



City of Westminster

# Committee Agenda

Title:

**Planning Applications Sub-Committee (1)**

Meeting Date:

**Tuesday 4th December, 2018**

Time:

**6.30 pm**

Venue:

**Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members:

**Councillors:**

Timothy Barnes (Chairman)  
Susie Burbidge  
Tim Roca  
Louise Hyams



**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is by ticket, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Georgina Wills: Committee and Governance Officer.**

**Tel: 020 7641 7531; Email: [gwills@westminster.gov.uk](mailto:gwills@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

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

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note any changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

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

#### **3. MINUTES**

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

**(Pages 5 - 7)**

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

1. **APPLICATION 1: 11 BRICK STREET, LONDON, W1J 7DF & APPLICATION 2: 17 BELGRAVE SQUARE, LONDON SW1X 8PG**

**(Pages 13 – 90)**

2. **4 - 5 BUCKINGHAM GATE, LONDON, SW1E, 6JP**

**(Pages 91 - 158)**

3. **COLLEGE PARK SCHOOL, GARWAY ROAD, LONDON, W2 4PH**

**(Pages 159 - 178)**

4. **27A MONMOUTH ROAD, LONDON, W2 4UT**

**(Pages 179 - 205)**

5. **186 FERNHEAD ROAD, LONDON. W9 3EL**

**(Pages 207 - 227)**

**Stuart Love  
Chief Executive  
26 November 2018**



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CITY OF WESTMINSTER

## MINUTES

### Planning Applications Sub-Committee (1)

#### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 13th November, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Tony Devenish (Chairman), Timothy Barnes, Susie Burbridge and Tim Roca

**Also Present:** Councillor Jacqui Wilkinson (Item 3)

#### **1 MEMBERSHIP**

- 1.1 There were no changes to the membership.

#### **2 DECLARATIONS OF INTEREST**

- 2.1 Councillor Tony Devenish explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Devenish declared that in respect of Item 2 he knew one of the residents who had made a representation but had not discussed the application with them.
- 2.3 Councillor Burbridge declared that Item 2 was located within her ward and she had received correspondence regarding the application, which she had forwarded on to the planning service.

### **3 MINUTES**

#### **3.1 RESOLVED:**

That the minutes of the meeting held on 30 October 2018 be signed by the Chairman as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 11-13 GROUND FLOOR, BROAD COURT, WC2B 5QN**

Use of part ground floor as a residential dwelling (Class C3). Associated internal alterations.

#### **RESOLVED UNANIMOUSLY:**

- 1) That conditional permission and conditional listed building consent be granted subject to condition 4 being amended so that on cessation of the personal use the property would revert to Class B1 office use; and
- 2) That the reasons for granting conditional listed building consent as set out in Informative 1 of the decision notice be agreed.

#### **2 6 BARK PLACE, LONDON, W2 4AX**

Erection of full width single storey rear extension at ground floor level.

An additional representation was received from Kyrke-Smith Architects (08/11/18).

#### **RESOLVED UNANIMOUSLY:**

That conditional permission be granted subject to an additional condition requiring the submission of a construction management plan requiring deliveries of materials to not obstruct or interfere with vehicles during the nearby school's opening and closing times or visits to the neighbouring synagogue.

#### **3 21-23 HUGH STREET, LONDON, SW1V 1QJ**

Retention of 8no. replacement UPVC double-glazed windows and 1no. door across the rear elevation of both properties.

Councillor Jacquie Wilkinson addressed the Sub-Committee in her capacity as Ward Councillor.

#### **RESOLVED UNANIMOUSLY:**

That planning permission be granted contrary to the officer's recommendation as the Sub-Committee considered that the development did not harm the appearance of the building or the character and appearance of the Pimlico Conservation Area.

**4      89 YORK STREET, LONDON, W1H 4QD**

Installation of two Juliet balconies and French windows at rear ground floor level and the installation of a fanlight above the external entrance door.

**RESOLVED UNANIMOUSLY:**

- 1)      That conditional permission be granted subject to an additional informative requesting that during building works care is given to preventing harm to the neighbouring magnolia tree;
- 2)      That conditional listed building consent be granted;
- 3)      That the reasons for granting listed building consent as set out within informative 1 of the draft decision letter be agreed.

The Meeting ended at 7.15pm.

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_

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CITY OF WESTMINSTER  
PLANNING APPLICATIONS SUB COMMITTEE – 4th December 2018  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	<b>RN(s) :</b> Application 1: 18/01322/FULL 18/01323/LBC West End  Application 2: 18/01324/FULL 18/01325/LBC Knightsbridge and Belgravia	Application 1: 11 Brick Street London W1J 7DF  Application 2: 17 Belgrave Square London SW1X 8PG	<b>Application 1:</b> Use of the building as a private members' casino ( <i>Sui Generis</i> ) and external and internal alterations including replacement of roof level plant  <b>Application 2:</b> Demolition of annexe building and replacement with rear extensions to 17 Belgrave Square; excavations to create pool hall extension under garden of 17 Belgrave Square and basement beneath mews property; and associated internal alterations; all in connection with the use of the mews property and 17 Belgrave Square as two single family dwelling houses (Class C3).	
<b>Recommendation</b> Application 1: 11 Brick Street  1. Grant conditional permission subject to the completion of a legal agreement to secure the following:  a) Not to commence or permit to be commenced the use of the building as a casino ( <i>sui generis</i> ) until the buildings at 17 Belgrave Square and 17 Belgrave Mews West have been made ready for occupation for residential purposes pursuant to planning permission ref: 18/01324/FULL. b) To prevent the use of the building as anything other than a casino ( <i>sui generis</i> ) and to restrict the layout/uses to those shown on the approved drawings. c) Highways works in the vicinity of the building comprising of the removal of the existing vehicle crossover and its replacement with footway. d) Costs of monitoring the S106 agreement.  2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:  a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permissions with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decisions under Delegated Powers; however, if not; b) The Director of Planning shall consider whether the permissions should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the applications and agree appropriate reasons for refusal under Delegated Powers.  3. Grant conditional listed building consent.  4. Agree reasons for granting conditional listed building consent as set out in Informative 1 of draft decision notice.  Application 2: 17 Belgrave Square and 17 Belgrave Mews West				

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SCHEDULE OF APPLICATIONS TO BE CONSIDERED

<p>1. Grant conditional permission subject to the completion of a legal agreement to secure the following:</p> <p>a) A contribution to the City Council's Affordable Housing Fund of £1,427,000 (index linked and payable prior to the commencement of development); the contribution to be held in escrow until a specific date being 3 years following the grant of planning permission ref: 18/01322/FULL relating to 11 Brick Street, immediately after which date the contribution will be transferred from the escrow account to the City Council's Affordable Housing Fund, unless the building at 11 Brick Street is occupied as a casino (sui generis) pursuant to planning permission ref: 18/01322/FULL, in which case the contribution shall be reimbursed to the applicant).</p> <p>b) Costs of monitoring the S106 agreement and costs associated with the escrow account.</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p>a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permissions with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decisions under Delegated Powers; however, if not;</p> <p>b) The Director of Planning shall consider whether the permissions should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the applications and agree appropriate reasons for refusal under Delegated Powers.</p> <p>3. Grant conditional listed building consent.</p> <p>4. Agree reasons for granting conditional listed building consent as set out in Informative 1 of draft decision notice.</p>				
Item No	References	Site Address	Proposal	Resolution
2.	<p><b>RN(s) :</b> 18/06103/FULL 18/06104/LBC</p> <p>St James's</p>	<p>4 - 5 Buckingham Gate London SW1E 6JP</p>	<p>Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation to provide a single-storey basement and pool. External alterations for the provision of a new off street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical plant and a pavilion at roof level. Creation of 1no. terrace each at rear second and third floor level within recessed part of the building.</p>	
<p><b>Recommendation</b></p> <p>1. Grant conditional permission subject to completion of a Section 106 Legal Agreement to secure the following:</p> <p>i) funding for the provision of a formal footway crossover to access the service bay on Stafford Place;</p>				

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SCHEDULE OF APPLICATIONS TO BE CONSIDERED

<p>ii) funding for the costs to reconfigure the existing on-street parking bays in both Stafford Place and the cul-de-sac off Buckingham Gate;</p> <p>iii) secure details of the service management plan;</p> <p>iv) an employment and training opportunities strategy during construction and for the hotel use; and</p> <p>v) costs of monitoring the agreement.</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p>a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permissions with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decisions under Delegated Powers; however, if not;</p> <p>b) The Director of Planning shall consider whether the permissions should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the applications and agree appropriate reasons for refusal under Delegated Powers.</p> <p>3. Grant conditional listed building consent.</p> <p>4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>				
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 18/06640/COFU L  Bayswater	College Park School Garway Road London W2 4PH	Installation of play equipment within playground area to south west corner of school site adjacent to Monmouth Road and installation of canopy to the south elevation of rear wing of school building.	
	<b>Recommendation</b> Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.			
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 18/06167/FULL 18/06168/LBC  Bayswater	27A Monmouth Road London W2 4UT	Demolition of existing raised terrace and erection of single storey rear extension at lower ground floor level with terrace above, erection of single storey side extension at lower ground floor level and associated internal and external alterations to lower ground and ground floors. Replacement of part of garden boundary with No.25 wall, with trellis above.	

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	<b>Recommendation</b> 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter.			
Item No	References	Site Address	Proposal	Resolution
5.	<b>RN(s) :</b> 18/05771/FULL  Queen's Park	186 Fernhead Road London W9 3EL	Excavation of basement floor below existing house with front and rear lightwells, erection of rear extension at ground floor level and associated external alterations, including replacement of windows.	
	<b>Recommendation</b> Grant conditional permission.			



# Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 December 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Site 1: West End Site 2: Knightsbridge And Belgravia	
Subject of Report	Site 1 - 11 Brick Street, London W1J 7DF Site 2 - 17 Belgrave Square and 17 Belgrave Mews West, London SW1X 8PG		
Proposal	Application 1: Use of the building as a private members' casino ( <i>Sui Generis</i> ) and external and internal alterations including replacement of roof level plant  Application 2: Demolition of annexe building and replacement with rear extensions to 17 Belgrave Square; excavations to create pool hall extension under garden of 17 Belgrave Square and basement beneath mews property; and associated internal alterations; all in connection with the use of the mews property and 17 Belgrave Square as two single family dwelling houses (Class C3).		
Agent	Application 1 - Montagu Evans LLP Application 2 - DP9		
On behalf of	Applications 1 and 2 - Fenton Whelan Ltd		
Registered Number	Application 1: 18/01322/FULL 18/01323/LBC Application 2: 18/01324/FULL and 18/01325/LBC	Date amended/ completed	14 February 2018
Date Application Received	14 February 2018		
Historic Building Grade	Site 1 – Grade II Site 2 – Grade I		
Conservation Area	Site 1 – Mayfair Site 2 - Belgravia		

**1. RECOMMENDATION****Application 1: 11 Brick Street**

1. Grant conditional permission subject to the completion of a legal agreement to secure the following:
  - a) Not to commence or permit to be commenced the use of the building as a casino (sui generis) until the buildings at 17 Belgrave Square and 17 Belgrave Mews West have been made ready for occupation for residential purposes pursuant to planning permission ref: 18/01324/FULL.
  - b) To prevent the use of the building as anything other than a casino (sui generis) and to restrict the layout/uses to those shown on the approved drawings.
  - c) Highways works in the vicinity of the building comprising of the removal of the existing vehicle crossover and its replacement with footway.
  - d) Costs of monitoring the S106 agreement.
2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:
  - a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permissions with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decisions under Delegated Powers; however, if not;
  - b) The Director of Planning shall consider whether the permissions should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the applications and agree appropriate reasons for refusal under Delegated Powers.
3. Grant conditional listed building consent.
4. Agree reasons for granting conditional listed building consent as set out in Informative 1 of draft decision notice.

**Application 2: 17 Belgrave Square and 17 Belgrave Mews West**

1. Grant conditional permission subject to the completion of a legal agreement to secure the following:
  - a) A contribution to the City Council's Affordable Housing Fund of £1,427,000 (index linked and payable prior to the commencement of development); the contribution to be held in escrow until a specific date being 3 years following the grant of planning permission ref: 18/01322/FULL relating to 11 Brick Street, immediately after which date the contribution will be transferred from the escrow account to the City Council's Affordable Housing Fund, unless the building at 11 Brick Street is occupied as a casino (sui generis) pursuant to planning permission ref: 18/01322/FULL, in which case the contribution shall be reimbursed to the applicant).
  - b) Costs of monitoring the S106 agreement and costs associated with the escrow account.

2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:
  - a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permissions with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decisions under Delegated Powers; however, if not;
  - b) The Director of Planning shall consider whether the permissions should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the applications and agree appropriate reasons for refusal under Delegated Powers.
3. Grant conditional listed building consent.
4. Agree reasons for granting conditional listed building consent as set out in Informative 1 of draft decision notice.

## 2. SUMMARY

11 Brick Street is Grade II listed and is in lawful use as a single dwelling house. It is located within the Mayfair Conservation Area.

17 Belgrave Square is a vacant Grade I listed building located in the Belgravia Conservation Area. The building is in a 'nil' use. 17 Belgrave Mews West is unlisted, and is a separate vacant residential dwelling house.

Both sites are located within the Core Central Activities Zone (Core CAZ)

The two applications have been submitted as a land use package. Permission and listed building consent are sought for minor internal and external alterations to 11 Brick Street in connection with its use as a private members' casino, with ancillary drinking and dining facilities. The residential floorspace lost at 11 Brick Street is proposed to be re-provided through the proposed new extensions, excavations and alterations to both 17 Belgrave Square and 17 Belgrave Mews West in connection with the use of the two buildings as two dwelling houses.

The key issues in this case are:

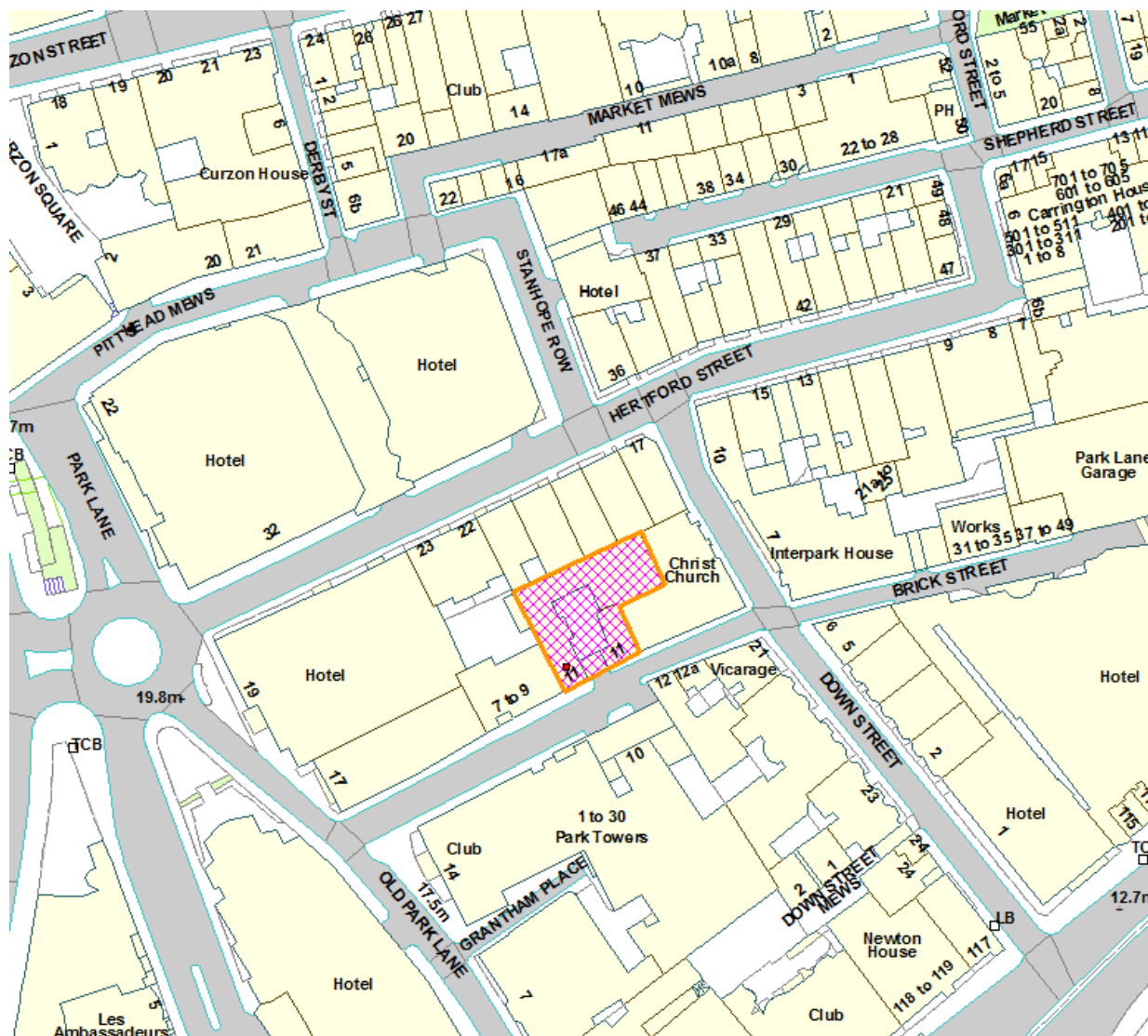
- The impact of the proposed new casino upon neighbours' amenity and local environmental quality;
- The impact of the alterations and extensions to the special interest of the two listed building and the impact upon the character and appearance of both the Belgravia Conservation Area and the Mayfair Conservation Area; and
- The acceptability of accepting a payment towards the City Council's Affordable Housing Fund in lieu of affordable housing provision, should 17 Belgrave Square be converted into a dwellinghouse without the conversion of 11 Brick Street into a casino taking place.

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As set out in this report, the proposed development is considered to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is therefore acceptable in land use, design, heritage and amenity terms. This is subject the conditions as set out on the draft decision letters and the completion of a legal agreement securing a number of items but principally, to: (i) Prevent the commencement of the casino use at 11 Brick Street until buildings at 17 Belgrave Square and 17 Belgrave Mews West have been made ready for occupation for residential purposes; and (ii) Securing a policy-compliant payment in lieu of affordable housing provision, to be reimbursed should 11 Brick Street be converted to a private members' casino (sui generis).

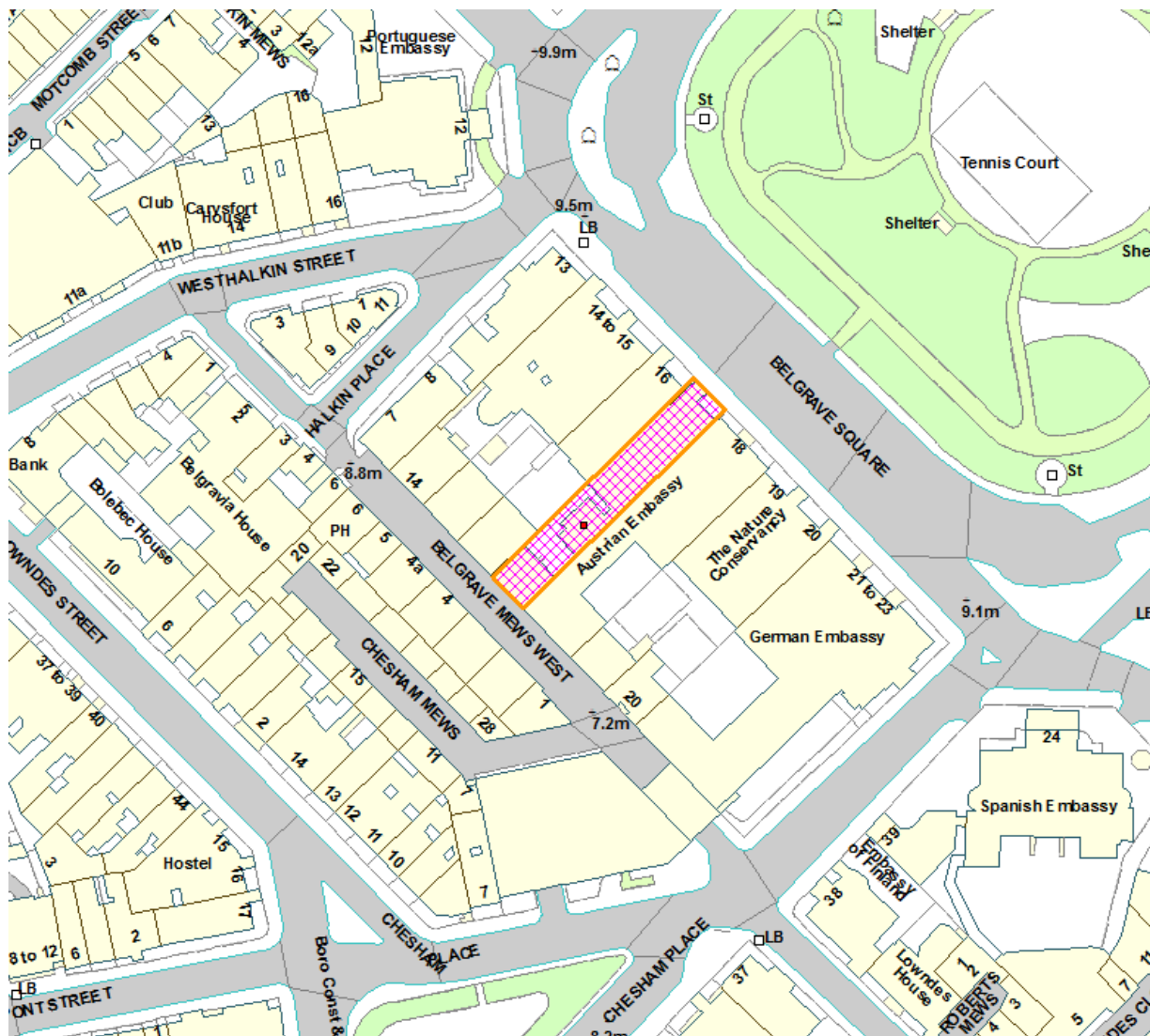
### 3. LOCATION PLAN

Site 1:



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Site 2:



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#### 4. PHOTOGRAPHS

Site 1:





Site 2:



Front Elevation of 17 Belgrave Square





**Rear Elevation of 17 Belgrave Square**



**17 Belgrave Mews West**

## 5. CONSULTATIONS

### *Application 1*

#### RESIDENTS' SOCIETY OF MAYFAIR & ST JAMES'S

Any response to be reported verbally

#### HIGHWAYS

No objection subject to conditions

#### CLEANSING

Revised refuse storage arrangements acceptable

#### ENVIRONMENTAL HEALTH

No objection subject conditions

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 100

Total No. of replies: 8 (including seven letters from/on behalf of The Diocese of London/Christ Church Mayfair and Church congregants)

No. of objections: 8

No. in support: 0

#### Land Use

- Inappropriate use in this location; adverse impact on the character of the area.
- Introduction of a large entertainment use contrary to adopted local and national policy, applicants have not demonstrated 'exceptional circumstances'.
- Insufficient regard to proximity of other entertainment uses in the area and saturation of casinos in the area.

#### Amenity

- Adverse cumulative impact of entertainment uses in the area.
- Casino use would result in an unacceptable increase in noise disturbance as a result of increased activity, including from the use of outside spaces, and additional traffic.
- Noise disturbance to church worshipers due to proximity of first floor terrace to church windows; terrace screening to Church windows is required.
- Should the use be considered acceptable, suggest restrictions on customer capacity and hours of use external spaces and maximum premises capacity.
- Noise disturbance and vibration from plant operation.

#### Design and Conservation

- Casino use undermines the historic value of the original residential building.
- Proposed alterations detrimental to the character and appearance of the building.

## Highways

- Highways obstruction due to on-street servicing and increased traffic.
- Traffic Management Strategy for vehicle drop off/waiting required.

## Other

- Nature of proposed use unclear and submitted details contradictory.
- Structural implications for neighbouring buildings.
- Locating casino next to church would be detrimental to welfare of members of the congregation who may struggle with gambling and alcohol problems.
- Potential for altercations between casino members, who may have been drinking, and church visitors.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## *Application 2*

### HISTORIC ENGLAND:

Authorisation provided to determine as the City Council sees fit.

### HISTORIC ENGLAND (Archaeology):

No archaeological implications.

### ANCIENT MONUMENTS SOCIETY:

Any response to be reported verbally.

### COUNCIL FOR BRITISH ARCHAEOLOGY:

Any response to be reported verbally.

### SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS:

Any response to be reported verbally.

### GEORGIAN GROUP:

Any response to be reported verbally.

### VICTORIAN SOCIETY:

Any response to be reported verbally.

### THE TWENTIETH CENTURY SOCIETY:

Any response to be reported verbally.

### BELGRAVIA RESIDENTS ASSOCIATION:

Any response to be reported verbally.

### THE BELGRAVIA SOCIETY:

Any response to be reported verbally.

### BELGRAVIA NEIGHBOURHOOD FORUM:

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Any response to be reported verbally.

**ENVIRONMENTAL HEALTH:**

No objection, subject to conditions.

**HIGHWAY PLANNING MANAGER:**

No objection, subject to conditions.

**WASTE PROJECT OFFICER:**

A condition should be attached to ensure adequate waste and recycling storage is provided.

**BUILDING CONTROL:**

No objection.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 41

Total No. of replies: 2 (objection)

Two interested parties have objected to the proposal on the following grounds:

- The applicant has not detailed a construction schedule and hours of building works. Should permission be granted, conditions should be attached to mitigate the construction impact.
- Lack of information in respect to the construction works. Disruption during the course of construction.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Sites**

*Site 1*

Application 1 relates to a Grade II listed building, by James Brooks for the Marquis of Londonderry, located on the north side of Brick Street between its junctions with Down Street and Old Park Lane. It was built in 1882-83 as stables and stable staff accommodation for Londonderry House (now demolished but formerly located where the London Hilton Hotel now stands). Constructed in red brick with terracotta dressings, this handsome building (now comprising basement, ground, part ground floor mezzanine, first and part second floors) is arranged around an internal courtyard, with vehicular access to the courtyard via sliding timber doors on Brick Street. There is a large terrace at first floor level which is bounded, on two sides, by the adjacent Christ Church, Mayfair.

The site lies within the Mayfair Conservation Area and the Core CAZ.

The building has a history of use as a maintenance depot, with a subsequent permission for office use, in 1991. A series of permissions was subsequently granted for residential

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use. The lawful use of the building is as a single dwelling house pursuant to a permission granted in 1997.

This part of Brick Street is characterised by a mixture of uses, including the adjacent Grade II listed Church (Christ Church Mayfair), immediately adjacent to the site. Directly opposite the site are serviced offices with a public car park below (open from 0600 to 1900 hours on Monday to Saturday only). 'The Tale Bar', which forms part of the Playboy Club at 14 Old Park Lane, occupies most of the remainder of the frontage (south side) towards Old Park Lane.

Records indicate that the closest residential properties are flats in Park Towers (above The Playboy Club) and to the rear of the site in the basement and ground floors of 22-23 Hertford Street and at adjacent, at 7-9 Brick Street. The applicant contends that the flats are occupied as serviced apartments used in association with the Metropolitan Hotel on Old Park Lane, and this has been confirmed, verbally, by hotel staff. However, entries for the occupants of Flats 1-8 22-23 Hertford Street appear on the Electoral Register.

In addition, there are flats at 21 Down Street and extant permissions for two schemes including the use of all/part of the lower ground and ground floors at 12/12a Brick Street as either one or two flats, or one flat. In addition to the flats which form part of the development at 22-23 Hertford Street / 7-9 Brick Street, there are further flats in Hertford Street including at no. 17 (8 flats), no. 18 (5 flats), no. 19 (4 flats above a mosque) and no. 20 (3 flats). No. 21 is in use as an embassy with a flat on the upper floors. Further afield, there are 13 flats at 22 Down Street.

#### *Site 2*

17 Belgrave Square is a Grade I listed building located in the Belgravia Conservation Area and Core CAZ. The Royal College of Psychiatrists (sui generis use) formerly occupied the building. The organisation left the building in 2013 and it has been vacant since. Its occupancy was pursuant to a personal planning permission and, upon vacation, the property has therefore assumed a 'nil' use. To the rear of the main building, there is a rear wing. Beyond that within the remaining garden is an annex.

17 Belgrave Mews West, is a vacant residential dwelling house. It was used for residential purposes in connection with former Royal College of Psychiatrists in the main building.

## **6.2 Recent Relevant History**

#### *Site 1*

None.

#### *Site 2*

On 7 October 2014, the City Council granted planning and listed building consent for the demolition of the annexe building and replacement with rear extensions to link 17 Belgrave Square with 17 Belgrave Mews West including excavations to create pool hall extension

and basement beneath mews property with associated internal alterations, all in connection with the amalgamation of the buildings to form a single family dwelling. These works were not lawfully implemented and the permission and consent have now expired.

## 7. THE PROPOSAL

### *Application 1*

Planning permission and listed building consent are sought for minor internal and external alterations to the building in connection with its use as a private members' casino with associated dining and drinking facilities (sui generis).

The application has been amended to delete proposals for the installation of a new lift within a vaulted space adjacent to the vehicular entrance, with an associated dormer in the roofslope. The applicant has also confirmed that the proposal includes the replacement of existing plant within a sunken area on the roof of the building. Operational details have been revised within an updated draft Operational Management Plan

### *Application 2*

The planning and linked listed building applications are for proposals similar to those approved in 2014 – the new rear extensions, excavations and other alterations broadly match those previously approved.

The main difference between the current proposal and the expired 2014 permission is that the current application no longer proposes to amalgamate the mews building and the main building into a single residential dwelling. Initially this was proposed but, following officer advice, the applicant revised their proposal to now propose two dwellings on site.

In addition, the expired 2014 permission was a stand-alone permission and was not sought as part of a land use package.

### *Floorspace figures*

The floorspace figures for both sites and the overall comparative floorspace figures are set out below.

**Table 1: Floorspace figures 17 Belgrave Square /**

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Nil use	1,527	0	-1,527
Residential (Class C3)	186	1,826	+1,640
Total	1,713	1,826	+113

**Table 2: Floorspace figures 11 Brick Street**

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Private members' casino (sui generis)	0	1,189	+1,189
Residential (Class C3)	1,189	0	-1,189
Total	1,189	1,189	0

**Table 3: Overall comparative floorspace figures (both sites)**

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Nil use	1,527	0	-1,527
Private members' casino (sui generis)	0	1,189	+1,189
Residential (Class C3)	1,375	1,826	+451
Total	2,902	3,015	+113

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Land Use Swaps and Packages

City Plan Policy CM47.1 allows the swapping of uses between sites and for land use packages in order to maximise the potential of individual sites within the commercial areas of Westminster's CAZ (which includes the Core CAZ). The policy outlines how a land use swap will be appropriate provided that:

1. the sites are in the vicinity of each other;
2. the mixed use character of the immediate area is secured at a fine grain;
3. there is no net loss of floorspace which is protected by other policies in the plan across the sites taken as a whole;
4. the uses are appropriate within each area and there is no loss of amenity resulting from the introduction or intensification of a use into an area;
5. any residential accommodation is of a higher quality than could have been achieved without the land use swap or package;
6. the applications for all sites are submitted at the same time and all elements of the scheme are completed within a time frame agreed by the City Council.

If agreed, the sites subject to the land use swap or package will be treated as though the development is on a single site, including for consideration of viability.

Both sites are located within the CAZ, on opposite sides of Park Lane, although only 850m apart. The applications were also submitted at the same time. For these reasons, it is considered that they can be treated as a land use package.

#### Residential Floorspace and Optimisation

Policy S14 also states that the City Council will protect existing residential units and floorspace, and will seek the optimisation of residential units on development sites.



The existing dwellinghouse at 11 Brick Street measures 1,189 sqm (GIA) and provides a basement level swimming pool, gym and garaging (accessed by a car lift); a home cinema, kitchen, reception rooms, office and study on the ground floor and five bedrooms, bathrooms and dressing rooms on the first and second floors. The first floor roof terrace is accessed via the main staircase and from two of the bedrooms. Although a skeleton staff is employed at the house, there is little evidence to suggest that it is occupied on a regular basis.

By itself, the development proposal at Site 1 would have resulted in the loss of one dwelling and 1,189 sqm (GIA) of residential floorspace, contrary to City Plan Policy S14 which protects both existing floorspace and units. Provided the conversion of 17 Belgrave Square into a dwellinghouse is acceptable, however, there will be a net increase of 451 sq.m GIA in residential floorspace over the two sites.

17 Belgrave Square is in a 'nil' use because the Royal College of Psychiatrists occupied the building based on a personal planning permission. When they occupied it, the building was in an institutional use (sui generis). As the building assumed a 'nil' use when they vacated, the current proposals would not represent a loss of an institutional use.

17 Belgrave Mews West is currently in use as a single-family dwelling house. The proposals would retain this use, and would create a new residential unit within the main building, resulting in an uplift in the number of residential units and floorspace within Site 2 and would have a neutral impact in terms of the number of residential units across the two site.

Policy S18 of the City Plan states the priority in the Core CAZ is commercial. However, the reversion of 17 Belgrave Square back to its original use as a dwelling house would better assist in the preservation and enhancement of this Grade I listed building than a commercial use. A commercial occupier would require significant alterations to be carried out in order to bring the building up to modern standards, and these would likely impact on historic fabric and the historic plan form. The reversion back to a dwelling house allows for enhancements to the building. Further, the provision of an additional residential dwelling house would contribute to towards meeting and exceeding its housing targets as set out in Policy S14 of the City Plan.

Using 17 Belgrave Square and 17 Belgrave Mews West as a single-family dwelling, as the applicant initially proposed, would have resulted in a net loss of one residential unit across the two sites and would have created a very large dwelling. This would have been contrary to the protection of residential unit numbers and the requirement to optimise residential units on development sites within City Plan Policy S14. Following officer advice, the applicant explored the optimisation of the site including the possibility of splitting the listed main building into flats. The applicant's heritage consultant argued that this would harm the significance of the listed building. It would require significant interventions to important features of the building, such as the grand central staircase, and this would negate much of the heritage benefits that would occur with the conversion back to its historic use as a single-family dwelling house.

Officers have accepted that splitting the building into flats would cause harm to this Grade I listed building, and so have concluded that this ought to be an instance where heritage considerations prevail. The applicant has accepted that the unlisted mews building could

be used as single family dwelling without any negative heritage implications, and so have amended their proposal accordingly.

Both sites have a history of use as large dwelling houses and it is considered that the relocation of the existing residential use to Belgrave Square and the proposed casino in Brick Street, which would maintain the existing residential appearance when viewed from the street, would maintain the existing mixed use character of both locations.

Both the existing Brick Street house and the proposed residential development offer a good standard of accommodation, with private amenity space. There would be a significant increase in residential floorspace in Belgrave Square, which would provide a total increase in residential floorspace of 451 sq.m (GIA) over the two sites. Given that permission has previously been granted, in isolation, for the use of the Belgrave Square property as a single dwelling house (including the mews building), it cannot be argued that the residential accommodation being provided is of a higher quality than could have been achieved without the proposed land use package. However, on balance, subject to a legal agreement to secure replacement residential accommodation at 17 Belgrave Square prior to the commencement of the casino use, the proposed land use package is considered acceptable in principle.

Objectors contend that the proposed development is not necessary to bring the building back into use and that an alternative use on the Brick Street site, including as flats, would better serve the local area. However, the City Council is obliged to determine the application, as submitted, in the light of the policies within the adopted development plan unless material considerations indicate otherwise. The fact that another use could be equally appropriate in planning terms could not justify withholding permission for the use sought if the scheme is otherwise considered acceptable.

The impact of the proposed casino at Site 1 upon neighbours' amenity and local environmental quality is discussed below.

It is considered that the land use package is acceptable in this regards and accords with Policy CM47.1. Permission is recommended to be granted subject to a legal agreement to ensure that the proposed residential unit at 17 Belgrave Square is completed and ready for occupation prior to the commencement of the private member's casino use at 11 Brick Street. This is to ensure there is no net loss of residential units or floor area, in accordance with City Plan Policy S14.

**Affordable Housing**

The additional residential floorspace within Site 2 comprises 1,640sqm (GIA). This triggers a requirement for the provision of affordable housing under City Plan Policy S16. However, the land use package with 11 Brick Street means the two sites are required to treated as one, and the uplift in residential floorspace across both sites is only 451sqm (GIA), well below the affordable housing threshold. Therefore, should both schemes be implemented, there would be no affordable housing requirement.

In the event that the new dwellinghouse at 17 Belgrave Square is provided but the private members' casino at 11 Brick Street is not, there would be additional residential floorspace

which would trigger a requirement for the provision of 240sqm of affordable housing under S16 of the City Plan and H4 of the UDP. The policies set out a hierarchy for this provision with a preference for on-site housing, followed by the use of an alternative site nearby and finally, where neither option is achievable, a payment in lieu for the amount of floorspace required.

As considered in the 2014 scheme and outlined above, it is acknowledged that additional residential units on site would compromise the purpose and a benefit of the proposals which is to return the listed building to its original use as a dwelling house. In the absence of an alternative site, a payment in lieu of affordable housing provision is considered acceptable, which will be reimbursed if the 11 Brick Street scheme is implemented. Therefore, a legal agreement is recommended to secure a payment in lieu of affordable housing provision of £1,427,000 (index linked and payable prior to the commencement of development), to be reimbursed should 11 Brick Street be converted to a private members' casino (sui generis).

**Proposed Casino at Site 1**

The City Council's "Statement of Licensing Principles for Gambling; The Gambling Act 2005" confirms that, as the relevant Licensing Authority, the Council cannot grant any new casino premises licences. However, an existing licence can be varied to move it from one premises to another. No operator has yet been confirmed for the proposed casino but the applicants have advised that details of the proposals have been shown to all potential operators who have confirmed that they would be happy to accept the measures outlined in the Draft Operational Management Plan.

The proposed casino measures 1,189 sqm (GIA), which constitutes a large entertainment use as defined in Chapter 8 of the Unitary Development Plan. The casino would operate 24 hours a day (excluding Christmas day), with a maximum capacity of 201 customers, including the use of external spaces. UDP Policy TACE 10 states that such uses will only be acceptable in exceptional circumstances. Any proposals are required to provide sufficient information to demonstrate that the development would have no adverse effect, (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of noise, vibration, cooking smells, increased late night activity, or increased parking and traffic. The use should have no adverse effect on the character or function of the area. City Plan Policy S24 also confirms that large entertainment uses are unlikely to be considered acceptable.

In considering the acceptability of new entertainment uses, the City Council will have regard to the type of use proposed; the number of customers who may be present on the premises; the opening hours; arrangements to safeguard the amenities of neighbouring occupiers and the environmental quality of the area and to prevent nuisance (from smells, noise and vibration disturbance, including that from the use of ventilation and air conditioning plant); servicing arrangements (including servicing hours); arrangements for the storage, handling and disposal of waste; the positioning and impact of the use of any external spaces within the curtilage of the building and any supporting statement provided by an applicant in respect of the management of the use. Where necessary, conditions will be imposed to control these and other relevant aspects of the use.

The UDP recognises that larger entertainment uses can have a disproportionate impact on residential amenity and local environmental quality and can contribute to the loss of character, and unacceptably change the function, of an area. They have the greatest potential to generate noise and disturbance in nearby streets and to adversely affect local amenity. However, the Plan acknowledges that there can be considerable variation between the effects of different types of entertainment uses and that accepts that casinos “contribute little to disorder and other adverse effects”. The applicant is keen to emphasise that the proposal would have little impact on neighbours’ amenity and local environmental quality due to the scale and nature of the use and the proposed operational controls. They contend that private members’ casinos are not heavy drinking environments and do not attract rowdy behaviour.

Objections have been received from the neighbouring Christ Church and three members of its congregation; the Diocese of London and one other respondent. Objectors consider that the applicants have failed to demonstrate ‘exceptional circumstances’ to justify the introduction of a large entertainment use, as required by policies TACE 10 and S24. They also consider the scheme to be contrary to City Plan S18, which requires new commercial development to be appropriate in terms of scale and intensity of land uses, to policy CM47.1 that states that proposed land use packages should not lead to loss of amenity resulting from the introduction of a use within an area, and to the requirements of para 182 of the NPPF (2018) which states, *“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs. Music venues and sports clubs)”*.

In allowing a previous appeal against the refusal of permission for an extension to an existing restaurant (to create a unit measuring nearly 800 sqm) the Planning Inspector concluded that if the use would not result in any material harm, to residents’ amenity and local environmental quality, this was sufficient to constitute exceptional circumstances. The City Council has subsequently adopted this approach in considering proposals for large entertainment uses.

Objectors consider that details of the proposed use are unclear as the submitted documents include differing information regarding the nature of the use, including uses within the building and customer capacity. However, details of the use have been amended in the updated Operational Management Plans and the revised layout drawings. Full neighbour re-consultation was undertaken on receipt of the first revisions. Subsequent revisions to the draft OMP, the latest dated 7 November 2018, have been circulated to the principal objectors, who have confirmed that the revisions to the OMP do not overcome their fundamental objections to the application.

#### *Impact on the character of the area*

Objectors consider that a casino use is inappropriate in this location which, notwithstanding its mixed use character, one describes as a ‘largely residential street’. They conclude that the proximity of the casino to the Church entrance, which is used for the greater part of the day, would result in the juxtaposition of incompatible uses and would adversely affect the ‘ambience and amenity’ of the area. Objectors also consider there to be a ‘saturation’ of casinos in this area and that the application does not have sufficient

regard to the relationship of the application premises to other casinos/bars in close proximity of the site including:

- The Playboy Club London Casino at 14 Old Park Lane which includes the Players Bar (open 23.00 to 05.00 the following day, every day) incorporating the Tale Bar (open from 17.00 hours until 01.00 the following day on Monday/Tuesday and until 02.00 hours the following day on Wednesday to Friday and from 18.00 to 03.00 the following day on Saturday. Closed Sunday);
- Genting The Colony Club Casino and Bar (24 Hertford Street);
- The Park Lane Club Casino (London Hilton Hotel at 22 Park Lane);
- Les Amabassadeurs, Casino (5 Hamilton Place);
- Crown London Aspinalls Casino (27-28 Curzon Street); and
- Genting Crockfords Casino (30 Curzon Street).

There an extant permission, granted in January 2016, for a new hotel with ancillary casino at 2-6 Stanhope Row and 16-17a Market Mews. This permission has not yet been implemented. In that case, it was not considered that there were so many casinos in this part of Mayfair that another such use would have a negative impact on the character and function of the area.

A further application has been submitted for a casino use at 16 Charles Street. This, speculative, application has yet to be determined.

As detailed above, due to the nature of their operation, and strict regulation, it is accepted that casinos tend to have limited impact on local amenity or local environmental quality. In this case, the residential appearance of the listed building would be maintained and any signage would, necessarily, be subdued given the listed status of the building. While it is acknowledged that this part of Mayfair already contains a number of casinos, and could arguably be considered to be part of the established character of the area, it is considered that the introduction of a casino on this site would not have a significant adverse impact upon the character and function of the area particularly, given the licensing position outlined above, whereby any casino occupying the premises could potentially relocate from one of these neighbouring sites.

#### *Impact of the proposed use*

UDP Policy ENV 6 and City Plan Policy S32 require developments to contain noise and to demonstrate that any noises emitted by plant and machinery and from internal activities, including noise from music (amplified or unamplified), and human voices, complies with relevant standards. Where appropriate, developments should incorporate design features and operational measures to minimise and contain noise and vibration from developments, to protect noise sensitive properties. A noise and vibration assessment will be required where a development, including a change of use, could affect noise sensitive properties. Although a noise report has been submitted, it is noted that the supporting text to Policy ENV 6 identifies noise sensitive properties as residential premises, educational uses, hospitals, hotels, hostels, concert halls, theatres and broadcasting and recording studios but does not include places of worship.

Notwithstanding the applicant's assurances that the casino would not attract maximum capacity other than at peak times, and that general customer levels are likely to be much less (60-90 customers) and spread over a 24-hour period, objectors consider that this suggested pattern of use could not be effectively monitored or conditioned. Officers agree, and while it is accepted that the casino is unlikely to operate at full capacity (201 customers) in most circumstances, the application has been assessed on the basis of a potential 'worst case scenario'.

The applicant contends that casino customers tend to visit as singles/couples, rarely in large groups, and that private members' casinos are not heavy drinking environments and do not attract rowdy behaviour. The patterns of arrival at/departures from casinos are much more evenly spread compared to other entertainment uses and customers generally arrive and depart singly, as couples or in small groups. The application is supported by a Draft Operational Management Plan, which includes the following obligations:

#### 1. Opening hours and capacity

The casino will be open 24 hours each day, with the exception of Christmas Day. It will accommodate a maximum of 201 customers at any one time. However, in practice, it is anticipated that the number of customers will be significantly less (generally 60-90 customers per day) and spread over a 24-hour period, with the maximum capacity only being achieved at peak times e.g. New Year's Eve and Chinese New Year.

The maximum customer capacity of each area of the casino is as follows:

- Gaming Seats (including Private Gaming / Gaming Lounge / Gaming Bar) = 112 customers
- Incidental seating in gaming areas = 6 customers;
- Meeting room = 19 customers;
- Dining room = 18 customers;
- Casino members TV room = 6 customers
- Maximum of 20 customers using the courtyard and first floor terrace (maximum 40 customers)

#### 2. Use of external courtyard and terrace

- The courtyard and first floor terrace will not contain any tables and chairs and no amplified music will be played outside at any time.
- The courtyard will be open to customers between 10.00 and 22.00 hours only, with a maximum of 20 customers (including smokers) at any one time. Between 22.00 hours and 10.00 hours the following day, any customers wishing to smoke will be directed to the first floor terrace.
- Between 10.00 and 22.00 hours (except between 10.00 hours and 12.00 (noon) on Sundays), use of the first floor terrace will be limited to a maximum of 20 customers (including smokers).
- Between 22.00 hours and 10.00 hours the following morning, the use of the first floor terrace will be limited to a maximum of 10 customers (including smokers). The use of the terrace will be monitored by staff to ensure that customers are not causing a disturbance.

### 3. Management of access/guests

The selection process for members would be stringent and expectations in regard to behaviour and neighbourly consideration will be clearly set out.

Registered door supervisors will ensure members enter and leave in a quiet and neighbourly way.

A Reception Manager will greet and sign every customer into the casino and move guests through the reception area to ensure no waiting and/or queuing on Brick Street. The lobby and lobby bar provide sufficient waiting space inside the building. Notices will be posted on the inside doors reminding customers to leave the Building quietly.

The building will be closely monitored by CCTV so that arrivals and departures can be supervised and recorded. (The installation of CCTV will be subject to listed building consent).

Staff will call taxis for departing customers and will manage taxi pick up/drop offs to ensure that the roadway does not become congested. Customers will be asked to wait inside the premises until their taxis arrive. Staff will only call a taxi if requested to by a customer, to prevent taxis from idling on Brick Street.

Management will have a protocol for assisting disabled customers into the building.

### 4. Staff/Servicing arrangements

Staff facilities are provided in the basement. Staff shifts (20 staff) will operate from 0800 to 1600, 1600 to 24.00 and 24.00 to 0800 hours (approximately).

All deliveries will take place between 7am and 9am between Monday and Saturday and not on Sundays or Bank Holidays. Servicing will take place from vacant residents' parking bays on Brick Street or from double-yellow lines, which permit loading/unloading in this location.

A member of staff will be appointed to oversee deliveries and site servicing to ensure that this is carried out quickly and quietly.

Goods will be transferred to the basement using the service stairs or lift. Staff will be trained to ensure that deliveries are carried out as quietly as possible.

Any operational issues with the goods lift will be actioned immediately. A call out service agreement for the lift will be entered into to ensure that lift access is maintained. In the event that the lift is out of action a team will be coordinated to manage and move essential deliveries. Non-essential deliveries will be cancelled until the matter is resolved.

Deliveries will be managed via a booking system which suppliers must adhere to. If a servicing vehicle is expected to arrive earlier or later than planned, the driver will be instructed alert members of staff so that delivery times can be managed to avoid vehicle conflict.

Delivery staff will be instructed to park their vehicles considerately and to ensure that access through Brick Street is maintained. If unplanned operations are taking place on Brick Street (such as road works or large scale deliveries not associated with the casino) staff will liaise directly with the workmen and will advise delivery drivers of temporary servicing arrangements to ensure the free flow of traffic is maintained.

Refuse and recycling collections (including empty bottles) will be undertaken by private contractors between 10.00 and 12.00 hours on Monday to Saturday only. A staff member will ensure that it is undertaken quickly and that empty bins are returned to the stores immediately. No waste / recycling will be left outside the premises. The highways will be washed down as necessary.

The refuse / recycling store is located in the basement. The refuse store has been designed as a sealed environment with gullies to contain smells and facilitate cleaning. The position of the refuse /recycling store will ensure that noise from use of the store is minimised (e.g. from the moving of bottles).

#### 5. Smoking/phone use

Customer smoking will be directed to the courtyard and terrace as detailed above.

Staff will be asked to walk at least 500 metres from the site to smoke, to avoid congregating on Brick Street. Staff will be prohibited from talking on their mobile phones on Brick Street after 21.00 hours.

#### 6. Plant

All plant and kitchen extract equipment will be maintained and cleaned regularly, in accordance with the manufacturer's guidance, to ensure that they operate effectively and do no cause odour or fume nuisance.

#### 7. Neighbour Liaison

A Residents' Forum will be established for liaising with the local community. It is anticipated that meetings would be held quarterly in the first year; every four months in the second year and then every six months thereafter. Any issues / complaints will be dealt with immediately by the on-site team. The Residents' Forum will review actions taken ensure the process is working effectively. Residents will be contacted by letter inviting them to the Forum (as a minim including residents/occupants of Brick Street (between Old Park Lane and Down Street); Down Street, Hertford Street; and Old Park Lane and Christ Church Mayfair). A 24 hours complaints hotline will be provided with the contact number published in the Residents' Forum letter. A complaints log will be maintained with a system of follow-up procedures.

Christ Church has now been included within the proposed Residents' Liaison Group at their request. Objectors consider that the operation of a Residents' Forum should be enshrined within a s106 legal agreement. However, this is not considered necessary given that this commitment forms part of the proposed Operational Management Plan, which would be secured by condition.



Objectors have advised that the adjoining Church is open ‘all day on Sunday and throughout the day on Saturday’ and is used up until 23.00 hours during the week. It is used by church groups and is available for other community users on a regular basis including a ‘mums and toddlers’ group, with occasional one-off or monthly meetings. They are concerned that the proposed use, with potential peaks in customer activity, would have a significant adverse impact upon the operation and amenity of the church and upon the amenity of neighbouring residential and business premises. Concerns relate to potential noise disturbance outside the premises including noise from people entering/exiting the casino, particularly in the early hours, and associated noise from cars/taxis; noise from deliveries and refuse collections (including bottle collections) and potential noise associated with highway obstruction by delivery vehicles including car horns. Objectors have requested that refuse collections are not permitted to take place at weekends when the Church is in most intensive use (including Sunday Service) and this has been agreed by the applicant.

Objections also relate to the impact of activities associated with the use - including noise from within the building (the original plans showed a dance floor and sound stage), noise transference through the fabric of the building to the neighbouring Church and objectors expressed concern that the original acoustic report did not adequately address the issue of internal noise. Particular objections have been raised in relation to potential disturbance from the use of the external courtyard and first floor terrace, and associated nuisance from smoking.

The first floor terrace at 11 Brick Street is bounded, on two sides, by the adjacent Church. Just above the terrace level is a large (west facing) stained glass window which lights the North Transept. This window is currently heavily obscured by terrace planting. There is a further stained glass window (north facing) at the head of the stair leading from the ground floor west lobby to a small gallery above. Light from this window serves a small room glazed room adjacent to the landing, (which was filled with stacked chairs at the time of the officer’s site visit) and spills down into the nave. Part of this window is openable for ventilation purposes. Objectors have advised that these areas are used for worship, meetings and as a community space and are susceptible to noise disturbance due to the open plan layout of the building. Whilst acknowledging that the terrace could be used in association with the existing house, they consider that its use in association with the casino would have a significant adverse impact upon the operation and amenity of the Church, particularly as it would not be possible to provide adequate soundproofing to the adjacent, single glazed, windows.

Given their concerns objectors have requested that no use of the courtyard or terrace is permitted in association with the casino use, or failing that, that customer access to the first floor terrace should not be permitted when the church is in use (between 08.00 and 23.00 hours). Following discussions with the objectors, the applicants have agreed that the terrace would not be used between 10.00 and 12.00 hours (noon) on a Sunday. The objectors have since requested a further restriction, to prevent its use between 09.00 and 13.00 hours on a Sunday, (to accommodate a children’s group using the mezzanine). This further concession is not included within the revised draft OMP.

The latest draft OMP confirms that the outside spaces will not contain any tables and chairs, that no amplified music will be played outside and that the use of these spaces will be monitored by casino staff. In an effort to address the objectors’ concerns, it is now

proposed that a maximum of 20 customers would be permitted to access the courtyard, between 10.00 and 22.00 only, and that the terrace would be used by a maximum of 20 customers between 10.00 and 22.00 hours (except between 10.00 hours and 12.00 (noon) on Sundays) and by a maximum of 10 customers between 22.00 hours and 10.00 hours the following morning. The objectors since requested that the use of the terrace be limited to 10 customers at all times, on the basis that it would not be possible to control customer noise levels, but the applicant has not volunteered this further restriction.

Objectors are also concerned about nuisance from customers smoking outside the premises, on the basis that this would exacerbate an existing problem caused by smokers from neighbouring buildings who congregate in the Church entrance. Officers accept that some casino customers will wish to smoke, and consider that it would be preferable for them to smoke within the building curtilage rather than outside the premises (which has the potential to result in increased noise disturbance, littering and highway obstruction). Consequently, it is acknowledged that some use of the outside space would be necessary. As this is a proposed 24 hour use, it is not considered reasonable to seek to prevent the use of the outside spaces for the greater part of the day. Subject to the management controls set out in the draft OMP, including a ban on the use of the first floor terrace between 10.00 and 12.00 on Sunday mornings, the proposed use of the external spaces is considered acceptable and would be secured by condition. Given the use of these spaces and the limited numbers already proposed, it is not considered that the further restrictions sought by objectors are reasonable.

There is already a planter in front of the North Transept window which provides a form of barrier. Objectors have requested, should any use of the terrace be permitted, that the applicants be required to install screens/planting in front of both Church windows, to act as an acoustic buffer (and would also prevent any potential damage to the windows). The applicants have discussed this issue with the objectors and are willing to explore this matter further. Objectors have requested that details of screens be submitted and reviewed in advance of the application being determined. However, it is considered that this could be dealt with through the imposition of an amending condition requiring the submission of details of new screens/planted screens prior to the commencement of the use, subject to consultation with the Church. The applicant has indicated that it is willing to accept such a condition. Providing these screens/planters are not fixed to the terrace, it is not considered that they would be require listed building consent.

Objectors consider that the use would have a significant adverse impact when compared with the existing residential use and that this cannot be appropriately mitigated by the suggested controls within the draft OMP. In particular, they contend that the applicant's assurances about guests' behaviour cannot be guaranteed or assumed as this is a speculative proposal. However, the measures detailed in the draft OMP, which any future operator would be required to adhere to, including the management of guest arrivals and departures and the management of the delivery and servicing process would adequately address the potential impact of noise generated outside of the building. Given the proposed obligations within the OMP, a request that the customer capacity be limited to 30 guests at any one time, as suggested by the original application documents, is not considered reasonable given the size of the buildings and the revised buildings layout and operational details.

Objectors were received on the grounds that the original noise report did not adequately address the impact of the use and the Environmental Health Officer required the noise assessment to be revised accordingly. The report has since been updated and, together with the latest version of the Draft Operational Management Plan, has been assessed by the Council's Environmental Health Officer who has confirmed that based upon the obligations within the revised OMP, the updated layouts (which delete original proposals for a dance floor and sound stage) and subject to these layouts being secured by an appropriate mechanism and to a finalised OMP being agreed in consultation with neighbouring occupiers, that he has no objection to the revised proposals. However, suggested conditions include a requirement that the final OMP should include an undertaking that additional noise mitigation measures would be undertaken in the event that levels assumed in the noise report would be exceeded. Given the nature of the use, the package of proposed noise control measures and associated conditions, it is not considered that this further condition is necessary.

It is noted that, although there are residential properties to the rear of the site in Hertford Street, on the opposite side of Brick Street (Park Tower) and in neighbouring Down Street, no objections appear to have been received from neighbouring residents, who have experience of living in close proximity to the various casinos in the area. Any departure from the proposed casino use would require further planning permission and it is recommended that controls are imposed to prevent the use of the premises as anything other than a casino and to restrict the layouts/uses of various parts of the premises to those shown. In these circumstances and subject to controls over capacity, the use of the outside spaces, noise levels, delivery and servicing hours and a requirement to keep all doors and windows closed - reflecting the obligations set out in the draft OMP it is not considered that the proposals would have an adverse impact on neighbours' amenities or the local environmental quality of the area, including any cumulative impact. Given the mixed character of Brick Street, and the established character of the area, objections relating to the impact of any increased activity upon the character of the area could not be supported.

One objector has expressed concern about the potential for altercations between casino members, who may have been drinking, and church visitors. However, as drinking in casinos is strictly managed/regulated as a condition of the licence, and as the Mayfair gaming clubs tend to attract serious and/or professional gamblers who attend for gaming purposes rather than for drinking/dining, such altercations are considered unlikely. Objectors are also concerned that people visiting the Church can sometime struggle with alcohol and gambling addictions and that the casino would be an unsuitable neighbour in these circumstances. While these concerns are noted, this is a private members' casino, which would be strictly regulated, rather than a more 'public' use. Given the number of similar uses in close proximity of the site, it is not considered that the proposals would result in any worsening of the existing position in relation to the concerns raised.

For the reasons outlined above and subject to a requirement for the submission of a finalised OMP when any operator has been identified and subject to a legal agreement to prevent the commencement of any casino use prior to the residential development at 17 Belgrave Square being made ready for occupation, the proposed use is considered acceptable in land use and amenity terms.

The impact of the proposed casino in highways terms is discussed in section 8.4 below.

## 8.2 Townscape and Design

As required by Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the determination of these applications must pay special regard to the preservation of the listed building and the character and appearance of the conservation area. This is reflected by Sections 7 and 12 of the NPPF and by the Council's own policies; in particular to this case, S25 and S25 of the City Plan and DES 1, DES 5, DES 8, DES 9 and DES 10 of the UDP. The Belgravia Conservation Area Audit is in draft, but has been fully consulted upon and therefore carries some weight. There is no audit for the Mayfair Conservation Area. The Council's 'Repairs and Alterations' SPG is also relevant.

### ***Site 1***

This Grade II listed building within the Mayfair conservation area, built as stables and stable staff accommodation for Londonderry House, features an arched opening to Brick Street and a large courtyard, both of which are characteristic of its original stable use. The accommodation, sympathetically altered, encloses the courtyard on all sides. The building has been substantially altered internally, particularly in the 1990s. Its special interest now relates principally to its external appearance.

In heritage terms, the most significant aspects of the application are a proposed glass screen to the entrance arch, the new staircases and lift. The most contentious proposals to install a new lift within the vaulted are adjacent to the vehicular entrance, which would have required the installation of a new dormer on the internal roofslope, have been omitted on officers' advice, and the lift relocated.

The glazed screen to the courtyard side of the arched entrance will prevent vehicles accessing the courtyard on a day-to-day basis. Whilst this change would not assist an understanding of the building's original function, the screen could be removed to facilitate large deliveries etc. The screen appears light-weight and the alteration would be reversible, as the screen fixings will not have a significant impact on the building. The external entrance doors will be retained and this aspect of the scheme is considered acceptable as, for similar reasons, are the proposals to installation new glass screens to the openings adjacent to the main entrance arch.

The installation of a new lift will involve the demolition of a small amount of fabric within the existing kitchen, replacing an existing spiral stair. The loss of a small amount of additional fabric is not considered to be contentious.

The removal of the existing, modern staircase and the small east mezzanine floor, the levelling of floors, the introduction of new partitions and the installation of secondary glazing is uncontroversial. The existing brick arches between the proposed ground floor reception and lobby (all ground floor front) would be raised to accommodate the new floor levels. Subject to conditions, including one requiring details of the new arches to ensure that they match the existing in terms of detailed design and materials, the proposed works are considered acceptable.

Objections have been received on the grounds that the proposed casino use undermines the historic value of the original residential building and that the alterations to the building would be detrimental to the character and appearance of the building. Given that the original stable use no longer exists, it is considered that the proposed casino use will have a minor, neutral, effect on the special historic interest of the building and is not considered harmful in terms of its effect on the character of the conservation area.

Objectors also consider that the proposals would be contrary to paragraph 196 of the NPPF (2018) which states that “where a development proposals will 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”. Paragraph 5.19 of the submitted heritage statement concludes that harm resulting from the proposal is “less than substantial and on a secondary elevation, which is outweighed by the public benefit in improving access within the building”. Objectors consider that the proposed use, which is open to members only, would have a limited public benefit and that any benefit would not be outweighed by the proposed harm to the listed building.

It is noted that the historic use of the building is as a stables rather than as a dwelling house, which is a recent use and also has limited public benefit. The ‘harm’ identified in para 5.19 of the applicant’s heritage statement relates to original proposals to install a lift in the vaulted area adjacent to the vehicular entrance, with the installation of a dormer within the roof above. These proposals, which were considered to harm the special interest of the listed building, have been deleted from the scheme and it is considered that the revised scheme would no longer result in harm.

The neighbouring Church has also expressed concern regarding the removal of several internal basement walls ‘orthogonal’ to the retaining walls at the rear of the church Nave on the basis that their removal, if acting as buttresses/props to the retaining wall, would result in structural damage. Christ Church was built in 1868, predating 11 Brick Street by fifteen years. Its structure would have been independent of adjacent buildings at this time. As the degree of demolition of internal walls is very minor it is considered unlikely that this work would impact on the structure of the adjacent church or other neighbouring buildings.

The scheme is considered to comply with national policy guidance, UDP policies DES 1, DES 5, DES 9 and DES 10, City Plan policy S25 and S28 and the Council’s guidance on ‘Repairs and Alterations to Listed Buildings’ and the objections to the impact of the use and works upon the special interest and character of the listed building cannot be supported.

## **Site 2**

The excavation to create a basement level of accommodation below the mews building and the garden of 17 Belgrave Square would be set away from the main listed house. Stairs would be provided up into the rear wing at the back of the main house so the excavation would not undermine the hierarchy of the listed building. The external manifestation of the excavation would be limited to rooflights in discreet locations, which

are considered acceptable in terms of their impact on the listed building. The other impacts of the basement are discussed in section 8.7 of this report.

At lower ground floor level, there are internal changes proposed to the main house but these would be in areas that have already been altered. As the rear wing is a later addition the changes proposed to it are not contentious. Although outbuildings are generally resisted, in this case there is an existing two storey annex to the rear of the existing rear wing, and its replacement with a new 'orangery' is welcomed as it represents a significant visual enhancement. The mews property is not listed so the internal works here do not require listed building consent.

At ground floor level a courtyard would be reinstated to the rear of the dining room which is welcome. Vents serving the swimming pool would be set into the lead roof against the south east boundary which would lessen their visual impact. A replacement lift is proposed but the impact of this and the proposal to turn the lift openings through 90 degrees would not undermine the historic elements of the building.

The rebuilt second floor of the rear wing would be set at the same height as the existing. The new mansard incorporates Juliet balconies in the rear elevation but these would be set into the roof and not visually harmful.

More significant internal changes are proposed at fourth floor level in the main house but the previous use has already resulted in the loss of historic fabric here. The new layout would be closer to the original and is therefore acceptable.

At roof level the lantern is proposed to be replacement with a pitched glass roof which would be more sympathetic than the current domed roof.

**8.3 Residential Amenity**

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

**Site 1**

The impact of the proposed casino use upon neighbours' amenity is discussed in section 8.1.2 above.

UDP Policy ENV13 seeks to protect existing premises, particularly those in residential use, from the impact of new development and to ensure that neighbouring properties do not experience any material loss of daylight or sunlight, increased sense of enclosure to windows or a loss of privacy, Similarly, policy S29 states that the Council will resist development proposals which result in a material loss of amenity to existing residents.

An objection has been received on the ground that the use of the first floor as terrace would, given its proximity to Church windows and the position of windows in relation to the terrace floor, result in a loss of Church amenity as a result of potential overlooking. However, this is an existing terraced, albeit associated with a residential use, and it is not considered that the proposed change of use would facilitate any greater opportunity

for overlooking into the Church via these windows. Consequently, it is not considered that this objection could be supported.

Given that there are no extensions to the building the proposed development would not result in any loss of light or increased sense of enclosure to neighbouring properties.

**Site 2**

18 Belgrave Square and 18 Belgrave Mews West, to the south of the site, is occupied by the Austrian Embassy. The boundary with these buildings is marked by a high wall created as part of significant extensions at that site. The proposals would be hidden from these buildings by the boundary wall and there would be no significant impact.

16 Belgrave Square and 16 Belgrave Mews West, to the north of the site, are in use as single-family dwelling houses. The proposed extensions and alterations are located on the south-eastern part of the site, away from these residents. The extensions are not of a scale that would materially affect the existing relationship.

The application is supported by an acoustic report that assesses the impact of the plant equipment required for the swimming pool. The Environmental Health Officer considered the proposals acceptable and in accordance with ENV 7 of the UDP. Ventilation would be provided at a low level against the high boundary wall of 18 Belgrave Square. Conditions are recommended to ensure the performance of the plant remains in accordance with policy.

**8.4 Transportation/Parking**

**Site 1**

Objectors consider that the proposal would have an adverse impact upon the local highway network due to the increase in the number of vehicle movements associated with the use including delivery vehicles and taxis and increased pedestrian traffic. They are concerned that the road width at the junction of Brick Street and Down Street is already restricted and that the increased in vehicle movement would exacerbate this issue and could result in highway obstruction, including obstructed access for emergency vehicles, particularly if delivery vehicles stop on double yellow lines. Objectors are also concerned that any vehicles pulling up onto the pavement, as a consequence, would hamper pedestrian movements.

*Parking*

No parking is proposed in association with the development, which is welcomed. The site is centrally located with good access to public transport links being close to underground and bus services, within walking distance of Victoria Station and directly opposite a public car park, which is open until the early evening.

Objectors are concerned about the impact of vehicle drop offs and waiting vehicles upon the operation of the highway, which they have discussed with the applicants, and consider that a Traffic Management Strategy should be included within a finalised OMP

to detail proposed arrangements for the management of customer vehicles visiting the site. This is considered reasonable and is the subject of a condition.

*Servicing*

City Plan policy S42 and UDP policy TRANS 20 require new developments to be serviced off-street. There is vehicular access from Brick Street to an internal courtyard and a car lift providing access from the courtyard to the basement. There is evidently the potential for site servicing to take place within the courtyard. However, the scheme proposes the installation of a glass screen to the courtyard side of the entrance yard to provide a casino reception area. Although the screen could be removed to accommodate larger deliveries, it is intended that it would remain in situ on a day-to-day basis and that servicing would take place from Brick Street. The applicant considers that there is sufficient on street capacity, from the use of vacant residents' parking bays and double yellow lines.

Based on the revised layouts, the updated Transport Assessment estimates that the development would generate between 3 and 8 vehicles each day, all arriving within a two hour timeslot between 07.00 and 09.00 hours on weekdays only. These estimates are based upon a maximum capacity of 181 customers (based upon a previous version of the OMP) rather than the confirmed maximum capacity of 201 customers. However, it is not considered that the potential increase of 20 guests would have a significant impact on these estimates.

There is considered to be ample opportunity for delivery vehicles to stop in the vicinity of the site without blocking the highway. However, while the development could be serviced from the street, it is questionable whether the maximum eight deliveries could be accommodated within the two hour time slot proposed. In these circumstances, a condition is recommended requiring the submission and approval of a detailed Servicing Management Plan, which should include measures to minimise the number of delivery vehicles, by consolidating deliveries, and to ensure that only one vehicle is servicing the site at any one time.

The development provides a cycle storage area at ground floor level and staff lockers and showers. The application confirms that 6 cycle spaces would be provided. Based on comparable cycle parking standards for Class D2 uses, London Plan standards require the provision of 1 space per 8 staff (3 spaces) and 1 space per 30 seats for visitors (7 spaces based on the maximum capacity of 201 customers). The submitted plans show a designated area for cycle parking but does not include layouts to demonstrate that adequate parking could be accommodated within the space. In these circumstances, a condition is recommended requiring the submission of plans showing increased cycle parking provision/layouts, with a minimum of 8 cycle spaces.

Subject to conditions, the proposals are considered acceptable on highways grounds. Given that it is not intended to utilise the courtyard for servicing it is recommended that the s106 legal agreement also secures the reinstatement of the pavement in place of the redundant vehicle crossover. In addition, the existing planters which have been placed outside the premises should be removed. These are located on the public highway and reduce the width of what is an already very narrow pavement.



**Site 2**

*Car Parking*

The existing site has two car parking spaces. The proposals re-provide two car parking spaces within the mews building and this would be for the mews building occupiers. The main house would have no access to off-street car parking. Policy TRANS23 of the UDP 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. In this case, the stress levels are significantly below this threshold and the Highway Planning Manager raises no objection to the lack of off-street car parking for the main house.

*Cycle Parking*

Cycle parking is achievable within the confines of the properties, and details of this provision is to be secured by condition.

**8.5 Economic Considerations**

The applicant has advised that the casino use would employ 20 staff members. Any economic benefits generated by the proposals are welcomed.

**8.6 Access**

**Site 1**

Level access to the site would be provided via the main entrance door and the timber entrance doors to the main archway, facilitated by the levelling off-of internal floors. The new lift would provide access to all floors. W.C facilities for disabled customers are shown at basement and ground floor levels.

**Site 2**

The proposed access arrangements to the mews building would be similar to the existing. The new residential unit within the main building would be accessed via steps to the front elevation. Given the building is listed this is acceptable.

**8.7 Other UDP/Westminster Policy Considerations**

**Site 1**

*Plant*

There is existing external plant within a well set within the main roof of the building, adjacent to the Church. The application has been amended to confirm that the proposal includes the potential replacement of existing plant within a sunken area on the southern roof of the building, if necessary. The application has been assessed on the assumption that this work will be carried out.

An objection has been received that, given the 24-hour nature of the use, the operation of casino plant would result in increased noise levels when compared with the existing residential use. One objector is concerned that the submitted acoustic report assess the impact of the plant upon the nearest noise sensitive property – the nearest residential receptor - but does not consider the impact upon the Church or other surrounding properties.

Policy ENV 7 requires the acoustic assessment to demonstrate that the plant operation will comply with noise requirements in relation to the nearest noise sensitive property (a definition which excludes churches) on the basis that, if the standards are complied with in relation to the closest property, those further away would be equally safeguarded

The application is supported by an acoustic report which has been assessed by the Council's Environmental Health Officer. Subject to conditions relating to noise and vibration, which are the same conditions which would be imposed on any application for new plant in association with the existing residential use, it is not considered that the plant proposals, including the operation of the plant over a 24-hours period, would result in any material loss of amenity compared with the existing installations. However, as the proposed replacement plant has not yet been selected, further condition is recommended requiring the approval of a supplementary noise report to demonstrate that this plant would operate in accordance with required noise standards.

Given that the plant would replace existing plant, which could also operate on a 24 hour basis, it is not considered that Church activities, which take place between 8.30am and 23.00 hours, at times when background noise levels are at their highest, would be adversely affected. In these circumstances, the plant proposals are considered to accord with UDP policies ENV6 and ENV7 & and City Plan policy S32 and it is not considered that the objection to plant noise and vibration could be supported.

*Kitchen extract system*

The basement kitchen to the existing house does not have any windows but is served by a duct which discharges through the roof of the building via an existing, modern, chimney. The applicant proposes to re-use this kitchen extract system for the casino kitchen, given the limited nature of the proposed dining operation shown on the plans. However, the Council's Environmental Health Officer has requested further details of proposals for the extraction and dispersal of cooking fumes to ensure that these meet Environmental Health standards and that potential nuisance from cooking smells associated with a potentially more intensive use would be adequately mitigated. It is therefore recommended that a pre-commencement condition is imposed requiring the submission of full details of the kitchen extract system, including its method of construction, to ensure that it is adequate for the intended use and that it would not necessitate and additional alterations to the building.

*Refuse /Recycling*

Refuse for the development would be stored in the basement and transferred to ground level using the lift. The application has been amended to show separate bins for recycling, general waste, food waste and waste cooking oil in accordance with Council protocols.

The Cleansing Officer has raised confirmed that the revised waste storage details are satisfactory and these would be secured by condition.

### *Sustainability and Bio-diversity*

London Plan policy 5.2 and 5.3 require developments to minimise carbon dioxide emissions and to incorporate sustainable design standards. Similarly, City Plan policy S28 requires new development to reduce energy use and emissions. The application is supported by an Energy and Sustainability Strategy. The proposed works are relatively minor and opportunities for improving the building's energy performance are limited due to historic building constraints. However, the scheme would deliver a 38.5% reduction in carbon dioxide emissions, exceeding the 35% target for major development, through thermal efficiencies – building insulation, roof insulation, new secondary glazing and through the use of energy efficient heating, lighting and water systems. The level of savings achieved is welcomed.

There is no opportunity to provide green roofs or living walls on the site. However, the external spaces would accommodate new planters/planting which would make a small contribution to the biodiversity of the area.

## **Site 2**

### *Basement*

Policy CM28.1 requires the submission of a structural methodology statement in relation to the proposed excavation works, together with a signed proforma Appendix A which demonstrates that the applicant will comply with the relevant parts of the council's Code of Construction Practice (CoCP).

The applicant has submitted a method statement relating to the proposed excavation works. The statement has been assessed by Building Control officers who have confirmed that it is generally acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The proposals to safeguard adjacent properties during construction are also acceptable.

Whilst stating the submission is generally acceptable, Building Control have noted that the effect of secant piling on surface water has not been thoroughly addressed and there are no sequencing details for the underpinning works. Notwithstanding this, Building Control maintained that the proposal was generally acceptable. Moreover, the purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage.

to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter

The text of policy CM28.1 also sets limits on the depth and extent of basement excavation works. This includes limiting basements to a single storey, 50% of the original garden land and ensuring a margin of undeveloped land is maintained around the basement. In this case, the proposed basement would be sited beneath the footprint of the mews building, part of the orangery and part of the rear garden. The proposed basement would be a single storey. Although, the floor to ceiling heights under the orangery would be greater than the 2.7 metres suggested in the policy application section as an appropriate height, this is owing to the requirement to have a layer of top soil on top of the parts of the basement that would be underneath the garden. Additional excavation would be required for the swimming pool, but this additional excavation is modest and would not great a new storey, and is therefore acceptable. The basement would be retained to 50% of the original garden land, and a margin of undeveloped garden land is retained around the basement.

#### *Code of Construction Practice*

Two objections have been received on the grounds that the applicant has not detailed a construction schedule and hours of building works, and they request that, should permission be granted, conditions should be attached to mitigate the construction impact.

A condition is recommended to ensure that the development complies with the CoCP, which will require the developer to provide a Construction Management Plan (CMP) and funding for the Environmental Inspectorate to monitor the construction phase of the development. The CoCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster. The key issues to address as part of the CoCP and production of a CMP are liaison with the public, general requirements relating to the site environment, traffic and highways matters, noise and vibration, dust and air quality, waste management and flood control. Subject to conditions limiting the hours of work in relation to the proposed excavation works and requiring the applicant to adhere to the council's Code of Construction Practice, the proposed basement extension complies with the requirements of Policy CM28.1.

#### *Waste and Recycling*

The waste project officer advises that the submitted drawings do not indicate waste and recycling storage that is in line with the Council's requirements. A condition is recommended to ensure that details of adequate is provided.

### **8.8 First Draft of Westminster's City Plan 2019-2040**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12th November 2018 and will close on Friday 21st December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

## 8.9 Neighbourhood Plans

None are relevant.

## 8.10 London Plan

This application raises no strategic issues.

## 8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

In respect to Site 1, notice was served relating to the proposed imposition of a pre-commencement condition to secure details of the kitchen extract arrangement. The applicant has agreed to the imposition of this condition.

In respect to Site 2, notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of the condition.

## 8.12 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force. These make 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, whether there is a local CIL in operation or not, 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;
- c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

## Site 1

For the reasons outlined elsewhere in this report, should the scheme be considered acceptable, a s106 legal agreement would be required:

- a) to prevent the commencement of the casino use before the replacement residential accommodation at 17 Belgrave Square is made ready for occupation.
- b) to prevent the premises to be used as anything other than a casino and to restrict the layout and use of the various areas within the building to those shown on the application drawings, and to secure
- c) to secure highways works associated with the removal of the redundant vehicular crossover and the reinstatement of the pavement (as no off-street servicing is proposed).

## Site 2

The draft 'Heads' of agreement are proposed securing a payment in lieu of affordable housing provision of £1,427,000 (index linked and payable prior to the commencement of development), to be reimbursed should 11 Brick Street be converted to a private members' casino (sui generis).

### *Community Infrastructure Levy*

The development at Site 1 does not generate any Mayoral or Westminster CIL requirements.

The estimated CIL payments in respect to Site 2 are:

Mayoral CIL: £5,650  
Westminster CIL: £62,150

Total CIL: £67,800

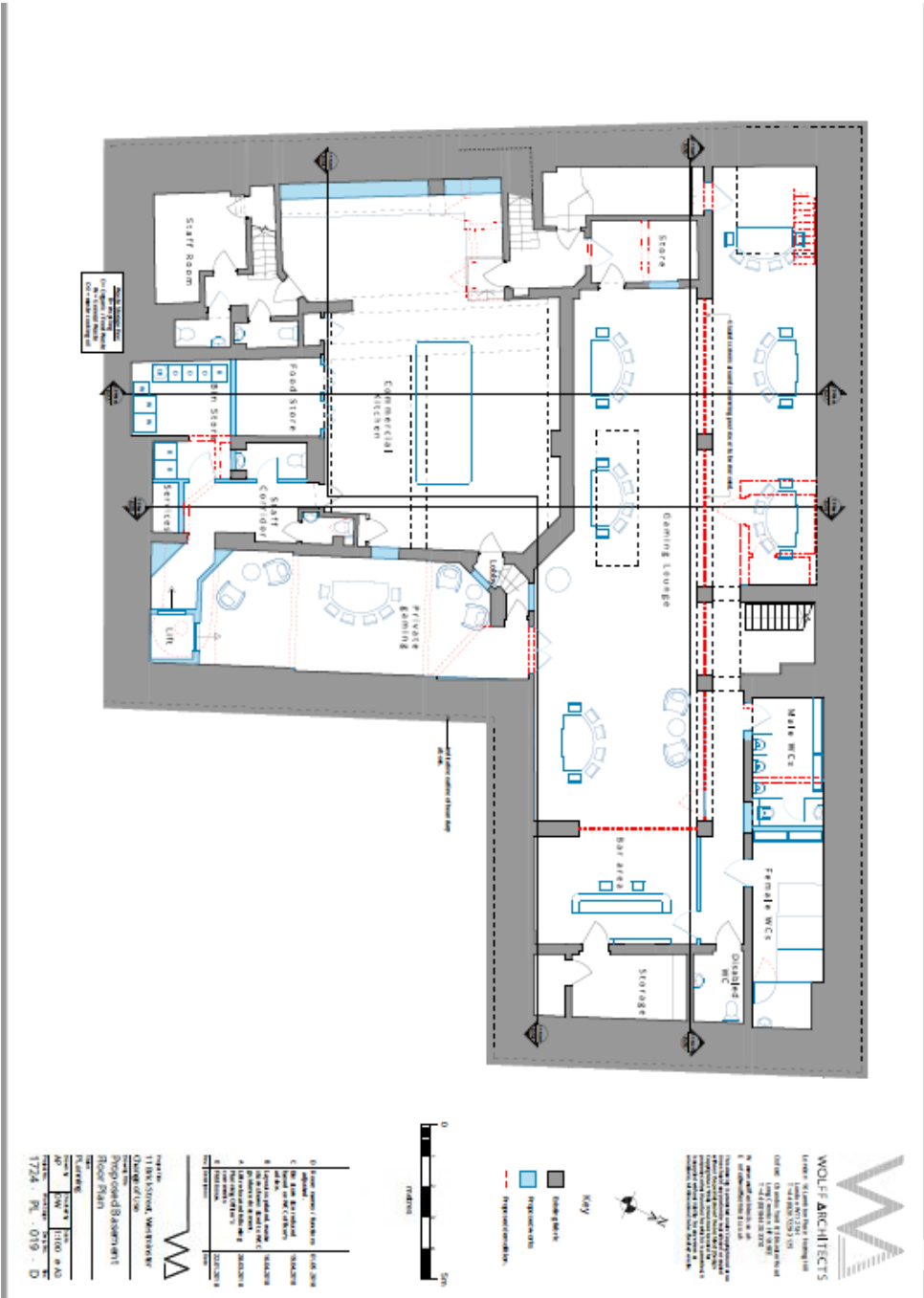
## 8.13 Environmental Impact Assessment

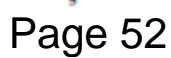
The application is of insufficient scale to trigger the requirement of an EIA.

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

<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT <a href="mailto:mhollington2@westminster.gov.uk">mhollington2@westminster.gov.uk</a></p>
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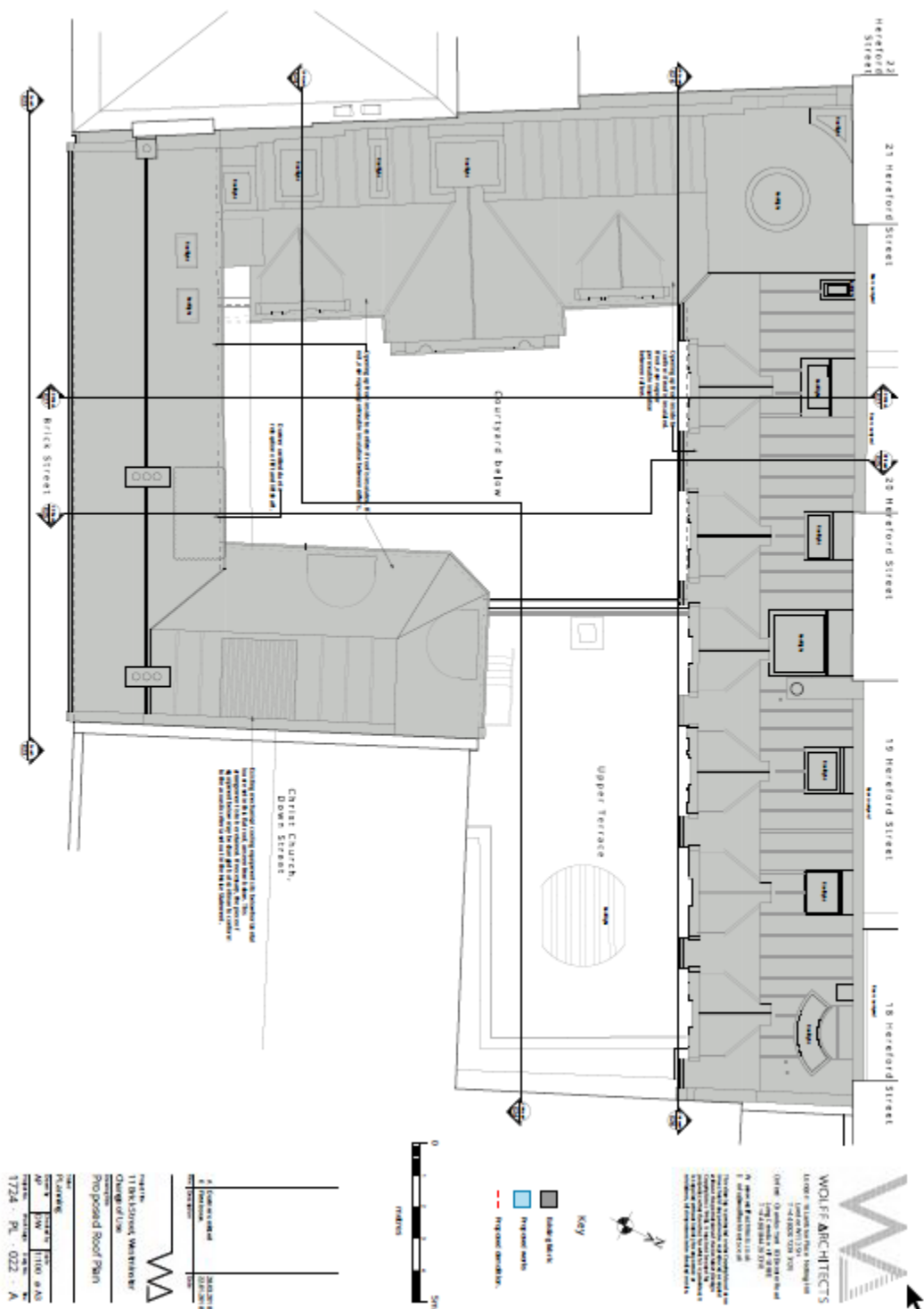
9. KEY DRAWINGS (SITE 1)

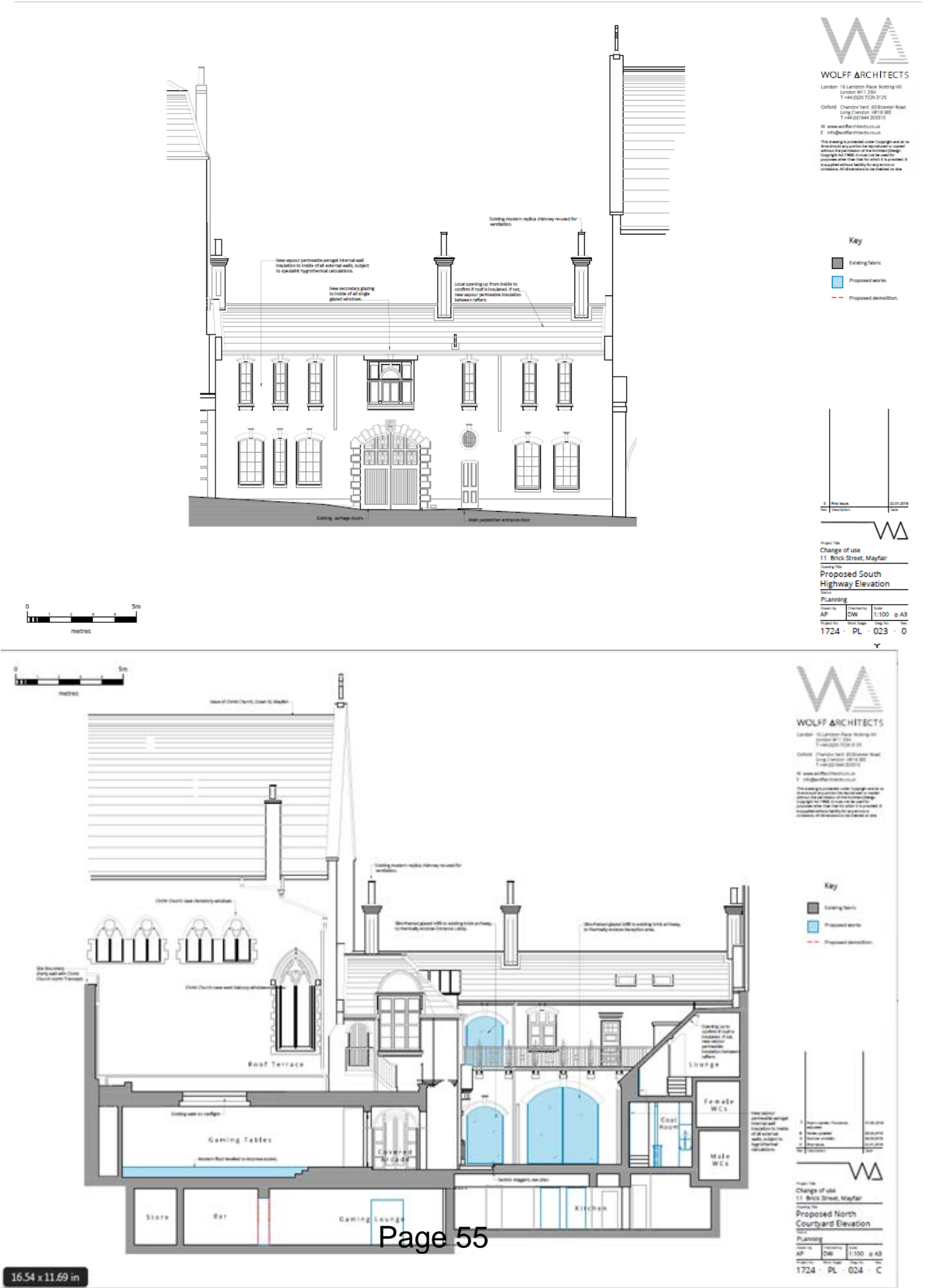




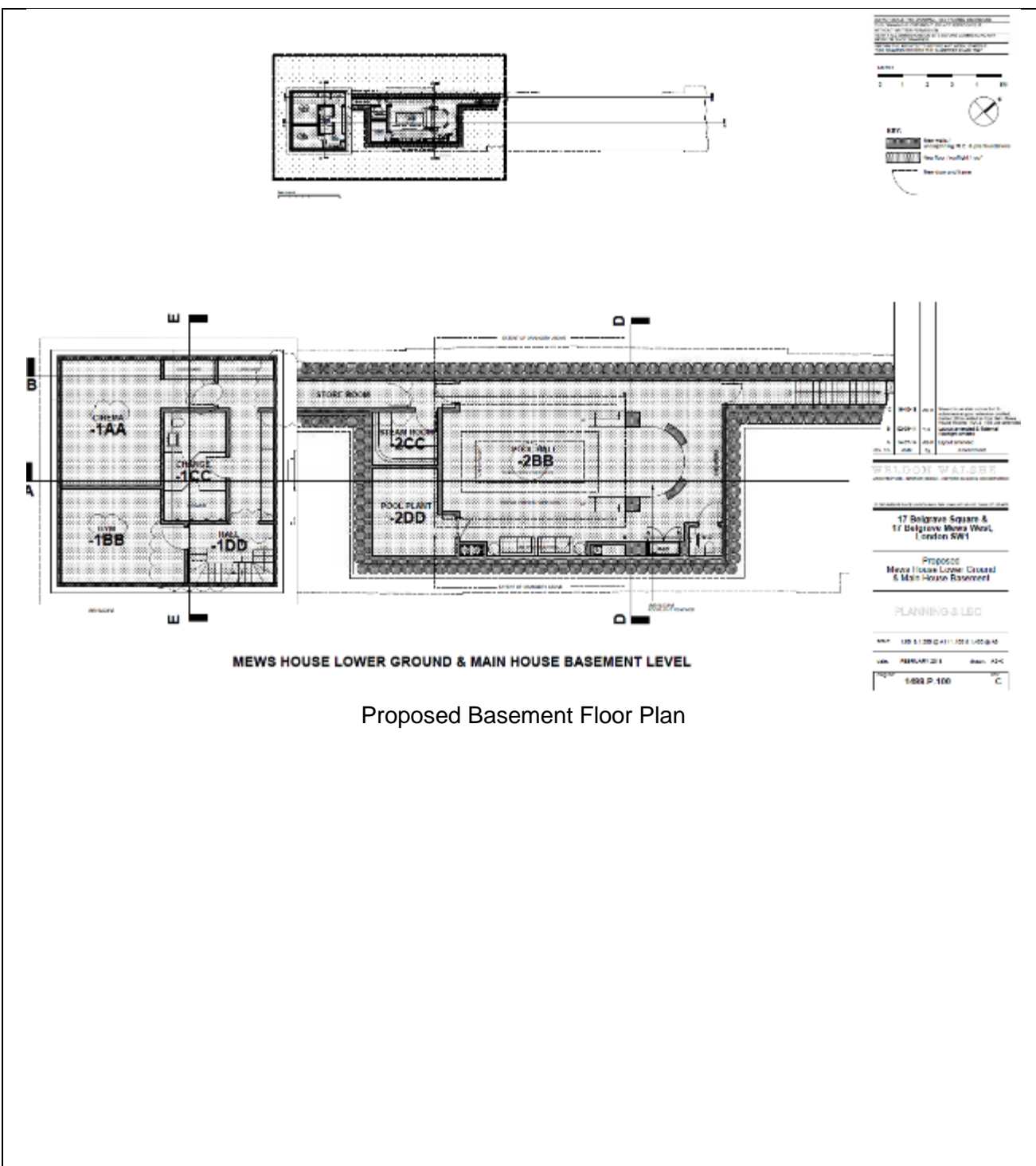


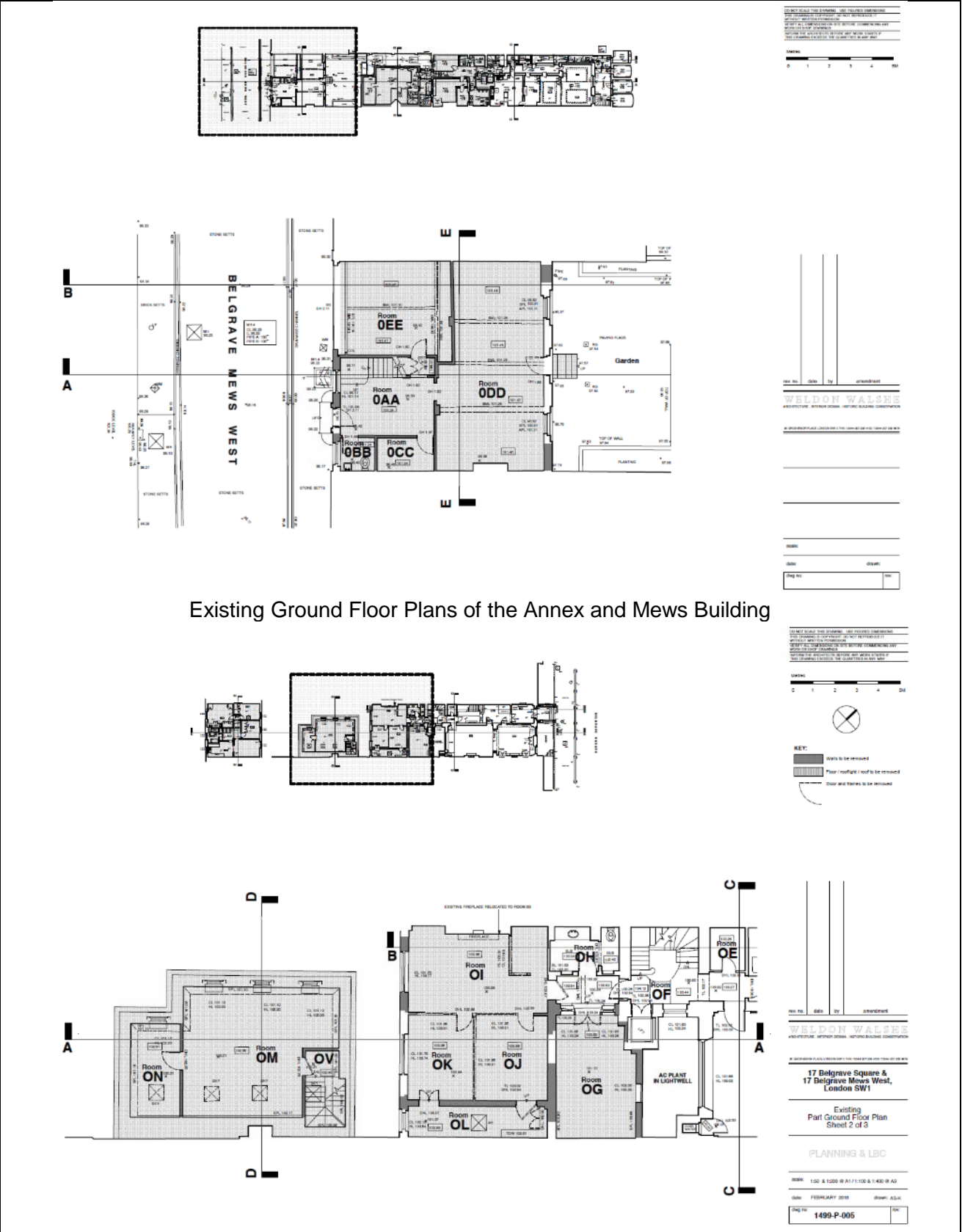


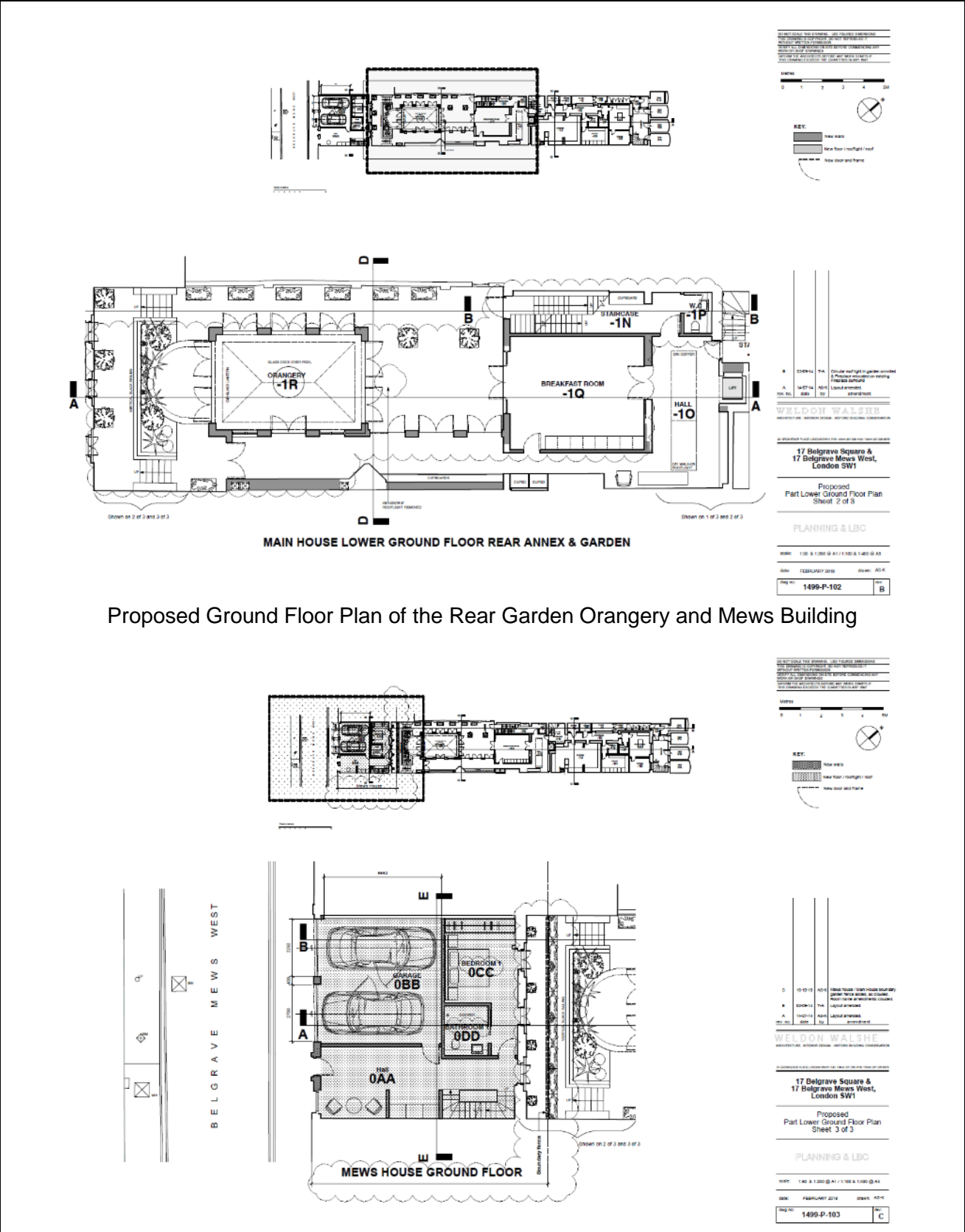




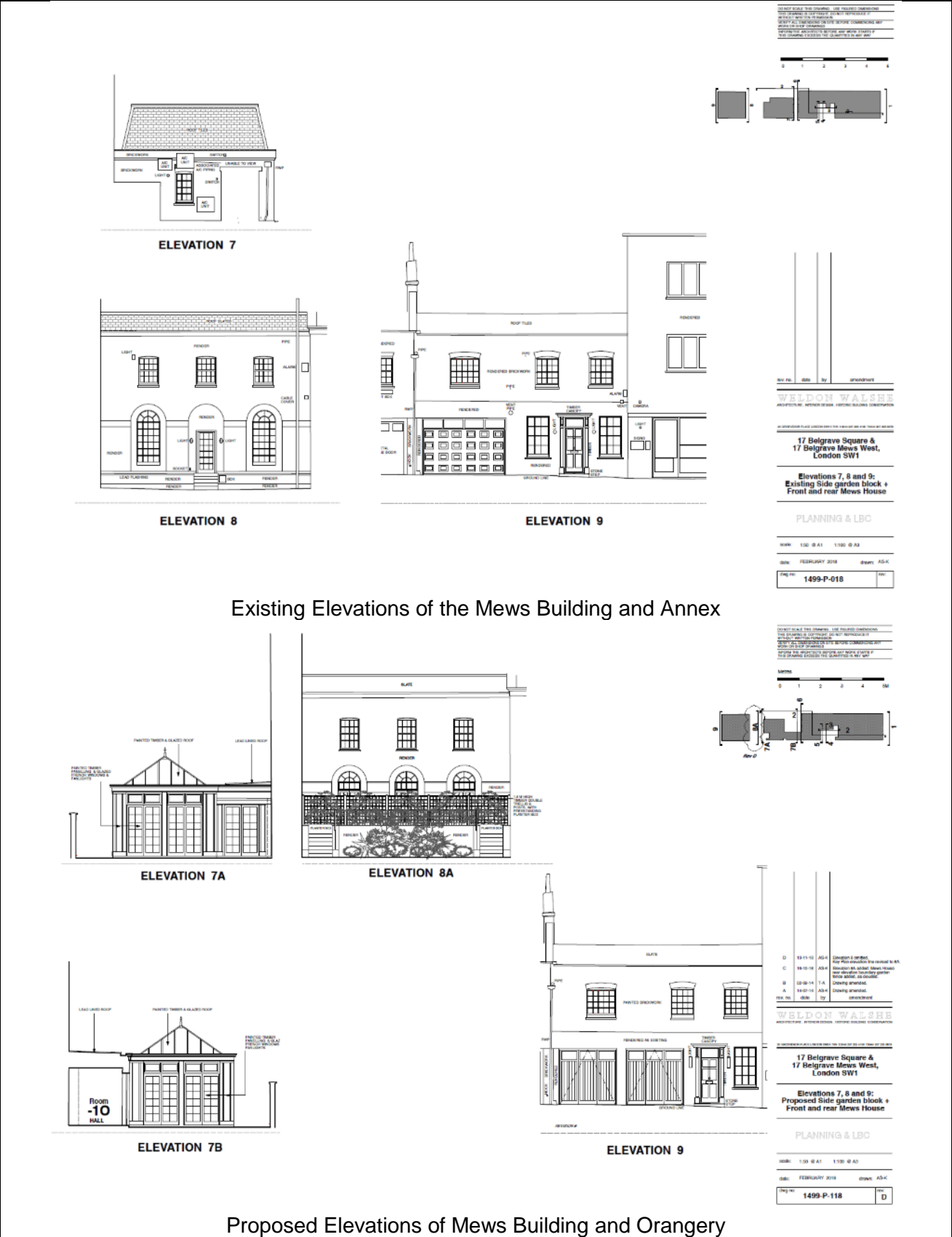
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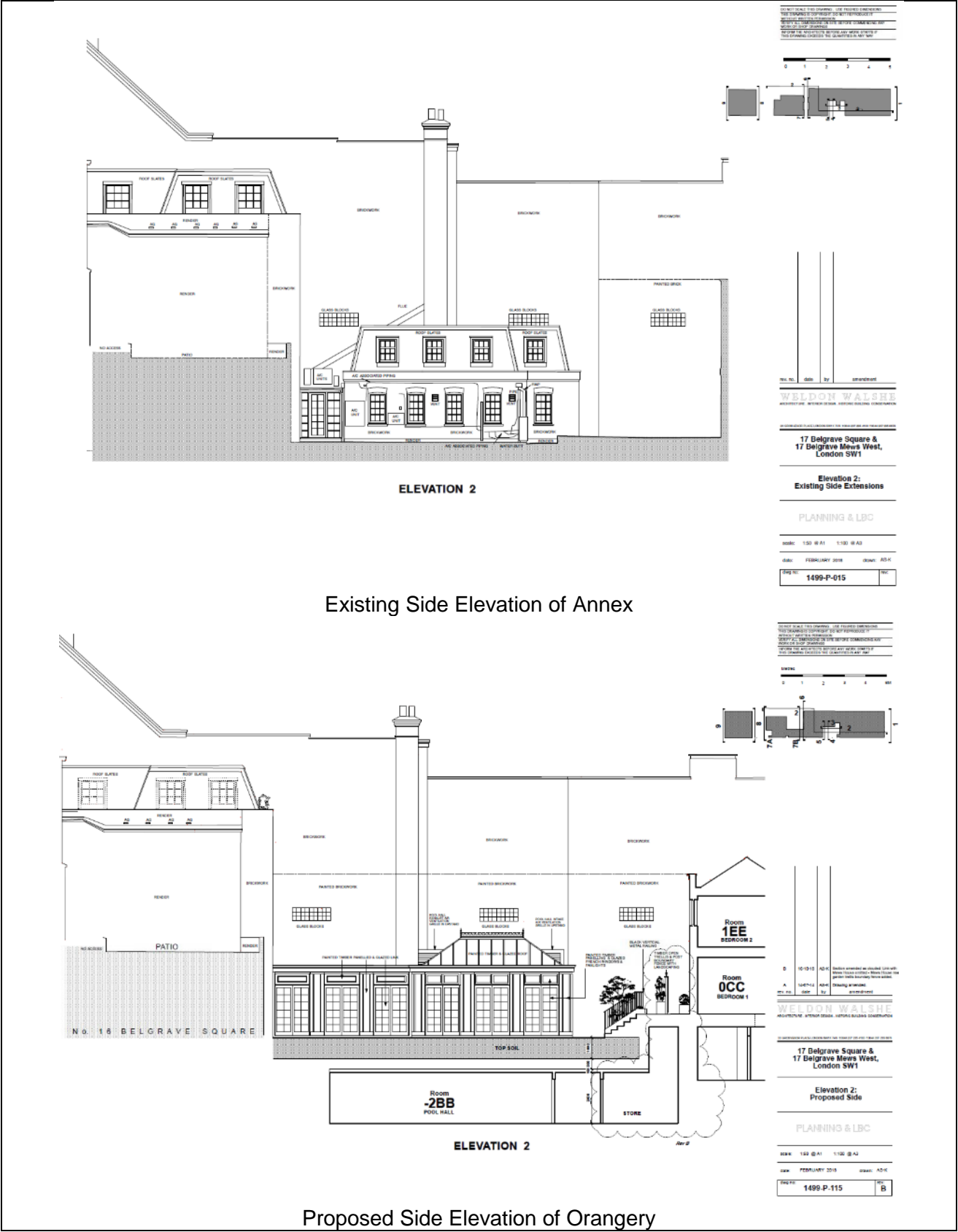




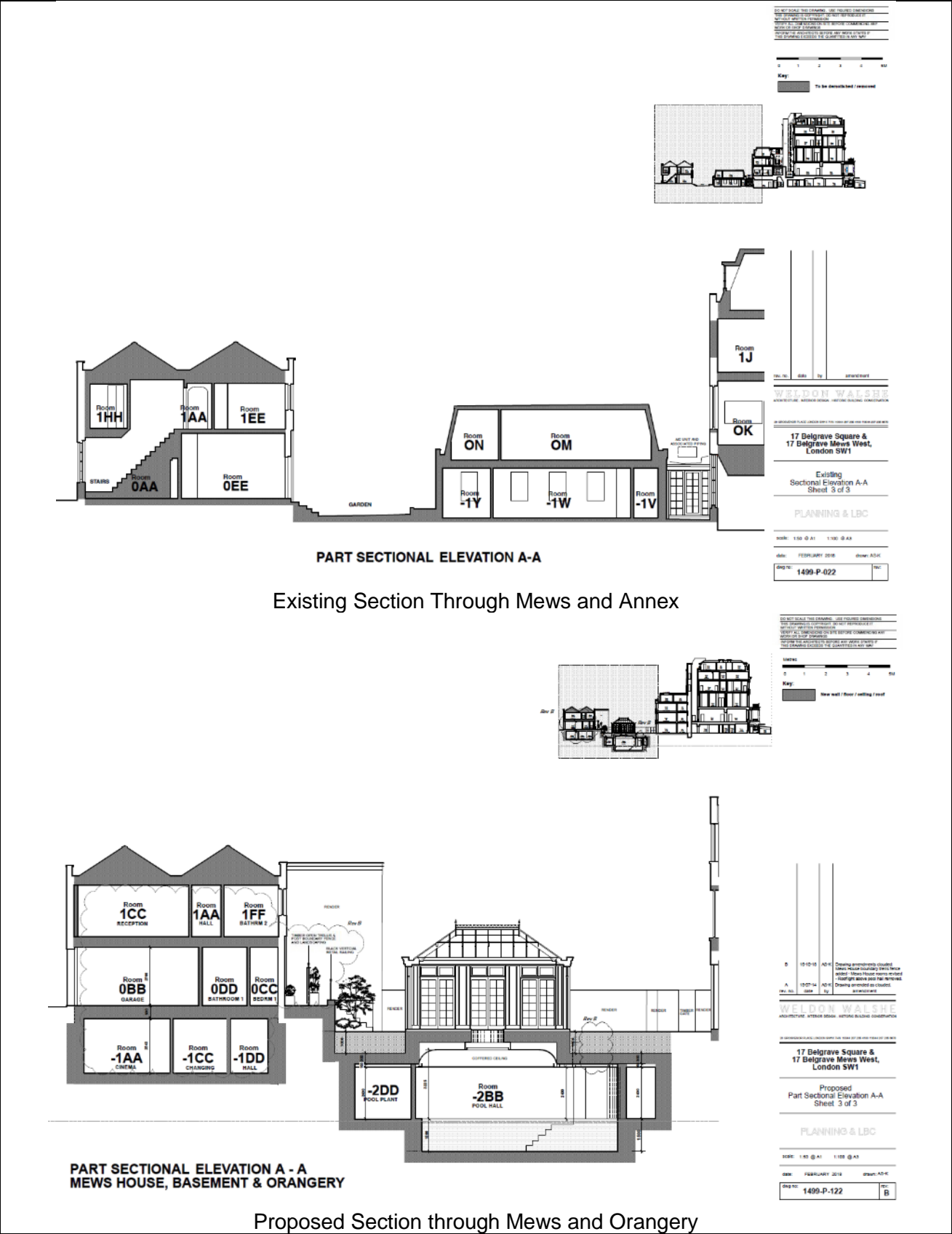


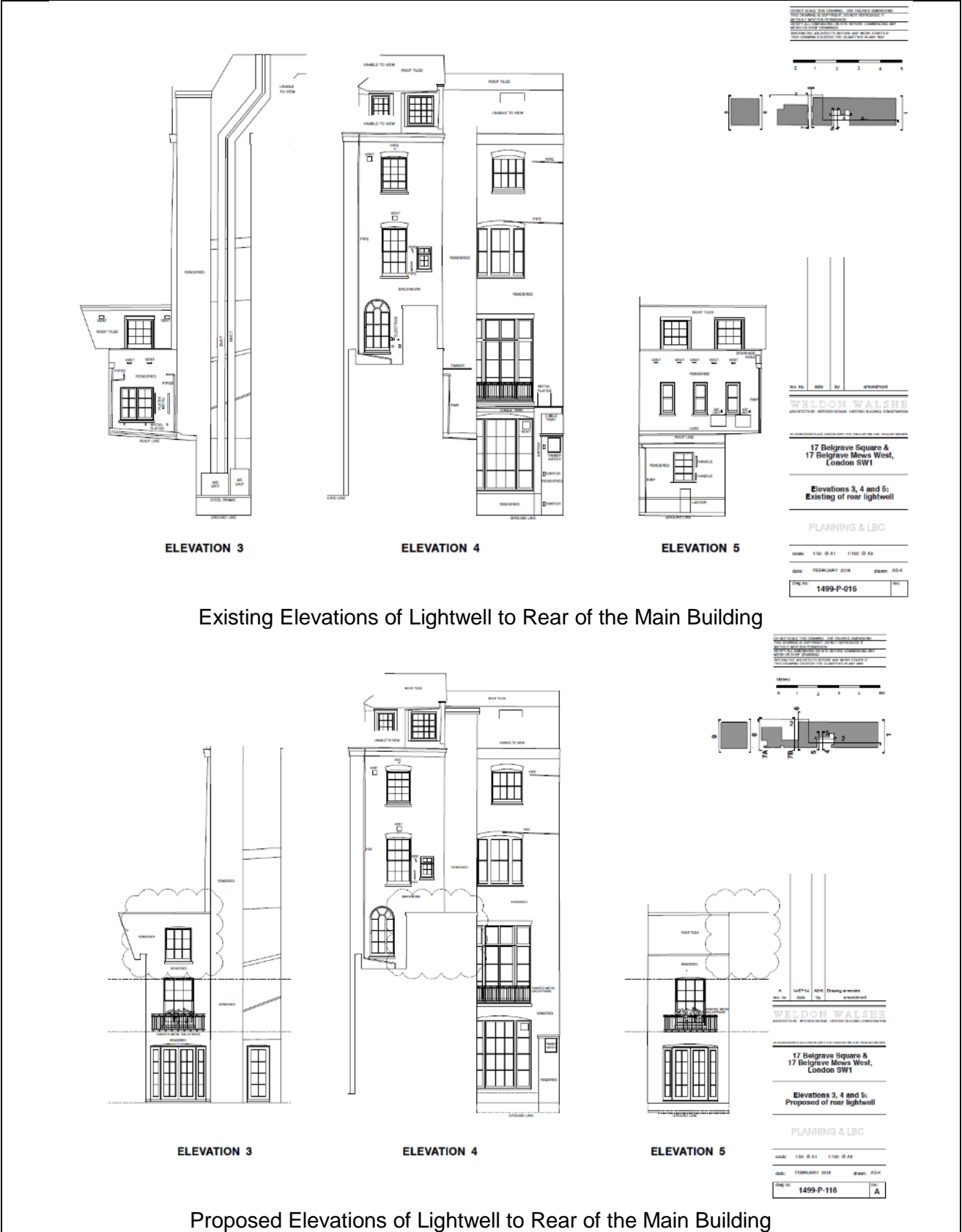












**SITE 1 - DRAFT DECISION LETTER (PLANNING PERMISSION)**

**Address:** 11 Brick Street, London, W1J 7DF

**Proposal:** Use of the building as a private members' casino and external alterations. Linked to 18/01323/LBC (part of land use package with 17 Belgrave Square)

**Reference:** 18/01322/FULL

**Plan Nos:** 1724- PL-/019D, 020C, 021C, 022B, 023, 024C, 025D, 026B, 027D, 030.

**Case Officer:** Sara Spurrier

**Direct Tel. No.** 020 7641 3934

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

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

Item No.
1

**Reason:**

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

**Reason:**

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must not paint any outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

**Reason:**

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

- 1) New glazed screens, including their interface with the brickwork
- 2) Secondary glazing

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

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

**Reason:**

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 8 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 9 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

**Reason:**

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 10 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 8 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 11 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the casino use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the casino use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

## 12 **Pre Commencement Condition.**

You must not commence the development until you have applied to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 13 You must provide the waste store shown on drawing 1724-PL-019D before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the casino. 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. (C14DC)

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)

- 14 No waste shall be stored on the public highway

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)

- 15 You must apply to us for approval of details of secure cycle storage for the casino use, providing a minim of 8 spaces. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 16 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)

- 17 You must not allow more than 201 customers into the property at any one time.

Reason:

We cannot grant planning permission for unrestricted casino use because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 18 The use of the external spaces shall be as follows:

i) customer access to the ground floor courtyard shall be limited to a maximum of 20 customers



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between 10.00 and 22.00 hours only. .

ii) there shall be no customer access to the first floor terrace between 10.00 and 12.00 hours on Sundays

iii) between 10.00 and 22.00 hours each day (excluding between 10.00 and 12.00 on Sundays) access to the first floor terrace shall be limited to a maximum of 20 customers

iv) between 22.00 hours and 10.00 hours the following morning, the use of the first floor terrace shall be limited to a maximum of 10 customers.

v) no tables and chairs or other forms of customer seating shall be provided in the ground floor courtyard or on the first floor terrace

vi) no amplified music shall be played in the ground floor courtyard or on the first floor terrace

**Reason:**

In accordance with the submitted application and because we cannot grant planning permission for unrestricted casino use because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 10 of our Unitary Development Plan that we adopted in January 2007.

- 19 Other than for the purpose of access and egress or for maintenance purposes, you shall keep the casino doors closed at all times. All windows shall be kept closed at all times except for maintenance purposes.

**Reason:**

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 20 No goods shall be received at, or despatched from, the premises except between 07.00 and 09.00 hours on Monday to Saturday (excluding Bank Holidays and public holidays) and no goods shall be received at, or despatched from the premises on Sundays, public holidays and Bank Holidays.

**Reason:**

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 21 All waste and recycling collections (including bottle collections) shall take place between 10.00 and 12.00 hours on Monday to Saturday only (excluding Bank Holidays and public holidays). No collections shall, take place on Sundays, Bank Holidays and public holidays.

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To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 22 The casino shall only provided in accordance with the accommodation layouts/uses shown on the drawings hereby approved.

Reason:

In accordance with the submitted application and to protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 23 You must apply to us for approval of detailed drawings, including location plans and drawings showing the screening in relation to the adjacent windows, showing the following alteration(s) to the scheme:

the provision of screens (which should not be fixed to the building fabric) or planters/screens adjacent to the west facing (North Transept) and north facing (stair/gallery) window to the adjacent Christ Church Mayfair.

You must not permit any customer access to the first floor terrace until we have approved what you have sent us. You must then install the approved screening prior to any customer use the first floor terrace and maintain the screening in situ at all times that the first floor terrace is in use.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007 and to prevent any damage to the adjacent stained glass windows.

- 24 You must not play any live or recorded music on your premises that would be audible outside of your premises

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007

- 25 You must apply to us for approval of a Servicing Management Plan that fully identifies the process, storage locations, scheduling of deliveries and staffing. You must not commence the casino use until we have approved what you have sent us. You must then manage the premises according to the approved Servicing Management Plan.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in

neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 26 You must apply to us for approval of a revised Operational Management Plan which also includes a Traffic Management Strategy for customer vehicle drop offs and vehicles waiting outside of the premises in order to safeguard the amenity of neighbouring occupants and to maintain the operation of the public highway. You must not start the casino use until we have approved what you have sent us and you must adhere to the approved Operational Management Plan at all times for the life of the development.

**Reason:**

To protect the environment of people in neighbouring properties and to prevent highway obstruction set out in S24, S29, S32 and S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2, TRANS 3, ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007

- 27 You must provide, maintain and retain the energy efficiency measures detailed in the Energy and Sustainability Statement dated February 2018 (by XCO2) before you start to use any part of the development, as set out in your application.

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

**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 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the relocation of the existing evidence floorspace, the detailed layout of the casino accommodation, the removal of the vehicular crossover and replacement with pavement and S106 monitoring costs. (I55AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

- 4 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.
- 5 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.

- 6 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)

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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) (I80AB)

- 8 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk).
- 9 It is noted that planters have been placed on the public highway outside of the building entrance. Due to the narrow width of the pavement, these are considered to be an unacceptable obstruction and should be removed.

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.

**SITE 1 - DRAFT DECISION LETTER (LISTED BUILDING CONSENT)**

**Address:** 11 Brick Street, London, W1J 7DF

**Proposal:** Use of the building as a private members' casino and associated internal and external alterations including replacement of roof level plant. Linked to 18/01322FULL

**Reference:** 18/01323/LBC

**Plan Nos:** 1724- PL-/019D, 020C, 021C, 022B, 023, 024C, 025D, 026B, 027D, 030.

**Case Officer:** Sara Spurrier

**Direct Tel. No.** 020 7641 3934

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

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

**Reason:**

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

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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- 4 You must not paint any outside walls of the building

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

- 1) New glazed screens, including their interface with the brickwork
- 2) Secondary glazing

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 The two new brick arches to the lobby must match exactly the ex siting work in terms of materials, bond and pointing.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

#### **Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

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The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:  
S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
  - \* any extra work which is necessary after further assessments of the building's condition;
  - \* stripping out or structural investigations; and
  - \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)



**SITE 2 - DRAFT DECISION LETTER – PLANNING PERMISSION**

**Address:** 17 Belgrave Square, London, SW1X 8PG,

**Proposal:** Demolition of annexe building and replacement with rear extensions to 17 Belgrave Square; excavations to create pool hall extension under garden of 17 Belgrave Square and basement beneath mews property; and associated internal alterations; all in connection with the use of the mews property and 17 Belgrave Square as two single family dwelling houses (part of land use package with 11 Brick Street).

**Reference:** 18/01324/FULL

**Plan Nos:** Site Location Plan; 1499-P- 001; 002; 003; 004; 005; 005/2; 006; 007; 008; 009; 010; 011; 012; 013; 014; 015; 016; 017; 018; 020; 021; 022; 023; 024; 025; 100 rev C; 101 rev B; 102 rev C; 103 rev C; 104 rev A; 105 rev C; 105/2 rev C; 106; 107 rev A; 108 rev A; 109; 110 rev A; 111 rev A; 112 rev A; 114 rev A; 115 rev B; 116 rev A; 117 rev A; 118 rev D; 120 rev A; 121 rev C; 122 rev C; 123; 124 rev A; 125 rev C.

For Info Only:

Design and Access Statement; Heritage Statement; Structural Statement; Acoustic Report; Cover Letter.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

**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.

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Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

**3 Pre-commencement condition**

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. (R11AC),

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5** All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 where appropriate of the following parts of the development:
- i. Windows
  - ii. Doors
  - iii. Garage Doors, which should appear as side hung, not up and over
  - iv. Roof Lantern

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 7 You must paint all new railings black before the building is first brought into the proposed use and the railings shall thereafter be maintained in that colour.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 8 You must remove all redundant electrical and mechanical equipment including surface mounted cabling and trunking before the property is first brought into residential use.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area.

This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 9 The roof of the mews property shall only be finished in natural slate to match the neighbouring properties.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 12 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of

operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:  
As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 14 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. (R49AA)

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

Reason:  
To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 16 You must apply to us for approval of details of secure cycle storage for the use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:  
To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

You must only use the garage for people living in the property to park their private motor vehicles. (C22EB)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 18 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)

- 19 You must apply to us for approval of details of how waste and recycling is going to be stored on the site. You must not occupy the residential use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling store in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the residential buildings. You must not use the waste and recycling store for any other purpose. (C14GA)

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)

**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 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) (I80AB)

- 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, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 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)
- 6 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)



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- 7 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)
- 8 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 9 Conditions 12 and 13 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 10 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 11 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
  - a) A contribution to the City Council's Affordable Housing Fund of £1,427,000 (index linked and payable prior to the commencement of development); the contribution to be held in escrow until a specific date being 3 years following the grant of planning permission ref: 18/01322/FULL relating to 11 Brick Street, immediately after which date the contribution will be transferred from the escrow account to the City Council's Affordable Housing Fund, unless the building at 11 Brick Street is occupied as a casino (sui generis) pursuant to planning permission ref: 18/01322/FULL, in which case the contribution shall be reimbursed to the applicant).
  - b) Costs of monitoring the S106 agreement and costs associated with the escrow account

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.

**SITE 2 - DRAFT DECISION LETTER – LISTED BUILDING CONSENT**

**Address:** 17 Belgrave Square, London, SW1X 8PG,

**Proposal:** Demolition of annexe building and replacement with rear extensions to 17 Belgrave Square; excavations to create pool hall extension under garden of 17 Belgrave Square and basement beneath mews property; and associated internal alterations; all in connection with the use of the mews property and 17 Belgrave Square as two single family dwelling houses.

**Reference:** 18/01325/LBC

**Plan Nos:** Site Location Plan; 1499-P- 001; 002; 003; 004; 005; 005/2; 006; 007; 008; 009; 010; 011; 012; 013; 014; 015; 016; 017; 018; 020; 021; 022; 023; 024; 025; 100 rev C; 101 rev B; 102 rev C; 103 rev C; 104 rev A; 105 rev C; 105/2 rev C; 106; 107 rev A; 108 rev A; 109; 110 rev A; 111 rev A; 112 rev A; 114 rev A; 115 rev B; 116 rev A; 117 rev A; 118 rev D; 120 rev A; 121 rev C; 122 rev C; 123; 124 rev A; 125 rev C.

For Info Only:  
Design and Access Statement; Heritage Statement; Cover Letter.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must paint all new railings black before the building is first brought into the proposed use and the railings shall thereafter be maintained in that colour.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 where appropriate of the following parts of the development:

- i. Windows
- ii. Doors
- iii. Garage Doors, which should appear as side hung, not up and over
- iv. Roof Lantern
- v. Any new lighting and flooring in the principal rooms.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.  
(R27AC)

- 7 You must remove all redundant electrical and mechanical equipment including surface mounted cabling and trunking before the property is first brought into residential use.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.  
(R27AC)

- 8 The roof of the mews property shall only be finished in natural slate to match the neighbouring properties.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.  
(R27AC)

- 9 Notwithstanding the submitted details the chimney pieces shall be reinstated within the building before the building is first brought into residential use.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.  
(R27AC)

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- 10 You must apply to us for approval of a paint analysis of the principal rooms before the building is first brought into residential use.

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

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- \* any extra work which is necessary after further assessments of the building's condition;
- \* stripping out or structural investigations; and
- \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 04 December 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	4 - 5 Buckingham Gate, London, SW1E 6JP,		
Proposal	Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation to provide a single-storey basement and pool. External alterations for the provision of a new off street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical plant and a pavilion at roof level. Creation of 1no. terrace each at rear second and third floor level within recessed part of the building.		
Agent	CBRE Ltd		
On behalf of	Cofingham Limited		
Registered Number	18/06103/FULL 18/06104/LBC	Date amended/ completed	19 July 2018
Date Application Received	19 July 2018		
Historic Building Grade	II		
Conservation Area	Birdcage Walk		

## 1. RECOMMENDATION

- Grant conditional permission subject to completion of a Section 106 Legal Agreement to secure the following:
  - funding for the provision of a formal footway crossover to access the service bay on Stafford Place;
  - funding for the costs to reconfigure the existing on-street parking bays in both Stafford Place and the cul-de-sac off Buckingham Gate;
  - secure details of the service management plan;
  - an employment and training opportunities strategy during construction and for the hotel use; and
  - costs of monitoring the agreement.
- If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

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

b) The Director of Planning shall consider whether the permissions should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the applications and agree appropriate reasons for refusal under Delegated Powers.

3. Grant conditional listed building consent.

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

## 2. SUMMARY

4-5 Buckingham Gate is a six-storey corner property comprising basement level, ground and four upper floor levels. The building is currently vacant but was previously in office use and occupied by The Mayor's Office for Policing and Crime. The rear of the building backs onto Stafford Place and neighbours residential properties to the rear. The adjoining property at Nos. 1-3 is currently being redeveloped to provide residential flats.

Planning permission and listed building consent are sought for the demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation to provide a single-storey basement and pool. External alterations for the provision of a new off street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical plant and a pavilion at roof level. Creation of 1no. terrace each at rear second and third floor level within recessed part of the building.

The building is Grade II listed and within the Birdcage Walk conservation area. The site is also located within the Core Central Activities Zone (CAZ).

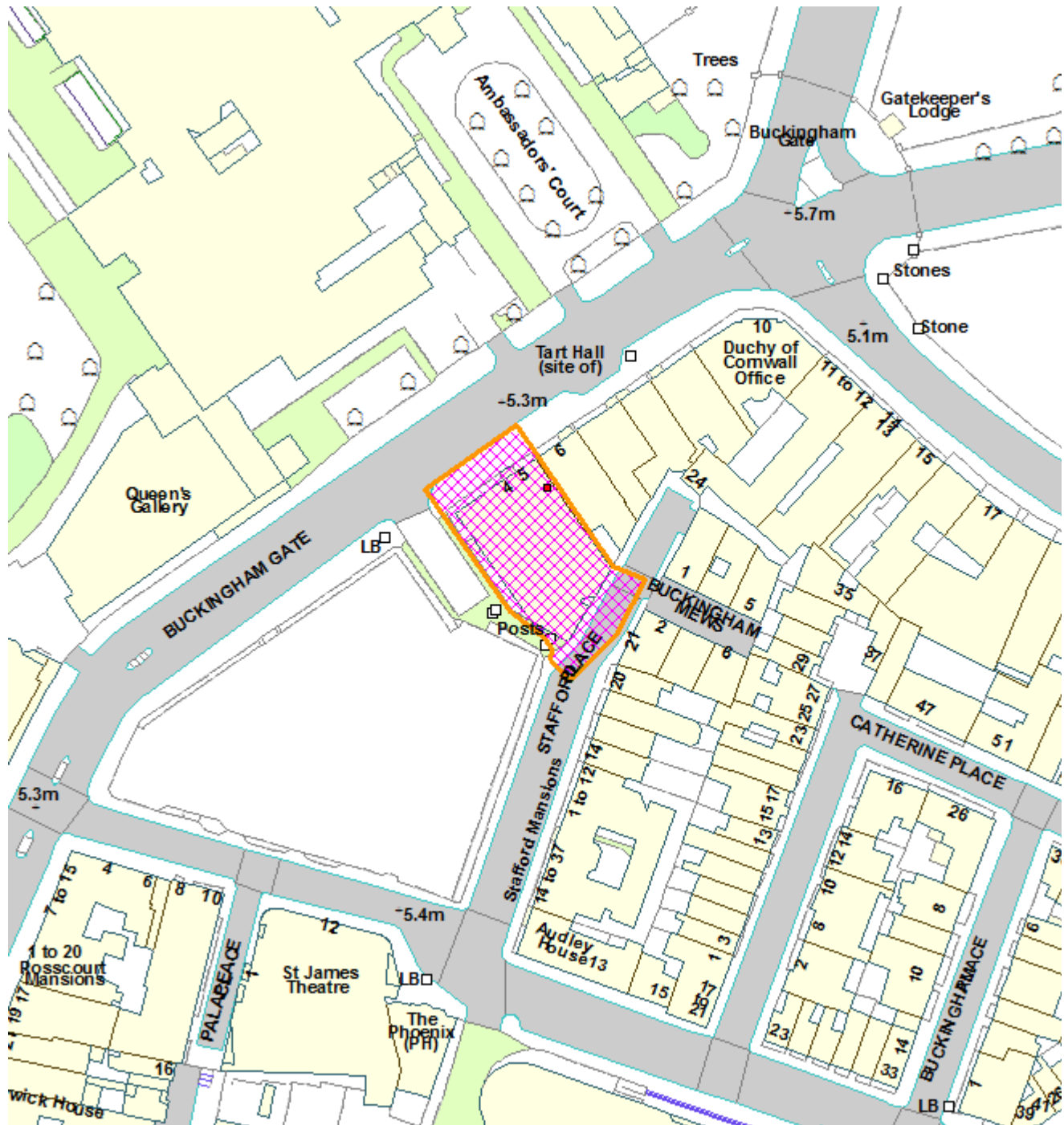
The key issues for consideration are:

- The land use implications on the surrounding area;
- The impact of the proposal on the amenity of surrounding residents;
- The impact of the proposals on the surrounding highway network; and
- The impact of the proposed alterations on the character and appearance of the building and Birdcage Walk Conservation Area.

The proposed hotel use and associated works are considered acceptable in land use, amenity, design and conservation area terms and in accordance with the Westminster City Plan and Unitary Development Plan policies.



### 3. LOCATION PLAN



#### 4. PHOTOGRAPHS



4 - 5 Buckingham Gate

## 5. CONSULTATIONS

### WESTMINSTER SOCIETY:

Objection.

- concentration of hotel uses in the area approaching saturation.
- adverse impact of servicing, increased traffic and use of rear terraces on residential amenity.

### BUCKINGHAM PALACE:

Any comments to be reported verbally.

### HISTORIC ENGLAND:

Authorisation received (01 August 2018) to allow City Council to determine application as seen fit.

### HISTORIC ENGLAND (ARCHAEOLOGY):

- Proposal could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation.
- Recommend a condition to secure a written scheme of investigation.

### HIGHWAYS PLANNING MANAGER:

No objection subject to securing via a S106 Legal Agreement

- servicing details via a servicing management plan;
- provision of a footway crossover to access the rear off street service bay; and
- reconfiguration of existing on-street parking bays in both Stafford Place and the cul-de-sac off Buckingham Gate.

### TRANSPORT FOR LONDON:

No objection subject to the following:

- End of journey (shower and changing) facilities should be provided for staff who travel to the site by sustainable modes.
- TfL recommend that a Construction Logistics Plan (CLP) to be submitted and approved by the Council prior to construction work taking place on site, in accordance with the London Plan policy 6.14 'Freight'.
- TfL requests that a travel plan should be secured and monitored through a S106 obligation, in accordance with the London Plan policy 6.3 'Assessing Effects of Development on Transport Capacity. The Travel Plan should be produced in accordance with DfT and TfL guidance and that its content is reviewed in accordance with the ATTrBuTE assessment tool.
- The Hotel should not accept coach bookings and this should be secured by condition.

### VICTORIA BUSINESS IMPROVEMENT DISTRICT (BID):

- supportive of proposals to increase vibrancy of Victoria.
- Concerns over energy system proposed.
- Inclusion of a loading bay is welcomed but concerns raised over the level of trips generated by the proposed hotel.

**WASTE PROJECT OFFICER:**

No objection subject to condition requiring the provision of waste and recyclable stores.

**ENVIRONMENTAL HEALTH:**

No objection subject to noise conditions.

**BUILDING CONTROL:**

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail.

**ENVIRONMENT AGENCY:**

No objection.

**METROPOLITAN POLICE:**

Any comments to be reported verbally.

**DESIGNING OUT CRIME:**

Any comments to be reported verbally.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:**

No. Consulted: 73

Total No. of replies: 22

No. of objections: 22

Objections on some or all of the following grounds:

**LAND USE**

- Change of use to a hotel is unsuitable.
- Saturation of hotels in the area.
- Building more suited to providing low density flats.
- Loss of office space.

**AMENITY**

- Noise caused by vehicles entering and exiting the loading bay on Stafford Place.
- No peace during the night due to activity from hotel.
- Provision of a rooftop bar and terraces would increase noise and disturbance.
- Residents already experiencing noise and disturbance from existing developments/construction works neighbouring the site.
- Terraces to the rear of the site would face residential properties.
- Noise from terraces to the rear and at roof level.
- Loss of privacy due to location of the balconies to the rear.
- Only Juliette balconies should be permissible to the rear.
- Provision of a roof garden at roof level would improve amenity of the building and wider area.
- Stafford Place is a dead end and a residential street, uncontrolled 24 hour access for servicing and deliveries would cause noise, disturbance and nuisance to residents.
- Rooftop pavilion, mechanical plant at roof level and terraces would be unbearable to residents.
- Pavilion only used as a guest bedroom and not as external amenity space.
- Intense use of rooms.

## DESIGN

- Objection to complete demolition behind the retained front and side facades.
- Impact of proposals on the listed building and conservation area.
- Proposal would affect the setting of the adjoining listed buildings.

## HIGHWAYS

- Long term impact of proposal and servicing of the site.
- Access to the loading bay in Stafford Place is along a small narrow road/cul-de-sac.
- Increase volume of traffic along Stafford Place.
- Servicing and deliveries should be at the front of the building on Buckingham Palace Road.
- Increase pressure on existing on street parking.
- Resident bays would be affected by proposals.
- Cars waiting for hotel guests.
- No public access to the rear/south side of the building.
- Vehicle servicing and deliveries should be from 7.30am to 10.30pm.
- Refuse will be collected daily at unspecified times.
- Stafford Place already used as a shortcut.
- Loading bay has a fairly small entrance for delivery vehicles (van size) not suitable for larger vehicles.
- Proposed loading bay would destroy the residential feel of this small cul-de-sac.
- Proposal is impractical as larger vehicles would find it difficult to manoeuvre along the narrow street.
- Ancillary services unclear what these are.
- Deliveries in excess of what has been stated.
- Taxis will be using and parking in Stafford Place.
- Daily collection of waste would impact on residential amenity and would be unsightly.
- Stafford Place will turn quiet single cul de sac into a service road.
- Increase noise, traffic and reduced parking.
- Increased frequency of delivery and servicing for the hotel.
- No provision for on-site facilities for setting down and picking up of visitors.

## BASEMENT DEVELOPMENT

- Vibration and cracking and damage to the row of Grade II listed buildings.
- Impact of basement construction on foundations of adjoining buildings.
- Impact of basement works.

## OTHER

- Disruption caused by construction works.
- Congestion due to delivery vehicles along Stafford Place with vehicles reversing in and out of the loading bay.
- No proposal to clean/maintain neighbouring housing.
- Waste management proposals.
- Air pollution caused by construction works.
- Cumulative impact of construction works and traffic with No. 1 Palace Street.

Should the application be approved then consider the imposition of conditions to control operation of hotel use.

**RE-CONSULTATION ON 15 OCTOBER 2018**

(The re-consultation took place following amendments to introduce a turntable within the proposed service bay to the rear of the site.)

**ADJOINING OWNER/OCCUPIERS:**

No. consulted: 23.

No. of objections: 10.

Objections on some or all of the following grounds:

**DESIGN**

- The hotel would impact on the character of the Birdcage Walk Conservation Area and adjoining listed buildings.

**AMENITY**

- Noise created by smaller terraces.
- Loss of privacy.
- Noise disturbance from roof top pavilion and terraces.
- Overlooking caused by balconies.

**HIGHWAYS**

- Even with the inclusion of a turntable within the loading bay it is evident vehicles would still reverse out into Stafford Place.
- Difficulty in enforcing phased deliveries.
- Congestion on Stafford Place due to deliveries to the hotel.
- Entrance to delivery bay appears too small.
- Unclear whether access door to garage would operate silently.
- Increase in traffic to the hotel and people gathering at entrances to the hotel.

**OTHER**

- Security issues raised by presence of hotel within a residential area.
- Other developments in the area already increasing traffic in the area.

**PRESS ADVERTISEMENT / SITE NOTICE:** Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

4-5 Buckingham Gate is a six storey corner property comprising basement level, ground and four upper floor levels. The building is currently vacant but was previously in office use and occupied by The Mayor's Office for Policing and Crime. The rear of the building backs onto Stafford Place and neighbours residential properties to the rear. The adjoining property at Nos.1-3 Buckingham Gate is currently being redeveloped to provide 72 residential units.

The building is Grade II listed and within the Birdcage Walk conservation area. The site is also located within the Core Central Activities Zone (CAZ).

### 6.2 Recent Relevant History

#### 15/05134/FULL and 15/05135/LBC

Demolition behind retained front and side facades on Buckingham Gate and redevelopment to provide eleven residential flats including excavation to provide additional basement and sub-basement levels. External alterations including alterations to windows, installation of plant equipment at roof level to provide additional residential accommodation and creation of terraces on Stafford Place frontage at rear second, third and fifth floor level together with vehicular crossover from Stafford Way and associated highway works.

Applications Permitted

7 September 2015

#### 14/06822/FULL and 14/06823/LBC

Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide 11 residential flats including excavation to provide additional basement and sub-basement levels. External alterations including alterations to windows, installation of plant equipment at roof level, an extension at roof level to provide additional residential accommodation and creation of terraces on Stafford Place frontage at rear second, third and fifth floor level.

Applications Permitted

3 November 2014

The adjacent building Nos. 1-3 Buckingham Gate has planning permission and listed building consent for the provision of 72 residential units and associated external and internal alterations and is currently under construction (15/04136/FULL and 15/04347/LBC).

## 7. THE PROPOSAL

Planning permission and listed building consent are sought for the demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation works include the provision of a single-storey basement to accommodate a swimming pool, spa and gym facilities and associated plant room and ancillary hotel facilities. External alterations include the provision of a new off street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical

plant at roof level and a pavilion at roof level. Terraces are provided at rear second, third and front fifth floor levels.

In 2014 and 2015 planning permission and listed building consent were granted for the demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide 11 residential flats. Excavation works to provide a basement and sub-basement levels. External alterations included alterations to windows, mechanical plant at roof level and an extension at roof level to provide additional residential accommodation. Terraces at rear second, third and fifth floor levels fronting Stafford Place (14/06822/FULL & 14/06823/LBC and (15/05134/FULL & 15/05135/LBC respectively). The 2015 was similar to the 2014 scheme but was amended to include highways works to provide a vehicular crossover from Stafford Way. These works were included as part of the red line relating to the application site. Both the 2014 and 2015 schemes have not been implemented and both have now lapsed.

The proposals in terms of the external alterations are broadly similar to those previously approved. The main changes to the previously approved schemes can be summarised as follows:

- Use of the building as a hotel;
- Alterations to the internal layout to accommodate the proposed hotel use;
- Provision of a rear service yard/ bay and associated highways changes;
- Alterations to the rear and side elevations;
- Provision of mechanical plant at roof level; and
- Omission of the previously approved sub-basement level.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The table below shows the existing and proposed floorspace figures (sqm):

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1a)	3133	0	- 3133
Hotel (Class C1)	0	3653	+ 3653
Total	3133	3653	+ 520

#### Loss of office use

The lawful use of the premises is as offices and although vacant, was until recently occupied by The Mayor's Office for Policing and Crime (MOPAC).

Since the approval of the 2014 and 2015 schemes the City Council formally adopted the latest version of Westminster's City Plan (November 2016), which includes the Special Policy Areas and Policies Map Revision, as well as the previously adopted Basements Revision and the Mixed use Revision. Therefore the policies, which are of particular relevance to the proposals in light of the revised Westminster City Plan are Policy S20 (Offices and Other B1 Floorspace) and Policy CM28.1 (Basement Development).



The aim of Policy S20 is to restrict the change of use from offices to residential within the Core Central Activities Zone, Opportunity Areas and the Named Streets. However, Policy S20 does not preclude the loss of offices to other commercial uses within these areas. The application site is within the Core Central Activities Zone. The proposed use of the building as a hotel (Class C1) would result in the loss of 3,133sqm of office floorspace. However, in accordance with Policy S20 this is considered acceptable in land use terms.

### **Proposed hotel use**

Policy S23 (Hotels and Conference Facilities) states that new hotels will be directed to the Paddington, Victoria and Tottenham Court Road Opportunity Areas, the Core Central Activities Zone, Named Streets, the Knightsbridge Strategic Cultural Area and the North Westminster Economic Development Area. Hotels are directed to those streets, which do not have a predominantly residential character.

Policy TACE 2 relates to new hotels and extensions to existing hotels. Part A of TACE 2 states that within the CAZ, in streets which do not have a predominantly residential character, on CAZ Frontages and in the PSPA, planning permission will be granted for new hotels and extensions to existing hotels where:

- 1) no adverse environmental and traffic effects would be generated and;
- 2) adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and for taxis serving the hotel.

The proposal is for a 53 bedroom hotel which is to be operated by Cofingham Ltd. Cofingham is new British subsidiary of a family owned business, which already operates hotels in Luxembourg and has two boutique hotels in Paris (Hotel D'Aubusson and Hotel Millesime). There are two entrances into the proposed hotel (which utilise the existing access arrangements) at ground floor level, which would provide access to the proposed restaurant/ hotel bar from Buckingham Gate and the side entrance to the concierge desk/ reception as well as the hotel restaurant and bar. The room sizes range from 18 to 65sqm. The hotel and bar area would be open to both non-hotel guests and hotel guests and accommodate a maximum of 130 guests. The hotel will be staffed 24 hours a day, seven days a week. At night time no less than two employees will be on site, with an average of 25 employees on site during the daytime.

The proposed new basement level will provide a swimming pool, spa and gym facilities, a dedicated area for mechanical plant, as well as the hotel's kitchen and storage facilities. At lower ground floor level 8no. hotel rooms are to be provided along with ancillary hotel facilities (changing rooms, hotel office and plant rooms). At ground floor level in addition to the proposed restaurant/bar and hotel reception 5no. hotel rooms are to be provided and to the rear a new on-site loading bay is to be provided. The upper floor levels will provide the remainder of the hotel rooms with a penthouse within a new pavilion and terrace provided at roof level.

All the proposed hotel rooms have windows. Terraces are proposed at rear second, third and fifth floor levels. At rear second and third floor level 2no. rooms each (Rooms

208 and 209 and Rooms 306 and 307) will have access to a terrace. At fifth floor level a terrace is proposed at fifth floor level to the front of the building facing Buckingham Gate.

The hotel will have a hotel manager on duty 24 hours a day and approximately 25 members of staff will be employed by the hotel.

The application site fronts Buckingham Gate and is located opposite Buckingham Palace and the mews. Buckingham Gate is a red route, which is a fairly busy route. In contrast the rear of the site backs onto Stafford Place, which is primarily residential in character and by contrast quieter.

A number of objections have been received from residential occupiers within Stafford Place and the surrounding area. One of the main issues raised is the inappropriateness of use of the building as a hotel and that there is an oversaturation of hotels within the vicinity of the site.

## 8.2 Townscape and Design

The proposed design alterations take their cue from the approved 2014 and 2015 schemes and whilst largely based on the previously approved schemes, where they do differ, this is in order to accommodate changes in line with the proposed use of the building as a hotel.

Records indicate that the building was largely rebuilt behind the existing Buckingham Gate and side façades in the 1970's. The only remaining features of interest are the front and side elevations. The internal core and floors levels are constructed of concrete and the rear section built as part of earlier renovation works. As a result there is very little in the way of surviving historic features.

Given the interior of the building was rebuilt behind the façade and that the previously approved schemes allowed a total rebuild, the internal works including the new basement are considered acceptable in design and listed building terms.

### Rear and side elevation

The rear of the building currently has an awkward mix of extensions. The rear extensions are to be rebuilt using a similar massing to existing, although there is a modest increase in height and depth by an additional 1.3m and 1.13m respectively. These extensions in terms of their built form are identical to the extensions approved under the 2014 and 2015 schemes. The extensions are to be built in materials matching those currently found on the site.

The extensions at rear second and third floor level introduce terrace areas, which will be accessed from a total number of four hotel rooms at these levels. These terraces are to have simple black metal railings around the perimeter and are as previously approved.

The windows on the rear elevation are designed to complement the windows in the original listed building facades. The proposed rear elevation includes four additional windows and doors to that previously approved, but in doing so creates a more ordered

appearance. On the side elevation (west) the unblocking of windows on this elevation is considered acceptable subject to design details.

It is proposed to include off street servicing through the provision of a new loading bay at rear ground floor level. Under the previously approved scheme garage doors were approved to provide access to the sub-basement and basement level car parking areas. The proposed loading bay and its external treatment is considered acceptable in design terms.

The proposals are considered to make a positive contribution to the conservation area, improving the appearance of the Stafford Place frontage.

### **Roof Level Alterations**

At roof level a new roof extension is proposed which replaces the existing unsightly plant enclosure and railing. The principle of an extension at roof level has previously been accepted and is therefore considered acceptable in this instance. However the roof extension associated with the approved residential schemes, in terms of usable floorspace, occupied a larger area to that now proposed and included two large terrace areas, which wrapped around the residential unit at roof level.

The proposed extension, will accommodate a hotel room and is located to the front of the roof area facing Buckingham Gate. The remainder of the extension will accommodate lift/lobby area and back of house staircase. The area to the rear where the terrace was approved is to now accommodate mechanical plant within an enclosure.

As with the approved scheme the verified views confirm that the pavilion will not be visible from street level on either the north or west elevations. Whilst roof level extensions are contentious in this case it replaces an existing taller addition and is considered acceptable in principle.

Notwithstanding the above, the proposed design of the pavilion is important to the overall appearance of the building and therefore a condition is recommended to secure details of the extension. A new plant enclosure is to be provided within the east side of the roof and enclosed by the roof pitch and a low level brick wall. The roof pitch neatly hides the enclosure, making it unnoticeable from street level.

### **Alterations to the Vaults**

Policy TRANS 19 of the Unitary Development Plan (UDP) 2007 aims to limit the extent of new basement vaults under the highway. The City Council will generally restrict the lateral and vertical extent of new or extended basement areas under the adjacent highway so that there remains a minimum vertical depth below the footway or carriageway of about 900 mm and the extent of the new or extended basement area does not encroach more than about 1.8m under any part of the adjacent highway. This is to ensure that services and essential street furniture can be provided, and that adequate space is available between the highway and any basements.

The lowering of the floor within the vaults is modest and considered acceptable. The openings between the vaults are to be rationalised and maintain a single door width opening between each vault.

### 8.3 Residential Amenity

Policy S29 of the City Plan and ENV 13 of the UDP aim to protect the amenity of residents from the effects of development. Policy ENV13 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.

4-5 Buckingham Gate has two entrances, one fronting Buckingham Gate and the other on the side elevation. The nearest residential property is located adjacent to the application site at No. 6 Buckingham Gate. Other residential properties are located at Nos. 7-9, which comprises of flats. To the rear of the site are other residential properties including Nos. 14-23 Stafford Place, Nos. 1-5 Buckingham Mews, and Stafford Mansions in Stafford Place. The rear of the site also leads into Buckingham Gate, Palace Street and Catherine Place, which are predominately residential in character.

Nos. 1-3 Buckingham Gate has planning permission and listed building consent for the provision of 72 residential units and associated external and internal alterations and is currently under construction (15/04136/FULL and 15/04347/LBC).

#### Sunlight and Daylight

A daylight and sunlight report has been submitted with the application and the following properties have been assessed:

Located to the east of the site:

6 Buckingham Gate; 22, Stafford Place, 23 Stafford Place and Nos. 1, 3 and 5 Buckingham Mews.

Located south-east of the site:

2 Buckingham Mews.

Located south of the site:

14 Stafford Place, 16 Stafford Place, 18 Stafford Place, 20 Stafford Place and 21 Stafford Place.

Located west of the site:

1 Palace Street

Located north of the site:

Buckingham Palace.

Nos. 21-24 Stafford Place and the properties in Buckingham Mews are two storey buildings. Nos. 14-20 Stafford Place are five storey buildings and Stafford Mansions is 8/9 storeys tall.

The following tests were undertaken:

#### The Vertical Sky Component (VSC)

For a window to be considered as having a reasonable amount of skylight reaching it, the BRE Guidelines suggests that a minimum VSC value of 27% should be achieved. If the VSC with the new development in place is both less than 27% and less than 0.8 times its former value, then the reduction in light to the window is likely to be noticeable.

A total of 205 windows in the properties named above were tested. All properties tested demonstrated compliance with the BRE standards with the exception of three windows at No.6 Buckingham Gate located at basement and lower ground floor level. At basement level the VSC change is 0.78 times its former value and at lower ground floor level, windows 1 and 2 were 0.76 and 0.68 times its former value.

The basement plan of No. 6 Buckingham Gate (08/05779/FULL and 08/05780/LBC) approved a swimming pool at basement level, a kitchen at rear lower ground floor level leading into a glazed atrium/conservatory to the rear and a formal dining room at rear ground floor level with a void at rear ground floor level over the over the lower ground floor atrium/conservatory. A representation on behalf of No. 6 has stated that there is a dining room/kitchen at rear ground floor level. Whilst the VSC levels for the basement and ground floor level represent a technical breach, the figures for two of the windows tested are only marginally below the requisite criteria. In addition these windows are located within a light well area and are bounded by the boundary wall fronting Stafford Place. Given that the remainder of the single dwelling house satisfies the BRE guidelines it is not considered a refusal is justified on this basis in this instance.

#### No Sky Line

This describes the distribution of daylight within rooms by calculating the area of the 'working plane', which can receive a direct view of the sky ((0.7m from floor level in offices and 0.85m in dwellings and industrial spaces). The BRE Guidelines state that if following the construction of a new development the No Sky Line moves such that the area of existing room that does not receive direct skylight is reduced to less 0.8 times its former value, the impact will be noticeable to the occupants.

Of 91 rooms tested in the properties identified, all were BRE compliant.

#### Annual Probable Sunlight Hours (APSH)

Compliance will be demonstrated where a room receives:

- At least 25% of the APSH (including at least 5% in the winter months), or
- At least 0.8 times its former sunlight hours during either period, or
- A reduction of no more than 4% APSH over the year.

The properties tested here were No.6 Buckingham Gate, Nos. 1, 3 and 5 Buckingham Mews, 1 Palace Street and Buckingham Palace. Of the 62 windows tested all were BRE compliant.

### Overshadowing

An assessment in terms of overshadowing has been made on No.6 Buckingham Gate. This specifically tested the amenity area at lower ground floor level, which comprises an area of approximately 10.24sqm and showed no change to the existing and proposed lit area and therefore meets the BRE guidelines.

### **Sense of Enclosure**

The proposed extensions follow the same line as that approved under the 2014 and 2015 schemes. Notwithstanding this the proposals do not result in a material sense of enclosure to warrant a refusal of the application proposals.

### **Privacy**

Under the 2014 and 2015 schemes (14/06822/FULL & 14/06823/LBC and 15/05134/FULL & 15/05135/LBC) terraces were approved. The proposed terraces at second and third floor level are identical in terms of size and location to the terraces previously approved.

There are two small terraces, one each at rear second and third floor level, set within the recessed part of the building. These smaller terraces do not have direct views of the Stafford Place properties but overlook the roofs of the Buckingham Mews properties. These are not considered to give rise to overlooking as they are some distance away from the residential buildings fronting Stafford Place, which are located some distance away so as not to cause direct overlooking into these properties. Due to the inset nature of these smaller terraces it is not considered these terraces would adversely affect the adjoining property at No. 6 Buckingham Gate in terms of overlooking.

Two large terraces were approved to the fifth floor level under the 2014 and 2015 schemes, which wrapped around the approved roof top pavilion. In this latest proposal, the fifth floor terrace is smaller and only located to the front part of the roof. The roof top pavilion, which is to accommodate a hotel room does have full openable doors onto the terrace. On officer's advice the opening to the pavilion has been amended and is as per the approved scheme and provides fixed panels and individual door frames/openings onto the terrace. In amenity terms the terrace at fifth floor level is smaller and located to the front of the building overlooking Buckingham Gate. The terrace is not considered to have an adverse impact on residential amenity in terms of overlooking or loss of privacy.

The proposed terrace does have a line of sight towards the mews and the side elevation of Buckingham Palace. Buckingham Palace have not commented on the proposals.

### **Off-street servicing bay**

The proposed servicing of the hotel will take place in an off-street servicing bay with a turntable accessed from Stafford Place to the rear. The expected number of servicing trips per day for the hotel will be 9, whereas the existing office generated 6 daily trips and was not the subject of any conditions controlling servicing of the site.

The proposed off-street servicing bay is located adjacent to Nos.6-9 Buckingham Place, which is in residential use, at ground floor level.

No.6 gained approval for use as a single dwelling house in 2008. The rear ground floor of No. 6 was approved as a formal dining room leading into a glazed atrium/ conservatory. Representations on behalf of No. 6 have stated that the rear ground floor is in use as a dining room/ kitchen and raise concerns with regards to the proximity of the loading bay and noise arising from its use. The proposed loading bay is to be acoustically lined along the party wall and soffit area to mitigate against noise transference to the neighbouring property.

No. 6 has its own garage at rear ground floor level, which is located adjacent to the ground floor void and to the rear of the entrance hallway. In addition a garage is also provided for a studio flat to the rear of No. 7, which is located adjacent to the entrance hallway of No. 6. The proposed loading bay in comparison to the garages provided at Nos. 6 and 7 is likely to be more used than the adjoining domestic dwellings. However, in terms of noise the actual loading bay would be located adjacent to the rear amenity space and void serving the lower ground floor atrium/ conservatory as opposed to the habitable room. It is not considered that the location of the loading bay would cause material harm to the amenity of the occupiers of the dwelling house at No. 6.

The proposed off-street servicing bay is also located opposite No.21 Stafford Place, which is also in residential use. Although there will be an increase in number of servicing trips compared to the existing hotel use, it is not considered to result in significant harm in terms of disturbance given that servicing will take place off-street compared to the existing situation where servicing is unregulated and would take place on street.

## **8.4 Transportation/Parking**

### **Servicing and deliveries**

Policy S42 of the City Plan and TRANS20 of the UDP require the provision of off-site servicing. The existing building has no vehicular access and no off-street servicing or parking. Servicing and refuse collection is currently undertaken on street.

The site is located along a red route on Buckingham Gate. The footway along Buckingham Gate has been widened and the carriageway of Buckingham Gate has been reduced in width in recent years. There is now one wide lane for south-westbound traffic where there were previously two. This is coupled with double yellow lines and the introduction of an anytime loading restriction. Servicing is not possible from Buckingham Gate.

There is existing on-street parking bays in both Stafford Place and the cul-de-sac off Buckingham Gate. These are within a Controlled Parking Zone (Monday to Friday between 0830 and 1830), which means that single and double yellow lines in the vicinity allow loading and unloading to occur. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle.

The submitted transport statement states the main entrance into the hotel will be from Buckingham Gate, with a secondary access from No. 5. The applicant has stated that the proposed hotel will use the same vehicular access as approved under the residential scheme.

Visitor drop-off will take place within the cul-de-sac adjacent to No. 4. It is proposed that the southernmost parking bay is relocated to the northern end, thereby allowing a 'turning head' to be provided to enable vehicles to enter and exit from and onto Buckingham Gate.

Alterations are proposed to the rear to include an off-street loading bay with a turntable for servicing. In the cul-de-sac off Buckingham Gate there are parking bays and the hotel proposes using this area for taxi drop-off at the front of the hotel within this cul-de-sac. The Highways Planning Manager has welcomed the provision of off street servicing, as this will enable vehicles to enter the loading bay, which will be equipped with a turntable so that vehicles do not have to reverse back into Stafford Place as the turntable would enable them to drive out forwards. Officers consider this is preferable to the existing situation. If the building were to re-open as an office there would be no servicing bay or turntable and the only option would be to service from Stafford Place. The only way of servicing in a vehicle of any size would be to reverse all the way up or back down Stafford Place, which officers consider a less satisfactory situation than the one proposed.

The servicing bay to the rear will be accessed via a new 3.3m crossover. This will also involve the reconfiguration of the existing parking bays along Stafford Place but will not result in the reduction in the current parking bays provided. All costs are to be covered by the applicant.

There have been a number of concerns from residents that the proposed loading bay is not of a sufficient size to accommodate vehicles and that servicing will end up being undertaken on street. The loading bay has been designed to accommodate a 4.6 tonne panel van. Conditions are recommended that all servicing is undertaken within the loading bay and not on street. All deliveries will be pre-booked. The proposed servicing trips per day for the hotel will be 9, whereas the existing office generated 6 daily trips and was not the subject of any conditions controlling servicing of the site.

Transport for London (TfL) as highways authority has been consulted on the proposals, as well as the City Council's Highways Planning Manager.

TfL have raised no objections to the proposals provided that a condition is secured for details of a construction logistics plan prior to construction on site and that a travel plan is secured through a Section 106 Legal Agreement for a travel plan, and no coach bookings are accepted by the hotel.

The Highways Planning Manager has raised no objections to the proposal but as with TfL has requested a Section 106 Legal Agreement to secure funding for the provision of a formal footway crossover to gain access to the servicing bay across the footway in Stafford Place and will need to fund the costs associated with moving a parking bay.



The applicant has agreed to accept a condition relating to the submission of a servicing management plan to be secured as part of any proposed Section 106 Legal Agreement.

### **Coaches and Taxis**

No provision for coach party arrivals is provided. The applicant indicates that they would not accept coach parties. Coach activity is common for hotels and the drop off or collection of guests from coaches can have a significant impact on the safety and operation of the highway network, including on pedestrians.

TfL and the City Council's Highways Planning Manager request a condition prohibiting the application site from knowingly accepting coach bookings. On this basis, a condition is recommended to restrict the size of party bookings to minimise the risk of coaches attending the site.

### **Cycle Parking**

The London Plan Policy 6.9 requires one cycle space per 20 bedrooms (long stay) and 1 space per 50 bedrooms (short stay). The cycle parking must be within the site, have convenient level access, be secure and weatherproof.

The proposal is seeking to provide five cycle spaces, which will be accommodated within the ground floor servicing bay. The provision of five cycle spaces exceeds that required by policy and is considered acceptable. A condition is recommended to secure the provision of the cycle spaces.

## **8.5 Economic Considerations**

The economic benefits associated with the creation of a new hotel are welcomed. The proposed hotel will employ 50-55 employees, with 25 members of staff (full-time) on site during the daytime. An employment and training opportunities strategy will be secured by condition.

## **8.6 Access**

Access into the building remains unchanged. The only alteration is to the rear elevation to provide an off street servicing bay.

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

### **Sustainability**

The applicant has submitted an Energy and Renewables Statement in support of their application. The existing building will incorporate energy efficient mechanical and electrical elements including high performance glazing, heat recovery ventilation, lighting efficiency and low carbon energy technology comprising of Air Source Heat Pumps and

Photovoltaic panels, which will achieve a 22.9% improvement in carbon emissions based on the current Building Regulations (2014) for the hotel.

Victoria Bid have submitted a letter in support of the application proposals but have raised concerns over the energy system proposed. They state that the air quality impact of the Combined Heat and Power (CHP) system on air quality is not covered in the documents; and that abatement equipment should be proposed where the plant is forecasted to worsen air quality. The applicants in consultation with their technical team have stated that the CHP acts as a lead boiler and as such is an internal piece of equipment. The equipment will discharge in accordance with the clean air act (with reference to Institute of Gas Engineers and Managers (IGEM) document 10) as to adequately disperse any flue gases away from the adjacent properties.

The previously approved scheme included proposals for solar panels on the roof but this is not proposed as part of the submitted scheme. The development achieves compliance with the 22.92% reduction in carbon (as identified in the submitted energy report) by the use of other renewable technologies including CHP and air source heat pumps.

### **Refuse and Recycling**

The proposed refuse store is to be located within the new basement level. The waste will be transferred internally from the basement to ground floor adjacent to the inset loading bay during waste collection to transfer wheeled bins from the building out onto Stafford Place where they are to be collected by a private waste contractor.

The Waste Project Officer has raised no objection provided the storage arrangements for waste and recyclable materials, as shown on the submitted plan is secured by condition. A condition is recommended to ensure that no waste should be left or stored on the public highway.

### **Mechanical Plant**

Mechanical plant is proposed at roof level and within the new basement and lower ground floor level. In addition to this provision has been made to acoustically line the proposed servicing bay given the proximity to the adjoining residential dwelling at No. 6. The proposed mechanical plant at roof level, which also includes the kitchen extract is sited within an acoustic enclosure. An acoustic report has been submitted with the application proposals, which has been assessed by Environmental Health. They have confirmed that the report assessment demonstrates compliance with the City Council's planning noise conditions. Subject to conditions controlling noise from the mechanical plant and internal noise levels, the proposal is considered acceptable in noise terms.

Although it is proposed to acoustically line the internal area of the off street servicing bay, comment has been made as to whether the proposed access door to the bay would be within the noise levels governed by the planning noise conditions. Whilst the noise report demonstrates compliance with the City Council's noise conditions it is recommended that details are secured to ensure that the path between the delivery vehicles and the receiving area to be smooth and to ensure that any noise from the access doors to the servicing bay are designed so as not to cause noise disturbance.

## 8.8 Neighbourhood Plans

The draft Knightsbridge Neighbourhood Plan and all submission documents, representations received, and subsequent modifications proposed to it have been considered by an independent examiner who has issued their final report with recommendations. The council will now consider the examiner's recommendations before publishing its 'Decision Statement'. Depending on the outcome of this, the plan will then need to proceed to a referendum before it can formally become part of the statutory development plan and be attributed full weight. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the draft neighbourhood plan, these are discussed elsewhere in this report.

The submission version of the Mayfair Neighbourhood Plan has been submitted by Mayfair Neighbourhood Forum to the council for consultation and an independent examiner is due to be appointed shortly.

The proposals due to their location are not affected by the Knightsbridge Neighbourhood Plan nor the Mayfair Neighbourhood Plan.

## 8.9 London Plan

This application raises no strategic issues.

## 8.10 National Policy/Guidance Considerations

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the following:

- a) A written scheme of investigation or a programme of archaeological work.
- b) City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development

The applicant has agreed to the imposition of the conditions.

### 8.11 Planning Obligations

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

- i) Funding for the provision of a formal footway crossover to access the service bay on Stafford Place.
- ii) Funding for the costs to reconfigure the existing on-street parking bays in both Stafford Place and the cul-de-sac off Buckingham Gate.
- iii) Secure details of the service management plan.
- iv) Provision of an employment and training opportunities strategy during construction and for the hotel use.

The estimated CIL payment is £123,571.96 Westminster CIL and £37,542.60 Mayor's CIL

### 8.12 Environmental Impact Assessment

Not applicable.

### 8.13 Other Issues

#### Basement excavation

The main change in policy since the 2014 and 2015 schemes is the adoption of Policy CM28.1 of the Westminster City Plan (November 2016). Policy CM28.1 requires the submission of a structural methodology statement in relation to the proposed excavation works, together with a signed proforma Appendix A which demonstrates that the applicant will comply with the relevant parts of the council's Code of Construction Practice (CoCP). The previously approved schemes (2014 and 2015) approved two new levels of basement accommodation.

The proposal will provide a new floor level beneath the existing ground floor level. The proposed basement does not extend beneath the front lightwell and vaults which is welcomed in light of the building being Grade II listed. The proposed basement level is to provide a swimming pool, sauna and gym and back of house hotel facilities including kitchen, storage areas and an area for plant room, with a sub area for the sprinkler tanks.

The policy text of policy CM28.1 states that the most appropriate form of basement extension will be no more than one storey, with an approximate floor to ceiling height of 2.7m floor below the lowest part of the original floor level.

The central part of the new basement level has a floor to ceiling height of 2.7m with a service void factored in at ceiling level. The proposed basement accommodating the swimming pool area has a floor to ceiling height of 5.4m. However, the floor to ceiling height above the pool would be 3.5m. Whilst this is above the requirement set out in the policy text this increase in the floor to ceiling height is only confined to the area occupying the swimming pool in this area. To the rear of the site a floor to ceiling height

greater than 2.7m is provided, however this area occupies the plant room and sprinkler tanks. Whilst this is not strictly compliant with the aims of Policy CM28.1 the areas to the rear provide functions ancillary to the safe functioning of the hotel.

In line with policy CM28.1 the applicant has submitted a structural method statement. This statement has been assessed by Building Control who advised that the structural approach and consideration of local hydrology is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. Objections have been received from neighbouring properties concerning the impact of the proposals on their properties and in context of ongoing development adjoining and surrounding the application site.

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

As highlighted above the method of excavation has been considered by Building Control officers who advised that the structural approach and consideration of local hydrology appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control. A condition requiring more detailed site investigations to be carried out in advance of construction works commencing, together with the written appointment and agreement of a competent contractor to undertake the works is not therefore considered reasonable.

### **Code of Construction Practice (CoCP)**

Since the adoption of Policy CM28.1 the requirement to submit a construction management plan has been replaced with the CoCP. Objections have been received from neighbours adjoining the application site, especially in light of the ongoing development at Nos. 1-3 Buckingham Gate. Since the adoption of Policy CM28.1 the requirement to submit a construction management plan has been replaced with the CoCP. The CoCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster. The key issues to address as part of the CoCP and production of a CMP are liaison with the public, general requirements relating to the site environment, traffic and highways matters, noise and vibration, dust and air quality, waste management and flood control.

Subject to conditions limiting the hours of work in relation to the proposed excavation works and requiring the applicant to adhere to the council's Code of Construction Practice, the proposed basement extension complies with the requirements of Policy CM28.1.

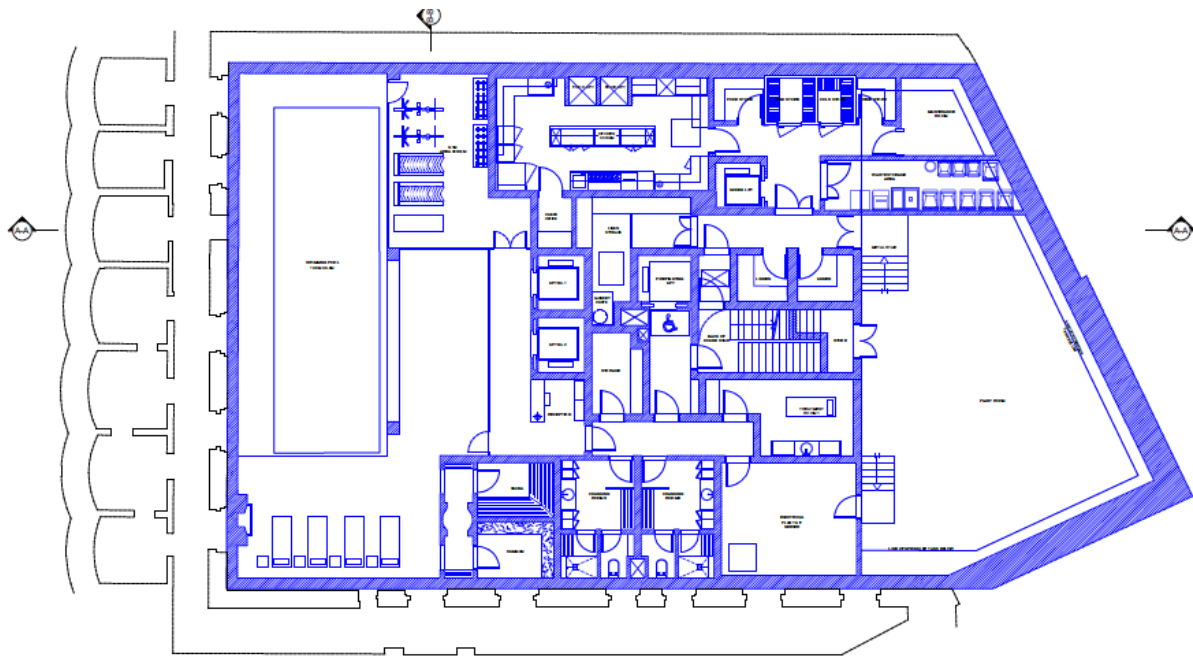
### **Crime and security**

The hotel will provide active supervision through its own management of the hotel.

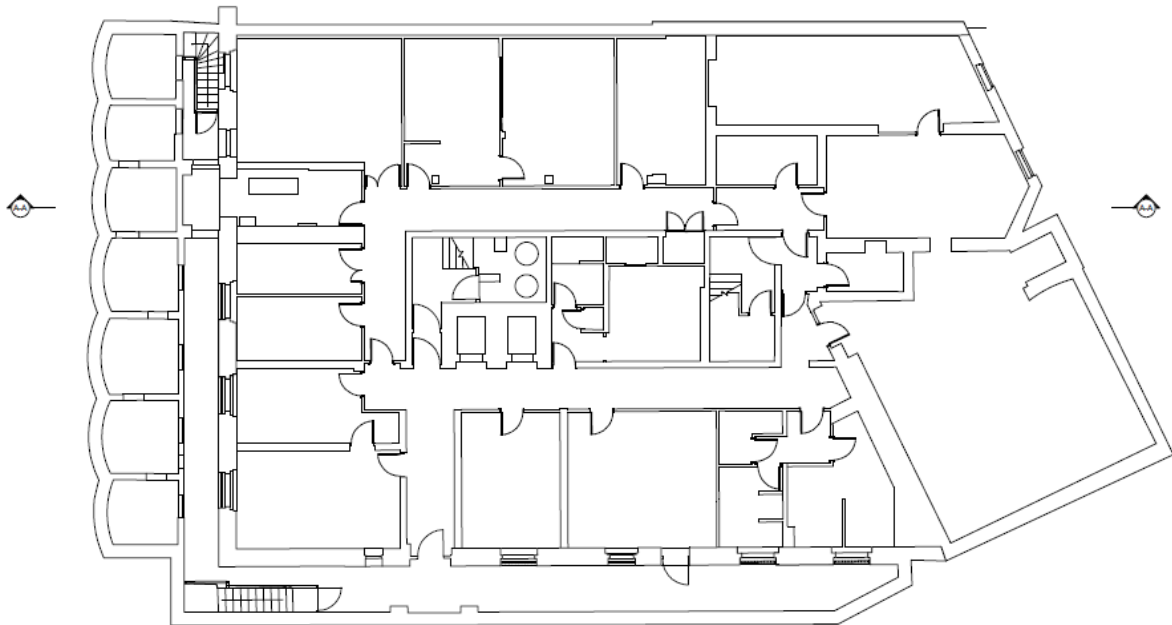
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT [ddorward@westminster.gov.uk](mailto:ddorward@westminster.gov.uk)

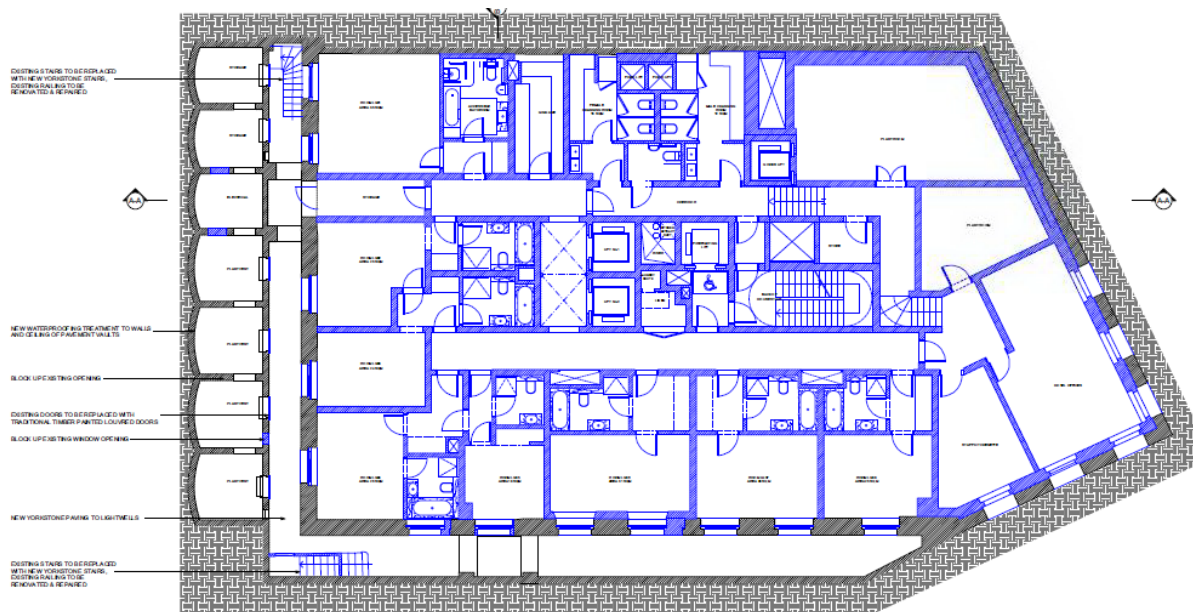
## 9. KEY DRAWINGS



**Proposed basement plan**



Existing lower ground floor plan

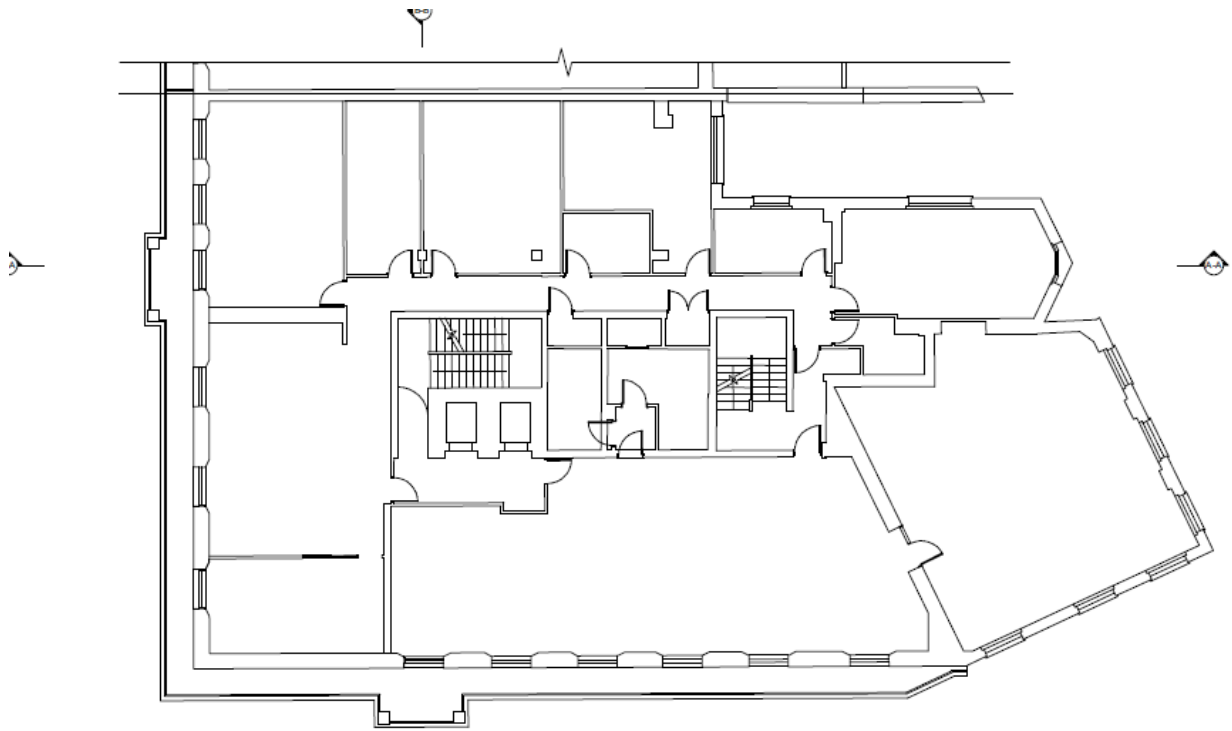


Proposed lower ground floor plan

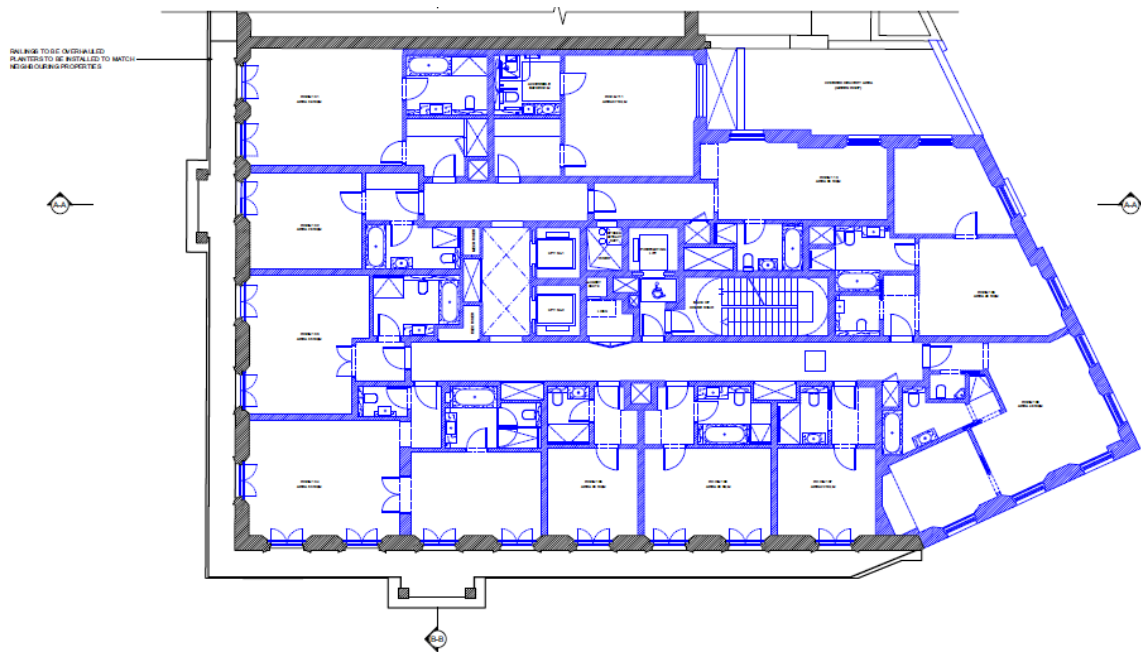




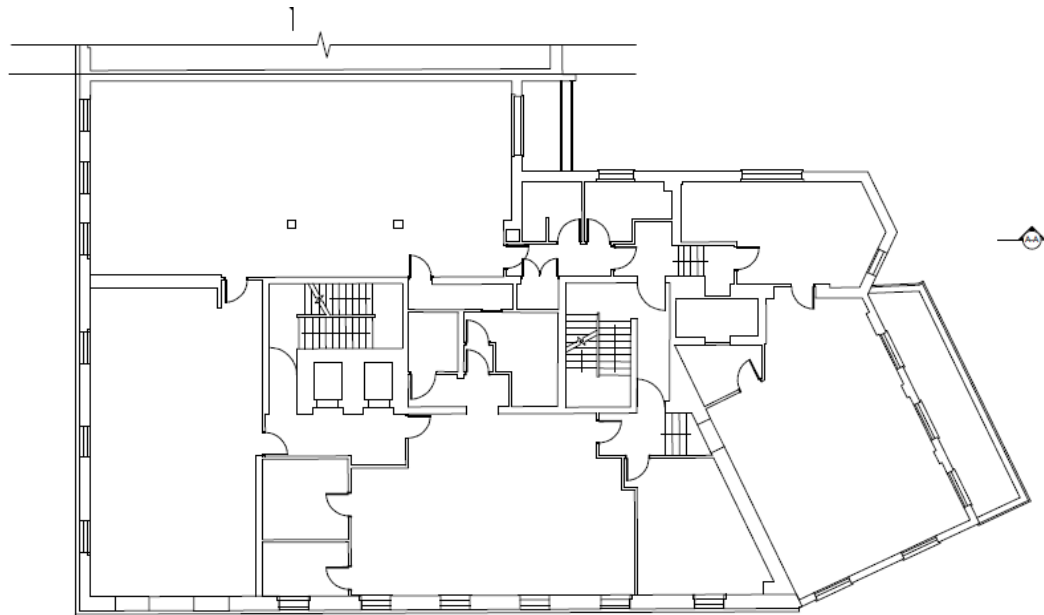
### Proposed ground floor plan



Existing first floor plan



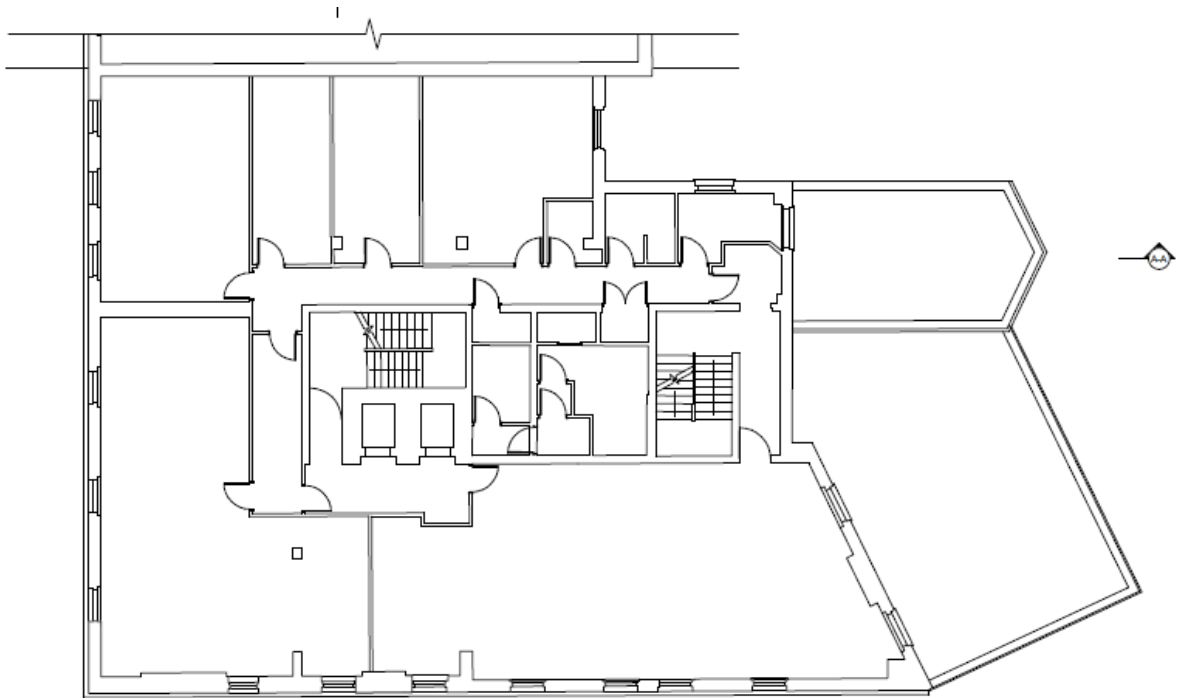
Proposed first floor plan



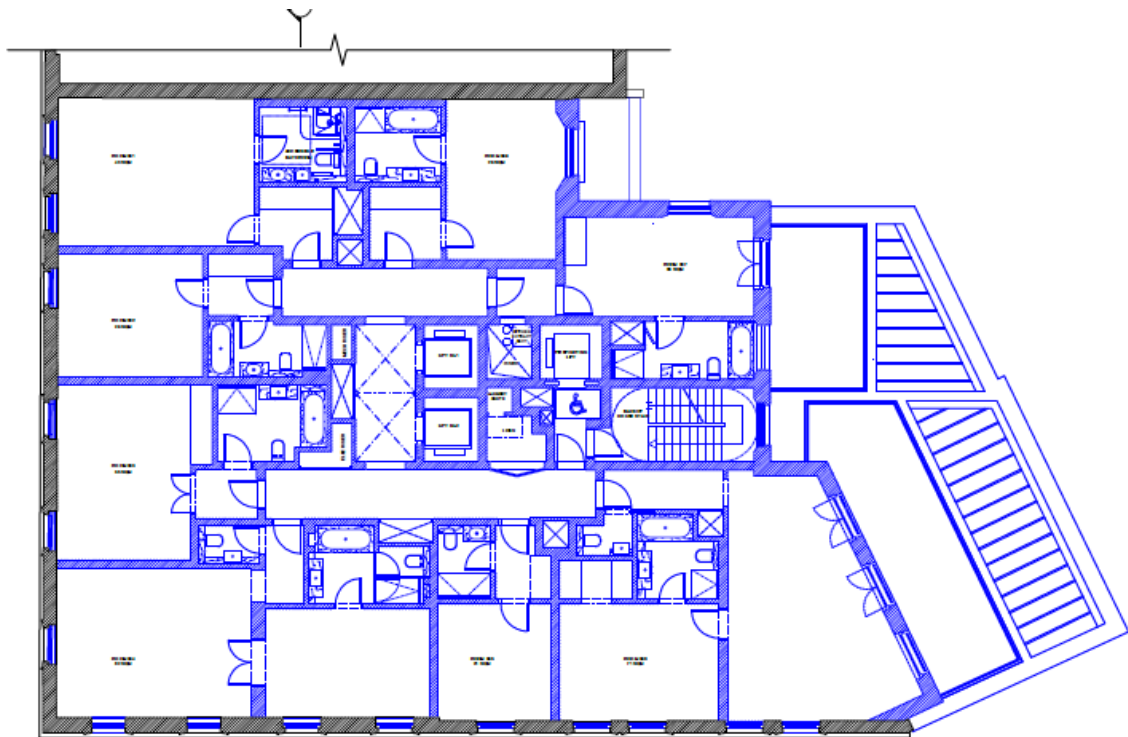
Existing second floor plan



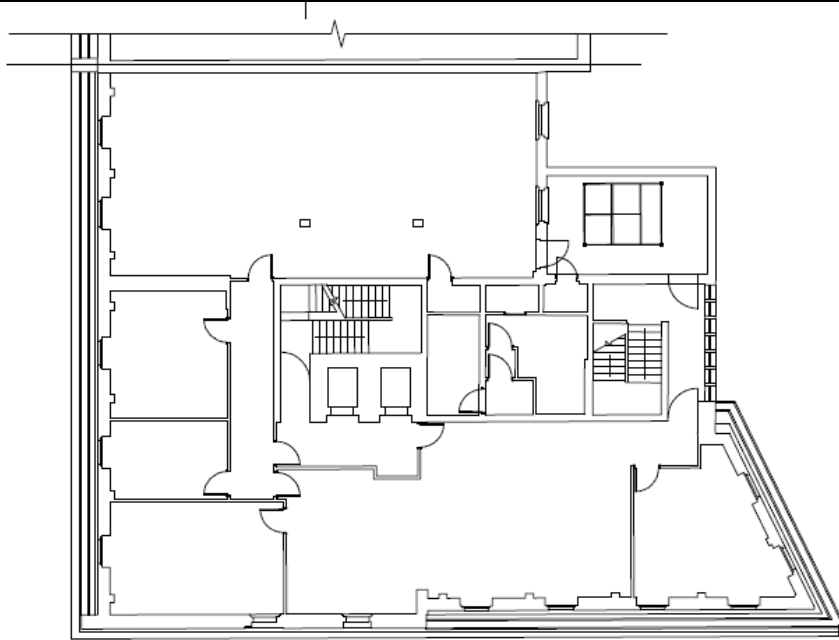
Proposed second floor plan



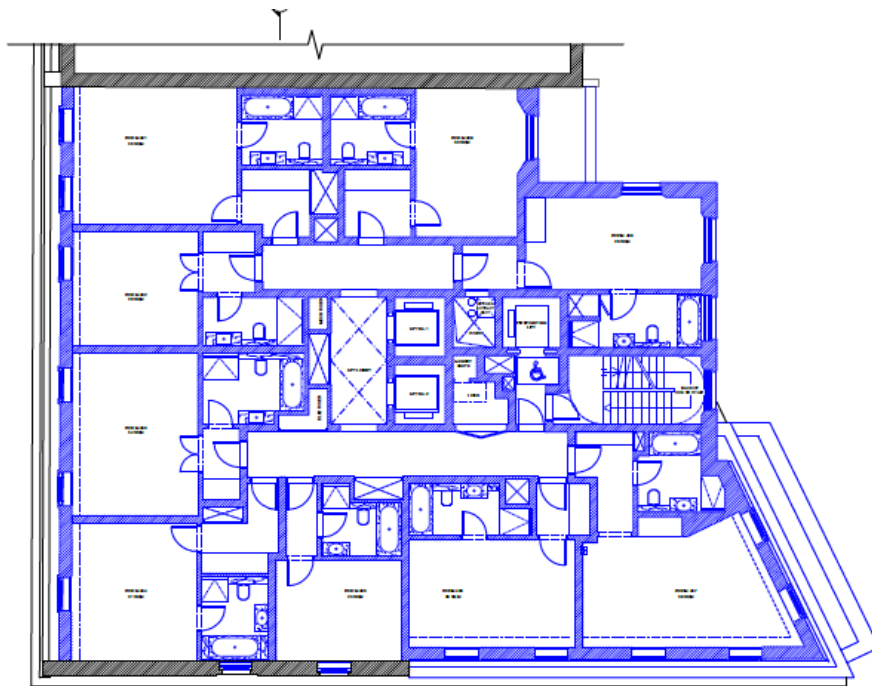
Existing third floor plan



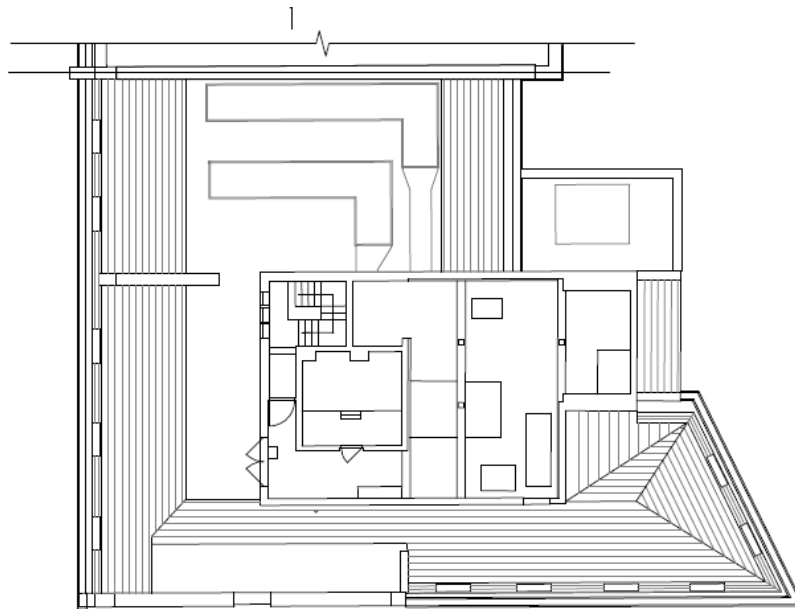
Proposed third floor plan



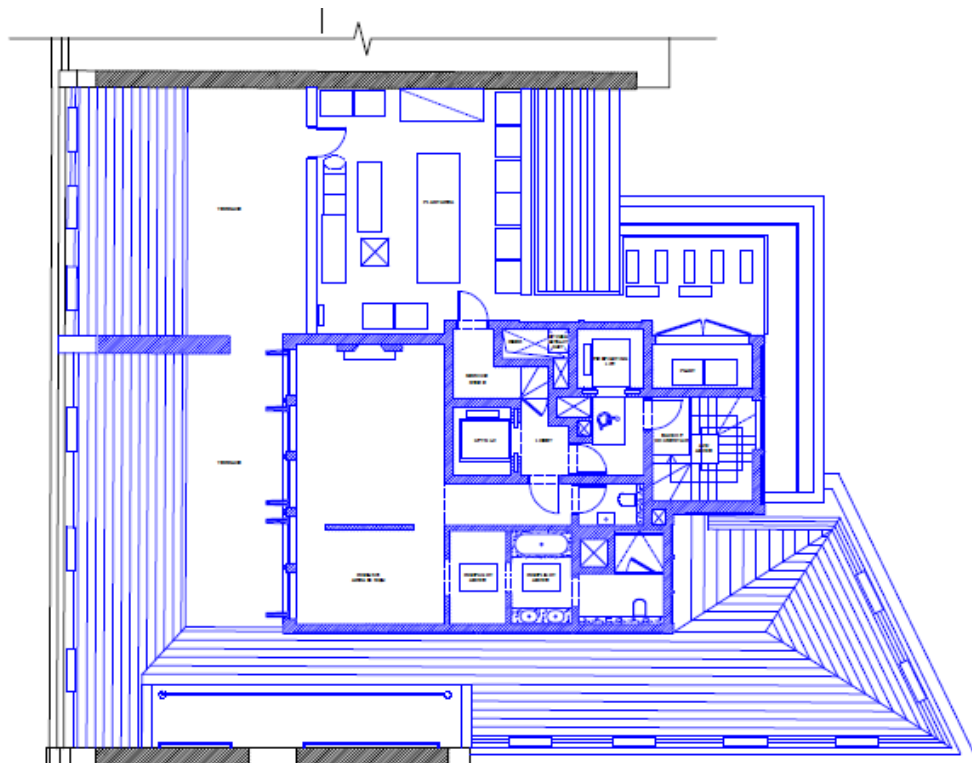
Existing fourth floor plan



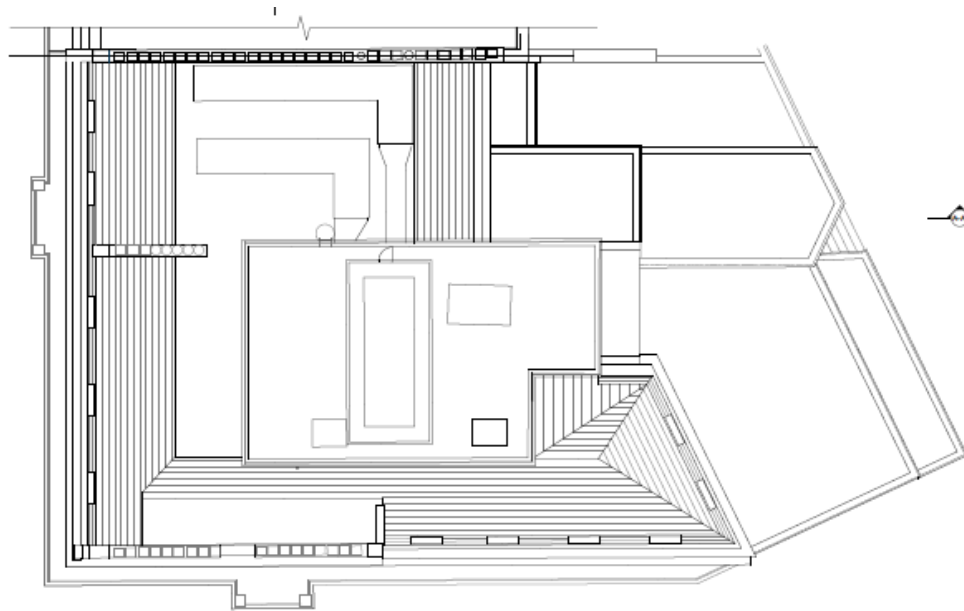
Proposed fourth floor plan



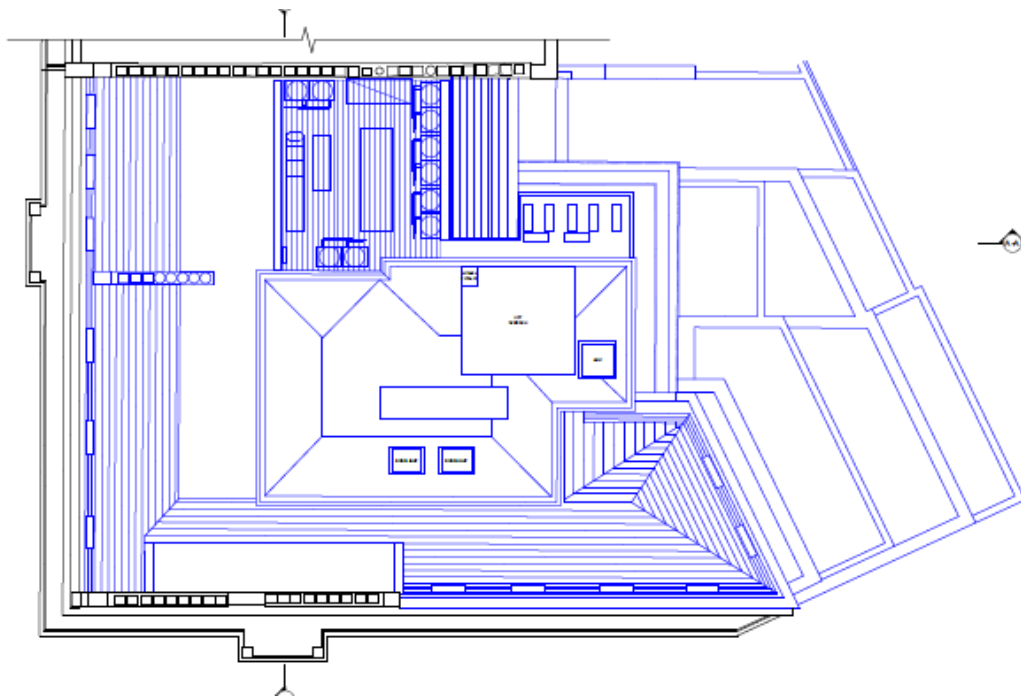
Existing fifth floor plan



Proposed fifth floor plan



Existing roof plan



Proposed roof plan

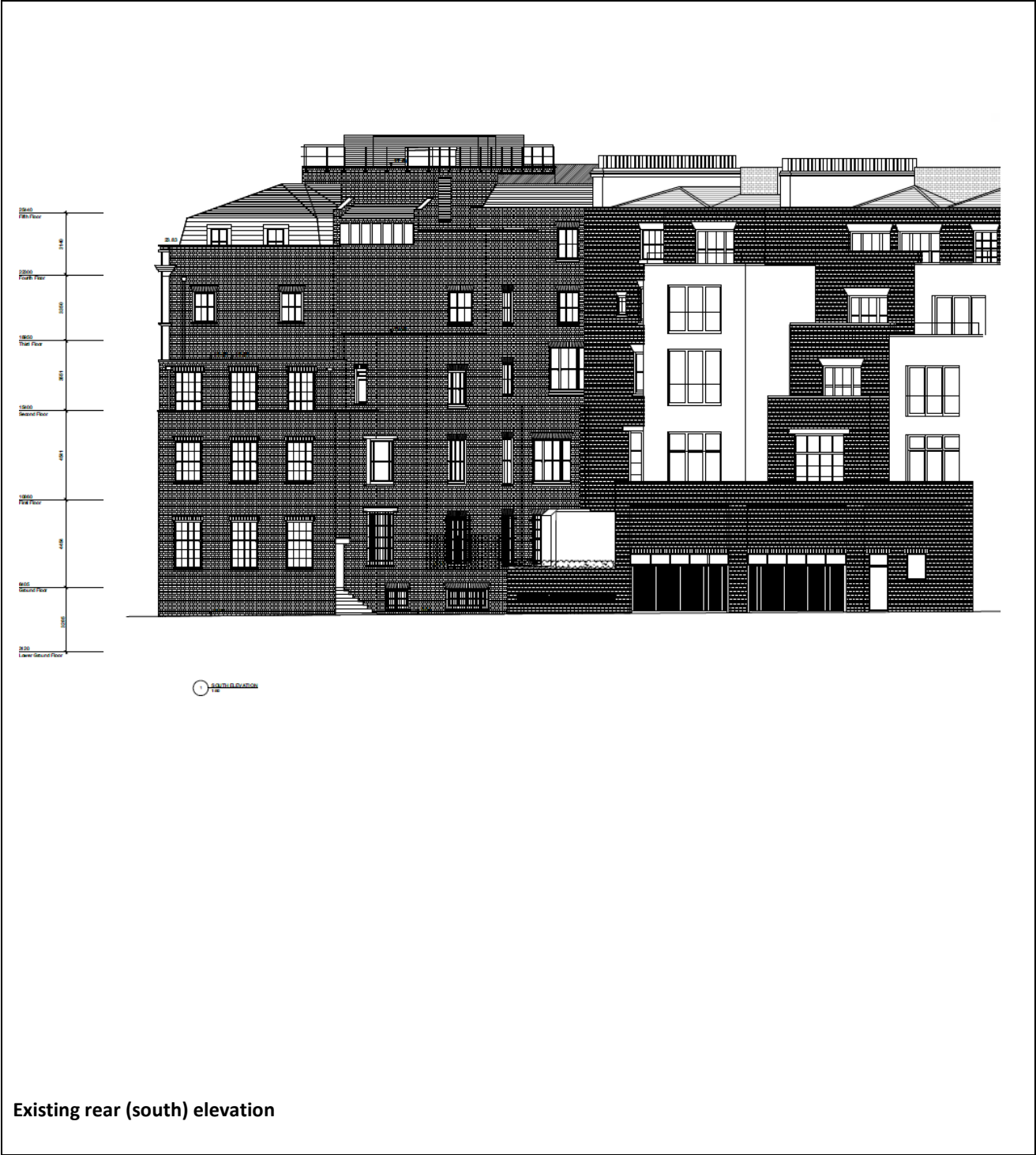


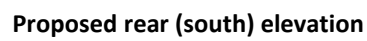
Existing front (north) elevation





Proposed front (north) elevation

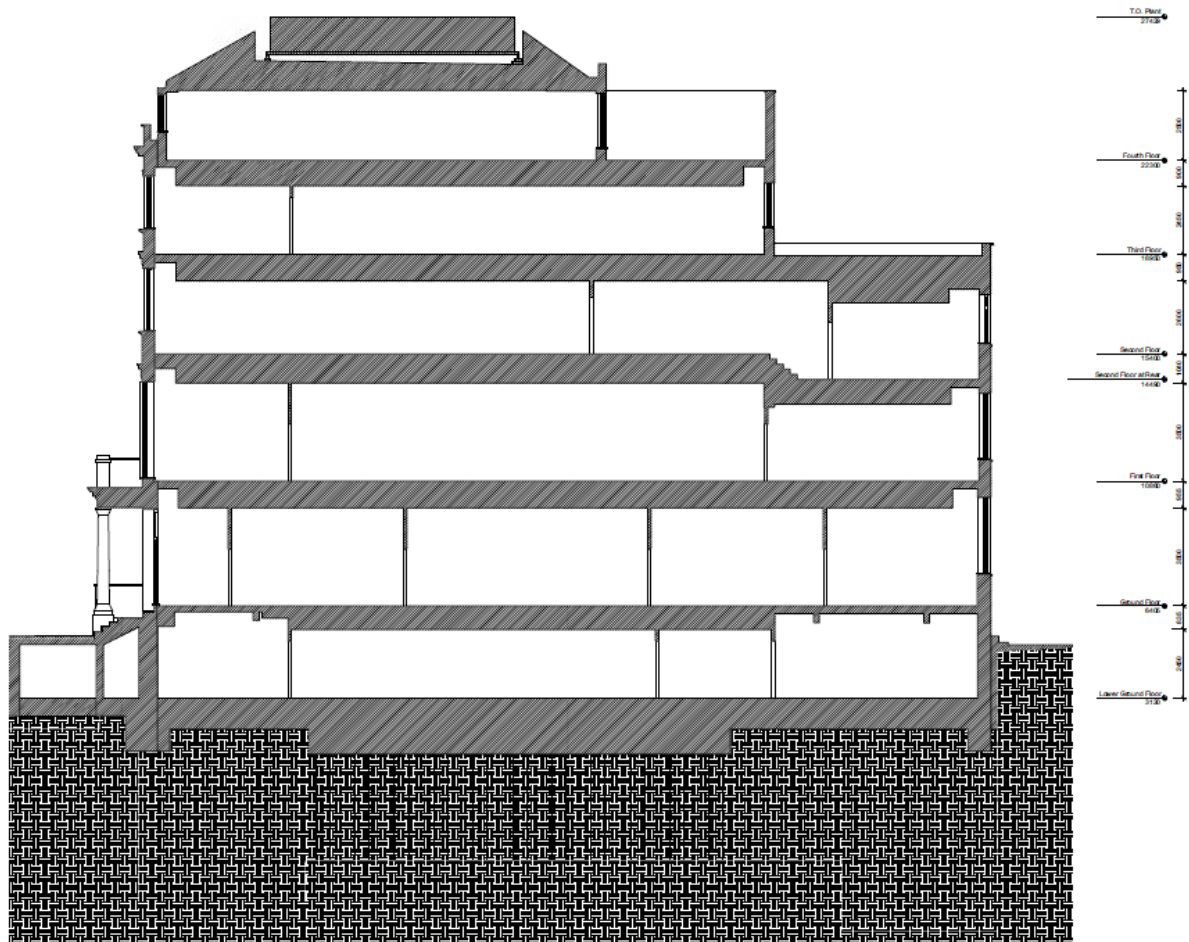






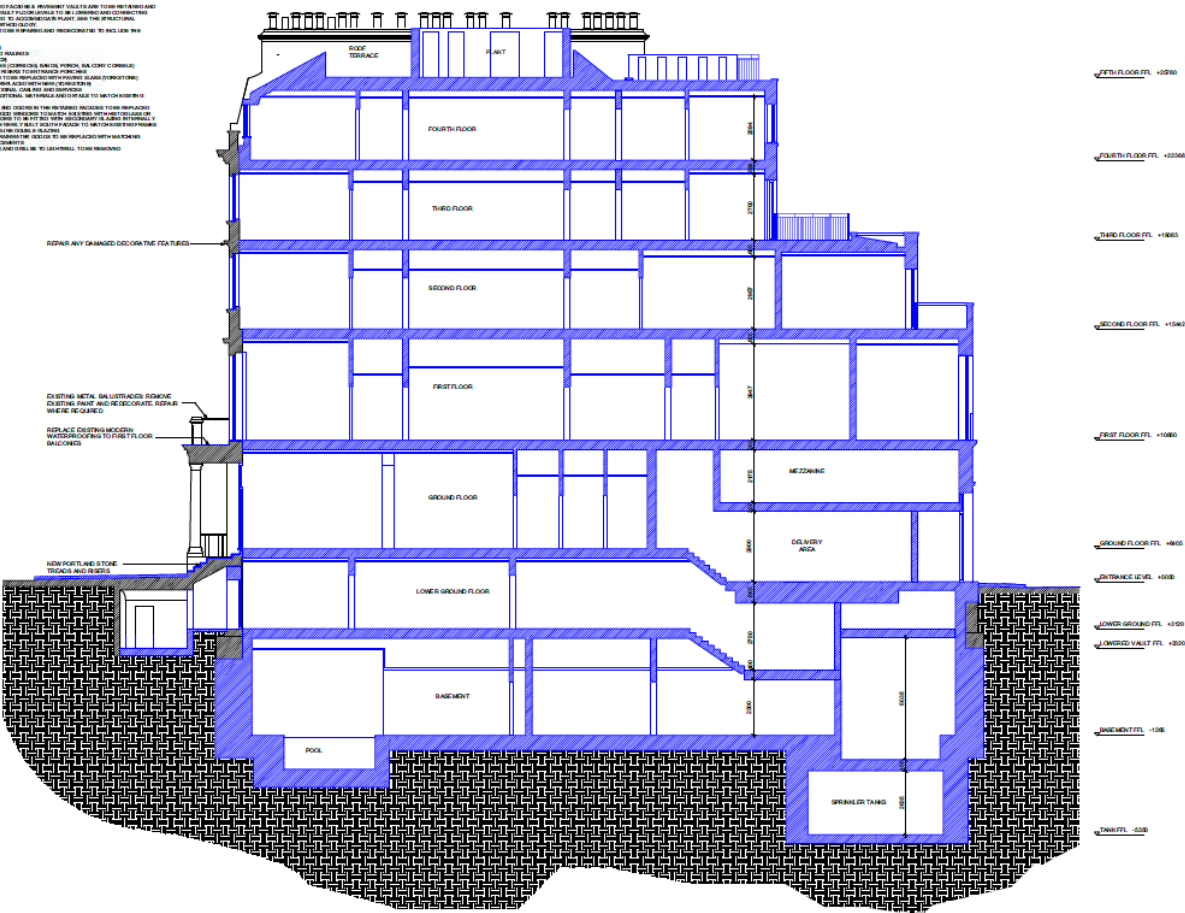
Existing side (west) elevation





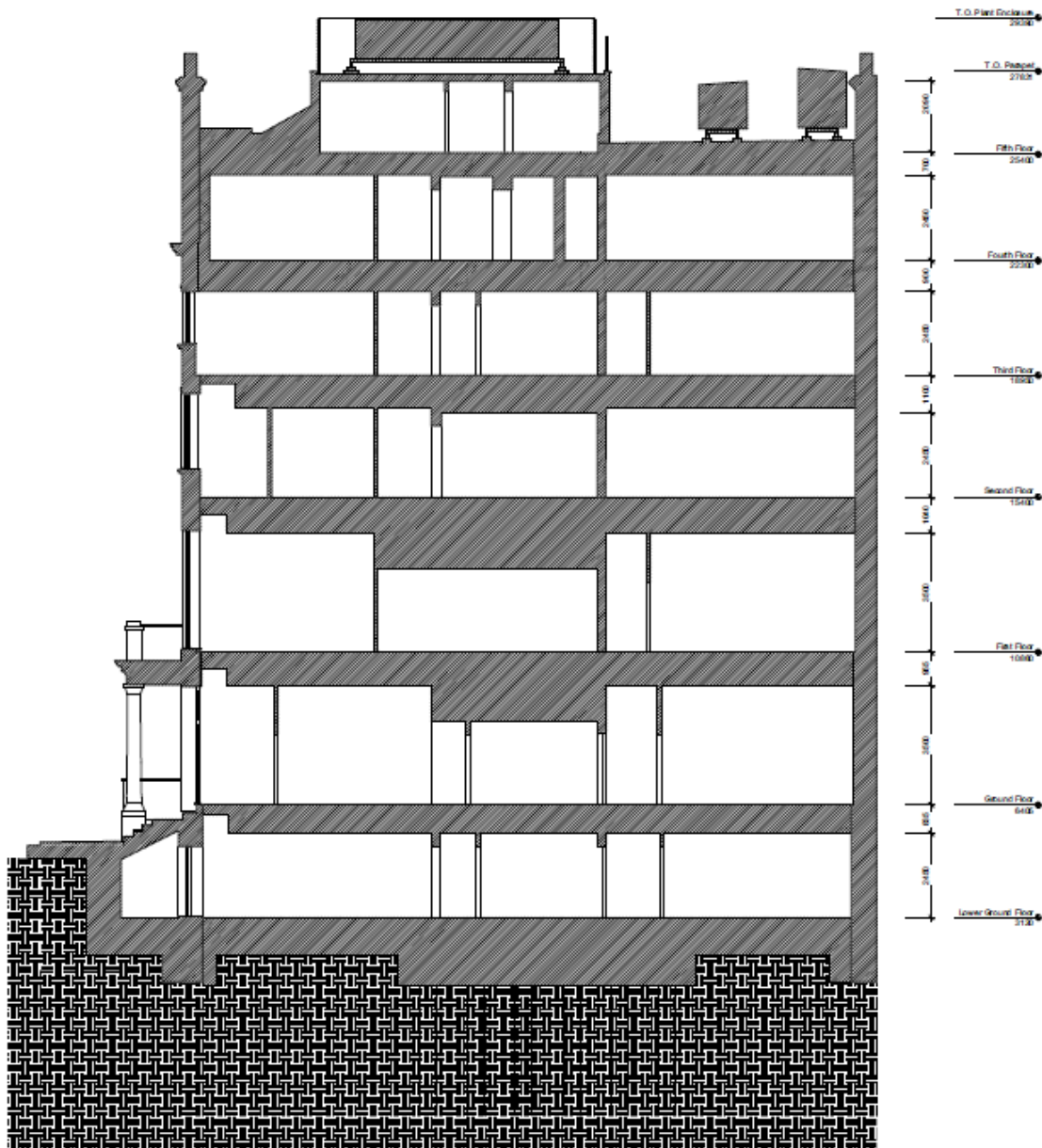
Existing Section A-A

NOTES:  
 1. EXISTING ROOFING SHALL BE REMOVED AND NEW ROOFING SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE 2015 IBC AND THE 2015 IRC.  
 2. EXISTING ROOFING SHALL BE REMOVED AND NEW ROOFING SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE 2015 IBC AND THE 2015 IRC.  
 3. EXISTING ROOFING SHALL BE REMOVED AND NEW ROOFING SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE 2015 IBC AND THE 2015 IRC.  
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 9. EXISTING ROOFING SHALL BE REMOVED AND NEW ROOFING SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE 2015 IBC AND THE 2015 IRC.  
 10. EXISTING ROOFING SHALL BE REMOVED AND NEW ROOFING SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE 2015 IBC AND THE 2015 IRC.



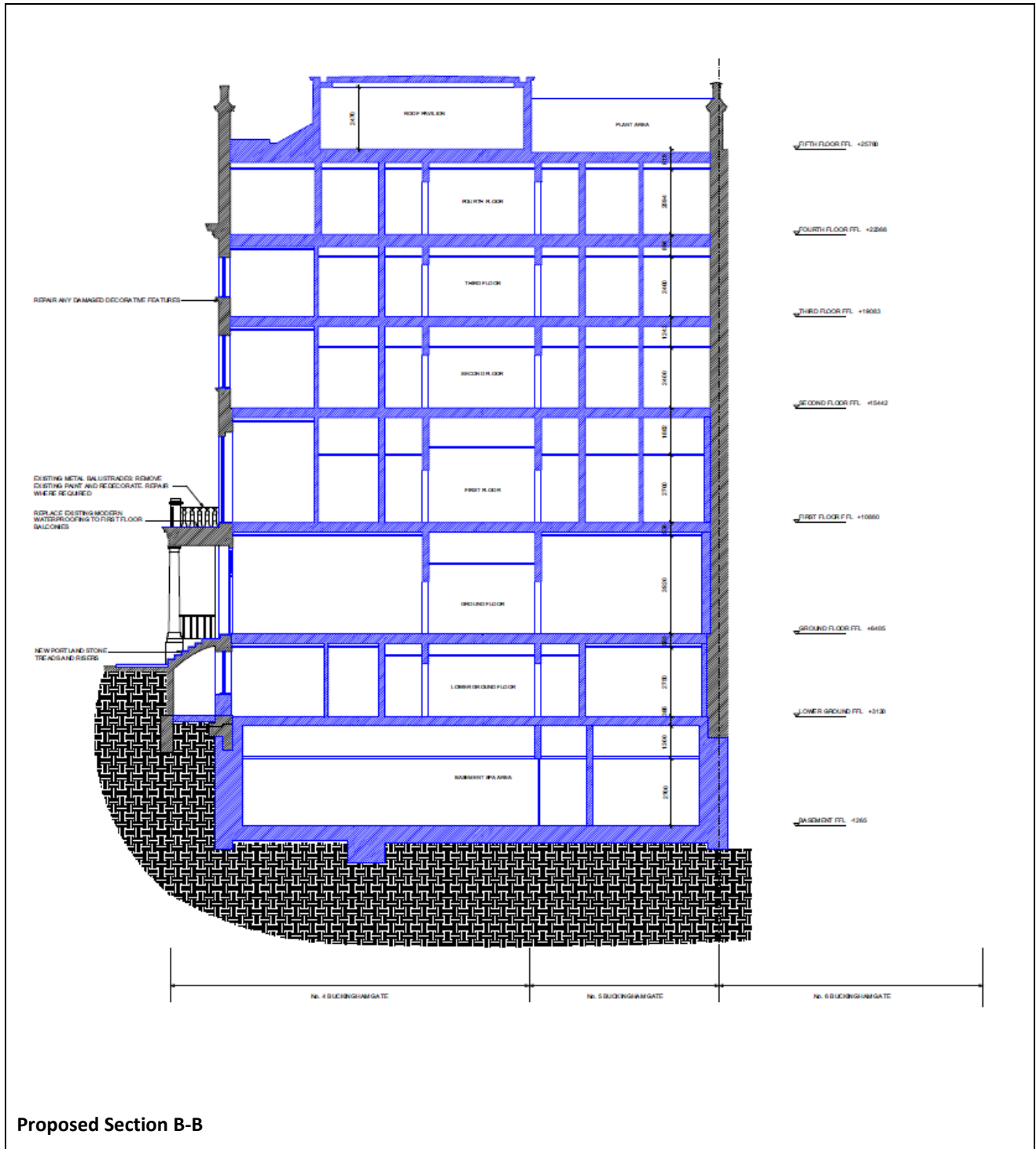
Proposed Section A-A

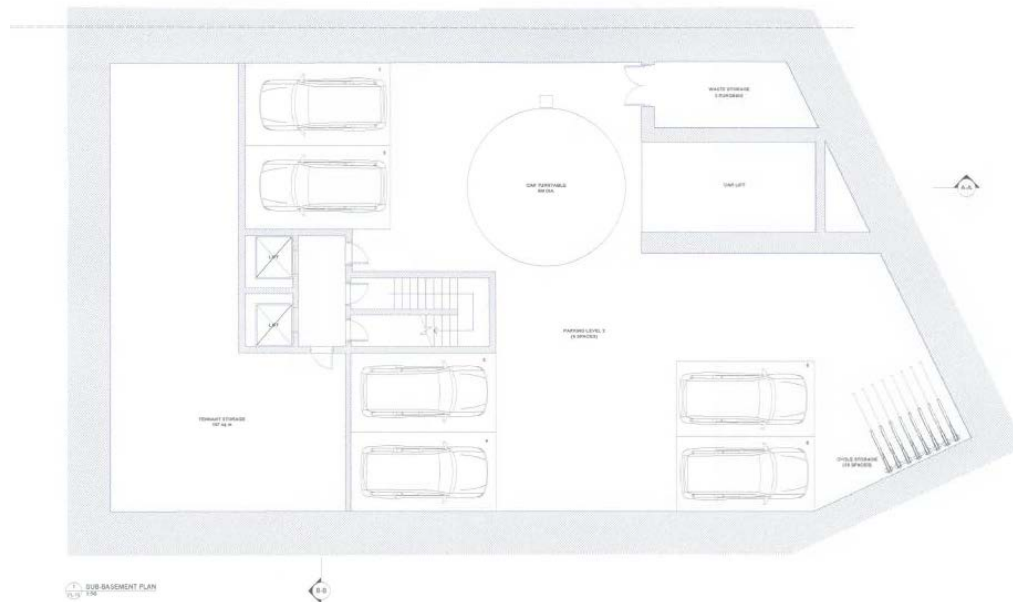




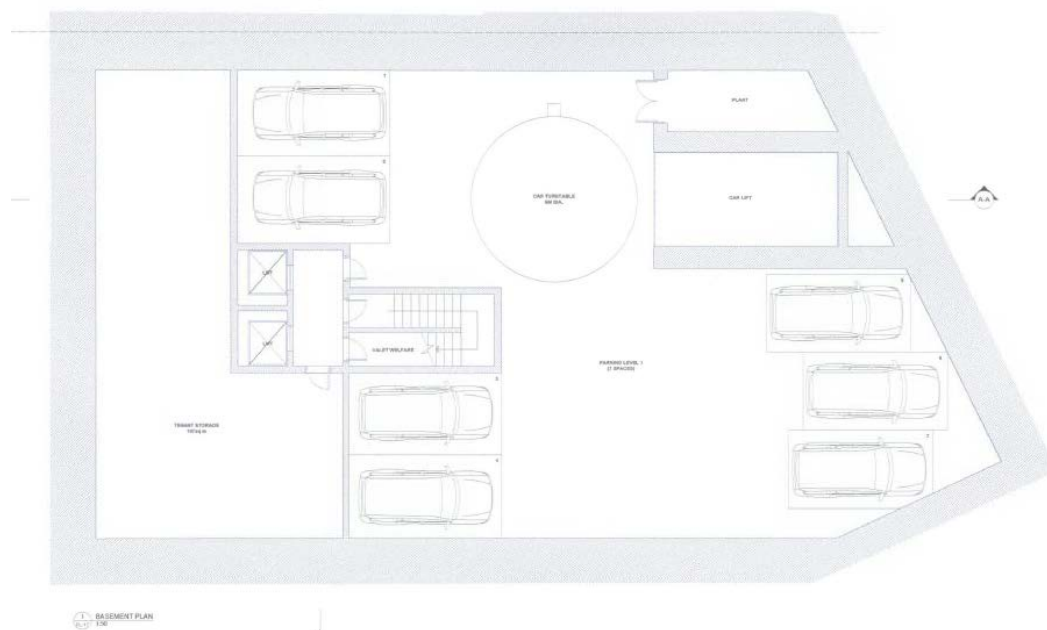
Existing Section B--B





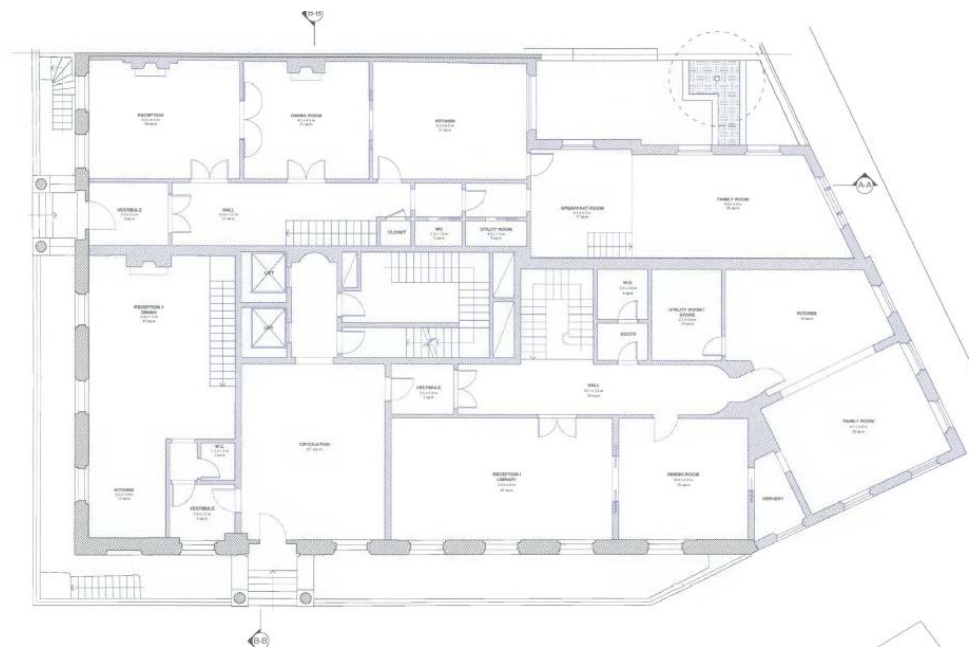


**Approved sub-basement plan**

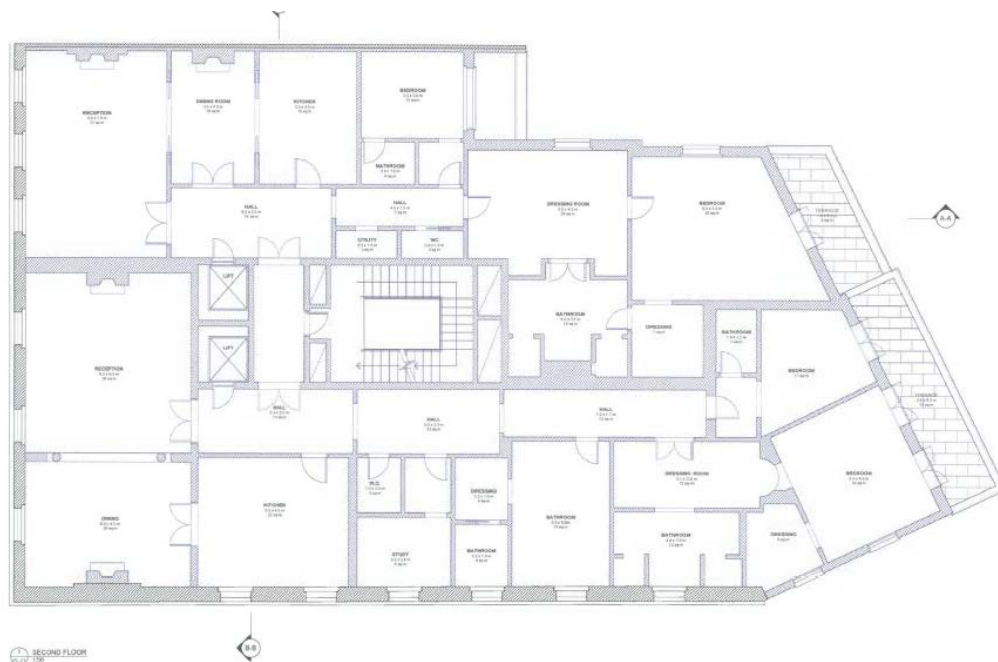


**Approved basement plan**

**Approved 2014 scheme (14/06822/FULL & 14/06823/LBC)**  
**(Drawings also as approved under 15/05134/FULL & 15/05135/LBC dated 07 September 2015)**



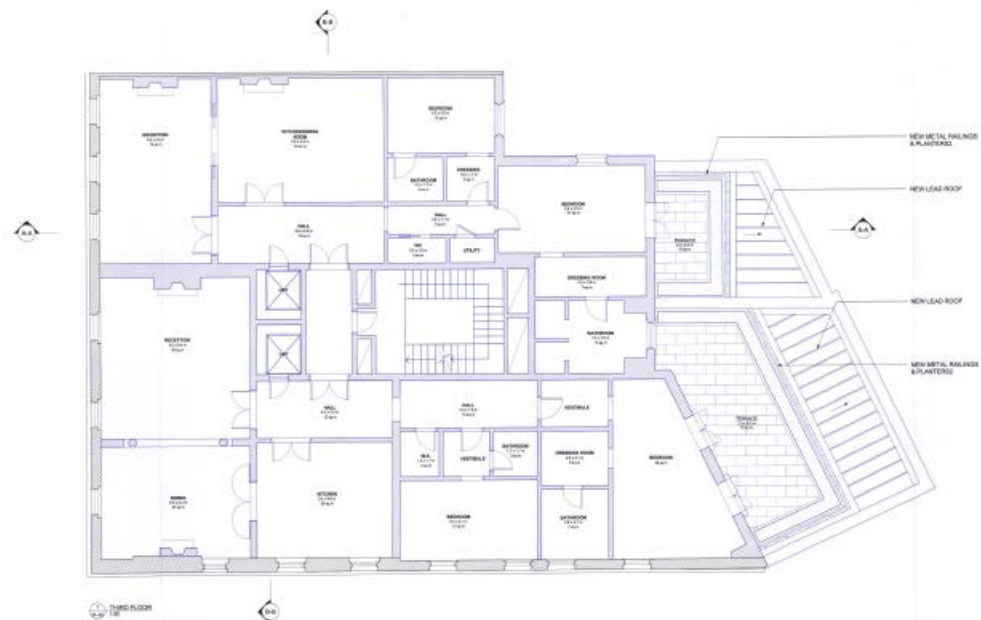
**Approved ground floor plan**



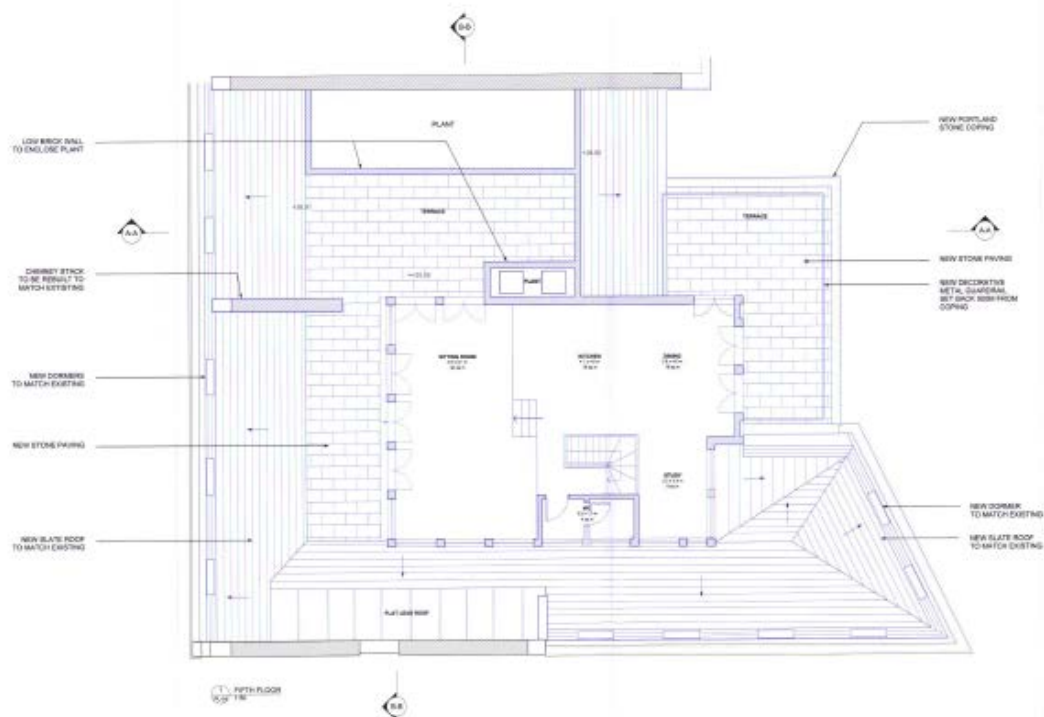
**Approved second floor plan**

**Approved 2014 scheme (14/06822/FULL & 14/06823/LBC)**

**(Drawings also as approved under 15/05134/FULL & 15/05135/LBC dated 07 September 2015)**



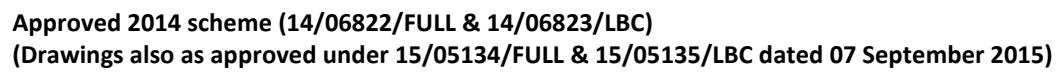
Approved third floor plan



Approved fifth floor plan

Approved 2014 scheme (14/06822/FULL &amp; 14/06823/LBC)

(Drawings also as approved under 15/05134/FULL &amp; 15/05135/LBC dated 07 September 2015)



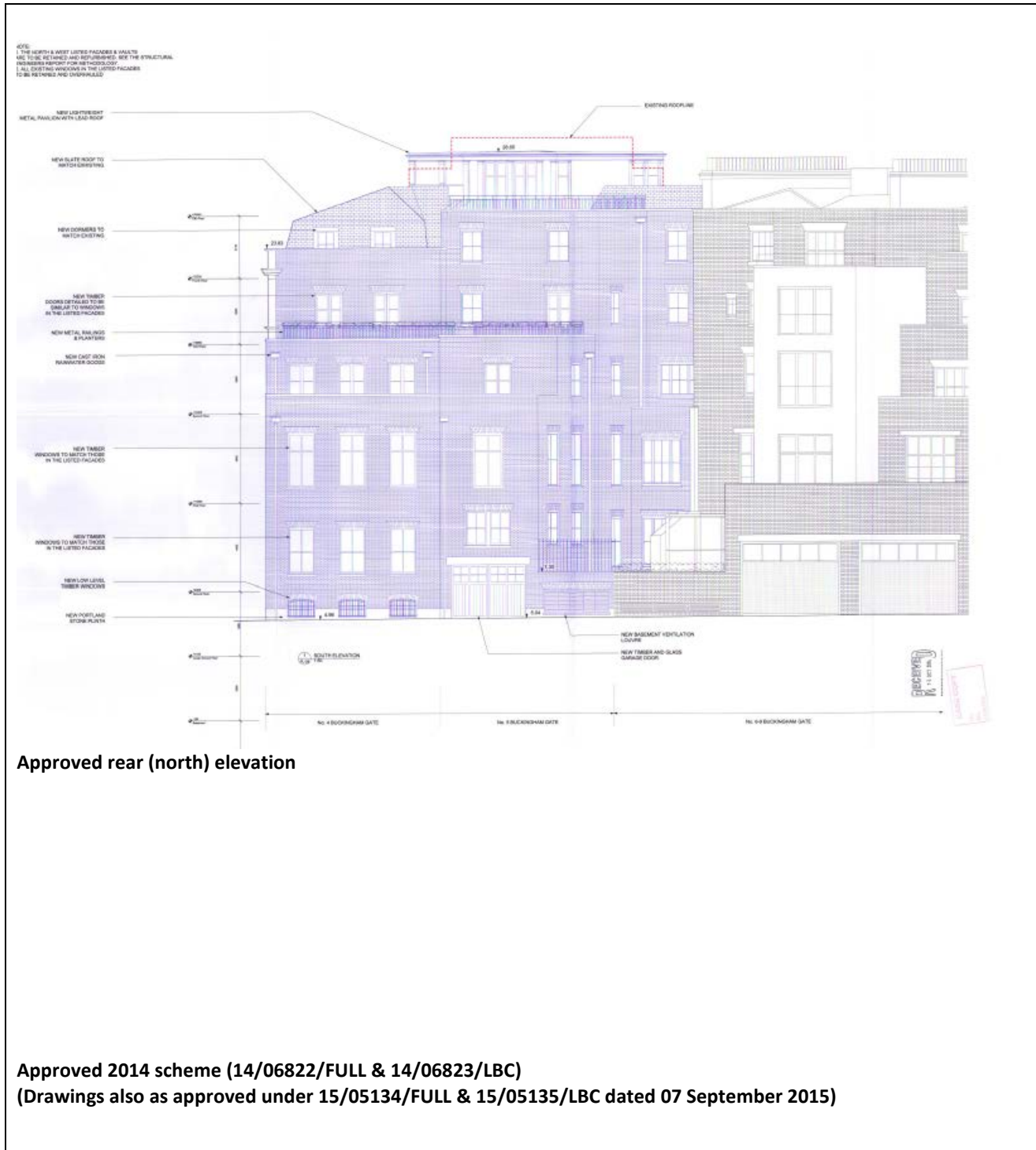
NOTE:  
1. THE NORTH & WEST LISTED FACADES & GABLES ARE TO BE RETAINED AND REPAIRS/REPLACED PER THE STRUCTURAL ENGINEER'S REPORT FOR AUTHORITY.  
2. ALL EXISTING WINDOWS IN THE LISTED FACADES TO BE REPAIRED AND CHARACTERIZED.

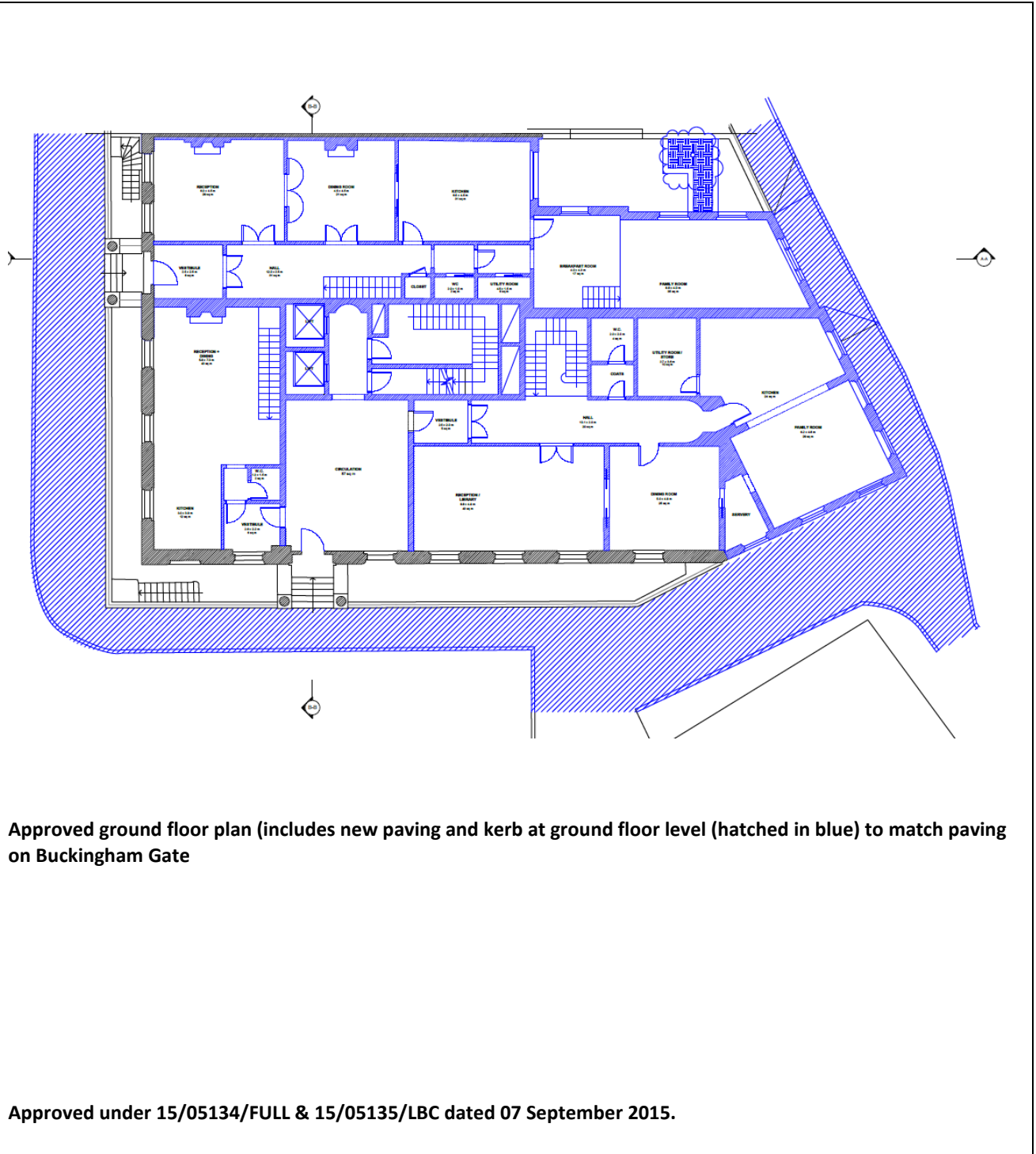


Approved side (west) elevation

Approved 2014 scheme (14/06822/FULL & 14/06823/LBC)  
(Drawings also as approved under 15/05134/FULL & 15/05135/LBC dated 07 September 2015)







Approved ground floor plan (includes new paving and kerb at ground floor level (hatched in blue) to match paving on Buckingham Gate

Approved under 15/05134/FULL & 15/05135/LBC dated 07 September 2015.



**DRAFT DECISION LETTER**

**Address:** 4 - 5 Buckingham Gate, London, SW1E 6JP,

**Proposal:** Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation to provide a single-storey basement and pool. External alterations for the provision of a new off street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical plant and a pavilion at roof level. Creation of 1no. terrace each at rear second and third floor level within recessed part of the building.

**Reference:** 18/06103/FULL

**Plan Nos:** PL-01 P01, PL-02 P01, PL-003 P01, PL-004-P01, PL-005 P01, PL-006 P01, PL-007 P01, PL-008 P01, PL-009 P01, PL-010 P01, PL-011 P01, PL-012 P01, PL-013 P01, PL-14 P01, PL-15 P01, PL-03 P01, PL-04 P01, PL-05 P01, PL-06 P01, PL-07 P01, PL-08 P01, PL-09 P01, PL-10 P01, PL-11 P01, PL-12 P01, PL-13 P01, PL-014 P01, PL-015 P01, PL-17-P03, PL-18-P03, PL-19 P02, PL-20 P02, PL-21 P03, PL-22 P03, PL-23 P02, PL-24 P04, PL-25 P01, PL-26 P02, PL-27 P02, PL-28 P03, PL-29 P03, PL-30 P02, Planning Compliance Report (Report 13704-NIA-01 Rev. C dated 18 July 2018 prepared by Clement Acoustics, Noise Exposure Assessment (Report 13704-NEA-01 Rev. A0 dated 06 July 2018 prepared by Clement Acoustics, Ventilation/Extraction System (303515) dated 10/07/2018 prepared by Harley Haddow, Daylight and Sunlight Report for the proposed alterations at 4-5 Buckingham Gate, London, SW1E 6JP (Reference 66765/IM (Rev. B) dated 12 July 2018 prepared by Malcolm Hollis, Energy and Sustainability report dated July 2018, Flood Risk Assessment Issue P01- 16 July 2018, Planning Statement, Transport Statement (Ref: 22662903) dated October 2018 prepared by Steer Davies Gleave, Structural Method Statement Issue P2- 16 July 2018 (Doc. Ref. 2358-S-SMS-001) prepared by Meinhardt.

For information purposes: Accurate Visual Representations (AVR1/3) prepared by Preconstruct Limited dated July 2018, Heritage Statement dated July 2018, Design and Access Statement Rev. A dated October 2018, Site Investigation Report (10260/OT (Rev 0) prepared by Soil Consultants dated 23 July 2018.

**Case Officer:** Zulekha Hosenally

**Direct Tel. No.** 020 7641 2511

**Recommended Condition(s) and Reason(s)**

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

**Reason:**

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must carry out the works in accordance with the Structural Method Statement Issue P2- 16 July 2018 (Doc. Ref. 2358-S-SMS-001) or in accordance with other details as submitted to and approved by the City Council.

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

- 5 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 where appropriate of

the following parts of the development:

- i) Roof level pavilion;
- ii) Windows and balconies to windows at rear second and third floor level;
- iii) External doors, including garage;
- iv) Decorative metal guard rails; and
- v) Roof level plant equipment (to rise no higher than the adjacent roof ridge line)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 The railings shall be painted black and retained that colour.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 7 You must apply to us for approval of a sample panel of the following parts of the development:  
- Brickwork to all new elevations.

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 sample panels. (C26DB),

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 8 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 9 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 10 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 11 All servicing must take place between 0700 on Monday to Saturday and 1900 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and

STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 12 The hotel shall not knowingly accept bookings from parties using a vehicle with a capacity of 14 or more persons to travel to and from the premises.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

13 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme.

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

- 14 **Pre Commencement Condition.** 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 of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its

written approval of such an application (C11CC)

Reason:

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

- 15 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
  - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
  - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
  - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
  - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
  - (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
  - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
  - (i) The proposed maximum noise level to be emitted by the plant and equipment.

## Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 16 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

## Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 17 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the path between the delivery vehicles and the receiving area and the access doors to the loading bay are designed so as not to cause noise disturbance, and will comply with the Council's noise criteria as set out in Condition(s) 16 and 17 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

## Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 18 You must install the mitigation measures as set out Planning Compliance Report (Report 13704-NIA-01 Rev. C dated 18 July 2018 prepared by Clement Acoustics prior to the operation of the mechanical plant hereby approved. The mitigation measures must be retained and maintained for as long as the units remain operational.

## Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 19 The full height extract duct discharging at roof level hereby permitted shall not be operated except between 0600 hours and 2300 hours daily.

## Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 20 Customers shall not be permitted within the ancillary restaurant and bar before 0600 or after 2300 daily.

## Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 2 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 21 You must not allow more than 130 customers in total into the ancillary restaurant and bar at ground floor level at any one time.

## Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)



- 22 You must apply to us for approval of an operational management plan for the hotel. You must not start the use until we have approved what you have sent us. Thereafter you must carry out the use according to the approved plan.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 23 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 24 You must not use the roof of the extension at rear second and third floor levels as shown on drawings PL-21-P03 and PL-22-P03 for sitting out or for any other purpose. You can however, use the smaller terrace areas set within the recess of the building at rear second and third floor levels for amenity purposes and you can use the roof to escape in an emergency or for maintenance purposes. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 25 No music shall be played in the hotel such as to be audible outside the premises.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 26 You must provide the waste store shown on drawing PL-17-P03 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the hotel. 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. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling 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. (R14CC)

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 28 All servicing and deliveries must take place using the off street loading hereby approved on Stafford Place. No servicing or deliveries for the hotel use hereby approved must take place from the public highway along Buckingham Gate.

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)

**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 The servicing management plan is to be secured as part of the Section 106 Legal Agreement.
- 3 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 4 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.  
The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk).  
If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk)  
It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 5 You may need separate licensing approval for the ancillary restaurant and bar premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 6 Conditions 16 and 17 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 8 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:  
John Firrell MHCIMA,  
Secretary - Considerate Hoteliers Association,  
C/o Wheelwright's Cottage,

Litton Cheney,  
Dorset DT2 9AR  
E-mail: [info@consideratehoteliers.com](mailto:info@consideratehoteliers.com),  
Phone: 01308 482313  
(I76AA)

- 9 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
  
- 10 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.**
  
- 11 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
  
- 12 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)
  
- 13 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)

- 14 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>
- 15 The Economy Team at Westminster City Council provide support and guidance to developers and contractors in the creation and delivery of employment & skills plans. The Team will provide guidance on local priorities, drafting of employment & skills plans and implementation of activities to deliver commitments. For further information please contact Soyful Alom, Economy Job Broker ([salom@westminster.gov.uk](mailto:salom@westminster.gov.uk))
- 16 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 17 With reference to condition 15 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). These documents must be sent to [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk). Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. You are urged to give this your early attention
- 18 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)
- 19 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.
- 20 Developing this site is likely to damage archaeological remains. Archaeological work must be carried out in line with condition 14. Please contact English Heritage's Archaeological Officer on 020 7973 3732 to discuss the work which is necessary. (I66AA)

Item No.
<b>2</b>

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

**DRAFT DECISION LETTER**

**Address:** 4 - 5 Buckingham Gate, London, SW1E 6JP,

**Proposal:** Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation to provide a single-storey basement and pool. External alterations for the provision of a new off street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of 1no. terrace each at rear second and third floor level within recessed part of the building.

**Reference:** 18/06104/LBC

**Plan Nos:** PL-01 P01, PL-02 P01, PL-003 P01, PL-004-P01, PL-005 P01, PL-006 P01, PL-007 P01, PL-008 P01, PL-009 P01, PL-010 P01, PL-011 P01, PL-012 P01, PL-013 P01, PL-14 P01, PL-15 P01, PL-03 P01, PL-04 P01, PL-05 P01, PL-06 P01, PL-07 P01, PL-08 P01, PL-09 P01, PL-10 P01, PL-11 P01, PL-12 P01, PL-13 P01, PL-014 P01, PL-015 P01, PL-17-P03, PL-18-P03, PL-19 P02, PL-20 P02, PL-21 P03, PL-22 P03, PL-23 P02, PL-24 P04, PL-25 P01, PL-26 P02, PL-27 P02, PL-28 P03, PL-29 P03, PL-30 P02, Structural Method Statement Issue P2- 16 July 2018 (Doc. Ref. 2358-S-SMS-001) prepared by Meinhardt

For information purposes: Accurate Visual Representations (AVR1/3) prepared by Preconstruct Limited dated July 2018, Heritage Statement dated July 2018, Design and Access Statement Rev. A dated October 2018, Site Investigation Report (10260/OT (Rev 0) prepared by Soil Consultants dated 23 July 2018.

**Case Officer:** Zulekha Hosenally

**Direct Tel. No.** 020 7641 2511

**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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are

required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must carry out the works in accordance with the Structural Method Statement Issue P2- 16 July 2018 (Doc. Ref. 2358-S-SMS-001) or in accordance with other details as submitted to and approved by the City Council.

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

- 4 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 where appropriate of the following parts of the development:

- i) Roof level pavilion;
- ii) Windows and balconies to windows at rear second and third floor level;
- iii) External doors, including garage;
- iv) Decorative metal guard rails; and
- v) Roof level plant equipment (to rise no higher than the adjacent roof ridge line)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 The railings shall be painted black and retained that colour.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation



Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 You must apply to us for approval of a sample panel of the following parts of the development:

- Brickwork to all new elevations.

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 sample panels. (C26DB),

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 7 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

### **Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council decided that the proposed works would not harm the special architectural and

historic interest of this listed building.

In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- \* any extra work which is necessary after further assessments of the building's condition;
- \* stripping out or structural investigations; and
- \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.

CITY OF WESTMINSTER				
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 December 2018		Classification For General Release	
Report of Director of Planning			Ward(s) involved Bayswater	
Subject of Report	College Park School, Garway Road, London, W2 4PH			
Proposal	Installation of play equipment within playground area to south west corner of school site adjacent to Monmouth Road and installation of canopy to the south elevation of rear wing of school building.			
Agent	3BM			
On behalf of	Westminster City Council			
Registered Number	18/06640/COFUL	Date amended/ completed	17 October 2018	
Date Application Received	6 August 2018			
Historic Building Grade	Unlisted			
Conservation Area	Bayswater			

## 1. RECOMMENDATION

Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

## 2. SUMMARY

The application proposes the installation of new play equipment within a playground area to south west corner of the school site adjacent to Monmouth Road and the installation of a canopy to the southern elevation of the rear wing of the school building adjacent to the side elevation of No.25 Monmouth Road.

The application site does not include any listed buildings, but the buildings on the opposite side of Monmouth Road facing the part of the site where the play equipment and canopy are proposed are grade II listed. The site is located within the Bayswater Conservation Area.

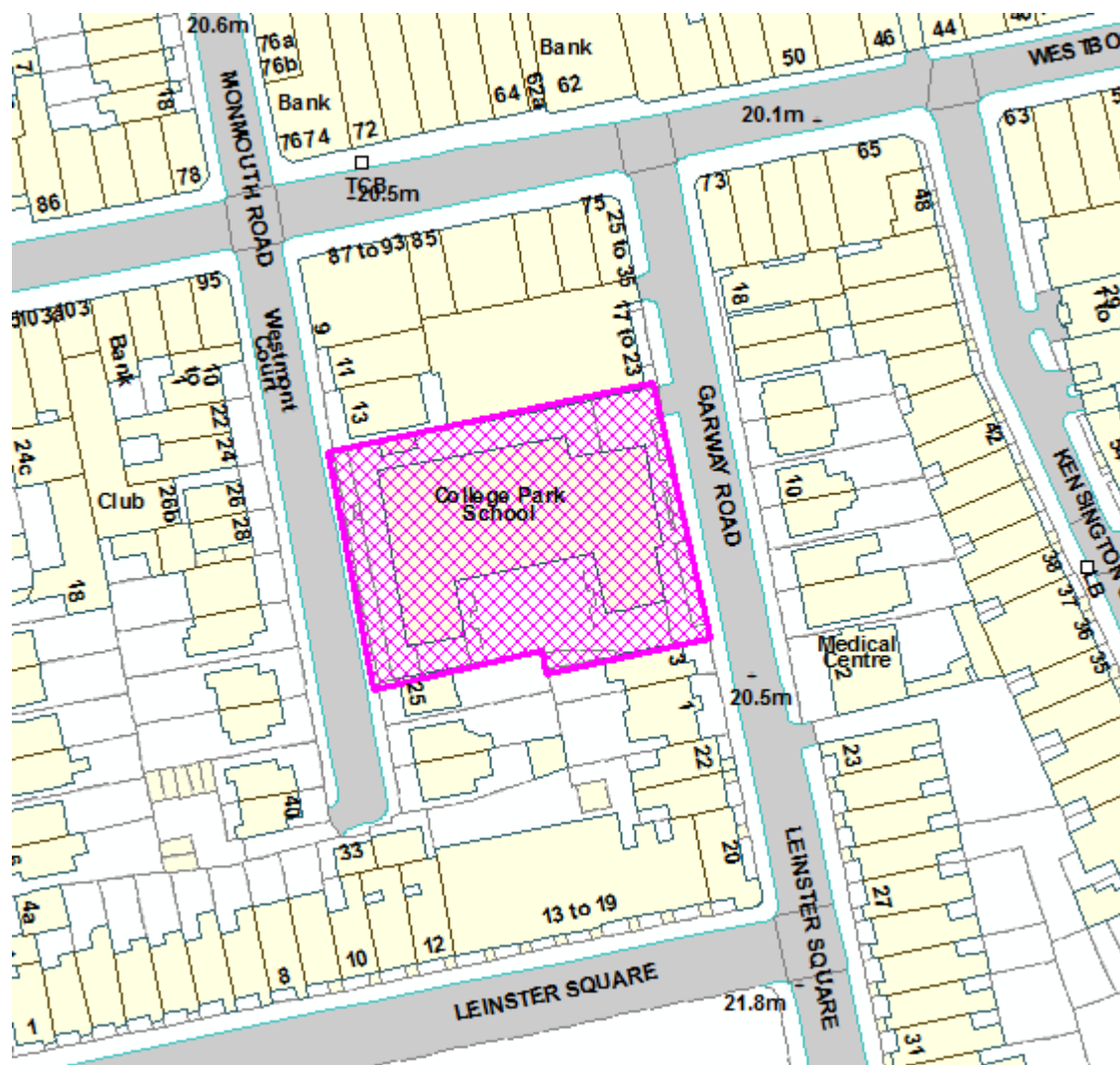
The key issues in this case are:

- The impact on the appearance of the school site.
- The impact on the character and appearance of the Bayswater Conservation Area and the setting of the adjacent listed buildings.

- The impact on the amenity of neighbouring residents.
- The impact on the health and longevity of neighbouring trees located within the Bayswater Conservation Area, along the boundary of the site with Monmouth Road.

For the detailed reasons set out in this report and subject to the recommended conditions, despite the objections raised, the proposed development is considered to be acceptable in design and conservation, amenity and environmental terms. The proposals would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and in Westminster's City Plan adopted in November 2016 (the City Plan).

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



View of site from Monmouth Road (top) and view of external teaching area between south elevation of school and No.25 Monmouth Road (bottom).





View of external teaching areas outside school building adjacent to Monmouth Road looking south (top) and looking north (bottom).

## 5. CONSULTATIONS

### BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

### ARBORICULTURAL MANAGER

Notes that the trees to the street frontage of the application site in Monmouth Road are of high amenity value and their retention is essential. Concerned that no details of the sub-surface makeup of the artificial grass surface or the precise location and depth of foundations for play equipment have been provided with the application. Regrettable that the submitted arboricultural report is relatively generic. Further details of the foundations and new surface treatment are required before work commences on these elements of the scheme and further details of tree protection supervision should be secured by condition. Tree protection fencing should be secured by condition.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 87.

Total No. of replies: 5.

No. of objections: 3.

No. in support: 0.

Five responses received from three respondents raising objections on all or some of the following grounds:

#### Design

- Some of the play equipment and the canopy would be visible from the garden of No.25 Monmouth Road.
- Appearance of proposed equipment would be detrimental to the Bayswater Conservation Area and the listed buildings opposite in Monmouth Road.

#### Amenity

- Increased noise from use of the proposed play equipment.
- Generally supportive of work the school does in teaching children with severe learning difficulties, but increased intake of pupils from 60 to 120 in September 2017 has resulted in more difficulty for teachers to control children and more noise disturbance from shouting and screaming.
- Proposed canopy will create an 'all weather' external play area resulting in continuous use which will increase noise disturbance to neighbouring residents, particularly at No.25 Monmouth Road.
- Noise is transmitted through the flank wall and garden wall of No.25 in to the kitchen/ dining room and garden of the property and ask that the play equipment is located well away from the boundary and that the play area is only used at break times and not continuously.
- Additional play equipment will exacerbate noise disturbance and will not diminish noise as indicated by the Head Teacher.
- Acoustic report/ noise survey should be obtained that advises on noise mitigation measures that could be installed if permission is granted.



- Believe that the noise level of the children using the playground exceeds statutory limit of 55dB at times.
- No mention in application of possible reverberation qualities of noise from the new equipment and canopy.

#### Other Matters

- Concern that work to install the proposed canopy commenced prior to the determination of the planning application and request that works cease.
- Concern that the consultation letters for the application have not been sent to neighbours and question location of site notice.
- Other recent permissions for raised balconies and terraces in the area (at Nos.7-12 and 13-19 Leinster Square) have increased noise levels.

#### ADVERTISEMENT/ SITE NOTICE

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises College Park School, which was rebuilt in 2011-12 pursuant to the planning permission granted on 5 July 2010, which was subsequently varied by the later permission dated 28 March 2013 (see Section 6.2). A copy of the 28 March 2013 decision letter and the approved ground floor plan are included in the background papers for information.

The school comprises a 'U' shape plan form with a central play area (utilised as a multi-use games area) and a variety of external teaching spaces to the other external areas to the south (adjoining the side boundaries of properties in Garway Road and Monmouth Road) and west (the Monmouth Road frontage) of the site. The external areas to the east (front of the site in Garway Road) and to the north are used as defensible space and parking for mini buses respectively. The school buildings comprise a three storey block to the northern and eastern sides of the site and a two storey block to the western side of the site facing Monmouth Road.

The school is a maintained local authority school for pupils with autism and complex learning difficulties within the moderate range for children and young people between the ages of 4 and 19 years of age. Referrals for admission to the school are made via the Tri-borough SEN department. The school currently has approximately 120 pupils on the school roll, although historically it has catered for a smaller number of pupils and at the time of the planning application for redevelopment of the school in 2010 it catered for up to 80 pupils.

The application site does not include any listed buildings, but the buildings opposite in Monmouth Road are grade II listed. The site is located within the Bayswater Conservation Area and the mature trees to the Monmouth Road side of the site are therefore protected by virtue of their location within the conservation area.

### 6.2 Recent Relevant History

09/09888/COFUL

Demolition of existing school buildings and street boundary treatments and erection of new part two storey, part three storey school building including classrooms, hall, kitchen, post-16 teaching accommodation and associated facilities with associated external mechanical plant within enclosure, new hard and soft landscaping, removal of two existing trees and planting of five new trees, replacement/ alteration of boundary treatments (including new metal mesh fence to playground boundary), living 'green' roofs, installation of external play equipment within new playground and waste and recycling store to north west corner of site.

Application Permitted 5 July 2010

13/00347/COFUL

Variation of Conditions 6 and 17 of planning permission dated 05 July 2010 (RN: 09/09888); namely, to allow relocation of waste and recycling storage to the existing ground floor undercroft to the north elevation of the school building and to allow waste and recycling to be collected from Garway Road.

Application Permitted 28 March 2013

## 7. THE PROPOSAL

The application proposes the installation of new play equipment within a playground area to south west corner of the school site adjacent to Monmouth Road and the installation of canopy to the southern elevation of rear wing of school building adjacent to the side elevation of No.25 Monmouth Road.

The proposed canopy would be fixed to four dark grey aluminium support columns located immediately adjacent to the southern elevation of the school. The canopy would be 3 metres in height above ground level and cover an area measuring 8.0m by 3.8m, which comprises most of the existing playground area between the south elevation of the school and the flank elevation of No.25 Monmouth Road. The canopy would not be attached to the side elevation or garden wall of No.25.

The proposed play equipment would be located in the existing external teaching areas to the south and west of the school site. It would be fixed to the ground with foundations, but none of the equipment would be attached to the flank elevation or garden wall of No.25. The tallest piece of equipment (a 'Jungle Tower') would be 3.05 metres in height, with the next highest piece of equipment (a 'Linked Trail') 2.52 metres in height. All of the other equipment would be no more than 1.4 metres in height above ground level. Associated with the installation of the play equipment, it is proposed to remove two existing sub-dividing sets of gates and railings and install a new artificial grass surface.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

In land use terms the proposed development does not propose a material change of use. The scheme for redevelopment of the school site that was originally approved in

2010 and subsequently varied in 2013 specifically identified the areas to be altered by the current application as 'external teaching' areas. No conditions were imposed on those permissions in terms of the numbers of pupils that can be accommodated on the school site, or how or during which hours the external teaching areas could be used.

**8.2 Townscape and Design**

In design terms the lower pieces of play equipment and the replacement surface treatment would be located at low level and would not be readily visible in public or most private views within the Bayswater Conservation Area due to the sunken nature of the site relative to the higher level of the public highway in Monmouth Road.

The uppermost sections of the two higher items of play equipment (the 'Jungle Tower' and 'Linked Trail') would be visible in public and private views from Monmouth Road; however, these would be structures of relatively lightweight appearance, constructed predominantly in timber. As such, when seen in context with the trees along the boundary of the site in the foreground and the much greater bulk of the school building beyond, it is not considered that they would harm the appearance of the school building, the character and appearance of the Bayswater Conservation Area or the setting of the listed buildings opposite.

The proposed canopy to the southern (side) elevation of the school, would predominantly cover the space between the school and No.25 Monmouth Road. Whilst this would have the effect of 'spanning' the gap between the school and No.25, a concern expressed by objectors, the proposal would remove the existing heavy timber and metal gates that already span this gap. Whilst the timber and metal framed gates that are to be removed are marginally lower than the proposed canopy (approximately 2.7m in height), the canopy would have a relatively slender metal frame and would have a clear polycarbonate roof, giving it a more lightweight appearance. As such, in views from Monmouth Road the gap between the school building and No.25 would not be enclosed to a materially greater degree than existing situation.

The proposed canopy would be largely located adjacent to the blank flank elevation of No.25, but would extend beyond the rear elevation of No.25 by 3 metres. To the rear of No.25 there is a boundary wall with the school of approximately 1.75 metres in height, above which is a 1.75 metre high trellis. Where the canopy would project beyond the rear elevation of No.25, the edge of the canopy would be visible from the rear garden of No.25, approximately 0.4 metres below the top of the trellis. However, given it would be partially obscured by the existing trellis located on the boundary and as the canopy would have a clear roof, thereby reducing its apparent bulk, it is not considered that the appearance of the canopy in views from the garden of No.25 would harm the appearance of the school building or the character and appearance of the Bayswater Conservation Area.

A condition is recommended requiring the metal frame of the proposed canopy to be painted dark grey or black to match other metal work found on the school site.

In conclusion, the proposed development is considered to be acceptable subject to the recommended conditions and would accord with Policies DES1, DES9 and DES10 in the UDP and S25 and S28 in the City Plan.

### 8.3 Residential Amenity

In amenity terms concerns have been raised by three neighbouring residents. Their concerns relate to the noise caused by children using the external play spaces at the school and they are concerned that the proposed development, coupled with recent increases in pupil numbers, will significantly increase noise disturbance for neighbouring residents in Monmouth Road, particularly the occupiers of No.25, which is immediately next to the school and the location of the proposed play equipment and canopy.

The areas of the site to which the current application relates are identified on the ground floor plan approved in 2010 as part of the redevelopment of the school, as 'external teaching' areas. In the 2010 scheme the area the current application relates to is designed as three outside spaces, separated by gates and fences, but all are directly accessible from neighbouring classrooms so as to allow them to be used as external teaching areas for these classrooms and allow for the free flow of pupils in and out of the classrooms. The gates between the spaces could be opened and the three areas could therefore already also be used as a single external teaching area. The clear intention in the 2010 permission is that these areas provide 'free flow' external areas for children within the adjacent classrooms and it is evident that the spaces have been used in this way in the past; albeit using non-fixed, movable play and learning equipment.

In the context set out in the preceding paragraph, the proposed provision of fixed play equipment and the combining of the three areas into one, by removing the subdividing gates and railings/ fences, is not considered to materially increase the use of this part of the school site relative to the existing lawful situation. Indeed, the school could provide a similar arrangement of free-standing play/ learning equipment within this area without the need for planning permission. As such, the proposed play equipment, which would not be physically attached to No.25 Monmouth Road, would not cause a material increase in noise disturbance to neighbouring residents when compared to the existing situation.

The objectors are particularly concerned that the proposed canopy would intensify the use of the external space in 'all weathers', resulting in continuous use, and would serve to increase noise disturbance, particularly to No.25 Monmouth Road. The objectors consider that an acoustic assessment should be carried out to identify noise mitigation measures that could be carried out to limit noise disturbance to neighbours.

The proposed canopy would increase the usability of the external teaching space beneath it during periods of wet weather, but the external space would remain open to the elements at either end and would therefore only improve usability of the external space during intermittent periods of rain. As such, in practice the increase in the usability of the external space relative to the existing situation would be limited and it is not considered that the canopy would therefore result in a significant intensification of the external teaching space between the school and No.25 Monmouth Road. As the canopy structure would not be fully enclosed it would not significantly increase noise disturbance from activity taking place below it.

In terms of the requests by objectors that an acoustic assessment of the noise impact is undertaken, given the spaces to which the application relates are already lawfully in use

as external teaching areas as part of the school use, it is not considered that noise mitigation measures could reasonably be required in this instance. The school does though recognise the concerns of the neighbouring occupiers, which are equally applicable to the noise arising from the use of the external areas of the school in their current configuration, and during the course of the application it has expressed that it is willing to consider introducing noise mitigation measures to the boundary with No.25 Monmouth Road in future. Given this, an informative is recommended to strongly encourage the school to consider the provision of noise mitigation measures on a 'good neighbour' basis.

With regard to loss of light and sense of enclosure, the proposed canopy would be located to the side of No.25 Monmouth Road and would largely be located against its blank flank wall. Similarly, the taller items of equipment would be remote from the rear garden boundary with No.25 and in these locations they would not cause a material loss of daylight or an increased sense of enclosure. The play equipment would be low level adjacent to the rear boundary with No.25, with the taller equipment closer to Monmouth Road. In these positions, the play equipment would be arranged so as to avoid any increase in overlooking to the rear garden of No.25.

For the reasons set out above, the proposed development is considered to be acceptable in amenity terms and would accord with Policies ENV6 and ENV13 in the UDP and Policies S29 and S32 in the City Plan.

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

No relevant considerations.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

The proposals would not alter access to the school buildings. The refurbished play areas would maintain level access from the adjoining classrooms.

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

The mature trees to the street frontage of the application site in Monmouth Road are of high amenity value and therefore it is important that their retention is not jeopardised by the proposed development. The Arboricultural Manager is concerned that no details of the sub-surface makeup of the artificial grass surface or the precise location and depth of foundations for play equipment have been provided with the application. However, she is content that these can be secured by condition and such a condition is included in the draft decision letter appended to this report. Two further conditions are sought by the Arboricultural Manager, one to secure details of tree protection supervision during the course of the construction works and one to ensure the proposed tree protection fencing is installed prior to construction works commencing on the play equipment and new surface and retained for the duration of these works. These conditions are also included in the draft decision letter. Subject to these recommended conditions, the proposed

development would accord with Policies ENV16 and ENV17 in the UDP and Policy S38 in the City Plan.

## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

## **8.9 Neighbourhood Plans**

There are no adopted neighbourhood plans for the area in which the proposed development is located and therefore neighbourhood plans are not relevant to the determination of this application.

## **8.10 London Plan**

The application does not raise any strategic issues.

## **8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

## **8.12 Planning Obligations**

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

## **8.13 Environmental Impact Assessment**

The application is of insufficient scale to require an Environmental Impact Assessment. Where relevant environmental issues have been addressed in the earlier sections of this report.

## **8.14 Other Issues**

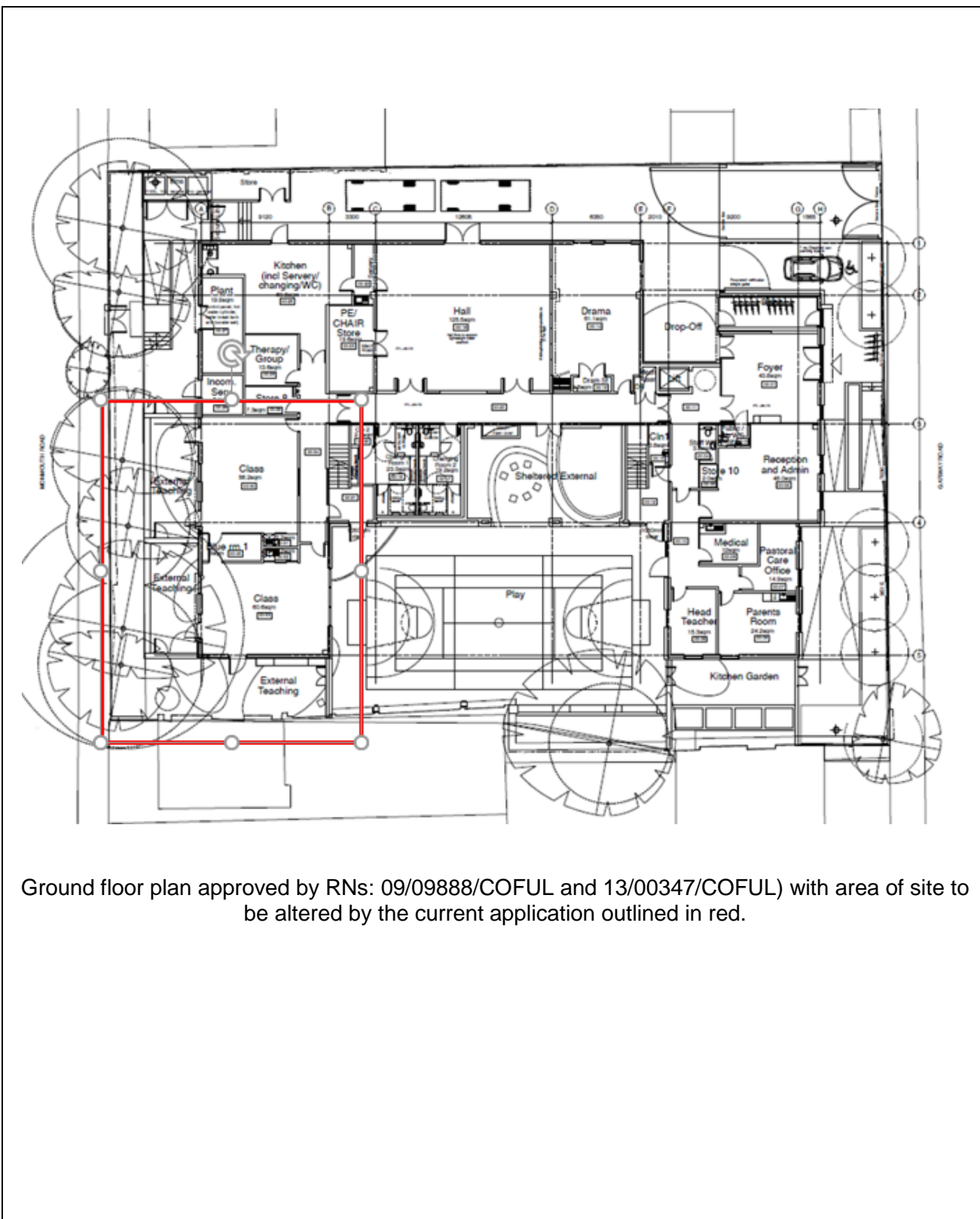
Objection was raised on grounds that the support posts for the proposed canopy were installed on site prior to the determination of the application in mid October 2018. The installation of these parts of the canopy was reported to the Planning Enforcement Team to investigate and the school has ceased work on the canopy pending the outcome of the current planning application. It is understood that the works commenced on the mistaken belief that the canopy was permitted development and did not require the benefit of planning permission.

Concerns were initially expressed regarding the location of the application site notice and that neighbours in Monmouth Road had not been notified of the application. The site notice was erected on 22 October 2018 outside the front of the site in Garway Road. For this reason, on this dual frontage site, where the proposed development relates primarily to the Monmouth Road frontage of the site, 89 neighbour notification letters were sent to neighbouring properties, including to all the properties neighbouring and opposite the school site in Monmouth Road. As such, the consultation exercise carried out accords with the requirements of Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the City Council's Statement of Community Involvement in Planning (June 2014).

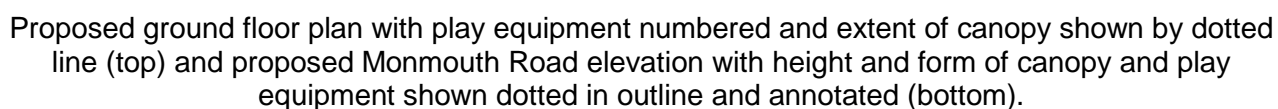
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk).

## 9. KEY DRAWINGS







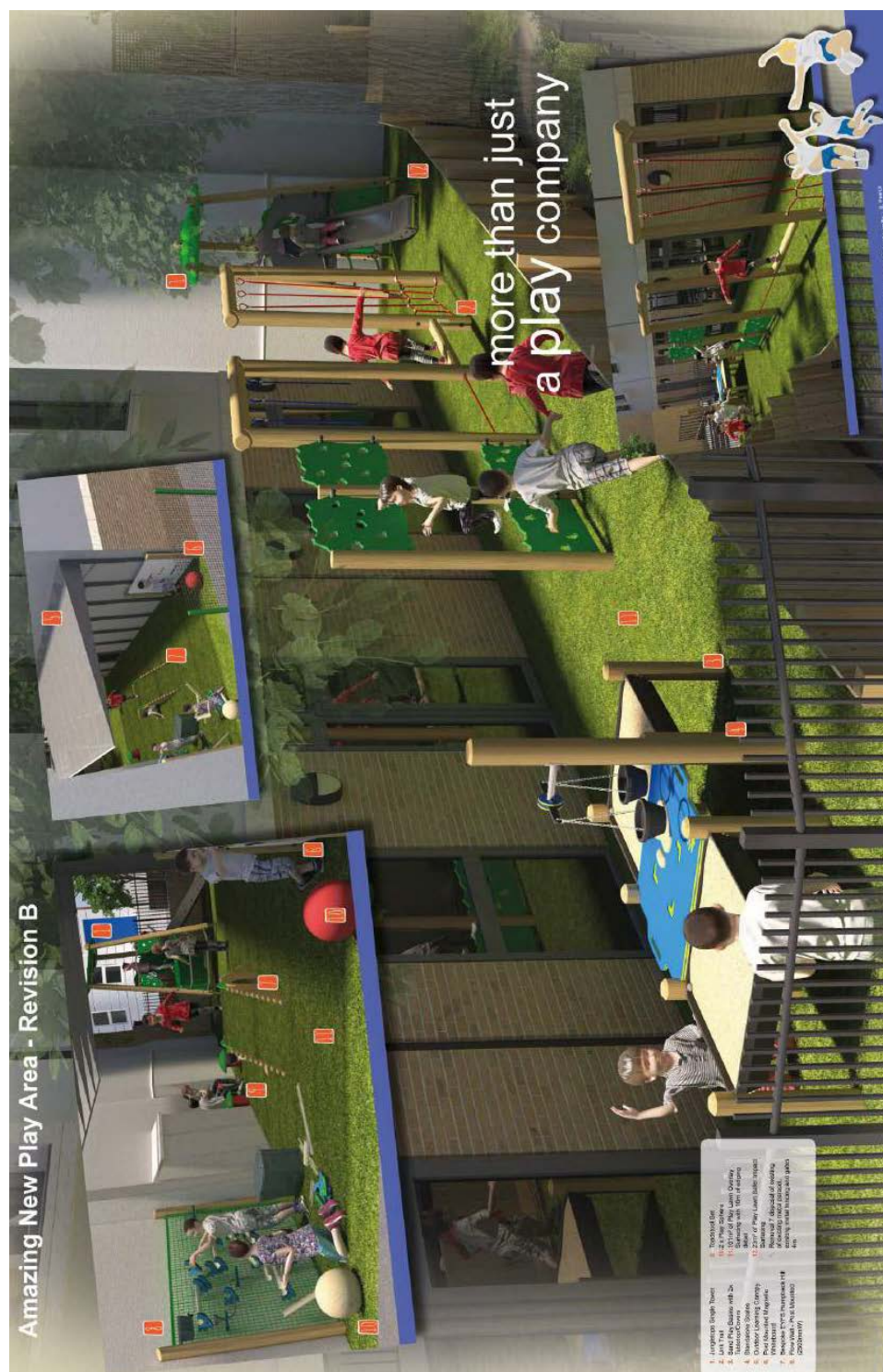


Illustration of proposed play equipment and canopy.

**DRAFT DECISION LETTER**

**Address:** College Park School, Garway Road, London, W2 4PH

**Proposal:** Installation of play equipment within playground area to south west corner of school site adjacent to Monmouth Road and installation of canopy to the south elevation of rear wing of school building.

**Plan Nos:** 010 Rev.01, 100, 101, 110, 111, 802, 803, Arboricultural Method Statement dated June 2018 (ref: edp4972\_r001a) and Design and Access Statement by 3BM Spaces.

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

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

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

**Reason:**

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

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

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

permission. (C26AA)

Reason:

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

- 4 The frame of the canopy hereby approved shall be painted or otherwise finished in a dark grey or black colour and permanently retained in one of these colours.

Reason:

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

- 5 You must apply to us for approval of details of the following to demonstrate that the foundations and any level changes required would be designed to avoid significant damage to tree roots:

- (a) The design, depth, size, and location and means of installation of foundations.
- (b) Details of any proposed alterations to the existing ground levels or any other works to be undertaken within the Root Protection Area of any tree within the tree survey plan and schedule.
- (c) Treatment of any roots encountered in the course of excavation.

You must not start work on the installation of the play equipment and new ground level surface treatments until we have approved what you have sent us. The foundations and any level changes required must then be carried out in accordance with the details we approve.

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)

- 6 Prior to work commencing on the installation of play equipment and new ground level surfaces, you must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:
  - o identification of individual responsibilities and key personnel;
  - o induction and personnel awareness of arboricultural matters;
  - o supervision schedule, indicating frequency and methods of site visiting and record

keeping;  
o procedures for dealing with variations and incidents.

You must not start any demolition, site clearance or building work relating to the installation of play equipment and new ground level surfaces, and you must not take any equipment, machinery or materials for these parts of the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

**Reason:**

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 7 No demolition, site clearance or building works shall be undertaken in relation to the installation of play equipment and new ground level surfaces, and no equipment, plant, machinery or materials for the purposes of carrying out these parts of the development shall be taken onto the site until protective barriers are installed as set out in paragraphs 5.14-5.17 of the Arboricultural Method Statement dated June 2018 (ref: edp4972\_r001a). The tree protection barriers shall be maintained in accordance with paragraphs 5.14-5.17 of the Arboricultural Method Statement until completion of building works, and all plant, machinery or materials for the purposes of development have been removed from the site.

**Reason:**

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

**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.

Item No.
<b>3</b>

- 2 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
  
- 3 In order to be a 'good neighbour', you are encouraged to consider what measures could be introduced along the flank wall and rear boundary wall of No.25 Monmouth Road to mitigate existing and future noise from outside play and learning activities on the school site. It is likely that such proposals would be supported in principle in the event that they require planning permission, subject to assessment of their impact on the appearance of the neighbouring building and the character and appearance of the Bayswater Conservation Area.

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.



CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 December 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	27A Monmouth Road, London, W2 4UT		
Proposal	Demolition of existing raised terrace and erection of single storey rear extension at lower ground floor level with terrace above, erection of single storey side extension at lower ground floor level and associated internal and external alterations to lower ground and ground floors. Replacement of part of garden boundary with No.25 with a new wall, with trellis above.		
Agent	Scenario Architecture		
On behalf of	Mr & Mrs Sophie and Andrew Nicholls		
Registered Number	18/06167/FULL and 18/06168/LBC	Date amended/ completed	20 July 2018
Date Application Received	20 July 2018		
Historic Building Grade	Grade II		
Conservation Area	Bayswater		

## 1. RECOMMENDATION

1. Grant conditional permission.
2. Grant conditional listed building consent.
3. Agree reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter.

## 2. SUMMARY

The application site comprises the lower maisonette of a four storey semi-detached Victorian villa. The property is Grade II listed and located within the Bayswater Conservation Area. Planning permission and listed building consent are sought for the demolition of the existing raised terrace to the rear elevation and erection of single storey rear extension at lower ground floor level with terrace above, erection of single storey side extension at lower ground floor level adjacent to the boundary with No.25 Monmouth Road, replacement of part of garden boundary with No.25 with a new wall with trellis above and associated internal and external alterations to lower ground and ground floors.

The scheme has been revised during the course of the application (see Sections 5 and 7) and the

revised scheme has been the subject of reconsultation. Objections have been received from three neighbouring residents in response to both rounds of consultation on a range of design and amenity grounds as summarised in Section 5 of this report. Two letters of support have been received from one neighbouring resident.

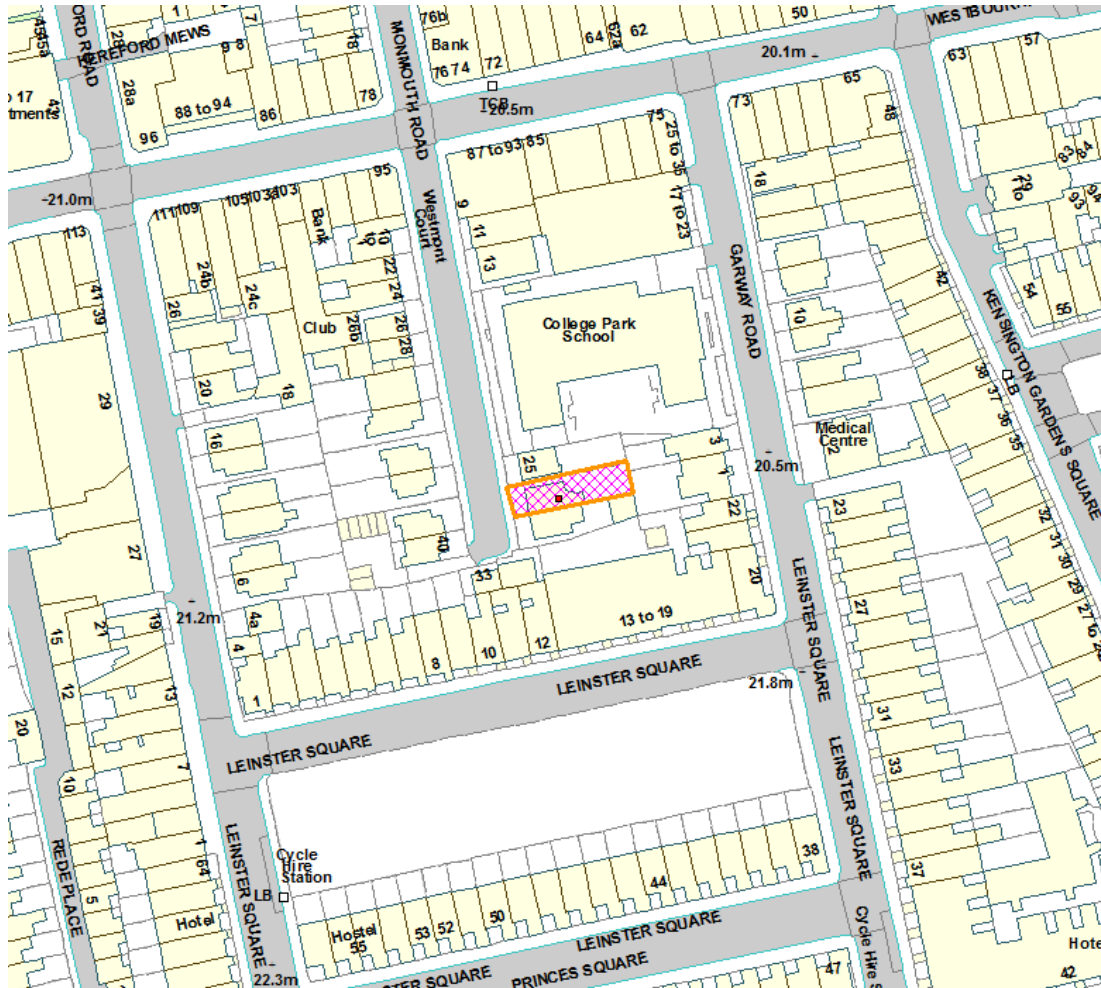
The key issues in this case are:

- The impact of the proposals on the architectural and historic significance of the Grade II listed building and the character and appearance of the Bayswater Conservation Area.
- The impact of the proposals on the amenity of neighbouring residents.

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



### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



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





Views of rear of No.25 Monmouth Road from existing rear terrace.



Views of No.29 Monmouth Road from the existing rear terrace.



## 5. CONSULTATIONS

### 5.1 Consultation on Originally Submitted Scheme (July 2018)

#### BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

#### ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8.

Total No. of replies: 4.

No. of objections: 3.

No. in support: 1.

Three emails received raising objection on all or some of the following grounds:

#### Design

- The proposed side extension would visually unbalance the semi-detached properties and would be an incongruous addition.
- Would not be appropriate or an enhancement of the listed building or the conservation area.
- Proposal would set an unfortunate precedent in the local area.

#### Amenity

- Proposed rear terrace is larger than the existing terrace on the application site so therefore the level of overlooking of neighbouring and adjoining properties would be materially worse.
- The existing rear terrace on the application site was never granted planning permission and it is now dilapidated and unsafe. The current proposal would replace an informal structure with a permanent terrace.
- The replacement of the existing timber fence on the boundary with No. 25 Monmouth Road with a taller brick wall would cause the occupiers of this property to suffer a material loss of daylight and sunlight when using their garden.
- The proposed side extension should be sound proofed.
- The plans submitted do not provide dimensions of the proposed balcony.

#### ADVERTISEMENT/ SITE NOTICE

Yes.

### 5.2 Consultation on Revised Scheme (amendments including reduction in width of rear extension, alterations to terrace screening and design of boundary wall) (October/ November 2018)

#### BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

#### ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8.

Total No. of replies: 4.

No. of objections: 3.

No. in support: 1.

Three emails received raising objection on all or some of the following grounds:

#### Design

- If the proposed side extension is approved, then it should set a precedent for other properties in the local area.
- The side extension is inappropriate for this listed building and there is no precedent for it in this area.
- The proposed boundary wall with No. 25 Monmouth Road would appear incongruous.
- The proposed rear extension appears larger on the amended plans.

#### Amenity

- The proposed terrace is larger and more permanent than what is existing. For these reasons it would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity in terms of increased overlooking and noise disturbance.
- The proposed screening would not prevent overlooking of gardens of neighbouring and adjoining properties from the proposed terrace.
- The proposed side extension would allow for noise transmission to the adjoining property.
- The proposed boundary wall with a trellis would cause the occupiers of No. 25 Monmouth Road to suffer a material loss of daylight and sunlight when using their rear garden.

#### Other Issues:

- The works to erect the proposed boundary wall would cause severe disruption to the garden and mature planting at No. 25 Monmouth Road.
- Question whether the applicant has the right to replace the existing boundary with No.25 as is a party wall and existing fence was installed by occupiers of No.25.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises a four storey semi-detached Victorian villa comprising lower ground, ground and two upper floors. The property on the application site dates from the mid-nineteenth century. The building is Grade II listed and located within the Bayswater Conservation Area. It is in use as two maisonettes. The current proposal relates to the lower maisonette (Flat A).

To the rear Flat A currently has a raised timber deck at ground floor level adjacent to the boundary with No.29 Monmouth Road, which was granted permission and consent in 1993 (see Section 6.2 and copy of the 1993 permission in the background papers).

## 6.2 Recent Relevant History

### 92/05432/FULL and 92/05433/LBC

Permission and consent granted on 18 March 1993 for retention of timber deck at ground floor level to rear and erection of privacy screen at 27A Monmouth Road.

### 13/11994/FULL

Permission granted on 29 April 2014 for the erection of the current single storey timber clad garden room within the rear garden.

## 7. THE PROPOSAL

Planning permission and listed building consent are sought for the demolition of the existing raised terrace to the rear elevation and erection of single storey rear extension at lower ground floor level with terrace above, erection of single storey side extension at lower ground floor level adjacent to the boundary with No.25 Monmouth Road, replacement of part of garden boundary with No.25 with a new wall with trellis above and associated internal and external alterations to lower ground and ground floors.

During the course of the application the scheme has been amended to seek to address the concerns expressed by neighbours and officers in respect of the initially submitted scheme. The amendments made, which have been the subject of reconsultation in October/ November 2018, were to reduce the width of the proposed rear extension, amend the materials and detailed design of the proposed side extension, alter the proposed screening around the new ground floor level terrace and alter the detailed design of the proposed garden boundary wall with No.25 Monmouth Road. Despite these amendments the scheme has continued to attract objection, as summarised in Section 5.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The enlargement of the existing maisonette is acceptable in principle in land use terms and would accord with Policy H3 in the UDP.

### 8.2 Townscape and Design

Paragraph 184 of the NPPF (2018) states heritage assets “*should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations*”.

The relevant policies for consideration of this case are DES 1, DES 5, DES 7, DES 9, and DES 10 in the UDP and Policies S25 and S28 in the City Plan.

During the course of the application the footprint of the proposed rear extension has been revised to sit within the recessed space formed by the rear closet wing and the boundary with No.29 Monmouth Road. As initially submitted it overlapped the closet wing. Following this amendment, the extension would appear as a comfortably proportioned addition to the listed building, which would allow its original form to continue to be appreciated. The reduced size of the extension would also ensure it is consistent in scale with the similarly detailed existing extension to the other half of this semi-detached villa pair at No.29.

The contemporary extensively glazed design would ensure the extension reads as a clearly modern addition. It would be a counterfoil to the traditional brickwork and sashes of the upper storeys and would add a point of architectural interest and replaces an existing ad hoc arrangement of rear additions to the building, thereby not resulting in the loss of significant historic fabric.

The scale of the proposed rear extension and its location at lower ground floor level would ensure it would be subordinate to the scale of the overall building. As above, this would help to create a measure of symmetry with No. 29 Monmouth Road, which also has a modern extension in a similar position. The proposed rear extension would include a terrace above at ground floor level and this is not a typical feature on listed buildings of this period and in this location; however, given that the terrace would replace the existing ungainly timber terrace structure that was approved in 1993, the principle of providing a terrace in this case is not considered to be objectionable in design and listed building terms.

The proposed side extension would be limited to lower ground floor level and set back from both the front and rear elevations. Conservation and design policies often resist side infill extensions in order to protect a buildings proportions and the appreciation of the townscape gaps between buildings. Townscape gaps between houses are formed by side passages and are distinctive characteristics of 19th Century villa development. However, due to its diminutive scale and positioning behind an existing timber gate/screen, which is proposed to be replaced, the proposed side extension would in this case be entirely concealed from street level views. As such, the appreciation of the present townscape gap will be preserved. Condition are recommended to secure details of the rooflight in the roof of the side extension and to ensure the rear window in the side extension has an appropriately detailed segmental arch.

The rebuilding of the side boundary wall between No. 25 Monmouth Road and No. 27 Monmouth Road is welcome in design and listed building terms. The original wall between the properties has been lost at some point and replaced with a timber fence. As such, the reinstatement of a boundary wall would improve the setting of the listed building. Subject to the use of London stock brickwork and lime pointing, details of which can be secured by condition, the proposed wall, which has been revised to be lower than initially proposed, is acceptable.

The internal alterations at lower ground and ground floor level would result in some limited alterations to partition walls and doorways, but would not serve to erode the appreciation of the original plan form of the building, nor would they result in the loss of



historic fabric of significance. As such, the internal works proposed are not objectionable in listed building terms.

The proposed development would improve the appearance of the building, thereby enhancing the Bayswater Conservation Area in accordance with DES 9 in the UDP. The form, scale and detailed design of the proposed alterations and extensions would comply with Policies DES 1 and DES 5 in the UDP.

In addition, the proposed development would comply with Policy DES 10 in the UDP as the proposals would not harm the significance of the listed building, indeed the provision of a rear extension consistent in appearance with No.29 and the reinstatement of a traditional garden boundary wall would serve to enhance the listed building and its neighbours.

### **8.3 Residential Amenity**

Policies ENV6 and ENV 13 in the UDP and Policy S29 in the City Plan seek to protect residential amenity and environmental quality. Concerns have been expressed by both neighbouring occupiers on grounds of overlooking and noise disturbance.

The proposal involves the demolition of the existing timber framed raised terrace to the rear at ground floor level and its replacement with a terrace located on the roof of the proposed lower ground floor rear extension.

The existing timber framed raised terrace to the rear at ground floor level was granted planning permission and listed building consent on 18 March 1993. This existing terrace allows clear views into the rear windows and garden of No.29 Monmouth Road, as well as allowing the rear garden of No. 25 Monmouth Road to be overlooked, albeit to a lesser extent as the existing terrace is set well away from the boundary with No.25.

The proposed terrace would be located at the same height as the lower portion of the existing terrace. The existing rear terrace projects 4.2 metres from the rear elevation of the application property, whereas the proposed terrace projects only 2.9 metres. The existing screening on the boundary with No.29 Monmouth Road has a height of only 0.95 metres above the upper level of the existing terrace, whereas the proposed screening along the boundary would be to a height of 1.7 metres above the level of all of the proposed terrace. For these reasons it is considered that the overlooking from the proposed terrace towards the rear windows and garden of No. 29 Monmouth Road would not be materially greater than the overlooking caused by the existing terrace. It is recommended that details of the proposed privacy screen are secured by condition to ensure that it's design provides the occupiers of No.29 with adequate privacy.

In terms of the impact of the replacement terrace on the occupiers of N.25 Monmouth Road, the existing terrace cuts away at an angle from No. 25 Monmouth Road, whereas the proposed terrace runs almost parallel to the boundary with No.25. However, as set out in the preceding paragraph, the proposed terrace would be significantly shallower than the existing terrace and would be set back 0.3 metres further from the boundary with No.25 Monmouth Road than the existing terrace; albeit due to the more rectilinear form of the proposed terrace, it would be slightly closer to the rear garden of No.25 at its north eastern corner. Given the overall reduction in the size of the terrace, it is not

considered that the proposed terrace would cause a material increase in overlooking to the rear of No. 25 Monmouth Road relative to the existing situation.

In terms of the potential for increased noise and disturbance from people occupying the proposed terrace, the proposed terrace is smaller in size than the existing terrace and would therefore provide less space for people to occupy. As such, it is not considered that the proposed terrace would cause a material increase in noise and disturbance.

In terms of the proposed extensions, due to their location, height and size, they would not cause a material loss of daylight or sunlight, or significantly increase enclosure to neighbours. The locations of fenestration within the extensions would be such that it would not cause overlooking to neighbouring windows or gardens.

The existing timber fence with a trellis above at the boundary with No. 25 Monmouth Road has a height of 2.5 metres above rear garden level on the application site side of the fence. It is proposed to replace the existing fence with a brick wall with a timber trellis with a combined height of 2.6 metres. The trellis on both the existing and proposed walls has a height of 0.8 metres. As the proposed wall and trellis is only 0.1 metre taller than the existing fence and trellis, it is not considered that the replacement boundary treatment would result in a material loss of daylight or sunlight to the rear garden at No. 25 Monmouth Road, nor would it materially increase the sense of enclosure experienced by the occupiers of the property when using their garden. As such, the objection raised on these grounds cannot reasonably be supported.

The roof of the proposed side extension would be glazed, but as there are no windows on the southern side elevation of No. 25 Monmouth Road, the proposed glazing would not cause the occupiers of this property to suffer a material loss of amenity as a result of light spill from the rooflight.

For the reasons stated above, subject to the recommended conditions, in amenity terms the proposals would comply with Policies ENV 6 and ENV 13 in the UDP and Policy S29 of the City Plan.

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

Not applicable.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

#### **8.6 Access**

The proposed alterations and extensions would not alter the access to this existing private dwelling.

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

None relevant.

## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in paragraph 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

## **8.9 Neighbourhood Plans**

No neighbourhood plans are relevant to the determination of this application.

## **8.10 London Plan**

The application does not raise any strategic issues.

## **8.11 National Policy/ Guidance Considerations**

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

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

## **8.12 Planning Obligations**

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

## **8.13 Environmental Impact Assessment**

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

## **8.14 Other Issues**

The proposed removal of the existing timber fence along the boundary with No.25 Monmouth Road and the erection of a wall with a trellis could result in disruption of the garden and mature planting at No. 25 and this is a ground raised as an objection. However, the planting within the garden of No.25 adjacent to the boundary does not include trees and the impact of the proposed wall on the garden planting at No.25 is a

private matter for resolution between the respective property owners and not a ground on which permission and consent could reasonably be withheld.

Concern was also expressed on grounds that the existing boundary fence had previously been erected by the owners of No.25 and during the course of the application the notice served by the applicant under Certificate B of the application form was updated to include notice being served on the owners of No.25 for this reason. However, beyond service of the correct notice of the application, whether the applicant is legally able to carry out the works or not if permission and consent are granted is not a valid planning ground for objection and therefore permission and consent cannot be withheld on this ground.

Objections have been received concerning the issue of whether if the proposed terrace was previously approved and on the ground that the terrace would set a precedent for allowing permission for rear terraces more widely in the local area. As set out earlier in this report, whilst the existing terrace is now in relatively poor condition and has been erected in a somewhat ad-hoc fashion over earlier extensions at lower ground floor level, it is lawful, having been granted permission and consent in 1993.

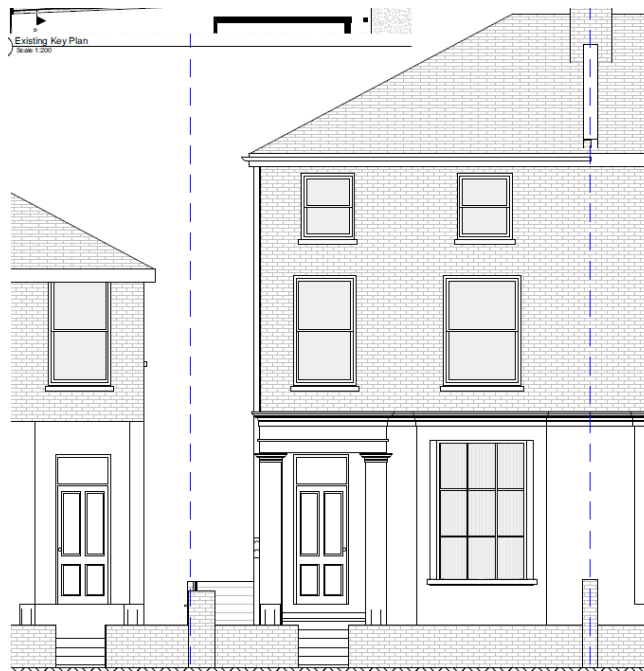
In terms of precedent, each planning and listed building consent application must be considered on its own merits having regard to the particular site specific material considerations in each case. In this case, the historic terrace on this site, granted under development plan policies in force at the time of its approval, is a site specific material consideration in the assessment of the current applications. It does not therefore follow that similar terrace developments would be acceptable in similar locations on neighbouring properties where no such existing terrace exists.

(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: OLIVER GIBSON BY EMAIL AT [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk).

## 9. KEY DRAWINGS

Existing Front Elevation



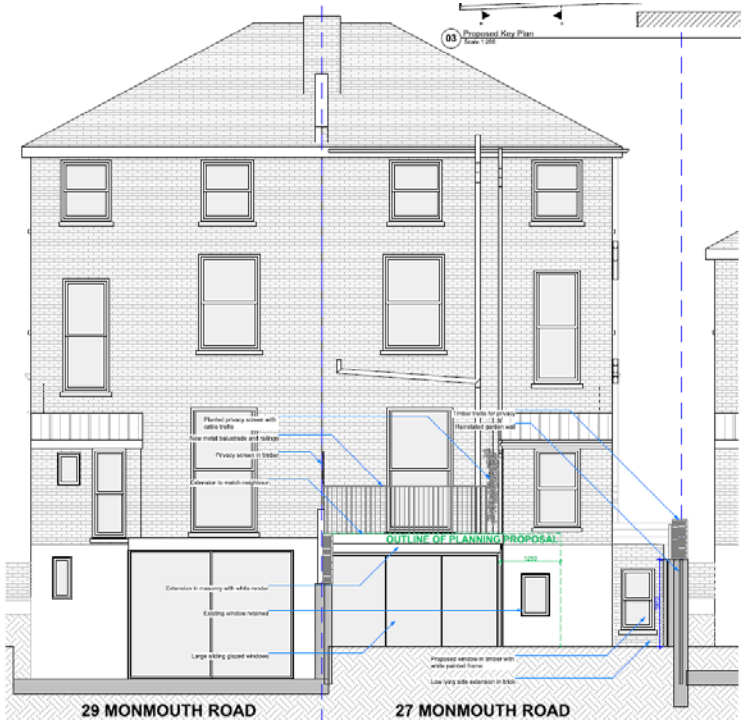
Proposed Front Elevation



Existing Rear Elevation



Proposed Rear Elevation

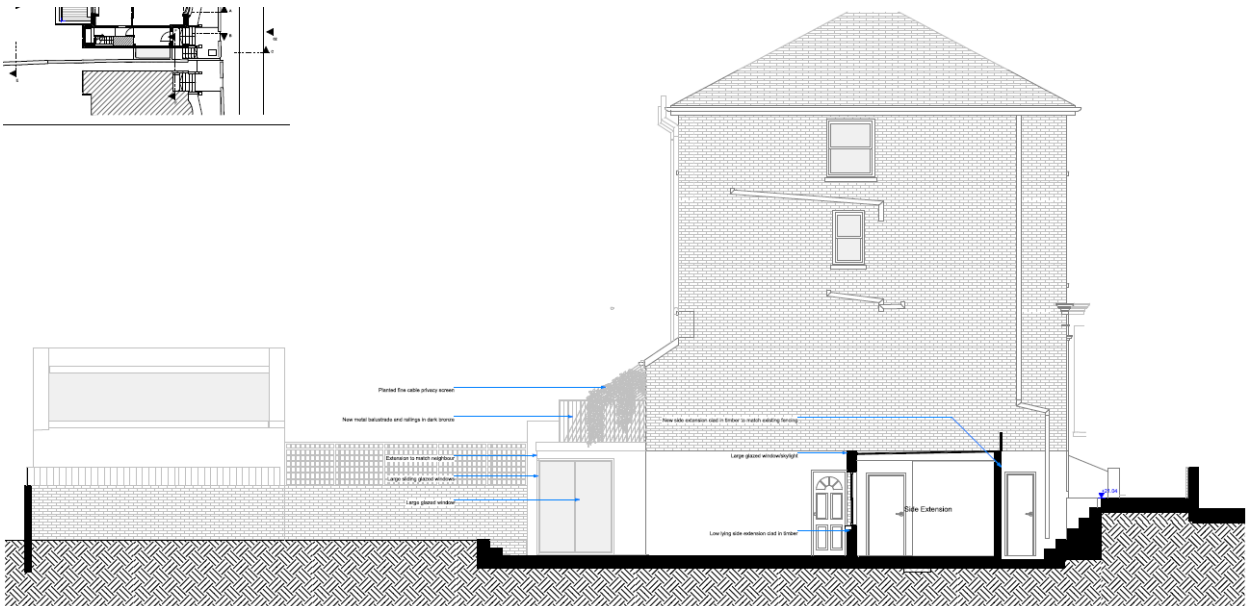




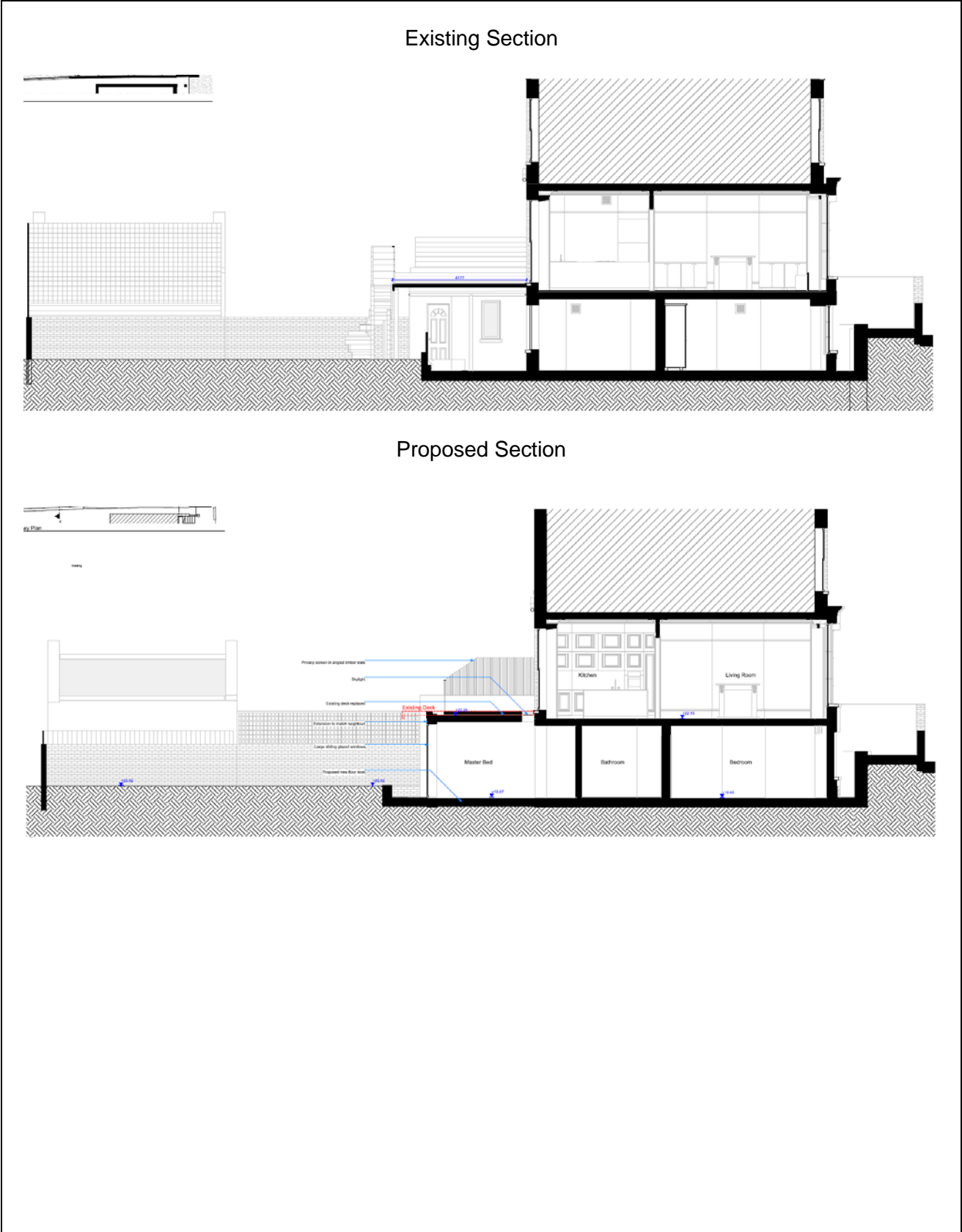
Existing Side Elevation



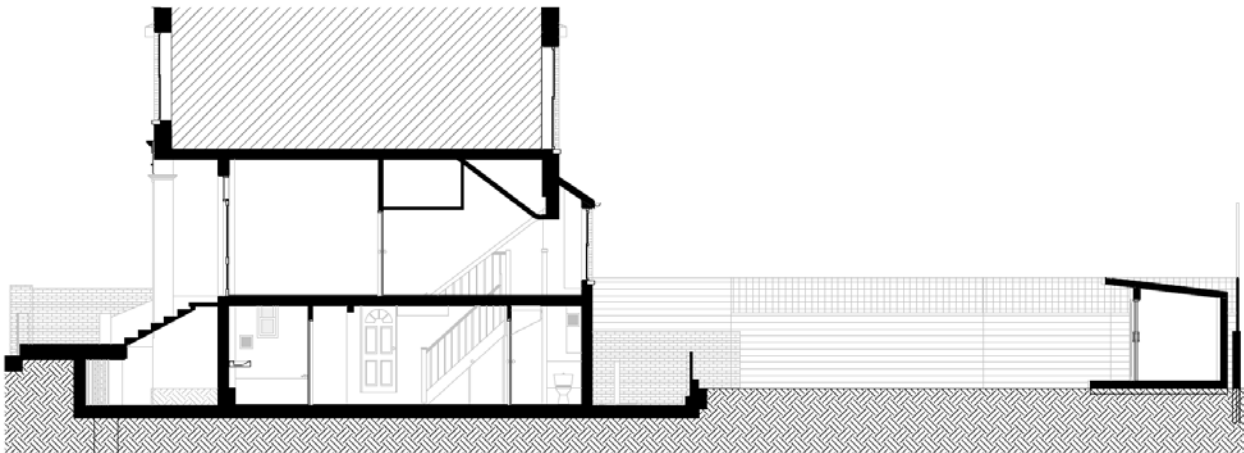
Proposed Side Elevation



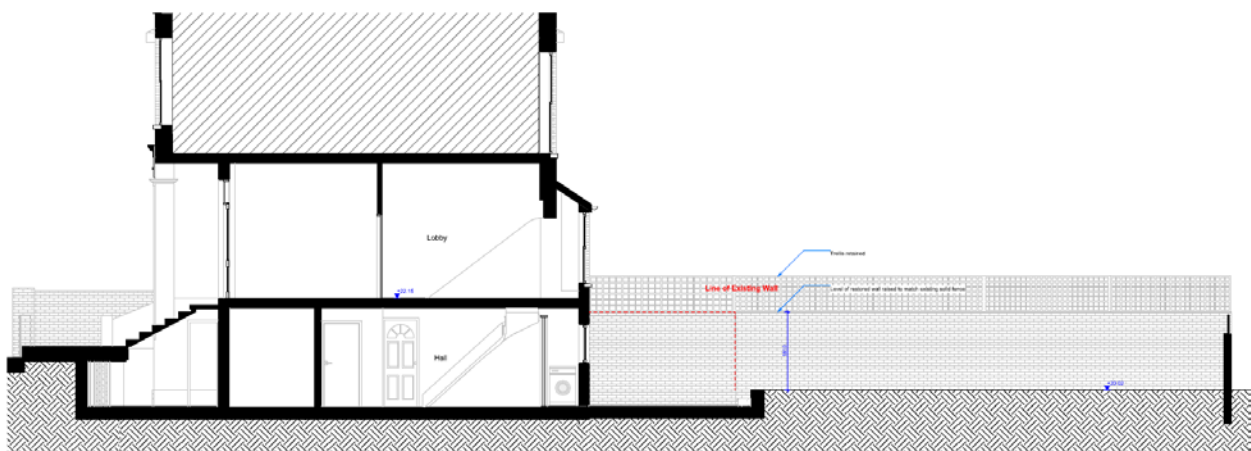




Existing Boundary Wall with No. 25 Monmouth Road



Proposed Boundary Wall with No. 25 Monmouth Road



**DRAFT DECISION LETTER**

**Address:** 27A Monmouth Road, London, W2 4UT,

**Proposal:** Demolition of existing raised terrace and erection of single storey rear extension at lower ground floor level with terrace above, erection of single storey side extension at lower ground floor level and associated external alterations. Replacement of part of garden boundary with No.25 with a new wall, with trellis above. (Linked to 18/06168/LBC)

**Plan Nos:** LO-A-01, LO-A-02, EX-A0.01, EX-A1.01, EX-A2.01, EX-A3.01, EX-A3.02, PR-A0.01 rev. A, PR-A1.01 rev. A, PR-A2.01 rev. A, PR-A3.01 rev. A, PR-A3.02 rev. A, Design and Access Statement for No. 27A Monmouth Road dated July 2018 (as amended by Rev.A drawings), Heritage Appraisal No. 27A Monmouth Road dated July 2018, PR-A5.12.

**Case Officer:** William Philps

**Direct Tel. No.** 020 7641 3993

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

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

**Reason:**

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

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must apply to us for approval of detailed drawings of the following parts of the development:

- The privacy screen along the boundary with No.29 Monmouth Road to demonstrate that its detailed design would not allow views towards this neighbouring property and its garden.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings prior to use of the roof of the lower ground floor extension as a terrace. Thereafter you must permanently retain the privacy screen in accordance with the drawings we approve. (C26DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007, and to protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area, as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- (a) A segmental arch above the window on the rear wall of the proposed side extension.
- (b) The proposed ground floor door on the side elevation amended to comprise a four panel door (the door should not be a 'Carolina' door).

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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES

10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

- (a) Detailed drawings of the roof of the proposed side extension.
- (b) A sample of the brickwork for the proposed boundary wall and a construction methodology for the wall which should include details of material, pointing, and bond join with existing wall.

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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

#### **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 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).

**DRAFT DECISION LETTER**

**Address:** 27A Monmouth Road, London, W2 4UT

**Proposal:** Demolition of existing raised terrace and erection of single storey rear extension at lower ground floor level with terrace above, erection of single storey side extension at lower ground floor level and associated internal and external alterations to lower ground and ground floors. Replacement of part of garden boundary with No.25 with a new wall, with trellis above. (Linked to 18/06167/FULL)

**Plan Nos:** LO-A-01, LO-A-02, EX-A0.01, EX-A1.01, EX-A2.01, EX-A3.01, EX-A3.02, PR-A0.01 rev. A, PR-A1.01 rev. A, PR-A2.01 rev. A, PR-A3.01 rev. A, PR-A3.02 rev. A, Design and Access Statement for No. 27A Monmouth Road dated July 2018 (as amended by Rev.A drawings), Heritage Appraisal No. 27A Monmouth Road dated July 2018, PR-A5.12.

**Case Officer:** William Philps

**Direct Tel. No.** 020 7641 3993

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

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

**Reason:**

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

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
  - (a) A segmental arch above the window on the rear wall of the proposed side extension.
  - (b) The proposed ground floor door on the side elevation amended to comprise a four panel door (the door should not be a 'Carolina' door).
  - (c) The privacy screen to the boundary with No.29 Monmouth Road.

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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

- (a) Detailed drawings of the roof of the proposed side extension.
- (b) A sample of the brickwork for the proposed boundary wall and a construction methodology for the wall which should include details of material, pointing, and bond join with existing wall.

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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

#### **Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:



- \* any extra work which is necessary after further assessments of the building's condition;
- \* stripping out or structural investigations; and
- \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date: 4 December 2018		Classification For General Release
Report of Director of Planning		Ward(s) involved Queen's Park	
Subject of Report	186 Fernhead Road, London, W9 3EL		
Proposal	Excavation of basement floor below existing house with front and rear lightwells, erection of rear extension at ground floor level and associated external alterations, including replacement of windows.		
Agent	Spheron Architects		
On behalf of	Mr D Louisy		
Registered Number	18/05771/FULL	Date amended/ completed	11 July 2018
Date Application Received	9 July 2018		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

Permission is sought for the excavation of a basement with lightwells to the front and rear of the building, the erection of a rear extension at ground floor level and associated alterations, including replacement of windows. The extensions proposed are to enlarge the existing single dwellinghouse.

The application has attracted objection from three neighbouring residents on the range of grounds set out in Section 5 of this report.

The key issues in this case are:

- The impact of the proposed development on the appearance of the building and this part of the City.
- The impact of the proposed development on the amenity of neighbouring occupiers.

The proposed development is considered to be acceptable in land use, design, amenity and environment terms and, subject to the recommended conditions, it would comply with the relevant

Item No.
5

policies in the Unitary Development Plan adopted in January 2007 (the UDP) and in Westminster's City Plan adopted in November 2016 (the City Plan).

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



Front elevation (top) and view of rear garden to the side of the existing closet wing – where rear lightwells are proposed (bottom).



View of location of proposed rear ground floor extension.

## 5. CONSULTATIONS

### WARD COUNCILLORS (QUEEN'S PARK)

Any response to be reported verbally.

### NORTH PADDINGTON SOCIETY:

Any response to be reported verbally.

### ARBORICULTURAL MANAGER

No objection subject to condition to ensure tree protection measures are put in place prior to construction works and maintained during the period of construction.

### BUILDING CONTROL

No objection. Structural method proposed is acceptable. Note that a sprinkler system will be required, amendment may be required to basement layout to include a dedicated means of escape and fire separation is required between the open plan basement and the rest of the house.

### HIGHWAYS PLANNING

No objection. Conditions and informatives recommended.

### ENVIRONMENTAL SCIENCES

No objection on the grounds that the basement is an extension to an existing single family dwelling.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 27.

Total No. of replies: 3.

No. of objections: 3.

No. in support: 0.

Three emails/ letters from or on behalf of three respondents raising objections on all or some of the following grounds:

#### Design

- The basement would set an unwelcomed precedent in the area.
- Front lightwell not in keeping with the terrace and would alter the streetscape.

#### Amenity

- Overlooking/ loss of privacy.
- Loss of daylight.
- Light pollution.

#### Other

- Significant structural works will harm the structure of neighbouring properties.
- Major disturbance during excavation/ construction including noise and dust.
- The length of time the works will take.

### ADVERTISEMENT/ SITE NOTICE

Yes.



## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site comprises a three story, mid terraced property which is not listed and is located outside a conservation area. The property is on the western side of Fernhead Road. The lawful use of the building is as a single dwellinghouse, but is currently vacant and in a state of disrepair. To the rear, the property has historically been extended at ground floor level to the rear of the original closet wing.

### 6.2 Recent Relevant History

#### 18/04790/CLOPUD

A certificate of lawful use or development was issued on 13 July 2018 to confirm that the 'Erection of full width rear dormer with Juliet balconies and two roof lights to front roof slope' was lawful development, not requiring planning permission, under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## 7. THE PROPOSAL

Planning permission is sought for the excavation of a basement below the existing dwellinghouse, part of the front and rear gardens, erection of a new ground floor rear extension and associated external alterations, including replacement of windows. The proposed basement would enlarge the existing single dwellinghouse on the application site.

To the rear three small lightwells are proposed directly adjacent to the closet wing of the building, which would be covered with metal grilles. To the front a single lightwell is proposed below the ground floor bay window and this would also be covered by a metal grille.

The proposed rear extension would replace the existing ground floor rear extension and would increase its width to that of the original closet wing. The proposal includes replacement of all of the windows and doors, which are currently uPVC framed, with new uPVC windows and doors.

During the course of the application the scheme has been amended to reduce the scale of the front and rear lightwells, remove an external basement staircase from the front lightwell and reduce the size of the proposed windows to the rear elevation.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The proposed development would provide additional residential floorspace for the existing dwellinghouse and is therefore in accordance with Policy H3 in the UDP and Policy S14 in the City Plan, which support the provision of additional residential floorspace.

## 8.2 Townscape and Design

In design terms, the relevant policies are Policies S28 and CM28.1 in the City Plan and Policy DES 5 in the UDP. Also of relevance is the Supplementary Planning Guidance document 'Basement Development in Westminster' (2014).

When considering the impact of a basement in design terms, Part B(5) of Policy CM28.1 in the City Plan is of particular relevance. Part B(5) seeks to protect the character and appearance of the existing building, the garden setting and the surrounding area, ensuring external manifestations, such as lightwells, skylights and means of escape, are sensitively designed and discreetly located.

Objections to the proposal have been received on the grounds that the excavation of a basement would set an unacceptable precedent for similar development elsewhere in Fernhead Road and on the basis that the resultant appearance of the building would be out of keeping with the other houses in the street, which do not have a basement floor.

The principle of a basement beneath the footprint of the house and the extension to the rear is not considered to be contentious in design terms. The introduction of a lightwell to the front of the building will depart from the typical arrangement along Fernhead Road; however, the treatment of the front gardens varies and therefore there is no uniformity of design. The lightwell is of a subservient scale and as such does not extend deeply beyond the principal elevation, reducing the appreciation of the void and the bay window feature will be carried down to the basement level resulting in a continuation of the existing architectural approach. Railings are not proposed, following amendment of the scheme (a grille is now proposed), and the initially proposed staircase has been replaced with an access ladder. These features within and over the proposed front lightwell would sit close to the building and will therefore not sub-divide the front garden in an uncharacteristic way. In this context, the appreciation of the basement and the impact on the street scene is considered to be acceptable.

Initially it was proposed to create a lightwell to the rear which occupied the whole of the side return, up to the boundary with the neighbouring property. This approach did not accord with the requirements of Policy CM28.1. The scheme has been amended in response to officer concerns and now three small lightwells are proposed, set against the side elevation of the rear closet wing and covered by grilles. The revised scheme is considered to be a more comfortable approach, which maintains the garden level and preserves the relationship with the wider setting by introducing more discreet external manifestations to the rear.

To the rear, the building already has a single storey extension to the original closet wing. It is proposed to extend the width of this existing extension so that it aligns with the side wall of the original closet wing. The design approach is in keeping with the existing structure and the inclusion of bi-folding doors to the rear of the extension would not harm the appearance of the building. The proposed ground floor extension is therefore considered to be in accordance with Policy DES 5 in the UDP.

The replacement of the existing windows to the front and rear elevations with new uPVC framed windows and doors is not contentious in this instance as the existing windows

and doors are currently uPVC framed and as the property is in use as a single dwellinghouse, they could be replaced with new uPVC framed windows and doors without the need for planning permission in any event. For these reasons timber framed fenestration cannot be required and the proposed uPVC windows and doors would not harm the appearance of the building relative to its existing lawful condition.

In summary, in design terms the proposed development is considered to be acceptable and in accordance with Policies DES 1 and DES 5 in the UDP and Policies S28 and CM28.1 in the City Plan.

### 8.3 Residential Amenity

Policy ENV13 in the UDP and Policy S29 in the City Plan afford protection to residential amenity. Policy ENV13 specifically seeks to protect neighbouring occupiers from an increased overlooking, material losses of daylight and sunlight and increased sense of enclosure.

Due to the subterranean location of the proposed basement it would not harm the amenity of neighbouring occupiers in terms of loss of daylight or sunlight, nor would it cause any increase in enclosure.

In terms of overlooking, all new windows serving the proposed basement would be located within small lightwells such that they would not afford overlooking to neighbouring residential windows or gardens. Similarly, given the small size of the lightwells and their location against the existing building, they would not result in significant light spill and therefore the objections on grounds of overlooking and light spill from the basement windows and lightwells cannot be supported as a ground to reasonably withhold permission.

The proposed enlargement of the existing half width extension at ground floor level would not exceed the width of the original closet wing, would remain the same height as existing (approximately 2.6m), and it would be set well back from the boundary with No.188 Fernhead Road. As such, the extension would not cause a material loss of daylight or sunlight to the windows of the neighbouring property at No.188, nor would it cause a material increase in enclosure to this and other neighbouring properties.

At ground floor level the windows in the side elevation of the rear closet wing are proposed to be increased in size; however, given the significant height of the boundary wall with No.188, the enlargement of these windows would not increase overlooking to the rear windows and garden of No.188. Bi-folding doors are proposed to the rear elevation of the enlarged ground floor extension. Whilst these are large in size, the glazed doors only afford views out into the private garden of the application property and would not materially increase overlooking to neighbouring windows and gardens.

Following amendment, the proposed replacement windows on the upper floors would remain the same size as existing and therefore this element of the scheme would not result in any material increase in overlooking. Given the limited increases in the number and extent of glazing and as the additional or proposed windows are located at ground and basement level, it is not considered that the objections raised on grounds of loss of privacy can reasonably be supported as a ground on which to withhold permission.

In summary, for the reasons set out above, the proposed development is considered to be acceptable in amenity terms and accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

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

As the proposed development would not create any additional residential units there is no requirement in this case for the provision of car or cycle parking or waste storage. Consequently, the Highways Planning Manager does not raise objection.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

The proposed development would not alter the existing access to this private dwellinghouse, which would remain at the ground floor level.

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

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

The proposal includes the excavation of a single storey basement beneath the existing building, the proposed extension and part of the front and rear gardens. The 'Basement Development' policy, CM28.1 in the City Plan, is relevant to the assessment of this aspect of the scheme. The Policy is broken down in to Parts A to D. In this case, only Parts A to C are relevant as the proposed basement would not extend below the public highway. Assessment of proposed development against Parts A to C of Basement Development policy is set out in the following paragraphs.

##### Part A

In respect of Part A of the Basement Development policy, the applicant has provided a structural engineer's report prepared by a qualified engineer explaining the likely methodology of excavation and the expected impact on neighbouring properties. Objections have been raised by neighbouring residents in respect of potential harm from the proposed structural works.

The submitted structural method statement has been assessed by Building Control who have raised no objection to the structural works, which they consider to be appropriate for the ground conditions at the application site. It is important note that at planning application stage the purpose of the structural method statement is to demonstrate that a subterranean development can be constructed on the site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. In this context, and given that Building Control do

not object to the proposal, it is not considered that the objections raised on structural grounds can be reasonably sustained a ground on which to withhold permission.

The applicant has submitted the 'Pro-forma Appendix A' document and this provides an undertaking that they will carry out the construction of the proposed basement in accordance with the City Council's Code of Construction Practice (CoCP). The applicant has agreed to a pre-commencement condition to ensure the basement is carried out in accordance with the CoCP and to ensure the applicant bears the cost of the Environmental Inspectorate monitoring the site during construction. A condition is also recommended to control the hours of construction works, including additional controls to prevent any works of noisy basement excavation on Saturdays and Sundays.

The site is not within a Surface Water Flooding Hotspot, as identified in the 'Basement Development in Westminster' SPG and is in Flood Zone 1. Consequently, the proposed basement would not exacerbate existing flood risk on the site or in the vicinity. The site is not within an Archaeological Priority Area, as designated by Historic England, and therefore the proposed basement would not have a significant impact on archaeological deposits.

In light of the considerations set out in the preceding paragraphs, it is considered that the proposed development would be compliant with Part A of the Basement Development Policy.

#### Part B

In terms of Part B of the Basement Development Policy, the remaining garden area to the front and rear of the site would be capable of being suitably landscaped following completion of the development and the rear garden would be capable of sustaining mature planting given that the proposed basement would not extend significantly below it. There are no protected trees at the rear of the site. To the front there is a street tree within the public highway. The applicant has submitted an arboricultural assessment of the impact on this tree, which confirms that the excavation can be carried out without harm occurring to this tree (see Section 8.7.2).

Given the construction of the proposed basement would meet current building regulations requirements, it will be more energy efficient than the existing building to which it would be attached. The provision of lightwells to the front and rear would enable the proposed basement to be naturally ventilated.

For the reasons set out in Section 8.2, the proposed basement and its external manifestations would not harm the character and appearance of the building or its garden setting. Similarly, it would not adversely affect the wider appearance of this part of the City.

In this case sustainable urban drainage systems (SUDS) are not necessary as, save for the front lightwell and rear rooflights, the proposed basement would be wholly below the existing building and the rear extension proposed at ground floor level. The applicant has confirmed that a pumped device and non-return valve will be installed to ensure the proposed basement is resilient in the event of future storm events and to prevent sewer flooding. This measure addresses the concerns raised by Thames Water, although an

informative is still recommended to remind the applicant of the importance of including a non-return valve on the sewer connection.

Given the above considerations, it is considered that the proposed development accords with the seven criteria set out in Part B of the Basement Policy.

### Part C

In terms of Part C of the Basement Policy, it requires basements to not extend below more than 50% of the original garden land. In this case the proposed basement would be compliant with this requirement as it is predominantly below the building.

Approximately 4m<sup>2</sup> of the basement would be located below passageway area to the side of the rear closet wing and this area would also accommodate the proposed lightwells, which are to be covered by grilles. Given the relatively small area of basement area that is proposed below garden land, and as part of this would be in the form of lightwells, which are consistent in terms of their size and position with the guidance in the 'Basement Development in Westminster' SPG, it is not considered that in this case it is reasonable to require the small area of basement under this passageway to be located below 1.2 meters of soil depth.

The proposed basement would be set in 0.5 metres from the boundary with No.188 Fernhead Road and significantly from the rear boundary, providing the required margin of undeveloped land. The policy does not require a margin of undeveloped land is not required for the parts of the basement below the existing house. Accordingly, the proposed basement would be consistent with the objectives of Part C of the Basement Development policy.

## **8.7.2 Tree Protection**

The Arboricultural Manager initially raised concerns that the proposed development may have an adverse impact on the health of the street tree to the front of the site. The applicant subsequently submitted additional information assessing the impact on the street tree and suggesting tree protection measures during construction works. The Arboricultural Manager has reviewed the additional information submitted and is content that the proposed excavation to form the basement can be carried out without harming the street tree, although a condition is recommended to ensure tree protection measures are installed prior to construction works commencing and to ensure they are maintained during the period of construction. Subject to the recommended condition the proposals would accord with Policies ENV16 and ENV17 in the UDP and Policies S38 and CM28.1 in respect of the impact on trees.

## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF,

the policies of the emerging draft City Plan are given little to no weight at the present time.

### **8.9 Neighbourhood Plans**

There are no adopted neighbourhood plans for the area in which the proposed development is located and therefore neighbourhood plans are not relevant to the determination of this application.

### **8.10 London Plan**

The application does not raise any strategic issues.

### **8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of the condition.

### **8.12 Planning Obligations**

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

### **8.13 Environmental Impact Assessment**

The application is of insufficient scale to require an Environmental Impact Assessment. Where relevant environmental issues have been addressed in the earlier sections of this report.

### **8.14 Other Issues**

Objections have been raised on grounds of noise and general disturbance during construction works. To mitigate the impact of the basement excavation on neighbouring residents a condition is recommended requiring the development to be carried out in accordance with the CoCP, as set out in Section 8.7.1. This will allow the Environmental Inspectorate to monitor the works at the applicant's expense. A further condition is recommended controlling the hours of construction works, which will prevent any basement excavation at weekends to limit noise disturbance to neighbours. The

Item No.
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measures set out in the recommended conditions are the maximum controls on construction work that can reasonably be imposed and therefore permission could not reasonably be refused on grounds of noise disturbance from construction works.

Building Control have advised that the proposed basement would be likely to be required to be fitted with a sprinkler system, that the internal layout may need to be amended to provide a protected means of escape from the 'games room' at basement level and that fire doors would need to be fitted. These issues relate to the internal layout of the property and can be addressed at building control application stage without requiring the benefit of further planning permission. Therefore, these issues are not considered to be reasonable grounds on which to refuse planning permission. An informative is recommended to draw the applicant's attention to the advice from Building Control.

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

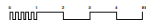
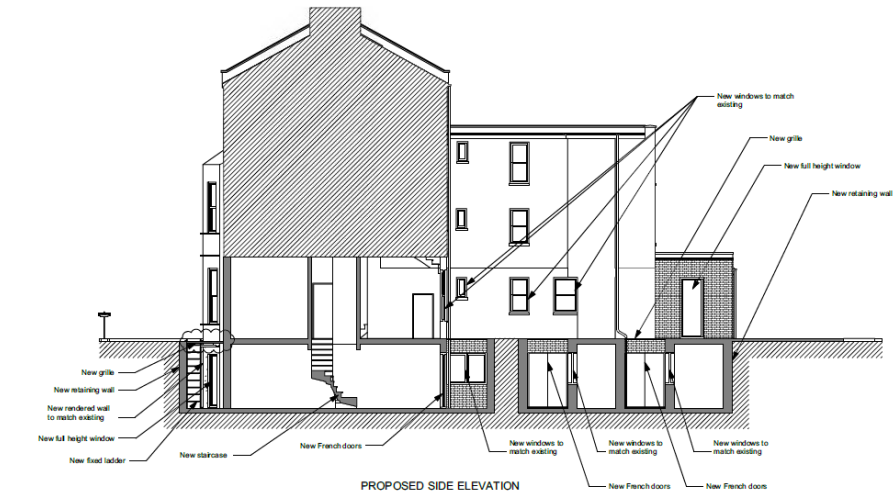
<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT <a href="mailto:ogibson@westminster.gov.uk">ogibson@westminster.gov.uk</a>.</p>
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9. KEY DRAWINGS



Proposed side elevation.



The following information is required for the proposed project. Please provide the following information in the designated areas of the form.

1. Project Name: **PS27-A-202**

2. Project Location: **1807 Ashland Road, London W5 3EL**

3. Project Description: **Proposed Elevation**

4. Project Status: **PLANNING**

5. Project Contact: **PS27-A-202**

6. Project Date: **1/1/2024**

7. Project Reference: **1/1/2024**

8. Project Notes: **1/1/2024**

9. Project Status: **1/1/2024**

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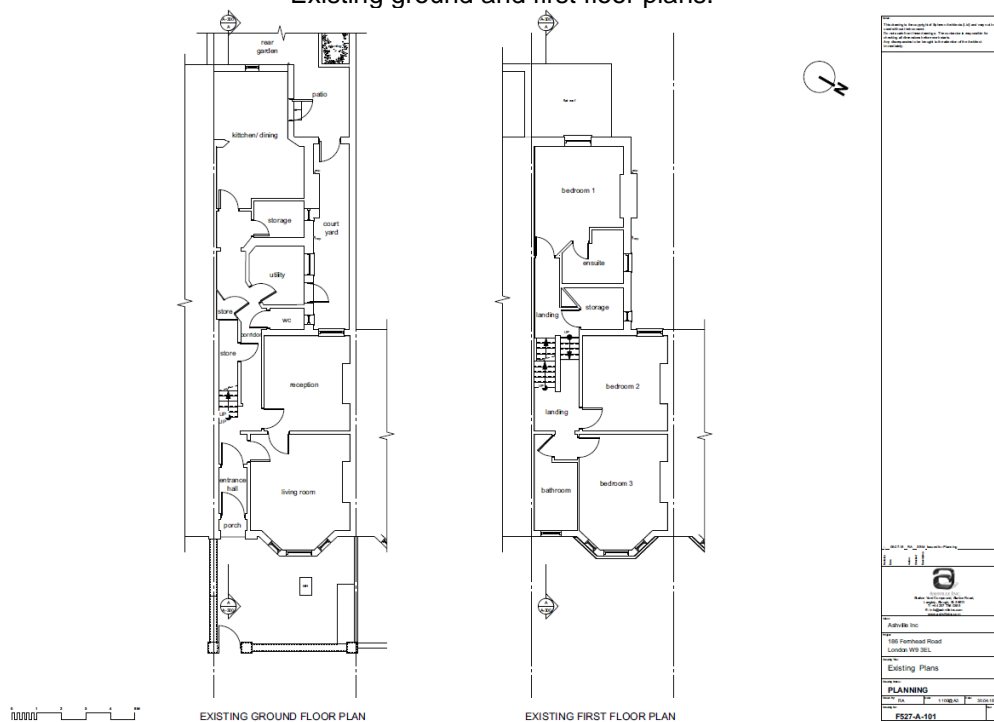
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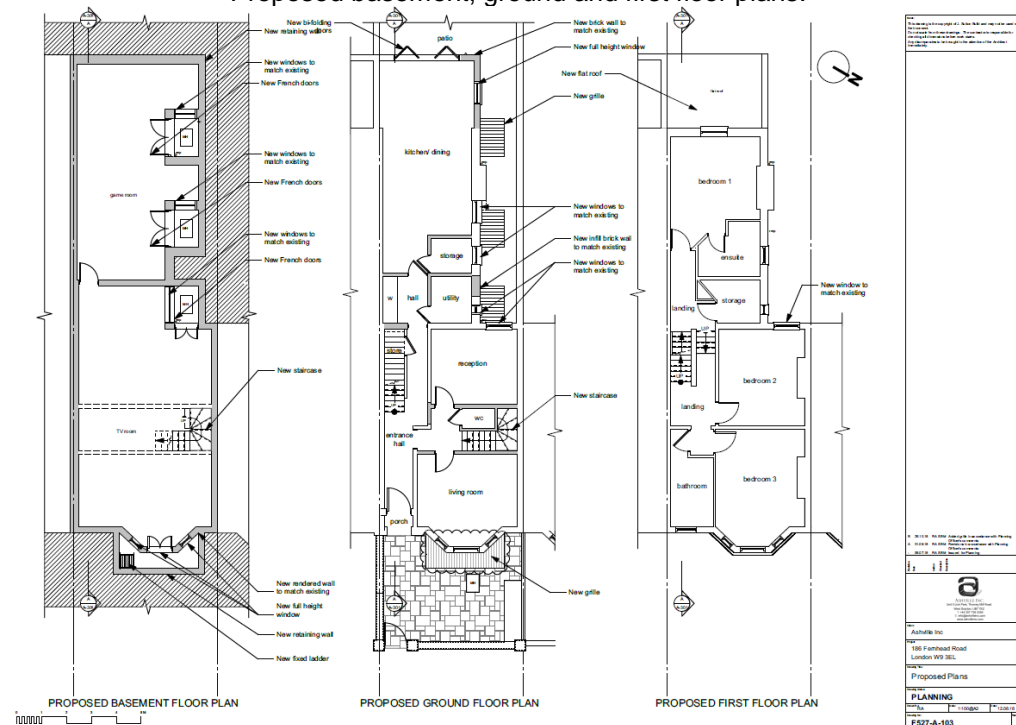
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134. Project Notes: **1/1/2024</**

## Existing ground and first floor plans.



## Proposed basement, ground and first floor plans.



**DRAFT DECISION LETTER**

**Address:** 186 Fernhead Road, London, W9 3EL,

**Proposal:** Excavation of basement floor below existing house with front and rear lightwells, erection of rear extension at ground floor level and associated external alterations, including replacement of windows.

**Plan Nos:** Site location plan, F527-A-100, F527-A-101, Existing F527-A-102, Proposed F527-A-102, F527-A-200, F527-A-201, F527-A-202, F527-A-300, F527-A-301 and report by Tree Sense dated 9 October 2018 (ref: AI\_186FR\_AIA\_001\_A). *For information only - See Informative 7: Basement Impact Assessment by JMS Engineers Consulting Group Limited (Ref: EX18/115/06).*

**Case Officer:** Max Jones

**Direct Tel. No.** 020 7641 1861

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

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

**Reason:**

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

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

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless

differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 **Pre Commencement Condition.** 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 of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application (C11CC)

Reason:

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

- 5 You must protect the trees on and adjacent to the site according to the tree protection measures set out in the report by Tree Sense dated 9 October 2018 (ref: AI\_186FR\_AIA\_001\_A) and as shown in the Tree Protection Plan dated 9 October 2018. The tree protection fencing must be installed in accordance with the details set out in the report dated 9 October 2018 prior to any excavation works occurring to form the front basement lightwell. The concrete hard standing in the front garden must be retained as ground protection until the landscaping phase and then the landscaping must be carried out in accordance with the methodology set out in the report dated 9 October 2018.

If you need to revise any of these tree protection measures, you must apply to us for our approval of the revised details, and you must not carry out work the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 6 You must apply to us for approval of the details of the proposed hard surfacing in the front garden, including existing and proposed section drawings. The hard surfacing design must be

'no-dig' and permeable. You must not start work on this part of the development until we have approved what you have sent us. You must then install the hard surfacing according to the approved details.

**Reason:**

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

**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 **HIGHWAYS LICENSING:**  
Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560.

**CONSIDERATE CONSTRUCTORS:**

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

**BUILDING REGULATIONS:**

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

- 4 You are advised that Building Control have stated that you will need to address the following issues as part of a building control application:
  - (a) Due to the addition of another storey, the property is required to have sprinkler protection throughout.

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(b) The games room is an inner room and would require an alternative means of escape without having to pass through the TV room (an internal fire protected corridor may achieve this).  
(c) Fire resisting separation between the open basement floor and the upper floors is required. The basement is currently open to the rest of the house, if a fire occurs in the basement this will effect means of escape from the upper floors.

- 5 With reference to condition 4 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). These documents must be sent to [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk).

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

- 6 You are advised to give careful consideration to security in relation to the access 'ladder' from the front pavement within the front lightwell as this appears to be a point where potential intruders could seek to gain access where they could not be easily seen.
- 7 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.

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

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