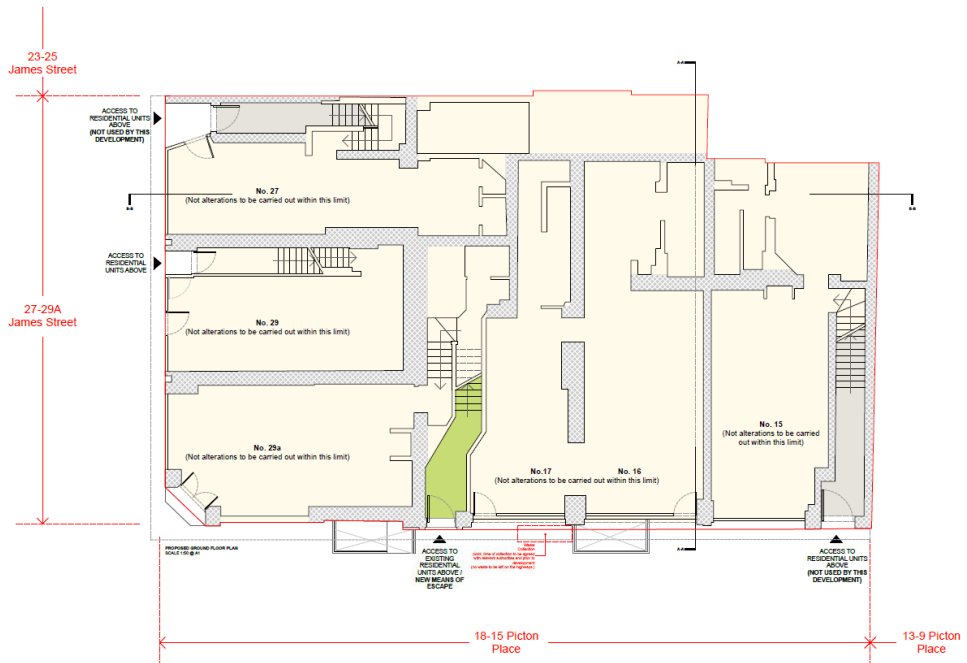
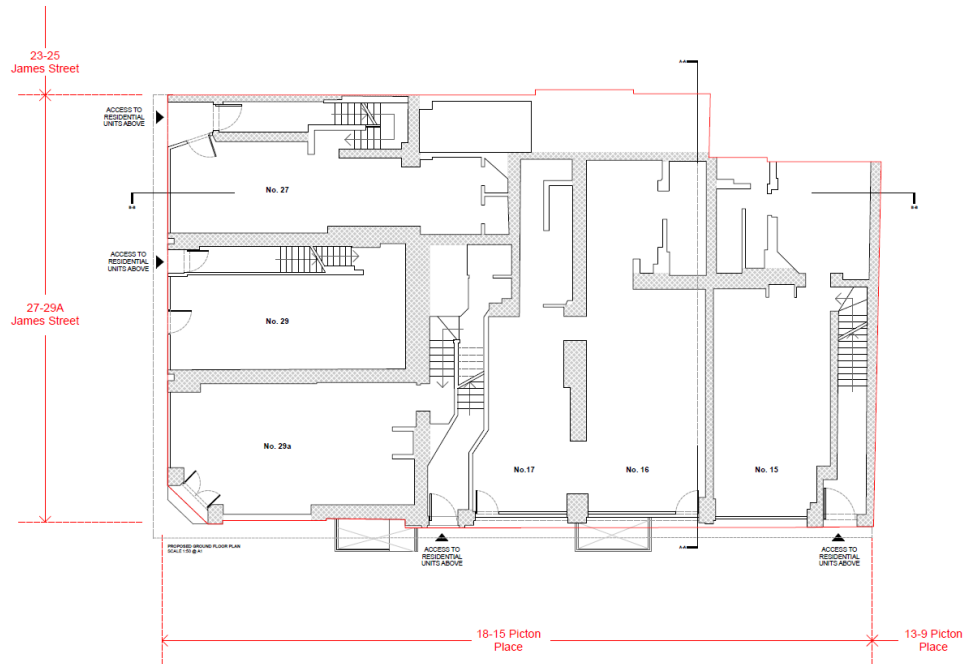


### Existing (top) and proposed (bottom) Section A-A

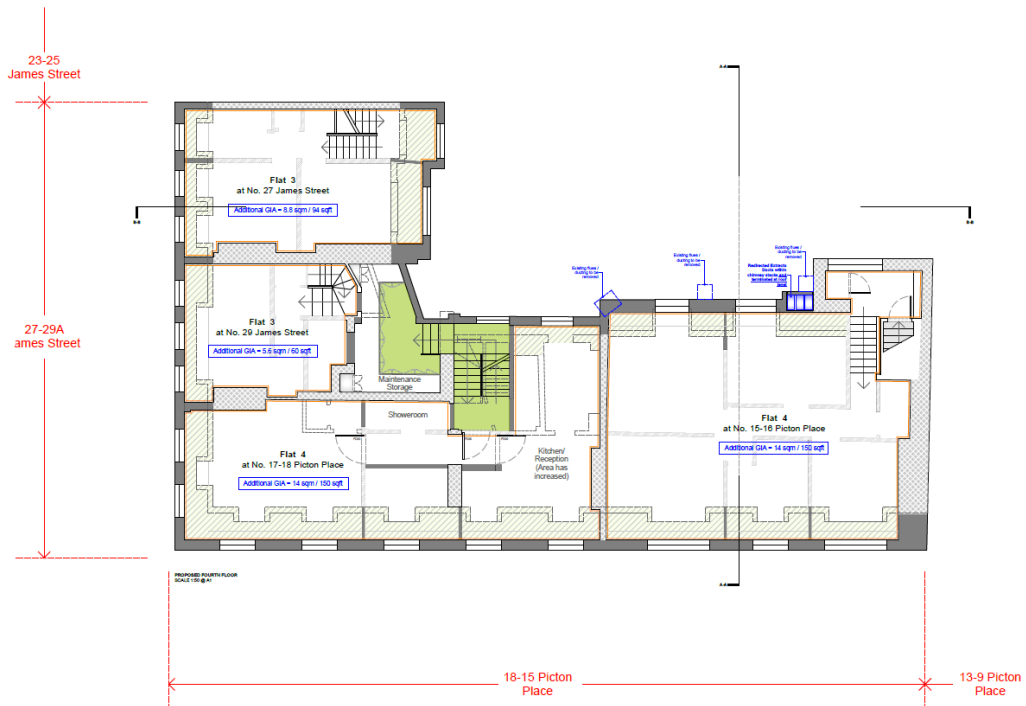
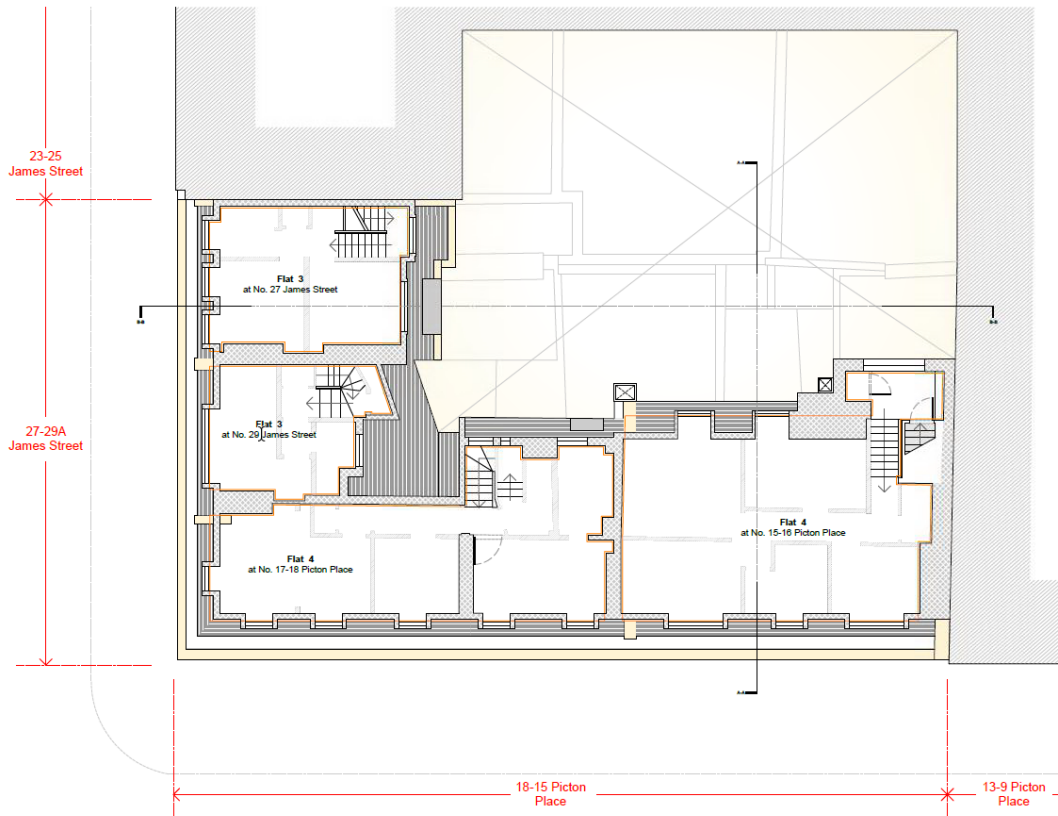




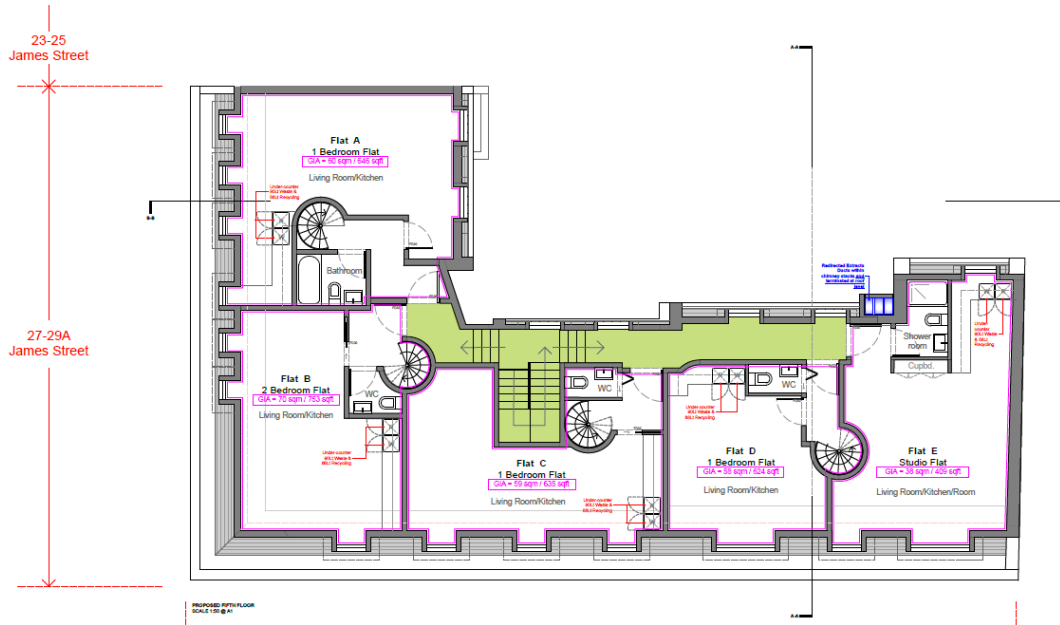
### Existing (top) and proposed (bottom) Ground Floor Plan



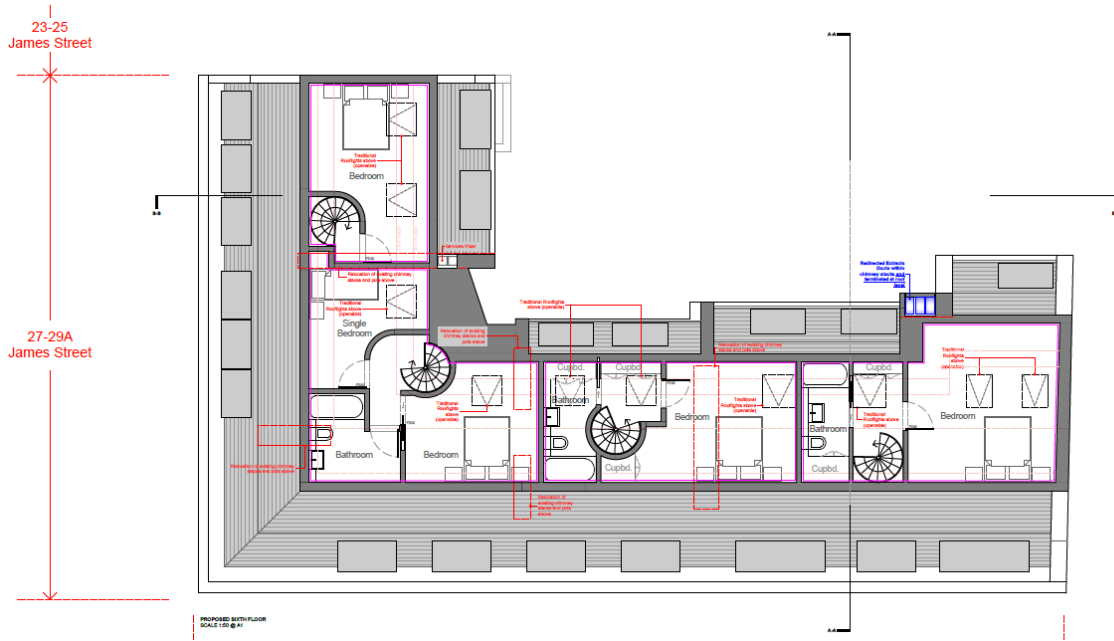
### Existing (top) and proposed (bottom) Fourth Floor Plan



### Proposed Fifth Floor



### Proposed Sixth Floor



**DRAFT DECISION LETTER**

**Address:** 15-18 Picton Place And 27-29A James Street, Marylebone, London, W1

**Proposal:** Demolition of existing mansard roof, erection of a new sheer storey extension at fourth floor level and a new two storey mansard roof in association with the creation of 5 flats, reconfiguration of all fourth floor flats within 29 James Street, 27 James Street, 17-18 Picton Place and 14-16 Picton Place. External alterations including the restoration of the front facades along James Street and Picton Place and restoration of shop fronts.

**Reference:** 16/00577/FULL

**Plan Nos:** P.15 Rev G ; P.16 Rev. G ; P.17 Rev. G ; P.18 Rev. G ; P.19 Rev. G ; P.20 Rev. G ; P.21 Rev. G ; P.22 Rev. G ; P.24 Rev D ; P.26 Rev. D ; P.28 Rev. G ; P.30 Rev. G ; P.31 Rev. C ; P.32 Rev. C

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

**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 S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

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

- 4 You must provide the waste store shown on drawing P.20 Rev. G before anyone moves into the new residential (Class C3) units. You must clearly mark it and make it available at all times to everyone using the residential (Class C3) units. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 5 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence 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 a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 6 The design and structure of the development 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.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order 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.

- 7 You must not occupy any of the new residential (Class C3) units until we have approved appropriate arrangements to secure the following.

- measures to mitigate the impact of the five new residential (Class C3) flats upon on street parking demand in the area

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 8 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme - reduction of rear dormers to accord with Roof SPG. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

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 Stratford Place Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5); of the following parts of the development -
- i, new shopfronts;
  - ii, new windows and dormers;
  - iii, new doors.

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 documents.

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 Stratford Place Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 10 You must paint all new outside rainwater and soil pipes black and keep them that colour.

Reason:

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

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

- 11 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.

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 Stratford Place Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

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

### **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 Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 3 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 5 The term 'clearly mark' in condition 4 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 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](http://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:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto: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 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 8 With reference to condition 5 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 9 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:



Residential Environmental Health Team  
4th Floor East, Westminster City Hall  
64 Victoria Street  
London SW1E 6QP  
www.westminster.gov.uk  
Email: res@westminster.gov.uk  
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 10 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/asbestos/regulations.htm](http://www.hse.gov.uk/asbestos/regulations.htm)
- 11 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London, SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

- 12 Under the Construction (Design and Management) Regulations 2007, 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](http://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.

- 13 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
  - \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
  - \* Lighting - ensure luminaires can be safely accessed for replacement.
  - \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 14 Under condition 7, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure Lifetime Car Club Membership, as set out in the letter dated 17 November 2016 from Mr Kenny Orellana at Afterhourstudio Architects. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 15 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)

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.