



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (3)

Meeting Date:

Tuesday 16th April, 2019

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Melvyn Caplan (Chairman)
Geoff Barraclough
Angela Harvey
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 a pass, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



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 7513; Email: gwills@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note that Councillor Louise Hyams had replaced Councillor Selina Short.

To note any further changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on specific applications at planning committee meetings.

To register to speak and for guidance please visit:

www.westminster.gov.uk/planning-committee.

In the event that you are successful in obtaining a speaking slot please read the guidance, in order to familiarise yourself with the process prior to attending the meeting.

1. 5 SPANISH PLACE, LONDON, W1U 3HZ

(Pages 11 - 38)

2. 2 BARTON STREET, LONDON, SW1P 3NG

(Pages 39 - 76)

3. 31 ENNISMORE MEWS, LONDON, SW7 1AP

(Pages 77 -
108)

4. ARTHUR COURT, QUEENSWAY, LONDON, W2 5HP

(Pages 109 -
128)

Stuart Love
Chief Executive
5 April 2019

Order of Business

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

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

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



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (3)** Committee held on **Tuesday 26th March, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Robert Rigby, Geoff Barraclough, Angela Harvey and Selina Short

1 ELECTION OF CHAIR

1.1 Councillor Rigby was nominated and elected to chair the meeting.

2 MEMBERSHIP

2.1 It was noted that Councillor Rigby substituted for Councillor Melvyn Caplan

2.2 There were no further changes to the Membership

2.3 Councillor Geoff Barraclough arrived at 6.40pm

3 DECLARATIONS OF INTEREST

3.1 Councillor Robert Rigby 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.

3.2 Councillor Rigby declared an interest in respect to Item 1 and advised that he previously sat on a Planning Application Sub-Committee in 2016 which had determined an application for the site.

- 3.3 Councillor Selina Short declared an interest in respect to Item 2 and advised that she had attended a social event which the Applicant may have been present.

4 MINUTES

- 4.1 That the minutes of the meeting held on 19 February 2019 be signed by the Chairman as a correct record of proceedings subject to an inclusion being added that the Sub-Committee raised concerns that the Applicant's details in respect to Item 2 Strathmore Court, 143 Park Road, London, NW8 7HY, was not listed in the Committee Report and were therefore uncertain whether they needed to make a declaration of interest. The Sub-Committee had requested that all future reports include the Applicants details.

5 PLANNING APPLICATIONS

1 20 CARLTON HOUSE TERRACE, LONDON SW1Y 5AN

Demolition of existing mansard roof and roof level plant and construction of a two storey vertical roof addition with extensions at rear fourth, fifth and sixth floor levels for additional office (Class B1) floorspace. Alterations to the existing building including new windows and entrance, new terraces on seventh and eighth floor levels, new plant enclosure at ninth floor level and cycle parking at basement level three.

The Presenting Officer tabled the following amended Conditions.

Amended Conditions

Condition 12

You must provide the office cycle storage space shown on the approved drawing; CHT-SRA-XX-B2-DR-A-20-098 Rev. 1 prior to occupation **of the new office floorspace**. Thereafter the cycle spaces within the storage area must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Condition 13

You must apply to us for approval of details of how waste **for the new office floorspace** is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the offices.

RESOLVED UNANIMOUSLY:

That conditional permission, as amended, be granted.

2 34 ALDRIDGE ROAD VILLAS, LONDON, W11 1BW

Erection of single storey rear extension at lower ground floor level and alterations to fenestration at rear ground floor level.

The Presenting Officer tabled an additional Informative (s)

Additional Informative

You are advised that the outward opening doors that have been installed at rear ground floor level (which differ from the inward opening doors forming part of this application) are likely to require railings or an alternative means of enclosure to meet the requirements of Building Regulations. If these are located externally beyond the existing rear elevation of the building they will require further planning permission. Railings or an alternative means of enclosure that form an external balcony or terrace outside the French doors are unlikely to be acceptable as this would lead to an increase in overlooking to neighbouring windows and gardens.

RESOLVED UNANIMOUSLY:

That conditional permission be refused on grounds of sense of enclosure to no 36 and design and the reasons for refusal to be agreed under the Director's delegated powers.

5 PART B (CONFIDENTIAL)

The Chair moved and it was

RESOLVED:

That under Section 100 (A) (4) and Part 1 of Schedule 12A to the Local Government Act 1972 (as amended), the public and press be excluded from the meeting for the following item of business because it relates to a claim to legal professional privilege which could be maintained in legal proceedings and it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

3 OPEN SPACE AT REAR OF 115-137 SUTHERLAND AVENUE, LONDON, W9 2QJ

1. 18/07435/TPO 1 x silver birch (T4) and 1 x London plane (T9): fell

2. 18/09950/TPO 1 x cherry (T1) and 1 x sycamore (T3): fell

The Senior Arboricultural Officer tabled an amendment to the Addendum Committee report which provided an update of the potential value of a compensation claim against the Council.

UNANIMOUSLY RESOLVED:

Application 1: That consent for the removal of two trees be refused on the basis that it would have a detrimental impact on amenity and would have an adverse impact on the Maida Vale Conservation Area. The Sub-Committee noted by constructing the conservatory with inadequate foundations, the owner had failed to mitigate against the damage at the time of construction.

The reasons for refusal to be agreed with legal officer and be agreed under the Director's delegated powers.

Application 2: That consent for the removal of two trees be refused.

4 25 ACACIA ROAD, LONDON, NW8 6AN

Lime (T10) - Fell and Treat

A copy of the Engineering Appraisal Report from Sedgwick International UK (28.02.2019) was circulated as a late representation.

UNANIMOUSLY RESOLVED:

That consent to fell the lime tree (T10) be given.

The Meeting ended at 8.12 pm

CHAIRMAN: _____

DATE _____

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 16th April 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 18/08517/FULL 18/08518/LBC Marylebone High Street	5 Spanish Place London W1U 3HZ	Erection of a rear two storey extension at lower ground and ground floor level in order to enlarge dwellinghouse (Class C3), excavation under pavement vaults, relocation of air conditioning units within an acoustic enclosure at roof level, addition of a roof hatch to provide access to a sunken roof terrace, erection of a pergola at rear first floor level, internal alterations and general refurbishment works.	
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 19/00550/FULL 19/00553/LBC St James's	2 Barton Street London SW1P 3NG	<u>Application 1</u> Demolition and rebuilding of ground floor extension and excavation of a new basement level beneath the rear extension. Widening of existing front dormer window and associated works. <u>Application 2</u> Underpinning of the garden boundary wall to No. 1 Barton Street and associated works.	
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 1. 18/07642/FULL 2. 18/08563/FULL Knightsbridge And Belgravia	31 Ennismore Mews London SW7 1AP	Application 1: Erection of a mansard roof extension at second floor level, installation of plant machinery and associated external alterations (Retrospective). Application 2: Variation of condition 1 of planning permission dated 27 March 2018 (RN: 17/08327/FULL) for the Erection of a mansard roof extension at second floor level and associated external alterations. Namely, to vary the approved drawing numbers to extend the mansard roof (Retrospective).	

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 16th April 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 18/09442/FULL Bayswater	Arthur Court Queensway London W2 5HP	Replacement communal heating and hot/cold water systems including new external pipework from basement to roof at rear of property, alterations to existing main roof tank room including new flues and louvres, new guardrails and pipework step-over installations at main roof level, and associated works.	
Recommendation Grant conditional permission.				

Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Marylebone High Street	
Subject of Report	5 Spanish Place, London, W1U 3HZ		
Proposal	Erection of a rear two storey extension at lower ground and ground floor level in order to enlarge dwellinghouse (Class C3), excavation under pavement vaults, relocation of air conditioning units within an acoustic enclosure at roof level, addition of a roof hatch to provide access to a sunken roof terrace, erection of a pergola at rear first floor level, internal alterations and general refurbishment works.		
Agent	Neil Wilson Architects Limited		
On behalf of	Mr Andrew Clark		
Registered Number	18/08517/FULL 18/08518/LBC	Date amended/ completed	10 October 2018
Date Application Received	4 October 2018		
Historic Building Grade	Grade II		
Conservation Area	Portman Estate		

1. RECOMMENDATION

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

2. SUMMARY

The application site is a Grade II Listed townhouse situated mid-terrace with residential neighbours either side and lying within a conservation area.

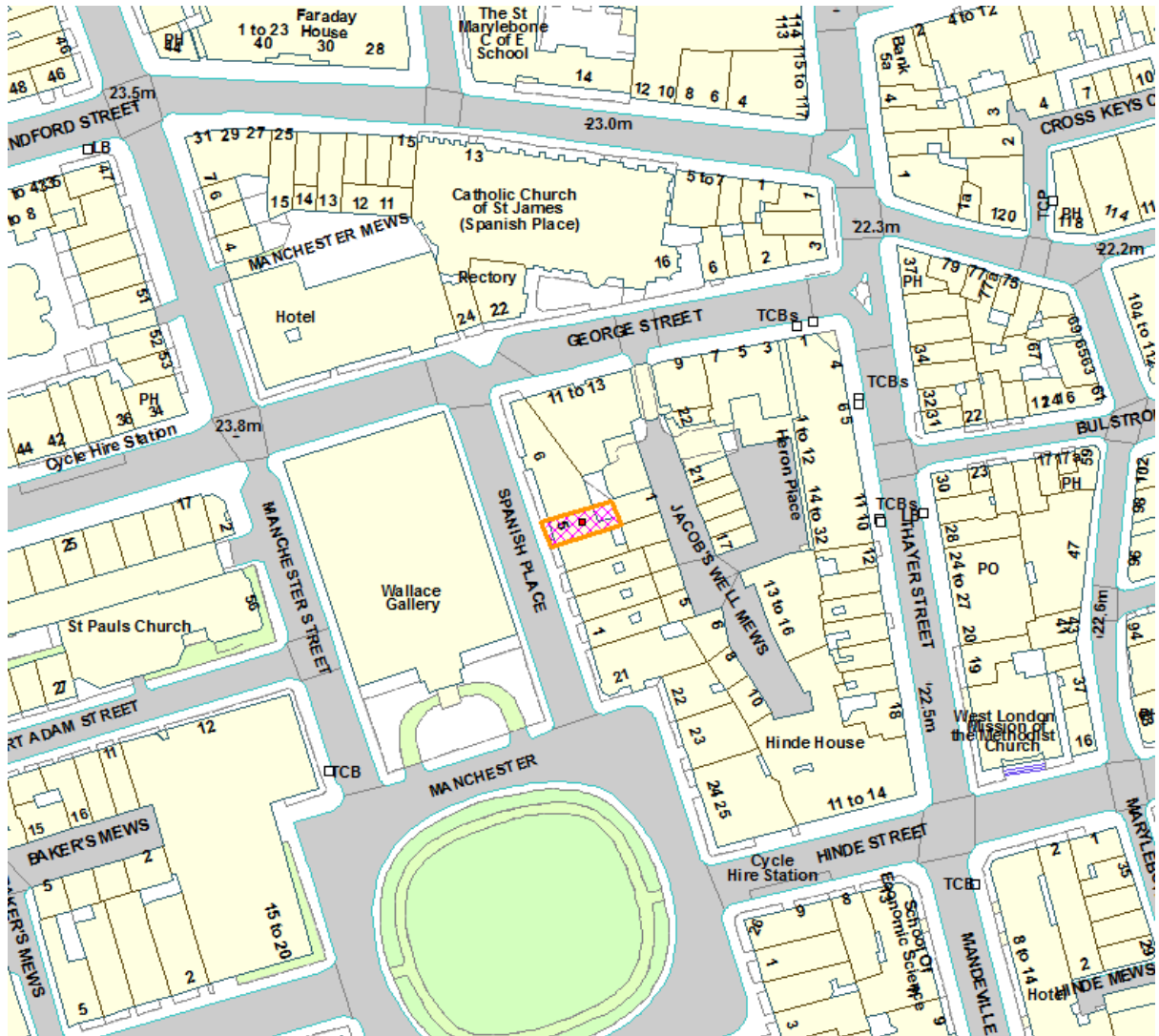
The proposal is to erect a two-storey rear extension at basement and ground floor level, to relocate existing rooftop air conditioning plant and to install a rooftop terrace with access from a new roof opening, and to lower the floor of the existing pavement vaults to create additional useable domestic floorspace

The key issues for consideration are:

- * The impact of the proposals on the special character of the listed building and wider conservation area;
- * The effect of the proposed extension on the amenity of the neighbouring residential occupiers;
- * Whether the terrace and plant at roof level would lead to an unreasonable disturbance for neighbours
- * The acceptability of lowering the floor of the pavement vaults.

The proposals are considered to be in accordance with relevant national and local policies with regard to design, heritage, amenity and other matters and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

- Acknowledge objections from neighbours
- Raise concern of light pollution from glazed extension
- Request condition to address concerns regarding vibration from roof level plant
- Request retention of nibs at lower ground floor
- Note that creation of doorway between ground floor rear room and extension alters the historical circulation, and that this is usually resisted by the Council.

Declaration of Interest made by the Marylebone Association:

“The Association would like it noted that a member of their planning panel has links with this application. This member has not been involved in making the submission.”

ENVIRONMENTAL SCIENCES

No objection subject to conditions

BUILDING CONTROL

Request structural calculations and construction methodology for the lowering of the pavement vaults.

HIGHWAYS PLANNING

No objections raised.

HISTORIC ENGLAND

Authorisation to determine as seen fit.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 30;

Total No. of replies: 6 (5 letters of objection and one raising neutral comments)

Objections have been received on some or all of the following grounds:

Amenity:

- Impact on daylight and sunlight of rear extension and proposed pergola
- Quality of Daylight and Sunlight report submitted and details assessed within it
- Request that only a single floor extension is permitted
- Noise and vibration of re-located roof level plant and internal ventilation flues
- Outdated noise report
- Proposed roof terrace will generate noise and light pollution

Structural Concerns:

- Impact of additional load on shared boundary wall footings
- Disturbance to footings of buildings as a result of lowering of vaults and possible damage to structural integrity as a result of these works, and
- Impact of affixing plant to party wall resulting in further loading.

Other:

- Fire hazard from proposed timber roof terrace and leaves, cigarette ends etc, which may get trapped below

- Proximity of 'explosive' air con plant to this fire hazard is a concern
- Concern over fireplaces being installed at basement level
- CO2 emissions from proposed air conditioning units
- Concern that the agent acting on behalf of the applicant is heavily involved with the Marylebone Association and that this might result in a conflict of interests.
- Impact of the proposals on the listed building

A neutral comment has been received covering the following grounds:

- Proposed works likely to cause disturbance to chimneys located on boundary
Request that chimneys be swept before and after work
- An existing chimney stack is leaning over a property and will need to be re-built and stabilised, prior to proposed works to avoid damage
- Building works must be carried out only during permitted hours and noise levels should be kept to a minimum
- Concern about security of application site during works, and
- Request protection of all external and internal drains during works.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a mid-terrace Georgian townhouse of 4-storeys plus basement, and is in use as a single family dwellinghouse. It is Grade II Listed and located within the Portman Estate Conservation Area.

A rear courtyard exists across part of the width of the property, adjacent to a closet wing extension. The roof of the main house is M-shaped and there is existing air conditioning plant situated in the valley between the two central pitches of this roof. At the front of the property there are existing pavement vaults.

The application site is the last in the terrace of similar Listed Buildings of the same age and style on this side of Spanish Place, the others continuing to the south. To the north of the site, at no.6, there is the much taller Spanish Place Mansions apartment block which forms the corner with Charles Street.

To the rear of the site, backing onto the application site, there are smaller two-storey properties in Jacob's Wells Mews but these do not have windows in their rear elevations and are in commercial use.

6.2 Recent Relevant History

In 2003 permission was granted for the retention of air conditioning units at roof level.

7. THE PROPOSAL

The proposals include the infilling of the rear courtyard to extend the footprint of the building at basement and ground floor level with the creation of a two-storey extension. This would also involve the heightening of the party wall on the boundary with Spanish

Mansions, the line of which would broadly follow the line of the sloping glazed roof of the proposed two storey extension.

It is also proposed to excavate below the existing pavement vaults to provide sufficient head height to enable these to be used as part of the dwellinghouse - as a gym and plantroom.

At roof level, it is proposed to relocate the air conditioning plant to an area adjacent to the high gable end of the neighbouring Spanish Mansions to provide space between the roof slopes for a decked area to be installed for use as a rooftop terrace. In order to gain access to roof, it is proposed to install a new glazed opening.

Various internal changes are proposed within the Listed Building which would have no effect on its external appearance.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals will provide a small increase to the residential floorspace of the building as a result of the rear infill extension at lower ground and ground floors. This would be in accordance with UDP Policy H3 and S14 of the City Plan, both of which seek to increase the amounts of residential floorspace within Westminster.

8.2 Townscape and Design

The building is listed Grade II and was built circa 1770. It lies within the Portman Estate Conservation Area. It has been altered over the years and the interior contains a small number of original features. The basement and second and third floors have been much altered and contain no features of interest.

The proposals involve an extension at the rear at basement level, in the rear yard, with a glazed extension at ground floor level above. The floor of the front area vaults will be lowered slightly. A new partition will be introduced in the front room, thereby restoring the original plan form. The changes at basement level are uncontentious in historic building terms given its lack of architectural and historic interest.

The ground floor extension is also considered acceptable given that it is highly transparent and the rear wall of the building will remain exposed. The original plan form of the building will remain visible. The rear window will be converted to a jib type door, echoing the appearance of the window. In the front room the dumb waiter is removed, which is an improvement. These alterations will not harm the special interest and are considered acceptable.

The original M-shaped Georgian roof survives. A terrace will be created in the valley between the front and rear roofs, with a small access hatch and plant area. These works will have minimal impact on the appearance and fabric of the roof and are acceptable.

Concerns have been raised by objectors regarding the impact of the proposals on the listed building. However, these concerns are not considered to be able to be upheld. It is considered that overall the special interest of the listed building and the character and appearance of the Portman Estate Conservation Area will not be harmed and that the proposals comply with the City Council's urban design and conservation policies, including S25 of the City Plan and DES 1, DES 5, DES 6, DES 9 and DES 10 of the Unitary Development Plan.

8.3 Residential Amenity

Council records indicate that the site is neighboured by residential properties to the north at Spanish Place Mansions and to the south at 4 Spanish Place. The other properties to the south in Spanish Place are also in residential use. The application site faces, on the opposite side of Spanish Place, the large flank wall of The Wallace Collection building which has its main frontage on Manchester Square. The properties to the rear, which are located on Jacob's Well Mews, are in commercial use.

UDP Policy ENV13 requires any new development to take into the impact on neighbouring properties in terms of loss of sunlight and daylight, sense of enclosure and overlooking, whilst City Plan Policy S29 aims to protect the existing living environment from unneighbourly proposals.

Sunlight and Daylight

Objections have been received from some occupiers of Spanish Place Mansions regarding loss of light to their windows, especially from the resident of the ground floor flat (Flat 3) whose kitchen window is closest to the proposed two storey extension. The applicant submitted with their application a sunlight and daylight report as required by the Council which sets out the impact on neighbouring natural light levels in accordance with the Building Research Establishment's (BRE) guidelines: 'Site Layout Planning for Daylight and Sunlight'. The resident of Flat 3 considered the applicant's initial report to be incomplete as it did not undertake an assessment from within his flat in order to quantify the BRE's No Sky Line test (NSL). This was subsequently undertaken by the applicant and the submitted report has been supplemented and updated.

In terms of measuring daylight, where possible both the Vertical Sky Component (VSC) and NSL are used. VSC represents the amount of visible sky that one would see from the midpoint of a window and the NSL measures the proportion of a room where one can see visible sky. Provided that in neither of these tests the loss of light would be greater than 20%, the BRE advises that any light reduction not be noticeable. In this case any loss of light to the windows in Spanish Place Mansions, including the nearest window in Flat 3 and the windows of the lower ground floor flat, would be no greater than 20% and based on this objective assessment the proposals are acceptable.

An objection has been received concerning the proposed pergola on the existing first floor rear terrace and the potential impact that this would have on sunlight and daylight, but this lightweight structure would be on the other side of the application site to Spanish Place Mansions and any additional impact would be marginal. The objector has also requested that only a single-story extension be permitted. Due to the reasons discussed above and the acceptability of the extension proposed, it is not considered this request can be upheld.

Sense of Enclosure

The relatively modest proposed heightening of the wall on the boundary with Spanish Place Mansions by a maximum of 1.7m, would cause no materially harmful increased sense of enclosure for the residents of that building.

Overlooking

The windows in the proposed extension would face the properties at the rear in Jacob's Well Mews and would cause no overlooking of neighbouring dwellings.

The proposed rooftop terrace would be set well within the roof area and away from its edges ensuring that there would be no overlooking of neighbouring properties from this feature.

Other Amenity Issues

There has been an objection from the neighbouring Spanish Place Mansions on the grounds that the proposed roof terrace would be a source of noise and light pollution for the adjoining occupiers. The Marylebone Association also comment that light pollution from the glazed extension may be an issue. However, the terrace would be modest in size, being just large enough to accommodate a patio table and chairs, and therefore it is considered that it would be a low intensity use unlikely to cause significant disturbance to others. Roof terraces are familiar features in this type of urban setting and provide welcome external amenity space for residents.

With regard to light pollution, it is not considered that the proposed glazed roof access structure or other potential light sources on the terrace would create any unreasonable light pollution. As the rear glazed extension is set beneath the extended boundary wall on one side and the existing projecting rear closet wing on the other side, and fitted with an internal electric blind, it is unlikely to cause harm to neighbouring properties.

8.4 Transportation/Parking

The proposal does not create any additional demand for parking facilities.

8.5 Economic Considerations

No significant economic considerations are applicable for a development of this size

8.6 Access

The proposal does not require any changes to access arrangements to the dwellinghouse.

8.7 Other UDP/Westminster Policy Considerations

Plant Noise

Objections have been received from some residents at Spanish Place Mansions concerning the proposed relocation of the rooftop air conditioning units to a position

closer to the gable end of that mansion block. The objectors consider that these would be a potential source of disturbance, including the possibility of noise and vibration travelling through to the fabric of the neighbouring mansion block. At officers request the original submissions have been amended so that the units are now proposed to be set slightly away from the neighbouring property rather than attached to it to prevent that from happening. The standard vibration condition is also imposed.

The submissions also include a noise report to demonstrate that the air conditioning units would not be audible at any neighbouring residential window. One objector is concerned that the report is inaccurate and out of date. However, the report has been assessed by Environmental Health officers who are satisfied that, subject to the submission of a post-commissioning noise report, the proposed plant would comply with UDP policy ENV7 concerning noise limitations, and that the Council's standard noise condition would be complied with.

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 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being 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 now.

8.9 Neighbourhood Plans

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.

8.10 London Plan

This application raises no London-wide 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.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

The proposals are not of sufficient scale to require the submission of an Environmental Impact Assessment.

8.14 Other Issues

Objections have been received concerning the proposal to lower the floor of the pavement vaults, on the basis that this may make the vaults unstable and effect the structural stability of the adjoining building. To ensure that there is no possibility of this occurring, the applicant will be required by condition to submit for approval a structural engineering report setting out the methodology for undertaking the vault works, and this part of the development will not be allowed to proceed until the condition has been satisfied.

Objections have also been received on the grounds that the proposed new roof terrace would cause a significant fire hazard to the site and neighbouring properties (as a result of leaf litter, cigarette ends etc. falling below the timber) which would be exacerbated by “explosive” air conditioning units located on the boundary wall. It is not considered that such issues fall within the planning process and would more likely be an issue covered under building control regulations. Furthermore, such elements are a common feature at properties through central London. It would be unreasonable to withhold planning permission on such grounds and therefore the comments cannot be upheld.

Various objections have been received in relation to possible noise and vibration from internal ventilation flues against party walls and concern that the proposed new fireplaces at basement level will not be attached to existing flues, as well as being used in contravention of Smoke Control laws. These flues have been confirmed by the applicant as existing and smoke emission is subject to separate legislation. It is therefore not reasonable to withhold permission on these grounds.

With regards to the relocation of the air conditioning, an objection has been raised regarding CO2 emissions from these units. However the application involves the relocation of existing units and as a result there will be no increase in CO2 emissions.

Objectors have also raised concerns that the agent acting on behalf of the applicant is heavily involved with the Marylebone Association and that this might result in a conflict of interests. The Marylebone Association made a statement setting out that the agent has not been involved in the comments submitted on behalf of the Association. The Council does not consider that such a conflict of interest may arise and it would be unreasonable for permission to be withheld on such grounds.

A neutral comment was received raising a range of concerns relating to chimneys between the properties and construction related issues such as noise and disturbance during this process, security of the site, and accumulation of construction debris in drains etc. Aside from the matter of impact during construction, which is covered as far as possible by the Councils standard condition restricting hours of noisy work, all of these other matters are considered private issues which cannot be addressed through the planning system. It is not reasonable to withhold permission on any of these grounds.

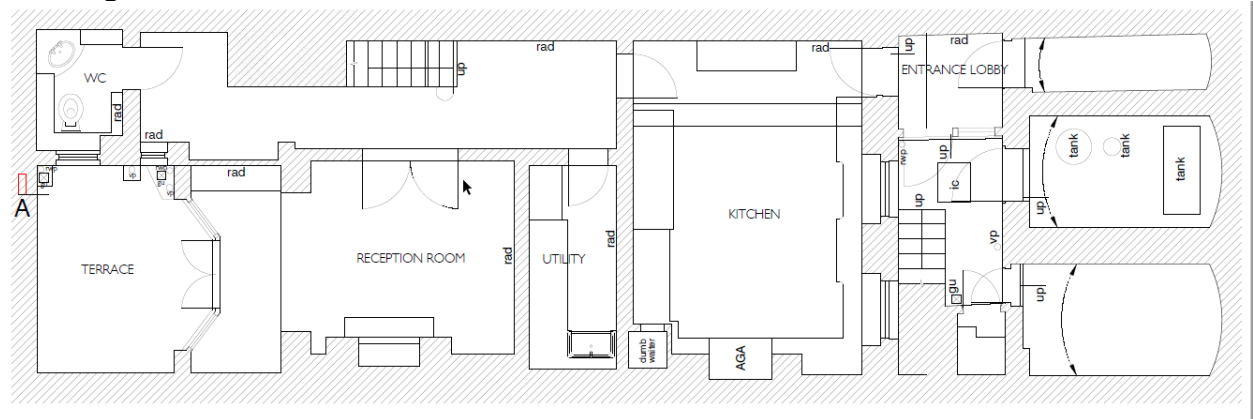
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council’s website)

Item No.
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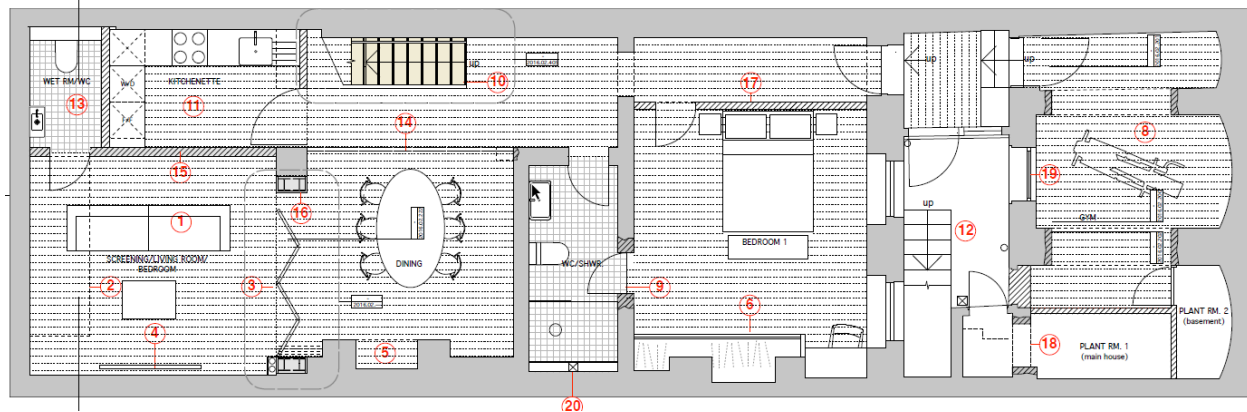
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

9. KEY DRAWINGS

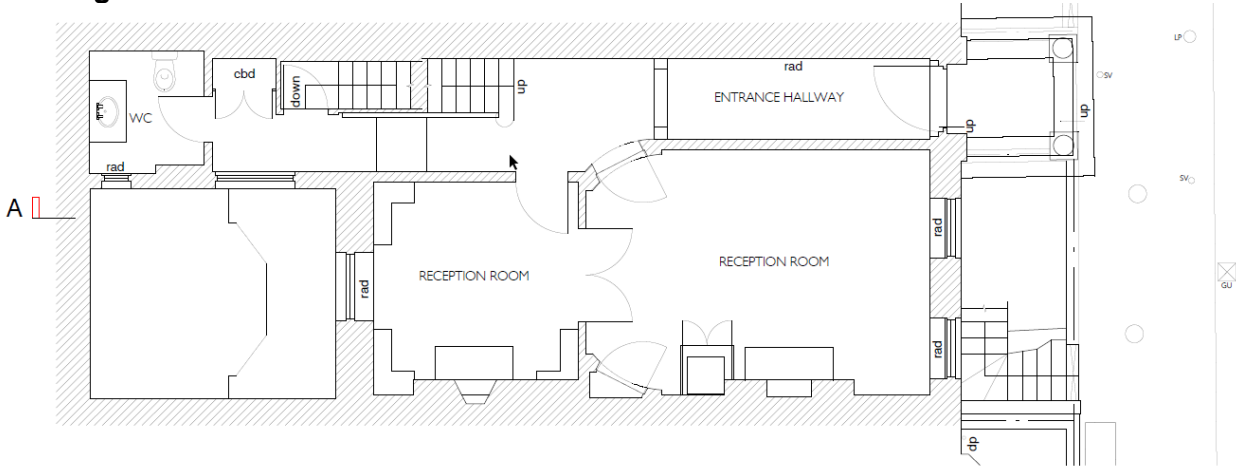
Existing Lower Ground



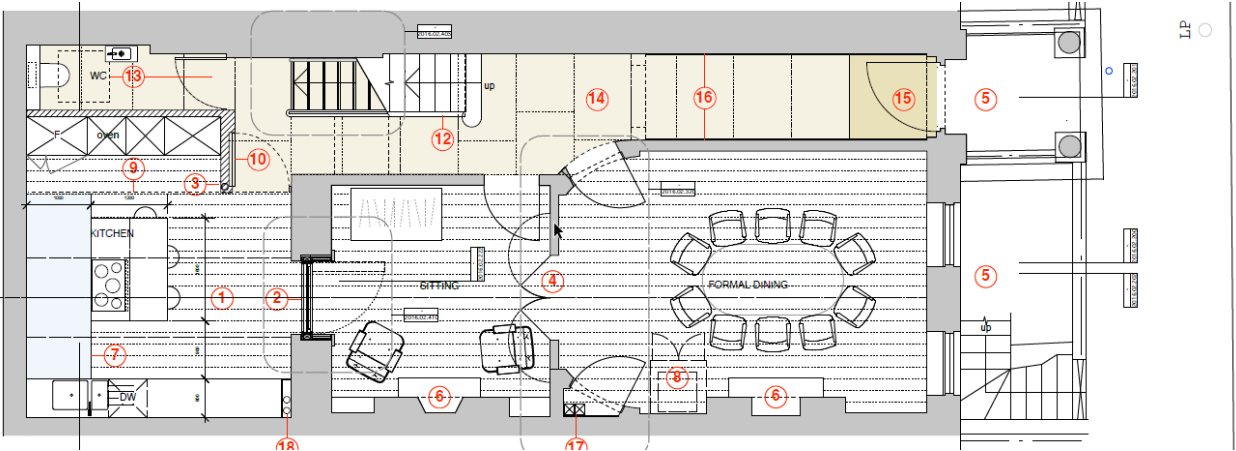
Proposed Lower Ground



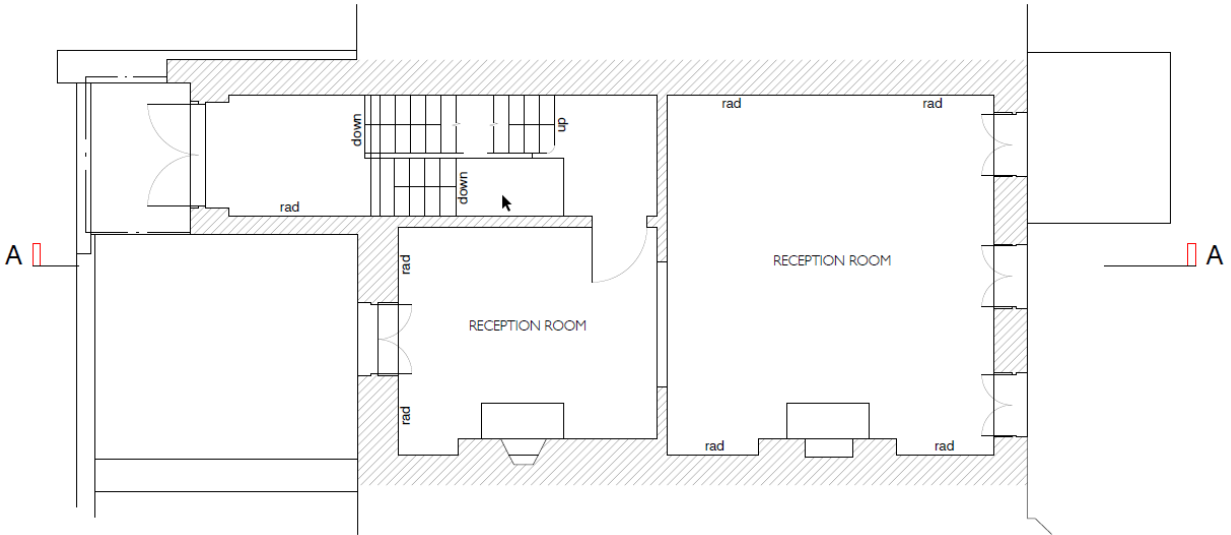
Existing Ground Floor



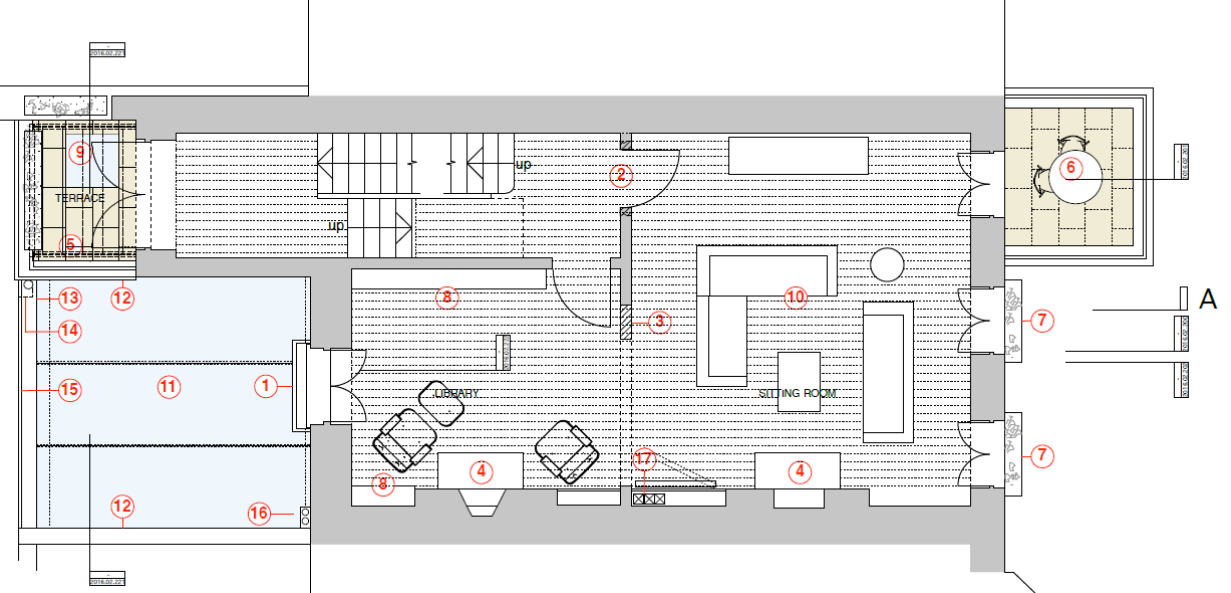
Proposed Ground Floor



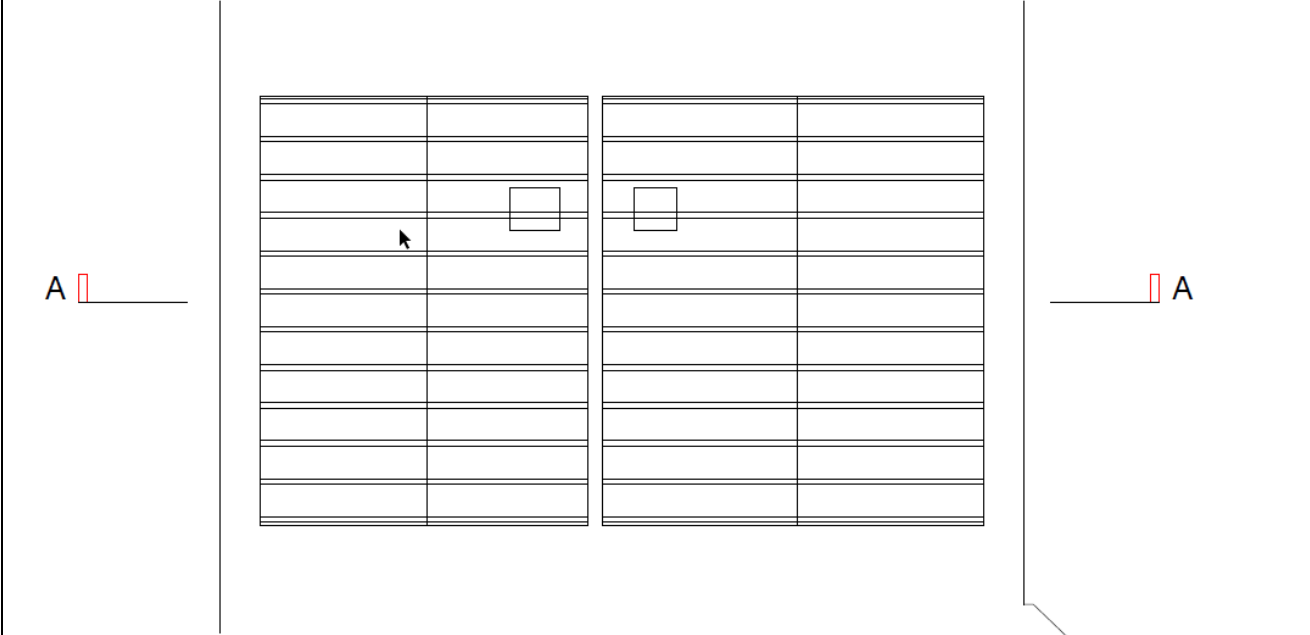
Existing First Floor



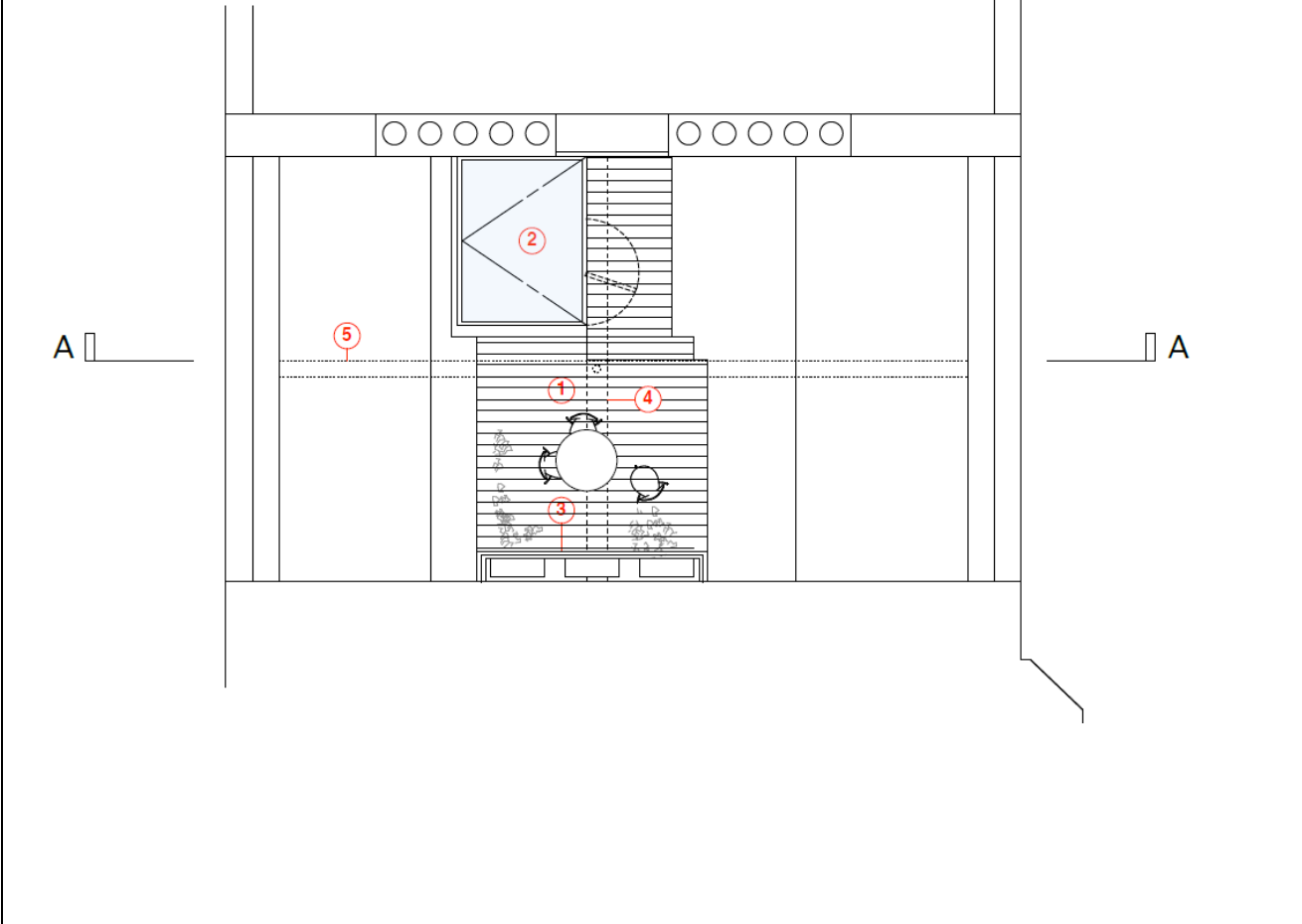
Proposed First Floor



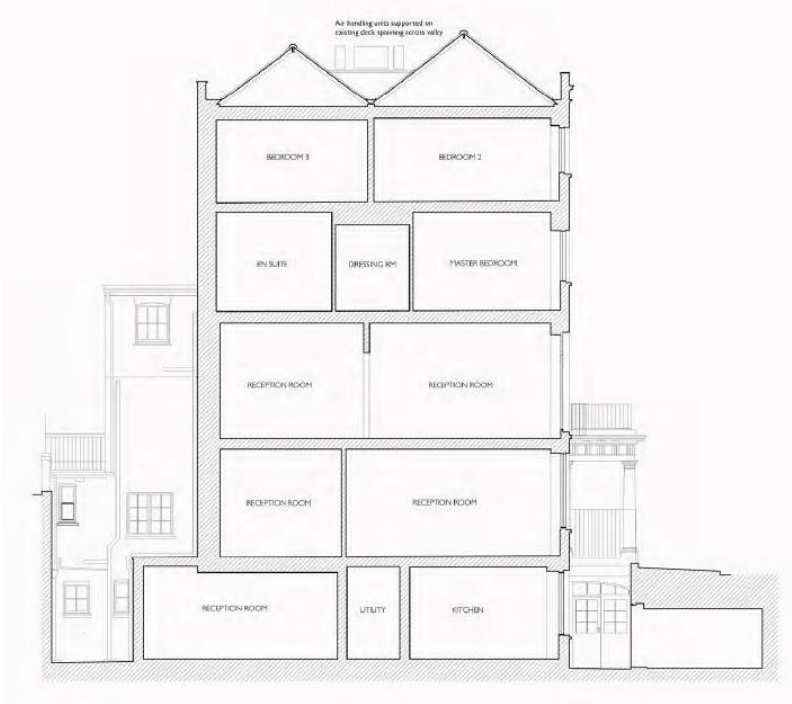
Existing Roof Plan



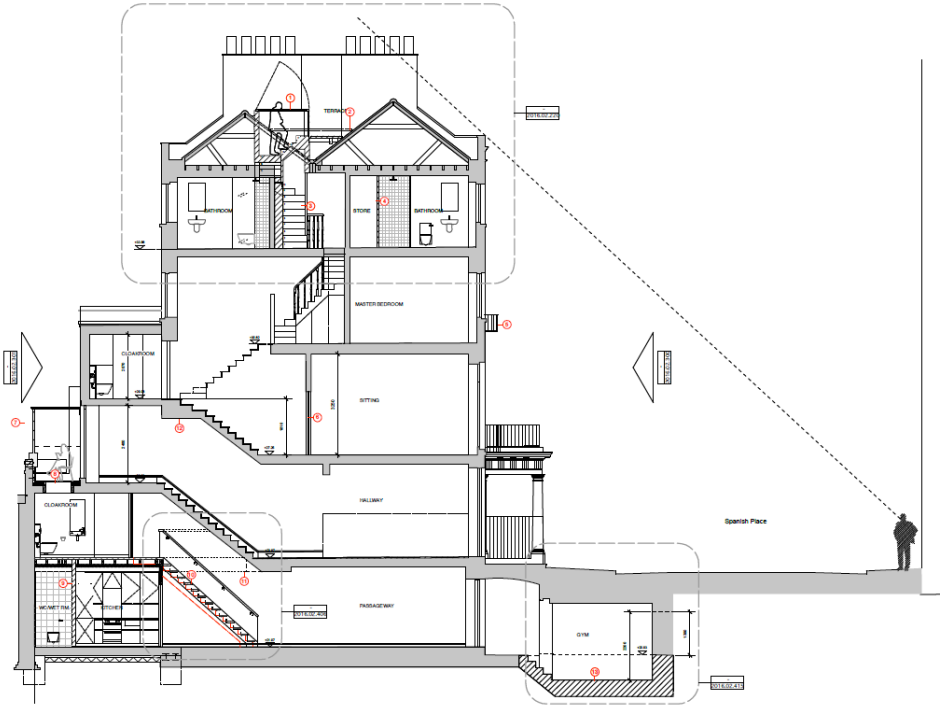
Proposed Roof Plan



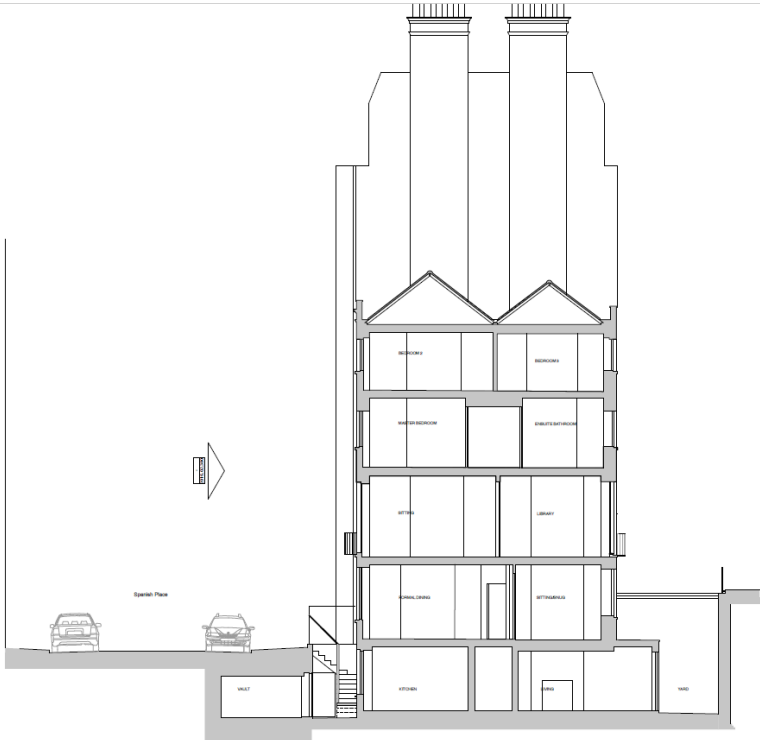
Existing Section 1



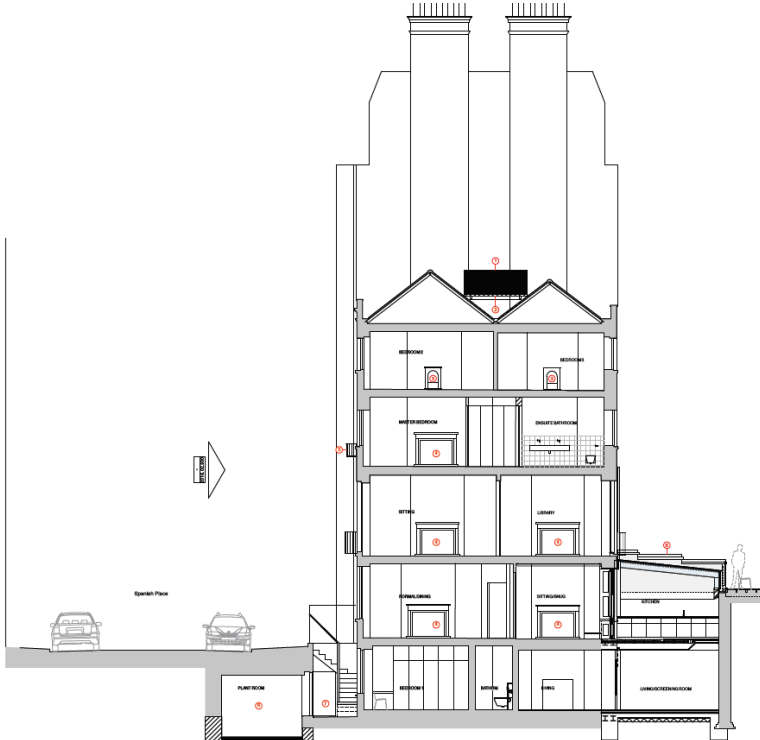
Proposed Section 1



Existing Section 2



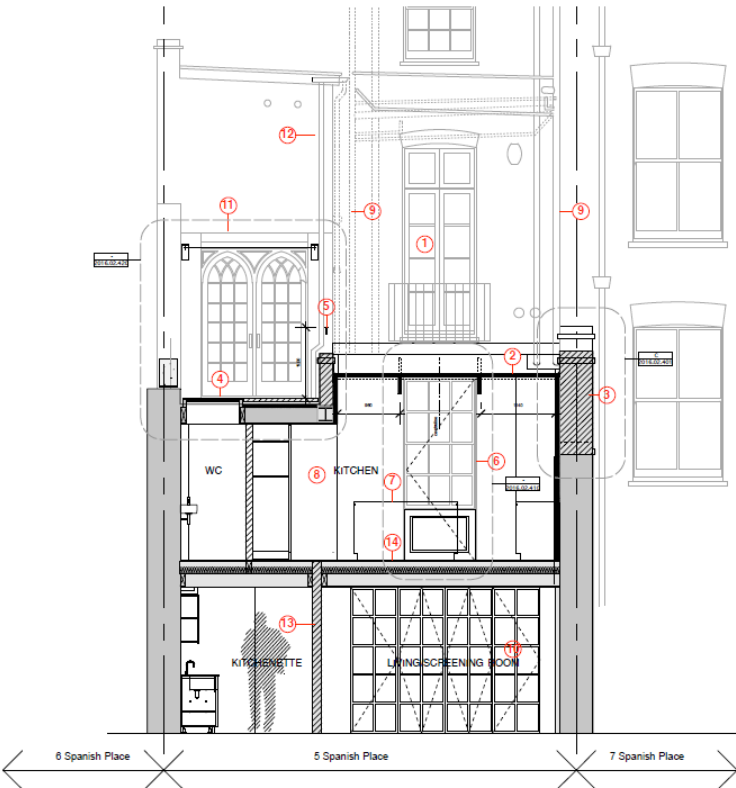
Proposed Section 2



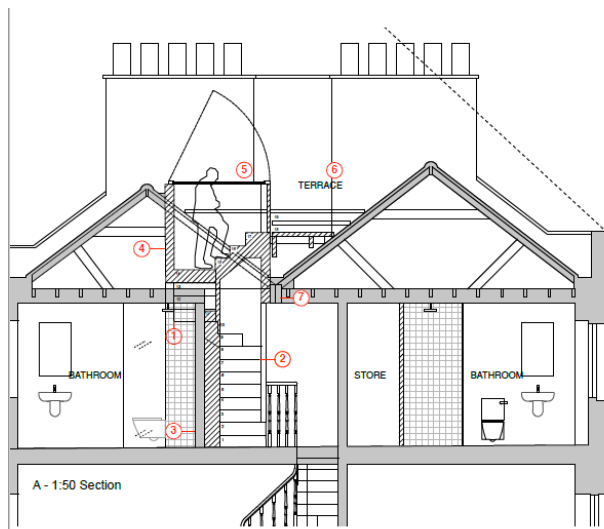
Existing Rear Elevation (close up)



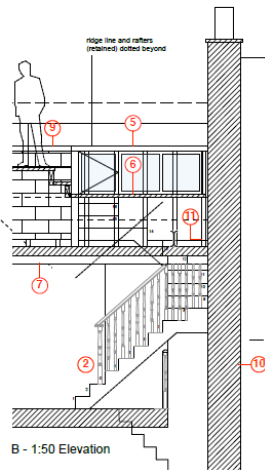
Proposed Rear Elevation (close up)



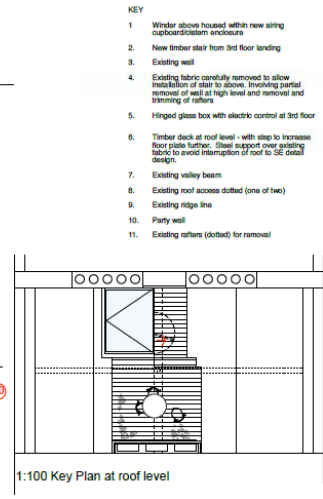
Details of Proposed Roof Terrace



A - 1:50 Section

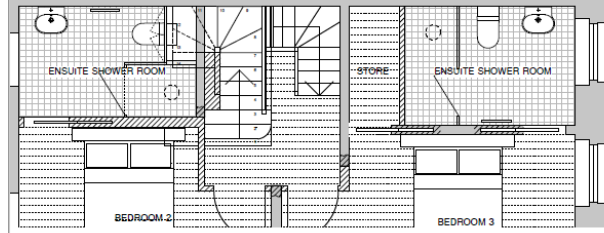


B - 1:50 Elevation

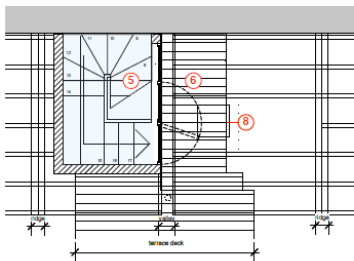


1:100 Key Plan at roof level

- KEY**
- 1 Winder above housed within new sitting cupboard/stairs enclosure
 - 2 New timber stairs from 3rd floor landing
 - 3 Existing wall
 - 4 Existing fabric carefully removed to allow installation of stair to above. Involving partial removal of wall at high level and removal and trimming of rafters
 - 5 Hinged glass box with electric control at 3rd floor
 - 6 Timber deck at roof level - with step to increase floor plate surface. Steel support over existing fabric to avoid interruption of roof to SE detail design
 - 7 Existing valley beam
 - 8 Existing roof access ducted (one of two)
 - 9 Existing ridge line
 - 10 Party wall
 - 11 Existing rafters (dotted) for removal



C - 1:50 Part Plan at 3rd Floor



D - 1:50 Part Plan at Roof

<p>Revisions</p> <table border="1"> <tr> <td>A</td> <td>Initial</td> </tr> <tr> <td>B</td> <td>Initial</td> </tr> <tr> <td>C</td> <td>Initial</td> </tr> </table>	A	Initial	B	Initial	C	Initial	<p>Notes: All dimensions in mm.</p> <p>Revisions added later date Date issue - includes relevant pages Date issue - includes relevant pages Date issue - includes relevant pages</p>
A	Initial						
B	Initial						
C	Initial						
<p>Type PLANNING DRAWING</p> <p>Drawn by: P - 2016.07.220-C Checked by: [Signature] Drawn/checked by: [Signature] Date: [Date] Client: [Client Name] Job title: [Job Title] Project name: [Project Name]</p>							

DRAFT DECISION LETTER (RN: 18/08517/FULL)

Address: 5 Spanish Place, London, W1U 3HZ,

Proposal: Erection of a rear two storey extension at lower ground and ground floor level in order to enlarge dwellinghouse (Class C3), excavation under pavement vaults, relocation of air conditioning units within an acoustic enclosure at roof level, addition of a roof hatch to provide access to a sunken roof terrace, erection of a pergola at rear first floor level, internal alterations and general refurbishment works. (Linked to 18/08518/LBC)

Plan Nos: Demolition Drawings:
A - 2016.07.100 B ; A - 2016.07.101 A ; A - 2016.07.102 B ; A - 2016.07.103 ; A - 2016.07.104 B ; A - 2016.07.105 ; A - 2016.07.200

Proposed Drawings:
P - 2016.07.100-D ; P - 2016.07.101-C ; P - 2016.07.102-C ; P - 2016.07.103-B ; P - 2016.07.104-C ; P - 2016.07.105-D ; P - 2016.07.200-B ; P - 2016.07.201-B ; P - 2016.07.202-C ; P - 2016.07.220-C ; P - 2016.07.221-D ; P - 2016.07.222-D ; P - 2016.07.300-B ; P - 2016.07.305 ; P - 2016.07.400 B ; P - 2016.07.401-A ; P - 2016.07.405 A ; P - 2016.07.406 A ; P - 2016.07.410-A ; P - 2016.07.420

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate 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 put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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

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1

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)

- 5 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 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)

- 6 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in conditions 4 and 5 of this permission.

Reason:

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

- 7 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

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)

- 8 You must apply to us for approval of structural engineering report to demonstrate that the proposed works to the pavement vault would cause no structural harm to the application building, the neighbouring building, or the highway.

You must not carry out any excavation work to the pavement vaults until we have approved what you have sent us.

You must then carry out the work according to this structural engineering report.

Reason:

In the interests of public safety and to protect the parts of the building and adjoining which are to be preserved during building work. (R28AA)

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, neighbourhood plan (where relevant), 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 Conditions 4, 5, 6 and 7 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 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.
- 4 With regards to condition 8, the submitted structural engineering report must show the proximity and effects on any adjacent foundations, stages of excavation and temporary supports, as well as the sequencing of any underpinning or piling proposed. An investigation of existing structures and geology has yet to be undertaken and submitted as part of the construction methodology. The existence of groundwater, including underground rivers, should be researched and the likelihood of local flooding or adverse effects on the water table should be assessed.

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 (RN: 18/08518/LBC)

Address: 5 Spanish Place, London, W1U 3HZ,

Proposal: Erection of a rear two storey extension at lower ground and ground floor level, excavation under pavement vaults, installation of air conditioning units within an acoustic enclosure at roof level, addition of a roof hatch to provide access to a sunken roof terrace, erection of a pergola at rear first floor level, internal alterations including removal of walls, new kitchen, bathrooms, new openings and removal of staircase. (Linked to 18/08517/FULL)

Plan Nos: Demolition Drawings:
A - 2016.07.100 B ; A - 2016.07.101 A ; A - 2016.07.102 B ; A - 2016.07.103 ; A - 2016.07.104 B ; A - 2016.07.105 ; A - 2016.07.200

Proposed Drawings:
P - 2016.07.100-D ; P - 2016.07.101-C ; P - 2016.07.102-C ; P - 2016.07.103-B ; P - 2016.07.104-C ; P - 2016.07.105-D ; P - 2016.07.200-B ; P - 2016.07.201-B ; P - 2016.07.202-C ; P - 2016.07.220-C ; P - 2016.07.221-D ; P - 2016.07.222-D ; P - 2016.07.300-B ; P - 2016.07.305 ; P - 2016.07.400 B ; P - 2016.07.401-A ; P - 2016.07.405 A ; P - 2016.07.406 A ; P - 2016.07.410-A ; P - 2016.07.420

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

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

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

Reason:

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

- 2 All new work 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 Portman Estate 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 put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Item No.
1

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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

1. New railings on portico
2. Internal doors - to be traditional (six) panelled doors at ground and first floor levels.

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. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 5 The metal flower boxes on the front facade at second floor level shall not be installed.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 6 The external rear wall of the main house at ground floor level (within the proposed kitchen) shall remain as unpainted brickwork.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

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.

Item No.
1

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.

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.

Agenda Item 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 April 2019	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	2 Barton Street, London, SW1P 3NG		
Proposal	<u>Application 1</u> Demolition and rebuilding of ground floor extension and excavation of a new basement level beneath the rear extension. Widening of existing front dormer window and associated works. <u>Application 2</u> Underpinning of the garden boundary wall to No. 1 Barton Street and associated works.		
Agent	Mr David Taylor		
On behalf of	Ms Marina Lund		
Registered Numbers	Application 1 - 19/00550/FULL Application 2 - 19/00553/LBC	Date amended/ completed	24 January 2019
Date Application Received	24 January 2019		
Historic Building Grade	2 Barton Street is unlisted. 1 Barton St is Grade II star listed.		
Conservation Area	Smith Square		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letters for applications 2 above.
--

2. SUMMARY

<p>2 Barton Street is a single-family dwelling comprising of lower ground, ground and three upper floors. The building is not listed but is located within the Smith Square Conservation Area. To the rear of the site is a small courtyard with a rear extension to the immediate rear and side of the garden.</p> <p>The neighbouring properties at 1 and 3 Barton Street are Grade II star listed.</p>

The proposals seek to demolish and rebuild the existing rear extension and excavate and extend the existing lower ground floor level to form a new basement level. Listed building consent is also sought for the underpinning of the garden boundary wall to No. 1 Barton Street.

The council refused permission for alterations including demolition and rebuilding of ground floor extension and new basement level on 31 October 2018 on grounds of increased sense of enclosure. The applicant appealed this decision which was upheld on 13 March 2019. The current scheme is practically the same as the appeal scheme except that the previously proposed works to the boundary walls with 1 and 3 Barton Street have been removed from the scheme.

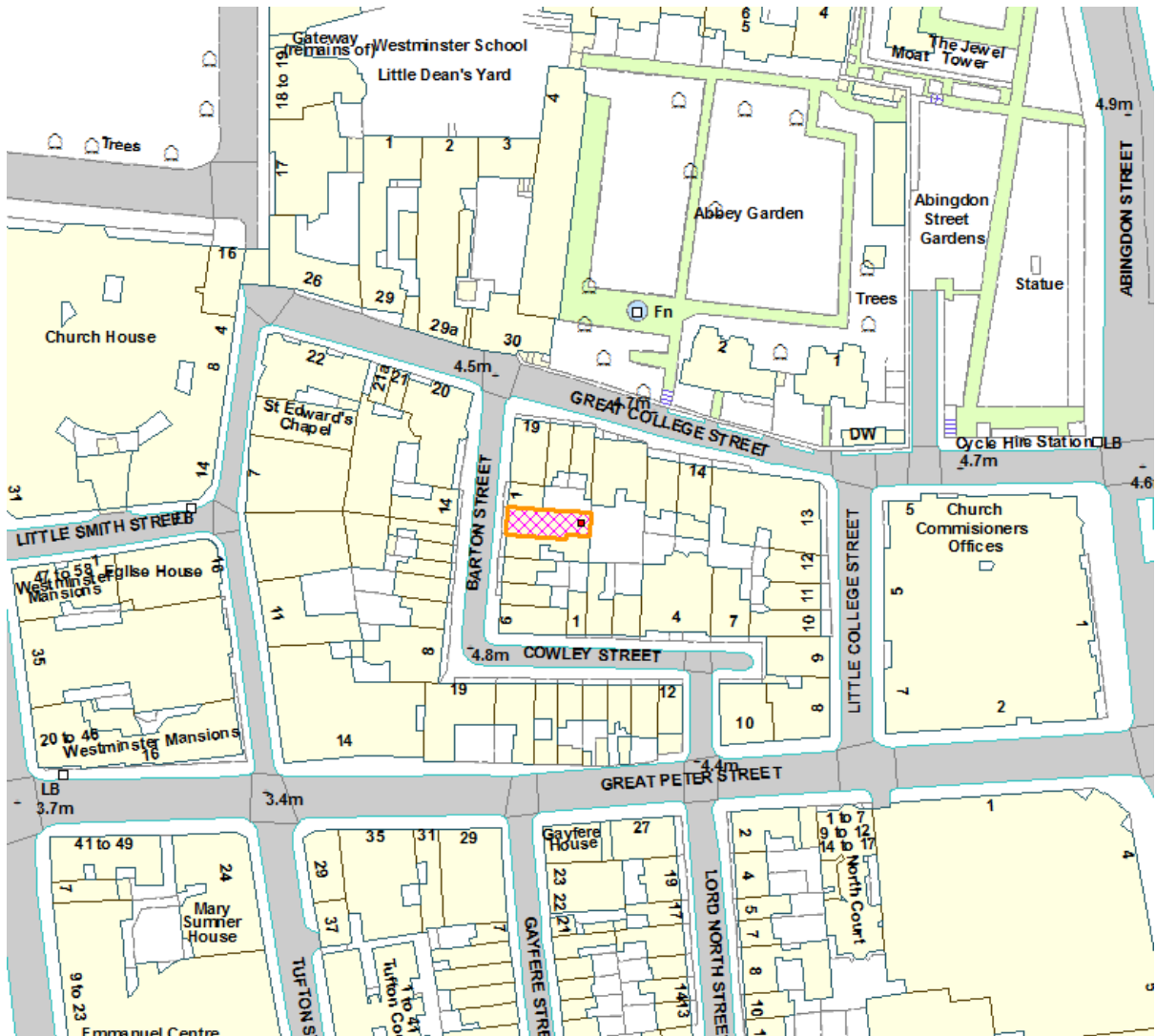
The key issues for consideration are:

- The impact of the proposal on the amenity of surrounding residents;
- The impact of the proposed alterations on the character and appearance of the building and adjoining Grade II star listed buildings and the Smith Square Conservation Area.

Objections have been received from nearby residents largely on the grounds of amenity including the impact of building works on adjacent residents; the impact on the adjacent listed buildings, and structural issues.

The proposed works are considered acceptable in land use, design and heritage terms and in terms of policy as set out in the Westminster City Plan (November 2016) and Unitary Development Plan (2007) policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Application 1

WARD COUNCILLORS

Any comments to be reported verbally.

HISTORIC ENGLAND (Listed Builds/Con Areas)

Authorisation to determine application as seen fit received 12 February 2019.

HISTORIC ENGLAND (Archaeology)

Any archaeological interest should be conserved by the imposition of conditions requiring a written scheme of investigation, prior to any demolition or development taking place.

THORNEY ISLAND SOCIETY

Location in a conservation area and on a street of very fine listed buildings such radical work should be precluded due to the impact on neighbours.

WESTMINSTER SOCIETY

Any comments to be reported verbally.

HIGHWAYS PLANNING MANAGER

No objection.

WASTE PROJECT OFFICER

No objection.

ARBORICULTURAL SECTION

No objection subject to a condition to secure landscaping details.

BUILDING CONTROL

Structural statement is considered acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 17

Total No. of replies: 17

No. of objections: 14

No. in support: 0

Objections raise the following issues:

Amenity

- Section through roof to see what is proposed in terms of demolition not clear if plans to convert roof to use as a terrace.

Design

- Design of two outbuildings not in keeping with the conservation area.

- Proposed works would damage the historic fabric of the adjoining Grade II star listed buildings.
- Works have already caused damage to brickwork behind Grade II star panelling in neighbouring properties.
- Works already undertaken have caused visible damage due to unauthorised works at roof level between the party wall with Nos. 2 and 3.
- Property has been gutted and a large frame fixed with bolts to the party walls.
- Fabric of wall to No. 3 is weakened and will be prone to cracking over time from both sides.
- Changes proposed are unnecessary, not in keeping with the surrounding buildings that are listed.
- Houses in the street are not structurally capable of tolerating substantial works.
- Sheer amount of building work proposed to the property is not in keeping with the other houses on the street.
- Such a large extension is inappropriate for a property located in a conservation area and neighbouring Grade II star listed buildings.

Construction

- Existing properties would suffer from proposed development.
- Noise and dust pollution.

Basement

- Proposed basement would affect fragility of adjoining listed buildings.
- Excavation of basement will disturb foundations of neighbouring properties.
- Unclear if further damage to neighbouring properties from the planned substantial excavation for the subterranean media room will be avoided.
- Digging of a double basement threatens the structural integrity of the two Grade II star listed buildings.

Other considerations

- Problems with registering comments on the website.
- How is it possible to undertake works to property without planning permission.
- Not informed of application.
- Proposed works would affect wellbeing of resident in adjoining property.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 2

HISTORIC ENGLAND:

Authorisation to determine application as seen fit received 12 February 2019.

HISTORIC ENGLAND (ARCHAEOLOGY):

Authorisation to determine application received 26 February 2019 subject to conditions to secure a written scheme of investigation.

HISTORIC BUILDINGS – LONDON AND MIDDLESEX ARCHAEOLOGICAL SOCIETY

Object to impact of proposed works to the historic fabric of adjoining heritage assets.

Item No.
2

If the council is minded to grant application endorse conclusion of Historic Environment Assessment that archaeological trial pits or monitoring of geotechnical pits should be conditioned as part of any approval.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

2 Barton Street is a late Victorian townhouse in use as a single-family dwelling, within a terrace of Georgian properties in a residential area. The building is arranged over lower ground, ground and three upper floors and has a small courtyard garden to the rear with a single storey extension to the immediate rear and side of the site. No. 2 has a flying freehold with No. 3 whereby the ground floor entrance hallway is set beneath the first floor and above the lower ground floor of No. 3.

The building is set within the Smith Square Conservation Area. It is an unlisted building of merit as identified in the Smith Square Conservation Area Audit (2005). The application site adjoins Grade II star listed buildings on either side, at Nos. 1 and 3.

6.2 Recent Relevant History

18/03465/FULL

Planning Applications Committee resolved to refuse permission on 23 October 2018 for demolition and rebuilding of ground floor extension and excavation of a new basement level beneath the rear extension, widening of existing front dormer window and associated works. The decision notice was issued on 31 October and the application refused for the following reason:

The proposed alterations to the boundary walls in connection with the construction of the rear extension would make the people living in Nos. 1 and 3 Barton Street feel too shut in. This is because of its bulk and height and how close it is to windows in those properties. This would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

The application was allowed on appeal dated 13 March 2019. The conditions imposed by the Inspector were the same as those sought by the council in their appeal statement.

The application for an award of costs against the council was allowed on 13 March 2019.

18/03466/LBC

Underpinning of the garden boundary wall to No. 1 Barton Street; removal of the trellis screen on the garden boundary wall and infilling with new brickwork to match existing.
Application Permitted 31 October 2018

18/06397/LBC

Removal and replacement of soldier course and creasing tiles for a 2.398m length of the top of the rear garden boundary wall and addition of 0.55m to the wall between Nos. 2 and 3 Barton Street.

Application Permitted 31 October 2018

15/08756/FULL

Retention of railing at roof level.

Application Permitted 3 December 2015

13/01278/FULL

Use from school boarding house to three separate residential dwellings and associated alterations (site comprises No. 2, 4 and 5 Barton Street).

Application Permitted 9 April 2013

13/01279/LBC

Use from school boarding house to three separate residential dwellings and associated alterations (site comprises No. 2, 4 and 5 Barton Street).

Application Permitted 9 April 2013

7. THE PROPOSAL

Planning permission is again sought for the demolition and rebuilding of the ground floor extension and excavation of a new basement level. Works again include the widening of the existing front dormer window including associated works. Listed building consent is sought for the underpinning of the garden boundary wall to No. 1 Barton Street.

The works that form part of this scheme are practically identical to that previously refused by the council but allowed on appeal. The only difference is that no works are proposed to alter the extent and height of the boundary walls with 1 and 3 Barton Street., which were the basis for refusing the planning application.

For the purpose of consideration of these applications a detailed assessment has been made which also addresses (where applicable) comments made by third parties.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The principle of the extension has been accepted on appeal. The proposals seek the improvement of a single-family dwelling house and in land use terms are acceptable in terms of Policy S14 of the Westminster City Plan (November 2016).

8.2 Townscape and Design

The main design issues are the impact of the proposals on the character and appearance of the conservation area and special interest and setting of the adjoining

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Grade II star listed buildings. Townscape and design issues did not form the basis of refusing the application and these works have now been accepted in principle on appeal.

Front elevation

It is again proposed to widen the existing dormer windows on the front elevation. There is no consistent pattern to the front dormers along this part of the terrace but a number of adjoining properties do have single, relatively wide dormers. The existing dormer on No. 2 has a door leading onto a balcony area. The proposed widening of the dormer will accommodate double doors and the detailed design is not dissimilar to the existing design. In design terms the proposed alterations to the dormer on the front elevation is considered acceptable. A simpler existing railing to the top of the bay is proposed which is acceptable in design terms.

It is proposed to alter the existing door opening to the front lower ground floor light well area and reinstate the stained glass to windows within the front door. Other works consist of like for like repair works and are welcomed in design terms.

Rear extension

Policy DES 5 of the UDP states that extensions will normally be acceptable if they are confined to rear elevations and are in scale with the building and surroundings.

The existing rear extension, approved in 2013, is located to the immediate rear of the garden area and there is a link corridor between the main house and rear extension, which creates a small internal courtyard garden. The existing extension occupies an area of 40sqm and provides a garden area of approximately 18sqm. The demolition of the modern extension is uncontentious in design terms. It would again be replaced with an extension at ground floor level, which would extend across the full width to the rear of the property, with the secondary volume extension set back slightly from the main part of the extension. The main volume of the proposed extension would be taller than the existing due to the change in levels but would not exceed the height of the boundary walls with Nos. 1 and 3. The new extension would provide an area of 37sqm and a courtyard garden area of 21sqm.

The rear of this terrace has a range of extensions of varying depths, heights and designs and there is no consistent pattern with regards to the extensions to the rear. As highlighted above the proposed extension would be designed with a secondary set back volume and the existing link corridor extension would be removed, leaving a more traditionally laid out courtyard garden area, with the new extension being contained within the garden walls. The removal of the existing extension and its reconfiguration is acceptable in design terms.

No. 2 has a flying freehold with No. 3 whereby the ground floor entrance of No. 2 is located beneath the upper floor and over the lower ground floor of No. 3. It is again proposed to replace an existing small casement with a new oriel window just above the secondary volume of the extension to the rear and in the area of the site set below No 3, which is listed Grade II star. The detail in this location and the impact on historic fabric is a key consideration. The applicant has provided additional information and has explained that the lintel would be replaced with a loadbearing brick arch. The localised nature of these works suggests that the works can be done without harm to the listed building and

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subject to conditions to secure appropriate detailing and methodology for the works, this is therefore considered acceptable.

Works to the boundary walls

The existing boundary walls are to be retained as existing. This differs from the appeal scheme. Only works of underpinning are proposed to the garden boundary wall with No. 1 and the applicant has submitted listed building consents for this work. This work does not impact on the internal part of No. 1. Historic England have been consulted on the proposals and have authorised the City Council to determine the application accordingly. Subject to conditions requiring the works to match existing the proposed alteration to the boundary wall is considered acceptable.

Lower ground/basement extension

The proposal again includes a new basement level under the proposed rear extension and the lowering of the existing lower ground floor level by approximately 0.26m. The lowering of the lower ground floor including that of the vault floor is modest and does not impact on the hierarchy of the internal floor levels.

The proposed basement extension is a single storey extension with a floor to ceiling height of 2.5m and extends into the garden area by approximately 5.7m but would be located wholly beneath the proposed ground floor extension. No external manifestations are proposed to the basement. The reconfiguration of the ground floor extensions allows for a more traditional garden to be provided. In design terms the proposed basement extension is considered acceptable.

Roof level works

There is an existing tall access hatch at roof level and this is again to be replaced with a modest low-level access hatch and a new lantern rooflight. Both new structures are at low level and are set in from the roof edge. In design terms the replacement of the existing access hatch is an improvement on the existing situation and welcomed. Similarly the proposed lantern rooflight due to its height and location is not considered to have an adverse impact on the conservation area.

Impact on adjoining Grade II star listed buildings

A new oriel window would be created just above the secondary volume of the extension to the rear and in the area of the site set below no 3 which is listed Grade II*. The detail in this location and the impact on historic fabric is a key consideration. The applicants have provided information which suggests this can be done without harm to the listed building and subject to conditions to secure appropriate detailing and methodology for the works, this is therefore considered acceptable.

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.

The key difference between the scheme allowed on appeal and the current proposal is that the previously proposed alterations to the boundary walls with 1 and 3 Barton Street have been removed from the scheme. The impact on 1 and 3 Barton Street is set out below.

No. 1 Barton Street is a single family dwelling. The nearest affected windows on the rear elevation of No. 1 are two windows which serve the ground floor living room and there is a door which provides access from this room into the rear garden area. The existing boundary wall with No. 1 comprises of a section of wall measuring approximately 2.4 (w) x 1.8 (h) which is made up of an existing trellis set in front of a polycarbonate screen on the boundary between Nos. 1 and 2. This is now to remain as existing and no changes are proposed to the height of the existing boundary wall.

No. 3 is a single family dwelling. No changes are proposed to the boundary wall with No. 3.

A daylight and sunlight statement has been submitted with the application proposals. This again demonstrates that the proposed extension would not have a material impact on Nos. 1 and 3 in terms of a material loss of light to both properties.

The Inspector in the appeal decision dated 13 March 2019 concluded that 'the proposed development would not harm the living conditions of the occupants of no. 1 or no. 3 Barton Street by reason of loss of outlook'. The current proposal reduces the impact on both properties in terms of outlook and is considered acceptable in amenity terms.

A condition is recommended to ensure that the roof of the proposed extension is not used for sitting out or any other amenity purposes.

At roof level an existing access hatch is to be replaced with a low level access hatch and a new lantern rooflight. Comment has been made that no section drawings or detailed drawings have been provided concerning the works to the main roof. This is not the case a roof plan and relevant section drawings have been provided. However due to their size and location the works at roof level do not raise amenity concerns. A condition is also recommended to ensure that the roof is not used for amenity purposes.

8.4 Transportation/Parking

The scheme has no long-term transportation or highway implications.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

The access arrangements remain unchanged.

8.7 Neighbourhood Plans

There is no Neighbourhood Plan either adopted or nearing adoption for this area.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

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 complied with both of the above.

The proposal consists of excavating and extending the existing basement level into the garden area by approximately 5.7m and with a floor to ceiling height of 2.5m. The proposed extension of the basement level is a single storey basement and not a double basement as has been indicated by comments received concerning this part of the proposals. The proposed basement will be located entirely beneath the proposed extension.

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 proposed basement complies with both aspects of these requirements as set out in the policy text.

The submitted drawings show that the proposed basement is located under part of the party wall with No. 1 but will be set inside of the party wall on the applicant's side with No. 3. Both residential occupiers of No. 1 and No. 3 have raised concerns over the structural integrity of the proposed basement on their Grade II star listed buildings. Particular concern is raised over the potential for damage and cracking to occur to both buildings. The City Council has consulted both Building Control and Historic England for comments.

Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework (NPPF) February 2019 (revised) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

In this regard and 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. The basement is to be constructed using RC underpinning with RC retaining wall which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable. As highlighted above objections have been received from two adjoining occupiers raising concerns about structural damage to their properties as a result of the proposed basement.

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.

Parts B and C of Policy CM28.1 requires the provision of soft landscaping and a permeable surface in order to offset the impact of the proposed basement extension. Part C also requires the basement development to leave a margin of undeveloped garden land (between 0.5 – 2m) proportionate to the scale of development and the size of the affected garden around the entire site boundary except beneath the existing building. This may be reduced on smaller sites, provided that flood risk, in particular surface water run-off, can be adequately dealt with on site. In this case the proposed basement is sited entirely beneath the footprint of the building and in this regard there is no requirement to maintain a margin of undeveloped land. The proposal however does provide a permeable surface within the garden area comprising of paviers laid over sand and an element of soft landscaping. In consultation with the City Council's Arboricultural officer a condition is recommended to secure soft and hard landscaping details.

Works to extend the existing basement level are again considered acceptable and it should be noted that these works have also been granted on appeal.

Code of Construction Practice

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.

Comment has been made that a media/gym is inappropriate for a house of this type. This is a matter of judgement and the use of accommodation within a new basement extension does not dictate whether it should be acceptable or not. Moreover, the basement extension is assessed in line with policy and in relation to any other works, which may be required to facilitate its operation, such as mechanical plant etc.

Archaeology

The site is located within a Tier One Archaeological Priority Area and the application is supported by an Archaeological Assessment. This has been assessed by Historic England's Archaeology section who have advised that there is potential for post medieval, prehistoric and paleo-environmental remains with alluvial deposits associated with the former River Tyburn on the eastern half of the site. The existing basement (lower ground floor level) is thought to have removed much of the archaeology, which would have survived on the western half of the site. On this basis and in order to protect

any surviving archaeological remains Historic England (Archaeology) haven recommended a condition to secure a written scheme of investigation. This will be secured by condition.

Trees

There are two trees (a lime tree and sycamore tree) within the rear garden of 16 Great College Street. Concerns have been raised that the impact of the proposals would cause damage to the existing tree roots.

Trial excavations have been carried out within the existing outbuilding to the rear at the garden, to determine the extent of the boundary wall foundations. The foundations were found to be 1.1m deep.

The submitted Tree Constraints Plan shows the Root Protection Areas of T1 and T2 as modified shapes, on the assumption that the boundary wall is restricting root growth onto the application site. Normally trial holes excavated to determine whether a structure is acting as a barrier to root growth should be excavated 200-300mm below the underside of the foundations, in order to determine if there are any roots at a greater depth. These trial holes were excavated only to the base of the foundations. However, the existing building itself would also be acting as a barrier to root growth, and in this it is reasonable to conclude that the trees are rooting favourably in the garden in which they are located. The Arboricultural officer has stated that on the basis that the boundary wall is retained in situ without underpinning, which is the case in this instance the proposed works are unlikely to cause harm to the trees' roots.

The replacement of the existing outbuilding with a garden that includes soft landscaping will improve the potential rooting environment at the end of the garden nearest to the trees, which may result in the tree roots growing in the garden in the future.

Comment has been raised that the extension and basement will occupy a greater portion of the garden than the existing outbuilding resulting in a reduction of the garden size. However, the proposed extension and garden area is comparable to the existing arrangement in terms of volume. As the proposal introduces softer landscaping in an otherwise built up and hard landscaped courtyard garden the Arboricultural officer has welcomed the inclusion of the proposed landscaping the details of which are to be secured by condition.

Impact on Westminster Highway

The Highways Planning Manager had raised concerns that the drawings appeared to show the ceiling of the vault roof being altered which would be contrary to Policy TRANS 19 of the UDP (2007). However, there are no changes to the vault roof, which would transgress the requirements of TRANS 19.

Party Wall Matters

Since refusal of the 2018 application the applicant has undertaken works at the application property. The internal areas have been stripped back to reveal all floors and brickwork. The applicant has stated that new steel frames have been inserted within the building on all floors to transfer building loads to a new concrete 'raft' located centrally at lower ground floor level (and away from the party wall). The steel frames have not been inserted into the boundary wall with No. 1 or into the party wall with No. 3 on any of the floor levels.

It should be noted that the works that have been undertaken to the internal part of the building were not directly implementing the scheme granted on appeal nor do they involve implementation of the scheme currently under consideration. Therefore, these works should not prejudice the works being considered for planning permission under the current submission, especially as these works have now been granted on appeal.

Notwithstanding this, the complaints raised regarding the works on site have been reported to the Planning Enforcement Team, resulting in a live enforcement investigation (18/69267/M). Warning letters were issued to the applicant on the 02 January 2019 concerning the works to No. 2 and the potential damage to No. 3. The concerns raised are damage to the party wall at roof level and the impact on brickwork behind panelling within the Grade II star buildings.

At roof level damaged brickwork and a hole appeared in the wall on the side of No. 3. The works to the party wall upstand involved the insertion of a concrete padstone to support the new beam, which is wholly on the party wall side of No. 2. The applicant has stated that damage to the wall on the side of No. 3 was inspected by the appointed party wall surveyors. To conclude works to make good the damage have been undertaken and completed (confirmation from the applicant received on the 18 March 2019). The hole was filled with reclaimed bricks from the site and bedded in lime mortar and a lime render finish applied. Having considered the repair works it is considered that listed building consent is not required as the works are making good and are not considered to have an adverse impact on the special historic fabric of the Grade II star listed building of No. 3. The applicant has submitted confirmation (photographic evidence) that the works at roof level have been completed. In terms of potential damage to the brickwork behind panelling within No. 3 this is a matter for the party wall surveyors to assess whether there is any attributable claim.

In terms of the works impacting the integrity of the adjoining listed buildings, workers on site have been alerted to the concerns raised by the neighbouring residents and party wall surveyors have also been involved in terms of reconciling the complaints raised. In terms of the building works, whilst conditions are recommended to control the scope of works being applied for, such works are also subject to party wall agreements, which seek to ameliorate harm caused to neighbouring properties. In terms of the proposals Historic England has been consulted on the proposals and has not raised concerns that the works being applied for would cause harm to the adjoining listed buildings.

The Planning Inspector in considering the appeal was satisfied that the measures cited in the Construction Method Statement and Ground Movement Assessment would avoid damage occurring to the neighbouring Grade II star listed buildings. These measures include the proposed basement being constructed as a box structure (with the basement slab, ground floor slab and retaining walls constructed with reinforced concrete); the structure designed to resist vertical loads from the masonry structure above ground and the isolation of the basement structure from the existing structure and neighbouring structures so that it can move independently. These measures should reduce the risk of cracking to adjacent structures if minor settlements are experienced. The same report has been submitted with regards to the current application and this has been assessed by Building Control who consider the report to be acceptable. Considering the measures cited

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in the report and the Planning Inspector's decision concerning this, it is considered that the proposals would not cause harm to the adjoining listed buildings.

Pre commencement conditions

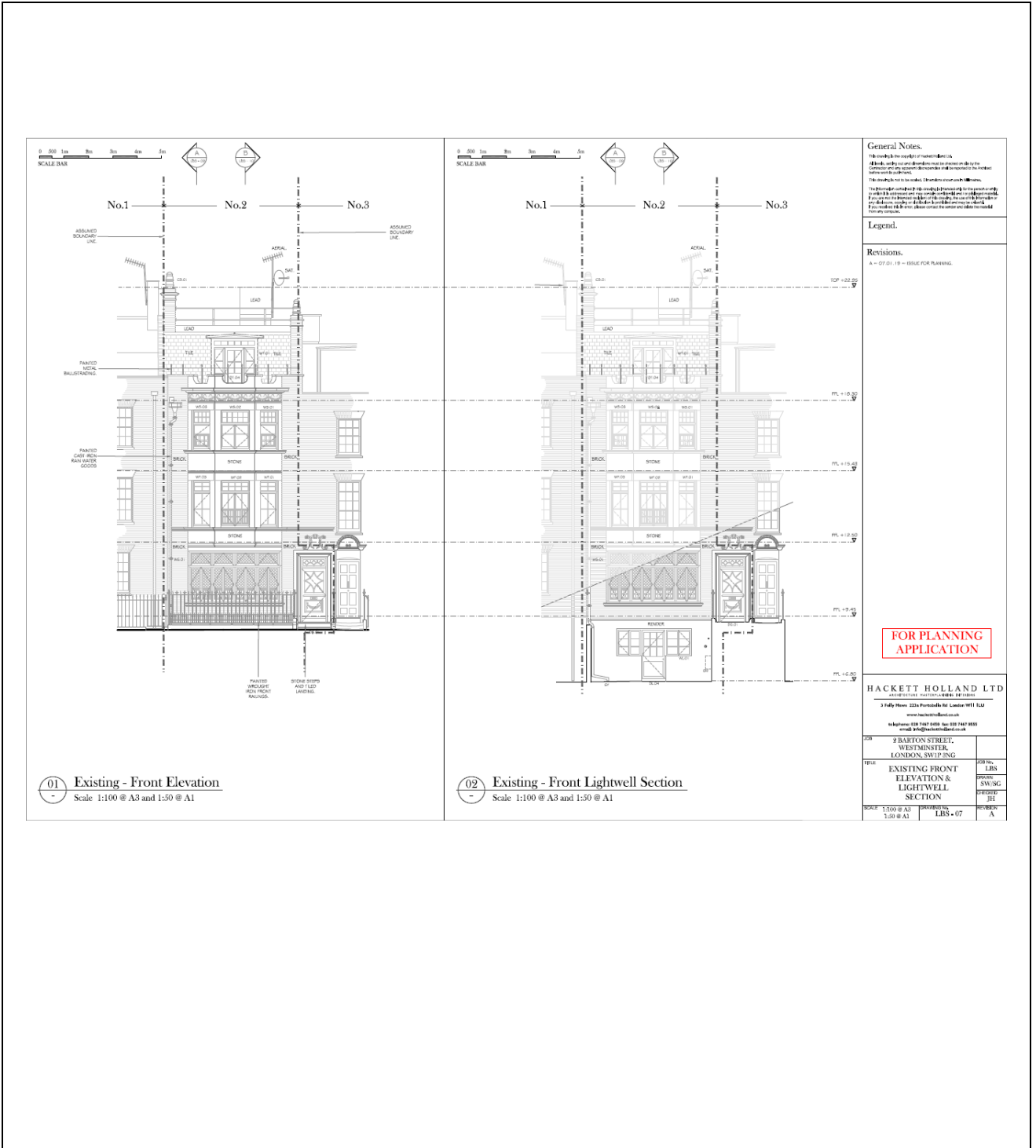
Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the 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. These conditions were also agreed as part of the appeal allowed by the Planning Inspectorate.

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

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

9. KEY DRAWINGS



General Notes.
 1. All work to be carried out in accordance with the Building Regulations and the relevant standards of the Building Regulations.
 2. The drawings are to be used for the purpose of the application for planning permission only.
 3. The drawings are not to be used for any other purpose without the written consent of the architect.
 4. The drawings are not to be used for any other purpose without the written consent of the architect.
 5. The drawings are not to be used for any other purpose without the written consent of the architect.

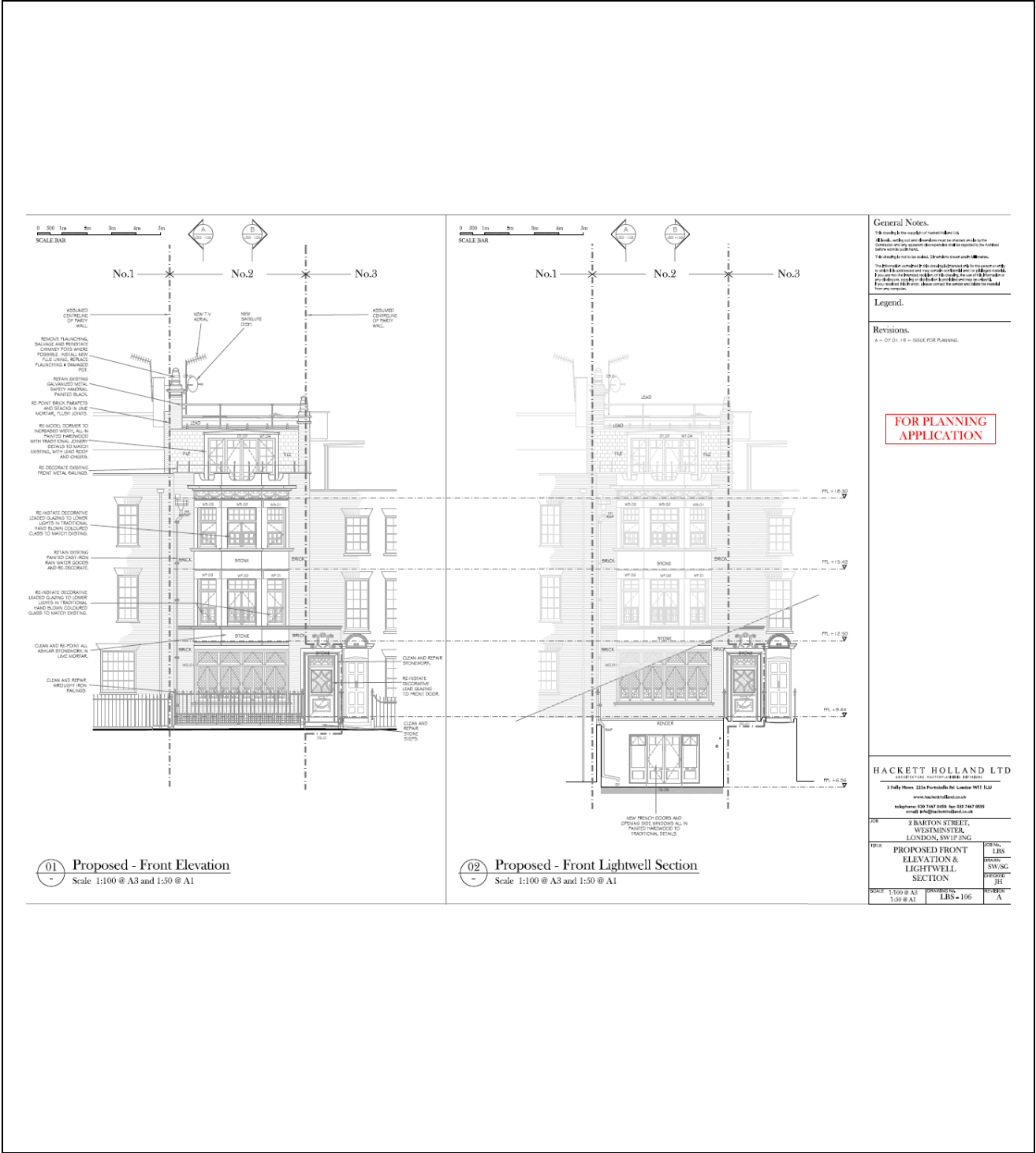
Legend.

Revisions.
 A - 07.01.19 - ISSUE FOR PLANNING.

FOR PLANNING APPLICATION

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01	2 BARTON STREET, WESTMINSTER, LONDON, SW1P 1NG	228	1/25
FILE	EXISTING FRONT ELEVATION & LIGHTWELL SECTION	PROJ	1/25
SCALE	1:100 @ A3 1:50 @ A1	PROJNO	LBS-07
		DATE	A



01 Proposed - Front Elevation
Scale 1:100 @ A3 and 1:50 @ A1

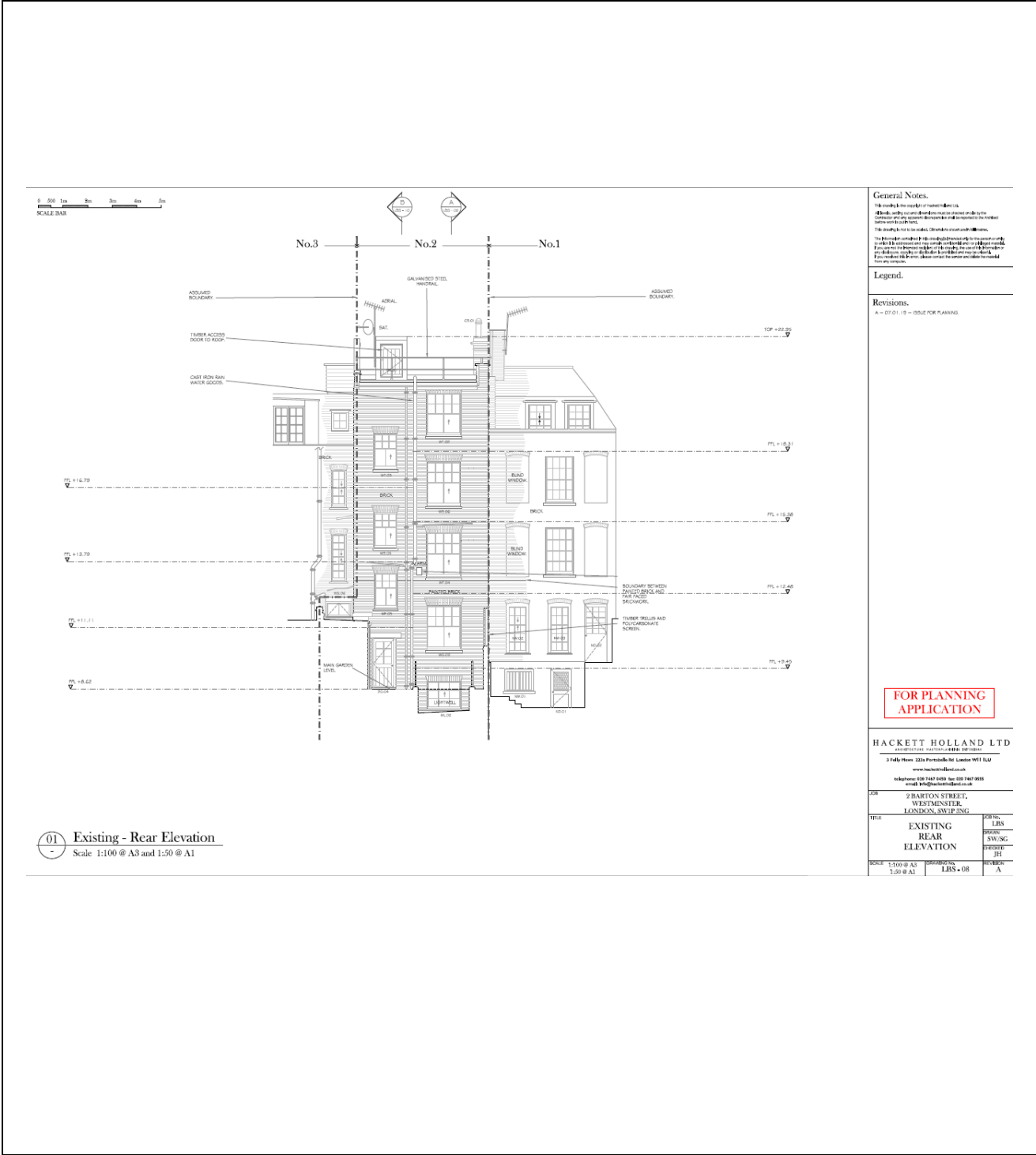
02 Proposed - Front Lightwell Section
Scale 1:100 @ A3 and 1:50 @ A1

General Notes.
 1. All work to be in accordance with the Building Regulations and all work to be carried out in accordance with the Building Regulations.
 2. The proposed work is to be carried out in accordance with the Building Regulations and all work to be carried out in accordance with the Building Regulations.
 3. The proposed work is to be carried out in accordance with the Building Regulations and all work to be carried out in accordance with the Building Regulations.

Legend.
 Revisions.
 A - 07.01.19 - ISSUE FOR PLANNING

FOR PLANNING APPLICATION

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email: info@hackettholland.co.uk	
2 BARTON STREET, WESTMINSTER, LONDON, SW1P 1NG	
DATE	PROPOSED FRONT ELEVATION & LIGHTWELL SECTION
SCALE	1:500 @ A3 1:50 @ A1
DRAWN	LBS
CHECKED	SW, SG
PROJECT	JH
REFERENCE	A



General Notes.
 1. It is the responsibility of the client to ensure that all information provided is accurate and complete.
 2. The architect is not responsible for the accuracy of the information provided by the client.
 3. The architect is not responsible for the accuracy of the information provided by the client.
 4. The architect is not responsible for the accuracy of the information provided by the client.
 5. The architect is not responsible for the accuracy of the information provided by the client.

Legend.

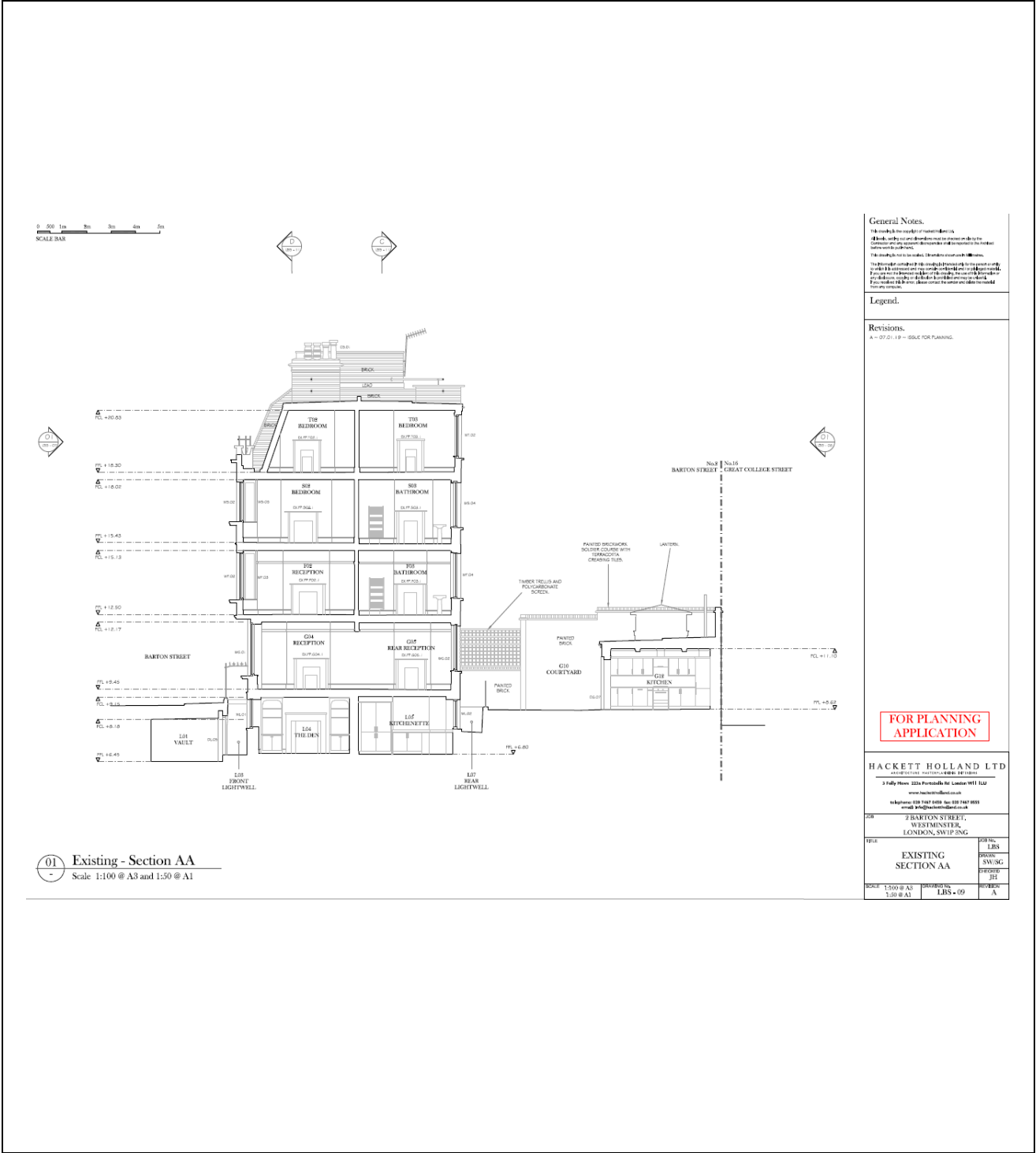
Revisions.
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FOR PLANNING APPLICATION

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2 BARTON STREET, WESTMINSTER, LONDON, WY1E 1NG		JOB No. LBS
EXISTING REAR ELEVATION		PROJECT SW/SG
		DESIGNED JH
SCALE 1:500 @ A3 1:500 @ A1	DATE OF DRAWING LBS - 08	APPROVED A

01 Existing - Rear Elevation
 Scale: 1:100 @ A3 and 1:50 @ A1



General Notes.
 1. The drawings are prepared on the basis of the information provided by the Client and are not to be used for any other purpose without the written consent of the Architect.
 2. The drawings are not to be used for any other purpose without the written consent of the Architect.
 3. The drawings are not to be used for any other purpose without the written consent of the Architect.

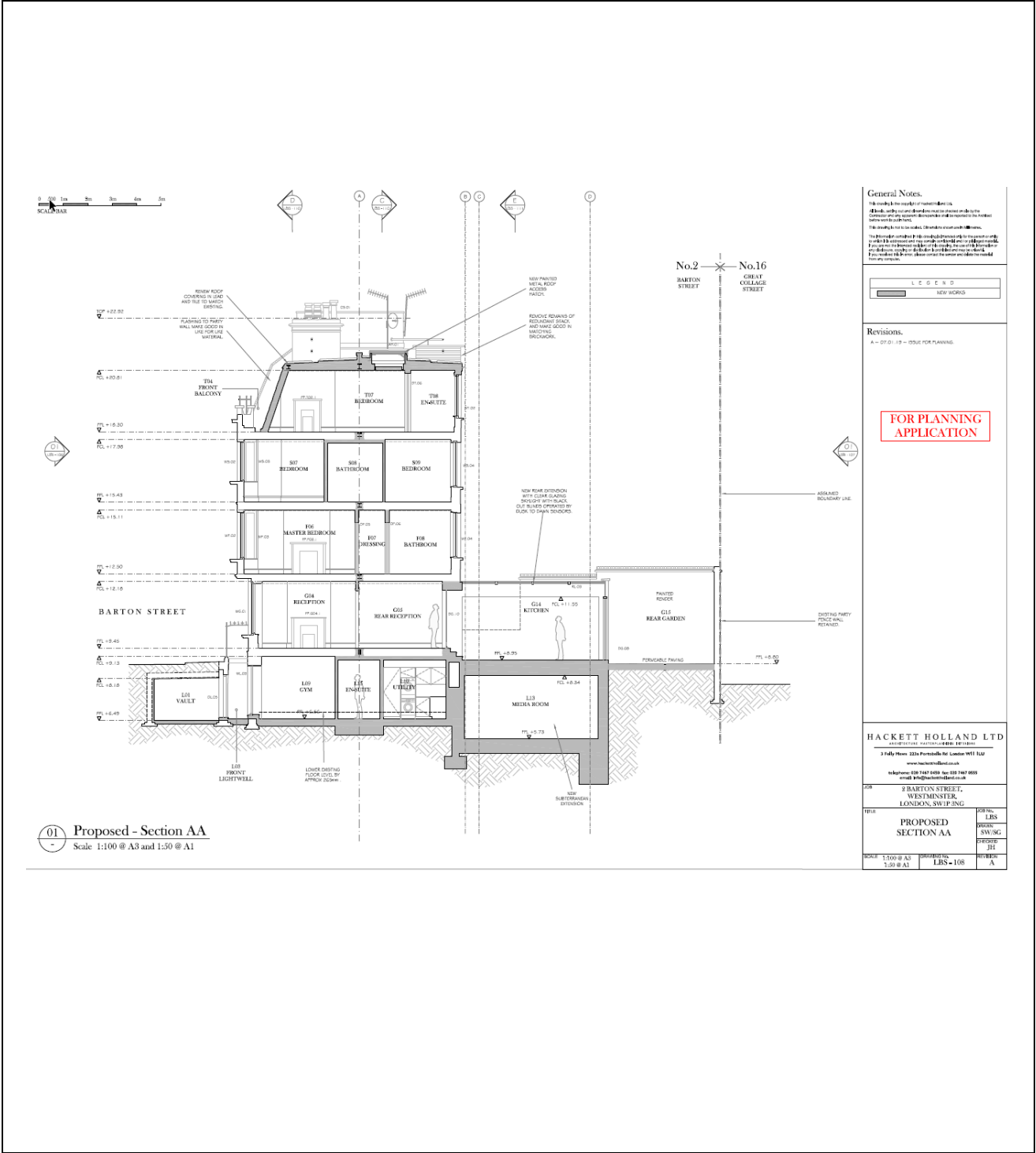
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Revisions.
 A - 07.01.19 - ISSUE FOR PLANNING.

FOR PLANNING APPLICATION

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2 BARTON STREET, WESTMINSTER, LONDON, SW1P 3NG	
DATE	09/19
PROJECT	EXISTING SECTION AA
SCALE	1:500 @ A3 1:50 @ A1
DESIGNED BY	LBS + 09
CHECKED BY	A

01 Existing - Section AA
 Scale 1:100 @ A3 and 1:50 @ A1



General Notes.
 1. This drawing is the property of Hackett Holland Ltd.
 2. It is to be used only for the purposes stated on the title block.
 3. It is not to be used for any other purpose without the written consent of Hackett Holland Ltd.
 4. The drawings are not to be used for construction without the written consent of Hackett Holland Ltd.
 5. The drawings are not to be used for any other purpose without the written consent of Hackett Holland Ltd.
 6. The drawings are not to be used for any other purpose without the written consent of Hackett Holland Ltd.
 7. The drawings are not to be used for any other purpose without the written consent of Hackett Holland Ltd.
 8. The drawings are not to be used for any other purpose without the written consent of Hackett Holland Ltd.
 9. The drawings are not to be used for any other purpose without the written consent of Hackett Holland Ltd.
 10. The drawings are not to be used for any other purpose without the written consent of Hackett Holland Ltd.

LEGEND

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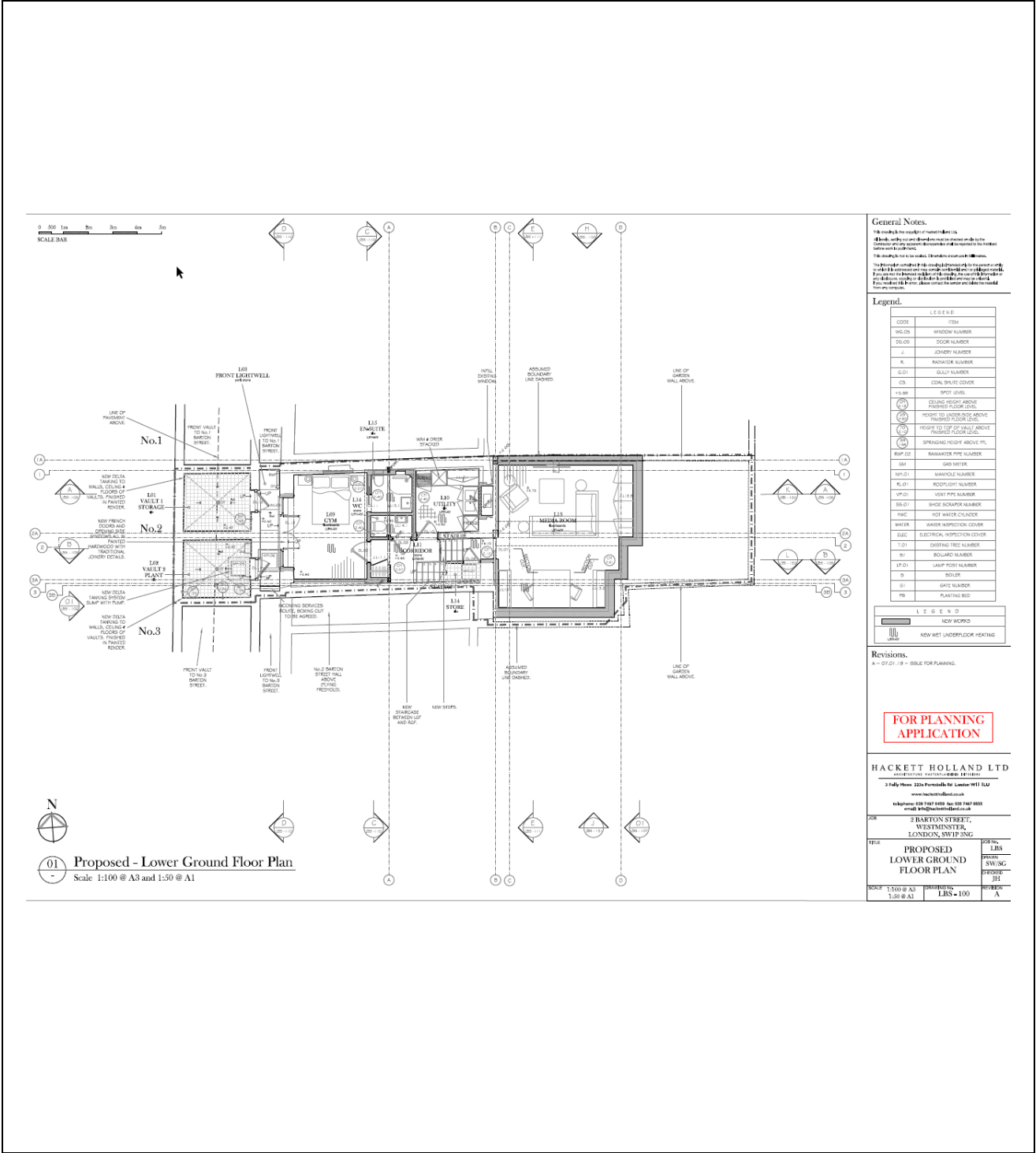
Revisions.
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NO.	2	DATE	07.01.19
PROJECT	2 BARTON STREET, WESTMINSTER, LONDON, SW1P 1NG	DESIGNED BY	LBS
SECTION	PROPOSED SECTION AA	DRAWN BY	SW/S/G
SCALE	1:100 @ A3 1:50 @ A1	PROJECT NO.	LBS - 108
		DATE	07.01.19

01 Proposed - Section AA
 Scale: 1:100 @ A3 and 1:50 @ A1



01 Proposed - Lower Ground Floor Plan
Scale: 1:100 @ A3 and 1:50 @ A1

General Notes.
1. The drawings are to be read in conjunction with the Contract and the relevant Building Regulations for the relevant work shown thereon.
2. The drawings are to be read in conjunction with the Bill of Materials and the relevant work shown thereon.
3. The drawings are to be read in conjunction with the Bill of Materials and the relevant work shown thereon.
4. The drawings are to be read in conjunction with the Bill of Materials and the relevant work shown thereon.
5. The drawings are to be read in conjunction with the Bill of Materials and the relevant work shown thereon.
6. The drawings are to be read in conjunction with the Bill of Materials and the relevant work shown thereon.
7. The drawings are to be read in conjunction with the Bill of Materials and the relevant work shown thereon.
8. The drawings are to be read in conjunction with the Bill of Materials and the relevant work shown thereon.
9. The drawings are to be read in conjunction with the Bill of Materials and the relevant work shown thereon.
10. The drawings are to be read in conjunction with the Bill of Materials and the relevant work shown thereon.

Legend.

LEGEND	
---	TRIM
---	WINDOW NUMBER
---	DOOR NUMBER
---	JOHNEY NUMBER
---	RAVINDER NUMBER
---	SOIL NUMBER
---	COAL BRUIE COVER
---	SPOT LEVEL
---	CEILING HEIGHT ABOVE FINISHED FLOOR LEVEL
---	FLOOR TO UNDERFLOOR ABOVE FINISHED FLOOR LEVEL
---	HEIGHT TO TOP OF VAULT ABOVE FINISHED FLOOR LEVEL
---	SPRINKLING HEIGHT ABOVE FFL
---	RANWATER PIPE NUMBER
---	GAS METER
---	MANHOLE NUMBER
---	ROOFLIGHT NUMBER
---	VENT PIPE NUMBER
---	SHOE SCRAPER NUMBER
---	HOT WATER CIRCULATOR
---	WATER INSPECTION COVER
---	ELECTRICAL INSPECTION COVER
---	EXTINGUISHING NUMBER
---	ROLLUP NUMBER
---	LAMP POST NUMBER
---	BIOLIP
---	GATE NUMBER
---	PLANTING BED

LEGEND

---	NEW WORKS
---	NEW WET LAYERS/DOOR HEATING

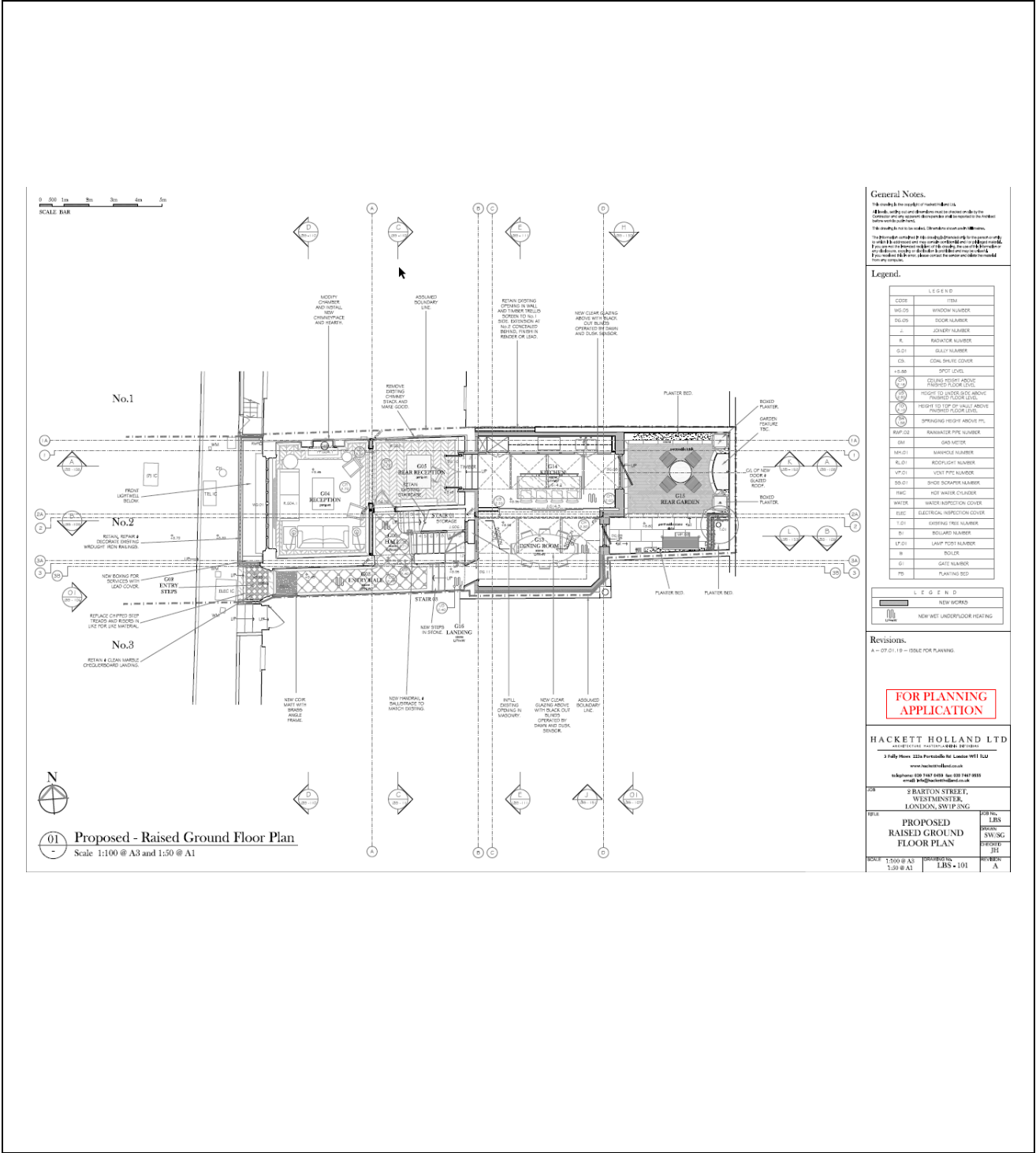
Revisions.
A - 07.01.19 - ISSUE FOR PLANNING.

FOR PLANNING APPLICATION

HACKETT HOLLAND LTD
INCORPORATED IN ENGLAND AND WALES
3 Folly Lane 222a Portlands St, London W11 1LJ
www.hackettholland.co.uk
Telephone: 020 7497 0019 Fax: 020 7497 0019
email: info@hackettholland.co.uk

208 3 BARTON STREET, WESTMINSTER, LONDON, SW1P 3NG

FILE NO.	PROPOSED LOWER GROUND FLOOR PLAN	JOB NO.	LBS 100
SCALE	1:100 @ A3 1:50 @ A1	PREPARED BY	JH
		CHECKED BY	A



01 Proposed - Raised Ground Floor Plan
Scale: 1:100 @ A3 and 1:30 @ A1

General Notes.
1. All work to be completed in accordance with the Building Regulations and all other relevant legislation.
2. The contractor shall be responsible for obtaining all necessary consents and approvals.
3. The contractor shall be responsible for the safety of all workers and the public.
4. The contractor shall be responsible for the protection of all existing services and structures.
5. The contractor shall be responsible for the disposal of all waste materials.
6. The contractor shall be responsible for the completion of all work within the agreed programme of works.

Legend.

CODE	ITEM
W01-05	WINDOW NUMBER
W06-09	DOOR NUMBER
J	JUNCTION NUMBER
R	RADIATOR NUMBER
S01	SEALY NUMBER
CS	CORNER BRICK COVER
S	SPACE
C	CEILING HEIGHT ABOVE FINISHED FLOOR LEVEL
F	HEIGHT TO FINISH FLOOR LEVEL
H	HEIGHT TO TOP OF RAILING ABOVE FINISHED FLOOR LEVEL
S	SPRINKLING HEIGHT ABOVE FIN.
R01-02	RADIATOR PIPE NUMBER
SM	GAS METER
M01-01	MANHOLE NUMBER
R01-01	ROOFLIGHT NUMBER
R01-02	RISER PIPE NUMBER
S01-01	SHED ROOFPIPER NUMBER
W01-01	WATER INSPECTION COVER
W01-02	WATER INSPECTION COVER
E01-01	ELECTRICAL INSPECTION COVER
R	RADIATOR NUMBER
L	LAMP FOOT NUMBER
R	ROLLER
G	GATE NUMBER
PB	PLANTING BED

Legend

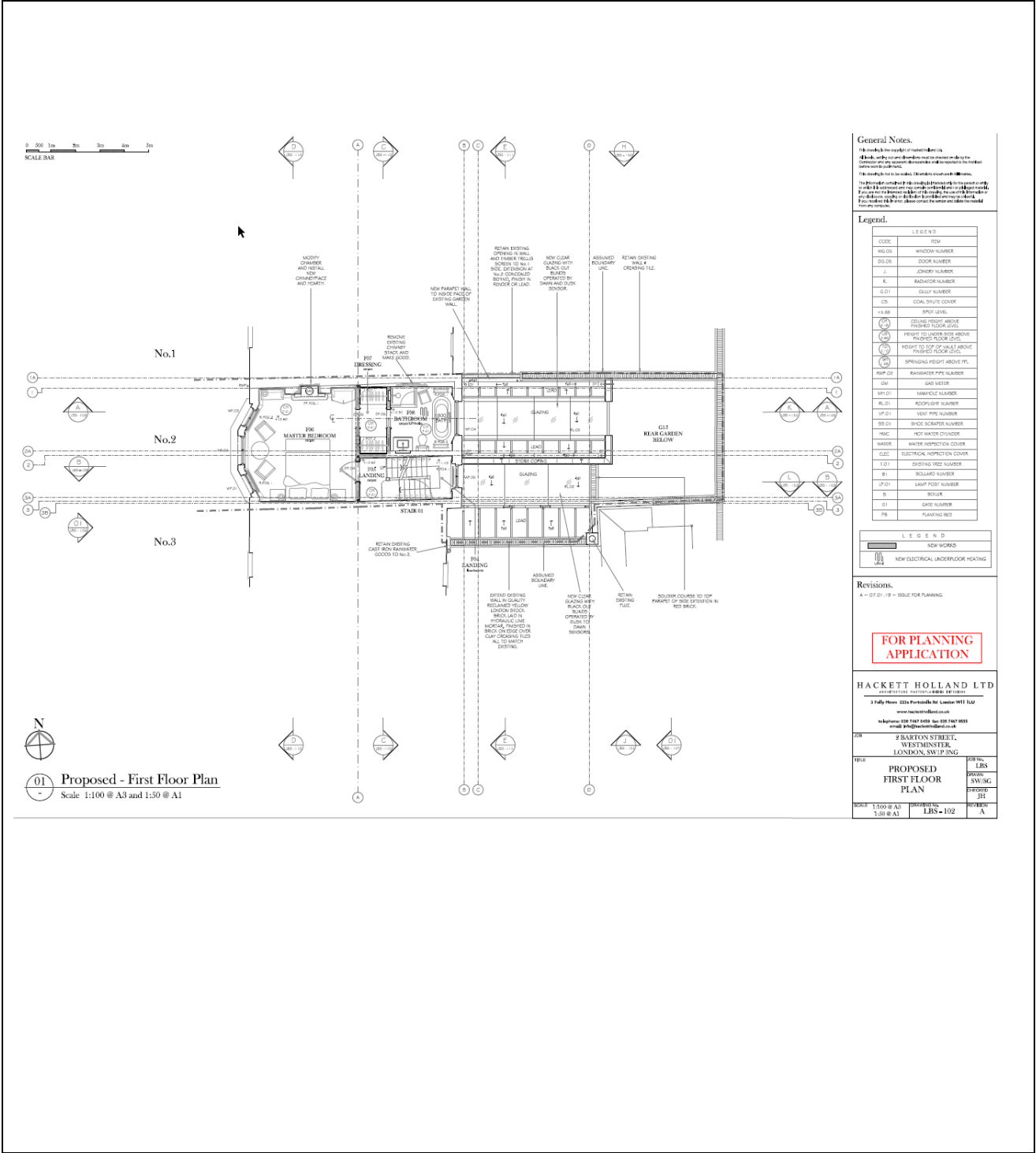
NEW WORKS
NEW WET UNDERFLOOR HEATING

Revisions.
A - 07/01/19 - ISSUE FOR PLANNING

FOR PLANNING APPLICATION

HACKETT HOLLAND LTD
ARCHITECTS
3 Folly House, 222a Fenchurch St, London EC3A 1EU
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t: 020 7424 1000 f: 020 7424 1001
e: info@hackettholland.co.uk

228	3 BARKTON STREET, WESTMINSTER, LONDON, SW1P 3NG	DATE: LBS
FILE:	PROPOSED RAISED GROUND FLOOR PLAN	PROJECT: SW13G
SCALE:	1:100 @ A3 1:50 @ A1	ISSUED BY: JH
PROJECT NO:	LBS - 101	REVISION: A



01 Proposed - First Floor Plan
Scale: 1:100 @ A3 and 1:30 @ A1

General Notes.
 1. To be checked for compliance with Building Regulations.
 2. All work to be carried out in accordance with the Building Regulations and any applicable standards.
 3. The drawings are to be read in conjunction with the Bill of Materials and any applicable standards.
 4. The drawings are to be read in conjunction with the Bill of Materials and any applicable standards.
 5. The drawings are to be read in conjunction with the Bill of Materials and any applicable standards.
 6. The drawings are to be read in conjunction with the Bill of Materials and any applicable standards.
 7. The drawings are to be read in conjunction with the Bill of Materials and any applicable standards.
 8. The drawings are to be read in conjunction with the Bill of Materials and any applicable standards.
 9. The drawings are to be read in conjunction with the Bill of Materials and any applicable standards.
 10. The drawings are to be read in conjunction with the Bill of Materials and any applicable standards.

Legend.

CODE	ITEM
W5.00	WINDOW NUMBER
D5.00	DOOR NUMBER
J	JUNCTION NUMBER
R	RADIATOR NUMBER
G.01	GULLY NUMBER
CS	COOK SHUTE COVER
SP.00	SPOUT LEVEL
FF.00	FLOOR FINISH ABOVE FINISHED FLOOR LEVEL
FF.01	PERMIT TO TOP OF WALL ABOVE FINISHED FLOOR LEVEL
FF.02	PERMIT TO TOP OF WALL ABOVE FINISHED FLOOR LEVEL
FF.03	SPRINGING PERMIT ABOVE FFL
RP.00	RADIATOR PIPE NUMBER
GR	GAS SET
MR.01	MARBLE NUMBER
RL.01	ROOFPILE NUMBER
VP.01	VENT PIPE NUMBER
SS.01	SPACE SCHEDULER NUMBER
WAC	WATER NOTICE COVER
E.C.C.	ELECTRICAL NOTIFICATION COVER
F.01	EXISTING TREE NUMBER
BT	BOLLARD NUMBER
LP.01	LAMP POST NUMBER
S	SOULIK
ST	GATE NUMBER
PL	PLANTING BED

L E G E N D	
	NEW WORK
	NEW ELECTRICAL UNDERFLOOR HEATING

Revisions.
 A - 01 OF 01 - 19 - ISSUE FOR PLANNING

FOR PLANNING APPLICATION

HACKETT HOLLAND LTD
 1 Folly Place, 222a Portland St, London W1F 8LJ
 www.hackettholland.co.uk
 Telephone: 020 7467 6200 Fax: 020 7467 6833
 Email: holl@hackettholland.co.uk

28 BARTON STREET, WESTMINSTER, LONDON, SW1P 1NG

PROJ	PROPOSED FIRST FLOOR PLAN	JOB No.	LBS
DATE	15/06/2019	PROJ	SW/SG
SCALE	1:500 @ A3 1:300 @ A1	REVISED BY	JH
		REVISED DATE	A

DRAFT DECISION LETTER

Address: 2 Barton Street, London, SW1P 3NG

Proposal: Demolition and rebuilding of ground floor extension and excavation of a new basement level beneath the rear extension. Widening of existing front dormer window and associated works.

Reference: 19/00550/FULL

Plan Nos: LBS-00 Rev. A, LBS-01 Rev. A, LBS-02 Rev. A, LBS-03 Rev. A, LBS-04 Rev. A, LBS-05 Rev. A, LBS-06 Rev. A, LBS-07 Rev. A, LBS-08 Rev. A, LBS-09 Rev. A, LBS-10 Rev. A, LBS-11 Rev. E, LBS-100 Rev. A, LBS-101 Rev. A, LBS-102 Rev. A, LBS-103 Rev. A, LBS-104 Rev. A, LBS-105 Rev. A, LBS-106 Rev. A, LBS-107 Rev. A, LBS-108 Rev. A, LBS-109 Rev. A, LBS-110 Rev. A, LBS-111 Rev. A, LBS-150 Rev. A, LBS-151 Rev. A, LBS-152 Rev. A, LBS-153 Rev. A, LBS-200 Rev. A, LBS-201 Rev. A, LBS-202 Rev. A, LBS-203 Rev. A, LBS-204 Rev. A, LBS-205 Rev. A, LBS-206 Rev. A, LBS-207 Rev. A, LBS-208 Rev. A, LBS-209 Rev. A, LBS-210 Rev. A, LBS-317 Rev. A, LBS-800 Rev. A, LBS-801 Rev. A, LBS-98 Rev. A, LBS-99 Rev. A, LBS-SK-37 Rev. A, Proposed reinstatement of stained glass to front door dated 14 June 2017, Daylight and Sunlight Statement dated 27 July 2017 (rs/rOL.17/1) prepared by Dixon Payne, Tree Protection Statement prepared by Challice Consulting Ltd (Ref: CC/1294 AR3732) dated 04 July 2018, Design and Access Statement dated 16 January 2019, Planning and Heritage Statement dated January 2019 and Historic Environment Assessment dated December 2017 prepared by Museum of London Archaeology.

For information purposes: Appendix A - Checklists, 3D Model Images 1-4, Flood Risk Assessment Issue A dated 26/01/18 and Planning Feasibility Report (Incorporating Construction Method Statement) dated 23 January 2019 prepared by Lucking & Clark LLP.

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:

Item No.
2

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

- 4 You must apply to us for approval of detailed drawings of the following parts of the development:

- a) pyramidal rooflight;
- b) new dormer window;
- c) new doors; and
- d) roof level access hatch.

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. (C26DB)

Reason:

Item No.
2

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 Smith Square 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 samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Smith Square 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)

- 6 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

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 Smith Square 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)

- 7 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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 Smith Square 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)

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

Reason:

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

- 9 Prior to the commencement of any

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

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

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)

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

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in 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)

- 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. 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)

- 12 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 12 months of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 12 months of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

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

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. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster 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. (R32BC)

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, neighbourhood plan (where relevant), 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 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.
- 4 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:

Thames Water Utilities Ltd
Development Planning
Maple Lodge STW
Denham Way
Rickmansworth
Hertfordshire
WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk

Item No.
2

- 5 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)
- 6 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)
- 7 With reference to condition 9 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.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition).

You are urged to give this your early attention as this condition must be discharged before works commence on site. Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) earthworks/piling and/or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase., 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.

- 8 Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under Schedule 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 9 You are advised that should the extended part of the basement level accommodating the media room require mechanical ventilation then this may require planning permission for any external air conditioning equipment and the submission of an acoustic report. You should also seek to site any mechanical plant within the building in the first instance or if this is not possible within a discreet external location and in accordance with any acoustic assessment and mitigation that may be required.

- 10 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)
- 11 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 12 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.
- 13 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 14 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)
- 15 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

Item No.
2

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)

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: 1 Barton Street, London, SW1P 3NG,

Proposal: Underpinning of the garden boundary wall to No. 1 Barton Street.

Reference 19/00553/LBC

Plan Nos: LBS-00 Rev. A, LBS-01 Rev. A, LBS-02 Rev. A, LBS-03 Rev. A, LBS-04 Rev. A, LBS-05 Rev. A, LBS-06 Rev. A, LBS-07 Rev. A, LBS-08 Rev. A, LBS-09 Rev. A, LBS-10 Rev. A, LBS-11 Rev. E, LBS-100 Rev. A, LBS-101 Rev. A, LBS-102 Rev. A, LBS-103 Rev. A, LBS-104 Rev. A, LBS-105 Rev. A, LBS-106 Rev. A, LBS-107 Rev. A, LBS-108 Rev. A, LBS-109 Rev. A, LBS-110 Rev. A, LBS-111 Rev. A, LBS-150 Rev. A, LBS-151 Rev. A, LBS-152 Rev. A, LBS-153 Rev. A, LBS-200 Rev. A, LBS-201 Rev. A, LBS-202 Rev. A, LBS-203 Rev. A, LBS-204 Rev. A, LBS-205 Rev. A, LBS-206 Rev. A, LBS-207 Rev. A, LBS-208 Rev. A, LBS-209 Rev. A, LBS-210 Rev. A, LBS-317 Rev. A, LBS-800 Rev. A, LBS-801 Rev. A, LBS-98 Rev. A, LBS-99 Rev. A, LBS-SK-37 Rev. A, Proposed reinstatement of stained glass to front door dated 14 June 2017, Daylight and Sunlight Statement dated 27 July 2017 (rs/rOL.17/1) prepared by Dixon Payne, Tree Protection Statement prepared by Challice Consulting Ltd (Ref: CC/1294 AR3732) dated 04 July 2018, Design and Access Statement dated 16 January 2019, Planning and Heritage Statement dated January 2019 and Historic Environment Assessment dated December 2017 prepared by Museum of London Archaeology.

For information purposes: Appendix A - Checklists, 3D Model Images 1-4, Flood Risk Assessment Issue A dated 26/01/18 and Planning Feasibility Report (Incorporating Construction Method Statement) dated 23 January 2019 prepared by Lucking & Clark LLP.

Case Officer: Zulekha Hosenally

Direct Tel.

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)

Item No.
2

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Smith Square 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

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Unitary Development Plan, and paragraph 2.3 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.

Agenda Item 3

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	31 Ennismore Mews, London, SW7 1AP		
Proposal	<u>Application 1</u> Erection of a mansard roof extension at second floor level, installation of plant machinery and associated external alterations. (Retrospective) <u>Application 2</u> Variation of condition 1 of planning permission dated 27 March 2018 (RN: 17/08327/FULL) for the erection of a mansard roof extension at second floor level and associated external alterations, namely to vary the approved drawing numbers to extend the mansard roof. (Retrospective)		
Agent	WvH Planning Ltd		
On behalf of	Mr Neil Staff		
Registered Number	<u>Application 1</u> 18/07642/FULL <u>Application 2</u> 18/08563/FULL	Date amended/ completed	5 September 2018
Date Application Received	5 September 2018		
Historic Building Grade	Unlisted		
Conservation Area	Knightsbridge		

1. RECOMMENDATION

<p><u>Application 1:</u> Grant conditional permission.</p> <p><u>Application 2:</u> Grant conditional permission.</p>

2. SUMMARY

The application site comprises an unlisted single family dwelling within the Knightsbridge Conservation Area. The building is located at the northern end of Ennismore Mews and backs onto properties on Ennismore Gardens.

The planning history for this property shows that permission has been granted for a mansard roof extension at this property on a number of occasions. The most recent being on 27 March 2018.

Application 1 again seeks permission for the erection of a mansard roof extension at second floor level but the proposal includes the provision of a dormer on the west elevation of the mansard which is to house mechanical plant equipment.

Application 2 seeks to vary condition 1 of planning permission dated 27 March 2018 (RN: 17/08327/FULL) for the erection of a mansard roof extension at second floor level, namely to vary the approved drawing numbers to extend the mansard roof at the east elevation.

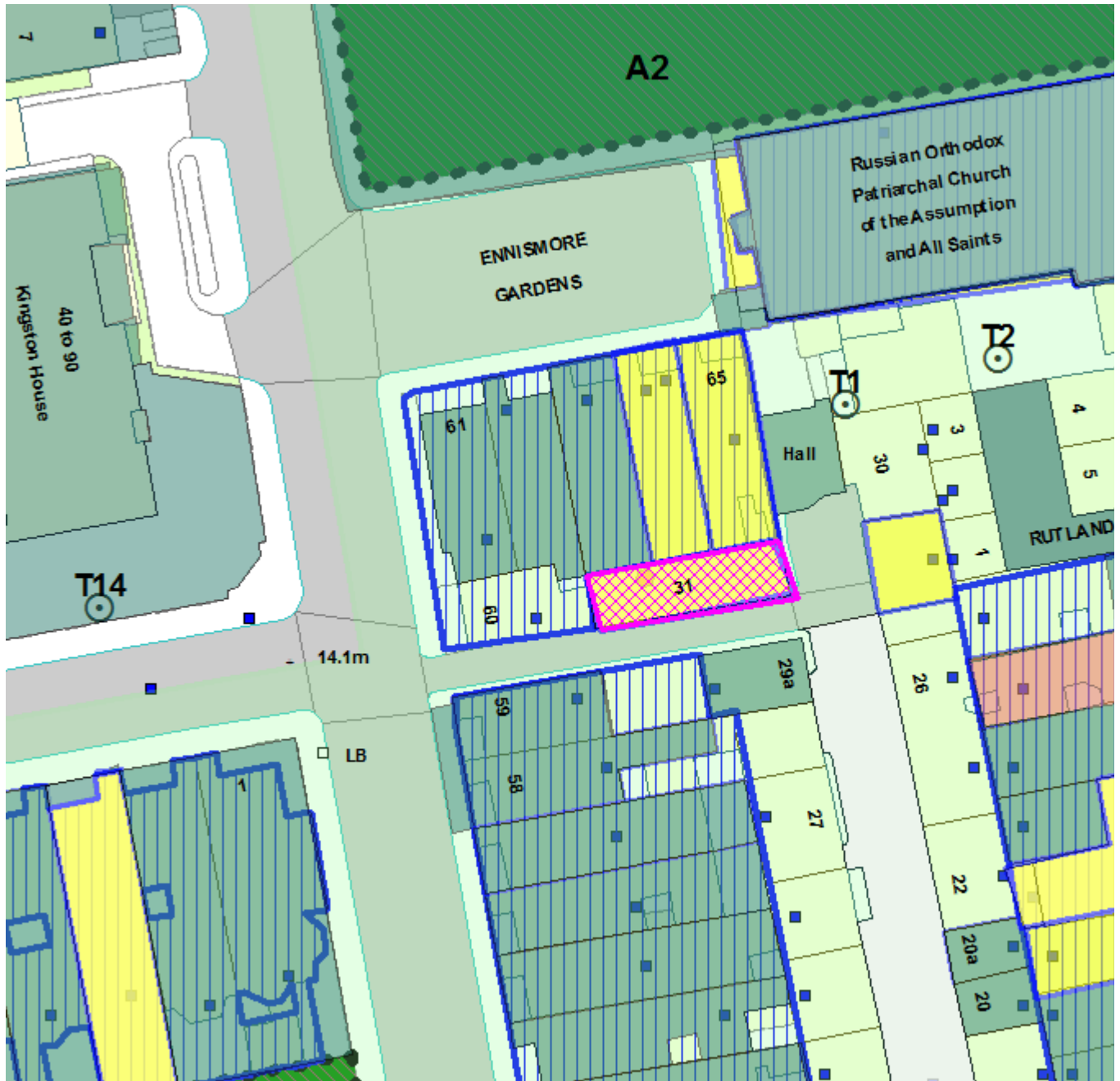
The applicant has already started work on site and following complaints from residents a planning enforcement investigation has commenced. Enforcement action is being held in abeyance pending the determination of these applications.

The key issues in these cases are:

- *The impact of the proposals on the appearance of the building and upon the character and appearance of the Knightsbridge Conservation Area;
- *The impact on neighbouring residents' amenity.

The proposed applications are considered to be acceptable in land use, design and amenity terms and would accord with policies within the Unitary Development Plan (UDP), Westminster's City Plan (City Plan) and the Knightsbridge Neighbourhood Plan (KNP). As such, it is recommended that conditional planning permission is granted for both Application 1 and 2.

3. LOCATION PLAN



4. PHOTOGRAPHS



Application Site Before Works Commenced



East elevation of mansard roof taken 27 February 2019



Dormer on west elevation taken 14 March 2019

5. CONSULTATIONS

Application 1

KNIGHTSBRIDGE ASSOCIATION:

-No objection.

ENVIRONMENTAL HEALTH

-No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 22

Total No. of replies: 5 objections

DESIGN AND CONSERVATION

-The plant machinery should be located in the basement, not on a roof visible in a conservation area.

AMENITY

-The proposals will cause unacceptable noise disturbance day and night and create pollution.

OTHER

-Concern raised about level of neighbour notification.

-The applicant has already carried out the works without permission.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 2

KNIGHTSBRIDGE ASSOCIATION:

-The Association feels that the amendments are an improvement on the previous approved proposals.

-It would not be acceptable to put plant/ac equipment on the roof at a subsequent stage.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25

Total No. of replies: 4 objections

DESIGN AND CONSERVATION

-The roof will be the biggest in the mews and look out of place to the detriment of the Knightsbridge conservation area.

AMENITY

-The proposals will impact natural sunlight

-The proposals will create overlooking into nearby properties and reduce privacy.

OTHER

-The applicant has already carried out the works without permission.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

31 Ennismore Mews is an unlisted building within the Knightsbridge Conservation Area. The building is a single family dwelling, located at the northern end of Ennismore Mews and backs onto properties in Ennismore Gardens.

6.2 Recent Relevant History

In December 1998, permission was granted for the erection of mansard extension at second floor roof level with new roof terrace also at second floor level. The description advises that the scheme was revised to omit terrace and provide set-backs to roof extension (RN:98/03034/FULL). In January 2000, this permission was varied by raising the rear parapet wall for staircase enclosure at second floor level and alterations to fenestration at first floor level (RN: 99/10894/FULL). Neither permissions were implemented.

In February 2017, planning sub-committee resolved to grant permission for the erection of a mansard roof extension at second floor level of the same dimensions and profile approved in January 2000 (16/09470/FULL).

In March 2018, permission was granted for the erection of a mansard roof extension at second floor level and associated external alterations (17/08327/FULL) and excavation of a single storey basement extension (17/09555/FULL). In December 2018, permission was granted to vary the March 2018 permission for the mansard roof extension with a louvred privacy screen on the north elevation of mansard roof extension.

A non-material amendment was also approved to enlarge a window at ground floor level on the east elevation and reposition a window at second floor level on the south elevation (RN:18/09416/NMA).

7. THE PROPOSAL

Application 1

Permission is sought for the erection of a mansard roof extension at second floor level, installation of plant machinery and associated external alterations.

The proposed mansard has the same dimensions and profile as that which was approved in March 2018 under reference 17/08327/FULL. The only amendment is the addition of an additional louvred dormer on the west elevation to house two air

conditioning units. The dormer on the west elevation would measure approx. 1.8m x 3.0m x 1.5m.

Application 2

Permission is sought to vary condition 1 of planning permission dated 27 March 2018 (RN: 17/08327/FULL) to extend the mansard roof. As with the previously approved scheme, the proposed mansard roof would be approximately 2.2m above the existing parapet and 1.1m above the highest point of the shallow pitched roof. Whilst the previously approved mansard was set back from the east elevation (front) by approx. 3m, these proposals seek to extend it forward by approximately 2.4m.

8. DETAILED CONSIDERATIONS

8.1 Land Use

In land use terms the creation of a larger single family dwelling house is considered to be acceptable and in accordance with Policy H3 of the UDP and Policy S14 of the City Plan.

8.2 Townscape and Design

City Plan Policy S28 states that development must incorporate exemplary standards of sustainable and inclusive urban design and architecture.

UDP Policy DES 6 part (B) states that permission may be granted for new roof structures or additional storeys on existing buildings in the following circumstances:

- 1) Where the proposed development or form of alteration is in sympathy with the existing building's architectural character, storey heights and general elevational proportions.
- 2) Where the form and detailing of the extension either repeats or reflects the form, detailing or use of materials found in the existing building
- 3) Where the proposed design accords with (or establishes an acceptable precedent for) similar extensions within the same group of buildings
- 4) Where the design of extension avoids any infringement on the amenity or reasonable visual privacy enjoyed by the occupants of adjacent or nearby buildings.

Policy KBR1 of the Knightsbridge Neighbourhood Plan states that proposals for new development or the redevelopment of existing buildings should contribute towards the local distinctiveness of Knightsbridge and should demonstrate high quality, sustainable and inclusive design and architecture that respects the relevant character area or Conservation Area.

Application 1

Objectors consider that the plant machinery should be installed at basement level and not on a roof visible in a conservation area.

Policy KBR 9 of the Knightsbridge Neighbourhood Plan (KNP) states that in new developments, plant (including machinery, ducts, tanks, satellite dishes or radio aerials)

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should be provided within basement levels or concealed within the roof area or roof space of buildings. Should this not be feasible, equipment should be housed within visual and acoustic screening of an appropriate design that takes account the energy efficiency of such mechanical plant.

The additional dormer now proposed is in a discrete location on the hip of the roof and close to the blank closet wing façade of the neighbouring property. The dormer would be partially visible from the street, but due to the proximity of the neighbouring building would appear as a traditional addition. Only properties to the rear would be aware of the dormer's slightly larger than normal scale and the louvres, however, these views are limited in both number and impact. Accordingly, it is considered that the proposals are in accordance with Policy KBR 9 and that it would not be sustainable to refuse the application for this reason.

The mansard has a same profile as that approved under the scheme approved in March 2018. The roof will be clad in slate and the dormers in lead. In terms of architectural composition, the offset nature of the mansard, set back from the east elevation follows that of the building opposite. Accordingly, the proposals are also considered to accord with policies within the Unitary Development Plan (UDP), Westminster's City Plan (City Plan), the Knightsbridge Neighbourhood Plan (KNP) and Westminster's "Roofs" Design Guide.

Application 2

Objectors state that the roof will be the biggest in the mews and look out of place to the detriment of the Knightsbridge Conservation Area.

The proposal to extend the approved mansard follows what would be normally be considered the traditional massing for mansard roofs in Westminster. There are a number of mansard extensions in the mews and no single style stands out. For example there are mansards that are set back and there are mansards that are set further forward.

The proposal is to be constructed in materials with detailing that is traditional in design and appropriate to the building and conservation area. Whilst the proposed mansard is no longer to be set back from the east elevation, this is considered to provide a more traditional appearance, befitting of a building whose character is and has always been slightly separated from the rest of the mews. Its position at the end of the mews and its greater depth are easily capable of supporting the proposed mansard without unduly harming the surroundings. As such the works are not considered to harm the character and/ or appearance of the building or conservation area.

The proposals are considered to accord with policies within the Unitary Development Plan (UDP), Westminster's City Plan (City Plan), the Knightsbridge Neighbourhood Plan (KNP) and Westminster's "Roofs" Design Guide."

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.

Policy KBR 40 of the KNP states that new development should be designed to mitigate any adverse impact on the local noise environment, informed by a noise assessment as appropriate.

Application 1

The proposed mansard has the same dimensions, profile and windows as the mansard approved in March 2018 but with the addition of a louvred dormer on the west elevation to accommodate two air conditioning units. Given the small additional massing over that which has been previously approved, it is considered that the application could not reasonably be refused on the grounds of increased sense of enclosure/loss of outlook, loss of privacy or loss of light.

Objections have been received on noise nuisance grounds. The applicant has submitted an acoustic assessment which demonstrates that the proposed plant machinery is capable of meeting the Council's policies for noise and vibration. No objections have been raised by Environmental Health subject to the Council's standard noise and vibration conditions and a condition to secure the noise mitigation measures set out in the report.

A condition is recommended to ensure that the roof of the building will not be used for sitting out or any other purpose.

The proposals are considered to be in accordance with policies S29, ENV13 and KBR 40.

Application 2

Nearby residential occupiers have objected on the grounds that the proposals will impact on daylight and sunlight. The applicant has provided a Daylight and Sunlight Report which assesses the cumulative impact of both applications (18/07642/FULL and 18/08563/FULL), using the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice (2011)".

The BRE guidelines provide two methods for calculating daylight to existing surrounding properties: Vertical Sky Component (VSC) and No Sky Line (NSL). Any reduction in the total amount of skylight can be calculated by finding the VSC at the centre of each main window. If the VSC, with the new development in place, is both less than 27% and less than 0.8% times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time. Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the NSL in each of the main rooms. However, in assessing the loss of light to an

existing building, the VSC is generally recommended as the appropriate parameter to use.

The report mistakenly identifies 31a Ennismore Mews as part of 65 Ennismore Gardens, however all the windows tested at 28, 29a, 29b and 30 Ennismore Mews and 59, 60, 63, and 65 Ennismore Gardens, are fully compliant with BRE guidance in terms VSC and No Sky Line. Accordingly, the proposals are considered to be acceptable in terms of daylight.

The BRE guide states that if a living room of an existing dwelling has a main window facing within 90 degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal (measured from the centre of the windows in a vertical section perpendicular to the window), then the sunlighting of the dwelling may be adversely affected. The room may appear colder and less cheerful and pleasant. This will be the case if the centre of the window:

- Receives less than 25% of annual probable sunlight hours (APSH), or less than 5% of annual probable sunlight hours between 21 September and 21 March; and
- Receives less than 0.8 times its former sunlight hours during either period; and
- Has a reduction in sunlight received over the whole year greater than 4% of APSH.

The winter ASPH of a ground floor window at 30 Ennismore Mews (W1/F00) would reduce from 1% to 0% (100% loss). However because the affected window has a reduction in sunlight over the whole year of 2% (from 15 to 13) the proposal complies with the BRE guidance. All other relevant windows have been tested and found to be fully compliant with the BRE guidance in terms of sunlight.

Objectors state the proposals will create overlooking into nearby properties and reduce privacy. The proposals involve the introduction of an additional dormer window on the south elevation and extending the mansard by approx. 2.4m, bringing the dormer window closer to the residential properties on the other side of the mews. Whilst the dormer window on the east elevation would be closer to the residential properties, it is considered that the resulting relationship is not significantly different from the overlooking relationship that currently exists. Given this it is not considered that the proposal will result in harm through overlooking.

The extended mansard would be more visible from other residential properties within the mews. The most affected property would be the basement flat at 31A Ennismore Mews immediately behind. This property already has a poor outlook and it is not considered that the additional bulk from the extended mansard, which slopes away from the basement property, would cause sufficient harm to justify a refusal.

The proposals are therefore considered to be in accordance with policies S29, ENV13 and KBR 40.

8.4 Transportation/Parking

The enlargement of the dwelling would not have a material impact on traffic generation or on-street parking pressure in the area.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

Access arrangements will remain unchanged.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling:

The proposal does not represent any increase in residential units, it is not considered necessary to require details of waste storage to be submitted.

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 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being 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

The Knightsbridge Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 18 October 2018, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Knightsbridge Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

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.

8.12 Planning Obligations

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

Neither of the applications are CIL liable.

8.13 Environmental Impact Assessment

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

8.14 Other Issues

Neighbour Notification

Concern has been raised by objectors about the extent of neighbour notification. The applications have been advertised in the press, site notices posted and neighbours notified (Application 1 - 22 neighbours; Application 2 - 25 neighbours). It is considered that public consultation has been carried out in accordance with Westminster's Statement of Community Involvement in Planning (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: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

9. KEY DRAWINGS

APPLICATION 1

Existing East Elevation

Proposed East Elevation

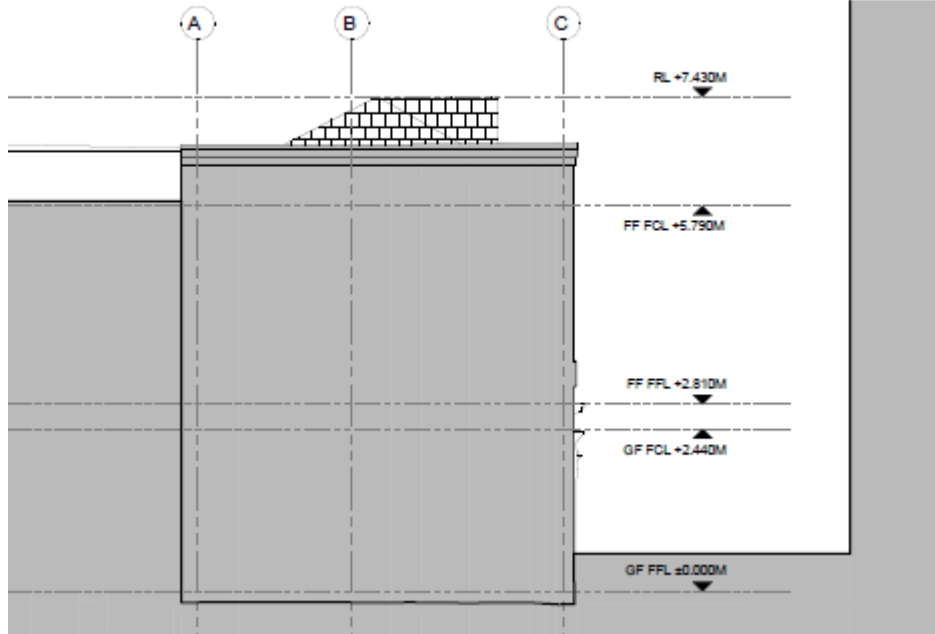
Existing South Elevation



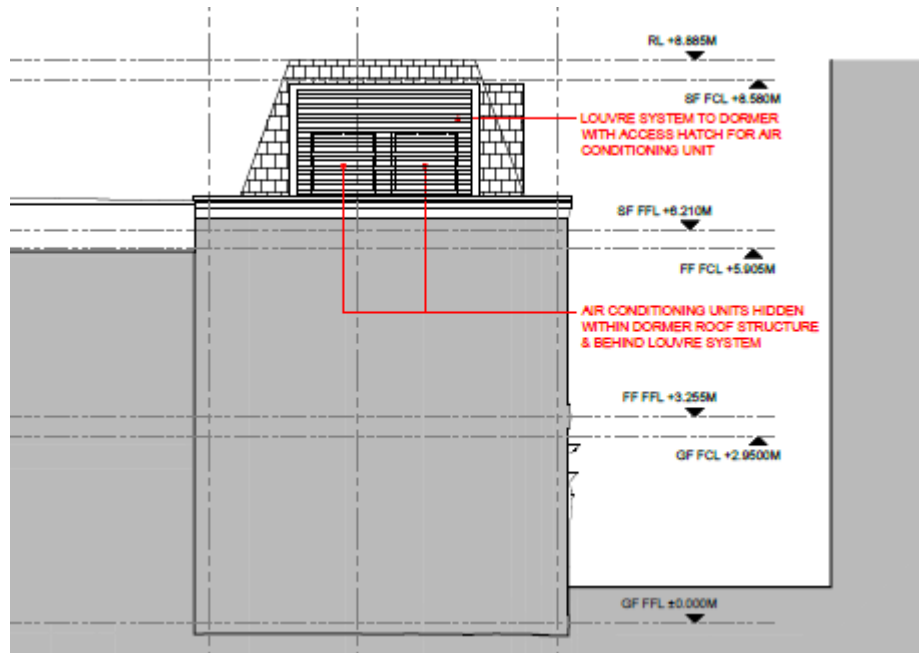
Proposed South Elevation



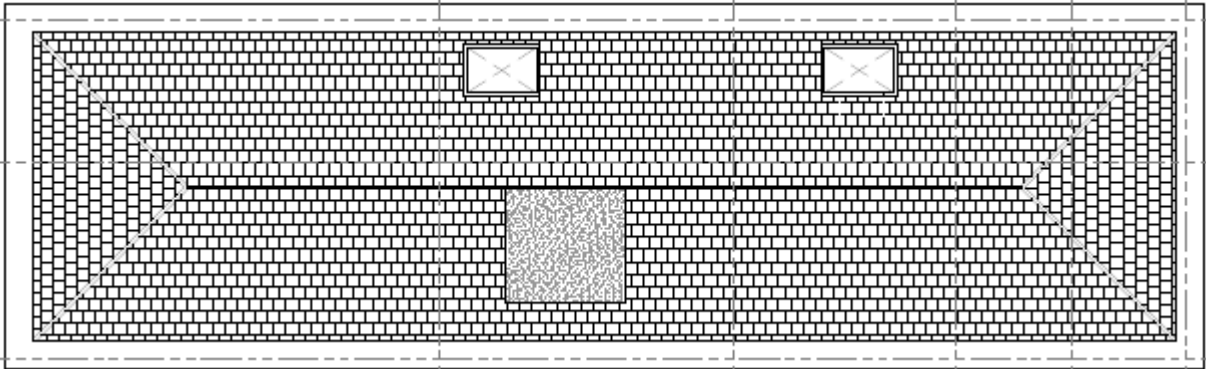
Existing West Elevation



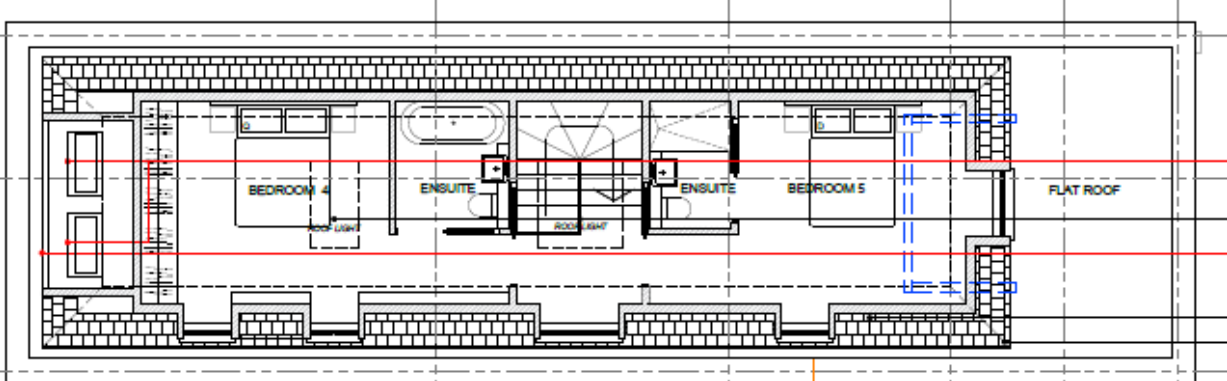
Proposed West Elevation



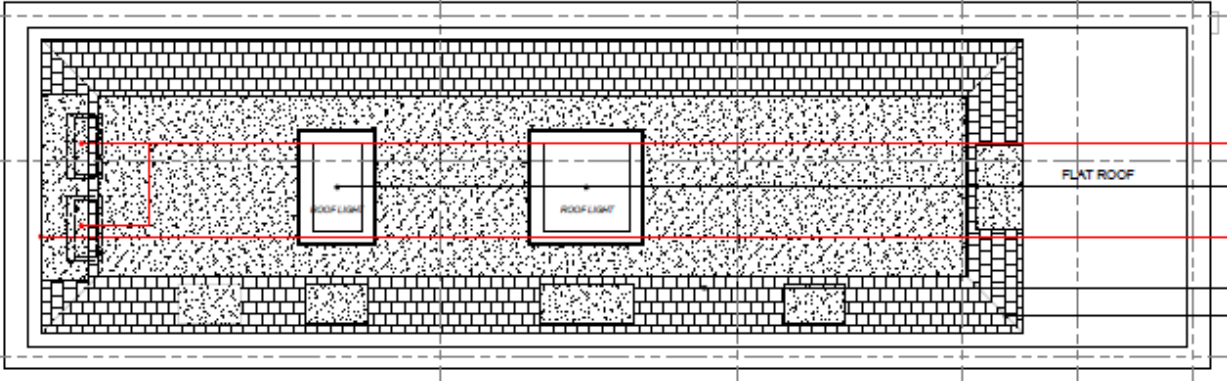
Existing Roof Plan



Proposed Second Floor Plan



Proposed Roof Plan



APPLICATION 2

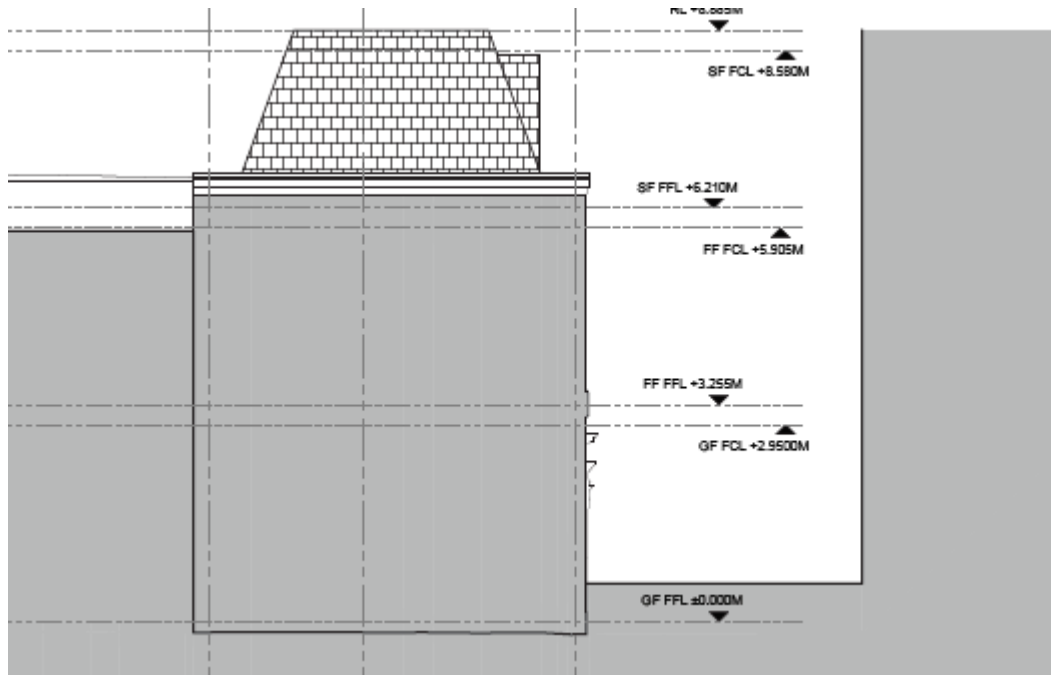
East Elevation (as approved under RN: 17/08327/FULL)



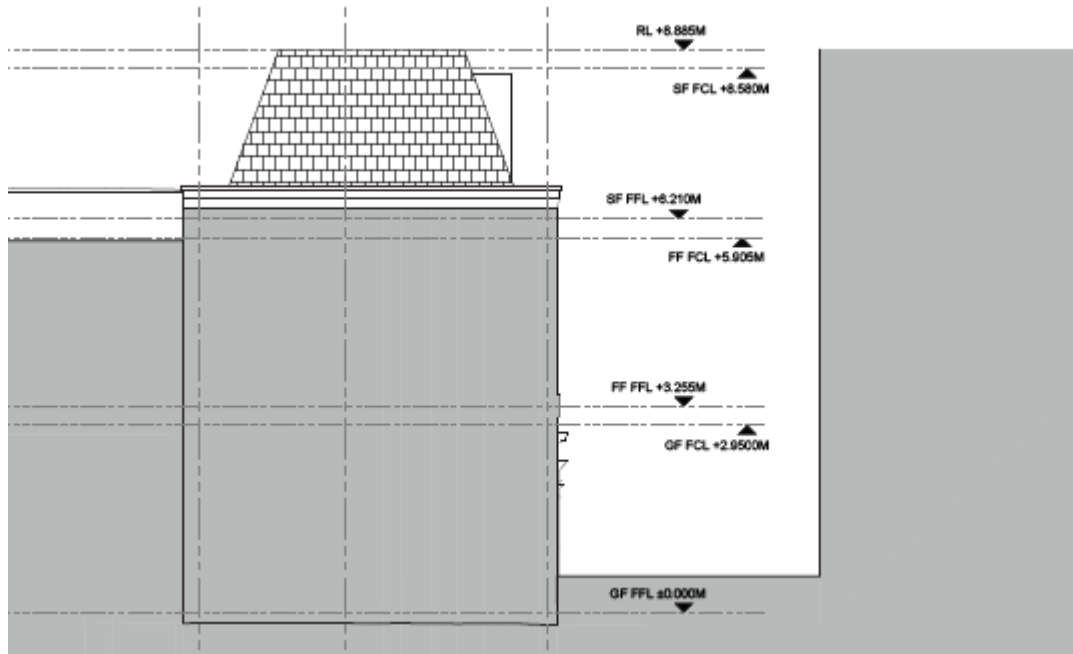
Proposed East Elevation



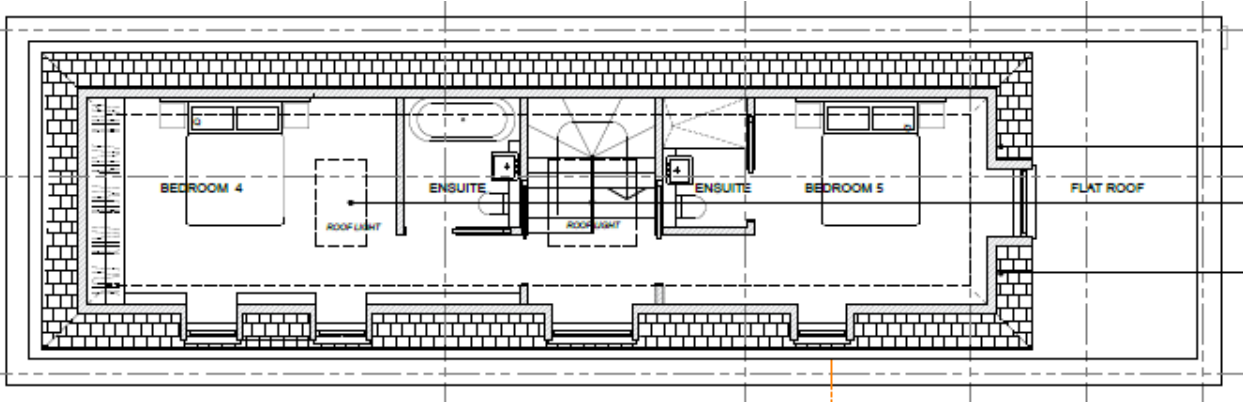
West Elevation (as approved under RN: 17/08327/FULL)



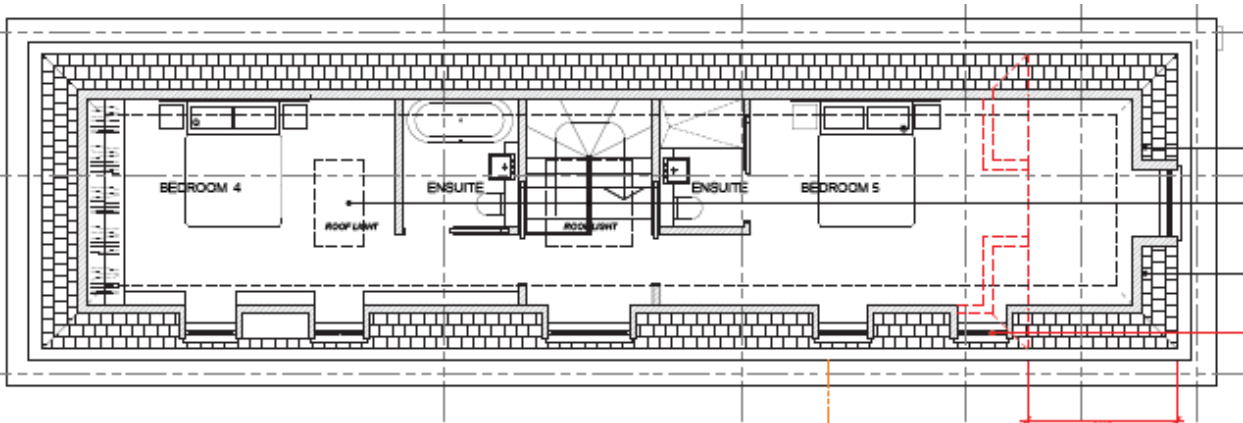
Proposed West Elevation



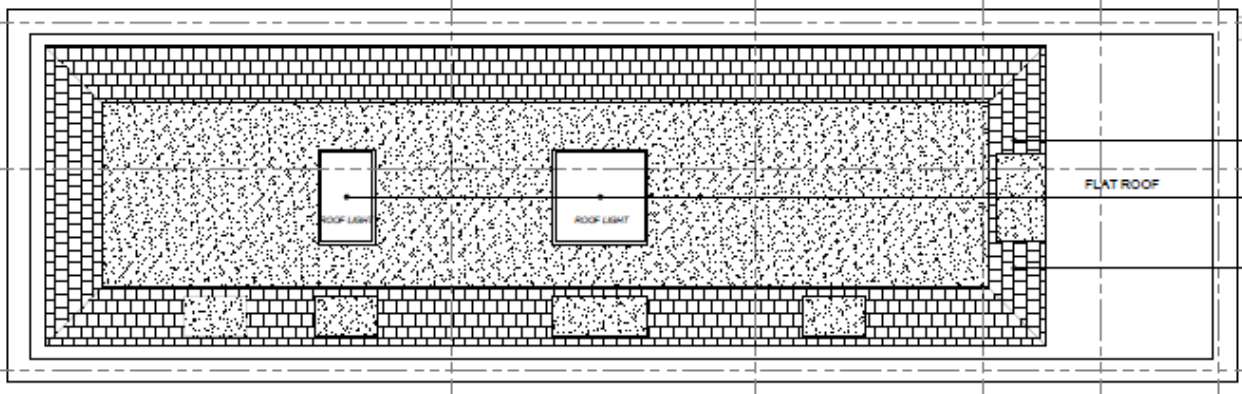
Second Floor Plan (as approved under RN: 17/08327/FULL)



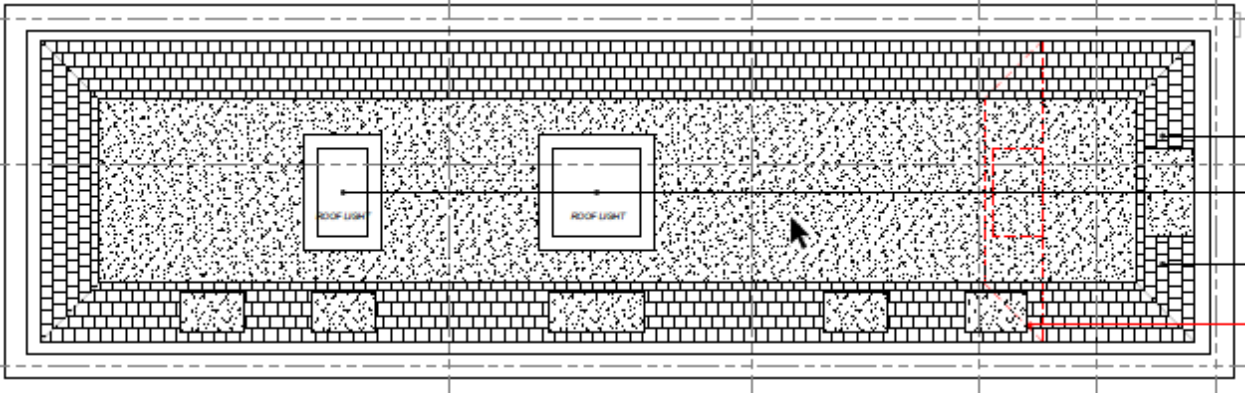
Proposed Second Floor Plan



Roof Plan (as approved under RN: 17/08327/FULL)



Proposed Roof Plan



APPLICATION 1 - DRAFT DECISION LETTER

- Address:** 31 Ennismore Mews, London, SW7 1AP
- Proposal:** Erection of a mansard roof extension at second floor level, installation of plant machinery and associated external alterations (Retrospective).
- Reference:** 18/07642/FULL
- Plan Nos:** 1712.ENM.LP01; 1712.ENM.111 Rev. H; 1712.ENM.113 Rev. D; 1712.ENM.112 Rev. D; 1712.ENM.110 Rev. J; 1712.ENM.102 Rev. F; 1712.ENM103 Rev. H; Environmental Noise Survey & External Plant Noise Assessment dated 16 August 2018; Daylight and Sunlight Report 11248 dated 3 April 2019.

For Information:
Planning and Heritage Statement dated September 2018.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

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)

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Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016), STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007 and KBR 22 of the Knightsbridge Neighbourhood Plan 2018 -2037 (December 2018). (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 Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007 and KBR 1 and KBR 9 of the Knightsbridge Neighbourhood Plan 2018 -2037 (December 2018). (R26DD)

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

- Windows, including roof lights and dormer construction.

You must not start work on 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007 and KBR 1 and KBR 9 of the Knightsbridge Neighbourhood Plan 2018 -2037 (December 2018). (R26DD)

- 5 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 environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016), STRA 25, TRANS 23, ENV 5 and ENV 6 of our

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Unitary Development Plan that we adopted in January 2007 and KBR40 and KBR9 of the Knightsbridge Neighbourhood Plan 2018 - 2037 (December 2018). (R22CC)

- 6 Despite what is shown on the approved drawings, the electric car charge point on the east elevation is hereby not approved.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016), STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007 and KBR40 and KBR9 of the Knightsbridge Neighbourhood Plan 2018 - 2037 (December 2018). (R22CC)

- 7 (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

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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) and KBR40 of the Knightsbridge Neighbourhood Plan 2018 - 2037 (December 2018), 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)

- 8 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 and KBR40 of the Knightsbridge Neighbourhood Plan 2018 - 2037 (December 2018), to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 9 You must install an acoustic enclosure in accordance with the Environmental Noise Survey & External Plant Noise Assessment dated 16 August before you use the machinery. You must then maintain it for as long as the machinery remains in place. (C13DA)

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) and KBR40 of the Knightsbridge Neighbourhood Plan 2018 - 2037 (December 2018), 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)

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Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), 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 or visit www.ccscheme.org.uk.

BUILDING REGULATIONS: You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

- 3 Conditions 7, 8 and 9 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)
- 4 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>

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.

APPLICATION 2 - DRAFT DECISION LETTER

Address: 31 Ennismore Mews, London, SW7 1AP

Proposal: Variation of condition 1 of planning permission dated 27 March 2018 (RN: 17/08327/FULL) for the Erection of a mansard roof extension at second floor level and associated external alterations. Namely, to vary the approved drawing numbers to extend the mansard roof (retrospective).

Reference: 18/08563/FULL

Plan Nos: 1712.ENM.LP01; 1712.ENM.102 Rev. F; 1712.ENM103 Rev. F; 1712.ENM.110 Rev. H; 1712.ENM.111 Rev. H; 1712.ENM.112 Rev. B; 1712.ENM.113 Rev. B; 1712.ENM.101 Rev. B; Daylight and Sunlight Report 11248 dated 3 April 2019.

For Information:
Lightwell Dimensions Document dated 30 January 2019.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

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), STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007 and KBR 22 of the Knightsbridge Neighbourhood Plan 2018 -2037 (December 2018) . (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 Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007 and KBR 1 and KBR 9 of the Knightsbridge Neighbourhood Plan 2018 -2037 (December 2018). (R26DD)

- 4 You must carry out the development in accordance with the details approved on 21 march 2019 (RN: 19/01718/ADFULL), or in accordance with further details submitted to and approved by the Local Planning Authority.

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 Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007 and KBR 1 and KBR 9 of the Knightsbridge Neighbourhood Plan 2018 -2037 (December 2018). (R26DD)

- 5 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 environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016), STRA 25, TRANS 23, ENV 5 and ENV 6 of our

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Unitary Development Plan that we adopted in January 2007 and KBR40 and KBR9 of the Knightsbridge Neighbourhood Plan 2018 - 2037 (December 2018). (R22CC)

- 6 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

-relocation of meter cupboards on front elevation (East).

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Knightsbridge Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007 and KBR 1 and KBR 9 of the Knightsbridge Neighbourhood Plan 2018 -2037 (December 2018). (R26DD)

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, neighbourhood plan (where relevant), 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:

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information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

- 3 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)

- 4 In relation to condition 6, the meter cupboards should be located in a more discrete location, lower down on the wall.

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

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 th April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Bayswater	
Subject of Report	Arthur Court, Queensway, London, W2 5HP		
Proposal	Replacement communal heating and hot/cold water systems including new external pipework from basement to roof at rear of property, alterations to existing main roof tank room including new flues and louvres, new guardrails and pipework step-over installations at main roof level, and associated works.		
Agent	KFH Ltd Chartered Surveyors		
On behalf of	Arthur Court Freehold Limited		
Registered Number	18/09442/FULL	Date completed	5 November 2018
Date Application Received	5 November 2018		
Historic Building Grade	Unlisted		
Conservation Area	Queensway		

1. RECOMMENDATION

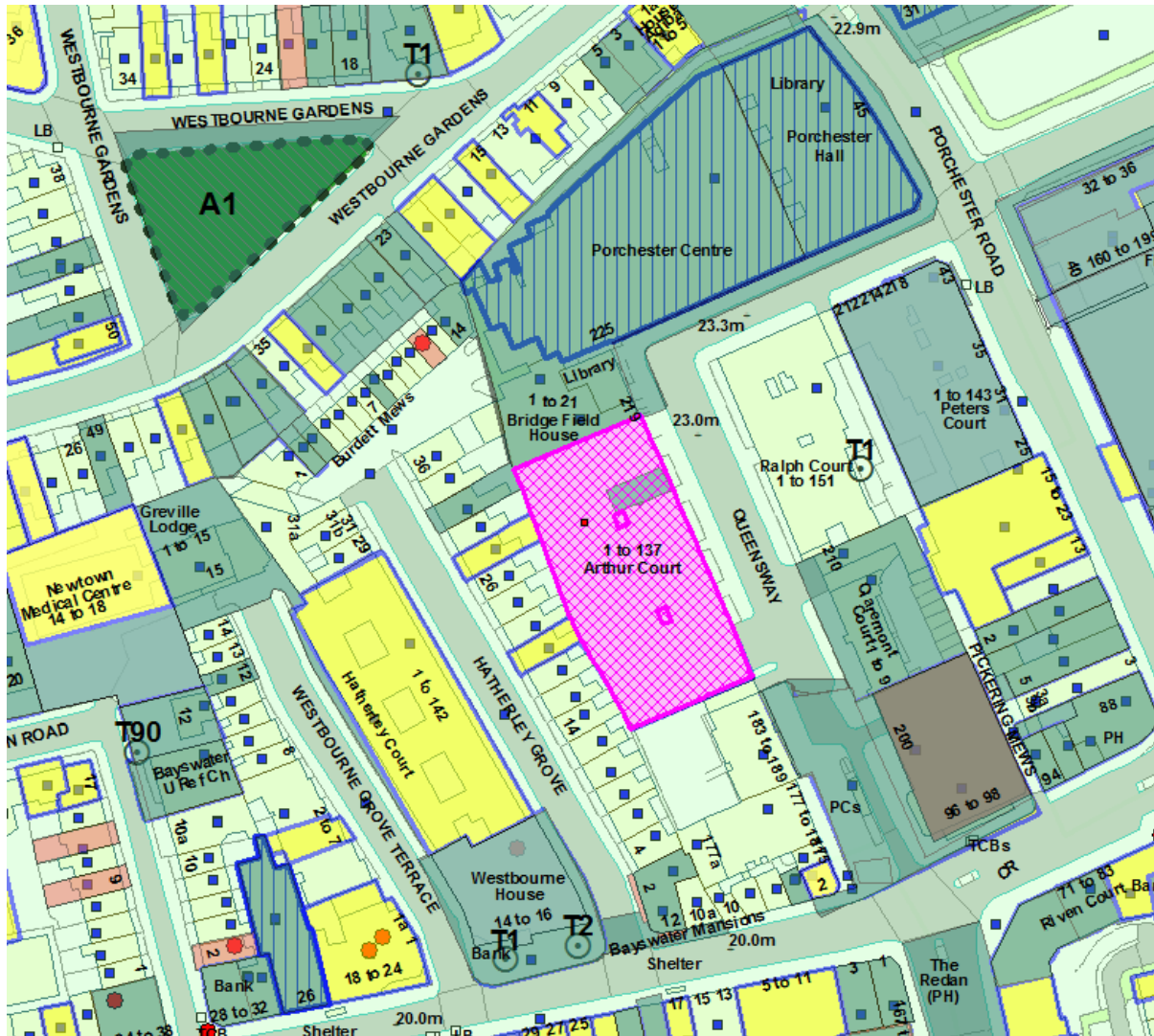
Grant conditional permission.

2. SUMMARY

This application to replace the communal heating and water system involving works to the rear and at roof level to this residential block of flats has brought about representations of objection from various parties with an interest in flats within the building (occupiers/leaseholders/ freeholders) predominantly with respect to private freeholder/leaseholder issues and a pending tribunal, but also on noise grounds. Representations of support have also been received, citing the need for a fully functioning heating and water system.

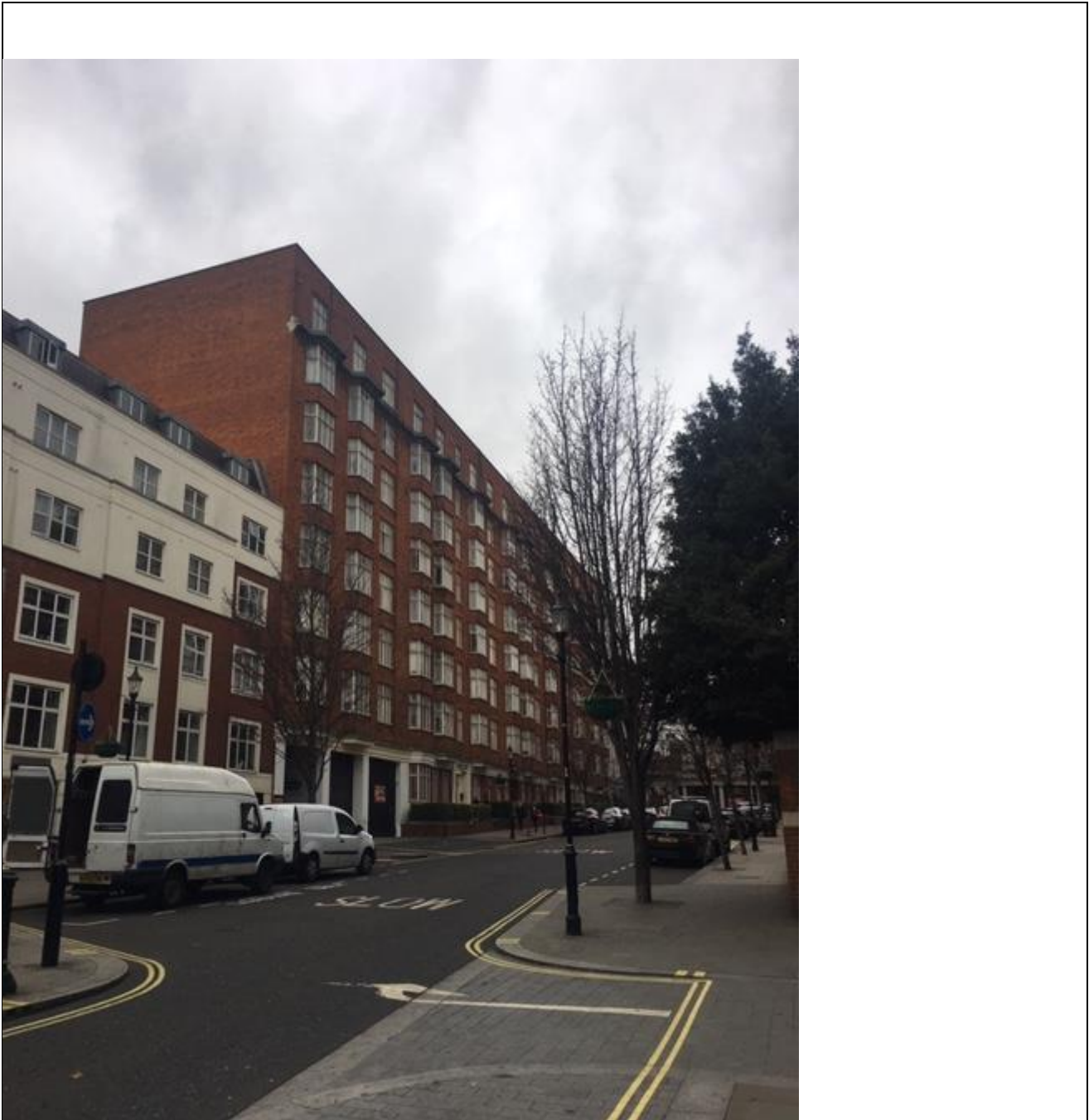
In assessing the application on its planning merits, the proposal meets with the relevant development plan policies and is acceptable in design and townscape and amenity terms. As such, notwithstanding the objections raised, including a request to delay the determination of the application until after the tribunal, the application is recommended favourably.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation – looking north along Queensway



Rear elevations



One of the two external Access stairs which lead to roof level



Roof level and existing plant

5. CONSULTATIONS

COUNCILLOR CARMAN

Enclosed objection from a resident in Hatherley Grove in respect of any new plant on the roof of Arthur Court which may cause noise.

THAMES WATER

General comments made, informatives recommended.

ENVIRONMENTAL HEALTH

No objection, subject to conditions.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No response.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No .Consulted; 208

Total No. of Replies: see below

Representations of objection: -2 on behalf of a 46 flats within Arthur Court, 1 other in Arthur Court and 1 other in the vicinity.

- Proposed works unnecessary, a simpler solution for the efficient provision of hot water and central heating would be to replace old boilers like for like instead of installing a new boiler on the roof and extensive new pipe work on the exterior walls at the back of Arthur Court.
- The Board of Directors and the Managing Agents accepted the recommendations of only one invited consultant.
- The Heat Network Regulation 2014, is only applicable to new build and not buildings such as Arthur Court.
- Envisaged that owners will be required to connect the newly installed HIU to their own flat internal pipe work, 6 new pipes to new internal pipe work laid with new radiators, in short to re-plumb and re-decorate his own flat whether he likes it or not and irrelevant as to whether he can afford it in this.
- Nearby blocks of flats such as Queen's Court, Princess Court, Ralph Court and Peter's Court [all built by the same developer] have not installed new boilers on their roofs and none imposed or installed individual Heat interface units to their flats. All have communal hot water and central heating provided from their communal boilers located in their respective basements. There is no reason why Arthur Court should not do the same.
- Disturbance during works.
- Disruption the tenant's peaceful enjoyment of their home.
- Proposed works will create a very disruptive situation at best as Arthur Court will be teeming with various workers. Their comings and goings as they are undertaking their various jobs will create so much noise and it will also undermine the internal security and safety of the residents as we have just recently experienced 3 break ins in the building.

- Noise disturbance to Hathaway Grove properties from constant low frequency noise coming from the roof of Arthur Court. Object to any new noise producing equipment on the roof.
- Comments made by the applicant which are alleged to be false which are affecting the credibility and accountability of the planning process.
-

Representations of support: - 21 from 13 properties, 10 properties within Arthur Court and 3 others.

- Works vital to restoring heat ahead of the winter - due to the age and nature of the building, it is often colder inside than out and difficult to endure during the winter months.
- This work is essential given no heating for 2 years and hot water has been failing as well.
- The research has been so thorough and well-presented satisfied that the solution proposed is the best way forward.
- Believe that this development will enhance the area through a reduction on pollution because of more efficient boilers and individual control of flats that will reward careful owners with lower bills.
- Unfortunately, the building is split in pro & con. Not only on this project but on the whole renewal of the heating system. However, there is a campaign to obstruct any improvement. The pro group is mainly people that live in the building and therefore suffer though the cold & sometimes the lack of hot water. The objectors are owners of which the vast majority live abroad. They either rent out their flats all year round either Air B&B or other forms of short leases or leave the flats empty. Their main scope is to invest as little as possible to make the most gain.

NB/ It should be noted that in addition to the above, the applicant provided as part of their submission letters of support from four flats within Arthur Court (62,63,134 and 135)

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Arthur Court is a substantial eight storey residential mansion block of 93 and NCP car park. It is located on the west side of Queensway, north of the junction with Westbourne Grove. The 1930's building is in the Queensway Conservation Area and is identified in the Queensway Conservation Area Audit (2008) as an unlisted building of merit. The block is formed in red brick with a flat roof and projecting bay windows in the front elevation. A string course spans the width of the building at penultimate storey level which reflects the form of the bays below, with a simpler terminating storey above. To the rear the building is served by two external full height metal fire escape staircases and a flat roof to the rear provides the roof to the internal car park. At main roof level there is an existing large plant/boiler room building and two internal staircase access buildings together with various plant and pipework. There are also communal boilers within the basement

6.2 Recent Relevant History

18/06409/FULL

Replacement communal heating and hot and cold-water systems serving the existing residential flats in Arthur Court. Alterations to existing main roof tank room to accommodate new boilers, including replacement of existing double doors to south elevation, formation of new double doors to north elevation, infill of west elevation window, insertion of louvre within existing window opening to east elevation, and provision of new flue to north elevation.

Application Refused on 9 October 2018 on grounds that insufficient information had been submitted in respect of the proposed plant.

7.0 THE PROPOSAL

This application follows the submission of an application last year, which was submitted without an associated acoustic report. This fresh application seeks to address the 2018 reason for refusal and a detailed acoustic report has been submitted.

Planning permission is sought for works in connection with upgrading of the communal heating system of the building. This includes the running of enclosed pipework (painted black) from the basement plant room through the centre of the existing rear external staircase to roof level providing links to all flats. Additional pipework is to run along the floor of the main roof, with the installation of short sections of guard railings and some small ladder/stepover installations for safe maintenance. Furthermore, the existing plant/boiler room on the roof is to undergo some minor changes to its elevation and fenestration including the bricking up of an existing window and the installation of louvres and new and replacement doors. Finally, some vertical pipework is proposed to be attached to the plant/boiler room, rising to 1.6m.

7. DETAILED CONSIDERATIONS

7.1 Land Use

The proposal relates to the communal heating system of this residential building and does not raise land use issues.

7.2 Townscape and Design

The existing buildings at roof level are later additions which provide a function to the working of the building. The set-back location of the existing roof level plant/boiler room from the roof edge, is such that it is not visible from street level. Given the scale and nature of the works proposed at roof level and to this plant/boiler room building they will also not be readily visible from the public domain. The proposed works are modest and would have no discernible impact on the character and appearance of this unlisted building of merit or the Queensway Conservation Area in which it is located. Subject to conditions to ensure the use of appropriate materials, the proposal is acceptable in design and conservation grounds and satisfies policies DES1, DES5, DES6, DES9 of our Unitary Development Plan (UDP) and S25 and S28 of our City Plan: Strategic Policies 2016.

Objection has been raised on grounds that other nearby buildings of similar age and architecture have undergone similar works to replace heating and hot water systems without the need for works such as proposed for this site. However, this is not relevant to the determination of this application. The proposal has been assessed on its own merits in light of adopted planning policy and is acceptable. The objections on this ground are therefore not justified.

7.3 Residential Amenity including noise

The proposal for plant is supported by the submission of an acoustic report which has been assessed by the City Council's Environmental Sciences (Noise) Team. They have confirmed that they have no objection to the application on environmental noise or nuisance grounds provided the recommended conditions and informatives are included on the planning decision to ensure continued compliance including a supplementary acoustic report. As such the concern raised by residents on noise grounds associated with the equipment at roof level and from pipework which serves the heating system throughout the building is not supported. The proposal has addressed the reason for refusal of the previous application and is considered to satisfy policies ENV6 and ENV7 of our UDP and S32 of our City Plan.

Given the nature and location of the proposed works and the relationship with surrounding properties, the proposal is not considered to give rise to any loss of amenity to surrounding residents in accordance with policy ENV13 of our UDP and S29 of our City Plan.

The objection raised by a resident in Hatherley Grove to existing noise, cannot be supported. The complaint regarding noise from existing equipment on the roof has been investigated by the noise team and no statutory nuisance found.

7.4 Transportation/Parking

Not applicable.

7.5 Economic Considerations

Refer to section 7.14 and other issues.

7.6 Access

Not applicable.

7.7 Other UDP/Westminster Policy Considerations

None relevant

7.8 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 took place between

Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being 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.

7.9 Neighbourhood Plans

Not applicable, as there are no neighbourhood plans covering this part of the City.

7.10 London Plan

This application raises no strategic issues.

7.11 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.

7.12 Planning Obligations

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

7.13 Environmental Impact Assessment

None relevant

7.14 Other Issues

Representations of support have been received in respect of the proposal from owners/occupiers of flats within Arthur Court and some other local residents. The support is on grounds that this proposal for replacement communal heating and water system would overcome a number of years of neglect and solve ongoing heating and hot water failings and bring the system it up-to-date and functional.

However, representations of objection from owner/occupiers within Arthur Court have also been received on grounds that the proposed replacement communal heating and water system is unnecessary or that a simpler solution to the needs of the building could be achieved with reduced cost and upheaval. In addition, objections are raised as to the need or otherwise for individual flats to carry out associated internal works to their flat within this unlisted building.

The difference of opinion of freeholders and leaseholders of Arthur Court to this application is acknowledged as is the pending tribunal and the nature of the objections

as set out are well understood, these are not valid planning grounds in which to delay or withhold permission. The ongoing tribunal is a private matter between a number of lessees and the Arthur Court Freehold Management Company Ltd and Arthur Court Management Ltd. To delay this planning application until the outcome of case would be unreasonable and the applicant has the right to appeal against non-determination of a planning application.

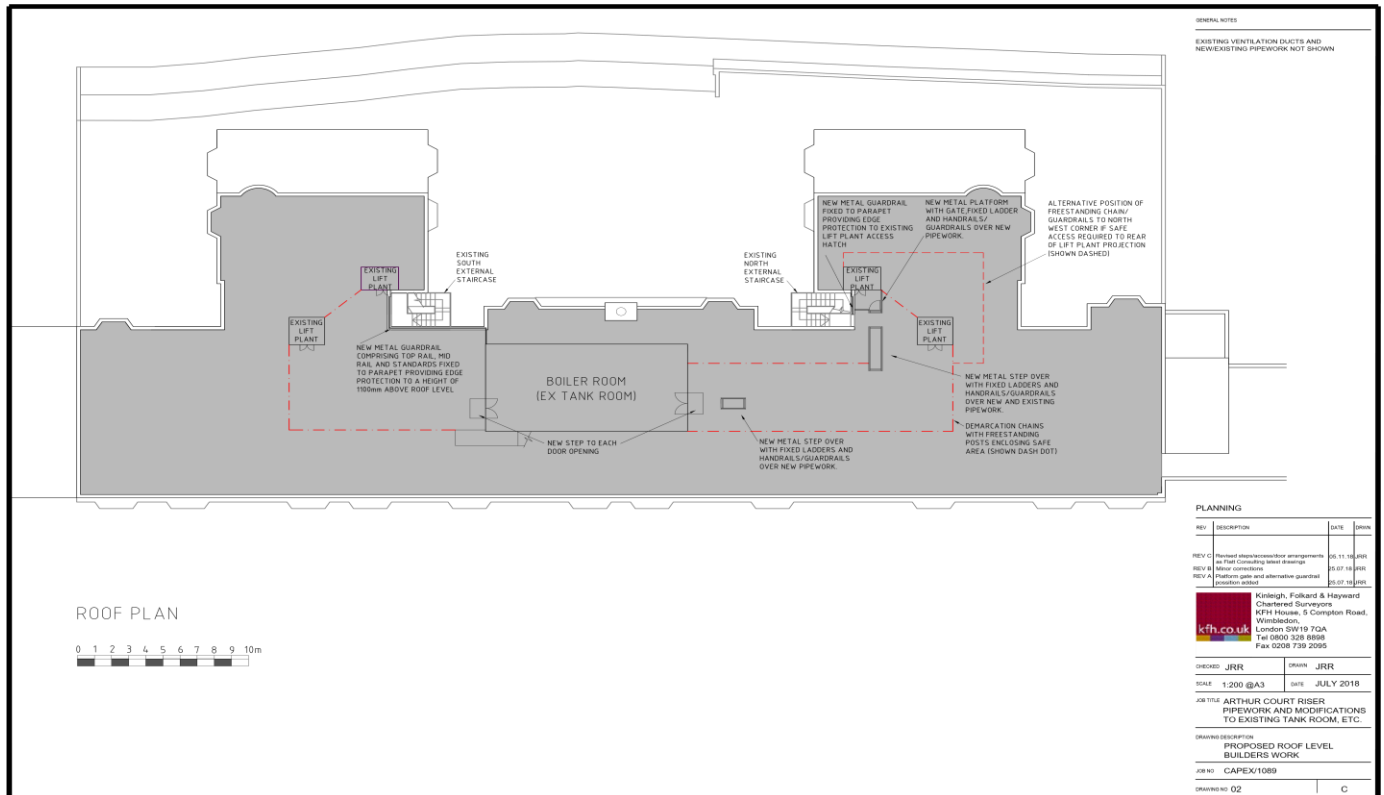
Whilst objection has been raised as to the lack of authority of the applicant to make this planning application, planning legislation allows anyone to make a planning application and is not restricted to those with an interest in the application site, thus this is not relevant to the determination of this application.

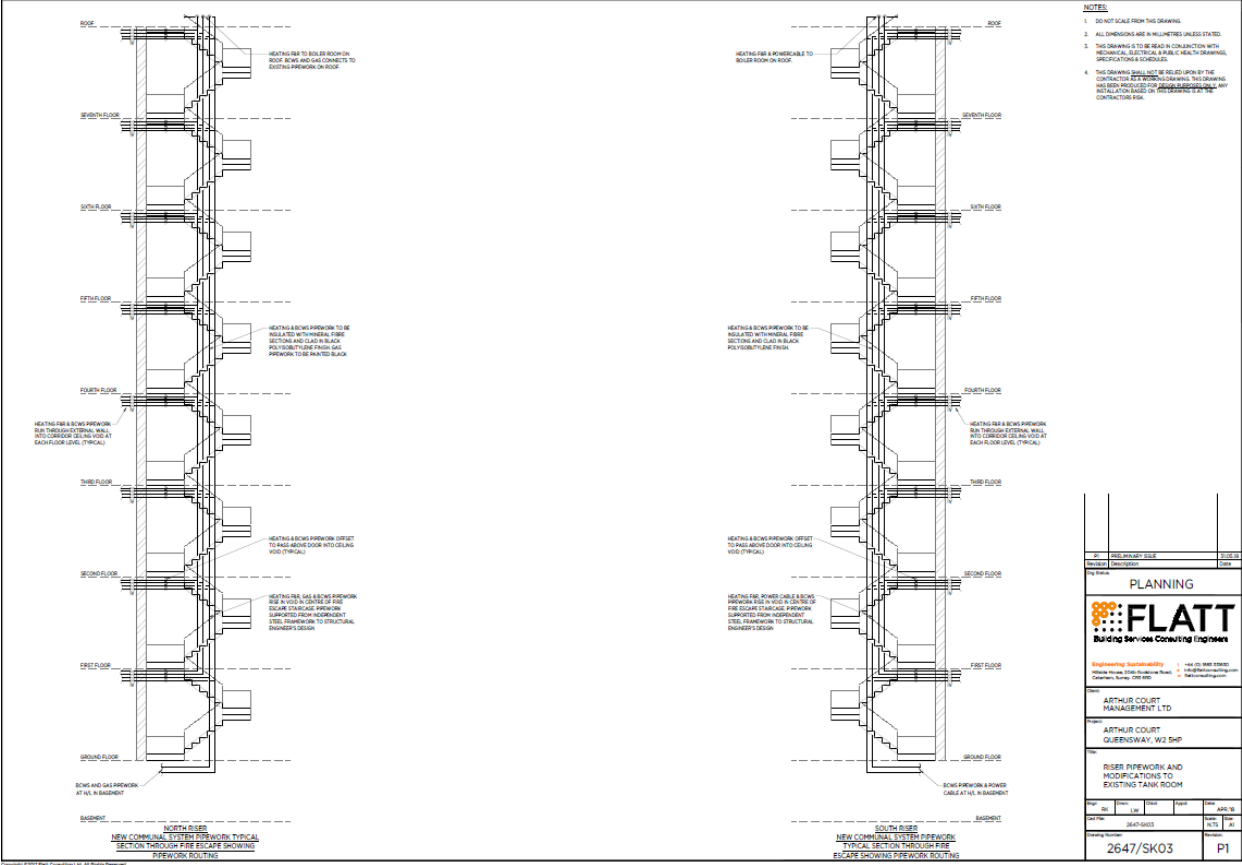
It is recognised that the replacement of the existing heating system will be disruptive to existing residents in the block and the impact of building work on residents is well understood. However, it is not a reason to withhold permission. Our standard condition to control hours of noisy building work at the boundary of the site is recommended. However, the organisation and management of internal works to minimise disruption and ensure safety and security is a private matter associated with the management of the building and those carrying out the works.

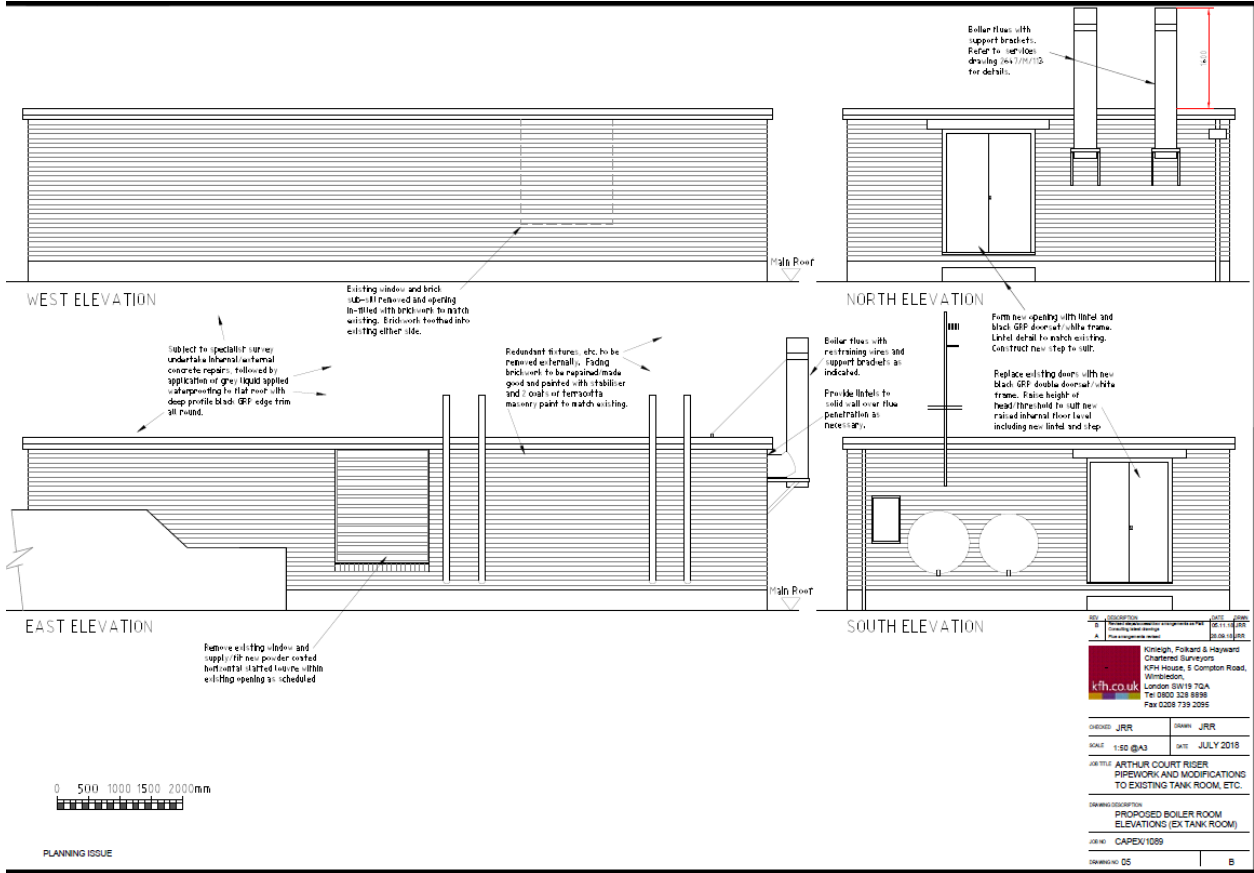
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

8. KEY DRAWINGS







DRAFT DECISION LETTER

Address: Arthur Court Queensway, London, W2 5HP

Proposal: Replacement communal heating and hot/cold water systems including new external pipework from basement to roof at rear of property, alterations to existing main roof tank room including new flues and louvres, new guardrails and pipework step-over installations at main roof level, and associated works.

Reference: 18/09442/FULL

Plan Nos: 1089/01 (A) - Location Plan, 1089/02 (C) - Proposed Roof Level Builders Work, 1089/03 (B) - Proposed Boiler Room Builders Work, 1089/04 - Existing Tank, Room Elevations, 1089/05 (B) - Proposed Boiler Room Elevations, 1089/06 Existing Roof Plan, 1089/07 - Existing Tank Room Plan, 2647/M/109 - Roof Level, Mechanical Services, 2647/M/113 (T3) - Roof Boiler Room Mechanical Services, 2647/M/114 (T3) - Riser Pipework & Modifications To Existing Tank Room,, 2647/M/SK03 - Riser Pipework & Modifications To Existing Tank Room (Riser Elevations), 180482-S-SK001-003 - Riser Frame, Structural Details, 20181011_4260_Environmental noise assessment - noise to atmosphere, 20181011_4260_Plantroom noise transmission, and Letters of, support from flats below proposed boiler room and plan.

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641 2929

Recommended Condition(s) and Reason(s)

- 1 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:

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

- 2 (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)

- 3 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)

- 4 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) 2 and 3 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Item No.
4

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)

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), 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 **ADVICE FROM THAMES WATER**, With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>, , Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed

illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality, , Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided., , WATER COMMENTS:, There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>, , On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.,

- 3 Conditions 2,3 and 4 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)

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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