

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 27 June 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>21 Chapel Side, London, W2 4LG</b>		
<b>Proposal</b>	Demolition and redevelopment of the existing two storey mews building to provide a new building over basement, ground, first and second floor levels for use ancillary to the principal dwellinghouse at No.21 St. Petersburg Place.		
<b>Agent</b>	Attol Limited		
<b>On behalf of</b>	Attol Limited		
<b>Registered Number</b>	17/03375/FULL	<b>Date amended/ completed</b>	25 April 2017
<b>Date Application Received</b>	19 April 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application relates to a two storey mews building located on the east side of Chapel Side. The building is linked with the principle dwelling house at 21 St Petersburg Place, with access to the site being from the mews and over the garden between the two buildings. The building is not listed, but is located within the Bayswater Conservation Area. Permission is sought for the demolition of the existing building and for its redevelopment with a new three storey building plus the excavation of a basement.

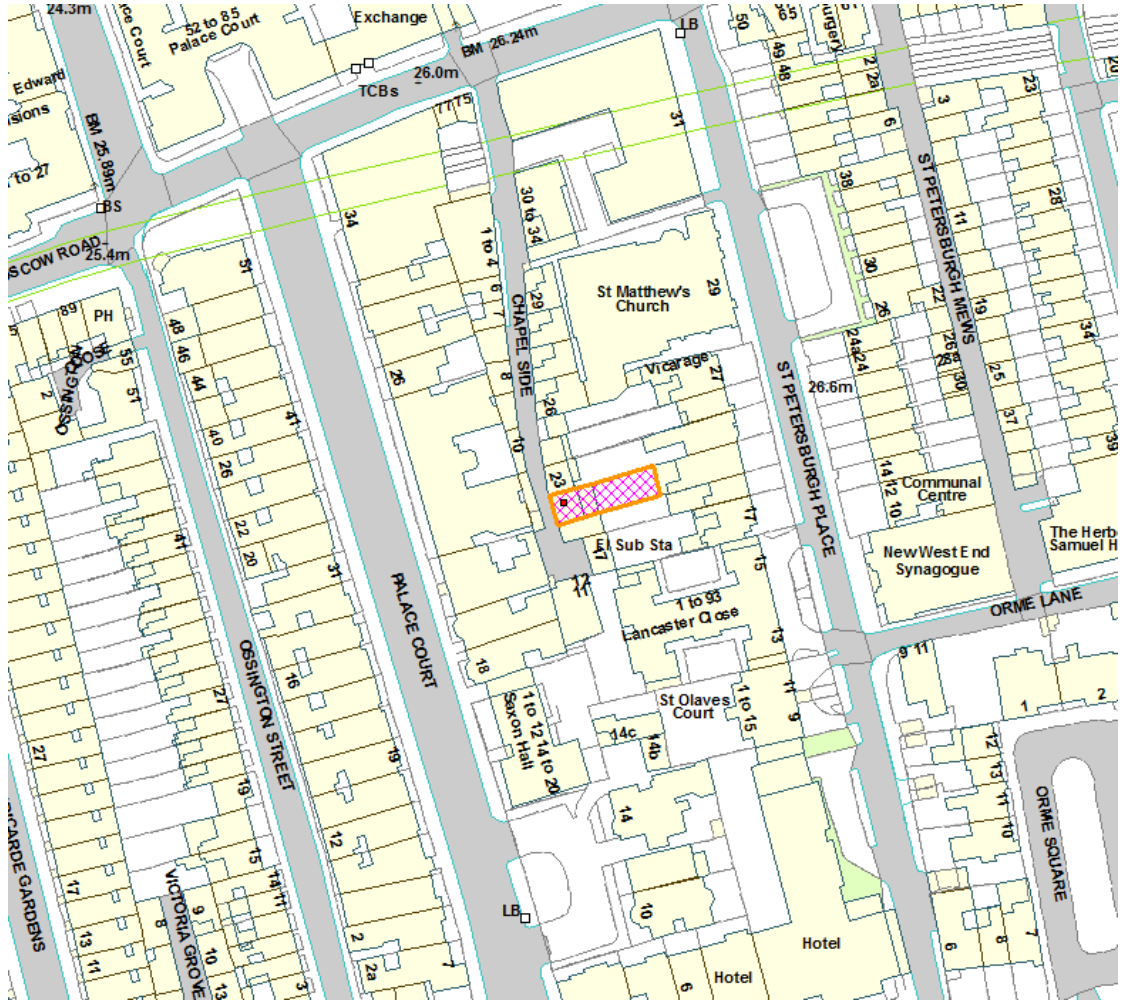
Objections have been received from neighbouring residents on the grounds of design, amenity and the impact of the development during construction.

The key issues for consideration in this case are:

- Whether the proposals are acceptable in design and conservation terms.
- Whether the impact of the proposal on the amenity of the neighbouring residents is acceptable.
- The impact of the proposals in highways and parking terms.

Despite the objections raised, and subject to appropriate conditions as set out in the draft decision letter appended to this report, the redevelopment proposals are considered to comply with the relevant design, conservation, amenity and transportation policies in Westminster's City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (UDP). As such, the application is recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation (top) and rear elevation (bottom).

## 5. CONSULTATIONS

### BAYSWATER RESIDENTS ASSOCIATION

Object on the following grounds:

- Bulk, height and design out of context with a mews and neighbouring properties.
- Similar proposals refused in 2008.
- Due to narrow street, and other approved schemes, the development will cause unacceptable disturbance to neighbours.
- Support objection from neighbour at No. 28.

### BUILDING CONTROL

No objection. Comment that the basement does not have direct access to the outside which is contrary to building regulations.

### HIGHWAYS PLANNING MANAGER

Notes that the existing garage is well under the usual standard size and that this is not proposed to change and as no new dwelling is proposed it would be difficult to insist on its enlargement. Considers that it would also be really difficult, if not impossible, to get a car of any size into a garage in this location given that Chapel Side is only just over 3m wide at this point. No cycle parking is shown.

### ARBORICULTURAL MANAGER

No objection subject to conditions in relation to tree protection and a landscaping scheme.

### ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 80; Total No. of replies: 5.

Five objections raised on all or some of the following grounds:

Design:

- Reference to a 2008 scheme which was unacceptable for various design grounds.

Amenity:

- Loss of privacy.
- Setting of precedence for other windows, which have a negative impact.

Other

- Disruption and negative impact as a result of construction work.
- Request for party wall surveyor to be used.
- Refurbishment would be preferable to redevelopment.
- Reference to other developments on Chapel Side and difficulties with approvals and construction.

PRESS ADVERTISEMENT/ SITE NOTICE:

Yes.

## 6. BACKGROUND INFORMATION

## 6.1 The Application Site

The application site comprises a two storey mews building located on the east side of Chapel Side. The building has a large single storey conservatory extension at rear ground floor level which extends into the garden. The mews maintains its historical relationship with the principle dwelling house at 21 St Petersburg Place, with access to the site being from the garden between the two buildings. The building is not listed, but is located within the Bayswater Conservation Area.

## 6.2 Recent Relevant History

9 November 2009 – Certificate of Lawful Proposed Use or Development issued for widening of garage doors and general internal re-arrangement (09/06129/CLOPUD).

29 January 2009 – Application withdrawn for widening of garage doors to allow vehicular access and general internal re-arrangement (08/08971/FULL).

3 July 2008 – Application withdrawn for demolition of existing two storey mews house and erection of new two storey mews house with integral garage and additional two storey flat roof rear extension (08/02992/FULL).

## 7. THE PROPOSAL

Permission is sought for the demolition of the existing two storey mews building and redevelopment to provide a replacement four storey building arranged over basement, ground, first and second floor levels. The scheme includes the excavation of a new basement floor level under the replacement building and part of the rear garden.

No change of use is proposed with the new building to remain ancillary to the main house at No.21 St. Petersburg Place. The proposed mews building would provide additional habitable accommodation for the main dwellinghouse, including accommodation for a 'live in' carer.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

No change of use is proposed, however the plans indicate that the second floor of the new building is to be used as accommodation for a carer which includes a kitchenette. This floor can only be accessed by going through the mews house and is therefore not self-contained and provides for the specific needs of the household and this accommodation is therefore considered to be ancillary to the principal dwellinghouse use of the combined site at No.21 St. Petersburg Place and No.21 Chapel Side.

The redevelopment results in an additional 89m<sup>2</sup> of residential accommodation, which is considered acceptable in land use terms and in accordance with Policy H3 in the UDP.

### 8.2 Townscape and Design

Objections have been received on design grounds from both the Bayswater Residents Association and neighbouring residents. Reference is made to an application withdrawn in 2008 (RN: 08/02992/FULL) as this was considered unacceptable in design terms and therefore this application should similarly be refused. The 2008 scheme was materially different in terms of both its design and bulk and was withdrawn prior to formal determination and is not therefore a material consideration in the determination of the current application. Applications must be assessed on their merits, having regard to currently adopted policies in the development plan and the current proposals are considered in this context in this report.

### 8.2.1 Existing Building and Proposed Demolition

The Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of that area (section 72). In accordance with paragraph 129 of the National Planning Policy Framework (NPPF) the Local Planning Authority should identify and assess the significance of any heritage assets that may be affected by a proposal and this assessment should be taken into account when considering the impact of a proposal on a heritage asset. Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal in accordance with paragraph 134 of the NPPF.

In this instance the heritage asset is the Bayswater Conservation Area and therefore any harm identified with the demolition of the existing building and the proposed replacement building should be assessed in relation to preserving or enhancing the character and appearance of the conservation area and any public benefits the proposal creates.

Chapel side is a tertiary road, providing access to the mews style buildings which line the street. The mews buildings themselves vary in terms of their scale, form and detailed design; however, most have garages at ground floor level within a brick elevation, rendered at first floor level with two windows. They contribute to the character and appearance of the area through their scale and form as well as their relationship with the principle dwellings that they historically used to serve. In the Bayswater Conservation Area Audit the application site is identified as a neutral building, neither being an unlisted building of merit or a building which detracts.

In accordance with UDP policy DES 6, there is a presumption in favour of retaining buildings that contribute to the character and appearance of conservation areas. UDP Policy DES 9(B) specifically states that buildings identified in adopted conservation area audits as being of local architectural, historical or topographical interest will enjoy a general presumption against demolition. Policy DES 9(B)(2) goes on to state that, in such cases, the demolition of such building may be permitted, *"If the design quality of the proposed development is considered to result in an enhancement of the conservation area's overall character or appearance, having regard to issues of economic viability, including the viability of retaining and repairing the existing building"*.

The proposed development involves the insertion of a new building within a continuous street façade and therefore, in design terms, is considered in relation to UDP policy DES

4. The policy seeks to ensure the highest quality of new development in order to preserve or enhance the townscape. Particularly the policy states infill development will be permitted if its design has regard to the prevailing character and quality of the surrounding townscape and conforms to established urban design characteristics, such as the massing of buildings, roof profiles and architectural detailing.

The existing building appears to have been extensively rebuilt, with the exception of some original brick work at ground floor level to the front elevation. To the rear (garden) elevation the building has been previously altered to a significant degree with the addition of a large conservatory at ground floor level with two further half dormers at first floor level. In this context it is considered that the existing building makes a limited contribution to the character and appearance of the conservation area and as such, subject to replacement structure being of equal or better contribution to the conservation area setting, the demolition of the existing building is considered acceptable, in accordance with DES 9.

### 8.2.2 Proposed Development

The proposed mews building would comprise of basement, ground and two upper levels, with the second floor in the form of a mansard. The footprint of the proposed building would be smaller than the existing building if the existing conservatory is included. Due to the internal configuration and the proposed floor levels, the height of the proposed building marginally exceeds the existing and is no higher than the neighbouring building (No.19). Therefore the difference in terms of mass between the existing and proposed building results from the sheer rear elevation enlarging the proposed first floor level and the mansard roof addition.

In accordance with DES 4 the proposed mews building responds to prevailing buildings heights, the distinctive form of architectural detailing in the local area and the materiality of the area. In terms of reflecting local scale, the proposed mews building will be larger than those to the north, but smaller than No.19 which is recognised as being an exception to the characteristic pattern due to its location on a corner plot. As this mass is principally to the rear the impact on the character and appearance of the conservation area will primarily be appreciated from private views from the buildings in St. Petersburg Place. In this context the scale of the replacement dwelling is considered to have a limited impact on the character and appearance of the conservation area.

On the front elevation the replacement building maintains a garage door at ground floor level and has three windows at first floor level and three dormer windows within the mansard roof. The elevation will be brick and brick lintels will sit above the fenestration at ground and first floor levels. The three dormer windows are set within a slate roof, positioned above the windows at first floor level and are clad in lead. The garden elevation contains three doors at ground floor level and a comparable arrangement with the front elevation at first and second floor levels. The design of the building responds to the architectural character of the surrounding area, with the materials and detailing respecting those found in the immediate setting. Furthermore the building is considered to be in accordance with the City Council's Supplementary Guidance Documents '*Mews: a Guide to Alterations*' and '*Roofs: A Guide to Alterations and Extensions on Domestic Buildings*'. The detailed design is therefore considered to enhance the character and appearance of the conservation area and is in accordance with DES 4.



Nevertheless in order to ensure the materials and details of the development is in keeping with its setting it is recommended that conditions requiring the submission of details of the facing materials, including the brickwork and slate roof covering, are submitted as well as detailed elevations and sections of the new fenestration are provided.

Part A(9) of Policy CM28.1 of the City Plan seeks to protect the character and appearance of the existing building, garden setting and the surrounding area by ensuring the external manifestations of basements are sensitively designed and discreetly located. Additionally the City Council's SPD *Basement Development in Westminster* states that if new lightwells or skylights are introduced they should be located immediately adjacent to the rear elevation. The only external manifestation of the basement is a shallow lightwell located against the rear elevation of the building, which is to be covered over intermittently by a metal grille or rooflight. Whilst a lightwell which spans the full width of the rear elevation would generally be resisted, given its shallow projection, the division of its length by the change in materials and the limited visibility of it from both public and private views, in this instance the lightwell is considered to be acceptable in design terms and in accordance with Part A(9) of Policy CM28.1.

The replacement building is considered to result in an enhancement of the character and appearance of the conservation area as the building is of a standard of design and architectural quality appropriate for its immediate and wider setting. The building remains identifiable as subservient to the principle dwelling at No.21 St Petersburg Place, whilst responding to the form, scale and massing of the buildings on Chapel Side. The quality of the replacement building is considered to be such as to satisfy the requirements of Policy DES 9(B)(2) with regards to the acceptability of demolishing the existing building. Additionally given the scale of the Bayswater Conservation Area, the limited harm to the designated heritage asset as a result of demolishing a neutral building is considered to be outweighed by the public benefits of an accessible dwelling and the quality of the replacement building, in accordance with the NPPF.

The proposals are considered to be in accordance with UDP policies DES 1, DES 4 and DES 9 as well as City Plan policies S25, S28 and CM8.1.

### **8.3 Residential Amenity**

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of Westminster's City Plan aims to protect the amenity of residents from the effects of development.

Objections have been received from neighbouring residents, largely in relation to loss of privacy and light to residents within properties in Palace Court, which is on the western side of Chapel Side.

#### **8.3.1 Daylight and Sunlight**

The applicant has carried out a daylight and sunlight assessment in line with Building Research Establishment (BRE) guidelines, analysing the windows of the adjacent residential properties. The assessment notes that of the windows tested, two will

experience a negative impact as a result of the development in relation to Vertical Sky Component criteria (VSC) and sunlight. The two windows are located within the side of a conservatory style rear extension in the south facing elevation of the adjacent property at No.23 Chapel Side.

Given that these windows are secondary to the main windows of the conservatory which look out over the garden, which are not affected in terms of loss of daylight or sunlight, it is not considered that refusal on these grounds could be sustained in relation to the impact on these windows.

### **8.3.2 Sense of Enclosure**

It is not considered that the development would have a significant impact on adjacent properties on the Chapel Side frontage of the building given that the ridge height of the roof is only to be increased marginally by approximately 0.3m. To the rear, the most affected property will be No.23 Chapel Side to the north.

At ground floor level, following the removal of the conservatory, the building line will be pulled back by 2.2m. At first floor level the rear building line is to be built out by 2.5m from the existing building line and therefore the neighbouring windows at first floor level will be most affected.

The nearest window at first floor level within No.23 is a small window, which appears to have opaque glass and is likely to serve a bathroom, adjacent to this is a large window, which is likely to serve a bedroom. It is not considered that the proposed extension will have such a negative impact on either of these windows so as to justify refusal, given the level of projection proposed and given that the main aspect of the windows is out onto the gardens to the rear of St. Petersburg Place.

### **8.3.3 Overlooking/ Privacy**

There are existing windows at first floor level in the existing mews building. The proposals include windows to the front and rear at ground, first and second floor levels. On the other side of Chapel Side is a narrow mews property, which has a garage door at ground floor level and dormer windows at first floor level. Behind this property are the objectors properties in Palace Court. The nearest rear wall of the properties opposite in Palace Court is a blank flank wall of No.24 Palace Court, which does not include any windows. North of this blank wall is a slightly set back section of the rear façade of No.24 Palace Court which does include windows. There are also windows in the south facing elevation of No.24 Palace Court; however, these do not look towards the development site and are therefore not considered to be material affected by the proposals. Other windows serving No.22 Palace Court are sufficiently distant from the application property so as not to suffer an significant overlooking from the proposed development.

The new second floor dormer windows serve a bathroom and bedroom and will only have oblique views towards the nearest windows, which are set back from the main rear elevation of No.24 Palace Court (as explained in the preceding paragraph). Due to the proposed roof form, with dormers set within a steep pitch to the front and a mansard to the rear, the main aspect of this bedroom is likely to be out over the applicant's garden. As there are existing windows at first floor level, it is not considered that any additional

overlooking to the windows on the other side of Chapel Side will be so significant as to justify refusal given the distance and oblique angle.

In terms of overlooking towards the rear of properties in St. Petersburg Place, given existing windows, it is not considered that neighbouring gardens or windows will be significantly negatively affected as a result of the development proposals.

In summary in amenity terms, the proposals are acceptable and would not cause a material loss of daylight or sunlight or materially increased sense of enclosure or overlooking. Accordingly the proposal accords with Policy ENV13 in the UDP and S29 in the City Plan.

#### **8.4 Transportation/ Parking**

The existing mews building has a small garage, which is to be retained. A condition to secure the retention of the small garage is not recommended as the space is below the space standard for use by almost all conventionally dimensioned cars and the access to the garage is difficult for a conventionally dimensioned vehicle due to the narrow width of Chapel Side at this point outside the application site. Furthermore, there is not a planning condition requiring the retention of the existing small garage.

The Highways Planning Manager notes that no cycle parking is proposed. However, this scheme is the redevelopment of a mews building that is ancillary to an existing dwellinghouse and does not comprise the provision of a new dwellinghouse. Therefore it would not be reasonable to impose a condition to secure the provision of cycle parking for the existing dwellinghouse.

#### **8.5 Economic Considerations**

Any economic benefits resulting from the development are welcomed.

#### **8.6 Access**

No change is proposed to existing arrangements in terms of the point of access is proposed, with access from either the mews or St. Petersburg Place. Accessibility within the mews building would be improved relative to the existing situation as a result of a more open ground floor layout.

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

##### **8.7.1 Basement Development**

The amended proposals are considered to be in accordance with policy CM28.1 of the City Plan (July 2016) for the reasons set out as follows:

##### *Part A. 1-4*

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology proposed, which has also been submitted with the application within a structural statement prepared by an appropriately qualified structural engineer. These documents have been reviewed by Building Control who advise that the

structural methodology proposed is appropriate for the ground conditions found on this site.

In terms of construction impact, the applicant has provided a signed proforma Appendix A confirming that they agree to comply with the City Council's Code of Construction Practice (CoCP). A condition is recommended to ensure that the applicant complies with the COCP and that the construction works are monitored for compliance by the Environmental Inspectorate at the applicant's expense.

A flood risk assessment has been provided as part of the structural statement and this demonstrates that flood risk would not be exacerbated in this location, which has a low flood risk and is not in an area identified as being susceptible to surface water flooding.

*Part A. 5 & 6*

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement and general disturbance associated with construction activity. The proposed hours of working condition states that no piling, excavation and demolition work is undertaken on Saturdays. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours outside of the prescribed hours.

Concerns have also been raised in relation to other developments within the street and the cumulative impact. The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016 and if permission is granted, the applicants will be required to comply with the CoCP. This is a fundamental shift in the way the construction impacts of developments are dealt with relative to the position prior to July 2016. Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The new CoCP expressly seeks to move away from enforcement via the planning system. It recognises 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 Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that this should be carried out after planning permission is granted and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help soothe the development process.

The concerns of the neighbouring residents are at the heart of why the City Council has adopted its new Policy in relation to basements (CM28.1) and created the new CoCP. While the comments from the neighbours are noted, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible.

A condition is recommended requiring evidence to be submitted of compliance with the CoCP. This must be submitted before work starts on site, subject to which the proposals are considered acceptable.

The site is not in an archaeological priority area and therefore part 6 does of the policy does not apply.

*Part B. 1&2*

The proposals involve the loss of trees within the rear garden. The arboricultural officer has not raised objection to the loss of the trees, subject to conditions to secure a landscaping scheme to show the replacement of the trees. This approach to mitigating the harm caused by the loss of the trees is considered acceptable and a condition is recommended.

*Part B. 3*

The proposals do not include any details in relation to ventilation. However, grilles are provided along the rear elevation to provide natural ventilation. An informative is recommended to advise the applicant that should they require mechanical ventilation, a separate application for planning permission will be required.

*Part B. 4 & 7*

The only external manifestations of the basement would be the rooflights and grilles to the rear, which are not considered to have a significant impact in terms of sustainable urban drainage. The basement has been set in from the boundaries within the garden to provide drainage around the subterranean structure.

*Part B. 5&6*

The proposals are considered to be discreet and will not negatively impact on the conservation area (see also Section 8.2 of this report).

*Part C. 1*

The proposals extend under part of the garden which separates No.21 St Petersburg Place and the ancillary mews building that is the subject of the application. It does not extend under more than 50% of this garden area. A margin of undeveloped garden land is retained around the proposed basement. This part of the policy is therefore considered to have been met.

*Part C. 2*

One metre of soil depth and 200mm drainage layer is provided over the proposed basement which is compliant with this part of the policy.

*Part C. 3*

Only a single basement is proposed which is considered acceptable and in accordance with this part of the policy.

*Part D*

The basement does not extend under the highway, therefore this part of the policy does not apply in this case.

## **8.8 London Plan**

This application does not raise any 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 NPPF unless stated otherwise.

### **8.10 Planning Obligations**

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

The existing mews property has a floorspace of 97m<sup>2</sup>. The proposed scheme provides a gross internal area of 186m<sup>2</sup>, which is an uplift of 89m<sup>2</sup>. This is below the 100m<sup>2</sup> of new floorspace above which the requirement to pay CIL is triggered.

### **8.11 Environmental Impact Assessment (EIA)**

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

### **8.12 Other Issues**

An objection has been received requesting that a party wall surveyor is used. Party wall agreements are not a planning consideration and are considered under separate legislation.

The Building Control Officer has commented that the basement does not have direct access to the outside which is contrary to Building Regulations. While these comments are noted, planning permission could not be withheld on this ground. An informative is recommended to advise the applicant that this issue will need to be addressed in any future application for building regulations approval.

## **9. BACKGROUND PAPERS**

1. Application form.
2. Response from Bayswater Residents Association dated 1 June 2017.
3. Response from Arboricultural Manager dated 30 May 2017.
4. Response from Building Control dated 14 June 2017.
5. Response from the Highways Planning Manager dated 15 June 2017.
6. Letter from occupier of Flat 2A, 24 Palace Court dated 16 May 2017.
7. Letter from occupier of Flat 4a, 24 Palace Court dated 16 May 2017.
8. Letter from occupier of 19 Chapel Side dated 20 May 2017.
9. Letter from occupier of Flat A, 24 Palace Court dated 26 May 2017.
10. Letter from occupier of 28 Chapel Side dated 27 May 2017.

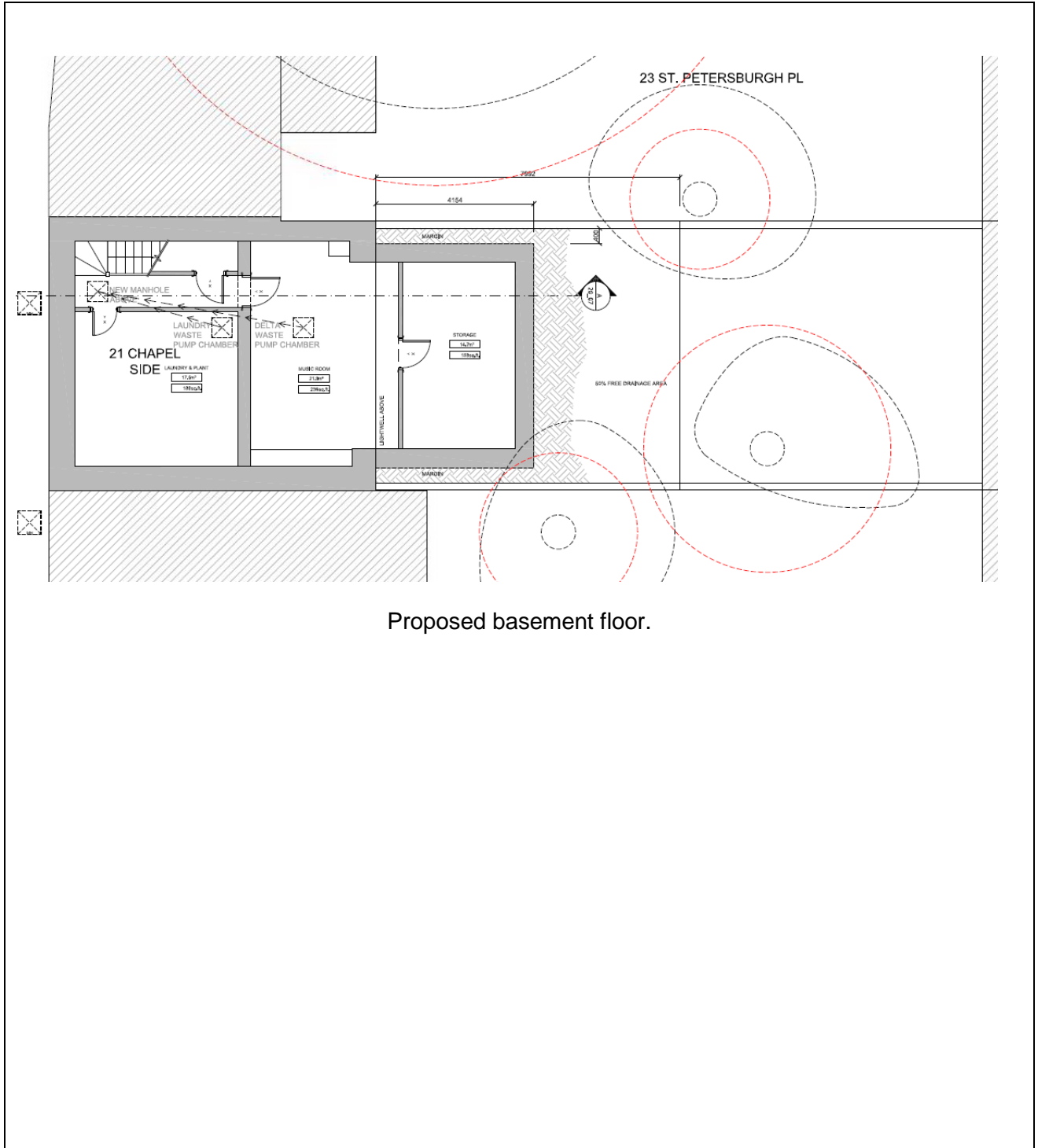
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

Item No.
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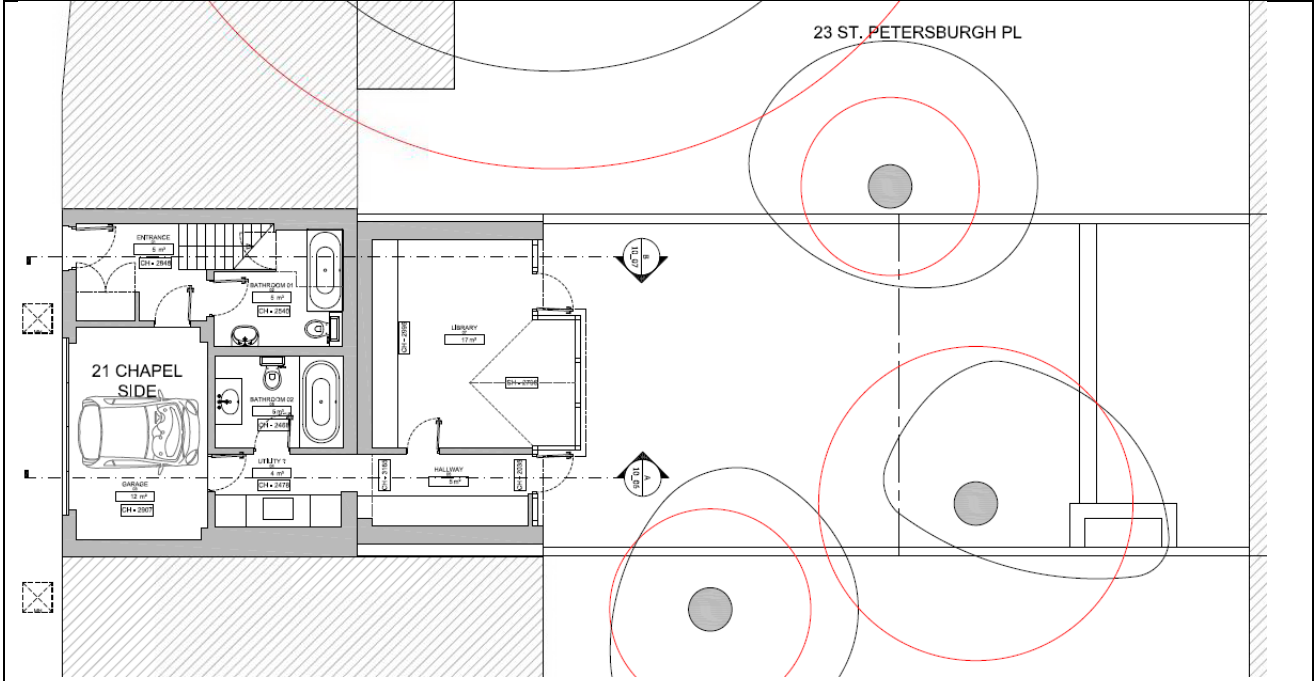
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IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVE GIBSON BY EMAIL AT <a href="mailto:ogibson@westminster.gov.uk">ogibson@westminster.gov.uk</a> .
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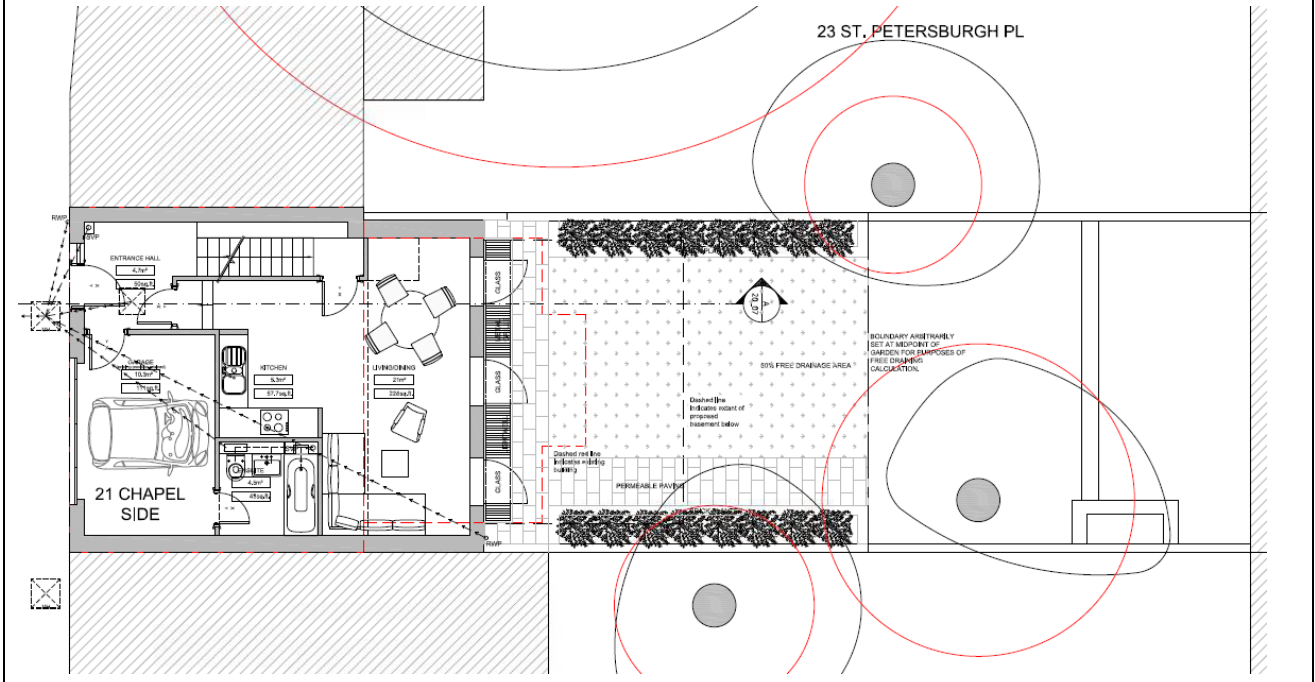
10. KEY DRAWINGS







Existing ground floor plan.



Proposed ground floor plan.



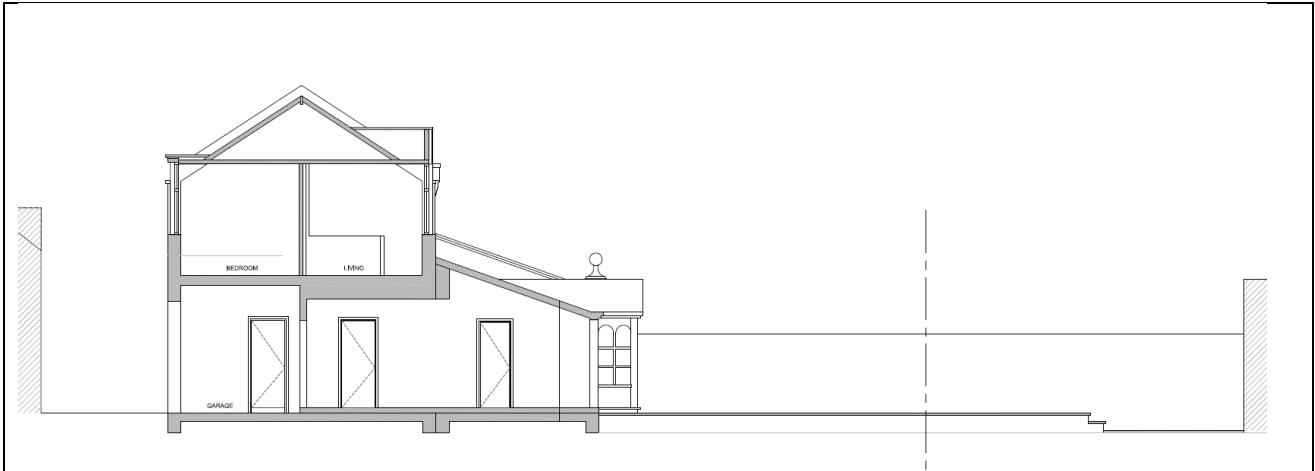
Existing front elevation.



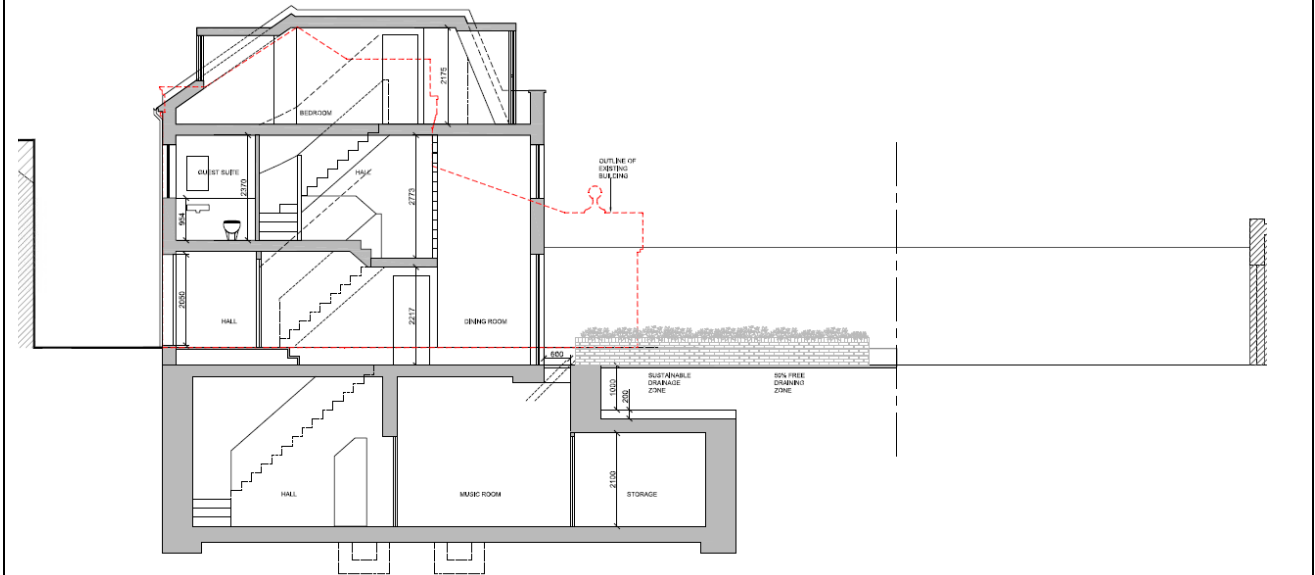
Proposed front elevation

TEL SIDE)





Existing Section.



Proposed Section.

**DRAFT DECISION LETTER**

**Address:** 21 Chapel Side, London, W2 4LG

**Proposal:** Demolition and redevelopment of the existing two storey mews building to provide a new building over basement, ground, first and second floor levels for use ancillary to the principal dwellinghouse at No.21 St. Petersburg Place.

**Reference:** 17/03375/FULL

**Plan Nos:** 2327 OS 01 B; 2327 10 01 C; 2327 10 02 C; 2327 10 03 C; 2327 10 04 C; 2327 10 05 C; 2327 10 06 C; 2327 10 07 C; 2327 11 01 B; 2327 11 02 B; 2327 11 03 B; 2327 11 04 B; 2327 11 05 B; 2327 11 06 B; 2327 11 07 B; 2327 20 00 B; 2327 20 01 D; 2327 20 02 C; 2327 20 03 C; 2327 20 04 C; 2327 20 05 C; 2327 20 06 C; 2327 20 07 C; 2327 20 08 B; Arboricultural Impact Assessment by Landmark Trees dated 29 March 2017; Design & Access Statement dated April 2017.

For information only:, Daylight and Sunlight Study by Right of Light Consulting dated 19 August 2016; Subterranean Structural Statement dated 24 March 2017.

**Case Officer:** Rupert Handley

**Direct Tel. No.** 020 7641 2497

**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 You must apply to us for approval of 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 any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 4 You must apply to us for approval of detailed elevations and section of the following parts of the development - The new windows. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 5 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

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

- 7 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 what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees 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. (C30CB)

**Reason:**

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Bayswater Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 8 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. 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 carry out the work according to the approved details.

**Reason:**

To protect the trees and the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 9 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved.

**Reason:**

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38, CM28.1 of Westminster's City Plan (November 2016), and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. 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 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 phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 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. (I50AA)

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).



- 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 You are advised that should mechanical ventilation be required, a separate application for planning permission will be required to include an acoustic report and details of where the equipment will be ventilated.
- 7 You are advised that the Building Control Officers have commented that the basement does not have direct access to the outside which is likely to be contrary to Building Regulations. You are advised to address this issue in any future application for building regulations approval. Any external alterations to the scheme hereby approved is likely to also require further planning permission.

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.